

6 June 2007

Castlepeake Consulting Pty Ltd  
121 Alexander Street  
CROWS NEST NSW 2065

1999/1182 MOD 3  
LP (PAS)

Dear Sir/Madam,

**RE: NO. 31 QUIRK STREET, DEE WHY  
MODIFICATION OF DEVELOPMENT CONSENT NO. 1999/1182DA  
ADDITION OF A TIMBER DECK**

We refer to your request to modify the above-mentioned Development Consent.

On having assessed the proposed amendment and considered all submissions, Council resolved to refuse the application on 4 June 2007 for the following reasons:

1. Pursuant to the provisions of Section 79C(1)(a) of the Environmental Planning and Assessment Act, 1979, (as amended), the proposal is inconsistent with the Built Form Control for the F5 Curl Curl locality, of Warringah LEP 2000, which requires a minimum Landscaped Open Space component for the site, and thereby resulting in development which fails to meet the objectives of General Principle 63, Landscaped Open Space.
2. Pursuant to the provisions of Section 79C(1)(a) of the Environmental Planning and Assessment Act, 1979, (as amended), the proposal is inconsistent with the General Principle 65 - Privacy for the F5 Curl Curl locality, of Warringah LEP 2000, which requires development not to have direct overlooking of habitable rooms and principal private spaces of other dwellings. The development will have an adverse impact on the privacy of the private open space of the dwelling on the western side.

Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant a right of appeal to the Land and Environment Court within 12 months of receipt of this letter.

You may also request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act. Any request to review the application must be within 12 months after the date of refusal shown on this letter.

Should you require any further information on this matter, please contact **Keith Wright** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Yours faithfully,

Boris Bolgoff  
Manager, Development Assessment  
**Planning and Assessment Services**