
From: DYPXCPWEB@northernbeaches.nsw.gov.au
Sent: 20/06/2023 2:51:53 PM
To: DA Submission Mailbox
Subject: Online Submission

20/06/2023

MRS Kim Green
- 9 New ST
Balgowlah Heights NSW 2093
[REDACTED]

RE: DA2023/0689 - 7 New Street BALGOWLAH HEIGHTS NSW 2093

20 June 2023

Stephanie Gelder
Northern Beaches Council
PO Box 82
Manly NSW 1655

Dear Stephanie,
RE: Submission to DA2023/0689 - Lot 10 DP 9561 7 New Street Balgowlah Heights NSW:
Demolition works and construction of a dwelling house.

We lodge this submission regarding the Development Application (DA) 2023/0689 at 7 New Street Balgowlah Heights NSW 2093.

We the owners of 9 New Street Balgowlah are generally in support of the development however lodge this submission in response to the overlooking of the proposed main living and alfresco area. The proposal would have unacceptable visual privacy impacts to our property, contravening key privacy provisions under the Manly Development Control Plan 2013 (MDCP 2013).

Clause 3.4.2 (Privacy and Security) of the MDCP 2013 requires that new development prevent overlooking by utilising architectural screening to balconies and terraces. It requires that architectural screens be in a fixed position and suitably angled to project visual privacy, specifically:

- When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.
- Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy.
- Recessed design of balconies and terraces can also be used to limit overlooking and maintain privacy.

Furthermore, part 3.4.2.2 Balconies and Terraces notes that when a balcony or terrace is included then:

- a) Architectural or landscape screens must be provided to balconies and terraces to limit

overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy.

b) Recessed design of balconies and terraces can also be used to limit overlooking and maintain privacy.

The current dwelling includes an alfresco area looking west. The alfresco is noted on the survey prepared by Residential Engineering as a walled in porch. This alfresco includes a permanent fixed privacy screen that extends across the western edge to mitigate overlooking and provide privacy for both uses of 7 New Street and 9 New Street. Due to the topography of the site the neighbouring dwelling at 9 New Street, Balgowlah is lower than that of the existing dwelling and the height of the alfresco area from the ground level sees the views extend above the height of the boundary fence. This site topography exaggerates the overlooking and impacts to privacy.

The proposed development includes an alfresco area in a similar location to the existing alfresco area, at the western side of the proposed dwelling, situated adjacent to the proposed kitchen, dining and family rooms, however, excludes a permanent fixed privacy screen.

The statement of environmental effects submitted with the application provides comment against the MDCP part 3.4.2 by noting no elevated balconies, decks or terraces are proposed. The comment is incorrect as the proposed alfresco is not considered at grade, however the statement also provides no justification to the objectives as they should be considered by the applicant. We believe the proposed design has not properly considered the objectives of MDCP Pt 3.4.2 Privacy and Security.

Proposed Resolution

We request that the architectural and landscape plans are amended to include a permanent fixed screen to the central alfresco area to support the objectives of the Manly DCP through mitigation of direct viewing between outdoor living areas, providing privacy for both properties, and increasing privacy without compromising access to light and air.

Regards,
Kim and Kingsley Green