

Statement of Environmental Effects



44 Bower Street, Manly

**Alterations and additions to
existing two storey dwelling**

AP 723

May 2025

Alterations and additions to existing two storey dwelling

by Utz Sanby Architects

44 Bower Street, Manly

Statement of Environmental Effects for submission to Northern Beaches Council

May 2025 | AP 723

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1. SUMMARY

This statement is to be read in conjunction with plans prepared by Utz Sanby Architects dated 12 May 2025.

It is proposed to carry out alterations and additions to existing two storey dwelling including a minor addition at first floor level and a new storeroom at basement level.

The proposal has been designed to relate to its site and to the streetscape in terms of appearance, envelope, setbacks, bulk and scale.

The preparation of this Statement is pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 and Section 24(1) of the Environmental Planning and Assessment Regulation 2021. It provides for an assessment of the development proposal, having regard to relevant legislation, contextual analysis, social, economic and environmental impacts, potential amenity impacts on the surrounding locality and the measures proposed to mitigate impacts.

This statement assesses any numeric non-compliance as acceptable on merit, resulting in no adverse impacts and in compliance with all relevant DCP and LEP objectives.

2. THE SITE

The subject site, being Lot 24 DP 8075 and known as 44 Bower Street, Manly, is located on the northern side of Bower Street, just before the road turns sharply southwards.

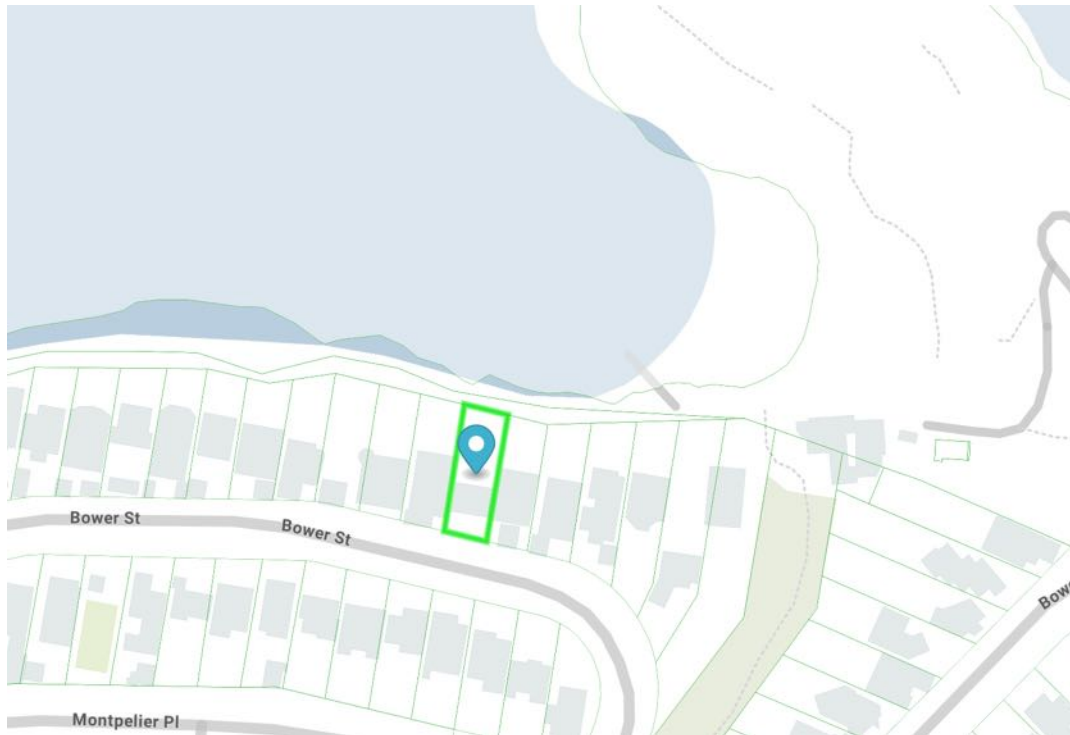


Figure 1. Site Location Map (Mecone Mosaic 2025)

The site is marginally irregular in shape and has a frontage of 15.28m to Bower Street. The depth of the site is 45.72m along the eastern boundary and 45.72m along the western side boundary. The site is 15.28m wide at the rear where it adjoins a walkway that runs from Cabbage Bay Tree to Shelly Beach. The area of the site is 697sqm.

The site slopes from south to north, with a fall of approximately 25m from the front boundary (south) to the rear boundary (north).



Figure 2. Site Context Aerial (Mecone Mosaic 2025)

On the site is a part two/part three-storey residential dwelling featuring a garage accommodating for two vehicles.



Figure 3. Looking west showing rear private open space



Figure 4. Looking east from rear private open space



Figure 5. Looking north west from rear private open space



Figure 6. Looking north towards existing pool and view of Shelly Beach



Figure 7. Looking west from pool landing towards neighbouring 48 Bower Street



Figure 8. Looking east towards neighbouring 42 Bower Street



Figure 9. Looking west showing existing steps at rear private open space



Figure 10. Looking down towards rear boundary of the site



Figure 11. Showing rear private open space

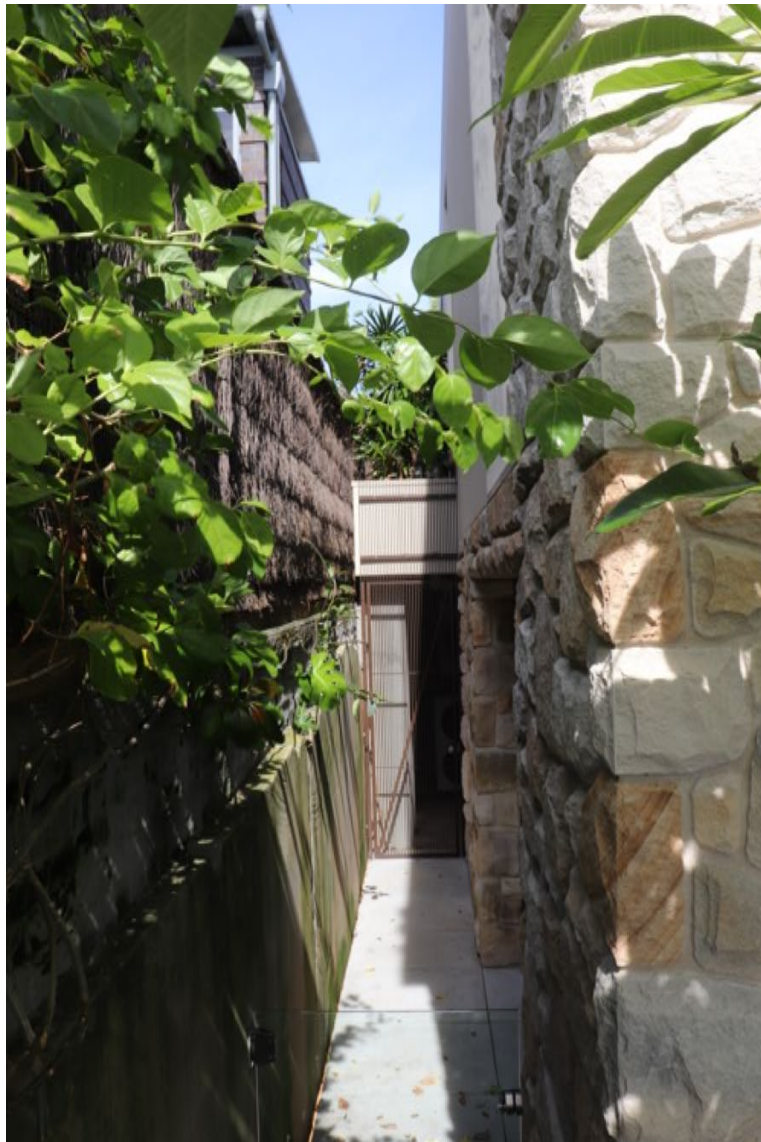


Figure 12. Looking south along eastern side boundary



Figure 13. Looking south along western side boundary



Figure 14. Showing existing front setback

The site is zoned E3 Environmental Management under the provisions of the Manly Local Environmental Plan 2013. The building is not identified as a Heritage Item and is not within a Heritage Conservation Area. Nearby heritage items include the following:

- I86 at 50 Bower Street – House;
- I87 at 101 Bower Street - House, “Bower Hall”
- I88 at 105 Bower Street - House
- I89 at 129 Bower Street - Residential flat building, “Borambil”

3. THE LOCALITY

Surrounding developments consists predominantly of detached 2- to 4-storey dwelling houses, that are stepped down to suit the fall in the land towards the north with garages located at street frontage.

Adjoining the site to the east at 42 Bower Street is a part 1-, part 2-, part 3-storey dwelling with a double garage at the street frontage.



Figure 15. Showing neighboring 42 Bower Street

Adjoining the site to the west at 48 Bower Street is a part 1, part 3-storey dwelling with a single car port at the street frontage.



Figure 14. Showing neighbouring 48 Bower Street



Figure 15. Showing neighbouring 47 & 49 Bower Street



Figure 16. Showing neighbouring 51 & 53 Bower Street

4. BACKGROUND

4.1 Planning History – Subject Site

- **DA 2020/0319**

Application Type: Development Application

Demolition works and construction of a dwelling house including swimming pool

Status: Approved

Determined: 17/07/2020

This approved dwelling has been constructed and currently exists on the subject site.

- **S96 202/2016 (part 3-modification)**

Application Type: Section 455 Modifications

Section 455 (8) - Section 96 to modify approved demolition of existing dwelling and construction of a three-storey dwelling – Part 3

Status: Approved

Determined: 06/02/2018 (Council Staff)

- **S96 202/2016 (part 2-modification)**

Application Type: Section 455 Modifications

Section 455 (8) - Section 96 Modification to approved Demolition of existing dwelling and construction of a three-storey dwelling with front and rear terraces and lift, new swimming pool with deck, new double garage and driveway, removal of trees, landscaping and new fences – Part 2

Status: Approved

Determined: 04/10/2017

- **DA 202/2016**

Application Type: Development Application

Demolition of existing dwelling and construction of a new dwelling house.

Status: Approved

Determined: 08/02/2017 (Council Staff)

- **DA 222/2015**

Application Type: Development Application

Alterations and Additions - Alterations and additions to the existing dwelling house including rear addition, extended deck, swimming pool, pergola and retaining walls

Status: Approved

Determined: 02/12/2015 (Council Staff)

- **DA 27/2015**

Application Type: Development Application

Alterations and Additions - Alterations and additions to an existing dwelling house including internal alterations, extensions and terraces to ground floor and first floor, stairs to rear garden, new lych-gate, enlarged garage and driveway

Status: Approved by DAU

Determined: 20/05/2015

4.2 Planning History – Adjoining Site

Recent recorded planning history relating to the site includes the following:

42 Bower Street

- **S96 102/2005 (part 2-modification)**

Application Type: Section 455 Modifications

Section 455 (8) - Section 96 to modify approved alterations and additions to existing dwelling including new swimming pool

Status: Approved Under Delegation

Determined: 13/11/2007

- **DA 102/2005**

Application Type: Development Application

Alterations and Additions - Section 82 A Review- Alts & Adds to existing dwelling including new swimming pool

Status: Approved by Council

Determined: 07/11/2005

- **S96 424/2001 (part 2-modification)**

Application Type: Section 455 Modifications

Section 455 (8) - Alteration and/or Additions to existing Alterations & Additions to Dwelling

Status: To be posted

Determined: 01/01/1900

- **DA 424/2001**

Application Type: Development Application

New - New Building Dwelling

Status: Approved by DCU

Determined: 05/06/2002

- **46-48 Bower Street (adjoining the subject site to the west)**
 - **CC2018/1320**
Private - Stage 1: Driveway and tree removal - 6441-01-2018-CC
Status: In Progress
Determined: 22/10/2018
 - **1158/1998**
Application Type: Principal Certifying Authority
Interim Occupation Certificate - DA1158/98 Alts & Adds
Status: Approved by Private Certifier
 - **DA 84/2016**
Subdivision - Two (2) Strata Subdivision of the existing dual occupancy
Status: Approved
Determined: 22/06/2016 (Council Staff)
 - **11.1998.1158.2**
Construction Certificate
Private - Section 96 to modify approved Alterations and additions to existing duplex - involving lower ground floor addition, retaining wall, new windows, deck extension and driveway - Part 2
Status: Approved by Private Certifier
Determined: 10/11/2015
 - **S96 1158/1998 (part 2-modification)**
Section 455 (8) - Section 96 to modify approved Alterations and additions to existing duplex - involving lower ground floor addition, retaining wall, new windows, deck extension and driveway - Part 2
Status: Approved by DAU
Determined: 19/06/2013
 - **CC 1158/1998**
Construction Certificate
Council - DA1158/98 Alts & Adds
Status: Approved
Determined: 03/05/2001
 - **50.2001.1300**
Bonds
Security - 46-48 Bower Street
Status: Application Lodged

- **DA 1158/1998**
New - DA1158/98 Alts & Adds
Status: Approved
Determined: 10/06/1999

4.3 Pre-DA Meeting

The matter was not the subject of a formal pre-DA meeting.

5. PROPOSAL DESCRIPTION

This statement is to be read in conjunction with the following plans prepared by Utz Sanby dated 12 May 2025:

DA-01	DA Site/Roof Plan/Site analysis
DA-02	DA Plans
DA-03	DA Elevations
DA-04	DA Sections
DA-05	Finished & Materials
DA-06	Site Area Calculations
DA-07	Demolition Plan
DA-09	Shadow Diagrams
DA-10	Shadow Diagrams 42 Bower Street
DA-11	Shadow Diagrams 46 Bower Street
DA-12	Existing Plans
DA-13	Notification Plans

The following reports are also submitted with this application

- Geotechnical report prepared by JK Geotechnics
- Biodiversity Report prepared by GIS Environmental Consultants
- Landscape plan prepared by Dangar Barin Smith
- Stormwater plan prepared by Partridge
- BASIX Certificate prepared by Utz Sanby

It is proposed to carryout alterations and additions to existing two storey dwelling including new storeroom and associated works. Specifically, the following construction works are proposed:

- **Basement floor**
 - New storeroom to allow for additional floor area to existing rumpus room
 - New doors to terrace
- **Ground floor**
 - No works
- **First floor**
 - Enclosure of existing Courtyard 1 to allow for new bathroom
 - Enclosure of existing Courtyard 2 to allow for bedroom
- **External**
 - Removal of existing rainwater tank and pool plant and existing terrace above

- Lowering and reconfiguration of pool with stair new stair access to terrace off lower ground floor level
- Removal of stair from existing rear deck at ground floor level to garden below and provision of new stair towards western side boundary
- Minor extension to ground floor deck towards the rear

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

The following matters are to be considered in the assessment of this development application under Section 4.15 of the Environmental Planning & Assessment Act, 1979.

6. S.4.15(1)(a)(i) ENVIRONMENTAL PLANNING INSTRUMENTS

6.1 Objects of the Environmental Planning and Assessment Act

The relevant objects under Section 1.3 of the Environmental Planning and Assessment Act, 1979 are:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The proposal is to carry out alterations and additions to existing two storey dwelling and associated works. The proposal complies with relevant objects above in the following manner:

- Contributes to the social welfare of particular members of the community by providing a more liveable dwelling environment.
- The building will have excellent ESD performance and is designed to comply with BASIX requirements, helping to facilitate ecologically sustainable development.
- The proposal is permissible and complies with the relevant objectives of the zone, thereby promoting the orderly and economic use and development of land.
- The proposal is of a high standard of design and amenity in relation to the existing built environment.
- The proposal promotes the proper construction and maintenance of building through compliance with the Building Code of Australia (BCA).

As such the proposal is consistent with the relevant objects of the Act.

6.2 Integrated Development

Pursuant to Section 4.46 of the Act, the proposal does not constitute Integrated Development.

6.3 Relevant State Instruments and Legislation

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas

This chapter provides a state-wide practice for the protection of biodiversity value of trees and other vegetation in non-rural areas of the State and to preserve the amenity of these areas through the preservation of trees and other vegetation.

In accordance with Section 2.10 of the SEPP, Council may issue a permit for the clearing of vegetation. The proposal seeks to remove two Palm trees sited at the rear of the site. These are listed as exempt species on Council's register.

Chapter 6 – Water Catchments

This chapter applies to land in the following catchments:

- a) The Sydney Harbour Catchment

A very minor portion of the site is located within the Sydney Harbour. The subject site is not visible from the harbour and will not result in any impact on the environmental amenity or working nature of the Harbour.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The subject site is identified as “Coastal Environment Area” (Section 2.10) and “Coastal Use Area (Section 2.11) and therefore is required to be assessed against the provisions of the SEPP.

Pursuant to Section 2.10 of Division 3 Coastal Environment Area, development consent must not be granted to development on land that is wholly or partly within the coastal environment area unless the consent authority considers:

- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) *coastal environmental values and natural coastal processes,*
- (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*

In addition, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposed development is consistent with Section 2.10 as the proposal will not alter access opportunities to the foreshore and will not affect recreational use of the coast.

Pursuant to Section 2.11 of Division 4 Coastal Use Area, development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:

- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
- (b) *is satisfied that:*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

The proposal will not affect public access to the foreshore, will minimise overshadowing to public places to the foreshore and will provide a dwelling that has been designed to be in keeping with the scale and character of the locality. The proposed development will therefore not have a detrimental impact to the visual amenity and scenic qualities of the coast.

The site is not located in a conservation area and is not identified as a heritage item. There are no heritage items located nearby to the site.

Chapter 4 – Remediation of Land

This Chapter provides a state-wide practice for the remediation of contaminated

land. Under Section 4.6, consideration has to be given as to whether the land is contaminated.

The site appears to have been in residential use since its original subdivision and there is no evidence of any potentially contaminating uses occurring. It can be concluded beyond reasonable doubt that there is no likelihood of contamination on this site. No further consideration is therefore required.

State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 is applicable to this application.

A BASIX certificate is included with this application. This demonstrates compliance with BASIX targets for Water, Energy and Thermal Comfort.

6.4 Manly Local Environmental Plan 2013

Aims of Plan

The aims and objectives of the Manly LEP 2013 are:

- (2) *The particular aims of this Plan are as follows:*
 - (a) *in relation to all land in Manly:*
 - (i) *to promote a high standard of urban design that responds to the existing or desired future character of areas, and*
 - (ii) *to foster economic, environmental and social welfare so that Manly continues to develop as an accessible, sustainable, prosperous, and safe place to live, work or visit, and*
 - (iii) *to ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increase in demand, and*
 - (iv) *to ensure all development appropriately responds to environmental constraints and does not adversely affect the character, amenity or heritage of Manly or its existing permanent residential population,*
 - (b) *in relation to residential development:*
 - (i) *to provide and maintain a diverse range of housing opportunities and choices that encourages affordable housing to cater for an ageing population, changing demographics and all socio-economic groups, and*
 - (ii) *to ensure high quality landscaped areas in the residential environment, and*
 - (iii) *to encourage higher density residential development to be located close to major transport nodes, services and employment opportunities, and*
 - (iv) *to maintain active retail, business and other non-residential uses at street level while allowing for shop top housing in centres and offices at upper floors in local centres,*
 - (d) *in relation to transport, infrastructure and amenities:*
 - (i) *to reduce private car dependency, increase the viability of various public transport modes, minimise conflict between pedestrians and vehicular movement systems and encourage walking and cycling while concentrating intensive land uses and trip generating activities in locations most accessible to public transport and centres,*

-
- and*
- (ii) to provide for a range of recreational and community service opportunities to meet the needs of residents and visitors to Manly and promote the efficient and equitable provisions of public services, infrastructure and amenities,*
- (f) in relation to the natural environment:*
- (i) to conserve and enhance terrestrial, aquatic and riparian habitats, biodiversity, wildlife habitat corridors, remnant indigenous vegetation, geodiversity and natural watercourses, and*
 - (ii) to promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management) and water sensitive urban design, and*
 - (iii) to protect, enhance and manage environmentally sensitive land with special aesthetic, ecological, scientific, cultural or conservation values for the benefit of present and future generations, and*
 - (iv) to protect existing landforms and natural drainage systems and minimise the risk to the community in areas subject to environmental hazards, particularly flooding, bush fires, acid sulfate soils, sea level rise, tsunami and landslip, and*
 - (v) to provide a framework that facilitates and encourages measures to assist the adaptation of the local environment to mitigate the impacts of climate change, and*
 - (vi) to give priority to retaining bushland for its own intrinsic value and as a recreational, educational and scientific resource,*
- (g) in relation to Manly's unique harbour, coastal lagoon and ocean beach setting:*
- (i) to preserve and enhance the amenity of public places and areas visible from navigable water around Manly, and*
 - (ii) to retain open space, make more foreshore land available for public access and protect, restore and enhance riparian land along watercourses and foreshore bushland.*

The proposal complies with the above objectives.

The proposal complies with the above objectives in the following manner:

Aims and objectives of zone

The site is zoned C3 Environmental Management under the provisions of the Manly Local Environmental Plan 2013. The objectives of the zone are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To protect tree canopies and provide for low impact residential uses that does not dominate the natural scenic qualities of the foreshore.*
- *To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.*
- *To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality.*
- *To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.*

The existing and proposed use is permissible with consent.

Statutory Compliance Table

Site Area (696.8m ²)	Proposed	Control	Complies
Height	8.7m (Existing)	8.5m	Existing
FSR	Existing: 0.44:1 (310m ²) Proposed: 0.54:1 (380m ²)	0.45:1 (313.56m ²)	No - Please see CI.4.6 FSR Report

Clause 4.2 – Floor space ratio

Clause 4.4 of the LEP prescribes a maximum FSR of 0.45:1 (313.56m²) for development on the subject site. The proposed development will have a FSR of 0.54:1 (380m²), thereby resulting in a non-compliance with this control.

A Clause 4.6 variation has been prepared and submitted with the application.

Clause 6.2 – Earthworks

Excavation is proposed to accommodate new works including to lower terrace for new pool and rear corner of the existing basement to house new water tanks. A Geotechnical Report prepared by JK Geotechnics which proposes a depth of excavation (approximately 3.6m). This Geotechnical Report outlines recommendations that will be followed to ensure no adverse impacts are associated with excavation processes.

Clause 6.5 – Terrestrial biodiversity

The LEP 'Terrestrial Biodiversity Map' identifies the subject site as having high terrestrial biodiversity values.

The objective of this clause is to maintain terrestrial biodiversity by—

- (a) *protecting native fauna and flora, and*
- (b) *protecting the ecological processes necessary for their continued existence, and*
- (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*

A Terrestrial Biodiversity Report prepared by GIS Environmental Consultants is submitted with this DA. The Terrestrial Biodiversity Report assesses the likely impact of a proposed development on the terrestrial flora, fauna and ecological communities, in particular the endangered Long-nosed Bandicoot population on North Head. The report also makes recommendations on ways to avoid or reduce impacts caused by the development.

The report concludes the following:

“The site surveys found evidence of the Long-nosed Bandicoot species using the site. It is likely that Bandicoots use this site and adjacent properties and nearby bushland areas for foraging and probably resting and breeding. Long-nosed Bandicoots have been recorded regularly in the locality.

No evidence was found of any other Threatened Species, Populations or Endangered Ecological Communities utilising this property. The proposed development will result in no significant change to Bandicoot foraging habitat area.

The site currently contains Bandicoot foraging habitat in the landscaped area at the rear (lower end) of the site. It is not likely that the new proposal will remove any more habitat than the existing approved plans. There will also be no additional temporary change to foraging habitat during construction.

Assessment of potential impacts to Threatened entities in accordance with Section 7.3 of the NSW Biodiversity Conservation Act (i.e. the threatened species “test of significance”) was carried out and the development was found unlikely to have a significant impact of this proposal in the form of a Biodiversity Development Assessment Report (BDAR) is not recommended in relation to this development application at this site.

The ecological impact is not considered an unacceptable impact under section 4.15 (79C(b)) of the Environmental Planning and Assessment Act 1979 or a significant impact under Section 7.3 of the Biodiversity Conservation Act 2016.

The proposal will not have a significant impact to terrestrial biodiversity and meets the requirements of: Manly LEP Clause 6.5 (Terrestrial Biodiversity) - Manly DCP Clause 5.3.2.1 Terrestrial Biodiversity Report, 44 Bower St, Manly 7/4/25 Page 29 of 34 (Threatened Species and Critical Habitat Lands) - Manly DCP Clause Manly DCP Clause 3.3.1.iv) (Landscaping in Bandicoot Habitat).

The submitted Landscape Plan includes appropriate landscaping and maintains access for bandicoots. The proposal is considered to comply with the DCP controls.

It is recommended that the ameliorative conditions and management recommendations in this report be followed to limit disturbance during construction and to further reduce the impact of the proposal on potential bandicoot habitat and access.”

Clause 6.9 – Foreshore scenic protection area

The subject site is located in the foreshore scenic protection area.

The proposed alterations and additions to the existing dwelling will not impact on public access to the foreshore currently available to the rear of the site. The works will involve alterations and additions to the existing dwelling however the location,

bulk and scale of the dwelling will remain in keeping with its existing context and will not result in any visual amenity impacts on the scenic quality of the foreshore.

It is also noted that the existing significant trees to the north of the site will be retained and will provide screening of the dwelling as viewed from the foreshore.

The proposed development does not result in significant overshadowing of the coastal foreshore and will not affect views from a public space to the coastal foreshore.

The proposed development includes a stormwater management. The site is not known to be subject to coastal hazards and the development includes a geotechnical report.

The application has been assessed having regard to the relevant provisions of the LEP and is acceptable for the reasons discussed above.

7. S.4.15(1)(a)(ii) DRAFT AMENDMENTS TO STATUTORY CONTROLS

7.1 Northern Beaches Comprehensive LEP Planning Proposal

The Planning Proposal seeks to consolidate the four LEPs that currently apply to the Northern Beaches LGA into a new comprehensive principal LEP. The new LEP will repeal the current Manly, Warringah, Pittwater LEPs that currently apply.

Council is currently awaiting formal advice and a Gateway Determination from the NSW Government. Whilst this is therefore not a relevant consideration under Section 4.15(1)(a)(ii), the draft standards are considered below.

This Planning Proposal will result in changes to land use planning in the LGA, including:

- Amended zoning tables to consolidate current zones in existing LEPs
- Applying “standard instrument” zones to the deferred lands (WLEP2000) area
- New provisions based on research from Technical Studies, best practice and other LEP precedents
- Applying existing provisions to more areas within the LGA
- Removal of certain provisions which are no longer considered necessary

With respect to the subject site, the height limit is proposed to be remain at 8.5m. The proposed works comply with this standard.

In relation to FSR, the standard on the LEP has been reduced to 0.35:1. However, the site is located in Area 2.



Draft Clause 4.4(2B) sets out a table of maximum FSR depending on site. With a site area of 696m², the site will be subject to a FSR standard of 0.5:1.

(2B) Despite subclause (2), the floor space ratio for a building on land identified as "Area 2" on the Floor Space Ratio Map must not exceed the floor space ratio specified in the table to this subclause.

Site area	Maximum floor space ratio
Under 500 sqm	0.55:1
500-699 sqm	0.5:1
700-899 sqm	0.45:1
900-1199 sqm	0.4:1
1200 sqm and over	0.35:1

The proposal seeks to provide a FSR of 0.54:1, which exceeds the current control of 0.45:1 and the draft control of 0.5:1. This is discussed further in the submitted Clause 4.6 variation.

8. S.4.15(1)(a)(iii) DEVELOPMENT CONTROL PLANS

8.1 Manly DCP 2013

Compliance Table

Site Area (696m ²)	Permitted/ Required	Existing	Proposed	Complies
Floor Space Ratio	0.45:1 (313.5m ²)	0.44:1 (310m ²)	0.54:1 (380m ²)	No - refer to Cl.4.6 FSR Variation
Height of buildings	8.5m	8.7m	Bathroom: 7.5m Bedroom: 7.5m	Yes
Wall height	West: 6.9m East: 7.1m	West:8.6m East:8.4m	West: to match existing East: No works	No but will match existing
Setback Front	6m	Consistent with prevailing setback	7m dwelling Nil garage (As existing)	As Existing
Setback Rear	8m	19.6m	As Existing	As Existing
Setback Side (west)				
Lower ground	0.9m	1.55m	As Existing	As existing
Ground	1.6 – 2.7m	1.55m	As Existing	As existing
First	2.7 – 2.8m	1.9m	2.9m (bathroom)	Yes
Setback Side (east)				
Lower ground	0.9m	1.1m	As Existing	As Existing
Ground	1.5m	0m- 1.1m	As Existing	
First	2.5m	1.45m	As Existing	
Open Space – Total	55% (383m ²)	63% (440m ²)	66.8% (465m ²)	Yes
Open Space – Landscaped Area	35% open space (243.6m ²)	69% (305m ²)	45.9% (320m ²)	Yes
Private Open Space (minimum)	18m ²	>18m ²	145m ²	Yes
Car Parking	2	2	Existing	Existing

Design Considerations

The proposed works to the existing dwelling will have no change to the current roof and balcony spaces and will maintain existing views from surrounding properties.

The proposed alterations and additions will continue to be sympathetic to the site's foreshore context and the proposed changes to the private open space area will allow for the landscape character of the site to be enhanced.

Excavation and Earthworks

Excavation up to a depth of approximately 3.6m is proposed in association with the basement level and lower terrace including new pool. Excavation will occur at the rear south-western corner of the existing basement to accommodate new storeroom that will include new space for water tanks. Excavation at the lower terrace are to accommodate the lowered pool and the levels required.

Stormwater Management

A concept plan has been provided prepared by Partridge and submitted with this DA.

Floor Space Ratio

Clause 4.4 of the LEP prescribes a maximum FSR of 0.45:1 (314m²) for development on the subject site. The proposed development will have a FSR of 0.54:1 (380m²), thereby resulting in a non-compliance with this control. A Clause 4.6 variation has been prepared and submitted with the application.

Open Space and Landscaping

The proposal will provide compliant total open space, private open space and landscaped open space.

The scope of works for the existing private open space area include excavation to the lower terrace that are to accommodate the lowered pool and levels required. Additionally works will include the removal of some stairs at the lower terrace. These works will however maintain the majority of existing landscaping which contributes to the landscape character in a positive manner.

The proposed new swimming pool will occupy less than 30% of the total landscaped area.

Swimming Pools

The proposal seeks to lower and reconfigure the existing pool. The controls require that swimming pools shall be built on or in the ground and not elevated above more than 1m above natural ground level.

The proposed swimming pool will be located below existing ground level for that section of the site. The proposed pool will be set back from the side boundaries and integrated within the landscaping of the rear setback. The waterline from the eastern side of the proposed pool will be 1.3m from the eastern side setback of the site. This results in a non-compliance of 200mm with this control.

The proposed eastern pool side setback however complies with the objectives of this control in the following manner:

- The proposed eastern pool setback will maintain visual and acoustic privacy with neighbouring 42 Bower Street.
- The pool will remain sited within the rear setback of the site and will be positioned approximately within the same location of the existing pool.
- The proposed new pool will be more integrated to the existing landscaping than the existing, being lower.

Sunlight Access and Overshadowing

As illustrated in the shadow diagrams and shadow elevations the proposed alterations and additions will result in minor new shadowing occurring at 9am on 21 June occurring along the roof area of the existing carport of neighbouring 46 Bower Street. This is a result of the new bathroom at first floor that will accommodate the existing void space.

The additional overshadowing at 9am is minor in scope and is the only impact from the proposed works. The proposal will not increase overshadowing of living room windows or private open space and will therefore maintain complying solar access with the Manly DCP 2013.

Privacy and Security

The proposed alterations and additions have been designed and sited to ensure adequate visual and acoustic privacy between the dwelling and adjoining properties. The proposed works will maintain appropriate setbacks which will maintain adequate separation from adjoining properties.

The proposal involves a new window sited along the western elevation for the proposed new bathroom sited at first floor accommodating the existing void space.

These windows will be appropriately frosted to maintain privacy towards neighbouring 46 Bower Street.

Additional new glazing will be incorporated along the front elevation at first floor to provide solar access for the proposed new bedroom. Additionally new glazed doors will replace the existing doors at the existing rumpus room. This faces north towards the private open space area and will not result in any direct overlooking of adjoining properties.

The rear private open space area will remain screened by fencing and landscaping to minimise potential acoustic privacy concerns.

At ground level, the proposed new terrace will maintain adequate setback from boundaries of the site and will ensure that visual and acoustic privacy is maintained to adjoining properties.

Maintenance of Views

The proposed works are limited to the existing basement floor and first floor including additional floor area to the basement floor and new bedroom and bathroom at first floor.

These additions however will not alter the footprint of the existing dwelling, therefore the proposal will maintain existing view corridors as well as building articulation to ensure that highly valued views are maintained.

The proposal therefore complies with the objectives of the DCP in terms of minimising view loss

9. S.4.15(1)(a)(iiia) PLANNING AGREEMENTS

Not applicable.

10. S.4.15(1)(a)(iv) APPLICABLE REGULATIONS

10.1 Section 61 Additional Matters that Consent Authority must Consider

Demolition

Section 61(1) of the EP&A Regulation 2021 requires consideration of Australian Standard AS 2601-1991: The demolition of structures. It also requires compliance with this by standard conditions of consent.

Demolition will be undertaken in strict accordance with AS 2601-1991.

Demolition works will be undertaken in accordance with prescribed times. It is intended that any noise generated from the site will comply with the relevant provisions of *the Protection of Environment Operations Act* and the *NSW EPA Environmental Noise Manual* for the control of construction noise. Approved silencing devices will be provided and maintained on all power operated machinery, where required.

11. S.4.15(1)(b) THE LIKELY IMPACTS OF THE PROPOSAL

Construction works will be undertaken in accordance with prescribed times. It is intended that any noise generated from the site will comply with the relevant provisions of *the Protection of Environment Operations Act* and the *NSW EPA Environmental Noise Manual* for the control of construction noise. Approved silencing devices will be provided and maintained on all power operated machinery, where required.

Construction works will be carried out in accordance with the Building Code of Australia.

Excavation will be undertaken in accordance with standard Council conditions of consent and within nominated working hours. Construction noise associated with the excavation is intended to comply with the *Protection of Environment Operations Act 1997* and the *NSW EPA Environmental Noise Manual* for the control of construction noise. Precautions will be taken during site works to minimise vibration including the avoidance of sudden stop - start movements.

The site will be secured by a standard *Class A hoarding*, as required and appropriate signage will be erected. Sprays will be used during excavation; the public footpath, nature strip and roadway will be kept clear and maintained in a safe condition.

The proposed excavation will not result in any pollution or siltation of any waterway or pose a threat to ecological communities or their habitats. Appropriate sediment and erosion control measures will be adopted during site works and the existing Stormwater system will be protected during works.

The above analysis demonstrates that the proposal will have no adverse Environmental Impact and therefore satisfies this section of the Act.

12. S.4.15(1)(c)

THE SUITABILITY OF THE SITE

The subject site is suitable for the proposal as:

1. The site is zoned C3 and it is proposed to carry out alterations and additions to existing dwelling that is permissible in the zone.
2. Adequate water, stormwater drainage and sewage facilities are available on the site for the proposed development.
3. Soil characteristics are appropriate.
4. The site is not subject to natural hazards such as bushfire tidal inundation and mass movement.
5. There are no precipitate constraints posed by adjacent land uses.
6. Appropriate erosion and sediment control measures will be employed during works.
7. The development will not result in environmental degradation of the coastal foreshore.
8. The site is well located in relation to recreation, public transport, shops and services, all available in the immediate locality.

The application therefore satisfies this section of the Act.

13. S.4.15(1)(d)
SUBMISSIONS MADE IN ACCORDANCE WITH THE
ACT OR THE REGULATIONS

Not applicable to local development.

14. S.4.15(1)(e)**THE PUBLIC INTEREST – CONCLUSION**

It is proposed to carry out alterations and additions to existing dwelling and associated works.

The proposal involves a non-complying floor space ratio which is a result of additional floor area to the existing basement level. A Clause 4.6 variation has been prepared as part of this proposal.

The proposed development will be in the public interest, as it will provide an appropriate building form and will protect the residential amenity of adjoining properties.

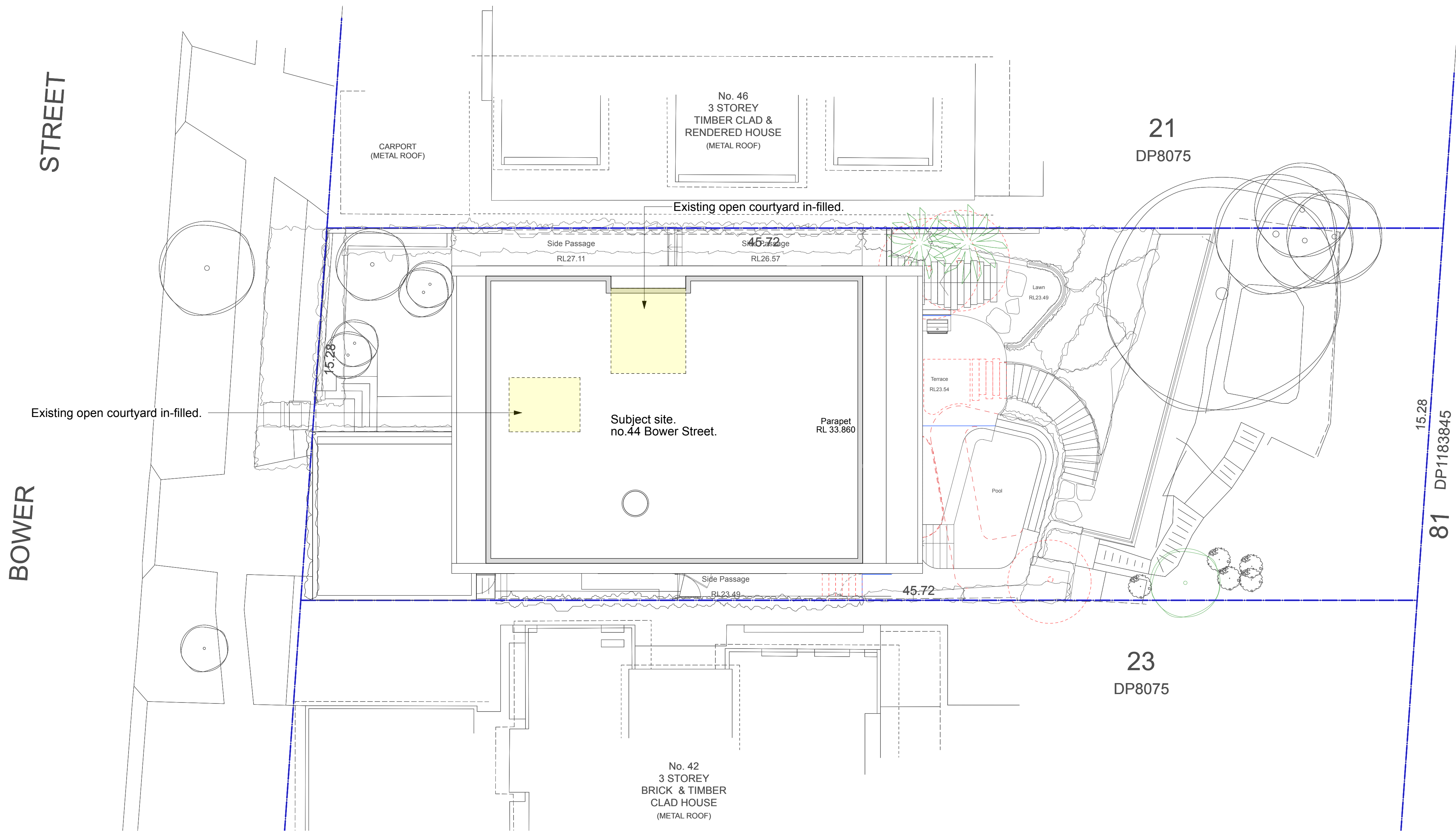
The proposal complies with all relevant SEPP, LEP and DCP objectives and would have no adverse impact.

The application therefore satisfies this section of the Act.

APPENDIX 1

PLANS

DA-01	DA Site/Roof Plan/Site analysis
DA-02	DA Plans
DA-03	DA Elevations
DA-04	DA Sections
DA-05	Finished & Materials
DA-06	Site Area Calculations
DA-07	Demolition Plan
DA-09	Shadow Diagrams
DA-10	Shadow Diagrams 42 Bower Street
DA-11	Shadow Diagrams 46 Bower Street
DA-12	Existing Plans
DA-13	Notification Plans

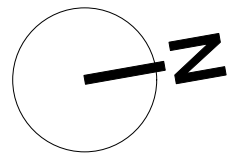


1 Roof / Site Plan
Scale: 1:100

General Notes: LOT 22 DP 8075

Key:

- Proposed
- Proposed Glazing
- Demolished



BASIX Commitments. Certificate #A1794930
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door. For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill. For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the table below.
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.

Reason For Issue:

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Nominated Architect: Duncan Sanby Reg. No. 6227

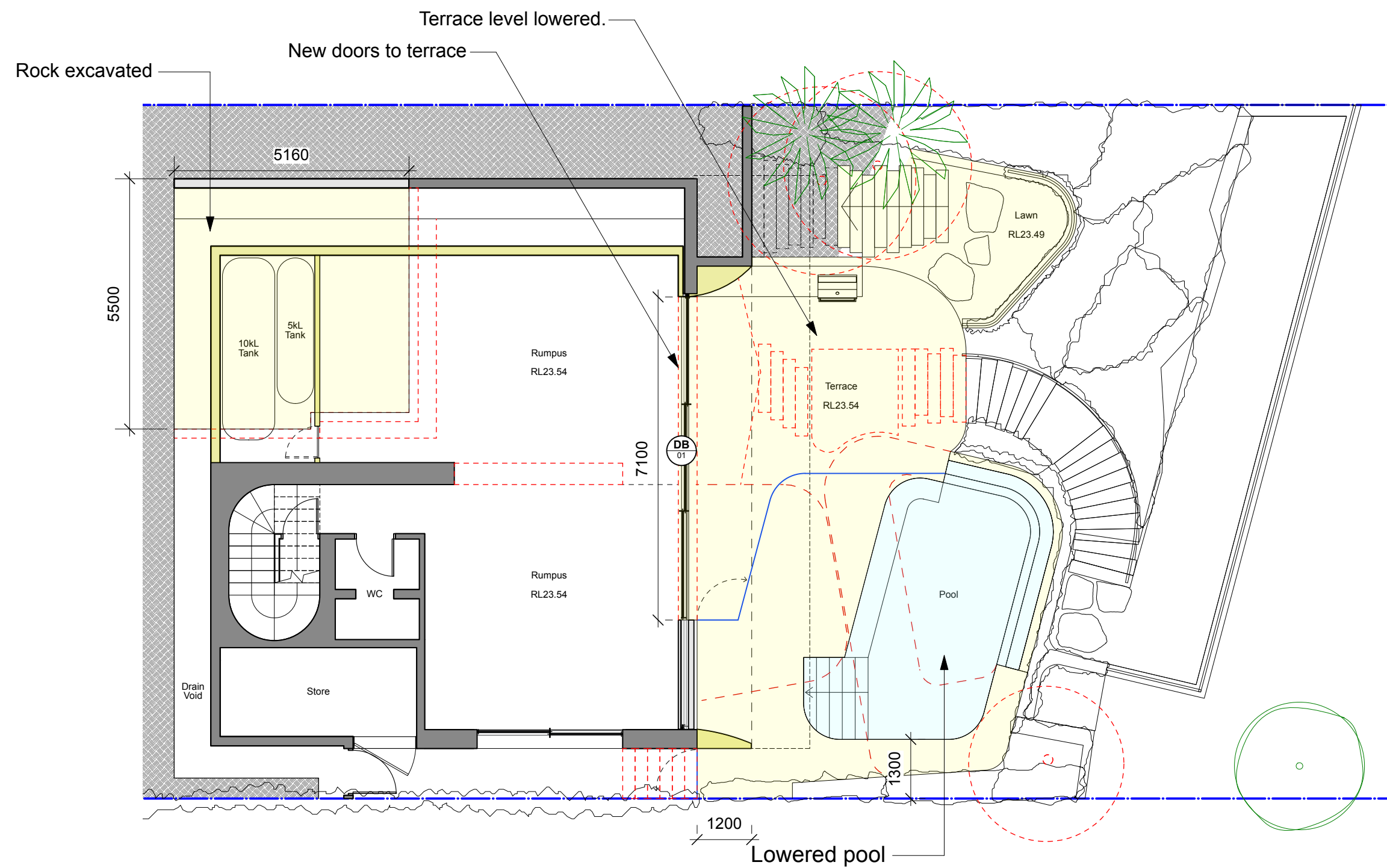
DA Site / Roof Plan / Site analysis

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-Northern Beaches Council-
Wes & Emma Maas

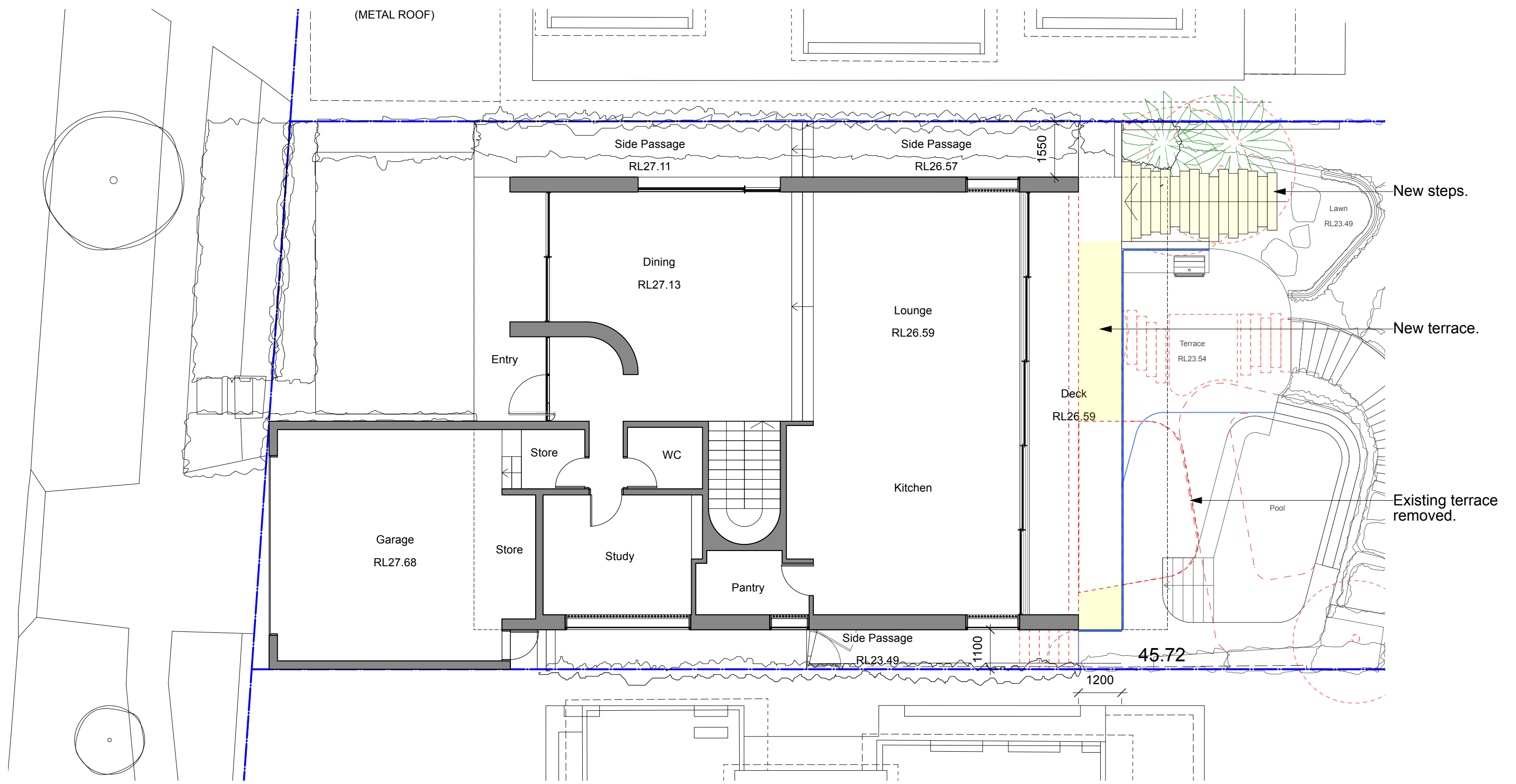
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2414	DA-01	DA-A
SCALE	Drawn By TD	Dwg Date: -
1:100RA1	Checked By DS	Plot Date: 12/5/25

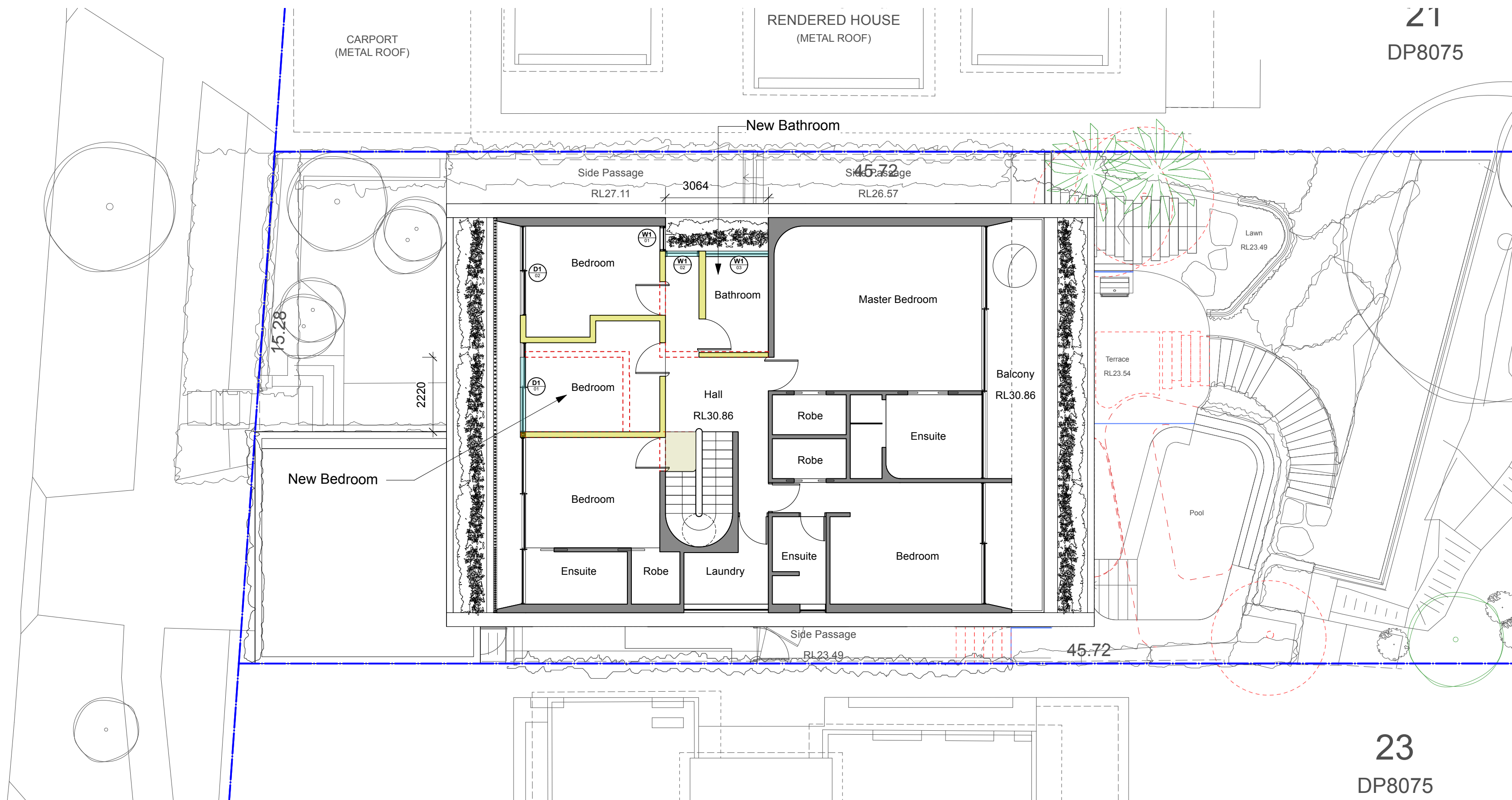
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Rev	Date	Note	



1 Basement Floor Plan
Scale: 1:100



2 Ground Floor Plan
Scale: 1:100



3 First Floor Plan
Scale: 1:100

General Notes: LOT 22 DP 8075

Key:

- Proposed
- Proposed Glazing
- Demolished

TD
By

BASIX Commitments. Certificate #A1794930
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.
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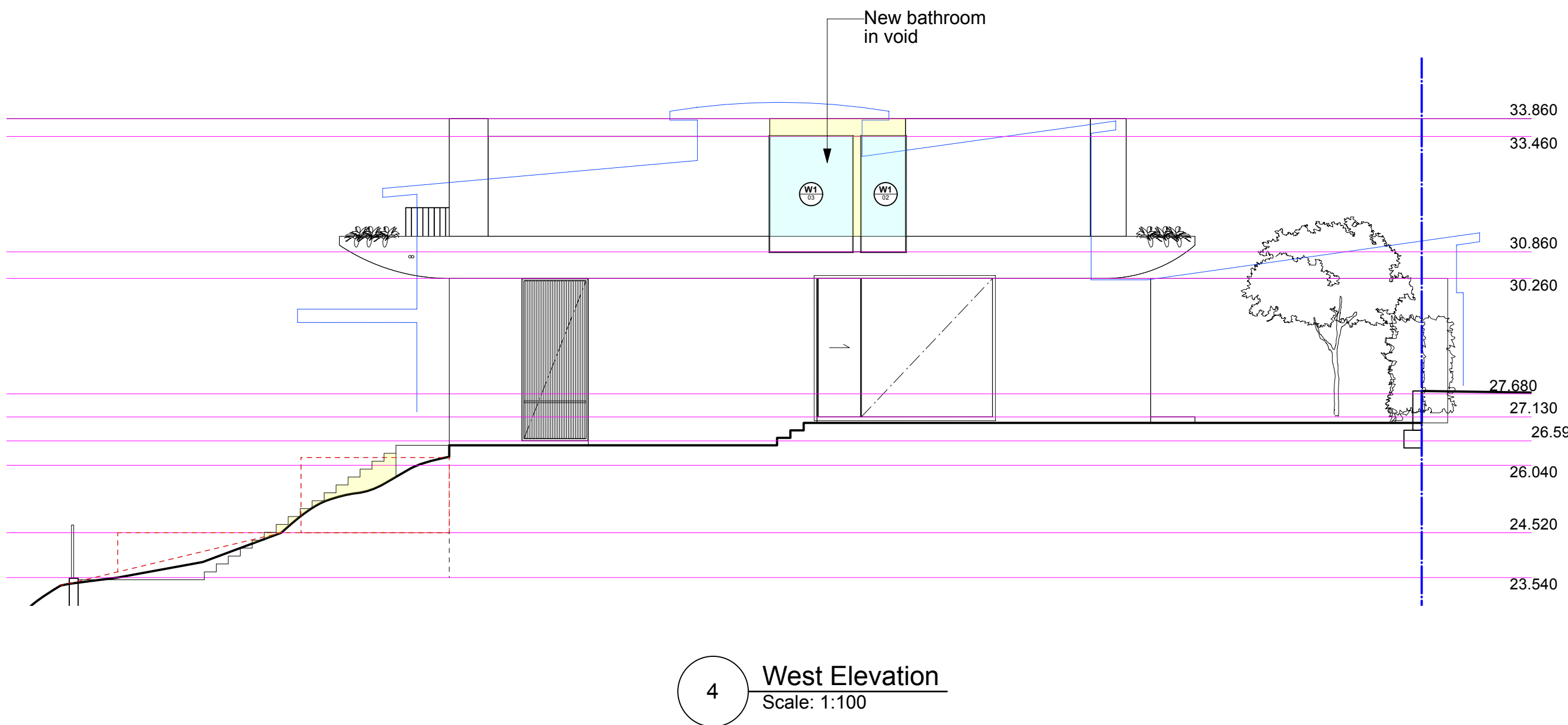
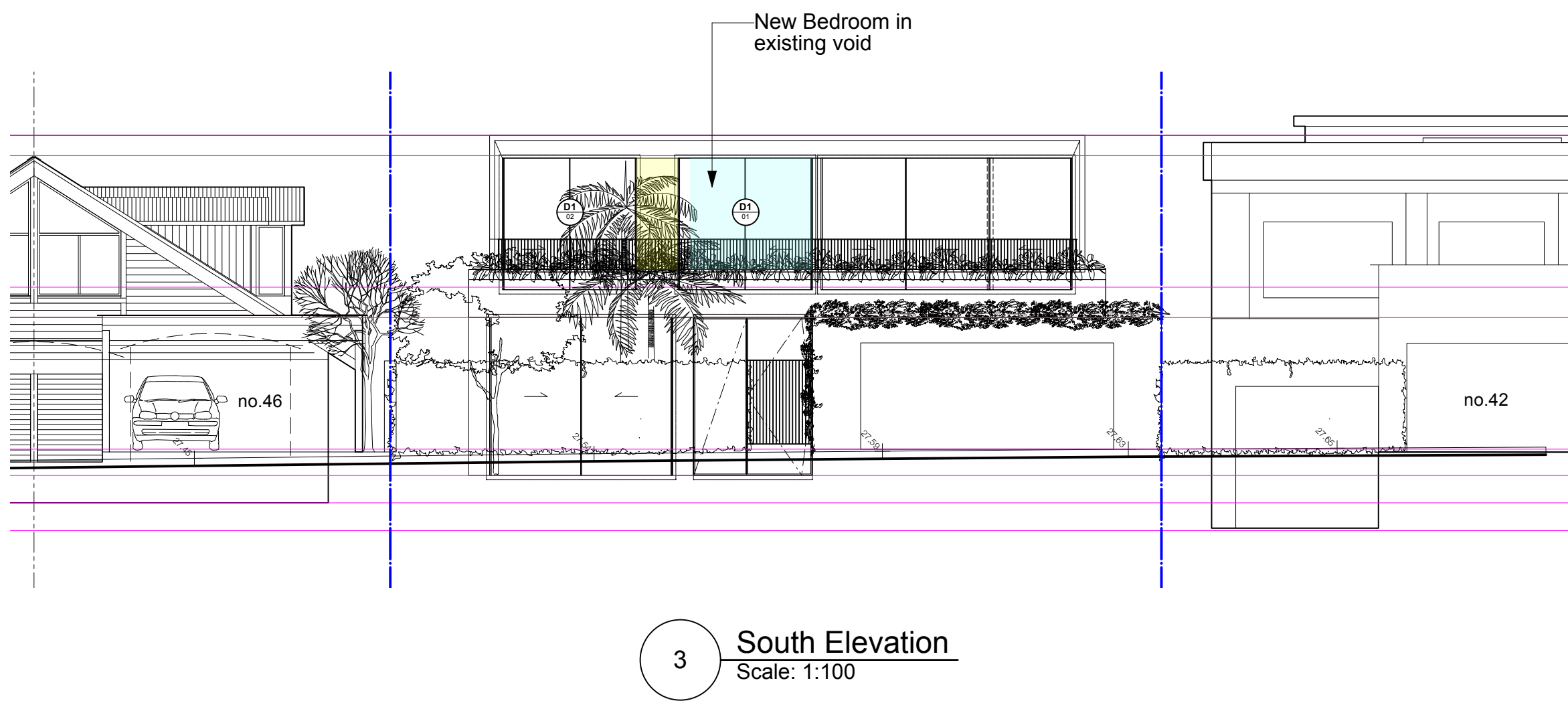
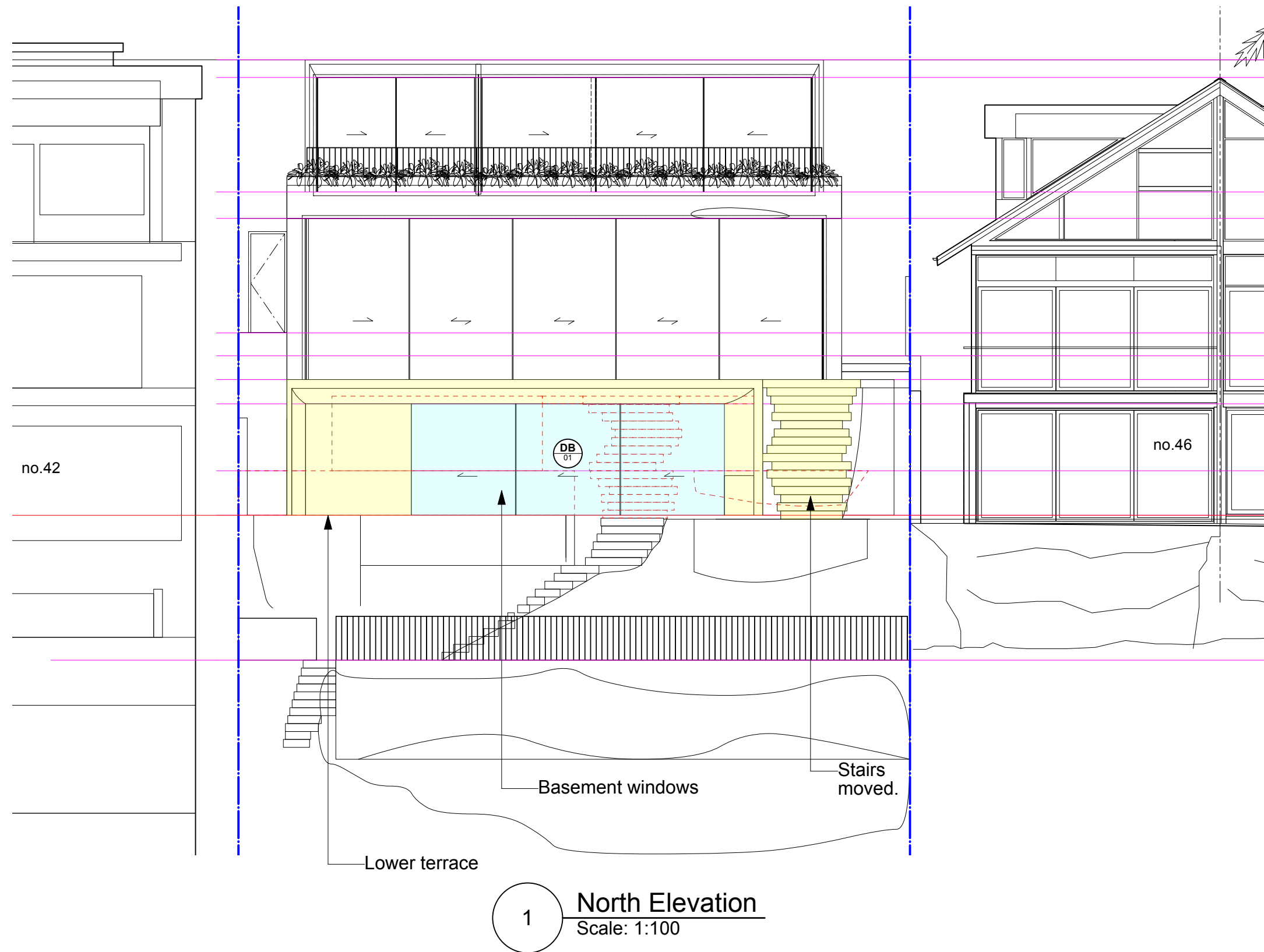
DA Plans

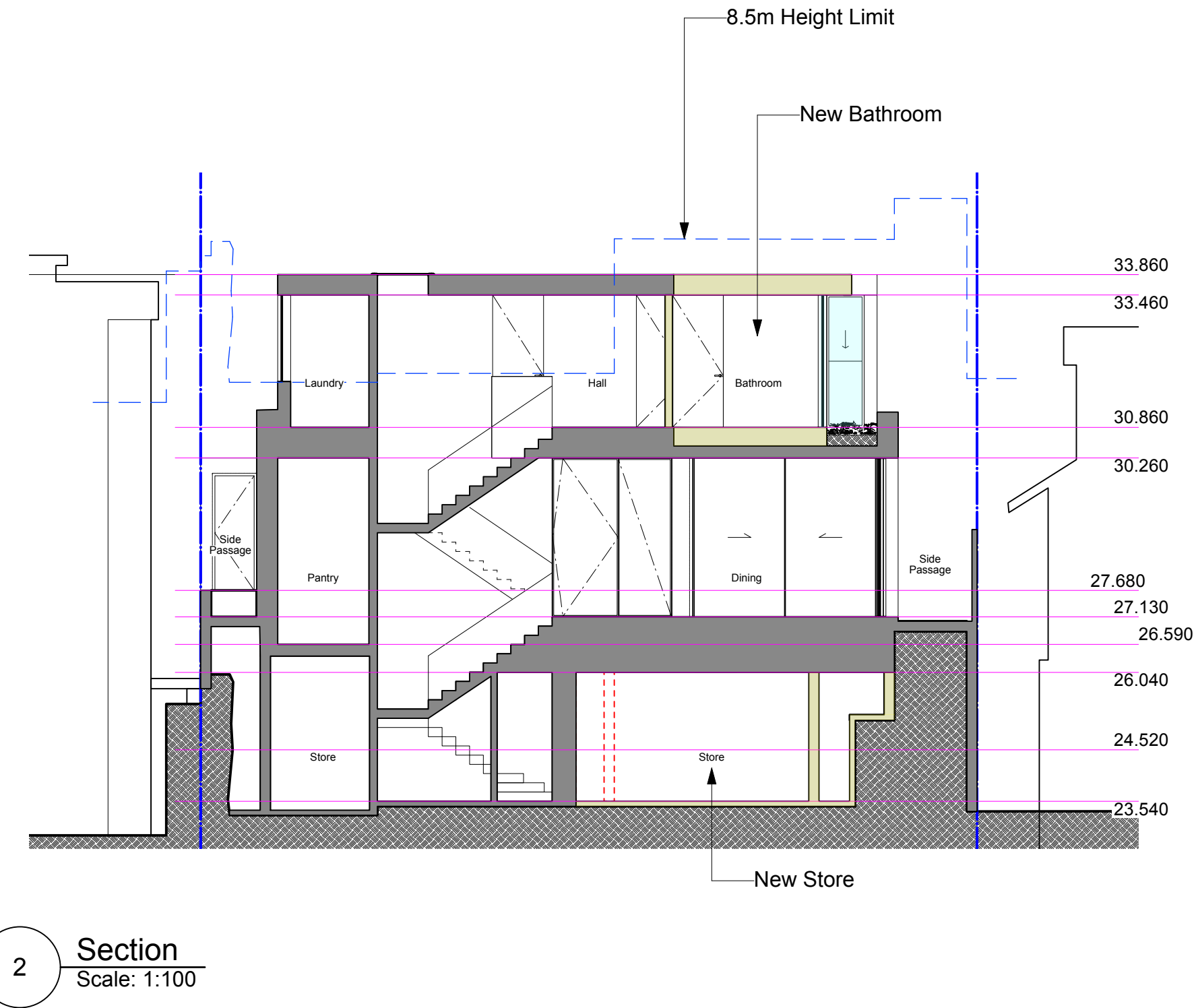
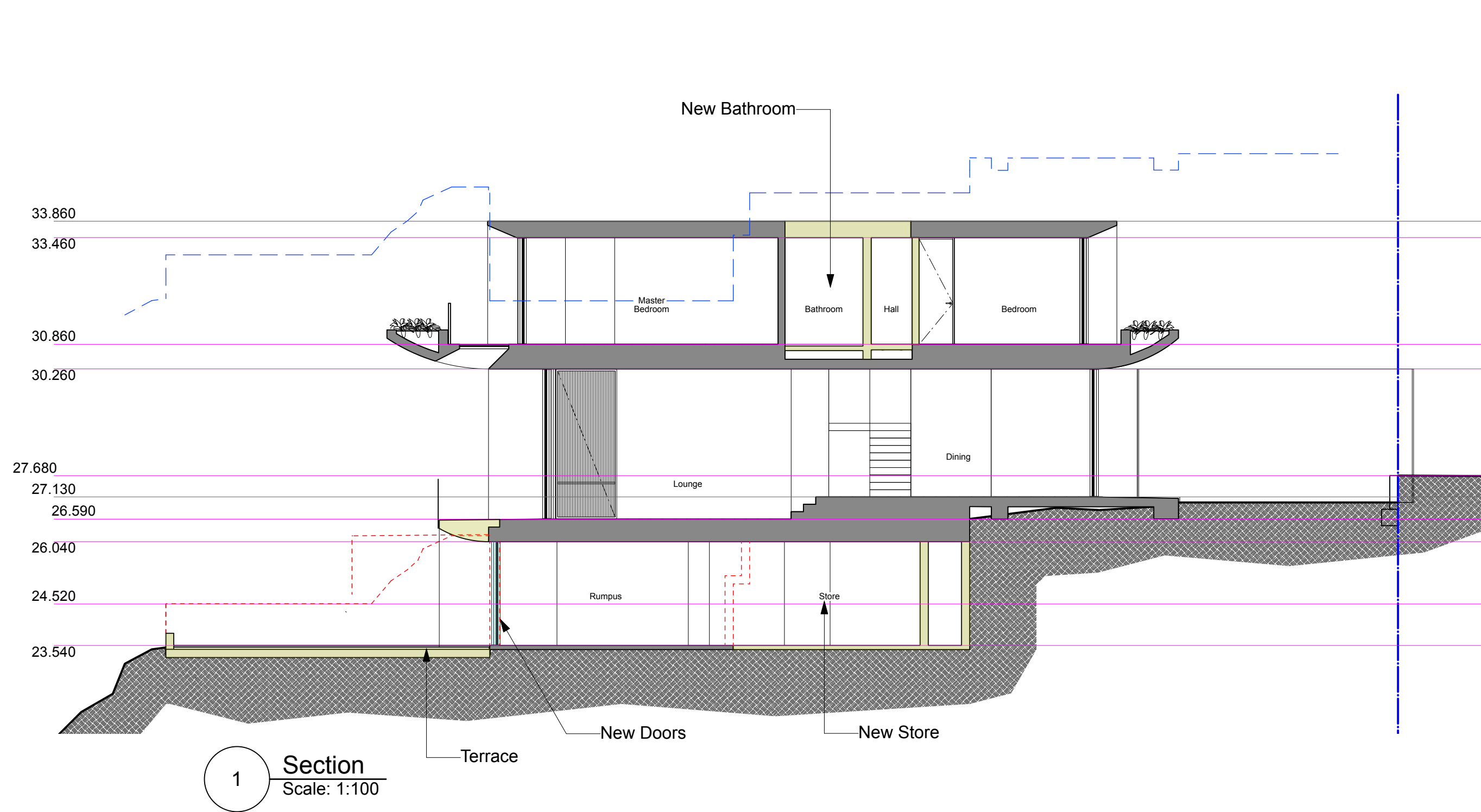
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			General Notes: LOT 22 DP 8075 Key: <div><div>Proposed</div><div>Proposed Glazing</div><div>Demolished</div></div>		Reason For Issue: For Development Application Only Copyright : This design and drawings are not to be used or reproduced wholly or in part without written permission of Utz-Sanby Architects. All dimensions are given in millimetres. All dimensions are to be checked on site by the Builder. Do not scale off the drawing. Nominated Architect: Duncan Sanby Reg. No. 6227		DA Sections 44 Bower Street, Manly NSW 2095 -Northern Beaches Council- Wes & Emma Maas		Suite 103, 506 Miller St PO Box 224, Cammeray 2062 T 02 9904 2515 E architects@utzsanby.com www.utzsanby.com UTZ SANBY ARCHITECTS	
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Rev			Date		Note		TD		SCALE 1:100RA1	
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									Rev No. DA-A	
									Drawn By TD	
									Dwg Date: -	
									Checked By DS	
									Plot Date: 12/5/25	



Stone Cladding



Render Cladding

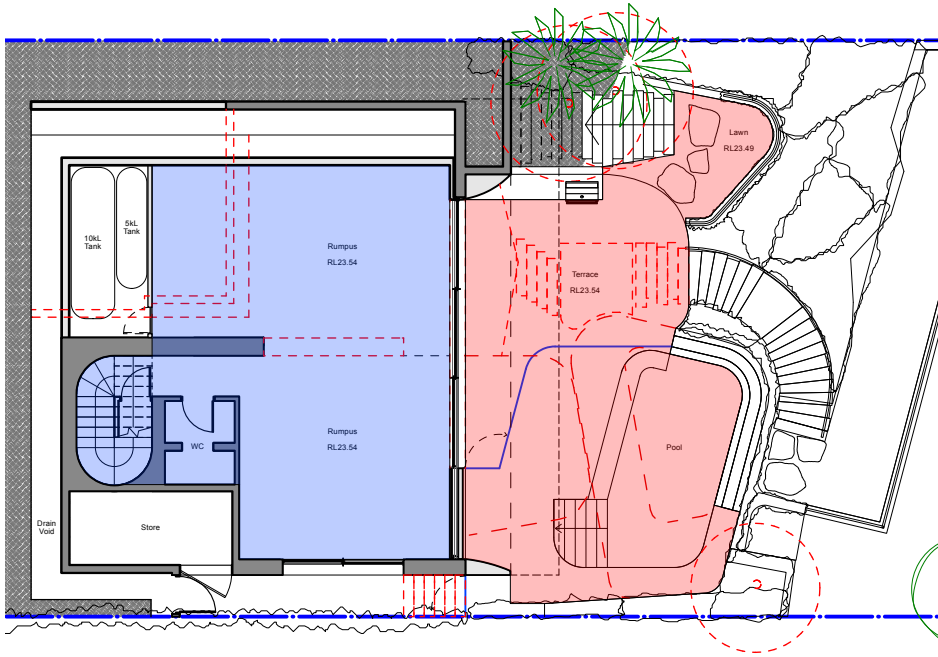


Sandtone Steps

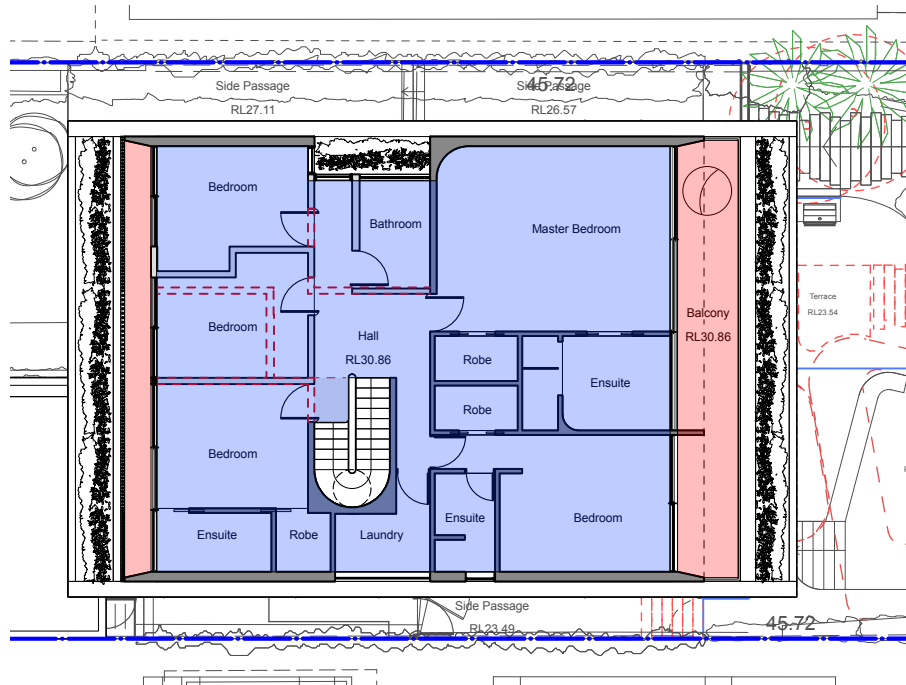


Aluminium Framed Windows & Doors

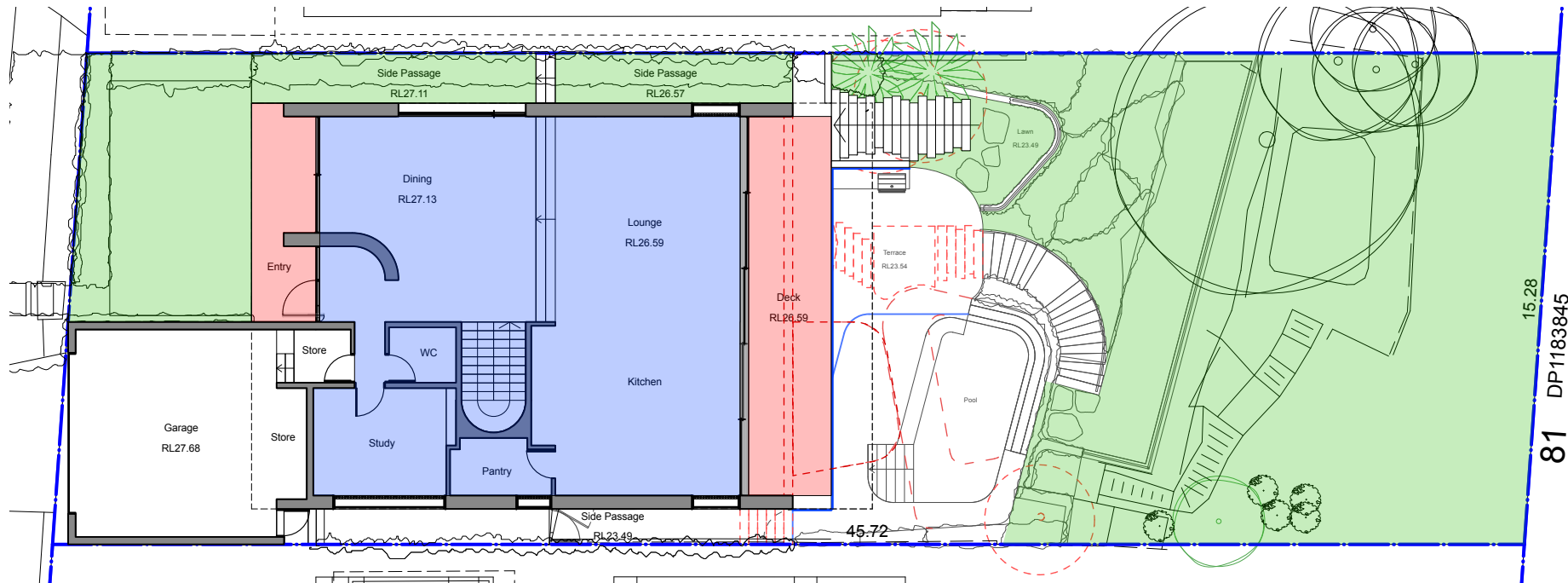
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Rev	Date	Note	By						SCALE NTS			Drawn By TD			Dwg Date: .		
												Checked By DS			Plot Date: 12/5/25		



A Area Calculations Basement
Scale: 1:200



3 Area Calculations First Floor
Scale: 1:200



B Area Calculations Ground Floor
Scale: 1:200

AREA CALCULATIONS

Site Area: 696m2

GROSS FLOOR AREA

Permissible FSR: 0.45
Target Gross Floor Area: 313.2m2

Basement Floor: 84m2
Ground Floor: 152m2
First Floor: 144m2

Total Proposed GFA: 380m2
Total Proposed FSR: 0.54

OPEN SPACE - TOTAL

Min open space (% of site): 55%
Target Required: 382.8m2

Total proposed open space: 465m2

OPEN SPACE - LANDSCAPED

Min landscaped open space (% of site): 35%
Target required: 243.6m2

Total proposed landscaped open space: 320m2

OPEN SPACE - PRIVATE

Min private open space: 18m2

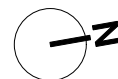
Basement Floor: 76m2
Ground Floor: 43m2
First Floor: 26m2

Total proposed private open space: 145m2

KEY

Proposed FSR (Blue)
Landscaped open space (Green)
Private open Space (Red)

General Notes:



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Site Area Calculations

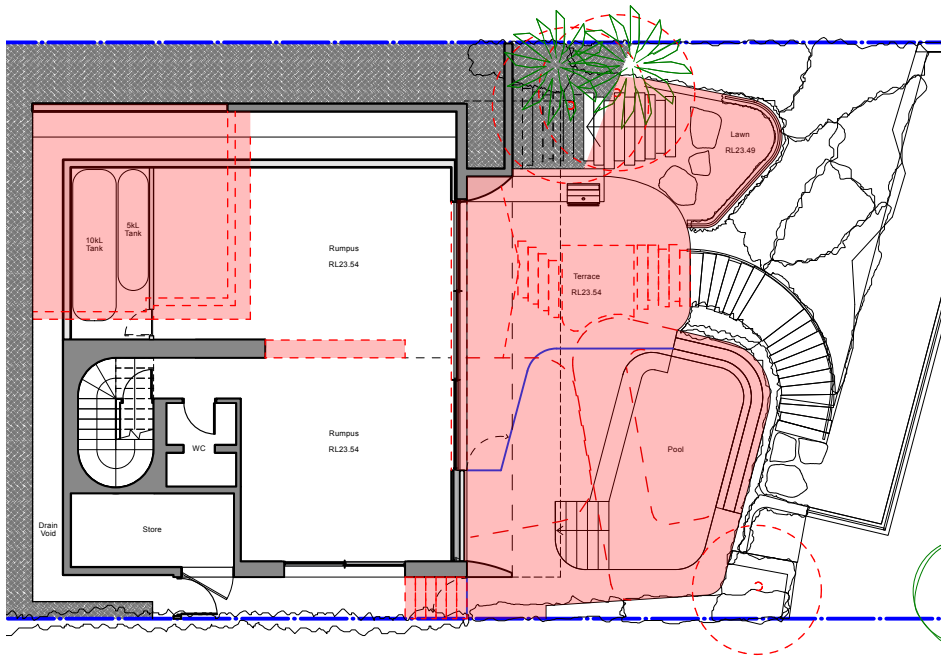
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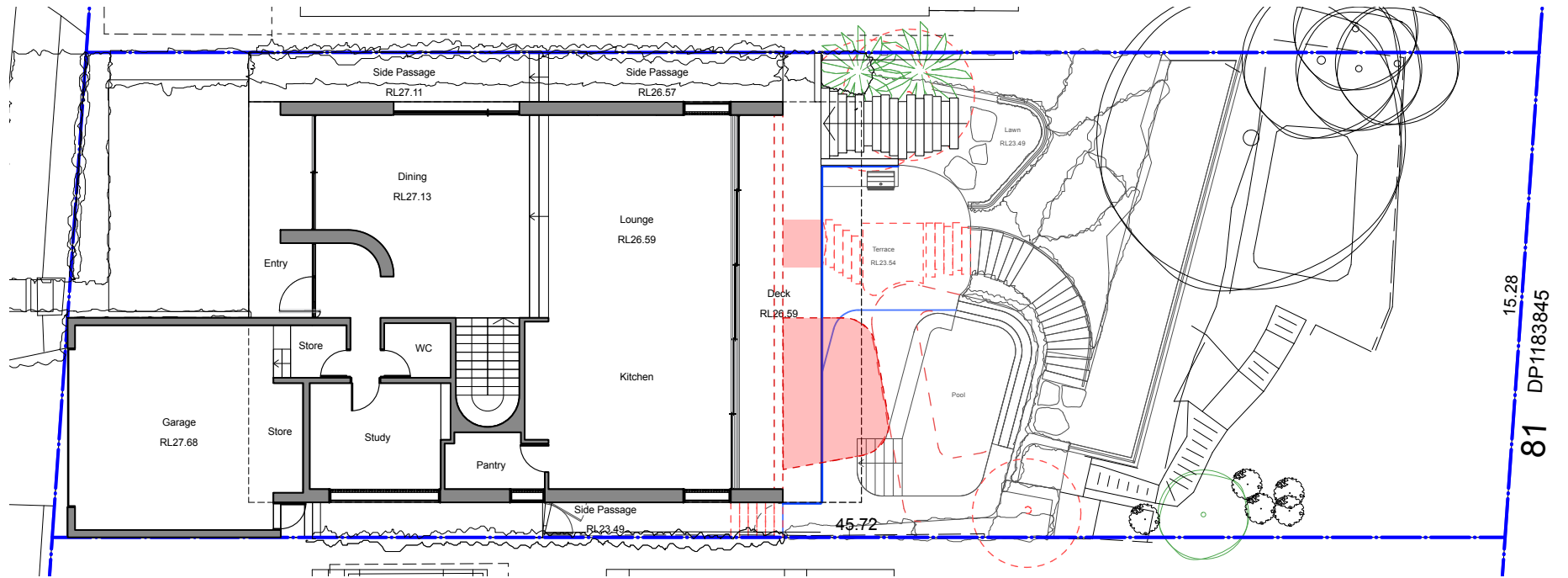
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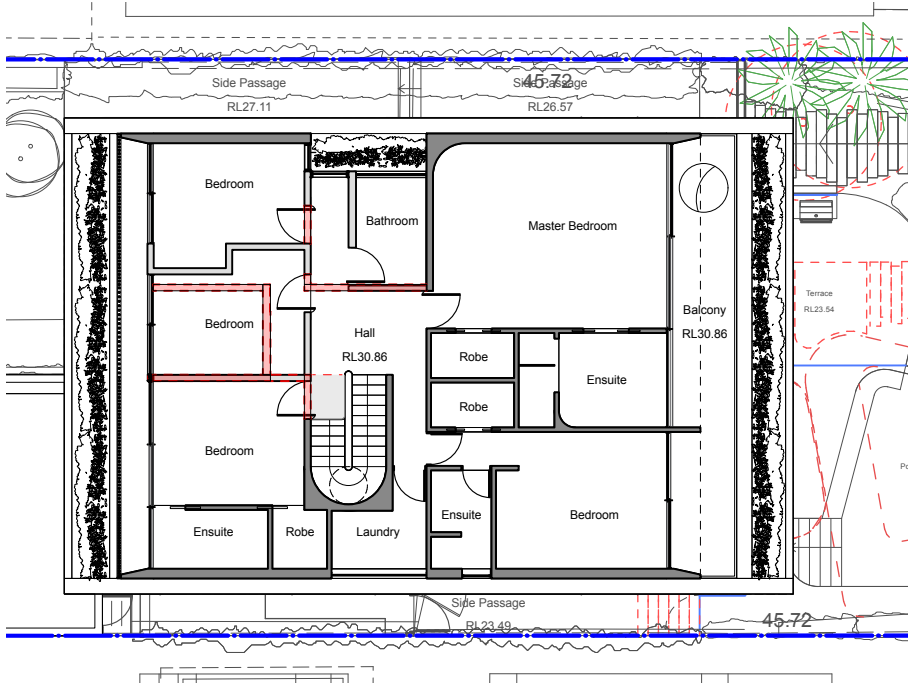
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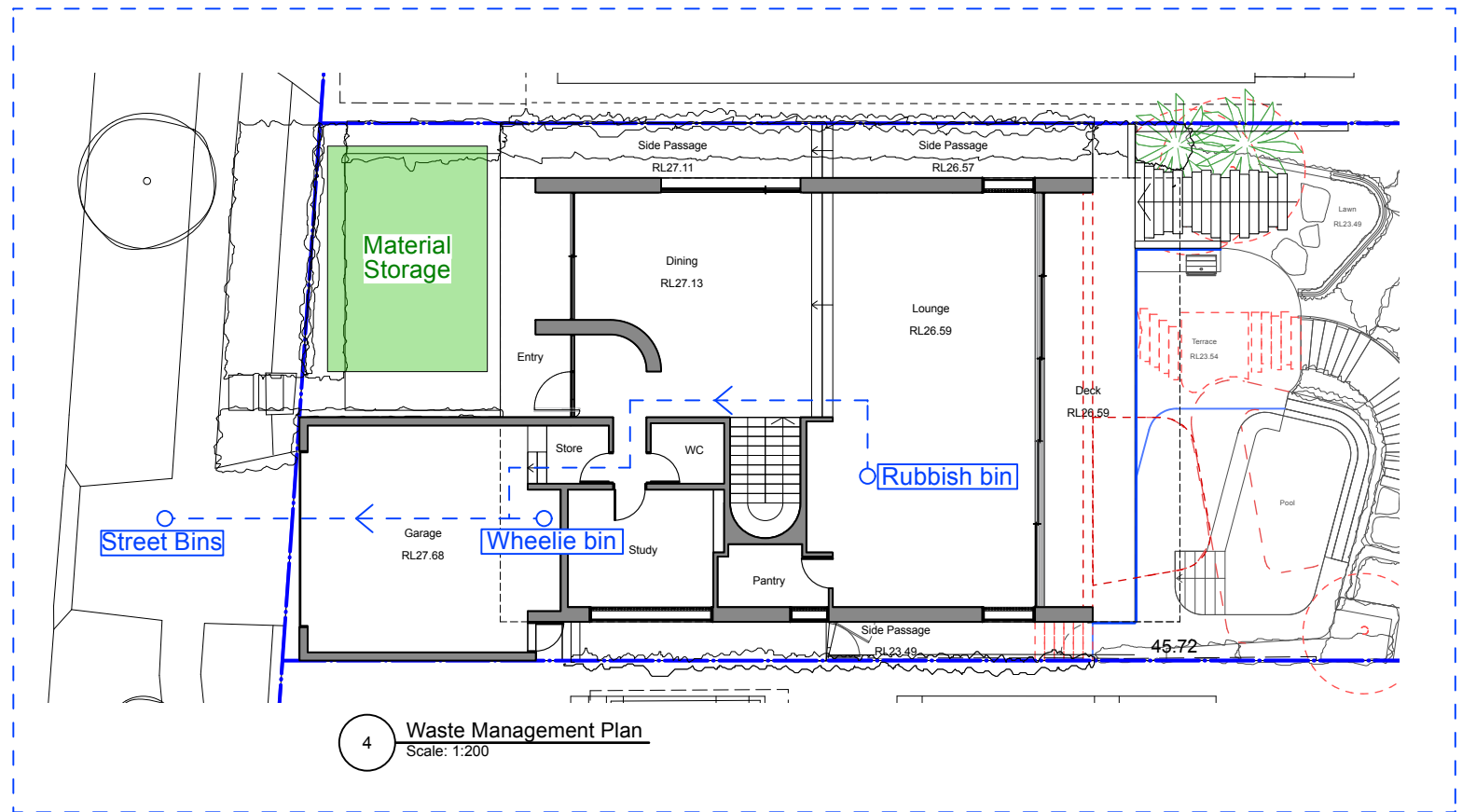
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2 Ground Floor Demolition Plan
Scale: 1:200

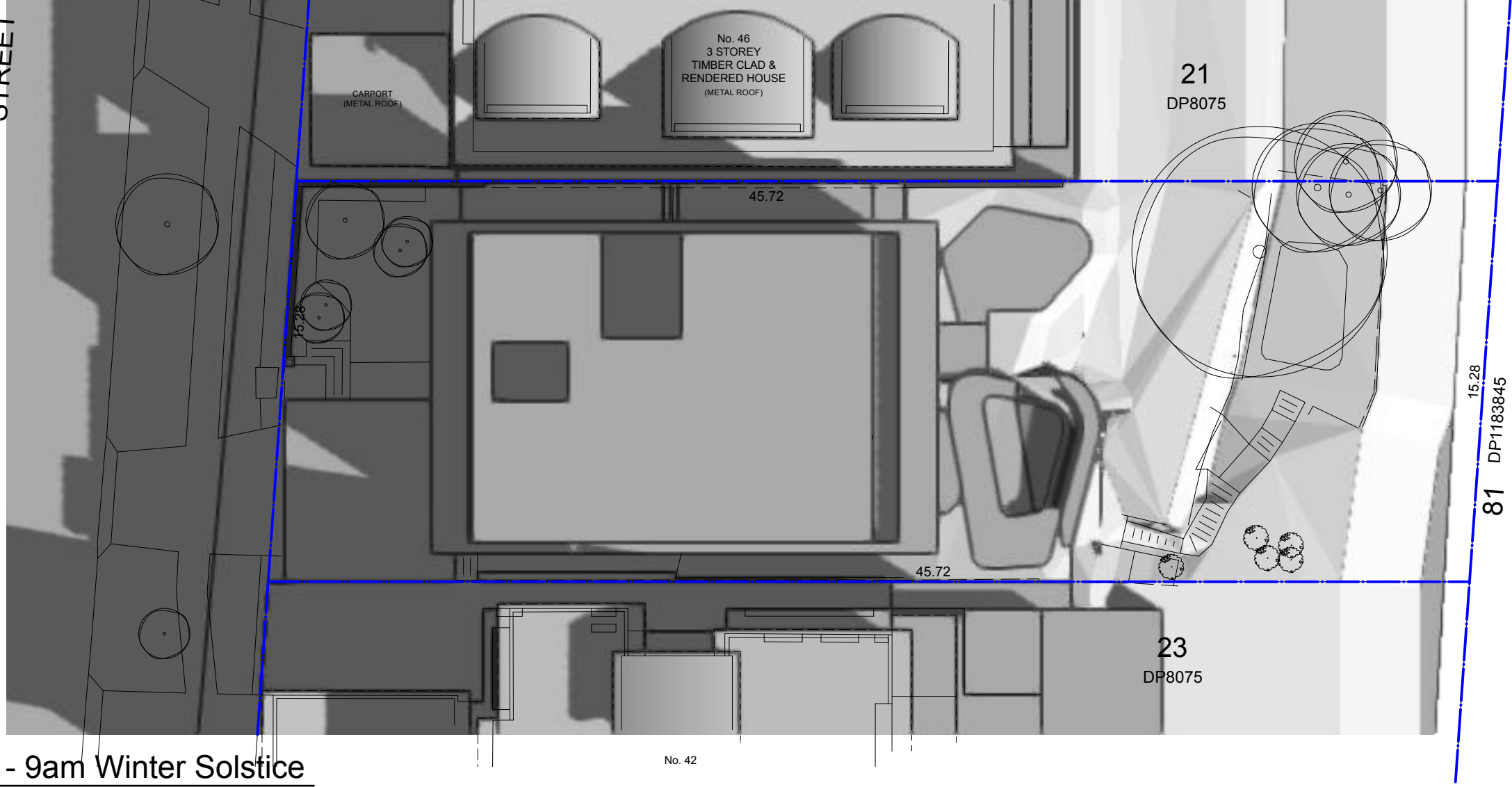
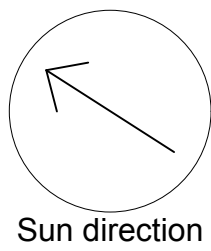


3 First Floor Demolition Plan
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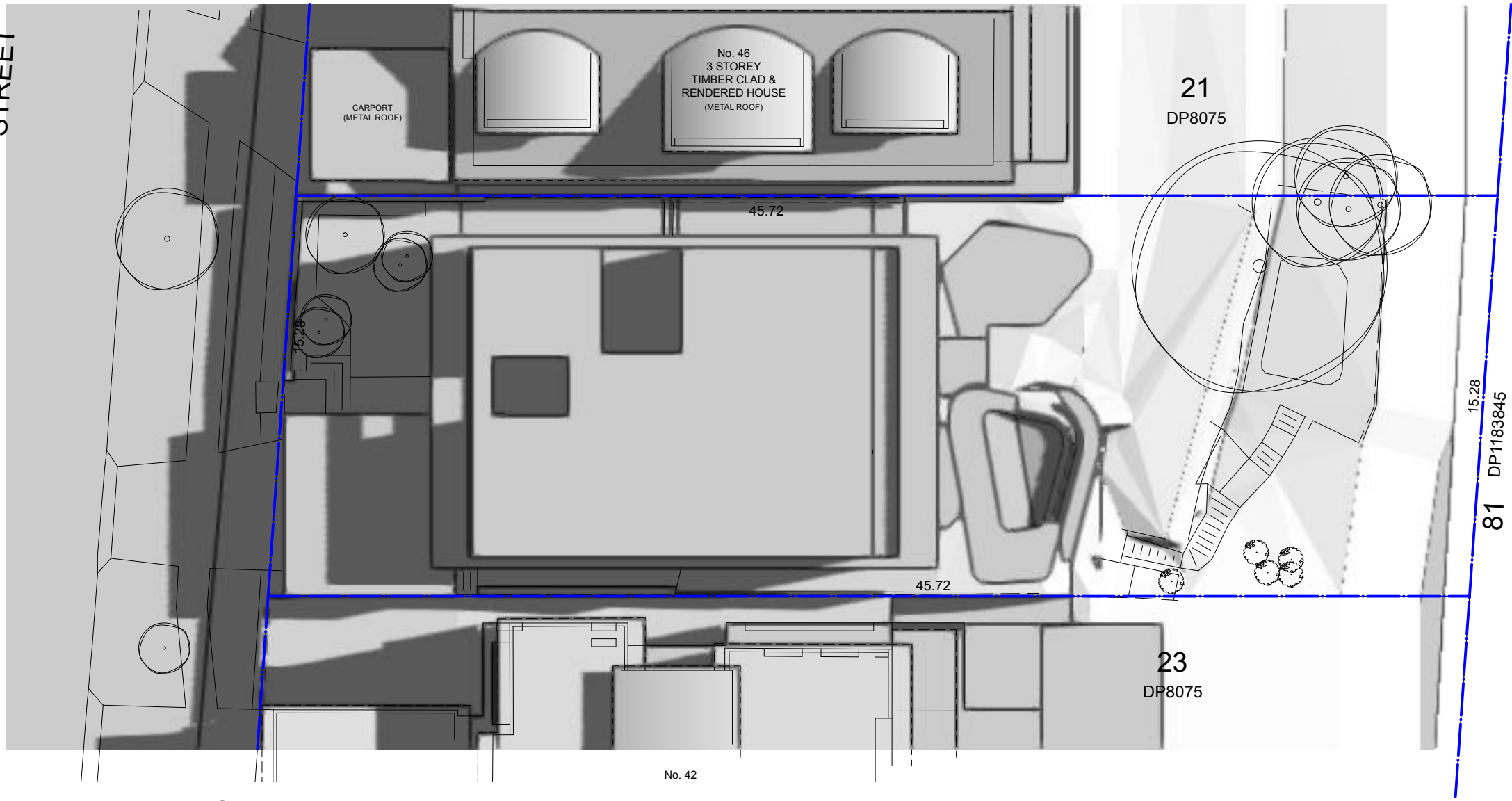
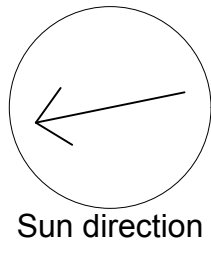


4 Waste Management Plan
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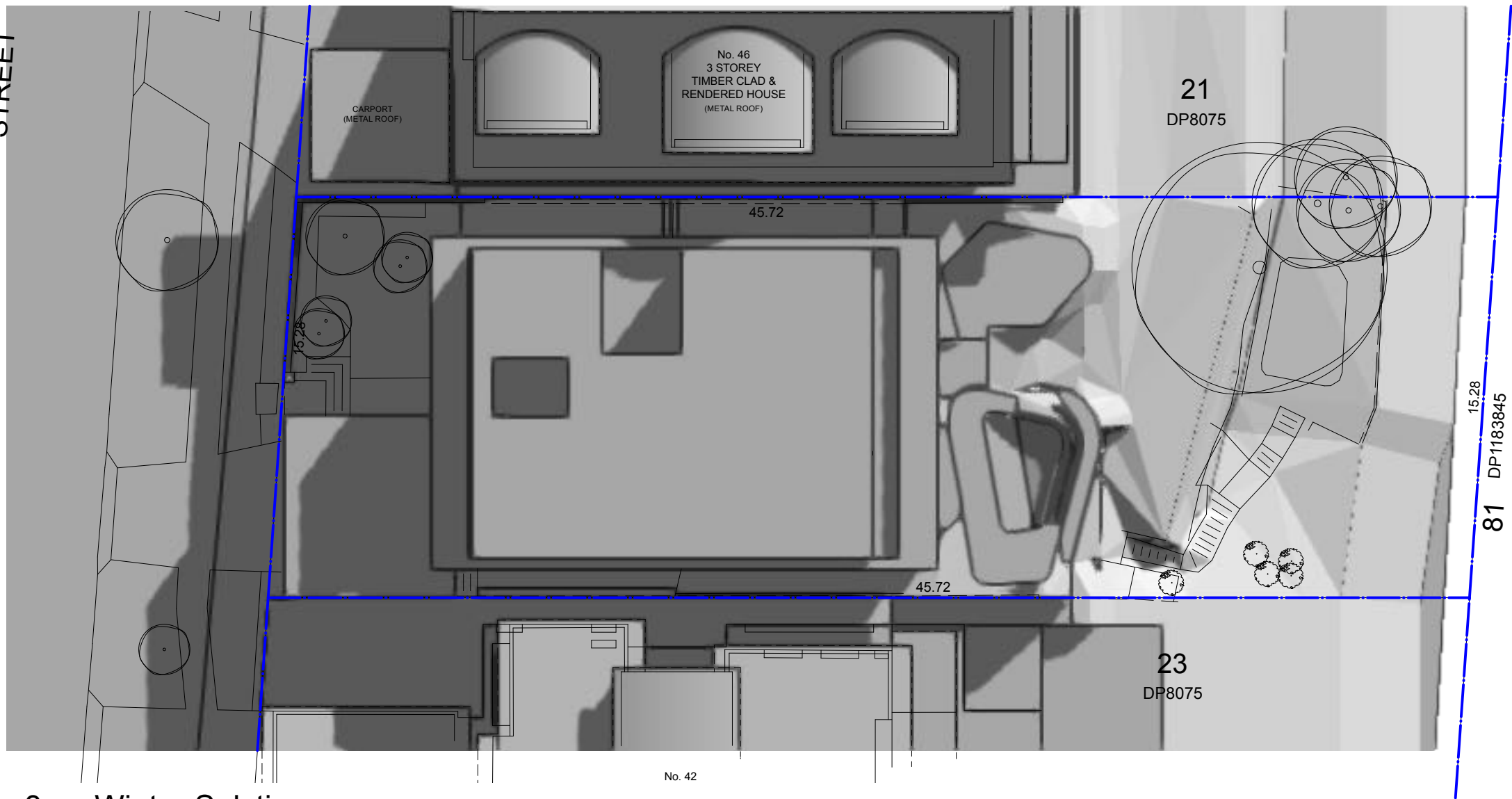
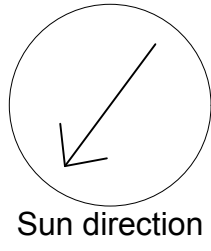
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1 EXISTING - 9am Winter Solstice
Scale: 1:200

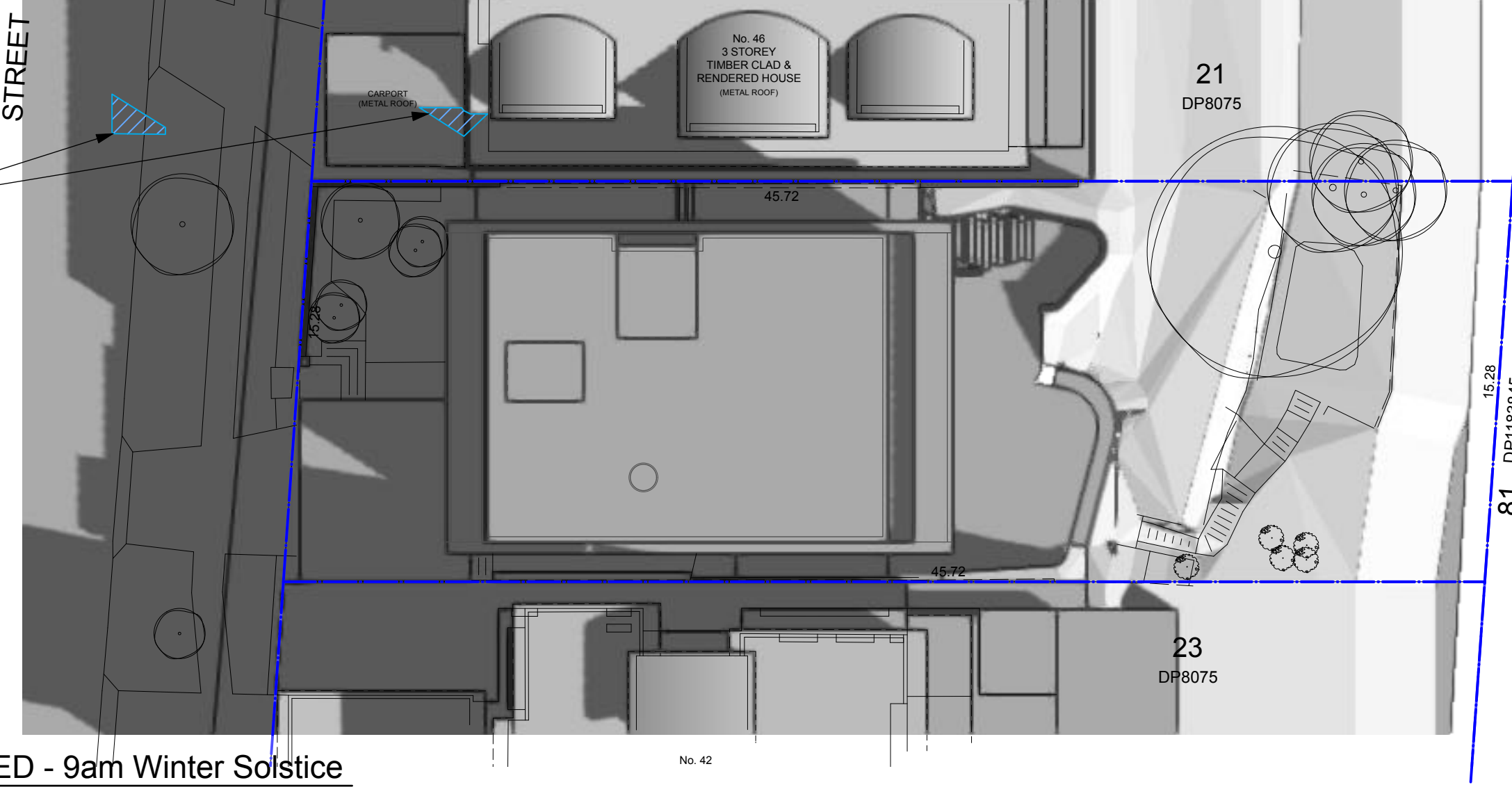
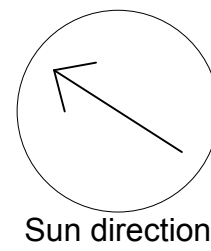


2 EXISTING - 12pm Winter Solstice
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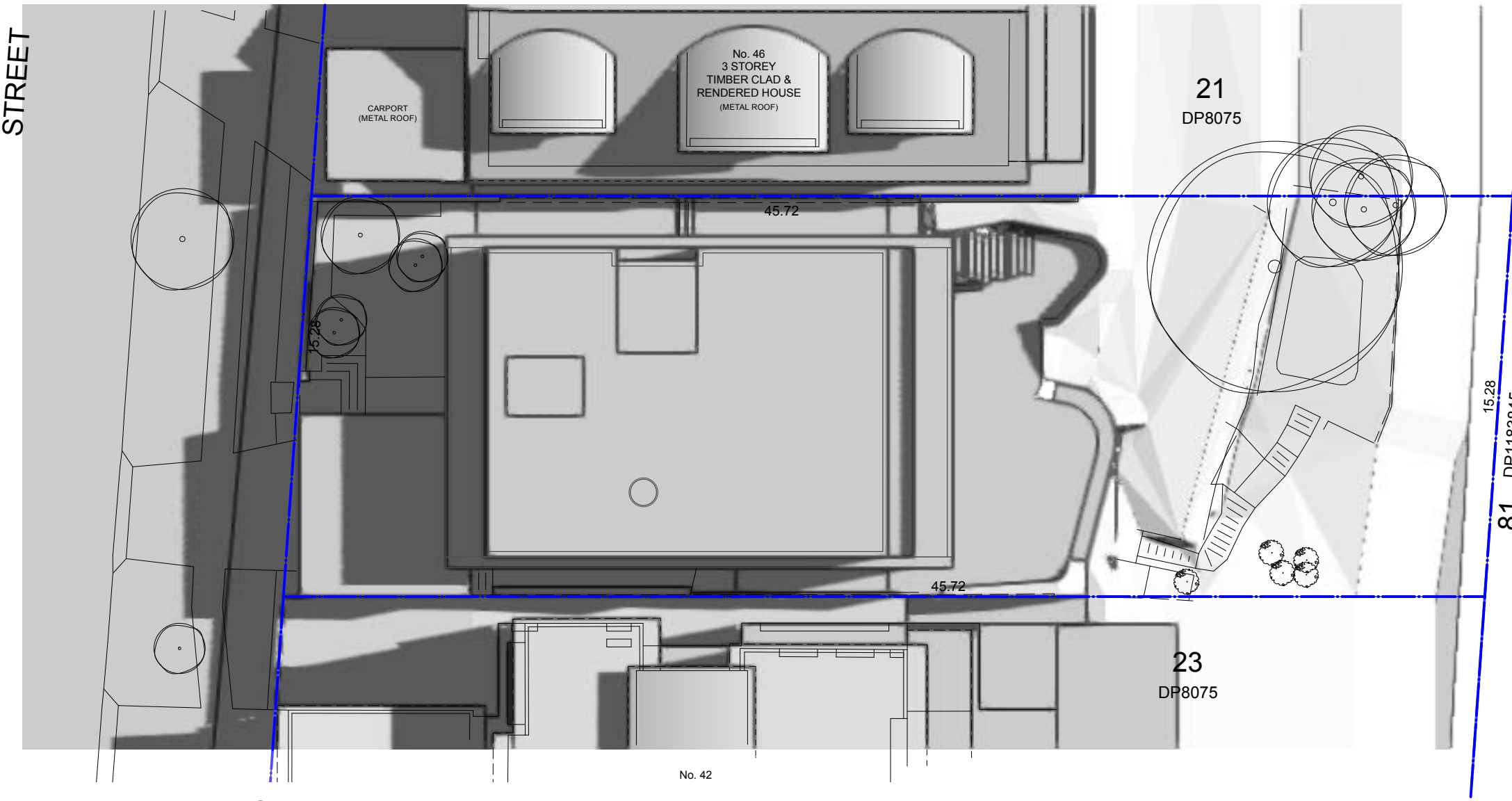
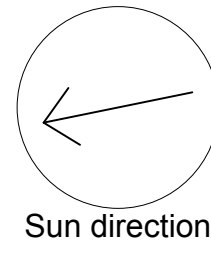


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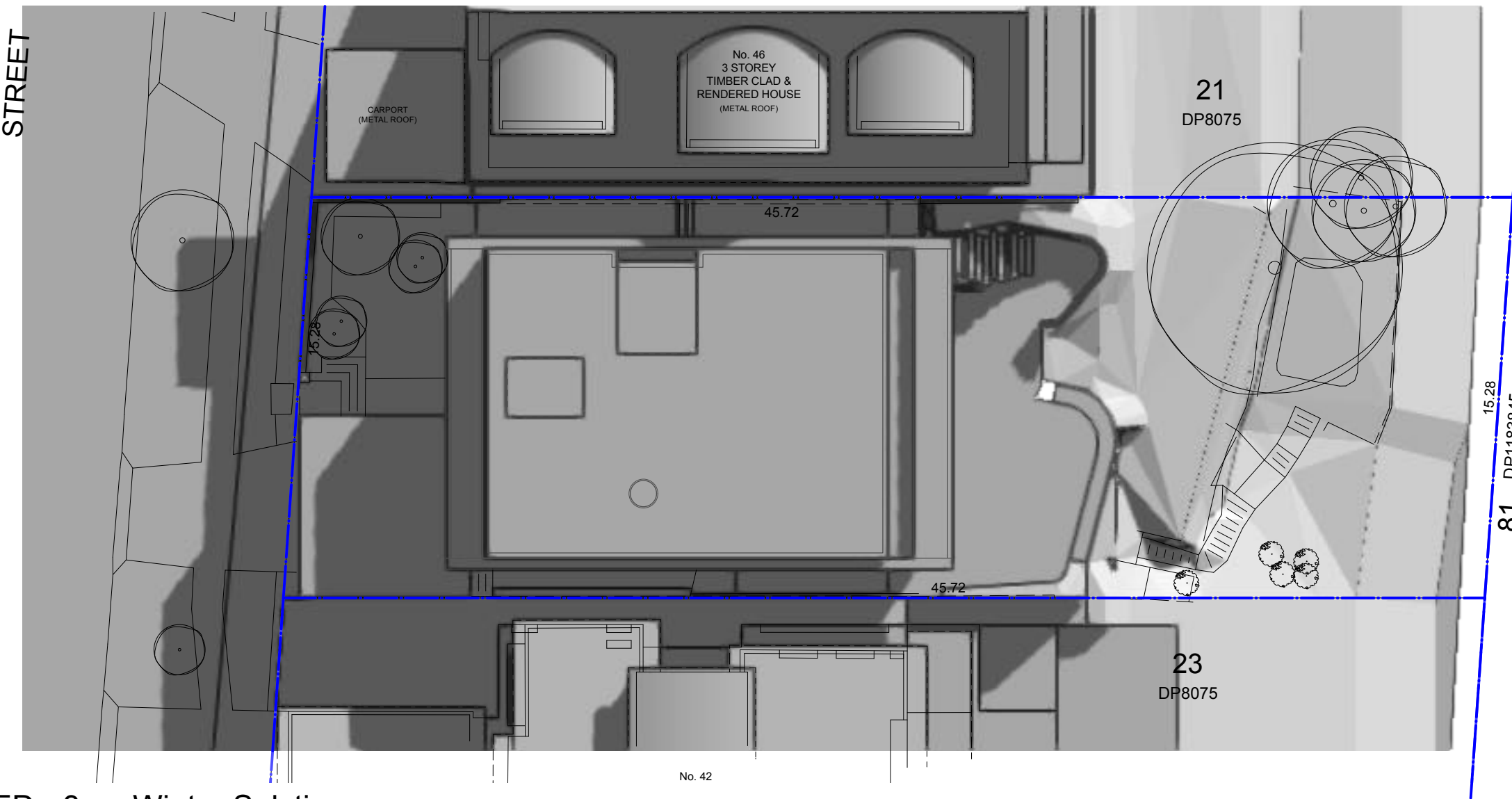
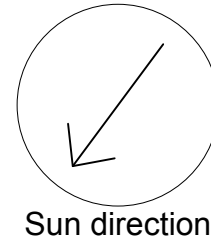
Additional Shadow
shown blue



4 PROPOSED - 9am Winter Solstice
Scale: 1:200




5 PROPOSED - 12pm Winter Solstice
Scale: 1:200

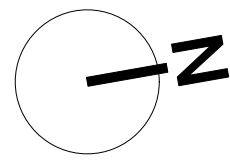


6 PROPOSED - 3pm Winter Solstice
Scale: 1:200

General Notes:

Key:
 = Proposed shadows

TD
By



Reason For Issue:

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Nominated Architect: Duncan Sanby Reg. No. 6227

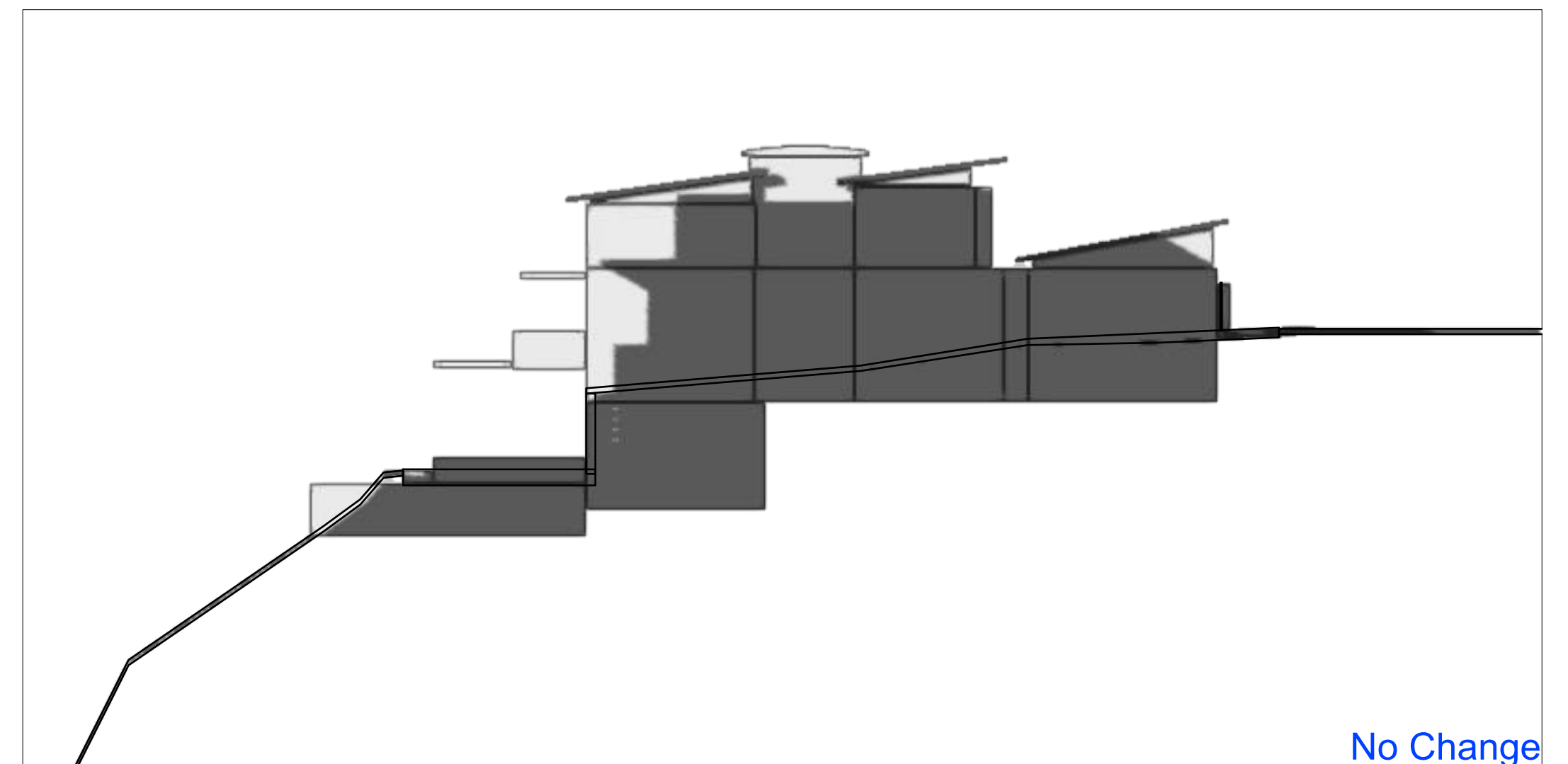
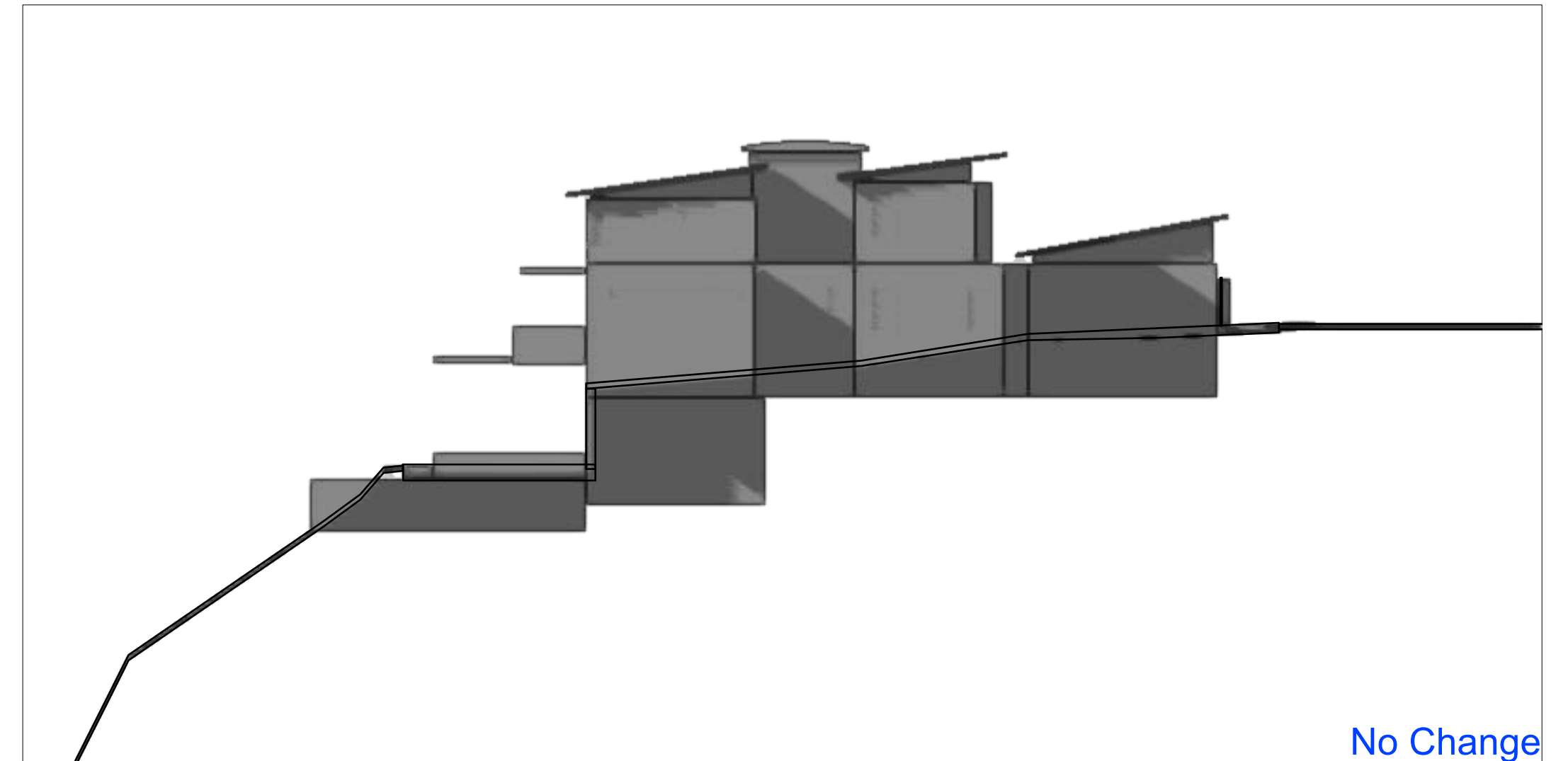
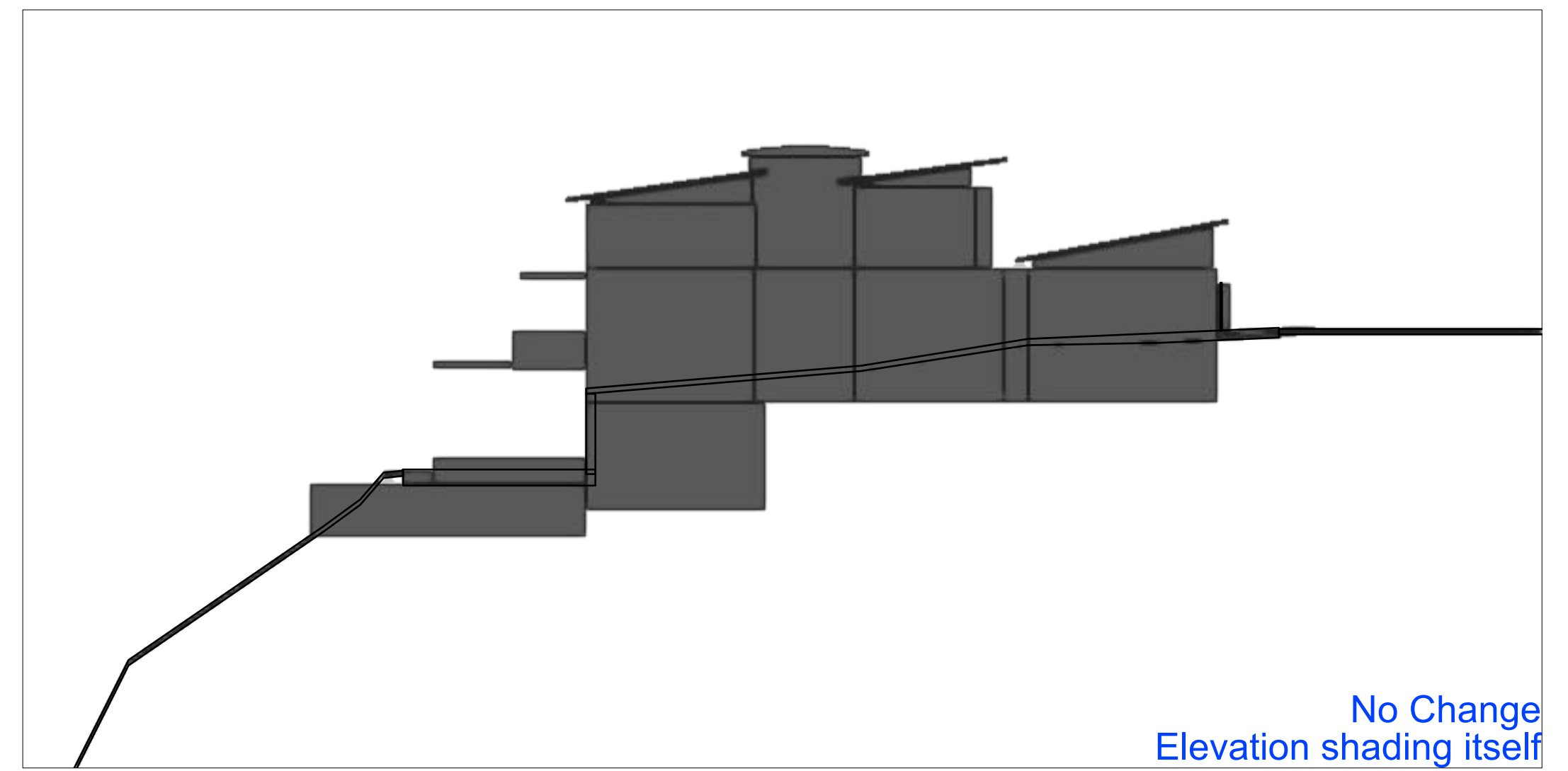
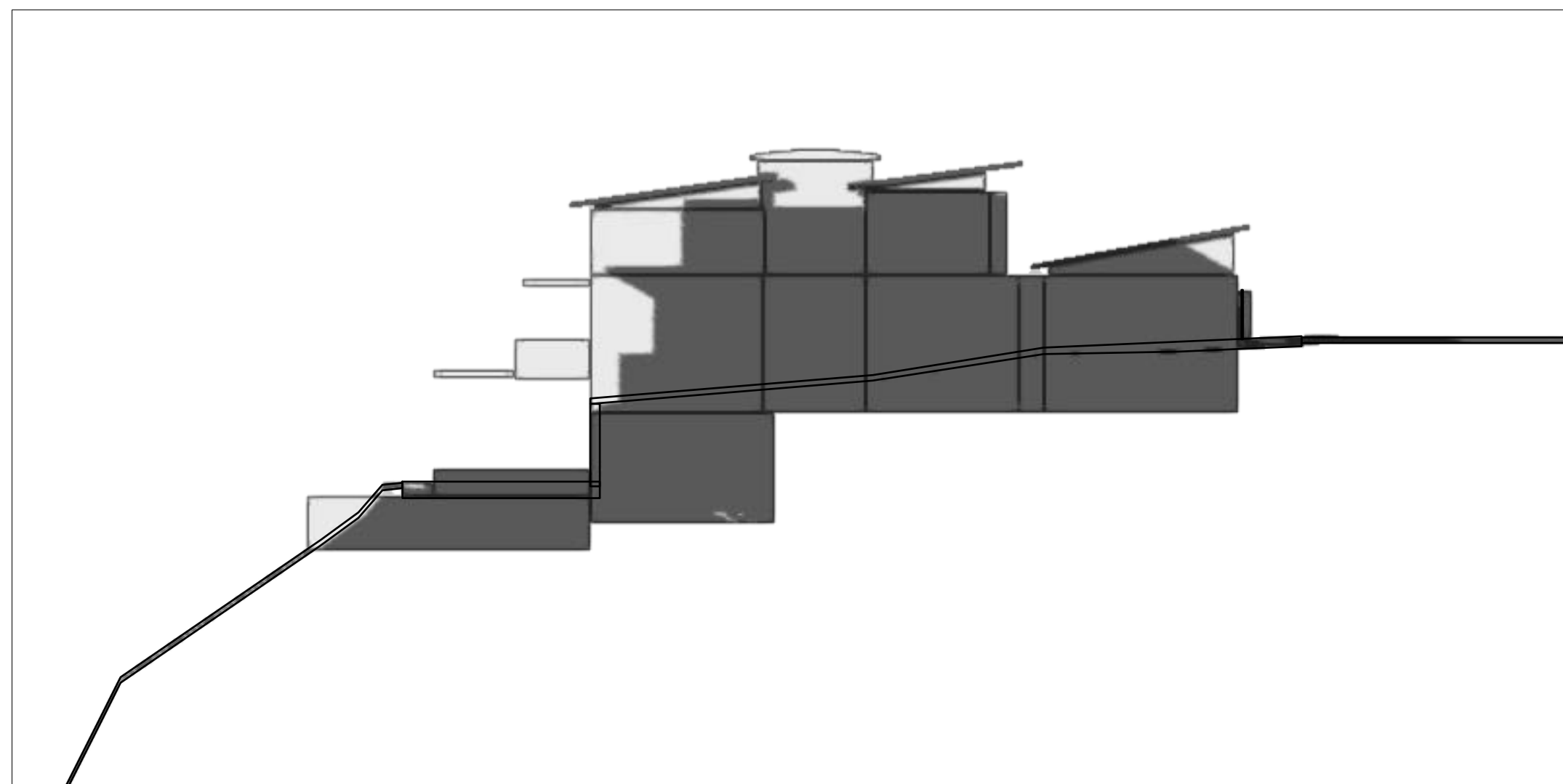
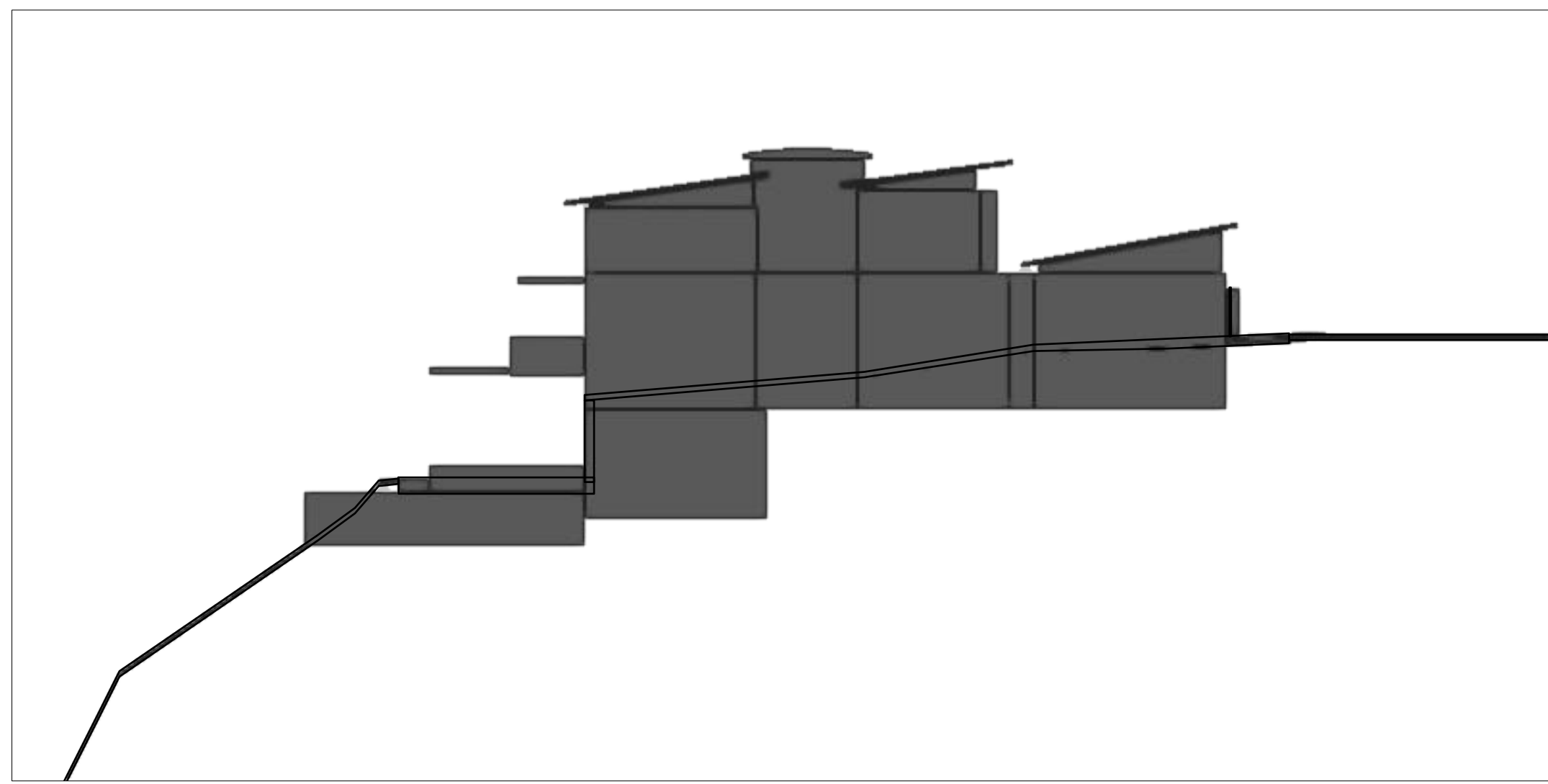
Shadow Diagrams

44 Bower Street, Manly NSW 2095
-Northern Beaches Council-
Wes & Emma Maas

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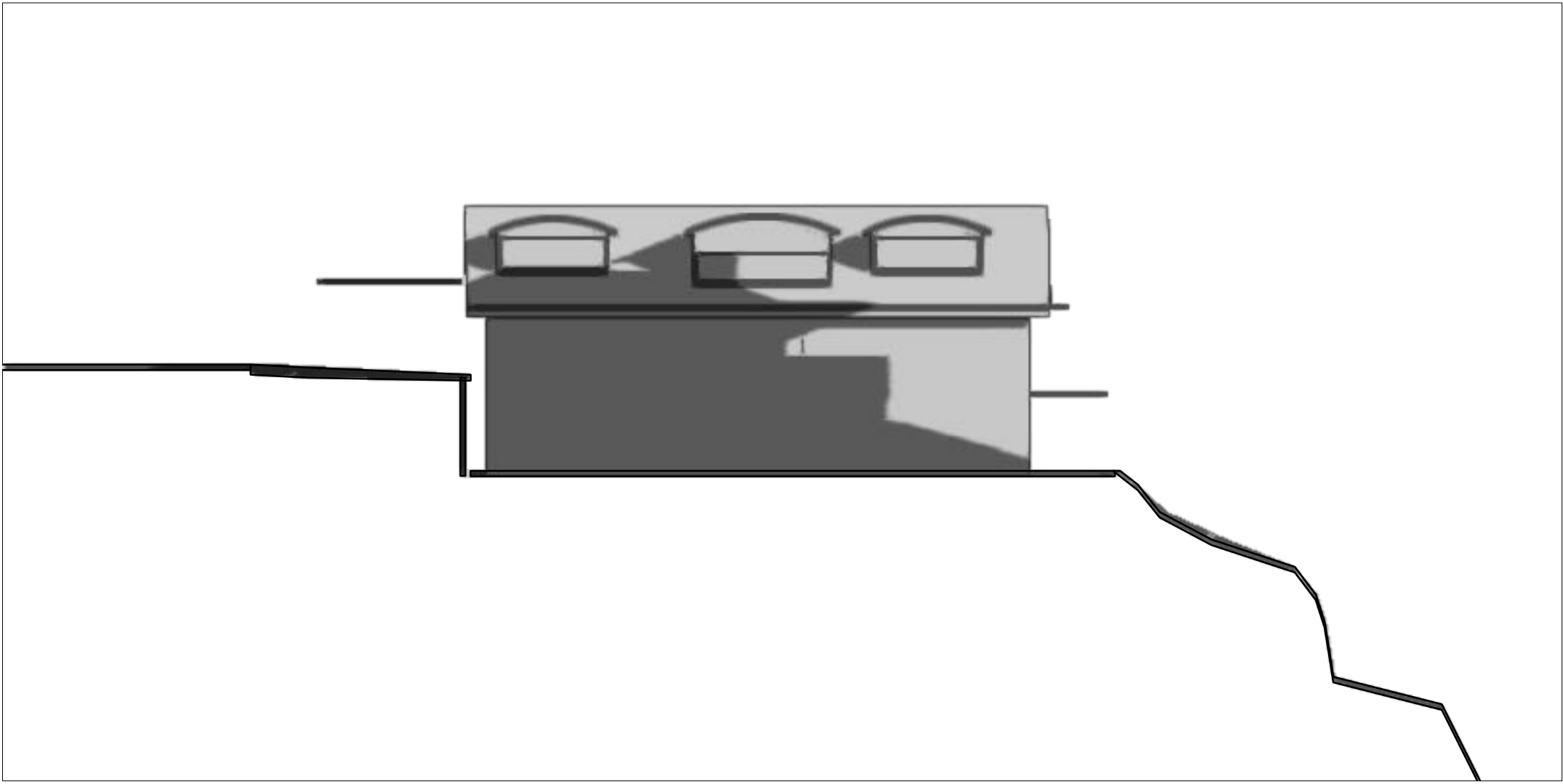
**UTZ
SANBY**
ARCHITECTS

Project No.	Drawing No.	Rev No.
2414	DA-09	DA-A
SCALE	Drawn By	Dwg Date:
1:200&A1	Checked By	Plot Date: 12/5/25

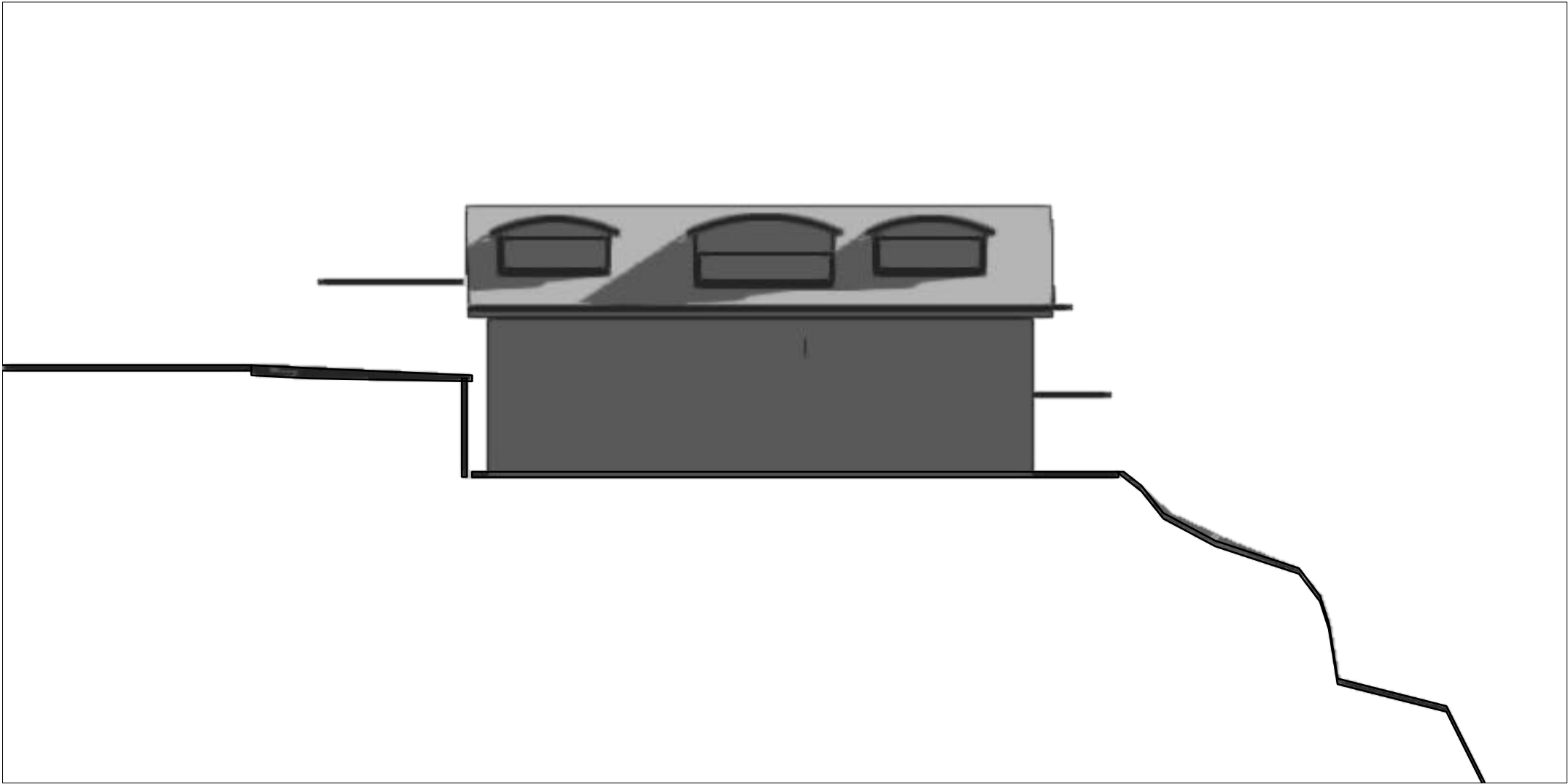


						<p>General Notes:</p> <p>Key:</p> <div><div></div> = Proposed shadows</div>			<p>Reason For Issue:</p> <p>For Development Application Only</p> <p>Copyright : This design and drawings are not to be used or reproduced wholly or in part without written permission of Utz-Sanby Architects. All dimensions are given in millimetres. All dimensions are to be checked on site by the Builder. Do not scale off the drawing. Nominated Architect: Duncan Sanby Reg. No. 6227</p>			<p>Shadow Diagrams 42 Bower Street</p> <p>44 Bower Street, Manly NSW 2095 -Northern Beaches Council- Wes & Emma Maas</p>			<div><div>Suite 103, 504 Miller St PO Box 224, Cammeray 2062 T 02 9904 2515 E architects@utzsanby.com www.utzsanby.com</div><div>UTZ SANBY ARCHITECTS</div></div>		
A 8/5/25 DA-A Issued for DA.			TD									Project No. 2414 Drawing No. DA-10 Rev No. DA-A					
Rev Date Note			By									SCALE 1:200DA1 Drawn By TD Dwg Date: - Checked By DS Plot Date: 12/5/25					

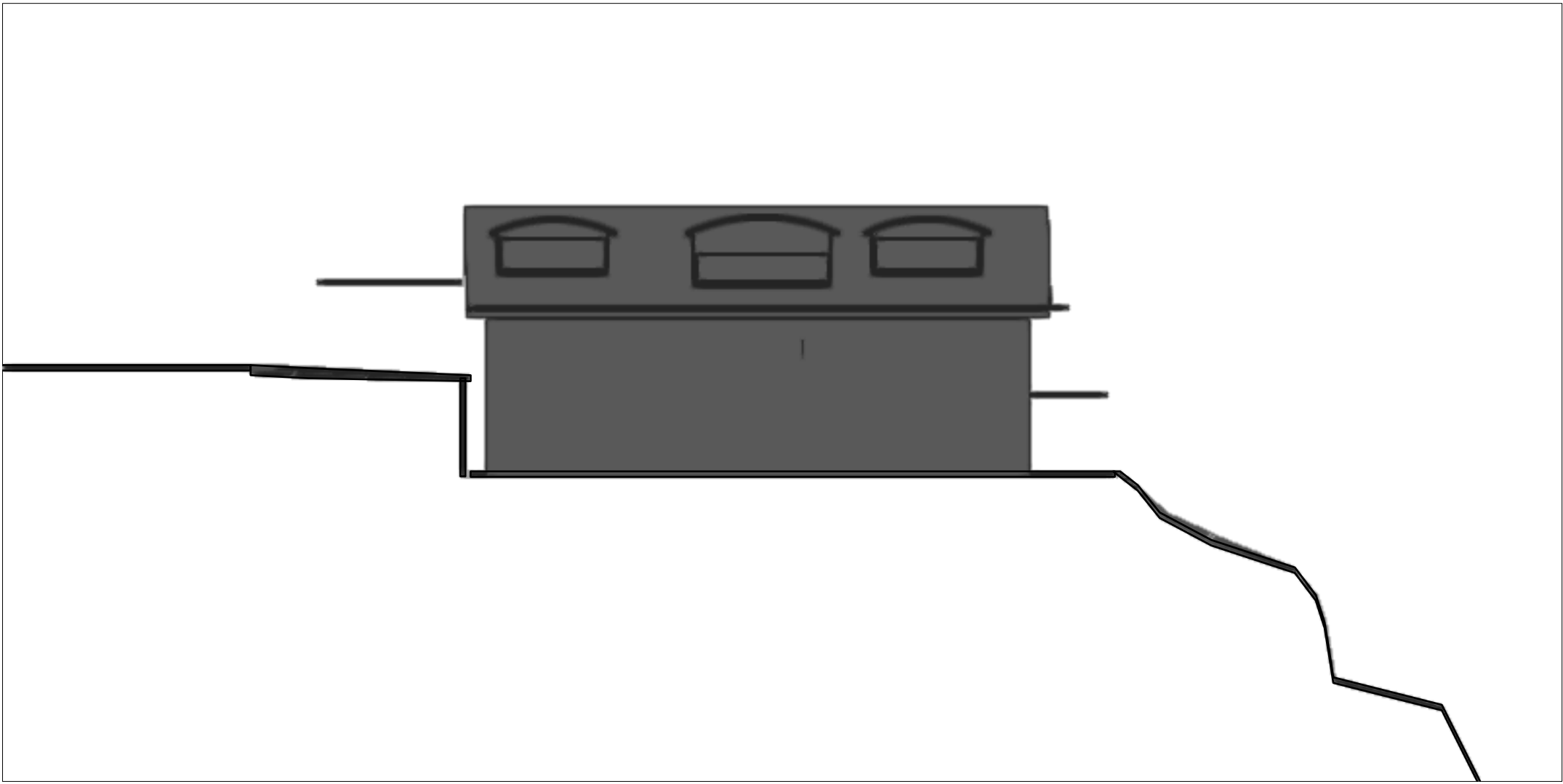
1 EXISTING - 9am Winter Solstice
Scale: 1:200



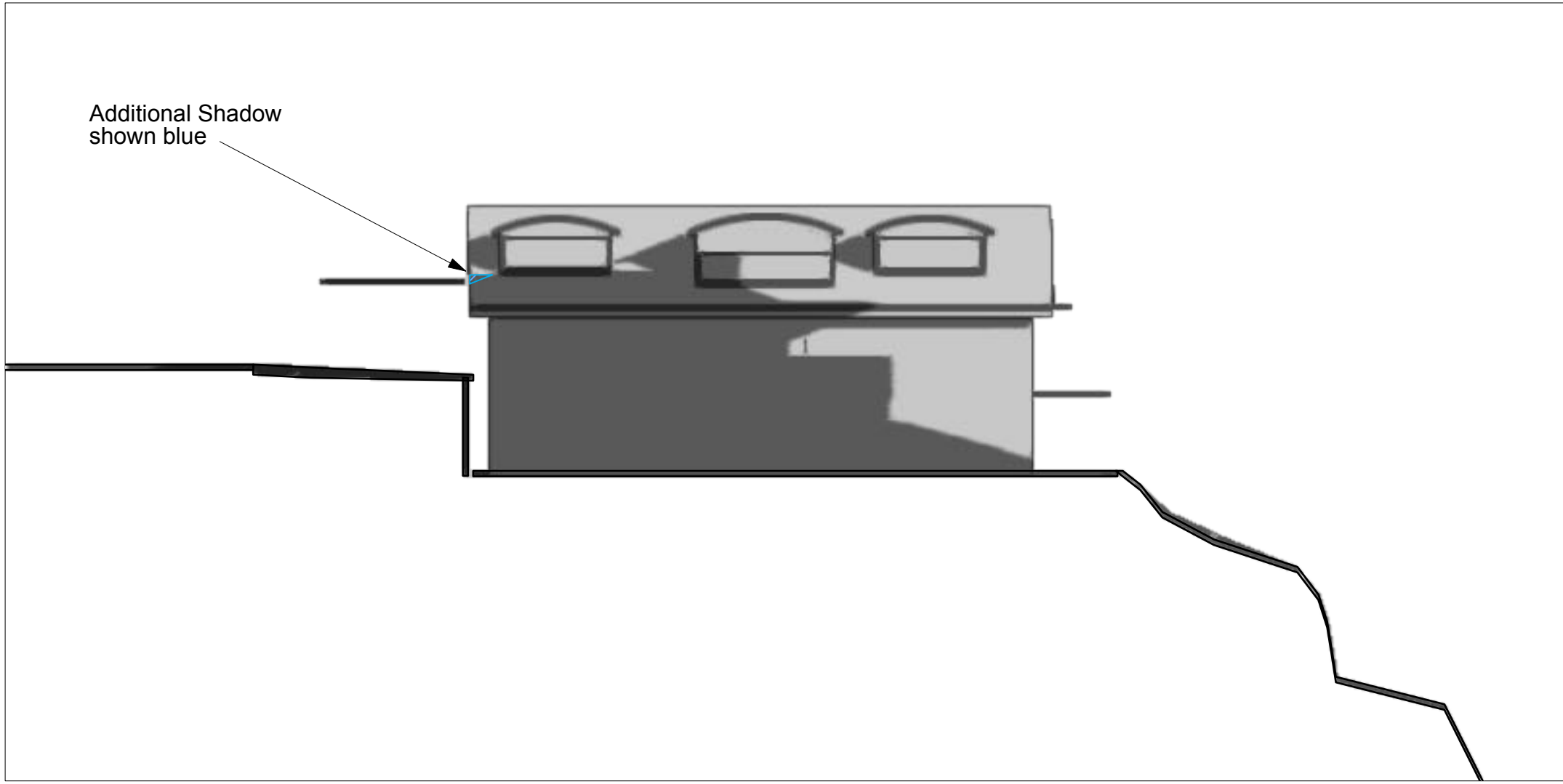
2 EXISTING - 12pm Winter Solstice
Scale: 1:200



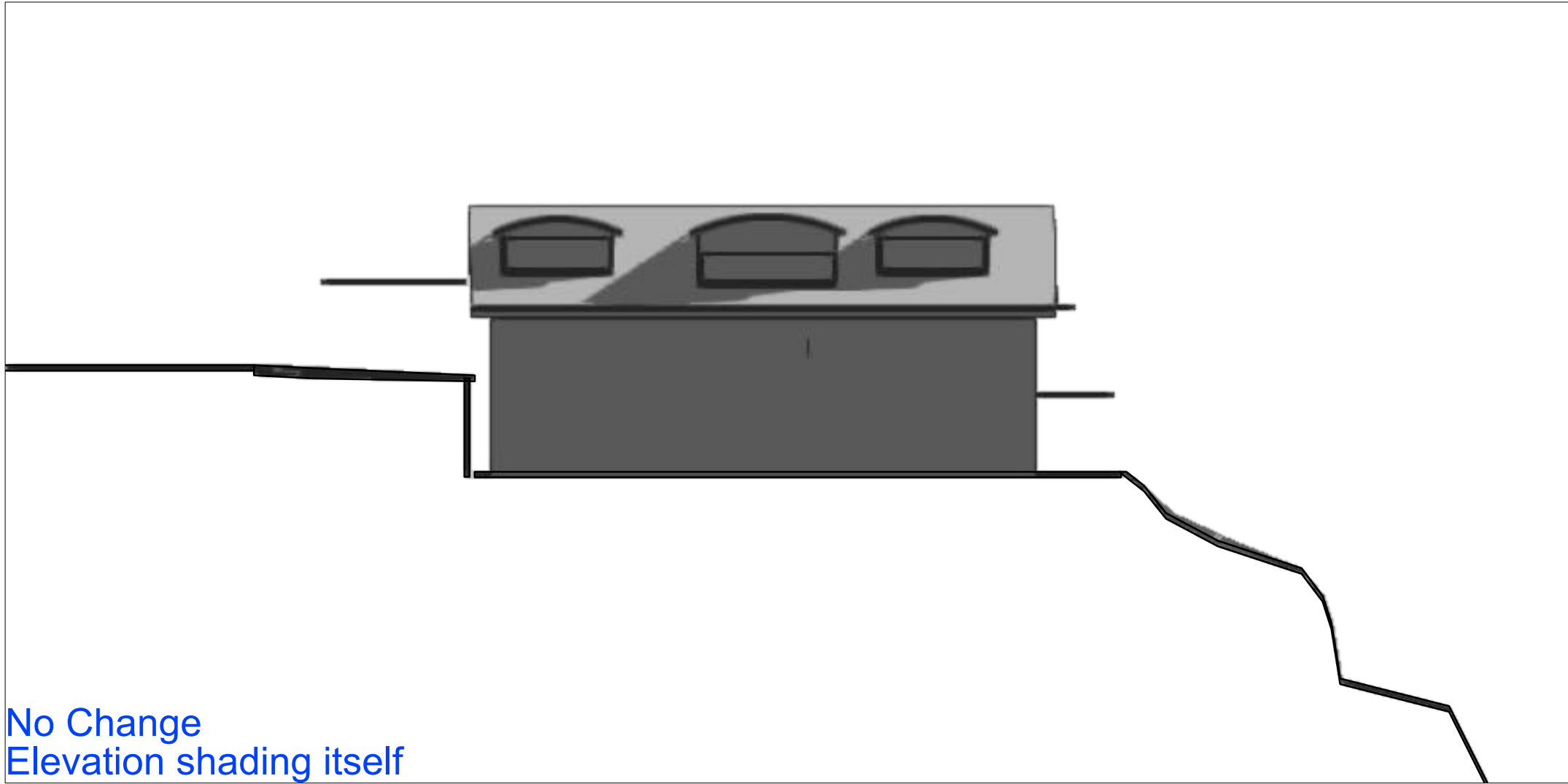
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Scale: 1:200



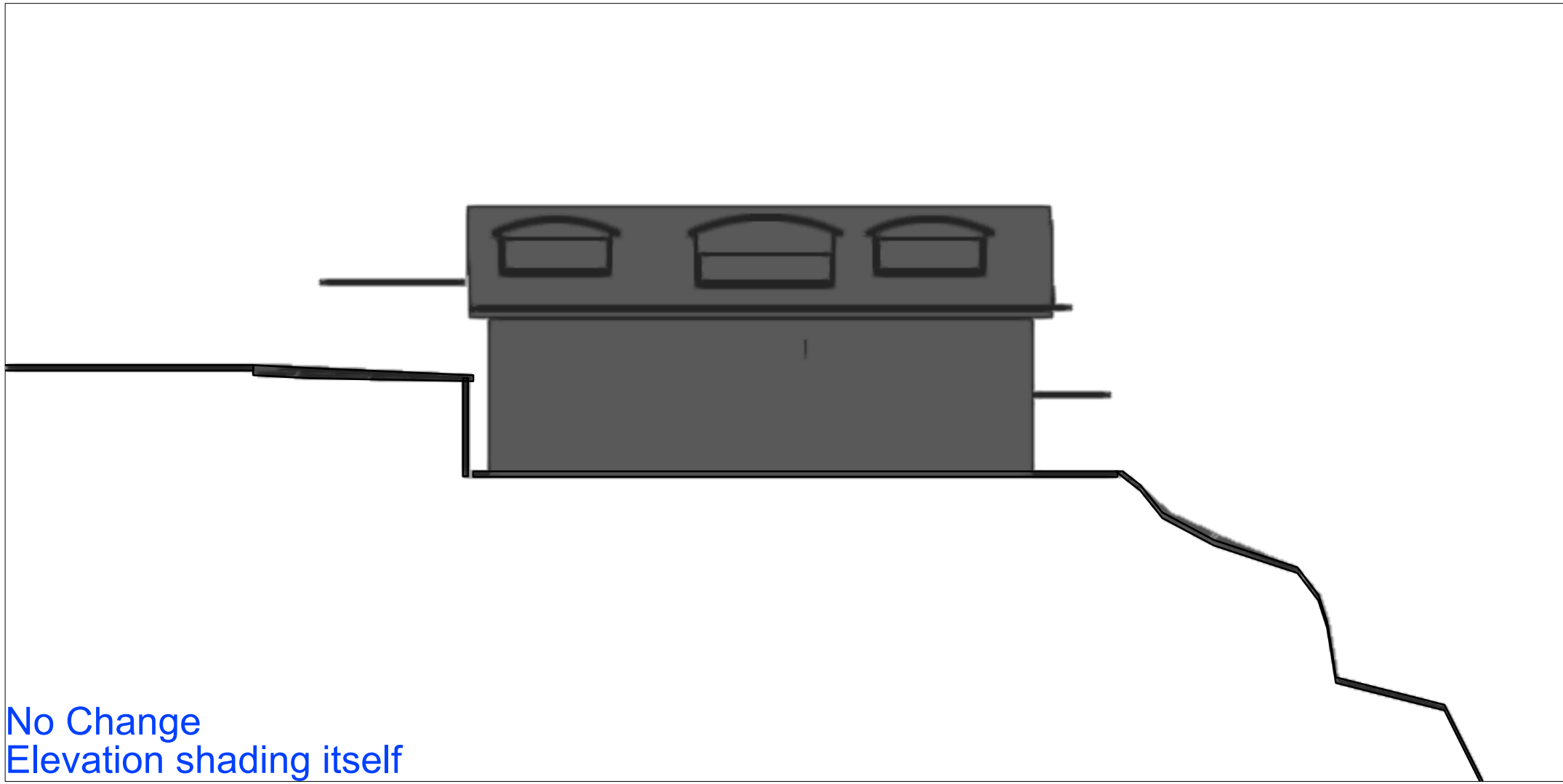
4 PROPOSED - 9am Winter Solstice
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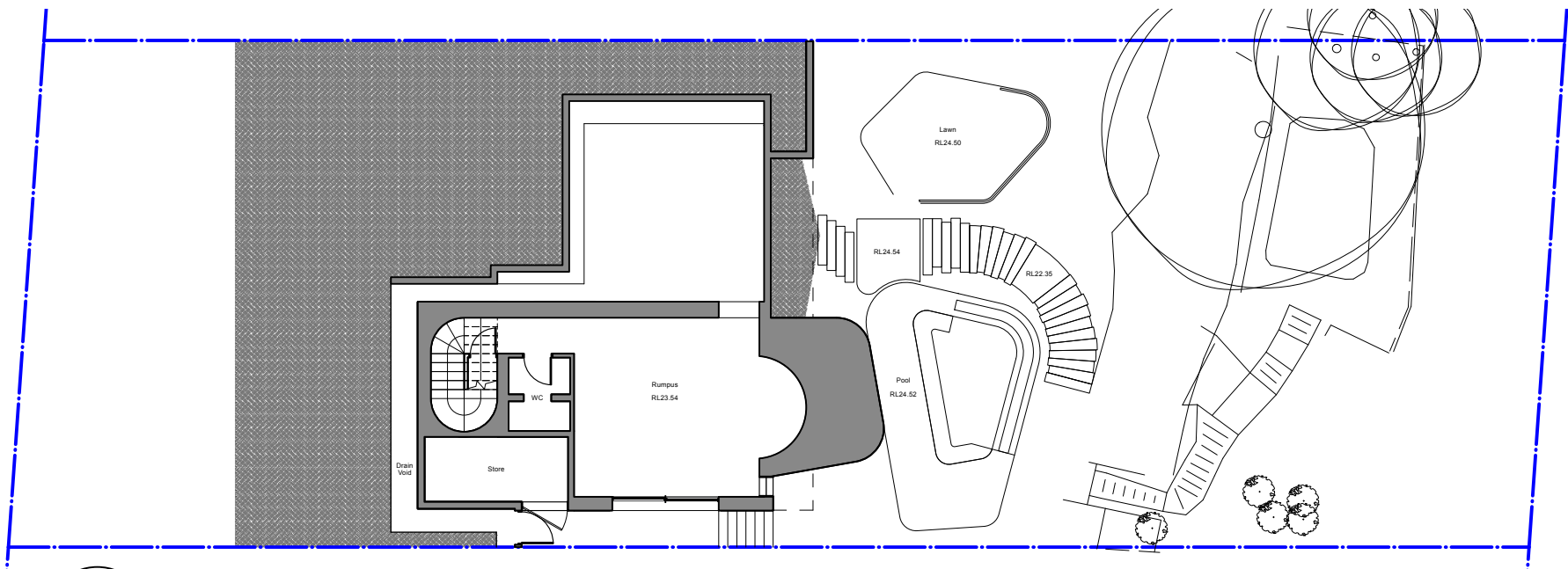


5 PROPOSED - 12pm Winter Solstice
Scale: 1:200

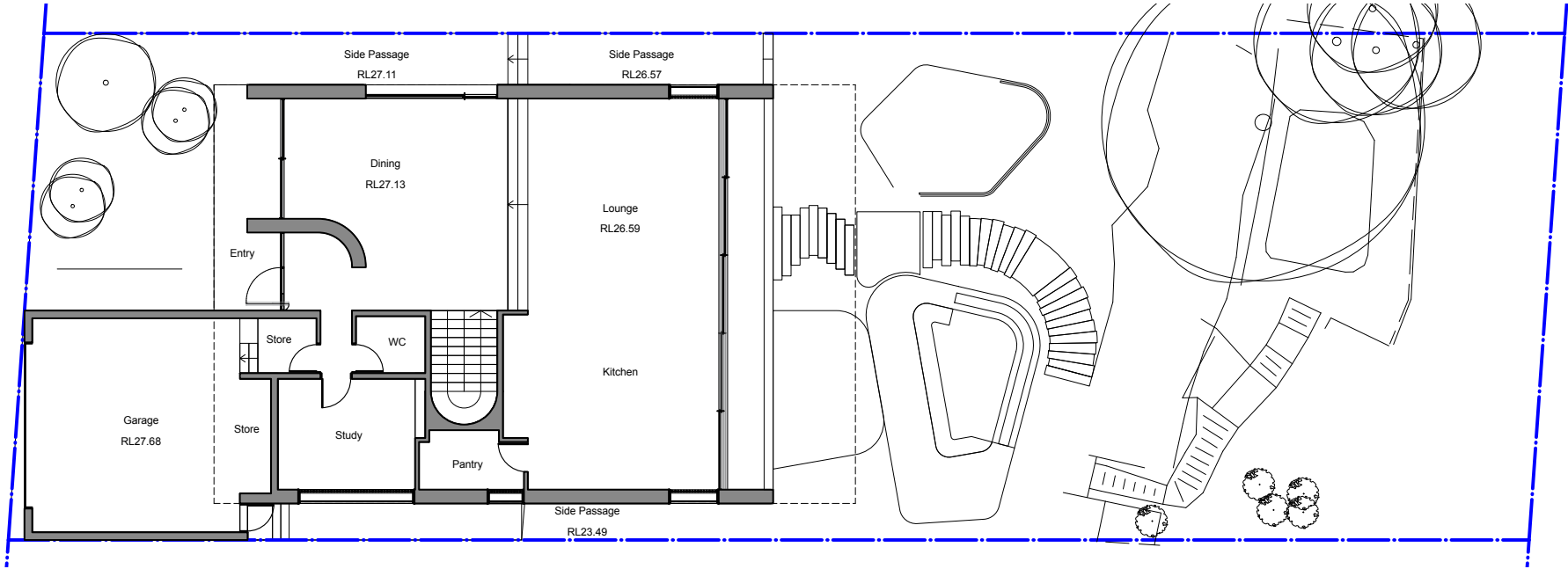


6 PROPOSED - 3pm Winter Solstice
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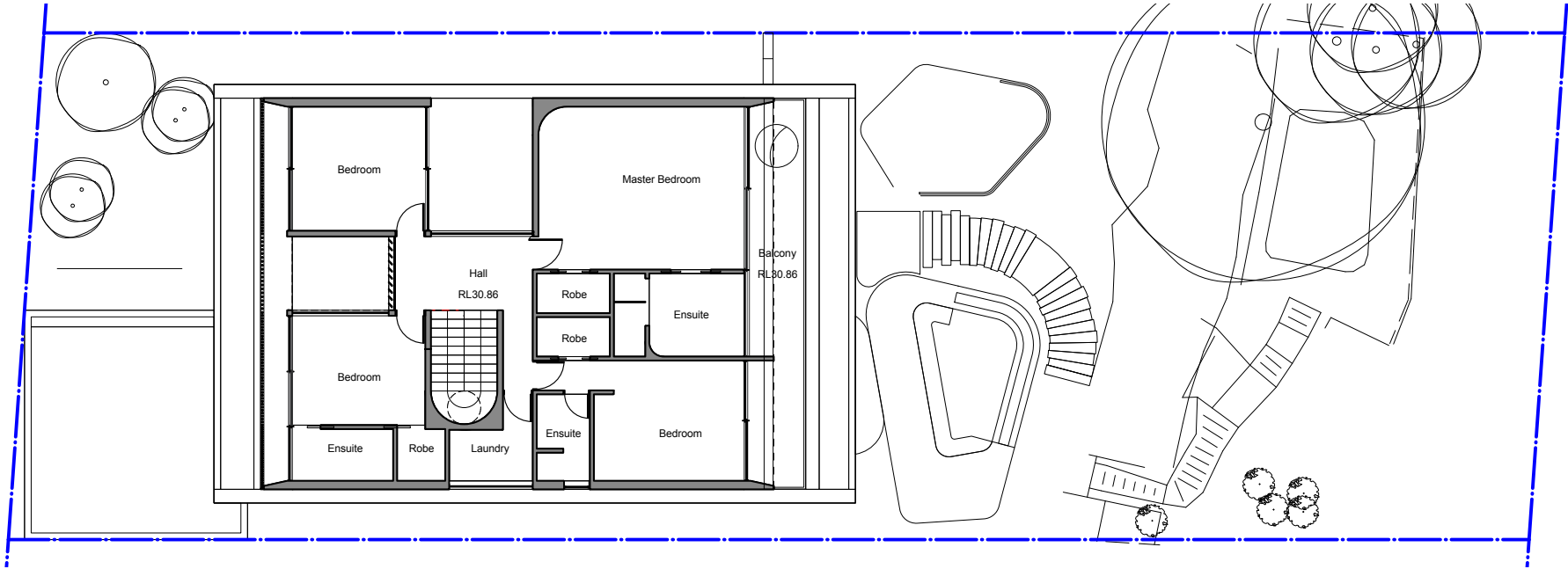




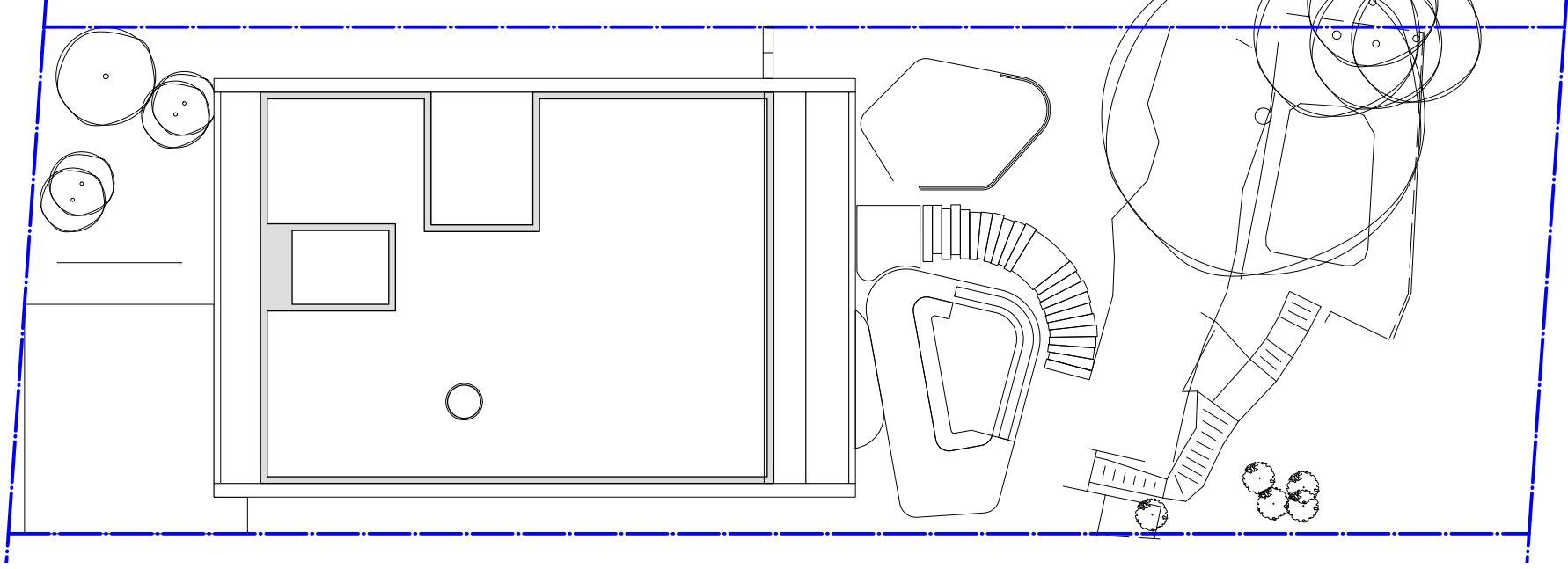
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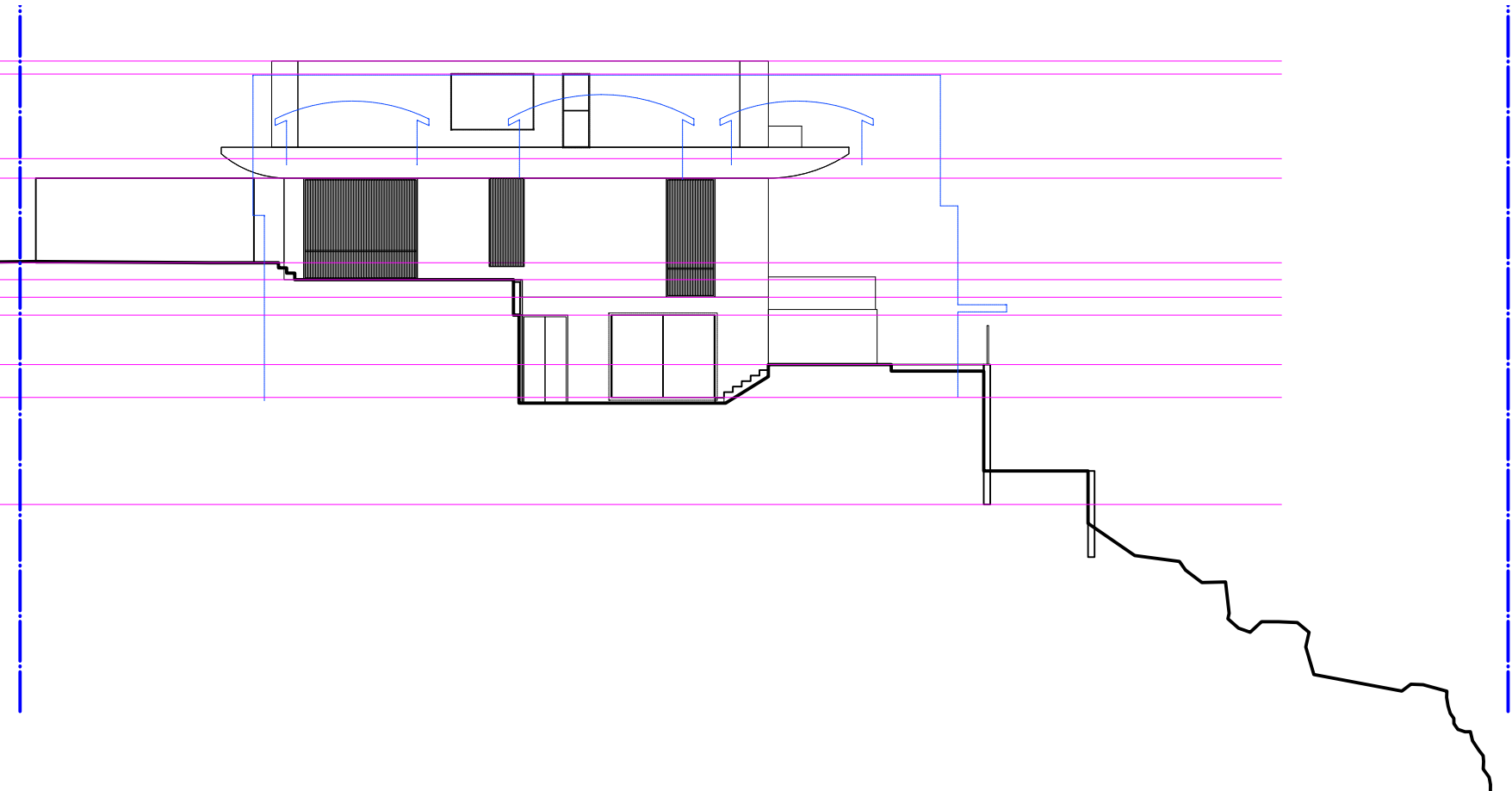
2 EXISTING GROUND
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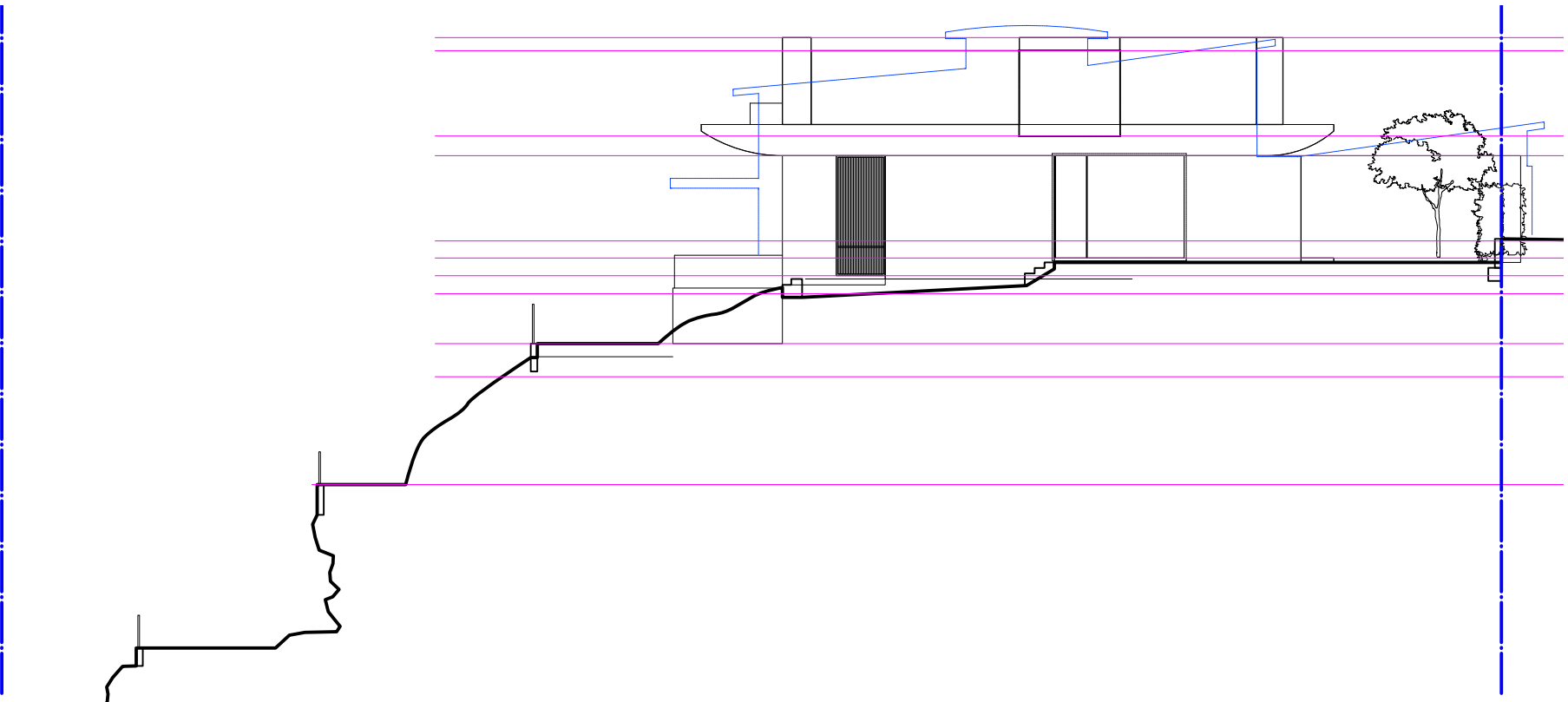
3 EXISTING FIRST
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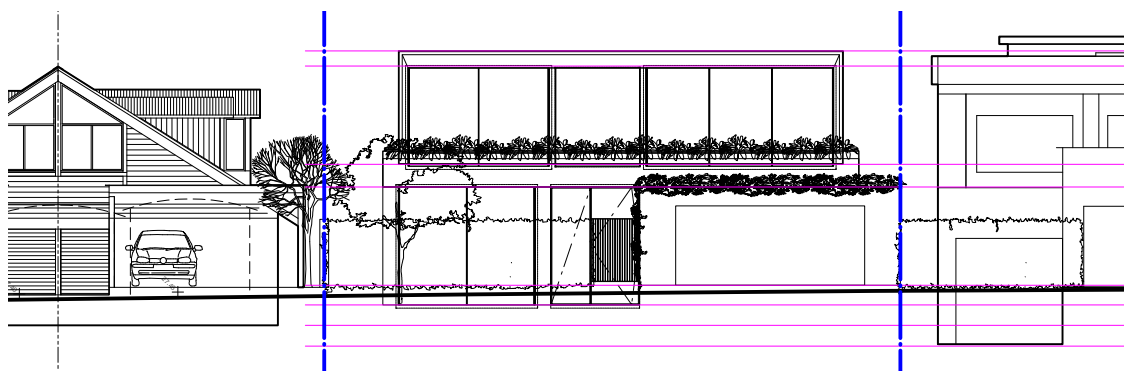
4 EXISTING ROOF
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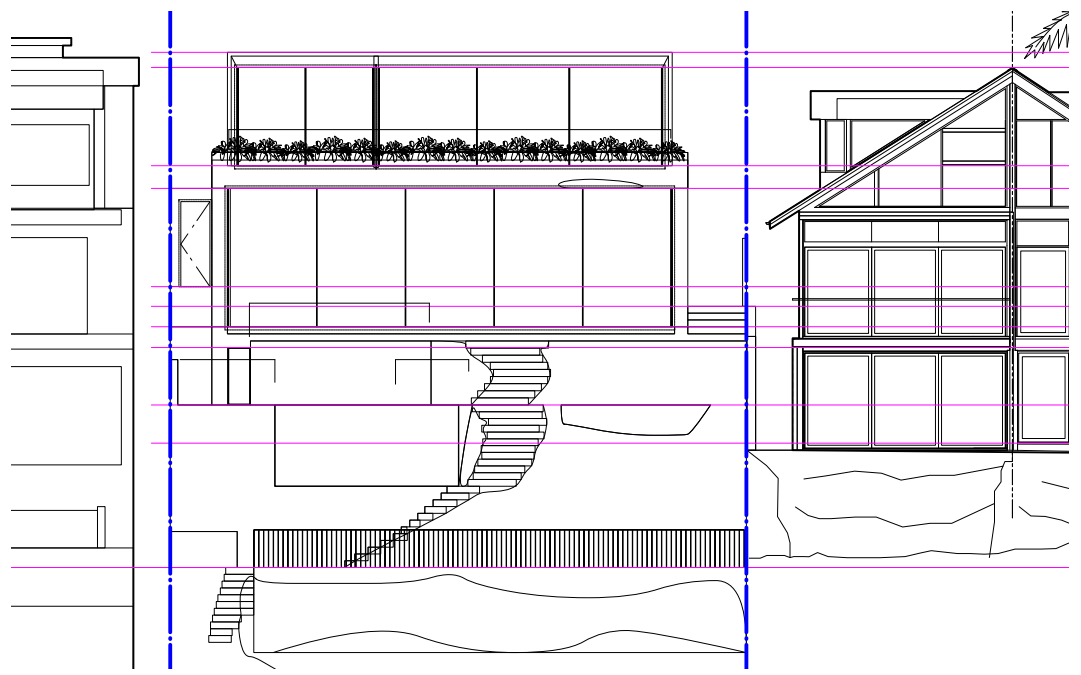
5 EXISTING EAST ELEVATION
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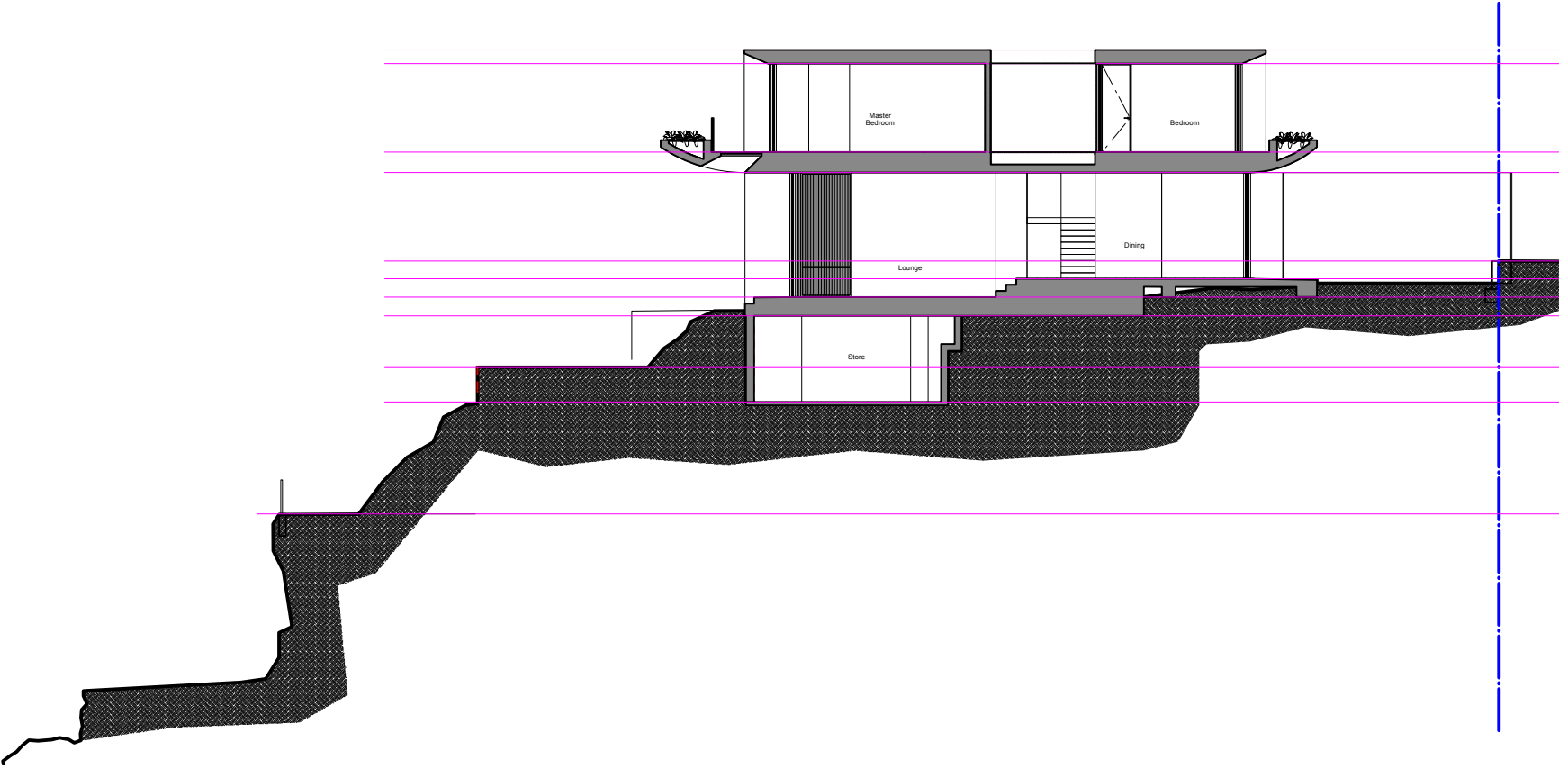
7 EXISTING WEST ELEVATION
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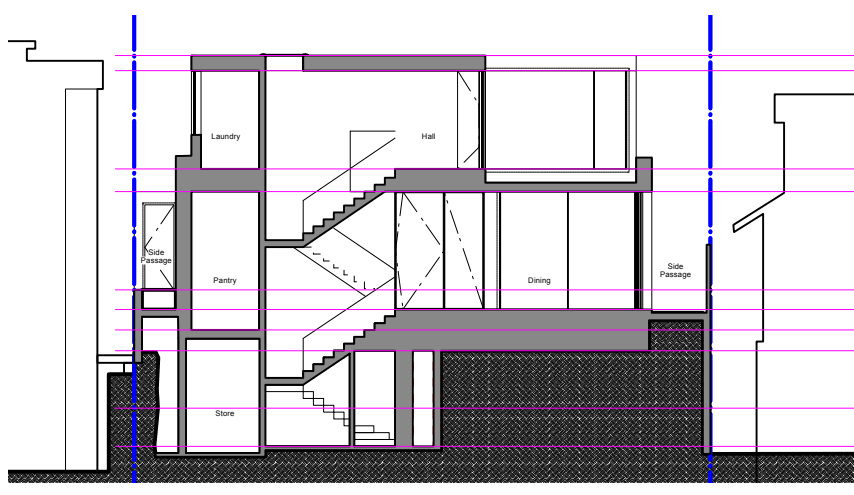
6 EXISTING SOUTH ELEVATION
Scale: 1:200



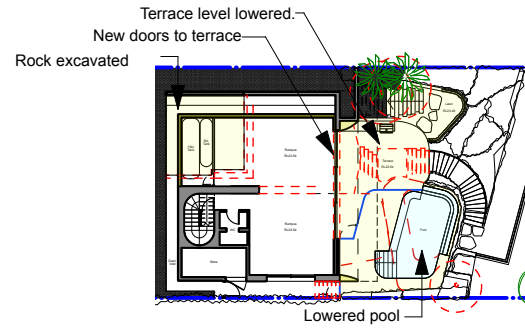
8 EXISTING NORTH ELEVATION
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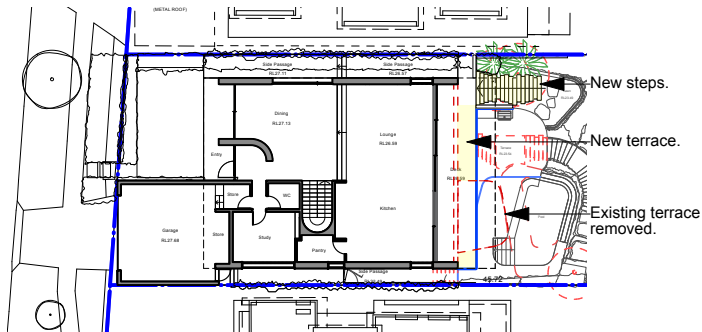
9 EXISTING SECTION
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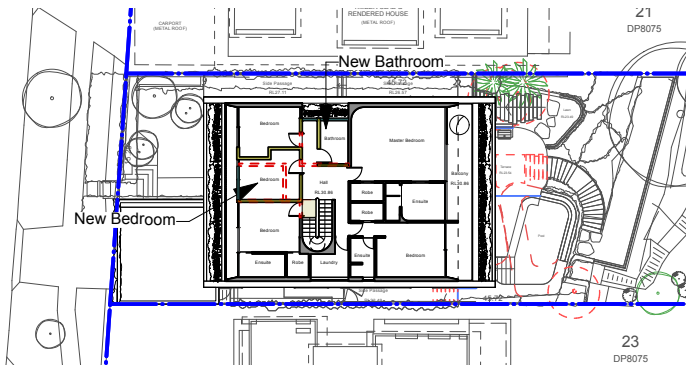
10 EXISTING SECTION
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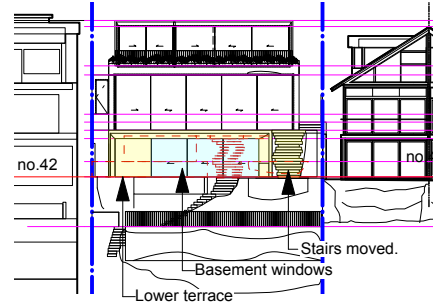
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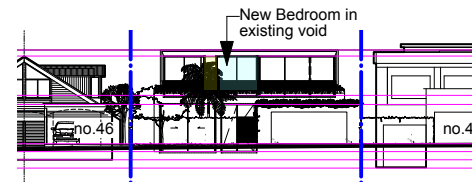
2 Ground Floor Plan
Scale: 1:500



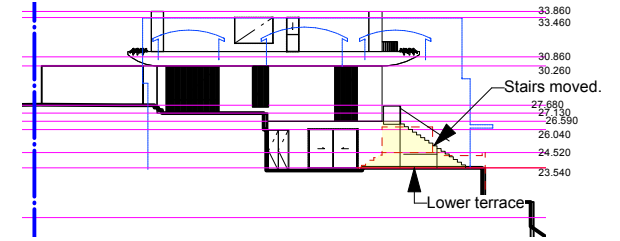
3 First Floor Plan
Scale: 1:500



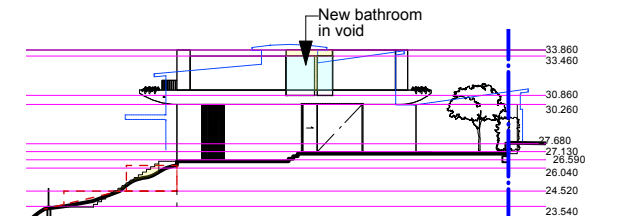
4 North Elevation
Scale: 1:500



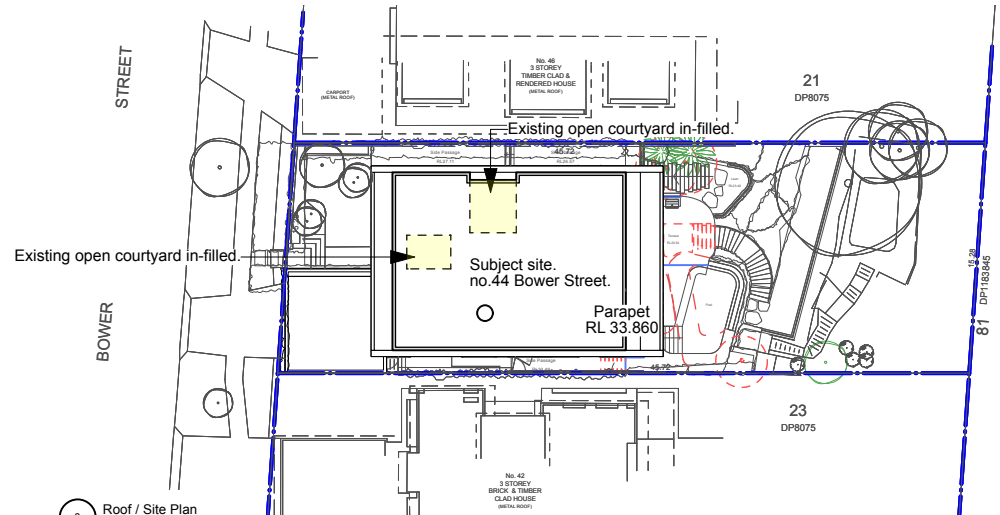
6 South Elevation
Scale: 1:500



5 East Elevation
Scale: 1:500



7 West Elevation
Scale: 1:500



8 Roof / Site Plan
Scale: 1:500

General Notes:



LOT 22 DP 8075

Reason For Issue:

Issued for Development Application Only

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Nominated Architect: Duncan Sanby Reg. No. 4227

Notification Plans

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Project No.	Drawing No.	Rev No.
2414	DA-13	DA-A
SCALE	Drawn By	Draw Date:
1:500/BA4	Checked By	Plot Date: 12/1/25

Rev Date Note

TD

By