
Sent: 9/03/2020 11:28:03 AM
Subject: Online Submission

09/03/2020

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2097 - Collaroy NSW 2097
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RE: DA2020/0108 - 837 Pittwater Road COLLAROY NSW 2097

Further to our previous submission:

Our right of carriageway (ROW) traverses Mr Monk's driveway and he owns both #837 and #11 and therefore may no longer need DP1010026 for access between his 2 properties (TBC) however if the DP is still current, then we believe it should have been stated on the plans in the DA and we would like to know Council's view on this. We also believe access details submitted with the DA for demolition and construction are not clear and we believe access solely from Pittwater Rd to #837 is not feasible and if access is to be through/over #11's property during any of these processes and afterwards, then that too should have been clearly stated on the plans/DA so Council can consider all the facts. We are just wanting to protect our property and our access and have no issue with a granny flat at #837.

Currently and historically we have been regularly inconvenienced, restricted and even blocked on occasion from entering/exiting the rear of our property. Our property has no visual/physical barrier at the rear to separate it from #11 and their tradespeople/visitors/family have used our ROW to park on or have used our property to turn around on and some have even parked entirely on our property with no regard for us. In its current configuration at the rear, we believe #11 does not have a lot of space for vehicles to park on or turn around on particularly if a vehicle is already parked there. We have previously asked that if they or their visitors need to use our property for whatever reason, that they have the courtesy of asking first rather than trespassing however we don't get any notification from the owner and occasionally we may see a visitor being asked to move their vehicle but only after the fact and usually only if they know we are home and it is of major concern to us both for safety, security and insurance reasons and we invite Council to come onto our property and see the situation from our point of view.

FYI on the afternoon of Sunday 08/03/20, the owner's partner stuck a plastic #11 on the left hand side of the wall dividing their and our garage. A pencil pine was recently planted in the middle of that dividing wall and we have previously asked to build a fence/gates off the left hand side of that dividing wall but the owner has refused as when our garages were built over 46 years ago, they were added onto #11's left hand garage which is inside their boundary, making our right hand garage door marginally over the boundary line and an Easement for Support which was written about and proposed at the time, was never formalised and this issue is still unresolved.

We initiated Mediation previously with the owner of #11 and #837 however he did not respond to any of their requests and quite recently we offered to initiate Mediation again and once again he did not respond. Personally we would prefer to work things out at a neighbourly level however this has not happened to date and we may have no option but to escalate matters through legal avenues to get resolutions.

On further reading of the plans, we note several more possible anomalies and wondered if rear boundaries have different rules to side boundaries (apart from setback distances):

- None of the plans state what the rear wall is made of when all other barriers/fences/walls do, ie a retaining wall, a brick garage, a timber fence, a metal fence etc. Should the type of wall across the rear of the property also have stated what it is made out of?
- There is a difference in ground levels between #11 and #837 which may have required retaining but this is also not noted on any of the plans and we ask if part of the wall acts as a retaining wall, should it have been shown as such?
- There are several garages/buildings on #11 which are just inside the rear boundary line with #837 which are not shown on the plans whereas structures near adjoining side boundaries ie #835 and #839 are shown. Should nearby structures on #11 and DP1010026 have been shown on the plans for the DA?
- Does having DP1010026 connecting their 2 properties have any bearing on how Council sees the development, especially given that it is added onto the DP for our ROW and given that what's noted on their DP is different to what is actually there and that it could be used for access to #837 during demolition/building/after when there is no mention of this in the DA?
- Is DP1010026 still current?
- As well as having a driveway down into #837 from #11, there was another opening in the rear of #11's left hand garage with steps going down into #837. I believe this doorway has only been covered over. We have a similar opening in the dividing wall between our and #11's left hand garage which we blocked off temporarily a few years ago for security reasons and which we have asked the owner to reinstate to meet code/fire proofing however this is another unresolved issue. Mr Monk senior used to access our garages from the shed at #837 through #11's left hand garage and many of the issues we now face were created back when our buildings were built and the family owned our property as well.