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Claire Ryan
Principal Planner
Northern Beaches Council - Development Assessment team
Via NSW Planning Portal

Dear Claire,

RFI RESPONSE LETTER – 40 MYOORA ROAD, TERREY HILLS – DA2024/1362

We write in response to DA2024/1362 for the proposed restaurant development at 40 Myoora Road, Terrey Hills. This letter is prepared to respond to comments received from Northern Beaches (NB) Council, Transport for NSW (TfNSW) and Rural Fire Service following the exhibition of the RFI Response package between 18 April 2025 and 2 May 2025. It also follows a meeting between the applicant and NB Council on 20 May 2025 to discuss the response and amended documents.

The key issues identified in these comments are traffic and parking, road network impacts, stormwater management and compliance with bush fire guidelines. This response is supported by appended:

- Amended Architectural Plans
- Amended Landscape Plans
- Amended Civil and Stormwater Management Plans
- Topographical Survey Information
- Bushfire Statement
- TfNSW Transport Response
- Legal Advice on TfNSW Concurrence

A response to these items is summarised in the following table. In summary, the DA now:

1. **Fully complies** with the Warringah development control plan minimum car parking rates. Additional mitigation measures are no longer required.
2. A no-right hand turn signal from Amuna Road onto Mona Vale Road can be undertaken **to mitigate potential safety risks** and reduce the average delay (post-development scenario).
3. **Fully complies** with the Planning for Bushfire Prone Land Guidelines for the landscaping in the area of the site identified as bush fire prone land.
4. Provides additional information and plan amendment and proposes a bridge crossing to ensure there is **no impact** on the swale on the north-eastern corner of the site.

Response to RFI Letter - 40 Myoora Road, Terrey Hills

1.1. RESPONSE TABLE

Table 1 Response

Comment	Response
NB Council Traffic Engineer	
It is noted that the applicant's traffic consultant continues to reference rates from the 2002 Guide to Traffic Generating Development and although the updated TfNSW Guide to Transport Impact Assessment 2024 still references the same data from 2002 document it does provide the following advice "Average rates based on the sites surveyed are provided as reference points but should be treated cautiously. Care and professional judgement should be exercised in applying older data as travel behaviour and the nature of the land use may have changed significantly since the survey period." As the traffic generation rates in the Guide are based upon data from surveys conducted in 1981 the traffic generation rates should clearly be treated with caution. It is expected, given the age of the data that the applicant would provide analysis to confirm the veracity of the 5 vehicle trips per 100m ² rather than just accepting it.	<p>The application was submitted prior to the publication of the TfNSW Guide to Transport Impact Assessment 2024, and trip rates have been applied in direct accordance with the TfNSW 2002 Policy. This is compliant with the policy.</p> <p>Notwithstanding this, it is noted that the trip rate (5 trips per 100m² GFA) has not changed from the 2002 Guide.</p> <p>Further justification on the trip generation rate is outlined in the TfNSW Transport Response prepared by Traffix and appended to this cover letter.</p>
Parking is still below the DCP requirement by some 12 spaces. The DCP requires parking to meet the greater of 15 spaces per 100m ² or 1 space per 3 seats. The applicant has provided parking only to meet the less of these two. This is unacceptable in a location that is not well served by public transport.	The plans have been amended to propose an additional 14 spaces, resulting in a total of 212 car spaces. The proposal therefore complies with the DCP requirement for 15 spaces per 100m ² .
The applicant has dispensed with the shuttle bus. While the provision of a shuttle bus was considered to provide little benefit in terms of reducing traffic movements from the development it is still strongly supported in terms of providing an additional transport option for patrons who are inebriated and unable to drive. Its use should be retained and, as suggested in the traffic referral comments a dedicated off-street parking space for the bus identified on the plans for times when it is not in use.	As above, the proposal fully complies with the parking requirement and additional mitigation measures are no longer required. Patrons who are inebriated or unable to drive are able to utilise public transport buses in the surrounding area or ride share options.

Comment	Response
<p>The amended plans have dispensed with the off-street pick up/set down point. The presence for this area was supported to allow drop off of elderly/less mobile passengers before parking further afield was found. A drop off/pick up point should be reinstated</p>	<p>As above, the proposal fully complies with the parking requirement and provides 212 parking spaces. Additional mitigation measures are no longer required. Accessible parking spaces are provided for elderly/less mobile passengers to access the site.</p>
<p>The amended plans now incorporate 2 x pram ramps at kerb side on Myoora Road. The presence of these two ramps will encourage cars to park illegally within 3m of double separation lines. The pram ramps are not supported and must be removed.</p>	<p>The pram ramps are required to provide accessible access to the site in accordance with Federal DDA legislation.</p>
<p>The applicant still provides a loading bay capable only of accommodating an MRV. Given the nature and scale of the development a loading bay for a HRV is required.</p>	<p>The applicant, who will also operate the premises, has confirmed servicing of the site with an 8.8m MRV as proposed is more than adequate to accommodate all servicing requirements of the development based on extensive experience operating multiple venues across the Northern Beaches, Eastern Suburbs and Greater Sydney.</p> <p>Loading and servicing is at the management of the operator, which is reflected within Council's DCP that states "Facilities for the loading and unloading of service, delivery and emergency vehicles are to be: appropriate to the size and nature of the development". The applicant / operator confirms the MRV is suitable for the development.</p>
NB Council – Catchments	
<p>Additional topographical survey information for the northern-most corner of the subject site, and subsequent amendment to the architectural, engineering and landscape plans is required. A site visit and flow path analysis confirm a swale in this area connected to an upstream catchment and to a culvert under the road (see marked figures below). The current documentation does not demonstrate the swale of the flow path. This matter is of concern as it could lead to future overland flow path</p>	<p>LTS have undertaken an additional survey of the site and an amended Survey Plan is appended to this statement. The Survey Plan illustrates the creek bank on the north-eastern corner of the site.</p> <p>As a result, the access arrangements in the north-eastern corner of the site have been refined. A steel frame timber bridge is proposed in this area to cross the creek bank and ensure there is no</p>

Comment	Response
issues, and the two pedestrian access points from Myoora Road may need to be modified accordingly. I'm advised that piping will not be supported, and that the 10-metre setback from Myoora Road is wide enough for riparian corridor vegetation.	physical impact to the vegetation. Refer to the amended Architectural Plans. The existing setback is retained.
Amendment of the architectural and stormwater plans to identify that the car park is to be of permeable paving, as indicated on the submitted landscape plans. The car parking paving must be permeable to achieve the water sensitive urban design objectives of Council's Water Management for Development Policy.	The amended Architectural Plans and amended Civil Plans illustrate permeable paving in the car parking area.
RFS	
Landscaping within the area mapped as Bush Fire Prone Land must comply with Appendix 4 of Planning for Bush Fire Protection 2019.	The plans have been amended to comply with the principles of Planning for Bush Fire Protection 2019. An amended Bush Fire Statement prepared by Black Ash confirms: <i>"The Landscaping Plans prepared by Dangar Brian Smith, Referenced DA01-D0224 and dated 13.05.2025 have detailed the changes to the original landscape plan to comply with RFS requirements and Appendix 4 of PBP 2019.</i> <i>The area mapped as Bush Fire Prone Land is compliant with RFS Landscaping requirements and Appendix 4 of PBP 2019."</i>
TfNSW	
TfNSW has reviewed the updated traffic report (prepared by TRAFFIX with reference 24.01 4r01 v05, dated April 2025), the supporting SIDRA data and amended plans for the application and advises that TfNSW does not support the DA in its current form. TfNSW is of the view that the updated traffic report and SIDDRA data do not address the comments provided to Council and the Applicant as contained in the TfNSW submission dated 12th November 2024 and as discussed at the meeting	A response to TfNSW comments was submitted directly to TfNSW on 16 May 2025. The response includes an assessment against all TfNSW matters, amended SIDRA file, and intersection modelling. Whilst all measures have been made to adequately respond and resolve TfNSW's queries, legal advice prepared by Allens is

Comment	Response
<p>held on 19 March 2025. Detailed comments on the amended documentation are provided in TAB A.</p>	<p>appended to this response to confirm that TfNSW does not have either an approval or concurrence role in relation to this DA.</p> <p>Sections 2.119 and 2.122 of the <i>State Environmental Planning Policy (Transport & Infrastructure) 2021</i> do not require concurrence and as such it is at the discretion of the consent authority to determine the suitability of the development on traffic and transport grounds.</p> <p>The applicant has taken all measures to mitigate potential impact on traffic and is fully compliant on the car parking requirement. The development is a positive outcome for the site.</p>
<p>Input data: Refer to comments in the TfNSW referral letter.</p>	<p>Justification on the proposed traffic generation rate adopted is outlined in the TfNSW response letter prepared by Traffix.</p> <p>In summary, Traffix consider adoption of the traffic generation rates and the parking rates outlined in the TfNSW Guideline results in a realistic and reasonable generation profile for the development. It also ensures consistency across the rates adopted. Justification on the adopted dwell time is also outlined.</p>
<p>SIDRA file: It appears that the through movement from Aumuna Road to the waiting bay is not giving way to the right turn volume southbound on Mona Vale Road right into Aumuna Road. The priorities in the SIDRA modelling only give way to the through movement and that has a total volume of 11 on the weekday and 3 on the Saturday. However, the volume is 28 on a weekday and 46 on a Saturday. It appears that the Applicant has not tested the right turn volume for vehicles turning into Aumuna and its impact on vehicles exiting Aumuna.</p>	<p>The revised model includes the right hand turn from Aumuna Road onto Mona Vale Road. The SIDRA modelling reports are appended to the Traffix letter.</p> <p>From the modelling results, a ban on the right hand turn and through movements from Aumuna Road and Kamber Road onto Mona Vale Road in both directions can be undertaken, should TfNSW consider this necessary. During the critical Saturday peak when including traffic movements from the development, this will maintain the Level of Service however reduce the average delay from 281.5 seconds to 121.2 seconds (2.6</p>

Comment	Response
	minutes). This is a significant improvement, in addition to a critical safety benefit achieved through reducing crash risk for vehicles on Mona Vale Road, similar to an occurrence on Thursday 8 May. This measure will improve safety and reduce traffic delay in the surrounding local road network.
No transport or traffic amelioration measures are proposed by the Applicant at the intersection of Mona Vale Road (a classified road) and Aumuna Road. Should works be proposed, a strategic design will be required.	As above, a ban on the right hand turn and through movements from Aumuna Road and Kamber Road onto Mona Vale Road in both directions can be undertaken, should TfNSW consider this necessary as a mitigation measure of the development. A strategic design can be prepared as a condition of consent should this measure be agreed by Council and TfNSW.

1.2. FINAL ASSESMENT

In summary, the proposal has been amended since the previous submission on 9 April 2025 to:

- Increase parking provision by 14 spaces. The proposal now provides 212 car parking spaces achieved through an expansion of the eastern edge of the basement wall. This is fully compliant with the DCP.
- Refine landscaping in the south-eastern corner in the bush fire zone to comply with the Planning for Bush Fire Protection Guidelines. The landscaping in this area, which is 'bush fire prone land', fully complies with the Guidelines.
- Refinement to access arrangements in the north-eastern corner of the site adjacent to existing swale. A steel frame timber bridge is proposed in this area to cross the creek bank and ensure there is no physical impact to the vegetation.
- Retain the pram access route, as this is required under Federal DDA legislation to provide an accessible route into the site.
- Identify a no right-hand turn from Aumuna Road on to Mona Vale Road can be undertaken, should TfNSW consider this necessary as a mitigation measure. A preliminary design has been prepared by Traffix and is appended to the traffic response. The upgrades would not have an adverse environmental impact as:
 - This would reduce potential vehicle conflict points and significantly improve road safety at this intersection. A review of TfNSW crash data at this intersection reveals there have been two reported incidents in the past five years, in addition to an accident recently on 8 May 2025. The simplification of this intersection will mitigate traffic risks that occur at this intersection and is a benefit to the broader NB community.

- This would reduce delay at the intersection by 2.6 minutes in the Saturday peak.
- Whilst changes to travel patterns will be required for vehicles turning right onto Mona Vale Road from both Aumuna and Kamber Roads, these detours are not considered onerous and would require vehicles to cross Mona Vale Road via safer routes involving signalised intersections. This will improve safety for these traffic movements. Alternative access onto Mona Vale Road is available from:
 - Kamber Road: The intersection of Mona Vale Road / Forest Way / Myoora Road to the south and reroute via Myoora Road. In the modelling, only two vehicles were surveyed on this intersection and therefore associated impacts are considered minor.
 - Aumuna Road: The intersection of Mona Vale Road / Forest Way / Myoora Road. This will require less than one vehicle per minute to take this route and therefore impacts are considered moderate and acceptable.
- There will be no impact on traffic movements of the Rural Fire Service travelling northbound from their headquarters at 1A Kamber Road, Terrey Hills as emergency vehicles would still be able to turn right from Kamber Road onto Mona Vale (northbound) and would not be affected.
- The right-hand turn bay will have no impact on flora and fauna as the bay will be constructed in the centre of the existing road and will not require clearing of any existing land (as illustrated in **Figure 1**). There will be no disruption to existing ecosystems or wildlife habitats.
- Construction impacts associated with the works can be managed as per the construction management plan.

Having considered all the relevant matters, we conclude that the proposal represents an excellent development outcome for the site that will significantly improve upon the existing site condition and provide a vibrant new family restaurant venue for the Northern Beaches, further building on the applicant's established leading hospitality reputation in the local area.

The DA is therefore considered well-worthy of NB Council support and ultimately approval from the Sydney North Planning Panel.

Kind regards,



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