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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
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01/03/2022

MR richard gay  
11 surf road RD  
whale beach NSW 2107

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

Dear Ms Anne Marie Young.

REF 2021/0983 I recently become aware of the amendment to this application in respect of the capacity of patrons in retail unit 1 from 44 plus 20 outdoor and 6 staff, to 170 plus 18 staff. This changes the venue from a small local operation to a major function venue in a quiet residential area .

The capacity would add 118 patrons, in addition to the retail units capacity of 88 . This is in addition to the existing consent at Mobys already putting pressure on the area.

The operating hours are 7am to 10 pm 7 days a week, with an alcohol approval which is extraordinary and gives no respite to local residents .

Whale Beach is a quiet suburban enclave with a small local community and the LEP and Pittwater DCP makes numerous policy references about reinforcing local sensitivity, the unique character of the areas, and built environment, and their natural context. Its totally in appropriate to have a capacity at anything like these numbers taking this from a local cafe to potentially a major function centre. This is not an urban environment like Manly . The noise and traffic generation would be untenable and totally in contravention of the LEP. The argument of the applicant re parking that the requirements of DCP do not change is technically correct, but policies cannot be cherry picked and the impact of 118 extra patrons on traffic alone would create a huge problem for local residents with loss of amenity, illegal parking, noisy customers. There is already an the issue of anti social customers from Mobys after wedding functions at night.

The Acoustic report of course reflects no impact of the noise of an additional 118 patrons would make outside the premises having left especially at night ,and drunk for which all residents would suffer .

The argument that the unit would be unviable is not relevant and again cannot not override the wider planning objectives of a development, that is meant to be in harmony with its surroundings. The development will be hugely profitable, and making it more so at the expense of the whole character of the area is completely at odds with the LEP and DCP and consequently should be rejected . This is not as purported a minor amendment and I would urge the Council Officers to reject this amendment completely.