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Subject: Submission MOD 2020/0488 O'Brien Lawyers
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From: Clare Wainwright <Clare@ocklaw.com.au>

Subject: RE: Potential legal action MOD2020/0488 14 Patey St DA 2017/1186 Dee Why

Date: 16 October 2020 3:00:24 pm AEDT

To: Andrea O'Connor <delmarhospital.objections@gmail.com>

Hi,

We would be happy to assist with this. That's great news that council has rejected the Application for Building Certificate and requested Delmar to lodge Modification Application, because we can challenge it in the court. I have reviewed all the provided information and documentation and I agree with Daren's analysis. Prior to approaching the Land and Environment Court I would certainly recommend that the issue be addressed via Council in the first instance. If we proceed to court in situation like this, the courts will review the original DA 2017/1186 and decision made by the Sydney planning panel, that will form grounds for the case. Court will also view applicants intentions and reason for failure to comply with initial DA requirements. Court can fully reject the objection or impose alternative methods such removal of the Air-conditioning units from the roof top and place them to plant room build within external area of development. We can also include council's gross failure to protect residents privacy (opaqued windows overlooking surrounding properties and open space) and request remedy. I believe that council may seek negotiation prior the case because of costs involved.

As mentioned, above, the objection to this Modification by all of you would be the best approach at this stage advising council that should this application to be approved you have instructed us to proceed to court.

We will be assisting you along the way.

Kind regards,

Clare Wainwright

Lawyer

clare@ocklaw.com.au

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