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To: DA Submission Mailbox
Subject: TRIMMED: Online Submission

29/05/2024

MR Michael Bourke
24 - 24 Ocean GR
Collaroy NSW 2097

RE: DA2023/1395 - 1012 Pittwater Road COLLAROY NSW 2097

Objection to Application Number: DA2023/1395

Dear Adam,

The purpose of this letter is to object to the revised plans for the Development Application Number: DA2023/1395 at 1010-1014 Pittwater Road, Collaroy.

As a reminder, my family (my wife, Holly and two children, Billy (6) and Poppy (1.5)) live in the adjoining single-story cottage on the east side of the proposed development at 24 Ocean Grove.

We are writing to express a concern that we continue to have about the development, despite the revised plans that have been submitted. Furthermore, we would like to take the opportunity to set the record straight around our interactions with the Developers to date on the subject of the stormwater easement. The statement provided in Section 6 of the 'Report - Schedule of Amendments' dated 19 March, 2024 could be incorrectly inferred that we have been uncooperative and unreasonable, which we do not believe is true, as detailed in our submission below.

Firstly, in reviewing the latest proposal submitted, Holly and I noted that standard 9m setback from our boundary fence that is specified Apartment Design Guide (ADG) is still not being met in several instances:

- a) The ground floor apartments come to 6m off our boundary;
- b) The balconies on the first floor come past the 9m; and
- c) The basement requiring a half meter retaining wall will be even closer than the 6m ground floor, encroaching significantly into the Tree Protection Zone.

We are mostly concerned in relation to a) and b) above, as we believe this will be visually imposing from the windows from our main living room area. As this is our family home, we are concerned about the privacy of our children playing in our own living room and backyard. It is our understanding that the 9m setback in the ADG should be applied to entirety of the building and request that this be enforced.

Secondly, as owners of the land that the easement will be required to pass through, we have done further investigation to educate ourselves on the subject. In the process of doing so, we have been advised that it is not possible for stormwater drainage to go through our property

without encroaching under our existing buildings (main house and garage) and as such, the developer would not be able to obtain a council compliant easement through our property.

We believe that it is in everybody's interest to reach an agreement, however the Developers are yet to address the potential issue stated above around identifying a specific and council compliant path for the easement to pass through our property.

We wish to state for the record we have been highly cooperative with the Developers. When approached on two separate instances, the Developers understandably requested access to our property for the purposes of having a Stormwater Engineer assess our site to be able to advise of the easement's potential path. We granted access in both instances, firstly in person directly to Mohamad Jarra in the presence of his real estate agent, Lachlan Yeates, on 14 November 2023 and again via text message to Lachlan Yeates on 9 April 2024. However, on both occasions the Developer did not follow through in sending an Engineer to undertake an assessment.

We wish to also clarify our request, set out in our initial objection, that the Developers should be required to produce a council compliant scheme ahead of having their Development Application approved. We are of course more than happy to leave any formal agreement until an appropriate date after the Development Application has been approved, however we naturally have concerns as we have been advised that there is no council compliant scheme possible with our current buildings footprint.

Thank you again for your time and consideration of our submission.

Your Sincerely,

Michael Bourke

[REDACTED]

[REDACTED]