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Sent: 25/05/2025 11:43:26 PM
To: DA Submission Mailbox
Subject: Online Submission

25/05/2025

MS Sez Cardis
57 Cutler RD
Clontarf NSW 2093
[REDACTED]

RE: Mod2025/0189 - 57 Cutler Road CLONTARF NSW 2093

FORMAL OBJECTION TO MODIFICATION APPLICATION

DA 2022/1675 + MOD2024/0570 - 57 Cutler Road, Clontarf

Date: 25/05

Strong Objection to Further Modification of DA 2022/1675 + MOD2024/0570

Property: 57 Cutler Road, Clontarf

EXECUTIVE SUMMARY

I write to lodge a formal complaint and strong objection to the proposed modification of the above development application. This development has proceeded with multiple serious breaches of the approved consent conditions, and the current modification application fails to address these fundamental compliance issues.

BACKGROUND - HISTORY OF NON-COMPLIANCE

The original Development Consent (DA 2022/1675) was granted despite being recorded by Northern Beaches Council as over 25% NON-COMPLIANT in multiple critical areas including floor space, bulk and scale, privacy impacts, and setback requirements. The December 2024 modification (MOD2024/0570) approved a modest 100mm increase in floor height, yet the actual construction has far exceeded even this modified approval.

CRITICAL COMPLIANCE BREACHES

1. UNAUTHORIZED HEIGHT INCREASES

The actual construction significantly exceeds all approved parameters:

Approved modification: 100mm increase in floor height

Actual unauthorised additions:

8 additional courses of brickwork = 688mm (86mm x 8 courses)

400mm suspended concrete slab depth (confirmed by on-site workers)

Total unauthorised increase: Over 1 meter above approved height

This represents a deliberate and systematic breach of consent conditions, achieved through what appears to be intentional concealment from Council inspections.

2. MISLEADING MODIFICATION APPLICATION

The current modification application by Gartner Trovato Architects fundamentally misrepresents the actual development:

Application Claims: Minor cosmetic changes (roof pitch, cladding materials)

Reality: Major structural works including:

Entirely new floor slabs on suspended concrete structures

Complete reconstruction of western walls (2 stories of new brickwork)

New foundations and retaining walls

Massive 3-meter retaining walls across entire rear yard

Artificial raising of ground levels by 3 meters

3. SETBACK VIOLATIONS

The proposed plans directly violate Manly DCP Section 4.1.4 Setback requirements. The development now fails to comply with mandatory side and rear setback rules due to the additional meter of unauthorised height along the entire eastern boundary wall. The new level is going to be cantilevered over the colonnade and further towards my building, not setback as mandated by setback regulations. This will block more of the irreplaceable existing views to the sea including Chinaman's Beach, the cityscape, Centrepont Tower and to the northwest, the beautiful bushland park.

4. SUBSTANTIAL CHANGE IN DEVELOPMENT CHARACTER

Contrary to the architect's Section 4.55(2) claims, this is NOT "substantially the same development":

Scale: The formwork footprint equals 4 tennis courts with 2 additional levels below

Bulk: The structure now dominates the streetscape and my neighbouring property

Impact: 57 new windows directly overlook my private spaces

Ground level changes: 2.5-meter artificial raising of rear yard levels

AMENITY IMPACTS ON NEIGHBORING PROPERTIES

This development has caused severe and irreversible impacts on my neighbouring amenity:

Privacy Violations

57 new windows positioned directly opposite existing house windows

Direct sight lines into living rooms, bedrooms, and private outdoor spaces

Complete loss of privacy in previously private areas

Loss of Views and Light

Iconic and irreplaceable harbour views are completely blocked

Significant reduction in natural light access

Needed for the washing line and gardening

Overshadowing of neighbouring properties

Removal of wooden panelling and stone work

Removing the timber panelling and stone work would create a visual eyesore

The bright white render would be jarring and stark and a darker colour would better blend with the surroundings (in line with 59's use of a darker colour by the same architect)

Visual Bulk and Scale

Development is completely out of character with the surrounding area

Massive retaining walls and artificial new elevated structures dominate the neighbourhood and the level changes bring 57 up to my roof height.

Loss of the established residential streetscape character

PROCEDURAL FAILURES

1. Inadequate Council Oversight

The extent of unauthorised construction suggests:

Insufficient or absent Council inspections

Failure to enforce approved consent conditions

Lack of monitoring of actual versus approved construction

2. Misleading Documentation

The modification application contains multiple misrepresentations:

Claims of "minor" modifications while major structural changes proceed

Failure to disclose actual construction scope

3. Section 4.55(2) Misapplication

The development cannot satisfy Section 4.55(2) requirements as it is fundamentally different from the original approval in scale, bulk, impact, and character.

REQUIREMENTS FOR RESOLUTION

Immediate Actions Required:

Stop Work Order until a full compliance audit is completed
Removal of unauthorised construction - specifically the 1+ meter of unauthorised height
Full structural assessment of all unauthorised works
Enforcement of original setback requirements

Long-term Requirements:

Complete reconstruction to match approved plans exactly
Restoration of ground levels to the original approved heights
Removal of unauthorised retaining walls and structures
Compensation assessment for neighbouring property impacts

PLANNING ASSESSMENT FAILURES

The development fails multiple Manly DCP objectives:

Objective 2 (Section 4.1.4): Ensure local amenity by providing privacy and equitable access to light, sunshine, and air movement

View Sharing Requirements: Complete blocking of established views with no consideration of impact

Bulk and Scale Controls: Development grossly exceeds the appropriate scale for the area

CONCLUSION

This development represents a systematic breach of development consent conditions and planning controls. The current modification application is a transparent attempt to legitimise unauthorised construction through administrative means rather than addressing fundamental compliance failures.

The development as constructed is:

Not substantially the same as originally approved

In serious breach of multiple consent conditions

Causing severe amenity impacts to neighbouring properties

Inconsistent with established planning objectives

I respectfully request that the Council:

Refuse the current modification application

Issue immediate enforcement action for unauthorised works

Require full compliance with the original approved plans

Conduct a thorough investigation of approval and inspection processes

The integrity of the planning system depends on the enforcement of approved conditions.

Allowing this development to proceed would set a dangerous precedent that consent conditions are merely suggestions rather than binding requirements.

I request urgent action to address these serious compliance breaches and restoration of lawful development in accordance with approved plans.

Please see council inbox for relevant images.

Sincerely,

Sez Cardis