
Sent: 1/11/2020 1:23:15 PM

Subject: FW: Wyadra Ave DA2020/0147 | T and D Holland of 23-25 Loch Street Freshwater [HR-SYD.FID573612]

Attachments: image001.gif; image002.png; image003.png; image004.png; image005.png;

Dear Anne-Marie

By way of introduction, we act for Mr and Mrs Holland the owners of 23-25 Loch Street, Freshwater.

As was previously submitted by our clients during public notification, in the event that any development application is approved on the proposed new lot 2 Wyadra Avenue, Freshwater (**Land**), they have requested that Council impose a condition that restricts the height of the building which may be constructed on the Land in the future.

Our clients have been in discussions with the proponent/land owners and have come to an agreement as an amended scheme that deals with redistribution of height and massing and other amenity impacts arising from the proposed development.

We understand that this amended scheme was submitted to Council on 23 September 2020.

The proponent/land owners for DA2020/147 have agreed to request a number of conditions from Council including:

1. That the land owners register a restrictive covenant (of the type described in clause 1.9A(2)(a) of the WLEP) on each of the land titles comprising the land subject of the application, contemporaneously with the land owners causing registration of a plan of subdivision pursuant to the modified development application, which covenant limits the maximum building height (as that term is defined in the WLEP) of the proposed development to the RLs and dimensions shown on the amended plans submitted by the applicant (**Approved Maximum Building Height**).
2. That all structures, plant, equipment, machinery, discs, antennae, work or the like required or desirable for the proposed development:
 - a. not peak at a height above the Approved Maximum Building Height;
 - b. not be mounted, affixed, installed or the like:
 - i. anywhere on the roof of the proposed development; nor
 - ii. on the western or southern façades of the proposed development; nor
 - iii. outside of the outermost projections of the proposed development,as shown on the amended plans submitted by the applicant.
3. Should solar panels be affixed or placed onto the building, they are to be a of non-reflective, matt finish, laid flat and be affixed below the Approved Maximum Building Height.
4. An acoustic consultant be appointed by the applicant/land owners to ensure that noise emission created by the carport (car and noise from its use) does not emit noise which exceeds more than 5dB(A) above the ambient noise levels that exist at the common boundary of the Land and Mr & Mrs Holland's property prior to the issue of the first subdivision works/construction certificate.
5. That the materials used to roof the proposed development be of a non-reflective type (non-reflective for light and glare) and the colour(s) be natural colours and tones.
6. That any ancillary building improvements on the Land (such as a shed) and any landscaping features on the Land (including all vegetation) not exceed the Approved Maximum Building Height (and to be maintained/pruned in perpetuity to ensure the same).

We are writing to you to confirm that this request for such conditions have been made to Council by the proponent/land owners.

If so, are you able to confirm that such conditions can and will be imposed if Council is minded to approve the development application?

As you can appreciate, our clients' agreement with the proponent/land owners in relation to the amended scheme is subject to Council imposing the agreed height covenant and the other conditions outlined above. This is because of the significant amenity and view loss impacts that might otherwise result from the proposed development if they were not imposed.

We understand that this matter was also raised by Ms Holland during your inspection of the Land on 21 October 2020.

Thank you for your assistance in this matter.

Should you have any questions regarding the above, please do not hesitate to contact us to discuss.

Warm regards

Blake Dyer | Senior Associate



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