
Sent: 8/06/2020 5:16:29 PM
Subject: Submission re DA2019/1478 - Attn: Tony Collier
Attachments: Jeff G submission.pdf;

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Dear Mr Collier

I have attached my submission on DA2019/1478.

Kind regards
Jeff Gordon

Jeff Gordon
5 Narrabeen Park Parade
North Narrabeen NSW 2101

Re: objection to DA2019/1478

I object to Development Application DA2019/1478. Section 4.15 of the *Environmental Planning and Assessment Act 1979* (NSW) provides that the Northern Beaches Council must:

take into consideration such of the following matters as are of relevance to the development the subject of the development application—

- ...
- (b) the **likely impacts** of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the **suitability of the site** for the development,
- ...
- (e) the **public interest**.

Likely impacts

The likely impact on the natural environment is plainly negative. Noise, music and artificial light will obviously damage the surrounding natural habitats. There is already evidence that birds (ospreys and others) normally nesting in the Norfolk Pines have been forced to nest elsewhere (nesting behind Rat Park, according to the McMahon Submission of 6/6/20, ie driven away from the lagoon). Moreover, such a significant increase in trading hours and patron numbers — the restaurant is proposed to operate until 12am every night (except 10pm Sunday and 2am on NYE) with a proposed increase of capacity from 90 to 100, or even 180 for cocktail parties — will drastically increase waste. It is highly likely that plastic and other waste will pollute nearby nature walks and the Narrabeen Lagoon, threatening wildlife.

The likely social impact on the locality is self-evidently detrimental. A moment's reflection reveals that such a significant expansion and intensification of the existing use will damage the socially oriented, family-friendly character of the area. At the moment, the area is filled with surfers, swimmers, walkers, joggers, and families. The pleasant tranquillity of the area will be disrupted by the unjustified expansion and intensification of the existing use. The car park will likely be dominated by restaurant patrons, making it much more difficult for surfers, swimmers, and families to access the pool, the beach, and the lagoon. I note also that elderly folks often park in the carpark to enjoy the water view from their vehicles, and I do not think it fair to require those folks to fight for spots that would doubtless be occupied by up to 180 cocktail party attendees.

The economic impact on the area is also harmful. To be sure, the owner of the parcel of land on which the restaurant sits will benefit financially from the significant expansion and intensification of the existing use. But the broader economic impact on the locality is damaging.

Site suitability

The site is patently unsuitable for expansion and intensification of the existing use. It cannot be stressed enough that the land on which the restaurant is located is zoned R2 Low Density Residential. The existing use of a restaurant is permitted only as an *exception* to the zoning of the land. There is, therefore, a strong justification required to expand or intensify the existing use. In the circumstances here, private profit is not only insufficient but also inimical as a justification.

The land is bordered by low-density residences (all zoned R2, like the restaurant itself) and public land (including a public reserve and part of the NBC Coast Walk). It is barely 70m from the Narrabeen Head Lookout.

Folks enjoying the view and the public amenities want to hear the sounds of nature; they do not want to hear whatever playlist happens to be 'on point'.

The existing restaurant and its outside dining area works well and should be kept as is, with removal of all the unauthorised benches and vertical sleepers that are now fencing off a large area of reserve and impeding public access.

Public interest

Currently, the purposes of the area are recreation, rest, renewal, and reflection. Those purposes are at the heart of the public interest and at the heart of the public purposes of the park. The public interest is optimally served by the status quo: a restaurant permitted to operate by an appropriately circumscribed existing use, in circumstances where the land is surrounded by low-density residences and public parks. Of course, restaurants and cafes in public parks can be in the public interest. Indeed, as presently used, with its outside dining conducted according to NBC Policy and Guide, the subject restaurant is in the public interest.

But the development application is not. Expanding and intensifying an existing commercial use to the extent that is proposed cannot be seen as advancing the public interest. The proposed expansion and intensification of the existing use will serve purposes wholly alien to the public interest: revelry, partying, entertainment, and private profit. Presumably, the development application will purport to arrogate part of the public reserve for private functions. But there is a general principle that land used for public recreation and enjoyment must be open to the public generally, as of right. The public interest is squarely against increasing and potentially doubling capacity, increasing operating hours, and amplifying noise and music.