



STATEMENT OF  
ENVIRONMENTAL  
EFFECTS  
DEVELOPMENT  
APPLICATION

62 MYOORA ROAD,  
TERREY HILLS

25 August 2023

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## SUPPORTING DOCUMENTATION

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

## 1.0 INTRODUCTION

- 1.1 This Statement of Environmental Effects has been prepared by LJB Urban Planning Pty Ltd to support an integrated development application for the alterations and additions to the existing Flower Power Garden Centre, to provide additional retail floor area and car parking.
- 1.2 This application is prepared by LJB Urban Planning on behalf of Flower Power Pty Ltd.
- 1.3 The subject site is located at 62 Myoora Road, Terrey Hills.
- 1.4 Flower Power Garden centres are located all across Sydney, and they are located in many different locations with most being within residential or rural areas. The existing Terrey Hills Store does not have sufficient capacity to meet Flower Powers business model which seeks to provide a range of complimentary uses as part of the garden centre and sufficient parking to cater for the needs of customers.
- 1.5 This is the direction of Flower Power to remain competitive in the market. Flower Power have retrofitted many of their stores to bring in these complimentary uses, and gradually will further upgrade or redevelop stores to ensure they are fit for purpose. An example of a recent redevelopment using this business model approach is Flower Power at Milperra. All Flower Power stores are uniquely designed to suit the area and the site constraints.
- 1.6 Flower Power previously submitted a Development Application to Northern Beaches Council for the demolition of all buildings and erection of a new garden centre on the site including substantial excavation for a new under croft carpark. Given the change in the market and the increasing cost of construction, Flower Power were unable to fund the major redevelopment and therefore the application was withdrawn.
- 1.7 This new application seeks alterations and additions to the existing garden centre, while providing floor space for the complimentary uses such as: fruit shop, pet shop, landscaping shop and new café area, along with additional parking spaces. The current DA retains part of the existing garden centre and carparking areas with the addition of new buildings and additional carparking.
- 1.8 Given the nature of the business, the landscape design is a critical component of the overall site design. The proposed works will be an extension of the existing buildings and will be arranged in an L-shape towards the south-western corner of the site with a separate landscape shop positioned toward the western boundary, adjacent to Myoora Road.
- 1.9 Based on the unique circumstances of this site and to achieve a balance between the needs of the business and the interface with surrounding properties, the extension of the existing garden centre is a more suitable outcome and will enhance the streetscape with improved landscaping and setbacks along all street frontages.
- 1.10 This development application seeks approval for the following:
  - Demolition of all buildings except the main garden centre building and retention of the existing garden centre building and open nursery area.
  - Removal of trees

- Erection of a new building connecting to the existing garden centre building to extend the floor area of the garden centre and provide additional retail uses including a pet store, fruit shop and café and children's outdoor play area. The buildings are part one and two storey.
- Erection of a single storey building in the north western corner of the site to contain the landscape shop and associated open bulky goods area.
- Truck access to the loading area and vehicle access to the bulky goods off Myoora Road.
- Retention of existing entry off Cooyong Road and introduction of additional entry/exit point mid way along Cooyong Road.
- Closure of the Mona Vale Road vehicular entry.
- Shifting of the existing car parking spaces adjacent to Mona Vale Road to the west to introduce a landscaped setback along the Mona Vale Road frontage. Extension of the existing car parking area adjacent to Cooyong Road and additional parking along the southern side of the main building. The combined parking areas will accommodate a total of 259 vehicles (includes 8 accessible car spaces).
- Provision of one (1) new sign, to be positioned along the Mona Vale Road building elevation to be associated with the new use.

1.11 The redevelopment will result in 5,870m<sup>2</sup> of gross floor area, this includes storage and amenities.

1.12 Prior to lodgement of this Development Application an informal Pre-DA meeting was held with Northern Beaches Council. No formal feedback was given but discussions and issues, raised verbally, have been considered in the final design of the redevelopment for the existing garden centre.

1.13 The accompanying package includes the architectural plans and consultants' reports, which have evolved in consideration of the comments provided on the previous DA and informal Pre-DA meeting held with Council on 14 February. The key feedback at that meeting included:

- Council's desire for a landscaped interface to be achieved to the Mona Vale Road frontage although noting that the existing car parking spaces were to remain in this location.
- Increased setbacks to the building on the corner of Cooyong & Myoora Road.
- TfNSW will likely again require closure of the Mona Vale Road vehicular entry
- Consideration of the movement of vehicles and trucks around the site and the potential impacts to surrounding users.
- Overall Council were supportive of the smaller scale scheme subject to improvements to the setbacks.

1.14 The submitted architectural drawings has been refined to address the comments provided with a key focus on delivering a Garden Centre that will provide a lushy landscape setting along all street frontages and remain lower in scale.

1.15 The design of the altered and extended main building, location of car parking and landscaping will result in an improved streetscape that will enhance the surrounding locality and enable tree planting and significant plantings to contribute to the bushland setting along Mona Vale Road.

- 1.16 In addition to the above, matters raised during the public notification of the previous DA have been considered in this application. Key issues raised were in relation to traffic and parking and the potential impacts to Terrey Hills Public School. These are addressed in Section 4.5 of this report.
- 1.17 The site is ideal for a continuing garden centre and the associated ancillary uses, given the proximity to the Mona Vale Road and nearby residential uses. The continuing use and new works will not detrimentally affect nearby residents and can be suitably managed by way of an operational management plan for the day-to-day operations of the business.
- 1.18 This report provides information on the subject site, the proposed development and undertakes an assessment against the relevant heads of consideration set out in the Environmental Planning and Assessment Act 1979.

## 2.0 SITE DESCRIPTION

### Subject Site

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



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

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

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

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





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



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



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





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



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



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



## Surrounding Context

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



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



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

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



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

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



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





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

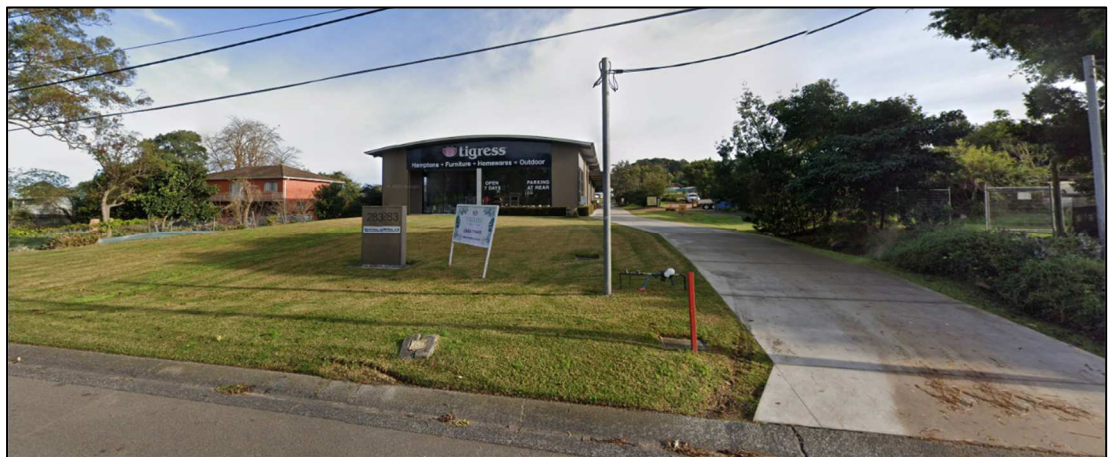


Figure 13: Looking west from Mona Vale Road towards Tigress Furniture shop at 283 Mona Vale Road (Source: Google Maps).



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

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



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

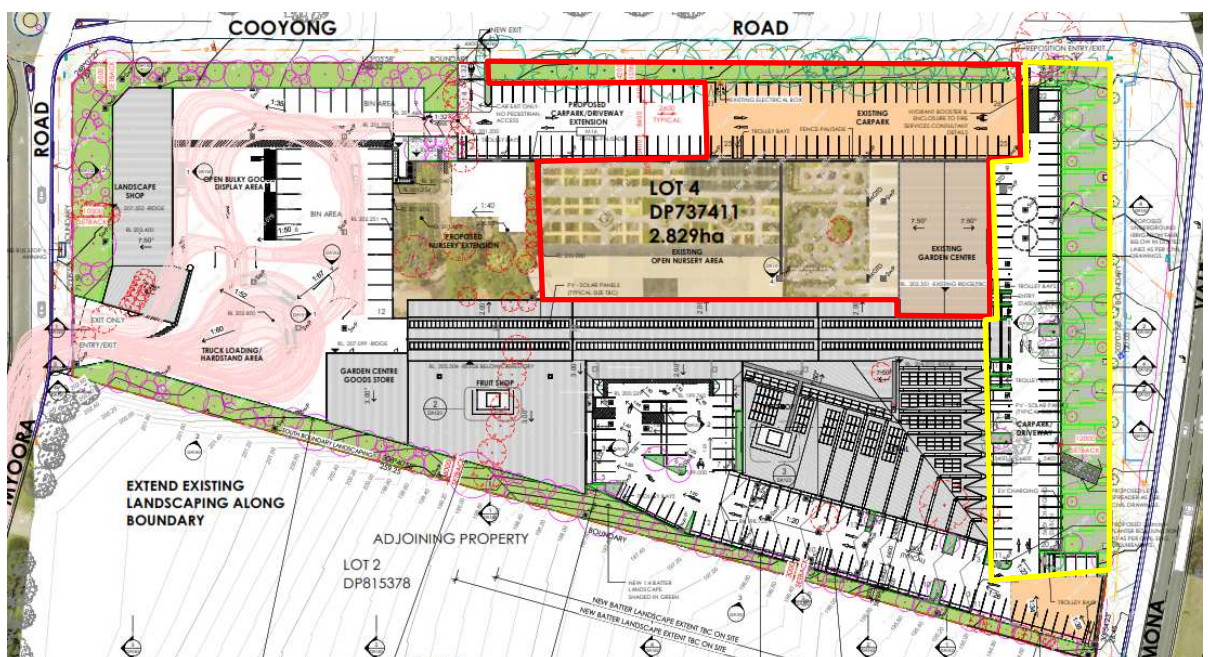


### 3.0 PROPOSED DEVELOPMENT AND JUSTIFICATION

3.1 This Development Application seeks consent for alterations and additions to the existing garden centre. Specifically the application includes the following:

- Demolition of all buildings except the main garden centre building and retention of the existing garden centre building and open nursery area.
- Removal of trees
- Erection of a new building connecting to the existing garden centre building to extend the floor area of the garden centre and provide additional retail uses including a pet store, fruit shop and café and children's outdoor play area. The buildings are part one and two storey.
- Erection of a single storey building in the north western corner of the site to contain the landscape shop and associated open bulky goods area.
- Truck access to the loading area and vehicle access to the bulky goods off Myoora Road.
- Retention of existing entry off Cooyong Road and introduction of additional entry/exit point mid way along Cooyong Road.
- Closure of the Mona Vale Road vehicular entry.
- Shifting of the existing car parking spaces adjacent to Mona Vale Road to the west to introduce a landscaped setback along the Mona Vale Road frontage. Extension of the existing car parking area adjacent to Cooyong Road and additional parking along the southern side of the main building. The combined parking areas will accommodate a total of 259 vehicles (includes 8 accessible car spaces).
- Provision of one (1) new sign, to be positioned along the Mona Vale Road building elevation to be associated with the new use.

3.2 The redevelopment will result in 5870m<sup>2</sup> of gross floor area. Existing parts of the garden centre that are being retained are shown on the plans and outlined in red the extract below:



3.3 In addition, it was proposed to retain all the carparking in the existing location along Mona Vale Road (outlined in yellow), however Council requested during the Pre-DA process that a landscape setback be provided, so this has been incorporated into the scheme.

3.4 In relation to the existing trees an arborist report has been prepared which confirms:

- 27 trees are to be retained
- 18 trees with a low/ medium / high retention value are to be removed
- 56 trees that are exempt are to be removed

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

**Table 1: Key Development Statistics**

Component	Development
Site area	28,299m <sup>2</sup>
Existing GFA	3,348m <sup>2</sup> (approximately)
Proposed GFA	5,870m <sup>2</sup>
Proposed Height	9.95m (part of pitched roof of central building) with majority of building/s below 8.5m.
Front Setback (Mona Vale Rd)	29.4m
Secondary Street Setback (Cooyong Rd - Side)	6m (landscape store) but mainly 23.9m (retained garden centre and outdoor nursery area)
Secondary Street Setback (Myoora Rd – Rear)	10m
Side Setback	3m to car parking spaces 6.15m to extended garden centre building
Landscaped Area	32.6% (9,230m <sup>2</sup> )
Site Coverage	24.2% (6,836m <sup>2</sup> )
Car Parking Spaces	259 (includes 8 accessible spaces)

3.6 The accompanying architectural drawings are listed below:

**Table 1: Development Documentation**

Plan number	Title	Issue	
DA000	Cover Sheet	E	16.08.23
DA01	Rendered Views	E	16.08.23
DA10	Existing Site Conditions	E	16.08.23
DA11	Demolition Plan	E	16.08.23
DA12	Site Analysis Plan	D	16.08.23
DA14	Site Coverage Area Plan	D	16.08.23
DA15	Proposed Site Plan	E	16.08.23
DA17	Shadow Diagrams	E	16.08.23
DA19	Height Non-Compliance	E	16.08.23
DA100	Overall Floor Plan	E	16.08.23
DA111	Floor Plan – 1 of 3	E	16.08.23
DA112	Floor Plan – 2 of 3	E	16.08.23
DA113	Floor Plan – 3 of 3	E	16.08.23

Plan number	Title	Issue	
DA150	Elevation – Sheet 1	E	16.08.23
DA151	Elevation – Sheet 2	E	16.08.23
DA152	Elevation – Sheet 3	E	16.08.23
DA160	Sections – Sheet 1	E	16.08.23
DA161	Sections – Sheet 2	E	16.08.23
DA162	Sections – Sheet 3	E	16.08.23
DA163	Sections – Sheet 4	E	16.08.23

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

### Building Form & Configuration

- 3.8 The development proposes to demolish various existing outbuildings and partial demolition of the existing garden centre building to enable the extension of the existing garden centre building to incorporate ancillary uses and reconfiguration of the car parking layout to provide 259 car parking spaces.
- 3.9 The existing, extended and new buildings will generally be single storey with the exception of where the pet shop is located as the levels enable the building to be two storeys (due to fall of the land), without the need for excessive excavation.
- 3.10 The central west-east pitched roof, will exceed the LEP 8.5m height limit by between 1.18m and 1.42m, however the majority of the roof of the extended development will comply and be well under the height control. This variation is discussed below and in the accompanying Clause 4.6 variation.
- 3.11 Cut and fill is minimised where possible, to retain the natural fall of the land from north-west to south-east. The building form will step down across the site, this ensures that bulk and scale is minimised.
- 3.12 Generous landscaped setbacks will be provided along Mona Vale Road, Cooyong Road and Myoora Road. The southern boundary will be battered along the southern boundary and a 6.15m setback between the fruit shop and boundary, increasing to 18.3m to the retail/pet store section of the main extended building.
- 3.13 A total of 97 car spaces will be located between Cooyong and the retained existing open nursery area, with the entry/exit point relocated further to the west of the existing driveway entry/exit. The existing 4.2m landscaped setback will be maintained along the frontage and this increases to 6m, at the western end adjacent to the new landscape shop and bulky good areas. Landscaping will be enhanced to create a suitable buffer between the public domain and extended and new buildings.
- 3.14 The car parking area, between the extended garden centre building and Mona Vale Road, will be relocated further to the west to provide a 12m landscaped setback along the frontage. A total of 82 car spaces will be provided along the frontage and the generous landscaped setback will minimise bulk and scale of the extended building and hardstand open car parking area. The Mona Vale Road entry will be retained, no cars will be permitted to exit at this point.

- 3.15 A driveway and parking area will be positioned along the southern side of the retail/pet shop and to the east of the fruit shop. This area will ramp up to match building RLs and minor fill will be required in this area. A further 81 car spaces will be positioned in this location.
- 3.16 The vehicular entry off Mona Vale Road will be closed to improve traffic flow along Mona Vale Road with access to the site via both Cooyong Road and Myoora Road. Service vehicles will be directed to the Myoora Road entry/exit, as the loading areas are positioned near the western boundary and adjacent to Myoora Road. The layout will reduce conflict between customer cars and service vehicles. A total of 259 car spaces will be provided throughout the site.
- 3.17 The proposed demolition, extension and construction of the new garden centre has been sympathetically designed to minimise impacts on adjoining sites and use and will contextually fit within the existing streetscape. The selection of materials and finishes are appropriate and will result in a well designed development.
- 3.18 Overall, the development will not compromise the amenity of adjoining properties in terms of bulk, scale, overshadowing, privacy and view loss.

### **Landscape Design**

- 3.19 The landscape design is a key component of the overall site design and provides suitable variation across the site to create unique experiences externally and from within the site.

#### Carpark

- 3.20 The carpark design retains existing layouts but has seen the Mona Vale Road area shifted further west to provide for an increased setback and landscaped buffer. In the new parking areas, existing trees have been retained and additional trees have been planted in these areas, this will soften building form and improve the heat from the hardstand environment of the car park.

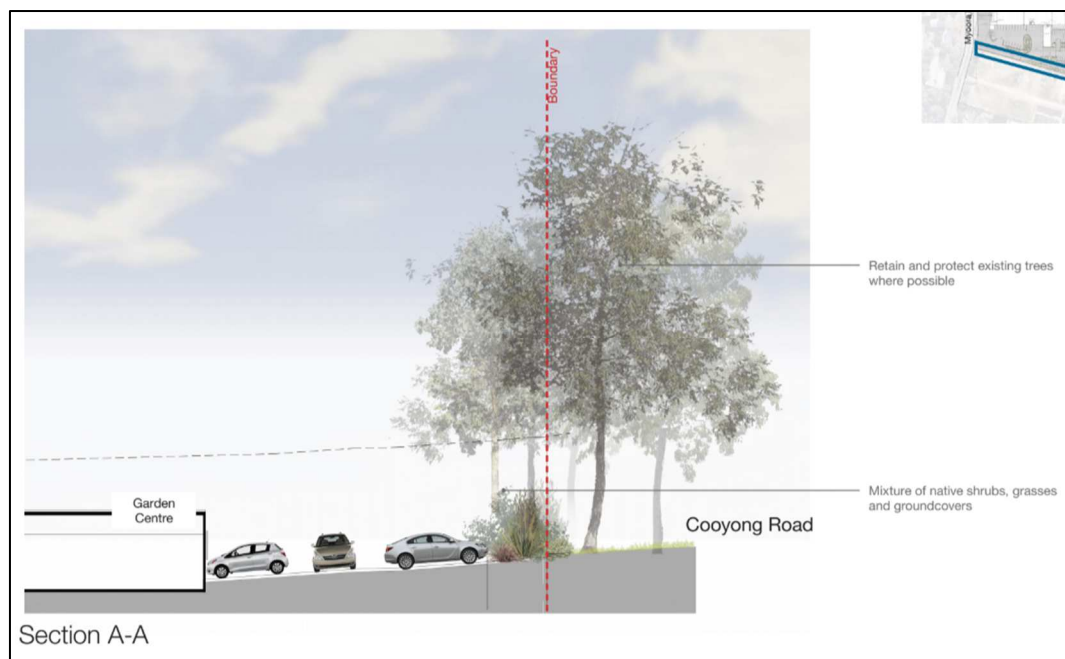
#### Mona Vale Road Frontage

- 3.21 This frontage contains a substantial landscaped setback of 12m and will complement the garden centre and provide a positive visual experience to counter the harsh road service of Mona Vale Road. The planting includes feature trees and banding of native and exotic groundcover species and shrub species in blocks.

#### Cooyong Road Frontage and Southern Boundary

- 3.22 Where possible and suitable, established trees have been retained along the frontage. The planting will incorporate native grass groundcover layered with shrubs to the understorey planting.
- 3.23 Additional trees to varying heights will also complement the frontage resulting in a suitable landscaped setback that will enhance the public domain and screen the buildings beyond.
- 3.24 Planting along the southern boundary will minimise the bulk and scale of the extended garden centre building and car parking areas.

- 3.25 It is noted that the car parking area will fall to the south-east and as such the extended building will not detrimentally impact in terms of bulk and scale, when viewed from Cooyong Road, see section extract from Landscape Plan report prepared by Site Image, below:



### Myoora Road Frontage

- 3.26 This frontage will contain a 10m densely landscaped setback to obscure the new landscape shop building and provide a buffer from the public domain.
- 3.27 Overall, the landscape design compliments the building forms and provides the softening of the hardstand areas while still ensuring a functional outcome. The re-design of the carpark and increased setbacks from the Pre-DA meeting has significantly improved the landscape outcome for the garden centre.

### **Signage Details**

- 3.1 This development application also seeks approval for installation of one (1) sign along the eastern façade of the retained garden centre building, this will identify the main entry point to the garden centre.
- 3.2 Signage details have been incorporated into the architectural drawings.

### Flower Power Business Identification Wall Sign

- One (1) x 'Flower Power' illuminated business identification sign will be positioned along the architectural framing along the eastern elevation of the main garden centre building, facing Mona Vale Road. The sign will consist of individual letters which will cover an area of approximately 34m<sup>2</sup> (approximately 17.5m x 2m). It is located in excess of 29.4 metres from the Mona Vale Road property boundary.



- 3.3 Existing freestanding signage will remain and any other 'new' signage will be subject to a separate DA.
- 3.4 It is noted that the screen that surrounds the new sign will exceed the maximum LEP height limit, this is discussed below.

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

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

### **Waste Management**

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

### **Construction Management**

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

### **Stormwater Drainage**

- 3.37 A stormwater drainage plan and civil drawings have been prepared by Northrop and accompany this application.
- 3.38 As a result of the design for this site, the development achieves reductions in potable water by capturing rainwater on site and reusing this for irrigation and toilet flushing, reduces pollution reduction targets and includes OSD for the control of stormwater discharge.

- 3.39 The site drainage has been designed to satisfy Council's requirements and is capable of complying with the Australian Standards.

### **Security Management & CPTED Analysis**

- 3.40 The development has been designed to enable visual surveillance of the adjacent streets, public domain and areas within the development. The configuration of the building and lighting of pedestrian paths will maintain a sense of security for future customers and employees.
- 3.41 Appropriate signage will be provided to ensure clear direction for customers. Details regarding lighting and illumination of the car parking area at grade has been provided.
- 3.42 A gate will be installed at each entry to restrict access to the site outside business hours.
- 3.43 This DA implements the principles of Crime Prevention through Environmental Design Assessment (CPTED). An assessment of the 5 key principles is provided below:

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

- 3.44 Good surveillance means that people can see what other people are doing. People feel safe in public areas when they can see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance.
- 3.45 In accordance with this principle, the design of the buildings provides surveillance throughout the entire development. The extended building and new building will be positioned at-grade and the parking area will surround these uses, providing for excellent natural surveillance.

#### **Principle 2 – Access Control**

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

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

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

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

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

## 4.0 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 ASSESSMENT

### 4.1 Consideration of Development Applications

4.1.1 The development application is not subject to the complying, prohibited, or advertised development provisions of the Act. There are no issues relating to endangered flora or fauna, watercourses, bush fire or aboriginal artefacts. The proposed development is submitted pursuant to the provisions of section 4.2(1) and (2) of the Act which provides if an environmental planning instrument requires development consent to be obtained, a person must not carry out the development unless such a consent has been obtained and is in force. The relevant environmental planning instrument requiring development consent to be obtained is Warringah Local Environmental Plan 2011.

4.1.2 The Development Application is Integrated Development as the development is defined as 'Traffic Generating Development' under Clause 2.122 and Schedule 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

4.1.3 In determining a development application, Section 4.15 of the Environmental Planning and Assessment Act provides that a consent authority is to take into consideration such of the following matters as are of relevance:

“(a) *The provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*that apply to the land to which the development application relates,*

*(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for development,*

*(d) any submissions made in accordance with this Act or the Regulations,*

*(e) the public interest.”*

4.1.4 An assessment of the proposal against these matters concludes the proposal is suitable for approval. This is demonstrated in the following assessment.

4.1.5 The Environmental Planning and Assessment Act 1979, requires the assessment of development proposals against the relevant 'heads of consideration' set out in Section 4.15 of the EPA Act. These are addressed below.

## 4.2 Planning Controls and Regulations

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

- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011

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

### State Environmental Planning Policy (Transport and Infrastructure) 2021

4.2.3 Under Clause 2.122 and Schedule 3, the proposed development will require the referral as it is determined to be traffic generating development.

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

4.2.5 The Traffic Report recommended the closure of the Mona Vale Road entry point. Although this is an important entry point for Flower Power and its customers, we are aware from the previous DA that Transport for NSW will require the closure of this entry. Therefore, this has been accommodated in the design. The detailed traffic modelling that has been undertaken confirms that all intersections will continue to operate at reasonable levels of service. No additional road works or upgrades to the surrounding road network is required as a result of this development.

4.2.6 The accompanying traffic report has concluded the following:

- *The traffic impacts of the development would be minimal with future traffic flows on surrounding roads within acceptable limits.*
- *The future intersection operating conditions at adjacent intersections would continue to be satisfactory following full development of the subject site in both the Thursday PM and Saturday AM peak periods.*
- *The parking demands of the proposal would comply with the minimum requirements of the DCP and are considered satisfactory.*
- *The proposed parking provision would cater for the expected peak demands of the site based on surveys of the site.*
- *The proposed parking provision would also reduce any potential risk for site generated traffic queuing onto the local road network.*
- *The design of the car parking areas and access arrangements complies with AS2890.1 and AS2890.2 and are considered satisfactory.*



- *The service vehicle arrangements provide adequately manoeuvring area and parking arrangements for all potential service vehicles which may access the site and enables all service vehicles to enter and leave the site in a forward direction.*

4.2.7 Overall, adequate on-site car parking is provided, and the development will result in the improved separation of service vehicles from general car parking which is a positive improvement for the future development of the site. The closure of the Mona Vale Road entry will improve traffic flow along Mona Vale Road which will have a wider benefit.

### State Environmental Planning Policy (Industry and Employment) 2021 (SEPP IE)

4.2.8 SEPP IE seeks to guide signage and advertising within the State, to ensure that it is compatible with the desired future character of the area, of high-quality design and finishes, provides effective communication and regulate advertising.

4.2.9 The proposed signage is defined as business identification signage under SEPP IE and is illustrated within the accompanying architectural drawings.

4.2.10 One (1) sign is proposed along the eastern elevation of the retained garden centre building and is illustrated within the accompanying drawings and have been discussed above in Section 3.

4.2.11 The proposed sign will be placed on an architectural screen, above the main entry to the garden centre building, and will contain individual lettering that will be illuminated.

4.2.12 The proposed sign, is clearly shown on the accompanying drawings.

4.2.13 In the granting of consent for business identification signage, the Consent Authority must be satisfied that the signage is consistent with the objectives of the SEPP as set out in Chapter 3 Part 3.1:

#### 3.1 Aims, objectives etc

(1) *This Chapter aims—*

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

(i) *is compatible with the desired amenity and visual character of an area, and*

(ii) *provides effective communication in suitable locations, and*

(iii) *is of high-quality design and finish,*

(b) *to regulate signage (but not content) under Part 4 of the Act, and*

(c) *to provide time-limited consents for the display of certain advertisements, and*

(d) *to regulate the display of advertisements in transport corridors, and*

(e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

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

- The new sign is for business identification and will be proportioned along the eastern frontage of the retained building and the architectural integration into the building can accommodate the new signage seamlessly.

- The business identification sign above the main entry is suitable and will not affect adjoining properties or result in a cumulative impact as it is set well back from the Mona Vale Road frontage.
- The signage is compatible with the desired character and use of the site and will not detrimentally impact on nearby residential uses, as the sign faces Mona Vale Road.
- The design and finish of the sign is appropriate and will achieve a high-quality finish, refer to accompanying architectural plans.

4.2.15 Part 3.3 *Advertisements* under SEPP IE is not applicable as all signage is for business identification and is not defined as advertising.

4.2.16 In addition, the Consent Authority must be satisfied that the signage addresses the assessment criteria specified in Schedule 5 of SEPP IE which is outlined and addressed in the table below:

**Table 3: SEPP IE Assessment**

Schedule 5	Comments	Satisfactory
1) Character of the Area	<p>The sign is of a modern design and size that will complement the streetscape and be consistent with the use of the site and will not detrimentally affect the character of the area.</p> <p>The size and location of the sign is compatible and complimentary to the size of the eastern elevation of the retained garden centre building. The sign is essential to providing suitable direction for future customers and delivery drivers.</p> <p>The sign will not be visible to nearby residential properties, as it faces Mona Vale Road, and the signage is consistent with sign already in existence for business to the south along Mona Vale Road.</p>	Yes
2) Special Areas	<p>The site is not located within a special area, heritage or conservation area.</p> <p>The position of the buildings and signage is sufficiently separated from residential areas.</p>	Yes
3) Views and Vistas	<p>The signage does not obscure any views or vistas.</p>	Yes
4) Streetscape, Setting or Landscape	<p>The business identification sign is of a scale, proportion and form that is appropriate for the size of the eastern building elevation, property boundary lengths, streetscape and setting. Only the retained pylon sign (existing signage) will be highly visible from the public domain.</p> <p>The sign will provide visual interest and assist with direction for future motorists. The high-quality finish will complement the building and provide highly appropriate business identification.</p> <p>The setback of the identification sign will minimise impacts to the natural setting along Mona Vale Road.</p>	Yes
5) Site and Building	<p>The sign will be compatible with the scale, proportion and other characteristics of the building and site for which the proposed sign is to be located.</p> <p>The sign will provide visual interest and direction from busy Mona Vale Road.</p>	Yes

Schedule 5	Comments	Satisfactory
	The location of the proposed sign does respect the features of the eastern elevation of the retained garden centre building, in particular the signage along the eastern elevation of the main building will be affixed to an architectural screen to provide visual interest and integrate with the architectural integrity of the building.	
6) Associated Devices and Logos with Advertisements and Advertising Structures.	The 'Flower Power' sign positioned on the eastern facade will be designed from fabricated letters and will be attached to support beams along the facade and will be illuminated. The illumination of the sign will be controlled to avoid any glare or disruption to motorists, etc.	Yes
7) Illumination	The sign is proposed to be illuminated with the use of LEDs from dusk until dawn. The illuminated sign are outlined above in Section 3. The sign is unlikely to result in unacceptable glare. The illuminated sign is unlikely to affect safety of pedestrians, vehicles or aircraft due to setbacks from the street. Residential properties will not be detrimentally affected with the sign facing Mona Vale Road.	Yes
8) Safety	The proposed sign does not reduce the safety for any public road users or pedestrians or bicyclists. This is due to the setback from Mona Vale Road. The sign will not obscure any sight lines.	Yes

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

4.2.18 The height non-compliance, of the screen surrounding the new sign, is discussed further below.

4.2.19 Notwithstanding the above, the proposal development generally meets the requirements of the DCP and SEPP IE.

#### State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP RH)

4.2.20 Chapter 4 **Remediation of Land** under the SEPP RH, requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land.

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

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

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

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

4.2.24 A RAP was prepared by JK Environments and accompanies this application. The report concluded the following:

*Investigations at the site by JKE have identified asbestos in fill that represents a potential risk to human receptors during site development/excavation works and future site use.*

*The remediation strategy includes a combination of excavation and off-site disposal of fill where required to achieve the development levels, and cap and containment of the fill that remains in-situ. A visual marker layer will be installed over the remaining contaminated fill prior to the reinstatement of these areas with clean capping materials. The areas where fill remains will be managed under a LTEMP.*

*Prior to commencement of remediation, a data gap investigation must occur in accordance with Section 4 of this RAP. The outcome of that investigation must be considered in the context of the remediation and an updated RAP or RWP must be prepared to outline any additional requirements relating to site remediation and validation.*

*JKE is of the opinion that the site can be made suitable for the proposed development via remediation and the implementation of this RAP. A site validation report is to be prepared on completion of remediation activities and submitted to the consent authority to demonstrate that the site is suitable for the proposed development. The site will require management via a LTEMP. The LTEMP will provide a passive management approach which would not impose any onerous constraints on the day-to-day site use under the proposed development scenario.*

*The RAP has met the objectives outlined in Section 1.2.*

4.2.25 An Asbestos Management Plan for both construction and operation activities has been prepared by JK Environments and accompanies this application. The report has determined that the asbestos both during and after completion of works can be suitably managed.

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

#### **State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP BC)**

4.2.27 Chapter 3 *Koala Habitat Protection 2020* applies to the subject site.

4.2.28 The aim of this chapter of the SEPP BC is:

- by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- by encouraging the identification of areas of core koala habitat, and*
- by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

- 4.2.29 This policy applies to the Northern Beaches Council Local Government Area. Under Clause 2.3 of the SEPP BC, before Council can grant consent to any development application, the Council must assess whether the development is likely to have any impact on koalas or koala habitat and if found to have low or no impact, may grant consent.
- 4.2.30 Under Clause 3.7, if it is determined to have higher level of impact on koalas or koala habitat, will require the preparation of a Koala Assessment report prior to determining any applications.
- 4.2.31 The subject site is currently used for the purpose of an existing garden centre and the existing trees on site do not have connectivity to corridors of bushland and is located adjacent to the dual carriageway, being Mona Vale Road.
- 4.2.32 Based on the proposed development, the works including tree removal is likely not to impact on koalas and/or potential habitat, therefore no further assessment is required.

## Warringah Local Environmental Plan 2011

### Zoning

- 4.2.33 The subject site is zoned RU4 – Primary Production Small Lots.
- 4.2.34 Garden centres are not permitted within the RU4 zone. However, Clause 2.5 permits garden centres as an additional permitted use.
- 4.2.35 A garden centre is defined as:

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

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

(b) pets and pet supplies,

(c) fresh produce.

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

- 4.2.36 The proposed use is permitted within the zone, subject to development consent. The fruit shop and pet store fall within the definition of a garden centre and are therefore permissible uses.
- 4.2.37 The proposed development satisfies the objectives of the RU4 – Primary Production Small Lots zone as follows:
- To enable sustainable primary industry and other compatible land uses.
- 4.2.38 The proposed garden centre is and will continue to be compatible with the surrounding land uses.



- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- 4.2.39 The garden centre, including café, landscape shop, pet shop and fruit shop will generate approximately 75 staff. This increase will provide employment opportunities for the local community.
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- 4.2.40 The proposed hours of operation of the development will be between 7:00am to 7:00pm, 7 days a week, with the garden centre hours reducing to between 7:00am and 5:30pm during winter months. These hours are appropriate and will not adversely impact the school to the west nor residential properties located to the north, west and south. The design of the retail buildings and carparking is centrally focused and generous landscaped setbacks will minimise bulk and scale impacts.
- 4.2.41 In addition, truck movements to and from the site are expected to be evenly distributed between normal working hours Monday to Friday.
- 4.2.42 The submitted Traffic Report demonstrates that the proposed uses will not adversely affect the local traffic network and adequate on-site car parking and loading facilities are provided on site.
- 4.2.43 The accompanying acoustic report has demonstrated that the use can operate without adversely affecting surrounding uses.
- *To minimise the impact of development on long distance views of the area and on views to and from adjacent national parks and bushland.*
  - *To maintain and enhance the natural landscape including landform and vegetation.*
- 4.2.44 The redevelopment will retain a single storey form, with a 2-storey form where the pet shop is proposed. However, cut and fill has been minimised, where possible, to ensure the development steps down the site to minimise scale. This will ensure the development will not adversely impact on any views or existing landform and vegetation.
- *To ensure low intensity of land use other than land uses that are primary industry enterprises.*
- 4.2.45 The proposed development will continue the current use of the site, which is suitable for the locality.
- *To maintain the rural and scenic character of the land.*
- 4.2.46 The, generally, single storey form of the building which is bordered by dense landscaping will present an aesthetically pleasing streetscape that will complement the character of the area.
- 4.2.47 Overall, the proposed garden centre is consistent with the zone objectives.

#### Additional Permitted Uses for Particular Land

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

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

- (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.*

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

### Subdivision

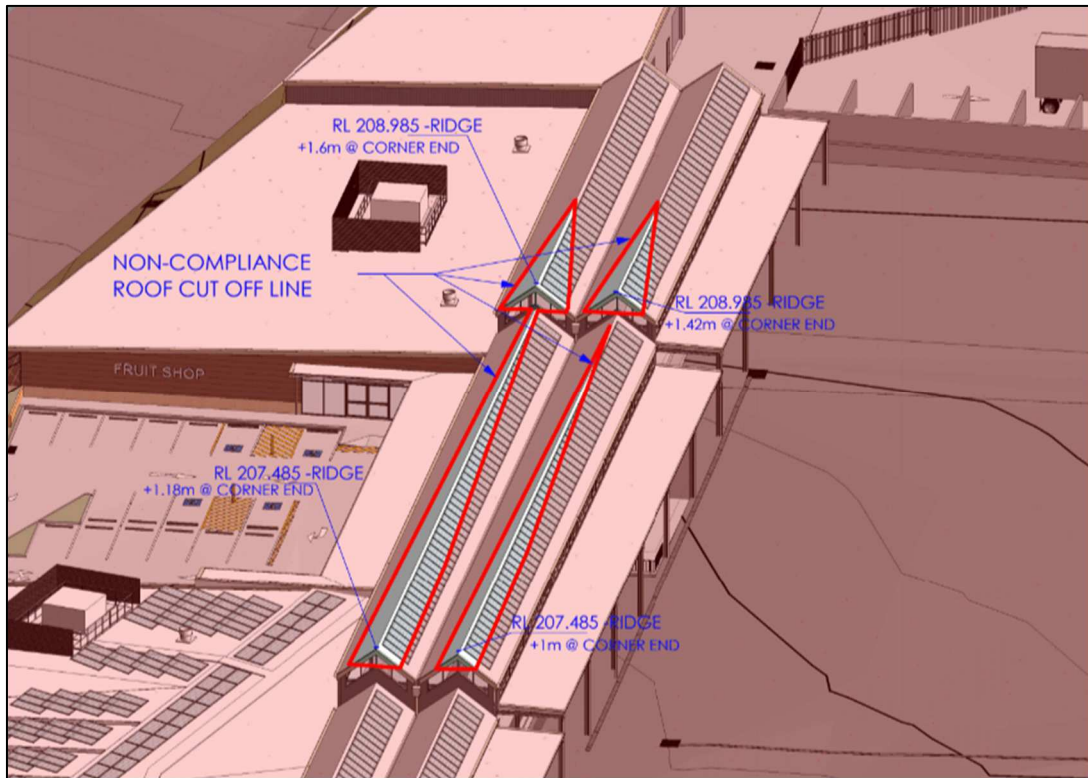
4.2.50 Under Clause 2.6, the minimum lot size permitted on the site is 2 hectares. The application does not seek subdivision and currently exceeds 2 hectares in size, being 2.8299 hectares.

### Height

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

4.2.52 The retained and proposed building height (including plant) will generally be less than 8.5m in height. However, minor sections of the central ridgelines associated with the new central building, will exceed the height control, being 9.68m and 9.92m, seeking a variation of between 1.18m and 1.42m.

4.2.53 The breach of the control is primarily due the slope of the land and the need to achieve a level platform internally for the buildings. Given the nature of the use which includes large flat trollies for plants, pots, and other large items it is important that the main components of the garden centre are at the same level. As a result, as the land slopes towards Mona Vale Road, the breach increases. This variation in height is centrally located and significantly setback from all boundaries, as can be shown in the following image:



Source: Leffler Simes Architects – Drawing No. DA19 Rev. E dated 16.08.23

- 4.2.54 The height breach is counteracted by the creation of a double gable end that steps the building down to below the height control, above the main entry point. The non-compliance occurs along the central double gable roof above the café, outdoor play area and part of the fruit shop only and all buildings and plant positioned to the south, east and west achieve compliance with the 8.5m height control.
- 4.2.55 The building steps down the site to reduce the bulk and scale of the new building when viewed from Cooyong Road. As the breach is located centrally within the site, it will not be discernible from the public domain. In addition, the significant setbacks ensure that the non-compliance will not have any adverse impacts in respect of bulk, scale, shadow and overlooking for adjoining properties.
- 4.2.56 To further minimise the exceedance of the height control, the opportunity for extensive landscaping along all boundaries softens the scale of the new buildings and minimises the visual impact of the minor breaches.
- 4.2.57 In addition to the slope of the land, the breach to is due to the design of the roof of the building. Given the nature of the use, our client seeks to achieve an internally open feel with high raked ceilings, which is a signature element of all of their redeveloped garden centres. It is the double gable pitched roof that creates the breach; however, this is a critical design element of the building. The overall height has been minimised by reducing the pitch of the roof and having complaint double gable roof to the Mona Vale Road end of the building. The incorporation of the dormer windows breaks up the roof form and adds visual interest. The edges of the roof form where the eaves project is fully compliant and, in many areas, significantly below the height control.

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

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

4.2.59 The central double gable roof and building, associated with the new section, has been designed to step down the site to reduce the overall height of the building given the natural topography of the site. The eastern section is fully compliant as are the buildings to the south and west along with the external walls of the subject building. As the majority of the buildings are well below the height control, the height and scale of the garden centre is appropriate.

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

4.2.61 Majority of the new buildings will be well below the 8.5m height limit.

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

4.2.62 The new buildings have been positioned in an 'L' shape towards the east and southern boundaries, with a separate building to the west. This results in a significant open section at the centre to the north of the site and ensures that the buildings will not create any unreasonable impact on the residential properties positioned along the northern side of Cooyong Road.

4.2.63 In respect of visual impact, the setbacks of the extended building and new buildings, combined with the heavily landscaped setbacks, will ensure that the development will not have any detrimental visual impact, when viewed from the public domain.

4.2.64 Along the southern boundary, varied setbacks are provided to the extended building and new buildings and this will reduce the visual impact for the adjoining property.

4.2.65 The setbacks will be fully landscaped maintaining and improving the scenic qualities of the locality.

4.2.66 The garden centre will not result in the disruption of views and solar access is maintained to all surrounding properties due to the single storey height of buildings and stepping the site to reduce the heights on the southern side.

4.2.67 The accompanying shadow diagrams ensure that there is no adverse overshadowing to the adjoining property at 279 Mona Vale Road, there is some shadow at 9am but by 12pm the shadow is absorbed within the subject site. The dwelling on this property is positioned approximately 41 metres to the south of shared boundary and will not be impacted. Given this physical separation there will be adverse impact on the privacy of the dwelling.

4.2.68 Given the inward focus of the garden centre, there are no openings to impact on the privacy of dwellings and the school on the opposite sides of Cooyong and Myoora Roads.

*(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*

4.2.69 The development is not located near a coastal environment and will have no effect on the scenic qualities of the coastal and bush environments. The landscaped setbacks will significantly retain the natural bush setting around the site.

*(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

4.2.70 The garden centre site is not visible from parks and reserves. The garden centre will be visible from the surrounding street network.

4.2.71 As noted above, the design of the garden centre provides a landscaped interface to the surrounding road network that will ensure a positive contribution to the visual amenity of the area. The extended and new buildings, will provide significant setbacks to minimise impact of the extended development when viewed from the street.

4.2.72 It is therefore considered, notwithstanding the variation to the height control, the garden centre achieves the objectives of the control. A Clause 4.6 variation request accompanies this application.

#### Floor Space Ratio

4.2.73 Clause 4.4 of the LEP refers to the maximum floor space ratio (FSR) Map which sets a maximum FSR. The subject site is not affected by an FSR maximum.

4.2.74 The proposed scale of the development is appropriate given the sites location and current zoning.

#### Exceptions to Development Standards

4.2.75 Clause 4.6 of the LEP allows for flexibility of development standards contained within the LEP. The proposed development seeks to vary Clause 4.3, in respect of height. A Clause 4.6 Variation accompanies this application.

#### Development near Zone Boundaries

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

4.2.77 This clause does not apply.

#### Architectural Roof Features

4.2.78 The development does not propose any architectural roof features.

#### Heritage Conservation

4.2.79 Clause 5.10 of the LEP outlines the requirements for development of or within close proximity of heritage items and within or nearby heritage conservation areas. The subject site is not



heritage listed, is not located within a conservation area and is not located within close proximity to a nearby heritage item.

#### Flooding Planning

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

#### Acid Sulfate Soils

4.2.81 The site is not affected by acid sulfate soils.

#### Earthworks

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

4.2.83 The proposed works will require site works will require cut and fill, to enable the proposed works to be undertaken and will require the removal of uncontrolled fill.

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

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

#### Development on Sloping Land

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

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

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

### **Warringah Development Control Plan 2011**

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

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

- Part D - Design
- Part E – The Natural Environment

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

Table 7: Assessment against requirements of Warringah DCP 2011

Clause	Control	Comment
<b>Warringah Development Control Plan 2011</b>		
<b>Part B – Built Form Controls</b>		
B1 – Wall Heights	<p>Max wall height of 7.2m from ground level (existing) to underside of the ceiling of the uppermost floor of the building (excludes habitable areas wholly located within the roof space.</p> <p>This control may be varied on sites with slopes greater than 20% within the building footprint (measured at the base of the external walls), provided the building:</p> <ul style="list-style-type: none"> <li>• does not exceed the 8.5 metre height development standard;</li> <li>• is designed and located to minimise bulk and scale; and</li> <li>• has a minimal visual impact when viewed from the downslope sides of the land.</li> </ul>	<p>Wall heights are all less than 7.2m. The wall heights are acceptable as the buildings are stepped down the site and majority of buildings are setback significantly from the street boundaries.</p> <p>The landscaping along all street frontages will soften the building form when viewed from the street.</p>
B4 – Site Coverage	<p>Max 20% (5,659.8m<sup>2</sup>)</p> <p>Defined as the 'total building footprint'.</p>	<p>The proposed site coverage is 24.2% (6,836m<sup>2</sup>). This is a minor variation to the control, however considered reasonable. The previous DA sought a site coverage of 30% (8,579m<sup>2</sup>). Taking on boards Council's previous concerns, the new scheme proposes a significant 1,743m<sup>2</sup> reduction in site coverage.</p> <p>The proposed landscaping throughout the site with compliant setbacks to all street frontages will ensure that the new buildings will be suitably softened and will ensure that there will be no adverse run-off effects.</p> <p>As the buildings are significantly setback from the side boundaries and are single storey with varying roof forms and heights, the development, notwithstanding</p>

Clause	Control	Comment
		<p>the variation, meets the objective of the control to <i>minimise the bulk and scale of development</i>.</p> <p>The proposed development while working with existing parts of the site to reduce costs and reuse existing buildings has been planned to ensure maximum soft landscaped areas and minimal building footprint.</p>
B5 – Side Setbacks	<p>Side – 7.5m</p> <p>Side setback to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.</p>	<p>A side setback of between 6.15m and 18m is provided along the side (southern) boundary.</p> <p>A minor variation (1.35m) is sought for part of the associated extended building, being the fruit shop, garden good store and plant store. The southern car parking area will also be immediately adjacent to the boundary, however, will not contain any building structures.</p> <p>Generous landscaping will be provided along the boundary to soften the interface with the adjoining property to the south.</p> <p>This minor variation is reasonable as the dwelling on the adjacent property (279 Mona Vale Road) is setback 41m. The current garden centre locates the landscape supplies in this area which will be replaced with increased landscaping.</p> <p>The increased setbacks will improve separation and provide additional landscaping opportunities.</p> <p>The accompanying shadow diagrams illustrate that there will be no detrimental impact to adjoining properties.</p>
B7 – Front Setbacks	<p>Myoora Road – 10 metres</p> <p>Cooyong Road – 10 metres</p>	<p>10m</p> <p>The proposed landscape shop will have a 10m setback, with the setback being densely landscaped.</p> <p>Compliance is achieved along Myoora Road</p> <p>The setback along Cooyong Road is part existing and new. A landscape setback of between 4.2m and 6m is provided along the full length of the boundary between the car parking area.</p> <p>The car park area is at ground level and slopes to the south, minimising bulk and scale.</p>

Clause	Control	Comment
		It is noted that the retained garden centre building and fencing around the outdoor nursery will maintain a 19.2m setback from the side boundary. Based on this, the positioning of buildings is appropriate and no adverse impact will be created.
B14 – Main Road Setback	<p>Min of 30m required.</p> <p>The front setback area is to be:</p> <p>a) must be densely landscaped using locally occurring species of canopy trees and shrubs; and</p> <p>b) no signs are to be erected in the 30-metre front setback area.</p> <p>Ground level car parking may be permitted between 15 and 30 metres from the road boundary provided views of the car park area, from the main road, are screened by landscaping.</p>	<p>Proposed setback will be 29.4m between the eastern elevation and the road reserve. A setback of greater than 30m will be provided from Mona Vale Road. The existing garden centre building is located in this position, the application seeks to extend this building.</p> <p>The existing car parking along the eastern boundary will be flipped to enable a 12m setback landscaped boundary. This is a significant improvement that is now proposed in response to Council's feedback at the Pre-DA meeting.</p> <p>A minor variation of 600mm is proposed, however, this will be an improvement from the existing arrangement. The new design will reduce the hardstand areas in view of Mona Vale Road by increasing the landscaped setback reducing the visual impacts, when viewed from Mona Vale Road. The large 12-metre-wide landscaped strip will afford the site a quality outcome improving the character of the area.</p> <p>The landscaping along Mona Vale Road will be significantly improved and will soften the built form when viewed from the public domain.</p> <p>A new sign is proposed along a screen positioned on the eastern main entry to the garden centre.</p> <p>The sign on the architectural frame on the southern side of the main garden centre building, will be consistent with the branding of other garden centres, the sign will be below 8.5m but the screen will exceed the height control, this has been justified above and in the accompanying Clause 4.6 Report.</p> <p>The proposed signage is consistent with existing signage and was justified above in this SEE.</p>
<b>Part C – Siting Factors</b>		
C2 – Traffic, Access and Safety	Vehicle access to be from minor streets.	The existing entry from Mona Vale Road will be closed as required by TfNSW.



Clause	Control	Comment
	<p>All loading and unloading facilities are to be accommodate on site, be of an appropriate size to suit needs and be screened from public view.</p> <p>Service vehicles must be able to enter and leave the site in a forward direction.</p>	<p>Service vehicles will need to enter from Myoora Road and exit via Myoora Road, to minimise conflicts with customer vehicles and pedestrians throughout the site.</p> <p>A traffic assessment has been prepared to accompany this DA and supports the proposed parking layout and traffic impacts for the surrounding locality.</p> <p>The western loading dock area will be adjacent to the Myoora Road boundary and bulky landscaped goods area and will be suitably screened from streets and adjoining properties.</p> <p>Overall, all service vehicles can enter and leave the site in a forward direction at Myoora Road, which will minimise conflicts with cars and pedestrians.</p>
C3 – Parking Facilities	<p>No rate given for 'Garden Centres' – merit-based assessment required to determine number of required car spaces.</p> <p>Comply with Australian Standards.</p>	<p>Refer to accompanying traffic report. The works will provide 259 car spaces which have been justified in the Traffic report and are appropriate given the nature of the business. Given the nature of a garden centre, it is not a retail business where customers use public transport or bicycles to access. The very nature of the bulky items requires a motor vehicle and therefore sufficient parking is important to minimise the potential impacts on the surrounding street network.</p>
C3(A) – Bicycle Parking and End of Trip Facilities	<p>No rate specified for garden centres.</p>	<p>Given the nature of the use, bicycle parking spaces are not viable. Customers to the garden centre require a vehicle given the products for sale.</p>
C4 – Stormwater	<p>Satisfy Council's Water Management Policy.</p>	<p>Noted. Stormwater drawings accompany this application.</p>
C7 – Excavation and Landfill	<p>Ensure all landfill is clean and free of contaminants.</p> <p>Geotechnical Report required due to excavation and slope.</p>	<p>Excavation to a depth of up to 2m is required, in parts, for the construction of the extended garden centre. This equates to 5086m<sup>3</sup> of soil being affected.</p> <p>In addition, the removal of uncontrolled fill and replacement with controlled fill is required. It is anticipated that 6,227m<sup>3</sup> of fill is required, being a balance of 1,144m<sup>3</sup> between cut and fill. Any cut removed will need to be tested to see if it can be used as fill or require disposal.</p> <p>This is further addressed in the accompanying civil engineering drawings, accompanying Geotechnical Report and RAP.</p>

Clause	Control	Comment
		<p>Overall, the proposed cut and fill will enable the construction and extension of the development will require classification prior to disposal.</p> <p>Where fill is required, any suitable excavated material soil will be reused on site.</p> <p>A Geotechnical report has been prepared and accompanies the DA lodgement.</p>
<p>C8 – Demolition and Construction</p> <p>C9 – Waste Management</p>	<p>Require a Waste Management Plan in accordance with Northern Beaches Council's Waste Management Guidelines.</p>	<p>Noted. A waste management plan will be prepared and will accompany this application.</p>
<b>Part D - Design</b>		
D1 - Landscaped Open Space and Bushland Setting	<p>Minimum 70% as the site is greater than 3500m<sup>2</sup>.</p>	<p>32.6% (9,230m<sup>2</sup>) of the site is permeable landscaped area. Refer to detailed discussion at the end of this table that justifies the variation to the DCP control.</p>
D3 – Noise	<p>Acoustic Report required.</p> <p><b>Note:</b> <i>Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.</i></p>	<p>Refer to the Acoustic report that accompanies this application, the garden centre has been designed to minimise acoustic impacts.</p>
D6 – Access to Sunlight	<p>Avoid unreasonable overshadowing of public open space.</p> <p>At least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21</p>	<p>Refer to accompanying shadow diagrams, in excess of 3 hours of sunlight will be retained to the adjoining residential property at 279 Mona Vale Road. The dwelling on this property is positioned 41m to the south of the site's boundary.</p>
D7 – Views	<p>Provide reasonable view sharing.</p>	<p>No views will be adversely affected.</p>
D8 – Privacy	<p>Maintain and provide high level of visual and acoustic privacy for adjoining properties.</p>	<p>The position of the loading area combined with landscaping along the western and southern</p>

Clause	Control	Comment
		boundaries will successfully screen the area from the public domain and southern residential property.  Acoustic fencing will assist in reducing noise impacts for adjoining residential properties, refer to accompanying drawings and acoustic report
D9 – Building Bulk	Side and rear setbacks are to be progressively increased as wall height increases.  Avoid large areas of blank walls.	Noted.  All buildings will vary in length and the boundary to building length ratio will be sufficient to minimise large expanses of blank walls when combined with materials and finishes.  The roof details, materials and finishes and landscaping will assist in reducing large areas of blank walls.
D10 – Building Colours and Materials	Use of appropriate colours and materials and landscaping.	The proposed colour scheme is a neutral palate with a splash of colour by way of the signage. The materials and finishes are highly suitable for the subject site.
D11 – Roofs	Lift overruns and plant etc shall be minimised and integrated into the building.	Noted. All plant will be incorporated into the building form, refer to accompanying architectural drawings.
D12 – Glare and Reflection	Minimise glare and light spill.	Capable of complying.
D13 – Front Fences and Front Walls	Be compatible with streetscape character and allow for casual surveillance.	No new front fence proposed. Existing remains insitu.
D14 – Site Facilities	Waste facilities to be integrated into the building and minimise views.	Noted. All waste areas will be incorporated into the loading areas.
D15 – Side and Rear Fences	Max of 1.8m	No new fencing proposed.
D18 – Accessibility and Adaptability	Comply with the DDA, BCA and Australian Standards.	Refer to accompanying Access report.
D20 – Safety and Security	Consider CPTED Principles.	Refer to assessment above.
D21 – Provision and Location of Utility Services	Integrate into the development and screen.	Noted. Able to comply.

Clause	Control	Comment
D22 – Conservation of Energy and Water	All development must comply with Council's Water Management Policy.	Noted. Able to comply.
D23 – Signs	For Land in the RU4 zone with frontage to both Mona Vale Road and Myoora Road: Only small, non-obtrusive and non-illuminated signs that identify the use of a site are to be visible from Mona Vale Road. Signs that are designed of such size, height or visual appearance so as to attract passing trade are not considered appropriate and are discouraged. All signs are to be in keeping with the colour and textures of the natural landscape.	There is existing signage along the Mona Vale Road frontage, and this will remain. This is a vital component of a garden centre.  Signage is needed for direction, refer to signage discussion below.
<b>Part E – Environment</b>		
E1 – Preservation of Trees or Bushland Vegetation	Require Arborist Report if trees are to be removed.	The current DA enables retention of worthy trees along the Cooyong Road frontage. Trees will be removed to enable development. An arborist report accompanies this DA. In summary there are 101 trees on site: <ul style="list-style-type: none"> <li>• 27 trees are to be retained</li> <li>• 18 trees with a low/ medium / high retention value are to be removed</li> <li>• 56 trees that are exempt are to be removed</li> </ul> It is noted that additional planting will be provided to offset this loss. The trees that are exempt that are to be removed is to ensure an upgrade of the landscaping along the street frontages.  Trees along Cooyong Road will be retained where possible and within the car parking areas.
E2 – Prescribed Vegetation	1. The following is prescribed for the purposes of clause 5.9(2) of Part 2 of the Vegetation SEPP: All native vegetation identified on: <ol style="list-style-type: none"> <li>a) DCP Map Threatened and <a href="#">High Conservation Habitat</a></li> <li>b) DCP Map Wildlife Corridors</li> <li>c) DCP Map Native Vegetation</li> </ol>	The subject site is not identified as containing any of the following: <ul style="list-style-type: none"> <li>• Threatened and High Conservation Habitat;</li> <li>• DCP Map Wildlife Corridors; and</li> <li>• DCP Map Native Vegetation.</li> </ul>

Clause	Control	Comment
	<p>d) known or potential habitat for threatened species, populations or ecological communities as listed under the <u>NSW <i>Threatened Species Conservation Act 1995</i></u> and/or the Commonwealth <u><i>Environment Protection and Biodiversity Conservation Act 1999</i></u>.</p> <p>2. Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.</p>	<p>Trees will be retained where possible. A high percentage of trees to be removed are exempt species. Refer to accompanying Arborist Report.</p> <p>In addition, the proposed landscaping will provide additional plantings to off-set any loss and maintain rural character and setting.</p> <p>Only, 2 trees along Cooyong Road will require removal, to enable the driveway to be positioned to the west.</p> <p>Overall, 101 trees were reviewed of which 27 trees are viable and will be able to be retained. 74 trees are not viable of which 56 are exempt species under the DCP.</p> <p>The proposed development will increase and improve landscaping along each street frontage and the proposed plantings will off-set this loss. Refer to accompanying landscaped plans.</p>
E6 – Retaining unique environmental features	<p>1. Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.</p> <p>2. Development should respond to these features through location of structures, outlook, design and materials.</p>	<p>Noted. Existing trees have been retained where possible.</p> <p>Setbacks have been provided along Cooyong Road and Mona Vale Road and this will ensure the rural character of the locality can be retained.</p>
E10 – Landslip Risk	Site is identified as Area A.	Refer to accompanying geotechnical report. Development can be undertaken.
E11 – Flood Prone Land	Not identified as being flood affected.	Not Applicable.
<b>Bushfire Affected Land</b>		
<p>The site is identified as being bushfire affected:</p> <ul style="list-style-type: none"> <li>- Warringah Bushfire Prone Land Map 2016; and</li> <li>- Final Draft Northern Beaches Bush Fire Prone Land Map.</li> </ul>		Refer to accompanying Bushfire Report. Development will satisfy the requirements.

### Landscaped Open Space – Further discussion



4.2.91 As noted above, Part D1 of the DCP requires a minimum area of 70% of the site as landscaped area. The garden centre redevelopment proposes 9,230m<sup>2</sup> (32.6%) of landscaped area across the site.

4.2.92 The open nursery has been included in these calculations as the surface of the display area of the open nursery allows for water infiltration and is permeable.

4.2.93 A variation to the landscape control in the DCP is required. A variation is appropriate in this instance for the following reasons:

- The control in the DCP is based on a rural residential use, it does not accommodate non-residential uses that would not normally be permitted in the RU4 Primary Production Zone. The garden centre use is permitted as an 'additional permitted use'. The DCP controls do not reflect this. There is a substantial difference between the area requirements of a rural residential dwelling and that of a garden centre.
- To ensure the ongoing viability of the garden centre, it requires complimentary uses with the additional retail tenancies and sufficient parking to meet the peak demand and reduce pressure on the surrounding road network. These elements impact on the ability to provide increased landscaped area.
- Notwithstanding the variation, the garden centre meets the objectives of the control as follows:

<b>Objective</b>	<b>Garden Centre Response to Objectives</b>
<i>To enable planting to maintain and enhance the streetscape</i>	The garden centre has been designed to provide generous landscaped setbacks with substantial planting to the main street frontages along Mona Vale Road and Cooyong Road and also southern boundary. The streetscape is enhanced with the retention of trees along Cooyong and incorporation of dense layering of landscaping.
<i>To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife</i>	Trees will be retained where possible. A high percentage of trees to be removed are exempt species that do not contribute to local vegetation.  In addition, the proposed landscaping will provide additional plantings to off-set any loss and maintain rural character and setting.
<i>To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building</i>	As demonstrated within the landscape package, the scheme provides a range of species including ground covers and medium to large trees.
<i>To enhance privacy between buildings</i>	The garden centre will not impact on the privacy of adjoining dwellings. This has been achieved through the combination of the orientation of the buildings and the landscaped interface.

<b>Objective</b>	<b>Garden Centre Response to Objectives</b>
<i>To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants</i>	This objective is not applicable to a garden centre.
<i>To provide space for service functions, including clothes drying.</i>	This objective is not applicable to a garden centre.
<i>To facilitate water management, including on-site detention and infiltration of stormwater.</i>	The garden centre incorporates on-site detention designed in accordance with Warringah On-site Stormwater Detention Technical Specification. Water will be captured on site and re-used for irrigation and toilet flushing. The garden centre operates efficiently managing water use and minimising offsite impacts.

- All new buildings are setback in accordance with the DCP setback controls along Myoora and Cooyong Roads which ensures substantial landscape setbacks to improve the interface of the development with the public domain and as viewed from surrounding properties.
- As demonstrated in the table above, notwithstanding the variation to the DCP control, the garden centre meets the objectives of the control. The site achieves an appropriate balance between enhancing the natural environment and the streetscape and the commercial needs of the garden centre.

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

### 4.3 The Likely Impacts

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

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

- 4.4.1 The site is suitable for the proposed development. The site is zoned part RU4 Primary Production Small Lots and the Garden Centre use is permitted as an 'additional permitted use on the site' pursuant to Schedule 1 Clause 18 of the LEP. The redevelopment and continued use are suitable given the generous front and side setbacks and increased landscaping opportunities.
- 4.4.2 Matters relating to the suitability of the site has been addressed in this Statement and within the accompanying specialist reports that have considered whether the site is suitable for this development.
- 4.4.3 Sufficient car parking and loading facilities can be accommodated on site. All vehicles will be able to enter and leave the site in a forward direction. The additional car parking will ensure that there will be no detrimental impact for nearby business and residents, with the need to park on-street. Provision of 259 car spaces is required to service the development and the generous side setbacks and landscaping will minimise sightlines to the car parking areas from the public domain and adjoining properties.
- 4.4.4 The new sign is suitable for the size of the extended building, frontage lengths and landscaped setbacks. The illumination of the sign can be adjusted to ensure that glare remains at acceptable levels.
- 4.4.5 Overall, the site is suitable for the proposed use.

#### 4.5 Submissions

- 4.5.1 The proposed development and continuing use for the site as a garden centre will be a huge benefit to the local community. The development is generally consistent with the planning controls and is well within the reasonable expectations of the community for this site. Any variations have been justified.
- 4.5.2 The application will be required to be publicly exhibited. Any submissions received will be taken considered following closure of the notification period. Although this is a significantly reduced development compared with the previous DA (withdrawn by the applicant) the matters raised in the previous submissions have been considered in this DA.
- 4.5.3 The primary concerns raised in relation to the previous DA related to parking and traffic impacts. Primary concerns included:
- Traffic Impacts on surrounding streets
  - Proximity to Public School and bus stops with impacts of trucks / service vehicles
  - Lack of consideration of the hospital
  - Traffic management around drop off and pick up times at the school
  - Should not be comparing with Milperra

- Impact on traffic of an increase from 127 to 403 Spaces
  - Entry and exit should be from Mona Vale Road
- 4.5.4 All of the above concerns / comments were taken on board and considered as part of the new DA. It is noted that the new DA is significantly smaller than the previous DA.
- 4.5.5 The current DA proposes a smaller floor space and 259 parking spaces which is a 35% reduction on parking spaces proposed. The Traffic Report has considered in detail all surrounding streets and the distribution of traffic. It includes the proposed traffic generation from the hospital, although the hospital development gave no consideration to the intersection of Myoora and Cooyong Road.
- 4.5.6 TfNSW requires the closure of the Mona Vale Road entry. We would prefer this entry to remain open however we are aware that this will not be supported by TfNSW based on their comments on the previous DA and their overall mandate to remove vehicular entries to main roads where alternative options are available.
- 4.5.7 A number of submissions stated that the Traffic Report should not be considering the Milperra Garden Centre as this is not within the Northern Beaches Council area. This has been considered as an example garden centre to quantify parking demand and usage. It is entirely relevant in this regard. It is not considered in relation to the external traffic impacts.
- 4.5.8 Terrey Hills Public School is located opposite the existing garden centre on the corner of Myoora and Cooyong Roads. A number of submissions raised concerns with intensification of the development and the potential impacts of the location of the loading dock. The interface with the Public School is an important aspect. In regard to the design of the development, the current DA provides a compliant 10 metre setback from Myoora Road that is fully landscaped. This will improve the visual outlook from the public school and surrounding properties.
- 4.5.9 The Traffic Report has considered the location of the bus stops on Myoora Road and the potential impacts of entry and exit point on Myoora Road on Terrey Hills Public School. It is noted that the majority of deliveries to the garden centre will occur prior to the peak drop off time in the morning of the public school. Generally between 7am to 8am.
- 4.5.10 The Terrey Hills Public School starts at 9.10am Monday to Friday. The public school bus starts its rounds at 8.35am and arrives to school prior to 9.10am. The peak drop off period of the school would be generally between 8.30am to 9.15am. As noted above, the majority of deliveries would occur prior to this period of time and therefore unlikely to impact on students and buses arriving at the school. Deliveries are less likely in the afternoon. Terrey Hills Public School finishes at 3.10pm and the public school bus leaves at 3.24pm.
- 4.5.11 In order to minimise potential conflicts, the garden centre will advise all deliveries to aim for delivery outside of the following key hours:
- 8.30am to 9.30am Monday to Friday
  - 3pm to 4pm Monday to Friday.

4.5.12 It is however noted that Myoora Road is heavily used by trucks from other businesses throughout the day, in particular ANL Landscape Supplies. Care should be taken by all parents and students accessing the public school and where possible students should be dropped off or picked up on Cooyong Road where the main pedestrian entry to the school and a pedestrian crossing is located. The pedestrian crossing also has a reduced speed limit of 25km which improves pedestrian safety. However, the public school buses operate off Myoora Road. The Traffic Report addresses the existing restrictions and traffic along Myoora Road in more detail.

4.5.13 To minimise the number of trucks accessing the loading area during key school drop off and pick up times and bus arrivals / departures, but allow a reasonable level of flexibility we would suggest the following restriction be imposed:

*Truck deliveries to the garden centre are to arrive and depart outside the following hours, with the exception of an allowance for 1 truck delivery:*

- 8.30am to 9.30am & 3pm to 4pm Monday to Friday.

*Reason: To reduce the potential number of trucks accessing the site and prioritise pedestrian safety.*

4.5.14 It is noted that the peak traffic flows for the development occur on a Thursday night and Saturday when the public school is closed.

4.5.15 In addition to the above, there will be signage at the exit point to ensure all trucks existing (irrespective of the time of day) be aware of the surroundings and the proximity to the school. The following are examples of the type of signage that would be appropriate:



4.5.16 We consider that the impacts of the garden centre can be managed appropriately with the measures outlined above.

## 4.6 The Public Interest

4.6.1 It is in the public interest to allow development that generally complies with planning controls, has no adverse environmental, economic or social impacts, and has general merit.

4.6.2 The proposed partial demolition, excavation and alterations and additions to the existing garden centre will ensure the development contextually fits within the streetscape and maintains a leafy setting. It is a highly positive use that will continue to provide great benefits to the community including employment opportunity and services.



- 4.6.3 Matters raised during the notification of the previous DA have been taken into consideration with the new scheme. In particular issues surrounding the interface with surrounding properties, landscaped setbacks and potential impacts on Terrey Hills Public School.

## 5.0 CONCLUSION

- 5.1 The relevant planning controls have been considered in the foregoing assessment, ie
- State Environmental Planning Policy (Transport and Infrastructure) 2021
  - State Environmental Planning Policy (Industry and Employment) 2021
  - State Environmental Planning Policy (Resilience and Hazards) 2021
  - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
  - Warringah Local Environmental Plan 2011
  - Warringah Development Control Plan 2011
- 5.2 This development application represents an appropriate form of development that will be compatible with the surrounding landscape which contains vegetation and a mixture of residential and business uses. It is a use that is suitably located and complimentary for nearby residential uses and surrounding locality, including the nearby school.
- 5.3 The proposal will not unreasonably impact on the amenity of adjoining property owners, particularly the only adjoining neighbour located at 279 Mona Vale Road to the south of the site. Adequate setbacks have been provided along the southern boundary to ensure that there will be no adverse overshadowing, privacy, view loss, car parking, traffic and scale. Landscaping will assist in reducing impacts.
- 5.4 The proposed development will retain existing trees where possible and compliment the retained trees with new landscaping. The majority of trees that are proposed to be removed are considered to have a low retention value being exempt species. The increased landscaping and setbacks throughout the site will enable additional landscaping to off-set this loss. Overall, the proposed landscape design will ensure a positive landscape outcome especially when viewed from Mona Vale Road, Cooyong Road and Myoora Road.
- 5.5 This site can sustain a development of this size given the site area and location adjacent to Mona Vale Road and nearby residential uses. The use can continue to operate and function without adverse impacts on the amenity of nearby residents.
- 5.6 The proposed hours of operation and truck deliveries will not be unreasonable with all deliveries being staggered throughout the day and only occurring during the proposed hours of operation on weekdays. This will minimise effects to nearby residential properties.
- 5.7 The proposed new east-facing sign is necessary to provide direction for future customers and deliveries, all signage is of an acceptable size given the length of the street boundaries, building elevation and landscaped setbacks.
- 5.8 Accordingly, it is recommended the proposed Development Application at 62 Myoora Road, Terrey Hills, be approved.



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