



Pre-lodgement Notes - Written Advice Only

Application No: PLM2023/0132
Date: 5 October 2023
Property Address: 76 Beatrice Street BALGOWLAH HEIGHTS
Proposal: Dwelling house
Applicant: Hall & Hart Homes Pty Ltd
Responsible Officer: Julie Edwards – Planner
Meeting Held: Yes – 31/10/2023

General Comments/Limitations of this Advice

These Written Only notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant. Council provides this service for guidance purposes only. These notes are an account of the advice on the specific issues nominated by the Applicant.

These notes are confined to planning advice only and are based on the information provided and only address the specific issue(s) nominated by the Applicant.

Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Manly Local Environmental Plan 2013 and Manly Development Control Plan 2013, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concerns have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.



Applicants Issue(s) and Planning Comment(s)	
Issue	Comments
Setbacks 4.1.4.2 Side setbacks and secondary street frontages	<p>Required setbacks to southern boundary:</p> <ul style="list-style-type: none"> - Garage – 1.3m – wall height of 4m, - Floor above garage – 2.23m with wall height of 6.7m, - Rear of dwelling 1.9m-2m based on a wall height of 6 -5.9m <p>The garage encroaches into the side boundary setback. The encroachment is very minor being 300mm. The garage is opposite a swimming pool, single storey and does not have any windows. The applicant will need to provide evidence that the encroachment will not cause unreasonable impacts on the amenity of the adjoining property in the way shadow diagrams. An arborist report must accompany the application demonstrating there will be no impact to the trees on the adjoining property.</p> <p>The applicant will also need to address in the Statement of Environmental Effects (SEE) the objects of clause 4.1.4 Setbacks (front, side and rear) and Building Separation of the MDCP and explain why the proposal can not shifted more to the north to provide full compliance.</p> <p>The application must also consider solar access outcomes for the adjoining property and demonstrate that solar access is achieved for the adjoining site as per Clause 3.4.1 MDCP which required certain amounts of solar access to be maintained to Private Open Space and Living Room windows.</p> <p>Please make sure you put the boundaries on the plans for each floor level.</p>
Privacy 3.4.2.1 Window Design and Orientation	<p>The windows shown on Elevation 4 are within 3m of the southern boundary shared with no. 74 Beatrice Street. The ground floor windows are located off a Kitchen and Laundry with a low sill height of 0.9m. The top of the window is 1.6m above the finished floor level. The windows are separated from the neighbouring property by a boundary fence and vegetation which will maintain privacy between dwellings. No further privacy treatment for these windows are considered necessary.</p> <p>The first floor windows are located off a bedroom, ensuite and bathroom. The ensuite and bathroom windows have frosted glass which meets the privacy requirements of the MDCP. Window W25 off Bed 4 will be directly opposite the swimming pool of no. 74 Beatrice Street. The applicant will need to look at ways of mitigating any potential privacy impacts from the window. A possible option is to rise the sill height. Bedrooms are considered a low use room. The majority of the time people are in a sitting or standing position. An increased sill height could allow for views outwards without providing views down towards the swimming pool in a sitting or lying position. The applicant is to address the non-compliance with the window setbacks in the SEE and how this will not result in unreasonable privacy impacts.</p>

Additional Advice to the Applicant



(a) Planning Controls

You are advised to familiarise yourself with the full suite of planning controls that apply to your proposal by viewing the relevant Local Environmental Plan and Development Control Plan as follows:

MANLY LOCAL ENVIRONMENTAL PLAN 2013 (MLEP 2013)

MLEP 2013 can be viewed at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2013-0140>

MANLY DEVELOPMENT CONTROL PLAN 2013 (MDCP 2013)

MDCP 2013 can be viewed at <https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=MDCP>

(b) Development Application Lodgement Requirements

You are advised to familiarise yourself with Council's Development Application Lodgement Requirements to ensure you submit the required plans, reports and other documentation for your proposal and site (see website for details).

Documentation to Accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled and dimensioned plans:
 - Site Plan
 - Floor Plans
 - Elevations
 - Sections
 - Existing dwelling outline to be shown on all relevant plans
 - Setbacks, building height, wall height and side boundary envelopes to be shown on all plans as per the relevant LEP and DCP to demonstrate compliance
 - Schedule of Colours and Finishes
- Landscape Plan (including schedule of species to be planted)
- Landscaped Area Calculation Plan (as per relevant DCP requirements)
- Floor Space Ratio Calculation Plan (as per relevant LEP requirements)
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost of works estimate/ Quote
- Survey Plan (including Boundary Identification by Survey)
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Arboricultural Impact Assessment



Conclusion on Applicants Issues
A review of the proposed development based on the specific issues raised in the pre-lodgement application has been carried out and you are advised that Council is not opposed to the proposal, however, Window W25 off Bed 4 should have some form of privacy treatment as it will overlooking the swimming pool/private open space of the adjoining property at no. 74 Beatrice Street.
Question on this advice? Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.