
From: Danny Hofbauer
Sent: 2/03/2022 9:26:20 AM
To: Council Northernbeaches Mailbox
Subject: Urgent : 231 Whale Beach Road, Whale Beach - Additional Objection
Attachments: Northern Beaches Communication .pdf; Northern Beaches Communication 1.pdf;

Attention: Anne-Marie Young,

I am the Owner of 198 Whale Beach Road, Whale Beach and my property is directly opposite the proposed Development at 231 Whale Beach Road, Whale Beach.

I appreciate the opportunity to, once again, list my concerns about the **Development Consent Rev 2021/0034**. I am surprised at this opportunity as previous advice from Council was that there would be no further reviews – see email dated Wednesday, 22nd December 2021 from Rebecca England.

I have made two major submissions to Council.

- For the Original Dev 2021/0034 on 17th September 2021
- and the other for the Revised Dev 2021/0034 on the 9th October 2021. I engaged an experienced and knowledgeable Architect who is well versed in making such submissions, which cost in excess of \$10,000 on these submissions alone.

I feel there were valid objections in both submissions. I note that you are not interested in the 'lengthy references to provisions of planning instrument.'

You state that Council is interested in my specific issues in my own words. I have previously done this through email (see copy attached of my email to Rebecca England dated 21 December 2021) and by phone.

As advised by yourself, I have gone over the plans and read the accompanying information. I find that my concerns still have NOT been addressed.

The concerns still are:

1. Council has decided that eliminating my view of the beach in favour of the Developers interests
2. Parking – the Council agreement with the Developer to only provide 14 car spaces which will only impact the surrounding area
3. The Restaurant Operating Hours – the Council agreeing to allow the Restaurant to stay open until 10.00pm. I have made the suggestion that the Restaurant should be fully enclosed. This will assist in limiting the noise that will be quite a change from the peace and quiet that we currently enjoy. I also suggested that an Independent Acoustic Engineer be engaged to compare the current noise levels at my property to when the Restaurant will be in operation.

Finally, I request that you confirm receipt of this email and that you include it as a submission dated 2 March 2022.

Regards

Daniel Hofbauer

198 Whale Beach Road, Whale Beach
[REDACTED]

Subject: RE: 231 Whale Beach Road Whale Beach. The Review of Determination Assessment Report
Date: Wednesday, 22 December 2021 at 3:04:55 pm Australian Eastern Daylight Time
From: Rebecca Englund
To: Danny Hofbauer
Attachments: image003.png

Hi Danny,

Thanks for your emails dated 20 and 21 of December.
I am sorry to hear that you are disappointed with the outcome.

As the decision to approve the development has now been made by the NBLPP, Council cannot go back and review its position in relation to any aspect of the development.

However, the development is bound to ongoing noise limits, so should there be concerns with acoustics once the development is operational, you will be able to raise them with Council's Compliance Department for investigation and enforcement, if necessary.

Kind regards,
Rebecca

Rebecca Englund
Acting Manager, Development Assessments

Development Assessment
t 02 8495 6494 m 0417 241 040
rebecca.englund@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au



From: Danny Hofbauer [REDACTED]
Sent: Tuesday, 21 December 2021 4:17 PM
To: Rebecca Englund <Rebecca.Englund@northernbeaches.nsw.gov.au>
Subject: Re: 231 Whale Beach Road Whale Beach. The Review of Determination Assessment Report

Hi Rebecca,

I have taken the time to read through The Review of Determination Assessment Report and examined the Stamped Plans for the 231 Whale Beach Road Whale Beach project.
I am disappointed with the fact that the issues that I brought up in my submissions of objection have been dismissed with comments such as "minor impact" or "not resulting in any reasonable impact".
Whilst I am prepared to accept your professional and objective stand on the loss of my views and the decision to allow the developer to only provide 14 car parking spaces when regulations call for at least 50% more, thus making street car parking even more difficult than it is now.

I appeal to you to urge your Health Officer to revisit the trading hours of the retail shops or at least introduce into the design the ability to enclose Retail 1 after 7:00pm at night.

What has been approved allows diners to disperse by 10:30pm then staff clean up and get the restaurant ready for the next day. There will be activity there till midnight.

The Acoustic Engineer, suggests in his previous report that neighbouring properties including mine could be "sensitive receivers of noise" including by mechanical exhausts.

I anticipate that the Council will continue to favour the developers interests over those of the neighbours. However, I am asking that noise level readings be taken at my property before this project gets underway and be compared to noise levels when 231 Whale Beach Road is in full swing. I would like this to take place under the control of Council using an Acoustic Engineer other than JHA being the developers contractor. I would be prepared to cover the costs of this work.

Regards Danny Hofbauer

198 Whale Beach Road Whale Beach

Northern Beaches Council

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