

MRS SHIRLEY J WALSH

18 SUNRISE ROAD
PALM BEACH 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

13A OCEAN ROAD PALM BEACH NSW 2108

25 March 2012

RECEIVED

27 MAR 2012

PITTWATER COUNCIL

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

EXPRESS POST

Dear Sir,

This letter is further to and supplements my DA Submission Form and Objection dated 22 March 2012 in response to Council's letter regarding the Section 96 Application N0567/10/S96/1 Proposed Development: Alterations and additions to the existing dwelling (at 13A Ocean Road Palm Beach) Modification to relocate spa, etc.

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

My earlier DA Submission raised my concerns regarding the proposed DA modification. I enclosed a survey performed on 21 March 2012 and also photographs of the area of my concerns in regard to an encroachment and building works already performed in regard to the proposed modification to the existing Development Application.

Further works

On Saturday 24 March 2012 I observed that further work had been performed to the first level structure for the proposed spa in the region of the south-east corner of my property. That work appears to be an attempt to remove the encroachment into my property by the spa works.

There is also present in that area what appears to be a recently poured concrete footing, in dimension approximately one foot by one foot by four feet, located on the boundary, with steel beams travelling back to the residence at 13A Ocean Road.

Works contrary to Planning Laws

Any work performed since my letter 22 March 2012 fails to address my concerns regarding works performed without Development Consent and in breach of Council boundary set-back requirements, as follows,

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"

I remain of the belief that the location of this ancillary amenity contravenes Council's boundary setback requirements.

Additional encroachment

I attach a further CMS Surveyors survey dated 21 March 2012, which identifies a further encroaching thatched cabana structure near to the front corner boundary. I am unaware of any Development Approval for this structure which abuts Ocean Road and apparently encroaches into my property.

I also request the Council to take the necessary legal steps to for this structure to be removed, modified or otherwise to comply with planning law.

Conclusion

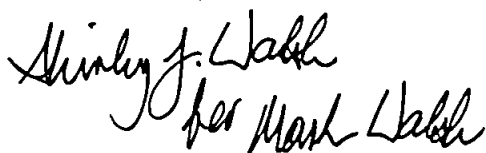
I remain strongly opposed to the proposed Section 96 Request to Modify Development Consent for the Alterations and additions to the existing dwelling at 13A Ocean Road Palm Beach, specifically the proposed modification to relocate the spa on the northern boundary.

I ask Council to exercise its powers to stop any further works being performed without proper Development Approval at 13A Ocean Road Palm Beach.

I object to Pittwater Council approving this Section 96 No: N0567/10/S96/1. The proposed relocation of the spa structure continues to disregard 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.

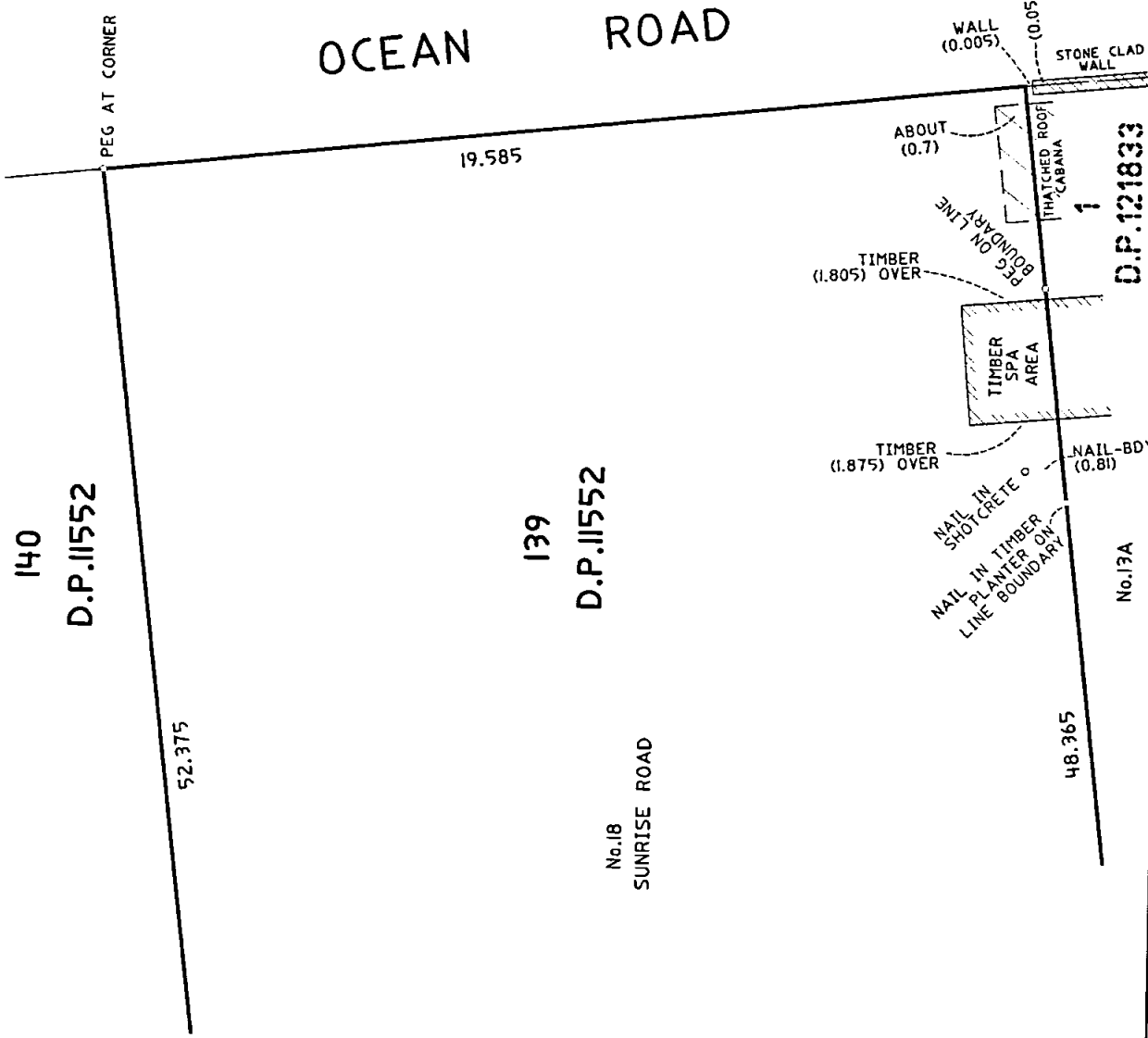
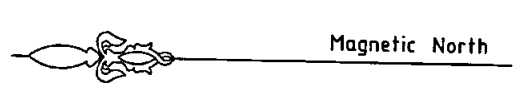
I confirm that my Disclosure of Political Donations and Gifts (sec 147 EP&A Act 1979) in my DA Submission and Objection dated 22 March 2012 is unchanged.


Kind Regards,



Shirley Walsh

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PLAN SHOWING SURVEY MARKS AND LOCATION OF STRUCTURES IN RELATION TO BOUNDARIES No. 18 SUNRISE ROAD, PALM BEACH BEING LOT 139 IN D.P. 11552		C.M.S. Surveyors Pty. Ltd. <small>CM5 A.C.N 096 240 201</small> <small>PO. Box 443 Dee Why NSW 2099 1/32 Campbell Ave. Dee Why NSW 2099 Phone: (02) 9971 4802 Fax: (02) 9971 4822 E-mail: info@cmsurveyors.com.au</small>		<small>SURVEYED SE</small> <small>SURVEY INSTRUCTION</small> <small>9463</small>		<small>CHECKED SE</small> <small>SCALE</small> <small>1:100</small>		<small>APPROVED SE</small> <small>DATE OF SURVEY</small> <small>20/07/12</small>	
<small>REGISTERED SURVEYOR</small> 		<small>DRAWN SE</small> <small>ISSUE</small> <small>2</small>		<small>ISSUE</small> <small>2</small>		<small>ISSUE</small> <small>2</small>		<small>ISSUE</small> <small>2</small>	
<small>2</small> CABANA ADDED <small>22/03/12</small>		<small>1</small> FIRST ISSUE <small>21/03/12</small>		<small>ISSUE</small> <small>2</small>		<small>ISSUE</small> <small>2</small>		<small>ISSUE</small> <small>2</small>	