

---

**Sent:** 1/06/2020 10:16:33 AM  
**Subject:** Att. Tony Collier. Opposition to DA2019/1478  
**Attachments:** SubmissionONE May2020.docx;

To Tony Collier,  
Please find attached my submission in objection to DA2019/1478 for ONE, at 1 Narrabeen Park Pde., N. Narrabeen.

Sincerely,  
Betsy Faen  
9 Narrabeen Park Pde. N. Narrabeen 2101  
0403 871 605

CEO  
Northern Beaches Council  
Attn: Tony Collier  
By Email:  
[Council@northernbeaches.nsw.gov.au](mailto:Council@northernbeaches.nsw.gov.au)

Objection to Re-Notification - Additional Information -  
DA2019/1478

1 Narrabeen Park Parade, North Narrabeen 2101  
Betsy Faen

Mr. Collier,

This submission is in addition to my previous submission 21/1/20. The previous submission did not detail the extent of the proposed development.

In 2017 Peter Gutner (Petobi Pty Ltd.) submitted an application (PP0001/17) to build a four story commercial unit complex with shops below. He proposed rezoning #1 and #3 Narrabeen Park Pde. from R2 Low Density Residential to B1 Neighbourhood Centre, increasing the maximum permitted building height from 8.5m to 13m, and, significantly, removing 4 beautiful Norfolk Pine trees on Crown land to do this.

This application was rejected, after much protest from local residents.

This current application is to build a pergola on Crown land to be able to have amplified live music outside, daily until 10pm, and until 2am on New Year's Eve. Peter also wants to increase the number of patrons from 50-100, and to 180 for 'special events' .

I strongly object. In my previous submission (21/1/20) to this current application I noted that I went down at 12:40am last New Year's Eve to ask Peter when he was going

to stop the music. I live at #9 Narrabeen Park Pde. and the music was so loud that I couldn't sleep, even with all windows closed.

It is totally unacceptable to have amplified music outside every night of the week until 10pm in a quiet residential neighbourhood. The noise definitely carries, and just across the street from his café is Lakeside Caravan Park, where families with young children will be camping again as soon as the restrictions due to the pandemic lift.

Both Moonlight Café and Oceans Cafe, just across the bridge from ONE have lovely live music one afternoon every weekend INSIDE from 3-6. Why would the council agree to different rules for ONE, and on Crown land?

Looking through Council's 'Outdoor Dining and Footpath Merchandise Guide', there are several points that would be contravened in this current proposal.

1. "Fostering neighbourhood amenity through minimising additional noise, visual, and other adverse impacts."
2. Any furniture and equipment "are to appear as temporary uses of the public domain, not permanent fixtures." And, "Barriers or structures around the area give the appearance that the public space has privatised and become an obstacle to access and movement will generally not be supported."

All tables and chairs to be removed after hours, but there is a permanent bench build illegally at ONE, and now a proposed pergola.

3. "Maintaining a two metre clearance from

trees.” Currently, diners, benches and posts are only a few inches from trees at several places.

4. Under the heading ‘Environmental Impact’ : “The proprietor will be held responsible for the good conduct of customers and for ensuring that the premises do not give rise to offensive noise as defined in the Protection of the Environment Operations Act 1997. **ENTERTAINMENT AND AMPLIFIED MUSIC ARE NOT PERMITTED IN THE OUTDOOR DINING AREA.**”
  
5. “In specific areas where residents are activities, Council will determine the hours of operation for the area...”

There are other issues at stake, such as ensuring the health of the Norfolk Pines, especially since Peter has previously applied to remove them.

He has strung lights around them and dug posts into the ground near them, and built a concrete path nearby as well.

I have no objection to ONE having live music, but I think it should be inside, not outside. If council does agree to his proposal to build a pergola and have amplified music outside, then at least it should only be on Saturday, Sunday and public holidays from 3–6pm.