Sent:	8/06/2018 3:12:45 PM
Subject:	MOD2018/0245 11 Farnell Street Curl Curl
Attachments:	MOD 2-signed.pdf;

Please find the attached submission.

Regards
John & Sally Hopkins

9 Farnell Street
Curl Curl NSW 2096

8 June 2018

Mr Phil Lane
Planner
Northern Beaches Council
PO BOX 1336
Dee Why

Dear Mr Lane,

MOD2018/0245

We refer to application MOD2018/0245 for 11 Farnell Street Curl Curl. This application is to regularise works conducted by the owners in breach of DA consent without approval. A letter, dated 26 April 2018, to David Quinn from Northern Beaches Council, outlined illegal works found to have been conducted. Mr Quinn continued those illegal works which this S96 application seeks to regularise.

Both Mr and Mrs Quinn are currently under Land and Environment Court orders, due to previous DA Consent breaches and breaches of the EP&A Act, in relation to construction works on their property. In particular Order 15 requires:

> "The First and Second Respondents (Mr and Mrs Quinn), in carrying out development upon No 11 pursuant to the Consent (including any modification of it), must comply and strictly abide with the terms of the Consent except as otherwise ordered pursuant to Orders (10) and (11) above."

The Application

The application is deficient in relevant details in relation to non approved works. The plans do not show the correct location of both boundaries North and South. This should be easily established in light of a boundary determination of the Southern Boundary and the lot width being applied to the show a proper Northern boundary and actual setbacks of building works.

In addition the architectural drawings also do not show the extent of the works or "other" works that have been built.

The Plans

1) Lower Terrace.

S96-03 - The lower terrace already constructed extends to over the boundary of No 9 at its Southern end with a set of stairs and landing to create Nil setback. This is not on any plans. The terrace is concrete and is not landscaped in accordance with the previous approval or submitted plans. In particular the previous S96, MOD2016/17, clearly restricted the height of the garage and terrace stating “the installation of a terrace in this area would create unnecessary acoustic and visual impacts”.

The Court Ordered remediation works and stormwater management plan required a drainage pit in this location to collect water from both the South and North of the property. This has not been constructed in the correct location in accordance with the stormwater management plan.

2) Sub Floor Rooms

Drawing S96-03 shows the sub floor area “Store Room F.L AHD 22.65”. This floor level is after additional excavation was undertaken recently to create rooms in the subfloor area. Council inspector’s identified this non compliance and the installation of services to these rooms in breach of DA consent. The previous RL of the sub floor area was much higher as is depicted in the ground level lines on the plans. MOD2016/17 has previously limited this area to its original floor levels being used for storage only “Ensuring development minimises unreasonable impacts in accordance with WLEP2011 and WDCP”.

Additional excavation for the creation of extra rooms creates gross over development, and further bulk and scale affecting the amenity of adjacent buildings and the streetscape in what is now a four storey building. This creates wall heights that would otherwise not have been approved which fail to pay any respect to side boundary envelope which is being grossly exceeded without proper merit assessment. That is 10+ metre high walls at 900mm side boundary setback for the entire wall height. This is not consistent with any nearby development which have walls setback significantly from the boundary to achieve similar heights to comply with side boundary envelope.

3) Balcony and supporting Structures and Front Boundary Setback

Drawing S96-03 does not show the front setback limit in respect to the lower terrace, supporting pole structure, and lower balcony. The plan at the Southern end appears to infringe the front setback limit of 6.5 metres when compared to the front setback line for the upper balcony on Drawing S96-01 from the previous S96 approval. Both DA2014/1321 and MOD2016/17 assessment reports state that there is no infringement of the front setback limit by the dwelling to Farnell Street. The plans for this s96 now indicate the lower balcony and supporting structures located at 900mm from the side boundary and are now infringing the front setback limit. The non approved balcony posts and the thickness of the balconies themselves, which are inconsistent with the plans, affects the privacy, amenity and views towards North Curl Curl lagoon from the lower balcony of No 9. These structures create unnecessary visual impacts and would not exist had the

construction, in particular the posts, been setback in accordance with the current construction certificate.

Previous consent conditions

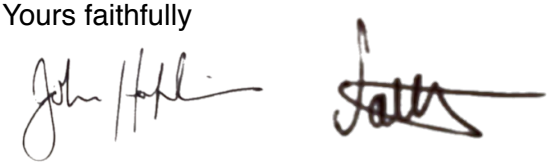
We note that a number of previous DA consent conditions have not been complied with.

1) Installing further drainage works upon Number 9 in breach of previous conditions confining works within the boundaries of No 11 and also in breach of Court Orders.

2) Failing to comply with the obscure glazing to the G3 window which still allows occupants of No 11 to look directly into a children's bedroom and bathroom. We request that a date of completion be imposed to protect gross violation of privacy that has been previously identified by Council.

3) Drainage works have still not been completed in accordance with the plans and construction certificate whereby an interim occupation certificate has been issued in breach of DA Consent condition 26.

Yours faithfully



John & Sally Hopkins