

26 September 2023

4 Mullion Close  
HORNSBY HEIGHTS NSW 2077

The General Manager  
Hornsby Shire Council  
296 Peats Ferry Road  
HORNSBY NSW 2077  
Email to: [devmail@hornsby.nsw.gov.au](mailto:devmail@hornsby.nsw.gov.au)

Dear Sir/Madam

**OBJECTION TO DAM1170/2022/A 33 EVANS ROAD, HORNSBY HEIGHTS NSW**

I strongly object to the proposed Section 4.55(2) modification – amend balustrade – privacy screens PAN-360521

The approval of DA1170/2022 has a devastating impact on my property and my life; the granting of the abovementioned modification would exacerbate the impact. Any further erosion of the tokenistic vestige of consideration afforded to me by the LPP by way of 1metre privacy screen balustrade on both levels of the northern decks would be intolerable. These privacy screens are essential for the liveability of my home, which will be overlooked from the 3 levels at the rear of 33 Evans Road. The proposed “wings” jutting out from the floor of each deck are visually unattractive and increase the approved 40% breach of the rear setback, increase the bulk and scale and do not provide privacy to either 4 Mullion or 33 Evans. These decks are supposedly transit areas to access stairs to the 3<sup>rd</sup> level to overlook 4 Mullion, as per the figures in the approved plans, and not decks for sun or vistas according to the approved DA.

The applicant claims northern sun and vistas as the motivation for this modification this is most disingenuous and a claim made to suit the cause. With the 1m high privacy screen balustrades in place the decks would suffer no loss of northern sun and the northern vista from these decks are directly into my rear windows, my swimming pools “private” open space and the magnificent vista of Hornsby Heights Sewerage Treatment works in Pike Road.

The original DA claimed the vistas to be to the east as did the LPP when they changed the Council recommendation to provide privacy screen balustrade to all the decks balustrades and instead specified only the northern balustrades. Although the eastern side deck is skewed towards the north and also impacts my privacy.

The proposed “wings” do not provide any privacy as I could see the inside of 33 Evans through these “wings” and look through to the floor to ceiling glass window walls and proposed pool fence style balustrade from both the inside and outside area of my property. The applicant provided sight lines in the DA which indicated he looked over the top of my home and couldn’t see downwards into my home/pool/open space, he is now suggesting he can see into my property by requesting “wings” to jut out from his deck floors to provide privacy. So am I to assume his original DA to also be disingenuous?

These decks are about six strides from my swimming pool water line and are aggressively overpowering situated 5 metres above the ground level of my “private” open space and towering a total of 19+ metres (7 storeys) over my property. These decks afford 33 Evans Road unfettered views inside my rear windows and render my pool unusable because of the lack of privacy. At least with 1 metre privacy screen balustrade I would be afforded a smidgeon of privacy from 33 Evans Road when the occupiers are sitting on the decks or sitting inside the house with full height glass window walls overlooking 4 Mullion, unfortunately this doesn’t apply when they are standing. Without privacy screening I am fated to seeing inside the mid level living areas and deck and all of the lower level deck of 33 Evans Road. This would indeed create an unliveable and toxic situation.

Yours Sincerely

A solid black rectangular box used to redact the signature of Kathleen Hepworth.

Kathleen Hepworth