
From: Sentech
Sent: 15/11/2024 5:13:31 PM
To: Council Northernbeaches Mailbox
Subject: DA2024/1362 40 Myoora Road Terrey Hills Submission to Anne-Marie Young
Attachments: DA2024-1362 40 Myoora Road Terrey Hills NSW 2084 (F).docx;

To : Anne-Marie Young

RE: DA2024/1362 40 Myoora Road Terrey Hills Submission to Anne-Marie Young

Hi Anne-Marie,
Find attached our submission for DA2024/1362 40 Myoora Road Terrey Hills

*******If Possible blank out address when published on line*******

Regards
Mrs R Totino

To: Anne-Marie Young

15/11/2024

From: Mrs. R Totino
[REDACTED]
[REDACTED]

Re: DA2024/1362

40 Myoora Road Terrey Hills

Demolition works and construction of mixed use hospitality venue with supporting car parking, servicing and landscaping works.

Dear Anne-Marie,

I am writing in reference to DA2024/1362 and ask council to consider our points to reject this DA as we are one of the residence that will be impacted the most due to our close proximity which is approximately 60 meters line of site.

My family has been residence of Terrey Hills for over 68 years so we are well suited to comment on the points of the "Statement of Environment Effects" dated September 2024 (SEE).

Our comments are as follows. **We ask council/panel to REJECT this DA.**

Noise and Vibration

The proposed outdoor amplified music and performances that is proposed is something that we **cannot** support. Our total way of life and mental health will be impacted 7 days a week.

We ask council/Panel to be consistent with other DAs in area that have very specific conditions of **No amplification of sound and no live music.**

For example:

A. Miramare Gardens on their DA2003-0670 MOD2 and DA2019-0280 have the following conditions. (only some listed)

- A permanent noise monitor shall be installed on the premises and calibrated by an approved acoustic consultant to ensure that the noise emissions associated with the operation of the premises satisfy Conditions
- The ongoing use of the premises/property must not give rise to 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.
- External sound amplification equipment or loud speakers must not be used for the announcement, broadcast, playing of music (including live music) or similar purposes if audible from inside adjoining premises.
- Reason: To ensure compliance with legislation and to protect public health and amenity.

B. Terrey Hills Tavern on their DA6000-3016

- Glazing of minimum thickness 6mm is required to all window and doors in the proposed entertainment areas.
- Sound lock entry doors are required to entertainment areas and all other external doors are to remain closed during Place of Public Entertainment (POPE) activities.

Total Patron Capacity

Page 17 of the SEE references total patron capacity of 794 plus 40 staff.

We ask council/Panel to ensure consistency with other sites. For example, 48 Myoora Road DA limits numbers on site to 500 including staff, Hills the Flower Market recent Da is limited to well below 250.

If Da is to be passed 794 plus 40 staff is not consistent.

Parking on site

Page 17 of the SEE references the total number of car spaces to be to be in the order of 298 with overflow to a landscaped area.

Terrey Hills is not a suburb with high demand public transport so in reality there would often be one car per person.

I note council has recommended at least 411 car spaces

The overflow traffic and spaces will also generate additional noise (see below).

I find no mention on the acoustic report August 2024 by Muller Acoustic Consulting regarding noise generated by leaving patrons from overflow area. Also no mention on acoustic barriers to reduce late night car noise on the south side of the property that faces us from the overflow.

The trees on the fence line do not reduce noise.

Further, car head lights shining into our property late at night is a concern particularly from the overflow area.

Construction times

The construction is from 7am to 7pm Monday to Friday and 7am to 1pm Saturday with no work on Sunday.

The extended hours will greatly impact our amenity including noise, dust generation and truck noise. With construction likely to last over two years our quiet rural community deserves to be protected.

Solid Fuel Heater

Environmental Heath referral Response from council dated 24/10/2024 has conditions requiring the applicant to monitor smoke generated.

I have concerns that staff are not qualified to assess smoke generated from site and if 794 patrons are allowed on site they would not have time to do so.

We see this now from Terrey Hills Tavern (THT) were every winter and or cold weather we get smoke drift and we unable to open windows for fresh air. If this is passed we will no longer be able to open any windows at night on either side of the house. I have included a picture from THT for your reference.

Patron monitoring of numbers.

-There is no mention on the SEE how they will ensure the maximum number of patrons will be monitored. There could be a 1000 persons on site and no one would know.

How will council/panel protect the area and preserver it Rural feel and the safety of the residence?

Low intensity use

According to the zoning requirements, including the desired future character of the Myoora Rd locality, the business usage must have a low intensity. We do not agree with the applicant that the DA is low intensity with up to 794 patrons on one site with 3 restaurants and outdoor amplified music.

DA Creep

In relation to this DA, we are concerned that restaurant and mixed use will turn into a wedding venue and party use. Mr Ben Isaac on behalf of the Applicant at the most recent Terrey Hills Progress Association meeting (Wed, 13 Nov 24) acknowledged that the facility is expected to be used for weddings and other functions and that they are expected to agree to the wedding's music requests which we would expect to be loud and celebratory.

We ask council/panel to have strict points in relation to specific use that outline clearly what they can and can't use the development for.

We are concerned like many other DAs that have passed in the RU4 area in Terrey Hills, that usage turns out to be different than that which was represented at the time of application. We have seen it time and time again, we need council/panel to understand these conditions are important as we the long-time residences are considered and our concerns are properly weighted and different for industrial land owners that don't live on site.

Contaminated Land

We have concerns in relation to contaminated land on site.

I reference the Remedial Action Plan dated 01 March 2022 where Asbestos was found in the soil and in the buildings.

On Page 3 of this report it states land is unoccupied.

This statement is not correct as on the Mona Vale road side of the property a non DA approved Garden Centre (Bush to Bowl) is operating and open for business and a residential house that's occupied.

On the Myoora Road side of the property it's occupied by Top Civil which from a web search states it does "Demolition, Excavation and Piling Services" where trucks are often seen coming in and out with soil and debris.

We are concerned that these tests were done well over 2 years ago. Given that the site has been in use since then, areas that were not able to be inspected due to over growth (as stated in the report) should now be tested.

We ask council to clarify how this risk is mitigated if construction goes ahead in terms of protecting surrounding residences.

Loading and Servicing and Rubbish removal

We are concerned that deliveries, unloading and rubbish removal will occur in the early hours of the morning. We already hear rubbish removal from the Terrey Hills Tavern and BWS sometimes at 3am. We ask council to have well defined times to mitigate noise to us in the early mornings.

Light spill from property

We can see no report regarding lighting on the site and light spill that will effect neighbouring properties. As some of our bedrooms are on the south side of the DA we are concerned about night light ingress.

Parking on verge Mona Vale Road and Myoora Road

We have concerns that the lack of car spaces will overflow onto the verge of both Myoora Road and Mona Vale Road.

This is already seen at The Palms and other sites along both frontages where cars are reversing back onto Mona Vale Road and or blocking flow of traffic on Myoora road.

Acoustic Monitoring locations and calculation

In the acoustic report August 2024 by Muller Acoustic Consulting it mentions that unattended acoustic locations and results are calculated.

We would welcome permanent acoustic monitors to be placed if construction and or operating goes ahead to record REAL world results not calculated ones.

Traffic leaving the Site

The DA does not address how all patrons will leave the area. With limited exit points in Terrey Hills the most common way from there will be Amunna Road and Mona Vale Road.

This intersection has a history of serious accidents.

Originally Mona Vale Road was a 90km/Hr zone and was changed to 80km for safety.

The increase in traffic will cause delays to a already backed up intersection during peak times and when all patrons leave at the same time eg when holding a function.

How does the applicant plan to alleviate this.



Picture 1