

---

**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 19/08/2024 10:56:00 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

19/08/2024

**RE: DA2024/0888 - 10 Lentara Road BAYVIEW NSW 2104**

I am writing to formally object to the conduct and actions of the applicant concerning the proposed drainage easement [REDACTED]. The applicant's approach and insistence on a forced decision without providing the necessary information have raised serious legal and ethical concerns. This submission highlights these issues and requests appropriate council intervention.

**Key Points**

**Lack of Informed Consent**

The applicant presented a document for my signature in the middle of my driveway without prior notice or the provision of necessary information. This action obstructed my ability to make an informed decision regarding the easement.

Any agreement must be made voluntarily and with full knowledge of all material facts.

By withholding or refusing to provide critical details, including the impact on my property and alternative solutions, the applicant deprived me of the ability to make a well-informed decision. This conduct may render any agreement obtained under such circumstances legally questionable.

The council should require the applicant to provide comprehensive information in writing and allow for a reasonable period of consideration before any decisions are made.

**Coercive Conduct and Unlawful Pressure**

The applicant demanded an immediate "YES or NO" decision and refused to engage in any discussion or agreement consideration. Furthermore, the applicant made unsolicited visits to my private residential address, causing undue stress and anxiety.

The law recognises that agreements made under duress, undue influence, or coercion are voidable. The applicant's actions may constitute coercive conduct, undermining the legitimacy of any consent provided under such pressure.

The applicant's refusal to engage in a meaningful dialogue and the subsequent personal visit to my alternative address without consent are clear examples of coercive behavior. This

conduct not only infringes on my legal rights but also breaches basic principles of fairness and equity.

Conclusion: The council should investigate this matter and take appropriate action to ensure that no decisions are made under such coercive conditions. Additionally, the council should clarify whether it has indeed instructed the applicant to engage in such conduct.

Failure to Disclose Alternative Solutions

The applicant failed to disclose all alternative options, such as an underground absorption system or level spread, both verbally and in writing, only mentioning a Section 88K application as the alternative.

Full disclosure of material information is a fundamental requirement under the principles of equity and good faith. The failure to provide alternative solutions deprives the property owner of the ability to consider less invasive or harmful options.

The omission of alternative drainage solutions from the discussion demonstrates a lack of transparency and may constitute a failure to act in good faith.

The council should mandate the applicant to fully disclose all viable alternatives and provide a detailed explanation of their impacts on my property before any decision can be made.

Request for Council Action

In light of the above concerns, I respectfully request the following:

A full investigation into the applicant's conduct, particularly the alleged instructions from the council regarding the need for an immediate decision and the approach taken to secure my signature.

A requirement for the applicant to provide all necessary information, including detailed impacts on my property and all alternative solutions, in writing.

An assurance that any future communications from the applicant be conducted in writing, as previously requested, to ensure transparency and allow for a thoughtful and well-informed decision.

Protection of my privacy and assurance that my alternative residential address will not be used or disclosed without my explicit consent.

Thanks