

## Property and Commercial Development Referral Response

<b>Application Number:</b>	DA2019/1478
<b>Date:</b>	21/04/2020
<b>To:</b>	Tony Collier
<b>Land to be developed (Address):</b>	Lot 1 DP 1005148 , 1 Narrabeen Park Parade NORTH NARRABEEN NSW 2101

### Reasons for referral

This application seeks consent on land being adjoining or adjacent to any Council

Assets/Property/Facilities

And as such, Councils development engineers are required to consider the likely impacts on drainage regimes.

### Officer comments

This is an application for alterations and additions to an existing restaurant and amendment of the hours of operation at 1 & 1A Narrabeen Park Parade, North Narrabeen.

Currently, the premises is occupying a significant section of outdoor land on the southern side of the building for outdoor dining and access. Construction of an unauthorised balcony style railing for holding drinks and installation of planter boxes underneath this has led to this area appearing as private land with exclusive use when it is public land. This should be regularised in any grant of development consent.

This land is Crown land, and Northern Beaches Council is the Council Crown Land Manager. This area is currently governed by the Pittwater's Ocean Beaches Plan of Management 7.0 North Narrabeen Rock Pool, which was adopted by Pittwater Council in June 2006. This Plan of Management expressly authorises an outdoor eating area in conjunction with the existing commercial outlet adjacent to the reserve.

It is noted that the PoM references an existing Outdoor Dining Approval, however this was granted to the previous restaurant proprietor, and licences are not transferable. As such, the business currently has no outdoor dining licence, although the current proprietor has submitted an application. During assessment of this application it was discovered that the proposed hours of operation and patron numbers for the outdoor dining component differed from those in the most recent development application, a 1987 consent for use of the building and a subsequent 1990 modification to consent. Licenced area on Crown land cannot be approved where there is a variation to approved hours of operation or overall patron numbers for the restaurant.

Property has no issue with the development application as submitted, and supports the regularisation of patron numbers and hours of operation, as this will have a positive impact on the community and allow Property to regulate the outdoor component of the development in accordance with Council's Outdoor Dining and Footpath Merchandise Policy and other relevant policies .

A 12 month licence for the use of this land for outdoor dining by the proprietor of the adjoining restaurant/café can be issued following a grant of development consent.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

### **Referral Body Recommendation**

Approval - subject to conditions

### **Parks, Reserves and Foreshores Conditions:**

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

### **Outdoor Dining**

Any outdoor dining shall be the subject of a separate application to Council's Property, Commercial & Tourist Assets Department. Application forms for outdoor dining can be found at <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/outdoor-dining-area-approval-application/4066-outdoor-dining-approval-jul19.pdf>

Reason: To ensure compliance with Council's Outdoor Dining Policy. .