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**Sent:** 10/08/2021 8:55:32 AM  
**Subject:** 40 SUNRISE ROAD PALM BEACH - DA 2021/0900

Re-: DA 2021/0900 – 40 Sunrise Road Palm Beach

I am writing to you as a follow-up to my email of 20<sup>th</sup> of July regarding concerns over the proposal at number 40 Sunrise Road on behalf of the owners of the adjacent site at 38 Sunrise Road Palm Beach.

Following the relaxation of some of the Covid 19 restrictions, I was finally able to attend the property at 38 Sunrise Road and to view the height pole erected on the subject site at 40 Sunrise Road.

The site visit has raised a number of concerns primarily as a consequence of the excessive bulk and scale of the proposal and the concentration of bulk to the eastern boundary with 38 Sunrise Road and the subsequent impacts as follows –

- The proximity of the proposal to the living areas of 38 Sunrise Road raises significant concerns over a sense of enclosure that will be a result of the proposal should it proceed in the location and at the height proposed. This sense of enclosure will result from the building design resulting in the prime living areas of 38 being located in close proximity to the North Eastern portion of the proposed dwelling. The prime living/dining area and two levels of outdoor decks are located in this position. This is the area of principal private open space for the residents of 38 Sunrise.
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- Privacy issues both visual and acoustic have the potential to be significant as a consequence of the upper level deck being located at a substantial elevation above and in close proximity to the outdoor living areas of 38 Sunrise. The dimensions of this deck are significant and although the deck is adjacent to a bedroom area on the upper-level, the dimensions are such that it is foreseeable that this area will be used for significant gatherings of persons. With no intervening visual or acoustic privacy measures proposed and a lack of architectural sensitivity, the potential solution would be to reduce the size of this deck and give the remainder of the level over to its prime use as a roof.

The potential privacy impacts are exacerbated by the fact that the rear deck connects with the front deck along a walkway directly adjacent to the common boundary with 38 Sunrise Road. This is entirely inappropriate and does not recognise the potential privacy issues that will ensue should this be constructed as proposed.

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- The inappropriateness of this structure is the fact that the architectural plans clearly acknowledged that the glass balustrade around this deck breach the 10 m height plane control. The solution by removing the balustrade and substantially reducing the extent of the deck would firstly remove the need for a Clause 4.6 objection as the proposed structure within be compliant and this would go some way to assisting in the proposal addressing its locality in terms of the juxtaposition between the proposal and 38 Sunrise Road.
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- The preceding comments regarding the excessive height are due to the fact that the proposal does not respect the topography of the site whilst the excessive ceiling heights proposed are a contributing factor to the excessive bulk. A site sensitive design would not result in the three storey configuration which is a consequence of seeking views over seeking compatibility.
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- The proximity of the proposed pool to the outdoor areas of 38 Sunrise is also a significant concern. The applicant has obviously paid little regard to the provisions of the Pittwater DCP part D 12.6 – side and rear building line wherein the planning controls advised that swimming pools and spas may be permitted a minimum of 1 m setback from the boundary to the pool coping subject to the following –
  - satisfactory landscaping within the set back 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 m 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.*

An analysis of the proposed pool and its inappropriateness being located in this close proximity to the common boundary and the fact that the deepest end of the pool requires excavation and the shallowest end of the pool is elevated significantly above the natural ground level concludes that little consideration has been given to proper design or sensitivity to the locality

- The foregoing extracts from the DCP together with the landscaping plan which proposes nothing in the way of interceding landscaping between the pool and 38 Sunrise Road clearly indicates that the applicant has given little regard to future neighbourhood amenity and no regard to the provisions of Councils controls which leaves no doubt that the adjoining property will be adversely affected and the pool and spa will be more than 1 m above the existing ground level.
- The issue of views from living areas is a concern and this is understandable as the “Site Analysis” Drawing number DA 1000 indicates that the view corridor from 38 Sunrise Road emanates from the centre of the Northern elevation of the dwelling. This clearly indicates the lack of understanding of the locality and the sites constraints and opportunities as the view corridor is substantially wider and available from many more locations within number 38, in particular, the internal living areas on the western component of the dwelling.
- I also note the provisions of the development control plan, particularly the building envelope control which in circumstances such as this requires a merit assessment. A merit assessment of this proposal, in particular its eastern elevation should result in significant reductions in unrelieved built form being provided by way of an amendment encompassing the requested amendments above.

To summarise, I firstly request that the assessing planner attend the subject site to understand the juxtaposition of the proposal with the living areas of 38 Sunrise Road and secondly I make the point that the proposal has given little if any, due consideration to the fact that a building of this size and whilst compliant with a site cover controls, still breaches the established rear (north) setbacks along this part of Sunrise Road and concentrates building bulk and outdoor activities along the eastern side of the subject site which is, by any measure, unsympathetic.

Kind regards

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