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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 16/02/2022 10:27:05 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

16/02/2022

MR Hamish Turner  
1024 - 1024 Barrenjoey RD  
Palm Beach NSW 2108  
[REDACTED]

**RE: Mod2022/0007 - 1031 Barrenjoey Road PALM BEACH NSW 2108**

NFP Without Prejudice..... Attn: Nick Keeler - At the outset, let me reiterate that the Coast Cafe as a cafe, meeting the previous approved daytime operating hours and meeting all conditions laid down by Council we support.

However, I am appalled at the absolute lack of judgement by you, your committee and Council to the requests and valid community based rejections, to the previous application made by the operator of Coast Cafe. They operate in continual breach of previous conditions across multiple applications and conditions and you and your council do nothing. In fact , you approve their applications with no response or validation to your rationale.

My family and I do not approve/agree with the modification applied for, and will now seek legal advice to protect the ambience and nature of where we live. As I believe other residents effected by your absolute disregard for their rights in this matter will as well. Additionally, we have now also received application advice for an on premise liquor licence!!!!!!!!!!!!!!!!!!!! Its a restaurant application. So are you aware it is a restaurant by definition, not a cafe??? Have you approved a restaurant???

Council has the primary responsibility to its rate payers and residents. You personally , your committee and the Council CEO are accountable to them first. Not firstly to a commercial operator , operating in constant breach of your conditions you laid down. Your Council has a legal obligation to ensure the operator complies to "all" council codes and requirements applied to the premise.

You have continually failed to do so and as such are operating with conduct negligent to your required duties. I highly recommend you fulfil your responsibilities and the Council theirs. This ludicrous application and your Councils agreement to the previous application is absurd.

Residents have the right to progress their concerns on a public front with legal advice as to their rights and can make formal request for full disclosure as to the previous approvals and lack of implementation on the conditions your council has applied to the operator but have not enforced.

Why when every neighbouring resident, to both sides and across the road objected , did you approve? We were never given any rationale to your decision, nor any evidence to your consideration of the objections in an operational context, from a town planning perspective or from community and traffic impact. We live here. We are entitled to quiet and beneficial enjoyment that is our right. It is a Residentially zoned area not commercial.