northern beaches council

# SNPP BRIEFING NOTE

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| **APPLICATION NUMBER:** | DA2024/1362 |
| **PROPERTY ADDRESS:** | 40 Myoora Road TERREY HILLS NSW 2084 |
| **PROPOSAL:** | Demolition works and construction of mixed-use hospitality venue with supporting car parking, servicing and landscaping works |
| **APPLICATION ACCEPTED:** | 18 October 2024 |
| **APPLICANT:** | The Trustee for Gardoxi Unit Trust |
| **OWNER:** | Gardoxi Pty Ltd |
| **COST OF WORKS:** | $33,046,200.00 |
| **NOTIFICATION PERIOD:** | 25 October 2024 - 18 November 2024 |
| **ADVERTISED:** | 25 October 2024 |
| **NO. OF SUBMISSIONS:** | 43 unique (received from the same property) submissions (22 in support and 21 in objection) |
| **DETERMINATING AUTHORITY:** | Sydney North Planning Panel |
| **REASON FOR REFERRAL:** | Cost of work exceeds $30 million |

## Proposed Development

On 18 October 2024, The Trustee for Gardoxi Unit Trust("Applicant") lodged Development Application DA2024/1362("DA") with Northern Beaches Council ("Council").

The DA seeks consent for the demolition of existing structures, removal of 12 trees, excavation work and construction of three (3) single storey "farm style" restaurant pavilions with associated outdoor areas and landscaping including planting of 93 trees.

The proposal provides a total internal area of approximately 2,698m$^2$ for 794 patrons and 40 staff with 224 car parking spaces. It is proposed that the venue will operate between 07:00am – 12:00 midnight 7 days a week and include live (external) music. In detail, the proposal includes:

Restaurant 1- A two level, 59 seat restaurant, located on the western side of the site. The lower basement level includes dining area store and amenities.

***Figure 1*** *Photomontage of restaurant 1 as seen from the car park looking to the south-east*

Restaurant 2 – A single storey 135 seat restaurant, located in the centre of the site which connects to an outdoor dining area (55 seats) to the west, an office to the north and loading dock to the east.

Restaurant 3 – A single storey 260 seat restaurant, located on the eastern side of the site with two private dining rooms and ancillary amenities, kitchen and bar. This restaurant is noted to provide a fine-dining restaurant experience.

Outdoor areas – A partially covered children's play area and an outdoor fireplace are located in the centre of the site. Partially covered outdoor dining areas and terraces (patron capacity of 240) with a stage and outdoor fireplace connects restaurant 1 and 2 near the south-west side boundary.

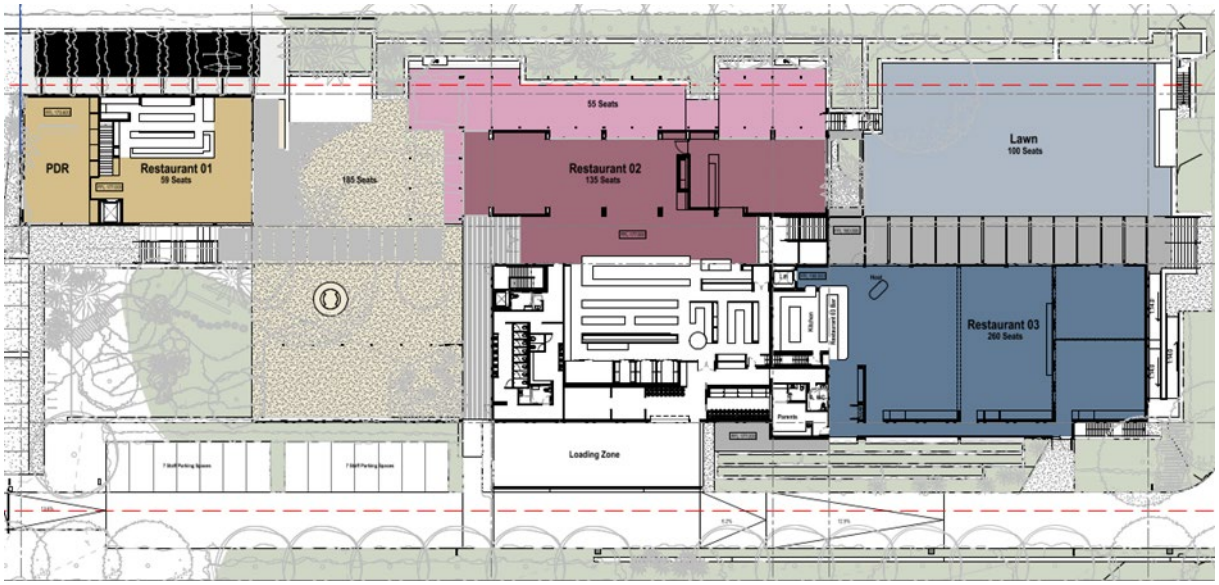


***Figure 2*** *Seating plan*

***Figure 3*** *Photomontage of outdoor seating between restaurants 1 and 2.*

An area of landscape open space is proposed to the south-east of the site to the rear of restaurant 3. Two portions of this landscape area are to be used as an overflow car area, one area, 1,680m$^2$ in for 64 cars and a second area, 274.2m$^2$ for 10 cars is located to the rear of restaurant 3.

Access Parking and Servicing - A new vehicular access from Myoora Road with 186.5m long driveway running along the north-eastern boundary. A loading dock adjoins restaurant 2 to the east.

A total of 298 car parking spaces are proposed including: 156 spaces within the basement, 54 at grade fronting Myoora Road, 14 staff parking spaces to the west of the driveway and 74

overflow spaces in areas of landscape open space. A shuttle bus is also proposed to operate Friday and Saturday evenings starting at 6:00pm.

The farm typology is proposed using the following materials:

Galvanised and corrugated steel, timber cladding, timber and aluminium windows, brickwork, concrete, stone, permeable paving, sandstone retaining and timber shingles.

## Notification / Advertising

The application was notified between 25 October and 18 November 2024. A total of 43 unique submissions (submissions from the same person or property) have been received, including 22 submissions in support and 21 submissions in objection. The relevant planning issues raised are summarised below:

- Overdevelopment given the scale of the development in the RU4 Rural zone and impacts on the character /amenity of the area
- Traffic, road safety and parking issues
- Amenity impact in particular acoustic issues considering live outdoor music, patron capacity and trading hours and servicing needs. In addition, impacts due to light spill and smoke nuisance
- Cumulative impacts considering other commercial developments in area
- Ecological issues / potential impacts on waterways
- Safety concerns with egress for residents in the area in the case of an emergency, such as a bushfire.

## EXTERNAL REFERRAL ISSUES

### Design Advisory and Sustainability Panel (DSAP) -support subject to conditions

The application as presented to DSAP on 28 November 2024. The DSAP support the application subject to the following recommendations:

Access, vehicular movement and car parking

3. Satisfactory consideration and resolution of TfNSW road safety impacts

4. Further analysis of expected high-demand parking periods and mitigation strategies (including the dedicated/managed use of alternative bus and cycling options) and ways to minimise the need to utilise the overflow parking. The Panel is keen to ensure that the overflow parking is retained as a key part of the visual and recreational landscape, and as much as possible used for non-parking related activities.

5. Consideration should be given to the use of more resilient permeable paving in the over-flow parking either as a complement or replacement solution to the turf should this system degrade over time and need to be substituted. The use of asphalt should be avoided.

Landscape

6. The required 70% landscaped open space area should be easily achieved on a site of this size. More effort to comply with the relevant controls should be made and a development of the correct size and proportions proposed for assessment.

7. Consideration should be given to ensuring that the subterranean carparking does not impinge upon the 7.5-metre side boundaries allowing this area to be deep soil planting as intended by the Warringah Council Development Control Plan 2011.

8. The extended entry drive, parking and passing bay along the southern boundary still add a significant portion of hard paved area and should be reduced\to provide more areas of landscaping to attain the 70% requirement.

9. More tree planting in islands within the at-grade carpark should be proposed to help reduce heat island effect while providing shade to the parked vehicles and pedestrians alike.

10. A structural root cell system that can also harvest and store rainwater for use in irrigation should be considered for installation below the entire at-grade car parking area(s) to ensure proper root development and healthy, vigorous tree growth.

11. A focus on plants from the Threatened Ecological Community Duffy's Forest should form the majority of the plant list to help the regeneration of this endemic community.

12. A significant number of upper storey and mid storey canopy trees should be included in the landscape scheme and specified throughout the site to provide shade, habitat and year-round architectural interest.

13. A balance can be achieved between compliance with Planning for Bushfire Protection and meeting the objectives of the DCP while providing good canopy coverage and habitat value for endemic fauna.

Sustainability

16. Decarbonisation of energy supply

- As noted by the proponents, all services are to be electric. For information on the importance of this for cooking, see https://cooksafecoalition.org/.
- Heat pump systems for providing electric hot water need adequate space for their proper ventilation. The storage of hot water can be considered a de facto battery if heated by PVs during the day.
- On site battery storage has benefits for the grid and may be a highly desirable back-up during the transition to a de-carbonised grid.
- Confirm where PV installations, sized to suit the demand, will be located.

17. EV charging

- Provide EV charging points (Min 15 amp) to suit level 1 charging in basement carparking.
- Confirm external location for secure storage for bikes, including E Bikes.

18. Passive design and thermal performance of building fabric.

- Engage a fabric first approach to ensuring amount of energy required for heating and cooling can be kept to a minimum. This can be enhanced with appropriate orientation, smart built form, good insulation and sealing, well designed natural ventilation, external shading devices and appropriate planting.
- Consider investing in higher than the minimum Section J requirements in preparation for the changing climate we are experiencing.
- The inclusion of ceiling fans to all rooms will provide comfort with minimal energy while reducing the need and energy required for air-conditioning.

19. Water use minimisation

• Harvest rainwater from roofs and ensure tanks are connected to the toilets to maximise reuse. This will also reduce the size of tank required because the water will be used constantly.

• All fixtures and appliances should be water efficient.

• Landscape design and planting should be water tolerant and suitable for the microclimate

20. Materials

• A new area of NABERS, consider the following approaches to reducing the embodied carbon of the project:

o Reusing existing buildings' materials in the design or finding other places that can use them.

o Simplified structures and reduced spans to reduce the amount of steel reinforcement and concrete required.

o Simplified building envelopes with minimal steps in facades and minimal fixings.

o Keeping small and optimising the quantity and quality of space required.

o Dematerialising wherever possible (e.g. bare concrete floors, reduced tiling etc).

o Designing for long life for the overall building and how to address different time frames for structure, envelope, services, fitouts etc.

o Consideration of using biogenic materials such as timber for structure.

o Using low embodied carbon concrete, recycled steel and recycled materials wherever possible

21. Education

• Hospitality projects like this are a great opportunity for providing information about the sustainability features of the building, particularly how important electric cooking is. Signage could be used to explain the importance of being fully electric, materials selection, approaches to reduce embodied carbon, water recycling, solar power and energy balance, natural ventilation etc.

Conclusion: The Panel supports the proposed uses and design objectives. The scale of buildings and their relationship to a series of tiered and well-considered landscaped outdoor spaces is commended. The relationship between architecture and landscape, the proposed palette and application of material and planting, as well as the relationship between interior and exterior space, are all highly commended. Concerns remain regarding the issues of parking, traffic access and management and extent of landscape non-compliance with the WDCP.

**Transport for NSW (TfNSW) – do not support**

TfNSW has reviewed the application and does not support the DA in its current form. TfNSW is of the view that the DA will create a number of road safety issues, in particular, right turns out of Aumuna Road onto Mona Vale Road as detailed below.

It has been identified by TfNSW that no transport or traffic amelioration measures are proposed by the Applicant at the intersection of Mona Vale Road (classified road) and Aumuna Road

intersection to reduce the impact of the DA in terms of improving road safety and network efficiency outcomes that benefit the development's operations and traffic generation and future road users.

As such, TfNSW recommends that the Applicant investigate and propose appropriate traffic mitigation measures to reduce the delay and associated road safety impact of the DA on the classified road network to address TfNSW comments in TAB A. Following receipt of updated information that addresses TAB A, TfNSW will review the material and respond accordingly.

TfNSW reasons for not supporting the DA as currently submitted:

1. Delays: TfNSW notes that the DA will significantly increase the delay for vehicles at the Mona Vale Road/Aumuna Road intersection, with delays for right turns out onto Mona Vale Road increasing from 310 seconds to 403 seconds. The analysis provided shows that the Mona Vale Road/Aumuna Road intersection is currently performing very poorly, and that the additional traffic generated by the DA will create an unacceptable safety risk at this intersection. High delays at an intersection will likely encourage drivers to take risks. Given the road environment, such risks could result in high-speed, high-severity crashes. The currently submitted documentation does not include any transport or traffic amelioration measures at the above intersection to reduce the impact of the DA in terms of improving road safety and network efficiency outcomes that benefit the development's operations and the associated vehicular traffic that the DA will generate. The fact that an intersection is already performing poorly does not justify accepting further vehicle movements without implementing necessary improvements. The Applicant must investigate and propose suitable traffic mitigation measures to reduce delays and improve road safety at this intersection.

2. Trip Distribution: TfNSW does not agree with the trip distributions as detailed in the Traffic Impact Assessment (TIA) prepared by Traffix (reference 24.01 4r01 v02, dated September 2024). A review of available Google data suggests that vehicles travelling from the development site to the east, south, and north are directed by Google Maps to exit via the Mona Vale Road and Aumuna Road intersection. Although some vehicle movements generated by the development may "take advantage of alternative more convenient vehicle routes using nearby signalised intersections to turn right onto Mona Vale Road" most vehicle movements will utilise the Mona Vale Road and Aumuna Road intersection.

3. Shuttle Bus: TfNSW acknowledges the statements highlighting the significant role of the shuttle/minibus in promoting more sustainable travel behaviour and reducing reliance on private vehicles and onsite parking. However, TfNSW notes that the minibus will not operate during peak periods in the middle of the week or on Saturdays, and its operation will be limited to Friday and Saturday evenings starting from 6 pm. Additionally, TfNSW observes that the parking and patron survey conducted by McLaren Traffic Engineering (dated 10 January 2018) indicated no shuttle bus usage among patrons of the nearby Tavern. Furthermore, TfNSW was unable to locate the map showing the areas covered by the shuttle bus, as referenced in the Statement of Environmental Effects prepared by Urbis in September 2024. TfNSW is of the opinion that if the shuttle bus to be provided is only servicing the local area, given the size of the development and the large catchment that patrons will be coming from, the shuttle bus, while great to provide, will have minimal impacts on reducing the number of vehicular movements coming to and from Mona Vale Road.

4. Length of Stay: Based on the information provided, TfNSW assumes that the traffic generation rates for the DA assume a length of stay of 4.4 hours. If patrons were to stay for shorter durations, it would result in additional vehicle movements (e.g. if people were staying for 1 hour there would be 2 movements per car space) thereby increasing traffic at the Mona Vale Road/Aumuna Road intersection. The submitted TIA has estimated 0.45 movements per

parking space which indicates you will have large groups of people that will arrive and leave at the same time.

5. SIDRA: TfNSW has reviewed the provided SIDRA files and while noting the comments above has identified the following concerns that need to be addressed:

a. The priorities within the model indicate that vehicles turning right out of Aumuna Road onto Mona Vale Road don't have to give way to vehicles turning right from Mona Vale Road into Aumuna Road. This is to be confirmed by the Applicant.

b. The results within the network model are based on the average back of queue and not the 95th percentile. While the average can be provided, the 95th percentile should also be assessed/reported.

c. The default gap acceptance has been used and confirmation that this satisfactorily calibrates the model should be provided (refer to additional comments on base model calibration in Point g).

d. The traffic surveys undertaken in inform the study were not included in the traffic report, please provided these for review.

e. An exit speed of 50km/h has been selected for vehicles travelling from Aumuna Road to the waiting bay. Justification for the speed selected is to be provided.

f. The SIDRA results show that the post-development intersection of Mona Vale Road and Aumuna Road will not be functioning satisfactorily and will be over capacity. But that is based on an input of 135 movements per hour. There is no justification for this rate and that it applies to this site. TfNSW notes that the minibus will not be operating during peak times in the middle of the week and will only be operating on Friday and Saturday evenings from 6 pm therefore making it more difficult for TfNSW to understand the applicability of the 135 vehicle movements per hour. In addition, the above does not include the use of the site for functions that would see large numbers of people arriving and leaving at the same time.

g. The SIDRA base models needs to be calibrated with on-site observations relating to queue lengths, delays, etc. While it is noted that a traffic survey has been completed, no details have been provided on what calibration works have been undertaken. As such, TfNSW requires details on how the base model has been calibrated and validated with on-site observations in the AM and PM peaks (e.g. TfNSW requires the observation data for queue lengths and delays at the Mona Vale Road and Aumuna Road intersection that has been used to inform the SIDRA base models in the AM and PM peaks).

Strategic Design: A strategic design for any identified works at the Mona Vale Road and Aumuna Road intersection will need to be prepared to clarify the scope of works, demonstrate the works can be constructed within the road reserve and allow the consent authority to consider any environmental impacts of the works as part of their Part 4 assessment. These impacts include traffic and road safety impacts as well as other impacts such noise, flora and fauna, heritage and impact to community. The strategic design should address the requirements as detailed in the TfNSW Strategic Design Requirements fact sheet which is accessible through the following link - Strategic Design Fact Sheet.

Note: TfNSW concurrence under Section 138 of the Roads Act, 1993 is required for any works within the road reserve of Mona Vale Road.

To reconsider the submitted DA, TfNSW requires the above matters to be addressed.

**Rural Fire Services NSW - support subject to conditions**

The recommended conditions necessitate the development and associated landscaping complying with Planning for Bushfire Protection 2019.

**NSW Police Force – supported subject to conditions**

The recommended condition relates to the following matters: CCTV, patron capacity, access control, parking, plan of management and signage.

**Aboriginal Heritage Officer - further information required**

The Aboriginal Heritage Office recommends a preliminary inspection ('due diligence' under the National Parks and Wildlife Act 1974) by a qualified Aboriginal heritage professional. The assessment would provide information on what potential Aboriginal heritage issues exist on the land and recommendations for any further action if required

The assessment would provide information on what potential Aboriginal heritage issues exist on the land and recommendations for any further action if required

Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

**Ausgrid – supported, subject to conditions**

**INTERNAL REFERRALS ISSUES**

**Transport Engineer – not supported**

Parking

The Warringah DCP parking requirements for a restaurant are the greater of 15 spaces per 100m$^2$ GFA (405 spaces) OR 1 space per 3 seats (265 spaces). The premises therefore requires a minimum of 405 parking spaces for compliance with the DCP. While the DCP advises that there is potential to allow a reduced parking supply if there is suitable available parking in the vicinity, on Myoora Road, as parking is in high demand near the proposed premises, a reduction in the parking requirements on the basis of spare capacity elsewhere is not appropriate. The developer's traffic consultant advises that a parking assessment has also been undertaken noting TfNSW guidelines. The latest TfNSW guidelines are the 2024 Guide to Transport Impact Assessment which became active from 4 November 2024. These guidelines also suggest that parking rates for restaurants should be determined from the greater of 15 spaces per 100m$^2$ of GFA or 1 space per 3 seats. The TfNSW and Warringah DCP parking requirements are identical and should be met. While the use of a shuttle bus and a green travel plan are welcomed and may assist in resulting in small reductions in trips to/from the facility, given the relatively isolated location of the development and the scattered nature of residential development in the surrounding area it is considered likely that patrons will remain heavily car dependent for travel to and from the facility. The proposed parking provision of 297 spaces is well below DCP requirements and unacceptable.

It is also noted that the referral from Council's Landscape Officer has raised concerns about the reliance on a part of the landscaped area on the site for overflow carparking with its ongoing use as carparking limiting is landscaping benefit. Given that it is proposed to mark the overflow carpark with paving "dots" which would presumably need to be affixed into a hardpaved

surface, the impact of the above coupled with the wear and tear created by parking activity would limit the potential for any meaningful landscaping.

It is noted that the drop off/pick up bay on the "at grade" parking level is capable of accommodating the developer's mini-bus. This drop off/pick up bay is also likely to be well used by clients dropping off elderly/less mobile passengers and to ensure this activity is able to occur a dedicated parking bay of appropriate dimensions should be identified to accommodate the mini-bus when not in use. This bay should be identified on the plans with access to/from that bay demonstrated by turning movement plots for the mini-bus.

The developer proposes to provide 5 accessible parking spaces all located in the basement carpark. The Building Code of Australia requires accessible parking at a rate of 1 space per 50 spaces or part thereof and it is therefore required that at least 9 accessible parking spaces designed in compliance with AS2890.6 be provided. Some of these spaces should be located in the at grade carpark near the entrance to the restaurant with suitably graded access to the premises. The 5 spaces proposed is insufficient.

Although the Warringah DCP does not specifically require motorcycle parking, it is noted and supported that 5 motorcycle parking spaces have been provided to cater for this alternate transport mode.

Bicycle Parking

The Warringah DCP requires high-medium security bicycle parking (in a secure room/enclosure) at a rate of 1 space per 200m$^2$ GFA for business and retail premises with a further 1 space per 600m$^2$ of low security spaces (bike racks/rail). This equates to a requirement for 14 secure spaces and 5 lower security spaces. The developer has proposed only 10 low security spaces which is considered inadequate to support a development of this size.

The developer's traffic consultant has incorrectly advised that Mona Vale Road does not provide cycle lanes. On the contrary, Mona Vale Road has cycle lanes in both directions and is well used by cyclists. Terrey Hills, as an area is also conducive to cycling being quite flat and there is potential for cycling to and from the development site. Bicycle parking consistent with DCP requirements should be provided.

Traffic Generation

It is noted that TfNSW has raised concerns about the traffic generated by the development impacting on the operation of the Aumuna Road/Mona Vale Road intersection in particular the increase in delays for vehicles exiting Aumuna Road via a right turn. TfNSW has also raised concerns about the absence of any measures to mitigate such impacts. TfNSW has also raised a number of concerns about the SIDRA modelling undertaken to support the project. Until such time as the above issues have been addressed to TfNSW satisfaction, Council's traffic engineers are unsupportive of the development application.

As noted by TfNSW, traffic data collected by the traffic consultants has not been provided for review. This data, collected at the intersections of Aumuna Road/Mona Vale Road & Aumuna Road/Myoora Road on Friday 5 April and Saturday 6 April between 4pm and 6pm and 10am to 2pm should be provided and supplemented by additional data collected at the other key intersection in the vicinity i.e. Myoora Road/Mona Vale Road/Forest Way. Council agrees with TfNSW that the majority of traffic movements to/from the development will or should be using Aumuna Road/Mona Vale Road however given that the developer is suggesting that 25% of traffic will use Myoora Rd south of Aumuna Road at the very least traffic data should be provided to provide background information for that intersection.

Servicing

The developer's traffic consultant has advised that the largest vehicle servicing the site will be a Medium Rigid Vehicle and the loading bay and turning area has been designed to accommodate that size vehicle. It is however anticipated that deliveries of beer and other produce for the 3 restaurants on the site and also for waste collection are likely to exceed the 8.8m length of a MRV and the loading bay and turning area should therefore be designed to accommodate HRVs up to 12.5m in length. Revised turning bay dimensions and swept path plots for vehicles of this size should be provided.

Access

It is noted and supported that the development will be accessed solely from Myoora Road. As outlined above, the developer should provide adequate access for the largest anticipated vehicle likely to service the site. It is considered that this is more likely to be a HVR rather than the MRV that has been anticipated by the developer's traffic consultant. The vehicle crossing and driveway should be designed to cater for a left turn in and out of the driveway by a HRV without encroachment on the opposing travel lane on Myoora Road. This may require widening of the driveway to accommodate this.

To cater for pedestrian access to/from the development the existing footpath which currently terminates at the western Myoora Road boundary of the site shall be extended across the full frontage of the property to allow for eventual extension of the path to the bus stop east of the site. This should be indicated on the DA plans.

**Environmental Health – not supported**

Noise - Consideration of this proposal has been given taking into account relevant documentation including a report by an acoustic consultant as well as a plan of management.

Whilst the acoustic report provides data in relation to unattended monitoring, conceptual modelling and projections to determine required compliance with associated noise criteria, there appears to be limited recommendations as to physical design and construction elements of the proposed development and how these elements may assist in mitigating potential noise amenity impacts associated with the development on the community.

The report puts forward, within section 8.2 of the report, a number of "considerations" the operator must incorporate into the ongoing operation of the establishment as part of their mitigation strategies.

In this regard, Environmental Health considers it more appropriate to rely on more physical noise mitigation measures, with defined parameters or measurements, rather than what appears to be a reliance upon behavioural or operational strategies that may be open to interpretation. Examples of this include:

*"Consider lowering the volume of any amplified speakers or PA system in use at your venue, particularly during later trading periods"; and*

*"Consider re-directing the angle of speakers to minimise noise leakage from your venue and reverberation impacts*".

Additionally, Environmental Health has concerns in relation to the proposal for outdoor live entertainment where the acoustic report states *"There is an outdoor stage adjacent to restaurant 2 that will accommodate amplified music performance between 12pm to 10pm."*

Given the land use zones of surrounding land is predominantly rural, it is considered highly likely that that outdoor amplified music performance will result in unreasonable amenity impacts to the area.

To ensure optimal sound performance in new builds, it is essential to plan ahead and establish acoustic requirements during the conceptual stage. Retrofitting acoustic panel systems later can be costly, time-consuming, and may result in an unsightly "Band-Aid" solution. By addressing potential issues early, we can develop intelligent and effective solutions from the outset.

A more practical and actionable acoustic report, rather than a purely theoretical one, would include detailed recommendations such as:

- Installing a xx-meter-high acoustic barrier with a yy rating along xx meters of the western boundary.
- Ensuring all sound equipment is isolated to reduce vibrations and noise transfer.
- Equipping all outdoor sound systems with noise limiters to prevent offensive noise emissions.
- Positioning amplified noise sources and speakers to direct sound downward and inward, minimizing its spread beyond the site.

This approach is not solely about noise reduction but about achieving a tailored acoustic outcome that ensures the space is fit for its intended purpose. Addressing these considerations prior to approval is key.

As the kitchen fit-out includes a commendable level of detail, which has allowed us to recommend conditions for the food premises, Environmental Health suggests adopting a similar level of specificity in acoustic reporting. This will enable us to provide clear and enforceable conditions for acoustic performance.

The Plan of Management should also be updated to be consistent with the recommendations of the amended acoustic report.

Smoke - The construction and use of open firepits without any type of flue system to control smoke emissions is not supported and will be appropriately conditioned.

Unsewered land - In relation to the proposal as it relates to unsewered lands, the proposal documentation includes a letter from a licensed Water Servicing Coordinator which states "*Although Sydney Water's records indicate that there is no approval to connect, it is our opinion that this sewer is available for connection and has the capacity to service the proposed development."*

In regard to the proposal, there is no capacity within the site to install a private wastewater system to service the development. Without a strict guarantee such as a Section 73 Compliance Certificate that the development is able to connect to the Sydney Water infrastructure, the proposal is not supported.

Alternatively, connection to the Terrey Hils Commercial Sewage Scheme Pty Ltd private line is satisfactory as long prior consent is provided from the owner's corporation and the Sydney Water 73 Tap in as the private line goes into the public sewer main up around Myoora Road.

Lighting - It is noted that the proposal includes external lighting for the driveway and car parks. Please submit a lighting plan / lighting impact statement to assess any potential light spill on surrounding properties.

**Landscape Officer – not submitted – further information required**

The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 and the following Warringah Development Control Plan 2011 controls (but not limited to):

• *D1 Landscaped Open Space and Bushland Setting*

• *E1 Preservation of Trees or Bushland Vegetation*

The Arboricultural Impact Assessment identified tree 33 as having a major encroachment and requiring removal. It is noted tree 33 has poor health and structure, low landscape significance and retention value, and a short life expectancy. Tree 33 is located in the neighbouring property and therefore cannot be removed. Due to its condition, identified by the Arborist, if owners consent from the neighbouring property owner for the removal of tree 33 is obtained removal could be supported. It is noted that the adjoining property owner does not have any obligation to consent and may choose to not provide an agreement.

Landscape referral can continue their assessment upon receipt of further information regarding tree 33, including the relevant owner's consent if the removal of the tree.

General comments:

The Landscape Officer acknowledges that the development does not achieve the 70% landscaped area under the WDCP requirement, as calculated in accordance with the definition of landscaped area under the WLEP and include areas less than 2m in width. It is also noted that the overflow carpark takes up a considerable portion of the available compliant landscaped area and the frequency of its use as a carpark rather than a landscaped area due to the shortfall of parking (DCP parking requirements) provided on site is questioned.

Extensive medium to large tree replacement planting is proposed and as such the removal of the 11 prescribed trees within the property boundaries can be supported. Tree stand 1 is exempt by species and can be managed or removed at the discretion of the applicant without consent,

An area of permeable paving is shown on landscape drawing LP02-D0224 within the front 10m setback to Myoora Rd and this shall be removed and replaced with mass planting.

**Development Engineer – further information required**

Stormwater

The following additional information is required I respect to the stormwater design and the site access.

The site currently drains via surface overland flow towards Myoora Road. There are two Council's kerb inlet pits located in front of the site along Myoora Road.

Stormwater from the subject site drains to an OSD tank which connects to a boundary pit, then connects to Council's kerb inlet pit in front of the subject site. The total impervious area is approximately 7,290m² accounting for 46% of the total site area. The proposed roof areas is approximately 2423sqm.

A surcharge pit is proposed within the driveway to spread the surcharge flows which a 300mm diameter outlet pipeline cannot accommodate. A 525mm outlet pipeline from the OSD tank is proposed with a 450mm orifice provided.

Council's Water Catchment team does not support the current proposed water quality control measures.

Council's Development Engineer requests additional information regarding the stormwater design as detailed below.

- According to Council's records, a Council's stormwater lintel pit connects to a 1350mm Council's channel chamber travelling across the road. Please discharge stormwater runoff from the subject site to this kerb inlet pit which will resolve the surcharge issue from the boundary pit. An indicative location of Council's drainage infrastructures is attached at the end of this referral letter.

- The 1350mm Council's channel chamber shown in Council's system is indicative only. A licensed plumber should investigate and locate this Council's channel chamber to double check its size, and to make sure it crosses Myoora Road and eventually goes to the creek.

- A copy of DRAINS model shall be submitted to Council for assessment.

- The OSD system shall be sized for 1% AEP storm events with no surcharge in the 1% AEP storm events.

- Details of the overflow route from the OSD tank shall be provided and in particular, where the overflow from the OSD tank flows to shall be shown on the stormwater plans.

- It doesn't seem like all stormwater runoff to the OSD tank will go into the high early discharge chamber. How much area to the OSD tank will go into the high early discharge chamber shall be clarified on the stormwater plans and shall be taken into consideration in the DRAINS Model.

- A section plan shall be submitted perpendicular to Section A through the filter weir and the 450mm orifice.

- A section plan shall be submitted parallel to Section A through the high early discharge weir.

Pedestrian access

The proposed pedestrian access within Council's Road Reserve shall be shown on the plans.

**Riparian Lands and Creeks Officer – further information required**

No major objections but additional information is required.

A watercourse runs along the property boundary at Myoora Road but is not shown in the survey. The watercourse is part of the headwaters for Keirans Creek, and is a Strahler System 1st order watercourse. For 1st order watercourses, a 10 metre wide vegetated riparian zone is recommended, of which select activities can occur up to 5 metres from the top of bank with appropriate offsetting. The proposal in its current form includes a vegetated setback from the watercourse that is approximately 10 metres from the property boundary and so at this stage appears consistent with the guidelines.

The proposal must clearly show the position of the watercourse relative to the proposed development, and how the proposal responds to the presence of the watercourse.

No structures should be constructed over the creek or within the vegetated riparian zone except for footpaths and road access. The rectangular area of permeable paving in the riparian corridor is likely not acceptable and so requires explanation or removal.

No structural supports for footpath or road crossings are to be placed in the watercourse channel. The design of the footpath crossing the watercourse must allow for light penetration where possible.

**Water Management Officer – further information required**

The proposal must meet the objectives of the Warringah DCP 2011, section C4 Stormwater Objectives, and the requirements of the WMD Policy.

Section 4.0 of the WMD Policy applies. Water sensitive urban design (WSUD), water reuse and infiltration into the soil, and the resulting quality of stormwater leaving the site are interconnected concepts that guide a merit-based assessment under the section. The water treatment chain of the proposal comprises of Ocean Guard pit inserts and StormFilter Cartridges. As such, it does not meet the outcomes Council seeks under Section 4.0 of the WMD Policy.

Section 4.1 of the WMD Policy applies. The proposal must meet Table 5 – General Stormwater Quality Requirements. A MUSIC file was not provided. A MUSIC schematic was provided in the Stormwater Management Plan. Council does not support the use of proprietary devices for pollutant removal if they do not achieve natural water cycle processes such as infiltration, evaporation or transpiration; or have the potential to remove dissolved pollutants. The treatment chain does not meet the WMD Policy standards of design (section 4.1.2).

## ASSESSMENT ISSUES

**Warringah LEP 2011 - RU4 Primary Production Small Lots zone objectives**

Critically, Transport for NSW (TfNSW) and Council Transport Engineer both confirm that the proposal is likely to generate a significant volume of traffic which has the potential to result in unreasonable impact traffic and road safety in the area. There is significant shortfall of 108 car parking spaces which seeks to rely on overflow carparking in areas of landscape open space. There are also issues with servicing and bicycle parking.

In addition, Council's Environmental Health Officer have confirmed that the operation of the 2,698m$^2$ (794 patron and 40 staff) food and drink premise trading from 7:00am to 12:00 midnight 7 days a week with live outdoor music until 10.00pm 7 days a week is likely to result in unreasonable acoustic impacts, on the neighbouring land uses. The acoustic report has been assessed as insufficient in providing suitable measures to address impacts.

Until these issues, and issues with respect to landscape open space and setbacks (see below), are successfully resolved, Council cannot see how the scale and operation of the proposed development is compatibility with the following **objectives of the RU4 zone** (***emphasis*** added):

- *To enable sustainable primary industry and other **compatible land uses**.*
- *To **minimise conflict between land uses** within this zone and land uses within adjoining zones.*
- *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.*

**Warringah DCP**

The proposal is inconsistent with the following WDCP controls:

Landscape Open Space (LOS)

Clause D1 of the WDCP requires 70% or 11,060m$^2$.

The application states that 60.8% (9,710m2) of site area is provided as open landscaped area, whereas Council calculates that 54.35% (8,675.5m2) of the site is retained as LOS, calculated in accordance with the WLEP and DCP controls and definitions as detailed below:

> *landscape area is defined in the WLP as "a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area".*
>
> *Clause D1 of the WDCP notes Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation*.

Note: while the deco granite areas are excluded from the calculation, Council may consider this material as being suitable in the central highly trafficked areas of the site provided the outcome of the control is achieved and high-quality dense planting is provided in other areas to reflect the rural landscape character of the area.

Two areas of LOS, comprising 1,954.2m$^2$ in area, are proposed to function as overflow car parking areas which will have a further impact on the quantity and quality of the LOS. It is noted that Council's Landscape Officer and DSAP have raised issue with the potential impact of this overflow carparking space on the landscape quality of the area.

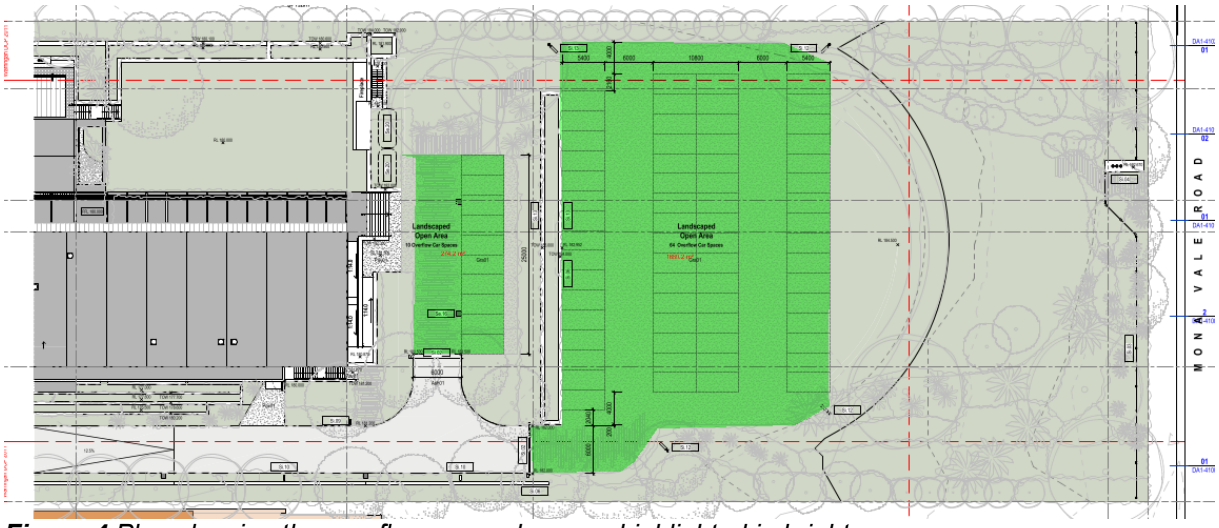


***Figure 4*** *Plan showing the overflow car park areas, highlighted in bright green*

## Carparking, access and road safety

Council's Transport Engineer confirm that there is a significant shortfall in the amount of on-site car parking which is inconsistent with the car parking requirements in Clause C3 of the WDCP.

As above, critical issues remain outstanding in terms of traffic generation and road safety which are detailed in the referral from TfNSW. Council supports recommendations 3 and 4 from DSAP which seek the resolution of road safety impacts

and further parking analysis and mitigation strategies and ways to minimise the need to utilise the overflow parking.

**Side setbacks**

Clause B5 of the WDCP requires *a 7.5m side setback*. The following building elements breach the 7.5m side setback on the northern boundary:

- Car parking spaces and the entrance to basement car park
- The roofed structure above the entry to the basement car park
- Part of stage and fireplace x 2 associated with outdoor dining

DSAP identified an issue with elements in the 7.5m side setback which reduce the area for suitable tree planting along the side boundaries. Council supports recommendation 7 of the DSAP report which requires consideration of elements that may impact deep soil planting to the side boundaries.

**Front setbacks**

Clause B7 of the WDCP requires a 20.0m set back to Myoora Road which is to *be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.*

It is noted that 17 car parking spaces are proposed within the 20m front setback, refer to plan below. In addition, the landscape plan shows a permeable paving area directly in the frontage which is not supported by Council's Landscape Officer.

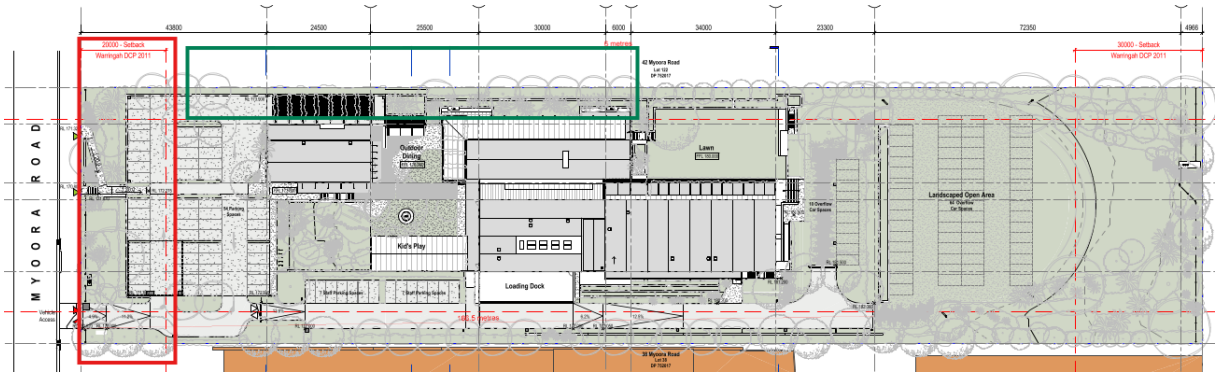


**Figure 5** *Site plan, showing car parking within the front 20m setback as highlighted in red and basement carparking, roof canopy and stage within the 7.5m side setback highlighted in green*