
From: Richard Gay
Sent: 29/12/2023 1:30:38 PM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: 231 Whale Beach Road

In the matter of the proposed alterations to the DA on 231 Whale Beach Road. (Planning Section 455 Modifications Mod 2021/0983).

I did **not** oppose the original development, on the understanding the main commercial unit was approved by NBC with a strict condition that the number of patrons and employees would not exceed 70. This new amendment fundamentally changes the nature and potential use of the premises and will have a devastating impact on parking and Amenity in Whale Beach if approved.

We understand that the developer has since applied for a variation to increase this number to **188** (patrons and employees), and that this application was denied by NBC; and that this denial is now being appealed by the Developer to the Land and Environment Court.

We fully support NBC in its decision to deny the modification request and encourage NBC to fully defend its decision in the appeal the Developer has filed in the Land and Environment Court.

Further we specifically request that Council **not** entertain any Section 34 Agreement (settlement) with the Developer prior to the matter be heard by the Land and Environment Court - this matter is too serious to entertain any compromise beyond what was originally approved by NBC. Indeed, a request by several residents requested to join the action but were denied. However explicit mention was made by the Court that residents would have their chance to voice concerns when the Appeal was heard. We ask that this right not be denied us by NBC entering into a settlement agreement before the Appeal is heard.

1. We have been residents of Whale Beach for 20 years in Surf road, and I am immediately on the junction with Morella where Surf road leads to the beach .. This is known as **burn out corner**. Already Hoons leaving the Surf Club or Moby's do burn outs leaving acrid tyres smells for Fun -more clients mean more of this issue which is also very dangerous as a pedestrian.

2. I strongly oppose the applicant's request to increase the total number of patrons and employees at their site *by any number* from that which was originally approved by Northern Beaches Council. (i.e. nothing more than the 70 patrons and employees on site as determined by NBC in relation to the original application.)

3. I agree with the various complaints and concerns (noise, safety, loss of amenity) that fellow residents have made about the impact of the proposed development on the community. Anti-social behaviour has increased since Moby's became a wedding /party venue we do not need more. If consented there would be close to 500 patrons approved for drinking across Moby's, 231 and the Surf Club .

4. Whale beach has 146 spaces its beyond comprehension to me having been involved in planning development all my life as a Chartered Surveyor . It is inconceivable to me that an application can be considered adding **118** extra patrons without one extra car space .I am a Surf Club member in the summer the car park is always full early the initial traffic report is completely flawed.

5. The applicants noise report is a complete red herring -I have considerable experience of this . The noise issue will not be the premises but the patrons leaving at night, some drunk and noisy banging car doors, and honing home as para 1 to the annoyance of all residents nearby.

For all these reasons I ask that NBC defend its decision to limit the number of patrons and employees to 70 people and not enter into any settlement agreement.

Kind regards,

Richard Gay BSc FRICS

