
From: Jill Marsland
Sent: 4/02/2025 9:31:36 AM
To: Council Northernbeaches Mailbox
Cc: Grant Christmas
Subject: TRIMMED: Submission in relation to Modification Application 2024/ 0700 - No. 3 Summit Ave, Dee Why
Attachments: Ltr - Northern Beaches Council - Submission re Mod2024-0700 - 04-02-25.pdf;

Attention: Mr Thomas Prosser

Dear Sir,

Please find our letter **attached**.

Kind regards,

Apex Planning and Environment Law

Jill Marsland



Ref: 003/2025

4 February 2025

General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Attn: Mr Dean Pattalis / Mr Thomas Prosser

By e-mail

Dear Sirs

YOUR REFERENCE: MOD2024/0700
PREMISES: 3 SUMMIT AVENUE, DEE WHY

1. As you are aware, we act for Mr Matt Winnell, the registered owner of Lot 18 in DP 12667 known as 1 Summit Avenue, Dee Why (**Client**). Our Client's property (**No. 1**) is immediately adjacent to, and shares its eastern boundary with, Lot 19 in DP 12667 known as 3 Summit Avenue, Dee Why (**No. 3**).
2. We are instructed that No. 3 is owned by Mr Carl Sakellaris and Mrs Anna Sakellaris.
3. Our Client has instructed us to lodge the following submission in relation to Modification Application No. MOD2024/0700 (**Modification Application**) for No. 3.
4. Our Client's submission is in regard to a pre-existing deck, which has now been demolished, located on the northern elevation at No. 3 (**Deck**). The side of the Deck, as shown on the western elevation, was observed from our Client's home. The Deck is shown at a height of RL 56.300 on the stamped approved plans for the original consent DA2018/0383 (**Consent**): see Figure 1.

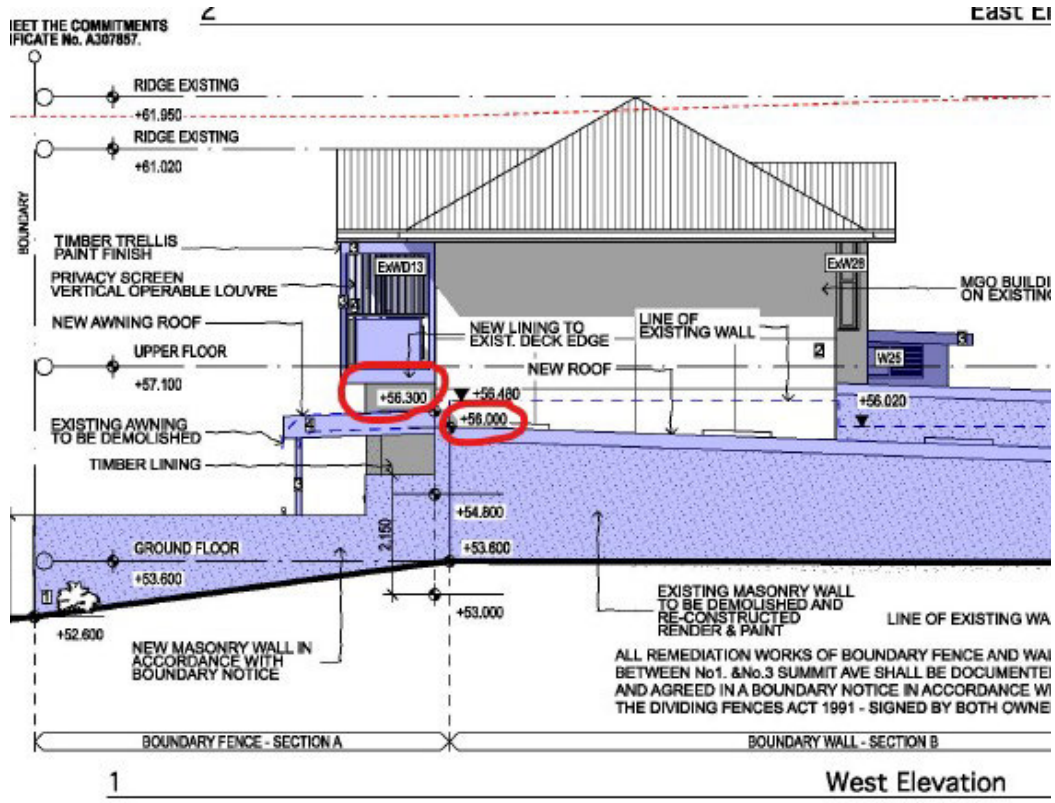


Figure 1: The Consent plans show the existing deck at RL 56.300 on the western elevation. This is a height of 300mm above the Boundary Wall, which is shown at RL 56.000.

5. The Deck is shown on the western elevation at a height of 300mm above the Boundary Wall, which is shown at RL 56.000.
6. The Consent provided for “New Glass Balustrade To Existing Deck” And “New FC Lining To Underside Of Exist. Deck”: see Figure 2.

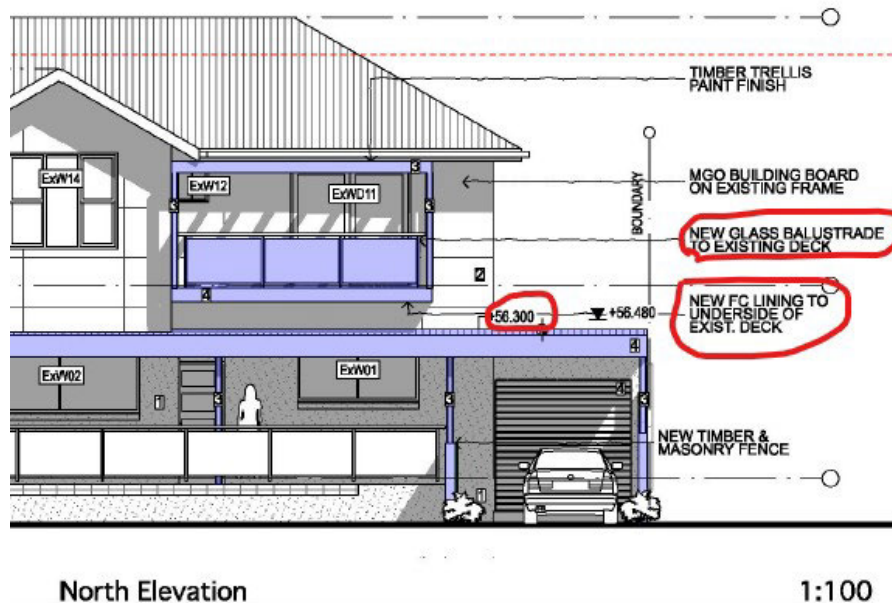


Figure 2: The Consent approved a new glass balustrade to the existing deck and a new FC lining on the underside of the existing deck. The Deck is shown at RL 56.300.

7. Modification Application 2024/0094 showed the change from a new glass balustrade to a new metal balustrade. It also added “Deck timber appearance” to the new FC lining to underside of existing deck: see Figure 3.

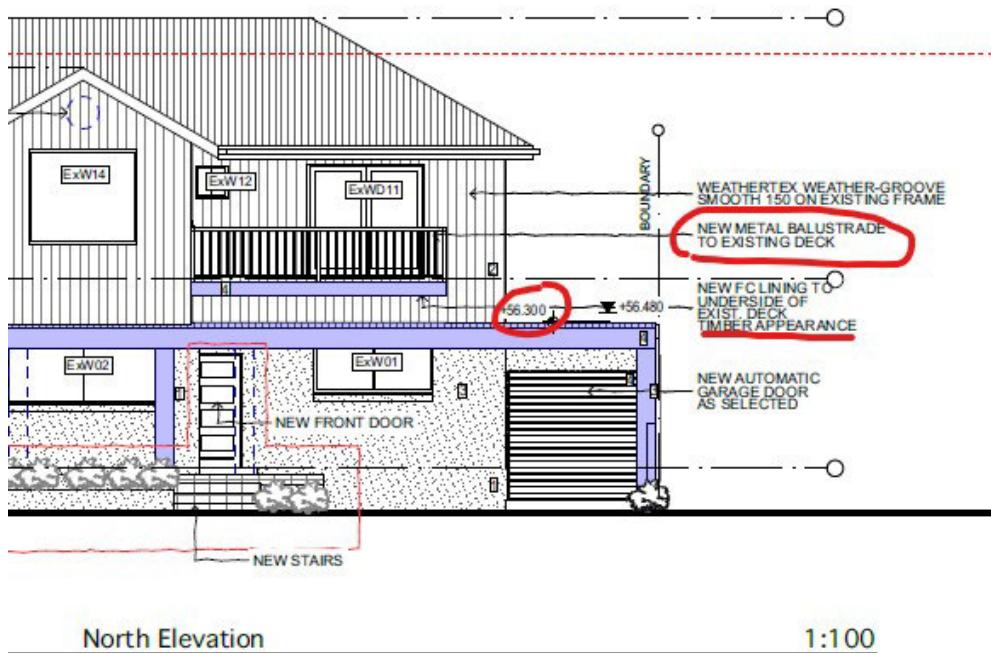
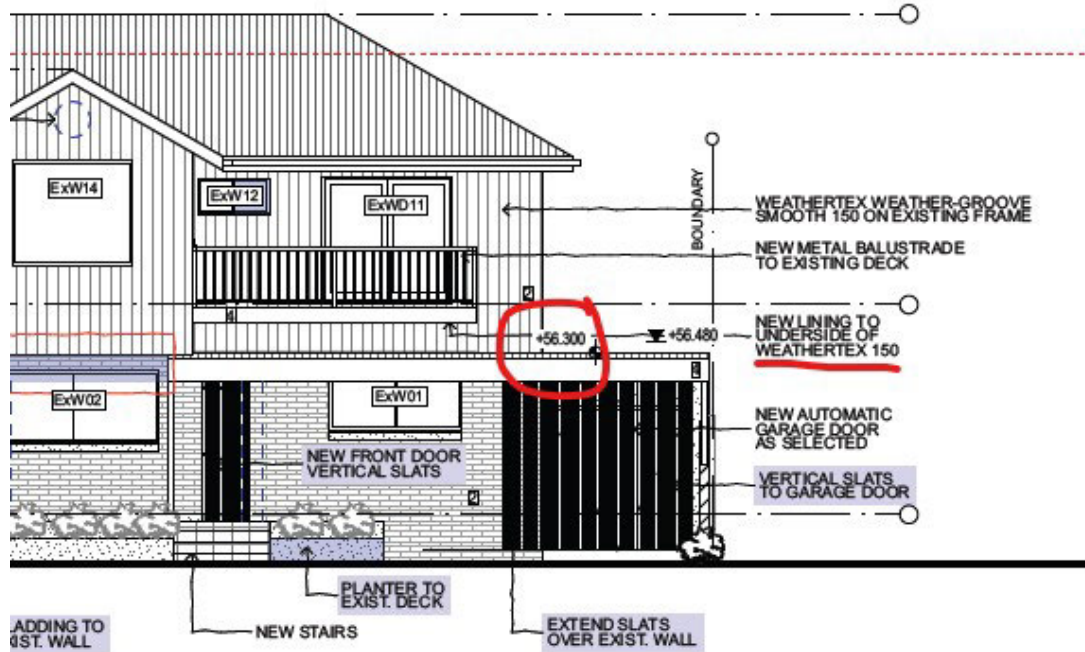


Figure 3: Modification Application 2024/0094 changed the new balustrade from glass to metal, and added the notation “Deck timber appearance”. It is not clear why these changes are not clouded. The Deck is consistently shown at RL 56.300.

8. The Modification Application includes Drawing Elevations (West Elevation) prepared by Grant Seghers Architect, Drawing No. DA-06, Rev B and dated 18 December 2024 that again shows the Deck at RL 56.300 and the top of the Boundary Wall at RL 56.000. The Modification Application also shows a change in notation in relation to the underside of the deck: see Figure 4.



North Elevation

1:100

Figure 4: Modification Application 2024/0700 changes the notation to “New Lining to Underside of Weathertex 150”. It is not clear why this change is not clouded. The Deck is consistently shown at RL 56.300.

9. Our Client has observed that the Deck was unlawfully demolished during or around October 2024 and a new deck is being unlawfully constructed at a much higher RL: see Figure 5. The new deck is creating overlooking and privacy impacts, height, bulk and scale impacts, and view loss impacts for our Client.



Figure 5: The Deck has been unlawfully demolished and is being reconstructed at a greater height.

10. The lack of any detail as to why the Deck has been demolished without consent, and a new deck is now being constructed at a higher level than shown on the plans should cause Council to issue a Stop Works Order pursuant to Schedule 5, Part 1, item 2 of the *Environmental Planning and Assessment Act 1979*.
11. The First Floor Plan (Drawing No. Mod-04 Rev B prepared by Grant Seghers Design dated 18 December 2024) shows a 250mm eave overhang. Our Client is concerned about this overhang, and wants clarification to ensure that it will not in any way cross his boundary line: see Figure 6.

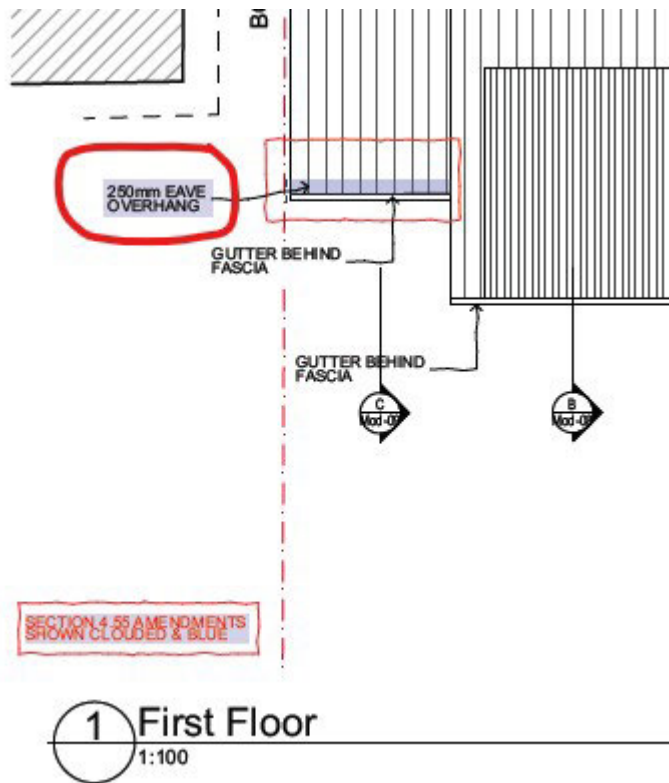


Figure 6: The Modification Application shows a 250mm eave overhang on the first floor.

12. The Modification Application is unclear as to whether the existing awning on the northern elevation is to be maintained or to be demolished and rebuilt square: see Figure 7. The West Elevation includes a notation that is unclear. As such, our Client is unable to ascertain the potential impacts, if any, to his property.

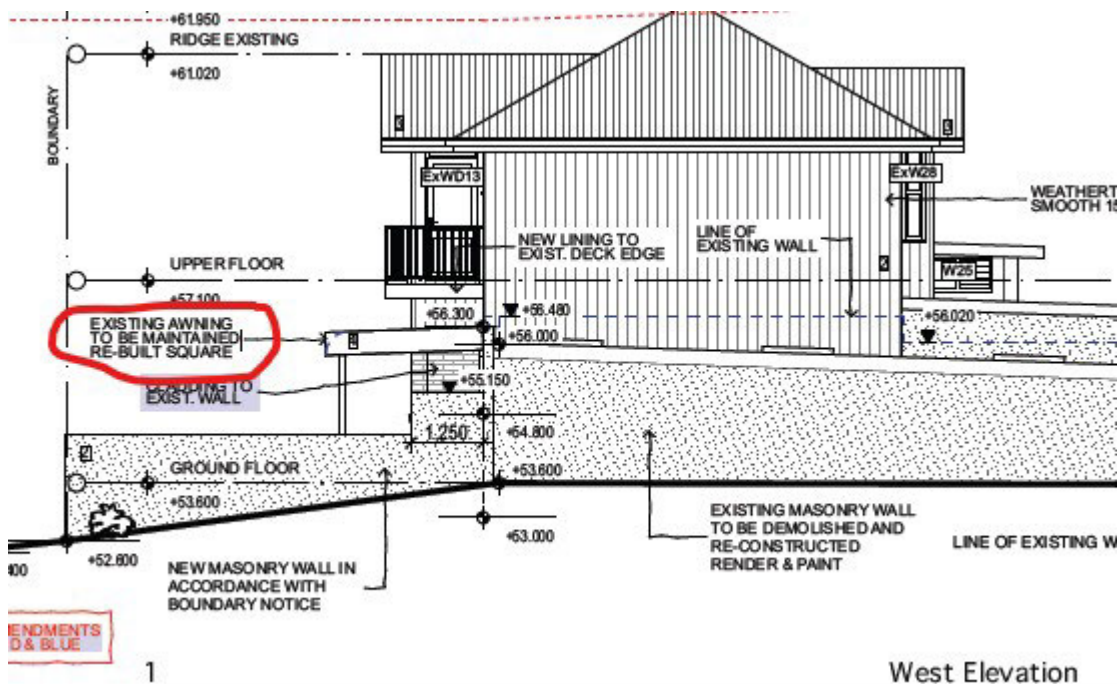


Figure 7: The West Elevation includes a notation that the awning is to be maintained | re-built square. This notation lacks clarity and certainty.

13. Please contact us if you have any questions about this letter.

Yours faithfully

Apex Planning and Environment Law



Grant Christmas

Solicitor / Principal

Law Society of NSW:

Accredited Specialist (Local Government & Planning)



Jill Marsland

Senior Associate

