

STATEMENT OF ENVIRONMENTAL EFFECTS

**Alterations and Additions
Mixed Use Building – New Rooftop Deck**

37-38 East Esplanade, Manly

19 August 2021

Prepared by Chapman Planning



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1.0 INTRODUCTION and SUMMARY

This statement has been prepared for *Colin Hagelburg on behalf of Owners Corporation SP3035* as part of the supporting documentation for a 8.3 Application in relation to 37-38 East Esplanade, Manly.

This statement of environmental effects supports a revised submission on the subject site and is to be read in conjunction with covering letter dated 19 August 2021 addressing the specific reasons for refusal of the development application DA2020/0951. This statement of environmental effects provides an assessment of the revised scope of works in accordance with the planning controls. The detailed assessment of the modifications is addressed in the covering letter submitted with the application.

The 8.3 application is for alterations and additions to the existing mixed use building involving the addition of new stairs at Levels 7 & 8 of the building accessing a new rooftop deck with an area of 41m² above an existing rooftop terrace area.

The proposed works are summarised as follows:

- Level 8: New rooftop deck and metal balustrading accessed via existing fire stair, and new storage area adjacent to existing lift shaft.

The subject site is zoned B2 – Local Centre under the Manly Local Environmental Plan 2012 and the proposed alterations to the existing mixed use building are permissible with consent.

The site is subject to a 15m height of buildings development standard. The existing building has a maximum height of 25.18m. The proposed rooftop deck and metal balustrade has a height of 1.2m above screening surrounding the existing roof terrace at level 7 with a maximum height of 22.25m. Accordingly a Clause 4.6 variation to the Height of Buildings development standard accompanies the application at **Annexure 1**.

The subject site is a rectangular allotment located on the eastern side of East Esplanade, Manly, approximately 50m north of the intersection of Victoria Parade and East Esplanade, and approximately 25m south of the intersection of Wentworth Street and East Esplanade.

The subject site contains an 8-9 storey mixed use development known as the 'Capricorn' containing ground floor commercial tenancies and upper level residential units. The subject building presents 8 storeys to the street with a recessed upper level.

The locality is characterised by residential flat buildings and mixed use development. The northern boundary of the site adjoins a 6 storey mixed use building at 39 East Esplanade, Manly, and the southern boundary adjoins an 8 storey mixed use building at 35-36 East Esplanade, Manly.

The subject site is not identified as a heritage listed item but is located within the vicinity of heritage items *I1 – Harbour Foreshores*, *12 – All stone kerbs*, *I143 – Park/reserve*, *I145 – Manly Wharf* and *I1246 – Street trees* as identified under Schedule 5 of the Manly LEP 2013. The site is also within the vicinity of the Town Centre Conservation area to the north-east.

The application is accompanied by:

- *Covering Letter – 8.3 Review of Determination, dated 19 August 2021 prepared by Chapman Planning;*
- *Architectural Plans A100 – A102, A301, dated 27 June 2021 prepared by Cadenza Architecture.*
- *Clause 4.6 Variation – Height of Buildings, dated 23 July 2021 prepared by Chapman Planning*

In this report, the proposal is presented and assessed in relation to the relevant planning controls, being:

- *State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development;*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;*
- *Manly Local Environmental Plan 2013;*
- *Manly Residential Development Control Plan 2013; and*
- *Section 4.15 Environmental Planning and Assessment Act 1979.*

1.1 Development Application History

A previous development application – DA206/2017 was approved on 6 September 2017 proposing:

Alterations and addition to the existing building including use of the existing plant room as a communal room.

A further application seeking the addition of a communal room at Level 8+ adjoining the northern wall of that previously approved under DA206/2017, with a roof terrace located at the eastern portion of the Level 8 roof. This application was subsequently refused by Council.

The proposal addressed as part of this statement of environmental effects has been amended for submission as part of a Section 8.3 Review of Determination Application. The amended plans propose the use of existing roof area as a rooftop deck, with metal balustrading.

2.0 SITE and CONTEXT

2.1 Locality Description

The subject site is a rectangular allotment located on the eastern side of East Esplanade, Manly, approximately 50m north of the intersection of Victoria Parade and East Esplanade, and approximately 25m south of the intersection of Wentworth Street and East Esplanade.

The locality is characterised by residential flat buildings and mixed use development. The northern boundary of the site adjoins a 6 storey mixed use building at 39 East Esplanade, Manly, and the southern boundary adjoins an 8 storey mixed use building at 35-36 East Esplanade, Manly.

The subject site is not identified as a heritage listed item but is located within the vicinity of heritage items *I1 – Harbour Foreshores*, *I2 – All stone kerbs*, *I143 – Park/reserve*, *I145 – Manly Wharf* and *I1246 – Street trees* as identified under Schedule 5 of the Manly LEP 2013. The site is also within the vicinity of the Town Centre Conservation area to the north-east.

Manly Wharf is located 160m west of the site and public bus stops are located at the front of the site providing services between Manly, Warringah Mall, North Fort Museum and Quarantine Station.

The location of the subject site and land uses within the locality are shown in the following aerial photograph.



Source: SIX Maps Viewer

The context of the subject site and general setting is shown in the following photographs.

Photograph 1 shows the East Esplanade streetscape looking south-east toward the subject site.



Source: Chapman Planning

Photograph 2 shows the streetscape looking north-west toward the site.



Source: Chapman Planning

2.2 Site Description

The subject site is legally identified as SP3035 and known as 37-38 East Esplanade, Manly. The site is a rectangular allotment with a frontage to East Esplanade of 21m, a site depth of 49m, and a total area of 1003.65m².

The subject site contains an 8-9 storey mixed use development known as the 'Capricorn' containing ground floor commercial tenancies and upper level residential units. The subject building presents 8 storeys to the street with a recessed upper level.

The existing approved communal room at Level 8+ of the building is located at the rear portion of the upper level within a previous disused lift motor room.

An aerial photograph depicting the subject site is below.



Source: SIX Maps Viewer

Photograph 4 depicts the subject site as viewed from East Esplanade (front elevation).



Source: *Chapman Planning*

Photograph 5 shows the existing roof terrace at Level 7 of the building.



Source: *Chapman Planning*

3.0 DEVELOPMENT PROPOSAL

The proposed works include alterations and additions to the existing mixed use building. The proposed works involve the addition of new stairs and a new rooftop deck above existing terrace area.

The development proposal is described in detail as follows:

▪ Level 8

Construction of a new rooftop deck with an area of 41m² and metal balustrading above the existing rooftop terrace at Level 7. The new deck is accessed via existing fire stair, and new external stair.

The level 8 terrace will be located on top of the existing privacy screening that wraps around level 7 terrace. The terrace balustrading will have a height of 1.2m over the existing privacy screening.

The application also includes the construction of a new storage area located over the level 7 lobby adjacent to existing lift shaft.

▪ Materials and Finishes

The development proposal includes the following materials and finishes:

- Metal balustrading.

4.0 PLANNING CONTROLS

4.1 SEPP 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development applies to the development relating to an existing mixed use building containing residential units that consists of more than 3 storeys and more than 4 self-contained dwellings.

The design of a residential apartment building must be in accordance with the Design Quality Principles contained in Schedule 1 of SEPP 65.

Principle	Comment
Context and Neighbourhood Character	The proposed new rooftop deck has been designed to utilize the existing built form on the subject site. The proposed deck sits atop the existing built form on the subject site and does not contribute additional building bulk being only a balustrade structure and open floor area above an existing terrace. The proposal is compatible with existing and planned future development in the locality. The addition retains the existing building setbacks which are

	considered appropriate in the context of adjoining development and ensuring the orderly and economic development of land consistent with the B2 – Local Centre zone.
Built Form and Scale	The development proposal retains the existing scale of development to East Esplanade with the proposed deck above existing upper level terrace central to the building. The siting of the deck ensures that the proposal is not highly visible from the public domain and will not have an adverse visual impact upon the streetscape. The resultant built form is suitable for the subject site and existing building and will not contravene the character of development within the locality and B2 – Local Centre zone under the Manly LEP 2013. The built form will contribute to the desired future character of the locality.
Density	The building density is compatible with the desired future character of the locality as contained in the Manly LEP and DCP. The proposal does not seek an increase in the number of residential dwellings within the subject building. The proposed deck will not be highly visible from the public domain – street facade of the existing building.
Sustainability	The proposed works will not impact the solar access and cross ventilation of the existing dwellings within the building.
Landscape	The development proposal does not seek any changes to the existing landscaping on the site.
Amenity	The proposed deck will not result in significant adverse amenity impacts within the development or adjoining properties noting it is central to the roof form and will have an outlook upon the rooftops of the adjoining buildings with no direct sightlines into the dwellings of surrounding residential apartment buildings.
Safety	The proposed works would not impact upon the safety and security of residents within the subject building.
Housing Diversity and Social Interaction	The development proposal provides an additional rooftop terrace to accommodate the needs of the residents of the subject building, encouraging social

	interaction within the existing development.
Aesthetics	The proposal is consistent with the desired future character of the B2 – Local Centre land use zone and the existing development within the locality. The existing building façade is retained, with the proposed addition being located central to the roof form. The resultant form will not adversely impact upon the heritage significance of the nearby heritage items or conservation area.

The Apartment Design Guide applies to this amended development application. The following table assesses the development in accordance with the relevant controls contained in the SEPP 65 – Apartment Design Guide (ADG).

Apartment Design Guide	Proposed	Design Criteria	Compliance
Part 3 – Siting the Development			
Visual Privacy Up to 12m (4 storeys)	North-east Rear Setback: 8.8m Side: 4.16m	Habitable – 6m Non Habitable – 3m	*Note 1: The proposed rooftop terrace maintains the existing established setbacks on the site.
Up to 25m (5 – 8 storeys)	North-east Rear Setback: 8.8m Side: 4.16m	Habitable – 9m Non Habitable – 4.5m	
Vehicle + Pedestrian Access	Pedestrian access maintained East Esplanade	Vehicle + Pedestrian access to be separated to achieve safety – minimise conflicts	
Bicycle and Car Parking	No additional parking proposed.	Car Parking – Proximity to public transport	Yes
Design of Building			
Ceiling Height (m)	2.77m	2.7m	Yes

Residential Habitable			
Floor to Floor	No Change	3.1m	No Change

Note 1: The development proposal varies the building separation/visual privacy design criteria within the ADG. The building separation – setbacks are acceptable for the proposed deck as the proposed separation distances are consistent with the existing building setbacks on the site.

The deck has been designed above an existing terrace to mitigate cross viewing of the adjoining properties, noting it will have an outlook upon the roof/upper levels of these buildings with no direct sightlines into any adjoining dwellings.

4.2 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is located within the Foreshores and Waterways Area and the Planning Principles contained in Part 2 of the SREP (Sydney Harbour Catchment) 2005 apply to the amended application.

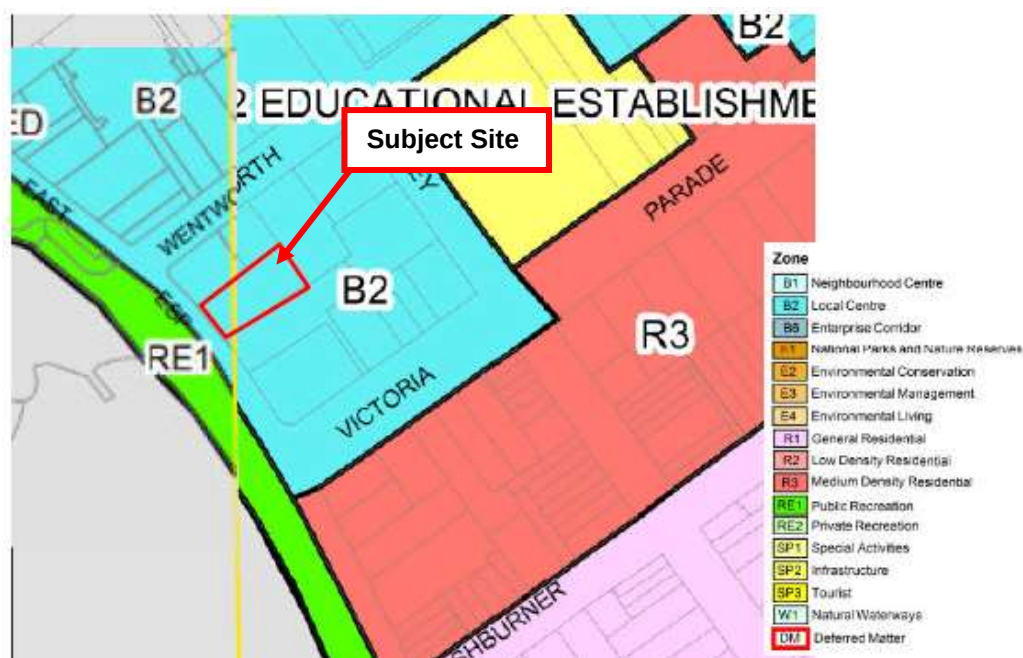
The proposed alterations and additions to the existing mixed use building meets the relevant planning principles as follows:

- The development proposal will not adversely impact on the natural assets of the catchment, water quality or urban run-off.
- The proposed deck is compatible with the form and scale of residential development in the locality, with the proposed works presenting no change to the topography of the subject site and are consistent with existing built form.
- The proposed alterations and additions to the existing mixed use building will not unreasonably restrict views of the foreshore or Sydney Harbour from the public domain, noting the proposed works are within the existing building envelope, and located at the rear portion of the building.
- The natural assets of the foreshore will not be adversely affected by the proposed development.
- The visual qualities of the site, its foreshore and Sydney Harbour will be maintained.
- The proposal is consistent with the form and scale of buildings location on East Esplanade and will not be visually dominant from Sydney Harbour and its foreshore.
- The development has been designed to be consistent with development that is anticipated within the B2 – Local Centre Zone under Manly Local Environmental Plan 2013.

4.3 Manly Local Environmental Plan 2013

The Manly Local Environmental Plan 2013 (MLEP 2013) applies to the subject site and this development proposal. The subject site is zoned B2 – Local Centre and the proposed alterations and additions to the existing *mixed use building* are a permissible with Council consent.

The following plan depicts the zoning of the subject site.



Source: Manly LEP 2013

The objectives of the B2 – Local Centre zone are specified as:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.*

The development proposal is consistent with the relevant objectives of the zone based on the following assessment:

- The proposal provides for an additional terrace improving the communal amenity of the existing mixed use building;

- The proposal provides will not result in unreasonable amenity impacts to the adjoining properties;
- The proposal maintains the existing land use on the subject site and given there is no increase in the number of dwellings, would not result in an intensification of the existing use of the site or conflicts between land uses.

The remaining provisions of the Manly LEP 2013 are addressed, in turn, below:

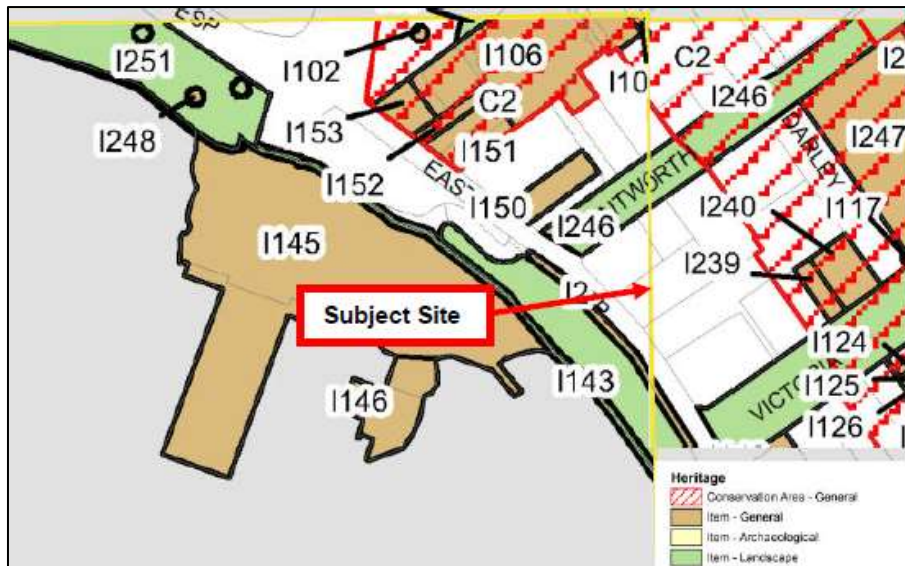
Clause 4.3 Height of Buildings of the LEP contains a building height control of 15m for the subject site with reference to the Height of Buildings Map. The maximum height of the proposed communal room is consistent with the height of the existing approved building noting only the proposed balustrade will add additional height above the existing terrace at Level 7.

The maximum height of the proposed rooftop deck and metal balustrade has a height of 1.2m above privacy screening related to existing rooftop terrace – Level 7. It is noted the existing building is higher than the proposed works with a maximum height of 25.18m. The proposal – new building elements have a maximum height of 22.25m. Accordingly a Clause 4.6 variation to the Height of Buildings development standard accompanies the application at **Annexure 1..**

Clause 4.4 Floor Space Ratio of the LEP contains a Floor Space Ratio (FSR) control of 3:1 for the subject site with reference to the FSR Map. The proposed deck does not result in any additional GFA on the site.

Clause 5.10 Heritage Conservation contains heritage conservation controls. The subject site is not identified as a heritage listed item but is located within the vicinity of heritage items *I1 – Harbour Foreshores*, *I2 – All stone kerbs*, *I143 – Park/reserve*, *I145 – Manly Wharf* and *I1246 – Street trees* as identified under Schedule 5 of the Manly LEP 2013. The site is also within the vicinity of the *C2 - Town Centre Conservation Area* to the north-east.

Accordingly clause 5.10(5) – Heritage Assessment applies to the amended application.



Source: Manly LEP 2013

The heritage conservation objectives contained in Clause 5.10(1) of the LEP are:

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

The development proposal meets the relevant heritage conservation objectives as the proposal maintains consistency with the existing built form on the site, noting the proposed works are located at the rear of the upper level, recessed behind existing building central to the building footprint. The design of the proposed works ensures the conservation value and heritage fabric of heritage items and heritage conservation area located within the vicinity of the site are maintained.

The proposed alterations and additions maintain the existing streetscape presentation of the dwelling to East Esplanade and is consistent with the built form and heritage character of the locality in accordance with the following:

- The proposed works to the mixed use building will not impact on the visual setting of the adjoining heritage items and heritage conservation area;
- The proposed works to the mixed use development will not impact on views and vistas obtained from the adjoining properties towards heritage items; and
- The curtilage and function of the adjacent heritage items within the visual catchment of the site and the Town Centre Conservation Area located within the vicinity of the site are not affected by the proposed works to the mixed use building.

Accordingly given the above assessment, a heritage impact statement is not required to be submitted with the application under clause 5.10(5) of the LEP.

Clause 6.1 Acid Sulfate Soils applies to the subject site noting the site is located within land classified as class 4 acid sulfate soils. The development does not involve any excavation and as such is unlikely to cause lowering of the water table on adjoining class 1 – 4 land and as such an acid sulfate soils management plan is not required.

Clause 6.2 Earthworks does not apply to the amended application as the proposal does not include any cut or fill works.

Clause 6.3 Flood Planning does not apply to the subject site as the site is not located on flood prone land.

Clause 6.4 Stormwater Management contains stormwater provisions. The proposed development presents no change to the existing roof catchment and hard surfaces on the site, therefore, the proposal does not require additional stormwater plans.

Clause 6.5 Terrestrial Biodiversity does not apply to the site as the subject site is not identified as “Biodiversity” on the Terrestrial Biodiversity Map contained in the Manly LEP 2013.

Clause 6.6 Riparian Land and Watercourses does not apply to the subject site as the site is not identified as “Watercourse” on the Watercourse Map contained in the Manly LEP 2013.

Clause 6.7 Wetlands does not apply to the subject site as the site is not identified as “Wetland” on the Wetlands Map contained in the Manly LEP 2013.

Clause 6.8 Landslide Risk identifies land being susceptible to landslip. The Landslide Risk Map contained in the Manly LEP 2013 does not identify the site as being located within an area at risk of landslip.

Clause 6.9 Foreshore Scenic Protection Area applies to the site as the site is identified as “Scenic Protection Area” on the Scenic Protection Map. The relevant matters for consideration contained within Clause 6.9 are detailed below:

- (a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,*
- (b) measures to protect and improve scenic qualities of the coastline,*
- (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*
- (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

The development proposal meets the relevant scenic protection matters for consideration as the proposed works are located at the rear of the subject building and will have minimal visual impact on the foreshore. The proposed deck maintains existing views to Sydney Harbour as the proposal does not increase the overall height of the existing building noting the deck and balustrade sit below existing lift overrun.

Clause 6.10 Limited Development on Foreshore Area does not apply to the site as the site is not identified as land within the foreshore area or located below the foreshore building line on the Foreshore Building Line Map contained in the Manly LEP 2013.

Clause 6.11 Active Street Frontages applies to the site as the site is identified as “Active street frontages” on the Active Street Frontages Map contained in the Manly LEP 2013. The proposal retains the existing ground floor level commercial area.

Clause 6.13 Design Excellence applies to the proposal being for external alterations to an existing building in the B2 Local Centre zone. The relevant matters for consideration are detailed below:

- (a) contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces, and*
- (b) is likely to protect and enhance the streetscape and quality of the public realm, and*
- (c) clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks, amenity, and boundary treatments, and*
- (d) minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and*
- (e) encourages casual surveillance and social activity in public places, streets, laneways and plazas, and*
- (f) is sympathetic to its setting, including neighbouring sites and existing or proposed buildings, and*
- (g) protects and enhances the natural topography and vegetation including trees, escarpments or other significant natural features, and*
- (h) promotes vistas from public places to prominent natural and built landmarks, and*
- (i) uses high standards of architectural design, materials and detailing appropriate to the building type and location, and*
- (j) responds to environmental factors such as wind, reflectivity and permeability of surfaces, and*
- (k) coordinates shared utility infrastructure to minimise disruption at street level in public spaces.*

The proposed alterations and additions are suitable for the subject site and satisfy the provisions of Clause 6.13 of the LEP based on the following assessment:

- The proposed deck is located at the rear of the upper level and does not constitute additional bulk and scale to the existing building.
- The proposal will not overshadow any public open spaces.
- The proposal is not highly visible from the public domain and would not change the streetscape presentation of the subject building.
- The proposed deck and metal balustrading is consistent with the character of the adjoining properties.

Clause 6.16 Gross Floor Area in Zone B2 does not apply to the development proposal noting the development proposal does not include the erection of a building.

4.4 Manly Development Control Plan 2013

The following contains an assessment of the relevant provisions of the Manly DCP 2013. A planning assessment of the proposal having regard to residential amenity including view loss, visual privacy and solar access are detailed within Part 5.0 of this Statement.

Part 3 – General Principles of Development

3.1.3 Townscape (Local and Neighbourhood Centres)

The proposed rooftop terrace will not impact how the existing building is viewed from the public domain, noting no additional building bulk is presented being only a balustrade and open floor space above an existing terrace structure. The proposal retains existing views and vistas from the public domain, and the existing commercial area at ground floor level will be unaffected by the proposal.

3.2.1.1 Development in the vicinity of heritage items, or conservation areas

As detailed previously, the proposed development meets the principles for development within the vicinity of heritage items or conservation areas based on the following assessment:

- The proposed works to the mixed use building will not impact on the visual setting of the adjoining heritage items and heritage conservation area;
- The proposed works to the mixed use development will not impact on views and vistas obtained from the adjoining properties towards heritage items; and
- The curtilage and function of the adjacent heritage items within the visual catchment of the site and the Town Centre Conservation Area located within the vicinity of the site are not affected by the proposed works to the mixed use building.

3.3 Landscaping

The development proposal presents no change to existing landscaping on site and retains existing soft landscaping within the front setback consistent with 3.3.1 – Landscaping Design.

3.6 Accessibility

The development proposal includes no change to the existing primary access pathways across the development. The new deck will be accessed through fire stair consistent with the existing arrangement.

3.7 Stormwater

The proposed development presents no change to the existing roof catchment and hard surfaces on the site, therefore, the proposal does not require additional stormwater plans.

3.8 Waste Management

Waste generated during construction of the proposed development will be disposed of in accordance with the requirements of Council's waste management controls.

Part 4 – Development Controls and Development Types

4.2 Development in Business Centres

4.2.1 FSR

The proposed alterations and additions do not contribute additional FSR on the site.

4.2.2 Height of Buildings

The proposed works include a new deck and balustrade over the Level 7 terrace and a 1.2m balustrade. As such the development proposal presents a maximum height of 22.25m, being 1.2m above the privacy screen located upon level 7. The works, although below the maximum height of the building, are located above the 15m height limit and accordingly a Clause 4.6 variation to the height of buildings development standard accompanies the application at **Annexure 1**

4.2.3 Setbacks Controls in LEP Zones B1 and B2

The proposal does not seek any changes to the existing building setbacks, noting the proposed deck sits within the existing building footprint on the site.

4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor

The proposal does not result in an intensification of the use of the subject site noting no additional dwellings are proposed. No additional car parking is proposed as part of the application.

4.4.2 Alterations and Additions

The proposed development is defined as 'alterations and additions' noting only a minor portion of the building is affected by the proposal being the rear upper levels.

Part 5 – Special Character Areas and Sites

5.4.1 Foreshore Scenic Protection Area

The proposed works do not alter the existing built form at the front portion of the building and will therefore have no impact of the existing foreshore scenic protection area noting all works are contained within the existing building footprint at the rear of the site.

5.0 ENVIRONMENTAL ASSESSMENT

5.1 Planning Instruments

The planning instruments applying to the subject site and this development proposal are addressed in detail in the previous section of this report.

In summary, the subject site is zoned B2 – Local Centre zone pursuant to the Manly Local Environmental Plan 2013 and alterations and additions to the existing *mixed use building* are permissible with the consent of Council. The proposal is consistent with the objectives of the zone and is a suitable form of development for the site.

The development proposal meets the objectives and planning controls contained in the Manly DCP 2013, and will improve the amenity of the existing mixed use building with an additional rooftop terrace at the rear of the upper level which would not impact upon the amenity of adjoining properties.

5.2 Building Form and Streetscape

The proposed addition will not impact upon the streetscape presentation of the existing building on the subject site. The deck proposed is set behind the building's façade and does not alter the existing built form at the streetscape elevation. Further, the proposal will not be highly visible from the public domain.

The additional height is attributed to a 1.2m balustrade and does not lead to additional building bulk. It is noted the proposal does not increase the existing maximum building height and sits below the lift overrun.

The proposal has been designed to integrate with the existing building form on site with the proposed deck and balustrade located above existing terrace at Level 7 sitting on top of the existing privacy screening.

5.3 Solar Access and Overshadowing

The amended application will not result in any significant overshadowing of adjoining properties noting no additional bulk is proposed.

In conclusion, the development proposal has been designed to maximise amenity for residents of the site, with no significant shadow impacts resulting from the proposal.

5.4 Visual and Acoustic Privacy

The proposed development will have an outlook upon the roofs of adjoining buildings. The deck will not have direct sightlines into adjoining residential dwellings.

The proposed roof terrace is considered acceptable for the subject site having regard to the surrounding development context, which contains a number of rooftop terraces within the vicinity of the site. As the proposal does not seek any additional residential dwellings it is considered the proposal would not intensify the use of the communal areas and will instead improve communal amenity for the existing dwellings within the building.

5.5 Views and Outlook

The proposed works will not significantly obstruct views/outlook from the adjoining properties to the rear. The adjoining properties to the north-west and south-east (side boundaries) will not be impacted by the proposal with regard to view loss noting significant views are to the south-west – Manly Cove.

5.6 Suitability of the Subject Site

The proposed rooftop deck is an acceptable form of development noting the work is located above an existing roof top terrace and central building elements at the upper level of the subject building and does not alter the presentation of the existing building to the street.

6.0 CONCLUSION

In conclusion it is considered that the proposed development is acceptable under the considerations of S4.15 of the E.P& A. Act 1979. The following conclusions are made in relation to the development proposal:

- *The subject site is zoned B2 – Local Centre and the proposed alterations and additions to the mixed use building are permissible pursuant to Manly Local Environmental Plan 2013;*
- *The proposed rooftop deck has a maximum height of 22.25m being attributed to the 1.2m balustrade. The application is accompanied by a Clause 4.6 variation to the building height development standard contained at Clause 4.3 of the Manly Local Environmental Plan 2013 at **Annexure 1**;*
- *The proposal does not contribute additional FSR beyond that existing on the site;*
- *The proposal will not have an adverse impact upon the heritage significance of the Town Centre Conservation Area, or nearby heritage items;*

- *The development proposal has been designed in accordance with the Design Principles contained in SEPP 65 and the additional communal room generally meets the residential amenity provisions contained in the Apartment Design Guide;*
- *The proposed alterations and additions for a rooftop terrace are located above the existing building and will not impact upon the streetscape setting of the existing building;*
- *The proposal will not result in significant adverse view loss or overshadowing impacts upon adjoining properties; and*
- *The proposal will not result in unreasonable impact on the visual privacy of adjoining properties noting the rooftop terrace will not have direct sightlines into adjoining residential dwellings.*

For reasons outlined in this Statement of Environmental Effects the amended proposal including alterations and additions to the existing mixed use building for an additional roof terrace at the upper levels of 37-38 East Esplanade, Manly should be granted development consent.

Chapman Planning Pty Ltd
Member Planning Institute of Australia