
From: Tim Dodd
Sent: 18/06/2025 3:46:57 PM
To: Council Northernbeaches Mailbox
Cc: Paula Lacerda
Subject: TRIMMED: Letter of Objection re DA2025/0605: Lot 2 DP 1289308 52A Abbott Road, NORTH CURL CURL
Attachments: 2506 Objection Letter re DA2025-0605 52A Abbott Road v2.docx.pdf; 2506 Final Objection Report DA2025-0605 52A Abbott Rd North Curl Curl.pdf;

Dear Development Assessment Team,

Please find attached my objection letter in connection with the proposed dual occupancy development under DA2025/0506

Can you please acknowledge receipt of this submission and accompanying appendix

Kind regards

Tim

54 Abbott Road,
North Curl Curl,
NSW 2099

The Assessment Officer,
Northern Beaches Council,
Planning Department,
725 Pittwater Road,
Dee Why NSW 2099

**OBJECTION TO DEVELOPMENT APPLICATION – DA2024/0605
52A ABBOTT ROAD, NORTH CURL CURL NSW**

Dear Assessment Officer,

I write to formally object to the above development application for a dual occupancy, basement parking, pools and strata subdivision at 52A Abbott Road, North Curl Curl.

PRIMARY OBJECTION GROUNDS

This development is fundamentally inappropriate and must be refused for the following critical reasons:

1. COMPLETELY OUT OF CHARACTER WITH THE NEIGHBOURHOOD

The proposed dual occupancy with basement parking and pools is entirely inconsistent with the established low-density residential character of Abbott Road and the surrounding area. This intensive development would create an unacceptable precedent that undermines the very essence of what makes this neighbourhood desirable – its spacious, single-dwelling character.

2. PROHIBITED LAND USE

Dual occupancy (attached) is **explicitly prohibited** in the R2 Low Density Residential zone under Warringah Local Environmental Plan 2011. The applicant's attempt to circumvent this prohibition through SEPP (Housing) 2021 is legally questionable and procedurally invalid.

3. EXCESSIVE DENSITY ON AN ALREADY SUBDIVIDED SITE

This site was itself subdivided only a couple of years ago. It is absurd to now permit dual occupancy development on such a small, recently-created block. This represents overdevelopment of the worst kind – squeezing maximum density (and maximising all possible variables) from minimal land area and width with no regard for neighbourhood impact.

4. UNACCEPTABLE TRAFFIC AND PARKING BURDEN

The existing tenants of 52A and 52 Abbott Road already park 3+ vehicles off-premises on the street, creating ongoing parking pressure. Adding a dual occupancy would mean **4 households across 52 & 52A Abbott Road** – this is simply too much for the street infrastructure to handle. Further, the extremely narrow 50-metre battle-axe driveway with tandem parking will create dangerous reversing conflicts and emergency access risks.

5. MULTIPLE PLANNING BREACHES

The proposal violates numerous Council planning controls including:

- **Side setbacks:** Proposed 0.52m and 1.116m vs required 0.9m minimum
- **Private open space:** Misleading calculations (actual usable space ~70sqm vs claimed 97sqm)
- **Building bulk and scale:** Excessive for a constrained battle-axe site
- **Privacy and amenity:** Upper-level overlooking into neighbouring properties

6. INADEQUATE DOCUMENTATION

The application lacks critical assessments including:

- Construction Management Plan for the constrained access
- Visual Impact Assessment
- Proper flood and stormwater analysis for basement construction
- BASIX certification

CONCLUSION

This proposal represents everything that is wrong with overdevelopment – cramming inappropriate density onto unsuitable sites with no regard for neighbourhood character, infrastructure capacity, or planning controls.

The site was recently subdivided and is simply too small and inaccessible to accommodate dual occupancy development. The existing parking problems will be exacerbated, and the privacy impact on adjacent properties unacceptable.

We respectfully but firmly request that Council refuse this application in its entirety.

This development would set a dangerous precedent for the systematic destruction of North Curl Curl's established residential character through inappropriate intensification of small, recently-subdivided lots.

I have attached a more fulsome report by way of Appendix A – *Comprehensive Planning Objection Report* to elaborate on a number of the matters raised above.

Please acknowledge receipt of this submission. We reserve the right to make further submissions or appear before Council should this matter proceed to a hearing.

Yours faithfully,

A black rectangular box redacting the signature of Tim Dodd.

Tim Dodd

Attachment: Comprehensive Planning Objection Report

Comprehensive Planning Objection Report

52A Abbott Road, North Curl Curl – Development Application for Dual Occupancy

This planning objection has been prepared in response to the development application (DA) for a dual occupancy, pools, basement car park and strata subdivision at 52A Abbott Road, North Curl Curl. This report identifies significant and demonstrable breaches of both state and local planning policy. It provides visual evidence and expanded policy commentary that demonstrate how the proposal: - Fails to comply with the Warringah LEP 2011 and Warringah DCP, - Conflicts with the SEPP (Resilience and Hazards) 2021 coastal protection provisions, - Creates amenity, privacy, character, stormwater and access impacts, and - Represents an overdevelopment fundamentally incompatible with R2 zoning.

1. Land Use Prohibition (WLEP 2011)

Dual occupancy (attached) is explicitly prohibited in the R2 Low Density Residential zone under WLEP 2011. The applicant's reliance on SEPP (Housing) 2021 must be legally tested. The site is not in a mapped low-rise housing precinct under SEPP 2021 Chapter 6, and no transitional savings clause clearly enables this proposal.

2. Non-Compliant Side Setbacks (WDCP B5)

First-floor setbacks of 0.52m (west) and 1.116m (east) fall short of the 0.9m minimum. This increases visual bulk and overlooking risk, impacting adjoining properties. This fails B5.1(a)(ii) and B5.3(a) which aim to maintain privacy and adequate separation between buildings.

3. Bulk, Scale and Site Overdevelopment

The intensity of built form exceeds the site's capacity, particularly as a battle-axe lot with constrained access and no street frontage. The proposal lacks articulation and overwhelms the site envelope, contrary to B2.1, B2.2 and A1.1.

4. Amenity & Visual Privacy (WDCP B3)

Upper-level balconies and side-facing windows create unacceptable overlooking into private open space of neighbours. No screening or offsetting is proposed. This fails B3.2(b) and B3.4(c).

5. Insufficient Private Open Space

Claimed 97sqm open space per dwelling is misleading. Pools, access paths and level changes reduce usability. Estimated usable area is closer to 70sqm, failing the intent of WDCP C1.

6. Basement Flooding & Drainage Risks

The basement excavation increases risk of groundwater ingress and surface flooding. No engineering drawings demonstrate compliance with DCP C3 (stormwater). Flood immunity of the basement has not been proven.

7. Traffic Conflict on Access Handle

50.29m battle-axe driveway with no formal passing bays will create reversing and conflict issues. Tandem basement parking worsens this. Emergency access standards under DCP C8.1 are not satisfied.

8. Landscaping & Deep Soil Zones

The proposal provides minimal deep soil areas for tree planting and fails to retain any existing mature vegetation. DCP B6.2 and SEPP 65 deep soil design guidelines are not met.

9. Building Height, Articulation & Roof Form

Sections suggest the building mass exceeds allowable 8.5m height envelope on sloping land. Long unbroken roof ridges and vertical facades increase apparent bulk. This contradicts B2.3 and DCP building form provisions.

10. Coastal Environment (SEPP Resilience 2021)

The subject land is located in a coastal environment area. Clause 2.10 of SEPP (Resilience and Hazards) 2021 requires assessment of visual, ecological and coastal process impacts — none are adequately addressed in the SEE.

11. Inadequate Justification for Strata Subdivision

The application includes strata subdivision of the dual occupancy without sufficient detail on: - How common property such as the battle-axe access handle and basement will be managed; - Compliance with the Strata Schemes Development Act 2015 and local servicing standards; - Access, maintenance, and emergency egress obligations. Furthermore, enabling a prohibited dual occupancy through strata titling is inconsistent with the intent of the Warringah LEP 2011, which prohibits such land uses in the R2 zone. Strata subdivision must not be used to circumvent land use prohibitions, particularly when the development is otherwise non-compliant.

12. Inadequate Waste Management Provisions

The DA lacks dedicated bin storage areas and fails to show safe collection points on the narrow shared driveway. This raises hygiene, accessibility, and compliance issues under Council's Waste Management Guidelines.

13. Inconsistency with Northern Beaches Urban Design Guidelines

The development lacks articulation, landscaping and street presentation. As a battle-axe lot with minimal visual break-up, it fails key design principles under DCP B2 and SEPP 65, particularly those related to building quality and neighbourhood contribution.

14. Shadow and Solar Access Impacts

No adequate shadow diagrams are provided to demonstrate winter compliance with DCP B4.1 and B3.5. The built form is likely to cast excessive shade on adjacent rear yards and habitable rooms between 9am and 3pm, violating solar access controls.

15. Missing BASIX Certification

No BASIX certificate or energy efficiency compliance documents are evident in the DA. This renders the application incomplete and fails basic NSW planning lodgement requirements.

16. Strategic Precedent and Zoning Undermining

Approval of a dual occupancy on a prohibited site in the R2 zone creates planning inconsistency and sets a precedent for erosion of LEP controls across North Curl Curl and similar low-density suburbs.

17. Non-Compliant Driveway Gradient

The battle-axe driveway may exceed maximum allowable gradients (commonly 1:5 for residential) for safe vehicle access to the basement garage. No longitudinal section or compliance evidence is submitted.

18. Emergency Services Access Risks

The 50m shared driveway lacks formal passing bays and may not meet minimum widths or turning radii for emergency service vehicles (fire, ambulance). This poses life safety concerns, breaching access standards in DCP C8.

19. Overdevelopment of a Rear Lot

The proposed dual occupancy places excessive built form in a rear lot configuration with no street interface, contrary to the low-density scale, streetscape expectations and bulk control objectives of DCP A1.1 and B2.

20. Noise and Acoustic Amenity Impacts

Locating two dwellings, two pools, and a shared driveway in such close proximity to neighbours raises potential for unreasonable noise generation. No acoustic report or mitigation measures are included, violating DCP B3.6.

21. Failure to Demonstrate Site Suitability (EP&A; Act s4.15)

Under Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the consent authority must consider whether the site is suitable for the development. Given its irregular shape, limited frontage, steep topography and rear-lot configuration, this site is fundamentally unsuited to support a dual occupancy with basement parking and subdivision.

22. Incomplete and Misleading Statement of Environmental Effects

The Statement of Environmental Effects (SEE) fails to address key impact areas such as coastal environment risks, flooding, tree loss, acoustic amenity, and traffic generation. This constitutes a breach of Schedule 1 of the Environmental Planning and Assessment Regulation 2021, and potentially renders the DA misleading and invalid.

23. Tree Removal and Urban Heat Island Contribution

The proposal removes all existing vegetation without proposing canopy replacements or deep soil landscaping. This increases the urban heat island effect and contradicts Council's Urban Tree Canopy Strategy and DCP B6.4. No arborist report is provided.

24. Inconsistency with Council's Local Housing Strategy

The Local Housing Strategy promotes housing intensification near centres and transport nodes, not in established R2 zones. This development undermines Council's spatial planning objectives by dispersing density into sensitive, low-scale areas.

25. Lack of Detailed Flood Risk Assessment (SEPP Resilience)

Located in a coastal environment catchment, the site may be affected by stormwater surges. SEPP (Resilience and Hazards) 2021 requires detailed modelling and mitigation, especially where basements are proposed. The absence of a flood impact study contravenes SEPP clauses 2.2–2.6.

26. Procedural Invalidity Due to Conflicting Instruments

The development relies on SEPP (Housing) 2021 to override local LEP zoning that prohibits dual occupancy. No legal justification or clause mapping is provided. This conflict between instruments creates procedural ambiguity and potential invalidity.

27. Inadequate Driveway Lighting and Pedestrian Safety

No lighting plan is provided for the 50.29m battle-axe access, creating pedestrian safety risks, especially for shared use by residents, visitors, and waste collectors. This fails to meet safe access design standards in DCP C8 and SEPP 65 principles.

28. Basement Construction Risks to Adjoining Properties

Deep excavation for the basement may destabilize neighbouring fences and structures. No dilapidation report or construction impact assessment has been submitted. This presents risk of subsidence and breach of DCP C5.2 excavation guidelines.

29. No Visual Impact Assessment (VIA) Provided

The application fails to include a Visual Impact Assessment despite significant bulk and massing visible from neighbouring properties and elevated viewpoints. This contravenes best-practice planning protocol for coastal and rear-lot developments.

30. No Construction Management Plan (CMP)

No CMP is provided for excavation, traffic control, deliveries, noise and dust. Given constrained access via the long battle-axe handle, this omission raises serious concerns about construction impacts on neighbours and breaches DCP C5.3.

Supporting Figures

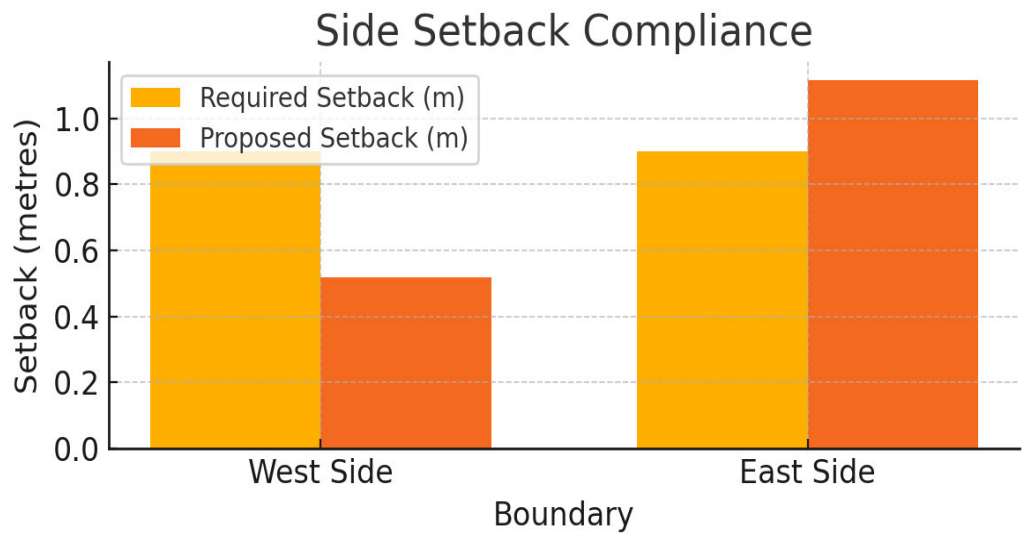


Figure 1: Side Setback Compliance

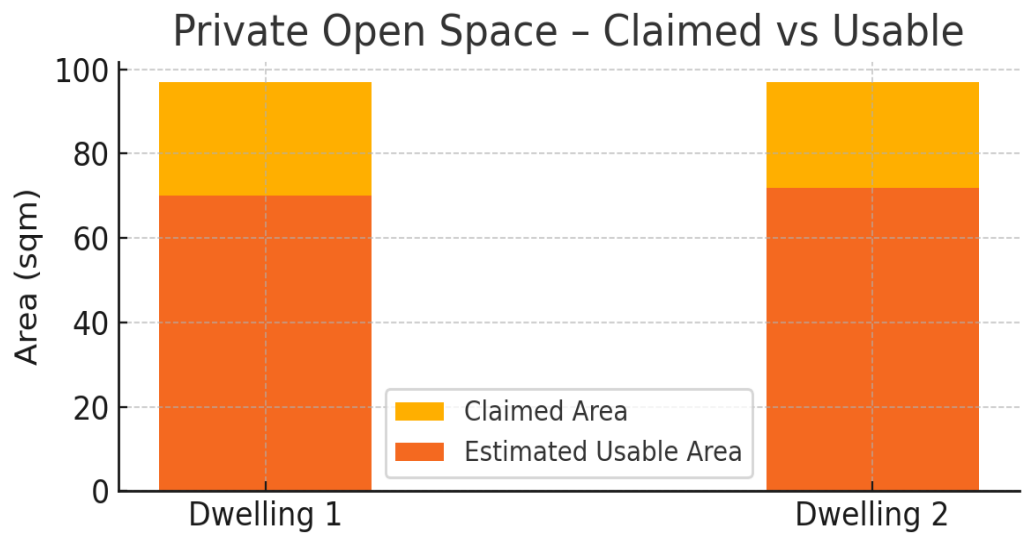
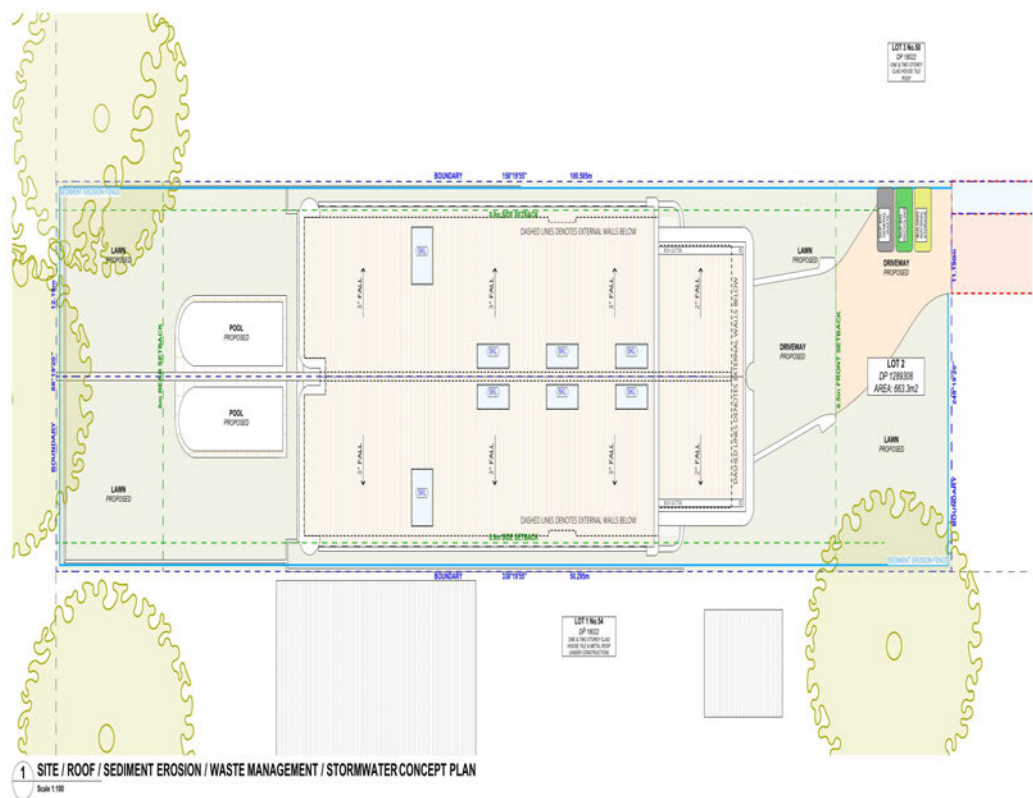


Figure 2: Private Open Space – Claimed vs Usable

Architectural Plan Extracts



NOTES REGARDING BOUNDARY
THE INFORMATION SHOWN ON THIS PLAN IS FOR DESIGN PURPOSES ONLY. THE POSITION OF BOUNDARY LINES HAVE BEEN ESTABLISHED BY A SURVEY TO MEET THE IDENTIFICATION REQUIREMENTS FOR COUNCIL AND NOT FOR REGISTRATION WITH THE LAND REGISTRATION SERVICES. NEAR NOR MAY THIS PLAN BE USED FOR ANY OTHER PURPOSE. SUBSEQUENT REGISTRATION OR OTHER SURVEYS MAY AFFECT THE DEFINED BOUNDARY POSITIONS IN THIS AREA. ANY DIFFERENCES OF THIS NATURE ARE BEYOND THE PURPOSES OF THIS PLAN. THIS PLAN IS FOR THE ABOVE STATED PURPOSES ONLY. RESTRICTIONS ON THIS TITLE HAVE NOT BEEN INVESTIGATED. IF FURTHER DEVELOPMENT IS CONTEMPLATED OR CONSTRUCTION INTENDED THEN IT IS IMPORTANT THAT A SURVEY SET OUT IS CARRIED OUT.

DUST CONTROL:
TO REDUCE DUST GENERATED BY WIND ACTION, THE REMOVAL OF THE TOP SOIL IS TO BE MANAGED TO PREVENT DUST GENERATION. WATERING DOWN OF THE SITE, ESPECIALLY DURING THE MOVEMENT OF MACHINERY IS REQUIRED. WHERE EXCAVATION INTO ROCK, KEEP THE SURFACE MOIST TO MINIMIZE DUST. CONSTRUCT A GRAVEL ENTRANCE POINT USING BLUE METALLIC AND RESTRICT ALL VEHICLE MOVEMENTS WITHIN THE SITE TO A MINIMUM. ENSURE WIND BREAKS, SUCH AS EXISTING FENCES ARE MAINTAINED DURING THE CONSTRUCTION PHASE UNTIL NEW LANDSCAPING IS PROVIDED OR REINTEGRATED. PREVENT DUST BY COVERING STOCKPILES.

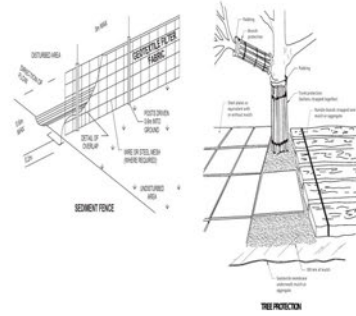
SEDIMENT NOTE:
1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE IMPLEMENTED AND MAINTAINED ONLY BY THE SITE MANAGER.
2. MINIMIZE DISTURBED AREAS. REMOVE EXCESS SOIL FROM EXCAVATIONS AND STOCKPILE AS POSSIBLE.
3. ALL MATERIAL STOCKPILE TO BE CLEAR FROM DRAINAGE GUTTERS AND FOOTPATHS OR WITHIN SEDIMENT FENCE AREA.
4. DRAINAGE TO BE CONNECTED TO STORMWATER DRAIN AS SOON AS POSSIBLE. IF STOCKPILING ON SITE, IT MUST BE FILTERED BEFORE RELEASING INTO STORMWATER SYSTEM OR WATERWAYS.
5. STOCKPILE FOOTPATHS TO BE SHEET DAILY.

STOCKPILES:
ALL STOCKPILES ARE TO BE KEPT ON-SITE WHERE POSSIBLE. ANY MATERIAL PLACED ON THE FOOTPATH OR IN A DRAINAGE GUTTER REQUIRE COUNCIL'S PERMISSION.
ALL STOCKPILES ARE TO BE PLACED AWAY FROM THE DRAINAGE LINES AND STREET GUTTERS. IT IS BEST TO LOCATE THESE ON THE HIGHEST PART OF THE SITE IF POSSIBLE. PLACE WATERPROOF COVERING OVER STOCKPILES.
IF REQUIRED, PROVIDE OVERFLOW DRAIN & BANK AROUND STOCKPILES.

GUTTER PROTECTION:
PROVIDE PROTECTION TO DOWNHILL GRATE IN GUTTER BY HEAPS OF SAND BAGS OR BLUE METAL SAND BULGE UP AROUND THIS SEDIMENT BARRIER. THE MATERIAL SHOULD BE RELOCATED BACK TO THE SITE FOR DISPOSAL.

NOTE: SITE BOUNDARY IS TO BE IDENTIFIED BY A REGISTERED SURVEYOR AND CLEARLY MARKED ON SITE PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION WORKS.

NOTE: ALL PROPOSED STORMWATER TO CONNECT WITH EXISTING.



ACTION PLANS

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1.0	2023	2023	2023

LEGEND

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PROJECT ADDRESS
504 ABBOTT ROAD
NORTH CURL, QLD
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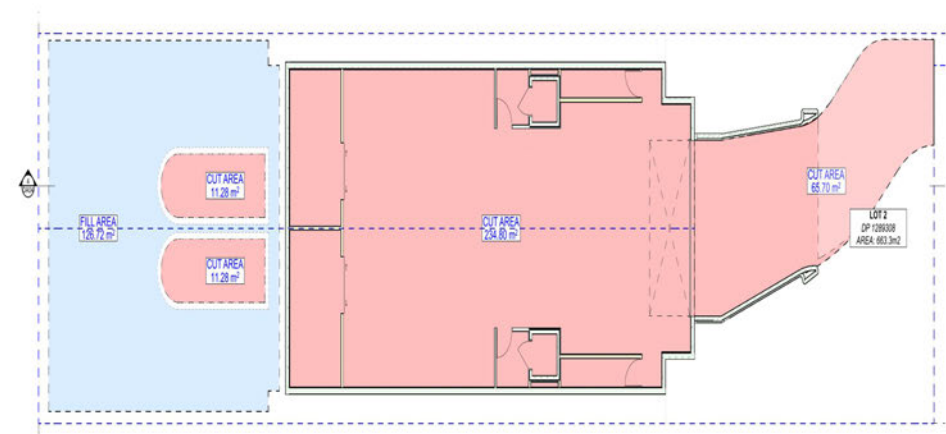
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Thursday 15 May
2023

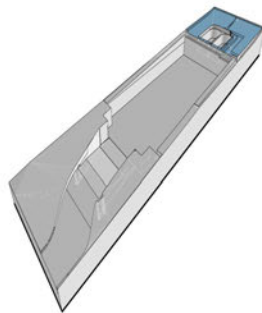
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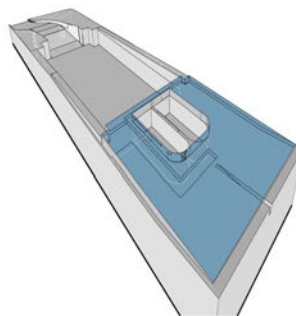
Plan Extract 1



1 CUT AND FILL PLAN
Scale 1:100



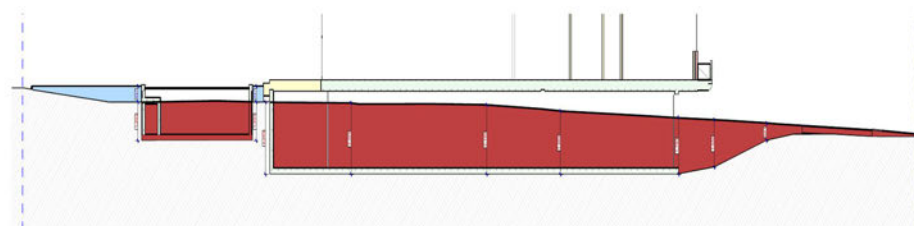
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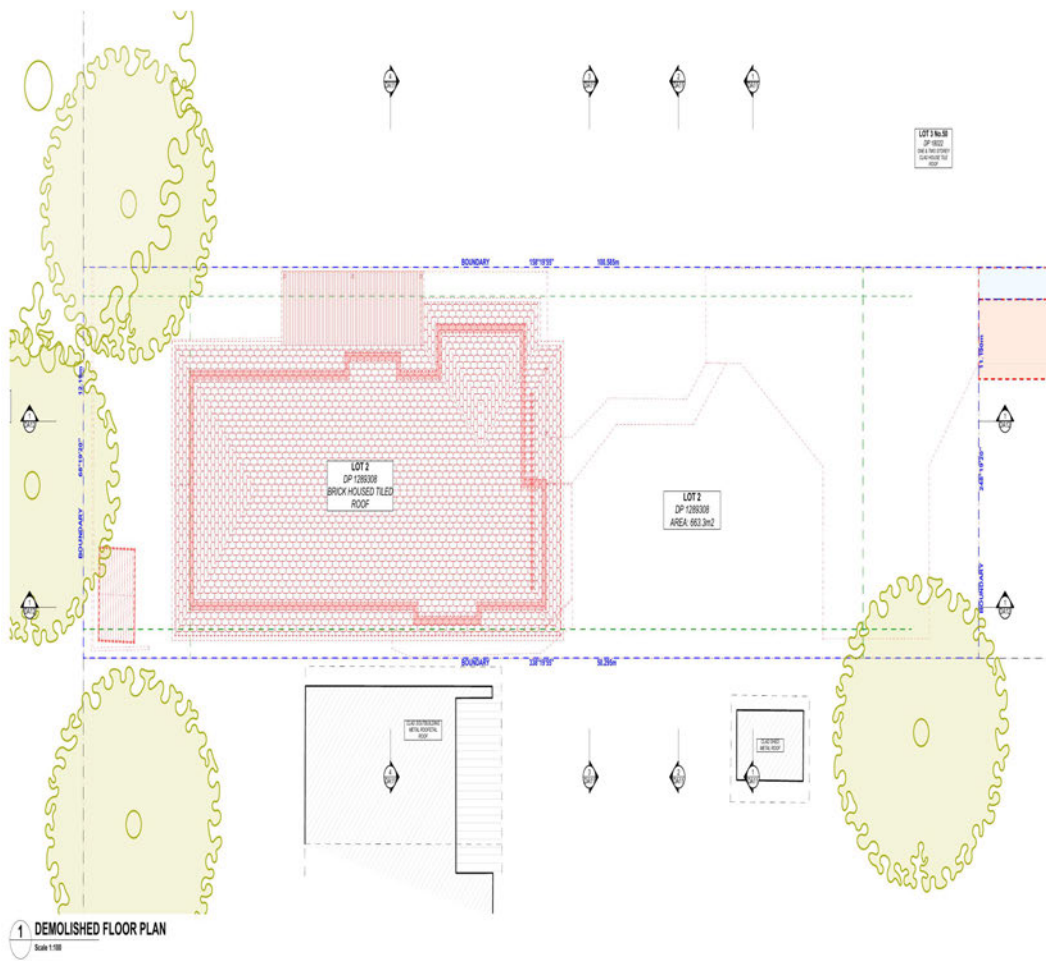
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FILL	51.30

5 CUT AND FILL SCHEDULE
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4 CUT AND FILL SECTION
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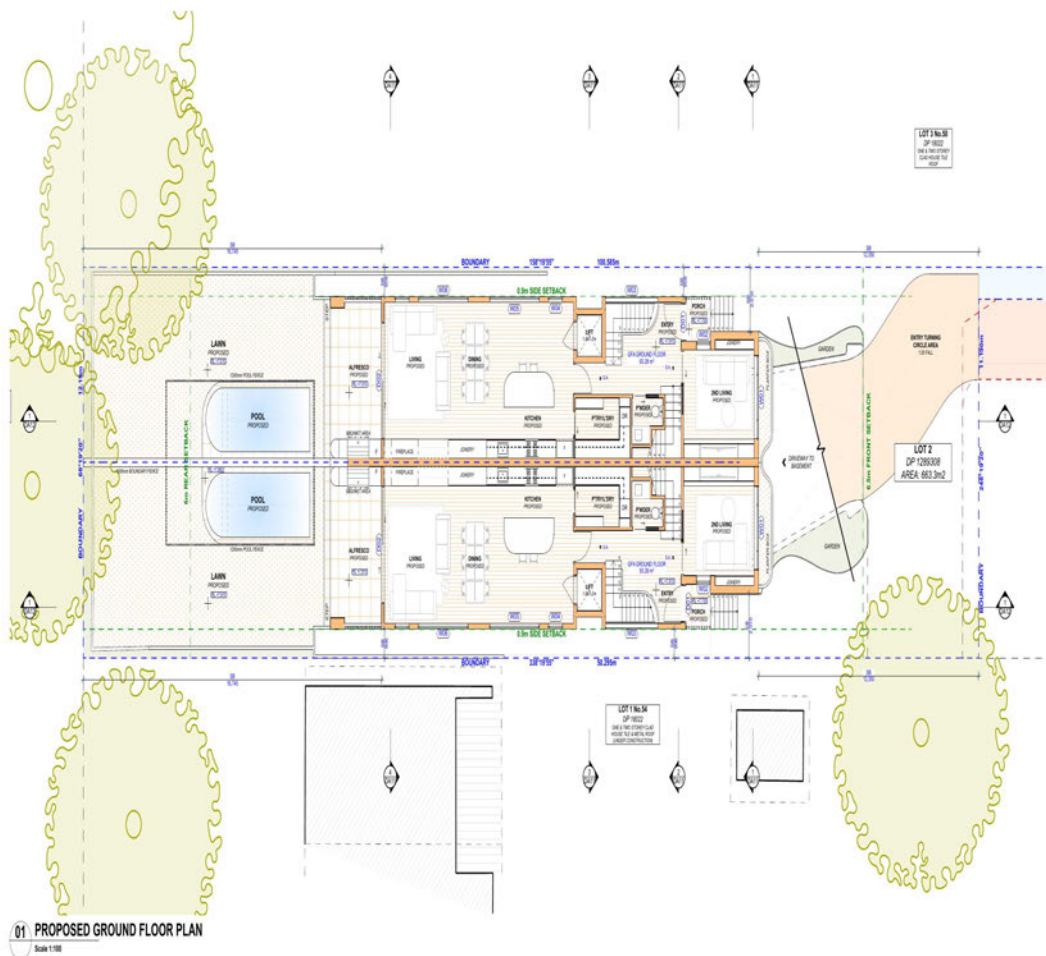
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NOTE: ALL DEMOLISHED ELEMENTS TO ENG. SPECIFICATIONS & AS 2891 - 2001

REV.	DATE	COMMENTS	ISSUE NOTES
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59	15/05/2025	15/05/2025	15/05/2025
60	15/05/2025	15/05/2025	15/05/2025
61	15/05/2025	15/05/2025	15/05/2025
62	15/05/2025	15/05/2025	15/05/2025
63	15/05/2025	15/05/2025	15/05/2025
64	15/05/2025	15/05/2025	15/05/2025
65	15/05/2025	15/05/2025	15/05/2025
66	15/05/2025	15/05/2025	15/05/2025
67	15/05/2025	15/05/2025	15/05/2025
68	15/05/2025	15/05/2025	15/05/2025
69	15/05/2025	15/05/2025	15/05/2025
70	15/05/2025	15/05/2025	15/05/2025
71	15/05/2025	15/05/2025	15/05/2025
72	15/05/2025	15/05/2025	15/05/2025
73	15/05/2025	15/05/2025	15/05/2025
74	15/05/2025	15/05/2025	15/05/2025
75	15/05/2025	15/05/2025	15/05/2025
76	15/05/2025	15/05/2025	15/05/2025
77	15/05/2025	15/05/2025	15/05/2025
78	15/05/2025	15/05/2025	15/05/2025
79	15/05/2025	15/05/2025	15/05/2025
80	15/05/2025	15/05/2025	15/05/2025
81	15/05/2025	15/05/2025	15/05/2025
82	15/05/2025	15/05/2025	15/05/2025
83	15/05/2025	15/05/2025	15/05/2025
84	15/05/2025	15/05/2025	15/05/2025
85	15/05/2025	15/05/2025	15/05/2025
86	15/05/2025	15/05/2025	15/05/2025
87	15/05/2025	15/05/2025	15/05/2025
88	15/05/2025	15/05/2025	15/05/2025
89	15/05/2025	15/05/2025	15/05/2025
90	15/05/2025	15/05/2025	15/05/2025
91	15/05/2025	15/05/2025	15/05/2025
92	15/05/2025	15/05/2025	15/05/2025
93	15/05/2025	15/05/2025	15/05/2025
94	15/05/2025	15/05/2025	15/05/2025
95	15/05/2025	15/05/2025	15/05/2025
96	15/05/2025	15/05/2025	15/05/2025
97	15/05/2025	15/05/2025	15/05/2025
98	15/05/2025	15/05/2025	15/05/2025
99	15/05/2025	15/05/2025	15/05/2025
100	15/05/2025	15/05/2025	15/05/2025

Plan Extract 3



REV.	DATE	COMMENTS	ISSUED NOTES
1	10.03.20	10.03.20	10.03.20
2	10.03.20	10.03.20	10.03.20
3	10.03.20	10.03.20	10.03.20
4	10.03.20	10.03.20	10.03.20
5	10.03.20	10.03.20	10.03.20
6	10.03.20	10.03.20	10.03.20
7	10.03.20	10.03.20	10.03.20
8	10.03.20	10.03.20	10.03.20
9	10.03.20	10.03.20	10.03.20
10	10.03.20	10.03.20	10.03.20
11	10.03.20	10.03.20	10.03.20
12	10.03.20	10.03.20	10.03.20
13	10.03.20	10.03.20	10.03.20
14	10.03.20	10.03.20	10.03.20
15	10.03.20	10.03.20	10.03.20
16	10.03.20	10.03.20	10.03.20
17	10.03.20	10.03.20	10.03.20
18	10.03.20	10.03.20	10.03.20
19	10.03.20	10.03.20	10.03.20
20	10.03.20	10.03.20	10.03.20
21	10.03.20	10.03.20	10.03.20
22	10.03.20	10.03.20	10.03.20
23	10.03.20	10.03.20	10.03.20
24	10.03.20	10.03.20	10.03.20
25	10.03.20	10.03.20	10.03.20
26	10.03.20	10.03.20	10.03.20
27	10.03.20	10.03.20	10.03.20
28	10.03.20	10.03.20	10.03.20
29	10.03.20	10.03.20	10.03.20
30	10.03.20	10.03.20	10.03.20

Plan Extract 5

Conclusion

This report demonstrates that the proposed development at 52A Abbott Road fails to comply with numerous planning controls, legal standards, and community expectations. On the basis of the 30 detailed objections provided, the application should be refused in full.