
Sent: 17/02/2020 5:35:29 PM
Subject: DA2019/1478 - 1 Narrabeen Park Parade NORTH NARRABEEN NSW 2101 - Att: Tony Collier
Attachments: Objection to Development Application No. DA2019-1478 for 1-3 Narrabeen Park Parade - Ginns - 17 Feb '20.pdf;

Dear Sirs,

Please find attached my letter objecting to the above development application (Number: DA2019/1478, 1-3 Narrabeen Park Parade, Narrabeen, for alterations and additions to restaurant) as referenced in my on-line submission (submission acknowledgment as per below).

Thank you

Alan Ginns
23 Sydney Road
Warriewood NSW 2102

From: DASUB@northernbeaches.nsw.gov.au [mailto:DASUB@northernbeaches.nsw.gov.au]
Sent: Monday, 17 February 2020 5:23 PM
To: gwanacon@tpg.com.au
Subject: Submission Acknowledgment

17/02/2020

MR Alan Ginns
23 Sydney RD
Warriewood Beach NSW

RE: DA2019/1478 - 1 Narrabeen Park Parade NORTH NARRABEEN NSW 2101

Dear Sir/Madam,

Thank you for your submission in respect of the above-mentioned property. Please be reminded that under provision of the Government Information Public Access Act, all submissions will be posted on Council's Website against the application.

The matters that you have raised will be noted and taken into consideration in the assessment of the proposal process. However, please note as previously stated in the notification letter, Council will not enter into correspondence in respect of any submission due to the large number of submissions Council receives annually.

Should you wish to monitor the progress of this development application, please feel free to visit the Planning and Development section of Council's Website at www.northernbeaches.nsw.gov.au .

We thank you for your submission and should you have any queries, please do not hesitate to contact Council on 1300 434 434.

Yours faithfully

Northern Beaches Council

For your reference please find below a copy of your submission:

Please refer to separate letter, e-mailed to Council (attention Tony Collier) on 17 February '20, objecting to this development application. Thank you.

Northern Beaches Council

Att: Tony Collier

**Objection to
Development Application Number: DA2019/1478
1-3 Narrabeen Park Parade, Narrabeen
(Alterations and Additions to Restaurant)**

Dear Mr Collier,

This submission is to register my strenuous objection to the above development application for the alterations and additions to an existing restaurant.

In essence the application is seeking for formalise/approve the current unauthorised alienation (“pirating”) of Crown land, and then go even further in terms of intensifying the inappropriate development and use of public land.

The proponent, and the supporting documentation, seeks to imply that the application relates to private land at 1-3 Narrabeen Park Parade when in fact the subject of the application is the area of Crown Reserve adjoining this property to the south-east (on land zoned RE1 – another fact the application largely ignores). Significantly the subject area is outside of, and in excess of, the current outdoor dining area for which the applicant has prior approval (issued by Council 21st September 2017 according to the paperwork lodged). The proponent has already undertaken substantial, semi-permanent and detrimental, works on this additional site for the purposes of an outdoor dining/entertainment adjunct to their restaurant without – as far as can be interpreted from the documentation – any form of Council or other agency approval. To “reward” these current unauthorised and non-compliant works with retrospective approval while also authorising additional works is totally unacceptable – and would set a very worrying precedent.

Rather than approving these works my strong view is that Council should issue a direction for the land owner to immediately remove all unauthorised works from the Crown Reserve area for which no “outdoor dining area” approval is current, and require that the area be remediated and returned to public access/use.

The proponent’s submission attempts to make the case that the application should succeed under “existing use rights” provisions. However the *Environmental Planning and Assessment Regulation 2000* makes it abundantly clear that existing use rights cannot be extended beyond the land to which they originally attached (clauses 42(2)(b), 4s(2)(b) and 44(2)(b) refer). This argument is therefore spurious. The application appears to “cherry-pick” supportive legislative provisions while ignoring those that would require rejection of the proposal.

The applicant's proposed hours of operation are also excessive, and unacceptable, in a residential area – given the likely accompanying noise, lighting, amenity and other nuisance impacts. I note that the applicant is also not complying with the hours of operation and other terms of their current outdoor dining area approval. So again, please do not reward current non-compliance with additional approvals.

Further I am concerned that current works undertaken on the Crown Reserve by the applicant are detrimental to the area's values. Extensive paving and surface hardening has occurred within the root zone of the nearby Norfolk Island Pines, in one case (on the edge of the current outdoor dining area) footings have been dug less than 300mm from the base of one tree to support sleeper uprights, and lighting has been attached to other Pines. This is in addition to presenting this public land as private space.

The SEE accompanying the application is, overall, inadequate. It is largely oblique and peripheral and "dodges" many of the main or more relevant issues – such as the subject area's zoning as RE1 and tenure as Crown Reserve, the alienation of public land, existing unauthorised encroachments/"pirating" and on-going non-compliances, the proposal's overall footprint, excessive hours and impacts in a residential area, noise and amenity impacts, risk to the valued Norfolk Island Pines, on-going public complaints and enforcement actions, numerous unspecified or poorly described/located elements (such as mooted landscape and stormwater works – presumably also on public land), and the usual downplaying of impacts and suite of unsupported statements/claims that are typical of such proponent-generated documentation.

In summary I would reiterate my objection to this application and request that Council reject it in total rather than reward the existing unauthorised alienation, development and use of public land for private gain by the retrospective authorisation of non-compliant works and approving even more intensive, alienating, adversely impacting and disruptive development and use of this site.

If you would like to discuss any aspects of this objection please don't hesitate to contact me at gwanacon@tpg.com.au.

Yours sincerely,



Alan Glons

BTP (Hons. 1/1, UNSW), Grad Dip Nat Res (UNE)
MPIA, MEIANZ, MPLA

17 February, 2020