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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 28/04/2025 12:54:32 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

28/04/2025

MR Jonathan Hepburn  
17 / 134 - 138 Ocean ST  
Narrabeen NSW 2101  
[REDACTED]

**RE: DA2025/0173 - 142 Ocean Street NARRABEEN NSW 2101**

Objection to Development Application DA2025/0173

To: Northern Beaches Council  
Date: April 28, 2025  
From: Jonathan Hepburn, 134-138 Ocean Street, Narrabeen, NSW 2101

Subject: Objection to Development Application DA2025/0173 - 140-142 Ocean Street, Narrabeen

I am writing to formally object to Development Application DA2025/0173 for a residential flat building at 140-142 Ocean Street, Narrabeen. As a resident of the neighbouring property at 134-138 Ocean Street, I have significant concerns about the proposed development's compliance with planning controls, its impact on my property's amenity, and its suitability for the area. Below, I outline my objections, supported by relevant regulations and planning principles, and propose modifications to mitigate adverse effects.

**1. Non-Compliance with Warringah DCP - Number of Storeys**

The proposed development includes a three-storey section at the rear, which appears to contravene the Warringah Development Control Plan 2011 (DCP) requirement for a maximum of two storeys in the R3 Medium Density Residential zone (Control B2). While the building height complies with the 8.5-meter limit under the Warringah Local Environmental Plan 2011 (Clause 4.3), the design uses the existing ground line as the base level, disregarding the excavation and new groundline introduced in the development. This approach effectively increases the building's height relative to neighbouring properties, exacerbating visual bulk and overshadowing. The Statement of Environmental Effects (SEE) justifies this variation by claiming the façade presents as two storeys, with the three-storey portion limited to the rear due to the site's slope. However, this non-compliance disrupts the low-rise character of Narrabeen's peninsula, defined by predominantly two-storey developments. The council should enforce the DCP's two-storey limit to preserve the area's aesthetic and minimize impacts on neighbouring properties.

**2. Excessive Overshadowing Impact**

The development's shadow diagrams indicate additional overshadowing on 134-138 Ocean Street between 9 AM and 3 PM during mid-winter, described in the SEE as an "unfortunate

and unavoidable consequence" of the zoning. I dispute this claim, as the overshadowing stems from the building's design specifically its height and massing rather than the R3 zoning itself. The Apartment Design Guide (ADG), Objective 3B-2, mandates that overshadowing of neighbouring properties be minimised during mid-winter. The ADG's design guidance stipulates that where an adjoining property does not receive adequate solar access, the proposed building should not reduce this access by more than 20%.

The proposed development will eliminate sunlight to the grassed areas of six properties, for most of the day in winter, far exceeding the 20% reduction threshold. This significant loss of solar access will degrade the usability of outdoor spaces and may cause deterioration of plants and grass, particularly along the northern side of my building, impacting residents' quality of life. The ADG Compliance Statement claims that apartments to the south maintain a minimum of two hours of sunlight to north-facing rooms and private open spaces. However, this does not address the impact on common areas like grassed spaces, which are integral to the amenity of my property. The council should require the developer to revise the design-potentially by reducing the height or reconfiguring the building's footprint-and provide updated shadow diagrams to ensure compliance with ADG guidelines and protect neighbouring properties' solar access.

### 3. Inadequate Visitor Parking and Lack of Accessible Parking

The development provides 22 car spaces, including 19 resident spaces (eight double garages and three adaptable garages) and only three visitor spaces. This limited visitor parking is likely insufficient for an 11-unit development, given the existing parking constraints in Narrabeen. The SEE claims compliance with the Warringah DCP's parking requirements (Appendix 1), but the low number of visitor spaces may exacerbate on-street parking pressures, particularly during peak times, affecting residents' access to parking. Moreover, there is no indication that any of the three visitor spaces are designated as accessible, which is a critical oversight. The Disability (Access to Premises - Buildings) Standards 2010 and AS/NZS 2890.6-2009 require accessible parking spaces in developments with common parking areas to ensure inclusivity. For a carpark with 22 spaces, at least one accessible visitor space should be provided, designed to meet AS/NZS 2890.6 specifications (e.g., 2400mm wide x 5400mm long). The absence of accessible visitor parking fails to meet the needs of residents and visitors with disabilities and contravenes accessibility principles. The council should mandate additional visitor parking, including at least one accessible space, to address these deficiencies.

### 4. Privacy and Noise Impacts from Rooftop Spa

Unit 11 includes a rooftop spa adjacent to 134-138 Ocean Street and other surrounding properties, posing significant privacy and noise concerns. The proximity of this amenity to all residents could result in overlooking into private living spaces and disturbances from spa-related activities, particularly during evening hours. The Warringah DCP emphasises the importance of protecting neighbouring properties' privacy and amenity (Control D8 - Privacy). The proposed spa's location fails to incorporate any screening or setbacks to mitigate these impacts, making it unsuitable for the area's residential character. The council should require the removal of the spa, and enhanced screening measures to safeguard privacy and reduce noise impacts for all rooftop areas.

### 5. Ineffective Landscaping Due to Overshadowing

The application proposes trees to serve as noise and privacy barriers between the

development and my property. However, these trees are positioned in areas that will be heavily shaded by the proposed building, rendering their survival and growth unlikely. The ADG (Objective 3E-1) and Warringah DCP (Control D3 - Landscaping) emphasise the importance of effective landscaping to enhance privacy and reduce noise. If the trees fail to thrive due to insufficient sunlight, they will not fulfill their intended purpose, leaving my property exposed to noise and visual impacts. Additionally, the introduction of more trees may create further shadow lines on my property, which have not been accounted for in the development application's shadow diagrams. The council should require a revised landscaping plan with shade-tolerant species or alternative screening solutions, such as privacy screens, and updated shadow diagrams that include the impact of the proposed landscaping.

## 6. Construction-Related Impacts

The proposed excavation, particularly for the steep driveway close to my property, raises concerns about potential structural damage to my block. The Warringah DCP (Control E2 - Earthworks) requires measures to protect neighbouring properties during construction. I request that dilapidation reports be mandatory before, during, and after construction to document and address any damage. Additionally, dust and debris from construction could impact my property's private and common areas. The DCP (Control E10 - Construction and Demolition) mandates dust control and site cleaning measures, which should extend to cleaning affected neighbouring properties. The council should enforce these conditions to minimise construction impacts.

## 7. Preservation of On-Street Parking

I am concerned that construction activities or post-construction arrangements may lead to the conversion of on-street parking near my property into loading or trading zones. The Warringah DCP (Control C3 - Parking Facilities) emphasizes maintaining equitable access to public parking. I request that on-street parking surrounding 134-138 Ocean Street remain open to all residents and not be repurposed during or after construction. The council should ensure that any temporary parking changes are minimized and clearly communicated to residents.

## 8. Proposed Design Modifications

To address these concerns, I propose the removal of Unit 11 and other rooftop private spaces. This modification would reduce the building's height and massing, thereby decreasing overshadowing on my property and aligning more closely with the DCP's two-storey and 8.5m limit. Additionally, it would free up roof space for solar panels, enhancing the development's sustainability and supporting the Northern Beaches Council's environmental objectives. Alternative design solutions, such as increased setbacks or a reconfigured footprint, could further mitigate impacts while maintaining the project's viability.

## Conclusion

The proposed development, as currently designed, is inappropriate for the area due to its non-compliance with the Warringah DCP, significant overshadowing, inadequate parking provisions, privacy and noise impacts, ineffective landscaping, and potential construction-related harms. These issues collectively undermine the amenity of my property and the character of Narrabeen's peninsula. I urge the Northern Beaches Council to reject DA2025/0173 in its current form or require substantial modifications to address the concerns

outlined above. At a minimum, the council should request revised shadow diagrams that include landscaping impacts, a detailed landscaping plan with viable screening solutions, and confirmation of accessible parking provisions to ensure compliance with planning controls and community expectations.

Thank you for considering my objection.

Sincerely,  
Jonathan Hepburn  
134-138 Ocean Street, Narrabeen, NSW 2101