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Sent: 1/03/2022 10:29:43 AM
To: DA Submission Mailbox
Subject: Online Submission

01/03/2022

MS CARLA WEHBE
24 THE STRAND ST
WHALE BEACH NSW 2107
[REDACTED]

RE: Mod2021/0983 - 231 Whale Beach Road WHALE BEACH NSW 2107

Mrs. Clarke,

As the landowner of 24 The Strand, Whale Beach, the subject proposal to modify the Development Application Condition 99 is of serious concern and this is a written objection to the proposed change.

The Statement of Environmental Effects lodged as part of this revision application incorrectly claims that the latest approval for 24 The Strand is for use as a commercial premises. This is not true and this application was never approved by Council and subsequently withdrawn. The latest approval for 24 The Strand is for a residential dwelling and it is my intention to build that dwelling.

The now lodged Acoustic Report claims that the increase in the number of patrons is acceptable and should be supported.

This same report makes the following questionable assumptions:

- No background music in Retail 1 has been included in the assessments.
- All windows of the indoor seating area are assumed to be closed.
- The eastern façade of the indoor seating area is assumed to not be openable / operable.

Is the submission therefore suggesting that there will be no background music played at the venue anytime, the windows will always be closed and the door to enter the venue/outside area will always be locked (this cant be serious right)? If so, will this be a Condition of the consent by Council should Condition 99 be amended to reflect the increased capacity that is supposedly supported by the Acoustic Report.

Why has the Acoustic Engineer made these assumptions? I assume that should the reality of a beachside venue where windows no doubt will be opened, background music will be playing and that the facade as per the plans lodged is openable will cause the Acoustic requirements not be able to be met.

The Acoustic Report should be assessed based on the plans submitted i.e. operable Windows that will likely be opened and not closed at times and with an eastern façade that is openable.

In addition to the above Acoustic Concerns we have concerns relating to parking requirements associated with a venue that has a capacity of 188 people. Especially given the fact there is

already non-compliance to the required parking for Retail with only 3 allocated car parking spaces. Has the submission provided any analysis or investigation on where the increased patrons intend to park? What will be the traffic implications of this increase in patronage at the extended hours of trade. The restaurant is open to Surf Road and the increased foot traffic of 180 patron is extremely dangerous down Surf Road. 180 patron events at the restaurant will likely result in intoxicated people lingering at the front of the retail space for periods of time beyond the proposed operating hours impacting the residential amenity of the area.

We also request that the Council reconsiders condition 92 "Hours of Operation" which permits the restaurant to open from 7am to 10pm 7 days a week. The proposed hours of operation are a significant increase to the existing café (which does not serve alcohol). The proposed licenced restaurant that will be open till late will include the consumption of alcohol and be supportive of large scale events (Such alcohol consumption will result in increased acoustic ramifications for the surrounding area as well as pose a traffic and safety issue when the increased number of guest arrive and depart from the venue. Both these considerations are not addressed in the submission). This proposed new venue is not appropriate for the area and will be a nuisance to all neighbours.

The proposal to increase the capacity of the proposed restaurant poses a significant threat to the residential amenity of the area due the unrealistic conditions of the acoustic report, increase in traffic and extended hours of operation.