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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 10/08/2022 10:18:08 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

10/08/2022

MISS Skye Donaldson  
2 / 11 Lodge LANE  
Freshwater NSW 2096

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

I am putting forward a submission against the Development Application on 38 The Drive Freshwater (DA2022/1128) on the grounds that:

- The DA should be submitted under the following category "New - Demolition works and construction of a dwelling house including a swimming pool" similar to the recent development application at 1 Seddon Hill (DA2021/0101) as this is not a partial demolition, it is completely new
- The DA has major non-compliance issues that will be to the detriment to neighbours on all sides if this DA proceeds.

Some of the major non-compliance issues are as follows:

1. Building height. The planning requirement set by council is 8.5m maximum, and this DA is at 10.32m, still well above the legal guidelines set by council. These height restrictions are put in place to ensure no single property can out-shadow and take precedent over their neighbours, and therefore should be followed. Why should this applicant be able to put their own interests above all neighbours and the general community and set a precedent for others to do so as well?

Furthermore, the DA claims a maximum height of 3 storeys which is highly misleading. In reality, the maximum height as shown in the Masterplan is 5 storeys. The view from the street will look like 5 storeys and will be 1 storey taller in bulk and scale than surrounding dwellings. Again, there is no explanation or reason for this height breach, and therefore should not be allowed to proceed.

The impacts of this height breach and bulk would be felt significantly by the residents at 11 Lodge Lane. Per the View Impact statement (viewpoint no. 15) 83% of ocean views currently enjoyed by 8 dwellings on the common balcony at 11 Lodge lane would be extinguished. This is not reasonable, as argued by the applicant's report.

In addition to the impact to view, natural ventilation and solar access to neighbouring residents due to building height non-compliance will also be considerable and negative to many surrounding properties.

2. Rear boundary set back to the pool. The report's claim that there will be "generous side setbacks" also contradicts the masterplan (the side boundary envelope is in fact non-compliant) and the pool set back is only 1m from the clothesline at 11 Lodge Lane. 1m is not "generous" and splashing chlorine on the only clothes line for no. 11 is not equitable and highly detrimental. Similarly, the only common area at 11 Lodge Lane would be looked into directly by

the proposed dwelling, which will negatively impact the daily lives of those that currently enjoy this area's privacy due to current standards in place. With additional noise from the pool and outdoor area, only 1m from 11's communal area, privacy will be destroyed and tranquility of the area ruined. Again, this is not in line with legal requirements or neighbourly sentiment and equity.

3. Geotechnical Report. I have major concerns about the findings of the geotechnical report that state that Hazard 2 is an "unacceptable risk" due to the vibrations. This will put surrounding properties at risk which is compounded by building height and boundary non-compliance, making the concerns for damage and safety far more likely and concerning.

For the above reasons, I strongly believe that this DA does not comply with council regulations. It also does not meet community standards that aim to protect the rights, privacy and lifestyle of all people in the Northern Beaches LGA. I feel that the proposed dwelling does not fit the claim that it is a "partial demolition" for a "family home"; rather that it is a new, luxury, multi-dwelling proposal that only considers the wants and needs of the applicant, to the detriment of all surrounding neighbours and the general street-scape.

I sincerely hope that these concerns will be read and considered by council, and that the current DA is not allowed to proceed in its current form. Further alterations need to be made in order to keep all residents happy and treated fairly and reasonably.

Kind regards,  
Skye Donaldson