

Good Morning,

Please see below my list of concerns regarding the application at 92 Abbott Road : DA2018/1448

Dual Occupancy:

I don't think the dual occupancy is valid anymore. The consent clearly states that it is only valid while the owner lives there, so by leasing both properties, he has lost the dual occupancy right, and thus "continued use" argument for redevelopment is not valid.

Attached is an email from Clarke and Humel stating both properties are leased, and below are two links showing that properties are leased. We also knew some of the tenants that had been living there in excess of 12 months.

<https://www.clarkeandhumel.com.au/rent/recently-leased/92a-abbott-road/>

<https://www.clarkeandhumel.com.au/rent/recently-leased/92b-abbott-road/>

1. **Primary and secondary frontage. In the statement of environmental effects, they have this in the site description:**

2.0 SITE LOCATION AND DESCRIPTION

2.1 Location

The site is located on the corner of Abbott Road and Lillie Street, North Curl Curl. The site slopes gently down from north to south with the primary frontage being Lillie Street. To the south of the site is a large area comprising sports playing fields and the Greendale Creek, which flows from the Brookvale industrial area to Curl Curl lagoon.

They state the primary frontage is Lillie street, however, when doing the setback calculations, they use Abbott road as the primary frontage, and the Lillie as the secondary frontage.

This then means they have tried to get a secondary setback distance on the primary frontage. If Lillie street is the primary frontage, the setback should be in line with the Lillie street homes.

2. **Orientation of the home**

This goes against the flow of all the houses in the area. Allowing a home to be built 90 degrees to all others will impact on the privacy of all surrounding homes

3. **Off street parking:**

They say they have provided 2 parking spaces per unit. A garage and driveway. The driveway is only 3.6m long, which will not fit any modern car. This means that if this is allowed the cars will no doubt park in the driveway across the council strip crossover. This is not allowed anywhere else, so why would they allow it in this development?

4. **Removal of native tree on council strip**

They propose the removal of a mature native tree – indicating that they will replace it further up the property. The tree is probably 30 years old, so it will take 30 years to restore the privacy that the current tree offers

Many Thanks
Chris

From: Wolak, Chris
Sent: Friday, September 14, 2018 11:24 AM
To: renee.ezzy@northernbeaches.nsw.gov.au
Subject: RE: 92 Abbott Road - Dual occupancy

Morning Renee

Just following up to make sure you recieved my email yesterday?

Thanks
Chris

From: Wolak, Chris <chris.wolak@ubs.com>
Date: Thursday, 13 Sep 2018, 13:03
To: renee.ezzy@northernbeaches.nsw.gov.au <renee.ezzy@northernbeaches.nsw.gov.au>
Cc: Wolak, Chris <chris.wolak@ubs.com>
Subject: 92 Abbott Road - Dual occupancy

Hi Renee

We just received the DA request letter for the dual occupancy.

I was going to make a submission, with a number of what I believe, are major issues with this development.

Before I do, I just wanted to check if you have checked if the "current" dual occupancy is valid?

I note that in the original consent attached to the Statement of environmental effects:

Consent no 82/150 Point 4:

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF DETERMINATION

OF A DEVELOPMENT APPLICATION

Applicant's Name & Address: B & D Mills, 92 Abbott Rd., Nth
Curl Curl.

Being the applicant in respect of Development Application
No. 1982/72.

Pursuant to section 92 of the Act, notice is hereby given
of the determination by the Council of the Shire of Warringah,
as the consent authority, of the Development Application
No. 1982/72 relating to the land described as follows:-

Lot 2, DP 23304, No. 92 Abbott Road, North Curl Curl.

For the following development:-

Conversion of and addition to the existing dwelling to create
a two-storey dual occupancy.

The Development Application has been determined by granting
of consent subject to the following conditions:-

1. Development being in accordance with plans numbered
81121, dated January 1982, submitted 4.3.82, amended
5.4.82 and 3.5.82.
2. The provision of 3 car parking spaces in accordance
with the requirements of Council's Car Parking Policy,
adopted T.P.B.C. 13.4.77, revised T.P.B.C. 3.10.79,
as amended.
3. Any alterations and/or additions to the dwelling
to be constructed of materials matching or complement-
ing the materials of the existing dwelling; the design
of the conversions and additions is to harmonise
with the architecture of the existing dwelling.
4. This consent is valid only for so long as one of
the dwellings created pursuant to this consent is
occupied by the owner of the allotment, or where
the allotment is owned by a corporation, a director
or employee of that corporation occupies one of the
dwellings.
5. Council will require a separate garbage service to
be provided to each dwelling in the dual occupancy,
and will charge for each service at the current rate.
6. Walls between units to have a STC of 45.

Both of these properties are rented out, and have been for a while.

With this in mind, reading point 4, would make original approval invalid, so therefore argument of "existing
use" also invalid.

I will raise this again in my submission, but wanted to check if it had been noted before?

Kinds Regards
Chris Wolak
88 Abbott Road

Good morning Chris,

Thank you for your email.

Unfortunately, both of these units are leased.

Kind regards,

Joely Callaghan.

From: chris wolak <chriswolak1@yahoo.com>

Sent: Tuesday, 25 September 2018 9:06 AM

To: Joely Callaghan | Clarke & Humel Rentals Admin <rentals.admin@clarkeandhumel.com.au>

Subject: 92 Abbott Road, North Curl Curl

Good morning,

I recently saw that 92a Abbott Road (upstairs unit) had been leased out by you.

Would you by any chance know if the downstairs unit is available for rent?

I looked on your leased section, and you had both 92 and 92b as leased, but it looks like the same set of photos for both, so just wanted to check.

Thanks

Chris