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**From:** [REDACTED]  
**Sent:** Friday, 24 January 2025 4:55 PM  
**To:** Brittany Harrison [REDACTED]  
**Subject:** FW: DA2024/1760 146 WHALE BEACH ROAD, WHALE BEACH.

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**Subject:** DA2024/1760 146 WHALE BEACH ROAD, WHALE BEACH.

Application No DA2024/1760  
Address: Lot 4 DP 210149 146 Whale Beach Road Whale Beach  
Description: Alterations and additions to a dwelling house including a swimming pool.

Dear Brittany,

Thank you for your advice that Mr T Dyroff submitted a DA for the above property. This is my objection to that DA which significantly affects our adjacent family property at 148 Whale Beach Road. Mr Dyroff has refused to have any discussion with us, and therefore we have been forced to obtain expert advice on this new DA's compliance and its likely affects on us and the community. Your Council, NBC, is the sole Consent Authority. Your careful consideration of the following information would be appreciated.

1 There is a significant and unnecessary breach of the side setback control, SW area at the 148 boundary.

2 There is a significant breach of the front building line by the secondary dwelling ('studio') which itself is non-compliant because it comprises a first floor living level above a garage. This presents excessive bulk and scale to the street as well as loss of privacy and overshadowing to no 148.

3 The studio is clearly a secondary dwelling but it has not been submitted as such. It has a separate access, bedroom, dining area, living room and laundry as well as a joinery unit that could be a kitchen. These details are important because secondary dwellings are subject to additional development controls including additional carparking and a height limit of 5.5 m. The statement in PDCCP C1.11 Secondary Dwellings and Worker's Cottages of the DCP states that 'A secondary dwelling above a detached garage is not supported' and PDCCP1.14 Separately Accessible Structures states that 'separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that it is ancillary to a dwelling and it is not designed for separate habitation and does not contain any cooking facilities. This studio is clearly designed for separate habitation.

4 The studio has a fully glazed façade to the west and the north, creating a major loss of privacy for 148.

5 There is not 60% landscaping between the front boundary and any built structures to screen the building and this contravenes the PDCCP C1.1

Landscaping development control There is a significant breach of the landscape ratio development control.

6 There is no landscaped area between the proposed altered driveway and the boundary of no 148. A reconfigured driveway should allow for separation between properties and high impact areas such as driveways.

7 The location of the swimming pool has the potential for significant visual and acoustic privacy impacts on no 148.

8 The geotechnical investigation and report by White Geotechnical Group advises that much of the material to be excavated is relatively soft and because of the extensive excavation works proposed considerable care is required to protect the adjacent existing properties including no 148 and its retaining walls and pavements. Vibration control is required. Details of excavation procedures and shoring and retaining walls is required before the commencement of any excavation work. Hazard one is the land slope and hazard two is vibration from excavation. 'Safe design of work' is required, as noted in the article 'Damaging Excavations' previously sent to you. Also refer to: [safeworkaustralia.gov.au](http://safeworkaustralia.gov.au).

9 It will be very important for Council to insist on and monitor work vibrations as well as the pre-construction dilapidation reports for these existing neighbouring properties.

10 The 146 site is located at a potentially dangerous bend in Whale Beach Road near to current building activity at 191 and opposite major works at 199. Formal traffic control will be required for all building activities including material deliveries and storage.

Yours faithfully,  
Peter Taylor