

[REDACTED]

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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** Monday, 25 October 2021 5:22 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

25/10/2021

MRS ANNABEL SEMEDO  
- 6 DORRIGO AVE  
NORTH BALGOWLAH NSW 2093  
[REDACTED]

**RE: DA2021/1801 - 55 Woolgoolga Street NORTH BALGOWLAH NSW 2093**

Dear Nick,

I hope this finds you well.

As the owner of 6 Dorrigo Ave, North Balgowlah, I thank you in advance for considering our submission responding to the areas of non-compliance regarding the Proposed Development (DA2021/1801) on Lot 23 DP 23447 at 55 Woolgoolga St, North Balgowlah, and the detrimental impact this will have on our family's health and wellbeing and the future enjoyment of our adjoining property.

In support of our submission, we will be engaging a Town Planner for their expertise in this area and to help us achieve a more positive outcome for all parties. We kindly ask if you could please grant us an extension of time for this.

Please understand that we aren't opposed to multi-generational living as the plan suggests, but we are simply asking for a DA that isn't excessive or an overdevelopment for the site and is more considerate of its surrounding neighbours. We value our friendship with Martin and Andrea Pryor (the Client) and we're hopeful that we can achieve a more compliant and advantageous outcome for us both.

I would like to bring the following areas of non-compliance that would be detrimental to our health and wellbeing and future enjoyment of our property to your immediate attention, with reference to the Local Environment Plan (WLEP) and Development Control Plan (DCP) it fails to meet below:

- 4.2.2 Height of Buildings Pursuant to clause 4.3 WLEP, the height of any building on the land shall not exceed 8.5 metres above existing ground level...to minimise loss of privacy and loss of solar access of surrounding and nearby development.
- 4.3.12 Access to Sunlight Pursuant to these provisions, development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing: Sunlight, to at least 50% of the principle private open spaces, is not to be reduced to less than 2 hours between 9am and 3pm on June 21.
- 4.3.3 Side Boundary Envelope Pursuant to these provisions, buildings must be sited within a building envelope determined by projecting planes at 45° from a height above ground level (existing) at the side boundaries of 4 metres...to ensure adequate light, solar access and privacy by providing spatial separation between buildings.

1. The sheer bulk and scale (height and excessive overshadowing) of the proposed development, besides being non-compliant, would significantly reduce the amount of sunlight we receive in both our primary, private living and outdoor space - our backyard - to just 1 hour between 12pm-1pm during the coldest time of the year instead of the required 3 hours of sunlight between the hours of 9am-3pm. (See pg. 25-30)

Please note:

(i) We currently only receive 2 hours of sunlight between 12pm-2pm in our primary, private living and North-East facing outdoor space during this time, so the bulk and scale and overshadowing of this new development would reduce our minimal solar access even more. (See pg. 25-30 of the DA)

(ii) Reference to the Building Envelope for the East elevation (as required) doesn't seem to be included in the DA. Please see attached image of this (sent via email) which clearly demonstrates that the proposed development exceeds the maximum allowable building envelope on all upper levels; once again, adding to its bulk and scale and causing excessive and unreasonable overshadowing to our property.

2. Equally important, the close proximity of the proposed development associated with its bulk and scale (within 1m of their side boundary and our rear boundary) is non-compliant and would significantly reduce our privacy in our primary, private living and outdoor space - our backyard.

3. Per the Arborist's Report, we're saddened by the suggested removal of the well-established and seemingly healthy Jacaranda tree, an obvious feature enjoyed by the surrounding properties. Obviously, the intent of removing this tree is to enable the outward extension of the new development.

Please note: As part of our recently approved DA, we were instructed not to remove our smaller, seemingly less healthy Jacaranda.

Finally, as shown in our recently approved DA (DA 2020/1729 (25/11/2020) and DA Modification (07/06/2021)), we are invested in improving the connection between our primary, private living and North-East facing outdoor space - our backyard - whilst retaining our privacy to maximise our enjoyment of these spaces.

As you can understand, our enjoyment of these spaces is directly correlated with the ability to increase our natural light and solar access, especially during winter. This is most important given my son and I are both severe asthmatics and the effects that humidity and dampness can have on this chronic condition.

The proposed non-compliant development, however, would prevent us from achieving adequate light and solar access to our primary private living and outdoor space at the peak of winter, and put our new plans into jeopardy given the excessive overshadowing it would create.

Not only would it deny us our legal rights regarding adequate light, solar access and privacy and our long-held aspirations for our family home; more importantly, it would be detrimental to our physical and mental health and wellbeing and ultimately our enjoyment of our primary private living and outdoor space.

We appreciate your understanding of our concerns and look forward to hearing from you.

Yours sincerely,

Annabel and Renato Semedo