

---

**Sent:** 14/10/2023 8:36:17 AM  
**Subject:** 266 WHALE BEACH ROAD, WHALE BEACH MOD 2023/0535 WRITTEN  
SUBMISSION: LETTER OF OBJECTION SUBMISSION: TULLOCH  
**Attachments:** 266 MOD DA.pdf;

Kind regards,

Bill Tulloch BSc[Arch]BArch[Hons1]UNSW RIBA Assoc RAIA  
[daobjection@icloud.com](mailto:daobjection@icloud.com)

# SUBMISSION

a written submission by way of objection

BILL TULLOCH BSC [ARCH] BARCH [HONS1] UNSW RIBA Assoc RAIA

prepared for

GEOFF & ANN GODDEN, 264 WHALE BEACH ROAD WHALE BEACH NSW 2107

12 OCTOBER 2023

NORTHERN BEACHES COUNCIL  
725 PITTWATER ROAD,  
DEE WHY  
NSW 2099

[council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)  
[peter.robinson@northernbeaches.nsw.gov.au](mailto:peter.robinson@northernbeaches.nsw.gov.au)

RE:  
266 WHALE BEACH ROAD, WHALE BEACH  
MOD 2023/0535  
WRITTEN SUBMISSION: LETTER OF OBJECTION  
SUBMISSION: TULLOCH

Dear Sir,

This document is a written submission by way of objection lodged under Section 4.15 of the EPAA 1979 [the EPA Act].

I have been instructed by my clients to prepare an objection to this MOD DA.

It would appear that work on the subject site should have ceased once the Core Testing was completed, that showed a completely different set of outcomes than was anticipated at the DA stage.

What has been constructed does not have DA consent.

I suggest these works can only be considered under an Unauthorized Building Works application.

Council does not have before them sufficient detail to grant any consent.

As a minimum, Council must request that the applicant submits the following information:

1. Full Structural Engineering Drawings and detailed Specifications as to what has been built without consent;
2. Full Assessment of the Hydraulic Engineering matters following the Core Testing;
3. Core Testing Bore Hole Results identifying the rock formation that the applicant is relying upon;
4. A detailed Geotechnical Report that outlines the extensive recommendations in respect to Establishing the Design Parameters, Detailed Design to be Undertaken for the Construction Certificate, Recommendations During the Construction Period and Recommendations for Ongoing Management of the Site/Structure(s) that has been in place, and will be in place for future works
5. Confirmation of the geotechnical monitoring plan, both in the past and in the future
6. Confirmation of the full-time monitoring of the vibration, both in the past with all results and in the future
7. Confirmation of the dilapidation report recommendations

My clients ask Council to obtain these drawings and further reports and for these to be uploaded to the DA Tracker.

I am concerned that there has been inadequate protection to my clients' property.

My clients ask Council to ensure that a full Engineering Peer Review is completed against all these matters, by Geotechnical and Structural Engineers, to ensure that these Unauthorized Building Works have been carried out in full compliance to proper engineering standards. My clients ask that this Review is uploaded to the DA Tracker.

At the moment there is insufficient detail provided to give any comfort that the Unauthorized Building Works have, or might cause, further risks and damage to my client's property.

Clearly the applicant's architectural team should have co-ordinated these engineering matters in a more complete fashion, and co-ordinated the necessary consents with Council in an orderly fashion, to ensure the risks to my client's property were eliminated. This unfortunately did not occur.

I also request that a full dilapidation report be carried out on my client's property again now, to assess any damage that has been caused by these Unauthorized Works.

Yours faithfully,

*Bill Tulloch*

Bill Tulloch BSc [Arch] BArch [Hons1] UNSW RIBA Assoc RAIA  
PO Box 440 Mona Vale  
NSW 1660