

*Submission lodged in
DA online application
29/03/25 K6.*

29 March 2025

Attn: Mr Kye Miles - Planner
Northern Beaches Council
PO Box 82
Manly NSW 1655

**Submission By Way of Objection to Development Application 2025/0181 - Proposed
Demolition works and construction of a dwelling house attached to an existing
restaurant/cafe**

Dear Mr Miles,

I am writing on behalf of my client, Mr Nigel Bramley of 3 Narrabeen Park Parade, the property that immediately adjoins the northern boundary of the applicant property. It is noted that my client's property benefits from exclusive strata-titled usage of the roof terrace above the existing garage structure at the applicant property (1 Narrabeen Park Parade).

My client objects to the Proposal in the strongest terms as it constitutes a significant over-development of a highly constrained site, and it will have an adverse impact on my client's property in particular, and the existing café. If the proposal were to proceed, it would severely compromise my client's amenity and the reasonable enjoyment of his property.

Specifically, my client objects because the proposal would:

- Result in significant overdevelopment of a highly constrained site by breaching various development controls including side setbacks, building envelope and landscaped area;
- Result in an unreasonable loss of views from 3 Narrabeen Park Parade;
- Significantly impact on solar access and natural light at 3 Narrabeen Park Parade;
- Significantly impact on both visual and acoustic privacy at 3 Narrabeen Park Parade; and
- Be contrary to the public interest as it would severely compromise the operation of the existing Café through demolition and reduction of toilet facilities, patron dining and operational areas of the café.





The Proposal would result in significant over-development of a highly constrained site by breaching development controls

The Site has a total area of 345m² and is zoned R2 low density residential. The existing dwelling on the Site is used as a café that reportedly benefits from existing use rights. The café operation currently utilises the whole Site, including cool rooms and storage facilities located in the courtyard area at the rear of the building. The café also benefits from outdoor dining areas on public land, that have presumably been leased from the Crown.

Adding an additional three-bedroom dwelling to this already fully utilised lot is a gross over-development of the Site. While the Proposal has been characterised as a 'mixed use' development in the SEE, it could equally be characterized as a 'dual-occupancy' (given it is effectively adding an additional dwelling to the site), or even 'Shop-Top Housing' (given the new dwelling is three stories and sits above the café).

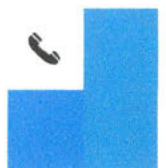
Putting aside the permissibility of these alternative characterisations, the minimum lot size for a dual occupancy under the State Government's new 'Low and Mid-Rise Housing' reforms is 450m². Further, the minimum lot size for 'Shop Top Housing' under those same reforms is 500m². The Site area falls well short of these important baseline criteria and demonstrates that the 345m² lot size of the Site is not large enough to support two dwellings/structures.

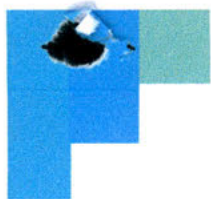
The proposed three-bedroom dwelling has been squeezed into the Site's design by breaching various development controls in Council's DCP including side setbacks, building envelope and landscaping controls. Notably the Statement of Environmental Effects (SEE) reports that the 50% landscaping requirement in Council's DCP has been complied with. However, the landscaping calculation relies on the rooftop terrace over the garage that my client has exclusive strata-titled usage of. Effectively, the Applicant has relied on my client's roof-top terrace to meet the landscaping requirements for the Proposal without his knowledge or consent.

My client suggests that the three-bedroom dwelling Proposal can only been achieved on the Site through development control breaches, and these breaches are at the expense of my client's amenity, and have been proposed without any engagement with him or consent by him to utilise his rooftop terrace.

There is an unreasonable loss of views from 3 Narrabeen Park Parade

Council's DCP states that, "all new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. The proposal must demonstrate that view sharing is achieved though the application of the Land and Environment Court's planning principles for view sharing".





The Statement of Environmental Effects for the Proposal has made no attempt to follow the view sharing principles of the land and environment court and contains no analysis to demonstrate that the proposal results in equitable view sharing and view retention for 3 Narrabeen Park Parade. In fact, the DA documentation doesn't even identify the location of the existing windows or openings of 3 Narrabeen Park Parade, nor the location of 3 Narrabeen Park parade on the Southern elevation plan.

Number 3 Narrabeen Park Parade has approximately 15 windows/openings on its southern elevation, including openings recently approved under DA 2023/1778. While it is difficult to estimate the exact scale of the impact from the DA documentation, it appears that at least 9 of the existing windows/openings would be blocked by the proposed development. In addition, the Proposal would also block the westerly views from the rooftop terrace that 3 Narrabeen Parade has exclusive use of through strata title.

This is considered an unreasonable loss of views from my client's property, that will severely diminish the reasonable enjoyment of his property and the current views he enjoys toward the lagoon and ocean.

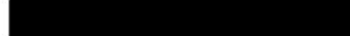
The Proposal will significantly impact on solar access and natural light at 3 Narrabeen Park Parade

As described above, 3 Narrabeen Park Parade has multiple windows and openings on its southern elevation. The DA documentation does not include any analysis of the impact to solar access at my client's property, but it is likely the majority of these windows and openings on the southern elevation of 3 Narrabeen Park Parade will be blocked by the Proposal, severely compromising the ability for natural light to enter my client's property. This significant impact to solar access and natural light on my client's property is unacceptable, as it will severely diminish my client's amenity.

The Proposal will significantly impact on privacy at 3 Narrabeen Park Parade

The Proposal includes a substantial deck on the third story that would directly overlook the rooftop terrace that 3 Narrabeen Park Parade has strata titled usage of. Only vegetation screening is proposed that will not sufficiently mitigate the visual or acoustic impacts of the proposal. As mentioned above, the DA documentation does not include any detail on the location of existing windows or openings on the southern elevation of my client's property. While it is difficult to ascertain the exact impact to privacy, it is likely that all windows on the northern elevation of the Proposal will look into my client's property.

While some of the proposed windows are reportedly proposed on an angle, this does not sufficiently mitigate the significant privacy impacts to my client's property. These significant



impacts to both visual and acoustic privacy at my client's property are unacceptable, as they will severely diminish my client's amenity and reasonable enjoyment of his property.

The Proposal is contrary to the public interest as it would severely compromise the operation of the café through demolition and reduction of toilet facilities, patron dining and operational areas

Girdlers café is a local favorite gathering and dining spot for the community and visitors, and its recent refurbishment has added to its attraction for the local community as evidenced in its google reviews. There is public benefit in having a café operate on the Site adjoining a public reserve and nearby the significant natural attraction of Narrabeen Lagoon. The cafe provides essential goods and services to the local community and visitors alike.

The café utilises the entire Site, and the Proposal involves significant alterations to the café that would severely compromise the operation of the café and likely render the business unviable. Though not detailed in the SEE or other DA documentation, the significant alterations to the café include the demolition of a significant patron dining room, multiple cool room and storage facilities along with the required separated toilet facilities for patrons. The garage entry would be shared with the private residence, and from the DA documentation, it appears that a portion of the outdoor dining area could be effectively privatised with an extensive awning structure protruding over the outdoor dining area, denoting the entry to the private residence. These impacts to the café's operation and intrusion into the public domain are considered contrary to the public interest.

My client is also concerned about other aspects of the application such as the unresolved stormwater issues potentially endangering the significant Norfolk Pines adjoining the Site, the ambiguity about the driveway reconstruction, along with noise and dust nuisance during construction.

Council is therefore urged to refuse the application in its current form for the reasons set out above, and because of the likely adverse impacts upon the existing amenity of my client and of his property.

Yours sincerely



Felicity Greenway

Principal Urban Planner
Impetus Planning Pty Ltd

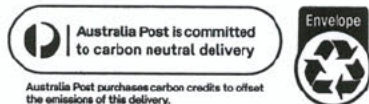
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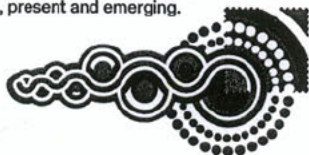


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