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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 2/03/2022 2:18:43 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

02/03/2022

MRS Catherine Naito  
- 229 Whale Beach RD  
Whale Beach NSW 2073

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

229 Whale Beach Road  
Whale Beach  
NSW 2107

2 March 2022

The General Manager  
Northern Beaches Council  
By email: council@northernbeaches.nsw.gov.au  
Cc: Anne-Marie Young

Dear Sir/Madam

231 Whale Beach Road WHALE BEACH NSW 2107  
Conditions of Consent REV2021/0034 Dated 1/12/2021 - Condition 99.

My husband and I are the owners and occupiers of 229 Whale Beach Road, which adjoins the entire southern boundary of the site at 231 Whale Beach Road - the subject of the application to amend conditions of consent.

This is a written objection to the application to amend Condition 99 relating to the capacity of the Ground Floor café/restaurant premise, to ensure that residential amenity is protected and maintained.

#### Capacity

Whale Beach is a primarily residential neighbourhood, with a modest café on Whale Beach Road that seats approximately 50-60 people and the approved proposal for the redevelopment of 231 Whale Beach Road roughly replicated this, with the new café on Surf Road. To increase the capacity threefold will create a venue that is not appropriate in this neighbourhood but more like Manly or Dee Why. This can no longer be called a café and instead there will be a change of use to a large restaurant and bar.

The proposal to almost triple the capacity of Retail 1 is completely inappropriate for the neighbourhood and will cause a serious nuisance and loss of amenity to residents. If Retail 1 and Retail 2 spaces are also made into licensed premises this will compound the problem even

further.

There

#### Parking and Traffic

Parking in Whale Beach is already a huge problem during popular times and this will only be exacerbated by allowing such a large restaurant, which has only a single parking space dedicated to the 188 people that will potentially attend the venue. It is nonsense to argue that the parking is not an issue as the building's area is not changing - the number of cars and hence parking is a function of the number of people going there. Would council please consider whether the current parking can possibly support such a venue?

In addition to the parking issues, the Retail 1 restaurant will be opening out onto Surf Road and the increased foot traffic will be extremely dangerous, as it is a sharply curving steep road. There are already traffic problems on Surf Road, particularly when people are accessing the beach as traffic stops, causing congestion up onto Whale Beach Road and at nighttime when cars often drive far too fast. These problems will be exacerbated by the driveway that will now come out of the new development so having a large restaurant spilling out onto the same stretch of road, with potentially intoxicated customers will further compound the problems.

I do not believe that the current parking availability and roads can safely support such large numbers and request that the council does not consent to the proposed change.

#### Hours of Operation

I 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 existing café opens until 3pm and does not serve alcohol. The proposal is to change this to a licenced restaurant opening until late at night, which is an extremely significant change of use. It will become a venue which is not appropriate in this area and will result in annoyance and inconvenience to all the neighbours.

There is already regular noise disturbance and annoyance caused by people leaving Moby Dick's (function venue at 227 Whale Beach Road) so we have very real experience of what it is like with people leaving these venues late at night and the problems caused to neighbours.

#### Site visit/Meeting

I request that council meets with us, preferably at the site but if not we are happy to attend councils offices to discuss these issues as I do not believe that council is fully aware of the nature of what is being proposed and how ill-suited the proposed restaurant is to the locale.

Yours faithfully

Catherine Naito