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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 30/05/2022 4:43:45 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

30/05/2022

MR Graham Rattue  
5 / 29 - Dobroyd RD  
Balgowlah Heights NSW 2093  
[REDACTED]

**RE: DA2022/0596 - 29 - 37 Dobroyd Road BALGOWLAH HEIGHTS NSW 2093**

Dear Sir,

I make this submission on behalf of G.J. Rattue & Associates Pty Ltd, owner of Commercial Unit 5 at 29 Dobroyd Road.

Summary of Submission

- The Development Application does not contain the documentation required by the NSW Government for Submitting a Development Application.
- In the alternative, the Development Application contains incorrect documentation.
- Council should not have accepted lodgement of the application. Council should withdraw its acceptance of lodgement of the Development Application.

Background

The land at 29-37 Dobroyd Road, Balgowlah Heights is the subject of Strata Plan 35989. The Owners of Strata Plan 35989 are:

Lot 1 - Enda Hughes

Lot 2 - Enda Hughes

Lot 3 - Enda Hughes

Lot 4 - Enda Hughes

Lot 5 - G. J. Rattue & Associates Pty Ltd

In late 2021, Lots 1-4 notified Lot 5 of its intention to redevelop the property at SP35989. Lots 1-4 provided preliminary drawings.

On 23 March 2022, the Strata Manager issued an agenda for an Extraordinary General Meeting. The Strata Manager included a "Qualified Request" a "Strata Renewal Proposal", and 9 drawings comprising an excavation plan, a demolition plan and 7 shadow diagrams.

The strata meeting was held on 7 April 2022. Lot 5 voted against all motions relating to the Strata Renewal proposal and to the submission of the proposed Development Application, including declaring some motions to be invalid.

On 18 April 2022, Lot 5 issued an email to Council explaining that Lots 1-4 appeared to be preparing to submit a Development Application to Council, but had not shown a completed submission document to Lot 5 and had only shown a demolition plan and shading diagrams.

Lot 5 confirmed that it did not consent to the submission of a development application.

On or about 28 April 2022, Lots 1-4 lodged a Development Application with Council.

On 2 May 2022, Lots 1-4 issued an email to Council attempting to refute the contents of the 18 April email from Lot 5.

According to Council's records, Council accepted the Development Application on 6 May 2022. The DA documents appeared on Council's website on or about 11 May 2022. The submitted DA contains a set of 40 drawings,

Submission

As part of a DA submission, the entity submitting the DA is required to declare that it has shown the document including attached drawings to the owner(s) of the land and has obtained their consent to submit the application. This requirement is documented in the NSW Government publication entitled "Submitting a Development Application Online" which includes a requirement (at Item 8) for an owner to declare as follows:

"I declare that I have shown this document including all attached drawings to the owner(s) of the land and that I have obtained their consent to submit this application".

Analysis of the drawing schedule shows that the majority of the 40 drawings were only produced on 29 November 2021, and were subsequently revised and issued to Lots 1-4 on 2 March 2022.

Notwithstanding this, the EGM Agenda issued on 23 March 2022 only included 9 drawings, comprising only shading diagrams, an excavation plan and a demolition plan. Clearly that is inadequate for a party to gain even a basic understanding of a proposed development.

Lot 5 submits that:

- Lots 1-4 it has not shown Lot 5 the document entitled "Submitting a Development Application Online";
- Lot 5 was only shown 9 drawings via the EGM agenda, not the 40 drawings which now comprise the Development Application.
- Council was made aware of this via the email dated 18 April 2022 from Lot 5.
- The Development Application was submitted without the requisite documentation, and lodgement should not have been accepted by Council.
- Council should withdraw its acceptance of the lodgement of the Development Application.

We reserve our rights.

Yours faithfully

For and on behalf of G. J. Rattue & Associates Pty Ltd

Graham Rattue

Director