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05/08/2022

MR Steve Payne
7 / 11 Lodge LANE
Freshwater NSW 2096
[REDACTED]

RE: DA2022/1128 - 38 The Drive FRESHWATER NSW 2096

Objection to development..... 38 The Drive, Freshwater. DA2022/1128

I refer to the NSW Guide to development application process 2018.
The process and participants roles.
Stage 1. Developer: Chat to neighbours
Neighbours: Raise issues concerns and support

At no stage was there any consultation so the original application was a shock to say the least. After the application was withdrawn, I assumed there might be some consultation to discuss concerns and see if some common ground might be found. This never occurred, so I am writing again after receiving notification another application has been submitted, to lodge an objection to this significant development.

From what I can gather there has been minimal cosmetic changes from the original application, but no recognition or acknowledgement the development is going to severely impact neighbouring properties. There is also no regard to the impact on the removal of views for which neighbouring properties paid a premium for. This proposed development would have a significant impact on property values. This is not a low-density development, it is at least a medium density development and should be assessed as such.

The intrusion into our lives with the proposed building overlooking a small communal area will impact our privacy. The narrow corridor of existing view will be significantly impacted even further almost obliterating what is remaining. There is a disregard to community anger over this development of a medium density dwelling in a low-density residential area. There is no need to increase the height of the building, as the building already has significant ocean views that neighbouring properties currently share. If the height is left as is, it will not impact negatively the applicant or surrounding community.

The building height limit for development in this portion of Freshwater is 8.5m. The proposed new works have a building height of 10.32m, which exceeds the maximum building height control by over 1.82m or greater than 20%. This is the second application, and the application still contravenes the rules that are in place consistent with low-density developments. The proposed development of the new building could be considered jarring, offensive and unsympathetic to the surrounding area.

As per 4.6 OF WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011. This application is not in

the public interest. It is only the applicant's personal interests, without regards to their community. There has been no consultation and there is public benefit of maintaining the development standard. The underlying objective or purpose of the standard is completely relevant to the development and therefore, compliance is absolutely necessary.

The image showing View of The Drive from Carrington Parade demonstrating multiple 3 storey dwelling houses is misleading. The proposed development is 5 stories! The majority of these building are also on a much lower plane which, would have had restricted ocean views without increasing their height. The one building to the left is now demolished and to my understand will be rebuilt at a lower height. The existing dwelling without development already has significant ocean views.

The impact to views currently enjoyed by the local community is unreasonable and is not demonstrated in the Visual Impact Assessment. The proposed development has not been designed to minimise the impact upon the available site. The suggestion that the height of the rear of the dwelling being limited to single storey is misleading. The height appears to be around 5m. A usual room height being 2.4m-2.7m.

The north-eastern corner of the roofs are the areas that particularly impact our building with loss of view, breeze and will be an invasion of our privacy. There is no doubt the house is excessive in size, bulk and scale and not in keeping with the neighbourhood. The proposed dwelling house is of a scale that challenges the term "reasonable" in a low-density environment.

In respect of the geotechnical report, the report leaves a lot of grey area and concerns the residents of our apartment. The report itself says "the test points can be limited by the location of existing structures on the site or by budget and time constraints of the client". This seems to me to be further grounds to question the proposed development. The report goes on to say, "although chosen for their suitability for the particular project, have their own limiting factors". The report seems to be suggesting all care taken but no responsibility accepted. "The testing gives accurate information within the confines of the test's capability.....drawing on previous experience of the geotechnical consultant.....subsurface features can only be known when they are revealed by excavation". This raises a concern that should the excavation reveal problems, what the consequences would be and what is the proposed alternative position?

Due to the size and scale of the proposed development there will be significant excavation, which is going to impact our daily lives, not to mention the vibration potentially causing external and subterranean damage to our building. My concern is also regarding the risk of landslip and vibration causing damage to our property due to extensive excavation that would be required.

The application requests an increase that is totally unreasonable and unnecessary given the views already afforded to the property in question. This excessive height request further impacts our views and our quality of life.

The Development application states; "partial demolition of existing structures and construction of new works which include the retention of substantial portions of the existing dwelling". This appears to be completely false and misleading and designed to abuse a loophole in current rules. The existing structure is timber and an asbestos roof. I cannot see how a property of this scale could possibly use "substantial portions" of the existing dwelling, particularly given the excavation required. I would suggest this is a NEW BUILD and should be viewed as such and assessed against this criteria, rather than the application suggestion use of "substantial" portions of the existing dwelling.

Quantitative assessment of the visual impact have been used, which are without peer review. A significant portion of view of the ocean to the east is lost because of the new proposal. Taken in the context, as shown in the drawings, the overall view loss is assessed as medium-to-high, 83%! Our views of the ocean looking east decrease from 100% to only 17%, whilst having no impact on the existing building! The proposal does not satisfy the requirements of clause 4.6 of WLEP 2011 and the exception to the development standard is unreasonable and inappropriate

I am particularly concerned should any development proceed the noise pollution and physical pollution like asbestos, building debris, etc will affect our quality of life, which would be impacted greatly. Noise from pool use and splashing on our washing line due to the proximity to our only community space and washing line. I can't see any restrictions on the hours of operation of the pool or pool pump.

Despite our unnecessary loss of views, the development will also disrupt the ocean breezes we currently enjoy. The proposed development will be overlooking and will overshadow our only small community area. This area had already been impacted by the applicant installing a barrier to a small view we had from our community area. We were told this was done as this small opening looked past an unused balcony on the applicant's property. This proposed development will remove almost entirely the remaining view and is a massive invasion of our privacy.

My hope is that council will reject this application;

- The applicant has not engaged with their neighbours to consult
- it has significant impact on the low-density local community given its medium density bulk.
- No consultation or regard has been given to the local community.
- Loss of views and therefore quality of life of surrounding buildings
- The proposed development will create an Invasion of privacy overlooking our only small communal area
- The anticipated noise pollution from the proposed development
- The anticipated noise pollution from use of the proposed development given the proximity of the boundary
- Overshadowing of our small community area
- Landslip risk, which will affect all surrounding properties
- No risk plan to cater for adverse findings should excavation commence
- Risk of damage to our property given the extensive excavation required
- Disruption of wind flow and ocean breeze potentially requiring investment to mitigate climate impacts
- The proximity of the proposed development pool to our boundary and adjoining property bedrooms
- The proposed development is in a coastal zone and not consistent or sympathetic with surrounding properties
- Is not using significant portions of existing dwelling and should be assessed as a new build
- Will be a blight on the landscape
- Is not 3 stories but 5 contrary to the , which is unprecedented in the area
- Will have a material impact on property values and saleability in the future
- Nearly 90% of our ocean view will be obliterated
- There is no mention of the previous concerns relation to the fireplace
- The extent of the new works and the visual change to the building is such that this proposal should be considered and most appropriately described as a new dwelling
- the Level 3 balcony and the south-eastern elevation of the Level 4 sitting room will extend

beyond the prescribed envelope

- The variations unreasonably impact the solar access and privacy provided to adjoining properties
 - There is not the prescribed 6.5m setback to the parking structure
 - The works have not been designed and located to achieve a reasonable level of view sharing from adjoining private properties.
 - The proposal states, "The plant equipment associated with the swimming pool and inclinor will be acoustically treated to minimize acoustic impacts". This indicates there is still a noise concern with these items
 - The proposal will impact upon the environment; the character of the locality and will not mitigate any unreasonable visual impacts on the amenity of adjoining properties. I do not consider this proposal to be within the public interest.
 - There is a fireplace in the master plan but no mention in the statement of environmental effect of its compliance to AS/NZ 4013:2014 or AS/NZ 4012:2015 or 15m setback from adjacent premises
 - The bulk and scale of the proposed development is inappropriate for the site and locality.
- Strict compliance with the maximum building height control is reasonable and necessary in the circumstances of this case.

I am disappointed and dismayed that no consultation has occurred with regard to neighbours concerns, nor have they been considered. The impact this medium density development will have on the lives of myself, my property and my community is significant.

My hope is that council will apply the correct building controls relevant to a new build, not the applications suggestion that "substantial portions of the existing property" would be used instead of trying to circumvent council rules and regulations.

Thank you.