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To: DA Submission Mailbox
Subject: TRIMMED: Online Submission

05/11/2024

MR M Jay MacGregor
2 Larool RD
Terrey Hills NSW 2084
[REDACTED]

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

To whom it may concern,

DA2024 /1362 - 40 Myoora Rd, Terrey Hills

We live at 2 Larool Rd, Terrey Hills. Our property has a direct line of site to the proposed development site. The site is midway between Miramare Gardens (48 Myoora Rd) and the Terrey Hills Tavern (2 Aumuna Rd).

Our concerns with the proposed development are as follows:

A. NOISE

The proposed "outdoor amplified music performances" for 7 days a week up until 10pm is unacceptable and will unduly, unreasonably and seriously disturb, the quiet and good order of our residence and the neighbourhood. To this end, we understand capacity is proposed for up to 794 patrons. Live music for even half this number would be significant.

Already, when there is live entertainment at the Terrey Hills Tavern or Miramare Gardens, our home is unreasonably impacted, including affecting our ability to sleep in the evening.

This occurs specifically when the entertainment is outdoors or not in an enclosed space (eg the doors of the facilities are kept open) such that the noise emanating from the premises breaches existing noise related conditions, and disturbs us and the community.

Numerous complaints have previously been made to the police regarding the unacceptable noise levels, including at Miramare Gardens. Whilst the police have attended the premises, the breaches continue to occur.

On one occasion, when a complaint was made to the police, the police were able to hear the entertainment noise on the other end of the phone line. This reflects the line of site from our premises to Myramare Gardens ... and now also this proposed development.

We oppose approval for:

1) any amplified outside music or broadcasts,

2) any structure for the purpose of facilitating outside music or broadcasts (eg performance stage for live music),

3) any structure that supports indoor music or broadcasts that is not permanently closed off from being broadcast outside the immediate structure (eg no wide sliding doors to open and flout the intent of ensuring noise is contained) (NB: Miramare Gardens opens doors on the western side of the premises which results in significant disturbance).

In relation to the Noise Assessment Report (Aug 2024), per para 2.2.1, I note that sound receivers were placed at various locations. I would welcome receivers being placed at the South-East corner of our property being in direct line of site to the proposed development.

I further note that the Terrey Hills Hospital (currently being commissioned) will have sick and recovering patients immediately across the road from the proposed development.

All work on noise should occur before any approval is given so we have the opportunity to have the plans and proposals independently reviewed with time to pursue independent legal action if required.

B. ROAD CONGESTION - MYOORA & LAROO ROAD

Myoora Rd is already very congested. A review of the submissions by the local residents for the Terrey Hills hospital will highlight all the issues. This is well known to Council.

This proposed development is significant and will further impact the area through increased traffic. We note that the proposed facility will include basement parking for 156 vehicles not to mention vehicles parked on the street to cater for the over 700 patrons.

Many residents now avoid Myoora Rd by traveling along Larool Rd to enter/exit Terrey Hills and Duffy's Forest.

Larool Rd is not fit for this much expanded usage given the road:

- 1) is barely a 2 lane road (more like 1 and a half car width),
- 2) has no shoulder in places e.g. at the dangerous hill crest,
- 3) has poor drainage with ongoing potholes, particularly during wet periods,
- 4) has no path for pedestrians despite children walking daily to and from the Terrey Hills residential area to Kinma Primary & Preschool on Coolowie Rd,
- 5) is used by the numerous horse riders who access the many trails in the immediate area.

The northern end of Larool Rd between Coolowie and Cooyong Roads is in significant disrepair from the substantial increase in road traffic.

Buses now regularly use Larool road to avoid Myoora Road. Larool Rd is not fit for purpose when it comes to this frequent bus usage (is it even permitted?).

Local traffic issues have been further compounded with the recent growth and development of "The Palms" Sydney (Restaurant & Nursery) where access primarily occurs via Myoora Rd. And the Terrey Hills hospital is yet to ramp up.

C. BUSH FIRE AND WATER PRESSURE

Residents of Terrey Hills and Duffy's Forest are currently limited in their ability to exit in the event of a bushfire.

The NSW Government in abandoning the Mona Vale upgrade restricts the ability of residents and visitors to quickly exit the area.

The Superseded Bushfire Report for the proposal is inadequate in dealing with the risk to the community in the event of a bushfire and the low number of exit points in an already and increasingly congested area.

Fire risk associated with inadequate access was a key reason for the Ingleside development being refused. Terrey Hills and Duffy's Forest residents have a similar issue.

Whilst the Sydney Water report suggests the water system has capacity to deal with the development, our experience is that on hot days in summer, including when fire risk is significant, the water pressure in the Terrey Hills area drops considerably. This risk needs to be further examined.

We would be happy to discuss these issue in more detail.

Yours sincerely,

M. Jay MacGregor & Julie Tayles