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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 15/11/2023 10:14:28 PM  
**To:** DA Submission Mailbox  
**Subject:** TRIMMED Onli e Submi ion

15/11/2023

MR Steven Faddy  
7 / 150 Ocean ST  
Narrabeen NSW 2101

**RE: DA2023/1507 5 / 150 152 Ocean Street NARRABEEN NSW 2101**

I wish to lodge an objection to the structure on Unit 8 on the basis of excessive shading to my property.

As an internally-situated unit, the only access the occupants of Unit 7 have to sunlight is the rooftop terrace. This is of particular significance during the winter months when sunlight through the east and west facing windows is minimal. When I purchased this property in December, 2012, the sun filled terrace was the main attraction of the property.

In the submission, paragraph 3.4.2 of the Clause 4.6 variation request states "The residents of the subject units would like a shading structure to meet their needs". However, this structure will take away the needs of Unit 7. It should also be noted that all of the subject units have a covered balcony at the front of the lot, and Units 5 and 6 have additional covered balconies at the rear of the lot, so there is adequate existing shade.

In addition, section 3.4.1 of the Statement of Environmental Effects (SEE) addressing access to sunlight discusses the impact on the public domain and the subjected units, but completely ignores the substantial impact on Unit 7.

The plans only show the shading of the frame, not the awning itself. It is noted in the SEE that the pergolas will have roofs, however the shadow diagrams only show the shadowing of beams with no roof over the structure. Shadow diagrams should be included with the enclosed roof scenario included in order to properly assess the impact of overshadowing on Unit 7.

The shadow diagrams presented in the Master Plan are inaccurate. They indicate that much of the shading across the Unit 7 terrace occurs at 9am and is minimal by midday. Measurements I have taken throughout winter show that maximum shading occurs closer to midday and significant shading extends into the afternoon. The shadow diagram that has been presented for 9am represents the reality at 12pm.

These measurements lead me to conclude that the structure on Unit 8 will shade more than 50% of the terrace on Unit 7 for more than 3 hours between 9am and 3pm on the winter solstice.

The architectural drawings nominate an overall height of 2.3m to the top of the structure. Given the structure will need to be around 200-250 deep in section to be capable of achieving

the spans shown, this would mean that the clearance to the underside of the beams would be between 2050 and 2100mm. This would be an impractical outcome.

Indeed, the company representative who gave a presentation on site at Unit 8 said the internal height would be 2.4 metres and the frame would be 26.5cm, making a total height of almost 2700mm. The current diagrams grossly underestimate the height of the structures and shading to Unit 7 would be more extreme than shown on the plans. In addition, the height restriction of the building would be further exceeded when applying the correct dimensions.

The clause 4.6 variation is grossly inadequate. In the second table under 3.4.1, row "(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access" states that "There are no adjacent windows to the west that the proposed development would impact from adjoining properties" and "Any additional overshadowing will fall within the road reserve". These statements completely ignore the substantial impact on Unit 7.

For the purposes of Clause 4.6(3)(a), the applicants have failed to demonstrate that compliance with the development standard is unreasonable or unnecessary.

The Conclusion of the clause 4.6 variation request states "The proposal achieves an acceptable design outcome and one that does not result in unreasonable amenity impacts towards surrounding properties. Consequently, strict compliance with the development standard is unreasonable and unnecessary in this instance and that the use of Clause 4.6 of the WLEP 2011 to vary the control is appropriate". I believe I have demonstrated that there are substantial amenity impacts on Unit 7 and the use of Clause 4.6 to vary the control is not appropriate.

I am concerned that the Clause 4.6 variation will set a precedent for other developments along Ocean Street and I do not support such an approval.

#### Precedent

There is no precedent for structures of this type. The following is a list of residential buildings in the Ocean Street and Lagoon Street precinct on the Narrabeen peninsula with rooftop terraces. NONE of these buildings have pergolas or similar structures.

- 18 Ocean Street
- 118 Ocean Street
- 146 Ocean Street
- 205 Ocean Street
- 209 Ocean Street
- 214 Ocean Street
- 1-7 Lagoon Street
- 88 Lagoon Street
- 105 Lagoon Street
- 111 Lagoon Street
- 3 King Street

#### Engineering

Wind uplift is a large factor in coastal development. No engineering drawings have been provided that indicate the ability of the proposed structure to withstand uplift wind pressure, or whether the existing parapet walls are capable of supporting the new structure. There is also no indication of construction material.

The parapet walls are constructed with render commons, which would mean they have a compressive strength of around 12MPa. However, this doesn't consider lateral or tensile loading. If the brickwork is not reinforced and is used to anchor or brace the structure, there is a high chance that the walls will fail under imposed wind load. This needs to be considered at 3.3 of the SEE

The drawings indicate privacy screens between the existing roof terraces. There is no mention of wind loading of these privacy screens. There is also no indication of the proposed overshadowing from these privacy screens in the plans. I would argue that the parapet walls at 1.7 metres provide adequate privacy, the addition of further enclosure is unnecessary and further hinder district views from the terrace of Unit 7.

I would seek your advice as to whether this building is subject to SEPP 65. This would appear to not have been addressed in the SEE and no SEPP 65 assessment report has been provided, however, I feel that it falls within the scope of SEPP 65

#### Conclusion

I would therefore ask that Council REJECT the Development Application, based on excessive and unreasonable solar encroachment to the terrace of Unit 7

- \* The shadow diagrams presented are inaccurate and misleading
- \* The applicants have failed to acknowledge or consider the substantial loss of solar access to the terrace of Unit 7
- \* The applicants have failed to demonstrate adequate grounds for a 31.76% overshoot of the maximum building height as required by WLEP 2011.