

30 June 2025



Gail E Hilton  
3 Coolawin Road  
AVALON BEACH NSW 2107

Dear Sir/Madam,

**Development Application No: DA2025/0582 for Alterations and additions to a dwelling house including a swimming pool at 3 Coolawin Road AVALON BEACH.**

An assessment has been undertaken of your application. The assessment has found that it is unsatisfactory in its current form for the reasons identified below:

- **Insufficient information**

The following information/documentation is required to complete the assessment of the application:

**Stormwater Management**

The application was referred to Council's Development Engineers, who provided the following comments:

*"The Applicant proposes to demolish the existing unroofed deck and construct a new covered deck and swimming pool. The Applicant's drainage engineer has advised that the increase in impervious area will be less than 50m<sup>2</sup>.*

*However, the proposed covered deck exceeds 50m<sup>2</sup> of impervious area. This is consistent with the submitted survey plan, aerial imagery, and the Applicant's Watermark Planning Report, which confirm that the existing deck is not roofed. Furthermore, properties downstream are known to be subjected to flooding in periods of heavy storm events,*

*As a result, a revised Stormwater Management Plan incorporating an On-site Detention (OSD) system is required. The Applicant is requested to submit an updated Stormwater Management Plan in accordance with Clause 9.3.1 of the Northern Beaches Water Management for Development Policy. The Application is therefore not supported."*

- **Issues**

The following is a list of the issues and concerns identified in the assessment that cannot be supported:

**Height of proposed swimming pool**



Pittwater 21 Development Control Plan (P21DCP) section D1.9 Side and rear building line requires that development be setback a minimum of 2.5m to at least one side; a minimum of 1m to the other side and minimum of 6.5m rear setback.

The submitted architectural plans show the swimming pool is setback 1.1m to the eastern boundary. The proposed swimming pool, relative to the eastern side where it is setback 1.1m sits 1.9m above ground level at its highest point.

The P21DCP states:

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

- *the pool or spa is not more than 1 metre above ground level (existing),”*

Having regard to the above control and the design of the proposed pool and the resultant bulk of the structure that is 1.9m above ground level, with a 1.6m high privacy wall atop, there is little justification for the 1.1m side setback, due to visual bulk. It is considered that there is no limitation to the lowering of the level of the pool so that the coping level is no more than a maximum of 1m above ground level as per section D1.9 of the PDCP. Accordingly, you are invited to lower the level of the pool, or increase the setback of the pool to the side (eastern) boundary.

### **Options available to the Applicant**

Council is providing you with two (2) options to progress your application:

1. Prepare and submit further supporting information/amendments to address the above issues. Please carefully read the below advice if you choose this option.
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application.

Please advise of your selected option by responding **within 7 days of the date of this letter** by email sent to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au) marked to the attention of the assessment officer. Should Council not receive your response by this date, Council will determine the application in its current form.

### **Submitting further information/amendments**

Council will offer **one** opportunity to provide feedback on conceptual amendments addressing the issues raised in this letter. We strongly request that you contact the assessment officer directly for a ‘without prejudice’ discussion on your proposed resolution of the issues and the submission requirements **before** lodging any documentation on the NSW Planning Portal.

Conceptual amendments must be provided to Council for feedback **within 14 days of the date of this letter**. If conceptual amendments are deemed sufficient, we will then



provide you with a timeframe upon which an amended application is to be lodged on the NSW Planning Portal (generally 14 days).

Please ensure that the amended/additional information submitted on the NSW Planning Portal is a genuine attempt to resolve the issues as Council will generally not seek any further information/amendments after that point. Council will proceed to assess and determine the application based on the submitted information without further consultation. Whilst we will provide feedback on your conceptual amendments in good faith, this cannot guarantee the approval of the amended application.

As part of any amended application, it may be necessary to update your supporting documentation (e.g., BASIX certificate, bushfire report, geotechnical report, etc.). Failure to do so may affect Council's ability to determine the application favourably.

Please ensure that any amendments are accompanied by a summary/schedule of amendments cover sheet.

Council reserves its right under section 37 of the *Environmental Planning and Assessment Regulations 2021* not to accept any information/amendment if it is not considered to be a genuine attempt to resolve the issues. In which case, Council will inform you that the changes have not been accepted and the application will proceed to be determined.

This process has been established to ensure an efficient and responsible level of service which meets the requirements of the Department of Planning and Environment's *23A Guidelines on withdrawal of Development Applications 2023*, Ministerial Orders *Statement of Expectations 2021* and the *Development Assessment Best Practice Guide 2017*.

As per the requirements of section 36 of the *Environmental Planning and Assessment Regulation 2021*, you are advised that this application was accepted on 28/05/2025 and 33 days in the assessment period have now elapsed.

This letter will be released on Council's webpage as part of the application's documentation.

Should you wish to discuss any issues raised in this letter, please contact Tess Johansson on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

Tess Johansson  
Planner