

---

**From:** Paul Mirabelle  
**Sent:** 13/03/2022 5:34:23 AM  
**To:** Council Northernbeaches Mailbox  
**Subject:** Re Mod 2021/0983  
**Attachments:** Whale Beach Letter to NBC.docx;

Dear Ms Young,

Please see attached our letter of objection to the above proposed modification.

Thank you.

Paul Mirabelle and Susan Mozell

Paul Mirabelle  


12 March 2021

Northern Beaches Council

Attention: Ms Anne Marie Young

Re: REF [2021/0983]

Dear Ms Young,

We are writing with respect to the above development application concerning the development of an expanded facility at Whale Beach, and the proposal by the owners to amend the application. We were staggered to see the original proposal amended to reflect such a dramatic increase in the number of patrons to be served and staff to be utilised:

- The increase in patrons in retail unit 1 from 64 (44 inside plus 20 outside) to over 170 represents a rather incredible 265% increase over the original application
- The proposed 6 staff are being tripled to 18 staff. This changes the venue from a small local operation to a major function venue in a quiet residential area.

This is in addition to the existing consent at the venue Mobys, which is already putting pressure on the local suburban area.

The operating hours proposed are 7am to 10 pm 7 days a week, with an alcohol approval which is extraordinary. Such operative hours/function gives no respite whatsoever to local residents.

In addition to the impact on all local residents from having a large venue built in the middle of a small community, the issue of parking for that many guests and staff is a serious concern. These numbers represent a significant increase over what is already scarce parking facilities. 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 building environment, and their natural context. As such it is totally inappropriate and out of keeping with Council guidelines to have a capacity at such numbers. I cannot state strongly enough, this proposal takes this site from that of a local neighborhood cafe to potentially a major, commercially oriented function centre. The noise and traffic generation would be untenable and totally in contravention of the LEP. The impact of these extra patrons on traffic alone would create a huge problem for local residents with local road safety, loss of amenity, illegal parking, and of course noisy customers. There is already the issue of anti-social customers from Mobys after wedding functions at night.

Furthermore, intensive parking down Surf Road, which approaches this site, already creates a significant road safety risk for all pedestrians for whom there is no footpath. This would be dangerously exacerbated by the excessive development proposed.

The Acoustic report of course reflects no impact of the noise that additional patrons would make outside the premises as they leave the venue, especially at night. This is also a major neighbourhood ambience concern given it is currently a quiet, residential spot.

The argument that the original planned unit would be financially unviable highlights the obvious: the developers can only achieve the desired return on their investment by imposing a significantly larger development on the community and at the expense of residents. (This sort of logic carried to an extreme would see simple things such as planning height limits continually challenged by applicants because more floors are required in unit developments to make a development project financially viable). This is *exactly* the kind of development behaviour that local planning requirements are designed to regulate – without prudent oversight by Northern Beaches Council, there will always be pressure by developers to *overdevelop* sites.

We are deeply concerned about this application and know that we are not alone in this concern.

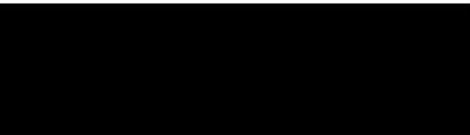
We respectfully submit that the application should be rejected.

The development will be hugely profitable for the developer, but at the expense of the whole neighbourhood character of the area, the local residents, and other visitors not to mention the local natural environment as well. It is completely at odds with the LEP and DCP. This is not, as purported, a minor amendment and I would urge the Council Officers to reject this amendment completely.

Yours sincerely

Paul Mirabelle and Susan Mozell

3 Bynya Road , Whale Beach



Cc:

Cr Rory Amon

Cr Michael Gencher

Cr Miranda Korzy