



Leathwaite
PLANNING GROUP



Statement of Environmental Effects

Alterations and Additions to Hills Marketplace

287 Mona Vale Road, Terrey Hills

June 2023

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Appendix A – Indicative Fit-out Plan for the Proposed Restaurant

1 Introduction

1.1 Commission

Leathwaite Planning Group (LPG) has been commissioned by the Applicant (Hills Marketplace) to prepare a Statement of Environmental Effects report to accompany a Development Application (DA) to Northern Beaches Council (Council).

In accordance with the plans prepared by BN Architecture and Arcadia, the proposal seeks development consent to undertake alterations and additions to the existing Hills Marketplace development located at No. 287 Mona Vale Road, Terrey Hills. The two proposed new buildings will accommodate a garden centre and rural supplies outlet and a new restaurant that will include a small area for ancillary brewing equipment.

Development consent is also sought to undertake minor alterations and additions throughout the ground floor level of the existing building including to the area occupied by the existing Garden Centre, Taste Buds Café and the area formerly occupied by Piemonte Restaurant and to carry out minor reconfiguration and expansion of the existing flower shop.

The proposal also seeks consent to demolish various existing structures and at-grade parking, to undertake preparatory bulk earthworks, to remove 28 site trees, to comprehensively upgrade the site landscaping, to provide additional at-grade parking and to install new business identification signage.

Development consent is sought to operate a mix of landuses from the Hills Marketplace site encompassing an expanded garden centre with ancillary plant growing cultivation area, a new restaurant (including ancillary brewing equipment), the existing café/restaurant and a new rural supplies outlet. The existing flower shop is also proposed to continue operating from the Hills Marketplace site.

1.2 Purpose of this Statement

The purpose of this report is to provide Council with all the information necessary to assess the development proposal so that the DA may be determined in accordance with Section 4.16 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.3 Project Team

This DA has been prepared by the following team of consultants:

THE PROJECT TEAM	
Project Manager	Mainbrace Constructions
Architectural	BN Architecture
Landscape Architect	Arcadia
Consulting Engineers	Henry & Hymas
Traffic Engineer	Ason Group
Town Planning	Leathwaite Planning Group
Contamination	Geo-Logix
Geotechnical Engineer	Geo-Logix
Access Consultant	Morris Goding Access Consulting
Acoustic Engineer	Stantec
Arborist	Naturally Trees
Bushfire Consultant	Australian Bushfire Protection Planners

BCA Consultant	Steve Watson & Partners
Surveyor	Bee & Lethbridge

Table 1: The Project Team.

1.4 Report Structure

This SEE is structured in the following manner:

Section 2 is a **Site Context** and provides a description of the site and surrounding area.

Section 3 details the **Proposed Development**.

Section 4 is a detailed **Environmental Assessment** of the proposed development.

Section 5 is a **Conclusion** and provides recommendations for determination of the DA.

1.5 Pre DA Lodgement Meeting

Council has established a Design and Sustainability Advisory Panel (DSAP) to provide high level independent expert advice on urban design, architecture, landscape architecture and sustainability for significant applications and planning proposals. The DSAP typically reviews development applications involving residential flat buildings, multi-unit housing, boarding houses and seniors living housing as well as large commercial and industrial applications. Mr Steve Findlay, Manager of Development Assessment confirmed that the proposed alterations and additions to the Hills Marketplace do not constitute large commercial development and therefore the proposal is not required to be considered by the DSAP.

The Applicant together with members of the project team attended a pre-DA meeting with staff from Council's town planning, urban design, environmental health and traffic engineering departments on 11 August 2022. The purpose of the meeting was to discuss the Hills Marketplace redevelopment concept and to obtain Council's overall feedback as well as their specific advice in relation to the landscaping concept, landscaped open space calculation and proposal to use permeable pavers in some parking areas and at-grade pedestrian circulation zones.

Formal minutes of the meeting were subsequently issued by Council together with additional clarification advice prepared by Jordan Davies sent by email dated 15 September 2022. With regard to the landscaped open space area calculation, Council provided the following feedback:

"If a further reduction is proposed, the applicant would need to demonstrate the proposal will result in a superior landscape outcome of the site in terms of landscape quality, for instance a substantial improvement in landscape presentation to Mona Vale Road, which at present is interrupted by the parking area in the south-western corner of the site....."

Council could consider a variation to LOS if the above is achieved and superior landscape outcome for the site is demonstrated in the DA."

The Hills Marketplace landscape strategy prepared by Arcadia has been a central focus of the redevelopment concept proposed in this DA. The landscape vision is documented as follows:

A welcoming community green becomes the new beating heart of Hills Marketplace. A landscape that celebrates its unique, rural setting and long-standing flower market history; a narrative conveyed through carefully curated material and planting to create new spaces for patrons and residents. Common ground for all, where local residents will come, grab a coffee and want to stay, sprawl out on the lawn and watch their children play. A landscape that invites people in to linger for longer engaging the senses, connecting with friends encouraging community exchange and celebration.

Since attending the pre-DA meeting, the proposed plans have been revised collaboratively by the project team to comprehensively address the feedback provided by Council at the pre DA meeting. In this regard, the architectural and landscape plans have been revised to remove the parking spaces / driveway circulation adjacent the site boundary with Mona Vale Road identified

by Council and to accommodate substantial new planting in a wider landscaped strip to provide a significantly improved superior landscape outcome, particularly along the Mona Vale Road frontage. Jordan Davies provided the following additional feedback by email dated 23 September 2022 in response to the amended plan:

“Subject to a good quality landscape plan showing a variety of medium and tall trees within the 15m deep soil, yes, this improvement to the south-western corner is a satisfactory response to Councils comments regarding the south-western corner and response to the DCP front setback requirement. Please dimension 15m on the submitted plan to the carpark area.”

2 Location & Description

The subject site is situated on Mona Vale Road between Aumuna Road and Cooyong Road (refer to the site locality plan provided at **Figure 1**). The site has a frontage of approximately 142 metres to Mona Vale Road and a depth of 140.57 metres. The subject property has an area of 2 hectares. The large site is relatively flat but has a gently crossfall, with the lowest point of the site being located adjacent the side boundary which adjoins Miramare Garden function centre. A survey plan which details the contours and spot levels across the subject site has been prepared by Bee and Lethbridge for submission with the DA. The subject site is formally referred to as Lot 1 DP 845094, No. 287 Mona Vale Road, Terrey Hills.

Vehicular access from Mona Vale Road is provided via separate “entry” and “exit” driveways. The subject site also benefits from a right-of-carriageway which provides vehicular access to and from Myoora Road through Lot 2 DP 845094. Mona Vale Road is an arterial road and comprises four traffic lanes separated by a median strip which has been densely planted. Substantial road reserves also extend along the carriageway.

The subject site is mapped as containing Vegetation Buffer on Council’s Bushfire Prone Land Map.

The AHIMS search dated 14 November 2022 conducted by MainBrace Constructions confirmed that no Aboriginal sites have been recorded and no Aboriginal places have been declared in or near the subject property.

The site is currently occupied by the main building which is part single storey part two storey and includes an additional wing with basement carparking constructed approximately 15 years ago, a number of sheds, a green house, a timber studio, a detached dwelling house and detached garage and at-grade vehicular circulation and parking.

The subject site is occupied by Hills Marketplace which is home to a number of businesses serving the local Terrey Hills community centred around the Hills Flower Market and Garden Centre (refer to the photographs provided at **Figures 1-6**).

Council’s Local Strategic Planning Statement identifies the “Rural Uplands” around Terrey Hills as being within the Metropolitan Rural Area. The subject site is also located in the Myoora Road Precinct which is a unique part of the Northern Beaches Local Government Area identified as benefiting from a range of additional permitted uses pursuant to the provisions of Warringah Local Environmental Plan 2011. The Myoora Road precinct has evolved markedly over the last decade. The Precinct which was once traditionally characterised by low intensity rural/residential and semi-commercial land uses is now home to a range of diverse land uses including Miramare Gardens function centre, Wyvern Private Hospital, Forestway Fresh Fruit Market, Terrey Hills Tavern and Bottle Shop, Gosford Quarries, Terrey Hills Swim School and the German International School serving the local community as well as the broader region.

The subject site is bounded by the Mona Vale Road carriageway, Miramare Gardens Function Centre to the west, the Kuan Yin Buddhist Temple to the north and rural residential land to the north east. A large new private hospital is currently being constructed on the opposite side of Myoora Road.

Alterations and Additions to Hills Marketplace, No. 287 Mona Vale Road, Terrey Hills

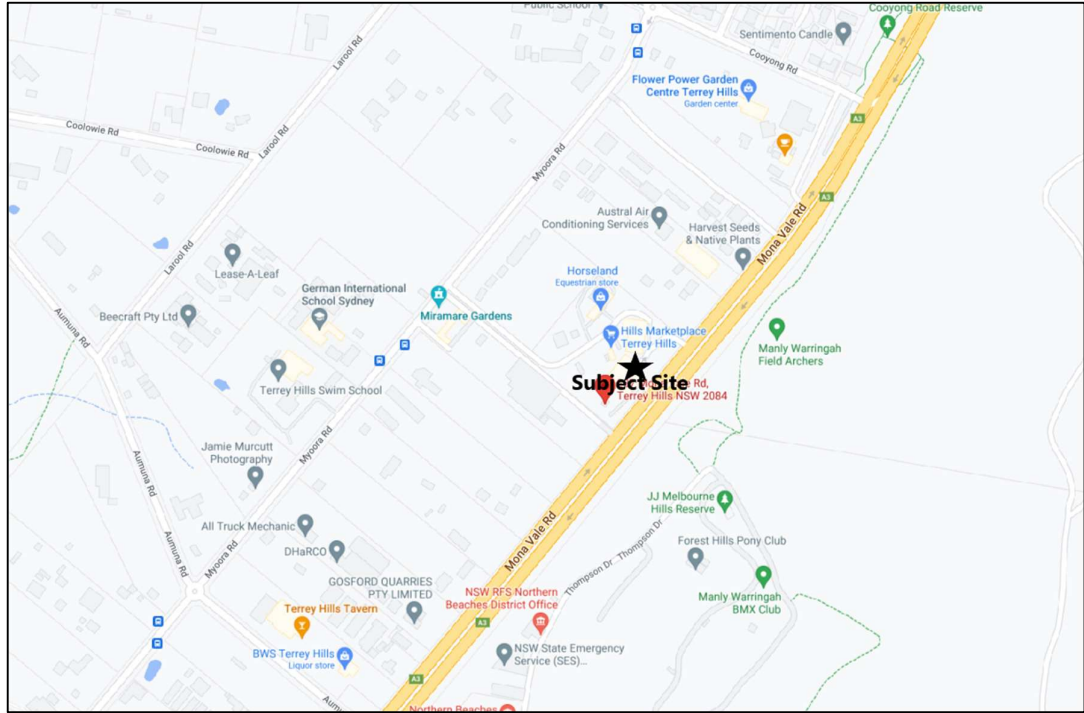


Figure 1: Site Locality Plan (Source: Mapdata @ 2022 Google)



Figure 2: View towards the Subject Site from Mona Vale Road (Source: BN Architecture)



Figure 3: View towards the rear egress via the Right-of-Carriageway to Myoora Road (Source: BN Architecture)



Figure 4: View of the existing development at the rear of the site (Source: BN Architecture)



Figure 5: Vehicular entry to the subject site from Mona Vale Road (Source: BN Architecture)



Figure 6: Vehicular exit to Mona Vale Road (Source: BN Architecture)

3 Proposed Development

The development the subject of this DA involves alterations and additions to the existing Hills Marketplace development located at No. 287 Mona Vale Road, Terrey Hills. The two proposed new buildings will accommodate an expanded garden centre and rural supplies outlet and a new restaurant that will include a small area for ancillary brewing equipment.

In respect of the new restaurant, it is proposed that it includes a small area for ancillary brewing equipment where some craft beer will be produced on-site [quantities are discussed at page 22]. This type of community interaction in the production stage has become very popular with restaurants today. While a small area for ancillary brewing equipment is proposed within the new restaurant, the principal purpose of the new restaurant will remain as a licensed restaurant. The operation of the brewing equipment is to provide theatre/ambience within the restaurant that will be an ancillary feature of the overall operation of the new restaurant.

In order to obtain a liquor licence for the new restaurant it will be necessary to make an application to the Independent Liquor and Gaming Authority of NSW (the Authority) through the Department of Liquor and Gaming NSW. This process will involve a close analysis of the impact of any liquor licence to be attached to the site in accordance with the requirements under the NSW Liquor Act 2007 (the Liquor Act) and corresponding Regulation. The Authority will only issue the appropriate licence having taken into account not only the permitted use granted by Council, but it also must consider the objects under the Liquor Act such as harm minimisation and the responsible service of alcohol arising from the sale of liquor together with ensuring the proposed new licensed restaurant contributes to the amenity of the community. This means in practical terms that the proposed use of the area to be licensed will be subject to two levels of scrutiny, one as part of the development application process before Council and the other as part of the Licence application before the Authority which will include input from various stakeholders including neighbouring premises.

Development consent is also sought to undertake minor alterations and additions throughout the ground floor level of the existing building including to the area occupied by the existing Garden Centre, Taste Buds Café and the area formerly occupied by Piemonte Restaurant and to carry out minor reconfiguration and expansion of the existing flower shop.

The proposal seeks consent to demolish various existing structures and at-grade parking, to undertake preparatory bulk earthworks, to remove 28 site trees, to comprehensively upgrade the site landscaping including providing substantial compensatory planting, to provide additional at-grade parking and to install new business identification signage.

Development consent is sought to operate a mix of landuses from the Hills Marketplace site encompassing an expanded garden centre with ancillary plant cultivation area, a new restaurant (including ancillary brewing equipment), the existing café/restaurant and a new rural supplies outlet. The existing flower shop is also proposed to continue operating from the Hills Marketplace site.

The following plans of the proposed development have been prepared by BN Architecture for submission with the DA and are supported by a site landscape strategy developed by Arcadia:

- A00.01 TITLE SHEET, LOCATION PLAN & DRAWING LIST
- A00.04 SAFETY IN DESIGN STATEMENT
- A00.05 SITE ANALYSIS
- A01.01 EXISTING & DEMOLITION PLAN – SITE
- A01.02 EXISTING & DEMOLITION – GL
- A01.10 EXISTING & DEMOLITION – ROOF
- A01.30 EXISTING & DEMOLITION – ELEVATION
- A01.40 EXISTING & DEMOLITION – SECTION

- A02.01 PROPOSED OVERALL SITE PLAN
- A02.20 PROPOSED GROUND FLOOR PLAN
- A02.21 PROPOSED MEZZANINE PLAN
- A02.40 PROPOSED ROOF PLAN
- A02.50 3D VISUALISATIONS / PERSPECTIVES
- A09.01 PROPOSED EXTERNAL ELEVATIONS
- A11.01 PROPOSED BUILDING SECTIONS
- A60.01 SIGNS & DISPLAYS
- A70.01 - MATERIAL SAMPLE BOARD
- A100.20 GREEN RATIO & PARKING ANALYSIS
- A100.21 GFA ANALYSIS GROUND LEVEL
- A100.22 GFA ANALYSIS MEZZANINE LEVEL
- A100.50 SOLAR STUDY

Demolition, Tree Removal and Preparatory Site Earthworks

Development consent is sought to:

- demolish various existing structures and at-grade parking (as detailed on Drawings A01.01, A01.02, A01.10, A01.30 and A01.40 prepared by BN Architecture);
- remove 28 site trees (numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 14, 15, 16, 18, 20, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34 and 35); and
- undertake preparatory bulk earthworks to facilitate construction of the proposed new buildings, landscaped lawn, cultivation area and parking as detailed on the Cut and Fill Plan prepared by Henry & Hymas (reference 21F99_DA_BE01 Revision 07).

Proposed Land Uses

In 1923, the Hills family established a flower farm and associated retail outlets on the site known today as Hills Marketplace. Over 100 years it has evolved into a much-loved part of Terrey Hills, providing the community with locally grown produce and products. Its rural environment sets it apart from other market leaders, providing a unique experience full of character. Customers return time and again, seeking out a quality and personal experience with vendors within Hills Marketplace. As Hills Marketplace continues to evolve, its people-focussed mindset ensures its business offerings will expand with the customer in mind, delivering exquisite fresh flowers, quality products and memorable experiences for decades to come.

A key focus of the reimagined Hills Marketplace will be the central lawn which will provide a landscaped area for the use and enjoyment of visitors to the site including for consumption of food and beverages purchased on-site.

Development consent is sought to operate a mix of landuses from the Hills Marketplace site encompassing an expanded garden centre with ancillary plant cultivation area, a new restaurant (including ancillary brewing equipment), the existing café/restaurant and a new rural supplies outlet. The existing flower shop is also proposed to continue operating from the Hills Marketplace site.

The existing café / restaurant has a maximum capacity of 86 patrons.

The proposed restaurant will operate from the new building and alfresco areas including the terrace and lawn and will have a maximum capacity of 250 patrons. Functional brewing equipment is proposed to be provided for fit-out purposes to create theatre / ambience within the

restaurant space (refer to the indicative restaurant fit-out plan provided at **Appendix A**). Beverages brewed at the premises will be available for purchase and consumption on-site.

The new restaurant tenant will seek an on-premises licence from the NSW Liquor and Gaming with business activities of “restaurant” and “local product promotion”. Each of these business activities is as set out below and do not alter the overall use of the premises as a restaurant.

Restaurant: This endorsement means the licensee of the on-premises licence will be preparing and serving meals to the public.

Local Product Promotion: This endorsement allows the licensee of the on-premises licence to promote its craft beer produced on-site to its customers of the restaurant.

The proposal also includes provision of business identification and directional wayfinding signage.



Figure 7: Aerial perspective of the rear of the existing and proposed Hills Marketplace (Source: BN Architecture)



Figure 8: Perspective of the rear of the existing and proposed Hills Marketplace (Source: BN Architecture)



Figure 9: Perspective of the rear of the existing and proposed Hills Marketplace (Source: BN Architecture)



Figure 10: Photomontage of the Front Façade of the proposed Alterations and Additions to Hills Marketplace (Source: BN Architecture)

Key Development Statistics

The gross floor area (GFA) associated with the existing and proposed land uses is summarised as follows:

- Flower Shop – 473.6m²
- Garden Centre (including shared amenities) – 1,042m²
- Café / restaurant - 244m²
- Restaurant (including ancillary brewing equipment) – 467.6m²

N.B. In addition, the proposed restaurant also comprises alfresco areas including the terrace and lawn.

- Rural Supplies – 350.7m²

N.B Garbage rooms are provided in addition to the above.

Existing ancillary office space is also provided at the mezzanine level, however no change to this area is proposed in this DA.

Proposed Hours of Operation

The existing and proposed businesses within the Hills Marketplace complex will each have specific trading hours but will all operate between the hours of 7am and 8.30pm 7 days/week with the exception of the existing café / restaurant which will continue to operate 7am-10pm 7 days/week and the proposed restaurant which will operate 7am - 10pm Sunday – Wednesday and 7am – 12am Thursday, Friday and Saturday.

The various existing and proposed land uses will have differentiated peak operating hours. For example the peak operating period for the restaurant will typically occur in the evening while the peak operating period for the Garden Centre will occur during the day.

Proposed Business Identification Signage

The development involves provision of business identification signage on the exterior of the existing and proposed buildings. Nine illuminated business identification signs associated with the businesses to operate from Hills Marketplace are proposed. The business identification signs will have a low level of illumination limited to the lettering, graphics and logos which will be switched on during the operating hours of the associated business.

In addition, one low scale (1.2 metre tall) directional wayfinding sign (S9) is proposed adjacent the carpark near the entry to the site from Mona Vale Road.

Dimensions and details of the proposed signage is provided on Drawing A 60.01 prepared by BN Architecture.

Vehicular Access and Parking Provision

No change to the existing vehicular ingress and egress via Mona Vale Road and the Right-of-Carriageway to Myoora Road is proposed.

A total of 188 on site car parking spaces (including six accessible spaces) are proposed. The parking is provided at-grade (149 spaces) and in the existing basement carpark (39 spaces).

Five designated delivery spaces are also provided for small and medium rigid vehicles and three motorcycle spaces are provided.

Landscape Design

The site landscape strategy prepared by Arcadia is at the core of the reimagined Hills Marketplace. Comprehensive landscape upgrades are proposed across the subject site incorporating new landscaped zones including the community green, nature play area, planted entry arbour and flower and plant cultivation area.

Extensive new planting is proposed to enhance existing landscaped areas and provide screening of the proposed built form, particularly along the Mona Vale Road frontage of the site, the common side boundary with Miramare Garden function centre and the rear boundary with the Kuan Yin Buddhist Temple.

The enhanced Mona Vale Road landscaped buffer will accommodate three new native trees (1 x Turpentine, 1 x Coachwood and 1 x Brush Box) together with a dense native understorey created by supplementary shrubs and accents plants including Banksia, Coast Rosemary, Compact Coastal Rosemary, Crimson Bottlebrush and Grey spider flower.

The landscape vision is documented as follows:

A welcoming community green becomes the new beating heart of Hills Marketplace. A landscape that celebrates its unique, rural setting and long-standing flower market history; a narrative conveyed through carefully curated material and planting to create new spaces for patrons and residents. Common ground for all, where local residents will come, grab a coffee and want to stay, sprawl out on the lawn and watch their children play. A landscape that invites people in to linger for longer engaging the senses, connecting with friends encouraging community exchange and celebration.

4 Environmental Planning Assessment

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

4.1 Section 4.15(1)(a) – Planning Controls

Under Section 4.15(1)(a) of the EP&A Act, the consent authority must take into consideration the provisions of:

- Section 4.15(1)(a)(i) Environmental Planning Instruments;
- Section 4.15(1)(a)(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);
- Section 4.15(1)(a)(iii) Development Control Plans;
- Section 4.15(1)(a)(iiia) Planning Agreements; and
- Section 4.15(1)(a)(iv) the Regulations.

The relevant environmental planning instruments and development control plans are:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- Warringah Local Environmental Plan 2011; and
- Warringah Development Control Plan 2011.

The remainder of this subsection provides an assessment of the proposal having regard for the provisions of the abovementioned plans, policies and other relevant matters.

4.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of land

The provisions in Chapter 4 of SEPP (Resilience and Hazards) 2021 provide a State-wide planning approach to the remediation of contaminated land aimed at promoting the remediation of contaminated land to reduce the risk of harm to human health or any other aspect of the environment.

In 2021, Geo-Logix completed a Preliminary Site Investigation (PSI) into the potential existence of contamination at the subject site. The PSI identified numerous historical potentially contaminating activities on-site including:

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

On the basis of the findings of their PSI, Geo-Logix was subsequently commissioned by the Applicant to conduct a Detailed Site Investigation (DSI) of the subject site. The objective of the DSI was to conduct an investigation of soil to assess the presence or otherwise of contamination on the land that may have resulted from onsite historical and current activities. A further objective of the DSI was to consider the suitability of the site for the redevelopment and use proposed in this DA.

To assess for potential soil contamination on the site, the following scope of works was completed:

- Drilling thirty boreholes across the site and collecting representative samples from fill and native soils at each location. The sampling grid meets minimum sampling standards for the site area (19,910 m²) as per NSW EPA (1995). The sampling grid identifies circular contamination hotspots equal to or greater than 30.39 m diameter at 95% statistical degree of certainty;
- A sample at each location was analysed for COPC including TRH, BTEXN, PAHs, heavy metals and OCPs.
- All fill samples were visually inspected for asbestos containing materials.

While lower levels of petroleum hydrocarbons, Polyaromatic Hydrocarbons (PAHs), Organochlorine Pesticides (OCPs) and heavy metals were reported in soil, contaminants of potential concern (COPCs) were not identified in soil at concentrations in excess of assessment criteria in all samples analysed. The risk that past site activities have contaminated on-site soils is therefore considered by Geo-Logix to be low and acceptable.

As COPCs were not detected in on-site soil and all identified sources of potential contamination at the site are ‘top down’ processes expected to first affect surficial soils, it is considered by Geo-Logix that the risk of contamination to on-site groundwater and surface water is also low and acceptable.

The results of the assessment by Geo-Logix did not identify any conditions requiring the site to be remediated and the DSI concluded that the site is suitable for the proposed redevelopment and use.

4.1.2 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertising and signage

The provisions of Chapter 3 provide directions to guide the assessment of proposals involving signage and advertising.

The development involves provision of business identification signage on the exterior of the existing and proposed buildings. Nine illuminated business identification signs are proposed. The business identification signs will have a low level of illumination limited to the lettering, graphics and logos which will be controlled by a timer to turn on during the operating hours of the associated business.

In addition, one low scale (1.2 metre tall) directional wayfinding sign (S9) is proposed adjacent the carpark near the entry to the site from Mona Vale Road.

Dimensions and details of the proposed signage are provided on Drawing A 60.01 prepared by BN Architecture.

Clause 3.6 states as follows:

“A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

(a) that the signage is consistent with the objectives of this Chapter as set out in Section 3.1 (1)(a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.”

The proposed business identification and directional signage is considered to be consistent with the objectives of Chapter 3 of SEPP (Industry and Employment) 2021 as set out in Section 3.1(1)(a) because it will:

- be of an appropriate scale, size and design to be compatible with the desired amenity and visual character of the built form located on the subject site and throughout the surrounding rural-residential area, including the evolving commercial corridor along Mona Vale Road;
- in the case of the proposed business identification signage (to be installed on the building facades), be setback behind the 30 metre front setback zone to Mona Vale Road and designed to integrate with and visually complement the built form. In addition, it is noted that the finished floor level of the proposed building accommodating the restaurant will be approximately 0.5 metres below the existing ground level of the road reserve adjacent Mona Vale Road. Given the significant setback from the front property boundary and the design and placement of the proposed signage on the building façade, it will not dominate the built form as viewed from the public domain;
- effectively communicate at the main vehicular entrance to the subject site off Mona Vale Road, the names and locations of the businesses occupying the Hills Marketplace complex; and
- be prepared using quality materials and finishes.

The following table provides an assessment of the proposed signage against the assessment criteria detailed in Schedule 5 of SEPP (Industry and Employment) 2021.

Schedule 5 Assessment Criteria	
Character of the Area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	N/A
Special Areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No
Views and Vistas	
Does the proposal obscure or compromise important views?	No
Does the proposal dominate the skyline and reduce the quality of vistas?	No
Does the proposal respect the viewing rights of other advertisers?	N/A
Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes
Does the proposal screen unsightliness?	N/A

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No
Does the proposal require ongoing vegetation management?	No
Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes
Does the proposal respect important features of the site or building, or both?	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes
Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed business identification signs are proposed to be illuminated and will be set to operate on a timer during the opening hours of the associated business.
Illumination	
Would illumination result in unacceptable glare?	No
Would illumination affect safety for pedestrians, vehicles or aircraft?	No
Would illumination detract from the amenity of any residence or other form of accommodation?	No
Can the intensity of the illumination be adjusted if necessary?	Yes, the detailed Construction Certificate plans can accommodate this if required.
Is the illumination subject to a curfew?	No
Safety	
Would the proposal reduce the safety for any public road?	No
Would the proposal reduce the safety for pedestrians or bicyclists?	No
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No

Table 2: Schedule 5 Assessment Criteria

4.1.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure - Part 2.3: Development Controls, Division: 17 Roads and traffic, Subdivision 2: Development in or adjacent to road corridors and road reservations

The Traffic and Parking Impact Assessment prepared by Ason Group notes that Mona Vale Road is an important arterial road that connects Pittwater Road at Mona Vale to the Pacific Highway at Pymble. It is classified as a Class 4 Urban Road and an important State Road. It is 4 lanes (2 lanes eastbound, 2 lanes westbound) in the vicinity of the Site and the speed limit is 80km/h.

2.119 Development with frontage to a classified road

Section 2.119(2) stipulates as follows

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Comment – No change is proposed to the existing separate vehicular ingress and egress driveways which provide access to the subject site via Mona Vale Road. It is noted that a secondary point of ingress and egress is provided to Myoora Road at the rear via a Right-of-Carriageway. No change is proposed to this secondary access either. Ason Group note that the existing driveways off Mona Vale Road and Myoora Road have been designed in accordance with AS2890.1 and 2 and that these facilities have operated satisfactorily for many years with no incidents recorded.

Based on the traffic projection modelling carried out by Ason Group, the projected increase to the peak traffic generation outcome for the proposed development would be no more than 25 vehicles per hour. Traffic generation of this order of magnitude (being equivalent to one vehicle every three minutes during the peak hours) is minor in the context of the local and arterial road system.

Having regard for the assessment carried out by Ason Group, the safety, efficiency and ongoing operation of Mona Vale Road is not expected to be adversely affected by the quantum of vehicle trips to and from the subject site generated by the proposed development utilising the existing access driveways.

The existing and proposed mix of businesses proposed to be operated from Hills Marketplace comprising a garden centre, flower shop, restaurant (including ancillary brewing equipment), café and rural supplies are not considered to be sensitive to traffic noise or vehicle emissions.

The proposed new buildings will be setback in excess of 30 metres from the site frontage with Mona Vale Road. In addition, the built form is orientated towards the centrally located community green which will assist to ameliorate potential impacts associated with traffic noise and vehicle emissions on the use and enjoyment of the proposed development. The front setback buffer area will also be densely landscaped. The road reserve provides additional spatial separation from the carriageway beyond the site boundary.

2.122 Traffic-generating development

As noted above, the subject site benefits from ingress and egress driveways via Mona Vale Road (which is a classified road) and the DA seeks consent for additional gross floor area (GFA) associated with alterations and additions to the Hills Marketplace development. Hills Marketplace will encompass a mix of existing and proposed land uses such as a restaurant (including ancillary brewing equipment), café, garden centre, flower shop and rural supplies outlet. On this basis, pursuant to the provisions of Section 2.122 and Schedule 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021 which relate to traffic generating development, Council is expected to refer the DA to Transport for NSW for review and comment.

4.1.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 - Koala Habitat Protection 2021

Pursuant to the provisions of Section 4.4 and Schedule 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 4 applies to the Northern Beaches Council Local Government Area which is located in the Central Coast koala management area.

Under Sections 4.9 (2) and (3) of State Environmental Planning Policy (Biodiversity and Conservation 2021), 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. If found to have low or no impact, Council may grant consent.

Pursuant to Section 4.9 (4), if the development is determined by Council to have a higher level of impact on koalas or koala habitat, Council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.

The subject site is currently used for a variety of purposes including an existing flower shop, restaurant/café, garden centre and rural supplies and adjoins Mona Vale Road, a dual carriageway with 4 vehicular traffic lanes. The side and rear property boundaries adjoin land developed for the purposes of a function centre, temple and rural residential development. The existing trees on the subject site do not have connectivity with bushland corridors.

Having regard for the site conditions and context, the proposed development which includes removal of 28 trees (25 of which have been assessed as low category trees) together with replacement compensatory planting, is not expected to impact on koalas or their habitat and therefore no further assessment is considered to be necessary in the circumstances.

4.1.5 Warringah Local Environmental Plan 2011

Warringah Local Environmental Plan 2011 (WLEP 2011) came into force on 9 December 2011 and is the primary planning instrument guiding planning decisions in the area of Northern Beaches formerly known as Warringah local government area. WLEP 2011 zones the subject site RU4 Primary Production Small Lots.

The objectives of the RU4 zone are stated as being to:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To minimise the impact of development on long distance views of the area and on views to and from adjacent national parks and bushland.*
- *To maintain and enhance the natural landscape including landform and vegetation.*
- *To ensure low intensity of land use other than land uses that are primary industry enterprises.*

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

Development consent is sought to operate a mix of landuses from the Hills Marketplace site encompassing an expanded garden centre with ancillary plant cultivation area, a new restaurant (including ancillary brewing equipment), the existing café/restaurant and a new rural supplies outlet. The existing flower shop is also proposed to continue operating from the Hills Marketplace site.

The proposal also incorporates the provision of business identification signage and directional signage.

The land use table provided at Part 2 of WLEP 2011 prescribes that business identification signs and rural supplies are permitted with consent in the RU4 Primary Production Small Lots zone.

In addition, the operation of Clause 2.5 and Schedule 1 act to permit a number of additional uses in Area 18 which is referred to as land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills. The subject site at No. 287 Mona Vale Road, Terrey Hills is located within Area 18. Clause 2.5 and Schedule 1 prescribe that garden centres and restaurants or cafes are also permitted with consent on land in Area 18.

The dictionary to Warringah LEP 2011 includes the following relevant definitions:

business identification sign means a sign—

(a) that indicates—

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

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.

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

(a) an artisan food and drink industry, or

(b) farm gate premises.

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Garden Centre

The expanded garden centre is central to the reimagined Hills Marketplace. The principal purpose of the garden centre land use will be the retail sale of plants (some of which will be grown on-site in the plant cultivation area) and landscaping and gardening supplies and equipment.

The plant cultivation area will positively contribute to the landscaped character and setting of Hills Marketplace consistent with the site vision which is strongly underpinned by the rich site history which was founded on the sale of locally grown flowers.

The seasonal plants proposed to be grown in the cultivation area will be sold throughout the Garden Centre to reduce reliance on external suppliers. Accordingly, the cultivation area is considered to be appropriately characterised as being an integral ancillary element of the Garden Centre.

Council's pre DA meeting minutes confirm as follows:

- *that the size of the area designated for the plant cultivation area (Zone 1 - Landscape) is not considered to be prohibitive to the argument that the use may be ancillary.*

The proposed cultivation area will provide a production support role for some of the items sold in the Garden Centre. However, the cultivation is not proposed to be carried out as its own independent land use. As such no change to the land use categorisation or characterisation will arise from the cultivation area.

As requested by Council during the pre DA lodgement meeting, a landscaped buffer is proposed around the perimeter of the flower and plant cultivation area as documented on the landscape plans prepared by Arcadia for submission with the DA.

Flower Market / Shop

The proposal involves the minor expansion and reconfiguration of the existing flower market / shop for which alterations and additions were approved as part of DA 2004/1012. At the time development consent was granted to DA 2004/1012, WLEP 2011 had not commenced and the applicable environmental planning instrument in force was Warringah LEP 2000.

Email advice provided by Council Planner, Jordan Davies dated 15 September 2022 confirmed the following:

Under area A4 of the Warringah LEP 2000 'shops' were a 'category 3' land use and required development consent. 'Shops' were not listed as a prohibited land use under Warringah LEP 2000.

Under Warringah LEP 2011, shops became a 'prohibited' land use.

Shops are noted in the dictionary to WLEP 2011 as being a type of retail premises. Neither shops nor retail premises are prescribed as being permitted with or without consent in the RU4 zone or as being an additional permitted use in Area 18. Accordingly and consistent with the advice provided by Jordan Davies and extracted above, pursuant to the provisions of WLEP 2011, shops are deemed to be prohibited in the RU4 zone and within Area 18.

Section 4.66 of the EP&A Act contains provisions which authorise the continuance of land uses which lawfully commenced before subsequently becoming prohibited by virtue of the operation of a new environmental planning instrument. The EP&A Act provides the following definition of an "existing use" at Section 4.65:

*In this Division, **existing use** means—*

(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and

(b) the use of a building, work or land—

(i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and

(ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

As noted above, the Hills Family have operated the flower market / shop from the subject site at No. 287 Mona Vale Road, Terrey Hills on an ongoing basis for 100 years. Over this time, the operation has grown and evolved into the local institution that it is today.

Construction of the building occupied by the flower market / shop was approved by Building Approval No. 1150/1998. Alterations and additions to the building occupied by the flower market / shop were subsequently approved by DA 2004/1012. The Statement of Environmental Effects report prepared by Don Fox Planning and submitted to Warringah Council in support of DA 2004/1012 contains details of the flower market / shop land use. Condition 99 of the amended Notice of Determination issued in relation to DA 2004/1012 regulates the operating hours of the flower market / shop. On this basis, the flower market / shop is considered to benefit from existing use rights under the EP&A Act. Operation of the flower market / shop from the approved premises has been ongoing and the use has not been abandoned. To this extent, existing use rights are not considered to have been extinguished.

The flower market / shop occupies ground floor space in the main building. An indicative plan has been prepared by BN Architecture to illustrate the part of the site approved as a flower market / shop in DA 2004/1012 including ground floor level internal floor area as well as external display areas, a delivery dock and garbage room (refer to **Figure 11**).

Part 7 of the EP&A Regulation is given effect by Section 4.67 of the EP&A Act and contains provisions that permit existing uses to be enlarged, expanded or intensified, to be altered or extended and that permit a building or work used for an existing use to be altered. Part 7 of the EP&A Regulation is relied upon to obtain development consent for the minor proposed expansion and reconfiguration of the existing flower market / shop including the corridor and external egress point between the proposed garden centre and the existing cafe / restaurant. The minor proposed expansion and reconfiguration of the flower market / shop is extremely limited in extent and will not give rise to any adverse amenity impacts, generate additional parking demand or materially intensify the flower market / shop land use.

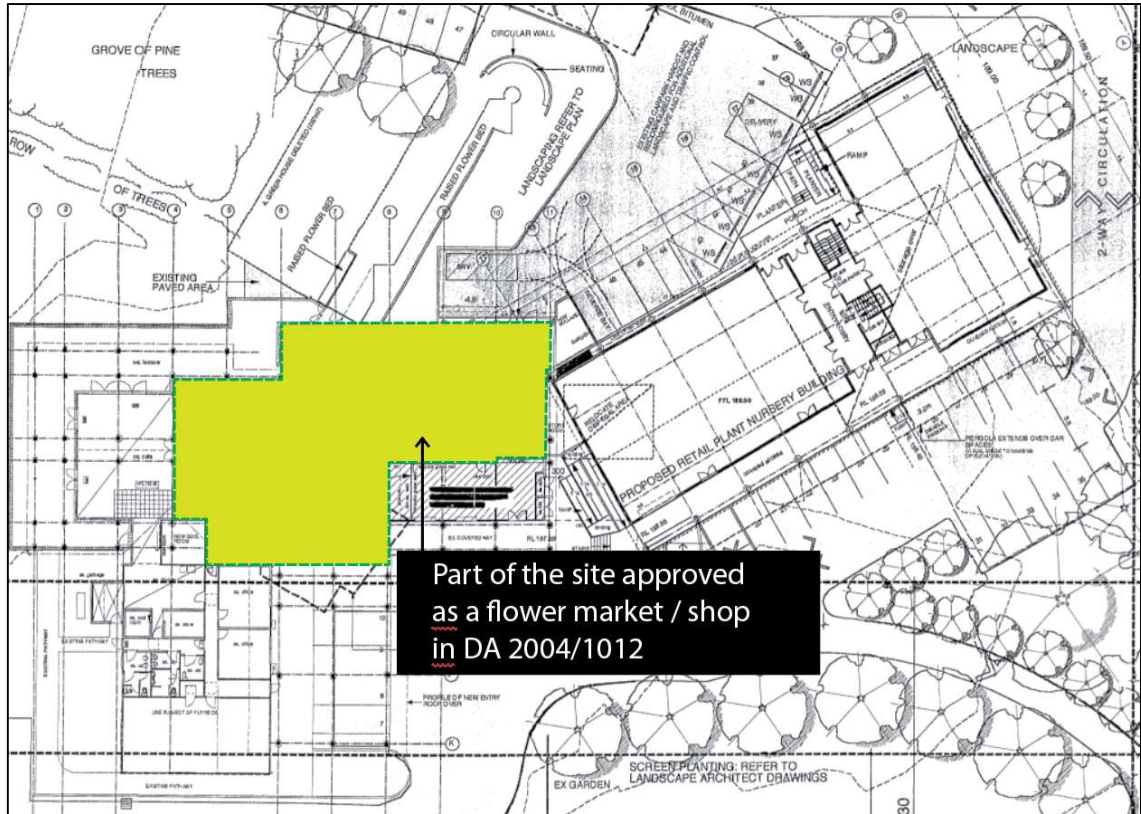


Figure 11: Indicative Plan Showing the Part of the Site Approved as a Flower Market / Shop in DA 2004/1012
(Source: BN Architecture)

Proposed Restaurant

The proposed restaurant will operate from the new building and the alfresco areas including the terrace and lawn. The restaurant is proposed to have a maximum capacity of 250 patrons.

Functional brewing equipment is proposed to be provided for fit-out purposes to create theatre / ambience within the restaurant space (refer to the indicative restaurant fit-out plan provided at **Appendix A**). Beverages brewed at the premises will be available for purchase and consumption on-site.

“Brewery” or “Distillery” are not defined in the dictionary to WLEP 2011. However, Schedule 3 of the Environmental Planning and Assessment Regulation 2021 defines (at Clause 9) “breweries and distilleries” to mean:-

(1) *Development for the purposes of a brewery or distillery that produces alcohol or alcoholic products is designated development if the brewery or distillery has an intended production capacity of more than*

(a) 30 tonnes per day, or

(b) 10,000 tonnes per year.

(2) *Development for the purposes of a brewery or distillery that produces alcohol or alcoholic products is designated development if the brewery or distillery*

(a) *is located within 500 metres of a residential zone, and*

(b) *is likely, in the consent authority's opinion, to significantly affect the amenity of the neighbourhood because of odour, traffic or waste.*

(3) *Development for the purposes of a brewery or distillery that produces alcohol or alcoholic products is designated development if the brewery or distillery releases effluent or sludge*

- (a) *in or within 100 metres of a natural waterbody or wetland, or*
- (b) *in an area of high watertable, highly permeable soils or acid sulfate, sodic or saline soils.*
- (4) *Subsection (2) does not apply to artisan food and drink industries.*

The small area for ancillary brewing equipment to be provided within the new restaurant is **not** a “brewery or distillery” as defined in the Environmental Planning and Assessment Regulation 2021. The brewing equipment will provide an ancillary service to the new restaurant, but it will not produce products greater than 30 tonnes per day, or 10,000 tonnes per year.

The company that proposes to operate the new restaurant does not have the capacity to produce anything like the above numbers on-site. It will source other liquor products (such as other craft beers) for consumption at the new restaurant from an external commercial supplier.

Furthermore, the use of the new restaurant should not be defined as an “artisan food and drink industry” within the WLEP 2011. The definition of “artisan food and drink industry” within the same LEP is set out below.

“artisan food and drink industry” means “...a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (c) facilities for holding tastings, tours or workshops”.

The use does not meet the definition of “artisan food and drink industry” pursuant to the WLEP 2011 definition as it is not a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. Rather, the principal use of the place is as a licensed restaurant. The operation of the brewing equipment is to provide theatre / ambience within the restaurant and will only be a small and ancillary feature of the overall operation of the new restaurant. Further, there will be no retail area for the sale of the brewed products at the restaurant.

RU4 Zone Objectives

The proposed development is consistent with the objectives of the RU4 Primary Production Small Lots zone as it:

- represents a modest, carefully considered expansion of the existing Hills Marketplace and the provision of a mix of complementary land uses that will be compatible with the diverse character of the surrounding Myoora Road Locality and that will service the local rural residential Terrey Hills and Duffy’s Forest communities.
- respects and builds on the rich history of the site which dates from 1923 as a flower farm and associated retail outlets.
- will generate diverse employment opportunities associated with the various existing and proposed land uses.
- will not give rise to land use conflicts or impact long distance views of the area or views to and from national parks and bushland.
- is proposed to be carried out on a site that has been developed and used for the last century and no longer contains any elements representative of the natural landscape (vegetation and/or landform) requiring maintaining or enhancing.
- involves substantial new site landscaping along the Mona Vale Road frontage and throughout the site which is integral to the core of the reimagined Hills Marketplace and responds strongly to the semi-rural character and setting of the site.

Clause 2.7 – Demolition requires consent

Clause 2.7 states that the demolition of a building or work may be carried out only with development consent.

Consent to demolish various existing structures and at-grade parking (as detailed on Drawings A01.01, A01.02, A01.10, A01.30 and A01.40 prepared by BN Architecture) is sought as part of this DA.

Clause 4.3 – Height of buildings

The maximum permissible building height applicable to development on the subject site is stipulated as being 8.5 metres.

The Dictionary to WLEP 2011 defines building height as meaning:

“(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.”

Council’s definition of building height refers to the vertical distance between the *existing* ground level and the highest point of the building.

The proposed alterations and additions to the Hills Marketplace development including the two new buildings comply with Council’s 8.5 metre maximum building height control (refer to the 8.5 metre height lines plotted above the existing ground level and rationalised / natural ground level provided by BN Architecture on the sections on Drawing A11.01).

Clause 5.21 - Flood Planning

Clause 5.21 of WLEP 2011 contains provisions regarding land the consent authority considers to be within the flood planning area.

The Planning Certificate issued by Council on 31 October 2022 (Certificate Number - ePLC2022/07665 states at Section 9 (pg 11 of 17) as follows:

(1) The land is not within the flood planning area and subject to flood related development controls.

(2) The land or part of the land is not between the flood planning area and the probable maximum flood and subject to flood related development controls.

Clause 6.1 – Acid sulfate soils

The subject site is not mapped as containing acid sulfate soils. Accordingly, the provisions of Clause 6.1 are not applicable to the assessment of the DA.

Clause 6.3 – Earthworks

Development consent is sought to undertake preparatory bulk earthworks to facilitate construction of the proposed new buildings, landscaped lawn, cultivation area and on-site parking as detailed on the Cut and Fill Plan prepared by Henry & Hymas reference 21F99_DA_BE01 Revision 07).

The design approach has endeavoured to limit the area of necessary earthworks and to minimise the extent of cut and fill to the greatest degree practical.

Henry & Hymas calculate that the proposed bulk earthworks zone will have an area of 11,641.8m² and will involve 1,820.64m³ of cut and 3,479.60m³ of fill. Accordingly, 1,658.96m³ of imported fill will be required on-site.

Disturbed areas will be provided with sedimentation controls throughout the construction phase of the project. Soil erosion control measures will be implemented in accordance with Council's policy and any conditions of development consent.

Provided appropriate erosion control and sedimentation measures are implemented during the construction phase of the project as detailed on the plans prepared by Henry & Hymas reference 21F99_DA_SE01 Revision 02 and 21F99_DA_SE02 Revision 02, the works are not expected to materially disrupt or detrimentally impact local drainage patterns and soil stability. Furthermore, the proposed earthworks are not expected to materially affect the existing and likely amenity of adjoining properties, disturb any relics or adversely impact any waterway, drinking water catchment or environmentally sensitive area.

Clause 6.4 – Development on sloping land

The subject site is mapped as Area A (Slope<5) on Council's Landslip Risk Map. Accordingly, the provisions of Clause 6.4 are applicable to the assessment of the DA.

Geo-Logix has prepared a Geotechnical Report for submission to Council with the DA. Section 6.1 of the report provides the following recommendations with regard to earthworks carried out on site:

The subject site should be prepared in accordance with AS 3798-2009 Section 6.1 and filled in accordance with AS 3798-2009 Section 6.2.

Initial Site Preparation

Initially surface features including pavements and building foundations should be stripped from the site, in an area extending at least 1.5 m laterally beyond any planned structures or improvements.

Utilities should be located and rerouted as necessary and any abandoned pipes or utility conduits should be removed or filled with grout. Utility trench excavations must be cut to competent bearing soils and backfilled with properly compacted structural fill.

Dam

The on-site dam should be dewatered and dam sediments dried prior to earthworks. The sediments may be disposed off-site or blended with onsite clayey Sand and/or crushed rock for reuse as fill. A blending ratio of 1:8 is considered appropriate. Contaminant levels in dam sediment should be assessed prior to re-use.

Structural Filling

Where the above site preparation procedures create excavations below the proposed final grade, the excavations should be backfilled with properly compacted structural fill. Materials selected for use as structural fill should not contain organic matter, waste construction debris, or deleterious materials. Fill materials should be granular material or should be of low or medium plasticity. Existing onsite fill meeting the above criteria may be used as structural fill. Under no circumstances should topsoil or other organic-laden soils be placed as fill beneath or within 1.5 horizontal metres of buildings, pavements or other structural areas.

Once final grade is reached in cut areas, and prior to fill placement in areas of the site that will receive new fill, the subgrade should be evaluated by a geotechnical engineer or their representative. Following subgrade evaluation, the exposed subgrade should be test-rolled in accordance with AS 3798-2009. Any unstable areas failing the evaluation or test-roll

should be excavated to the depth of competent bearing material and filled in accordance with the general site fill placement methodology outlined below.

Fill materials should be placed in individual lifts of 300 mm or less loose measurement and compacted using a sheep's foot roller for cohesive soils and a smooth drum roller for cohesionless soils. Fill should be compacted to a minimum of 98% of standard compaction with a moisture content within $\pm 2\%$ of the optimum moisture content.

Test rolling and fill placement is to be undertaken under Level 1 Supervision or Level 2 Inspection and Testing.

4.1.6 Warringah Development Control Plan 2011 (WDCP 2011)

Table 3 below provides an assessment of the proposed development against the relevant provisions contained within Warringah Development Control Plan 2011.

Control	Proposal	Compliance
Part B Built Form Controls		
<i>B1 Wall Heights 7.2 metre maximum wall height</i>	The elevations and sections provided on Drawings A09.01 and A11.01 prepared by BN Architecture illustrate that the wall elements associated with the proposed new buildings which are single storey in scale have been designed to comply with Council's 7.2 metre maximum wall height control.	Yes
<i>B4 Site Coverage Maximum = 20% x site area (20,000m²) = 4,000m²</i>	The site coverage associated with the existing and proposed buildings (Zone 20) = 3,833.1m ² (19%). Refer to Drawing A100.20 prepared by BN Architecture.	Yes
<i>B5 Side Boundary Setback Minimum = 7.5 metres Side boundary setbacks are to be landscaped and free of any above or below ground structures, car parking or site facilities (other than driveways and fences).</i>	The proposed restaurant will be setback 7.5 metres from the adjacent side property boundary. An underground bio-basin (300mm deep) with on-site detention above is proposed to be provided within the side setback zone. The hydraulic and landscape concepts have been carefully sited and planned by the Applicant's civil engineering and landscape consultants to minimise the extent of excavation required and to ensure the setback zone can accommodate generous planting along the side boundary. Proposed landscape treatments include dense screen planting adjacent to the boundary fence, with low level understorey planting to provide a human scale and softening to the proposed built form.	Yes The proposed hydraulic concept has been carefully considered and will not give rise to any adverse impacts.

Control	Proposal	Compliance
<p><i>B9 Rear Boundary Setback Minimum = 7.5 metres</i></p>	<p>The proposal includes the demolition of the existing cottage and detached garage and three metal sheds from the rear of the site.</p> <p>The proposed new rural supplies building will be centrally located on the site and setback in the order of approximately 60 metres from the rear property boundary.</p> <p>Council's pre DA meeting minutes note as follows: <i>"The proposal to include an at-grade carpark setback 5 metres from the rear boundary is capable of being supported, as the carpark is not a "structure" which is elevated and viewed from the adjoining site."</i></p> <p>Perimeter planting along the length of the rear property boundary is proposed. The proposed demolition, new landscaping and plant cultivation area will significantly improve the presentation of the rear of the site in keeping with the semi-rural context and character of the area.</p>	Yes
<p><i>B14 Main Roads Setback Minimum = 30 metres</i></p>	<p>The proposed restaurant building will be setback 30 metres from the front property boundary which adjoins Mona Vale Road.</p>	Yes
<p><i>Densely landscaped using locally occurring species of canopy trees and shrubs.</i></p>	<p>The landscape concept for the front setback zone has been prepared by Arcadia to achieve a densely landscaped zone planted with a mix of locally occurring native trees and shrubs.</p>	Yes

Control	Proposal	Compliance
<i>No signs are to be erected in the 30 metre front setback area.</i>	No signage is proposed within the front setback with the exception of S9 which is a low directional / wayfinding sign providing clear directions for users of the site once they have entered the car parking area. Council's pre DA meeting minutes confirm as follows: <i>Council could support the directional sign S9.</i>	The location of the directional sign (S9) is appropriate given the site context and is supported by Council. Yes
<i>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.</i>	The proposed parking and circulation area complies with Council's 15 metre minimum setback requirement and will be adequately screened by the proposed landscaping.	Yes
Part C Siting Factors		
<i>C2 Traffic, Access and Safety</i>	No change to the existing vehicular ingress and egress via Mona Vale Road and the Right-of-Carriageway to Myoora Road is proposed. Ason Group was commissioned by Mainbrace Constructions on behalf of the Applicant to prepare a Transport Assessment for submission with the DA. The associated report contains the following assessment and conclusions: * The projected increase of peak traffic generation outcome for the proposed development would be no more than 25 vehicles per hour. The traffic generation of this order of magnitude being equivalent to some 1 vehicle every 3 minutes during the peak hours, is minor in the context of the local and arterial road system.	Yes

Control	Proposal	Compliance
C2 Traffic, Access and Safety	<p>* All service areas have been designed with reference to AS 2890.2:2018, and provide for the movement of vehicles up to and including:</p> <ul style="list-style-type: none"> • a 6.4m small rigid vehicle as the design vehicle • an 8.8m medium rigid vehicle as the design vehicle <p>* The loading area to the north of the buildings will remain in a similar location as the existing loading area. It is noted that the proposed servicing layout is an improved configuration in terms of operation and safety compared to the existing arrangement, which involves a truck manoeuvring (including reversing) within an 11-car parking aisle to access the loading area.</p> <p>* The proposed service vehicle spaces will not impede access to any car spaces as well as pedestrian access to Hills Marketplace. The proposed loading area allows all vehicles to enter from and exit onto the main internal road in a forward direction.</p> <p>* The proposed south western loading area has been designed to be on the eastern end of the vehicle aisle away from the frontages of the restaurant and cafe. The proposed loading area is to:</p> <ul style="list-style-type: none"> • Provide a formal, convenient, safe and designated service vehicle parking to accommodate the servicing needs associated with the restaurant, garden centre, restaurant / cafe and flower shop. • Reduce the impact on the carpark by maintaining the availability of on-site car parking spaces for the tenants/visitors/staff • Improve safety by minimising vehicle and pedestrian conflicts with the service vehicles <p>* It should be noted that the proposed development is not a knockdown and rebuild development and will retain the existing access points and the main internal circulation roadway. As such, there is limited opportunity to provide separate access for delivery/service vehicles.</p> <p>* The proposed internal circulation and servicing arrangements will be appropriate to current requirements of Council's DCP and relevant Australian Standards (i.e., AS2890.1, AS2890.2, AS2890.5 and AS2890.6) and would therefore operate safely and efficiently.</p>	Yes

Control	Proposal	Compliance
<i>C3 Parking Facilities</i>	<p>The Transport Assessment prepared by Ason Group opines as follows:</p> <p>* The application of the parking rates contained within Council's DCP and the RMS Guides stipulates a minimum requirement of 174 car spaces. It is proposed to provide 188 car parking spaces.</p>	Yes
<i>C3(A) Bicycle Parking and End of Trip Facilities</i>	<p>The Transport Assessment prepared by Ason Group opines as follows:</p> <p>* Based on the rates provided in Council's DCP, the proposed development is required to provide:</p> <ul style="list-style-type: none"> • 23 bicycle parking spaces with the following breakdown: <ul style="list-style-type: none"> – High–Medium Security Level (Staff): 17 spaces – High–Low Security Level (Visitors): 6 spaces - one toilet - 3 shower cubicles/change areas - 23 clothes lockers <p>* Based on the on-site observations, no visitors or staff cycle to and from the Site. This is due to the lack of safe bicycle routes in the vicinity of the Site and the nature of the land uses on the Site.</p> <p>* A review of the Profile.Id Method of travel to work (based on the 2016 and 2021 Census) for Terrey Hills – Duffy's Forest confirms that no more than 0.5% of employees cycle to/from work.</p> <p>* Given the current very low usage of bicycles to/from the Site, it is recommended that a bicycle parking rate of 10% of Council's requirements of 23 bicycle parking spaces is adopted.</p> <p>* Applying the above rates, the proposed development should provide a total of 3 bicycle spaces (2 spaces for staff and 1 space for visitors).</p> <p>* Such provision will be provided as part of the detailed design prior to the Construction Certification.</p>	No, however reduced bicycle parking provision is considered by Ason Group to be acceptable given the site context, site uses and travel to work profile data for the Terrey Hills – Duffy's Forest area,

Control	Proposal	Compliance
<i>C4 Stormwater</i>	<p>Stormwater Management Plans have been prepared by Henry & Hymas for submission with the DA.</p> <p>The proposed stormwater design incorporates a combined bioretention and on-site detention basin along the southwestern boundary of the site adjacent to the discharge point. This will replace the current on-site detention and water quality treatment design.</p> <p>The stormwater management concept has been designed to meet Council's Water Management for Development Policy.</p> <p>The stormwater management concept was reviewed by Council's development engineers throughout the pre DA phase and an email of support was provided on 29 September 2022.</p> <p>The stormwater management concept is consistent with the objective of C4 and incorporates water sensitive urban design measures which will assist to remove stormwater pollutants from runoff prior to discharge from the site, reduce potable water use (through the provision of rainwater re-use tanks and reduce stormwater runoff (through infiltration and evaporation).</p> <p>A copy of the MUSIC Model produced by Henry & Hymas is included in the DA submission.</p>	Yes
<i>C7 Excavation and Landfill</i>	<p>Development consent is sought to undertake preparatory bulk earthworks to facilitate construction of the proposed new buildings and landscaped lawn, cultivation area and on-site parking.</p> <p>Refer to the commentary and assessment provided at Section 4.1.5 of this report and to the bulk earthworks and erosion and sediment control plans prepared by Henry and Hymas included in the DA submission.</p>	Yes
<i>C8 Demolition and Construction C9 Waste Management</i>	Refer to the Waste Management Plan included in the DA submission.	Yes

Control	Proposal	Compliance
Part D Design		
<p><i>D1 Landscaped Open Space and Bushland Setting Minimum = 70% x site area (20,000m²) = 14,000m².</i></p>	<p>The development consent granted in relation to DA 2004/1012 approved a site landscaped area provision of 62.3% (despite the applicable landscaped area control in place at the time of consent imposing a minimum requirement of 70%).</p> <p>The proposal the subject of this DA seeks development consent for a total green area provision = 12,344.9m² (61.7% of the site area). The green area is comprised of the following elements:</p> <ul style="list-style-type: none"> * soft landscaped area = 10,132.7m² (50.7% of the site area). * permeable landscape surfacing = 2,212.2m² (11.1% of the site area). <p>The key objectives of the design process were to maintain a total green area provision as close as possible to the landscaped area approved in DA 2004/1012 and to significantly improve the quality of landscaping across the site including adjacent the proposed building along the Mona Vale Road frontage. The carefully considered architectural and landscape designs developed collaboratively by BN Architecture and Arcadia have succeeded in both regards. Pre DA lodgement advice provided by Council confirmed that Council will consider a variation to the landscaped open space control if the landscape concept achieves a superior landscape outcome for the site as well as a substantial improvement in landscape presentation to Mona Vale Road. Relevantly, it is noted that the variation to Council's landscaped area requirement does not arise from excessive site coverage or over development of the site. In this regard, and as noted above, the proposed development complies with Council's site coverage control. Rather, the area of the site available to be dedicated to landscaping is constrained by the extent of driveway circulation required to service the site which includes separate entry and exit driveways providing access via Mona Vale Road and a secondary driveway via Myoora Road at the rear.</p>	<p>No, however the proposal is consistent with the objectives of the landscaped open space control and will result in a superior landscape outcome throughout the site as well as a substantial improvement in landscape presentation to Mona Vale Road.</p>

Control	Proposal	Compliance
	<p>The proposed parking layout plan responds to the layout of the site and the nature of the existing and proposed landuses at Hills Marketplace by providing easily accessible at-grade parking at multiple locations throughout the site. Most of the additional proposed parking is provided on permeable landscape surfacing in order to enhance and complement the landscaped character of the site and to optimise stormwater infiltration consistent with the objectives of the D1 control. Comprehensive landscape upgrades are proposed across the subject site incorporating new landscaped zones including the community green, nature play area, planted entry arbour and plant cultivation area.</p> <p>Extensive new planting is proposed to enhance existing landscaped areas and provide screening of the proposed built form, particularly along the Mona Vale Road frontage of the site, the common side boundary with Miramare Garden function centre and the rear boundary with the Kuan Yin Buddhist Temple.</p> <p>Consistent with the objective of the D1 control, the enhanced Mona Vale Road landscaped buffer will accommodate three new native trees (1 x Turpentine, 1 x Coachwood and 1 x Brush Box) together with a dense native understorey created by supplementary shrubs and accents plants including Banksia, Coast Rosemary, Compact Coastal Rosemary, Crimson Bottlebrush and Grey spider flower.</p> <p>Accordingly, despite the numerical non-compliance with Council's landscaped open space control, the landscape concept developed by Arcadia will result in a vastly superior landscape outcome throughout the site as well as a substantial improvement in landscape presentation to Mona Vale Road (as confirmed by Council during pre DA discussions).</p>	

Control	Proposal	Compliance
<i>D3 Noise</i>	<p>The Applicant commissioned Stantec to undertake a Noise Impact Assessment. A copy of the report is included in the DA submission.</p> <p>The report opines that the operation of mechanical equipment associated with the existing and proposed land uses will give rise to compliant noise levels at the surrounding receivers.</p> <p>The report concludes that the proposed development and landuses are not expected to generate or be exposed to excessive noise or vibration.</p>	Yes
<i>D6 Access to Sunlight</i>	<p>Shadow diagrams have been prepared by BN Architecture for 9am, midday and 3pm at the summer and winter solstices. Refer to Drawing A100.50.</p> <p>The proposed new buildings are generously setback from the site boundaries and are not located adjacent buildings on the surrounding properties.</p> <p>The shadow analysis illustrates the limited extent of shadows that will be cast by the proposed new buildings at the Hills Marketplace. The shadows that will be cast by the proposed buildings including the new restaurant will be largely contained within the subject site and will not give rise to any material overshadowing of the adjoining properties or buildings.</p> <p>The proposed rural supplies building which is single storey in scale is setback approximately 50 metres from the common side boundary with the rural residential development to the north east and no additional shadows will be cast across this adjoining property.</p>	Yes
<i>D7 Views</i>	<p>The proposed development is not expected to adversely impact any view corridors.</p>	N/A
<i>D8 Privacy</i>	<p>The design concept orientates the Hills Marketplace complex around the central community green area.</p> <p>Loading facilities are also located centrally within the development and setback from the site boundaries.</p> <p>The proposal will not give rise to any adverse privacy impacts on the occupants of the surrounding properties.</p>	Yes

Control	Proposal	Compliance
<i>D9 Building Bulk</i>	<p>The proposed alterations and additions to Hills Marketplace have been architecturally designed to complement and enhance the semi-rural character of the existing development on the site.</p> <p>The design intent has focussed on limiting the bulk and scale of the built form presentation in keeping with the low scale of the existing buildings on the site to minimise the visual impact of the development and on achieving a superior design outcome for the site.</p> <p>A combination of skillion and low pitched roofs elements are incorporated. The roof form to the proposed restaurant is articulated by the inclusion of skylights, high level windows and a timber pergola.</p> <p>The finished floor level of the proposed building accommodating the new restaurant will be approximately 0.5 metres below the existing ground level of the road reserve adjacent Mona Vale Road.</p> <p>A variety of façade materials and finishes including timber cladding and panelling will combine with vertical and horizontal façade detailing, barn doors and landscaping to further articulate the built form.</p> <p>The presentation of the proposed built form to the public domain along the Mona Vale Road frontage and to the surrounding properties will be softened and screened by the extensive new planting adjacent the site boundaries.</p>	Yes
<i>D10 Building Colours and Materials</i>	<p>The proposed materials and colours have been carefully selected to be in keeping with the semi rural character of the Hills Marketplace site and the surrounding Myoora Road locality.</p> <p>The schedule incorporates neutral and earthy tones and stone and timber materials to contribute to the rural look and feel of the built form.</p> <p>Refer to the Material Sample Board provided on Drawing A70.01.</p>	Yes

Control	Proposal	Compliance
<i>D11 Roofs</i>	<p>The roof forms to the proposed rural supplies and garden centre buildings and the new restaurant have been designed to complement and enhance the semi-rural character and form of the existing development on the site.</p> <p>A combination of skillion and low pitched roofs elements are incorporated. The roof to the proposed restaurant is articulated with skylights, high level windows and a timber pergola.</p>	Yes
<i>D12 Glare and Reflection</i>	<p>The proposed development is not expected to give rise to adverse amenity impacts on surrounding development arising from glare and reflection.</p> <p>In this regard, careful consideration has been given to the materials and colours schedule (which incorporates dark and earthy tones) and the design and location of the illuminated signage to avoid the potential for adverse amenity impact associated with glare and reflection.</p>	Yes
<i>D14 Site Facilities</i>	<p>The proposed development incorporates new site facilities including garbage and recycling areas and loading zones which have been discreetly located to facilitate convenient servicing without being prominent or highly visible to visitors to the site.</p>	Yes
<i>D18 Accessibility and Adaptability</i>	<p>The Applicant commissioned MGAC to assess the proposed plans and prepare an Access Review Report for inclusion in the DA submission. The assessment concludes that the accessibility requirements pertaining to external site linkages, building access, common area access, sanitary facilities and parking can be readily achieved.</p>	Yes

Control	Proposal	Compliance
<i>D20 Safety and Security</i>	<p>The proposed development has been designed with regard to the principles of Crime Prevention through Environmental Design being natural surveillance, access control, territorial reinforcement and space management.</p> <p>The existing and proposed built elements that comprise Hills Marketplace are configured and orientated to enable casual surveillance throughout the site including the parking area at the front and the central community green at the rear.</p> <p>Pedestrian and vehicular movements through and across the site will also assist with natural surveillance.</p> <p>Lighting along the pedestrian paths and circulation throughout the site will maintain a sense of security for visitors and employees.</p> <p>Directional and wayfinding signage is proposed to assist visitors navigate throughout the site. Space management will be further supported by landscaping features.</p> <p>The building footprint, layout and site landscaping strategy will also clearly define the various landuses across the site and identify the entrances to Hills Marketplace.</p> <p>The site circulation has been designed to avoid conflict between pedestrians and vehicles.</p>	Yes
<i>D21 Provision and Location of Utility Services</i>	<p>The existing site is adequately serviced by utilities.</p> <p>Augmentation of existing utility services will be undertaken as required.</p>	Yes
<i>D22 Conservation of Energy and Water</i>	<p>The architectural and landscape concepts and stormwater management strategy for the Hills Marketplace site have been designed to minimise energy and water consumption.</p>	Yes

Control	Proposal	Compliance
<p><i>D23 Signs</i></p>	<p>The development involves provision of business identification signage on the exterior of the existing and proposed buildings. Nine illuminated business identification signs are proposed. The business identification signs will have a low level of illumination limited to the lettering, logos and graphics that will be scheduled to turn on during the operating hours of the associated business.</p> <p>In addition, one low scale (1.2 metre tall) directional wayfinding sign (S9) is proposed adjacent the carpark near the entry to the site from Mona Vale Road.</p> <p>The proposed signage is sited and designed so as not to adversely impact the amenity of the Mona Vale Road streetscape and the surrounding Myoora Road locality or the safety of vehicles travelling along Mona Vale Road. The consolidated signage strategy will not give rise to visual clutter.</p> <p>The proposed signage is considered to be appropriately sized and compatible with the design and character of the Hills Marketplace complex. The business identification signage associated with the restaurant is proposed to be painted on the building façade, the front of which is setback 30 metres from the site boundary to Mona Vale Road. In addition, it is noted that the finished floor level of the proposed building accommodating the restaurant will be approximately 0.5 metres below the existing ground level of the road reserve adjacent Mona Vale Road. Given the setback from the front property boundary and the design and placement of the proposed signage on the building façade, it will not dominate the built form as viewed from the public domain.</p> <p>Refer also to the assessment and commentary provided at Section 4.1.2.</p>	<p>The proposed business identification signage concept was reviewed and supported by Council at the pre DA meeting. The proposed directional sign has been revised in response to the feedback provided and the overall signage concept has been further developed in accordance with tenant requests.</p>

Control	Proposal	Compliance
Part E The Natural Environment		
<i>E1 Preservation of Trees or Bushland Vegetation</i>	<p>The proposal seeks development consent to remove 28 site trees (numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 14, 15, 16, 18, 20, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34 and 35).</p> <p>An Arboricultural Impact Assessment report has been prepared by Naturally Trees for submission with the DA. The report notes the following:</p> <ul style="list-style-type: none"> * The proposal necessitates the removal of 3 high category and 25 low category trees. * 13 of the 25 low category trees are exempt from Council's Tree Preservation Order. * A comprehensive landscaping scheme which includes new tree planting is proposed to mitigate the proposed tree removal. * Appropriate measures will need to be implemented during the construction phase of the project to protect 11 high category trees and 4 low category trees to ensure their retention. 	

Table 3: Warringah DCP 2011 Assessment

4.2 Section 4.15(1)(b) – Likely Impacts of the Development

4.2.1 Building Code of Australia (BCA) Assessment

Steve Watson & Partners have prepared a BCA Assessment Report dated May 2023 for submission to Council with the DA. An assessment has been undertaken against the Deemed-to-Satisfy (DTS) provisions of the relevant sections of the Building Code of Australia and the applicable Building Regulations.

The assessment concludes that the design is capable of complying with the requirements of the relevant sections of the Environmental Planning Assessment Act 1979, the Environmental Planning and Assessment Regulation 2021 and the Building Code of Australia 2022. Compliance is subject to resolution of the identified areas of non-compliance and compliance with the recommendations provided within the report.

4.2.2 Contamination Impacts

In 2021, Geo-Logix completed a Preliminary Site Investigation (PSI) into the potential existence of contamination at the subject site. The PSI identified numerous historical potentially contaminating activities on-site including:

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

On the basis of the findings of their PSI, Geo-Logix was subsequently commissioned by the Applicant to conduct a Detailed Site Investigation (DSI) of the subject site. The objective of the DSI was to conduct an investigation of soil to assess the presence or otherwise of contamination on the land that may have resulted from onsite historical and current activities. A further objective of the DSI was to consider the suitability of the site for the redevelopment and use proposed in this DA.

To assess for potential soil contamination on the site, the following scope of works was completed:

- Drilling thirty boreholes across the site and collecting representative samples from fill and native soils at each location. The sampling grid meets minimum sampling standards for the site area (19,910 m²) as per NSW EPA (1995). The sampling grid identifies circular contamination hotspots equal to or greater than 30.39 m diameter at 95% statistical degree of certainty;
- A sample at each location was analysed for COPC including TRH, BTEXN, PAHs, heavy metals and OCPs.
- All fill samples were visually inspected for asbestos containing materials.

While lower levels of petroleum hydrocarbons, Polyaromatic Hydrocarbons (PAHs), Organochlorine Pesticides (OCPs) and heavy metals were reported in soil, contaminants of potential concern (COPCs) were not identified in soil at concentrations in excess of assessment criteria in all samples analysed. The risk that past site activities have contaminated on-site soils is therefore considered by Geo-Logix to be low and acceptable.

As COPCs were not detected in on-site soil and all identified sources of potential contamination at the site are 'top down' processes expected to first affect surficial soils, it is considered by Geo-Logix that the risk of contamination to on-site groundwater and surface water is also low and acceptable.

The results of the assessment by Geo-Logix did not identify any conditions requiring the site to be remediated and the DSI concluded that the site is suitable for the proposed redevelopment and use.

4.2.3 Geotechnical Impacts

Geo-Logix has prepared a Geotechnical Report dated May 2022 for submission to Council with the DA.

The objective of the geotechnical investigation was to provide an assessment of subsurface conditions to assist with planning of the proposed centre upgrade. The report includes details regarding the surface and subsurface conditions and groundwater. Based on the analysis undertaken, the report provides recommendations for the site preparation and construction phases of the project.

A supplementary letter dated 5 December 2022 was prepared by Geo-Logix which states as follows:

Geo-Logix understands that subsequent to the issuing of our Geotechnical Report for the site at 287 Mona Vale Road, Terrey Hills NSW, 2084 (Ref:2101129TRpt01FinalV02_10May22), the decision has been taken to remove the planned basement from the proposed development. While the included advice on basement excavation, shoring, foundations, etc. is no longer required, Geo-Logix does not consider that this significantly alters the remaining advice provided in the report. The report is considered adequate to inform the design of the currently proposed on grade buildings.

4.2.4 Arboricultural Impacts

The proposal seeks development consent to remove 28 site trees (numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 14, 15, 16, 18, 20, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34 and 35).

An Arboricultural Impact Assessment report has been prepared by Naturally Trees for submission with the DA. The report notes the following:

- The proposal necessitates the removal of 3 high category and 25 low category trees.
- 13 of the 25 low category trees are exempt from Council's Tree Preservation Order.
- A comprehensive landscaping scheme which includes new tree planting is proposed to mitigate the proposed tree removal.

- Appropriate measures will need to be implemented during the construction phase of the project to protect 11 high category trees and 4 low category trees to ensure their retention.

4.2.5 Acoustic Impacts

Stantec was commissioned to prepare a Noise Impact Assessment. The main objectives of this acoustic assessment were to:

- Identify the noise and vibration sources that will potentially affect the noise sensitive receivers surrounding the proposed development.
- Carry out noise surveys to determine the existing ambient and background noise levels on the site as well as any external noise sources that will potentially impact the proposed development.
- Establish the appropriate noise level and vibration criteria in accordance with the relevant standards, guidelines and legislation for the following items:
 - (i) Noise emissions from mechanical plant from the development to the surrounding receivers.
 - (ii) Noise emissions from traffic generated by the proposed development.
 - (iii) Noise and vibration impacts during construction
- Carry out an acoustic assessment to determine whether the relevant criteria can be achieved and, where applicable, comment on noise control measures required to achieve compliance with the relevant noise level criteria.

Based on the assessment undertaken, the Noise Impact Assessment concludes that the proposed development is not expected to generate or be exposed to excessive noise or vibration.

4.2.6 Bushfire Impacts

ABPP was commissioned to prepare a Bushfire Assessment Protection Report to provide advice on the bushfire protection measures required for the proposed development.

The assessment notes that the Northern Beaches Bushfire Prone Land Map records the front of the subject site as containing the buffer zone to Category 1 Bushfire Prone Vegetation.

The proposed buildings are located more than 70 metres from the unmanaged bushfire prone vegetation. This separation removes the risk from flame contact on the buildings and requires the application of BAL 12.5 construction standards to the new buildings.

The assessment concludes that the proposed development complies with the aim and objectives of Planning for Bushfire Protection 2019 and the deemed to satisfy requirements of Section 8.3.10 of Planning for Bushfire Protection 2019 – Buildings of Class 5 to 8 and Class 10 of the Building Code of Australia in respect to the provision of asset protection zones [defendable spaces], access, bushfire construction standards to the new buildings and water supplies for fire-fighting operations.

4.2.7 Accessibility

Morris Goding Access Consulting (MGAC) was commissioned to undertake an accessibility assessment of the proposed plans. An Access Report has been prepared to accompany the DA submission. Key objectives of the accessibility assessment were to provide advice and strategies to maximise reasonable access for people with disabilities and to ensure that ingress and egress, paths of travel, circulation areas, parking and sanitary facilities comply with relevant statutory guidelines.

Based on their review of the proposed plans, MGAC ascertained that accessibility requirements, pertaining to external site linkages, building access, common area access, sanitary facilities and

parking can be readily achieved. Accordingly, the proposal is supportable from an access perspective.

4.2.8 Traffic and Parking Impacts

Ason Group was commissioned by Mainbrace Constructions on behalf of the Applicant to prepare a Transport Assessment in relation to the proposed alterations and additions to Hills Marketplace. A copy of the report is included in the DA submission. The key objectives of the Transport Assessment were

- to assess the impact of the Proposal on the performance of the road network in the proximity of the Site against the existing development;
- to assess the adequacy of off-street parking provision
- to assess the adequacy and suitability of service vehicle parking provision; and
- where required, identify necessary upgrades to mitigate any adverse impacts.

Following their detailed assessment of all the relevant traffic and transport issues, the Transport Assessment undertaken by Ason Group reached the following conclusions:

- The site will have ready access to several public bus services.
- The existing development currently generates 97 veh/hr, 115 veh/hr and 199 veh/hr during the weekday AM peak and PM peak periods as well as the weekend MD peak, respectively.
- The Proposal is forecast to generate 122 veh/hr, 136 veh/hr and 201 veh/hr during the weekday AM peak and PM peak periods as well as the weekend MD peak, respectively.
- The projected increase of peak traffic generation outcome for the proposed development use, would be no more than 25 vehicles per hour. The traffic generation of this order of magnitude being equivalent to some 1 vehicle every 3 minutes during the peak hours, is minor in the context of the local and arterial road system.
- SIDRA intersection modelling indicated that the nominated intersections would continue to operate at LoS D or better.
- The application of the parking rates within Council's DCP and RMS Guides stipulates a minimum requirement of 174 car spaces. It is proposed to provide 188 car parking spaces, in accordance with Council's DCP and RMS Guides. As such, the Proposal is supportable on car parking grounds.
- The disabled parking provision is in accordance with Council's DCP requirements.
- The proposed bicycle parking provision is satisfactory and adequate based on the existing travel mode share.
- The proposed internal circulation and servicing arrangements will be appropriate to current requirements of Council's DCP and relevant Australian Standards (i.e., AS2890.1, AS2890.2, AS2890.5 and AS2890.6) and would therefore operate safely and efficiently.

In summary, the Proposal is supportable on traffic planning grounds and will not result in any adverse impacts on the surrounding road network or the availability of on-street parking.

4.3 Section 4.15(1)(c) – Suitability of the Site for Development

The subject site is occupied by the existing Hills Marketplace complex. The proposed alterations and additions respect and build on the rich history of the site which dates from 1923 as a flower farm and associated retail outlets. The surrounding Myoora Road locality has evolved markedly over the last decade. The locality which was once traditionally characterised by low intensity rural/residential and semi-commercial land uses is now home to a range of diverse land uses including Miramare Gardens function centre, Wyvern Private Hospital, Forestway Fresh Fruit

Market, Terrey Hills Tavern and Bottle Shop, Gosford Quarries, Terrey Hills Swim School and the German International School serving the local community as well as the broader region. The subject site is considered to be highly suited to the proposed expansion of the existing Hills Marketplace complex and the landuses located within it.

4.4 Section 4.15(1)(d) – Submissions

Council as the consent authority will need to consider the content of any submissions received during notification of the DA.

4.5 Section 4.15(1)(e) – Public Interest

The public interest is served by consent authorities consistently applying the relevant applicable planning controls and development standards when assessing and determining development applications in order to ensure that any adverse impacts are minimised. This Statement of Environmental Effects report has assessed the proposal against these controls and policies and determined it to be worthy of approval by Council.

5 Conclusion

LPG has prepared this Statement of Environmental Effects Report on behalf of Hills Marketplace to accompany a development application which seeks consent from Northern Beaches Council to undertake alterations and additions to the existing Hills Marketplace development located at No. 287 Mona Vale Road, Terrey Hills. The two proposed new buildings will accommodate an expanded garden centre and rural supplies outlet and a new restaurant (including ancillary brewing equipment).

Development consent is also sought to undertake minor alterations and additions throughout the ground floor level of the existing building including to the area occupied by the existing Garden Centre, Taste Buds Café and the area formerly occupied by Piemonte Restaurant and to carry out minor reconfiguration and expansion of the existing flower shop.

The proposal also seeks consent to demolish various existing structures and at-grade parking, to undertake preparatory bulk earthworks, to remove 28 site trees, to comprehensively upgrade the site landscaping, to provide additional at-grade parking and to install new business identification signage.

Development consent is sought to operate a mix of landuses from the Hills Marketplace site encompassing an expanded garden centre with ancillary plant growing cultivation area, a new restaurant (including ancillary brewing equipment), the existing café/restaurant and a new rural supplies outlet. The existing flower shop is also proposed to continue operating from the Hills Marketplace site.

Having regard for Section 4.15 of the Environmental Planning and Assessment Act, the proposal has been assessed against the relevant legislation, planning policies and development standards that apply to the site as detailed in Section 4 of this report and has been found to comply with the intent and objectives of the applicable planning controls and development standards. In particular, it is noted that despite the numerical non-compliance with Council's landscaped open space control, the landscape concept developed by Arcadia will result in a vastly superior landscape outcome throughout the site as well as a substantial improvement in landscape presentation to Mona Vale Road.

Further to the above, Section 4 of this report also includes an assessment of the potential impacts associated with the proposal and concludes that it is appropriately designed and sited and will not give rise to any material adverse impacts.

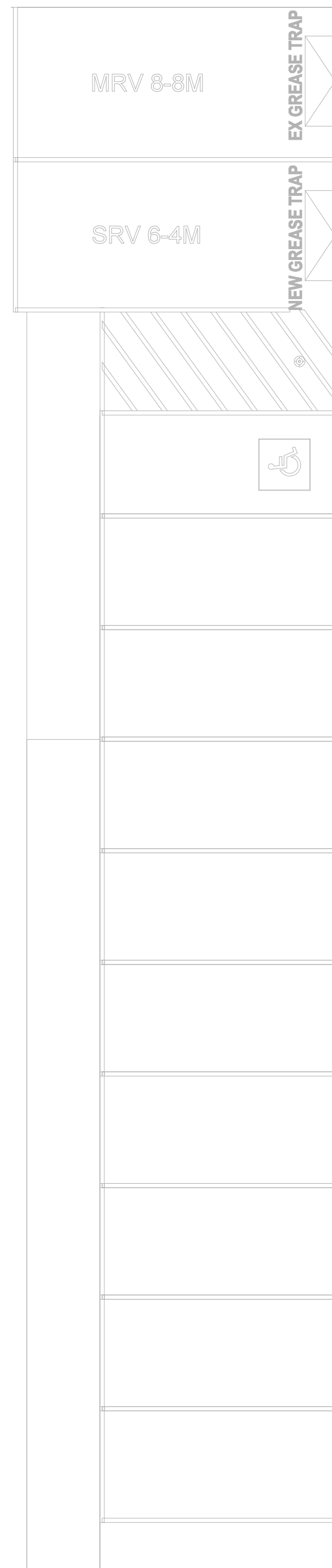
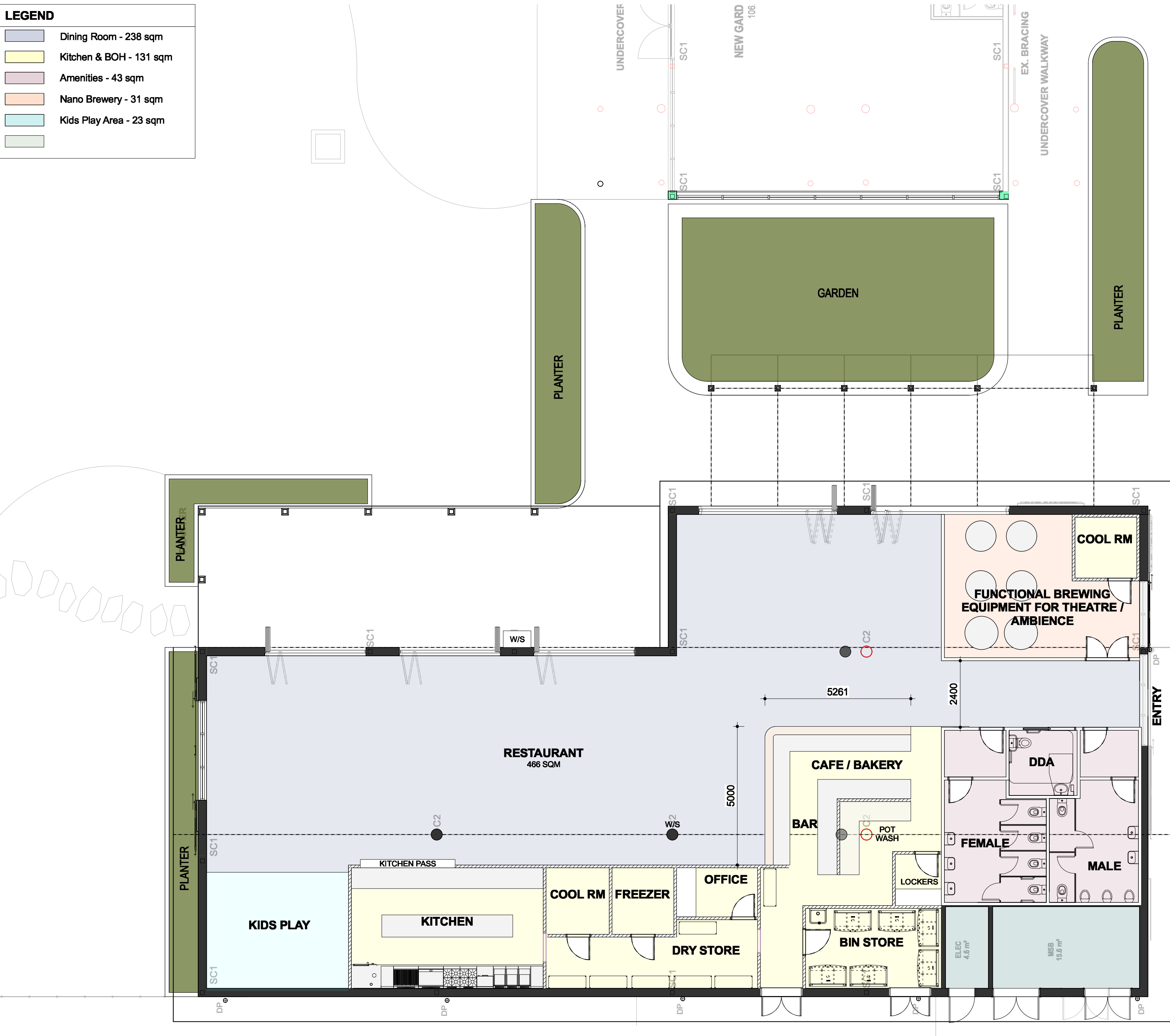
Accordingly, based on the assessment undertaken, LPG supports the proposal and is of the opinion that the DA should, on merit, be approved by Council.



APPENDIX A

LEGEND

- Dining Room - 238 sqm
- Kitchen & BOH - 131 sqm
- Amenities - 43 sqm
- Nano Brewery - 31 sqm
- Kids Play Area - 23 sqm



NOTES:

- © Five Foot One Design. Copyright in all documents and drawings prepared by Five Foot One Design and in any work executed from those documents and drawings shall remain the property of Five Foot One Design.
- These documents must not be used, reproduced or copied, in whole or in part, nor may the information, ideas, concepts therein contained (which are confidential to Five Foot One Design) be disclosed to any person without the prior written consent of that company.
- Do not scale drawings, used figured dimensions only, verify all dimensions on site.
- All works to be in accordance with the building code of australia (BCA), Australian standards (AS), and relevant authorities requirements.
- Any discrepancies, dimensional inconsistencies or the need for clarification must be reported to Five Foot One Design & relevant consultants immediately.
- This drawing is to be read with all associated Five Foot One Design project documentation, including specifications, schedules, drawings & reports.
- All areas yields & calculations are preliminary & indicative only and subject to detailed & further survey, design & client and consultant input & advice.

ISSUE	DATE	AMENDMENT
B	14/10/22	Issue for Client Review
C	19/10/22	Issue for Council Review
D	21/10/22	Issue for Council Review
E	11/11/22	Issue for Council Review
F	4/4/2023	Issue for Client Review
G	27/4/2023	Issue for Client Review
H	28/4/2023	Issue for Review

1 Overall Plan
 Scale: 1:100