
Sent: 2/12/2020 11:24:23 PM
Subject: Online Submission

02/12/2020

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RE: Mod2020/0582 - 7 Pavilion Street QUEENSCLIFF NSW 2096

2 December 2020

Northern Beaches Council
PO Box 82
Manly NSW 1655

RE DA 2018/1892 Mod 2020/0582
DA 2018/1892 Mod 2020/0582 Section 455 1(a)
DA 2018/0612

We live at 2B Pavilion Street, Queenscliff and wish to object to Mod2020/0582.

The proposed 1.94m fence is not within Council guidelines on fence height.

We are concerned that the above modification will further restrict a limited view corridor towards the ocean we have at this time.

As part of a separate negotiation with the owners of 7 Pavilion St over roof height we agreed, in good faith, to stop legal proceedings in the Land and Environment Court in part on the basis that the owners would widen the view corridor on the eastern side of the property.

The proposed fence will potentially reduce this view corridor. The owners have already planted trees along the eastern driveway boundary that will further reduce this view corridor.

We are concerned about a lack of "view sharing". Council Development Guidelines specifically state that views are to be shared. The view from our property has already been greatly reduced by the existing development and the further proposed modification potentially exacerbates the loss of view.

We refer to Warringah LEP 2012 in relation to the above proposed Modification, in particular section 455 1(a).

1) Clause D1 Landscaped Open Space and Bushland

It is an LEP requirement that a landscaped area of 40% be maintained. The Modification refers

to compliance with 44.5% of the site being landscaped. Presumably this is because the Lot size includes the rock cliff face below the newly constructed swimming pool as landscaped area. In our view this bushland area is not landscaped, nor is it in reality 'landscapable'.

Furthermore, the area below the pool that forms part of the justification for the Modification appears to be infested with Asparagus Weed (*Asparagus aethiopicus*). Through Bush Regeneration work done for Northern Beaches Council on Freshwater headland we are aware this weed. Relevant Council Officers will confirm the negative impacts it has on native vegetation. A site visit or hi res drone photographs will ascertain its presence at 7 Pavilion Street, Queenscliff.

The NSW DPI link below refers to Asparagus weed as a Weed of National Significance in that it suffocates native vegetation thereby limiting Biodiversity.

<https://weeds.dpi.nsw.gov.au/Weeds/GroundAsparagus>

<https://www.environment.nsw.gov.au/topics/animals-and-plants/pest-animals-and-weeds/weeds/widespread-weeds/exotic-vines/asparagus-weeds>

The Biosecurity Act 2015 is also relevant; every homeowner, landowner, occupier or person(s) leasing or renting properties must be aware of their obligations to control weeds. The Biosecurity Act 2015 does not discriminate between rural or residential properties; nor between landholders who utilise their property for agricultural or recreational purposes. If the "Landscaped" area of this site is being used to justify Modifications and other parts of the DA it is a stretch at best. We ask that the Council ensure the owners are made aware of their responsibility to control weeds and to effectively landscape the 44.5% area relied on in this Modification.

Without the benefit of a site inspection the now built part of 7 Pavilion Street, Queenscliff under DA2018/0612 and the above Modification appears to occupy close to 100% of the site area that is realistically able to be landscaped.

2) Clause E4 Retain and Enhance Native Vegetation and Ecological Function of Wildlife corridors

The justification for the Modification is that this requirement is not relevant as it is over 'hard paved areas'.

In our view there is no longer a wildlife corridor due to paving that is a result of this development, therefore this justification is irrelevant and therefore not compliant.

3) Clause E5 Provide Natural Habitat for local Wildlife....

See above re Asparagus Weed

Our other objection relates the original DA2018/0612.

We believe construction has taken place on public land at the gate entrance at 7 Pavilion Street, Queenscliff. The public thoroughfare has been significantly reduced and the changes with construction clearly benefit the owner to the detriment of the pedestrian public.

We also note the original DA 2018/0612 was submitted with an estimated value of

\$400,000.00. The work carried out clearly involves a substantially higher cost. The loss of DA fees to the Council and ratepayers is of course of concern. The development was never likely to cost as little as \$400,000.00, and particularly not with the modifications (mostly lodged at zero cost) since the original DA was lodged. We understand this initial low estimate meant the original DA was assessed by one Council Officer only, not a panel.

We respectfully request that Council reject this Modification and consider the further issues raised above concerning 7 Pavilion Street, Queenscliff.

Please contact us if you would like to discuss these issues further. We look forward to advice of the outcome.

Regards,

Fiona Seaton and Michael Vanderfield