

10 July 2025

David Larose
C/- Vaughan Milligan Development Consulting Pty Ltd
Po Box 49
NEWPORT NSW 2106

Dear Sir/Madam,

Development Application No: DA2025/0572 for Demolition works and construction of a dwelling house including a swimming pool at 24 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. **Site boundaries on the architectural plans**

The ground floor plan does not reflect the rear boundary, and the first-floor plan does not reflect the front boundary. Please provide amended plans to display the full boundary envelope on the required plans.

- **Issues**

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

1. **Clause 4.3 Height of Buildings variation and Clause 3.4.3 Maintenance of Views concerns**

The proposed development reflects a maximum building height of 9.6m to the terrace awning (12.9%/ 1.1m variation) and 8.9m to the pitched roof of the dwelling (4.7%/ 0.4m variation). Additionally, multiple submissions have raised concerns with view loss from rear properties to the north and these areas that breach the maximum height limit are of concern.

As such, compliance with Clause 4.3 Height of Building is sought. View loss analysis may also be required with amendments made to the proposed plans to clearly and accurately reflect the impacts to the view corridors.



If requested and consent is provided by the relevant property owners, the view loss photos from adjoining properties may be provided to reflect the potential view loss.

2. Front motorcycle and trailer storage

The front motorcycle and trailer storage structure cannot currently be supported. This is due to concerns regarding Clause 4.1.4.1 *Street Front Setbacks* and Clause 3.1.1 *Streetscape (Residential areas)*, and the gradients not being acceptable for a parking space (for any vehicles or trailers). Council's Development Engineering Referral response expands on this.

In addition, no historical approval can readily be found for the existing structure.

The proposal should be amended to locate any bike or trailer parking further back into the site.

3. Clause 4.1.4.4 Rear Setbacks non-compliance

The proposal reflects a rear setback of 3.4m- 4.6m to the first-floor balcony, proposing a maximum variation of 57%. Submissions received noted concerns with the rear setback non-compliance.

As such, greater compliance with Clause 4.1.4.4 *Rear Setbacks* is sought.

4. Privacy

The large windows to the dining and kitchen area may result in unreasonable privacy impacts. The windows include W2.1, W2.2, W2.3, W2.4 and W2.5.

Privacy mitigation should be implemented to reduce the potential for privacy impacts to the east.

5. Southern elevation

Concerns are raised with the non-compliance to Clause 4.1.4.2 *Side Setbacks and Secondary Street Frontages* and the impacts on bulk and scale.

As such, greater compliance with Clause 4.1.4.2 *Side Setbacks and Secondary Street Frontages* is sought.

- **Other matters**

The following matters should be investigated to determine if an improved outcome can be achieved:

1. Council's Development Engineering Referral Response

See Council's Development Engineering Referral Response linked below:



<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/Document.aspx?id=QezraNdMjBkV0A60ki4OEg%253d%253d&t=app>

Please review the response and provide the amendments to satisfy the officers requirements.

- **Objector's concerns**

You are encouraged to review the submissions that have been lodged in relation to the application and consider any design solutions that may resolve relevant concerns.

Submissions that are available online in accordance with the Northern Beaches Community Participation Plan can be viewed on Council's website at the following link, using the application number as a reference:

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Public/XC.Track/SearchApplication.aspx>

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 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 23/05/2025 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