

AMENDED STATEMENT OF HERITAGE IMPACT

**Proposed Alterations and works to the
upper level of an existing 2 Storey Dwelling
and the provision of an on-site car space
and driveway crossing**

at

No 10 Carlton Street Manly

Prepared by: Nigel White - Bachelor of Applied Science (Environmental Planning)

Date: September 2024; August 2025

1.0 INTRODUCTION

Planning Direction P/L has been engaged to prepare an amended Statement of Heritage Impact to accompany a development application to Manly Council for alterations to an existing two storey dwelling at No 10 Carlton Street Manly.

As a matter of background, a prior application was considered by Council which included a part basement level and more significant works to the upper level of the dwelling. Council's heritage officer expressed concerns as follows:

The proposed enlargement at the street frontage is not supported by Heritage as this will require the removal of the existing chimney and diminish the retained heritage values of the property. The proposed roof pitch is shallower than the original roof pitch that it is not considered appropriate - the roof pitch should match the existing gable roof pitch.

The applicant has revised the proposal noting the above concerns as follows:

Demolish part of the existing upper level addition and modify the upper level addition to comprise:

- Create a main bedroom with walk-in robe and ensuite and an additional bedroom and a bathroom; and
- Modify the existing roof profile to achieve the required clearance on the upper level and maintain a similar roof pitch to that of the existing roof profile.

Alterations and additions to the ground floor of the existing dwelling include:

- Create a dining room at the rear of the dwelling and retain the existing internal staircase accessing the upper level;
- Remodel the existing awning over the front entry portico; and
- Provide a hardstand area in front of the dwelling for the parking of a small car inside the property, plus create a driveway crossing.

The proposal has been prepared pursuant to the provisions of the Manly Local Environmental Plan 2013 and the supporting Development Control Plan 2013. This amended statement of heritage impact is intended to assist Manly Council in its assessment of the development application and includes;

- A description of the site, the locality and the proposal;
- A description of the statutory framework in which the development application will be assessed inclusive of the local planning instruments and the provisions of the Environmental Planning and Assessment Act 1979. Also considered in the assessment are the guidelines from the NSW Heritage Manual when preparing a Statement of Heritage Impact;
- Conclusions in respect of the proposed development.

The report is based on plans prepared by *bettswhite home designs*.

2.0 SITE ANALYSIS

2.1 Subject Site

The subject site is situated on the northern side of Carlton Street and is known as No 10 Carlton Street Manly.



Locality Plan

The subject site is legally identified as Lot B in Deposited Plan 330039.

The subject site is a small irregular shaped lot.

The subject site has a total area of approximately **208.7m²**. A survey plan is included with the development plans.

Existing improvements on the subject site consist of a two storey clad dwelling.

With regards to topography the subject site has a gradual fall from the rear boundary of the site to Carlton Street enabling stormwater to flow via gravity to Council's drainage system in Carlton Street.



Subject Site as viewed from Carlton Street

The applicant does not propose to alter the existing drainage arrangements given that the proposed upper level is contained above the footprint of the existing dwelling.

The building is not listed under the Manly Local Environmental Plan 2013 as having specific heritage significance; however, the site fronts a heritage item – being Smith Street and is situated within a conservation precinct. The listing is as follows:

Manly	Street	Smith Street (from Pine Street to Carlton Street, trees and around the intersection with Alexander Street)	local significance	item No	I223
	All stone kerbs	Manly municipal area significance		I2 local	
	Pittwater Road Conservation Shown by red cross-hatching and marked “C1”			local significance Area	

One palm tree on the subject site requires removal to facilitate the proposed car space.

2.2 Site Context

The subject site is situated within an established higher density residential precinct characterised by a mix of single and two storey dwellings and some residential flat buildings. The dwellings in the precinct are generally well presented.

3.0 PROPOSED DEVELOPMENT 3.1 Description of Proposal

The applicant seeks development consent to undertake the following at No 10 Carlton Street Manly:

The amended design is described as follows:

Demolish part of the existing upper level addition and modify the upper level addition to comprise:

- Create a main bedroom with walk-in robe and ensuite and an additional bedroom and a bathroom; and
- Modify the existing roof profile to achieve the required clearance on the upper level and maintain a similar roof pitch to that of the existing roof profile.

Alterations and additions to the ground floor of the existing dwelling include:

- Create a dining room at the rear of the dwelling and retain the existing internal staircase accessing the upper level;
- Remodel the existing awning over the front entry portico; and
- Provide a hardstand area in front of the dwelling for the parking of a small car inside the property, plus create a driveway crossing.



Artist impression of the proposal

The applicant has reduced the extent of works proposed to the dwelling deleting the proposed basement level and simplifying works proposed to the upper level. A symmetry in the roof profile is achieved and the shape of the upper level has been regularised.

The proposed car space within the front building alignment has been retained in the proposal and the driveway crossing has been minimised. The proposed car space is an integral component of the proposal providing safe and secure on-site car parking.

4.0 MANLY LOCAL ENVIRONMENTAL PLAN 2013 4.1 Zone and Zone Objectives

The subject site is zoned **R1 General Residential** under the Manly LEP 2013.

The stated zone objectives and land use table for the zone are as follows:

1 Objectives of zone

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Water recreation structures; Water recycling facilities; Water supply systems

4 Prohibited

Advertising structures; Water treatment facilities; Any other development not specified in item 2 or 3

Comment:

The proposed alterations and additions are ancillary to a dwelling and are permissible in the zone.

The proposed works are consistent with the zone objectives of the LEP by ensuring the housing needs of the residents are met.

4.2 Relevant Clauses in the LEP

The relevant clauses from the LEP relating to heritage are as follows:

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Manly,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*
 - (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:

- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or (d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the

place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

(a) notify the Heritage Council about the application, and

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Comment:

The subject site falls within the Pittwater Road heritage conservation area deemed to have local heritage value.

The subject site does not contain a specifically listed heritage item having heritage significance.

However, Smith Street contains a local listing for its street trees and both Smith and Carlton Streets are recognised for their stone kerbs.

Manly	Street 1223 trees	Smith Street (from Pine Street to Carlton Street, and around the intersection with Alexander Street)	local significance	item No
	All stone kerbs	Manly municipal area significance	I2 local	

Pittwater Road Conservation Shown by red cross-hatching and marked "C1"

local significance Area

Given that the subject site fronts only Carlton Street and is an infill site, no impacts are likely to the street trees in Smith Street.

The proposed works are also suitably contained on-site, excepting for the driveway crossing and the need to remove part of the stone kerb in Carlton Street. It should be noted that the subject site presently has no on-site parking and most of the properties in the precinct benefit from a driveway crossing. Accordingly, the request and expectation for a driveway crossing is reasonable in a high-density residential area.

The scale of the proposed addition to the dwelling is consistent with that of other existing dwellings in the precinct.

The noted features of the subject dwelling have been noted as follows:

Substantial 2-storey Federation Queen Anne style house with unusual round corner tower with onion dome. Hipped and gabled roof.

The revised proposal maintains the feature architectural aspects of the dwelling and retains a consistent roof profile.

There will be no adverse impact on the conservation area as the proposed works are permissible and consistent with surrounding built form. There is a reasonable expectation that the built form proposed is acceptable built form in the higher density zone.

In view of the above, the preparation of a heritage conservation management plan is not necessary in this instance.

Questions to consider arising from NSW Heritage Manual guidelines are as follows:

How is the impact of the addition on the heritage significance of the item to be minimised?

The listed street trees are unaffected by the proposal in so far as the proposed works are contained within the existing dwelling footprint. The proposed addition can be constructed without disturbance to the trees and

stone kerb in Smith Street. Part of the stone kerb will need to be removed and replaced by a driveway layback in Carlton Street. Such will be undertaken with care of the remaining stone kerb. The works will be undertaken in accordance with Council requirements.

Why is the new development required to be adjacent to a heritage item?

The listed heritage item includes the whole street and the site fronts the street. The proposed works are suitably distant from the street being located within the footprint of the existing dwelling. The proposed driveway crossing is similar to that servicing other dwellings in the street.

Can the additional area be located within an existing structure? If not why not?

The subject site is small and the existing dwelling area offers minimal floor space opportunities. The proposed addition has been amended to respect the architectural features of the dwelling while enhancing internal amenity on-site. The proposal is logical and consistent with that of other buildings on nearby sites – particularly the adjoining site at No 12 Carlton street.

Will the addition visually dominate the heritage item?

As previously stated - No.

Is the addition sited on any known or potentially significant archaeological deposits? If so have alternative positions for the additions been considered?

The answer is simply - No. The heritage listing relates to street trees and the visual appeal. The conservation listing relates to a grouping of like dwellings from a certain era of construction. No specific archaeological issues with the land have been identified.

Are the additions sympathetic to the heritage item? In what way (eg form, proportions, design)?

The answer is - Yes. The proposed design will maintain similar proportions, colours and finished surface materials. The proposed upper level has been amended to maintain simpler proportions and respect the noted architectural features of the dwelling. The proposed works will represent an enhancement of the built form on site.

5.0 MANLY DEVELOPMENT CONTROL PLAN 2013

The development control plan provides additional considerations when assessing development applications. A comment in relation to the applicable component of the DCP is provided as follows: -

5.2 Pittwater Road Conservation Area

5.2.1 Statement of Significance

a) The Pittwater Road Conservation Area street pattern is distinctive and underpins the urban character of the area. This street pattern comprises the alignment, detailing and silhouette of the street facades and the overall scale of building in Pittwater Road is important. The streets remain unaltered in their alignment, although the names of Malvern, Pine and North Steyne are now names for what were Whistler, Middle Harbour and East Steyne respectively. In particular, the streetscape along Pittwater Road from Dennison Road to Collingwood Street is a fine example of a remaining vista of the early settlement period in the Municipality specifically its scale and architectural interest and mixed use and for its association with the tram route and the major northern transport route.

b) New development should recognise the linear nature of the buildings in Pittwater Road for their contribution to the visual character of this street. New development should not visually overwhelm the four groups of individual heritage items in that part of the street which is zoned for business purposes in the LEP.

5.2.2 Development fronting Pittwater Road

In relation to development fronting Pittwater Road, Council must be satisfied that DAs will not:

- a) adversely affect the amenity of the locality;*
- b) result in excessive vehicular movements to and from the site or in adjacent residential streets;*
- c) involve signage or other non-structural change in the appearance of the exterior of the building that is inconsistent with the preservation or restoration of the heritage streetscape in the vicinity;*
- d) change in the appearance of the exterior of a building without being in keeping with the preservation or restoration of the heritage streetscape.*

Comment:

The proposed works are contained within the dwelling footprint on the site and do not adversely impact upon Smith Street streetscape. The subject site is suitably distant from specifically listed heritage dwellings.

No impact is caused to the amenity of the area from the proposed built form. No signage is proposed and vehicle movements are limited to one car and a new vehicle crossing.

6.0 SECTION 4.15 CHECKLIST

The following provides an assessment of the proposal against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (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*
- (iii) any development control plan, and*
- (iiia) 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*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

Comment:

The proposal is permissible and satisfies the objectives of Manly Local Environmental Plan 2013 and prescriptive and performance controls of the DCP.

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.

Comment:

A detailed site analysis was undertaken to determine the appropriate form of development having regard to Council's planning controls, the

circumstances of the site and neighbouring properties and the desired future character of the locality.

The proposed development provides for a high degree of amenity for future occupants, while being respectful of the amenity of neighbouring properties.

In view of the above the development will have acceptable social and environmental implications given the nature of the zone.

c. the suitability of the site for the development.

Comment:

The subject site has a suitable area, configuration and topography to accommodate the proposed development. The design solution is based on sound site analysis and responds positively to the characteristics of the site and adjoining development.

d. any submissions made in accordance with the Act or the regulations.

Comment: Nil

e. the public interest Note.

See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Comment:

The proposed development is purely domestic in nature and provides for the attainment of additional quality floor space within a well serviced locality therefore satisfying urban consolidation initiatives and furthering the public interest.

(2) Compliance with non-discretionary development standards—development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

(a) is not entitled to take those standards into further consideration in determining the development application, and

(b) *must not refuse the application on the ground that the development does not comply with those standards, and*

(c) *must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.*

(3) *If an environmental planning instrument or a regulation contains nondiscretionary development standards and development the subject of a development application does not comply with those standards:*

(a) *subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and*

(b) *a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.*

Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

Comment:

The application has merit and is consistent with the intent of the controls given the site context.

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) *if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*

(b) *if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

(c) *may consider those provisions only in connection with the assessment of that development application.*

In this subsection, standards include performance criteria.

Comment:

The provisions of the development control plan have been considered as part of the application. The proposal is reasonable in this regard.

- (4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.*
- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).*
- (6) Definitions In this section:*
 - (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and*
 - (b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.*

Comment: Not applicable.

7.0 CONCLUSION

The proposed amended alterations to the dwelling provide simpler proportions yet achieve the desired amenity on-site. The proposed works to the two storey dwelling are comparable to other dwellings in the precinct and are ancillary to permissible use on-site.

The proposed upper-level addition, with its reduced footprint is suitably contained on-site and represent an enhancement of built form on-site.

No streetscape implications arise.

Provision of on-site car parking is a reasonable expectation in a high density residential environment. The removal of part of the stone kerb is reasonable in this instance for a standard vehicle crossing comparable to other examples in the street.

A consistent built form is achieved ensuring that no adverse impacts arise to the detriment of the conservation area.

In view of the above, the proposed works are reasonable.

The granting of development consent by Council is recommended from a heritage viewpoint.

Nigel White

A handwritten signature in dark ink, appearing to read 'Nigel White', with a stylized, cursive script.

16th August 2025