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

Submission re DA2020/0442 231 Whale Beach Road Whale Beach

This submission objects to the above referred DA on several grounds. As pre-amble to this I note that I reside near to the site, have done so since 1978. I grew up in Whale Beach, my grandfather and father helping development of the area from the mid-1920s. My father Jack Webster was the (original) Club captain of the Surf Club, uncle Keith and I also enjoyed that honour. Many members of the extended family including my children have volunteered and supported this community organisation. We surfed the Wedge before it was named.

I stated this as proof that I believe in having the best interests of the area at heart and long-term knowledge of this unique local environment.

I witnessed over the years Brandon's grocery store and residence morph into the current café, shops and units of today. The local view at that time was that the ban on units was overcome by tying the approved 3 small shops to units, plus a residence. Not sure where the additional 5th unit fitted into that legend. Tenants for the shops came and went (mainly went), the current café operated by the Boat House is the best of the lot and I wish them well. My family regularly enjoy their coffee, food and cake.

However...Parking/Traffic, particularly during summer is Whale Beach's weak spot. The main thoroughfare and side roads are reduced to 1 single lane, as vehicles park illegally or just plain stupidly. Trucks and buses drive through at their peril (and considering excavation/construction is planned for a period of 18 months minimum) . Passing is currently a nightmare and dangerous, not just for cars but particularly for pedestrians, as the only footpath is on one side of Whale Beach Road, often blocked by overgrown shrubbery. The only additional footpath leads from this road down Surf Road to the beach, however it stops 30M short of the blind curve where the developers planned a lower deck café, surely this is a high risk of pedestrian incidents with people trying to cross dangerously on that curve.

The Traffic report lists access to Public transport as an option, rubbish, apart from the residents everybody drives to Whale Beach. It lists parking in Surf Road (west), already parked out from early morning till late by Moby Dick Function Centre employees, again no footpath for pedestrian safety. It relies upon available council parking at the beachfront. No other street parking is reliably available. It is noted the mandated parking spots on-site are by the DA, non-compliant. It is also noted that the lower driveway entrance in Surf Road appears to take up part of the grassed reserve area before accessing the property road reserve. My understanding this is Maritime Services Crown Land controlled by NBC, I am sure this has been taken into account.

As a local resident where my views of the sand/surf would be blocked by the relocation of Unit 5 to the west and the additional height of the air condition machinery and exhaust stacks

located on top of Unit 5 , surrounded by a 20dB acoustic barrier deemed mandatory by the Acoustic Report. This report (pages 14-16) lists assumed compliance readings if sufficient barriers are put in place based on an aggregate point source of noise and readings taken at the nearest point of neighbouring properties. Community-wise this presents a problem as the acoustic envelope will not be symmetrical and could be more disturbing at a higher elevation, eg living room/veranda or bedroom, on the first or second floor of nearby properties, in direct-line-of-sight. Acoustic levels, where assumed, require follow-up checks to ensure compliance. Refer para 2, page 22, para 8, 9 page 23, also the assumptions of no background music pt 7 or open windows pt 9, page 18, with proposed opening hours 7AM to 10PM, (questionable in a NBCouncil-mandated E4 residential area).

Overall I note many points of non-compliance, including that of accepted regulations for setbacks, parking, acoustics, and pedestrian safety issues. I would appreciate all of them addressed by the developers or NBC before DA approval considered.

Given that there is a need to renovate/rebuild the site, it is suggested that a less intrusive, smaller structure be constructed, incorporating an upper or lower café (lower would cater for the beach crowd and as the Traffic Report noted, has plenty of spaces), possibly less units, ensuing less building time and excavating issues.