

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: DA2022/1128 - 38 The Drive, Freshwater [440157] [PA-A.FID1121707]
Date: Monday, 20 February 2023 1:32:50 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Dear Ms Gelder,

We act for Mr & Mrs C Key, the owners of 1 Seddon Hill Road in relation to Development Application 2022/1128 at 38 The Drive, Freshwater.

On 27 January 2023 an amended set of master plans was submitted by the Applicant. Following this, an amended clause 4.6 variation request for the building height and view impact assessment was submitted last week.

We understand that no new height poles have been erected on the Site that reflect the amended design. We also draw Council's attention to the amended view impact assessment which depicts hand drawn estimates of the amendments. On this basis, our clients and certainly the Council, cannot be certain of the accuracy of the Development and the scope of the amended plans.

As you will be aware, our clients have lodged two objections to the Development Application on the grounds of severe view loss and privacy concerns. These submissions have been supplemented by the objections from our client's consulting town planner, Turnbull Planning Limited and consulting architect, Poppy Bevan. Further to this, Turnbull Planning, at the request of your office engaged an registered surveyor to arrange photographs of the potential view loss from our client's property. The process for providing this additional information and continuing to consider and respond to the various iterations of the Development has come at considerable expense of our clients.

Notwithstanding this, our clients wish to provide further objections to the Development in response to the recent amendments. However, we consider it unreasonable for our clients to do so on the basis of inaccurate and outdated information. We are also of the view that it is unreasonable for the onus to be on members of the general public, such as our clients, to engage their own experts to present accurate information to Council for consideration.

As such, could Council please confirm if new certified height poles have been or will be erected in respect of the amended plans. If not, please explain how Council will (and ultimately, the Northern Beaches Local Planning Panel) will be in a position to assess the view impacts caused by the proposed Development.

As the notification period begins tomorrow and ends 7 March 2023, could Council please advise at its earliest convenience.

Kind regards,

Annabelle Burgess
Lawyer

[REDACTED]
W: piperalderman.com.au

