

6 August 2025



Megan McGlinchey  
31 Cutler Road  
CLONTARF NSW 2093

Dear Sir/Madam,

**Development Application No: DA2025/0738 for Alterations and additions to a dwelling house including a carport at 16 Ogilvy Road CLONTARF.**

An assessment has been undertaken of your application. The assessment has found that it is unsatisfactory in its current form for the reasons identified below:

- **Insufficient information**

The following information/documentation is required to complete the assessment of the application:

1. **Clause 4.1.8 Development on Sloping Sites Preliminary Assessment of Site Conditions**

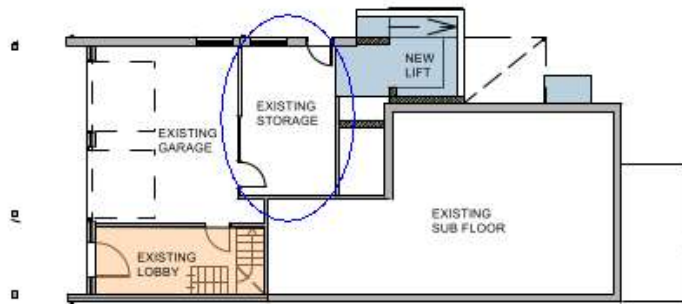
All applications under MDCP require Council's Checklist for Preliminary Assessment of Site Conditions (Landslip) at Schedule 11 to be accurately completed to determine whether a Site Stability Report.

Please complete this assessment to determine if a report is required.

2. **Architectural Plans**

Floor Space Ratio Calculations

The FSR calculation plan does not accurately calculate the proposed FSR. As such, the areas circled below should be included as they constitute Gross Floor Area. The storage area excluded does not meet basement definition under MLEP and should be included in FSR.



② Plan-Level 0  
Scale: 1:300  
GFA 12.4m<sup>2</sup>



④ Plan-Level 2  
Scale: 1:300  
GFA 52.0m<sup>2</sup>

Additionally, the lift area is to only be calculated once. Please provide a revised FSR calculation plan that correctly reflects the proposed FSR.

#### Site boundaries on floor plans

The floor plans do not reflect the whole site boundary, and this should be included on the plans.

### **3. Clause 4.6 Variation Request Report**

See issue 1. below. The calculated FSR is over the maximum permitted under Clause 4.4 for the subject site. It is strongly recommended that the FSR is reduced to comply. If they FSR is over the maximum permitted under the development standard a Clause 4.6 Variation Request Report is required.

#### **• Issues**

The following is a list of the issues and concerns identified in the assessment that cannot be supported:

#### **1. Clause 4.4 Floor Space Ratio Concerns**



The proposal results in a calculated FSR of 0.457:1 (215.8sqm) and reflects in a variation of 14%. This variation is not supported in its current form and greater compliance is recommended. Any applications that vary the development standard by greater than 10% are required to go to the Development Determination Panel.

## **2. Clause 4.1.4 Setbacks Concerns**

**4.1.4.1 Street Front Setbacks** requires a minimum front setback of 6m. The carport proposes a setback of 3.2m from the boundary. As the site currently complies with the minimum permitted parking requirements of 2 off-street spaces, the carport extension which will formally permit another 2 off-street parking spaces is not supported with the proposed setback.

Additionally, the carport presents a frontage of 7.4m to the front boundary. This does not meet the requirements of **4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas** whereby a maximum of 5.4m is permitted for the site.

**4.1.4.2 Side Setbacks and Secondary Street Frontages** requires a minimum side setback to the western elevation of 2.53m to the first floor living area and lift. The proposal provides a setback of 1m to the lift and greater compliance is required. The plans do not indicate the side boundary on the first floor and therefore, cannot accurately determine the side setback to the boundary. Although, it is assumed that the side setback will result in 1m-1.5m and a greater setback should be provided. Considering the proposed FSR variation, it is recommended that the proposed areas area reduced to provide greater compliance.

## **Options available to the Applicant**

Council is providing you with two (2) options to progress your application:

1. Prepare and submit further supporting information/amendments to address the above issues. Please carefully read the below advice if you choose this option.
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application.

Please advise of your selected option by responding **within 7 days of the date of this letter** by email sent to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au) marked to the attention of the assessment officer. Should Council not receive your response by this date, Council will determine the application in its current form.

## **Submitting further information/amendments**

Council will offer one opportunity to provide feedback on conceptual amendments addressing the issues raised in this letter. We strongly request that you contact the assessment officer directly for a 'without prejudice' discussion on your proposed resolution of the issues and the submission requirements **before** lodging any documentation on the NSW Planning Portal.



Conceptual amendments must be provided to Council for feedback **within 14 days of the date of this letter**. If conceptual amendments are deemed sufficient, we will then provide you with a timeframe upon which an amended application is to be lodged on the NSW Planning Portal (generally 14 days).

Please ensure that the amended/additional information submitted on the NSW Planning Portal is a genuine attempt to resolve the issues as Council will generally not seek any further information/amendments after that point. Council will proceed to assess and determine the application based on the submitted information without further consultation. Whilst we will provide feedback on your conceptual amendments in good faith, this cannot guarantee the approval of the amended application.

As part of any amended application, it may be necessary to update your supporting documentation (e.g., BASIX certificate, bushfire report, geotechnical report, etc.). Failure to do so may affect Council's ability to determine the application favourably.

Please ensure that any amendments are accompanied by a summary/schedule of amendments cover sheet.

Council reserves its right under section 37 of the *Environmental Planning and Assessment Regulations 2021* not to accept any information/amendment if it is not considered to be a genuine attempt to resolve the issues. In which case, Council will inform you that the changes have not been accepted and the application will proceed to be determined.

This process has been established to ensure an efficient and responsible level of service which meets the requirements of the Department of Planning and Environment's *23A Guidelines on withdrawal of Development Applications 2023*, Ministerial Orders *Statement of Expectations 2021* and the *Development Assessment Best Practice Guide 2017*.

As per the requirements of section 36 of the *Environmental Planning and Assessment Regulation 2021*, you are advised that this application was accepted on 19/06/2025 and 48 days in the assessment period have now elapsed.

This letter will be released on Council's webpage as part of the application's documentation.

Should you wish to discuss any issues raised in this letter, please contact Lachlan Rose on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

Lachlan Rose  
Planner



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