
Sent: 12/04/2021 8:53:02 AM
Subject: Submission: DA2021/0249 - 38 Myoora Rd, Terrey Hills
Attachments: 2021 NBCouncil_38 Myoora Rd_DA2021-0249.pdf;

Please find attached a submission from Terrey Hills Progress Association regarding DA2021/0249 for 38 Myoora Rd, Terrey Hills for the assessing officer, Thomas Burns.

Regards
Diana Pecar
Hon. Secretary
Terrey Hills Progress Assoc.
9450 1237 or 0401 359 580
<https://terreyhillsprogressassoc.wordpress.com>

TERREY HILLS PROGRESS ASSOCIATION

P.O. Box 267 TERREY HILLS 2084

President

Paul Davenport

Hon. Secretary

Diana Pecar

Northern Beaches Council
Attn: Thomas Burns, Assessing Planner
Dept of Planning & Place
Louise.kerr@northernbeaches.nsw.gov.au

10th April 2021

RE: DA2021/0249, 38 Myoora Rd, Terrey Hills

We refer to the submitted DA for works already constructed without prior approval. We also note our previous correspondence regarding this property and our concerns with regard to unauthorised works, loss of 'green space' within the property due to trees being cut down, and the possible environmental issue around fuel storage tanks being on site. These are referred to under your Reference No. BLD2019/02564 and continue to form part of our objections to developments within this site.

We advise that we object to various aspects of this DA as noted below.

Of major concern are the proposed hours of operation, stated in Council's Environmental Health Referral Response will be restricted to 6am to 10pm on any day. We strongly object to these hours and contend that to maintain the amenity to adjacent land and residents, and in line with Existing Use Rights per consent/approval under DA 90/187 point 16, the hours of operation need to be:

- Monday to Friday 7am to 5pm
- Saturday 7am to 1pm
- No work on Sunday

We further request that the following additional conditions be imposed and that a Plan of Management be lodged so the applicant and all users are fully aware of the permissible hours etc:

- NO Public Holiday access or operation
- Engine idling to be limited (Council may have set limits on this noise issue)
- Forklift Operations: Mon to Fri 9am to 5pm, Sat 9am to 1pm - electric machines only

These hours of operation are in line with other businesses in Terrey Hills.

Another concern is that the applicant has used the Existing Use Rights as a means to have this DA and the works on the site approved by Council. The applicant has stated throughout the SEE that the site is being used to provide mechanical vehicle service facilities by All Truck Mechanical but we contend that they are tenants on the site and have no connection to Network Plumbing. Therefore to state in the DA that the "fundamental nature of the proposed mechanical workshop and road transport depot uses within the site remains similar to the approved use" is not an accurate account of the actual use by the applicant. We further contend that prior DAs have been granted for use as Road Transport Terminal and Bus Depot, not the current plumbing business.

Under SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) states that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated. The SEE states under point 5.1 that "... the site is not considered to be subject to contamination and no further investigation is required at this stage". As previously advised to Council, we continue to have concerns with regard to hazardous and dangerous materials on site, being the presence of a fuel storage tank, and the addition of oxy acetylene and oxygen bottles used by plumbers. We request a full investigation of the safety implications and any possible future 'incident' which may see the stormwater and other drainage infrastructure systems severely damaged and also threats to the local environment, particularly the creek system in that area.

Regards

Diana Pecar (Hon. Secretary)

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