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**Sent:** 15/10/2019 1:34:52 PM  
**Subject:** Submission: DA application DA2019/1010: Pasadena Minor Works  
**Attachments:** WPCA\_Letter 15.oct.2019 after NC.pdf; WPCA-PasadenaSubmission30Aug2019.pdf;

Dear Anne-Marie,

**Submission for DA application DA2019/1010: Pasadena Minor Works**

Attached is the WPCA submission for DA2019/1010 and accompanying document titled 'WPCA-Pasadena Submission 30 August 2019'.

Kind regards,

Melinda Broughton  
[secretary@westpittwater.com.au](mailto:secretary@westpittwater.com.au)

**WEST PITTWATER**  
COMMUNITY ASSOCIATION

**WEST  
PITTWATER**  
COMMUNITY ASSOCIATION

15 October 2019

To: Anne-Marie Young, Northern Beaches Council  
cc: Councillors, Mayor Regan

Dear Anne-Marie

We are writing in regard to the proposed **DA application DA2019/1010:**  
Pasadena Minor Works  
1858 Pittwater Road  
Church Point

We object to the application for the following reason.

The proposed lift appears to continue to and stop on the roof. We are concerned that allowing the lift to continue to the roof will create a de facto roof terrace that may be opened to patrons and that will negatively affect the residents of both Church Point and offshore with additional noise and increased pressure on the available parking and infrastructure.

The current PSA application for and by the Pasadena has asked for an increase in occupancy to 350 persons. This is an increase of 120% with no associated increase in parking to offset the increased use. We are concerned that gaining access to the roof will be the first step in seeking to legitimise this increase in occupancy that has not been part of a Development Application.

We request that as a condition of any consent, limitations are placed on the use of the roof, limiting it to services and maintenance only and strictly forbidding its occupancy and use by patrons and guests of the Pasadena, as well as the general public, and that this condition be put on the title.

For reference we are including with this response our objection to the PSA application.

Michael Wiener  
President WPCA



WEST  
PITTWATER  
COMMUNITY ASSOCIATION

30 August 2019

AMW Lawyers

Sydney

By email: [awennerbom@amwlawyers.com.au](mailto:awennerbom@amwlawyers.com.au)

Dear Sir/Madam

I refer to your letter dated 7 August 2019 (your reference: AMW 2140016 FMY) concerning a Notice of Intention to Apply for Liquor Licence or a Licence Authorisation on behalf of the Pasadena situated at 1858 Pittwater Road, Church Point NSW 2105. A notice was enclosed in your letter.

I received the letter in my capacity as President of the West Pittwater Community Association (WPCA), to whom it was addressed (along with the Secretary). Despite the letter being marked "Confidential" (probably *per incuriam*), I have consulted with the WPCA Committee and with members of the community and with others in preparing this feedback.

It is noted that the proposed primary service authorisation (PSA) is said (in the Description of proposed liquor-related activities) to be for the primary purpose of the premises as a licensed restaurant and that the capacity of the premises will be 350 persons.

The WPCA is strongly opposed to the application and it is requested that our objections be fully and fairly represented in the Community Impact Statement that we understand will be prepared. The objections are to both the issue of a PSA and the claimed capacity of the area.

The Pasadena building, to be used as a bar and restaurant (120 square metres) and outdoor hospitality area (70 square metres), was approved for 138 persons in an approved Development Application in 1990 (0288/90, as modified).

The liquor licence that applied at that time stipulated a maximum capacity of 138 persons seated in the restaurant, plus 20 in the reception area, plus 6 staff and entertainers (total 164).

In Boston Blythe Fleming Pty Ltd v Pittwater Council [2013] NSW LEC 1240, DA N0051/05 was refused on a number of grounds. Significantly for present purposes, it was determined that while there was no proposed intensification of



use of the building likely to result from the development, the limit of 138 persons still required the provision of 48 parking spaces (even taking into account patrons arriving on foot, by boat and by shuttle) and that their lack would impose a significant detrimental impact on the amenity of the surrounding area. A limit of 350 persons would require almost 120 parking spaces. Without such spaces, there would be greatly increased competition for already limited parking spaces for local and off-shore residents and other visitors to Church Point, especially overnight and at weekends when the restaurant would be likely to be functioning at its peak, especially in the warmer months.

The capacity of 350 persons must contemplate the presence not only of seated patrons in the enclosed restaurant premises, but also standing and perhaps some seated in the adjoining open outdoor space on leased Crown land. In effect, the addition of a "beer garden" is being sought under the description of "restaurant premises". The WPCA objects to such use of the land.

It should be noted that this is an increase in occupancy of nearly 120% over the approved total restaurant occupancy (164) and should require a new development application before it may be considered.

Increasing the number of restaurant patrons to 350, indoor and outdoor, raises concerns about:

- Increasing the risk to the public and loss of amenity for those members of the public (including school children) who wish to use the public pathway and public Crown land to the north and west of the Pasadena. Permitting patrons to drink without buying food will create a "beer garden" type area immediately adjacent to the public Crown land to the north and west of the Pasadena.
- Increasing the number of vehicles requiring parking space in the limited existing parking areas and streets.
- Increasing the vehicles using the Pittwater Road and McCarrs Creek Road approaches, potentially increasing the number of speeding vehicles which use these speed-limited roads day and night and thereby creating additional dangers.
- Generating noise from the general use as a "beer garden" type facility and possibly from associated musical performances, that will travel to the neighbourhood and across the water to residences not currently impacted by open-air noise. Increasing capacity from 138 seated indoor to 350 patrons inside and out will inevitably raise noise levels for all neighbouring residences.
- Increasing the potential for neighbourhood disturbances.
- Increasing the potential for alcohol-related antisocial behaviour, already evident in the present usage of the Pasadena.



The location of the proposed licence is immediately adjacent to the Ferry Wharf and Thomas Stephens Reserve, the public land between the Pasadena and the Waterfront Café. This is the wharf access point for the water taxi, Church Point ferry and car/boat drop off or pick-up for commuters, school children and visitors to offshore residents and to Ku-ring-gai Chase National Park. The reserve has been identified by Council as an alcohol-prohibited area (APA - with limitations) in response to requests by residents and ferry users alike for a safe and noise-free zone. We believe this character – alcohol-free and noise-free - should be maintained in the open space adjacent to the wharf. That is inconsistent with the requested use of the open adjoining leased Crown land as a “beer garden”.

Yours faithfully,

Michael Wiener

President, WPCA

