

RESPONSE TO NORTHERN BEACHES COUNCIL DEVELOPMENT APPLICATION ASSESSMENT REPORT

PROPOSED DEVELOPMENT - DA2021/1166

Lot 12 Sec 47 DP 111254 - 142 Ocean Street, NARRABEEN

I have made my objections known in two submissions previously lodged with Council on:

3 September 2021

6 December 2021

As a result of Northern Beaches Council Development Report I wish to raise the following matters.

1. Apartment Design Guide

Part 3 Sitting the Development

Site Analysis (page 17/65)

I refer to Council's comments supporting the proposed development on the basis that..."is sited in the context commensurate to its neighbours, one of which is a large elevated three storey flat building with minimal articulation..."

"This proposal blends appropriately with the proportions and general footprints of surrounding buildings and provides an improved landscape outcome."

The large elevated three storey building with minimal articulation that this report refers to is 144 Ocean St, Narrabeen. This property was a complying development some 50 years ago and as such has 'existing use rights' under the Environmental, Planning and Construction Laws in New South Wales. Therefore I believe it should not be considered in the general footprints of surrounding buildings when assessing this proposal.

2. Visual Privacy (page 19/65)

The report states “To the north, some level of impact is inevitable given the existing building at 144 Ocean Street and the fact that it is built close to the boundary with no perimeter landscaping and has single-aspect looking directly at the site.”

The report highlights that 144 Ocean St is built too close to the boundary and not having perimeter landscaping and has single aspect looking directly at the site. The development was compliant at the time. We cannot move an existing building.

The level of impact would not be inevitable if the proposed development would comply with the side boundary setbacks, side boundary envelope, bulk building privacy and overshadowing under the current Environmental and Development Plans.

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Detailed Assessment

4.6 Exceptions to development standards (pages 29/65 & 31/65)

The report states that Council requested an increase in height from 8.5m to 9.0m on the basis of having a proposed transparent acoustic screen with a height of 1.6m.

This is vertical structure that exceeds the 8.5m limit. Human nature would suggest that over time chairs, BBQ and pot plants will eventually be placed against the screen and only further block the views from 144 Ocean St.

The impact of the 1.6m screen on 144 Ocean St has not been properly addressed in this report. It's preferable that it be excluded from the proposed development.

Conclusion:

The conclusions reached in this report fails to address the 'existing use rights' of 144 Ocean St. Therefore it is my opinion that the noncomplying issues in regards to side boundary setbacks, side boundary envelope, bulk building privacy and overshadowing have not been adequately addressed.

I submit that the development application should not be approved in its current form.