
From: sue morris
Sent: 27/01/2020 5:40:52 PM
To: Council Mailbox
Subject: Objection to DA2019/1478 for 1 Narrabeen Park Parade, North Narrabeen.
Attachments: DA20191478 Submission.docx;

Dear Sir,

Please find attached Word document for the attention of Tony Collier.

Susanne E Morris



CEO
Northern Beaches Council
Attn: Tony Collier
By Email : Council@northernbeaches.nsw.gov.au

Objection to DA2019/1478
for 1 Narrabeen Park Parade, North Narrabeen.

Dear Mr Collier,
This submission is to voice my objections to the above DA.

Introduction.

- There is no objection to a well run restaurant with good coffee food etc. in a relaxing environment. However this is an environmentally sensitive location (R2 residential next to Crown reserve and the historic Norfolk Island Pines, opposite the family oriented Lakeside Camping Area). It should be recalled that the restaurant is there only by virtue of the Existing Use provisions of the EPA 1979, and EPA 2000 Regulations.
- Additionally, this DA cannot be considered in isolation from a number of apparently unauthorised encroachments by the restaurant on the area of Crown reserve between the south side of the restaurant and the Norfolk Island pines, outside "Sushi @ One".
- These apparent encroachments are **not** on the restaurant's designated Outside Dining area, and consist of heavy hardening of the area with pavers, heavy timber posts and tops forming large bench tables with stools, numbers of tables, chairs and outside umbrellas, three extremely large landscaping rocks, a number of planter pots, and large vertical posts all placed so as to demarcate this area of the Reserve. Lights strung from the restaurant to the historic Norfolk Island pines also give the erroneous impression that this is part of the restaurant.
- Certainly this area is currently used as if part of the restaurant, with food and drink being served, often in clear contravention of the existing conditions which govern the hours of trading, (closed from 3.00pm to 6.30pm) under the Existing Use D.A., in force since 1987, modified in 1990.

- Exacerbating this is the use of this same area for amplified live music sessions that extend over three hours, afternoon or night, on weekends. On New Years Eve the din went on from 5.00pm to 12.30am when police were called, with dancing, strobe lighting, and drinking with no pretence of seated dining, more typical of a wine bar or disco. Music resumed on New Years Day at 12.30 and went till 7.30 pm.
- All of this is occurring on community land used by large numbers of families with children, in proximity to the Caravan Park, the picnic area, the lake entrance, the Rock Pool, North Narrabeen Beach and residential housing. It is also clearly in breach of the Outdoor Dining Approval issued 1/9/2017, the first condition of which is:
“The Applicant must operate only within the designated area as identified on the application.”
 i.e. the 10x4 metre area at the main entrance of the restaurant.

Therefore my objections are:

- construction of a pergola over, and landscaping of, the Crown reserve land on the south side of the restaurant, in conjunction with the apparently unauthorised existing structures, would reinforce the appearance of this being private land. It is not in the public interest for this land to be set aside for private commercial use in this way;
- the habitat for bird life provided by the group of six historic pines is already adversely affected by the proximity of lights attaching to the trees, human activity, noise and loud amplified music, and the root zone of the trees themselves may well be adversely affected by the paving already in place. All this would be exacerbated by the addition of a pergola and landscaping. Species include White-Bellied Sea Eagle, Ospreys, Lorikeets and others, all-important to the community enjoyment of this public space;
- it is my understanding that the extension of an Existing Use beyond the boundary of the subject land (i.e. 1 Narrabeen Park Parade) cannot be authorised (EPA 2000 Regulations).

Construction of a pergola and landscaping onto the Reserve cannot therefore be approved.

If music is to be allowed as part of the Existing Use of 1 Narrabeen Park Parade as a restaurant in a residential zone, it must follow that playing of that music, particularly live and amplified, also cannot be permitted to extend beyond the boundary of that Existing Use property. It would represent a subjective unauthorised use of Crown Land solely for private commercial benefit of the restaurant.

Aside from legalities, it is clearly not in the public interest to allow outside music on a public Reserve next to a quiet residential area and a family camping area;

- the trading hours proposed are clearly an ambit claim. Given this is a quiet residential zoning, opposite a family camping area, trading should cease by 10pm at the latest, on a level playing field with other restaurants locally. No restaurants on the northern beaches trade late. The suggestion of trading till 2.00am NYE should **not** be considered. Opening for breakfast and coffee is supported;
- any increase in numbers of diners should be within the bounds of existing seating in the restaurant and the existing licensed Outside Dining area;
- there appears no valid reason to replace the existing footpath to the main entrance and Outdoor Dining area, and it would carry a risk of disturbing the Norfolk Island Pines root zone.

Yours sincerely,

Susanne E. Morris
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North Narrabeen 2101