

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

The General Manager  
Pittwater Council  
PO Box 882  
MONA VALE NSW 1660

(Fax No: 9970 1200)



DA No: N0022/16

Name ANNE MARY ELLIS

Address 1158 BARRENJOEY RD

PALM BEACH

Phone (02) 9974 4527

Date 8 FEB 2016

**Proposed Development:** 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 DA 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

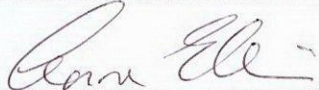
I am willing to provide evidence to the Land and Environment Court if the application is appealed.

☒ 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 ATTACHED PAGES

Name: ANNE ELLIS Signature:  Date: 8 FEB 2016

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

Please read the information enclosed concerning political donations and gifts disclosure and, if relevant, tick the box below and provide details of the donation or gift on the disclosure statement available on Council's website:

I have made a political gift or donation

☐



## **Comments in Response to Plans for Proposed Development**

**DA No:** N0022/16

**Address of proposed development:** 1156 Barrenjoey Road, Palm Beach, NSW

**Comments submitted by:** Anne Mary Ellis, joint owner of 1158 Barrenjoey Road, Palm Beach, NSW

### **Comments:**

1. I object to the construction of the upper terrace, curved seat, screening wall, shade sail, the first floor rear steps, landing, access to the upper terrace, and any associated changes to the existing vegetation. These elements of the proposed development are shown on the plans as being constructed above the existing cliffs between our property and the proposed development site. Due to a lack of detail in the information provided, I do not have enough detail to form a view on whether the impact on the flora and fauna in an area of high ecological value, the negative impact on the view from our property, our enjoyment of our property, and the consequential reduction in our property value will be unreasonable. On the basis of the information provided, I believe it will be unreasonable.
2. My husband is severely ill and is in hospital with metastatic cancer at the moment. My husband's illness, combined with the deadline for comments on the proposed development of 10 February 2016, has made it impossible for me request this information earlier, or to engage in much communication with the owners of the property about my concerns. I know this is not ideal, but I wanted to ensure I submitted comments before the deadline. I hope that the provision of further information and discussions with the owners of the development site may provide clarity on these issues and allow a reasonable compromise to be achieved.
3. I request further information on the first floor rear steps and landing, access to the upper terrace, upper terrace, curved wall, curved seating, paved terrace, shade sail and associated removal of plants and proposed planting shown in the plans for the area above the existing cliffs. I have annexed five pages from the plans with the relevant aspect of the proposed development highlighted.
4. On the information provided in the plans, I cannot understand exactly how the upper terrace will be accessed and where the wall, seating and terrace would be located. It is unclear on the plans. On the basis of our interpretation of the plans, this aspect of the development is likely to have the greatest negative impact on our property and the ecological value of the wildlife corridor.
5. This area is identified as an area of significant biodiversity on the *Pittwater Council Biodiversity Map* (Sheet BIO\_014). The area in which the upper terrace, curved seating



and shade sail is proposed to be built includes an endangered species of *Plectranthus*. The construction of this element of proposed development is of greatest concern to me. In addition to my concerns about the ecological impact, it appears the proposed shade sail and supporting structures will also have an unreasonably detrimental effect on our property, our property value, and our enjoyment of the view to the west.

6. I request further information and more detail about the proposed shade sail. It appears that this is intended to provide shading for the curved seat and upper paved terrace. Please provide the following information in relation to the shade sail:
  - a. What is the maximum size of the proposed shade sail?
  - b. What structure would be erected to support the shade sail?
    - i. The area is subject to regular very high winds, particularly from the south west, and I assume the support structure would need to be substantial.
  - c. What materials would both the sail and the supporting structure be made of?
  - d. How will the sail be designed and rated to withstand strong winds?
  - e. Please provide modelling to show the extent to which this shade sail will obscure our view.
7. I request further information and more detail on how the existing vegetation will screen the curved wall, as provided for in the plans:
  - a. What existing vegetation would need to be removed to accommodate the wall, the curved seat and the paving?
    - i. I note that this may involve the removal of the hibiscus that was planted in that area many years ago in memory of Jan Benn, a family member of the owners.
8. I make the comment that it is possible the existing vegetation screen that has been there for decades may be preferable to and replace the need for the proposed screening wall.
9. I request specific details of the proposed paving of the platform.
  - a. I make the comment that I find it puzzling that paving is needed in an area in which there is already a rock platform.
10. I request the owners of the development site provide the information requested above in a detailed, specific, written form that I am entitled to rely on.
11. As noted above, I would like to bring to the owners' attention the presence of a species of *Plectranthus* growing in rocky areas on both sides of the border between the proposed development site and our property, on the south-west side of the point. I understand that it is listed as an endangered species in the *Threatened Species Conservation Act 1995* (NSW), and the owners should be aware of it. Although a landscape plan is referred to on the plans provided with the notification documents, these landscape plans were not made available. Given the inclusion of paving on the rocky ledge in question, it is highly likely that works in this area, which has been



undisturbed for at least forty years, will have a significant effect on the endangered *Plectranthus* and other vegetation growing on the shallow soil of the rock ledge.

12. As noted above, our property and the proposed development site are located in an area identified on the *Pittwater Council Biodiversity Map*. The area where the upper terrace, seating and shade sail is proposed is used for nesting, and as a staging point for coastal bird species. These include Whistling Kites, who have used this area for many years. Any significant disturbance from works to this area and/or obstruction caused by shade sail structures may prevent these species from nesting and performing other important ecological activities.
13. The *Pittwater Council Wildlife Corridor Map* provides that the area is recognised as C01 Wildlife Corridor. The map provides the following definition, "Those areas though disturbed are likely to be of habitat value due to good crown cover and/or understory." The front of the proposed development site has already been completely cleared to allow for the construction of the new driveway. Any additional clearing and disturbance to the flora would further damage the existing wildlife corridor, and this would run counter to the objectives of the Council's Habitat and Wildlife Corridor Conservation Strategy.
14. The proposed development and proposed roof heights are likely to have a significant negative impact on our existing view. We understand that some negative impact on our view, the enjoyment of our property, and a consequential decrease in the value of our property is inevitable. However, section 4.3 of the *Pittwater Local Environment Plan 2014* provides that the height of buildings should allow for "a reasonable sharing of views". With this in mind, and on the basis of the information we have at the moment, the proposed terrace, curved seat, screening wall and shade sail will have an unreasonably detrimental impact on our view. The proposed dwelling will have multiple points allowing views to the west from both within the building, and externally at the lower existing stone terrace, without the need for the construction of the upper terrace above the existing cliffs. The plans note that the existing fig tree will be pruned, presumably to improve the view from the existing stone terrace, which looks out in the same direction as the proposed upper terrace. Of particular concern, the proposed shade sail and support structure has the potential to completely block the view west from our front deck.
15. It is also likely that the view from the lower western section of our dwelling will be substantially blocked, much more than the elevations provided initially suggest. Comparing the plan 1501-P-05 rev B (**Annexure 2**) with 1501-P-06 rev B (**Annexure 3**), it is possible to see that the roofline of the proposed dwelling will, in fact, extend almost to the ridge line of the lower western section of our house. This would block half of the windows at this level for greater than half their height. I object to the proposed roof height on this basis.
16. On the basis of the information currently available, I object to the construction of the terrace, curved seat, screening wall, shade sail, access stairs and any associated changes to the existing vegetation because of the unreasonably detrimental

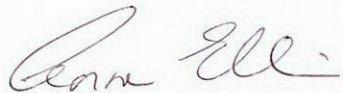


impact it will have on the ecological value of the area, the view from our property, our enjoyment of our property and the consequential reduction in our property value.

17. I also object to the proposed roof height on the basis that it will block the view from the windows on the lower level of our house for greater than half their height.

18. As noted above, I understand that some negative impact on our property, our property value, our views, and the enjoyment of our property as a result of the proposed development is inevitable. However, I believe the detrimental impact of the elements I have identified and made objections to would be unreasonable. I hope that discussions with the owners of the development site may provide some clarity on my concerns and allow a reasonable compromise to be achieved.

Yours sincerely,



Anne Ellis, joint owner of 1158 Barrenjoey Road, Palm Beach, NSW

Date: 8 FEB 2016

***Annexures 1-7 below***



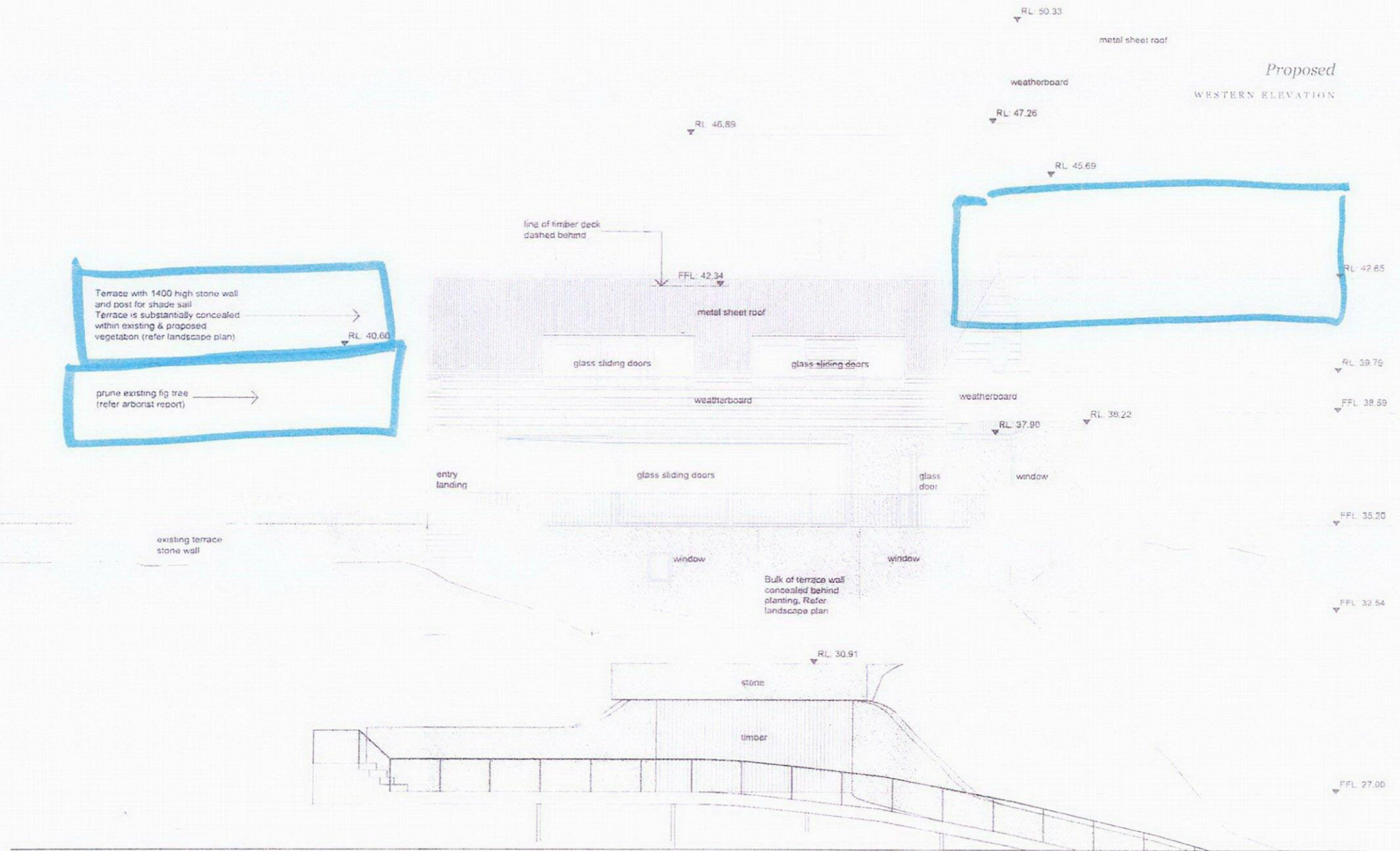


**CLIENT**  
Mr R & I Benn

**PROJECT**  
1156 Barrenjoey Rd, Palm Beach

NORTH 

SCALE  
1:100 @ A3



benn + penna architecture

Level 1, 123 Harris St.  
Pyrmont NSW 2009  
AustraliaP. +61 2 9518 9900  
W. www.bennandpenna.com  
E. info@bennandpenna.com

## REVISIONS

Rev. A	03.11.15	FOR PLANNERS REVIEW
Rev. B	21.12.15	DEVELOPMENT APPLICATION
Rev. C		
Rev. D		
Rev. E		

CLIENT  
Mr R & I BennPROJECT  
1156 Barrenjoey Rd, Palm Beach

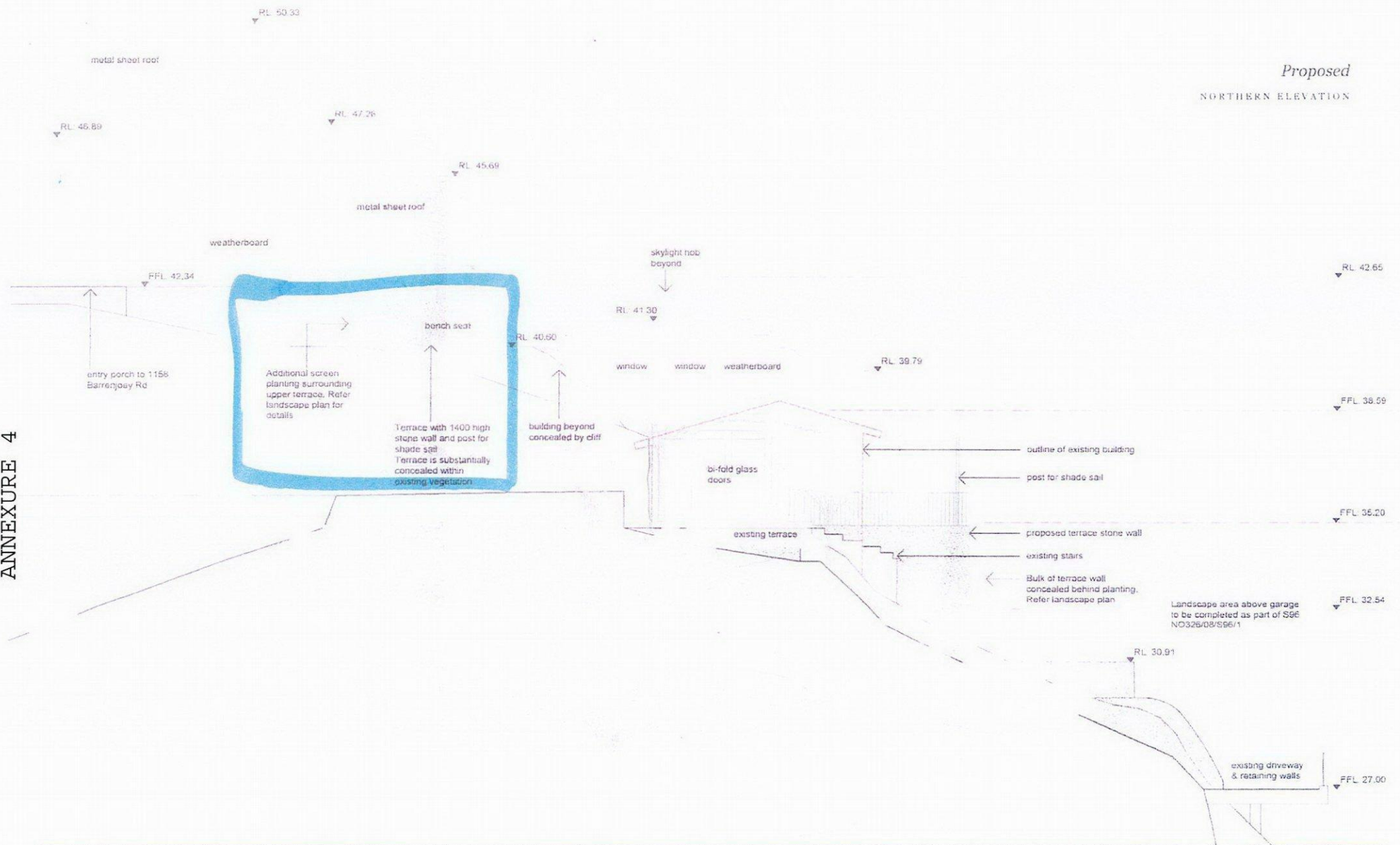
1501-P-06 rev.B

NORTH

SCALE  
1:100 = A3



Proposed  
NORTHERN ELEVATION



benn + penna architecture

Level 1, 323 Harris St  
Pymont NSW 2009  
Australia

P: +61 2 9518 9900  
W: www.bennandpenna.com  
E: info@bennandpenna.com

REVISIONS	Rev. A	03.11.15	FOR PLANNERS REVIEW
	Rev. B	21.12.15	DEVELOPMENT APPLICATION
	Rev. C		
	Rev. D		
	Rev. E		

CLIENT  
Mr R & I Benn

PROJECT  
1156 Barrenjoey Rd, Palm Beach

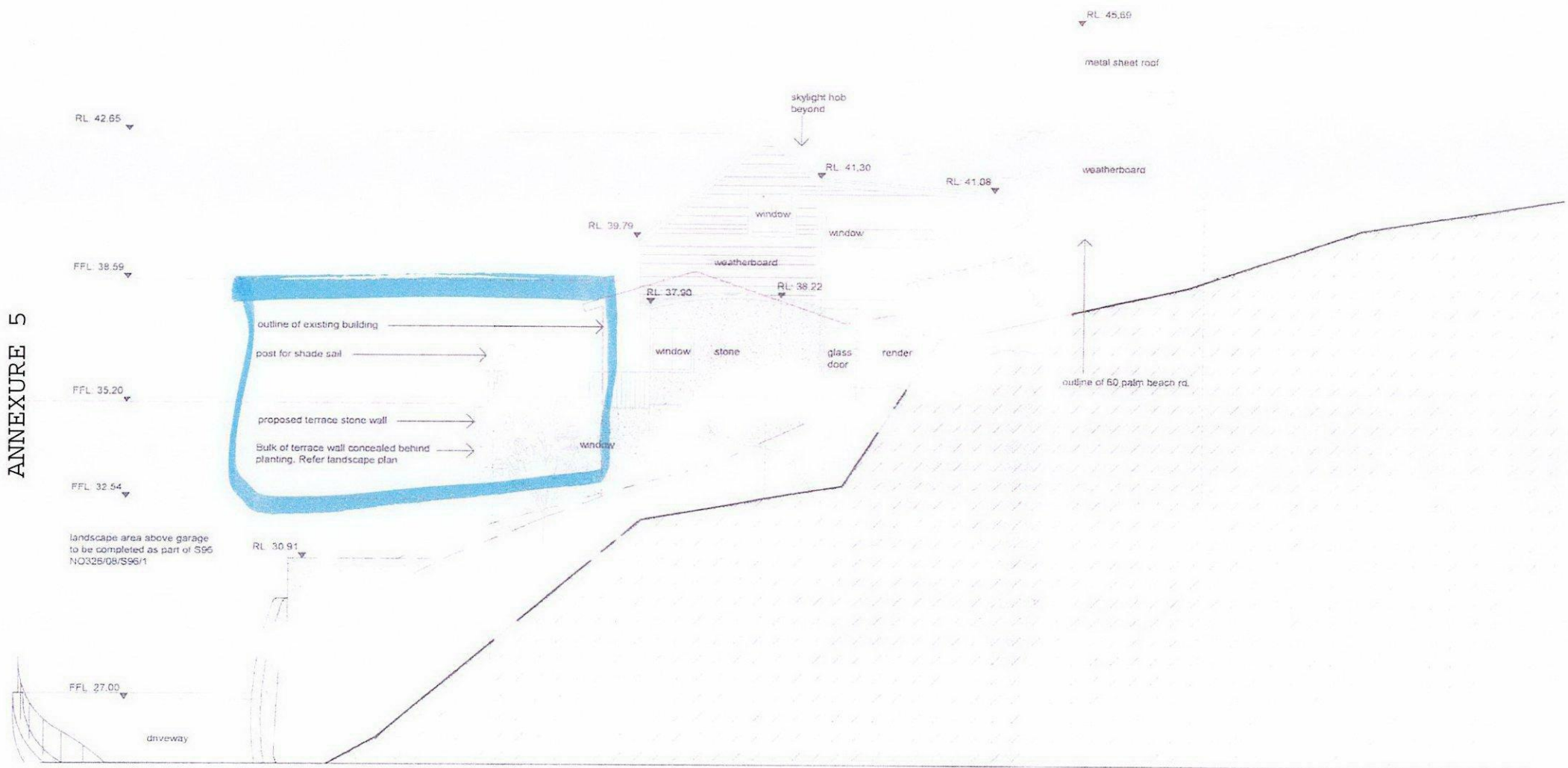
1501-P-07 rev.B

NORTH

SCALE  
1:100 @ A3



Proposed  
SOUTHERN ELEVATION



benn + penna architecture

Level 1, 123 Harris St  
Pyrmont NSW 2009  
Australia

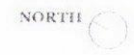
P. +61 2 9518 0900  
W. www.bennandpenna.com  
E. info@bennandpenna.com

REVISIONS	Rev. A	09.11.15	FOR PLANNERS REVIEW
	Rev. B	21.12.15	DEVELOPMENT APPLICATION
	Rev. C		
	Rev. D		
	Rev. E		

CLIENT  
Mr R & I Benn

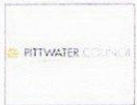
PROJECT  
1156 Barrenjoey Rd, Palm Beach

1501-P-09 rev.B



SCALE  
1:100 @ A3





**Pittwater Local  
Environmental  
Plan 2014**

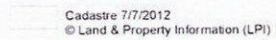
Biodiversity Map -  
Sheet BIO\_014

**Biodiversity**



Biodiversity

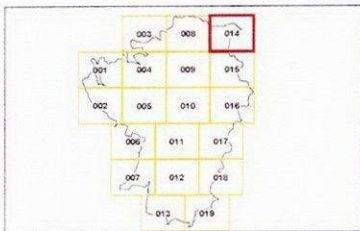
**Cadastre**



Cadastre 7/7/2012

© Land & Property Information (LPI)

ANNEXURE 6

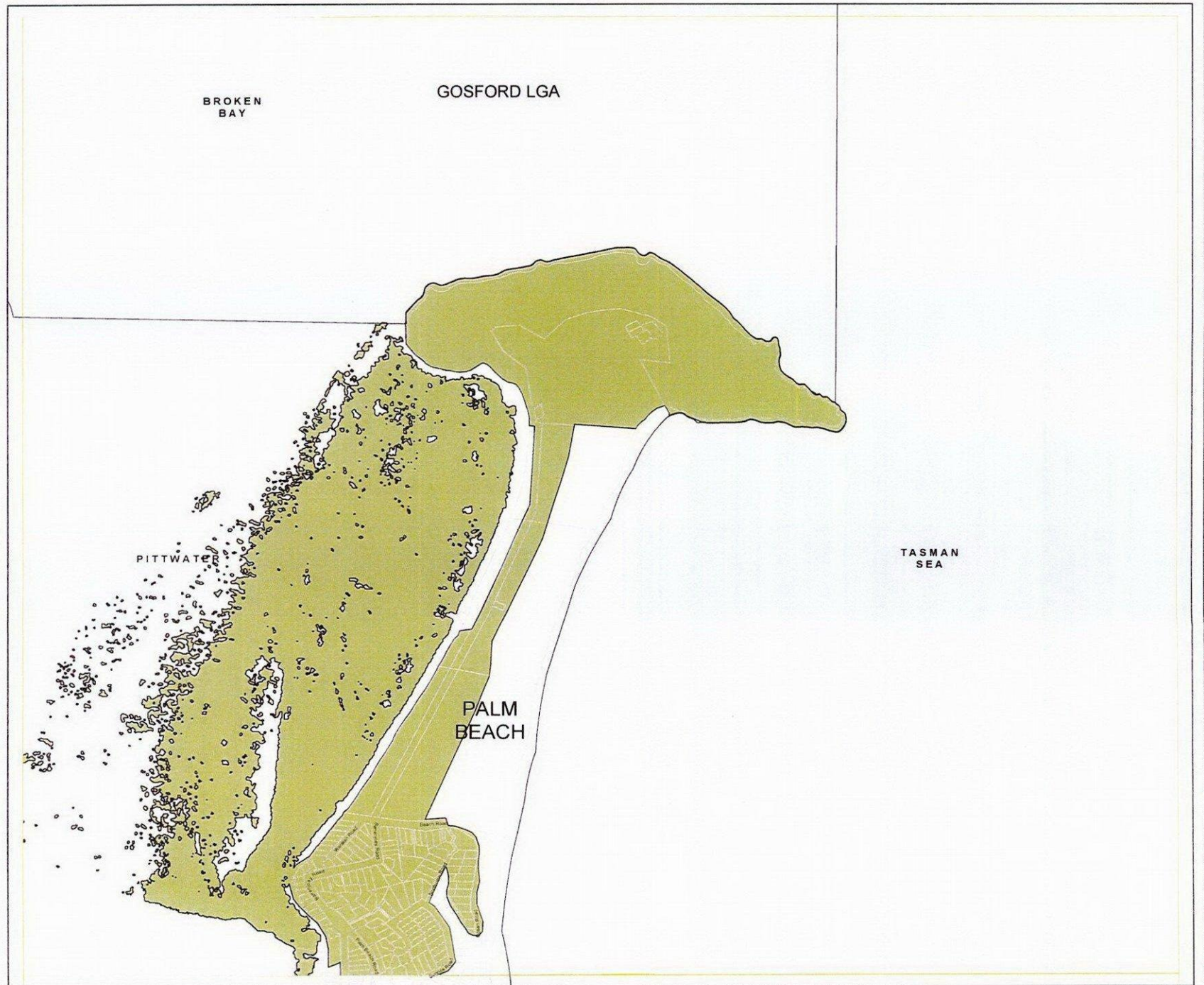


Projection: GDA 1994  
MGA Zone 56

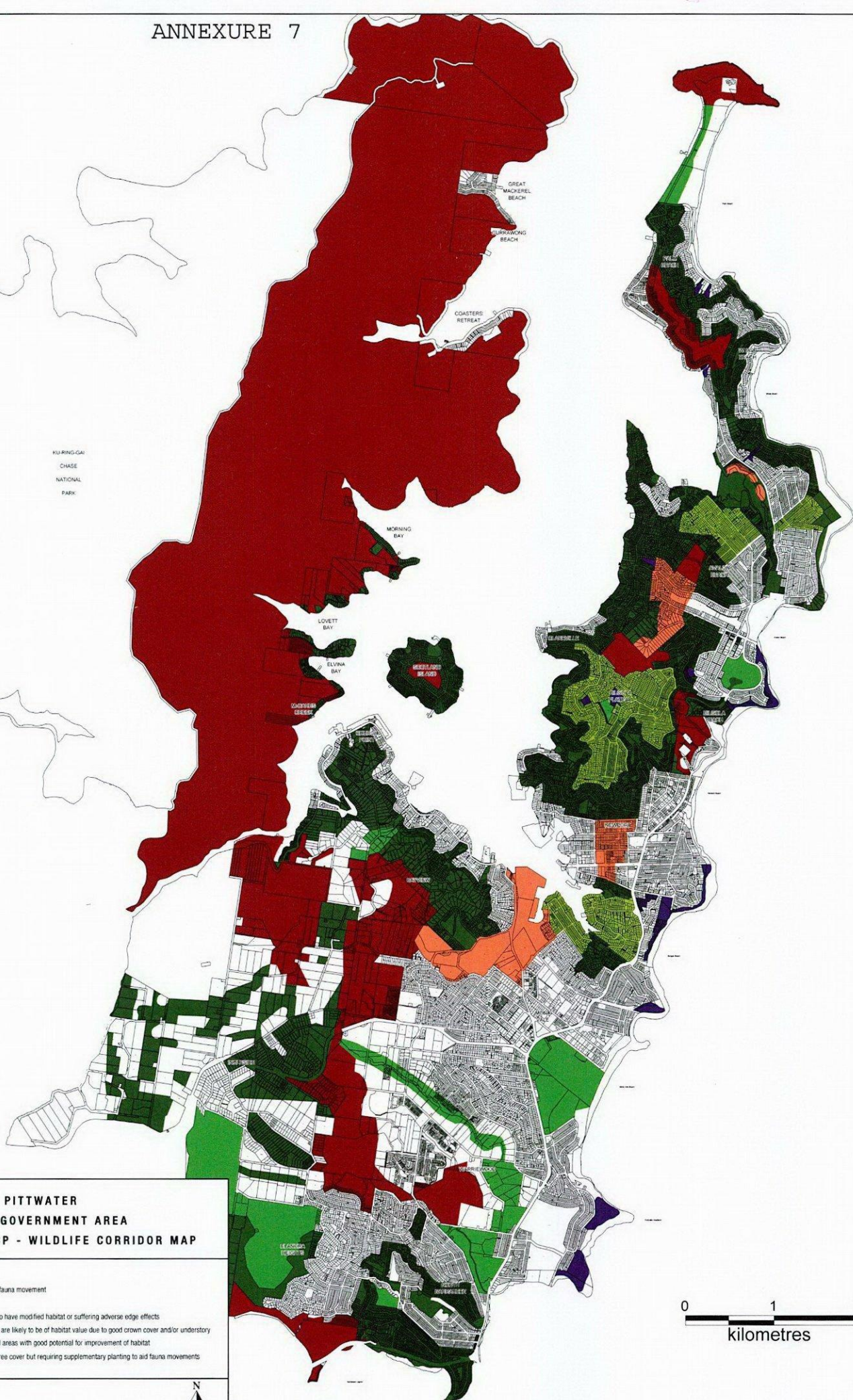


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File Number: 6510\_CDM\_P03\_014\_010\_20140217







**PITTWATER**  
LOCAL GOVERNMENT AREA  
**PITTWATER 21 DCP - WILDLIFE CORRIDOR MAP**

- Wildlife Corridors Legend**
- HP - High Priority areas essential to fauna movement
  - MH - Major Habitat Areas
  - R - Smaller Council Reserves likely to have modified habitat or suffering adverse edge effects
  - C01 - Those areas though disturbed are likely to be of habitat value due to good crown cover and/or understory
  - C02 - Mostly cleared non-residential areas with good potential for improvement of habitat
  - C03 - Residential areas with some tree cover but requiring supplementary planting to aid fauna movements



0 1 2  
kilometres