

10 January 2022

The Chief Executive Officer
Northern Beaches Council
1 Park Street
MONA VALE NSW 2103

VIA PLANNING PORTAL

Attention: Nick Keeler

Dear Chief Executive Officer

**PROPERTY: 1031 BARRENJOEY ROAD PALM BEACH - LOT A IN DP
404349 - REFERENCE NUMBER: DA2021/1311
S4.55(1A) EPAA APPLICATION**

We are a firm of consultant town planners and we represent Coast Palm Beach (Nicole Keogh), who is the business owner and lessee as regards a café located on the subject property (our client).

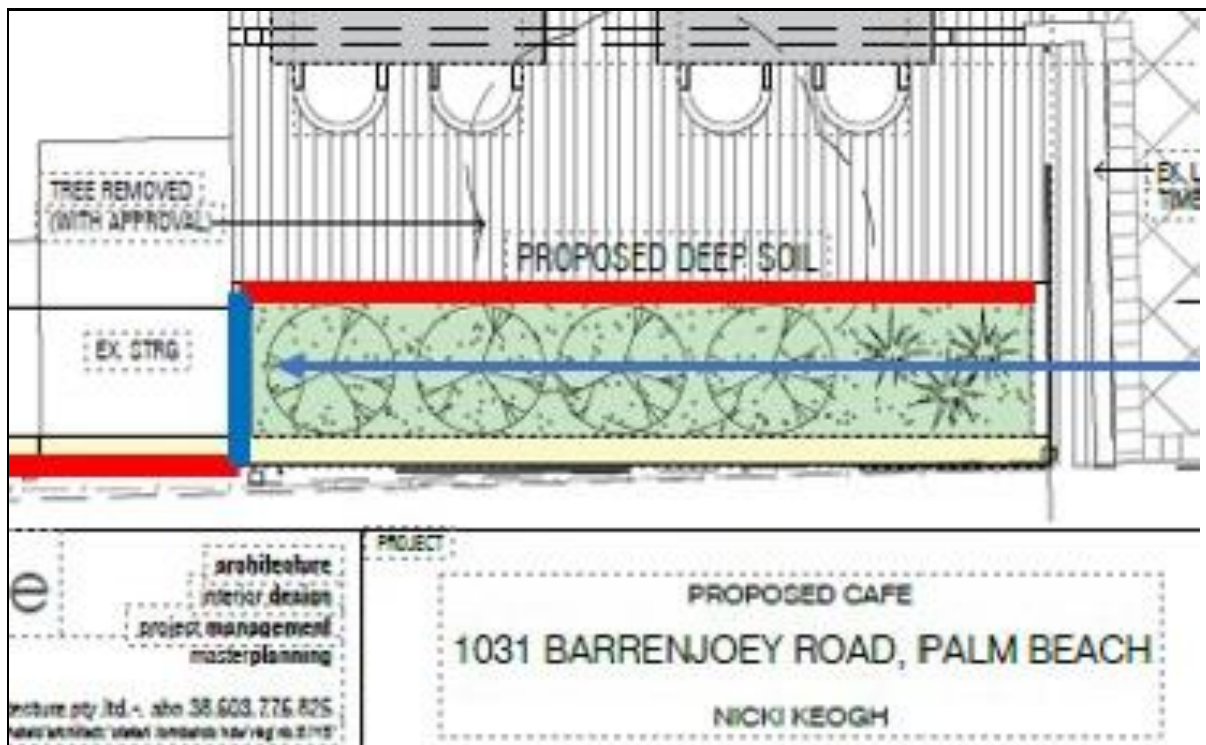
The Northern Beaches Local Planning Panel (LPP) recently granted development consent to DA 2021/1311, subject to conditions.

Condition 5 "Amendments to the approved plans", requires that the south facing acoustic screen be relocated to the north side of a proposed garden bed that was originally provided in response to comments by Nick Keeler in his own report presented to the LPP.

Unfortunately given the existing structures on the southern boundary and the existing planting on the neighbouring property, the relocated screen will mean the garden bed serves no purpose at all. It will not be able to be enjoyed or viewed by the southerly neighbours nor the dining patrons to the north. It will also create a sense of enclosure to the deck that is undesirable from a health perspective and also for aesthetic reasons. Further it will make maintenance of the garden virtually impossible because of the 'tunnel like' effect the walls and screening on either side of the garden would create.

Note that the garden was intentionally elevated above the FFL of the deck so that it was itself not trafficable and reduced the useable area, whilst maintaining an open feeling. It was further considered appropriate to leave the existing awning as it was (it contains translucent panels to allow light ingress), to provide for additional acoustic benefit for the neighbour. These matters were discussed with Mr Keeler prior to lodgement of amended drawings responding to the officers report. The further note of Mr Keeler to the LPP referred to above (prior to determination), indicated that his residual concerns were addressed by the changes proposed to be made.

See extract of plan modified by LPP below:



Please also see the images under, that depict the current treatment on the southern boundary of the property:



The first photograph provides a street view, whilst the second shows dense planting provided by the southern neighbour as well as a fence structure inside the neighbour's own boundary, and the third photograph shows the southern boundary of the subject view from the café external deck. The photographs speak for themselves and illustrate the absurdity of providing an acoustic screen in the location suggested by Condition 5.

Post DA determination we emailed details of the present issue to Nick Keeler of Council.

Our client is seeking resolution of a BICA and has made submissions regarding side walk dining. We will need to lodge a CC and then an OC to bring this to final resolution. We await however the outcome of this

application, prior to further proceeding with the related aspects of the matter.

Our aim is to bring this use into conformity with the EPAA regulatory regime.

We look forward to hearing from you.

Yours faithfully,

TURNBULL PLANNING INTERNATIONAL PTY LIMITED



Pierre Le Bas

BA (Geog) (UNE), LLB (Hons1), Grad Cert Leg P (UTS), MTCP (Syd)

Director & Legal Counsel

pierre@turnbullplanning.com.au

ker.bar103p1_s4.55_PLB_100122.docx