



northern
beaches
council

MEMORANDUM

DATE: 5 March 2023

TO: Northern Beaches Local Planning Panel (NBLPP)

CC: Peter Robinson, Executive Manager Development Assessment

FROM: Olivia Ramage

SUBJECT: Item No. 5.1 – DA2023/1775 13 Quinton Road, Manly

TRIM REFERENCE: 2024/156944

The purpose of this memo is to advise the Panel of a submission received from the applicant in relation to the Assessment Report.

The applicant has raised concerns regarding with proposed '**Condition 7 – Amendments to the approved plans**' and finds this condition unnecessary. In summary, the applicant notes that while there is a minor breach to the DCP control in relation to pool height, the southern side setback of the pool is already in excess of the requirements prescribed by 4.1.9.2 of the MDCP 2013. The applicant believes that an appropriate privacy outcome is achieved, despite the height of the pool noting the following:

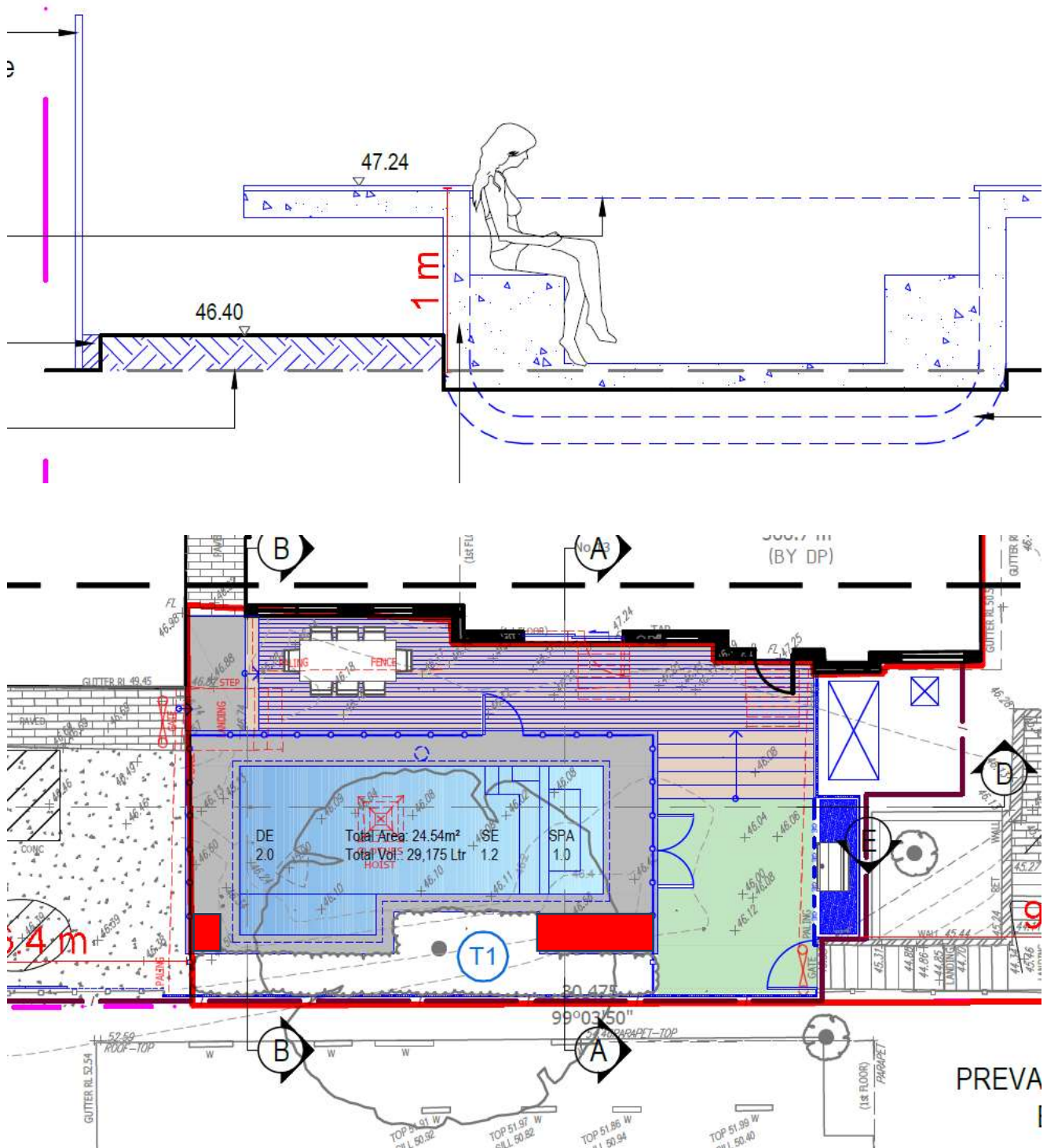
- Congregation areas are located on the northern side of the swimming pool with sufficient separation from the southern side boundary.
- The siting of the pool provides increased setback to trafficable areas (decks adjoining the living rooms) within the dwelling.
- The eye-level of occupants of the pool is generally submerged to the water level, therefore not overlooking or impacting privacy.
- The southern side coping is 400mm wide which allows occasional pedestrian access but is too narrow to allow the congregation of people. Rather, the areas to the north and east of the pool are larger providing space for congregation.
- The proposal complies with 4.1.9.2 of the MDCP 2013.

The applicant has suggested in support of their justification an alternate wording to Condition 7 which requires the height of the pool and deck to be reduced by 40mm to achieve strict compliance with 4.1.9.1 of the MDCP 2013.

Assessment

It is acknowledged that the coping on the southern side of the pool is narrow and provides limited opportunity for congregation and subsequently limited overlooking opportunities. It is also noted that the pool provides compliant side setbacks in accordance with 4.1.9.2 of the MDCP 2013.

However, it is the elevated paved concourse close to the boundary that is of concern, effectively reducing the fence height to 800mm when standing on the pool concourse as can be seen in the below section. It is proposed that the concourse of the pool should be amended to increase the setback of these areas from the boundary. These areas are marked in red on the plan below and should be maintained at ground level.



Conclusion

The arguments that persons within the pool are considered reasonable, however no elevated pool concourse should be within 2.1 metres of the boundary with the exception of pool coping with a max width of 400mm.

Recommendation

It is recommended that Condition 7 be amended to read:

7. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- The pool concourse is to maintain a minimum 2.1 metre setback to the southern side boundary. Only the pool coping (of a maximum width of 400mm) is to be within 2.1 metres of the southern side boundary.
- Landscape screen planting capable of achieving a height of 2.5m is to be provided to the southern side boundary adjoining the spa and concourse. Selected planting shall comply with the requirements of Australian Standard AS 1926.1 for a Non Climbable Zone.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.