
Sent: 18/02/2021 10:13:40 AM
Subject: DA 2021/0008 - submission of objection
Attachments: 18Feb2021_DA 2021-0008 _Submission_OBrien.pdf;

Hi Rebecca,

Thanks for allowing me an extension of time to make my submission, per your email below. I tried using the portal to upload my letter but got an automated message that I need to email it.

Please find attached a pdf letter containing my submission. Thanks for your time.

Best regards,

James O'Brien

On Mon, Feb 8, 2021 at 8:53 AM Rebecca Englund
<Rebecca.Englund@northernbeaches.nsw.gov.au> wrote:

Hi James,

I am happy to provide an extension of time for you to prepare a submission.

Please ensure you have any comments to Council by 19.02.2021.

Kind regards,

Rebecca

Rebecca Englund

Principal Planner

Development Assessment

t 02 8495 6494 m 0417 241 040

rebecca.englund@northernbeaches.nsw.gov.au

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From: DYPXCPWEB@northernbeaches.nsw.gov.au
<DYPXCPWEB@northernbeaches.nsw.gov.au>

Sent: Thursday, 4 February 2021 6:58 PM

To: DA Submission Mailbox <DASubmission@northernbeaches.nsw.gov.au>

Subject: Online Submission

04/02/2021

MR James OBrien
- 612 Sydney Road RD
SEAFORTH NSW 2092
james.dannaher.obrien@gmail.com

RE: DA2021/0008 - 14 Ponsonby Parade SEAFORTH NSW 2092

Dear Ms Englund,

I and my wife are the owners/occupiers of 612 Sydney Road, which adjoins Ponsonby Pde. We wish to make a submission regarding DA2021/0008 - 12 & 14 Ponsonby Pde but we have not yet had time to review the development proposal and therefore request an extension of the date for submissions.

Our reasons are as follows:

1. We only became aware of the DA relatively recently.
2. There was an NBN outage in Seaforth recently which meant we were not able to access the information.
3. We have requested, but are still waiting on, specialist advice on the development proposal.

Please let us know if an extension is possible.

Thanks for your understanding.

Best regards,
James O'Brien

james.dannaher.obrien@gmail.com
0431 879 010
612 Sydney Rd, Seaforth, NSW 2092.

Northern Beaches Council

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James O'Brien
0431 879 010

612 Sydney Road
Seaforth NSW 2092
18 February 2021

Assessing Officer
DA 2021/0008
12 & 14 Ponsonby Parade, SEAFORTH
Seniors Housing Development

Dear Sir/Madam,

This letter is a written submission of objection to and request for rejection of DA 2021/0008 in relation to S4.15 of the EPA Act 1979. Thank you for allowing me an extension of time to submit my objection (email from Ms Englund of 8 Feb 2021).

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).

I note that the relevant Urban Design Referral Response already submitted to Council advises that the proposed development is unsupported. I'd also point out that the previous application (DA2017/1364) regarding 14 Ponsonby Parade was strongly objected to by local residents. This resulted in a series of objections, initial rejection by the Land and Environments Court, and finally a "conciliation conference" officiated by a Commissioner of the Court (18 November 2019). At that time the strong objections by residents were overridden and now we are faced with a development which is double the size, involving 12 & 14 Ponsonby, so that having objected to the original plan we will be burdened with an even larger uglier monstrosity which is totally out of character with the street and neighbourhood. If allowed to proceed this would seem to make a mockery of consultation processes and the wishes of the local community.

In addition the dot points below set out the key technical planning reasons for which I believe Council should reject the submission.

Key planning 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. This significant increase in the permissible FSR indicates the proposal is out of character with the prevailing R2 character of low density, 1 and 2 story single residences.
 - No Clause 4.6 Variation to the Manly LEP in respect of FSR has been sighted.
- **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 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 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. The resultant buildings rather than fitting in with the character the Residential R2 zone they are within, present with excessive bulk and scale as one large building rather than two residential buildings as would be appropriate for the character of the area and required by SEPPHSPD Design Guidelines, Section 4 - Impacts on Neighbours.

- 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 is of 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. SEPPHSPD Design Guidelines – Section 5 – Site Amenity.

- **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. Landscaping details need to confirm mature heights of trees and solar access and views must be updated to include this detail.

- **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 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. 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 projects 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.

- SEPPHSPD 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**

- SEPPHSPD clause 26 (2) – requires access to facilities by a suitable pathway or via public transport both to and from the development. 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 references numerous bus routes providing transport from bus stops in Ponsonby Pde and Ross St. The bus services noted have ceased except for the 144. This bus services picks up from Ponsonby Pde for access to the local shops but does not provide a direct return service as required by the SEPPHSPD.

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 are yet to be adequately addressed. Moreover, the proposed development is significantly larger (approximately double) in size to the original proposal for 14 Ponsonby, for which there was already strong local objections.

Therefore, the proposed development would negatively impact adjoining and local residents and more broadly detract from the character and identity of the area. On this basis Northern Beaches Council is requested to reject this Development Application.

Yours faithfully,

James O'Brien

James O'Brien