

---

**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 11/08/2022 4:06:23 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

11/08/2022

MR John Duell  
9 Lodge Lane LANE  
Freshwater NSW 2096  
[REDACTED]

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

11 August 2022

John and Amanda Duell  
9 Lodge Lane  
Freshwater, NSW 2096

To the assessing planning officer:

We have received a notice of proposed development DA2022/1128, 38 The Drive Freshwater.

We would like to raise issues of concerns regarding the proposed development adjoining property of 9 Lodge Lane Freshwater, which we are the owners of. We have engaged a town planner to review the plans and submit a formal detailed objection on our behalf, according to our town planner, an extension for this has been granted. The town planner will therefore submit the details on our behalf next week. However, we wanted to make sure that we were on record before the submission period closed, and therefore have included a few areas of concern below.

The proposed development will have a material impact to our property, especially in regards to the obstruction of our views and privacy. The height of the proposed development exceeds standard heights by over 20%. The proposed development will severely obstruct the current view of the ocean from our kitchen, living room, dining room and master bedroom. This proposed development would have a significant negative impact on property values for us and the neighbours of 38 The Drive, of which these neighbours have paid a premium for their property.

Views - As our property is Eastern facing with views of the ocean (as indicated in their own view impact assessment report (viewpoint no.16 page 25/26)). The photos in this report were taken from a drone without our knowledge and do not show the true impact of the view loss from our multiple living spaces which include the kitchen, dining room, master bedroom and living room. This will be visible in the detailed submission by our town planner. However, even based upon their own view assessment report on page 26 "A significant portion of the view of the ocean to the east is lost as a result of the new proposal" and "the overall view loss can be assessed as medium to high". We are not sure exactly how they define view loss levels, but we would suggest our view loss would be high to extreme. This amount of ocean view loss is not acceptable, nor neighbourly, especially considering the amount of gorgeous ocean and beach

views 38 the Drive currently has.

Privacy - Under the current development the applicant will be able to look directly into our master bedroom, living room, dining room and kitchen, which is unacceptable and has arisen through poor design and thoughtlessness. We respectfully submit that the overall position of the dwelling house, specifically on the upper level is excessive and creates an unnecessary overlooking problem which could easily be resolved by clever re-design. Regrettably, the applicant has chosen not to provide an appropriate scheme that is suitable for the site and the neighbouring properties.

We would also request that council requires an independent survey of the current poles and ropes to ensure that they accurately reflect the location and height of the proposed development. As they have leveraged the poles and ropes to carry out the visual impact assessment report. Furthermore, an audit of the ropes to photos to the view impact needs to be done if this report is going to be used to make decisions.

For the above reasons and more detailed reasons to come next week from our town planner, we strongly believe that this DA does not comply with council regulations and should be rejected. It also does not meet community standards that aim to protect the rights, privacy and lifestyle of all people in the Northern Beaches. We 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.

Thank you for the opportunity to comment and consider the impact on the neighbouring property owners, our property, and the community at large.

John and Amanda Duell