

STATEMENT OF ENVIRONMENTAL EFFECTS

**Demolition and new
dwelling house**

**72 Alleyne Avenue,
North Narrabeen**

RESPONSIBLE FOR THIS REPORT:

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1 Introduction

1.1 Description of the proposed development

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

The development application seeks consent for demolition of existing and construction of a new 3 storey dwelling house at 72 Alleyne Avenue, North Narrabeen.

The proposal is depicted in the accompanying architectural plans by Walsh Architects. Key aspects of the proposal are noted as follows:

Lowest Level from the rear / lowest level of the dwelling

- Rumpus
- Bathroom
- Kitchenette / wet bar [no cooking]
- Sauna
- Bedroom
- Stairs

Bedroom Level

- 2 bedrooms
- 1 bathroom
- Stairs
- Lift
- Terrace to rear

Entry Level

- Entry
- Garage and storeroom
- 1 bedroom
- 1 flexible room
- 2 bathrooms
- Laundry
- Secondary living room
- Stairs
- Lift
- Terrace to rear

Level 1 plan

- Terrace to front / east
- Kitchen, dining, living
- Butler's pantry
- Powder room
- Lift
- Stairs

Roof Plan / Level

- Stairs
- Roof terrace
- Roof skylight / hatch

External [that is not listed above]

- New driveway
- Excavation and earthworks
- Retaining walls
- Swimming pool
- Tree removal
- Landscaping
- Planting

1.2 Pre-lodgement Meeting [PLM2024/0014]

A Pre-DA submission was made and meeting held on 19 March 2024 with Council planning officers to discuss key issues associated with the proposed redevelopment of the site. The application has been prepared in response to the matters discussed at the meeting. Of note Council planning officers:

- confirmed that the garage could be supported within the front setback provided it achieves a minimum front setback of 3m, which the design provides.
- acknowledged that the slope of the land is significant and adds to the potential for planning control no compliances, particularly in terms of building height / envelope.
- in relation to potential biodiversity assessment requirements, the pre-lodgement notes state:

'The site is located within DCEWs BV Map, however from review of recent aerial imagery of the site, it appears that there is little if any native vegetation within the site. In addition, from review of the Architectural Plans (Walsh Architects, 12/02/2024) submitted with Pre-lodgement documentation, it appears that no native vegetation is proposed for removal. As such, it is not anticipated that the BOS is not triggered and that a BDAR is not required'.

Addressed further within section 4.3 of this report.

The proposed DA:

- has increased the front building setback to the dwelling house
- has increased the extent of landscaped area
- incorporates stepping within the side elevations to articulate the building form and increase compliance with the building envelope control. The maximum length of the side walls ranges from 4.9m for the Lowest level, 6.7m for the Bedroom level – 13m [garage wall], and 9.1m for the upper level. This is in response to the following Pre-DA feedback:

Council recommends stepping in the side boundaries to articulate the building and to increase compliance with the building envelope controls.

The development should be designed to minimise the bulk the built form to achieve a scale that is compatible with the surrounding development.

- provides justification of the side boundary envelope exception including three-dimensional modelling, solar plans, and suns-eye diagrams.
- The proposal is accompanied by a comprehensive landscaping plan that involves predominantly native plant species.
- The proposal is accompanied by stormwater management plans that address Council's stormwater drainage policy for low-level properties.

1.3 Statement of Environmental Effects

This Statement of Environmental Effects (SEE) is prepared in response to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and conforms with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory, and the development application may be approved by Council.



Image A – architectural perspective of the property frontage



Image B – architectural perspective of the property frontage rear



Image C – architectural perspective of the property from the south west

2 Site Analysis

2.1 Site and location description

The site is located at 72 Alleyne Avenue, North Narrabeen and legally described as Lot 6 in Deposited Plan 7593. The site has an area of 696.7m² (as per survey).

The site is located on the west side of Alleyne Avenue. The property contains a one and 2-storey brick and clad dwelling house with tiled roof. The dwelling house is positioned close to the front boundary [2.9 to 3m] and therefore closer to Alleyne Avenue. The site does not currently accommodate vehicle access or car parking.

The allotment is rectangular in shape with front and rear boundaries 15.24m and side boundaries 45.72m.

The topography slopes steeply from the front of the site to the rear. There is a level difference of approximately 12 m between the front and the rear boundaries (approximately RL 40 to RL 28).

Alleyne Avenue is irregular in alignment and positioned along a ridgeline with properties either side sloping suddenly from the road level.

The existing development is positioned close to the street carriageway influencing the streetscape character. The local development character is significantly influenced by the steep and undulating topography.

The property is within a southwest facing hillside that enjoys significant views of the district, coast and Narrabeen Lagoon.

The figures on the following pages depict the character of the property and its existing development.

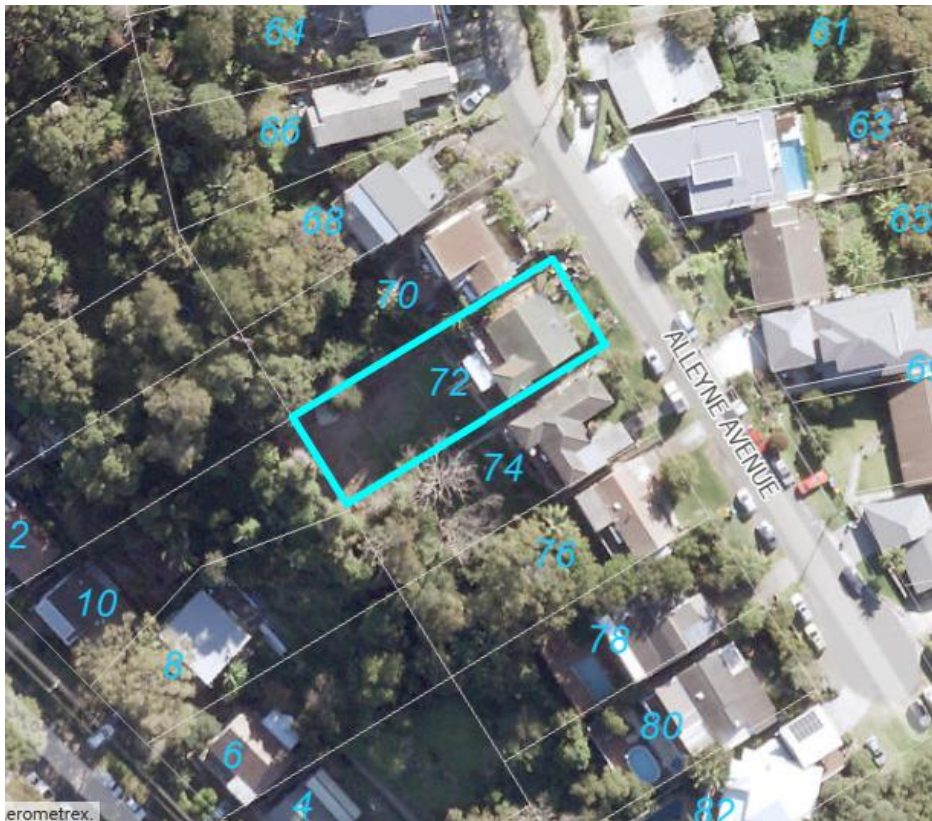


Figure 1 – Alignment, orientation, and spatial layout of the subject site and adjoining dwellings (courtesy Northern Beaches Council)

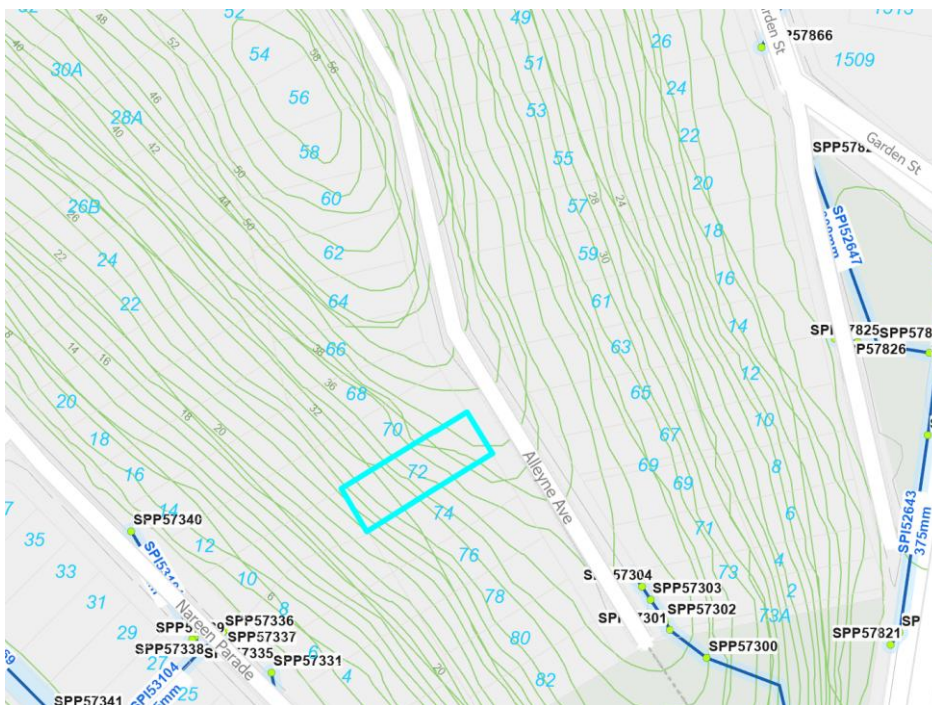


Figure 2 – steep topography effects both sides of the street

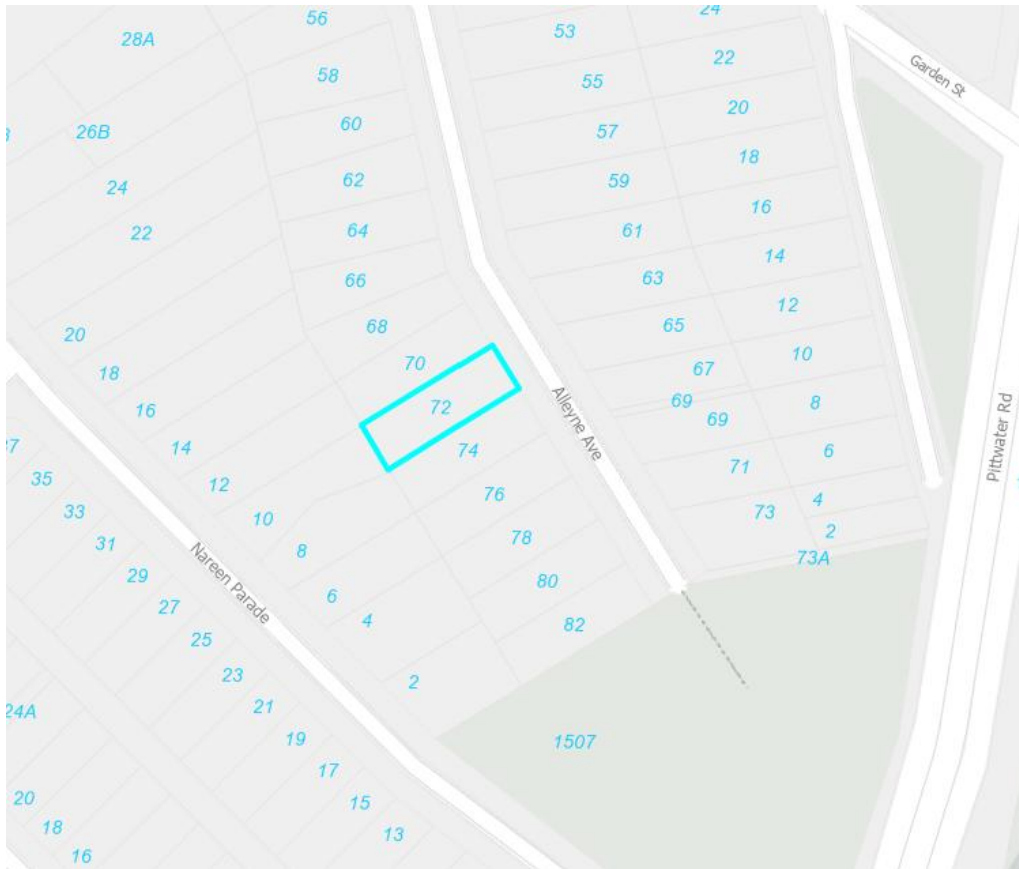


Figure 3 – the configuration and orientation of the subject site (source: Northern Beaches Council Maps)



Figure 4 – existing front setback pattern



Figure 5 – coastal views available from the location



Figure 6 – 72 Alleyne Avenue existing dwelling house frontage and streetscape character



Figure 7 – site analysis plan [Walsh Architects]

3 Environmental Assessment

3.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- Pittwater Local Environmental Plan
- State Environmental Planning Policies – as relevant
- Pittwater Development Control Plan

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 7 of this report, and the town planning justifications are discussed below.

4 Section 4.15 (1)(i) the provisions of any environmental planning instrument

4.1 Pittwater Local Environmental Plan 2014

4.1.1 Zoning

The property is zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014 (LEP).

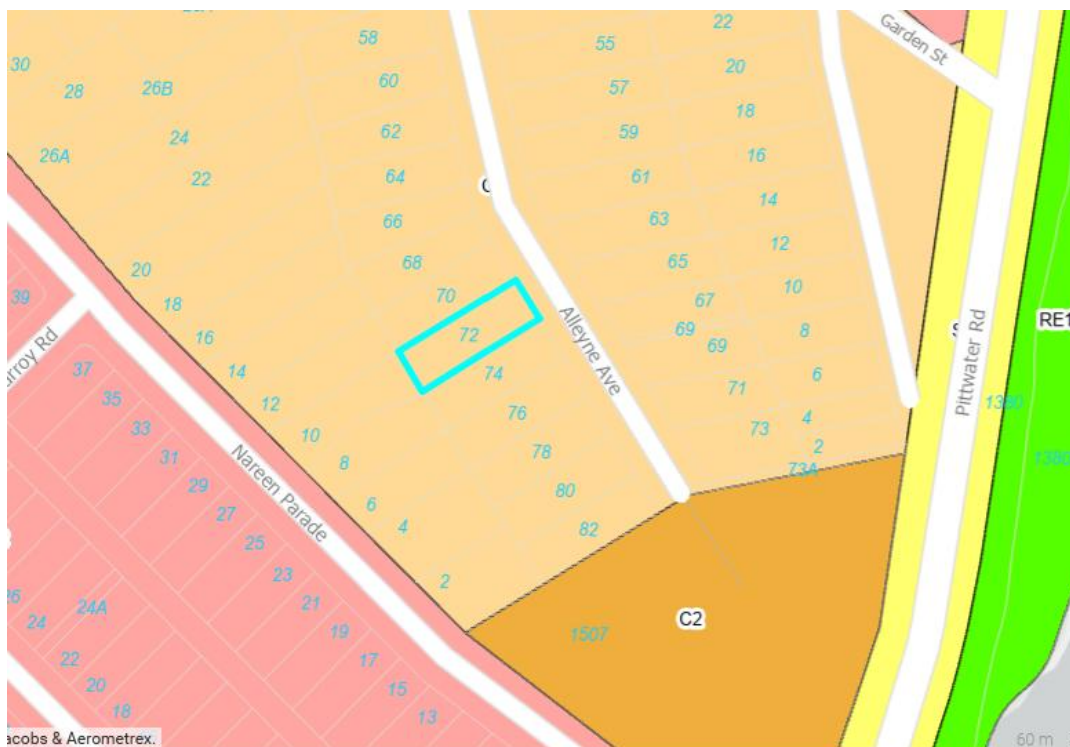


Figure 8 – zone excerpt (Northern Beaches Council)

The proposal constitutes demolition and a new dwelling house and is permitted with Development Consent.

Clause 2.3(2) of the LEP requires the consent authority to 'have regard to the objectives for development in a zone' in relation to the proposal. The objectives of the zone are stated as follows:

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

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

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

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

It is assessed that the proposed development is consistent with the zone objectives as it:

- will provide low-impact development compatible with the other developments within the visual catchment.
- is located and configured appropriately upon the site in terms of the topography.
- will be positioned within a landscaped setting, compatible with the surrounding development.
- retains a low impact residential use on the site which, based on the information accompanying this DA, does not give rise to any unacceptable ecological, scientific, or aesthetic impacts.

Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

4.1.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.1 Minimum subdivision lot size	550m ²	NA
LEP Clause 4.3 – Height of Buildings 8.5m	Exceeds 8.5m as shown on the architectural plans.	No
LEP Clause 4.3 2(D) – height on sloping land – 10m	Clause 4.3 2(D) applies to the proposal because the building footprint is situated on a slope that is more than 16.7 degrees [30%]. The slope varies from approximately 20% to 44% [plan DA800]. The proposal exceeds 10m building height to a minor extent [233mm for 2m ²] as shown in figure 9.	No
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	Yes – for building height. The proposal satisfies the provisions of clause 4.6. See attached cl4.6 report.	Yes
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	NA	NA

LEP Provision	Response	Complies
LEP Clause 5.21 Flood planning	NA	NA
Part 6 of LEP – Additional Local Provisions		
LEP Clause 7.1 Acid sulfate soils	The site is identified as being within class 5 acid sulfate soils. Excavation is proposed below the existing site levels down to approximately RL30. The siting and design of the proposed development has considered the matters within clause 7.1(3) of the LEP and results in appropriate outcomes against these criteria. Based on the above the proposed development satisfies the considerations within clause 6.2 and the site is suitable for the development proposed.	Yes
LEP Clause 7.2 Earthworks	Modest excavation for footings is proposed below the existing site levels. The proposal is accompanied by a geotechnical assessment, architectural, landscape, and stormwater management plans that conclude the proposal is appropriate for the site. The siting and design of the proposed development has considered the matters within clause 6.2(3) of the LEP and results in appropriate outcomes against these criteria noting that: ▪ drainage patterns and soil stability are not adversely impacted, and stormwater will be managed in accordance with the stormwater management plan. ▪ the proposed development is unlikely to adversely impact on amenity of adjoining properties. ▪ appropriate measures are proposed to avoid, minimise, or mitigate the impacts of the development including appropriate stormwater management, siltation control, geotechnical input, and structural engineering. ▪ heritage is not relevant to the proposed development. The siting and design of the proposed development has considered the matters within clause 7.2(3) of the LEP and results in appropriate outcomes against these criteria.	Yes

LEP Provision	Response	Complies
	Based on the above the proposed development satisfies the considerations within clause 6.2 and the site is suitable for the development proposed.	
LEP Clause 7.5 Coastal risk planning	NA	NA
LEP Clause 7.6 Biodiversity	Pursuant to Clause 7.6, the site is identified on the biodiversity map. Residential use is long established upon the site, and it is developed to accommodate a dwelling house and associated structures. The biodiversity mapping generally relates to the ecological community of the Pittwater Spotted Gum. There are no such trees located on the property. The proposed works are located on an area with no significant vegetation. No designated trees are proposed to be removed by the proposed works. It is considered that the works will not give rise to any significant adverse impacts to the biodiversity value of the area nor any endangered spotted gum trees. The development retains landscaped areas which will incorporate appropriate landscaping and plants. Based on the above, it is unlikely that the proposal would have an adverse impact on any threatened ecological community and the provisions of clause 7.6 are assessed as being satisfied by the proposal.	Yes
LEP Clause 7.7 - Geotechnical hazards	The site is identified as being subject to geotechnical hazards H1. The proposal is accompanied by a geotechnical assessment that concludes that the proposal is appropriate for the site. The siting and design of the proposed development has considered the matters within clause 7.7(3) of the LEP and results in appropriate outcomes against these criteria. Based on the above the proposed development satisfies the considerations within clause 7.7 and the site is suitable for the development proposed.	Yes
LEP Clause 7.10 - Infrastructure	The dwelling is established on the property and is serviced by the appropriate infrastructure.	Yes

LEP Provision	Response	Complies



Figure 9 – the slope of the site, nature and location of the 10-metre height of building exception

4.2 State Environmental Planning Policy

4.2.1 State Environmental Planning Policy - BASIX

The proposed development is BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

4.2.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The following aspect of State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable are applicable to the land and the proposed development:

- Chapter 2 - Vegetation in Non-Rural Areas

This matter is addressed below.

Chapter 2 - Vegetation in Non-Rural Areas

Vegetation is prescribed under Pittwater DCP for the purposes of the SEPP.

The DA does not involve the removal of designated vegetation. The potential to adversely impact upon nearby vegetation has been considered. The building design incorporates appropriate setbacks, footings to avoid adversely impacting nearby vegetation.

Based on the above, the proposal will have an acceptable impact, and the provisions of this policy are satisfied by the proposal.

4.2.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The following aspects of State Environmental Planning Policy (Resilience and Hazards) 2021 - are applicable to the land and the proposed development:

- Chapter 4 - Remediation of Land

This matter is addressed below.

Chapter 4 – Remediation of Land

Chapter 4 – Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Council is required to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of the SEPP, Council can consent to the carrying out of development on the land.

4.3 Biodiversity Conservation Act 2016 - Part 6 Biodiversity offsets scheme

Pursuant to Part 6 'Biodiversity offsets scheme' of the Biodiversity Conservation Act 2016, the site is identified on the Biodiversity Values Map.

The mapped areas are located at the rear of the site, downslope from the existing and proposed dwelling house. There are no trees in the mapped areas of the site. No clearing of land or removal of native vegetation from within the mapped areas of the site is proposed.

There are no direct or residual impacts proposed by the development, therefore, in our opinion there is no need for biodiversity offsets, or further assessment of biodiversity values in relation to the proposed development.



5 Development Control Plan Section 4.15(1)(a)(iii)

5.1 Overview

In response to Section 4.15 (1)(iii) of the Act, the Pittwater Development Control Plan (DCP) is applicable to the property. Relevant provisions of the DCP are addressed below.

5.2 North Narrabeen Locality

The property is within the North Narrabeen Locality. Having regard for the Court's planning principle for 'Compatibility of proposal with surrounding development' (Project Venture v Pittwater Council) the local planning controls do not anticipate change to the existing character. Therefore, the existing character is the relevant assessment consideration.

The accompanying plans and this report demonstrate that the proposal has been designed to meet the desired future character through its, siting form, setbacks, height, landscaped areas, quality of design, and materials.

The architect has responded to the client brief to provide a development of visual interest which harmonises with the locality, natural slope, and landscaped character. Appropriate bulk and scale are achieved noting:

- The proposal maintains compatibility with established setback pattern [front, rear, and sides] which all depart from the DCP, within the street.
- The proposed dwelling house maintains a compatible side setback pattern [figure 13].
- The proposed dwelling house has a limited visual catchment due to the property's position on an allotment that slopes away from the street.
- Modest GFA/FSR noting the proposal involves 326m² of GFA and an FSR of 0.47:1, maintaining a suburban character as per the planning principle for Compatibility in a suburban context established in *Salanitro-Chafei v Ashfield Council* [2005] NSWLEC 366 at 23-28.

The design, scale and treatment of the proposed development is compatible with other developments within the hillside setting.

External materials and finishes will be consistent with the surrounding environment. In this regard the development responds positively to the desired future character of the locality and will contribute to the visual amenity of the locality.

5.3 Key DCP controls

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows.

Control	Requirement	Proposed	Complies
Part D: Locality Specific Development Controls			

Control	Requirement	Proposed	Complies
Front setback	6.5m or established building line, whichever is the greater	6m to the proposed dwelling house 3m to the proposed garage.	No
Objectives <i>Achieve the desired future character of the Locality.</i> <i>Equitable preservation of views and vistas to and/or from public/private places.</i> <i>The amenity of residential development adjoining a main road is maintained.</i> <i>Vegetation is retained and enhanced to visually reduce the built form.</i> <i>Vehicle manoeuvring in a forward direction is facilitated.</i> <i>To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.</i> <i>To encourage attractive street frontages and improve pedestrian amenity.</i> <i>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.</i>		The existing dwelling house is positioned close to the front boundary [2.9m to 3m, surveyed] as are developments within the street. As noted within Section 1, in response to the PreDA submission Council planning officers confirmed that the garage could be supported within the front setback provided it achieves a minimum front setback of 3m, which the design provides. An exception to the 6-metre front setback for the development [both dwelling houses and car parking structures] is established within the street and on the site (figures 4 and 6). The proposed front setbacks will be appropriate noting: ▪ a greater setback would be detrimental to integrating with the slope of the land and has the potential to reduce view sightlines from 70 Alleyne Ave to the southeast towards Narrabeen Lagoon and surrounds. ▪ a greater setback would be inconsistent with the objectives to minimise bulk of the building in response to the slope of the land ▪ a greater setback would result in more overshadowing to the rear of the southern adjoining neighbouring property at 74 Alleyne Avenue. ▪ a greater setback would be inconsistent with the local area streetscape pattern, which is not planned to change, as evident in figures 1, 4, 6, 7 [above] and 14 to 18 [below] ▪ The proposal will be aligned with structures on the adjacent sites. ▪ The proposed building form is of an appropriate 2 storey visual scale and bulk, as it presents to the street. ▪ The proposal will be compatible with the streetscape character on each side of Alleyne Avenue which is characterised by development close to the front boundary [figures 16 to 118]. ▪ The proposed front setbacks will not result in the inappropriate removal of vegetation. Based on the above the proposal involves a site and location specific design that is entirely suitable consistent with the suite of DCP objectives and the topography of the local area.	

Control	Requirement	Proposed	Complies
		For these reasons it is assessed that the proposed design satisfies the front setback control and will provide a compatible and enhanced streetscape outcome.	
Side setbacks	Side: 2.5m one side 1m to other side	Side setbacks: Dwelling house – ▪ South east- - Lower level: 900mm to 3.85m - Bedroom level: 900mm - Entry level: 900mm [for 13m length to garage wall] to 2.4m - Upper level: 2m to 2.4m ▪ North west- 1.5m Swimming pool – ▪ South east- 3.85 ▪ North west- 1.5m Garage – 900mm Variation proposed to the south side ground floor setbacks. 900mm proposed / 2.5m required.	No No No Yes Yes Yes Yes No
Objectives <i>To achieve the desired future character of the Locality. (S)</i> <i>The bulk and scale of the built form is minimised. (En, S)</i> <i>Equitable preservation of views and vistas to and/or from public/private places. (S)</i> <i>To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.</i> <i>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)</i> <i>Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)</i> <i>Flexibility in the siting of buildings and access. (En, S)</i> <i>Vegetation is retained and enhanced to visually reduce the built form. (En)</i> <i>To ensure a landscaped buffer between commercial and residential zones is established. (En, S)</i>		Key aspects of the site circumstances and the design response in support of the proposed side setbacks include: The proposal is consistent with the desired future character [in this case, existing character] of the locality as previously addressed within section 5.2 of this report. There is an established pattern of development within the DCP side setbacks in the street [figure 13]. The proposal is compatible with the side setback pattern of the adjoining properties, which based on the planning principle for compatibility, established in <i>Project Venture v Pittwater Council</i>, at 28, is a key determinant of existing character: <i>28 ...'Setbacks from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way'.</i> The proposal optimises use of the less-steep, upper portion of the site, near the street frontage, where access from the street is gained. The proposed side setbacks are compatible with the streetscape pattern of adjoining and nearby	

Control	Requirement	Proposed	Complies
		development. Being compatible with this pattern minimises the amenity impacts on the adjacent properties. The design involves short wall lengths adjacent to the side boundaries to minimise potential adverse impacts: ▪ Lowest level - 4.9m ▪ Bedroom level – 6.7m ▪ Entry level [garage wall] - 13m The proposed garage, being a non-habitable structure within the side setback, will not inappropriately impact on the privacy, solar access or views of the neighbouring properties or any sensitive living or private open space areas. Due to the shorth lengths and varied building footprint / setbacks, the proposed side setbacks will not inappropriately increase the visual scale, bulk, or size of the development upon the land as it presents to the street or adjoining properties. As noted below, the proposed development outcome is assessed as satisfying the DCP's view sharing and solar access requirements. There will be no unreasonable amenity impacts arising from the proposed carport's side setback exceedance. Based on the above, flexibility in the application of the numerical aspect of the control is assessed as appropriate in the circumstances.	
Rear setbacks	Rear: 6.5 m	▪ 18.6m – pool level ▪ 26.1m - bedroom level ▪ 28.6m – main living level ▪ 33m – to roof terrace.	Yes
Building Envelope	3.5m at 45 degrees plane from side boundary to maximum building height Variations <i>Where the building footprint has a slope is situated on a slope over 16.7 degrees (i.e.; 30%), variation to this control will be considered on a merits basis.</i>	The proposal seeks an exception to the building envelope on the northern and southern sides as illustrated on the architectural plans and repeated at figures 11 & 12 below. The numerical variation is acknowledged, and justification is provided in response to the planning control objectives, the circumstances of the site, and the merits of the proposal, as noted below.	No
Objectives	<i>'To achieve the desired future character of the Locality.</i>	Impracticability of Envelope Control: The accompanying envelope diagrams show that the building footprint is situated on a slope over 16.7 degrees. This makes strict compliance with the numerical aspect of the difficult to achieve,	

Control	Requirement	Proposed	Complies
	<i>To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.</i> <i>To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.</i> <i>The bulk and scale of the built form is minimised.</i> <i>Equitable preservation of views and vistas to and/or from public/private places.</i> <i>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.</i> <i>Vegetation is retained and enhanced to visually reduce the built form'.</i>	whilst also achieving a practical building floor plates and optimising landscaped area. Strict numerical compliance would result in a narrow [less than 2m wide] upper level. To compensate for the loss of floor area at this level the building envelope would need to extend further down the slope closer to the rear boundary carrying greater potential to adversely impact the amenity of the joining properties particularly the rear yard of 74 Alleyne Ave. The design would be restricted by irregular triangular volumes, tilting down, parallel to the topography, with some side setbacks greater than 6m. this would result in an impractical, irregular, and uncharacteristic, building form that would be onerous and without planning merits / benefits. Response to control objectives: The proposal is consistent with the desired future character of the locality as previously addressed within section 5.2 of this report. The proposed development will enhance the existing streetscape, noting: ▪ The property has a limited visual catchment due to the site's slope away from Alleyne Avenue. ▪ The majority of the proposed development on the site is positioned below the street level (RL 74) with the majority of the built form being obscured from) Alleyne Avenue. ▪ Front setback compatible with the nature, scale and character of adjoining developments that comprise a mix of planted areas, driveways. ▪ The proposed development's scale and density is below the height of the trees noting the established tree canopy within the hillside and along Alleyne Avenue adds scale to the north of the building form whilst trees downslope and to the south screen the development from long distant views to the site and hillside. The proposal appropriately responds to the spatial characteristics of the site's natural setting, noting: ▪ The terraced building form allows the development to 'step down the slope' and 'minimise the need for cut and fill'. ▪ A rear setback that significantly exceeds the minimum 6m requirement. ▪ Multiple side and rear setbacks, as document above in this table. ▪ Significant landscaped area is proposed, with over 400 square metres of unbuilt upon areas	

Control	Requirement	Proposed	Complies
		that will achieve a landscape setting that is compatible with the hillside character. The proposed development outcome provides opportunities to maintain and enhance vegetation on the property. ▪ The compatible side boundary setbacks proposed. ▪ The compatible front setback. The proposed development's bulk and scale is minimised, noting: ▪ the building footprint is 'broken up' into visually distinguishable sections, incorporating level changes and landscaped areas which reduces the building bulk and therefore visual impact of the proposed development. ▪ rather than concentrating the built form over a smaller building footprint the design extends the building footprint down-the-slope, stepping in accordance with the topography, which reduces the height, bulk, and scale when viewed from adjacent allotments and downslope areas. ▪ the building height is set below the tree canopy height [approx. 15-20m]. ▪ multiple steps (approx. 4 levels) are incorporated in the design to match the topography of the land, to achieve modulation and reduce building bulk. ▪ A characteristic streetscape presentation is achieved. As noted below, the proposed development outcome satisfies the DCP's privacy and solar access requirements and will provide appropriate amenity to the adjoining properties. There will be no inappropriate amenity impacts arising from the building envelope exceedance. As noted below, the proposed development outcome satisfies the DCP's view sharing requirements. View impact is not anticipated from the proposed building envelope exceedance. Based on the above it is assessed that the exception is appropriate, and the objectives of the control are satisfied. Therefore, there are appropriate circumstances for the flexible application of the numerical control.	
Landscaped Area – C4	minimum 60% / 418 m ²	403m² / 57.8% Short by 15m² / 4%	No

Control	Requirement	Proposed	Complies
Outcomes	<i>'Achieve the desired future character of the Locality.</i> <i>The bulk and scale of the built form is minimised.</i> <i>A reasonable level of amenity and solar access is provided and maintained.</i> <i>Vegetation is retained and enhanced to visually reduce the built form.</i> <i>Conservation of natural vegetation and biodiversity.</i> <i>Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.</i> <i>To preserve and enhance the rural and bushland character of the area.</i> <i>Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.</i> Variations <i>Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:</i> ▪ <i>1. impervious areas less than 1 metre in width (e.g. pathways and the like);</i> ▪ <i>2. for single dwellings on land zoned R2 Low Density Residential or E4 Environmental Living, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).</i>	The proposed development results in a minor exception in the minimum landscaped area. The objectives of the control are satisfied by the proposal noting the following: ▪ The proposed development is consistent with the desired future character of the locality as previously addressed within section 5.1 of this report. ▪ A large rear setback is proposed to the dwelling house. When viewed from downslope areas the dwelling house will be viewed within a landscaped setting with significant large, landscaped areas within the rear setback ▪ The majority of the landscaped areas of the site are visually obscured, and therefore imperceivable, from the adjoining roadway. ▪ The proposal involves a proposed GFA is 326m²). the proposed GFA translates to an FSR of 0.47 to 1, maintaining a suburban character below 0.5 to 1 as per the planning principle for 'Compatibility in a suburban context' established in <i>Salanitro-Chafei v Ashfield Council</i> [2005] NSWLEC 366 at 23-28. ▪ The bulk and scale of the built form is minimised through the proposal maintaining a characteristic setback pattern; the irregular and steep topography of the block, irregular position of the dwelling house closer to the eastern boundary and the significant western side setback; and provision of a contemporary, low-profile roof. The limited visual catchment due to the slope of the land and the existing dwelling houses' position below the street level. ▪ As noted within the table below the proposed development outcome is assessed as satisfying the DCP's solar access requirements and will provide appropriate amenity to the adjoining properties. Therefore, a "reasonable level of amenity and solar access is provided and maintained". ▪ There are sufficient soft landscaped areas around the dwelling house to maintain sufficient landscaped areas in order to enhance vegetation on the site. Sufficient established vegetation is retained to visually soften the built form when viewed from adjoining land. ▪ The site does not have a bushland character, but the setting of the site is landscaped compatible with the site setting and local character.	

Control	Requirement	Proposed	Complies
		- The proposal will maintain adequate areas to sustain trees, gardens, and vegetation within the property. The proposal will not result in the loss of any significant trees or any significant identified biodiversity areas. Therefore, the proposal is not antipathetic to the objective to conserve natural vegetation and biodiversity. - There remain appropriately located landscaped areas on the property to serve the function of the dwelling house, enhance separation to neighbouring properties, and provide a landscaped setting to the local context. - Stormwater runoff is appropriately managed in accordance with the stormwater management plans. - Inappropriate soil erosion and siltation is avoided by the landscaping of the areas within the site, and these are maintained by the proposal. For these reasons it is assessed that the proposed design entirely satisfies the front setback control and will provide a compatible and enhanced streetscape outcome.	
Part C: Development Type Controls			
Private Open Space (PoS) (C1.7 DCP)	80 m² at ground floor 16 m² (out of the 80m²) must be provided off a principal living area of the dwelling. 4m x 4m min dimension and grade no steeper than 1 in 20 (5%)	Appropriate decks and terraces are provided accessible from several living spaces within the proposed dwelling: 14.7 m² provided on the entry level 19.63 m² provided on level 1 18 m² provided on the lowest level.	Yes
Solar Access (C1.4 DCP)	Min 3 hours to each proposed dwelling within the site. Min 3 hours to neighbouring dwellings PoS areas. In accordance with Clause C1.4 the main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. Windows to the principal living areas of the proposal and the adjoining dwellings are to	Compliant solar access is achieved to the subject dwelling house facilitated by the inclusion of the upper-level terrace, rear west facing terraces and front ground level Games / Guest room. The proposal is accompanied by shadow diagrams demonstrating the extent of proposed shading on the adjoining land. They show that some shade from the proposal will be cast over the rear of the adjacent property at 74 Alleyne Avenue mainly between 9am and 12pm. Reasonable	Yes

Control	Requirement	Proposed	Complies
	receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st to at least 50% of the glazed area.	additional shading is proposed between 12pm and 3pm. Shade from the proposal will not be cast on the principal private open spaces, or the windows to the principal living areas of the adjoining properties for more than 3 hours in compliance with the DCP control.	
Views (C1.3 DCP)	New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The property is located on an elevated topographical spur. The elevated location enjoys significant views, to the south and east including the district, coast [North Narrabeen Beach to Long Reef Headland] and Narrabeen Lagoon. Consideration has been given to the potential for the proposal to impact on sightlines from properties to the northwest and particularly the adjacent dwelling house at 70 Alleyne Avenue that is positioned on higher topography, The proposed building envelope will involve changes that have the potential to effect existing views. They involve: ▪ Building height increases are proposed, above the existing roof ridge and to the west of the existing dwelling house's rear building alignment. ▪ The increase to the front boundary setback [recommended by Council in the Pre-DA] may limit the potential to impact existing views across the front of the existing dwelling house from the adjacent properties. ▪ The adjacent dwelling house at 70 Alleyne Avenue is positioned on higher topography, with the south facing deck at 70 Alleyne Avenue positioned at RL 45.10. It is elevated above the level of the proposed dwelling house. It enjoys views across its side boundary over the subject site. There is potential for some view impact to occur but given the large panorama of views available	Yes

Control	Requirement	Proposed	Complies
		it is expected that view sharing is achieved. Noting these characteristics, the proposal is anticipated to achieve appropriate view sharing from surrounding residential properties and public vantage points. The provisions of the control are satisfied by the proposal. Access may be gained to nearby properties in further assessing this aspect; this may be undertaken when the DA is publicly exhibited to neighbouring properties. At this stage, it is assessed that the proposal is unlikely to inappropriately impede significant established views from surrounding residential properties or public vantage points.	
Privacy C1.5 DCP	DCP objectives.	Privacy has been considered in the proposed design. The following key aspects are noted: ▪ The undulating topography pattern results in dwelling houses being sited at different levels and orientations within the hillside. ▪ Side boundary facing window openings are limited and appropriate in terms of their separation, function (the rooms that they serve), location, sill height, and extent. ▪ Planter areas are proposed to several elevated balconies, providing increased separation and visual screening to the adjacent properties that will enhance privacy. ▪ Appropriate side building setbacks are exhibited by the proposal. ▪ The proposal will maintain the existing pattern of land use established on the site which is compatible with the location of private open spaces on the adjacent properties. ▪ Potential privacy impacts from the proposed roof terrace are separately addressed below.	Yes

Control	Requirement	Proposed	Complies
		It is concluded that the proposal will not significantly or unreasonably affect the visual privacy of the neighbouring properties.	
Part B: General Controls			
B5.10 Stormwater Discharge into Public Drainage System.	Connected by gravity means to street or established piped system.	Stormwater management proposed in accordance with the accompanying stormwater management plans.	Yes
Car Parking (B6.5 DCP)	2 spaces per 2 or more bedroom dwelling.	2 separately accessible car parking spaces and 1 tandem space is proposed.	Yes
RESIDENTIAL DEVELOPMENT CONTROLS			
Character as viewed from a public place	Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality.	The proposed development will present appropriately to the site's street frontage. The bulk and scale is appropriate in its context and compatible with the scale of development within the local area. The proposal is of a character and scale that will be compatible with other development within the site's steep hillside context.	Yes
Scenic Protection – General	Achieve the desired future character of the Locality. Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.	The proposed development will be within a landscaped setting and will be compatible with similar structures that are characteristic of the local area.	Yes
Building Colours and Materials	The development enhances the visual quality and identity of the streetscape. To provide attractive building facades which establish identity and contribute to the streetscape. To ensure building colours and materials compliments and enhances the visual character	The proposed development will present appropriately to the public spaces and adjoining land. The proposed materials and finishes will employ earthy tones, compatible with the location and context.	Yes

Control	Requirement	Proposed	Complies
	its location with the natural landscapes of Pittwater. The colours and materials of the development harmonise with the natural environment. The visual prominence of the development is minimised. Damage to existing native vegetation and habitat is minimised.		

5.3.1 Roof terrace

The proposed terrace at the roof level comprises approximately 19m² of trafficable area only accessible via internal stair with horizontal glazed door which also functions as a skylight window when closed.

Significantly setback

- 33.2m from rear
- 4.5m from SE side and 4.8m from NW side
- 9.2m from front.

No inappropriate impacts

The proposed roof terrace is centrally located within the dwelling footprint. Its location behind the roof ridge obscures it from the site frontage.

The proposed roof terrace is open to the sky. The design doesn't appear as floor space or add inappropriately to bulk of the building. There are no additional roofed areas, walls or screens, only recessive and inset balustrades that will be mostly obscured when viewed from adjoining land.

The proposed roof terrace doesn't inappropriately change the roof form when viewed from available public vantage points, which are limited to the streetscape.

No inappropriate streetscape, visual intrusion, or aesthetic impacts arise from the proposed roof terrace.

Privacy

The proposed roof terrace appropriately addresses privacy:

- The terrace will principally enable an improved outlook to the east northeast and south east whilst optimising solar access from the north. The adjoining neighbour's principal open space is to the west / rear of the property.
- Not being at the same level or directly connected to the principal living areas of the dwelling, the proposed terrace will gain occasional use. They are not proposed as the principle private open space for the dwelling.

- Privacy is addressed by the offset location of the roof terrace compared to the adjacent open space area at the rear of 74 Alleyne Avenue.

Improved amenity

The proposed terraces will add a high amenity outdoor area to the dwelling providing valued access to ocean and district views. The character of the views available from the site is depicted in the images herein.

Panoramic and high-quality district, coastal [beach, ocean], lagoon and bushland views are available from the sites elevated location. The proposed terrace will optimise access to these views.

The site is steeply sloping with a south facing rear yard, limiting the opportunities for private open space that achieves good solar access and outlook.

The terrace will add a high amenity outdoor area to the dwelling / site providing valued access to ocean and district views and improved solar access during mid-winter.

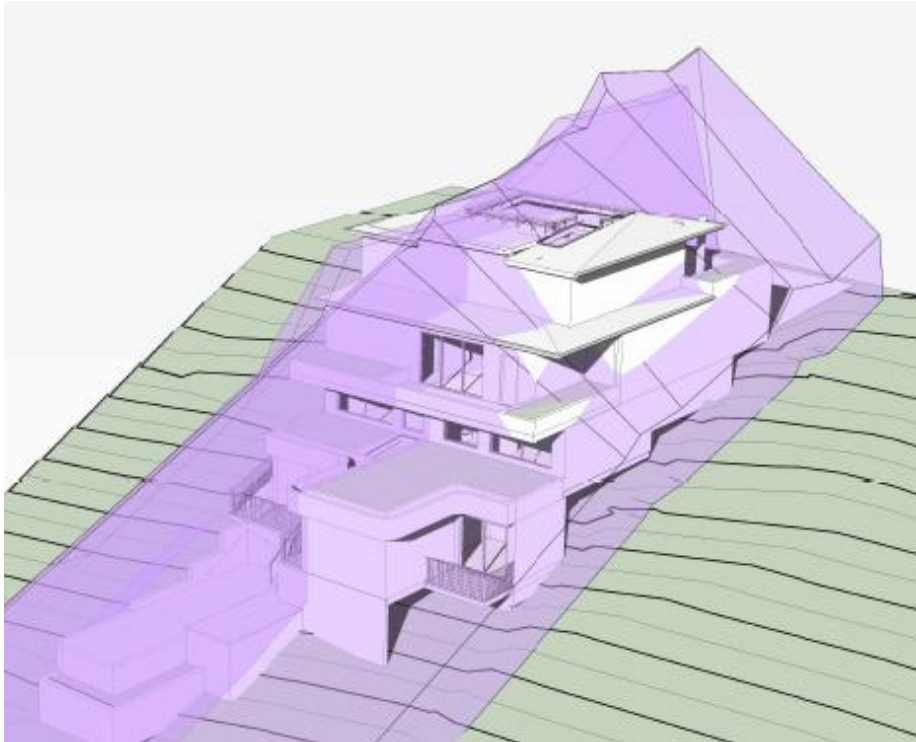


Figure 11 – the proposed southern side building envelope

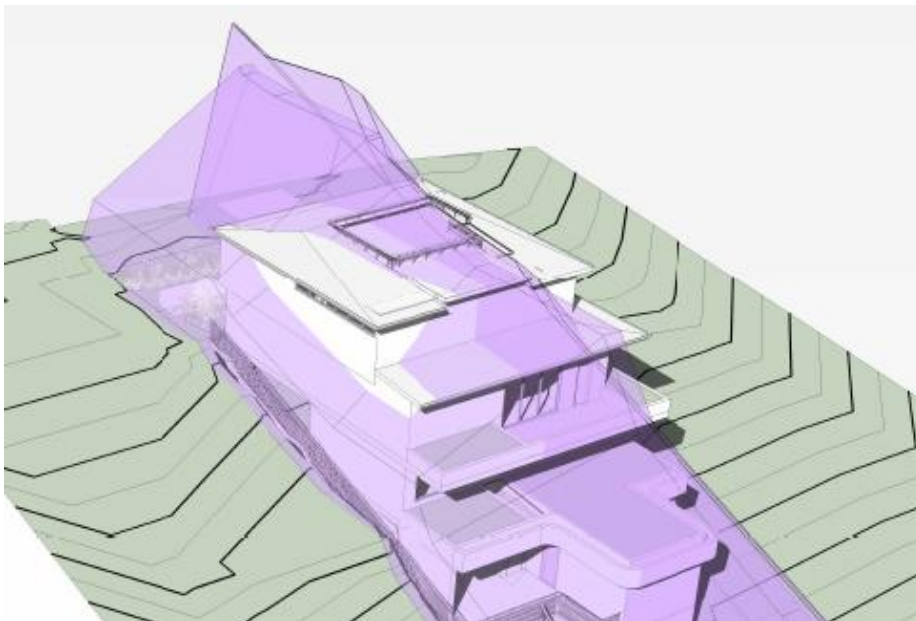


Figure 12 – the proposed northern side building envelope

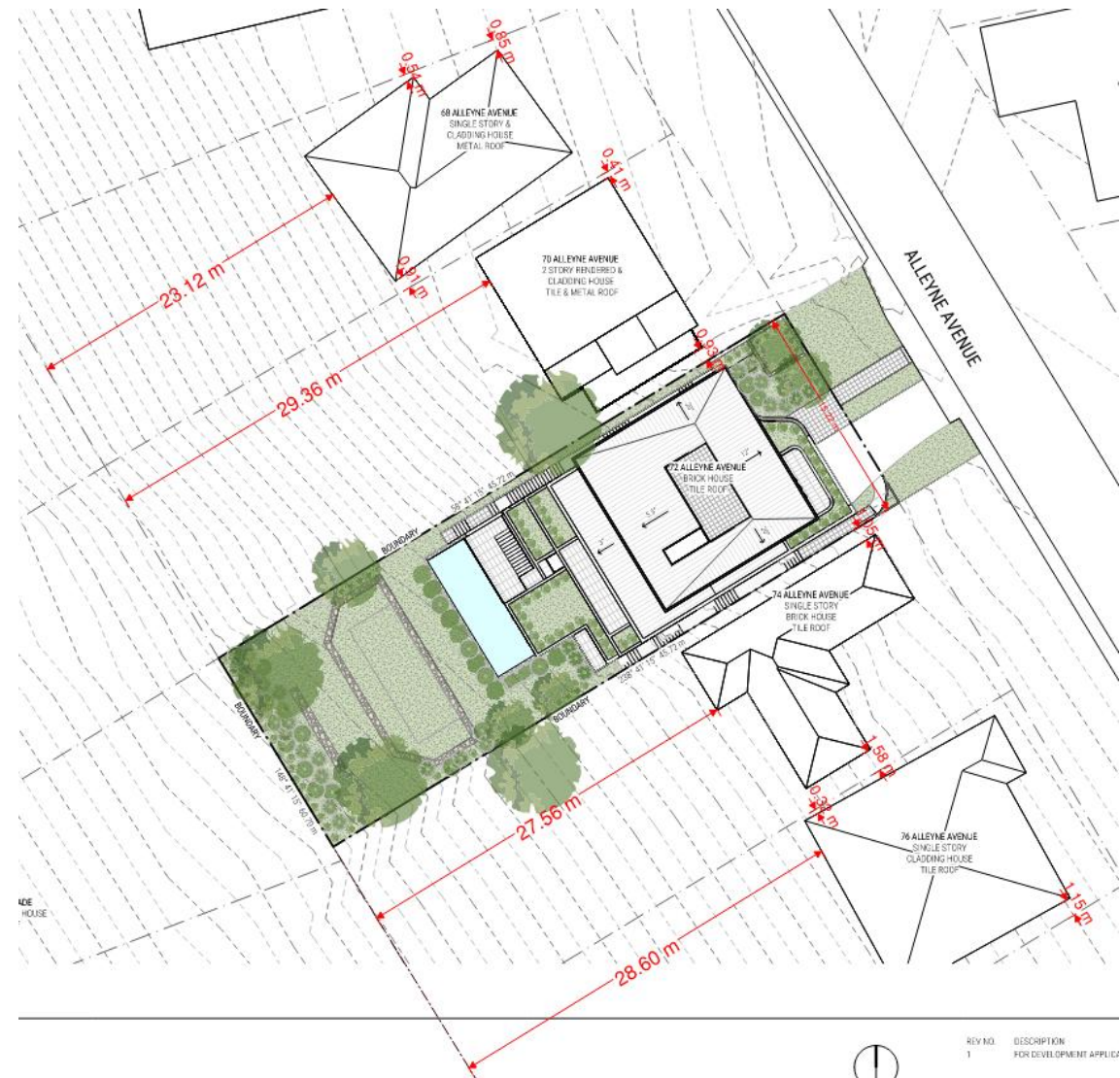


Figure 13 – established side and rear setback pattern

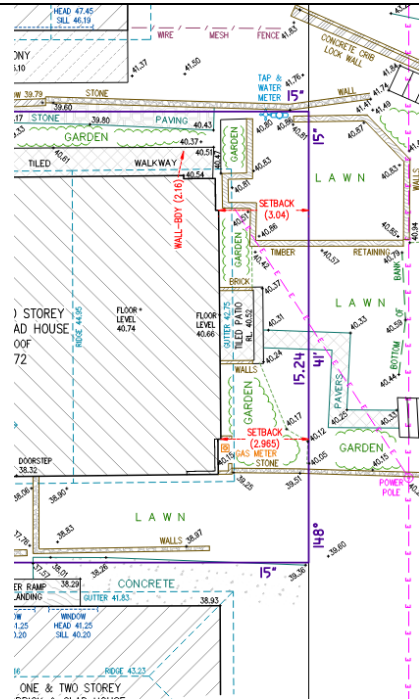


Figure 14 – the existing front setback character – 2.965m front setback

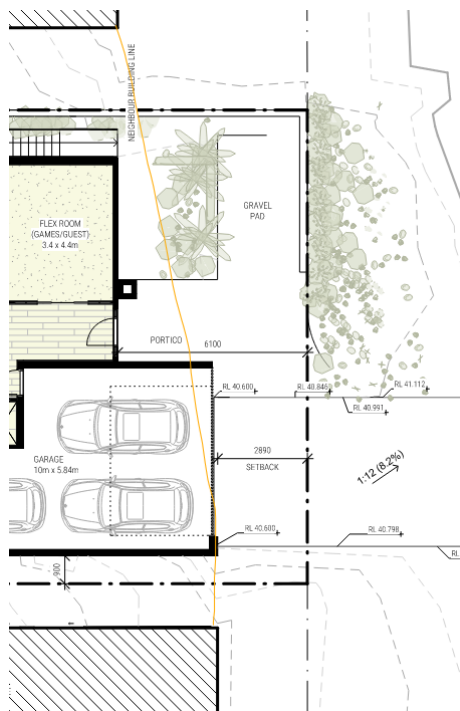


Figure 15 – the proposed development increases the existing front setback and responds appropriately to the established street character

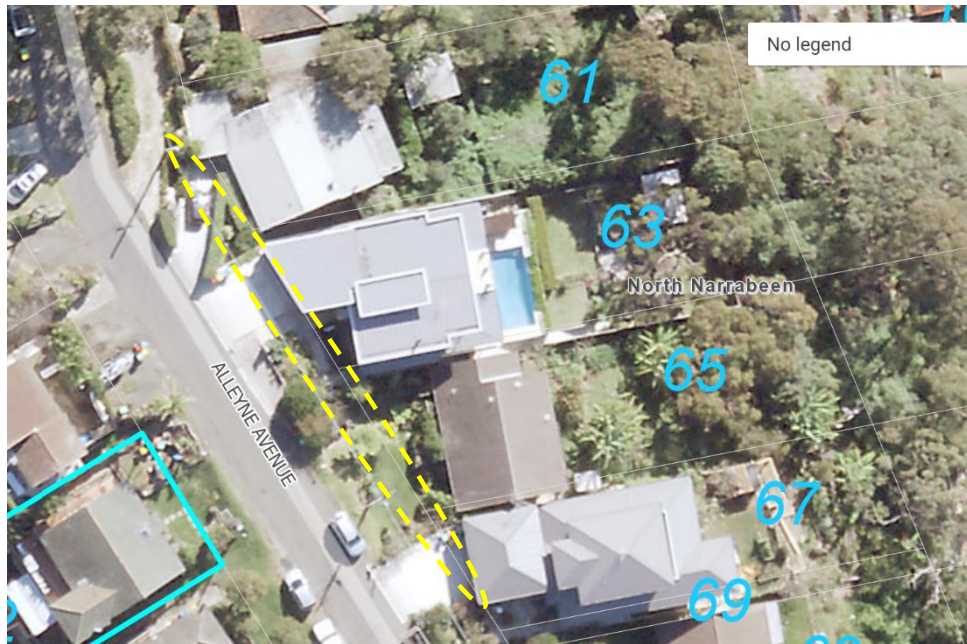


Figure 16 – minimal front setback characterise the local area



Figure 17 – streetscape western side of Alleyne Ave



Figure 18 – streetscape eastern side of Alleyne Ave



Figure 19 – interface with 70 of Alleyne Ave – south facing side balcony with views across the site



Figure 20 – existing views to Narrabeen Lagoon to the south east

6 Section 4.15 the Environmental Planning and Assessment Act 1979 – Summary

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
 - Employment during the construction phase of the works;
 - Economic benefits, arising from the investment in improvements to the land;
 - Social (and environmental) benefits arising from the improvements to the land and a new dwelling house that is BASIX compliant.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the provisions of the relevant provisions of the council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.

7 Conclusion

The application seeks development consent for demolition and a new dwelling house at 72 Alleyne Avenue, North Narrabeen.

The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal is assessed as acceptable and should be approved because:

- The proposed development is permissible with consent and satisfies the various objectives, numeric criteria, and detailed design requirements for this specific housing form.
- The application has considered and satisfies the various planning controls applicable to the site and the proposed development.
- Subject to the recommendations of various expert reports, the proposed development can mitigate the environmental conditions identified and satisfy the relevant statutory controls.
- The proposal will result in various environmental benefits, on both the natural and built environments.
- The site is suitable for the proposed development, having regard to its size and capacity to accommodate the proposed design.
- The proposal will result in various positive social and economic impacts in the locality.
- The development is in the public interest.

In view of the above, we conclude that the proposed development will provide a significantly positive impact and should be approved.

BBF Town Planners

Michael Haynes
Director