
From: Paul Masluk
Sent: 8/08/2022 5:26:53 PM
To: Council Northernbeaches Mailbox; Jessica Simpson
Subject: RE: Submission - DA2021/1801 55 Woolgoolga Street North Balgowlah
Attachments: Submission LEC - DA20211801 55 Woolgoolga Street North Balgowlah .pdf;

Hi,

Please see submission.

Can you please also copy:
Annelise Tuor - Chair of Northern Beaches Local Planning Panel
Louise Kerr - Director of Planning and Place
Jorde Frangoples - Director of Transport and Assets

Kind Regards
Paul

paul masluk managing director
licensed fifa & nrl players' agent
interPlay Pty Ltd po box 516 woollahra nsw 2025 australia
[REDACTED]

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Attention:
CEO Northern Beaches Council
Jessica Simpson - Acting General Counsel

Can you please also copy:
Annelise Tuor - Chair of Northern Beaches Local Planning Panel
Louise Kerr - Director of Planning and Place
Jorde Frangoples - Director of Transport and Assets

8th August, 2022

Dear Commissioner,

We reside at 10 Urunga Street, North Balgowlah we are writing this submission to you for your perusal and consideration regarding the upcoming Conciliation Conference. for Rory Pryor v Northern Beaches Council, Land and Environment Court proceedings no 202200134464.

We fully support the Panels decision that was made in granting the DA. The Panels decision is not an unreasonable condition to place on the applicant and is the result of the Panel undertaking considerable consultation and understanding of councils policy, which is very clear

We are prepared to provide an Easement and have made this noted all along and are waiting on the applicant to fully engage in the process without legal challengers, so that the applicant can begin the process of building.

We are extremely concerned about the uncertainty and impact of alternate stormwater discharge designs outside of an Easement given the terrain and environment. An Easement can easily be designed and will provide us with certainty that the applicants stormwater is discharged appropriately.

Please see attached letter from Taylor Consulting Civil and Structural Engineers that completed an on-site investigation of our property where they said;

"There are no significant constraints that would preclude the creation of provision of a private inter-allotment drainage easement"

They also raised concerns with the alternate stormwater design of a Level Spreader and advised;

"The level spreader option suggested by the applicants engineer would be considered to be a substandard stormwater outcome for this large site as it will cause significant nuisance drainage issues, reduce the drainage amenity for downstream properties and should only be considered when there are no other feasible options"

Discharging the water appropriately would also avoid any health issues and potential of injury that alternate discharge designs may create.

Also, on the day of the Conciliation Conference we believe that Council should be engaging in independent experts that have not been involved in the original granting of a level spreader prior to DA approval. I have been advised of the Engineers that are attending and have concerns that they are already committed to a position contrary to the Panel

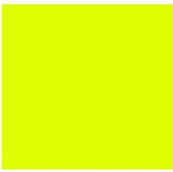
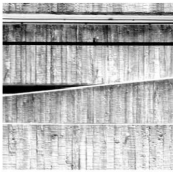
Anything outside of the current condition and relaxation in the wording will provide the applicant an avenue to avoid any genuine consultation of an Easement. The applicants preference and actions have always been for alternate stormwater designs. We have consistently been open to an Easement and if any wording on the condition is changed we are concerned that the applicant

may not genuinely participate in that process in order to go with his preferred design, as has been demonstrated.

As such, I would please ask that the Commissioner/Council to enforce the Panels decision of the Condition 15. The applicant would still be able to modify the application to council at any stage and the applicant can still use section 88K of the Conveyancing Act if he wishes.

Again, we fully support the Panels decision and I look forward in seeing you on the 15th of this month.

Kind Regards
Caryn and Paul Masluk
10 Urunga Street, North Balgowlah



14 April 2022

General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Dear Sir/Madam

Re: Stormwater Easement Assessment - 55 Woolgoolga Street, North Balgowlah

This letter is to advise that I have conducted site inspections on 10 Urunga Street, North Balgowlah, 8 Dorrigo Avenue, North Balgowlah and 6 Dorrigo Avenue, North Balgowlah with respect to the Development Application for 55 Woolgoolga Street, North Balgowlah currently under consideration by Council.

There are no significant constraints that would preclude the creation and provision of a private inter-allotment drainage easement(s) on these properties.

Other adjacent downstream properties also look clear of any constraints, including the necessity for underpinning of existing buildings. As such there would be no significant impact on structural integrity of buildings and the affectation on existing services and utilities is expected to be minimal.

Specifically, there are 5 feasible options which would allow for the correct disposal of stormwater from the subject site to Council's existing stormwater drainage system:

- 6 Dorrigo - via direct easement to the Dorrigo Ave kerb and gutter
- 8 Dorrigo - via direct easement to the Dorrigo Ave kerb and gutter
- 10 Urunga Street - via direct easement to the Urunga Street kerb and gutter
- 10 Dorrigo Ave - via 10 Urunga for approximately 4 meters then direct easement to the Dorrigo Ave kerb and gutter
- 12 Dorrigo - via 10 Urunga for approximately 20 meters then direct easement to the Dorrigo Ave kerb and gutter



I would also like to note that the level spreader option suggested by the applicant's engineer would be considered to be a substandard stormwater outcome for this large site, as it will cause significant nuisance drainage issues, reduce the drainage amenity for downstream properties and should only be considered when there are no other feasible options.

I have spoken to a number of the downstream neighbours and have heard their willingness to enter into good faith negotiations with the owner of the subject property regarding the provision of a drainage easement but to date I understand that no such negotiations have occurred and under these circumstances there is no way that a level spreader solution should be considered and approved until such discussions have taken place.

Should you have any questions or queries regarding the above, please do not hesitate to contact the undersigned.

Yours faithfully
TAYLOR CONSULTING



D M SCHAEFER - Director
B.E. Civil – Hons. M.I.E. Aust. N.E.R.

