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NARRABEEN NSW 2101

Najeeb Kobeissi
Major Projects
Department of Planning, Housing & Infrastructure

To whom it may concern,

Re: Indigo By Moran – 156 Ocean Street, Narrabeen

I am a town planner, with 15 years experience in local government, including 12 years at Northern Beaches Council as a development assessment officer. However, I write this submission in objection to the proposal as a local resident of 2/168 Ocean Street, Narrabeen.

I have reviewed the application lodged by Centurion Project Management Pty Ltd and make the following comments & observations:

- **Height & Character**

With a nominated maximum height of 21.1m or 6 storeys, the proposal will sit well above all buildings along the Narrabeen Peninsula. Furthermore, its scale far exceeds any other development in the suburb, filling an area equivalent to 11 average lots. Whilst a design that works around a central courtyard enhances the amenity (and yield) for the development, it absolutely destroys the 3 affected streetscapes, particularly in circumstances where there has been no consideration of the form and pattern of surrounding development or the character of the locality.

It is extremely disappointing to see not only such a flagrant disregard for applicable height standards (including afforded bonuses for seniors housing) but also a complete lack of appropriate transitions, articulation or consideration of local character. This is best highlighted on the cover page of the architectural set, which demonstrates four storey high unarticulated wall immediately adjacent to the neighbouring two storey dwelling house.

Despite lengthy supporting documents relating to visual impact and urban design, there is nothing in the current proposal that demonstrates any regard for the existing or desired character of the site or the wider suburb. In fact, despite confirmation in the Urban Design Report that “most of the existing buildings on the Narrabeen Peninsula are 1-2 storeys”, and noting the 8.5m height limitation and R2 zoning of land to the opposite sides of both Lagoon Street and Ocean Street, the Applicant still somehow concludes that the proposed 5-6 storey development with nominal setbacks and articulation is appropriate.

If this opinion has been influenced by the conclusion of the Urban Design Report, which states that “this form is not dissimilar to other contemporary development in the Narrabeen Peninsula”, then this must be strongly refuted.

Having lived in Narrabeen for 37 years and having worked as a town planner in the locality for the past 15 years, I can quite confidently state that there has been no development of this scale approved under the current planning instruments in the Narrabeen Peninsula. Recent

development in the medium density zone is limited to 2-3 storeys in height, and most of the 3 storey development is in areas with an 11m height limit (as opposed to the 8.5m height limit at the subject site).

The conclusion is also not informed by the information presented in the Urban Design Report itself, which fails to demonstrate any contemporary examples of development in the locality, let alone any of a height and scale of that proposed. If the Applicant had researched recent development approvals in the locality, they would be aware that the most recent residential flat building approved in the Narrabeen Peninsula was DA2025/0173 at 140-142 Ocean Street, being a part 2 and part 3 storey residential flat building over two lots.

As currently proposed, the proposal cannot be said to be consistent with the Objectives and Design Guidance of Part 4.2 (Typology and Scale) of the *Seniors Housing Design Guide*, as the proposal:

- does not complement the existing surrounding built character, and
- does not sensitively integrate into its surrounding area and ensure the building scale and form supports the local context and future character of the area.

In consideration of the existing and desired character of the locality and noting the zoning of adjacent land and the 12.3m maximum height development standard, any redevelopment of this site should have a maximum street wall of three storeys, with any additional level notably setback from the leading edges so that it is not perceived from the street. The facades should also be further articulated in response of the subdivision pattern of surrounding lots and the scale of nearby development.

- **Setbacks**

The proposed 1.1m minimum setback to Lagoon Street is deplorable and is completely at odds with the setbacks of surrounding development. A 5 storey high building setback 1.1m from the footpath will overwhelm and dominate the streetscape, particularly in this specific context where the height and scale of development is comparably modest, and where there is otherwise a generally consistent setback of development along the street of 5-6m, as identified in the Urban Design Report. The nominal setbacks result in the removal of existing significant canopy trees and do not provide adequate space for compensatory landscaping, which is essential in order to screen and soften the oversized development and to mitigate its visual dominance in the streetscape.

The proposal seems to have complete disregard for the conclusions of its own supporting documentation, specifically the Urban Design Report and Arborist Report, which identify the significance of existing trees along the Lagoon Street and Octavia Street frontages and also the lower density and built form interfaces on the opposite side of both streetscapes.

The setbacks to Lagoon Street and Octavia Street are inconsistent with the Objectives and Design Guidance of Part 4.3 (Setbacks) of the *Seniors Housing Design Guide*, which seek to:

- *maximise the landscape curtilage around the site for quality planting, establishment of tree canopies and creation of useful outdoor spaces in addition to boundary screen planting, and*
- *determine setbacks from the location of neighbouring properties.*

- **Visual Impact Assessment**

It is unhelpful, and somewhat misleading, that the photographs relied upon in the Visual Impact Assessment are of poor quality and were taken on an overcast day, and that the author made the choice to use light grey (the same colour as the sky) to represent the visual impact of the proposal.

I also question the accuracy of the document, noting that:

- The photomontages have not been prepared in accordance with standard criteria and do not include wireframes of the proposal and adjacent development for reference and to confirm accuracy.
- Photomontage 07 is obviously in error:
 - The setback between the retained dwelling and the proposal far exceeds the 4.5m setback proposed. I note that a perspective image of a similar view angle forms part of the accompanying Urban Design Assessment, and there is a notable disparity between the two – See the attached images below.
 - The height of the proposed development is significantly misrepresented. The existing building at the site fronting Lagoon Street has a maximum RL of 16.47m AHD, and in the reference image, the pitch of the roof skims the lower power line. By comparison, the balustrade of Level 02 has a RL of 16.9m AHD, yet it sits more than one storey below the lower power line. Noting that the proposed building sits closer to the street, the balustrade of Level 02 should sit above the power lines.
 - The large established Norfolk Island Pines remain in the image and screen part of the building, yet they are to be removed as part of the proposal.

The obvious inaccuracy of this one image brings into question the reliability of the entire document, which has been heavily relied upon to justify the additional height sought.



Figure 1: Extract of 3D image from Urban Design Assessment
Source: Urbis, October 2025



Figure 2: Extract of base photograph at View Point 7 – Lagoon Street
Source: Visual Impact Assessment Report, Arcadia Sydney, September 2025



Figure 3: Extract of photomontage at View Point 7 - Lagoon Street
Source: Visual Impact Assessment Report, Arcadia Sydney, September 2025

- **Parking & extent of excavation**

The proposed excavation, which extends below the water table, will not be a simple or inexpensive exercise. As such, it is somewhat odd that the applicant would propose such an inefficient parking layout that unnecessarily enlarges the size and potentially the depth of excavation required.

Whilst SEPP Housing requires parking spaces to be designed for persons with a disability, there is no reason as to why the 2.4m shared zones adjacent to each parking space cannot be shared by the space on the other side. Arranging the spaces to share the 2.4m shared zone would provide an additional 39 car spaces in the current design. Simply rearranging the top two levels of basement in such a manner would allow for 24 spaces to be removed from the lower level of basement, which is more than one-third of its footprint. Alternatively, the footprint of the entire basement could be rationalised to allow for more deep soil, particularly along the setback areas where it is required for landscaping.

However, marketing material released by the Moran Group (attached) confirms that each of the 149 proposed units will have private garages with two parking spaces and additional storage. To achieve this, the proposal requires 298 residential carparking spaces, well in excess of the 192 spaces shown in the architectural plans and nominated in the Traffic Report. As such, it is apparent that the reason for the costly and inefficient layout is to sell the shared zones as additional parking spaces.

The assessment of traffic and parking should appropriately reflect the true intentions of the applicant that anticipate 298 resident vehicles entering and exiting the site, or alternatively, the parking design should be limited to provide 192 spaces (only).

- **Internal Courtyard**

Whilst I am sure that the internal courtyard will maximises light and ventilation into the proposed units, it does nothing for the streetscape or the community. If anything, it directly contributes to adverse impacts upon neighbouring properties and the streetscape, resulting in excessive height, unnecessarily wide facades and nominal setbacks to boundaries.

At 24.7m x 58.36m, the dimensions of the internal courtyard are excessive and aside from the communal space at the ground level, the area is completely wasted. Even the benefit of the ground level is somewhat questionable given the limited soil depths proposed and the inability to achieve any meaningful landscaping.

The dimensions could be significantly reduced and still achieve compliance with the spatial separation requirements of the ADG, which would allow the building to be pulled back from the street edges and for increased landscaped area forward of the building, where it can correlate with the deep soil zones proposed.

- **Density**

The site is located with the R3 Medium Density Residential zone of WLEP 2011. In accordance with clause 2.3 of WLEP 2011, the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the R3 Medium Density Residential zone are as follows:

- *To provide for the housing needs of the community within a **medium density** residential environment.*
- *To provide a variety of housing types within a **medium density** residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that **medium density** residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*
- *To ensure that **medium density** residential environments are of a high visual quality in their presentation to public streets and spaces.*

With 149 units on the site and a nominated FSR of 2.09:1, the proposed development is not a medium density development, but rather a high density development, that is antipathetic with the objectives of the R3 Medium Density Residential zone.

- **Clause 4.6 Request**

Pursuant to clause 4.6(3)(a) of WLEP 2011, the Clause 4.6 Request must demonstrate that compliance with the maximum height development standard is unreasonable and unnecessary in the circumstances of the case. The Clause 4.6 Request that accompanies the application relies upon the third test outlined in the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827, being:

The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

In applying the third test of Wehbe, the first step must be to identify the underlying objective or purpose of the development standard. At Part 6.2 of the Clause 4.6 Request, the applicant erroneously makes reference to purpose of their proposal, as opposed to the purpose of the control, and states that without the units above the height control, the proposal will not be delivered, thwarting the purpose of their application. However, this is not the test of Wehbe.

SEPP (Housing) does not identify any specific objectives associated with the height bonus of clause 87. However, the principles of SEPP (Housing) are identified as follows:

- (a) enabling the development of diverse housing types, including purpose-built rental housing,*
- (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*
- (c) ensuring new housing development provides residents with a reasonable level of amenity,*
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*
- (e) minimising adverse climate and environmental impacts of new housing development,*
- (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,***
- (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,*
- (h) mitigating the loss of existing affordable rental housing.*

In my opinion, strict enforcement of the height standard is entirely reasonable and necessary in order to achieve consistency with the principle of SEPP (Housing) that seeks to reinforce the importance of designing housing in a way that reflects and enhances its locality. As stated throughout this submission, and even in the Applicant's own application, the proposal in no way reflects the form, scale or character of surrounding development and cannot be said to reflect or enhance the character of the Narrabeen locality.

The only matter that may be thwarted by compliance with the height limit is the applicant's overly ambitious economic return. Interestingly, the estimated cost of works for the proposal has not been uploaded to the NSW Planning Portal and the purchase price for the site has not been disclosed. However, it is difficult to believe that in the current market, with 2 bedroom units selling for in excess of \$1.5 million and 3 bedroom units selling for in excess of \$3 million, that the redevelopment of this site could not achieve an appropriate return. Furthermore, this is not a situation where the cost is a one time transaction, but rather one in which the applicant will continue receiving monthly payments over the life of the development.

Nonetheless, the economic viability of a project is not justification for variation to a development control. The Applicant was aware of the built form limitations of the site prior to purchasing the land and choose to proceed anyway. Ensuring a developers profit margins

should not be grounds to suggest that compliance with a height standard is unreasonable and unnecessary.

Should the application be approved in its current form, the Government's support would establish a highly undesirable precedent that would completely erode the integrity of all development standards, with variations of development standards put forward simply to ensure a higher profit margin under the guise of "delivering additional and diverse housing in the current housing 'crisis' of NSW".

It is also unclear why the loss of the Level 6 communal space would render the development unviable, or why the applicant would suggest that the development would not proceed without this feature. There is no legislation or policy that mandates the provision of indoor communal space, and with no indicative layout or nominated use, it is unclear what function the 477m² of indoor space is intended to serve. If it were so critical to the development, surely its intended use would be known and nominated in the application.

Pursuant to clause 4.6(3)(b) of WLEP 2011, the Clause 4.6 Request must also demonstrate that there are sufficient environmental planning grounds to justify contravention of the development standard. None of the grounds put forward in the Clause 4.6 Request are sufficient to justify the contravention proposed, as follows:

- Retention of Norfolk Island Pines

Whilst the retention of the existing trees along the Ocean Street setback is a positive outcome, it does not justify the addition of more than two storeys to the height of the proposed development. The retention of existing features of the site, particularly those of high landscape significance that contribute to the character of the locality, is a development outcome that is required of all development in the locality under the provisions of clauses E1 (Preservation of Trees and Bushland Vegetation) and E6 (Retaining unique environmental feature) of WDCP 2011.

Further, whilst the retention of those along Ocean Street is beneficial, there has been no effort to retain significant trees along Octavia Street or Lagoon Street, where their retention would be equally beneficial to ensure cohesion with the character of the locality.

- Low building height under WLEP 2011

I fail to see how the 8.5m building height development standard is justification for variation of the height limit. Even if the height limit was 9.5m, the proposal would still far exceed the resultant 13.3m height limit by 7.8m. This reasoning is not specific to the site or this particular development and would apply to the entire R3 Medium Density zoned area in the Narrabeen Peninsula.

- Redevelopment of an existing seniors housing development

There is nothing to suggest that compliance with the 12.3m height limit prevents the redevelopment of the site for the purpose of seniors housing, and in turn, the provision of seniors housing is not of itself grounds to vary the height control, which has already been increased by 3.8m under the provisions of SEPP Housing because of the type of development proposed.

Further, as identified in the Clause 4.6 Request, environmental planning grounds must justify the specific contravention and not simply promote the benefits of the carrying out of the development as a whole. The renewal of the site for seniors housing is not justification for the two additional storeys of development proposed.

- Establishes the future desired character

It is apparent that this development does not seek compatibility or consistency with the existing or desired future character; it seeks to create its own. This is somewhat confirmed on page 16 of the Clause 4.6 Request where it states that the proposal “creates a contemporary form that establishes the future desired character for the medium density residential zone in the area through design”.

If approved, this will become the new benchmark for the height of development in the locality and will be relied upon as precedence for future height variations, in the same manner that the Applicant has sought to rely upon nearby 4 storey 1970’s residential flat buildings as justification for the height exceedance proposed.

- Lack of overshadowing impact

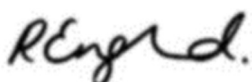
Even if it can be established that the proposal will not result in adverse overshadowing of neighbouring dwellings, it cannot be denied that the height and scale of the proposal will be visually overwhelming and dominating as seen from neighbouring properties and the street, and that is entirely inconsistent with the existing and desired future character of the locality. Compliance with one control is not sufficient justification for variation of the maximum height development standard.

I also note that the proposal seems to have ignored the presence of the existing basement when calculating the height of the development, which should be measured to ground level (existing).

I have no objection to the redevelopment of the site for seniors housing. However, any development must be done with regard to the objectives of the controls and most importantly, the desired character for the locality. It is the complete lack of consideration for the objectives of the controls and the desired character of the Narrabeen locality that has compelled me to lodge this submission.

I urge the government to stand by its own recently adopted policy, which limits the incentives for seniors housing to a 3.8m height bonus in order to “*reinforce the importance of designing housing in a way that reflects and enhances its locality*”.

Kind regards,



Rebecca Englund