
Sent: 25/11/2020 1:24:12 PM

Subject: Response to MOD 2020 0572 for DA 2011 360 48A Queenscliff Rd Queenscliff

Attachments: MOD 2020 0572 48A Qlcf rd Response as at 25 Nov 2020.pdf;

Dear Mr N Keeler, Planner

Please find attached an objection response

from Mr and Mrs Mounsey for

MOD 2020/0572 for DA 2011/360

48A Queenscliff Rd Queenscliff

Please confirm receipt (call 0431951430 with any questions)

25th November 2020

Dear Northern Beaches Council

Thanks for notifying us of the attempted NOV 2020 Modification of DA 2011/0360 for 48a Queenscliff Rd Queenscliff. MOD 2020/0572.

In April 2011, almost **10 years ago**, our family were happily enjoying our little beachside apartment (with our 2 toddlers) when suddenly our knees starting furiously shaking and our faces went white.

With absolutely ZERO warning and ZERO consultation, a letter from council arrived to say a mega development, costing tens of millions of dollars and involving several brand new apartments and doubling the size of 3 other apartments were to be **built mere metres away** from us by excavating the steep foundations of the 13 storey building next door, at 48A Queenscliff Rd, Queenscliff.

We had 2 weeks to respond.

This development was about to destroy all privacy and security to every single room in our apartment and would completely cut off all natural light for the unit below

How could the tallest building in the suburb (already 13 stories high and cutting of many views) **be allowed to do this** down at ground level and impact so many extra people?

Well, as it turns out, they actually can't!

Council were BRUTAL in their response to the 48A Queenscliff Rd Mega Developers in 2011

(letter is attached)

3x WDAP (Warringah Development Assessment Panel) members personally visited our unit to see the impact for themselves.

A huge council meeting was held so the 30 + people who complained could make speeches.

The only way this mega development at 48A Queenscliff Rd could get approval from the WDAP in 2011 was to eliminate the 3.5metre plus high terraced garden walls next to us (west elevation). They were instructed VERY CLEARLY **NOT** to terrace the land with any walls next to our apartments. They were to leave the sloping land as it was and not build it up.

Please be aware that it is these same banned garden terraced walls, that the developers are now trying to put back in, via THIS DA MODIFICATION.

These developers only want approval because they made a laughing stock of the WDAP council decision and actually just went and built these gigantic terraced garden walls anyway. They did this with ZERO regard for anyone else, and forged ahead despite their team being told verbally many times while they were building them it was not on the plans.

Council issued a removal order in 2020 after their private certifiers refused to certify their development, due to the illegal walls. They have ignored all of these orders and instead just lodged this modification to attempt to get retrospective approval.

Here is a quick timeline of events

1. **Mar 2011** – Huge multimillion development (more apartments) proposed by 48A Queenscliff Rd
2. **Apr 2011** – WDAP members visited our homes and were stunned to see the huge impact.
3. **May 2011** – WDAP council meeting held with 30+ people who complained about the plans
4. **Jul 2011** – 48A were told to redesign their multimillion dollar proposal. All structures beyond the western wall must be removed to gain approval for their huge development.
5. **Jul 2011** – The council sent us a copy of the strongly worded letter and conditions of approval.
6. **2017** – 48A Queenscliff road just went and built their illegal garden terrace walls anyway
7. **2017** – Tenants of our apartment immediately moved. Nobody wanted to rent our unit due to the big impact of this illegal build. Rent steeply dropped by \$150 a week and has never recovered. The lack of privacy issue has cost us an estimated \$30,000 in lost rent since 2017.
8. **2019** – Certifier refuses to issue certificates for 48A Queenscliff Rd due to the illegal walls
9. **Feb 2020** – Council issues removal order
10. **Mar - July 2020** – 48A fail in every single attempt to convince council they should be able to keep their giant walls
11. **Nov 2020** – 48A simply ignore the removal order and lodge retrospective plans (these ones which I'm responding to now). In it they claim there is minimal impact on neighbours, they deliberately leave off our balconies on almost all of the drawings, and talk about repositioning garden beds that don't currently actually exist on any approved plan, anywhere. They also add in a mosquito infested pond for added value just metres from the only outdoor space we have.

The original 2011 WDAP letter with the conditional approval for the entire mega development has these excerpts

“Delete any part of the new works that extend beyond the existing western wall.”

“Ensure privacy for 1A Greycliffe St.” “Submit a new landscaping plan which removes the present banking of the unbuilt upon area between the residential building and the western side boundary.”

Please note that to this big mega developer this is just steep sloping land they can't develop and use anyway....but to us it's the amenity of our entire apartment. It's the only unit we own. We worked our guts out to buy it. The imbalance is mindblowing.

As this has already chewed up 10 years of council resources there is no need to revisit this. It will set a shocking precedent if it is approved and they are making a complete mockery of council decisions by their many failed attempts to repeatedly get it approved. The argument for a mosquito infested loud trickling pond of any sort at that huge height.....is null and void. The imposing 3.5m ledges should not be there in the first place. Full stop.

Please see pictures next page....We have also attached a separate document with the visuals as well.

Regards

Mr and Mrs G Mounsey (owners of unit 6 / 1A Greycliffe St Queenscliff)

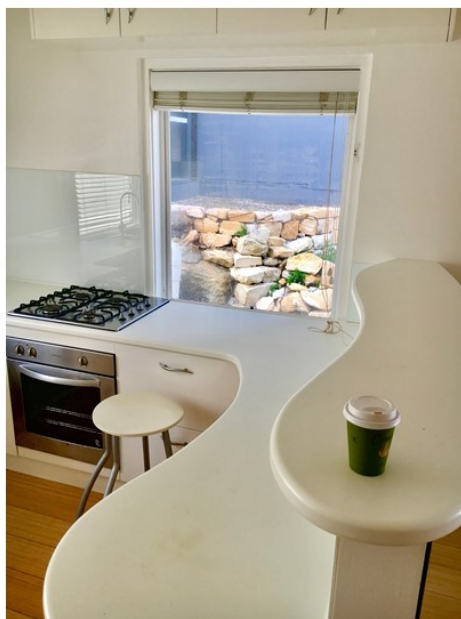
These imposing 3.5metres high ledges (unapproved) look into every room in my apartment at 6/1A Greycliffe St



Unit 6 – loss of privacy from unapproved ledges

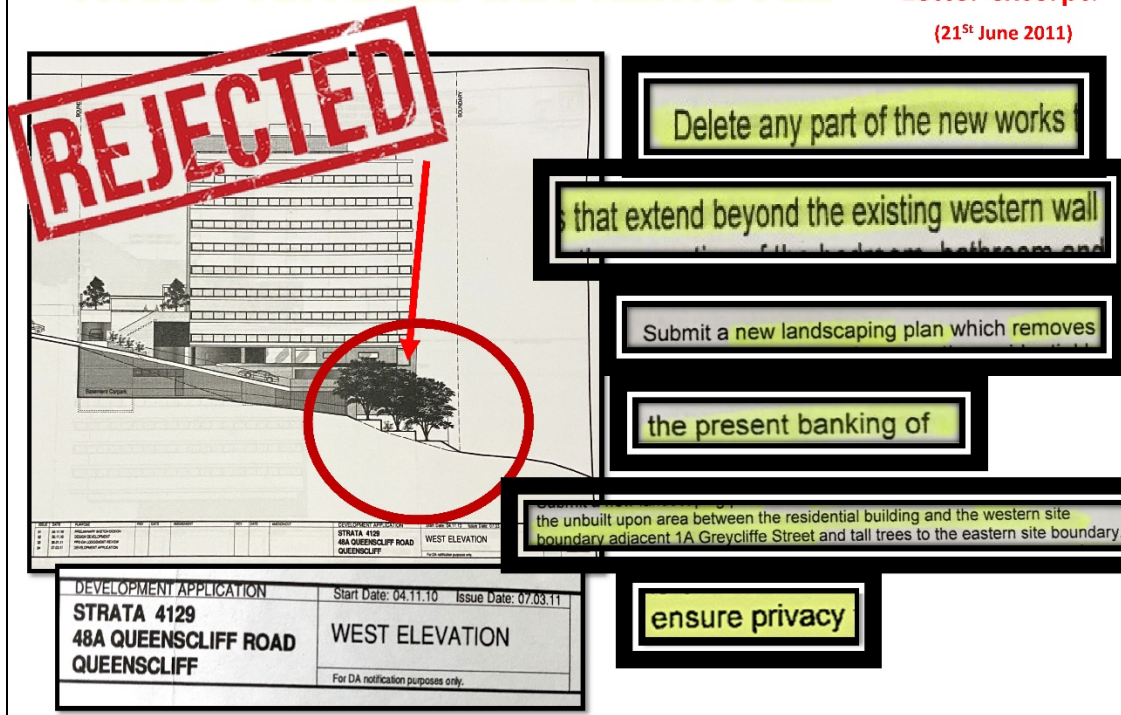
"It's weird that someone can sit there and see me in my own private kitchen without me knowing. We're one floor off the ground so this shouldn't happen"

-Tenant who moved out.

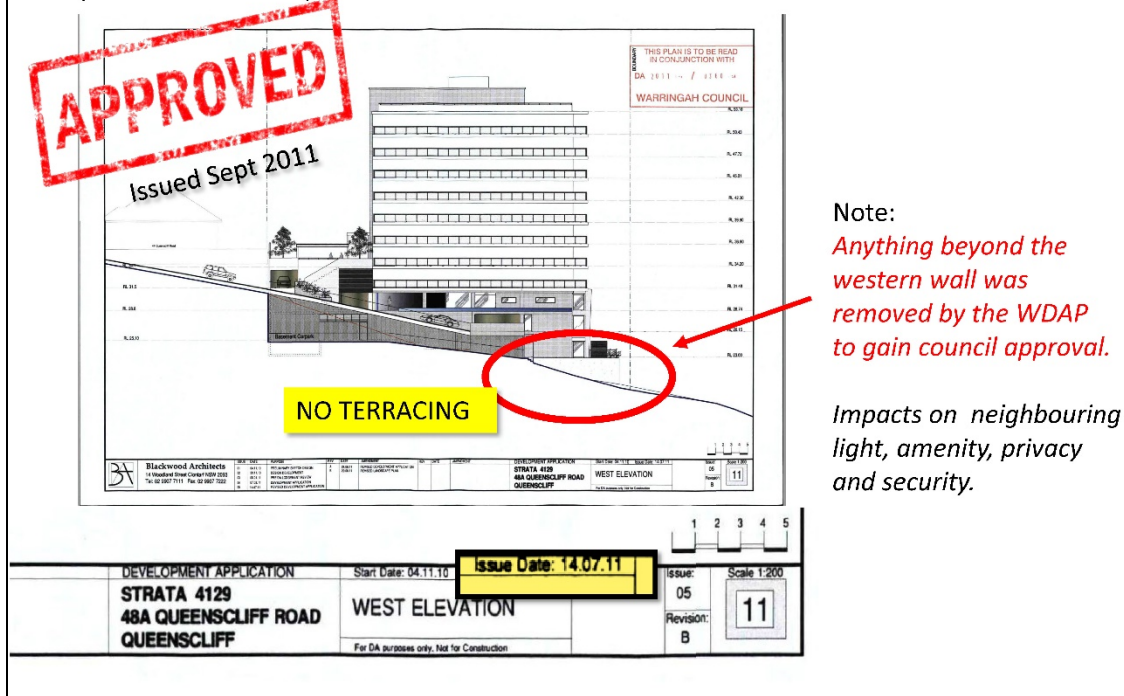


This is the REJECTED March 2011 PLAN These Terraces were REMOVED

WDAP panel
Letter excerpt:
(21st June 2011)



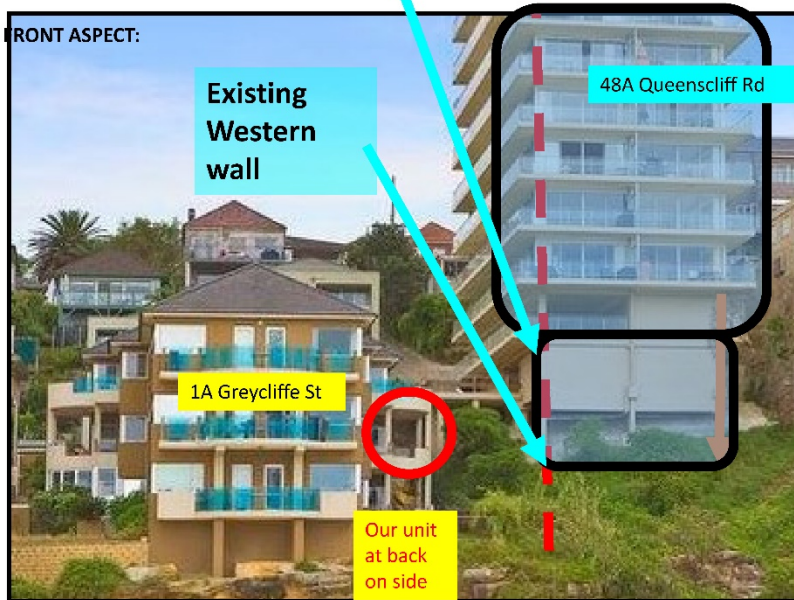
This is the official stamped 2011 plan (west elevation) Note that all terraces were removed



This photo taken *before works* shows *existing western wall*

Delete any part of the new works that extend beyond the existing western wall

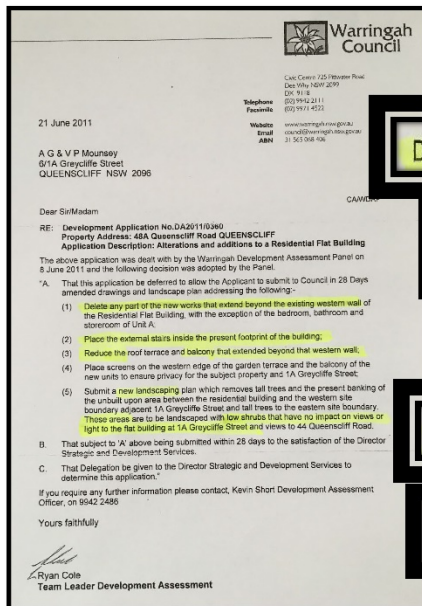
FRONT ASPECT:



WDAP panel
decision:

(21st June 2011)
(excerpt from official letter)

These are the conditions that 48A
Queenscliff rd were given by the
WDAP to gain approval in 2011.



Delete any part of the new works that extend beyond the existing western wall

Submit a new landscaping plan which removes

the present banking of

the unbuilt upon area between the residential building and the western site
boundary adjacent 1A Greycliffe Street and tall trees to the eastern site boundary.

These areas are to

have no impact on views or

light to the flat building at 1A Greycliffe Street



Unit 6 – loss of privacy from unapproved ledges

“It’s definitely awkward and weird when you are having a private dinner and a drink on your balcony and the bloke next door can just stand there and can hear everything and can also see you”

-Tenant who moved out

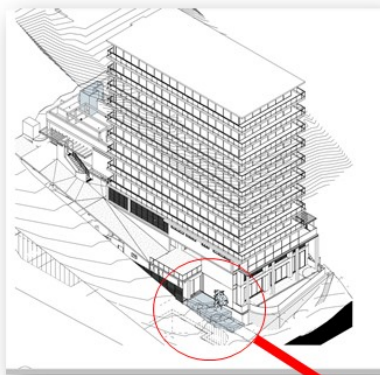


Unit 6 – loss of privacy from unapproved ledges

• “I don’t want to live here. The property next door looks straight into the bathroom & shower. No thanks!!.”

- Rental open house comment 2019

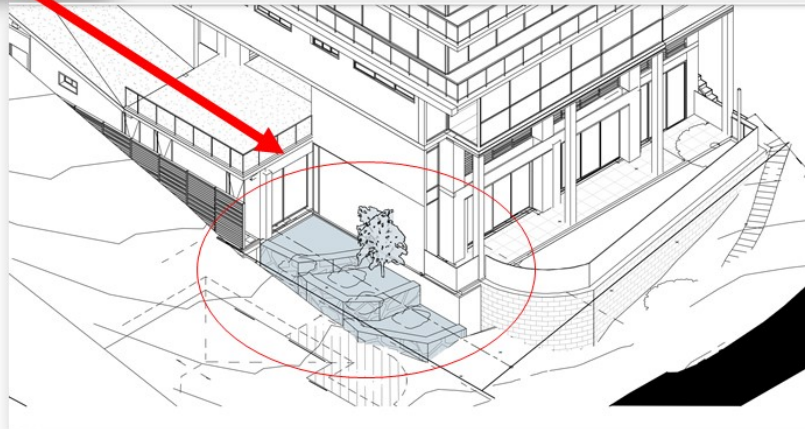




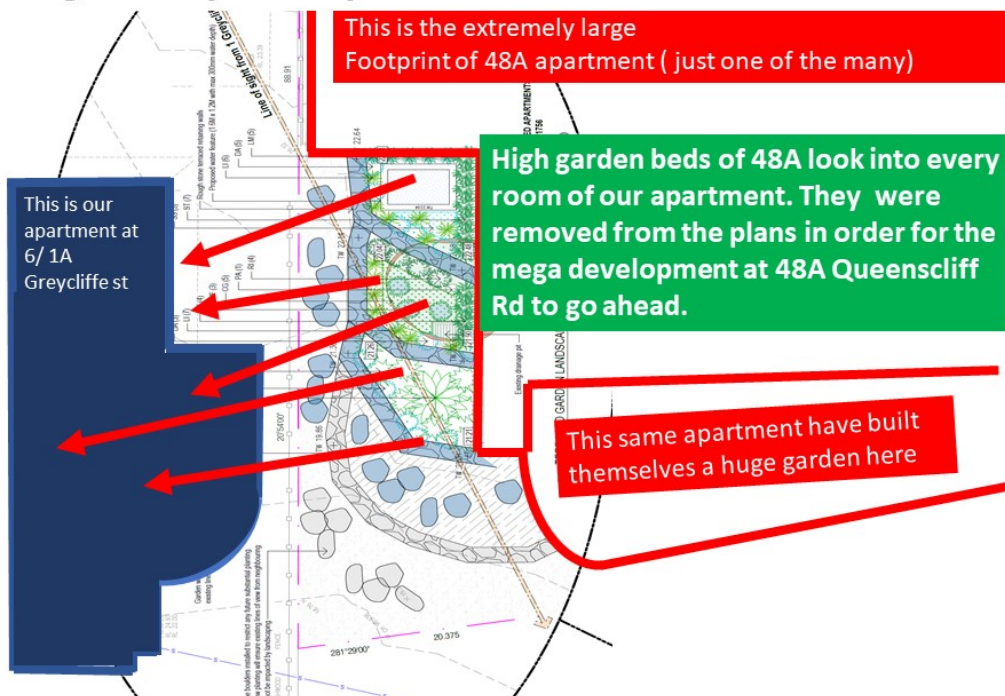
2020 DA MOD - NOT ALLOWED

The Nov 2020 DA has raised garden beds in the exact spot they were told by the WDAP they were not allowed to build in order to gain approval for their multimillion dollar development.

48A Queenscliff road are attempting to make a mockery of council processes

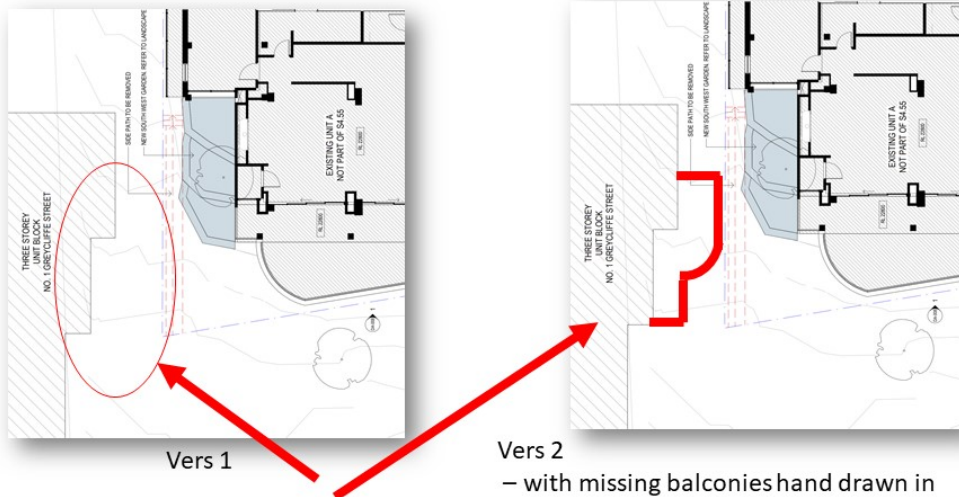


This new 2020 DA included here is just a rehash of the original rejected plans



48A Queenscliff Rd Nov 2020 lodged plans are **DELIBERATELY INCORRECT**

This is from the Nov 2020 DA from 48A Queenscliff RD



Where are our balconies?

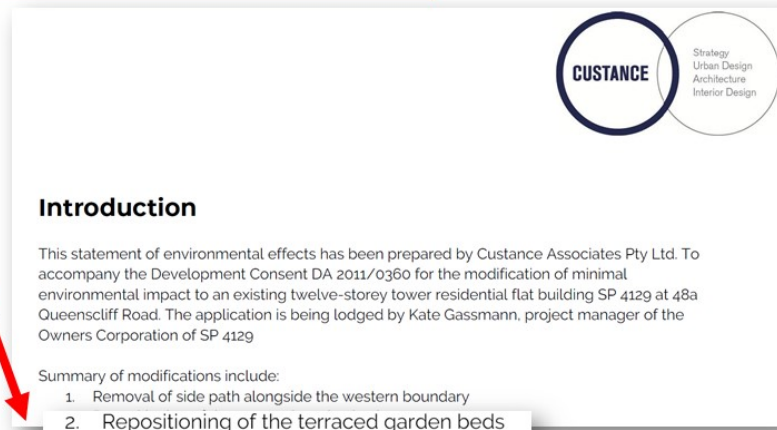
In version 2 we have drawn them in ourselves. Why were they left off in many of these plans?

Nov 2020 submitted DA.

You can't **reposition garden beds**
that DO NOT EXIST

There are no approved terraced garden beds on
any plan....hence they cannot be "repositioned"

Source - Excerpt from DA submitted Nov 2020
By 48A Queenscliff Rd Queenscliff



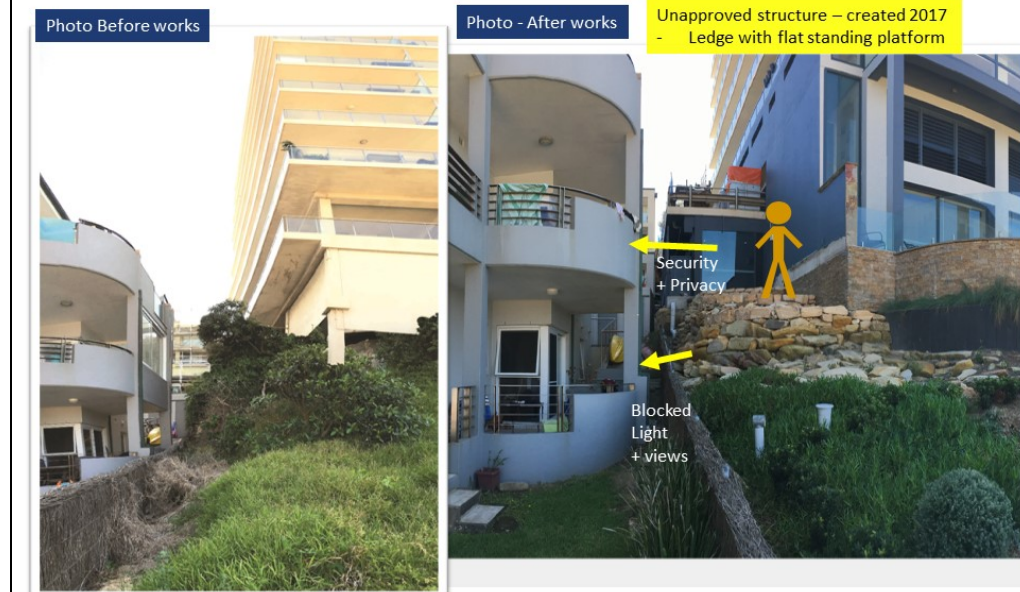
Photos showing dramatically eroded privacy for unit 6/ 1A Greycliffe st

These **photos show before and after unapproved works**



Photos showing security, privacy and light issues

These **unapproved ledges** currently look into every room in my apartment (unit 6) and make it an easy target for thieves. They also block light and views for (unit 3) below




*Unapproved Rock ledges 48A Queenscliff rd
Visual attachments Nov 2020*

Photo shows how giant unapproved rock ledges
are blocking huge amount of sunlight
for unit 3/ 1A Greycliffe st



WDAP Letter

 **Warringah Council**

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21 June 2011

A G & V P Mounsey
6/1A Greycliffe Street
QUEENSLIFF NSW 2096

CAWDAP

Dear Sir/Madam

RE: Development Application No.DA2011/03960
Property Address: 48A Queenscliff Road QUEENSLIFF
Application Description: Alterations and additions to a Residential Flat Building

The above application was dealt with by the Warringah Development Assessment Panel on 8 June 2011 and the following decision was adopted by the Panel.

*A. That this application be deferred to allow the Applicant to submit to Council in 28 Days amended drawings and landscape plan addressing the following:-


- (1) Delete any part of the new works that extend beyond the existing western wall of the Residential Flat Building, with the exception of the bedroom, bathroom and storeroom of Unit A;
- (2) Place the external stairs inside the present footprint of the building;
- (3) Reduce the roof terrace and balcony that extended beyond that western wall;
- (4) Place screens on the western edge of the garden terrace and the balcony of the new units to ensure privacy for the subject property and 1A Greycliffe Street;
- (5) Submit a new landscaping plan which removes tall trees and the present banking of the unbuilt upon area between the residential building and the western site boundary adjacent 1A Greycliffe Street and tall trees to the eastern site boundary. These areas are to be landscaped with low shrubs that have no impact on views or light to the flat building at 1A Greycliffe Street and views to 44 Queenscliff Road.

B. That subject to 'A' above being submitted within 28 days to the satisfaction of the Director Strategic and Development Services.

C. That Delegation be given to the Director Strategic and Development Services to determine this application.

If you require any further information please contact, Kevin Short Development Assessment Officer, on 9942 2486

Yours faithfully


Ryan Cole
Team Leader Development Assessment