

URBIS

Statement of
Environmental Effects

THE FARMHOUSE, TERREY HILLS

40 Myoora Road, Terrey Hills

PREPARED FOR
GARDOXI PTY LTD
SEPTEMBER 2024



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We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

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CONTENTS

1.	Introduction	6
2.	Site Analysis	9
	2.1. Site Description	9
	2.2. Site Context	12
	2.3. Surrounding Land Use Character	13
3.	Pre-Lodgement Engagement	16
	3.1. Northern Beaches Council	16
	3.2. Design and Sustainability Advisory Panel	16
4.	Development Description	17
	4.1. Summary	17
	4.2. Key Elements	18
	4.3. Detailed Description	19
	4.3.1. Design Concept	19
	4.3.2. Site Layout	20
	4.3.2.1. Restaurant 1	22
	4.3.2.2. Restaurant 2	23
	4.3.2.3. Restaurant 3	24
	4.3.3. Landscaping and Open Space	24
	4.3.4. Stormwater Design	25
	4.3.5. Sustainability	26
	4.3.6. Operation	26
5.	Planning Assessment	27
	5.1. Approvals Under other Acts	27
	5.2. Infrastructure Contributions	28
	5.3. S4.15 Evaluation	28
	5.3.1. State Environmental Planning Policies	28
	5.3.2. Warringah Local Environmental Plan 2011	31
	5.3.2.1. RU4 Zone Objectives	33
	5.3.2.2. Principal Development Standards and Local Provisions	34
	5.3.3. Draft Northern Beaches Local Environmental Plan	35
	5.3.4. Warringah Development Control Plan 2011	36
	5.3.5. Planning Agreement	36
	5.3.6. The Regulations	36
	5.3.7. Suitability of the Site	36
	5.3.8. Submissions	37
	5.3.9. The Public Interest	37
6.	Key Issues Assessment	38
	6.1. Integration with Surrounding Context	38
	6.2. Built Form & Urban Design	39
	6.2.1. Bulk and Scale	39
	6.2.1.1. Below Ground Development	39
	6.2.1.2. Site Coverage	40
	6.2.1.3. Setbacks	42
	6.2.2. Landscaping and Open Space	44
	6.3. Traffic and Access	45
	6.4. Noise and Vibration	48
	6.5. Tree Removal	50
	6.5.1. Arborist Assessment	50
	6.5.2. Flora and Fauna Assessment	50
	6.6. Ground and Water Conditions	51
	6.7. Other Impacts of the Development	52

7. Conclusion	56
Disclaimer	57

Appendix A	Survey Plan
Appendix B	Architectural Plans
Appendix C	Landscape Plans
Appendix D	Civil Plans
Appendix E	Estimated Development Cost Report
Appendix F	Design Report
Appendix G	Traffic Impact Assessment
Appendix H	Acoustic Report
Appendix I	Geotechnical Investigation and Stability Assessment
Appendix J	Due Diligence Environmental Site Assessment
Appendix K	Remediation Action Plan
Appendix L	Construction and Demolition Waste Management Plan
Appendix M	Operational Waste Management Plan
Appendix N	Operational Management Plan
Appendix O	Arboricultural Assessment Report
Appendix P	Bushfire Hazard Statement
Appendix Q	Sustainability Report
Appendix R	Section J Report
Appendix S	Construction Site Management Plan
Appendix T	Access Statement
Appendix U	BCA Assessment
Appendix V	Fire Engineering Support Letter
Appendix W	Ecological Assessment
Appendix X	Air Quality Statement
Appendix Y	Stormwater Management Plan
Appendix Z	Operational Management Plan – Overflow Car Park
Appendix AA	Water Services letter
Appendix BB	DCP Compliance Table
Appendix CC	Pre-lodgement Engagement Summary
Appendix DD	Photomontages
Appendix EE	Seating Plan
Appendix FF	Construction Traffic Management Plan

FIGURES

Figure 1 Site Aerial	9
Figure 2 Site Photographs	11
Figure 3 Regional Context Map	12
Figure 4 Surrounding Context Photos	15
Figure 5 Proposed Materials Palette	19
Figure 6 General arrangement plans extracts	21
Figure 7 Restaurant 1 reference images and renders.....	22
Figure 8 restaurant 2 reference images and renders	23
Figure 9 Restaurant 3 reference images and renders.....	24
Figure 10 Landscape render viewed from Mona Vale Road	25
Figure 11 LEP Zoning Map extract.....	31
Figure 12 LEP APU Map extract	32
Figure 13 Land Use Analysis Map.....	38
Figure 14 North-West Section Plan extract	39
Figure 15 Area of soil depth above the 'below ground development areas'.	40

Figure 16 Comparison of site coverage and building footprint.....	41
Figure 17 Proposed northern car park.....	43
Figure 18 Proposed northern car park.....	44
Figure 19 Surrounding Residential Receivers	48

PICTURES

Picture 1 View of site	11
Picture 2 View of site	11
Picture 3 Site frontage to Myoora Road	11
Picture 4 Existing building on site.....	11
Picture 5 Existing residence on site.....	11
Picture 6 Stockpile area.....	11
Picture 7 Terrey Hills Tavern viewed from Aumuna Road	15
Picture 8 The Hills Market Place viewed from Mona Vale Road	15
Picture 9 Flower Power viewed from Mona Vale Road	15
Picture 10 German International School viewed from Myoora Road	15
Picture 11 Miramare Gardens viewed from Mona Vale Road	15
Picture 12 The Palms viewed from Mona Vale Road.....	15
Picture 16 restaurant 1 reference images	22
Picture 17 restaurant 1 viewed from the car park.....	22
Picture 18 restaurant 1 viewed from outdoor dining terrace.....	22
Picture 19 restaurant 1 viewed from the main thoroughfare to the south west of the building	22
Picture 20 restaurant 2 reference images	23
Picture 21 restaurant 2 viewed from restaurant 1	23
Picture 22 view from restaurant 2 to restaurant 1	23
Picture 23 restaurant 2 terrace dining	23
Picture 24 restaurant 3 reference images	24
Picture 25 restaurant 3 viewed from lawn	24
Picture 26 restaurant 3 outdoor dining	24
Picture 27 restaurant 3 viewed from the southern corner of the site.....	24
Picture 34 Site coverage plan.....	41
Picture 35 Building footprint at ground level.....	41

TABLES

Table 1 Supporting Documentation.....	7
Table 2 Site Description.....	9
Table 3 Surrounding Context.....	12
Table 4 Summary of Proposal	18
Table 5 Approvals under other Acts	27
Table 6 Relevant Contributions	28
Table 7 State Environmental Planning Policies – Consistency Assessment	28
Table 8 LEP Compliance Table.....	34
Table 9 Summary of noise assessment of daily operation.....	49
Table Other Impacts of the development	52

1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) has been prepared by Urbis Pty Ltd on behalf of GARDOXI Pty Ltd (**the Applicant**) in support of a Development Application (DA) for the redevelopment of the site at 40 Myoora Road, Terrey Hills (**the site**). The site is located on Guringai Country.

The proposal is for a hospitality venue comprising three restaurants and ancillary supporting land uses. The proposed development will serve the community and support the vitality of Terrey Hills by providing a new venue for the community to enjoy with a unique and extensive landscaping proposition across the site. The built form comprises a series of low-scale 'farm-style' restaurant pavilions set within a landscaped open space.

The development will revitalise a site that is currently underutilised and will provide a positive outcome by delivering a development that is consistent with the existing and emerging character of the area.

Development consent is sought in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the following works:

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

The cost of works for the construction and operation of the development is \$30,042,138. The works are to be delivered in a single stage. The SEE:

- Describes the site and proposed development,
- Provides an assessment of the proposal against the relevant matters for consideration under section 4.15 of the EP&A Act 1979,
- Explains the likely impacts of the proposed development on the natural and built environment, and
- Outlines how these impacts are proposed to be reduced or mitigated.

The SEE should be read together with the architectural plans and supporting documentation submitted with the DA under separate cover as follows.

Table 1 Supporting Documentation

Title	Prepared By	Appendix
Drawings		
Survey Plan	LTS	Appendix A
Architectural Plans	H & E Architects	Appendix B
Landscape Plans	Dangar Barin Smith	Appendix C
Civil Plans	Richmond and Ross	Appendix D
Reports		
Estimated Development Cost Report	Northcroft	Appendix E
Design Report	H & E Architects	Appendix F
Traffic Impact Assessment	Traffix	Appendix G
Acoustic Report	Muller Acoustic Consulting Pty Ltd	Appendix H
Geotechnical Investigation and Stability Assessment	Fortify Geotech	Appendix I
Due Diligence Environmental Site Assessment	Reditus	Appendix J
Remediation Action Plan	Reditus	Appendix K
Construction and Demolition Waste Management Plan	Elephants Foot Consulting	Appendix L
Operational Waste Management Plan	Elephants Foot Consulting	Appendix M
Plan of Management	The Boathouse	Appendix N
Arboricultural Assessment Report	Anderson Environment & Planning	Appendix O
Bushfire Hazard Statement	Blackash Bushfire Consulting	Appendix P
Sustainability Report	Efficient Living	Appendix Q
Section J Report	Efficient Living	Appendix R
Construction Site Management Plan and Traffic Control Plan	Richmond and Ross	Appendix S
Access Statement	Purple Apple Access	Appendix T
BCA Assessment	Philip Chun	Appendix U
Fire Engineering Letter	Red Fire Engineering	Appendix V
Ecological Assessment	Anderson Environment & Planning	Appendix W
Air Quality Statement	Todoroski Air Sciences	Appendix X

Title	Prepared By	Appendix
Stormwater Management Plan	Richmond and Ross	Appendix Y
Operational Traffic Management Plan	Traffix	Appendix Z
Water Services Letter	Rose Atkins Rimmer Infrastructure and Sydney Water	Appendix AA
DCP Compliance Table	Urbis	Appendix BB
Pre-Lodgement Engagement Summary	Urbis	Appendix CC
Photomontages	Dangar Barin Smith	Appendix DD
Seating Plan	H & E Architects	Appendix EE
Construction Traffic Management Plan	Safeway	Appendix FF
Administration		
Owners Consent	Landowner	Separate Cover

2. SITE ANALYSIS

2.1. SITE DESCRIPTION

The site is located at 40 Myoora Road, Terrey Hills. Terrey Hills is a suburb located in the Northern Beaches region of Sydney, New South Wales, Australia.

A site aerial and photographs of the existing development and surrounding context are provided below, and key features of the site are summarised in the following table.

Figure 1 Site Aerial



Source: Urbis, 2024

Table 2 Site Description

Site Characteristic	Description
Country	Guringai Country
Legal Description (Title Particulars)	Lot 180 in DP 752017
Number of existing lots	1
Site Ownership	GARDOXI Pty Ltd (the applicant)
Existing Development	The site is currently unoccupied and is predominantly covered in grass and shrubbery. The site accommodates a single storey residential brick dwelling with a tile roof and two ancillary metal sheds in the south eastern portion of the site. The northwestern portion of the site houses

Site Characteristic	Description
	<p>several large storage containers and sheds and stockpiles of demolition material and debris.</p> <p>At-grade hard stand parking areas are located adjacent to the entry on Mona Vale Road and is used for car parking. An existing vehicular access point provides access to Mona Vale Road.</p>
Site Frontage	A primary frontage of 60m is provided to Myoora Road and a secondary frontage of 60m is provided to Mona Vale Road.
Site Area	15,960m ²
Site Width and length	The site has a width of 60m north-south and 267m east-west.
Topography	The site falls significantly (approx. 16m) from Mona Vale Road (south east) to Myoora Road (north west).
Vegetation	24 existing trees are located on the site and surrounds, predominately on the south-eastern side of the site fronting Mona Vale Road, and grassland is located across the remainder of the site.
Hydrology	Surface water run-off is likely to follow the sloping topography and enter the local stormwater drainage network at Myoora Road before discharging to Kieran's Creek approximately 350m west of the site. Kierans Creek forms part of a regional drainage and catchment system which eventually discharges to Cowan Creek approximately 4.8km west of the site.
Flooding/Overland Flow	The site is not within the flood planning area.
Heritage	The site is not mapped as containing an item of environmental heritage, nor is it located within a Heritage Conservation Area.
Bushfire	A small portion of the eastern corner of the site is located within a vegetation buffer area, as shown in Figure 11. As discussed in Section 6.7 the affectation of the site is unlikely to result in adverse impacts.
Biodiversity	The existing site currently has a highly disturbed condition, with the majority of the site previously cleared. There are no threatened species or ecological communities occurring on the site.
Geotechnical	Geological conditions on site comprise Middle Triassic Hawkesbury Sandstone. Fill at depths ranging between 0.15 – 1.3 m was found to occur. Fill materials were characterised by predominantly fine to medium grained silty sand and clayey sand. Natural material was also encountered at depths ranging between 0.15 and 1.3 m. The predominant material was fine to medium grained clayey gravelly sand and clayey sand with inclusions of sub rounded gravels underlain by weathered Hawkesbury Sandstone.
Contamination	Site Investigations confirmed the presence of asbestos within the soils and built form structures at the site. A Remediation Action Plan was prepared by Redditus which outlines the recommended steps for remediation. Refer to the Due Diligence Environmental Site Assessment and the Remedial Action Plan appended to this report as well as Sections 5.3.1 and 6.2 below.
Transport	The site is in proximity to the 270 bus route which provides access from Terrey Hills to the City. The closest bus stop is located outside the German International School, 130m down Myoora Road from the site.

Figure 2 Site Photographs



Picture 1 View of site



Picture 2 View of site



Picture 3 Site frontage to Myoora Road



Picture 4 Existing building on site



Picture 5 Existing residence on site



Picture 6 Stockpile area

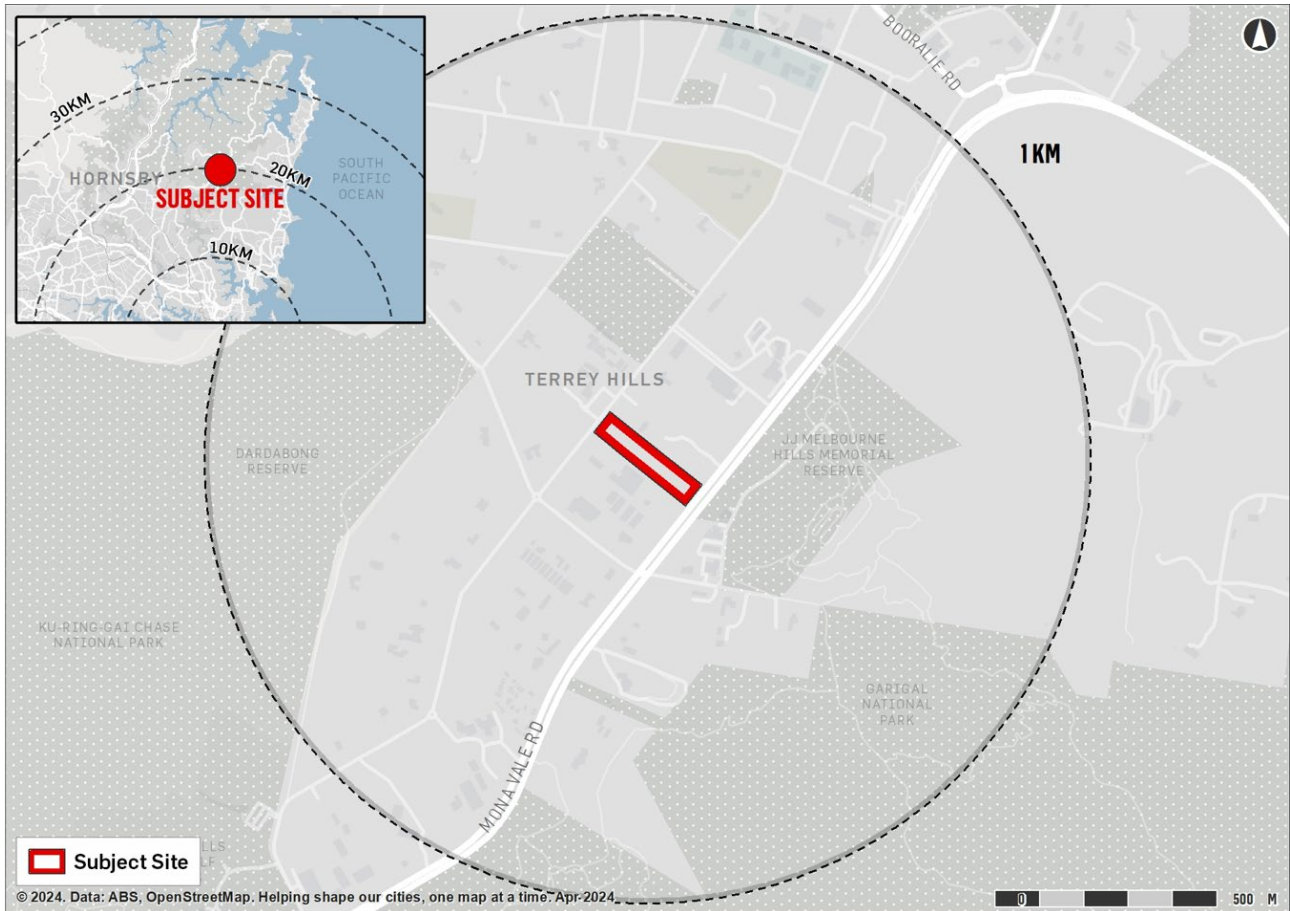
Source: Urbis, 2024 & H & E Architects Design Report

2.2. SITE CONTEXT

Terrey Hills is situated approximately 30 kilometres north of the Sydney Central Business District and acts as a gateway between the north shore and northern beaches of Sydney. The surrounding context of the site has been transitioning for a number of years from predominantly rural residential uses to a mixed-use precinct.

The suburb is well-connected to the rest of Sydney via Mona Vale Road, a major arterial road. Public transport services are available, providing links to surrounding suburbs and the city centre.

Figure 3 Regional Context Map



Source: Urbis, 2024

The surrounding context of the site is outlined in the figure below and is summarised in the following table.

Table 3 Surrounding Context

Characteristic	Description
Adjacent land uses North	Industrial land uses, beyond which is a Catholic Church, a hotel and café, Hills Marketplace Terrey Hills and a new Private Hospital.
Adjacent land uses East	The site abuts Mona Vale Road to the east, beyond which are Rural Fire Service (RFS) and State Emergency Service (SES) headquarters and JJ Melbourne Hills Memorial Reserve. Further east is Kimbriki Resource Recovery Centre.
Adjacent land uses South	To the south of the site are industrial land uses including warehouses, beyond which is Terrey Hills Tavern and a liquor store.

Characteristic	Description
Adjacent land uses West	To the west is the frontage to Myoora Road, beyond which is Terrey Hills Swim Club, the German International School and low-density residential dwellings.

2.3. SURROUNDING LAND USE CHARACTER

The character of the area surrounding the site has undergone significant transformation over the years and is continuing to evolve into a mixed use precinct. Despite the RU4 zoning, land use character surrounding the subject site is more accurately reflected as a mixed-use zone due to:

- the range of existing land uses in the area that benefit from ‘existing use rights’,
- the permissibility of a range of additional permitted uses (APU) under Schedule 1, Clause 18 of the LEP for certain land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills (illustrated in Figure 4),
- granting of consent to non-compliant DAs by Council and the Northern Beaches Planning Panel, and
- unlawful development activity.

These factors result in a mix of uses including institutional uses (schools and a hospital), industrial, tourist and visitor accommodation, conference centres and entertainment facilities, retail premises and food and beverage facilities. This is illustrated in **Figure 4**. As can be seen in this Figure, the land subject to Clause 18 directly aligns with the mixed-use character of the surrounding land. These existing uses dominate the area surrounding the subject site and as a result there are very few, if any, traditional rural uses operating along Mona Vale Road between Cooyong Road and Myoora Road. It is quite clear that the rural character of the RU4 zone in this area has been abandoned by the mix of land uses approved and operating.

Council’s draft local environmental plan presented to the full Council meeting on 17 June 2024 discusses the Area 18 - Additional Permitted Use (APU) which pertains to land in the vicinity of Myoora Road, Terrey Hills and specifically *“recognises the character of that area as having more commercial or rural production uses in a rural setting”*.

In the assessment and determination of recent development applications in this local area, Council has acknowledged the limited applicability of the local planning provisions on these APUs as the uses were not initially accounted for in the preparation of the provisions. In particular, this was noted as a justification by the Council officer in the Assessment Report of the recent Flower Power DA (D/2023/1224) at 277 Myoora Road, Terry Hills.

The granting of historical development consents that depart from the development standards of the RU4 zone within this local area has the effect of making full compliance with planning provisions for future APUs unreasonable, and further undermines the appropriateness of this land use zone for the area of land shown as “Area 18” on the *Warringah Local Environmental Plan 2011 (Warringah LEP 2011)* Additional Permitted Uses Map.

The site’s location within the Area 18 APU zone is a key consideration and is discussed further in **Section 6.1**.

Key developments which confirm the eclectic mix of surrounding land uses within proximity to the site include:

- **62A Myoora Road** - Flower Power Garden Centre and Frankie’s Food Factory: The site contains uses such as an indoor and outdoor nursery, Landscape centre, homewares shop, outdoor furniture shop, children’s playground and on site car parking. Adjoining Flower Power is a café known as “Frankies Food Factory”. Car parking is shared with Flower Power.
- **33A Myoora Road** – A new private hospital has been constructed at 33A Myoora Road. Wyvern Hospital is a 3 story hospital that provides specialist health services including radiology, hydrotherapy, rehabilitation, ICU, operating theatre, associated administrative and front of house services and a total of 84 beds with 99 staff. Car parking is provided on site.

- **287 Mona Vale Road** – Hills Marketplace: Established as the Hills Flower Market originally, the site has now grown to support a conglomerate of uses including business, retail, industrial and commercial, supported by two restaurant/cafes.
- **48 Myoora Road** – Miramare Gardens: Miramare Gardens offers short term accommodation and function centre uses. Access is provided off both Myoora Road and Mona Vale Road.
- **2 Aumuna Road** - Terrey Hills Tavern: The primary use best falls under the land use category of pub. Access is provided off Aumuna Road and on-site car parking is provided. .
- **319 Mona Vale Road** – Terrey Hills Motel and Caravan Park: Terrey Hills Motel and Caravan Park provides range of accommodation services
- **327 Mona Vale Road** – The Palms: The site contains an indoor/ outdoor restaurant, nursery and homewares store. The site is also known to hold functions, however this is not an advertised or approved use.
- **331 Mona Vale Road** – Checkers Resort and Conference Centre: The site operates as a motel with ancillary facilities, as well as a conference centre which holds functions.
- **2 Myoora Road** - Forestway Fresh: Forestway fresh is a premium retail grocery store which specialises in providing fresh fruit, vegetables, flowers and includes an in-house butcher, patisseries, bakery and bespoke liquor store. There is also a café located on site.
- **33 Myoora Road** – German International School: The site operates as an educational establishment for preschool to year twelve students.
- **37 Myoora Road** – Terrey Hills Public School: Terrey Hills Public School is an educational establishment for kindergarten to year 6 students.
- **31 Myoora Road** – Terrey Hills Swim School: The site contains an indoor recreational facility (indoor swim school).

Pictures of the surrounding context of the site are included below.

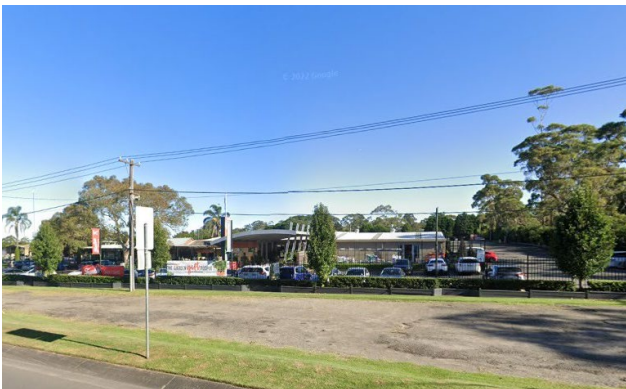
Figure 4 Surrounding Context Photos



Picture 7 Terrey Hills Tavern viewed from Aumuna Road



Picture 8 The Hills Market Place viewed from Mona Vale Road



Picture 9 Flower Power viewed from Mona Vale Road



Picture 10 German International School viewed from Myoora Road



Picture 11 Miramare Gardens viewed from Mona Vale Road



Picture 12 The Palms viewed from Mona Vale Road

Source: Google Images, obtained 9 August 2024

3. PRE-LODGE MENT ENGAGEMENT

3.1. NORTHERN BEACHES COUNCIL

A formal Pre-lodgement Meeting was held on 30 April 2024 with Northern Beaches Council to discuss the proposal. The discussions had within this meeting have informed the final design of the proposal. The key issues and how they have been responded to in the preparation of this DA are summarised in the appended Response to Pre-lodgement Engagement Summary at **Appendix CC**.

In addition, discussions on the proposed development have been undertaken with Northern Beaches Council on the 6th of August 2024. Council was generally supportive of the development application and emphasised the need to provide a thorough application supported by the required technical reports.

3.2. DESIGN AND SUSTAINABILITY ADVISORY PANEL

A meeting was also held with the Northern Beaches Council Design Sustainability Advisory Panel (**DSAP**) on the 23 May 2024. The Panel was overall supportive of the proposal overall, and concluded:

The Panel supports the proposal subject to the amendments and recommendations made above. Further detail and resolution of traffic management is required in order to confirm that the development can be delivered at the scale proposed and to ensure that the featured prominence of the landscape is maintained and realised.

The feedback received from the DSAP and how this has been responded to in the proposal has been provided in the appended Response to Pre-lodgement Engagement Summary at **Appendix CC**.

4. DEVELOPMENT DESCRIPTION

4.1. SUMMARY

The application seeks consent for the development and operation of a hospitality venue comprising three restaurants and ancillary supporting uses including servicing, car parking, back of house and commercial administration areas to support the function of the restaurant. Consent is also sought for extensive hard and soft landscaping across the site.

Development consent is sought for:

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

The cost of works for the construction and operation of the development is \$30,042,138. The works are to be delivered in a single stage.

Architectural Plans prepared by H&E Architects are provided at **Appendix B** and a further discussion of the development is provided in the Design Report at **Appendix F**.

4.2. KEY ELEMENTS

The key elements of the proposed development are summarised in the table below. Reference should be made to the accompanying architectural plans and supporting documentation for further detail.

Table 4 Summary of Proposal

Key Element	Proposal
Development Types (Land Use)	Restaurant with ancillary office premises
Built Form & Design	
Height / Storeys	8.3m / 1 storey
GFA	2,698m ²
FSR	16.9:1
Northeastern setback	Restaurants 1 and 2 have been setback approximately 8.5m and 4.4m respectively from the site boundary. The basement vehicular access point encroaches is located 1.5m from the northeastern boundary.
Southeastern setback (to mona vale road)	The proposal is setback approximately 95m from Mona Vale Road.
Southwestern setback	9.5m setback to built form
Northwestern setback	43.8m setback to built form
Materials and Finishes	A light palette of tonal timber, steel and recycled brickwork.
Access and Parking	
Car parking	Total: 297 spaces 156 spaces in basement car park 67 at grade 74 overflow spaces
Motorcycle parking	5 motorcycle parking spaces are provided within the basement level.
Bicycle parking	10 bicycle spaces have been provided within the at grade car park.
Loading bays	One loading dock is provided at the south western aspect of the development, off the existing access road.
Landscaping	
Landscape area	9,710m ² (60.8% of the site area)
Trees Removed	12

4.3. DETAILED DESCRIPTION

4.3.1. Design Concept

A comprehensive design statement has been prepared by H & E Architects and is provided within the Urban Design Report attached at **Appendix F**. The key components of the design concept have been summarised in the following section.

The application seeks to provide a high-quality hospitality venue with a unique 'Australian rural/farm style on an underutilised site. The development responds to the natural topography of the site, providing a built form that integrates with the landscape and sits within the natural slope of the site. The envelope is single storey with an additional level of basement parking that sits below existing ground level through use of the slope of the site. The northwest- southeast orientation of the development maximises solar access to the development, improving opportunities for passive heating and amenity for patrons.

The proposed materiality enables the integration of the built form with the surrounding landscape. The Schedule of Materials is indicated in the Architectural Plans and has been extracted below.

A light palette of tonal timber, steel and recycled brickwork has been utilised to provide a rural quality to the development. A focus has been placed on utilising textured materials to provide increased connections to the landscape.

The materials palette was supported by the Design and Sustainability Panel who commented:

Timber and stone, combined with corrugated metal, creates a richly detailed well-considered and atmospheric proposal.

This materiality has therefore been retained in the proposed design.

Figure 5 Proposed Materials Palette

Materials & Finishes Legend	
A01	Aluminium Framed Windows and Doors Powder Coat Finish
A02	Aluminium Weather Louvre Powder Coat Finish
Ash01	Asphalt Surfacing
Brk01	Reclaimed Sandstone Blockwork
Con01	Concrete Handboard Exposed Aggregate
Con02	Walls & Retaining
Con03	Walls & Retaining
Con04	Walls & Retaining
Con05	Walls & Retaining
Con06	Walls & Retaining
Con07	Walls & Retaining
Con08	Walls & Retaining
Con09	Walls & Retaining
Con10	Walls & Retaining
Con11	Walls & Retaining
Con12	Walls & Retaining
Con13	Walls & Retaining
Con14	Walls & Retaining
Con15	Walls & Retaining
Con16	Walls & Retaining
Con17	Walls & Retaining
Con18	Walls & Retaining
Con19	Walls & Retaining
Con20	Walls & Retaining
Con21	Walls & Retaining
Con22	Walls & Retaining
Con23	Walls & Retaining
Con24	Walls & Retaining
Con25	Walls & Retaining
Con26	Walls & Retaining
Con27	Walls & Retaining
Con28	Walls & Retaining
Con29	Walls & Retaining
Con30	Walls & Retaining
Con31	Walls & Retaining
Con32	Walls & Retaining
Con33	Walls & Retaining
Con34	Walls & Retaining
Con35	Walls & Retaining
Con36	Walls & Retaining
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Con200	Walls & Retaining

- Construction to comply with Building Class, Construction Type and FRL in accordance with Compliance Assessment Report.
- External wall construction to comply with total system R-value of R1.41 with thermal bridging calculated in accordance with AS/NZS 4850.2 and external wall colour to a maximum solar absorbance of 0.80 in accordance with Section J.0710 Assessment and Report.
- Internal wall construction to comply with total system R-value of R1.41 with thermal bridging calculated in accordance with AS/NZS 4850.2 in accordance with Section J.0710 Assessment and Report.
- External roof construction to comply with total system R-value of R3.70 and external wall colour to a maximum solar absorbance of 0.80 in accordance with Section J.0710 Assessment and Report.
- Floors to be constructed as per constructed to comply with the system R-value of R2.00 in accordance with Section J.0710 Assessment and Report.
- External glazing system to have a total system U-value of U1.0 and a SHGC of 0.75 generally in accordance with Section J.0710 Assessment and Report.
- Roof lights to have a total system U-value of U3.00 and a SHGC of 0.40 with solar radiation to comply with the system U-value of R1.40 generally in accordance with Section J.0710 Assessment and Report.

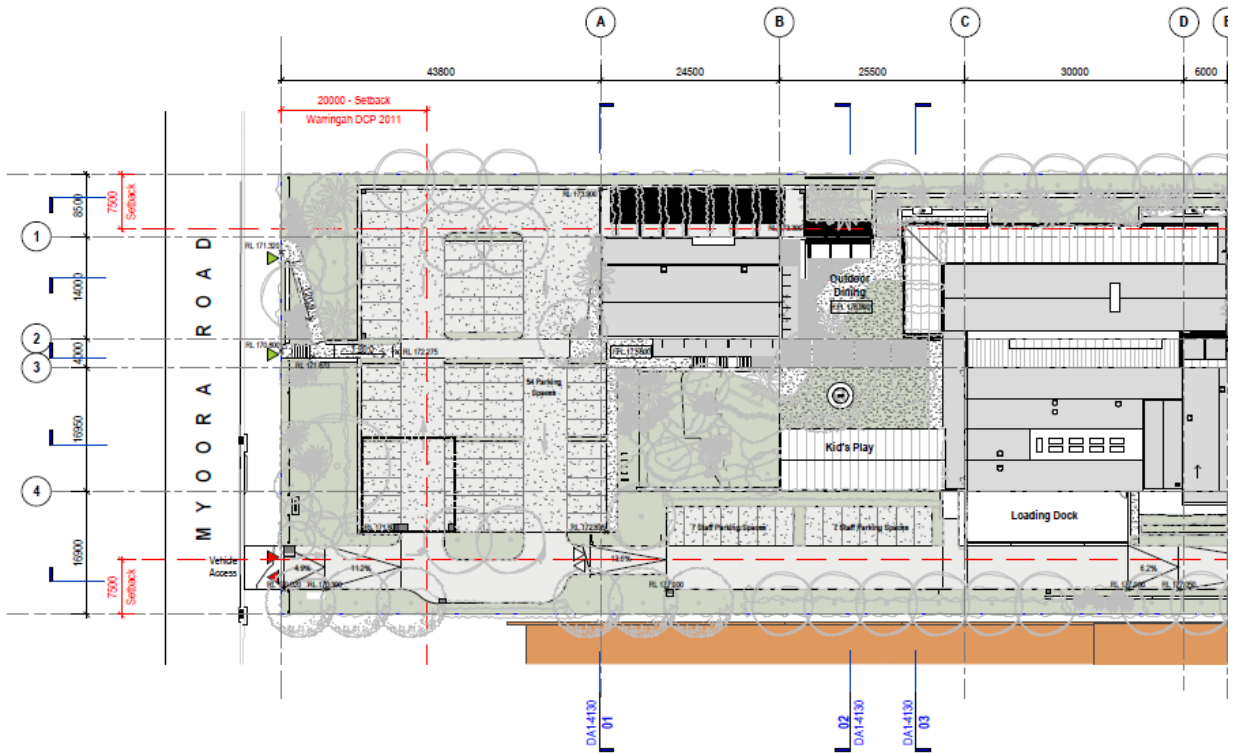
For Development Approval

Source: H & E Architects – Architectural Plans

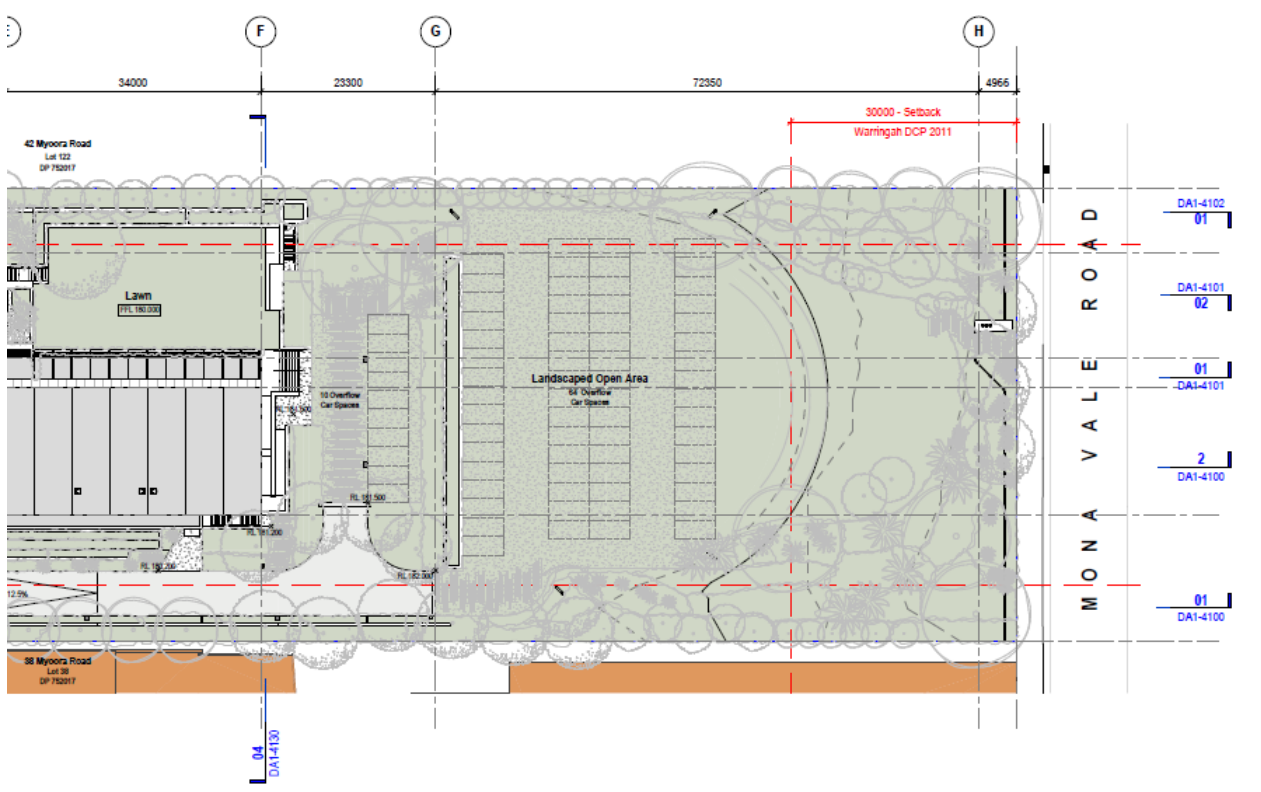
4.3.2. Site Layout

The built form accommodates three separate restaurant areas that will provide distinct dining experiences. Each of the restaurants will be connected via a continuous pedestrian link facilitating ease of movement and wayfinding through the site. The general arrangement plans for the development have been extracted in the figure below and a detailed description of each restaurant is provided below.

Figure 6 General arrangement plans extracts



North-western site plan



South-eastern site plan

Source: H & E Architects – Architectural Plans

4.3.2.1. Restaurant 1

Restaurant 1 is located on the north eastern side of the site and will provide a casual dining experience alongside one private dining rooms located at ground level and basement level. As the first building located at the site entry, restaurant 1 sets a precedent for the architectural expression of the broader site. The proposed materiality comprises raw, industrial materials with a pitched roof reminiscent of a rural Australian Shed, with large, framed windows to provide natural solar access into the interior spaces.

Restaurant 1 is located adjacent to the entry car park and basement entrance. Clear signage and wayfinding indicators will be developed during detailed design to ensure there is no conflict between pedestrians and vehicles surrounding the restaurant.

Figure 7 Restaurant 1 reference images and renders



Picture 13 restaurant 1 reference images



Picture 14 restaurant 1 viewed from the car park



Picture 15 restaurant 1 viewed from outdoor dining terrace



Picture 16 restaurant 1 viewed from the main thoroughfare to the south west of the building

Source: H & E Architects - Design Report

4.3.2.2. Restaurant 2

Restaurant 2 is the central restaurant and will be the primary food and beverage offering at the site. The restaurant will provide a relaxed, family-friendly dining offer with indoor and outdoor dining options. The outdoor dining terrace will be a protected space with landscaped pergolas alongside a small stage to provide ambient live music from midday to 10pm.

The fluid indoor / outdoor nature of this restaurant offering and the design typology is reminiscent of the iconic Australian “wrap around verandah” to provide a uniquely Australian restaurant offer.

The restaurant will be supported by a large kitchen/ bar which will service the restaurant as well as the surrounding outdoor terrace dining areas. The kitchen, amenities and the external loading zone are centrally located within a back of house area to maintain patron amenity and improve the efficiency of the restaurant service. The back of house area transitions into an ancillary basement office space that will provide a space for venue operations. This space is to be for the use of Boathouse Group employees only and is ancillary to the use of the site as a restaurant.

The restaurant 2 outdoor dining area also includes a stage, which will be used for amplified outdoor music between midday – 10pm, daily. A 3m acoustic barrier is proposed around the rear of the stage area.

Figure 8 restaurant 2 reference images and renders



Picture 17 restaurant 2 reference images



Picture 18 restaurant 2 viewed from restaurant 1



Picture 19 view from restaurant 2 to restaurant 1



Picture 20 restaurant 2 terrace dining

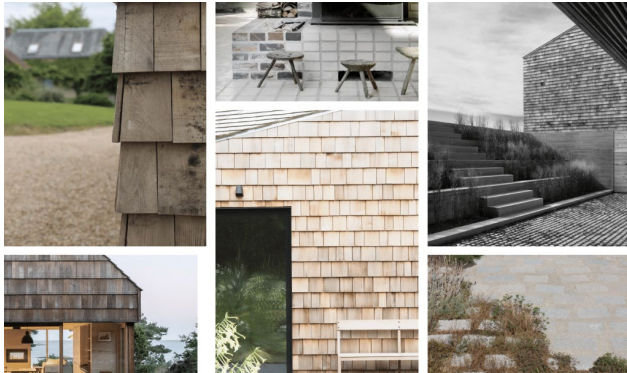
Source: H & E Architects - Design Report

4.3.2.3. Restaurant 3

Restaurant 3 is located on the eastern side of the site. As the final pavilion, the restaurant sits within the site's topography and integrates with the large landscape area fronting Mona Vale Road.

Restaurant 3 will offer a fine-dining experience with non-fixed internal partitions that can accommodate a range of private bookings within the space, as well as an external covered outdoor dining area.

Figure 9 Restaurant 3 reference images and renders



Picture 21 restaurant 3 reference images



Picture 22 restaurant 3 viewed from lawn



Picture 23 restaurant 3 outdoor dining

Source: H & E Architects - Design Report



Picture 24 restaurant 3 viewed from the southern corner of the site

4.3.3. Landscaping and Open Space

The landscape design is a central and celebrated component of this project. The landscape design, prepared by Dangar Barrin Smith, drives the site design and seeks to provide native vegetation across the site in a range of high density, deep soil and canopy zones. Compared to the existing site character, the proposal will provide a significant increase in the quality and quantity of landscaping on the site to provide a unique offer. The extensive landscaping across the site will comprise of 8,326 new plants including 93 trees and 18 palms, as well as a large lawn space fronting Mona Vale Road.

The integrated landscape design aims to foster biodiversity across the site and reduce the effects of urban heat. It is proposed to remove 12 trees on and around the site to facilitate the proposed development. The removal of these trees will be counterbalanced by significant replanting of more trees and vegetation than currently exists on the site, as depicted in **Figure 10**.

A variety of landscaped spaces are proposed for the development, including:

- Provision of new landscape areas that will provide a variety of natural spaces for patrons to enjoy.
- A significant increase in site canopy coverage compared to the existing site condition. The site coverage has been maximised, with consideration also given to providing appropriate car parking and servicing for the development.
- Directly adjacent to restaurant 3 is a landscaped area that is also used for overflow parking for 74 car spaces. This area will function as a landscaped area for the majority of the time, and it is likely will only be used for overflow car parking at peak capacity periods. A management plan for this area is provided

at **Appendix Z**. This area includes grass mesh reinforcement to ensure the protection of the grass from vehicle movements. This dual use of the landscaped areas is similar to other sites Urbis has worked on that have landscaped areas that have a dual use in peak periods for overflow parking such as Taronga Zoo, Mosman.

- Providing significant new planting along the boundaries of the site to provide screening from public spaces and improve the integration of the development with the surrounding context.

Figure 10 Landscape render viewed from Mona Vale Road



Source: Dangar Barrin Smith

The planting proposal includes:

- 8,326 plants, including trees, shrubs, climbers, groundcovers.
- 93 trees and 18 palms
- A diverse mix of both upper storey and mid-storey canopy trees have been included within the landscape scheme. The inclusion of these trees will provide shade, habitat and year-round architectural interest.
- Ongoing maintenance of the landscaping with replacement of all failed plant species within 3 months of installation.

4.3.4. Stormwater Design

A Stormwater Management Plan has been prepared by Richmond and Ross and is provided at **Appendix Y**. The stormwater network has been designed to accommodate water flows during the 1% AEP storm event and proposes the following measures to convey stormwater from the site:

- The system will comprise of a network of pits and pipes that will convey the run off from the site to a stormwater treatment train prior to directing the treated water towards the existing kerb inlet pits on Myoora Road.
- An on-site detention tank (**OSD**) will be provided at the site. The OSD has been sized and designed to be in accordance with Council's requirements for the storage and permissible site discharge and with regard to the pre vs post development flows.
- The proposed roof area will be approximately 3,500m². All runoff from the roof will be directed to the stormwater network for treatment and storage.

- A system consisting of gross pollutant traps and filter cartridges will be installed to treat the stormwater runoff prior to discharge from the site. Analysis from MUSIC indicates the treatment targets are achieved by the proposed treatment train and an improvement to overall water quality can be expected by installing the treatment train.

The proposed system will result in adequate environment protection and reduction in water pollutant loads based on modelling.

4.3.5. Sustainability

The proposal embodies the principles of passive design, with the orientation of each component of the restaurant development set to maximise solar access. Structures are designed to be self-shading to offer permanent sun protection, whilst supplementary shading devices will also be provided to ensure comfort and protection from the sun.

In addition, the following initiatives are to be integrated within the design of the development to improve the sustainability of the site:

- Rain water harvesting and re-use.
- Stormwater on site detention, treatment and reuse.
- Water efficient, low flow fixtures.
- Permeable paving to reduce surface run off.
- Use of energy efficient glazing where practical.
- Use of EV charging stations.
- Use of low-carbon concrete (such as Envisia) where practical.
- Integration of solar panels on roof forms.
- Use of light-coloured materials to lower overall heat loads.

4.3.6. Operation

The proposed use and operation of the site is for three distinct restaurants with ancillary servicing, car parking, back of house and administration/office areas to support the function of the restaurant, which is the principal purpose of the site.

The site will be managed by the Boathouse Group, the applicant for the application. The Boathouse Group is an established hospitality operator that manages various waterside venues in Sydney. The proposed hospitality venue will provide an alternative offer, known as 'The Farmhouse, Terrey Hills' which seeks to align and maintain the rural character of the area (noting that the rural character has been abandoned in this area by the existing eclectic mix of land uses and development typologies).

The Plan of Management at **Appendix N** has been prepared by the Boathouse Group and outlines the intended management of the site. Key measures include:

- Site operation from 7am – 12pm (midnight), Monday – Sunday.
- A maximum capacity total of 794 patrons and 40 staff across the site at any one time.
- External live music on site to support the function of the restaurant between midday – 10pm.
- A courtesy shuttle bus service for patrons operating on Friday and Saturday evenings from 6pm. The bus will provide a safe and convenient transport option for patrons of the restaurant to the areas in the map outlined in the following figure.
- Ancillary functions may occur on the site from time to time, however functions will be subservient to the principal use of the site as a restaurant. Functions will be managed and serviced by the existing restaurant staff and restaurant services and BOH areas.

5. PLANNING ASSESSMENT

5.1. APPROVALS UNDER OTHER ACTS

Table 5 Approvals under other Acts

Act		Assessment
Rural Fires Act 1997	s100B	<p>The Rural Fires Act requires consideration of potential bush fire impacts on development at the planning assessment stage in order to protect people and property from the effects of bush fire. Section 100B requires a bush fire authority to be issued prior to undertaking certain types of development on bushfire prone land.</p> <p>The north eastern corner of the site is mapped as “vegetation buffer” on the Bushfire Prone Land Map as illustrated below. A Bushfire Statement has been provided by Blackash Bushfire Consulting confirming the development is greater than 160 metres from the nearest bushfire hazard and there is insufficient bushfire risk to warrant specific bushfire protection.</p>
<p>The map displays a residential street grid with several roads labeled: LAROOD RD, MYOORA RD, AUMUNA RD, MONA VALE RD, THOMPSON DR, and KAMBER RD. A red rectangle highlights the 'Subject Site' located between Myoora Rd and Mona Vale Rd. Surrounding the site are yellow areas representing 'Vegetation Buffer' and red areas representing 'Category 1 - Highest Risk' bushfire prone land. A legend in the bottom left corner identifies these symbols. A scale bar and north arrow are also present.</p>		
Water Management Act	S89	<p>Permanent groundwater to a depth of 3m was not encountered by Fortify Geotechnics during site investigations undertaken to inform the Geotechnical Report at Appendix I.</p> <p>NSW publicly available groundwater monitoring wells in proximity to the site report groundwater levels at depths greater than 45m below surface. It is therefore not expected that the proposal to excavate to a depth of RL173.3 for the proposed basement will impact the water table. It is therefore not anticipated that approval under section 89 of the Water Management Act will be required for the proposed development.</p>

5.2. INFRASTRUCTURE CONTRIBUTIONS

Table 6 Relevant Contributions

Contributions	Assessment
Housing and Productivity Contribution	It is understood that the Northern Beaches Council will impose a standard condition of consent related to the Housing Productivity Contribution. Concessional rates may apply, depending on the timing of the issue of a Construction Certificate.
Northern Beaches S.7.12	The Northern Beaches Contributions Plan 2022 imposes a 1% levy rate for development that has a proposed cost of works of more than \$200,000. The total levy amount should be calculated by multiplying the applicable contributions rate above by the proposed cost of the development.

5.3. S4.15 EVALUATION

The following sections address the relevant matters for consideration under section 4.15(1) of the EP&A Act 1979.

5.3.1. State Environmental Planning Policies

The following table assesses the compliance of the proposal in accordance with the relevant SEPPs.

Table 7 State Environmental Planning Policies – Consistency Assessment

SEPP	Consistency
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	<p>Section 4.6 of <i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)</i> requires a consent authority to consider whether land is contaminated prior to issuing consent for carrying out any development.</p> <p>Reditus Consulting have prepared a Due Diligence Environmental Site Assessment (ESA) to identify whether the site is contaminated and whether the site is suitable for the proposed land use. The ESA finds:</p> <ul style="list-style-type: none"> ▪ The site is contaminated with asbestos contained within the soils. ▪ The site can be made suitable for the proposed development, subject to the preparation and implementation of a Remedial Action Plan (RAP) to address the identified asbestos in soil contamination. ▪ The following recommendations should be implemented: ▪ Preparation and implementation of a RAP to address the identified asbestos in soil contamination. ▪ Preparation of an interim site management plan (ISMP) to appropriately manage human health risks posed by the identified asbestos in soil contamination on site prior to site remediation works. ▪ Development of an Asbestos Management Plan (AMP) and asbestos register for the site to comply with WHS Regulation (2017) when the site becomes a 'workplace' (i.e. during any excavation and construction).

- Completion of a Hazardous Materials Survey of on site buildings before commencement of demolition works.
- Classification of all materials requiring removal from the site for the proposed development in accordance with NSW EPA (2014) Waste Classification Guidelines.

In accordance with the recommendations, a Remediation Action Plan has been prepared by Reditus and is submitted at **Appendix K**. The RAP provides a detailed plan of activities, procedures, contingency measures and objectives to ensure the effective and controlled remediation of the site. The proposed remediation strategy is considered appropriate to render the site suitable for the proposed land use.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 17, Subdivision 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (**Transport and Infrastructure SEPP**) aims to facilitate the effective delivery of infrastructure across the State. The Transport and Infrastructure SEPP identifies matters for consideration in the assessment of types of infrastructure development, including all new development that generates large amounts of traffic in a local area. The following clauses are relevant to this application:

- Section 2.119 Development with frontage to classified road: The Transport and Infrastructure SEPP prevents councils from allowing new developments to have access to a classified road where alternative access is available and practicable via a local road. The site fronts Mona Vale Road which is a classified road, however access to the site will be from the local Myoora Road frontage of the development, consistent with the SEPP.
- Section 2.122 Traffic-generating development: As access to the development is not proposed from Mona Vale Road (classified road) the development does not meet the threshold for traffic generating development. Despite this, traffic impacts have been discussed in detail in Section 6 of this SEE and are detailed in the accompanying the Traffic Impact Assessment.

State Environmental Planning Policy (Sustainable Buildings) 2022

The *State Environmental Planning Policy (Sustainable Buildings) 2022* (**SB SEPP**) introduces thermal performance, energy use and embodied emissions for non-residential development and residential development. The following sustainability targets will be met:

- the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials
- a reduction in peak demand for electricity, including through the use of energy efficient technology
- a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design
- the generation and storage of renewable energy
- the metering and monitoring of energy consumption
- the minimisation of the consumption of potable water

The following design measures has been provided (refer to ESD Report):

- The building and windows are designed to maximise solar and daylight access, and promote beneficial cross ventilation.
- Large operable windows and doors are included to facilitate cross ventilation, supported by ceiling fans in common areas.
- The building will incorporate high-performance insulation materials in walls, roofs, and floors to minimise heat transfer.
- Windows that exceed Section J requirements by 10% will be used to enhance energy efficiency.
- Light-coloured materials and external finishes are specified to reduce heat absorption and mitigate the urban heat island effect.
- The building will be constructed to prevent air leaks, following NCC 2022 Section J Part J5 requirements.
- The building aims to improve thermal performance through passive design, use fully electric services, install high energy efficiency systems, and use rooftop solar PV arrays to provide a significant proportion of electrical energy.
- The building will use high efficiency Energy Star certified appliances and an efficient air conditioning/HVAC system.
- Electric heat pump hot water systems will be investigated for use in the buildings.
- High efficiency and programmable LED lighting will be used throughout the building.
- All important end uses will be logged to NCC Section J requirements, and the air conditioning system will be the main target for monitoring and management.
- The building will have a solar PV array system, with the potential to add electricity storage/batteries in the future.
- Water resources will be managed through water efficient fixtures and a rainwater-based water supply.
- More sustainable, recycled, and lower environmental impact materials will be used in the building's construction.
- The project will focus on recycling and reusing construction phase materials and will include a dedicated waste streaming and recycling system for the operation of the facility.
- The site's location is well-suited for accessing public transport and services, and provisions for electric vehicles will be made.
- Measures will be taken to protect air quality, enhance lighting comfort, reduce exposure to toxins, and provide communal spaces.
- The building will be designed to cope with climate change impacts, including heat wave events, higher intensity rainfall events, extreme storm events, and bush fire smoke air pollution events.

The development will comply with Section J as per the legislative requirements.

SEPP	Consistency
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(Biodiversity and conservation) 2021

values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The site contains existing vegetation in the form of low scale grasses and shrubbery, as well as mature trees, located around the boundary of the site. 12 trees are proposed to be retained.

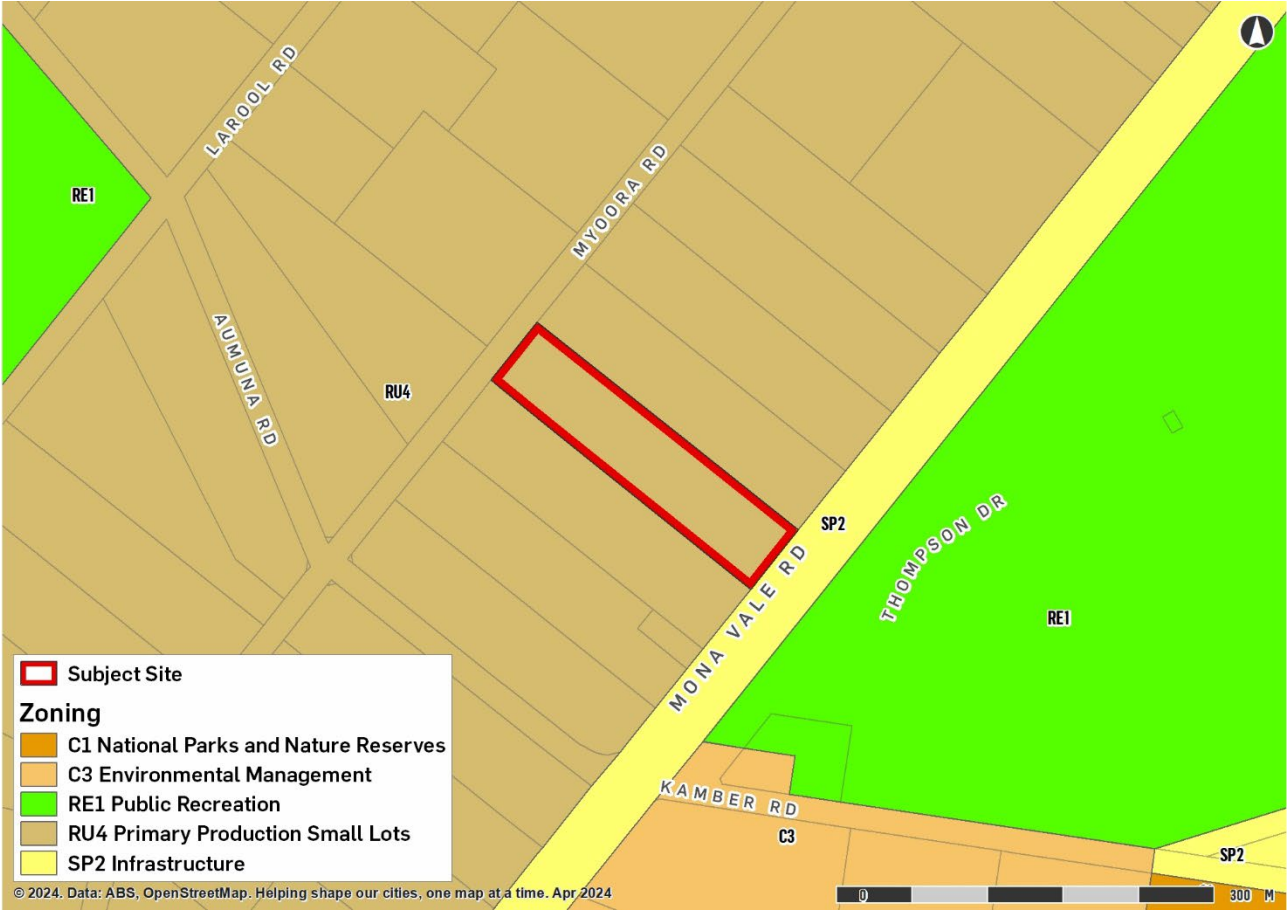
The landscape design has been thoughtfully considered by the design team and the proposal represents a greatly improved offering for the site in terms of biodiversity, amenity and the useability of the space. The landscaping has been integrated with the built form to provide a variety of open spaces at the site.

5.3.2. Warringah Local Environmental Plan 2011

Warringah Local Environmental Plan 2011 (the WLEP 2011) is the principal planning instrument that applies to the site and the development.

The site is located within the RU4 - Primary Production Small Lots zone under the WLEP 2011 (see Figure 11 Picture 28). The RU4 Zone is a prescriptive zone.

Figure 11 LEP Zoning Map extract



Source: Urbis

The site also benefits from additional permitted uses (APUs) under clause 18 within Schedule 1 of the WLEP 2012.

Figure 12 LEP APU Map extract



Source: Urbis

The proposed use of the site is a restaurant with ancillary uses. Restaurant or café is defined under the WLEP as:

“restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or*
- (b) farm gate premises”*

Restaurants and cafes are an APU under Clause 18 within Schedule 1 of the WLEP 2011 as follows:

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.***

The proposal also includes an office space for the Boathouse Group to support site operation of the proposed restaurant and functions on the site that will be accommodated within the restaurant. This use is considered to be permissible under the LEP as it is an ancillary use to the primary restaurant use.

5.3.2.1. RU4 Zone Objectives

The objectives of the RU4 Zone are to enable sustainable primary industry and other compatible land uses and require proposals to minimise land-use conflicts between sites and to maintain the rural and scenic character of the land. In determining the development application, the consent authority must have regard to these objectives.

The proposal does not include any primary production / industry; however, it is not considered this is **not** the only pre-requisite to maintain the rural setting of the land in applying the objectives of the zone. As per the Land and Environment Court judgements that a development does not have to be consistent with **all** objectives, however ought "not be antipathetic to" the objectives, (*BGP Properties Pty Ltd v Lake Macquarie City Council* (2004) 138 LGERA 237; *Jeffrey v Canterbury Bankstown Council* [2021] NSWLEC 73), the following assessment addresses the zone objectives of the RU4 Zone.

- ✔ The proposed restaurant use is compatible to primary industry uses in the surrounding area. The area currently features a number of restaurant land uses in addition to a range of other uses resulting in a mixed-use character. The proposed use of the site and character of the facility as a semi-rural, landscaped restaurant venue is consistent with the existing prevailing character.
- ✔ The development will increase and promote a diversity of employment opportunities through provision of employment opportunities for 40 staff on site at any one time. Whilst these are not specifically related to primary industry enterprises, this is consistent with the employment character of the surrounding precinct and will increase productivity for the LGA and will allow for a local business that is already a well-known hospitality operator in the Northern Beaches.
- ✔ The development will minimise conflict with existing land uses in the immediate surrounding precinct through the proposed design and operational measures outlined in the Plan of Management to manage patron behaviour on site. The immediately adjoining land uses include a plumbing business, Gosford Quarries and Terrey Hills Tavern to the south, and warehouse and industrial uses to the north. To the west is a swim centre, school, and a new medical facility. The operation of a restaurant (which is permissible with consent) is not anticipated to have a significant impact on the amenity or operation of these uses. The proposed landscaping is sensitively designed and will provide a sufficient buffer to minimise the environmental impact on surrounding uses. The proposed site design, massing and layout of the pavilion style buildings on site will ensure the development does not result in any unreasonable conflict.
- ✔ The built form comprises three low-scale pavilion buildings, with a unique rural Australia character which are set in a landscaped open space. There are no impacts on long distance views of the area and on views to and from adjacent national parks and bushland. The development will open up the site to enable members of the public to appreciate the district views from the site to the surrounding landscaped setting.
- ✔ The development is a significant improvement to the natural landscape on the site. The applicant has engaged Dangar Barrin Smith, an award-winning landscape architect to prepare the landscape design proposal that is central to the project. The site will be densely landscaped with 8,326 plants in a variety of planting types, including trees, shrubs, climbers, groundcovers, of which 90.2% are native species. The landscaping will provide a substantially improved landscaped outcome for the site and the surrounding precinct that will enhance privacy and the character of the streetscape.
- ✔ The predominate use of the site is a restaurant and are permitted with consent via the APU. The intensity of the use is considered to be acceptable and compatible with the immediate locality as outlined below.
 - The use of the site for a restaurant is considered to be a low intensity and low impact use in consideration of the surrounding context and existing land use character. As per *Lipman Properties Pty Ltd v Warringah* [2010] NSWLEC 1310 at [85], low impact constitutes a magnitude of impacts that are unlikely to significantly change the amenity of the locality. Section 5 of this report contains an environmental assessment of the impacts associated with the use and demonstrates that all impacts can be satisfactorily managed through mitigation measures and standard conditions of development consent. Specifically, it is noted that adequate parking is provided to service the proposed capacity, traffic impacts are considered acceptable and consistent with existing intersection performance parameters, anticipated noise generation will comply with noise trigger levels at all receivers, and the proposal is unlikely to

have significant impacts to ecological communities and threatened species. Overall, the proposal will not bring an adverse impact on the local setting.

- The site provides a suitable scale of development on site, as the building footprint at finished ground level is only 12.9% of the site area (2,060sqm) and approximately 9,710m², equating to 60.8% of the site, is provided as landscaping.
- There are a range of developments that have recently been approved by Council, the LEC or the Panel which have resulted in a development of a more significant scale than the proposed restaurant land use. This includes Flower Power (DA/2023/1224 approved by Local Planning Panel), Miramare Gardens Event Centre (DA/2019/0280 approved by Council), Wyvern Private Hospital (DA/2017/0385 approved by Sydney North Planning Panel) and Hills Market Place (DA/2023/0803 approved by Council) These developments are located within the RU4 Zone and the determination of these uses are found to be consistent with the zone objectives, and therefore a low intensity land use. This range of land uses currently operating in the immediate area creates a mixed character that the proposal is consistent with and will have no impact on this continued function and amenity.
- The proposed operating hours are consistent with the operation of several facilities in the immediate locality, including the approved Hills Marketplace restaurant (7am – midnight Thursday – Sunday and 7am – 10pm Sunday – Wednesday) and the Palms restaurant (11:30am – late Monday – Sunday). The proposal is consistent with the existing operational intensity of restaurants in the area and will not result in a change in night-time character.
- The site is proposed to be heavily vegetated and will result in a significant increase in high-quality landscaped amenity compared to the existing site condition. The landscaping includes significant planting along all site boundaries, to soften the interface to the adjoining properties to the east and west and to provide a landscaped buffer to Mona Vale Road as per the DCP objectives. In addition, the site is separated from the RE1 land to the south by Mona Vale Road, a significant road corridor. Overall, the proposed landscaping, building site layout and operational management measures will ensure the amenity of adjacent sites and surrounding uses are maintained.

- ✓ The built form, architectural and landscape design proposed exhibits a unique Australian rural/farmhouse character and is consistent with the RU4 rural character objectives.

All reasonable efforts have been made to minimise conflict with surrounding land uses and protect and enhance the rural and scenic character of the land. The proposed development will vastly improve the site from what is existing, providing diverse employment opportunities, and revitalising the site with an emphasis on providing high quality landscaped spaces

5.3.2.2. Principal Development Standards and Local Provisions

The following table assesses the compliance of the proposed development with other relevant clauses in the LEP.

Table 8 LEP Compliance Table

Clause	Consistency
2.6 Subdivision	Consent is not sought for subdivision.
2.7 Demolition	Consent is sought for the demolition of all the existing structures on the site.
4.1 Minimum lot size	The site is not to be subdivided
4.3 Height of Buildings	The proposed building height is a maximum of 8.3m which is compliant with the maximum building height in the LEP of 8.5m.
4.4 Floor Space Ratio	N/A

Clause	Consistency
4.6 Exceptions to development standards	N/A
5.10 Heritage conservation	The site is not listed as an item of environmental heritage, nor is it within a Heritage Conservation Area.
5.21 Flood Planning	The site is not flood affected.
6.1 Acid Sulphate Soils	The site is not affected by acid sulphate soils.
6.4 Development on Sloping Land	<p>The site is mapped as Land Slide Risk Land Area A in the Warringah LEP. Consent must not be granted unless the application will not cause significant stormwater discharge, affect subsurface flow condition, and that an assessment of the risk associated with landslides.</p> <p>A geotechnical report has been prepared and is attached alongside this application which assesses the risk of landslides. This report finds:</p> <p>That as long as the design and construction of the proposed development is undertaken in accordance with accepted procedures for hillside construction and treatments are carried out to reduce potential hazards, the risk is no higher than normally acceptable for development.</p>

Schedule 1 Additional Permitted Uses

18. Use of certain land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills	<p>The site is mapped as being within Area 18 of the Additional Permitted Uses Map.</p> <p>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 in Area 18.</p> <p>The proposed primary use of the site is a restaurant and as such is permissible with consent on the land. The proposed office, and functions on the site are ancillary to the primary use.</p>
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Based on the above, it is considered that the proposal complies with the relevant provisions within the LEP.

5.3.3. Draft Northern Beaches Local Environmental Plan

The Draft Northern Beaches Local Environmental Plan was presented at the Northern Beaches Council meeting on 17 June 2024, with finalisation of the LEP targeting December 2025.

Within the draft LEP is reference is made to the character of the RU4 zoned land along Myoora Road and the additional permitted uses which; “*recognise the character of that area as having more commercial or rural production uses in a rural setting*”.

The Draft LEP also contains savings and transitional provisions, retaining the applicability of the Warringah LEP for DA’s lodged prior to the gazettal of the LEP. The LEP states that:

Development applications (DAs) lodged prior to the commencement of this Plan, and not finally determined, must be determined as if this Plan had not commenced. That is, the provisions of existing MLEP2013, PLEP2014, WLEP2011 or WLEP2000 would apply in that circumstance. It is intended to retain all provisions of this clause that are not otherwise redundant or

superseded by various operative legislation. Current permitted uses of all land under WLEP 2000 will be retained for a period of two years under a “sunset” clause in the new LEP to allow landowners to make applications for those uses during that transitional period.

Whilst this application is lodged before the draft LEP is gazetted, it is noted that no changes are proposed to the site’s zoning, height of building limit, FSR, or additional permitted uses.

5.3.4. Warringah Development Control Plan 2011

Warringah Development Control Plan 2011 (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against all relevant DCP controls is in the DCP Compliance Table submitted under separate cover.

The Warringah DCP contains a range of built form controls, siting factors, design and the natural environment. The development generally complies with the relevant controls. Areas of non-compliance/partial non-compliance have been assessed in detail in **Section 6** of this report. Justification is presented for the following areas of non-compliances:

- B4 Site Coverage
- B5 Side Boundary Setbacks
- B7 Front Boundary Setbacks
- D1 Landscaped Open Space and Bushland Setting

The assessment demonstrates that the proposed development can provide reasonable alternative solutions that achieve the objectives of the relevant control. This approach is consistent with s4.15(3A) of the EP&A Act 1979 which requires the consent authority to be flexible in the application of provisions within DCPs.

5.3.5. Planning Agreement

There is no planning agreement applicable to this application.

5.3.6. The Regulations

This application has been prepared in accordance with the Regulations.

5.3.7. Suitability of the Site

The site is considered suitable for the proposed development for the following reasons:

- **The proposal generally satisfies the applicable planning controls and policies:** The proposal is largely compliant with the planning controls and will provide a development outcome that is consistent with the existing and emerging character of the area. The development includes some non-compliances with some DCP controls, however as outlined in this SEE and supporting documentation, these non-compliances are justifiable and result in better planning outcomes for the site and the broader area.
- **The proposal will not result in any adverse environmental impacts.** From an environmental perspective, the site is considered suitable for the development. The scheme incorporates positive measures to mitigate against high energy consumption, including water re-use facilities for non-potable water, and a number of design measures which will result in improved thermal performance and decrease dependency on energy consumption.
- **The proposal will result in positive social and economic impact:** The proposal will deliver a new high amenity hospitality venue that will contribute to the increased vibrancy of the area. The development will vastly improve the condition of the site and will provide a new space for the community to meet and socialise. The development will provide increased employment opportunities and will improve the economic viability of the area.

Therefore, the development is considered suitable for the site, subject to the implementation of appropriate mitigation measures.

5.3.8. Submissions

The proposed development application will be publicly exhibited and notified in accordance with the relevant provisions of the EP&A Act. Any submissions made throughout the public exhibition period would need to be considered and assessed by Council.

5.3.9. The Public Interest

The proposed development at 40 Myoora Road is in the public interest for the following reasons:

- The proposed development will provide a high-quality restaurant on a currently underutilised site.
- There will be no unacceptable adverse environmental, social or economic impacts as a result of the proposed development.
- The proposal will provide employment opportunities and will support the local economy.
- The high-quality landscaping proposed with the development will improve the ecological condition of and the amount of trees on the site.

6. KEY ISSUES ASSESSMENT

6.1. INTEGRATION WITH SURROUNDING CONTEXT

The site context is highly diverse and is a suitable location for the proposed restaurant development.

The detailed contextual analysis provided in **Section 2.2** and **Section 2.3** demonstrates the site is located on a highly trafficable key arterial road within a pocket of land recognised as ‘Area 18’ in the local planning framework, and to the immediate north of an area known as ‘Area 17’ at 2 Aumuna Road. Under Schedule 1 of the WLEP 2011, a range of diverse APUs are permitted in Area 17 and Area 18 resulting in a mixed-use, predominately commercial and institutional character.

As illustrated in the mapping analysis in **Figure 12**, there are a range of existing land uses that depart from the RU4 zone permitted uses (and zone objectives) as a result of the APU under Schedule 1 of WLEP 2011, existing use rights, or unlawful development. These uses, and the overall character created by the historical operation of these uses, depart from the RU4 zone objectives and result in an abandonment of the original intent of the RU4 Primary Production Small Lots zone within this area.

Figure 13 Land Use Analysis Map



Source: Urbis, 2024

The site was acquired by the applicant (a local business) in 2021 based upon an understanding of the existing function and character of this precinct. Whilst the objectives of the RU4 Zone are acknowledged by the applicant, it is evident there is a great diversity of uses in this area and the objectives of the RU4 zone have not been consistently implemented, resulting in the abandonment of the traditional rural character of the zone. In assessing the suitability of the site for the development, it is reasonable to also consider the existing uses and built form character that reflects the community’s expectations about land use in this area.

6.2. BUILT FORM & URBAN DESIGN

6.2.1. Bulk and Scale

The proposal is for three pavilion 'farmhouse' style buildings connected through a central pedestrian spine. Each building proposes a gable roof form and a material selection that aligns with the rural character of the surrounding area and is reflective of the quintessential Australian country house. Interspersed throughout these buildings is a significant planting proposition that integrates the built form into a lush and verdant landscape.

The architectural design is supported by the DSAP at the pre-lodgement meeting, with the Panel noting:

The architectural design presents a highly detailed development which integrates with the landscape through interstitial spaces and materiality. Renders and mood boards show buildings made of timber and stone which, when combined with corrugated metal, creates a richly detailed well-considered and atmospheric proposal.

This is further supported by Council at the pre-lodgement meeting, with the Minutes noting:

The gable roof form and use of materials to blend with the rural landscape are suitable, including wood, stonework and corrugated iron (zincalume or silver / light colour finishes though are not recommended), the single storey scale and use of the slope of the land to integrate landscaping elements within and spread amongst the building is supported.

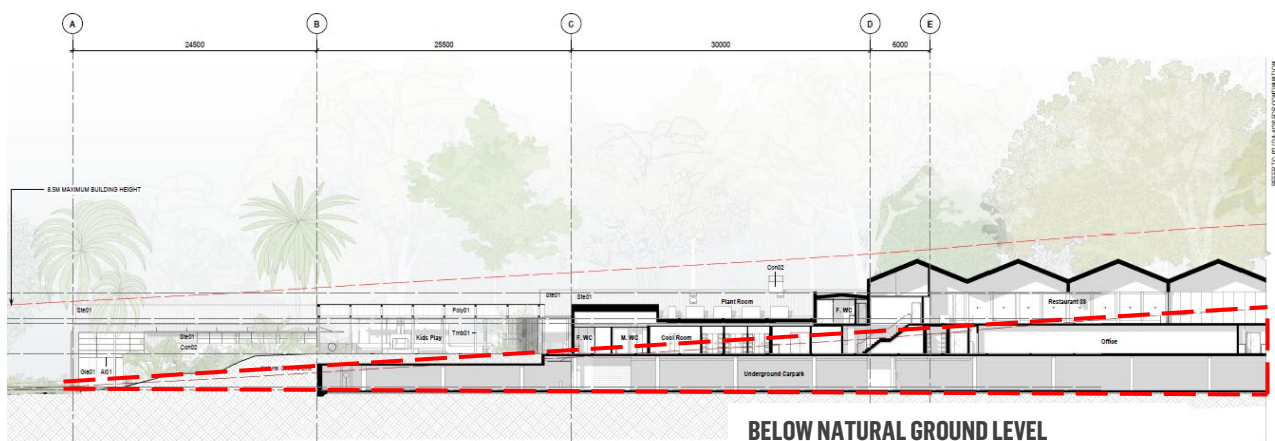
The scale of the proposal comprises a total GFA of 2,698sqm and maximum building height of 8.3m. When viewed from the street frontage or adjoining sites, the development is viewed as a single storey development with a basement level and partial below ground level concealed beneath the existing ground level. Further discussion of the bulk and scale of the site is provided in the following subsections.

6.2.1.1. Below Ground Development

A basement is proposed under the north-eastern portion of the site, accommodating car parking, storage, amenities and dining room for restaurant 1. In addition, a partial below ground level is proposed in the centre of the site accommodating ancillary office and storage space beneath restaurant 3. The total depth of the basement level is RL173.3.

The extent of development below natural ground level is illustrated in the following figure, with the existing ground level identified in red dash. As demonstrated in this figure, the design for the site utilises the slope of the land and fall towards Myoora Road to reduce the extent of development at ground level and enable significant landscape coverage surrounding the buildings. This will minimise the overall scale of the development when viewed at the ground plane.

Figure 14 North-West Section Plan extract



Source: H&E Architects, Urbis

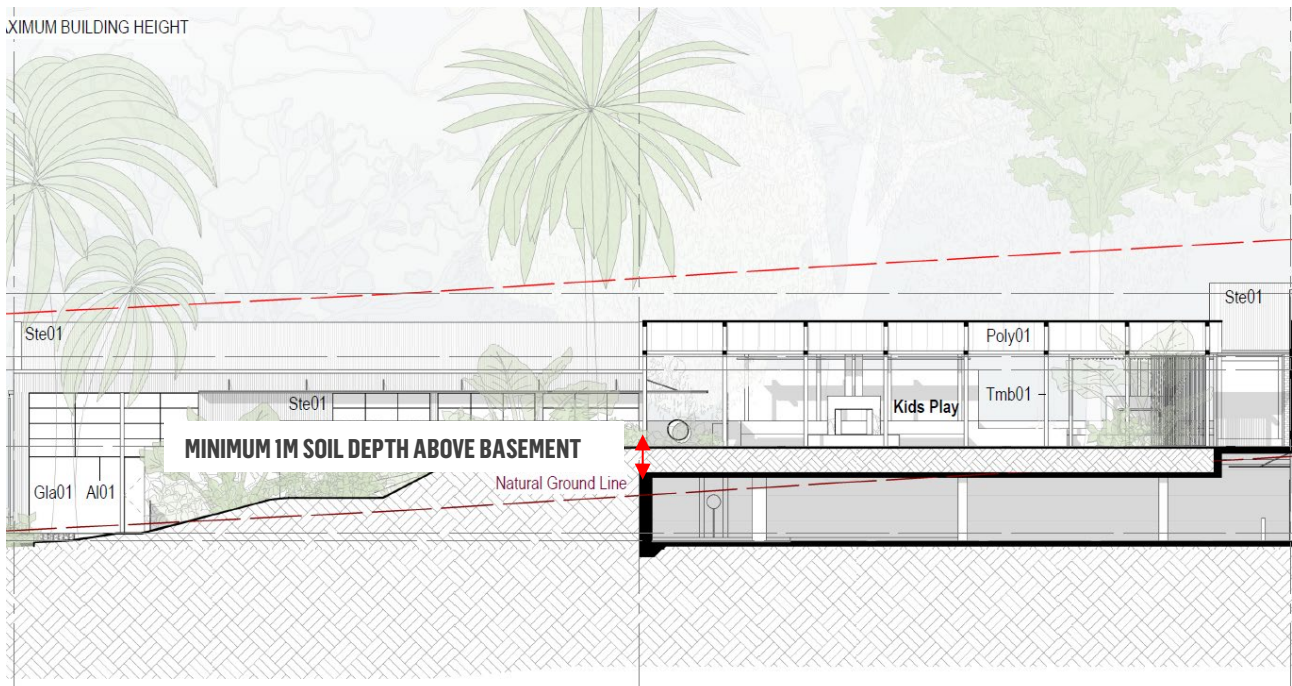
The below ground development will:

- Have no discernible urban design impacts to the areas at ground level and will enable use of the above ground spaces for landscaping, lawn area, children's play area and at grade parking. The ground plane

has been carefully designed to ensure patrons are unaware of the structures and uses contained below ground level.

- Enable the provision of sufficient soil depths (minimum 1m) and drainage conditions to support a variety of planting throughout the lawn and children’s play area in the north-western part of the site. This is illustrated in **Figure 14**.
- Not prevent the above ground land from being used for open space, activities and recreational purposes.
- Have no impact on the compliance of the development with the Warringah LEP as there is no floor space ratio (FSR) applicable to the site.

Figure 15 Area of soil depth above the ‘below ground development areas’.



Source: H&E Architects, Urbis

6.2.1.2. Site Coverage

The development has a total site coverage of 30.7% of the site area (4,907sqm) when calculated in accordance with the Warringah DCP. This is a technical non compliance with Section B4 of the Warringah DCP which requires a maximum site coverage of 20% (3,192sqm). However, the proposed scale of development on the site is acceptable as:

1. Council has historically noted that the site coverage control does not strictly apply to ancillary land uses permitted by way of Schedule 1 of the LEP. The following is an extract from the recent Council Assessment Report of alterations and additions to the Flower Power Garden Centre, located at 62 Myoora Road Terrey Hills (DA/2023/1224) and approved by the Local Planning Panel (LPP) on 10 June 2024. DA/2023/1224 proposed a site coverage of 24.2% which is in excess of the 20% maximum site coverage control.

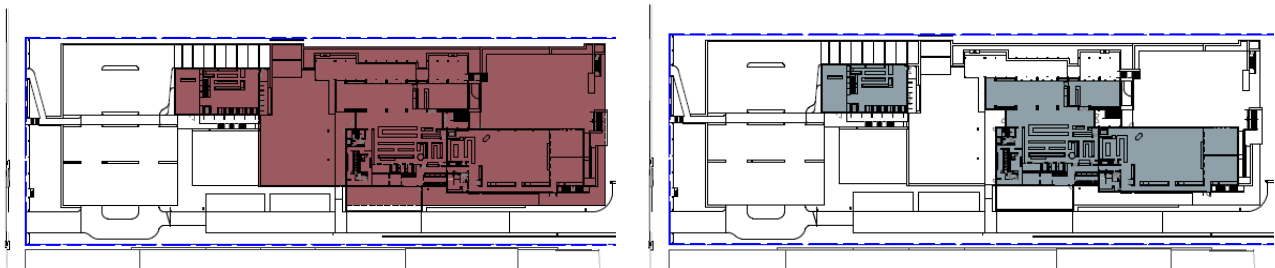
It should also be noted that the site coverage control is intended to apply to permissible land uses anticipated for the site, being uses more readily able to provide smaller building footprints (such as agricultural, production, certain residential uses, and more). The proposed development benefits from being an additional permitted use (being a garden centre, as per Schedule 1 Clause 18 of the WLEP 2011). This means that the proposed development is a use that was not initially accounted for in preparation of the applicable site coverage control for the site.

The development is for the purposes of a restaurant which similar to Flower Power is an APU. Therefore, consistent with Council’s recent assessment and the LPP determination, the permissible restaurant use benefits from being an APU and is a type of land use that was not initially accounted for in the preparation of the site coverage control for the site.

An application for alterations and additions to Miramare Gardens (DA2019/0280) was also determined for approval in 2019 despite also exceeding the maximum site coverage control. The application proposed a site coverage of 23.4%. As per the planning principles of *Stockland Development Pty Ltd v Manly Council* [2004] NSWLEC 472, the weight to be given to a DCP is influenced by whether the control has been consistently or selectively applied in previous DAs. As the control has been selectively applied for sites that benefit from the APU under Schedule 1, Clause 18 of the WLEP 2011, it is considered reasonable that this flexible approach is also applied in this circumstance.

2. The building footprint at finished ground level is only 12.9% of the site area (2,060sqm) (**Picture 35**) demonstrating the strong desire to minimise built structures at ground level and achieve a significant provision of landscaping at grade. The proposal therefore achieves a compliant site coverage at ground level. The proposed landscaping is 60.8% of site area in addition impermeable paving of 15.3% is provided at grade.

Figure 16 Comparison of site coverage and building footprint



Picture 25 Site coverage plan

Picture 26 Building footprint at ground level

Source: H&E Architects

3. The greater site coverage is primarily driven by the provision of the basement car park below ground to achieve a suitable level of parking for the development and to minimise any impact on street parking in the surrounding streets, which is of a constrained supply. This is discussed further in **Section 6.3**.
4. The development is consistent with the underlying objectives of the site coverage control as follows:
 - The proposal adopts an integrated approach to landscaping, where the built form of the buildings harmonises with the proposed landscape, minimising the perceived bulk and scale of the development.
 - The bulk and scale of the development is acceptable. The development is primarily a one storey development within the permitted WLEP 2011 height plane, with a range of ancillary uses provided below ground to minimise the scale of development viewed at the ground level. The buildings comprise low scale 'farmhouse' tyle pavilion buildings that are a scale anticipated for the permissible restaurant use.
 - The proposed landscaping is extensive and will reduce the visual impact of the proposed buildings from surrounding land.
 - The proposed development will significantly improve the current landscaped condition at the site, which is predominantly characterised by exotic species. The plan includes the introduction of 8,326 plants, including 92.1% native species that will enhance the site's biodiversity and aesthetic appeal. The proposed replanting strategy will introduce a significantly larger amount of trees and vegetation than what previously existed on the site.
 - The proposal includes a comprehensive stormwater management system that will effectively convey stormwater from the site. This system will mitigate soil erosion and siltation within the natural drainage network, in addition to the extensive soft landscaping proposed which will assist with water infiltration on the site.
5. Section 4.15(3A) of the EP& Act requires the consent authority to be flexible in applying DCP provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development. The proposal provides a reasonable alternative to the site coverage

provision and as outlined in item 4 above achieves the objectives of the DCP provision notwithstanding the non-compliance.

Given the alignment of the development with the objectives of the DCP controls and the high-quality development and landscaped outcome proposed for the site, we believe that this variation is justifiable and should be supported. The proposal represents a balanced approach to development, prioritising both the built environment and the natural landscape.

6.2.1.3. Setbacks

The proposal is subject to multiple setback controls under the Warringah DCP 2011, including:

- 30m setback to Mona Vale Road,
- 10m front setback to Myoora Road, and
- 7.5m side boundary setbacks.

These setbacks are depicted in the figures below and compliance with the setback controls is addressed in detail below.

Mona Vale Road Setback

The proposal achieves compliance with the 30m setback requirement to Mona Vale Road, providing an extensive landscaped open space at the south-eastern aspect of the site. The proposed building is set back approximately 100.5m from Mona Vale Road and the proposed overflow car parking areas is set back approximately 40m from Mona Vale Road. This frontage is densely landscaped consistent to improve the mixed-use character of this frontage.

Front Setback

Whilst the DCP map identifies a 20m setback to Myoora Road, Section B7 'Exceptions' states:

Land Zoned RU4 or E3

On corner allotments or allotments with double road frontages and where such allotments have a frontage to Mona Vale Road, Forest Way or Wakehurst Parkway:

Minimum front building setback to roads other than Mona Vale Road, Forest Way or Wakehurst Parkway (the secondary road frontage): 10 metres, provided that the secondary road setback variation considers:

- *the character of the secondary road; and*
- *the predominant setback existing in that road*

The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.

As such, a 10m setback applies to the site. The built form and car park is compliant with the setback provision and is setback a minimum of 10.5m.

There are minor areas of hardstand for the pedestrian and vehicular access that extend into the setback zone in order to provide access from Myoora Road.

The proposal aligns with the broader objectives of the DCP setback control and will not result in any adverse impacts as:

- The frontage of the site has been carefully designed to retain a significant portion for landscaping, which will effectively screen the development from Myoora Road. This landscaping will not only enhance the aesthetic appeal of the site but also contribute to the overall green, rural character of the area. This will soften the appearance of the car park and provide visual continuity from the landscaped frontage of the development. This will ensure consistency with the character of Myoora Road.
- The proposed setback is consistent with other developments along Myoora Road that contain a double frontage to Mona Vale Road such as Miramare Gardens.
- The variation to the front setback control relates solely to the driveway, not the main building which is in accordance with the requirements of the control. The car park area is setback a compliant 10.5m from the frontage. As such, there will be no additional bulk and scale introduced into the streetscape. The

northern most pavilion building (restaurant 1) is set back approximately 40m from the boundary, which is more than compliant and will further mitigate any potential visual impact.

Figure 17 Proposed northern car park



Source: H & E Architects

The proposal achieves a development outcome that balances proposed built form within a beautiful landscape setting and achieves compliance with the front setback control. This ensures the development is not visually dominant from Myoora Road and is consistent with the objectives of the DCP control.

Side Setbacks

The development is subject to a DCP 7.5m side boundary setback control.

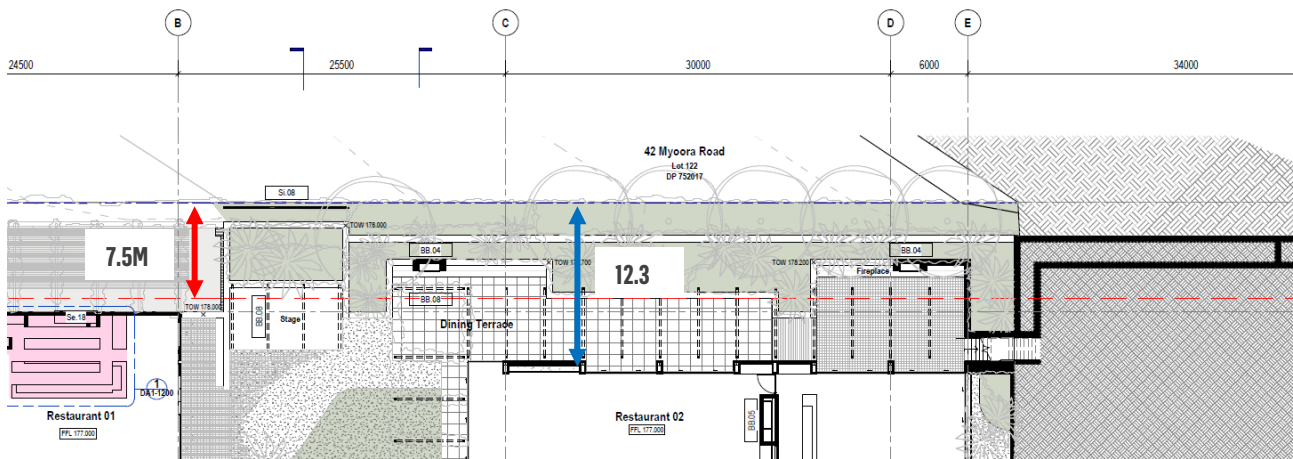
The proposal provides a compliant setback to the southwestern boundary. The proposed vehicular access driveway, while located within the side setback zone, is permissible under the DCP, which allows for driveways within the side boundary setback.

At the northeastern site boundary (ground level), the pergola structures, parking areas, stage and outdoor dining area slightly extends into the 7.5m setback zone, resulting in a technical non-compliance of 1.5m for the Basement vehicular entry. These elements have been designed to be unobtrusive, with minimal bulk and scale, and will therefore not contribute to adverse visual impacts (refer **Figure 16**). This meets the objective of the side boundary setback control which is to ensure development is not visually dominant.

To further mitigate any potential visual impacts and enhance visual privacy, it is proposed to deliver high-quality cohesive landscaping along the boundary. This landscaping will not only screen the development but also contribute to the overall landscaped character of the site.

Further, all buildings are compliant with the side setback controls. Restaurant 1 is setback 8.4m and restaurant 2 is setback 12.3m from the northeastern boundary as illustrated in the below figure. Each boundary setback is landscaped and the siting of the building footprints will not impact the reasonable sharing of views from surrounding sites. This is compliant with the objective of the side boundary setback control which is to ensure scale and bulk of buildings is minimised, achieve adequate building separation and to maintain views.

Figure 18 Proposed northern car park



Source: H & E Architects

It is noted that the existing development includes a single-storey dwelling structure and material stockpiles that are located on the north-western boundary, and the development will therefore improve the numerical setback to this boundary and an improved appearance of the interface along this boundary when viewed from any vantage point on the site.

Below ground, the basement car park is setback 1.5m from the northeastern site boundary. The slight extension of the car park into the side setback zone is deemed necessary to accommodate the required number of parking spaces, enhancing the functionality of the development and improving the overall user experience for occupants and visitors. Despite this variation, there will be no adverse impacts. Appropriate deep soil areas have been strategically located across the site, ensuring that the development still achieves compliance with deep soil calculations. Furthermore, the below-ground location of the majority of the non-compliant structures means that there will be no visual impacts associated with this variation.

Section 4.15(3A) of the EP& Act requires the consent authority to be flexible in applying DCP provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development. The proposal provides a reasonable alternative to the setback provision and achieves the objectives of the DCP provision notwithstanding the non-compliance. Given these considerations, the proposed minor variation to the side boundary setback control on the northeastern boundary is justifiable and should be supported.

6.2.2. Landscaping and Open Space

The site is subject to a minimum 70% landscaped open space control under Section D1 of the DCP. This includes driveways, paved areas, roofed areas, car parking, stormwater structures, decks, and more.

The proposed landscaped site coverage is approximately 9,710m², equating to 60.8% of the site. While this is less than the DCP control, the numerical non-compliance is mitigated through the superior quality of the proposed landscaped spaces which will significantly enhance the site's existing character and biodiversity value.

The proposed landscaped open spaces are designed to be diverse, offering a variety of experiences and opportunities for outdoor gatherings. The development's architectural form and landscaped scale will positively impact the locality's character, aligning sympathetically with surrounding developments such as the German School, Hills Marketplace, Miramare Gardens, Flower Power, and the broader streetscape.

The site will be densely landscaped with 8,326 plants proposed in a variety of planting types, including trees, shrubs, climbers, groundcovers, of which 90.2% are native species. The landscaping will provide a substantially improved landscaped outcome for the site and the surrounding precinct that will enhance the landscaped character of the existing streetscape and provide more than double the number of trees and vegetation that previously existed on the site. This is consistent with the objectives of the D1 DCP landscaped open space control provision.

Several other developments in proximity to the site have received approval despite not fully complying with the Landscaped Open Space control. This includes:

- Miramare Gardens - DA2019/0280 was determined for approval in 2019. The development provides landscaped open space of 53.54% of the site area.
- Flower Power – DA2023/1224 as determined for approval in June 2024. The development provides landscaped open space of 17.9% of the site area.
- The Hills Marketplace – DA2023/0803 was determined for approved in June 2024. The development provides landscaped open space of 51.5% of the site area.

These precedents demonstrate an acknowledgement from Council and the Local Planning Panel that variation to the control based upon merit can be supported.

The need to consider this DCP provision on merit is further discussed in the recent Council Assessment Report of alterations and additions to the Flower Power Garden Centre, located at 62 Myoora Road Terrey Hills (DA/2023/1224) and approved by the Local Planning Panel on 10 June 2024, which notes:

It should also be noted that the landscaped area control is intended to apply to permissible land uses anticipated for the site, being uses more readily able to provide landscaped area (such as agricultural, production, certain residential uses, and more). The proposed development benefits from being an additional permitted use (being a garden centre, as per Schedule 1 Clause 18 of the WLEP 2011). This means that the proposed development is a use that was not initially accounted for in preparation of the applicable landscaped area control for the site.

The proposed restaurant use also benefits from being an APU under Schedule 1 of WLEP 2011 and as such a flexible approach to meeting this DCP control is reasonable. The applicant has made every effort to maximise the delivery of high-quality landscaped open space at the site whilst balancing the need for adequate servicing, car parking and loading to ensure there is no adverse impact on the surrounding area.

As per the planning principles of *Stockland Development Pty Ltd v Manly Council* [2004] NSWLEC 472, the weight to be given to a DCP is influenced by whether the control has been consistently or selectively applied in previous DAs. As the control has been selectively applied for sites that benefit from the APU under Schedule 1, Clause 18 of the WLEP 2011, it is considered reasonable that this flexible approach is also applied in this circumstance.

The proposal provides a reasonable alternative to the minimum landscaped open space control through provision of high-quality, comprehensive landscaping and achieves the objectives of the DCP provision notwithstanding the non-compliance, consistent with the provisions of Section 4.15(3A) of the EP& Act.

In summary, the minor non-compliance with the quantity of Landscaped Open Space can be supported due to the thoughtful design, superior quality of the proposed landscaped zones, and the permissible use of the site as a restaurant (an APU) which was not initially accounted for in the preparation of this DCP control.

6.3. TRAFFIC AND ACCESS

Traffic have prepared a Traffic Impact Assessment at **Appendix G**.

The site is located on Mona Vale Road, which is a Transport for NSW (TfNSW) classified Main Road that traverses north-east to south-west between Mona Vale in the east and Pymble in the west. Myoora Road is a local road.

Vehicular Access

The development provides a combined 6.0-metre-wide access driveway on Myoora Road which is provided sufficient to accommodate all vehicle movements to and from the subject site, including the largest service vehicle required to access the site (an 8.8m MRV). Access is not proposed from Mona Vale Road and the existing vehicular access will be closed.

The internal configuration of the car park has been designed in accordance with AS 2890.1 (2004), AS 2890.2 (2018) and AS 2890.6 (2009).

Parking Provision

The proposal provides a total of 297 car parking spaces including 156 spaces in the basement car park, 67 at grade (including five accessible parking spaces), and an additional 74 parking spaces within the 'overflow' parking area on the southern portion of the site, adjacent to restaurant 3.

The overflow parking area will be used as landscape space for most of the week and will only be utilised when the basement and at grade car park is at 85% capacity (when 190 spaces are occupied). This is likely only required at peak times. Operational measures for the overflow car park are proposed in the management plan at **Appendix Z**, and includes:

- Duty manager will review restaurant bookings to anticipate patron attendance.
- Duty manager will physically review car park capacity on site each hour.
- When at least 190 parking spaces or more are occupied (85th percentile design occupancy of the onsite carpark containing 223 spaces), the overflow carpark is to be opened and the digital overflow carpark signage is to be activated, directing new vehicle arrivals to the overflow carpark.

The proposed parking capacity is less than the minimum requirement of the DCP of 388 spaces on the site by 91 spaces.

Traffic have considered the TfNSW Guide to Traffic Generating Developments Guidelines (2002) (**TfNSW Guidelines**) and a review of publicly available traffic surveys of another comparable development in the surrounding area to determine the adequacy of the parking provision. These alternative provisions are as follows:

- The TfNSW Guidelines applies the following rate for restaurants:

Peak Parking Demand = No. of Seats x Design Occupancy x Modal Split for cars.

A publicly available Parking and Patronage Impact Statement was prepared by McLaren Traffic Engineering (McLaren document reference: 17344.03DB, dated 10th January 2018) for the nearby Terrey Hills Tavern. The Report identifies an average of 44.3% of patrons arrived by private vehicle and parked across the four days surveyed.

- Therefore, there is a requirement to provide at least 297 spaces for 794 patrons when applying TfNSW's alternative parking assessment criteria having regard for the parking surveys undertaken in 2017 by McLaren Engineering in accordance with TfNSW's suggested methodology.

In response, 297 parking spaces are provided. This level of provision is considered appropriate in the circumstances in accordance with the survey-based assessment as permitted under TfNSW Guidelines.

In addition, the development proposes:

- Operation of a courtesy bus with pick-up and drop-off services during peak operating times servicing the local area. This would significantly reduce parking demands and measures are outlined in the Operational Management Plan at **Appendix N**.
- Implementation of a Green Travel Plan as a condition of consent. The operator is committed to preparing and implementing this plan.
- Five motorcycle parking spaces.
- Five accessible parking spaces. This is in accordance with the requirements of the Building Code of Australia which will require a minimum of one (1) space per 50 spaces or part thereof.

These measures will further reduce reliance on parking spaces associated with private vehicle trips and encourage travel to and from the proposed development using more sustainable modes of transport. The parking supply is therefore considered acceptable.

Bicycle Parking and EOTF

The Warringah DCP does not provide a minimum bicycle parking rate for restaurant land uses and requires justification for the nominated rate is to be made by reference to the rates specified in the NSW Planning Guidelines for Walking and Cycling or Austroads Guide to Traffic Engineering Part 14 – Bicycles.

The Traffic Report justifies the provision of 10 bicycle parking spaces on the site as follows:

- The site is located within an outer Sydney suburb (Terrey Hills) with no formal cycle lanes or cycle paths connecting the subject site with the surrounding road network. It is not likely that patrons will travel long distances given that Mona Vale Road (a TfNSW Main Road) does not provide formal cycle lanes or cycle paths and the site can only be accessed by Mona Vale Road for patrons arriving from Terrey Hills.
- The traffic surveys undertaken of the Terrey Hills Hotel provided by McLaren Engineering and appended to the Traffic Report, demonstrated that no patrons arrived by bicycle.

Traffic consider the demand for bicycle parking on the site is minimal and therefore the provision of ten bicycle parking spaces is acceptable.

Loading and Servicing

Loading and servicing will occur on site within the loading dock adjacent to the kitchen area. The loading dock can accommodate vehicles up to an including 8.8m Medium Rigid Vehicles (MRV's). There is a single operator for the site and as such all loadings will be managed to avoid any potential overlap of deliveries and servicing.

Traffic Generation

Traffic generation of the proposed development to the external surrounding road network have been assessed having regard for the requirements of the TfNSW Guidelines applicable to restaurants. The TfNSW Guidelines identifies restaurants attract a vehicle trip rate of 5 vehicle trips/100m² GFA during the weekday afternoon peak.

The weekday afternoon peak between 4:00pm - 6:00pm and the Saturday lunchtime peak between 10:00am -2:00pm was assessed in order to capture peak weekday and Saturday lunchtime trading periods

Based upon a consideration of existing traffic generation and the proposed GFA, the development is likely to result in a net increase of 129 vehicles / hour compared to existing condition during weekday and Saturday peak.

Traffic surveys have been conducted on Friday 5 April 2024 and Saturday 6 April 2024 during the critical evening network peak between 4:00pm-6:00pm and between 10:00am- 2:00pm on Saturday at:

- the intersection of Mona Vale Road / Aumuna Road / Kamber Road (south approach and north approach); and
- the intersection of Aumuna Road / Myoora Road.

The SIDRA intersection analysis has been undertaken for the existing scenario and the existing + development scenario. This assessment finds:

- There is no change in the level of service (**LoS**) at the intersections in either the weekday or Saturday peak as a result of the development.
- There is a minor increase in the average delay at the intersection of Mona Vale Road / Aumuna Road / Kamber Road at both the south approach and north approach. The increase is 1.4 seconds (weekday) and 70 seconds (Saturday) at the north approach and only 1 second increase at both weekday and Saturday at the south approach.

The impact on the operation of this intersection at the Saturday peak is further assessed by Traffix, who note the LoS is caused by vehicles waiting to turn right from Aumuna Road, eastbound onto Mona Vale Road, southbound and vehicles waiting to turn right from Kamber Road, westbound onto Mona Vale Road, northbound. This is in conjunction with existing high traffic volumes in both directions along Mona Vale Road resulting in delays of more than one (1) minute in many instances for vehicles waiting to turn right onto Mona Vale Road.

Traffix have reviewed the survey video footage during the Saturday lunchtime peak and the SIDRA modelling results of the intersection. The results demonstrate there are inherent delays associated with vehicles waiting to turn right onto Mona Vale Road in both directions under the existing arrangement causing the intersection to fail which is unrelated to any future vehicle trips associated with the proposed development.

- The development does not consider diversionary effects, which will further reduce the traffic impact.

Traffic conclude the impacts to traffic on the existing external road network and surrounding intersections are considered acceptable and consistent with existing intersection performance parameters.

6.4. NOISE AND VIBRATION

A Noise Impact Assessment (NIA) has been prepared by Muller Acoustic Consulting Pty Ltd and is appended as part of this application. The NIA has been undertaken in accordance with the relevant standards and policies and has identified potential noise impacts associated with the operation of the proposed licensed premises.

Existing Environment

The assessment has identified that the existing noise environment of the site is dominated by traffic noise along with industrial and commercial noise during the day. At night the noise environment is dominated by traffic noise.

The nearest residential receivers to the site are identified as being properties to the northwest of the site, beyond Myoora Road and to the south east of the site, facing Mona Vale Road as illustrated in **Figure 18**. The site is surrounded by four residential receivers, five commercial receivers and one industrial receiver.

To quantify the existing background noise environment of the area, unattended noise monitoring was conducted on the site (L1 in the below figure). The unattended noise survey was conducted in general accordance with the procedures described in Standards Australia AS 1055:2018, "Acoustics – Description and Measurement of Environmental Noise". To supplement the unattended noise assessment and to quantify the changes in ambient noise in the community surrounding the operation, one 15 minute attended measurement was completed on 30 May 2024.

Figure 19 Surrounding Residential Receivers



Source: MAC – Noise Impact Assessment

Operational Noise Assessment

The proposed development is seeking consent to operate from 7am to 12am daily. There are several key activities associated with the development that have the potential to generate noise impacts to the

surrounding receivers, these include: patrons in internal and external dining areas, children in the playground, outdoor live performances, vehicular movements and mechanical plant.

A computer model was developed to quantify project noise emissions to neighbouring receivers using DGMR (iNoise, Version 2024.1) noise modelling software. The noise modelling is based upon the following assumptions:

- Maximum capacity across the site.
- External amplified music performance is undertaken on the outdoor stage only. The acoustic barrier around the rear of the stage area is proposed as part of the development.
- All glazing is a minimum of 6mm in thickness.
- Restaurant 1 air conditioning and plant is in the basement, and Restaurant 2 and 3 air conditioning and plant is on the roof.

The predicted noise level of the site operation based upon the modelling results have been assessed against the project noise trigger level (**PNTL**), which is the lower of either the project intrusiveness noise level or the project amenity noise level.

Table 9 Summary of noise assessment of daily operation

Receiver	Period	Project noise trigger level DB LAEQ (15MIN)	Predicted noise level DB LAEQ(15MIN)
Residential	Day	50	35 – 38
	Evening	45	35 – 38
	Night	38	35 – 38
Commercial	When in use	63	35 – 51
Industrial	When in use	68	<35

The findings demonstrate

- The predicted noise level will comply with the PNTL at all receivers.
- Heavy vehicle deliveries and waste collection are expected to be undertaken once per day, during the day, evening or night periods. Deliveries or waste collection usually take several minutes, but to present a conservative assessment, it has been assumed that it would take up to 15 minutes to complete. The noise assessment finds noise associated with deliveries and waste collection will comply with the PNTL at all receivers.
- Sleep disturbance is not anticipated, as emissions from maximum noise events (ie impact noise from door slams or deliveries) are predicted to satisfy the NPIs maximum noise trigger levels.
- Modelled noise emissions from licensed premises sources such as amplified performances and patron noise, are also below the adopted licensed premises threshold level and are not expected to unduly disturb the quiet and good order of neighbourhood. It is noted that noise from licensed premises sources such as patrons and amplified music performance are subject to regulation by Liquor and Gaming NSW (**L&GNSW**) following the release of the Disturbance Complaint Guidelines. As of 1 July 2024, L&GNSW are the lead regulator for addressing noise complaints under the Liquor Act and the operation of the premises will be in accordance with requirements from L&GNSW.
- The cumulative site assessment from operational sources and licensed premises sources demonstrates that received noise levels are predicted to be from 5dB to 26dB below existing ambient noise levels at the assessed residential receivers. The results demonstrate the cumulative whole premises will not result in an increase in existing ambient noise levels.

Notwithstanding, mitigation measures and management strategies have been recommended by Muller Acoustic Consulting to further protect the amenity of the neighbourhood. These are detailed in Section 8 of the NIA and relate to operation of the premises, and as such will be reflected within the final Operational Plan of Management.

Construction Noise

The NIA has also considered the impacts of the noise emissions to surrounding receivers during the construction of the development.

The assessment has concluded that the modelled construction noise emissions will remain below the required construction noise levels at all the assessed receivers, subject to the implementation of standard mitigation measures.

Examples of standard mitigation measures have been included in Section 3.3.3 of the NIA and broadly relate to: implementing community consultation or notification measures, site inductions, minimising disturbances arising from the delivery of goods to sites, shielding stationary noise sources and shielding sensitive receivers from noise activities.

6.5. TREE REMOVAL

6.5.1. Arborist Assessment

An Arborist Impact Assessment and Tree Protection Plan has been prepared by Anderson Environment & Planning (AEP) to address the potential Arboricultural impacts from the proposed development and associated civil infrastructure.

The existing site has a highly disturbed condition, with the majority of the site previously cleared. Vegetation is largely located within the central to north western portion of the site, and is characterised by grasslands dominated by non-native species.

The Arborist Impact Assessment has assessed 24 trees on the site and surrounding area. Of these trees:

- Twelve (12) will require removal
- Twelve (12) trees within proximity to the development footprint can be retained subject to the implementation of tree protection measures, as outlined in the Arborist Impact Assessment.

A number of trees were identified by the arborist as being listed on Councils "Exempt Species List" and therefore do not require development consent to be removed. The trees that are proposed to be retained will require the implementation of tree protection measures as outlined in section 7.2 of the Arborist Report. These can be conditioned under the development consent.

6.5.2. Flora and Fauna Assessment

An Ecological Assessment Report has been prepared by AEP to investigate the potential impact of the development to biodiversity at the site. The assessment comprised a site inspection and desktop assessment of available information, and finds:

- The existing site is in a highly disturbed condition with majority of the site having been previously cleared.
- The site is not identified as containing biodiversity values and does not trigger the requirement for entry into a Biodiversity Offset Scheme.
- The site is largely over run by exotic species.
- The site does not contain any endangered or threatened species.
- The habitat value of the site is considered to be low.

The assessment has determined that the proposal is unlikely to have significant impacts to ecological communities and threatened species.

The following recommendations are provided to mitigate potential impacts to local biodiversity:

- A staged approach to clearing is to be undertaken to provide fauna the opportunity to disperse outside the area of impact
- Clearing should occur in a direction from previously disturbed lands towards retained lands;
- All clearing works to be attended by a suitably equipped and experienced ecologist to deal appropriately with any displaced fauna species;

- All hollow bearing features (if located on site following pre-clearance surveys) will be sectionally lowered by tree climbers (where safe to do so);
- Any fauna rescued during vegetation clearing is to be assessed for injuries, and subsequently released to a suitable nearby location; this may require holding fauna until dusk for release in accordance with relevant animal ethics licencing and standards;
- If any fauna is injured during vegetation clearing, they are to be taken promptly to a nearby veterinarian or suitable wildlife carer contact;
- In addition, prior to clearing of any vegetation, an ecologist is to inspect the area for any signs of resident fauna requiring attention, and in particular nesting birds. Where such is identified, appropriate strategies are to be developed and instigated to minimise impacts. Pre-clearance surveys to include diurnal surveys, stag watching and nocturnal surveys; and
- Civil Construction staff to be inducted into pre-clearing and clearing protocols, and to identify environmental features for protection.

Subject to the implementation of these protocols, no significant impacts to flora or fauna are anticipated as a result of the development. These controls can be conditioned under the development consent.

6.6. GROUND AND WATER CONDITIONS

A Geotechnical Report has been prepared by Fortify Geotech for the proposed development. The purpose of the investigation was to obtain geotechnical information on the subsurface conditions at the site and to provide recommendations on excavation conditions, hydrogeological conditions, footing design and foundation slabs.

The report is informed by a site investigation was conducted on the 2 and 3 May 2023, which comprised the drilling of twenty boreholes.

The investigation found:

- The subsurface profile lot to comprise: top soil/ fill, Alluvium/ residual soil and weathered Bedrock.
- The site is classified as Class M “moderately reactive” as the soils are subject to potential shrink/swell movements that occur due to seasonal ground moisture changes.
- Permanent groundwater was not encountered within the investigation depth, however some of the encountered soils were moist and moist to wet due to perched seepages at shallower depths. Temporary, perched seepages could be encountered at shallower depths following rainfall within the more pervious soils. Although the depth of excavation has significantly increased from the date of undertaking the site investigation for the site, from up to 3 m to up to 10 m below current surface levels, NSW publicly available groundwater monitoring wells in proximity to the site report groundwater levels in the area at depths greater than 45m below surface levels. This suggests that it is unlikely that groundwater will be intersected during excavation works.

The report recommends the Deemed-to-comply footing designs provided by AS2870 are implemented and that suitable surface drainage should be provided to ensure rainfall run-off or other surface water cannot pond against buildings or pavements. Drainage should be provided behind all retaining walls, and subsoil drains should be installed along the upslope sides of access roads and carparks. This has been considered as part of the stormwater design for the site.

Excavation to a depth of RL173.3 will be required for the proposed basement structure. Excavation will penetrate through existing topsoil/fill, alluvial/residual material and into weathered sandstone bedrock. During excavation, land support will be required as outlined below.

Temporary Excavation Support

Where space limitations preclude battering back to stable slopes, temporary support options include sheet piles or contiguous soldier piers with tie-back anchors, and horizontal lagging or reinforced shotcrete supporting the spaces between piers.

Permanent Excavation Support

Permanent basement support will also be required. Permanent batters will be required and should be formed no steeper than 2(H):1(V) (this means that for every 2 units of horizontal distance (H), there should be 1 unit

of vertical drop (V)). Permanent basement walls can be integrated into the temporary excavation support systems or constructed separately. Where they are constructed separately, the space between the temporary supports and the permanent walls should be filled in (backfilled) or supported by horizontal beams (struts). The basement is to be designed to ensure appropriate drainage.

For construction of any new fill foundation platforms and road subgrades, it is recommended that:

- Areas be fully stripped of all existing uncontrolled fill, any loose and moisture affected soils. A general stripping depth of 0.25m/2.8m is expected. Stripped foundations should be proof-rolled by a vibratory pad-foot roller of not less than 9 tonne static mass to check for any weak or wet areas that would require replacement. No fill should be placed until a geotechnical engineer has confirmed the suitability of the foundation.
- Controlled fill comprising suitable site excavated or imported materials of not greater than 75mm maximum particle size, be compacted in not greater than 150mm layers to not less than 98%StdMDD at about OMC. Any unsuitable existing fill (e.g. silty soils) is not to be used as controlled fill.
- Fill placement and control testing be overviewed and certified by a geotechnical engineer at Level 1 or 2 involvement of AS3798 – 2007 “Guidelines on Earthworks for Commercial & Residential Developments” (Reference 3).

Landslip Risk

An assessment of landslip risk has been undertaken by Fortify Geotech. The complete assessment has been included in the Geotechnical Report attached at Appendix I. The assessment concluded that provided the design and construction of the proposed development is undertaken in accordance with accepted procedures for hillside construction and treatments are carried out to reduce potential hazards, the risk is no higher than normally acceptable for development.

Fortify Geotech recommend the following measures are implemented to reduce the risk level of slope instability during construction:

- The slope along Myoora Road (northern boundary of the site) is to be cleared of all fallen trees and loose soil, and regraded to a suitable batter angle for a permanent slope. If required, stabilisation measures such as terracing, soil removal and recompaction, geocells or retaining walls should be implemented to improve stability.
- Any new material placed on the slope should be adequately benched into the existing slope to prevent the creation of preferential failure planes and the slope should be inspected an experienced geotechnical engineer to assess its stability prior to any filling operations.
- Adequate drainage should be maintained across the site and where possible, existing vegetation should be retained.

6.7. OTHER IMPACTS OF THE DEVELOPMENT

A summary of the other impacts of the development is included in **Table 10** below.

Table 10 Other Impacts of the development

Impact	Assessment	Report Reference
Sydney Water	The development will connect to Myoora Road services for water and wastewater connections via the existing service line. The project Sydney Water coordinator, RARI Steve Rimmer, have engaged with Sydney Water to determine capacity of the Myoora Road service line. The pressure and flow inquiries from Sydney Water (attached at Appendix AA) for services on Myoora Road and Mona Vale Road demonstrates that there is sufficient capacity in surrounding utilities to support the development.	Statement of Pressure and Flow at Appendix AA

Impact	Assessment	Report Reference
Accessibility	<p>The Access Report prepared by Purple Apple Access confirms that the development is capable of achieving compliance with current statutory requirements, subject to further detailed design at the construction stage. A wide range of disabilities have been considered in the design development to ensure the inclusion of all users.</p>	Access Statement at Appendix T
National Construction Code	<p>Philip Chun have undertaken a BCA Review of the proposed development for compliance with the deemed to satisfy provisions of the Building Code of Australia, which is contained within Volume 1 and 2 of the NCC 2022. The report confirms the development can comply with the BCA, or can comply through detailed provisions or a fire engineered performance solution at the CC stage. A Fire Engineering DA Support Letter has been prepared by Red Fire Engineers to confirm the departures listed in the BCA Review can be supported by a fire engineered performance solution.</p> <p>Efficient Living have assessed the development against the requirements of Section J of the NCC 2022, to demonstrate the development can comply subject to detailed design.</p>	BCA Statement at Appendix U Fire Engineering Letter at Appendix V Section J Statement at Appendix R
Air Quality/O odour	<p>The development proposes use of outdoor wood-burning fire-places, fire pits and wood-fired cooking methods, with emissions ranging throughout the day. The air control measures for managing emissions from the wood-fired cooking will include a kitchen ventilation extraction system with ventilation hoods positioned above the wood-fired cooking points. The air control measures for managing emissions from the wood-fired cooking will include a kitchen ventilation extraction system with ventilation hoods positioned above the wood-fired cooking points.</p> <p>Other potential air emissions include odour from storage and handling of waste.</p> <p>Todoroski Air Sciences have prepared an Air Quality Statement to provide a qualitative analysis of potential air quality impacts associated with the development.</p> <p>The Statement finds the potential air emissions associated with the wood-burning fireplaces are expected to be easily managed with good operational practices which will be adopted by the site operator.</p> <p>Potential air emissions will most likely be subject to similar wind patterns and be reasonably well distributed through the year. This means that it is unlikely for nearby residential receptors to remain downwind of the operations for extended periods of time and overall, the prevailing dispersion conditions should allow for air emissions from the Project to be reasonably well dispersed before reaching any residential receptors.</p>	Air Quality Statement at Appendix X
Operational Waste Management	<p>An Operational Waste Management Plan (OWMP) has been prepared by Elephants Foot and is appended to this application.</p> <p>Waste disposal and collection will be managed by the Boathouse Group. The OWMP confirms that the proposed development will provide waste rooms for waste storage in accordance with the spatial requirements.</p>	OWMP at Appendix M

Impact	Assessment	Report Reference
	<p>Based on the estimated waste and recycling volumes generated by the restaurants, the recommended bin quantities and collection frequencies are as follows:</p> <p>General Waste: 6 x 1100L bins collected 5 x weekly (or as required).</p> <p>Recycling: 5 x 1100L bins collected 5 x weekly (or as required).</p> <p>On completion of each trading day or as required, nominated staff or contracted cleaners will transport all general waste and recycling to the bin storage room, and place into the appropriate receptacles. On the day of service, a private waste collection vehicle will enter the site from Myoora Road and park in the loading bay. Collection staff will service the bins via an onsite collection arrangement directly from the bin storage room. Once the bins are serviced, the collection vehicle will exit the site onto Myoora Road in a forward direction.</p>	
<p>Demolition and Construction Waste</p>	<p>A Demolition and Construction Waste Management Plan has been prepared by Elephants Foot Consulting and is appended to this application. The Plan has considered the Northern Beaches Waste Management Guidelines 2016, along with other relevant policies.</p> <p>The WMP recommends the following was management strategies are implemented to increase construction and demolition recycling, increase waste diverted from landfill, reduce litter and reduce illegal dumping:</p> <ul style="list-style-type: none"> ▪ Re-use of excavated material on-site and disposal of any excess to an approved site; ▪ Green waste mulched and re-used on-site as appropriate, or recycled off-site; ▪ Bricks, tiles and concrete re-used on-site as appropriate, or recycled off-site; ▪ Plasterboard waste returned to supplier for recycling; ▪ Framing timber re-used on site or recycled off-site; ▪ Windows, doors and joinery recycled off-site; ▪ All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with WorkCover Authority and EPA requirements; ▪ Plumbing, fittings and metal elements recycled off site; ▪ Ordering accurate quantities of materials and prefabrication of materials where possible; ▪ Re-use of formwork; ▪ Careful source separation of off-cuts to facilitate re-use, resale or recycling. <p>By implementing the above it is expected that 99.7% of demolition waste and 98.6% of construction waste will be diverted from landfill.</p>	<p>Demolition and Construction Waste Management Plan at Appendix L</p>
<p>Construction</p>	<p>A Construction Site Management Plan and Construction Traffic Management Plan have been prepared by Richmond and Ross and are appended to this application.</p>	<p>Appendix S and Appendix FF</p>

Impact	Assessment	Report Reference
	<p>The CMP identifies the proposed vehicular and pedestrian entry points during the construction stage. Project signage and fencing is proposed to ensure the safety of contractors and a designated area for contractor car parking has been proposed.</p> <p>The TCP identifies the measures to be implemented during construction to minimise adverse impacts to traffic. Certified traffic controllers will be used to assist with truck arrivals and departures to ensure the safety of pedestrians and cyclists. Signage will also be installed in accordance with the relevant guidelines and in accordance with the plan.</p> <p>Importantly, all construction car parking will be accommodated on site, ensuring that impacts to street parking and traffic along Myroora Road are minimised.</p>	
Economic Impact	<p>The proposal will result in positive economic impacts. The proposal will facilitate employment generation during the construction phase and will also provide greater than 40 operational jobs.</p> <p>The proposal will revitalise the site and provide a destination hospitality venue to the area, attracting visitors and boosting the local economy.</p>	Throughout SEE
Social Impact	<p>The proposal will provide attractive new restaurant spaces for the community to meet and gather, improving social cohesion. It will also provide positive social impacts by providing employment opportunities for more than 40 staff.</p>	Throughout SEE

7. CONCLUSION

The SEE demonstrates the proposed development is appropriate for the site and the locality as summarised below:

- ✔ **Satisfies the applicable local and state planning controls:** The proposed development is consistent with the relevant state and local planning controls. Where variations are proposed to the relevant planning controls, the objectives and intent of these provisions have been met.
- ✔ **Responds positively to the surrounding site context:** The proposed development provides a design response that is respectful of the site's emerging mixed-use character. The scale, built form and character of the development is consistent with the emerging character of the area.
- ✔ **Has limited, negative environmental, social, economic impacts:** The proposed development will provide a positive social and economic contribution to Terrey Hills through the provision of a high-quality hospitality venue. There will be no unacceptable adverse environmental, social or economic impacts as a result of the proposed development.
- ✔ **Is in the public interest:** The proposal will revitalise a currently under-utilised site, providing a high-quality restaurant venue for the community to enjoy. The development will create increased employment opportunities and stimulate the local economy.

Accordingly, it is submitted that the proposal is in the public interest and should be approved subject to appropriate consent conditions.

DISCLAIMER

This report is dated 4 October 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of GARDOXI PTY LTD (**Instructing Party**) for the purpose of Statement of Environmental Effects (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

SURVEY PLAN

APPENDIX B

ARCHITECTURAL PLANS

APPENDIX C

LANDSCAPE PLANS

APPENDIX D

CIVIL PLANS

APPENDIX E

ESTIMATED DEVELOPMENT COST REPORT

APPENDIX F

DESIGN REPORT

APPENDIX G

TRAFFIC IMPACT ASSESSMENT

APPENDIX H

ACOUSTIC REPORT

APPENDIX I

GEOTECHNICAL INVESTIGATION AND STABILITY ASSESSMENT

APPENDIX J

DUE DILIGENCE ENVIRONMENTAL SITE ASSESSMENT

APPENDIX K

REMEDIATION ACTION PLAN

APPENDIX L

**CONSTRUCTION AND DEMOLITION
WASTE MANAGEMENT PLAN**

APPENDIX M

**OPERATIONAL WASTE MANAGEMENT
PLAN**

APPENDIX N

OPERATIONAL MANAGEMENT PLAN

APPENDIX O

**ARBORICULTURAL ASSESSMENT
REPORT**

APPENDIX P

BUSHFIRE HAZARD STATEMENT

APPENDIX Q

SUSTAINABILITY REPORT

APPENDIX R

SECTION J REPORT

APPENDIX S

**CONSTRUCTION SITE MANAGEMENT
PLAN**

APPENDIX T

ACCESS STATEMENT

APPENDIX U

BCA ASSESSMENT

APPENDIX V

FIRE ENGINEERING SUPPORT LETTER

APPENDIX W

ECOLOGICAL ASSESSMENT

APPENDIX X

AIR QUALITY STATEMENT

APPENDIX Y

STORMWATER MANAGEMENT PLAN

APPENDIX Z

**OPERATIONAL MANAGEMENT PLAN –
OVERFLOW CAR PARK**

APPENDIX AA

WATER SERVICES LETTER

APPENDIX BB

DCP COMPLIANCE TABLE

APPENDIX CC

**PRE-LODGEMENT ENGAGEMENT
SUMMARY**

APPENDIX DD PHOTOMONTAGES

APPENDIX EE SEATING PLAN

APPENDIX FF CONSTRUCTION TRAFFIC MANAGEMENT PLAN

