

PRELIMINARY SITE INVESTIGATION REPORT



Hills Marketplace
287 Mona Vale Road, Terrey Hills NSW 2084

Hills Marketplace – December 2021

DOCUMENT CONTROL

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287 Mona Vale Road,
Terrey Hills NSW 2084

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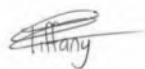
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EXECUTIVE SUMMARY

Geo-Logix Pty Ltd (Geo-Logix) was commissioned by Hills Marketplace Pty Ltd (Hills Marketplace) to conduct a Preliminary Site Investigation (PSI) of the property located at 287 Mona Vale Road, Terrey Hills NSW. The objective of the PSI was to establish whether activities have occurred on site which may have resulted in contamination of the land. The findings of the report are based on a site inspection conducted on 15 November 2021 and a review of historical site data.

The property comprises the Hill Marketplace retail centre in the east of the property, two sheds for retail and storage in the northern corner and a residential house adjacent to the western boundary of the property. Landscaped garden areas and a stormwater retention dam are situated in the southern portion of the site. Remaining space is largely sealed with asphalt and concrete driveways with parking areas adjacent to most buildings. A sign at the site entry from Mona Vale Road indicates the marketplace was established in 1923.

The main commercial building was occupied by the following businesses at the time of investigation:

- Mower store;
- BBQ Retail Store;
- Pool Store; and
- Café.

The sheds were occupied by Horselands equestrian supplies, garden supplies and a facility maintenance area. There were a number of carparking areas located across the site, including an underground carpark beneath the eastern portion of the commercial building.

Storage of batteries and mechanical materials was observed at the rear of the site, with a shipping container likely to store mechanical maintenance items.

The results of the PSI indicate the site was used for market gardening from at least the 1920s until the late 1980s or early 1990s. The Hills Marketplace was developed in the early 2000s as a commercial centre. Potentially contaminating activities at the site include:

- Demolition of structures potentially containing asbestos and lead based paint;
- Historical market gardening;
- Importation of fill of unknown origin as part of the site redevelopment and to fill a former farm dam; and
- Minor mechanic repairs.

Further investigation would be required to assess the presence or otherwise of such contamination.

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1. INTRODUCTION

Geo-Logix Pty Ltd (Geo-Logix) was commissioned by Hills Marketplace Pty Ltd (Hills Marketplace) to conduct a Preliminary Site Investigation (PSI) of the property located at 287 Mona Vale Road, Terrey Hills NSW (Figure 1). The Hills Marketplace propose to redevelop the site with additional retail, restaurants, and basement carpark. The PSI is required to support a development application (DA) for the proposed redevelopment.

The objective of the PSI was to establish whether activities have occurred on site which may have resulted in contamination of the land. The findings of the report are based on a site inspection conducted on 15 November 2021 and a review of historical site data.

2. SITE INFORMATION

The site information is based on Land Insight's Due Diligence Insight Report (Land Insight, 2021) provided in Attachment A and the site inspection conducted on 15 November 2021, unless otherwise stated.

2.1 Site Identification

The investigation area comprises the following properties:

Street Address	Lot and Deposited Plan (DP)	Approximate Area (m ²)
287 Mona Vale Road, Terrey Hills NSW 2084	Lot 1 DP 845094	19,910

2.2 Site Zoning and Land Use

The site is zoned RU4 Primary Production Small Lots as per the Warringah Local Environmental Plan 2011. Council Records are presented in Attachment B.

2.3 Site Description

The following site descriptions are based on a site inspection conducted by Geo-Logix on the 15 November 2021. A photographic log is presented in Attachment C.

The property comprises the Hill Marketplace retail centre in the east of the property, two sheds for retail and storage in the northern corner and a residential house adjacent to the western boundary of the property. Landscaped garden areas and a stormwater retention dam are situated in the southern portion of the site. Remaining space is largely sealed with asphalt and concrete driveways with parking areas adjacent to most buildings. A sign at the site entry from Mona Vale Road indicates the marketplace was established in 1923.

The main commercial building was occupied by the following businesses at the time of investigation:

- Mower store;
- BBQ Retail Store;
- Pool Store; and
- Café.

The sheds were occupied by Horselands equestrian supplies, garden supplies and a facility maintenance area. There were a number of carparking areas located across the site, including an underground carpark beneath the eastern portion of the commercial building.

Storage of batteries and mechanical materials was observed at the rear of the site, with a shipping container likely to store mechanical maintenance items.

2.4 Surrounding Land Use

Based on observations from Google Earth and site inspection on 15 November 2021, the surrounding land use comprised the following:

- **North** – Market gardening with mixed commercial, market gardening and residential properties beyond;
- **South** – Mona Vale Road with JJ Melbourne Hills Memorial Reserve, residential properties and bushland beyond;
- **East** – Mona Vale Road with JJ Melbourne Hills Memorial Reserve and Kimbriki Resource Recovery Centre beyond; and
- **West** – Miramare Gardens is located directly to the west with mixed commercial, light industrial and resident properties beyond.

2.5 Topography

The site slopes down gently to the west from 192 m Australian Height Datum (AHD) in the northern corner to 184 m AHD in the western corner.

2.6 Surface Water

The nearest surface water is an onsite dam and drainage line that flows westwards into Kierans Creek which then flows into an unknown dam and into Cowan Creek. Smiths Creek is located approximately 1,400 m north east of the site and flows northwards into Cowan Creek.

2.7 Geology

Review of the NSW 1:100,000 Sydney Map (Geological Survey of NSW, 1983) indicates the site is underlain by Middle Triassic age Hawkesbury Sandstone comprising medium to coarse grained quartz sandstone with minor shale and laminate lenses.

2.8 Hydrogeology

It is expected that groundwater would follow the natural regional topography and generally flow west towards Kierans Creek.

There are four registered groundwater bores within a 500 m radius of the site. Including one registered groundwater bore on-site. All four boreholes are authorised for household purposes. The groundwater bore map is presented in the LIR report in Attachment A.

2.9 Acid Sulfate Soils

Review of the SEED Acid Sulfate Soil Risk Map indicates the site is in an area not assessed for acid sulfate soil material. Review of the Atlas of Australian Acid Sulfate Soil database indicates the sites is in an area of extremely low probability of occurrence. Based on the site elevation and regional geology Acid Sulfate Soils are not expected at the site.

2.10 Underground Utilities

A Dial Before You Dig search was conducted to determine the presence of underground utilities which may act as conduits for contamination migration both onsite and offsite (Attachment C). The plans indicate:

- Ausgrid utilities run adjacent to the southern boundary of the site, underneath Mona Vale Road and the adjacent property;
- Jemena and Sydney Water utilities run adjacent to the site underneath Mona Vale Road to the south and Myoora Road to the north;
- NBN and Telstra utilities enter the site in the central south eastern portion of the site and run to the centre of the site; and
- Optus utilities run adjacent to the southern boundary of the site, underneath Mona Vale Road.

3. SITE HISTORY

The following information has been reviewed to determine historical land use and assess the likelihood of potentially contaminating activities having occurred at the site:

- Current and historical title deeds;
- Historical aerial photographs;
- Northern Beaches Section 10.7 (2 & 5) Planning Certificate;
- Northern Beaches Council records;
- Site Search for Schedule 11 Hazardous Chemicals on Premises;
- NSW Environment Protection Authority (EPA) Contaminated Land Public Record;
- Protection of Environment Operations Act 1997 (POEO) Public Register; and
- List of NSW Contaminated Sites Notified to NSW EPA as of 11 November 2021.

3.1 Title Search

A title deeds search was conducted through the Land Titles Office. A detailed summary and title documents are presented in Attachment E.

Title deeds indicate Lot 1 DP 845094 was part of two separate lots prior to 1992, the details of which are given below:

Period	Lot 20 DP 752017
Prior-1961	Site was Crown Land
1961-1991	Site was owned by Melbourne Samuel Hills
1991-1991	Site was owned by Joan Hills and Terrey Benjamin Hills

Period	Lot 136 DP 752017
Prior-1969	Site was owned by Crown Land
1969-1974	Site was owned by Joseph John Melbourne Samuel Hills
1974-1991	Site was owned by Melbourne Samuel Hills (nurseryman)
1991-1991	Site was owned by Joan Hills and Terrey Benjamin Hills

Title deeds for Lot 1 DP845094 are given below:

Period	Lot 1 DP 845094
1992-1994	Site was owned by Joan Hills and Terrey Benjamin Hills
1994-2017	Site was owned by Hills – The Flower Market Pty Limited
2017-2020	Site was owned by Terrey Hills Flower Grove Pty Limited
2020-present	Site was owned by Hills Marketplace Pty Limited

3.2 Aerial Photograph Review

Geo-Logix undertook a review of historical aerial photographs provided in Land Insight's Due Diligence Insight Report (Land Insight, 2021). Photos were examined for the years 1947, 1961, 1965, 1975, 1978, 1983, 1986, 1991, 1996, 2002, 2004, 2007, 2009, 2012, 2015 and 2021. Photos are presented within the LIR report in Attachment A.

Aerial 1947

Area	Description
Site	The site is part of larger market gardening property. There is a dam located to the southwest of the site and a building in the southeast portion of the site adjacent to Mona Vale Road.
Surroundings	<p>The surrounding area to the northwest and southwest is market gardening. Immediately to the northeast there appears to be acreages and rural residential properties.</p> <p>Beyond the market gardening to the north is Myoora Road which appears to be sealed, with a mixture of bushland and rural residential beyond.</p> <p>Beyond the market gardening to the west is Myoora Road with rural residential properties beyond.</p> <p>The surrounding area to the south and east is Mona Vale Road which appears sealed with bushland beyond.</p>

Aerial 1961

Area	Description
Site	There is a shed in the northern corner of the site while the remaining site appears similar to the previous photograph. A dam has been constructed at the centre of the western boundary of the site.
Surroundings	The surrounding area appears to be similar to the previous aerial photograph except to the south of the site where there appears to be a landfill operation beyond Mona Vale Road. To the north, there appears to be a school beyond Myoora Road.

Aerial 1965

Area	Description
Site	The site appears similar to the previous aerial photograph except for rows of planted trees in the southern portion of the site.
Surroundings	The disturbed landfill to the southeast across Mona Vale Road has expanded further to the northeast and southwest. The site to the north is now subject to further market gardening.

Aerial 1971

Area	Description
Site	The site appears largely similar to the previous aerial photograph.
Surroundings	The surroundings appear largely similar to the previous aerial photograph, except the landfill to the southeast has expanded.

Aerial 1978

Area	Description
Site	The site appears largely similar to the previous aerial photograph except for rows of planted trees in the southern portion of the site.
Surroundings	There is further market gardening immediately to the north and northeast of the site. Beyond the market gardening there are further residential dwellings. The road network has been expanded to provide access to the residential dwellings. The surrounding land use to the west appear largely similar to the previous aerial photograph. The landfill to the southeast has expanded.

Aerial 1983

Area	Description
Site	The site appears largely similar to the previous aerial image. A dwelling associated with the site has been demolished for the widening of Mona Vale Road.
Surroundings	Mona Vale Road has been widened from two lanes to four with a vegetated traffic island between east and westbound lanes. Residential area to the north has continued to increase. The landfill area to the south has significantly reduced. Warringah Fire and control centre has been partially constructed.

Aerial 1986

Area	Description
Site	The site appears similar to the previous aerial photograph.
Surroundings	The landfill to the south on the opposite side of Mona Vale Road is revegetating and a portion now appears to be in use as a BMX track. Warringah Fire Control centre has been constructed with two new buildings.

Aerial 1991

Area	Description
Site	Market gardening has mildly decreased at the site. Larger vegetation is at the centre of the site. The dam existing on the western boundary has been filled.
Surroundings	The BMX track to the south has been upgraded with unsealed surfaces. An oval has been constructed in the location of the former landfill. Market gardening has ceased directly to the west.

Aerial 1996

Area	Description
Site	A dwelling has been constructed in the western corner of the site.
Surroundings	The BMX track to the south has been upgraded with gravel or asphalt hardstand. Formerly disturbed surfaces in this area are now grassed.

Aerial 2002

Area	Description
Site	The site has been developed with a new commercial building, a new shed and green housing. One of the two former dwellings remains onsite. The shed appears to have been upgraded. A greenhouse has been constructed, extending from the new commercial building. Market gardening appears to be continuing in the southern corner of the site, with a new dam constructed on the western boundary. Market gardening on the remainder of the site has ceased.
Surroundings	A new orange building has been constructed to the north of the site. A sports field now exists to the south, next to the BMX track. Construction has begun on the site to the west known as Miramare Gardens.

Aerial 2004

Area	Description
Site	The site appears similar to the previous aerial photograph.
Surroundings	Construction has begun on the site to the west known as Miramare Gardens.

Aerial 2007

Area	Description
Site	The site is under construction for the new commercial building. A vegetated area in the centre of the site has been removed. Market gardening onsite has now ceased.
Surroundings	Construction of Miramare Gardens has been completed. A site further to the southwest has been used for a materials laydown area, including a large amount of shipping containers with heavy ground disturbance.

Aerial 2009

Area	Description
Site	Construction of the new commercial building has been completed with sealed surfaces and an unsealed area in the location of former vegetation. One of the greenhouses has been removed and replaced with unsealed carparking and a smaller greenhouse.
Surroundings	The surrounds appear similar to the previous aerial photograph.

Aerial 2012

Area	Description
Site	The site and surrounds appear similar to the previous aerial photograph.
Surroundings	

Aerial 2015

Area	Description
Site	The site appears similar to the previous aerial photograph.
Surroundings	A new commercial building has been constructed to the north as a furniture retail store.

Aerial 2021

Area	Description
Site	The site appears largely similar to the previous image.
Surroundings	The surrounds appear largely similar to the previous image.

3.3 Section 10.7 Planning Certificate and Council Records

A review of planning certificates for 287 Mona Vale Road, Terrey Hills under Section 10.7(2 & 5) of the *Environmental Planning and Assessment Act 1979* indicates the following for the site. Planning certificates are presented in Attachment B.

Description
<p>The land is not within a proclaimed or declared mine subsidence district;</p> <p>The land does include or comprise a critical habitat;</p> <p>The land is not in a heritage conservation area;</p> <p>No environmental heritage item is situated on the land;</p> <p>The land is not affected by any road widening or road realignment;</p> <p>Some of the land is bushfire prone;</p> <p>The land is not subject to flood related development controls;</p> <p>The land is not reserved for acquisition;</p> <p>The land is not a biodiversity certified site;</p> <p>The land is not a biodiversity stewardship site;</p> <p>The land does not contain a set aside area under section 60ZC of the Local Land Services Act 2013;</p> <p>The land is not subject to property vegetation plans;</p> <p>The land is not subject to an order under the tress act;</p> <p>The land does not have current verification certificates</p> <p>The land is not subject to loose-fill asbestos insulation; and</p> <p>The land is not a contaminated site within the meaning of Contaminated Land Management Act 1997 and that land is not subject to a management order, voluntary management proposal, ongoing maintenance order and site audit statement</p>

A review of the council records does not provide an indication of activities that may have resulted in consequential site contamination. Council records are provided in Attachment B.

3.4 NSW Contaminated Sites Notified to NSW EPA

No record for the site was found on the List of NSW Contaminated Sites Notified to NSW EPA. Search results are presented within the LIR Report in Attachment A.

3.5 Protection of Environment Operations Act 1997 Public Register

No records relating to Environmental Protection Licences, Licence Applications or Pollution Notices for the site was found on the public register established under Section 308 of the Protection of the Environment Operations Act 1997 (POEO Act). Search results are presented within the LIR Report in Attachment A.

Within a 500 m radius of the site, Kimbriki Environmental Enterprises Pty Ltd has two issued POEO licences for waste storage – other types of waste, recovery of general waste and composting and for waste disposal by application to land.

3.6 NSW EPA Contaminated Land Database

No record for the site was found on the NSW EPA Contaminated Land Database established under Section 58 of the Contaminated Land Management (CLM) Act 1997. Search results are presented within the LIR Report in Attachment A.

3.7 Unexploded Ordnance

No record for the site was found on the Australian Department of Defence unexploded ordnance (UXO) register. Search results are presented within the LIR Report in Attachment A.

3.8 Dangerous Goods

SafeWork hazardous chemicals search found there were no records for the premises at the time of reporting (Attachment F).

4. SITE HISTORY SUMMARY

Review of historical data indicates that the site was used for market gardening from at least 1920s to the late 1980s or early 1990s. One dwelling existing onsite until 2004, and one from 1996 to date. A dam has existed onsite since earliest aerial image in 1947 and appears to have been filled in 1991. A new dam was constructed directly to the south of the former dam in 2002.

The site began redevelopment as the Hills Marketplace in 2002 and is now occupied by a number of businesses including a café, garden sales, mower retail stores, pool retail store, and equestrian supply store. A number of hardstand surfaces have been constructed with an underground carpark beneath one of the commercial buildings.

5. POTENTIAL SITE CONTAMINATION

5.1 Onsite Activities

Hazardous Building Materials

A residential dwelling in the southeast portion of the site constructed prior to 1947 was demolished between 1996 and 2002. Given the age of the dwelling hazardous building materials such as lead-based paint and asbestos may have been used in the building construction materials

Potential exists for hazardous building materials in shallow soil in the footprint of the former dwelling resulting from demolition activities.

Market Gardening

The site has a history of broad scale market gardening from prior to 1947 (possibly 1923) until the late 1980s / early 1990s. Given this historical activity, there is potential for contamination to soil of the following contaminants of potential concern (COPC) associated with application of environmentally persistent pesticides comprising;

- Organochlorine Pesticides (OCPs); and
- Heavy Metals.

A greenhouse, landscaped gardens and nursery areas exist on site as part of the Hills Marketplace development post 2002. The potential for use of environmentally persistent herbicides and pesticides is considered low.

Fill of Unknown Origin

Fill is likely to have been applied to the site during construction of the commercial buildings, and landscaped areas and was identified at depth to one metre during concurrent geotechnical investigation. A farm dam in the southern portion of the site appears to have been filled. The origin of the fill across the site is unknown and there is potential for soil contamination arising from the following COPC:

- Total Recoverable Hydrocarbons (TRH);
- Benzene, Toluene, Ethylbenzene, Xylenes (BTEX);
- Polyaromatic Hydrocarbons (PAHs);
- OCPs;
- Asbestos; and
- Heavy Metals (As, Cd, Cr, Cu, Hg, Ni, Pb and Zn).

Existing Dam onsite

A new dam was constructed onsite between 1991 and 2002. The fill used for the construction of the dam appeared to be of poor quality with potential building debris and sediment from the former dam directly adjacent which would have received run off from the market gardening occurring in that period. The following COPCs potentially occurring within the dam include the following:

- TRH;
- BTEX;
- PAHs;
- OCPs;
- Asbestos;
- Heavy Metals (As, Cd, Cr, Cu, Hg, Ni, Pb and Zn); and
- Nutrients.

Minor Mechanical Activities

An area at the northern portion of the site was being used as a maintenance area for site machinery and storage of used batteries. The area was unsealed gravel / soil. The potential for consequential contamination from these activities is considered low but cannot be ruled out. There is potential for contamination to exist in soil and potentially groundwater in this area, associated COPCs are:

- Total Recoverable Hydrocarbons (TRH);
- Benzene, Toluene, Ethylbenzene, Xylenes (BTEX); and
- Heavy Metals (As, Cd, Cr, Cu, Hg, Ni, Pb and Zn).

5.2 Offsite

Former Landfill

Review of aerial imagery and online resources (Warringah Council 2010) indicates a landfill used to occupy the current JJ Melbourne Hills Memorial Reserve to the southeast of the site until 1978. The report commissioned by Warringah Council states the site has been subject to rehabilitation including capping, recontouring and turfing to be re-established for public recreation by 1988.

JJ Melbourne Hills Memorial Reserve exists to the east and downgradient of a ridge along Mona Vale Road. Groundwater flow direction from the landfill site is expected to be to the east and is not expected to pose a risk to groundwater to the subject site.

6. CONCEPTUAL SITE MODEL

For site contamination to present a risk to human health and the environment there has to be a link between the contaminant and the receptor as detailed below.



If any of the links do not exist contaminant exposure cannot occur.

The conceptual model below was prepared based on the established site history, the potential distribution of COPC and considers the proposed upgrades to the site.

Conceptual Site Model – Contaminants in Soil and Groundwater				
Relevant Exposure Pathways	Receptors			
	Construction Workers	Site Visitors / Staff	Offsite	Other
Soil Ingestion/Dermal Contact/Dust	✓	✓	X	Terrestrial Ecology ✓
Indoor inhalation of Vapours derived from Soil	✓	✓	X	Onsite Trench worker ✓
Outdoor Inhalation of Vapours derived from Soil	✓	X	X	Onsite Trench worker ✓
Indoor Inhalation of Vapours Derived from Groundwater	✓	✓	X	Onsite Trench worker ✓
Outdoor Inhalation of Vapours Derived from Groundwater	X	X	X	Onsite Trench worker ✓
Soils Leaching to Groundwater	--	--	--	Ongoing Groundwater Impact ✓
Groundwater Ingestion/Dermal Contact	✓	✓	✓	--
Groundwater Discharge to Surface Water	--	--	--	Recreation/Aquatic ecosystem ✓
Comments				
X – exposure pathway incomplete no unacceptable risk ✓ – exposure pathway complete potential unacceptable risk, investigation is required -- – Not relevant				

7. CONCLUSIONS

The results of the PSI indicate the site was used for market gardening from at least the 1920s until the late 1980s or early 1990s. The Hills Marketplace was developed in the early 2000s as a commercial centre. Potentially contaminating activities at the site include:

- Demolition of structures potentially containing asbestos and lead based paint;
- Historical market gardening;
- Importation of fill of unknown origin as part of the site redevelopment and to fill a former farm dam; and
- Minor mechanic repairs.

Further investigation would be required to assess the presence or otherwise of such contamination.

8. LIMITATIONS

This report sets out the findings of a preliminary site investigation by Geo-Logix. A detailed site assessment is required before any conclusions may be drawn as to the:

- presence, identity and extent of specific substances, or
- suitability of the Site for any specific use, or category of use, or
- approvals, if any, that may be needed in respect of any use or category of use, or
- level of remediation, if any, that is warranted to render the Site suitable for any specific use, or category of use.

This report should be read in full, and no executive summary, conclusion or other section of the report may be used or relied on in isolation, or taken as representative of the report as a whole. No responsibility is accepted by Geo-Logix, and any duty of care that would or may arise but for this statement is excluded, in relation to any use of any part of this report other than on this basis.

This report has been prepared for the sole benefit of and use by the Client. No other person may rely on the report for any purpose whatsoever except with Geo-Logix's express written consent which shall not be unreasonably withheld. Any duty of care to third parties that may arise in respect of persons other than the Client, but for this statement, is excluded.

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The works undertaken by Geo-Logix are based solely on the scope of works, as agreed by the Client (**Scope of Works**). No other investigations, sampling, monitoring works or reporting will be carried out other than as expressly provided in the Scope of Works. **A COPY OF THE SCOPE OF WORKS IS AVAILABLE ON REQUEST.**

The conclusions stated in this report are based solely on the information, Scope of Works, analysis and data that are stated or expressly referred to in this report.

To the extent that the information and data relied upon to prepare this report has been conveyed to Geo-Logix by the Client or third parties orally or in the form of documents, Geo-Logix has assumed that the information and data are completely accurate and has not sought independently to verify the accuracy of the information or data. Geo-Logix assumes no responsibility or duty of care in respect of any errors or omissions in the information or data provided to it.

Geo-Logix assumes no responsibility in respect of any changes in the condition of the Site which have occurred since the time when Geo-Logix gathered data and/or took samples from the Site on its site inspections dated 15 November 2021.

Given the nature of asbestos, and the difficulties involved in identifying asbestos fibres, despite the exercise of all reasonable due care and diligence, thorough investigations may not always reveal its presence in either buildings or fill. Even if asbestos has been tested for and those tests' results do not reveal the presence of asbestos at those specific points of sampling, asbestos or asbestos containing materials may still be present at the Site, particularly if fill has been imported at any time, buildings constructed prior to

1970 have been demolished on the Site or materials from such buildings have been disposed of on the Site.

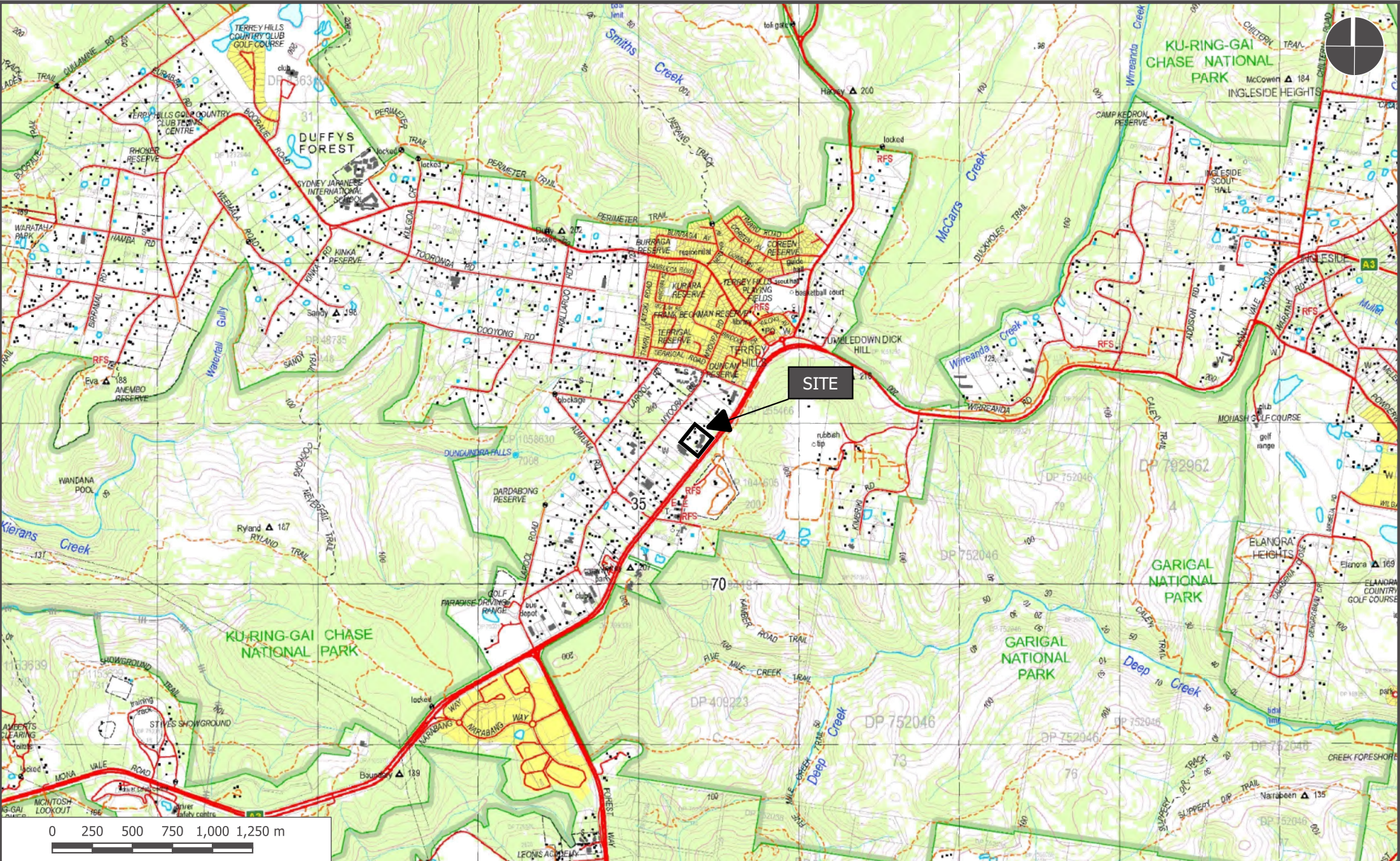
Geo-Logix has not investigated any off site conditions, including the extent if any to which substances in the Site may be emanating off Site, and if so whether any adjoining sites have been or may be impacted by contamination originating from the Site.

Geo-Logix has prepared this report with the diligence, care and skill which a reasonable person would expect from a reputable environmental consultancy and in accordance with environmental regulatory authority and industry standards, guidelines and assessment criteria applicable as at the date of this report. Industry standards and environmental criteria change frequently, and may change at any time after the date of this report.

9. REFERENCES

- Dial Before You Dig (2021) <http://www.1100.com.au/default.aspx>. Accessed 15/11/2021.
- Geological Survey of New South Wales (1983), *Sydney 1:100,000 Geological Series Sheet 9130*, NSW Department of Mineral Resources, Sydney.
- Google (2021) Google Earth interactive map, Terrey Hills NSW.
- Nearmap (2021) *Terrey Hills*, <http://www.nearmap.com>, Accessed 15/11/2021.
- New South Wales Spatial Services (2021) *Historical Imagery Viewer*, (Terrey Hills) <https://portal.spatial.nsw.gov.au/portal/apps/webappviewer/index.html?id=f7c215b873864d44bccddda8075238cb>. NSW Government. Accessed 10/12/2021.
- NSW EPA (2021) *Contaminated Land Record search*, <https://apps.epa.nsw.gov.au/prclmapp/searchregister.aspx>, NSW Government.
- NSW EPA (2021) *List of NSW Contaminated Sites Notified to the EPA*, <https://www.epa.nsw.gov.au/your-environment/contaminated-land/notified-and-regulated-contaminated-land/list-of-notified-sites>, NSW Government.
- NSW EPA (2021) *POEO Public Register search*, <https://apps.epa.nsw.gov.au/prpoeoapp/>. NSW Government.
- Warringah Council (2010) *JJ Melbourne Hills Memorial Reserve Plan of Management*, Prepared by Parkland Environmental Planners
- WaterNSW (2021) *Real-time water data*, groundwater works, www.realtimedata.watarnsw.com.au/water.stm.

FIGURES





ID	Business
1	Cafe
2	Flower Market
3	Pool Shop
4	Travel Agent
5	BBQ Store
6	Mower Store
7	Retail Store
8	Horselands
9	Garden Supplies
10	Maintenance Area
11	Dwelling
12	Greenhouse

ATTACHMENT A

Product Guide

NEW SOUTH WALES

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Historical Commercial & Trade Directory Data –

Sydney

1932-1933 John Sands Sydney Trades Directory – Copyright Expired

1940 & 1950 Commonwealth of Australia Telephone Directory Sydney – Copyright Expired

1960-1961 Telecom Australia Pink Pages Sydney – Permission for use Sensis 2017

1970-1971 United Business Directories Sydney – Licenced under Hardie Grant 2017.

1974-1975 NSW Post Office Yellow Pages Sydney Buying Guide and Commercial/Industrial Directories – Permission for use Sensis 2017

1980-1981 & 1990-1991 Telecom Australia Yellow Pages Sydney – Permission for use Sensis 2017

2005 - 2015 Datajet.com.au - Permission for Use 2020

Regional NSW

1971, 1981 & 1991 Telecom Australia Yellow Pages Country NSW Directories – Permission for use Sensis 2017

While every effort is made to ensure the details in your Report are correct, LI Resources cannot guarantee the accuracy or completeness of the information or data provided or obtained from the data sources.

For more detailed information regarding data source and update frequency, please contact LI Resources at info@liresources.com.au

Glossary

AVIATION RESCUE FIRE FIGHTING FACILITIES (ARFF); LIQUID FUEL & AVIATION FUEL DEPOTS/TERMINALS; POWER STATIONS; TELEPHONE EXCHANGES & WASTEWATER TREATMENT FACILITIES

These facilities may be associated with the use, storage, treatment and disposal of a range of chemicals and products such as PFAS (Per- and poly-fluoroalkyl substances), solvents, petroleum products, asbestos, PCBs (polychlorinated biphenyls) and others.

BUSHFIRE PRONE LAND

This data may assist environmental consultants, developers and others understand whether any bushfire risk is present in the area that may require specific management and/or restrict site investigations and development works.

COAL SEAM GAS, PETROLEUM WELLS AND BOREHOLES

This data may assist environmental consultants during investigations as to previous resource exploration with an area, resources present (i.e. coal, gas and petroleum), lithological data and potential for environmental contamination.

DEPARTMENT OF DEFENCE UNEXPLODED ORDNANCE (UXO) SITES

UXO is any sort of military ammunition or explosive ordnance which has failed to function as intended. It includes a range of ammunition used by the Navy, Army and Air Force; and many other types of ammunition and explosives including training munitions. UXO contamination has arisen mainly as a result of military training activities, since European settlement. In the past large numbers of ranges and training areas were approved for use in many areas of Australia. As a result, there are now a number of sites around Australia which are affected by UXO. For more information see www.defence.gov.au/UXO

DERELICT MINES AND QUARRIES

Outstanding legacy issues surrounding derelict mines and quarries have the potential to cause safety and environmental impacts and may also be an indicator of the presence of unregulated landfill.

DRY CLEANERS (CURRENT)

Dry cleaners often use or have used hazardous and flammable chemicals in their operations. Incorrect storage and disposal of these chemicals may result in fire/explosion risks or contamination of soil and groundwater or result in human health risks.

GROUNDWATER EXCLUSION ZONES

Groundwater exclusion zones are present in certain areas where aquifers are known to be contaminated or where past activities may have affected groundwater quality. Restrictions on the use of groundwater in those areas are in place and differ between the various management/exclusion zones.

HERITAGE – FEDERAL, STATE AND LOCAL

This data may assist environmental consultants, developers and others understand whether any heritage items are present on the site that may require specific management and/or restrict site investigations and development works.

HISTORICAL COMMERCIAL & TRADE DIRECTORY DATABASE (1932, 1940, 1950, 1960, 1970; 1974, 1980 and 1990)

An LI Resources proprietary database of historical potentially contaminating activities previously listed as having been undertaken on the property or surrounding area. Activities have been catalogued based on 'low to high risk activities' either known to cause potential contamination risk (based on Managing Land Contamination Planning Guidelines, SEPP 55 remediation of land, 1998) or to assist in guidance for sampling and remediation programs by environmental consultants.

HISTORICAL (LEGACY) LANDFILLS

An LI Resources proprietary dataset containing the location of former legacy landfills. Legacy landfills are widely present across the country, with many locations unknown. Most of these landfills were created prior to current environmental guidelines (i.e. remain unlined and uncapped) resulting in the potential for leaching of hazardous substances into waterways, production of odours, migration of landfill gas and stability issues.

HYDROGEOLOGY

This data includes information for environmental consultants on aquifer properties, the presence of wetlands and groundwater monitoring bores. This information can assist in the understanding of contaminant pathways and receptors.

Groundwater monitoring bores are primarily needed to assess changes to water table levels, groundwater quality and to assess groundwater flow direction. Impacts on groundwater result from contaminated water movement, leaching of surface pollutants caused by rainfall or irrigation water percolation, leakage of stored matter or the disposal of wastes. The presence of a monitoring bore may indicate that a site has been or is being investigated.

LICENSING UNDER THE POEO ACT 1997

The POEO public register includes a range of specified information on environment protection licences issued under the POEO Act to regulate air, noise, water and waste pollution and impacts. The licences and notices provide information on the type of industrial activities undertaken in an area and if any clean-up and preventative action notices have been issued under that licence.

MILITARY FACILITIES

Military practices at certain facilities may cause potential contamination through the use of chemicals ranging from cleaning solvents and paints to ammunition, explosives and firefighting foam. These chemicals can cause human and ecological health risks.

NATURALLY OCCURRING ASBESTOS

Asbestos is found as a naturally occurring mineral in many areas of regional NSW and may occur in veins within rock formations. Naturally occurring asbestos is generally found when building roads, working on construction sites and undertaking excavation activities. This data provides information on the areas identified with a low to high probability of naturally occurring.

NPI INDUSTRIAL FACILITIES

Industrial facilities that trigger a defined threshold(s) for the emission of pollutants identified in the National Pollution Inventory (NPI), must estimate and report their emissions. The pollutants identified under the NPI are those that are known to have possible effects on human health and the environment.

NSW EPA CONTAMINATED LAND RECORD OF NOTICES ISSUED UNDER THE CLM Act 1997

The EPA is required by law to maintain a record of notices relating to contaminated land, including notices declaring land to be 'Significantly Contaminated Land' under the Contaminated Land Management Act 1997. The EPA record of notices provides information on all sites that have been declared significantly contaminated.

NSW EPA FORMER GASWORKS SITES

Former gasworks often leave a legacy of soil and groundwater contamination. The major contaminants in these instances include tars, oils, hydrocarbon sludges, spent oxide wastes, ash and ammoniacal recovery wastes. Some of these contaminants are carcinogenic to humans and toxic to aquatic ecosystems and therefore may pose a risk to human health and the environment.

NSW EPA FORMER URANIUM PROCESSING SITE AT HUNTERS HILL

In 2008 a Parliamentary Inquiry held into the former uranium processing site at Hunters Hill, Sydney, found radiation levels were too low to require site remediation. During the investigation it became evident that there were two separate causes of gamma radiation in the vicinity of Nelson Parade (7-9 Nelson Parade – former uranium processing plant and Kelly's Bush – former tin smelter). The investigations found that levels of radiation on properties surrounding 7-9 Nelson Parade, at Kelly's Bush and in nearby areas of Hunters Hill were below relevant national and international guidelines for the protection of health and therefore remediation was not warranted. Further information can be found at www.epa.nsw.gov.au

NSW EPA JAMES HARDIE ASBESTOS WASTE CONTAMINATION LEGACY

During the 1960s and 70s, bulk asbestos waste associated with manufacturing and waste disposal by the former James Hardie Industries was delivered as fill to areas targeted because of their low-lying geography. Between December 2007 and February 2008, the Department of Environment Climate Change and Water conducted site inspections of those disposal sites. None of the inspected sites were found to be a significant risk to human health or the environment, provided the sites remained sealed or undisturbed. Further information can be found at www.epa.nsw.gov.au

NSW EPA SITES NOTIFIED AS CONTAMINATED TO THE NSW EPA

The EPA maintains a record of all sites notified to it by owners or occupiers of sites believed to be significantly contaminated.

NSW EPA PFAS INVESTIGATION PROGRAM

The NSW EPA is investigating particular sites to better understand the extent of PFAS use and contamination in NSW. PFAS are a group of chemicals that include perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA).

They have many specialty applications and are widely used in a range of products in Australia and internationally. PFAS are an emerging contaminant, which means that their ecological and/or human health effects are unclear. Further information can be found at www.epa.nsw.gov.au

OTHER POTENTIALLY CONTAMINATED SITES

An LI Resources proprietary database of recent potentially contaminating activities previously listed as having been undertaken on the property or surrounding area. Activities have been catalogued based on 'moderate to high risk activities' either known to cause potential contamination risk or to assist in guidance for sampling and remediation programs by environmental consultants. Please note this database is not exhaustive and may not list all activities in the area.

PARRAMATTA RIVER CATCHMENT LAND USE AREAS

An LI Resources proprietary dataset containing land use changes around the Parramatta River catchment area. Details include land reclamation areas, loss of foreshore and major land use changes (i.e. industrial to residential land). These changes may indicate presence of unregulated landfill and potential contamination associated with former industrial land use.

PUBLIC REGISTER OF PROPERTIES AFFECTED BY LOOSE-FILL ASBESTOS INSULATION

The NSW Government is required to maintain a register of residential properties that contain loose-fill asbestos insulation. This assists members of the wider community to be informed about any risks associated with a specific property and to take any appropriate safety measures. For more information see www.fairtrading.nsw.gov.au

SENSITIVE RECEPTORS

This data may assist environmental consultants during investigations as to the location and proximity of any sensitive receptors in the area, such as aged care, child care, community and religious facilities; sports grounds; national and state parks etc.

COASTAL MANAGEMENT (STATE ENVIRONMENTAL PLANNING POLICY)

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.

SOIL LANDSCAPE AND GEOLOGY

This data may assist environmental consultants during investigations as to the physical site properties that could govern potential contaminant retention or migration.

SERVICE STATIONS (CURRENT)

Service stations may contain leaking tanks which can result in petroleum products migrating into, and contaminating, the soil or groundwater or other pathways to human and biological contact.

UNDERGROUND PETROLEUM STORAGE SYSTEMS (UPSS) ENVIRONMENTALLY SENSITIVE ZONES

UPSS environmentally sensitive zones represent a conservative assessment of areas likely to be vulnerable to contamination from leaking UPSS. This information can assist environmental consultants on the risk a UPSS site poses to a recognised environmentally sensitive receptor.

WASTE MANAGEMENT FACILITIES

A waste facility is a premises used for the storage, treatment, processing, sorting or disposal of waste. These include landfills, waste transfer stations and waste reprocessing facilities. Waste facilities emit regulated substances to air and water, such as methane gas, and can produce odours, dust and noise.

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Terms and Conditions

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2. By submitting the Application Form, the User acknowledges that it has read and understood these terms and conditions and agrees to be bound by them.
3. LI Resources reserves the right to change these terms and conditions. Any change shall be effective upon notice, which may be given by LI Resources posting such change on the Website, or by direct communication with the User.

Services

4. LI Resources agrees to undertake the Services using due skill, care and diligence.
5. The User assumes the sole risk of making use of, and/or relying on, the Report and the Services. LI Resources makes no representations about the suitability, completeness, timeliness, reliability, legality, or accuracy of the Services.
6. Unless LI Resources agrees expressly otherwise:
 - (A) The Services are solely for the use and benefit of the User; and
 - (B) LI Resources does not accept any liability, whether directly or indirectly, for any liability or loss suffered or incurred by any third party placing any reliance on the performance of the Services or any Documents or material arising from or in connection with the Services.
7. The User warrants to LI Resources that it will not use the Services for any purpose that is unlawful or is otherwise inconsistent with these terms and conditions.
8. The User will not alter in any way or provide a copy of the Report or any Document prepared by LI Resources to any other person without LI Resources's prior written consent.

Payment Terms

9. The Fee will be payable at the time of submitting the Application Form unless invoicing payment terms have been negotiated prior to purchase with LI Resources.
10. The User and LI Resources may agree in writing to vary the Services. The fee for each variation shall be agreed between LI Resources and the User.
11. The User agrees to pay LI Resources the Fee, including the fee for any variation requested in accordance with clause 12.
12. If the User's rights are terminated and the User has made an advance payment, LI Resources will refund the User a reasonable proportion of the balance as determined by LI Resources in relation to the value of Services already provided.
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17. The Reliance on the Report, the use of the Services and the use of LI Resources's Website is at the User's own risk. The User accepts that LI Resources does not guarantee the confidentiality of any communication or information transmitted through the use of the Website.
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Property Verification

26. The User accepts that the Services provided do not take into account any information relating to the actual state or condition of the Property.
27. The User acknowledges that the Services are not to be interpreted as commenting on the physical characteristics or condition of the Property, any particular purpose or use of that Property or the saleability or value of the Property.

Termination and Modification

28. LI Resources reserves the right in its sole discretion to terminate, block or restrict the User's use of the Services or any portion thereof, for any reason, and without notice. In addition, LI Resources reserves the right in its sole discretion to terminate or modify any part of the Website without notice, for any reason.

Anti-Hacking

29. The User agrees not to directly or indirectly, attempt to or disrupt, impair, interfere with, alter or modify the Website or any of its content.
30. The User agrees not to allow, aid or abet third parties to directly or indirectly, attempt to or disrupt, impair, interfere with, alter or modify the Website or any of its content, or obtain access to any information regarding any User or any other Report issued to a User.

Complaints

31. Any complaints in relation to the Services should, in the first instance, be in writing and addressed to LI Resources Customer Service at: info@liresources.com.au. LI Resources will respond to any such complaints in writing as soon as practicably possible.

General Matters

32. These terms and conditions are governed by and will be construed and enforced in accordance with the laws of the State of New South Wales, Australia. If any dispute, controversy or claim arises out of or relating to these terms and conditions, whether sounding in contract, tort or otherwise, it shall be resolved by use of an alternative dispute resolution procedure acceptable to both parties with the assistance of a mediator. If the dispute has not been resolved to the satisfaction of either party within 60 days of initiation of the procedure or if either party fails or refuses to participate in or withdraws from participating in the procedure, then either party may refer the dispute to the court.
33. These terms and conditions apply to all Services provided by LI Resources.
34. If there is any inconsistency between these terms and conditions and any other document or agreement between the parties, these terms and conditions will prevail.
35. These terms and conditions represent the entire agreement between the parties.
36. The User authorises LI Resources to destroy Documents which LI Resources has prepared or holds in connection with the Services 7 years after the last date on which the Services were provided.
37. If any of the terms of the Application Form or the terms and conditions are invalid, unenforceable or void, the relevant term must be read down to the maximum extent possible or severed from the rest of the Application Form or these terms and conditions.

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38. These terms and conditions can only be amended or varied by a written document signed by both parties.
39. Neither party may assign or transfer any rights or obligations arising in the provision of the Services or these terms and conditions without the other party's written consent.

Defined Terms


Application Form	Means the form and accompanying information provided on the Website, completed and submitted by the User to request the Services.
Document	Includes a report, and any other written or electronic document.
Fee	Means the amount set out in the Application Form or confirmed via an invoice.
Property	Means the property to which the Services and the Report relate.
Report	Means the Document prepared by LI Resources and provided to the User which contains the environmental and development data which is relevant to the Property.
Services	Means the review of data and information on which the Report is based, and the preparation and provision to the User of the Report.
Website	Means LI Resources's online site, that is: www.liresources.com.au
User	Means the person(s) set out in the Application Form including that person's permitted successors.

Due Diligence Insight Report

287 Mona Vale Road
Terrey Hills, NSW

11 November 2021



An aerial photograph of a dense, green forest. A prominent, light-colored, rocky outcrop or cliff face is visible, running diagonally from the upper left towards the lower right. The forest is thick with trees, and the overall tone is a mix of vibrant green and earthy browns from the exposed rock.

Understanding your report

Your Report has been produced by Land Insight and Resources (Land Insight).

Your Report is based on information available from public databases and sources at the date of reporting. The information gathered relates to land that is within a 200 to 2000m radius (buffer zone) from the boundaries of the Property. A smaller or larger radius may be applied for certain records (as listed under records and as shown in report maps).

While every effort is made to ensure the details in your Report are correct, Land Insight cannot guarantee the accuracy or completeness of the information or data provided.

The report provided by Land Insight includes data listed on page 4 (table of contents). All sources of data and definitions are provided in the Product Guide (Attached). For a full list of references, metadata, publications or additional information not provided in this report, please contact info@liresources.com.au

The report does not include title searches; dangerous good searches or; property certificates (unless requested); or information derived from a physical inspection, such as hazardous building materials, areas of infilling or dumping/spilling of potentially contaminated materials. It is important to note that these documents and an inspection can contain information relevant to contamination that may not be identified by this Report.

Due to the ongoing nature of database development and frequency of updates provided by various state government regulators the data displayed within this report is only current from date of production.

This Report, and your use of it, is regulated by Land Insight's Terms and Conditions (See Land Insight's Product Guide).

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ATTACHMENTS

Attachment A - Report Maps

Attachment B - Historical Imagery

Land Insight Product Guide and Terms and Conditions

SUMMARY

	Section 1	PROPERTY SETTING	Identified
Sensitive Receptors Planning Control Heritage Soil and Land Information Geology and Topography			
	Section 2	HYDROGEOLOGY	Identified
Aquifer Groundwater Bores and Other Borehole investigations Groundwater Dependent Ecosystems (GDE) Hydrogeology Units Wetlands			
	Section 3	ENVIRONMENTAL REGISTERS LICENCES AND INCIDENTS	Identified
Contaminated Land Public Register Sites Regulate by Other Jurisdictional Body (Former Gaswork sites / PFAS sites) Licensing and Regulated Sites National Pollutant Inventory (NPI)			
	Section 4	POTENTIALLY CONTAMINATED AREAS	Identified
Former Potentially Contaminated Land Current and Historical Potentially Contaminating activities (PCA)			
	Section 5	NATURAL HAZARDS	Identified
Erosion risk Bushfire prone land Fire history Flood hazards			



Section 1 Property Setting



1.1 SENSITIVE RECEPTORS

Map 1.1 (200m Buffer)

Sensitive receptor	Category	Distance (m)	Direction
Catholic Church	Place of Worship	135.6	South-west

1.2 PLANNING CONTROLS

Map 1.2 (onsite)

Zoning

Code	Zoning	Details
RU4	Primary Production Small Lots	Warringah Local Environmental Plan 2011

Environmental Planning Instruments

Type	Category	Details
Additional Permitted Uses	APU	Warringah Local Environmental Plan 2011

Other Planning Information

Type	Category	Details
Not identified	-	-

1.3 HERITAGE

Map 1.3 (200m Buffer)

State and Local Heritage

Site ID	Site Name	Type	Details	Distance (m)	Direction
Not identified	-	-	-	-	-

Australian Heritage Database

Site ID	Site Name	Type	Details	Distance (m)	Direction
Not identified	-	-	-	-	-

Commonwealth Heritage List, National Heritage List and World Heritage Area.

1.4 SOIL AND LAND USE INFORMATION

Map 1.4a/1.4b (onsite)

Soil Landscape

Soil Landscape	REso	SOMERSBY	Soil Group	RESIDUAL
Description	<p>Landscape—gently undulating to rolling rises on deeply weathered Hawkesbury Sandstone plateau in the Macdonald Ranges. Local relief to 40 m; slopes 15 - <60%. Rock outcrop is absent. Crests are broad and convex; slopes are long and drainage lines are narrow. Extensively cleared low eucalypt open-woodland and scrubland.</p> <p>Soils—moderately deep to deep (100 -300 cm), Yellow Earths (Gn2.24; Gn2.21; KS-Gn2.24; KS-Gn2.21) and Earthy Sands (Uc5.22; KS-Gn5.22) on crests and slopes; with grey earths (Gn2.94) in poorly drained areas; and leached sands (Uc2.23) and Siliceous Sands (Uc1.22) along drainage lines. Qualities and Limitations—localised permanent and seasonal waterlogging, moderate erosion hazard, stoniness, very low soil fertility and highly permeable</p>			

Salinity

Salinity Hazard	Very Low	Western Sydney Hydrogeological Landscapes
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Radon

Radon Level	Bq/m ³	5
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Typical radon levels in Australia are low and the values shown are the average values for each census district. For specific location, factors such as the local geology and house type could lead to different values. (ARPANSA).

Acid Sulfate Soil

ASS Risk Map (Table 1.4.1)	On the Property?	Within Buffer?
Class	Not identified	Not identified

National Acid Sulfate Soils Atlas

Atlas of Australian ASS (Table 1.4.2)	Cq(p4)	ASS in inland lakes, waterways, wetlands and riparian zones	Probability of Occurrence	Extremely low probability of occurrence
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Table 1.4.1. Classification scheme in the ASS Planning Maps

Class of Land as shown on ASS Planning Maps	
1	Any works.
2a	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
2b	Works other than ploughing below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2a, 2b, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2a, 2b, 3 or 4 land.

For each class of land, the maps identify the type of works likely to present an environmental risk if undertaken in the particular class of land. If these types of works are proposed, further investigation is required to determine if ASS are actually present and whether they are present in such concentrations as to pose a risk to the environment.

Table 1.4.2. Atlas of Australian Acid Sulfate Soils¹ (ASRIS) (CSIRO/NatCASS)

Probability of Occurrence of ASS ¹	
A	High Probability of occurrence - (>70% chance of occurrence in mapping unit)
B	Low Probability of occurrence - (6-70% chance of occurrence in mapping unit)
C	Extremely low probability of occurrence - (1-5% chance of occurrence in mapping unit)
D	No probability of occurrence - (<1% chance of occurrence in mapping unit)
x	Disturbed ASS¹ terrain - (ASS ¹ material present below urban development).
u	Unclassified - (Insufficient information to classify map unit)
Zones	
a	Potential acid sulfate soil material and/or Monosulfidic Black Ooze (MBO).
b, c	Potential acid sulfate soil generally within upper 1 m.
c, d, e	ASS ¹ generally within upper 1 m.
f	ASS ¹ generally below 1 m from the surface
g	ASS ¹ , generally below 3 m from the surface.
h	ASS ¹ generally within 1 m of the surface.
i, j	ASS ¹ generally below 1 m of the surface.
k	ASS ¹ material and/or Monosulfidic Black Ooze (MBO).
l, m, n, o, p, q	ASS ¹ generally within upper 1 m in wet / riparian areas.
Subscripts to codes	
(a)	Actual acid sulfate soil (AASS) = sulfuric material.
(p)	Potential acid sulfate soil (PASS) = sulfidic material.
(q)	Monosulfidic Black Ooze (MBO) is organic ooze enriched by iron monosulfides.
Confidence levels	
(1)	All necessary analytical and morphological data are available
(2)	Analytical data are incomplete but are sufficient to classify the soil with a reasonable degree of confidence
(3)	No necessary analytical data are available, but confidence is fair, based on a knowledge of similar soils in similar environments
(4)	No necessary analytical data are available, and classifier has little knowledge or experience with ASS, hence classification is provisional

¹Acid Sulfate Soils (ASS) are all those soils in which sulfuric acid may be produced, is being produced, or has been produced in amounts that have a lasting effect on main soil characteristics (Pons 1973). Acid sulfate soil (ASS) may include PASS or AASS + PASS. Potential acid sulfate soil (PASS) = sulfidic material. Actual acid sulfate soil (AASS) = sulfuric material.

1.5 GEOLOGY AND TOPOGRAPHY

Map 1.5 (onsite)

Geology

Map Sheet	Code	Formation	Age	Group	Dominant Lithology	Description
Sydney 1:100,000 Geological Sheet	Tuth	Hawkesbury Sandstone	Middle Triassic	Ungrouped Triassic units	Sandstone	Medium- to coarse-grained quartz sandstone with minor shale and laminite lenses.

Naturally Occurring Asbestos Potential (NOA)

Category	On the Property?	Within Buffer?
Not identified	-	-

Topography

Topography	184 – 192 mAHD
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Section 2 Hydrogeology



2.1 HYDROGEOLOGY AND GROUNDWATER BORES

Map 2.1 (2000m Buffer)

	On the Property?	Within Buffer?
Aquifer Type	Porous, extensive aquifers of low to moderate productivity	Porous, extensive aquifers of low to moderate productivity
Drinking Water Catchments	Not identified	Not identified
Protected Riparian Corridor	Not identified	Kierans Creek Smiths Creek
UPSS Environmentally Sensitive Zone	Yes	Yes
Wetlands	Not identified	Not identified

Groundwater Bores

Map ID	Groundwater Bore ID	Authorised Purpose	Completion Date	Drilled Depth (m)	Final Depth (m)	SWL (m)	Salinity (mg/l)	Yield (L/s)	Distance (m)	Direction
22	GW107021	Household	8/04/2005	156.0	156.0	65	<Null>	0.6	0.0	Onsite
23	GW107392	Household	21/09/2005	138.2	138.2	70	<Null>	1.6	316.3	West
37	GW108967	Household	26/06/2008	<Null>	172.0	88	<Null>	1.2	325.4	North-west
3	GW018575	Household	1/12/1959	52.4	52.4	7.6	invalid code	0.151	488.3	North-east
21	GW105402	Household	10/10/2003	162.1	162.1	81	<Null>	0.3	509.3	North-west
15	GW108523	Household	7/12/2006	114.0	114.0	61	<Null>	3.4	542.5	West
17	GW104351	Household	10/05/2002	210.5	210.5	112	<Null>	0.15	636.7	South
19	GW018343	Water supply	<Null>	1.5	1.5	<Null>	<Null>	<Null>	689.0	West

Map ID	Groundwater Bore ID	Authorised Purpose	Completion Date	Drilled Depth (m)	Final Depth (m)	SWL (m)	Salinity (mg/l)	Yield (L/s)	Distance (m)	Direction
11	GW020300	Water supply	1/10/1962	45.1	45.1	6	<Null>	0.208	783.8	North
34	GW018776	Water supply	1/12/1960	<Null>	7.3	<Null>	<Null>	0.378	808.6	South-west
36	GW023532	Water supply for livestock	<Null>	<Null>	15.2	<Null>	<Null>	<Null>	860.1	East
10	GW004960	Water supply	1/02/1959	30.5	30.4	<Null>	<Null>	0.101	875.5	South-west
20	GW013238	Water supply	1/07/1957	45.7	45.7	6	<Null>	0.112	875.5	South-west
18	GW105252	Household	14/10/2003	210.5	210.5	112	<Null>	0.2	885.1	South-west
7	GW019376	Irrigated agriculture	1/12/1961	51.2	51.2	<Null>	<Null>	3.789	902.9	North
2	GW111931	Drainage	23/11/2012	160.0	160.0	81	<Null>	0.85	985.1	South-west
35	GW013939	Water supply	<Null>	<Null>	3.0	<Null>	<Null>	<Null>	1078.6	South-west
8	GW019625	Water supply	1/10/1962	30.5	30.4	15.8	<Null>	0.378	1090.2	North
27	GW106454	Household	9/07/2004	90.5	90.5	<Null>	<Null>	0.08	1121.3	East
28	GW108073	Household	12/05/2006	180.5	180.5	86.5	<Null>	1.65	1132.0	North-west
9	GW019433	Irrigated agriculture	1/09/1961	45.7	45.7	10.3	Good	0.189	1132.8	North
32	GW108555	Household	23/01/2007	186.0	186.0	81.4	<Null>	0.4	1134.4	North-west
26	GW106455	Household	8/07/2004	180.0	180.0	<Null>	<Null>	0.15	1141.1	East
25	GW106657	Household	19/11/2004	168.0	168.0	58	<Null>	0.3	1179.9	North-east
5	GW018840	Water supply	1/09/1961	76.2	76.2	<Null>	<Null>	<Null>	1234.6	West
13	GW016926	Water supply	1/06/1958	22.3	22.2	<Null>	Good	<Null>	1265.9	North-west
31	GW108565	Household	20/02/2007	198	198	76.6	<Null>	0.4	1267.8	North-west
6	GW017564	Irrigated agriculture	1/06/1956	3.7	3.6	<Null>	Soft	0.378	1290.9	North-west
14	GW100127	Household	22/11/1991	126.5	126.5	37.5	<Null>	0.95	1332.7	North-west
4	GW100207	Recreation	3/04/1993	150	150	16	<Null>	3.73	1351.6	South-west
24	GW107194	Household	28/09/2004	192	192	18	<Null>	0.4	1652.2	East
16	GW101555	Recreation	3/12/1998	174	174	49	<Null>	1.3	1667.4	South-west
29	GW108787	Household	23/05/2007	198	198	71	<Null>	0.55	1763.9	North-west
30	GW108561	Household	15/02/2007	174	174	72	<Null>	0.5	1839.8	North-west
1	GW113250	Domestic,stock	22/08/2013	180	180	37	<Null>	0.2	1876.7	East
33	GW108107	Unknown	10/05/2007	<Null>	<Null>	<Null>	<Null>	<Null>	1920.5	North-west
12	GW073146	Household	12/02/1993	80	80	<Null>	<Null>	0.6	1994.8	North-west

Groundwater Bores Driller Lithology Details

Groundwater Bore ID	From Depth – To Depth (m)	Lithology	Distance (m)	Direction
GW107021	0m-0.3m Topsoil 0.3m-0.9m Sand 0.9m-3.3m Clay gravel 3.3m-6.1m Sandstone, coarse grained, yellow light 6.1m-12.2m Sandy clay, yellow 12.2m-16.8m Sandstone, coarse grained yellow light / clay 16.8m-31.1m Sandstone, coarse grained grey dark 31.1m-35.3m Sandstone, coarse grained yellow dark 35.3m-51.2m Sandstone, coarse grained grey light 51.2m-52m Sandstone, coarse grained grey dark water bearing 52m-63.7m Sandstone, medium grained grey light 63.7m-71.4m Sandstone, coarse grained grey dark 71.4m-147.8m Sandstone, coarse grained grey light 147.8m-156m Sandstone, medium grained grey light		0.0	Onsite
GW107392	0m-2m Clay, brown/white 2m-3m Sandstone, pink weathered 3m-5m Sandstone, brown 5m-13m Sandstone, light grey 13m-23.5m Sandstone, brown 23.5m-24.6m Shale, grey 24.6m-38.7m Sandstone, grey brown 38.7m-38.9m Sandstone & quartz, grey, water bearing 38.9m-51.7m Sandstone, grey/brown 51.7m-54.3m Shale, grey 54.3m-83.2m Sandstone, grey 83.2m-83.4m Sandstone/quartz, grey, water bearing 83.4m-83.9m Shale, grey 83.9m-87.1m Sandstone, grey 87.1m-88.5m Shale, grey 88.5m-97.3m Sandstone, light grey 97.3m-97.6m Sandstone & quartz, dark grey, water bearing 97.6m-111.7m Sandstone, grey, some black, shale bands 111.7m-115.7m Sandstone & quartz, light grey 115.7m-138.2m Sandstone, grey/light grey, and dark grey sandstone, some quartz present		316.3	West
GW108967	#N/A		325.4	North-west
GW018575	0m-2.43m Clay sandy 2.43m-52.42m Sandstone		488.3	North-east
GW105402	0m-0.4m Fill 0.4m-21.5m Sandstone lt brown, grey soft 21.5m-22.5m Shale dark brown 22.5m-27.1m Sandstone grey/shale bands 27.1m-66.1m Sandstone grey lt grey 66.1m-79.1m Sandstone grey and quartz (w) 79.1m-102.6m Sandstone grey lt grey 102.6m-107.1m Sandstone grey and quartz (w)(f) 107.1m-120.1m Sandstone grey 120.1m-132.6m Sandstone lt grey and quartz (w) 132.6m-155m Sandstone grey and quartz (w) 155m-162.1m Sandstone lt brown		509.3	North-west
GW108523	0m-0.75m Clay 0.75m-3.5m Fill, no returns no air 3.5m-20m Sandstone, light brown 20m-22m Ironstone 22m-23m Sandstone, fine quartz 23m-31.5m Sandstone, ironstone bands 31.5m-31.6m Clay 31.6m-34.1m Sandstone, grey 34.1m-34.3m Sandstone, fractured		542.5	West

Groundwater Bore ID	From Depth – To Depth (m)	Lithology	Distance (m)	Direction
	34.3m-37m Sandstone, grey 37m-37.5m Sandstone-quartz 37.5m-75.5m Sandstone, grey 75.5m-76m Sandstone-quartz 76m-79m Sandstone, grey 79m-80m Sandstone, shale bedding 80m-91m Sandstone, grey 91m-92m Sandstone, fractured, quartz 92m-100.5m Sandstone, grey 100.5m-101.5m Sandstone-quartz 101.5m-103m Sandstone, grey 103m-104.5m Sandstone, fractured, quartz 104.5m-108.3m Sandstone, grey 108.3m-108.4m Sandstone, fractured 108.4m-109.5m Sandstone, grey 109.5m-110m Sandstone, very fractured 110m-114m Sandstone, grey			
GW104351	0m-1m Fill 1m-2m Sand/rocks 2m-5m Grey clay 5m-6.5m Weathered shale 6.5m-21m Sandstone light brown/soft 21m-31m Sandstone grey 31m-33m Siltstone 33m-53m Sandstone grey 53m-54.5m Sandstone fractured 54.5m-56m Siltstone 56m-79m Sandstone grey 79m-80m Siltstone 80m-114m Sandstone grey 114m-115m Sandstone/quartz 115m-133m Sandstone light grey 133m-134.5m Sandstone quartz 134.5m-158m Sandstone grey 158m-158.3m Sandstone dark grey 158.3m-172m Sandstone grey 172m-174m Sandstone dark grey 174m-210.5m Sandstone grey		636.7	South
GW018343	0m-1.52m Shale		689.0	West
GW020300	0m-0.91m Sand gravel 0.91m-1.52m Sandstone 1.52m-3.04m Sandstone 3.04m-3.35m Pipe clay white 3.35m-7.31m Sandstone hard 7.31m-7.62m Clay yellow 7.62m-11.27m Sandstone hard 11.27m-11.58m Driller 11.58m-12.19m Pipe clay white 12.19m-21.64m Sandstone hard 21.64m-21.94m Pipe clay white 21.94m-23.16m Sandstone 23.16m-26.51m Clay grey 26.51m-30.48m Sandstone hard water supply 30.48m-30.78m Clay grey 30.78m-36.88m Sandstone 36.88m-37.49m Sandstone 37.49m-38.1m Clay 38.1m-42.67m Sandstone clay 42.67m-45.11m Sandstone hard		783.8	North
GW018776	#N/A		808.6	South-west

Groundwater Bore ID	From Depth – To Depth (m)	Lithology	Distance (m)	Direction
GW023532	#N/A		860.1	East
GW004960	0m-0.91m Soil 0.91m-30.48m Sandstone water supply		875.5	South-west
GW013238	0m-1.21m Soil 1.21m-45.72m Sandstone water supply		875.5	South-west
GW105252	0m-6.5m Clay brown white 6.5m-24.5m Sandstone grey brown m/g 24.5m-46.5m Sandstone grey m/g 46.5m-48.5m Sandstone grey/shale bands 48.5m-102.5m Sandstone grey/lt grey 102.5m-117.5m Sandstone grey and quartz 117.5m-136.6m Sandstone grey and quartz (f) 136.6m-148m Quartz 148m-153m Sandstone grey and quartz 153m-158.5m Quartz 158.5m-175m Sandstone grey m/g 175m-186.5m F. sandstone grey lt/brown 186.5m-210.5m Sandstone grey and quartz		885.1	South-west
GW019376	0m-10.05m Clay water supply 10.05m-21.33m Sandstone yellow 21.33m-33.52m Clay seams 21.33m-33.52m Sandstone pink 33.52m-38.1m Sandstone yellow 38.1m-48.46m Sandstone black water supply 48.46m-51.2m Clay seams water supply 48.46m-51.2m Sandstone white		902.9	North
GW111931	#N/A		985.1	South-west
GW013939	#N/A		1078.6	South-west
GW019625	0m-0.6m Sand 0.6m-1.82m Sandstone 1.82m-1.98m Clay white 1.98m-3.04m Sandstone 3.04m-5.48m Sandstone red 5.48m-8.22m Sandstone 8.22m-13.41m Sandstone hard 13.41m-15.24m Sandstone 15.24m-16.76m Sandstone yellow 16.76m-18.28m Sandstone hard clay 18.28m-20.11m Clay 20.11m-21.64m Sandstone hard 21.64m-22.86m Driller 22.86m-26.21m Sandstone hard 26.21m-26.36m Sand gravel water supply 26.36m-26.67m Gravel 26.67m-27.61m Clay gravel 27.61m-30.48m Sandstone hard		1090.2	North
GW106454	0m-2.5m Clay, sandy 2.5m-12m Sandstone, light brown 12m-14m Shale, soft 14m-54m Sandstone, light brown 54m-56m Sandstone, find quartz 56m-57m Sandstone, grey 57m-57.5m Sandstone, fractured quartz 57.5m-76.5m Sandstone, grey 76.5m-77.5m Sandstone, quartz 77.5m-90.5m Sandstone, grey		1121.3	East
GW108073	0m-0.5m Clay, fill 0.5m-15m Sandstone, orange pink 15m-26m Clay, grey sandy 26m-28m Shale		1132.0	North-west

Groundwater Bore ID	From Depth – To Depth (m)	Lithology	Distance (m)	Direction
	28m-30m Sandstone, grey sandy clay 30m-59m Sandstone, grey 59m-62m Shale, siltstone 62m-98m Sandstone, grey quartz siltstone 98m-99.5m Sandstone, grey quartz 99.5m-117m Sandstone, grey siltstone 117m-118m Sandstone, grey quartz siltstone 118m-119m Sandstone, grey siltstone 119m-124m Sandstone, grey quartz 124m-125m Sandstone, grey quartz 125m-148m Sandstone, grey 148m-149m Sandstone, grey quartz 149m-155m Sandstone, grey quartz 155m-162m Sandstone, grey 162m-164m Sandstone, grey quartz 164m-165m Sandstone, grey 165m-166.5m Sandstone, grey quartz siltstone 166.5m-170m Sandstone, grey 170m-171m Siltstone 171m-173m Sandstone, grey 173m-174.5m Siltstone 174.5m-176m Sandstone, grey 176m-180.5m Sandstone, grey quartz			
GW019433	0m-1.21m Loam sandy 1.21m-7.31m Sandstone yellow 7.31m-11.27m Clay bands 7.31m-11.27m Sandstone white 11.27m-26.51m Sandstone water supply 26.51m-27.12m Shale bands 27.12m-45.72m Sandstone water supply		1132.8	North
GW108555	0m-1m Sandy clay 1m-3m Sandstone, grey 3m-3.5m Clay 3.5m-27m Sandstone, grey 27m-33m Shale 33m-75m Sandstone, grey 75m-76m Sandstone quartz 76m-78m Sandstone, grey 78m-80m Sandstone quartz, water bearing 80m-94m Sandstone, grey 94m-97m Siltstone 97m-114.5m Sandstone, grey 114.5m-119m Sandstone quartz, water bearing 119m-128m Sandstone, grey 128m-129m Siltstone 129m-136m Sandstone, grey 136m-142m Sandstone quartz 142m-146m Sandstone, grey 146m-147m Siltstone 147m-160m Sandstone quartz, water bearing 160m-176m Sandstone, grey 176m-178m Sandstone quartz, water bearing 178m-180m Sandstone, grey 180m-184m Sandstone quartz 184m-186m Sandstone, grey		1134.4	North-west
GW106455	0m-3m Sand 3m-13.5m Sandstone, light brown soft 13.5m-16m Shale, soft 16m-47.5m Sandstone, grey 47.5m-48m Sandstone, quartz 48m-53m Sandstone, grey 53m-57m Sandstone, fractured quartz		1141.1	East

Groundwater Bore ID	From Depth – To Depth (m)	Lithology	Distance (m)	Direction
	57m-75.2m Sandstone, grey 75.2m-75.3m Sandstone, fracture 75.3m-76m Sandstone, grey 76m-78m Sandstone, fracture quartz 78m-84.4m Sandstone, grey 84.4m-84.7m Shale 84.7m-138m Sandstone, grey 138m-141m Sandstone, dark grey 141m-144m Siltstone, black 144m-146m Siltstone, light grey 146m-154m Sandstone, dark grey 154m-158m Siltstone, very hard 158m-166m Sandstone, dark grey 166m-166.1m Sandstone, fracture 166.1m-180m Sandstone, grey			
GW106657	0m-22m Sandstone, light brown 22m-25m Sandstone, light grey 25m-37m Sandstone, ironstone bands 37m-37.3m Clay 37.3m-49.3m Sandstone, grey 49.3m-49.4m Sandstone, fractured 49.4m-53.8m Sandstone, grey 53.8m-54m Sandstone, fractured 54m-63m Sandstone, grey 63m-65m Sandstone, ironstone bands 65m-100m Sandstone, grey 100m-101m Sandstone, fractured quartz 101m-130m Sandstone, grey 130m-132m Sandstone, quartz 132m-141m Sandstone, grey 141m-143m Sandstone, quartz 143m-163m Sandstone, grey 163m-164m Sandstone, quartz 164m-168m Sandstone, grey		1179.9	North-east
GW018840	0m-0.91m Soil 0.91m-45.72m Sandstone 45.72m-50.59m Sandstone hard 50.59m-50.9m Shale 50.9m-54.86m Sandstone white 54.86m-59.43m Sandstone grey 59.43m-60.96m Sandstone hard 60.96m-61.26m Sandstone soft 61.26m-61.56m Clay white 61.56m-64.31m Sandstone 64.31m-64.61m Clay white 64.61m-76.2m Sandstone hard		1234.6	West
GW016926	0m-0.91m Soil 0.91m-22.25m Sandstone water supply		1265.9	North-west
GW108565	0m-2.8m Sandy clay 2.8m-17m Sandstone, yellow 17m-18.5m Sandy clay 18.5m-22m Sandstone, grey 22m-38m Shale 38m-55m Sandstone, grey 55m-57m Sandstone-shale-quartz 57m-73m Sandstone, grey 73m-77m Sandstone-quartz, water bearing 77m-86m Sandstone, grey 86m-87.5m Shale, clay band 87.5m-91m Sandstone, grey 91m-92m Siltstone 92m-113m Sandstone, grey		1267.8	North-west

Groundwater Bore ID	From Depth – To Depth (m)	Lithology	Distance (m)	Direction
	113m-117m Sandstone-quartz, water bearing 117m-132m Sandstone, grey 132m-135m Siltstone-quartz 135m-137.5m Sandstone, grey 137.5m-141m Sandstone-quartz, water bearing 141m-153m Sandstone, grey 153m-163m Sandstone-quartz, water bearing 163m-166m Sandstone, grey 166m-167m Siltstone 167m-188m Sandstone, grey 188m-191m Sandstone-quartz, water bearing 191m-193m Sandstone, grey 193m-195m Sandstone-quartz 195m-198m Sandstone, grey			
GW017564	0m-2.43m Clay sand 2.43m-3.65m Rock red water supply		1290.9	North-west
GW100127	0m-1m Soil clay 1m-2.5m Sandstone 2.5m-16m Sandstone white 16m-22.5m Red/brown sandstone 22.5m-24m Shale (clayey) very soft 24m-25.5m Sandstone white 25.5m-29m (clayey) shale very soft 29m-33m Sand stone white 33m-37.5m Shale m/ hard some fracture wb 37.5m-77.5m Sandstone fracture coarse grain sand etc wb 77.5m-83m Shale m/ hard 83m-100.5m Sandstone firm grain some fractures coarse grain 100.5m-101.5m Shale band m/hard 101.5m-103.5m Grey sandstone 103.5m-111.5m Coarse grain sandstone 111.5m-112m Shale hard 112m-126.5m Sandstone some fracture mostly fine grain well cemented		1332.7	North-west
GW100207	0m-16m Fine white sandstone 16m-26m Coarse white sandstone 26m-55m Medium grain white sandstone 55m-58m Fine white sandstone 58m-65m Coarse grey sandstone 65m-68m Coarse brown sandstone 68m-112m Medium grain grey sandstone 112m-130m Fine grain grey sandstone 130m-132m Coarse grey sandstone 132m-150m Fine grey sandstone		1351.6	South-west
GW107194	0m-3m Tospsoil 3m-4m Clay, sandy 4m-20m Sandstone 20m-22m Shales, grey 22m-52m Sandstone 52m-56m Clays 56m-170m Sandstone 170m-192m Shales, grey		1652.2	East
GW101555	0m-3.5m Fill 3.5m-7m Brown clay 7m-8.5m Grey clay 8.5m-26m White sandstone m.g. 26m-27m Sandstone and quartz 27m-31.5m White sandstone m.g. 31.5m-32.5m Grey clay 32.5m-45m White sandstone m.g. 45m-45.5m Ironstone 45.5m-47m Grey clay		1667.4	South-west

Groundwater Bore ID	From Depth – To Depth (m)	Lithology	Distance (m)	Direction
	47m-50m Grey sandstone m.g. 50m-54m Sandstone and quartz, fractured 54m-78m Grey sandstone m.g. 78m-90m Grey sandstone f.g. 90m-96m Sandstone and quartz, fractured 96m-138m White sandstone m.g. 138m-141.5m Sandstone and quartz 141.5m-150m White sandstone m.g. 150m-158m Sandstone and quartz 158m-163m White sandstone m.g. 163m-172m Sandstone and quartz 172m-174m White sandstone m.g.			
GW108787	0m-0.2m Topsoil 0.2m-17m Sandstone, yellow 17m-25m Sandstone, grey 25m-27m Shale 27m-49m Sandstone, grey 49m-53m Sandstone, quartz 53m-69m Sandstone, grey 69m-71m Sandstone, fractured 71m-72m Sandstone, grey 72m-74m Sandstone, quartz 74m-81.5m Sandstone, grey 81.5m-87.5m Shale 87.5m-114m Sandstone, grey 114m-118m Sandstone, quartz 118m-138m Sandstone, grey 138m-144m Sandstone, quartz siltstone 144m-151m Sandstone, grey 151m-155m Sandstone, quartz 155m-160m Sandstone, grey 160m-162m Siltstone 162m-168m Sandstone, grey 168m-171m Sandstone, quartz 171m-175m Sandstone, siltstone 175m-188m Sandstone, grey 188m-192m Sandstone, quartz 192m-198m Sandstone, grey		1763.9	North-west
GW108561	0m-0.5m Ttopsoil 0.5m-46m Sandstone, grey 46m-50m Sandstone, grey quartz, water bearing 50m-54m Sandstone, grey 54m-58m Shale 58m-82.5m Sandstone, grey 82.5m-93m Sandstone-qquartz 93m-94m Shale, clay band 94m-96m Sandstone, grey 96m-101m Sandstone-quartz, water bearing 101m-121m Sandstone, grey 121m-128m Sandstone-quartz, water bearing 128m-130m Sandstone, grey 130m-136m Sandstone-quartz 136m-157m Sandstone, grey 157m-160m Sandstone-quartz 160m-174m Sandstone, grey		1839.8	North-west
GW113250	#N/A		1876.7	East
GW108107	#N/A		1920.5	North-west
GW073146	0m-10m Red & white s/s f/g 10m-28m Grey s/s f/g 28m-31.5m Shale bed		1994.8	North-west

Groundwater Bore ID	From Depth – To Depth (m)	Lithology	Distance (m)	Direction
	31.5m-39.5m	Sandstone c/g & open grey & white		
	39.5m-39.7m	Fracture water bearing		
	39.7m-45m	X bed shale & c.g. grey sandstone		
	45m-69m	Sandstone c.g. & open clay in matrix		
	69m-72m	Sandstone x bed shale clay in matrix		
	72m-80m	Sandstone open grain & water bearing		

2.2 HYDROGEOLOGY AND OTHER BOREHOLES

Map 2.2 (500m Buffer)

	On the Property?	Within Buffer?
Groundwater Vulnerability	Not identified	Not identified
Groundwater Exclusion Zones ^{1,2}	Not identified	Not identified
Hydrogeologic Unit	Late Permian Triassic Sediments	Late Permian Triassic Sediments

¹ - Botany Groundwater Management Zones (BGMZ): Zone 1 – the use of groundwater remains banned; Zones 2 to 4 – domestic groundwater use is banned, especially for drinking water, watering gardens, washing windows and cars, bathing, or to fill swimming pools.

² - Williamstown Groundwater Management Zones (WGMZ): Primary Management Zone – this area has significantly higher levels of PFAS detected and therefore, the strongest advice applies. Secondary Management Zone – this area has some detected levels of PFAS; Broader Management Zone – the topography and hydrology of the area means PFAS detections could occur now and into the future.

Groundwater Dependent Ecosystems (GDE)

	On the Property?	Within Buffer?
Aquatic	Not identified	Not identified
Terrestrial	Not identified	Not identified

Aquatic - Ecosystems that rely on the Surface expression of groundwater.

Terrestrial - Ecosystems that rely on the Subsurface expression of groundwater.

Other Known Borehole Investigations (Coal Seam Gas (CSG), Petroleum Wells and Other Boreholes)

Borehole ID	Purpose	Project	Client/ Licence	Date Drilled	Depth (m)	Distance (m)	Direction
Not identified	-	-	-	-	-	-	-



Section 3 Environmental Registers, Licences and Incidents



3.1 CONTAMINATED LAND PUBLIC REGISTER

Map 3.1 (1000m Buffer)

Sites Notified as Contaminated to the EPA

Site Name	Address	Activity that caused Contamination	EPA Site Management Class (Table 3.1.1)	Distance (m)	Direction
Not identified	-	-	-	-	-

If the record does not contain a complete street address and/or cannot be located, the records' geographic location will be approximated and reported as being within the surrounding area.

Contaminated Land Record of Notices

Site Name	Area n°	Address	Notices	Distance (m)	Direction
Not identified	-	-	-	-	-

If the record does not contain a complete street address and/or cannot be located, the records' geographic location will be approximated and reported as being within the surrounding area.

Table 3.1.1. EPA Site Management Class Explanation

Table 3.1.1 EPA Site Management Class	
EPA Site Management Class	
Under Assessment	The contamination is being assessed by the EPA to determine whether regulation is required. The EPA may require further information to complete the assessment. For example, the completion of management actions regulated under the planning process or Protection of the Environment Operations Act 1997. Alternatively, the EPA may require information via a notice issued under s77 of the Contaminated Land Management Act 1997 or issue a Preliminary Investigation Order.
Regulation under the CLM Act not required	The EPA has completed an assessment of the contamination and decided that regulation under the Contaminated Land Management Act 1997 is not required.

Table 3.1.1 EPA Site Management Class

Regulation being finalised	The EPA has completed an assessment of the contamination and decided that the contamination is significant enough to warrant regulation under the Contaminated Land Management Act 1997. A regulatory approach is being finalised.
Contamination currently regulated under the CLM Act	The EPA has completed an assessment of the contamination and decided that the contamination is significant enough to warrant regulation under the Contaminated Land Management Act 1997 (CLM Act). Management of the contamination is regulated by the EPA under the CLM Act. Regulatory notices are available on the EPA's Contaminated Land Public Record.
Contamination currently regulated under the POEO Act	The EPA has completed an assessment of the contamination and decided that the contamination is significant enough to warrant regulation. Management of the contamination is regulated under the Protection of the Environment Operations Act 1997 (POEO Act). The EPA's regulatory actions under the POEO Act are available on the POEO public register.
Contamination being managed via the planning process (EP&A Act)	The EPA has completed an assessment of the contamination and decided that the contamination is significant enough to warrant regulation. The contamination of this site is managed by the consent authority under the Environmental Planning and Assessment Act 1979 (EP&A Act) planning approval process, with EPA involvement as necessary to ensure significant contamination is adequately addressed. The consent authority is typically a local council or the Department of Planning and Environment.
Contamination formerly regulated under the CLM Act	The EPA has determined that the contamination is no longer significant enough to warrant regulation under the Contaminated Land Management Act 1997 (CLM Act). The contamination was addressed under the CLM Act.
Contamination formerly regulated under the POEO Act	The EPA has determined that the contamination is no longer significant enough to warrant regulation. The contamination was addressed by the appropriate consent authority via the planning process under the Environmental Planning and Assessment Act 1979 (EP&A Act).
Contamination was addressed via the planning process (EP&A Act)	The EPA has determined that the contamination is no longer significant enough to warrant regulation. The contamination was addressed by the appropriate consent authority via the planning process under the Environmental Planning and Assessment Act 1979 (EP&A Act).
Ongoing maintenance required to manage residual contamination (CLM Act)	The EPA has determined that ongoing maintenance, under the Contaminated Land Management Act 1997 (CLM Act), is required to manage the residual contamination. Regulatory notices under the CLM Act are available on the EPA's Contaminated Land Public Record.

The EPA maintains a record of sites that have been notified to the EPA by owners or occupiers as contaminated land. The sites notified to the EPA are recorded on the register at various stages of the assessment and/or remediation process.

3.2 SITES REGULATED BY OTHER JURISDICTIONAL BODY

Map 3.2 (2000m Buffer)

Defence, Military Sites and UXO Areas

Site name	Type*	Details	Distance (m)	Direction
Not identified	-	-	-	-

*RCIP (Regional Contamination Investigation Program). UXO (Unexploded Ordnance Areas)

Former Gasworks Sites

Site name	Description	Distance (m)	Direction
Not identified	-	-	-

PFAS Sites

Site name	Description	Source	Distance (m) *	Direction
Not identified	-	-	-	-

National Pollutant Inventory (NPI)

Facility name	Address	Primary ANZSIC Class	Latest report	Distance (m)	Direction
Not identified	-	-	-	-	-

3.3 LICENCES, APPROVALS & NOTICES

Map 3.3 (500m Buffer)

Licences

Licence N°	Licence holder	Location Name	Premise Address	Fee Based Activity	Distance (m)*	Direction
13090	KIMBRIKI ENVIRONMENTAL ENTERPRISES PTY LIMITED	Kimbriki Road	Kimbriki Road, TERREY HILLS	Composting Recovery of general waste Waste storage - other types of waste	293.8	East

If the record does not contain a complete street address and/or cannot be located, the records' geographic location will be approximated and reported as being within the surrounding area.

Other Licences still Regulated by EPA

Licence N°	Licence holder	Location Name	Premise Address	Fee Based Activity	Status	Distance (m)*	Direction
4600	WARRINGAH COUNCIL	KIMBRIKI RECYCLING & WASTE DISPOSAL CENTRE	KIMBRIKI ROAD, TERREY HILLS, NSW 2084	Land-based extractive activity Non-thermal treatment of general waste Waste storage - other types of waste Waste disposal by application to land	Surrendered	293.8	East
12615	WARRINGAH COUNCIL	KIMBRIKI RECYCLING & WASTE DISPOSAL CENTRE	KIMBRIKI ROAD, TERREY HILLS, NSW 2084	Composting	Surrendered	293.8	East

If the record does not contain a complete street address and/or cannot be located, the records' geographic location will be approximated and reported as being within the surrounding area.

Clean Up and Penalty Notices

Location ID	Notice Type	Notice N°	Licence holder	Location Name	Premise Address	Distance (m)*	Direction
Not identified	-	-	-	-	-	-	-

If the record does not contain a complete street address and/or cannot be located, the records' geographic location will be approximated and reported as being within the surrounding area.



Section 4 Potentially Contaminated Areas



4.1 FORMER POTENTIALLY CONTAMINATED LAND

Map 4.1 (500m Buffer)

Contaminated Legacy Areas / Historic Incident Sites

Site Name	Description	Distance (m)	Direction
Not identified	-	-	-

Includes known contaminated areas such as James Hardies Asbestos waste legacy areas, Pasminco Smelter and Uranium processing site.

Derelict Mines and Quarries

Site name	Description	Distance (m)	Direction
Not identified	-	-	-

Historical Landfills

Site name	Description	Distance (m)	Direction
KIMBRIKI RESOURCE RECOVERY CENTRE	Kimbriki was originally established as a landfill in 1974. In 1989-90, resource recovery operations for vegetation and scrap metal commenced on site and the Kimbriki Recycling and Waste Disposal Centre commenced. A gas flare was installed in late 2013 as part of the landfill gas collection system. The collected gas is then burned at a high temperature of approximately 800 degrees C. Kimbriki extracts approximately 490 cu. M of landfill gas per hour.	293.8	East

4.2 CURRENT POTENTIALLY CONTAMINATING ACTIVITIES (PCA)

Map 4.2 (500m Buffer)

Industries, businesses and activities that may cause contamination

Site name	Category	Location	Status*	Distance (m)	Direction
Warringah Fire Control Centre	Fire Rescue	1A Thompson Drive Gate 4, Off, Kamber Rd, Terrey Hills NSW 2084	Current	270.75	South
Warringah Headquarters RFB	Fire Rescue	1A Kamber Rd, Terrey Hills NSW 2084	Current	395.0	South
Terrey Hills (TERR)	Telephone Exchange	1 Kamber Road, Terrey Hills	Current	420.8	South
Kimbriki Resource Recovery Centre	Waste Management Facility	Kimbriki Road, Terrey Hills	Current	435.0	East

***Status:**

Data is current as when this report was created. However due to the turnover of business locations, some addresses may be former.

Current: business is operating on the day this report was issued.

Former: business that have been closed or discontinued 1 to 2 years prior from the day this report was issued. All former sites older than 2 years will be reported in the 'Historical Potentially Contaminating Activities' section 4.4 in this report.

Included in this search:

Type	Type	Type
Cattle Dip Sites	Liquid Fuel Depots	Substation/Switching Stations
Dry Cleaners	Operating Mines	Telephone Exchanges
Fire Rescue	Power Stations	Wastewater Treatment Plants
Gas Terminals	Petrol Stations	Waste Management Facilities

Includes industries or business activities associated with potentially contaminating activities. Records identified within section 4.2 are considered to have a higher likelihood of contamination risk associated with the type of business activity. The contamination risk associated with these records is based solely on the type of activity undertaken by the business, and in conjunction with business activities deemed to be of moderate to high risk of potential contamination identified in State Government regulatory body (EPA) published regulations or guidelines.

The records identified have not been risk ranked based on any current or previous site inspection. Please note that records not identified within this section (due to error or unforeseen omission) does not necessarily mean that the screened area is not potentially contaminated or free of any risks.

4.3 OTHER POTENTIALLY CONTAMINATING ACTIVITIES

Map 4.3 (200m Buffer)

Industries, businesses and activities that may cause contamination considered of lesser risk

Site name	Category	Location	Status*	Distance (m)	Direction
Pittwater Mowers	Automotive Dealer	287 Mona Vale Rd, Terrey Hills NSW 2084	Current	0.0	Onsite
Vegepod	Garden building supplier	5/287 Mona Vale Rd, Terrey Hills NSW 2084	Current	0.0	Onsite
Horseland	Equestrian Store	287 Mona Vale Rd, Terrey Hills NSW 2084	Current	0.0	Onsite
Hills The Flower Market	Florist	287 Mona Vale Rd, Terrey Hills NSW 2084	Current	0.0	Onsite
Escape Nursery	Plant Nursery	287 Mona Vale Rd, Terrey Hills NSW 2084	Current	0.0	Onsite
Miramare Gardens	Hotel and Wedding Venue	48 Myoora Rd, Terrey Hills NSW 2084	Current	28.1	West
Tigress Furniture Terrey hills	Furniture Store	283 Mona Vale Rd, Terrey Hills NSW 2084	Current	85.5	North

Site name	Category	Location	Status*	Distance (m)	Direction
Austral Air Conditioning Services	Air Conditioning Services	56A Myoora Rd, Terrey Hills NSW 2084	Current	85.6	North
Harvest Seeds & Native Plants	Seeds and Native Plants	281 Mona Vale Rd, Terrey Hills NSW 2084	Current	124.9	North-east

*Status:

Data is current as when this report was created. However due to the turnover of business locations, some addresses may be former.

Current: business is operating on the day this report was issued.

Former: business that have been closed or discontinued 1 to 2 years prior from the day this report was issued. All former sites older than 2 years will be reported in the 'Historical Potentially Contaminating Activities' section 4.4 in this report.

Includes industries or business activities records associated with potentially contaminating activities that are not listed in section 4.2 of this report. Records identified within this section are considered to have a lesser likelihood of contamination risk associated with the type of business activity. The contamination risk associated with the records listed in this section are based solely on the type of activity undertaken and have not been risk ranked based on any current or previous site inspection, as such, some of the sites listed in section 4.3 can be potentially of high risk. Industries or business activities deemed of a negligible risk of contamination are not reported. Please note that any record not identified within this section (due to error or unforeseen omission) does not necessarily mean that the screened area is not potentially contaminated or free of any risks.

4.4 HISTORICAL POTENTIALLY CONTAMINATING ACTIVITIES

(not mapped)

1930 Historical Business Data

Activity	Name	Address	Positional accuracy ¹	Distance (m)	Direction
Not identified	-	-	-	-	-

1940 Historical Business Data

Activity	Name	Address	Positional accuracy ¹	Distance (m)	Direction
Not identified	-	-	-	-	-

1950 Historical Business Data

Activity	Name	Address	Positional accuracy ¹	Distance (m)	Direction
Not identified	-	-	-	-	-

1965 Historical Business Data

Activity	Name	Address	Positional accuracy ¹	Distance (m)	Direction
Not identified	-	-	-	-	-

1970 Historical Business Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Wedding - Car Hire	Terrey Hills Service Centre Pty. Ltd.,	Cnr. West Head Rd. & Mona Vale Road, Terrey Hills	Street		Onsite

1980 Historical Business Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Quarries	Ingleside Quarries	279 Mona Vale Road, Terrey Hills, NSW	Address	175.4	North-east
Steel Merchant	Ingleside Quarries	279 Mona Vale Road, Terrey Hills, NSW	Address	175.4	North-east
Motor Garage Equipment & Supplies	Derrick & Vera's	Cnr. West Head & Mona Vale Roads, Terrey Hills, NSW	Street		Onsite

1990 Historical Business Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Engineers - Machine Tools	Walker A N Machine Tools (W.T) Pty. Ltd.	54 Myoora Road, Terrey Hills, NSW	Address	60.7	North-east

2005 Historical Business Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Florists - Roses	Hills The Flower Market	287 Mona Vale Rd, TERREY HILLS, NSW, 2084	Address	0.0	Onsite
Furniture Designers - Made To Order	Furniture Workshop, Terrey hills	Unit 5, 287 Mona Vale Rd, TERREY HILLS, NSW, 2084	Address	0.0	Onsite
Grain & Produce Retailers	Better Produce	287 Mona Vale Rd, TERREY HILLS, NSW, 2084	Address	0.0	Onsite
Kitchens Renovations & Equipment- New	Furniture Workshop	Unit 5, 287 Mona Vale Rd, TERREY HILLS, NSW, 2084	Address	0.0	Onsite
Saddlers & Riding Supplies	Charlton Horseland, Terrey hills	287 Mona Vale Rd, TERREY HILLS, NSW, 2084	Address	0.0	Onsite
Conference & Convention Centres & Venues	Miramare Gardens	48 Myoora Rd, TERREY HILLS, NSW, 2084	Address	31.2	South-west
Tree Felling & Tree/ Stump Removal	Terrey Hills Tree Services	52b Myoora Rd, TERREY HILLS, NSW, 2084	Address	58.9	North-west

2010 Historical Business Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Lawn & Motor Mowers - Sales & Service	Pittwater Mowers - Terrey Hills	Unit 6 287 Mona Vale Rd TERREY HILLS 2084 NSW	Address	0.0	Onsite
Lawn & Turf Supply & Installation	Floline Turf & Garden	Hills Flower Mkt 287 Mona Vale Rd TERREY HILLS 2084 NSW	Address	0.0	Onsite
Nurseries - Retail	Escape Nursery	287 Mona Vale Rd TERREY HILLS 2084 NSW	Address	0.0	Onsite
Pest Control Services	Cockatoo	Shop 2/ 287 Mona Vale Rd TERREY HILLS 2084 NSW	Address	0.0	Onsite
Tree Felling & Tree/ Stump Removal	Terrey Hills Tree Service	52B Myoora Rd TERREY HILLS 2084 NSW	Address	58.9	North-west

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Nurseries - Retail	Bond's Nursery	Cnr Cooyong & Mona Vale Rds TERREY HILLS 2084 NSW	Street		Onsite
Nurseries - Retail	Flower Power	Cnr Cooyong & Mona Vale Rds TERREY HILLS 2084 NSW	Street		Onsite

2015 Historical Business Data

Activity	Name	Address	Positional accuracy	Distance (m)	Direction
Barbeque Supplies & Equipment	Barbecues In The Hills	287 Mona Vale Rd, Terrey Hills, NSW, 2084	Address	0.0	Onsite
Beauty & Skincare Salons	Dragonfly Spiritual Spa	Shp8a/ 287 Mona Vale Rd, Terrey Hills, NSW, 2084	Address	0.0	Onsite
Chainsaws Brushcutters & Power Equipment	Pittwater Mowers	U6/ 287 Mona Vale Rd, Terrey Hills, NSW, 2084	Address	0.0	Onsite
Florists - Products & Supplies	Hills The Flower Market	287 Mona Vale Rd, Terrey Hills, NSW, 2084	Address	0.0	Onsite
Florists & Flowers - Retail	Flower Market The	287 Mona Vale Rd, Terrey Hills, NSW, 2084	Address	0.0	Onsite
Garden & Gardening Supplies	Vegepod	U5/ 287 Mona Vale Rd, Terrey Hills, NSW, 2084	Address	0.0	Onsite
Gift & Curio Shops	Cockatoo	Shop 2/ 287 Mona Vale Rd, Terrey Hills, NSW, 2084	Address	0.0	Onsite
Grain & Produce - Packers & W/Salers	Better Produce	287 Mona Vale Rd, Terrey Hills, NSW, 2084	Address	0.0	Onsite
Lawn & Turf Supply & Installation	Floline Turf & Garden	Hills Flower Mkt 287 Mona Vale Rd, Terrey Hills, NSW, 2084	Address	0.0	Onsite
Nurseries - Retail	Escape Nursery	287 Mona Vale Rd, Terrey Hills, NSW, 2084	Address	0.0	Onsite
Saddlers & Riding Supplies	Horseland	287 Mona Vale Rd, Terrey Hills, NSW, 2084	Address	0.0	Onsite
Swimming Pool - Equipment Chemicals & Supplies	Terrey Hills Pool & Spa	Ste 7b/ 287 Mona Vale Rd, Terrey Hills, NSW, 2084	Address	0.0	Onsite
Tanks & Tank Equipment M/Factr Construction & Installation	Aquarius Watermaster	287 Mona Vale Rd, Terrey Hills, NSW, 2084	Address	0.0	Onsite
Catering & Caterers - Functions	Miramare Gardens	48 Myoora Rd, Terrey Hills, NSW, 2084	Address	31.2	South-west
Tree Felling & Tree/ Stump Removal	Terrey Hills Tree Service	52b Myoora Rd, Terrey Hills, NSW, 2084	Address	111.1	North-west

Land Insight uses a number of address geocoding techniques and characterised them according to the following criteria: completeness (match rates) and positional accuracy. When a historical street address does not contain complete details or a match is not found, a record identified as being in the surrounding area will be included for reference and the accuracy of the data is approximate only. The positional accuracy of the records is listed below:

Historical data positional accuracy and georeferencing results explanation		
Positional accuracy	Georeferenced	Description
Address	Located to the address level	<i>When street address and names fully match.</i>
Street	Located to the street centroid	<i>When street names match but no exact address was found. Location is approximate.</i>
Place	Located to the structure, building or complex	<i>When building, residential complex or structure name match but no exact address was found. Location is approximate.</i>
Suburb	Located to the suburb area	<i>When suburb name match but no exact address was found. Location is approximate.</i>

The data used in this section was extracted from range of historical commercial trade directories and historical business listing information. The business addresses were geocoded using historical information and cannot be relied upon as some of the addresses no longer exist. From 2005, the historical business records in this section are considered more accurate as information was extracted from digital directories with geographic coordinate location information available. For more information on how these records were geocoded and the methodology used by Land Insight, contact us at info@landinsight.co.

Historical Industries or business activities deemed to be of negligible or lesser risk are not reported. Please note that any record not identified within this section (due to error or unforeseen omission) does not necessarily mean that the screened area is not potentially contaminated or free of any risks.



Section 5 Natural Hazards



5.1 Natural Hazards

Map 5.1 (500m Buffer)

Erosion Risk

Category	On the Property?	Within Buffer?
Erosion Hazard	Minor to moderate	Minor to moderate

Fire Hazard

Category	On the Property?	Within Buffer?
Bush Fire Prone Land (BLP)	Vegetation Buffer	Vegetation Buffer Vegetation Category 1 Vegetation Category 2
Fire History	-	Wildfire (1993-94) Wildfire (1951-52)

Flood Hazard

Category	On the Property?	Within Buffer?
Not identified	-	-



Tower Three, Level 24
300 Barangaroo Avenue
Sydney NSW 2000 Australia
02 8067 8870
info@liresources.com.au
www.liresrouces.com.au

A low-angle, upward-looking photograph of a suspension bridge at night. The bridge's steel lattice towers and cables are silhouetted against a deep blue twilight sky. In the background, a modern building with some lit windows is visible. A bright yellow rectangular box is positioned in the center-right of the image, containing the title and subtitle text.

Appendix A

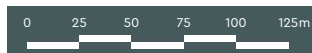
REPORT MAPS



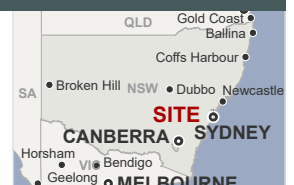
Subject Area and Sensitive Receptors

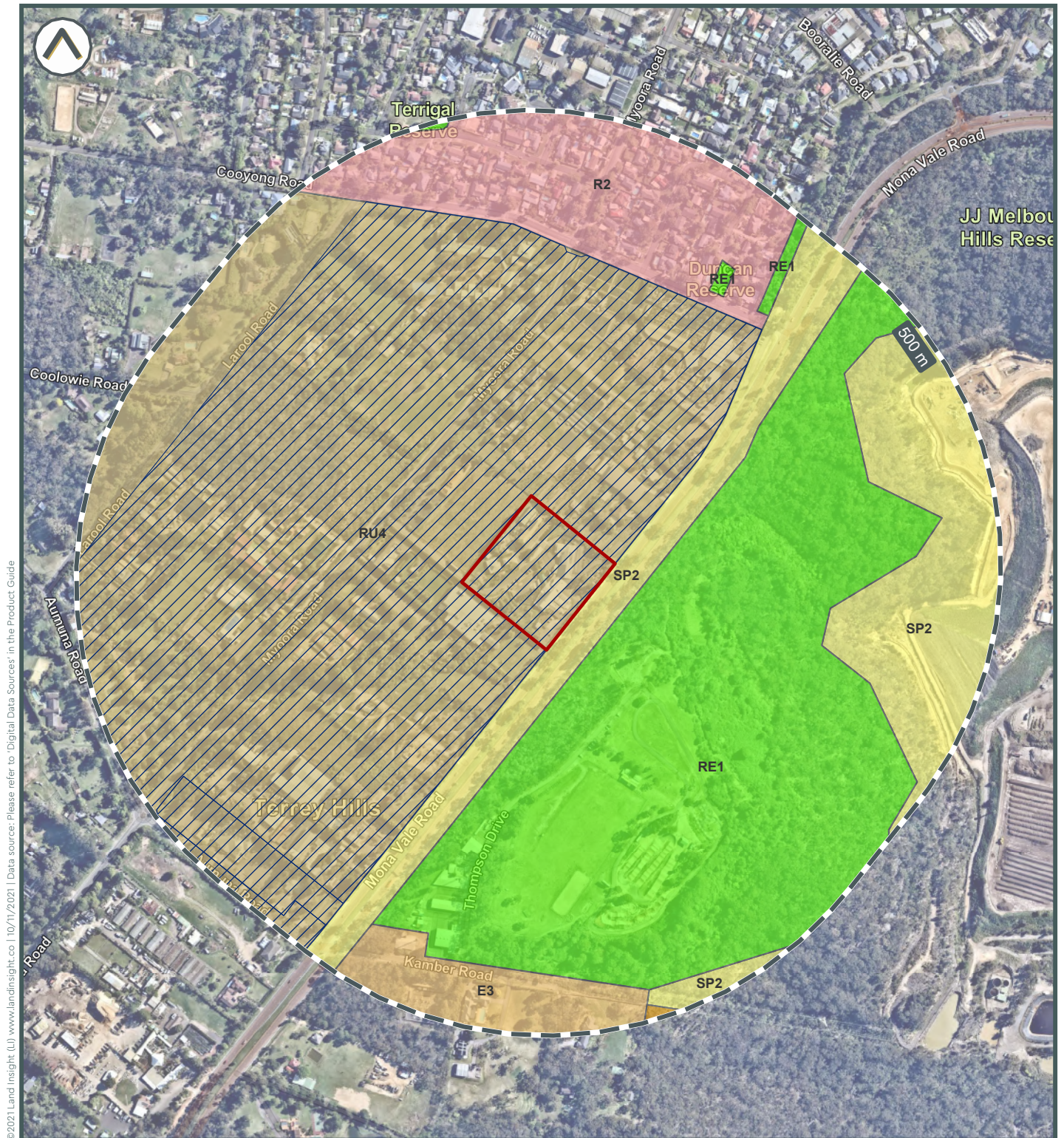



- Subject area
- Sensitive receptors
 - Places of Worship & Religious Organisations
- Sewer main
- Water main



Land Insight do no warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that this company shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.





 Subject area
 Additional Permitted Land Uses

Land Zoning

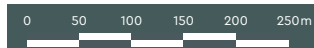
E1 | National Parks and Nature Reserves
 E3 | Environmental Management
 R2 | Low Density Residential

RE1 | Public Recreation

RU4 | Rural Small Holdings

SP2 | Special Purposes Zone - Infrastructure

0.215

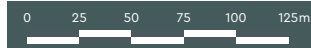




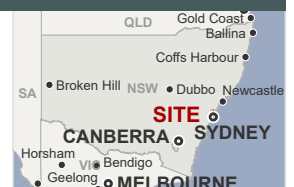
Heritage



- Subject area
- Heritage conservation Area (LEP)
- National Heritage List (NHL)
- State Heritage Register
- World Heritage Area (WHA)
- Commonwealth Heritage List (CHL)

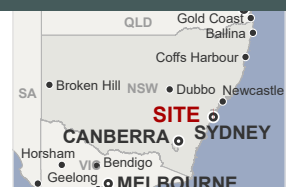
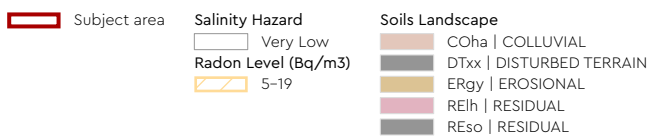
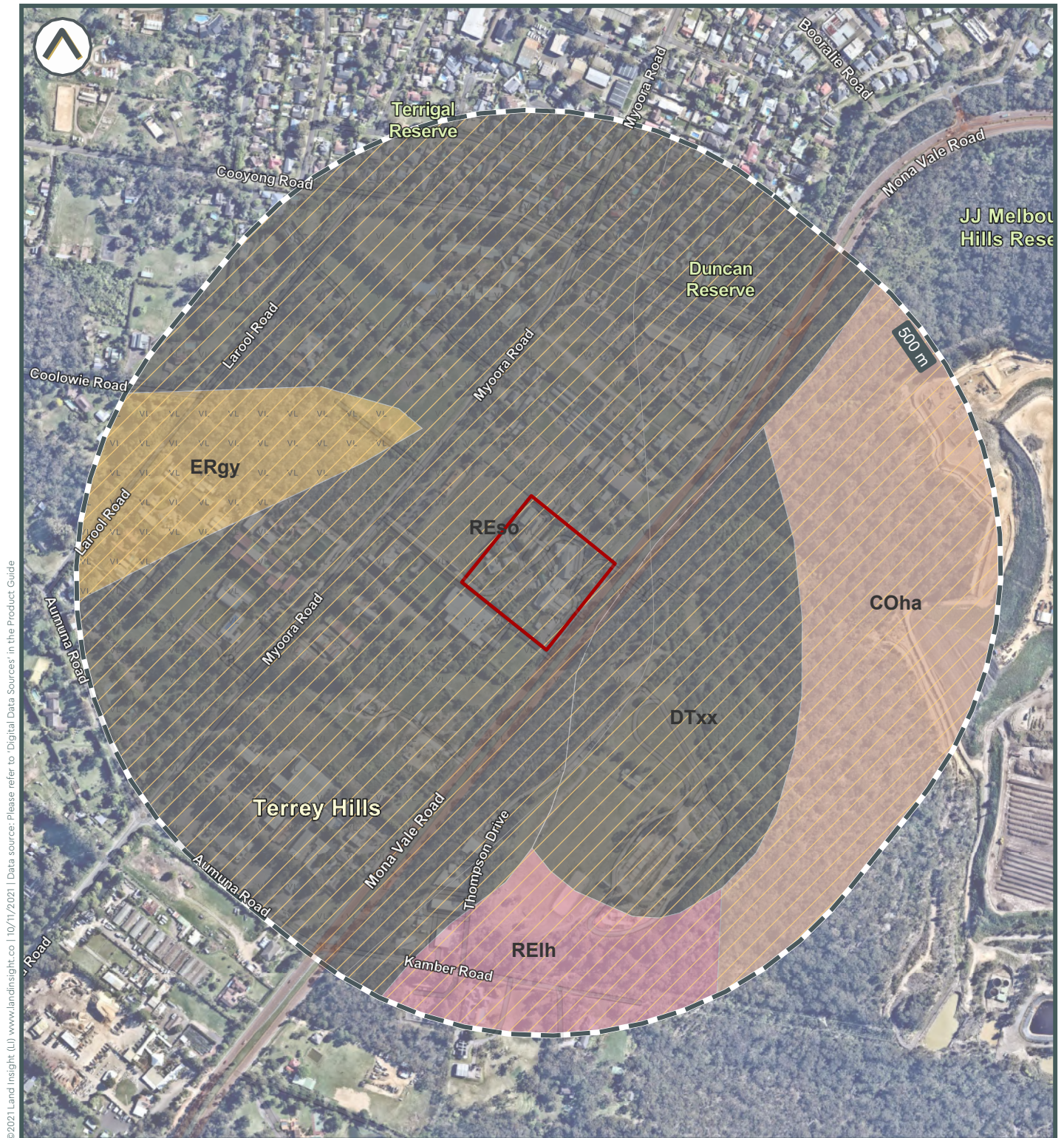


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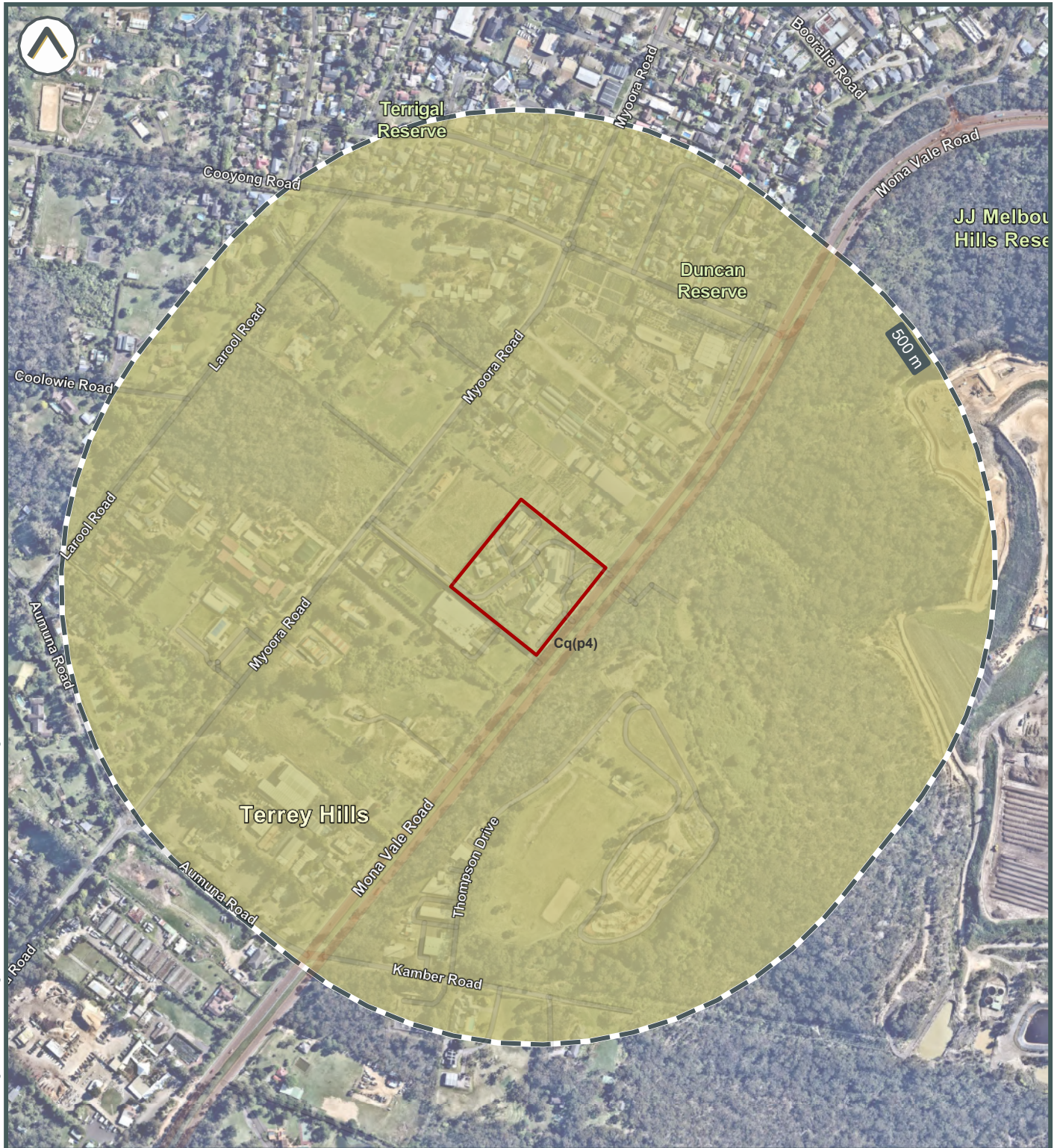



Soil Landscape and Salinity







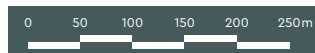
Acid Sulfate Soils



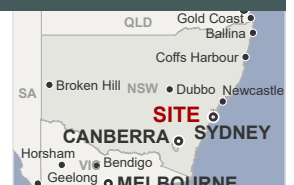
 Subject area

 ASRIS Atlas of Australian Sulfate Soils

 Cq(p4) | ASS in inland lakes, waterways, wetlands and riparian zones

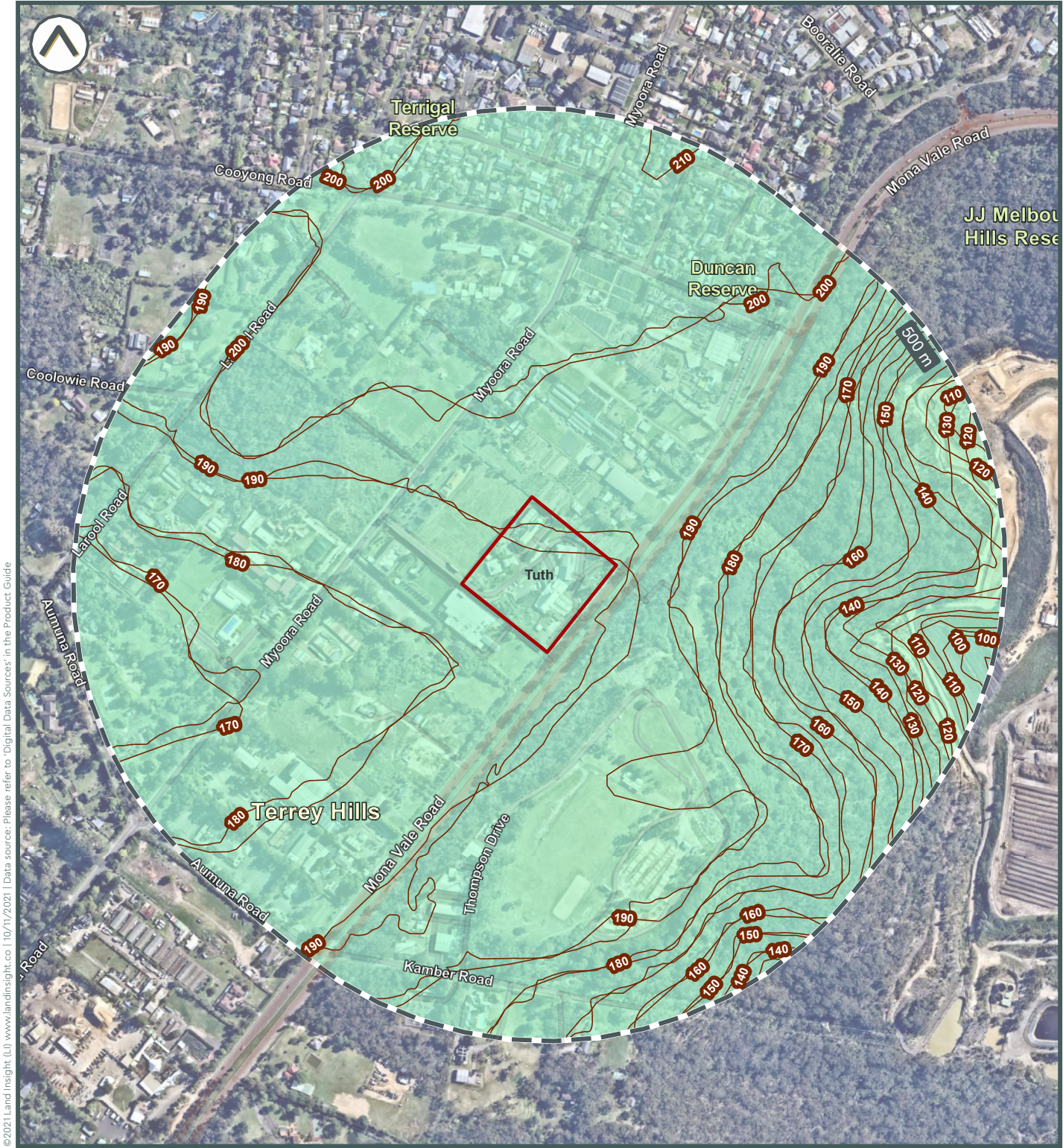


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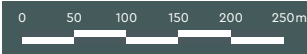


Geology and Topography

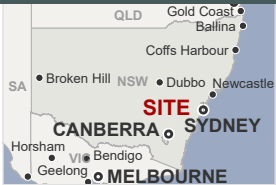


©2021 Land Insight (LI) www.landinsight.co | 10/11/2021 | Data source: Please refer to 'Digital Data Sources' in the Product Guide

- Subject area
- Topographic contour (m)
- PERMO-TRIASSIC BASINS
- Tuth

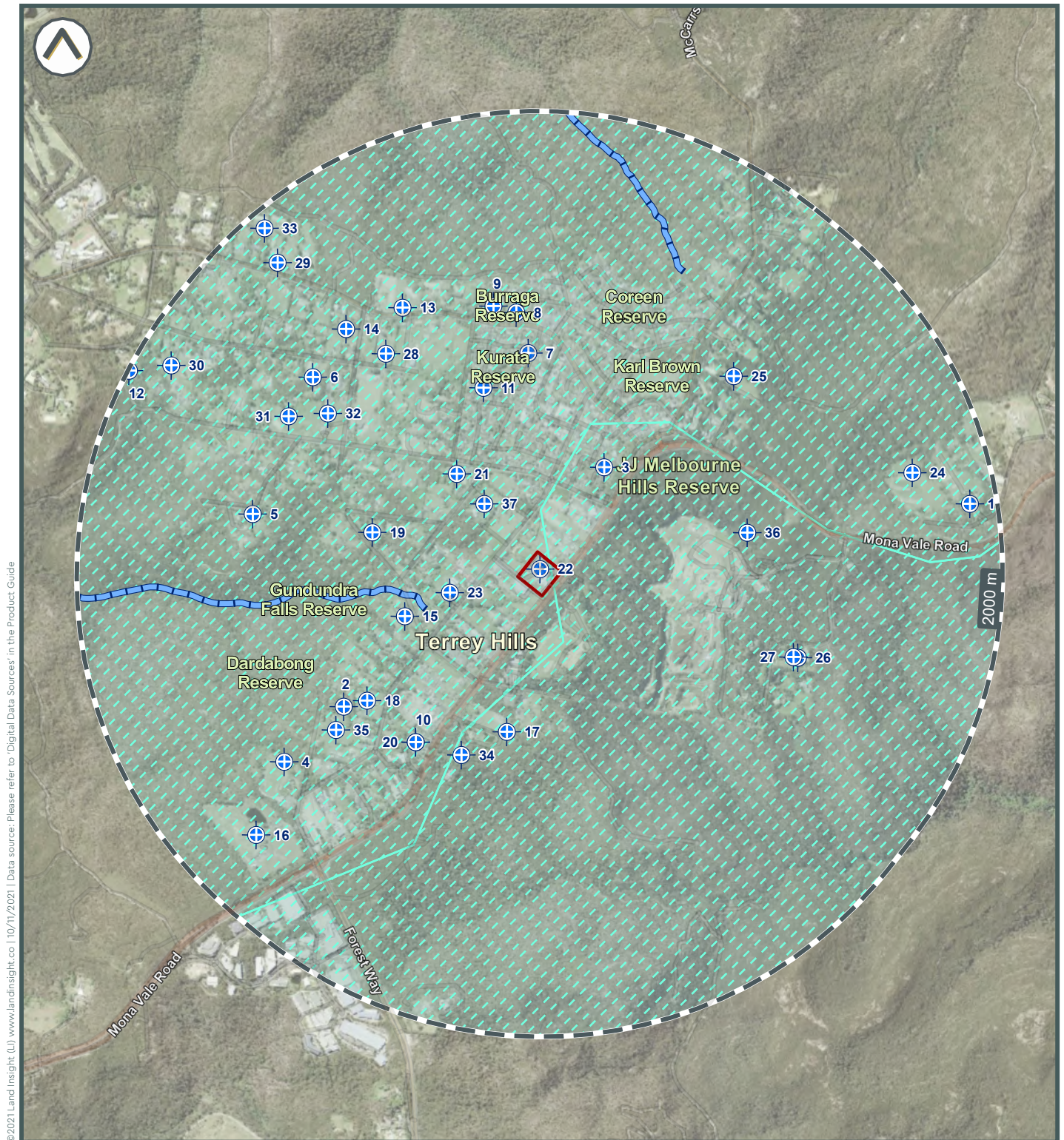


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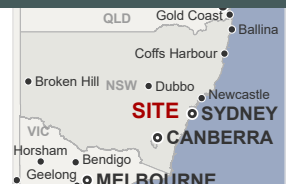
Hydrogeology and Groundwater Boreholes



- Subject area
- Groundwater bores
- UPSS Environmentally Sensitive Zone
- Protected Riparian Corridor
- Aquifer type
- Porous, extensive aquifers of low to moderate productivity

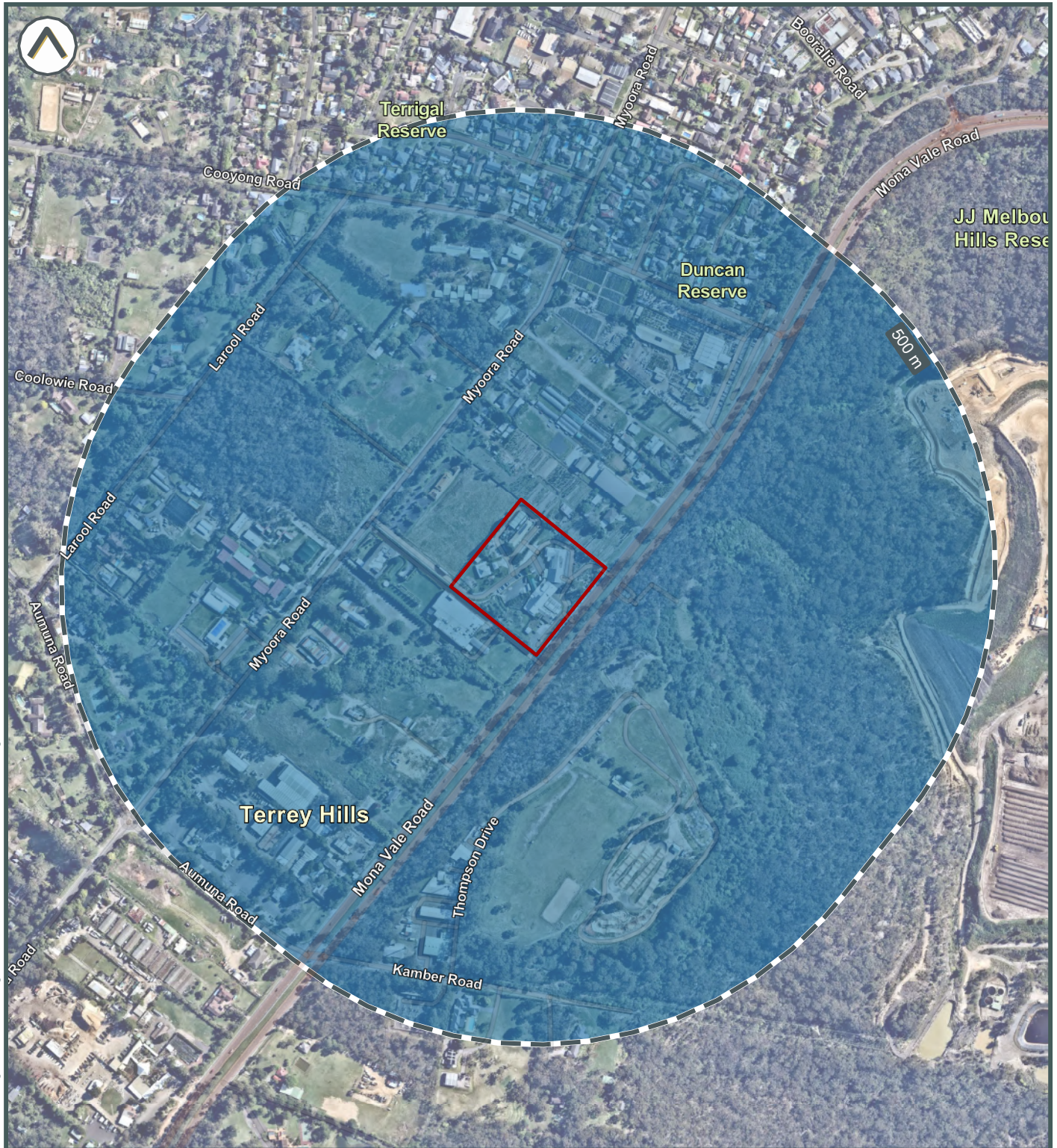


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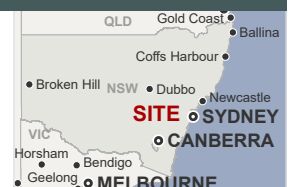
Hydrogeology and Other Boreholes



- Subject area
- Other borehole/monitoring well location
- Hydrogeologic Unit**
- Late Permian/Triassic sediments (porous media - consolidated)



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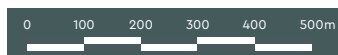


Contaminated Land Public Register

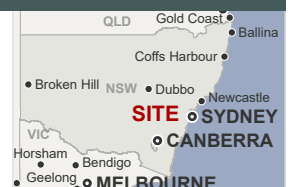


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-  Subject area
-  Contaminated Land Register (EPA)
-  Contaminated Land Record of Notices




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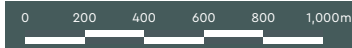




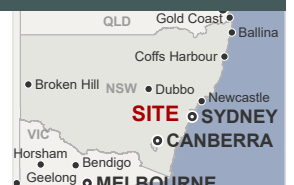
Sites Regulated by other Jurisdictional Body



 Subject area

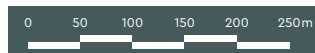
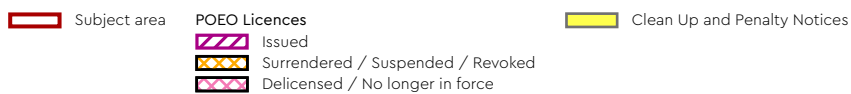


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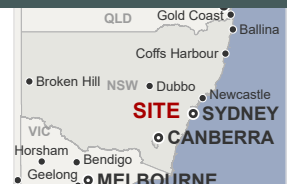




Licensing Under the POEO Act



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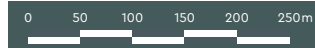




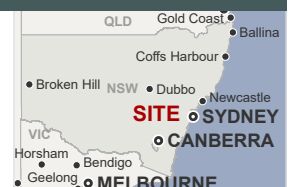
Former Potentially Contaminated Land



- | | | | | | |
|--|--------------|--|-------------------------------|--|-----------------------------|
| | Subject area | | Contaminated Legacy Areas | | Derelict Mines and Quarries |
| | | | James Hardie asbestos | | |
| | | | Historical (Legacy) Landfills | | |



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POTENTIALLY CONTAMINATED AREAS

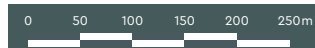
MAP 4.2

Current Potentially Contaminating Activities (PCAs)

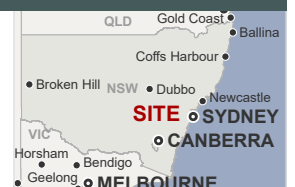


- | | | | |
|--------------------------|--------------------|-----------------------------|------------------------------|
| Subject area | Fire Rescue | Operating Mines | Substation/switching station |
| Cattle Dip Sites | Gas Terminals | Power Stations | Telephone Exchanges |
| Operational Dry Cleaners | Liquid Fuel Depots | Operational Petrol Stations | Wastewater Treatment Plants |
| Former Dry Cleaners | | Former Petrol Stations | Waste Management Facilities |

Data is current as when this report was created. However due to the turnover of business locations, some addresses may be former.



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Other Potentially Contaminating Activities



Commercial & Trade Directory



Other potentially contaminating activities

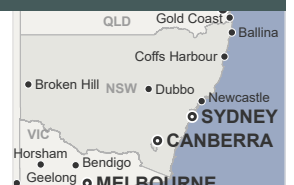


Former potentially contaminating activities

*This is not an exhaustive list of all tanks

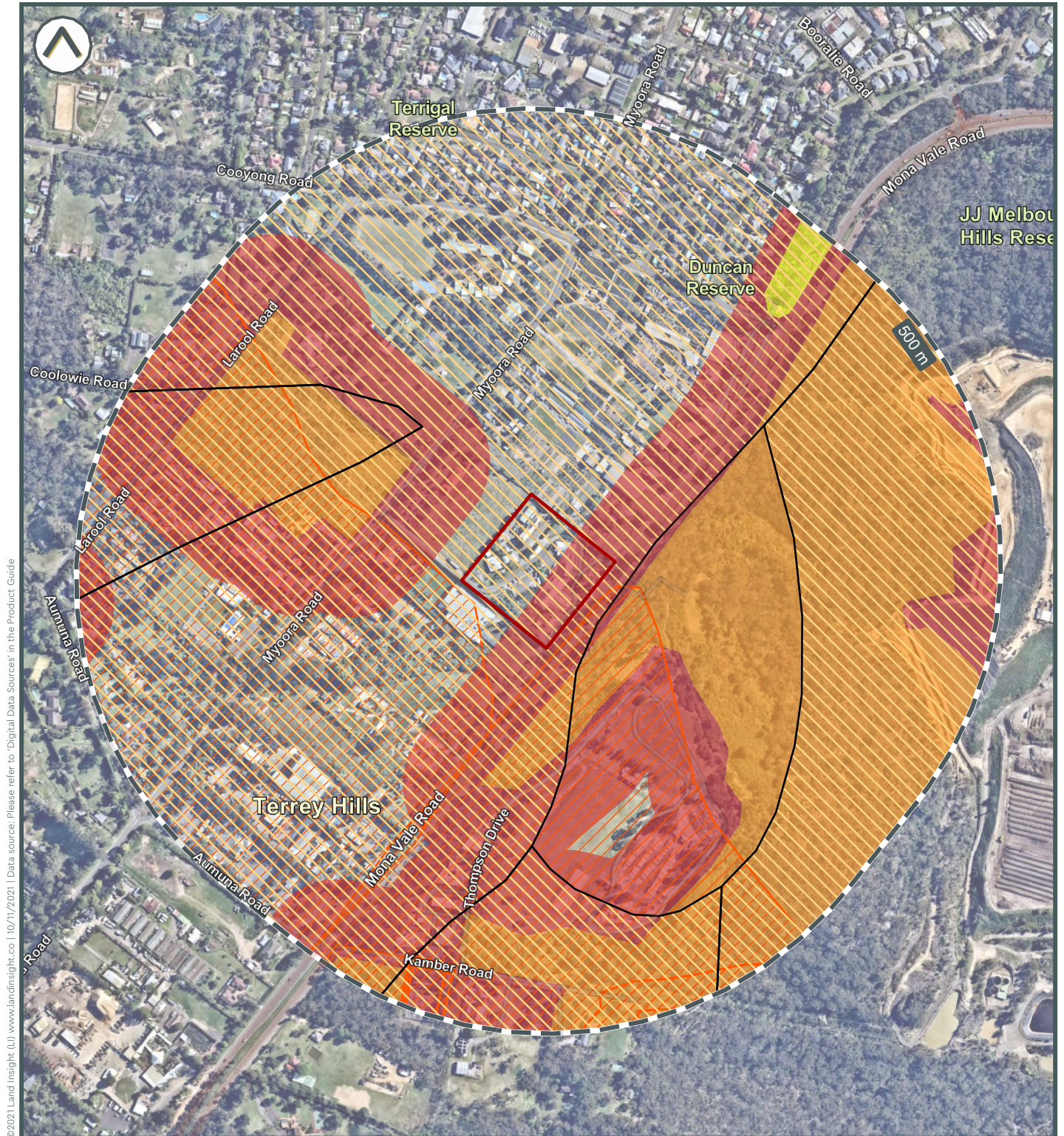


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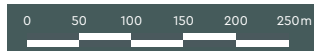




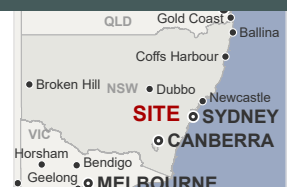
Fire and Flood Hazards



- | | | | |
|--------------|--------------|-----------------------------|-----------------------|
| Subject area | Fire History | Bush Fire Prone Land | Erosion Hazard |
| | | Vegetation Buffer | Minor to moderate |
| | | Vegetation Category 1 | |
| | | Vegetation Category 2 | |



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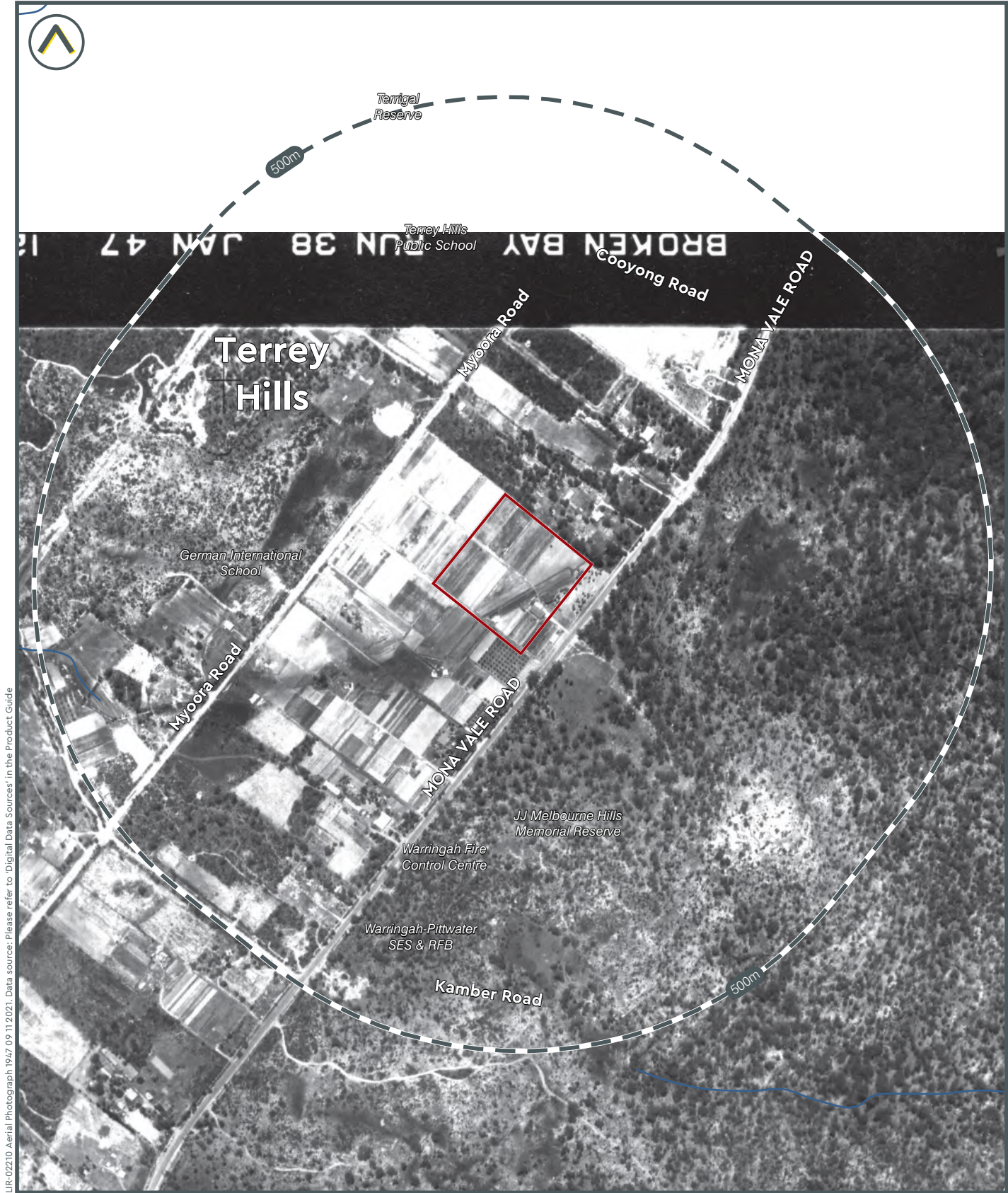


An aerial photograph of a vibrant turquoise river winding through a rugged, rocky landscape. The river is flanked by steep, rocky banks and dense, green and yellowish vegetation. The water's color is a striking contrast to the surrounding earthy tones. A yellow rectangular box is overlaid on the right side of the image, containing the text 'Appendix B' and 'HISTORIC IMAGERY'.

Appendix B

HISTORIC IMAGERY

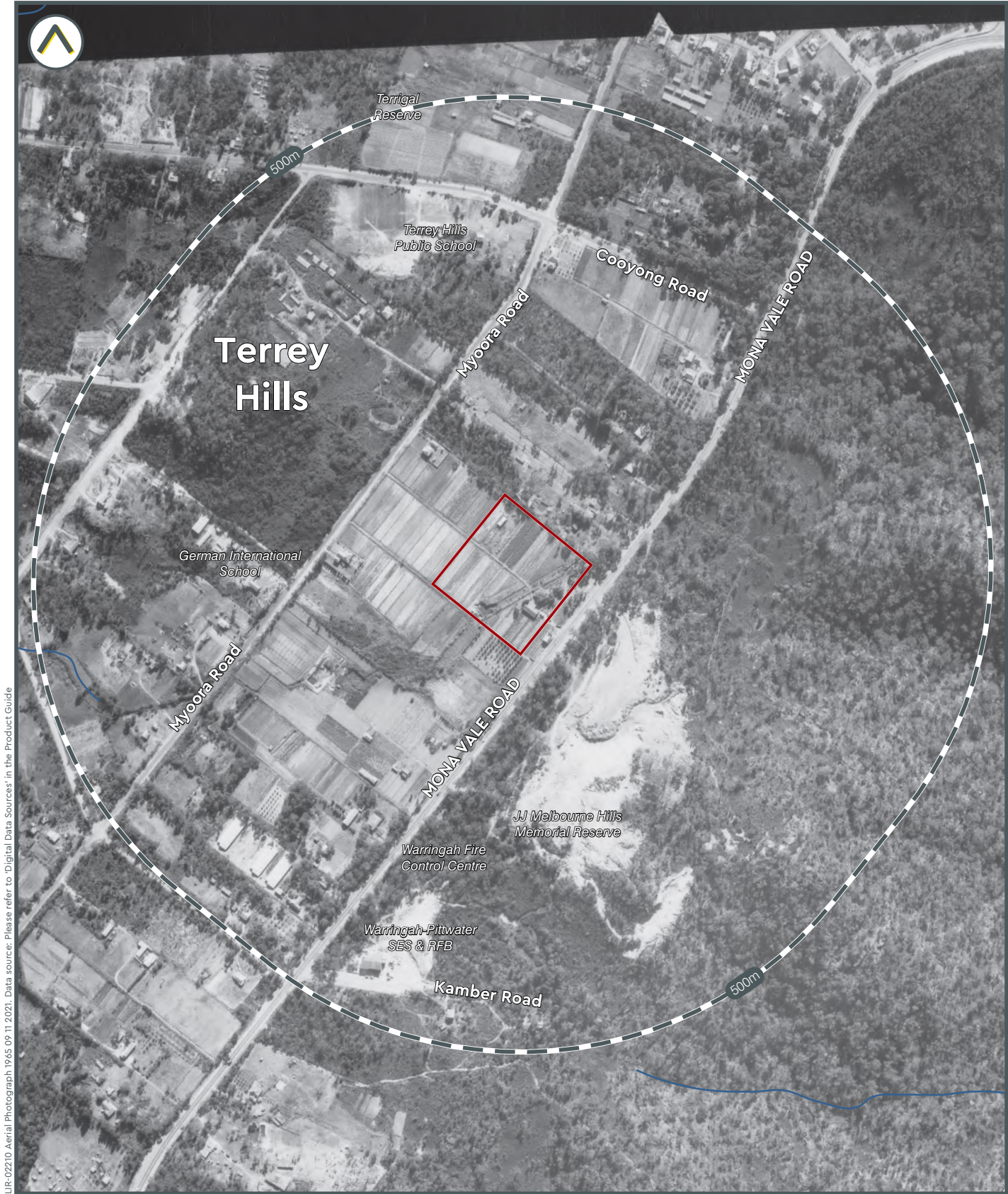
Historic Aerial Photograph - 1947



LIR-02210 Aerial Photograph 1947 09 11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide



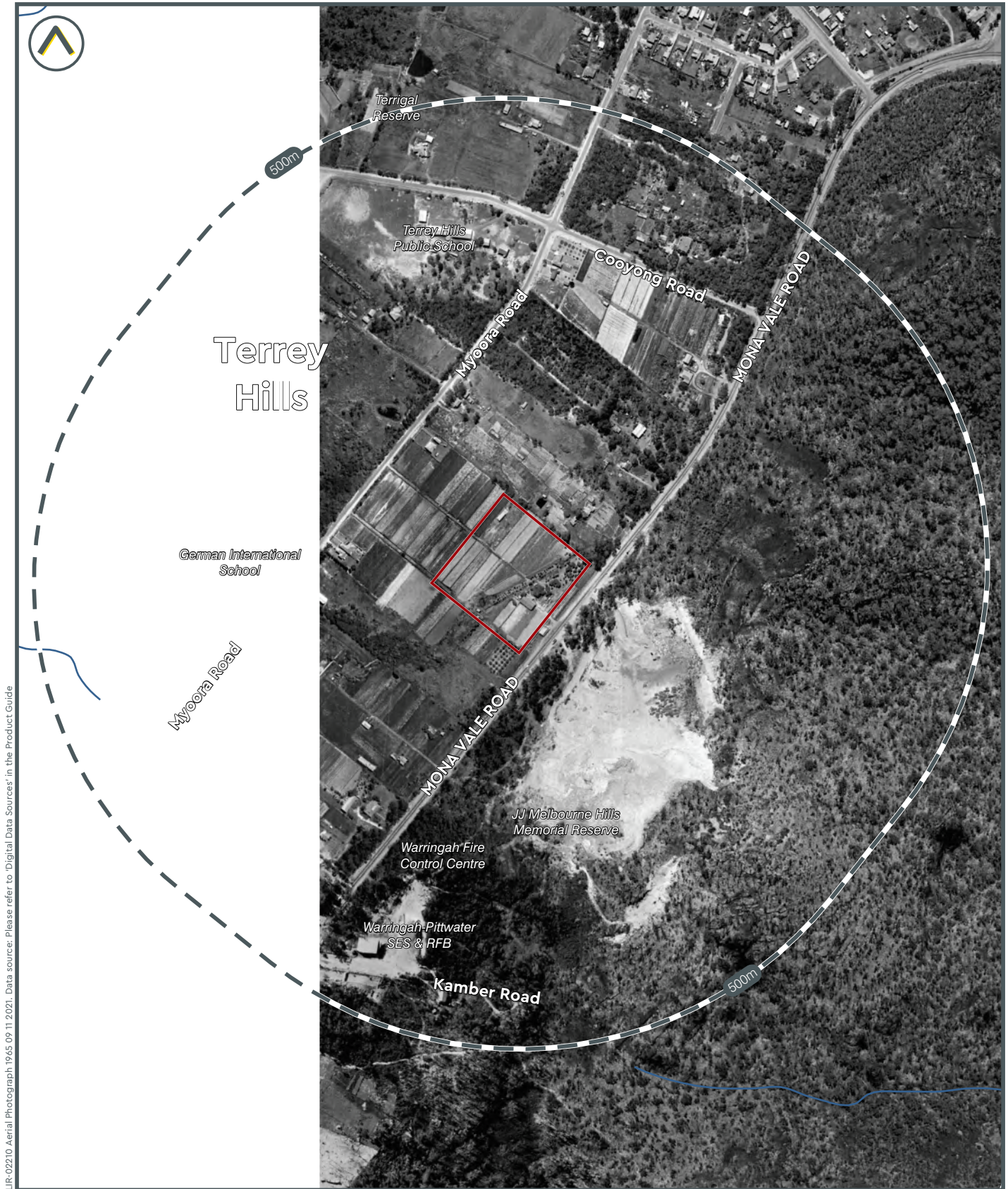
Historic Aerial Photograph - 1961



LIR-002210 Aerial Photograph 1965 09 11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide



Historic Aerial Photograph - 1965



LIR-02210 Aerial Photograph 1965 09 11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide

Subject area

0 200m

Historic Aerial Photograph - 1971



Subject area

0 200m

Historic Aerial Photograph - 1975



LIR-02210 Aerial Photograph 1975 09 11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide

Subject area

0 200m

Historic Aerial Photograph - 1978

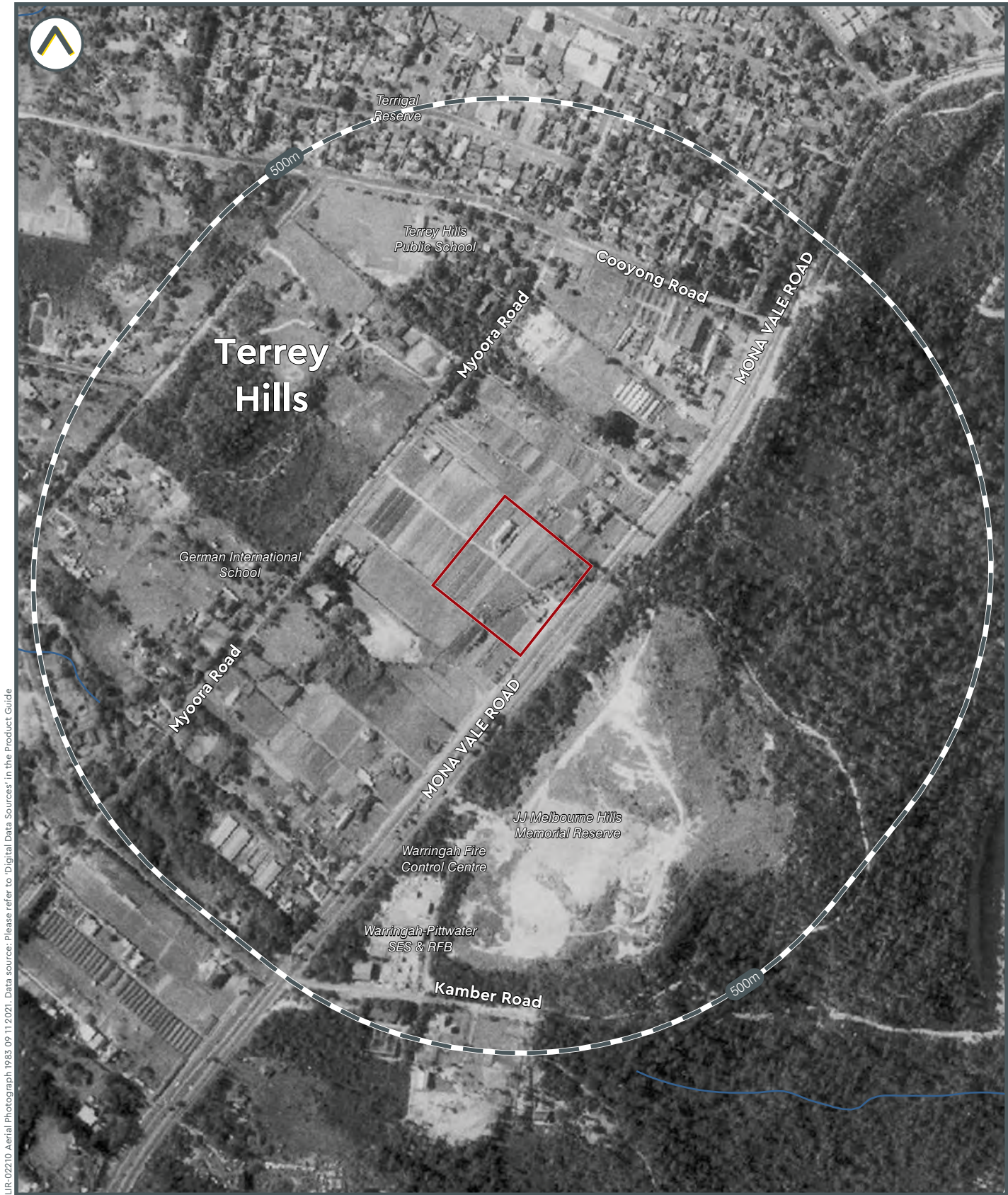


LIR-00210 Aerial Photograph 1978, 09 11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide

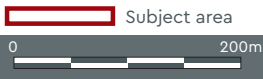
Subject area

0 200m

Historic Aerial Photograph - 1983



LIR-002210 Aerial Photograph 1983 09 11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide



Historic Aerial Photograph - 1986

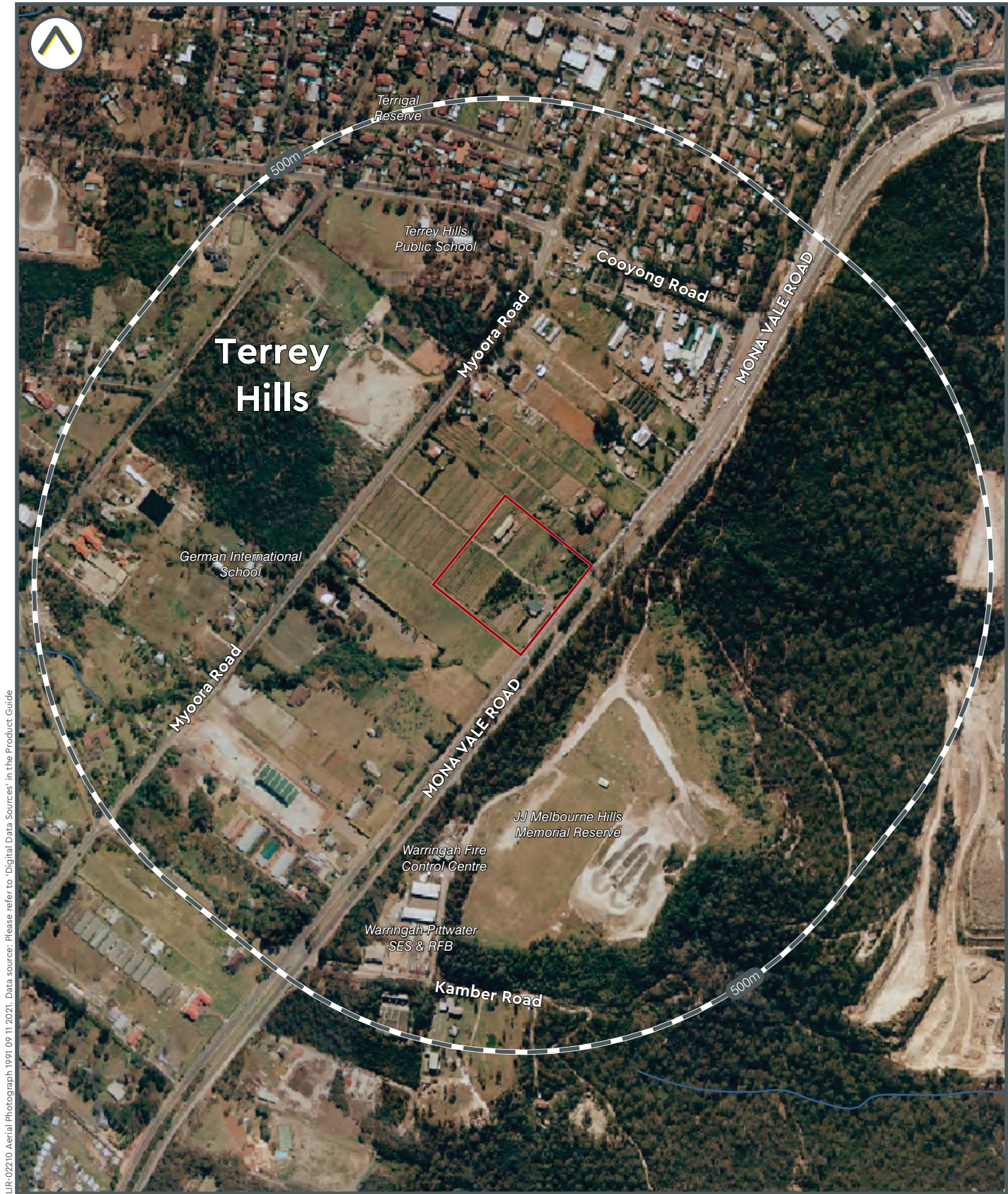


LIR-002210 Aerial Photograph 1986, 09 11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide

Subject area

0 200m

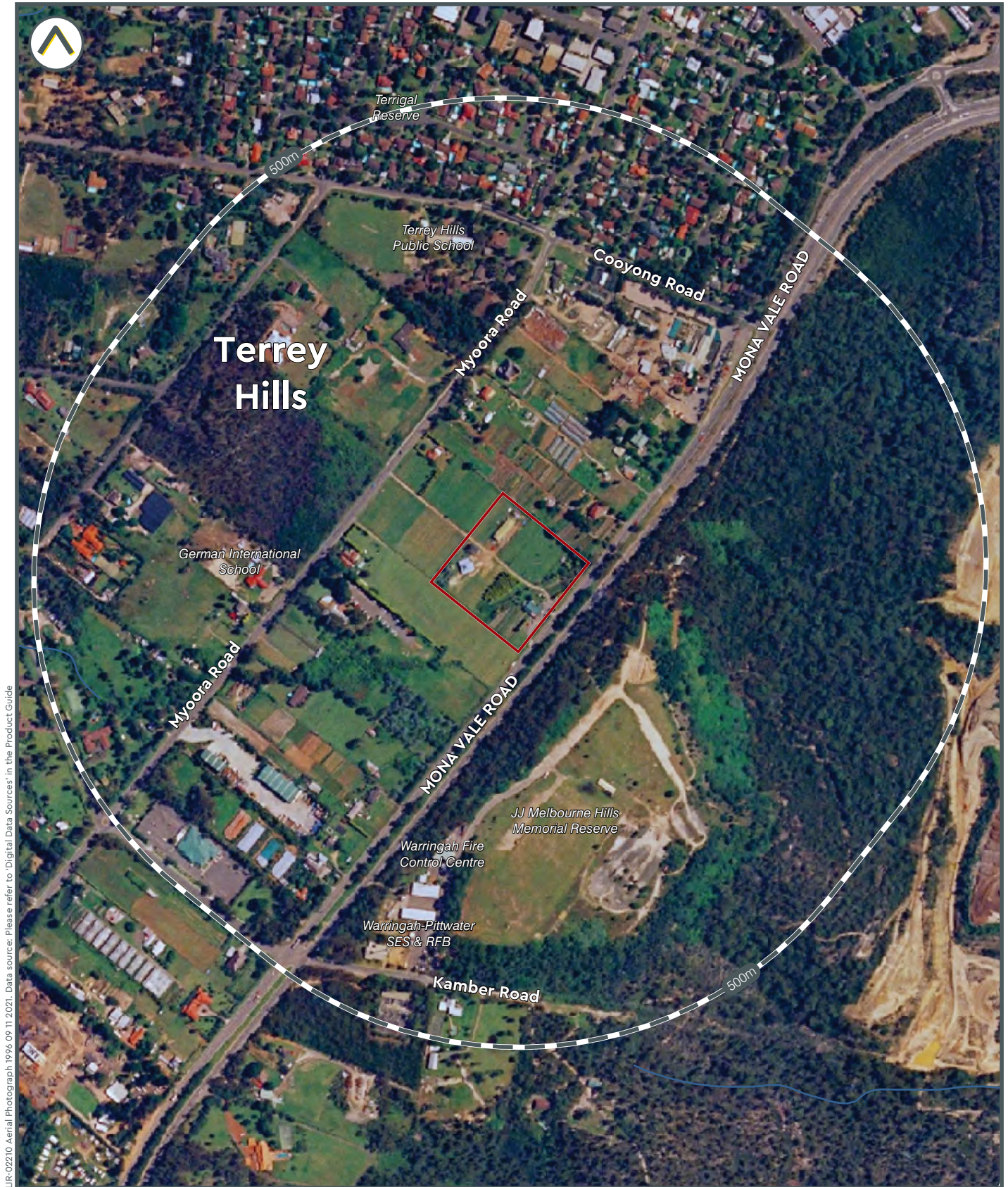
Historic Aerial Photograph - 1991



LIR-02210 Aerial Photograph 1991 09 11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide



Historic Aerial Photograph - 1996

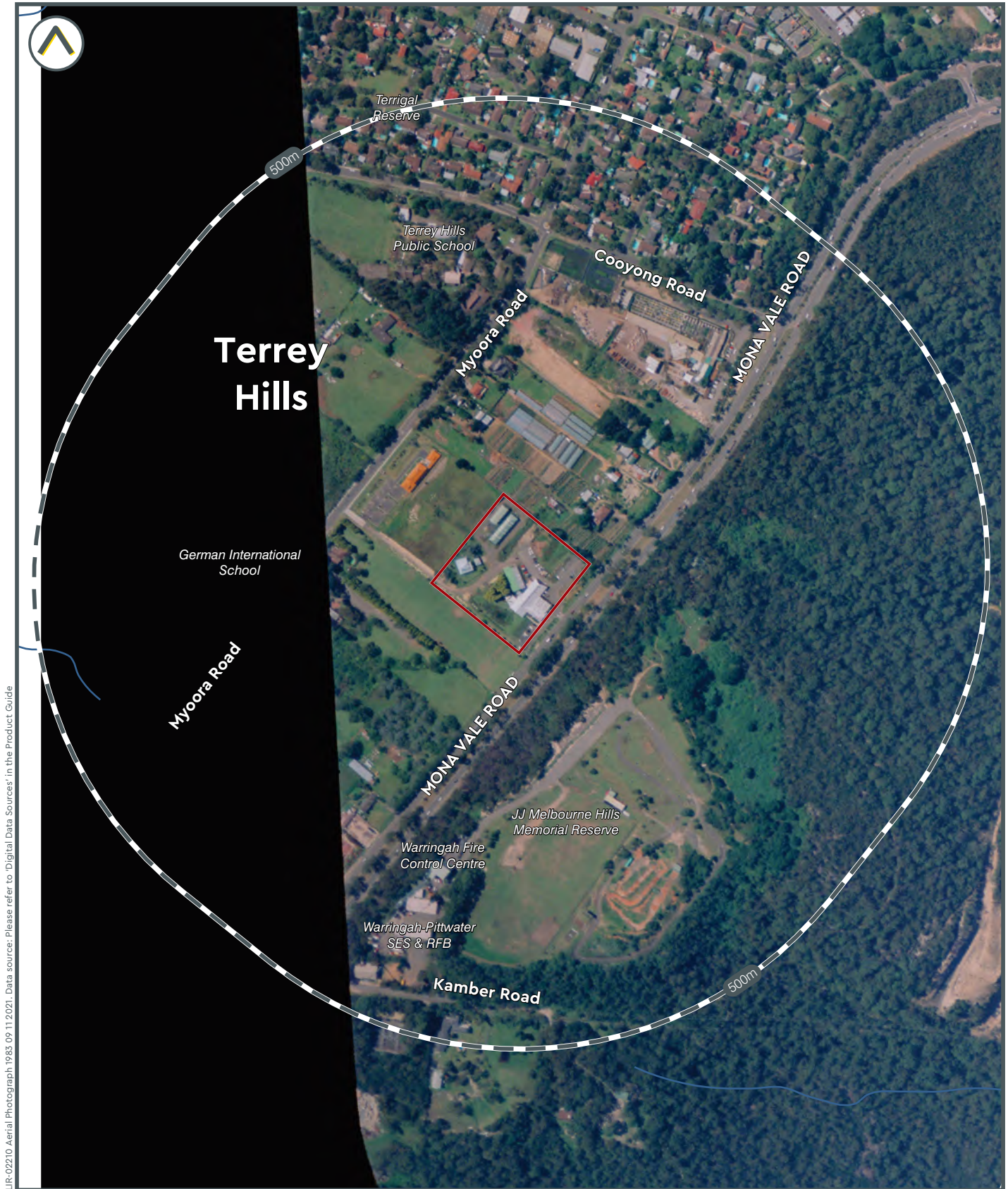


LIR-00210 Aerial Photograph 1996, 09 11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide

Subject area

0 200m

Historic Aerial Photograph - 2002



Subject area

0 200m

Historic Aerial Photograph - 2004

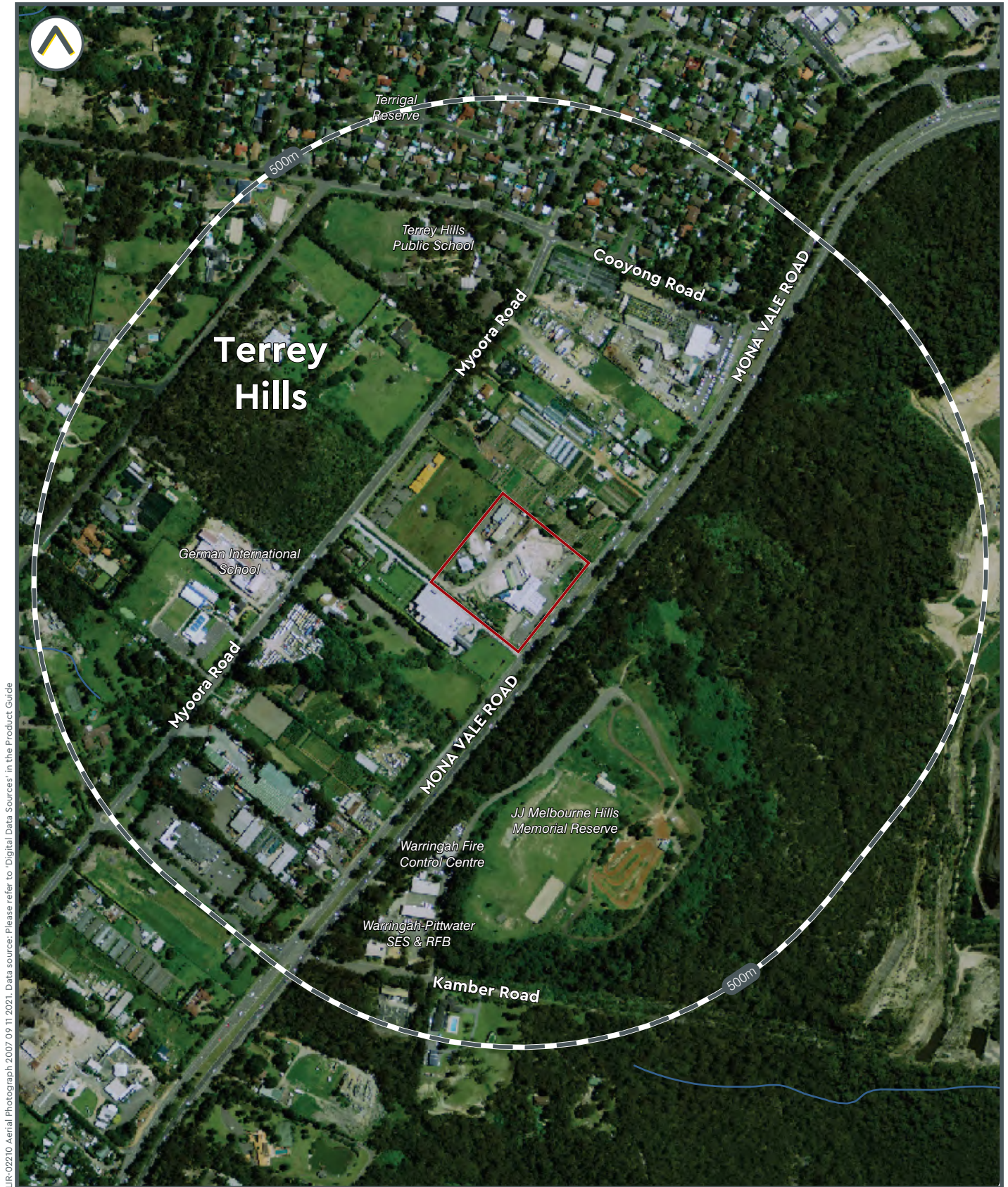


LIR-02210 Aerial Photograph 2004.09.11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide

Subject area

0 200m

Historic Aerial Photograph - 2007



LIR-00210 Aerial Photograph 2007 09 11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide

 Subject area

0 200m

Historic Aerial Photograph - 2009



LIR-00210 Aerial Photograph 2009 09 11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide

 Subject area

0 200m

Historic Aerial Photograph - 2012



LIR-002210 Aerial Photograph 2012 09 11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide

Subject area

0 200m

Historic Aerial Photograph - 2015



LIR-02210 Aerial Photograph 2009 09 11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide

 Subject area

0 200m

Historic Aerial Photograph - 2021



UUR-02210 Aerial Photograph 2021 09 11 2021. Data source: Please refer to 'Digital Data Sources' in the Product Guide

Subject area

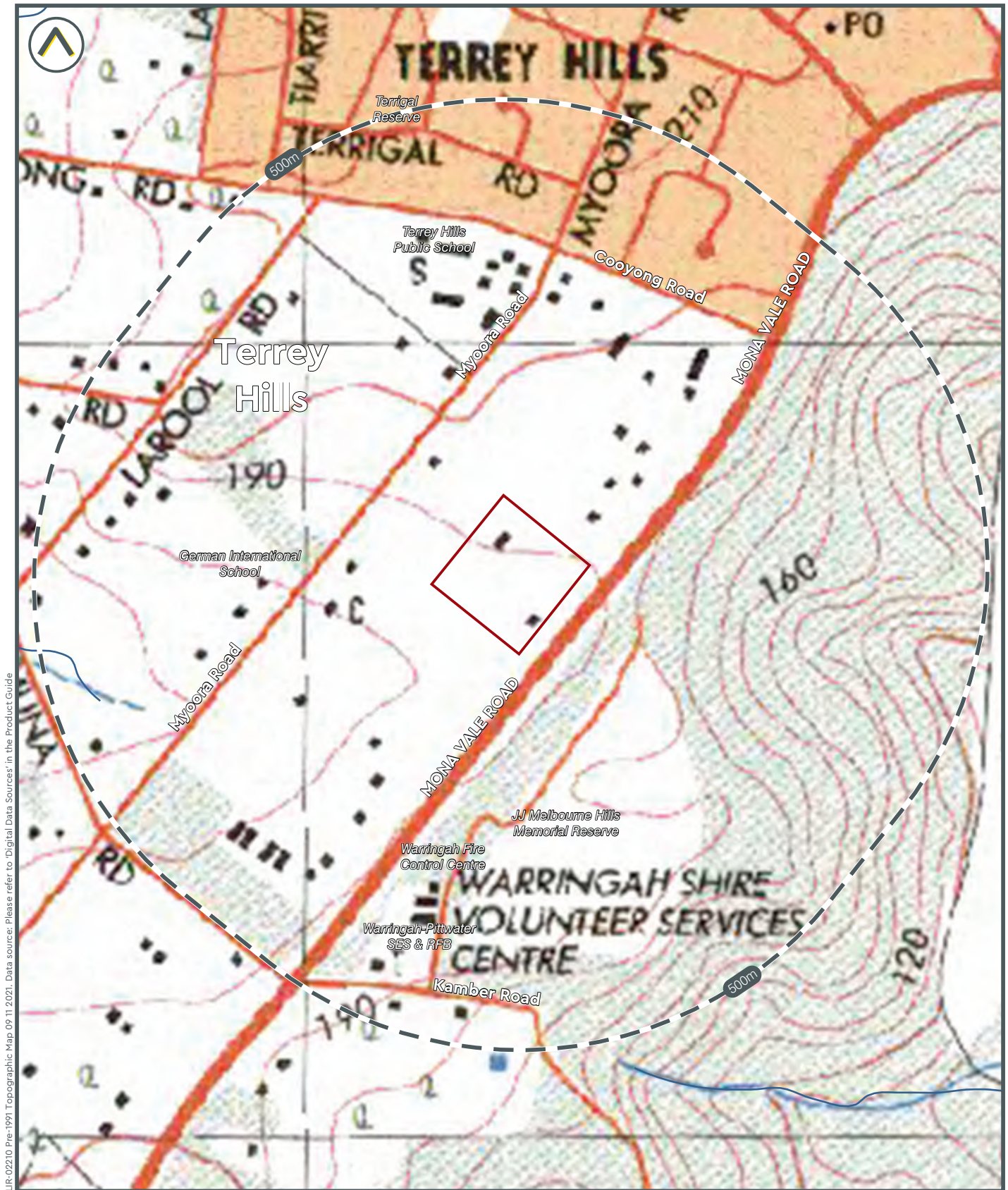
A horizontal scale bar with a dark grey background. It has a white '0' at the left end and a white '200m' at the right end. The bar is divided into four equal segments by three white vertical lines.



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1969-1991 1:25,000 Topographic Map (Hornsby 9130-4S)



Subject area

0 200m

ATTACHMENT B

Northern Beaches Council Planning Certificate – Part 2&5

Applicant: Geo-Logix Pty Ltd
Unit 2309/4 Daydream Street
WARRIEWOOD NSW 2102

Reference:
Date: 11/11/2021
Certificate No. ePLC2021/9086

Address of Property: 287 Mona Vale Road TERREY HILLS NSW 2084
Description of Property: Lot 1 DP 845094

Planning Certificate – Part 2

The following certificate is issued under the provisions of Section 10.7(2) of the *Environmental Planning and Assessment Act 1979* (as amended – formerly Section 149). The information applicable to the land is accurate as at the above date.

1. Relevant planning instruments and Development Control Plans

1.1 The name of each environmental planning instrument that applies to the carrying out of development on the land:

1.1a) Local Environmental Plan

Warringah Local Environmental Plan 2011

1.1b) State Environmental Planning Policies and Regional Environmental Plans

State Environmental Planning Policy 19 – Bushland in Urban Areas
State Environmental Planning Policy 21 – Caravan Parks
State Environmental Planning Policy 33 – Hazardous and Offensive Development
State Environmental Planning Policy 50 – Canal Estate Development
State Environmental Planning Policy 55 – Remediation of Land
State Environmental Planning Policy 64 – Advertising and Signage
State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State Significant Precincts) 2005

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Primary Production and Rural Development) 2019

State Environmental Planning Policy (Koala Habitat Protection) 2019

Sydney Regional Environmental Plan No 20-Hawkesbury-Nepean River (No 2-1997)

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan No 9-Extractive Industry (No 2-1995)

1.2 Draft Environmental Planning Instruments

The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been subject of community consultation or on public exhibition under the Act (unless the Secretary has notified the Council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

1.2 a) Draft State Environmental Planning Policies

Draft State Environmental Planning Policy (Environment)

Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019

Amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Draft Remediation of Land State Environmental Planning Policy (intended to replace State Environmental Planning Policy 55)

1.2 b) Draft Local Environmental Plans

Planning Proposal - Manly Warringah War Memorial State Park (Wakehurst Parkway, Allambie Heights)

Applies to: Crown Land: Lots 76 and 77 DP 504237; Lot 2 DP 710023.

Outline: Proposed amendment to WLEP 2011 to:

- Amend Land Zoning Map to change the zoning from R2 (Low Density Residential) to RE1 (Public Recreation) for Lots 76 and 77 DP 504237, Lot 2 DP 710023.
- Amend Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.

Council resolution: 28 May 2019, 29 September 2020

Gateway Determination: 21 February 2021

1.3 Development Control Plans

The name of each development control plan that applies to the carrying out of development on the land:

Warringah Development Control Plan 2011

2. Zoning and land use under relevant Local Environmental Plans

For each environmental planning instrument or proposed instrument referred to in Clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

2.1 Zoning and land use under relevant Local Environmental Plans

2.1 (a), (b), (c) & (d)

The following information identifies the purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all zones (however described) affecting the land to which the relevant Local Environmental Plan applies.

EXTRACT FROM WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible 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.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- 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.
- To ensure low intensity of land use other than land uses that are primary industry enterprises.
- To maintain the rural and scenic character of the land.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Extensive agriculture; Farm buildings; Home businesses; Home industries; Intensive plant agriculture; Landscaping material supplies; Plant nurseries; Recreation areas; Respite day care centres; Roads; Roadside stalls; Rural supplies; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Additional permitted uses

Additional permitted uses, if any, for which development is permissible with development consent pursuant to Clause 2.5 and Schedule 1 of the relevant Local Environmental Plan:

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 8 Aperta Place, Beacon Hill

(1) This clause applies to land at 8 Aperta Place, Beacon Hill, being Lot 7, DP 236335, shown as "Area 1" on the Additional Permitted Uses Map.

(2) Development for the purposes of 1 dwelling house is permitted with consent (provided that the design and construction of the development has regard to the topography, potential slip and sensitive visual character of the land as well as potential loss of views to adjoining or nearby properties).

2 Use of certain land at 5 Hews Parade, Belrose

(1) This clause applies to land at 5 Hews Parade, Belrose, being Lot 6, DP 834036, shown as “Area 2” on the Additional Permitted Uses Map.

(2) Development for the purposes of pubs is permitted with consent.

3 Use of certain land at corner of Mona Vale Road and Forest Way, Belrose

(1) This clause applies to land at the corner of Mona Vale Road and Forest Way, Belrose, shown as “Area 3” on the Additional Permitted Uses Map.

(2) Development for the purposes of bulky goods premises, business premises (with a gross floor area not exceeding 2,500m²), function centres, hotel or motel accommodation, pubs and shops (with a gross floor area not exceeding 2,500m²) is permitted with consent.

(3) Hotel or motel accommodation and pubs referred to in subclause (2) must include at least one room for the holding of conferences, functions and similar events.

4 Use of certain land in the vicinity of Ashworth and Haigh Avenues, Belrose and McBrien Place, Davidson and John Oxley Drive, Frenchs Forest

(1) This clause applies to land in the vicinity of Ashworth and Haigh Avenues, Belrose and McBrien Place, Davidson and John Oxley Drive, Frenchs Forest, shown as “Area 4A”, “Area 4B” or “Area 4C” on the Additional Permitted Uses Map.

(2) Development for the purposes of 1 dwelling house on each lot is permitted with consent (provided that each dwelling is constructed having regard to the constraints, potential instability and visual sensitivity of the land and any impact on the water quality of Middle Harbour).

5 Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale

(1) This clause applies to land in the vicinity of Pittwater Road and Roger Street, Brookvale, shown as “Area 5” on the Additional Permitted Uses Map.

(2) Development for the following purposes is permitted with consent:

(a) office premises,

(b) retail premises,

(c) shop top housing.

(3) Consent must not be granted under this clause to development for the purposes of shop top housing unless the consent authority is satisfied that the development will not have a significant adverse impact on any adjoining land in Zone IN1 General Industrial.

6 Use of certain land at Cottage Point

(1) This clause applies to land at Cottage Point, being Lot 1, DP 930591, Lot 1, DP 922754, Lot 3, DP 929708 and Lot 4, DP 929708, shown as “Area 6” on the Additional Permitted Uses Map.

(2) Development for the purposes of kiosks, marinas, neighbourhood shops and registered clubs is permitted with consent.

7 Use of certain land at 2 Anderson Place, Cottage Point

(1) This clause applies to land at 2 Anderson Place, Cottage Point, being Lot 23, DP 819003, shown as “Area 7” on the Additional Permitted Uses Map.

(2) Development for the purposes of restaurants or cafes is permitted with consent.

8 Use of certain land at 30 Campbell Avenue, Cromer

(1) This clause applies to land at 30 Campbell Avenue, Cromer, being Lot 1, DP 227969, shown as “Area 8” on the Additional Permitted Uses Map.

(2) Development for the purposes of pubs is permitted with consent.

9 Use of certain land at Pittwater Road, Dee Why

(1) This clause applies to land at Pittwater Road, Dee Why, being Lot 1, DP 706230, shown as “Area 9” on the Additional Permitted Uses Map.

(2) Development for the purposes of recreational facilities (indoor) (provided that the facility operates in conjunction with a registered club) and registered clubs is permitted with consent.

10 Use of certain land at Melwood Avenue, Forestville

(1) This clause applies to land at Melwood Avenue, Forestville, being Lot 2589, DP 752038 and Lot 31, DP 366454, shown as “Area 10” on the Additional Permitted Uses Map.

(2) Development for the purposes of registered clubs is permitted with consent.

11 Use of certain land at corner of Warringah Road and Cook Street, Forestville and land on Pittwater Road, North Manly

(1) This clause applies to land at corner of Warringah Road and Cook Street, Forestville and land on Pittwater Road, North Manly, shown as “Area 11A” or “Area 11B” on the Additional Permitted Uses Map.

(2) Development for the purposes of industrial retail outlets, service stations, hardware and building supplies, vehicle body repair workshops, vehicle repair stations and wholesale supplies is permitted with consent.

12 Use of certain land at 39 Frenchs Forest Road East, Frenchs Forest

(1) This clause applies to land at 39 Frenchs Forest Road East, Frenchs Forest, being Lot X, DP 405206, shown as “Area 12” on the Additional Permitted Uses Map.

(2) Development for the purposes of pubs is permitted with consent.

13 Use of certain land at Lumsdaine Drive, Freshwater

(1) This clause applies to land at Lumsdaine Drive, Freshwater, being Lot 100, DP 1136132 and Lot 2, DP 579837, shown as “Area 13” on the Additional Permitted Uses Map.

(2) Development for the purposes of recreation facilities (indoor), recreation facilities (outdoor) (but only if the facility, whether indoor or outdoor, operates in conjunction with a registered club) and registered clubs is permitted with consent.

14 Use of certain land at 29 Moore Road, Freshwater

(1) This clause applies to land at 29 Moore Road, Freshwater, being Lots 1-5, Section 1, DP

7022 and Lot 13, Section 1, DP 7022, shown as “Area 14” on the Additional Permitted Uses Map.

(2) Development for the purposes of pubs is permitted with consent.

15 Use of certain land at 80 Undercliff Road, Freshwater

(1) This clause applies to land at 80 Undercliff Road, Freshwater, being Lot B, DP 329073, shown as “Area 15” on the Additional Permitted Uses Map.

(2) Development for the purposes of restaurants or cafes is permitted with consent.

16 Use of certain land at 1260 Pittwater Road, Narrabeen

(1) This clause applies to land at 1260 Pittwater Road, Narrabeen, being Lots 1 and 2, DP 1094308, shown as “Area 16” on the Additional Permitted Uses Map.

(2) Development for the purposes of hotel or motel accommodation is permitted with consent.

17 Use of certain land at 2 Aumuna Road, Terrey Hills

(1) This clause applies to land at 2 Aumuna Road, Terrey Hills, being Lot 6, DP 739456, shown as “Area 17” on the Additional Permitted Uses Map.

(2) Development for the purposes of educational establishments, garden centres, hospitals, hotel or motel accommodation, places of public worship, pubs, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), registered clubs and restaurants or cafes is permitted with consent.

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

(1) 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.

(2) 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.

19 Use of certain land in Zone RE1

(1) This clause applies to the following land:

(a) land at Collaroy, known as Long Reef Golf Club, being Lot 1, DP 1144187, shown as “Area 19A” on the Additional Permitted Uses Map,

(b) land at Manly Vale, known as Manly Vale Bowling Club, being part of Lot 2743, DP 752038, shown as “Area 19B” on that map,

(c) land at North Balgowlah, known as Wakehurst Golf Club, being Lot 2730, DP 752038, shown as “Area 19C” on that map,

(d) land at North Manly, known as North Manly Bowling Club, being part of Lot 2743, DP 752038, shown as “Area 19D” on that map.

(2) Development for the purposes of registered clubs is permitted with consent if the registered club is incidental or ancillary to a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

20 Use of certain land at Bundaleer Street, Belrose

(1) This clause applies to land at Bundaleer Street, Belrose, being Lot 2, DP 1144741, shown as “Area 20” on the Additional Permitted Uses Map.

(2) Development for the purposes of recreation facilities (outdoor) is permitted with consent.

21 Use of certain land at 184 Wyndora Avenue, Freshwater

(1) This clause applies to land at 184 Wyndora Avenue, Freshwater, being Lots 1, 2, 33, 34 and 35, DP 7912, shown as “Area 21” on the Additional Permitted Uses Map.

(2) Subdivision of the land and development for the purposes of attached dwellings is permitted with consent.

(3) Development consent may only be granted under this clause to a single development application that provides for:

(a) the subdivision of the land to create not more than 14 lots, and

(b) the erection of not more than 14 attached dwellings.

(4) Consent must not be granted under this clause to development for the purposes of an attached dwelling unless the consent authority is satisfied that the proposed development includes a single basement car park providing parking spaces for each of the dwellings erected on the land to which this clause applies.

22 Use of certain land at 632 and 634 Warringah Road, Forestville

(1) This clause applies to land at 632 and 634 Warringah Road, Forestville, being Lots 9 and 8, DP 25052, shown as “Area 22” on the Additional Permitted Uses Map.

(2) Development for the purposes of:

(a) a service station, and

(b) a neighbourhood shop (with a retail floor area not exceeding 240m²), is permitted with consent if the land is used for both purposes, concurrently.

23 Use of certain land at 729-731 Pittwater Road, Dee Why

(1) This clause applies to land at 729-731 Pittwater Road, Dee Why, being Lot CP, SP 13436, shown as “Area 23” on the Additional Permitted Uses Map.

(2) Development for the purposes of medical centres and office premises is permitted with consent.

(e) Minimum land dimensions

The *Warringah Local Environmental Plan 2011* contains no development standard that fixes minimum land dimensions for the erection of a dwelling house on the land.

(f) Critical habitat

The land does not include or comprise critical habitat.

(g) Conservation areas

The land is not in a heritage conservation area.

(h) Item of environmental heritage

The land does not contain an item of environmental heritage.

2.2 Draft Local Environmental Plan - if any

For any proposed changes to zoning and land use, see Part 1.2 b)

Please contact Council's Strategic and Place Planning unit with enquiries on 1300 434 434.

2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* does not apply to the land.

3. Complying Development

The extent to which the land is land on which complying development may or may not be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

a) Housing Code

Complying Development under the Housing Code may be carried out on all of the land.

b) Rural Housing Code

Complying Development under the Rural Housing Code may be carried out on all of the land.

c) Low Rise Housing Diversity Code

Complying Development under the Low Rise Housing Diversity Code may be carried out on all of the land.

d) Greenfield Housing Code

Complying Development under the Greenfield Housing Code may not be carried out on all of the land.

e) Housing Alterations Code

Complying Development under the Housing Alterations Code may be carried out on all of the land.

f) General Development Code

Complying Development under the General Development Code may be carried out on all of the land.

g) Commercial and Industrial Alterations Code

Complying Development under the Commercial and Industrial Alterations Code may be carried out on all of the land.

h) Commercial and Industrial (New Buildings and Additions) Code

Complying Development under the Commercial and Industrial (New Buildings and Additions) Code may be carried out on all of the land.

i) Container Recycling Facilities Code

Complying Development under the Container Recycling Facilities Code may be carried out on all of the land.

j) Subdivisions Code

Complying Development under the Subdivisions Code may be carried out on all of the land.

k) Demolition Code

Complying Development under the Demolition Code may be carried out on all of the land.

l) Fire Safety Code

Complying Development under the Fire Safety Code may be carried out on all of the land.

m) Inland Code

Complying Development under the Inland Code does not apply to the land.

Note: Pursuant to clause 3D.1 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Inland Code only applies to 'inland local government areas'. Northern Beaches local government area is not defined as an 'inland local government area' by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

4, 4A (Repealed)

4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

The owner of the land (or any previous owner) has not consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

5. Mine Subsidence

The land has not been proclaimed to be a mine Subsidence (Mine Subsidence) district within the meaning of section 15 of the *Mine Subsidence (Mine Subsidence) Compensation Act, 1961*.

6. Road widening and road realignment

(a) The land is not affected by a road widening or re-alignment proposal under Division 2 of Part 3 of the *Roads Act 1993*.

(b) The land is not affected by a road widening or re-alignment proposal under an environmental planning instrument.

- (c) The land is not affected by a road widening or re-alignment proposal under a resolution of Council.

7. Council and other public authority policies on hazard risk restriction

- (a) Council has adopted a number of policies with regard to various hazards or risks which may restrict development on this land. The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below (other than flooding – see 7A):

Nil

- (b) The following information applies to any policy as adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in a planning certificate issued by the Council. The identified hazard or risk and the respective Policy which affect the property, if any, are listed below:

Bush Fire Prone Land

This land is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land. The requirements of the NSW Rural Fire Service document Planning for Bush Fire Protection apply to this land. For further information please contact the Northern Beaches District NSW Rural Fire Service.

7A. Flood related development control Information

- (1) The land is not within the flood planning area and subject to flood related development controls.
- (2) The land or part of the land is not between the flood planning area and the probable maximum flood and subject to flood related development controls.
- (3) In this clause—

flood planning area has the same meaning as in the Floodplain Development Manual.

Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

probable maximum flood has the same meaning as in the Floodplain Development Manual.

8. Land reserved for acquisition

Environmental planning instrument referred to in Clause 1 does not make provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

9. Contribution plans

The following applies to the land:

Northern Beaches Section 7.12 Contributions Plan 2019

9A. Biodiversity certified land

The land is not biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016* (includes land certified under Part 7AA of the repealed *Threatened Species Conservation Act 1995*).

10. Biodiversity Stewardship Sites

The Council has not been notified by the Chief Executive of the Office of Environment and Heritage that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016* (includes land to which a biobanking agreement under Part 7A of the repealed *Threatened Species Conservation Act 1995* relates).

10A. Native vegetation clearing set asides

Council has not been notified by Local Land Services of the existence of a set aside area under section 60ZC of the *Local Land Services Act 2013*.

11. Bush fire prone land

Bush Fire Prone Land

Some of the land is bush fire prone land.

12. Property vegetation plans

The Council has not been notified that the land is land to which a vegetation plan under the *Native Vegetation Act 2003* applies.

13. Orders under Trees (Disputes Between Neighbours) Act 2006

Council has not been notified of the existence of an order made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

14. Directions under Part 3A

There is not a direction by the Minister in force under section 75P(2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.

15. Site compatibility certificates and conditions for seniors housing

- (a) There is not a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.
- (b) No condition of consent applies to the property that limits the kind of people who may occupy the premises/ development. This refers only to consents granted after 11 October 2007 with conditions made in accordance with clause 18(2) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

There is not a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land.

17. Site compatibility certificate and conditions for affordable rental housing

- (a) There is not a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.
- (b) There are not terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

18. Paper subdivision information

There is no current paper subdivision, of which council is aware, in respect of this land according to Part 16C of the *Environmental Planning and Assessment Regulation 2000*.

19. Site verification certificates

There is no current site verification certificate, of which council is aware, in respect of the land according to Part 4AA of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

20. Loose-fill asbestos insulation

The residential dwelling erected on this land has not been identified in the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation.

This clause applies to residential premises (within the meaning of Division 1A of part 8 of the Home Building Act 1989) that are listed in the register that is required to be maintained under that Division.

Contact NSW Fair Trading for more information.

21 Affected building notices and building product rectification orders

- 1) There is not an affected building notice of which the council is aware that is in force in respect of the land.
- 2) There is not a building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and
- 3) There is not a notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

In this clause:

affected building notice has the same meaning as in Part 4 of the *Building Products (Safety) Act 2017*.

building product rectification order has the same meaning as in the *Building Products (Safety) Act 2017*.

Additional matters under the Contaminated Land Management Act 1997

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) the land to which the certificate relates is not significantly contaminated land within the meaning of that Act
- (b) the land to which the certificate relates is not subject to a management order within the meaning of that Act
- (c) the land to which the certificate relates is not the subject of an approved voluntary management proposal within the meaning of that Act
- (d) the land to which the certificate relates is not subject to an ongoing maintenance order within the meaning of that Act
- (e) the land to which the certificate relates is not the subject of a site audit statement

If contamination is identified above please contact the Environmental Protection Authority (EPA) for further information.

Planning Certificate – Part 5

ePLC2021/9086

The following is information provided in good faith under the provisions of Section 10.7(5) of the *Environmental Planning and Assessment Act 1979* (as amended – formerly Section 149) and lists relevant matters affecting the land of which Council is aware. The Council shall not incur any liability in respect of any such advice.

Persons relying on this certificate should read the environmental planning instruments referred to in this certificate.

Company Title Subdivision

Clause 4.1 of the *Pittwater Local Environmental Plan 2014*, *Warringah Local Environmental Plan 2011* or *Manly Local Environmental Plan 2013* provides that land may not be subdivided except with the consent of the Council. This includes subdivision by way of company title schemes. Persons considering purchasing property in the Northern Beaches local government area the subject of a company title scheme are advised to check that the land has been subdivided with the consent of the Council.

District Planning

Under the Greater Sydney Regional Plan – A Metropolis of Three Cities 2018, the Greater Sydney Commission sets a planning framework for a metropolis of three cities across Greater Sydney which reach across five Districts. Northern Beaches is located within the 'Eastern Harbour City' area and is in the North District which forms a large part of the Eastern Harbour City. The North District Plan sets out planning priorities and actions for the growth of the North District, including Northern Beaches. Northern Beaches Council's Local Strategic Planning Statement gives effect to the District Plan based on local characteristics and opportunities and Council's own priorities in the community. The Local Strategic Planning Statement came into effect on 26 March 2020.

Council Resolution To Amend Environmental Planning Instrument

The following instrument or resolution of Council proposes to vary the provisions of an environmental planning instrument, other than as referred to in the Planning Certificate – Part 2:

Planning Proposal - rezone deferred land within the Oxford Falls Valley & Belrose North area

Applies to land: Land within the B2 Oxford Falls Valley and C8 Belrose North localities of WLEP 2000 and land zoned E4 Environmental Living under WLEP 2011 at Cottage Point (Boundaries identified within the Planning Proposal)

Outline: Amends WLEP 2000 and WLEP 2011 to:

- Transfer the planning controls for land within the B2 Oxford Falls Valley and C8 Belrose North localities of WLEP 2000 into the best fit zones and land use controls under WLEP 2011
- Rezone the majority of the subject land to E3 Environmental Management under WLEP 2011
- Rezone smaller parcels of land to E4 Environmental Living, RU4 Primary Production Small Lots, SP2 Infrastructure, SP1 Special Activities, R5 Large Lot Residential and R2 Low Density Residential under WLEP 2011
- Include various parcels of land as having additional permitted uses under Schedule 1 of WLEP 2011

Council resolution: 24 February 2015

Planning Proposal - Pittwater Road and Albert Street, Narrabeen

Applies to: 1294 - 1300 Pittwater Road and 2 - 4 Albert Street, Narrabeen

Outline: Amends WLEP 2011 to:

- Amend Height of Building Map to increase height from 8.5m to 11m (excluding lot 1 DP613544 and part lot 8C DP200030).
- Amend Schedule 1 to allow "shop top housing" on the site.
- To seek an affordable housing contribution in conjunction with future redevelopment of the land.

Council resolution: 28 May 2019

Additional Information Applying To The Land

Additional information, if any, relating to the land the subject of this certificate:

Nil

General Information

Threatened Species

Many threatened species identified under the *Biodiversity Conservation Act 2016* (NSW) and Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) are found within the former Local Government Area of Warringah (now part of Northern Beaches). Council's Natural Environment unit can be contacted to determine whether any site specific information is available for this property. Records of threatened flora and fauna are also available from the NSW Office of Environment and Heritage's Atlas of NSW Wildlife database: <http://www.bionet.nsw.gov.au>

Potential threatened species could include:

(a) threatened species as described in the final determination of the scientific committee to list endangered and vulnerable species under Schedule 1 of the *Biodiversity Conservation Act 2016*, and/or

(b) one or more of the following threatened ecological communities as described in the final determination of the scientific committee to list the ecological communities under Schedule 2 of the *Biodiversity Conservation Act 2016*:

- Duffys Forest Ecological Community in the Sydney Basin Bioregion
- Swamp Sclerophyll Forest on Coastal Floodplain
- Coastal Saltmarsh of the Sydney Basin Bioregion
- Swamp Oak Floodplain Forest
- Bangalay Sand Forest of the Sydney Basin Bioregion
- Themeda grasslands on Seacliffs and Coastal Headlands
- Sydney Freshwater Wetlands in the Sydney Basin Bioregion
- Coastal Upland Swamp in the Sydney Basin Bioregion
- River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions

Bush fire

Certain development may require further consideration under section 79BA or section 91 of the Environmental Planning and Assessment Act 1979, and section 100B of the Rural Fires Act, 1997 with respect to bush fire matters. Contact NSW Rural Fire Service.

Aboriginal Heritage

Many Aboriginal objects are found within the Local Government Area. It is prudent for the purchaser of land to make an enquiry with the Office of Environment and Heritage as to whether any known Aboriginal objects are located on the subject land or whether the land has been declared as an Aboriginal place under the *National Parks and Wildlife Act 1974* (NSW). The carrying out of works may be prevented on land which is likely to significantly affect an Aboriginal object or Aboriginal place. For information relating to Aboriginal sites and objects across NSW, contact: Aboriginal Heritage Information Management System (AHIMS) on (02) 9585 6345 or email AHIMS@environment.nsw.gov.au. Alternatively visit <http://www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm>.

Coastal Erosion

Information available to Council indicates coastal erosion may affect a greater number of properties and may present an increased risk to properties than that shown on published hazard maps of the Warringah coastline. Council's Natural Environment Unit can be contacted for further information.

WARRINGAH COUNCIL ACTION RECORD

FILE No 32971287 - 01

STREET No. 287

STREET **MONA VALE Rd.** SUBURB **TERREY HILLS**

LOT No

PORTION No.

DP

TYPE OF BUILDING **H145- The Flower Market**

APPROVAL No.

RELATED FILES

DO NOT LEAVE FILE IN STRONG SUNLIGHT
TIME PERIOD Jan. '75

TIME PERIOD

[illegible]

**MAKE UP NEW
FILE COVER NOW**

FILED



131425*

32971287-01

K.R. STUBBS & ASSOCIATES PTY LTD

CONSULTING ENGINEERS

PROJECT MANAGERS

WATER SERVICING COORDINATORS

Mailing address: P.O. Box 1072 PYMBLE BUSINESS CENTRE NSW 2073

Office: Suite 6, No. 33 RYDE ROAD PYMBLE 2073

TELEPHONE: (02) 9880 2991

FACS: (02) 9880 2994

E-MAIL: enquiry@krstubbs.com.au

A.B.N. 61 759 584

OUR REF: TH4
YOUR REF:

2 May, 2005

The General Manager
WARRINGAH COUNCIL
725 Pittwater Road
DEE WHY NSW 2099

Attention: Rebecca Everleigh

Dear Sir,

HILLS FLOWER MARKET - 287 MONA VALE ROAD, TERREY HILLS PROPOSED RE-DEVELOPMENT & EXISTING ON-SITE DETENTION FACILITIES.

In response to some proposed changes at Hill's Bros. Flower Market, K.R. Stubbs and Associates P/L (KRS) were engaged by the owner Mr. Rudi Caristo through the Alexander + Dwyer Group, to assess the suitability of the site's existing On-Site Detention (OSD) facilities.

This re-development involves increasing the existing impervious site area from 30% (Council Approved D.A.1150/98) to 36.9%.

On the 26th May, 1998, Warringah Council approved Christie Hydraulics P/L, Stormwater Drainage & OSD Facility Drawing No. BA-H01/B (refer to Attachment 'A'). This drawing featured the design of an OSD basin along the site's southern boundary, and the derivation and performance of this detention system was also reproduced on the drawing.

KRS performed an assessment of the site's OSD system, in accordance with the following procedure:

1. Review the sites drainage facilities;
2. Validated and confirm the basin's existing OSD performance; and
3. Determine if existing OSD facilities are suitable for the proposed changes.

The results of our assessment are presented in the Table included as Attachment 'B'.

The first step in the process was an attempt to reproduce the pre-development flow rates using the information included in the drawing notes, viz.:

Pre-Development (ILSAX pipe file FLMKPUD.DAT)

Pervious $T_c = 22$ minutes + 2 minutes lag ($L = 163$ m, $n = 0.25$, $S_0 = 0.046$)

Impervious $T_c = 5$ minutes

Impervious Area = 4.2% of a total site area 20300m².

DIRECTORS:

K.R. STUBBS
C.R. PICKERING

A.S.T.C. (CIVIL), F.I.E. AUST., L.G.E.
B.Sc., Eng. (CIVIL), M.I.E. AUST.



K.R. STUBBS & ASSOCIATES PTY LTD

Not being privy to original set up of the ILSAX pipe file FLMKPUD.DAT we can only assume its make up from today's best practices (refer Attachment 'C'). Consequently, KRS's calculated pre-development flow rates are on average around 15% higher than those presented on Dwg. No. BA-H01/B.

Next, the ILSAX pipe file FLMKPD.DAT (refer to Attachment 'C') was modeled to validate the remainder of the table. Here, the Council approved 2 node pipe file was reproduced identical to that presented on the drawing.

Again, the calculated Post-Development flow rates were different to those presented in the table (Dwg. No. BA-H01/B). This variance is unusual considering that two identical data files run through the same computer program should produce the same results. We can only guess as to the reasons for this discrepancy, possibly Council's standard rainfall files have changed over the years, or a different rainfall file altogether was used initially.

The last step in the process was to assess the existing drainage facilities performance, when using the proposed impervious area of 36.4% site area (for ILSAX pipe file FLMKPD.DAT refer to Attachment 'C'). The results of this analysis can be seen in Table 3 in Attachment 'B'.

From inspection of the columns denoted 1, 2 & 3 (†) on Table 3 we can see that the peak flow (bold number) is below the Pre-Development site discharges in all cases (‡).

On this basis, we assert that the proposed new developments at the Hills Bros. Flower Market will not increase the Post-Development stormwater discharges above those of the site in its Pre-Development state, across the full range of Design Storms.

As such, we believe the additions proposed in the current Development Application are consistent with Warringah Council's On-Site Stormwater Detention – Technical Specification, and In terms of stormwater performance the proposed site changes will yield a complying development.

Yours Faithfully,



LIAM DIAMOND B.E. (Civil & Environmental), GradIEAust
Professional Engineer

† Columns 1, 2 & 3 represent the Site Discharges for the 1 in 5 year, 20 year and 100 year storm's respectively.

‡ Columns A & B refer to the Pre-Development Site Discharges from Dwg. No. BA-H01/B, and the K.R.Stubbs calculated values respectively.

DIRECTORS:

K.R. STUBBS
C.R. PICKERING

A.S.T.C. (CIVIL), F.I.E. AUST., L.G.E.
B.Sc., Eng. (CIVIL), M.I.E. AUST.



TABLE 1 - SITE STORMWATER DISCHARGE (Table on Dwg No. BA-H01/B)

Duration (min)	5					20					100				
	A1 Pre-development		Post Development 1		Ponding Time	A2 Pre-development		Post Development 2		Ponding Time	A3 Pre-development		Post Development 3		Ponding Time
10	130	115	0	115	32	245	122	0	122	53	448	130	142	272	
15	157	118	0	118	45	286	127	39	166	67	545	133	327	460	
20	193	121	0	121	56	336	129	119	248	72	622	135	453	588	
25	214	123	0	123	64	362	131	183	314	75	676	135			
30	211	125	13	138	69	364	131	233	364	78	672	136			
45	255	127	37	164	84	437	132	285	417	90	708	136			
60	275	128	64	192	93	480	133	323	456	99	769	137			
90	284	129	82	211	108	482	133	310	443	117	831	137	660	797	
120	282	128	69	197	124	489	133	320	453	135	786	137	640	777	
180	223	125	12	137	137	41	131	212	343	147	135	135	491	626	

TABLE 2 - SITE STORMWATER DISCHARGE (KRS calculated values from Dwg No. BA-H01/B)

Duration (min)	5					20					100				
	B1 Pre-development		Post Development 1		Ponding Time	B2 Pre-development		Post Development 2		Ponding Time	B3 Pre-development		Post Development 3		Ponding Time
10	151	115	0	115	33	242	120	0	120	48	363	127	33	160	65
15	184	118	0	118	40	303	125	18	143	65	460	130	164	294	72
20	228	121	0	121	57	358	128	75	203	72	536	132	277	409	76
25	246	123	0	123	65	386	130	141	271	76	615	134	379	513	79
30	259	125	13	138	70	428	131	202	333	79	625	134	414	548	83
45	296	127	37	164	85	472	132	254	386	91	686	135	482	617	95
60	325	128	63	191	96	522	132	295	427	102	725	135	516	651	106
90	325	129	112	241	81	521	132	284	416	120	744	136	543	679	130
120	338	128	69	197	130	539	132	293	425	142	743	136	536	672	156
180	261	125	13	138	188	434	131	192	323	190	597	134	412	546	202

TABLE 3 - SITE STORMWATER DISCHARGE (Proposed D.A. - May 2005)

Duration (min)	5					20					100				
	B1 Pre-development		Post Development 1		Ponding Time	B2 Pre-development		Post Development 2		Ponding Time	B3 Pre-development		Post Development 3		Ponding Time
10	151	117	0	117	36	242	122	0	122	51	363	127	41	168	65
15	184	120	0	120	49	303	126	28	154	66	460	131	201	332	72
20	228	123	0	123	60	358	129	95	224	72	536	133	310	443	76
25	246	125	9	134	68	386	130	159	289	76	615	134	384	518	79
30	259	126	29	155	72	428	131	216	347	78	625	134	417	551	82
45	296	128	59	187	87	472	132	272	404	91	686	135	485	620	95
60	325	129	96	225	96	522	133	311	444	102	725	136	526	662	106
90	325	129	105	234	112	521	133	308	441	120	744	136	599	735	130
120	338	129	94	223	130	539	133	311	444	142	743	136	577	713	156
180	261	126	25	151	188	434	131	208	339	188	597	134	444	578	204

K.R. STUBBS & ASSOCIATES PTY LTD

Attachment C

ILSAX Pipe File – FLMKPUD.DAT

HILLS BROS. FLOWER MARKET - PRE-DEVELOPMENT SITE DISCHARGE

A 1 -1 -1
1 4 1 1 0 0
10 0 0 0 0
A 2 0
2.03 **4.2** 5 0 **95.8** 22 2

A 2 -1 -1
1 1 1 1 0 -1
10 0 0 0 0
0.0 0 0 0 0 0 0

END

ILSAX Pipe File – FLMKPD.DAT

HILLS BROS. FLOWER MARKET - POST-DEVELOPMENT SITE DISCHARGE

* DEVELOPED SITE

A 1 -1 -1
10 4 10 3.5 450 0
A 2 0
13
183.75 0.0 0.000 0.000
184.00 0.38 0.035 0.000
184.25 0.75 0.064 0.000
184.50 1.13 0.083 0.000
184.75 1.50 0.098 0.000
185.00 1.88 0.111 0.000
185.10 69.88 0.115 0.000
185.20 137.88 0.120 0.000
185.30 205.88 0.124 0.000
185.40 273.88 0.128 0.050
185.50 341.88 0.132 0.261
185.60 409.88 0.136 0.563
185.70 477.88 0.139 0.932
0.00
2.03 **30** 5 0 **70** 22 2

* DUMMY

A 2 -1 -1
1 0 1 1 0 -1
0.0 0 0 0 0 0 0

END

DIRECTORS:

K.R. STUBBS
C.R. PICKERING

A.S.T.C. (CIVIL), F.I.E. AUST., L.G.E.
B.Sc., Eng. (CIVIL), M.I.E. AUST.



K.R. STUBBS & ASSOCIATES PTY LTD

Attachment C Cont...

AX Pipe File – FLMKP.DAT

HILLS BROS. FLOWER MARKET - POST-DEVELOPMENT SITE DISCHARGE

* DEVELOPED SITE

A 1 -1 -1

10 4 10 3.5 450 0

A 2 0

13

183.75	0.0	0.000	0.000
--------	-----	-------	-------

184.00	0.38	0.035	0.000
--------	------	-------	-------

184.25	0.75	0.064	0.000
--------	------	-------	-------

184.50	1.13	0.083	0.000
--------	------	-------	-------

184.75	1.50	0.098	0.000
--------	------	-------	-------

185.00	1.88	0.111	0.000
--------	------	-------	-------

185.10	69.88	0.115	0.000
--------	-------	-------	-------

185.20	137.88	0.120	0.000
--------	--------	-------	-------

185.30	205.88	0.124	0.000
--------	--------	-------	-------

185.40	273.88	0.128	0.050
--------	--------	-------	-------

185.50	341.88	0.132	0.261
--------	--------	-------	-------

185.60	409.88	0.136	0.563
--------	--------	-------	-------

185.70	477.88	0.139	0.932
--------	--------	-------	-------

0.00

2.03 36.9 5 0 63.1 22 2

* DUMMY

A 2 -1 -1

1 0 1 1 0 -1

0.0 0 0 0 0 0 0

END

DIRECTORS:

K.R. STUBBS
C.R. PICKERING

A.S.T.C. (CIVIL), F.I.E. AUST., L.G.E.
B.Sc., Eng. (CIVIL), M.I.E. AUST.





Memo

To: Trudy Cavanaugh
From: Raelene Fleming
Subject: 287 Mona Vale Rd, Terrey Hills
Date: 24 August 2005

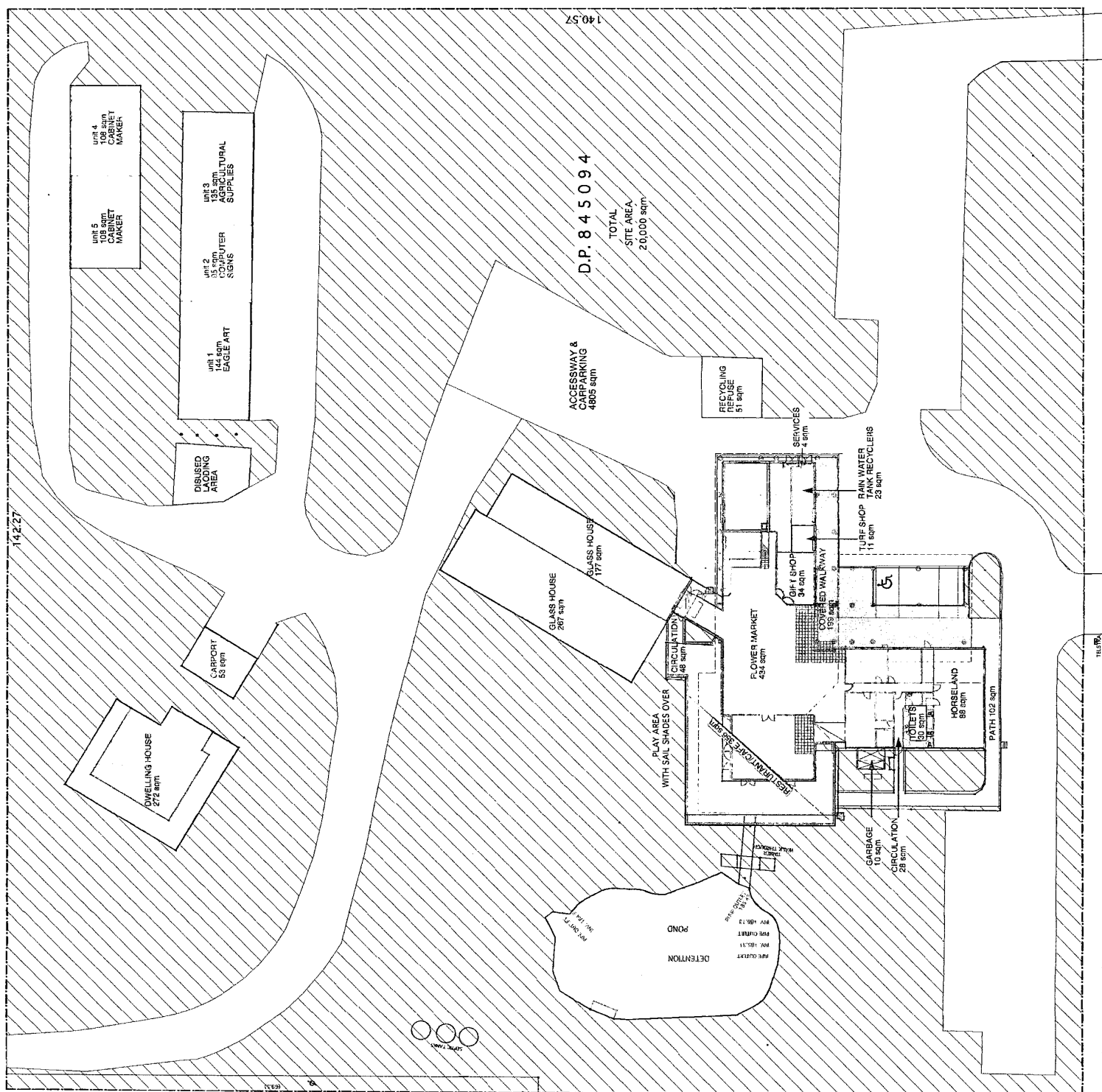
Trudy,

As discussed, I telephoned the Department of Environment and Conservation (DEC -131555) and spoke with Carmel and she searched their database for a license to dispose for a wastewater treatment system at The Hills Flower Market and there was no record of a licence and no record of a surrendered license. Under the Pollution Control Act licences were renewed yearly and then when this Act was replaced by the POEO Act licences were renewed every three years. The old licenses were converted under the new Act. Carmel spoke with Neil Phillips (he has many dealings with Sydney Water) and he advised there was no approval number 004067 given, and this appears to have been an application number. No approval was required by the DEC (used to be known as EPA) for this system. A file number was located for this property with the DEC, this number is 302048CI and is in storage in Kingswood. License enquiries can be made between the hours of 10am-12-pm and 2pm-4pm on 133372, and they maybe able to give more information.

By looking at the system on site and perusing the files there does not appear to be an approval by Council for the current system at the Hills Flower Market. If this is the situation, we are unaware of the system capacity and what exactly is connected into the system, and whether a site and soil assessment has been carried out to determine whether the site is suitable for the system and whether the land application area and type of land application is sufficient. We would need to determine when the system was installed, the particulars and whether approval to install and approval to operate was given by Warringah Council.

Regards

Raelene Fleming



NOTES

[illegible]

CONSULTANT

OWEN PLANNING
DON FOX PLANNING
11 Dartford Rd
Inverloch 2120
9580 8833

TRAFFIC
RAY GOWSETT
3 Gough Place
Francis Ford 2056
9501 0740

HYDRAULIC MECHANICAL, ELECTRICAL
HO & LEE

STRUCTURAL CORP.
V. V. MURODOCA & ASSOCIATES
LANDSCAPE
SELENA HANNAN
LANDSCAPE DESIGNER
133 HUDSON PARADE
CAL REVILLE 2107
QUINT
HILLS THE FLOWER MARKET
497 MONA VALE RD.
TERREY HILLS N.W.

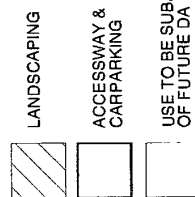
PROJECT
STAGE TWO WORKS
PROPOSED ALTERATIONS &
ADDITIONS TO EXISTING
BUILDINGS

ADG
Alexander & Dwyer Group
Architectural Building Consultants
14280 Pankaj Highway, Suite 2071
McLean, VA 22102
703.441.3700 ext. 207

EXISTING LIVES

DA	102
A	0.04





USE TO BE SUBJECT
OF FUTURE DA

NOTES

CONSULTANT

DISPATCH
DO NOT FOR PLANNING

DOWN FOX FLOPPING
111 DARTMOUTH RD
TINTON HIGH 2120
2080 2072

TRAFFIC

RAY ODWETT
3 Colvin Place

French Forest 2008
9901 0749

HYDRAULIC MECHANICAL, ELECTRIC

MO & LEE

ORIGINAL COPY

V. MURDOCCA & ASSOCIATES

SEI ENO HANNAN
LANDSCAPE

BELENA HAWKIN
LANDSCAPE DESIGNER
133 HUDSON PARADE
ST. LOUIS, MO 63103

CLAREVILLE 2107

HILL & THE FLOWER MARKET
287 MONA VALE RD.

287 MONA VILLE RD.
TERRARY HILLS N.S.W.

12/19/84

STAGE TWO WORKS
PROPOSED ALTERATIONS

PRODUCED ALIENATIONS & ADDITIONS TO EXISTING BUILDINGS

AND

ALDO
Alvares - Duver G

Alexander + Dwyer Architects Inc. Consulting

WATERGATE

(02) 66 99 00 00 0
(02) 66 99 00 77 1x

5.00	0	0
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1948	1949	1950
10.2	11.54	

100.941

PROPOSED USES

01373

DA	04/04/2011
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K.R. STUBBS & ASSOCIATES PTY LTD

CONSULTING ENGINEERS

PROJECT MANAGERS

WATER SERVICING COORDINATORS

Mailing address: P.O. Box 1072 PYMBLE BUSINESS CENTRE NSW 2073

Office: Suite 6, No. 33 RYDE ROAD PYMBLE 2073

TELEPHONE: (02) 9880 2991

FACS: (02) 9880 2994

E-MAIL: enquiry@krstubbs.com.au

A.B.N. 60 001 759 584

OUR REF: TH4
YOUR REF:

2 May, 2005

The General Manager
WARRINGAH COUNCIL
725 Pittwater Road
DEE WHY NSW 2099

Attention: Rebecca Everleigh

Dear Sir,

HILLS FLOWER MARKET - 287 MONA VALE ROAD, TERREY HILLS PROPOSED RE-DEVELOPMENT & EXISTING ON-SITE DETENTION FACILITIES.

In response to some proposed changes at Hill's Bros. Flower Market, K.R. Stubbs and Associates P/L (KRS) were engaged by the owner Mr. Rudi Caristo through the Alexander + Dwyer Group, to assess the suitability of the site's existing On-Site Detention (OSD) facilities.

This re-development involves increasing the existing impervious site area from 30% (Council Approved D.A.1150/98) to 36.9%.

On the 26th May, 1998, Warringah Council approved Christie Hydraulics P/L, Stormwater Drainage & OSD Facility Drawing No. BA-H01/B (refer to Attachment 'A'). This drawing featured the design of an OSD basin along the site's southern boundary, and the derivation and performance of this detention system was also reproduced on the drawing.

KRS performed an assessment of the site's OSD system, in accordance with the following procedure:

1. Review the sites drainage facilities;
2. Validated and confirm the basin's existing OSD performance; and
3. Determine if existing OSD facilities are suitable for the proposed changes.

The results of our assessment are presented in the Table included as Attachment 'B'.

The first step in the process was an attempt to reproduce the pre-development flow rates using the information included in the drawing notes, viz.:

Pre-Development (ILSAX pipe file FLMKPUD.DAT)

Pervious $T_c = 22$ minutes + 2 minutes lag ($L = 163\text{m}$, $n = 0.25$, $S_0 = 0.046$)

Impervious $T_c = 5$ minutes

Impervious Area = 4.2% of a total site area 20300m².

DIRECTORS:

K.R. STUBBS
C.R. PICKERING

A.S.T.C. (CIVIL), F.I.E. AUST., L.G.E.
B.Sc., Eng. (CIVIL), M.I.E. AUST.



K.R. STUBBS & ASSOCIATES PTY LTD

Not being privy to original set up of the ILSAX pipe file FLMKPUD.DAT we can only assume its make up from today's best practices (refer Attachment 'C'). Consequently, KRS's calculated pre-development flow rates are on average around 15% higher than those presented on Dwg. No. BA-H01/B.

Next, the ILSAX pipe file FLMKPD.DAT (refer to Attachment 'C') was modeled to validate the remainder of the table. Here, the Council approved 2 node pipe file was reproduced identical to that presented on the drawing.

Again, the calculated Post-Development flow rates were different to those presented in the table (Dwg. No. BA-H01/B). This variance is unusual considering that two identical data files run through the same computer program should produce the same results. We can only guess as to the reasons for this discrepancy, possibly Council's standard rainfall files have changed over the years, or a different rainfall file altogether was used initially.

The last step in the process was to assess the existing drainage facilities performance, when using the proposed impervious area of 36.4% site area (for ILSAX pipe file FLMKD.DAT refer to Attachment 'C'). The results of this analysis can be seen in Table 3 in Attachment 'B'.

From inspection of the columns denoted 1, 2 & 3 (†) on Table 3 we can see that the peak flow (bold number) is below the Pre-Development site discharges in all cases (‡).

On this basis, we assert that the proposed new developments at the Hills Bros. Flower Market will not increase the Post-Development stormwater discharges above those of the site in its Pre-Development state, across the full range of Design Storms.

As such, we believe the additions proposed in the current Development Application are consistent with Warringah Council's On-Site Stormwater Detention – Technical Specification, and In terms of stormwater performance the proposed site changes will yield a complying development.

Yours Faithfully,



LIAM DIAMOND B.E. (Civil & Environmental), GradIEAust
Professional Engineer

† Columns 1, 2 & 3 represent the Site Discharges for the 1 in 5 year, 20 year and 100 year storm's respectively.

‡ Columns A & B refer to the Pre-Development Site Discharges from Dwg. No. BA-H01/B, and the K.R.Stubbs calculated values respectively.

DIRECTORS:

K.R. STUBBS
C.R. PICKERING

A.S.T.C. (CIVIL), F.I.E. AUST., L.G.E.
B.Sc., Eng. (CIVIL), M.I.E. AUST.



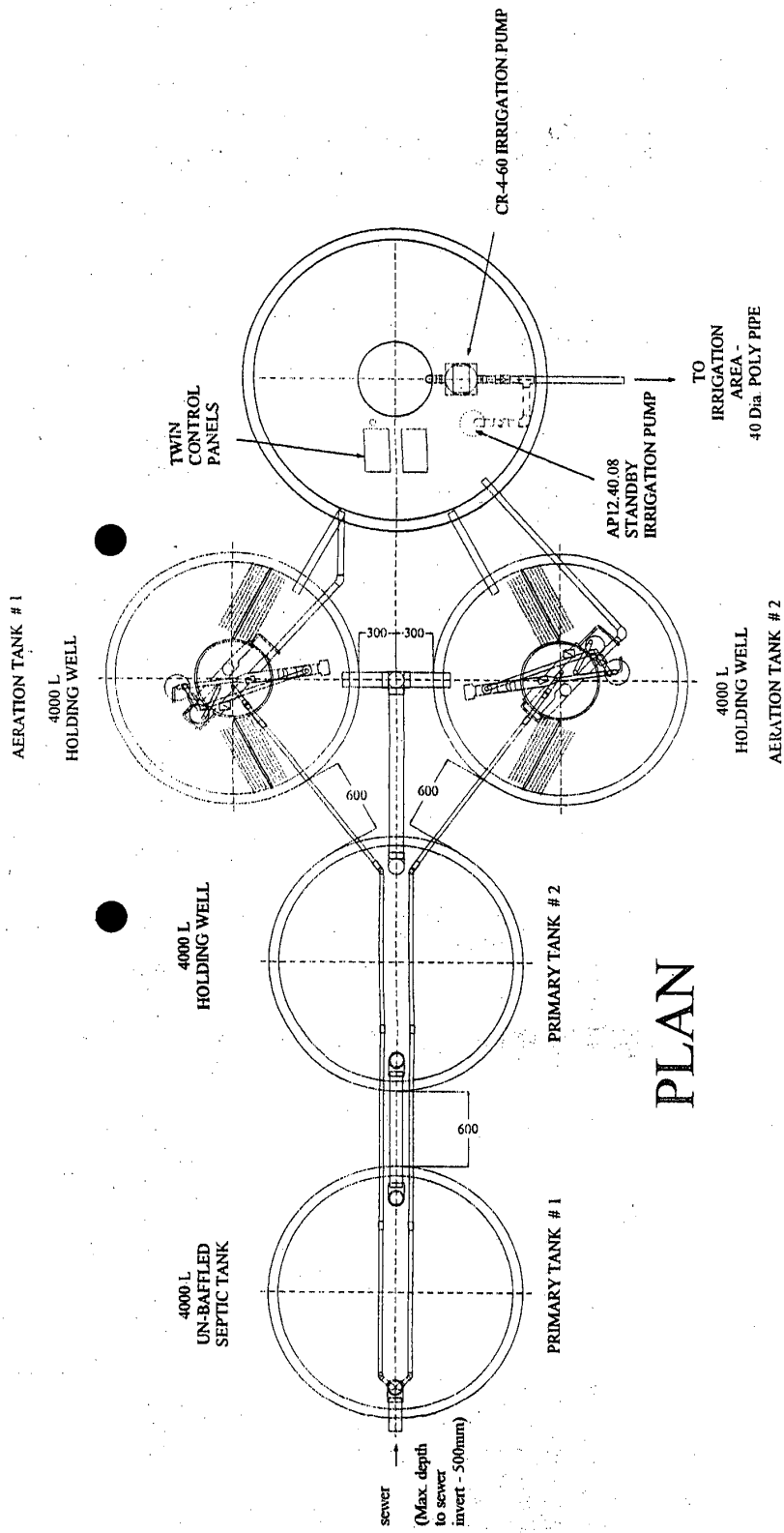
**Hills Bros. Flower Market
287 Mona Vale Road
TERRY HILLS**

**ILSAX:
Pipe, Rainfall, Intermediate & Output Files**

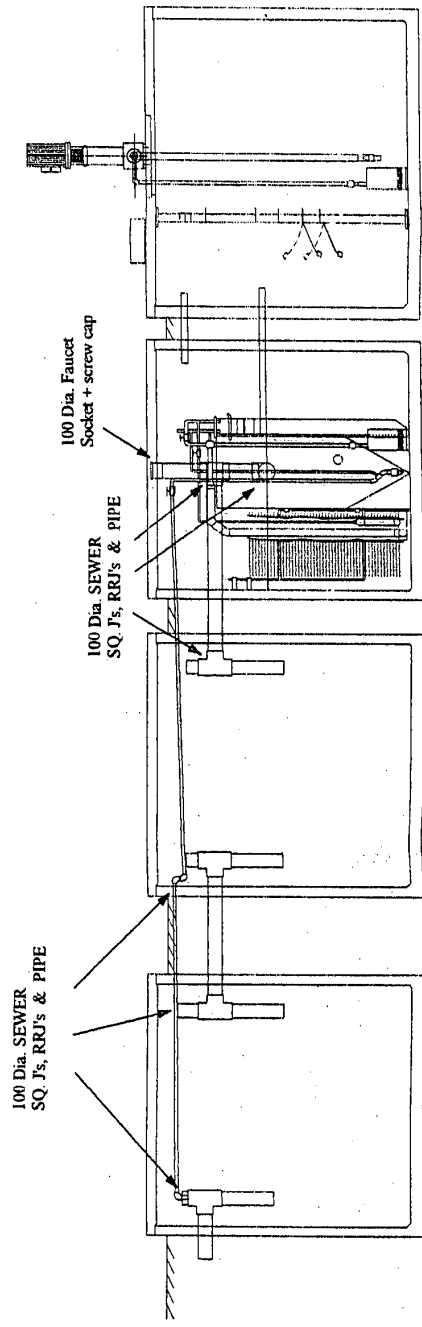
WARRINGAH COUNCIL

THIS DETAIL to be read in conjunction with Building Approval No. 11/511/20/16
General Manager

HILLS FLOWER MARKET MONA VALE RD, TERREY HILLS FOR MR R. CARISTO	TWIN MODULE "SUPER-TREAT" SB 440 "B" MODEL.	SUPER-TREAT SEWAGE AND WASTE WATER TREATMENT PLANT AND IRRIGATION DISPOSAL SYSTEM	GENERAL ARRANGEMENT	SHEET 1 of 1
--	---	---	---------------------	--------------



PLAN



ELEVATION

COMMERCIAL WASTE TREATMENT PTY. LTD
Designers and Manufacturers of "SUPER-TREAT"
Commercial Sewage and Wastewater Treatment Systems
Unit 14/15 GLAUSTONE ROAD
CASTLE HILL, SYDNEY, 2114
Phone: (02) 9 634 1723 Fax: (02) 9 6804716

27th February 1998

Christie Hydraulics Pty Limited
89a Lagoon Street
NARRABEEN NSW 2101

WARRINGAH COUNCIL

1150/93

THIS DETAIL to be read in conjunction with Building Approval No.

General Manager

Attention: Mr Howard Christie



Dear Sir,

Re:Hills Flower Market- Mona Vale Road - Terrey Hills

Mr Rudi Caristo

Sewage and Wastewater Treatment and Effluent Irrigation

The sewage and wastewater generated on the above site has two sources:-

- (a) Toilet facilities and amenities for staff and visitors together with coffee shop all located at the commercial premises.
- (b) Toilet facilities and amenities for staff and children at a day care centre located in a separate building.

All wastes from these two building will gravity flow to a sewage treatment plant which will treat the wastes and spray irrigate the resulting effluent within the property boundary.

Treatment Plant:

The treatment plant will be a "secondary aerated on-site sewage and waste water treatment plant", and will produce an effluent with the following characteristics:-

- | | | |
|---|------------------------------|----------------------|
| * | organics (BOD ₅) | < 20 mg / litre |
| * | suspended solids | < 30 mg / litre |
| * | faecal coliforms | < 30 c.f.u. / 100 ml |
| * | N | < 20mg / litre |
| * | P | < 8 mg /litre |

SUPER-TREAT

The effluent is colourless, odourless and of a quality which the NSW Health Department and E.P.A. allow to be spray irrigated to areas of vegetation.

The sludge accumulated in the primary tanks is removed by tanker to a Municipal treatment plant as required at approximately 2 year intervals.

Maintenance:

The plant will be regularly maintained quarterly and a report given to the owner with copies to the E.P.A. and local council if required. The client is obliged to enter into an annual maintenance contract with an "approved" maintenance organisation, as part of the E.P.A. approval.

E.P.A.

The plant and irrigation will be subject to approval by the E.P.A. following which a "Certificate of Compliance" will be submitted by the owner atesting that the plant and other works having been installed as approved.

Also the EPA will require a "Licence to Dispose" application from the owner together with fee which is renewed annually subject to previous satisfactory performance of the plant.

Effluent Irrigation:

Water balance calculations have been carried out to demonstrate that the irrigation area is more than sufficient to not allow any effluent to run off the surface of the area nor to flow beyond the boundary of the property. The sewerage application rate is the equivalent of 7mm per week which is very low.

Nutrients in the form of Nitrates and Phosphates in the effluent are beneficial to growing crops and at the rate applied will be fully taken up by the flower beds and other landscape features.

Irrigation Control:

All effluent treated each day will be held in the storage tank and irrigated at night by time clock controller.

Irrigation is also limited by a rain sensor which will prevent the pump from starting should it be too wet to allow irrigation to proceed.

Attachments:

- * Site layout
- * Treat Plant - General Arrangement

27th February 1998

Christie Hydraulics Pty Limited
89a Lagoon Street
NARRABEEN NSW 2101

Attention: Mr Howard Christie

Dear Sir,

Re:Hills Flower Market- Mona Vale Road - Terrey Hills

Mr Rudi Caristo

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- * suspended solids < 30 mg / litre
- * faecal coliforms < 30 c.f.u. / 100 ml
- * N < 20mg / litre
- * P < 8 mg /litre

WARRINGAH COUNCIL
THIS DETAIL to be read in conjunction with Building Approval No.

General

1150/98
per 88

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All effluent treated each day will be held in the storage tank and irrigated at night by time clock controller.

Irrigation is also limited by a rain sensor which will prevent the pump from starting should it be too wet to allow irrigation to proceed.

SUPER-TREAT

Wet Weather Storage:

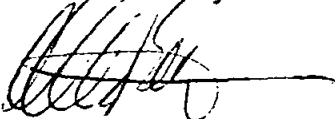
The water balance calculations show that due to the large irrigation area there is minimal need for accumulated storage. The rain sensor can prevent effluent from being irrigated up to 5 continuous days at low attendance rates, which is the case for this facility, as the public will not be in attendance.

Should the "high water alarm" indicate that the wet weather storage volume is within 1 ½ days of overflowing, then a pump out truck will be directed to remove the treated effluent to a Municipal treatment plant for disposal.

Summary:

Installation of a sewage treatment plant and effluent re - use scheme on this site is an ideal application as there is constant new growth occurring for water and nutrient uptake and by the very nature of the operation, the effluent will be well and efficiently managed.

Yours Faithfully



Max Bell B.E.(civil). B. Comm.
Director

Attachments: * Site layout
 * Treat Plant - General Arrangement

PF 3297/287

4195 

WARRINGAH COUNCIL

APPLICATION TO INSTALL SEPTIC TANK
Section 68, Local Government Act 1993, Part C(5)

805856

5 JAN 1995

APPLICATION NO:..... 3297/287-D

WP 5/1

I/we the undersigned, hereby make application for the approval of Council to the plans and specifications of a proposed septic tank and hereby agree to comply with all the requirements and conditions written and printed herein and any supplementary conditions that may be stated on the plans and specifications upon their return.

P. HOZMAN

FULL PARTICULARS ARE ESSENTIAL

Lot No. 1..... Sec No..... DP No. 814627.. House Name/No. 287.....
Street. MONA VALE RD..... Locality. TERRY HILLS.....
Frontage. 142.....m Depth. 140.....m

Name of Owner. HILLS Bros. FLOWER Installation Firm. PUTER. W.P. P/L
MARKET
Address. 287... MONA VALE RD. Address. 78. KAMBORA AVE.....
TERRY HILLS... Phone. 450. 1743..... Phone. 975. 4168
DAVIDSON

Premises.... Dwelling..... WC Flush Capacity.....
(Dwelling/shops/flats/factory, etc) Septic Tank Capacity.. 3067L7

Wastes to be connected: WC and..... Collection Well Capacity.....

Basin. J. BARK. S. HOWER. LAUNDRY.. Aerated Septic Tank Brand. SUPERPROG 1C10
KITCHEN
Number of Persons..... 4 Source of Water Supply.. MAINS

Receipt No..... Amount..... Date.....

Signature of Owner..... Date. 6/12/94

OFFICE USE ONLY

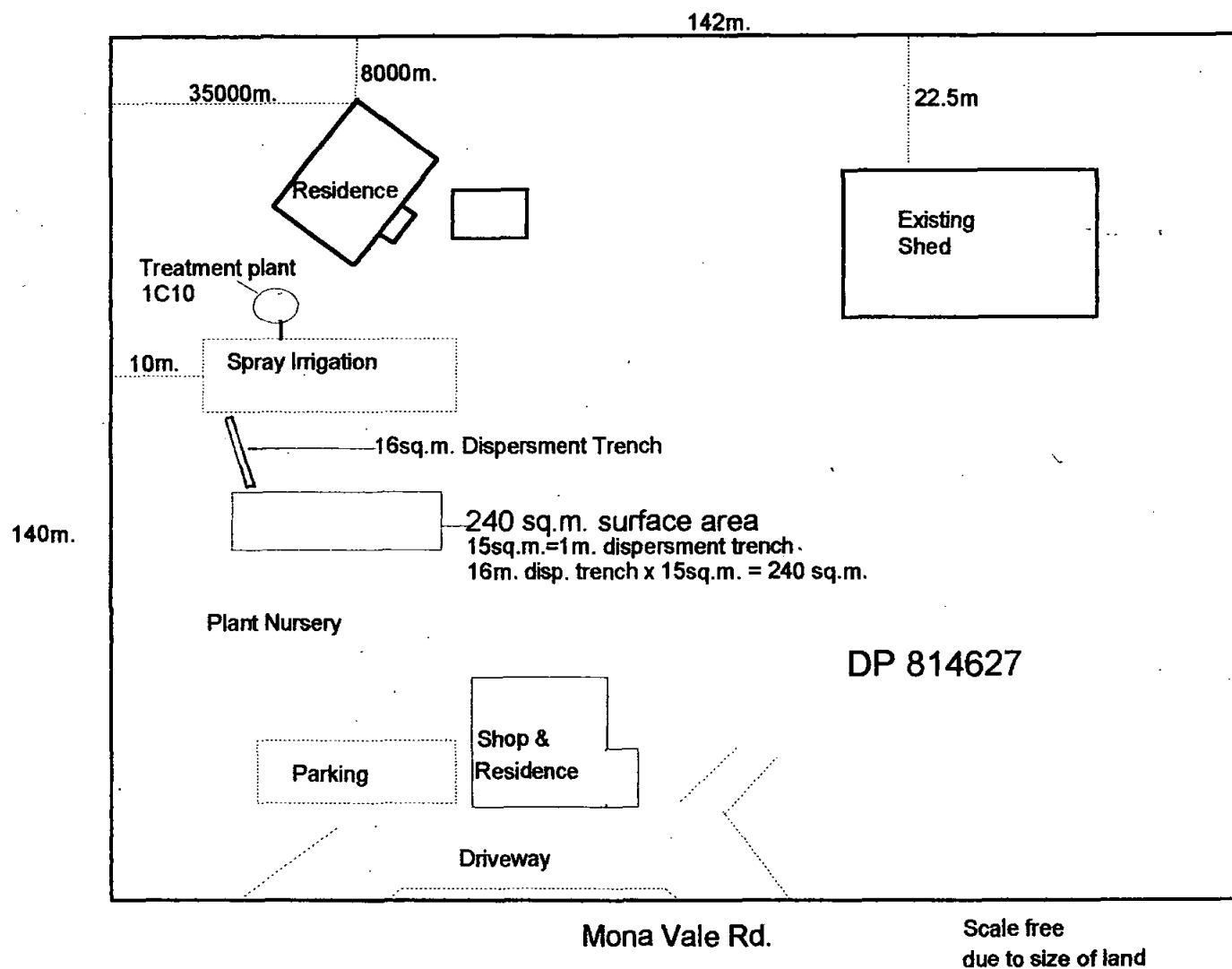
The installation to deal with
wastes for persons is approved with the following
conditions

..... Date.....
Warringah Council Health Surveyor

PLEASE SEE INSTRUCTIONS ON REVERSE

PROPOSED RESIDENCE:
HILLS BROS. FLOWER MARKET
287 MONA VALE RD.
TERRY HILLS
ARCHITECT: JOHN ADAMEITIS
DP 814627
5 DECEMBER 1994

RE: STORMWATER DISPOSAL

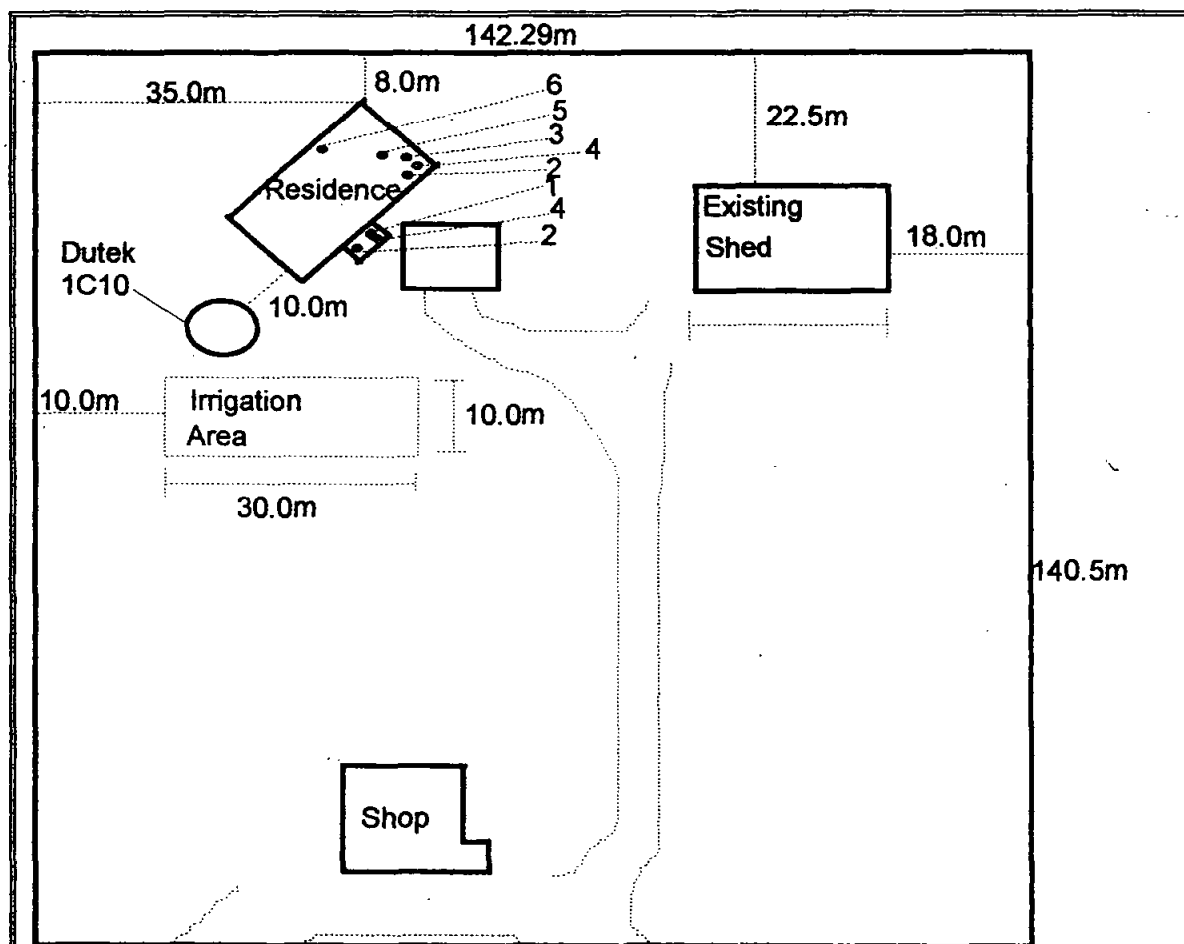




SITE PLAN
AERATED SEPTIC TANK SYSTEM
DUTEK SUPERFROG™
Installation & Service by:

Dutek Wastewater Purification p/l
78 Kambora ave.
Davidson NSW 2085
PH. 975 4168

Owner's name:	Hills Bros. Flower Market	Ph:	450 1743
Council:	Warringah	D.P. No:	814627
Site address:	287 Mona Vale Rd.	Scale:	Free
	Terry Hills	Date:	1 - 12 - 94



- OUTFALL CODE**
- 1: WC
 - 2: Basin
 - 3: Bath
 - 4: Shower
 - 5: Laundry Tub
 - 6: Kitchen Sink

IRRIGATION:
50 lin. m of 25mm Poly. Pipe
with 4 low pressure sprays.

4591h

APPROVAL NO 4/95 Dated 17.3.95

PROPOSED SEPTIC TANK: Lot 1, DP 814627, No 287 Mona Vale Road,
Terrey Hills

OWNERS: Hills Bros. Flower Market

PERMIT TO CONSTRUCT A SEPTIC TANK

PLANS HERewith APPROVED SUBJECT to the provisions of Ordinance 44 and special conditions imposed by the Health Commission of NSW and/or Council which may be detailed hereon or under separate cover and provided also the following to be STRICTLY OBSERVED.

1. Tanks more than 450mm above the ground are to be enclosed by brick or stone veneer.
2. INSPECTION CERTIFICATES being obtained from the Water Board in connection with sanitary plumbing and drains.
3. APPLICANT shall be responsible for giving 48 hours notice in writing to the inspector BEFORE work is COMMENCED, DRAINS COVERED AND WORK COMPLETED.

Tank SHALL NOT be used until certificates have been produced from the Board and Inspector has authorised usage.

SPECIAL CONDITIONS OF APPROVAL

1. The septic tank is located not less than 1.5m from any building.
2. The septic tank is to be protected from possible vehicle damage.
3. The site has been inspected and Council considers that effluent and sullage can be completely disposed of on the site without nuisance or likely danger to health.
4. No fruit or salad vegetables, growing on the property, shall be irrigated with effluent from the aerated septic tank system.
5. There shall be no irrigated water run-off from the allotment to adjoining properties, public places or reserves.
6. Internal overflows to WC cisterns are not permitted.

G THOMSON
MANAGER, HEALTH & COMPLIANCE

Per: J Storer



WARRINGAH COUNCIL

HB 3297/287-D JS.ht/4591h
File No: Mr J Storer, Health & Compliance
Enquiries: 8.30-10am, Mon-Fri

Telephone: (02) 982 0333

20th March 1995

Hills Bros Flower Market
287 Mona Vale Road
TERREY HILLS NSW 2084

Dear Sir

Re: Proposed Septic Tank - Lot 1, No 287 Monda Vale Road, Terrey Hills

Attached is your approved plan, please note:

- (a) All sanitary fittings should be completed and housed in accordance with Local Government Ordinance No 44 and the regulations of the Water Board.
- (b) At least 48 hours' notice shall be given to Council's Health Department before drains are covered and the work has been completed.
- (c) Approval is subject to any special conditions shown in connection with the plan.

Notwithstanding this approval and any subsequent inspections during installation, the satisfactory functioning of the septic tank and disposal arrangements remain the responsibility of the owner.

Yours faithfully

G THOMSON
MANAGER, HEALTH & COMPLIANCE

per:

Encl

NB Please hand the approved plan to your installation firm to ensure compliance with all conditions.

All correspondence to be addressed

General Manager
Civic Centre, Pittwater Road, Dee Why, 2099
DX 9118 Dee Why Fax: (02) 971 4522



WARRINGAH COUNCIL

File No: HB 3297/287-D JS.HT/4591h
Enquiries: Mr J Storer, Health & Compliance
8.30-10am, Mon-Fri

Telephone: (02) 982 0333

20th March 1995

Dutek W.P. Pty Ltd
78 Kambora Avenue
DAVIDSON NSW 2085

Dear Sir

Re: Proposed Septic Tank - 287 Mona Vale Road, Terrey Hills

With reference to the abovementioned, you are advised that approval for the installation of a septic tank, together with the approved plans, have this day been forwarded to the owner.

Yours faithfully

G THOMSON
MANAGER, HEALTH & COMPLIANCE

per:

4591h

APPROVAL NO 4/95 Dated 17.3.95

PROPOSED SEPTIC TANK: Lot 1, DP 814627, No 287 Mona Vale Road,
Terrey Hills

OWNERS: Hills Bros. Flower Market

PERMIT TO CONSTRUCT A SEPTIC TANK

PLANS HERewith APPROVED SUBJECT to the provisions of Ordinance 44 and special conditions imposed by the Health Commission of NSW and/or Council which may be detailed hereon or under separate cover and provided also the following to be STRICTLY OBSERVED.

1. Tanks more than 450mm above the ground are to be enclosed by brick or stone veneer.
2. INSPECTION CERTIFICATES being obtained from the Water Board in connection with sanitary plumbing and drains.
3. APPLICANT shall be responsible for giving 48 hours notice in writing to the inspector BEFORE work is COMMENCED, DRAINS COVERED AND WORK COMPLETED.

Tank SHALL NOT be used until certificates have been produced from the Board and Inspector has authorised usage.

SPECIAL CONDITIONS OF APPROVAL

1. The septic tank is located not less than 1.5m from any building.
2. The septic tank is to be protected from possible vehicle damage.
3. The site has been inspected and Council considers that effluent and sullage can be completely disposed of on the site without nuisance or likely danger to health.
4. No fruit or salad vegetables, growing on the property, shall be irrigated with effluent from the aerated septic tank system.
5. There shall be no irrigated water run-off from the allotment to adjoining properties, public places or reserves.
6. Internal overflows to WC cisterns are not permitted.

G THOMSON
MANAGER, HEALTH & COMPLIANCE

Per: J Storer

DEPARTMENT OF HEALTH, N.S.W.

Aerated Septic Tanks - Conditions of Approval

Date: 1.3.95

- 1 The installation incorporates a _____ flushing suite approved by the ~~Health~~ Board.
 - 2 The maximum vertical drop in the soil line from the pan is 2.25 metres.
 - 3 The horizontal length of pipe between the outlet of the pan and the inlet to the septic tank does not exceed 3 metres.
 - 4 The horizontal length of pipe between the outlet of the pan and the junction with another waste to the main drain line does not exceed 3 metres.
 - 5 The elevated pipe line is adequately supported.
 - 12 ~~6~~ The septic tank is located not less than 1.5m. from any building.
 - 13 ~~7~~ The septic tank is to be protected from possible vehicle damage.
 - 15 ~~8~~ The site has been inspected and council considers that effluent and sillage can be completely disposed of on the site without nuisance or likely danger to health.
 - 9 An adequate water supply is available at all seasons of the year.
 - 10 The contents of the existing septic tank, except for approximately 50 litres of digested sludge, are removed by council or its contractor to an approved sanitary depot.
 - 11 The collection well is emptied and the contents are removed by council or its contractor to an approved sanitary depot.
 - 12 Following conversion from pump-out septic to an aerated septic tank system, the suction line is to be disconnected from the holding well but not removed from the property.
 - 20 ~~13~~ No fruit or salad vegetables, growing on the property, shall be irrigated with effluent from the aerated septic tank system.
 - 21 ~~14~~ There shall be no irrigated water run-off from the allotment to adjoining properties, public places or reserves.
 - 15 An operator's manual incorporating a service record, is to be provided with the aerated septic tank system. The date of each service shall be entered on the record sheet.
 - 16 The owner shall enter into a quarterly service contract with the manufacturer, distributor, his agent.
 - 17 A copy of the quarterly service record sheet shall be forwarded by the service contractor to council after each service.
 - 18 The service contractor shall make adjustments to each unit, its ventilation and irrigation systems, when directed to do so by the Department of Health, N.S.W., or the local council.
- 27

HILLS FLOWER MARKET

SITE : 287 MONA VALLEY

TEMNEY HILLS

1: METHOD OF IRRIGATION

All treated effluent is discharged via approved 25mm black irrigation Polypropylene pipe fitted with low trajectory mist-free spray heads of 360° or 180° providing sprinkling within the designated dispersal area as shown on the site plan.

2: IRRIGATION AREA DETAILS

Soil type:	Sandy Loam
Dept: (mm)	Min. 1.0m
Retaining or filling:	—
Existing vegetation:	Shrubs & Ground cover
Proposed landscaping:	Trees
Any other information:	—

3: GENERAL SITE DETAILS

Drainage channels:	—
Natural water:	—
Any other information:	—

The Manager
Dutek Wastewater Purification Pty Ltd
78 Kambora Ave
Davidson NSW 2085

A 18101/1

Clause 75, Local Government
(Approvals) Regulation 1993

6 June 1994

CERTIFICATE OF APPROVAL NO. AST. 055/94
APPROVED WASTE TREATMENT DEVICE

This is to certify that the system described hereunder, and submitted by:

DUTEK WASTEWATER PURIFICATION PTY LTD
78 Kambora Avenue
Davidson NSW 2085

has been accepted by the NSW Department as an approved Waste Treatment Device and may now be installed on domestic premises in accordance with the provisions of Clause 75, Local Government (Approvals) Regulation 1993, subject to the conditions of acceptance listed below.

SYSTEM: DUTEK "SUPER FROG 1C10" AERATED SEPTIC TANK SYSTEM

DESCRIPTION: An aerobic sewage waste treatment device designed to treat and disinfect all sewage waste from a maximum of 10 persons occupying a single domestic dwelling and to dispose of all of the effluent from such waste treatment device within the confines of the premises without nuisance or risk to Public Health.

The Dutek "Super Frog 1C10" one tank aerated septic tank system, constructed within a reinforced concrete tank, consist of a primary treatment chamber of 3050 litres minimum capacity, a secondary treatment chamber or aeration chamber of at least 2520 litres capacity equipped with a submersible aerator and flow regulation system, a sedimentation chamber of at least 520 litres capacity, a tablet erosion chlorinator, an interconnected chlorine contact chamber and pump chamber of a total capacity of at least 460 litres, together with a reticulated effluent disposal system.

CONDITIONS OF ACCEPTANCE:

1. All applications for installation of a Dutek "Super Frog 1C10" Aerated Septic Tank System shall be made to the Local Authority in accordance with Section 68 Part C - Management of Waste, Local Government Act 1993 and Clause 73, Local Government (Approvals) Regulation 1993.
2. The combined secondary treatment compartments of the Dutek "Super Frog 1C10" Aerated Septic Tank System shall have an installed capacity of at least 3500 litres and capable of treating all wastes for up to 10 persons from a domestic premises.
3. The primary treatment compartment within the Dutek "Super Frog 1C10" Aerated Septic Tank System shall have a capacity of at least 3050 litres.
4. The Dutek "Super Frog 1C10" Aerated Septic Tank System shall be supplied, constructed and installed in accordance with the design as submitted and approved by the NSW Health Department.
5. Any modifications or variations of the approved design shall be submitted for separate approval by the NSW Health Department.
6. An operation and maintenance manual shall be supplied to the owner of the aerated septic tank system before the commissioning of the system.
7. Should any of the Dutek "Super Frog 1C10" Aerated Septic Tank Systems prove to be unsatisfactory in any respect during service, and therefore require modification to achieve the prescribed standards, all the installed Dutek "Super Frog 1C10" Aerated Septic Tank Systems shall be modified accordingly.
8. All aerated septic tank systems are to be permanently and legibly marked on their cover with the following information:
 - 8.1 The capacity of the aerated septic tank system;
 - 8.2 The manufacturer's name or registered trademark;
 - 8.3 The brand name of the system;
 - 8.4 The Month and Year of manufacture.
9. A telephone number for emergency service shall be fixed and located in or near the alarm control box or panel so as to be readily visible.
10. The manufacturer, distributor or any person authorised in writing by the Local Authority shall provide an annual service contract to the owner of the aerated septic tank system.

- 10.1 The service contract shall provide that the aerated septic tank system shall be serviced every quarter in accordance with Clause 12 in Chapter 3 of the Environmental Health Officers Manual.
- 10.2 A copy of the service report shall be provided by the service contractor to the Local Authority and to the owner of the aerated septic tank system after each service.
11. The chlorinator shall provide three (3) months storage of chlorine tablets and shall be fully charged at the end of each service by the service contractor.
12. Effluent from the Dutek "Super Frog 1C10" Aerated Septic Tank System shall at all times comply with the following standard:

BOD ⁵	less than 20 mg/L
SS	less than 30 mg/L
Free residual chlorine	0.5 mg/L (minimum) 2.0 mg/L (maximum)
Faecal coliforms	less than 30 cfu/100 mL

THIS CERTIFICATE IS VALID FROM THE DATE HEREON UNLESS WITHDRAWN
OR CANCELLED BY THE NSW HEALTH DEPARTMENT

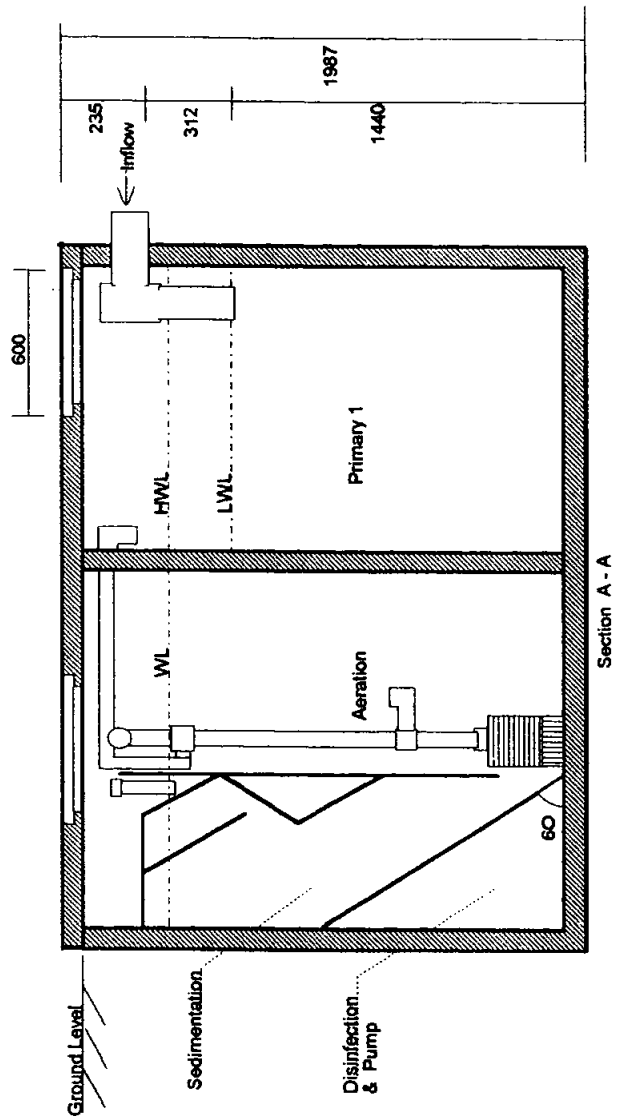
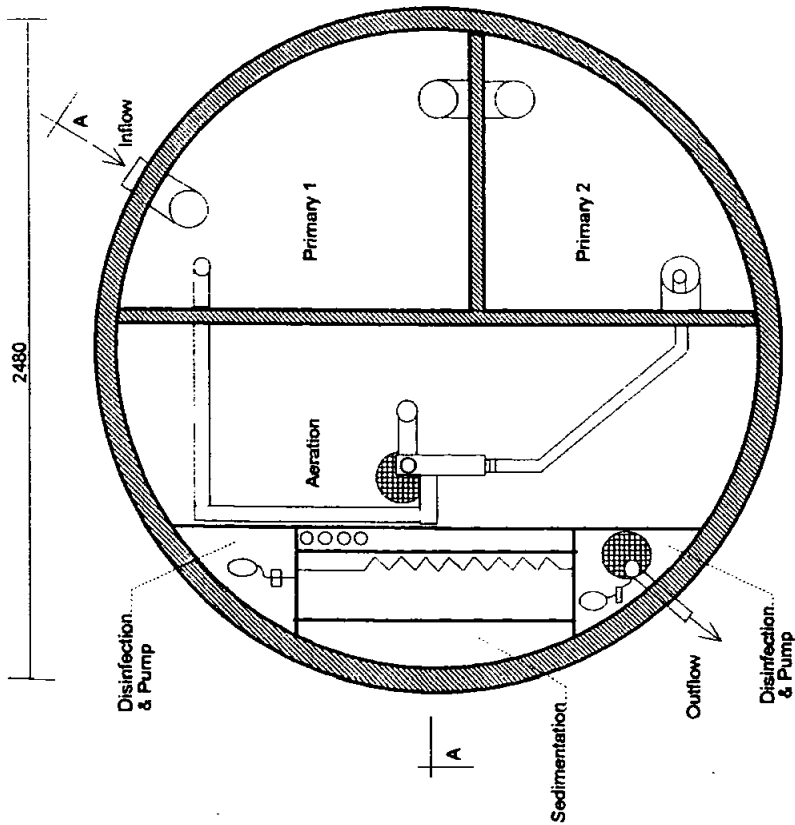


(Dr) K. Chant
for Director-General



DUTEK
WASTEWATER
PURIFICATION

78 KAMBORA AVE
DAVIDSON NSW 2085
TEL (02) 975 4168
FAX (02) 975 4163
ACN 060 861 210



NAME:

INSTALLATION

Quotation no:

DUTEK "SUPER-FROG 1C10": Patent Pending

Chamber total	Capacity (m ³)
Primary	3.067 m ³
Aeration	2.518 m ³
Sedimentation	0.520 m ³
Disinfection/ pump	0.463 m ³
Total	6.552 m ³

All tanks will display AUSTRALIAN STANDARDS mark and the MANUFACTURER'S LICENSE NUMBER.

APPROVED

06 JUN 1994

DEPARTMENT OF HEALTH, N.S.W.

Local Government (Approvals) Regulation 1999

28 Members to accompany applications for approval to install or construct sewage management facilities

- (1) An application for approval to install or construct a sewage management facility on any premises must be accompanied by the documents specified in this clause.
- (2) **Plan**
The application must be accompanied by a plan, to scale, showing the location of:
 - (a) the sewage management facility proposed to be installed or constructed on the premises, and
 - (b) any related effluent application areas, and
 - (c) any buildings or facilities existing on, and any environmentally sensitive areas of, any land located within 100 metres of the sewage management facility or effluent application areas, and
 - (d) any related drainage lines or pipework (whether natural or constructed).
- (3) **Specifications**
The application must be accompanied by full specifications of the sewage management facility proposed to be installed or constructed on the premises concerned.
- (4) **Site assessment**
The application must be accompanied by details of the climate, geology, hydrogeology, topography, soil composition and vegetation of any effluent application areas related to the sewage management facility together with an assessment of the site in the light of those details.
- (5) **Statement**
The application must be accompanied by a statement of:
 - (a) the number of persons residing, or probable number of persons to reside, on the premises, and
 - (b) such other factors as are relevant to the capacity of the proposed sewage management facility.
- (6) **Operation and maintenance**
The application must be accompanied by details of:
 - (a) the operation and maintenance requirements for the proposed sewage management facility, and
 - (b) the proposed operation, maintenance and servicing arrangements intended to meet those requirements, and
 - (c) the action to be taken in the event of a breakdown in, or other interference with, its operation.
- (7) This clause does not apply to an application for approval to install or construct a sewage management facility on any premises if the applicant declares in the application that the facility will remain on the premises for no more than 12 months.

Note. The information that is to accompany such applications (and applications for approval to *alter* a sewage management facility) is to be determined by the council in each particular case. Section 81 of

the Local Government Act 1993 provides that an application for an approval under Part 1 of Chapter 7 of that Act (in which category such applications fall) must be accompanied by "such matters as may be prescribed by the regulations and such matters specified by the council as may be necessary to provide sufficient information to enable the council to determine the application".

Local Government (Approvals) Regulation 1999

36 Use of sewage management facilities

It is a condition of an approval to install, construct or alter a sewage management facility that the facility is not used (or used as altered) until the council has given the applicant for approval notice in writing that it is satisfied that the facility has been installed, constructed or altered in substantial accordance with the approval.

48 Further condition of approval in relation to operation of system of sewage management

- (1) It is a condition of an approval to operate a system of sewage management that this clause is complied with.
- (2) The sewage management facilities used in the operation of the system must be maintained in a sanitary condition and must be operated in accordance with the relevant requirements of this Regulation.
- (3) A sewage management facility used in the operation of the system must not discharge into any watercourse or onto any land other than its related effluent application area.
- (4) The conditions (if any) of any certificate of accreditation issued by the Director-General of the Department of Health under this Division in respect of the plans or designs for any components of the sewage management facilities must be complied with.
- (5) The person operating the system of sewage management must provide details of the way in which it is operated, and evidence of compliance with the relevant requirements of this Regulation and of the conditions of the approval, whenever the council reasonably requires the person to do so.

Points 8 to 11

Item	Type of Development	Scale of Development	SEPP 11 Schedule No
8	a) Tourist Facilities	50 to 250 car parking spaces	2
	b) Recreational Facilities	more than 250 spaces	1
	c) Showgrounds		
	d) Sportsgrounds		
	*New/E/E		
9	a) Clubs	50 to 250 car parking spaces	2
	b) Hotels	more than 250 spaces	1
	*New/E/E		
10	a) Places of Assembly	50 to 250 car parking spaces	2
	b) Places of Public Worship	more than 250 spaces	1
	*New/E/E		
11	a) Refreshment Rooms	more than 300m ² GFA	2
	b) Restaurants		

*New/E/E = New or Extension or Enlargement

Note:

Schedule 1 developments are referred to the Regional/Zonal Development Committees.

Schedule 2 developments are referred to the Council Development Committees.

Schedule 1 developments are those developments with scale as indicated, regardless of where the access is.

Schedule 2 developments are those developments with scale as indicated and having access to an arterial road or a road connecting with an arterial road, if the access is within 90 metres of the alignment of the arterial road



RTA Guide to Traffic Generating Developments
December 1993 Issue 2.0
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Table 9.2 Other developments not listed in schedules 1 or 2

Land Use	Relevant Item Number in <u>Table 9.1</u>	
Housing for aged/disabled	Residential	(Item 1)
Motels	Hotels	(Item 9)
Shopping centre	Retail	(Item 2)
Convenience store	Service Stations	(Item 13)
Car tyre retail outlets	Retail	(Item 2)
Restaurants	Refreshment Rooms	(Item 11)
Truck stops	Transport Terminals Etc	(Item 19)
Factories	Industry	(Item 6)
Warehouses	Industry	(Item 6)
Video stores	Retail	(Item 2)
Bulky goods stores	Retail	(Item 2)
Child care centres	Educational Establishments	(Item 17)
Extended hours medical centres	Retail	(Item 2)
Gymnasiums	Recreation	(Item 8)
Markets	Retail	(Item 2)
Professional consulting rooms	Commercial	(Item 4)
Public car parks	Parking Area	(Item 23)

Note: If a proposed development is not listed in Schedules 1 or 2 above, it may be referred to the Regional / Zonal Development Committee for consideration.

Where the increment for a development is greater than 10% in terms of traffic generation, the development should be examined as a whole, incorporating the original development and then referred to the appropriate committee.



Points 17 to 19

Item	Type of Development	Scale of Development	SEPP 11 Schedule No
17	Educational Establishments	more than 500 students	1
18	Drive-In Theatres	Any Scale	1
	*New/E/E		
19	a) Transport Terminals	less than 4000m ² GFA	2
	b) Bulk Stores	or site area	
	c) Container Depots		
	d) Liquid Fuel Depots	more than 4000m ² GFA	1
	*New/E/E	or site area	

2 No. (35)

*New/E/E = New or Extension or Enlargement

Note:

Schedule 1 developments are referred to the Regional/Zonal Development Committees.

Schedule 2 developments are referred to the Council Development Committees.

Schedule 1 developments are those developments with scale as indicated, regardless of where the access is.

Schedule 2 developments are those developments with scale as indicated and having access to an arterial road or a road connecting with an arterial road, if the access is within 90 metres of the alignment of the arterial road



RTA Guide to Traffic Generating Developments
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WARRINGAH COUNCIL

File No.: PF 3297/287 KM.LB/5582D
Enquiries: Ms K Moore, Town Planning Dept
8.30-10.30am, Mon-Fri

Telephone: (02) 982 0333

12th April 1994

Hills Brothers Pty Ltd
287 Mona Vale Road
TERREY HILLS NSW 2084

Dear Sir/Madam

re: Proposed subdivision of one lot into two at Lot 1, DP 814627,
No. 287 Mona Vale Road (known as 50-52 Myoora Road), Terrey
Hills

Further to Council's letter dated 14th March 1994, the Director of the Department of Planning has granted concurrence under State Environmental Planning Policy No 1 to your application.

I have pleasure in attaching Consent No. 94/143 under Section 91 of the Environmental Planning & Assessment Act, 1979, and a copy of the appropriately stamped plan to which Consent has been granted.

I am also pleased to advise that Council is prepared to approve of the subdivision, as shown in plan/s numbered S 629/2, dated October 1993, under Part XII of the Local Government Act, 1993, subject to the following conditions:-

1. The submission to Council of a Subdivider/Developer Certificate issued from the Water Board in accordance with the provisions of Part 3, Division 2, Section 27 of the Water Board Act, 1987.
2. Submission of final plan of subdivision, prepared in accordance with the requirements of the Conveyancing Act, together with nine copies thereof.

All plans of survey are to show connections to at least two Survey Co-Ordination Permanent Marks.

3. Subject to the satisfaction of all conditions Council is prepared to approve the development at any time within a period of two years from this date. Any resubmission for approval beyond this period will be treated as a fresh application, subject to any requirements of Council's Planning Scheme Ordinance, Subdivision Code or Design Standards and to the payment of such subdivision and other fees which may be current at the time.

All correspondence to be addressed

General Manager
Civic Centre, Pittwater Road, Dee Why, 2099
DX 9118 Dee Why Fax: (02) 971 4522



4. Compliance with the conditions contained in Development Consent No. 94/143.

Before committing yourself to further expenditure in relation to this subdivision, you are advised to satisfy yourself that you are able to comply with all of Council's conditions.

If there is any aspect of the decision that you are uncertain of or unclear about, or if you would like to further discuss anything in connection with it, please do not hesitate to contact the referred to enquiry officer, who will be happy to assist you.

Finally, you are advised that you have a right of appeal to the Land & Environment Court against Council's decision, or against any condition imposed in connection therewith.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'R Kay', written above the typed name.

R Kay
CHAIRMAN, DEVELOPMENT UNIT
FINANCE AND CORPORATE
SERVICES DIVISION

per: Mrs R Dowse

Handwritten initials 'RD' in dark ink, located to the right of the typed name 'Mrs R Dowse'.



WARRINGAH COUNCIL

File No: PF 3297/287 KM.LB/5583D
Enquiries:

Telephone: (02) 982 0333

CONSENT NO: 94/143

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF DETERMINATION

OF A DEVELOPMENT APPLICATION

Applicant's Name and Address: Hills Brothers Pty Ltd., 287 Mona Vale Road, Terrey Hills NSW 2084

Being the applicant in respect of Development Application No. 1994/8.

Pursuant to section 92 of the Act, notice is hereby given of the determination by Warringah Council, as the consent authority, of the Development Application No. 1994/8 relating to the land described as follows:-

Lot 1, DP 814627, No. 287 Mona Vale Road (known as 50-52 Myoora Road), Terrey Hills

For the following development:-

Subdivision of one lot into two lots

The Development Application has been determined by granting of consent subject to the following conditions:-

1. Development being generally in accordance with plans numbered S629/2, dated October 1993, submitted 12th January 1994 as modified by any conditions of this Consent.
2. The Warringah Council shall be nominated as a party empowered to release, vary or modify the terms of a special restriction as to user to be included in the 88B Instrument prepared in connection with Conditions 2, 3 and 4 herein.
3. Compliance with the conditions contained in the Part XII approval attached hereto.
4. The creation of an Easement to Drain Water 2.0 metres wide along the south west boundary of proposed Lot 1 in favour of proposed Lot 2 between the proposed common boundary and the line of the existing depression passing through the site.

All correspondence to be addressed

General Manager

Civic Centre, Pittwater Road, Dee Why, 2099
DX 9118 Dee Why Fax: (02) 971 4522



WARRINGAH COUNCIL

File No: PF 3297/287 KM.LB/5583D
Enquiries:

Telephone: (02) 982 0333

CONSENT NO: 94/143

5. The creation of a Restriction on Use of Land over proposed Lot 2, the terms of which prevent the construction of a stormwater pipeline and/or the concentration of stormwater flows to the easement required by Condition 4 above unless it is in conjunction with, or after, the construction of a stormwater pipeline and creation of Easements to Drain Water along the line of the depression passing through downstream properties to a point of suitable discharge determined by Council.
6. The creation of a Right of Carriageway 7.0m wide along the south west boundary of proposed Lot 2 in favour of proposed Lot 1.
7. The payment of the following contribution pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, as amended, prior to the release of the linen plan;
 - * \$286.98 to Account No. 27004 for the Embellishment of Open Space.

The contribution amount stated is subject to quarterly adjustment based on economic trends and is current until such adjustment. The final assessment of the contribution due will be made at the date of payment prior to the release of the linen plan having consideration of such revised adjustment.

The reason for the imposition of the above consent conditions is as follows:-

To ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act, pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 90 of the Act and the Environmental Planning Instrument applying to the land, as well as section 91(3) of the Act which authorises the imposing of the consent conditions.

All correspondence to be addressed

General Manager

Civic Centre, Pittwater Road, Dee Why, 2099
DX 9118 Dee Why Fax: (02) 971 4522



WARRINGAH COUNCIL

File No: PF 3297/287 KM.LB/5583D
Enquiries:

Telephone: (02) 982 0333

CONSENT NO: 94/143

Endorsement of date of consent **12 APR 1994**

IMPORTANT: You are advised to read these notes in addition to the Conditions of your consent.

- (1) It is to be clearly understood that the above consent is not an approval to carry out any structural work. A formal building application must be submitted to Council and be approved before any structural work is carried out to implement the above consent. Also the applicant is not relieved of any obligation to obtain any other approval required under any other Act.
- (2) The foregoing determination was taken under delegated authority by the Development Unit on behalf of the elected Council and, pursuant to Council policy, if you are dissatisfied with the determination you may request the Council to review the determination.
- (3) Section 97 of the Environmental Planning and Assessment Act confers on the applicant who is not satisfied with the determination of the consent authority a right of appeal to the Land and Environment Court exercisable within 12 months of receipt of this notice.
- (4) This consent shall be effective and operative from the endorsement date of this consent; however should an appeal be lodged against Council's determination of the application, the consent shall cease to be, or shall not become, operative, until that appeal is determined. See section 93 of the Act.
- (5) For information about the circumstances in which this consent may lapse; about commencement of a development granted consent; about extension of the consent; and about the circumstances in which Council may require completion of the development, see Section 99 of the Act.
- (6) For information about the procedure for the modification of this consent by Council, see Section 102 of the Act.

All correspondence to be addressed

General Manager

Civic Centre, Pittwater Road, Dee Why, 2099
DX 9118 Dee Why Fax: (02) 971 4522



WARRINGAH COUNCIL

File No: PF 3297/287 KM.LB/5583D
Enquiries:

Telephone: (02) 982 0333

CONSENT NO: 94/143

- (7) Any person who contravenes this notice of determination of the abovementioned development application shall be guilty of a breach of the Environmental Planning and Assessment Act, 1979, and shall be liable to a monetary penalty and for a restraining order which may be imposed by the Land and Environment Court.

R Symons
DIRECTOR FINANCE AND
CORPORATE SERVICES

per: *R Dowse*

Date 12 APR 1994

All correspondence to be addressed

General Manager
Civic Centre, Pittwater Road, Dee Why, 2099
DX 9118 Dee Why Fax: (02) 971 4522



Department of Planning

Mr F L Thomson
General Manager
Warringah Council
Civic Centre
Pittwater Road
DEE WHY

107047
WARRINGAH CORR. NO.
REF TO.
FILE WITH ... DEV UNIT 72234K
FILE NO. PF 3297/287
06 APR 1994
SEEN BY
REF TO.....DATE
REPLY REQUIRED YES/NO

Remington Centre
175 Liverpool Street, Sydney 2000
Box 3927 G.P.O. Sydney 2001
DX. 15 Sydney

Telephone : (02) 391 2000 Ext. 2337

Fax No. : (02) 391 2111

Contact : Richard Pearson

Our Reference : S90/02076/001

Your Reference :

Dear Mr Thomson

**Director's Concurrence under State Environmental Planning Policy
No. 1 - 287 Mona Vale Road, Terrey Hills**

I refer to Council's letter dated 10 March 1994 regarding this matter.

In accordance with the provisions of clause 7 of State Environmental Planning Policy No. 1 - Development Standards, the Director concurs with Council granting consent to enable subdivision of the subject land into two lots.

Concurrence to the application has been granted as the development is not considered to be in conflict with any State or regional planning objectives and is considered to be compatible with the objectives of the 2 hectare minimum subdivision standard.

Yours sincerely

Charles Hill
Manager,
Sydney North

30/3/94



WARRINGAH COUNCIL

File No.: PF 3297/287 KM.gb/0935t
Enquiries: Ms K Moore, Town Planning Dept
8.30-10.30am, Mon-Fri

Telephone: (02) 982 0333

10th March 1994

The Director
Department of Planning
DX 15
SYDNEY

Dear Sir/Madam

**Re: Lot 1, DP 814627, No. 287 Mona Vale Road, Terrey Hills - Subdivision
of one lot into two lots**

Council has received a Development Application for the abovementioned proposal together with an objection under State Environmental Planning Policy No. 1 to the development standard contained in Clause 12(2) of Warringah Local Environmental Plan 1985.

This matter was considered by Council's Development Unit on 8th March 1994 where it was decided to favour the development proposal and Council is now requesting your concurrence with regard to the objection under State Environmental Planning Policy No. 1.

Please find attached a copy of the report considered by the Development Unit on 8th March 1994, a copy of the State Environmental Planning Policy No. 1 objection and the plans of the subdivision. Council looks forward to receiving your advice as soon as possible.

Should you have any enquiries regarding this matter please contact the abovenamed Council officer.

Yours faithfully

**R Kay
CHAIRMAN
DEVELOPMENT UNIT
FINANCE & CORPORATE SERVICES DIVISION**

All correspondence to be addressed

General Manager
Civic Centre, Pittwater Road, Dee Why, 2099
DX 9118 Dee Why Fax: (02) 971 4522



WARRINGAH COUNCIL

File No: PF 3297/287 RD.kmck/5514D
Enquiries: Ms K Moore, Town Planning Dept
8.30-10.30am, Mon-Fri

Telephone: (02) 982 0333

14th March 1994

Hills Brothers Pty Ltd
287 Mona Vale Road
TERREY HILLS NSW 2084

Dear Sir/Madam

Re: Joint Development/Subdivision Application No. 1994/8 at Lot 1,
DP 814627, No. 287 Mona Vale Road (known as 50-52 Myoora
Road), Terrey Hills.

Council considered the above application under the delegated authority of the Development Unit on 8th March 1994 and resolved to favour the application and refer it to the Director of the Department of Planning for concurrence with regard to the objection under State Environmental Planning Policy No 1.

Should the Director's concurrence be granted, Council would be prepared to approve the subdivision as shown on Plan S629/2 and dated October 1993 under Part XII of the Local Government Act 1919 subject to the following conditions:-

1. The submission to Council of a Subdivider/Developer Certificate issued from the Water Board in accordance with the provisions of Part 3, Division 2, Section 27 of the Water Board Act, 1987.
2. Submission of final plan of subdivision, prepared in accordance with the requirements of the Conveyancing Act, together with nine copies thereof.

All plans of survey are to show connections to at least two Survey Co-Ordination Permanent Marks.

All correspondence to be addressed

General Manager
Civic Centre, Pittwater Road, Dee Why, 2099
DX 9118 Dee Why Fax: (02) 971 4522

3. Subject to the satisfaction of all conditions Council is prepared to approve the development at any time within a period of two years from this date. Any resubmission for approval beyond this period will be treated as a fresh application, subject to any requirements of Council's Planning Scheme Ordinance, Subdivision Code or Design Standards and to the payment of such subdivision and other fees which may be current at the time.
4. Compliance with the conditions contained in the development consent attached hereto.

Council would also be prepared to grant development Consent, subject to the following conditions:-

1. Development being generally in accordance with plans numbered S629/2, dated October 1993, submitted 12th January 1994 as modified by any conditions of this Consent.
2. The Warringah Council shall be nominated as a party empowered to release, vary or modify the terms of a special restriction as to user to be included in the 88B Instrument prepared in connection with Conditions 2, 3 and 4 herein.
3. Compliance with the conditions contained in the Part XII approval attached hereto.
4. The creation of an Easement to Drain Water 2.0 metres wide along the south west boundary of proposed Lot 1 in favour of proposed Lot 2 between the proposed common boundary and the line of the existing depression passing through the site.
5. The creation of a Restriction on Use of Land over proposed Lot 2, the terms of which prevent the construction of a stormwater pipeline and/or the concentration of stormwater flows to the easement required by Condition 4 above unless it is in conjunction with, or after, the construction of a stormwater pipeline and creation of Easements to Drain Water along the line of the depression passing through downstream properties to a point of suitable discharge determined by Council.
6. The creation of a Right of Carriageway 7.0m wide along the south west boundary of proposed Lot 2 in favour of proposed Lot 1.

7. The payment of the following contribution pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, as amended, prior to the release of the linen plan;

* \$286.98 to Account No. 27004 for the Embellishment of Open Space.

The contribution amount stated is subject to quarterly adjustment based on economic trends and is current until such adjustment. The final assessment of the contribution due will be made at the date of payment prior to the release of the linen plan having consideration of such revised adjustment.

Following receipt of the Director's advice you will be notified.

Yours faithfully



R Kay
CHAIRMAN, DEVELOPMENT UNIT
FINANCE AND CORPORATE
SERVICES DIVISION

per: R Dowse 

- 8 MAR 1994

Report to Development Unit.JOINT DEVELOPMENT/PART XII APPLICATION (No. 1994/8)
(Lodged 12.1.94)FILE PF 3297/287PROPOSAL Subdivision of one lot into two lots.LOCATION AND LAND DESCRIPTION

Lot 1, DP 814627, No. 287 Mona Vale Road (known as 50-52 Myoora Road) Terrey Hills. Site area of 3.763 hectares.

PRESENT DEVELOPMENT

One dwelling house fronting Myoora Road and one dwelling house/retail nursery fronting Mona Vale Road.

APPLICANT'S NAME AND ADDRESSHills Brothers Pty Ltd
287 Mona Vale Road
TERREY HILLS NSW 2084PLANNING CONTROL

The premises is zoned Non Urban 1(d) - "Urban Support". The proposal is permissible with Council's consent.

BACKGROUND

The subject site, being Lot 1 in DP 814627, was created from a consolidation of two adjoining portions (Por 20 and Por 136, Parish of Broken Bay) and was registered on 14.1.92. This consolidation did not require Council's consent.

Council records indicate that Portion 20 originally had a site area of 1879 sq metres and Portion 136 originally had a site area of 1884 sq metres. Both portions were aligned north-west/north-east, with frontage to both Mona Vale Road and Myoora Road.

The subject site presently contains 2 dwelling houses, one of which includes a retail flower nursery. Council records indicate that the nursery enjoyed existing use rights, pursuant to Section 106 of the Environmental Planning and Assessment Act, 1979. However, the retail nursery is now a permissible use under the Non-Urban 1(d) zoning, pursuant to Amendment No. 94, gazetted 29th October 1993. With regard to the second dwelling house, Council records appear to indicate that a building approval was issued in 1954 for the construction of this dwelling.

PROPOSAL IN DETAIL

The submitted proposal involves the subdivision of existing Lot 1 into two lots. Proposed Lot 1 will have a site area of 2 hectares, with frontage only to Mona Vale Road and proposed Lot 2 will have a site area of 1.763 hectares with frontage only to Myoora Road. A 3.5 metre wide right of carriageway over Lot 2 is proposed, enabling vehicular access from Myoora Road to Lot 1.

Report to Development Unit.

The proposed subdivision will create two square shaped allotments, as opposed to the previous rectangular shaped dual road frontage portions (20 and 136) and the existing neighbouring portions.

The applicant maintains that the intention of the subdivision is to create separate parcels of land having regard to the existing structures located on the subject site. Lot 1 will therefore retain the existing flower retail outlet/dwelling and the agricultural shed. Lot 2 will retain the existing dwelling located along Myoora Road.

HEALTH AND BUILDING COMMENTS (31.1.94)

No objections or conditions.

ENGINEERING COMMENTS (3.2.94 & 7.3.94)General

No objection is raised to the proposed subdivision on engineering grounds.

Nevertheless, it must be said that although "subdivision of land does not, of itself, alter the amenity or the environment in relation to land", the creation of two (2) allotments where one (1) currently exists will increase the opportunities for future development which will impact on the amenity and the environment of the area.

Although two (2) current dwellings exist on the land, the argument has been presented that the proposed subdivision merely seeks to provide a separate allotment for each dwelling. However, because of the current zoning of the land and therefore its potential and associated value, it is unlikely that the land will remain for residential use in the long term.

Consideration must therefore be given to the prospect that the subdivision will ultimately result in two "urban support" type developments.

The proposed subdivision will not "enhance the landscape quality and residential amenity of adjoining properties", as stated on page 8 of the accompanying report.

Stormwater Drainage

There is a natural depression passing through the land in roughly a north/east to south/westerly direction, roughly passing behind the existing flower shop building. As a result, the land primarily falls away from Myoora Road and Mona Vale Road, and would not naturally drain to either of those two roads. The depression then passes through other properties to the south west, and thence in a north/west direction before passing under Myoora Road.

Report to Development Unit.

Due to the small amount of current development on the land a formal drainage system is not required. Nor would a formal drainage system be required following the proposed subdivision unless the land was proposed to be redeveloped to a more intense use. Any formal drainage system would require the laying of a pipeline and the creation of easements along the line of the depression through downstream properties. It is considered appropriate to assess the need for such an arrangement with any future application for redevelopment of either of the proposed allotments.

However, it is considered appropriate to include a condition which will require the creation of an Easement to Drain Water along the southern boundary of proposed Lot 1 in favour of proposed Lot 2, between the proposed common boundary and the line of the depression. A condition would also be required for the purpose of creating a Restriction on Use of Land over proposed Lot 2, the terms of which would prevent the laying of a stormwater pipeline or concentration of flows along the said easement without the construction of a stormwater drainage pipeline and creation of associated easements through downstream properties to a suitable point of discharge.

Access from Myoora Road

Due to the restrictions on access from Mona Vale Road for particular forms of development under the zoning, it is considered appropriate that access to proposed Lot 1 be provided from Myoora Road. However, in view of the length of the access and for the types of development which could potentially take place on proposed Lot 1, it is considered appropriate to provide for the construction of a driveway which would have sufficient width to allow the passing of vehicles. In this regard it is considered appropriate that a minimum width of 5m be provided for this purpose with a minimum 2 metres additional width to allow landscaping to be provided should it be considered necessary. That is, it is considered appropriate that a 7.0m wide Right of Carriageway be provided along the south western boundary of proposed Lot 2 in favour of proposed Lot 1. A condition will be included for this purpose.

ENVIRONMENTAL PLANNING COMMENTS

Clause 53AD of Warringah Local Environmental Plan 1985 specifies that land within the Non Urban 1(d) zone cannot be subdivided unless the area of each allotment to be created by the subdivision will be not less than 2 hectares. The submitted proposal is contrary to this clause, given that one of the new allotments will be 1.763 hectares in size.

The applicant has lodged an objection under the provisions of State Environmental Planning Policy No. 1 to the development standard contained in Clause 53AD of Warringah Local Environmental Plan 1985, to permit the proposed subdivision.

Report to Development Unit,SEPP No. 1 Objection

"Strict compliance is considered to be unnecessary and unreasonable for the following reasons:

1. The objective of this zone is "to provide for a range of urban support activities which serve the needs of local and regional communities."

The proposed subdivision of this parcel of land will not prejudice the objectives of the zoning in that Lot 1 already provides a service to the local community. Lot 2 whilst occupied by an existing dwelling is of a sufficient size to accommodate a range of land uses which are permissible and serves both the local and regional communities. Also the subject site has an urban capability which is suitable for a wide variety of land uses ranging from residential, agriculture, urban support land uses, etc.

Therefore it could be argued that the subdivision is consistent with the objective of the zoning.

2. The stated aim of Clause 12 of Warringah Local Environmental Plan 1985 is "to improve and enhance the environment in relation to land to which the clause applies."

With respect to Council, it is difficult to envisage any subdivision in Non Urban zones no matter what the nominated site area of the proposed lots, as resulting in actual improvement of residential visual amenity and enhancing the natural built environment. It could be argued that the subdivision of land does not, of itself, alter the amenity or the environment in relation to land. Rather it is buildings, works and the use that is made of land which impacts on the amenity and natural-built environment.

The proposed subdivision does not involve the creation of an additional vacant lot which could be subject to construction of new dwelling house with ancillary structures. In this case the proposed subdivision involves no physical change to the existing residential visual amenity and no change to the natural built environment in that the subdivision proposal merely seeks to create separate allotments for the existing dwellings and associated structures already located upon the site. Any further change to the amenity and environment of the subject property could only arise with the submission to Council of building applications for alterations, extensions or rebuilding of the two existing dwelling houses or other structures located on the newly created allotments which enjoy lawful existing use rights.

Report to Development Unit.

It is therefore concluded that the proposed subdivision, given the unique circumstances of the case, involving the creation of two allotments which contain existing structures including dwellings is not inconsistent with the aim of Clause 12(1) of Warringah LEP 1985. Also it should be noted that the property was originally composed of two allotments but was consolidated into one parcel possibly when frontages were resumed for road widening purposes along Mona Vale Road.

3. If examining the existing subdivision pattern in the vicinity of the site it is apparent that surrounding allotments are generally 1.8 hectares in size therefore one of the proposed allotments to be created would be of a similar size to surrounding allotments with one allotment being slightly larger and hence complying with the 2 hectare minimum. Indeed, had the Mona Vale Road frontage of the subject property not been resumed then both proposed lots would have complied with the 2 hectare minimum lot size requirement.
4. The proposal complies with the objectives of Council's Code for Subdivision in respect to Non Urban zones.
5. An important consideration for Council in assessing the SEPP 1 objection is whether approval of the proposed subdivision is likely to undermine the intent of the 2 hectare minimum allotment size requirement as it applies to land zoned Non Urban 1(d). As existing dwelling houses and structures already occupy the subject site and with all necessary utility services the subdivision proposal would not create an undesirable precinct given the unique circumstances of the case.
6. The proposed subdivision satisfies the objects under Section 5 of the Environmental Planning & Assessment Act particularly in relation to:
 - (i) the proper management, development and conservation of natural and man-made resources ... for the purpose of promoting the social and economic welfare of the community and better environment;
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land; and
 - (vi) protection of the environment.

It is emphasised that the subdivision proposal involves no earthworks, removal of any native trees or bushland, erection of any new dwellings, driveways or other structures but merely seeks to create separate allotments for two existing structures located upon the subject site.

Report to Development Unit.

The above reasons clearly justify the minor variation to the 2 hectare minimum lot standard contained within Warringah LEP 1985 and will require Council to vary this standard pursuant to SEPP 1 for this proposed subdivision."

Comment

The intent of the 2 hectares minimum subdivision standard is embodied in the aims and objectives specified under Clause 12(1) and 53AC of Warringah Local Environmental Plan 1985, Development Control Plan No. 15 - Subdivision and Code for Subdivision and Development Control Plan No. 20 - Terrey Hills and Duffys Forest Non-Urban Areas.

Basically the intent of the development standard is to retain the rural character of the area, whilst permitting the provision of a range of urban support activities to serve the local/regional community. Whilst proposed Lot 1 will comply with the 2 hectare development standard, proposed Lot 1, being 1.72 metres in area (having regard to the 7 metre width right of carriageway amendment sought by Council's Engineers, ie, excluding half width of right-of-way) the allotment is deficient by an area of 280 sq metres or 14% of the 2 hectares required.

Each new lot will contain a single dwelling house and be of an equivalent size to the existing adjoining portions. The proposed subdivision will essentially return existing Lot 1 to two separate lots, as existed prior to 14.1.92.

It is considered that the applicant's submission has adequately addressed the intent of the development standard and the reasons as to why compliance is unreasonable and unnecessary in this instance.

Pursuant to Section 81(1) of the Environmental Planning and Assessment Act, Council may assume the Director's concurrence under State Environmental Planning Policy No. 1 for the subdivision of non-urban land only if the following criteria applies:-

- (a) only one allotment does not comply with the minimum area; and
- (b) that allotment has an area equal to or greater than 90% of the minimum area specified in the development standard.

In this instance, the variance in site area of the second allotment is less than 90% of the development standard (being 86%) and therefore concurrence cannot be assumed.

Therefore, having regard to the circumstances of this application it is necessary to obtain concurrence from the Director, with the advice that Council favours the application. The necessary recommendation is included below.

Report to Development Unit.

Section 94 Contribution

Pursuant to Council's adopted policy, Section 94 Contributions Plans, the subdivision of land requires the payment of a monetary contribution for certain services. In this instance, a contribution for the embellishment of open space is required. A suitable condition is included in the recommendation below.

NOTIFICATION

In accordance with Council policy, the adjoining owners were notified of the proposal. One submission of non-objection has been received.

CONCLUSION

The proposal has been assessed having regard to Section 90 of the Environmental Planning and Assessment Act, 1979, Warringah Local Environmental Plan 1985, Development Control Plan No. 15, Development Control Plan No. 20 and other relevant Council codes and policies. The proposal is considered satisfactory and therefore conditional consent is recommended.

RECOMMENDATION (CONSENT SUBJECT TO CONCURRENCE)

A. That the application for the subdivision of one lot into two lots at Lot 1, DP 814627, No. 287 Mona Vale Road (known as 50-52 Myoora Road) Terrey Hills be referred to the Director of the Department of Planning for concurrence with regard to the objection under State Environmental Planning Policy No. 1, to the provisions of Clause 53AD of Warringah Local Environmental Plan 1985.

B. That should the Director's concurrence be granted, the application for the subdivision of one lot into two lots at Lot 1, DP 814627, No. 287 Mona Vale Road (known as 50-52 Myoora Road) Terrey Hills be granted consent, subject to the following conditions:-

1. Model Conditions

- 1A (Development being generally in accordance with plans numbered S629/2, dated October 1993, received 12.1.94)
- 14N (88B Instrument in connection with Conditions (2,3 and 4) herein)
- 12P (Compliance with Part XII approval)

2. The creation of an Easement to Drain Water 2.0 metres wide along the south west boundary of proposed Lot 1 in favour of proposed Lot 2 between the proposed common boundary and the line of the existing depression passing through the site.

Report to Development Unit,

3. The creation of a Restriction on Use of Land over proposed Lot 2, the terms of which prevent the construction of a stormwater pipeline and/or the concentration of stormwater flows to the easement required by Condition (2) above unless it is in conjunction with, or after, the construction of a stormwater pipeline and creation of Easements to Drain Water along the line of the depression passing through downstream properties to a point of suitable discharge determined by Council.
4. The creation of a Right of Carriageway 7.0m wide along the south west boundary of proposed Lot 2 in favour of proposed Lot 1.
5. The payment of the following contribution pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, as amended, prior to the release of the linen plan;

* \$286.98 to Account No. 27004 for the Embellishment of Open Space.

The contribution amount stated is subject to quarterly adjustment based on economic trends and is current until such adjustment. The final assessment of the contribution due will be made at the date of payment prior to the release of the linen plan having consideration of such revised adjustment.

C. That should the Director's concurrence be granted, the applicant be advised that Council is prepared to approve the subdivision of Lot 1, DP 814627, No 287 Mona Vale Road, Terrey Hills as shown on the plan numbered S629/2 and dated October 1993 under Part XII of the Local Government Act subject to the following conditions:-

1. Model Conditions

- 1P (Submission of a Subdivider/Developer Certificate issued from the Water Board)
- 9P (Submission of final plan of subdivision)
- 11P (Council prepared to approve the development within a period of two years from this date)
- 13P (Compliance with development consent)

(signed) (date)

DECISION OF DEVELOPMENT UNIT - 8 MAR 1994 :

ADOPTED

Report to Development Unit. - 8 MAR 1994

INSTRUMENT OF EXERCISE OF DELEGATED AUTHORITY

The within applications for DEVELOPMENT CONSENT AND PART XII SUBDIVISION APPROVAL are hereby FAVOURED as set out above, including any additional conditions/reasons, pursuant to delegated authority granted by the General Manager on 30th September, 1993.



CHAIRMAN

HISTORY

Report to Development Unit

26 JAN 1982

DEVELOPMENT APPLICATION
(File SF 3297/P136)

PROPOSAL: Upgrade carparking and landscaping and carry out minor alterations to existing flower shop.

LOCATION AND LAND DESCRIPTION:

Portion 136, Parish of Broken Bay, Mona Vale Road, Terrey Hills. Area; 1.879 hectares.

PRESENT DEVELOPMENT:

Dwelling with attached flower shed incorporating flower sales and display area; remainder of site under cultivation. Existing use rights pertain to dwelling and flower shop.

APPLICANT'S NAME AND ADDRESS:

Rodney C. Hills,
DX 9129
DEE WHY

PRESCRIBED ZONING:

Non Urban 1(a). Amendment 11 proposes a 15m open space strip fronting Mona Vale Road. Proposal permissible with consent under Clause 52 of the E.P.&A. Act - Regulations.

ENGINEERING COMMENTS (5.1.82)

1. Provide separate entry (5-8m wide at least 1-3m from side boundary), exit (4-8m wide).
2. Signpost each at entry and exit respectively.
3. Provide vehicle crossing slab at entry and exit points.
4. B.A.D.A. conditions 1, 12 (1 crossing 5-8m wide, 1 crossing 4-8m wide) and 22.

HEALTH AND BUILDING COMMENTS (4.1.82)

No Health and Building objections.

ENVIRONMENTAL PLANNING COMMENTS

At Town Planning and Building Committee 3rd November, 1981, Council noted that the stall on the subject land has "existing use" rights for the retailing of flowers. Recent alterations to the flower shed, including the installation of fridges, counters and cash register have been made following demolition of the previous stall/shop on the road reserve adjacent to the subject land. These alterations require planning consent as they constitute alterations/additions to an existing use, and the subject development application has therefore been lodged.

The proposed alterations involve installation of counters, cash register, fridges and other equipment associated with the sale of flowers. A landscaping strip averaging 7m in depth is

(Cont'd)

Part to Development Unit 26 JAN 1982

(Item cont'd)

proposed to front Mona Vale Road. It is also intended to formalise the existing driveway access and carparking area and to upgrade the external appearance of the building. A total of 9 car spaces are proposed, and complies with the requirements of Council's carparking policy.

The proposed alterations and improvements will enhance the appearance of the premises and improve parking and site access. In view of the minor nature of the proposal and Council's resolution, T.P.B.C. 3.11.81, to waive the requirement for notification, the application was not notified to adjoining land owners.

The existing building encroaches on the 30m building line to Mona Vale Road, as does the proposed formal carparking and driveway areas. These encroachments are considered reasonable as they existed prior to Council adopting the 30m building line. Further, the proposed carparking area does not encroach within the 15m proposed open space strip and therefore there are no planning objections.

As the premises front a Main Road, the concurrence of the D.E.P. is required under Clause 39(i)(b) of the Warringah Shire Planning Scheme Ordinance prior to consent being granted. This can be dealt with under authority delegated to Council under Circular 24 of the D.E.P. Clause 37(d)(iii), consultation with the D.M.R. and P.T.B. is not considered necessary as the proposal does not involve any expansion in floor area or increase in traffic beyond existing levels.

RECOMMENDATION (CONSENT SUBJECT TO CONDITIONS)

That the application proposing to upgrade carparking and landscaping and carry out minor alterations to the flower shed at Portion 136 Mona Vale Road, Terrey Hills be granted consent subject to the following conditions:-

1. Northern-most driveway to be used for exit only and signposted accordingly.
2. Southern-most driveway to be used for entry only and signposted accordingly.
3. Driveway and parking areas to be provided with a gravel roadbase surface and carparking spaces suitably delineated with sleepers, logs or the like.
4. The area on the plans shown as landscaping to be landscaped within 3 months of the date of this consent and a landscaping plan submitted to Council and agreed upon prior to the work commencing.
5. Standard B.A.D.A. conditions:
 - 1 (footpath crossfall)
 - 12 (vehicle crossings, 1 crossing 5-8m wide, 1 crossing 4-8m wide)
 - 22 (internal roads)

(Cont'd)

Item cont'd)

6. Entry driveway to be a minimum width of 5-8m and exit driveway to be a minimum width of 4-8m. Driveways to be located at least 3m from side boundaries, and provided with a vehicle crossing slab at entry and exit points.
7. Premises to be used only for floral arranging, growing, storing and sale by retail of flowers only. No other goods to be retailed from the premises.
8. Standard conditions:
 - A3 (Compliance H&B Dept)
 - G9 (landscaping plans)
 - J4 (signs)
 - C3 (loading within boundaries)
 - C4 (parking areas)
 - D1 (no parking footpath)
 - F4 (trading and/or working hours)
9. Development being generally in accordance with plans numbered 4431, undated and submitted to Council on 24th December, 1981.
10. The external facade of the building to be suitably upgraded within 3 months from the date of this consent. Details to be submitted to Council and agreed upon prior to the work commencing, and if required, the necessary building application be lodged and approved prior to the work commencing.

INSTRUMENT OF EXERCISE OF DELEGATED AUTHORITY

The within application for DEVELOPMENT CONSENT is hereby APPROVED in accordance with the recommendation set out above subject to such conditions specified therein and to the following additional conditions, if any, pursuant to delegated authority granted by Council on 25th July, 1979.

ADDITIONAL CONDITIONS OF APPROVAL

NIL

C. Fitt
CHAIRMAN

CLAUSE 39 CONCURRENCE

CONCURRED IN AS A DELEGATE OF THE DEPARTMENT OF ENVIRONMENT AND PLANNING PURSUANT TO THE N.S.W. PLANNING AND ENVIRONMENT COMMISSION CIRCULAR NO. 24 DATED 15TH OCTOBER, 1981, AND COUNCIL'S DELEGATION S/M 2ND DECEMBER, 1981.

SIGNATURE: *Thurman*.....

DESIGNATION: DEPUTY CHIEF TOWN PLANNER

DATE: *2/1/82*.....

NJ/GB
18.1.82

Report to Town Planning and Building Committee Meeting, 3rd November, 1981.

3.13 PORTION 136, MONA VALE ROAD, TERREY HILLS - MR. & MRS. HILLS - STORE/SHOP.

(File SF 3297/Portion 136)

At Town Planning and Building Committee, 4th August, 1981, (Item 3.6), Council resolved, Minute 820:-

"That this matter be deferred and the Acting Chief Town Planner be requested to confer on the existing use rights and the future type of activities that Mr. Hills desires to engage in."

Pursuant to this resolution, an on-site meeting was held 20th August, 1981, between the Acting Chief Town Planner, the Senior Planner (North), and Mr. & Mrs. Hills. Mr. Hills indicated his desire to continue the flower business involving floral arranging, growing, storing and sale by retail from the flower shed, and that he is prepared to discontinue the retailing of any other goods.

With regard to the matter of existing use rights, the deficiencies in the statutory declarations accompanying a letter from Mrs. Hills, 9th July, 1981, were discussed and Mr. Hills indicated that he would arrange for more specific statutory declarations to be submitted.

The statutory declarations were received by Council 16th September, 1981, and are sufficient under Council's existing use policy (2nd March, 1977), to establish existing use rights for the retailing of flowers only from the flower shed on the subject land, being flowers principally grown on the subject land.

During the on-site discussions 20th August, 1981, Mr. Hills outlined the recent alterations made to the flower shed, following demolition of the previous roadside stall/shop on the road reserve adjacent to the subject land. These alterations include the installation of the old fridges, counters and cash register. These alterations require planning consent as they constitute alterations/additions to an existing use, and accordingly, Mr. Hills should now be requested to lodge a development application for these alterations, which constitute an amplification of the flower business. The development application should clearly indicate access arrangements to the shed, and carparking and landscaping, together with full details of the internal layout and alterations to the flower shed.

RECOMMENDATION:

- 1) That Council note under Clause (c) of its Existing Use Policy 2nd March, 1977, that the retailing of flowers only, and no other items, from Portion 136 Mona Vale Road, Terrey Hills, being the retailing of flowers principally grown on the subject land, constitutes an "existing use" under Section 106 of the Environmental Planning and Assessment Act, 1979.

(Cont'd)

zljjo

(Item 3.13 Cont'd)

- 2) That Mr. & Mrs. Hills be requested to lodge a development application for the recent alterations to the flower shed, such development application to be accompanied by plans showing full details of the use of the flower shed building, and the recent alterations to the shed which have been carried out without the necessary planning consent, together with landscaping, carparking and access details in relation to the retail flower business.

COMMITTEE'S RECOMMENDATION & COUNCIL'S DECISION (3.11.1981):

1191 That the foregoing recommendation be adopted subject to, in para. 2, 2nd line, after the word 'application', inclusion of the words 'D.A. fees and the necessity for advertising the proposal be waived'.

(Crs Hummerston/Begaud)

(Note: An amendment was unsuccessfully proposed by Crs Beckman/Bradford to the effect -

"That Council note under Clause (c) of its Existing Use Policy 2nd March 1977, that the retailing of flowers only, and no other items, from Portion 136 Mona Vale Road Terrey Hills, being the retailing of flowers principally grown on the subject land, constitutes an "existing use" under Section 106 of the Environmental Planning and Assessment Act, 1979."

zijo

Report to Town Planning and Building Committee, 4th August, 1981.

3.6 ILLEGAL LAND USE - ROADSIDE STALL/SHOP - PORTION 136
MONA VALE ROAD, TERREY HILLS - MR. & MRS. HILLS.
(File SF 3297/P136)

Council instigated legal action seeking removal of a roadside stall/shop located on the road reserve adjacent to Portion 136 Mona Vale Road, Terrey Hills. Legal proceedings were initiated following the failure of the operator to provide information sought by Council, to establish by way of affidavit the precise history of the use to establish whether existing use rights related to the roadside stall/shop.

As a result of D.M.R. road widening works, the roadside stall/shop located on the road reserve has now been demolished. Inspections in February, 1981 confirmed demolition of the stall/shop, although subsequent inspections indicate that a shed located on Portion 136, has been altered with the installation of a counter and cash register, together with refrigerators etc., and the previous shop/stall use transferred to within this building, from which flowers, soft drinks, cigarettes etc., are continuing to be sold. During discussions with Council's Town Planning Inspector, the operator claimed that the shed has been used for retailing of flowers since 1928.

By letter dated 29th April, 1981, Council again requested the operator to provide by way of affidavit, details of the precise history of the use of both Portion 136 Mona Vale Road, Terrey Hills and the previous roadside shop on the road reserve adjoining Portion 136. Council's aerial photographs indicate that the shed and roadside stall/shop structures were both present in 1946. However, the exact uses of these buildings has not been established, and therefore the operator has not been able to establish existing use rights.

When no reply was received to Council's letter of 29th April, 1981, a further letter was sent to the operator, dated 11th June, 1981, indicating that as the information requested had not been received, and existing use rights not established, that the operator cease the alleged illegal use within 28 days from the date of that letter.

By letter dated 9th July, 1981, Council has received a letter from Mrs. Hills, attaching two statutory declarations and a survey plan in support of claims that trading from the flower shed has been in operation since 1928. The statutory declarations are from a neighbour of Mr. Hills, and a Duffys Forest resident, the former stating that since 1935 (when the author's family purchased the adjoining property), Mr. Hills has sold flowers and vegetables from the shed on his property and has continued to do so since; the latter stating that in 1936 a store existed on Portion 136 Mona Vale Road, Terrey Hills which bought and sold flowers, fruit and vegetables and which has since traded continuously.

(Cont'd)

"That Council instruct its Solicitors to commence legal action for the cessation of the shop/stall use on Portion 136 Mona Vale Road, Terrey Hills, either by prosecution or, if necessary, by application for an injunction, and that Council's Solicitors be authorised to brief Counsel if required."

Accordingly, in view of the foregoing, the Council's decision in this matter will not be carried into effect until the foregoing rescission motion has been dealt with and determined.

Report to Town Planning and Building Committee, 3rd September, 1980.

3.9 SHOP ADJACENT TO PORTION 136 MONA ROAD, TERREY HILLS.
(File SF 3297/P136)

This matter was reported to Council, Town Planning and Building Committee, 6th February, 1980, item 3.12, when Council resolved, inter alia, Minute 67:-

- "1. That the operator of the stall/shop fronting Portion 136 Mona Vale Road, Terrey Hills, Mr. M. Hills, be advised of Council's earlier decisions (Item 3.11, B.P. REF. 547) and asked to supply information requested as soon as possible."

By letters dated 25th February, 1980, 22nd May, 1980, 7th August, 1980, the operator was requested to supply the information requested in accordance with the above resolution, viz; by way of affidavit, to state the precise history of the use to establish existing use rights.

A verbal response was received from the operator, 24th June, 1980 indicating that he had referred the matter to his Solicitor for reply. However, nothing further has been received from either the operator or the operator's Solicitors in response to Council's requests.

The Commissioner for Main Roads has confirmed that the operator has no current lease or license for possession of the land on which the shop is located. Additionally, the Department of Main Roads advises that it has already commenced preparatory work between Forest Way and Cooyong Road and plans to begin construction of the widening of Mona Vale Road later this year. This will necessitate removal of the subject shop from the road reserve. The relocation of this shop onto adjoining freehold land (Portion 136) is subject to the operator establishing existing use rights, and obtaining Council's consent to establish the existing use on Portion 136.

In view of the failure of the operator to supply the information requested by Council, it is recommended that Council should proceed with legal action, already commenced, but deferred, in respect of removal of the subject shop.

RECOMMENDATION:

That Council proceed with legal action for the removal of the shop adjacent to Portion 136 Mona Vale Road, Terrey Hills, operated by Mr. M. Hills.

COMMITTEE'S RECOMMENDATION AND COUNCIL'S DECISION (3.9.1980):

1125 That the three affected persons be invited to meet representatives of the Council in a last endeavour to reach agreement; failing that, Council instruct its Solicitors to take legal action in relation to Portions 75 and 136.

(Crs Hummerston/Beckman)

DEVELOPMENT UNIT HANDOUT SHEET

KM

DATE: 13/1/94
FILE NO: PF: 3297/287
REF NO: 4A 0003
EST BLDG COST: \$nil

PROPOSAL: (Full details to be stated) Subdivision of 1
lot into 2 lots.

APPLICANT: Hills Brothers Pty. Ltd.

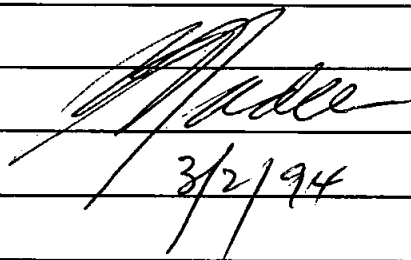
LOT NO: 1 PORTION: SECTION: DP: 814627

NO: 50-52 STREET: Myoona Rd, SUBURB: Terrey Hills

HEALTH AND BUILDING/ENGINEERS COMMENTS: (known 287 Mona-Vate Rd.)

No objection subject to
conditions.

see attached memo.


3/2/94

MEMO TO: Town Planning Branch

SUBJECT: Subdivision of 1 lot into 2 lots - 50-52 Myoora Road (287 Mona Vale Road), Terrey Hills

FILE: PF 3297/287

D U Ref: 4A 0003

DATE: 4th February 1994

NF.MH/0813e

These comments are made in respect of the proposed subdivision as shown on plan reference No.5629/2, prepared by Bee & Lethbridge Pty Ltd, dated October 1993, and the accompanying report prepared by Don Fox Planning, dated 22nd December 1993.

General

No objection is raised to the proposed subdivision on engineering grounds.

Nevertheless, it must be said that although "subdivision of land does not, of itself, alter the amenity or the environment in relation to land", the creation of two (2) allotments where one (1) currently exists will increase the opportunities for future development which will impact on the amenity and the environment of the area.

Although two (2) current dwellings exist on the land, the argument has been presented that the proposed subdivision merely seeks to provide a separate allotment for each dwelling. However, because of the current zoning of the land and therefore its potential and associated value, it is unlikely that the land will remain for residential use in the long term.

Consideration must therefore be given to the prospect that the subdivision will ultimately result in two "urban support" type developments.

The proposed subdivision will not "enhance the landscape quality and residential amenity of adjoining properties", as stated on page 8 of the accompanying report.

Stormwater Drainage

There is a natural depression passing through the land in roughly a north/east to south/westerly direction, roughly passing behind the existing flower shop building. As a result, the land primarily falls away from Myoora Road and Mona Vale Road, and would not naturally drain to either of those two roads. The depression then passes through other properties to the south west, and thence in a north/west direction before passing under Myoora Road.

Due to the small amount of current development on the land a formal drainage system is not required. Nor would a formal drainage system be required following the proposed subdivision unless the land was proposed to be redeveloped to a more intense use. Any formal drainage system would require the laying of a pipeline and the creation of easements along the line of the depression through downstream properties. It is considered appropriate to assess the need for such an arrangement with any future application for redevelopment of either of the proposed allotments.

However, it is considered appropriate to include a condition which will require the creation of an Easement to Drain Water along the southern boundary of proposed Lot 1 in favour of proposed Lot 2, between the proposed common boundary and the line of the depression. A condition would also be required for the purpose of creating a Restriction on Use of Land over proposed Lot 2, the terms of which would prevent the laying of a stormwater pipeline or concentration of flows along the said easement without the construction of a stormwater drainage pipeline and creation of associated easements through downstream properties to a suitable point of discharge.

Access from Myoora Road

Due to the restrictions on access from Mona Road for particular forms of development under the zoning, it is considered appropriate that access to proposed Lot 1 be provided from Myoora Road. However, in view of the length of the access and the types of development which could potentially take place on proposed Lot 1, it is considered appropriate to provide for the construction of a driveway which would have sufficient width to allow the passing of vehicles. In this regard it is considered appropriate that a minimum width of 5m be provided for this purpose with a minimum 2m additional width to allow landscaping to be provided should it be considered necessary. That is, it is considered appropriate that a 7.0m wide Right of Carriageway be provided along the south western boundary of proposed Lot 2 in favour of proposed Lot 1. A condition will be included for this purpose.

Conclusion

No objection is raised to the proposed subdivision subject to the following conditions;

1. Model Conditions
14N (2, 3 and 4), 7P.
2. The creation of an Easement to Drain Water 2.0m wide along the south west boundary of proposed Lot 1 in favour of proposed Lot 2 between the proposed common boundary and the line of the existing depression passing through the site.

3. The creation of a Restriction on Use of Land over proposed Lot 2, the terms of which prevent the construction of a stormwater pipeline and/or the concentration of stormwater flows to the easement required by Condition (2) above unless it is in conjunction with, or after, the construction of a stormwater pipeline and creation of Easements to Drain Water along the line of the depression passing through downstream properties to a point of suitable discharge determined by Council.
4. The creation of a Right of Carriageway 7.0m wide along the south west boundary of proposed Lot 2 in favour of proposed Lot 1.



Nicholas Fadeev
Senior Development Engineer, Ext 486

1. Before filling in this form, read these notes, the notes on Page 2 and the "Instructions for Completing Development Application" on Page 4.
2. Fill in all of the clear boxes on the form; the shaded areas are for official use only.
3. Provide as much information to support your application as you can; this will minimise the chances of delay.
4. If you have any questions on completing the form or making the application, consult the Town Planning Branch counter staff or the Duty Town Planner.
5. All applications must be accompanied by plans, as detailed in the "Instructions" on Page 4. A development application fee must also be paid with each application — the scale of fees and examples of how to calculate your fee are also shown on Page 4.
6. If you as the applicant do not own the land to which the application relates, you must also provide the consent of the owner(s) of the land. The owner(s) may sign in the space provided on Page 3 or write a separate statement of consent for submission to Council with the application.
7. Council has made every effort to state all its requirements for development applications on this form and to provide as many explanatory notes as possible. However, these cannot be exhaustive and Council reserves the right to request more information from the applicant(s).
8. Council may reject or decline to accept an incomplete application.

Official
Use
Only

Zone/
Planning
Control

1(d)
d. 55
applied
mm

Land
Description
Check

mm

Development
Description
Check

mm

Estimated
Cost
Check

mm

COUNCIL REFERENCE NO. 4 A 0003

Ass. No. 80494

APPLICANT - BLOCK LETTERS

NAME

Hills Brothers Pty Ltd

POSTAL ADDRESS:

287 Mona Vale Road
Terrey Hills

PHONE - PRIVATE:

BUSINESS (OFFICE HOURS):

SUBJECT LAND - BLOCK LETTERS

STREET NAME

Mona Vale Road

NO. (INCL. UNIT NO.)

287

SUBURB/LOCALITY

Terrey Hills 50-52 Myosora Rd

REAL PROPERTY DESCRIPTION

LOT/PORTION

SECTION/PARISH

DP/FP

1

814627

PROPOSED DEVELOPMENT

DESCRIPTION OF DEVELOPMENT

2 lot subdivision

Joint DA/ Pt. XII

ESTIMATED COST

N.I.

NOTES



QUALITY FLOWERS
AT WHOLESALE PRICES

RUDI CARISTO

PHONE: 450-1743

MOBILE: 018-245-157

FAX: 486-3267

HILLS BROS - THE FLOWER MARKET

287 MONA VALE ROAD, TERREY HILLS

the submission of a Certificate of Title or a recent survey where, in Council's opinion, the details provided by the applicant are incorrect or inadequate.

Provide the full name(s) and postal address of the person(s), company, partnership or trust owning the land to which the application relates. Where the land is owned by more than one person or by a company etc., the person signing on behalf of the company etc. must print his/her name and state the capacity in which or authority by which the consent is signed, e.g. Director, Secretary, joint owner on behalf of, etc. Council may request documentary evidence of authority to sign.

Describe in full the development proposed to be carried out.

Development includes:

- the erection of a building
- the carrying out of a work
- the use of the land, building or work
- subdivision (including strata subdivision)
- where the development involves the erection of a building, the use of that building.

The estimated cost of the proposed development is the total construction cost including the cost of erecting, altering or adding to any building(s), plus ancillary work such as filling, excavation, drainage, landscaping, parking and the like. Council will assess this cost estimate to ensure that the correct fee has been paid.

ENVIRONMENTAL IMPACTNil - See attachment.Environmental
ImpactAdjacent
Statement ☐Attached
Statement ☒E.I.S.
(Designated
Development) ☐

Check

KM**APPLICATION**

I/we, the undersigned, being the applicant(s) nominated in this application, hereby apply to carry out the development described in this application on the land specified in this application. I/we have read the explanatory notes for completing this application contained on this form and understand that if all required details are not provided, the application may be subject to delay or be rejected as incomplete. I also understand that Council may request more information or clarification.

X

[Signature]

SIGNATURE(S)

DIRECTOR

CAPACITY/AUTHORITY

11/1/94

DATE

Applicants
Signature

Check

KM**CONSENT OF OWNER(S) OF LAND**

NAME(S) OF OWNER(S) OF LAND

POSTAL ADDRESS

NAME(S) OF SIGNATORY(IES)

I/we, the undersigned, being the owner(s), nominated above, of the land to which this application relates, or having the authority to sign on behalf of the owner(s), hereby consent to the making of this application.

X

[Signature]

SIGNATURE(S)

OWNERS

CAPACITY/AUTHORITY

5.1.94

DATE

Owner(s)
of Land

Check

KMOwner(s)
Consent

Check

KM**CHECK LIST FOR APPLICANT**

This is provided for your assistance. Check that you have:

1. Filled in all the details required on this form. ☒
2. Attached 4 copies of plan(s) of the subject land. ☒
3. Attached 4 copies of plan(s) of the proposed development. ☒
4. Paid correct fee. ☒
5. Provided the consent of the owner(s) if you are not the owner(s) of the land. ☒

Plan

Check

KMCorrect
Fee

Check

KM

CAT 2.

STATUTORY D.A. No.: 8DATE RECEIVED: 11.1.94ESTIMATED COST: Sub.ASSESSED FEE: \$150

FEE RECEIPT No.:

ACTION OFFICER: KMTARGET DATE: 10/2/94COMMENTS: pl note for AGAPSubdiv Policy, new lot 2018SEPP1 operation - Dismiss feesFinal Check
(Manager)

COUNCIL'S SCHEDULE OF FEES FOR DEVELOPMENT APPLICATIONS

Estimated Cost of Development

Not exceeding \$1,000
Exceeding \$1,000 but not exceeding \$100,000
Exceeding \$100,000 but not exceeding \$500,000
Exceeding \$500,000 but not exceeding \$1,000,000
Exceeding \$1,000,000 but not exceeding \$10,000,000
Exceeding \$10,000,000 but not exceeding \$100,000,000
Exceeding \$100,000,000
Subdivision of land
Erection of a dwelling-house not exceeding \$100,000 (Otherwise as per the above scale)

Applicable Fee

\$100
\$100 plus \$3 for each \$1,000 in the total cost
\$400 plus \$1.50 for each \$1,000 above \$100,000
\$1000 plus \$1 for each \$1,000 above \$500,000
\$1,500 plus 75 cents for each \$1,000 above \$1,000,000
\$8,250 plus 50 cents for each \$1,000 above \$10,000,000
\$55,000
\$100 plus \$25 for each lot to be created
\$50

In addition to the above, public notice fees must be paid for the following types of development:

Designated development (as defined)	\$1,500
Residential flat & group building development	\$ 750
Prohibited development (as defined)	\$ 750

Council will refund any portion of this public notice fee not expended in giving the notice

EXAMPLES OF CALCULATION

Estimated cost of Development	Method of Calculation	Fee Payable
\$ 65,000	\$ 100 plus \$3 × 65	\$ 295
\$232,000	\$ 400 plus \$1.50 × 132	\$ 598
\$575,000 (residential flat dev't)	\$1000 plus \$1 × 75 + \$500	\$1575

INSTRUCTIONS FOR COMPLETING DEVELOPMENT APPLICATION

(From Form 3 In Schedule 4, Environmental Planning & Assessment Regulation, 1980)

1. The fee determined by the consent authority must accompany the application. In the case of a building or work the fee is based upon the estimated cost of that building or work.
2. A plan (in quadruplicate) of the land to which the application relates must accompany the application indicating the following:
 - a) the location, boundary dimensions, site area and north point of the land;
 - b) the existing vegetation and trees on the land;
 - c) the location and uses of existing buildings on the land;
 - d) the existing levels of the land in relation to buildings and roads;
 - e) location and uses of buildings on sites adjoining the land.
3. A plan or drawings (in quadruplicate) fully describing the proposed development shall accompany the application and, where applicable, that plan or drawing shall indicate the following:
 - a) the location of proposed new buildings or works (including extensions or additions to existing buildings or works) in relation to boundaries of the land;
 - b) floor plans of proposed buildings showing layout, partitioning, intended uses of each part of the building and room sizes;
 - c) elevations and sections showing proposed external finishes and heights;
 - d) proposed finished levels of the land in relation to buildings and roads;
 - e) building perspectives where necessary to illustrate the proposed building;
 - f) proposed parking arrangements, vehicular ingress and egress movements on the land (including dimensions where appropriate);
 - g) proposed landscaping and treatment of the site (indicating plant types and their height at maturity);
 - h) proposed methods of draining the land.
4. In addition to the material referred to in Notes 2 & 3, the following information shall, where applicable, accompany the development application —
 - (a) in the case of shops or offices or commercial or industrial development —
 - i. details of hours of operation;
 - ii. plant and machinery to be installed;
 - iii. type, size and quantity of goods to be manufactured, stored or transported; and
 - iv. loading and unloading facilities.
 - (b) in the case of subdivision —
 - i. details of existing and proposed subdivision pattern (including the number of lots and location of roads);
 - ii. details of consultation with public authorities responsible for premises or amplification of utility services required by the proposed subdivision;
 - (c) in the case of demolition —
 details of the age and condition of the buildings or works proposed to be demolished;
 - (d) in the case of advertisements —
 details of the size, type, colour, materials and position of the sign board or structure on which the proposed advertisement is to be displayed; and
 - (e) in the case of development relating to an existing use —
 details of the existing use.
5. An environmental impact statement must accompany the application where the proposed development is designated development.
6. Where the proposed development is not designated development, information —
 - (a) demonstrating that consideration has been given to the environmental impact of the development; and
 - (b) setting out any steps to be taken to mitigate any likely adverse environmental impact
 must accompany the application.
7. The consent authority may require additional information of the proposed development to be provided where that information is essential to the determination of the development application.
8. The applicant may support the application with additional material (e.g. photographs, slides, models etc.) which further illustrates the proposed development.

DATE 12/ 1/94

WARRINGAH SHIRE COUNCIL

PAGE 1 OF 1

ASSESSMENT NO. 080494

PROPERTY:50-52 MYOORA ROAD
ADDRESS:TERREY HILLS 2084

LEGAL :LOT 1 DP 814627
DESCRIPTION:

AREA: 3.763H

-----OWNER NAME(S)----- VALUATION NO. 28362/1
HILLS:J:JOAN RATING BASE 1:
HILLS:T B:TERREY BENJAMIN RATING BASE 2: 280,000
LAND VALUE: 850,000
ANNUAL VALUE:
S58A ALLOWANCE:
S58B ALLOWANCE:
RATING FACTOR:
S160C P/MENT:

-----POSTAL ADDRESS-----
287 MONA VALE ROAD
TERREY HILLS 2084

GARBAGE ZONE: 12 BINS: 1 PANS: 0

TOWN PLANNING ZONE: 94
UNIT ENTITLEMENT:
MASTER ENTITLEMENT:

--TRANSFER DETAILS--
DATE:
AMOUNT:
NO.



WARRINGAH COUNCIL

DUPLICATE

Page 1

<u>Dept. No.</u>	<u>Account Type</u>	<u>Description</u>	<u>Amount</u>
200	D A FEE	HILLS 287 MONA VALE RD TERRY H	150.00

Date 11/01/1994	Receipt No. 024001839	Total Paid \$150.00
-----------------	-----------------------	---------------------

HILLS BROTHERS BUTHAWK P/L Cashier: JS Payment methodCHEQUE

CHEQUES ACCEPTED SUBJECT TO CLEARANCE
Postal Address: Civic Centre, Pittwater Road, Dee Why 2099
(DX 9118 Dee Why)
Office Hours: 8.30am to 5.00pm, Mondays to Fridays
Phone: 982 0333

OFFICIAL RECEIPT

Don Fox Planning

PTY. LIMITED

A.C.N. No.: 002 263 998

11 DARTFORD ROAD, P.O. BOX 2055, NORMANHURST N.S.W. 2076

TELEPHONE: (02) 980 6933 FAX: (02) 980 6217

22 December, 1993

Our Ref:P2424.1/lm

The General Manager
Warringah Council
Civic Centre
Pittwater Road
Dee Why NSW 2099

RECEIVED
WARRINGAH COUNCIL
PLANNING
31/12/93
PT 3297/287
REF TO:.....
PROPERTY DESCRIPTION:.....

Dear Sir,

**Development/Subdivision Application
Lot 1, DP 814627, No. 287 Mona Vale Road,
Terrey Hills**

Don Fox Planning Pty Ltd has been instructed by Hills Brothers Pty Ltd, who are purchasing the subject property, to prepare a Statement of Environmental Effects to accompany a development/subdivision application for the creation of two allotments at Lot 1, DP 814627 No. 287 Mona Vale Road, Terrey Hills.

This Statement provides all relevant information necessary for Warringah Council to assess and determine the subject application including a description of the property, surrounding development, existing planning controls, an outline of the subject proposal and an environmental assessment of the subdivision proposal having regard to relevant heads of consideration outlined at Section 90(1) of the Environmental Planning & Assessment Act, 1979 (as amended) and Section 333(1) of the Local Government Act, 1919 (as amended) and carried over under the new Local Government Act. Also an objection under State Environmental Planning Policy No. 1 accompanies this application requesting a variation to the 2 hectare minimum allotment size standard under Warringah Local Environmental Plan 1985.

This Statement is submitted in accordance with Section 77(3)(c) of the Environmental Planning & Assessment Act (as amended).

PROPERTY DESCRIPTION

The following is an outline of the property description and relevant details of the subject site.

Property Description:

Lot 1, DP 814627

Dimensions:

142.29 metres Mona Vale Road
142.25 metres Myoora Road
263.51 metres northern boundary
264.49 metres southern boundary

Area:

3.76 hectares

-2-

Illustration 1 depicts the locality of the subject site. The subject site is located on the western side of Mona Vale Road between Aumuna Road and Cooyong Road. Myoora Road forms the western boundary of the subject site. The site has a frontage of 142 metres to both Mona Vale Road and Myoora Road. The subject site has an area of 3.76 hectares.

The subject site can be described as being regular shaped with the allotment having frontage to two roads. The subject site is currently occupied by an existing building along the Mona Vale Road frontage which accommodates a flower retail outlet with storage area and dwelling. An existing agricultural type shed is located towards the centre of the site which is used in conjunction with the flower business. The area adjacent to the flower store is used for the growing of flowers. Vehicular access is available off Mona Vale Road and a carparking area has been established behind a landscaped screened area along Mona Vale Road adjacent to the retail flower outlet. Also an access road runs through the property providing vehicular access from Mona Vale Road to Myoora Road.

A second detached dwelling is also located within the northern western corner of the site and fronts Myoora Road. The subject site has been substantially cleared of natural vegetation and a significant portion has been planted with grass and trees. The subject site falls gently in a southerly direction.

Surrounding land uses can be described as:

- ° North: Rural/residential dwellings, rural industries, nursery.
- ° East: Austlink Industrial Estate, Garigal National Park and rural/residential dwellings.
- ° West: Rural/residential properties.
- ° South: Golf range, dwellings, church, industrial complex bus and transport depot, tavern.

Refer to **Illustration 2** for further details.

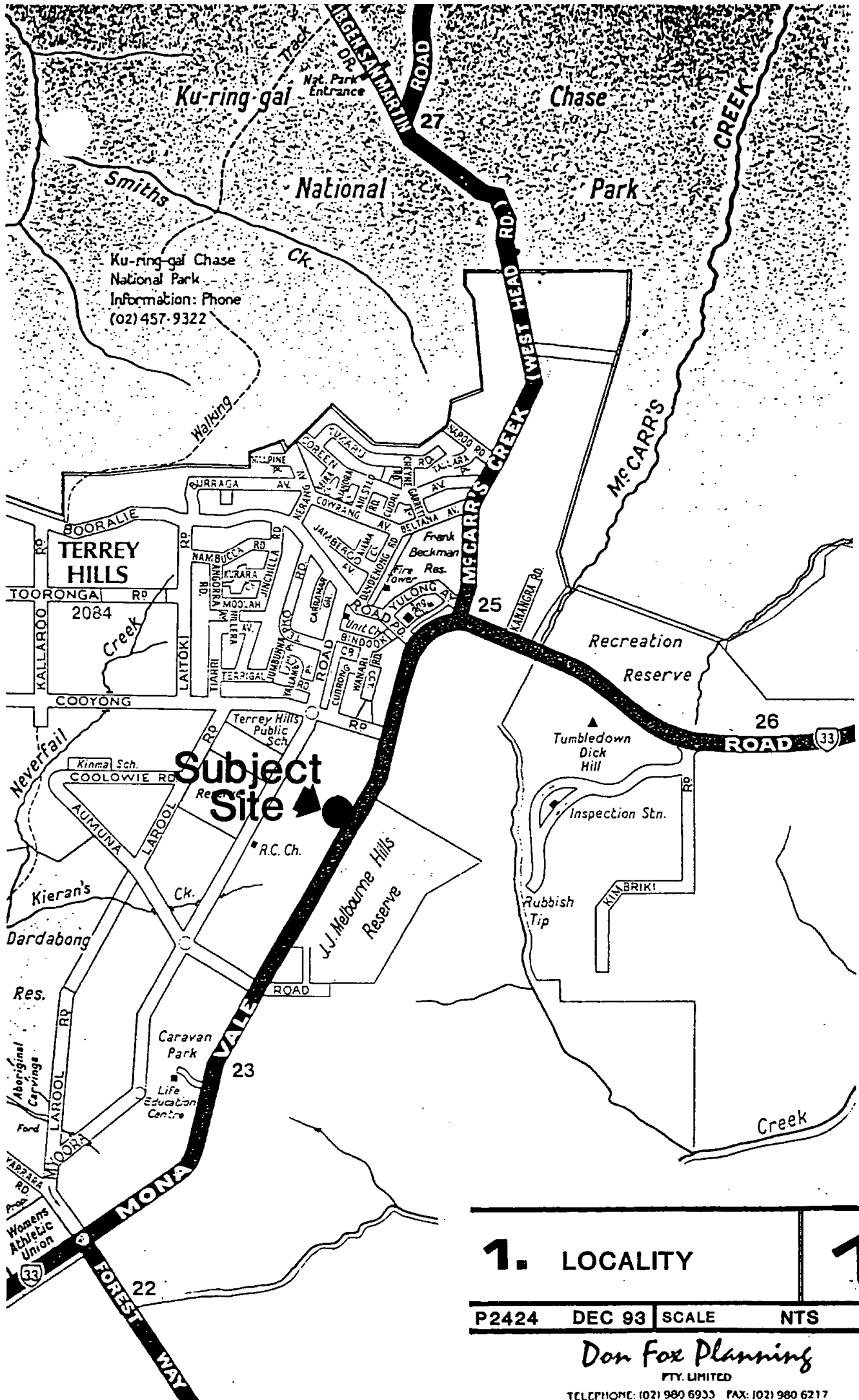
The subject site is predominantly located within a quasi-commercial/industrial and rural/residential area. There are a number of diversified land uses established between these rural/ residential properties such as a church, golf range, industrial complex, tavern, bus and transport depots, clubs, motel, fruit markets, etc.

DEVELOPMENT PROPOSAL

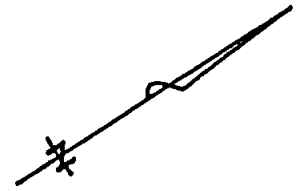
The development proposal involves the subdivision of the land to create two allotments. The specific details of each allotment are described as:

Lot No.	Area (hectares)	Dimensions (metres)
1	2	142.2 x 140.57
2	1.763	142.2 x 123.93

Illustration 3 depicts the proposed subdivision layout being the creation of two allotments.



MYOORA ROAD



PLAN
OF PROPOSED
SUBDIVISION OF
LOT 1 DP814627
AT TERREY HILLS
L.G.A. WARRINGAH
RATIO 1:1250

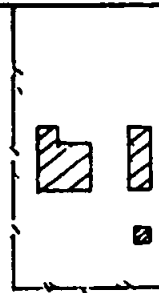
{ ABT 1.5-2 METRE WIDE
STRIP FOR SOFT
LANDSCAPING ETC

142.25

123.925

RIGHT OF CARRIAGEWAY 3.5 WIDE

2
1.763 ha



123.935

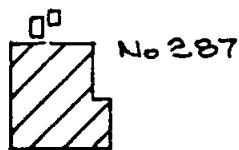
142.27



1
2 ha

140.57

140.57



142.295

TO AUMUNA RD

TO COOYONG RD.

MONA VALE ROAD 3 PROPOSED
SUBDIVISION

BEE & LETHBRIDGE F / LTD
CONSULTING SURVEYORS
3/14 STARKEY STREET
FORESTVILLE 2087

PH 451 6757 FAX 975 2

DATE OCT '93
REF 5629/2

Under this proposal, Lot 1 will retain the existing flower retail outlet and dwelling and the agricultural type shed located towards the centre of the site. Lot 2 will retain the existing dwelling located along the Myoora Road frontage. It is also proposed to create a reciprocal rights of carriageway along the southern boundary of the subject site so as to provide an alternative vehicular access point off Myoora Road to Lot 1. Refer to **Illustration 3** for further details. It is also anticipated that a 1.5 to 2 metre wide strip for soft landscaping can be established along this southern boundary within the right of carriageway so as to improve the overall appearance of the subject site and privacy to the neighbouring property.

The intention of the subdivision is to create separate parcels of land surrounding the existing structures located upon the subject site. The subdivision will involve no construction works, erection of additional dwellings, provision of utility services or removal of vegetation from each respective proposed allotment.

ENVIRONMENTAL ASSESSMENT

The proposed development has been assessed having regard to relevant matters outlined at Section 90(1) of the Environmental Planning & Assessment Act and Section 333(1) of the Local Government Act and those matters which are required to be addressed are outlined and discussed below.

Statutory Assessment - Section 90(1)(a)

The subject site is zoned 1(d) (Non Urban "D" - Urban Support) under Warringah Local Environmental Plan 1985. The objective of this zone is "to provide for a range of urban support activities which serve the needs of local and regional communities." Clause 12(2) of the Warringah Local Environmental Plan 1985 requires that land zoned 1(d) shall not be subdivided unless each allotment to be created is not less than 2 hectares. As the proposed subdivision in respect to Lot 2 with a site area of 1.763 hectares does not comply with this relevant development standard, an objection under State Environmental Planning Policy No. 1 has been lodged in conjunction with this application. Other clauses of relevance within Warringah LEP 1985 include:

- (a) Clause 18 - Erection of dwellings within Non Urban 1(d) zones;
- (b) Clause 28A - Access off Main Road;
- (c) Clause 40 - Preservation of trees; and
- (d) Clause 45 - Provision of adequate water and sewerage services.

All of these above clauses can be complied with in respect to the subdivision of the land.

Warringah Council's Development Control Plan No. 15 - Code for Subdivision is relevant to the proposed subdivision. The objectives that apply to the subdivision of Non Urban zoned lands include:

- (a) To preserve and to promote the retention of the rural character of the area;

-4-

- (b) Ensure that development is located on stable land;
- (c) To retain as much as possible of the existing tree cover and vegetation on all ridges, spurs and escarpments;
- (d) To design the layout and location of the allotments having regard to minimising the risk from bushfires;
- (e) To retain a lower population density due to the restrictions in the provision of water and sewerage services; and
- (f) To reduce soil erosion and transmission of pollutants and nutrients.

The proposed subdivision is considered to be compatible with these objectives and the following requirements are complied with:

- (a) The proposal involves no removal of existing vegetation from the subject site. In fact the owner of the site has in recent times planted a significant number of trees to replace the natural vegetation which has been removed from the subject site;
- (b) Existing buildings occupy stable portions of the site and no new buildings are proposed in this application;
- (c) The subject property is nestled amongst other rural/residential and quasi-commercial/industrial properties and therefore cannot be described as being visually prominent. As stated, much of the existing vegetation has been removed from the subject site with the planting of new species which tends to screen the property particularly from Mona Vale Road;
- (d) Both allotments front roads which can act as buffers from surrounding bushland and provide ready access routes out of the area in the case of bushfires. Generally the subject site is not surrounded by natural bushland therefore adequate fire retardation areas are available;
- (e) Population density or demand for services will not be increased as two lawful existing dwellings are located upon the subject site which have been provided with existing utility services; and
- (f) Soil erosion and transmission of pollutants or nutrients are not a major problem as no construction works for roads or dwellings are required.

In summary the proposed subdivision will not change:

- (i) the visual amenity of the rural/residential area;
- (ii) cause loss of privacy to adjoining properties;
- (iii) increase traffic generation and capacity of the local road system;
- (iv) population density of Terrey Hills; nor
- (v) existing tree cover.

-5-

Accordingly, the proposal complies with all relevant requirements of Council's Subdivision Code except for one of the allotments being slightly undersized. It is noted that this particular allotment is 12% less than the minimum required, which is considered to be a minor numerical variation.

Warringah Development Control Plan - Development in Non-Urban 1(a) and 1(d) zones Terrey Hills is also applicable to the subject site.

The only development guidelines applicable to this proposal is Clause 2 - Subdivision. This clause states "that subdivision of land zoned 1(d) must comply with the standards contained in WLEP 1985 which specifies a minimum area of 2 hectares. Additionally any proposed subdivisions must be in accordance with the standards contained within DCP No. 15 - Subdivision."

As stated previously one allotment is marginally below the 2.0 hectare standard. However the proposal is considered to be consistent with both the objectives of this DCP and Subdivision Code with a small variation required to the numeric standard. The subdivision will have little or no environmental impacts on the site or surrounding lands.

Objection Under State Environmental Planning Policy No. 1

SEPP No. 1 - Development Standards is designed to allow flexibility in the application of development standards provided that the aims of the Environmental Planning & Assessment Act, 1979 (as amended) are observed.

The general principle embodied in SEPP 1 is that a development standard may be varied where strict compliance can be shown to be unreasonable or unnecessary or would tend to hinder the attainment of the objectives specified in Section 5(a)(i) and (ii) of the Environmental Planning & Assessment Act. Therefore an objection under SEPP 1 - Development Standards to the 2 hectare minimum allotment size development standards applying under Clause 12(2) of Warringah LEP on the grounds that the compliance is unreasonable and unnecessary in the circumstances of the case accompanies this application.

Strict compliance is considered to be unnecessary and unreasonable for the following reasons:

1. The objective of this zone is *"to provide for a range of urban support activities which serve the needs of local and regional communities."*

The proposed subdivision of this parcel of land will not prejudice the objectives of the zoning in that Lot 1 already provides a service to the local community. Lot 2 whilst occupied by an existing dwelling is of a sufficient size to accommodate a range of land uses which are permissible and serves both the local and regional communities. Also the subject site has an urban capability which is suitable for a wide variety of land uses ranging from residential, agriculture, urban support land uses, etc.

Therefore it could be argued that the subdivision is consistent with the objective of the zoning.

2. The stated aim of Clause 12 of Warringah Local Environmental Plan 1985 is *"to improve amenity and enhance the environment in relation to land to which the clause applies."*

With respect to Council, it is difficult to envisage any subdivision in Non Urban zones no matter what the nominated site area of the proposed lots, as resulting in actual improvement of residential visual amenity and enhancing the natural built environment. It could be argued that the subdivision of land does not, of itself, alter the amenity or the environment in relation to land. Rather it is buildings, works and the use that is made of land which impacts on the amenity and natural-built environment.

The proposed subdivision does not involve the creation of an additional vacant lot which could be subject to construction of new dwelling house with ancillary structures. In this case the proposed subdivision involves no physical change to the existing residential visual amenity and no change to the natural built environment in that the subdivision proposal merely seeks to create separate allotments for the existing dwellings and associated structures already located upon the site. Any further change to the amenity and environment of the subject property could only arise with the submission to Council of building applications for alterations, extensions or rebuilding of the two existing dwelling houses or other structures located on the newly created allotments which enjoy lawful existing use rights.

It is therefore concluded that the proposed subdivision, given the unique circumstances of the case, involving the creation of two allotments which contain existing structures including dwellings is not inconsistent with the aim of Clause 12(1) of Warringah LEP 1985. Also it should be noted that the property was originally composed of two allotments but was consolidated into one parcel possibly when frontages were resumed for road widening purposes along Mona Vale Road.

3. If examining the existing subdivision pattern in the vicinity of the site it is apparent that surrounding allotments are generally 1.8 hectares in size therefore one of the proposed allotments to be created would be of a similar size to surrounding allotments with one allotment being slightly larger and hence complying with the 2 hectare minimum. Indeed, had the Mona Vale Road frontage of the subject property not been resumed then both proposed lots would have complied with the 2 hectare minimum lot size requirement.
4. The proposal complies with the objectives of Council's Code for Subdivision in respect to Non Urban zones.
5. An important consideration for Council in assessing the SEPP 1 objection is whether approval of the proposed subdivision is likely to undermine the intent of the 2 hectare minimum allotment size requirement as it applies to land zoned Non Urban 1(d). As existing dwelling houses and structures already occupy the subject site and with all necessary utility services the subdivision proposal would not create an undesirable precinct given the unique circumstances of the case.

-7-

The situation would be quite different, if the subdivision proposed the creation of an undersized vacant allotment but this is not the case in this instance.

6. The proposed subdivision satisfies the objects under Section 5 of the Environmental Planning & Assessment Act particularly in relation to:

- (i) the proper management, development and conservation of natural and man-made resources ... for the purpose of promoting the social and economic welfare of the community and better environment;
- (ii) the promotion and co-ordination of the orderly and economic use and development of land; and
- (vi) protection of the environment.

It is emphasised that the subdivision proposal involves no earthworks, removal of any native trees or bushland, erection of any new dwellings, driveways or other structures but merely seeks to create separate allotments for two existing structures located upon the subject site.

The above reasons clearly justify the minor variation to the 2 hectare minimum lot standard contained within Warringah LEP 1985 and will require Council to vary this standard pursuant to SEPP 1 for this proposed subdivision.

Landscape and Scenic Quality - Section 90(1)(c)

Overall the landscape and scenic quality of the locality or the site will not be adversely affected if the subdivision approval is granted as the subject site is occupied by two existing dwellings and structures and no removal of existing vegetation will be required to implement the subdivision.

Social and Economic Effect - Section 90(1)(d)

The proposed subdivision will allow each allotment to be utilised for rural/residential and existing retail flower and agricultural purposes which is considered to be the highest and best use. Generally there is a high demand for this type of property close to existing established urban areas within the Warringah Council area. The land is not classified as prime agricultural land although part of the site is utilised for the growing and sale of flowers which can be considered to be an appropriate rural/urban support activity and compatible with the Terrey Hills locality.

Bushfire Hazard - Section 90(1)(g)

As the subject site and surrounding properties have been cleared of native bushland, the proposal would not result in the property being exposed to significant hazards from bushfires. Both allotments have frontage to sealed roads providing ready access out of the area in the case of an emergency. The site is close to the Terrey Hills Bushfire Emergency Centre. Therefore bushfire hazard is not considered to be a major constraint to the subdivision of the site.

Size and Shape of Land - Section 90(1)(f), Section 333(1)(a) LGA

The size and shape of each allotment is of adequate dimensions and site area to accommodate a dwelling and ancillary structures without destroying any natural features, vegetation or the character of the Terrey Hills area. The overall density of property will be retained due to existing dwelling structures on the property. The size and shape of the subject site is considered satisfactory for the proposed development.

Access and Traffic Impact - Section 90(1)(i), (j), Section 333(1)(d) LGA

The subdivision layout proposes to establish a 3.5 metre right of carriageway over Lot 2 to benefit Lot 1. This has been established so that vehicular access to Lot 1 may also be obtained off Myoora Road as well as Mona Vale Road. Further, it is noted that Clause 28(A) of Warringah LEP prohibits vehicular access off a main road in Urban 1(d) zones for specific land uses listed in Schedule 9A. Notwithstanding, the existing Hills retail flower shop enjoys existing use rights with direct vehicular access to Mona Vale Road. Furthermore, a dwelling house is permitted to have main road access under Clause 28(A) of Warringah LEP 1985.

Sufficient carparking is available on each respective allotment including the flower outlet. The traffic generated from the subdivision proposal will be no different to the current situation.

Preservation of Trees - Section 90(1)(n)

The proposal involves no removal of existing vegetation from the site, therefore the existing bushland/residential character will not be detrimentally affected in terms of the scenic and landscape quality of the Terrey Hills area.

Amenity of Neighbourhood - Section 90(1)(b), (h) and (o)

The proposed development is not likely to cause any adverse impacts upon the existing and future amenity of the area. The proposed subdivision has been designed so that the existing dwellings/structures may be retained and that adequate building platforms are available for existing dwellings. Existing accessways will be retained, therefore there will be no need for removal of any vegetation.

Overall, the proposed subdivision will enhance the landscape quality and residential amenity of adjoining properties as the proposal involves no change to the existing situation but allows creation of separate allotments for each of the two dwellings

CONCLUSION

Having regard to information contained within this Statement and the SEPP No. 1 objection the subdivision proposal clearly satisfies all of Council's objectives for rural subdivision and most of the relevant subdivision controls and is unlikely to create any significant environmental effects.

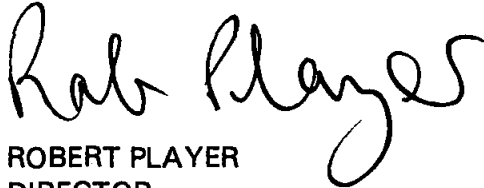
-9-

The proposed subdivision also satisfies relevant matters pursuant to Section 90(1) of the Environmental Planning & Assessment Act and Section 333(1) of the Local Government Act and accordingly it is supported. An objection under State Environmental Planning Policy No. 1 has also been lodged to seek a variation to the 2 hectare minimum allotment size under the Non Urban 1(d) zoning for one allotment only and is justifiable under the circumstances as the existing visual, residential amenity and density of the site will be retained.

We respectfully request Council to favourably consider this development application subject to appropriate conditions.

Should you require any further information or clarification on any matter, please do not hesitate to contact the writer.

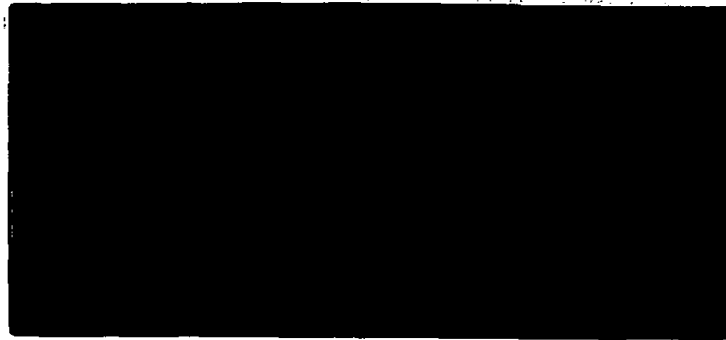
Yours faithfully,
DON FOX PLANNING PTY LTD

A handwritten signature in black ink, appearing to read 'Rob Player', written in a cursive style.

ROBERT PLAYER
DIRECTOR

● Don Fox Planning

287 Mona-Vale Rd



K. Moore

11.7.97

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WARRINGAH CORRO. No 153022
REF TO.....
FILE WITH PF 3297/287
FILE No 23 JUN 1997
SEEN BY
REF TO.....DATE
REPLY REQUIRED YES/NO

**STATEMENT OF ENVIRONMENTAL EFFECTS
PROPOSED ALTERATIONS AND ADDITIONS
TO THE HILLS, THE FLOWER MARKET
AT NO 287 MONA VALE ROAD,
TERREY HILLS**

PROJECT NO: P2424AM:CW
C:\Office\WPWin\WPDocs\Data\P2424AM:CW

May 1997

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1. Locality of site
2. Reduced Survey Plan
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4. Development Concept Plans
5. Landscape Plan

TABLES

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- A. Masson & Wilson - Traffic Report
- B. Christie Hydraulics Pty Limited - Stormwater Drainage Services Report

1.0 INTRODUCTION

Don Fox Planning Pty Limited has been instructed by Hills, The Flower Market to prepare a Statement of Environmental Effects in support of a Development Application for alterations and additions to the existing Hills The Flower Market at Lot 1, DP845094, No 287 Mona Vale Road, Terrey Hills. The alterations and additions to the existing flower shop site include the erection of a new single storey building addition to accommodate the flower market and associated facilities, a cafe with seating for 50 persons and outdoor terrace, erection of glass houses, childcare centre with associated carparking facilities and extensive landscaping of the site including implementation of several flower fields.

The existing Hills The Flower Market (ie shop) has been operating from the subject site since the 1920's, with the existing flower markets, enjoying existing use rights in terms of occupation and use of the subject site.

This Statement provides all relevant information necessary for Council to assess and determine the subject application including:-

- * Description of the subject site and surrounding locality;
- * Details of the zoning and relevant statutory planning controls applying to the subject site;
- * Description of the proposed development and staging plan;
- * An environmental assessment of the proposal under Section 90(1) of the Environmental Planning and Assessment Act, 1979, (as amended); and
- * Conclusion and recommendations in respect to the application.

This application is submitted in accordance with Section 77(3) of the Environmental Planning and Assessment Act, 1979, (as amended).

In order to compile a comprehensive Statement of Environmental Effects and given the nature of the proposed development upon the subject site, a team of consultants have been commissioned to undertake specific components of the project.

The following consultants are involved:-

Don Fox Planning Pty Limited	Town Planners
Design Technik	Architects
Masson & Wilson	Traffic and Transport Consultants
John Lock & Associates	Landscape Architects
Abbott Tout	Environmental Lawyers
Christie Hydraulics Pty Limited	Plumbing and Fire Protection Design Consultants

It should also be noted that a representative of our Company attended a Warringah Council Development Control Unit meeting to present revised development concept plans and various draft reports, prior to lodgement of this formal development application to Council. Any issues raised at this meeting will be addressed within this report and accompanying plans. Extensive discussions have been held with technical officers of Council during the preparation of the overall design concept for the subject site.

Previously, Council has approved subdivision of the subject property and also the placement of a timber cottage upon the subject site. Currently, building applications have been lodged for an additional agricultural shed, two small sheds and a carport.

2.0 SITE AND SURROUNDING LOCALITY

2.1 Description of the Site

The real property description of the subject site is Lot 1, DP 845094, No 287 Mona Vale Road, Terrey Hills. The subject site is located along the western side of Mona Vale Road between Aumuna and Cooyong Roads. The site is rectangular shaped with a frontage of 142.29 metres to Mona Vale Road and a depth of 140.57 metres. The subject property has an area of 2 hectares. **Illustration 1** depicts the location of the subject site in relation to the main and local road system within the Terrey Hills district. The subject site also benefits from a right-of-carriageway which provides vehicular access from Myoora Road.

Situated upon the land is the Hills, The Flower Market which comprises an older style metal and fibro building located adjacent to Mona Vale Road. Refer to **Photographs 1 and 2** for further details. Vehicular access is available directly off Mona Vale Road via two separate vehicular crossings. A large metal shed is located within the north-western corner of the site

which is used in association with the growing of flowers on site. An existing single storey timber cottage (ie **Photographs 3 and 4**) is situated within the south-western sector of the property and our client and his family currently reside within this dwelling.

Numerous young saplings and trees have been planted on the site by the owner over recent years. Various gardens and flower fields are presently on the site. A large stand of pine trees occupies the centre of the site. The land slopes in a southerly direction, with the lowest point of the site being located adjacent to the southern boundary. A reduced survey plan is attached as **Illustration 2** which depicts the major features of the site and contours.

2.2 Description of the Locality

Properties within the general vicinity of the subject site are rural/residential and semi-commercial and industrial in nature. Refer to **Photographs 5 and 6** for further details. A landuse plan is attached as **Illustration 3** which demonstrates the numerous quasi commercial/industrial uses which have intruded into this rural/residential area. There are a number of diversified land uses established in close vicinity to the subject site ranging from rural/residential to a church, golf driving range, industrial complex, tavern, nursery, fruit markets, school, etc. The property immediately to the south of the subject site is used as a golf driving range and rural/residential property to the north. The eastern side of Mona Vale Road opposite the site are rural/residential sites and the Garigal National Park.

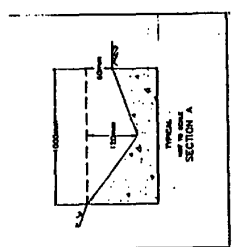
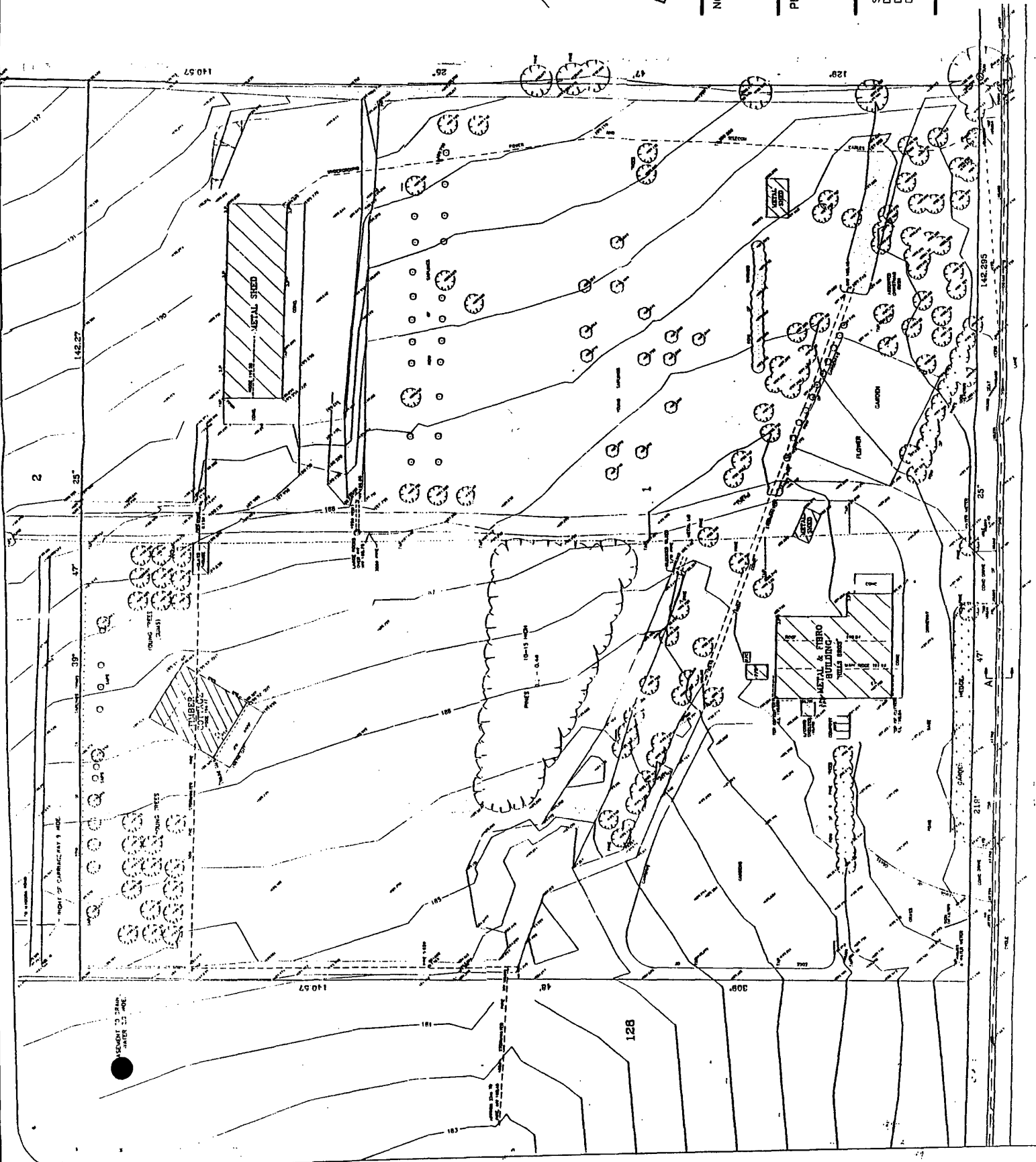
Mona Vale Road is designed as an arterial road and comprises four lanes separated by a wide median strip which has been densely planted.

3.0 THE DEVELOPMENT PROPOSAL

The overall development proposal involves the upgrading of the Hills, The Flower Market site to create a pleasant environment for customers buying flowers and to extend the existing range of ancillary services provided to customers.

The main alterations and additions to the existing flower markets are:-

- * Extending the existing flower shop building which comprises of a customer services area, floral arrangements area, storage rooms, coolrooms, staff room, offices, training



LEGEND

HYDRANT	W.P.
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NOTES: TOTAL SITE AREA = 2.0ha

PLAN: SHOWING BOUNDARIES, RELEVANT HEIGHTS AND PHYSICAL FEATURES, AND SERVICES OVER LOT 1 D.P. 845094 KNOWN AS NO.28 MONA VALE RD. TERREY HILLS, IN THE LOCAL GOVERNMENT AREA OF WARRINGAH.

SCALE: 1:250
 DATUM: A.H.D.
 DRAWN: VC, J02
 DATE: 9.10.95

REF. No. 5629

SHEET 1 OF 2

2. REDUCED SURVEY P.A



PHOTOGRAPH 1: View of subject site looking in a north easterly direction.



PHOTOGRAPH 2: View of subject site looking in a southerly direction.



PHOTOGRAPH 3: View of part of subject site and adjoining golf driving range.



PHOTOGRAPH 4: View of subject site and vehicular access point off Myoora Road



PHOTOGRAPH 5: View of rural/residential properties in the vicinity of the subject property.



PHOTOGRAPH 6: View of Myoora Road and adjoining rural/residential

room and amenities;

- * Inclusion of a 50 seat cafe with associated outdoor terrace area overlooking a pond;
- * Childcare centre;
- * Expanded flower fields;
- * Erection of three glass houses; and
- * Increased carparking facilities.

The specific details of the development are as follows:-

Site Area: 2 hectares

Floorspace:	<u>Existing</u>	
	Flower Shop	241m ²
	Dwelling	<u>120m²</u>
	Total	361m²
	<u>Proposed:</u>	
	<u>Main Building</u>	
	Flower Shop	235m ²
	Cafe	116m ²
	Amenities/ Coolrooms etc	<u>155m²</u>
		506m²
	Childcare Centre	<u>294m²</u>
	Sub Total	800m²
	TOTAL	1161m²

Site Coverage:	Buildings	1681m ²	
	(including terraces, verandahs, etc)		
	Glass houses	680m ²	
	Sheds/Animal Shelters	<u>561m²</u>	
		2922m ² (or 15 % of site)	
Landscaped Areas:	Site Area	2 hectares	
	Less buildings etc	2922m ²	
	Less driveways,	3483m ²	
	Less Carparking	<u>973m²</u>	
		7378m ² (or 37 % of the site)	
	Landscaped Areas (Including flower Fields)	12,622m ² (or 63 % of site)	
Setbacks:	Mona Vale Road:	Existing building	12.9m
		Proposed building	33.5m
		Carpark	15.0m
	Northern Boundary:	Shed	7.5m
	Southern Boundary:	Cafe	39.5m
	Rear Boundary:	Shed	7.5m

The overall development of the subject site is depicted upon **Illustration 4**. The development proposal will be staged as follows:-

Stage 1 - erection of 1 glass house, new main building including flower shop, cafe, training rooms, etc, carpark, pond, flower fields and landscaping

Stage 2 - Two additional glass houses and childcare centre.

The following section of this report will discuss each component of the development scheme in detail.

1. Flower Shop and Cafe

The existing metal and fibro building on site will be retained and extended to accommodate an expanded flower shop facility. The existing building will be renovated to accommodate offices, storage areas, training room and kitchen. A new building will be erected immediately behind this building which will accommodate the customer service area, floral arrangement area, coolrooms, staff room and 50 seat cafe and associated outdoor terrace. It is intended to link these buildings and also the glasshouses erected at the rear of this building. A porte cohere will be erected adjacent to the northern elevation to provide undercover carparking facilities.

2. Childcare Centre

It is proposed to erect a custom built childcare centre adjacent to the glasshouses. The childcare centre is a single storey building, being of rustic nature with large verandah and porch. The building comprises of three playrooms for specific age groups, cot room, bottle preparation area, laundry, office, children, kitchen, toilets, staff room and store. A carparking area exclusively for the childcare centre is located adjacent to the western elevation of the building with access being provided of Myoora Road. The childcare centre will operate Monday to Friday from 7.00am until 6.00pm. The childcare centre has been designed to accommodate 39 children, comprising of:-

*	10	-	0-2 year olds
*	5	-	2-3 year olds
*	24	-	3-6 year olds.

The childcare centre will be operated by six staff.

3. Agricultural Sheds

It is proposed to erect a new agricultural shed at the rear of an existing shed within the north-western corner of the site. This shed will have dimensions of 25 x 8.79 metres. A building application has been lodged with Council for this facility.

4. Glass Houses

Three glass houses will eventually be erected on site to allow growing of flowers during the

entire year. These glass houses are positioned within the centre of the site and will largely be screened by the proposed new main building.

5. Animal Shelters

Three small timber stables being of timber and corrugated metal cladding are proposed for keeping of animals such as donkeys on-site.

It is proposed to provide donkey rides along designated trails which have been depicted upon the landscape plan attached at **Illustration 5**.

6. Carparking and Access

A separate in and out vehicular access arrangement will be retained, but realigned and upgraded off Mona Vale Road.

Undercover parking will be positioned adjacent to the existing refurbished building to allow undercover pedestrian access to the flower shop particularly during bad weather. An additional 25 spaces will be located to the north of the flower shop, specifically for customers and staff. These vehicles will then be able to exit directly onto Mona Vale Road. A further 16 carparking spaces are located between the flower fields and the northern boundary of the site with a driveway facility providing access to the rear of the site and these carparking spaces. Additional carparks will be located adjacent to the existing shed and proposed childcare centre. A total of 61 carparking spaces and 1 disabled space will be located upon the site.

Vehicular access to the activities at the rear of the site will be available off Myoora Road. It is envisaged that clients to the childcare centre and other agricultural pursuits associated with flower growing will generally proceed via Myoora Road.

7. Flower Fields

Parts of the site will be devoted to the growing of flowers which will create a rural atmosphere. A lavender field is positioned along the Mona Vale Road frontage to create a rural type atmosphere and which will reduce the impact of the built form on Mona Vale Road.

8. Landscaping

A pond is to be constructed adjacent to the southern boundary of the site within the lowest point of the site. This will become a major landscape feature of the site as well as being for drainage purposes. A terrace will extend into this pond area from the outdoor cafe area.

The remainder of the site will be extensively landscaped. Refer to the Landscape Concept Plan attached at **Illustration 5** for further details. Major components of the Landscaping Plan include:-

- i) Flower fields;
- ii) Mounding and native gardens along Mona Vale Road frontage;
- iii) Screen planting along all side boundaries of the site;
- iv) Outdoor playground areas adjacent to the Cafe;
- v) Outdoor play areas for childcare centre along with childrens' flower garden;
- vi) Extensive lawn areas; and
- vii) Planting of feature trees within the proposed carparking areas.

4.0 ZONING AND STATUTORY PLANNING CONTROLS

4.1 Local Environmental Plan

The subject land is currently zoned I(d) Non-Urban "D" ("Urban Support") under Warringah Local Environmental Plan 1985.

The objective of this zone is:-

"to provide for a range of urban support activities which serve the needs of local and regional communities."

The development proposal is consistent with these zone objectives.

Land uses which are permissible without development consent include:-

Agriculture (other than animal husbandry or wholesale plant nursery), dwelling houses permitted by Clause 53AE, forestry.

Development which is permissible within this zone with development consent include:-

Advertising structures, animal husbandry, childcare centres, clubs, commercial premises (being animal training or boarding establishments, caravan parks, veterinary clinics or riding schools), drainage, educational establishments, home industries, hospitals, institutions, motels, places of assembly, places of public worship, professional consulting rooms, public buildings, recreation areas, recreation establishments, refreshment rooms, retail plant nurseries, rural industries, service stations, utility installations and wholesale plant nurseries.

The erection of glass houses and agricultural sheds are considered to be agricultural activities and therefore do not require development consent. A building application for erection of an agricultural shed is currently being considered by Council. Also, the growing of flowers would be regarded as an agricultural pursuit.

A childcare facility and cafe (ie refreshment rooms) are permissible with consent of Council.

The existing flower shop has operated from the subject site since 1920's. A shop is a prohibited use in this zone. Previously, Council has acknowledged that the subject site, (ie flower market), enjoys existing use rights in accordance with provisions of the Environmental Planning and Assessment Act, 1979 as the site has been used for this purpose prior to the gazettal of Warringah Planning Scheme Ordinance. We are of the opinion that the existing Hills, The Flower Market is a shop rather than a retail plant nursery and, hence, enjoys existing use rights. Other land uses proposed on-site under this development proposal are considered to be ancillary to the main use (ie Hills, The Flower Market).

Section 108 of the Environmental Planning and Assessment Act, 1979 and Clause 40 of the Environmental Planning and Assessment Regulation 1994 enables alterations and additions to an existing use, change of an existing use, and enlargement, expansion or intensification of an existing use. Therefore, the general upgrading of the flower market is permissible with Council consent under the existing use rights provisions of the Environmental Planning and

Don Fox Planning

Assessment Act, 1979.

The only other clause of relevance within Warringah Local Environmental Plan 1985 includes:-

* Clause 55 - Development on land Zoned 1(d)

A person must not carry out development for purposes specified in Schedule 9A or 9AA if any means of vehicular or pedestrian access exists between that land and:-

- a) a main road; or
- b) any part of any public road that is within 90 metres of the intersection of that road with a main road.

Recreation area, refreshment rooms, retail plant nursery are included in Schedule 9A and 9AA.

Also, sub-Clause 3 of this Clause states:-

If an existing use (within the meaning of Section 106 of the Act) or use to which such an existing use has been changed, the creation of a new means of direct vehicular or pedestrian access to that land from:-

- a) a main road;
- b) any part of any public road that is within 90 metres of the intersection of that road with a main road;

is prohibited.

Legal advice on the interpretation of this clause was sought from Abbott Tout, Environmental Lawyers, as to whether the relocation of existing access points available to the Hills, The Flower Market constituted new access points.

The relocation of the existing vehicular entrance and exit points along Mona Vale Road for traffic travelling north does not constitute a "new means of access." Research has revealed that there is no definition in planning law of the word "new" where the word has been

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considered in the planning sense. Our legal opinion states that the meaning of word "new" only applies to access points created after commencement of Clause 55(3). If that was not to be the case, the LEP would have been so drafted to prevent not only a new access point, but the relocation or reconstruction of existing ones.

Therefore, we are of the opinion that the intensification of the Hills, The Flower Market with relocation and reconstruction of vehicular access to Mona Vale Road is permissible with Council consent.

4.2 Development Control Plans

4.2.1 Development Control Plan No 20 - Terrey Hills and Duffys Forest - Non-Urban Areas

This DCP applies to the subject site and sets out development guidelines to ensure that any proposed development is in keeping with, and sensitive to the surrounding environment. The following is a summary of relevant development guidelines and compliance with these requirements.

1. Road and Vehicular Access

Any proposed means of vehicular or pedestrian access to the main road is prohibited pursuant to Clause 55 of Warringah Local Environmental Plan 1985 for certain development.

For all development applications other than for dwelling houses and ancillary structures, a Statement must be provided of the effect of the proposed development on traffic generation on surrounding roads.

Comment

Clause 55(3) of Warringah LEP 1985 also states that new means of access to a main road is prohibited for development which enjoys existing use rights. In this particular case, the existing vehicular access points to the subject site will be relocated. Therefore, a "new" access is not being created for this development. A traffic assessment of this proposal has been undertaken by Masson & Wilson and attached to this report at Annexure A.

2. Site Coverage

The following site coverage provisions are applicable:-

- a) A minimum of 50% of the site is not to be covered by buildings, vehicular accessways or parking areas and is to be left in its existing state or landscaped if required by Council;
- b) Maximum of 20% of the site is to be covered by buildings;
- c) Maximum 30% of the site is to be devoted to vehicular parking and accessways;

Comments

- a) Maximum site coverage:- 37% or 7378m² of site. - Complies
- b) Site coverage of buildings:- 5% or 2922m² of site - Complies
- c) Site coverage of vehicular parking & accessways site:- 22% or 4456m² of the site Complies

3. Carparking Required

As per requirements of DCP No 2 - Carparking;

Comments

Carparking requirements contained within this DCP are discussed in detail in the following section of this report and at Annexure A.

4. Building line and Setbacks

A building shall not be erected within 30 metres of the road reserve of which 15 metres should be suitably landscaped. Carparking may be permitted within this 15.0m landscaped area. Side and rear boundaries - 7.5 metres.

Comments

The proposed new building addition to be erected upon the subject site complies with the 30.0 metre setback. The existing building on-site will be retained which slightly encroaches on this 30.0 metre building setback. The encroachment is minor with this building already occupying

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the site. Therefore it is requested that this variation be supported by Council. The development proposal fully complies with side and rear setbacks.

5. Landscaping

- a) Minimum landscape setback - 15 metres Mona Vale Road;
- b) 7.5 metres side and rear boundaries;
- c) 50% of the site to be landscaped.

Comments

A 15.0 metre landscaped area will be achieved along Mona Vale Road, except for a minor portion adjacent to the existing building. However, over 12 metres of land will be available for landscaping purposes which is sufficient to retain the rural character of the area and to soften the impact of the built form when viewed from Mona Vale Road. Over 50% of the site will be landscaped with extensive screen landscaping proposed adjacent to boundaries.

6. Building Height

Council will not consent to erection of buildings which exceed 8.5 metres in height.

Comments

All proposed buildings on-site will be single storey and less than 8.5 metres in height.

7. Building Quality and External Appearance

Council encourages building design of high architectural merit, which also recognises the significance of its landscaped setting. External finishes should be of a low reflective quality and should utilise colours which blend into, rather than stand out in the natural setting.

Comments

The proposed buildings are considered to be of a high architectural quality and are compatible in terms of size, height, scale and size of other buildings within this rural environment. External materials will be sympathetic with the rural rustic character of the Terrey Hills locality.

8. Advertising Structures

Any such structure must relate to the land upon which it is located and be used for purposes

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such as the identification and description of the use of the land.

Comments

It is proposed to erect a pole sign adjacent to Mona Vale Road which identifies the site as the Hills, The Flower Market. This sign can comply with the above provisions. Refer to attached sketches for further details.

9. Waste Disposal Facilities

Council will require provision to be made within developments for the accommodation of waste disposal facilities and for adequate vehicular access to remove same.

Comments

Adequate waste disposal facilities and access to these facilities will be provided on-site. Full details will be provided at building application stage.

10. Fencing

Details of proposed fencing should be provided with any development application indicating the extent, height and proposed materials.

Comments

Fencing details are included upon the landscape plan which accompanies the Development Application submission (ie **Illustration 5**). Generally, it is proposed to erect a post and rail fence along Mona Vale Road and northern boundary of the site. Wire mesh fencing will be utilised along the western and southern boundaries with screen landscaping.

4.2.2 Development Control Plan No 2 - Car Parking Policy

This DCP also applies to the development proposal. This policy sets out standards for the provision of carparking including layout requirements and internal driveways. The existing flower market has a number of informal spaces within the existing driveway facility. The following carparking is required as per this Policy for various components of the proposed development.

Shop	-	1 space per 20m ² plus adequate space for delivery of vehicles (based on floor area of only 235m ²)
	=	12 spaces
Restaurants	-	1 space per 5m ² (based on floor area of 110m ²)
	=	22 spaces
Childcare Centre	-	1 space per staff plus adequate pickup and setdown on site (6 staff)
	=	6 spaces plus pickup/drop off spaces.
Total	=	40 spaces

A total of 61 carparking spaces and 1 disabled carspace have been provided on site. The number of carparking spaces satisfies Council's DCP No 2 requirements.

Also, the traffic report prepared by Traffic and Transport Consultants, Masson & Wilson Pty Limited at **Annexure A** further addresses parking issues.

5.0 ENVIRONMENTAL ASSESSMENT

The development proposal being for alterations and additions to the existing Hills, The Flower Market has been assessed under the relevant heads of consideration outlined at Section 90(1) of the Environmental Planning and Assessment Act, 1979. The following section of the report deals with the principal environmental issues which are relevant to the subject application and recommends steps to be taken to mitigate against any potential adverse environmental impact.

5.1 Statutory Planning Controls - Section 90(1)(a)

The subject site is zoned Non-Urban "D" (Urban Support) under Warringah Local Environmental Plan 1985.

The proposed uses (ie restaurant, child care centre) are permissible with Council consent. The existing Hills, The Flower Market, itself, is acknowledged to enjoy existing use rights in accordance with Section 106 of the Environmental Planning and Assessment Act, 1979 and Section 108 of this Act permits an existing use to be altered, added to, expanded and/or intensified.

Some minor concessions are required in respect to Warringah Development Control Plan No 20 - Terrey Hills and Duffys Forest Non-Urban Areas, being a minor encroachment of an existing building within the 30.0m building setback. However, the proposed development is consistent with the objectives of this Plan. The development generally complies with DCP No 2 - Car Parking Policy requirements and a traffic report prepared by Traffic Consultants, Masson & Wilson accompanies this report.

5.2 Landscape and Scenic Quality - Section 90(1)(c)

The overall landscape and scenic character of this precinct is described as being predominantly rural/residential in nature with some intrusion of commercial/industrial type activities. The subject site is typically rural in nature with a flower outlet being located adjacent to Mona Vale Road and a timber cottage and shed towards the rear of the site. Refer to **Photographs** for further details. The development proposal envisages that the rural character will be retained with implementation of numerous flower gardens and fields, glasshouses, agricultural sheds, etc. The Mona Vale Road frontage of the site and all other boundaries will be extensively landscaped. Existing trees within the median strip within the centre of Mona Vale Road partially screens the subject site from the eastern carriageway. The overall landscape and scenic quality of the locality and site will be improved if the development proceeds.

5.3 Social and Economic Effects - Section 90(1)(d)

The development proposal will create both positive economic and social benefits. A presently underutilised site will be used for a more intense agricultural pursuits (ie growing of flowers) which is in close proximity to established urban areas of Sydney. Growing and selling of flowers is considered to be an agricultural activity and is appropriately located within an urban support zone. A range of complimentary land uses will be established on site if the development proposal is granted approval. The proposal will also create additional employment opportunities for residents within the Terrey Hills area.

5.4 Character, Siting, Scale, Height, External Appearance- Section 90(1)(e)

The existing metal shed currently located along Mona Vale Road will be retained and

extensively upgraded. The proposed new building addition will be setback behind the 30 metre building line, although the existing flower shop building addition encroaches this setback. A 15.0m wide landscaping strip is proposed adjacent to Mona Vale Road to reduce the impact of the built form and to retain the rural character of this precinct.

All buildings will be single storey, with a rural architectural theme being adopted with inclusion of traditional verandahs and terraces. The buildings have been designed to be compatible with existing rural/residential character of the area.

All buildings comply with the 7.5 metre side and rear boundary setbacks allowing for extensive landscaping to occur along all the boundaries. Glass houses will generally be screened by the proposed new main building and the agricultural shed is located within the north-western corner of the site well away from public views along Mona Vale Road.

Overall, the proposed development will be of a high quality with the existing character of the area being retained.

5.5 Size and Shape of Land - Section 90(1)(f)

The land is of sufficient size and shape to accommodate this development as the building site coverage is only 15% which is relatively low allowing for extensive landscaping treatment of the site including implementation of various flower fields.

5.6 Impact of the Development and Relationship to Adjoining Lands - Section 90(1)(c)(h)

The proposed development is considered to be compatible with surrounding development in terms of intensity, scale, density, etc. Any proposed buildings will be of a high architectural quality being of a rural rustic nature.

Existing dwellings on adjoining properties are located well away from the subject site. All proposed activities upon the subject site have generally been located well set away from side and rear boundaries with extensive landscaping proposed with minimal, if any, impacts resulting onto surrounding properties.

5.7 Access and Parking - Section 90(1)(i)

A Traffic Report has been completed by traffic and transport consultants Masson & Wilson Pty Limited. A copy of this Report is attached at **Appendix A**.

The entry driveway from Mona Vale Road is proposed to be 6 metres wide and the exit driveway 6 metres wide. The combined rear entry/exit driveway off Myoora Road is proposed to be 5.5 metres wide. The proposed width and driveway separation comply with the requirements of the Australian Standards.

It is proposed that a deceleration lane be constructed in Mona Vale Road for vehicles entering the site. This is desirable to remove the slower turning traffic from the main traffic stream in Mona Vale Road, thus minimising disruption to traffic flow. It is desirable that any treatment be consistent with treatments in the surrounding area. There are 80 metre deceleration lanes provided for vehicles turning left into Cooyong and Aumuna Roads from Mona Vale Road. These lanes are provided within the sealed shoulder area and are shared with the bicycle lane. These treatments are consistent with AUSTROAD's guidelines for the treatment of exclusive bicycle lanes at minor intersections. **Figure 2 of Appendix A** demonstrates the treatment of this deceleration lane.

Parking is proposed for 61 cars including 1 space for disabled parking. Carparking facilities are distributed throughout the site with a number of spaces located adjacent to the main building which accommodates the flower shop. There are also carparking areas at the rear of the site adjacent to the existing agricultural shed and to the south of the proposed childcare centre. Refer to **Illustration 4** for further details.

It is considered that the proposed flower markets and associated activities will have a somewhat lower parking demand rate than traditional retail shops, however, the provision of the cafe would increase the length of stay of customers and, hence, increase the demand for parking. It is noted that Council Parking Code requires 1 space per 20m² for traditional retail shops which is equivalent to 24 spaces for the subject development if considering main public areas and excluding the cafe. The parking demand for the retail component of the development is considered to be lower than this.

The parking demand for the cafe can be assessed with reference to the surveys of the Bond's Nursery cafe. Surveys of this cafe indicate the peak occupancy of the cafe on a typical day was around one third of its capacity on the Sunday (34 patrons) and one quarter of its capacity

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on the Saturday (24 patrons). The RTA surveys of restaurants suggest that carparking provision for a 210m² cafe should be 33 spaces (ie 1 space per 3 seats). This provision is considered to be excessive for the subject development as the RTA rate is based on a design occupancy of 91%. Such a high occupancy is not substantiated by the surveys at Bond's Nursery. The peak occupancy of the restaurants surveyed by the RTA varied between 63% and 133%. It is anticipated that the subject cafe would be in the lower range as it would only be a secondary attractor to the site. Based on design occupancy of say 65% the peak parking demand would be 24 spaces.

The peak parking demand on the site is therefore estimated at 33 (9 + 24) spaces. The proposed provision of 61 spaces is satisfactory and will cater for the parking demand of the development.

The layout of the carparking areas has been assessed with respect to the Australian Standards for Off-street Carparking (AS 2890.1.1993).

The proposed internal road system consists of two areas, one at the front of the site and one at the rear, joined by a 4.6 metre wide one-way road along the north-eastern boundary of the site. A one-way traffic flow is proposed along this roadway being from the front to the rear of the site. Refer to **Illustration 4** for further details. Vehicles entering from Mona Vale Road which park in the main carparking area may exit at either Mona Vale Road or Myoora Road. Those vehicles which enter from Mona Vale Road and do not park in the main carpark closest to the entrance must exit via Myoora Road access point. Vehicles entering from Myoora Road must also exit via Myoora Road.

5.8 Traffic Generation - Section 90(1)(j)

Mona Vale Road is the major east/west arterial route serving the northern part of the Warringah Peninsula. It has one travel lane each way from Mona Vale to Tumbledown Dick Hill, just east of McCarrs Creek Road around 1 kilometre north-east of the subject site. Adjacent to the subject site, Mona Vale Road has two lanes in each direction. It is a divided road with a wide median, and has a posted speed limit of 90 kph changing to 80 kph north of the site. It has wide sealed shoulders, which are utilised as cycle lanes and for auxiliary turning lanes at intersections. In the vicinity of the site, Mona Vale Road is straight and level, affording good sight distance for vehicles approaching and exiting the site.

Myoora Road links between Booralie Road and Mona Vale Road, and runs approximately parallel to Mona Vale Road. It has one lane and one parking lane in each direction. It has a 60 kph speed limit. Refer to **Illustration 1** for further locality details.

As mentioned previously, access to the subject site is via an angled driveway from Mona Vale and egress is via a separate exit driveway onto Mona Vale Road. The existing site contains a flower sales area, cottage flower fields, cottage and shed. There is also a secondary access driveway from Myoora Road.

The Roads and Traffic Authority annual average daily traffic flows (AADT) on Mona Vale Road are summarised within the table below. The subject site adjoins between two stations.

TABLE 1
AADT ON MONA VALE ROAD (VEH/DAY)

Location	1981	1983	1985	1987	1989	1991	1993
North of Power Works Road	13110	12730	13509	14963	16580	18204	17564
East of Forest Way	19390	21230	22270	24410	26520	27720	27999

The above table demonstrates the growth of traffic along Mona Vale Road at both locations has been steady since 1981 which is typical of arterial roads in the Sydney Metropolitan Area. Refer to the Traffic Report at **Appendix A** for further statistical data in respect to existing traffic flows at peak hour.

Traffic volumes in Myoora Road at the entrance to the site were surveyed on Saturday 25 May 1996 and Sunday 26 May 1996 between 11.00am and 2.00pm. Traffic entering and exiting the site was surveyed together with passing traffic on Myoora Road. The peak hour occurred between 12 and 1.00pm on Saturday and 12.30 and 1.30pm on Sunday.

The following table summarises the existing weekend peak hour conditions in Myoora Road at the rear access to the site.

TABLE 2
MYOORA ROAD EXISTING TRAFFIC (VEH/HR)

MOVEMENT	SATURDAY	SUNDAY
Entering the Site	1	1
Exiting the Site	2	2
Myoora Road Eastbound	134	103
Myoora Road Westbound	250	206

These results indicate that Myoora Road is carrying around 385 vehicles per hour during the Saturday peak hour and 310 vehicles per hour during the Sunday peak hour. Myoora Road functions as a collector road, forming a link between local roads and Mona Vale Road. Collector roads typically carry between 250 and 1000 vehicles per hour. Use of existing driveway is low at only 3 vehicles per hour during the weekend peak periods.

Passing trade would account for a proportion of the additional traffic generated by the proposed development. Allowing no discount for passing trade, if all the additional traffic entered and exited via Mona Vale Road, this would increase traffic volumes on Mona Vale Road by around 40 vehicles per hour during a Saturday peak hour and by around 65 vehicles per hour during a Sunday peak. This would have little impact on traffic conditions on Mona Vale Road.

To assess the impact on additional traffic on Myoora Road as a "worse case" it is assumed that all traffic entering and exiting the site does so from Myoora Road. The resulting traffic volumes are summarised in the following table.

TABLE 3
TRAFFIC VOLUMES ON MYOORA ROAD (Veh/Hr)

	Saturday		Sunday	
	Existing	Future	Existing	Future
East of Site	386	425	310	376
West of Site	385	423	311	376

Thus, Myoora Road would continue to operate satisfactorily, as the additional traffic would have little impact on its capacity during the week and peak periods. Traffic volumes on Myoora Road and into and out of the site are low, hence, the intersection would have satisfactory capacity. Sight distances are good at the driveway and, hence, the intersection would operate satisfactorily.

It is expected that traffic volumes on Myoora Road would seasonally vary similar to traffic volumes along Mona Vale Road. A review of the aforementioned 1991 daily volume data on Mona Vale Road indicates that at the time, the Saturday volume in the first week of December was some 11% higher than in the last week of May. The Sunday volume in the first week of December was around 30% higher than during the last week of May. Assuming that Myoora Road exhibits the same seasonal variation in traffic volume as Mona Vale Road and that the peak hour volume varies at the same rate as daily volume, Myoora Road would be expected to carry around 430 vehicles during the Saturday peak, and around 400 vehicles per hour during the Sunday peak on the busiest weekend in December.

A number of traffic generating land uses have been surveyed by the RTA to establish a relationship between floorspace or some other measurable characteristic, and traffic generation and parking demand. These surveys have not specifically included flower markets and, hence, to estimate its future traffic generation, a comparison must be drawn with another comparable development.

Bond's Nursery has been chosen as a comparable development, as it is located on the south-western corner of the intersection of Mona Vale Road and Cooyong Road approximately 500 metres north of the subject site. Bond's Nursery has a vehicular access from Mona Vale Road and an access from Cooyong Road. Bonds Nursery contains a mix of gardening and landscaping products as well as a cafe and small childcare facilities for customers. The cafe is of a comparable size to that proposed at the Hills, The Flower Market site. It is noted that the Bond's Nursery is a much larger development than the proposed Hills, The Flower Market with a substantially wider range of products being sold. It is noted that the Hills Flower Market will only sell flowers and not plants and other ancillary items such as soils, bush rock, etc. Bond's Nursery and the subject Flower Market development would attract similar types of customers and, in fact, may attract the same customers as they would provide complementary type products.

Surveys were taken at Bond's Nursery on Saturday 25 May 1996 and Sunday 26 May 1996 between 11.00am and 2.00pm. These revealed peak traffic generation rates as below:-

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- Saturday: 138 vehicle trips per hour between 11.45am and 12.45pm
- Sunday: 237 vehicles per hour between 1.00pm and 2.00pm

These surveys also included the number of patrons in the Cafe at half hourly intervals. The occupancy of the Cafe peaked as below:-

- Saturday: 24 patrons at 12.30pm
- Sunday: 34 patrons at 2.00pm

The peak accumulation of vehicles visiting the site during the survey period occurred at approximately the same time as the occupation of the Cafe peaked on both days.

A comparison between the Bond's site and the Hills, The Flower Market may be drawn by considering the peak turnover of car parking spaces. This takes into account the length of the visit of customers and the number of customers. The Bond's Nursery contained 160 carparking spaces in two areas, one of 60 spaces and the other 100 spaces. In addition, there are around 50 spaces available on public land between this site and Mona Vale Road. This carparking area can be described as functioning as an overflow area. During the survey period, only the two smaller areas were utilised for parking. Based on this reduced provision of 110 spaces, the peak turnover rate of Bond's Nursery was:-

- 1.25 vehicle trips per space on Saturday
- 2.15 vehicle trips per space on Sunday

Given the specialist nature of the proposed Hills, The Flower Market compared to the wider range of products available at Bond's Nursery, it is anticipated that the turnover of parking spaces at the Hills, The Flower Market would be somewhat lower than at the Bond's Nursery. However, as a conservatively high estimate, these rates have been applied to the Hills Flower Market development which is proposed to provide 61 carparking spaces. This yields the following estimates of traffic generation:-

- * 77 vehicle trips per hour on Sunday
- * 131 vehicle trips per hour on Sunday

If all additional traffic was to access the Hills, The Flower Market from Mona Vale Road, it would have little impact on the existing traffic conditions along Mona Vale Road.

Alternatively, if all additional traffic accessed the subject site from Myoora Road, traffic volumes would be expected to increase by 40 vehicles per hour on a Saturday and 65 vehicles per hour on Sunday. This would have little impact between Myoora Road and the subject site would operate satisfactorily.

Access to and from Mona Vale Road is restricted to left-in and left-out movements only. All movements are permitted at the proposed Myoora Road access point. Those vehicles wishing to exit southbound onto Mona Vale Road could use Myoora Road and either Aumuna or Booralie Roads. Those coming from the east wishing to turn into the site could use Cooyong Road and Myoora Road. Therefore, traffic would be distributed along various roads rather than just being concentrated along Mona Vale Road or Myoora Road. Both Mona Vale Road and Myoora Road will continue to operate satisfactorily as the additional traffic would have little impact on its capacity during the weekend peak periods.

5.9 Utilities - Section 90(1)(l)

Utility services such as water, electricity and telephone are provided to the site and can cater for the proposed alterations and additions to the flower market.

In terms of the sewerage system it is proposed to install a "Super Treat Sewerage Treatment" plant on-site with waste water being recycled and used for watering of landscaping and flower fields.

This sewerage treatment package consists of the following:-

- * 9000 litre septic tank;
- * 9000 litre treatment tank;
- * 2 x 20,000 litre holding tanks (which also act as pumping walls).

This system will meet the requirements of the EPA.

Full details will be provided at building application stage. Alternatively, it may be possible to pump sewerage to the existing Sydney Water mains along Cooyong Road.

Stormwater drainage for the development proposal has been subject to a conceptual "development application" design in accordance with Council's Policy for On-site Stormwater

Retention Policy and Guidelines June 1995 and as such is subject to on-site retention of stormwater prior to discharge into existing drainage easements. The project's stormwater drainage system and detention has been calculated by "Ilsax Computer modelling" which allows for retention of stormwater run off from the site. This stormwater detention has been located as additional storage above a permanent wetland pond positioned at the low point within the natural contours of the site. Refer to Drainage Concept Plans for further details.

To create the necessary storage volume existing contours have been altered as necessary to confine the on-site detention within safe operational boundaries and limits. The permanent wetland pond will allow for all sediment and nutrient control as it will act as both a velocity inhibit to stormwater discharges allowing sedimentation, with nutrient rich wastes absorbed by associated planting, with additional protection at downstream catchments provided by suitable screen outlets to remove surface debris prior to discharge to existing drainage easements.

A detailed report has been prepared by Christie Hydraulics Pty Limited, Drainage Consultants, which is attached to this Report as **Appendix B**. Refer to this report and plans for detailed drainage calculations.

Generally, carparking areas have been provided upon grassed areas fitted with plastic infill grid system to allow for infiltration of surface runoff.

The proposed glass houses shall be completed with a system of waste water catchment which includes for all catchment of irrigation water, by way of internal surface drainage gravitating to proposed inground storage tanks for recycling of irrigation water, thus eliminating nutrient enriched wastewater being discharged to the project's stormwater drainage system, thus protecting the downstream catchments. Refer to **Appendix B** for further information.

5.10 Landscaping - Section 90(1)(m)

The development proposal involves removal of some existing vegetation (ie pine trees) from the subject site which have been planted by the owner in recent years. However, it is intended to extensively relandscape the site with dense planting along all boundaries, particularly along Mona Vale Road to create a rural/residential type environment with flower fields in keeping with the existing rural character of the area. Refer to **Illustration 5** for further details.

5.11 Amenity of the Neighbourhood - Section 90(1)(o)

The proposed development is not likely to cause any significant environmental impacts onto the existing or future amenity of the area with regard to relevant matters such as privacy, noise, pollution etc. It is anticipated that peak operating hours will occur during daytime hours of weekends, particularly between the hours of noon - 2.00pm. During the evenings and weekdays, visitations will be significantly lower. It is noted that the current Flower Market attracts passing trade, with people purchasing flowers on route to home or other localities.

Extensive landscaping will screen the developments from adjoining properties. Activities are generally centred towards the middle of the site away from any adjoining properties. Consequently, minimal, if any, amenity impacts will result onto adjoining properties.

6.0 CONCLUSION AND RECOMMENDATIONS

The material contained within this planning report demonstrates that the proposed alterations and additions to the Hills, The Flower Market at No 287 Mona Vale Road, Terrey Hills, should be granted development consent as:-

- a) The development will not cause any adverse amenity impacts which would warrant refusal of this application;
- b) The proposed alterations and additions are compatible with surrounding development in terms of architectural form, height, scale, bulk and setbacks etc;
- c) The proposal is permissible with consent of Council within a Non-Urban "D" (Urban Support) zone pursuant to Warringah Local Environmental Plan 1985 and is consistent with 1(d) zone objectives. Also, the development is considered to be an appropriate use within this zone;
- d) Council has previously acknowledged that the Hills, The Flower Markets enjoys "existing use rights provisions" in accordance with the Environmental Planning and Assessment Act;
- e) The proposed alterations and additions generally comply with Council's Development Control Plan No 20 - Terrey Hills and Duffys Forest - Non-Urban Areas and

Development Control Plan No 2 - Car Parking Policy;

- f) The proposal is considered to be of a high architectural quality and has been designed to be sympathetic and compatible with a visually prominent site adjacent to Mona Vale Road;
- g) The proposal involves relocation of existing vehicular access points to the subject site rather than new vehicular crossings;
- h) The proposed carparking and access arrangements will allow vehicles to manoeuvre in and out of the site in a forward direction, provide ample provision for off-street carparking facilities with loading and unloading facilities and will maintain safe and efficient traffic movements onto Mona Vale Road and Myoora Road with minimal, if any, impacts onto the existing road network; and
- i) The proposed development will visually enhance the subject site and Terrey Hills area.

It is concluded that on balance the overall environmental impact of the proposed alterations and additions to the Hills, The Flower Market is a beneficial one. It is respectfully requested that Council give favourable consideration to the Development Application for alterations and additions to the Hills, The Flower Market, subject to appropriate conditions to mitigate against any potential adverse environmental impacts.

Date: 5th May 1997
Project: 085-96

Don Fox Planning
11 Dartford Road
THORNLEIGH NSW 2120

Attention: Mr Robert Player



**CHRISTIE
HYDRAULICS**
PTY LIMITED

ACN 056 831 139

PLUMBING & FIRE PROTECTION
DESIGN CONSULTANTS

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Dear Sir,

"PROPOSED FLOWER MARKET"
Mona Vale Road, Terry Hills, NSW

Report
Stormwater Drainage Services
Development Approval

Stormwater drainage for the above project has been subject to conceptual "development application" design in accordance with Councils Policy "On-Site Stormwater Detention Policy & Guidelines, June 1995" and as such is subject to on-site detention of stormwater prior to discharge to existing drainage easements, all as advised by Council's Development Engineers.

The project stormwater drainage system & detention has been calculated by "ilsax computer modelling" which allows for detention of stormwater run-off from the site.

This stormwater detention has been located as additional storage above a permanent wetland pond of positioned at the low point within the natural contours of the project site.

To create the necessary storage volume existing contours have been altered as necessary to confine the on-site detention within safe operational boundaries and limits.

The permanent wetland pond will allow for all sediment & nutrient control as it will act as both a velocity inhibitor to stormwater discharges allowing sedimentation, with nutrient rich wastes absorbed by associated planting, with additional protection of downstream catchments provided by suitable screen outlets to remove surface debris prior to discharge to existing drainage easements.

The detention requirements have been calculated based on the total site draining to the detention area:

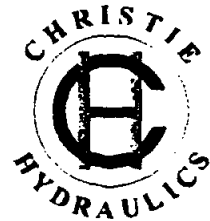
Total site area	- 20,300 m ²
Pre development impervious area	- 846 m ² - 4.2%
Post development impervious area	- 5999 m ² - 30%

Corporate Member



THE ASSOCIATION OF HYDRAULIC SERVICES CONSULTANTS AUSTRALIA Inc.

085DAREP.DOC



The design of OSD allows for a max. water level during detention of RL:185.626 above the permanent pond surface water level of RL:185.000, maximum storage volume is approximately 425 m³, with PSD for the site controlled by outlets from the storage basin comprising of a 1500 x 1000mm pit with removable & lockable grate located over the pit at RL:185.000 with a 10m x 225mm outlet pipe connecting to existing drainage, and a second outlet from the storage pond provided by a 3000mm letter box opening pit which allows for a 300mm deep flow over a weir with its level set at RL:185.350.

Drawing "SKH01A" Concept Stormwater Drainage indicates the area of detention, the contours of this detention basin, the permanent pond and details of the control outlets from the detention basin to the existing drainage system.

Internal stormwater drainage has been shown in conceptual layout only and generally allows for connection to the detention basin by way of landscaped rock races which again act as velocity inhibitors.

Roofed areas have been collected by hard piping with areas of hard paving collected by way of purpose surface catchment sumps or allowed to flow as sheet run-off from hard areas such as access driveways to suitable grassed areas.

Generally carparking has been provided upon grassed areas fitted with a plastic cell infill grid system to allow for infiltration of surface run-off.

Proposed glass houses shall be complete with a system of waste water catchment which includes for all catchment of irrigation water by way of internal surface drainage gravitating to purpose inground storage tanks for recycling of irrigation water thus eliminating nutrient enriched waste water being discharged to the projects stormwater drainage system, thus protecting the downstream catchments.

Calculations by way of computer disk and attached summary sheets are available for the projects site stormwater drainage on-site detention and will be submitted to Council with the "Building Application".

Yours faithfully

CHRISTIE HYDRAULICS PTY. LTD.

HOWARD CHRISTIE
Director

cc: Design Technik - attention:-Mr. Paul Frischknecht. Level 2, 3-5 West Street, North Sydney 2060



Don Fox Planning

PTY LIMITED
A.C.N. 002 263 998

11 DARTFORD ROAD THORNLEIGH NSW 2120
PO BOX 230 PENNANT HILLS NSW 2120
DX 4721 PENNANT HILLS
TELEPHONE: (02) 9980 6933 FAX: (02) 9980 6217

30 October, 1997
Our Ref: 2424.1RP:JW

The General Manager
Warringah Council
DX 9118
DEE WHY

Attention: Ms K Moore & Ms J Sneyd, Town Planning Section

Dear Sir

Development Application for Hills Flower Market at No 287 Mona Vale Road, Terrey Hills

Reference is made to the above Development Application and the meeting at Council's offices on 23 October 1997 attended by the writer, our client Mr R Caristo, Council's Solicitor, Mr I Woodward and Council's Town Planners, Ms K Moore and Ms J Sneyd, in respect to the Development Application for the Hills Flower Market, Terrey Hills which is currently under consideration by Council.

In accordance with instructions from the applicant, we hereby amend the Development Application for the Hills Flower Market proposal under Section 77(6) of the EP & A Act as shown on the revised site plan Drawing No. 96025DA01 dated 27.10.97 prepared by Design Technik, Architects (4 copies attached). The revised site plan satisfies all of Council's requirements for vehicular access and carparking areas for the Hills Flower Market proposal as suggested by Council's Solicitor, Mr I Woodward and Council's Town Planners, Ms K Moore and Ms J Sneyd at the recent meeting.

In particular, Stage 1 of the proposal now involves retaining the existing vehicular and pedestrian access points to the land from Mona Vale Road, thereby removing any doubt of compliance with Clause 55 of Warringah LEP 1985. Stage 1 of the development proposal also places a limit on 25 short stay (ie. 10 to 15 minutes maximum) parking spaces with direct access to Mona Vale Road for the Hills Flower Market shop.

The 10 spaces near the Stage 1 entry driveway are in the position of the existing informal carpark to the south-west of the existing building. This 10 space carpark, as well as the entry and exit driveway area are to have a gravel finish as it is intended to replace these areas with screen landscaping and a lavender flower field in Stage 2. This will be subject to Council ultimately agreeing to an amending Local Environmental Plan to permit the new entry and exit access driveways to Mona Vale Road nominated for Stage 2. Stage 1 of the development proposal also includes 4 undercover spaces and 11 open car spaces on the northern side of the flower markets building to be used solely for the Hills Flower Markets shop. The provision of 25 short stay spaces for the Hills Flower Market shop is consistent with the existing informal carparking available to the existing shop building.

TOWN PLANNERS • ENVIRONMENTAL CONSULTANTS • PROJECT MANAGERS

21290866 20

P. 02

FAX NO. 02 99806217

DON FOX PLANNING

30-OCT-97 THU 09:16

The revised site plan for Stage 2 of the development proposal nominates new access (entry and exit only) points to Mona Vale Road which we believe will provide even safer ingress and egress for motorists to the Hills Flower Market from Mona Vale Road than the existing entry/exit driveways, particularly with the proposed sliplane. This has been acknowledged not only in the traffic report prepared by Masson & Wilson Pty Ltd (May 1997) and the Statement of Environmental Effects by Don Fox Planning Pty Ltd (May 1997) but also, we understand, by Council's Traffic Engineer, Town Planners and by the Local Traffic Committee in considering the subject application. Notwithstanding, this safer and more efficient access arrangement cannot, at this point, be granted development consent by Council because of the poor drafting of Clause 55 of Warringah LEP 1985 and Council's legal opinion that this would constitute a "new" vehicular or pedestrian access to the land from a main road rather than the repositioning of the existing access driveways.

We would appreciate Council taking appropriate action to rectify this anomaly by resolving to prepare an amending Local Environmental Plan to permit the new vehicular and pedestrian access to the Hills Flower Market proposal which is hoped to be constructed in Stage 2 of the development.

It is intended in Stage 2 to close the existing driveways and the 10 space temporary carpark and construct the new entry and exit driveways plus an additional 10 sealed parking spaces on the northern side of the flower shop building as shown on the revised site plan. We understand that Council will require either a fresh development application or a Section 102 Application to amend the development consent to enable this new access arrangement following the gazettal of the amending LEP or possibly inclusion of an appropriate Schedule amendment and clause in the new Draft Warringah LEP which is shortly to go on public exhibition. We would recommend to Council that this matter could possibly be addressed under Clause 43 and Schedule 10 of Warringah LEP 1985 as follows:

"Lot 1, DP 845094, No. 287 Mona Vale Road, Terrey Hills - Flower shop with a new means of direct vehicular or pedestrian access to that land from Mona Vale Road."

Council will also note that the revised site plan for the Hills Flower Market proposal also deletes the one way internal road and angled parking area along the north-eastern site boundary. New carparking areas for the café, childcare centre, etc, are provided generally to the north of the main building which can only be accessed from Myoora Road (ie. no access available to Mona Vale Road). The proposed café carparking area (12 spaces) has been positioned to the north of the main building in place of 2 proposed glasshouses. The day care centre has an 8 space carparking area on its eastern side. There is also 2 rows of carparking (18 spaces) proposed near the existing agricultural shed. The total carparking provision for the Hills Flower Market proposal will now be 65 spaces, of which 25 spaces are associated with the flower market shop with main road access and the remaining 38 spaces are associated with the childcare centre and café as well as generally the Hills Flower Market proposal plus a 2 space carport with access only to Myoora Road.

We trust the revised site plan for the Hills Flower Market proposal, including the staging of the development, are to Council's satisfaction such that Council can now determine the subject application by granting development consent with appropriate conditions.

We thank Council in anticipation of Council expediting this matter. Please do not hesitate to contact Mr Rob Player, Managing Director of our Company on 9980 6933 should Council have any further queries with this matter.

Yours faithfully

DON FOX PLANNING PTY LIMITED



**ROB PLAYER
MANAGING DIRECTOR**

Please note our new EMAIL address: dofoxpl@donfoxplanning.com.au

E:\WPDOCS\LETTERS\ROB\2424.1

A handwritten signature in black ink, appearing to read 'Ray Brownlee', with a long horizontal stroke extending to the right.

Ray Brownlee PSM
Chief Executive Officer
11/11/2021

*S 94 Cont'd

for commercial

DA lodged 9 August 2005

* Dept Application Fee \$2703.00

- fees
* Not E, S, PA

* Est cost \$1,061,000-

STATEMENT OF EVIDENCE ON
TRAFFIC ASPECTS OF PROPOSED
ADDITIONS TO 'HILLS FLOWER
MARKET' 287 MONA VALE ROAD,
TERREY HILLS

Land and Environment Court
Proceedings No. 10042 of 2005

AUGUST 2005

Prepared by Tim Rogers
Bachelor of Engineering (Civil) University of NSW
1987
Master of Transport Management, University of
Sydney, 1994
Member Institution of Engineers
Director
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HIS TOP 1
287 MW 180

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APPENDICES

I. INTRODUCTION

- I.1. This statement of evidence has been prepared by Tim Rogers of 119 Ernest Street, Crows Nest, director of Colston Budd Hunt & Kafes Pty Ltd, consulting traffic and town planners. A copy of my curriculum vitae is appended to this statement. I am familiar with and agree to abide by the Land and Environment Court's Expert Witness Practice Direction 2003.
- I.2. This statement has been prepared in response to the traffic issues in the Statement of Issues dated 11 July 2005. The Statement of Issues contains 4 traffic related issues. These are:

Access & Safety

15. The proposal raises potential for conflict between patrons' vehicles leaving the basement car park via the egress ramp and delivery vehicles (WLEP 2000 cl 72 and 73).

Parking

16. Provision for car parking spaces is inadequate. Taking into account current uses on the site (both authorised and unauthorised) and the proposed development, Clause 74 and Schedule 17 of the WLEP 2000 require that 138 car parking spaces be provided. If the proposal were approved 77 car parking spaces would be provided on site. There is a shortfall of 61 car parking spaces.

17. Parking provision for persons with a disability is inadequate. The car parking space provided does not comply with ASI 428, which requires a width of 3.2m.

Adequate Information

19. Traffic Report – relies upon out of date and superficial traffic data rather than undertaking a current detailed study of traffic flows and demands for the site and makes assumptions in respect of customer and staff numbers.

1.3. My response to these issues is set out in following chapter.

2. RESPONSE TO ISSUES

Existing Conditions

- 2.1. Hills Flower Market is located at 287 Mona Vale Road, Terrey Hills. The site is located on the western side of Mona Vale Road between Cooyang Road and Aumuna Road. It has frontage to Mona Vale Road and Myoora Road. The site location is shown on Figure 1.
- 2.2. The site comprises a number of different uses including some unauthorised uses. Access to the site is provided from Mona Vale Road and Myoora Road. Parking for some 122 cars is provided on site in a number of formal and informal parking areas.
- 2.3. Existing authorised and unauthorised uses on the site are set out below:

Authorised Uses:

- Restaurant/café (50 seats);
- Flower market/gift shop (468m² GFA);
- Dwelling house; and
- 2 Glasshouses.

Unauthorised Uses

- Shed 'A' Units 4 and 5 - cabinet making (216m² GFA);
 - Shed 'B' Units 1 (Eagle Art, 144m² GFA) , 2 (computer sign, 95m² GFA) and 3 (agriculture supplies, 135m² GFA);
 - Horseland (88m² GFA);
-

- Turf supplies (11m² GFA);
- Rainwater tank recyclers (23m² GFA);
- Additional seating in restaurant/café (8 seats); and
- Furniture outlet (operating out of the dwelling house).

2.4. Surveys of existing parking demand and traffic generation of the existing uses on the site were undertaken on Friday 29 July, Saturday 30 July and Sunday 31 July 2005. The surveys found a peak parking demand of:

- 102 cars on Friday;
- 57 cars of Saturday; and
- 72 cars on Sunday.

2.5. The results of the surveys of traffic generation are summarised in Table 2.1.

Day	Driveway	In	Out	Total
Friday	Mona Vale Road	45	80	125
	Myoora Road	15	15	30
	Total	60	95	155
Saturday	Mona Vale Road	25	80	105
	Myoora Road	10	30	40
	Total	35	110	145
Sunday	Mona Vale Road	60	50	110
	Myoora Road	20	15	35
	Total	80	65	145

2.6. Examination of Table 2.1 reveals that:

- ❑ The existing operations on the site have a peak traffic generation of some 145 to 155 vehicles per hour (two way) on Friday, Saturday and Sunday; and
- ❑ The majority of traffic enters/departs the site via Mona Vale Road (some 70% to 80%).

The Proposed Development

2.7. The proposed redevelopment of the Terrey Hills Flower Market involves the following changes:

- ❑ Removal of all unauthorised uses on the site (including reducing the seating capacity of the café to 50 seats);
 - ❑ Retention of the existing flower shop/cafe (468m² GFA);
 - ❑ Minor addition to the flower shop adjacent to the loading dock (some 18m²);
 - ❑ Construction of a new plant nursery (620m² GFA);
 - ❑ Provision of 75 parking spaces in a formal car park (including 26 spaces in a basement car park). This is an additional 14 spaces to that approved on the site;
 - ❑ Modifications to the internal roads to accommodate the proposed plant nursery and new parking areas.
-

- 2.8. The proposed nursery will not have the characteristics of a typical retail plant nursery. Only a small proportion of the site would be used for the propagation of plants/flowers (some 5%).

Issue 15 – Access and Safety

- 2.9. This issue relates to potential for conflict between patrons' vehicles leaving the basement car park via the egress ramp and delivery vehicles.
- 2.10. I am informed by the owner of the flower market that the number of deliveries to/from the existing flower market and café are low and comprise the following:
- deliveries by a small truck or van – two to three times per day, mostly early in the morning;
 - deliveries by a medium sized truck – once or twice per week; and
 - dispatch of flowers by a van – up to three times per day.
- 2.11. The proposed nursery would have two or three deliveries per day by small or medium sized trucks. Thus the number of vehicles servicing the site would be low with the majority of service vehicles being small trucks or vans.
- 2.12. Thus the potential for conflict between patrons' cars exiting the basement car park and delivery vehicles would be low. To further reduce any potential for conflict either of the following measures are suggested:
-

- A minor expansion of the manoeuvring area to the south of the exit ramp from the car park. This would allow all small trucks and vans using the flower market loading dock to manoeuvre clear of the exit from the basement car park; or
- Relocate the basement car park exit to the eastern (Mona Vale Road) side of the building. The entry ramp could be widened to provide two way traffic flow. This would remove the potential conflict. Relocating the exit to the eastern (Mona Vale Road) side of the building has merit as the surveys of existing traffic generation found that the majority of traffic exited the site via Mona Vale Road.

2.13. With either of these measures in place it is my view that egress from the basement car park would not result in any unusual safety issues between cars exiting the basement car park and service vehicles.

Issue 16 - Parking Provision

- 2.14. This issue relates to whether the proposed development provides adequate parking.
- 2.15. Schedule 17 (Clause 74) of WLEP 2000 sets out parking requirements for various land uses. For retail plant nurseries Schedule 17 suggests a parking provision of 0.5 spaces per 100m² of site area or 15 spaces, whichever is greater. As the proposed plant nursery will have only a small proportion of the site used for the propagation of plants, the rate of 0.5 spaces per 100m² of site area is

inappropriate. Thus under Schedule 17 of WLEP 2000 the proposed plant nursery would require 15 parking spaces.

2.16. The rate for plant nurseries set out in Schedule 17 of LEP 2000 is based on the parking rate for retail plant nurseries set out in the RTA Guidelines. A review of the survey data on which the RTA parking rate for plant nurseries is based (Land Use Traffic Generation Data and Analysis 26 – Plant Nurseries) found the following:

- Three plant nurseries were surveyed with site areas less than 2,000m² (display area from 960m² to 1,390m²) with the majority of the site set aside for display purposes; and
- These smaller nurseries generated a peak parking demand of between one space per 66m² to one space per 105m².

2.17. Thus for plant nurseries of a similar type and size to the proposed plant nursery the peak parking demand was between one space per 66m² to one space per 105m². By way of comparison the Bonds Nursery on Mona Vale Road, Terrey Hills, was also surveyed as part of the RTA study. At the time of the survey, Bonds had a display area of 12,200m² and a peak parking demand of 109 cars. This equates to a peak parking demand of 1 space per 110m².

2.18. Application of these rates to the proposed plant nursery (some 620m²) would result in a requirement for some six to ten parking spaces. This is less than the 15 spaces suggested by Schedule 17 of WLEP 2000.

2.19. To determine parking requirements for the approved existing uses on the site (Flower shop and café of 50 seats), surveys of people (customers and staff) in the café and flower shop were undertaken on Friday 29 July, Saturday 30 July and Sunday 31 July 2005. The surveys included:

- the number of people (customers and staff) in the café and flower shop; and
- interviews of people in the restaurant/café and flower market to determine mode of travel and level of car occupancy.

2.20. The surveys found that there was almost 100% mode split by car.

2.21. The survey results are summarised in Table 2.2. The number of people in the café and flower shop includes staff.

Table 2.2: Summary of Interview Surveys			
	Friday	Saturday	Sunday
Peak Patronage in Café + Flower Shop (people)	131	98	171
Peak Patronage in Flower Shop (people)	24	31	21
Peak Patronage in Café (people)	115	77	150
Average Car Occupancy	1.50	1.76	2.17

2.22. Examination of Table 2.2 reveals that:

- Peak number of people (including staff) in the café and flower shop was 98 people on Saturday to 171 people on Sunday;

- Peak number of people (including staff) in the café was 77 people on Saturday to 150 people on Sunday;
- Peak number of people (including staff) in the flower shop was 21 people on Sunday to 31 people on Saturday;
- The peak number of people in the café and flower shop occurred at different times;
- The average car occupancy ranged from 1.5 people per car on Friday to 2.17 people per car on Sunday.

2.23. Using the above data, parking demand for the existing flower shop and reduced café (to 50 seats) has been estimated. The analysis found that:

- The flower shop would generate a peak parking demand of 16 spaces on Friday, 18 spaces on Saturday and 10 spaces on Sunday;
- The café with some 50 seats (and some 5 staff) would generate a peak parking demand of 37 spaces on Friday, 32 spaces on Saturday and 26 spaces on Sunday.

2.24. Assuming a worst case of peak parking demand for the three uses (flower shop, café and nursery) occurring at the same, the proposed development would require the following parking provision (with 15 spaces required for the proposed plant nursery):

- Friday – 68 spaces;
- Saturday – 65 spaces;
- Sunday – 51 spaces.

2.25. The proposed provision of 75 parking spaces satisfies the estimated parking requirement using the surveyed demand for the café and flower shop and the 15 spaces suggested for a retail nursery in WLEP 2000. The actual parking requirement is likely to be lower as the parking demand for similar sized nurseries is less than the 15 spaces suggested in WLEP 2000. Based on the surveyed parking demand the proposed plant nursery would likely require 10 spaces. This would result in a peak parking demand of 63 spaces on a Friday. Complimentary use of the facilities on the site could further reduce parking demand.

2.26. Thus overall the proposed parking provision is considered appropriate.

Issue 17 - Disabled Parking

2.27. This issue relates to whether the proposed disabled parking space has a width of 3.2 metres.

2.28. The Australian Standard for Off Street Parking (AS2890.1-2004) sets out dimensions of parking spaces for various users. For disabled parking the standard refers to AS2890.6 which has not yet been finalised.

2.29. The previous version of the standard (AS2890.1-1993) suggested a minimum width of 3.2 metres for a disabled parking space. The 1993 standard allowed for

the space to be narrowed to 2.7 metres if there is an adjoining walkway of at least 1.0 metres wide (Clause 2.4.5 (c)).

- 2.30. The proposed development includes one disabled space on the eastern (Mona Vale Road) side of the car park. The space is 2.7 metres wide and is located adjacent to a walkway some 2.5 metres wide. Thus the width of the proposed disabled space complies with the requirements of AS2890.1 as there is a 500mm overlap with an adjacent walkway to the parking space.

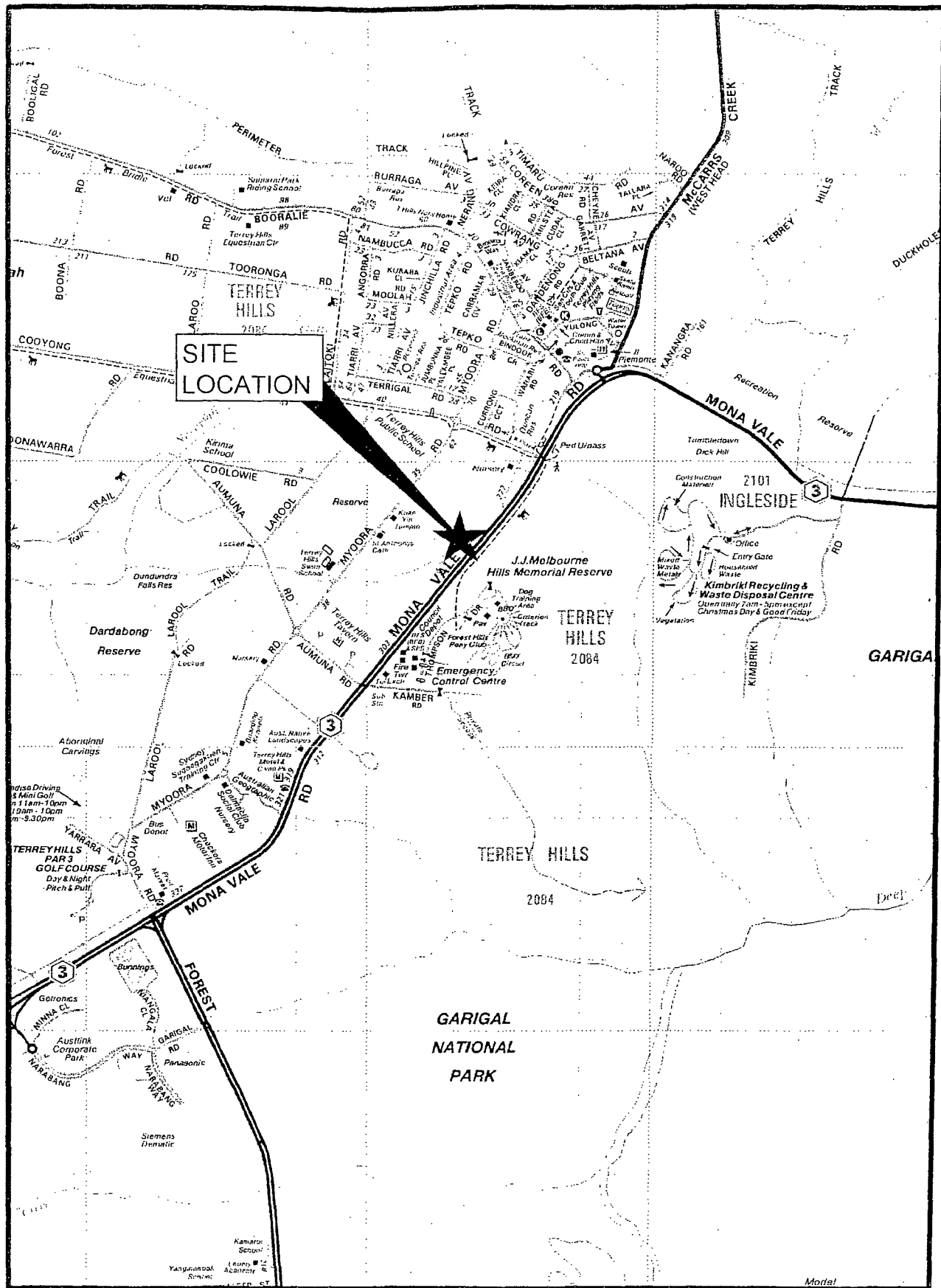
Issue 19 - Adequate Information

- 2.31. This issue relates to whether the traffic report that accompanied the development application relied upon out of date and superficial traffic data rather than undertaking a current detailed study of traffic flows and demands for the site and made assumptions in respect of customer and staff numbers.
- 2.32. This issue has been addressed by undertaking recent traffic and parking surveys of the existing uses on the site.

Summary

- 2.33. In summary it is my view that:
- With either of the suggested modifications to the loading dock or the car park, egress from the basement car park would not result in any unusual safety issues between cars exiting the basement car park and service vehicles;
-
-

- With the removal of the unauthorised uses on the site the proposed development provides appropriate parking;
- The width of the disabled parking space complies with relevant standards; and
- The conclusions reached in this statement of evidence have been based on recent traffic and parking surveys of the site.



LOCATION PLAN

1

APPENDIX A

CURRICULUM VITAE - TIM ROGERS

TIM ROGERS - Bachelor of Engineering (Civil) University of NSW, 1987; Master of Transport Management, University of Sydney, 1994; Member Institution of Engineers.

Tim Rogers is a director of Colston Budd Hunt & Kafes Pty Ltd. He has over 20 years experience in all areas of traffic engineering and transport planning, ranging from traffic impact assessments to regional transport studies. His areas of special competence include traffic engineering, transport planning, community consultation and the provision of expert evidence. Tim also has extensive experience in the environmental assessment of transport infrastructure projects (EIS's, REF's and route selection studies).

Before joining Colston Budd Hunt & Kafes, Tim worked at:-

- Sinclair Knight Merz - (1999-2000) - Sydney Traffic Team Manager
- ERM Mitchell McCotter - (1994-1999) - Principal/Transport Manager
- Sinclair Knight - (1989-1994) - Traffic Engineer
- Ryde Council - (1987-1989) - Design and Development Engineer

Relevant Experience:

Traffic Impact Studies - Undertaken numerous traffic studies for a range of different developments. These have typically included assessing the traffic impacts of a proposal, determining parking requirements, consulting with relevant authorities and ensuring access and parking layout comply with relevant guidelines.

Environmental Impact Assessment - Project Manager and study team member for the environmental assessment of major transport infrastructure projects. (EIS's, REF's and Route Selection Studies). The role has required the management of multi-disciplinary teams, an understanding of legislative requirements, extensive consultation with authorities and the community.

Regional Transport Studies - Project Manager or study team member on a number of regional transport projects. These have involved undertaking strategic computer modelling of road networks, assessing the transport impacts (both car and public transport), identifying future transport requirements, and negotiations with authorities on works required.

Expert Witness - Prepared reports and presented evidence in over 40 Land and Environment Court matters. These have been both for developers and council. Projects have ranged from small residential developments to shopping centres and mining operations.

Contact Prue Whitford
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Our Ref DJB:PCW:5120386
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7/09/2005

BY COURIER

PRIVATE AND CONFIDENTIAL

Vivienne Ingram
Corporate Lawyer
Warringah Council
Civic Centre,
725 Pittwater Road
DEE WHY NSW 2099

Dear Ms Ingram

**Warringah Council ats Alexander & Dwyer Group
Land & Environment Court Proceedings No. 10042 of 2005
Property: 287 Mona Vale Road, Terry Hills**

We refer to the above Land and Environment Court Proceedings.

Please find enclosed, the following documents, received from the Applicant's solicitor:

1. Bushfire Protection Assessment Report, prepared by Australian Bushfire Protection Planners Pty Ltd;
2. Traffic and Parking Report, prepared by Mr Tim Rogers of Colston Budd Hunt and Kafes.

The abovementioned reports have been commissioned by the Applicant in response to Issues 18 and 19 of the Statement of Issues filed on behalf of the Respondent on 11 July 2005 respectively.

Bushfire Protection Assessment

The Australian Bushfire Protection Planners report concludes that:

The overall bushfire risk to the site, from the narrow band of Bushfire Prone Vegetation on the north eastern side of Mona Vale Road, is considered to be low due to the separation provided by Mona Vale Road and the building line setback.

The Report also notes that the proposal complies with:

Interstate office
Melbourne

Affiliated offices
Adelaide, Beijing, Brisbane, Colombo,
Dubai, Hong Kong, Jakarta, Kuala Lumpur,
Manila, Mumbai, New Delhi, Perth,
Singapore, Tianjin

1. the minimum requirement for Asset Protection Zones for Industrial/Commercial buildings as set by the Rural Fire Service (RFS); and
2. Access and water supply requirements of the RFS; and
3. AS 3959-1999 "Construction of Buildings in Bushfire Prone Areas (Class 1-3) buildings and Part 5.3 of the Building Code of Australia.

Traffic and Parking Report

The Report prepared by Mr Tim Rogers, concludes as follows:

- **With either of the suggested modifications to the loading dock or the car park, egress** [see page 7 of the report for the proposed modifications] from the basement car park would not result in any unusual safety issues between cars exiting the basement car park and service vehicles [emphasis added];
- **With the removal of the unauthorised uses** on the site the proposed development provides appropriate parking [emphasis added];
- The width of the disabled parking space complies with relevant standards; and
- The conclusions reached in this statement of evidence have been based on recent traffic and parking surveys of the site.

Please provide us with your instructions as to whether council's concerns in relation to the inadequacy of information relating to traffic and parking as well as bushfire protection have been satisfied.

Settlement of the Proceedings and Penalty Infringement Notices

Council's solicitors informed us that the Applicant has received \$9,600 in penalty notices relating to the unauthorised activities. The fines are required to be paid within 28 days of the date of the notice. The Applicant has sought clarification of Council's position with regard to those notices in light of the present attempts by the parties to settle the matter as put to the Applicant on 17 August 2005.

In accordance with your instructions, we have prepared a letter clarifying Council's position in this regard. That letter has been emailed to you in draft form for your review and instructions.

Please contact David Baird on **8223 4101** or Prue Whitford on **8223 4106** if you have any queries in relation to this matter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'David Baird', is written over a circular stamp or seal.

David Baird / Prue Whitford
Partner / Senior Lawyer
Public Law, Planning & Environment

enc

BUSHFIRE PROTECTION ASSESSMENT

FOR

**THE PROPOSED ALTERATIONS & ADDITIONS
TO THE HILLS FLOWER MARKET,**

No. 287 MONA VALE ROAD,

TERRY HILLS.



Australian Bushfire
Protection Planners Pty Ltd
ACN 083085474

Bushfire Mitigation Consultants

Australian Bushfire Protection Planners Pty Limited
RMB 3411 Dog Trap Road, Somersby, NSW 2250
Telephone 02 43622112, Fax. 02 43622204
Email abpp@bigpond.net.au

1.0 Introduction.

Australian Bushfire Protection Planners Pty Limited has been requested by Don Fox Planning Pty Ltd to undertake a Bushfire Protection Assessment for the alterations & additions to the Hills Flower Market at Lot 1 in DP 845094, No. 287 Mona Vale Road, Terry Hills. The development site and surrounding area was inspected by Graham Swain of ABPP on the 22nd of July 2005 to determine the vegetation types within and adjoining the site; adjoining development; slopes; existing bushfire mitigation measures and a visual assessment of bushfire threat.

2.0 Project Description.

The development proposal is for the erection of a single storey structure, with a basement level car park and mezzanine level adjacent to the existing flower market building for use as a retail plant nursery; minor landscape works and minor driveway works. Minor alterations to the existing flower market building are also proposed being the provision of a new roof over the entry court, reconfiguration of the flower sales area, provision of additional storage space at the rear of the building, provision of a covered area over the existing loading dock and relocation of the garbage storage area. It is also proposed that one of the two existing glasshouses will be demolished.

3.0 Site Description.

The site is located on the south western side of Mona Vale Road opposite the J.J. Melbourne Hills Memorial Reserve and Manly Warringah Field Archery Range, between Aumuna and Cooyong Roads. The site has a frontage of 142.29 metres to Mona Vale Road and a depth of 140.57 metres with an area of 2 hectares.

Vehicular access is available directly off Mona Vale Road with a right-of-carriageway providing access to Myoora Road. The site is occupied by Hills, The Flower Market which encompasses a wholesale and retail flower shop, a gift shop, floristry classes and the Piemonte Café.

The site is predominantly surrounded by rural/residential and semi-commercial land uses with the Manly Warringah Archery Range located to the northeast of Mona Vale Road.

4.0 Topography.

The site slopes in a southerly direction, with the lowest point of the site being located adjacent to the southern boundary. The adjoining land to the northwest is level and the topography across Mona Vale Road is also level for approximately 60 metres before falling to the north east through the Archery Range. Land to the south east has been filled as part of the new complex being erected on the adjoining lot and land further to the south continues to slope to the south, following the fall in the watercourse.

The topography of the land to the southwest and beyond Myoora Road rises above the watercourse at <5 degrees.

5.0 Vegetation.

Within the Site.

The site contains landscaped gardens.

Within the Adjoining Lands.

The vegetation within the surrounding land to the northwest, southeast and southwest of the site contains landscaped gardens/managed curtilages to the existing buildings.

The narrow corridor of land on the north eastern side of Mona Vale Road, between the road verge and the adjoining Archery Range/Memorial Reserve contains remnant Open Forest mapped as Category 2 Bushfire Prone Vegetation on the Certified Warringah/Pittwater Bushfire Prone Land Map. The Buffer Zone to the Bushfire Prone Vegetation impacts the northern corner of the site and triggers the need for consideration of bushfire protection measures as defined by the N.S.W Rural Fire Service.

6.0 Bushfire Protection Assessment.

The proposed development is not development for the subdivision of land for residential or rural residential development or development of a Special Fire Protection Development as defined by Section 100B of the *Rural Fires Act*, therefore the application is not Integrated Development under Section 91(1) of the *Environmental Planning & Assessment Act*.

Due to the land being impacted by the Bushfire Prone Land Map, Section 79BA of the *Environmental Planning & Assessment Act* applies to the proposed development. Section 79BA states the following:

Consultation and development consent-certain bushfire prone land:

(1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bushfire prone land unless the consent authority:

(a) is satisfied that the development conforms to the specifications and requirements of Planning for Bushfire Protection 2001, that are relevant to the development or,

(b) the consent authority has consulted with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to protect persons, property and the environment from danger that may arise from a bushfire.

Planning for Bushfire Protection 2001 states in Chapter 1 Section 1.1 "Introduction" that the document:

"provides the necessary planning considerations when developing areas for residential use in residential, rural-residential, rural and urban areas when development sites are in close proximity to areas likely to be affected by bushfire events.

The document is therefore applicable to Class 1, 2 & 3 residential development as defined within the Building Code of Australia."

The proposed development provides for the construction of a new Plant Nursery Building and alterations and additions to the existing Flower Farm facilities. The *Building Code of Australia (BCA)* classifies this building as a Class 5, 7 or 8 building or a combination of these classes. The future use of the development is not for residential purposes and therefore outside the requirements of Section 79BA (a) of the *Environmental Planning and Assessment Act*, however Section 79BA (b) requires Councils, where the development does not comply with *Planning for Bushfire Protection 2001*, to refer the application to the Rural Fire Service for advice on measures to be taken to protect persons, property and the environment from the danger that may arise from the impact of bushfires. These measures are assessed below.

6.1 Asset Protection Zones.

The Rural Fire Service does not have prerequisites for protection of developments other than Class 1, 2 and 3 buildings and adopts a flexible approach to the provision of Asset Protection Zones to the type of development proposed.

The vegetation to the northeast of Mona Vale Road is mapped as Category 2 Bushfire Prone Vegetation which is classified as Group 3 vegetation within *Planning for Bushfire Protection 2001*. The requisite Asset Protection Zone from this vegetation (for **residential development**) is 20 metres. The separation distance provided by the width of Mona Vale Road to the front of the site is 36 metres plus the 30 metre building line setback to the proposed building, providing a total of 66 metres of separation between the bushfire prone vegetation and the new building.

The separation provided adequately addresses the potential bushfire threat to the development and provides an Asset Protection Zone greater than the width required to address a higher level of hazard provided by Category 1 (Group1) Bushfire Prone Vegetation.

6.2 Access.

Mona Vale Road is a dual carriageway twin lane road with a paved width of approximately 9 metres, therefore providing adequate access for emergency vehicles.

The exiting dual lane entry to the site and existing/proposed access ways throughout the development address the access provisions of *Planning for Bushfire Protection 2001*. Alternate access/egress is provided from Myoora Road.

6.3 Water Supplies.

The existing development is serviced by the Sydney Water supply main in Myoora Road and Mona Vale Road. Therefore no additional water supply for fire fighting operations is required.

6.4 Building Construction Standards.

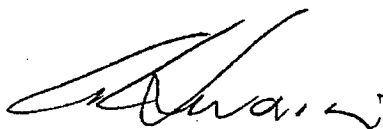
The new building is located 66 metres from the Category 2 Bushfire Prone Vegetation to the northeast of Mona Vale Road. The level of Bushfire Attack (radiant heat) is assessed as Low for Group 3 vegetation and therefore no bushfire construction standards required to be implemented in the design and construction of the building/alterations and additions.

7.0 Conclusion.

The overall bushfire risk to the site, from the narrow band of Bushfire Prone Vegetation on the north eastern side of Mona Vale Road, is considered to be low due to the separation provided by Mona Road and the building line setback.

The width of the Asset Protection Zone provided exceeds the minimum requirement set by the Rural Fire Service for Industrial/Commercial buildings by more than 330%.

Access and water supply for fire fighting operations comply with the requirements of the Rural Fire Service and the building construction complies with the Australian Standard A.S. 3959 – 1999 "Construction of Buildings in Bushfire Prone Areas (Class 1-3 buildings) and therefore Part 5.3 of the Building Code of Australia.



Graham Swain,
Director,
Australian Bushfire Protection Planners Pty Limited.
26.7.2005

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WARRINGAH CORRO. No. 153022
REF TO.....
FILE WITH PF 32.97/187
FILE No. 23 JUN 1997
SEEN BY
REF TO.....DATE.....
REPLY REQUIRED YES/NO

**STATEMENT OF ENVIRONMENTAL EFFECTS
PROPOSED ALTERATIONS AND ADDITIONS
TO THE HILLS, THE FLOWER MARKET
AT NO 287 MONA VALE ROAD,
TERREY HILLS**

PROJECT NO: P2424AM:CW
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May 1997

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- A. Masson & Wilson - Traffic Report
- B. Christie Hydraulics Pty Limited - Stormwater Drainage Services Report

1.0 INTRODUCTION

Don Fox Planning Pty Limited has been instructed by Hills, The Flower Market to prepare a Statement of Environmental Effects in support of a Development Application for alterations and additions to the existing Hills The Flower Market at Lot 1, DP845094, No 287 Mona Vale Road, Terrey Hills. The alterations and additions to the existing flower shop site include the erection of a new single storey building addition to accommodate the flower market and associated facilities, a cafe with seating for 50 persons and outdoor terrace, erection of glass houses, childcare centre with associated carparking facilities and extensive landscaping of the site including implementation of several flower fields.

The existing Hills The Flower Market (ie shop) has been operating from the subject site since the 1920's, with the existing flower markets, enjoying existing use rights in terms of occupation and use of the subject site.

This Statement provides all relevant information necessary for Council to assess and determine the subject application including:-

- * Description of the subject site and surrounding locality;
- * Details of the zoning and relevant statutory planning controls applying to the subject site;
- * Description of the proposed development and staging plan;
- * An environmental assessment of the proposal under Section 90(1) of the Environmental Planning and Assessment Act, 1979, (as amended); and
- * Conclusion and recommendations in respect to the application.

This application is submitted in accordance with Section 77(3) of the Environmental Planning and Assessment Act, 1979, (as amended).

In order to compile a comprehensive Statement of Environmental Effects and given the nature of the proposed development upon the subject site, a team of consultants have been commissioned to undertake specific components of the project.

Don Fox Planning

The following consultants are involved:-

Don Fox Planning Pty Limited	Town Planners
Design Tecknik	Architects
Masson & Wilson	Traffic and Transport Consultants
John Lock & Associates	Landscape Architects
Abbott Tout	Environmental Lawyers
Christie Hydraulics Pty Limited	Plumbing and Fire Protection Design Consultants

It should also be noted that a representative of our Company attended a Warringah Council Development Control Unit meeting to present revised development concept plans and various draft reports, prior to lodgement of this formal development application to Council. Any issues raised at this meeting will be addressed within this report and accompanying plans. Extensive discussions have been held with technical officers of Council during the preparation of the overall design concept for the subject site.

Previously, Council has approved subdivision of the subject property and also the placement of a timber cottage upon the subject site. Currently, building applications have been lodged for an additional agricultural shed, two small sheds and a carport.

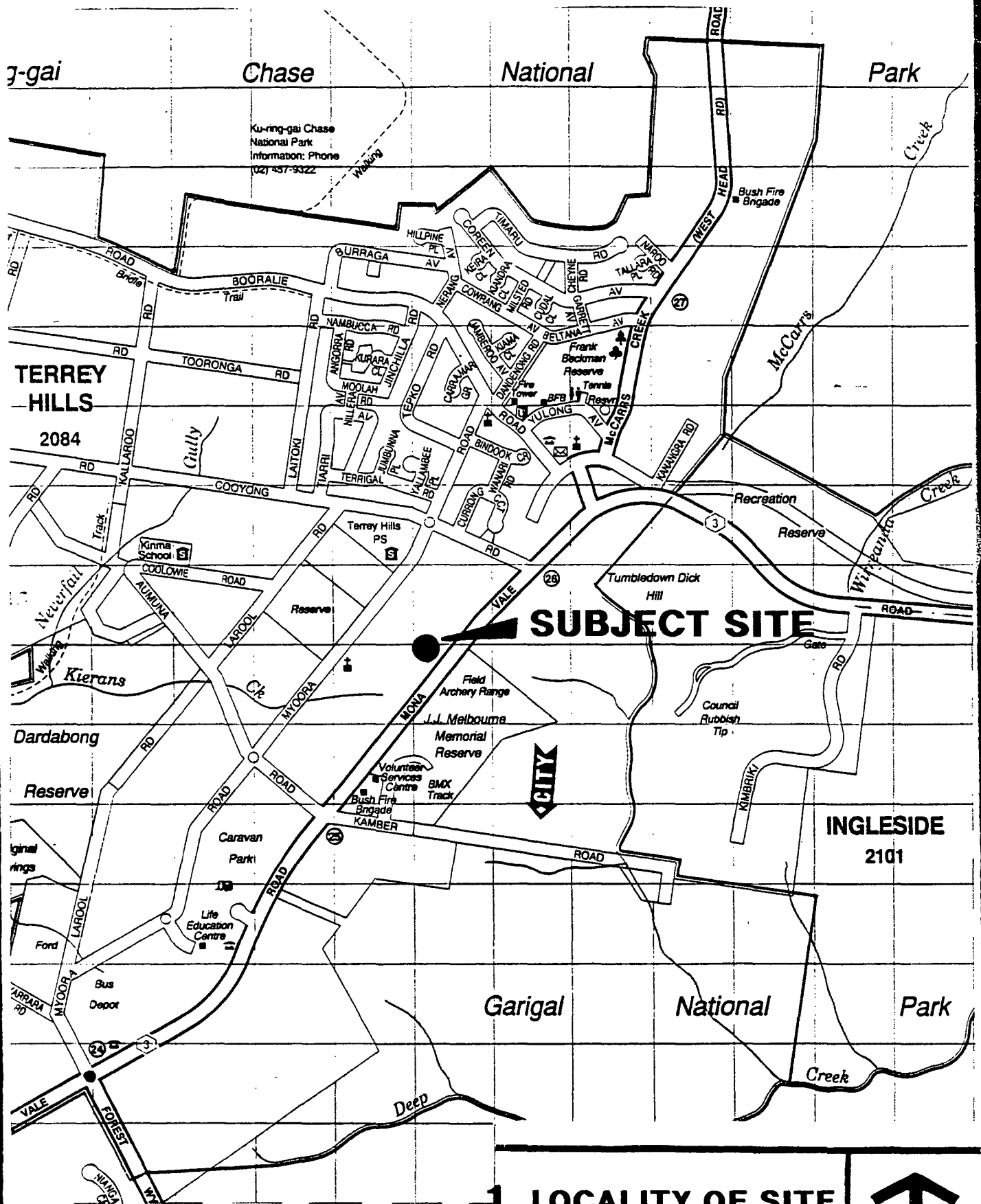
2.0 SITE AND SURROUNDING LOCALITY

2.1 Description of the Site

The real property description of the subject site is Lot 1, DP 845094, No 287 Mona Vale Road, Terrey Hills. The subject site is located along the western side of Mona Vale Road between Aumuna and Cooyong Roads. The site is rectangular shaped with a frontage of 142.29 metres to Mona Vale Road and a depth of 140.57 metres. The subject property has an area of 2 hectares. **Illustration 1** depicts the location of the subject site in relation to the main and local road system within the Terrey Hills district. The subject site also benefits from a right-of-carriageway which provides vehicular access from Myoora Road.

Situated upon the land is the Hills, The Flower Market which comprises an older style metal and fibro building located adjacent to Mona Vale Road. Refer to **Photographs 1 and 2** for further details. Vehicular access is available directly off Mona Vale Road via two separate vehicular crossings. A large metal shed is located within the north-western corner of the site

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P2424 MAY 97

SCALE

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which is used in association with the growing of flowers on site. An existing single storey timber cottage (ie **Photographs 3 and 4**) is situated within the south-western sector of the property and our client and his family currently reside within this dwelling.

Numerous young saplings and trees have been planted on the site by the owner over recent years. Various gardens and flower fields are presently on the site. A large stand of pine trees occupies the centre of the site. The land slopes in a southerly direction, with the lowest point of the site being located adjacent to the southern boundary. A reduced survey plan is attached as **Illustration 2** which depicts the major features of the site and contours.

2.2 Description of the Locality

Properties within the general vicinity of the subject site are rural/residential and semi-commercial and industrial in nature. Refer to **Photographs 5 and 6** for further details. A landuse plan is attached as **Illustration 3** which demonstrates the numerous quasi commercial/industrial uses which have intruded into this rural/residential area. There are a number of diversified land uses established in close vicinity to the subject site ranging from rural/residential to a church, golf driving range, industrial complex, tavern, nursery, fruit markets, school, etc. The property immediately to the south of the subject site is used as a golf driving range and rural/residential property to the north. The eastern side of Mona Vale Road opposite the site are rural/residential sites and the Garigal National Park.

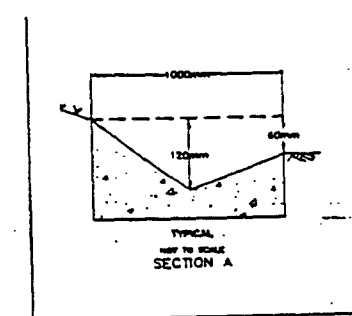
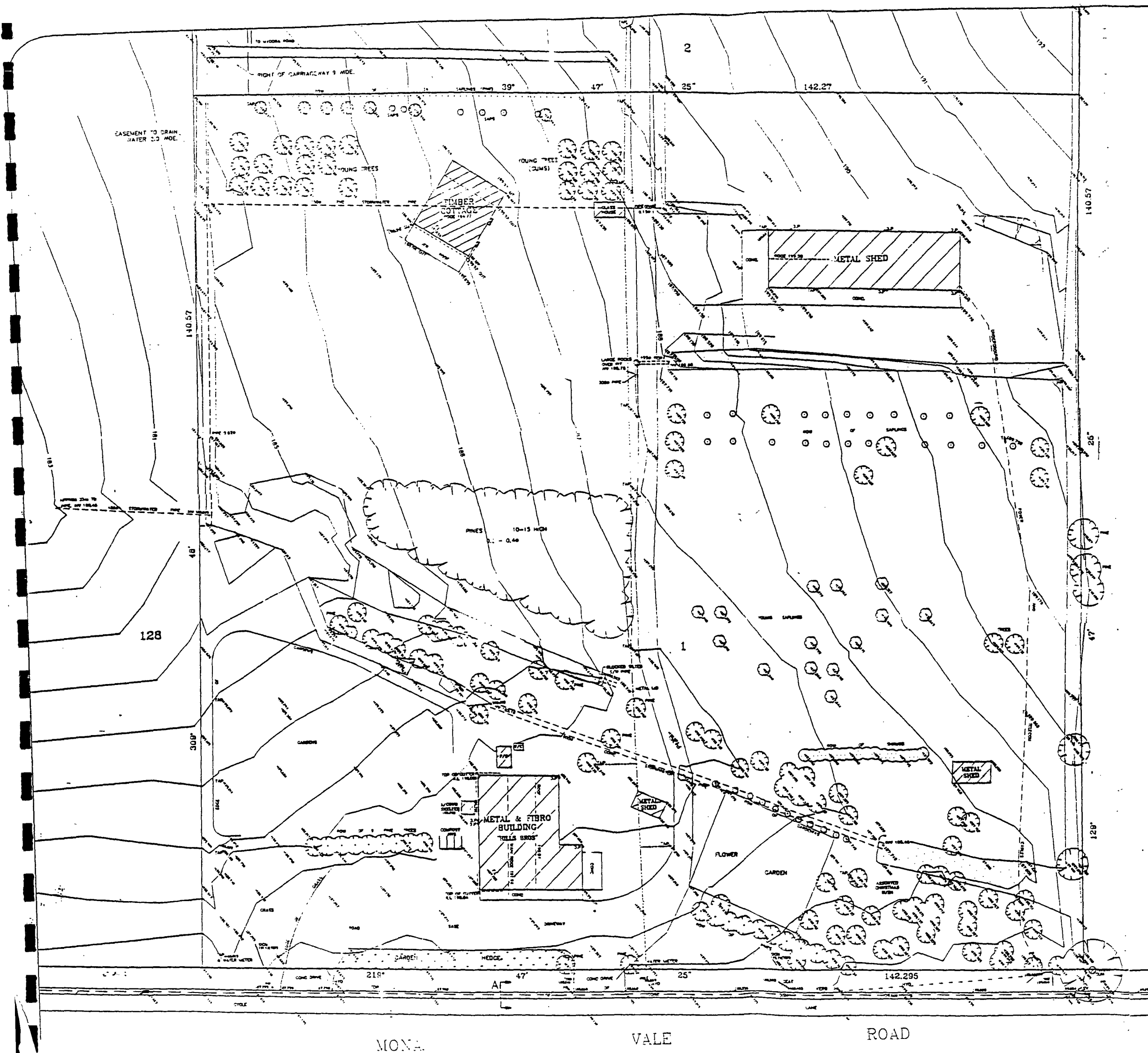
Mona Vale Road is designed as an arterial road and comprises four lanes separated by a wide median strip which has been densely planted.

3.0 THE DEVELOPMENT PROPOSAL

The overall development proposal involves the upgrading of the Hills, The Flower Market site to create a pleasant environment for customers buying flowers and to extend the existing range of ancillary services provided to customers.

The main alterations and additions to the existing flower markets are:-

- * Extending the existing flower shop building which comprises of a customer services area, floral arrangements area, storage rooms, coolrooms, staff room, offices, training



LEGEND	
HYD	HYDRANT
TAP	TAP
SV	STOP VALVE
G	GULLY PIT
T	TELECOM
B	BENCH MARK
P	POWER POLE
D	DOWN PIPE

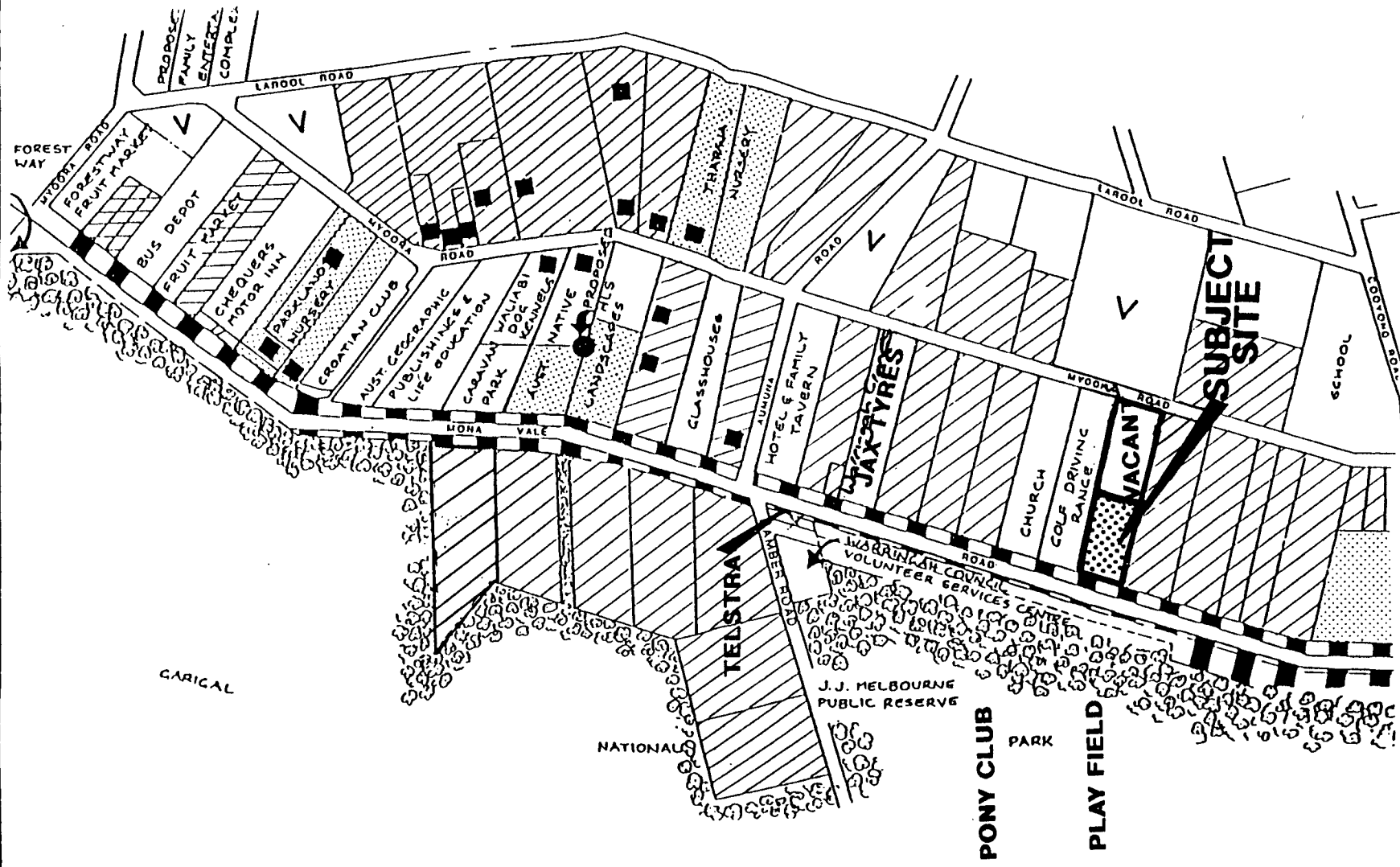
BEE & LETHBRIDGE PTY. LTD.
 A.C.N. 008 196 447
 CONSULTING SURVEYORS
 SUITE 242, FIRST FLOOR THE CENTRE, 14 FLANNERY STREET FORESTVILLE, N.S.W. 2007
 P.O. BOX 330 FORESTVILLE 2007 PHONE (02) 408 6737 FAX (02) 975 3330

NOTES: TOTAL SITE AREA = 2.0ha

PLAN: SHOWING BOUNDARIES, RELEVANT HEIGHTS AND PHYSICAL FEATURES, AND SERVICES OVER LOT 1 D.P. 845094 KNOWN AS No.28 MONA VALE RD TERREY HILLS. IN THE LOCAL GOVERNMENT AREA OF WARRINGAH.

SCALE: 1:250 REF. No. 5629
 DATUM: A.H.D.
 DRAWN: VC, JDz
 DATE: 9.10.95 SHEET 1 OF 2

2. REDUCED SURVEY PLAN



LEGEND

□ RURAL/RESIDENTIAL
SMALL HOLDING

■ DWELLING (APPROX. LOCATION)

▨ RETAIL PLANT NURSERY

V VACANT LAND

3. LAND USE PLAN

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PHOTOGRAPH 1: View of subject site looking in a north easterly direction.



PHOTOGRAPH 2: View of subject site looking in a southerly direction.



PHOTOGRAPH 3: View of part of subject site and adjoining golf driving range.



PHOTOGRAPH 4: View of subject site and vehicular access point off Myoora Road



PHOTOGRAPH 5: View of rural/residential properties in the vicinity of the subject property.



PHOTOGRAPH 6: View of Myoora Road and adjoining rural/residential

room and amenities;

- * Inclusion of a 50 seat cafe with associated outdoor terrace area overlooking a pond;
- * Childcare centre;
- * Expanded flower fields;
- * Erection of three glass houses; and
- * Increased carparking facilities.

The specific details of the development are as follows:-

Site Area: 2 hectares

Floorspace:	<u>Existing</u>	
	Flower Shop	241m ²
	Dwelling	<u>120m²</u>
	Total	361m²
	<u>Proposed:</u>	
	<u>Main Building</u>	
	Flower Shop	235m ²
	Cafe	116m ²
	Amenities/ Coolrooms etc	<u>155m²</u>
		506m²
	Childcare Centre	<u>294m²</u>
	Sub Total	800m²
	TOTAL	1161m²

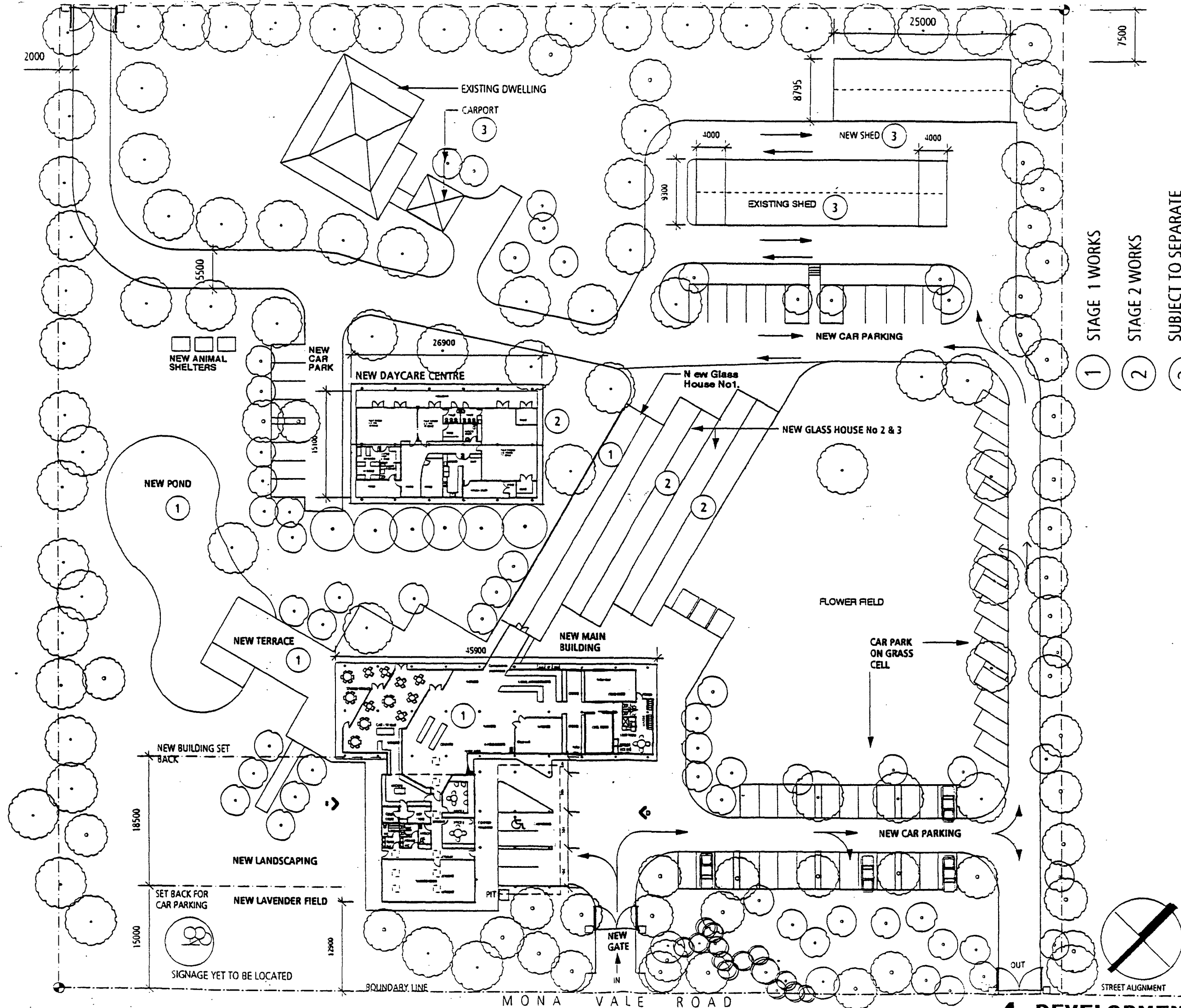
Site Coverage:	Buildings (including terraces, verandahs, etc)	1681m ²	
	Glass houses	680m ²	
	Sheds/Animal Shelters	<u>561m²</u>	
		2922m² (or 15 % of site)	
Landscaped Areas:	Site Area	2 hectares	
	Less buildings etc	2922m ²	
	Less driveways,	3483m ²	
	Less Carparking	<u>973m²</u>	
		7378m ² (or 37% of the site)	
	Landscaped Areas (Including flower Fields)	12,622m ² (or 63 % of site)	
Setbacks:	Mona Vale Road:	Existing building	12.9m
		Proposed building	33.5m
		Carpark	15.0m
	Northern Boundary:	Shed	7.5m
	Southern Boundary:	Cafe	39.5m
	Rear Boundary:	Shed	7.5m

The overall development of the subject site is depicted upon **Illustration 4**. The development proposal will be staged as follows:-

- Stage 1** - erection of 1 glass house, new main building including flower shop, cafe, training rooms, etc, carpark, pond, flower fields and landscaping
- Stage 2** - Two additional glass houses and childcare centre.

The following section of this report will discuss each component of the development scheme in detail.

SITE PLAN



- 1 STAGE 1 WORKS
- 2 STAGE 2 WORKS
- 3 SUBJECT TO SEPARATE BUILDING APPLICATION

Project	96025	Scale	1:500
Drawing No	DA-01	Date	22/4/97
		Drawn	J.DWYER
		Approved	<i>[Signature]</i>

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Project
HILLS FLOWER MARKET
PROPOSED DEVELOPMENT NEW FACILITIES

Client
RUDI CARISTO
HILLS FLOWER MARKET - TERREY HILLS

Drawing Title

4. DEVELOPMENT CONCEPT

1. Flower Shop and Cafe

The existing metal and fibro building on site will be retained and extended to accommodate an expanded flower shop facility. The existing building will be renovated to accommodate offices, storage areas, training room and kitchen. A new building will be erected immediately behind this building which will accommodate the customer service area, floral arrangement area, coolrooms, staff room and 50 seat cafe and associated outdoor terrace. It is intended to link these buildings and also the glasshouses erected at the rear of this building. A porte cohere will be erected adjacent to the northern elevation to provide undercover carparking facilities.

2. Childcare Centre

It is proposed to erect a custom built childcare centre adjacent to the glasshouses. The childcare centre is a single storey building, being of rustic nature with large verandah and porch. The building comprises of three playrooms for specific age groups, cot room, bottle preparation area, laundry, office, children, kitchen, toilets, staff room and store. A carparking area exclusively for the childcare centre is located adjacent to the western elevation of the building with access being provided of Myoora Road. The childcare centre will operate Monday to Friday from 7.00am until 6.00pm. The childcare centre has been designed to accommodate 39 children, comprising of:-

*	10	-	0-2 year olds
*	5	-	2-3 year olds
*	24	-	3-6 year olds.

The childcare centre will be operated by six staff.

3. Agricultural Sheds

It is proposed to erect a new agricultural shed at the rear of an existing shed within the north-western corner of the site. This shed will have dimensions of 25 x 8.79 metres. A building application has been lodged with Council for this facility.

4. Glass Houses

Three glass houses will eventually be erected on site to allow growing of flowers during the

entire year. These glass houses are positioned within the centre of the site and will largely be screened by the proposed new main building.

5. Animal Shelters

Three small timber stables being of timber and corrugated metal cladding are proposed for keeping of animals such as donkeys on-site.

It is proposed to provide donkey rides along designated trails which have been depicted upon the landscape plan attached at **Illustration 5**.

6. Carparking and Access

A separate in and out vehicular access arrangement will be retained, but realigned and upgraded off Mona Vale Road.

Undercover parking will be positioned adjacent to the existing refurbished building to allow undercover pedestrian access to the flower shop particularly during bad weather. An additional 25 spaces will be located to the north of the flower shop, specifically for customers and staff. These vehicles will then be able to exit directly onto Mona Vale Road. A further 16 carparking spaces are located between the flower fields and the northern boundary of the site with a driveway facility providing access to the rear of the site and these carparking spaces. Additional carparks will be located adjacent to the existing shed and proposed childcare centre. A total of 61 carparking spaces and 1 disabled space will be located upon the site.

Vehicular access to the activities at the rear of the site will be available off Myoora Road. It is envisaged that clients to the childcare centre and other agricultural pursuits associated with flower growing will generally proceed via Myoora Road.

7. Flower Fields

Parts of the site will be devoted to the growing of flowers which will create a rural atmosphere. A lavender field is positioned along the Mona Vale Road frontage to create a rural type atmosphere and which will reduce the impact of the built form on Mona Vale Road.

8. Landscaping

A pond is to be constructed adjacent to the southern boundary of the site within the lowest point of the site. This will become a major landscape feature of the site as well as being for drainage purposes. A terrace will extend into this pond area from the outdoor cafe area.

The remainder of the site will be extensively landscaped. Refer to the Landscape Concept Plan attached at **Illustration 5** for further details. Major components of the Landscaping Plan include:-

- i) Flower fields;
- ii) Mounding and native gardens along Mona Vale Road frontage;
- iii) Screen planting along all side boundaries of the site;
- iv) Outdoor playground areas adjacent to the Cafe;
- v) Outdoor play areas for childcare centre along with childrens' flower garden;
- vi) Extensive lawn areas; and
- vii) Planting of feature trees within the proposed carparking areas.

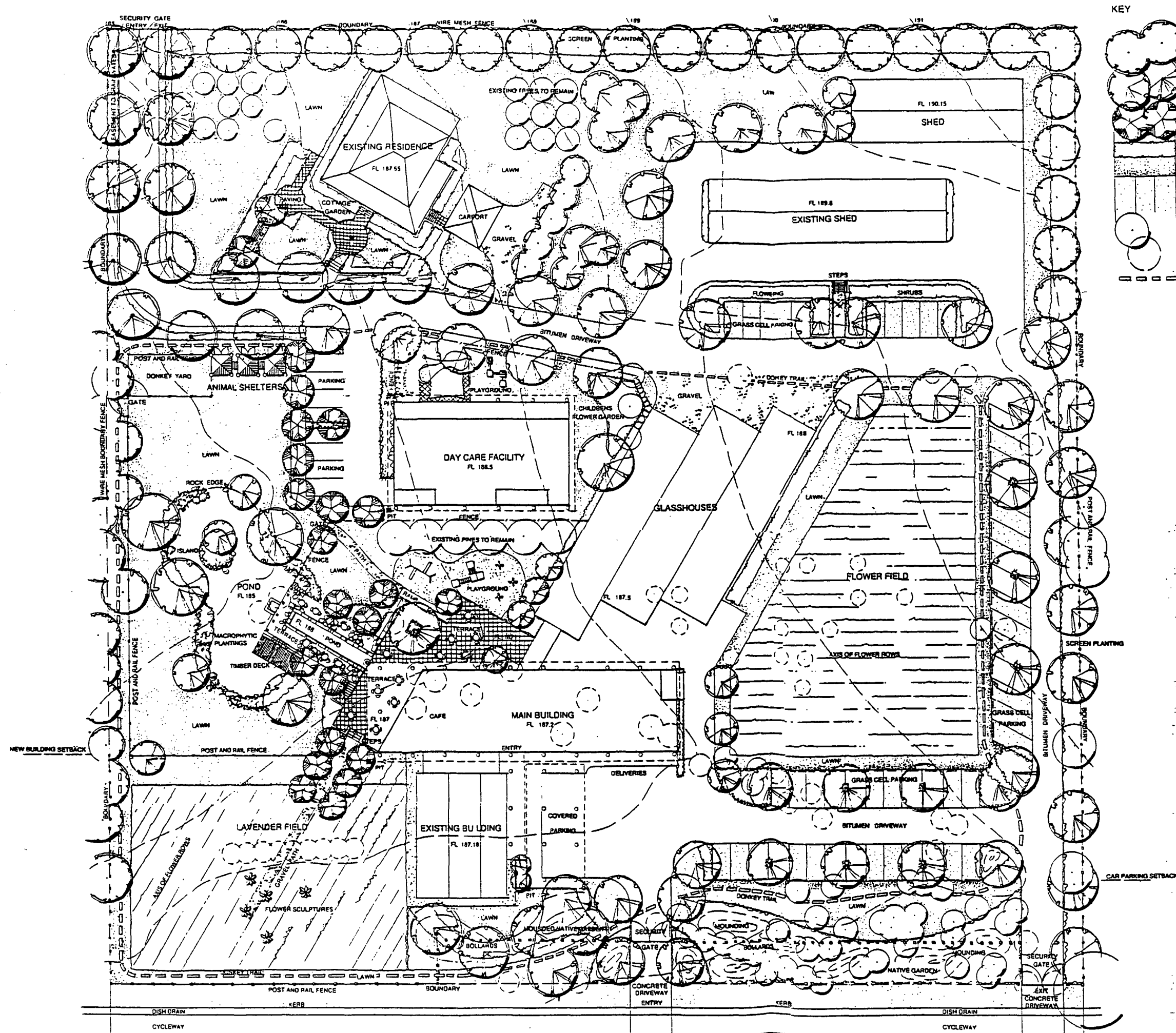
4.0 ZONING AND STATUTORY PLANNING CONTROLS

4.1 Local Environmental Plan

The subject land is currently zoned 1(d) Non-Urban "D" ("Urban Support") under Warringah Local Environmental Plan 1985.

The objective of this zone is:-

"to provide for a range of urban support activities which serve the needs of local and regional communities."



KEY

BOUNDARY SCREEN TREES

FEATURE TREES

DECIDUOUS TREES

SHRUBS

LAWN

GRASS CELL PARKING

EXISTING TREES TO BE RETAINED

EXISTING TREES TO BE REMOVED

DONKEY TRAIL

INDICATIVE PLANT LIST PLANTS PROPOSED FOR FUTURE SELECTION INCLUDE

botanical name	common name
ACER PALMATUM	Japanese Maple
ALBIZIA JULIBRISSEM	Silk Tree
ANGOPHORA COSTATA	Smooth Barked Apple
ANGOPHORA HISPIDA	Dwarf Apple
BALUHIA GULFINII	Red Bauhinia
CALLISTEMON CITRINUS	Bottlebrush
CALODENDRON CAPENSE	Cape Chestnut
CITRUS LIMON	Lemon
CITRUS TAHITIENSIS	Tahitian Lime
ELAEAGARUS RETICULATUS	Blueberry Ash
EUCALYPTUS CINEREA	Apple Gum
EUCALYPTUS CREBRA	Ironbark
EUCALYPTUS HAEMASTOMA	Scribb Gum
EUCALYPTUS MACULATA	Spotted Gum
EUCALYPTUS MICRODORYS	Tallowood
EUCALYPTUS SALIGNA	Sydney Blue Gum
GLEDITSIA SUNBURST	Golden Honey Locust
GORDONIA AXILLARIS	Gordonia
JACARANDA MIMOSIFOLIA	Jacaranda
LAGERSTROMIA INDICA	Cree Myrtle
PLUMERIA AUCUTIFOLIA	Frangipani
PRUNUS X BLUREIANA	Flowering Plum
PRUNUS 'NIGRA'	Flowering Plum
PRUNUS PERSICA	Flowering Peach
PRUNUS SERRULATA	Cherry
SAPHIRUM SEBIFERUM	Chinese Yarrow Tree
SCHINUS MOLLE	Pepper Tree
TRISTANODENDRON LAURINA	Water Gum
ULMUS GLABRA	Golden Elm
ULMUS PARVIFOLIA	Chinese Elm
ACACIA BAILEYANA	Cootamundra Wattle
ACACIA DECURRENS	Wattle
ACACIA PODALIRIFOLIA	Wattle
ACANTHUS MOLLIS	Oyster Plant
AGAPANTHUS ORIENTALIS	Lily of the Nile
ANKOGONANTHUS FLAVIDUS	Kangaroo Paw
BANKSIA ERICIFOLIA	Heath Leaved Banksia
BANKSIA SERRATA	Old Man Banksia
BAUERIA RUBROIDES	River Dog Rose
BRUNSFELIA BOMODORA	Yesterday Today Tomorrow
BUDDLEIA X DAVIDII	Butterfly Bush
CAMELLIA JAPONICA	Camellia
CAMELLIA SASANQUA	Sasanqua
CERATOPETALUM GUMMIFERUM	NSW Christmas Bush
CHOISYA TERMINATA	Mexican Orange Blossom
CHRYSAANTHEMUM FRUTICOSUM	Daisy
CLIVEA MINIATA	Kaffir Lily
CRINUM PEDUNCULATUM	Spider Lily
CYATHEA COOPERI	Tree Fern
DICKSONIA ANTARCTICA	Rough Tree Fern
DORYANTHES EXCELSA	Gymea Lily
ECHEUM FASTUOSUM	Echium
ERIOSTEMON MYOPOPOIDES	Wax Flower
ESCALONIA MACRANTHA	Escalonia
FATSIA JAPONICA	Aralia
GARDENIA AUGUSTA	Gardenia
GARDENIA 'MAGNIFICA'	Gardenia
GREVILLEA 'MOONLIGHT'	Grevillea
GREVILLEA 'HONEY GEM'	Grevillea
HEDYCHILUM CORANARIUM	White Ginger
HYDRANGEA MACROPHYLLA	Hydrangea
KNIPHOFIA PRAECOX	Red Hot Poker
LAVENDULA SPECIES	Lavender
LEUCODENDRON SPECIES	Prossion
MAGNOLIA X SOULANGIANA	Magnolia
MAGNOLIA STELLATA	Star Magnolia
MELALEUCA NESOPHYLLA	Metaleuca
MICHELIA FIDO	Port Wine Magnolia
PLUMBAGO AURICULATA	Plumbago
PROTEA SPECIES	Protea
RAPHIOLEPS UMBELLATA	Indian Hawthorn
ROSMARINUS OFFICINALIS	Rosemary
STOKESIA LAEVIS	Stoke's Aster
STRELITZIA REGINAE	Bird of Paradise
SYSGIUM PANICULATUM	Lily Pilly
THRYPTOMENE SAXICOLA	Thryptomene
TROCHODENDRON 'ALSTONVILLE'	Jacandra
WESTRINGIA FRUTICOSA	Coastal Rosemary
XANTHOREA AUSTRALIS	Grass Tree
XYLOSMA SENTICOSA	Shiny Xylosma
ZANTHEDOSCHIA	Anum Lily
groundcovers & climbers	
BOUGHIVILLEA	Boughivillea
BRACHYCOMME	Native Daisy
DIANELLA REVOLUTA	Dianella
DIPLADENIA 'Red Riding Hood'	Dipladenia
ERIGON KARYNSKIANUS	Daisy
GELSEMIUM SEMPERVIRENS	Carolina Jasmine
HARDENBERGIA VIOLACEA	Native Sarsaparilla
HELIORHYSUM DEBILE	Daisy
HEMOROCALIS	Day Lily
HIBBERTIA SCANDENS	Snake vine
PYROSTEGIA IGNEA	Golden Trumpet Vine
SOLLYA HETEROPHYLLA	Bluebell Creeper
TRACHELOSPERMUM JASMINOIDES	Star Jasmine
WISTERIA SINENSIS	Wisteria

MONA

VALE

ROAD

5. LANDSCAPE PLAN

The development proposal is consistent with these zone objectives.

Land uses which are permissible without development consent include:-

Agriculture (other than animal husbandry or wholesale plant nursery), dwelling houses permitted by Clause 53AE, forestry.

Development which is permissible within this zone with development consent include:-

Advertising structures, animal husbandry, childcare centres, clubs, commercial premises (being animal training or boarding establishments, caravan parks, veterinary clinics or riding schools), drainage, educational establishments, home industries, hospitals, institutions, motels, places of assembly, places of public worship, professional consulting rooms, public buildings, recreation areas, recreation establishments, refreshment rooms, retail plant nurseries, rural industries, service stations, utility installations and wholesale plant nurseries.

The erection of glass houses and agricultural sheds are considered to be agricultural activities and therefore do not require development consent. A building application for erection of an agricultural shed is currently being considered by Council. Also, the growing of flowers would be regarded as an agricultural pursuit.

A childcare facility and cafe (ie refreshment rooms) are permissible with consent of Council.

The existing flower shop has operated from the subject site since 1920's. A shop is a prohibited use in this zone. Previously, Council has acknowledged that the subject site, (ie flower market), enjoys existing use rights in accordance with provisions of the Environmental Planning and Assessment Act, 1979 as the site has been used for this purpose prior to the gazettal of Warringah Planning Scheme Ordinance. We are of the opinion that the existing Hills, The Flower Market is a shop rather than a retail plant nursery and, hence, enjoys existing use rights. Other land uses proposed on-site under this development proposal are considered to be ancillary to the main use (ie Hills, The Flower Market).

Section 108 of the Environmental Planning and Assessment Act, 1979 and Clause 40 of the Environmental Planning and Assessment Regulation 1994 enables alterations and additions to an existing use, change of an existing use, and enlargement, expansion or intensification of an existing use. Therefore, the general upgrading of the flower market is permissible with Council consent under the existing use rights provisions of the Environmental Planning and

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Assessment Act, 1979.

The only other clause of relevance within Warringah Local Environmental Plan 1985 includes:-

* Clause 55 - Development on land Zoned 1(d)

A person must not carry out development for purposes specified in Schedule 9A or 9AA if any means of vehicular or pedestrian access exists between that land and:-

- a) a main road; or
- b) any part of any public road that is within 90 metres of the intersection of that road with a main road.

Recreation area, refreshment rooms, retail plant nursery are included in Schedule 9A and 9AA.

Also, sub-Clause 3 of this Clause states:-

If an existing use (within the meaning of Section 106 of the Act) or use to which such an existing use has been changed, the creation of a new means of direct vehicular or pedestrian access to that land from:-

- a) a main road;
- b) any part of any public road that is within 90 metres of the intersection of that road with a main road;

is prohibited.

Legal advice on the interpretation of this clause was sought from Abbott Tout, Environmental Lawyers, as to whether the relocation of existing access points available to the Hills, The Flower Market constituted new access points.

The relocation of the existing vehicular entrance and exit points along Mona Vale Road for traffic travelling north does not constitute a "new means of access." Research has revealed that there is no definition in planning law of the word "new" where the word has been

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considered in the planning sense. Our legal opinion states that the meaning of word "new" only applies to access points created after commencement of Clause 55(3). If that was not to be the case, the LEP would have been so drafted to prevent not only a new access point, but the relocation or reconstruction of existing ones.

Therefore, we are of the opinion that the intensification of the Hills, The Flower Market with relocation and reconstruction of vehicular access to Mona Vale Road is permissible with Council consent.

4.2 Development Control Plans

4.2.1 Development Control Plan No 20 - Terrey Hills and Duffys Forest - Non-Urban Areas

This DCP applies to the subject site and sets out development guidelines to ensure that any proposed development is in keeping with, and sensitive to the surrounding environment. The following is a summary of relevant development guidelines and compliance with these requirements.

1. Road and Vehicular Access

Any proposed means of vehicular or pedestrian access to the main road is prohibited pursuant to Clause 55 of Warringah Local Environmental Plan 1985 for certain development.

For all development applications other than for dwelling houses and ancillary structures, a Statement must be provided of the effect of the proposed development on traffic generation on surrounding roads.

Comment

Clause 55(3) of Warringah LEP 1985 also states that new means of access to a main road is prohibited for development which enjoys existing use rights. In this particular case, the existing vehicular access points to the subject site will be relocated. Therefore, a "new" access is not being created for this development. A traffic assessment of this proposal has been undertaken by Masson & Wilson and attached to this report at **Annexure A**.

2. Site Coverage

The following site coverage provisions are applicable:-

- a) A minimum of 50% of the site is not to be covered by buildings, vehicular accessways or parking areas and is to be left in its existing state or landscaped if required by Council;
- b) Maximum of 20% of the site is to be covered by buildings;
- c) Maximum 30% of the site is to be devoted to vehicular parking and accessways;

Comments

- a) Maximum site coverage:- 37% or 7378m² of site. - Complies
- b) Site coverage of buildings:- 5% or 2922m² of site - Complies
- c) Site coverage of vehicular parking & accessways site:- 22% or 4456m² of the site Complies

3. Carparking Required

As per requirements of DCP No 2 - Carparking;

Comments

Carparking requirements contained within this DCP are discussed in detail in the following section of this report and at **Annexure A**.

4. Building line and Setbacks

A building shall not be erected within 30 metres of the road reserve of which 15 metres should be suitably landscaped. Carparking may be permitted within this 15.0m landscaped area. Side and rear boundaries - 7.5 metres.

Comments

The proposed new building addition to be erected upon the subject site complies with the 30.0 metre setback. The existing building on-site will be retained which slightly encroaches on this 30.0 metre building setback. The encroachment is minor with this building already occupying

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the site. Therefore it is requested that this variation be supported by Council. The development proposal fully complies with side and rear setbacks.

5. Landscaping

- a) Minimum landscape setback - 15 metres Mona Vale Road;
- b) 7.5 metres side and rear boundaries;
- c) 50% of the site to be landscaped.

Comments

A 15.0 metre landscaped area will be achieved along Mona Vale Road, except for a minor portion adjacent to the existing building. However, over 12 metres of land will be available for landscaping purposes which is sufficient to retain the rural character of the area and to soften the impact of the built form when viewed from Mona Vale Road. Over 50% of the site will be landscaped with extensive screen landscaping proposed adjacent to boundaries.

6. Building Height

Council will not consent to erection of buildings which exceed 8.5 metres in height.

Comments

All proposed buildings on-site will be single storey and less than 8.5 metres in height.

7. Building Quality and External Appearance

Council encourages building design of high architectural merit, which also recognises the significance of its landscaped setting. External finishes should be of a low reflective quality and should utilise colours which blend into, rather than stand out in the natural setting.

Comments

The proposed buildings are considered to be of a high architectural quality and are compatible in terms of size, height, scale and size of other buildings within this rural environment. External materials will be sympathetic with the rural rustic character of the Terrey Hills locality.

8. Advertising Structures

Any such structure must relate to the land upon which it is located and be used for purposes

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such as the identification and description of the use of the land.

Comments

It is proposed to erect a pole sign adjacent to Mona Vale Road which identifies the site as the Hills, The Flower Market. This sign can comply with the above provisions. Refer to attached sketches for further details.

9. Waste Disposal Facilities

Council will require provision to be made within developments for the accommodation of waste disposal facilities and for adequate vehicular access to remove same.

Comments

Adequate waste disposal facilities and access to these facilities will be provided on-site. Full details will be provided at building application stage.

10. Fencing

Details of proposed fencing should be provided with any development application indicating the extent, height and proposed materials.

Comments

Fencing details are included upon the landscape plan which accompanies the Development Application submission (ie **Illustration 5**). Generally, it is proposed to erect a post and rail fence along Mona Vale Road and northern boundary of the site. Wire mesh fencing will be utilised along the western and southern boundaries with screen landscaping.

4.2.2 Development Control Plan No 2 - Car Parking Policy

This DCP also applies to the development proposal. This policy sets out standards for the provision of carparking including layout requirements and internal driveways. The existing flower market has a number of informal spaces within the existing driveway facility. The following carparking is required as per this Policy for various components of the proposed development.

Shop	-	1 space per 20m ² plus adequate space for delivery of vehicles (based on floor area of only 235m ²)
	=	12 spaces
Restaurants	-	1 space per 5m ² (based on floor area of 110m ²)
	=	22 spaces
Childcare Centre	-	1 space per staff plus adequate pickup and setdown on site (6 staff)
	=	6 spaces plus pickup/drop off spaces.
Total	=	40 spaces

A total of 61 carparking spaces and 1 disabled carspace have been provided on site. The number of carparking spaces satisfies Council's DCP No 2 requirements.

Also, the traffic report prepared by Traffic and Transport Consultants, Masson & Wilson Pty Limited at **Annexure A** further addresses parking issues.

5.0 ENVIRONMENTAL ASSESSMENT

The development proposal being for alterations and additions to the existing Hills, The Flower Market has been assessed under the relevant heads of consideration outlined at Section 90(1) of the Environmental Planning and Assessment Act, 1979. The following section of the report deals with the principal environmental issues which are relevant to the subject application and recommends steps to be taken to mitigate against any potential adverse environmental impact.

5.1 Statutory Planning Controls - Section 90(1)(a)

The subject site is zoned Non-Urban "D" (Urban Support) under Warringah Local Environmental Plan 1985.

The proposed uses (ie restaurant, child care centre) are permissible with Council consent. The existing Hills, The Flower Market, itself, is acknowledged to enjoy existing use rights in accordance with Section 106 of the Environmental Planning and Assessment Act, 1979 and Section 108 of this Act permits an existing use to be altered, added to, expanded and/or intensified.

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Some minor concessions are required in respect to Warringah Development Control Plan No 20 - Terrey Hills and Duffys Forest Non-Urban Areas, being a minor encroachment of an existing building within the 30.0m building setback. However, the proposed development is consistent with the objectives of this Plan. The development generally complies with DCP No 2 - Car Parking Policy requirements and a traffic report prepared by Traffic Consultants, Masson & Wilson accompanies this report.

5.2 Landscape and Scenic Quality - Section 90(1)(c)

The overall landscape and scenic character of this precinct is described as being predominantly rural/residential in nature with some intrusion of commercial/industrial type activities. The subject site is typically rural in nature with a flower outlet being located adjacent to Mona Vale Road and a timber cottage and shed towards the rear of the site. Refer to **Photographs** for further details. The development proposal envisages that the rural character will be retained with implementation of numerous flower gardens and fields, glasshouses, agricultural sheds, etc. The Mona Vale Road frontage of the site and all other boundaries will be extensively landscaped. Existing trees within the median strip within the centre of Mona Vale Road partially screens the subject site from the eastern carriageway. The overall landscape and scenic quality of the locality and site will be improved if the development proceeds.

5.3 Social and Economic Effects - Section 90(1)(d)

The development proposal will create both positive economic and social benefits. A presently underutilised site will be used for a more intense agricultural pursuits (ie growing of flowers) which is in close proximity to established urban areas of Sydney. Growing and selling of flowers is considered to be an agricultural activity and is appropriately located within an urban support zone. A range of complimentary land uses will be established on site if the development proposal is granted approval. The proposal will also create additional employment opportunities for residents within the Terrey Hills area.

5.4 Character, Siting, Scale, Height, External Appearance- Section 90(1)(e)

The existing metal shed currently located along Mona Vale Road will be retained and

extensively upgraded. The proposed new building addition will be setback behind the 30 metre building line, although the existing flower shop building addition encroaches this setback. A 15.0m wide landscaping strip is proposed adjacent to Mona Vale Road to reduce the impact of the built form and to retain the rural character of this precinct.

All buildings will be single storey, with a rural architectural theme being adopted with inclusion of traditional verandahs and terraces. The buildings have been designed to be compatible with existing rural/residential character of the area.

All buildings comply with the 7.5 metre side and rear boundary setbacks allowing for extensive landscaping to occur along all the boundaries. Glass houses will generally be screened by the proposed new main building and the agricultural shed is located within the north-western corner of the site well away from public views along Mona Vale Road.

Overall, the proposed development will be of a high quality with the existing character of the area being retained.

5.5 Size and Shape of Land - Section 90(1)(f)

The land is of sufficient size and shape to accommodate this development as the building site coverage is only 15% which is relatively low allowing for extensive landscaping treatment of the site including implementation of various flower fields.

5.6 Impact of the Development and Relationship to Adjoining Lands - Section 90(1)(c)(h)

The proposed development is considered to be compatible with surrounding development in terms of intensity, scale, density, etc. Any proposed buildings will be of a high architectural quality being of a rural rustic nature.

Existing dwellings on adjoining properties are located well away from the subject site. All proposed activities upon the subject site have generally been located well set away from side and rear boundaries with extensive landscaping proposed with minimal, if any, impacts resulting onto surrounding properties.

5.7 Access and Parking - Section 90(1)(i)

A Traffic Report has been completed by traffic and transport consultants Masson & Wilson Pty Limited. A copy of this Report is attached at **Appendix A**.

The entry driveway from Mona Vale Road is proposed to be 6 metres wide and the exit driveway 6 metres wide. The combined rear entry/exit driveway off Myoora Road is proposed to be 5.5 metres wide. The proposed width and driveway separation comply with the requirements of the Australian Standards.

It is proposed that a deceleration lane be constructed in Mona Vale Road for vehicles entering the site. This is desirable to remove the slower turning traffic from the main traffic stream in Mona Vale Road, thus minimising disruption to traffic flow. It is desirable that any treatment be consistent with treatments in the surrounding area. There are 80 metre deceleration lanes provided for vehicles turning left into Cooyong and Aumuna Roads from Mona Vale Road. These lanes are provided within the sealed shoulder area and are shared with the bicycle lane. These treatments are consistent with AUSTROAD's guidelines for the treatment of exclusive bicycle lanes at minor intersections. **Figure 2 of Appendix A** demonstrates the treatment of this deceleration lane.

Parking is proposed for 61 cars including 1 space for disabled parking. Carparking facilities are distributed throughout the site with a number of spaces located adjacent to the main building which accommodates the flower shop. There are also carparking areas at the rear of the site adjacent to the existing agricultural shed and to the south of the proposed childcare centre. Refer to **Illustration 4** for further details.

It is considered that the proposed flower markets and associated activities will have a somewhat lower parking demand rate than traditional retail shops, however, the provision of the cafe would increase the length of stay of customers and, hence, increase the demand for parking. It is noted that Council Parking Code requires 1 space per 20m² for traditional retail shops which is equivalent to 24 spaces for the subject development if considering main public areas and excluding the cafe. The parking demand for the retail component of the development is considered to be lower than this.

The parking demand for the cafe can be assessed with reference to the surveys of the Bond's Nursery cafe. Surveys of this cafe indicate the peak occupancy of the cafe on a typical day was around one third of its capacity on the Sunday (34 patrons) and one quarter of its capacity

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on the Saturday (24 patrons). The RTA surveys of restaurants suggest that carparking provision for a 210m² cafe should be 33 spaces (ie 1 space per 3 seats). This provision is considered to be excessive for the subject development as the RTA rate is based on a design occupancy of 91%. Such a high occupancy is not substantiated by the surveys at Bond's Nursery. The peak occupancy of the restaurants surveyed by the RTA varied between 63% and 133%. It is anticipated that the subject cafe would be in the lower range as it would only be a secondary attractor to the site. Based on design occupancy of say 65% the peak parking demand would be 24 spaces.

The peak parking demand on the site is therefore estimated at 33 (9 + 24) spaces. The proposed provision of 61 spaces is satisfactory and will cater for the parking demand of the development.

The layout of the carparking areas has been assessed with respect to the Australian Standards for Off-street Carparking (AS 2890.1.1993).

The proposed internal road system consists of two areas, one at the front of the site and one at the rear, joined by a 4.6 metre wide one-way road along the north-eastern boundary of the site. A one-way traffic flow is proposed along this roadway being from the front to the rear of the site. Refer to **Illustration 4** for further details. Vehicles entering from Mona Vale Road which park in the main carparking area may exit at either Mona Vale Road or Myoora Road. Those vehicles which enter from Mona Vale Road and do not park in the main carpark closest to the entrance must exit via Myoora Road access point. Vehicles entering from Myoora Road must also exit via Myoora Road.

5.8 Traffic Generation - Section 90(1)(j)

Mona Vale Road is the major east/west arterial route serving the northern part of the Warringah Peninsula. It has one travel lane each way from Mona Vale to Tumbledown Dick Hill, just east of McCarrs Creek Road around 1 kilometre north-east of the subject site. Adjacent to the subject site, Mona Vale Road has two lanes in each direction. It is a divided road with a wide median, and has a posted speed limit of 90 kph changing to 80 kph north of the site. It has wide sealed shoulders, which are utilised as cycle lanes and for auxiliary turning lanes at intersections. In the vicinity of the site, Mona Vale Road is straight and level, affording good sight distance for vehicles approaching and exiting the site.

Myoora Road links between Booralie Road and Mona Vale Road, and runs approximately parallel to Mona Vale Road. It has one lane and one parking lane in each direction. It has a 60 kph speed limit. Refer to **Illustration 1** for further locality details.

As mentioned previously, access to the subject site is via an angled driveway from Mona Vale and egress is via a separate exit driveway onto Mona Vale Road. The existing site contains a flower sales area, cottage flower fields, cottage and shed. There is also a secondary access driveway from Myoora Road.

The Roads and Traffic Authority annual average daily traffic flows (AADT) on Mona Vale Road are summarised within the table below. The subject site adjoins between two stations.

TABLE 1
AADT ON MONA VALE ROAD (VEH/DAY)

Location	1981	1983	1985	1987	1989	1991	1993
North of Power Works Road	13110	12730	13509	14963	16580	18204	17564
East of Forest Way	19390	21230	22270	24410	26520	27720	27999

The above table demonstrates the growth of traffic along Mona Vale Road at both locations has been steady since 1981 which is typical of arterial roads in the Sydney Metropolitan Area. Refer to the Traffic Report at **Appendix A** for further statistical data in respect to existing traffic flows at peak hour.

Traffic volumes in Myoora Road at the entrance to the site were surveyed on Saturday 25 May 1996 and Sunday 26 May 1996 between 11.00am and 2.00pm. Traffic entering and exiting the site was surveyed together with passing traffic on Myoora Road. The peak hour occurred between 12 and 1.00pm on Saturday and 12.30 and 1.30pm on Sunday.

The following table summarises the existing weekend peak hour conditions in Myoora Road at the rear access to the site.

**TABLE 2
MYOORA ROAD EXISTING TRAFFIC (VEH/HR)**

MOVEMENT	SATURDAY	SUNDAY
Entering the Site	1	1
Exiting the Site	2	2
Myoora Road Eastbound	134	103
Myoora Road Westbound	250	206

These results indicate that Myoora Road is carrying around 385 vehicles per hour during the Saturday peak hour and 310 vehicles per hour during the Sunday peak hour. Myoora Road functions as a collector road, forming a link between local roads and Mona Vale Road. Collector roads typically carry between 250 and 1000 vehicles per hour. Use of existing driveway is low at only 3 vehicles per hour during the weekend peak periods.

Passing trade would account for a proportion of the additional traffic generated by the proposed development. Allowing no discount for passing trade, if all the additional traffic entered and exited via Mona Vale Road, this would increase traffic volumes on Mona Vale Road by around 40 vehicles per hour during a Saturday peak hour and by around 65 vehicles per hour during a Sunday peak. This would have little impact on traffic conditions on Mona Vale Road.

To assess the impact on additional traffic on Myoora Road as a "worse case" it is assumed that all traffic entering and exiting the site does so from Myoora Road. The resulting traffic volumes are summarised in the following table.

**TABLE 3
TRAFFIC VOLUMES ON MYOORA ROAD (Veh/Hr)**

	Saturday		Sunday	
	Existing	Future	Existing	Future
East of Site	386	425	310	376
West of Site	385	423	311	376

Thus, Myoora Road would continue to operate satisfactorily, as the additional traffic would have little impact on its capacity during the week and peak periods. Traffic volumes on Myoora Road and into and out of the site are low, hence, the intersection would have satisfactory capacity. Sight distances are good at the driveway and, hence, the intersection would operate satisfactorily.

It is expected that traffic volumes on Myoora Road would seasonally vary similar to traffic volumes along Mona Vale Road. A review of the aforementioned 1991 daily volume data on Mona Vale Road indicates that at the time, the Saturday volume in the first week of December was some 11% higher than in the last week of May. The Sunday volume in the first week of December was around 30% higher than during the last week of May. Assuming that Myoora Road exhibits the same seasonal variation in traffic volume as Mona Vale Road and that the peak hour volume varies at the same rate as daily volume, Myoora Road would be expected to carry around 430 vehicles during the Saturday peak, and around 400 vehicles per hour during the Sunday peak on the busiest weekend in December.

A number of traffic generating land uses have been surveyed by the RTA to establish a relationship between floorspace or some other measurable characteristic, and traffic generation and parking demand. These surveys have not specifically included flower markets and, hence, to estimate its future traffic generation, a comparison must be drawn with another comparable development.

Bond's Nursery has been chosen as a comparable development, as it is located on the south-western corner of the intersection of Mona Vale Road and Cooyong Road approximately 500 metres north of the subject site. Bond's Nursery has a vehicular access from Mona Vale Road and an access from Cooyong Road. Bonds Nursery contains a mix of gardening and landscaping products as well as a cafe and small childcare facilities for customers. The cafe is of a comparable size to that proposed at the Hills, The Flower Market site. It is noted that the Bond's Nursery is a much larger development than the proposed Hills, The Flower Market with a substantially wider range of products being sold. It is noted that the Hills Flower Market will only sell flowers and not plants and other ancillary items such as soils, bush rock, etc. Bond's Nursery and the subject Flower Market development would attract similar types of customers and, in fact, may attract the same customers as they would provide complementary type products.

Surveys were taken at Bond's Nursery on Saturday 25 May 1996 and Sunday 26 May 1996 between 11.00am and 2.00pm. These revealed peak traffic generation rates as below:-

-
- Saturday: 138 vehicle trips per hour between 11.45am and 12.45pm
 - Sunday: 237 vehicles per hour between 1.00pm and 2.00pm

These surveys also included the number of patrons in the Cafe at half hourly intervals. The occupancy of the Cafe peaked as below:-

- Saturday: 24 patrons at 12.30pm
- Sunday: 34 patrons at 2.00pm

The peak accumulation of vehicles visiting the site during the survey period occurred at approximately the same time as the occupation of the Cafe peaked on both days.

A comparison between the Bond's site and the Hills, The Flower Market may be drawn by considering the peak turnover of car parking spaces. This takes into account the length of the visit of customers and the number of customers. The Bond's Nursery contained 160 carparking spaces in two areas, one of 60 spaces and the other 100 spaces. In addition, there are around 50 spaces available on public land between this site and Mona Vale Road. This carparking area can be described as functioning as an overflow area. During the survey period, only the two smaller areas were utilised for parking. Based on this reduced provision of 110 spaces, the peak turnover rate of Bond's Nursery was:-

- 1.25 vehicle trips per space on Saturday
- 2.15 vehicle trips per space on Sunday

Given the specialist nature of the proposed Hills, The Flower Market compared to the wider range of products available at Bond's Nursery, it is anticipated that the turnover of parking spaces at the Hills, The Flower Market would be somewhat lower than at the Bond's Nursery. However, as a conservatively high estimate, these rates have been applied to the Hills Flower Market development which is proposed to provide 61 carparking spaces. This yields the following estimates of traffic generation:-

- * 77 vehicle trips per hour on Sunday
- * 131 vehicle trips per hour on Sunday

If all additional traffic was to access the Hills, The Flower Market from Mona Vale Road, it would have little impact on the existing traffic conditions along Mona Vale Road.

Alternatively, if all additional traffic accessed the subject site from Myoora Road, traffic volumes would be expected to increase by 40 vehicles per hour on a Saturday and 65 vehicles per hour on Sunday. This would have little impact between Myoora Road and the subject site would operate satisfactorily.

Access to and from Mona Vale Road is restricted to left-in and left-out movements only. All movements are permitted at the proposed Myoora Road access point. Those vehicles wishing to exit southbound onto Mona Vale Road could use Myoora Road and either Aumuna or Booralie Roads. Those coming from the east wishing to turn into the site could use Cooyong Road and Myoora Road. Therefore, traffic would be distributed along various roads rather than just being concentrated along Mona Vale Road or Myoora Road. Both Mona Vale Road and Myoora Road will continue to operate satisfactorily as the additional traffic would have little impact on its capacity during the weekend peak periods.

5.9 Utilities - Section 90(1)(l)

Utility services such as water, electricity and telephone are provided to the site and can cater for the proposed alterations and additions to the flower market.

In terms of the sewerage system it is proposed to install a "Super Treat Sewerage Treatment" plant on-site with waste water being recycled and used for watering of landscaping and flower fields.

This sewerage treatment package consists of the following:-

- * 9000 litre septic tank;
- * 9000 litre treatment tank;
- * 2 x 20,000 litre holding tanks (which also act as pumping walls).

This system will meet the requirements of the EPA.

Full details will be provided at building application stage. Alternatively, it may be possible to pump sewerage to the existing Sydney Water mains along Cooyong Road.

Stormwater drainage for the development proposal has been subject to a conceptual "development application" design in accordance with Council's Policy for On-site Stormwater

Retention Policy and Guidelines June 1995 and as such is subject to on-site retention of stormwater prior to discharge into existing drainage easements. The project's stormwater drainage system and detention has been calculated by "Ilsax Computer modelling" which allows for retention of stormwater run off from the site. This stormwater detention has been located as additional storage above a permanent wetland pond positioned at the low point within the natural contours of the site. Refer to Drainage Concept Plans for further details.

To create the necessary storage volume existing contours have been altered as necessary to confine the on-site detention within safe operational boundaries and limits. The permanent wetland pond will allow for all sediment and nutrient control as it will act as both a velocity inhibit to stormwater discharges allowing sedimentation, with nutrient rich wastes absorbed by associated planting, with additional protection at downstream catchments provided by suitable screen outlets to remove surface debris prior to discharge to existing drainage easements.

A detailed report has been prepared by Christie Hydraulics Pty Limited, Drainage Consultants, which is attached to this Report as **Appendix B**. Refer to this report and plans for detailed drainage calculations.

Generally, carparking areas have been provided upon grassed areas fitted with plastic infill grid system to allow for infiltration of surface runoff.

The proposed glass houses shall be completed with a system of waste water catchment which includes for all catchment of irrigation water, by way of internal surface drainage gravitating to proposed inground storage tanks for recycling of irrigation water, thus eliminating nutrient enriched wastewater being discharged to the project's stormwater drainage system, thus protecting the downstream catchments. Refer to **Appendix B** for further information.

5.10 Landscaping - Section 90(1)(m)

The development proposal involves removal of some existing vegetation (ie pine trees) from the subject site which have been planted by the owner in recent years. However, it is intended to extensively relandscape the site with dense planting along all boundaries, particularly along Mona Vale Road to create a rural/residential type environment with flower fields in keeping with the existing rural character of the area. Refer to **Illustration 5** for further details.

5.11 Amenity of the Neighbourhood - Section 90(1)(o)

The proposed development is not likely to cause any significant environmental impacts onto the existing or future amenity of the area with regard to relevant matters such as privacy, noise, pollution etc. It is anticipated that peak operating hours will occur during daytime hours of weekends, particularly between the hours of noon - 2.00pm. During the evenings and weekdays, visitations will be significantly lower. It is noted that the current Flower Market attracts passing trade, with people purchasing flowers on route to home or other localities.

Extensive landscaping will screen the developments from adjoining properties. Activities are generally centred towards the middle of the site away from any adjoining properties. Consequently, minimal, if any, amenity impacts will result onto adjoining properties.

6.0 CONCLUSION AND RECOMMENDATIONS

The material contained within this planning report demonstrates that the proposed alterations and additions to the Hills, The Flower Market at No 287 Mona Vale Road, Terrey Hills, should be granted development consent as:-

- a) The development will not cause any adverse amenity impacts which would warrant refusal of this application;
- b) The proposed alterations and additions are compatible with surrounding development in terms of architectural form, height, scale, bulk and setbacks etc;
- c) The proposal is permissible with consent of Council within a Non-Urban "D" (Urban Support) zone pursuant to Warringah Local Environmental Plan 1985 and is consistent with 1(d) zone objectives. Also, the development is considered to be an appropriate use within this zone;
- d) Council has previously acknowledged that the Hills, The Flower Markets enjoys "existing use rights provisions" in accordance with the Environmental Planning and Assessment Act;
- e) The proposed alterations and additions generally comply with Council's Development Control Plan No 20 - Terrey Hills and Duffys Forest - Non-Urban Areas and

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Development Control Plan No 2 - Car Parking Policy;

- f) The proposal is considered to be of a high architectural quality and has been designed to be sympathetic and compatible with a visually prominent site adjacent to Mona Vale Road;
- g) The proposal involves relocation of existing vehicular access points to the subject site rather than new vehicular crossings;
- h) The proposed carparking and access arrangements will allow vehicles to manoeuvre in and out of the site in a forward direction, provide ample provision for off-street carparking facilities with loading and unloading facilities and will maintain safe and efficient traffic movements onto Mona Vale Road and Myoora Road with minimal, if any, impacts onto the existing road network; and
- i) The proposed development will visually enhance the subject site and Terrey Hills area.

It is concluded that on balance the overall environmental impact of the proposed alterations and additions to the Hills, The Flower Market is a beneficial one. It is respectfully requested that Council give favourable consideration to the Development Application for alterations and additions to the Hills, The Flower Market, subject to appropriate conditions to mitigate against any potential adverse environmental impacts.

TRAFFIC REPORT

Proposed Upgrading of Hills - The Flower Market 287 Mona Vale Road, Terrey Hills

May 1997

**Prepared for
Hills Bros. Flowers**

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1. Introduction

This report has been prepared on behalf of Hills Bros. Flowers. It examines the traffic and parking implications of proposed extensions to Hills - The Flower Market at 287 Mona Vale Road, Terrey Hills. The report assesses the layout presented in Design Technik drawing numbers DA01-03 of Project 96025, dated February 1997.

The existing flower market is busiest on weekends, which is expected to continue with the proposed development. This report therefore concentrates on the traffic impacts during the Saturday and Sunday peak periods, as this is when the development will have its greatest impact on traffic conditions in the area.

The remainder of the report is set out as follows:

- **Chapter 2** presents the existing traffic conditions in the vicinity of the site.
- **Chapter 3** discusses the proposed development and its traffic generation.
- **Chapter 4** assesses the impacts of the development, including internal and access arrangements and parking provision.
- **Chapter 5** presents a summary of the findings, and the conclusions to the investigation.

2. Existing Traffic Conditions

An appreciation of the existing traffic conditions can be gained by examining the road network and traffic flows in the vicinity of the site.

2.1 Site Location

Hills - The Flower Market is located at 287 Mona Vale Road, Terrey Hills. It is on the western side of Mona Vale Road, between Cooyong Road and Aumuna Road. The site location is shown in **Figure 1**.

Access to the site is via an angled driveway from Mona Vale Road, and egress is via a separate exit driveway onto Mona Vale Road. The existing site contains a flower sales area, cottage, flower fields and sheds. There is also a second access driveway onto Myoora Road.

2.2 Road Network

Mona Vale Road is the major east/west arterial route serving the northern part of the Warringah Peninsula. It has one travel lane each way from Mona Vale to Tumbledown Dick Hill just east of McCarrs Creek Road, around 1km north-east of the subject site. Adjacent to the subject site, Mona Vale Road has two travel lanes in each direction. It is a divided road with a wide median, and has a posted speed limit of 90kph, changing to 80kph north of the site. It has wide sealed shoulders, which are utilised as cycle lanes and for auxiliary turn lanes at intersections. In the vicinity of the site, Mona Vale Road is straight and level, affording good sight distance for vehicles approaching and exiting the site.

Myoora Road links between Booralie Road and Mona Vale Road, and runs approximately parallel to Mona Vale Road. It has one travel lane and one parking lane in each direction. It has a 60kph speed limit.

Aumuna Road lies to the south-west of the site, and intersects with Mona Vale Road and Kamber Road at a four way unsignalised intersection. Vehicles in Aumuna Road and Kamber Road are controlled by "Give Way" signs. All turning movements are permitted at this intersection, and sight distance for vehicles exiting Aumuna Road is good. Between Myoora Road and Mona Vale Road, Aumuna Road is not linemarked, and has a 60kph speed limit. There is an 80 metre left turn deceleration lane for vehicles turning into Aumuna Road.

Cooyong Road has one travel and one parking lane in each direction. Left turn movements only are permitted from Cooyong Road into Mona Vale Road, while left and right turn movements are permitted from Mona Vale Road to Cooyong Road. Right turning vehicles are provided with a deceleration lane. There is an 80 metre left turn deceleration lane for vehicles turning into Cooyong Road.

The intersections of Myoora Road with Aumuna Road and with Cooyong Road are both controlled by single lane roundabouts.

2.3 Traffic Volumes

Traffic volume data on Mona Vale Road has been collated from information published by the Roads and Traffic Authority. In addition, traffic flows on Myoora Road and into and out of the subject site were surveyed.

2.3.1 Traffic Volumes on Mona Vale Road

Roads and Traffic Authority annual average daily traffic flows (AADT) on Mona Vale Road are summarised below in Table 2.1. The subject site lies between the two stations.

Table 2.1 - AADT on Mona Vale Road (veh/day)

Location	1981	1983	1985	1987	1989	1991	1993
North of Powder Works Rd	13,110	12,730	13,509	14,963	16,580	18,204	17,564
East of Forest Way	19,390	21,230	22,270	24,410	26,520	27,720	27,999

Source: Traffic Volume Data for Sydney Region 1993, Roads and Traffic Authority of NSW

Table 2.1 indicates that growth on Mona Vale Road at both locations has been steady, which is typical of arterial roads in the Sydney metropolitan area.

The count station east of Forest Way also provides data on the seasonal variations in traffic volumes. The most recent published daily counts at this station were in 1991. It is interesting to note from this that of the 30 busiest days of the year, 16 fall on a Sunday. This is attributable to beach traffic.

The RTA also published hourly traffic flows at this station. Counts for 1991 over the week commencing Monday 12 August have been examined, and morning and evening peak hour flows for each day are summarised in Table 2.2.

Table 2.2 - Peak Hour Flows on Mona Vale Road East of Forest Way 1991

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
AM Peak^A							
Eastbound	720	700	770	700	680	1,140	1,500
Westbound	1,740	1,750	1,700	1,700	1,660	950	1,000
Two Way	2,460	2,450	2,470	2,400	2,340	2,090	2,500
PM Peak^B							
Eastbound	1,410	1,370	1,410	1,360	1,430	1,180	1,410
Westbound	780	750	740	710	840	1,030	1,140
Two Way	2,190	2,120	2,150	2,070	2,270	2,210	2,550
Daily Total							
Eastbound	13,430	13,690	14,470	13,940	14,580	13,650	14,090
Westbound	12,730	12,950	13,490	13,120	13,740	12,810	12,620
Two Way	26,160	26,640	27,960	27,060	28,320	26,460	26,710

^A Weekday 7:00 - 8:00, Weekend 11:00 - 12:00

^B Weekday 17:00 - 18:00, Weekend 12:00 - 13:00

Table 2.2 indicates that the Sunday early afternoon peak is somewhat busier than a weekday evening peak. The Sunday late morning peak is comparable to a weekday

morning peak in terms of two way traffic but is less pronounced in the directional split of traffic.

Additional counts undertaken by the RTA at this location in December 1993 surveyed the following weekend peak flows on Mona Vale Road:

Table 2.3 - Weekend Flows on Mona Vale Road 1993

Direction	Saturday 4 Dec 1993		Sunday 5 Dec 1993	
	11:00 - 12:00	12:00 - 13:00	11:00 - 12:00	12:00 - 13:00
Eastbound	1,170	1,280	1,120	440
Westbound	880	900	970	1,000
TOTAL	2,050	2,180	2,090	1,440

2.3.2 Traffic Volumes on Myoora Road

Traffic volumes in Myoora Road at the entrance to the site were surveyed on Saturday 25 May and Sunday 26 May 1996, between 11:00am and 2:00pm. Traffic entering and exiting the site was surveyed, together with passing traffic on Myoora Road. The peak hour occurred between 12:00 and 1:00pm on the Saturday, and 12:30 and 1:30pm on the Sunday.

The following table summarises the existing weekend peak hour traffic conditions in Myoora Road at the rear access to the site.

Table 2.4 - Myoora Road Existing Traffic (veh/hr)

Movement	Saturday	Sunday
Entering Site	1	1
Exiting Site	2	2
Myoora Rd Eastbound	134	103
Myoora Rd Westbound	250	206

These results indicate that Myoora Road is carrying around 385 vehicles per hour during the Saturday peak hour, and 310 vehicles per hour during the Sunday peak hour. Myoora Road functions as a collector road, forming a link between local roads and Mona Vale Road. Collector roads typically carry between 250 and 1,000 vehicles per hour. Use of the existing driveway is low at only three vehicles per hour during the weekend peak periods.

It is expected that traffic volumes on Myoora Road would seasonally vary, as they do on Mona Vale Road. A review of the aforementioned 1991 daily volume data on Mona Vale Road indicates that at that time, the volume Saturday volume in the first week of December was some 11 per cent higher than in the last week of May. The Sunday volume in the first week of December was around 30 per cent higher than during the last week of May. Assuming that Myoora Road exhibits the same seasonal variation in traffic volume as Mona Vale Road, and that the peak hour volume varies at the same rate as the daily volume, Myoora Road would be expected to carry around 430 vehicles during the Saturday peak, and around 400 vehicles per hour during the Sunday peak on the busiest weekend in December. In reality, it is expected that the volume on Myoora Road would not peak quite so notably as Mona Vale Road does during December, due to the through function Mona Vale Road performs to the beaches.

3. The Proposal

3.1 The Proposed Upgrading

It is proposed to upgrade the existing Hills Flower Market to include an enlarged flower sales areas, a café, greenhouses, a training room, and ancillary facilities such as a playground, animal farm, and child care centre.

Vehicular access to the site is proposed to be provided from Mona Vale Road, about 75 metres from the southern boundary of the site. A separate exit driveway onto Mona Vale Road is proposed close to the northern site boundary. A combined entry/exit is proposed at the rear of the site onto Myoora Road, where the existing driveway is located.

Customer parking is proposed for 61 cars on site, including 1 space for disabled drivers.

The public areas such as the café and sales areas are proposed to have a floor area of approximately 680m². The café is proposed to have an area of approximately 210m², including the kitchen area. Based on RTA surveys¹ of restaurants and cafés, this would accommodate around 100 seats.

During the week, the Flower Market would attract smaller numbers of customers than on weekends. Weekday customers would tend to be purpose visits for flower orders for functions, with a small amount of passing trade. Weekend customers would be those collecting orders, and large numbers of passing trade and pleasure shoppers. The café is not expected to attract customers in itself, but would rather extend the average length of visit by customers.

3.2 Traffic Generation

A number of traffic generating land uses have been surveyed by the RTA to establish a relationship between floor space or some other measurable characteristic, and traffic generation and parking demand. These surveys have not specifically included flower markets, and hence, to estimate its future traffic generation, a comparison must be drawn with a comparable development.

Bond's Nursery has been chosen as a comparable development. It is located on the south-western corner of the intersection of Mona Vale Road and Cooyong Road, around 500 metres from the subject site. It has vehicular access from Mona Vale Road, and an entry/exit on Cooyong Road. Bond's Nursery contains a mix of gardening and landscaping retail areas, as well as a café and child care facilities for customers. The café is of a comparable size to that proposed at the Flower Market site. It is noted that the Bond's Nursery is a larger development than the proposed Flower Market, with a significantly wider range of products for sale.

¹ "Guide to Traffic Generating Development" Roads and Traffic Authority of NSW, December 1993

Bond's Nursery and the subject Flower Market development would attract similar customers, and in fact, may attract the same customers, as they would provide complementary products.

Surveys were undertaken at Bond's Nursery on Saturday 25 May and Sunday 26 May 1996 between 11:00am and 2:00pm. These revealed peak traffic generation rates as below:

- Saturday 138 vehicle trips per hour between 11:45am and 12:45pm
- Sunday 237 vehicle trips per hour between 1:00pm and 2:00pm.

These surveys also included the number of patrons in the café at half hourly intervals. The occupancy of the café peaked as below:

- Saturday 24 patrons at 12:30pm
- Sunday 34 patrons at 2:00pm.

The peak accumulation of vehicles visiting the site during the survey periods occurred at approximately the same time as the occupancy of the café peaked on both days.

A comparison between the Bond's site and the Hills Flower Market development may be drawn by considering the peak turnover of car parking spaces. This takes into account the length of visit of customers, and the number of customers. The Bond's Nursery contains around 160 car parking spaces in two areas, one of 60 spaces and one of 100 spaces. In addition, there are around 50 spaces available on public land between the site and Mona Vale Road. During the survey period, only the two smaller areas were utilised for parking. Based on this reduced provision of 110 spaces, the peak turnover rate of Bond's Nursery was:

- 1.25 vehicle trips per space on Saturday
- 2.15 vehicle trips per space on Sunday.

Given the specialist nature of the proposed Flower Market compared to the wide range of products available at Bond's Nursery, it is anticipated that the turnover of parking spaces at the Flower Market would be somewhat lower than at Bond's Nursery. However, as a conservatively high estimate, these rates have been applied to the Flower Market development, which is proposed to provide 61 car parking spaces. This yields the following estimates of traffic generation:

- 77 vehicle trips per hour on Saturday
- 131 vehicle trips per hour on Sunday.

3.3 Traffic Distribution

Access to and from Mona Vale Road is restricted to left in and left out movements only. All movements are permitted at the proposed Myoora Road access. Those vehicles wishing to exit southbound onto Mona Vale Road could use Myoora Road and either Aumuna Road or Booralie Road. Those coming from the east wishing to turn right into the site would use Cooyong Road and Myoora Road.

4. Traffic and Parking Impacts of Proposal

The impact of the additional traffic associated with the proposed upgrading of the flower market has been assessed, and is discussed in this section. The parking, access and internal circulation have been assessed with respect to the Australian Standard for Off-Street Parking (AS 2890.1 - 1993).

4.1 Traffic Volumes

Passing trade would account for a portion of the additional traffic generated by the proposed development.

Allowing no discount for passing trade, if all the additional traffic entered and exited the site via Mona Vale Road, this would increase traffic volumes on Mona Vale Road by around 40 vehicles per hour during a Saturday peak hour, and by around 65 vehicles per hour during a Sunday peak. This would have little impact on traffic conditions on Mona Vale Road.

To assess the impact of the additional traffic on Myoora Road, as a "worst case" it is assumed that all traffic entering and exiting the site does so from Myoora Road. The resulting volumes on Myoora Road are summarised in the following table:

Table 4.1 - Traffic Volumes on Myoora Road (veh/hr)

	Saturday		Sunday	
	Existing	Future	Existing	Future
East of Site	386	425	310	376
West of Site	385	423	311	376

Thus Myoora Road would continue to operate satisfactorily, as the additional traffic would have little impact on its capacity during the weekend peak periods. Traffic volumes on Myoora Road and into and out of the site are low, hence the intersection would have satisfactory capacity. Sight distances are good at the driveway, and hence the intersection would operate satisfactorily.

4.2 Parking Provision

Parking is proposed for 61 cars, including one space for disabled drivers. Four 90° spaces are proposed adjacent to the building, and 23 90° spaces in two rows parallel to Mona Vale Road. A further 16 60° spaces are proposed along the northern access road, and ten 90° spaces to the north of the flower field and glass house. Eight spaces are proposed adjacent to the daycare centre.

Flower Market

It is considered that these facilities would have a somewhat lower parking demand rate than traditional retail shops, however the provision of the café would increase the length of stay of customers, and hence increase the demand for parking. It is noted that Council's parking

code requires 1 space per 20m² for traditional retail shops, which is equivalent to 24 spaces for the subject development, considering the main public areas and excluding the café. The parking demand for the retail component of the development is therefore considered to be lower than this.

The RTA has undertaken surveys of bulky goods retail stores, which would have similar parking demand as the proposed flower market development. These surveys¹ indicated a wide variation in the peak parking demand of such facilities, with a mean of 1.9 vehicles per 100m² GLFA. Applying this rate to the public floor area of the subject development (excluding the café), this suggests a parking demand of 9 spaces for the subject development. The café would tend to increase this parking demand, by increasing the length of stay of customers.

Café

The parking demand for the café can be assessed with reference to the surveys of the Bond's Nursery café. As indicated by those surveys, the peak occupancy of the café on a typical day was around one third of its capacity on the Sunday (34 patrons), and one quarter of its capacity on the Saturday (24 patrons). The RTA surveys of restaurants suggest that car parking provision for a 210m² café should be 33 spaces (1 space per 3 seats¹). This provision is considered to be excessive for the subject development, as the RTA's rate is based on a design occupancy of 91 per cent. Such a high occupancy is not substantiated by the surveys at Bond's Nursery. The peak occupancy of the restaurants surveyed by the RTA varied between 63 per cent and 133 per cent. It is anticipated that the subject café would be in the lower range, as it would be only a secondary attractor to the site. Based on a design occupancy of say 65 per cent, the peak parking demand would be for 24 spaces.

Total

The peak parking demand on the site is therefore estimated at 33 (9+24) spaces. The proposed provision of 61 spaces is satisfactory, and will cater for the parking demand of the development.

4.3 Access and Internal Circulation

The layout of the car parking areas has been assessed with respect to the Australian Standard for off-street car parking (AS 2890.1 1993).

The 90° parking spaces adjacent to the daycare centre are proposed to be 4.8 metres long. This assumes that the spaces will be designed to allow vehicles to overhang the end of the spaces, e.g. parking is to a low kerb which allows 600mm overhang.

The 60° parking spaces along the north-eastern boundary are to be accessed from a 4.6m wide on way roadway, and are proposed to be 2.6m wide and extend 5.0m from the edge of the roadway (perpendicular). This distance will need to be increased to 5.1m to comply with the Australian Standard. This again assumes that vehicles would be able to overhang the end of the spaces, e.g. parking is to a low kerb which allows 600mm overhang.

In order to comply with the Australian Standard, the disabled drivers' car parking space should be widened to 3.2m.

The 90° parking spaces in the front car parking area are proposed to be 2.6m wide and 5.6m long, with an aisle of 5.5m. The 90° spaces north of the flower field and glasshouse are proposed to be 2.6m wide and 5.4m long, with an aisle 5.5m wide.

The proposed internal road system consists of two areas, one at the front of the site, and one at the rear, joined by a 4.6 metre wide one way road along the north-eastern boundary of the site. Traffic flows on this road from the front of the site towards the rear. Vehicles entering from Mona Vale Road which park in the main car parking area may exit at either Mona Vale Road or Myoora Road. Those vehicles which enter from Mona Vale Road and do not park in the main car park closest to the entrance must exit to Myoora Road. Vehicles entering from Myoora Road must also exit to Myoora Road.

The entry driveway from Mona Vale Road is proposed to be 6 metres wide, and the exit driveway 6 metres wide. The combined rear entry/exit driveway is proposed to be 5.5 metres wide. The proposed widths and driveway separations comply with the requirements of the Australian Standard.

It is proposed that a deceleration lane be constructed in Mona Vale Road for vehicles entering the site. This is desirable to remove the slower turning traffic from the main traffic stream in Mona Vale Road, thus minimising disruption to the traffic flow. It is desirable that any treatment be consistent with treatments in the surrounding area. There are 80 metre deceleration lanes provided for vehicles turning left into Cooyong Road and Aumuna Road from Mona Vale Road. These lanes are provided within the sealed shoulder area, and are shared with the bicycle lane. These treatments are consistent with AUSTROADS guidelines² for the treatment of exclusive bicycle lanes at minor intersections.

It is therefore recommended that an 80 metre deceleration lane be provided within the sealed shoulder on the approach to the site driveway. This would be shared with the bicycle lane. A concept sketch of this treatment is shown in Figure 2.

Service and delivery areas can accommodate small rigid vehicles. These vehicles are able to enter and exit the service area adjacent to the main building in a forward direction. Should access for heavy vehicles be required, these would need to reverse into the service area, then exit in a forward direction.

² Figure 4.7a "Guide to Traffic Engineering Practice Part 14 - Bicycles" Austroads, 1993

5. Summary and Conclusions

5.1 Summary

- The subject site is located at 287 Mona Vale Road, Terrey Hills. This is on the western side of Mona Vale Road between Aumuna Road and Cooyong Road.
- The existing site contains a flower sales area, cottage, flower fields, and sheds.
- The existing site has vehicular access to and from Mona Vale Road and Myoora Road.
- Traffic volumes on Mona Vale Road reflect its arterial role, and have increased steadily over recent years at a rate consistent with arterial roads within the Sydney metropolitan area.
- During the weekend peak periods, Myoora Road is carrying volumes consistent with a collector road. Use of the existing driveway to the site on Myoora Road is very low during the weekend peak periods.
- It is proposed to upgrade the existing Hills Flower Market to include an enlarged flower sales area, a café, greenhouses, a training room, and ancillary facilities such as a playground, animal farm, and child care.
- The flower market is expected to attract most of its customers during the weekends, with weekday customers being mostly purpose visits for a specific appointment.
- The turnover of parking spaces of a comparable type of development, Bond's Nursery, was surveyed at 1.25 vehicle trips per space on Saturday, and 2.15 vehicle trips per space on Sunday.
- These rates were used to estimate the future traffic generation of the flower market at 77 vehicle trips per hour on a Saturday, and 131 vehicle trips per hour on a Sunday.
- Should all the additional traffic access the site from Mona Vale Road, it would have little impact on the traffic conditions on Mona Vale Road.
- Should all the additional traffic access the site from Myoora Road, traffic volumes would be expected to increase by 40 vehicles per hour on a Saturday, and 65 vehicles per hour on a Sunday. This would have little impact on Myoora Road, and the intersection between Myoora Road and the subject site driveway would operate satisfactorily.
- Customer parking is proposed for 61 cars, including one space for disabled drivers. This provision will adequately cater for the peak parking demand of the development, which is estimated at 33 spaces.
- It is proposed that an 80 metre deceleration lane be constructed in Mona Vale Road for vehicles turning left into the site. The proposed concept layout is presented in **Figure 2**, and is consistent with treatments at neighbouring intersections, and with AUSTROADS guidelines.
- Service and delivery areas can accommodate small rigid vehicles. Should access for heavy vehicles be required, these would need to reverse into the service area, then exit in a forward direction.

5.2 Conclusions

The proposed upgrading of Hills - The Flower Market at 287 Mona Vale Road, Terrey Hills, would have little impact on traffic conditions in the vicinity. An 80 metre deceleration

lane is recommended in Mona Vale Road for vehicles turning left into the site. Some minor alterations are recommended to the parking layout, which are detailed in Section 4.2 of this report.

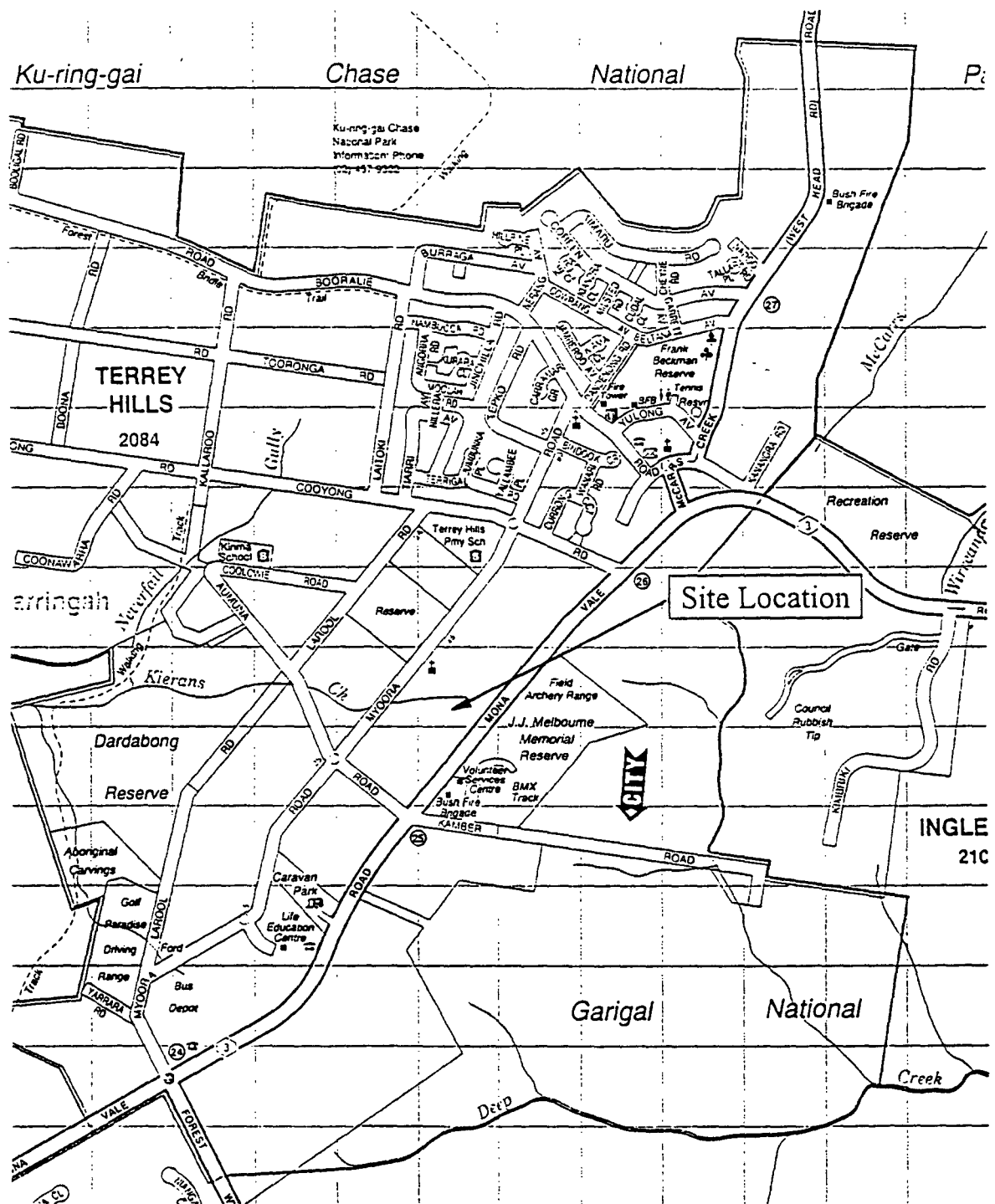
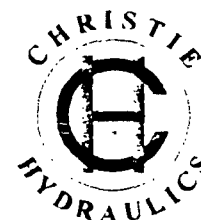


Figure 1
Site Location



LEFT TURN DECELERATION LANE



**CHRISTIE
HYDRAULICS**
PTY LIMITED

ACN 056 831 139

PLUMBING & FIRE PROTECTION
DESIGN CONSULTANTS

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Date: 5th May 1997
Project: 085-96

Don Fox Planning
11 Dartford Road
THORNLEIGH NSW 2120

Attention: Mr Robert Player

Dear Sir,

**"PROPOSED FLOWER MARKET"
Mona Vale Road, Terry Hills, NSW**

**Report
Stormwater Drainage Services
Development Approval**

Stormwater drainage for the above project has been subject to conceptual "development application" design in accordance with Councils Policy "On-Site Stormwater Detention Policy & Guidelines, June 1995" and as such is subject to on-site detention of stormwater prior to discharge to existing drainage easements, all as advised by Council's Development Engineers.

The project stormwater drainage system & detention has been calculated by "ilsax computer modelling" which allows for detention of stormwater run-off from the site.

This stormwater detention has been located as additional storage above a permanent wetland pond of positioned at the low point within the natural contours of the project site.

To create the necessary storage volume existing contours have been altered as necessary to confine the on-site detention within safe operational boundaries and limits.

The permanent wetland pond will allow for all sediment & nutrient control as it will act as both a velocity inhibitor to stormwater discharges allowing sedimentation, with nutrient rich wastes absorbed by associated planting, with additional protection of downstream catchments provided by suitable screen outlets to remove surface debris prior to discharge to existing drainage easements.

The detention requirements have been calculated based on the total site draining to the detention area:

Total site area	- 20,300 m ²
Pre development impervious area	- 846 m ² - 4.2%
Post development impervious area	- 5999 m ² - 30%

Corporate Member



THE ASSOCIATION OF HYDRAULIC SERVICES CONSULTANTS AUSTRALIA Inc.

085DAREP.DOC



The design of OSD allows for a max. water level during detention of RL:185.626 above the permanent pond surface water level of RL:185.000, maximum storage volume is approximately 425 m³, with PSD for the site controlled by outlets from the storage basin comprising of a 1500 x 1000mm pit with removable & lockable grate located over the pit at RL:185.000 with a 10m x 225mm outlet pipe connecting to existing drainage, and a second outlet from the storage pond provided by a 3000mm letter box opening pit which allows for a 300mm deep flow over a weir with its level set at RL:185.350.

Drawing "SKH01A" Concept Stormwater Drainage indicates the area of detention, the contours of this detention basin, the permanent pond and details of the control outlets from the detention basin to the existing drainage system.

Internal stormwater drainage has been shown in conceptual layout only and generally allows for connection to the detention basin by way of landscaped rock races which again act as velocity inhibitors.

Roofed areas have been collected by hard piping with areas of hard paving collected by way of purpose surface catchment sumps or allowed to flow as sheet run-off from hard areas such as access driveways to suitable grassed areas.

Generally carparking has been provided upon grassed areas fitted with a plastic cell infill grid system to allow for infiltration of surface run-off.

Proposed glass houses shall be complete with a system of waste water catchment which includes for all catchment of irrigation water by way of internal surface drainage gravitating to purpose inground storage tanks for recycling of irrigation water thus eliminating nutrient enriched waste water being discharged to the projects stormwater drainage system, thus protecting the downstream catchments.

Calculations by way of computer disk and attached summary sheets are available for the projects site stormwater drainage on-site detention and will be submitted to Council with the "Building Application".

Yours faithfully

CHRISTIE HYDRAULICS PTY. LTD.

HOWARD CHRISTIE
Director

cc: Design Technik - attention:-Mr. Paul Frischknecht, Level 2, 3-5 West Street, North Sydney 2060





**Warringah
Council**

Notice of Determination of a Development Application

Development Application No	1643DA
Development Application Details	
Applicant Name	Hills Flower Market Pty. Ltd
Applicant Address	287 Mona Vale Road TERREY HILLS NSW 2084
Land to be developed: Address	Lot 1 DP 845094, 287 Mona Vale Road, Terrey Hills
Proposed development	Alterations and additions to Hills flower market shop to reposition entry and exit driveways and associated carparking and landscaped areas.
Determination	Consent 1643DA
Made on (date)	14 December, 1999
Determination	Consent granted subject to conditions described below
Consent to operate from (date)	15 December, 1999 <i>see note 1</i>
Consent to lapse on (date)	15 December, 2004
Details of conditions	
(including Section 94 conditions)	<i>see note 2</i>

The conditions which have been applied to the consent aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

NOTE:

If the works are to be certified by a private certifying authority, then it is the certifiers responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

1. Development being generally in accordance with plans numbered 96025, dated Feb 1999, as modified by any conditions of this consent/approval. (C1)
2. At least 2 days prior to work commencing on site Council must be informed, by the submission of Form 7 of the Environmental Planning and Assessment Regulation 1998 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence. (C168)
3. Compliance With Building Code of Australia
 - (1) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
 - (2) This clause does not apply to the extent to which an exemption is in force under Clause 80H or 80I, subject to the terms of any condition or requirement referred to in Clause 80H (6) or 80I (4). (C375)

4. A bicycle lane shall be constructed in accordance with *Figure 5.3(a) of Austroads Part 14, Guide to Traffic Engineering Practice – Bicycles (1999)* and shall be subject to the approval of the Roads and Traffic Authority.
5. Signs shall be located near the approach to the bicycle lane to warn motorists of the presence of cyclists. In addition, bicycle logos shall be marked on the bicycle lane to clearly indicate cyclists right of thoroughfare over left turning motorists.
6. This consent is to be read in conjunction with consent No. 97/311 dated 2 December 1997.

Right of Review by the Council

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 28 days after the date the determination shown on this notice. A fee of \$500.00 will apply.

Right of Appeal

If you are dissatisfied with this decision Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

*Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

Signed

on behalf of the consent authority

Signature

Name

K. Healy

Date

15 December, 1999

Note 1 *Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.*

Note 2 *Clause 69A of the Regulation contains additional particulars to be included in a notice of determination where a condition under Section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.*

Development Application Determination

DEVELOPMENT APPLICATION DETERMINATION**No:** 1643DA**Lodged:** 30/03/99 (final details received 26 October, 1999)**Development Proposal**

Alterations and additions to Hills flower market shop to reposition entry and exit driveways and associated carparking and landscaped areas.

Site Description

Lot 1 DP 845094
287 Mona Vale Road, Terrey Hills

Applicant's Name and Address

Hills Flower Market Pty. Ltd
287 Mona Vale Road
TERREY HILLS NSW 2084

Owners Name and Address

As above

Zoning Details

The subject site is zoned Non-Urban 'D' (Urban Support) - 1(d) under Warringah Local Environmental Plan 1985. The proposal is permissible with consent.

The site is proposed within the A4 - Myoora Road locality under Draft Warringah Local Environmental Plan, 1999.

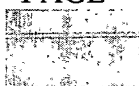
Proposal In Detail / Background

Approval was granted on 2 December, 1997 (consent No. 97/311) for 'alterations and additions to the existing flower shop, including refreshment room, child care centre and three glass houses, with ancillary parking'. Approval of this application was subject to no new access points being created from Mona Vale Road. The application was originally submitted indicating conversion of the existing exit point to a new entry point. This was considered a prohibited use by virtue of clause 55 of WLEP, 1985, which states as follows;

55. (3) If an existing use (within the meaning of section 106 of the Act) or a use to which such an existing use has been changed in accordance with clause 54 of the Environmental Planning and Assessment Regulation 1980 is being carried out on any land, the creation of a new means of direct vehicular or pedestrian access to that land from:

(a) any main road; or

(b) any part of any public road (other than a main road) that is within 90 metres of the intersection of that road with a main road, is prohibited.



Development Application Determination

The plans were therefore amended and the existing access and egress points retained, although it was acknowledged that the proposed arrangement would have been safer access arrangement. The application was subsequently approved maintaining the existing entry and exit points.

On 4 December 1998, the Chief judge of the Land and Environment Court of New South Wales in appeal No. 10108 of 1998 (Ousley Pty Ltd ats Warringah Council) handed down a ruling. The ruling was on a question of law as to whether a proposed development on the corner of Myoora Road and Mona Vale Road, Terrey Hills which provided for direct driveway access to Mona Vale Road is prohibited having regard to the provisions of clause 55 of WLEP 1985. The Chief Judge concluded as follows:

"In my opinion, Clause 55 is a provision which fixes a standard which must be observed in the carrying out of the proposed development. That standard requires a means of access which is not between the site and the main road or between the site and any part of any public road that is within 90 metres of the intersection of that road with a main road. It does prohibit the carrying out of the particular development standard which is proposed. It is a development standard, and is accordingly amenable to variation under State Environmental Planning Policy No. 1".

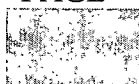
Further to the above judgement, this application has been lodged seeking to vary clause 55, to close the existing access point from Mona Vale Road and convert the existing egress point to an access point. The variation is sought pursuant to the provisions of SEPP No.1.

Planning Comments

State Environmental Planning Policy No.1

Application of SEPP No.1 is relevant in instances where enforcement of a development standard is unreasonable or unnecessary in the circumstances of the case. In this instance the applicant is submitting that the application of clause 55 of WLEP 1985 is unreasonable and unnecessary for the following reasons;

- Repositioning of the entry / exit driveways for the Hills Flower Market is consistent with good traffic management and planning practice by improving traffic movement efficiency and reducing the risk of accidents along Mona Vale Road,
- Repositioning of the driveway was part of the original scheme, which was amended when Council received legal advice that clause 55 was a prohibition and therefore could not be varied. This legal impediment has now been overcome with the recent decision in the Land and Environment Court,
- Approval of the variation under SEPP No.1 will set a positive precedent as it is an improvement on that recently approved and currently existing,
- The proposal satisfies the underlying objectives of the development standard, the objectives of the non-urban 1(d) zone and is consistent with the objectives of the Act.



Development Application Determination


Comment: The proposal is consistent with the original plans submitted 19 June 1997, which were referred to the Warringah Traffic Committee. At that meeting, the proposal was considered reasonable subject to the application of appropriate conditions. The plans were amended due to advice that clause 55 was a prohibition. Such requirements were proposed as conditions of consent relative to this application. The draft conditions, including the conditions proposed by the regional traffic committee were forwarded to the applicant.

The applicant raised concerns with the cost and the necessity for particular requirements. A traffic report was subsequently submitted which was referred to the RTA in light of the comments in 1997. The RTA responded to this traffic report by letter dated 26 October 1999. This letter recommended that the original requirements for construction of a bicycle lane was onerous and suggested conditions in lieu of the original conditions. Such conditions are recommended in the attached consent notice.

The proposal is considered consistent with good traffic management and an improvement on the recently approved and existing situation. Application of the development standard is considered unreasonable and unnecessary in the circumstances of the case and a variation of the standard is appropriate in the circumstances of the case.

Recommendation (Approval)

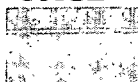
That the application for Alterations and additions to Hills flower market shop to reposition entry and exit driveways and associated carparking and landscaped areas at Lot 1 DP 845094 No 287 Mona Vale Road, Terrey Hills be approved subject to conditions as contained in the attached draft consent notice.

 (Signed)  (Date)
Decision Of Development Unit _____:

Instrument Of Exercise of Delegated Authority

The within application for DEVELOPMENT CONSENT is hereby DETERMINED as set out above, including any additional conditions/reasons, pursuant to delegated authority granted by the General Manager on 30th September, 1993.


CHAIRMAN





**Warringah
Council**

Notice of Determination of a Development Application

Development Application No	1643DA
Development Application Details	
Applicant Name	Hills Flower Market Pty. Ltd
Applicant Address	287 Mona Vale Road TERREY HILLS NSW 2084
Land to be developed: Address	Lot 1 DP 845094 287 Mona Vale Road, Terrey Hills
Proposed development	Alterations and additions to Hills flower market shop to reposition entry and exit driveways and associated carparking and landscaped areas.
Determination Made on (date)	Consent 1643DA
Determination	Consent granted subject to conditions described below
Consent to operate from (date)	<i>see note 1</i>
Consent to lapse on (date)	
Details of conditions (including Section 94 conditions)	<i>see note 2</i>

The conditions which have been applied to the consent aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

NOTE:

If the works are to be certified by a private certifying authority, then it is the certifiers responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

1. Development being generally in accordance with plans numbered 96025, dated Feb 1999, as modified by any conditions of this consent/approval. (C1)
2. At least 2 days prior to work commencing on site Council must be informed, by the submission of Form 7 of the Environmental Planning and Assessment Regulation 1998 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence. (C168)
3. Compliance With Building Code of Australia
 - (1) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

(2) This clause does not apply to the extent to which an exemption is in force under Clause 80H or 80I, subject to the terms of any condition or requirement referred to in Clause 80H (6) or 80I(4). (C375)

4. A bicycle lane shall be constructed in accordance with *Figure 5.3(a) of Austroads Part 14, Guide to Traffic Engineering Practice – Bicycles (1999)* and shall be subject to the approval of the Roads and Traffic Authority.
5. Signs shall be located near the approach to the bicycle lane to warn motorists of the presence of cyclists. In addition, bicycle logos shall be marked on the bicycle lane to clearly indicate cyclists right of thoroughfare over left turning motorists.
6. This consent is to be read in conjunction with consent No. 97/311 dated 2 December 1997.

Other Approvals

List Local Government Act 1993

Approvals granted under
Section 78A (5)

General terms of other approvals integrated as part of the consent
(list approvals)

Right of Appeal

If you are dissatisfied with this decision Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

*Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

Signed _____ on behalf of the consent authority

Signature

Name

Date

Note 1 *Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.*

Note 2 *Clause 69A of the Regulation contains additional particulars to be included in a notice of determination where a condition under Section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.*



Warringah Council

PF 3297/287-C kh1643da.doc
Ms K Healy,
Phone: 9942.2584 (Mobile 0418 699 571)

15 December, 1999

Hills Flower Market Pty Ltd
287 Mona Vale Road
TERREY HILLS NSW 2084

Dear Sir/Madam

RE: Advice of Approval of Development Application - 1643DA
at No. 287 Mona Vale Road, Terrey Hills

The above **Development Application** has been APPROVED subject to the conditions listed in the attached Consent document.

Yours faithfully,

NORM FLETCHER
Manager - Local Approvals Service Unit

From: Ray Dowsett
Karla Healy
Date: 12/13/99 5:12pm
Subject: Re: hills flower market

Sounds ok to me.


Ray

>>> Karla Healy 12/13/99 03:53pm >>>

ray,

don't mean to seem a pain in the proverbial, but do the following conditions cover the proposal? are any other conditions required.

1. Development being generally in accordance with plans numbered 96025, dated Feb 1999, as modified by any conditions of this consent/approval. (C1)
2. At least 2 days prior to work commencing on site Council must be informed, by the submission of Form 7 of the Environmental Planning and Assessment Regulation 1998 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence. (C168)
3. Compliance With Building Code of Australia
 - (1) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
 - (2) This clause does not apply to the extent to which an exemption is in force under Clause 80H or 80I, subject to the terms of any condition or requirement referred to in Clause 80H (6) or 80I (4). (C375)
4. A bicycle lane shall be constructed in accordance with Figure 5.3(a) of Austroads Part 14, Guide to Traffic Engineering Practice - Bicycles (1999) and shall be subject to the approval of the Roads and Traffic Authority.
5. Signs shall be located near the approach to the bicycle lane to warn motorists of the presence of cyclists. In addition, bicycle logos shall be marked on the bicycle lane to clearly indicate cyclists right of thoroughfare over left turning motorists.
6. This consent is to be read in conjunction with consent No. 97/311 dated 2 December 1997.


From: Ray Dowsett
To: Karla Healy
Date: 12/8/99 10:43am
Subject: Re: hills flower market

Condition ³4 relates to B.C.A.

Condition ⁴5 could be deleted.

Condition ⁵6 could be retained.

Condition ⁶7 modified to refer to Figure 5.3(a) of Austroads Part 14 "Guide to Traffic Engineering Practice - Bicycles." (1999).

I only have the 1993 version of the Guide , but I think the detail from the 1999 guide was shown in the Masson and Wilson supplementary traffic report. Therefore, the signs identified in Condition 6 are probably contained in Figure 5.3(a) ,but it wouldn't hurt to leave the condition in.

Hope all that made sense!!!!

Ray

>>> Karla Healy 12/07/99 05:50pm >>>

ray,

following your letter to the RTA re above property, they responded by saying that they are happy to modify the conditions *to the provision of a bicycle lane in accordance with Figure 5.3(a) of Austroads Part 14 "Guide to traffic engineering practices - bicycles: (1999).*

can you have a look at the attached report and let me know which conditions need to be deleted and how others may need to be modified. i think conditions 4 and 5 need to be modified. if this is the case, can you let me know the necessary wording. i am conscious of missing something and setting a precedent.

thanks ray
no capitals please.



From: Ray Dowsett
To: Karla Healy
Date: 12/9/99 9:22am
Subject: Re: hills flower market

My understanding is that the bicycle lane would act as the deceleration lane per the Austroads Figure and would not have any "left turn" arrows in it.

That was the problem with the original condition which provides for a separate left turn lane and bicycle lane requiring widening of the road pavement.

If you compare the two Figures from the Masson & Wilson report I think that will explain it.

If you would like me to come up and go over it I don't mind.

Ray

>>> Karla Healy 12/08/99 06:03pm >>>

ray, you advised we could delete the condition relating to construction of a deceleration lane. is this the case. i thought that was the necessary requirement and the bicycle lane was ancillary to this?

1. Development being generally in accordance with plans numbered 96025, dated Feb 1999, as modified by any conditions of this consent/approval. (C1)

2. At least 2 days prior to work commencing on site Council must be informed, by the submission of Form 7 of the Environmental Planning and Assessment Regulation 1998 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence. (C168)

3. Compliance With Building Code of Australia

(1) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

(2) This clause does not apply to the extent to which an exemption is in force under Clause 80H or 80I, subject to the terms of any condition or requirement referred to in Clause 80H (6) or 80I (4). (C375)

4. Construction of a deceleration lane for the proposed entry access from Mona Vale Road to the site. The deceleration lane shall provide for an exclusive bicycle lane continuous along the property frontage for the length of the deceleration lane. The bicycle lane shall be constructed with a minimum width of 1.5 metres and be located between lane number one and the deceleration lane.

5. Signs shall be located near the approach to the deceleration lane to warn motorists of the presence of cyclists. In addition, bicycle logos shall be marked on the bicycle lane to clearly indicate cyclists right of thoroughfare over left turning motorists.

6. The bicycle lane shall be constructed in accordance with Figure 5.3(a) of Austroads Part 14, Guide to Traffic Engineering Practice - Bicycles (1999) and shall be subject to the approval of the Roads and Traffic Authority.

7. This consent is to be read in conjunction with consent No. 97/311 dated 2 December, 1997.

Development Application Referral

TO BE RETURNED BY

Assessment Officer KH

Date 1/4/99

Referral Officer

File No. PF 3297/287-C

Ref/DA No 1643 DA

Proposal: ALTERATIONS AND ADDITIONS TO HILLS FLOWER MARKET SHOP

BCA

No.

Street

Suburb

(Dev Eng)

287

MONA VALE ROAD

TERREY HILLS

Planning

Other - Specify

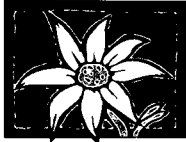
COMMENTS: DATE HANDLED 1/4/99

No objection subject to ~~the~~ Council ~~the~~
CB3 (Planning Act) of Mona Vale Rd for 1/4/99

No objection

D. J. Halliday

5/5/99



Warringah Council

PF 2018/10-C JS.kc js0250.doc

18 February 1999

Mr Michael Cox
58 Bellevue Parade
NORTH CURL CURL 2099

Dear Mr Cox

re: 10 Grover Avenue, Cromer

Reference is made to your development application lodged 2 October 1998 and Council's letter dated 2 November 1998.

A review of the status of the application has been undertaken as Nigel White, the officer responsible for processing the application, is on extended leave. The application is now being assessed by George Youhanna.

The additional information requested remains outstanding.

If Council has not received this information within 21 days your Development Application will be determined on the basis of information presently before Council.

The application will be held in abeyance pending submission of the additional information sought or expiry of the 21 day period detailed above.

Yours faithfully

G YOUHANNA
Town Planner

Our Reference 479.5351, CAC97/1831 (CF99/125711)
Ms M Blanch
9672 2591

26 October 1999

The General Manager
Warringah Council
DX9118
Dee Why



**Roads and Traffic
Authority**
www.rta.nsw.gov.au

Sydney Client Services

State Network Services
81 Flushcombe Road
Blacktown NSW 2148
Telephone (02) 9831 0931
Facsimile (02) 9831 0932
PO Box 558
Blacktown NSW 2148
DX 8120 Blacktown

1701

PP	3297/287-C
FILED IN	K Hedy
DATE	23 NOV 1999
FILED IN	R. Dowsett
Refused to	1643
App No.	

Attention Ray Dowsett

**Re: 287 Mona Vale Road, Terrey Hills – Treatment of the Bicycle Lane at the
Vehicle Access**

Dear Sir,

I refer to your letter dated 11 October, 1999 regarding the conditions of consent pertaining to the development application for the Hills Flower Market at 287 Mona Vale Road, Terrey Hills.

The Authority gives concurrence to modifying the existing condition of consent relating to the bicycle lane adjacent to the subject development, to the provision of a bicycle lane in accordance with Figure 5.3(a) of Austroads Part 14 "Guide to Traffic Engineering Practice – Bicycles" (1999).

Yours Faithfully,

T. G. Winning
Manager, State Network Services

MASSON | WILSON | TWINEY

TRAFFIC AND TRANSPORT CONSULTANTS

Suite 47 'Chatswood Village'
47 Neridah Street
Chatswood NSW 2067
Tel: 02 9415 2844
Fax: 02 9415 2944
Email: info@mwtttraffic.com
Web: www.mwtttraffic.com

Facsimile

To:	Cc:	Name:	Company:	Facsimile:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Karla Healey	Warringah Council	9942 2612
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rudi Caristo	Hills Bros.	9486 3267
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rob Player	Don Fox Planning	9980 6217

From:	Total Pages:	Job Number:	Date:
Penny Dalton	3	96209	26 October 1999

Subject: Hills Flower Market, 287 Mona Vale Road, Terrey Hills

Message:

9077

PF	3297/287-C
File with:	K.H. 1/4/99
Warringah Council	28 OCT 1999
Referred to:	K.H.
App No.	1643

Please telephone if the message you receive was incomplete or illegible.
This facsimile may contain privileged or confidential information and is intended for the addressee only. Any unauthorised use of this information is prohibited. If you received this facsimile by mistake, please immediately telephone us (reverse charges). Thank you.

MASSON | WILSON | TWINEY

TRAFFIC AND TRANSPORT CONSULTANTS

Warringah Council
Civic Centre
Pittwater Road
DEE WHY NSW 2099

Ref: 96209L06

Attention: Ms Karla Healey

26 October 1999

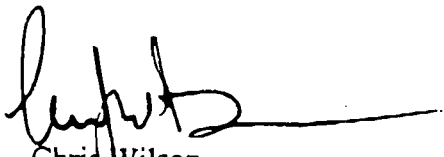
Dear Karla,

Hills Flower Market, 287 Mona Vale Road, Terrey Hills

I recently wrote to you in relation to the draft conditions of consent regarding the proposal to relocate the existing driveway at the above site. Masson Wilson Twiney had previously contacted the Roads and Traffic Authority regarding those conditions, and I enclose for your information a copy of their response. This indicates that the Authority has no objection to the provision of a shared bicycle and deceleration lane on Mona Vale Road.

I would appreciate your confirmation that the conditions of consent will be altered in response to the RTA's agreement with the shared bicycle and deceleration lane arrangements.

Yours sincerely,



Chris Wilson
Director

Encl.

ROADS & TRAFFIC AUTHORITY
SYDNEY OPERATIONS DIRECTORATE

PAGE 1

**STATE NETWORK SERVICES SECTION**

1ST FLOOR, 81 FLUSHCOMBE ROAD, BLACKTOWN NSW 2148

PO BOX 558 BLACKTOWN

DX 8120 BLACKTOWN

FAX (02) 9831 0932 TELEPHONE (02) 9831 0931

TO:	Penny Dalton	FAX NO:	9415 2944
OF:	Masson Wilson Twiney	PAGE 1 of:	2
FROM:	Mardi Blanch	DATE:	26 October, 1999
PHONE:	(02) 9672 2591		

RE: Hills Flower Market, 287 Mona Vale Road

Penny,

I refer to your facsimile dated 1 September 1999 seeking the Authority's views on the bicycle lane requirements on Mona Vale Road as part of the conditions of consent for the subject development.

The Authority has no objections to the provision of a bicycle lane in accordance with Figure 5.3(a) of Austroads Part 14 "Guide to Traffic Engineering Practice - Bicycles" (1999) for the length of the deceleration lane to the subject property.

Regards,

Mardi Blanch
State Network Services**CONFIDENTIAL NOTICE FOR RECIPIENTS EXTERNAL TO THE RTA**

The information contained in this facsimile is intended for the named recipient only. It may contain privileged and confidential information. If you are not the intended recipient, you must not copy, distribute, take any action in reliance on it, or disclose any details of the facsimile to any other person, firm or corporation. If you have received this facsimile in error, please notify us immediately by reverse charge call and return the original to us by mail. We will reimburse you any costs you may incur in notifying us and returning the original facsimile to us.

MASSON | WILSON | TWINEY

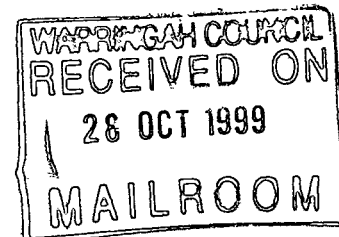
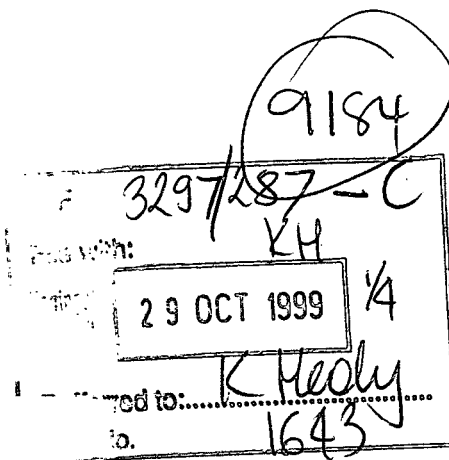
TRAFFIC AND TRANSPORT CONSULTANTS

Warringah Council
Civic Centre
Pittwater Road
DEE WHY NSW 2099

Ref: 96209L06

Attention: Ms Karla Healey

26 October 1999



Dear Karla,

Hills Flower Market, 287 Mona Vale Road, Terrey Hills

I recently wrote to you in relation to the draft conditions of consent regarding the proposal to relocate the existing driveway at the above site. Masson Wilson Twiney had previously contacted the Roads and Traffic Authority regarding those conditions, and I enclose for your information a copy of their response. This indicates that the Authority has no objection to the provision of a shared bicycle and deceleration lane on Mona Vale Road.

I would appreciate your confirmation that the conditions of consent will be altered in response to the RTA's agreement with the shared bicycle and deceleration lane arrangements.

Yours sincerely,


Chris Wilson
Director

Encl.

3-11-99
Spoke with Chris Wilson &
advised we are still waiting
for feedback from the RTA -
Once that has been received
the application will be determined
and the notice
forwarded to the
applicant - Karla Healey
3-11-99.

SUITE 47 CHATSWOOD VILLAGE

47 NERIDAH ST CHATSWOOD

NSW AUSTRALIA 2067

TEL 02 9415 2844 FAX 02 9415 2944

Email massonwilson@ans.com.au

MASSON WILSON TWINEY PTY LTD ACN 063 095 009

ROADS & TRAFFIC AUTHORITY
SYDNEY OPERATIONS DIRECTORATE

PAGE 1



STATE NETWORK SERVICES SECTION
1ST FLOOR, 81 FLUSHCOMBE ROAD, BLACKTOWN NSW 2148
PO BOX 558 BLACKTOWN
DX 8120 BLACKTOWN
FAX (02) 9831 0932 TELEPHONE (02) 9831 0931

TO:	Penny Dalton	FAX no:	9415 2944
OF:	Masson Wilson Twiney	PAGE 1 of:	2
FROM:	Mardi Blanch	DATE:	26 October, 1999
PHONE:	(02) 9672 2591		

RE: Hills Flower Market, 287 Mona Vale Road

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The Authority has no objections to the provision of a bicycle lane in accordance with Figure 5.3(a) of Austroads Part 14 "Guide to Traffic Engineering Practice - Bicycles" (1999) for the length of the deceleration lane to the subject property.

Regards,

Mardi Blanch
State Network Services

CONFIDENTIAL NOTICE FOR RECIPIENTS EXTERNAL TO THE RTA

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Warringah Council

PF 3297/287-C RD.MH/G:\data\service\ccs\traffic\rd\letters\RD3042

Ray Dowsett
Traffic Engineer, Ext 2300

11 October, 1999

Network & Road Safety Manager
Roads and Traffic Authority
DX 8120
BLACKTOWN

Attention: Mr K Moon

Dear Sir

re: No.287 Mona Vale Road, Terrey Hills - Treatment of the bicycle lane at the vehicle access

Council is presently preparing conditions of consent in respect to a development application for the Hills Flower Market situated at the subject address.

The development application was subject to a report to Warringah Traffic Committee at its meeting on 19 August 1997 in accordance with the requirements of State Environmental Planning Policy No. 11.

The Committee raised no objections to the proposal, subject to conditions, and the Authority provided advice dated 11 September 1997, copy attached, in respect to provision of a bicycle lane on Mona Vale Road in the vicinity of the site.

Masson/Wilson/Twiney, Traffic and Transport Consultants, have written to Council on behalf of the applicant requesting consideration to a review of the draft conditions of consent. A copy of the letter dated 20 September 1999 is attached for your information.

It is considered that the matters raised by Masson/Wilson/Twiney have merit, in particular, the provision of a 1.5m wide bicycle lane is inconsistent with facilities provided at the "minor" intersections of Aumuna Road and Cooyong Road with Mona Vale Road as detailed in the Consultant's correspondence.

..../2

K. HEALY, L.A.S.C.

Page 2

Accordingly, Council is considering modifying the condition of consent, as recommended by the Authority, to provide a bicycle lane in accordance with Figure 5-3a of Austroads Part 14 "Guide to Traffic Engineering Practice - Bicycles" (1999).

Your early advice in respect to this matter would be appreciated.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ray Dowsett', with a stylized flourish at the end.

Ray Dowsett
TRAFFIC ENGINEER
SAFETY MANAGEMENT SERVICES
COMMUNITY & CULTURAL SERVICES UNIT

c.c. Karla Healy, Local Approvals

Development Application Referral

TO BE RETURNED BY

Assessment Officer.....

Referral Officer.....

Date.....

File No.....

Ref/DA No.....

Proposal

Alterations & additions to Hills Flower
Market (including changes to access
point)

BCA

No.

287

Street

Mona Vale Rd

Dev Eng

Suburb

Terrey Hills

Planning

Other - Specify

RAY DOWSETT - TRAFFIC ENGINEER

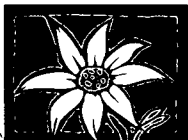
Comments.....

Ray - you may remember this matter which
went before the Regional Traffic Committee.
I faxed them a copy of the RTA recommendations
to which they submitted the attached
report refuting the proposed conditions.
Does it need to go back to the Traffic
Committee? OR will we go with original
conditions. Please call if you don't
understand what has gone on. Larla x2584

See letter to RTA 11/10/99

[Signature]

11/10/99



Warringah Council

PF 841/4-M NW.kc da8M52/8M52a
Nigel White, Town Planning
Phone: (02) 9942 2337

2 November, 1998

B D Cotton
186 Woodland Street
BALGOWLAH NSW 2093

Dear Sir/Madam

**Re: Application for Modification to Development Consent No. 98/297
for Residential Flat Building at No. 4 Campbell Parade, Manly Vale**

Council has received a development application in respect of the above land. It is Council's policy to seek the view of nearby residents on this type of proposal, before making a decision whether to grant development consent or not.

Please find attached a reduced copy of the site plan and elevations for your information. If the plan is unclear or if you require additional information, you are invited to inspect the original plans at Level 3, Customer Service Centre, Civic Centre, Dee Why during the hours of 8.30am to 5.00pm, Monday to Friday, excluding public holidays.

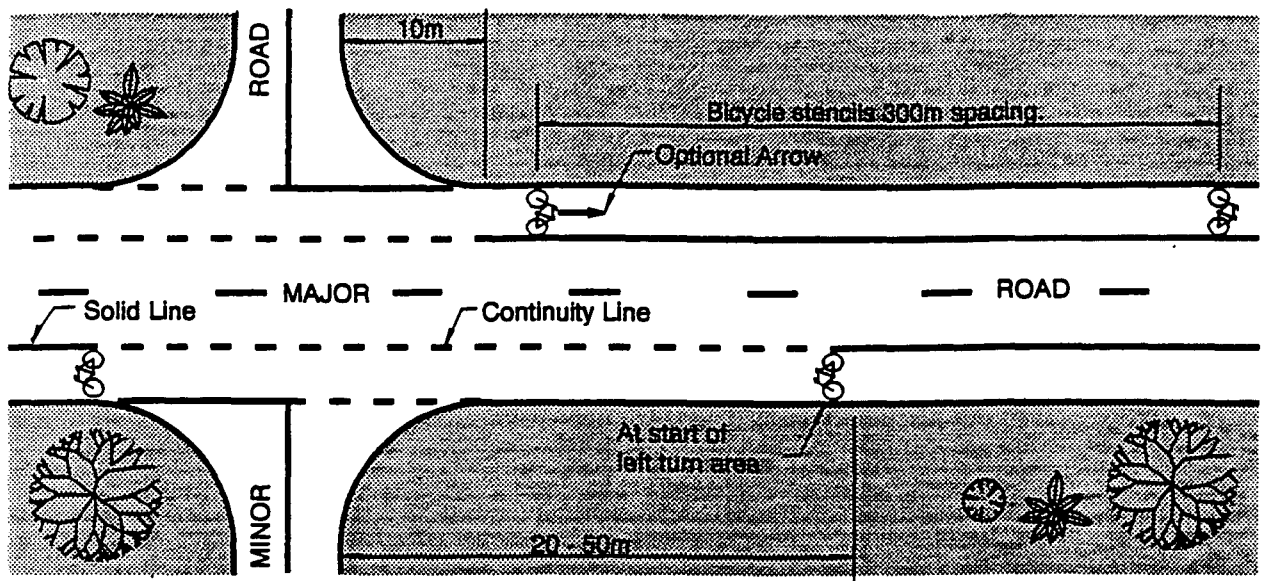
If you wish to use this opportunity to express your opinion, please write to us, clearly identifying the subject property and its application number, and include your name, address and telephone number. Your submission should be returned to this office by 23 November 1998. It should be noted that written submissions cannot remain confidential. Both the substance of the submission and the identity of the authors will generally be disclosed to any person requesting information, in line with current Freedom of Information guidelines.

Please note that submissions received are recorded and fully considered without further acknowledgment. Amendments to the current application will be brought to your attention only if they are considered by Council to result in a greater environmental impact.

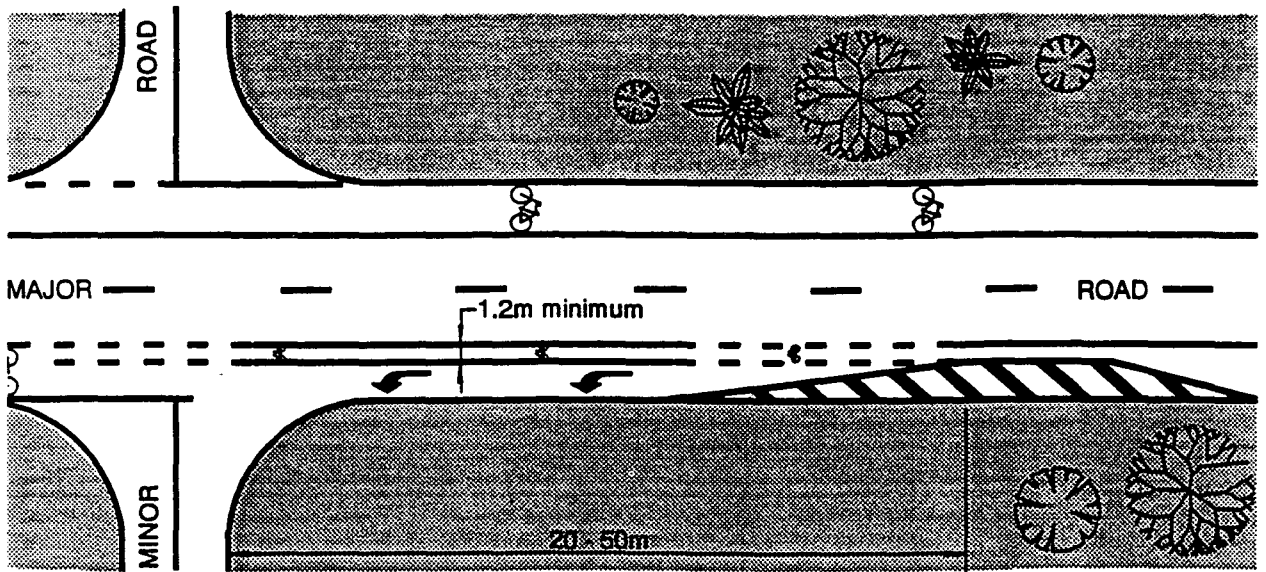
Yours faithfully,

N WHITE
Town Planner

Enclosure



(a) Intersection without exclusive left turn lanes



(b) Intersection with exclusive left turn lanes

Figure 4.7(a & b) Treatment of Exclusive Bicycle Lanes At Minor Intersections.

- Although modern traffic signals are very sophisticated the state of the art is such that bicycles are often not usually detected by the loops at signalised intersections. The time provided for cyclists to clear intersections can also be inadequate, particularly for wide intersections on uphill grades.
- Cyclists perceive that roundabouts are unsafe, particularly large multi-lane roundabouts, and there is

some evidence to suggest that this is the case.

This section describes the treatments necessary to adequately provide for cyclists at intersections and hence largely overcome the problems described above.

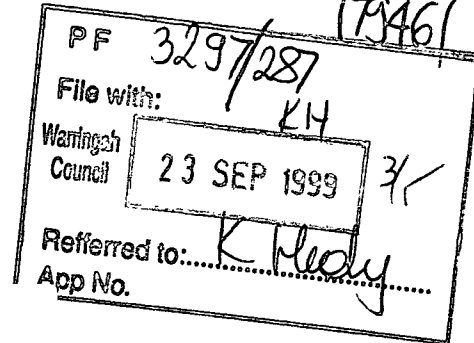
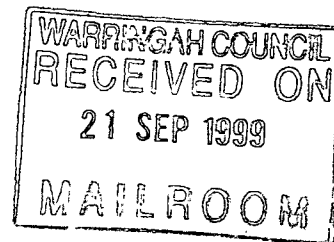
The following general conditions are appropriate at intersections for each type of traffic lane described in Section 4.3:

MASSON | WILSON | TWINEY

TRAFFIC AND TRANSPORT CONSULTANTS

Warringah Council
Civic Centre
Pittwater Road
DEE WHY NSW 2099

Ref: 96209L05



Attention: Ms Karla Healy

20 September 1999

Correspondence No.



Dear Karla,

Hills Flower Market, 287 Mona Vale Road, Terrey Hills

We write in relation to the draft conditions of consent regarding the proposal to relocate the existing driveway at the above site. We request that with respect to the treatment of the bicycle lane in the vicinity of the site, Council give consideration to reviewing the draft conditions of consent.

Background

Masson Wilson Twiney previously prepared a traffic impact report¹ relating to extensions to the site, which included the relocation of the existing driveways. Following discussions with Council's Traffic Engineer Mr Ray Dowsett in May and June 1996, that report recommended that an 80m long shared bicycle and deceleration lane be provided within the sealed shoulder on the approach to the driveway on Mona Vale Road. This recommended treatment is demonstrated in the Austroads guidelines², being the treatment of exclusive bicycle lanes at minor intersections without exclusive left turn lanes (Figure 5-3a). Continuity lines are used to define the length of lane where vehicle and bicycle paths cross.

Following completion of the Masson Wilson Twiney report, the development application was amended to retain the existing driveways as a Stage 1 development and relocate the driveways as a Stage 2 development, due to the provisions of Clause 55 of Warringah LEP 1985 which prohibited repositioning of the driveways. Approval for the Stage 1 development, which retained the existing driveway locations, was granted in December 1997, with the following conditions relating to vehicular access:

22. Provision of 2 vehicle crossing(s), 6.0 metres wide to Council's satisfaction and in accordance with Council Drawing No.A4-3330 to approved levels and specifications. An application for

¹ "Proposed Upgrading of Hills - The Flower Market 287 Mona Vale Road, Terrey Hills" Masson & Wilson for Hills Bros. Flowers, May 1997

² "Guide to Traffic Engineering Practice Part 14 - Bicycles" Austroads, 1999

SUITE 47 CHATSWOOD VILLAGE

47 NERIDA ST CHATSWOOD

NSW AUSTRALIA 2067

TEL 02 9415 2844 FAX 02 9415 2944

Email massonwilson@ans.com.au

- street levels is to be made with the Building Application. Advice is to be sought from Council's Development Engineer as to whether the construction of new crossings is necessary for Stage 1 works.
25. *Vehicular access from Mona Vale Road is to be limited to those vehicles entering and exiting the site to and from the flower shop only. Should the refreshment room be open when the flower shop is not, the vehicle crossings to Mona Vale Road are to be closed.*
 26. *All car parking with direct access from Mona Vale Road is to be time limited to a maximum stay of 15 minutes.*
 27. *All vehicular access to and from the refreshment room and child care centre is to be obtained from Myoora Road only.*

The conditions of consent issued by Warringah Council for that approval therefore make no specific recommendations in relation to the driveway. Implicit in that is that the existing arrangement is considered satisfactory. As noted in the May 1997 traffic report, the recommended deceleration lane was proposed to remove the slower turning traffic from the main traffic stream in Mona Vale Road, minimising disruption to the traffic flow. The May 1997 report found that the volumes of turning vehicles into and out of the site would be low, and it is noted that the alterations to access arrangements required by the 1997 conditions of consent would tend to further reduce these turning movements.

Approval has since been sought to relocate the driveway to the north on Mona Vale Road, to improve access to and circulation within the site, in accordance with the original development application for which Masson Wilson Twiney prepared a traffic impact report. The draft conditions of consent for approval for this driveway relocation require a separate deceleration and bicycle lane, as follows:

4. *Construction of a deceleration lane for the proposed entry access from Mona Vale Road to the site. The deceleration lane shall provide for an exclusive bicycle lane continuous along the property frontage for the length of the deceleration lane. The bicycle lane shall be constructed with a minimum width of 1.5 metres and be located between lane number one and the deceleration lane.*
5. *Signs shall be located near the approach to the deceleration lane to warn motorists of the presence of cyclists. In addition, bicycle logos shall be marked on the bicycle lane to clearly indicate cyclists right of thoroughfare over left turning motorists.*
6. *The bicycle lane shall be constructed in accordance with Austroads Part 15: Guide to Traffic Engineering Practice – Bicycles and shall be subject to the approval of the Roads and Traffic Authority.*

The applicant seeks to retain the previously proposed treatment at the driveway, in accordance with the Masson Wilson Twiney report and Austroads guidelines for the treatment of exclusive bicycle lanes at minor intersections without exclusive left turn lanes. This is discussed below with regard to the impacts of relocating the driveway, the available road and verge width and the treatment of the bicycle lane at other minor intersections.

Impact of Relocating Driveway

The proposal to relocate the driveway does not include any additional facilities on the site from those already approved in 1997, hence the level of usage of the driveway would be the same as under the current approval. In the vicinity of the site, Mona Vale Road follows a straight and level alignment, affording good sight distance for vehicles approaching and exiting the site. The relocation of the driveway would therefore have no impact on sight distance compared to the current approval.

The relocation of the driveway would therefore not result in any deterioration in the safety of cyclists using the cycle lane, as vehicle turning movements and sight distances would remain the same as under the current approval.

Road Width Considerations

Adjacent to the site, the northbound carriageway of Mona Vale Road is around 10 metres wide, with a 1m wide concrete dish drain along the western edge. It is linemarked with two 3.5m wide travel lanes and a 3m wide shoulder, which is utilised as a bicycle lane and for auxiliary turn lanes at intersections. The site boundary is about 3.5m from the edge of the dish drain. Construction of a deceleration lane would require road widening along the site frontage of some 1.5m, which would reduce the verge width to 2.0m.

The road widening which would be required to meet the draft conditions of consent would result in an unacceptably narrow verge width along the site frontage.

Treatment at Other Minor Intersections

The treatment of the bicycle lane at the adjoining minor intersections of Mona Vale Road with Aumuna Road and Cooyong Road has been examined. The Aumuna Road intersection forms a four way intersection with Kamber Road, and all movements are permitted into and out of Aumuna Road. At Cooyong Road, left and right turns are permitted into Cooyong Road, while only left turns are permitted out of Cooyong Road.

At both those intersections, a deceleration lane approximately 80m long is provided within the existing shoulder. These are each marked as exclusive left turn lanes, with left turn arrows marked within the shoulder. No bicycle logos are marked and no separate cycle lane is provided. Signs are provided at the Cooyong Road intersection to alert motorists to the presence of cyclists. The treatment of the bicycle lane at these intersections is not in accordance with the Austroads guidelines, and does not afford any priority to cyclists travelling through the intersection. Traffic activity at these intersections is higher than would occur at the subject driveway, and the potential for conflicts between vehicles and bicycles is higher as right turns are permitted.

It is further noted that Bond's Nursery and Australian Geographic have entry driveways from Mona Vale Road. No deceleration lanes are marked for those driveways, and cars must cross the bicycle lane to enter the sites.

The treatment required by the draft conditions of consent is not consistent with the treatments at the adjoining minor intersections on Mona Vale Road. Separate bicycle and deceleration lanes have not been required at the adjoining minor intersections, which include right turning traffic, and so are not considered to be warranted at the subject driveway, where only left turn vehicle movements can occur.

It is noted that the proposed treatment under the 1997 approval conditions is an inherently safer arrangement than the existing treatments at the adjoining minor intersections, as provision is made for cyclists travelling through the intersection.

Conclusion

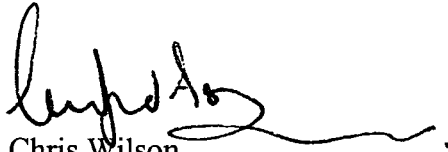
The previously proposed treatment of the bicycle and deceleration lane is an acceptable treatment for the driveway of 287 Mona Vale Road, regardless of its location along the site frontage. It is consistent with Austroads guidelines for the treatment of the treatment of exclusive bicycle lanes at minor intersections without exclusive left turn lanes. The provision of a separate bicycle lane and

deceleration lane as required by the draft conditions of consent for the relocation of the driveway is not warranted and would require road widening, result in an unacceptably narrow verge width along the site frontage.

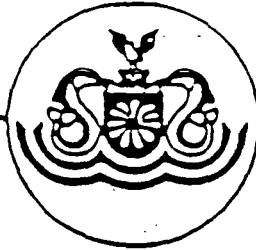
It is our view that in seeking to improve access to and from the site, the applicant would be disadvantaged should the draft conditions be maintained. It is therefore requested that Council replace the proposed conditions 4, 5 and 6 relating to the provision of a separate bicycle and deceleration lane, with the following conditions:

4. *Linemarking of an 80m long deceleration lane for the proposed entry access from Mona Vale Road to the site. The existing bicycle lane shall be carried through the intersection in accordance with Figure 5-3a of Austroads Part 14: Guide to Traffic Engineering Practice – Bicycles (1999).*
5. *Signs shall be located near the approach to the deceleration lane to warn motorists of the presence of cyclists. In addition, bicycle logos shall be marked on the bicycle lane to clearly indicate cyclists right of thoroughfare over left turning motorists.*

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chris Wilson', with a long horizontal flourish extending to the right.

Chris Wilson
Director



MEMO

DATE: 12/5/99

From

TRAFFIC ENGINEER

To KARLA HEALEY, LASU
Re: No. 287 MONA VALE ROAD,
TERREY HILLS

① No, I don't believe the matter requires referral back to Warrandyah Traffic Committee.

② Previous advice and recommendation is still considered relevant.

The conclusion of consent re the decision ^{here} is the same per the Authority's advice of 11-9-97 (fax).

R. Dowsett

Ray Dowsett

✓
TO BE RETURNED BY.....

Development Application Referral

Assessment Officer: *KH*

Date: *11.5.99*

Referral Officer: *Ray Croxall*

File No: *W 3297/287-C*

DA No: *1643 DA*

Proposal: *Change of location of access & access points*

No. *287* Street *Mona Vale Rd* Suburb *Terrrey Hills*

~~BCA~~

~~Dev Eng~~

~~Planning~~

Other - Specify: ~~TRAFFIC ENGINEER~~

Comments:

Ray - This exact proposal came before Council almost 12 months ago - The matter then was referred to the Warringah Traffic Committee because a new access point was proposed on to Mona Vale Road. This proposal was later withdrawn due to local technicalities which have since been overcome. The new application for a new access point (conversion of existing (egress) point) had now been lodged.

Questions - Given the matter now to be referred back to the Warringah Traffic Committee considering

1 - SEP 99
2 - the original recommendation (re attached)
3 - If it does not require referral to Traffic Committee, to the original recommendation relevant.

Please see original traffic report/recommendation from traffic committee report from Ken Fox planning attached. call me if any questions x2554

ROADS & TRAFFIC AUTHORITY

SYDNEY REGION



LOCAL NETWORK SERVICES

1ST FLOOR, 83 FLUSHCOMBE ROAD, BLACKTOWN NSW 2148 15 SEP 1997

PO BOX 558

DX 8120

FAX (02) 9831 0942

156186

WARRINGAH SHIRE COUNCIL CENTRAL RECORDS	
CONRESP. No.	R. Dowsett
FILE WITH:	J. Sneyd - 29/9/97
FILE NO.	PF3297/287

TO:	Ray Dowsett - Warringah Council
FAX NO:	9971 4522
DATE:	11 September 1997
FROM:	Shane Schneider - Local Network Services
PHONE NO:	9831 0031
NO OF PAGES: (Including Cover Sheet)	One (1)



Dear Ray,

287 Mona Vale Road, Terrey Hills - Proposed Additions and Alterations to Hills Flower Market

The Authority raises no objection in principle to the above development subject to the following:

- 1) The applicant shall construct a deceleration lane for the proposed entry access from Mona Vale Road to the site. The deceleration lane shall provide for an exclusive bicycle lane continuous along the property frontage for the length of the deceleration lane. The bicycle lane shall be constructed with a minimum width of 1.5 metres and be located between lane number one and the deceleration lane.
- 2) Signs shall be located near the approach to the deceleration lane to warn motorists of the presence of cyclists. In addition, bicycle logos shall be marked on the bicycle lane to clearly indicate cyclists right of thoroughfare over left turning motorists.
- 3) The bicycle lane shall be constructed in accordance with *Austroads Part 15, Guide to Traffic Engineering Practice - Bicycles* and shall be subject to the approval of the Authority.

Regards,

Shane Schneider

Noted.
16/9/97
1. N. Falck Noted *16/9*
2. J. Sneyd Noted *Kmm*

CONFIDENTIAL NOTICE FOR RECIPIENTS EXTERNAL TO THE RTA

The information contained in this facsimile is intended for the named recipient only. It may contain privileged and confidential information. If you are not the intended recipient, you must not copy, distribute, take any action in reliance on it, or disclose any details of the facsimile to any other person, firm or corporation. If you have received this facsimile in error, please notify us immediately by reverse charge call and return the original to us by mail. We will reimburse you any costs you may incur in notifying us and returning the original facsimile to us.

Development Application Referral

TO BE RETURNED BY

Assessment Officer KH

Date 1/4/99

Referral Officer

File No. PF 3297/287-C

Ref/DA No 1643 DA

Proposal: ALTERATIONS AND ADDITIONS TO HILLS FLOWER MARKET SHOP

BCA

No.

Street

Suburb

Dev Eng

287

MONA VALE ROAD

TERREY HILLS

Planning

Other - Specify

TRAFFIC ENGINEER

COMMENTS:

No objections on traffic grounds to revised driveway proposal.



19/4/99

Development Application Referral

TO BE RETURNED BY

Assessment Officer

Karla Healy

Referral Officer

Ray Downsett

Date

23.9.99

File No.

PF 3297/287-C

Ref/DA No.

1643DA

Proposal

Alterations & additions to Hills Flower Market (including changes to access point)

BCA

No.

287

Street

Mona Vale Rd

Dev Eng

Suburb

Terrey Hills

Planning

Other - Specify

RAY DOWSETT - TRAFFIC ENGINEER

Comments

Ray - you may remember this matter which went before the Regional Traffic Committee. I faxed them a copy of the RTA recommendations to which they submitted the attached report refuting the proposed conditions. Does it need to go back to the Traffic Committee? OR will we go with original conditions. Please call if you don't understand what has gone on. Karla x2584

MASSON | WILSON | TWINEY

TRAFFIC AND TRANSPORT CONSULTANTS

To	Warringah Council		
Attention	Karla Healey	Total Pages	5
Facsimile	9942 2812	Date	20/09/99
From	Penny Dalton	Job Number	96209

Suite 47 'Chatswood Village'

47 Neridah Street

Chatswood NSW 2067

Tel: 02 9415 2844

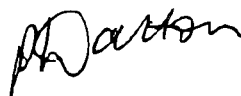
Fax: 02 9415 2944

Email: massonwilson@ans.com.au

Karla,

Letter follows for your consideration re Hills Bros. Flower Market. The original is in the post.

Regards,



cc. Mr Rob Player, Don Fox Planning, fax. 9980 6217
Mr Rudi Caristo, Hills Bros. Flower Market, fax. 9486 3267

MASSON | WILSON | TWINEY

TRAFFIC AND TRANSPORT CONSULTANTS

Warringah Council
Civic Centre
Pittwater Road
DEE WHY NSW 2099

Ref: 96209L05

Attention: Ms Karla Healy

20 September 1999

Dear Karla,

Hills Flower Market, 287 Mona Vale Road, Terrey Hills

We write in relation to the draft conditions of consent regarding the proposal to relocate the existing driveway at the above site. We request that with respect to the treatment of the bicycle lane in the vicinity of the site, Council give consideration to reviewing the draft conditions of consent.

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² "Guide to Traffic Engineering Practice Part 14 - Bicycles" Austroads, 1999

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It is noted that the proposed treatment under the 1997 approval conditions is an inherently safer arrangement than the existing treatments at the adjoining minor intersections, as provision is made for cyclists travelling through the intersection.

Conclusion

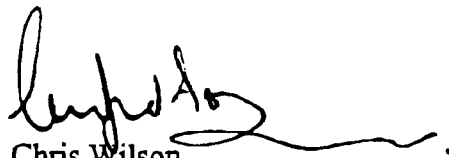
The previously proposed treatment of the bicycle and deceleration lane is an acceptable treatment for the driveway of 287 Mona Vale Road, regardless of its location along the site frontage. It is consistent with Austroads guidelines for the treatment of the treatment of exclusive bicycle lanes at minor intersections without exclusive left turn lanes. The provision of a separate bicycle lane and

deceleration lane as required by the draft conditions of consent for the relocation of the driveway is not warranted and would require road widening, result in an unacceptably narrow verge width along the site frontage.

It is our view that in seeking to improve access to and from the site, the applicant would be disadvantaged should the draft conditions be maintained. It is therefore requested that Council replace the proposed conditions 4, 5 and 6 relating to the provision of a separate bicycle and deceleration lane, with the following conditions:

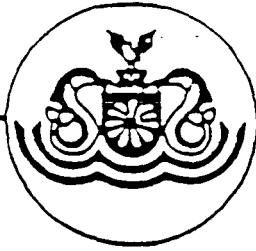
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5. *Signs shall be located near the approach to the deceleration lane to warn motorists of the presence of cyclists. In addition, bicycle logos shall be marked on the bicycle lane to clearly indicate cyclists right of thoroughfare over left turning motorists.*

Yours faithfully,



Chris Wilson
Director

MEMO



DATE: 12/5/99

From

TRAFFIC ENGINEER

To KARLA HEALEY, LASU
Re: No 287 MONA VALE ROAD,
TERRET HILLS

① No, I don't believe the matter requires referral back to University Traffic Committee.

② Previous advice and recommendation is still considered relevant.

The conclusion of consent re the decision ^{here} is the same per the Authority's advice of 11-9-97 (fax).

Ray Dowsett

Ray Dowsett

TO BE RETURNED BY.....

Development Application Referral

Assessment Officer: KH

Date: 11.5.99

Referral Officer: Rev. Rowett

File No: F 3297/287-C

DA No: 1643 DA

Proposal: Change of location of access & egress points.

No. 287 Street Mona Vale Rd Suburb Terrey Hills

~~BCA~~

~~Dev Eng~~

~~Planning~~

Other - Specify: TRAFFIC ENGINEER }

Comments:

Ray - This exact proposal came before Council almost 18 months ago - the matter then was referred to the Warringah Traffic Committee because a NEW access point was proposed on to Mona Vale Road. This proposal was later withdrawn due to legal technicalities which have since been overcome. The new application for a new access point (conversion of existing egress point) has now been lodged.

Questions

Q Does the matter have to be referred back to the Warringah traffic committee considering

a) - SEPP 11

b) - the original recommendation (see attached)

Q If it does not require referral to traffic committee, is the original recommendation relevant.

Please see original traffic report/recommendation from traffic committee/report from Ron Fox
Planning attached. call me if any questions x2584
Thanks Karla

ROADS & TRAFFIC AUTHORITY SYDNEY REGION



LOCAL NETWORK SERVICES

1ST FLOOR, 83 FLUSHCOMBE ROAD, BLACKTOWN NSW
PO BOX 558
DX 8120
FAX (02) 9831 0942

156186

WARRINGAH SHIRE COUNCIL CENTRAL RECORDS	
2148	15 SEP 1997
CORRESP. No. R. Dowsett	
REF. TO:	J. Sneyd - 29/9/97
FILE WITH:	PF 3297/287
FILE No.	

TO:	Ray Dowsett - Warringah Council
FAX NO:	9971 4522
DATE:	11 September 1997
FROM:	Shane Schneider - Local Network Services
PHONE NO:	9831 0031
NO OF PAGES: (Including Cover Sheet)	One (1)



Dear Ray,

287 Mona Vale Road, Terrey Hills - Proposed Additions and Alterations to Hills Flower Market

The Authority raises no objection in principle to the above development subject to the following:

- 1) The applicant shall construct a deceleration lane for the proposed entry access from Mona Vale Road to the site. The deceleration lane shall provide for an exclusive bicycle lane continuous along the property frontage for the length of the deceleration lane. The bicycle lane shall be constructed with a minimum width of 1.5 metres and be located between lane number one and the deceleration lane.
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- 3) The bicycle lane shall be constructed in accordance with *Austroads Part 15, Guide to Traffic Engineering Practice - Bicycles* and shall be subject to the approval of the Authority.

Regards,

Shane Schneider

Noted.
16/9/97
2. N. Falck Noted 16/9
2. J. Sneyd. Noted km

CONFIDENTIAL NOTICE FOR RECIPIENTS EXTERNAL TO THE RTA

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Development Application Referral

TO BE RETURNED BY

Assessment Officer **KH**Date **1/4/99**

Referral Officer

File No. **PF 3297/287-C**Ref/DA No **1643 DA**Proposal: **ALTERATIONS AND ADDITIONS TO HILLS FLOWER MARKET SHOP**

BCA

No.

Street

Suburb

Dev Eng

287**MONA VALE ROAD****TERREY HILLS**

Planning

Other - Specify

TRAFFIC ENGINEER

COMMENTS:

No objections on traffic grounds to revised driveway proposal.

**19/4/99**



Warringah Council

PF 841/4-M NW.kc da8M52/8M52a
Nigel White, Town Planning
Phone: (02) 9942 2337

2 November, 1998

V M Leonard
J A Leonard
A M Leonard
2/41 Campbell Parade
MANLY VALE NSW 2093

Dear Sir/Madam

**Re: Application for Modification to Development Consent No. 98/297
for Residential Flat Building at No. 4 Campbell Parade, Manly Vale**

Council has received a development application in respect of the above land. It is Council's policy to seek the view of nearby residents on this type of proposal, before making a decision whether to grant development consent or not.

Please find attached a reduced copy of the site plan and elevations for your information. If the plan is unclear or if you require additional information, you are invited to inspect the original plans at Level 3, Customer Service Centre, Civic Centre, Dee Why during the hours of 8.30am to 5.00pm, Monday to Friday, excluding public holidays.

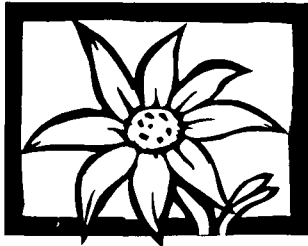
If you wish to use this opportunity to express your opinion, please write to us, clearly identifying the subject property and its application number, and include your name, address and telephone number. Your submission should be returned to this office by 23 November 1998. It should be noted that written submissions cannot remain confidential. Both the substance of the submission and the identity of the authors will generally be disclosed to any person requesting information, in line with current Freedom of Information guidelines.

Please note that submissions received are recorded and fully considered without further acknowledgment. Amendments to the current application will be brought to your attention only if they are considered by Council to result in a greater environmental impact.

Yours faithfully,

N WHITE
Town Planner

Enclosure



Warringah Council

LOCAL
APPROVALS
SERVICE
UNIT

Fax: (02) 9942 2612 Phone: (02) 9942 2222

TO: Penny Boulton

DATE: 6-9-99

FAX NUMBER: 9415 2844

FROM: Karla Healy

Number of pages including this cover page:

Message:

Recommendation from
RTA re 287 Mona Vale
Rd as requested.

Regards
Karla

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TRAFFIC REPORT

Proposed Upgrading of Hills - The Flower Market 287 Mona Vale Road, Terrey Hills

May 1997

**Prepared for
Hills Bros. Flowers**

**Masson & Wilson Pty Limited
Traffic and Transport Consultants
Suite 47, "Chatswood Village"
47 Neridah Street
Chatswood NSW 2067
Telephone (02) 9415 2844
Fax (02) 9415 2944
Email massonwilson@ans.com.au**

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1. Introduction

This report has been prepared on behalf of Hills Bros. Flowers. It examines the traffic and parking implications of proposed extensions to Hills - The Flower Market at 287 Mona Vale Road, Terrey Hills. The report assesses the layout presented in Design Technik drawing numbers DA01-03 of Project 96025, dated February 1997.

The existing flower market is busiest on weekends, which is expected to continue with the proposed development. This report therefore concentrates on the traffic impacts during the Saturday and Sunday peak periods, as this is when the development will have its greatest impact on traffic conditions in the area.

The remainder of the report is set out as follows:

- **Chapter 2** presents the existing traffic conditions in the vicinity of the site.
- **Chapter 3** discusses the proposed development and its traffic generation.
- **Chapter 4** assesses the impacts of the development, including internal and access arrangements and parking provision.
- **Chapter 5** presents a summary of the findings, and the conclusions to the investigation.

2. Existing Traffic Conditions

An appreciation of the existing traffic conditions can be gained by examining the road network and traffic flows in the vicinity of the site.

2.1 Site Location

Hills - The Flower Market is located at 287 Mona Vale Road, Terrey Hills. It is on the western side of Mona Vale Road, between Cooyong Road and Aumuna Road. The site location is shown in **Figure 1**.

Access to the site is via an angled driveway from Mona Vale Road, and egress is via a separate exit driveway onto Mona Vale Road. The existing site contains a flower sales area, cottage, flower fields and sheds. There is also a second access driveway onto Myoora Road.

2.2 Road Network

Mona Vale Road is the major east/west arterial route serving the northern part of the Warringah Peninsula. It has one travel lane each way from Mona Vale to Tumbledown Dick Hill just east of McCarrs Creek Road, around 1km north-east of the subject site. Adjacent to the subject site, Mona Vale Road has two travel lanes in each direction. It is a divided road with a wide median, and has a posted speed limit of 90kph, changing to 80kph north of the site. It has wide sealed shoulders, which are utilised as cycle lanes and for auxiliary turn lanes at intersections. In the vicinity of the site, Mona Vale Road is straight and level, affording good sight distance for vehicles approaching and exiting the site.

Myoora Road links between Booralie Road and Mona Vale Road, and runs approximately parallel to Mona Vale Road. It has one travel lane and one parking lane in each direction. It has a 60kph speed limit.

Aumuna Road lies to the south-west of the site, and intersects with Mona Vale Road and Kamber Road at a four way unsignalised intersection. Vehicles in Aumuna Road and Kamber Road are controlled by "Give Way" signs. All turning movements are permitted at this intersection, and sight distance for vehicles exiting Aumuna Road is good. Between Myoora Road and Mona Vale Road, Aumuna Road is not linemarked, and has a 60kph speed limit. There is an 80 metre left turn deceleration lane for vehicles turning into Aumuna Road.

Cooyong Road has one travel and one parking lane in each direction. Left turn movements only are permitted from Cooyong Road into Mona Vale Road, while left and right turn movements are permitted from Mona Vale Road to Cooyong Road. Right turning vehicles are provided with a deceleration lane. There is an 80 metre left turn deceleration lane for vehicles turning into Cooyong Road.

The intersections of Myoora Road with Aumuna Road and with Cooyong Road are both controlled by single lane roundabouts.

2.3 Traffic Volumes

Traffic volume data on Mona Vale Road has been collated from information published by the Roads and Traffic Authority. In addition, traffic flows on Myoora Road and into and out of the subject site were surveyed.

2.3.1 Traffic Volumes on Mona Vale Road

Roads and Traffic Authority annual average daily traffic flows (AADT) on Mona Vale Road are summarised below in Table 2.1. The subject site lies between the two stations.

Table 2.1 - AADT on Mona Vale Road (veh/day)

Location	1981	1983	1985	1987	1989	1991	1993
North of Powder Works Rd	13,110	12,730	13,509	14,963	16,580	18,204	17,564
East of Forest Way	19,390	21,230	22,270	24,410	26,520	27,720	27,999

Source: Traffic Volume Data for Sydney Region 1993, Roads and Traffic Authority of NSW

Table 2.1 indicates that growth on Mona Vale Road at both locations has been steady, which is typical of arterial roads in the Sydney metropolitan area.

The count station east of Forest Way also provides data on the seasonal variations in traffic volumes. The most recent published daily counts at this station were in 1991. It is interesting to note from this that of the 30 busiest days of the year, 16 fall on a Sunday. This is attributable to beach traffic.

The RTA also published hourly traffic flows at this station. Counts for 1991 over the week commencing Monday 12 August have been examined, and morning and evening peak hour flows for each day are summarised in Table 2.2.

Table 2.2 - Peak Hour Flows on Mona Vale Road East of Forest Way 1991

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
AM Peak^A							
Eastbound	720	700	770	700	680	1,140	1,500
Westbound	1,740	1,750	1,700	1,700	1,660	950	1,000
Two Way	2,460	2,450	2,470	2,400	2,340	2,090	2,500
PM Peak^B							
Eastbound	1,410	1,370	1,410	1,360	1,430	1,180	1,410
Westbound	780	750	740	710	840	1,030	1,140
Two Way	2,190	2,120	2,150	2,070	2,270	2,210	2,550
Daily Total							
Eastbound	13,430	13,690	14,470	13,940	14,580	13,650	14,090
Westbound	12,730	12,950	13,490	13,120	13,740	12,810	12,620
Two Way	26,160	26,640	27,960	27,060	28,320	26,460	26,710

^A Weekday 7:00 - 8:00, Weekend 11:00 - 12:00

^B Weekday 17:00 - 18:00, Weekend 12:00 - 13:00

Table 2.2 indicates that the Sunday early afternoon peak is somewhat busier than a weekday evening peak. The Sunday late morning peak is comparable to a weekday

morning peak in terms of two way traffic but is less pronounced in the directional split of traffic.

Additional counts undertaken by the RTA at this location in December 1993 surveyed the following weekend peak flows on Mona Vale Road:

Table 2.3 - Weekend Flows on Mona Vale Road 1993

Direction	Saturday 4 Dec 1993		Sunday 5 Dec 1993	
	11:00 - 12:00	12:00 - 13:00	11:00 - 12:00	12:00 - 13:00
Eastbound	1,170	1,280	1,120	440
Westbound	880	900	970	1,000
TOTAL	2,050	2,180	2,090	1,440

2.3.2 Traffic Volumes on Myoora Road

Traffic volumes in Myoora Road at the entrance to the site were surveyed on Saturday 25 May and Sunday 26 May 1996, between 11:00am and 2:00pm. Traffic entering and exiting the site was surveyed, together with passing traffic on Myoora Road. The peak hour occurred between 12:00 and 1:00pm on the Saturday, and 12:30 and 1:30pm on the Sunday.

The following table summarises the existing weekend peak hour traffic conditions in Myoora Road at the rear access to the site.

Table 2.4 - Myoora Road Existing Traffic (veh/hr)

Movement	Saturday	Sunday
Entering Site	1	1
Exiting Site	2	2
Myoora Rd Eastbound	134	103
Myoora Rd Westbound	250	206

These results indicate that Myoora Road is carrying around 385 vehicles per hour during the Saturday peak hour, and 310 vehicles per hour during the Sunday peak hour. Myoora Road functions as a collector road, forming a link between local roads and Mona Vale Road. Collector roads typically carry between 250 and 1,000 vehicles per hour. Use of the existing driveway is low at only three vehicles per hour during the weekend peak periods.

It is expected that traffic volumes on Myoora Road would seasonally vary, as they do on Mona Vale Road. A review of the aforementioned 1991 daily volume data on Mona Vale Road indicates that at that time, the volume Saturday volume in the first week of December was some 11 per cent higher than in the last week of May. The Sunday volume in the first week of December was around 30 per cent higher than during the last week of May. Assuming that Myoora Road exhibits the same seasonal variation in traffic volume as Mona Vale Road, and that the peak hour volume varies at the same rate as the daily volume, Myoora Road would be expected to carry around 430 vehicles during the Saturday peak, and around 400 vehicles per hour during the Sunday peak on the busiest weekend in December. In reality, it is expected that the volume on Myoora Road would not peak quite so notably as Mona Vale Road does during December, due to the through function Mona Vale Road performs to the beaches.

3. The Proposal

3.1 The Proposed Upgrading

It is proposed to upgrade the existing Hills Flower Market to include an enlarged flower sales areas, a café, greenhouses, a training room, and ancillary facilities such as a playground, animal farm, and child care centre.

Vehicular access to the site is proposed to be provided from Mona Vale Road, about 75 metres from the southern boundary of the site. A separate exit driveway onto Mona Vale Road is proposed close to the northern site boundary. A combined entry/exit is proposed at the rear of the site onto Myoora Road, where the existing driveway is located.

Customer parking is proposed for 61 cars on site, including 1 space for disabled drivers.

The public areas such as the café and sales areas are proposed to have a floor area of approximately 680m². The café is proposed to have an area of approximately 210m², including the kitchen area. Based on RTA surveys¹ of restaurants and cafés, this would accommodate around 100 seats.

During the week, the Flower Market would attract smaller numbers of customers than on weekends. Weekday customers would tend to be purpose visits for flower orders for functions, with a small amount of passing trade. Weekend customers would be those collecting orders, and large numbers of passing trade and pleasure shoppers. The café is not expected to attract customers in itself, but would rather extend the average length of visit by customers.

3.2 Traffic Generation

A number of traffic generating land uses have been surveyed by the RTA to establish a relationship between floor space or some other measurable characteristic, and traffic generation and parking demand. These surveys have not specifically included flower markets, and hence, to estimate its future traffic generation, a comparison must be drawn with a comparable development.

Bond's Nursery has been chosen as a comparable development. It is located on the south-western corner of the intersection of Mona Vale Road and Cooyong Road, around 500 metres from the subject site. It has vehicular access from Mona Vale Road, and an entry/exit on Cooyong Road. Bond's Nursery contains a mix of gardening and landscaping retail areas, as well as a café and child care facilities for customers. The café is of a comparable size to that proposed at the Flower Market site. It is noted that the Bond's Nursery is a larger development than the proposed Flower Market, with a significantly wider range of products for sale.

¹ "Guide to Traffic Generating Development" Roads and Traffic Authority of NSW, December 1993

Bond's Nursery and the subject Flower Market development would attract similar customers, and in fact, may attract the same customers, as they would provide complementary products.

Surveys were undertaken at Bond's Nursery on Saturday 25 May and Sunday 26 May 1996 between 11:00am and 2:00pm. These revealed peak traffic generation rates as below:

- Saturday 138 vehicle trips per hour between 11:45am and 12:45pm
- Sunday 237 vehicle trips per hour between 1:00pm and 2:00pm.

These surveys also included the number of patrons in the café at half hourly intervals. The occupancy of the café peaked as below:

- Saturday 24 patrons at 12:30pm
- Sunday 34 patrons at 2:00pm.

The peak accumulation of vehicles visiting the site during the survey periods occurred at approximately the same time as the occupancy of the café peaked on both days.

A comparison between the Bond's site and the Hills Flower Market development may be drawn by considering the peak turnover of car parking spaces. This takes into account the length of visit of customers, and the number of customers. The Bond's Nursery contains around 160 car parking spaces in two areas, one of 60 spaces and one of 100 spaces. In addition, there are around 50 spaces available on public land between the site and Mona Vale Road. During the survey period, only the two smaller areas were utilised for parking. Based on this reduced provision of 110 spaces, the peak turnover rate of Bond's Nursery was:

- 1.25 vehicle trips per space on Saturday
- 2.15 vehicle trips per space on Sunday.

Given the specialist nature of the proposed Flower Market compared to the wide range of products available at Bond's Nursery, it is anticipated that the turnover of parking spaces at the Flower Market would be somewhat lower than at Bond's Nursery. However, as a conservatively high estimate, these rates have been applied to the Flower Market development, which is proposed to provide 61 car parking spaces. This yields the following estimates of traffic generation:

- 77 vehicle trips per hour on Saturday
- 131 vehicle trips per hour on Sunday.

3.3 Traffic Distribution

Access to and from Mona Vale Road is restricted to left in and left out movements only. All movements are permitted at the proposed Myoora Road access. Those vehicles wishing to exit southbound onto Mona Vale Road could use Myoora Road and either Aumuna Road or Booralie Road. Those coming from the east wishing to turn right into the site would use Cooyong Road and Myoora Road.

4. Traffic and Parking Impacts of Proposal

The impact of the additional traffic associated with the proposed upgrading of the flower market has been assessed, and is discussed in this section. The parking, access and internal circulation have been assessed with respect to the Australian Standard for Off-Street Parking (AS 2890.1 - 1993).

4.1 Traffic Volumes

Passing trade would account for a portion of the additional traffic generated by the proposed development.

Allowing no discount for passing trade, if all the additional traffic entered and exited the site via Mona Vale Road, this would increase traffic volumes on Mona Vale Road by around 40 vehicles per hour during a Saturday peak hour, and by around 65 vehicles per hour during a Sunday peak. This would have little impact on traffic conditions on Mona Vale Road.

To assess the impact of the additional traffic on Myoora Road, as a "worst case" it is assumed that all traffic entering and exiting the site does so from Myoora Road. The resulting volumes on Myoora Road are summarised in the following table:

Table 4.1 - Traffic Volumes on Myoora Road (veh/hr)

	Saturday		Sunday	
	Existing	Future	Existing	Future
East of Site	386	425	310	376
West of Site	385	423	311	376

Thus Myoora Road would continue to operate satisfactorily, as the additional traffic would have little impact on its capacity during the weekend peak periods. Traffic volumes on Myoora Road and into and out of the site are low, hence the intersection would have satisfactory capacity. Sight distances are good at the driveway, and hence the intersection would operate satisfactorily.

4.2 Parking Provision

Parking is proposed for 61 cars, including one space for disabled drivers. Four 90° spaces are proposed adjacent to the building, and 23 90° spaces in two rows parallel to Mona Vale Road. A further 16 60° spaces are proposed along the northern access road, and ten 90° spaces to the north of the flower field and glass house. Eight spaces are proposed adjacent to the daycare centre.

Flower Market

It is considered that these facilities would have a somewhat lower parking demand rate than traditional retail shops, however the provision of the café would increase the length of stay of customers, and hence increase the demand for parking. It is noted that Council's parking

code requires 1 space per 20m² for traditional retail shops, which is equivalent to 24 spaces for the subject development, considering the main public areas and excluding the café. The parking demand for the retail component of the development is therefore considered to be lower than this.

The RTA has undertaken surveys of bulky goods retail stores, which would have similar parking demand as the proposed flower market development. These surveys¹ indicated a wide variation in the peak parking demand of such facilities, with a mean of 1.9 vehicles per 100m² GLFA. Applying this rate to the public floor area of the subject development (excluding the café), this suggests a parking demand of 9 spaces for the subject development. The café would tend to increase this parking demand, by increasing the length of stay of customers.

Café

The parking demand for the café can be assessed with reference to the surveys of the Bond's Nursery café. As indicated by those surveys, the peak occupancy of the café on a typical day was around one third of its capacity on the Sunday (34 patrons), and one quarter of its capacity on the Saturday (24 patrons). The RTA surveys of restaurants suggest that car parking provision for a 210m² café should be 33 spaces (1 space per 3 seats¹). This provision is considered to be excessive for the subject development, as the RTA's rate is based on a design occupancy of 91 per cent. Such a high occupancy is not substantiated by the surveys at Bond's Nursery. The peak occupancy of the restaurants surveyed by the RTA varied between 63 per cent and 133 per cent. It is anticipated that the subject café would be in the lower range, as it would be only a secondary attractor to the site. Based on a design occupancy of say 65 per cent, the peak parking demand would be for 24 spaces.

Total

The peak parking demand on the site is therefore estimated at 33 (9+24) spaces. The proposed provision of 61 spaces is satisfactory, and will cater for the parking demand of the development.

4.3 Access and Internal Circulation

The layout of the car parking areas has been assessed with respect to the Australian Standard for off-street car parking (AS 2890.1 1993).

The 90° parking spaces adjacent to the daycare centre are proposed to be 4.8 metres long. This assumes that the spaces will be designed to allow vehicles to overhang the end of the spaces, e.g. parking is to a low kerb which allows 600mm overhang.

The 60° parking spaces along the north-eastern boundary are to be accessed from a 4.6m wide on way roadway, and are proposed to be 2.6m wide and extend 5.0m from the edge of the roadway (perpendicular). This distance will need to be increased to 5.1m to comply with the Australian Standard. This again assumes that vehicles would be able to overhang the end of the spaces, e.g. parking is to a low kerb which allows 600mm overhang.

In order to comply with the Australian Standard, the disabled drivers' car parking space should be widened to 3.2m.

The 90° parking spaces in the front car parking area are proposed to be 2.6m wide and 5.6m long, with an aisle of 5.5m. The 90° spaces north of the flower field and glasshouse are proposed to be 2.6m wide and 5.4m long, with an aisle 5.5m wide.

The proposed internal road system consists of two areas, one at the front of the site, and one at the rear, joined by a 4.6 metre wide one way road along the north-eastern boundary of the site. Traffic flows on this road from the front of the site towards the rear. Vehicles entering from Mona Vale Road which park in the main car parking area may exit at either Mona Vale Road or Myoora Road. Those vehicles which enter from Mona Vale Road and do not park in the main car park closest to the entrance must exit to Myoora Road. Vehicles entering from Myoora Road must also exit to Myoora Road.

The entry driveway from Mona Vale Road is proposed to be 6 metres wide, and the exit driveway 6 metres wide. The combined rear entry/exit driveway is proposed to be 5.5 metres wide. The proposed widths and driveway separations comply with the requirements of the Australian Standard.

It is proposed that a deceleration lane be constructed in Mona Vale Road for vehicles entering the site. This is desirable to remove the slower turning traffic from the main traffic stream in Mona Vale Road, thus minimising disruption to the traffic flow. It is desirable that any treatment be consistent with treatments in the surrounding area. There are 80 metre deceleration lanes provided for vehicles turning left into Cooyong Road and Aumuna Road from Mona Vale Road. These lanes are provided within the sealed shoulder area, and are shared with the bicycle lane. These treatments are consistent with AUSTROADS guidelines² for the treatment of exclusive bicycle lanes at minor intersections.

It is therefore recommended that an 80 metre deceleration lane be provided within the sealed shoulder on the approach to the site driveway. This would be shared with the bicycle lane. A concept sketch of this treatment is shown in **Figure 2**.

Service and delivery areas can accommodate small rigid vehicles. These vehicles are able to enter and exit the service area adjacent to the main building in a forward direction. Should access for heavy vehicles be required, these would need to reverse into the service area, then exit in a forward direction.

² Figure 4.7a "Guide to Traffic Engineering Practice Part 14 - Bicycles" Austroads, 1993

5. Summary and Conclusions

5.1 Summary

- The subject site is located at 287 Mona Vale Road, Terrey Hills. This is on the western side of Mona Vale Road between Aumuna Road and Cooyong Road.
- The existing site contains a flower sales area, cottage, flower fields, and sheds.
- The existing site has vehicular access to and from Mona Vale Road and Myoora Road.
- Traffic volumes on Mona Vale Road reflect its arterial role, and have increased steadily over recent years at a rate consistent with arterial roads within the Sydney metropolitan area.
- During the weekend peak periods, Myoora Road is carrying volumes consistent with a collector road. Use of the existing driveway to the site on Myoora Road is very low during the weekend peak periods.
- It is proposed to upgrade the existing Hills Flower Market to include an enlarged flower sales area, a café, greenhouses, a training room, and ancillary facilities such as a playground, animal farm, and child care.
- The flower market is expected to attract most of its customers during the weekends, with weekday customers being mostly purpose visits for a specific appointment.
- The turnover of parking spaces of a comparable type of development, Bond's Nursery, was surveyed at 1.25 vehicle trips per space on Saturday, and 2.15 vehicle trips per space on Sunday.
- These rates were used to estimate the future traffic generation of the flower market at 77 vehicle trips per hour on a Saturday, and 131 vehicle trips per hour on a Sunday.
- Should all the additional traffic access the site from Mona Vale Road, it would have little impact on the traffic conditions on Mona Vale Road.
- Should all the additional traffic access the site from Myoora Road, traffic volumes would be expected to increase by 40 vehicles per hour on a Saturday, and 65 vehicles per hour on a Sunday. This would have little impact on Myoora Road, and the intersection between Myoora Road and the subject site driveway would operate satisfactorily.
- Customer parking is proposed for 61 cars, including one space for disabled drivers. This provision will adequately cater for the peak parking demand of the development, which is estimated at 33 spaces.
- It is proposed that an 80 metre deceleration lane be constructed in Mona Vale Road for vehicles turning left into the site. The proposed concept layout is presented in **Figure 2**, and is consistent with treatments at neighbouring intersections, and with AUSTROADS guidelines.
- Service and delivery areas can accommodate small rigid vehicles. Should access for heavy vehicles be required, these would need to reverse into the service area, then exit in a forward direction.

5.2 Conclusions

The proposed upgrading of Hills - The Flower Market at 287 Mona Vale Road, Terrey Hills, would have little impact on traffic conditions in the vicinity. An 80 metre deceleration

lane is recommended in Mona Vale Road for vehicles turning left into the site. Some minor alterations are recommended to the parking layout, which are detailed in Section 4.2 of this report.

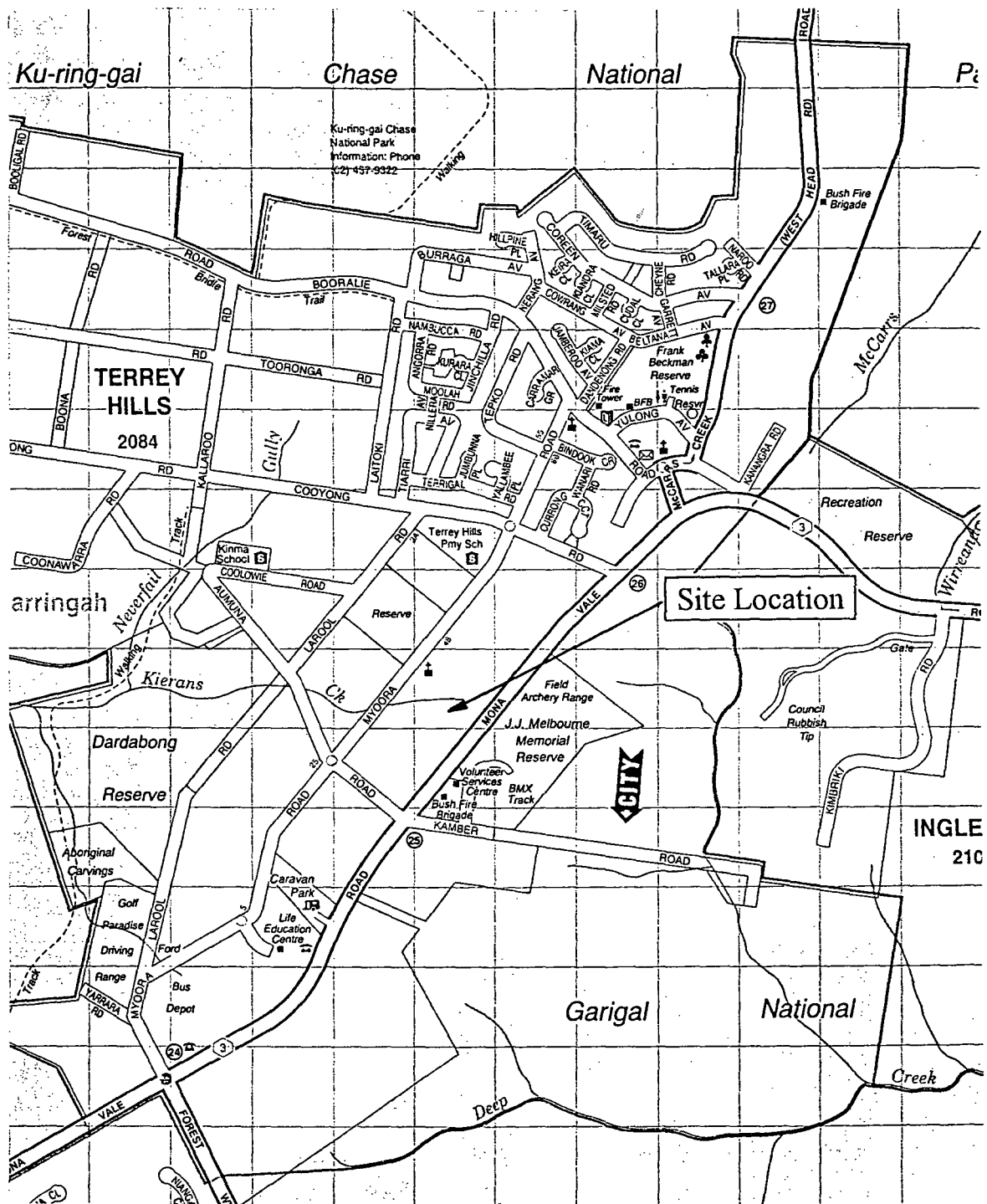


Figure 1
Site Location

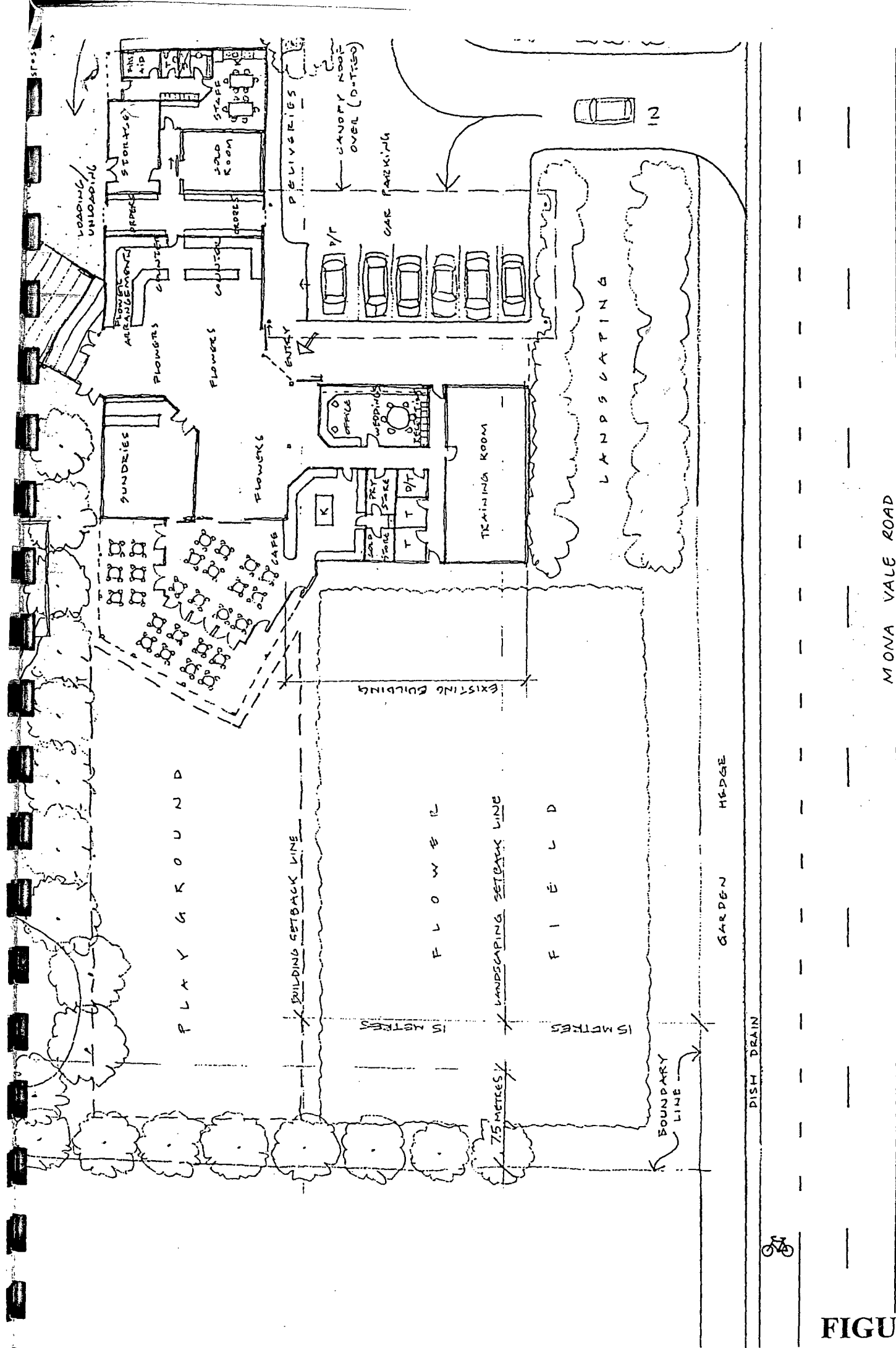


FIGURE 2

LEFT TURN DECELERATION LANE

Don Fox Planning

PTY LIMITED
A.C.N. 002 265 998

11 DARTFORD ROAD THORNLEIGH NSW 2120
PO BOX 230 PENNANT HILLS NSW 1715
DX 4721 PENNANT HILLS
EMAIL: donfoxpl@donfoxplanning.com.au
TELEPHONE: (02) 9980 6933 FAX: (02) 9980 6217

26 March, 1999
Our Ref: 2424.3/RP/lm

The General Manager
Warringah Council
DX 9118
DEE WHY

Attention: Mr Brett Dwyer - Local Approvals Service Unit

Dear Sir,

**Development Application and SEPP No. 1 Objection
for Alterations to Entry and Exit Driveways Carparking
and Landscaping for the Hills Flower Market
at Lot 1, DP 845094 No. 287 Mona Vale Road, Terrey Hills**

You are advised that Don Fox Planning Pty Ltd has been instructed by Hills Flower Market Pty Ltd to make a development application and an objection under State Environmental Planning Policy No. 1 to alter the entry and exit driveways and associated carparking and landscaping to the Hills Flower Market proposal at No. 287 Mona Vale Road, Terrey Hills.

The purpose of this letter is to provide Council with the necessary Statement of Environmental Effects for the proposed entry/exit driveways, etc for the subject property and a SEPP No. 1 objection to vary the development standard under Clause 55 of Warringah LEP 1985 which prohibits direct vehicular and pedestrian access to a main road.

The development application submission consists of the following:

- (a) Completed development application form with owner's consent;
- (b) Council's development application fee;
- (c) Four (4) copies of the site plan showing the entry and exit driveways and associated carparking and landscaping for the Hill Flower Market proposal; and
- (d) Statement of Environmental Effects and SEPP No. 1 objection, as set out in this letter.

Background

In May 1997, Hills Flower Market Pty Ltd lodged Development Application No. 1997/170 for alterations and additions to the existing flower shop, including refreshment room, child care centre and three glass houses with ancillary car parking at the subject property. This Development Application included a detailed Statement of Environmental Effects by Don Fox Planning Pty Ltd with Appendix A being a Traffic Report on the proposal by Masson & Wilson Pty Ltd, Traffic and Transport Consultants (see attached).

Council will note that the original Development Application plans for the Hills Flower Market proposal included the repositioning of the entry and exit driveways to the site from Mona Vale Road. This was based on recommendations in the Traffic Report of Masson & Wilson Pty Ltd which stated on page 9 as follows:

"The entry driveway from Mona Vale Road is proposed to be 6 metres wide, and the exit driveway 6 metres wide. The combined rear entry/exit driveway is proposed to be 5.5 metres wide. The proposed width and driveway separations comply with the requirements of the Australian Standard.

It is proposed that a deceleration lane be constructed in Mona Vale Road for vehicles entering the site. This is desirable to remove the slower turning traffic from the main traffic stream in Mona Vale Road, thus minimising disruption to the traffic flow. It is desirable that any treatment be consistent with treatments in the surrounding area. There are 80 metre deceleration lanes provided for vehicles turning left into Cooyong Road and Aumuna Road from Mona Vale Road. These lanes are provided within the sealed shoulder area, and are shared with the bicycle lane. These treatments are consistent with AUSTROADS guidelines for the treatment of exclusive bicycle lanes at minor intersections.

It is therefore recommended that an 80 metre deceleration lane be provided within the sealed shoulder on the approach to the site driveway. This would be shared with the bicycle lane. A concept sketch of this treatment is shown in Figure 2."

A meeting was held at Council's offices on 23 October 1997, attended by the writer, the applicant - Mr R Caristo, Council's Solicitor, Mr I Woodward and Council's Town Planners, Ms K Moore and Ms J Sneyd, in respect to the development application for the Hills Flower Market proposal which was under consideration by Council at that time. Council's Solicitor and Council's Town Planners indicated at that meeting that Council's legal opinion was that Clause 55 of Warringah LEP 1985 had the effect of prohibiting the repositioning of the existing entry and exit driveways to Mona Vale Road for the Hills Flower Market proposal. This was notwithstanding that the Traffic Report by Masson & Wilson Pty Ltd and the Statement of Environmental Effects by Don Fox Planning Pty Ltd, as well, we understand, the assessment by Council's own Traffic Engineer, Town Planners and by the Local Traffic Committee, all regarded the proposed new entry and exit driveway points to

Mona Vale with a deceleration lane as providing a much safer access arrangement on and off the site to Mona Vale Road.

Accordingly, by letter dated 30 October 1997, the Development Application was amended including a revised site plan Drawing No. 96025DA01 dated 27 October 1997 prepared by Design Technik Architects, which provided for the retention of the existing entry and exit driveways to the Hills Flower Market site from Mona Vale Road and associated car parking next to the Hills Flower Market shop as Stage 1 of the development proposal.

Council will note that this letter of 30 October 1997 and the revised site plan also indicated as a future Stage 2 to the development proposal the repositioning of the entry and exit driveways on the understanding that Council would amend Clause 55 of Warringah LEP 1985 to enable the more desirable and safer vehicle access points to the site from Mona Vale Road.

Council subsequently issued Development Consent No. 97/311 on 2 December 1997 for the Hills Flower Market proposal subject to a number of conditions. Council's letter of 1 December 1997 attaching Development Consent No. 97/311 also stated as follows:

- "1. Council is currently preparing a comprehensive review of Warringah Local Environmental Plan 1985 and is not accepting rezoning requests at this time. It is anticipated that a Draft Local Environmental Plan will be exhibited in early 1998. It is recommended that the need for a spot rezoning be re-evaluated by the applicant/owner of the site at that time."*

As Council is aware, Draft Warringah LEP 1998 was finally placed on public exhibition in late 1998, along with the Warringah Non-Urban Land Study prepared by PPK Environment and Infrastructure Pty Ltd on behalf of Council. By letter dated 16 December 1998, Don Fox Planning has made a submission to Council in respect to the Draft Warringah LEP 1998 and the Warringah Non-Urban Land Study requesting that the repositioned driveway access points to the Hills Flower Market site to Mona Vale Road be permitted as it will enable the provision of safer and more efficient vehicular access on and off the site.

On 4 December 1998, the Chief Judge of the Land & Environmental Court of New South Wales in Appeal No. 10108 of 1998 (Ausley Pty Ltd ats Warringah Council) handed down a ruling on a question of law as to whether a proposed development on the corner of Myoora Road and Mona Vale Road, Terrey Hills which provided for direct driveway access to Mona Vale Road is prohibited having regard to the provisions of Clause 55 of Warringah LEP 1985. The Chief Judge of the Land & Environment Court concluded as follows:

"In my opinion, Clause 55 is a provision which fixes a standard which must be observed in the carrying out of the proposed development. That standard requires a means of access which is not between the site and the main road or between the site and any part of any public road that is within 90 metres of the intersection of that road with a main road. It does prohibit the carrying out of the particular development which is proposed. It is a development standard, and is accordingly amenable to variation under State

Environmental Planning Policy No. 1. "

In the circumstances, it is clear that the recent decision of the Chief Judge in Appeal No. 10108 of 1998 has now confirmed that there is no legal impediment to a development application with a SEPP No. 1 objection being considered on its merits by Council to reposition the entry and exit driveways for the Hills Flower Market proposal, as intended in the original development application.

This letter sets out the merit case in support of the new driveway access arrangements for the Hills Flower Market proposal and includes as **Appendix A** the necessary SEPP No. 1 Objection to vary Clause 55 of Warringah LEP 1985.

Description of the Site and Locality

The real property description of the subject site is Lot 1, DP 845094, No. 287 Mona Vale Road, Terrey Hills. The subject site is located on the western side of Mona Vale Road between Aumuna and Cooyong Roads. The site is rectangular shaped with a frontage of 142.29 metres to Mona Vale Road and a depth of 140.54 metres. The subject property has an area of 2 hectares. The subject property also benefits from a right of carriageway to Myoora Road. **Illustration 1** depicts the location of the Hills Flower Market site.

Situated upon the land is the Hills Flower Market shop fronting Mona Vale Road, a dwelling house with garage and agricultural sheds. Vehicular access is available directly to Mona Vale Road via two separate vehicle crossings.

Construction work is presently underway with the new Hills Flower Market shop and associated facilities.

The Terrey Hills locality within the vicinity of the Hills Flower Market between Mona Vale Road and Myora Road comprises a mix of commercial land uses and rural/residential properties, eg. churches, clubs, fruit and vegetable markets, tavern, retail plant nurseries, bus depot, transport depot, golf driving range, etc. Many of these properties have direct access to Mona Vale Road.

Mona Vale Road is an arterial road and comprises four lanes separated by a wide, landscaped median strip.

The Development Proposal

The development application seeks the consent of Council to reposition the entry and exit driveways with associated off-street carparking and landscaping as shown on the attached development application site plan.

Council has already issued Development Consent No. 97/311 and building approval for major alterations and additions to the existing Hills Flower Market shop including a refreshment room, child care centre, three glass houses with ancillary parking, driveways and landscaped areas.

Normally, such a minor amendment to a development proposal which has already been issued with a development consent by Council would be dealt with as an application under Section 96(2) of the Environmental Planning and Assessment Act to modify the consent. However, in this instance, a development application is required for the repositioning of the entry/exit driveways, car parking, etc, due to the necessity for a SEPP No. 1 objection to vary Clause 55 of Warringah LEP 1985.

Zoning and Statutory Planning Controls

The subject land is currently zoned Non-Urban "D" (Urban Support) - 1(d) under Warringah Local Environmental Plan 1985. Council has previously acknowledged that the Hills Flower Market site enjoys lawful existing use rights. The development proposal is permissible with the consent of Council under Section 108 of the Environmental Planning and Assessment Act (as amended) and Clauses 39, 40 and 41 of the accompanying Regulation. Therefore, the repositioning of the entry/exit driveways, on-site car parking, and landscaping are all a part of the general upgrading of the Hills Flower Market proposal which is permissible with Council's consent under the existing use rights provisions of the EP & A Act and Regulation (as amended).

Clause 55 of Warringah LEP 1985 provides that a new means of direct vehicular or pedestrian access to a main road (i.e. Mona Vale Road) is not permitted for a proposed development including an existing use. Notwithstanding, Council may grant development consent to the proposed repositioned driveway access points to Mona Vale Road subject to a SEPP 1 objection to vary Clause 55 of Warringah LEP 1985 being approved by Council. In any event, it could be legally argued that the proposal is not creating a "new" means of access to Mona Vale Road but rather the adjustment of existing entry and exit points to the main road.

The Hills Flower Market site is situated within the A4 Myoora Road locality under the Draft Warringah LEP 1998 which has recently been on public exhibition. The draft locality statement indicates that access to Mona Vale Road for any purpose other than housing or home businesses is prohibited.

Notwithstanding, the recently exhibited PPK Warringah Non-Urban Land Study acknowledges that in the A4 Myoora Road locality:

"There are currently more than 17 driveways to businesses which have direct access from Mona Vale Road. Very few properties have a significant landscaped buffer along Mona Vale Road and many have signs. There are currently no properties along Mona Vale Road in this locality which comply with the proposed character as identified in the Draft LEP (1998).

The following changes to the Locality Statement in the Draft LEP are recommended:

1. *Desired Future Character*

The desired future character statement needs to be reworded such that:

- * *Existing vehicular access to Mona Vale Road shall be maintained.*

7. *Access to Mona Vale Road*

The issue of transport constraints in the Myoora Road locality is significant. Current problems are centred around safety issues associated with business access to Mona Vale Road and increased business traffic on Myoora Road. It is recommended that a traffic study examine options for provision of safe access to Mona Vale Road for business (through) development of an access road."

We generally concur with the opinions expressed in the PPK Warringah Non-Urban Land Study report which recognises the reality of the situation that many of the existing commercial properties including the Hills Flower Market already have direct vehicular and pedestrian access to Mona Vale Road and these access driveways are likely to remain. Indeed, Council has already issued development consent for the upgrading of the Hills Flower Market with direct access to Mona Vale Road via the two (2) existing driveways.

It is far better that Council encourage the upgrading of the driveway access points to these commercial properties fronting Mona Vale Road to provide safer and more efficient traffic movement on and off the sites to the main road. This is exactly what is being proposed in the current development application to reposition the entry and exit driveway points including a deceleration lane for the Hills Flower Market proposal.

Development Control Plan No. 20 - Terrey Hills and Duffys Forest - Non-Urban Areas, applies to the subject property. DCP No. 20 has little relevance to the subject application other than it notes the provisions of Clause 55 of Warringah LEP 1985.

Development Control Plan No. 2 - Car Parking, applies to the Hills Flower Market proposal. The parking area to the north of the flower shop is proposed to be extended with an additional 14 parking spaces as shown on the development application plan as "Stage 2 Parking". Each of the additional car parking spaces complies with the minimum dimension requirements for short stay parking (ie. 5.4 metres by 2.7 metres clear of any obstructions). All driveways are a minimum 6 metres wide.

Environmental Assessment of the Proposal

This section of the Statement provides an environmental assessment of the development proposal having regard to the relevant matters for consideration of the development application under Section 79C(1) of the EP&A Act 1979 (as amended).

(a) *The provisions of any current and draft environmental planning instrument and development control plan*

This matter has been addressed earlier in this Statement. The development proposal is permissible with the development consent of Council as alterations and additions to a lawful existing use, being the Hills Flower Market shop. The application is also subject to Council approving the SEPP No. 1 objection to enable the repositioned driveway entry and

exit points directly onto Mona Vale Road which requires varying the development standard under Clause 55 of Warringah LEP 1985 (see **Appendix A**).

The development proposal generally complies with the objectives and development standards under DCP No. 2 - Car Parking and DCP No. 20 - Terrey Hills and Duffys Forest - Non Urban Areas.

(b) The likely impacts of that development

The repositioning of the driveways as well as the minor additions and alterations to the car parking area and front landscaped setback area to Mona Vale Road will have minimal, if any, impact on the visual context and streetscape setting of the Hills Flower Market site.

Overall, the minor alterations and additions to the Hills Flower Market proposal to reposition the entry and exit driveways with car parking and landscaped setback areas will improve accessibility and safety for motorists travelling along Mona Vale Road and customers' vehicles entering and leaving the Hills Flower Market site. It is important to note that the existing Hills Flower Market already has Council-approved entry and exit driveways to Mona Vale Road and has done so for many years with existing use rights.

The repositioning of the driveway entry and exit points to the Hills Flower Market proposal is in the public interest in terms of improved safety and efficiency of traffic flows along Mona Vale Road.

All public utility services (other than reticulated sewer services) are presently available to the Hills Flower Market site.

The proposal will not impact on any threatened species or critical habitats of native flora and fauna.

The proposal will not be affected by any natural or technological hazards.

The proposal will not have any adverse social or economic impacts in the locality.

The development proposal has been sited and designed to balance the environmental conditions of the site and specifically to have regard to good traffic planning and management principles.

(c) The suitability of the site for the development

Council has already issued a development consent to the Hills Flower Market proposal and it is presently under construction. The subject application is only for minor alterations and additions to the Hills Flower Market proposal to upgrade the driveway access points to the site.

- (d) Any submissions made in accordance with this Act or the Regulations; and***
(e) The public interest

The proposal will not have any adverse amenity impacts to residents of neighbouring properties nor generally to properties in the Terrey Hills locality. Indeed, the public will benefit from improved vehicular access on and off the Hills Flower Market site and travelling along Mona Vale Road.

Conclusion

For the reasons outlined in this Statement of Environmental Effects, Council is requested to grant development consent to the development application for minor alterations and additions to the Hills Flower Market, involving repositioning the entry and exit driveways and associated adjustments to the car parking and landscaping areas at No. 287 Mona Vale Road, Terrey Hills.

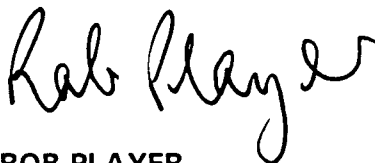
Council is also requested to approve the SEPP No. 1 objection by varying the denial of direct access onto Mona Vale Road for the Hills Flower Market proposal under Clause 55 of Warringah LEP 1985 to facilitate the improved entry and exit driveways to the subject site.

Finally, it is imperative that Council issue the approval to the new entry/exit driveways and associated car parking and landscaped areas at this time as our client is well advanced in the construction of the new Hills Flower Market shop and associated facilities and, accordingly, wishes to minimise unnecessary construction costs, delays and site disturbance.

We thank Council in anticipation of its prompt assessment of the subject application. Please do not hesitate to contact our Managing Director, Mr Rob Player on telephone number 9980 6933 should Council require any further information on this matter.

Yours faithfully

DON FOX PLANNING PTY LIMITED



ROB PLAYER
MANAGING DIRECTOR

Email: rplayer@donfoxplanning.com.au

E:\WPDOCS\LETTERS\ROB\2424.3

APPENDIX A

OBJECTION UNDER STATE ENVIRONMENTAL PLANNING POLICY NO. 1

There are generally considered to be three main criteria which must be satisfied before a consent pursuant to SEPP 1 may be granted by Council, being:

1. That the requirement is a development standard;
2. That the objection under SEPP 1 lodged by the applicant establishes that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case; and
3. That granting of consent to the SEPP 1 objection is consistent with the aims of the Policy as set out in Clause 3.

The following comments are made in respect to these three criteria:

- The recent decision of the Chief Judge in Appeal No. 10108 of 1998 (Ausley Pty Ltd -ats- Warringah Council) in the Land & Environment Court of NSW establishes that the denial of direct main road access to a development proposal (including for a lawful existing use) under Clause 55 of Warringah LEP 1985 is a development standard and is accordingly amenable to variation under SEPP No. 1.
- Criteria 2 and 3 referred to above will be discussed in the following sections of this SEPP No. 1 Objection and it will be demonstrated that the development standard under Clause 55 of Warringah LEP 1985 is unreasonable and unnecessary in the circumstances of this specific case for the Hills Flower Market proposal at No. 287 Mona Vale Road, Terrey Hills.

Name of applicant:	Hills Flower Market Pty Ltd
Property description:	Lot 1, DP 845094, No. 287 Mona Vale Road, Terrey Hills.
Proposed development:	Alterations and additions to the Hills Flower Market comprising the repositioning of the entry/exit driveways and associated car parking and landscaped areas at the subject site.
Development standard objected to:	<p>Clause 55 of Warringah LEP 1985, gazetted on 11 October 1985 (as amended)</p> <p>The development standard embodied in this clause prohibits direct vehicular and pedestrian access to the subject site from Mona Vale Road, being an arterial or main road.</p>

Proposed variation to development standard:

The development standard to be varied is to permit the repositioning of the entry and exit driveway access points to the Hills Flower Market site from Mona Vale Road in place of the existing Council approved entry and exit driveways.

Purpose of the development standard:

Clause 55 of Warringah LEP 1985 does not provide an objective for the denial of direct access to Mona Vale Road for a development proposal. Notwithstanding, it is acknowledged that the intent of the development standard is:

- to minimise disruption to traffic flows along Mona Vale Road being a main or arterial road in Warringah Shire; and
- to minimise the risk of traffic or pedestrian accidents along Mona Vale Road.

The Hills Flower Market site already has existing entry and exit driveways to Mona Vale Road. Furthermore, Council has already issued Development Consent No. 97/311 on 2 December 1997 involving major alterations and additions to the Hills Flower Market which includes retention of the existing entry and exit driveways to Mona Vale Road. Given these special circumstances applying to the subject site, the underlying objective of the development standard under Clause 55 of Warringah LEP 1985 is being satisfied in that the proposed repositioning of the entry and exit driveways to the Hills Flower Market from Mona Vale Road will improve traffic movement efficiency and safety.

Compliance with Zone Objective:

The specific objective of the Non-urban 1(d) zone under Warringah LEP 1985 "is to provide for a range of urban support activities which serve the needs of the local and regional communities".

The Hills Flower Market is a lawful existing use within the Non-urban 1(d) zone. The proposed development satisfies the objective of the zone by the growing and selling of flowers to the local community, businesses and for special occasions such as weddings etc, which is an urban support activity.

The Hills Flower Market is compatible with the surrounding mixed commercial and rural/residential land uses and it visually complements the semi-rural character and streetscape of the Terrey Hills locality.

Compliance with Objects of the Environmental Planning & Assessment Act:

The subject application to reposition the entry/exit driveways and adjust the car parking and landscaping areas for the Hills Flower Market proposal is consistent with the objects of the EP&A Act including specifically:

- (i) Proper management of facilities;
- (ii) Orderly and economic use and development of land;

(xi) Protection of the environment.

Reasons for Variation:

As previously stated, the repositioning of the entry/exit driveways to the Hills Flower Market proposal is consistent with good traffic management and planning practice by improving traffic movement efficiency and reducing the risk of accidents along Mona Vale Road.

The repositioning of the entry/exit driveways for the Hills Flower Market proposal were part of the original development application in accordance with the recommendations contained in the traffic report of Masson & Wilson Pty Ltd, Traffic Consultants. It was only because of the then legal advice from Council's solicitors and Council's town planners that a SEPP No. 1 objection could not be approved by Council to vary the requirement of Clause 55 of Warringah LEP 1985 that the original Hills Flower Market proposal was amended by the applicant to reinstate the existing entry/exit driveways. This legal impediment has now been removed with the recent decision of the Chief Judge of the Land & Environment Court in Appeal No. 10108 of 1998.

Council's approval of this SEPP No. 1 objection to enable the repositioning of the entry/exit driveways to the Hills Flower Market proposal from Mona Vale Road will create a positive rather than negative precedent. Firstly, Council has already granted development consent in late 1997 to major upgrading of the Hills Flower Market with retention of the existing entry/exit driveways. Secondly, the Hills Flower Market site has for many years had direct main road access to Mona Vale Road. Thirdly, the subject application only seeks to further improve the vehicular access to the Hills Flower Market site from Mona Vale Road.

In the circumstances, compliance with this development standard under Clause 55 of Warringah LEP 1985 would be unreasonable and unnecessary in the circumstances of this case involving further improvement to the driveway access to the Hills Flower Market proposal from Mona Vale Road. The proposal satisfies the underlying objectives of the development standard, the objective of the Non-urban 1 (d) zone and is consistent with the objects of the EP&A Act.

Accordingly, Council is requested to approve this SEPP No. 1 objection and vary the development standard under Clause 55 of Warringah LEP 1985, thereby permitting the entry/exit driveways and associated car parking and landscaped areas for the Hills Flower Market proposal at No. 287 Mona Vale Road, Terrey Hills.

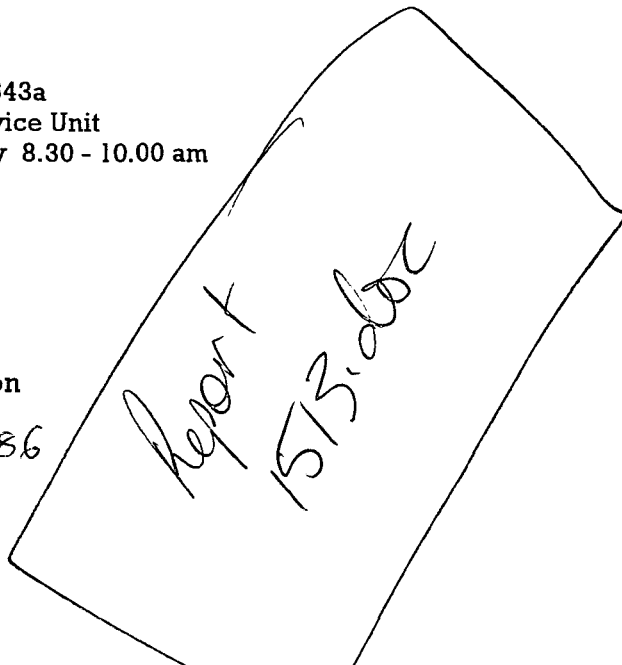


Warringah Council

PF 3297/87-C KH.kc da1643/1643a
Ms K Healy, Local Approvals Service Unit
Ph: 9942 2584; Monday to Friday 8.30 - 10.00 am

1 April, 1999

F C Sik
C/-Kuan Yin Temple Foundation
601 Warringah Road
FRENCHS FOREST NSW 2086



Dear Sir/Madam

Re: Development Application No. 1643 for Alterations and Additions to Hills Flower Market Shop Comprising Repositioned Entry and Exit Driveways and Associated Carparking and Landscaped Areas

Council has received a development application in respect of the above land. It is Council's policy to seek the view of nearby residents on this type of proposal, before making a decision whether to grant development consent or not.

Please find attached a reduced copy of the site plan and elevations for your information. If the plan is unclear or if you require additional information, you are invited to inspect the original plans at Level 3, Customer Service Centre, Civic Centre, Dee Why, during the hours of 8.30am to 5.00pm, Monday to Friday, excluding public holidays.

If you wish to use this opportunity to express your opinion, please write to us, clearly identifying the subject property and its application number, and include your name, address and telephone number. Your submission should be returned to this office by 16 April 1999. It should be noted that written submissions cannot remain confidential. Both the substance of the submission and the identity of the authors will generally be disclosed to any person requesting information, in line with current Freedom of Information guidelines.

Please note that submissions received are recorded and fully considered without further acknowledgment. Amendments to the current application will be brought to your attention only if they are considered by Council to result in a greater environmental impact.

Yours faithfully,

K HEALY
Acting Senior Development Officer

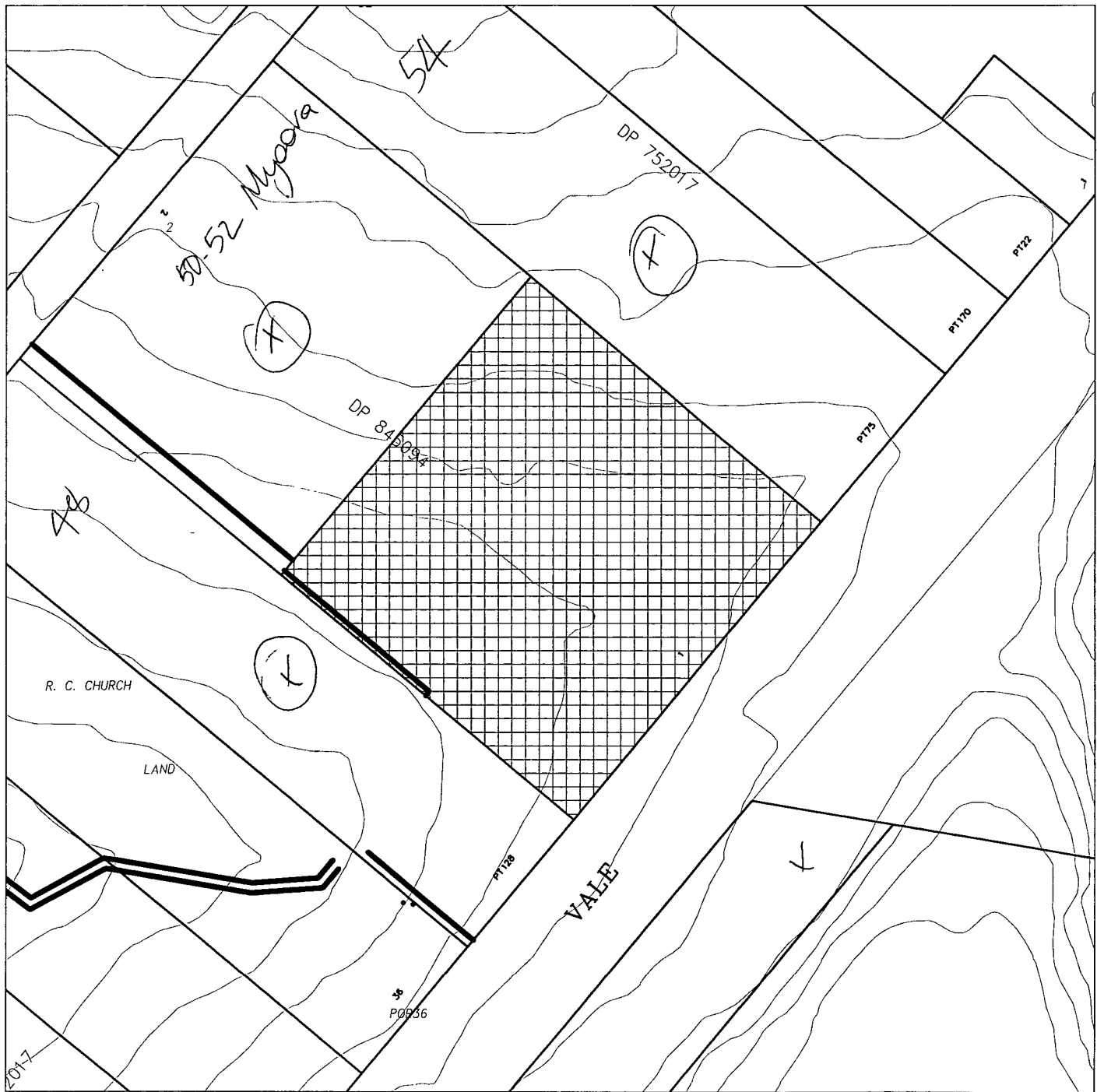
Enclosure

Assess	Address1	Address2	Address3	Owner1	Owner2
082246	C/-Kuan Yin Temple Foundation 50-52 Myoora Rd	601 Warringah Road	FRENCHS FOREST NSW 2	F C Sik	
046555	48 Myoora Road	TERREY HILLS NSW 2084		K R Gehl	
046549	285 Mona Vale Road 54 Myoora	TERREY HILLS NSW 2084		F Pollifrone	F Pollifrone

✓

✓

✓





Warringah Council

PF 3297/87-C

Ms K Healy, Local Approvals Service Unit

Ph: 9942 2584; Monday to Friday 8.30 - 10.00 am

1 April 1999

Hills Flower Market Pty Ltd
287 Mona Vale Road
TERREY HILLS 2084

Dear Sir/Madam

*Re: Development Application No. 1643 DA for Alterations and Additions
to Hills Flower Market Shop at No. 287 Mona Vale Road, Terrey Hills*

Receipt of the above application on 30 March 1999 is acknowledged.

I am pleased to advise that Karla Healy is the Officer who has been assigned to assess your development application.

Following a more detailed assessment of the application, additional information may be required to be submitted.

Yours faithfully

B. DWYER

Acting Town Planning Co-ordinator

DATE 30/ 3/99

WARRINGAH COUNCIL

PAGE 1 OF 1

ASSESSMENT NO 084714 PROPERTY:287 MONA VALE ROAD
ADDRESS:TERREY HILLS NSW 2084

PROPERTY :LOT 1 DP 845094 (BEING PART LOT 1)
DESCRIPTION:

AREA: 1.2 H

-----OWNER NAME(S)----- VALUATION NO. 27723/21
HILLS - THE FLOWER MARKET PTY LTD
1991 VALUE:
1994 VALUE: 450,000
1997 VALUE: 588,000
ANNUAL VALUE:
VLA ALLOWANCE:
RATING FACTOR:
S585 P/MENT:

-----POSTAL ADDRESS-----

SAME AS PROPERTY ADDRESS

STATUS FLAGS: Z
GARBAGE ZONE: 07 BINS: 0
WASTE TYPE: BV
TOWN PLANNING ZONE: 94
UNIT ENTITLEMENT:
MASTER ENTITLEMENT:

--TRANSFER DETAILS--

DATE:
AMOUNT:
NO.

Application Coversheet

Check Correct Fee	Fee Paid	Fee Req'd
Advertising Fee Req'd	Yes/No	Paid
Owners Consent	Yes/No	

Matters for Inclusion in Acknowledgement Letter:..... ✓

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Allocation Checklist

1. Referrals Required: BCA Dev Eng 1/4/99 Planning
Other: Traffic Eng ✓

2. Notification Required

YES/NO ✓

3. Statutory Advertising Required

YES/NO

4. Non-statutory Advertising Required

YES/NO

5. Concurrence/ Integrated Development?

YES/NO

Env. ✓

Assessment Checklist

Called to Council YES/NO BY.....

Assessment Comments

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.....

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Don Fox Planning

PTY LIMITED
A.C.N. 002 263 998

11 DARTFORD ROAD THORNLEIGH NSW 2120
PO BOX 230 PENNANT HILLS NSW 1715
DX 4721 PENNANT HILLS
EMAIL: donfoxpl@donfoxplanning.com.au
TELEPHONE: (02) 9980 6933 FAX: (02) 9980 6217

26 March, 1999
Our Ref: 2424.3/RP/lm

The General Manager
Warringah Council
DX 9118
DEE WHY

Attention: Mr Brett Dwyer - Local Approvals Service Unit

Dear Sir,

**Development Application and SEPP No. 1 Objection
for Alterations to Entry and Exit Driveways Carparking
and Landscaping for the Hills Flower Market
at Lot 1, DP 845094 No. 287 Mona Vale Road, Terrey Hills**

You are advised that Don Fox Planning Pty Ltd has been instructed by Hills Flower Market Pty Ltd to make a development application and an objection under State Environmental Planning Policy No. 1 to alter the entry and exit driveways and associated carparking and landscaping to the Hills Flower Market proposal at No. 287 Mona Vale Road, Terrey Hills.

The purpose of this letter is to provide Council with the necessary Statement of Environmental Effects for the proposed entry/exit driveways, etc for the subject property and a SEPP No. 1 objection to vary the development standard under Clause 55 of Warringah LEP 1985 which prohibits direct vehicular and pedestrian access to a main road.

The development application submission consists of the following:

- (a) Completed development application form with owner's consent;
- (b) Council's development application fee;
- (c) Four (4) copies of the site plan showing the entry and exit driveways and associated carparking and landscaping for the Hill Flower Market proposal; and
- (d) Statement of Environmental Effects and SEPP No. 1 objection, as set out in this letter.

378
595
301

Background

In May 1997, Hills Flower Market Pty Ltd lodged Development Application No. 1997/170 for alterations and additions to the existing flower shop, including refreshment room, child care centre and three glass houses with ancillary car parking at the subject property. This Development Application included a detailed Statement of Environmental Effects by Don Fox Planning Pty Ltd with Appendix A being a Traffic Report on the proposal by Masson & Wilson Pty Ltd, Traffic and Transport Consultants (see attached).

Council will note that the original Development Application plans for the Hills Flower Market proposal included the repositioning of the entry and exit driveways to the site from Mona Vale Road. This was based on recommendations in the Traffic Report of Masson & Wilson Pty Ltd which stated on page 9 as follows:

"The entry driveway from Mona Vale Road is proposed to be 6 metres wide, and the exit driveway 6 metres wide. The combined rear entry/exit driveway is proposed to be 5.5 metres wide. The proposed width and driveway separations comply with the requirements of the Australian Standard.

It is proposed that a deceleration lane be constructed in Mona Vale Road for vehicles entering the site. This is desirable to remove the slower turning traffic from the main traffic stream in Mona Vale Road, thus minimising disruption to the traffic flow. It is desirable that any treatment be consistent with treatments in the surrounding area. There are 80 metre deceleration lanes provided for vehicles turning left into Cooyong Road and Aumuna Road from Mona Vale Road. These lanes are provided within the sealed shoulder area, and are shared with the bicycle lane. These treatments are consistent with AUSTROADS guidelines for the treatment of exclusive bicycle lanes at minor intersections.

It is therefore recommended that an 80 metre deceleration lane be provided within the sealed shoulder on the approach to the site driveway. This would be shared with the bicycle lane. A concept sketch of this treatment is shown in Figure 2."

A meeting was held at Council's offices on 23 October 1997, attended by the writer, the applicant - Mr R Caristo, Council's Solicitor, Mr I Woodward and Council's Town Planners, Ms K Moore and Ms J Sneyd, in respect to the development application for the Hills Flower Market proposal which was under consideration by Council at that time. Council's Solicitor and Council's Town Planners indicated at that meeting that Council's legal opinion was that Clause 55 of Warringah LEP 1985 had the effect of prohibiting the repositioning of the existing entry and exit driveways to Mona Vale Road for the Hills Flower Market proposal. This was notwithstanding that the Traffic Report by Masson & Wilson Pty Ltd and the Statement of Environmental Effects by Don Fox Planning Pty Ltd, as well, we understand, the assessment by Council's own Traffic Engineer, Town Planners and by the Local Traffic Committee, all regarded the proposed new entry and exit driveway points to

Mona Vale with a deceleration lane as providing a much safer access arrangement on and off the site to Mona Vale Road.

Accordingly, by letter dated 30 October 1997, the Development Application was amended including a revised site plan Drawing No. 96025DA01 dated 27 October 1997 prepared by Design Technik Architects, which provided for the retention of the existing entry and exit driveways to the Hills Flower Market site from Mona Vale Road and associated car parking next to the Hills Flower Market shop as Stage 1 of the development proposal.

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Council subsequently issued Development Consent No. 97/311 on 2 December 1997 for the Hills Flower Market proposal subject to a number of conditions. Council's letter of 1 December 1997 attaching Development Consent No. 97/311 also stated as follows:

- "1. Council is currently preparing a comprehensive review of Warringah Local Environmental Plan 1985 and is not accepting rezoning requests at this time. It is anticipated that a Draft Local Environmental Plan will be exhibited in early 1998. It is recommended that the need for a spot rezoning be re-evaluated by the applicant/owner of the site at that time."

As Council is aware, Draft Warringah LEP 1998 was finally placed on public exhibition in late 1998, along with the Warringah Non-Urban Land Study prepared by PPK Environment and Infrastructure Pty Ltd on behalf of Council. By letter dated 16 December 1998, Don Fox Planning has made a submission to Council in respect to the Draft Warringah LEP 1998 and the Warringah Non-Urban Land Study requesting that the repositioned driveway access points to the Hills Flower Market site to Mona Vale Road be permitted as it will enable the provision of safer and more efficient vehicular access on and off the site.

On 4 December 1998, the Chief Judge of the Land & Environmental Court of New South Wales in Appeal No. 10108 of 1998 (Ausley Pty Ltd ats Warringah Council) handed down a ruling on a question of law as to whether a proposed development on the corner of Myoora Road and Mona Vale Road, Terrey Hills which provided for direct driveway access to Mona Vale Road is prohibited having regard to the provisions of Clause 55 of Warringah LEP 1985. The Chief Judge of the Land & Environment Court concluded as follows:

"In my opinion, Clause 55 is a provision which fixes a standard which must be observed in the carrying out of the proposed development. That standard requires a means of access which is not between the site and the main road or between the site and any part of any public road that is within 90 metres of the intersection of that road with a main road. It does prohibit the carrying out of the particular development which is proposed. It is a development standard, and is accordingly amenable to variation under State

Environmental Planning Policy No. 1."

In the circumstances, it is clear that the recent decision of the Chief Judge in Appeal No. 10108 of 1998 has now confirmed that there is no legal impediment to a development application with a SEPP No. 1 objection being considered on its merits by Council to reposition the entry and exit driveways for the Hills Flower Market proposal, as intended in the original development application.

This letter sets out the merit case in support of the new driveway access arrangements for the Hills Flower Market proposal and includes as **Appendix A** the necessary SEPP No. 1 Objection to vary Clause 55 of Warringah LEP 1985.

Description of the Site and Locality

The real property description of the subject site is Lot 1, DP 845094, No. 287 Mona Vale Road, Terrey Hills. The subject site is located on the western side of Mona Vale Road between Aumuna and Cooyong Roads. The site is rectangular shaped with a frontage of 142.29 metres to Mona Vale Road and a depth of 140.54 metres. The subject property has an area of 2 hectares. The subject property also benefits from a right of carriageway to Myoora Road. **Illustration 1** depicts the location of the Hills Flower Market site.

Situated upon the land is the Hills Flower Market shop fronting Mona Vale Road, a dwelling house with garage and agricultural sheds. Vehicular access is available directly to Mona Vale Road via two separate vehicle crossings.

Construction work is presently underway with the new Hills Flower Market shop and associated facilities.

The Terrey Hills locality within the vicinity of the Hills Flower Market between Mona Vale Road and Myora Road comprises a mix of commercial land uses and rural/residential properties, eg. churches, clubs, fruit and vegetable markets, tavern, retail plant nurseries, bus depot, transport depot, golf driving range, etc. Many of these properties have direct access to Mona Vale Road.

Mona Vale Road is an arterial road and comprises four lanes separated by a wide, landscaped median strip.

The Development Proposal

The development application seeks the consent of Council to reposition the entry and exit driveways with associated off-street carparking and landscaping as shown on the attached development application site plan.

Council has already issued Development Consent No. 97/311 and building approval for major alterations and additions to the existing Hills Flower Market shop including a refreshment room, child care centre, three glass houses with ancillary parking, driveways and landscaped areas.

Normally, such a minor amendment to a development proposal which has already been issued with a development consent by Council would be dealt with as an application under Section 96(2) of the Environmental Planning and Assessment Act to modify the consent. However, in this instance, a development application is required for the repositioning of the entry/exit driveways, car parking, etc, due to the necessity for a SEPP No. 1 objection to vary Clause 55 of Warringah LEP 1985.

Zoning and Statutory Planning Controls

The subject land is currently zoned Non-Urban "D" (Urban Support) - 1(d) under Warringah Local Environmental Plan 1985. Council has previously acknowledged that the Hills Flower Market site enjoys lawful existing use rights. The development proposal is permissible with the consent of Council under Section 108 of the Environmental Planning and Assessment Act (as amended) and Clauses 39, 40 and 41 of the accompanying Regulation. Therefore, the repositioning of the entry/exit driveways, on-site car parking, and landscaping are all a part of the general upgrading of the Hills Flower Market proposal which is permissible with Council's consent under the existing use rights provisions of the EP & A Act and Regulation (as amended).

Clause 55 of Warringah LEP 1985 provides that a new means of direct vehicular or pedestrian access to a main road (i.e. Mona Vale Road) is not permitted for a proposed development including an existing use. Notwithstanding, Council may grant development consent to the proposed repositioned driveway access points to Mona Vale Road subject to a SEPP 1 objection to vary Clause 55 of Warringah LEP 1985 being approved by Council. In any event, it could be legally argued that the proposal is not creating a "new" means of access to Mona Vale Road but rather the adjustment of existing entry and exit points to the main road.

The Hills Flower Market site is situated within the A4 Myoora Road locality under the Draft Warringah LEP 1998 which has recently been on public exhibition. The draft locality statement indicates that access to Mona Vale Road for any purpose other than housing or home businesses is prohibited.

Notwithstanding, the recently exhibited PPK Warringah Non-Urban Land Study acknowledges that in the A4 Myora Road locality:

"There are currently more than 17 driveways to businesses which have direct access from Mona Vale Road. Very few properties have a significant landscaped buffer along Mona Vale Road and many have signs. There are currently no properties along Mona Vale Road in this locality which comply with the proposed character as identified in the Draft LEP (1998).

The following changes to the Locality Statement in the Draft LEP are recommended:

1. Desired Future Character

The desired future character statement needs to be reworded such that:

- * *Existing vehicular access to Mona Vale Road shall be maintained.*

7. *Access to Mona Vale Road*

The issue of transport constraints in the Myoora Road locality is significant. Current problems are centred around safety issues associated with business access to Mona Vale Road and increased business traffic on Myoora Road. It is recommended that a traffic study examine options for provision of safe access to Mona Vale Road for business (through) development of an access road."

We generally concur with the opinions expressed in the PPK Warringah Non-Urban Land Study report which recognises the reality of the situation that many of the existing commercial properties including the Hills Flower Market already have direct vehicular and pedestrian access to Mona Vale Road and these access driveways are likely to remain. Indeed, Council has already issued development consent for the upgrading of the Hills Flower Market with direct access to Mona Vale Road via the two (2) existing driveways.

It is far better that Council encourage the upgrading of the driveway access points to these commercial properties fronting Mona Vale Road to provide safer and more efficient traffic movement on and off the sites to the main road. This is exactly what is being proposed in the current development application to reposition the entry and exit driveway points including a deceleration lane for the Hills Flower Market proposal.

Development Control Plan No. 20 - Terrey Hills and Duffys Forest - Non-Urban Areas, applies to the subject property. DCP No. 20 has little relevance to the subject application other than it notes the provisions of Clause 55 of Warringah LEP 1985.

Development Control Plan No. 2 - Car Parking, applies to the Hills Flower Market proposal. The parking area to the north of the flower shop is proposed to be extended with an additional 14 parking spaces as shown on the development application plan as "Stage 2 Parking". Each of the additional car parking spaces complies with the minimum dimension requirements for short stay parking (ie. 5.4 metres by 2.7 metres clear of any obstructions). All driveways are a minimum 6 metres wide.

Environmental Assessment of the Proposal

This section of the Statement provides an environmental assessment of the development proposal having regard to the relevant matters for consideration of the development application under Section 79C(1) of the EP&A Act 1979 (as amended).

(a) *The provisions of any current and draft environmental planning instrument and development control plan*

This matter has been addressed earlier in this Statement. The development proposal is permissible with the development consent of Council as alterations and additions to a lawful existing use, being the Hills Flower Market shop. The application is also subject to Council approving the SEPP No. 1 objection to enable the repositioned driveway entry and

exit points directly onto Mona Vale Road which requires varying the development standard under Clause 55 of Warringah LEP 1985 (see **Appendix A**).

The development proposal generally complies with the objectives and development standards under DCP No. 2 - Car Parking and DCP No. 20 - Terrey Hills and Duffys Forest - Non Urban Areas.

(b) The likely impacts of that development

The repositioning of the driveways as well as the minor additions and alterations to the car parking area and front landscaped setback area to Mona Vale Road will have minimal, if any, impact on the visual context and streetscape setting of the Hills Flower Market site.

Overall, the minor alterations and additions to the Hills Flower Market proposal to reposition the entry and exit driveways with car parking and landscaped setback areas will improve accessibility and safety for motorists travelling along Mona Vale Road and customers' vehicles entering and leaving the Hills Flower Market site. It is important to note that the existing Hills Flower Market already has Council-approved entry and exit driveways to Mona Vale Road and has done so for many years with existing use rights.

The repositioning of the driveway entry and exit points to the Hills Flower Market proposal is in the public interest in terms of improved safety and efficiency of traffic flows along Mona Vale Road.

All public utility services (other than reticulated sewer services) are presently available to the Hills Flower Market site.

The proposal will not impact on any threatened species or critical habitats of native flora and fauna.

The proposal will not be affected by any natural or technological hazards.

The proposal will not have any adverse social or economic impacts in the locality.

The development proposal has been sited and designed to balance the environmental conditions of the site and specifically to have regard to good traffic planning and management principles.

(c) The suitability of the site for the development

Council has already issued a development consent to the Hills Flower Market proposal and it is presently under construction. The subject application is only for minor alterations and additions to the Hills Flower Market proposal to upgrade the driveway access points to the site.

(d) Any submissions made in accordance with this Act or the Regulations; and

(e) The public interest

The proposal will not have any adverse amenity impacts to residents of neighbouring properties nor generally to properties in the Terrey Hills locality. Indeed, the public will benefit from improved vehicular access on and off the Hills Flower Market site and travelling along Mona Vale Road.

Conclusion

For the reasons outlined in this Statement of Environmental Effects, Council is requested to grant development consent to the development application for minor alterations and additions to the Hills Flower Market, involving repositioning the entry and exit driveways and associated adjustments to the car parking and landscaping areas at No. 287 Mona Vale Road, Terrey Hills.

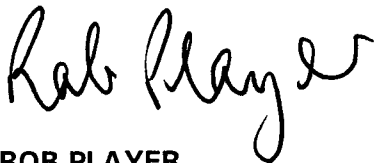
Council is also requested to approve the SEPP No. 1 objection by varying the denial of direct access onto Mona Vale Road for the Hills Flower Market proposal under Clause 55 of Warringah LEP 1985 to facilitate the improved entry and exit driveways to the subject site.

Finally, it is imperative that Council issue the approval to the new entry/exit driveways and associated car parking and landscaped areas at this time as our client is well advanced in the construction of the new Hills Flower Market shop and associated facilities and, accordingly, wishes to minimise unnecessary construction costs, delays and site disturbance.

We thank Council in anticipation of its prompt assessment of the subject application. Please do not hesitate to contact our Managing Director, Mr Rob Player on telephone number 9980 6933 should Council require any further information on this matter.

Yours faithfully

DON FOX PLANNING PTY LIMITED



ROB PLAYER
MANAGING DIRECTOR

Email: rplayer@donfoxplanning.com.au

E:\WPDOCS\LETTERS\ROB\2424.3

APPENDIX A

OBJECTION UNDER STATE ENVIRONMENTAL PLANNING POLICY NO. 1

There are generally considered to be three main criteria which must be satisfied before a consent pursuant to SEPP 1 may be granted by Council, being:

1. That the requirement is a development standard;
2. That the objection under SEPP 1 lodged by the applicant establishes that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case; and
3. That granting of consent to the SEPP 1 objection is consistent with the aims of the Policy as set out in Clause 3.

The following comments are made in respect to these three criteria:

- The recent decision of the Chief Judge in Appeal No. 10108 of 1998 (Ausley Pty Ltd -ats- Warringah Council) in the Land & Environment Court of NSW establishes that the denial of direct main road access to a development proposal (including for a lawful existing use) under Clause 55 of Warringah LEP 1985 is a development standard and is accordingly amenable to variation under SEPP No. 1.
- Criteria 2 and 3 referred to above will be discussed in the following sections of this SEPP No. 1 Objection and it will be demonstrated that the development standard under Clause 55 of Warringah LEP 1985 is unreasonable and unnecessary in the circumstances of this specific case for the Hills Flower Market proposal at No. 287 Mona Vale Road, Terrey Hills.

Name of applicant:	Hills Flower Market Pty Ltd
Property description:	Lot 1, DP 845094, No. 287 Mona Vale Road, Terrey Hills.
Proposed development:	Alterations and additions to the Hills Flower Market comprising the repositioning of the entry/exit driveways and associated car parking and landscaped areas at the subject site.
Development standard objected to:	<p>Clause 55 of Warringah LEP 1985, gazetted on 11 October 1985 (as amended)</p> <p>The development standard embodied in this clause prohibits direct vehicular and pedestrian access to the subject site from Mona Vale Road, being an arterial or main road.</p>

Proposed variation to development standard:

The development standard to be varied is to permit the repositioning of the entry and exit driveway access points to the Hills Flower Market site from Mona Vale Road in place of the existing Council approved entry and exit driveways.

Purpose of the development standard:

Clause 55 of Warringah LEP 1985 does not provide an objective for the denial of direct access to Mona Vale Road for a development proposal. Notwithstanding, it is acknowledged that the intent of the development standard is:

- to minimise disruption to traffic flows along Mona Vale Road being a main or arterial road in Warringah Shire; and
- to minimise the risk of traffic or pedestrian accidents along Mona Vale Road.

The Hills Flower Market site already has existing entry and exit driveways to Mona Vale Road. Furthermore, Council has already issued Development Consent No. 97/311 on 2 December 1997 involving major alterations and additions to the Hills Flower Market which includes retention of the existing entry and exit driveways to Mona Vale Road. Given these special circumstances applying to the subject site, the underlying objective of the development standard under Clause 55 of Warringah LEP 1985 is being satisfied in that the proposed repositioning of the entry and exit driveways to the Hills Flower Market from Mona Vale Road will improve traffic movement efficiency and safety.

Compliance with Zone Objective:

The specific objective of the Non-urban 1(d) zone under Warringah LEP 1985 "is to provide for a range of urban support activities which serve the needs of the local and regional communities".

The Hills Flower Market is a lawful existing use within the Non-urban 1(d) zone. The proposed development satisfies the objective of the zone by the growing and selling of flowers to the local community, businesses and for special occasions such as weddings etc, which is an urban support activity.

The Hills Flower Market is compatible with the surrounding mixed commercial and rural/residential land uses and it visually complements the semi-rural character and streetscape of the Terrey Hills locality.

Compliance with Objects of the Environmental Planning & Assessment Act:

The subject application to reposition the entry/exit driveways and adjust the car parking and landscaping areas for the Hills Flower Market proposal is consistent with the objects of the EP&A Act including specifically:

- (i) Proper management of facilities;
- (ii) Orderly and economic use and development of land;

- (xi) Protection of the environment.

Reasons for Variation:

As previously stated, the repositioning of the entry/exit driveways to the Hills Flower Market proposal is consistent with good traffic management and planning practice by improving traffic movement efficiency and reducing the risk of accidents along Mona Vale Road.

The repositioning of the entry/exit driveways for the Hills Flower Market proposal were part of the original development application in accordance with the recommendations contained in the traffic report of Masson & Wilson Pty Ltd, Traffic Consultants. It was only because of the then legal advice from Council's solicitors and Council's town planners that a SEPP No. 1 objection could not be approved by Council to vary the requirement of Clause 55 of Warringah LEP 1985 that the original Hills Flower Market proposal was amended by the applicant to reinstate the existing entry/exit driveways. This legal impediment has now been removed with the recent decision of the Chief Judge of the Land & Environment Court in Appeal No. 10108 of 1998.

Council's approval of this SEPP No. 1 objection to enable the repositioning of the entry/exit driveways to the Hills Flower Market proposal from Mona Vale Road will create a positive rather than negative precedent. Firstly, Council has already granted development consent in late 1997 to major upgrading of the Hills Flower Market with retention of the existing entry/exit driveways. Secondly, the Hills Flower Market site has for many years had direct main road access to Mona Vale Road. Thirdly, the subject application only seeks to further improve the vehicular access to the Hills Flower Market site from Mona Vale Road.

In the circumstances, compliance with this development standard under Clause 55 of Warringah LEP 1985 would be unreasonable and unnecessary in the circumstances of this case involving further improvement to the driveway access to the Hills Flower Market proposal from Mona Vale Road. The proposal satisfies the underlying objectives of the development standard, the objective of the Non-urban 1(d) zone and is consistent with the objects of the EP&A Act.

Accordingly, Council is requested to approve this SEPP No. 1 objection and vary the development standard under Clause 55 of Warringah LEP 1985, thereby permitting the entry/exit driveways and associated car parking and landscaped areas for the Hills Flower Market proposal at No. 287 Mona Vale Road, Terrey Hills.



Warringah Council

DUPLICATE

Page 1

<u>Dept No.</u>	<u>Account Type</u>	<u>Description</u>	<u>Amount</u>
200	D A FEE	HILLS-287 MONA VALE ROAD MONA	176.00
101	KERB DAMAGE INSP.FEE	HILLS-287 MONA VALE ROAD MONA	60.00

\$236.00

30/03/1999

015035080

Date

Receipt No.

Total Paid

CHEQUE

HILLS THE FLOWER MARKET P/L

Cashier:

Payment method:

CHEQUES ACCEPTED SUBJECT TO CLEARANCE

Postal Address: Civic Centre, Pittwater Road, Dee Why 2099
(DX 9118 Dee Why)

Office Hours:

8.30am to 5.00pm, Mondays to Fridays

Phone: 9942 2222

OFFICIAL RECEIPT



**Warringah
Council**

Civic Centre, 725 Pittwater Road
(enter Civic Drive)
DEE WHY NSW 2099
DX 9118 Dee Why
Ph: (02) 9942 2222
Fax: (02) 9942 2612

84714

PF3297/87-C

1643 DA
**Development
Application**

Form 1

Environmental Planning and Assessment Amendment Regulation 1998

Application for Development

Made under the *Environmental Planning and Assessment Act 1979* Section 78A

84714

Applicant

Name

HILLS FLOWER MARKET Pty. Ltd.

Address

287 MONA VALE ROAD, TERREY HILLS

Contact No (Telephone/Fax)

94501743

Land to be Developed

Address

287 MONA VALE ROAD

Street Name

TERREY HILLS

Lot No, DP/MPS, etc vol/fol

Suburb/Locality

1

Lot No/Portion

Section/Parish

D.P. 845094

DP/EP

or ☐ map(s) attached (see note 1)

Proposed Development

Type

- ☒ use of land/building
- ☐ erection of a building
- ☐ subdivision of land/building
- ☒ carrying out of work
- ☐ demolition
- ☒ other

Description

(eg residential flat building)

ALTERATIONS AND ADDITIONS TO HILLS FLOWER
MARKET SHOP COMPRISING REPOSITIONED ENTRY

Proposed use

AND EXIT DRIVEWAYS AND ASSOCIATED CARPARKING
AND LANDSCAPED AREAS.

Estimated Cost (see note 2)

✓ \$2000 ?

Approvals Under Section 68 Local Government Act 1993

Does this application seek
approval for one or more of
the approvals listed in the note
to Section 78A (3)?

☐ Yes

☐ No

List approval(s) sought
information to be
submitted
(see note 3)

.....

.....

.....

.....



Integrated Development

Is this application for integrated development?

☐ Yes ☒ No

List other approvals required to be obtained
(see note 4)

Fisheries Management Act 1994 ☐ S 144 ☐ S 201 ☐ S 205
Heritage Act 1977 ☐ S 58
Mine Subsidence Compensation Act 1961 ☐ S 15
National Parks and Wildlife Act 1974 ☐ S 90
Pollution Control Act 1970 ☐ S 17A ☐ S 17C ☐ S 17D ☐ S 17I
Rivers and Foreshores Improvement Act 1948 ☐ Part 3A
Roads Act 1993 ☐ S 138
Waste Minimisation and Management Act 1995 ☐ S 44
Water Act 1912 ☐ S 10 ☐ S 13A ☐ S 18F ☐ S 20B
☐ S 20CA ☐ S 20L ☐ S 116 ☐ Part 8

Construction Certificate

Is a construction certificate application to be lodged at the same time as the application for development consent?

☐ Yes ☒ No



Information to be submitted

Where yes, Form 11 must be completed and lodged with the application

Type of Consent

(if applicable)

☐ deferred commencement
☐ staged development

Required Attachments



☐ 4 copies of plan of land (see note 5)
☐ 4 copies of plans/drawings of proposed development (see note 6)
☐ 6 copies of plan for purposes of Clause 48B of the *Environmental Planning and Assessment Regulation 1994* (see note 7)
☐ other information (see note 8)
☐ application fee

Environmental Impact

(for designated development)
or (for other development) or

☐ an environmental impact statement (EIS) is attached
☒ a statement on environmental effects is attached (see note 9)
☒ the proposed development is considered to have negligible effect



Other Attachments

- ☐ additional material requested by consent authority (see note 10)
☐ additional material submitted by applicant (see note 11)
☐ details of any prior stage consent granted

Long Service Levy

See note 12

Consent of All Owner(s)

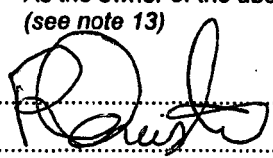
(Required if the applicant is not the owner of the land)

As the owner of the above property, I/we consent to this application.
(see note 13)

Signature(s)

Name(s)

Date


RUDI F. CARISTO
29/3/99

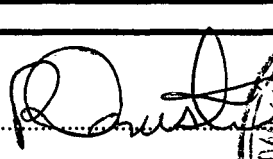
Signed by Applicant

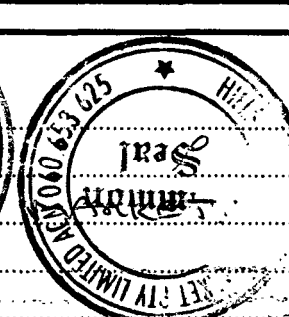
Signature(s)

Name, if not applicant

Capacity, if not applicant

Date


HILLS THE FLOWERS
MANAGERS DIRECT
RUDI CARISTO
29/3/99



OFFICE USE ONLY

CHECKLIST DETAILS SECTION				ALLOCATION SECTION			
<input checked="" type="checkbox"/> ZONE				APPLICATION NO:			
<input checked="" type="checkbox"/> LAND DESCRIPTION				CASE OFFICER: KH			
<input checked="" type="checkbox"/> DEVELOPMENT DESCRIPTION				APPLICATION ASSESSMENT COMMENTS:			
<input checked="" type="checkbox"/> OWNERS CONSENT							
<input checked="" type="checkbox"/> OWNER(S) OF LAND							
<input checked="" type="checkbox"/> APPLICANTS SIGNATURE							
<input checked="" type="checkbox"/> PLANS							
<input checked="" type="checkbox"/> FEES							
<input checked="" type="checkbox"/> FINAL							
Zone / Planning Control: 1D							
Date Received: 30/3/99							
Assessed Fee: DA		ADV					
Fee Receipt:		Acc. No:	DA	ADV	Target Date:		Category: 3



Notes for Completing Development Application

- Note 1 A description of the land to be developed can be given in the form of a map which contains details of the lot number, DP/MPS, vol/foi etc.
- Note 2 In the case of a building or work, the fee is based on the estimated cost.
- Note 3 The application must be accompanied by such matters as would be required under Section 81 of the *Local Government Act 1993* if approval was to be sought under that Act.
- Note 4 An application for integrated development must include:
- a) sufficient information for the approval body to make an assessment of the application
 - b) an additional fee for each approval body as determined by Clause 100 of the Regulation
 - c) additional copies of plans as determined by the consent authority.
- Note 5 A plan of the land must indicate:
- a) location, boundary dimensions, site area and north point of the land
 - b) existing vegetation and trees on the land
 - c) location and uses of existing buildings on the land
 - d) existing levels of the land in relation to buildings and roads
 - e) location and uses of buildings on sites adjoining the land.
- Note 6 Plans or drawings describing the proposed development must indicate (where relevant):
- a) the location of proposed new buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development
 - b) floor plans of proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building
 - c) elevations and sections showing proposed external finishes and heights
 - d) proposed finished levels of the land in relation to buildings and roads
 - e) building perspectives, where necessary to illustrate the proposed building
 - f) proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate)
 - g) proposed landscaping and treatment of the land (indicating plant types and their height and maturity)
 - h) proposed methods of draining the land.
- Note 7 Where relevant six (6) A4 plans of the building that indicates its height and external configuration, as erected, in relation to the site on which it is to be erected.
- Note 8 Other information must indicate (where relevant):
- a) in the case of shops, offices, commercial or industrial development:
 - details of hours of operation
 - plant and machinery to be installed
 - type, size and quantity of goods to be made, stored or transported
 - loading and unloading facilities
 - b) in the case of a change of building use (except where the proposed change is to a Class 1a or Class 10 building) where no alterations or additions to the existing building are proposed:
 - a list of any fire safety measures in the building or on the land on which the building is situated in connection with the proposed change of building use and
 - a separate list of such of those measures as are currently implemented in the building or on the land on which the building is situated.

The list must describe the extent, capability and basis of design of each of the measures concerned.
 - c) in the case of subdivision:
 - details of the existing and proposed subdivision pattern (including the number of lots and location of roads)
 - details of consultation with public authorities responsible for provision or amplification of utility services required by the proposed subdivision
 - preliminary engineering drawings indicating proposed infrastructure including roads, water, sewerage, and earthworks
 - existing and finished ground levels
 - d) in the case of demolition:
 - details of age and condition of buildings or works to be demolished.
 - e) in the case of advertisements:
 - details of the size, type, colour, materials and position of the sign board or structure on which the proposed advertisement is to be displayed.
 - f) in the case of development relating to an existing use:
 - details of the existing use
 - g) in the case of development that requires consent under the *Wilderness Act 1987*:
 - a copy of the consent under the *Wilderness Act 1987*.
 - h) in the case of development involving the erection of a building, work or item:
 - details of the methods of securing the site during the course of construction.
- Note 9 Where a proposed development is not designated development, the application must be accompanied by a statement of environmental effects unless the proposed development is considered to have negligible effect (eg minor interior alterations) which must:
- a) demonstrate that the environmental impact of the development has been considered
 - b) set out steps to be taken to protect the environment or to mitigate the harm.
- Note 10 The consent authority may, within 21 days of receiving the development application, ask for additional information on the development if that information is necessary for the determination of the application or if that information is required by a concurrence authority.
- The consent authority may, within 25 days after the lodgment of a development application for integrated development, ask for additional information concerning the development if the information is necessary for the determination of the application or if the information is required by an approved body.
- Note 11 The application may be supported with additional material (eg photographs, maps, etc) which is not required by the Regulation.
- Note 12 Under Section 80 (10A) of the *Environmental Planning and Assessment Act 1979* development consent cannot be granted until any long service levy payable under Section 84 of the *Building and Construction Industry Long Service Payments Act 1989* (or where such levy is payable by instalments, the first instalment of the levy) has been paid. The consent authority may be authorised to accept payment.
- Note 13 In the case of Crown land within the meaning of the *Crown Lands Act 1989*, the owners consent must be signed by an officer of the Department of Land and Water Conservation, authorised for these purposes in the Government Gazette, from time to time.

- ☐ g) any existing drains, easements or right-of-way affecting/benefiting the site
- ☐ h) the description of land
- ☐ i) details of existing and proposed subdivision pattern (including the number of lots and location of roads/access ways)
- ☐ j) any heritage items (buildings and sites), or relics defined by the Heritage Act or considered of local significance
- ☐ k) the location of all structures with distances from the proposed existing boundaries, indicating whether these structures are to be removed or retained
- ☐ l) the location of existing underground services and overhead lines
- ☐ m) existing and finished ground levels
- ☐ Engineering plans detailing location of all proposed roads, Right Of Way, including long sections and cross sections in accordance with Council's Standard Specifications

Note 1: In addition the applicant is to provide details of consultation with public authorities responsible for provision, alteration or amplification of utility services required by the proposed subdivision.

Note 2: Any of the above details may be discussed with the appropriate Council staff members prior to or at the time of lodgement of the application. The inclusion of the details itemised will assist in the processing of the application with the least delay.

Integrated Development

- ☐ The minimum details above
- ☐ Sufficient information for the approval body to make an assessment of the application
- ☐ Additional copies of plans as determined by consent authority

Shops, Offices, Commercial or Industrial Development

- ☐ The minimum details above
- ☐ Details of hours of operation
- ☐ Plant and machinery to be installed
- ☐ Type, size and quantity of goods to be made, stored or transported
- ☐ Loading and unloading facilities

Change of Building Use (except where the proposed change is to a Class 1a or Class 10 building) where no alterations or additions to an existing building are proposed

- ☐ The minimum details above
- ☐ A list of any fire safety measures in the building or on the land on which the building is situated in connection with the proposed change of building use
- ☐ A separate list of such fire safety measures as are currently implemented in the building or on the land on which the building is situated. The list must describe the extent, capability and basis of each of the measures concerned.

Demolition

- ☐ Details of age and condition of buildings or works to be demolished

Advertisements

- ☐ Details of the size, type, colour, materials and position of the sign board or structure on which the proposed advertisement is to be displayed

Development Relating To An Existing Use

- ☐ Details of the existing use

Other Developments

Depending on the nature and scale of the development, the following detail may also be required to be submitted with the Development Application.

- | | |
|--|---|
| <input type="checkbox"/> Traffic Reports | <input type="checkbox"/> Archaeological Report |
| <input type="checkbox"/> Acoustic Reports | <input type="checkbox"/> Bush Fire Control Report |
| <input type="checkbox"/> Arborists Reports | <input type="checkbox"/> Flood Hydrological analysis |
| <input type="checkbox"/> Species Impact Statement | <input type="checkbox"/> Heritage Conservation report |
| <input type="checkbox"/> Flora/Fauna Impact under Section 6A of EP & CA Act 1979, as amended | |

You are advised to consult with Council staff to determine the level of detail required to enable assessment of your application.

Additional information may be required for specific sites and applications. Council undertakes to advise you of the requirements for the submission of such information as soon as possible.

Development Application Lodgement Checklist

Owner's Name Hills Flower Market Signed (Applicant) [Signature] Signed (Council) [Signature] Dated 30/3/99

Subject Property Address 287 MONAJALE RD

- ☒ Development Application Form correctly completed?
- ☒ Owners Consent/Company Seal provided?
- ☒ Check estimated construction cost, O/K?
- ☒ Fees
- ☒ A plan of the land to include:
 - ☒ a) location, boundary dimensions, site area and north point of the land
 - ☒ b) existing vegetation and trees on the land
 - ☒ c) location and uses of existing buildings on the land
 - ☒ d) existing levels of the land in relation to buildings and roads
 - ☒ e) location and uses of buildings on sites adjoining the land
- ☒ Four (4) sets of architectural plans and site plan at 1:100 scale (fully dimensioned) indicating existing and proposed buildings and indicating (where relevant):
 - ☒ a) the location of proposed new buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development
 - ☒ b) floor plans of proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building
 - ☒ c) elevations and sections showing proposed external finishes and heights
 - ☒ d) proposed finished levels of the land in relation to buildings and roads
 - ☒ e) building perspectives, where necessary to illustrate the proposed building
 - ☒ f) proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate).
 - ☒ g) proposed landscaping and treatment of the land (indicating plant types and their height and maturity)
- ☒ Six (6) sets of A4 reductions indicating the location of the proposal relative to the site boundaries (site plan) and elevations for notification purposes.

(Note: If applying for a Construction Certificate at the same time as a Development Application, please submit only six (6) sets of architectural plans at 1:100 scale in total and six (6) sets of A4 reductions of same.)

- ☒ Existing and proposed height of buildings relative to a nominated fixed datum (preferably AHD - Australian Height Datum).
- ☒ Plan detailing existing ground and proposed finished levels including methods of retaining soil.
- ☒ Statement of Environmental Effect, which must:
 - ☐ demonstrate that the environmental impact of the development has been considered
 - ☐ set out steps to be taken to protect the environment or mitigate the harm
- ☒ Stormwater Drainage Plan in accordance with Council's specification (including On-Site Stormwater Detention if required).
- ☒ Geotechnical Report, where applicable.
- ☒ Application for the removal of any trees protected by Council's Tree Preservation Order.
- ☒ Details of the methods of securing the site during the course of construction

Residential Flat Buildings, Mixed Residential Commercial Developments

- ☒ The minimum details above.
- ☒ Landscape plans as per above, prepared by a Landscape Architect.
- ☒ Shadow diagrams for December 22 and June 22 at 9.00 am, 12 noon and 3.00 pm.
- ☒ Proposed materials, finishes and colours including driveways.
- ☒ Streetscape elevations.
- ☒ Perspectives.
- ☒ Preliminary BCA Assessment.

Subdivision

- ☒ The minimum details above.
- ☒ The plan to include:
 - ☒ a) reduction ratio (preferably 1:200)
 - ☒ b) the location, boundary dimensions, site area and north point of the land
 - ☒ c) the existing vegetation and trees on the land
 - ☒ d) the location and uses of existing buildings on the land and adjoining properties
 - ☒ e) contours based on existing levels of the site (preferably 1 metre interval drawn to Australian Height Datum)
 - ☒ f) any natural features of the site, including rock formations or cliffs, watercourses, flood levels, wetlands, forest areas, slip areas, and bush fire risk.

DA - 176.00
Fees - 60.00
[Signature]



**Warringah
Council**

Notice of Determination of a Development Application

Development Application No	1643DA
Development Application Details	
Applicant Name	Hills Flower Market Pty. Ltd
Applicant Address	287 Mona Vale Road TERREY HILLS NSW 2084
Land to be developed: Address	Lot 1 DP 845094, 287 Mona Vale Road, Terrey Hills
Proposed development	Alterations and additions to Hills flower market shop to reposition entry and exit driveways and associated carparking and landscaped areas.
Determination	Consent 1643DA
Made on (date)	14 December, 1999
Determination	Consent granted subject to conditions described below
Consent to operate from (date)	15 December, 1999 <i>see note 1</i>
Consent to lapse on (date)	15 December, 2004
Details of conditions (including Section 94 conditions)	<i>see note 2</i>

The conditions which have been applied to the consent aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

NOTE:

If the works are to be certified by a private certifying authority, then it is the certifiers responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

1. Development being generally in accordance with plans numbered 96025, dated Feb 1999, as modified by any conditions of this consent/approval. (C1)
2. At least 2 days prior to work commencing on site Council must be informed, by the submission of Form 7 of the Environmental Planning and Assessment Regulation 1998 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence. (C168)
3. Compliance With Building Code of Australia
 - (1) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
 - (2) This clause does not apply to the extent to which an exemption is in force under Clause 80H or 80I, subject to the terms of any condition or requirement referred to in Clause 80H (6) or 80I (4). (C375)

4. A bicycle lane shall be constructed in accordance with *Figure 5.3(a) of Austroads Part 14, Guide to Traffic Engineering Practice – Bicycles (1999)* and shall be subject to the approval of the Roads and Traffic Authority.
5. Signs shall be located near the approach to the bicycle lane to warn motorists of the presence of cyclists. In addition, bicycle logos shall be marked on the bicycle lane to clearly indicate cyclists right of thoroughfare over left turning motorists.
6. This consent is to be read in conjunction with consent No. 97/311 dated 2 December 1997.

Right of Review by the Council

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 28 days after the date the determination shown on this notice. A fee of \$500.00 will apply.

Right of Appeal

If you are dissatisfied with this decision Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

*Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

Signed

on behalf of the consent authority

Signature

Name

K. Healy

Date

15 December, 1999

Note 1 *Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.*

Note 2 *Clause 69A of the Regulation contains additional particulars to be included in a notice of determination where a condition under Section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.*

Development Application Determination

DEVELOPMENT APPLICATION DETERMINATION**No:** 1643DA**Lodged:** 30/03/99 (final details received 26 October, 1999)**Development Proposal**

Alterations and additions to Hills flower market shop to reposition entry and exit driveways and associated carparking and landscaped areas.

Site Description

Lot 1 DP 845094

287 Mona Vale Road, Terrey Hills

Applicant's Name and Address

Hills Flower Market Pty. Ltd

287 Mona Vale Road

TERREY HILLS NSW 2084

Owners Name and Address

As above

Zoning Details

The subject site is zoned Non-Urban 'D' (Urban Support) - 1(d) under Warringah Local Environmental Plan 1985. The proposal is permissible with consent.

The site is proposed within the A4 - Myoora Road locality under Draft Warringah Local Environmental Plan, 1999.

Proposal In Detail / Background

Approval was granted on 2 December, 1997 (consent No. 97/311) for 'alterations and additions to the existing flower shop, including refreshment room, child care centre and three glass houses, with ancillary parking'. Approval of this application was subject to no new access points being created from Mona Vale Road. The application was originally submitted indicating conversion of the existing exit point to a new entry point. This was considered a prohibited use by virtue of clause 55 of WLEP, 1985, which states as follows;

55. (3) If an existing use (within the meaning of section 106 of the Act) or a use to which such an existing use has been changed in accordance with clause 54 of the Environmental Planning and Assessment Regulation 1980 is being carried out on any land, the creation of a new means of direct vehicular or pedestrian access to that land from:

(a) any main road; or

(b) any part of any public road (other than a main road) that is within 90 metres of the intersection of that road with a main road, is prohibited.



Development Application Determination

The plans were therefore amended and the existing access and egress points retained, although it was acknowledged that the proposed arrangement would have been safer access arrangement. The application was subsequently approved maintaining the existing entry and exit points.

On 4 December 1998, the Chief judge of the Land and Environment Court of New South Wales in appeal No. 10108 of 1998 (Ousley Pty Ltd ats Warringah Council) handed down a ruling. The ruling was on a question of law as to whether a proposed development on the corner of Myoora Road and Mona Vale Road, Terrey Hills which provided for direct driveway access to Mona Vale Road is prohibited having regard to the provisions of clause 55 of WLEP 1985. The Chief Judge concluded as follows:

"In my opinion, Clause 55 is a provision which fixes a standard which must be observed in the carrying out of the proposed development. That standard requires a means of access which is not between the site and the main road or between the site and any part of any public road that is within 90 metres of the intersection of that road with a main road. It does prohibit the carrying out of the particular development standard which is proposed. It is a development standard, and is accordingly amenable to variation under State Environmental Planning Policy No. 1".

Further to the above judgement, this application has been lodged seeking to vary clause 55, to close the existing access point from Mona Vale Road and convert the existing egress point to an access point. The variation is sought pursuant to the provisions of SEPP No.1.

Planning Comments

State Environmental Planning Policy No.1

Application of SEPP No.1 is relevant in instances where enforcement of a development standard is unreasonable or unnecessary in the circumstances of the case. In this instance the applicant is submitting that the application of clause 55 of WLEP 1985 is unreasonable and unnecessary for the following reasons;

- Repositioning of the entry / exit driveways for the Hills Flower Market is consistent with good traffic management and planning practice by improving traffic movement efficiency and reducing the risk of accidents along Mona Vale Road,
- Repositioning of the driveway was part of the original scheme, which was amended when Council received legal advice that clause 55 was a prohibition and therefore could not be varied. This legal impediment has now been overcome with the recent decision in the Land and Environment Court,
- Approval of the variation under SEPP No.1 will set a positive precedent as it is an improvement on that recently approved and currently existing,
- The proposal satisfies the underlying objectives of the development standard, the objectives of the non-urban 1(d) zone and is consistent with the objectives of the Act.



Development Application Determination

Comment: The proposal is consistent with the original plans submitted 19 June 1997, which were referred to the Warringah Traffic Committee. At that meeting, the proposal was considered reasonable subject to the application of appropriate conditions. The plans were amended due to advice that clause 55 was a prohibition. Such requirements were proposed as conditions of consent relative to this application. The draft conditions, including the conditions proposed by the regional traffic committee were forwarded to the applicant.

The applicant raised concerns with the cost and the necessity for particular requirements. A traffic report was subsequently submitted which was referred to the RTA in light of the comments in 1997. The RTA responded to this traffic report by letter dated 26 October 1999. This letter recommended that the original requirements for construction of a bicycle lane was onerous and suggested conditions in lieu of the original conditions. Such conditions are recommended in the attached consent notice.

The proposal is considered consistent with good traffic management and an improvement on the recently approved and existing situation. Application of the development standard is considered unreasonable and unnecessary in the circumstances of the case and a variation of the standard is appropriate in the circumstances of the case.

Recommendation (Approval)

That the application for Alterations and additions to Hills flower market shop to reposition entry and exit driveways and associated carparking and landscaped areas at Lot 1 DP 845094 No 287 Mona Vale Road, Terrey Hills be approved subject to conditions as contained in the attached draft consent notice.

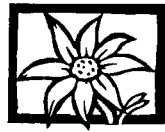
(Signed)

(Date)

Decision Of Development Unit**Instrument Of Exercise of Delegated Authority**

The within application for DEVELOPMENT CONSENT is hereby DETERMINED as set out above, including any additional conditions/reasons, pursuant to delegated authority granted by the General Manager on 30th September, 1993.

CHAIRMAN



**Warringah
Council**

Notice of Determination of a Development Application

Development Application No 1643DA
Development Application Details
Applicant Name Hills Flower Market Pty. Ltd
Applicant Address 287 Mona Vale Road
 TERREY HILLS NSW 2084
Land to be developed: Lot 1 DP 845094
Address 287 Mona Vale Road, Terrey Hills
Proposed development Alterations and additions to Hills flower market shop to reposition entry and exit driveways and associated carparking and landscaped areas.
Determination **Consent 1643DA**
Made on (date)
Determination **Consent granted subject to conditions described below**
Consent to operate from (date) *see note 1*
Consent to lapse on (date)
Details of conditions *see note 2*
 (including Section 94 conditions)

The conditions which have been applied to the consent aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

NOTE:

If the works are to be certified by a private certifying authority, then it is the certifiers responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

1. Development being generally in accordance with plans numbered 96025, dated Feb 1999, as modified by any conditions of this consent/approval. (C1)
2. At least 2 days prior to work commencing on site Council must be informed, by the submission of Form 7 of the Environmental Planning and Assessment Regulation 1998 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence. (C168)
3. Compliance With Building Code of Australia
 - (1) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

(2) This clause does not apply to the extent to which an exemption is in force under Clause 80H or 80I, subject to the terms of any condition or requirement referred to in Clause 80H (6) or 80I (4). (C375)

4. A bicycle lane shall be constructed in accordance with *Figure 5.3(a) of Austroads Part 14, Guide to Traffic Engineering Practice – Bicycles (1999)* and shall be subject to the approval of the Roads and Traffic Authority.
5. Signs shall be located near the approach to the bicycle lane to warn motorists of the presence of cyclists. In addition, bicycle logos shall be marked on the bicycle lane to clearly indicate cyclists right of thoroughfare over left turning motorists.
6. This consent is to be read in conjunction with consent No. 97/311 dated 2 December 1997.

Other Approvals

List Local Government Act 1993

Approvals granted under

Section 78A (5)

General terms of other approvals integrated as part of the consent
(list approvals)

Right of Appeal

If you are dissatisfied with this decision Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

*Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

Signed _____ on behalf of the consent authority

Signature _____

Name _____

Date _____

Note 1 *Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.*

Note 2 *Clause 69A of the Regulation contains additional particulars to be included in a notice of determination where a condition under Section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.*

Don Fox Planning

PTY LIMITED
A.C.N. 002 263 998

11 DARTFORD ROAD THORNLEIGH NSW 2120
PO BOX 230 PENNANT HILLS NSW 1715
DX 4721 PENNANT HILLS
EMAIL: donfoxpl@donfoxplanning.com.au
TELEPHONE: (02) 9980 6933 FAX: (02) 9980 6217

26 March, 1999
Our Ref: 2424.3/RP/lm

The General Manager
Warringah Council
DX 9118
DEE WHY

Attention: Mr Brett Dwyer - Local Approvals Service Unit

Dear Sir,

**Development Application and SEPP No. 1 Objection
for Alterations to Entry and Exit Driveways Carparking
and Landscaping for the Hills Flower Market
at Lot 1, DP 845094 No. 287 Mona Vale Road, Terrey Hills**

You are advised that Don Fox Planning Pty Ltd has been instructed by Hills Flower Market Pty Ltd to make a development application and an objection under State Environmental Planning Policy No. 1 to alter the entry and exit driveways and associated carparking and landscaping to the Hills Flower Market proposal at No. 287 Mona Vale Road, Terrey Hills.

The purpose of this letter is to provide Council with the necessary Statement of Environmental Effects for the proposed entry/exit driveways, etc for the subject property and a SEPP No. 1 objection to vary the development standard under Clause 55 of Warringah LEP 1985 which prohibits direct vehicular and pedestrian access to a main road.

The development application submission consists of the following:

- (a) Completed development application form with owner's consent;
- (b) Council's development application fee;
- (c) Four (4) copies of the site plan showing the entry and exit driveways and associated carparking and landscaping for the Hill Flower Market proposal; and
- (d) Statement of Environmental Effects and SEPP No. 1 objection, as set out in this letter.

Background

In May 1997, Hills Flower Market Pty Ltd lodged Development Application No. 1997/170 for alterations and additions to the existing flower shop, including refreshment room, child care centre and three glass houses with ancillary car parking at the subject property. This Development Application included a detailed Statement of Environmental Effects by Don Fox Planning Pty Ltd with Appendix A being a Traffic Report on the proposal by Masson & Wilson Pty Ltd, Traffic and Transport Consultants (see attached).

Council will note that the original Development Application plans for the Hills Flower Market proposal included the repositioning of the entry and exit driveways to the site from Mona Vale Road. This was based on recommendations in the Traffic Report of Masson & Wilson Pty Ltd which stated on page 9 as follows:

"The entry driveway from Mona Vale Road is proposed to be 6 metres wide, and the exit driveway 6 metres wide. The combined rear entry/exit driveway is proposed to be 5.5 metres wide. The proposed width and driveway separations comply with the requirements of the Australian Standard.

It is proposed that a deceleration lane be constructed in Mona Vale Road for vehicles entering the site. This is desirable to remove the slower turning traffic from the main traffic stream in Mona Vale Road, thus minimising disruption to the traffic flow. It is desirable that any treatment be consistent with treatments in the surrounding area. There are 80 metre deceleration lanes provided for vehicles turning left into Cooyong Road and Aumuna Road from Mona Vale Road. These lanes are provided within the sealed shoulder area, and are shared with the bicycle lane. These treatments are consistent with AUSTROADS guidelines for the treatment of exclusive bicycle lanes at minor intersections.

It is therefore recommended that an 80 metre deceleration lane be provided within the sealed shoulder on the approach to the site driveway. This would be shared with the bicycle lane. A concept sketch of this treatment is shown in Figure 2."

A meeting was held at Council's offices on 23 October 1997, attended by the writer, the applicant - Mr R Caristo, Council's Solicitor, Mr I Woodward and Council's Town Planners, Ms K Moore and Ms J Sneyd, in respect to the development application for the Hills Flower Market proposal which was under consideration by Council at that time. Council's Solicitor and Council's Town Planners indicated at that meeting that Council's legal opinion was that Clause 55 of Warringah LEP 1985 had the effect of prohibiting the repositioning of the existing entry and exit driveways to Mona Vale Road for the Hills Flower Market proposal. This was notwithstanding that the Traffic Report by Masson & Wilson Pty Ltd and the Statement of Environmental Effects by Don Fox Planning Pty Ltd, as well, we understand, the assessment by Council's own Traffic Engineer, Town Planners and by the Local Traffic Committee, all regarded the proposed new entry and exit driveway points to

Mona Vale with a deceleration lane as providing a much safer access arrangement on and off the site to Mona Vale Road.

Accordingly, by letter dated 30 October 1997, the Development Application was amended including a revised site plan Drawing No. 96025DA01 dated 27 October 1997 prepared by Design Technik Architects, which provided for the retention of the existing entry and exit driveways to the Hills Flower Market site from Mona Vale Road and associated car parking next to the Hills Flower Market shop as Stage 1 of the development proposal.

Council will note that this letter of 30 October 1997 and the revised site plan also indicated as a future Stage 2 to the development proposal the repositioning of the entry and exit driveways on the understanding that Council would amend Clause 55 of Warringah LEP 1985 to enable the more desirable and safer vehicle access points to the site from Mona Vale Road.

Council subsequently issued Development Consent No. 97/311 on 2 December 1997 for the Hills Flower Market proposal subject to a number of conditions. Council's letter of 1 December 1997 attaching Development Consent No. 97/311 also stated as follows:

- "1. Council is currently preparing a comprehensive review of Warringah Local Environmental Plan 1985 and is not accepting rezoning requests at this time. It is anticipated that a Draft Local Environmental Plan will be exhibited in early 1998. It is recommended that the need for a spot rezoning be re-evaluated by the applicant/owner of the site at that time."*

As Council is aware, Draft Warringah LEP 1998 was finally placed on public exhibition in late 1998, along with the Warringah Non-Urban Land Study prepared by PPK Environment and Infrastructure Pty Ltd on behalf of Council. By letter dated 16 December 1998, Don Fox Planning has made a submission to Council in respect to the Draft Warringah LEP 1998 and the Warringah Non-Urban Land Study requesting that the repositioned driveway access points to the Hills Flower Market site to Mona Vale Road be permitted as it will enable the provision of safer and more efficient vehicular access on and off the site.

On 4 December 1998, the Chief Judge of the Land & Environmental Court of New South Wales in Appeal No. 10108 of 1998 (Ausley Pty Ltd ats Warringah Council) handed down a ruling on a question of law as to whether a proposed development on the corner of Myoora Road and Mona Vale Road, Terrey Hills which provided for direct driveway access to Mona Vale Road is prohibited having regard to the provisions of Clause 55 of Warringah LEP 1985. The Chief Judge of the Land & Environment Court concluded as follows:

- "In my opinion, Clause 55 is a provision which fixes a standard which must be observed in the carrying out of the proposed development. That standard requires a means of access which is not between the site and the main road or between the site and any part of any public road that is within 90 metres of the intersection of that road with a main road. It does prohibit the carrying out of the particular development which is proposed. It is a development standard, and is accordingly amenable to variation under State*

Environmental Planning Policy No. 1."

In the circumstances, it is clear that the recent decision of the Chief Judge in Appeal No. 10108 of 1998 has now confirmed that there is no legal impediment to a development application with a SEPP No. 1 objection being considered on its merits by Council to reposition the entry and exit driveways for the Hills Flower Market proposal, as intended in the original development application.

This letter sets out the merit case in support of the new driveway access arrangements for the Hills Flower Market proposal and includes as **Appendix A** the necessary SEPP No. 1 Objection to vary Clause 55 of Warringah LEP 1985.

Description of the Site and Locality

The real property description of the subject site is Lot 1, DP 845094, No. 287 Mona Vale Road, Terrey Hills. The subject site is located on the western side of Mona Vale Road between Aumuna and Cooyong Roads. The site is rectangular shaped with a frontage of 142.29 metres to Mona Vale Road and a depth of 140.54 metres. The subject property has an area of 2 hectares. The subject property also benefits from a right of carriageway to Myoora Road. **Illustration 1** depicts the location of the Hills Flower Market site.

Situated upon the land is the Hills Flower Market shop fronting Mona Vale Road, a dwelling house with garage and agricultural sheds. Vehicular access is available directly to Mona Vale Road via two separate vehicle crossings.

Construction work is presently underway with the new Hills Flower Market shop and associated facilities.

The Terrey Hills locality within the vicinity of the Hills Flower Market between Mona Vale Road and Myora Road comprises a mix of commercial land uses and rural/residential properties, eg. churches, clubs, fruit and vegetable markets, tavern, retail plant nurseries, bus depot, transport depot, golf driving range, etc. Many of these properties have direct access to Mona Vale Road.

Mona Vale Road is an arterial road and comprises four lanes separated by a wide, landscaped median strip.

The Development Proposal

The development application seeks the consent of Council to reposition the entry and exit driveways with associated off-street carparking and landscaping as shown on the attached development application site plan.

Council has already issued Development Consent No. 97/311 and building approval for major alterations and additions to the existing Hills Flower Market shop including a refreshment room, child care centre, three glass houses with ancillary parking, driveways and landscaped areas.

Normally, such a minor amendment to a development proposal which has already been issued with a development consent by Council would be dealt with as an application under Section 96(2) of the Environmental Planning and Assessment Act to modify the consent. However, in this instance, a development application is required for the repositioning of the entry/exit driveways, car parking, etc, due to the necessity for a SEPP No. 1 objection to vary Clause 55 of Warringah LEP 1985.

Zoning and Statutory Planning Controls

The subject land is currently zoned Non-Urban "D" (Urban Support) - 1(d) under Warringah Local Environmental Plan 1985. Council has previously acknowledged that the Hills Flower Market site enjoys lawful existing use rights. The development proposal is permissible with the consent of Council under Section 108 of the Environmental Planning and Assessment Act (as amended) and Clauses 39, 40 and 41 of the accompanying Regulation. Therefore, the repositioning of the entry/exit driveways, on-site car parking, and landscaping are all a part of the general upgrading of the Hills Flower Market proposal which is permissible with Council's consent under the existing use rights provisions of the EP & A Act and Regulation (as amended).

Clause 55 of Warringah LEP 1985 provides that a new means of direct vehicular or pedestrian access to a main road (i.e. Mona Vale Road) is not permitted for a proposed development including an existing use. Notwithstanding, Council may grant development consent to the proposed repositioned driveway access points to Mona Vale Road subject to a SEPP 1 objection to vary Clause 55 of Warringah LEP 1985 being approved by Council. In any event, it could be legally argued that the proposal is not creating a "new" means of access to Mona Vale Road but rather the adjustment of existing entry and exit points to the main road.

The Hills Flower Market site is situated within the A4 Myoora Road locality under the Draft Warringah LEP 1998 which has recently been on public exhibition. The draft locality statement indicates that access to Mona Vale Road for any purpose other than housing or home businesses is prohibited.

Notwithstanding, the recently exhibited PPK Warringah Non-Urban Land Study acknowledges that in the A4 Myora Road locality:

"There are currently more than 17 driveways to businesses which have direct access from Mona Vale Road. Very few properties have a significant landscaped buffer along Mona Vale Road and many have signs. There are currently no properties along Mona Vale Road in this locality which comply with the proposed character as identified in the Draft LEP (1998).

The following changes to the Locality Statement in the Draft LEP are recommended:

1. *Desired Future Character*

The desired future character statement needs to be reworded such that:

- * *Existing vehicular access to Mona Vale Road shall be maintained.*

7. *Access to Mona Vale Road*

The issue of transport constraints in the Myoora Road locality is significant. Current problems are centred around safety issues associated with business access to Mona Vale Road and increased business traffic on Myoora Road. It is recommended that a traffic study examine options for provision of safe access to Mona Vale Road for business (through) development of an access road."

We generally concur with the opinions expressed in the PPK Warringah Non-Urban Land Study report which recognises the reality of the situation that many of the existing commercial properties including the Hills Flower Market already have direct vehicular and pedestrian access to Mona Vale Road and these access driveways are likely to remain. Indeed, Council has already issued development consent for the upgrading of the Hills Flower Market with direct access to Mona Vale Road via the two (2) existing driveways.

It is far better that Council encourage the upgrading of the driveway access points to these commercial properties fronting Mona Vale Road to provide safer and more efficient traffic movement on and off the sites to the main road. This is exactly what is being proposed in the current development application to reposition the entry and exit driveway points including a deceleration lane for the Hills Flower Market proposal.

Development Control Plan No. 20 - Terrey Hills and Duffys Forest - Non-Urban Areas, applies to the subject property. DCP No. 20 has little relevance to the subject application other than it notes the provisions of Clause 55 of Warringah LEP 1985.

Development Control Plan No. 2 - Car Parking, applies to the Hills Flower Market proposal. The parking area to the north of the flower shop is proposed to be extended with an additional 14 parking spaces as shown on the development application plan as "Stage 2 Parking". Each of the additional car parking spaces complies with the minimum dimension requirements for short stay parking (ie. 5.4 metres by 2.7 metres clear of any obstructions). All driveways are a minimum 6 metres wide.

Environmental Assessment of the Proposal

This section of the Statement provides an environmental assessment of the development proposal having regard to the relevant matters for consideration of the development application under Section 79C(1) of the EP&A Act 1979 (as amended).

(a) The provisions of any current and draft environmental planning instrument and development control plan

This matter has been addressed earlier in this Statement. The development proposal is permissible with the development consent of Council as alterations and additions to a lawful existing use, being the Hills Flower Market shop. The application is also subject to Council approving the SEPP No. 1 objection to enable the repositioned driveway entry and

exit points directly onto Mona Vale Road which requires varying the development standard under Clause 55 of Warringah LEP 1985 (see **Appendix A**).

The development proposal generally complies with the objectives and development standards under DCP No. 2 - Car Parking and DCP No. 20 - Terrey Hills and Duffys Forest - Non Urban Areas.

(b) The likely impacts of that development

The repositioning of the driveways as well as the minor additions and alterations to the car parking area and front landscaped setback area to Mona Vale Road will have minimal, if any, impact on the visual context and streetscape setting of the Hills Flower Market site.

Overall, the minor alterations and additions to the Hills Flower Market proposal to reposition the entry and exit driveways with car parking and landscaped setback areas will improve accessibility and safety for motorists travelling along Mona Vale Road and customers' vehicles entering and leaving the Hills Flower Market site. It is important to note that the existing Hills Flower Market already has Council-approved entry and exit driveways to Mona Vale Road and has done so for many years with existing use rights.

The repositioning of the driveway entry and exit points to the Hills Flower Market proposal is in the public interest in terms of improved safety and efficiency of traffic flows along Mona Vale Road.

All public utility services (other than reticulated sewer services) are presently available to the Hills Flower Market site.

The proposal will not impact on any threatened species or critical habitats of native flora and fauna.

The proposal will not be affected by any natural or technological hazards.

The proposal will not have any adverse social or economic impacts in the locality.

The development proposal has been sited and designed to balance the environmental conditions of the site and specifically to have regard to good traffic planning and management principles.

(c) The suitability of the site for the development

Council has already issued a development consent to the Hills Flower Market proposal and it is presently under construction. The subject application is only for minor alterations and additions to the Hills Flower Market proposal to upgrade the driveway access points to the site.

(d) Any submissions made in accordance with this Act or the Regulations; and

(e) The public interest

The proposal will not have any adverse amenity impacts to residents of neighbouring properties nor generally to properties in the Terrey Hills locality. Indeed, the public will benefit from improved vehicular access on and off the Hills Flower Market site and travelling along Mona Vale Road.

Conclusion

For the reasons outlined in this Statement of Environmental Effects, Council is requested to grant development consent to the development application for minor alterations and additions to the Hills Flower Market, involving repositioning the entry and exit driveways and associated adjustments to the car parking and landscaping areas at No. 287 Mona Vale Road, Terrey Hills.

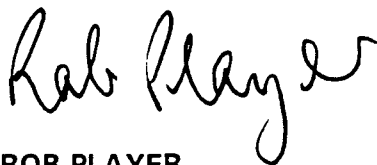
Council is also requested to approve the SEPP No. 1 objection by varying the denial of direct access onto Mona Vale Road for the Hills Flower Market proposal under Clause 55 of Warringah LEP 1985 to facilitate the improved entry and exit driveways to the subject site.

Finally, it is imperative that Council issue the approval to the new entry/exit driveways and associated car parking and landscaped areas at this time as our client is well advanced in the construction of the new Hills Flower Market shop and associated facilities and, accordingly, wishes to minimise unnecessary construction costs, delays and site disturbance.

We thank Council in anticipation of its prompt assessment of the subject application. Please do not hesitate to contact our Managing Director, Mr Rob Player on telephone number 9980 6933 should Council require any further information on this matter.

Yours faithfully

DON FOX PLANNING PTY LIMITED



ROB PLAYER
MANAGING DIRECTOR

Email: rplayer@donfoxplanning.com.au

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APPENDIX A

OBJECTION UNDER STATE ENVIRONMENTAL PLANNING POLICY NO. 1

There are generally considered to be three main criteria which must be satisfied before a consent pursuant to SEPP 1 may be granted by Council, being:

1. That the requirement is a development standard;
2. That the objection under SEPP 1 lodged by the applicant establishes that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case; and
3. That granting of consent to the SEPP 1 objection is consistent with the aims of the Policy as set out in Clause 3.

The following comments are made in respect to these three criteria:

- The recent decision of the Chief Judge in Appeal No. 10108 of 1998 (Ausley Pty Ltd -ats- Warringah Council) in the Land & Environment Court of NSW establishes that the denial of direct main road access to a development proposal (including for a lawful existing use) under Clause 55 of Warringah LEP 1985 is a development standard and is accordingly amenable to variation under SEPP No. 1.
- Criteria 2 and 3 referred to above will be discussed in the following sections of this SEPP No. 1 Objection and it will be demonstrated that the development standard under Clause 55 of Warringah LEP 1985 is unreasonable and unnecessary in the circumstances of this specific case for the Hills Flower Market proposal at No. 287 Mona Vale Road, Terrey Hills.

Name of applicant:	Hills Flower Market Pty Ltd
Property description:	Lot 1, DP 845094, No. 287 Mona Vale Road, Terrey Hills.
Proposed development:	Alterations and additions to the Hills Flower Market comprising the repositioning of the entry/exit driveways and associated car parking and landscaped areas at the subject site.
Development standard objected to:	<p>Clause 55 of Warringah LEP 1985, gazetted on 11 October 1985 (as amended)</p> <p>The development standard embodied in this clause prohibits direct vehicular and pedestrian access to the subject site from Mona Vale Road, being an arterial or main road.</p>

Proposed variation to development standard:

The development standard to be varied is to permit the repositioning of the entry and exit driveway access points to the Hills Flower Market site from Mona Vale Road in place of the existing Council approved entry and exit driveways.

Purpose of the development standard:

Clause 55 of Warringah LEP 1985 does not provide an objective for the denial of direct access to Mona Vale Road for a development proposal. Notwithstanding, it is acknowledged that the intent of the development standard is:

- to minimise disruption to traffic flows along Mona Vale Road being a main or arterial road in Warringah Shire; and
- to minimise the risk of traffic or pedestrian accidents along Mona Vale Road.

The Hills Flower Market site already has existing entry and exit driveways to Mona Vale Road. Furthermore, Council has already issued Development Consent No. 97/311 on 2 December 1997 involving major alterations and additions to the Hills Flower Market which includes retention of the existing entry and exit driveways to Mona Vale Road. Given these special circumstances applying to the subject site, the underlying objective of the development standard under Clause 55 of Warringah LEP 1985 is being satisfied in that the proposed repositioning of the entry and exit driveways to the Hills Flower Market from Mona Vale Road will improve traffic movement efficiency and safety.

Compliance with Zone Objective:

The specific objective of the Non-urban 1(d) zone under Warringah LEP 1985 "is to provide for a range of urban support activities which serve the needs of the local and regional communities".

The Hills Flower Market is a lawful existing use within the Non-urban 1(d) zone. The proposed development satisfies the objective of the zone by the growing and selling of flowers to the local community, businesses and for special occasions such as weddings etc, which is an urban support activity.

The Hills Flower Market is compatible with the surrounding mixed commercial and rural/residential land uses and it visually complements the semi-rural character and streetscape of the Terrey Hills locality.

Compliance with Objects of the Environmental Planning & Assessment Act:

The subject application to reposition the entry/exit driveways and adjust the car parking and landscaping areas for the Hills Flower Market proposal is consistent with the objects of the EP&A Act including specifically:

- (i) Proper management of facilities;
- (ii) Orderly and economic use and development of land;

- (xi) Protection of the environment.

Reasons for Variation:

As previously stated, the repositioning of the entry/exit driveways to the Hills Flower Market proposal is consistent with good traffic management and planning practice by improving traffic movement efficiency and reducing the risk of accidents along Mona Vale Road.

The repositioning of the entry/exit driveways for the Hills Flower Market proposal were part of the original development application in accordance with the recommendations contained in the traffic report of Masson & Wilson Pty Ltd, Traffic Consultants. It was only because of the then legal advice from Council's solicitors and Council's town planners that a SEPP No. 1 objection could not be approved by Council to vary the requirement of Clause 55 of Warringah LEP 1985 that the original Hills Flower Market proposal was amended by the applicant to reinstate the existing entry/exit driveways. This legal impediment has now been removed with the recent decision of the Chief Judge of the Land & Environment Court in Appeal No. 10108 of 1998.

Council's approval of this SEPP No. 1 objection to enable the repositioning of the entry/exit driveways to the Hills Flower Market proposal from Mona Vale Road will create a positive rather than negative precedent. Firstly, Council has already granted development consent in late 1997 to major upgrading of the Hills Flower Market with retention of the existing entry/exit driveways. Secondly, the Hills Flower Market site has for many years had direct main road access to Mona Vale Road. Thirdly, the subject application only seeks to further improve the vehicular access to the Hills Flower Market site from Mona Vale Road.

In the circumstances, compliance with this development standard under Clause 55 of Warringah LEP 1985 would be unreasonable and unnecessary in the circumstances of this case involving further improvement to the driveway access to the Hills Flower Market proposal from Mona Vale Road. The proposal satisfies the underlying objectives of the development standard, the objective of the Non-urban 1(d) zone and is consistent with the objects of the EP&A Act.

Accordingly, Council is requested to approve this SEPP No. 1 objection and vary the development standard under Clause 55 of Warringah LEP 1985, thereby permitting the entry/exit driveways and associated car parking and landscaped areas for the Hills Flower Market proposal at No. 287 Mona Vale Road, Terrey Hills.

Attention: Rudy Caristo
The Manager
Hills The Flower Market
287 Mona Vale Road
Terrey Hills NSW 2084

5/12/2005

WASTEWATER MANAGEMENT FOR 287 MONA VALE RD, TERRY HILLS- ASSESSMENT OF EXISTING SYSTEM

1. BACKGROUND

The objective of this report is to assess the performance of the existing wastewater system at 287 Mona Vale Road, Terrey Hills and review the effluent quality suitability for on-site irrigation according to Warringah Council's Notice of 19 October. Based on this review, an action plan is outlined to improve the capability of the existing wastewater system to manage wastewater on the site in a safe and sustainable manner, considering the development proposal for the site that is currently being assessed by Warringah Council.

2. DESCRIPTION OF THE EXISTING SYSTEM

The existing wastewater system comprises the following elements (schematic diagram is shown Attachment-1):

2.1 Pre-treatment

Pre-treatment is provided by 8 m³ tank with two settling chambers. It acts as a septic tank with an active settling volume of around 6.5 m³.

2.2 Aerated Wastewater Treatment System

This system is housed in an 8 m³ tank with the following components

- Inlet Chamber: This receives the primary treated effluent from the pre-treatment tank
- Aeration Chambers: Two Aeration Chambers are provided with an estimated volume of 4.5 m³. These chambers are fitted with diffusers that supply oxygen from a blower. These are designed as a Suspended Growth aeration system that utilises an activated sludge process whereby high concentrations of microorganisms are maintained in the aeration chambers to stabilise the wastewater aerobically.
- Clarifier and Holding Chamber: This receives the aerated affluent from the Aeration Chambers, where activated sludge solids are separated by settling into the bottom of the clarifier and then feed into the second Aeration Chamber. The clarified effluent flows into the Holding Chamber that discharges to the Holding Tank.
- Holding Tank: This is another 8 m³ tank that receives the treated effluent and acts as storage before pumping the effluent through the UV disinfection unit for on-site irrigation.

2.3 Effluent Irrigation Area

The treated effluent is spray irrigated following disinfection to two areas of effluent irrigation; 480 m² of tree planted area between the north eastern carpark and Mona Vale Road and 180 m² (60m x 3m) of flower bed east of the north western metal shed.

3. PERFORMANCE ASSESSMENT OF THE EXISTING SYSTEM

The site was visited on the following occasions:

- On 27 October 2005 by Firas Naji and Terry Lustig to inspect the wastewater treatment system, the effluent irrigation area and the wastewater generation premises.
- On 13 November by Firas Naji to evaluate the soil of the effluent irrigation areas according to AS 1547 and undertake permeability testing.
- On 14 November by Firas Naji to collect effluent samples for analytical testing by Sonic Healthcare Food and Water Testing Division.

3.1 Soil assessment

The site's soil profile is determined based on 3 excavated pit/auger holes. It was found that the upper soil layer (50 mm – 150mm) is loamy sand on top of a sandy clay soil horizon.

During the investigation, three hydraulic conductivity tests according to AS 1547 2000 (as set out by Talsma and Hallam 1980), were conducted at the site. The results of the percolation tests had a geometric mean for Ksat of 0.09 m/day and the minimum is 0.03 m/day. Based on this information, the site's soil is assessed to be of Category 4 (imperfectly drained clay loams).

3.2 Effluent quality assessment

Table 1 below shows the results of the NATA accredited laboratory that analysed the collected effluent samples (originals are shown in Attachment-3):

Table 1: Results of analytical testing of the site's effluent

Parameter	Sample location		
	Inlet chamber of Aeration Tank (Influent)	Second Aeration Chamber (Tank)	Holding Tank before disinfection (Effluent)
Biological Oxygen Demand (BOD), mg/L	750	370	300
Suspended Solids (SS), mg/L	230		200
Faecal Coliforms (FC), (#/100 mL)	10 ⁶		0.23x10 ⁶
Dissolved Oxygen (DO), mg/L		0.04	
pH	6.4	7.3	7.1
Turbidity, NTU			100
Phosphorus (TP), mg/L	15		17
Total Kjeldahl Nitrogen (TKN), mg/L	110		105

Based on the above results the following conclusions can be made:

- a) The wastewater has very high organic load. The primary treated effluent had BOD of 750 mg/L, which is significantly greater than that expected from typical residential wastewater (180 mg/L).

This is expected from the site according to the literature that indicated restaurant wastewater (which is the main source of wastewater on the site) has greater organic load than typical residential wastewater.

- b) The primary treated effluent has a high nitrogen load. The TKN in the primary treated effluent represents almost all of the nitrogen components in the wastewater as there is negligible non-organic nitrogen in the septic tank effluent. The proposed treatment system upgrade should consider reducing TN load in the final effluent or a very large effluent irrigation area would be required.
- c) The final effluent quality is significantly worse than that required by the regulatory standards. According to the Warringah Council Notice of 19 October 2005, the required treated effluent quality for safe on-site irrigation is as follows:

- $\text{BOD} \leq 20 \text{ mg/L}$
- $\text{Turbidity} \leq 2 \text{ mg/L}$
- $\text{FC} \leq 10 \text{ \#/100 mL}$ for effluent irrigation accessible to the public
- $\text{FC} \leq 1000 \text{ \#/100 mL}$ for effluent irrigation not accessible to the public
- pH within the range of 6.5-8.5

The extremely high BOD level within the treated effluent (as high as raw sewage) and its high turbidity would render the effluent not adequately treated for the safe irrigation on the site. The high turbidity would render the disinfection process ineffective. Such effluent quality poses a hazard to employees and members of the public when exposed to the effluent, effluent runoff, spray drift and/or contact with any area likely to be contaminated by such effluent. On-site irrigation of such effluent quality is also liable to cause adverse impacts on the environment.

- d) The extremely low DO in the aeration chamber (0.04 mg/L) indicates that the system is overloaded with organic matter and/or undersupply of oxygen from the aeration system. This is also demonstrated by the low removal of TKN through the treatment system. TKN is a measure of the organic and ammonia nitrogen, which is oxygen demanding and can be converted by aeration (nitrification) to nitrite and then nitrate.
- e) The results show poor performance of removing SS through the treatment process. This indicates that the clarifier is not functioning properly and that the suspended solids are washed out of the aeration tank into the final effluent holding tank.

4. OUTLINE OF THE PROPOSED WASTEWATER SYSTEM UPGRADE

The objective of the system upgrade is to modify the existing wastewater system so as to sustainably manage the wastewater generated on the site and comply with the relevant regulatory guidelines. As such the system upgrade plan involves the following:

4.1 System planning

The objective of this step is to consider the existing and proposed development site constraints, and to estimate existing and future wastewater quantity and quality projections for the site.

Based on our site inspection, there were no serious limitations in relation to effluent irrigation such as steep terrain, proximity of water bodies, disturbed soils, high water table, ..etc. The site's soil is imperfectly drained because of the sandy clay underneath the loamy topsoil of the site. It has an average permeability of 0.09 m/day. Based on this categorisation, the Design Irrigation Rate (DIR) according to AS 1547 is 25 mm/week for secondary treated effluent. According to AS 1547, DIR can be increased by improving the quality of the effluent and thereby minimizing the build up of the soil's clogging layer. Thus, the target effluent BOD and SS would have $\leq 10 \text{ mg/L}$.

The effluent's high nitrogen load would pose serious limitation on the required size of the effluent irrigation area to sustainably manage the treated effluent on the site. Based on our preliminary calculations, the effluent's total nitrogen (TN) load should be ≤ 30 mg/L to sustainably irrigate the treated effluent within the post-development allocated effluent irrigation areas (assuming a net TN export from the site of 30 kg/ha/year).

The existing wastewater flow generation rate is based on the number of current users of the site:

14 staff @ 40 L/person/day = 560 L/day

100 diners @ 25 L/person/day = 2500 L/day (according to the restaurant operator, average number of diners are 700 per week).

Estimated average total wastewater for the existing condition of the site is 3060 L/day. With a DIR of 25mm/week, this suggests there would be a need for a land-application area of 1,450 m². As the existing effluent irrigation area is estimated to be 660 m², the maximum effluent hydraulic load that this area can currently handle is 2,350 L/day (based on DIR of 25 mm/week and secondary treated effluent).

The projected wastewater flow generation rate for the site considering the proposed development is as follows:

21 staff @ 40 L/person/day = 840 L/day

130 diners @ 25 L/person/day = 3250 L/day (assuming 30% increase in the number of diners).

Estimated average total wastewater for the post-development condition of the site is 4090 L/day.

The expected BOD of the effluent from the septic tank is 800 mg/L (*USEPA Onsite Wastewater Treatment Systems Manual 2002*), which is very close to the measured primary treated effluent quality of the site (750 mg/L).

4.2 Wastewater treatment system improvement

The objective of the proposed wastewater improvement works is to comply with Warringah Council's Notice of 19 October in relation to the required treated effluent quality for on-site irrigation and also to consider the requirements of the proposed development for the site. To address both issues the following measures are proposed:

4.2.1 The existing system would be upgraded to act as an anoxic/aerobic suspended-growth wastewater treatment system to achieve secondary treated effluent quality of 20 mg/L BOD and 40 mg/L TN. This would include a denitrification stage to convert nitrate (recycled from the aeration stage) to nitrogen gas in anoxic conditions followed by an activated sludge process in which a relatively high population of microorganisms (biomass) is maintained in the aeration tank. The biomass in the effluent from the aeration stage is separated from the wastewater through settling in a clarifier for recycling or wasting (generally after 8-12 months depending on monitoring). While this system is flexible and reliable, it is inherently sensitive to surge loads. To overcome such constraints, the proposed system would use a batch flow to regulate the hydraulic load of the system and reduce the impact of hydraulic surges.

The main elements for the proposed system are as follows (schematic diagram is shown in Attachment-2):

- a. Retain the existing 8 m³ pre-treatment tank with the two settling chambers to act as a septic tank with an active settling volume of around 6.5 m³
- b. Convert the existing 8 m³ aeration tank to act as a flow regulation tank with active storage volume of around 6.5 m³. Only the design flow of 4090 L/day (or 2.8 L/min) would be pumped from this tank to the down-flow anoxic tank. If the wastewater generated from the site exceeds the design flow, the excess wastewater volume will be temporarily stored

in the additional storage provided in the tank. Wastewater surges in excess of the attenuating capacity of the flow regulation tank would bypass the tank to the down-flow anoxic tank.

- c. Convert the existing 8 m³ effluent holding tank to act as an anoxic denitrifying tank with active volume of around 6.5 m³. The combination in the anoxic tank of high carbon from the primary treated effluent and high nitrate from the recycled effluent from the aeration tank would promote denitrification process in anoxic conditions, thus significantly reducing nitrogen load in the effluent as well as reducing the BOD load (to about 400 mg/L assuming 50% BOD reduction).
- d. Add a new 8 m³ aeration tank with active aeration volume of around 6.5 m³. 50% of the design hydraulic load would be recirculated to the anoxic tank for denitrification purposes.
- e. Add a new tank to house the clarifier with surface area of 2.5 m² and depth of about 1.5 m. The clarifier will be fitted with a pump to recycle 67% of the settled activated sludge to the aeration tank. The remaining part of the tank will be used as a holding chamber for effluent irrigation.

The main design parameters for the proposed aerated system are presented in Table 2 below:

Table 2: Design criteria and parameters for the proposed upgraded aerated wastewater system

Parameter	Design criteria	Comments
Mixed Liquor Suspended Solids (MLSS), mg/L **	2,000 – 6,000	4000 mg/L adopted for the design
Food-to-microorganism (F/M) ratio (kg BOD/d/MLVSS)**	0.05-0.15	This is the ratio of the organic loading to the volatile fraction of MLSS (assumed to be 0.65). Calculated to be 0.07 based on 400 mg/L BOD and 4090 L/day wastewater influent.
Hydraulic retention time (h)**	24 - 120	Calculated to be 38 hours based on 4090 L/day and active aeration storage of 6.5 m ³ .
Volumetric organic loading rate* (kg BOD/ kL)	0.08 – 0.24	Calculated to be 0.25 based on 400 mg/L BOD, 4090 L/day wastewater influent and 6.5 m ³ of active aeration storage.
Mixing power input (hp/1000 ft ³)**	0.2 - 3.0	This is the power input per cubic foot of tank volume needed for effective aeration. A value of 1 hp/1000 ft ³ is adopted (26 kW/1000 m ³).
Required blower capacity for complete aeration of organic matter*		Calculated to be 280 L/minute based on oxygen requirements to oxidise all COD and convert all nitrogen to nitrate.
Clarifier overflow rate (m ³ /m ² .day)**	8- 16	12 m ³ /m ² .day is adopted
Minimum required surface area of clarifier**		Calculated to be 0.36 m ² based on the adopted overflow rate and the design wastewater flow of 4090 L/day.
Activated sludge recycling (ratio)*	0.5 – 1.5	Adopted to be 0.67
Solids loading rate on clarifier (kg/m ² .day)**	144	Calculated to be 75 based on the design flow rate, design MLSS, minimum clarifier area and sludge recycling ratio*.

* Crites and Tchobanoglous 1998, Small and Decentralised Wastewater Management Systems.

** USEPA 2002, Onsite Wastewater Treatment Systems Manual.

4.2.2 A vertical reed bed system would be installed. Vertical reed beds are similar to single pass intermittent sand filters (ISF) but with emergent vegetation (reeds), which improve their biological and chemical performance. They remove contaminants in wastewater through physical, chemical, and biological treatment processes. They are very effective in reducing BOD, NH₃, SS and faecal coliforms. These systems are very well established in the US and Europe. According to the North Carolina Department of Environment and Natural Resources (1997), a recommended hydraulic loading of (50-120) L/m²/day (or 1.5-3 gal/ft²/day) for coarse sand filters can achieve the effluent quality shown in Table 3 below.

*Table 3: Influent and effluent characteristics of wastewater treated by ISF**

Parameter	Influent	effluent	% removal
BOD ₅ (mg/L)	300	< 15	> 95%
TSS (mg/L)	200	< 15	> 93%
NH ₃ (mg/L)	60	< 10	> 83%
FC (#/100 mL)		< 1E+04	

* According to the North Carolina Department of Environment and Natural Resources (1997)

We are adopting a hydraulic loading of 500 L/m²/day since the secondary treated effluent is far better quality than the influent in Table 3. This would require a minimum area of vertical reed bed of 8.2 m². The proposed vertical reed bed system is expected to produce a tertiary treated effluent with the following quality

- BOD ≤ 10 mg/L
- Turbidity ≤ 2 mg/L
- TN ≤ 40 mg/L

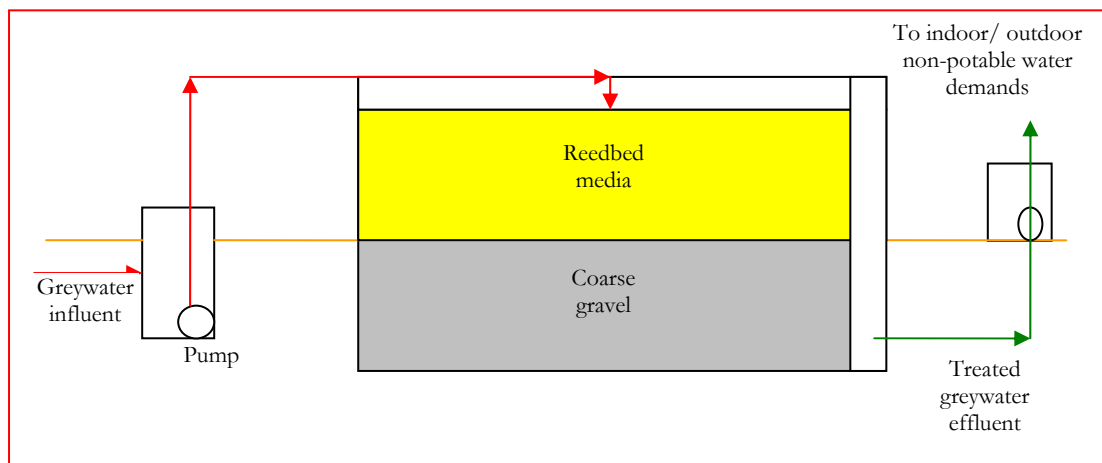


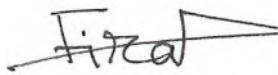
Figure 1: Plan and long section of reed bed cell

4.3 Effluent irrigation area improvement

Based on our preliminary water and nutrient balance calculations, an effluent irrigation area of 1500-1900 m² maybe required for sustainable on-site management of the post-development effluent, which is tertiary treated to the quality presented above. More detailed calculations according to the applicable standards and site plan outlining the allocated effluent irrigation areas for post-development conditions would be presented to Warringah Council following commissioning and testing of the anoxic/aerobic wastewater treatment system outlined in 4.2.1 above.

5. RECOMMENDATIONS AND PLAN OF ACTION

- a) Effluent irrigation on the site should cease as soon as possible because the tested effluent quality poses a hazard to employees and members of the public when exposed to the effluent, effluent runoff, spray drift and/or contact with any area likely to be contaminated by such effluent. On-site irrigation of such effluent quality is also liable to cause adverse impacts on the environment. Arrangement should be made to tanker away all effluent from the site by a licensed contractor to a certified disposal facility until the treated effluent quality meets the required regulatory standard of $\text{BOD} \leq 20 \text{ mg/L}$, $\text{SS} \leq 30 \text{ mg/L}$, $\text{FC} \leq 10 \text{ \#/100 mL}$ for effluent irrigation accessible to the public and $\text{FC} \leq 1000 \text{ \#/100 mL}$ for effluent irrigation not accessible to the public.
- b) The existing wastewater treatment system should be improved as outlined in section 4.2 above. The first stage of this improvement scheme is to upgrade the existing aerated wastewater treatment system to act as an anoxic/aerobic suspended-growth wastewater treatment system as presented in Section 4.2.1 of this report. This system is designed to use batch flow to regulate the hydraulic load of the system. As such, any wastewater flow in excess of the sustainable hydraulic load for the current conditions of the site should be tankered away from the site to a certified waste disposal facility. This sustainable hydraulic load for the existing conditions of the site is estimated to 2350 L/day (based on 660 m² effluent irrigation area and DIR of 25 mm/week for secondary treated effluent). The effluent should be tested to have adequate quality that complies with the required regulatory standard before start of effluent irrigation on the site. This stage is planned to be implemented within 8 weeks from the date of this report. An operational and maintenance manual should be prepared for the upgraded system and the necessary management regime should be implemented once effluent irrigation starts on the site.
- c) The results of the effluent testing from the first stage and the performance of the upgraded aerated wastewater treatment system should be reviewed before finalising the design of the vertical reed bed system and the location and extent of the expanded effluent irrigation system. This second stage of the improvement scheme should be designed to handle all wastewater expected from the proposed development on the site. This review and design details would be submitted to Warringah Council for approval within 4-6 weeks from obtaining the effluent testing results before commencing stage-2 of the wastewater improvement scheme.



Firas Naji
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Dr Terry Lustig
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**STATEMENT OF ENVIRONMENTAL EFFECTS
FOR PROPOSED CHANGE OF USE OF SPACE
WITHIN BUILDINGS LOCATED ON
THE HILLS FLOWER MARKET SITE
NO. 287 MONA VALE ROAD, TERREY HILLS**



Prepared on behalf of
THE HILLS FLOWER MARKET

PROJECT NO: 2424

OCTOBER 2005

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Don Fox Planning

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- A. Survey Plan
- B. Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd dated October 2005
- C. Bushfire Protection Assessment prepared by ABPP dated 26 July 2005
- D. Schedule 15 Statement
- E. On-site Effluent Disposal Report prepared by Duteck Wastewater Purification Pty Ltd

1. INTRODUCTION

This Statement of Environmental Effects has been prepared by Don Fox Planning Pty Ltd in support of a development application seeking Council's consent for the change of use of space within several buildings located on the Hills Flower Market site at 287 Mona Vale Road, Terrey Hills.

This Statement has been prepared pursuant to Section 78A of the Environmental Planning and Assessment Act 1979 for the subject development application and is accompanied by architectural plans prepared by Alexander + Dwyer Group Architects and Building Consultants. For the purposes of Section 78A of the Act, this development application seeks approval for the change of use of space within several buildings located upon the Hills Flower Market site.

The development proposal is considered to be local development, that is not State significant development as defined by the Act. The proposal does not constitute integrated development.

This Statement provides all relevant necessary information for Council to assess and determine the application, including:-

- An analysis of the subject property and surrounding Myoora Road locality;
- A description of the proposed development;
- An environmental assessment of the development proposal, having regard to the relevant matters for consideration outlined at Section 79C(1) of the Environmental Planning and Assessment Act 1979;
- A Statement prepared in accordance with the requirements of Schedule 15 of Warringah Local Environmental Plan 2000; and
- Conclusions and Recommendations.

2. STUDY TEAM

In order to appropriately address all relevant issues of the project, a team consisting of specialist consultants has been formed for the preparation of the development proposal, being:

Don Fox Planning
Minter Ellison
Alexander + Dwyer Group
Colston Budd Hunt & Kafes Pty Ltd
Dutek Wastewater Purification Pty Ltd

Australian Bushfire Protection Planners

Town Planners
Lawyers
Architects
Traffic & Transport Engineers
Sewage & Wastewater
Treatment Systems
Bushfire Consultants

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3. BACKGROUND

DA No. 2004/1012 seeking Council's consent for alterations and additions to the Hills Flower Market to accommodate a retail plant nursery on site was submitted to Council in August 2004. An appeal on the basis on non-determination was subsequently lodged with the Land and Environment Court in early 2005. Since this time, the Applicant has entered into lengthy discussions with the Council aimed at resolving the matter out of Court. As a result of these discussions, the Applicant made significant amendments to the development proposal in response to concerns raised by Council.

In May of this year, Council advised the applicant by way of letter, that the development proposal as amended at that stage was acceptable and that a report recommending approval of the DA would be put to the Independent Hearing and Assessment Panel. Shortly afterwards and prior to the date of the IHAP meeting, Council informed the Applicant that its position had changed and that it could not recommend approval of the DA due to the significant variation sought from Council's carparking requirements for retail plant nurseries detailed in Schedule 17 of Warringah Local Environmental Plan 2000. The carparking situation was complicated further by the unauthorised uses on the site.

In order to progress determination of the development application, the Applicant agreed to cease the following unauthorised uses on the site:

- Horseland;
- Furniture Outlet (operating from the dwelling house);
- Cabinet Making (operating from Units 4 and 5 in Shed A);
- Eagle Art (operating from Unit 1 in Shed B); and
- Computer Sign Shop (operating from Unit 2 in Shed B).

The Applicant also agreed to submit a development application to Council seeking development consent for the remaining unauthorised uses on the site, being the turf shop, the rain water tank recyclers and Better Produce (ie. the subject development application).

4.0 SUBJECT SITE AND MYOORA ROAD LOCALITY

The subject site is located along the western side of Mona Vale Road between Aumuna and Cooyong Roads. Pursuant to Warringah Local Environmental Plan 2000, the site is located within the A4 Myoora Road Locality.

The site has a frontage of 142.29 metres to Mona Vale Road and a depth of 140.57 metres. The subject property has an area of 2 hectares. **Illustration 1** depicts the location of the subject site in relation to the main and local road system within the Terrey Hills District. Vehicular access is available directly off Mona Vale

Don Fox Planning

Statement of Environmental Effects

287 Mona Vale Road, Terrey Hills

Road via separate "entry" and "exit" driveways. The subject site also benefits from a right-of-carriageway which provides vehicular access to and from Myoora Road.

The real property description of the subject site is Lot 1, DP 845094, No 287 Mona Vale Road, Terrey Hills.

The subject site is occupied by Hills, The Flower Market which encompasses a wholesale and retail flower shop, a gift shop, floristry classes and the Piemonte Café. As noted above, a development application (DA 2004/1012) seeking Council's consent for the provision of a retail plant nursery on the site is currently awaiting determination.

The land slopes in a southerly direction, with the lowest point of the site being located adjacent to the southern boundary. A reduced survey plan is attached at **Appendix A** which depicts the major features of the site and contours.

The subject site is predominantly surrounded by rural/residential and semi-commercial land uses. There are a number of diversified land uses established in close proximity to the subject site ranging from rural/residential to a church, tavern, nursery, school etc.

A detailed site inspection of the locality reveals the following surrounding land uses:-

North: Rural/Residential

South: Former driving range. Construction activities are currently underway and the site is being excavated

East: Opposite the site on the eastern side of Mona Vale Road is a Field Archery Range and Garigal National Park

West: Temple/Church

Mona Vale Road is designed as an arterial road and comprises four lanes separated by a median strip which has been densely planted.

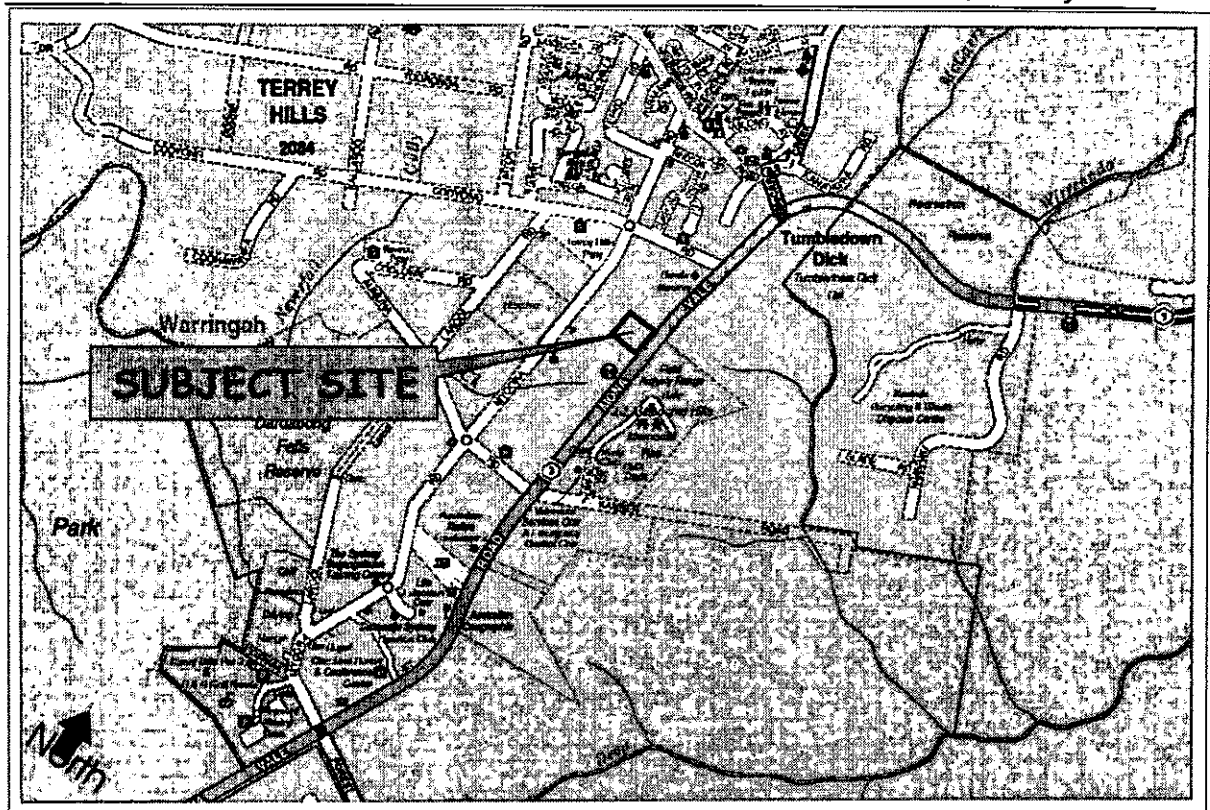


Illustration 1 – Locality Plan

5.0 DEVELOPMENT PROPOSAL

The development proposal seeks Council's consent for the change of use of space in several buildings located on the Hills Flower Market site. Drawings detailing the proposed change of use have been prepared by Alexander + Dwyer Group.

The change of use proposal is outlined as follows:

- Use of Room A (11m²) in the existing Flower Market Building as a turf supplies outlet. The turf outlet provides a complete lawn service selling grass, fertilisers and soils;
- Use of Room B (23m²) in the existing Flower Market Building as a Rain Water Tank Recyclers outlet. The business is essentially focused on the supply of garden irrigation equipment, particularly water pumps; and
- Use of Agricultural Shed B (374m²) as a rural supplies outlet selling soil, fertiliser, hay, animal feed and other rural products.

It is noted that Rooms A and B in the existing Flower Market Building currently benefit from existing use rights associated with operation of the Hills Flower Market. The Applicant no longer wishes these rooms to be occupied by the flower market but instead seeks to lease them to a turf supplies outlet and a rain water

tank recyclers outlet. Accordingly, Council advised the Applicant that a change of use application would need to be submitted.

The permitted use of Agricultural Shed B is for the storage of agricultural produce ancillary to the flower market use. The Applicant seeks Council's consent to use Agricultural Shed B as a rural supplies outlet.

As noted above, the subject site is located within the A4 Myoora Road Locality. The applicable locality statement classifies development as being Category 1 Development, Category 2 Development, Category 3 Development or Prohibited Development. The change of use proposal is considered to be Category 3 Development.

Pursuant to Clause 15(1) of Warringah Local Environmental Plan, Consent may be granted to Category 3 Development only if the Consent Authority has considered a Statement of Environmental Effects that includes the items listed in Schedule 15. A statement pursuant to Schedule 15 of Warringah Local Environmental Plan is attached at **Appendix D**.

Clause 15(2) states that the consent authority must not grant consent to an application that includes development classified as Category 3 unless the consent authority has considered the findings and recommendations of an independent public hearing into the application, including reasons for its recommendations.

4. ENVIRONMENTAL ASSESSMENT

The following section provides an assessment of the development proposal in accordance with the relevant matters for consideration at Section 79C(1) of the Environmental Planning and Assessment Act 1979.

6.1 SECTION 79C(1)(B) – THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT

6.1.1 Social and Economic Impacts

The development proposal will have positive economic and social benefits. A presently under-utilised site will be used for more intensive agricultural and commercial pursuits and as a result, additional local employment opportunities will be created.

6.1.2 Impact Upon the Natural and Built Environment

The development proposal, being for change of use only (and not for any physical building works) will not result in any adverse impacts upon the natural or built environment.

An assessment of the on-site effluent disposal system has been undertaken by Dutek Wastewater Purification Pty Limited (Dutek). At the request of the Applicant, Dutek prepared a report (attached at **Appendix E**) detailing the upgrade to the existing treatment plant necessary to cater for existing and proposed development on the site (ie. the flower market/shop, plant nursery, 130 seat café and turf and rain water tank recyclers outlets). The report assumes that the existing and proposed use on the site to be serviced by the on-site effluent disposal system employ a combined total of 21 staff. It is noted that as the agricultural sheds are connected to a septic system, their use has not been factored into the assessment undertaken by Dutek.

6.1.3 Bushfire Risks

A small portion of the site (the north east corner) has been mapped as "Bushfire Prone Land – Vegetation Buffer – 100m & 30m". A bushfire protection assessment has been carried out by Australian Bushfire Protection Planners Pty Limited. A copy of the assessment report which reaches the following conclusions is attached at **Appendix D**:

- The overall bushfire risk to the site from the narrow band of bushfire prone vegetation on the north eastern side of Mona Vale Road is considered to be low due to the separation provided by Mona Vale Road and the building line setback.
- The width of the asset protection zone provided exceeds the minimum requirement set by the Rural Fire Service for industrial/commercial buildings by more than 330%.
- Access and water supply for fire fighting operations comply with the requirements of the Rural Fire Service and the building construction complies with Australian Standard AS3959:1999 "Construction of Buildings in Bushfire Prone Areas (Class 1-3 buildings)" and therefore Part 5.3 of the Building Code of Australia.

6.1.4 Access and Traffic Generation

A traffic impact assessment has been carried out by Colston Budd Hunt & Kafes Pty Limited and is attached at **Appendix B**.

The subject site has existing separate entry and exit driveways to Mona Vale Road and a combined entry/exit driveway, via a right of carriageway to Myoora Road. No modifications to the existing access driveways are proposed as part of this development application. An assessment of the existing access arrangements is contained within the traffic report attached at **Appendix B**. The assessment concludes that the existing access arrangements will be adequate for the proposed development.

It is noted that the proposed turf and rain water tank outlets are low intensity display only uses that do not generate deliveries. The proposed use of Agricultural Shed B as a rural supplies outlet will however generate infrequent deliveries (generally once a week). Deliveries will be made by small to medium sized rigid vehicles. Adequate circulation space is provided throughout the site to enable delivery vehicles to access Agricultural Shed B.

CBHK also conclude that having regard for surveyed peak parking demand on the site and the parking requirements detailed in Clause 17 of Warringah Local Environmental Plan 2000, the proposal to provide on-site parking for 121 vehicles will adequately cater for parking demand generated by the existing and proposed uses on the site.

6.2 SECTION 79C(1)(C) - SUITABILITY OF THE SITE FOR DEVELOPMENT

The Hills Flower Market has been operating from the subject site since the 1920's. The site is surrounded by other rural, residential and semi-commercial land uses. The change of use proposal seeks to diversify the commercial activities undertaken at the site while maintaining their quasi-rural focus. It is therefore considered to be compatible and consistent with existing land use upon the subject site and other land uses in the Myoora Road locality.

6.5 ANY SUBMISSIONS AND PUBLIC INTEREST – SECTION 79C(1)(D) AND (E)

The development proposal will be placed on public exhibition by Council and adjoining owners will be given the opportunity to comment on the proposal. Any submissions received may be considered in the assessment of the development application.

5. CONCLUSION AND RECOMMENDATIONS

The development proposal involving the change of use of space within several buildings located on the Hills Flower Market site will not result in any adverse environmental, residential amenity or traffic and parking impacts.

The Hills Flower Market has been established upon the subject site since the 1920's and is a well patronised business which is seeking to diversify the commercial activities undertaken at the site to broaden the service it offers its customers in line with other similar businesses located in the Myoora Road Locality.

We are of the opinion that the development proposal is consistent with the existing and desired future character of the A4 Myoora Road Locality and is worthy of merit. Accordingly, Council is asked to approve the development proposal for the Hills Flower Market site subject to appropriate conditions.

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APPENDIX A

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APPENDIX B

HILLS FLOWER MARKET

REPORT ON THE TRAFFIC
IMPLICATIONS OF PROPOSED
ADDITIONS TO 'HILLS FLOWER MARKET'
287 MONA VALE ROAD, TERREY HILLS

OCTOBER 2005

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I. INTRODUCTION

- I.1. Colston Budd Hunt & Kafes Pty Ltd has been retained by Hills Flower Market to prepare a report on the traffic implications of proposed additions to the Hills Flower Market. The site is located on the western side of Mona Vale Road between Cooyang Road and Aumuna Road. It has frontage to Mona Vale Road and Myoora Road. The site location is shown on Figure I.
- I.2. The site comprises a number of different uses including some unauthorised uses. Access to the site is provided from Mona Vale Road and Myoora Road. Parking for some 122 cars is provided on site in a number of formal and informal parking areas.
- I.3. The proposed additions to the Terrey Hills Flower Market involve the construction of a plant nursery. Approval is also being sought for a number of the unauthorised uses on the site.
- I.4. This report sets out its findings through the following chapters:-
- Chapter 2 - describing the existing situation;
 - Chapter 3 - assessing the implications of the proposed development.

2. THE EXISTING SITUATION

- 2.1. Hills Flower Market is located at 287 Mona Vale Road, Terrey Hills. The site is located on the western side of Mona Vale Road between Cooyang Road and Aumuna Road. It has frontage to Mona Vale Road and Myoora Road. The site location is shown on Figure 1.
- 2.2. The site comprises a number of different uses including some unauthorised uses. Access to the site is provided from Mona Vale Road and Myoora Road. Parking for some 122 cars is provided on site in a number of formal and informal parking areas.
- 2.3. Existing authorised and unauthorised uses on the site are set out below:

Authorised Uses:

- Restaurant/café (50 seats);
- Flower market/gift shop (468m² GFA);
- Dwelling house;
- Glasshouse; and
- Agricultural Sheds

Unauthorised Uses

- Use of Units 4 and 5 in Shed A - cabinet making (216m² GFA);
 - Use of Units 1 (Eagle Art, 144m² GFA) , 2 (computer sign, 95m² GFA) and 3 (agriculture supplies, 135m² GFA) in Shed B;
 - Horseland (88m² GFA);
 - Turf supplies (11m² GFA);
 - Rainwater tank recyclers (23m² GFA);
-

- Additional seating in restaurant/café (80 seats); and
- Furniture outlet (operating out of the dwelling house).

Road Network

- 2.4. The road network in the vicinity of the site includes Mona Vale Road, Myoora Road, Cooyong Road and Aumuna Road.
- 2.5. Mona Vale Road is located adjacent to the eastern boundary of the site and is an important arterial road within the Sydney road network. It forms part of Met Road 3, a route connecting Pittwater Road at Mona Vale in the north to the Princes Highway at Blakehurst in the south. In the vicinity of the site Mona Vale Road provides a four lane divided road with two traffic lanes in each direction. Intersections along Mona Vale Road generally provide additional turning lanes.
- 2.6. Myoora Road is located adjacent to the western boundary of the site and provides a north-south carriageway, generally parallel to Mona Vale Road, between Cooyong Road in the north and Mona Vale Road/Forest Way in the south. Myoora Road provides access to development west of Mona Vale Road and generally provides a collector road with one traffic lane and one parking lane in each direction, clear of intersections.
- 2.7. Cooyong Road and Aumuna Road are located north and south of the site respectively. They both provide east-west carriageways with one traffic lane and one parking lane in each direction, clear of intersections. Cooyong Road and Aumuna Road intersect with Myoora Road at roundabout controlled intersections.

Traffic Flows

2.8. In order to establish existing traffic conditions in the area, weekday afternoon and weekend peak period traffic counts were undertaken at the following intersections:-

- Mona Vale Road/Amuna Road;
- Mona Vale Road/Cooyong Road;
- Myoora Road/Amuna Road; and
- Myoora Road/Cooyong Road.

2.9. The two-way peak hour flows are summarised in Table 2.1 and displayed in Figures 2 and 3.

Table 2.1 - Existing Two-Way Peak Hour Flows (vehicles per hour)		
Location	Weekday Afternoon	Weekend Afternoon
Mona Vale Road		
- north of Cooyong Road	2885	2385
- north of Aumuna Road	2910	2445
Myoora Road		
- south of Cooyong Road	270	275
- north of Aumuna Road	270	265
Cooyong Road		
- west of Mona Vale Road	175	120
- east of Myoora Road	175	180
- west of Myoora Road	135	140
Aumuna Road		
- west of Mona Vale Road	110	95
- east of Myoora Road	100	110

2.10. Examination of Table 2.1 reveals that:

- Traffic flows on the Mona Vale Road were some 2,450 to 2,900 vehicles per hour (two way) in the peak periods;
- Traffic flows on Myoora Road were some 270 vehicles per hour (two way) in the peak periods;
- Traffic flows on Cooyong Road were some 120 to 180 vehicles per hour (two way) in the peak periods; and
- Traffic flows on Aumuna Road were some 100 vehicles per hour (two way) in the peak periods.

2.11. As can be seen from Table 2.1 traffic flows on the surrounding road network were similar during weekday and weekend afternoon peak periods. The exception was Mona Vale Road where the weekday flows were higher than the weekend flows.

2.12. Surveys of traffic generation of the existing uses on the site were undertaken on a weekday afternoon and weekend afternoon. The results of the surveys of traffic generation are summarised in Table 2.2.

Table 2.2 Summary of Peak Hour Traffic Generation of Existing Operations (vph)				
Day	Driveway	In	Out	Total
Weekday	Mona Vale Road	45	80	125
	Myoora Road	15	15	30
	Total	60	95	155
Weekend	Mona Vale Road	25	80	105
	Myoora Road	10	30	40
	Total	35	110	145

2.13. Examination of Table 2.2 reveals that:

- The existing operations on the site have a peak traffic generation of some 145 to 155 vehicles per hour (two way) during weekday and weekend afternoons; and
- The majority of traffic enters/departs the site via Mona Vale Road (some 70% to 80%).

Intersection Operations

2.14. The capacity of the road network is generally determined by the ability of its intersections to cater for peak hour traffic flows. The intersections shown on Figures 2 and 3 have been analysed using the INTANAL program. INTANAL simulates the operations of intersections to produce a number of measures. The most useful measure provided is average delay per vehicle expressed in seconds per vehicle.

2.15. Based on average delay per vehicle, INTANAL estimates the following levels of service (LOS):-

- For traffic signals, the average delay per vehicle in seconds is calculated as delay/(all vehicles), for roundabouts the average delay per vehicle in seconds is selected for the movement with the highest average delay per vehicle, equivalent to the following LOS:-

0 to 14	=	"A"	Good
15 to 28	=	"B"	Good with minimal delays and spare capacity
29 to 42	=	"C"	Satisfactory with spare capacity

43 to 56	=	"D"	Satisfactory but operating near capacity
57 to 70	=	"E"	At capacity and incidents will cause excessive delays. Roundabouts require other control mode.
>70	=	"F"	Unsatisfactory and requires additional capacity

- For give way and stop signs, the average delay per vehicle in seconds is selected from the movement with the highest average delay per vehicle, equivalent to following LOS:-

0 to 14	=	"A"	Good
15 to 28	=	"B"	Acceptable delays and spare capacity
29 to 42	=	"C"	Satisfactory but accident study required
43 to 56	=	"D"	Near capacity and accident study required
57 to 70	=	"E"	At capacity and requires other control mode.
>70	=	"F"	Unsatisfactory and requires other control mode

- 2.16. It should be noted that for roundabouts, give way and stop signs, in some circumstances, simply examining the highest individual average delay can be misleading. The size of the movement with the highest average delay per vehicle should also be taken into account. Thus, for example, an intersection where all movements are operating at a level of service A, except one which is at level of service E, may not necessarily define the intersection level of service as E if that movement is very small. That is, longer delays to a small number of vehicles may not justify upgrading an intersection unless a safety issue was also involved.

2.17. The INTANAL analysis found that:

- The unsignalised intersections of Mona Vale Road with Cooyong Road and Aumuna Road are both currently operating at satisfactory levels of service. Average delays, for the movements with the highest average delay, are less than 25 seconds per vehicle during peak periods. This represents a level of service B, which is a reasonable level of intersection operation; and
- The roundabout controlled intersections of Myoora Road with Cooyong Road and Aumuna Road are both operating with average delays, for the movement with the highest average delay, of less than 15 seconds per vehicle during peak periods. This represents a level of service A/B, which is a good level of intersection operation.

Public Transport

2.18. Bus services in the area are provided by Forest Coach Lines, which has its depot south of the site in Myoora Road. The services include:-

- The 195 and 196 services providing a link between Pymble and Narrabeen /Mona Vale. These services operate along Mona Vale Road and Myoora Road;
- The 270 service connecting Terrey Hills with Sydney operating along Myoora Road and Forest Way;
- The 284 and 285 services connecting Chatswood with Duffy Forest/ Narrabeen via Terrey Hills. These services operate along Mona Vale Road, Forest Way and Myoora Road.

2.19. Overall, the site has reasonable access to public transport services.

Parking

2.20. Surveys of parking demand of the existing uses on the site were undertaken on weekday and the weekend. The surveys found a peak parking demand of:

- 102 cars on a weekday; and
- 72 cars on the weekend.

3. IMPLICATIONS OF PROPOSED DEVELOPMENT

3.1. The proposed additions to the Terrey Hills Flower Market involve the construction of a plant nursery and the approval of a number of the unauthorised uses on the site, as follows:

- Approval is sought for some of the unauthorised uses on the site (turf shop, rain water recycling shop, rural supplies use (Better Produce) and the 80 seats not approved in the café (total seating 130). The remaining unauthorised uses on the site (Horseland, cabinet making Furniture Outlet, Eagle Art and Computer Sign) will be ceased;
- Expansion of the existing rural supplies into the space currently occupied by Eagle Art and Computer Sign (all of Shed 'B');
- Retention of the existing flower shop/café (468m² GFA);
- Minor addition to the flower shop adjacent to the loading dock (some 18m²);
- Construction of a new plant nursery (620m² GFA);
- Provision of 121 parking spaces in a formal car park (including 42 spaces in a basement car park);
- Modifications to the internal roads to accommodate the proposed plant nursery and new parking areas.

3.2. This chapter assesses the implications of the proposed development through the following sections:-

- public transport;
 - parking;
 - access and internal layout;
 - external implications; and
 - summary.
-
-

Public Transport

- 3.3. As previously discussed, the site is accessible to existing bus services through the area. Bus services operate along Mona Vale Road and Myoora Road, connecting Pymble, Chatswood and Narrabeen/Mona Vale. The proposed development will strengthen the demand for these services.
- 3.4. The proposed development is consistent with government policy of:-
- a) improving accessibility to employment and services by walking, cycling and public transport;
 - b) improving the choice of transport and reducing dependence solely on cars for travel purposes;
 - c) moderating growth in the demand for travel and the distances travelled, especially car; and
 - d) supporting the efficient and viable operation of public transport services.

Parking

- 3.5. Schedule 17 (Clause 74) of WLEP 2000 sets out parking requirements for various land uses. For retail plant nurseries Schedule 17 indicates a parking provision of 0.5 spaces per 100m² of site area or 15 spaces, whichever is greater. As only a small proportion of the site will be used for the propagation of plants, the rate of 0.5 spaces per 100m² of site area is considered inappropriate. Thus under Schedule 17 of WLEP 2000 the proposed plant nursery would require 15 parking spaces.

3.6. The rate for plant nurseries set out in Schedule 17 of LEP 2000 is based on the parking rate for retail plant nurseries set out in the RTA Guidelines. A review of the survey data on which the RTA parking rate for plant nurseries is based (Land Use Traffic Generation Data and Analysis 26 – Plant Nurseries) found the following:

- Three plant nurseries were surveyed with site areas less than 2,000m² (display area from 960m² to 1,390m²) with the majority of the site set aside for display purposes; and
- These smaller nurseries generated a peak parking demand of between one space per 66m² to one space per 105m².

3.7. Thus for plant nurseries of a similar type and size to the proposed plant nursery (which has a floor area of 620m²) the peak parking demand was between one space per 66m² to one space per 105m². By way of comparison the Bonds Nursery on Mona Vale Road, Terrey Hills, was also surveyed as part of the RTA study. At the time of the survey, Bonds had a display area of 12,200m² and a peak parking demand of 109 cars. This equates to a peak parking demand of 1 space per 110m².

3.8. Application of these rates to the proposed plant nursery (some 620m²) would result in a requirement for some six to ten parking spaces. This is less than the 15 spaces suggested by Schedule 17 of WLEP 2000.

3.9. Surveys of the parking demand for the existing uses on the site found a peak parking demand of 102 spaces. The proposed additions would involve the removal of a number of existing uses on the site, which generate parking demand. These include:

- Shed 'A' Units 4 and 5 - cabinet making (216m² GFA);
- Horseland (88m² GFA); and
- Furniture outlet (operating out of the dwelling house).

3.10. It is proposed that the uses in Units 1 and 2 of Shed B (Eagle Art, 144m² GFA and 2 Computer Sign, 95m² GFA) be replaced by an expanded rural supplies use.

3.11. The proposed plant nursery would require parking for some 10 to 15 cars. Thus the total parking provision for the proposed development (without reducing demand for the discontinued uses on the site) would be some 112 to 117 spaces. It should be noted that this provision would result in a small surplus (of some 10 spaces) as a number of uses that currently generate parking demand on the site would be removed as part the proposed additions. The proposed provision of 121 spaces satisfies this requirement and would provide a surplus of parking.

Access and Internal Layout

3.12. Vehicular access to the site will be maintained from Myoora Road and Mona Vale Road. Access to Mona Vale Road will be via existing separate entry and exit driveways. Additional parking will be provided on the eastern part of the site with some 42 spaces provided in basement parking beneath the proposed plant nursery. The internal access road connecting Mona Vale Road with Myoora Road will be realigned around the proposed plant nursery. Access to the basement car

park will be via separate entry and exit ramps on the southern side of the car park.

- 3.13. Car parking will be designed to comply with the Australian Standard (AS2890.1 - 2004) with respect to parking bay dimensions, ramp grades, ramp widths, aisle widths, height clearances and column locations. Spaces located adjacent to structure will be widened to facilitate door opening, and columns will be set back 750mm from the front of spaces. Dead end aisles will incorporate a one metre extension to allow appropriate access to end parking bays.
- 3.14. Service bays are proposed on the northern side of the proposed plant nursery. It is understood that the number of deliveries to/from the existing flower market and café are low and comprise the following:
- deliveries by a small truck or van – two to three times per day, mostly early in the morning;
 - deliveries by a medium sized truck – once or twice per week; and
 - dispatch of flowers by a van – up to three times per day.
- 3.15. The proposed nursery would have two or three deliveries per day by small or medium sized trucks. Thus the number of vehicles servicing the site would be low with the majority of service vehicles being small trucks or vans.
- 3.16. The service bays will be designed to comply with the Australian Standard (AS2890.2 - 2002).

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- 3.17. Overall, subject to detailed design, the car park layout, internal circulation and access arrangements are appropriate.

External Traffic Implications

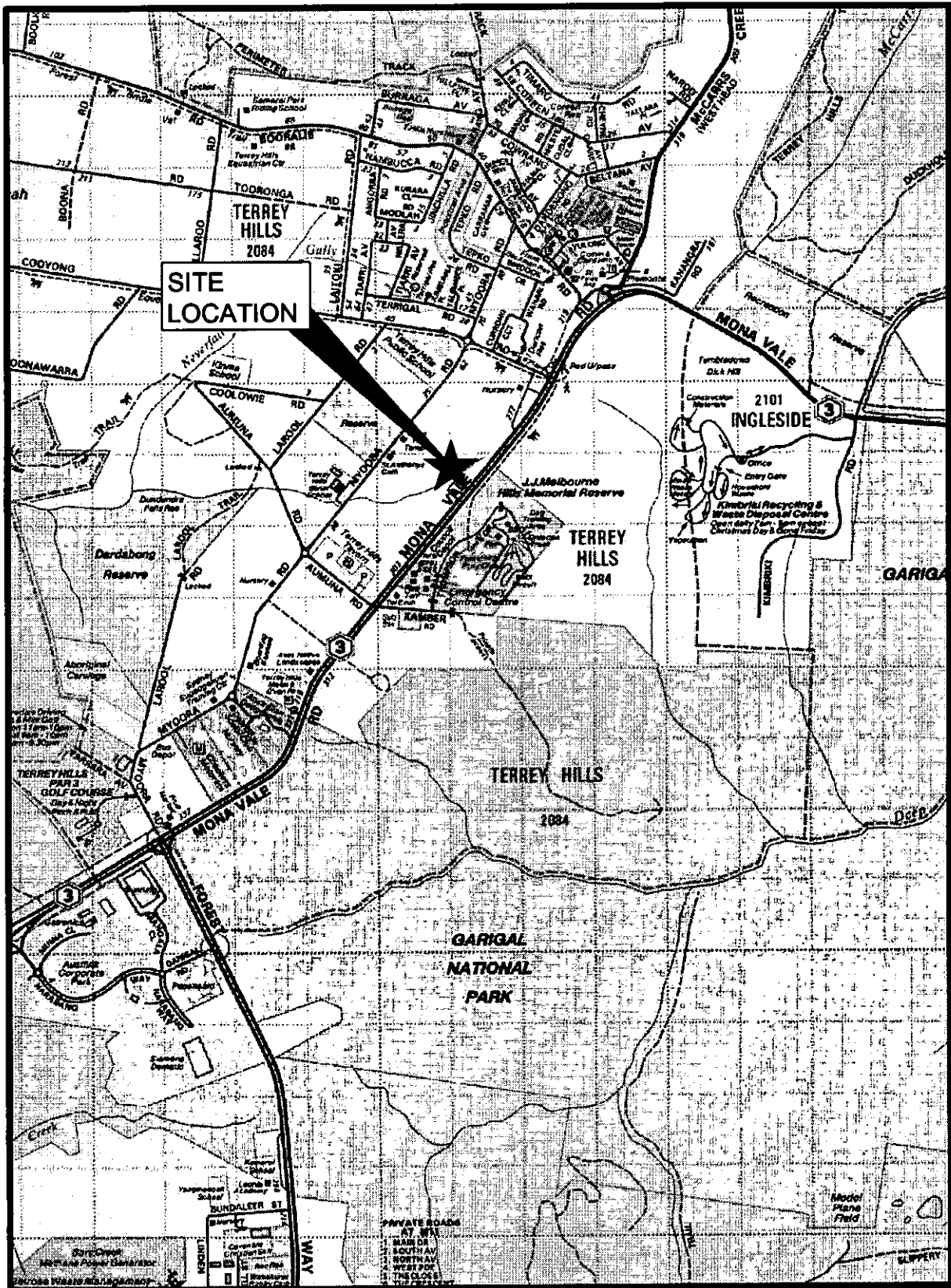
- 3.18. The traffic generation of the proposed development will comprise traffic from:
- Existing authorised uses on the site;
 - Existing unauthorised uses on the site which are to be retained (subject to approval); and
 - The proposed plant nursery.
- 3.19. Surveys of existing traffic generation of the site found a peak traffic generation of some 145 to 155 vehicles per hour (two way). The unauthorised uses on the site which are to be removed would account for some 10% of this traffic generation.
- 3.20. A review of the survey data on which the RTA traffic generation rate for plant nurseries is based (Land Use Traffic Generation Data and Analysis 26 – Plant Nurseries) found that the three nurseries used to estimate parking demand had a peak traffic generation of one vehicle trip per hour per 22m² to 34m² of display area. Applying this rate to the proposed plant nursery would result in a traffic generation of some 20 to 30 vehicles per hour (two way). Therefore, the net increase in traffic generation would be some 5 to 15 vehicles per hour (two way) compared to the existing situation.
- 3.21. Once assigned to the surrounding road network, the additional traffic would result in an increase of some 5 vehicles per hour (two way) on Mona Vale Road and Myoora Road. This is a low additional generation, only 1 vehicle every 12 minutes. Such a low generation will not have noticeable effects on the operation
-
-

of the surrounding road network. Intersections would continue to operate at the same levels of service as today.

Summary

3.22. In summary, the main points relating to the implications of the proposed development are as follows:-

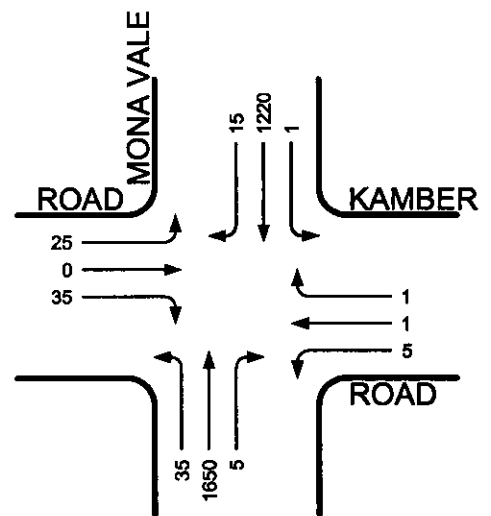
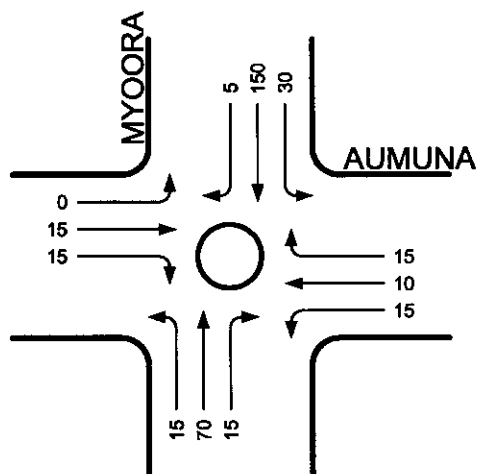
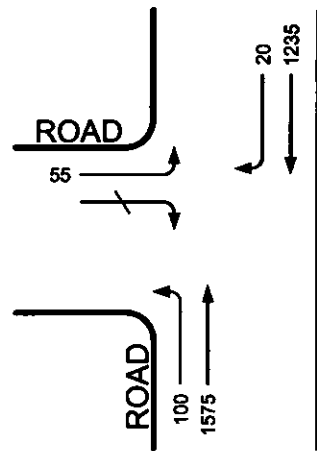
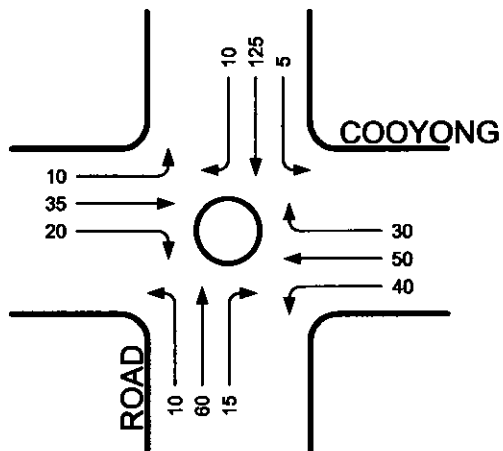
- i) the proposed development will remain accessible to existing public transport services;
- ii) car parking provision is appropriate;
- iii) access arrangements and internal layout will be provided in accordance with the Australian Standards;
- iv) the proposed development will only generate some 5 to 15 additional vehicles per hour two-way during peak periods; and
- v) such a low generation will not have noticeable effects on the operation of the surrounding road network.



LOCATION PLAN

1

DRAWN BY CBH-K Pty Ltd Ref: 5978 11 OCTOBER 2005

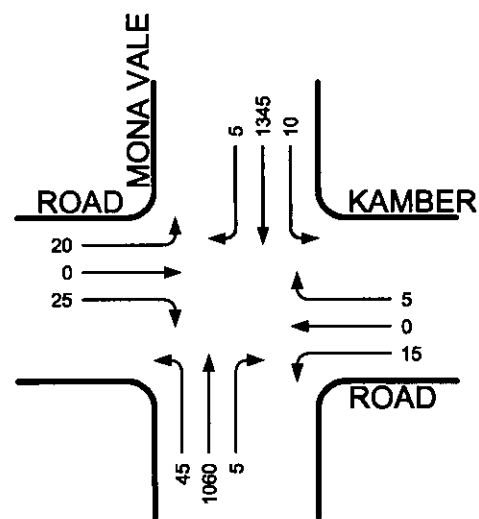
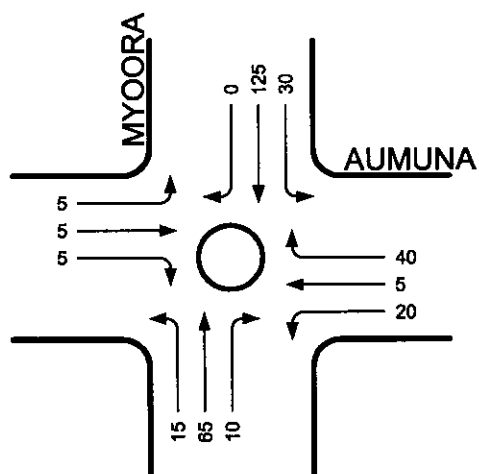
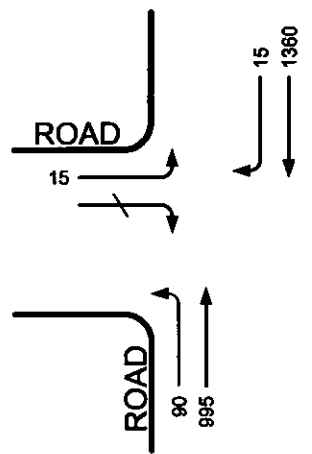
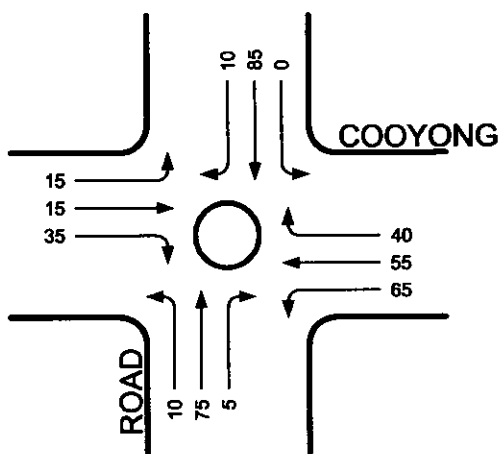


LEGEND

100 - Existing Peak Hour Flows

○ - Roundabout

EXISTING AFTERNOON PEAK HOUR TRAFFIC FLOWS



LEGEND

- 100 - Existing Peak Hour Flows
- - Roundabout

EXISTING WEEKEND AFTERNOON PEAK HOUR TRAFFIC FLOWS

DRAWN BY CBHK Pty Ltd Ref: 5876 11 OCTOBER 2005

Don Fox Planning

APPENDIX C

BUSHFIRE PROTECTION ASSESSMENT

FOR

**THE PROPOSED ALTERATIONS & ADDITIONS
TO THE HILLS FLOWER MARKET,**

No. 287 MONA VALE ROAD,

TERRY HILLS.



Australian Bushfire Protection Planners Pty Limited
RMB 3411 Dog Trap Road, Somersby, NSW 2250
Telephone 02 43622112, Fax. 02 43622204
Email abpp@bigpond.net.au

1.0 Introduction.

Australian Bushfire Protection Planners Pty Limited has been requested by Don Fox Planning Pty Ltd to undertake a Bushfire Protection Assessment for the alterations & additions to the Hills Flower Market at Lot 1 in DP 845094, No. 287 Mona Vale Road, Terry Hills. The development site and surrounding area was inspected by Graham Swain of ABPP on the 22nd of July 2005 to determine the vegetation types within and adjoining the site; adjoining development; slopes; existing bushfire mitigation measures and a visual assessment of bushfire threat.

2.0 Project Description.

The development proposal is for the erection of a single storey structure, with a basement level car park and mezzanine level adjacent to the existing flower market building for use as a retail plant nursery; minor landscape works and minor driveway works. Minor alterations to the existing flower market building are also proposed being the provision of a new roof over the entry court, reconfiguration of the flower sales area, provision of additional storage space at the rear of the building, provision of a covered area over the existing loading dock and relocation of the garbage storage area. It is also proposed that one of the two existing glasshouses will be demolished.

3.0 Site Description.

The site is located on the south western side of Mona Vale Road opposite the J.J. Melbourne Hills Memorial Reserve and Manly Warringah Field Archery Range, between Aumuna and Cooyong Roads. The site has a frontage of 142.29 metres to Mona Vale Road and a depth of 140.57 metres with an area of 2 hectares.

Vehicular access is available directly off Mona Vale Road with a right-of-carriageway providing access to Myoora Road. The site is occupied by Hills, The Flower Market which encompasses a wholesale and retail flower shop, a gift shop, floristry classes and the Piemonte Café.

The site is predominantly surrounded by rural/residential and semi-commercial land uses with the Manly Warringah Archery Range located to the northeast of Mona Vale Road.

4.0 Topography.

The site slopes in a southerly direction, with the lowest point of the site being located adjacent to the southern boundary. The adjoining land to the northwest is level and the topography across Mona Vale Road is also level for approximately 60 metres before falling to the north east through the Archery Range. Land to the south east has been filled as part of the new complex being erected on the adjoining lot and land further to the south continues to slope to the south, following the fall in the watercourse.

The topography of the land to the southwest and beyond Myoora Road rises above the watercourse at <5 degrees.

5.0 Vegetation.

Within the Site.

The site contains landscaped gardens.

Within the Adjoining Lands.

The vegetation within the surrounding land to the northwest, southeast and southwest of the site contains landscaped gardens/managed curtilages to the existing buildings.

The narrow corridor of land on the north eastern side of Mona Vale Road, between the road verge and the adjoining Archery Range/Memorial Reserve contains remnant Open Forest mapped as Category 2 Bushfire Prone Vegetation on the Certified Warringah/Pittwater Bushfire Prone Land Map. The Buffer Zone to the Bushfire Prone Vegetation impacts the northern corner of the site and triggers the need for consideration of bushfire protection measures as defined by the N.S.W Rural Fire Service.

6.0 Bushfire Protection Assessment.

The proposed development is not development for the subdivision of land for residential or rural residential development or development of a Special Fire Protection Development as defined by Section 100B of the *Rural Fires Act*, therefore the application is not Integrated Development under Section 91(1) of the *Environmental Planning & Assessment Act*.

Due to the land being impacted by the Bushfire Prone Land Map, Section 79BA of the *Environmental Planning & Assessment Act* applies to the proposed development. Section 79BA states the following:

Consultation and development consent-certain bushfire prone land:

(1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bushfire prone land unless the consent authority:

(a) is satisfied that the development conforms to the specifications and requirements of Planning for Bushfire Protection 2001, that are relevant to the development or,

(b) the consent authority has consulted with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to protect persons, property and the environment from danger that may arise from a bushfire.

Planning for Bushfire Protection 2001 states in Chapter 1 Section 1.1 "Introduction" that the document:

"provides the necessary planning considerations when developing areas for residential use in residential, rural-residential, rural and urban areas when development sites are in close proximity to areas likely to be affected by bushfire events.

The document is therefore applicable to Class 1, 2 & 3 residential development as defined within the Building Code of Australia."

The proposed development provides for the construction of a new Plant Nursery Building and alterations and additions to the existing Flower Farm facilities. The *Building Code of Australia (BCA)* classifies this building as a Class 5, 7 or 8 building or a combination of these classes. The future use of the development is not for residential purposes and therefore outside the requirements of Section 79BA (a) of the *Environmental Planning and Assessment Act*, however Section 79BA (b) requires Councils, where the development does not comply with *Planning for Bushfire Protection 2001*, to refer the application to the Rural Fire Service for advice on measures to be taken to protect persons, property and the environment from the danger that may arise from the impact of bushfires. These measures are assessed below.

6.1 Asset Protection Zones.

The Rural Fire Service does not have prerequisites for protection of developments other than Class 1, 2 and 3 buildings and adopts a flexible approach to the provision of Asset Protection Zones to the type of development proposed.

The vegetation to the northeast of Mona Vale Road is mapped as Category 2 Bushfire Prone Vegetation which is classified as Group 3 vegetation within *Planning for Bushfire Protection 2001*. The requisite Asset Protection Zone from this vegetation (for **residential development**) is 20 metres. The separation distance provided by the width of Mona Vale Road to the front of the site is 36 metres plus the 30 metre building line setback to the proposed building, providing a total of 66 metres of separation between the bushfire prone vegetation and the new building.

The separation provided adequately addresses the potential bushfire threat to the development and provides an Asset Protection Zone greater than the width required to address a higher level of hazard provided by Category 1 (Group1) Bushfire Prone Vegetation.

6.2 Access.

Mona Vale Road is a dual carriageway twin lane road with a paved width of approximately 9 metres, therefore providing adequate access for emergency vehicles.

The exiting dual lane entry to the site and existing/proposed access ways throughout the development address the access provisions of *Planning for Bushfire Protection 2001*. Alternate access/egress is provided from Myoora Road.

6.3 Water Supplies.

The existing development is serviced by the Sydney Water supply main in Myoora Road and Mona Vale Road. Therefore no additional water supply for fire fighting operations is required.

6.4 Building Construction Standards.

The new building is located 66 metres from the Category 2 Bushfire Prone Vegetation to the northeast of Mona Vale Road. The level of Bushfire Attack (radiant heat) is assessed as Low for Group 3 vegetation and therefore no bushfire construction standards required to be implemented in the design and construction of the building/alterations and additions.

7.0 Conclusion.

The overall bushfire risk to the site, from the narrow band of Bushfire Prone Vegetation on the north eastern side of Mona Vale Road, is considered to be low due to the separation provided by Mona Road and the building line setback.

The width of the Asset Protection Zone provided exceeds the minimum requirement set by the Rural Fire Service for Industrial/Commercial buildings by more than 330%.

Access and water supply for fire fighting operations comply with the requirements of the Rural Fire Service and the building construction complies with the Australian Standard A.S. 3959 – 1999 “ Construction of Buildings in Bushfire Prone Areas (Class 1-3 buildings) and therefore Part 5.3 of the Building Code of Australia.



Graham Swain,
Director,
Australian Bushfire Protection Planners Pty Limited.
26.7.2005

Don Fox Planning

APPENDIX D

Don Fox Planning

APPENDIX E

Hills Flower Market – Terry Hills Proposed On-Site Effluent Disposal by Land Irrigation

It is proposed that all sewage and wastewater from the development be treated on site using a treatment plant. The quality of the resultant effluent is expected to be well within the prescribed limits of 20/30 mg/L of BOD5 and Suspended Solids.

A water balance study of the site (refer table) indicates that for most of the year, all the effluent can be disposed of on site by irrigation (refer to effluent reuse plan). In the event that some effluent needs to be disposed of off site by cart away contractor, for this purpose, pump out facilities have been included in the proposal.

Over-irrigation due to wet weather will be controlled by a soil moisture sensor, which will automatically stop the irrigation pump. The wet weather storage pond as described in the attached information will buffer the flow. Should this storage volume be insufficient, the effluent will be carted away by tanker. This will be the responsibility of the owner or the owner's representative.

An effluent flow meter will be installed such that records can be kept by the owner or the owner's representative of the volume of effluent irrigated.

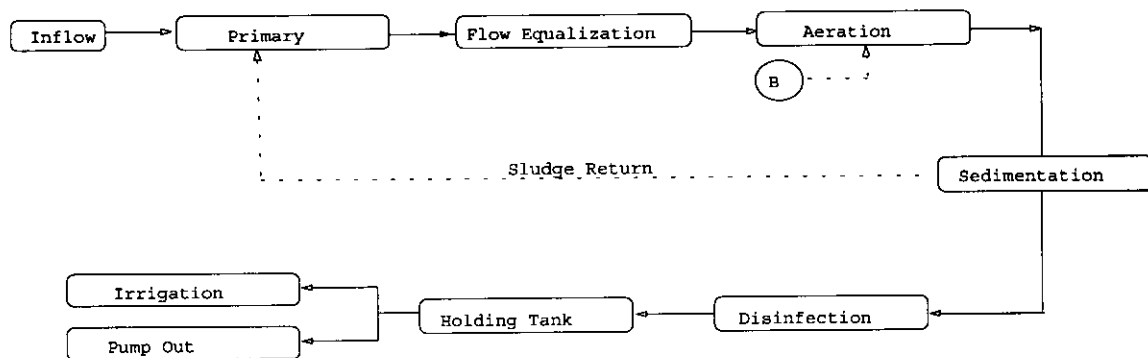
Hills Flower Market – Terry Hills

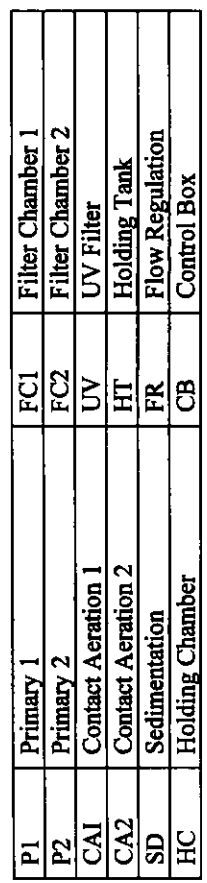
Existing On-Site Effluent Disposal by Land Irrigation and Reuse

The Existing wastewater treatment plant and on-site effluent disposal system by land Irrigation currently in operation treats sewage and wastewater generated from Hills Flower Market.

Currently all sewage and wastewater generated at Hills Flower Market is from 13 staff and a 130 seat restaurant.

EXISTING INSTALLATION - PROCESS FLOWSHEET:





P1	Primary 1	FC1	Filter Chamber 1
P2	Primary 2	FC2	Filter Chamber 2
CA1	Contact Aeration 1	UV	UV Filter
CA2	Contact Aeration 2	HT	Holding Tank
SD	Sedimentation	FR	Flow Regulation
HC	Holding Chamber	CB	Control Box

PROPOSED PLANT FOR ON-SITE EFFLUENT DISPOSAL BY LAND IRRIGATION

1: GENERAL DESCRIPTION

Aim:

To upgrade the existing treatment plant so that it is capable of treating sewage and wastewater generated from Hills Flower Market existing and proposed new development to a quality suitable for irrigation.

The new development includes a 130 seat café, The Turf shop, the Rain Water Tank Recyclers and Retail Plant Nursery.

Primary Settling:

Sewage and wastewater from the development gravity flows to the primary settling tank to settle the suspended solids and undergo anaerobic digestion.

Flow Regulation:

The treatment tank is designed to regulate the rate of influent for consistent treatment of wastewater. Intermittent flows from the school are distributed evenly to the treatment tank using pump and controls.

Aeration:

Under aerobic conditions ammonia is removed by nitrifying bacteria converting it to nitrate. Diffusers placed in the tank supply air from the blower to the mixed liquor from the base of the tank. Unions are fitted to each set of diffusers for maintenance. Manual ball valves are fitted on each set of diffusers for control of air supply.

Clarifier:

Is designed to separate the solids from treatment liquid. Settled sludge is collected from the centre of the chamber by submersible pump and returned to the head of plant. The pump is controlled by timer and operates intermittently.

Disinfection:

Processed sewage contains Coliform and other noxious bacteria, which is disinfected by using UV or Chlorine.

Wet Weather Holding Pond:

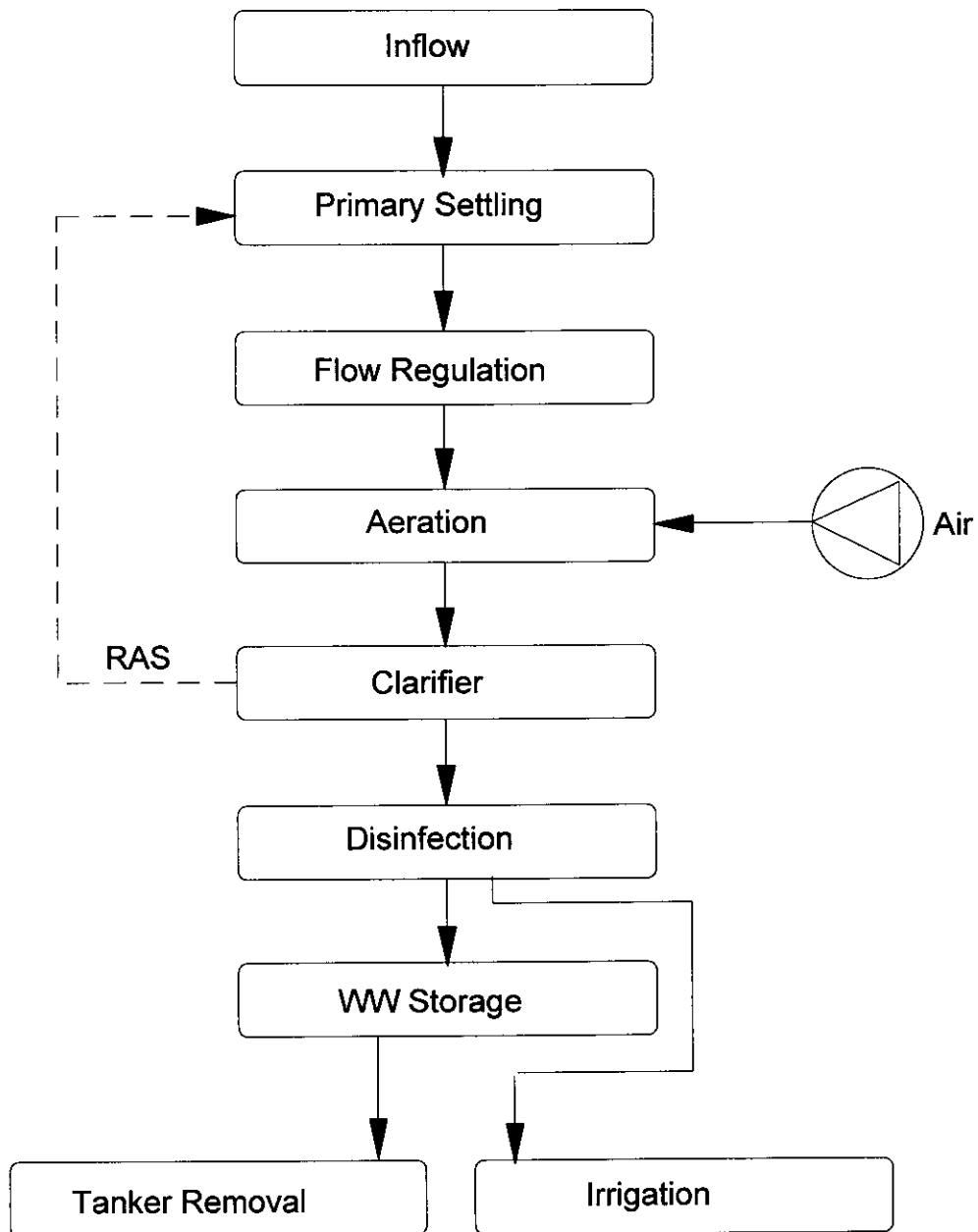
Treated effluent is pumped to the irrigation area.

The existing wet weather storage pond will buffer the flow. During extended wet weather conditions the excess treated effluent can be removed from the site by tanker.

Irrigation area:

Treated wastewater is disposed off in the irrigation area. Moisture sensors that in turn control the irrigation pumps control the volume of wastewater used for irrigation.

2: PROCESS FLOWSHEET



3: WATER BALANCE STUDY (EXISTING AND PROPOSED DEVELOPMENT)

MAXIMUM WATER DEMAND

Item	Description	Sullage (KL/week)	Peak Irrigation (KL/week)	Sewage Effluent Reuse	Irrigation Deficit
1	Total Staff – (21 x 7 days) x 20 lit/p (Total includes existing and proposed increase in staffing)	2.9			
2	Restaurant: 910 guests per week @ 20 lit/p	18.2			
3	Irrigation 25mm/wk x 1909sqm (Total includes existing irrigation area of 949 sqm and 960 sqm new irrigation area after the proposed development)		47.7	21.1	26.6
WEEKLY TOTAL		21.1	47.7	21.1	26.6

Notes:

- During dry summer periods there is insufficient wastewater to satisfy the demand for the irrigation area.
- Staff at Turf shop and Rain Water Tank Recyclers has been included.
- Water usage by staff is calculated as follows:
 Hand washing – 3 lit/person/day
 Toilet flushing – 9 lit/person/day
 Sinks – 8 lit/person/day

MINIMUM WATER DEMAND – IN WINTER MONTHS

Item	Description	Sullage (KL/week)	Peak Irrigation (KL/week)	Sewage Effluent Reuse	Irrigation Excess
1	Total Staff – (21 x 7 days) x 20 lit/p (Total includes existing and proposed increase in staffing)	2.9			
2	Restaurant: 910 guests per week @ 20 lit/p	18.2			
3	Irrigation 8mm/wk x 1909sqm (Total includes existing irrigation area of 949 sqm and 960 sqm new irrigation area after the proposed development)		15.3	21.1	5.8
WEEKLY TOTAL		21.1	15.3	21.1	5.8

Note: During winter months, the evapotranspiration allowed is 8mm/week

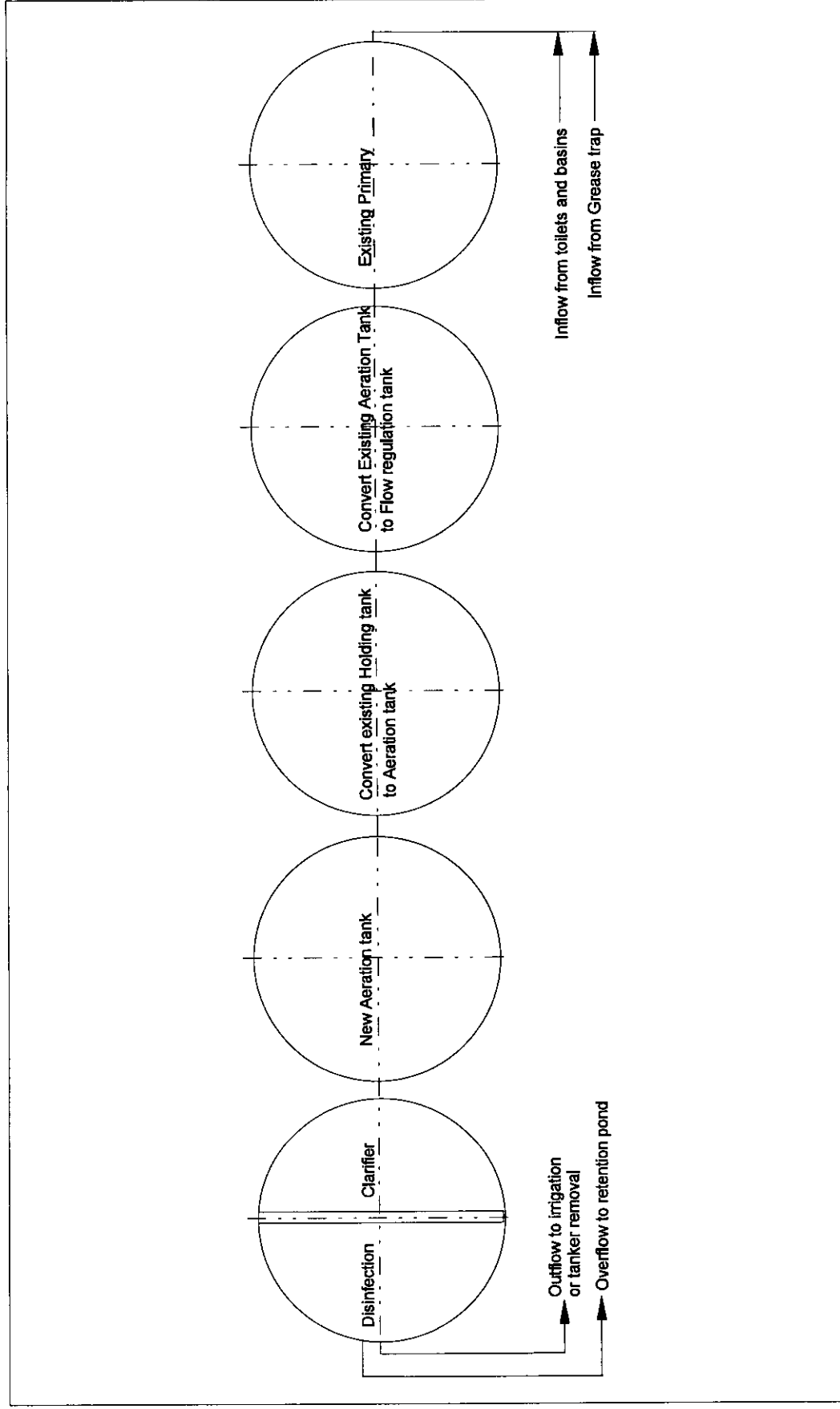
4: TABLE OF WATER BALANCE FOR EFFLUENT IRRIGATION
(Based on The Utilization of Treated Effluent by Irrigation – EPA 1994)

Month	Evapo-transpiration (mm)	Percolation (mm)	Run-off (mm)	Precipitation (mm)	Effluent Applied (mm)	Effluent Available (mm)	Pump Out (KL)
Jan	172	20	27	119	100	49	-
Feb	142	20	25	106	81	44	-
March	130	20	31	130	51	49	-
April	97	20	18	75	60	47	-
May	70	20	21	89	22	49	52
June	62	20	25	105	2	47	85
July	67	20	14	61	40	49	17
Aug	91	20	12	50	73	49	-
Sep	113	20	13	54	92	47	-
Oct	140	20	16	69	107	49	-
Nov	154	20	22	92	104	47	-
Dec	184	20	27	113	118	49	-
Total	1422	240	251	1063	850	575	154

Notes:

- Evaporation was determined from 20 years of record from Sydney Airport, being the closest station to Terry Hills. Average values were taken. A crop factor of 0.8 was used to determine the Evapo-transpiration.
- Percolation was assumed at 20 mm/month to allow for minor losses from the field capacity during rainfall.
- Precipitation was determined from 39 years of rainfall from the French's forest station. The 50 percentile value was calculated – being the average of the highest 50% of the monthly readings as required by EPA.
- Effluent applied is the difference between precipitation and the losses due to evapo-transpiration and percolation.
- Run-off was calculated from the formula given in WP-8 (Design guide for land application of wastewaters, EPA 1988).
- Available effluent is 84.4KL/28day applied over 1909 sq m., which equals an irrigation requirement of 44.2mm/28 days

5: Plan Schematic





21 August 2006

Rudi Caristo
287 Mona Vale Road
TERREY HILLS 2084

DA 2005/1010
CA (PAS)

Dear Sir/Madam,

**RE: DEVELOPMENT APPLICATION NO. 2005/1010 FOR PROPOSED CHANGE
OF USE TO INCLUDE TURF OUTLET, AND RAINWATER TANK OUTLET
AT NO. Lot 1, DP 845094, 287 MONA VALE ROAD, TERREY HILLS**

At its meeting held on 15 August 2006, Council resolved to approve your Development Application and the formal consent notice and plans are now available for collection at Council's Customer Service Centre.

It is Council's policy not to forward these by mail to ensure safe receipt of these important documents. When collecting your Development Consent and accompanying documents, please bring this letter with you for identification purposes. The Customer Service Centre is open between 8.30am and 5pm Monday to Friday (excluding Public Holidays).

If another person is collecting the consent on your behalf, written authorisation is required. Development Consents that are not collected within 30 days of notification will be filed and can be retrieved by giving three days notice in advance.

Please read your Development Consent carefully. It contains important information and conditions that must be complied with at various stages of the development.

Should you require any further information on this matter, please contact **Rebecca Fisher** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our DA's Online System at www.warringah.nsw.gov.au.

Yours faithfully

Peter Robinson
Manager Major Developments

Owner/s: Hills The Flower Market P/L
287 Mona Vale Road
Terrey Hills 2084

100 YEARS
1906-2006

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

PLANS	ISSUE	DATE	TITLE
DA A.0.01	B	October 2005	Site Plan
DA A.0.0.2	G	October 2005	Area Calculations
DA A.0.03	G	October 2005	Site Analysis
DA A.0.04	G	October 2005	Existing Uses
DA A.0.05	G	February 2004	Proposed Uses
DA A.0.06	G	October 2005	Area Calculations – Proposed Development Areas
DA A.1.01	G	October 2005	Plan – Ground Floor, Loop Road
DA A.1.02	G	October 2005	Plans – Car Park & First Floor
DA A.1.03	DA	October 2005	Access Ways & Car Parking Layout
DA A.2.01	G	February 2004	Elevations
DA A.2.02	G	October 2005	Elevations
DA A.4.01	G	October 2005	Sections

Document Number	Dated
Wastewater Management Report, prepared by Aqua Consulting: Water and Environment Consultants.	5 December 2005

except as modified by Modification 1 Reference 2004/1012/1 plans listed below (refer to the highlighted sections on the plans only):

PLANS	ISSUE	DATE	TITLE
DA A.1.01	H	June 2006	Plan – Ground Floor, Loop Road
DA A.1.02	H	June 2006	Plans – Car Park & First Floor

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. [A1 (1)]

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval and development consent) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance. [A2]*

3. Demolition of Extra Fabric

Alterations to, and demolition of the existing building shall be limited to that shown on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: *To ensure compliance with the approved development. [A3]*

4. Approved Landscaping Plan

Landscaping works on the site are to be undertaken generally in accordance with the landscaping plans numbered LC01A and LC02B prepared by Selena Hannan Landscape Design dated 26/04/2005 and 03/06/2005 respectively.

The approval of the 'Landscape Plans' relates solely to the landscape works proposed and not to any structure identified on the subject plans. There shall be no additional hardstand areas beyond those identified on plan number A.0.06 Revision G dated February 2004.

Reason: *To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development. [A4]*

5. New Development Application Required

This consent is for alterations and additions to the existing flower market building, increasing the capacity of the cafe/restaurant to 130 seats, demolition of the two glasshouses and provision of parking for 121 vehicles only. If during the course of certification, demolition or construction, the remaining fabric of the building is removed or demolished a new development application will be required and relevant planning controls will apply.

Reason: *To ensure compliance with the approved plans. [A5]*

CONDITIONS THAT REQUIRE 'ANCILLARY' MATTERS TO BE COMPLETED TO THE SATISFACTION OF COUNCIL OR ANOTHER NOMINATED PERSON

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. Construction Management Program (Commercial and Mixed use Development)

A Construction Management Program shall be submitted and approved by Council **PRIOR TO THE ISSUE OF ANY** Construction Certificate. Any use of Council property shall require appropriate approvals. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area. Access across public parks and open space reserves is prohibited. Site access and egress is to be generally obtained from Mona Vale Road;
- (b) The proposed phases of demolition, excavation and construction works on the site, and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. On site drainage is a requirement of this consent. Mobile cranes if used shall be located wholly within the site or only utilised during the demolition and excavation phase, and in association with the establishment and removal of a site crane, removal of excavation equipment and the like;
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practicing Structural Engineer and shall not involve any permanent or temporary encroachment onto Councils property;
- (i) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of hoardings over footpaths and laneways;



- (j) The location and operation of any on site crane;
- (k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and
- (l) A Building Waste Management Plan detailing the proposed method of removal and disposal of demolition and building waste.

Reason: *To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community. [B2]*

7. Provision of Services

Certification must be obtained from the relevant statutory authority that adequate services are available to satisfy the demands of the proposed development. Such certification is to be provided to the Council / Accredited Certifier prior to the issue of the Construction Certificate.

Reason: *To ensure that services have been provided as required by this Consent. [B4]*

8. Vehicle Crossing

Driveway gradients within the private property not exceeding a maximum ratio of 1:4 with transient slopes of 1.5 metres at a grade not steeper than 1:10.

Reason: *To facilitate suitable vehicular access to private property. [B6]*

9. General Terms of Approval - Rural Fires Act 1997 (Bushfire Protection)

The following general terms of approval have been imposed by the NSW Rural Fire Service as the integrated authority (defined under Section 91 of the EPA Act 1979):

- (a) Access shall comply with Section 4.3.2 Planning for Bushfire Protection 2001, prepared by Planning NSW. Details shall be submitted to the satisfaction of the Rural Fire Service prior to the issue of the Construction Certificate; and
- (b) The vegetation around the access shall be maintained to a distance of 5 metres as an 'Inner Protection Area' (IPA) and another 5 metres, shall be maintained as an Outer Protection Area (OPA) as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001, prepared by Planning NSW.

Section 100B - authorisation under section 100B must be obtained.

Note: These conditions have not been imposed by Council but are required to be incorporated as conditions of development consent. Where there is any inconsistency between these general terms of approval and other conditions of this consent the more onerous requirement prevails.



Reason: *To protect access to land located within a Bushfire Prone Area.*

10. Unauthorised uses

That the following unauthorised uses shall cease immediately and be removed from the site prior to occupation unless authorised by a new/separate development consent:

- (a) Horseland (occupying part of the existing flower market building as identified on Plan A.0.04 Revision G);
- (b) Furniture Outlet (operating from the dwelling house as identified on Plan A.0.04 Revision G);
- (c) Cabinet Making (operating from Units 4 and 5 in Shed A as identified on Plan A.0.04 Revision G);
- (d) Eagle Art (operating from Unit 1 in Shed B as identified on Plan A.0.04 Revision G); and
- (e) Computer Sign Shop (operating from Unit 2 in Shed B as identified on Plan A.0.04 Revision G).

Reason: *This consent does not endorse or approve unauthorised uses.*

11. Sealing of Right of Carriageway and Provision of Drainage Pits

The Existing Right Of Carriageway located on Lot 2 DP 845094 which is unsealed is to be hard paved either with concrete or asphalt for width of 5 metres. Drainage pits are also to be provided at suitable intervals and the stormwater drainage line connected to the existing drainage easement located on the adjoining property, Lot 128 DP752017.

Engineering plans for the above works are to be prepared by a consulting Civil engineer in accordance with Councils specification for engineering works and submitted to the Principal Certifying authority for approval prior to the issue of the Construction Certificate.

Reason: *To ensure the engineering works and associated drainage are in accordance with Council's specification for engineering works.*

CONDITIONS THAT REQUIRE SUBSIDIARY MATTERS TO BE COMPLETED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

12. Fire Safety Measures

Submission at the Construction Certificate stage of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, and such fire



safety schedule shall specify the minimum standard of performance for each fire safety measure.

Reason: Fire Safety [C1]

13. Design for Access & Mobility

Access/egress/services and facilities including external and interior access are required in accordance with the provisions of AS 1428.1 (2001) - Design for Access and Mobility.

Note that any approval granted by Council does not necessarily ensure compliance with the *Disability Discrimination Act (1992)* (Commonwealth) and the applicant should investigate it's liability under the Act. The applicant is directed to the following sources to assist compliance with the Act: -

- (a) Advisory Notes on Access to Premises - Human Rights and Equal Opportunity Commission (1998); and
- (b) Disability Discrimination Act (1992) (Commonwealth).

Details being submitted and approved by Council / Accredited Certifier prior to the issue of a Construction Certificate.

Reason: To ensure equitable access to members of the community to all public facilities. [C5]

14. Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

Reason: To ensure the protection of existing built public infrastructure. [C6]

15. Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for stormwater disposal is required and will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of



inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20 year storm.

- (b) The pump system shall be regularly maintained and serviced, every six (6) months.
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Engineering details demonstrating compliance with these criteria, and certified by an appropriately qualified and practicing Civil Engineer shall be provided to the Council / Accredited Certifier for approval with the Construction Certificate *unless* the applicant can provide satisfactory detail to the Council prior to the Construction Certificate demonstrating that the drainage of the basement can be gravity fed.

Reason: *To ensure adequate provision is made for the discharge of sub-surface stormwater from the excavated parts of the site. [C10]*

16. Kerb Security Bond

A bond of \$7000.00 shall be deposited with Council and inspection fees paid, prior to the issue of any construction certificate, against the potential for damage to Council's footpath and road reserve infrastructure during the construction process. (See Schedule)

Reason: *To ensure appropriate security is in place for the protection or repair of Public Infrastructure. [C16]*

17. Bond for Silt & Sediment Control

The payment of \$3000.00 prior to issue of a construction certificate a security to ensure that:

- (a) all silt and sediment control measures are installed and maintained;
- (b) there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems; and
- (c) maintenance of all facilities in accordance with Council's Specification for Erosion Control and Sediment Control.

Reason: *To ensure appropriate for works and environmental protection. [C20]*

18. Bond for Construction, Excavation and Associated Works

Payment to Warringah Council of a \$5000.00 bond as security against damage to Council's roads caused by the transport and disposal of materials and equipment to and from the site. This amount to be paid prior to the issue of the Construction Certificate and to be verified by the accredited certifier.



Reason: To ensure appropriate security for road damage. [C21]

19. S94 Contributions

The payment of the following developer contributions prior to the approval/release of the Construction Certificate.

Increase in Commercial / Industrial Floor space	Increase calculated at @ \$3.09/sqm	TOTAL
926.5sqm	\$2,863.00	\$2,863.00

These amounts have been calculated using the Warringah Section 94 Contributions Plan. They are current at the time of issue of this Consent. They will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). An updated schedule of Council's contribution rate is issued each quarter and is available at Council's office. Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

The basis for the contributions is as follows:

An increase of 926.5sqm of commercial/industrial floor space

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. [C70]

20. Security Bond Schedule

All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:

SECURITY BOND & FEE SCHEDULE	
287 Mona Vale Road, Terrey Hills	
DEVELOPMENT APPLICATION NUMBER 2004/1012	
SECURITY BONDS	AMOUNT (\$)
Kerb Security Bond	\$7000.00
Kerb Security Inspection Fee	\$ 200.00
Silt and Sediment Control Bond	\$3000.00
Others	
TOTAL BONDS	\$10,200.00
FEES	
Section 94 contribution	\$2863.00
Long Service Levy	\$3,713.50
Others	
TOTAL FEES	\$6,576.50

Reason: Compliance with the development consent. [C71]

21. Access for People with Disabilities

Ramps and access for people with disabilities are to be provided to and within each ground floor retail tenancy. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the provisions of the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

Reason: *To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards. [C36]*

22. Parking for People with Disabilities

The designated accessible car parking facilities shall be:

- (a) Located at the closest point to each accessible public entry;
- (b) Linked to an accessible entrance to the building by a continuous accessible path of travel, preferably undercover;
- (c) Provided at the rates specified in table D3.5 of the Building Code of Australia (Table 3 in Appendix Two) and the provisions of AS2890.1-1993 or otherwise provide an alternative solution submitted as a report to the certifying authority illustrating how the relevant performance requirements can be satisfied;
- (d) A minimum of 3.2m in width, with a minimum length of 5.5m and a minimal vertical clearance of 2.5m. Dead-end parking spaces shall have a minimum width of 4.2m;
- (e) Clearly signposted by painting the signage on the surface of the paved space as well as signposted at a height of not less than 1500mm centrally located at the end of the space;
- (f) Signposted at the entrance to the car park.

All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1-1993 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.2 and AS1428.4.

Details of compliance are to be clearly identified on the plans for the Construction Certificate.

Reason: *To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation. [C37]*

23. Line Marking

121 off-street parking spaces, together with access driveways, shall be constructed,



paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. A certificate prepared and certified by an appropriately qualified and practicing Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted with the Construction Certificate.

Reason: *To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles. [C38]*

24. Cleanliness and Maintenance of Food Preparation Areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:

- (a) The Food Act (as amended)
- (b) The Food Regulation (as in force);
- (c) Council's Code for the Construction and Fit-out of Food Premises;
- (d) Sydney Water Corporation - Trade Waste Section;
- (e) The Protection of the Environment Operations (Clean Air) Regulation;
- (f) AS 1668 Part 1;
- (g) AS 1668 Part 2;
- (h) the Protection of the Environment Operations Act; and
- (i) the Building Code of Australia;
- (j) The ANZ Foods Standards Code

The relevant matters to be taken into account under this condition relate to:

- construction, materials and finishes;
- installation of fixtures, fittings and equipment;
- washing facilities, other facilities and special requirements;
- mechanical ventilation and exhaust discharges; and
- temperature control.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted to, and approved by, the Council / Accredited Certifier prior to the issue of a Construction Certificate.

Reason: *To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation. [C42]*

25. Garbage and Recycling Facilities

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- (a) All internal walls of the storage area shall be rendered to a smooth surface, covered at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- (b) Include provision for the separation and storage in appropriate categories of material suitable for recycling;
- (c) The storage area shall be adequately screened from the street, with the entrance to the enclosures no more than 2m from the street boundary of the property;
- (d) If a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay shall be provided no more than 2m from the street boundary of the property;
- (e) Garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- (f) Garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

Details of the storage area are to be provided to, and approved by the Council / Accredited Certifier prior to issuing of the Construction Certificate.

Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors. [C45]

26. Sediment Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council / Accredited Certifier accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Warringah Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;
- (e) A schedule and program of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Council / Accredited Certifier prior to issuing of the Construction Certificate.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites. [C46]*

27. Reflectivity Index of Glazing

The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

(Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

Reason: *To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. [C54]*

28. Roofing Materials - Reflectivity

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details being submitted with the Construction Certificate.

Reason: *To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. [C55]*

29. Colours & Finishes

That a schedule of colours and finishes shall be submitted, to the satisfaction of Council, prior to the issue of the Construction Certificate.

Reason: *Amenity. [C56 (1)]*

30. No External Service Ducts

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

Reason: *To ensure quality built form of the development. [C57]*

31. Cigarette Butt Receptacle - Commercial

That provision be made for cigarette butt receptacles on the site to minimise littering. Cigarette butt receptacles must be provided during building works on any site, and



permanently provided to any restaurant/bar/retail/commercial component of the development after construction. Details of the size and the location of the receptacle are to be provided in the Construction Certificate.

Reason: *To ensure that adequate provision is made for builder's waste and waste upon completion of the development. [C58]*

32. Underground Electricity and Other Services

All electricity provision to the site is to be designed in conjunction with Energy Australia so that it can be easily connected underground when the street supply is relocated underground. Details to be shown on plans submitted and approved with the Construction Certificate.

Reason: *To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground. [C61]*

33. Toilet Facilities in Accordance with BCA

Permanent toilet facilities are to be provided within the development site in accordance with the provisions of the Building Code of Australia, in relation to the number of occupants of the development being 130. Details demonstrating compliance with these requirements are to be submitted with the Construction Certificate.

Reason: *To ensure appropriate toilet facilities to service the number of patrons of the development. [C69]*

34. Fire Safety

The applicant is to engage the services of an Accredited Certifier, Building Grade 1 or 2 (NSW or equivalent) to carry out a Building Code of Australia audit that is based upon inspections(s) of the building in terms of the deemed-to-satisfy fire safety provisions. (A list of Accredited Certifiers is available on the Department of Infrastructure Planning and Natural Resources website.)

The audit must specifically cover all clauses within Section C, D and E of the Building Code of Australia (as per the most recent amendments) reflecting compliance, non-compliance or not applicable in the circumstances. The audit (checklist) is to accompany the report.

The results of the audit are to be incorporated into a report and strategy to overcome the non-compliant provisions either by performance solution or adherence to deemed-to-satisfy provisions by satisfying the fire safety objectives of Sections C, D and E of the Building Code of Australia.

The standard of satisfying the fire safety objectives of Sections C, D and E as contained within the Building Code of Australia is the specified standard for the purposes of Section 121P(1)(a) of the Act.



A schedule of existing (if applicable) and the proposed Essential Fire Safety Measures, including their standard performance must be included in this strategy.

The report and strategy must be submitted to the Council for written approval prior to issue of any Construction Certificate.

Reason: *To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants. [C73]*

35. High Quality Lighting

Details demonstrating high quality external lighting for security without adverse affects on public amenity form excessive illumination levels are to be submitted with the Construction Certificate.

Reason: *To ensure lighting provides security and amenity. [C78]*

36. Sanitary Facilities for Persons with Disabilities

Sanitary facilities for people with disabilities shall be provided in accordance with requirements of Part F2.4 of the Building Code of Australia. Accessible toilets shall comply with the following provisions:

- (a) The route to the toilet shall be part of the continuous accessible path of travel. The floor approach must be level and approach corridors and doorways adequate for the circulation of wheelchair users;
- (b) The toilet must be provided with a separate entrance (i.e. not entered from the male or female toilet areas) so that a person can be assisted by an attendant of the opposite sex;
- (c) Accessible toilet facilities shall be designed in accordance with AS1428.2; and
- (d) Where a staff facility (reception, front desk, office etc) is provided, an emergency call button which complies with AS1428.2 shall be installed in each accessible sanitary facility.

Details of compliance are to be clearly identified on the plans for the Construction Certificate.

Reason: *To provide adequate access to sanitary facilities for persons with a disability.*

37. Accessible Entry

At least one main entry without steps and useable by people in wheelchairs shall be provided from the at grade car park area in accordance with the design requirements of the relevant Australian Standards.

Reason: *To provide equitable access.*

38. Installation of Dual-Flushing Toilets

All toilets installed within the development shall be of water efficient dual-flush capacity with a minimum "AAA" rating. The details shall be submitted for the approval of the certifying authority, prior to issue of a Construction Certificate for the building under the Environmental Planning and Assessment Act 1979.

Reason: To maximum water efficiency.

39. Installation of Water Efficient Taps

All taps installed shall be water efficient with a minimum "AAA" rating. The details shall be submitted for the approval of the certifying authority, prior to the issue of a Construction Certificate for the development under the Environmental Planning and Assessment Act 1979.

Reason: To maximise water efficiency.

40. Parking Spaces

That 121 off-street parking spaces shall be provided, inclusive of five (5) motorcycle parking spaces. Details of compliance are to be clearly identified on the plans for the Construction Certificate.

Reason: To provide adequate parking.

41. Car Parking Design

That all off-street parking and circulation areas (including ramp grades and widths, aisle width, height clearances and column locations) shall be designed to comply with AS2890.1-2004 with the exception of parking for people with disabilities. Parking for persons with a disability shall comply with the provisions of AS2890.1-1993. Details, demonstrating full compliance shall be submitted prior to the issuing of a Construction Certificate.

Reason: To provide adequate parking.

42. Service Bays

The service bays shall be designed to comply with the provisions of AS2890.2-2002. Details clearly demonstrating compliance shall be submitted prior to the issuing of the Construction Certificate.

Reason: To ensure adequate servicing.

43. Car Park Layout

The intersection of the driveway and car park (spaces 20-29) in front of the proposed



Retail Plant Nursery building is to be amended to permit traffic (cars and trucks) to turn left from the car park into the exit driveway to Mona Vale Road. The design of the intersection shall be in accordance with Standards Australia AS 2890.1-2004 and AS 2890.2-2002.

Reason: *Adequate access and vehicular safety.*

44. Car and Commercial Parking Details

The *Construction Certificate* plans and specifications required by clause 139 of the Environmental Planning and Assessment Regulation, must include detailed professional engineering (traffic engineering) plans and specifications for all car and commercial vehicle parking in compliance with AS/NZS 2890.1:2004 : Parking Facilities - Off-Street Car Parking and AS 2890.2:2002 - Off-Street Parking: Commercial Vehicle Facilities respectively.

Access levels and grades must comply with access levels and grade required by Council under the Roads Act 1993.

The Certifying Authority has no discretion to reduce or increase the number or area of car parking or commercial parking spaces required to be provided and maintained by this consent.

Reason: *Adequate access.*

45. Motorcycle Parking

The parking layout shall provide five (5) motorcycle parking spaces each space being a minimum of 1.2 metres x 2.5 metres. Details demonstrating compliance are to be provided with the Construction Certificate.

Reason: *To promote and provide facilities for alternative forms of transport. [C35]*

46. Deletion of Agricultural Supplies/Rural Supplies Use

That reference to 'Agricultural Supplies' and 'Rural Supplies' for units 1, 2 and 3, identified on plan numbers A.0.04 Revision G and A.0.05 Revision G respectively, shall be deleted from the plans prior to the issue of the Construction Certificate.

Reason: *The use of these units is not the subject of this application (The above is currently being considered under development application number 2005/1010).*

47. Stormwater Disposal

All drainage lines from the proposed buildings are to be directed through the on-site detention basin.

Reason: *To ensure appropriate management of stormwater through the site [Special Condition].*

48. Stormwater Disposal

All stormwater discharge from the proposed driveway within the right of carriageway of 50-52 Myoora Road is to be piped within the existing inter-allotment drainage easement and discharged into the existing drainage system downstream from the on-site detention basin.

Reason: *To ensure appropriate management of stormwater through the site [Special Condition].*

49. Waste Management - Cafes And Restaurants

Details of a waste bin and recycling bin storage areas shall be submitted to the Principal Certifying Authority for approval prior to the issuing of a construction certificate. The Waste bin and recycling bin storage areas shall be contained in a ventilated roofed area. The floor of the waste and recycling area shall be drained to a central point for drainage to an approved liquid waste system. Where wastewater can escape to the stormwater system, bund must be erected to contain the wastewater on site.

Reason: *To minimise the amount of waste going to landfill and prevent the contamination of stormwater.*

50. Installation and Maintenance of Sediment Control

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council guidelines. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised. This Condition must be complied with during demolition and building work.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites.*

51. Sediment and Erosion Control Signage

A durable sign, which is available from Council, shall be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT



52. Silt & Sediment Control

Provision shall be made throughout the period of demolition / Excavation & Construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

***Reason:** To avoid siltation to adjoining properties and waterways. [D1]*

53. Construction Certificate

A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.

***Reason:** Legislative requirements. [D3]*

54. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with section 81A of EP & A Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

***Reason:** Legislative requirement for the naming of the PCA. [D4]*

55. WorkCover

Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

***Reason:** Statutory requirement. [D5]*

56. Road opening permit

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

***Reason:** Statutory requirement (Roads Act 1993) [D6]*

57. Excavation/Building Works

No excavation or building works shall be carried out until a Construction Certificate has been issued.

***Reason:** To ensure compliance with statutory provisions. [D13]*

58. Inspection Fees

Where Council is acting as the Principal Certifying Authority and where an inspection of building, civil or landscape work is required by these conditions, inspection fees and component certification fees must be paid to Council before Council will undertake any inspections. These fees may be paid at the time of submission of the required Notice of Commencement of works. This condition applies regardless of whether a Certification fee is also payable.

Note: The submission of a Notice of Commencement of works form to Council at least two (2) days prior commencing works is a statutory requirement.

***Reason:** Statutory requirement and information. [D14]*

59. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgment of the application.)

***Reason:** To ensure the community is protected from the cost of any claim for damages arising from works on public land. [D17]*

60. Directional Signs

Signs are to be erected at the entry and exit driveways and the bitumen driveway areas are to be pavement marked with arrows to clearly indicate to customers and delivery vehicles the traffic flow through the site. A "Wrong Way" sign is to be erected at the southern ingress point on Mona Vale Road to prevent the public and delivery vehicles exiting via the entry driveway. A "No Entry" sign is to be erected at the northern egress point on Mona Vale Road to prevent members of the public and delivery vehicle alike from entering the site via the exit driveway.

***Reason:** To facilitate the safe entry and exit of vehicles and the safe movement of vehicles and pedestrians through the site.*

61. Demolition Work Method Statement

Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and



a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.

That Statement must be in compliance with AS2601-1991 Demolition of Structures, the requirements of WorkCover Authority and condition of the Development Approval, and must include provisions for:

- (a) Enclosing and making the site safe, any temporary protective structures must comply with the Guidelines For Temporary Protective Structures (April 2001);
- (b) Induction training for on-site personnel;
- (c) Inspection and removal of asbestos, and contamination and other hazardous materials;
- (d) Dust Control: Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- (e) Disconnection of gas and electrical supply to the relevant buildings;
- (f) Fire Fighting: Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services must not be obstructed;
- (i) Control of water pollution and leachate and cleaning of tyres:- Proposal shall be in accordance with the Protection of the Environment Operations Act 1997;
- (j) Working hours, in accordance with this Development Consent;
- (k) Confinement of demolished materials in transit;
- (l) Proposed truck routes;
- (m) Location and method of waste disposal and recycling.

The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

Reason: Safety.

62. Excavation Work Method Statement

Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:



- (a) Name and address of the company/contractor undertaking excavation works;
- (b) The name and address of the company/contractor undertaking off-site remediation/disposal of excavated materials (if applicable);
- (c) Name and address of the transport contractor, and location of the disposal site;
- (d) Type and quantity of material to be removed from the site;
- (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
- (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;
- (g) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;
- (h) Measure to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5m deep. Plastic jersy kerb barriers are not permitted;
- (i) Any WorkCover Authority requirements.

Note:

- (i) A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement.
- (ii) The PCA is to be notified of any proposed alteration of the above information during the course of demolition.
- (iii) On completion of removal of material, a certificate shall be submitted to the PCA, and a copy provided to Council (if it is not the PCA) testifying to the safe and proper disposal, and amount of all material.

Reason: *Safety and maintenance of site.*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

63. Road Reserve works



Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others, to the satisfaction of the Principal Certifying Authority, and in accordance with Council's standard specifications for engineering works. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works. This Condition must be complied with during demolition and building work.

Reason: *Public Safety. [E4]*

64. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

Reason: *To ensure residential amenity is maintained in the immediate vicinity. [E17]*

65. Dust Emission and Air Quality

Materials must not be burnt on the site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.

Reason: *To ensure residential amenity is maintained in the immediate vicinity. [E18]*

66. No Work on Public Open Space

The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

Reason: *Protection of existing public infrastructure and land and to ensure public safety and proper management of public land. [E19]*

67. Construction Access Over Public Reserve

No building, demolition, excavation or material of any nature is to be placed on a public reserve and no vehicular or other access is to be gained over a public reserve.



A separate application for access is to be made only in circumstances where direct access from a street frontage is not reasonable.

Reason: To ensure the proper management of public land. [E20]

68. No Removal of Trees on Public Property

No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in its consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

Reason: Protection of existing environmental infrastructure and community assets. [E21]

69. Construction Hours

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E26]

70. Out of Hours Work Permits

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgment and favourable determination of a modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

(Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.)



Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E27]

71. Installation and Maintenance of Sediment Control

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council guidelines. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised. This Condition must be complied with during demolition and building work.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. [E28]

72. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries. This Condition shall be complied with during demolition and building work.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the Internet at www.WorkCover.nsw.gov.au.

Reason: To ensure the health and safety of the community and workers on the site. [E30]

73. Prohibition on Use of Pavements

Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

Reason: To ensure public safety and amenity on public land. [E35]

74. Applicant's Cost of Work on Council Property

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

Reason: To ensure the proper management of public land and funds. [E38]

75. Removal of Extra Fabric

Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the



works in the area of the damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council taking further action including legal proceedings if necessary.

Reason: *To ensure compliance with the terms of this development consent. [E40]*

76. Sediment and Erosion Control Signage

A durable sign, which is available from Council, shall be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites. [E41]*

77. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

Reason: *To ensure residential amenity is maintained in the immediate vicinity.*

78. Road Reserve

Footpath and roadway being kept free of obstruction by building materials and plant. All concrete trucks, pumps and/or agitators being kept wholly within the building site. No concrete or slurry being discharged onto Council's street surfaces, nature strips, drains/gutters, reserves parks etc. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

Reason: *Pedestrian safety.*

OPERATIONAL CONDITIONS IMPOSED UNDER EP&A ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

79. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: *Prescribed - Statutory. [F1]*



80. Protection of Public Places

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place.
- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- (5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout.

Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given.

Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

Reason: To ensure public safety and the proper management of public land. [F8]

81. Site Sign

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited;
 - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying



Authority for the work.

- (2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

Reason: Statutory requirement. [F9]

82. Toilets

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer and to a reticulated water supply provided by Sydney Water or an approved rainwater tank; or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Sub-division 5 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under the Local Government (General) Regulation 2005.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.



sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

Reason: *To ensure adequate facilities are provided for workers on the site. [F10]*

83. Long Service Levy

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation. This payment is not required where the value of the works is less than \$25,000.

The Long Service Levy is calculated at the rate prescribed, pursuant to Section 35 of the Building and Construction Industry Long Service Payments Act 1986.

Note: At the date of this consent the rate is 0.35% on the erection of the building commenced after 1 January 2006.

Reason: *Prescribed - Statutory. [F12]*

84. Prescribed

Change of building use:

If the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house):

- (a) A list of the Category 1 fire safety provisions that currently apply to the existing building, and
- (b) A list of the Category 1 fire safety provisions that are to apply to the building following its change of use,

Category 1 fire safety provision means the following provisions of the *Building Code of Australia*, namely, EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and Ep3.2 in Volume One of that Code and P2.3.2 in Volume Two of that Code.

Reason: *Statutory Requirement. [F14]*

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

85. Occupation Certificate Required



An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

Reason: *To ensure compliance with the provisions of the Environmental Planning and Assessment Act. [G1]*

86. Fire Safety Certificate

To ensure the safety of occupants of the building a “Fire Safety Certificate” which identifies the schedule of “Fire Safety Measures” that have been completed to satisfactory standard shall be provided to the Principal Certifying Authority prior to the issue of an “Occupation Certificate” as required in the “Environmental Planning and Assessment Act & Regulation.

Reason: *To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants. [G3]*

87. Access for People with Disabilities

Prior to occupation provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Parts 1 and 4. Particular attention should be given to tactile ground surface indicators for the orientation of people with vision impairment (AS 1428.4).

Reason: *Equitable access for people with a disability. [G10]*

88. Disabled Access from the Public Realm- Tactile Surface Indicators

Tactile ground surface indicators complying with AS1428.4 shall be provided at the point of common public access to the building and at the vehicular access points to assist people with visual impairments in gaining access to and from the public way and the premises prior to occupation. Such works are to be undertaken wholly within the boundaries of the site.

Reason: *To ensure public safety, and equitable access for people with a disability. [G11]*

89. Location of hand washing facilities

Hand washing facilities shall be located and installed so that they are; not obstructed, are at bench height either permanently fixed to the wall, to a supporting frame (freestanding hand basins) or set in a bench top and accessible and no further than 5m from any place where food handlers are handling open food. Hand basins shall be provided with a towel dispenser that dispenses a single-use paper or cloth towel or automatically dispenses a single-use portion of paper or cloth towel or other means of effectively drying hands and arms, which prevents the transfer of pathogenic micro-organisms to the hands or arms. The allocation of hand basins must comply with AS 4674 -2004.



Reason: To ensure compliance with the Australian Standard AS 4674 - 2004 - 'Design, Construction and fit-out of food premises and to ensure personal hygiene can be maintained.

90. Completion of Landscaping

The approved landscape works, as identified in Condition 4, are to be completed. The landscape architect is to submit to Council a statement confirming that the landscaping has been carried out in accordance with the approved plans prior to the occupation and use of the buildings.

Reason: *To ensure that the approved landscape works are completed prior to the occupation of the use.*

91. Design Construction and Fitout

Restaurant kitchen and food preparations area shall comply with the requirements of Australian Standard AS 4674 -2004 - Design, Construction and fit-out of food premises.

Reason: *To ensure compliance with the Australian Food Standards Code.*

92. Mechanical (Kitchen) Exhaust Ventilation

The mechanical exhaust system shall be installed in accordance with AS1668, and be operated in such a way so as to minimise/prevent the creation of odours, fumes and excessive noise which may adversely affect the amenity, or interfere unreasonably with the comfort or repose of occupants of the building and adjoining premises.

Certification, from an appropriately qualified and practicing Mechanical Engineer, is to be submitted to the Principal Council / Accredited Certifier, detailing that the exhaust ventilation system has been installed in accordance with AS1668, prior to completion and the issue of any Occupation Certificate.

Reason: *To ensure compliance with acceptable standards for the construction and operation of mechanical plant.*

93. Notification

The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, of the information specified in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the business is conducted.

Notification may be done either online at www.foodnotify.nsw.gov.au <<http://www.foodnotify.nsw.gov.au/>> or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

Note: A fee applies when lodging notification forms with Council.



The proprietor of a food business must also contact an Environmental Health Officer of Council to inform them of their notification number and business details.

Reason: *To ensure compliance with the Australian Food Standards Code.*

94. Disposal of Onsite Wastewater Effluent

All wastewater generated on the site must be removed by a licensed waste disposal contractor excepting where the effluent complies with the appropriate standard specified in Column 2 of **Table 1** contained in **Condition 120**.

- (a) Liquid wastes and treated wastes must not be applied to land in any of the following circumstances:
 - (i). during wet weather, or
 - (ii). when the soil is saturated or,
 - (iii). otherwise in any circumstances which is likely to result in contamination of waters or neighbouring property.
- (b) Waste and treated waste must not be applied to any land other than the approved irrigation area.
- (c) The land application area if accessible by the public is to be surrounded by an effective man-proof fence, or otherwise the effluent disposal is to be wholly sub-surface.
- (d) An in-line cumulative flow meter shall be installed to measure plant effluent.
- (e) The volume of liquid applied to the approved irrigation area must not exceed 4.5 kilolitres per day unless otherwise approved by Council in writing.
- (f) An operating and maintenance manual must be maintained on site, which specifies all measures necessary for the proper and efficient operation of the plant.
- (g) Waste and treated waste must not be applied to the irrigation area unless the concentration of any pollutant in the liquid discharged, or applied to that area, does not exceed the limits specified for that pollutant or characteristic in **Table 1** contained in **Condition 120**.

Reason: *To ensure public health is maintained and prevent the contamination of the surrounding land.*

95. Building Waste

Prior to the issuing of an Occupation Certificate, certification of completion of waste handling works, in accordance with other relevant development consent conditions must be submitted to the PCA.

Reason: *To ensure the site is left in a clean and safe condition.*

96. Unauthorised uses

That the following unauthorised uses shall cease immediately and be removed from the site prior to Occupation:

- (a) Horseland (occupying part of the existing flower market building as identified on Plan A.0.04 Revision G);
- (b) Furniture Outlet (operating from the dwelling house as identified on Plan A.0.04 Revision G);
- (c) Cabinet Making (operating from Units 4 and 5 in Shed A as identified on Plan A.0.04 Revision G);
- (d) Eagle Art (operating from Unit 1 in Shed B as identified on Plan A.0.04 Revision G); and
- (e) Computer Sign Shop (operating from Unit 2 in Shed B as identified on Plan A.0.04 Revision G).

Reason: *This consent does not endorse or approve unauthorised uses.*

97. Demolition of Glasshouses

Both glasshouses, identified on plan number A.0.04 Revision G, shall be demolished and re-landscaped prior to occupation.

Reason: *To ensure compliance with the conditions of this consent.*

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

98. No Commercial Use

Nothing in this consent shall authorise the use of the residential dwelling for non-residential purposes.

Reason: *Information and clarification of terms of this consent. [II]*

99. Hours of Operation

The hours of operation for the respective uses shall be restricted to the following:

Land Use	Hours of Operation
Retail Plant Nursery	7:00am until 8:30pm seven days per week.
Existing Flower Market Building and associated cool rooms, work	7:00am until 8:30pm seven days per week.

room, storage and gift shop.	
Cafe/Restaurant	8:30am until 10:00pm seven days per week.

Upon expiration of the permitted hours, all restaurant service shall immediately cease, no person shall be permitted entry and all customers on the premises shall be required to leave within the following half hour.

Reason: *Information to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality. [I12]*

100. Trade Waste

Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

Reason: *To ensure compliance with Sydney Water's requirements and protect the environment. [I16]*

101. Loading Within Site

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times.

Reason: *To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity. [I13]*

102. Vehicle Egress Signs

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.

Reason: *To ensure pedestrian safety. [I14]*

103. Minimum Headroom for Car Parking

Minimum headroom of 2.2m shall be provided over all car parking areas.

Reason: *To ensure compliance with relevant standards and provide appropriate headroom. [I15]*

104. Concealed Wiring

All wiring to the under awning sign shall be concealed within the fabric of the building and in the support structure of the sign.

Reason: *To ensure that wiring is not exposed to potential vandalism and reduce visual clutter. [I17]*

105. No Illumination

No consent is given or implied for any form of illumination or floodlighting to any sign.

Reason: *To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. [I23]*

106. No Entertainment

This approval is for a restaurant/cafe only and does not authorise musical or other forms of entertainment. A separate development consent and Place of Public Entertainment licence would be required for such activities/events.

Reason: *Clarification of terms of this consent and ensure compliance with relevant legislation. [I25]*

107. No Live Bands

No live bands shall perform on the premises.

Reason: *Clarification of terms of this consent and ensure compliance with relevant legislation. [I27]*

108. Daily Cleaning

The applicant is to ensure that at all times when the premises are open and at the end of each day after the premises have closed, all rubbish including loose papers, cigarette butts, bottles etc which may be left on the premises or immediately adjacent is picked up and placed in the proprietor's rubbish bins.

Reason: *To ensure waste generated by the approved use or activity is properly managed by the person acting upon this consent, to prevent unsightly build up of waste material. [I29]*

109. Commercial Waste and Recycling Storage

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins. In addition, the commercial waste storage area must not be visible from a public place.

Reason: *To ensure that commercial waste and residential waste is not mixed and is properly managed. [I30]*

110. Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.



Reason: *To ensure the acoustic amenity of surrounding properties. [I31]*

111. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: *To ensure the acoustic amenity of surrounding properties. [I32]*

112. Shop Premises Registration

The shop premises must be registered with Council and NSW Health prior to commencement of business. This will require the following:

- (a) a registration application has been submitted to Council's Health and Environmental Protection for the Food Shop, and
- (b) notification to the NSW Health Department under Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notification through the following website: www.foodnotify.nsw.gov.au.

Reason: *To ensure compliance with environmental health legislation. [I33]*

113. Lighting

No flood lighting is to be provided to the building.

Reason: *To ensure energy efficiency and residential amenity is maintained. [I34]*

114. Work Site

Trade materials, product and plant to be kept within the confines of the building at all times.

Reason: *To ensure the safety of public land. [I46]*

115. Loading and Unloading

Loading and unloading shall not take place outside approved loading areas.

Reason: *Safety. [I51]*

116. Protection Of Surrounding Amenity

There shall be no emissions of noise, smoke, smell, vibration, gases, vapours, odours, dust particulate matter, or other impurities from the premises.



Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood and is not injurious to human health.

117. Food Safety Standards

The operation of the restaurant shall comply with the “FSANZ Food Standards Code”, in particular Chapter 3; Food Safety Standards.

Reason: To ensure compliance with the Australian Food Standards Code.

118. Use of hand washing facilities

Hand washing facilities are to be only used for the washing of hands, arms and face.

Reason: To ensure the facility is always available for use and does not become contaminated.

119. Designation of hand washing facilities

Hand basins are to be clearly designated for the sole purpose of washing hands, arms and face.

Reason: To prevent the facility being used for a purpose other than washing hands, arms and face and to prevent contamination of the hand basin.

120. Onsite Wastewater Treatment Compliance Monitoring

The plant owner must, as a minimum, monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1 of **Table 1** contained below. The plant owner must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns.

Table 1

Column 1	Column 2	Column 3	Column 4	Column 5
Parameter	Concentration in Effluent Irrigation Area			Compliance Monitoring
	Surface Irrigation (fenced off to the public)	Surface Irrigation (accessible to the public)	Subsurface Irrigation	
pH	6.5-8.5	6.5-8.5	6.5-8.5	First Year: at three calendar monthly intervals. Second & Third Year: at six calendar monthly
BOD (mg/L)	20	20	20	
Turbidity (NTU)		2	N/A	

Thermo tolerant Coliforms cfu/ 100mL	<1000	<10	N/A	intervals except where the required concentration levels have been met for 2 consecutive years, in which case at 12 monthly calendar monthly intervals is sufficient.
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Subject to any express provision to the contrary in this approval, monitoring for the concentration of a pollutant applied to a disposal or utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the Council in writing before any tests are conducted.

Reason: *To ensure the wastewater treatment system is operating efficiently*

121. Onsite Wastewater Process Control Monitoring

- (a) An alarm system shall be incorporated into the operation of the wastewater treatment system to alert for malfunction of any of the pumps in the treatment system, the air blower and the chlorination unit. This alarm system shall be in an accessible position and shall be inspected at least twice daily (once at the end of the working day). If the alarm is on for any part of the treatment system, the maintenance contractor must be contacted immediately for urgent and appropriate action.
- (b) Every three months:
 - (i) Samples shall be analysed quarterly for the parameters presented in Table 2 below to ensure that the treatment system operates according to the design operating parameters;
 - (ii) An inspection shall be carried out of all mechanical, electrical and functioning parts of the system including:
 - All pumps and ensuring that pump rates are within the design operational criteria;
 - The air blower is function according to design capacity;
 - The alarm system;
 - The chlorinator;
 - The operation of the sludge return system; and
 - Check and clean the septic tank effluent filter.
 - (iii) Every year:
 - Sludge accumulation in the septic tank and the clarifier shall be checked and details of the results recorded;

- Undertake sludge wasting from the clarifier by pumping sludge from the clarifier directly to the septic tank or carted to a certified waste management facility;
- A sludge bulking, known as the Sludge Volume Index (SVI₃₀) shall be undertaken annually. The SVI is not to exceed 200mg/l;
- The effluent irrigation distribution pipes and pump shall be inspected and flush clean and/or fixed as required.

(iv) Every 3 years the septic tank shall be de-sludged.

Location	Parameter	Acceptable Criteria
Anoxic Tank	pH	6.5-8.0
	MLSS	3000-8000mg/L
	DO	<1mg/L
Aerobic Tank	pH	6.5-8.0
	MLSS	2000-6000
	DO	>2mg/L

Reason: To ensure the wastewater treatment system is operating efficiently.

122. Onsite Wastewater Monitoring Records

The results of any monitoring required to be conducted by this approval must be recorded and retained as set out in this condition.

All records required to be kept by this approval must be in a legible form, or in a form that can readily be reduced to a legible form, kept for at least 4 years after the monitoring or event to which they relate took place; and produced in a legible form to any authorised officer of Council who asks to see them.

The following records must be kept on the premises in respect of any samples, required to be collected or measurements to be made, for the purposes of this approval:

- the date(s) on which the sample was taken or measurements to be made;
- the time(s) at which the sample was collected or measurements to be made;
- the point at which the sample was taken or measurements to be made; and
- the name of the person who collected the sample.

Reason: To ensure the wastewater treatment system is operating efficiently

123. Care of Building Surrounds

The owner/manager of the site shall ensure that the forecourt and the surrounds of the building are to be kept clean and free of litter at all times.

Reason: *Hygiene.*

124. Seating Capacity

The cafe/restaurant shall have a maximum seating capacity of 130 patrons. Any variation to this patronage capacity shall be the subject of a separate development application.

Reason: *To ensure compliance with this approval.*

125. Use of Shed A

Shed A, containing units 4 and 5, as identified on plan numbers A.0.04 Revision G and A.0.05 Revision G, shall only be used for storage purposes that are ancillary to any approved activity on site. Any future change of use of Shed A shall be the subject of a new development application.

Reason: *To ensure compliance with the approved plans.*

126. Signage

That any proposed signage shall be the subject of a separate application unless identified as exempt development pursuant to Schedule 1 of Warringah Local Environmental Plan 2000.

Reason: *Signage is not the subject of this consent.*



HO & LEE ENGINEERING CONSULTANTS PTY LTD

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Our Ref: 1316LetaHillsFlower

Your Ref.: 1316

Alexander & Dwyer Group Pty Ltd
666 Pacific Highway
Killara, NSW 2071

16th Feb., 2007

Attn: Mr. James Dwyer

Dear James,

Re: Certificate for CC
Hills Flower Market Extension
287 Mona Vale Road, Terrey Hills, NSW

We are the electrical and mechanical (airconditioning) engineer of the above project and would like to state that the electrical and mechanical design provided has been undertaken and provided to meet the requirements of the BCA 2006 and relevant Australian Standards, and the conditions of consent as applicable to each of the design disciplines.

Yours Sincerely
Ho & Lee Engineering Consultants Pty Ltd

Anthony Ho
Principal

Date: 2nd August 2004

Ref: 102\DA

STATEMENT OF ENVIRONMENTAL EFFECT

Re: PROPOSED ALTERATIONS AND EXTENSION

HILLS FLOWER MARKET
287 MONA VALE ROAD TERRY HILLS NSW.

1. Proposed Works

- 1.1 Alteration to the existing Flower Market Building (Cat.3), to include
 - a. Reconfiguration of the existing entry to provide a new roof at a higher level to allow natural light into the entry court,
 - b. Reconfiguration of flower sales area to improve general facility,
 - c. To provide additional storage area to the existing Café,
 - d. Provide a covered area to the existing loading dock and relocate the garbage storage area.
- 1.2 Demount existing Glass House (Nº1) to make available area for new landscaping and entry from the north car park,
- 1.3 Construct an extension to the north eastern end of the existing flower market building, designated Cat 1 use.
Proposed works to include:
 - a. Under ground car parking for 28 spaces,
 - b. General purpose area for lease to Category One use,
 - c. Mezzanine level for admin, utility and storage function in association with ground floor use,
 - d. Additional store rooms between bays 11 and 12 of the existing and proposed buildings,
 - e. Minor landscape works,
 - f. Minor driveway works,

2. Documentation

This submission is made with reference to the following drawings;

Srv	SITE SURVEY
DA 0.01a	SITE PLAN
DA 0.02a	AREA CALCULATIONS
DA 0.03a	SITE ANALYSIS
DA 0.04a	LANDSCAPE
DA 0.05a	STORMWATER
DA 1.01a	PLAN GROUND FLOOR
DA 1.02a	CAR PARK + MEZZANINE LEVEL
DA 2.01a	ELEVATIONS

OFFICE

1/666 Pacific Highway
Killara NSW 2071
PO Box 402
Turramurra NSW 2074

T: 02 9499 9566

F: 02 9499 9577

adg_arch@bigpond.net.au

ABN: 16 026 673 391

Contact

Steve Alexander
M: 0418 465 688

James Dwyer
M: 0407 220 096

3. Planning Instruments

Environmental Planning & Assessment Act 1979
Environmental Planning & Assessment Regulations 2000

Consent Authority: Warringah Council
Local Environmental Plan – 2000, Amended 24 October 2003

Locality under LEP : **A4** Myoora Road
Category of Use: Cat 3 Existing Use
Cat 1

4. Consultants

Traffic Report: Prepared by Ray Dowsett Traffic and Planning Pty Ltd
Don Fox Planning – Town Planning Report.

5. SUMMARY OF LEP + DCP CONTROLS

Control	Requirement	Proposed	Approved	Complies
Height	Not greater than 8.5m	7.5m average relative to ground level		Yes
Building Envelope	4m/45°			Yes
Front Set Back	(i) 30M from Mona Vale Rd (ii) area to be densely landscaped, free of structures, car-parking etc.. (iii) car-parking may encroach up to a max of 15m into setback, provided it covers no more than 50% of area and dense landscape is provided.	Proposed building is 32m from Mona Vale Road, to fascia/kerb alignment of building. Established landscape to Mona Vale boundary alignment. Car parking existing and approved.		Yes Yes Yes
Rear Set Back	7.5m	90.15m		Yes
Side Set Back	7.5m (North Boundary)	7.95m		Yes
Building Site Coverage	20% of Area Permitted 1. Site Area = 20,002.41m ² 2. Existing Built Upon 3. Green house removed 4. Proposed additional 5. Total Built Upon	1. 4,000.48 m ² 2. 2,756 m ² 3. – 228 m ² 4. 1009 m ² 5. 3,537 m ²		Yes
Circulation	10% of site area: 10% x 20,002.41 = 2,000m ²	4,230 m ² 21%	5,529 m ² 21%	No
Landscape	70% of site area: 70% x 20,002.41 = 14,001.6 m ²	12,223 m ² 61.2 %	10,946 m ² 54.7 %	No

6. Building Height & Number of Storeys

- a. The proposed extension is for a single storey structure, with a basement level car park. A mezzanine level is proposed to provide additional floor space for administration and storage related to the proposed use.
- b. SEPP 6 provides a definition for the calculation of storey, heights etc. We submit that the car parking level is not counted as a storey by application of the BCA 2004 at clause:

C1.2 (b)(ii) it is situated partly below the finished ground and the underside of the ceiling is not more than 1m above the average finished level of the ground..”.

7. Building Envelope

- a. Building roof form does not breach the 8.5m maximum height plane.
- b. Application complies with the objectives of this section.

8. Side Boundary & Setbacks

- a. Require to provide setbacks from side boundaries of 7.5m
- b. Existing building complies.
- c. Proposed building is set back 7.9m from boundary.

9. Rear Setback

- a. Required setback 6m.
- b. Existing buildings comply with this requirement.
- c. Proposed extension is 90.15m from the rear boundary.
- d. Application complies with the objectives of this section.

10. Front Setback

- a. Required setback 30m.
- b. Existing buildings comply with this requirement.
- c. Proposed extension is 32m from the front boundary.
- d. Application complies with the objectives of this section.

11. Landscape Opens Space

- a. With reference to the summary table at item 5 above we note that the current site areas and uses does not achieve the stated

landscape percentage as required by the current planing instrument.

- b. We submit that the landscape areas as existing reflect direction of the superseded LEP / DCP date 1997.
- c. The original development application required alternative egress from the site to Myoora Road. This requirement increased the area assigned to circulation through the site.
- d. Current landscape area = 54.7 %
- e. Proposed amended area = 61.2 %
- f. We ask Council to consider a Cl.20 Variation to the landscape open space percentage requirement by 8.8%, as the application demonstrates a positive contribution to the overall character of the area, and
- g. the element of non-compliance is not considered to have a deleterious effect to the desired future character of the area.

12. Desired Future Character

- a. Works to the internal areas of the Flower Market Building are considered to be minor amendments to a Category 3 – existing use.
- b. The proposed extension is for Category 1- Retail Plant Nursery, that is consistent with the existing character of the locality.
- c. The existing and proposed extension provides a bushland buffer.
- d. The proposed works could be considered as an intensification of overall existing development, and has been designed to provide safe vehicular access to the satisfaction of the Council and the Roads and Traffic Authority.
- e. The existing and proposed building forms are well articulated with generous landscaped spaces around buildings and the building materials blend with the colours and textures of the natural landscape. The continuation of the material selection assists to minimise the visual impact of development on long distance views of the locality.
- f. Generally Council has previously advised that the architectural style of the existing development sets the 'standard' for the desired character to this locality.

13. Division 1 General

Not Applicable to this application.

14. Division 2 Health & Amenity

With reference to the Fire Hazard Zone Map identifies that the site has a fire setback zone requirement. The application is to be referred to the Rural Bushfire Brigade for comment.

15. Division 3 Public Domain

- a. No new fences, signage is proposed to this application. The proposed extension does not contain noise generating use.
- b. Existing use is consistent to the requirements of pollution control.
- c. No hazardous activity is present to or proposed to the site.
- d. No radiation issues related to this application.
- e. The site is not identified as 'flood prone' land.
- f. Lands are not contaminated.
- g. Proposed underground parking to discharge to Myoora Road, limiting the number of cars that can exit to Mona Vale Road. This is seen as a positive improvement to vehicular safety.

16. Division 4 Site Planning & Design

- a. Visual impact of the proposed extension combined with the existing building are considered to be consistent to the existing architecture and positively contribute to the overall character to the locality.
- b. The ground floor level of the proposed extension has been raised to provide a underground parking area. This allows the building mass to be broken into two parts and avoid a 'long' or extensive building elevation to Mona Vale Road. The proposed extension is consistent to the existing adjacent structures on the site.
- c. Proposed ridge and roof planes are consistent to the locality plan, with the proposed building to be materially consistent with the existing architecture.
- d. Generally the landscape consists of existing plantings to the open areas of the site. Areas of the site have been identified for use to the flower market.
- e. The objective requirements of landscaping performance are achieved by the existing landscape elements.
- f. Additional screen planting is proposed to the driveway and circulation areas to screen the existing sheds to the rear of the site, and to further improve the character of the site as a completed development.
- g. We note that additional plantings may be required to the front alignment to augment existing plantings.

17. Division 5 Traffic access and carparking

- a. Traffic and Parking Assessment report prepared by Ray Dowsett.
- b. All additional parking required by the proposed building is proposed to be provided as underground parking.

- c. Access and Parking requirements and assessment provided by the report.

Refer to Annexure A.

18. Division 6 Soil & Water Management

- a. The site has an existing On Site Detention System, as required by the development consent issued in 1997.
- b. The detention system is achieved by means of a dam structure with a controlled overflow to the down stream Storm Water system.
- c. OSD capacity has been provided to a catchment of 40% of the site area.
- d. We submit a copy of the Hydraulic submission and calculations for verification.
- e. We submit documentation to the location of existing storm water pipes and connection to the existing dam storage.
- f. Storm Water dam extent is located on the Survey Plan.
- g. The existing stormwater pits and associated works are viewed as suitable for the extension works.
- h. Should Council require further documentation, we request that this be made as a condition of consent to the CC application.

19. Division 7 Heritage

Not Applicable to this application.

Annexure A.

Traffic Report.

Town Planning Report.

PHOTOGRAPHIC RECORD OF SITE.



P.1. View from South – Mona Vale Road



P.2 View from South – Mona Vale Road



P.3 View from North East – Exit to Mona Vale Road



P.4 View from North end of Site – Mona Vale Road



P.5 Existing Car-park



P.6 Existing Flower Market Building – North East view.



P.7 Existing Loading Dock and entry to glass house.



P.8 Existing Car-park, Green House + Loading Dock areas



P.9 Existing Entry to Site – Established Landscape



P.10 Existing Entry to Site – Established Landscape



P.11 Extent of area for proposed building extension.



P.12 Existing Landscape and OSD (dam).



Offence Report

COMPLIANCE SERVICES

To: Maurice Freixas
From: Clint Mills
Subject: **Offence Report**
Hills - The Flower Market
Property: 287 Mona Vale Road TERREY HILLS NSW 2084
Request No: EPA2010/0064
Date: 8 June 2010

Background

A complaint was received by Council on 9/04/2010 regarding an unauthorised car wash and associated signage without consent.

An inspection was carried out by Clint Mills and Michelle Peddle on 20/05/2010 at land identified as Part Lot 1 DP 845094 287 Mona Vale Road TERREY HILLS NSW 2084 which revealed:

1. The use of a business (carwash and associated signage) to which is located wholly on property Part Lot 1 DP 845094 287 Mona Vale Road TERREY HILLS.
2. Notices would be issued to the owner of the site if a search of Council's records revealed that no prior development consent was sought.
3. 76A of the Environmental Planning and Assessment Act 1979 ("Act") relevantly provides:

76A Development that needs consent

(1) General

If an environmental planning instrument provides that specified development may not be carried out except with development consent, a person must not carry the development out on land to which the provision applies unless:

(a) such a consent has been obtained and is in force, and

(b) the development is carried out in accordance with the consent and the instrument."

4. Section 7 of the Warringah Local Environmental Plan 2000 ("WLEP") states that all development requires consent except:
 - (a) Exempt development, being development of minimal environmental impact identified in Schedule 1 (Exempt development), when carried out in accordance with the requirements of that Schedule, and
 - (b) Development identified in Schedule 2 (Other development not requiring consent), when carried out in accordance with the requirements of that Schedule;
5. The works (as identified under point 1 'reasons for the order'), are not of a development type exempt from requiring consent under schedule 1 of WLEP2000.

6. The works(as identified under point 1 'reasons for the order'), are not exempt development or development identified in Schedule 2 of WLEP 2000 therefore the works carried out are considered to be unauthorised works.
 7. The property is located within the Locality – Myoora road – A4.
 8. The development where constructed without development consent where such consent was required to be obtained under the WLEP. This is an offence under s125 of the Environmental Planning & Assessment Act 1979.
 9. Warringah Council's Compliance and Enforcement Policy (PDS PL 120) states that Council has adopted a minimal tolerance policy to unauthorised development.
 10. The works are not expressly prohibited development under Appendix "C" of the WLEP 2000.
 11. Therefore the works were undertaken without development consent where such consent was required to be obtained under the WLEP. This is an offence under s125 of the Environmental Planning & Assessment Act 1979.
 12. A review of Council records revealed no approval was granted for the unauthorised works being signage and a carwash.
- Annexure "A" – Photographs were taken and are attached;
 - Annexure "B" – Company/business search was undertaken;

A check of Council files and records found that no relevant documents in relation to the property exist for the unauthorised development being the carwash and associate signage.

Offence Identification

The inspection revealed that the following offences were identified and outlined in the table below.

INSPECTION REVEALED	WHY IS A BREACH?	LEGISLATIVE PROVISION DETAILING BREACH
Inspection revealed unauthorised development on land formally known as Part Lot 1 DP 845094 287 Mona Vale Road TERREY HILLS. Please see above for the detailed results.	<i>The property at 287 Mona Vale Road TERREY HILLS NSW 2084 is in contravention of the Warringah Local Environmental Plan 2000. This is an offence under the s76A Environmental Planning and Assessment Act 1979.</i>	<i>WLEP 2001 in conjunction with s125 of the Environmental Planning & Assessment Act 1979 and s76A of the Environmental Planning & Assessment Act 1979</i>

Discussion & Conclusion

The investigation revealed an offence under section s76A of the Environmental Planning & Assessment Act 1979 in that carwash and associated signage

A caution was issued who admitted undertaking the business being the carwash and associated signage and that Penalty Infringement Notices are issued to Hills - The Flower Market Pty Limited at Part Lot 1 DP 845094 287 Mona Vale Road TERREY HILLS.

I have considered the principles outlined within Council Compliance and Enforcement Policy, including the use of discretion as an Authorised Officer and I believe that a Penalty Notices can and should be issued for this offence. I believe prosecution is not warranted in the circumstances. The reason I have come to these conclusions is:

- The matter is not an immediate threat to life or property

- The matter can be dealt with via Notices and Orders prior to seeking prosecution.

I, Clint Mills am an Authorised Officer under the Environmental Planning & Assessment Act 1979 and have delegated authority to issue the Penalty Notice under that legislation.

Proposed Remedy

In order to remedy the breach, it is considered reasonable and necessary to issue a Notice of Intention under the Environmental Planning & Assessment Act 1979.

In this regard a penalty notice would be considered an appropriate course of action to address this matter.

Recommendation

That in the event of an appeal this matter be defended.

That a Notice of Intention be issued to remedy the breach

Signed

I concur/do not concur

Clint Mills

Authorised Officer

Maurice Freixas

Team Leader/ Manager

Attachments:

Annexure “A”

Copy of the Compliance Inspection Photos;



Photo taken by Clint Mills 20/05/2010 showing an associated sign relating to the unauthorised carwash.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing an associated sign (fixed) relating to the unauthorised carwash.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing an associated sign (fixed) relating to the unauthorised carwash.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing an associated sign (fixed) relating to the unauthorised carwash.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing an associated sign relating to the unauthorised carwash.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing an associated sign (fixed) relating to the unauthorised carwash.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing roller doors that segregates the carwash and associated signage fixed on roller door relating to the unauthorised carwash.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing roller door that segregates the carwash from the approved car parking.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing roller door that segregates the carwash from the approved car parking.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing associated car washing facilities.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing associated car washing facilities.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing associated car washing facilities.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing the point of expenditure water to the onsite detention system.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing associated signage.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing associated car washing facilities.



Photo taken by Clint Mills 20/05/2010 at 3:39pm showing associated car washing facilities.

Annexure “B”

Copy of the Company/business search was undertaken;

ATTACHMENT C

PRELIMINARY SITE INVESTIGATION

287 Mona Vale Road, Terrey Hills NSW



Plate 1 – Dwelling existing in the southwest portion of the site.



Plate 2 – Sealed carparking and runoff drainage onsite.



Plate 3 – Storage container in the north portion of the site, area use for mechanical maintenance.



Plate 4 – Storage of maintenance items.

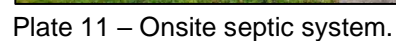
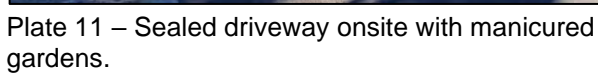
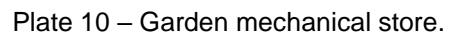
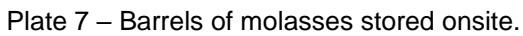


Plate 5 – Storage of used batteries.



Plate 6 – Garden supplies store.

287 Mona Vale Road, Terrey Hills NSW



PRELIMINARY SITE INVESTIGATION

287 Mona Vale Road, Terrey Hills NSW



Plate 11 – Groomed grassed area with marsh and dam.



Plate 11 – Minor fill / litter on exposed surface.

ATTACHMENT D

Caller Details

Contact:	Alyson Bannister	Caller Id:	3030718	Phone:	0431 918 282
Company:	Geo-Logix				
Address:	Unit 2309 4 Daydream Street Warriewood NSW 2102	Email:	abannister@geo-logix.com.au		

Dig Site and Enquiry Details

WARNING: The map below only displays the location of the proposed dig site and does not display any asset owners' pipe or cables. The area highlighted has been used only to identify the participating asset owners, who will send information to you directly.



User Reference:	287 Mona Vale Road		
Working on Behalf of:	Private		
Enquiry Date:	Start Date:	End Date:	
10/11/2021	15/11/2021	15/12/2021	

Address:
287 Mona Vale Road
Terrey Hills NSW 2084

Job Purpose:
Excavation

Onsite Activities:
Mechanical Excavation

Location of Workplace:
Private

Location in Road:

- Check that the location of the dig site is correct. If not you must submit a new enquiry.
- Should the scope of works change, or plan validity dates expire, you must submit a new enquiry.
- Do NOT dig without plans. Safe excavation is your responsibility. If you do not understand the plans or how to proceed safely, please contact the relevant asset owners.

Notes/Description of Works:
Not supplied

Your Responsibilities and Duty of Care

- The lodgement of an enquiry does not authorise the project to commence. You must obtain all necessary information from any and all likely impacted asset owners prior to excavation.
- If plans are not received within 2 working days, contact the asset owners directly & quote their Sequence No.
- ALWAYS perform an onsite inspection for the presence of assets. Should you require an onsite location, contact the asset owners directly. Please remember, plans do not detail the exact location of assets.
- Pothole to establish the exact location of all underground assets using a hand shovel, before using heavy machinery.
- Ensure you adhere to any State legislative requirements regarding Duty of Care and safe digging requirements.
- If you damage an underground asset you MUST advise the asset owner immediately.
- By using this service, you agree to Privacy Policy and the terms and disclaimers set out at www.1100.com.au
- For more information on safe excavation practices, visit www.1100.com.au

Asset Owner Details

The assets owners listed below have been requested to contact you with information about their asset locations within 2 working days. Additional time should be allowed for information issued by post. It is **your responsibility** to identify the presence of any underground assets in and around your proposed dig site. Please be aware, that not all asset owners are registered with the Dial Before You Dig service, so it is **your responsibility** to identify and contact any asset owners not listed here directly.

** Asset owners highlighted by asterisks ** require that you visit their offices to collect plans.

Asset owners highlighted with a hash # require that you call them to discuss your enquiry or to obtain plans.

Seq. No.	Authority Name	Phone	Status
205121892	Ausgrid	(02) 4951 0899	NOTIFIED
205121893	Jemena Gas North	1300 880 906	NOTIFIED
205121890	NBN Co NswAct	1800 687 626	NOTIFIED
205121894	Optus and or Uecomm Nsw	1800 505 777	NOTIFIED
205121895	Sydney Water	13 20 92	NOTIFIED
205121891	Telstra NSW Central	1800 653 935	NOTIFIED

END OF UTILITIES LIST

If further information is required, please contact:

Ausgrid DBYD

Phone: (02) 4951 0899

Fax: (02) 4951 0729



Emergency Phone Number 131388

Underground Cable Location Search Advice

-- Ausgrid Assets Affected --

To:	Alyson Bannister Geo-Logix Unit 2309,4 Daydream Street Warriewood NSW 2102		
		Phone No:	+61431918282
		Issue Date:	11/11/2021

In response to your enquiry, Sequence No: 205121892 the records of Ausgrid disclose that there **are** Ausgrid underground cables in the defined search location and relevant Ausgrid plans have been provided.

This search is based on the geographical position of the dig site as denoted in the Dial Before You Dig caller confirmation sheet and an overview is provided:

Address:	287 Mona Vale Road Terrey Hills NSW 2084
Job #:	30878181



****Important****

- All information provided to you is **ONLY VALID FOR 30 DAYS** from the date of issue
- You must keep Ausgrid plans on site during excavation works. If the people actually performing the excavation works do not know how to read and interpret Ausgrid's plans, then the work must be directed by a person who knows how to read and interpret plans.
- If you require a full size print of A0 plans and don't have the resources to do so please contact our office on 49510899 to request a hard copy to be posted. **Please allow 3 working days for delivery.**
- Please note you will ONLY receive portions of your search area that contain Ausgrid Underground Assets

YOU MUST READ AND UNDERSTAND THE SUPPLEMENTARY MATERIAL CONTAINED IN THIS ADVICE BEFORE PROCEEDING WITH ANY WORKS.

Summary of Supplementary Information:

Material	Purpose	Location
Important Information.pdf	Details important information	Attached
Working near Ausgrid Cables.pdf	Summary of NS156	Attached
COMN0119 How to Read Ausgrid Plans.pdf	Details how to read Ausgrid plans	Attached
SafeWork NSW "Work near underground assets: Guide"	To assist you in deciding appropriate measures to eliminate or control risks when working near underground assets.	Web Link [Click Here]
Ausgrid's Network Standard NS156	For important information for work near or around underground cables	Web Link [Click Here]
Ausgrid's Network Standard NS199	This Network Standard applies to specific work on Ausgrid Low Voltage Underground Assets and associated Hazards	Web Link [Click Here]
Working in Confined Spaces	For important information when working in confined spaces	Web Link [Click Here]

Reading Ausgrid Plans

COMN0119

1 Property Lines

“property line” (PL), sometimes referred to as “building line” (BL), is the standard dimensioning reference point on all Ausgrid plans and represents property boundaries.

Typically, the PL is the boundary between private property and local council’s footpath area or nature reserve. Most residential fences and office blocks are erected along the PL.

“kerb line” (KL) is less frequently referred to on Ausgrid plans, and where used will be identified clearly as KL.

Numbers listed within property boundaries should correspond to recognised “street numbers” (refer to figure 1).



Figure 1

2 Datum References

“datum references” identify distances (in metres) from significant features (such as corners of property boundaries) to reference points such as Ausgrid assets (eg: “conduits”, “cables”, “joints”) (refer to figure 2).

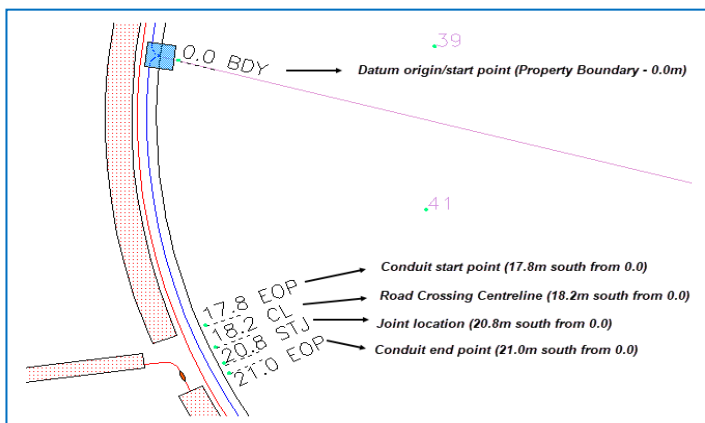


Figure 2

3 Cross Sections

A “cross sections” displayed on Ausgrid plans detail information relating to the relative position (ie: distance from the “property line”, and the depth of “cover”) of Ausgrid assets.

“Cover” is a term used to refer to the depth of cables underground.

A “cross section” leader line will be drawn indicating the location of the displayed “cable” or “conduit” information on Ausgrid plans.

The distance from “property line” (in metres) and depth of “cover” (in metres) references are displayed as; ie: 0.6 metres from PL and 0.5 metres underground.

Where distance and cover are not recorded, they will be clearly marked as “NR”.

NOTE: Distance and cover where indicated may be different to the actual position of the cables (eg: fill may have been placed at site that has changed the ground level).

“PL” distance shown in cross sections is an indicative measure to the centre of the trench allocation from the adjacent property line.

On some plans the “cross sections” may also be shown with a specific number (eg: HR1). This number will match with a cross section detail found in the border of the plot or on a separate plot page (refer to figures 3 and 4).

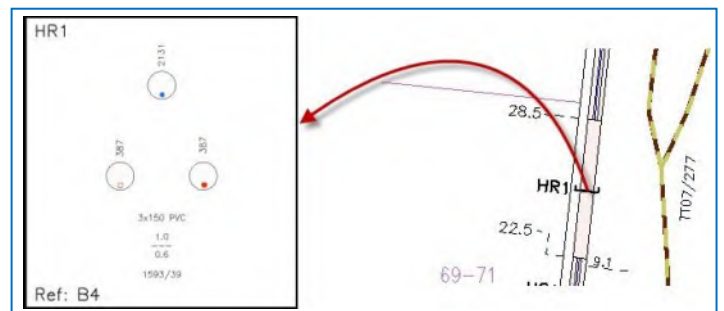


Figure 3

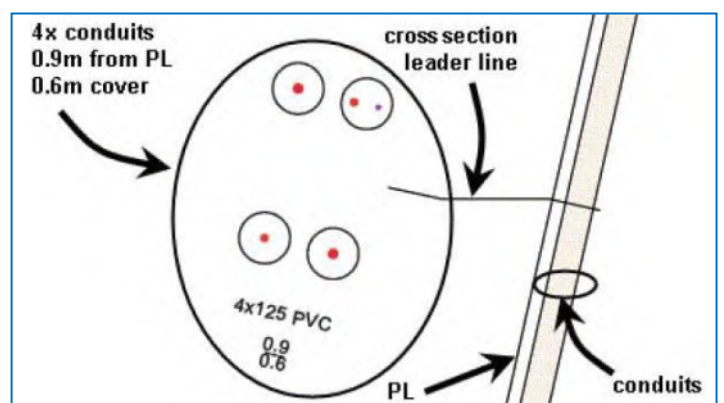


Figure 4

4 Cable Joints and Joint Reports

“cable joints” (numbered individually) and “joint reports” (attached to Ausgrid plans) can provide information relating to the relative position of Ausgrid assets, distance from the “property line” (in metres), and the depth of “cover” (in metres) (refer to figures 5 and 6).

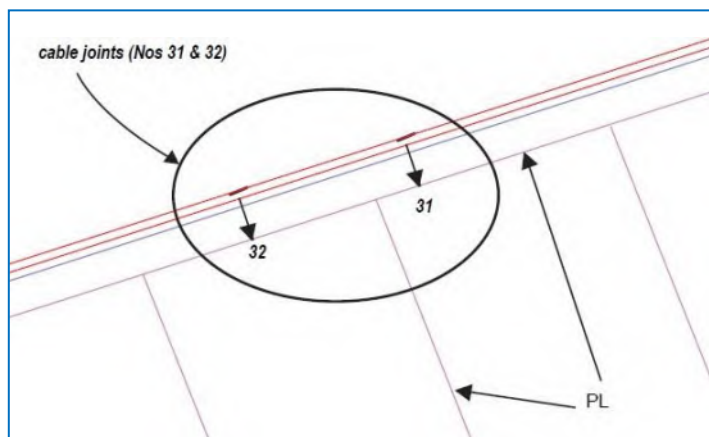


Figure 5

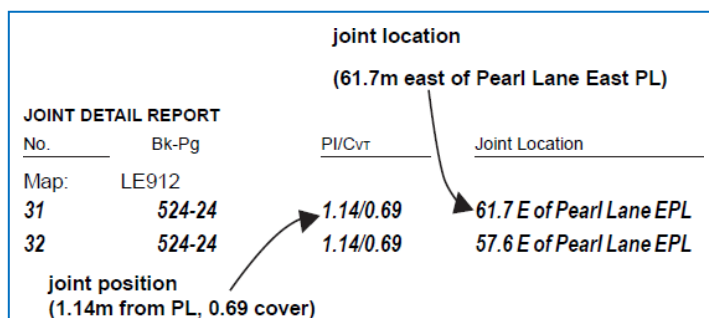


Figure 6

5 Cross Section Detail Boxes

“cross section” detail boxes on the sides of an Ausgrid plan are used when there is insufficient room to display “cable” and/or “conduit” information on the Ausgrid plan.

Ausgrid plans (refer to figure 7) are bordered by numeric identifiers along the top and bottom borders and alpha identifiers along the side borders.

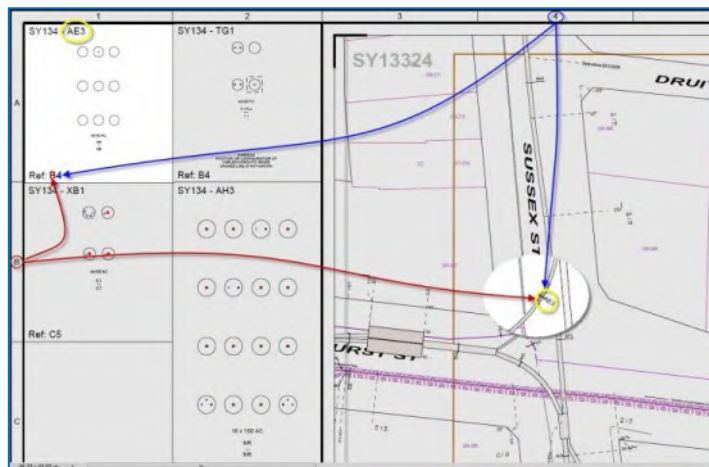


Figure 7

“Cross section” leader line and annotation is drawn on the Ausgrid plan for a reference to “cable” and/or “conduit” information in the “cross

6 Pits

Underground “pits” are numbered on Ausgrid plans, positioned relative to the “property line” (PL), and can be found on either the footpath (nature strip) or the road (refer figure 8).

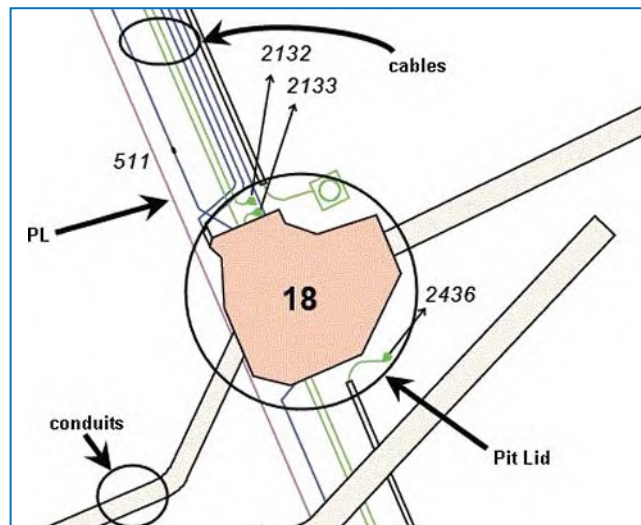


Figure 8

7 Proposal Areas

“section” detail boxes. There are areas where underground work may have been issued for construction by Ausgrid, but details are not yet completely displayed on Ausgrid plans. In such cases a shaded “proposal area” is displayed on the Ausgrid plan, indicating underground work may have commenced in the vicinity but is not yet complete.

In some instances, cables and other assets within the shaded “proposal area” will be shown in a **bright magenta** colour, indicating that the proposed new work displayed within the shaded area is based on initial planning documentation (refer to figure 9).

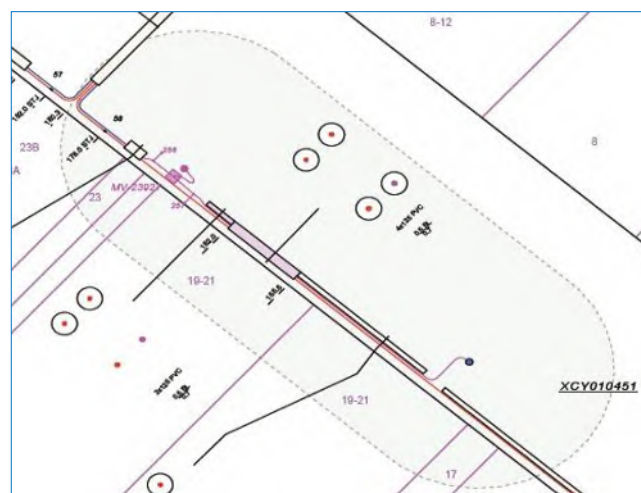


Figure 9

In other instances, the shaded “**proposal area**” itself may be shown as a blue colour, indicating that the new work displayed within the shaded area on the Ausgrid plan is yet to include details regarding final depths and dimensioning (refer to figure 10).

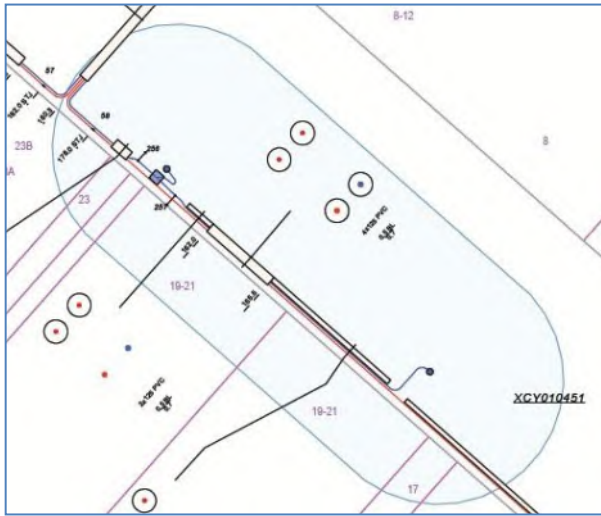


Figure 10

NOTE: In cases where these shaded “**proposal areas**” are displayed on Ausgrid plans.

“Ausgrid’s design plans showing the proposed position of its underground cables, overhead lines and structures have been prepared solely for Ausgrid’s own planning use. They show the proposed position of such underground cables, overhead lines and structures as proposed at the time of planning and have not necessarily been corrected to take into account any changes to road widths, road levels, fences and buildings subsequent to proposed installation.

Actual installations may vary from proposed installations as it may be necessary to take account of unforeseen above ground or subterranean constructions. Therefore, Ausgrid does not hold out that the design plans show more than the proposed presence or absence of its underground cables, overhead lines and structures in the street and will accept no liability for inaccuracies in the information shown on such design plans from any cause whatsoever.”

Any further information regarding information displayed for “proposal areas” can be obtained by contacting the Ausgrid Dial Before You Dig (DBYD) office at the number indicated on the response to your DBYD enquiry for further information.

8 Ausgrid Maps

Depending on the size of the DBYD request, the response will either be a **single map area** or a **cover sheet** and several standard maps.

8.1 Single Map Area Response

The single map area response will have a buffer area shown on the plan that should relate to the original Dial Before You Dig request.

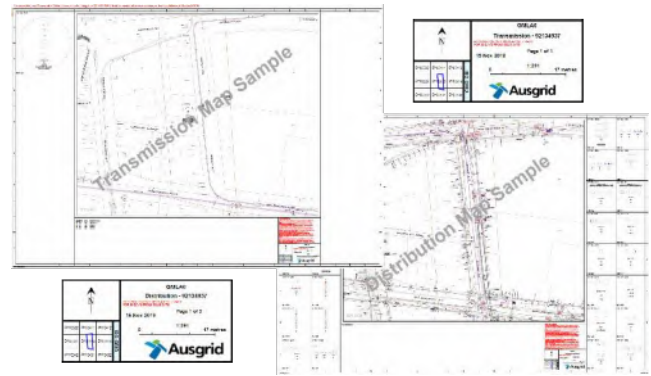


Figure 11

The **map grid index box** on Ausgrid plans should be used when reading the “**joint report**” (see part 4 of this document for more detail) to accurately locate underground cables. The buffer area will display on the grid index box for single map area responses

There are two different size maps that can be produced – A3 will be issued if there are no cross sections in the area, and an A0 will be issued if there are cross sections that are required to be displayed in the detail boxes on the side.

A single map area response could include two maps in the Sydney region. Ausgrid plans are separately labelled as “**Distribution – nnnnnnn**” and “**Transmission – nnnnnnn**”, where “**nnnnnnn**” refers to the DBYD sequence number quoted. If the request does not include any Transmission assets, then only one Distribution map will be issued.

In the Hunter region, the Ausgrid plans show combined “**distribution**” and “**transmission**” voltage assets, are clearly labelled as “**Distr + Trans – nnnnnnn**” where “**nnnnnnn**” refers to the DBYD sequence number.

Some Hunter plans may have transmission cables in the area, when these cables are present there will be a warning printed at the top of the plan supplied: “**“You are working near Transmission Cables. You must contact Ausgrid on (02) 4951 9200 at least two weeks before work commences. See Ausgrid Network Standard NS156”**

8.2 Cover Sheet Response

On a response that includes a cover sheet, the buffer area will only be shown on the cover sheet and it will not appear on the standard maps. The cover sheet will indicate which standard maps have been included and provide a high-level view of the location of the underground details (Figure 12). The standard maps will have the detail of the underground assets (Figure 13).

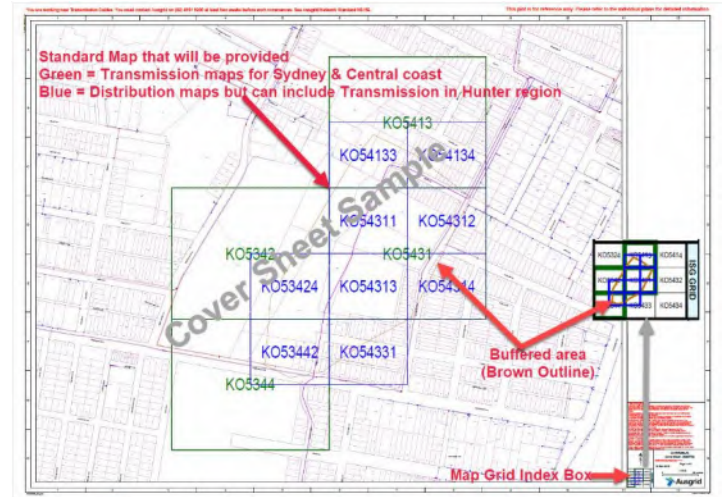


Figure 12

A **map grid index box** has been included in the cover sheet and on the standard maps. The buffer area will only display on the grid index box on the cover sheet and not on standard maps (Figure 12 + Figure 13).

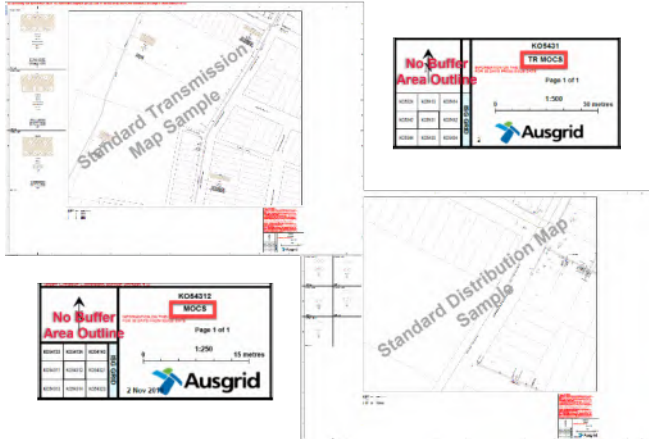


Figure 13

9. Shifting Land Base" on Ausgrid Distribution and Transmission Plans

In some instances, the plans supplied may indicate road or property outlines that appear to have shifted in relation to the Ausgrid assets displayed (refer to figure 14).

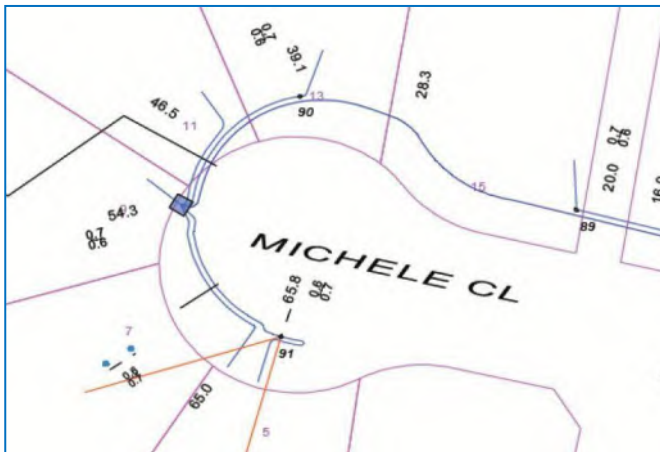


Figure 14

In such instances, always refer to the **"property line"** (in metres) and depth of **"cover"** (in metres) references displayed on the nearest relevant **"cross sections"** to obtain Ausgrid asset location information (see Reading Ausgrid Plans, clause 3, Cross Sections for more detail).

10. "Underground Earthing Infrastructure"

In some instances, the plans supplied may also indicate the presence of underground earthing infrastructure associated with underground and/or overhead Ausgrid assets.

The **"Earth Point"** symbol (refer to figure 15) will be shown on plans to minimize risk of disturbance or damage to any Ausgrid underground earthing infrastructure in the vicinity.

Figure 15



11. Hazardous Cables – Specific Excavation Hazard

Certain low voltage cables are susceptible to deterioration or defects that may pose a risk of electric shock when working near them particularly in damp ground. Other low voltage cables may have an exposed conductive sheath or armour which may, under certain conditions, become energised. These cables may pose a significant risk and will be illustrated as in figures 15 and 16 below. For all work on or near Ausgrid's network where workers have been trained in Ausgrid's "Working near or around underground cables" course the work practices outlined in NS156 "Working near or around underground cables", NS199 "Safe Electrical Work on Low Voltage Underground Assets" for low voltage cables susceptible to deterioration and the Electrical Safety Rules for low voltage exposed conductive sheath or armoured cables must be adhered to. All other persons must contact Ausgrid before excavating near or accessing areas where these cables are present to arrange for appropriate precautions to be applied.

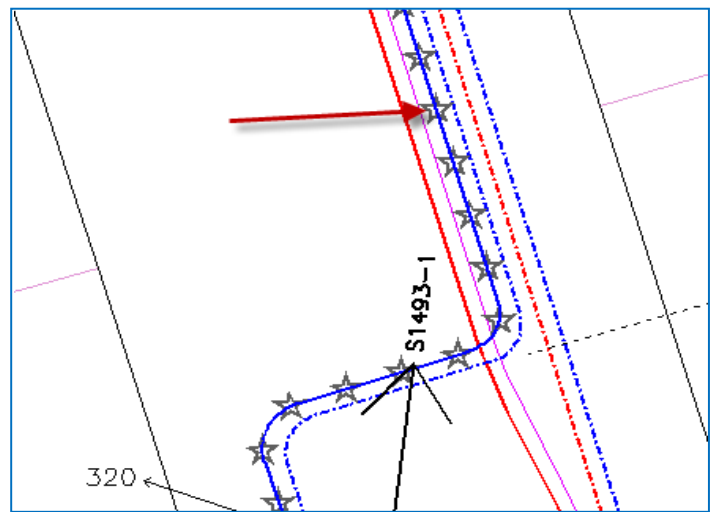


Figure 15

The **"star"** symbols over the cable indicates that it may be susceptible to deterioration or defects or the cable may contain an exposed conductive sheath or armour which could pose an electrical risk to workers.

Cables that are in duct lines have this symbology covered so an at-risk cable is indicated only within a cross section by a **"#"** appended to its cable code as illustrated below.

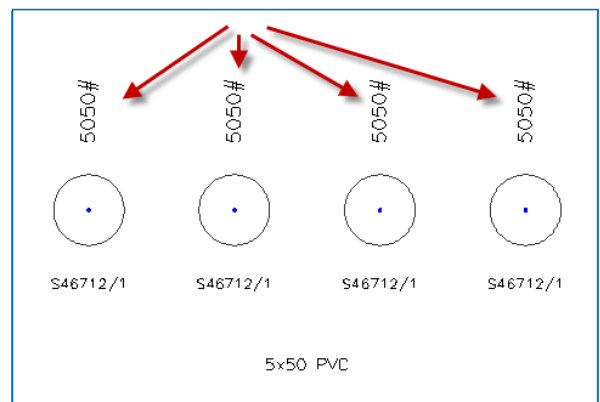













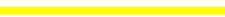
















Figure 16





















Ausgrid Underground Map Symbology

NOTE: Please note symbology is subject to change. This document provides underground (UG) related objects only. In cases where you are unsure of the data presented, please contact Ausgrid's DBYD for clarification *prior* to any planning/excavation works.

Object		Symbol
HV Cable	HV (High Voltage) 5kV-22kV	In Service  Out of Service 
	TR (Transmission) 33kV – 330kV	In Service  Out of Service 
LV Cable (Low Voltage)	Mains (Dark blue)	In Service  Out of Service 
	Street Lighting (Green) Note: Mains Connector also used as Street Lighting (dark blue)	In Service  Out of Service 
	Service (Light blue)	In Service  Out of Service 
	Stars are used to highlight At Risk cables	In Service Risk  In Service Risk  In Service Risk 
	Unknown	
Auxiliary Cable	Data	In Service  Out of Service 
	Comms	
	Telco	
	Protection	
	Fibre Optic	
	Pilot	

Object		Symbol
HV UG Joint	Straight Through, Parallel Branch or Tee	
	Switchgear, End Box or Transition	
HV UG Termination	Sealed end	
	Pot End	
	UGOH	
HV Cable Repair	5kV-330kV (HV & TR)	
LV UG Joint	Straight Through, Parallel Branch, Tee or Service	
	Network Box	
LV UG Termination	Switchgear, End Box or Transition	
	Sealed end	
	Pot End	
	UGOH	

Object		Symbol
Auxiliary Fix	Pilot Window	
Auxiliary Joint	Straight Through, Parallel Branch or Tee	
Auxiliary Termination	UGOH or Pole Termination	
	Pilot	
	UGOP-ADSS Termination	
Cable Pit (Can be various shapes)	Auxiliary	
	Distribution	
	Transmission	
LV Pillar	Distribution	
	Switch	 1-3 WAY  4+WAY
	SL Pillar	 NO SLCP  SLCP
	SL Cubicle	
	Fargo	
	Private	
LV Auxiliary Pillar	All Types	
LV Link Box	2 Way & 4 Way	

Ausgrid Underground Map Symbology

Object	Symbol
Substation	Cottage & Chamber
	Ground & Subtransmission Ground
	Kiosk & Subtransmission Kiosk
	Zone
	Transmission
	Bulk Supply Point
	Metering Station & Subtransmission Metering
Switching Station	Isolating & Earth
	Other – OH & UG
	Ring Main Unit
Earthing	UG Earth Cable
	Earth Point
Frequency Marker	Distribution and Transmission Power
	Auxiliary Communications
	Distribution and Transmission Power
	Auxiliary Communications

Object	Symbol
Trench	Centreline
Conduit (Can be various shapes)	Coverage (Distribution)
	Coverage (Transmission)
	Coverage (Underbore – cross hatched)
Cross Section	Marker (Staple)
	User Line
Measurement Point	
Miscellaneous Point Feature	Cable Clamp
	Cable Core split (Trifurcation)
	Cable Marker
	Electrolysis Point
	End Of Pipe
	Frequency Injection Unit
	Gas Charger
	Gas Control Cabinet
	Gas Control Kiosk
	Gas Control Point
	Gas Control Valve
	Gatic Pit lid

Object	Symbol
Miscellaneous Point Feature	Inspection Box
	Link point
	Oil Control Valve
	Oil Gauge
	Oil Tank
	Sniffer Box
	Thermocouple Box
	Transmission Cable Marker
Miscellaneous Linear Feature	Transmission Link Point
Map Note	All Geometries
	Location & Text
Dimension Feature	Placement Change
Lead Cable	Oil/Gas/Thermocouple
	Bonding
	Electrolysis

TH44232

TH44241

TH44234

TH44243

MONA VALE RD

WARNING
Ausgrid's plans show the position of assets at the time of installation and may not account for subsequent changes to road alignments, fences or buildings. The plans show no more than the presence or absence of Ausgrid assets in the street.
Persons working near electricity networks must exercise care and will be held responsible for any damage caused.
You must excavate by hand to use vacuum excavation to establish the location of Ausgrid underground cables and associated assets.
Underground: Working near a cable may result in electric shock even if no contact is made. Any work in the vicinity of any cable should only be performed using safe work methods developed in accordance with the recommendations included in SafeWork NSW Code of Practice for Excavation and SafeWork NSW Guide for Work Near Underground Assets as well as recommendations of Ausgrid's Network Standard NS156.
Overhead: Do not excavate near poles or towers until the stability of the foundation has been assessed by Ausgrid. Cables or earth conductors may be present close to substations, poles or towers.
Workers must maintain safe approach distances and follow applicable SafeWork NSW Code of Practice.
NOTE: 1. You must keep Ausgrid plans on site during excavation works. If the people actually performing the excavation works do not know how to read and interpret Ausgrid's plans, then the work must be directed by a person who knows how to read and interpret the plans. 2. This information includes data from the NSW Digital Cadastral Database by Land and Property Information (c) 2016, used under Creative Commons license version 4.0.

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TH44214

TH44223

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TH44241

TH44243

TH44244

GMLA0

Distribution - 205121892

Page 1 of 1

11 Nov 2021

1:320

0 19 metres



Jemena Gas Network Protection

High Pressure - Assets Affected

This information is only valid for 28 days from the date of issue

In reply to your enquiry, there are **High Pressure Gas Mains** in the vicinity of your intended work, as generally illustrated on the attached map. There may also be other mains or services at the location, as discussed in the warning below. **For an explanation of the map, please see the information below and the legend attachment.**

Excavation Guidelines

Prior to **any** excavations in this area, you **must** contact the High Pressure Response Coordinator to arrange a survey via:

<http://mygasservices.jemena.com.au> (High Pressure Works / High Pressure Standby)

Please note that a duty of care exists to ensure gas assets are not compromised or damaged. Jemena's expectation is the excavator operator holds a current Verification of Competency (VOC) or equivalent for the machine to be used near Jemena High Pressure Gas Assets.

Further standby enquiries can be directed to the High Pressure Coordinator -

E: infrastructureprotection@jemena.com.au or PH: 1300 665 380

Appointments will be coordinated with availability of a Jemena Representative to arrange a survey. For all works in the vicinity of High Pressure Gas Mains you must arrange for a Jemena Representative to attend and supervise all excavations. Charges may apply.

In accordance with clause 34(5) of the Gas Supply (Safety and Network Management) Regulation 2013 (NSW), you should be informed that all excavation, (including pot-holing by hand to confirm the location of pipes) should be performed in accordance with "**Work Near Underground Assets Guideline**" published in 2007 by the Work Cover Authority.





















A copy of this Guideline is available at: www.safework.nsw.gov.au

Warning: The enclosed plans show the position of Jemena Gas Networks (NSW) Ltd's underground gas mains and installations in public gazetted roads only. **Individual customers' services and services belonging to other third parties are not included** on these plans. These plans have been prepared solely for the use of Jemena Gas Networks (NSW) Ltd and Jemena Asset Management Pty Ltd (together "**Jemena**") and any reliance placed on these plans by you is entirely at your own risk. The plans may show the position of underground mains and installations relative to fences, buildings etc., as they existed at the time the mains etc were installed. The plans may not have been updated to take account of any subsequent change in the location or style of those features since the time at which the plans were initially prepared. Jemena makes no warranty as to the accuracy or completeness of the enclosed plans and does not assume any duty of care to you nor any responsibility for the accuracy, adequacy, suitability or completeness of the plans or for any error, omission, lack of detail, transmission failure or corruption in the information provided. Jemena does not accept any responsibility for any loss that you or anyone else may suffer in connection with the provision of these plans, however that loss may arise (including whether or not arising from the negligence of Jemena, its employees, agents, officers or contractors). The recipient of these plans must use their own care and diligence in carrying out their works and must carry out further surveys to locate services at their work site. Persons excavating or carrying out other earthworks will be held responsible for any damage caused to Jemena's underground mains and equipment. Jemena advises that you may be required to carry out potholing by hand if required by a Jemena Representative to confirm the location of Jemena's main and installations. This must also be performed by you under the supervision of a Jemena Representative and be carried out in accordance with the Working Near Underground Assets Guideline published in 2007 by Work Cover Authority







In case of Emergency Phone 131 909 (24 hours)

Admin 1300 880 906

Network Mains

	Proposed New Main (coloured as per kPa)
	Proposed Isolate (coloured as per kPa)
	Unknown kPa
	2kPa Low Pressure gas main
	7kPa Low Pressure gas main
	30kPa Medium pressure gas main
	100kPa Medium Pressure gas main
	210kPa Medium Pressure gas main
	300kPa Medium Pressure gas main
	400kPa Medium Pressure gas main
	1050kPa High Pressure gas main
	3500kPa High Pressure gas main
	7000kPa High Pressure gas main
	>7000kPa Transmission pipeline
	Isolated Service - Former Med/High Pressure
	Isolated Steel Main - Treat as High Pressure
	Conduit or Casing
100 PVC	Size & Material (see conduit material codes)
	Critical Main - Treat as High Pressure (Main coloured as per kPa)
	Exposed Main section EXPOSED
	Shallow Main section: see Protection Code below, no code assume no protection SHALLOW-SP
SP	Steel Plate
PP	PE Plate
CS	Concrete Slab
CE	Concrete Encased
UNK	Unknown Type

Network Assets

	Siphon
	Network Valve
	High Pressure Main Line Valve (>=1050kPa)
	High Pressure Automatic Line Break Valve (>1050kPa)
	Distribution Regulator Set (=<1050kPa)
	High Pressure Regulating Station (>1050kPa)

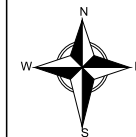
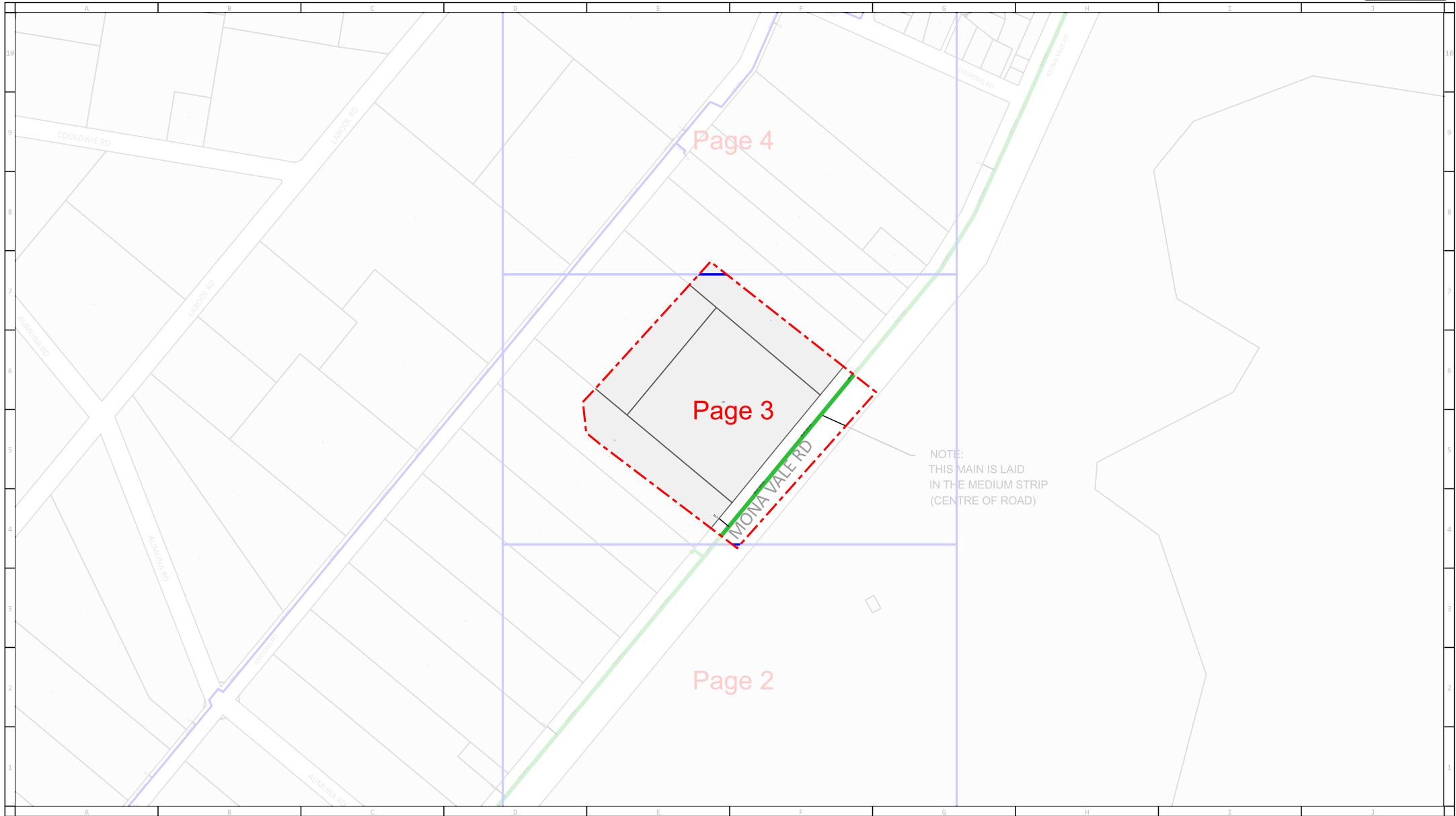
Annotations

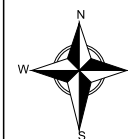
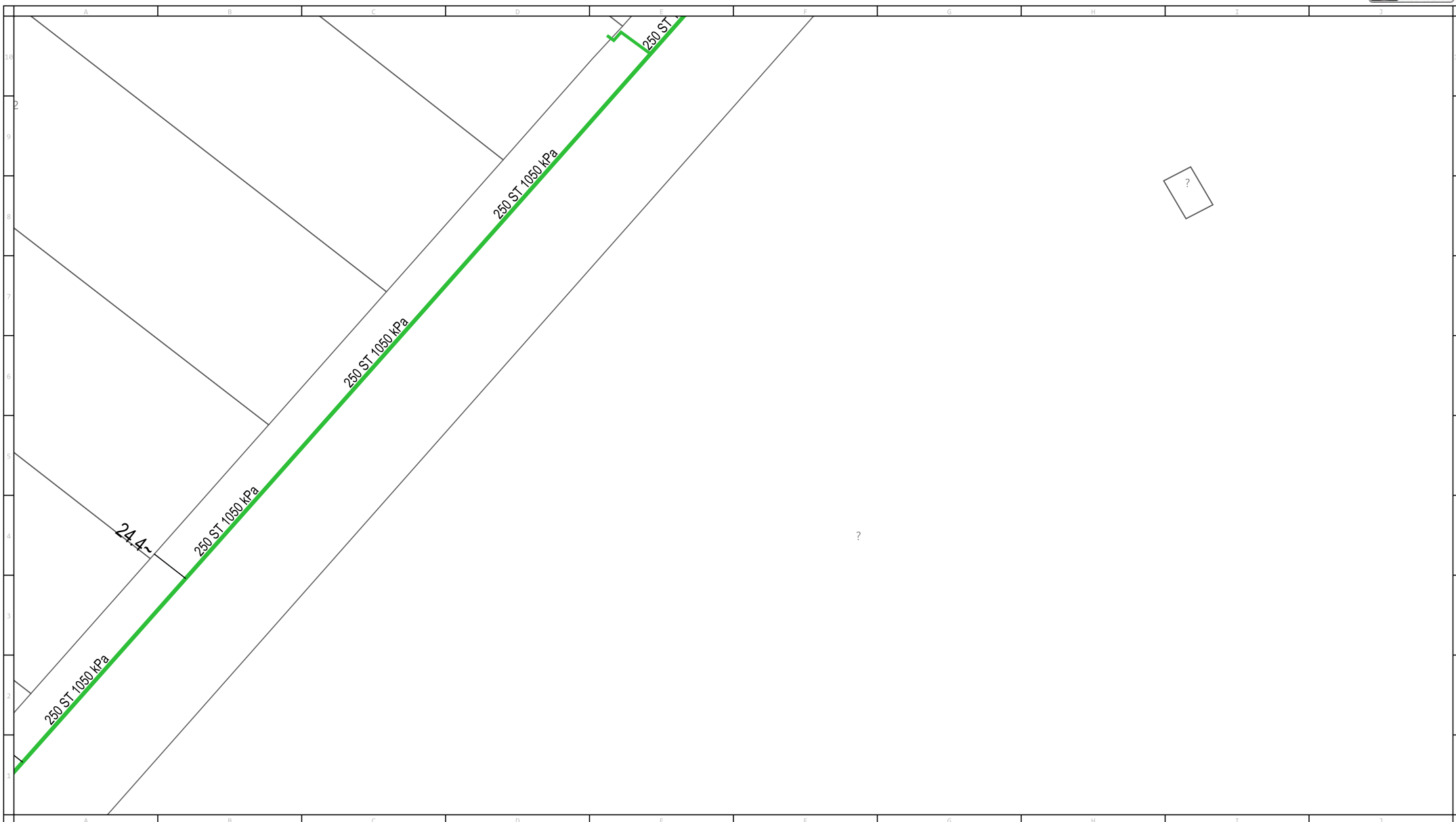
Pipe and Conduit Material Codes

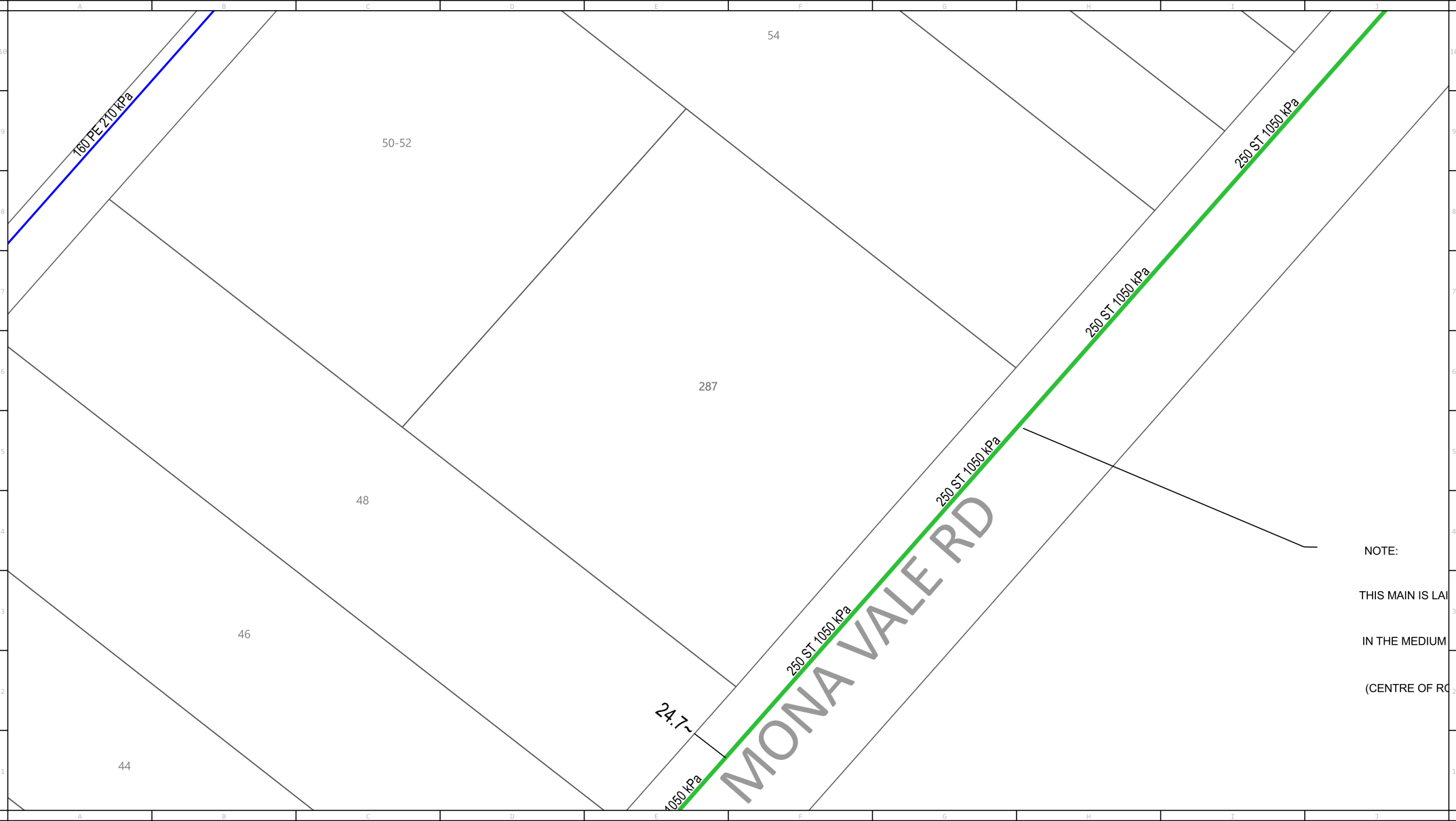
NY	Nylon	NB	Nominal Bore – Cast Iron
PE	Polyethylene	ST	Steel
P/PL	Plastic (undefined)	C/CO	Copper
PVC	Polyvinyl Chloride		

Pipe code combinations and dimension references

⑥NB 50MM NY	50mm Nylon main inserted into 6 inch (Nominal Bore) Cast Iron pipe
⑤0MM 32MM NY	32mm Nylon main inserted into 50mm Steel pipe
~1.5	Distance (in metres) of main from Boundary Line (MBL)
MBK	Distance in Metres Back of Kerb
MKL	Distance in Metres from Kerb Line
MEBL	Distance in Metres from Eastern Boundary Line (North/South/West)
MCL	Distance in Metres from Centre Line of Road
MFL	Distance in Metres from Fence Line







NOTE:

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For legend details, please refer to the Coversheet attachment provided as part of this DBYD response.



Scale:1:2000

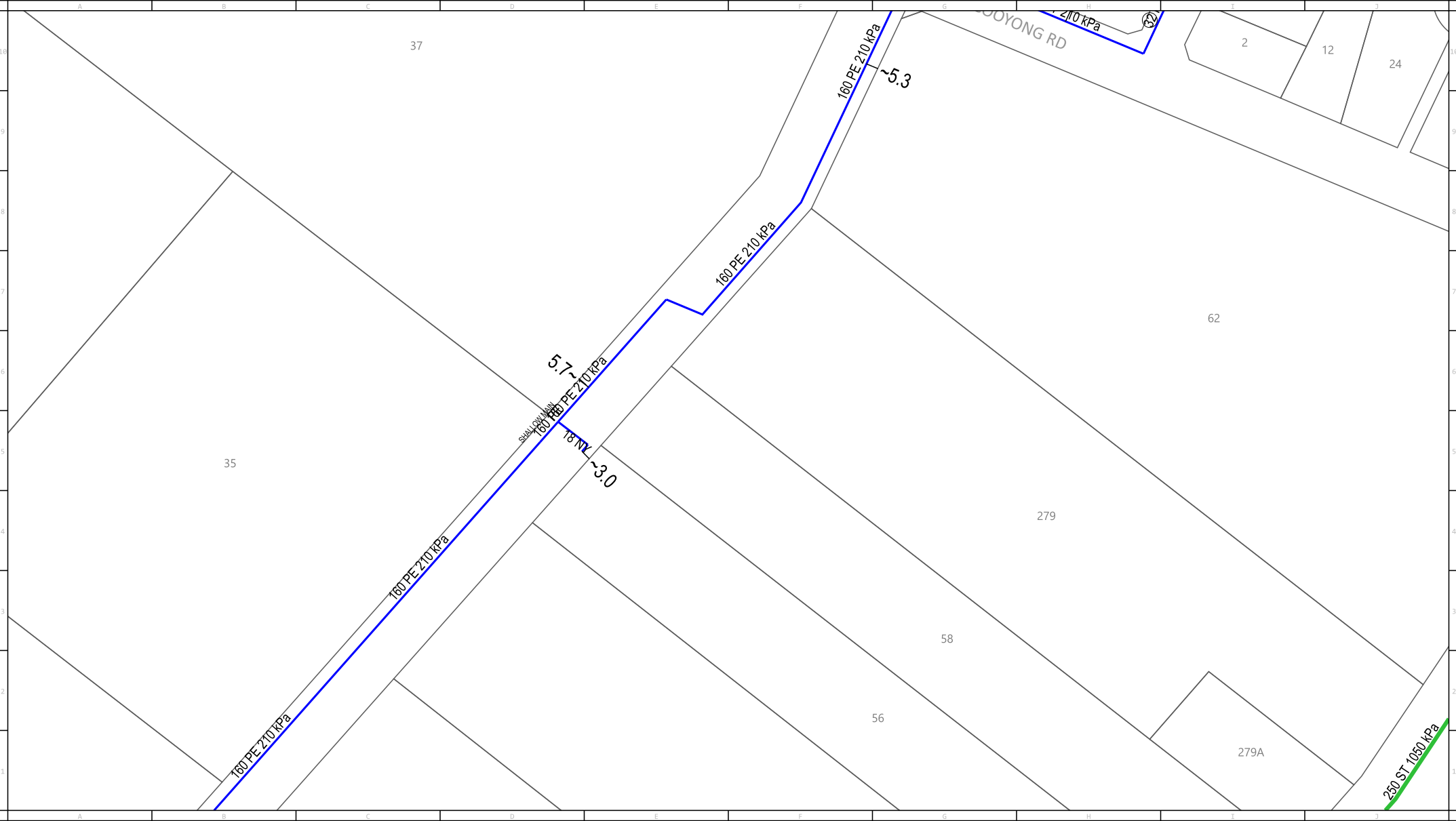
Issue Date: 11/11/2021

DBYD Seq No: 205121893

DBYD Job No: 30878181

0m 10m 20m 30m 40m 50m 60m 70m 80m

WARNING:This is a representation of Jemena Gas Networks underground assets only and may not indicate all assets in the area. It must not be used for the purpose of exact asset location in order to undertake any type of excavation. This plan is diagrammatic only, and distances scaled from this plan may not be accurate. Please read all conditions and information on the attached information sheet. This extract is subject to those conditions. The information contained on this plan is only valid for 28 days from the date of issue.



For legend details, please refer to the Coversheet attachment provided as part of this DBYD response.



Scale:1:2000

Issue Date: 11/11/2021

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To: Alyson Bannister
Phone: Not Supplied
Fax: Not Supplied
Email: abannister@geo-logix.com.au

Dial before you dig Job #:	30878181	 DIAL BEFORE YOU DIG www.1100.com.au
Sequence #	205121890	
Issue Date:	11/11/2021	
Location:	287 Mona Vale Road , Terrey Hills , NSW , 2084	

Information

The area of interest requested by you contains one or more assets.

nbn™ Assets	Search Results
Communications	Asset identified
Electricity	No assets

In this notice **nbn™ Facilities** means *underground fibre optic, telecommunications and/or power facilities, including but not limited to cables, owned and controlled by nbn™*

Location of nbn™ Underground Assets

We thank you for your enquiry. In relation to your enquiry at the above address:

- **nbn's** records indicate that there **ARE nbn™** Facilities in the vicinity of the location identified above ("Location").
- **nbn** indicative plan/s are attached with this notice ("Indicative Plans").
- The Indicative Plan/s show general depth and alignment information only and are not an exact, scale or accurate depiction of the location, depth and alignment of **nbn™** Facilities shown on the Plan/s.
- In particular, the fact that the Indicative Plans show that a facility is installed in a straight line, or at uniform depth along its length cannot be relied upon as evidence that the facility is, in fact, installed in a straight line or at uniform depth.
- You should read the Indicative Plans in conjunction with this notice and in particular, the notes below.
- You should note that, at the present time, the Indicative Plans are likely to be more accurate in showing location of fibre optics and telecommunications cables than power cables. There may be a variation between the line depicted on the Indicative Plans and the location of any power cables. As such, consistent with the notes below, particular care must be taken by you to make your own enquiries and investigations to precisely locate any power cables and manage the risk arising from such cables accordingly.
- The information contained in the Indicative Plan/s is valid for 28 days from the date of issue set out above. You are expected to make your own inquiries and perform your own investigations (including engaging appropriately qualified plant locators, e.g DBYD Certified Locators, at your cost to locate **nbn™**

Facilities during any activities you carry out on site).

We thank you for your enquiry and appreciate your continued use of the Dial Before You Dig Service. For any enquiries related to moving assets or Planning and Design activities, please visit the **nbn** [Commercial Works](#) website to complete the online application form. If you are planning to excavate and require further information, please email dbyd@nbnco.com.au or call 1800 626 329.

Notes:

1. You are now aware that there are **nbn**TM Facilities in the vicinity of the above property that could be damaged as a result activities carried out (or proposed to be carried out) by you in the vicinity of the Location.
2. You should have regard to section 474.6 and 474.7 of the *Criminal Code Act 1995* (CoA) which deals with the consequences of interfering or tampering with a telecommunications facility. Only persons authorised by **nbn** can interact with **nbn's** network facilities.
3. Any information provided is valid only for **28 days** from the date of issue set out above.

Referral Conditions

The following are conditions on which **nbn** provides you with the Indicative Plans. By accepting the plans, you are agreeing to these conditions. These conditions are in addition, and not in replacement of, any duties and obligations you have under applicable law.

1. **nbn** does not accept any responsibility for any inaccuracies of its plans including the Indicative Plans. You are expected to make your own inquiries and perform your own investigations (including engaging appropriately qualified plant locators, e.g DBYD Certified Locators, at your cost to locate **nbn**TM Facilities during any activities you carry out on site).
2. You acknowledge that **nbn** has specifically notified you above that the Indicative Plans are likely to be more accurate in showing location of fibre optics and telecommunications cables than power cables. There may be a variation between the line depicted on the Indicative Plans and the location of any power cables.
3. You should not assume that **nbn**TM Facilities follow straight lines or are installed at uniformed depths along their lengths, even if they are indicated on plans provided to you. Careful onsite investigations are essential to locate the exact position of cables.
4. In carrying out any works in the vicinity of **nbn**TM Facilities, you must maintain the following minimum clearances:
 - 300mm when laying assets inline, horizontally or vertically.
 - 500mm when operating vibrating equipment, for example: jackhammers or vibrating plates.
 - 1000mm when operating mechanical excavators.
 - Adherence to clearances as directed by other asset owner's instructions and take into account any uncertainty for power cables.
5. You are aware that there are inherent risks and dangers associated with carrying out work in the vicinity of underground facilities (such as **nbn**TM fibre optic, copper and coaxial cables, and power cable feed to **nbn**TM assets). Damage to underground electric cables may result in:
 - Injury from electric shock or severe burns, with the possibility of death.
 - Interruption of the electricity supply to wide areas of the city.
 - Damage to your excavating plant.
 - Responsibility for the cost of repairs.
6. You must take all reasonable precautions to avoid damaging **nbn**TM Facilities. These precautions may include but not limited to the following:
 - All excavation sites should be examined for underground cables by careful hand excavation. Cable cover slabs if present must not be disturbed. Hand excavation needs to be undertaken with extreme care to minimise the likelihood of damage to the cable, for example: the blades of hand equipment should be aligned parallel to the line of the cable rather than digging across the cable.
 - If any undisclosed underground cables are located, notify **nbn** immediately.

- All personnel must be properly briefed, particularly those associated with the use of earth-moving equipment, trenching, boring and pneumatic equipment.
 - The safety of the public and other workers must be ensured.
 - All excavations must be undertaken in accordance with all relevant legislation and regulations.
7. You will be responsible for all damage to **nbn**TM Facilities that are connected whether directly, or indirectly with work you carry out (or work that is carried out for you or on your behalf) at the Location. This will include, without limitation, all losses expenses incurred by **nbn** as a result of any such damage.
 8. You must immediately report any damage to the **nbn**TM network that you are/become aware of. Notification may be by telephone - 1800 626 329.
 9. Except to the extent that liability may not be capable of lawful exclusion, **nbn** and its servants and agents and the related bodies corporate of **nbn** and their servants and agents shall be under no liability whatsoever to any person for any loss or damage (including indirect or consequential loss or damage) however caused (including, without limitation, breach of contract negligence and/or breach of statute) which may be suffered or incurred from or in connection with this information sheet or any plans (including Indicative Plans) attached hereto. Except as expressly provided to the contrary in this information sheet or the attached plans (including Indicative Plans), all terms, conditions, warranties, undertakings or representations (whether expressed or implied) are excluded to the fullest extent permitted by law.

All works undertaken shall be in accordance with all relevant legislations, acts and regulations applicable to the particular state or territory of the Location. The following table lists all relevant documents that shall be considered and adhered to.

State/Territory	Documents
National	Work Health and Safety Act 2011
	Work Health and Safety Regulations 2011
	Safe Work Australia - Working in the Vicinity of Overhead and Underground Electric Lines (Draft)
	Occupational Health and Safety Act 1991
NSW	Electricity Supply Act 1995
	Work Cover NSW - Work Near Underground Assets Guide
	Work Cover NSW - Excavation Work: Code of Practice
VIC	Electricity Safety Act 1998
	Electricity Safety (Network Asset) Regulations 1999
QLD	Electrical Safety Act 2002
	Code of Practice for Working Near Exposed Live Parts
SA	Electricity Act 1996
TAS	Tasmanian Electricity Supply Industry Act 1995
WA	Electricity Act 1945
	Electricity Regulations 1947
NT	Electricity Reform Act 2005
	Electricity Reform (Safety and Technical) Regulations 2005
ACT	Electricity Act 1971

Thank You,


nbn DBYD

Date: 11/11/2021

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To: Alyson Bannister
Phone: Not Supplied
Fax: Not Supplied
Email: abannister@geo-logix.com.au

Dial before you dig Job #:	30878181	 DIAL BEFORE YOU DIG <small>www.1100.com.au</small>
Sequence #	205121890	
Issue Date:	11/11/2021	
Location:	287 Mona Vale Road , Terrey Hills , NSW , 2084	

Indicative Plans

1

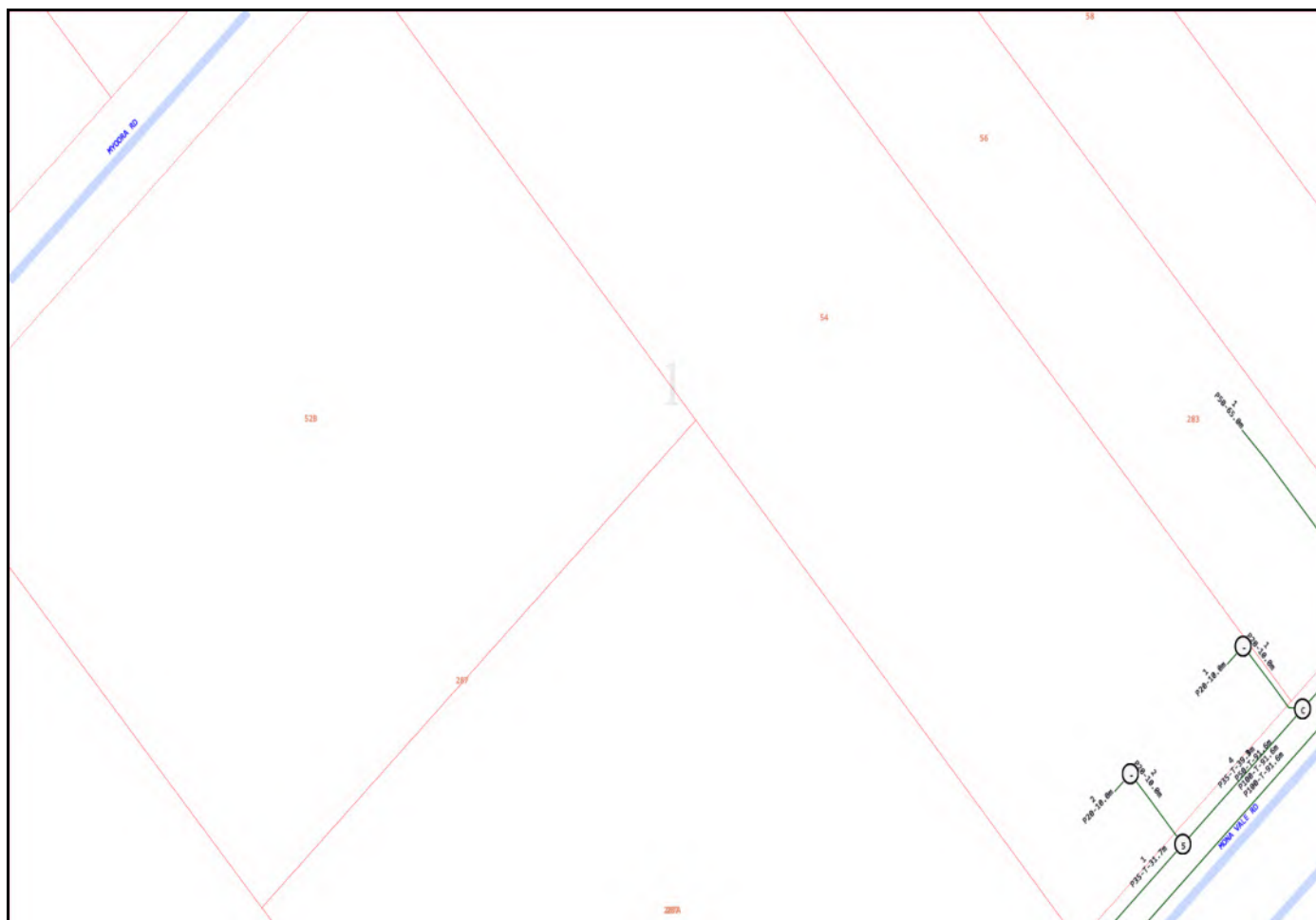
2



LEGEND



	Parcel and the location
	Pit with size "5"
	Power Pit with size "2E". Valid PIT Size: e.g. 2E, 5E, 6E, 8E, 9E, E, null.
	Manhole
	Pillar
	Cable count of trench is 2. One "Other size" PVC conduit (PO) owned by Telstra (-T-), between pits of sizes, "5" and "9" are 25.0m apart. One 40mm PVC conduit (P40) owned by NBN, between pits of sizes, "5" and "9" are 20.0m apart.
	2 Direct buried cables between pits of sizes, "5" and "9" are 10.0m apart.
	Trench containing any INSERVICE/CONSTRUCTED (Copper/RF/Fibre) cables.
	Trench containing only DESIGNED/PLANNED (Copper/RF/Fibre/Power) cables.
	Trench containing any INSERVICE/CONSTRUCTED (Power) cables.
	Road and the street name "Broadway ST"
Scale	0 20 40 60 Meters 1:2000 1 cm equals 20 m





You must immediately report any damage to the **nbn**TM network that you are/become aware of. Notification may be by telephone - 1800 626 329.

Date: 11 Nov 2021
To: Alyson Bannister
Company: Geo-Logix
Address: Unit 2309,4 Daydream Street
Warriewood, NSW 2102

ENQUIRY DETAILS

Location: 287 Mona Vale Road, Terrey Hills, NSW 2084
Sequence No.: 205121894
DBYD Reference: 30878181

In relation to your enquiry concerning the above location, Optus advises as follows:

Optus records indicate that there ARE underground Optus FIBRE OPTIC TELECOMMUNICATIONS ASSETS in the vicinity of the above location as per the attached drawing(s).

PLEASE NOTE THAT THE ASSETS IN THIS AREA ARE OF NATIONAL SIGNIFICANCE. Any interference with these assets has the potential to significantly disrupt communications in Australia and may be considered an offence under the Criminal Code Act 1995 (Cth). Optus reserves the right to seek compensation for loss or damage to its assets including consequential loss.

This reply is valid for a period of 30 days from the date above.

IMPORTANT INFORMATION

Asset location drawings provided by Optus are reference diagrams and are provided as a guide only. The completeness of the information in these drawings cannot be guaranteed. Exact ground cover and alignments cannot be provided with any certainty as these may have altered over time. Depths of telecommunications assets vary considerably as do alignments. It is essential to identify the location of any Optus assets in the vicinity prior to engaging in any works.

All Optus assets in the vicinity of any planned works will need to be electronically located to ascertain their general location. Depending on the scope of planned works in the vicinity, the assets may also need to be physically located.

YOU MUST ENGAGE THE SERVICES OF ONE OF THE OPTUS ASSET ACCREDITED LOCATORS TO CARRY OUT ASSET LOCATION (REFER LIST OF ACCREDITED LOCATORS AT THE END OF THIS OPTUS RESPONSE).

Unless otherwise agreed with Optus, where an on-site asset location is required, the requestor is responsible for all costs associated with the locating service including (where required) physically exposing the Optus asset.

DUTY OF CARE

When working in the vicinity of telecommunications assets you have a legal "Duty of Care" and non-interference that must be observed.

It is your responsibility as the requesting party (as a landowner or any other party involved in the planned works) to design for minimal impact to any existing Optus asset. Optus can assist at the design stage through consultation.

It is also your, as the requesting party (or your representative's), responsibility to:

- Obtain location drawings (through the Dial Before You Dig process) of any existing Optus assets at a reasonable time before any planned works begin;
- Have an Optus Accredited Asset Locator identify the general location of the Optus asset and physically locate the asset where planned works may encroach on its alignment; and
- Contact Optus for further advice where requested to do so by this letter.

DAMAGE TO ANY OPTUS ASSET MUST BE REPORTED TO 1800 500 253 IMMEDIATELY

You, your head contractor and any relevant subcontractor are all responsible for any Optus asset damage as a result of planned activities in the vicinity of Optus assets.

This applies where works commence prior to obtaining Optus drawings, where there is failure to follow instructions or during any construction activities.

Optus reserves the right to seek compensation for loss or damage to its assets including consequential loss. Also, you, your head contractor and any relevant subcontractor may also be liable for prosecution under the Criminal Code Act 1995 (Cth).

ASSET RELOCATIONS

You are not permitted by law to relocate, alter or interfere with any Optus asset under any circumstance. Any unauthorised interference with an Optus asset may lead to prosecution under the Criminal Code Act 1995 (Cth). Enquiries relating to the relocation of Optus assets must be referred to the relevant Optus Damages and Relocations Team (refer to "FURTHER ASSISTANCE").

APPROACH DISTANCES

On receipt of Optus asset location drawings and prior to commencing any planned works near an Optus asset, engage an Optus Accredited Locator to undertake a general location of the Optus asset.

Physical location of the Optus asset by an Optus Accredited Locator will also be required where planned works are within the following approach distances of the general location of the Optus asset:

- In built up metropolitan areas where road and footpaths are well defined by kerbs or other features a minimum clear distance of 1 meter must be maintained from the general location of the Optus asset.
- In non-established or unformed metropolitan areas, a minimum clear distance of 3 meters must be maintained from the general location of the Optus asset.
- In country or rural areas where wider variations may exist between the general and actual location of an Optus asset may exist, then a minimum clear distance of 5 meters must be maintained from the general location of the Optus asset.

If planned works are parallel to the Optus asset, then the Optus asset must be physically located by an Optus Accredited Locator at a minimum of 5 meter intervals along the length of the parallel works prior to work commencing.

Under no circumstances is crossing of any Optus asset permitted without physical location of the asset being carried out by an Optus Accredited Locator. Depending on the asset involved an Optus representative may be required onsite.

The minimum clearances to the physical location of Optus assets for the following specific types of works must be maintained at all times.

Note: Where the clearances in the following table cannot be maintained or where the type of work differs from those listed then advice must be sought from the relevant Optus Damages and Relocations Team (refer to "FURTHER ASSISTANCE").

Type of Works	Clearance to Physical Location of Optus Asset
Jackhammers / Pneumatic Breakers	Not within 1 meter.
Light duty Vibrating Plate or Wacker Packer type compactors (not heavy road construction vibrating rollers etc.)	500mm compact clearance cover before a light duty compactor can be used over any Optus conduit. No compaction permitted over Optus direct buried cable without prior approval from Optus.
Boring Equipment (in-line, horizontal and vertical)	Not within 5 meters parallel of the Optus asset location without an Accredited Optus Asset Locator physically exposing the Optus asset and with an Optus representative onsite. Not to cross the Optus asset without an Accredited Optus Asset Locator physically exposing the Optus asset and with an Optus representative onsite.

Type of Works	Clearance to Physical Location of Optus Asset
Heavy vehicle Traffic (over 3 tonnes)	<p>Not to be driven across Optus conduits with less than 600mm of cover.</p> <p>Not to be driven across Optus direct buried cable with less than 1.2 meters of cover.</p> <p>Once off crossings permitted, multiple crossing (e.g. road construction or logging) will require Optus approval.</p> <p>Accredited Optus Asset Locator to physically expose the Optus asset to verify actual depth.</p>
Mechanical Excavators, Farm Ploughing, Vertical Hole installation for water bore or fencing etc.	<p>Not within 1 meter.</p> <p>Accredited Optus Asset Locator to physically expose the Optus asset to verify actual location.</p>

ASSET CLEARANCES AFTER COMPLETION OF WORKS

All Optus pits and manholes must be a minimum of 1 meter from the back of any kerb, 3.5 meters of the road surface without a kerb or not within 15 meters of street intersection.

In urban areas Optus conduit must have the following minimum depth of cover:

- Footway 600mm;
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In rural areas Optus conduit must have a minimum depth of cover of 1 meter and direct buried cable 1.2 meters.

In cases where it is considered that the above clearances cannot be maintained at the completion of works, advice must be sought from the relevant Optus Damages and Relocations Team (refer "Further Assistance").

FURTHER ASSISTANCE

Further assistance on asset clearances, protection works or relocation requirements can be obtained by contacting the relevant Optus Damages and Relocations Team on the following email address:

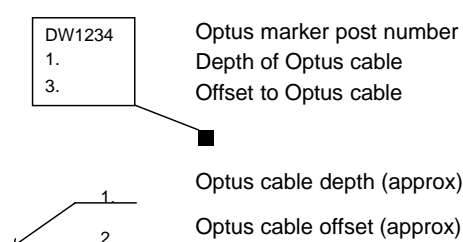
NFODamages&RelocationsDropbox@optus.com.au

Further assistance relating to asset location drawings etc. can be obtained by contacting the Optus Network Operations Asset Analysis Team on 1800 505 777.

OPTUS ENGINEERING DRAWING SYMBOLS

	Optus underground cable		Optus manhole/pit
	Optus underground IOF cable		Other Utility manhole/pit
	Optus conduit		Optus marker post
	Optus cable in Other Utility conduit		Railway / Tram line
	Southern Cross conduit		Highway / Major Road
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	Uecomm conduit		Council Road - minor
	Optus aerial fibre cable		

	Optus underground cable
	Optus cable buried jointly with third party utility
	Optus cable in conduit with subducts





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Sequence Number: 205121894

Date Generated: 11 Nov 2021



For all Optus DBYD plan enquiries –
Email: Fibre.Locations@optus.net.au
For urgent onsite assistance contact 1800 505 777
Optus Limited ACN 052 833 208



Date: 11 Nov 2021
To: Alyson Bannister
Company: Geo-Logix
Address: Unit 2309,4 Daydream Street
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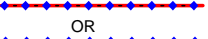








FURTHER ASSISTANCE

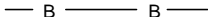
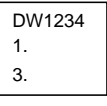


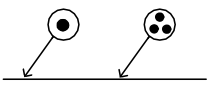
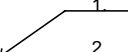
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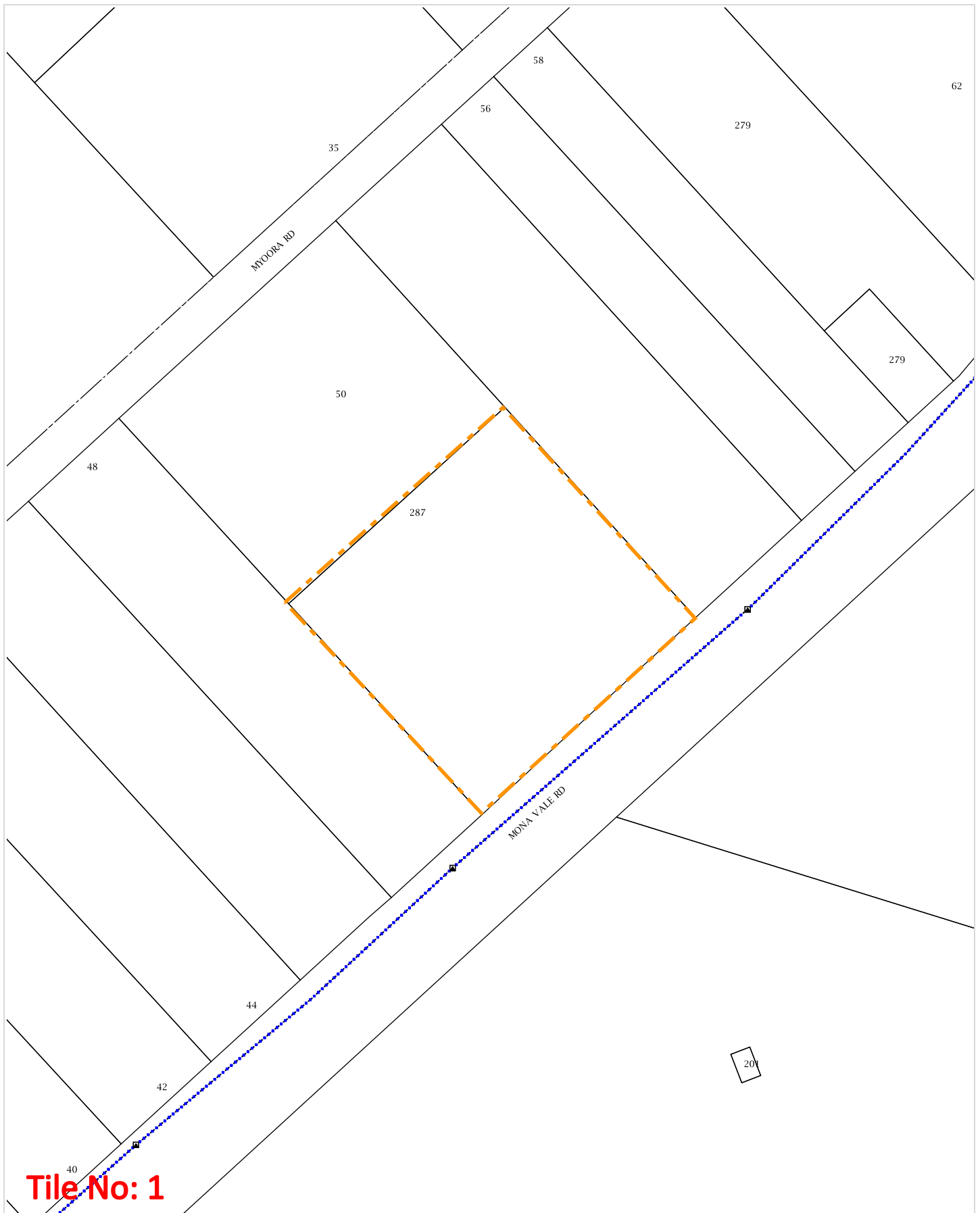
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OPTUS ENGINEERING DRAWING SYMBOLS

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	Uecomm conduit		Council Road - minor
	Optus aerial fibre cable		

	Optus underground cable		Optus marker post number Depth of Optus cable Offset to Optus cable
	Optus cable buried jointly with third party utility		
	Optus cable in conduit with subducts		Optus cable depth (approx) Optus cable offset (approx)



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Sequence Number: 205121894

Date Generated: 11 Nov 2021



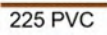


























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Guide to reading Sydney Water DBYD Plans



This guide will help you understand our plans and what our services are.

Symbol	Meaning	Symbol	Meaning
	Sewer main with flow arrow and size type text.		Sewer vertical
	Disuses sewer main This means the sewer has been disused but remains in the ground.		Sewer pumping station
	Sewer maintenance hole with upstream depth invert.		Pressure sewer main These are also found in Vacuum sewer areas.
	Sewer Sub-surface chamber		Pressure sewer Pump unit Alarm, electrical cable and pump unit.
	Sewer Maintenance hole with overflow chamber		Pressure sewer property valve boundary assembly
	Sewer Ventshaft EDUCT		Pressure sewer stop valve
	Sewer Ventshaft IDUCT		Pressure sewer reducer / taper
	Sewer property connection point With chainage to downstream maintenance hole.		Pressure sewer flushing point
	Sewer concrete encased section		Vacuum sewer division valve
	Sewer Rehabilitation		Vacuum sewer vacuum chamber
	Sewer terminal maintenance shaft		Vacuum sewer clean out pot
	Sewer maintenance shaft		Stormwater pipe
	Sewer rodding point		Stormwater channel
	Sewer lamphole		



Symbol	Meaning	Symbol	Meaning
	Stormwater gully		Potable water stop valves with Tapers
	Stormwater maintenance hole		Potable water closed stop valve
	Watermain – potable drinking water With size type text.		Potable water air valve
	Disconnected watermain – potable drinking water This means the watermain has been disused but remains in the ground.		Potable water valve
	Recycled watermain		Potable water scour
	Special supply conditions – potable drinking water		Potable water reducer / taper
	Special supply conditions – recycled water		Potable water vertical bends
	Restrained joints – Potable drinking water		Potable water reservoir
	Sewer concrete encased section		Recycled water is shown as per potable above. Colour as indicated
	Restrained joints – Potable drinking water		Private potable water main
	Potable water hydrant		Private recycled water main
	Potable water maintenance hole		Private sewer main
	Potable water stop valve		
	Potable water stop valve with By-pass		



Pipe types



PIPE TYPES		PIPE TYPES	
ABS	Acrylonitrile Butadiene Styrene	AC	Asbestos Cement
BRICK	Brick	CI	Cast Iron
CICL	Cast Iron Cement Lined	CONC	Concrete
COPPER	Copper	DI	Ductile Iron
DICL	Ductile Iron Cement (mortar) Lined	DIPL	Ductile Iron Polymeric Lined
EW	Earthenware	FIBG	Fibreglass
FL BAR	Forged Locking Bar	GI	Galvanised Iron
GRP	Glass Reinforced Plastics	HDPE	High Density Polyethylene
MS	Mild Steel	MSCL	Mild Steel Cement Lined
IPE	Polyethylene	PC	Polymer Concrete
PP	Polypropylene	PVC	Polyvinylchloride
PVC - M	Polyvinylchloride, Modified	PVC - 0	Polyvinylchloride, Oriented
PVC - U	Polyvinylchloride, Unplasticised	RC	Reinforced Concrete
RC-PL	Reinforced Concrete Plastics Lined	S	Steel
SCL	Steel Cement (mortar) Lined	SCL IBL	Steel Cement Lined Internal Bitumen
SGW	Salt Glazed Ware	SPL	Steel Polymeric Lined
SS	Stainless Steel	STONE	Stone
VC	Vitrified Clay	WI	Wrought Iron
WS	Woodstave		

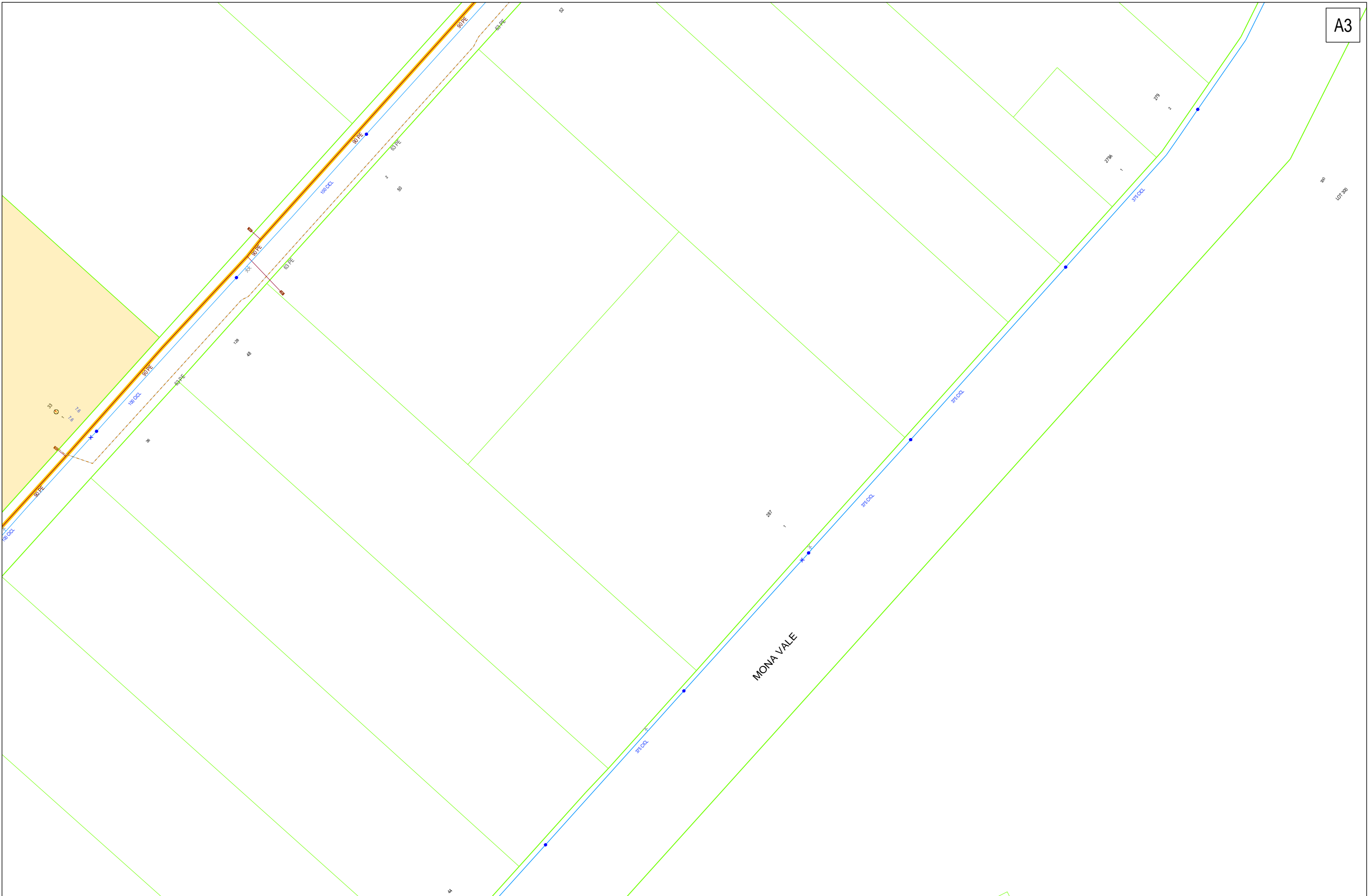


Further Information

Please consult the Dial Before You Dig enquiries page on our website.

For general enquiries please call the Customer Contact Centre on 132 092

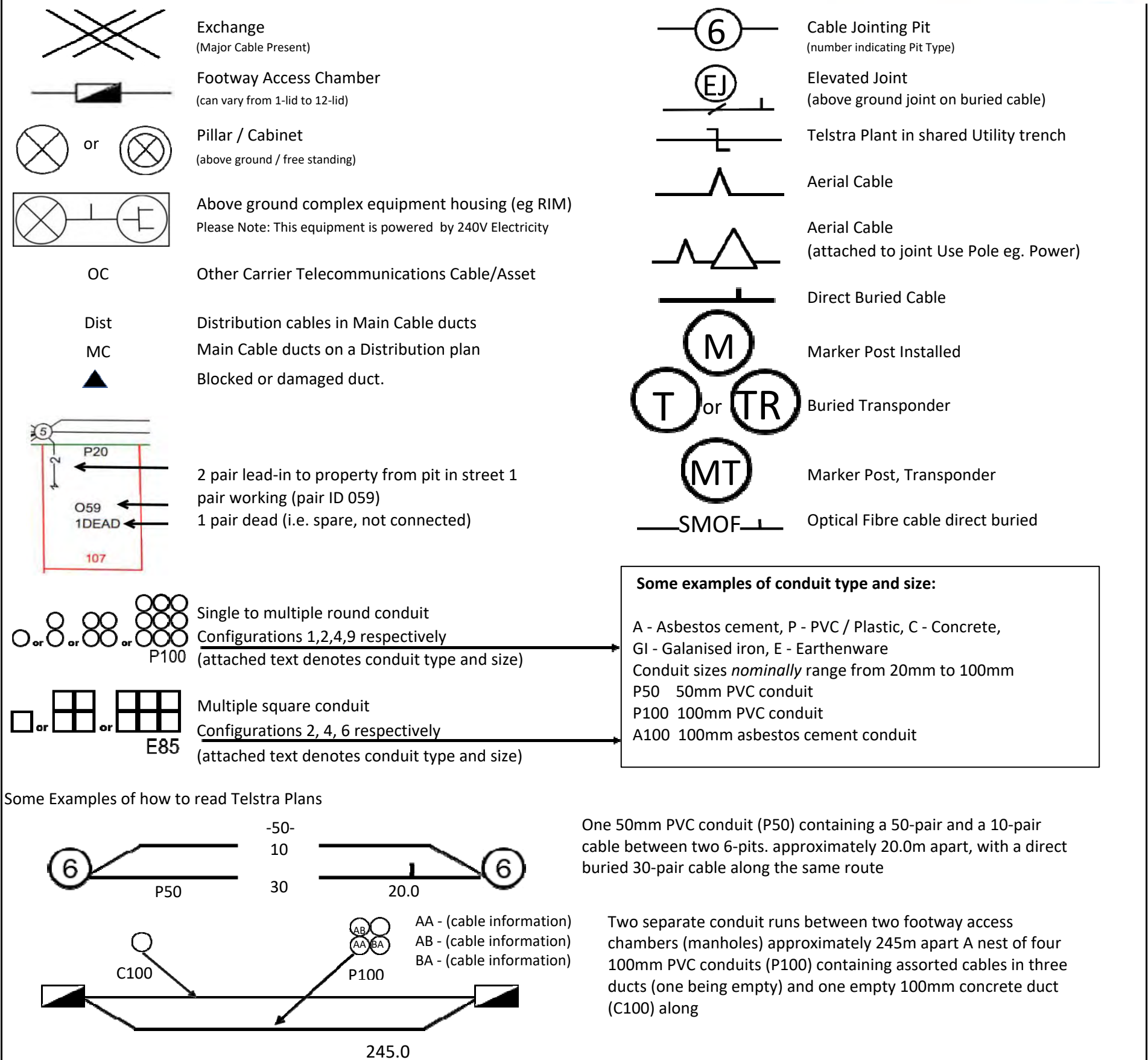
In an emergency, or to notify Sydney Water of damage or threats to its structures, call 13 20 90 (24 hours, 7 days)



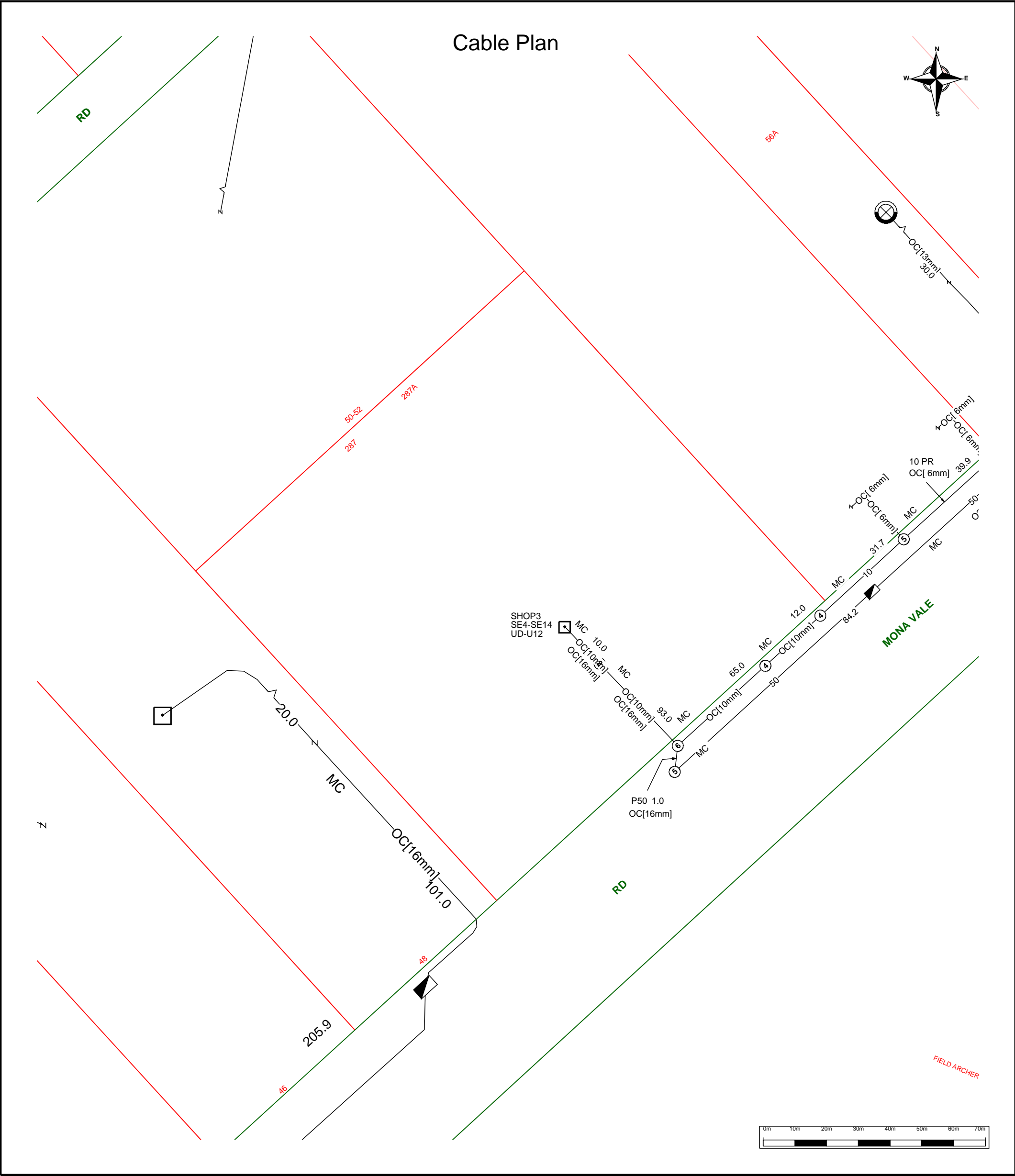
LEGEND




For more info contact a Certified Locating Organisation or Telstra Plan Services 1800 653 935



WARNING: Telstra plans and location information conform to Quality Level 'D' of the Australian Standard AS 5488 - Classification of Subsurface Utility Information. As such, Telstra supplied location information is indicative only. Spatial accuracy is not applicable to Quality Level D. Refer to AS 5488 for further details. Telstra does not warrant or hold out that its plans are accurate and accepts no responsibility for any inaccuracy shown on the plans. **FURTHER ON SITE INVESTIGATION IS REQUIRED TO VALIDATE THE EXACT LOCATION OF TELSTRA PLANT PRIOR TO COMMENCING CONSTRUCTION WORK.** A plant location service is an essential part of the process to validate the exact location of Telstra assets and to ensure the asset is protected during construction works. The exact position of Telstra assets can only be validated by physically exposing it. Telstra will seek compensation for damages caused to its property and losses caused to Telstra and its customers.



	For all Telstra DBYD plan enquiries - email - Telstra.Plans@team.telstra.com For urgent onsite contact only - ph 1800 653 935 (bus hrs)	Sequence Number: 205121891
	TELSTRA CORPORATION LIMITED A.C.N. 051 775 556	CAUTION: Fibre optic and/ or major network present in plot area. Please read the Duty of Care and contact Telstra Plan Services should you require any assistance.
Generated On 11/11/2021 11:02:25		

The above plan must be viewed in conjunction with the Mains Cable Plan on the following page

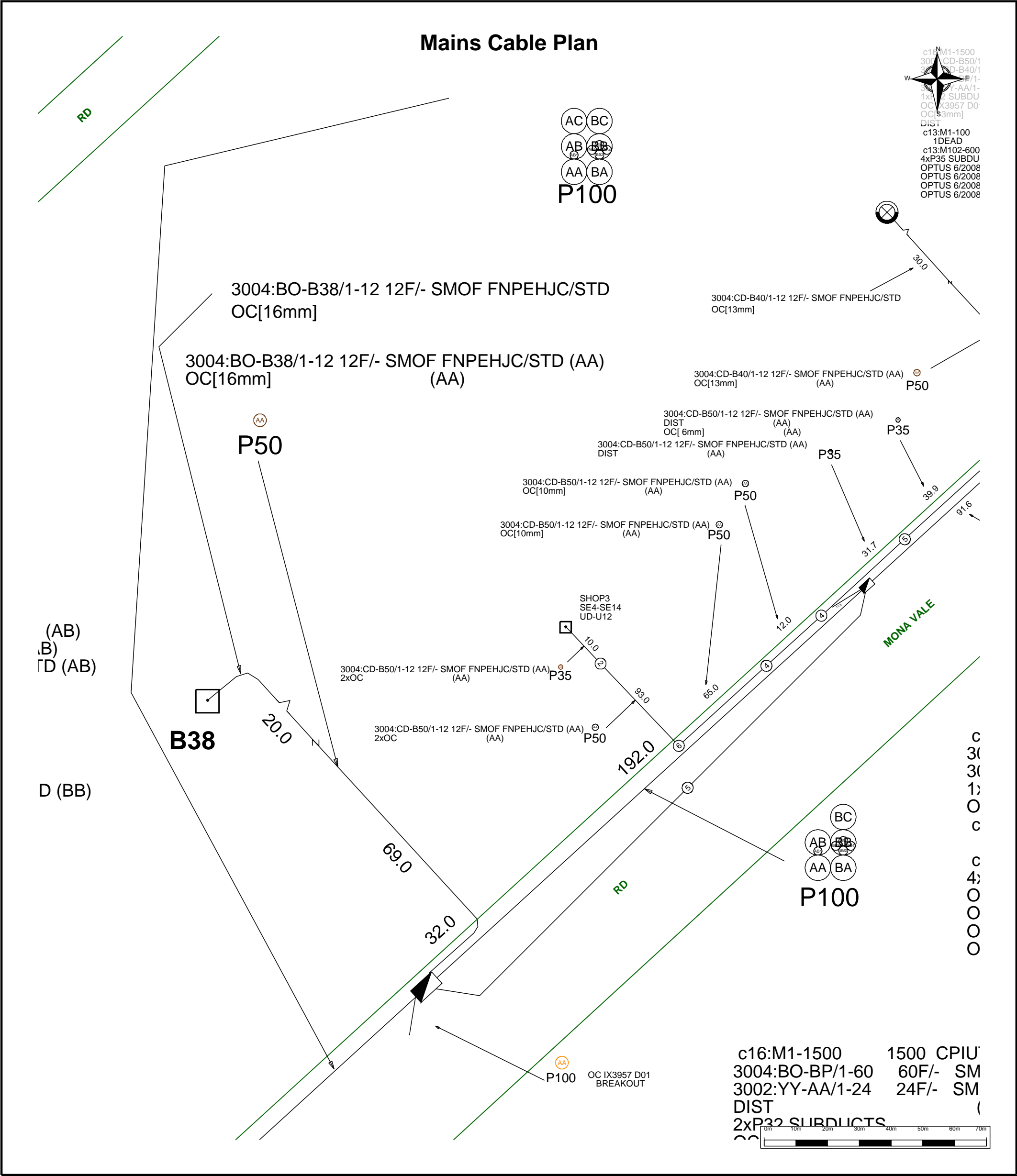
WARNING - Due to the nature of Telstra underground plant and the age of some cables and records, it is impossible to ascertain the precise location of all Telstra plant from Telstra's plans. The accuracy and/or completeness of the information supplied can not be guaranteed as property boundaries, depths and other natural landscape features may change over time, and accordingly the plans are indicative only. Telstra does not warrant or hold out that its plans are accurate and accepts no responsibility for any inaccuracy shown on the plans.


It is your responsibility to locate Telstra's underground plant by careful hand pot-holing prior to any excavation in the vicinity and to exercise due care during that excavation.

Please read and understand the information supplied in the duty of care statement attached with the Telstra plans. TELSTRA WILL SEEK COMPENSATION FOR LOSS CAUSED BY DAMAGE TO ITS PLANT.

Telstra plans and information supplied are valid for 60 days from the date of issue. If this timeframe has elapsed, please reapply for plans.

Mains Cable Plan



	For all Telstra DBYD plan enquiries - email - Telstra.Plans@team.telstra.com For urgent onsite contact only - ph 1800 653 935 (bus hrs)	Sequence Number: 205121891
	Generated On 11/11/2021 11:02:27	CAUTION: Fibre optic and/ or major network present in plot area. Please read the Duty of Care and contact Telstra Plan Services should you require any assistance.

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ATTACHMENT E

ADVANCE LEGAL SEARCHERS PTY LTD

(ACN 147 943 842)
ABN 82 147 943 842

18/36 Osborne Road,
Manly NSW 2095

Mobile: 0412 169 809
Email: search@alsearchers.com.au

10th November, 2021

GEO_LOGIX PTY LTD
Unit 2309, 4 Daydream Street,
WARRIEWOOD NSW 2102

Attention: Ted Lilly,

**RE: 287 Mona Vale Road,
Terry Hills
Reference PO 5044TL**

Current Search

Folio Identifier 1/845094 (title attached)
DP 845094 (plan attached)
Dated 09th November, 2021
Registered Proprietor:
HILLS MARKETPLACE PTY LIMITED (ACN 060 653 625)

Title Tree
Lot 1 DP 845094

Folio Identifier 1/845094

Folio Identifier 1/814627

(a)

(b)

Folio Identifier 20/752017

Folio Identifier 136/752017

CTVol 8172 Folio 207

CTVol 11021 Folio 67

Crown Land

Index

CN – Change of Name
T – Transfer
TA – Transmission Application
G - Grant

Summary of proprietor(s) Lot 1 DP 845094

Year	Proprietor(s)	
	(Lot 1 DP 845094)	
19 Mar 2020 – todate	Hills Marketplace Pty Limited (ACN 060 653 625)	CN
22 Sep 2017	Terrey Hills Flower Grove Pty Ltd (ACN 060 653 625)	CN
(4 Mar 2013 – todate)	(various current leases shown on Folio Identifier 1/845094 (attached))	
28 Nov 1994	Hills – The Flower Market Pty Limited (ACN 060 653 625)	
(28 Nov 1994)	(various leases shown on Historical Folio 1/845094 (attached))	
	(Lot 1 DP 814627)	
10 Oct 1994	Hills – The Flower Market Pty Limited (ACN 060 653 625)	T
15 Jan 1992	Joan Hills Terrey Benjamin Hills	

See Notes (a) & (b)

Note (a)

	(Lot 20 DP 752017)	
20 Nov 1991	Joan Hills Terrey Benjamin Hills	TA
26 May 1989	Melbourne Samuel Hills	
	(Portion 20 Parish Broken Bay – Area 4 Acres 2 Roods 23 Perches – CTVol 8172 Fol 207)	
26 Apr 1961	Melbourne Samuel Hills	G
	(Portion 20 Parish Broken Bay – Area 4 Acres 2 Roods 23 Perches)	
Prior – 26 Apr 1961	Crown Land	
(1946 – 1961)	(Conditional Purchase 1946/107 Metropolitan)	
(1909 – 1946)	(Occupation Conditional Purchase since 1 Feb 1909)	

Note (b)

	(Lot 136 DP 752017)	
20 Nov 1991	Joan Hills Terrey Benjamin Hills	TA
26 May 1989	Melbourne Samuel Hills	
	(Portion 136 Parish Broken Bay – Area 4 Acres 2 Roods 23 Perches – CTVol 8172 Fol 207)	
18 Dec 1974	Melbourne Samuel Hills, nurseryman	TA
01 Apr 1969	Joseph John Melbourne Samuel Hills	G
	(Portion 136 Parish Broken Bay – Area 4 Acres 2 Roods 23 Perches)	
Prior – 01 Apr 1969	Crown Land	
(1937 – 1969)	<i>(Conditional Purchase 1937/67 Metropolitan)</i>	


























Locality : TERREY HILLS

Parish : BROKEN BAY




LGA : NORTHERN BEACHES

County : CUMBERLAND



	Status	Surv/Comp	Purpose
DP237301 Lot(s): 15			
 DP1055888	REGISTERED	SURVEY	RESUMPTION OR ACQUISITION
 DP1262493	PRE-ALLOCATED	UNAVAILABLE	EASEMENT
 NSW GAZ. 08-07-2005			Folio : 3636
ACQUIRED PROPOSED EASEMENT FOR SEWERAGE PURPOSES 3 WIDE DESIGNATED (A) IN DP1055888 LYING WITHIN LOT 15 IN DP237301 AND LOT 15 IN DP584306			
DP255466 Lot(s): 1, 3, 5			
 DP1015404	REGISTERED	SURVEY	SURVEY INFORMATION ONLY
Lot(s): 3			
 DP1055218	REGISTERED	SURVEY	SURVEY INFORMATION ONLY
 DP1080557	REGISTERED	SURVEY	SURVEY INFORMATION ONLY
DP752017 Lot(s): 128			
 DP1091355	REGISTERED	SURVEY	EASEMENT
DP845094 Lot(s): 1, 2			
 DP266188	REGISTERED	COMPILATION	EASEMENT
 DP1091355	REGISTERED	SURVEY	EASEMENT
DP1014540 Lot(s): 1, 2			
 DP593954	HISTORICAL	COMPILATION	CONSOLIDATION
DP1043940 Lot(s): 100, 101			
 DP587606	HISTORICAL	COMPILATION	SUBDIVISION
DP1044605 Lot(s): 201			
 DP577611	HISTORICAL	SURVEY	SUBDIVISION
DP1055888 Lot(s): 1, 2			
 DP584306	HISTORICAL	SURVEY	SUBDIVISION
Lot(s): 1			
 NSW GAZ. 08-07-2005			Folio : 3636
ACQUIRED FOR THE PURPOSES OF THE SYDNEY WATER ACT, 1994, EASEMENT DESIGNATED (A) PROPOSED EASEMENT FOR SEWERAGE PURPOSES 3 WIDE OVER LOT 1 IN DP1055888			
DP1138458 Lot(s): 1, 2			
 DP752017	HISTORICAL	COMPILATION	CROWN ADMIN NO.
DP1145029 Lot(s): 1			
 DP1132710	HISTORICAL	SURVEY	REDEFINITION
Lot(s): 1, 2			
 DP752017	HISTORICAL	COMPILATION	CROWN ADMIN NO.
DP1243318 Lot(s): 1			
 DP700457	HISTORICAL	SURVEY	ROAD OR MOTORWAY
 DP739456	HISTORICAL	COMPILATION	RESUMPTION OR ACQUISITION
DP1254796 Lot(s): 300			
 DP1262493	PRE-ALLOCATED	UNAVAILABLE	EASEMENT
Lot(s): 301			
 DP794191	HISTORICAL	COMPILATION	SUBDIVISION
 DP822376	HISTORICAL	COMPILATION	ROADS ACT, 1993
Lot(s): 300, 301			
 DP255466	HISTORICAL	SURVEY	RESUMPTION OR ACQUISITION
 DP577611	HISTORICAL	SURVEY	SUBDIVISION
 DP1044605	HISTORICAL	SURVEY	SUBDIVISION

Caution: This information is provided as a searching aid only. Whilst every endeavour is made to ensure that current map, plan and titling information is accurately reflected, the Registrar General cannot guarantee the information provided. For **ALL** **ACTIVITY PRIOR TO SEPTEMBER 2002** you must refer to the RGs Charting and Reference Maps.

	Status	Surv/Comp	Purpose
Road			
Polygon Id(s): 160333828, 160333829			
 NSW GAZ.	01-02-2008		Folio : 458
DEDICATED PUBLIC ROAD LOT 10 DP700457			
Polygon Id(s): 105568759			
 NSW GAZ.	09-11-2012		Folio : 4541
TRANSFER OF CROWN ROAD TO COUNCIL			
Polygon Id(s): 105164870, 105303510, 105602651, 168398239			
 NSW GAZ.	09-11-2012		Folio : 4641
TRANSFER OF CROWN ROAD TO COUNCIL			

Caution: This information is provided as a searching aid only. Whilst every endeavour is made to ensure that current map, plan and titling information is accurately reflected, the Registrar General cannot guarantee the information provided. For **ALL ACTIVITY PRIOR TO SEPTEMBER 2002** you must refer to the RGs Charting and Reference Maps.

Plan	Surv/Comp	Purpose
DP25194	SURVEY	UNRESEARCHED
DP48737	SURVEY	CROWN FOLIO CREATION
DP237301	SURVEY	SUBDIVISION
DP241759	SURVEY	SUBDIVISION
DP241799	SURVEY	SUBDIVISION
DP242111	SURVEY	SUBDIVISION
DP243145	SURVEY	SUBDIVISION
DP252828	SURVEY	SUBDIVISION
DP255466	SURVEY	RESUMPTION OR ACQUISITION
DP258091	SURVEY	SUBDIVISION
DP370875	COMPILATION	UNRESEARCHED
DP517786	COMPILATION	SUBDIVISION
DP545696	COMPILATION	RESUMPTION OR ACQUISITION
DP565411	COMPILATION	SUBDIVISION
DP584306	SURVEY	SUBDIVISION
DP617344	COMPILATION	SUBDIVISION
DP619033	SURVEY	SUBDIVISION
DP737411	COMPILATION	RESUMPTION OR ACQUISITION
DP737412	COMPILATION	RESUMPTION OR ACQUISITION
DP739456	COMPILATION	RESUMPTION OR ACQUISITION
DP752017	COMPILATION	CROWN ADMIN NO.
DP773308	SURVEY	SUBDIVISION
DP815378	SURVEY	SUBDIVISION
DP845094	SURVEY	SUBDIVISION
DP883821	SURVEY	SUBDIVISION
DP1014540	SURVEY	SUBDIVISION
DP1043940	SURVEY	SUBDIVISION
DP1044605	SURVEY	SUBDIVISION
DP1055888	SURVEY	RESUMPTION OR ACQUISITION
DP1058630	COMPILATION	DEPARTMENTAL
DP1138458	SURVEY	SUBDIVISION
DP1145029	UNRESEARCHED	SUBDIVISION
DP1145029	SURVEY	SUBDIVISION
DP1145029	SURVEY	SUBDIVISION
DP1243318	SURVEY	CONSOLIDATION
DP1254796	SURVEY	SUBDIVISION

Caution: This information is provided as a searching aid only. Whilst every endeavour is made to ensure that current map, plan and titling information is accurately reflected, the Registrar General cannot guarantee the information provided. For **ALL**

ACTIVITY PRIOR TO SEPTEMBER 2002 you must refer to the RGs Charting and Reference Maps.



NEW BOOKS

STAMP DUTY
SYDNEY, N.S.W.

No. 1969/413

New South Wales



Vol. 11021 Fol. 67
Registered 1-4-1969

Registrar General

GRANT OF LAND PURCHASED BY CONDITIONAL SALE

WE FORTH the SECOND, by the Grace of God of the United Kingdom, Australia and her
other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:-
To All to whom these Presents shall come, Greeting:-

C.P. 1937/67
METROPOLITAN

Whereas JOSEPH JOHN MELBOURNE HILLS of Terrey Hills in Our State of New South Wales


(hereinafter called the GRANTEE) is the holder of Original Conditional Purchase No. 1937/67 in the Metropolitan Land District comprising the land hereinafter described and intended to be hereby granted limited to the surface thereof and to a depth of fifty feet below such surface which holding was acquired by way of conversion of a Special Lease not being a Special Lease granted over an expired Conditional Lease the holder of which had failed to apply for extension of the term AND WHEREAS the sum of two hundred and four dollars thirty two cents being the purchase money payable for the said land has been duly paid and all things required by law to be done to entitle the GRANTEE to a Grant of the fee simple of the said Land subject to the Reservations Exceptions and Conditions hereinafter contained have been done and performed NOW THESE PRESENTS WITNESS That in consideration of the premises WE DO HEREBY GRANT unto the GRANTEE Subject to the Reservations Exceptions and Conditions hereinafter contained ALL THAT parcel of land containing by admeasurement four acres two roods twenty three perches Parish of Broken Bay Portion 136 as be the same more or less situated in the County of Cumberland shown in plan catalogued No. C.5364-2030 in the Department of Lands

Attention is directed to the provisions of Section 272 of the Crown Lands Consolidation Act, 1913, as amended relating to restrictions on transfer.



CANCELLED
SEE AUTO FOLIO

SCALE



0 1 2 4 8 CHAIN

GRM

As per Plan hereon SAYING AND EXCEPTING unto Us Our Heirs and Successors all that part of the said land which lies at a depth greater than fifty feet below the surface thereof to HOLD unto the GRANTEE in fee simple PROVIDED NEVERTHELESS AND WE DO HEREBY RESERVE AND EXCEPT unto Us Our Heirs and Successors all minerals which the Land hereby granted contains with full power and authority for Us Our Heirs and Successors and such person or persons as shall from time to time be authorised by Us or Them to enter upon the Land hereby granted and to search for mine dig and remove the said minerals AND ALSO all such parts and so much of the Land hereby granted as may hereafter be required for public ways in over and through the same to be set out by Our Governor for the time being of Our said State or some person by him authorised in that respect with full power for Us Our Heirs and Successors and for Our Governor as aforesaid by such person or persons as shall be by Us Them a him authorised in that behalf to make and conduct all such public ways And the right of full and free ingress egress and regress into out of and upon the Land hereby granted for the several purposes aforesaid or any of them Provided Further AND IT IS EXPRESSLY DECLARED that mining operations may have been and may be carried on upon and in the land below the land hereby granted and the lands adjoining the land hereby granted and the land below the same and metals and minerals may have been and may be removed therefrom and that these presents are made upon and subject to the condition that neither the GRANTEE nor his heirs or assigns shall be entitled to make or prosecute any claim for damages or take any proceedings either by way of injunction or otherwise against Us Our Heirs and Successors or the Government of Our said State or any lessee or lessees under any Mining Act or Acts of Our said State or his or their executors administrators or assigns for or in respect of any damage or loss occasioned by the letting down subsidence or lateral movement of the land hereby granted or otherwise howsoever by reason of the following acts and matters that is to say by reason of Us Our Heirs or Successors or the Government of Our said State or any person on Our Their or its behalf or any lessee or lessees as aforesaid or his or their executors administrators or assigns having worked or now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for worked won or removed or now or hereafter searching for working winning or removing any metals or minerals under in or from the land below the land hereby granted or on in under or from any other lands situated laterally to the land hereby granted and the land below the same and whether on or below the surface of such other lands Provided Lastly AND WE DO HEREBY EXPRESSLY RESERVE unto Us Our Heirs and Successors the liberty and authority by reason of the acts and matters aforesaid or in the course thereof for Us Our Heirs and Successors and the Government of Our said State and any person on Our Their or its behalf and any lessee or lessees as aforesaid and his or their executors administrators and assigns to from time to time let down without payment of any compensation whatsoever any part of the land hereby granted and/or of the surface thereof IN TESTIMONY WHEREOF We have caused this Our Grant to be Sealed with the Seal of Our said State

Witness Our Governor of Our State of New South Wales and its Dependencies in the Commonwealth of Australia, at Sydney in Our said State, this twenty sixth day of March in the eighteenth year of Our Reign and in the year of Our Lord one Thousand nine hundred and sixty nine

A. R. Butler
Governor

Governor

FOR ENDORSEMENTS SEE PAGE 2

Form: 10CN
Licence: 05-11-682
Licensee: Softdocs
Robertson Saxton Osborne

CHANGE OF NAME

New South Wales
Real Property Act 1900



AP971308Y

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) TORRENS TITLE	1/845094		
(B) REGISTERED DEALING	Number Torrens Title		
(C) LODGED BY	Document Collection Box 124E	Name, Address or DX, Telephone, and Customer Account Number if any Global legal solutions Pty Ltd level 7, 1 Castlereagh street sydney NSW 2000 LPN: 1238200 Reference (optional): ROBE: 8793803	CODE CN
(D) REGISTERED PROPRIETOR	Whose name is to be changed, show the name as it currently appears on the Torrens Title TERREY HILLS FLOWER GROVE PTY LTD (ACN 060 653 625)		
(E) NEW NAME	Of the above registered proprietor in full HILLS MARKEPLACE PTY LIMITED (ACN 060 653 625)		

(F) The registered proprietor of the above land applies to have its new name recorded in the Register in respect of that land and hereby consents to the Registrar General contacting the relevant issuing authorities to validate any supporting evidence lodged with this application.

(G) STATUTORY DECLARATION BY THE APPLICANT*

I, JEREMY JOHN SAXTON, solicitor for the applicant
solemnly and sincerely declare that -

1. I am the solicitor for the registered proprietor referred to above;
2. On 13 February 2018 Terrey Hills Flower Grove Pty Ltd changed it's name to Hills Marketplace Pty Limited.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1900. I certify this dealing to be correct for the purposes of the Real Property Act 1900.

Made and subscribed at North Sydney in the State of New South Wales on 16/3/2020
in the presence of Madeleine Frith of Level 4, 53 Waller Street NORTH SYDNEY NSW 2060
☐ Justice of the Peace (J.P. Number) ☒ Practising Solicitor
☐ Other qualified witness [specify]

** who certifies the following matters concerning the making of this statutory declaration by the person who made it:

1. I saw the face of the person ~~OR I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person has a special justification for not removing the covering; and~~
2. I have known the person for at least 12 months ~~OR I have confirmed the person's identity using an identification document and the document I relied on was~~ [Omit ID No.]

Signature of witness: M. Frith Signature of applicant: Jeremy Saxton
JEREMY JOHN SAXTON Capacity: Solicitor

* As the services of a qualified witness cannot be provided at lodgment, the declaration should be signed and witnessed prior to lodgment. ** If made outside NSW, cross out witness certification. If made in NSW, cross out the text which does not apply.

(H) This section is to be completed where a notice of sale is required and the relevant data has been forwarded through eNOS.

The applicant's solicitor certifies that the eNOS data relevant to this dealing has been submitted and stored under

eNOS ID No. 2031144 Full Name: JEREMY JOHN SAXTON Signature: Jeremy Saxton



ASIC

Australian Securities & Investments Commission

Record of Registration for Business Name

Business name information for:

Hills Marketplace

This Record of Registration contains information recorded on the Australian Securities and Investments Commission's (ASIC) register under section 33(8) of the Business Names Registration Act 2011.

Date: 13 February 2018

Next renewal date: 13 February 2021

Record of registration issued by the Australian Securities and Investments Commission on 13 February 2018

Rosanne Bell
Senior Executive Leader
Registry

RECORD OF REGISTRATION



ASIC

Australian Securities & Investments Commission

Summary of business name details

Business name: Hills Marketplace

Registration date: 13 February 2018

Status: Registered

Period of registration: 3 Years

Next renewal date: 13 February 2021

Business name holder details

Business name holder: HILLS MARKETPLACE PTY LTD

Holder type: Incorporated Body

ABN: 58060653625

Addresses

Address for service of documents

PO BOX 356

Terrey Hills NSW 2084

Australia

Principal place of business

287 Mona Vale Rd

Terrey Hills NSW 2084

Australia

Email

kevin@peaceandquiet.net.au

RECORD OF REGISTRATION



ASIC

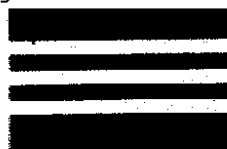
Australian Securities & Investments Commission

RECORD OF REGISTRATION

Disclaimer

While every effort has been made to ensure the reliability and accuracy of the information in this record, ASIC does not guarantee or warrant the accuracy or authenticity of the information. ASIC will not be liable for any damage or loss arising from any incorrect or incomplete information provided.

-97-51T



B TRANSFER
Real Property Act, 1900



U
686961 H



Office of State Revenue use only

00.2\$

170694 3002 04 001674369/02

(A) LAND TRANSFERRED

Show no more than 20 References to Title.
If appropriate, specify the share transferred.

Folio Identifier 1/814627

(B) LODGED BY

L.T.O. Box

Name, Address or DX and Telephone

45A

NATIONAL AUSTRALIA BANK LIMITED
National Australia Bank House
George Street, Sydney
NSW 2000
NT3702

REFERENCE (max. 15 characters):

(C) TRANSFEROR

JOAN HILLS and TERREY BENJAMIN HILLS

(D) acknowledges receipt of the consideration of\$2,380,000.00.....

and as regards the land specified above transfers to the Transferee an estate in fee simple

(E) subject to the following **ENCUMBRANCES** 1. 2. 3.

(F) TRANSFEE

T

HILLS - THE FLOWER MARKET PTY LIMITED (ACN 060653625)
of 287 Mona Vale Road, Terrey Hills

~~TENANCY~~

(G)

(H) We certify this dealing correct for the purposes of the Real Property Act, 1900. **DATED** 1st July 1994

Signed in my presence by the Transferor who is personally known to me.

D. Vale

Signature of Witness

SENSE VALE

Name of Witness (BLOCK LETTERS)

SOLICITOR, DEE WHY.

Address of Witness

J. Hills
[Signature]

Signature of Transferor

Signed in my presence by the Transferee who is personally known to

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address of Witness

[Signature]
L. Polito
Solicitor for Transferee

Signature of Transferee

CHECKED BY (office use only)

INSTRUCTIONS FOR FILLING OUT THIS FORM ARE AVAILABLE FROM THE LAND TITLES OFFICE

NOTICE ISSUED
12 OCT 1994
RAS 6

[Handwritten signature]

REMEMBER
94
876A

SF

3504

BROOKLYN

MILE REARNE.

Council's Certificate

~~Section 101-1004,~~

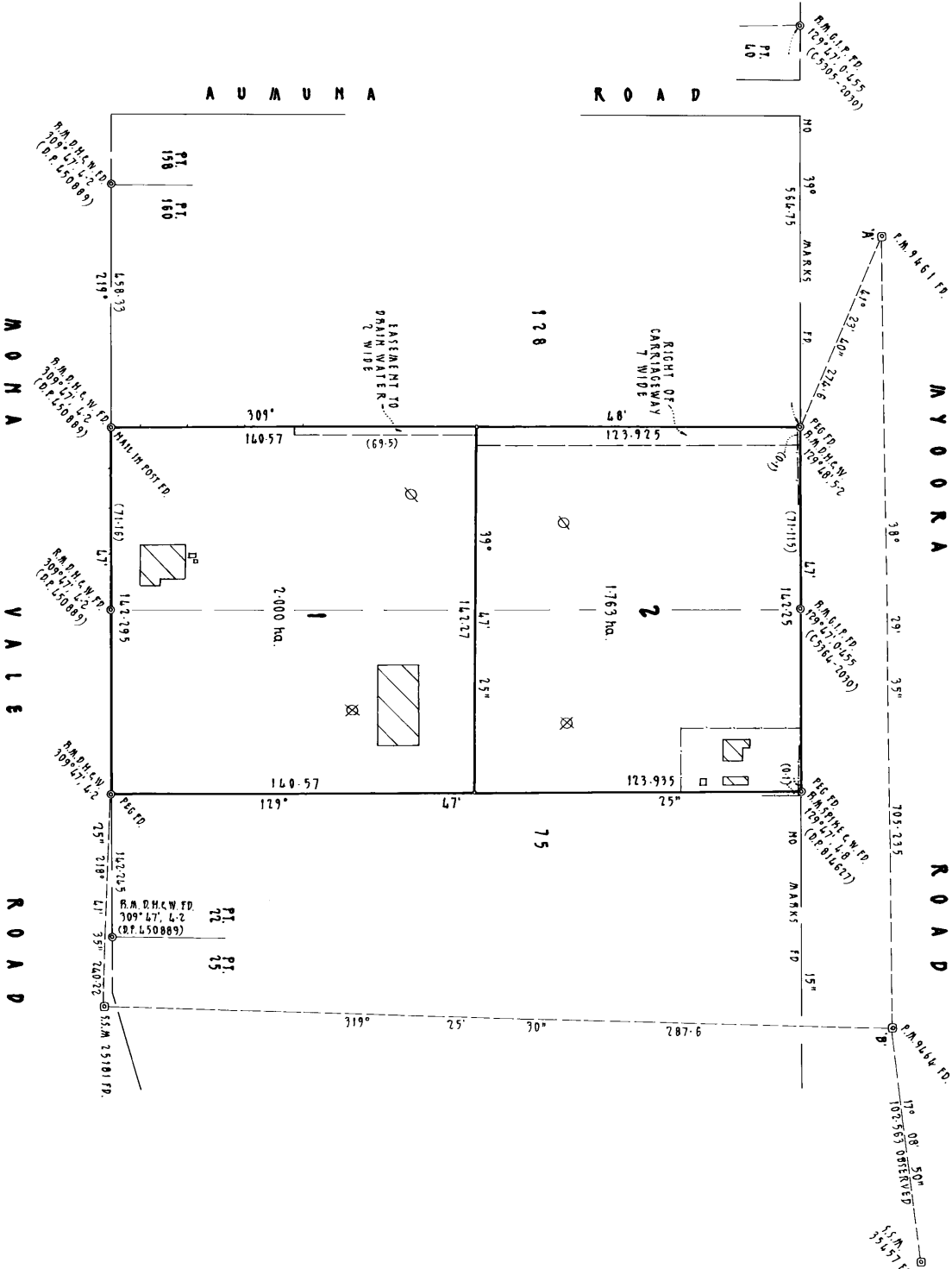
October 1999

SD 8426 /

outside the areas of operation of Water Corporation Ltd.

2


SURVEYOR'S REFERENCE: 5629-2

[illegible]

RESTRICTION ON DEALINGS - SEE SEC 272 CLC ACT.

(X) CP 1937/67 METRO
(X) CP 1946/107 METRO

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Registered:  *for 22-11-1994*
CA No. 94469 OF 11-10-1994
Title System: TORENS
Purpose: SUBDIVISION
Ref. Map: U1867 - 4*
Last Plan: DP 814627

**PLAN OF SUBDIVISION OF
1071 P.P. 016677**

Lengths are in metres. Reduction Ratio 1:1250

LGA WARRINGAH

Locality: TERRY HILL

Parish: BROKEN BAY

County: C U N B E R L A N D

(Delete if inapplicable).

P.O. BOX 330 FORRESTVILLE 2087

a surveyor registered under the Surveyors Act, 1929,
 amended, hereby certify that the survey represented in the

is accurate and has been made in accordance with the Survey Practice Regulation 1990 and was completed on

79 - AUGUST 1974

Surveyor registered under Surveyors Act, 1929, as amended.
Datum Line of Azimuth. "A ~ B"

[illegible]

0.8.814627

PANEL FOR USE ONLY for statements of intention to dedicate public roads, to create public reserves

arrange reserves, easements, restrictions on use of land or positive covenants.

PURSUANT TO SEC. 606 OF THE CONVEYANCE ACT, 1919, IT IS INTENDED TO CREATE :-

1. RIGHT OF CARRIAGEWAY 7 WIDE.

3. RESTRICTIONS ON THE USE OF LAND.



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

9/11/2021 4:55PM

FOLIO: 1/814627

First Title(s): VOL 8172 FOL 207 VOL 11021 FOL 67
Prior Title(s): 20/752017 136/752017

Recorded	Number	Type of Instrument	C.T. Issue
15/1/1992	DP814627	DEPOSITED PLAN	FOLIO CREATED EDITION 1
10/10/1994	U686961	TRANSFER	
10/10/1994	U686962	MORTGAGE	EDITION 2
28/11/1994	DP845094	DEPOSITED PLAN	FOLIO CANCELLED
20/8/1997		AMENDMENT: LOCAL GOVT AREA	
10/1/1998	3721792	DEPARTMENTAL DEALING	

*** END OF SEARCH ***

advlegs

PRINTED ON 9/11/2021



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

9/11/2021 4:55PM

FOLIO: 1/845094

First Title(s): VOL 8172 FOL 207

Prior Title(s): 1/814627

Recorded	Number	Type of Instrument	C.T. Issue
28/11/1994	DP845094	DEPOSITED PLAN	FOLIO CREATED EDITION 1
11/1/1996	DP266188	DEPOSITED PLAN	EDITION 2
12/1/1996		AMENDMENT: CT DELIVEREE	
20/8/1997		AMENDMENT: LOCAL GOVT AREA	
10/1/1998	3721792	DEPARTMENTAL DEALING	
14/5/1998	3985334	DEPARTMENTAL DEALING	
25/9/1998	5262628	TRANSFER GRANTING EASEMENT	
2/10/1998	5309429	REQUEST	EDITION 3
20/6/2000	6868148	LEASE	EDITION 4
29/11/2002	9172353	LEASE	EDITION 5
10/9/2003	9958161	LEASE	EDITION 6
21/11/2006	DP1091355	DEPOSITED PLAN	EDITION 7
8/10/2007	AD469664	SURRENDER OF LEASE	
8/10/2007	AD469665	LEASE	EDITION 8
2/3/2009	AE505054	LEASE	
2/3/2009	AE505055	LEASE	
2/3/2009	AE505056	LEASE	EDITION 9
29/10/2010	AF795075	LEASE	EDITION 10
12/4/2011	AG171624	LEASE	EDITION 11
29/9/2011	AG529683	LEASE	EDITION 12
4/3/2013	AH544506	LEASE	
4/3/2013	AH544507	LEASE	EDITION 13

END OF PAGE 1 - CONTINUED OVER

advlegs

PRINTED ON 9/11/2021

NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

9/11/2021 4:55PM

FOLIO: 1/845094

PAGE 2

Recorded -----	Number -----	Type of Instrument -----	C.T. Issue -----
22/3/2016	AK256809	LEASE	EDITION 14
11/5/2017	AM381302	DEPARTMENTAL DEALING	
27/6/2017	AM353988	LEASE	
27/6/2017	AM466632	LEASE	EDITION 15
22/9/2017	AM703365	CHANGE OF NAME	
22/9/2017	AM647752	LEASE	
22/9/2017	AM647753	LEASE	EDITION 16 CORD ISSUED
22/11/2017	AM843332	VARIATION OF LEASE	
22/11/2017	AM843333	TRANSFER OF LEASE	
18/12/2019	AP754411	LEASE	
18/12/2019	AP754412	LEASE	EDITION 17 CORD ISSUED
19/3/2020	AP971308	CHANGE OF NAME	
19/3/2020	AP961209	LEASE	EDITION 18 CORD ISSUED

*** END OF SEARCH ***

advlegs

PRINTED ON 9/11/2021



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

9/11/2021 4:55PM

FOLIO: 20/752017

First Title(s): SEE PRIOR TITLE(S)
Prior Title(s): VOL 8172 FOL 207

Recorded	Number	Type of Instrument	C.T. Issue
27/2/1989		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
26/5/1989		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
20/11/1991	E74339	TRANSMISSION APPLICATION	EDITION 1
2/12/1991		AMENDMENT: CT DELIVEREE	
15/1/1992	DP814627	DEPOSITED PLAN	FOLIO CANCELLED
20/8/1997		AMENDMENT: LOCAL GOVT AREA	

*** END OF SEARCH ***

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PRINTED ON 9/11/2021



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

WARNING: ***** FOLIO CANCELLED *****

FOLIO: 136/752017

SEARCH DATE	TIME	EDITION NO	DATE
9/11/2021	4:55 PM	1	20/11/1991

LAND

LOT 136 IN DEPOSITED PLAN 752017
LOCAL GOVERNMENT AREA NORTHERN BEACHES
PARISH OF BROKEN BAY COUNTY OF CUMBERLAND
(FORMERLY KNOWN AS PORTION 136)
TITLE DIAGRAM CROWN PLAN 5364.2030

FIRST SCHEDULE

JOAN HILLS
TERREY BENJAMIN HILLS
AS TENANTS IN COMMON IN EQUAL SHARES (TA E74339)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 RESTRICTIONS ON TRANSFER. SEE SEC 272 CLC ACT 1913 (CP 1937/67 METROPOLITAN) AREA AFFECTED 4 ACRES 2 RODS 23 PERCHES
- 3 EXCEPTING LAND BELOW A DEPTH FROM THE SURFACE OF 15.24 METRES
- * 4 DP814627 ***** FOLIO CANCELLED ***** NEW FOLIO
HAS BEEN CREATED FOR LOT 1 IN DP814627

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/845094

SEARCH DATE	TIME	EDITION NO	DATE
9/11/2021	4:55 PM	18	19/3/2020

LAND

LOT 1 IN DEPOSITED PLAN 845094
AT TERREY HILLS
LOCAL GOVERNMENT AREA NORTHERN BEACHES
PARISH OF BROKEN BAY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP845094

FIRST SCHEDULE

HILLS MARKETPLACE PTY LIMITED (CN AP971308)

SECOND SCHEDULE (17 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 EXCEPTING LAND BELOW A DEPTH FROM THE SURFACE OF 15.24 METRES
- 3 U686962 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED
- 4 DP845094 RIGHT OF CARRIAGEWAY 7 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 5 DP845094 EASEMENT TO DRAIN WATER 2 WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 6 DP266188 RIGHT OF CARRIAGEWAY 2 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 7 5309429 POSITIVE COVENANT
- 8 DP1091355 EASEMENT TO DRAIN WATER VARIABLE WIDTH APPURTENANT TO THE LAND ABOVE DESCRIBED
- 9 AH544507 LEASE TO C J FISHER HOLDINGS PTY LIMITED BEING SUITE 2, 287 MONA VALE RD, TERREY HILLS. EXPIRES: 30/8/2015. OPTION OF RENEWAL: 3 YEARS.
AM843332 VARIATION OF LEASE AH544507 EXPIRY DATE NOW 30/8/2018.
AM843333 TRANSFER OF LEASE AH544507 LESSEE NOW ARML PTY LTD
- 10 AK256809 LEASE TO LISA DIPLAS OF SUITE 8, 278 MONA VALE ROAD, TERREY HILLS. EXPIRES: 2/6/2018. OPTION OF RENEWAL: 3 YEARS WITH A FURTHER PERIOD OF 3 YEARS.
- 11 AM353988 LEASE TO CADENCE & CO PTY LIMITED OF SUITE 7A, 287 MONA VALE ROAD, TERREY HILLS. EXPIRES: 30/6/2018. OPTION OF RENEWAL: 2 YEARS AND A FURTHER TERM OF 2 YEARS.
- 12 AM466632 LEASE TO DIVE HOLDINGS (NSW) PTY LIMITED OF SUITES 5, 6, 14 & 18, 287 MONA VALE ROAD, TERREY HILLS.

END OF PAGE 1 - CONTINUED OVER

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/845094

PAGE 2

SECOND SCHEDULE (17 NOTIFICATIONS) (CONTINUED)

- 13 AM647752 EXPIRES: 31/10/2019. OPTION OF RENEWAL: 3 YEARS.
LEASE TO RODOLFO FRANK CARISTO OF SUITE 1, GROUND
FLOOR AND FIRST FLOOR, 287 MONA VALE ROAD, TERREY
HILLS. EXPIRES: 30/6/2020. OPTION OF RENEWAL: 3 YEARS
AND TWO FURTHER OPTIONS OF 3 YEARS.
- 14 AM647753 LEASE TO RODOLFO FRANK CARISTO OF SUITE 3, 287 MONA
VALE ROAD, TERREY HILLS. EXPIRES: 30/6/2020. OPTION OF
RENEWAL: 3 YEARS AND TWO FURTHER OPTIONS OF 3 YEARS.
- 15 AP754411 LEASE TO CHARLTONS SADDLERY PTY LTD OF SUITES 11, 12
& 15, REAR SHEDS, 287 MONA VALE ROAD, TERREY HILLS.
EXPIRES: 31/12/2020. OPTION OF RENEWAL: 3 YEARS.
- 16 AP754412 LEASE TO REBECCA LEE PIEKUS, ALGIE JOZEPH PIEKUS,
ALGIRDAS ANTHONY PIEKUS, CHRISTINE SEKTINA PIEKUS &
JACOB ABRAHAM PIEKUS OF SUITE 13 & UNIT 4, REAR SHEDS,
287 MONA VALE ROAD, TERREY HILLS. EXPIRES: 31/12/2020.
OPTION OF RENEWAL: 3 YEARS.
- 17 AP961209 LEASE TO CHARLTONS SADDLERY PTY LTD OF SUITES 11 &
12, BUILDING B, 287 MONA VALE ROAD, TERREY HILLS.
EXPIRES: 31/12/2020. OPTION OF RENEWAL: 3 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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ATTACHMENT F

From: Licensing <licensing@safework.nsw.gov.au>
Sent: Wednesday, 8 December 2021 2:38 PM
To: Alyson Bannister
Subject: SafeWork NSW: 00626643 –Site Search application – Result not found [ref:_00D281hl6J_5004a5gX1C:ref]

Security Classification: Sensitive Personal
Please do not amend the subject line of this email

Dear Bannister

**Re: Site Search for Schedule 11 Hazardous Chemicals on premises
Application – Result not found**

I refer to your application for a Site Search for Schedule 11 Hazardous Chemicals on premises for the following site: 287 Mona Vale Road Terrey Hills NSW 2084.

A search of the records held by SafeWork NSW has not located any records pertaining to the above-mentioned premises.

If you have any further information or if you have any questions, please use one of the following options, quoting the SafeWork NSW enquiry reference number: 00626643

- Email: licensing@safework.nsw.gov.au
- Phone: 13 10 50

Kind regards

Gabriela Draper

Licensing Representative

SafeWork NSW | Better Regulation Division

Department of Customer Service

p- 13 10 50

e- licensing@safework.nsw.gov.au | www.customerservice.nsw.gov.au

Level 3, 32 Mann Street, Gosford, NSW 2250



**Customer
Service**

We are always looking for ways that we can improve our services. You may be contacted by email in the next few weeks to complete a short survey and provide us with your feedback on what we did well and where we can improve. If you do not wish to participate in our surveys, please email us at: licensingQA@customerservice.nsw.gov.au and we will ensure that you are not contacted.



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