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**From:** [REDACTED]  
**Sent:** 5/12/2021 10:50:16 PM  
**To:** Council Northernbeaches Mailbox  
**Subject:** Submission re DA2021/1166 Attention Adam Mitchell  
**Attachments:** Submission re DA2021-1166.pdf;

Dear Mr Mitchell

Please find attached my submission in relation to the proposed development DA2021/1166 of 142 Ocean St Narrabeen.

[REDACTED]

Thank you for considering my submission.

Regards

[REDACTED]

## **SUBMISSION TO NORTHERN BEACHES COUNCIL REGARDING DA2021/1166 142 OCEAN ST NARRABEEN LOT 12 Sec 47 DP 111254**

I own a property in the unit block at 144 Ocean St which is to the north of the proposed development. My unit is on the top floor and has a bedroom with balcony that faces south, and is directly opposite apartment 3's balcony and roof top terrace proposed for the above development.

The current design of the development directly impacts my apartment as well as surrounding properties in Ocean and Lagoon Streets.

The current plan represents an overdevelopment of the property which is evidenced by the many aspects where the plan does not meet with Council's planning regulations.

The current proposed size, scale and design of the development would unnecessarily negatively impact neighbouring properties in terms of amenity, privacy, views and outlook.

### **ASPECTS WHERE THE PROPOSAL DOES NOT MEET WITH COUNCIL PLANNING REGULATIONS**

#### **1. Number of Storeys**

The Warringah Development Control Plan (DCP) indicates that the property at 142 Ocean St Narrabeen is zoned R3 residential. This zoning allows for the development of a two-storey construction on the site.

The proposed construction, however, is technically for a three-storey above ground building (with basement parking underground) and a roof top terrace of 70 sq metre. Effectively, this development proposes **four** storeys of living areas.

The roof top terrace is a very large open area with a 1.6m fence that impacts the adjoining properties. Its environmental effect is significant in terms of its impact on visual privacy, acoustic privacy, outlook and views and does not meet the requirements of the DCP.

#### **2. Setback from Boundaries**

The DCP for the above development requires side boundary setbacks of 4.5 metres.

Proposed northern side setbacks are significantly less than those proposed on the southern side. The amended master set plans for Level 1 on page 5, shows northern side setbacks towards the rear of the property at 3 metres. This setback decreases towards the middle of the property, with privacy screens at only 2.1 m from the boundary. It appears that outside the bedrooms, planters are located and then privacy screens. This would undoubtedly be an advantage to the amenity of the development itself but at detriment to the neighbouring property which effectively means a privacy screen "wall" at only 2.1m from the boundary.

The applicant has requested a variation to side boundary setbacks on the basis of existing narrow width and states that the proposed setbacks are considered to be consistent with the setbacks of surrounding development. This, however, is not the case, as can be seen in the approved plans of the adjoining property at 140 Ocean Street (DA 2019/1512). The site is a similar size at 957.4m<sup>2</sup> and complies with the WDCP side boundary envelope and 4.5m setbacks for both the northern and southern boundaries.

The front boundary setback under the DCP is required to be 6.5m. Under the current development proposal, the whole of the front deck impinges on this area and is significantly less than the surrounding properties. This would adversely affect the streetscape as well as the neighbouring properties. Yet again the proposal does not meet council's requirements.

The proposed development is just too large for the existing site and would result in encroachment on neighbouring properties, adversely affecting their amenity and privacy. Council requirements for the side and front setbacks cannot be met due to the oversize of the development.

The close proximity to the boundary of the current proposal would also increase the risk that demolition, excavation and construction may cause foundational damage to neighbouring buildings.

### 3. Landscaped open space

The development application is not even close to the DCP requirements of 50% landscaped open space (LOS). In order to improve upon the proposed 35% ratio, the plan proposes planter boxes for the rooftop terrace and balconies to help them meet the requirements which still would not achieve the ratios. These planter boxes are also ineligible to be included in LOS, considering they are not at ground level and the soil depth would not be a minimum of 1m as per DCP requirements.

Again, it is an indication of overdevelopment of the site and that alternative designs would be more appropriate

### 4. Building Height

I refer to the plan - Master Set Amended page 8 drawing Section AA. 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. This appears to exceed the maximum 7.2 metre wall building height limit under Built Form Controls as per the Warringah Local Environmental Plan 2011.

In addition, the rooftop terrace further adds to the over height of the development with its 1.6m fence and proposal for trees.

This development proposal adversely affects the surrounding properties. The plan for Apartment 3 is very large with 139 sq metres internal area, and balconies of 15 square metres. In addition, the development proposes a rooftop terrace for Unit 3 of over 69 square metres. This is almost equivalent to the half size of the entire unit. The rooftop terrace effectively adds another storey to the proposed building in terms of the effect that it has on close neighbours. The size of the terrace means that there would be potentially large gatherings of people with no effective barrier to noise.

The suggested north facing balcony of apartment 3 is also located directly opposite the bedroom and balcony of my apartment. This greatly diminishes the privacy and amenity of my property.

The proposed terrace barriers and the placement of planter boxes and oversized trees would obscure/block the outlook to the south, south west and south east and result in a more closed in feeling for the top floor units of the adjacent units in 144 Ocean St. The gains obtained by a 'single' unit in the proposed development at 142 Ocean St, by having the rooftop terrace, come at a cost to a number of adjoining properties in terms of privacy, amenity and value. This is a result which is not intended under the objectives of the Warringah DCP for a property in this location.

The Warringah DCP is in place to protect the amenity of the area for everyone and to prevent over development of land such as that proposed for 142 Ocean Street Narrabeen.