
Sent: 15/04/2020 10:44:38 AM
Subject: NBLPP Meeting today - Item 3.4 - Photos for panel
Attachments: DateStamper_0006.jpg; DateStamper_0005.jpg;

Hi Carly,

Lashta suggested that if I wanted to bring something to the Panel's attention I should send it to you.

Attached are some photos taken this morning of the rear yard of the neighbouring property, 58 Beaconsfield Street, demonstrating the lack of existing sunlight to that area due to existing hedge vegetation. This will be a matter discussed in my presentation to the Panel this afternoon.

Points to consider:

- Part C1.4 Solar Access of the Pittwater 21 DCP permits variations "*where there is adverse slope or topography*", as applies in this case.
- Part C1.4 Solar Access of the Pittwater 21 DCP permits variations "*where there is existing vegetation.... that overshadow*", as applies in this case.
- The rear yard of 58 Beaconsfield Street is already almost entirely in shadow due to the slope and vegetation. This is not clear in the shadow diagrams which, for technical reasons, do not show shadowing from vegetation. It is shown in the photos attached to the letter dated 13 April 2020 from the owner of 58 Beaconsfield Street and the photos attached to this email taken this morning.
- The building on 58 Beaconsfield Street is set back from the street frontage, resulting in a small rear yard and a large, sunny front yard. The residents has a choice of open spaces.
- Overshadowing is not a result of non-compliance with the built form controls (height, envelope, setbacks).
- It is relevant to consider overshadowing from vegetation in a qualitative way. As stated in the Court's planning principle, "*vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence*" (*The Benevolent Society v Waverley Council* [2010] NSWLEC 1082, p. 144). Existing overshadowing arises from a dense hedge.

Regards,

Geoff Goodyer | Principal Town Planner | Symons Goodyer Pty Ltd
Town Planning and Development Consultants
T 02 9949 2130 | M 0413 361 483
67a Wanganella Street, Balgowlah
PO Box 673 Balgowlah NSW 2093



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