

DA2025/0173

140 & 142 Ocean Street, NARRABEEN

Response to RFI Dated 26 May 2025

COUNCIL RFI COMMENT	RESPONSE	DRAWING AMEND No
<p>Built Form and Urban Design The application was subject to a Design and Sustainability Advisory Panel (DSAP) meeting on 24 April 2025. The DSAP Report can be viewed on Council's application tracker. While generally supportive of the development, the DSAP have provided several recommendations in relation to the built form, residential amenity and sustainability considerations. You are required to address these recommendations appropriately via way of amendments to the architectural plans and an addendum to the Statement of Environmental Effects (SEE) that addresses each recommendation. Where it is not feasible to incorporate one or more of the DSAP recommendations, the SEE addendum must provide appropriate justification.</p>	<p>See notes below in table relating to DSAP comments.</p>	
<p>Residential Amenity The development is subject to the Apartment Design Guide (ADG) pursuant to State Environmental Planning Policy (Housing) 2021. Solar Access and Communal Open Space Part 4A of the ADG states that no more than 15% of apartments should receive no sunlight on June 21. Apartments APT 03 and APT 08 (i.e. 18.18% of the total number of apartments) do not receive any sunlight on June 21, which does not satisfy Part 4A of the ADG. Furthermore, Part 3D of the ADG requires at least 25% of the site area to comprise of communal open space. No communal open space is proposed. The assessment has identified that there is a surplus of private open space at the roof level that is allocated to apartments APT 06 and APT 07. Council may support a minor variation to Part 4A of the ADG, provided communal open space is provided at the roof level in lieu of the surplus private open space. This will ensure that the occupants of apartments APT 03 and APT 08 have access to sunlight during winter. The communal open space does not need to meet the 25% of site area minimum requirement; however, should be</p>	<p>The design has been amended to include communal rooftop open space.</p> <p>This also includes increasing the height of the lift and amending the access stair to reach this open space</p>	01

<p>setback at least 6 metres from the side and rear boundaries in accordance with Part 3F of the ADG. Council notes that this amendment may require alterations to the lift overrun that would potentially trigger a minor non-compliance with clause 4.3 – height of buildings under the Warringah Local Environmental Plan 2011 (WLEP).</p> <p>Council is likely to support a minor non-compliance with clause 4.3 of the WLEP to facilitate communal open space on the site, provided the extent of the breach is minor and that the lift is centralised within the site to minimise impacts on neighbouring properties. A clause 4.6 variation request must also be submitted if there are any breaches to the height standard.</p> <p>Note: If the amended development results in non-compliance with clause 4.3 of the WLEP, then the application will be re-advertised for 14 days.</p>		
<p>Visual Privacy</p> <p>Part 3F of the ADG requires habitable rooms and private open space to be setback 6 metres from side and rear boundaries to maintain privacy to adjoining properties.</p> <p>The southern elevation of the balcony serving apartment APT 09 is located 4.5m from the side boundary and would enable the occupants to overlook into an area of private open space within the southern adjoining residential flat building at 134-138 Ocean Street.</p> <p>While a privacy screen is affixed to a portion of the balcony, the remaining area is devoid of screening. Providing a full privacy screen along the southern elevation would preclude an outlook from internally within the apartment. In this regard, it is suggested that the remaining area of the balustrading contain screening to a height of at least 1.0 metre above the finished floor level, which will assist in mitigating overlooking (particularly from seated positions or when standing back from the edge of the balcony), while not compromising an outlook from internally within the apartment.</p>	<p>The balustrade and screen are configured as outlined. Notes have been added to the elevation.</p>	<p>02</p>

Response to DSAP Comments Dated 24 April 2025

DSAP COMMENT	RESPONSE	DRAWING AMEND No
<p><i>Scale, built form and articulation</i></p> <p>Comments</p> <p>The Panel is generally supportive of the proposed development.</p> <p>The non-compliance with the (2-storey) height restriction in the DCP is noted. The proposed development does however comply with the LEP height control and the Panel therefore consider this to be the more important factor in determining the impact of the development. The Panel also notes that the 3rd storey is located centrally, extends for approximately 1/3 the length of the building only and is partially accommodated within the natural fall of the site with the proposed ground floor being partly below NGL. The proposed RFB conforms with the 2-storey height restriction at the front and rear of the property. For the above-mentioned reasons the Panel supports the development as proposed.</p> <p>The Panel also notes that floor-to-floor heights of 3.2m are proposed. This is supported and commended. Furthermore, it is good to see that realistic structural (slab) depths and drained cavity separating external and internal walls of the basement (all needed for NCC 2025 changes) have been accommodated.</p> <p>Council has drawn attention to ADG (2F) non-compliance regarding side-setbacks of habitable rooms and POS. The ADG calls for 6m from side and rear boundaries. With the exception of the mid-building south-facing APT02, the living rooms of all apartments are located on the building's corners. This ensures that there is a minimum 6m setback provided to at least one orientation to all apartments except APT02. The glazing line of APT02 does however appear to be setback further than the side boundary 4.5m. No dimension is provided but it does appear to be in the order of 6m. As a result, the only habitable rooms affected by the reduced side setback of 4.5m are bedrooms. Given the low-scale and height of the building, as well as its location adjacent to apartment buildings of a similar height and scale, the Panel considers that this is an acceptable response to site and amenity considerations.</p> <p>Bin storage projection into side setback not of concern. Note: Bin Storage Areas are permitted to be located within the 6.5m front setback area under Section B7 of the WDCP 2011.</p> <p>The Panel notes that there is no provision for communal open space (COS). The justification for</p>		

<p>this absence is the building's proximity to the beach and larger-than-minimum POS provision. There is available space on the roof to accommodate COS but this area has been forfeited to APT06 & 07 as additional POS. The Panel is aware that access to a possible COS in this location (above APT06 & 07) is compromised by the half-level stair separation. To make it fully accessible the lift would need to run to the higher level and this would mean the lift overrun would exceed the height restriction. Due to the fact that there are 2 apartments which do not receive sunlight to their living rooms and POS, it would be preferable that at least part of the roof be allocated to accessible COS. The Panel would suggest that the applicant and Council look at the implications of varying the height control to achieve this. Given the lift's central location in the building, it is assumed that there would no major/negative impacts associated.</p> <p>The Panel notes that there is an ADF (4F) solar-access non-compliance of approximately 3.8% (with the 15% guide). 18.8% of apartments do not comply. Attempts to mitigate this solar loss by the provision of a large skylight into one of the central south-facing apartments is supported but certain other factors limit its effectiveness (including the eastern orientation). Further design amendments to achieve full compliance with the ADG in this regard would be recommended.</p>		
<p>Recommendations</p> <p>2. Consider re-design of roof to provide accessible communal open space.</p>	<p>The design has been amended to include communal rooftop open space.</p>	<p>01</p>
<p>3. Further design amendments to achieve full compliance with the ADG 4F would be recommended.</p>	<p>It is noted the current design fully complies with ADG 4F. It is assumed that the Panel is referring to ADG 4A. Due the proximity and overshadowing of the neighbouring building to the north, reconfiguring to the building to located apartments to the northern side would have detrimental privacy impacts to neighbours and would have a significant downgrade in aspect form the 2 apartments not achieving solar access in midwinter. It is considered that the negative impacts of achieving compliance with a slight numerical non-compliance with a document that is intended to be a guide out ways the positive</p>	
<p>Landscape</p>		

<p>The proposed development provides a good quality landscape solution with large private open space areas for dwellings particularly on the ground level and apartments 6 and 7. It is well integrated into the site and carefully planned to provide amenity despite the challenges of the existing conditions. There is no communal open space provided and while it is a relatively small development in terms of number of units, it would be positive to provide some CoS area. This is particularly important as the maximum percentage of south facing units is exceeded.</p> <p>Given stair access already exists, and the lift is well back from the street it is considered the small additional height could be supported to allow for access to a CoS on the rooftop. It may be possible to retain the private areas and provide a modest communal area. Shelter should be provided for the communal open space.</p> <p>While the deep soil area appears to be met, the main purpose of deep soil is to allow large canopy trees. As shown the deep soil is compromised in places with the stormwater infiltration system and planter walls. Reconfiguration of the absorption pit under the turf area would allow for a larger canopy tree in the northwest corner and adjustment of the built planter at Unit 1 would also allow a tree to be planted in the deep soil.</p> <p>There are extensive gravel rooftops shown which are visible from the rooftop spaces and by neighbours. These areas could provide a positive contribution visually but and for building insulation, membrane life and biodiversity by incorporating a low profile planted green roof.</p>		
<p>Recommendations</p>		
<p>4. Consider reconfiguration of the rooftop to provide communal open space.</p>	<p>The design has been amended to include communal rooftop open space.</p>	<p>01</p>
<p>5. Consider how to optimise the quality of the deep soil and allow for canopy tree planting.</p>	<p>The raised planter in the street setback has been deleted to allow a larger deep soil planting zone.</p>	<p>03</p>
<p>6. Consider low profile green roof in lieu of gravel finish.</p>	<p>A portion of the gravel area to the eastern side of the building has been changed to a low-profile green roof</p>	<p>04</p>
<p>7. Consider opportunities for meaningful deep soil along north & south sides by tweaking/relocating retaining walls</p>	<p>The retaining walls to the north and to the south have been amended to create larger deep soil planting zones</p>	<p>05</p>
<p>Amenity</p> <p>Comments Refer to previous notes above. Re-summarised below:</p> <ul style="list-style-type: none"> • COS – needs to be provided on the roof – lift over-run can be supported. 		

<ul style="list-style-type: none"> • Privacy and building separation issues generally acceptable despite minor non-compliances. • Poor daylight and ventilation for Bed 1 windows APTS02 & 07. Localised internal planning amendments could potentially improve this. • Solar – 18% 'no solar' is not great but likely acceptable – neighbouring block exceeds current permitted height by 2-storeys & the development has achieved adequate solar to the neighbouring block to the south. Makes the need for rooftop COS more important. • Acoustic privacy - rooftop spa Unit 11 – source of many resident objections. Might consider deletion. 	Bedroom window has been reconfigured to improve daylight and aspect.	06
Recommendations 8. Consider re-design of roof to provide accessible communal open space.	The design has been amended to include communal rooftop open space.	01
9. Consider undertaking design amendments to achieve full compliance with the ADG 4F.	See note above recommendation 3.	
Façade treatment/Aesthetics Comments The façade materiality and aesthetic treatment is generally supported. The inclusion of high-quality materials including face brick, natural sandstone, metal balustrading and off-form concrete (carbon intense aspects notwithstanding) as well as the expectation that the application will deliver a high-quality build are all positive aspects. The Panel is of the opinion that the development will help improve the quality of the surrounding urban environment. The Panel would however encourage the applicant to reconsider and potentially substitute some of the materials (and construction methods) for more sustainable and lower carbon-intensive options. The inclusion of faux-timber ("timber-look") is disappointing given the overall attention to detail otherwise shown. There is also the risk that faux-finishes to metal cladding will break down over time due to their reliance on surface films. The use of rendered masonry can also be problematic and expensive to maintain especially in coastal locations where flaking can occur.		
Recommendations 10. Consider substituting faux look materials for more authentic longer-lasting options	The material selection has been made to withstand the harsh coastal environment, be low maintenance and have a long lifespan. The selected aluminium cladding with have a much longer lifespan than natural timber.	

11. Consider ways in which materiality in general can help achieve a more sustainable architectural outcome. For example, with the use of re-cycled materials (brick) and low-carbon concrete.	Recycled bricks are not a practical option due to supply issues.	
Sustainability Comments <p>With the regulatory environment changing now – for efficiency, electrification, zero emissions and mandatory disclosure – these investments at this time will be worthwhile both for future residents and the developers’ reputation, market position and marketability of the project.</p> <p>The Panel notes and commends the inclusion of electric only services and comprehensive attention to EV charging for cars in the garage space.</p> <p>It is noted that the NatHERS scores average 6.3 stars, with many below 6 stars. This is not allowed and needs to be addressed to enable a fabric first approach to natural comfort and reduced operational carbon.</p>		
Recommendations 1. Decarbonisation of energy supply a. Consider the inclusion of additional PV panels located on the unshaded east and west flat roofs. Their efficacy can be greatly enhanced when placed over a green roof, which has additional ecological benefits.	Additional PV panels have been added	07
2. Passive design and thermal performance of building fabric a. Higher BASIX thermal performance standards that commenced on 1 October 2023 require an average 7 stars NatHERS, with no unit below 6 stars. This is consistent with the National Construction Code for 2022. Given the coastal location a very comfortable indoor environment should be achievable.	Star rating system is not a requirement for NSW. NSW requirements is based on heating and cooling energy load which we have achieved in our assessment. (Assessment has been updated to represent latest design adjustments.)	08
b. Particular attention is required for the south facing apartments to ensure they meet this requirement. Consider double glazing, reduced glazing areas, better insulation and other methods to improve the scores.	South facing window W120 has been reduced in size	09
c. The inclusion of ceiling fans to all bedrooms and living rooms will provide comfort with minimal energy while reducing the need and energy required for air-conditioning.	Ceiling fans have been included in bedrooms	10
3. Consider introduction of shading for un-protected east and west exposed glazing. Retractable louvres/other devices should be clearly annotated on all drawings.	The design includes shading to the east and west windows. Notes have been added to the elevation to make this clearer.	11