

**Mark Ferguson**  
**The Interim General Manager**  
**Northern Beaches Council**  
**PO Box 882**  
**MONA VALE NSW 1660**

**7 September 2016**

Dear Mark,

DA N0313/16 PASADENA 1858 PITTWATER ROAD CHURCH POINT NSW 2105

The West Pittwater Community Association (WPCA) and Scotland Island Residents' Association (SIRA) welcome the opportunity to respond to the Development Application (DA) in respect of the Pasadena building at Church Point and makes the following submissions.

The WPCA and SIRA oppose the DA and submits that it should not be approved. Alternatively, if the DA is to be approved, our Associations submit that it should be made subject to the conditions described towards the end of this letter and that those conditions should be made immutable.

#### **Major Issues**

- inadequate car parking measures
- poor ground plan design with a disregard for public use
- inappropriate interface with Thomas Stephens Reserve, lack of curtilage along the waterfront and lack of permeability and public access through the leased landscape area
- unacceptable appropriation of Crown Land and public space at Church Point
- lack of any community benefit with no small commercial lease offerings to outside operators
- unjustifiable increase in building footprint on eastern side
- hours of operation and noise concerns
- total number of patrons and guests the Church Point precinct can accommodate
- transport

#### **Car parking**

The DA makes provision for only 9 on-site parking spaces. The RMS guidelines, accompanying the DA, indicate 34 spaces should be provided. There is a shortfall of 25 parking spaces.

*We reject the arguments of 'anticipating strong patronage from locals and offshore residents' or 'the proportion of restaurant/café patrons driving a car to/from the "Pasadena" is likely to be similar to the proportion who travel by car to/from restaurants and/or pubs in the inner city suburbs of Sydney'*

as justification for reduced parking spaces. Church Point is an isolated location with minimal public transport and parking options with already strong competition for available parking spaces.

Even using the report by John Coady Consulting Pty Ltd (Appendix B: Results Of Parking Accumulation Surveys), when the restaurant is likely to be used in the evenings and during the weekend at their highest predicted patronage, the Church Point Reserve and adjoining on-street parking spaces are already practically full.

It should also be remembered that in addition to patrons of the Pasadena, parking spaces in the precinct will also be required for staff.

The new car park being built will provide 45-50 publicly available spaces which may be subject to an exclusivity clause, as the facility is being paid for largely by offshore residents' contributions through the Church Point parking permit scheme. It is intended to address the current shortfall of parking available to offshore residents already existing at Church Point. The car park will not provide 120 publicly available spaces as mentioned in the DA and no accounting has been made for other impending on-street car space loss in adjacent streets.

We strongly oppose any assertion there is adequate parking in the public car park to accommodate the 25 extra parking spaces the Pasadena needs to provide in accordance with the guidelines.

### **Interface with Thomas Stephens Reserve**

The western edge of the Pasadena currently has a blank face to the reserve. This is important, as it gives this public park, the Reserve, privacy from neighbouring activity. The boundary, though not dimensioned numerically, scales at approximately 1.4m in front of the wall. A ramp is proposed to be entered at the roadway corner at a level of 1.8m and elevate via ramp sections to the internal floor level of 2.150m in 2 directions. A new glazed door and picture window overlooking the Reserve is proposed on the west and entry to the building lobby on the south or roadside.

We oppose any new doors or windows or glazing of existing openings at the ground level on the western side of the Pasadena. This use undermines the existing privacy and use of the Reserve. The reference in the SEE to 'activating' this wall is opposed, as it is detrimental to the existing quality of privacy of the Reserve. It is in the public interest not to have oversight of the Reserve.

If the ramp along the western side of the Pasadena is approved, the ensuing public works to be undertaken in precinct 2 as part of the CPPoM will require a solid fence or wall to re-establish an 'eastern' back to the Reserve and user privacy. We propose a condition of consent (see below) to require a solid wall to screen the Reserve from oversight by ground level users of the Pasadena. Alternatively, the existing western wall can remain as it is on the ground level.

The ramp access along the south or roadside face of the building appears to offer increased public amenity by providing covered pedestrian access along the portico as is now the case and providing awning cover over the footpath.

### **Appropriation of public space at Church Point**

The northwestern corner of the proposed DA raises a number of concerns:

- The use of the western side to access the building by ramp proposes to end in steps that will connect to the public waterfront access that exists around the point of land. This northwest corner is a pedestrian pinch point. Pittwater Council provided a wharf along the edge to enable public access around the point without encroaching on the Pasadena site. The stairs and the proposed timber deck at this northwest corner together dominate and appropriate the limited public space at the pinch point. The stairs and proposed treatment along the western facade are not supported.
- The proposed firepit is located at approximately 1m inside the boundary at the place where public access returns to a more comfortable pedestrian width of about 1.5m. The low sandstone wall proposed will encourage seating and is likely to result in Pasadena patrons congregating on the public thoroughfare when the firepit is in use. We submit that the firepit should be relocated to an area that will not impose on public access or use.
- The demolition of the existing external stairs at the northwestern corner has a number of impacts. The proposed timber deck is likely to extend the seating capacity. If bar stools are able to be used for dining purposes then the internal count of seats is 138. If the proposed deck with an 18 seat capacity is added to this, it increases the capacity to 156. The existing Church Point General Store with a license for 100 seated patrons regularly has numbers in excess of 150, (this does not include the additional patrons sitting in the Reserve). The proposed Pasadena restaurant shows a very sparse seating layout capable of considerable increase in table density. The proposed timber deck increases available patron area and hence seating capacity. Increased numbers of chairs and tables on the external areas beyond the restaurant's covered areas will also lead to additional pressure to break the licence numbers and add increased pressure on the existing parking problems. The expansion in footprint on the eastern side of the building will not be required if the existing internal restaurant space was right-sized for purpose of its licensed capacity.
- The timber boardwalk has a number of implications for public use of Church Point. The central pathway with its extension to the pontoon completely appropriates the public space of the point. Access to the pontoon can be easily managed via the perimeter public walkway at a closely adjacent point – where the firepit is proposed comes to mind. The public use of Church Point via the progressive implementation of the CPPoM has only just begun. The public's expectations of their use of the point, especially the north grassed apron between the Pasadena leasehold and the public waterfront pathway, is high. No crossing through the main grassed public area can be countenanced. Adjacency to the public path is possible along the western edge, and as the pontoon is just a bit further along the western edge, traversing precious public open space can be avoided completely. The timber sleeper deck is not desirable as a pathway as it appropriates the public grassed area and confers upon it an entry garden status. This is not an appropriate cultural nor design outcome and is unnecessary. The leased garden area should be considered public domain and be designed

in such a way as to encourage public use and movement across. This is a common practice with most councils when considering development applications. The dual use of public domain will benefit the community. The rope and bollard fencing should be pulled back to the covered area and no alcohol allowed past this point.

### **Unjustifiable increase in building footprint on eastern side**

The proposal has not endeavoured to consolidate operational functions effectively. The location of the kitchen on the western side with the access ramp suggests that garbage movements will be next to the Thomas Stephens Reserve and along the public footpath in order to access the garbage enclosure and refrigerated garbage room. In addition to this planning consequence, the actual internal space of the restaurant is oversized for the maximum licensed capacity of 137. The reassignment of space and effective planning could mean the extension of the footprint is unnecessary.

WPCA and SIRA oppose the extension of the building footprint.

### **Hours of operation and noise concerns**

Opening hours of the restaurant and bar are incompatible with the small residential neighbourhood and high-use family transport hub of the Church Point precinct. Whilst a 24/7 motel (subject to acceptance of Existing Use Rights in accordance with the EP&A Act) may provide a level of safety in the immediate area, the opening hours of the restaurant and bar will exacerbate the foot traffic using the Church Point precinct for access to both public and private transport. This development is stated to be like a 'hotel pub in the inner-city'. That is not in keeping with the isolated residential setting or the demographics of the existing community of mostly young families and retirees.

Noise from music, guests, refrigeration and delivery trucks are likely to impact nearby Church Point residents and offshore residents, especially in the t and nighttime when sound is amplified travelling across the water.

### **Total number of patrons and guests the Church Point precinct can accommodate**

The DA calls for an occupancy of 138 patrons. This number is based on previous court cases and rulings in relation to the Pasadena building, but what it does not take into account is the increase of seating in the Waterfront Café that took effect after the previous rulings. Intensification of use was mentioned several times in both Land and Environment Court cases and in Pittwater Council's rejection of previous DAs. In the event the application is approved, the maximum number of patrons should be limited to 138 minus any increase in seating numbers granted to the Waterfront Café since the previous determination. Note that 164 seats are shown on the DA which is a strong indication of what is intended and that, in fact, the proposal will be an intensification of use the precinct cannot accommodate.

## Transport

There is very limited public transport (government buses) serving Church Point – less at night, on weekends and on public holidays when patronage of the Pasadena would be expected to be highest and staff also would require access. Consequently, it may be expected that there would be a substantial increase in motor vehicle traffic at those times. No proposal is made or condition suggested for Pasadena-specific transport options (eg a minibus or commuter service from elsewhere). In the event the application is approved this should form a condition of consent.

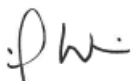
It would be our hope that the issues raised in our submission and the submission of others will be taken into account and the DA refused. In the event the development application is approved we request that it be heavily conditioned to respond to the issues raised above, namely:

- the Pasadena needs to provide 25 extra parking spaces (34 spaces in total) in accordance with the guidelines
- no oversight of Thomas Stephens Reserve from the ground level of the Pasadena
- dual use of leased garden area for shared public use
- restriction of hours of operation and nighttime functions to minimise noise travelling across water to better accommodate the isolated residential setting
- limitation of total number of patrons for the Waterfront Café and Pasadena to minimise intensification as mentioned in both Land and Environment Court rulings and in Pittwater Council's rejection of previous DA's
- Pasadena-specific shuttle bus transport be incorporated
- redesign of the ground floor level to allow for small community oriented commercial leaseholds

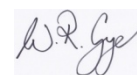
Church Point is a unique locality with highly engaged residents, both onshore and offshore, who care passionately about where they live. The proposed DA focuses solely on maximizing private uses, making no gesture to the public good while at the same time privatizing large areas of public land via Crown leases.

The approval authority has it within its jurisdiction to ensure a quality accessible public domain accessible to residents and visitors that enhances the character and qualities of the place.

Yours sincerely,



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