

19th May, 2025

Northern Beaches Council
P.O. Box 82
Manly
NSW 1655

RE: Development Application No. DA2025 / 0181 for Demolition works and construction of a dwelling house attached to an existing restaurant / cafe a.

AT: No. 1 NARRABEEN PARK PARADE , NORTH NARRABEEN

Attention : Kye Miles - Planner

Dear Kye

Further to Northern Beaches Council (NBC) letter of the 17TH April, 2025 that lists issues and concerns to be addressed before our submission can be assessed by NBC.

1.EXISTING USE RIGHTS

Refer to Legal response from Pikes & Verekers Lawyers

However by way of background the site has been the subject of the following matters:

A1220/73

This Building Application was lodged on 25 June 1973 for renovations to the interior of the existing shop.

The application was approved on 4 September 1973.

DA87/200

This application was lodged for a change use from an existing shop (milk bar) with attached dwelling to a refreshment room (restaurant) with attached dwelling and detached garage. The application was approved on 17 June 1987 subject to conditions.

Granting of Trusteeship

The granting of trusteeship of the Reserve to Pittwater Council from the department of Conservation and Land Management was published in the Government Gazette No. 146 on 18 December 1992.

Access arrangements

Nominated Architect
Mark Bennett. NSW Reg. No. 3993
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On 29 December 1992 Council wrote to the property owner in relation to the granting of a licence over Crown land (being the Reserve) to enable the continuation of existing vehicle access to the rear of the site via the eastern end of the public car park (i.e. in the location of the approved landscaped area) pursuant to a decision at the Ordinary Council Meeting of 14 September 1992.

Building Approval 1038/93 This application was lodged on or around 28 May 1991 for the erection of additions, including double garage at the rear of the site.

The application was approved on 23 November 1993.

A further Development Application No. 2019/1478

This application was lodged on or around 12 December 2019 for alterations and additions to a restaurant, including operational changes relating to trading hours and seating capacity.

The application was approved by the NBLPP on 04 November 2020.

The approval includes;

Restaurant trading hours including take away meals service (Subject to Condition 30 (b)):

1 Wednesday to Sunday midday - 3.00pm

1 Wednesdays, Thursdays and Sundays 6.30pm-10pm 1 Fridays and Saturdays 6.30pm-

11.30pm The capacity of the premises was limited to 100 patrons, including the Crown Land areas.

2. PERMISSIBILITY

Refer to Legal response from Pikes & Verekers Lawyers

3.BUILT FORM AND SITE PLANNING

In general please refer to the STATEMENT OF ENVIRONMENTAL EFFECTS as submitted with the original DA submission .

Pursuant to the local planning instrument applying to this suite, the site is zoned R2 Low Density Residential under Pittwater LEP – 2014 that notes a single dwelling house is permissible with the consent of Council.

The site main street address is No1 Narrabeen Park Parade .

The design does not present as Shop Top housing on its main address frontage..

The residential component is set back 11.650 metres to 9.000 metres from the café heritage façade.

The heritage report prepared by

Weir Phillips Heritage and Planning

acknowledges this and approves of this interaction between the heritage masonry facade and the dwelling.

They go on to state:

The design has been amended to retain the principal building including the metal gable roof. The upper floors are both set behind the retained corner store, as well as set back from the brick parapet on the southern elevation. The third level is set well into the site and utilises a flat roof to further reduce its visibility. Given these setbacks and surrounding vegetation, including the Norfolk Island Pines, the dwelling will have little to no visibility when looking towards the site on approach from the north and south on Narrabeen Park Parade.

The proposed design should not be considered as Shop Top housing.

It should be noted that the extensive use of the area behind the café is currently used as cool room and supply stores for other cafes that the owner operates on the northern beaches.

Ultimately in the proposed reduced café area will mean that these additional cool rooms and stores will not be required.

To say that the design proposal is incompatible with the established low density character of the area is completely wrong.

The existing and only neighbouring building , No. 3 Narrabeen Park Parade is a effectively three and half storey dwelling set back 900mm from the shared boundary of the subject site. It make no attempt at compliance with the current DCP (P21DCP).

The proposed design has been heavily stepped to maintained the view corridor to the south from No 3 Narrabeen Park Parade and the side boundary set backs comply with DCP.

Refer to the long section DA109_A that indicates that all of the living area windows of this neighbour are unobstructed.

The proposed design also complies with Pittwater 21 Development Control plan (P21 DCP) CONTROL 11.1 North Narrabeen Character. That notes

Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials , the arrangement of windows , modulation, spatial separation , landscaping etc) that are compatible with any design themes for the locality.

It incorporates awnings or other features over windows, recessing or projecting architectural elements and entry feature or portico.

Our proposed design incorporates all of these elemnts.

4. AMENITY

The built form of the proposed dwelling house is well considered.

Refer to the long section DA109_A that indicates that all of the living area windows of No. 3 Narrabeen Park Parade are unobstructed and that the only elevated terrace off bedroom one is screened by planting on its north and east sides.

There are no significant visual impacts to the neighbour.
All other usable terraces are on the south side of the proposed design.

5. CONTAMINATED LANDS

Refer : report from White Geotechnical Group

6. INSUFFICIENT INFORMATION

Drawing No. DA109_A has been issued.

It includes a long section and an existing plan of the café and BOH areas.

DA 101_D has been reissued / indicating revised BOH layout to comply with AS 4674

DA10 7_D has been reissued / indicating all structures to be demolished at the rear of the existing café.

OPERATIONAL MANAGEMENT PLAN

It should be noted that approval No. DA87/200 dated the 17th June 1987 notes a restaurant with attached dwelling and separate garage.

The proposed dwelling house is physically attached to the café

There is a separate identifiable entry for the dwelling only and the two residential allocated car parking spaces will have garage doors to separate them from the café car parks.
The dwelling has its own separate garbage collection room.

The café and the outdoor dining area have been reduced in size from the current layout.

The current café has an approval for 50 seats internally as well as 50 seats externally.
The external area has been reduced in this current design and will include 40 seats externally.

The café and its back of house functions are completely separate to the dwelling house.
This includes its own garbage collection room.

The café fitout and design is to fully comply with AS 4674.

Organizational over view

A full time chef is employed, with the addition of a number of part time and casual staff (2-4 staff anticipated , dependent upon demand) who are employed as kitchen and wait staff.

Hours of Operation

Monday to Friday.....Indoor	6.00am to 4.30pm
Outdoor	6.00 am to 4.30pm

Saturday to Sunday.....Indoor	7.00am to 4.30pm
Outdoor	7.00 am to 4.30pm

The premises will not be occupied by staff or contractors before or beyond 1 hour prior to and after the cessation of trading on any day.

Noise Management

The following controls will be implemented:

All efforts to ensure external noise is minimized.

All staff will ensure noise from persons entering and leaving the premises through the use of signage requesting patrons be considerate of local residents.

The movement and disposal of empty bottles and cans will be done at appropriate times as to ensure no noise nuisance to adjoining residents is created .

Waste management

Waste from the café will be collected as per usual on a weekly basis by commercial contractors.

The grease trap and kitchen exhaust facilities will be maintained as required.

Liquor Licensing

The existing café has a liquor licence that is to be maintained.

The operator of the premises will be the licensee of the business and will ensure that the all bar and wait staff will have completed an approved course in the Responsible Service of Alcohol , and security operatives shall comply with the measures for Responsible service of alcohol.

All in accord with the Liquor Act 2007

7. REFERRAL ISSUES

a. Parks , Reserves and Foreshores Referral Responses

The revised stormwater design proposes to connect into the Council stormwater pipe directly in Narrabeen Park Parade.

b. Environmental health Referral Response- commercial use.

Refer to the previous comments on the current use of the cool rooms and store rooms and the proposed reduction of these BOH elements on the site.

The proposed design is to comply with AS 4674 .

The proposed cool room , store areas and toilets are compliant.

c. Engineering Referral Response

Refer to a revised report and drawing from Northern Beaches Consulting.

The stormwater issue has been discussed with the Council engineers directly . The current discharge into the existing line is not acceptable.

The revised design proposes to connect into the Council stormwater pipe directly. Which will require a Section 68 submission to change the existing discharge system

We are conscious of the Parks, Reserves and Foreshores Referral Response and would like to minimise the risk to the reserve amenity, in particular the existing and significant Norfolk Island Pines.

The pines protection could be made conditional.

Bennett Architects& Associates Pty. Ltd.