

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE DEMOLITION OF THE EXISTING STRUCTURES
AND THE CONSTRUCTION OF A NEW DWELLING**

AT

24 OGILVY ROAD, CLONTARF

FOR

DAVID & CHRISTINE LAROSE



**Prepared
May 2025**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of David and Christine LaRose by Archisoul Architects, Sheets No's. DA01 – DA34, Revision 01 dated 2 April 2025 to detail the demolition of the majority of the existing structures and the construction of a new dwelling, garage and swimming pool at **24 Ogilvy Road, Clontarf**.

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013 Amendment 14*

2.0 Property Description

The subject allotment is described as **24 Ogilvy Road, Clontarf**, being Lot 2 within Deposited Plan 210657 and is zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013.

The dwelling is not listed as a heritage item within Schedule 5 of the Manly Local Environmental Plan 2013, nor is it noted as being within a conservation area.

The site is identified as being within the Foreshore Scenic Protection Area. This issue will be discussed in further detail within this report.

The site is identified on Council's DCP Mapping as being subject to Landslip Hazard (Area G2). Accordingly, a Geotechnical Investigation has been prepared by JK Geotechnics, Reference No. 36816SrptRev1, dated 22 July 2024 and accompanies this submission. This matter will be discussed in further detail within this report.

The site is noted as being within the Vegetation Buffer on the Bushfire Prone Land Map. Accordingly, a Bushfire Report has been prepared by Bushfire Planning Services Pty Ltd, Reference No 11 April 2025.

The site identified as being affected by Low, Medium and High Risk Flood Prone Land. Accordingly, a Flood Risk Management Plan and Overland Flow Analysis has been prepared by Taylor Consulting Engineers, dated 9 May 2025, which is discussed further in this submission.

3.0 Site Description

The site is located on the northern, higher side Ogilvy Road with a general fall to the front, southern boundary of the site. The site has a total fall of approximately 7.65m over its length.

The site is irregular in shape with an angled front boundary of 9.845m, eastern and western boundaries measuring 43.33m and 38.06m (by survey) respectively and a rear boundary of 14.315m. The total area of the site is 470.1m².

The site is currently developed with a one, two and split-level elevated, brick and clad dwelling with tile roof. Vehicular access is currently available from Ogilvy Road via a concrete driveway to an existing garage and carport within the site.

The land adjoins low-density residential dwellings on all sides.

The south-east portion of the site is currently burdened by a stormwater drainage pipe with associated easement which collects our uphill stormwater and directs stormwater run-off to drainage infrastructure within Council's road reserve.

The details of the site are included on the survey plan prepared by C.M.S Surveyors Pty Ltd, Drawing No. 23315, Issue 1, dated 28 March 2024 which accompanies the DA submission.

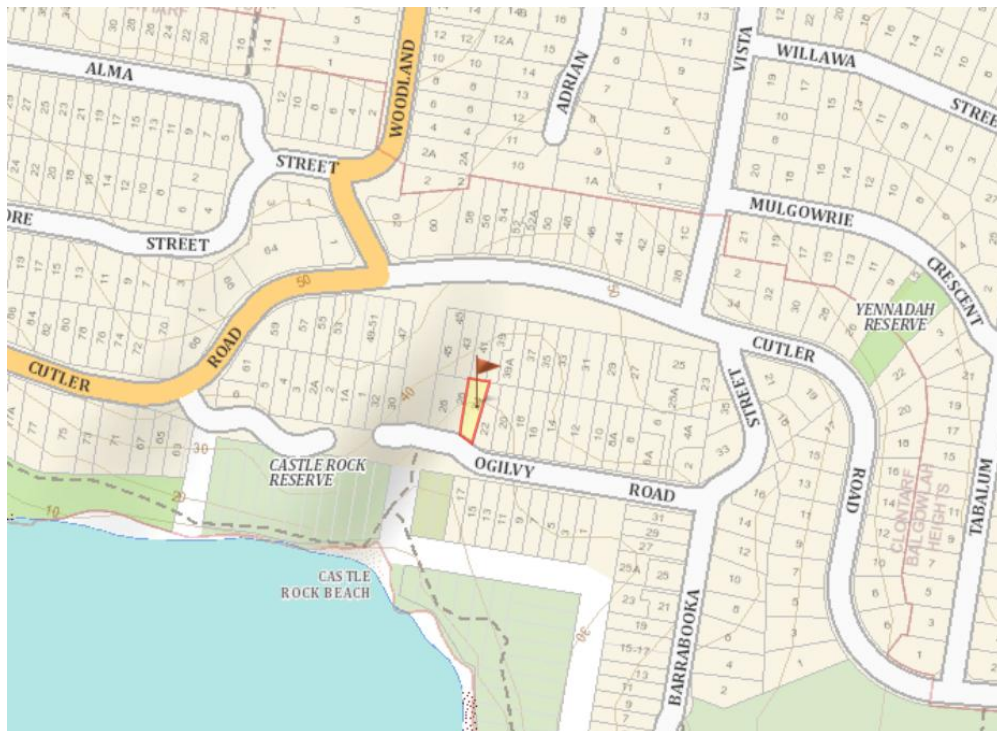


Fig 1: Location sketch
(Source: Six Maps)



Fig 2: View of the existing site, looking north from Ogilvy Road



Fig 3: View of the existing carport and garage (carport to be demolished and garage retained and re-used for off street parking), looking north



Fig 4: View looking north-west towards the adjoining dwelling at No 26 Ogilvy Road



Fig 5: View looking north-east towards the neighbouring property at No 22 Ogilvy Road

4.0 Surrounding Environment

The area surrounding the site is predominantly represented by a mix of development comprising one, two and three level dwellings, with the design and form of the dwelling is heavily influenced by the sloping topography and landscaped character.

The dwellings in the vicinity have been designed with living areas and associated open space that are oriented to take advantage of the harbour and district views available to the site.

Existing building stock is gradually being replaced with newer housing, with a varied mix of development styles and building scale in the area.

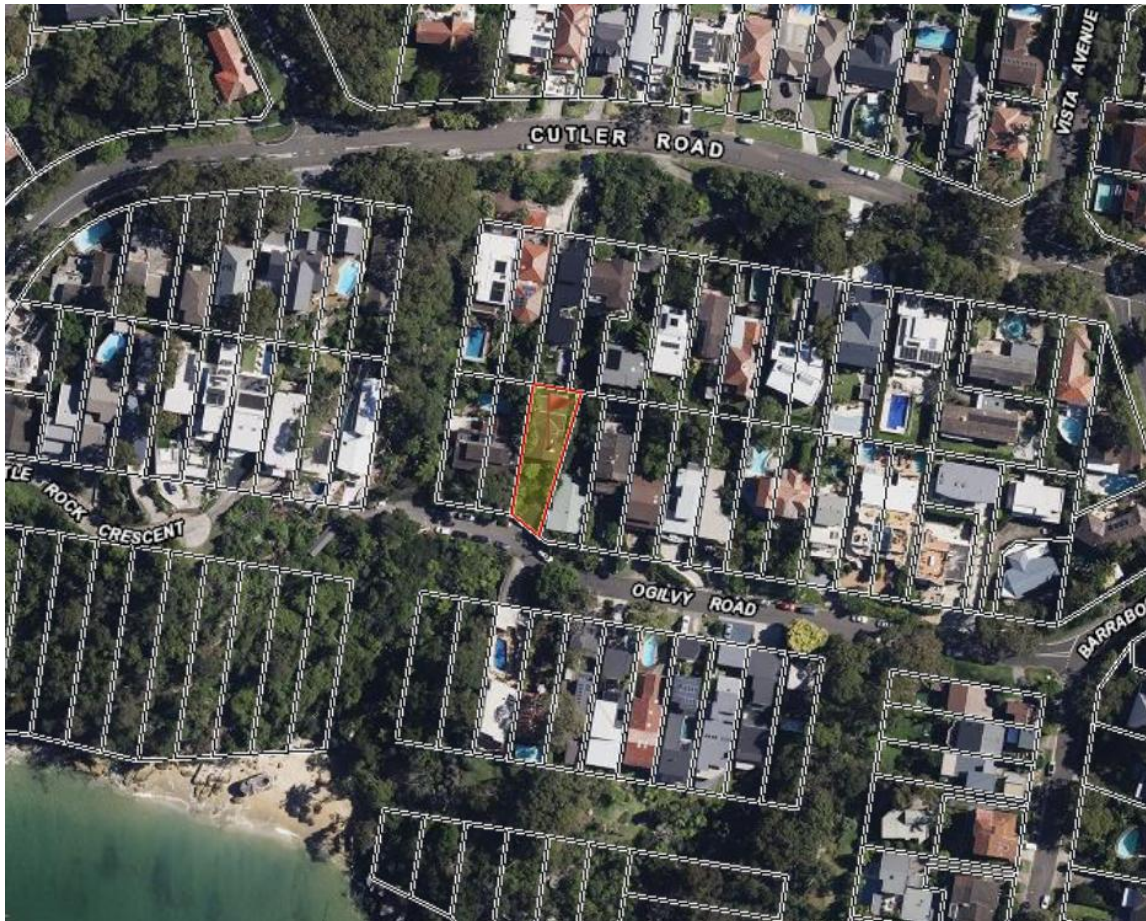


Fig 6: Aerial view of subject site
(Source: Six Maps)

5.0 Proposed Development

As detailed within the accompanying plans prepared by Archisoul Architects, the proposal seeks consent for the proposed demolition of the significant majority of the existing structures and the construction of a new dwelling and garage.

The existing dwelling and the existing single carport will be demolished, with the existing single garage retained and reused for additional off street car parking.

The proposed dwelling comprises a contemporary flat/low pitch roof form with clerestory windows over the central portion of the dwelling to allow for solar penetration to the upper floor level. The perimeter of the roof will provide for parapet upturns to screen the low pitch roof

A flat roof will be provided over the south facing terrace at the upper floor level, which is directly accessible from the lounge and main living areas.

Some further excavation of the site will be carried out to facilitate the construction of the new garage level and internal lift and stair access to the upper levels.

The dwelling will generally present as a stepped two storey form above ground level, with a slight overlap for three storey portion through the central lift/stair core.

Additionally, the design of the new dwelling has been prepared to ensure that there are no additional encroachments for the new dwelling over the drainage easement which trespasses the south eastern corner of the site.

The new works comprise:

Garage Floor Plan

- New garage with lift and internal access stairs

Ground Floor Plan

- New ground floor to provide for guest bedroom, two bedrooms with small balconies, bathroom, hall library area internal access stairs and lift shaft

First Floor Plan

- New first floor to provide for open plan living, dining and kitchen, pantry, WC, master suite with walk-in robe and ensuite, laundry, internal access stairs, lift shaft, front terrace with planter and rear balcony

External Works

- New inground swimming pool and spa with rear terrace at the ground floor level
- Associated landscaping

The external form of the dwelling is modulated with varying wall lines and roof planes to help minimise the extent of the visual bulk and scale as presented from adjoining private and public properties.

The colours and finishes of the development have been selected to complement the residential, landscape setting, with the proposed external finishes and colours being detail within Sheet DA32.

The site's required parking spaces will be provided within two separate garages, including the new garage below the dwelling, together with the retention and reuse of the existing detached garage. This will ensure that the development will not encroach on the stormwater easement that traverses the site.

The proposal will require the removal of a number of trees to accommodate the proposed works. An Arboricultural Impact Appraisal and Method Statement has been prepared by Naturally Trees, dated 31 March 2025 which addresses the impact of the works on the trees within the subject site and adjoining properties.

The Impact Assessment Report identifies that 14 trees are recommended for removal as a result of the proposed works, all having low and very low retention value, and Trees 1, 3, 4, 6, 8, 10, 11, 12, 13, 14 & 15 being exempt species.

The existing Callistemon (Tree 2) has been identified as a category A tree and will be retained and protected throughout the development.

The proposal includes a Landscape Plan prepared by Contour Landscape Architecture – Drawings No's C1 – C5, Revision D dated 6 April 2025 which will include the provision of plantings throughout the site, including two new trees with a mature height of a least 7m..

Given that the proposal includes a comprehensive Landscape Plan which will provide for the managed replanting of the site, the redevelopment of the land with the proposed new dwelling and the supporting landscaping is considered to be appropriate in this instance.

The development indices for the site are:

Site Area	470.1m² (by survey)
FSR permissible	0.4:1 or 188.04m ²
FSR proposed	0.484:1 or 227.95m ² (*See DCP discussion)
Required Open Space (Area OS4) – 60%/site	282.06m ²
Proposed Open Space	262.57m ² or 55.8%
Required Landscape – 40% of open space	112.82m ²
Proposed Landscape	175.37m ² or 66.7%

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) and in particular Clause 4.6(1) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The subject property is located within the Sydney Harbour Catchment and therefore, the provisions of this plan apply to this development. An assessment of the proposal against the aims and relevant provisions of the SEPP has been undertaken, and the consent authority can be satisfied in this regard.

The site is not located within the Foreshores and Waterways Area.

6.4 Manly Local Environmental Plan 2013

The land is zoned R2 Low Density Residential under the provisions of the MLEP 2013.



Fig 7: Extract of Manly Local Environmental Plan 2013 Zoning Map

The development of and use of the land for residential purposes is consistent with the R2 Low Density Residential objectives, which are noted as:

- *To provide for the housing needs of the community within a R2 Low Density Residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

It is considered that the proposed new dwelling will achieve the zone objectives and are consistent with the established character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other dwellings in the vicinity and therefore complements the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any significant impact on long distance views for the neighbouring properties.
- The site is utilised as housing and will continue to maintain the residential use.
- The works will provide for construction of a new dwelling which will maintain the residential scale and character of the locality.
- The development will maintain an appropriate level of amenity to the adjoining properties.
- The proposal does not unreasonably obstruct any significant views from private property or the public domain.
- As detailed in this report, the proposal maintains appropriate solar access to the surrounding properties.

Clause 4.3 – Height of buildings

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of Clontarf is 8.5m. As a consequence of the falling site levels towards the south-western corner of the site, a portion of the new dwelling, being the pergola roof over the southern terrace at the first floor level will provide for a maximum height of up to 9.6m above ground level, which presents a variation to the maximum height control.

Accordingly, a submission has been prepared pursuant to Clause 4.6 and accompanies this statement.

Clause 4.4 – Floor space ratio

A maximum floor space ratio control of 0.4:1 for development in this locality is required. The proposed new dwelling will provide a gross floor area of 227.95m² or 0.484:1 which does not meet this provision.

Accordingly, the proposal is accompanied by a Clause 4.6 submission in support of the variation.



Fig 8: Extract of Manly Local Environmental Plan 2013 Floor Space Ratio Map

It is noted that under the provisions of Clause 4.1.3.1 of Manly Development Control Plan 2013 Amendment 14, an exception to the FSR control can be considered for undersized allotments, when the development is considered to suitably address the relevant LEP objectives and DCP provisions.

In this instance, the FSR can be calculated based on a minimum lot size of 750m² (Area “R” on LSZ Map). On this basis, the proposal presents a revised FSR calculation of 0.30:1, which comfortably complies with the maximum floor space ratio control. The design and its merits are discussed within the Clause 4.6 submission which is included as an appendix to this statement.

Clause 5.21 – Flood planning

The site identified as noted as being within a High Flood Risk Precinct and accordingly a Flood Risk Management Plan and Overland Flow Analysis has been prepared by Taylor Consulting Engineers, dated 9 May 2025.

The objectives of this clause are as follows:

- to minimise the flood [risk](#) to life and property associated with the use of land,

- *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The Flood Management Plan & Overland Flow analysis confirms recommendations and strategies to be adopted during the construction work to ensure that the works comply with the LEP provision and requirements within the Manly Development Control Plan – Clause 5.4.3 Flood Prone Land.

The Assessment also provides an Emergency Flood Response Procedure to be observed by the owners in the event of a flood.

Clause 6.2 – Earthworks

The proposal will require some excavation of the site to accommodate the proposed new garage level.

Accordingly, a Geotechnical Investigation has been prepared by JK Geotechnics, Reference No. 36816SrptRev2, dated 8 April 2025, which addresses the site's stability and extent of the proposed works.

All works will be carried out under the supervision and direction of a Structural Engineer and will be managed to ensure that the amenity and safety of the subject and neighbouring dwellings will be protected. The works will also be carried out in accordance with the recommendations of the consulting Geotechnical Engineer.

Clause 6.4 – Stormwater management

The proposal meets the objectives of the clause as stated below in that it:

- *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- *includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- *avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

Detailed civil works plans including stormwater management details have been prepared by Taylor Consulting Engineers, Drawing No STORM – 1 dated 31 March 2025.

The proposal will direct the collected roof water to the street gutter which ultimately will connect to the Council drainage infrastructure within the road reserve.

The development will therefore comply with the provisions of this clause.

Clause 6.8 – Landslide risk

The site is identified on Council's DCP Mapping as being subject to Landslip Hazard (Area G1). Accordingly, Geotechnical Investigation has been prepared by JK Geotechnics, Reference No. 36816SrptRev2, dated 8 April 2025 and accompanies this submission.

The proposal will be carried out with the recommendations contained within this report and will therefore satisfy the provisions of this clause.

Clause 6.9 – Foreshore scenic protection area

The subject site is identified as being within the Foreshore Scenic Protection Area. The objective of this clause is as follows:

- *The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.*

The proposal seeks to provide for the construction of a new two and part three storey development which has been designed sympathetically to the topography of the site, and the majority of the development will readily comply with Council's statutory height limit. The proposal will maintain suitable views and amenity for neighbouring properties and the adjoining public domain.

The proposal will not see the loss of any significant trees, with only exempt species to be removed to accommodate the development.

Additional plantings are to be provided throughout the site to soften and screen the built form of the development, as detailed in the Landscape Plan prepared by Contour Landscape Architecture, dated 6 April 2025.

The proposal is therefore in keeping with the provisions of this clause.

Clause 6.12 – Essential services

The services available for the existing dwelling on site will be made available for the proposed new dwelling.

There are no other clauses of the MLEP 2013 that are considered to be relevant to the proposed development.

It is considered that the proposal achieves the requirements of the MLEP.

6.5 Manly Development Control Plan 2013 – Amendment 14

Council's DCP Development Control Plan 2013 – Amendment 14 provides the primary control for development within the area.

The DA submission will address the Council's submission requirements outlined in Part 2 – Process.

The primary areas which are applicable to the proposed works are detailed within Part 3 – General Principles of Development & Part 4 – Development Controls and Development Types.

Clause 3.1.1 Streetscape (Residential Areas)

The intended outcomes are noted as:

- i) *complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;*
- ii) *ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;*
- iii) *maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;*
- iv) *avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features;*
- v) *address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;*
- vi) *visually improve existing streetscapes through innovative design solutions; and*
- vii) *Incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also paragraph 3.5.7 Building Construction and Design*

The proposal provides for the construction of a new dwelling which is complementary to the existing locality, presenting a complementary scale to Ogilvy Road.

The proposed development is suitably set back from the street frontage, and the external form of the dwelling is sympathetic to the sloping topography of the site, thereby minimising the built form of the development.

The proposed bulk and scale of the development is generally consistent with that of the neighbouring dwellings along Ogilvy Road.

The colours and finishes of the development comprise earthy tones which have been detailed within Sheet DA33 and will effectively integrate with the Ogilvy Road streetscape. The proposal is

therefore considered to be in keeping with the character of the Ogilvy Road streetscape, and is worthy of Council's support.

Clause 3.3 Landscaping

The proposed new works will continue to retain a generous areas of soft landscaping on the site. The proposed total landscaped area of the site is 175.37m² or 66.7% of the total open space, which is consistent with Council's requirement.

The new works will present an appropriate form and footprint, which is appropriately set back from the street, side and rear boundaries. The area surrounding the dwelling is to be provided with screen planting as detailed in the Landscape Plan prepared by Contour Landscape Architecture, dated 6 April 2025.

Clause 3.4 Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)

The objectives of the clause are noted as:

- | | |
|---------------------|---|
| <i>Objective 1)</i> | <i>To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.</i> |
| <i>Objective 2)</i> | <i>To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.</i> |

It is suggested that the works will achieve these objectives as:

- Maintaining an acceptable level of privacy to the adjoining allotments has been addressed by limiting the window openings to the side elevations, privacy screening and providing plantings throughout the site.
- The proposed new dwelling will not see any unreasonable diminution of the solar access enjoyed by the neighbouring properties. The northerly aspect enjoyed by the properties in this immediate area ensures that appropriate access to sun from late morning to late in the afternoon is available to the sites.

Clause 3.5 Sustainability

A BASIX Certificate has been prepared to support the development and confirm that the dwelling will achieve the appropriate thermal performance criteria.

The proposal is accompanied by shadow diagrams which demonstrate the proposed overshadowing. The subject site will maintain suitable solar access throughout the day.

The proposal is therefore considered to be in keeping with the provisions of this clause.

Clause 3.7 Stormwater Management

Detailed civil works plans including stormwater management details have been prepared by Taylor Consulting Engineers, Drawing No STORM – 1 dated 31 March 2025.

The proposal will direct the collected roof water to the street gutter which ultimately will connect to the Council drainage infrastructure within the road reserve.

The development will therefore comply with the provisions of this clause.

Part 4 – Residential Development Controls

Site Area 470.1m² - Density Sub Zone D7 (750m² per lot)

Compliance Table

Control	Required	Proposed	Compliance
Clause 4.1.1 Residential Density & Subdivision	Density Area D7 – 1 dwelling per 750m ²	Site area is 470.1m ²	Yes - existing site and dimensions are unchanged
Clause 4.1.2 Height of Buildings	Maximum height – 8.5m Wall height – 7m	Maximum height – 9.6m Max proposed wall height approx. 9m	No – refer to Clause 4.6 submission Yes - on merit. The proposal will see a slight non-compliance with the wall height control to the eastern and western elevations. Compliance is constrained by the sloping topography of the site, and the majority of the building will comply with Council's controls. The proposal will not result in any unreasonable adverse impacts for neighbouring properties, and is

	Max two storeys	Max two storeys proposed.	considered worthy of support on merit.
	Roof height – 2.5m above wall height	<2.5m (flat roof)	Yes
Clause 4.1.13 Floor Space Ratio (FSR)	0.4:1	<p>0.484:1 or 227.95m²</p> <p>It is noted that under the provisions of Clause 4.1.3.1 of Manly Development Control Plan 2013 Amendment 14, an exception to the FSR control can be considered for undersized allotments, when the development is considered to suitably address the relevant LEP objectives and DCP provisions.</p> <p>In this instance, the FSR can be calculated based on a minimum lot size of 750m² (Area “R” on LSZ Map). On this basis, the proposal presents a revised FSR calculation of 0.30:1, which comfortably complies with the FSR control. The design and its merits are discussed within the Clause 4.6 submission which is included as an appendix to this statement.</p>	No - See Clause 4.6 Written Request

<p>Clause 4.1.4 Setbacks (front, side and rear)</p>	<p><u>Front</u> a) Relate to neighbouring sites and the prevailing building lines or 6m c) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, chimneys, meter boxes and the like, where no adverse impact on the streetscape or adjoining properties is demonstrated to Council's satisfaction.</p>	<p>The proposed dwelling will comply with the prevailing street setback. The existing garage will be maintained and reduced in size, which minimises the impact of the development on the streetscape.</p>	<p>Yes</p>
<p>Side Boundary setback – 1/3 of wall height</p>	<p><u>Side</u> 1/3 x 9 = 3m</p>	<p>The proposal will stand a minimum of 1.792m from the eastern side and 0.9m to western boundaries and therefore presents a variation to this control. The setback increases for the southern portion of the development where the height increases. The rear portion of the dwelling largely follows the siting of the existing dwelling, with the siting of the front of the dwelling being constrained by the narrowing of the</p>	<p>Yes – on merit</p>

Rear setback	<u>Rear</u> Min 8m	<p>lot towards the street.</p> <p>The proposed dwelling where it does not comply with the side setback control will not result in any unreasonable adverse views for neighbouring properties in terms of solar access, views, privacy or general amenity, and is considered worthy of support on merit.</p> <p>The dwelling will stand a minimum of 6.6m from the rear boundary, and largely follows the rear building line of the existing dwelling.</p> <p>Compliance with this control is constrained by the configuration of the allotment, which narrows towards the street boundary, limiting the ability to provide a development that readily meets the rear setback control.</p> <p>The portion of the development where it does not comply with Council's rear setback control is not considered to result in any unreasonable adverse impacts for neighbouring properties in terms of</p>	Yes – on merit
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		<p>views, solar access, privacy or general amenity.</p> <p>In addition, the rear of the dwelling maintains a modest single storey scale.</p> <p>The proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.</p>	
<p>Clause 4.1.5 Open space and Landscaping</p>	<p>Area OS4 Open space: Min 60% site area</p>	<p>Proposed open space 262.57m² or 55.8%</p> <p>Compliance with this control is constrained by the relatively small lot size, irregular lot configuration and narrow frontage.</p> <p>Whilst the open space area is reduced, ample area is considered to be maintained for the recreational use of the dwelling's occupants, and to minimise the visual bulk of the development.</p> <p>In addition, a generous portion of the available open space area is maintained as soft landscaping.</p>	<p>Yes – on merit</p> <p>Yes</p>

	Landscaping: 40% of open space	Proposed soft landscaping 175.37m ² or 66.7% of total open space.	
Clause 4.1.6 Parking	Min 2 spaces	Parking for two vehicles provided within proposed garages	Yes
Clause 4.1.6.4 Vehicular Access	<p>a) All vehicles should enter and leave the site in a forward direction.</p> <p>b) Vehicular access and parking for buildings with more than 1 dwelling is to be consolidated within one location, unless an alternative layout/design would better reflect the streetscape or the building form.</p> <p>c) Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping.</p> <p>d) Particular attention should be given to separating pedestrian entries and vehicular crossings for safety.</p>	The proposal seeks to provide a new garage below the dwelling, in addition to the existing garage forward of the dwelling. Forward entry and exit is not available due to the sloping topography of the site and narrow frontage.	Yes

<p>Clause 4.1.8 Development on sloping sites</p>	<p>a) Site Stability Report may be required in Geotechnical Areas G2, G3 and G4 i) The applicant should complete Council's Checklist for Preliminary Assessment of Site Conditions (Landslip) at Schedule 11 of this plan to determine whether a Site Stability Report is required. All development involving load bearing building works must complete the checklist for Preliminary Assessment of Site Conditions (Landslip) to ensure developments follows good engineering practice.</p> <p>b) Area G2 - Potential Hazards i) Potential Geotechnical hazards in this area include:</p> <ul style="list-style-type: none"> • Rock falls and slumping of soil and fill materials from unsupported cuts and natural cliffs onto public and private pathways and roadways. • Possible creep of talus materials on steeper soil covered slopes. • Possible movement of detached blocks of 	<p>Accordingly, Geotechnical Investigation has been prepared by JK Geotechnics, Reference No. 36816SrptRev2, dated 8 April 2025 and accompanies this submission.</p> <p>The proposal will be carried out with the recommendations contained within this report and will therefore satisfy the provisions of this clause.</p>	<p>Yes</p>
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	<p>sandstone. Limited to moderate damage of some or part of structures (for example dwelling or roadway), with part of site requiring some stabilisation works. Large scale stabilisation works unlikely to be required.</p>		
<p>Clause 4.1.9 Swimming pools, spas and Water features</p>	<p>Height above ground not more than 1m</p> <p>a) Swimming pools and spas must not be located within the front setback i.e. between the front boundary of the lot and the building line. Consideration of any exception to the required location must demonstrate that any swimming pools and/or spa and their curtilage and/or concourse:</p> <p>i) does not detract from the amenity or character of the neighbourhood; and</p> <p>ii) is a minimum distance from the</p>	<p>Proposed pool is largely sited at or below existing ground level, with the western extremity up to 1.96m above ground level due to the sloping topography of the site.</p> <p>Proposed pool is located behind the front building line.</p>	<p>Yes – on merit</p> <p>Yes</p>

	<p>front boundary equivalent to at least twice the height of the swimming pools and/or spa and their curtilage and/or concourse at any point above existing ground level.</p> <p>b) Setback of outer edge of pool concourse from side and rear boundaries must be at least 1m with water line being at least 1.5m from the boundary</p>	<p>Proposed pool coping will stand from 1.8m from the eastern side boundary to the pool coping and water line respectively and therefore will comply with Council's requirement.</p> <p>The proposed pool is well separated from the western side and rear boundaries.</p> <p>The siting of the proposed pool being located largely at ground level, which is not considered to result in any unreasonable privacy impacts for the adjoining neighbour.</p>	Yes – on merit
Clause 4.1.10 Fencing	Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point.	No front fencing proposed.	N/A

Part 5 – Special Character Area and Sites

The subject site is identified as being within the Foreshore Scenic Protection Area. The proposal seeks to provide for the construction of a new two storey development which has been designed to largely follow the sloping topography of the site. The proposal largely complies with Council's setback controls, and the development will maintain suitable views and amenity for neighbouring properties and the adjoining public domain.

The proposal will require the removal of a number of trees to accommodate the proposed works. An Arboricultural Impact Appraisal and Method Statement has been prepared by Naturally Trees, dated 31 March 2025 which addresses the impact of the works on the trees within the subject site and adjoining properties.

Subject to compliance with the recommendations contained in the Arborist's report, the proposal considered to be in keeping with the provisions of this clause.

In addition, the proposal includes a Landscape Plan prepared by Contour Landscape Architecture which will provide for the managed replanting of the site.

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the requirements of Manly's Development Control Plan 2013 – Amendment 14.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider

that the variation to the side and rear setback controls is a reasonable alternative solution to compliance given the proposal will present a complementary form and scale to the surrounding dwellings and minimises the perceived visual bulk and scale of the proposal, and no unreasonable impacts are anticipated for neighbouring dwellings.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing character of the area and is compatible with the existing uses in the vicinity.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

7.5 Any matter prescribed by the regulations that apply to the land to which the development relates.

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks approval for demolition of the majority of the existing structures and the construction of a new dwelling, garage and swimming pool, is reasonable.

It is considered that the proposal will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's MLEP 2013 and Council's Codes and Policies, in particular the MDCP.

7.7 The suitability of the site for the development

The subject land is currently zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013 and is considered suitable for the proposed development.

The subject site does not exhibit any significant constraint to the construction of the proposed development.

7.8 Any submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The principal objective of this development is to support the proposed demolition of the majority of the existing structures and the construction of a new dwelling, garage and swimming pool, which satisfies the stated objectives of Council's Development Controls & respects and complements the site's location.

The proposal is a site-specific design response which takes advantage of the properties superior locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development.

The outcome is a modernised dwelling of exceptional design quality which displays a highly articulated building form which appropriately responds to the site's topography and geometry and the constraints imposed by the siting and design of adjoining development in relation to privacy, solar access and views.

As discussed in this statement at the accompanying Written Request under clause 4.6 of the MLEP 2013, the proposal is largely compliant with the building height standard with floor space appropriately distributed across the site. The building displays a complementary and compatible building form when compared to other development located along this section of Ogilvy Road and within the site's visual catchment generally.

The setbacks maintain the rhythm of development and building setbacks within the street and provide appropriate spatial separation, increased landscape opportunity, retention of privacy for neighbour's privacy, solar access and view sharing.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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