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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 2/03/2022 5:34:13 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

02/03/2022

MRS VIRGINIA STACK  
- 202 WHALE BEACH RD  
WHALE BEACH NSW 2107

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

Attention: Anne-Marie Young

Dear Ms. Young,

RE: MOD 2021/0983  
231 Whale Beach Road, WHALE BEACH

We have had an opportunity to look at the proposed amendments by the Applicant to the conditions of consent and request that the new amendments be denied for the following reasons:-

1) PARKING

The new modifications seek to drastically increase (almost triple) the number of approved patrons at the cafe on Surf Road. Condition 99 was imposed to "ensure residential amenity is protected and maintained". The number of parking spaces on the development site has not been increased by the Applicant therefore it should be rejected. The dramatically increased number of patrons sought by the Applicant will place additional pressure on the existing "public" Whale Beach car park. An increase in patron numbers will lead to an increase in patrons requiring a parking space. An increase in patron size will also require more staff which will also contribute to additional pressure on the limited number of spaces. At the moment the Boathouse commercial vehicles are often parked in this "public" carpark for extended periods as there is not enough parking on Whale Beach Road. Often these commercial vehicles are left in the public carpark overnight. It follows that a larger venue may be viewed by any commercial operator as requiring more commercial vehicles to service it thereby (for their convenience) they might also decide to follow precedent and park in this "public" car park as well. At the moment the Boathouse is the commercial operator at Moby Dicks (2 doors away from the proposed development). This is a large function venue which often hosts large scale events like weddings. Many of the guests are forced to park in the public Whale Beach car park as there is not sufficient parking in Whale Beach Road. If there was a wedding held at Moby Dicks and late night cafe/restaurant operating hours the pressure on the limited number of car spaces would be enormous.

2) SAFETY

Additional pressure on a limited number of car spaces might require beach goers to attempt to park on the nearby residential streets. At the moment the access to the beach via Surf Road is extremely dangerous as it is a narrow road with a small footpath on a hairpin turn requiring

most cars to cross to the other side of the road in order to complete the turn. Young families or the elderly ,who are particularly vulnerable to road incidents, may be forced to no longer attend their local beach and visit others where there are safer parking options. It also follows that extended operating hours and the provision of alcohol may result in an increase in antisocial behaviour also leading to legitimate safety concerns.

### 3)NOISE

As the Architect for the Applicant has noted in his Report "The updated acoustic report did not specifically address the increase in patron numbers". Given this statement we question how is it possible to make a legitimate determination? We also note that the Certifiers Report has also not considered the increase in numbers as their assessments are based on 57 occupants. The Acoustic Report submitted with the Application is based on the assumption that "all windows of the indoor seating area are assumed to be closed" I would find it very hard to imagine that the noise levels inside a busy cafe wouldn't necessitate opening windows/doors in order for the patrons to enjoy a conversation and be able to listen to each other. The other assumption made in the Acoustic Report is "The Eastern facade of the indoor seating area is assumed to be not openable/operable". Of course a busy cafe will need to open the doors not only to allow patrons to enter but also for the staff to deliver meals to the outdoor patrons. The noise levels to the adjoining residences at 229 & 233 will be excessive and no doubt distressing.

### 4)PRECEDENT

Directly opposite the Proposed Development (24 The Strand, Whale Beach) is an overgrown vacant block which was previously occupied by "Ripples" restaurant. There is an existing DA Mod 2020/004 for a restaurant with extended trading hours. Whale Beach public car park cannot service 3 large restaurants. We do not believe that it is either fair or in the community's best interests to tell legitimate beach users (who may not want to dine at these venues) that "sorry the public car park is full due to all of the restaurant patrons- why don't you go to another beach?"

In the interests of fairness we have met with the Architect for the Applicant after the first plans were lodged and believed he was making a genuine effort to try and balance the concerns of the residents and his clients. We also attended an online Zoom session with the Architect & Applicants again to determine if the revised plans were going to be in the community's and residents best interests, unfortunately, at neither meeting was it ever discussed that the patron numbers were going to be increased dramatically. If you review the Submissions from the first application you will note that the majority of Submissions were negative (150 +) and the ones supportive of the Application were supportive because they wanted to maintain the status quo of the Whale Beach Deli- a neighbourhood place for the community to catch up with friends and have a bite to eat (during daylight hours). What has been proposed by the Applicant is extremely different and we believe a detriment to the community as a whole. We further note that to date the submissions in support of the application do not live in the immediate area

Kind Regards,  
Virginia & Gerald Stack