
From: Greg Boston
Sent: 9/04/2025 12:11:53 PM
To: Council Northernbeaches Mailbox
Cc: Nic England; Neil Burnard
Subject: TRIMMED: Objection - DA2025/0263 - 16 Hillcrest Avenue, Mona Vale
Attachments: Objection - DA2025 0263 - 16 Hillcrest Avenue, Mona Vale.pdf;

Attention - Nick England

Please find attached an objection to the above development.

Do not hesitate to contact me should you have any questions.

Regards

Greg Boston
B Urb & Reg Plan (UNE) MPIA
B Env Hlth (UWS)
Director

BOSTON BLYTH FLEMING PTY LIMITED
Town Planners
Telephone: 02 9986 2535
Mobile: [REDACTED]

8th April 2025

The CEO
Northern Beaches Council
PO Box 82
Manly NSW 1655

Attention: Nick England - Planner

Dear Mr England,

Notification Response

Development Application DA2025/0263

**Alterations and additions to a dwelling house including a new swimming pool
16 Hillcrest Avenue, Mona Vale**

We have been engaged by the owners of 18 Hillcrest Avenue, Mona Vale to critically review the plans and documentation prepared in support of the above development application. Our client's property is located immediately to the east of the development site. Having reviewed the documentation prepared in support of the application and determined the juxtaposition of adjoining properties, including the recently approved and constructed secondary dwelling at the rear of our clients property and their new dwelling house currently being considered by Council (DA 2024/1707) we object to the application in its current form in relation to the following matters.

Height and location of the proposed swimming pool and adverse visual and aural privacy impacts

There is a general absence of detail in relation to the finished RL's of the proposed swimming pool and its immediate surrounds relative to existing ground levels adjacent to the rear boundary of the property which immediately adjoins our clients secondary dwelling. It is assumed that the pool coping will have an RL of approximately RL 53.6 which places it approximately 1m above the top of the retaining wall located on our client's property the height of which establishes ground levels along the common boundary.

The architectural plans also failed to nominate proposed setbacks of the swimming pool and coping/ surround to the side and rear boundaries of the property either in plan or section. The relationship of the swimming pool to our client's secondary dwelling is depicted in the plan extract below.

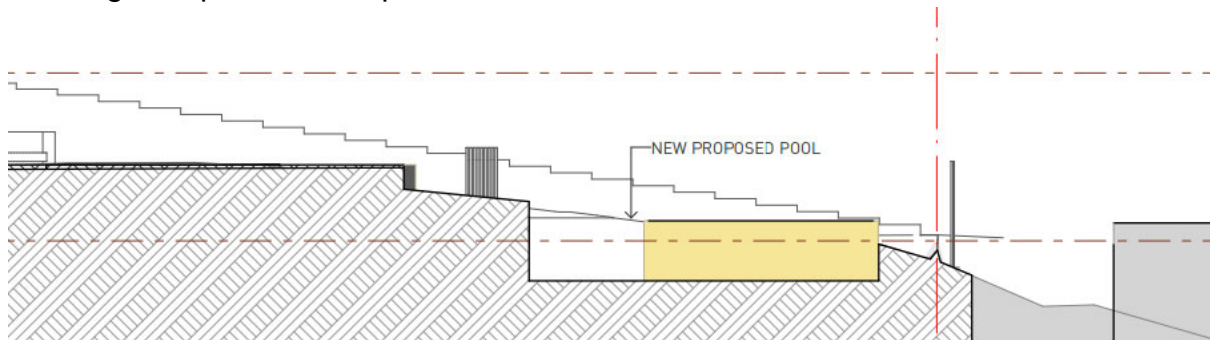


Figure 1 – Extract from submitted section showing relationship of proposed pool to the rear boundary and our clients secondary dwelling.

Clause D9 .7 of Pittwater 21 DCP prescribes a minimum 6.5m rear building line setback with a variation available for swimming pools where the following criteria can be satisfied:

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*
- *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*
- *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*
- *where strict compliance with these requirements will adversely impact on the views of adjoining residential properties.*

In our opinion, the location and height of the proposed swimming pool relative to our client's secondary dwelling and east facing private open space prevents the provision of appropriate landscaping within the side and rear boundary setbacks to prevent direct and immediate overlooking from the swimming pool and associated coping/decking into the east facing private open space area of our client's secondary dwelling.

In this regard, the landscaping nominated within the rear setback has mature heights of between 1 and 2 metres which given the elevated nature of the swimming pool relative to the finished ground level at the boundary will have an effective height of 1m above pool coping level and therefore provide no privacy attenuation whatsoever.

In circumstances where the proposed boundary fencing in this location is a 1.8m high open metal palisade fence through which direct and immediate views will be obtained into our client's property we are of the opinion that Council cannot be satisfied that satisfactory landscaping within the setback from the pool coping to the rear of side boundary is achieved being a precursor to a relaxation/ variation to the 6.5m rear setback control.

Further, Council cannot be satisfied that the height and location of the swimming pool relative to the rear boundary of the property will not give rise to adverse visual and aural privacy impacts to our client's secondary dwelling both in terms of direct and immediate overlooking into the east facing secondary dwelling private open space but also acoustic impacts associated with the use of the swimming pool immediately adjacent to the bedroom of the secondary dwelling. Council cannot be satisfied that the amenity of our client's property will not be affected by the rear boundary setback proposed being a precursor to a relaxation/ variation to the 6.5m rear setback control.

Additionally, the finish height of the pool coping is substantially more than 1m above the finished ground level of our client's property as depicted in the section extract below with the proposed swimming pool coping level depicted by red line.

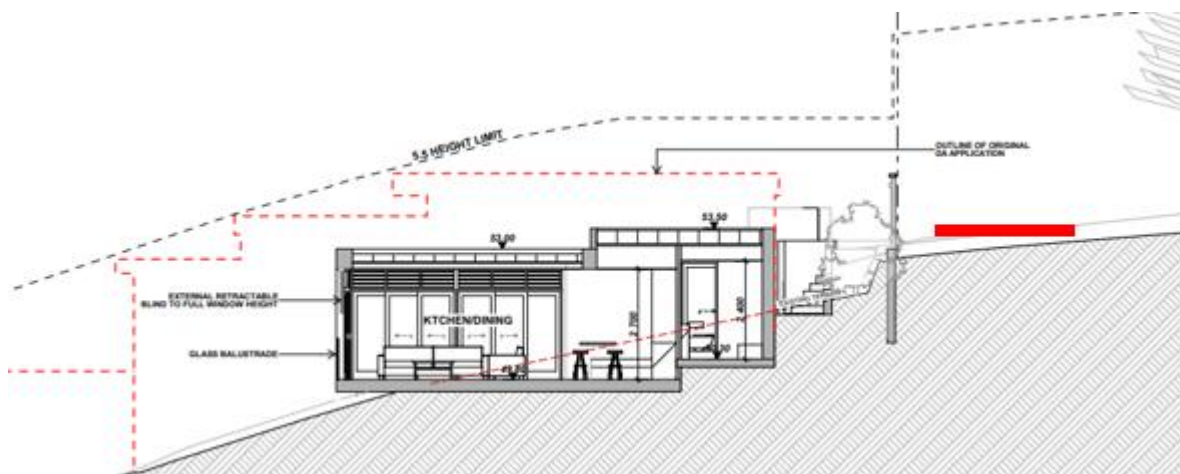


Figure 2 – Extract from approved secondary dwelling plan submitted section showing relationship of proposed pool coping level to the rear boundary and our clients secondary dwelling.

Council cannot be satisfied that the intent of the consideration that swimming pools not be more than 1m above ground level (existing) given the immediate and overbearing height of the swimming pool relative to our client secondary dwelling and the direct and immediate overlooking opportunities it affords is satisfied being a precursor to a relaxation/ variation to the 6.5m rear setback control. The spatial and visual relationship of the swimming pool to our client secondary dwelling is depicted in the following image.



Figure 3 – Photograph from the eastern private open space of our clients secondary dwelling looking back towards the elevated swimming pool coping level shown in red outline.

Finally, there are no site circumstances preventing compliance with the 6.5m rear setback control for the proposed swimming pool as evidenced by the existing swimming pool on the site which complies with the control with the maintenance of a 6.5m rear setback not impacting any public or private views.

Under such circumstances the proposed swimming pool does not satisfy the rear boundary setback variation provisions and accordingly strict compliance with the 6.5m rear setback control should be enforced with existing ground levels at the rear of the site maintained.

Height and location of the elevated secondary front access path and associated visual privacy impacts

The proposal introduces two (2) pedestrian access stair structures within the 6.5m front building line setback with the western stair structure providing access to the formal entrance to the dwelling generally in the location of the existing access stair structure.

The proposal also introduces an eastern elevated stair structure providing access to a terrace area adjacent to bedroom 3. This second access structure is unnecessary and unreasonably reduces the landscape opportunity within the front setback area of the dwelling and immediately adjacent to our client's property. We request that this secondary access stair be deleted and replaced with landscaping and that a 1.8 m high privacy screen be constructed along the eastern edge of the concrete balcony adjacent to bed 3 to maintain appropriate visual privacy to our clients proposed dwelling entrance. This secondary access structure is depicted in the plan extract below.

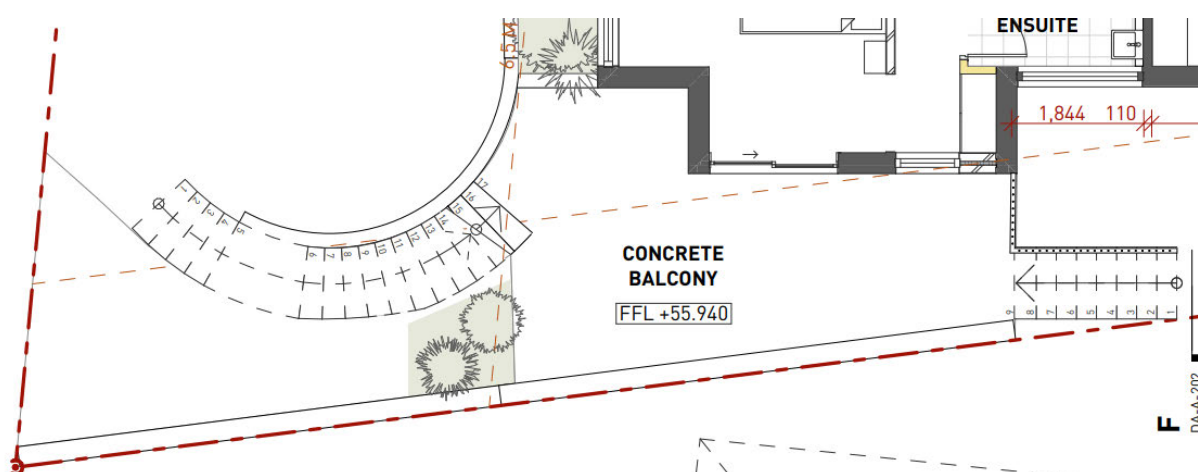
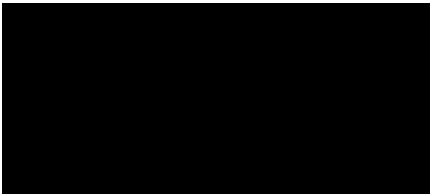


Figure 4 – Extract from submitted plans showing unnecessary secondary elevated access stairs within the front setback.

For the reasons outlined in this submission we have formed the considered opinion that the application must fail in its current form unless the secondary front access stairs are deleted and the proposed swimming pool setback 6.5m from the rear boundary the property.

Please do not hesitate to contact me to arrange site access or should you wish to discuss any aspect of this submission.

Yours sincerely
Boston Blyth Fleming Pty Ltd



Greg Boston
B Urb & Reg Plan (UNE) MPIA
B Env Hlth (UWS)
Director