

BIDDULPH & SALENGER

LAWYERS

Established 1905

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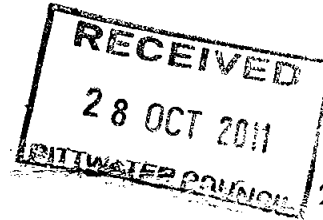
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Our Ref: WD:EO:11516
Contact: Warwick Dunn
Your Ref:



27 October 2011

The General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

Dear Sir/Madam

Re: 3 Bilgola Terrace, Bilgola
Property: 3 Bilgola Terrace, Bilgola

For your records I attach my client's original signed submission.

Yours faithfully

Warwick Dunn
wdunn@biddersal.com.au

This DA Submission Form must be completed and attached to your submission.

S96 No: N0275/09/S96/2

The General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

(Fax No: 9970 1200)

Name..... GUY J. TRELOR
Address..... 3 BILCOGA TERRACE
BILGOLA NSW 2107
Phone.....
Date.....

Proposed Development: Alterations and additions to the existing dwelling. The modifications involve changes to the required depth of soil in the garden areas

At: 2 BILGOLA TERRACE BILGOLA NSW 2107

- I have inspected the DA plans, I have considered them in the context of the relevant planning instruments or policies. Yes No
- I am willing to provide expert reports to supplement my comments should a conflict in opinion arise. Yes No
- I am willing to provide evidence to the Land and Environment Court if the application is appealed. Yes No

In the interests of public transparency please note that your submission in its entirety will be available to the applicant or other interested persons on request and will also be made available on Council's internet site through Council's transparent Development Application Tracking process. You are encouraged, as is the applicant, to discuss with each other any matters that may be of concern.

COMMENTS: (You may use the space provided or attach a separate document).

_____ *see attached comments* _____

Disclosure of Political Donations and Gifts (sec 147 EP&A Act 1979):

Please read the information enclosed concerning political donations and gifts disclosure and, if relevant, tick the box below and provide details of the donation or gift on the disclosure statement available on Council's website:

~~I have made a political gift or donation~~

Name: GUY TRELOR Signature: *Guy Trelor* Date: 17/10/11

COMMENTS

- I write to object to the recent s96 application (NO275/09/S96/2) lodged by my neighbour at No 2 Bilgola Terrace Bilgola. The application is not just about 'changes to the required depth of soil in the garden areas' as stated on the form but involves moving the garage to my side of the property with the effect of completely blocking my vehicular access to my land. I have had access to my land through a portion of land at 2 Bilgola Terrace for the 13 years that I have lived here.
- Even prior to my ownership for about the last 20 years there has been a properly constructed access driveway to No. 3 through No. 2.
- The previous owner of No 2, Mark Mitchell (who now lives at No. 5) had occupied No. 2 since 1992 and he recalls that at the time he purchased in 1992 he was aware of the access rights of the adjoining property to his driveway on No. 2. Mr Mitchell is able to verify this if required.
- In about 2004/2005 I put in a DA for a driveway widening and resurfacing on my land at No. 3 which is on council files. See DA No. 116/2004 and construction and completion certificates CCO738/2004. Presumably the then owners of No. 2 were consulted about my DA and did not object to the development fully accepting the existence and continued use of my driveway across No. 2.
- Relying on the final approval I had from the council, after an exhaustive process of engineering and other reports, I spent \$40,000 at cost for the construction of a driveway and parking etc which would have a current estimated value of about \$100,000. There were no questions raised by council in relation to access. It was assumed that I had access through no 2.
- The driveway and parking facilities that I built with the DA are able to accommodate 5 to 6 cars, whereas on-street parking on Bilgola Terrace is very limited. If the garage construction at #2 goes ahead I, and my family will be forced to park on the shared access road of Bilgola Terrace which would be detrimental to my neighbours and visitors to their properties. It would force more cars to park on the surrounding streets.
- In 2009, I invited the owners of No 2 into my house immediately prior to the time they were submitting their DA to discuss it, and my driveway access was raised. The owner of No. 2 said "*We have made provision to replace your access driveway. It's in the plans.*" The plans were submitted and they duly provided for my replacement access driveway, and I did not lodge an objection. (see letter dated 29th July 2009).
- There was a minor modification sought in May 2011 which did not adversely affect me and I did not object.
- It is unfair and unjust for the owners of No. 2 (who currently reside in Singapore) to change their position this radically with no notice to me except through council's notification policy. Council ought not to approve the new garage in this circumstance particularly when they have a garage already approved on their original plans that will not have this drastic impact on me as a direct neighbour.
- I have received legal advice that I may have an equitable interest in the land the subject of the s96 application and that it would not be sensible for council to approve the new proposed location of the garage in this circumstance when a court may order it to be removed. Council may become involved in the litigation which would not be in the interests of all the ratepayers.

This DA Submission Form must be completed and attached to your submission.

S96 No: N0275/09/S96/2

The General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

(Fax No: 9970 1200)

Name..... CUY J. TRELOAR.....

Address..... 3 BILGOLA TERRACE.....

..... BILGOLA NSW 2107.....

Phone.....

Date.....

Proposed Development: Alterations and additions to the existing dwelling. The modifications involve changes to the required depth of soil in the garden areas

At: 2 BILGOLA TERRACE BILGOLA NSW 2107

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Yes No

I am willing to provide expert reports to supplement my comments should a conflict in opinion arise.

Yes No

I am willing to provide evidence to the Land and Environment Court if the application is appealed.

Yes No

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Name: CUY TRELOAR

Signature: *Cuy Treloar*

Date: 17/10/11

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