
Sent: 30/05/2020 6:33:49 AM
Subject: Fwd: DA2019/1478 1 Narrabeen Park Parade North Narrabeen

----- Forwarded message -----

From: **Kristel Ness** <nessie.kristel@gmail.com>
Date: Sat, 30 May 2020 at 06:32
Subject: DA2019/1478 1 Narrabeen Park Parade North Narrabeen
To: <council@northernbeaches.nsw.gov.au>, Kristel Ness <nessie.kristel@gmail.com>

Dear Northern Beaches Council,

My husband and I have lived at this site of 7 Narrabeen Park Parade North Narrabeen for nearly ten years. We have a young family (Mia and Jack Ness 6 and 8 years old). The use proposed by the owners/ tenants is unreasonable when measured to the loss of amenity and removal of the landowners right of quiet enjoyment for surrounding residence like ourselves. The property has not been built with any sound proofing and by approving the application, the local residents and my young children will be forced against our will to listen to loud electrified and amplified music for extended and unreasonable periods of time.

I also suffer from Depression, Anxiety and OCD which is aggravated by the previous occasions of extended periods of unabated loud music combined with the owner/ occupiers unwillingness to reduce the noise of the music when asked. Further, the lack of sleep that has accompanied the neighboring loud music has rendered our whole family sleep deprived and irritable. It is unreasonable to expect local residents to call the police on an ongoing basis to deal with the noise issue (as much as it creates a burden for police).

While my husband and I are supportive of the Restaurant on this site, we are not in support of the proposed alterations or altered use. While I could even be persuaded that several hours of acoustic (non electrified or amplified) Music on a Saturday and Sunday until 6pm is a reasonable use of the property. However, this is not what has occurred to date. My children's bedrooms face directly onto the property of 1 Narrabeen Park Parade. They are required to attend school and weekend sports. The conversion of this restaurant site into an outdoor entertainment venue will severely disrupt their sleep and impede their ability to function.

I previously wrote to you concerning the previous application in this matter and the fact the restaurant was serving alcohol (to my father in law and likely other patrons) without requiring food purchases. This will turn our local play area and park and car park into a alcohol fueled no go zone on weekends.

In accordance with the High Court decision of the Minister for the State of Immigration and Ethnic Affairs v Teoh (1995) 183 CLR 273, all government bodies, including the council is required to consider the best interests of the children as a primary consideration in any administrative decision. Therefore, any moves to expand the existing arrangements is simply to encourage intoxication and antisocial behaviour in their local play area and removing their ability to sleep, study and engage in weekend sports.

There are a number of suitable sites and areas for music (eg Newport arms or the now empty former German Restaurant on Pittwater Road, Mona Vale and the Mona Vale Pub) .

Finally, the site is next to a park that hosts endangered sea eagle nesting areas. The additional noise and disturbance caused by the music is not likely to be helpful in maintaining coastal wildlife in one of the few wild areas on the New South Wales Coast. The majestic Norfolk pines (that will be disrupted by the building works), provide food and shelter for native birds such as Lorikeets.

In short, the owners, whatever is said in third party reports (with little evidence), simply do not follow the law with respect to alcohol service, with keeping noise at a minimum and at reasonable times and ultimately seek to destroy the Norfolk pines to make way for their development.

The present application is just a stepping stone to further development and acquisition of public land (against the interests of local rate payers). We have been advised by friends of the current owner that further large scale development applications are in the pipeline (with more moderate heights than on the last occasion). This application represents a move towards expanding the number of patrons and use of the site which it simply does not have the parking and amenity to support such use.

Therefore, we request the application is denied in full (though the restaurant should be allowed to continue under normal restaurant conditions which exist peacefully with local residents in a residential and environmentally sensitive zone)

Please do not hesitate to contact the writer should you have any questions.

Sincerely,
Rob, Kristel, Jack (age 8) and Mia Ness
7 Narrabeen Park Parade North Narrabeen NSW 2101
phone 0401532846