

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Alterations
and Additions

16 Ogilvy Road,
Clontarf

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Statement of Environmental Effects

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16 Ogilvy Road, Clontarf

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1 Introduction

This statement has been prepared as part of the supporting documentation for a Development Application in relation to the proposed alterations and additions to the existing dwelling.

The architect has responded to the client brief to provide alterations and additions to improve the functionality and accessibility of the home. The proposed additions are largely confined towards the rear of the dwelling and will have little impact on the scenic quality of the area. The carport at the front will be an open structure and will not give rise to adverse streetscape impacts. The works will not have any unreasonable impacts on adjoining dwellings with regard to views, overshadowing or privacy.

The proposal is permissible and consistent with the built form controls contained within the applicable statutory planning regime as they are reasonably applied.

In addition to the Statement of Environmental Effects, the following also accompanies the application:

- Survey;
- Architectural Plans
- Bushfire Report
- BASIX Certificate

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979;
- Manly Local Environmental Plan 2013 and
- Manly Development Control Plan 2013

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

The existing development on the site comprises a 3 storey dwelling. The existing lower level comprises a garage, storage and subfloor. This is consistent in storeys and scale of the immediately adjoining dwellings with No. 14 recently undertaking a first floor addition relating to their approved DA (DA2024/1403). Development in the area generally predominately includes residential dwellings that range between 2 and 3 storeys which is reflective of the sloping topography.



Image 2: Front Elevation



Image 4: Street View



Image 5: Street View

3 Description of Development

3.1 Details of the Proposed Development

The development application proposes alterations and additions to the existing dwelling which will require partial demolition which is detailed on the demolition plan within the architectural set prepared by Megan McGlinchey Architect. Specifically, the works proposed are as follows:

Level 1 -

- New carport structure which extends out from the existing deck above
- New infill slab and ramp accessing a new lift

Level 2 -

- Timber deck associated with the new lift

Level 3 -

- New living room extension

The application is supported by a bushfire report detailing the protection for bushfire requirements that apply to the development. A BASIX certificate is also provided detailing compliance with the energy efficiency standards.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential environmental impacts are discussed below.

4.1 Manly Local Environmental Plan 2013

4.1.1 Zoning and Permissibility

The subject site is Zoned R2 Low Density Residential. The objectives of R2 Zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Dwelling houses are permissible with consent and the works relate to alterations and additions to the existing dwelling. The development is consistent with the objectives of the R2 zone.

4.1.2 Floor Space Ratio

Pursuant to clause 4.4 in the LEP, the site has a maximum floor space ratio (FSR) control calculated at 0.4:1. The objectives of the FSR control are as follows:

- a) *to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*
- b) *to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*
- c) *to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*
- d) *to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*
- e) *to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.*

The proposal will increase the GFA from 168.4m² to 188.4m². The proposed FSR equates to 0.39.9:1 in compliance with the control.

4.1.3 Height of Buildings

Pursuant to clause 4.3 in the LEP the max building height is measured at 8.5m. The objectives of the control are as follows:

- a) *to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*
- b) *to control the bulk and scale of buildings,*
- c) *to minimise disruption to the following:*
 - i. *views to nearby residential development from public spaces (including the harbour and foreshores),*
 - ii. *views from nearby residential development to public spaces (including the harbour and foreshores),*
 - iii. *views between public spaces (including the harbour and foreshores),*

There are no new works proposed above the 8.5m height development standard as detailed within the section drawings provided below.

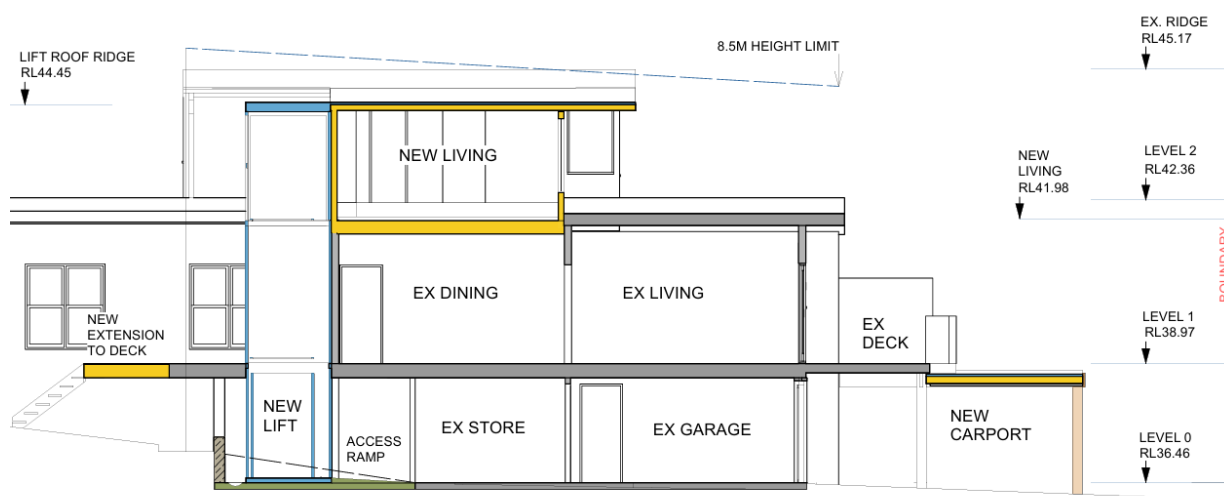


Image 2: Section showing compliance with the 8.5m development standard.

4.1.4 Stormwater Management

Pursuant to clause 6.4 of the LEP, stormwater management plans have been prepared and accompany this application.

4.1.5 Scenic Protection Area

Pursuant to clause 6.9 of the LEP the subject site is located within the foreshore scenic protection area. 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 proposed works will not significantly alter the bulk and scale of the dwelling or its context within the streetscape. The development will maintain the existing 3 storey form. When viewed from the foreshore area the dwelling will not be seen as being jarring or out of place within the landscape. The scenic value of the foreshore area will not be impacted by the proposal.

4.1.6 Bushfire Prone Land

The site is mapped as being bushfire prone land. As such, a bushfire impact assessment has been provided with this application. The report provides recommendations with regard to compliance with the 'Planning for Bushfire Protection' provisions.

4.2 Manly Development Control Plan 2013

The relevant provisions of the Manly Development Control Plan 2013 in relation the proposed works are detailed as follows:

Control	Requirement	Proposed	Compliance
Streetscape (Residential Areas) 3.1	Streetscape is defined and represents the inter-relationship between buildings, landscape and open spaces in the street scene. Local amenity and identity are closely linked to streetscape character. Development should recognise predominant streetscape qualities, such as building form, scale, patterns, materials and colours and vegetation which contributes to the character of the local area.	<p>The proposed development is consistent with the streetscape and comparable with other dwellings and development along Ogilvy Road. The development will maintain its 3 storey form with the proposed additions not contributing to any unreasonable visual bulk. The additions have been largely confined to the rear and will not be readily visible from the street. The carport addition will be an open lightweight structure which will not contribute to any visible bulk.</p> <p>No predominant architectural style dominates the area with a mix of older and newer styles of development present in the streetscape.</p> <p>The dwelling utilised a range of materials and finishes which are identified on the</p>	Yes

Control	Requirement	Proposed	Compliance
		architectural drawings. A landscape plan has been provided which will see an enhancement of the site.	
Garages, Carports and Hardstand Areas 3.1.1.4	<p>a) Garages, carports and hardstand areas must be designed and sited in a manner that does not to dominate the street frontage by:</p> <p>i) its roof form, material choice and detailing by being subservient to the associated dwelling; and</p> <p>ii) being compatible with the streetscape and the location in relation to front setback criteria.</p> <p>b) Exceptions to setback criteria referred to in this paragraph may be considered where parking structures are a positive element of the streetscape.</p>	<p>The existing garage is not fit for purpose and includes a column in between the two garage car spaces. The garage only fits small cars. This results in the owners parking on the driveway the majority of the time.</p> <p>As such, the proposed carport addition will provide covered car parking for the occupants. The existing garage will continue to store a boat.</p> <p>The carport is utilising the existing front facing deck to provide car cover. The extension of the carport measures 3.3m from the front edge of the deck. In this regard, it is not as visually significant compared to a completely new carport. No consent is sought to utilise the carport roof as private open space.</p> <p>We note that the site benefits from a large landscaped road reserve. The topography slopes up from street level and the road reserve landscaping will screen the carport from the street. Please refer to images provided within the site description.</p>	Yes

Control	Requirement	Proposed	Compliance
Landscape Design 3.3.1	<p>To encourage appropriate tree planting and maintenance of existing vegetation.</p> <p>To retain and augment important landscape features and vegetation remnant populations of native flora and fauna.</p>	Existing landscaping to be preserved.	Yes
Preservation of Trees 3.3.2	<p>To protect and enhance the urban forest of the Northern Beaches.</p> <p>To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.</p>	No trees are to be removed.	Yes
Sunlight Access and Overshadowing 3.4.1	<p>New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June)</p> <p>For adjacent buildings with an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at</p>	The proposed will result in a negligible different between the existing and proposed overshadowing circumstance.	Yes

Control	Requirement	Proposed	Compliance
	least 2 hours from 9am to 3pm on the winter solstice (21 June)		
Privacy and Security 3.4.2	<p>To minimise loss of privacy to adjacent and nearby development by:</p> <ul style="list-style-type: none"> • appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings; • mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings. <p>To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and private open space.</p> <p>To encourage awareness of neighbourhood security.</p>	<p>The works will not change the privacy outcome significantly from the existing circumstance. The inclusion of a lift and upper level addition will not have any side facing windows that would give rise to overlooking opportunities.</p> <p>The new window to the existing dining room will include opaque glazing that mitigates overlooking opportunities.</p> <p>The lift will include fixed glass glazing however will be located adjacent to a blank brick wall of No. 18 to the west. No direct views into the adjoining dwellings windows will occur.</p> <p>The proposed works will not have any unreasonable adverse impact on visual privacy.</p>	Yes
Maintenance of Views 3.4.3	<p>To provide for view sharing for both existing and proposed development and existing and future Manly residents.</p>	<p>No significant view loss is anticipated. The dwellings to the rear along Culter Road will continue to access views over the site towards the Harbour.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>To minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths).</p> <p>To minimise loss of views, including accumulated view loss 'view creep' whilst recognising development may take place in accordance with the other provisions of this Plan.</p>		
Stormwater Management 3.7	<p>To manage urban stormwater within its natural catchments and within the development site without degrading water quality of the catchments or cause erosion and sedimentation.</p> <p>To manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation.</p>	Stormwater Management Plans accompany this application.	Yes

Control	Requirement	Proposed	Compliance
Waste Management 3.8	<p>To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).</p>	<p>The waste generated from the demolition will be sorted and disposed of appropriately. Materials will be recycled or reused where appropriate.</p> <p>Bin storage can be accommodated with the garage.</p> <p>A waste management plan is provided.</p>	Yes
Safety and Security 3.10	<p>To ensure all development are safe and secure for all residents, occupants and visitors of various ages and abilities.</p> <p>To ensure that the design process for all development integrate principles of 'Safety in Design' to eliminate or minimise risk to safety and security.</p> <p>To contribute to the safety and security of the public domain.</p>	<p>The dwelling will provide appropriate levels of safety and security to the future occupants.</p>	Yes
Wall Height 4.1.2.1	<p>7.2m based on the slope of the land.</p>	<p>The works represent legitimate alterations and additions with the upper level addition infilling to the west of the existing upper level.</p> <p>The upper level addition does not give rise to any unreasonable amenity impacts, in particular with regard to overshadowing. The</p>	No – worthy on merit

Control	Requirement	Proposed	Compliance
		dwelling will continue to be a highly articulated built form with the upper level addition being modest in scale compared to the footprint of the dwelling. No unreasonable visual impacts occur with the proposed wall height.	
Number of Storeys 4.1.2.2	2 storeys	The existing dwelling is 3 storeys and is to be maintained.	No – Maintains existing
Roof Height 4.1.2.3	Max 2.5m	Achieved	Yes
FSR 4.1.3	0.4:1	0.39.9:1	Complies
Front Setback 4.1.4.1	Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.	The carport addition will extend forward of the existing front alignment of the dwelling and those adjoining. I note that this clause may support 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. The carport is extended off the existing unenclosed balcony and will have no adverse	No – worthy on merit.

Control	Requirement	Proposed	Compliance
		<p>impacts on the streetscape. The topography of the area and the existing hedges adjacent the street ensure the structure will be softened and screened.</p> <p>As previously mentioned. The existing garage is not fit for purpose with regard to the size of modern cars. There is no ability to provide car parking at the rear. As such, the carport addition forward of the building line is reasonable in this instance. The driveway is being used for hardstand parking due to the inability to get modern sized cars into the split double garage.</p>	
Side Setbacks 4.1.4.2	<p>1/3 of wall height</p> <p>All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries;</p>	<p>The new lift will continue the established side setbacks. The upper level addition will also continue the side setback.</p> <p>No new side facing windows are proposed with the exception of an opaque window to the existing dining room.</p> <p>To facilitate the additions and access to each level from the new lift the continuation of the existing side setbacks is reasonable.</p>	No – worthy on merit
Rear Setback	8m	unchanged	Yes

Control	Requirement	Proposed	Compliance
4.1.4.4			
Open Space and Landscaping	60% Open Space	The development will see a reduction in TOS from 255.5m ² to 234m ² which is non-compliant with the requirement. The reduction is due to the demolition of the upper level balcony which is poorly situated on site and lack amenity.	No
	40% Soft Landscaping	The existing compliant level of soft landscaping is maintained at 192m ² which equates to 67.7%. Despite not meeting the total open space requirements the development does provide soft landscaping in excess of the control.	Yes

4.3 State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 to the residential component of the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

4.4 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as Amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(i) The provision of any planning instrument

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Manly Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

(ii) 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

N/A

(iii) Any development control plan

Manly DCP applies.

(iia) 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, and

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

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

Context and Setting

i. What is the relationship to the region and local context in terms of:

The scenic qualities and features of the landscape

The character and amenity of the locality and streetscape

The scale, bulk, height, mass, form, character, density and design of development in the locality

The previous and existing land uses and activities in the locality

The proposed alterations and additions are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. What are the potential impacts on adjacent properties in terms of:

Relationship and compatibility of adjacent land uses?

sunlight access (overshadowing)

visual and acoustic privacy

views and vistas

edge conditions such as boundary treatments and fencing

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

Travel Demand

dependency on motor vehicles

traffic generation and the capacity of the local and arterial road network

public transport availability and use (including freight rail where relevant)

conflicts within and between transport modes

Traffic management schemes

Vehicular parking spaces

2 parking spaces provided.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

Existing utility services will be connected to service the new dwelling.

Flora and Fauna

No unreasonable impacts to the flora and fauna will occur with the proposal.

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

Technical reports provided

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

Is the development design sensitive to environmental considerations and site attributes including:

size, shape and design of allotments

The proportion of site covered by buildings

the position of buildings

the size (bulk, height, mass), form, appearance and design of buildings

the amount, location, design, use and management of private and communal open space

Landscaping

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

How would the development affect the health and safety of the occupants in terms of:

lighting, ventilation and insulation

building fire risk – prevention and suppression

building materials and finishes

a common wall structure and design

access and facilities for the disabled

likely compliance with the Building Code of Australia

The proposed development will comply with the provisions of the Building Code of Australia as required by the Environmental Planning and Assessment Regulation 2021. There will be no

detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

What would be the impacts of construction activities in terms of:

The environmental planning issues listed above

Site safety

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

Does the proposal fit in the locality

Are the constraints posed by adjacent development prohibitive

Would development lead to unmanageable transport demands and are there adequate transport facilities in the area

Are utilities and services available to the site adequate for the development

Are the site attributes conducive to development

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The architect has responded to the client brief to provide for alterations and additions of design merit that provides a high level of amenity for the future occupants whilst appropriately addressing the sites setting and maintaining the amenity of the nearby residential properties. The development will provide a quality built form outcome on the site.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

5 Conclusion

The proposed alterations and additions are permissible with consent and consistent with the intent of the LEP and DCP controls as they are reasonably applied to the proposal. The work will largely maintain its scale and context with established development in the immediate vicinity. No unreasonable amenity impacts are anticipated with regard to view loss, overshadowing and privacy.

It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed works are compatible with the existing streetscape and development in the local area generally.
- The proposed works will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of exceptional design merit, that satisfies the outcomes and controls contained within the adopted legislative framework.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

Kind regards,

William Fleming
Director
BBF Town Planners