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14/11/2024

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Terrey Hills NSW 2084
[REDACTED]

RE: DA2024/1362 - 40 Myoora Road TERREY HILLS NSW 2084

To whom it may concern

This submission is in addition to our on-line submission on 6 November 2024. I provide an additional response, including to the Traffic Report (Sept 2024) by Traffic Impact Assessment ("Traffic Report" or "Report") in relation to the DA for the property at 40 Myoora Rd ("Property").

A. SHORTFALL OF 91 PARKING SPACES IS EXCESSIVE

Para 5.1.1 of the Traffic report refers to the need for 388 car parking spaces yet provides for 297 (including 74 car overflow spaces) with "a nominal shortfall of 91 car parking spaces".

Referring to this "shortfall" as "nominal" is inaccurate. It is a significant as:

- 1) a 91 parking space shortfall implies the need for around 455 meters of additional street parking (i.e. 91 cars x 5 meters per car)
- 2) ever since the street and parking lines were recently redrawn on Myoora Rd, there is unlikely to be 455 meters of designated parking on all of Myoora Rd between Aumuna and Cooyong Roads
- 3) there is significant existing usage from other sizeable businesses and residents in the immediate area such that there is already a shortage

B. OVERFLOW PARKING PLAN SHOULD BE IGNORED FOR THE PURPOSES OF ASSESSING TRAFFIC IMPACT

The overflow parking spaces on the Property is proposed to be on a "Landscaped Open Area" (See Appendix B to the Report) and managed by the Overflow Plan.

When the facility is up and operating it is improbable that the Overflow Plan will be used as described as usage will not be in the interests of the owners given:

- 1) there is an economic disincentive for the "landscape" to be used for cars as leaving the space open for patrons will maximise revenues

- 2) "overflow" implies a busy day and patrons would reasonably be expected to be using the "landscaped" area, including for receptions and "Restaurant 03" patrons
- 3) there is an alternative for management, namely patrons using the local streets for parking
- 4) vehicles are more likely to damage the "landscape" area
- 5) the Overflow Plan will likely be unenforceable by the Council or any regulatory body. Even if the Overflow Plan becomes a condition of approval, requiring aggrieved residents to try and enforce the Overflow Plan would be at significant inconvenience, cost burden, and stress.

Accordingly, Council should assume that this overflow will not be used.

Overflow of 74 cars onto the street implies around an additional 370m of parking spaces (eg 74 cars x 5 meter per car. [NB: p24 of the Report refers to 5.4m minimum space length for cars in the proposed car park.])

C. OVERALL THERE IS INSUFFICIENT STREET PARKING

When combining the "overflow" and the "shortfall" car spaces needed, approximately 810m of designated street parking is required, being around 8 football fields in length. For context, and per above, there is much less than 800m of available parking on both sides of Myoora Road as large stretches have no available parking at all.

On the weekend when the Property is likely to be most busy, street parking is also used for Miramare Gardens, The Terrey Hills Tavern, The Terrey Hills Swim School, the soon to be ramped up Wyvern Private Hospital, as well as the recently opened and expanding "The Palms" to the south side of Aumuna Road.

When the Terrey Hills Tavern hosts events, there is inadequate available parking as the Tavern's "shortfall" parking spills down into Aumuna Rd (between Myoora and Larool Roads) where there is no road shoulder for parking and no pedestrian sidewalks with patrons often walking in the middle of the road to the Tavern. This occurs at dusk or later and is dangerous. With limited parking for Myoora Rd, it is reasonable to expect that Aumuna will be used by Boathouse patrons. When both facilities have events on the same evening, the network will not cope.

D. BY NOT CONSIDERING THE CUMULATIVE IMPACT OF ALL DEVELOPMENTS, THE COMMUNITY IS UNINFORMED AND BEING MISLEAD

The Traffic Report considers this development application in isolation and does not consider the aggregate impact of all the developments taking place in the area.

For example, there are currently significant commercial projects which will directly impact the Myoora Road and surrounding area and which are not considered in any way in the Traffic report. These developments include:

- 1) Flower Power - 62 Myoora Rd - DA2023/1224
- 2) Hills Flower Market - 287 Mona Vale Rd - DA2023/0803

3) The Palms - 327 Mona Vale Rd - DP2024/0434

4) Wyvern Private Hospital - 33A Myoora Rd - DA2017/0385 (being commissioned and due to open in December 2024)

Whilst I understand Council is not required to consider other approved developments and their cumulative impact given there is no certainty that they will occur, to not apply some consideration (eg some scenario planning and modelling), Council is putting its head in the sand.

Indeed, I submit that wilful neglect or indifference to material risks that have a bearing on the Community and local businesses is misleading, deceptive, and reflective of deeply flawed assessment processes and governance.

The approval of Flower Power development [per D.2). above] despite significant community objections, including from the Terrey Hills Progress Association was, I submit, a flawed process.

E. TRAFFIC CONGESTION IS UNSATISFACTORY AND UNSAFE

There are only 2 signaled traffic light exits from Terrey Hills, being the corner of Mona Vale and McCarrs Creek Roads (to the North) and corner of Mona Vale and Myoora Roads (to the South).

During peak school hours, including between 3.00pm and 4.00pm, the traffic often banks back to the United petrol station on Boorlaie Rd (approximately 0.5km from the exit lights on the North side) and the roundabout near The Palms and Urban Tadka Restaurant (approximately 0.5km from the exit lights on the South side)

Of the 2 non-traffic light exits at Cooyong and Aumuna Roads, both exit onto Mona Vale Rd into 80km/h traffic where there are no feeder lanes.

Para 6.3 of the Traffic Report puts the vehicle net impact at +135 vehicles per hour above existing conditions. This is an additional vehicle movement every 26 seconds or less. As this is the Applicant's information and within their proposal, this needs to be considered in the context of capacity at exit points from Terrey Hills during peak periods, including to the north. The traffic surveys appear to only consider patrons departing left (south) out of the property. Survey work also needs to consider right turn exits as well as impact on other intersections (eg Cooyong and Myoora, Cooyong and Mona Vale, Myoora and Mona Vale).

Para 6.4.1 - the Traffic Report says surveys were conducted "on Friday 5 April and Saturday 6 April 2024 during the peak network period between 4-6pm and between 10am-2pm on Saturday". These times are not reflective of network peak periods including 3.00pm to 4.00pm being pick up times at the 6 schools in Terrey Hills, these being:

- 1) German International School (approx 250 students)
- 2) Terrey Hills Primary School (approx 240 students)
- 3) Kinma School (approx 90 students)

4) Northern Beaches Christian School (approx 1,200 students)

5) Japanese School (approx 250 students)

6) Terrey Hills Swim School

F. TRAFFIC DIVERSIONARY EFFECTS SHOULD BE DISCOUNTED

The Traffic Report (p 22) says "it is important to note the diversionary effects where traffic generated by the subject development is likely to take advantage of alternative more convenient vehicle routes using nearby signalised intersections to turn right onto Mona Vale Road, southbound such as the intersection of Myoora Road and Forest Way located approximately 1.1km to the south of the subject site."

This general and sweeping statement should be discounted. Per above, the minimal number of exit points into the busy Mona Vale Rd already creates a significant banked up delay during more busy hours. Despite other (but few) non-traffic light exits, many residents and families of school students try to avoid these other intersections by virtue of delays and safety concerns.

Even under the existing survey, I note the two unsatisfactory "F" Grades for exiting at the Mona Vale, Aumuna and Kamber Roads intersection. Again, this is before any completion of the newly approved large commercial developments referred to in D above.

G. COMMUNICATIONS WITH COUNCIL

I am aware that various discussions have been had with Council regarding the congestion issues at Myoora and surrounding roads, including with Mal McDonald (Executive Manager Strategic & Place Planning, Northern Beaches Council), Peter Robinson (Executive Manager Planning Assessment) and Andrew Johnston (a Community liaison person who has attended the Terrey Hills Progress Association meeting on Wednesday 13 November 2024).

Mr McDonald indicated that Council will prepare a consolidated response with input from Council's traffic and transport teams, its development assessments team and the strategic planning group.

To ensure co-ordination within Council, I request that the relevant assessment officer consults internally and provides a wholistic response to all concerns.

H. NOISE IMPACT - "THE JOEY" AT PALM BEACH IS A RELEVANT PRECEDENT

As a follow-up to my submission on 6 November 2024, I note that the Council refused an application for extended trading hours to 11.00pm 7 days per week for "The Joey" at Palm Beach (see MOD2023/0684) given community and noise impact.

This is a relevant precedent for residents being unreasonably impacted by noise and long trading hours. For "The Joey", residents were over 600m away however the impact was considered sufficient to reject the application.

The proposal for 40 Myoora Road is similar to "The Joey" in relation to the noise and residential disruption. At Terrey Hills, local residents experience noise travelling up the valley from music at the Tavern and Miramare Gardens, mainly when the sound is not contained

behind an enclosed area. The Boathouse proposal includes outdoor amplified music 7 days per week until 10.00pm. Indeed, the noise objection with the Boathouse should be given more weight as Terrey Hills is where people have their ordinary residence rather than Palm Beach which is a more seasonal "holiday" destination.

I. OTHER ISSUES

1) Para 5 of the Traffic Report - parking on Kamber Road is a safety issue and should be discounted and indeed discouraged. Mona Vale Rd is a 80km dual carriage way with no area for pedestrian crossing ie no lights nor zebra crossing.

2) There have been numerous accidents at the Mona Vale, Aumuna, Kamber crossroads intersection. Police or other NSW Roads reports or similar safety reports should be obtained.

3) Para 5.1.2 of the Traffic Report refers to a report prepared for the Terrey Hills Tavern dated 2018. This report is now 6 years old with data gathered 7 years ago in 2017.

J. IN SUMMARY ...

1) The Traffic Report is inadequate. Council or the applicant needs to commission an up to date study at more relevant times and of more intersections including to the north. Further, this study and Council assessment should not wilfully neglect to assess the expected impact from new developments, even if done by way of limited scenario modelling.

2) Council needs to consider a wider traffic plan for the whole area. This should be done in consultation with the NSW Government including having regard to the wholly inconsistent treatment of land and business owners who border both Myoora and Mona Vale Roads, some of whom are permitted to enter/exit on Mona Vale Rd (eg Hills Flower Market, Australian Native Landscapes), some who cannot (eg Miramare Gardens).

3) Consideration should be given to upgrading the surrounding roads and sidewalks for pedestrian safety (including Aumuna and Larool Roads).

5) The majority of traffic related objections to the proposal would likely be addressed if the Applicant:

- i) downsizes the proposal to ensure there is an adequate amount of off street parking,
- ii) acquires access to additional adjacent land (lease or freehold) to provide for all overflow and shortfall parking (such as has occurred with The Palms [per D. 3) above]
- iii) seeks entry and exit via Mona Vale Rd with the support of Council and the NSW Government

6) For safety, consideration should be given to either installing traffic lights or installing safe feeder lanes at the intersection of Mona Vale, Aumuna and Kamber Roads

7) Any outdoor music or broadcasts (including associated infrastructure such as stages and electronic equipment) should be rejected. Any approval should have conditions to ensure noises are contained in enclosed spaces behind appropriate sound proof walls, doors and windows (eg glazed) with speakers pointing away from impacted residential homes.

Yours sincerely

M. Jay MacGregor