
From: [REDACTED]
Sent: 6/12/2021 9:21:01 PM
To: Council Northernbeaches Mailbox
Subject: Submission Relating to Amended Plans for 142 Ocean Narrabeen
Attachments: submission to council amended plans 061221 - Copy - Copy.pdf;

For attention: Development assessment
: Adam Mitchell Principal Planner

RE: AMENDED PLANS 142 OCEAN ST NARRABEEN

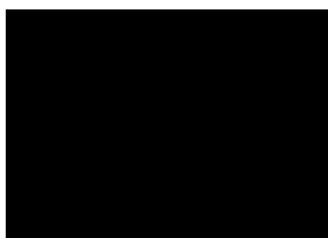
APPLICATION NUMBER DA 2021/1166

Please refer attached my response to the amended plans issued by the applicant

I request that my personal details including my name and email address remain confidential

Thankyou

Regards



SUBMISSION TO NORTHERN BEACHES COUNCIL - AMENDED PLANS**AMENDED PLANS FOR DA2021/1166****DEVELOPMENT APPLICATION FOR 142 OCEAN ST NARRABEEN****LOT 12 Sec 47 DP 111254**

I refer to the notification from Northern Beaches Council of the amended plans lodged by the applicant on 24th of November 2021 and would make the following submission in relation to those plans.

From the perspective of a neighbouring property, the amended plans still represent an overdevelopment of this property. The development would unnecessarily negatively impact the neighbouring properties in regard to privacy, views, outlook and noise and as such would be in contravention of Council objectives.

Whilst the amended plan does propose to reduce the size of the open terrace and introduce lower plantings on the roof and a green roof, it comes at a cost to the neighbour's living in the units at 144 Ocean St by having a 1.6 metres solid screen blocking the view out to the ocean to the east, south east and to the south. In my opinion, this screen is worse for the residents of 144 Ocean St than the original plan and does nothing to reduce the impact on amenity for 144 Ocean St if you consider the effect of everything overall.

The amended proposal, as did the original proposal, does not meet with Council planning regulations. Further, the amended plans do now not meet with the building height regulations either. It all indicates that the proposal is of a size and scale that is not intended for the site.

Setback from Boundaries

The proposed building does not meet the setback requirements

Reference is made to the Statement of Environmental Effects setbacks on page 23 and the table at 5.5 - B5 side boundary setbacks - the proposed development would not meet the requirement for a 4.5 metre setback from the boundaries required under the Warringah DCP.

This results in encroachment on neighbouring properties affecting amenity and privacy for those properties and amplifies the other issues that we have because of how close the development is to us. Quite simply the proposal itself is 'too wide' for the building block.

Number of Storeys

The R3 residential zoning of 142 Ocean St allows for the development of a two-story construction only on the site but the proposed development is actually for a three-storey construction.

The Statement of Environmental Effects lodged by the applicant at page 23 confirms that the proposed construction is technically for a three-story building

The master plan diagram page 7 of 12 illustrates the three stories at the back of the building, plus proposed terrace on the roof to the front.

Landscape to Land Area Ratio

The development does not meet the requirement of the ratio of landscaping to land size ratio of a minimum of 50% of the site area. The rooftop garden does not 'replace' the Councils requirement for landscape ratio.

My understanding would be that rooftop gardens are there to 'improve' sustainability given our current environmental challenges, not as a substitute for existing requirements.

Building Height

The Warringah Local Environmental Plan (WLEP) 2011 states in regard to the allowable height of buildings:

Clause 4.3 Height of buildings

(1) The objectives of this clause.....(include)

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

The amended plans have resulted in a built form which has a height in excess of 8.5 metres.

Although the applicant states that this is a result of the proposed rooftop garden, it appears to me that this is as result of the rooftop terrace which is a 'useable space'. It can be seen from the master plan documents that the highest construction point on the rooftop is the 1.6 metre proposed screen. Reference to master plan page 8 of 12 Section CC.

The applicant has proposed a 1.6 metre high, solid screen which would run alongside the length of the terrace to the north to provide a partial remedy to the amenity concerns of neighbours apparently raised by Council to the applicant in a letter requesting further information of 27th of October 2021.

This proposed solid screen facing our building at 144 Ocean St (plus plantings that are higher than that) is pretty close and it would certainly block the views of the ocean and the district from the top units opposite... it is terrible for the top units and any of the units on the south side of 144 Ocean St. It's not a solution for noise as its only on one side of the proposed terrace and would barely ameliorate the noise impact, and you could still have people standing up looking across to the neighbouring buildings. So, it doesn't solve anything, it just makes the problem worse by blocking our views and light.

This issue is exacerbated by the fact that the proposed building already encroaches upon the building setbacks to the north, which effectively moves everything closer to the building and balconies of 144 Ocean St than is allowed in any case.

The one-bedroom units in 144 Ocean St are very small (of which mine is one) and rely very much on outlook for a sense of space.

Under the current proposal, my unit on the top floor 144 Ocean St would have the outlook from the bedroom obstructed by the lift overrun. Also, the ocean views and outlook from the living room and kitchen would be blocked out by the potential 1.6 metre screen running along the proposed terrace... when you consider that 144 Ocean St is a three-storey building and 142 is 'supposed to be two storey' it doesn't make sense.

I refer to the applicant's letter from Minto Planning Services (planning document Report- 4.6 Exceptions to development standards -Variation to Clause 4.3 of 23/11/2021) at paragraph 4 where they say that the height non-compliance is wholly related to the provision of the roof top garden.

As a result of my examination of the amended master plan documents it appears that the height non-compliance is mainly as a result of the 1.6 metre proposed screen. Reference to master plan page 8 of 12 section CC. As such, the opinions expressed in the Minto Planning Services letter are of no relevance and further it is noted that in any case, that they are opinions only.

- The height of the proposed development is contrary to the objectives of WLEP 4.3 in that it substantially depletes 144 Ocean St of ocean and district views.
- The height of the proposed development is contrary to the objectives of WLEP 4.3 in that it would cause the development to further block the sight and light from the units on all levels but especially the two lower levels of units at 144 Ocean St which face 142 Ocean St.
- The height of the proposed terrace could not be considered to be in the public interest.
- The reasons given for the exception do not justify a variation.

I also refer to the applicant's acoustic report (applicant acoustic letter Acoustic Logic 23/11/21) and in response would note

- A rooftop terrace is not comparable to a backyard
- In a backyard, noise is muffled by other buildings, plantings, fences etc
- On a rooftop terrace, voices and noise is carried for quite a distance and in all directions

Wall Height

The plan for the combined height of the wall of the rear of the building from ground level to the underside of the ceiling of the Rumpus, Unit 1 and Unit 2 totals 7.506 metres exceeds the maximum 7.2 metre wall building height limit under Built Form Controls as per the Warringah Local Environmental Plan 2011.

Building Envelope

In the master plan Figure BB and Figure CC page 8 of 12 shows that the proposed building is outside of the allowable side boundary envelope.

Conclusion

In my opinion this is still an inappropriate proposal for a block of land this size as it fails to meet Council planning requirements for the site in so many aspects and as such, is unreasonably unfair upon the neighbouring residents.

It is submitted that a different proposal, which accords with Council planning regulations and codes, be considered especially as there are other complying developments nearby.

The proposed screening for the proposed terrace does nothing to allay my concerns about the impact upon privacy and acoustics and in fact produces a worse result as it would block out my views to the ocean and to the southern district.

It is also submitted that should the development of this site result in a green roof, that the plantings not be so tall as to obscure the outlook from 144 Ocean St and any other neighbouring building.