
From: Mirella Nicastrì
Sent: 6/06/2025 4:21:10 PM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: info@agradeconcreting.com.au
Attachments: planning submission 19 burne (003).docx;

DA2025/0536 - 19 Burne Avenue, Dee Why

Attn: Dean Pattalis

Thank you for your time today, see attached submission.

Kind regards

Luigi & Mirella Nicastrì
PO Box 6142
Narraweena NSW 2099
[REDACTED]

RE: DA2025/0536 – 19 Burne Ave Dee Why

To Northern Beaches Council planners,

The current proposed extension and building works at 19 Burne Ave present a major concern and impact to my home and family and demonstrate a failure to comply with council policies and planning principles.

The proposed works represent a complete overdevelopment of the site, particularly presenting an unacceptable level of overshadowing, which goes against reasonable planning principles. We are very concerned planners assessing this application might not fully understand the extent of the overshadowing, given the limitations of screen/paper diagrams as well as the inherently biased nature of the plans. Having a large, dark-grey coloured wall up to up 8.5m in height and around 10m in width, presents a significant and devastating impact to our property in the following ways.

The large wall faces our sunroom, which features large glass panels on the ceiling and sides built with the express goal of allowing us to enjoy our principal source of sunlight not just in our home but our whole property. We hope planning staff can understand the wider implications of the proposed works extending beyond the specific site and the limitations of architectural plans for this reason. Our site has inherent limitations from its steep topography that falls from a roughly north-west to south-east orientation, which means our sunroom and lawn zone are the main source of sunlight for our family. We hope planners can also understand our concerns about the health impacts of restricting our access to sunlight and the viability of our lawn area for recreation and active lifestyles.

The overshadowing will impact the viability of our lawn and garden area, an important source of enjoyment and recreation for our family, extended family and friends. Our garden provides a deep sense of contentment and pleasure, and the proposed works threaten all of this by casting it into darkness. Of particular note is the presence of our treasured fruit and olive trees in the area of concern, which symbolise a significant personal connection to our agricultural ancestry and all form part of the enjoyment and lifestyle of our home under threat by the proposal. The viability of the vegetation would be severely constricted, leaving us with a muddy, dark and wall-dominant space, creating a boxed-in scenario that goes against proper planning principles.

The solar access and overshadowing by the proposal extend to our bedrooms on our upper level. As the proposed works are located to the east of the property, the large wall would limit the only source of sunlight to our main, east-facing bedrooms, which we feel goes planning considerations. We believe overshadowing is an important planning

principal as it constitutes an important part of our daily health and wellbeing, including fundamental access to vitamin D.

Of equal concern is the principle of view-sharing for which we are guided by the fact sheet published by Northern Beaches Council and supported by case law in the Land and Environment Court. We believe our case is well-within the guidelines detailed in this fact sheet.

“Through their design, development proposals should demonstrate that views from surrounding private and public places have been considered, and that any loss of views are minimised where possible. Where view loss occurs, Council’s assessment will include analysis of the reasonableness of that impact.”

And also;

***“We must consider ‘view sharing’, which is:
‘.when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment’.”***

We believe this proposal has not sufficiently demonstrated the consideration of surrounding properties and has not minimised the loss of views where possible at all. Under the current proposal, the seaward, east-facing view would be all but replaced by dark-grey wall and roofing. Of most concern is the presence of two unreasonably large walk-in wardrobes that are almost double the size of the master bedroom on the upper level. The creation of this large space and the layout pose a very real possibility of a third, self-contained dwelling upstairs, which renders this application disingenuous and further demonstrates the unreasonable nature of view loss. Together with the significant, generous level of floor space of the property as a whole and presence of a secondary dwelling over the current driveway, these give ample reason to demonstrate the floor space on the second level can be considered as unreasonable and a suitable candidate or grounds for the implementation of the council’s view sharing principle.

At the very least, we believe it is only fair to have an extension of the submission period to allow us to fully understand the extent of the works and to properly articulate and communicate our concerns. As we do not work within the field of planning regulations ourselves, we sought to engage qualified planner to help us understand the complex

field that is planning regulations, but the time span prohibited this. We feel it is only fair to allow a longer period that considers the nature of the planning industry and the timing it requires.

The proposed works as currently presented would have a significant impact on the use and enjoyment of our property so we hope planners can empathise with our situation and give us the time we need to properly understand this application ourselves and present a more detailed and comprehensive submission. Our home was built in 2002 and in 2013 we created a sunroom to showcase the home, having the secondary dwelling that would be all lost and would have an enormous impact on our property.

To take a wider perspective, we fully accept and empathise with our neighbour's desire and right to renew their property and would like to maintain our current, good relationship. Unfortunately, this proposal impacts on our home and the way we live to such an extent that we are compelled to speak out to help others understand the impact this would have. We can only hope we have communicated clearly enough to help both planners and our neighbours to understand the importance this has to our lives and or future and are hoping to keep open communication between all parties.

Summary

I reserve the right for objection until we speak and clarify the extent it will have to our property. I am happy to have a site visit with any of your development team to address our concerns and get a better understanding of the development.

I appreciate your help and understanding in this matter.

Kind regards

Luigi & Mirella Nicastrì

1A Selby Ave

Dee Why NSW 2099

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[REDACTED]

