

The General Manager
Manly Council

Planning Department
PO Box 82 Manly NSW 1655

20250215

Attention: Planning and Building Department

STATEMENT OF ENVIRONMENTAL EFFECTS
41 WHISTLER STREET, MANLY
DP 566121

1.0 Introduction

1.1 This statement has been prepared using the Manly Local Environmental Plan 2013 and the Manly Development Control Plan 2013 for planning assessment for development consent for Alterations and additions to semi-detached dwelling at 41 Whistler Street, Manly.

2. The Site

41 Whistler Street is a semi-detached house adjacent no. 39 which currently is being extended and renovated. Further south at no. 37, there is a 3-storey brick apartment building. To the North of the subject property as is a similar building which has recently been extended and altered, and further north a 1980's apartment building.

The subject site retains its original street frontage with a contemporary attic and ground level rear extension from 2006. The form and scale of this extension was in response to the context of the neighbouring properties at the time. This ensured balancing privacy, views and any overshadowing of number 39 and 43.

The neighbouring properties directly to the North and South have recently been renovated, with large rear double storey additions. In this context, the amenity of the upper level living and deck areas of the subject site have been compromised.

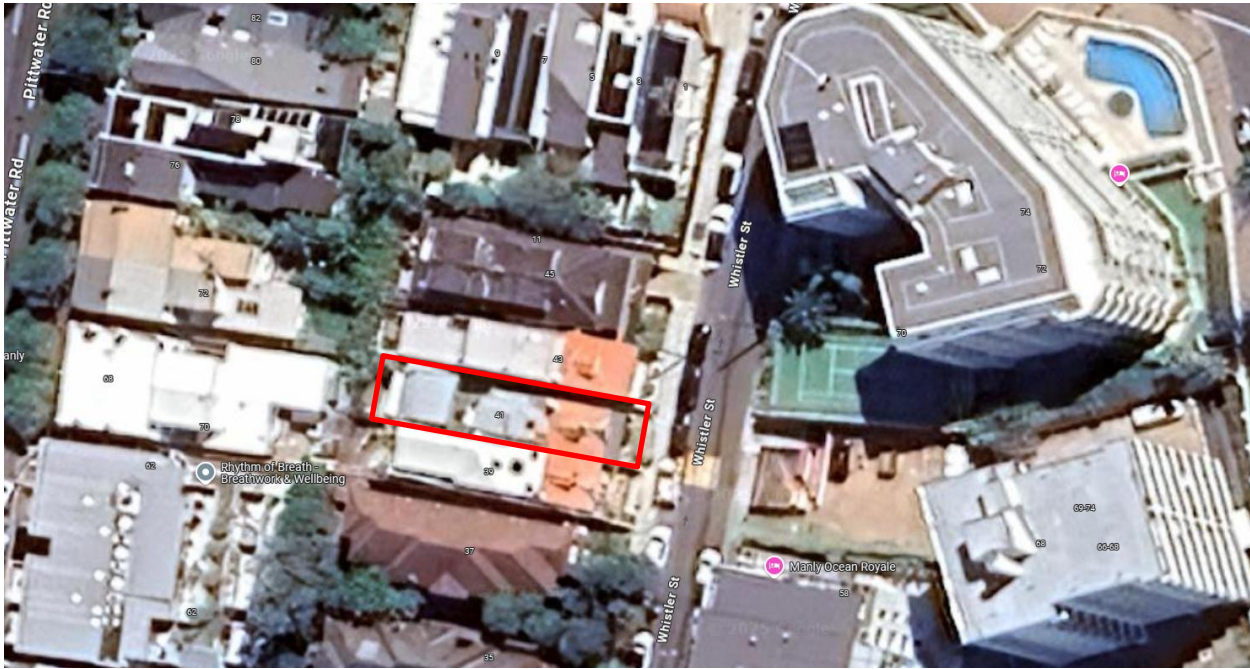


Figure 1. Aerial view, 41 Whistler Street Manly. Googlemaps 2025.



Figure2. 39 and 41 Whistler Street Manly.



Rear of No. 39 Whistler Street, Manly	Rear of No. 43 Whistler Street, Manly
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3. Proposed Development

The proposed alterations and additions are limited to the existing attic space and the existing ground level courtyard. The proposed alterations respond to the altered context along both sides of the property, improving the living spaces on both levels and maintaining connections to the existing outdoor living areas. The new roof replaces the existing folded form metal roof, with a similar articulated form set back from the original building line. The extended party wall height is proposed to match that of number 39 Whistler Street with the new roof set down from the parapet.

Attic level	Demolish and replace existing roof
	Modify existing stair, ensuite, attic study and deck
	New skylights
	New retractable awning over existing deck
Ground level	Extend Dining room and move glazed doors
	New skylight

4. Planning Controls

The proposed modifications will have minimal environmental impact as demonstrated in this document.

4.1 Manly Local Environmental Plan 2013

Zoning	R3 – Medium Density Residential	
Demolition		Demolition of rear attic roof
Minimum Lot Size		No subdivision is proposed.
Building Height	11 metres	The new works do not exceed the maximum building height
Floor Space Ratio	0.75:1	Existing non-compliance FSR = 0.80:1 Proposed FSR =0.87:1 See clause 4.6 variation request
Heritage Conservation	The property is not a heritage item. Located The Pittwater Road Conservation Area.	The works are located at the rear of the site and will have no impact on the conservation area or neighbouring items.
Flood Planning	The NBC Flood Hazard map a very small portion of the front of the property is within a medium risk precinct.	All proposed works are to the rear of the property. All new works are located above the Flood Planning level identified in the NBC Flood Hazard Map.
Earthworks	Acid Sulfate Soils Class 4	Minor excavation required for footings
Stormwater Management		As existing

4.2 Manly Development Control Plan 2013.

The relevant sections of the DCP are addressed below.

Part 3 - General Principles of Development

PART	OBJECTIVES	RESPONSE
<p>3.1 Streetscape and Townscapes</p>	<p>Streetscape Objective 1) To minimise any negative visual impact of walls, fences and car parking on the street frontage. Objective 2) To ensure development generally viewed from the street complements the identified streetscape. Objective 3) To encourage soft landscape alternatives when front fences and walls may not be appropriate. Townscape Objective 4) To ensure that all parking provision is designed and sited to respond to and respect the prevailing townscape. Objective 5) To assist in maintaining the character of the locality. Objective 6) To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres. Objective 7) To minimise negative visual impact, in particular at the arterial road entry points into the Council area and the former Manly Council area, so as to promote townscape qualities.</p>	<p>The proposal will have a no negative visual impact on the streetscape.</p> <p>No change to front fences.</p> <p>No changes to car parking.</p> <p>The design respects the character of the locality.</p>
<p>3.2 Heritage Considerations</p>	<p>Objective 1) To retain and conserve environmental heritage and cultural significance of Manly including: significant fabric, setting, relics and view associated with heritage items and conservation areas; the foreshore, including its setting and associated views; and potential archaeological sites, places of Aboriginal significance and places of natural significance. Objective 2) To ensure any modification to heritage items, potential heritage items or buildings within conservation areas is of an appropriate design that does not adversely impact on the significance of the item or the locality. Objective 3) To ensure that development in the vicinity of heritage items, potential heritage item and/ or conservation areas, is of an appropriate form and design so as not to detract from the significance of those items. Objective 4) To provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons. Objective 5) To integrate heritage management and conservation into the planning development process including incentives for good heritage management, adaptive reuse, sustainability and innovative approaches to heritage conservation.</p>	<p>The property is not a heritage item</p>
<p>3.2.1 Consideration of Heritage Significance</p>	<p>a) In addition to LEP listings of Environmental Heritage (LEP Schedule 5), this DCP requires consideration of the effect on heritage significance for any other development in the vicinity of a heritage item or conservation area. b) Proposed development in the vicinity of a heritage item or conservation area must ensure that: i) it does not detract or significantly alter the heritage significance of any heritage items, conservation area or place; ii) the heritage values or character of the locality are retained or enhanced; and iii) any contemporary response may not necessarily seek to replicate heritage details or character of heritage buildings in the vicinity, but must preserve heritage significance and integrity with complementary and respectful building form, proportions, scale, style, materials, colours and finishes and building/street alignments. c) The impact on the setting of a heritage item or conservation area is to be minimised by: i) providing an adequate area around the building to allow interpretation of the heritage item; ii) retaining original or significant landscaping (including plantings with direct links or association with the heritage</p>	<p>The proposed design is appropriate for the locality and does not adversely impact on the significance of heritage items nearby.</p> <p>The addition has a complementary form, proportions, scale, style, materials, colours and finishes.</p> <p>The proposed building will not interfere with any significant views to and</p>

	<p>item);</p> <p>iii) protecting (where possible) and allowing the interpretation of any archaeological features; and</p> <p>iv) retaining and respecting significant views to and from the heritage item.</p>	<p>from any heritage items.</p>
<p>3.2.2.1 Complementary Form and Scale that Distinguishes Heritage Significance</p>	<p>a) Alterations or additions to heritage items or buildings within a conservation area will not necessarily seek to replicate, overwhelm, dominate or challenge heritage details or character of the building or structure of heritage significant buildings. However, a contemporary response which complements and respects the form and scale of the original buildings may be considered if the heritage significance is retained.</p> <p>b) Consideration should be given to whether making a house bigger will ruin its appearance. Additions to small houses can easily overwhelm them and use up garden space needed for private open space and impact the setting and pattern of development in the locality. Modest additions work best and can be organised as wings or pavilions to the existing house. All additions must be at the back of the house, not the front.</p>	<p>The proposed attic extension and the existing rear pavilion (to be retained) complement and respect the form and scale of the original building.</p> <p>The upper storey roof has an articulated form and the existing deck area maintains the existing visual separation from the rear pavilion.</p> <p>The additions will have no negative impact on Private Open Space.</p>
<p>3.2.2.2 Retaining Significant Features and Landscape Setting.</p>	<p>Alterations or additions to heritage items or buildings within a conservation area must:</p> <p>a) retain original and traditional roof form, roof pitch with any alterations to the roofs to be sympathetic to the style of the heritage item or building within a conservation area;</p> <p>b) retain original architectural detailing such as barge board, finial trim, window awnings and front verandas. New detailing must be complementary to the character of the item or place;</p> <p>c) retain original wall treatments and original cladding (including slate). Modifications to face brick dwellings must use the original style of bricks, window heads, mortar joints and other building details;</p> <p>d) not render or paint original face brickwork. In particular face brickwork where already so treated should be restored, where practical, to its original un-painted state;</p> <p>e) where surfaces are not originally face brickwork:</p> <p>i) any appropriate use of cement render is complementary to and consistent with the heritage architectural style and colour schemes and repainting must be articulated in the same manner as the original colour rendering of the building;</p> <p>ii) external colour schemes are to be in keeping with the original character of the heritage building based where possible on physical or documentary evidence in keeping with the architectural style and period of the building;</p> <p>iii) contemporary colours are not discouraged, but should be combined in a complementary way; and</p> <p>iv) single colour solutions are not permitted;</p> <p>f) avoid removal of original fabric in order to retain the integrity of the heritage item or conservation area;</p> <p>g) ensure that any new windows are to be inserted into the existing fabric of a heritage building and be of a size, proportion and type of window that is compatible with the building's architectural style/period as shown in Figure 7; and</p> <p>h) retain and maintain contributory landscape settings for heritage items and ensure new landscaping is sympathetic to the heritage significance of the item or place.</p>	<p>The proposal retains original and traditional roof forms.</p> <p>The external colour scheme will be in keeping with the original character of the heritage area.</p> <p>No significant changes to the landscaping within the property are proposed.</p>
<p>3.2.5.2. Exceptions to FSR Development Standards</p>	<p>Under LEP clause 4.6, Council may consider exceptions to the maximum FSR where 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' and where 'there is sufficient environment planning grounds' to justify contravening the development standard' See LEP clause 4.6(3).</p>	<p>Existing non-compliance FSR = 0.80:1</p> <p>Proposed FSR =0.87:1</p> <p>See Clause 4.6 variation request</p>

<p>3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)</p>	<p>Objective 1)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 including noise and vibration impacts. Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade. Designing for Amenity a) Careful design consideration should be given to minimise loss of sunlight, privacy, views, noise and vibration impacts and other nuisance (odour, fumes etc.) for neighbouring properties and the development property. This is especially relevant in higher density areas, development adjacent to smaller developments and development types that may potentially impact on neighbour’s amenity such as licensed premises. b) Development should not detract from the scenic amenity of the area. In particular, the apparent bulk and design of a development should be considered and assessed from surrounding public and private viewpoints. c) The use of material and finishes is to protect amenity for neighbours in terms of reflectivity. The reflectivity of roofs and glass used on external walls will be minimal in accordance with industry standards. See also Council’s Administrative Guidelines regards DA lodgement requirements for materials and finishes</p>	<p>The proposal will have no negative impact on privacy, views, solar access and general amenity.</p> <p>The additions will have no negative impact on Private Open Space.</p> <p>The articulated design of the roof reduces the apparent bulk of the rear extension. The new roof sits below the existing boundary wall adjoining the property of No. 39 Whistler Street.</p>
<p>3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)</p>	<p>Objective1)To ensure the principles of ecologically sustainable development are taken into consideration within a consistent and integrated planning framework that achieves environmental, economic and social sustainability in the short, medium and long term. Objective 2) To encourage the retention and adaptation of existing dwellings including a preference for adaptive reuse of buildings rather than total demolition. Objective 3)To minimise waste generated by development and embodied in the building materials and processes through demolition. Objective 4)To encourage the use of recycled materials in landscape construction works. Objective 5)To encourage the establishment of vegetable gardens and the planting of fruit trees. Objective 6)To encourage energy efficient building design, construction and practices, that reduce energy consumption (primarily for heating and cooling), reduce the use of non-renewable fossil fuels, minimise air pollution, greenhouse gas emissions and reduce energy bills. Objective 7)To require that residential site planning and building design optimise solar access to land and buildings. Objective 8) To site and design development to optimise energy conservation and sustainability in accordance with BASIX legislation and encourage development to exceed requirement particularly to ensure energy efficient use of energy for internal heating and cooling.</p>	<p>The existing dwelling is proposed to be retained. Demolition /waste will be kept to a minimum.</p> <p>The design optimises solar access and energy conservation in accordance with BASIX.</p>
<p>3.7 Stormwater Management</p>		<p>No change from existing</p>
<p>3.8 waste Management</p>		<p>No change from existing</p>
<p>Part 4 - Development Controls and Development Types</p> <p>4.1 Residential Development Controls</p>		
<p>PART</p>	<p>OBJECTIVES</p>	
<p>4.1.1 Dwelling Density, Dwelling Size and Subdivision</p>	<p>Objective 1) To promote a variety of dwelling types, allotment sizes and residential environments in Manly. Objective 2) To limit the impact of residential development on existing vegetation, waterways, riparian land and the topography. Objective 3) To promote housing diversity and a variety of</p>	<p>The residential density will be unchanged by the proposed modification. The proposal seeks to</p>

	<p>dwelling sizes to provide an acceptable level of internal amenity for new dwellings.</p> <p>Objective 4) To maintain the character of the locality and streetscape.</p> <p>Objective 5) To maximise the use of existing infrastructure.</p>	<p>maintain the character of the locality and streetscape.</p>
<p>4.1.2 Height of Buildings</p> <p>4.1.2.1 Wall Height</p>	<p>a) Within the LEP Height of Buildings development standard, the maximum external wall height is calculated based on the slope of the land under the proposed wall.</p>	<p>All changes proposed are within the height limit of 11m.</p>
<p>4.1.2.2 Number of Storeys</p>	<p>a) Buildings must not exceed 2 storeys, except on land in areas 'L' and 'N1' on the LEP Height of Building Map and notwithstanding the wall and roof height controls in this plan.</p>	<p>The proposal does not exceed 2 storeys.</p>
<p>4.1.2.3 Roof Height</p>	<p>A)Pitched roof structures must be no higher than 2.5m above the actual wall height</p>	<p>complies</p>
<p>Roof Pitch</p>	<p>c) The maximum roof pitch must be generally no steeper than 35 degrees.</p>	<p>complies</p>
<p>4.1.3 Floor Space Ratio (FSR)</p>	<p>Objective 1) To ensure the scale of development does not obscure important landscape features.</p> <p>Objective 2) To minimise disruption to views to adjacent and nearby development.</p> <p>Objective 3) To allow adequate sunlight to penetrate both the private open spaces within the development site and private open spaces and windows to the living spaces of adjacent residential development.</p>	<p>See the clause 4.6 variation request for minor changes to the existing non-complaint FSR.</p> <p>The scale of the proposal will have no negative impact on views or solar access of adjacent developments.</p>
<p>4.1.4 Setbacks (front, side and rear) and Building Separation</p>	<p>Objective 1)To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.</p> <p>Objective 2)To ensure and enhance local amenity by: Providing privacy; providing equitable access to light, sunshine and air movement; and facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces. Defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.</p> <p>Objective 3) To promote flexibility in the siting of buildings.</p> <p>Objective 4) To enhance and maintain natural features by: accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees; ensuring the nature of development does not unduly detract from the context of the site</p>	<p>There is no negative impact on equal access to light, sunshine, air movement, and view sharing.</p> <p>No changes to deep soil zones, native vegetation and native trees.</p>
<p>4.1.4.1 Street Front setbacks</p>	<p>a) Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.</p> <p>b) Where the street front building lines of neighbouring properties are variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback generally applies. This street setback may also need to be set further back for all or part of the front building façade to retain significant trees and to maintain and enhance the streetscape.</p> <p>c) Where the streetscape character is predominantly single storey building at the street frontage, the street setback is to be increased for any proposed upper floor level.</p>	<p>The front façade of the property remains unchanged.</p> <p>The street setback of the attic level is located behind the ridge of the original single story roof to ensure no negative impact on streetscape character.</p>
<p>4.1.4.2 Side setbacks and secondary street frontages</p>	<p>a) Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building.</p> <p>b) Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, and the like, if it can demonstrate there will be no adverse impact on adjoining properties including loss of privacy from a deck or balcony.</p> <p>c) 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 ground floor addition is aligned with existing side setbacks and allows for planting of vegetation and has sufficient separation from neighbouring properties.</p>

	<p>d) For secondary street frontages of corner allotments, the side boundary setback control will apply unless a prevailing building line exists. In such cases the prevailing setback of the neighbouring properties must be used. Architecturally the building must address both streets.</p> <p>e) Side setbacks must provide sufficient access to the side of properties to allow for property maintenance, planting of vegetation and sufficient separation from neighbouring properties.</p>	<p>There is no negative impact on equal access to light, sunshine, air movement, and view sharing.</p>
4.1.4.4 Rear Setbacks	<p>a) The distance between any part of a building and the rear boundary must not be less than 8m.</p> <p>b) Rear setbacks must allow space for planting of vegetation, including trees, other landscape works and private and/or common open space. The character of existing natural vegetated settings is to be maintained.</p>	<p>The rear setback remains unchanged. The proposal will have no negative impact on the space for planting of vegetation.</p>
4.1.5 Open Space and Landscaping	<p>Objective 1) To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.</p> <p>Objective 2) To maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.</p> <p>Objective 3) To maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.</p> <p>Objective 4) To maximise water infiltration on-site with porous landscaped areas and surfaces and minimise stormwater runoff.</p> <p>Objective 5) To minimise the spread of weeds and the degradation of private and public open space.</p> <p>Objective 6) To maximise wildlife habitat and the potential for wildlife corridors.</p>	<p>No changes are proposed to existing areas of open space.</p> <p>The proposal aims to enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.</p>
4.1.5.2 Landscaped Area	<p>a) Landscaped Area must be provided on site in accordance with above Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level. Minimum Dimensions and Areas</p> <p>b) Minimum dimensions and areas must provide for the following:</p> <p>i) soil depth of at least 1m for all landscaped areas either in ground or above ground in raised planter beds; and</p> <p>ii) a minimum horizontal dimension of 0.5m measured from the inner side of the planter bed/ box, wall or any other structure which defines the landscaped area and incorporating an appropriate drainage and irrigation regime.</p>	<p>No changes are proposed to existing areas of soft landscaping.</p>
7.0 Suitability of the site	<p>a) First floor additions must complement the architectural style of the ground floor and where possible retain existing roof forms. Notwithstanding setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.</p> <p>b) The dwelling and the form of alterations and additions must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences or the aesthetic quality of the former Manly Council area. In this regard, it may be preferable that the addition be confined to the rear of the premises or be contained within the roof structure.</p>	<p>The proposed modifications do not raise any additional issues relating to the suitability of the site.</p>

5.0 Conclusion

The proposed alterations respond to the recently altered context along both sides of the property. The proposed alterations and additions will have no significant environmental impact as they are limited to rear of the property. The design improves the living spaces on both the ground floor and attic levels and maintains existing connections to outdoor living areas. The design aims to maintain appropriate visual relationships between the development and the existing character and landscape of the area. The proposed articulated roof form is set behind the front of the property and separated from the rear pavilion with an existing deck area to ensure there is no detrimental impact to the streetscape or neighbouring properties.