
From: Pierre Le Bas
Sent: Tuesday, 17 May 2022 1:41 PM
To: Planning Panels - Northern Beaches
Cc: Tia Gao; Turnbull Admin; Nicole Keogh
Subject: SUBMISSION TO LPP - NBLPP - Coast Cafe - DA 2021/0177 - 1031 Barrenjoey Road, Palm Beach - PAN-185140 - keo.bar103p - Item 4.3 – Mod2022/0007
Attachments: Address to NBLPP_2nd Address _ keo.bar103p2_PLB_170522.pdf
Importance: High
Categories: NBLPP

Hi Heidi

This matter is reasonably complex, so I would be grateful if the attached **written submission** could be made available to Panel members and the Chair ahead of the meeting tomorrow.

Many thanks

Pierre

Pierre Le Bas
BA(Geog)(UNE) LLB(Hons1) GradCertLegP(UTS) MTCP(Syd)
Director & Legal Counsel
Australian Unrestricted Practising Certificate Law Society NSW No 28661

 **Turnbull**
PLANNING INTERNATIONAL PTY LIMITED
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ABN 12 061 186 409

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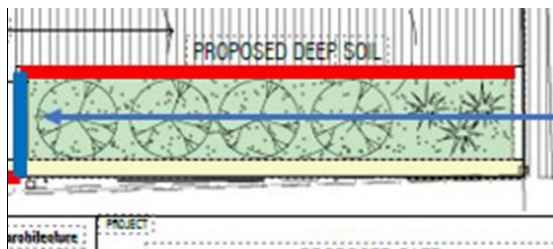
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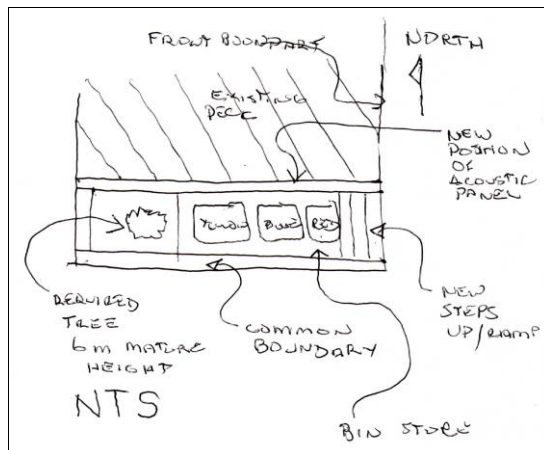
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**SUBMISSION TO NORTHERN BEACHES LOCAL PLANNING PANEL
1031 BARRENJOEY ROAD PALM BEACH
17 MAY 2021**

1. Our client recently gained development consent to a DA for use of the property as a Café at the address above. The property also enjoys EUR for this purpose. The DA was to clarify issues relating to patron numbers, seating positions, as well as use, and arose from a DCO relating to use and minor unauthorised building work. Almost all matters are resolved per the consent.
2. Our client is anxious to properly take up the consent through the submission of a **construction certificate** application and ultimately an **occupation certificate**. This process is in abeyance pending an outcome regarding the current s4.55 EPAA application.
3. Our client has also made an application for a BIC. This of course is in abeyance, pending the current s4.55 application.
4. Conditions of consent **except conditions involving** provision of an acoustic screen in front of a planter instead of behind it, on the boundary of the property were acceptable. The unacceptable conditions led to the present application.
5. The issue is that the acoustic panel 'boxes' in the planter so that no-one can enjoy it, **not the neighbours**, because of existing fencing and screen planting on the boundary, and **not our clients**, because an acoustic panel is to be in front of it and obscure its beauty. See under (coloured diagram marked Current Approval). The thick **red line** is the required location of an acoustic panel. The thick **yellow line** is the already screened boundary (6m dense bamboo on southern neighbours side along with a timber structure). The thick **blue line** is another required acoustic panel. You can see that the proposed planting can't be viewed from the deck or by the neighbour with this configuration. See black and white sketch further under.



CURRENT APPROVAL



NOW PROPOSED

6. The **black and white sketch differs** from that which was requested in the current s4.55(1A) EPAA application and in part follows the current approval.
7. To be clear, the acoustic screens are shown in the 'now proposed' sketch where required to be located by the LPP. Bin width is 730mm. Setback of acoustic panel is 1.0m from common boundary.
8. The deck is proposed to be cut back generally in accord with the DCO EPA2021/0106 of 9 June 2021. The awning is also proposed to be cut back to align with the new location of the acoustic screen and generally in accord with the 'current approval'. A new gate is proposed to be provided to screen the bin store area from the street.
9. Our client requests that the application not be simply refused per the recommendation of the officers, as this would further delay the implementation of a consent already granted some 6 months ago, and in this context refusal would be contrary to the interests of both the café owner and the neighbours.
- 10. After much discussion, our client is now willing to submit to the requirement for the relocated and setback acoustic screens in the interests of completing the development, notwithstanding the adverse amenity impacts to users of the cafe facility and the lack of any additional benefit for neighbours.**
11. As is shown above, the planter (set from NGL) is proposed to be reduced in depth from the street to accommodate bins in a fenced off and enclosed bin store area (refer Condition 9 of DA 2021/1311).
12. The tree shown in the sketch (pot size 25 litres) is to allow replacement of the Norfolk Island Pine previously removed with separate approval (TA2020/0565) and subject to a condition that it be replaced.
13. The roof above the planter and bin store would be cut back, in order to comply with the DCO.
14. The southern boundary of the subject is currently very well screened per the below photos. The neighbours are unable to view the subject property, due to current screening on their own property extending up to 5m in height.



15. We request that Conditions 5 and 6 of the existing consent be modified to deal with the above issues.