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**Sent:** 6/06/2022 10:08:34 AM  
**Subject:** FW: DA 2021/2232 1851 Pittwater Road, Bayview  
**Attachments:** Letter re covenant 5.6.2022.pdf;

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**From:** Marjorie Gamble <emiat@bigpond.com>  
**Sent:** Sunday, 5 June 2022 10:54 AM  
**To:** Council Northernbeaches Mailbox <Council.Northernbeaches@northernbeaches.nsw.gov.au>  
**Subject:** DA 2021/2232 1851 Pittwater Road, Bayview

Attention: Development Assessment Panel - June 8, 2022

Attached is a letter to the Panel to clarify details of a covenant held over the site.

The letter has also been emailed to Adam Susko who is the assessor for the project.  
Could you please provide this letter to the panel?

Regards

Marjorie Gamble B Arch

Owner and Applicant for the application  
Mobile: 0413 301 334

June 5, 2022

General Manager  
Northern Beaches Council  
Email: council@northernbeaches.nsw.gov.au

Attention: Adam Susko

Dear Sir,

**RE: 1851 Pittwater Road, Bayview NSW 2104  
DA 2021/2232 Demolition of Existing Single Residence & Erection of Dual Occupancy Residences**

As the owner of the subject property and the applicant for this Development Application, I have been advised by council that the application will be considered at the panel meeting next Wednesday, June 8, 2022.

I have read through the assessor's report to the panel and, for accuracy and transparency, I wish to correct the details of the covenant held by No 11 Vista Avenue over the subject property. The covenant sets the northern side building setback from the council's public pathway reserve adjoining the site's northern boundary.

Although the covenant is not one imposed or required by the council, a copy of the covenant's original dealing was supplied to the assessor early in the processing of the application so as to provide full information on the matter. On page 27 of the assessor's report he states that Clause 1.9A of the Pittwater LEP 2014 makes it clear that the covenant does not apply to the development.

It is understood that the original covenant was to protect water views from No 11 to the southern end of Pittwater. Such views do not exist today and have not existed for approximately 30 years since council revegetated the wetlands between the end of Pittwater and Pittwater Road along this section of waterfront.

The wording of the dealing on the covenant is not clear with the setback line X-Y shown on the title and noted in writing as the line south of which the building must be sited. However, a written clause separate to this in the dealing states that the building must be sited south of a line parallel to and 9 feet south of the line X-Y. There is no clear purpose for the covenant set down in the dealing.

The application for the dual occupancy residences sites the building to the south of the line X-Y, not the secondary line. The building therefore is sited 9 feet north of the secondary line noted in the covenant. As the assessor correctly notes, only an open pergola and clear glass acoustic protection screen are sited north of the line X-Y.

I would appreciate your noting this information as it is my intention to be totally transparent in my provision of information on the application.

Yours sincerely  
Marjorie Gamble B Arch

