
Sent: 3/12/2019 8:51:08 PM
Subject: Objection to DA 2019/1234
Attachments: OBJECTION TO DA 2019.docx;

To Whom it May Concern

Please find attached our objection to the above mentioned Development Application. Please acknowledge receipt at your convenience.

Kind Regards,
Ron & Robyn Mobbs
1/41-42 East Esplanade
MANLY. 2095
0407 299 071

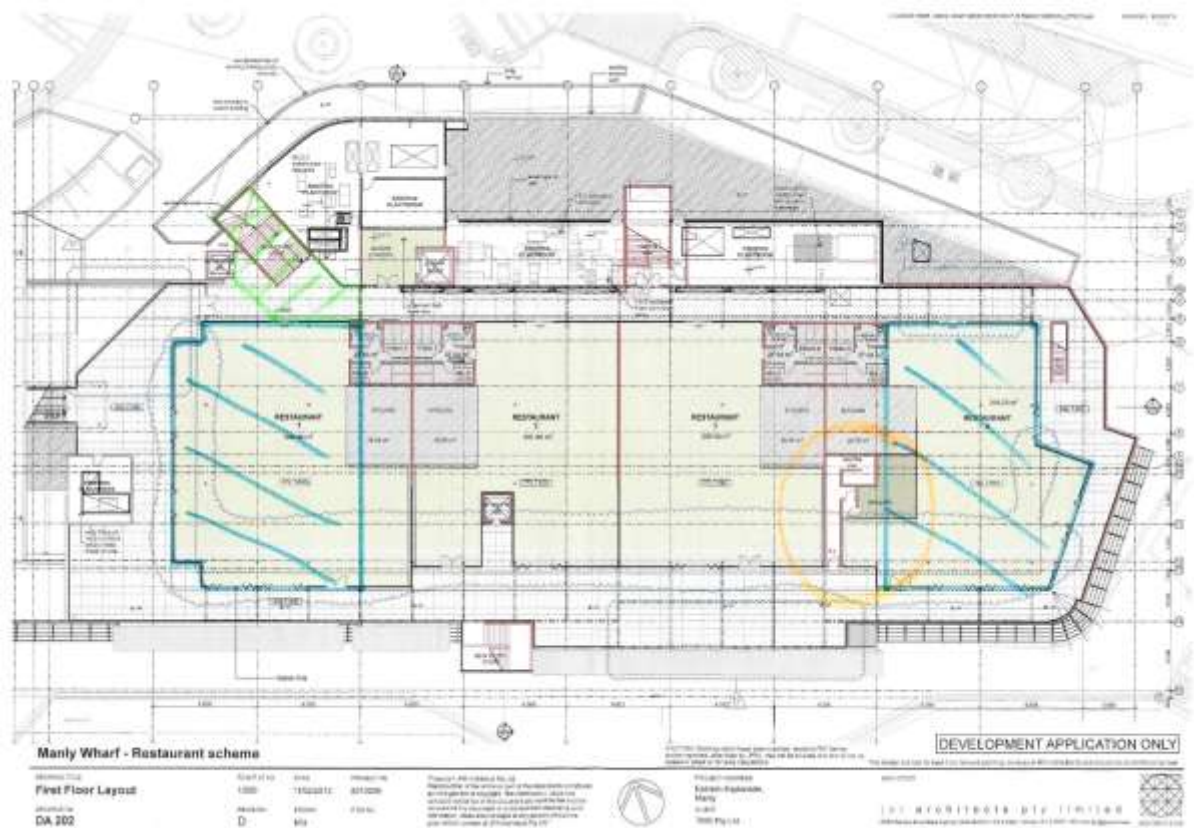
OBJECTION TO DA 2019/1234

In 2013 the Land and Environment Court NSW ruled **that the roof areas proposed as the outdoor seating venues are not permitted any development from the decision below.....**

**TMG Developments Pty Limited v Manly Council [2013] NSWLEC 1099
[Decision Date 31/05/2013]**

<https://www.caselaw.nsw.gov.au/decision/54a63a733004de94513dac29>

51 In order to assist the parties and those who might read this judgment to understand the nature of what I am describing I have prepared a diagram which I made available to the parties and which is reproduced below:



52 The above diagram notes four areas. Those two that are marked in blue outline and crosshatching are areas where there is not to be permitted any development and that includes at the eastern end the removal of existing structures on the roof and their incorporation, as is intended as I understand it, in the plant room facilities along the northern edge. That will in fact provide some compensatory relief for those premises at the eastern end and will enable, in a quite unintended form, some modest enhancement of views in furtherance of the objectives contained in cl 26(a).

53 At the western end, that which is marked in blue hatching, is also similarly to become flat surface whilst the green area, the area that requires to be roofed for access purposes, is to be consistent with that which was discussed with Mr Poole in his evidence where he indicated that it could be of a modestly lower roof height than that

which was proposed for the restaurant areas, could be of a comparatively lightweight superstructure and could be roofed in clear glass. That is the nature of that which would be acceptable in that vicinity and it provides shelter from the elements for those accessing the proposed development that would be acceptable both from the lift and from the proposed entry stairs. The fourth area that I have marked is one that I have marked with an orange circle merely to indicate that it is an area that may require further consideration by the architect in any internal layout redesign is the removal of the blue hatched area at the eastern end leaves what I might describe as orphan elements in that vicinity.

I further object to this new development for the following reasons, which as a rate paying resident of East Esplanade, I believe I should have the support of the Northern Beaches Council.

1. The current behaviour of drunk and disorderly diners.

There are many residents located directly across the road from the wharf development who are already enduring the rowdy behaviour of drunk and disorderly diners. They are leaving the wharf restaurants, El Camino in particular, yelling and shouting at each other, urinating in the street and on the area in front of our apartment blocks and generally causing a disturbance.

2. The lack of public toilets.

You cannot possibly imagine that the current number of public toilets located in the restaurants and in the car park would be in any way sufficient to cater for the increased patronage.

3. Increased Noise

With the use of an outdoor dining area there will be a substantial increase in the noise level which the apartments opposite will be expected to tolerate. The noise will also travel across the water and disturb residents in surrounding areas.

4. Restaurant Signage

The garish signage is already offensive to the local residents and with the use of the outdoor area that signage will be far more visible and offensive.

4.. Wall Surrounding the Roof

The use of a cheap pine fence will look hideous from the apartments overlooking that area.

5. Policing

There is currently no visible policing in the area with the exception of a brief walk around the East Esplanade Park about 9pm. With the increased number of diners this will mean a 'free for all' in the surrounding streets.

The current clientele at El Camino is quite young. Families and older diners mostly dine early and the teenage groups tend to stay on until closing. They leave the premises in a very unruly manner, shouting and calling out at the top of their voices,

waking up the local residents as they go. It is not unusual to see more than one urinating or vomiting in the street, walking in the middle of the road instead of the footpath and shouting out to other groups at the top of their voices.

In conclusion, I would like to say I cannot believe the audacity of this company to even entertain the idea of expanding their premises and I cannot believe Northern Beaches Council could possibly consider approving this Development Application.

Kind Regards,

Ron & Robyn Mobbs

13/41-42 East Esplanade,

Manly 2095