

DEVELOPMENT APPLICATION FOR 142 OCEAN ST NARRABEEN DA 2021/1166

SUBMISSION RE: NORTHERN BEACHES COUNCIL ASSESSMENT REPORT DATED 29/11/21

I have already made two submissions (one on the 26th of August 2021 and one on the 6th of December 2021) in relation to this application and I stand by the comments and objections made therein.

In light of Northern Beaches Council ('Council')'s assessment report ('the report') supportive of the development despite the non-compliance with planning regulations in terms of side setbacks, building envelope, landscaping ratio, number of storeys and wall height and built form height, I make the following submission;

- It doesn't seem reasonable to me that assessment of the development of the site, uses the height of neighbouring 144 Ocean St as part of the justification for supporting the height variation of this proposal (pp 34 of the report) nor that it excuses the impact on the visual privacy of occupants of 144 Ocean St by the proposed side setback breach as being due to the width of the site itself and to the constraints created by 'our' building' (pp 19,20 of the report.) If anything, it would make it more important that the current standards are upheld.
- 144 Ocean St was built decades ago and would have complied with the standards at the time. I cannot see how that provides a yardstick by which to measure the compliance of a current proposal
- There are many examples of recent developments in the vicinity that conform to the current two storey limit and height limits including the recently approved development of 140 Ocean St Narrabeen.

Impact of the Building Height, the Terrace and the Proposed Screen on the Top Floors of 144 Ocean St

The report assesses the impact on privacy to neighbouring buildings as acceptable and obstruction to views and outlook of the top floor units of 144 Ocean St as minor. It concludes that the rooftop terrace will not affect the amenity of neighbouring properties

I don't agree with these conclusions from the perspective of how this current construction would directly affect my unit at 144 Ocean St and I think that it does not meet the objectives of the Warringah LEP Clause 4.3 Height of Buildings specifically -

"1 (b) to minimize visual impact, disruption of views, loss of privacy and loss of solar access"

I refer to the applicant's letter from Minto Planning Services 23 November 2021- Variation to Clause 4.3 at paragraph 4 where they say that the height non-compliance is wholly related to the provision of the roof top garden. However, the 1.6 metre screen proposed for the top of the building causes the height to reach 9 metres which exceeds the maximum 8.5 metre height limit by 460mm (5.88%). The impact of the screen height was not addressed by the applicant.

The report acknowledges the screen causes a height infringement of 460mm at page 29 and page 31 but goes no further except to say at page 34 the transparent screen would not materially change the bulk or proportions of the building.

In this regard, I refer firstly to the applicant's amended master plan (Page 8 section CC and page 9-view from Ocean St showing relationship with neighbours) and the amended landscapes plans (page 2) that show that planters are to be placed inside of the terraced area up against the proposed screen with what look like quite high plantings over and above the screen height, some indicated to grow to 3 metres. The placement of these planters means that in effect the screen is made 'solid'.

Also the applicant's letter from Acoustic Logic of 22 November 2021 at pp 2 para 4 refers to the planters possibly being constructed to a similar height as the 1.6 metres screen and "*solid and imperforate*" meaning in effect that you would not see through them.

My entire unit is only 45 square metres in size and only has windows facing south. I cannot stress how important outlook and a view of the ocean is, no matter what that is and no matter what someone else's assessment of it is.

Under the amended plans, my unit on the top floor of 144 Ocean St would have the outlook from the bedroom obstructed by the lift overrun. The rooftop terrace would face my unit directly and the ocean views and outlook from the living room and kitchen would be blocked out by the potential 1.6 metre effectively solid screen running along the proposed terrace, an issue amplified by the side setback encroachment, the exceeding of the built height allowance, and the number of storeys.

I think that the proposed 69 square metre rooftop terrace on top of an already three-storey construction unfairly impacts the amenity of my property for all the reasons previously submitted. You could not have reasonably expected a development to the height and proximity of that proposed given the current regulations for the zoning of 142 Ocean St.

However, if the panel was to support the development as it stands and the construction of the terrace, then I would request that the panel give consideration to the following as a compromise:

- A further reduction in size of the terrace by way of some measure of relocation of the terrace to the south. At 69 square metres, it is one and a half the size of my entire unit. This would help in terms of privacy and acoustics and help preserve the outlook.
- Preferably a removal of, or otherwise a significant reduction in the size of, the 1.6 metre solid 'screen' on the terrace proposed to the north. The applicant did not originally propose it, so they don't particularly want it. It does little if anything, to reduce noise as the terrace is open to the other sides anyway and you could still have people standing up looking across to us. It would just impede our views of the water and district and would do little if anything in my opinion to negate noise etc.
- A limit to the height of plantings on the rooftop terrace

In conclusion I submit that all we are asking for is to preserve a degree of livability for our unit. That's all.