

This Submission Form must be completed and attached to your submission.

S96 No: N0022/16/S96/1

The Interim General Manager
Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

(Fax No: 9970 1200)



Name: ANNE ELLIS
Address: 1158 BARRENJOEY RD
PALM BEACH
Phone: 9974-4527 / 0439425170
Date: 15 DECEMBER 2016

Proposed Development: Modification of consent N0022/16 for the demolition and construction of a new dwelling house and alterations to existing garage and landscaping.

At: 1156 BARRENJOEY ROAD PALM BEACH NSW 2108

I have inspected the plans and related documents. I have considered them in the context of the relevant planning instruments or policies.

☒ Yes ☐ No

I am willing to provide expert reports to supplement my comments should a conflict in opinion arise.

☒ Yes ☐ No

I am willing to provide evidence to the Land and Environment Court if the application is appealed.

☒ Yes ☐ No

In the interests of public transparency please note that your submission in its entirety will be available to the applicant or other interested persons on request and will also be made available on Council's internet site through Council's transparent Development Application Tracking process. You are encouraged, as is the applicant, to discuss with each other any matters that may be of concern.

COMMENTS: (You may use the space provided or attach a separate document).

PLEASE SEE SEPARATE DOCUMENTS ATTACHED

Name: ANNE ELLIS Signature: *Anne Ellis* Date: 15.12.16

Disclosure of Political Donations and Gifts (sec 147 EP&A Act 1979):

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COMMENTS:

Given the ambiguity of the plans provided we are forced to object to the proposal in its current state. If there indeed has been an error in failing to delete the terrace wall as depicted in 1501-P-04 rev. d, *'the outline of terrace wall above'*, then we will withdraw this aspect of our objection.

I found the plans of the proposal provided on the 30 November 2016 ambiguous in a few respects. Plan 1501-P-04 rev. d shows *'the outline of terrace wall above'* in a dotted format. However 1501-P-05 rev.d, which depicts the roof of the proposal, does not show a terrace wall. Our town planning consultant has advised that 1501-P-05 rev.d should depict the terrace if this is part of the landscape design. It is therefore unclear to me whether it is intended for this wall to remain on the plans or whether it has been deleted. Could this please be answered?

The previous plans (rev. c) that were sent to us showed the terrace wall/seating on multiple plans including 1501-P-04 rev. c and 1501-P-05 rev.d. Again, is this a mistake on the plans or has the wall in fact been deleted?

If it is intended that the terrace wall and paving as shown on the revised plans is to remain, then we make the following objections, based on the planning and following relevant planning instruments and policies.

Firstly, the plan on 1501-P-05 shows the extent of the casuarina tree on our land, but within the spread of it is shown *'TERRACE n. 41.86'*. Is it intended to terrace beneath the drip area and into the root zone of this tree on its whole western side? It is a very old tree and a beautiful one, important to our family, and its roots, and thus the survival of the tree, would be in danger if this were the case. Furthermore, the footing of the proposed wall would also jeopardise the stability and survivability of this casuarina.

This would be counter to B4.2 Flora and Fauna Habitat Enhancement Category 1 and Wildlife Corridor in which the subject site is located and states that "Development shall result in no significant onsite loss of canopy cover or net loss in native canopy trees".

In addition, D12.9 Landscaped Area General requires that '[a] reasonable level of amenity and solar access is provided and maintained', 'Vegetation is retained and enhanced to visually reduce the built form' and 'Soft surface is maximised to provide for infiltration of water to the water table, minimise runoff and assist with stormwater management'. It is our opinion that the construction of seating and a screening wall would substantially reduce the amenity of the limited private open space available to us. It will be very close to our own table, which is on our land under the casuarina tree and is where we very often have meals (photo no. 1). The terrace wall and the new seating will be so close that we will at all times be able to hear each other's conversations. It is even likely that we would be able to reach out and almost touch our neighbours. This open space is regularly used and the proximity of neighbours' seating would impose on our privacy and ability enjoy this space.

It was specified in early plans that the wall around the seating (described as the 'terrace wall' on 1501-P-4 rev. c) was to be screened either by the 'existing' or else planted vegetation. It may already have been noted that there is no existing vegetation there and that the earth is only a centimetre or two deep. Are there any plans now to screen the wall with vegetation? Or will it remain a bare wall? As stated above, the location of the wall within the root zone of the casuarina may well seriously affect the heath and survivability of this tree. The shallow soil will also prevent the placement of vegetation to visually reduce the built form. When combined, the total effect will be a reduction in vegetation and an unsightly wall close to our private open space. The paving around the seat would also prevent infiltration of water and increase runoff, to the detriment of the surrounding vegetation. It should be noted that if the 'terrace wall' in dotted format on 1501-P-04 rev. d and presumably some seating (not shown) is in fact not intended to be there, then this is an observation rather than an objection.

If the queries to do with the plans can be answered quickly and easily it is likely that we could accept that, but if that is not possible to do so, then I'm afraid, reluctantly, that the content of this letter must be regarded as an objection. We are, in particular, concerned about where the paving is intended to go and about the safety of the casuarina tree and, from the revised plans, this is not now at all clear.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Anne Ellis'.

Anne Ellis
15 December 2016



(1) Shows casuarina tree and our table on the small rock platform beneath it. The photo also illustrates how close the 'terrace wall' in its present dotted form would be to the tree.



(2) Shows the drip area of the casuarina on its western side. (Note: its branches extend to the top right hand corner of the photo.)



- (3) Shows the thinness of the soil and how relatively narrow is the strip of land where the 'terrace wall' (in its dotted format) would be located, and how close it would be to our existing seating.