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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 4/12/2024 8:50:18 AM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

04/12/2024

MR Tom Oates  
ST  
NSW

**RE: DA2023/0998 - 9999 The Esplanade FRESHWATER NSW 2096**

Dear Council,

In my submission, the amended DA is still an overreach by Council and the Club.

The impact on the Freshwater Beach Reserve is still significant - the excessive bulk and scale of the building, the 290 unsightly and glary solar panels right in the middle of the reserve, and the sought exclusive rights for the Club, its caretaker and its members.

The Freshwater Beach Reserve is not just ordinary Crown Land, it is land in a special (charitable) trust held by Council for the purposes of public recreation in the reserve.

There is a history of other Councils and clubs seeking to grant exclusive rights to club members on public reserves (as well as giving the public some access) and the Courts have declared them unlawful: for example: Waverley Council and the Bronte Swimming Club; Willoughby Council and the Love'n Deuce Tennis Club (Talus Reserve).

Google "public access to crown land Talus Reserve".

Given the above, granting the Club exclusive or private rights over the Freshwater Beach Reserve to the following appears to be unlawful: private meeting rooms, private offices, a private gym, the caretaker's apartment, and the members' lounge. This is because these areas and facilities aren't for the "purposes of public recreation in the reserve".

Also, any café and hall should be run by Council to ensure it is for the public and any profits applied for public recreation.

In my submission, the DA should be withdrawn and the Freshwater Beach Reserve restored to public recreation.

Regards, Tom Oates