



STATEMENT OF ENVIRONMENTAL EFFECTS

Erection of a new building
to be used as a Fruit Shop
& Pet Shop

62 MYOORA ROAD,
TERREY HILLS

2 July 2025



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Project DA_FP_Terrey Hills

Report Number FINAL_2.07.25



SUPPORTING DOCUMENTATION

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

1.0 INTRODUCTION

- 1.1 This Statement of Environmental Effects has been prepared by LJB Urban Planning Pty Ltd to support a development application for the addition of a Pet Shop & Fruit Shop at the existing Flower Power Garden Centre.
- 1.2 This application is prepared by LJB Urban Planning on behalf of Flower Power Pty Ltd.
- 1.3 The subject site is located at 62 Myoora Road, Terrey Hills.
- 1.4 Flower Power Garden centres are located all across Sydney, and they are located in many different locations with most being within residential or rural areas. The existing Terrey Hills Store does not have sufficient capacity to meet Flower Powers business model which seeks to provide a range of complimentary uses as part of the garden centre and sufficient parking to cater for the needs of customers.
- 1.5 This is the direction of Flower Power to remain competitive in the market. Flower Power have retrofitted many of their stores to bring in these complimentary uses, and gradually will further upgrade or redevelop stores to ensure they are fit for purpose. An example of a recent redevelopment using this business model approach is Flower Power at Milperra. All Flower Power stores are uniquely designed to suit the area and the site constraints.
- 1.6 Flower Power previously submitted two Development Applications to develop the garden centre of different scales. The first DA was withdrawn and the second DA2023/1224 was approved by the Northern Beaches Local Planning Panel on 11 June 2024.
- 1.7 DA2023/1224 approved alterations and additions to the existing garden centre. This was a significantly larger development proposal and required the garden centre to be closed while the construction works were undertaken. It has now been determined that this is not a viable option. Therefore this new DA seeks to retain the existing garden centre and parking areas and provide a smaller addition at the corner of Myoora and Cooyong Road. No works are proposed to the eastern half of the site, this will remain as existing.
- 1.8 The DA seeks consent for the erection of a new building to be used a Fruit Shop and Pet Shop and the addition of 100 parking spaces.
- 1.9 The site is ideal for a continuing garden centre and the introduction of a pet shop and fruit shop will provide additional services for the Flower Power shoppers.
- 1.10 This report provides information on the subject site, the proposed development and undertakes an assessment against the relevant heads of consideration set out in the Environmental Planning and Assessment Act 1979.

2.0 SITE DESCRIPTION

Subject Site

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



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

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

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

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



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



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



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



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



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

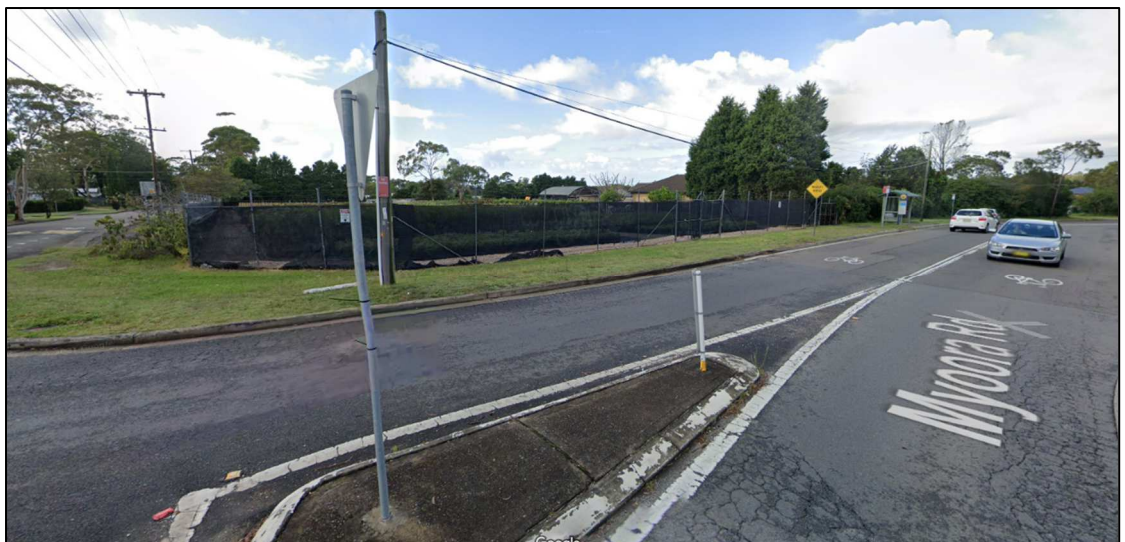


Figure 7: Subject site viewed from Myoora Road looking east (source: Google Maps)

Surrounding Context

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



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



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

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



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

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

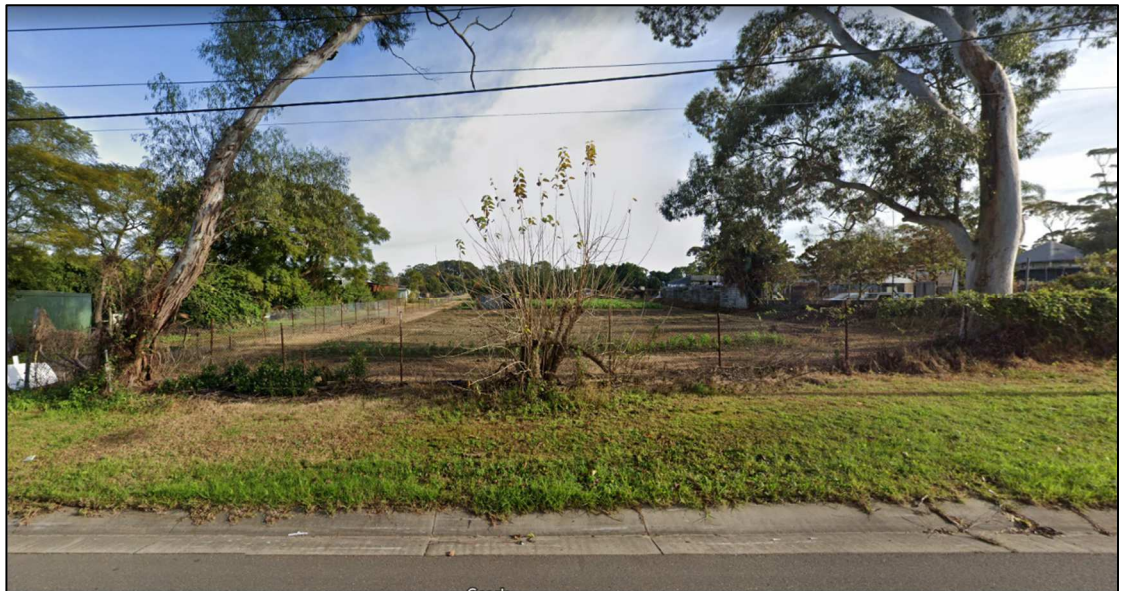


Figure 11: Looking west from Mona Vale Road towards the adjoining southern property at 279 Mona Vale Road (source: Google Maps).



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

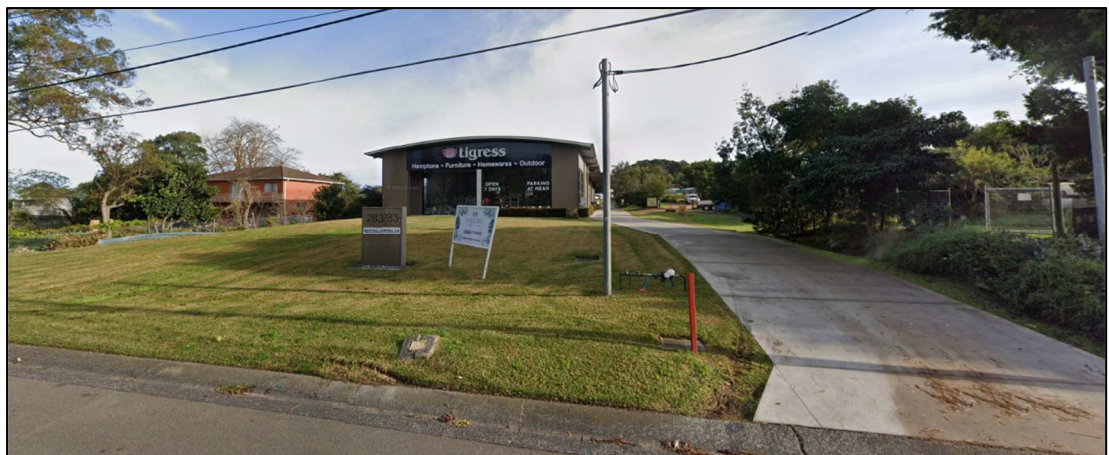


Figure 13: Looking west from Mona Vale Road towards Tigress Furniture shop at 283 Mona Vale Road (Source: Google Maps).



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

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



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

- 5 trees with a low/ medium / high retention value are to be removed
- 43 trees that are exempt are to be removed

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

Table 1: Key Development Statistics

Component	Development
Site area	28,299m ²
Existing GFA	3,348m ² (approximately)
Proposed GFA	5,980m ²
Proposed Height	9.95m (part of pitched roof of central building) with majority of building is below 8.5m.
Secondary Street Setback (Cooyong Rd - Side)	43m to building and 6m wide landscaped zone to boundary.
Secondary Street Setback (Myoora Rd – Rear)	22m to building and 10m wide landscaped zone to boundary
Side Setback (southern boundary)	11m to building and 3m wide landscaped zone to boundary
Landscaped Area	29% (8,216m ²)
Site Coverage	20.1% (5,676m ²)
Car Parking Spaces	227

3.6 The accompanying architectural drawings are listed below:

Table 1: Development Documentation

Plan number	Title	Issue	Dated
DA000	Cover Sheet	C	March 2025
DA01	Rendered Views	C	March 2025
DA10	Existing Site Conditions	A	March 2025
DA11	Demolition Plan	A	March 2025
DA12	Site Analysis Plan	A	March 2025
DA14	Site Coverage Area Plan	B	March 2025
DA15	Proposed Site Plan	B	March 2025
DA17	Shadow Diagrams	C	March 2025
DA19	Height Non-Compliance	C	March 2025
DA100	Floor Plan	B	March 2025
DA120	Overall Roof plan	B	March 2025
DA150	Elevation – Sheet 1	A	March 2025
DA151	Elevation – Sheet 2	C	March 2025
DA160	Sections – Sheet 1	B	March 2025

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

Building Form & Configuration

3.8 The development proposes to demolish the existing dwelling, shed and water tanks on the western side of the site to facilitate the construction of a new building to contain a pet shop and fruit shop and additional parking spaces. No works are proposed to the existing garden centre which is to remain as is,

3.9 The new building is single storey and setback substantially from the boundaries as follows:

- Cooyong Road – 43m
- Myoora Road – 22m
- Mona Vale Road – 140m
- Southern boundary 11m

- 3.10 The majority of the new building is well below the maximum permitted height with a minor section of the parapet on the eastern side exceeding the LEP 8.5m height limit by between 480mm and 654mm, however the majority of the roof of the new building will comply and be well under the height control. This variation is discussed below and in the accompanying Clause 4.6 variation.
- 3.11 Cut and fill is minimised where possible, to retain the natural fall of the land from north-west to south-east.
- 3.12 Generous landscaped setbacks will be provided along Cooyong Road and Myoora Road. The southern boundary in the location of the works will have a 3m wide landscaped setback.
- 3.13 A new carparking area is proposed at the western end of the site which will provide 100 additional parking spaces. A new entry is proposed off Cooyong Road and the existing driveway off Myoora Road will be upgraded to facilitate truck access. No works are proposed on the eastern section of the site and therefore the Mona Vale Road entry will be retained as existing.
- 3.14 The proposed addition of a new building to facilitate a pet shop and fruit shop has been sympathetically designed to minimise impacts on adjoining sites and use and will contextually fit within the existing streetscape. The selection of materials and finishes are appropriate and will result in a well designed development.
- 3.15 Overall, the development will not compromise the amenity of adjoining properties in terms of bulk, scale, overshadowing, privacy and view loss.

Landscape Design

- 3.16 The landscape design is a key component of proposed additions to the garden centre buildings. The setbacks to Myoora and Cooyong Road will be densely planted to screen and soften the visibility of the new buildings. The new carpark at the north western corner of the site includes landscape bays to improve the heat from the hardstand environment of the car park and enhance the customer experience.
- 3.17 Where possible and suitable, established trees have been retained along the frontages. The planting will incorporate native grass groundcover layered with shrubs to the understorey planting.
- 3.18 Additional trees to varying heights will also complement the frontage resulting in a suitable landscaped setback that will enhance the public domain and screen the buildings beyond.
- 3.19 Planting along the western section of the southern boundary will minimise the bulk and scale of the new buildings and loading dock. The following photos from the Milperra Flower Power

store show the style of landscaping that is sought to the street frontages and within the new carpark area:



Layering of landscaping – Milperra Street frontage



Landscape islands at Milperra FP.



Foreground and background landscaping.



Feature planting at the Milperra FP entry



Layering of landscaping – Milperra Street frontage



Landscape treatment to Milperra FP carpark

- 3.20 Overall, the landscape design by Site Image compliments the new building forms and provides the softening of the hardstand areas of the new carpark while still ensuring a functional outcome. No changes are proposed to the eastern section of the site.

Signage Details

- 3.1 This development application also seeks approval for installation of one (1) pylon sign on the Myoora Road frontage and three wall signs to identify the new business uses.
- 3.2 Signage details have been incorporated into the architectural drawings.

Business Identification Wall Signage

- Two simple wall signs are proposed on the north elevation of the new building to indicate the location of the FRUIT SHOP and PET SHOP. The signs have the following dimensions:
 - Fruit shop sign - 5.02m x 600mm
 - Pet Shop sign – 4.02m x 600mm
- One simple wall sign is proposed on the southern elevation of the new building to indicate the location of the fruit shop. The sign has the following dimension:
 - Fruit shop sign – 5.01m x 600mm
- One simple wall sign is proposed on the west elevation of the new building to indicate the location of the pet shop. The sign has the following dimension:
 - Pet shop sign – 4.1m x 600mm

Pylon Sign

- One freestanding pylon sign on the Myoora Road frontage to advertise the Flower Power garden centre and the existing café and the two new uses being the fruit shop and pet shop. The sign has a maximum height of 8.5m x 3.9m.

Hours of Operation and Staff Numbers

- 3.21 This application seeks the following hours of operation:
- Fruit Shop and Pet Shop Tenancies = 7:00 and 7:00pm, 7 days a week.
- 3.22 The proposed number of staff across the entire site, inclusive of all uses, will be approximately 60-70.

Waste Management

- 3.23 All waste will be stored within the site and a private contractor will be engaged to remove waste from the site.

- 3.24 A waste management plan has been prepared by Environmental Earth Sciences and accompanies this application.

Construction Management

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

Stormwater Drainage

- 3.29 A stormwater drainage plan and civil drawings have been prepared by Northrop and accompany this application. All stormwater works are contained to the section of the site the subject of this application.
- 3.30 As a result of the design for this site, the development achieves reductions in potable water by capturing rainwater on site and reusing this for irrigation and toilet flushing, reduces pollution reduction targets and includes OSD for the control of stormwater discharge.
- 3.31 The site drainage has been designed to satisfy Council's requirements and is capable of complying with the Australian Standards.

Security Management & CPTED Analysis

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

Principle 1 – Natural Surveillance

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

Principle 2 – Access Control

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

Principle 3 – Territorial Reinforcement

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

Principle 4 – Space Management

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

4.0 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 ASSESSMENT

4.1 Consideration of Development Applications

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

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

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

“(a) The provisions of:

(i) any environmental planning instrument, and

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

(iii) any development control plan, and

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

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

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

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

(c) the suitability of the site for development,

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

(e) the public interest.”

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

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

4.2 Planning Controls and Regulations

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

- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011

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

State Environmental Planning Policy (Transport and Infrastructure) 2021

4.2.3 Under Clause 2.122 and Schedule 3, the proposed development will require the referral as it is determined to be traffic generating development due to its proximity to Mona Vale Road.

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

4.2.5 No works are proposed to the larger portion of the site that fronts Mona Vale Road. The entry point off Mona Vale Road will remain as no works are proposed to this part of the site or to the existing garden centre buildings, carparking or landscape supplies area. All works are proposed at the western end of the site at the Myoora Road frontage.

4.2.6 The accompanying traffic report has concluded the following:

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

- *The location of the access driveway in Myoora Road along with restrictions on service vehicle movements during weekday school peak periods seeks to minimise any impact on Terrey Hills Public School.*

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

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

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

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

4.2.10 Five new signs are proposed. Four business identification wall sign and one freestanding pylon sign.

4.2.11 The proposed signage is clearly shown on the accompanying drawings and detailed in Section 3 of this report.

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

3.1 Aims, objectives etc

(1) This Chapter aims—

- (a) to ensure that signage (including advertising):*
 - (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high-quality design and finish,*
- (b) to regulate signage (but not content) under Part 4 of the Act, and*
- (c) to provide time-limited consents for the display of certain advertisements, and*
- (d) to regulate the display of advertisements in transport corridors, and*
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

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

- The new signage is for business identification for the new uses that are proposed as part of the garden centre site. They wall signs are setback in excess of 43m from Cooyong Road and 22m from Myoora Road and therefore will not impact the visual character of the area.
- The pylon sign has been designed compliant with the permitted height control and is located within the landscaped setback to ensure it does not dominate the streetscape.

- The signage is compatible with the desired character and use of the site and will not detrimentally impact on nearby residential uses given the setback of the wall signs and the siting of the pylon sign. No additional signage is proposed adjacent to Mona Vale Road.
- The design and finish of the signage is appropriate and will achieve a high-quality finish.

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

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

Table 3: SEPP IE Assessment

Schedule 5	Comments	Satisfactory
1) Character of the Area	<p>The signage is of a modern design and size that will complement the new buildings and be consistent with the existing and proposed use of the site. The position of the signage and the setbacks proposed will ensure and will not detrimentally affect the character of the area.</p> <p>The size and location of the wall signage is compatible and complimentary to the size of the new building.</p> <p>The wall signage will not be visible to nearby residential properties, given the substantial setbacks, it will work in conjunction with the pylon sign to direct customers to the new uses on the site.</p>	Yes
2) Special Areas	<p>The site is not located within a special area, heritage or conservation area.</p> <p>The position of the new buildings and signage is sufficiently separated from residential areas.</p>	Yes
3) Views and Vistas	The signage does not obscure any views or vistas.	Yes
4) Streetscape, Setting or Landscape	<p>The business identification sign is of a scale, proportion and form that is appropriate for the size of the building elevations. Only the proposed pylon sign will be visible from the public domain, however this is designed compliant with the height controls and in the landscaped setback.</p> <p>The signage will provide visual interest and assist with direction for future motorists. The high-quality finish will complement the new building and provide highly appropriate business identification.</p>	Yes
5) Site and Building	<p>The signage is compatible with the scale, proportion and other characteristics of the new building and new works are the western end of the site.</p> <p>The location of the proposed wall signage is appropriately sized to the scale of the building and the simple design will not dominate the architecture of the facades.</p>	Yes
6) Associated Devices and Logos with	The illumination of the signage will be controlled to avoid any glare or disruption to motorists, etc.	Yes

Schedule 5	Comments	Satisfactory
Advertisements and Advertising Structures.		
7) Illumination	<p>The signage is proposed to be illuminated with the use of LEDs from dusk until dawn. The illuminated sign are outlined above in Section 3.</p> <p>The signage is unlikely to result in unacceptable glare.</p> <p>The illuminated signage is unlikely to affect safety of pedestrians, vehicles or aircraft due to setbacks from the street.</p>	Yes
8) Safety	The proposed sign does not reduce the safety for any public road users or pedestrians or bicyclists. This is due to the setback of the wall signs and the location of the pylon sign.	Yes

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

4.2.17 The proposal development generally meets the requirements of the DCP and SEPP IE.

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

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

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

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

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

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

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

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

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

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

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

The RAP has met the objectives outlined in Section 1.2.

- 4.2.23 An Asbestos Management Plan for both construction and operation activities has been prepared by JK Environments and accompanies this application. The report has determined that the asbestos both during and after completion of works can be suitably managed.
- 4.2.24 Based on the above, the proposed site can be made suitable for the proposed use.

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

- 4.2.25 Chapter 3 *Koala Habitat Protection 2020* applies to the subject site.
- 4.2.26 The aim of this chapter of the SEPP BC is:
- (a) *by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
 - (b) *by encouraging the identification of areas of core koala habitat, and*
 - (c) *by encouraging the inclusion of areas of core koala habitat in environment protection zones.*
- 4.2.27 This policy applies to the Northern Beaches Council Local Government Area. Under Clause 2.3 of the SEPP BC, before Council can grant consent to any development application, the Council must assess whether the development is likely to have any impact on koalas or koala habitat and if found to have low or no impact, may grant consent.
- 4.2.28 Under Clause 3.7, if it is determined to have higher level of impact on koalas or koala habitat, will require the preparation of a Koala Assessment report prior to determining any applications.
- 4.2.29 The subject site is currently used for the purpose of an existing garden centre and the existing trees on site do not have connectivity to corridors of bushland and is located adjacent to the dual carriageway, being Mona Vale Road.

- 4.2.30 Based on the proposed development, the works including tree removal is likely not to impact on koalas and/or potential habitat, therefore no further assessment is required.

Warringah Local Environmental Plan 2011

Zoning

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

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

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

(b) pets and pet supplies,

(c) fresh produce.

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

- 4.2.34 The proposed uses under this DA which include a pet shop and fruit shop are permitted within the zone as per the definition of a garden centre, subject to development consent.
- 4.2.35 The proposed development satisfies the objectives of the RU4 – Primary Production Small Lots zone as follows:
- *To enable sustainable primary industry and other compatible land uses.*
- 4.2.36 The existing garden centre and the new uses will continue to be compatible with the surrounding land uses.
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- 4.2.37 The additional uses will provide further employment opportunities on the site which will provide employment opportunities for the local community.
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- 4.2.38 The proposed hours of operation for the new uses will be consistent with the existing garden centre which is 7:00am to 7:00pm, 7 days a week. These hours are appropriate and will not adversely impact the school to the west nor residential properties located to the north, west and south. The small scale form of the new retail buildings and generous landscaped setbacks will minimise bulk and scale impacts.

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

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

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

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

4.2.42 The new buildings retain a single storey form and are substantially setback from all street frontages. Given the location of the buildings they will not adversely impact on any views or existing landform and vegetation.

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

4.2.43 The proposed development will continue the current use of the site, which is suitable for the locality. The introduction of a pet shop and fruit shop will provide additional services for the local community.

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

4.2.44 The single storey form of the building contained at the rear of the site which is bordered by dense landscaping will present an aesthetically pleasing streetscape that will complement the character of the area. The buildings are setback 43m from the boundary to Cooyong Road and 22m from the Myoora road boundary.

4.2.45 Overall, the new buildings are consistent with the zone objectives.

Additional Permitted Uses for Particular Land

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

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

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

4.2.47 As such, a garden centre is permitted with consent. The fruit shop and pet shop are permitted uses under the definition of 'garden centre'.

Subdivision

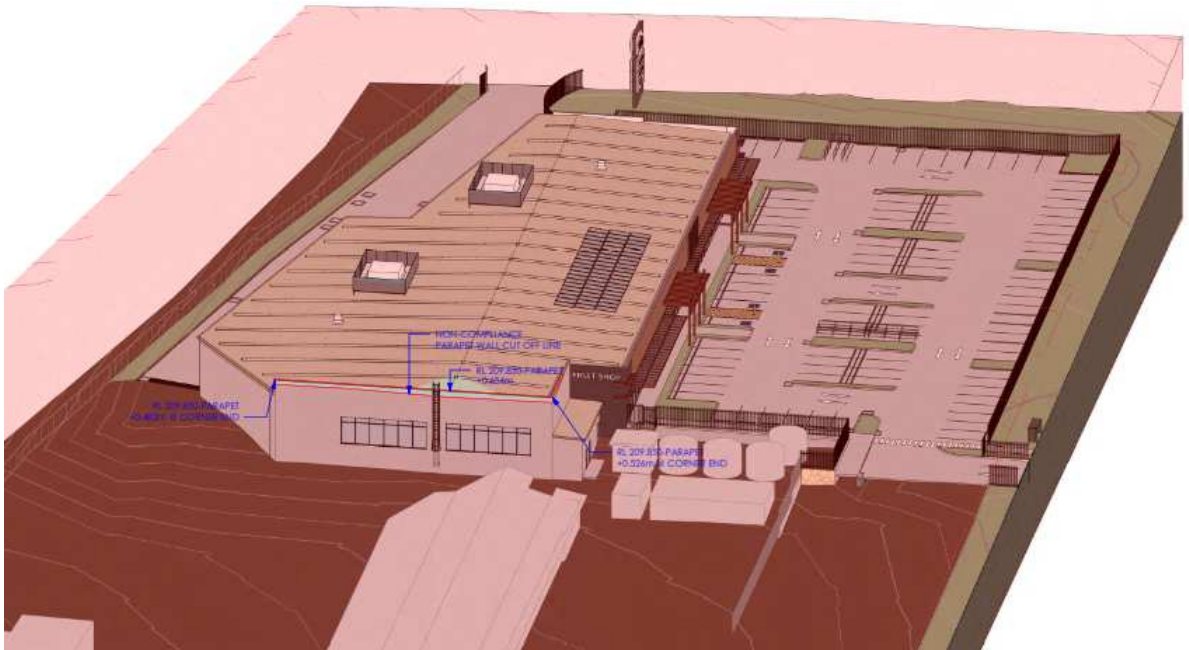
4.2.48 Under Clause 2.6, the minimum lot size permitted on the site is 2 hectares. The application does not seek subdivision and currently exceeds 2 hectares in size, being 2.8299 hectares.

Height

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

4.2.50 The proposed building height (including plant) will generally be less than 8.5m in height. However, a negligible section of the parapet of the building will exceed the height control due to the existing levels on the site.

4.2.51 The variation is to the parapet and ranges from 480mm to 654mm above the 8.5 height control. The minimal extent of variation is shown in the following image:



Source: Leffler Simes Architects – Drawing No. DA19 Rev. C dated 30 June 2025

4.2.52 The height breach is negligible and will not be visible externally to the site. This is a technical breach and therefore requires the submission of a Clause 4.6 variation request which accompanies this application.

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

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

4.2.54 The negligible breach has no impact on the compatibility of the buildings. The new building presents as a single storey form and the area of breach will not be visible.

4.2.55 The height and scale of the development respects surrounding development by providing landscaped setbacks to soften the building form when viewed from the public domain. The

overall quality design of the site will ensure the buildings are compatible with the surrounding area.

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

4.2.56 The single storey form of the building contained at the rear of the site which is bordered by dense landscaping will present an aesthetically pleasing streetscape that will complement the character of the area. The buildings are setback 43m from the boundary to Cooyong Road and 22m from the Myoora road boundary.

4.2.57 The setbacks are to be fully landscaped maintaining and improving the scenic qualities of the locality.

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

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

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

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

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

4.2.61 The new buildings are substantially setback from both street frontages and the required setbacks are fully landscaped.

4.2.62 It is therefore considered, notwithstanding the negligible variation to the height control, the new buildings achieves the objectives of the control. A Clause 4.6 variation request accompanies this application.

Floor Space Ratio

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

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

Exceptions to Development Standards

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

Development near Zone Boundaries

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

4.2.67 This clause does not apply.

Architectural Roof Features

4.2.68 The development does not propose any architectural roof features.

Heritage Conservation

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

Flooding Planning

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

Acid Sulfate Soils

4.2.71 The site is not affected by acid sulfate soils.

Earthworks

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

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

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

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

Development on Sloping Land

4.2.76 Clause 6.4 of the WLEP 2011 has identified the site as being within 'Area A' on the Landslip Risk Map, slope of <5°.

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

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

Warringah Development Control Plan 2011

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

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

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

Table 7: Assessment against requirements of Warringah DCP 2011

Clause	Control	Comment
Warringah Development Control Plan 2011		
Part B – Built Form Controls		
B1 – Wall Heights	Max wall height of 7.2m from ground level (existing) to underside of the ceiling of the uppermost floor of the building (excludes habitable areas wholly located within the roof space.	Wall heights are a maximum of 6m with the exception of the eastern elevation of the new building. Refer to discussion below table.
B4 – Site Coverage	Max 20% (5,659.8m ²) Defined as the 'total building footprint'.	The proposed site coverage is 20.1% (5676m ²). The site coverage is considered compliant as the variation of 0.1% is negligible.
B5 – Side Setbacks	Side – 7.5m Side setback to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.	The fruit shop is setback 11m and the pet shop is setback 19m from the southern boundary. The driveway is located 3m from boundary which will be contain generous landscaping to soften the interface with the adjoining property to the south. This minor variation is reasonable as the dwelling on the adjacent property (279 Mona Vale Road) is setback 41m and the new buildings are contained at


Clause	Control	Comment
		the western end of the site, well removed from the dwelling. The accompanying shadow diagrams illustrate that there will be no impact to adjoining properties.
B7 – Front Setbacks	<p>Myoora Road – 10 metres</p> <p>Cooyong Road – 10 metres</p>	<p>The pet shop is setback 22m and a 10m landscaped setback is provided between the boundary and the parking spaces.</p> <p>Compliance is achieved along Myoora Road</p> <p>The pet shop and fruit shop are setback 43m from Cooyong Road.</p> <p>A 6m landscape strip is provided consistent with the existing parking between the boundary and the new parking spaces.</p> <p>The car park area is at ground level and slopes to the south, minimising bulk and scale.</p>
B14 – Main Road Setback	<p>Min of 30m required.</p> <p>The front setback area is to be:</p> <p>a) must be densely landscaped using locally occurring species of canopy trees and shrubs; and</p> <p>b) no signs are to be erected in the 30-metre front setback area.</p> <p>Ground level car parking may be permitted between 15 and 30 metres from the road boundary provided views of the car park area, from the main road, are screened by landscaping.</p>	<p>There are no works proposed at the Mona Vale end of the site. The new buildings are in excess of 140 metres from the Mona Vale boundary.</p>
Part C – Siting Factors		
C2 – Traffic, Access and Safety	<p>Vehicle access to be from minor streets.</p> <p>All loading and unloading facilities are to be accommodate on site, be of an appropriate size to suit needs and be screened from public view.</p>	<p>One new entry point is proposed on Cooyong Road. The remaining existing entry points will retained with works proposed to upgrade the entry off Myoora.</p> <p>Service vehicles will need to enter form Myoora Road and exit via Myoora Road, to minimise conflicts with customer vehicles and pedestrians throughout the site.</p>

Clause	Control	Comment
	Service vehicles must be able to enter and leave the site in a forward direction.	<p>A traffic assessment has been prepared to accompany this DA and supports the proposed parking layout and traffic impacts for the surrounding locality.</p> <p>The western loading dock area will be adjacent to the Myoora Road boundary and bulky landscaped goods area and will be suitably screened from streets and adjoining properties.</p> <p>Overall, all service vehicles can enter and leave the site in a forward direction at Myoora Road, which will minimise conflicts with cars and pedestrians.</p> <p>The works have no impact on the eastern section of the site and therefore there is no change to the existing entry points on Mona Vale Road and Cooyong.</p>
C3 – Parking Facilities	<p>No rate given for ‘Garden Centres’ – merit-based assessment required to determine number of required car spaces.</p> <p>Comply with Australian Standards.</p>	Refer to accompanying traffic report. The works will provide 100 additional car spaces resulting in a total of 227 parking spaces which have been justified in the Traffic report and are appropriate given the nature of the business. Given the nature of a garden centre, it is not a retail business where customers use public transport or bicycles to access. The very nature of the bulky items requires a motor vehicle and therefore sufficient parking is important to minimise the potential impacts on the surrounding street network.
C3(A) – Bicycle Parking and End of Trip Facilities	No rate specified for garden centres.	Given the nature of the use, bicycle parking spaces are not viable. Customers to the garden centre require a vehicle given the products for sale.
C4 – Stormwater	Satisfy Council’s Water Management Policy.	Noted. Stormwater drawings accompany this application.
C7 – Excavation and Landfill	Ensure all landfill is clean and free of contaminants.	<p>Due to the area of the site that this DA relates, the extent of earthworks is significantly reduced. The extent of filling is limited to primarily less than 1m across the site.</p> <p>This is further addressed in the accompanying civil engineering drawings, accompanying Geotechnical Report and RAP.</p> <p>As possible, any suitable excavated material soil will be reused on site.</p> <p>A Geotechnical report has been prepared and accompanies the DA lodgement.</p>

Clause	Control	Comment
C8 – Demolition and Construction C9 – Waste Management	Require a Waste Management Plan in accordance with Northern Beaches Council's Waste Management Guidelines.	Noted. A waste management plan prepared by Environmental Earth Sciences accompanies this application.
Part D - Design		
D1 - Landscaped Open Space and Bushland Setting	Minimum 70% as the site is greater than 3500m ² .	29% (8216m ²) of the site is permeable landscaped area. Refer to detailed discussion at the end of this table that justifies the variation to the DCP control.
D3 – Noise	Acoustic Report required. Note: <i>Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.</i>	Refer to the Acoustic report that accompanies this application, the new buildings have been designed to minimise acoustic impacts.
D6 – Access to Sunlight	Avoid unreasonable overshadowing of public open space. At least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21	Refer to accompanying shadow diagrams, the new buildings will have no impact on surrounding properties.
D7 – Views	Provide reasonable view sharing.	No views will be adversely affected.
D8 – Privacy	Maintain and provide high level of visual and acoustic privacy for adjoining properties.	The position of the loading area combined with landscaping along the western and southern boundaries will successfully screen the area from the public domain and southern residential property. Acoustic fencing will assist in reducing noise impacts for adjoining residential properties, refer to accompanying drawings and acoustic report
D9 – Building Bulk	Side and rear setbacks are to be progressively increased as wall height increases. Avoid large areas of blank walls.	Noted. The new buildings are setback 22m and 43m from the adjacent streets.

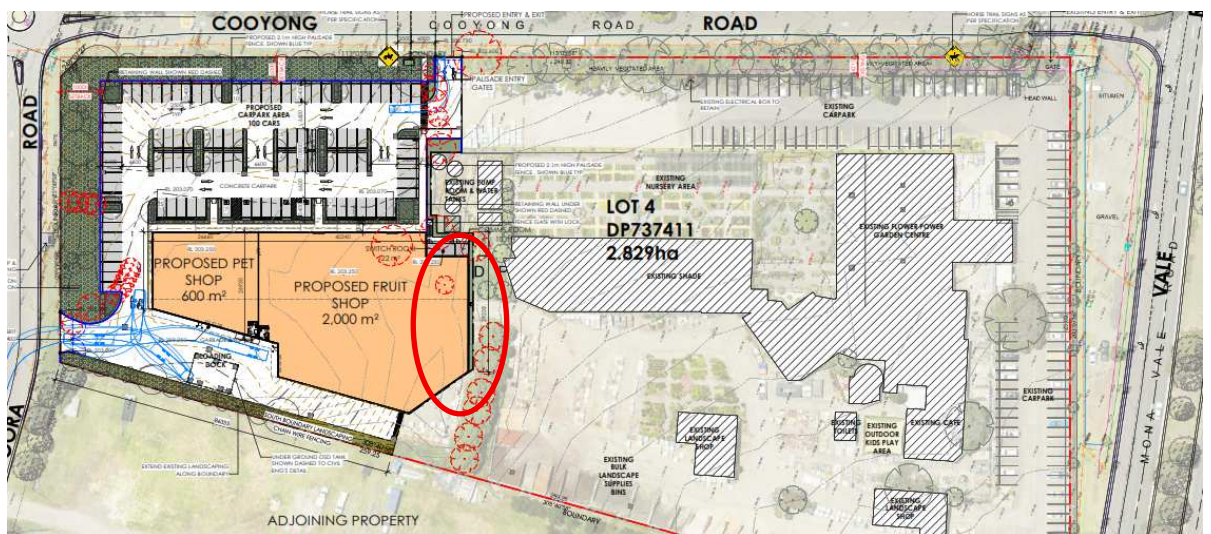
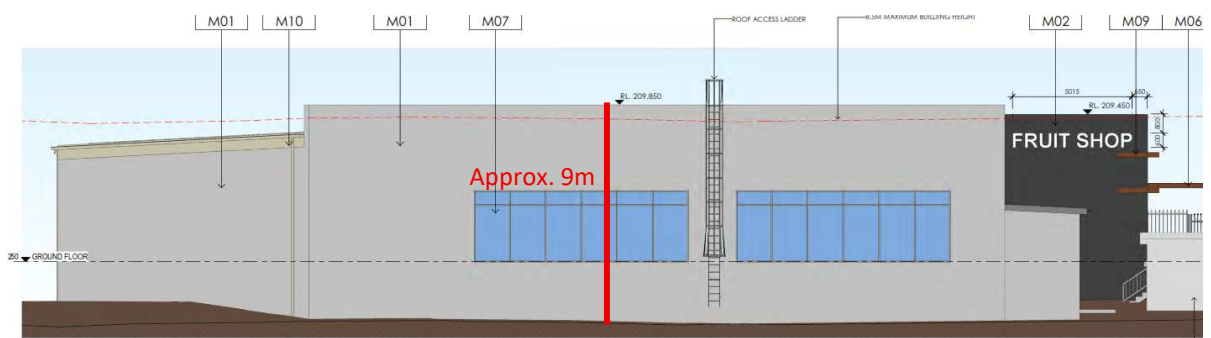
Clause	Control	Comment
D10 – Building Colours and Materials	Use of appropriate colours and materials and landscaping.	The proposed colour scheme is a neutral palate comprising mostly pre-cast concrete with textured wall cladding. The materials and finishes are highly suitable for the subject site and the detailed landscape plans by Site Image will complement the architecture.
D11 – Roofs	Lift overruns and plant etc shall be minimised and integrated into the building.	Noted. All plant will be incorporated into the building form, refer to accompanying architectural drawings.
D12 – Glare and Reflection	Minimise glare and light spill.	Capable of complying.
D13 – Front Fences and Front Walls	Be compatible with streetscape character and allow for casual surveillance.	New palisade fencing is proposed at the north western end of the site where the works are proposed.
D14 – Site Facilities	Waste facilities to be integrated into the building and minimise views.	Noted. All waste areas are incorporated into the loading areas.
D15 – Side and Rear Fences	Max of 1.8m	The new palisade fencing is a maximum of 1.8m.
D18 – Accessibility and Adaptability	Comply with the DDA, BCA and Australian Standards.	Refer to accompanying Access report.
D20 – Safety and Security	Consider CPTED Principles.	Refer to assessment above.
D21 – Provision and Location of Utility Services	Integrate into the development and screen.	Noted. Able to comply.
D22 – Conservation of Energy and Water	All development must comply with Council's Water Management Policy.	The development incorporates the following sustainability measures: <ul style="list-style-type: none"> • Use of rooftop solar panels • Water efficient sanitary fixtures resulting in 30% reduction in potable water use • Rainwater reuse for irrigation • Use of skylights
D23 – Signs	For Land in the RU4 zone with frontage to both Mona Vale Road and Myoora Road: Only small, non-obtrusive and non-illuminated signs that identify the use of a site are to be visible	New signage is proposed on the Myoora Road frontage to support the new uses on the site. Wall signage is also proposed to the new buildings and a pylon sign.

Clause	Control	Comment
	from Mona Vale Road. Signs that are designed of such size, height or visual appearance so as to attract passing trade are not considered appropriate and are discouraged. All signs are to be in keeping with the colour and textures of the natural landscape.	Refer to Section 3 of this report for a detailed outline of the proposed signage and the assessment SEPP (Industry and Employment) in the section above.
Part E – Environment		
E1 – Preservation of Trees or Bushland Vegetation	Require Arborist Report if trees are to be removed.	<p>In relation the area of the works the arborist report provides the following assessment:</p> <ul style="list-style-type: none"> 19 trees are to be retained 5 trees with a low/ medium / high retention value are to be removed 43 trees that are exempt are to be removed <p>No trees are affected that are not located within the section of the site that the new works are proposed.</p>
E2 – Prescribed Vegetation	<p>1. The following is prescribed for the purposes of clause 5.9(2) of Part 2 of the Vegetation SEPP: All native vegetation identified on:</p> <ul style="list-style-type: none"> a) DCP Map Threatened and High Conservation Habitat b) DCP Map Wildlife Corridors c) DCP Map Native Vegetation d) known or potential habitat for threatened species, populations or ecological communities as listed under the NSW <i>Threatened Species Conservation Act 1995</i> and/or the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>. <p>2. Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees,</p>	<p>The subject site is not identified as containing any of the following:</p> <ul style="list-style-type: none"> Threatened and High Conservation Habitat; DCP Map Wildlife Corridors; and DCP Map Native Vegetation. <p>Trees will be retained where possible. A high percentage of trees to be removed are exempt species. Refer to accompanying Arborist Report.</p> <p>In addition, the proposed landscaping will provide additional plantings to off-set any loss and maintain rural character and setting.</p> <p>The proposed development will increase and improve landscaping along the Myoora and Cooyong frontage and the proposed plantings will off-set this loss. Refer to accompanying landscaped plans.</p>

Clause	Control	Comment
	understorey vegetation, and ground cover species.	
E6 – Retaining unique environmental features	<p>1. Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.</p> <p>2. Development should respond to these features through location of structures, outlook, design and materials.</p>	<p>Noted. Existing trees have been retained where possible.</p> <p>Setbacks have been provided along Cooyong Road and Myoora Road and this will ensure the rural character of the locality can be retained.</p>
E10 – Landslip Risk	Site is identified as Area A.	Refer to accompanying geotechnical report. Development can be undertaken.
E11 – Flood Prone Land	Not identified as being flood affected.	Not Applicable.
Bushfire Affected Land		
<p>The part of the site the subject of this DA is not bushfire affected:</p> 		Not applicable. The part of the site the subject of the DA is not affected by bushfire.

Wall Height – Further discussion

4.2.81 The DCP requires a maximum wall height of 7.2m. The majority of the new building complies except for the east elevation as shown below:



4.2.82 As shown above the eastern elevation of the building has a wall height of approximately 9m. The location of the breach is identified by the red circle above. The parapet in this location is also the only area of the building that breaches the height control.

4.2.83 The breach results from the change in levels between the existing parts of the site that are not changed and the location of the new building and parking areas. The fruit shop and pet shop building sit at generally the existing ground level of the western section of the site, as a result the eastern end of the building sits higher above the existing ground level to the east creating the breach. The breach to the DCP control will have no impact on surrounding properties by way of overshadowing or visual impact due to its location. The building is setback over 140 metres from Mona Vale Road and therefore will only be visible from within the garden centre.

4.2.84 Notwithstanding the breach, it still meets the objective of the control for the following reasons:

- Given the location of the area of breach, being centrally located within the site, the non-compliant wall to the building will not be perceptible from adjoining properties, streets, waterways of land zoned for public recreation. The wall to the building is located over 140 metres from Mona Vale Road and 43m from Cooyong Road.
- The building will remain below the tree canopy

- The non-compliant wall height will have no impact on sharing of views given its location
- The wall height will not give rise to any unreasonable impacts to adjoining or surrounding land.
- The variation to the wall height is due to the change in levels across the site and in particular between the existing garden centre and the new building.

4.2.85 For the reasons outlined above, the variation to the wall height is appropriate.

Landscaped Open Space – Further discussion

4.2.86 As noted above, Part D1 of the DCP requires a minimum area of 70% of the site as landscaped area. The works to facilitate the new building and car parking proposes 8,216m² (29%) of landscaped area across the site.

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

4.2.88 In the approval of DA2023/1224 Council and the Local Planning Panel approved a variation to the landscaped area control on this site at 17.19% (not including the open nursery area). A similar provision of landscaped area is proposed under this DA.

4.2.89 The landscaped area control is intended to apply to permissible land uses anticipated for the site under the RU4 zoning which are more likely to achieve compliance with the control due to a lesser building footprint. The subject site benefits from an additional permitted use under Schedule 1, clause 18 of WLEP to allow the garden centre. The control in the DCP did not account for this type of use with the % permitted on the land the subject of a garden centre.

4.2.90 A variation to the landscape control has already been approved and continues to be appropriate for the following reasons:

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

<i>Objective</i>	<i>Garden Centre Response to Objectives</i>
<i>To enable planting to maintain and enhance the streetscape</i>	The works to the western end of the site provide generous landscaped setbacks with substantial planting to the Cooyong and Myoora Road frontages and to the southern boundary. The streetscape is enhanced with the retention of

Objective	Garden Centre Response to Objectives
	trees along Cooyong and incorporation of dense layering of landscaping.
<i>To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife</i>	Trees will be retained where possible. A high percentage of trees to be removed are exempt species that do not contribute to local vegetation. In addition, the proposed landscaping will provide additional plantings to off-set any loss and maintain rural character and setting.
<i>To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building</i>	As demonstrated within the landscape package, the scheme provides a range of species including ground covers and medium to large trees. The precedent images in Section 3 of this report demonstrate the intended outcome.
<i>To enhance privacy between buildings</i>	The new building will not impact on the privacy of adjoining dwellings. This has been achieved through the location and orientation of the building and the landscaped interface.
<i>To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants</i>	This objective is not applicable to a garden centre.
<i>To provide space for service functions, including clothes drying.</i>	This objective is not applicable to a garden centre.
<i>To facilitate water management, including on-site detention and infiltration of stormwater.</i>	The works at the western end of the site incorporates on-site detention designed in accordance with Warringah On-site Stormwater Detention Technical Specification. Water will be captured on site and re-used for irrigation and toilet flushing. The new building consistent with the existing garden centre operates efficiently managing water use and minimising offsite impacts.

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

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

4.3 The Likely Impacts

4.3.1 The proposed development is not considered to pose any unacceptable impacts upon the surrounding environment. The proposed development is a small addition to the existing garden centre to include a pet shop and a fruit shop.

- 4.3.2 The proposed demolition, excavation and construction of the new building will enable the continued use of the site for a business that will service and provide employment opportunities for the local community.
- 4.3.3 The development will not result in any unreasonable impact on adjoining properties in terms of height, solar access, visual privacy or loss of views. This is attributed to the balance between the positioning of the buildings with generous setbacks from Myoora and Cooyong Roads, the single storey form and generous landscaped setbacks.
- 4.3.4 The proposed number of car parking spaces is reflective of the addition of the two new retail uses that will ensure sufficient car parking is provided. The proposed uses and the additional car parking area will be suitably landscaped to soften the hardstand area and provide shade in the summer months

4.4 The Suitability of the Site for the Development

- 4.4.1 The site is suitable for the proposed development. The site is zoned RU4 Primary Production Small Lots and the pet shop and fruit shop are permitted as an 'additional permitted use on the site' under the definition of garden centre pursuant to Schedule 1 Clause 18 of the LEP.
- 4.4.2 Matters relating to the suitability of the site has been addressed in this Statement and within the accompanying specialist reports that have considered whether the site is suitable for this development.
- 4.4.3 Sufficient car parking and loading facilities can be accommodated on site. All vehicles will be able to enter and leave the site in a forward direction. The additional car parking will ensure that there will be no detrimental impact for nearby business and residents, with the need to park on-street.
- 4.4.4 The new signage is suitable for the size of the new building and is appropriately located.
- 4.4.5 Overall, the site is suitable for the proposed use.

4.5 Submissions

- 4.5.1 The proposed development and continuing use for the site as a garden centre will be a huge benefit to the local community. The addition of a pet shop and fruit shop that can be constructed while continue the operation of the garden centre is a positive outcome that will deliver additional services to the community.
- 4.5.2 The application will be required to be publicly exhibited. Any submissions received will be taken considered following closure of the notification period. Although this is a significantly reduced development compared with the two previous DA's the matters raised in the previous submissions have been considered in this DA.
- 4.5.3 The primary concerns raised in relation to the previous DA's related to parking and traffic impacts. Primary concerns included:
- Traffic Impacts on surrounding streets

- Proximity to Public School and bus stops with impacts of trucks / service vehicles
 - Lack of consideration of the hospital
 - Traffic management around drop off and pick up times at the school
 - Should not be comparing with Milperra
 - Impact on traffic of an increase from 127 to 403 Spaces
 - Entry and exit should be from Mona Vale Road
- 4.5.4 All of the above concerns / comments were taken on board and considered as part of the approved DA and the current DA. It is noted that this DA is again significantly smaller than the previous approved DA.
- 4.5.5 The current DA proposes to retain the garden centre buildings as existing and construction of a new building to accommodate a pet shop and fruit shop. To support the uses, an additional 100 parking spaces are proposed. The Traffic Report has considered in detail all surrounding streets and the distribution of traffic. It includes the proposed traffic generation from the hospital, although the hospital development gave no consideration to the intersection of Myoora and Cooyong Road.
- 4.5.6 No works are proposed to the eastern half of the site nor to the existing entry point off Mona Vale Road and this will be retained. Given no works are proposed on this part of the site it would be unreasonable for TfNSW to require its closure. We support the communities ongoing requests for this to remain open.
- 4.5.7 A number of submissions stated that the Traffic Report should not be considering the Milperra Garden Centre as this is not within the Northern Beaches Council area. This has been considered as an example garden centre to quantify parking demand and usage. It is entirely relevant in this regard. It is not considered in relation to the external traffic impacts.
- 4.5.8 Terrey Hills Public School is located opposite the existing garden centre on the corner of Myoora and Cooyong Roads. A number of submissions raised concerns with intensification of the development and the potential impacts of the location of the loading dock. The interface with the Public School is an important aspect. The redevelopment has been significantly reduced in scale compared with the previous DA's. The building is setback 43m from Cooyong Road and 22m from Myoora Road. Both setbacks have compliant landscaped setbacks. This increase compared with the previous DA will improve the visual outlook from the public school and surrounding properties.
- 4.5.9 The Traffic Report has considered the location of the bus stops on Myoora Road and the potential impacts of entry and exit point on Myoora Road on Terrey Hills Public School. It is noted that the majority of deliveries to the garden centre will occur prior to the peak drop off time in the morning of the public school. Generally between 7am to 8am.
- 4.5.10 The Terrey Hills Public School starts at 9.10am Monday to Friday. The public school bus starts its rounds at 8.35am and arrives to school prior to 9.10am. The peak drop off period of the school would be generally between 8.30am to 9.15am. As noted above, the majority of

deliveries would occur prior to this period of time and therefore unlikely to impact on students and buses arriving at the school. Deliveries are less likely in the afternoon. Terrey Hills Public School finishes at 3.10pm and the public school bus leaves at 3.24pm.

4.5.11 In order to minimise potential conflicts, the garden centre will advise all deliveries to aim for delivery outside of the following key hours:

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

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

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

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

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

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

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

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



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

4.6 The Public Interest

- 4.6.1 It is in the public interest to allow development that generally complies with planning controls, has no adverse environmental, economic or social impacts, and has general merit. It is also in the public interest to ensure the ongoing viability of retail businesses. Introducing a pet shop and fruit shop will support the ongoing viability of the garden centre.
- 4.6.2 The design of this application will ensure the development contextually fits within the streetscape and maintains a leafy setting. It is a highly positive use that will continue to provide great benefits to the community including employment opportunity and services.
- 4.6.3 Matters raised during the notification of the previous DA's have been taken into consideration with the new scheme. In particular issues surrounding the interface with surrounding properties, landscaped setbacks and potential impacts on Terrey Hills Public School.

5.0 CONCLUSION

- 5.1 The relevant planning controls have been considered in the foregoing assessment, ie
- State Environmental Planning Policy (Transport and Infrastructure) 2021
 - State Environmental Planning Policy (Industry and Employment) 2021
 - State Environmental Planning Policy (Resilience and Hazards) 2021
 - State Environmental Planning Policy (Sustainable buildings) 2022.
 - Warringah Local Environmental Plan 2011
 - Warringah Development Control Plan 2011
- 5.2 This development application represents an appropriate form of development that will be compatible with the surrounding landscape which contains vegetation and a mixture of residential and business uses. It will introduce additional uses to support the ongoing viability of the garden centre which is a use that is suitably located and complimentary for nearby residential uses and surrounding locality, including the nearby school.
- 5.3 The proposal will not unreasonably impact on the amenity of adjoining property owners, particularly the only adjoining neighbour located at 279 Mona Vale Road to the south of the site. Adequate setbacks have been provided along the southern boundary and the new building located towards the western end of the site is well removed from the existing dwelling.
- 5.4 The proposed works will retain existing trees where possible and compliment the retained trees with new landscaping. The majority of trees that are proposed to be removed are considered to have a low retention value being exempt species. The increased landscaping and setbacks to Myoora and Cooyong Roads will enable additional landscaping to off-set this loss. Overall, the proposed landscape design will ensure a positive landscape outcome when viewed from Cooyong Road and Myoora Road. The new buildings will not be readily visible from Mona Vale Road.
- 5.5 The proposed hours of operation and truck deliveries will not be unreasonable with all deliveries being staggered throughout the day and only occurring during the proposed hours of operation on weekdays. This will minimise effects to nearby residential properties.
- 5.6 Accordingly, it is recommended the proposed Development Application at 62 Myoora Road, Terrey Hills, be approved.



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