

Statutory Declaration

OATHS ACT 1900, NSW, NINTH SCHEDULE

I, Paul O'Connor, of 7 St Barbaras Avenue Manly NSW 2095, do hereby solemnly declare and affirm that I have visited the residence of 139A Woodland St, and 141, 143A Woodland St on or before the 8th of 2024 January. We have provided the request for easement letter appendix 2 and its attachments as per Councils response letter dated 19th of December 2023.

The Middups, who are the property owners of 139A had originally responded to our earlier request for a stormwater easement via their property with a no. They were very hospitable during our face to face meeting and have taken a copy of the revised request (containing the wording provided by the recent Council feedback) and said they would like to contact the Council to discuss further and would get back to us.

The owners of 143A Woodland Street were not at home during either of our visits and we have left them a copy of the request for a stormwater easement via their property as well as our contact details. We are still waiting to hear from them, but in speaking to their neighbours, believe that they are away on holidays at the moment.

While we had a quick discussion with the owner of 141 Woodland Street (Peter Antoniou's) son and provided an explanation and some detail, we are waiting for Peter to contact us directly to further explain the request. This option requires us to have access via 143A Woodland in the first instance.

[the facts to be stated according to the declarant's knowledge, belief, or information, severally]

And I make this solemn declaration, as to the matter (or matters) aforesaid, according to the law in this behalf made – and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Declared at: MANLY, NSW on 8th January 2024
[place] [date]

[Signature]
[signature of declarant]

in the presence of an authorised witness, who states:

I, ROMELDA PFISTER, a JP NSW 160662,
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it: [* please cross out any text that does not apply]

1. *I saw the face of the person ~~OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification¹ for not removing the covering, and~~
2. ~~*I have known the person for at least 12 months OR~~ *I have confirmed the person's identity using an identification document and the document I relied on was NSW Driver Licence

[describe identification document relied on]

[Signature]
[signature of authorised witness]

8 January 2024
[date]

Romelda C Pfister JP BSocSci MBA
Justice of the Peace in and for
the State of New South Wales
Registration Number 160662

¹ The only "special justification" for not removing a face covering is a legitimate medical reason (at September 2018)

Easement Request Letter No 6. Nield Ave, Balgowlah

Dear Homeowner at No. 143A Woodlands Street,

We, Toby Cogley and Paul O'Connor are proposing to redevelop our property at 6 Nield Ave Balgowlah.

Before we can proceed with this proposal Council has advised us that we have two options for the drainage of stormwater. Council's preferred method is to obtain a drainage easement to convey the stormwater runoff from our property to the nearest public stormwater drainage infrastructure or Council approved discharge point, being Woodland St, Balgowlah

This will require you to grant us a drainage easement through your property with all legal and survey costs for the creation of the easement being borne by us, together with any consideration for the use of your property as determined by an independent valuation or agreement.

The alternative is to install an underground absorption system or level spreader (if appropriate for this site) to spread and disperse the stormwater flow. As the runoff and seepage from this system may flow towards your property because of the slope of the land, the best solution would be to have a drainage system that will convey our stormwater via an inter-allotment drainage pipe to the stormwater system located in the easement to the south of No 2. Nield Ave.

You are advised that if Council determines that the only way to drain stormwater is via an easement through your property, we may have to use Section 88K of the Conveyancing Act 1919 to request the Supreme Court to grant us the drainage easement. This will probably result in legal expenses and time spent for both you and us.

Could you please indicate your position regarding this matter so that we can advise Council to enable our application to progress.

YES I/we are willing to grant you a drainage easement.

Name

Address

✓ NO I/we are not willing to grant you a drainage easement.

Name

LEE SHARDLOW

Address

143A Woodland St Balgowlah 2093

Easement Request Letter No 6. Nield Ave, Balgowlah

Dear Homeowner at No. 141 Woodlands Street,

We, Toby Cogley and Paul O'Connor are proposing to redevelop our property at 6 Nield Ave Balgowlah.

Before we can proceed with this proposal Council has advised us that we have two options for the drainage of stormwater. Council's preferred method is to obtain a drainage easement to convey the stormwater runoff from our property to the nearest public stormwater drainage infrastructure or Council approved discharge point, being Woodland St, Balgowlah

This will require you to grant us a drainage easement through your property with all legal and survey costs for the creation of the easement being borne by us, together with any consideration for the use of your property as determined by an independent valuation or agreement.

The alternative is to install an underground absorption system or level spreader (if appropriate for this site) to spread and disperse the stormwater flow. As the runoff and seepage from this system may flow towards your property because of the slope of the land, the best solution would be to have a drainage system that will convey our stormwater via an inter-allotment drainage pipe to the stormwater system located in the easement to the south of No 2. Nield Ave.

You are advised that if Council determines that the only way to drain stormwater is via an easement through your property, we may have to use Section 88K of the Conveyancing Act 1919 to request the Supreme Court to grant us the drainage easement. This will probably result in legal expenses and time spent for both you and us.

Could you please indicate your position regarding this matter so that we can advise Council to enable our application to progress.

YES..... I/we are willing to grant you a drainage easement.

.....
Name Address

NO..... I/we are not willing to grant you a drainage easement.

P. ANTONIOU 141 WOODLAND ST. BALGOWLAH
Name Address

Easement Request Letter No 6. Nield Ave, Balgowlah

Dear Homeowner at No. 139A Woodlands Street,

We, Toby Cogley and Paul O'Connor are proposing to redevelop our property at 6 Nield Ave Balgowlah.

Before we can proceed with this proposal Council has advised us that we have two options for the drainage of stormwater. Council's preferred method is to obtain a drainage easement to convey the stormwater runoff from our property to the nearest public stormwater drainage infrastructure or Council approved discharge point, being Woodland St, Balgowlah

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Could you please indicate your position regarding this matter so that we can advise Council to enable our application to progress.

~~YES~~ I/we are willing to grant you a drainage
~~easement.~~

.....
Name Address

NO I/we are not willing to grant you a drainage
easement.

B+C MIDDUP 139A WOODLAND ST, BALGOWLAH
Name Address