

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

S96 No: N0567/10/S96/1

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

(Fax No: 9970 1200)



Name: *(Mrs) Shirley Jean Walsh*

Address: *18 Sunrise Road
Palm Beach, NSW 2108*

Phone: *(02) 9974 1068 - 0411428145 Mob*

Date: *22nd March, 2012*

Proposed Development: Alterations and additions to an existing dwelling. Modification to relocate spa, retain existing internal roof and extend bathroom

At: 13A OCEAN ROAD PALM BEACH NSW 2108

I have inspected the DA plans, 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).

I wish to make a submission in regard to the Proposed Development.

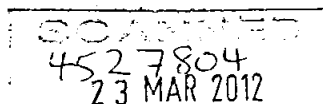
I attach my comments which are contained in my letter dated 22nd March, 2012.

Name: *SHIRLEY J. WALSH* Signature: *Shirley J. Walsh* Date: *22-3-12*

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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



MRS SHIRLEY J WALSH

18 SUNRISE ROAD
PALM BEACH NSW 2108

Re: S96 No: N0567/10/S96/1

Request to Modify the Development Consent for Alterations and additions to an existing dwelling.

Modification to relocate spa, retain existing internal roof and extend bathroom
Lot 1 DP 121833/ 13 A OCEAN ROAD PALM BEACH NSW 2108

22 March 2012

The General Manager
Mr Mark Ferguson
Pittwater Council
Village Park, 1 Park Street
MONA VALE NSW 1660

BY HAND

Dear Sir,

Thank you for Council's letter from Planner Ms Linda Rodriguez regarding the Section 96 Application N0567/10/S96/1 Request to Modify the Development Consent for Alterations and additions to the existing dwelling at 13A Ocean Road, Palm Beach.

I am the owner of 18 Sunrise Road, Palm Beach. My property adjoins Lot 1 DP 121833 along their entire northern boundary.

I wish to object to the proposed Section 96 Application. I have four key concerns relating to the proposed relocated positioning of the spa.

1. Minimum Setbacks from Side Boundaries

According to the Pittwater Council DCP **Section D12.6 Side and rear building line** within the **Palm Beach Locality**:

"The minimum side and rear building line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following: Land zoned residential – 2.5m to at least one side; 1.0m for other side"

As the existing Development Consent for Alterations and additions is positioned 1.0m from their southern boundary it is therefore required by Pittwater Council DCP that built works are setback at least 2.5m from their northern boundary. This Section 96 Application therefore disregards the Pittwater Council regulations for Setbacks from Side Boundaries, ignoring the required 2.5m setback requirement.

2. Impact for Potential Future Development

Section 96 – Drawing: 09_154 A202 – Elevation West shows that the relocated position of the proposed spa rests on top of the existing rock-face. The proposed relocation of the spa appears to rely upon this rock-face for partial structural support.

This proposed change to the original Development Consent would thereby limit my opportunity for future development on my own land. In the case that I wished to build a second dwelling or subdivide my land in the future it would restrict my ability to redevelop my land. I would not be able to excavate freely on my own property without potentially compromising the structural integrity of their proposed spa. As a result the value of my property would be decreased by the proposed modification to relocate the spa by limiting the flexibility and adaptability of the site.

3. Unnecessary Nature of the Proposed Modification

This Section 96 Request to relocate the spa dramatically exceeds the Pittwater Council Regulations for the Palm Beach Locality. I believe it would be unnecessary for the Council to compromise its regulations for the relocation of an ancillary amenity.

4. Inaccuracy of the Survey/ encroachment of structure into my property

I am concerned about the accuracy of DA – Drawing 09_154 002 –Survey which was submitted via Ballenden Surveyors. I have had an independent survey conducted on 21 March 2012 by CMS Surveyors Pty Ltd (Please find attached survey).

This survey shows that the northern boundary as shown on the Ballenden survey and Smith and Tzannes architectural drawings is incorrect.

The CMS survey also shows that construction of the proposed spa addition has already commenced.

Not only has this structural work been undertaken prior to any Section 96 approval, the built works have encroached into my property by approximately 1.5m.

I have sought immediate action by Pittwater Council to act on this continuing contravention of Planning Law and trespass to my property. (Please find attached letter).

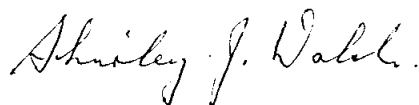
Conclusion

I strongly object to the proposed Section 96 Request to Modify Development Consent for the Alterations and additions to the existing dwelling at 13A Ocean Road, Palm Beach, specifically the proposed modification to relocate the spa on the northern boundary.

I sincerely discourage Pittwater Council from approving this Section 96 No: N0567/10/S96/1. The proposed relocation of the spa disregards DCP regulations for minimum setbacks from the side boundary and significantly restricts the potential for future development on my adjoining property at 18 Sunrise Road, Palm Beach.

The proposed modification to the design is simply unnecessary and is diminishes the amenity of the streetscape for members of the community enjoying our wonderful beach.

Kind Regards,



Mrs Shirley J Walsh