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**Sent:** 30/08/2021 9:19:44 AM  
**Subject:** FW: Section 4.55 modification - 10 Gardere Ave, Curl Curl  
**Attachments:** Submission 10 Gardere Ave, Curl Curl.pdf;

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**From:** mowdgrass <[mowdgrass@bigpond.com](mailto:mowdgrass@bigpond.com)>  
**Sent:** Friday, 20 August 2021 3:23 PM  
**To:** Alexander Keller <[Alexander.Keller@northernbeaches.nsw.gov.au](mailto:Alexander.Keller@northernbeaches.nsw.gov.au)>  
**Subject:** Section 4.55 modification - 10 Gardere Ave, Curl Curl

Dear Alex

Please find attached submission in relation to Section 4.55 modification of DA2021/0010 – Lot 5 DP 6000 10 Gardere Avenue CURL CURL.

If you have any queries, please do not hesitate to contact me on 4578 8844.

Kind Regards  
Rebecca

**REBECCA ZERK  
11A/ 40 BOWMAN ST  
RICHMOND NSW 2753  
(02) 4578 8844**

18 August 2021

Northern Beaches Council  
PO Box 82  
MANLY NSW 1655  
Att: Alex Keller

RE: Modification of a DA2021/0010 – Lot 5 DP 6000 10 Gardere Avenue CURL CURL

Dear Alex

I have again been engaged by the Owners of 12 Gardere Ave, Curl Curl to address the Section 4.55 modification pertaining to DA2021/0010 which proposed the demolition of the existing residence and the construction of a new two storey dwelling at 10 Gardere Avenue Curl Curl. I, together with the Owners of No. 12, are extremely disheartened that this modification has been submitted as we were of the opinion that the approval resulted in a positive outcome for both parties.

We are appreciative of efforts made by both Council and the applicants previously to afford the retention of views (albeit on a much lesser scale than that currently available), however we are also of the view that the amendments and application show scant regard to the Consent, specifically the assessment process which heavily weighted the impact on the amenity and views of the adjoining Owners at no 12.

To reinforce this statement I point out the following in relation to the supporting SEE:

- It references "SECTION 4.55 MODIFICATION TO DA2020/1121". This Application was withdrawn and never approved. A Modification Application can only be made to a Consent.
- No regard has been shown to the Neighbour's many submissions and to the contrary suggests that they should not be notified of this Application at page 6, *'notification of this application should not be required'*. This view was further reinforced on the same page by *'not give cause to any substantial changes which should warrant notification'*. We appreciate Council taking an opposing view and following due process.
- the potential for impact on the neighbour's views and amenity has been glossed over in many of the statements such as - *'The proposed modification is not considered to impact on the neighbouring amenity or views'*, *'The addition of a roof to the front balcony will increase visual privacy of the dwelling and further reduce overlooking towards the neighbouring property'*, *'It is not considered that the proposed modifications will impact on the privacy, views or amenity of the*

*surrounding neighbours', 'There are no undue amenity impacts associated with the proposed amendments'.* In this regard, there has been no detailed plans to support this view or demonstrate its accuracy.

Previously, the Applicants were forthcoming with comprehensive plans and documentation to assist in the assessment of view impacts from No. 12. We would appreciate that these again be provided, particularly given the flat roof appears to be in the line of site from the first floor balcony and living room. We note consideration of the impacts a flat roof would have on view sharing was considered in the assessment of the development application.

The documents should include:

- A revised SEE that measures the modifications against Councils 'Development Application Assessment Report', prepared by Alex Keller, specifically section D7 which was a thorough analysis of view impact.
- more comprehensive drawings including perspectives, such as those previously submitted & similar to Figure 8 within the above Report, with a view point from our Clients property towards the Beach front & Ocean view.

We further note that the current plan does not show the roof support on the west side of the Balcony in the approved location. The gable roof outline is correct but the supporting post, with associated screen, is beyond the roof line.

Similarly, on the east side the screen was approved ending 2681mm from the north edge of the Balcony. The current plan shows the screen terminating 1480mm from the north edge of the balcony. If this application seeks modification to the screens it needs to be sought within the application and supporting documents including an assessment of the impacts, primarily view loss of the neighbour's.

During the assessment process for the current DA there was a great deal of co-operation between the Owners, Neighbour's & Council to achieve development providing shared views. We trust this application will proceed with the same co-operation. To this end our Clients are supportive of the application provided that it can be demonstrated that it will not result in any further loss of view.

Should you have any queries in relation to the above, please do not hesitate to contact me on 4578 8844.

Yours faithfully



Rebecca Zerk  
Town Planner