

S J WALSH

18 SUNRISE ROAD
PALM BEACH
NSW 2108

15 October 2010

Mr Grant Walsh
Senior Planner
Pittwater Council
5 Vuko Place,
WARRIEWOOD

Dear Sir,

Re: Lot 1 DP 121833: 13A Ocean Road Palm Beach NSW 2108

DA No: N0567/10 ("the application")

Thank you for the Council letter to me dated 5 October 2010 under your signature regarding "Notification of Development Application for Alterations and additions to the existing dwelling including a double garage and excavation works". I am the owner of 18 Sunrise Road, Palm Beach which runs from Sunrise Road down to Ocean Road, and which adjoins to the north of 13A Ocean Road (the land the subject of the application), and which is my home.

Attached to this letter is a **copy** of my DA Submission Form dated 15 October 2010 regarding the application, which includes a three page letter and enclosures which I provide to you as a matter of courtesy. The original will be delivered to Council under separate cover.

Please feel free to contact me if I may assist you or Council regarding the matter.

I would be most grateful if you would acknowledge receipt of this letter.

Yours sincerely

A handwritten signature in cursive script that reads "Shirley J. Walsh".

(Mrs) S J Walsh

Encl: DA Submission Form 15 October 2010 and enclosures

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

DA No: N0567/10

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

(Fax No: 9970 7150)

Name (MRS) SHIRLEY JEAN WALSH

Address 18 SUNRISE ROAD

PALM BEACH NSW 2108

Phone (02) 99741068

Date 15th October 2010

Proposed Development: Alterations and additions to the existing dwelling including a double garage and excavation works

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 three page letter dated 15 October 2010 plus enclosures

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

Name: Shirley J. Walsh Signature: Shirley J. Walsh Date: 15-10-10

S J WALSH

**18 SUNRISE ROAD
PALM BEACH
NSW 2108**

15 October 2010

The General Manager
Pittwater Council
5 Vuko Place,
WARRIEWOOD

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This letter is an attachment to the COMMENTS in my DA Submission Form dated 15 October 2010 regarding the application. I have inspected the DA plans lodged with Council. I also refer to the **enclosed** single sheet entitled "NOTIFICATION PLAN" by Smith & Tzannes regarding the application.

This letter sets out my written comments to Council on the proposed development which I request are taken into consideration in assessing the above application.

A. My concern and objection to any excavation which exacerbates the existing encroachment on my land

I **enclose** a survey by Phillip H Mudge and Associates Pty Ltd Consulting Surveyors dated 27 January 1994 which discloses the encroachment of excavation, of drainage and of earthworks on my land due to the construction of the dwelling on 13A Ocean Road in the 1990's.

I **object** to any excavation of land at 13A Ocean Road pursuant to the application or for proposed building works which causes further encroachment on, undermining of, or instability to my land at 18 Sunrise Road, Palm Beach.



There is a history as to the excavation, construction and encroachment by the previous owners for the existing dwelling on 13A Ocean Road, Palm Beach, in the early 1990's. Pittwater Council is aware of the issue. Notwithstanding past attempts at resolution of the matter, which was identified post construction, the encroachment from 13A Ocean Road remains on my property at 18 Sunrise Road, Palm Beach.

B. The excavation is a possible geotechnical hazard

I am most concerned that any excavation pursuant to the application/proposed works in proximity to my land may have an adverse impact on the stability of the geotechnical structures which support my land and my residence.

I request that Council ensure that any excavation does not cause damage to my adjoining property, nor to the native vegetation and native fauna which I have encouraged on my land. Settlement or structural instability due to excavation also may have a far reaching effect on Sunrise Hill.

In this regard I have been made aware of Council's policy in regard to Geotechnical Risk Management. I request that any approval of the application contains provisions to ensure that every reasonable and practicable means available are used to remove geotechnical risk to my property to an acceptable level.

In particular I am conscious that undermining my property or reducing the stability of my land for future building works will cause me to suffer a diminution in the value of my asset.

I request that Council ensure that any proposed excavation consequent to the application is conducted so as to have no adverse impact on my adjoining land due to settlement or structural instability.

C. My submission as a concerned adjoining landowner

I also ask that Council require each of the owner, the developer and the builder of the proposed works to give an undertaking in writing to the Council and to myself:

- (a) that there will be no further encroachment on my land or exacerbation of the existing encroachment on my land or undermining, or removal of support to my land; and also,
- (b) that the owner, developer or builder undertake in writing to remediate any such encroachment or undermining or removal of support to my land.

In the event that such undertakings are provided I will not object to the proposed structure consequent to the application being located 1000 mm from my boundary, as an exception to existing planning provisions.

In the event that such undertakings are not provided, I request that given the height of the proposed structure and in accordance with the proper planning

ADD.

requirements of Pittwater Council the proposed structure the subject of the application be located 1500 mm from our common boundary.

D. Conclusion

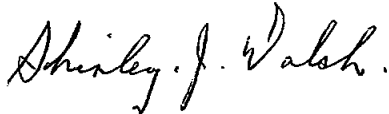
I am grateful to Council for the opportunity to convey my concern and submissions regarding the application. May I be quite clear that I hope to enjoy good neighbourly relations with my adjoining landowner. I am happy to discuss any of the issues which I raise in my comments with an officer of Council, or to provide further information, if that would assist Council.

Please note that I do not oppose the nature or scope of my neighbour's proposed development. I make no submission or comments as to the size or the scale of the proposed building works by way of the additions to the existing dwelling, including a double garage.

I am willing to discuss this matter further with Council, and the landowner, its officers or professional advisors at a convenient time in a meeting for that purpose. I understand that a copy of this letter will be available to the owner of the property.

Please confirm receipt of my DA Submission Form (including this letter), and send any further correspondence to the above address.

Yours sincerely



(Mrs) S J Walsh

Encl: Survey dated 27 January 1994 by Phillip H Mudge and Associates Pty Ltd Consulting Surveyors

cc: Mr Grant Walsh, Senior Planner, Pittwater Council

PHILIP H. MUDGE & ASSOCIATES PTY. LTD.

CONSULTING SURVEYORS

Principal:
Philip H. Mudge, B.Surv. (Uni NSW)
M.I.S. Aust.
M.A.S. PNG

Member of the Institution of Surveyors (Aust.)
A.C.N. 003 843 098



39A SOUTH STEYNE, MANLY 2095
(Cnr. Corso & Beach)
P.O. BOX 685, MANLY 2095
PHONE: (02) 976 3055
FAX: (02) 977 0585
DX: 9239 MANLY

Date: 27/1/94

Our Ref: 2365/1/94

Client: **Mrs WALSH**

18 Sunrise Road

PALM BEACH NSW 2108

Dear Mrs Walsh

RE: Check Survey at 18 SUNRISE ROAD, PALM BEACH.

As instructed by you we attended the site and connected to pegs found, labeled A, B & C on the attached sketch. These pegs were found to be within survey tolerance limits and therefore adopted to define the rear and side boundaries.

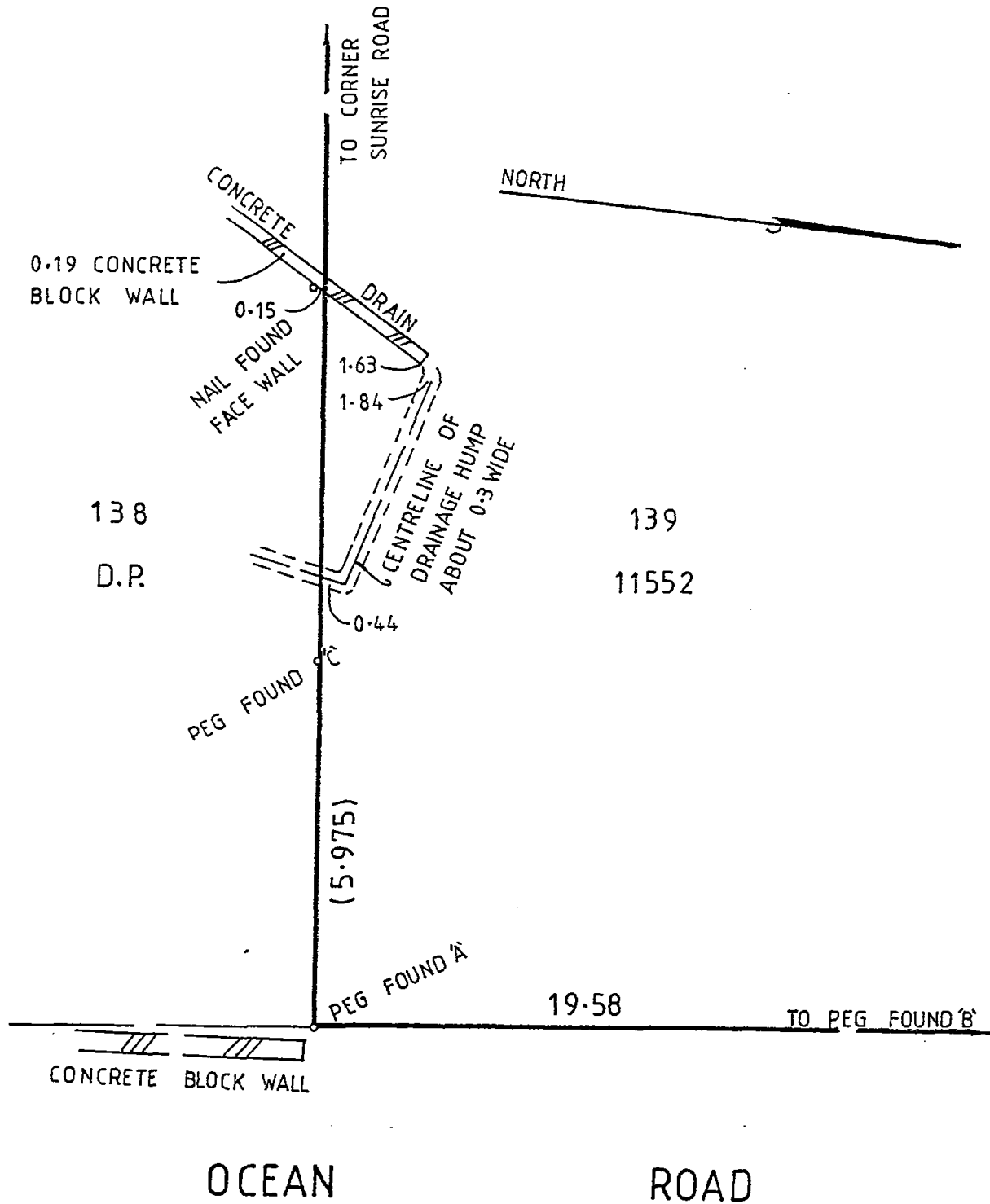
Measurements were taken to a concrete block wall and a drainage hump; about 0.3 metres wide. It was found by calculation that part of the concrete block wall together with the whole of the vertical drainage hump encroaches onto your property by the amounts shown on the attached sketch. The dimensions shown are square distances to the side boundary. A nail in the face of the concrete block wall, painted yellow, is on the adjacent property by 0.15 metres. Please refer to the attached sketch.

Should you require clarification on any matter concerning this survey please do not hesitate to contact us.

Yours sincerely,
PHILIP H MUDGE & ASSOCIATES PTY LTD

P. H. M.

Philip H. Mudge
Surveyor Registered Under
The Surveyors Act 1929



Scale: 1 : 100 (Do Not Scale)

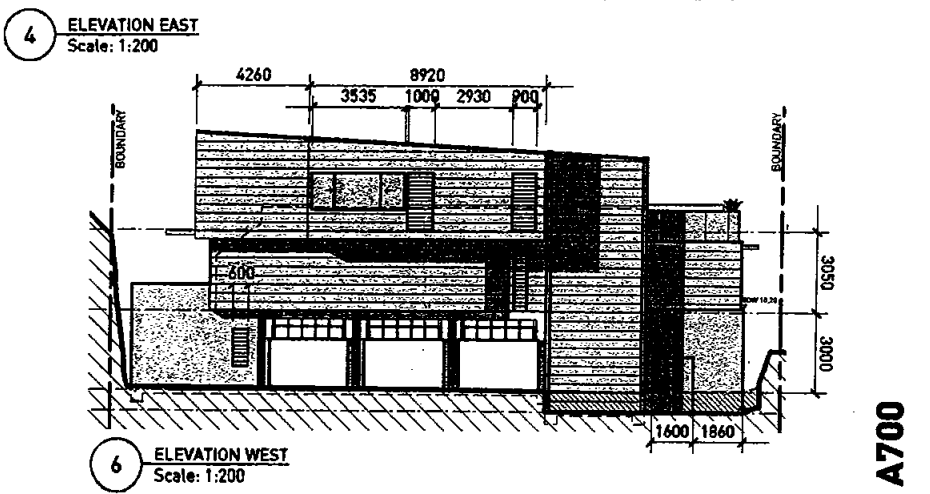
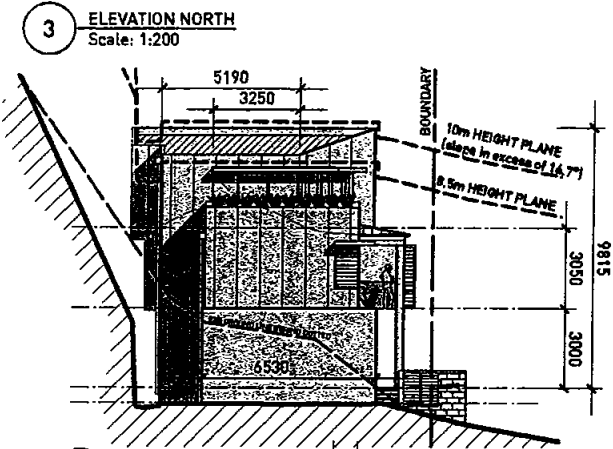
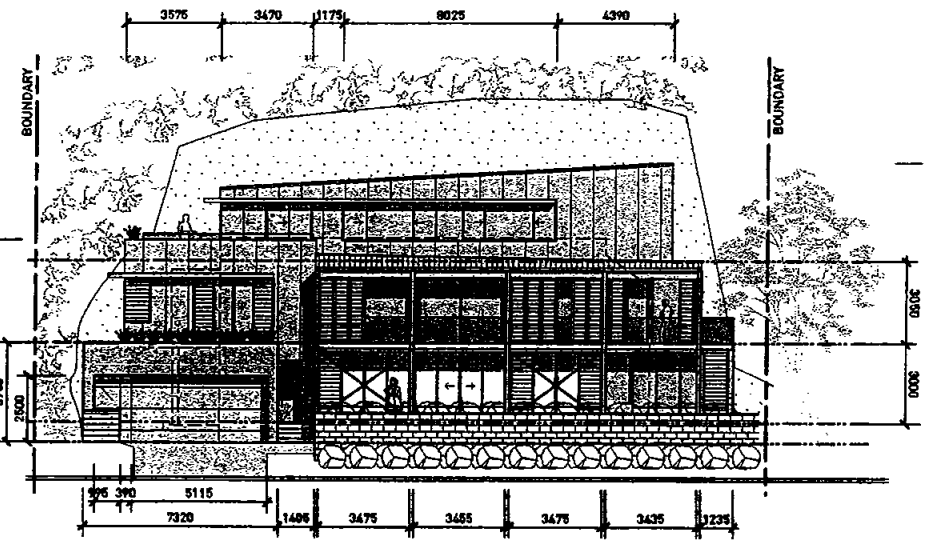
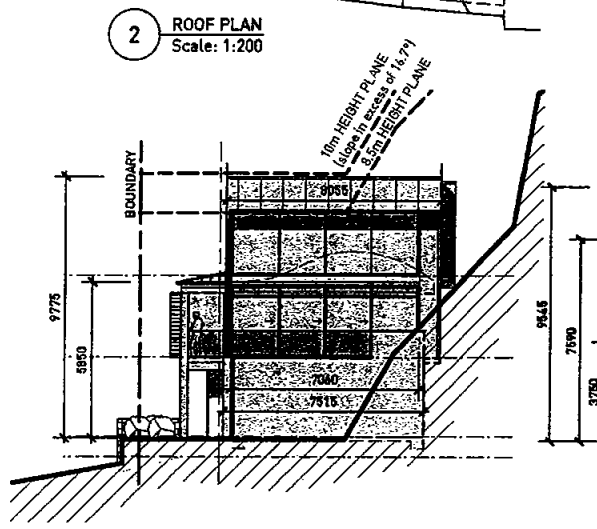
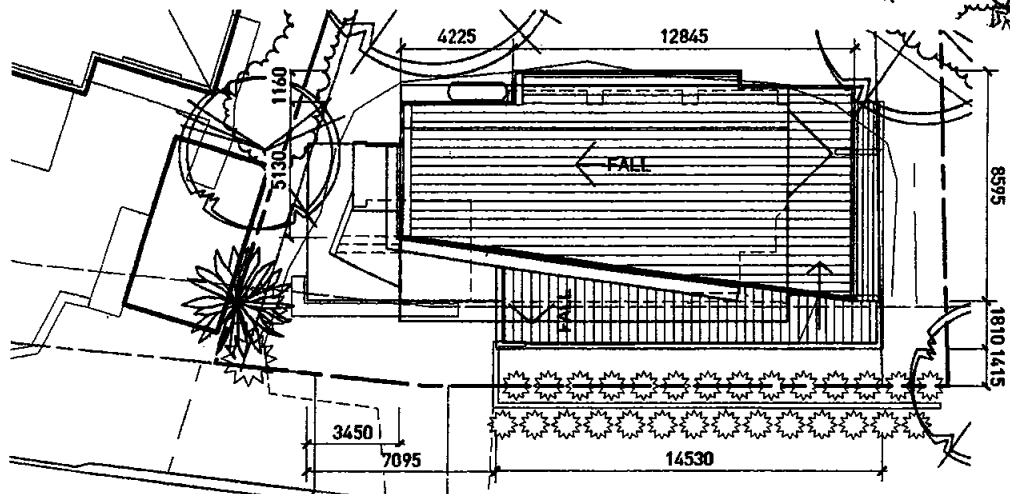
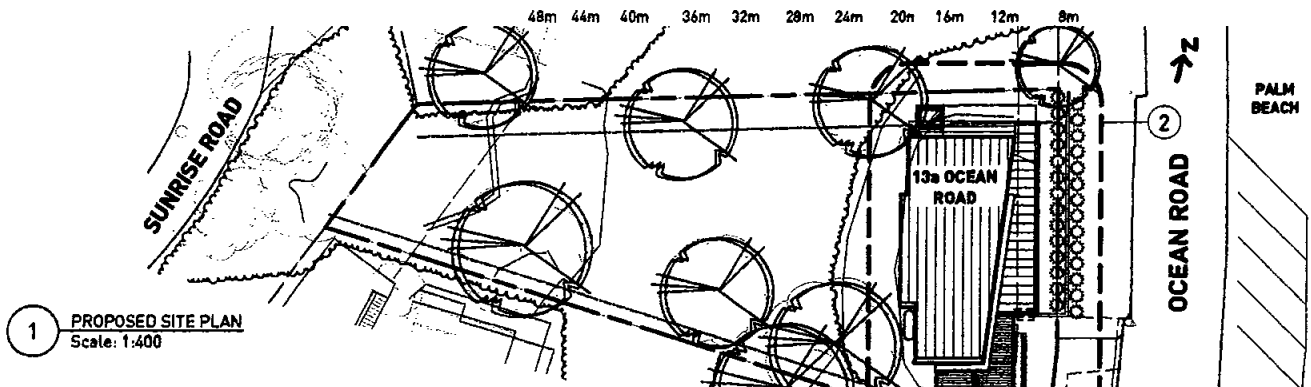
Plan No.: 2365/1/94

Date: 27/1/94

Drawn By: S RUPENOVIC

P. H. M.

PHILIP H. MUDGE
Surveyor Registered Under
The Surveyors Act 1929



1. NEVER scale off drawings, use figured dimensions only.
2. Verify all dimensions on site prior to commencement & report discrepancies to the architect.
3. Drawings describe scope of works and general setout. These drawings are not shop drawings.
4. All work to be carried out in accordance with the Building Code of Australia
5. Architects work is subject to Copyright. Documents should not be used contrary to the purpose of the issue without written permission from STZ.

NOTIFICATION PLAN
 REV: **DEVELOPMENT APPLICATION**
 13a Ocean Road, Palm Beach
 Wonders Investments

1:200
 A3

ARCHITECTURE URBAN PLANNING
 ABN 96 142 029 493
 PO Box 240 Alexandria NSW 1435
 P 02 9499 1400 E small@stz.com.au



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