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**Sent:** 10/08/2021 11:35:44 AM  
**Subject:** FW: LETTER OF OBJECTION: DA2021/1114

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**From:** [quattroclark@me.com](mailto:quattroclark@me.com) <[quattroclark@me.com](mailto:quattroclark@me.com)>  
**Sent:** Monday, 9 August 2021 3:18 PM  
**To:** Stephanie Gelder <[Stephanie.Gelder@northernbeaches.nsw.gov.au](mailto:Stephanie.Gelder@northernbeaches.nsw.gov.au)>  
**Subject:** LETTER OF OBJECTION: DA2021/1114

To the assessing officer:

**DA2021/1114 - 5 Windermere Place WHEELER HEIGHTS - LETTER OF OBJECTION**

We write in objection to the proposed development as owners of the adjacent property, 3 Windermere Place WHEELER HEIGHTS.

We are concerned at the size and scale of the proposed development which appears to significantly exceed the total floor area permissible under the Warringah LEP (2011) together with a number of other key planning controls.

The size and scale of development presents a number of challenges given the particular constraints of the existing block including:

- the development is proposed as a two storey dwelling constructed mid-block, the upper storey situated on a rock outcrop that is, at minimum, *6m higher than the highest point of our adjacent block*. This results in elevated, unrestricted, view lines of our property including but not limited to our private open space, living area and bedrooms. We are very concerned at the impact to our property from an amenity, personal security and privacy perspective. Given the height difference, we do not believe there are any affective controls available to the applicant. Or any practical controls available to us as the impacted property owners
- access and amenity is difficult to ensure and it appears as though a number of relevant planning controls are not met by the proposed dwelling including but not limited to:
  - o side setbacks to the east and west corners appear less than the minimum permissible
  - o rear setback appears to be less than the minimum permissible
  - o the primary access along the eastern boundary is impaired – noting the rock encroaches (at height) on the minimum side setback. This is not addressed by the submission and impacts access and amenity of the proposal
  - o minimum requirements for private open space to the rear of the proposed secondary dwelling, sunlight and amenity

Having previously discussed with the applicant we are aware, in the event the application is rejected, they will seek to pursue a secondary application under Complying Development. We have been advised by Council that under a CDC the applicant has an obligation to notify adjacent residents and address concerns raised prior to approval being granted. While we appreciate Council may not be the Certifier under any CDC pathway we would

appreciate written guidance and confirmation in this regard.

Sincerely

Nicole and Russell Clark

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