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**Sent:** 4/11/2021 10:57:18 AM  
**Subject:** REV2021/0034 (DA2020/0042) - 231 Whale Beach Road - Amended Plans - objection on behalf of 233 Whale Beach Road  
**Attachments:** 201408.3l.pdf;

**Attention: Rebecca Englund**

Please find attached an objection (Ref: 201408.3L) to the above amended proposal on behalf of 233 Whale Beach Road, Whale Beach.

Regards,

Jody Scanlan  
Associate  
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4 November 2021

Ref: 201408.3L

The General Manager  
Northern Beaches Council

By email: [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Attention: Rebecca Englund

Dear Sir/Madam,

REV2021/0034 (DA2020/0442) – 231 Whale Beach Road, Whale Beach – Objection on behalf of 233 Whale Beach Road – Amended Plans

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### Introduction

We act on instructions from Mr Craig Smith, the new owner and occupier of 233 Whale Beach Road, Whale Beach whose property adjoins to the north of the site the subject of REV2021/0034 (the Review proposal).

We have previously made a submission in respect of the Review proposal when it was originally notified (Ref: 201408.2L, dated 20 September 2021) on behalf of the former owner of 233 Whale Beach Road. The new owner also objects to the Review proposal on the bases presented in that submission.

In preparing this submission, we have reviewed the amended documentation for the Review proposal available on Council's web site, including the cover letter, plans and traffic report (the amended Review proposal).

### Amendments to the Review Proposal

The cover letter forming part of the amended Review proposal indicates that the Review proposal has been amended to address issues raised by Council in respect of the proposed driveway alignment and the coastal planning level (potential for inundation).

Our review of the amended Review proposal plans include:

- Realignment of the driveway, including re-planning of the frontage/street layout;
- Raising of the basement level by 1.33m to RL 6.53 (to address the coastal planning level), deletion of car stackers, loss of 4 parking spaces to 14 spaces, shortening of service bay within Surf Road;

- Raising of ground floor level by 0.2m to RL 9.5, re-planning of the frontage and access to retail/outdoor seating area/landscaped area to suit new driveway, levels etc, reduction in outdoor seating area by 19 sqm to 53 sqm; and
- No changes at Level 1 or above.

At the outset, it is noted that the extent of the amendments proposed is difficult to discern from the amended Review proposal plans as they are not identified by bubbling, notations or similar. This is not considered appropriate as it is apparent that there are a number of consequential changes to the Review proposal arising from the changes/matters sought to be addressed by Council which may be inadvertently overlooked. Nowhere in the documentation reviewed is there a comprehensive list of the amendments which would assist the review and understanding of the amended Review proposal by all.

It is also noted that the cover letter states that the landscaped area of the amended proposal has increased. However, this is incorrect as the amended plans (DA 31) show that the amended Review proposal has a reduced landscaped area (281.69 sqm) compared with the originally submitted proposal (289.29 sqm).

### **Objections to the Amended Review Proposal**

As noted above, the amendments to the Review proposal were apparently directed towards matters raised by Council relating to the driveway and coastal inundation matters and involved changes only to the lower levels of the Review proposal. According to our review, no changes were made to the Review proposal at Level 1 or above.

Most relevantly, no amendments have been made which address in any way our client's objections to the Review proposal as set out in our previous submission. Accordingly, all of those objections are maintained in respect of the amended Review proposal.

In addition, the amended Review proposal gives rise to a number of other matters which serve to demonstrate that the proposed development is unable to appropriately respond to or address the site constraints in the context of Council's controls and that the level of development proposed is excessive for the site and locality. These matters include that:

- The proposed amended Review development involves a further shortfall from Council's parking requirement with 14 spaces now proposed when 22 spaces are required;
- The amended proposal involves a reduction in landscaped area, as noted above; and
- The proposed amendments include the shortening of the service bay on the Surf Road frontage as a result of the realignment of the driveway. The amended documentation provides no assessment of that service bay to indicate that it is still adequate for its purpose.

### **Conclusion**

The amended Review proposal has not addressed in any way our client's objections to the proposed development or the matters raised in our previous submission.

Accordingly, as set out in that submission, the amended Review proposal will have significant adverse impacts on our client's property and the locality generally with respect to its excessive bulk and scale relative to our clients' property which results in significant visual intrusion, as well as privacy impacts, from the overbearing built form. A loss of privacy will also result from noise associated with the cumulative effect of the increased activity on the site arising from the proposed 3 retail spaces (including at least 1 café/food and drink premises with outdoor seating), 5 residential apartments and the associated servicing activities, particularly waste collection.

The amendments to the Review proposal are inadequately described/identified in the re-submission and some consequential changes are not assessed. In addition, the amended

Review proposal gives rise to a number of other matters, including an increased parking shortfall, which serve to demonstrate that the level of development proposed is excessive for the site and locality.

As a result of the matters raised in our original submission and the matters above, we believe there are compelling reasons for Council to refuse the amended Review proposal.

Should the application be further amended and notified, we request that we be advised so that we may have the opportunity to review those details.

Should you have enquiries with respect to the above please do not hesitate to contact us to discuss.

Yours faithfully,

DESIGN COLLABORATIVE PTY LTD

A handwritten signature in black ink, appearing to read 'J Lidis', with a long horizontal flourish extending to the right.

J Lidis  
Director