

---

**Sent:** 21/08/2020 5:00:05 PM  
**Subject:** Objection to DA2020/0838 for 86 Quirk Street Dee Why  
**Attachments:** 200810 - Harris Submission - 86 Quirk St Dee Why.pdf; Cost Summary Report.PDF; 84 Quirk St Dee Why Fig Tree aerial 2007 to 2018 - reduced.pdf;

Hi Catriona,

Please attached our submission re DA2020/0838 for 86 Quirk Street Dee Why

Regards,

Steve Harris  
84 Quirk St Dee Why

## Submission regarding Development Application DA2020/0838 for 86 Quirk Street Dee Why

Dear Catriona,

Re: DA2020/0838 – 86 Quirk Street, Dee Why

We are the owners and occupants of No. 84 Quirk Street, Dee Why. Our property sits immediately to the West of the subject site for this development application (DA). We remain, quite frankly, stunned by the sheer bulk and scale of the proposed development; the blatant disregard for amenity loss for our and neighbouring properties including the obliteration of long held, high-value, whole water views, but also the large volume of adverse impacts generated by what is at best, an ill-conceived, poorly designed proposal and at worst, a self-serving, uncaring attempt to maximise the perceived resale value of the subject site.

Approval of this DA in its current form would set an astonishing, grossly unreasonable and unjust precedent for ‘view sharing’ and allowable building bulk and scale for all future development of residential property on the Northern Beaches.

This submission should be read in conjunction with the Town Planner reports prepared on our behalf and provides the context of the DA submitted by the new owners of No. 86 Quirk Street and reviews some additional the impacts on our, and the surrounding properties.

The town planning submissions and those submissions from the many objecting residents demonstrate the proposal does not comply with the Council development controls or their objectives. This includes both numerical non-compliance and inconsistency with many of the objectives of the DCP and LEP.

The development is large and described in many lengthy documents on the Council website. We have done our best, with the help of qualified town planners, to try to understand and describe the issues of objection we take with this development but may make further submissions as additional insight and details become available. We respectfully request Council accept any further submissions and consider them in assessment of this development application.

### Context

- The new owners of 84 Quirk Street have a long history of property development and Michael Clues is a licensed builder - No. 113182C
- The repeat method employed appears to be (see evidence further below):
  - unsolicited approach to purchase houses that are not for sale
  - purchasing at relatively low price
  - complete demolition of existing house
  - Mr Clue’s company building large 5 bedroom developments with a focus on maximising financial return and little regard for amenity of neighbouring properties
  - selling the property once capital gains tax and home warranty insurance periods have expired

- The owners attended the auction of our property 84 Quirk St) in Nov 2019, did not bid, apparently discouraged by the covenant that limits construction extending the rear of our house, instead choosing to approach the owners of 86 Quirk St following the auction with a private, off market, offer to purchase.
- They purchased 86 Quirk St in Dec 2019 for \$2.57m settling in March 2020
  - <https://www.onthehouse.com.au/property/nsw/dee-why-2099/86-quirk-st-dee-why-nsw-2099-19437899>
  - <https://www.allhomes.com.au/86-quirk-street-dee-why-nsw-2099>
- History of staged DA and CDC to achieve development wishes and skirt regulations and objections of neighbours
  - Owners address prior to 86 Quirk St was 31 Ross St North Curl Curl
    - Purchased Dec 2011 for \$1.21m – (4 bed, 1 bath, one carport) using off market approach through buyer's agent PK property
      - <https://pkproperty.com.au/post/713/pk-property-just-purchased-31-ross-street-north-curl-curl>
      - <https://www.raywhite.com/nsw/north-curl-curl/715488/?lang=en>
    - Sold Dec 2019 for \$3.535m - (5 bed, 4 bath, 2 car garage)
      - <https://www.realestate.com.au/sold/property-house-nsw-north+curl+curl-132787966>
    - Built by Michael Clues
      - <https://www.google.com/maps/@-33.7641684,151.2914301,3a,15y,166.27h,82.98t/data=!3m6!1e1!3m4!1seDfBgUpkZDA-1t6jSfkyHw!2e0!7i13312!8i6656>
  - Owners development application history for 31 Ross St North Curl Curl:

Council Ref.	Status	Determined	Works
<a href="#">DA2011/1327</a>	Withdrawn	07/12/2011	New - Demolition works and construction of a dwelling house
<a href="#">DA2012/1057</a>	Withdrawn	14/09/2012	New - Construction of dwelling house, swimming pool and cabana
<a href="#">DA2012/1179</a>	Withdrawn	30/10/2012	New - Demolition works and construction of a dwelling house and swimming pool
<a href="#">CDC2013/0004</a>	Completed	04/03/2013	Application Type: Complying Development Certificate Private SEPP - Private SEPP - Demolition of an existing dwelling and construction of a two-storey ,swimming pool and cabana
<a href="#">FOC2018/0067</a>	Completed	19/01/2018	Final Occupation Certificate - Private SEPP - Demolition of an existing dwelling and construction of a two-storey ,swimming pool and cabana FOC-2012-156

- Owners address prior to 31 Ross St North Curl Curl was 16 Ross Street North Curl Curl.

- Purchased August 2004 for \$955,000 – (3 bed)
- <https://www.realestate.com.au/property/16-ross-st-north-curl-curl-nsw-2099>
- Sold February 2012 for \$1,950,000 – (5 bed, 3 bath, 2 car garage)
  - <https://www.domain.com.au/property-profile/16-ross-street-north-curl-curl-nsw-2099>
- Owners development application history for 16 Ross Street North Curl Curl.

Council Ref.	Status	Determined	Works
<a href="#">DA2005/0368</a>	Approved	19/04/2005	DA - Proposed Dwelling Swimming Pool and Cabana
<a href="#">PCA2008/1200</a>		25/07/2008	Application Type: Principal Certifying Authority Private - Proposed Dwelling Swimming Pool and Cabana

Additional negative impacts of the proposed development on the amenity of our property:

- Effect on the endemic, ‘high local significance’, Port Jackson Fig tree (*F. rubiginosa*) located in the rear of our property. See attached Google Earth aerial view of tree over time with the visible effect (note change in colour and thickness of canopy) following neighbouring development including pool at 84 Quirk St (2011), granny flat at 82 Quirk St (~2017). We note the cumulative impact of the proposed development, the granny flat at 82 Quirk St and the pool at 84 Quirk street will exceed the 15% maximum intrusion on the tree allowed under controls employed by professional arborists. We request an arborist report be sought to determine the impact on the tree.
- Regarding the overshadowing of our lounge room, dining, kitchen, deck and master bedroom. Further, consideration needs to be given to differing amenity of sunlight received at different times of the day. Removal of the sunlight received from a sunrise over the ocean or sunset over the hills may have a higher value than other times of the day. Owing to the due north aspect of these spaces, compliance with the Council control of 3 hours minimum direct sunlight may be met but it is the highly valued morning sun between 7am to 9am which warms the house on winter mornings that will be lost. On school and work days we will have left the house before the sun will shine into our living, dining, kitchen room and master bedroom which is currently bathed in sunshine in the morning including views to the sunrise over the ocean which would be heart breaking to lose. See following photos of sunrise.





Above photo taken 7 May 2020 6.16am



Above photo taken 19.8.20 @ 6.40am

- Loss in property value. We have had our property revalued based on the proposed development and are informed we should expect a drop in value of approximately

\$500,000 based on the view loss and amenity impacts brought about by the development.

- The height of the proposed primary dwelling doesn't comply with the requirement of 5A. Warringah DCP 2011 D2 Private Open Space. The objective being to *minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces*. The neighbouring properties' private open space is greatly reduced as they are overlooked by the proposed development which is far more elevated.
- There is a covenant on our land meaning we can't simply extend beyond 86 Quirk St to regain views and this approach would just creates an issue for views from no. 82 Quirk St and not a reason to allow 86 Quirk St to overdevelop their site.
- We have not yet seen the notification sign regarding the DA displayed at the front of the premises.
- The owners of 86 Quirk St approached us in June to discuss their development plans, they wouldn't leave a copy as said he only had one paper set. I asked for email copy, provided my email address and he agreed to send. I offered to work with him to find a best fit solution for both parties. Next I hear of it was a couple of months later he had submitted DA. He wanted a letter of endorsement and appears once he realised I would like some details before proving this he decided to submit without further consultation.
- The owner of 86 Quirk St has wilfully destroyed an existing very old, large banksia tree at the rear of the property and cut two branches from a street tree out the front of their place, apparently to allow for parking. See figure 1 and 2 below.

Figure 1- Cut down Banksia tree at rear of 86 Quirk St Dee Why





*Figure 2 Evidence of removed branches from native street tree for purpose of achieving parking*



- The pool surface area is included in the pervious surface in the ratio calculations. This doesn't seem correct.
- The building cost estimate of \$800,000 (~1,850 per sqm) is very low for the works that have been proposed including the extensive excavation. Perhaps this was done to avoid Council fees and/or the [Development Determination Panel](#) required to determine the DA if the cost is over \$1m and there are three unresolved objections must be decided by DDP. We note request these figures be indecently verified by Council and if incorrect a new building cost estimate be submitted. In note the costing was prepared and signed by the owners of 86 Quirk St. See below image of the report and full building cost report as an appendix to this document.

## Part 2: Development Analysis

Note: Labour costs are to be included in the below Development Analysis items.

Development Analysis	Cost	Development Analysis	Cost
1. Demolition and Alterations	\$ 30,000.00	13. External works	\$ 40,000.00
2. Structure	\$ 100,000.00	14. External services	\$ 30,000.00
3. External walls, windows and doors	\$ 100,000.00	15. Excavation works	\$ 50,000.00
4. Internal walls, screens and doors	\$ 100,000.00	16. Preliminaries and margin	\$ 80,000.00
5. Wall finishes	\$ 20,000.00	17. Consultant Fees	\$ 40,000.00
6. Floor finishes	\$ 60,000.00	Other development works (specify below):	
7. Ceiling finishes	\$ 20,000.00	18.	\$
8. Fittings and Equipment	\$ 50,000.00	19.	\$
9. Hydraulic services	\$ 30,000.00	20.	\$
10. Mechanical services	\$ 50,000.00	21.	\$
11. Fire services	\$ N/A	22.	\$
12. Lift services	\$ N/A	23.	\$
Subtotal	\$ 560,000.00	Total Development Cost	\$ 800,000.00

## Part 3: Declaration

I certify that I have:		
Inspected the plans, subject of the application for development consent or construction certificate		<input checked="" type="checkbox"/>
Calculated the development costs in accordance with the definition of development costs in Clause 25.J of the Environmental Planning and Assessment Regulation 2000 at current prices.		<input checked="" type="checkbox"/>
Included GST in the calculation of Total Development Cost		<input checked="" type="checkbox"/>
Signature of Qualified Person Certifying the Value of Work.	<i>Michael Clues</i>	Date 8/7/2020
Print Name	MICHAEL CLUES	
Qualification/Builder's Licence No.	1131826	

Sincerely

Steve Harris

84 Quirk St Dee Why

## Appendices:

1. Google Earth aerial photos of fig tree condition over time following neighbouring development.
2. 86 Quirk St building cost summary report prepared and signed by Michael Clues



If you need help lodging your form, contact us		Office use only		
Email	council@northernbeaches.nsw.gov.au			
Phone	1300 434 434			
Customer Service Centres	<b>Manly</b> Town Hall, 1 Belgrave Street Manly NSW 2095	<b>Dee Why</b> Civic Centre, 725 Pittwater Road Dee Why NSW 2099	Form ID	2080
	<b>Mona Vale</b> 1 Park Street Mona Vale NSW 2103	<b>Avalon</b> 59A Old Barrenjoey Road Avalon Beach NSW 2107	TRIM Ref	
			Last Updated	June 2019
			Business Unit	Development Assessment
			Application No.	

Privacy Protection Notice	
Purpose of collection:	For Council to provide services to the community
Intended recipients:	Northern Beaches Council staff
Supply:	If you choose not to supply your personal information, it may result in Council being unable to provide the services you seek
Access/Correction:	Please contact Customer Service on 1300 434 434 to access or correct your personal information

<b>General Notice</b> This form is to be completed and lodged with a Development Application, where the estimated cost of works is greater than \$100,000.
---

Part 1: Applicant Details

Title	<input checked="" type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Ms <input type="radio"/> Other:		
First Name	GREGG		
Last Name	BARR-JONES		
Company Name	RAPID PLANS		
Address	PO BOX 6193		
	FRENCHS FOREST DC	Postcode	2086
Phone	02 9905 5000	Mobile	0414 945 024
Email	gregg@rapidplans.com.au		



## Part 2: Development Analysis

Note: Labour costs are to be included in the below Development Analysis items.

Development Analysis	Cost	Development Analysis	Cost
1. Demolition and Alterations	\$ 30,000.00	13. External works	\$ 40,000.00
2. Structure	\$ 100,000.00	14. External services	\$ 30,000.00
3. External walls, windows and doors	\$ 100,000.00	15. Excavation works	\$ 50,000.00
4. Internal walls, screens and doors	\$ 100,000.00	16. Preliminaries and margin	\$ 80,000.00
5. Wall finishes	\$ 20,000.00	17. Consultant Fees	\$ 40,000.00
6. Floor finishes	\$ 60,000.00	Other development works (specify below):	
7. Ceiling finishes	\$ 20,000.00	18.	\$
8. Fittings and Equipment	\$ 50,000.00	19.	\$
9. Hydraulic services	\$ 30,000.00	20.	\$
10. Mechanical services	\$ 50,000.00	21.	\$
11. Fire services	\$ N/A	22.	\$
12. Lift services	\$ N/A	23.	\$
Subtotal	\$ 560,000.00	Total Development Cost	\$ 800,000.00

## Part 3: Declaration

I certify that I have:			
Inspected the plans, subject of the application for development consent or construction certificate			<input checked="" type="checkbox"/>
Calculated the development costs in accordance with the definition of development costs in Clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.			<input checked="" type="checkbox"/>
Included GST in the calculation of Total Development Cost			<input checked="" type="checkbox"/>
Signature of Qualified Person Certifying the Value of Work	<i>Michael CWES</i>	Date	8/7/2020
Print Name	MICHAEL CWES		
Qualification/Builder's Licence No.	113182c		





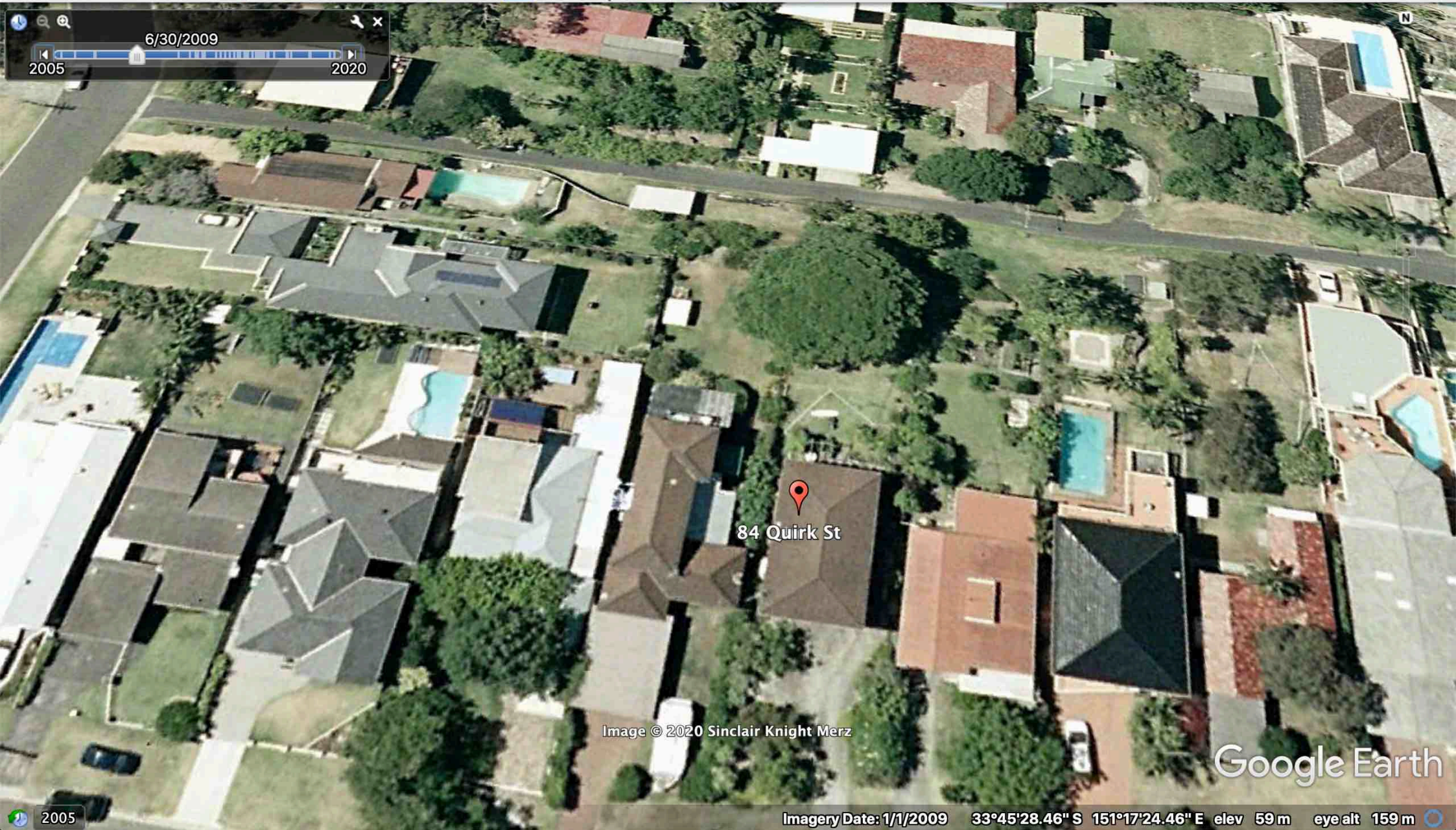
84 Quirk St

Image © 2020 Sinclair Knight Merz

Google Earth

Imagery Date: 1/20/2007 33°45'28.50" S 151°17'25.19" E elev 59 m eye alt 159 m





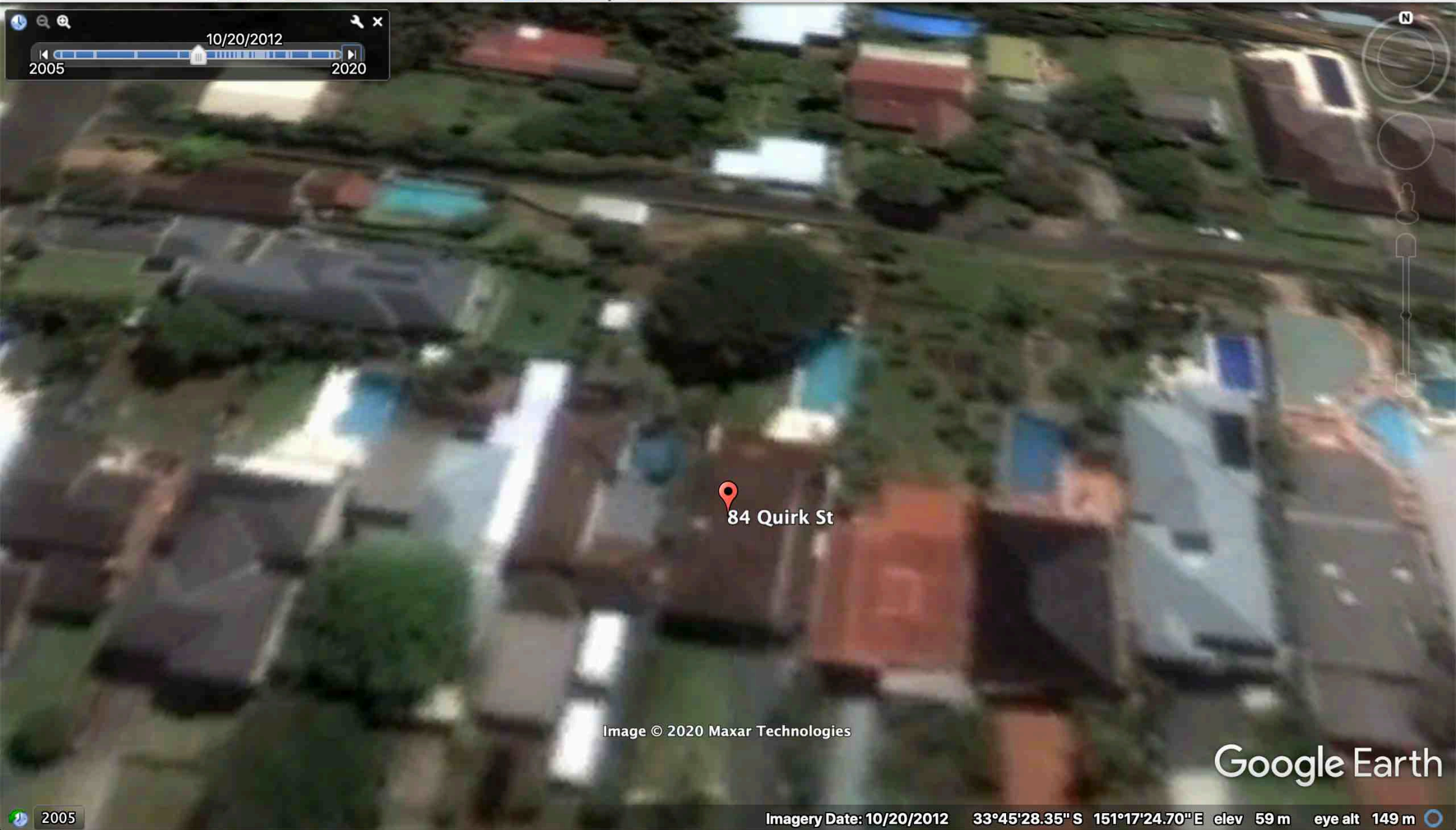
84 Quirk St

Image © 2020 Sinclair Knight Merz

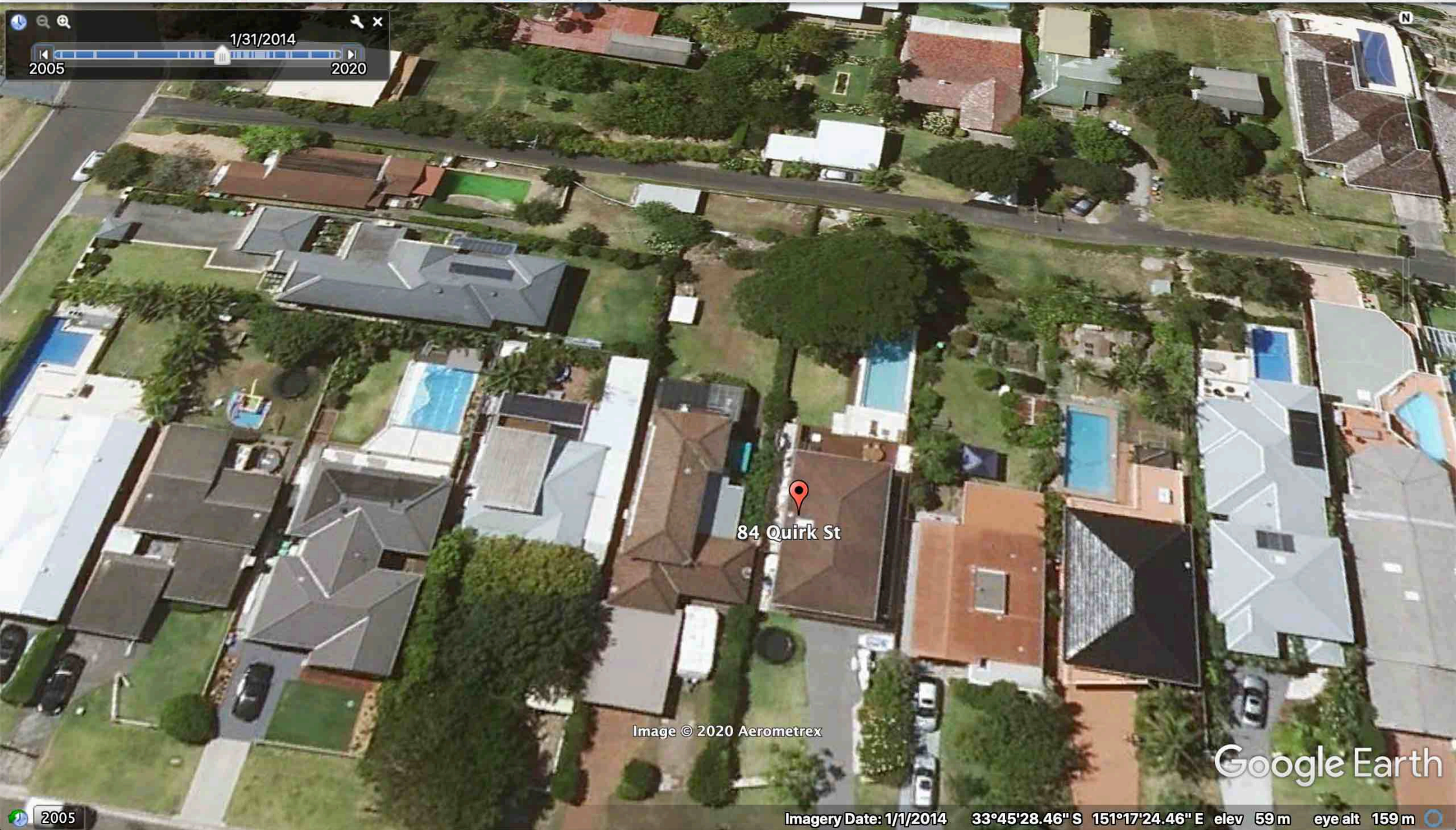
Google Earth

Imagery Date: 1/1/2009 33°45'28.46" S 151°17'24.46" E elev 59 m eye alt 159 m









84 Quirk St

Image © 2020 Aerometrex

Google Earth

Imagery Date: 1/1/2014 33°45'28.46" S 151°17'24.46" E elev 59 m eye alt 159 m





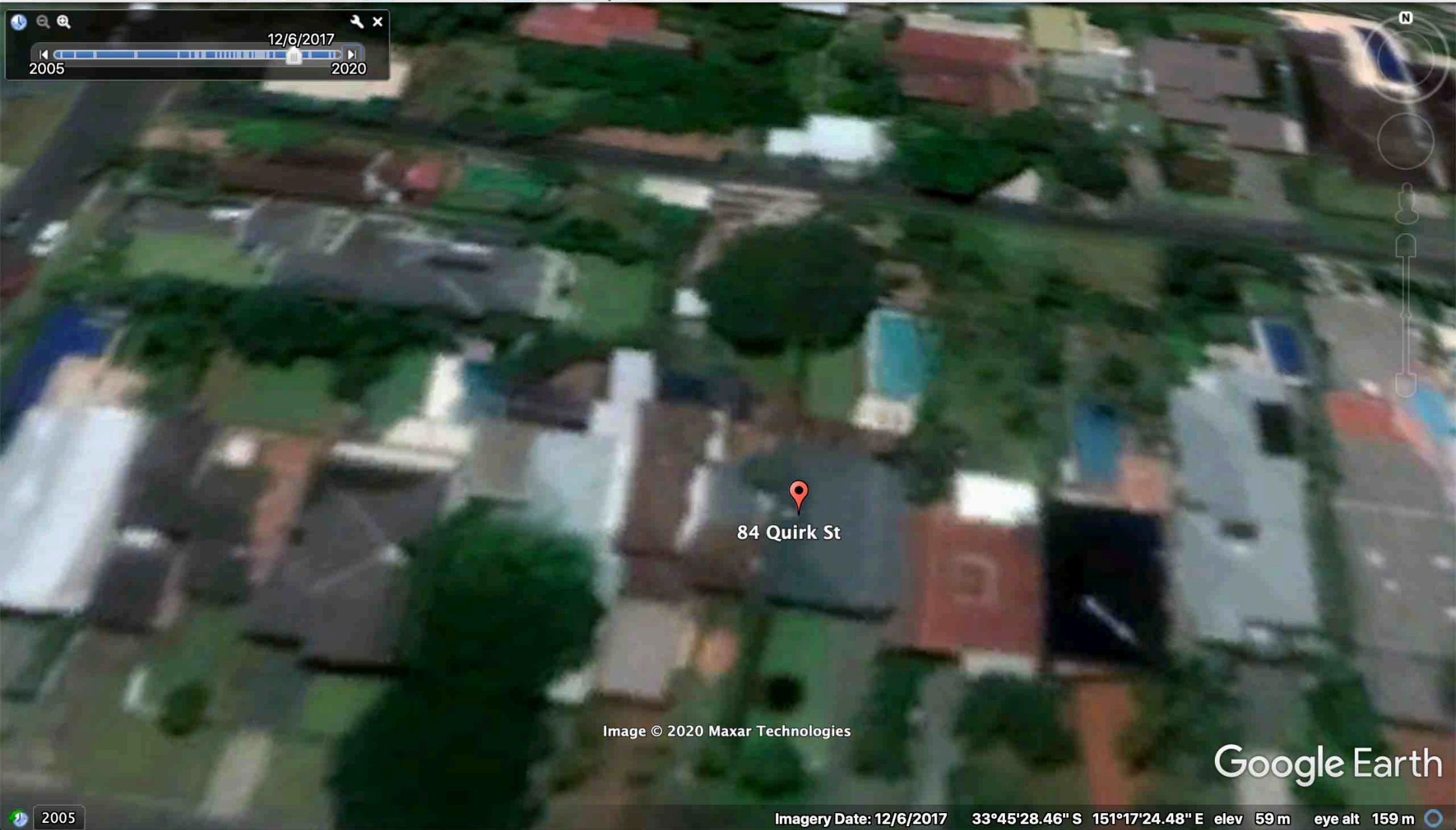
84 Quirk St

Google Earth









84 Quirk St

Image © 2020 Maxar Technologies

Google Earth





Google Earth