Sent:	12/05/2021 5:03:38 PM
Subject:	DA2021/0008, 12 & 14 Ponsonby Parade Seaforth - for Attention Development Assessment
Attachments:	DA 2021-0008 _Submission_regarding_Amended_Plans.pdf;

Dear Rebecca,

Please find attached my pdf letter submission to Development Assessment regarding the notice of proposed development - amended plans for DA2021/0008 at 12 & 14 Ponsonby Parade Seaforth.

Thanks for your time.

Best regards,

James O'Brien
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mobile: 0431 879 010.

612 Sydney Rd
Seaforth NSW 2092
12 May 2021

Chief Executive Officer
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099
Northern Beaches Council
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Re: DA 2021/0008 - Amended
12 & 14 Ponsonby Parade, SEAFORTH
Seniors Housing Development – Amended Plans

Dear Sir/Madam,

This letter is a further written submission of objection to and request for rejection of DA 2021/0008 in relation to S4.15 of the EPA Act 1979.

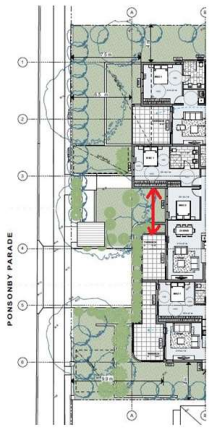
The DA seeks approval for a seniors housing development for 9 self-care apartments with basement parking for 19 vehicles under the State Environmental Planning Policy for Seniors or People with Disability (SEPPHSPD).

Following review of this DA the key reasons for rejection are submitted as follows:

- **FSR - Failure to submit a Clause 4.6 Variation to Manly LEP in respect to FSR**
  - The DA proposes a Floor Space Ratio (FSR) of 0.6:1, Council's planning controls are 0.45:1 and the SEPPHSPD permissible FSR of 0.5:1 in this location. This significant proposed increase in the permissible FSR requires a Clause 4.6 Variation to the Manly LEP submission in respect of this FSR as this increase is requested in an area with the prevailing R2 character of low density, 1 and 2 story single residences and is an indicator that the development is out of character with Council's core planning control that sets the desired future character of the area. It is reiterated that a Clause 4.6 Variation is required to be submitted.

- **FSR - Failure to Comply with SEPPHSPD**
  - The SEPPHSPD permits an FSR 0.5:1, the DA with an FSR of 0.6:1 is clearly non-compliant.
  The original Statement of Environmental Effects incorrectly states FSR cannot be used for the grounds of refusal, this is only if the development has an FSR of 0.5:1 and so compliant with SEPPHSPD requirements.
  - The SEPPHSPD Design Guidelines Section 4 – Impacts on Neighbours, requires the rear 25% of the site to be single storey to limit bulk and scale impacts to adjacent properties and the character of the area, no area of the development is single storey.

- **Excessive Bulk and Scale**
  - Drawings indicate two large, high buildings extending across the two residential lots in an east west direction with only token articulation to break down the building bulk and scale, this applies to both street frontages. Current plans reduce rather than increase the articulation at the Ponsonby Pde entry and landscape has been used to mask the bulk of the development in.



The resultant buildings rather than fitting in with the character the Residential R2 zone they are within, present with excessive bulk and scale, as large buildings running east west across the lots rather than two separate residential buildings oriented north south as would be appropriate for the character of the area and required by SEPPHSPD Design Guidelines, Section 4 - Impacts on Neighbours.

-Further, as the apartments to the Ross St frontage are two-storey rather than one, and the separation between the buildings is limited to less than 9m, the development density and scale is significantly different to the adjacent dwellings in Ponsonby Pde and will be clearly apparent from that street.

- Separation between buildings on the site is inadequate and is less than 9.0m. This exacerbates the issue of the inappropriate bulk and scale of the development when viewed from neighbouring properties.

- **Neighbourhood Amenity**

  - The SEPPHSPD states that the proposed development should recognise desirable elements of the location's current character. The development proposed contains 9 apartments spanning, with minimal modulation, across two residential blocks with an FSR of 0.6:1 in an area of low density single residences of 1 or 2 storeys with a maximum FSR of .45:1. The development retains a bulk, scale and form that fails to recognise the existing character of the area but rather seeks to impose a change of character, scale and density upon the community with resultant negative and unacceptable impacts particularly on adjacent residents.

- **Solar Access**

  - Inadequate separation between the buildings on the development site of less than 9m creates compromised solar access to the private open spaces within the development. Required solar access must be provided both to future residents and the neighbouring properties. The amended documentation lacks the detail to enable interrogation to assess its' accuracy and compliance with SEPPHSPD Design Guidelines – Section 5 – Site Amenity. This detail is requested to be submitted.

- **Privacy**

  - There are numerous large balconies/terraces with setbacks that are inadequate to provide protection to neighbours. There is no analysis regarding the maintenance of privacy between the development and neighbours and this is essential to ensure the development appropriately addresses these issues as required by Clause 34 of SEPPHSPD. Landscaping should not be relied upon to address privacy issues.
  - Separation between buildings on the site is inadequate. The DA submission indicates building

separation is less than 9m between the two blocks and this will result in privacy issues between the units within the development.

- **Landscaping**
  Landscaping should be appropriate in its selection so as not to negatively impact neighbouring residences by causing future loss of views or solar access. The current landscape submission fails to do this with the selection of large and inappropriate trees impacting neighbours. Landscaping details need to confirm mature heights of trees in relation to solar access and views are not appropriate in their current form.

- **Excessive Height**
  Clause 40(4)(a) of the SEPPHSPD requires that development not in residential flat building areas have a maximum height of 8.0m. The current documentation still fails to clearly show the levels of existing ground along the lengths of elevations, particularly the eastern elevation, where some elements appear above the height limits. Given that height above 8.0m is reason for refusal under Clause 50(a) of the SEPPHSPD, all levels should be clearly marked on the drawings and a signed SURVEY from a registered surveyor provided to confirm the levels indicated and to ensure compliance with height requirements to minimise impacts on adjacent residents.

- **Setbacks**
  - SEPPHSPD Clause 33 (d) requires that the proposed building be set back in sympathy with the existing building line. The proposed development continues to project in front of the building line of adjacent properties, is generally not in sympathy with the setbacks along Ponsonby Pde and as a result is not compliant.
  - SEPHSPD Design Guidelines – 2 – Site Planning, confirms that carpark entrances should not be visually dominant. The DA elevations show the carpark entry within a masonry wall to be a dominant feature in the Ponsonby Pde streetscape, clearly not aligning with the intent of the SEPPHSPD.

- **Access**
  - SEPHSPD clause 26 (2) – requires access to facilities by a suitable pathway or via public transport both to and from the development to specified services**.** The current application indicates access via Ponsonby Pde from the northern apartments via a partially non separated pathway within the garage area, from Ponsonby Parade the access is indicated to be by footpath with no aligned gutter crossings on heavily used roads to the local shopping area. This fails to meet the requirements of SEPHSPD.

  - The Traffic report now references bus routes 144 and 145 as providing transport from bus stops in Ponsonby Pde and Ross St. These bus services pick up from Ponsonby Pde for access to the local shops and shops in Balgowlah or Manly - however, they do not provide a return service to within 400m of the site as required for approval of the application by Clause 26 2 (b) (iii) of the SEPPHSPD.

  - The Access Report refers to compliant access to the units directly from Ross St. The drawings inaccurately show level access from the street, where there is a fall of approximately .8 m from the kerb to the boundary. Additionally, there is no footpath on this side of the road and no compliant connection to the footpath on the other side of the road. The provision of this access is relied upon in the Access Report for compliant access to the northern units, yet is currently non-compliant.

In summary, the proposed development does not comply with requirements related to floor space ratio, bulk and scale (including building form), neighbourhood amenity, solar access, privacy, setbacks and access. Height and landscaping require further submissions to be addressed.
Given that the proposed development has failed to appropriately address the numerous non-compliances and concerns noted above it is requested that the Northern Beaches Council reject this Development Application in

its current form.
Further submissions are requested to include documentation that responds to the non-compliances in detail and that height poles, with heights confirmed by a surveyor, be set on site to show the full extent of the bulk and height of the development across both sites and to the Ross St and Ponsonby Pde frontages to ensure the bulk and scale of the development is clearly presented in real terms.

Yours faithfully,

James O'Brien

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