

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Alterations and Additions to an Existing Dwelling at

**No. 44 Sunrise Road, Palm
Beach**

Prepared for:
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Acknowledgement of Country

We respect and honour Aboriginal and Torres Strait Islander Elders past, present and emerging. We acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples. We would like to recognise their ongoing connection to land, water and community.

This report has been prepared and reviewed in accordance with our quality control system. The report is a preliminary draft unless it is signed below.

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Date: 1 May 2023

For and on behalf of **GSA Planning**
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Abbreviation	Abbreviation Meaning
ADG	Apartment Design Guide
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AS	Australian Standard
ASS	Acid Sulfate Soils
BCA	Building Code of Australia
CBD	Central Business District
CC	Construction Certificate
CIV	Capital Investment Value
CMP	Construction Management Plan/Conservation Management Plan
Council	the Council
CPTED	Crime Prevention Through Environmental Design
CRZ	Critical Root Zone
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA Act	Environmental Planning and Assessment Act 1979
EPA Reg	Environmental Planning and Assessment Regulations 2000
EUR	Existing Use Rights
FFL	Finished Floor Level
FSR	Floor Space Ratio
GFA	Gross Floor Area
GSC	Greater Cities Commission
HCA	Heritage Conservation Area
HIA/HIS	Heritage Impact Assessment/Heritage Impact Statement
LEP	Local Environmental Plan
LGA	Local Government Area
MHWM	Mean High Water Mark
NCC	National Construction Code
NSW	New South Wales
NSWLEC	NSW Land and Environment Court
OC	Occupation Certificate
OSD	On-Site Detention
PCA	Principal Certifying Authority
PoM	Plan of Management
POS	Private Open Space
PP	Planning Proposal
REF	Review of Environmental Factors
RFB	Residential Flat Building
RL	Reduced Level
RMS	Roads and Maritime Services (see TfNSW)
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SP	Strata Plan
SWMP	Stormwater Management Plan
TfNSW	Transport for New South Wales
TPZ	Tree Protection Zone
VENM	Virgin Excavated Natural Material
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design
ZFDTG	Zero Fort Denison Tide Gauge (0.925 below AHD)

1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared for Thomas Hamel and Associates by George Karavanas Planning Pty Ltd – (hereafter referred to as GSA Planning). GSA Planning has expertise in Urban Design, Environmental & Traffic Planning.

This SEE is to accompany a Development Application to Northern Beaches Council for alterations and additions to the existing two to three storey dwelling at No. 44 Sunrise Road, Palm Beach, designed by architects Thomas Hamel and Associates.

The proposal offers high-quality alterations and additions to the existing dwelling on the subject site, including window and sliding door replacement, extension of Level 1 and 2 to accommodate a gym and conservatory, and other minor internal and external changes. The proposal has been designed to improve functionality and amenity for residents without adverse impacts on neighbours' amenity. The proposed works have been designed to blend with the existing built form and surrounding natural environment. The proposed alterations and additions will retain existing landscaped areas, to continue softening the appearance of the built form.

In our opinion, the proposed development satisfies the relevant zone objectives in the Pittwater Local Environmental Plan (LEP) 2014 and the outcomes of the Pittwater 21 Development Control Plan (DCP). The proposal complies with the major building envelope control being minimum lot size development standards of the LEP. The proposal also complies with majority of numerical provisions in the DCP. Where there are departures from the DCP controls, justification has been provided in this report.

Whilst the proposal has greater building height than the development standard of the LEP, a Clause 4.6 Application to Vary a Development Standard for building height has been prepared (separately submitted). In our opinion, the proposal is acceptable as the height breach is a technical non-compliance, does not increase the existing building height or envelope, and maintains existing levels of amenity to adjoining properties.

This document is divided into six sections. Section 2 contains a site analysis; Section 3 provides details of the proposal; Sections 4 and 5 contains the detailed assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPA Act); and Section 6 concludes the report.

2.0 SITE ANALYSIS

This section contains a description of the following: The Locality; Site Description; Existing Built Form and Landscaping; and Existing Character and Context.

2.1 The Locality

The subject site is located approximately 32km north-east of the Sydney CBD, 600m from Palm Beach Town Centre, and is located within the Northern Beaches Local Government Area (LGA) (see **Figure 1**).



Figure 1: Location Plan

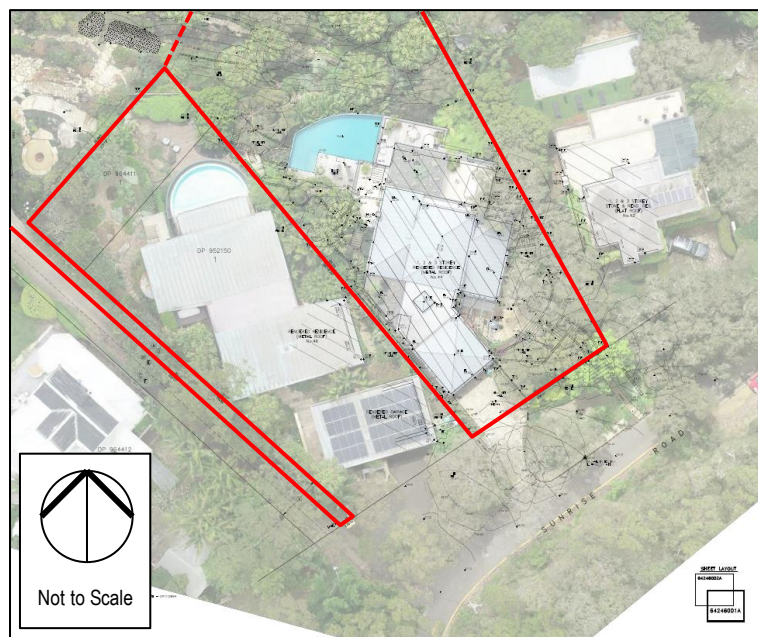
2.2 Site Description

The subject site is located on the north-western side of Sunrise Road and is known as No. 44 Sunrise Road, Palm Beach.

The site is an irregular parcel of land, split into two allotments. The principal dwelling is located on Lot 1 in DP505171, which has north-western boundary of 39.5 metres, an eastern boundary of 80.79 metres, a south-eastern boundary of 20.42m, and a western boundary of 60.23 metres, providing an area of 1,893m³. The second allotment is located to the rear and has a western easement/carrageway extending from Sunrise Road, described as Lot 334 in DP734511, with an area of 1,208m². The two lots have a combined area of 3,101m² (see **Figure 2** and Survey Plan separately submitted).



Part 1: Rear



Part 2: Front

Source: Hill & Blume Consulting Surveyors


 Subject Site

Figure 2: Survey Plan

2.3 Existing Built Form and Landscaping

The site is occupied by a two to three storey rendered dwelling with a pitched metal roof (see **Photograph 1 and 2**). The site has vehicular access via a single crossover at the south-western corner of the site which leads to a double garage. Pedestrian access is available from the paved pathway and stairs at the south-eastern corner of the site, which leads to the main entry.

The subject site is heavily vegetated across the two allotments. The extensive landscaped areas consist of a mixture of lawns, trees, shrubs, hedges, and garden areas (see **Photograph 3** on the following page). The site has three main terraces, a swimming pool, and a master bedroom balcony (see **Photographs 4 and 5** on the following page). These private open space areas are located at the rear of the dwelling and have been designed to capture panoramic land and water views to the north, east and west.



Photograph 1: The subject site, as viewed from the street



Photograph 2: The driveway and garage, as viewed from the street



Photograph 3: The stairs to the rear vegetated portion of the site, as viewed from nearby the pool terrace



Photograph 4: The rear of the dwelling, as viewed from the outdoor dining terrace



Photograph 5: The swimming pool, as viewed from the pool terrace stairs

2.4 Existing Character and Context

Development in the surrounding area is characterised by a mix of predominantly two and three storey dwelling houses with diverse architectural styles and character. Dwellings have a mix of pitched and flat roof forms. Most dwellings have been designed and orientated to capture panoramic land and water views. Surrounding developments are well landscaped, with many containing swimming pools at the rear and garages at the street level. The topography of the area is significantly steep, with land sloping in all directions.

Development to the North

To the north, adjoining the subject site, is No. 1172 Barrenjoey Road, which is an elevated single storey dwelling with a flat roof (see **Photograph 6**). The dwelling is set back from Barrenjoey Road above street level, behind a large stone retaining wall which contains a double garage. Also to the north is No. 1170 Barrenjoey Road, which is a part-two and part-three storey dwelling with a flat roof (see **Photograph 7**). The site has a single garage accessible via a vehicular ramp from Barrenjoey Road.



Source: Google Street View (June 2021)

Photograph 6: No. 1172 Barrenjoey Road, as viewed from Barrenjoey Road

Photograph 7: No. 1170 Barrenjoey Road, as viewed from Barrenjoey Road

Development to the East

To the east, adjoining the subject site, is No. 42 Sunrise Road, which is a part-two part-three storey rendered and sandstone dwelling with a flat roof (see **Photograph 8**). The site has a double garage accessible from Sunrise Road and a swimming pool and spa to the rear. Further to the east is a vacant block at No. 40 Sunrise Road; and No. 38 Sunrise Road which accommodates a part-one part-two storey rendered dwelling with a pitched tiled roof and double garage accessible from Sunrise Road (see **Photograph 9**).

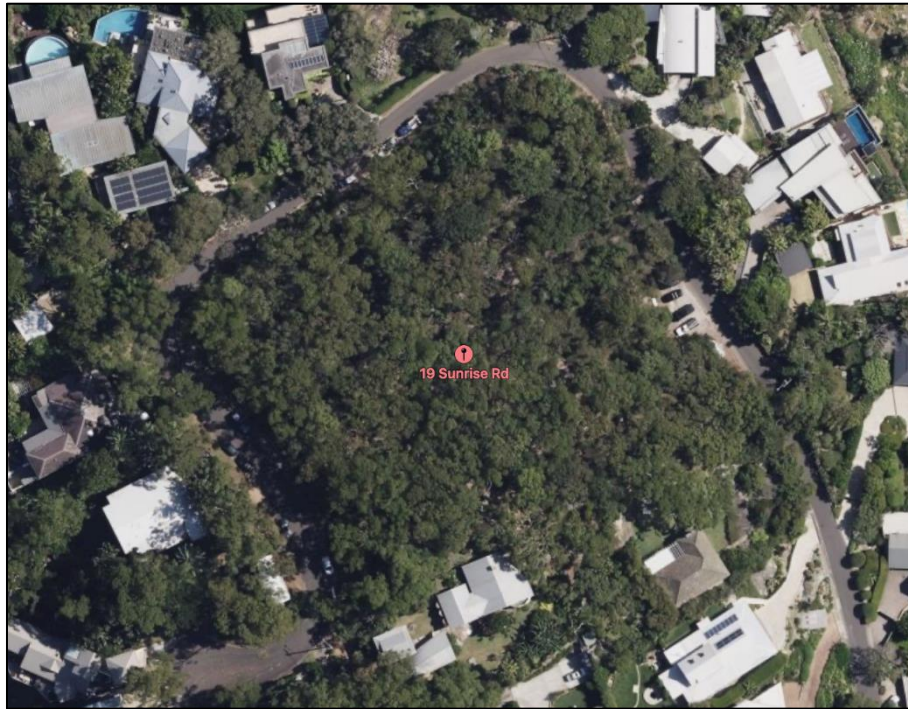


Photograph 8: No. 42 Sunrise Road, as viewed from Sunrise Road

Photograph 9: No. 38 Sunrise Road, as viewed from Sunrise Road

Development to the South

To the south, on the opposite side on the Road, is No. 19 Sunrise Road which is referred to as 'Sunrise Reserve'. This densely vegetated nature reserve spans across 10 allotments (see **Figure 3**).



Source: Apple Maps

Figure 3: Aerial View of Sunrise Reserve

Development to the West

To the west, adjoining the subject site, is No. 46 Sunrise Road, a single dwelling with a flat metal roof. The dwelling is setback behind a large street-level garage and has a swimming pool at the rear (see **Photograph 10**). Also towards the west is No. 50 Sunrise Road, a single storey rendered and sandstone dwelling with lower level storage, a pitched tiled roof, and lockup garage accessible from Sunrise Road (see **Photograph 11**). This dwelling is categorised as an item of local heritage significance (Item No. 2270152), known as 'Windyridge' house.



Photograph 10: No. 46 Sunrise Road, as viewed from Sunrise Road



Source: Realestate.com

Photograph 11: No. 50 Sunrise Road, as viewed from Sunrise Road

3.0 THE PROPOSAL

This section will describe the following: The Built Form and Land Use; Height; Gross Floor Area and Floor Space Ratio; Landscaping, Private Open Space and Balconies; and Access and Parking.

3.1 Built Form and Land Use

The proposal largely retains the principal external built form, with alterations and additions including eastern dwelling extensions accommodating a gym and conservatory; main entry/entry hall changes; new cabana deck and pergola; pond and water feature; replacement of sliding doors and windows; and other minor internal and external changes generally.

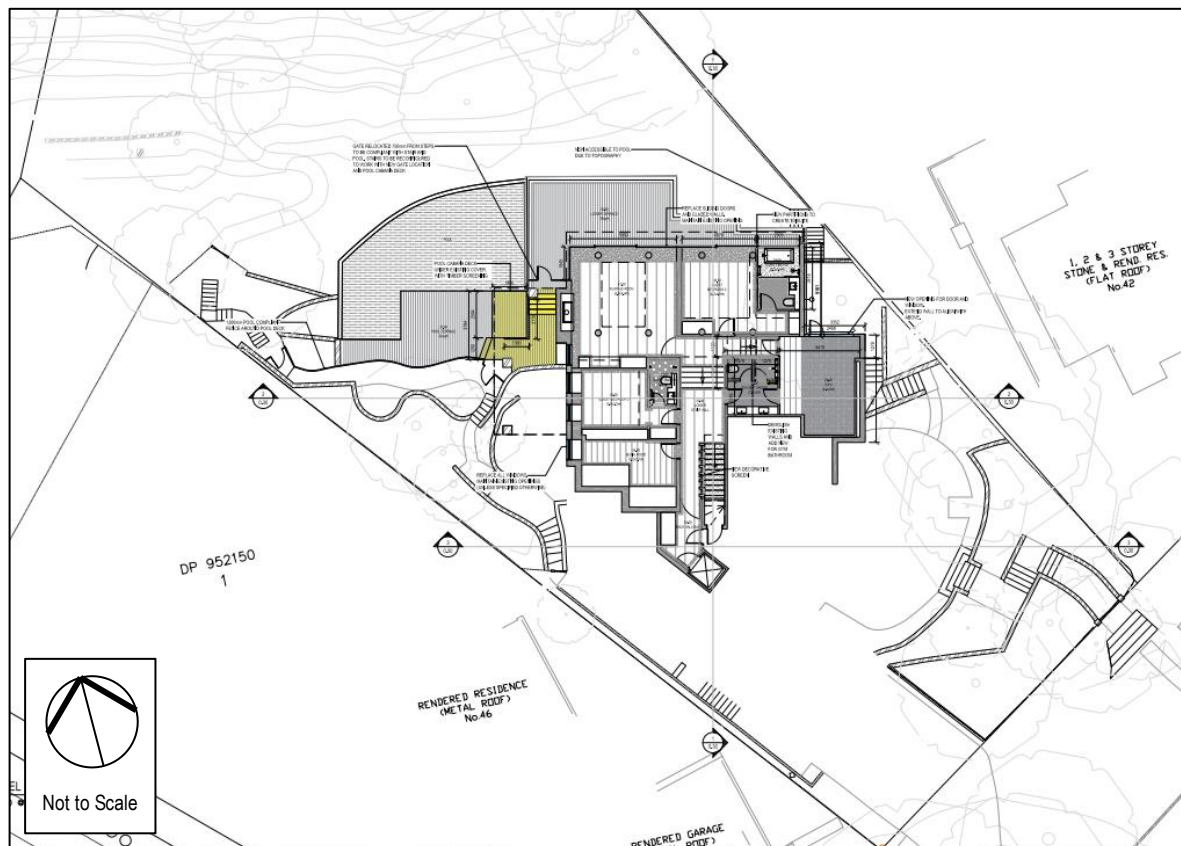
The proposal will remain a five bedroom dwelling, with a minor increase to the eastern part of the dwelling. The proposed works will provide an upgraded internal layout, with improved functionality and natural light and ventilation. The proposal will improve the relationship between the internal and external areas of the dwelling, and enhance the amenity for residents.

A floor-by-floor description is provided on the following pages. Further details of the proposed development are contained in the architectural drawings, separately submitted.

Level 1

Level 1 ranges from RL 58.28 to 57.00 AHD and includes a minor eastern extension to accommodate a new home gym, with a northern opening. Other external changes include build-up of the existing pool deck, and replacement of sliding doors, windows and glazed walls. Internally, proposed works comprise a new decorative screen to the hallway; new partitions to create an ensuite to Guest Bedroom 2; and demolition of existing walls to accommodate a new gym bathroom.

As proposed, this level will accommodate a bunk room; two guest bedrooms with adjoining ensuites; rumpus room; gym with bathroom; and hallway. Stairs to the upper levels of the dwelling are retained (see **Figure 4**).



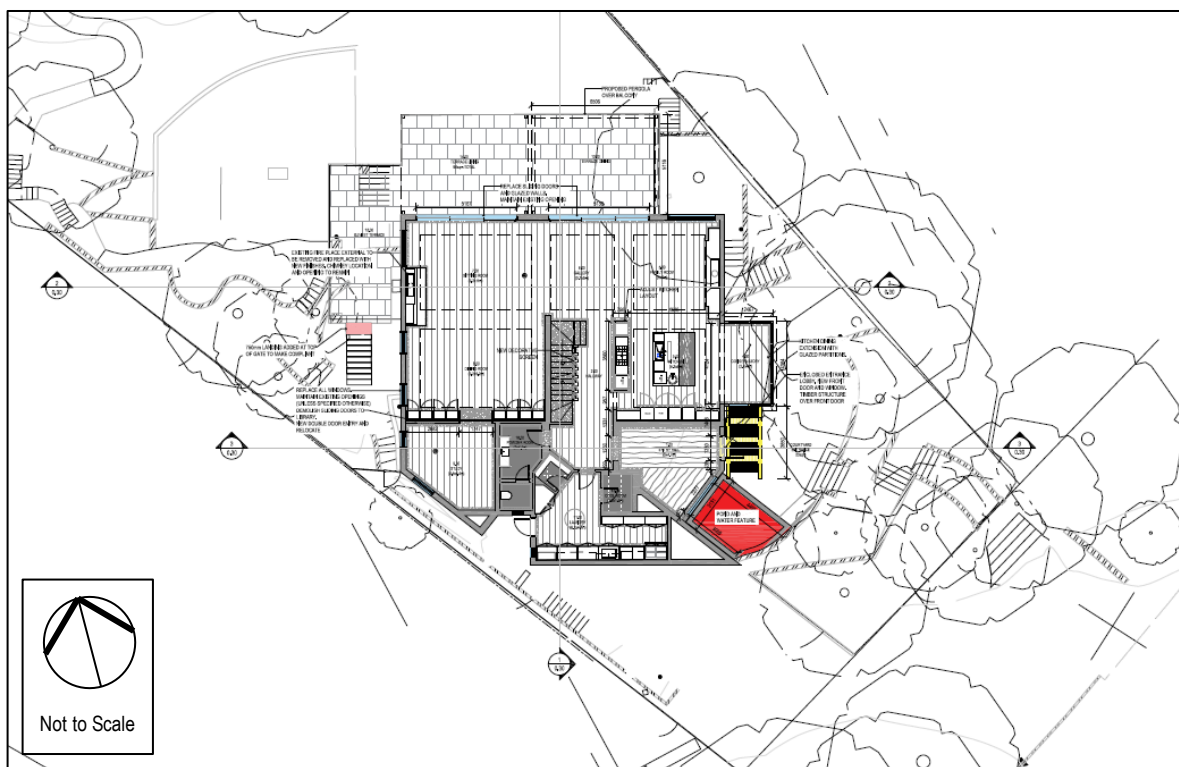
Source: Thomas Hamel & Associates

Figure 4: Level 1 Floor Plan

Level 2

Level 2 is the main living level at RL 61.60 AHD. Works at this level include a minor eastern extension to accommodate a new conservatory adjoining the existing kitchen, with an opening to the south. Other external changes include a new timber structure between the conservatory and main entrance; new enclosed entrance lobby and door; replacement of sliding doors, windows and glazed walls; a pergola above the outdoor terrace dining area; and inclusion of a pond and water feature adjacent to the courtyard entry. Internally, proposed works include new finishes to the existing fireplace; demolition of sliding doors to library to be replaced with relocated double door entry; and minor adjustments to the kitchen layout (see Figure 5).

As proposed, this level will accommodate an enclosed entrance lobby; open dining, sitting, gallery and family room; kitchen with conservatory; study; laundry; cool room; powder room; and hallway. Stairs to the upper and lower levels of the dwelling are retained.



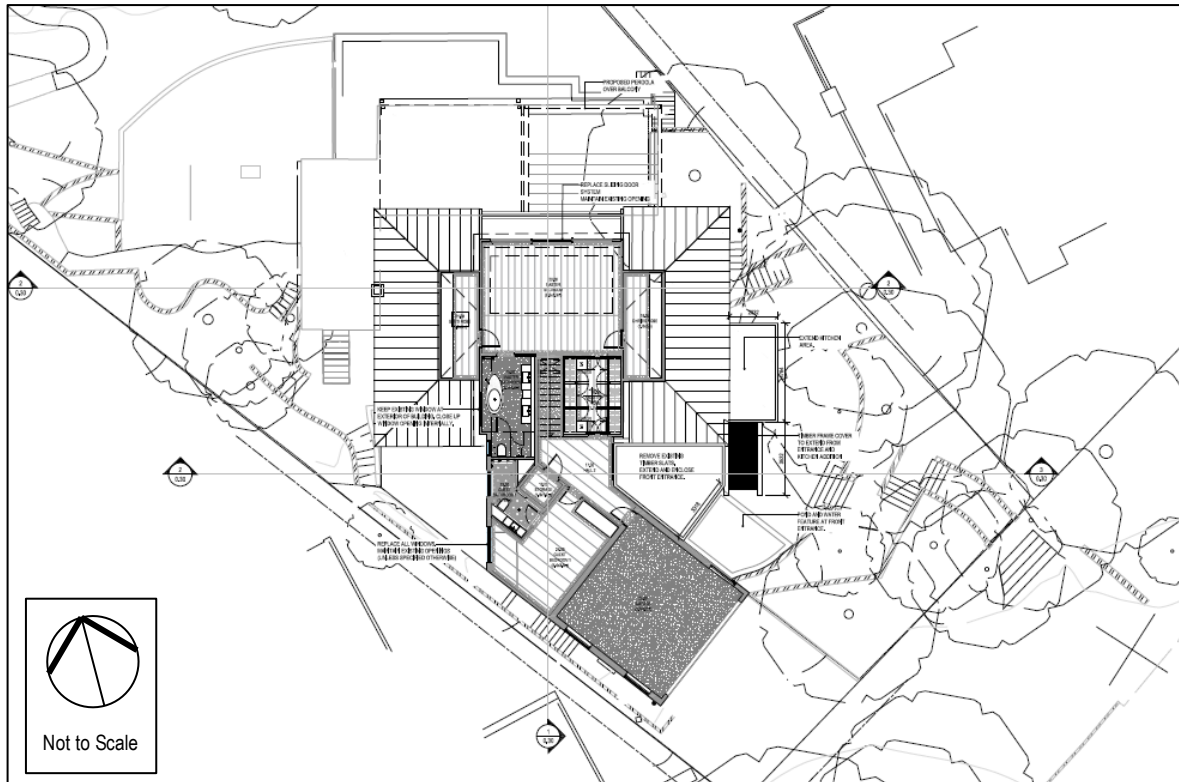
Source: Thomas Hamel & Associates

Figure 5: Level 2 Floor Plan

Level 3

Level 3 is the main bedroom level at RL 64.76 AHD. Works at this level include replacement of the sliding door system and windows; closing up the master bathroom window; a new timber frame above the main entry; and extension of the roof to enclose the front entrance. Minor internal widening of the skylight void within the roof is also proposed (see **Figure 6**).

As proposed, this level will comprise a double garage, guest bedroom with ensuite, storage, master bedroom with three walk-in-robbers, ensuite, rear balcony with a new sliding door, and stairs to the lower level.



Source: Thomas Hamel & Associates

Figure 6: Level 3 Floor Plan

Roof Level

The roof has a maximum ridge of RL 68.94 AHD. Works at this level include new solar panels across the main roof and garage roof. We note the existing skylight opening will remain as existing, with only the internal void increased in size internally (see **Figure 7** on the following page).

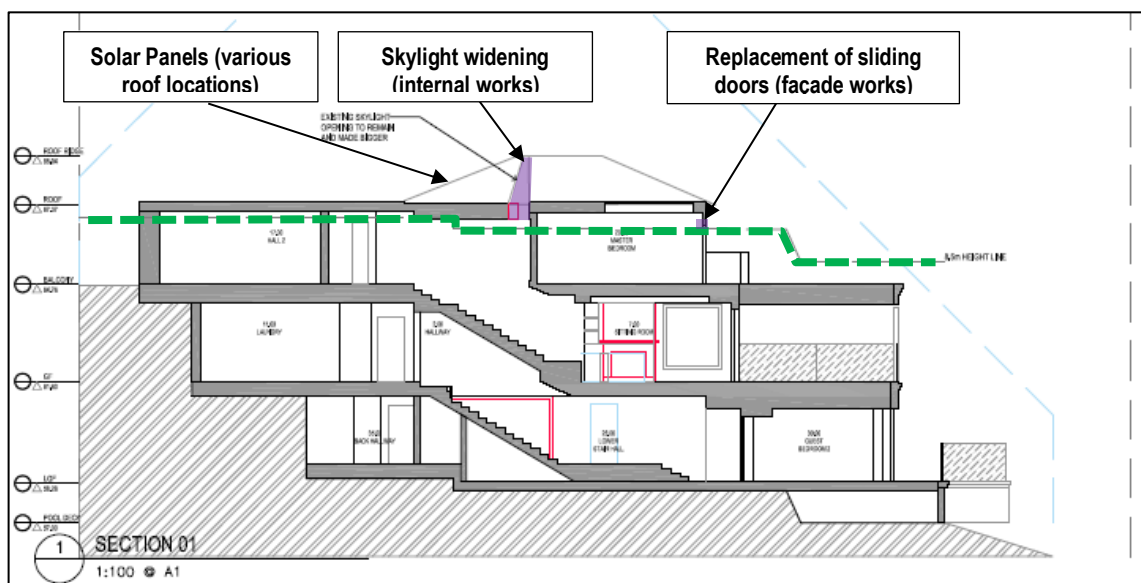


Source: Thomas Hamel & Associates

Figure 7: Roof Plan

3.2 Height

The proposed alterations and additions will retain the two to three storey dwelling on-site, which has a height that ranges from 3.30 metres at the garage, to a maximum of 10.93 metres. The maximum height is measured from the highest roof ridge at RL 68.94 AHD to the existing ground level immediately below. The new eastern extensions to the dwelling will remain below the LEP height standard, with no changes to the building envelope above the LEP height standard (see Figure 8).



Source: Thomas Hamel & Associates

Figure 8: Existing and Proposed Height (Section 01)

..... 8.5m LEP Maximum Height

3.3 Landscaping, Private Open Space and Balconies

The existing site has approximately 2,121m² of deep soil landscaping. The proposed works will retain the existing landscaped area. As such, the proposed external works will retain all existing trees on-site.

The proposal will retain the existing areas of private open space and balconies. The proposal will provide new sliding door systems which provide access to the lower terrace, main terrace and master bedroom balcony. These openings will allow the internal living areas to function as an indoor/outdoor space. A new deck cabana is also proposed to the pool terrace, as well as a new pergola above the terrace dining area, to provide enhanced weather protection and allow year-round use of the primary private open space.

3.4 Access and Parking

The proposal will maintain the existing primary pedestrian access from Sunrise Road, via a paved pathway and stairs at the eastern end of the street frontage which leads to the main entrance of the dwelling. Secondary pedestrian access is available from Sunrise Road via the existing driveway at the western end of the street frontage. The proposal will retain the existing double garage and driveway from Sunrise Road, as existing.

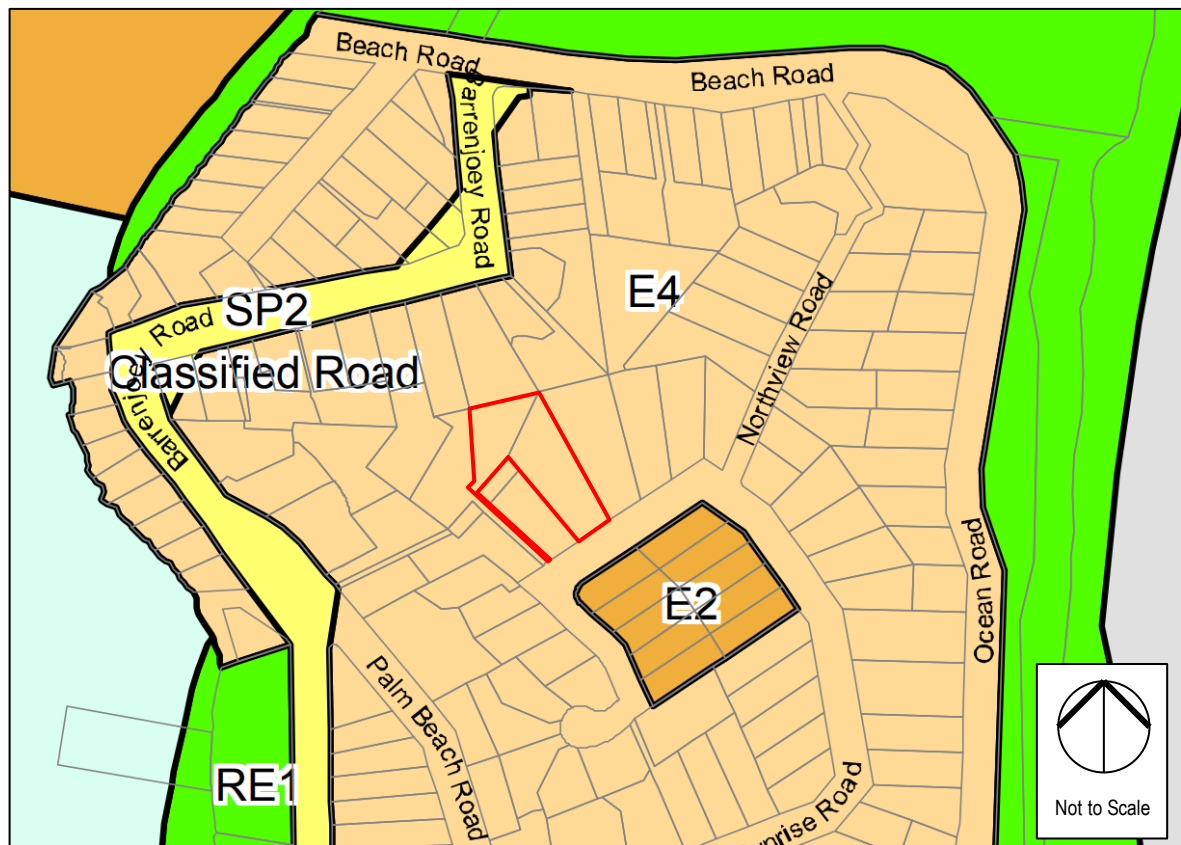
4.0 PLANNING CONTROLS

Pursuant to Section 4.15 of the EPA Act, this section assesses compliance with the planning instruments applicable to the site in accordance with the relevant matters for consideration. The relevant planning instruments include:

- Pittwater Local Environmental Plan (LEP) 2014;
- State Environmental Planning Policy (SEPP) BASIX – 2004;
- State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021; and
- Pittwater Development Control Plan (DCP) 2004;

4.1 Pittwater Local Environmental Plan (LEP) 2014

The subject site is zoned C4 (also referred to as E4) Environmental Living under the LEP, which commenced operation on 30 May 2014 (see **Figure 9**). The alterations and additions to an existing dwelling house is permissible with development consent in this zone. The site is not a heritage item, nor is it within a heritage conservation area.



Source: Pittwater LEP 2014

Figure 9: LEP Zoning Map

 **Subject Site**

4.1.1 Objectives

The LEP Land Use Table contains the objectives for the C4 Environmental Living Zone. The relevant objectives are stated:

Objective: To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.

Response: The proposal retains the low-impact residential character of the area through providing modest alterations and additions to the existing dwelling. Therefore, given the minor nature of the works and continuing residential use, the proposal will not detrimentally impact on the surrounding ecological, scientific, or aesthetic character of the area.

Objective: To ensure that residential development does not have an adverse effect on those values.

Response: The proposed alterations and additions have carefully considered the unique values of the environmental living zone. The proposed development will not have adverse ecological impacts by maintaining the densely landscaped character and on-site infiltration, through the retention of existing garden areas and the new stormwater management plan. Importantly, only removal of topsoil is proposed, with no significant excavation. Likewise, the proposal will enhance the aesthetic values of the site by generally maintaining the existing built form, with sympathetically designed alterations and additions which are compatible with the existing dwelling and locality.

Objective: To provide for residential development of a low density and scale integrated with the landform and landscape.

Response: The proposal will retain the existing dwelling on the site, which is a low-density use. The proposed works generally align with the key building envelope standards and controls, and are well integrated with the sloping landform. The proposal will maintain the ample landscaped areas and trees on-site.

Objective: To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

Response: Due to the location of the subject site, it is unlikely the proposal will have a direct influence on riparian and foreshore vegetation. In any case, the proposal has considered nearby wildlife corridors including Sunrise Reserve through preserving the dense landscaping in the rear setback of the subject site.

Accordingly, in our opinion, the proposal complies with the relevant objectives of the LEP.

4.1.2 LEP Compliance

A summary of our assessment of the proposed development against the LEP is following (see **Table 1**).

TABLE 1: PROJECT COMPLIANCE – PITTWATER LEP 2014			
Site Area: 3,101m²			
Development Standard	Requirement	Proposal	Complies
Site Area (Min)	700m ²	3,101m ²	YES
Building Height (Max)	8.5m / 10.5m	10.93m	Existing Non-Compliance (see Section 4.1.3)
LEP Provisions			Complies / Comments
Permissibility		C4 Environmental Living	Proposal is permissible within the zone
Heritage Item / Conservation Area		NO	N/A

Within the vicinity of Heritage Item	YES	YES Item Nos. 2270152 & 2270091 (see Section 4.1.3)
Acid Sulfate Soils	Class 5	The proposal is unlikely to encounter Acid Sulfate Soils in this location.

The proposal satisfies the relevant objectives of the LEP, is permissible in the Zone and complies with the minimum lot size development standards contained in the LEP. The proposal exceeds the development standard relating to building height. This will be discussed in the following paragraph and in Application to Vary a Development Standard (Clause 4.6 Variation) which is separately submitted.

4.1.3 Building Height

The LEP height provisions are contained in Clause 4.3 and the accompanying height map. Council’s LEP height map prescribes a maximum height of 8.5m for the building with the proposed development exceeding this development standard by 2.43m (29%).

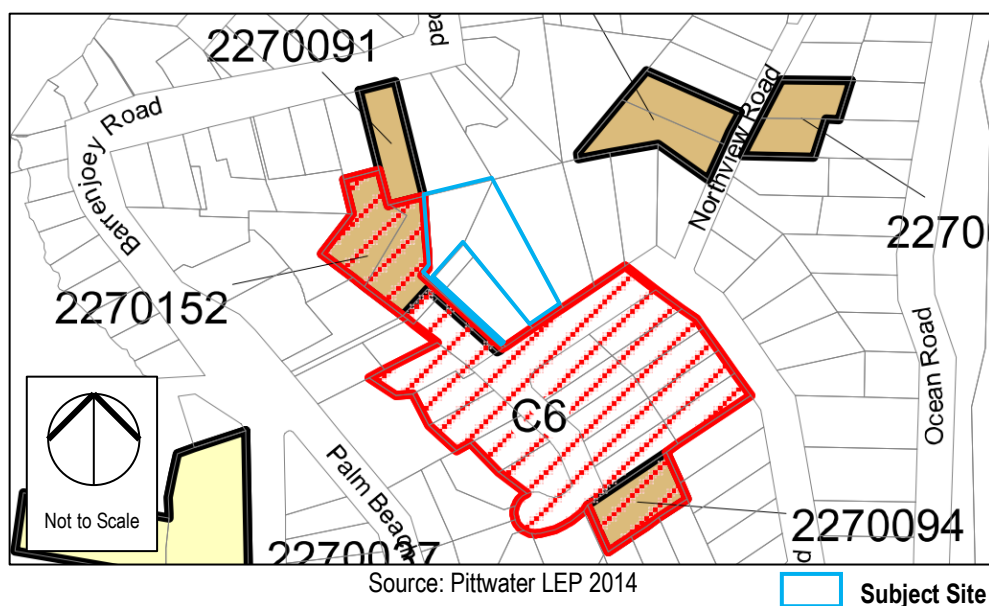
An Application to Vary a Development Standard (Clause 4.6 Variation) has been submitted for the Height non-compliance which is, in our opinion, is well founded. The key arguments contained in the Clause 4.6 Application are stated, inter alia:

- *The building height variation is a function of the existing building height; and improves internal amenity for residents.*

4.1.4 Heritage

Clause 5.10 of the LEP relates to heritage items and heritage conservation areas. Any effect of the proposed development on the heritage significance of the nearby items must be considered in the assessment of the proposal.

The proposed works relates to the principal dwelling, which is located in the southern portion of the large site. The proposed works are minor in nature and will generally retain the principal built form, with the proposed eastern dwelling extension not discernible when viewed in the context of nearby heritage items (see **Figure 10**). Importantly, the proposed alterations and additions will utilise colours, materials and finishes which are sympathetic to the existing dwelling and locality.



Source: Pittwater LEP 2014
Figure 10: LEP Heritage Map

Accordingly, the proposed works will not impact on nearby heritage items and is considered appropriate in respect of heritage and conservation.

4.2 State Environmental Planning Policy (SEPP) BASIX – 2004

SEPP (Building Sustainability Index: BASIX) 2004 was gazetted on 26 June 2004, and applies to the subject site. SEPP BASIX requires all alterations and additions in NSW to meet sustainability targets for energy and water use. In considering the merits of the proposal, it is appropriate to refer to the sustainability targets of the SEPP.

A BASIX Report prepared for the proposed development (separately submitted) shows the proposed alterations and additions can satisfy the relevant water and energy reducing targets.

4.3 State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021 came into effect on 1 March 2022 and consolidated the previous Coastal Management, Remediation of Land and Hazardous and Offensive Development SEPPs as Chapters 2, 3 and 4 within the new SEPP. The remediation of land provisions are relevant in this instance.

Clause 4.6(1) requires the consent authority to consider whether land is contaminated prior to the consent of development on that land.

The owners have advised that as the long term use of the site has been residential, the site is unlikely to be contaminated. On this basis, further investigation is not considered necessary

4.4 Pittwater Development Control Plan (DCP) 2004

The DCP came into force on 1 February 2004 and applies to the site and the proposed development. Part D of the Pittwater DCP contains specific controls relating to character areas. The subject site is located within the Palm Beach locality.

4.4.1 DCP Compliance

A summary of our assessment of the proposed development against the DCP is following (see **Table 2** on the following page).

TABLE 2: PROJECT COMPLIANCE - PITTWATER DCP 2004			
Provision	Requirement	Proposal	Complies
D12 Palm Beach Locality, C1 Design Criteria for Residential Development & B General Controls			
Character as viewed from a public place	Buildings which front the street must have a street presence & incorporate design elements that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted	The proposal retains the single storey presentation to the street, with design elements which are compatible with surrounding development.	YES
	Walls without articulation shall not have a length greater than 8 metres to any street frontage	No change to walls fronting Sunrise Road.	AS EXISTING
	Any building facade to a public place must incorporate at least two design features	Dwelling entrance has a pond & water feature, well maintained gardens, & projecting timber frame above the entry. These features are not readily visible from the street, however, offer various design features to the entry.	YES

	The bulk & scale of buildings must be minimised	Proposal retains existing building height & includes a modest dwelling extension at the lower levels.	YES
	Garages, carports & other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. These structures are <50% of the lot frontage, or 7.5, whichever is lesser	No change to existing garage width.	AS EXISTING
	Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping & vegetation	Dwelling continues to appear secondary to existing landscaping & vegetation on-site.	YES
Scenic protection - General	Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve	Design of proposed works carefully considers the character of the locality & aims to ensure natural landscape & vegetation are the predominant feature when viewed from a public place.	YES
Building colours & materials	External colours & materials shall be dark & earthy tones. White, light coloured, red or orange roofs and walls are not permitted	The extensions & façade works predominantly consist of cement render & timber which are neutral & earthy tones.	YES
Front building line/setback	6.5m or established building line (whichever is greater)	No established building line, in any case, the new works will not extend beyond the front building line.	YES
Side building line/setback	2.5 to one side & 1m for other side	Minimum side setbacks retained as existing. The Eastern dwelling extension has setback of: Level 1: 2.33m Level 2: 4.02m	Appropriate on Merit (see Section 4.4.2)
Building envelope	3.5m, 45° incline Where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merit basis	No change, proposed extensions well inside permissible envelope.	YES
Landscaped Area – Environmentally sensitive land	Alterations & additions to an existing dwelling shall provide a min 60% of the site as landscaped area Requirement: 1860.6m ²	Approx 2,121m ² of landscaped area retained as existing.	YES
	The use of porous materials & finishes is encouraged where appropriate	Landscaped areas are impervious.	YES
Scenic protection	Screen planting shall be located between structures & boundaries facing waterways	Existing perimeter landscaping retained.	YES
	Development is to minimise the impact on existing significant vegetation	Proposal designed to minimise impacts on landscaping with existing significant vegetation retained.	
Safety & security	Building design should allow visitors who approach the front door to be seen	New entry hall has a window which provides sightlines to the street & entry pathway.	YES
	Building entrances are clearly visible from the street, easily identifiable & appropriately lit	Proposed entry additions, including enclosed lobby, pond & water feature, & timber structure above improves legibility of the front entrance when viewed from within the front yard.	YES

View sharing	Development designed to achieve reasonable view sharing with neighbouring properties	Recessive design ensures no impact on view sharing	YES
Solar access	Main POS of proposed & adjoining dwellings to receive min 3 hours of sunlight between 9am – 3pm on June 21 st	Adjoining & proposed dwelling will continue to receive existing levels of solar access to windows of principal living areas	YES
	Windows to principal living area of proposed & adjoining to receive min 3 hours of sunlight to at least 50% of glazed areas of those windows, between 9am – 3pm on June 21 st	Adjoining & proposed dwelling will continue to receive existing levels of solar access to windows of principal living areas	YES
Visual privacy	POS areas including swimming pools & living rooms of proposed & existing adjoining dwellings to be protected from direct overlooking within 9m	POS including swimming pools, living rooms, & balconies are protected from direct overlooking by 9m by the building layout, spatial separating, & plant screening	YES
Acoustic privacy	Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas, & communal & private open space areas	Proposed works retain existing location of noise sensitive rooms which are congregated at the upper & lower levels, generally towards the rear	YES
Private Open Space	<p>Min 80m²</p> <p>No more than 75% of POS provided in front yard</p> <p>Min principal area of 16m² with a minimum dimension of 4m & grade no steeper than 1 in 20 (5%)</p> <p>Directly accessible from living areas</p> <p>Good solar orientation</p> <p>Balcony above ground level included as POS</p>	<p>Approximately 167m² POS provided, located at the rear of the dwelling.</p> <p>Principal POS 95m² – directly accessible from the primary living areas.</p> <p>POS orientated to the north-west & has access to direct sunlight throughout the year.</p> <p>Terraces & balconies above ground level also offer POS .</p>	YES
Waste & recycling facilities	All development must comply with the appropriate sections of the Waste Management Guidelines, all relevant Development Applications must be accompanied by a Waste Management Plan	N/A – No change to existing waste arrangements	AS EXISTING
Storage facilities	Lockable storage area of 8m ³ provided	>8m of storage provided in dwelling & garage	AS EXISTING
Swimming pool safety	Swimming pool fencing & warning notices in accordance with <i>Swimming Pools Act 1992</i>	New compliant fencing proposed to swimming pool.	YES
Excavation & landfill	Excavation >1.5m deep below EGL must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater and certified by a Geotechnical Engineer	No excavation >1.5m deep proposed	YES

The proposal satisfies the relevant objectives of the DCP, and complies with the majority of controls including character as viewed from a public place, scenic protection, building colours and materials, building setbacks, building envelope, landscaped area, safety and security, and private open space. The proposal partially exceeds Council's controls relating side setbacks which will be discussed below. The proposal complies with the DCP provisions for aural and visual privacy, solar access, and waste; these will be addressed more thoroughly in Section 5.3.

4.4.2 Side Building Line/Setbacks

The DCP stipulates that development is to have a side building line of 2.5m to one side and 1m to the other side. In relation to the subject site, the 2.5m setback applies to the eastern setback. The existing dwelling has a non-compliance with the side setback controls, with a minimum eastern side setback of 1.52m and western side setback of 1.42m. The proposed eastern dwelling extension at Level 1 will have a minimum side setback of 2.33m. While this is greater than the existing minimum eastern setback, and a result of infilling the lower level to match the extent of the level above, it is non-compliant with Council's controls. Despite the protrusion into the 2.5m setback, the proposal will meet the relevant outcomes of the control as follows:

To achieve the desired future character of the Locality. (S)

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)

Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)

Flexibility in the siting of buildings and access. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

To ensure a landscaped buffer between commercial and residential zones is established.

The proposed 0.17m protrusion within the eastern setback is very minor and characteristic in the locality, with the neighbouring development at No. 42 Sunrise Road having a 0.47m side setback (approximately) where a 2.5m setback is required. The existing guest bedroom on the subject site is setback 1.52m from the eastern boundary, which is significantly less than the proposed setback, therefore the non-compliance will not increase the perceived bulk and scale of the dwelling. The area within the 2.5m setback is very minor and relates only to the north-eastern corner of the proposed gym extension. This area within the side building line is located below neighbouring dwellings and street level, therefore is unlikely to have an impact on public or private views, and does not include any windows, to ensure privacy is maintained.

Additionally, as the area within the side setback is at a significantly lower elevation than the neighbouring property, the non-compliance will not result in adverse solar access impacts. The proposed extensions are over an existing hardstand space, therefore the area of non-compliance will not impact landscaping, vegetation and mature trees along the eastern side setback. These landscape elements also encourage screening, and soften the appearance of the built form from neighbouring development and the public domain.

Accordingly, in our opinion, the proposed side building line/setback is appropriate in the circumstances of this case, and align with the relevant outcomes of the control.

5.0 PLANNING ASSESSMENT

This section will consider the following: The Assessment of the Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15 of the EPA Act.

5.1 Assessment of Natural Environmental Impacts

This section will assess the topographic and scenic impacts as well as the water and air quality impacts of the proposed development.

5.1.1 Topography & Scenic Impacts

There is no substantial excavation proposed as a result of the alterations additions, with only the removal of topsoil required. Any minor excavation will be undertaken in accordance with Council's standard conditions of consent.

Given the minor nature and location of the proposed works on site, there are no anticipated impacts on existing trees. During the construction period, tree protection measures will be undertaken in accordance with any conditions of consent imposed by Council.

Accordingly, the proposal is acceptable in respect of topography and scenic impacts.

5.1.2 Water & Air Quality Impacts

With the new Stormwater Management Plan, the proposed development is unlikely to result in any adverse effects on the locality in terms of water and air quality. Stormwater and runoff will be managed in accordance with the Stormwater Engineer's recommendations and any Council conditions of consent.

5.2 Assessment of Built Environmental Impacts: Character and Context

This section will address the effects of the proposed development on the character and context of the area.

5.2.1 Impact on the Area's Character

The site is within the Palm Beach locality, an established residential area with predominantly two to three storey dwellings of a diverse mixture of architecture styles. Council's desired future character of the area is for new development to be compatible with the existing low-density character; maintain ecological and aesthetic values; and to be of an appropriate scale. It is apparent that extensive landscaped areas, street front garages, and rear swimming pools are recurring features across many sites within the locality.

The proposed works to the existing dwelling will provide alterations and additions that maintain the character of the surrounding area through retaining the existing low density use and a high-quality built form, which is recessive to the natural context. The proposed design is sympathetic to the site and compatible with the height, scale and style of neighbouring development.

The modest external works will utilise a mix of compatible materials, including cement render, timber, aluminium steel, brick, and glazing to promote the existing natural and earthy tones. The proposed eastern dwelling extensions relate well to the scale and density of the existing built form and surrounding area, and will provide a consistent envelope extension at the lower levels. Importantly, these extensions have been designed to preserve existing landscaping and vegetation on-site, and the built form will continue to be softened by these landscape elements when viewed from neighbouring development or the street.

As indicated, the proposal will conserve existing landscaping and vegetation across the site. This is because the proposed external works including the new entry hall, eastern dwelling extensions, and the pond and water feature will be situated within existing hard surfaced areas. The proposed works retain consistent setbacks and a dwelling height, bulk and scale that is compatible with the existing dwelling and surrounding development. The works will also maintain the overall dwelling appearance and landscape presentation when viewed from the public domain and neighbouring development.

Accordingly, in our opinion, the proposal is consistent with the character of the area.

5.3 Assessment of Built Environmental Impacts: Privacy and Amenity

This section considers any aural and visual privacy effects resulting from the proposal and needs to be considered in conjunction with Section 4.4. It will specifically address sunlight access, and view sharing.

5.3.1 Aural and Visual Privacy

The design and layout of the proposal will maintain aural and visual privacy for residents of neighbouring sites.

The proposal generally retains the living areas and bedroom locations as existing. The proposal will reinstate the existing sliding doors and glazed walls across rear elevation of all three levels, in the same locations as existing. These openings will continue to be orientated mainly to the rear of the site and sufficiently screened by the significant vegetation on-site and on neighbouring allotments. The proposal will also reinstate all the western elevation windows at Level 1, 2 and 3, except for the master ensuite window which will remain as existing. As the works will maintain the size, location and orientation of each of the openings, no visual privacy impacts are anticipated. The proposal will also maintain the existing terraces and balconies as existing.

At Level 1, a door and window are proposed to the rear of the gym extension. These openings are designed to prevent direct overlooking through their position below the neighbouring dwelling, with a surrounding landscape buffer. At Level 2, the conservatory extension will be bordered by glazed partitions and will remain at a lower elevation than the neighbouring dwelling to ensure direct overlooking to No. 42 Sunrise Road is minimised. Further, the neighbouring site and will be screened by the existing boundary fencing and dense vegetation.

Given the continuing residential use, it is unlikely that there would be significant additional noise generation associated with the proposal.

5.3.2 Solar Access

The proposed external alterations and additions are modest and have been sited and designed to preserve existing levels of solar access to neighbouring properties. The minor eastern dwelling extensions are situated at a significantly lower level than the neighbouring property and are screened by existing dense vegetation, therefore the works are unlikely to result in any impact on solar access. The proposed entry hall addition is spatially separated from neighbouring sites and therefore will also preserve existing solar access to neighbouring sites.

Accordingly, the proposal will not result in any discernible impact on solar access. The proposal will maintain existing levels of solar access between 9am and 3pm to the habitable windows and private open space areas of neighbouring properties (refer to Shadow Diagrams, separately submitted).

5.3.3 View Sharing

In the assessment of development applications relating to view issues, the NSW Land and Environment Court rely on the principle of the *Tenacity v Warringah Council* [2004] NSWLEC 140. Our assessment of the proposal against this planning principle is included below. The four steps in assessing view affectation are considered as follows:

- *Assessment of the Views Affected*
- *From What Part of the Property are the Views Obtained?*
- *The Extent of the Impact*
- *The Reasonableness of the Proposal*

It is noted that our assessment has relied on an inspection of the subject site, real estate photographs, aerial photography and survey information. We have not had the opportunity to inspect neighbouring dwellings to determine their existing views across the subject site.

The subject site benefits from panoramic ocean and land views to the north, east and west, which are available from rear habitable room windows and private open space areas. It is anticipated that similar views will be available from neighbouring habitable rooms and private open spaces, including Nos. 46 and 42 Sunrise Road, which are obtained from a higher level than the subject site.

In our opinion, the proposal will not have an adverse impact on views from surrounding development. This is because the proposal will maintain the predominantly two to three storey built form with surrounding dense landscaping, and will not extend beyond the existing minimum front, rear and side setbacks. The proposed dwelling extensions the two lower levels will not interfere with any views across the site. This is because the proposed extensions are sited significantly below the level of the existing neighbouring dwellings and their primary private open space areas. The proposed pergola above the terraced dining area has been designed to remain consistent with the existing pergola above the adjacent outdoor terrace living area. This open structure and flat roof form is well-below the maximum roof ridge and has been designed to retain any potential filtered views across the subject site. Works at the upper level above the LEP height standard do not alter the existing building envelope, therefore will have no impact.

Accordingly, in our opinion, the proposal is considered reasonable on the basis of *Tenacity v Warringah Council*.

5.4 Assessment of the Site Suitability

This section will consider the proximity of the site to services and infrastructure; traffic, parking and access issues; and hazards.

5.4.1 Proximity to Services and Infrastructure

The nearest public transport service is bus Route No. 199 which is approximately 850m away on Ocean Road. The service provides a connection from Palm Beach to Manly. Bus and ferry services from Manly connect to the wider Sydney network.

As the site is within an established area, electricity, telephone, water and sewerage are also readily available.

5.4.2 Traffic, Parking and Access

As the proposal will retain its existing use as a dwelling house, there will not be any increase in traffic generation as a result of the proposed when compared to the existing situation. The proposal will maintain the existing garage accessible from Sunrise Road and provides two car spaces, which complies with Council's maximum car parking requirements.

5.4.3 Hazards

The site is not in an area recognised by Council as being subject to landslip, flooding, bushfire or any other particular hazards. The proposed development will not increase the likelihood of such hazards.

5.5 The Public Interest

This section will consider the social and economic effects of the proposal and the public interest.

5.5.1 Social and Economic Impact

The proposal will have positive economic impacts on the surrounding area by providing well-designed alterations and additions to an existing dwelling, which will enhance the character of the area. This will contribute to meeting the demand for high quality housing in the LGA. The proposal is in keeping with the character of the Palm Beach and will continue to provide low-density housing in the locality.

The proposed built form is compatible with the existing dwelling and surrounding development in the street and the wider locality. The proposal has been carefully designed to maintain the amenity of adjoining residential development in respect of privacy, solar access and view impacts. The proposed works will enhance the functionality of the dwelling to better meet the requirements of occupants. In addition, the proposal will provide employment during construction and in the provision of maintenance services once the dwelling is re-occupied.

5.5.2 The Public Interest

The proposal has been designed with consideration of the adjoining residents' amenity and the streetscape. Importantly, the proposal meets the zone objectives of providing a dwelling that aligns with the character of the area, as well as the desired future character of the Palm Beach Locality.

It will provide well-designed alterations and additions to the existing dwelling which are of a contextually appropriate scale and form for the area. The building has been designed to maintain neighbours' and local amenity, and continue to contribute positively to the streetscape and local character. The proposal is a quality development which is in the public interest.

6.0 CONCLUSION

The proposed alterations and additions to an existing dwelling at No. 44 Sunrise Road, Palm Beach, has been assessed in accordance with Section 4.15 of the EPA Act and Council's planning instruments. The proposal is permissible in the C4 Environmental Living Zone under the LEP and in our opinion is consistent with the relevant objectives of the Zone. In our assessment, the proposal is also consistent with the provisions and objectives related to heritage conservation in the LEP.

This SEE demonstrates the proposal for alterations and additions to an existing dwelling will achieve the desired character of the locality and maintain the relationship with surrounding development. The proposal provides consistency in scale, form, proportions, setbacks and materials. This design approach ensures that the proposal will retain the local streetscape character, with the works being largely internal or positioned at the lower levels/rear of the dwelling.

The proposed internal and external works are designed to blend well with the existing built form and natural environment. The proposal will maintain an appropriate height, bulk and scale that is consistent with the existing dwelling on-site and surrounding dwellings. The works will improve the functionality and amenity of the dwelling and private open space for residents, without adversely affecting neighbours' existing levels of solar access, privacy and views.

While there is a technical non-compliance in the maximum building height of the LEP, this has been fully justified in the accompanying Clause 4.6 Application to Vary a Development Standard. The Clause 4.6 Application demonstrates the proposal satisfies matters for consideration and achieves the objectives of the planning controls. In our opinion, the application is considered to be well-founded.

Compliance with the controls for the majority of Council's DCP has been achieved. While the proposal does result in a departure from the side setback/building line, in our opinion the development is consistent with the objectives of this control.

The SEE is accompanied by architectural plans, BASIX, survey plan, and stormwater plans. These reports have informed our assessment and the consultant reports confirm the proposal is suitable in the locality.