

S U S A N R O T H W E L L A R C H I T E C T S

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NEW RESIDENCE AT 40 SUNRISE ROAD, PALM BEACH STATEMENT OF ENVIRONMENTAL EFFECTS ADDENDUM

1.00 PROPOSAL SUMMARY

This addendum to the Statement of Environmental Effect is being provided for DA2021/0900 at 40 Sunrise Road, Palm Beach, to assess environmental impacts of the modifications prepared in response to comments provided by council (letter dated 15/09/21)

The schedule of changes being supplied with this amendment include;

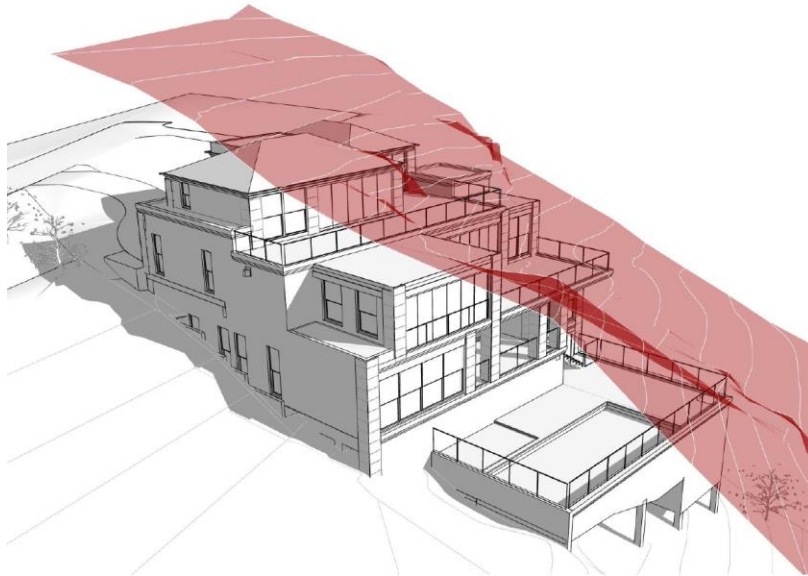
- Lowering the building height so that the envelope of the dwelling remains under the 10m building height line (1.65m reduction from the original max height)
- Increasing the setback of the Pool on the Lower Ground Floor from the east boundary
- Increasing the setback of the Dining Room on the Ground Floor from the east boundary, including adding two new windows to the east facade and a new planter box directly adjacent
- Increasing the setback of the garage from the street boundary to be behind the dwelling's front building line
- Reducing the trafficable area of the Terrace on the First Floor

The above changes directly respond to council's provided comments, summarized below;

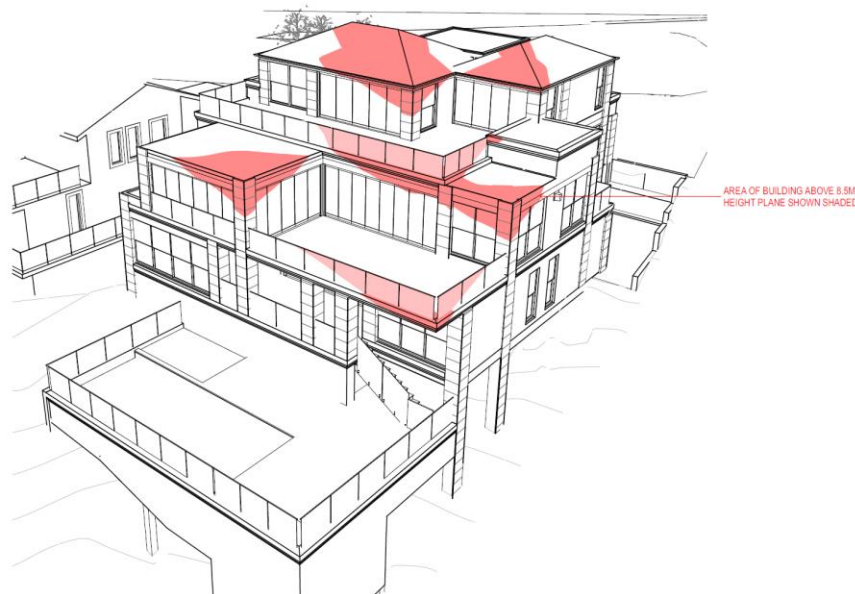
1) LEP Clause 4.3 Height of Building

2) DCP Clause A4.12 Palm Beach locality

The proposed building FFL's have been lowered to allow the proposal to better follow the existing site topography, prevent the building from exceeding the 10m height plane, and minimize the density of the building exceeding the 8.5m building line. As a result, the proposal now achieves a maximum height of 9.95 (1.65m reduction compared to original proposal) with the area of mass above the 8.5m line considered minor in nature, given that the masses do not obstruct neighbouring views, or generate overshadowing over the neighbour's principle living spaces. The lowering of the building's height closer to existing ground levels minimizes the dwelling's visual density and reinforces the surrounding landscape as the dominant feature.



Above; 3D representation of the proposed building form relative to the 10m building height line (red) demonstrating the entire form remains below the height plane



Above; 3D representation of the proposed building form relative to the 8.5m building height with mass above 8.5m highlighted red

3) DCP Clause C1.1 Landscaping

4) DCP Clause D12.14 Scenic Protection Category One Areas

A modified landscaping plan has been prepared to address the landscape officer's concerns and reflect the modifications included in the design amendments. It is noted that 'Lilly Pilly' trees are included in the 'Native Plant Species Guide – Pittwater Ward', though the select species (*Syzigium Australe*) is not part of the list. This species has been chosen however to limit environmental impact from pest control, as *Syzigium Australe* is resistant to Psyllids, unlike *Syzigium Paniculatum* and *Syzigium Smithii*. An addendum to the arborist report has also been provided to justify the removal of tree 3 (Paperbark) due to major failure.

5) DCP Clause C1.3 View Sharing

An assessment for View sharing using Land and Environmental Court Planning Principles has been prepared within this addendum to the Statement of Environmental Effects.

6) DCP Clause C1.5 Visual Privacy

The trafficable area of the Terrace on the First Floor has been reduced, and the pool's setback from the eastern boundary has been increased to maximize the separation of private open space to the adjoining dwellings, particularly towards No. 38. The setback of the pool will provide sufficient acoustic separation from the neighbor, and the deletion of the northern extension of the First Floor Terrace will prevent overlook access towards the neighbour's principle open spaces.

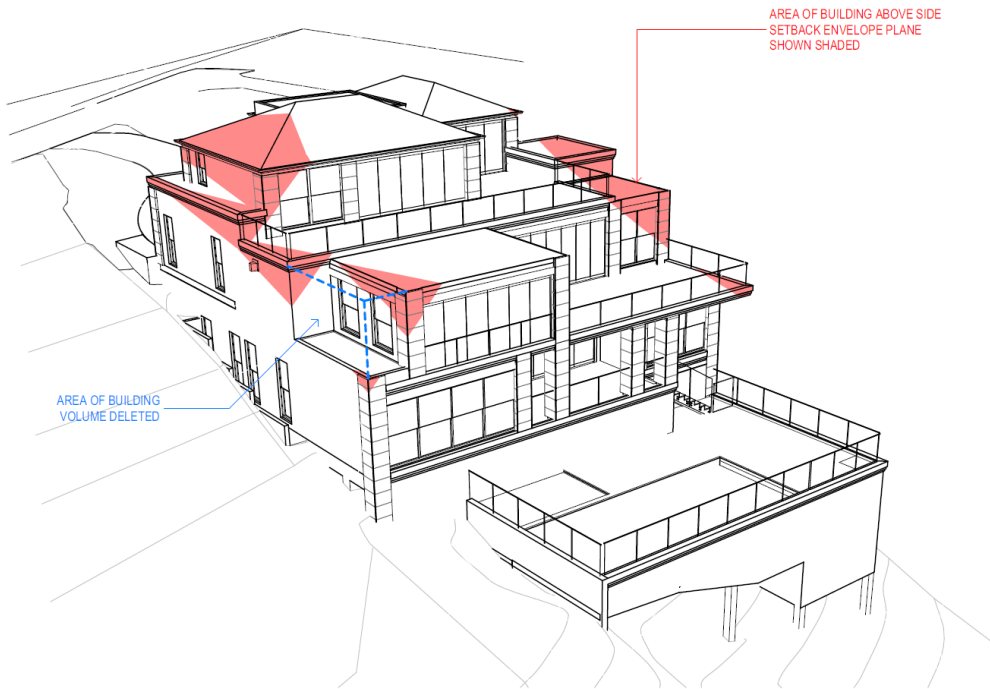
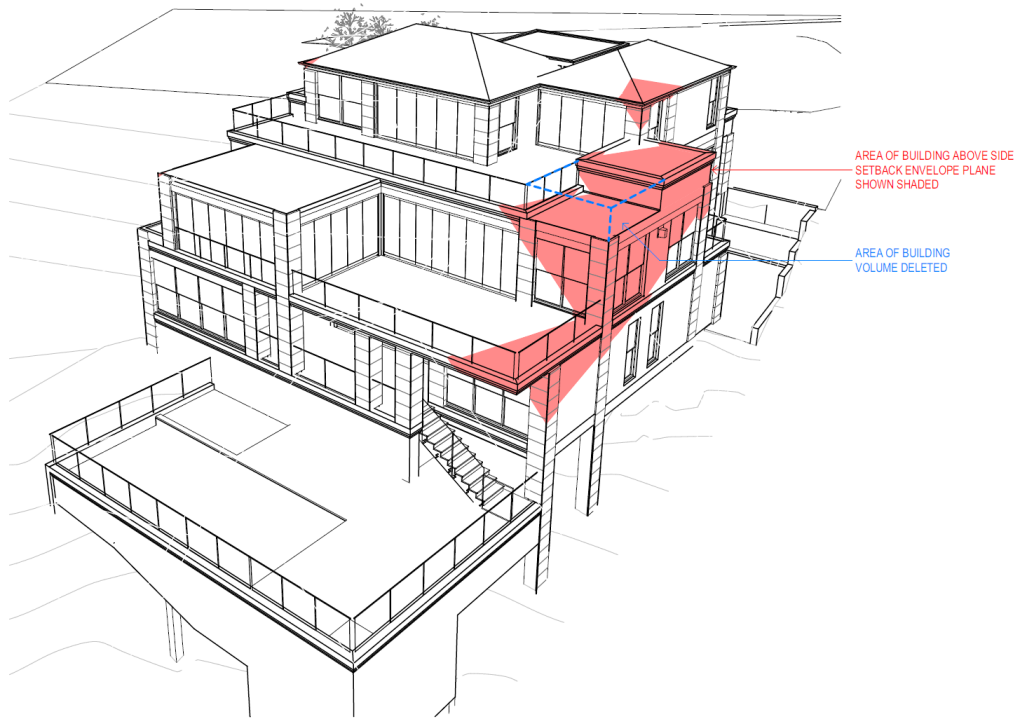
7) DCP Clause 12.1 Character as viewed from a public space

8) DCP Clause 12.5 Front Building line

9) DCP Clause 12.8 Building Envelope

The setback of the garage from the street has been increased so that its façade is behind the dwelling's front building line. In conjunction with lowering the building's height mentioned prior, the increased setback will minimise the density of the dwelling visible to the street by further modulating the facade. Although a portion of the garage still exceeds the 6.5m building line, the setback is greater than the average established by the adjoining neighbours, keeping the building form consistent with the pattern and scale of the streetscape. Additional modulation has also been introduced to the building envelope by stepping the eastern façade back along the Dining Room, including the incorporation of a planter box which will providing additional landscape screening to soften the building's density, as per council's request.

It is noted that council particularly had concerns regarding the breach of the side building envelope control. Though the proposed modifications still exceed the control due to the sites steep slope, by lowering the dwelling's height an additional 0.9m, the volume which breaches the plane has been significantly reduced. The larger contributing masses, such as the eastern façade of the Dining Room, and the planter box along the western façade over the Living room, have also been removed to further minimize the dwelling's mass. Given that the areas of the dwelling that exceed the envelope do not impact on the visual or solar amenity of the neighbour's, and no longer exceeds the 10m height plane, the variation from the standard is considered reasonable, and in keeping with the objectives of the control.



Above; 3D representation of the proposed building form identifying the parts of the form which exceed the side envelope plane, and areas of volume deleted from the original proposal

2.00 LOCALITY IMPACTS

2.01 HERITAGE IMPACT STATEMENT

Given that the height of the dwelling is being reduced, but the overall shape of the proposed envelope will remain relatively unchanged, the modifications will not result in any additional impact to the heritage item "Villa D'este" at 3 Northview Road.

2.02 PALM BEACH SCENIC PROTECTION & SUNRISE ROAD

As addressed in section 1.00 above, by reducing the height of the building, and increasing the setback to the street to modulate the facade, the density of the dwelling as viewed from the public domain will be reduced, reinforcing the surrounding landscape as the dominant feature.

3.00 BUILDING CONTROL COMPLIANCE:

3.01 LEP CONTROLS:

MAXIMUM BUILDING HEIGHT

Control	Original Submission	Proposed Modifications	Compliance
8.5m (10m Concession for sloped site)	11.6m	9.95m (1.65m reduction)	NO (but complies with 10m concession)

As addressed in section 1.00 above, the area of mass above the 8.5m line considered minor in nature, given that the masses do not obstruct neighboring views, or generate overshadowing over the neighbors principle living spaces.

Objectives	Performance	Compliance
a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,	The dwelling maintains a 2-storey appearance to the streetscape, and is stepped to follow the slope of the site to minimize the building's height and support the landscape as the surrounding feature.	YES
b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,	The height of the proposal is consistent with the average height line established between the adjacent dwellings No. 38 and No. 42, as demonstrated in Fig. 1	YES
c) to minimise any overshadowing of neighbouring properties,	As demonstrated by the provided shadow diagrams, the proposal does not adversely impact the solar amenity of the neighbouring properties	YES
d) to allow for the reasonable sharing of views,	Outlined in Section 4.03 of this statement	YES

<p>e) to encourage buildings that are designed to respond sensitively to the natural topography,</p>	<p>The proposed building FFL's have been lowered to allow the proposal to better follow the existing site topography, prevent the building from exceeding the 10m height plane, and minimize the density of the building exceeding the 8.5m building line.</p>	<p>YES</p>
<p>f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.</p>	<p>Outlined in Section 2.01 of this statement</p>	<p>YES</p>

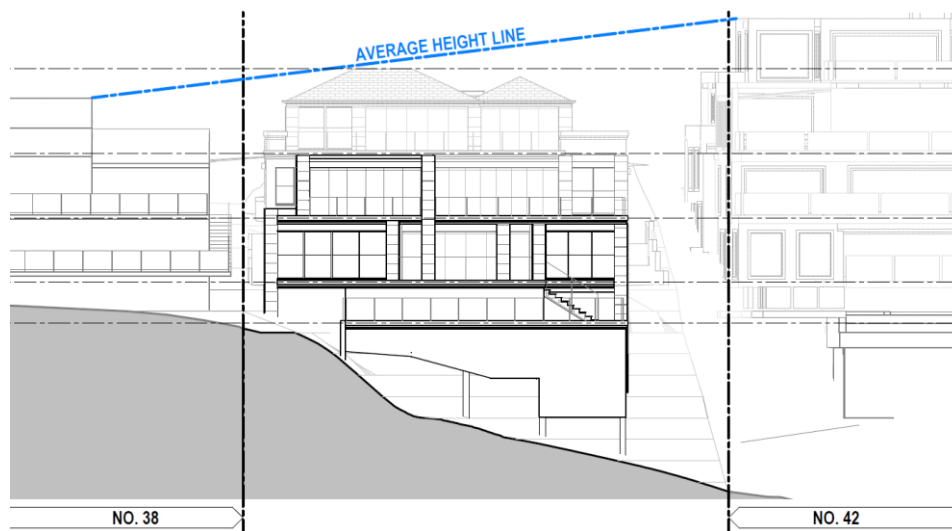


FIG 1 Above; Demonstrating the proposal's compliance with the average building height of the adjoining properties

3.02 DCP CONTROLS:

MAXIMUM STOREYS

The proposed modifications result in no change to number of stories; the assessment outlined in the previously provided 'Statement of Environmental Effects' remains current.

FRONT SETBACK;

Control	Original Submission	Proposed Modifications	Compliance
6.5m	2.9m @ closest point	4.7m @ closest point (1.8m increase)	NO

Although the proposal still does not comply with the numerical control for the Front Setback, strict compliance is deemed unreasonable and unnecessary as the proposal achieves the objectives of the DCP without impacting on the public or private amenity of the surrounding area.

Objectives	Performance	Compliance
(a) <i>Achieve the desired future character of the Locality</i>	As outlined in section 2.02 of this statement, the proposal responds to the council's outlines for desired future character in ensuring the bushland remains the predominant feature of a site. This has been achieved by lowering the elevation of the built form with the slope of the site, as well as filling the front setback with appropriate landscape to screen and soften the appearance of the dwelling from the streetscape.	YES
(b) <i>Equitable preservation of views and vistas to and/or from public/private places</i>	Outlined in Section 4.03 of this statement	YES
(c) <i>The amenity of residential development adjoining a main road is maintained</i>	The subject street is not a main road; therefore this objective is irrelevant in this case.	YES
(d) <i>Vegetation is retained and enhances to visually reduce the built form</i>	Outlined in response to objective (a) above	YES
(e) <i>Vehicle manoeuvring in a forward direction is facilitated</i>	The proposed front setback allows for a compliant driveway access to be achieved as demonstrated on the supplied plans	YES

<p>(f) <i>To preserve and enhance the rural and bushland character of the locality</i></p>	<p>Outlined in response to objective (a) above</p> <p>The proposed front setback allows sufficient area for landscaping to screen and soften the appearance of the dwelling from the streetscape, ensuring bushland remains the predominant feature of a site.</p>	<p>YES</p>
<p>(g) <i>To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.</i></p>	<p>Outlined in response to objective (a) above</p> <p>The proposed front setback allows sufficient area for landscaping to screen and soften the appearance of the dwelling from the streetscape, ensuring bushland remains the predominant feature of a site.</p>	<p>YES</p>
<p>(h) <i>To encourage attractive street frontages and improve pedestrian amenity.</i></p>	<p>Outlined in response to objective (a) above</p> <p>The proposed front setback allows sufficient area for landscaping to screen and soften the appearance of the dwelling from the streetscape, ensuring bushland remains the predominant feature of a site.</p>	<p>YES</p>
<p>(i) <i>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.</i></p>	<p>Along the existing streetscape, the pattern of a front setback varies, however, when viewed from an aerial perspective, an approximate 2.6m setback line can be observed between the setbacks of No. 38 and 46 Sunrise road along the relevant straight stretch of road. Within this context, the proposal respects the pattern established by the greater streetscape, considering the proposal at its closest point achieves a setback of 4.7m at its closest point.</p>	<p>YES</p>

The variations to the DCP control have been shown to be consistent with the underlying objectives of the control. As set out above, strict compliance with the control would prevent the reasonable development of the site. As such, the proposed variation is considered reasonable, and worthy of approval.



Above; Site Plan Diagram demonstrating the relationship between the proposed building envelope and the existing streetscape setback line

SIDE SETBACK;

The proposed modifications result in no change to side setbacks; the assessment outlined in the previously provided 'Statement of Environmental Effects' remains current.

REAR SETBACKS;

The proposed modifications result in no change to rear setbacks; the assessment outlined in the previously provided 'Statement of Environmental Effects' remains current.

LANDSCAPED AREA;

Control	Original Submission	Proposed Modifications	Compliance
60% of the Site (54% Soft + 6% Hard)	69% of Site (69% Soft Landscape)	71% of Site (71% Soft Landscape)	YES

BUILDING ENVELOPE SETBACK;

Control	Original Submission	Proposed Modifications	Compliance
45 degree Plane measured 3.5m above ground @ side boundaries Based On merit if site slope exceeds 16.7 Degrees	Exceeds Envelope	Exceeds Envelope (reduced compared to original submission)	NO

Objectives	Performance	Compliance
a) To achieve the desired future character of the Locality	As outlined in Section 1.00 and 2.02 of this statement, the proposal responds to the council's outlines for desired future character in ensuring the bushland remains the predominant feature of a site. This has been achieved by lowering the elevation of the built form a further 0.9m with the slope of the site, as well as filling the front setback with appropriate landscape to screen and soften the appearance of the dwelling from the streetscape.	YES
b) To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment	Outlined in response to objective (a) above	YES
c) To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment	Outlined in response to objective (a) above	YES

<p>d) The bulk and scale of the built form is minimised</p>	<p>The bulk and scale of the proposal has been minimized by lowering the elevation of the dwelling with the slope of the site, providing sufficient site setbacks with appropriate landscape to soften the dwellings visible mass, and removing bulk from the originally proposed form by setting back the Dining Room façade from the east boundary and reducing the planter box over the Living room at the west boundary</p>	<p>YES</p>
<p>e) Equitable preservation of views and vistas to and/or from public/private places</p>	<p>Outlined in Section 4.03 of this statement</p>	<p>YES</p>
<p>f) To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties</p>	<p>Outlined in Section 4.01 and 4.02 of this statement</p>	<p>YES</p>
<p>g) Vegetation is retained and enhanced to visually reduce the built form</p>	<p>The provided side setbacks allow for suitable landscape planting as demonstrated on the landscape plan</p>	<p>YES</p>

4.00 NEIGHBOURING AMENITY IMPACTS

4.01 SOLAR ACCESS;

By reducing the height of the building, impact to solar amenity to the adjoining dwellings has been further minimized, particularly allowing No. 38 to receive more solar access between 2pm and 3pm which was previously affected, as demonstrated by the provided Shadow Diagrams.

4.02 PRIVACY;

Consideration has been made to ensure the proposal does not effect the visual privacy of the adjoining properties.

- The new east facing windows added to the façade as part of the modification to improve modulation will be screened with 45 degree angled louvres, obscuring views towards the neighbour but allowing view Barrenjoey Beach from the windows
- The setback of the pool will provide sufficient acoustic separation from the neighbour
- The deletion of the northern extension of the First Floor Terrace will prevent overlook access towards the neighbour's principle open spaces.

4.03 VIEW SHARING;

It is noted that given the site is a vacant lot, the proposed development will have a impact to views from the adjoining properties and the public street. When assessed against the general principles of views and view sharing as outlined by *Tenacity Consulting v Warringah [2004] NSWLEC 140*, the impact on view is considered acceptable and the resulting view sharing reasonable.

The general principles for the assessment of views are as follows;

(1) Assessment of views to be affected;

It is noted that the primary view vista corridors are directed north and west towards Barrenjoey Beach, and that the proposal will primarily affect the views of No. 38 Sunrise Road, and the public domain of Sunrise Road. As No. 42 Sunrise Road is located west of the subject site, the proposal has negligible impact on the the view corridor's of the neighbour.

The views from 'No. 38 Sunrise Road' which will be effected by the proposal are;

- Western water views of Barrenjoey Beach

These views are considered valuable

The views from 'Sunrise Road' which will be effect by the proposal are;

- Northern and Western water views of Barrenjoey Beach

These views are considered valuable

(2) Consider from what part of the property the views are obtained;

The views from No. 38 towards Barrenjoey Beach are achievable from the northern First Floor and Second Floor levels of the dwelling directly north from the neighbour's site, and north-west over the subject site. The views are achieved externally from the northern terraces and southern patio, and internally from living spaces, from all windows located on the northern façade of the dwelling. Views are achievable from both standing and sitting positions from these windows and terraces, with a majority of the vantage points being achieved from the northern terraces and windows

The views from Sunrise Road towards Barrenjoey Beach are achievable only from a standing position northward and westward over the subject site as a pedestrians walk along the street.

(3) Assess the extent of the impact (ie negligible, minor, moderate, severe or devastating)

As a result of the new dwelling proposed on the vacant site, views from the northern terraces of No. 38 will remain unaffected given that the envelope of the proposal is located southward of the neighbour's terraces and north facing windows. Views from the southern patio north-west across the subject site however will be impacted by the proposal. Based on these factors, the extent of view loss on first impression would be considered 'minor', given that the principle vantage points from the northern terraces and windows will remain unaffected.

From Sunrise Road, views of the water over the site are already screened by existing tree canopies, street hedging, and dwelling houses, but a significant panoramic view of the waterline of Barrenjoey Beach is still achievable. The proposed development will result in water views directly over the centre of the site to be lost, but views between the side setbacks of the dwellings will remain. Given that a majority of the panoramic view from street level will be obscured, the impact would be considered 'moderate' to 'severe'. However, as the street does not offer public amenity, such a pedestrian paths or walking trails, public traffic along the street is low. This should be taken into consideration in regards to the extent of impact as the street is considered to have minimal significance to the overall public domain of Palm Beach.

(4) Assess the reasonableness of the proposal that is causing the impact

The impact of the proposal on the views from No. 38 and Sunrise Road is considered reasonable due to a number of factors;

- a) The proposal responds to the buildings objectives for building height and scale in keeping the mass of the proposal to a minimum by stepping the floor levels to follow the slope of the site, particularly ensuring the dwelling does not exceed the 10m building height plane at any point
- b) The inclusion of the proposed massing within the view corridor of No. 38 from the southern patio westward towards Barrenjoey Beach does not detract from the view, particularly as the eastern façade of the dwelling at the Dining Room has been stepped to follow the view corridor angle
- c) Strict compliance to limit the height and density of the proposal to maintain all views from No. 38 and Sunrise road is unreasonable as it would restrict any development being completed on the site with reasonable connection to the street.
- d) The views achieved from Sunrise road over the site are unprecedented and rely on the site remaining undeveloped. The eventual loss of these views should therefore be considered reasonable, and assessment should be based on the views provided between the proposed setbacks as per the typical precedent of the streetscape. Though the proposal slightly encroaches the west side setback, the area of encroachment is located on the Lower Ground Floor only, and therefore does not impact on the side setback view corridors from the street. Given that the side setbacks at street level are compliant, the proposal is considered to provide reasonable access to views from the public domain.

5.00 ENVIRONMENTAL IMPACTS

5.01 ENERGY EFFICIENCY

Sustainable design factors, such as insulation, window shading, water heating and lighting will be completed in accordance with the requirements of the BASIX certificate sustainably efficient design provided with this application to ensure the dwelling achieves a sufficient level of sustainability.

5.02 SEDIMENT CONTROL

As the modified works do not result in any change to the proposed building footprint, the sediment control measures outlined in the previously provided 'Waste Management Plan' and 'Statement of Environmental Effects' remain current.

5.03 STORMWATER

A stormwater concept plan has been provided with this application to demonstrate compliance with council controls for stormwater

5.04 WASTE

As the modified works do not result in any change to the proposed building footprint, the waste collection and disposal measures outlined in the previously provided 'Waste Management Plan' and 'Statement of Environmental Effects' remain current.

5.05 TREES

An amended arborist report has been prepared and submitted with this application to further justify the removal of the selected trees.

CONCLUSION

The proposed modifications to the DA represent an appropriate response to the relevant controls of overall scale, shape, form and density of the DCP and LEP, as well as responding to the precedents set by the streetscape. Decisions have also been made to ensure that the proposed design will have minimal impact towards the amenity of the adjoining properties. Considering these key factors, which have been discussed in depth within this statement, the proposal is considered reasonable and worthy of approval.