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**Sent:** 16/04/2021 11:05:14 AM  
**Subject:** Response to Application No REV2021/0011 (DA 2020/0884)  
**Attachments:** Objection to Revision REV2021\_0011\_DA2020\_0884 v1.0.pdf;

Dear Sir/Madam,

Please find our response to the Proposed Development – **REV2021/0011 (DA 2020/0884)** (See attached).

We are open to meet with you at our home to discuss our concerns further. Please let me know if you need any further information?

Thanks and Regards

David Simington  
Emma Lane

The General Manager,  
Northern Beaches Council  
13 April 2021

**Re: 129 Upper Clontarf Street Seaforth – REV2021/0011 (DA 2020/0884)**

**Proposed Alterations and additions - Construction of a Swimming Pool and ancillary works**

Dear Sir/Madam,

I refer to the Proposed Development for alterations and additions to a dwelling including a new pool into the front yard of the above property. Documents viewed via Council's internet page include the Survey Plan and Statement Environmental Effects (2 copies – 1 Amended). I am writing this response seeking clarification before I can make a proper and final submission. I have met with my Town Planner and he requires plans that are accurately notated with all development work.

Referenced is the previous **Development Application Assessment Report DA2020/0116** which recommended the Swimming Pool, Decking and Fencing as non-compliant and be removed from the application. Also referenced is the **Panel Review** determination that also reference that the Pool and Stairs to be non-compliant and not be approved. This was a unanimous decision.

We have been very conciliatory in most matters, and we have previously agreed to the development of the extended driveway, converting the existing single car garage into a new entry/ mudroom and the addition of a new bathroom on the ground floor. The extended driveway will impact our amenity, but we decided not to object as it was raised as a safety concern by the owners of the above dwelling. They mentioned that they had concerns reversing a car along their driveway with their Children also using this for access. We raised no objections to the developments mentioned above in **DA2020/0116**.

However, the revised plans and submission **REV2021/0011 (DA 2020/0884)** lacks key details which are necessary to make an informed assessment of the proposal. The latest submission mentioned the removal of stairs but there is no indication if there is other access planned. Other DA approved changes are included on the plans but the stair access has been excluded. The Panel Review minutes indicated that the pool and stairs are not agreed. Extract from Panel Minutes 9<sup>th</sup> December 2020.

***“The site is highly constrained with a rock escarpments and steep topography. The Panel were not satisfied that the proposed pool and stairs was appropriate in the location given the impacts on the natural topography, the setback, height and elevated nature of the structure having an effect on the amenity of the adjoining property in regards to visual and privacy impacts.”***

I have previously raised objections around the protection of our amenity, including Privacy and Overshadowing. The Shadow Diagram provided are insufficient as they do not show the true picture of the impact of the development on the natural sunlight that reaches into kitchen and living areas. There has been no consideration to the guidelines set out in MLED Clause **3.4.1.1 Overshadowing Adjoining Open Spaces** and **3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties** which recommends that measuring sunlight availability to adjoining properties should not just rely on measurements around the winter solstice on the 21st June but also other times of the

*year. There will definitely be a reduction in the Sunlight into our property from this development and you cannot rely on measurements on 2 days of the year as mentioned in **MDCP 3.4.1.2**. There has been no consideration in the new submission to this or any of my other previous concerns.*

I have been working with our Planner but he also cannot provide a definitive response until we have a fully detailed plan submission. We are very happy to work towards a final resolution but we need to get a clear and accurate understanding of the revised plans. I maintain my objection until we fully understand the impact on our home and can make a final and objective submission.

Thank you for the opportunity to comment on this development application, and I look forward to getting a full understanding of the proposed changes.

Yours Sincerely

David Simington

13<sup>th</sup> April 2021