

Northern Beaches Council
Attn: Gareth David

20th September 2023

RE: Amended DA2022/1715 – 60 Hudson Pde Clareville NSW 2107

Letter of Objection on behalf of Mr Richard Utz 58 Hudson Parade

We are writing in response to the amended Development Application recently submitted for the property at No. 60 Hudson Parade which we have considered carefully in relation to the impacts on no. 58 Hudson Parade and Council's DCP.

We note that there has been no further Heritage Report or updated SEE submitted with the amended DA. The fact remains that the existing dwelling at No. 60 Hudson Parade is an iconic home designed by Bruce Rickard and is an outstanding example of architectural design that respects the natural beauty of the site and unique foreshore location.

In relation to the impacts of the amended DA on the amenity of the property at no. 58 Hudson Parade our primary concern relates to the proposed pool and pool deck, associated planter, water tanks and retaining walls. The level of the proposed pool and pool deck is located well above natural ground level and the resulting loss of visual and acoustic privacy, natural light and over-bearing scale and bulk of these structures on our property is non-compliant with objectives as stated in the DCP and LEP.

The location of the pool, pool deck and proposed planters and retaining walls are not in accordance with the DCP or E4 Environmentally Sensitive zoning as follows.

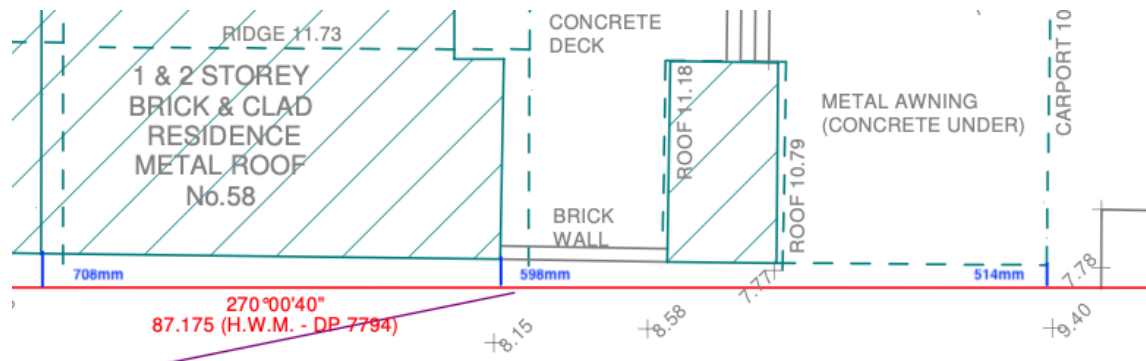
Pittwater LEP 2014

Pittwater DCP 2021

C1.4 Solar Access

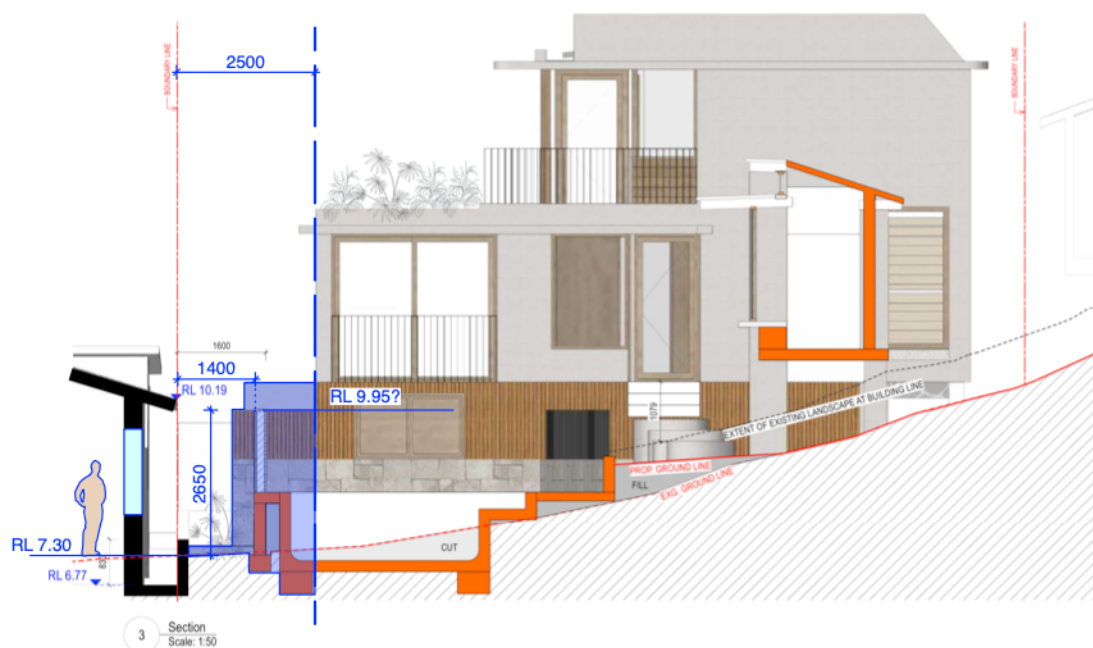
The existing bedroom windows located on the southern side of No. 58 will be greatly affected by the proposed location of the pool, pool deck and planters. The pool structure and fence is located 1.4m from the common boundary at a height of over 2.6m to 3.6m above Natural Ground level. The amended plans show that the pool deck has been lowered from R.L 9.0 to 8.5 however, with the height of the pool fence added, takes the height of this structure to the eaves of our house – which will have a huge impact on our property in terms of access to daylight and outlook from the bedroom windows. The Natural ground level in the entrance courtyard of our property is R.L 7.0. As stated in the DCP the required setback for the planter and pool deck structure on this boundary should be 2.5m. The amended plans note a setback of 1.6m (to the

inside face of the pool wall) which is 1.4m from the boundary. N.B The dwelling at No. 58 is not aligned with the boundary and, adjacent to the proposed pool is 700mm- 400mm from the boundary. See survey below.



The Ground floor bedrooms of no. 58 currently look onto the garden of No. 60 and are situated to the front of the house, away from main living areas and outdoor entertaining areas of no. 60, however the proposed location of the pool will mean that there will be NO visual or acoustic separation between the dwellings. Locating a primary outdoor area and pool raised significantly above natural ground will result in loss of daylight, visual and acoustic privacy and is in breach of the DCP and E4 Environmentally Sensitive Zoning.

We have overlayed the position of windows to existing bedrooms, F.F.L and boundary set-backs on the applicants sections through the pool in this location – which clearly indicates the height is **up to the eaves of the existing house** at a distance of 1.4m from the boundary.



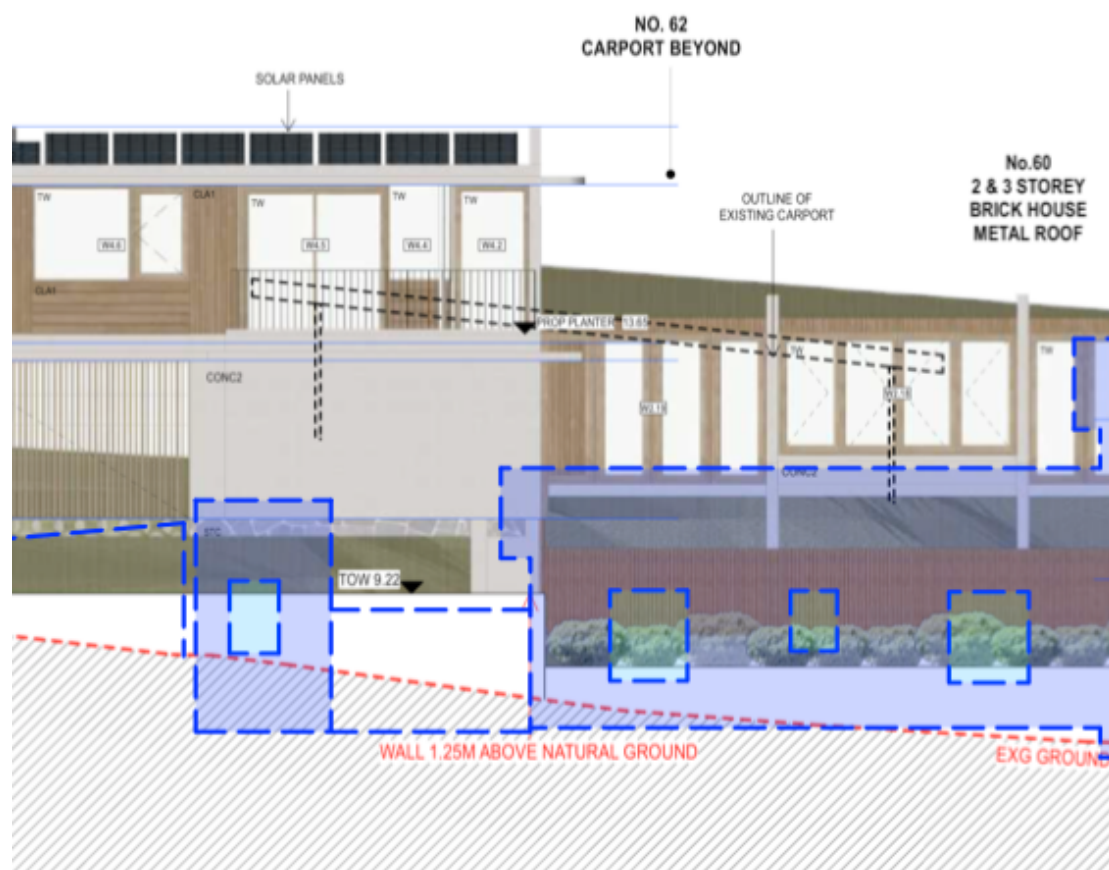
C1.5 Visual Privacy

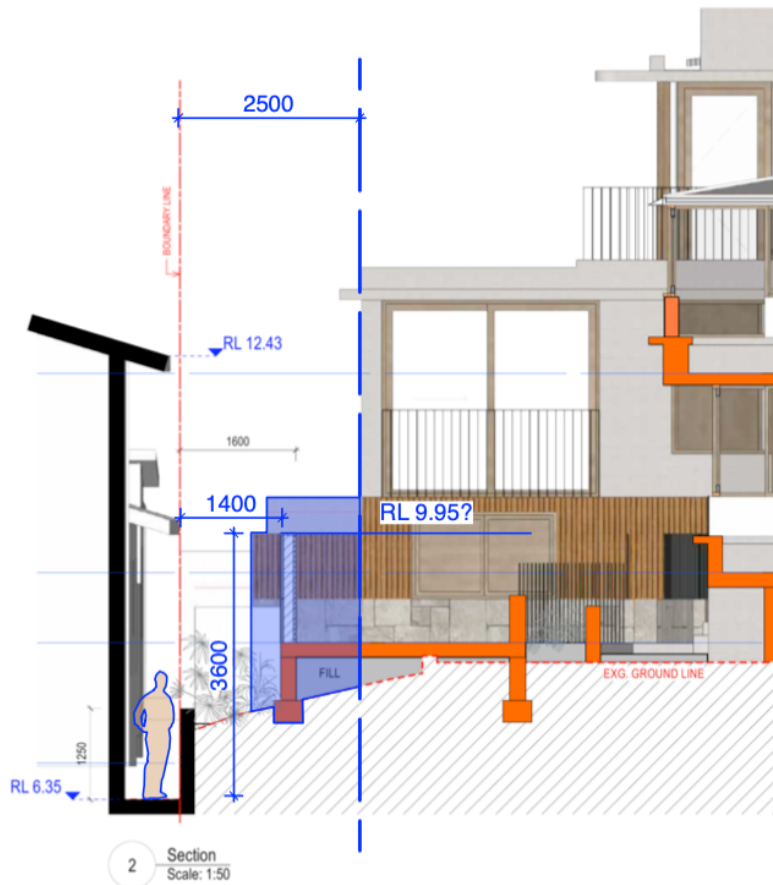
The amended pool deck is at a height of R.L 8.5 which is 1.5 metres higher than the existing courtyard level of no. 58 (R.L 7.0) the proposed retaining walls for the planter are located on the boundary at a height of 1.2-1.9m above natural ground level. The pool wall behind will then present a blank face along the entirety of our home on the southern boundary. This will have a huge impact on the existing bedrooms decreasing access to daylight and prevent any view of the sky or tree tops from these rooms. The bulk and scale will feel imposing and the narrow space between our house and these structures will be dark and uninviting.

See diagram of proposed in relation to No. 58 (bedroom windows shown in blue) which will look into a blank wall of the planter at a height of 2650mm above N.G.L at a minimum setback of 1 metre and maximum of 1.4m from the boundary.

The proposed Green Roof above the proposed games room and screen planting adjacent to the games room faces directly onto **the main entrance area and courtyard serving the guest bathroom and laundry of our property (referred to as rendered shed)**. The laundry and guest bathroom face a small courtyard and is where we shower after returning from the beach and is also the main entrance to the home. These private areas will now be overlooked from the proposed additions.

Below is an overlay of No. 58 and the location of windows in relation to the proposed retaining walls and pool structures. The elevation below clearly illustrates that the pool fence is equivalent to the eaves height of No 58 and is well above the windows. The position of the terrace adjoining the games room, look directly over the front courtyard and patio of No. 58.





C1.6 Acoustic Privacy

At present the Ground floor bedrooms of No. 58 are located away from primary living and outdoor entertaining areas of no. 60 however the proposed front additions, pool are the length of the entire home and at a distance of only 1.4m from the boundary.

The location of the proposed swimming pool directly next to existing bedrooms and within the prescribed 2.5 m set-back from the boundary will cause a huge loss of acoustic privacy and loss of amenity to the owners of No. 58. The proposed application does not achieve the desired outcomes of this clause.

D1.9 Side and Rear Building Line

Controls

The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table.

The side setback on the northern boundary of the subject site should be a minimum of 2.5m and is not in accordance with this clause. The setback on the southern boundary is measuring at 1.4m noted as 1.6m to the internal face of pool wall. Note the position of the existing dwelling of No. 58 in relation to the common boundary (less than 900mm along the entire southern elevation).

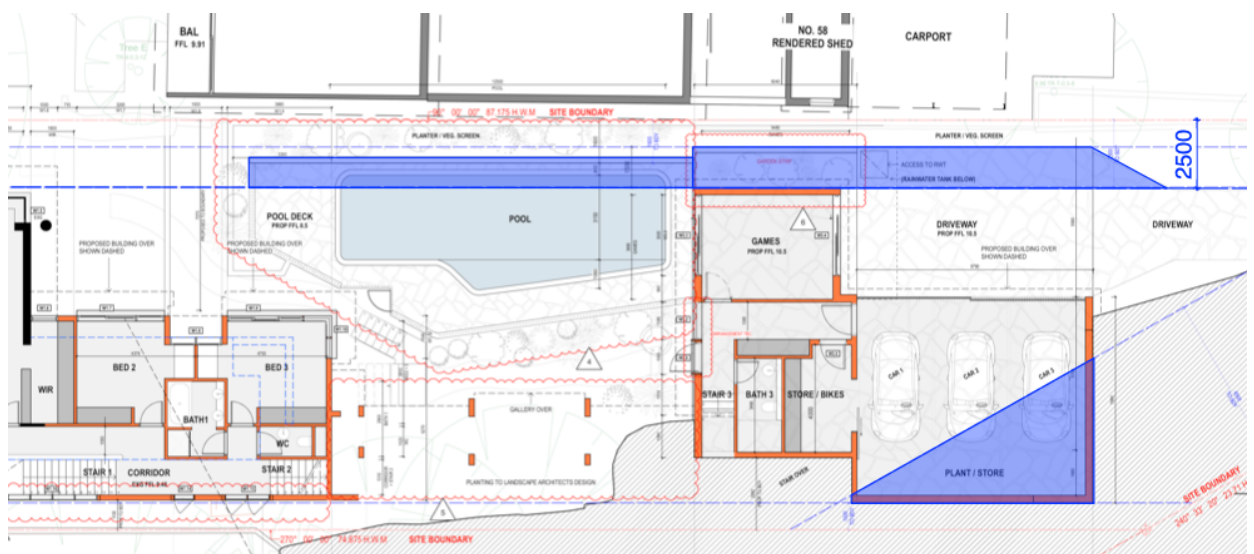
The amended application does not meet any of the criteria listed in this clause for variations.

Variations

For swimming pools and spas a 1 metre minimum setback from the boundary to the pool coping may be permitted subject to the following:

- satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and **(Does not achieve)**
- Council is satisfied that the adjoining properties will not be adversely affected, and
- the pool or spa is not more than 1 metre above ground level (existing), and **(Does not comply)**
- that the outcomes of this clause are achieved without strict adherence to the standards, and
- where the site constraints make strict adherence to the setback impractical, and **(Does not comply)**
- where strict compliance with these requirements will adversely impact on the views of adjoining residential properties. **(Impacts on views and daylight access)**

Areas shaded in blue are outside of Council's required set-backs.



We ask Council to take into account the overlayed information in regard to the existing dwelling at No. 58 and make a careful assessment of the serious impacts on our property.

D1.14 Landscaped Area – Environmentally Sensitive Land

The proposed development does not comply with the desired outcomes of this clause. The proposed development, significantly alters the nature of the site by removal of 15 trees and changing the natural contours across the site. The extent of cut and fill to achieve the pool deck on the northern part of the site requires excessive structures which will permanently alter the character of the site.

The natural topography of the site should be maintained, so the proposed alterations and additions to the original house are in keeping with the character of the Foreshore area of sloping

blocks with natural vegetation and protection of existing endangered species – spotted gum forest, flora and fauna. The existing Bruce Rickard designed building was designed to complement the indigenous Spotted Gums and natural contours of the site, sloping to the foreshore.

The Landscape calculation plan submitted as part of the application has included areas such as the stairs to the pool deck, green roof, driveway and turning circle (which are all impossible to be permeable) and are outside of Council's definition for variation to landscape calculations. Under this clause the landscaping should be 60% of the site area.

D1.15 Fences

Fencing should be compatible with the streetscape and character. The proposed planter on the northern boundary is of a scale which is incompatible with existing development and will have a major impact on the amenity of no. 58. This needs to be located within the minimum 2.5m setback from the northern boundary and should be no higher than **1m above natural ground**.

The proposed retaining wall is located on the boundary and has a native hedge planted behind and then steps up to a pool deck only 1.4 m from boundary with a pool fence of 1200mm above that. **This is almost 2.7m above the natural ground level at No. 58 and less than 2.5m setback.**

CONCLUSION

The proposed and recently amended alterations and additions remain extensive and dramatically change the existing landscape setting by removal of 15 trees and changing the contours for the pool and driveway along the northern boundary of the site in a highly sensitive environmentally diverse and protected coastal area.

We ask Council to carefully consider the 2.5m side setback and DCP objectives - as defined in the LEP and DCP in relation to the proposed pool and retaining walls. The location of the pool and pool deck and proximity to No. 58 will result in a loss of visual and acoustic privacy as well as access to daylight and natural ventilation. The position of the existing dwelling at No. 58 in relation to the boundary makes these non-compliances even more detrimental and needs to be carefully considered by Council whilst making their assessment.

The bulk and scale of the proposed development is out of scale with adjacent properties and will result in a loss of amenity to No. 58 which is incompatible with desired outcomes as outlined in the LEP and DCP.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristin Utz' followed by a period.

Kristin Utz
Director
Architect Reg NSW 10181