
Sent: 17/06/2021 6:36:23 PM
Subject: DA 2021/0008 - Amendment 2.
Attachments: Senior Housing Developement June 17 2021.docx;

Dear Sir /Madam,

Please find attached the amendments to "DA 2021/0008 - Amendment 2".

Regards

Edward Tracogna

Chief Executive Officer

Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099
Northern Beaches Council

1 Ponsonby Pde
SEAFORTH NSW 2092
17 th June 2021

Re: DA 2021/0008 – Amendment 2
12 & 14 Ponsonby Parade, SEAFORTH
Seniors Housing Development

Dear Sir/Madam,

This letter is a revised 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 now proposes a Floor Space Ratio (FSR) of 0.59:1, Council's planning controls are 0.45:1 and the SEPPHSPD permissible FSR of 0.5:1 in this location. This is confirmed in the Urban Design Referral Response dated 18/05/21 and remains a significant non-compliance with the permissible FSR. As such it 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.

This excessive FSR is a strong 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 has not been sighted and the excessive FSR is a non-compliance.

- **FSR - Failure to Comply with SEPPHSPD**

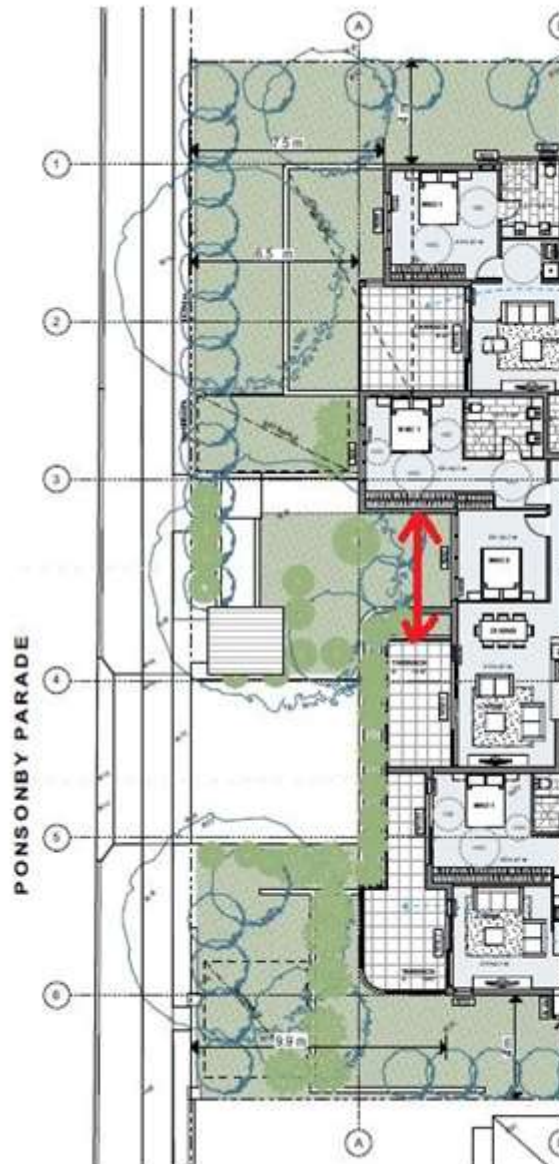
- The SEPPHSPD permits an FSR 0.5:1, the DA with an FSR of 0.59:1 is clearly non-compliant.

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. Therefore, as FSR is above the FSR permitted by the SEPPHSPD requirements it can and should be grounds for refusal.

- 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. In fact, the proposed scheme is not only 2 storeys in height it is higher to the rear of the site and consequently significantly impacts the character of the area.

- **Excessive Bulk and Scale**

- Drawings still 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 in no way improve the articulation of the development in Ponsonby Pde, with landscape has been used to mask the bulk of the development. Some reduction has occurred to the rear buildings as a concession to maintenance of view corridors, but this has little if no effect in reducing the bulk and scale of the development.



The resultant buildings rather than fitting in with the character the Residential R2 zone they are within, still 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.

-It is noted that in this section of Ponsonby 50% of the houses are currently modest single storey houses and all houses are on single blocks. Clearly the proposed DA is out of character with the bulk and scale of this area, being two storeys over the entire site.

-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. This exacerbates the issue of the inappropriate bulk and scale of the development when viewed from neighbouring properties and the street.

- Both the Urban Design Referral Response dated 18/05/21 and the Heritage Referral Response dated 20/05/21 confirm that "the proposed street elevations as continuous facades without a strong middle break...does not

respond to the massing and scale of the existing streetscape of freestanding house forms” and the “bulk and scale and the unarticulated façade treatment of the proposal is considered to adversely impact the existing streetscape and the character of the locality”.

- **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 0.59:1** 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 remains 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 seems to indicate that solar access is limited and not as required for compliance with 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. 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 shows building elements above the maximum height for compliance, the extent of the non-compliance is uncertain as not all heights are indicated on drawings and no signed survey from a registered surveyor has been provided. Given that height above 8.0m is reason for refusal under Clause 50(a) of the SEPPHSPD the application should be rejected on this basis.
- Further, no attempt has been made to provide height poles across the whole Ponsonby Pde frontage to the development, these would clearly show the inappropriate height, bulk and scale of the development.

- **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.
- 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 to specified services. The current application now 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 more than 400m away. This fails to meet the requirements of SEPHSPD and is noted as non-compliant in the most recent Access Report.

- The Access 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, Manly or Warringah Mall- however, they do not provide a return service to within 400m of the site in the morning and afternoon Monday to Friday, the only return service is at 4.45pm on these days. Additionally, the Hop, Skip and Jump service to Seaforth is referenced, however the bus stop for this service is in Ross St and does not have the required suitable access pathway to the development.

On this basis alone, as neither service meets the requirements for approval of the application under Clause 26 2 (b) (iii) of the SEPPHSPD the development should be rejected.

- Additionally, the Access Report now refers to compliant access to the rear units to be through the carpark. This clearly does not provide equitable access for the rear units, as those directly fronting Ponsonby Pde have direct access from the street to the unit lobby, whilst those to the rear must walk through the carpark to access their units.

- Further, access to the rear units directly from Ross St is still inaccurately shown. There is a fall of approximately .8 m from the kerb to the boundary and the path and ramp gradients do not appear to address the level difference as would be required. 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.

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, access and height. No further submission has been sighted in relation to landscaping.

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 as it clearly still fails to meet many SEPPHSPD requirements.

Yours faithfully,

Edward Tracogna