



# Development Application Statement of Environmental Effects

39 Pittwater Road, Manly



Submitted to: Northern Beaches Council

On behalf of: High Design

Date: November 2025

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# 1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared for on behalf of High Design (**the applicant**) in support of a Development Application (DA) to Northern Beaches Council, prepared in accordance with Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2021.

## 1.1 Report Structure

This SEE is structure in the following manner:

- **Section 1** – Introduction;
- **Section 2** - Analysis of site and surrounding context;
- **Section 3** - Background to the project;
- **Section 4** - A description of the proposed development;
- **Section 5** - Assessment of the proposal's compliance with relevant planning instruments and policies;
- **Section 6** - Impact assessment and consideration of key planning issues as required by Section 4.15 of the EP&A Act; and
- **Section 7** – Conclusion.

## 1.2 Supporting Documentation

The technical and design documents that have been prepared to accompany this DA are identified in **Table 1** and are as follows;

Document:	Prepared by:
Architectural Plans	High Design
Survey Plan	Waterview Surveying
BASIX	Housing Pty Ltd



## 2. SITE ANALYSIS AND CONTEXT

### 2.1 The Subject Site

The subject site is located within the Local Government Area (LGA) of Northern Beaches. **Figure 1** below provides a plan view identifying the location of the site within its defining context.



Figure 1: Site Plan  
Source: Six Maps

Subject site 

### 2.2 Site Description

The site is located on the western side of Pittwater Road comprising of a frontage width of 3.695m, site lengths of 22.825m (northern) and 24.91m (southern) and overall land area of 98.8m<sup>2</sup>.

### 2.3 Existing Built Form and Landscaping

The subject property is a single storey terrace style dwelling with attic room and is the second from the east in a row of seven consecutive terraces. Vegetation is limited to the rear of the site comprising of two (2) medium sized trees within the south-western corner of the site.

## 2.4 Site Surrounds

The subject site is located within an established urban area that exhibits a diverse mix of land uses, reflecting the traditional character of the locality. The immediate area is characterised by a variety of mixed uses, including residential dwellings, small-scale commercial premises, retail outlets, and community facilities. This mix contributes to the vibrant and walkable nature of the Manly township.

To the west of the site lies a steep rock escarpment undergoing bushland regeneration, which provides a natural backdrop and ecological buffer to the built environment. Along Pittwater Road, nearby examples of early Manly terrace housing remain intact, forming an important component of the suburb's heritage and architectural fabric. These two-storey terraces contribute to the streetscape rhythm and the historic character that the proposed development aims to complement.

### 3. THE PROPOSAL

#### 3.1 Description

The proposal seeks approval to retain the existing dwelling as a private residence, while undertaking substantial alterations and additions primarily to the rear of the property. The works are designed to modernise the existing building, improve functionality, and enhance amenity while maintaining the heritage rhythm and scale of the surrounding streetscape.

Key elements of the proposal include:

- First floor additions located behind the ridge line of the main roof, ensuring minimal visual impact from the street frontage.
- The additions will comprise a new bathroom, wardrobe, study, and bedroom, each designed to achieve contemporary standards of residential comfort and privacy.
- At ground level, an open layout kitchen and dining is proposed with bi-fold doors that open onto the outdoor area. The rear spaces are being extended towards the rear by 1.46m and brought into closer proximity to the southern side boundary.
- An aluminium pergola is proposed over the unenclosed outdoor area at ground level.
- The ridge height of the existing roof is proposed to be elevated modestly to achieve compliant habitable room ceiling heights and provide adequate roof fall from front to rear.
- The existing staircase will be reoriented and will provide access to the new upper-level rooms; and
- The current attic-level bedroom will be reconfigured

Overall, the works represent a sensitive and proportionate extension to the existing dwelling, balancing the preservation of the property's character with functional improvements for contemporary living.



## 4. NUMERICAL OVERVIEW

The key numerical aspects of the proposed development are outlined in **Table 2** and described in further detail in the following sections.

Parameter	Proposal
Site Area	98.8m <sup>2</sup>
Total GFA	58.5m <sup>2</sup> or 0.592:1.
Building Height (Maximum)	6.2m
Landscaping	26m <sup>2</sup> or 26%

Table 1: Numeric Overview of the proposed development

## 5. STATUTORY PLANNING CONSIDERATIONS

### 5.1 Overview

The relevant statutory framework considered in the preparation of this report comprises:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Manly Local Environmental Plan 2013; and
- Manly Development Control Plan 2013.

The relevant provisions and controls of the above Instruments and Plans are summarised in the following sections of this SEE.

### 5.2 Environmental Planning and Assessment Act 1979

#### 5.2.1 Section 1.3 – Objects

The Environmental Planning and Assessment Act, 1979 (the Act) is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act 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 proposed development is considered to be consistent with the objects of the EP&A Act for the following reasons:

- It promotes the orderly and economic use and development of the land by proposing a residential built form that is consistent with the emerging character of the locality, noting that older building stock is gradually being replaced by new construction; and

- It promotes good design and amenity by providing for an appropriately designed built form that responds to the characteristics of the site and locality, whilst ensuring that the amenity of the built environment in the immediate vicinity remains uncompromised.

## 5.3 Environmental Planning and Assessment Regulations 2021

### 5.3.1 Section 69 – Compliance with the BCA

The proposed development has been designed in a manner whereby the requirements of the BCA are capable of being met.

## 5.4 State Environmental Planning Policies

### 5.4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

#### Chapter 4 – Remediation of Land

Chapter 4 of this state policy applies to the whole of the State. The object of this chapter is to provide for a Statewide planning approach to the remediation of contaminated land. In accordance with the provisions of clause 4.6(1) of this state policy, Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. Due to the existing and surrounding residential land uses, there is nothing to indicate that the site would be affected by soil contamination within the meaning of the contaminated land planning guidelines. As such, the subject site is considered suitable in its current state for continued residential use and the proposed residential development.

### 5.4.2 State Environmental Planning Policy (Sustainable Buildings) 2022

In accordance with the provisions of the State Environmental Planning Policy (Sustainable Buildings) 2022, a BASIX Certificate has been provided. The proposed development satisfies the requirements of the Certificate in terms of water, thermal comfort and energy efficiency.

### 5.4.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

#### Chapter 2 - Vegetation in non-rural areas

Chapter 2 of this state policy applies to the non-rural areas of the State inclusive of the subject local government area and aims to (a) *protect the biodiversity values of trees and other vegetation in non-rural areas of the State* and (b) *preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation*.

The proposed development does not seek consent for any tree removal.

**Chapter 6** of this state policy applies to land within several water catchments including the Sydney Harbour Catchment which also incorporates the subject site. The controls on development generally as set out in Division 2 of Part 6.2 of this chapter are outlined and addressed in the table as follows:

Requirement	Proposed
<b>6.6 - Water quality and quantity</b>	
In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following:	
whether the development will have a neutral or beneficial effect on the quality of water entering a waterway	The proposal will have a neutral effect on the quality of water entering the harbour and associated tributaries.
whether the development will have an adverse impact on water flow in a natural waterbody	Given the location of the works, well removed from the harbour and associated tributaries, the proposal will have no such adverse impact.
whether the development will increase the amount of stormwater run-off from a site	Given the proposal's roof areas and landscaping, the amount of stormwater runoff is unlikely to be increased.
whether the development will incorporate on-site stormwater retention, infiltration or reuse	The proposal incorporates re-use measures.
the impact of the development on the level and quality of the water table	Given its scale and associated extent of excavation well above the watertable, the proposal will have a negligible impact.
the cumulative environmental impact of the development on the regulated catchment	Given its scale, the proposal will have a negligible impact.
whether the development makes adequate provision to protect the quality and quantity of ground water	Given the siting and scale of the proposal, the quality and quantity of the ground water will not be impacted.
Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures:	
the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial	The proposal will have a neutral effect on the quality of water entering the harbour and associated tributaries.
the impact on water flow in a natural waterbody will be minimised	Given the location of the works, well removed from the harbour and associated tributaries, the proposal will have no such adverse impact.

## 6.7 - Aquatic ecology

In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following:

whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation	Given the location of the works, well removed from the harbour and associated tributaries, the proposal will have no such adverse impact.
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whether the development involves the clearing of riparian vegetation and, if so, whether the development will require a controlled activity approval under the <i>Water Management Act 2000</i> , or a permit under the <i>Fisheries Management Act 1994</i>	Not applicable.
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whether the development will minimise or avoid the erosion of land abutting a natural waterbody, or the sedimentation of a natural waterbody	Given the location of the works, well removed from the harbour and associated tributaries, the proposal will have no such adverse impact. Sediment erosion controls will be implemented across the development.
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whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area	Given the location of the works, well removed from the harbour and associated tributaries, the proposal will have no such adverse impact.
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whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology	Given the scale and location of the works, removed from the harbour and associated tributaries, no such safeguards and measures are considered necessary.
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if the development site adjoins a natural waterbody - whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody	The development site is well removed from natural waterbodies.
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Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following:

the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development	Given the proposal's location of works, removed from the harbour and associated tributaries, such impacts will be minimised to the extent necessary.
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the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves	Given the location of the works, well removed from the harbour and associated tributaries, the proposal will have no such adverse impact.
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if a controlled activity approval under the <i>Water Management Act 2000</i> or a permit under the	A controlled activity approval or permit under the respective legislation is not required in this case as
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Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation - the approval or permit has been obtained	no riparian vegetation is being cleared.
the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised	Given the location of the works, well removed from the harbour and associated tributaries, the proposal will have no such adverse impact.
the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised	Given the location of the works, well removed from the harbour and associated tributaries, the proposal will have no such adverse impact.
<b>6.8 - Flooding</b>	
In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems	Given the location of the works, well removed from the harbour and associated tributaries, the proposal will have no such adverse impact.
Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not:	
if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody	No impact as a result of the nature and scale of the proposal.
have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems	As above.
<b>6.9 - Recreation and public access</b>	
In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider:	
the likely impact of the development on recreational land uses in the regulated catchment	The proposal will have a negligible impact.
whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation	Not applicable.
Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following:	
the development will maintain or improve public	Public access to and from natural waterbodies is not

access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation	impeded upon by way of this proposal.
new or existing points of public access between natural waterbodies and the site of the development will be stable and safe	No such existing or new public access points are associated with the site.
if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership - public access to and use of the land will be safeguarded	No such existing or new public access points are associated with the site.
<b>6.10 - Total catchment management</b>	
In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact	Given the scale and location of work, removed from the harbour and associated tributaries, the proposal is unlikely to have an adverse environmental impact on adjacent or downstream local government areas.



## 5.6 Local Environmental Plans

### 5.6.1 Manly Local Environmental Plan 2013

The Manly Local Environmental Plan 2013 (MLEP 2013) applies to the subject site at 39 Pittwater Road, Manly, which is zoned E1 – Local Centre.

The proposed development is best characterised as alterations and additions to an attached dwelling (terrace). While an attached dwelling or dwelling house is not ordinarily a permissible use within the E1 – Local Centre zone, the existing residential use of the property is lawful and protected under existing use rights in accordance with Division 4.11 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The proposal seeks to maintain and enhance the existing residential use, consistent with the established character of the immediate locality, which includes other early Manly terrace forms along Pittwater Road. The proposed alterations and additions do not change the nature or intensity of the use, and therefore remain permissible under existing use rights. The development will continue to operate as a single attached dwelling, retaining its residential function and compatibility with the surrounding mixed-use environment.



Figure 2: Zoning Map  
Source: MLEP 2013

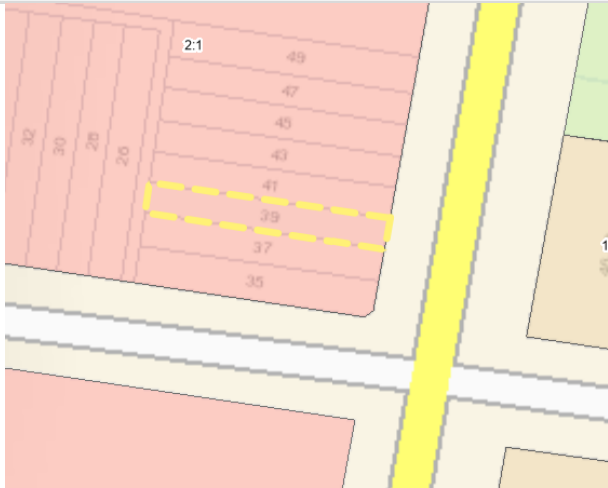
Subject site

A summary of our assessment of the proposed development against the LEP provisions is detailed below. Some clauses with the LEP have been deliberately omitted because they are not applicable to the proposed development.

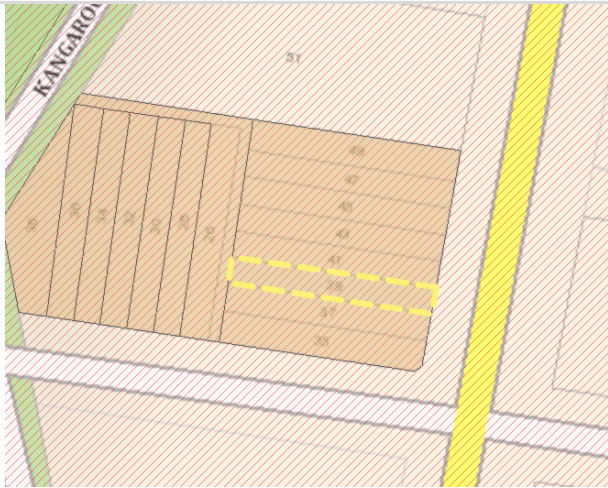
### Manly Local Environmental Plan 2013

CL	Requirement	Proposed	Y/N
<b>Part 2 - Permitted or Prohibited development</b>			
2.6	Subdivision – Consent Requirements	The proposal does not seek consent for any subdivision.	Yes
2.7	Demolition requires development consent	This application seeks consent for part demolition as identified on the accompanying architectural plans prepared by High Design.	Yes
<b>Part 4 – Principal Development Standards</b>			
4.3	<b>Height of Buildings</b>  The development is subject to the provisions of Clause 4.3, which as indicated on the associated “Height of Buildings” Map, limits the height of buildings to 15m.	 <p>Figure 3: Height of Buildings Map Source: NSW Planning Portal</p> <p>The proposal does not alter the maximum existing dwelling height on the land. The new works forming part of this application will comprise of a maximum height of 6.2m complying with the standard.</p>	Yes

## Manly Local Environmental Plan 2013

CL	Requirement	Proposed	Y/N
4.4	<b>Floor Space Ratio</b>  The development is subject to the provisions of Clause 4.4, which as indicated on the associated "Floor Space Ratio" Map, limits the FSR to 2:1.	 <p>Figure 4: FSR Map Source: NSW Planning Portal</p> <p>The proposal will comprise of a total gross floor area of 58.5m<sup>2</sup> generating an FSR 0.592:1.</p>	Yes


## Part 5: Miscellaneous provisions

5.10	<b>Heritage Conservation</b>  The consent authority may, before granting consent to any development: <ul style="list-style-type: none"> <li>(a) on land on which a heritage item is located, or</li> <li>(b) on land that is within a heritage conservation area, or</li> <li>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</li> </ul> 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.	 <p>Figure 5: Heritage Map Source: NSW Planning Portal</p> <p>The site is one of eight intact Federation Terrace Houses aesthetically significant as a coherent group framed at either end by projecting shop terraces set to the alignment of the road. They are listed as a group heritage item in Schedule 5 of Manly LEP 2013.</p> <p>A heritage impact analysis has been prepared by Colin Israel. This analysis confirms the following:</p>	Yes
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## Manly Local Environmental Plan 2013

CL	Requirement	Proposed	Y/N
		<p>"Additions are proposed to No. 39 comprising mainly to the rear of the existing first floor attic and include a new bathroom and bedroom with access via a new stair.</p> <p>The additions do not alter the existing main roof form or façade as viewed from Pittwater Road.</p> <p>The proposal is similar in form, character and materials to the previous additions carried out to No 37 and would form a consistent pair within the group of Terraces.</p> <p>The Roof Attic extensions are sympathetic, closely following the example and detail of the successful modifications to No 37 and compatible with other terraces in the row.</p> <p>The additions involve minimal loss of original fabric and would provide a favourable outcome in heritage terms as well as providing an enhanced level of accommodation for the occupants".</p>	

## Part 6: Additional Local Provisions

6.1	<b>Acid Sulfate Soils</b> <p>Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p>	 <p>Figure 6: Heritage Map Source: NSW Planning Portal</p> <p>The site is affected by Class 4 ASS as reflected on the ASS planning map and Figure 6 above.</p>	Yes
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### Manly Local Environmental Plan 2013

CL	Requirement	Proposed	Y/N
		The proposed works do not necessitate any substantive level of excavation work which are limited to footings at ground level relative to a new slab on ground. The extent of excavation will not penetrate below 2m below the NGL and in doing so, the preparation of an ASS preliminary assessment is not warranted in the circumstances of this case.	
6.2	<b>Earthworks</b>  This clause seeks to ensure earthworks would not have a detrimental impact on any environmental functions or existing built environments. It also prescribes that earthworks are required for most earthworks.	<p>The proposal necessitates a low level of earthworks limited to footings at ground level relative to a new slab on ground</p> <p>The diminutive level of earthwork is not likely to have any detrimental impact on groundwater, drinking water catchment or environmentally sensitive area. Sediment and erosion controls will be installed and maintained for the duration of site preparation and construction phases to ensure there is no risk of sediment laden water leaving the site and entering council's drainage infrastructure. Excavation techniques which focus on minimising disturbance resulting from noise and vibration transmission will be implemented. Sediment and erosion controls will be installed and maintained for the duration of site preparation and construction phases.</p> <p>In this regard, the proposal will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	Yes
6.4	<b>Stormwater Management</b>  Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—  (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and	Stormwater will be connected to the current disposal system.	Yes

Manly Local Environmental Plan 2013			
CL	Requirement	Proposed	Y/N
	<p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</p>		
6.11	<p><b>Active Street Frontages</b></p> <p>Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.</p>	<p>The subject site is identified on the '<b>active frontages map</b>'. However, the work constituting as part of this DA do not involve the erection of a building nor a change of use to the building which remains as established. In this regard, the provisions of this clause do not apply to this development.</p>	N/A
6.12	<p><b>Essential Services</b></p>	<p>Pursuant to clause 6.12 of MLEP 2013, development consent must not be granted to development unless the consent authority is satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required. As the subject property is currently occupied by a residential use, the consent authority can be satisfied that all essential services will be available to the resultant development prior to the issuance of the occupation certificate.</p>	Yes

Table 2: Manly Local Environmental Plan 2013 Compliance Table

## 5.7 The Provisions of any exhibited Draft Environmental Planning Instruments

There are no draft EPI's of direct relevance to the assessment of the proposed development.

## 5.8 Development Control Plans

### 5.1.1 Manly Residential Development Control Plan

The Manly DCP and in particular Part 4 – Primary Planning Controls and Part 5 – Site Planning and Design provides the key controls for the proposed development. The relevant controls are addressed below:

Objective	Provisions	Response
<b>3.1 Streetscape and Townscapes</b>		
<b>3.1.3 Townscapes – Local and Neighbourhood Centres</b>	<p>The following design principles and requirements at paragraphs 3.1.3.1.a) to i) should be achieved in all development involving the erection of a new building or external alterations to an existing building in order:</p> <ul style="list-style-type: none"> <li>• To maintain and enhance the townscape of the former Manly Council area's LEP Business Zones:</li> <li>• achieve the townscape objectives of this plan; and</li> <li>• consider that the development exhibits design excellence in accordance with considerations of LEP clause 6.13(4) (as a statutory consideration for land in Zone B2 Local Centre and as a DCP consideration in other zones)</li> </ul>	<p><b>Complies</b></p> <p>The immediate area is characterised by a diverse mix of residential, commercial, retail, and community uses, reflecting the fine-grain and vibrant townscape typical of central Manly. To the west, a rock escarpment and regenerating bushland provide a natural backdrop, while nearby along Pittwater Road, intact early Manly terraces contribute to the heritage and visual continuity of the streetscape.</p> <p>The proposal seeks to retain the existing terrace as a private residence while introducing sensitive and well-considered additions to the rear of the building. The works include a new first-floor addition behind the existing roof ridge line. The ridge line will be slightly raised to accommodate compliant ceiling heights and roof fall, with the existing attic bedroom converted into a landing connecting to the new spaces. The existing staircase will be retained, and the new works have been designed to integrate seamlessly with the established form and proportions of the dwelling.</p> <p>Although a dwelling use is not a permissible form of development in</p>



		<p>the E1 zone, the site benefits from existing use rights under the Environmental Planning and Assessment Act 1979, allowing the continuation and modification of the lawful residential use. The proposal does not intensify or change the nature of the use but rather enhances its amenity and functionality in line with contemporary living standards.</p> <p>The design has been developed to achieve the objectives of Clause 3.1.3.1(a)–(i) of the Manly Development Control Plan 2013, ensuring that the development maintains and enhances the townscape character of the former Manly Council area’s business zones. The alterations respect the existing architectural rhythm, retain the historic streetscape presence, and locate the new built form discreetly behind the ridge line. Materials, scale, and detailing have been selected to complement the adjoining terraces and reinforce the cohesive urban character of Pittwater Road.</p> <p>Overall, the proposal represents a modest, contextually appropriate, and architecturally sensitive response to the site and its setting.</p>
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### 3.2 Heritage

	This section applies to:	Complies
	<ul style="list-style-type: none"> <li>Heritage Items and Conservation Areas listed in the LEP;</li> <li>development in the vicinity of heritage; and</li> <li>other development which may have potential heritage</li> </ul>	<p>This was discussed through the relevant LEP provisions in 5.10.</p>

	significance. If the property has merit as a potential heritage item the heritage controls and considerations of this plan will apply.	
<b>3.3 Landscaping</b>		
<b>3.3.1 Landscape Design</b>	<p>The design, quantity and quality of open space should respond to the character of the area. In particular:</p> <ul style="list-style-type: none"> <li>In low density areas: (including LEP Zones R2 Low Density, E3 Environmental Management and E4 Environmental Living) open space should dominate the site. Setbacks of buildings from open space should also be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshore.</li> <li>In areas adjacent to native vegetation: the design of development should be sympathetic to the natural environment in order to protect and enhance the area as habitat for native fauna.</li> </ul>	<p><b>Complies</b></p> <p>The design and treatment of open space have been guided by the established terrace form of the site and its constrained lot configuration within the E1 – Local Centre Zone. The property forms part of a narrow, built-to-boundary terrace row where private open space is traditionally located at the rear of the dwelling and consists primarily of paved or hardscaped areas to maximise usability and low maintenance.</p> <p>As shown on the accompanying plans, the existing rear yard is already paved, providing a functional and practical outdoor living area directly accessible from the main living spaces. The proposal retains this configuration, with a new rear deck extending seamlessly from the internal living areas to the courtyard, enhancing indoor–outdoor connection and maintaining a level surface for accessibility and usability. Two established canopy trees within the rear yard are being retained, continuing to provide shade, visual softness, and a green outlook for the occupants and neighbouring properties. These trees make a meaningful contribution to the site’s microclimate and to the limited vegetation cover within the local terrace precinct.</p>

		<p>Given the fully paved condition of the rear open space and the compact nature of the site, there is no reasonable opportunity for additional landscaping without removing existing hard surfaces. Such works would offer little to no additional amenity benefit and would potentially reduce the functionality of the usable open space. As such, the proposal maintains the existing balance between hard and soft landscape elements, which is consistent with the established urban character of Pittwater Road terraces.</p>
	<p><u>Planting criteria including Native Plant Species and Amenity</u></p> <ul style="list-style-type: none"> <li>Landscaped Areas must be capable of supporting new native <u>tree</u> species that are typically expected to reach a mature height of 10m notwithstanding the minimum dimension requirements at paragraph 4.1.5.2 of this plan.</li> <li>The use of locally occurring native plant species is preferred to assist in providing habitat for local fauna; and preserve threatened native plants.</li> </ul>	<p><b>Complies</b></p> <p>Refer to the preceding control comment.</p>

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

#### 3.4.1 Sunlight Access and Overshadowing

##### 3.4.1.1 Overshadowing Adjoining Open Space

In relation to sunlight to private open space of adjacent properties:

- New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June) ; or
- Where there is no winter sunlight available to open space of adjacent properties from 9am to 3pm, the calculations for the purposes of sunlight will relate to the equinox in March and September from 9am to 3pm.

##### Complies

Reference is made to the accompanying solar analysis prepared by High Design which forms part of the architectural plan detail set.

This analysis demonstrates that the extent of additional shadow cast by the additions is not unreasonable, nor would it result in an adverse level of compromise to the extent of solar access afforded to key areas of adjacent neighbouring properties

##### 3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties

In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties:

- for adjacent buildings with an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am to 3pm on the winter solstice (21 June);
- for adjacent buildings with a north-south orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on the winter solstice (21 June);
- for all adjacent buildings (with either orientation) no reduction in solar access is permitted to

##### Complies

The proposed alterations and additions have been designed to minimise amenity impacts on adjoining dwellings, with careful consideration given to solar access, privacy, and outlook.

Given the compact terrace configuration of the site and surrounding properties, some degree of mutual overshadowing and proximity is inherent to the local character. Nonetheless, the proposed works are modest in scale, positioned predominantly behind the existing roof ridge, and therefore do not result in any unreasonable loss of sunlight or outlook to neighbouring habitable rooms or private open spaces.

	any window where existing windows enjoy less than the minimum number of sunlight hours specified above.	More specifically, glazed areas associated with living spaces on adjoining terraces will continue to receive acceptable levels of daylight throughout the year, consistent with the expectations for this established built form pattern. Any minor changes to solar access resulting from the proposal are considered reasonable and acceptable, given the constrained nature of the terrace allotments and the urban context of Pittwater Road.
<b>3.4.1.3 Overshadowing Solar Collector Systems</b>	<ul style="list-style-type: none"> <li>A minimum of 6 hours solar access be retained to solar collectors on neighbouring properties.</li> </ul>	<p><b>Complies</b></p> <p>Neighbouring properties do not contain solar collectors.</p>
<b>3.4.1.5 Excessive Glare or Reflectivity Nuisance</b>	<ul style="list-style-type: none"> <li>All external material and finishes incorporated into the development must consider and mitigate any excessive glare or reflectivity nuisance.</li> </ul>	<p><b>Complies</b></p> <p>Non reflective materiality is proposed.</p>
<b>3.4.2 Privacy and Security</b>		
<b>3.4.2.1 Window Design and Orientation</b>	<ul style="list-style-type: none"> <li>Use narrow, translucent or obscured glass windows to maximise privacy where necessary.</li> <li>When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.</li> </ul>	<p><b>Complies</b></p> <p>The proposed window oriented towards the rear off bedroom 2 will not give rise to any adverse level of privacy impact to neighbouring properties.</p>

<b>3.4.2.3 Acoustical Privacy (Noise Nuisance)</b>	<ul style="list-style-type: none"> <li>Consideration must be given to the protection of acoustical privacy in the design and management of development.</li> </ul>	<p><b>Complies</b></p> <p>The proposal will not give rise to any adverse increased level of acoustic impact over that already being generated across the site.</p>
<b>3.4.3 Maintenance of Views</b>		
	<ul style="list-style-type: none"> <li>The design of any development, including the footprint and form of the roof is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces.</li> <li>Views between and over buildings are to be maximised and exceptions to side boundary setbacks, including zero setback will not be considered if they contribute to loss of primary views from living areas.</li> </ul>	<p><b>Complies</b></p> <p>Having regard to the information made available to us, it is unlikely that the proposal will result in the causation of any adverse level of view impact from neighbouring properties.</p>

## 3.5 Sustainability

<b>3.5.1.1 Building Form, Design and Orientation</b>	<ul style="list-style-type: none"> <li>The building and site layout is to maximise northern orientation to optimise solar access. Achieving passive solar energy efficiency is an important consideration in design, but it must be balanced with responding to desired streetscape character; promoting amenity for both the proposed development and neighbouring properties (including views, overshadowing and noise considerations), retaining trees and responding to topography.</li> </ul>	<p><b>Complies</b></p> <p>The proposed alterations and additions have been designed to achieve an appropriate balance between solar access, energy efficiency, and neighbourhood amenity, acknowledging the site's constraints as part of an attached terrace row with walls built to both side boundaries. As shown on the accompanying architectural plans, the primary living areas are located to the west and rear of the dwelling, with direct access to a rear deck and yard.</p> <p>Given the terrace configuration and limited northern exposure,</p>
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		<p>opportunities for direct northern sunlight are restricted. The design therefore focuses on maximising natural light and ventilation from the rear (western) aspect, incorporating large glazed openings and doors that open onto the outdoor living space. This approach improves internal amenity and provides passive solar gain during the afternoon periods while maintaining privacy and acoustic separation from neighbouring dwellings.</p> <p>To manage the intensity of western sun, the design allows for:</p> <ul style="list-style-type: none"> <li>• Shading and overhangs integrated into the rear façade and deck structure to reduce glare and heat gain;</li> <li>• Cross ventilation achieved through the alignment of rear openings and upper-level windows; and</li> <li>• Appropriate materials and insulation to maintain internal thermal comfort.</li> </ul> <p>While the site layout and terrace form limit conventional passive solar orientation, the design successfully enhances environmental performance through careful rear façade treatment, glazing design, and internal layout planning. These measures ensure the dwelling achieves a comfortable living environment, consistent with the energy efficiency and amenity objectives of the Manly Development Control Plan 2013.</p>
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### 3.7 Stormwater Management

	In support of the purposes of LEP clause 6.4(3), all developments must comply with Northern Beaches Council's 'Water Management for Development Policy';	<p><b>Complies</b></p> <p>Stormwater will be connected to the existing system.</p>
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### 3.8 Waste Management

	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	<p><b>Complies</b></p> <p>A waste management plan prepared by High Design accompanies this application.</p>
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### 3.9 Mechanical Plant Equipment

	External mechanical plant systems (for pools, air conditioning and the like) must be acoustically enclosed and located centrally and away from neighbours living areas of neighbouring properties and side and rear boundaries.	<p><b>Complies</b></p> <p>A consent condition may be imposed that further formalises this requirement.</p>
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### 3.10 Safety and Security

#### 3.10.2 Security (Casual Surveillance)

In order to promote safety and security, all development is to be designed to maximise opportunities for passive surveillance of public and communal areas by:

- orientating some rooms to the street;
- providing sight lines to the street frontage from the window(s) of at least one habitable room unobscured by trees or any other object;
- ensuring the design of fences, walls and landscaping minimise opportunities for concealment and encourage social interaction; and
- ensuring the design of fences, walls and landscaping minimise opportunities for concealment and encourage social interaction.

#### Complies

The proposed development has been designed to promote safety, security, and passive surveillance consistent with the objectives of the Manly Development Control Plan 2013 and the principles of Crime Prevention Through Environmental Design (CPTED).

The terrace form of the dwelling inherently supports passive surveillance of the public domain, with the front façade and main entry directly addressing Pittwater Road. The proposal maintains and enhances this relationship by ensuring:

- The orientation of habitable rooms towards the street, allowing for casual observation of the public domain and contributing to natural surveillance;
- The provision of clear sight lines to the street frontage from at least one habitable room window, unobstructed by vegetation, boundary walls, or other visual barriers;
- Fences and front boundary treatments designed to balance privacy with visibility, minimising opportunities for concealment while maintaining the traditional terrace character; and
- Landscaping that complements the built form and promotes an open, welcoming interface with

		<p>the street, encouraging social interaction and community safety.</p> <p>To the rear, the deck and landscaped yard also benefit from mutual overlooking typical of terrace housing, promoting a sense of casual supervision and neighbourly awareness without compromising privacy.</p>
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## 4.2 Development in Business Centre's

<b>4.2.3 Setback Controls in LEP Zones B1 and B2.</b>	<p>All buildings must be constructed to the public road and side boundaries of the allotment except where:</p> <ul style="list-style-type: none"> <li>an alternative setback is identified on the townscape and opportunities maps or having regard to established building lines and whether they contribute positively to the streetscape; or</li> <li>the applicant can demonstrate to the satisfaction of the Council that an alternative setback will not conflict with overall townscape objectives, reduce the general availability of retail frontage or remove weather protection for pedestrians; or</li> <li>the stipulated setback would be undesirable in terms of the amenity of any residential uses existing on adjoining land or proposed for inclusion in the development. In such cases the planning principles in this plan for residential development at paragraph 3.1.1 will also apply. In relation to setbacks in Neighbourhood Centres, see also paragraph 4.2.8.2 which includes guidance for when development adjoins land zoned residential in the LEP.</li> </ul>	<p><b>Merit</b></p> <p>The existing terrace maintains a setback to Pittwater Road and abuts the northern side boundary with a small setback being provided to the southern. Along the rear, a 3.97m setback is proposed at ground level that is increased to 13.07m at first floor level. This arrangement reflects the historic and fine-grain townscape character of Manly's early residential and mixed-use precincts.</p> <p>Key considerations include:</p> <ul style="list-style-type: none"> <li>The front façade alignment remains unchanged, preserving the consistent building line and rhythm of the terrace row;</li> <li>Side boundary walls are present a configuration reflective of the attached form typical of the terrace typology;</li> <li>Rear additions are modestly setback from the rear boundary to provide for private open space and amenity, consistent with the pattern of built form along the terrace row; and</li> </ul>
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		<ul style="list-style-type: none"> <li>The proposal does not affect pedestrian weather protection, retail frontage availability, or streetscape continuity, as no changes are proposed to the ground-floor building line facing Pittwater Road.</li> </ul>
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#### 4.2.4 Car Parking, Vehicular Access and Loading Controls

4.2.4.1	<p>The Council may be prepared to allow exceptions to the parking rate/requirements required in this DCP in the following circumstances:</p> <p>The Council may be prepared to allow exceptions to the parking rate/requirements required in this DCP in the following circumstances:</p> <ul style="list-style-type: none"> <li>where it is satisfied that reduced number of parking spaces will facilitate conservation of an item of the environmental heritage in accordance with LEP clause 5(10).</li> </ul>	<p><b>Complies</b></p> <p>No parking is currently provided to the site, nor is any provision intended as part of the application. Apart from the constrained nature of the site which limits on site parking, the dwelling forms part of a row of intact terrace houses, heritage listed and none of which provide on site parking and or access from Pittwater Road.</p>
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Table 3: Manly Development Control Plan Compliance Table

## 6.0 ENVIRONMENTAL IMPACT ASSESSMENT

This section will consider the following: The Assessment of the Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15 of the EPA Act.

### 6.1 Assessment of Natural Environmental Impacts

This section will assess the topographic and scenic impacts as well as the water and air quality impacts of the proposed development.

#### 6.1.1 Topography & Scenic Impacts

The subject site at 39 Pittwater Road, Manly is located within an established urban setting characterised by a gentle east-west fall towards Pittwater Road, with a rock escarpment rising to the west forming part of a local area of bushland regeneration. The natural landform contributes to the visual enclosure of the rear yards in this section of the street and provides a distinctive natural backdrop to the terrace row.

The proposed alterations and additions have been designed to respect the existing topography, with no significant excavation or regrading required beyond minor works associated with the new rear deck and paved courtyard. The finished ground levels will remain consistent with existing conditions, ensuring the development sits comfortably within the established site form and does not disturb the rock formation or adjoining vegetation.

From the public domain, the proposal will not alter the perceived height or profile of the terrace row. The new upper-level addition is located behind the main roof ridge, ensuring that the front façade and overall scale remain consistent with adjoining terraces. As such, the visual impact on the streetscape and broader scenic setting is negligible.

To the west, the existing bushland and escarpment backdrop will continue to visually dominate the landscape. The proposal neither intrudes upon nor competes with this natural element, maintaining the integrity of the scenic quality of the locality.

In summary, the proposed development:

- Retains existing ground levels and responds sensitively to site topography;
- Preserves the visual relationship between the terrace row and the natural escarpment; and
- Avoids intrusive built form that might impact the scenic quality of the area.

Overall, the proposal presents a balanced and contextually appropriate response to the site's topography and scenic character, consistent with the established urban pattern and surrounding natural features.

### 6.1.2 Water & Air Quality Impacts

The proposed development is, in our opinion, unlikely to result in any adverse effects on the locality in terms of water and air quality. Stormwater and runoff will be managed, and the proposal is, in our opinion, acceptable.

## 6.2 Assessment of Built Environmental Impacts: Character and Context

This section will address the impact of the proposed development on the character and context of the area.

### 6.2.1 Impact on the Area's Character

The proposal at 39 Pittwater Road, Manly has been designed to complement and reinforce the established built form character of the locality. The surrounding area is defined by a consistent pattern of attached two-storey terraces fronting Pittwater Road, interspersed with small-scale commercial and mixed-use premises that collectively form part of Manly's distinctive urban and heritage fabric.

The existing terrace dwelling contributes positively to this character through its fine-grain façade, traditional proportions, and street alignment, all of which are retained as part of the proposed works. The alterations and additions are located to the rear of the dwelling, positioned behind the existing roof ridge, ensuring that the primary streetscape appearance remains unchanged. As a result, the proposed development will not adversely impact the public domain view or rhythm of the terrace row.

The scale and massing of the proposed addition are subordinate to the original building, maintaining the traditional hierarchy between the front façade and rear forms. Materials and finishes have been selected to be compatible yet contemporary, allowing the new elements to be read as sympathetic extensions rather than intrusive additions.

The design carefully balances heritage character and modern functionality, ensuring that the dwelling continues to contribute to the cohesive terrace pattern along Pittwater Road while meeting contemporary amenity standards. The proposed ridge height adjustment is minor and does not disrupt the visual continuity of the roofline when viewed from the public domain.

Overall, the proposed works:

- Retain and respect the existing streetscape presentation;
- Preserve the heritage-like character and fine-grain scale of the terrace row;
- Locate new built form discreetly to the rear to minimise visual impact; and
- Achieve a high-quality architectural outcome consistent with the townscape and character objectives.

In summary, the development will positively contribute to the area's character, maintaining the integrity of Manly's traditional terrace streetscape while introducing sensitive, contemporary additions that enhance residential amenity without detracting from the established visual identity of the locality.

## 6.3 Assessment of Built Environmental Impacts: Privacy and Amenity

### 6.3.1 Aural and Visual Privacy

The design and layout of the proposal will maintain aural and visual privacy for residents of neighbouring sites.

The proposed additions have been sympathetically designed to ensure that privacy is provided to the future residents of the proposed dwelling/s and to adjoining properties.

### 6.3.2 Solar Access

To assess the impact of the proposed development in terms of overshadowing, shadow diagrams have been prepared by *High Design* for 9:00 am, 12 noon and 3:00 pm for the winter solstice (21 June).

The attached terrace configuration and built-to-boundary form inherently constrain opportunities for direct solar access from the north. However, the design has maximised available sunlight through rear (western) openings that allow afternoon sun penetration into the primary living areas and the rear courtyard and deck. These spaces will continue to benefit from good levels of natural light and ventilation throughout the day.

In relation to adjoining properties, the proposed works have been carefully designed to minimise overshadowing and preserve the reasonable solar access expectations typical of narrow terrace allotments. The first-floor addition is located behind the existing roof ridge, ensuring the front façade and building envelope visible from Pittwater Road remain unchanged. Shadows cast by the proposed works will fall primarily within the site or onto existing built forms, resulting in no unreasonable reduction in sunlight to neighbouring windows or private open spaces.

More specifically:

- Glazed areas to habitable rooms on adjoining terraces will continue to receive acceptable levels of daylight, particularly during morning and midday periods;
- The proposal will not materially increase overshadowing to rear yards or decks of adjoining dwellings; and
- The overall shadow impacts are consistent with the established built form pattern along Pittwater Road, where buildings are closely spaced and mutual shading is characteristic of the locality.

## 6.4 Assessment of the Site Suitability

This section will consider the proximity of the site to services and infrastructure; traffic, parking and access issues; and hazards.

### 6.4.1 Proximity to Services and Infrastructure

As the site is within an established area, electricity, telephone, water and sewerage are also readily available.

### 6.4.2 Hazards

The site is not in an area recognised by Council as being subject to any form of hazard that would strictly preclude the ability for the proposed development to take place.

## 6.5 The Public Interest

This section will consider the social and economic effects of the proposal and the public interest.

### 6.5.1 Social and Economic Impact

The proposal will have social and economic benefits in the area with the provision of well-designed residential dwelling additions.

### 6.5.2 The Public Interest

The proposed alterations and additions at 39 Pittwater Road, Manly are considered to be in the public interest, as they achieve an appropriate balance between heritage character, residential amenity, and contemporary living standards, consistent with the objectives of the Manly Local Environmental Plan 2013 and the Manly Development Control Plan 2013.

The proposal retains and enhances an existing attached terrace dwelling that contributes positively to the historic and architectural character of Pittwater Road. The design ensures that the front façade and streetscape presentation remain intact, while modest, well-integrated additions to the rear provide improved functionality, comfort, and liveability for current and future occupants.

The development has been designed with a strong emphasis on:

- Contextual sensitivity, by preserving the established scale, rhythm, and form of the terrace row;
- Neighbourly amenity, through careful consideration of solar access, privacy, and visual impact;
- Environmental performance, with the retention of existing canopy trees, low-impact construction, and efficient use of space; and
- Streetscape cohesion, by maintaining the consistent built-to-boundary alignment and heritage-like proportions of the surrounding dwellings.
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The proposal aligns with the planning objectives for the E1 – Local Centre Zone, allowing the continuation of a lawful existing residential use that contributes to the diversity and vibrancy of the Manly town centre. It represents a sustainable reuse and adaptation of an existing building, reducing the need for demolition and minimising environmental impact.

No aspect of the development is considered to result in an unreasonable impact on the surrounding environment or community. The proposal has been designed to meet the intent and spirit of relevant planning controls and to uphold the principles of good urban design, environmental responsibility, and neighbourly development.



Accordingly, the proposed works are consistent with the public interest, providing a high-quality architectural outcome that enhances the local area while maintaining the amenity, character, and liveability values that define the Manly township.

## 7.0 CONCLUSION

This Statement of Environmental Effects has assessed the proposed alterations and additions to the existing attached terrace dwelling at 39 Pittwater Road, Manly in accordance with the provisions of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 2013, and the Manly Development Control Plan 2013.

The proposal represents a modest, well-considered, and contextually appropriate development that retains the existing terrace dwelling as a private residence while introducing functional and sympathetic improvements to meet contemporary living standards. The works involve a rear and upper-level addition located behind the existing roof ridge, maintaining the integrity of the terrace façade and preserving the cohesive rhythm of the Pittwater Road streetscape.

The design demonstrates a sensitive response to the site's constraints, topography, and neighbouring development, ensuring:

- Amenity and privacy for adjoining dwellings are preserved;
- Solar access to both the subject and neighbouring properties remains acceptable;
- Existing canopy trees and paved open space are retained, with no adverse impact on the natural setting; and
- The overall scale and form remain compatible with the established built character of the locality.

The proposal satisfies the relevant objectives and performance criteria of the MLEP 2013 and MDCP 2013, achieves design excellence, and aligns with the broader objectives of good urban design, environmental sustainability, and neighbourhood amenity.

No adverse environmental, social, or economic impacts are anticipated as a result of the development. The works will enhance the presentation, comfort, and long-term viability of the dwelling while reinforcing the distinctive terrace character that defines this part of Manly.

Accordingly, it is concluded that the proposed development is consistent with the public interest and warrants Council's favourable consideration and approval.

## DISCLAIMER

This report incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of BMA Urban Pty Ltd opinion in this report. BMA Urban prepared this report on the instructions, and for the benefit only, **High Design (Instructing Party)** for the purpose of the Statement of Environmental Effects and **(Purpose)**. To the extent permitted by applicable law, BMA Urban expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to BMA Urban at the date of this report, and upon which BMA Urban relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which BMA Urban has no control.

Whilst BMA Urban has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. BMA Urban (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which BMA Urban relies, provided that such errors or omissions are not made by BMA Urban recklessly or in bad faith.

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