

12 July 2021



Gartner Trovato Architects  
PO Box 1122  
MONA VALE NSW 1660

Dear Sir/Madam

**Application Number:** DA2021/0008  
**Address:** Lot 22 DP 7577 , 14 Ponsonby Parade, SEAFORTH NSW 2092  
Lot 21 DP 7577 , 12 Ponsonby Parade, SEAFORTH NSW 2092  
**Proposed Development:** Demolition works and construction of a seniors living  
development over basement car parking

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,



David Auster  
**Manager Development Assessments**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2021/0008
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	Gartner Trovato Architects
<b>Land to be developed (Address):</b>	Lot 22 DP 7577 , 14 Ponsonby Parade SEAFORTH NSW 2092 Lot 21 DP 7577 , 12 Ponsonby Parade SEAFORTH NSW 2092
<b>Proposed Development:</b>	Demolition works and construction of a seniors living development over basement car parking

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	07/07/2021
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### Reasons for Refusal:

1. The Panel considers that as a prerequisite for obtaining development consent the applicant is required to lodge a written request under clause 4.6 of the Manly Local Environmental Plan 2013 seeking to justify a contravention of clause 4.4 Floor Space Ratio development standard, but the applicant has not lodged any such written request. The Panel therefore has no jurisdiction to grant development consent.
2. The bulk and scale of the proposed development is excessive within the low density residential setting, and attributes to unacceptable impacts upon the public domain, the amenity of adjoining properties and the amenity of the dwellings proposed. In particular, the form and massing of the proposal is inconsistent with the design principles of clause 33 (a) and (c) (Neighbourhood amenity and streetscape) of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (SEPP HSPD)*, the Seniors Living Policy, the objectives of clause 4.4 (Floor Space Ratio) of *Manly Local Environmental Plan 2013 (MLEP 2013)* and the design requirements of clause 3.1.1 (Streetscape (Residential Areas)) of *Manly Development Control Plan 2013 (MDCP 2013)*.
3. The application does not address overshadowing of adjoining properties and inadequate solar access is achieved to the dwellings proposed on site, inconsistent with the provisions of clause 35 (Solar access and design for climate) of SEPP HSPD, the Seniors Living Policy and clause 3.4.1 (Sunlight Access and Overshadowing) of MDCP 2013.
4. The proposal fails to ensure adequate visual and acoustic privacy is maintained for adjoining properties and achieved between dwellings proposed on site, inconsistent with the provisions of clause 34 (Visual and acoustic privacy) of SEPP HSPD, the Seniors Living Policy and the requirements and objectives of clause 3.4.2 (Privacy and Security) of MDCP 2013.

5. The proposal will unreasonably obstruct views enjoyed by properties up slope of the development, resulting in inconsistency with the requirements and objectives of clause 3.4.3 (Maintenance of Views) of MDCP 2013.
6. The terrace to Unit 8 is excessive in size and has the potential to attribute to visual privacy and view loss as identified in reasons 4 and 5 above.
7. The application fails to satisfy the provisions of clause 50 of the *Environmental Planning and Assessment Regulation*, in so far as the application is not supported by the relevant information listed in Schedule 1 applicable to the amended proposal before Council. A proper and comprehensive assessment was therefore unable to be undertaken by Council.

## Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

*NOTE: A fee will apply for any request to review the determination.*

## Right of Appeal

If you are dissatisfied with this decision Division 8.3 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

**Signed** On behalf of the Consent Authority



Name David Auster, Manager Development Assessments

Date 07/07/2021