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**Sent:** 4/06/2020 8:28:47 PM  
**Subject:** Online Submission

04/06/2020

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**RE: DA2020/0442 - 231 Whale Beach Road WHALE BEACH NSW 2107**

My submission regarding DA2020/0442 231 Whale Beach Rd, Whale Beach NSW 2107

As long a term resident of this area, I object in the strongest possible terms to this development.

I am writing this submission because I fully concur with my partner, Mark Pearsall, and his separate submission regarding this DA.

I have lived in the Whale beach/Avalon area all my life (56 yrs), as have my parents before me. Over that time I have seen many changes, some for the betterment of the area and some not. I am not against development or renewal, as long as it complies with planning requirements and is of the character of the area. I have renovated in the Avalon area, always with council approval, & always following & complying with the current planning requirements.

It is disappointing in these times that money seems to think it can do what it wants, disregarding local requirements. The number of properties in the Pittwater area that now infringe Public Land or don't conform to the local planning requirements is sadly increasing and I believe that, it is the job of the elected council, to uphold its own planning requirements. It is a common tactic of property developers to deliberately exceed all known planning limits with a view to "settling" on something less that still exceeds normal bounds, but is in fact, what they already wanted to achieve. This is such a case in my view. Council should not be fooled and instead make certain that all required standards are met from the outset, with no exception.

The current development application for 231 Whale Beach Rd, as it stands, seems to be to maximise the level of development across the entire site. The bulk & scale is excessive and in no way reflects the desired character of Whale Beach per the Pittwater current LEP ("sea-side village feel"). The total floor area of 2461sqm is almost 3 times the site area of 844.7sqm. The proposed development is a considerable dense over-development, that is non-compliant to all envelope controls: building height, side, rear and front setback.

I believe the existing building needs to be replaced, especially as its boundary on Surf Rd has become quite dangerous and unstable, but I contend that a more sensitive redevelopment, significantly limiting excavation, and complying with all NBC and ADG controls, and something that adds to the village feel of the Whale Beach area, should be used. This current DA would be better placed in Dee Why, Manly or on one of Sydney's Eastern suburbs beaches, NOT Whale Beach.

The title of the application is "WHALE BEACH NEIGHBOURHOOD CENTRE" which implies a community centre, which it is not. It is apartments and retail areas.

I totally agree with the submissions made by the residents of 196, 198, 200 and 229 Whale Beach Rd regarding this DA.

My specific objections are listed below, and refer to blatant noncompliance to multiple building requirements and other factors that I believe must be given due consideration:

Exceeds the maximum height requirement of 8.5m

Non-compliance with site setback on all four boundaries (the rear has no setback!)

Non-compliance with Retail parking requirements (see commentary below Parking/Traffic).

Non-compliance with landscaping area requirements. Using planter boxes and pot plants is not the intent of the regulations.

Footpath from Retail 1 to The Strand will remove four parking spots for beach goers (see commentary below Parking/Traffic).

The one lane Entry/Exit of the basement parking is of poor design and in a dangerous location due to a blind corner (see commentary below Parking/Traffic).

The massive extent of excavation in the heart of Whale Beach is a major concern, with the disruption to the peaceful existence of beach goers and the community for over 3 years during the demolition, excavation and construction. (see commentary below Parking/Traffic).

The development setback will not provide adequate privacy separation.

This proposed development is set against neighbours in an E4 Zone, yet little consideration has been given in assessing these matters.

I have serious concerns of the depth of excavations (13.7m) and the vibrations created by such excavations, with the closeness of these excavations to neighbouring boundaries and Whale Beach Rd.

I am concerned that the proposed development does not provide a healthy, attractive, vibrant and safe neighbourhood centre as described in Zone B1 Neighbourhood Centre, Objective of Zones.

The subject site falls within a scenic protection category one area, and I contend that the overdevelopment of the site fails to meet the outcomes.

I am concerned that the glare factor from the amount of glass has not been seriously considered.

#### COMMENTARY.

It is my understanding there were consultations between the developer and the NBC as well as The Palm Beach Whale Beach Association (PBWBA) prior to submitting the DA where the developer was advised of the guidelines that must be followed, yet the submitted DA shows blatant noncompliance to multiple building requirements & DCP clauses!

I note the difference in background shading of the line drawings of the Existing View and Proposed View in the View Impact Studies (pp42-54 of the DA). The Proposed View uses significantly less background shading giving the impression of a less restricted view once the development is built. I also note that from the objections of 196, 198 & 200 Whale Beach Rd that The Applicant, or their Advisors, did not visit those properties to assess those properties amenity loss.

#### Parking/Traffic:

This development, whilst under construction, & if completed, will add to the traffic chaos that has become Whale Beach road.

Driving from Whale Beach to Palm Beach along Whale Beach Rd, and visa versa has become more problematic these days due to the number of constructions currently underway. I want to make it clear that I'm not objecting to these construction sites, I'm merely pointing out that the bulk and scale of this construction at 231 Whale Beach Rd, which is forecast to require three years to complete, will add significantly to the traffic congestion along Whale Beach Rd and beach parking as it now stands.

I note that TEF Consulting did a traffic study. In this study they quote on page 3 'Surf Road (east), Local road, 2 travel lane and parking opportunities on southern side'. That is correct, now, as there is enough room to park 4 cars. Once construction is complete these parking spots will disappear as there will be a footpath from Retail 1 to The Strand. This is clearly shown on the DA.

The DA does not comply with the number of retail parking requirements for this development, in fact it removes four spaces that are used by beach goers. TEF's Consulting parking study (pages 9 & 10) shows all of Surf Rd (east) as No Parking, which is in contradiction to what they state on page 3. The 2 days they studied were Saturdays in September (not school holidays). I submit the studies should have been done on a Sunday and a weekday and during school holidays to give a better idea of what traffic conditions and parking can be like on Whale Beach Rd. Or, have done the survey during the Summertime, when traffic load and congestion increases exponentially. Add to this a massive construction zone and traffic will be in chaos.

There is commentary that there is sufficient parking in the surrounding streets to cover the lack of required retail parking. I refute this as parking along Whale Beach Rd is at a premium. Along Whale Beach Rd, from Raynor Rd to past Norma Rd (ie headland to headland), the RMS/Council has had to place parking restriction signs, on one side of the road or the other, of 'No Stopping', 'No Parking', 'No Parking 7am-5pm Everyday' or an unbroken line down the middle of the road, to keep Whale Beach Rd navigable. Without these signs, driving along Whale Beach road would be near impossible all day, every day.

I believe the entry/exit to the resident basement parking to be of poor design & dangerous to drivers and pedestrians. It is a single entry/exit point, one vehicle in or out at any one time. To enter the parking from Surf Rd one will have to turn right. Basically, having to make a U-turn to get into the parking due to the design. If that turn is not available due to oncoming traffic or pedestrians on the footpath (whom have right of way) then the vehicle will be stopped behind a blind corner. Any traffic coming down Surf Rd (speed limit 50km/h according to the TEF Consulting traffic study, it's actually 40km/h as it's a Local traffic Zone!) may be confronted with a stopped vehicle at very short notice with a chance of collision.

Due to the design of the basement parking exit, it appears that any vehicle, other than a motor

bike, exiting the parking will have to swing out partly, or fully depending on the size of the vehicle, onto the wrong side of the road to turn left onto surf road (the only way you would turn to go anywhere but Whale beach!). This will put the vehicle on the wrong side of the road behind a blind corner and unseen oncoming traffic. Over the years I know of a few head-on collisions on this blind corner.

Again, due to the design of the basement parking if there are vehicles entering and exiting at the same time, they will only see each other at the last second. If an exiting vehicle comes across an entering vehicle then either the exiting vehicle will have to reverse, difficult, or the entering vehicle will have to reverse dangerously back across a footpath and into traffic risking collision with pedestrians and/or vehicles.

If there is a vehicle waiting to do the right turn into the parking and a vehicle waiting to exit, then neither vehicle will be able to move. The entering vehicle cannot enter due to the exiting one, and the exiting vehicle cannot exit as it will have to infringe the other side of the road, which it can't, due to the vehicle waiting to enter. The entering vehicle may continue down Surf Rd and do a U-turn on The Strand, but this becomes problematic, doing a U-turn at a T-intersection. I believe there is a significant risk of collision with the design of this Entry/Exit to the basement parking.

## Liveability

I also question the liveability of some of the apartments, especially Apartment 1. I see, according to the Statement of Environmental Effects, that it 'complies' with Solar Access. The only room that gets any direct sunlight is the Kitchen/Dining. The 3 bedrooms open up onto a 2.2m deep deck (only 1.3m deep if you take out the planter box that runs the length of the balcony to help comply with the landscape requirements) and to a 4.7m stone wall, on top of which is a 1.8m fence (6.5m high in total)! These 3 bedrooms will always be dark with no airflow creating a perfect environment for mould and mildew, especially in the salt rich environment so close to the beach, and especially as the bedrooms are planned to be carpeted. This, I believe, could be a serious health factor. The Home Cinema room (4 walls and a door, no window!) will have no airflow and be unbearably stuffy with anybody occupying it, let alone a whole family, even if airconditioned.

Apartment 2 lower level fairs a little better being on the north side, but both bedrooms open to a balcony only 1.8m deep to a stone wall over 5.5m high! Again, a lack of airflow will create the perfect environment for the growth of mould and mildew, a health risk. The same applies to the 'Home Cinema' as in Apartment 1.

Apartment 2 upper level's roof, although concrete, is the floor for Retail 2. This will create, I believe, unacceptable noise pollution in Apartment 2 upper level. Especially as Retail 2 is slated to be a Cafe.

## Conclusion

I fear this DA will set an appalling precedent and may encourage further extreme developments like this along the whole Whale Beach foreshore in the future.

The proposed development presents significant non-compliance to multiple controls and the residential amenity outcomes are therefore considered unreasonable. The development site is sizable, and there is no reason, unique or otherwise why a fully compliant solution to the PLEP, PDCP and ADG outcomes and controls cannot be designed on the site. This DA proposal is

overkill on a massive scale and I feel there are convincing reasons; just a few of many, outlined above, for NBC to reject this DA in its current form

Again, I am not against development & progress, but here at Whale Beach, I believe that this site requires and deserves a more sensitive redevelopment, and something that adds to the village feel of the Whale Beach area.