

MEMORANDUM

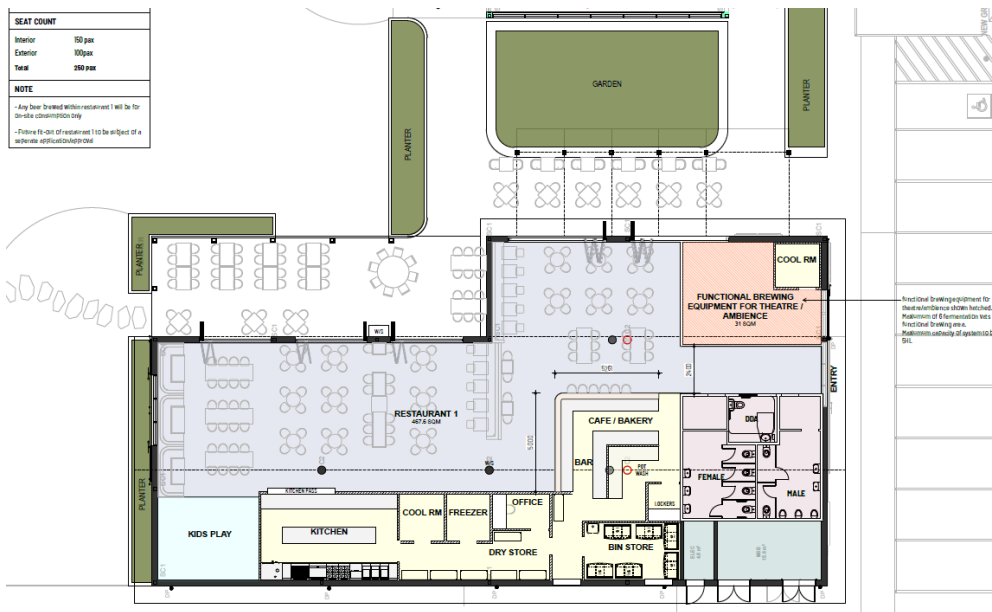
DATE: 6 June 2024
TO: Development Determination Panel
CC: Steven Findlay, Manager Development Assessment
FROM: Kye Miles, Planner
SUBJECT: Item 3.4 - DA2023/0803 - 287 Mona Vale Road, Terrey Hills

Council issued its Assessment Report to the Panel for Development Application DA2023/0803 relating to alterations and additions to the existing Hills Flower Market site, which was scheduled for determination at the Panel meeting on 22 May 2024. The matter was deferred for additional information to be provided.

This memo addresses matters arising out of the Panels consideration of the application at the meeting, including; the restaurant floor plan, updated conditions, and a response to a late submission.

Amended Restaurant Floor Plan

The applicant has submitted an amended floor plan for the proposed restaurant. An extract of this plan is provided below:



The plan specifies that the brewing component of the restaurant will be limited to the following:

- 5HL system maximum
- Maximum of 6 fermentation vats
- Have a maximum area within the Restaurant of 31sqm
- Any beer brewed within Restaurant 1 will be for on-site consumption only

The concern raised by the Panel was that the maximum brewing capacity sought aligns with that of comparable artisan food and drink industries, raising concerns about the ancillary function of this component. Additionally, artisan food and drink industries are not permissible within the RU4 Primary Production Small Lots zone.

Therefore, a further operational condition is recommended to ensure that the brewing component remains **ancillary** to the restaurant:

Ancillary Use

The brewing component shown on the approved plans, constituting 6.6% (31 sqm) of the total floor area of the restaurant, must remain ancillary to the restaurant's use. The brewing operations must be limited to the following:

- *Brewing production must not exceed 100 litres per week and is to be limited to one type of beer.*
- *Any beer brewed within Restaurant 1 must be for on-site consumption only and served in glassware.*

Reason: To ensure consistency with the permissible uses of the RU4 Primary Production Small Lots zone.

In addition, it is also recommended that Condition 1 be updated to include the amended floor plan for the proposed restaurant:

Condition 1- Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A01-01	3	Demolition Plan - Site Plan	BN Group	24 May 2023
A01-02	3	Demolition Plan - Ground Floor Plan	BN Group	24 May 2023
A01-10	3	Demolition Plan - Roof Plan	BN Group	24 May 2023
A01-30	3	Demolition Plan - Elevations	BN Group	24 May 2023
A01-40	3	Demolition Plan - Sections	BN Group	24 May 2023
A02-01	9	Proposed - Site Plan	BN Group	22 April 2024
A02-20	8	Proposed - Ground Floor Plan	BN Group	22 April 2024
A02-21	6	Proposed - Mezzanine Plan	BN Group	22 April 2024
A02-40	6	Proposed - Roof Plan	BN Group	22 April 2024
A09-01	6	Proposed - Elevations	BN Group	22 April 2024
A11-01	6	Proposed - Sections	BN Group	22 April 2024
A60-01	3	Proposed - Signage	BN Group	24 May 2023
A70-01	3	Proposed - Material Sample Board	BN Group	24 May 2023

<i>SK.001</i>	<i>J</i>	<i>Indicative Restaurant 1 Fit-Out Plan</i>	<i>Five Foot One</i>	<i>4 June 2024</i>
<i>L400</i>	<i>F</i>	<i>Planting Schedule</i>	<i>Arcadia</i>	<i>19 April 2024</i>
<i>L401</i>	<i>F</i>	<i>Softworks Plan</i>	<i>Arcadia</i>	<i>19 April 2024</i>
<i>L402</i>	<i>F</i>	<i>Softworks Plan</i>	<i>Arcadia</i>	<i>19 April 2024</i>
<i>L403</i>	<i>F</i>	<i>Softworks Plan</i>	<i>Arcadia</i>	<i>19 April 2024</i>
<i>L404</i>	<i>F</i>	<i>Softworks Plan</i>	<i>Arcadia</i>	<i>19 April 2024</i>
<i>L405</i>	<i>F</i>	<i>Softworks Plan</i>	<i>Arcadia</i>	<i>19 April 2024</i>
<i>L406</i>	<i>F</i>	<i>Softworks Plan</i>	<i>Arcadia</i>	<i>19 April 2024</i>
<i>L601</i>	<i>E</i>	<i>Typical details</i>	<i>Arcadia</i>	<i>21 November 2023</i>
<i>L701</i>	<i>E</i>	<i>Landscape Notes</i>	<i>Arcadia</i>	<i>21 November 2023</i>

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
<i>Access Report</i>	<i>3</i>	<i>Morris Goding Access Consulting</i>	<i>26 May 2023</i>
<i>Arboricultural Impact Appraisal and Method Statement</i>	<i>A</i>	<i>Naturally Trees Arboricultural Consulting</i>	<i>15 May 2023</i>
<i>BCA Assessment Report</i>	<i>R3.0</i>	<i>Steve Watson and Partners</i>	<i>29 May 2023</i>
<i>Bushfire Protection Assessment</i>	<i>B213699 - 1</i>	<i>Australian Bushfire Protection Planners</i>	<i>20 October 2022</i>
<i>Detailed Site Investigation Report</i>	<i>V01</i>	<i>Geo-Logix</i>	<i>8 November 2022</i>
<i>Geotechnical Report</i>	<i>V03</i>	<i>Geo-Logix</i>	<i>24 November 2023</i>
<i>Noise Impact Assessment</i>	<i>004</i>	<i>Stantec</i>	<i>1 June 2023</i>
<i>Transport Assessment</i>	<i>07</i>	<i>Ason Group</i>	<i>15 June 2023</i>
<i>Waste Management Plan</i>	<i>-</i>	<i>Mainbrace Constructions</i>	<i>-</i>

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

Amendment to Traffic Conditions

The Applicant has provided minor wording changes to the additional/revised traffic conditions (see changes marked in red). Traffic has reviewed the revised wording of the conditions and is generally satisfied, however, they have proposed a slight amendment for Point 3 of Condition 71:

Vehicle Access and Parking

All new internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

With respect to this, the following revision(s) must be undertaken;

The vehicle crossing at Myoora Road must be tested with swept path plots for the 14.8m semi-trailer to ensure that it is of sufficient width to cater for the right turn in and left turn out by this vehicle. If not plans for driveway widening shall be provided for Councils consideration and approval

*All **new** internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. To ensure the gradient requirements and height clearances are satisfied, a driveway profile must be prepared for all **new** internal ramps showing ramp lengths, grades, surface RL's and overhead clearances, taken from the crest of the ramp to the base. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.*

If it is determined by a qualified Traffic Engineer that changes are required, plans prepared by a suitably qualified Engineer shall be submitted to Council's Traffic Engineer for review and, once approved issued to the Principal Certifier prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

Amendment to Condition 71 - Loading and Service Vehicle Access

The following amendments (marked in red) are recommended to Condition 71 to ensure address the above-mentioned traffic concerns:

- 1. That trucks accessing the development site be limited to vehicles up to 8.8m in length between the hours of 6am and 10pm.*
- 2. Trucks in excess of 8.8m in length but of no more than 14.8m in length are only permitted to access the site to/from Myoora Road and only between the hours of 10pm and 6am.*
- 3. Trucks larger than a Small Rigid Vehicle (in excess of 6.4m in length and 3.5m in height) and accessing the site via Myoora Road shall only do so via a right turn in, and egressing the site to Myoora Road shall only be permitted via a left turn out.*

Reason: to minimise conflict between trucks and passenger vehicles/pedestrians

Delete Condition 19 - External Finishes to Roof

It is recommended that Condition 19 be deleted as BASIX is not applicable to the proposed development.

Recommendation

Based on the above, it is maintained that the Panel should **approve** the application, subject to changes to the application, the plans and conditions described above.