



Statement of Heritage Impact


Manly Wharf: Pizza Oven,
Balustrade, Deck

East and West Esplanade, Manly NSW 2095

Submitted to Northern Beaches Council
On Behalf of Artemus Group

SEPTEMBER 2024

REPORT REVISION HISTORY

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This report has been reviewed and approved for issue in accordance with City Plan's quality assurance policy and procedures.

Acknowledgement of Country

City Plan acknowledges the First Nations Peoples upon whose lands and waters we live and work, we respect their cultural heritage and continuing connection to Country and thank them for protecting the coastline and its ecosystems through time. We acknowledge that sovereignty over these lands and waters has never been ceded and extend our respect to Elders past, present and emerging.

We proudly operate from the lands of the Gadigal, Darkinyung, Danggan Balun and Turrbal Peoples.

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EXECUTIVE SUMMARY

City Plan Heritage (CPH) were engaged to prepare a Statement of Heritage Impact to assess the likely impacts of the proposed alterations and additions to Manly Wharf to accommodate new pizza ovens, glass balustrade and extended deck with play area. This engagement is a requirement under the provisions of the NSW *Heritage Act 1977* and *Manly Local Environmental Plan (LEP) 2013* due to the site's listing as a heritage item of State and local heritage significance (item I145 on *Manly LEP*, SHR no. 01434).

To inform the assessment of the proposed works, the relevant publications from the State of NSW and Department of Planning and Environment have been followed, including *Guidelines for Preparing a Statement of Heritage Impact, 2023*, and *Assessing Heritage Significance, 2023*. As well as this, the guidelines and processes of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013* (Burra Charter) have also been considered.

The heritage significance of Manly Wharf is well understood. CPH have relied upon information provided within the *Manly Ferry Wharf Conservation Management Plan (CMP)*, prepared by Architectural Projects for the site in 2016, to understand the history of the wharf. Additional historical research was undertaken for the Manly Wharf Hotel within the wharf that is subject to this development application. CPH have also relied upon Architectural Project's assessment of significant elements and spaces within the wharf through the significance gradings map and schedule of significant fabric table provided as part of the 2016 CMP.

It is concluded that the proposed works are acceptable from a heritage perspective and are consistent with the heritage provisions and controls contained within the *State Environmental Planning Policy (SEPP) (Conservation and Management) 2021*, *Manly LEP 2013* and the *Manly Development Control Plan (DCP) 2013*. The works are also consistent with the policies contained within the *Manly Ferry Wharf CMP 2016*.

The majority of the additions are concentrated on the eastern side of the wharf within the non-significant eastern retail wing of the Manly Wharf building (built 1990). As this area of the wharf has no identified heritage significance, as per the gradings map and schedule of significant fabric table extracted from the 2016 *CMP*, the sympathetic alteration of this area of the wharf is acceptable. This is the same for the area on the western side of the wharf where the existing metal balustrade is proposed to be replaced, which has also no identified heritage significance.

The proposed additions of the pizza oven kitchen within the Manly Wharf Hotel will not be visible from the public domain of Manly Wharf, nor from the nearby local heritage item 'Former Fun Pier' (item I146). The pizza ovens will also utilise existing roof penetrations within the site to limit their impact on the existing fabric of the Manly Wharf Bar.

The replacement of the existing metal and timber balustrade with a retractable glazed balustrade on both the eastern and western side of the wharf will be in keeping with the balustrade previously approved and installed at Hugos Manly restaurant on the western side of the wharf. The retractable nature of the balustrade means it will not be visually dominating, which means that significant views of the wharf will not be impacted.

Finally, the extension of the eastern deck of the Manly Wharf Hotel and construction of a designated play area with associated landscaping will not diminish the heritage significance of the Manly Wharf heritage item. This development will not impede any significant views of the Manly Wharf heritage item nor Former Fun Pier heritage item, being contained within the eastern side of the wharf and blocked from view by the existing mature tree plantings along East Esplanade.

Having reviewed and considered the applicable background documentation, drawings and statutory requirements, it is concluded that the proposal is consistent with the heritage provisions applicable to the site and is therefore recommended for approval.

1. BACKGROUND

1.1. Introduction

This Statement of Heritage Impact (SOHI) has been commissioned by Artemus Group to accompany an Integrated Development Application (IDA) under Division 4.8 of the *Environmental Planning and Assessment Act (EP&A Act) 1979* to Northern Beaches Council, who will refer to the Heritage Council of NSW for consideration. It relates to the proposal at Manly Wharf, East and West Esplanade, Manly NSW 2095 (subject site) for proposed alterations and additions to the Manly Wharf.

The subject proposal has been assessed at *Section 6* in relation to the relevant controls and provisions contained within the *Manly LEP 2013* and the *Manly DCP 2013*, as well as the provisions of the *NSW Heritage Act 1977*, the *EP&A Act 1979* and *SEPP (Biodiversity and Conservation) 2021*. The relevant policies within the *Manly Ferry Wharf CMP 2016*, prepared by Architectural Projects, have also been considered in the assessment, as well as matters for consideration identified in the Department of Planning and Environment publication *Guidelines for preparing a statement of heritage impact, 2023*.

All recommendations are made in accordance with statutory requirements and cultural heritage best practice.

1.2. The Site

The subject site incorporates part of the Manly Wharf Hotel tenancy and the Manly Wharf promenade located within Manly Wharf, which is situated at East and West Esplanade, Manly NSW 2095 (Figure 1). To the north of the wharf are a number of multi-storey mixed-use developments along East and West Esplanade, whilst the Manly Court House, Manly Police Station and Gilbert Park are situated along Belgrave Street to the north. To the east of the wharf is Manly Cove Beach and the Manly Yacht Club, while west of the wharf are located Cabbage Tree Beach, Manly Pavilion, and the Manly Art Gallery and Museum. Manly Wharf services three public transport ferry links with Sydney; the City to Manly via Watson Bay line (CCWM), Manly line (F1) and Manly Fast Ferry line (MFF). An additional four bus stands are located outside the wharf and service the surrounding Manly area.

For a more detailed description of the site and its context, refer to *Section 2. Site Context and Description*.

1.3. Legal Description

The subject site is situated within Lot 1 DP 1170245, as per the records held by the NSW Land Registry Services (Figure 1).

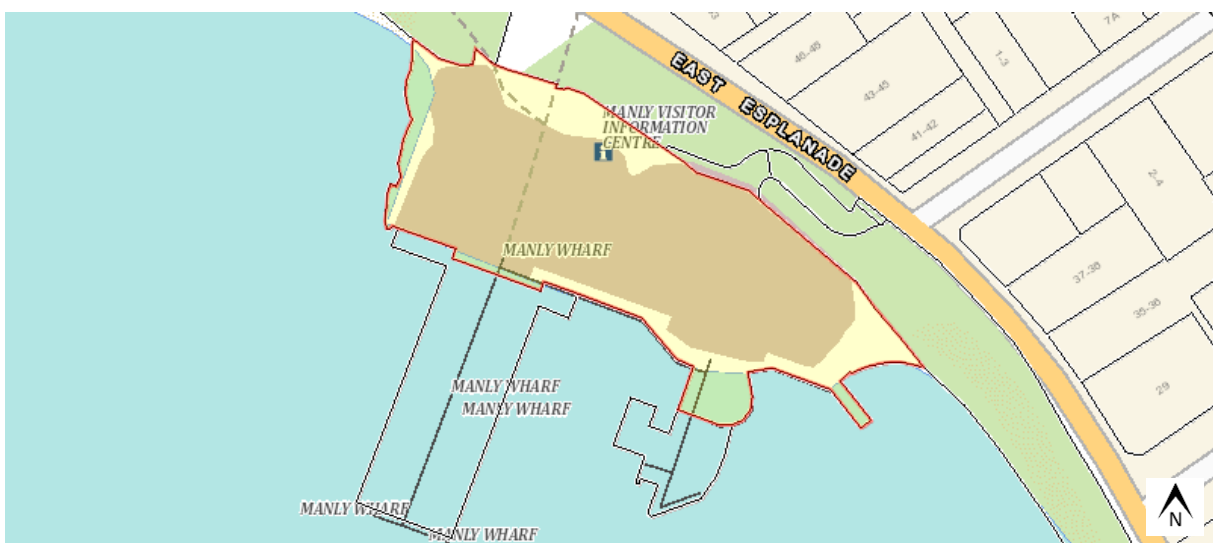


Figure 1: Cadastral Map of Manly, with Lot 1 DP 1170245 highlighted in yellow. Source: Overlay of SIX Maps.

1.4. Heritage listing

The subject site is within the curtilage of two heritage items listed under Part 1 of Schedule 5 of the *Manly LEP 2013*, including 'Manly Wharf', East and West Esplanades (opposite The Corso, Harbour Side), Manly, item no. I145, and 'Pier (former Fun Pier), Manly Wharf', East and West Esplanade, item no. I146.

The subject site is also listed on the State Heritage Register (SHR) as 'Manly Wharf', West Esplanade, Manly NSW 2095, SHR # 01434. It is also identified as a heritage item under Schedule 5 of the *SEPP (Biodiversity and Conservation) 2021* as 'Manly Wharf' (item no. 52). Finally, it is listed on the NSW Transport and Maritime Section 170 Heritage Conservation Register (listing no. 4920067).

The subject site is also located in proximity to the following heritage items:

Environmental Planning and Assessment Act, 1979

Manly LEP 2013, Part 1 Heritage items

- 'Park/Reserve', East Esplanade, item no I143.
- 'All stone kerbs', Manly municipal area, item no. I2.
- 'Governor Phillip Monument', West Esplanade Reserve, item no. I248.
- 'Park', West Esplanade, item no. I251.
- 'Commercial and residential building', 53 East Esplanade, item no. I153.
- 'Commercial and residential building', 50 East Esplanade, item no. I152.

Manly LEP 2013, Part 2 Heritage conservation areas

- 'Town Centre Conservation Area', item no. C2.

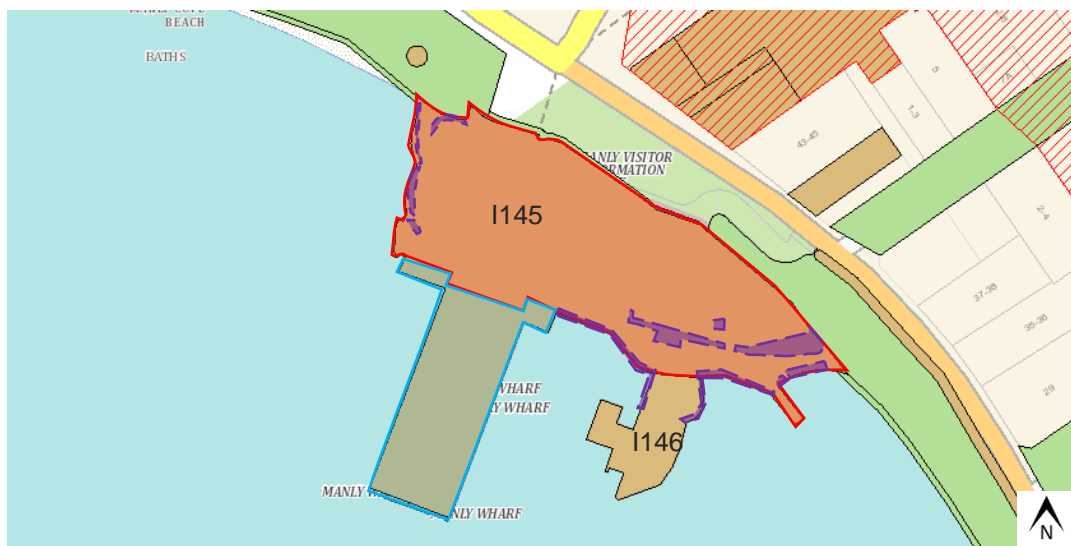


Figure 2: The subject site (approximate area indicated in purple) is within the curtilage of the local heritage item I145 'Manly Wharf', which includes Lot 1 DP 1170245 (indicated in red) and Lot 2 DP 1170245 (indicated in blue), as well as item the 'Former Fun Pier' (item I146). Source: NSW Planning Portal Spatial Viewer, accessed February 2024.

1.5. Proposal

The proposed development seeks approval for alteration and to Manly Wharf, which includes the following.

- Removal of existing climbable and unsafe balustrades and the timber and concrete bench seats around the water's edge;
- Removal of timber balustrades that define the edge between the public promenade and the outdoor seating areas of The Bavarian and the Manly Wharf Hotel;
- Installation of new retractable glass balustrades to replace all removed balustrades. These are 1,200mm high when retracted and have a maximum height of 1,800mm when extended to full height;
- Installation of a pizza preparation area including the replacement of an existing gas fired pizza oven with two solid fuel pizza ovens and one solid fuel grill in the existing Manly Wharf Hotel kitchen. The pizza ovens and grill will rely on the existing mechanical exhaust plant with no new penetrations required through the roof of the existing building; and
- Extension of Manly Wharf Bar deck by 84 sqm and construction of a children's play area, which features a boat-shaped structure surrounded by mature pygmy date palms to provide shade and a landscape setting for the play area.

The following drawings prepared by Little Boat Projects have been considered in preparation of this brief SOHI:

Drawing Title	Drawing No	Revision	Date
Site Plan	DA.101	2	03.09.24
Ground Floor Plan - Existing West	DA.102A	1	03.09.24
Ground Floor Plan - Existing East	DA.102B	3	11.09.24
Ground Floor Plan - Proposed West	DA.103A	1	03.09.24
Ground Floor Plan - Proposed East	DA.103B	2	03.09.24
Elevations - Proposed	DA.104	2	03.09.24
Axonometric - Proposed	DA.105	2	03.09.24
Solid Fuel: Detail Plan	DA.205	1	03.09.24

The following drawings prepared by Svalson detail the glazed balustrade to be installed across the subject site:

Drawing Title	Drawing No	Sheet No	Revision	Date
Cross section drawing	14.GC	1	04	08.03.18
Cross section drawing	14.GC	2	04	08.03.18
Cross section drawing	14.GC	3	04	08.03.18
Cross section drawing	14.GC	4	04	08.03.18
Water resistant and non-climbable	LA2.S.S.R.I	1	01	10.10.22

Drawing Title	Drawing No	Sheet No	Revision	Date
Water resistant and non-climbable	LA2.S.S.R.I	2	01	10.10.22
Water resistant and non-climbable	LA2.S.S.R.I	3	01	10.10.22

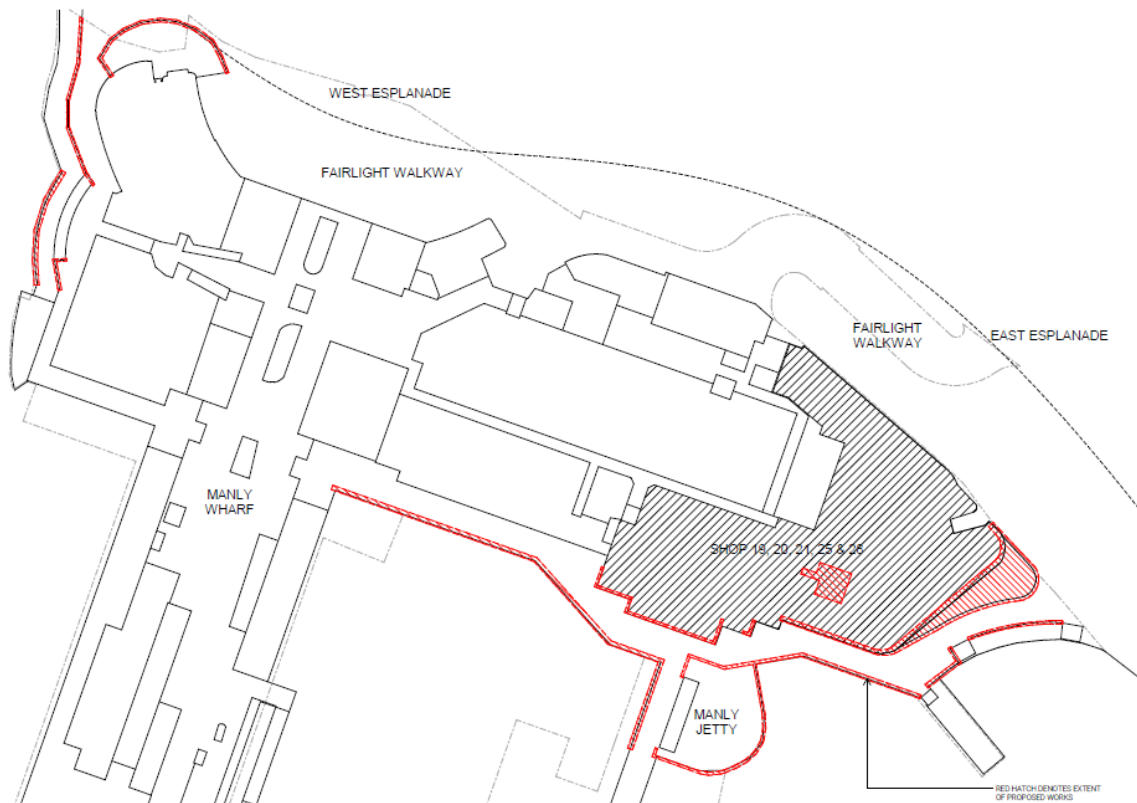


Figure 3: Existing site plan showing location of proposed works.

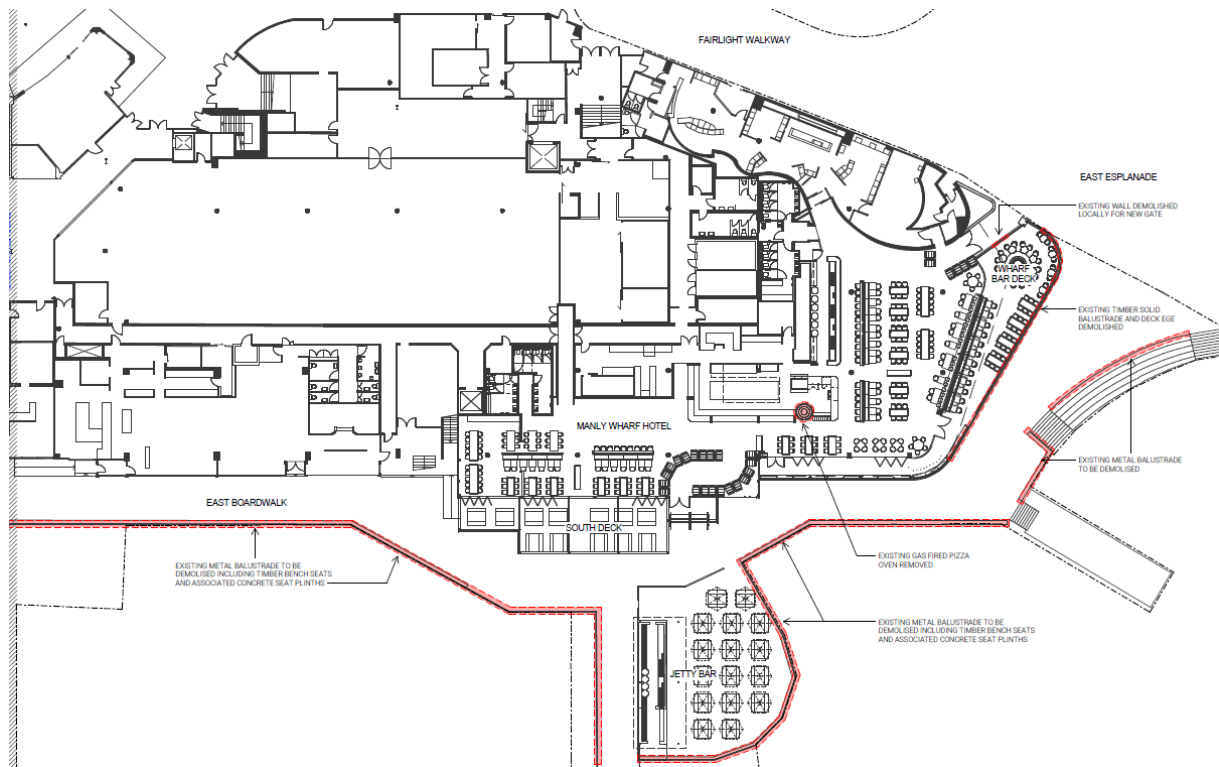


Figure 4: Plan showing the extent of the proposed works on the eastern side of the wharf.

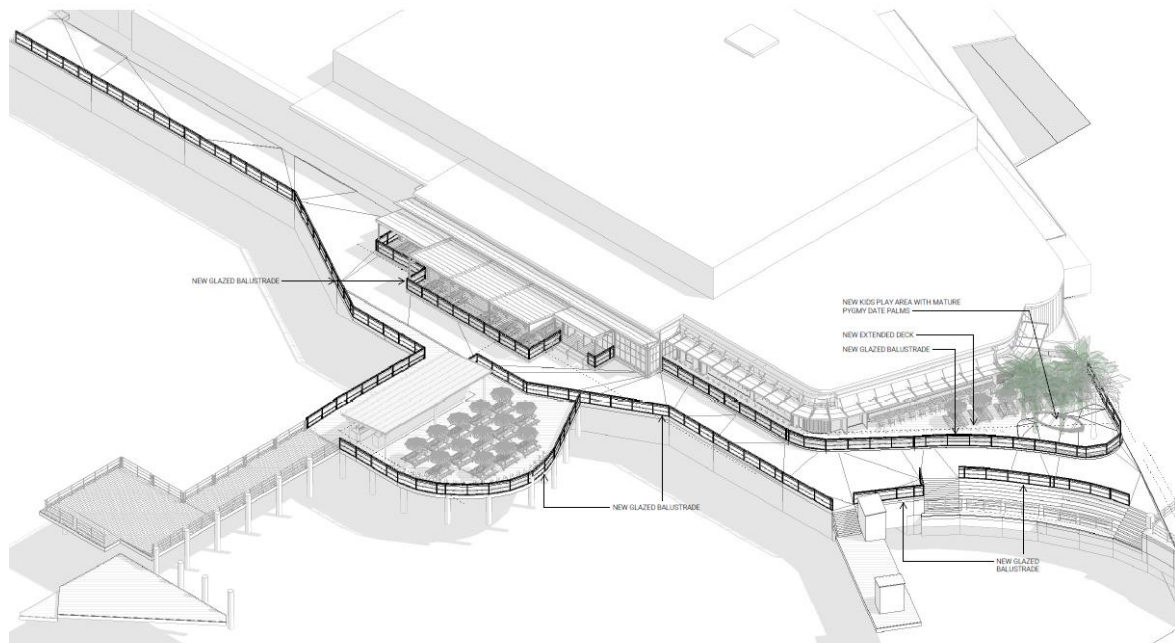


Figure 5: Axonometric plan showing the proposed alterations to the wharf (new balustrade, extended deck with play area).

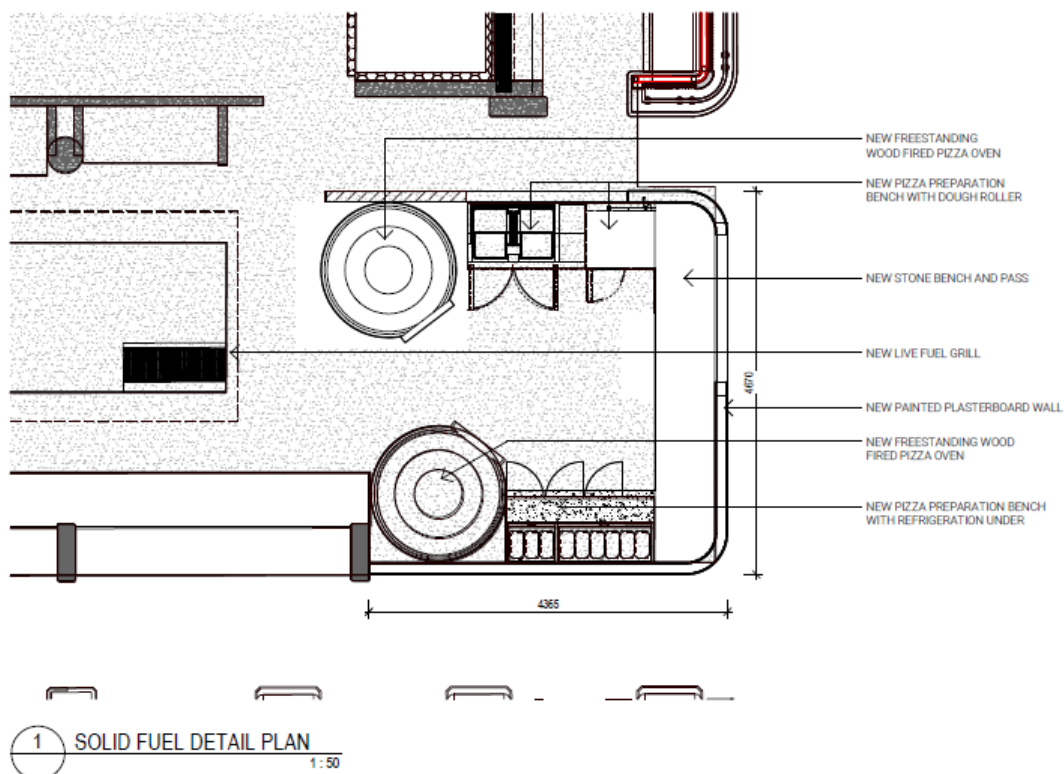


Figure 6: Solid Fuel Detail Plan showing details of new pizza ovens to be installed in the Manly Wharf Hotel. Source: Little Boat Projects, Drawing No. DA.205, Rev 1.



Figure 7: View of an example of the retractable glazed balustrade proposed for the site. This balustrade is outside the Hugos Manly restaurant on the western side of the wharf.

Relevant Reports

The following previous studies and reports were reviewed during production of this report. Relevant information has been included where necessary:

- Architectural Projects, *Manly Ferry Wharf - Conservation Management Plan*, 2016.
- City Plan Heritage, *Statement of Heritage Impact, Manly Wharf: Change of Use, Alterations and Additions to an Existing Tenancy*, August 2024.

1.6. Methodology

This SOHI relates to the alterations and additions to the existing Manly Wharf. It has been prepared in accordance with the State of NSW and Department of Planning and Environment publications, *Guidelines for Preparing a Statement of Heritage Impact, 2023* and *Assessing Heritage Significance, 2023*. It is also guided by the philosophy and processes included in *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013* (Burra Charter).

The subject proposal has been assessed in relation to the relevant controls and provisions contained within the *Manly LEP 2013*, the *Manly DCP 2013* and the *SEPP (Biodiversity and Conservation) 2021*. It has also been assessed against the relevant policies contained within the CMP prepared for Manly Ferry Wharf by Architectural Projects. It forms one of a collection of specialist reports.

Research for this SOHI has adopted a two-stepped approach. Step 1 comprised a desktop assessment and Step 2 was a site survey. This document provides the combined findings and recommendations resulting from this approach.

Step 1

Research into the early development of the site was undertaken to get a better understanding of the place. In addition, the Aboriginal Heritage Information Management System (AHIMS) was searched to establish the location and background information on any Aboriginal objects or Aboriginal Places that are known to have special significance with respect to Aboriginal culture. Further, the *Manly Ferry Wharf Conservation Management Plan (CMP)*, prepared by Architectural Projects in October 2016, and the State Heritage Register (SHR) were examined to determine the known heritage values of Manly Wharf. Finally, relevant historical information from *Statement of Heritage Impact, Manly Wharf: Change of Use, Alterations and Additions to an Existing Tenancy*, prepared by CPH in August 2024, was extracted, with this supplemented by additional research for the Manly Wharf Hotel tenancy.

Step 2

A site survey of Manly Wharf and the area proposed for the new venue was carried out by Kerime Danis (Director - Heritage) and Kurt Dixon (Heritage Consultant) on 5 April 2024 with the purpose of photographing and understanding the place. All results are presented in *Section 2 - Site Context and Description*.

1.7. Constraints and limitations

The following limitations are identified for this SOHI.

- Accurate measured drawings do not form part of this assessment
- This report does not include a heritage landscape assessment
- This report does not form part of the building consent process
- The assessment in this report relates to the proposed works and documentation described in *Section 1.5 Proposal* and *Section 1.6 Methodology*. It does not relate to any additional or revised documentation by any party.
- This report does not include for an archaeological assessment or opinions regarding such matters; neither does it form part of a Section 140 Application for an *Excavation Permit* or Section 144 *Application for an Excavation Variation Permit*.
- This report does not include an assessment of Aboriginal values. An assessment of the Aboriginal cultural significance of an area can only be made by Aboriginal communities.

- Only a visual assessment of the subject site was carried out. Intrusive methods were not employed.
- This report does not include the provision of a title search for the subject site.

1.8. Author Identification

The following report has been prepared by Kurt Dixon (Heritage Consultant) (BA (History), LLB). Kerime Danis (Director - Heritage) (BArch, MHeritCons (Hons), Associate RAIA, MICOMOS, ICOMOS AdCom) has provided input, reviewed and endorsed its content.

All images have been taken by CPH unless otherwise specified.

2. SITE CONTEXT AND DESCRIPTION

The Manly Wharf site comprises buildings from two periods of construction: the 1941 ferry wharf on the west, and the 1990 additions (including the retail arcade) to the east. The following physical description of the original wharf is taken from the SHI form for 'Manly Wharf' (listing no. 01434).

A broad wharf supported on timber piers and with a concrete platform. The superstructure is constructed of steel and timber. The facade and side walls form an important architectural design, similar to the Circular Quay ferry terminals. (Blackmore, Ashton, Higginbotham, Rich, Burton, Maitland, Pike, 1985).

The original part of the wharf was built in a modernistic transport idiom, with typical stylistic features of era including play of circular and rectangular geometric terms, bayed facade to the water (marine connotations), wide arc plan at entrance, clock tower with "fins", flat roofing marked by wide fascia board. The current entrance was originally designed as a tram terminus and turning area. Timber clad framed structure opening and large internal spaces, concrete deck to west enclosed by "ship" railing. Some original shop fittings, signage etc. Subjected to major alterations to the wharf wings involving a T-shaped clerestorey (Stapleton, 1981).

The following physical description of the retail arcade (where the works are located) is extracted from the Manly Ferry Wharf CMP prepared by Architectural Projects (2016):

The eastern half of the building dates entirely from 1990. It required partial removal of the original 1941 curved ends. The lower level is below mean tide level, at AHD (Australian Height Datum) 0.550. The upper level is accessible from the western half of the building and, at AHD 3.600, is at approximately the same level as the ferry wharf and the surrounding ground level of East Esplanade. There is a small mezzanine level which contains the plant. It has a floor level at AHD 6.900. There are a number of other mezzanine floors above the ground floor level, which contain mechanical plant.

The eastern half of the building is a concrete slab structure, supported on concrete piles and some timber piles. The walls are faced externally in timber and fibre cement cladding. The building has skylights, and a flat, parapeted metal tray roof. The highest level of the parapet is AHD 10.5.

The subject site itself incorporates the Manly Wharf Hotel tenancy, which is located within the retail wing of the Manly Wharf. This retail wing was part of contemporary additions to the wharf constructed in 1990 and are therefore not considered a significant space within the Manly Ferry Wharf CMP. The areas within the Manly Wharf Hotel that are proposed to be altered include the existing pizza oven kitchen, the balustrades along the hotel's eastern and southern boundary and the existing timber deck located outside the hotel.

The other area where the works are proposed are the existing balustrades along the Manly Wharf promenade. These are similarly contemporary additions to the wharf and not within the significant areas identified in the CMP (see Figure 23 below).



Figure 8: View facing west of existing balustrade along the southern Manly Wharf promenade.



Figure 9: View facing south-east of the existing balustrade along the southern promenade of Manly Wharf.



Figure 10: View facing east of existing balustrade at the front of the Manly Wharf Hotel.

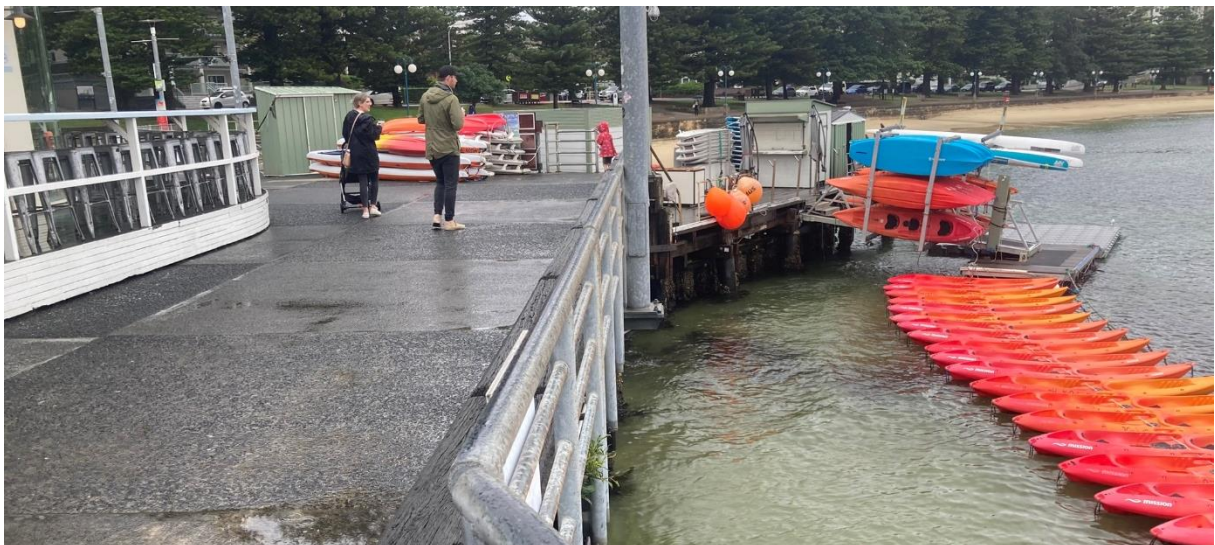


Figure 11: View facing south-west showing existing balustrade along Manly Wharf promenade proposed to be replaced.



Figure 12: View facing south showing existing balustrade of Manly Wharf Hotel jetty bar to be replaced.



Figure 13: View of existing mature tree plantings along East Esplanade that obstruct views towards the deck of the Manly Wharf Hotel (right).



Figure 14: View facing east of the existing deck of Manly Wharf Hotel to be extended.



Figure 15: View facing east of existing metal balustrade on eastern side of the wharf to be replaced.



Figure 16: View facing south of eastern side of the wharf. Visible is existing Hugos Manly restaurant (left) and balustrade to be replaced (centre).

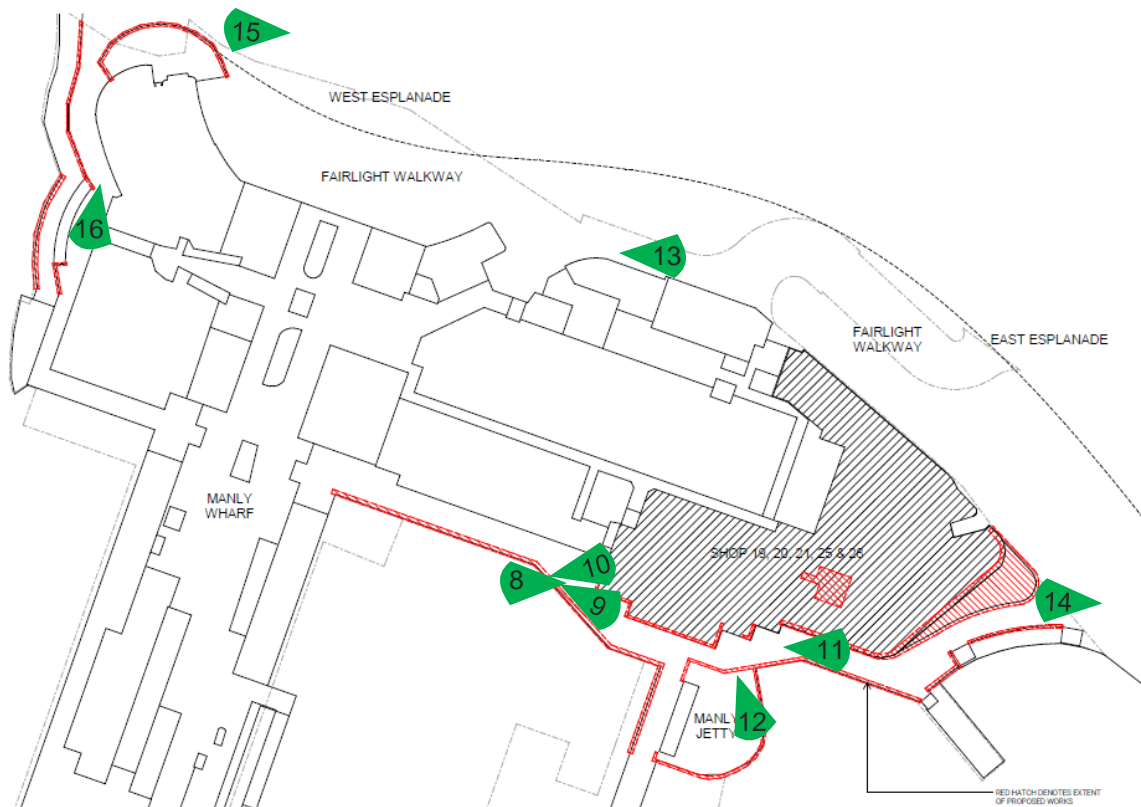


Figure 17: Existing Plan of the site with location of above images (with corresponding figures indicated in green).

3. HISTORICAL OVERVIEW

3.1. History of Manly Wharf

The following history of Manly Wharf has been extracted from the CMP produced for the site in 2016.

2.1.3 Early Development

In May 1853 Henry Gilbert Smith bought twenty acres of land which had been granted to John Crane Porter 16 years earlier. The following year a sandstone residence was completed on the hill above the small Harbour Beach. Both the beach and the house were given the name "Fairlight". The estate was eventually divided in 1902 and Fairlight House was demolished in 1939 and replaced by nine blocks of flats.

In 1852 Henry Gilbert Smith decided to develop his one hundred and twenty acres, most of which lay on the slopes north of The Corso, where he built his home.

Gilbert Smith envisaged a new Brighton in Australia. A small jetty was constructed which has been continuously used as a ferry wharf ever since. At the same time he constructed the Pier Hotel which would be later replaced in the 1920s, by the Hotel Manly. Smith began a regular ferry service to and from Sydney. In 1856 he cleared the narrow, swampy street leading from the Harbour to the ocean which he called The Corso after the main street in Rome. Smith built a church in 1864 and a school house and public bath house. In the 1860's the first English-style bathing boxes on wheels appeared on the Ocean Beach sands.

The layout of the 1850's subdivision can still be evidenced today. Gilbert Park commemorates his role in the Town Plan. The Norfolk Island Pines that line the beach were planted by him. In his will Gilbert left most of Manly's present park reserves to future generations.

In 1876 much of the land west of The Corso to North Head was still held by the Wentworth family. Most of it was acquired by auction that year by the Anglo-Australian Investment Company. A second pier, west of the main pier, and at the foot of Stuart Street, was built.

Smith encouraged the growth of a ferry service to Manly. Excursion services to Manly were first advertised on Saturday 29 September 1855 as commencing the following Saturday 6 October. Ferries ran two or three times a week during 1855 and 1856. The first Manly Ferry Wharf was constructed in 1856 on the same site as the present wharf.

2.1.4 Incorporation of Manly Council

In 1877 five hundred people were living between The Spit and Manly, a sufficient number to warrant the establishment of a Municipality. The first meeting of the new council was held in February that year. Manly was taking shape in "the village by the sea". The Harbour trip enabled Manly to be reached as part of the day's outgoing. The 112 km journey by road would take an entire day.

...

While the possibility of a rail link between St Ives and the northern beaches was discussed in the 1880's it was never realised. This ferry was the only form of transport for a number of years. Manly's popularity with weekend excursioners grew rapidly.

Gilbert Smith entered into arrangements to improve the service in 1860. In 1877 the Port Jackson Steam Boat Company began its regular ferry service to Manly from Woolloomooloo dock. Alterations to the Wharf occurred at the same time. In 1877 the Port Jackson Steam Boat Company constructed a small cabin on the jetty. In 1881 the company now renamed Port Jackson Steamship Company constructed a shelter shed. In 1888 a two storeyed Camera Obscura tower was built at the front of the wharf. However, after functioning for around four years, the facilities were turned to housing various shops and businesses. One photograph shows the tower with a third storey. These private developments were accompanied by a government development when, in 1866, the colonial government erected a cargo wharf alongside and to the east of the passenger wharf.

...
 Further land subdivisions occurred on September 26, 1885. Free 5-year ferry steamer passes were offered to purchasers who erected homes on their land. The average cost of building a four room cottage in the mid 1880s was one thousand pounds (\$2,000).



Figure 18: Photograph of Manly Wharf from 1890. Source: State Library NSW, Hall & Co, 'Manly Wharf', FL1637720. Accessed 18 April 2024 via: <https://trove.nla.gov.au/work/15126075>.

2.1.5 The Federation Period: 1893 - 1918

In 1893 a new company, the Manly Co-operative Steam Ferry Company, was established but amalgamated with the Port Jackson Steamship Company in 1896, to form the Port Jackson and Manly Steamship Company. In that year around 1,400,000 people travelled to Manly on the ferry. The ferry proprietors also owned property in the district, and directly promoted the area's residential appeal.

Manly Ferry Wharf was an integral part of the facilities for coming to and leaving the resort. This importance was recognised further with major developments around the turn of the century. In 1900 the Port Jackson and Manly Steamship Company leased the Government cargo wharf, taking over its western side for company shipping and subleasing out the other side. Sheds and shelters proliferated and several businesses located themselves on the wharf. In 1903 the Sydney Harbour Trust reconstructed the passenger wharf. In the following year its Annual Report noted the provision of "new waiting rooms, offices, shops, and other conveniences.". By 1918 an Old English style half timbered false parapet and clock tower were constructed at the passenger wharf, and its two side facades were enclosed.

Improved technology extended the range of transport available. A steam tram service began operating in Manly in February 1903. Five months later this was replaced by a horse service. That lasted until 1906. A motor bus service to Newport was begun in 1906. In 1901 building blocks known as the Fairy Bower Estate were offered for sale to the public. In the days before World

War I increased subdivision, improved transport and the natural topography meant that Manly offered a variety of entertainment.

2.1.6 Interwar period developments: 1924 - 1933

Manly thrived in the 1920s as new subdivisions opened and the building boom got under way. Places such as Balgowlah expanded quickly. During the 1920's folk discovered Manly was the ideal place to spend their holidays and many Hotels were constructed. The old Pier Hotel was rebuilt as the Hotel Manly and the era of the picnic gave way to the "refreshment room" such as the Royal, at the ferry end of The Corso; Easterbrook's Tea Room and The Brownie.

In December 1924 the first Spit Bridge opened to traffic and Manly's progress accelerated. In 1928 the twin ferries Curl Curl and Dee Why brought a new era in speed and comfort in Manly ferry travel. A number of private bus companies were formed in the 1920s but most of those routes were taken over by government buses in the following decade. November 1938 marked the beginning of the end for the Manly tramway system. In 1939, eight established bus routes fanned out from Manly Ferry Wharf to destinations in the Warringah Shire. The railway debate first discussed in the 1880's was revitalised during the building boom of the late 1920s. The opening of the Harbour Bridge in 1932 was seen as an opportunity to link Mosman with Manly with a railway line.

With the increased population new services were developed. The Manly Peace Hospital opened in 1931. In the 1930's there were five picture theatres in Manly. Even after the advent of television in 1956 three cinemas still survived. The Manly Art Gallery committee, the Manly Warringah and Pittwater Historical Society was formed in 1924. On Thursday, January 6, 1927, Manly held its Jubilee Celebrations. In 1928 St Matthews was demolished to make way for a widening of The Corso and St Matthew's opened on September 20, 1930.

The 1930's is the period of flat development in Manly. Manly reached its peak of popularity from the mid 1930s to the late forties. On Anniversary Day 1936 the ferries carried a record 100,000 passengers. By the end of the 1940s more than 10.1/2 million were travelling on the ferries annually.

Manly's status as a municipality was always closely linked to its waterfront. Manly swimming champion were well known in the 1920s and 1930s. They represented Australia at three Empire Games: Canada 1930, London 1934 and Sydney in 1938 and came fourth in the Los Angeles Olympics in 1932. The Manly Baths already thirty years old, were modernised in 1926. The baths again became somewhat outmoded in the mid 1940s when new rules regarding competitive swimming in tidal pools were introduced. In 1970s violent storms damaged the old baths.

In the late 1920's and early 1930's the Port Jackson and Manly Steamship Company initiated a number of other major developments. Manly's first shark aquarium, measuring approximately 60 by 22 feet, was constructed on the cargo wharf's western side in about 1928. In that year the cargo wharf was closed as a result of the loss of business caused by the opening of The Spit Bridge in 1924. The cargo wharf was reopened in 1931 as an amusement pier. During 1932 a raised timber walkway 1,000 feet in length was built between the western side of the passenger wharf and West Esplanade. It was netted to form a large shark-proof baths. A dressing pavilion at the western end of the promenade was opened in 1933. It incorporated a refreshment room, quarters for a caretaker, and lifesavers' rooms. The promenade was dismantled in 1974 after it was damaged beyond repair in a storm.

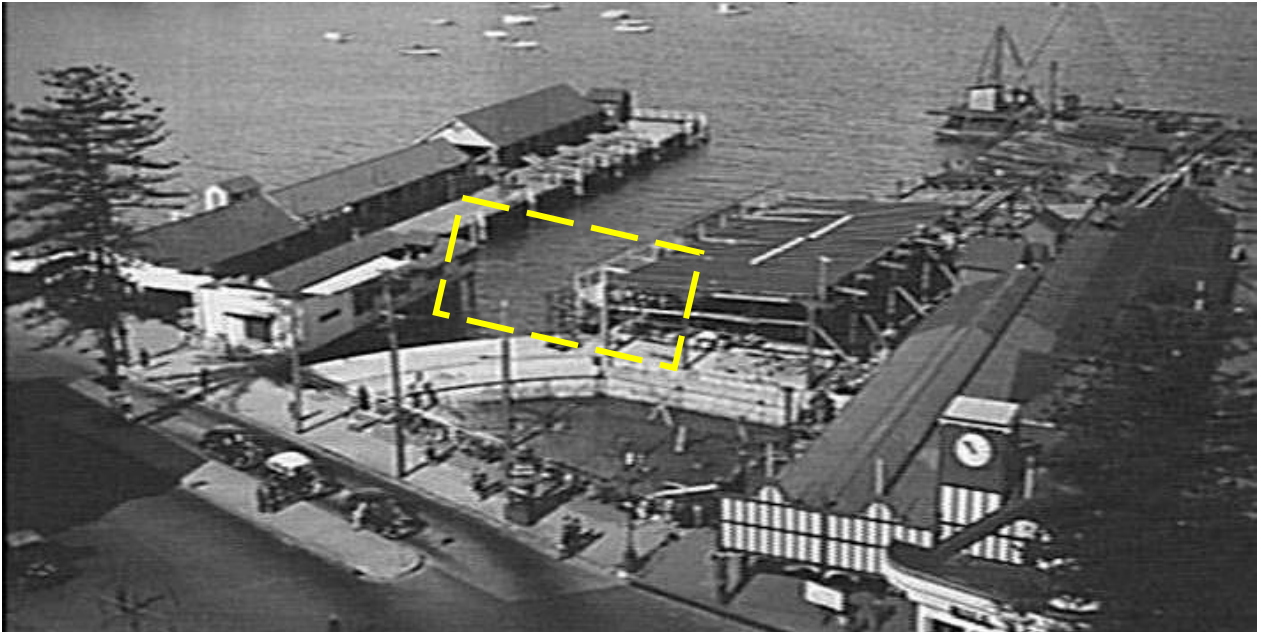


Figure 19: Photograph of Manly Wharf dated 23 May 1940. The front entrance to Manly Wharf is visible in the bottom right. The approximate area which would be developed in 1990 into the retail arcade (where most of the works are located) is indicated in yellow. Source: Northern Beaches Library, Record No. MWPHS/340-74. Accessed 18 April 2024 via <https://northernbeaches.recollect.net.au/nodes/view/44339>.

In the 1940s it was believed Manly's famous Norfolk Island Pines would serve as a landmark for enemy naval bombardment. After one was removed the public outcry was so extensive that no more trees were touched.

In 1940s Manly Wharf was upgraded in parallel with Circular Quay Wharf [so that] both [would achieve] a similar design.

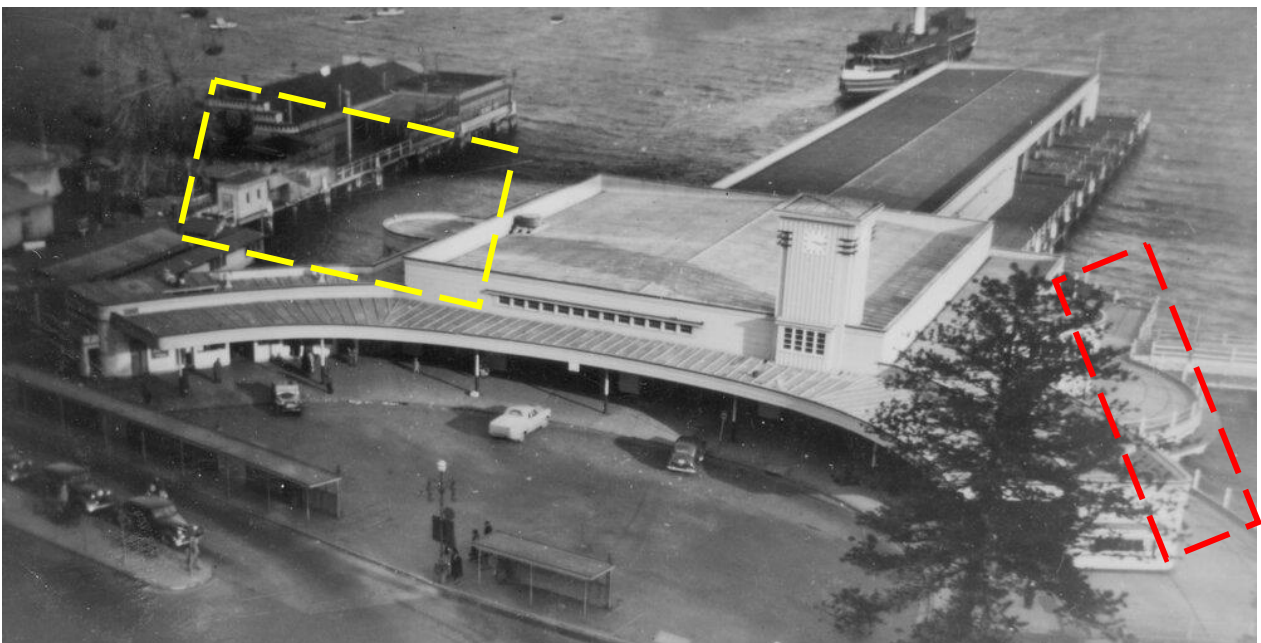


Figure 20: Manly Wharf as captured in 1951, showing the welcoming arms and front elevation of the Manly Wharf. The approximate area where the retail wing was constructed is indicated in yellow. The eastern promenade of the wharf where works are located is indicated in red. Source: Northern Beaches Library, Record No. LH000589, accessed 18 April 2024 via <https://northernbeaches.recollect.net.au/nodes/view/51656>.

Manly fell into a decline as a tourist and recreational destination, for a considerable period.

In 1972 Brambles took over the Manly Ferry Services. In 1974 the company attempted to wind down the ferry service which attracted much public protest resulting in the continuation of the service. In 1978 the State Government restored a three-boat service running at half-hourly intervals to Manly.

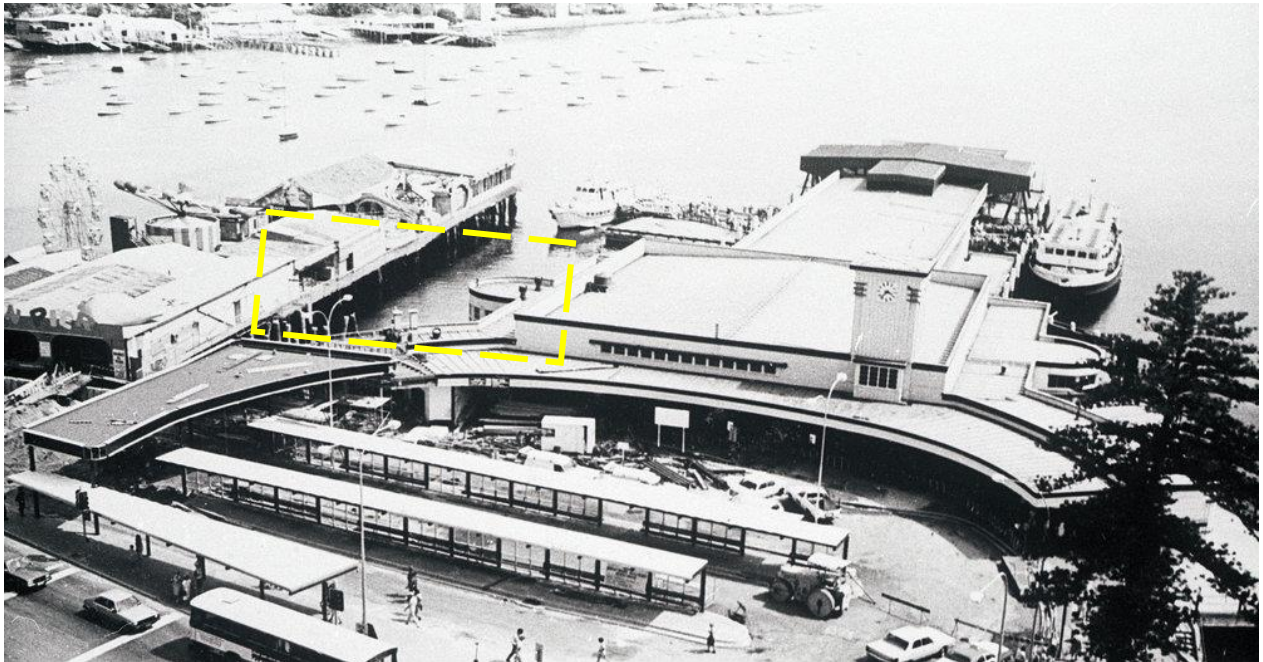


Figure 21: Photograph of Manly Wharf and forecourt from 1988, before the construction of the retail arcade / eastern wing of the wharf. The approximate area where this new extension was constructed is indicated in yellow. Source: Northern Beaches Library, Record No. MML/2629, accessed 18 April 2024 via <https://northernbeaches.recollect.net.au/nodes/view/44892>.



Figure 22: Aerial photograph of Manly Wharf in 1989, prior to the construction of the retail arcade / eastern wing. Eastern section of the wharf (where balustrade will be replaced) is indicated in red. Source: Northern Beaches Library, Record No. MML/1832, accessed 18 April 2024 via <https://northernbeaches.recollect.net.au/nodes/view/44334>.

2.1.7 Recent Redevelopment

In 1990 the wharf was redeveloped again to provide a retail complex (Festival Market Place) adjacent to the Wharf. The fun pier was demolished and a retail arcade built in its place. There were also numerous alterations to the passenger wharf building. The development infilled the land between Manly Ferry Wharf and the second Wharf.

Table 1: Historical Summary of Manly Wharf (extracted from the 2016 CMP prepared by Architectural Projects).

Year	Event
1940	Baldwinson's designs for the renovation of both Circular Quay and Manly Ferry Wharves.
1972	Brambles took over the Manly Ferry Services.
1974	The company attempted to wind down the ferry service.
1978	The State Government restored a three-boat service.
1988	Manly Ferry Wharf is listed as a heritage item on the NSW State Heritage Register of the NSW Heritage Council.
1990	The wharf was redeveloped again (Festival Market Place). The development infilled the land between Manly Ferry Wharf and the second Wharf significant upgrade and reinstatement of 1941 wharf.
2007	Significant upgrade and reinstatement of 1941 wharf.

3.2. History of the Subject Site

Most of the area the subject site where the works are proposed was established in the 1990 eastern addition to the wharf. The Manly Wharf Hotel was established in 2002 as part of DA 238/2002, which involved the fit out of the existing tenancies at shops 19, 20, 21, 25 and 28 to accommodate a hotel. Various alterations and additions have been made to the hotel overtime through development applications and construction certificates to Northern Beaches Council, including the enclosure of the deck, alterations to the northern entrance to the hotel and introducing stairs to the southern entry to the deck. These have been extracted in the table below.

Table 2: Applications lodged with Northern Beaches Council for the Manly Wharf Hotel.

DA	Applications
DA 238/2002	Fit out for a hotel, interior alterations, external seating and servery Rotunda - Manly Wharf Hotel
DA 20/2003	Exterior Signage - Manly Wharf Hotel
S96 238/2002	Section 96 to modify approved Fit out for a hotel, interior alterations, external seating and servery Rotunda - Manly Wharf Hotel

DA	Applications
DA 505/2003	Enclosure of Deck of Eastern side of the Wharf Hotel from 10.00pm
S96 238/2002	S.96 Mod. to add blinds to 3 external umbrellas at Manly Wharf Hotel
S96 238/2002	Section 96 to modify hours of operation for the Manly Wharf Hotel
S96 238/2002	Section 96 to modify approved closing hours of the Manly Wharf Hotel restaurant deck and south facing deck from 10.00pm extended to 12.00midnight Monday to Sunday
DA 135/2012	Alterations to the Manly Wharf Hotel including the conversion of part of the existing Lounge Bar into an indoor and partially outdoor Gaming Room area and revise entrance on the northern side of the hotel - Manly Wharf
DA 216/2012	AMENDED PLANS - Alterations and additions to the existing Manly Wharf Hotel including the extension of the awning to the eastern verandah, roll up blinds and the extension of operational hours of the eastern deck to midnight (12.00am)
DA 149/2013	Alterations and additions to the existing Manly Wharf Hotel including new stairs to the deck
CC 29/2017	Construction of two staff locker rooms and one disabled bathroom at the back of house - Manly Wharf Hotel

The western promenade of the wharf where the balustrade is proposed to be altered appears to have been established by 1951 as per historical imagery of the site. Comparing historical photographs with the existing site, the promenade appears to have been narrowed with the extension of the western tenancies.

4. SIGNIFICANCE OF MANLY WHARF

To aid in the assessment of the potential heritage impact the proposed works would have on Manly Wharf heritage item, it is important to understand the significance of the site, as well as the areas within the wharf that have particular significance.

4.1. Statement of Significance

The following Statement of Significance has been extracted from the State Heritage Inventory (SHI) form for 'Manly Wharf':

Of environmental significance as a visually prominent man-made feature. Of historical significance for its associations with the maritime activities at Manly as a tourist destination and suburb of Sydney, dependent on the ferry link to the CBD. (Anglin 1990:2033)

Together with Circular Quay, the wharf is the only substantial older style ferry wharf surviving in Port Jackson: association with Manly's history as a recreational centre. (Blackmore, Ashton, Higginbotham, Rich, Burton, Maitland, Pike 1985)

As part of the subject site extends into the curtilage of the 'Wharf (Former Fun Pier)' (item I146), the following Statement of Significance has been extracted from the respective SHI form:

Major significance as the oldest surviving wharf at Manly illustrating former dependence on maritime transport and trade and Manly's development as a resort.

The following Statement of Significance has been extracted from the *Conservation Management Plan for Manly Ferry Wharf*, prepared by Architectural Projects in October 2016:

The Manly Ferry Wharf is significant as the gateway to Manly, and for its association with thousands of tourists who hold memories of the ferry trip and first impressions of Manly.

The Manly Ferry Wharf is significant for its age and association with the development and continuation of Manly as a seaside resort of Sydney from the earliest days of European settlement. The low sweeping form has significance for its contribution to the context of the sweeping beach and line of the trees which is now an integral part of this mainland view of Manly. The Manly Ferry Wharf is significant for the positive contribution of the low building scale to the topographical setting of Manly Cove. The Wharf is enhanced by its visual relationship with the curved lines of the beaches, seawalls, and pavement promenades of East and West Esplanades.

The Manly Ferry Wharf in association with the fun pier is significant, for its ability to reflect the long continuous history of Manly Ferry Wharf as the location of retail, transport and recreation.

The Manly Ferry Wharf has historical significance as a major project by an important Sydney Modernist Architect Arthur Baldwinson. The main (north) facade composition, with its clocktower, flat parapets and curved awning is mostly intact. The grooved weatherboard cladding and timber frame windows are features which give the exterior much of its distinctive period character.

The Manly Ferry Wharf is significant as the site of the redevelopment of the area and wharf facilities in particular during Manly's second boom period as a resort (c 1910-1940), when both Circular Quay and Manly Ferry Wharf were constructed for the Maritime Services Board. The Manly Ferry Wharf is significant as a reflection of developments in urban transport and infrastructure in that period.

Manly Ferry Wharf is significant as a rare surviving working example of a maritime building designed in the Modernist style of the mid Twentieth Century. It is a rare example of maritime architecture.

4.2. Grading of Significance

The following grading of significance for the Manly Wharf heritage item has been extracted from the Conservation Management Plan (CMP) produced for the site by Architectural Projects in October 2016. This table provides justification for and informs each grading level.

Table 3: Grading of Significance Table used by Architectural Projects to assess the significance of various elements of Manly Wharf.

	Grading	Justification	Status
A	Exceptional	Rare or outstanding element directly contributing to an item's local and State significance	Fulfills criteria for local or State listing
B	High	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfills criteria for local or State listing
C	Moderate	Elements of typical representative quality. Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfills criteria for local or State listing
D	Little	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for local or State listing
E	Intrusive	Damaging to the item's heritage significance.	Does not fulfil criteria for local or State listing

The following Schedule of Significant Fabric table identifies the assessment attributed to each element of the Manly Wharf, as determined by Architectural Projects in 2016. Areas of the wharf that are relevant to this proposal are emphasised. Refer to Figure 23 for visual depiction of these significant fabric.

Table 4: Schedule of Significant Fabric, extracted from the Manly Ferry Wharf CMP.

Schedule of Significant Fabric	
The Exterior	
The Manly Ferry Wharf	
The South Elevation to the Wharf	B (High)
The East Elevation to the Wharf	B (High)
The West Elevation to the Wharf	B (High)
The Clerestory	
The East Elevation to the Clerestory	C (Moderate)
The West Elevation to the Clerestory	C (Moderate)
The Corso Façade	
The North Elevation of the Clerestory	A (Exceptional)
The Welcoming Arms	A (Exceptional)
The Clock Tower	A (Exceptional)

Schedule of Significant Fabric	
The Interior	
The Manly Ferry Wharf	
South Glazed Waiting Area	A (Exceptional)
Transit Space	B (High)
The Clerestory	
Main Space	A (Exceptional)
Remnant Service Areas	C/D (Moderate / Little)
The Welcoming Arms	A (Exceptional)
Service Areas	C (Moderate)
Under Awning Space	A (Exceptional)
KEY PHASES ADDITIONS	
The Exterior	
North Façade (1941)	A (Exceptional)
South Façade Wharf 1941	B (High)
East Façade 1990	C (Moderate)
West Façade 1990	C (Moderate)

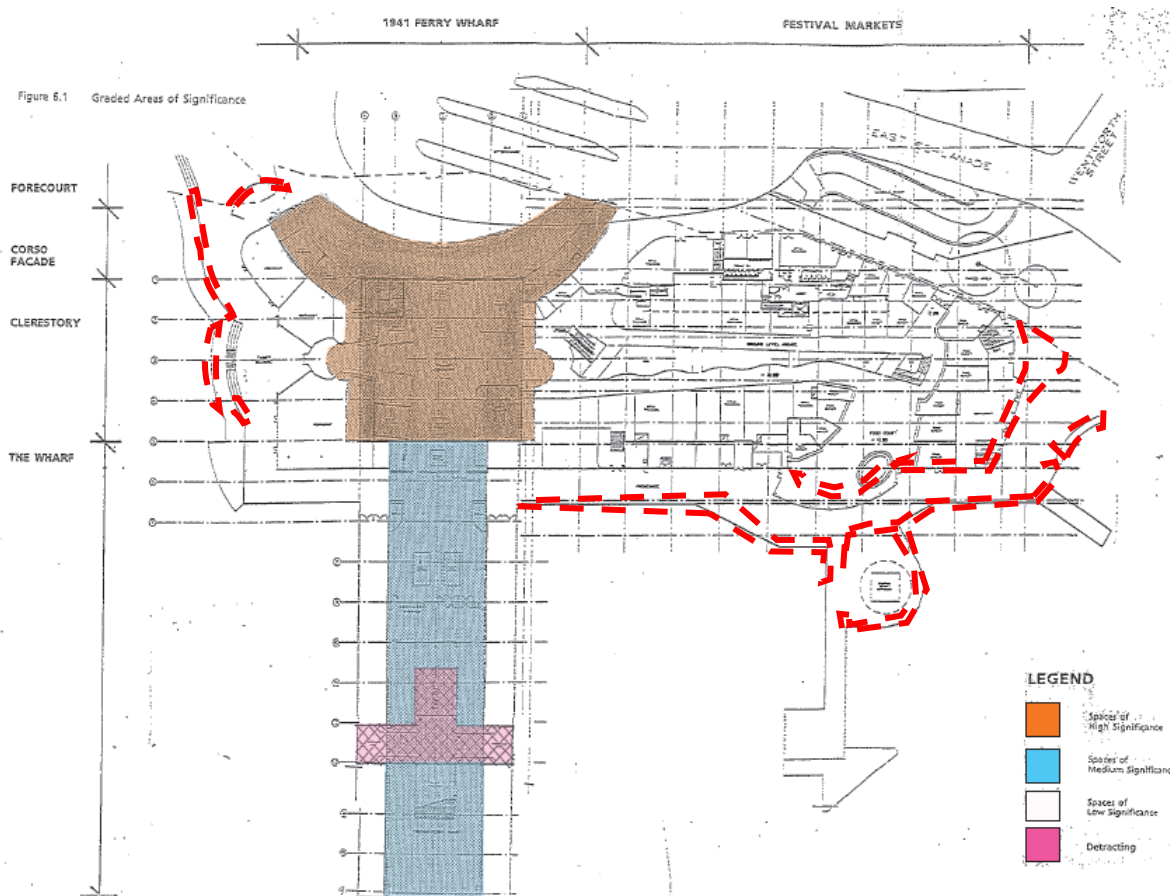


Figure 23: Graded Areas of Significance Map, with overlay of general area of the current proposed scope of work areas (red). The significant areas are associated with the 1941 ferry wharf, with the 1990 retail wing identified as not having significance so are the western modified parts of the promenade.

5. HERITAGE IMPACT ASSESSMENT

Due to the known heritage values of the subject site, the proposal is subject to the following heritage provisions contained within the *Heritage Act NSW 1977*, the *Environmental Planning and Assessment Act 1979*, the *Manly LEP 2013* and the *Manly DCP 2013*. They are also subject to the clauses of the *SEPP (Biodiversity and Conservation) 2021*, as well as the policies laid out in the *Manly Ferry Wharf Conservation Management Plan*, prepared by Architectural Projects in October 2016.

5.1. Environmental Planning and Assessment Act 1979 and Heritage Act NSW 1977

Under Section 4.46 of the *EP&A Act*, integrated development is defined as development (other than state significant or complying development) that requires development consent as well as approval under the *Heritage Act 1977* in respect of the doing or carrying out of an act referred to in section 57(1) of the Act.

57 Effect of interim heritage orders and listing on State Heritage Register

(1) When an interim heritage order or listing on the State Heritage Register applies to a place, building, work, relic, moveable object, precinct, or land, a person must not do any of the following things except in pursuance of an approval granted by the approval body under Subdivision 1 of Division 3-

...

(e) carry out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct

(f) alter the building, work, relic or moveable object

As the proposal involves the additions and alterations to the Manly Wharf State heritage item, the proposal requires approval under Section 57(1)(f) of the *Heritage Act 1977*, and development consent under the *EP&A Act 1979*, thus it is treated as an integrated development.

5.2. Manly Local Environmental Plan 2013

Only the relevant subsections of the *Manly LEP 2013* have been extracted below.

5.10 - Heritage Conservation

(2) Requirement for consent

Development consent is required for any of the following-

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)-

(i) a heritage item

...

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item

(3) When consent not required

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

(a) the applicant has notified the consent authority that the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development-

5.10 - Heritage Conservation

- (i) is of a minor nature or is for the maintenance of the heritage item..., and
- (ii) would not adversely affect the heritage significance of the heritage item...

(4) Effect of proposed development on heritage significance

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

(5) Heritage assessment

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

- (a) on land on which a heritage item is located
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

Require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site other than land listed on the State Heritage Register...)-

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

Discussion:

As per Section 5.10(4) and 5.10(5), Northern Beaches Council require a heritage management document to be prepared to assess the proposed development against the heritage significance of the 'Manly Wharf' and 'Wharf (Former Fun Pier)' heritage items (item I145 and I146 respectively). As per the Dictionary for the *Manly LEP* 2013, a heritage management document is defined as:

- (a) a heritage conservation management plan,
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of significance or heritage conservation area.

This SOHI (formerly known as a heritage impact statement) has been prepared to address this subclause, with this SOHI finding that the works have little to no impacts on the heritage significance of both heritage items. This is expanded upon below in within Section 5.3 and 5.5.

In terms of the *LEP* provisions concerning archaeology, Sections 3.4.1 and 3.4.2 of the *Many Ferry Wharf CMP* found:

Given the history of site disturbance from the Interwar period, the site is unlikely to reveal archaeological / Aboriginal remains.

Further, a basic search of the AHIMS database found zero (0) registered Aboriginal sites of heritage significance located within the curtilage of Lot 1 DP 1170245, nor any Aboriginal sites within a 200-metre buffer of the subject site (Figure 24).

None of the proposed works involve penetration of the subsurface beneath the basement level. As such, there are no assessed impacts to archaeology in the proposal.



Figure 24: Basic search of the AHIMS database indicates zero (0) registered Aboriginal sites within the subject site, nor within a 200-metre buffer around the subject site.

5.3. Manly Development Control Plan 2013

Only relevant controls concerning heritage from the *Manly DCP 2013* have been extracted below.

3.2.1 Heritage Consideration

3.2.1 Consideration of Heritage Significance

LEP Clause 5.10(4) requires that Council consider the effect of the proposed development on the heritage significance of a heritage item or heritage conservation area. LEP Clause 5.10(5)(c) further requires that the development of land in the vicinity of Heritage Items or Conservation Areas may require further assessment into the effect on the heritage significance of the item/area.

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

- (a) In addition to ... LEP Schedule 5, this DCP requires that consideration of the effect on heritage significance for any development in the vicinity of a heritage item or conservation area.
- (b) Proposed development in the vicinity of a heritage item... must ensure that:
 - (i) it does not detract or significantly alter the heritage significance of any heritage items...;
 - (ii) the heritage values or character of the locality are retained or enhanced; and

3.2.1 Heritage Consideration

- (iii) *any contemporary response may not necessarily seek to replicate heritage details or character of heritage buildings in the vicinity, but must preserve heritage significance and integrity with complementary and respectful building form, proportions, scale, style, materials, colours and finishes and building/street alignments*
- (c) *The impact on the setting of a heritage item or conservation area is to be minimised by:*
 - (i) *providing an adequate area around the building to allow interpretation of the heritage item;*
 - (ii) *retaining original or significant landscaping (including plantings with direct links or association with the heritage item)*
 - (iii) *protecting (where possible) and allowing the interpretation of any archaeological features; and*
 - (iv) *retaining and respecting significant views to and from the heritage item*

3.2.2 Alterations or Additions to Heritage Items or Conservation Areas

3.2.2.1 Complementary Form and Scale that Distinguishes Heritage Significance

- (a) *Alterations or additions to heritage items... will not necessarily seek to replicate, overwhelm, dominate or challenge heritage details of the building or structure of heritage significant buildings. However, a contemporary response which complements and respects the form and scale of the original buildings may be considered if the heritage significance is retained.*

3.2.2.2 Retaining Significant Features and Landscape Setting

Note: *Significant features in relation to this paragraph include roofs, detailing, brickwork, colours and original windows (size, proportion and type)*

Alterations or additions to heritage items... must:

- (a) *retain original and traditional roof form, roof pitch with any alterations to the roofs to be sympathetic to the style of the heritage item...;*
- (b) *retain original architectural detailing such as barge board, finial trim, window awnings and front verandas. New detailing must be complementary to the character of the item or place;*
- (c) *retain original wall treatments and original cladding...*
- (d) *not render or paint original face brickwork...*
- (e) *where surfaces are not originally face brickwork:*
 - (i) *any appropriate use of cement render is complementary to and consistent with the heritage architectural style and colour schemes and repainting must be articulated in the same manner as the original colour rendering of the building;*
 - (ii) *external colour schemes are to be in keeping with the original character of the heritage building based where possible on physical or documentary evidence in keeping with the architectural style and period of the building;*
 - (iii) *contemporary colours are not discouraged, but should be combined in a complimentary way; and*
 - (iv) *single colour sections are not permitted.*
- (f) *avoid removal of original fabric in order to retain the integrity of the heritage item...*

Discussion:

Control 3.2.1 - Heritage Significance

The section of the Manly Wharf where the works are proposed is not assessed as having significance as per the Schedule of Significant Fabric table in the 2016 *CMP* (extracted at Table 3). This is because

the majority of the works are within the retail wing which was added to the Manly Wharf in the early 1990s as part of an upgrade to the site. As a result, the existing Manly Wharf Hotel and the southern and eastern wharf promenade is not assessed as having heritage significance, thus the works to replace the existing balustrade, extend the existing deck and install new pizza ovens are all minor alterations which are not deemed as impactful to the heritage significance to either heritage item ('Manly Wharf' and 'Wharf (Former Fun Pier)'). Likewise, the western promenade where some of the works are situated was established by 1951, however this promenade has been modified overtime to accommodate various tenancies. The balustrades themselves are not assessed as having any heritage significance, and thus their replacement in the same manner as the existing glass balustrades at the front of the Hugos is acceptable.

The proposed works do not seek to replicate, overwhelm or dominate the Manly Wharf (item I145) or former Fun Pier (item I146) heritage items, nor do they propose to alter any significant features or elements of the wharf. The works instead seek to tidy and simplify the southern façade of the eastern retail wing of Manly Wharf, which will improve the overall setting and appearance of the southern elevation of the wharf through a contemporary balustrade design. This retractable glazed balustrade complements the form and scale of the original wharf and the former fun pier, which in turn means that the works do not diminish or impact on the heritage significance of either heritage item.

The proposed glazed balustrade along the wharf promenade and Manly Wharf Hotel will also bring about a uniform appearance across the entire southern elevation of the wharf. This is because the proposed balustrade reproduces the recently approved glazed balustrade at Hugos Manly restaurant on the south-western side of the wharf. By extending this balustrade across the eastern and western sides of the wharf, the heritage significance of the wharf will be respected and enhanced by establishing a uniform balustrade across both flanks of the wharf.

The extension of the deck of the Manly Wharf Hotel and the installation of new pizza ovens within the kitchen area of the hotel will equally have no impact on the significance of items I145 and I146. This is because they do not alter significant fabric of either heritage item, nor do they obstruct significant views or diminish the setting and character of the original wharf.

Control 3.2.2 - Heritage Items in the Vicinity

The works to install new pizza ovens within the existing Manly Wharf Hotel tenancy is an internal alteration that will have no impact on any heritage items in the vicinity of the site as these new pizza ovens will not be visible from outside the hotel, which is part of the Manly Wharf that has been ranked as being of *Little* significance.

The works to extend the deck and introduce a new glazed balustrade will also have no impact on the heritage items in the vicinity of the site. The heritage items in the vicinity of the eastern side of the subject site include the commercial and residential buildings at 50 East Esplanade (item I152), 53 East Esplanade (item I153), the Manly Rowing, Sailing, Yacht and Launch Club buildings within Lot 7011 DP 1074608 (item I142), the stone kerbs on East Esplanade (item I2) and the park / reserve on East Esplanade (item I143). All of these heritage items have no direct sightlines to the area where the works are proposed, primarily because of the mature trees aligning East Esplanade that obstruct views of the Manly Wharf Hotel (these trees are visible in Figure 13). As the Manly Wharf Hotel is obstructed, and as this area of the wharf does not block significant views of the Manly Wharf heritage item (I145) or former fun pier (item I146), the proposal has no impact on heritage items in the vicinity.

The heritage items near the western side of the wharf include the 'Park' at West Esplanade (item I251) and the 'Governor Phillip Monument' within West Esplanade Reserve (item I248). These have direct sightlines to the proposed balustrades as these heritage items border the western side of the wharf. Despite these sightlines, the proposed introduction of a glazed and retractable balustrade will have no impacts on these heritage items in the vicinity as the balustrade is visually permeable and will not visually overwhelm or dominate these heritage items.

The works will ultimately enhance the non-significant area of the Manly Wharf with a contemporary fitout and additions that will not be detracting or impacting to any heritage items in the vicinity. It is also noted that the proposed works would be visually obscured from the south by the potential upgrade of Manly Wharf 3, as per the plans publicly exhibited by Transport for NSW (TfNSW) (Figure 25).

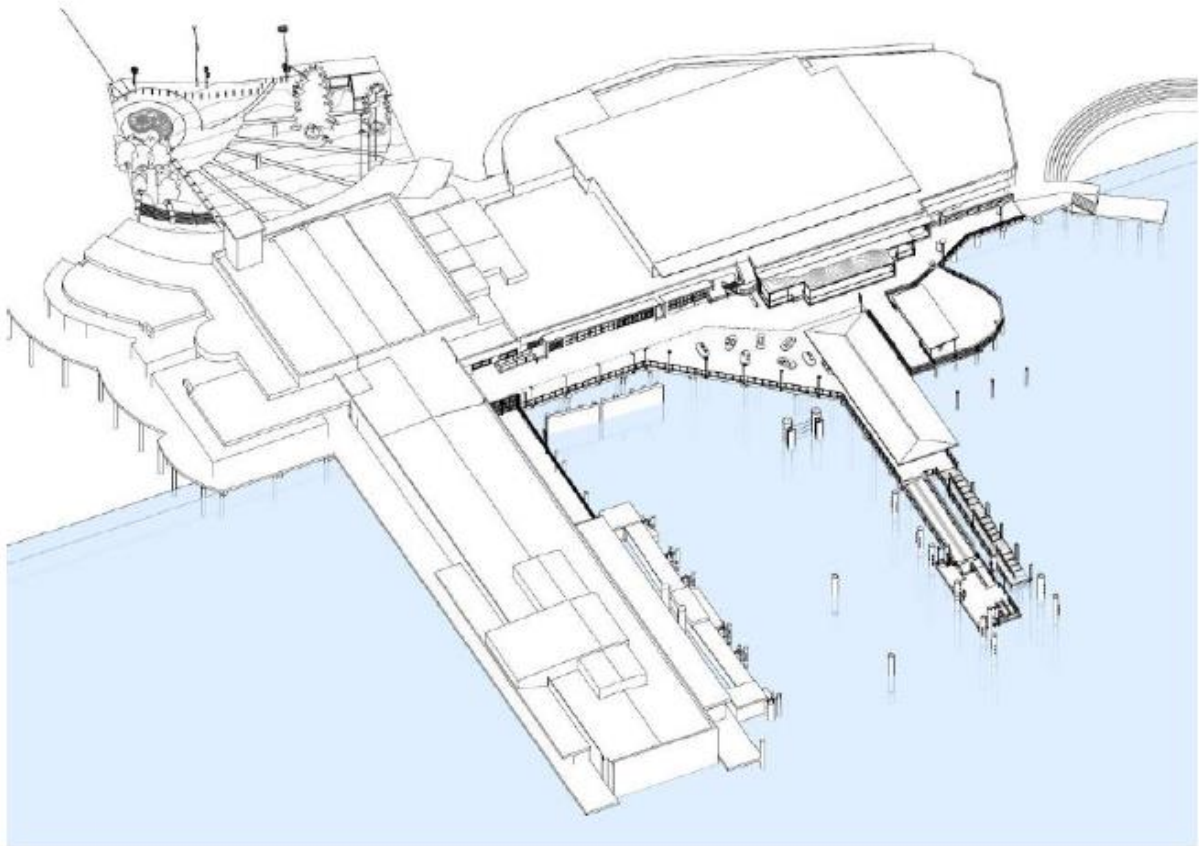


Figure 3.3 View of proposal from above

Figure 25: Figure showing the proposed upgrade to Manly Wharf 3, which would obscure views of the new works from the south.
 Source: Transport for NSW, Manly Wharf 3 Upgrade - Review of Environmental Factors, November 2022 (p. 28).

5.4. State Environmental Planning Policy (Biodiversity and Conservation) 2021

As Manly Wharf is listed as a heritage item under the *SEPP (Biodiversity and Conservation) 2021*, the following heritage provisions have been extracted from this *SEPP* and utilised in the assessment of the proposal.

6.52 Heritage development

In this part – heritage development means development that involves one or more of the following-

- (a) *demolishing or moving, or altering the exterior, including by changing the detail, fabric, finish or appearance of a building, of-*
 - (i) *a heritage item, or*
 - (ii) *...*
 - (iii) *a building, work, relic or tree within a place or site that is a heritage item.*
- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*

6.52 Heritage development

- (d) ...
- (e) ...
- (f) *development near a heritage item, including development that-*
 - (i) *may have an impact on the setting of the heritage item, including by affecting a significance view to or from the item or by overshadowing, or*
 - (ii) *may undermine or otherwise cause physical damaged to the heritage item, or*
 - (iii) *will otherwise have an adverse impact on the heritage significance of the heritage item.*

6.53 Requirement for development consent

(1) Heritage development may be carried out only with development consent.

(3) The consent authority may, before work is carried out, give written notice to an applicant for development consent for heritage development that development consent is not required if the consent authority is satisfied the development-

- (a) *is of a minor nature, or is for the maintenance of-*
 - (i) *a heritage item, or*
 - (ii) *a building, work, relic, tree or place on a site that is a heritage item, or*
 - (iii) *an Aboriginal object, or*
 - (iv) *an archaeological site, and*
- (b) *will not adversely affect the heritage significance of the item, object or site.*

(4) In deciding whether to grant development consent to heritage development, the consent must consider the effect of the development on the heritage significance of the item, object or site.

(5) In considering the effect of heritage development under subsection (4), the consent authority must consider the following-

- (a) *the heritage significance of the item, object or site as part of the environmental heritage of the land to which this Part applies,*
- (b) *the impact of the development on the heritage significance of the item, object or site and its setting, including landscape or horticultural features,*
- (c) *the measures proposed to conserve the heritage significance of the item, object or site and its setting,*
- (d) *whether an archaeological site will be adversely affected by the development,*
- (e) *the extent to which the development will affect the form of historic subdivisions,*
- (f) *other matters the consent authority considered relevant.*

6.54 Aboriginal places of heritage significance

(1) This section applies to heritage development that is-

- (a) *is an Aboriginal place of heritage significance, or*
- (b) *likely to have an impact on an Aboriginal place of heritage significance.*

6.55 Archaeological sites

(1) Development consent must not be granted to heritage development that is on an archaeological site unless the consent authority has

- (a) notified the Heritage Council of the heritage development, and*
- (b) considered any submissions made by the Heritage Council within 28 days after the notice is given.*

(2) This section does not apply to land-

- (a) listed on the State Heritage Register under the Heritage Act 1977, or*
- (b) to which an interim heritage order under the Heritage Act 1977 applies.*

6.57 Conservation Incentives

(1) This section applies to development that-

- (a) involves a building that is a heritage item,*

(2) Development consent may be granted to the development to which this section applies, even if the development would otherwise be prohibited under this Chapter, if the consent authority is satisfied of the following-

- (a) the conservation of the heritage item or Aboriginal place of heritage significance will be facilitated by the granting of development consent,*
- (b) if a heritage management document or other document approved by the consent authority contains guidelines for the ongoing management and conservation of, or proposals to minimise the impact of development on, the heritage item or Aboriginal place of heritage significance – the development will be consistent with the guidelines or proposals,*
- (c) the development will not adversely affect the heritage significance of-*
 - (v) the heritage item, including its setting, ...*
- (d) the development will not have a significance adverse effect on the amenity of the surrounding area.*

Discussion:

No demolition of the Manly Wharf heritage item is proposed in the current works. Only non-significant elements of the site, including the existing balustrade for the Manly Wharf Hotel and wharf promenade, are proposed to be removed and replaced by a sympathetic alternative (retractable glazed balustrade similar to those in existence around the Hugo's Manly side of the wharf).

Both the Manly Wharf Hotel space and the wharf promenade (eastern and western) are considered non-significant elements of the heritage item. The alterations of these elements will have no impact on the significance of the Manly Wharf and Former Fun Pier heritage items, including on these items' setting or significant views. The existing metal and timber balustrades are not considered significant features of the wharf and thus their replacement with a glazed balustrade that matches the recently approved and installed glazed balustrade at Hugos Manly will introduce a consistent appearance across the southern façade of the wharf.

The proposed installation of the pizza ovens is an internal within the retail wing of the wharf. The siting of this work within a non-significant area means that there will be no impacts on the setting, amenity, character or aesthetic values of the Manly Wharf heritage item.

The extension of the deck to accommodate the new kids play area will also not have any visual impact on the setting or character of the Manly Wharf heritage item. The siting of this new play area on the eastern side of the retail wing where there are no direct sightlines towards the significant spaces of the

wharf (like the clerestory or Corso façade) means that this area will have no discernible impact on the heritage item.

The works are subject to the approval of the Northern Beaches Council through the integrated development application process. This SOHI has been prepared to assist the Council in understanding the potential heritage impact of the works, which this SOHI has identified there will be minimal to no impacts to the established heritage significance of Manly Wharf.

As identified previously, the subject site does not have any identified Aboriginal heritage values or archaeological potential (Figure 24). As the works will not involve any ground disturbance (being a ground floor fitout and some external works), there will be no impacts to any potential archaeology beneath the site. It is noted that the Manly Wharf 2016 *CMP* does not identify any archaeological sites or archaeological potential.

The proposal is consistent with the conservation management policies produced for Manly Wharf as part of the *Manly Ferry Wharf Conservation Management Plan*, 2016, as discussed below.

5.5. Relevant Conservation Management Plan Policies

The proposed works are entirely focused within the contemporary 1990 eastern retail wing of the wharf and not the original wharf structure. As a result, only policies within the 2016 *Manly Wharf CMP* relevant to this proposal have been extracted and considered.

7.1 GUIDELINES FOR DEVELOPMENT

7.1.1 Guidelines for Development

The retail extension to the 1941 Manly Ferry Wharf should be modified to create visually separate parts and provide different architectural character. This would reduce the scale of the development and the uninterrupted horizontality of the present extensions.

New development should encourage mixed use and active street level uses at street level.

New development should locate non active uses above street level e.g. upper floor or below street level e.g. parking.

Facades should not be cluttered but simple and streamlined so as not to detract from 1941 wharf structure.

Large extent of curtain wall and mirror glass should be avoided or set back to avoid reflection.

Colours should be predominantly light.

Existing public access to the waterside internally and externally should not be reduced by any new work.

The continual Avenue of Norfolk Pines linked to original Gilbert Smith planting should be reinforced.

A sophisticated building volume which responds to the urban design controls should be developed for the site.

Scope exists for a building volume above the 10.5 limit if the volume was significantly smaller and setback from the existing building edge so that it would not be visible at close views and would merge with horizontals at distant views.

Discussion

Most of the proposed works are entirely located within the retail extension to Manly Wharf, which is a contemporary 1990 addition to the heritage item. The installation of the new pizza ovens is an internal alteration within the Manly Wharf Hotel tenancy, whilst the new glazed balustrade along the Manly Wharf Hotel deck and wharf promenade are all located away from the significant areas and spaces of the wharf. These works simplify the southern and eastern façades of the retail wing by introducing a glazed balustrade that matches the recently installed glazed balustrade at Hugos Manly. This is in keeping with the *CMP* guidelines for Manly Wharf whilst improving the setting of the heritage item.

The balustrades on the western side of the wharf promenade, which are proposed for replacement, are also located in a non-significant area and the proposal is for altering non-significant fabric. Because of this, the works are considered acceptable as they will improve the visual setting of the wharf without compromising its significant spaces while providing weather protection to the outdoor seating of the tenancies along the promenade.

The continual avenue of mature Norfolk Pines to the north of the wharf will be maintained and reinforced, with no alterations to these significant trees. The introduction of the pygmy date trees within the new play area will not visually disrupt or overwhelm the existing mature Norfolk pine trees along East Esplanade.

The proposal involves the extension of the deck into the eastern entry to the wharf promenade, however it maintains a 4205mm clearing at the entry, meaning that access to the wharf is not drastically reduced or impacted. The extension of the deck overall improves the usage of the site as it includes a new kids play area that will activate and engage patrons at the Manly Wharf Hotel that can make use of the space. The proposed 4205mm clearing will still provide sufficient access to and from the waterside of the wharf, meaning that visitors to the wharf can still view and appreciate the original elements of the Manly Wharf heritage item.

7.3 REQUIRED APPROVALS FOR STATE HERITAGE ITEMS

7.3 Policy - Approval

Before doing work to any part of the building or lodging a development application or a Section 60 application, the proponent should liaise with heritage architect from the relevant authority.

7.3.2 Policy - Archaeology Approval

A Section 60 application for an archaeological investigation is required prior to any excavation.

Discussion

The works are considered by a built heritage specialist to be of a minor nature due to not impacting on heritage fabric or the heritage item's significant views or setting. As such, they have not been raised with Northern Beaches Council prior to submission of the DA.

7.4 CONSERVATION OF BUILDING FABRIC

7.4.1 Policy - Fabric Conservation

No significant item identified in this plan should be despoiled and/or removed from the building prior to understanding the significance of the item and its contribution to the significance of the place.

The grading of significance of the various elements of the building is a valuable planning tool, and it assists in developing a consistent approach to the treatment of different elements. The various grades of significance generate different requirements for retention and conservation of individual spaces and their various elements.

Surviving building fabric nominated in this document as being of high significance shall be retained and conserved and shall only be considered for removal or alteration where there is no appropriate alternative. Any work which affects the building fabric or spatial arrangement graded in this category should be confined to preservation, restoration or reconstruction, as defined by the Burra Charter.

Where fabric of high significance is removed or altered a thorough recording of the original form and detail should be made. Removed items should be catalogued and stored safely for possible future reinstatement.

Fabric of moderate significance should generally be retained. Adaptation or alteration may be acceptable if assessed and appropriate within framework that protects the significance of the whole

7.4 CONSERVATION OF BUILDING FABRIC

place. Surviving building fabric nominated in this conservation plan as being of little significance can be either retained or removed if required as either option does not intrude on the significance of the building.

The building should exemplify and reflect the principal period of its development from the key period of significance.

Significant fabric should be preserved. The existing building, in particular, the significant façades and building elements, should be retained.

This includes the following building elements:

The Welcoming Arms – fascia ceiling, and bulkhead,

The remnant curved sections,

The original wharf loading,

The high volume clerestory space.

7.4.2 Policy - Significance

Fabric identified in Section 5.10 having exceptional significance (A) must be retained and conserved.

Fabric identified in Section 5.10 as having high significance (B) should be retained, conserved and/or preserved where possible.

Fabric identified in Section 5.10 as having moderate significance (C) – retention and preservation is desirable but not essential.

Fabric identified in Section 5.10 as having little significance (D) may be retained or removed as required subject to practical considerations.

Fabric identified in Section 5.10 as intrusive elements (E) should be removed or modified to a less intrusive form, wherever the opportunity arises.

7.4.4 Policy - Finishes

It is desirable that finishes never intended for painting should continue to be appropriately maintained. Investigation should be undertaken to establish whether the removal of later paint finishes is possible. Surfaces intended for painting should continue to be painted in appropriate colours. Contemporary descriptions identify the original colours. Paint scraping should occur to confirm the original colours.

Discussion

The wharf promenade and retail wing of the Manly Wharf was identified in the CMP Grading of Significance table (Table 3) as having moderate significance ('C'), with service areas within this area identified as having moderate - little significance ('C' and 'D'). As a result, alterations to these areas of the wharf are acceptable if assessed as not having an adverse impact on the significance of the site as a whole.

The proposal is assessed as having little to no impact to the heritage significance of Manly Wharf due to it primarily being situated within non-significant areas of the wharf. The external works to simplify the southern, western and eastern façade of the wharf by introducing a glazed balustrade similar to that existing at Hugos Manly is considered acceptable from a heritage perspective as it does not impact on any significant elements or views of the original Manly Wharf. Instead, it establishes a more uniform appearance across all elevations of the wharf, which improves the setting and amenity of the heritage item.

The proposed deck extension with new kids play area and the new pizza ovens within the Manly Wharf Hotel will similarly have little to no impact on the heritage significance of the Manly Wharf (item I145) due to its siting away from the significant spaces and elements of the heritage item.

7.7 INTEGRATION OF SERVICES

7.7.2 Policy - Installation of Services

The extension or alteration of existing services in the building is acceptable in the context of re-use, but should not have a detrimental impact on the significance of the building components as a whole.

Discussion

The installation of the new pizza ovens within Manly Wharf Hotel will utilise existing roof penetrations and services. These services are located in the non-significant retail wing of the wharf (1990 addition) and thus the alteration of these services to accommodate the new pizza ovens will have no impact on the significant features, spaces or fabric of the original wharf.

7.8 SETTING URBAN DESIGN

7.8.1 Policy - Urban Design

The architectural impact of the building derives from its form, facades and landmark quality. Key views of the building available from Manly Cove should be preserved. No further additions should occur to the footprint of Manly Ferry Wharf.

Given the building's location with a backdrop of higher buildings scope exists for some addition to the 1990 building in line with previous council approvals.

7.8.2 Policy - Detracting External Additions

Any new work should reduce the impact of detracting external additions. New development should be controlled so as not to detract from the significance of the place. Therefore additions to the building should be located away from and be visually separated from The Welcoming Arms.

Discussion

The proposed works do not diminish or overwhelm any significant views of Manly Wharf from Manly Cove, nor any views from East and West Esplanade. This is because the works are physically and visually located away from the significant Welcoming Arms and Clerestory areas of the wharf. The alteration of the balustrades on the western side of the wharf will not impact on the landmark qualities or key views of the wharf.

The extension of the Manly Wharf Hotel deck does extend the building footprint of Manly Wharf as it is outside the tenancy. Regardless, the extension of the deck would be in line with the general alterations and additions that have been made to the Manly Wharf Hotel since its fitout in 2002 as per the development applications and construction certificates lodged with Northern Beaches Council (see Table 2).

7.9 EXTERIOR

7.9.1 Policy - Exterior Appearance

The overall 1941 building form should be preserved. All remaining intact fabric on significant facades, as identified in Section 5.10, should be retained and conserved. The existing form, external surfaces, materials and finishes of the façade should be preserved. It is desirable that 1941 door and window openings should be enlarged to a consistent size and maintain retention of the weather board. No new work should compromise the original significant facades.

7.9 EXTERIOR

7.9.2 Policy - Façade Modification

It is desirable that where it is necessary to modify the façade, changes to the facade should reinforce the composition of the original facade.

7.9.3 Policy - Façade Additions

Additions of little significance that detract from an appreciation of the original building detail as identified in Section 5.10 should be removed. Scope exists to modify the 1990's alterations particularly if they allow a better appreciation of the original building.

7.9.4 Policy - Façade Changes

The interpretation of the building would benefit by a better understanding of the original construction phase of the 1941 wharf and 1990 additions as modified in 2007.

Discussion

The original 1941 section of the wharf is to be retained in its entirety, with the works confined to non-significant areas of the wharf (the contemporary 1990 retail addition and modified western wharf promenade). The façades of the western, southern and eastern elevations of wharf would improve with the introduction of a glazed and retractable balustrade that matches that which has recently been installed at Hugos Manly (see Figure 7). This façade modification will improve the setting of the wharf by providing a consistent balustrade across the entire wharf promenade, as seen in Figure 5.

The introduction of the play area to the wharf on the extended Manly Wharf Hotel deck would also improve the façade through the introduction of new pygmy plantings and a boat decoration. This would generate visual interest in this eastern section of the wharf, though this visual interest will not detract or overwhelm the significant spaces of the wharf as they are sufficiently distanced with no direct sightlines.

7.10 INTERIOR

7.10.1 Policy - Interior Elements

Generally, the retention of the following elements and finishes described in Section 5.10 is desirable.

7.10.2 Policy - Interior Spaces

The spatial qualities of the building is large volume space contributing to its significance and interpretation and therefore should be conserved, as part of the on-going use, on-going management and any future development strategy.

7.10.3 Policy - Impact on Façade

Internal work should not compromise the significant 1941 facades of the buildings.

7.10.4 Policy - Low Integrity Interiors

As the interiors of the building have been extensively modified with numerous further modification could occur to the interior fitout. The character defined by the original interiors that create the high spatial quality of the clerestory should be preserved.

Discussion

The only internal work with this proposal is the installation of the new pizza ovens within the existing kitchen area. Though this area is not a significant space (as per the CMP gradings map at Figure 23), attention has been made to ensure the new pizza ovens utilise existing penetrations to the roof so as to limit its impact on fabric within the space. The pizza ovens can also be removed at any time, making it

an internal addition that can be reversed in the future should it no longer be required without impacting the fabric or space.

No alterations are proposed to the significant spaces of the wharf that are associated with its original construction in 1941.

7.11 TENANCY FITOUT GUIDELINES

7.11.1 Policy - Tenancy Fitout

All tenants of the building should be made aware of the cultural significance of the item.

Tenancies should only be selected on the basis that the proposed or future uses are compatible with the significance, and the sensitive fabric and spaces, and can be installed and removed without impact.

Background

To prevent the gradual loss of cultural significance through incremental change, a mechanism for controlling any modifications undertaken by tenants to the significant fabric needs to be established.

Guidelines

Tenants shall adopt the guidelines of this Conservation Management Policies in their planning and design.

The impact of proposed modifications to significant fabric should be adequately assessed, prior to the granting of owner's consent.

7.11.2 Policy - Incremental Changes

All incremental changes should be seen as an opportunity to recover the original significance.

Discussion

The proposal does not result in a change of tenancy, instead it improves the existing tenancy of the Manly Wharf Hotel by introducing new pizza ovens to serve customers, extending the existing deck to incorporate a new kid-friendly play area, and installing a glazed balustrade that provides visitors, staff and equipment protection from the elements.

7.12 SIGNAGE AND EXTERNAL LIGHTING

7.12.1 Policy - Original Signage

The existing original signage should be retained.

7.12.2 Policy – Additional Signage

Investigations should occur to uncover evidence of any earlier signage.

7.12.3 Policy – Signage and External Lighting

Signs and external lighting must be consistent with the relevant signage and lighting policies of the Manly Ferry Wharf.

7.12.4 Policy – Co-ordinated Signage

Coordinated signage should be designed for the building that complements the appearance of original fabric and the overall character of the place and is sufficiently flexible to allow for changes in occupancy.

Discussion

Not applicable - the proposal does not alter, remove or impact any original signs of Manly Wharf, with no new business identification signage proposed for the Maly Wharf Hotel.

7.14 FUTURE USE

7.14.1 Policy - Future Use

The future use of the building should be compatible with its conservation and ideally remain as wharf with some retail activity.

The policies set out in this document should be applied irrespective of the uses that occupy the building.

7.14.2 Policy - Incremental Changes of Use

Proposed changes of use to any part of the building should only be considered in the context of a coordinated plan for the whole building.

Discussion

Not applicable - the proposal does not propose a change of use for the wharf, with the existing use of the hotel improved with the proposed alterations and additions.

7.15 ARCHAEOLOGY MONITORING

7.15.1 Policy - Archaeology Permit

In accordance with the Heritage Act 1977, any excavation where relics may be disturbed, requires an excavation permit.

7.15.2 Policy - Archaeology

All work involving excavation areas of a site that has archaeological potential should be carried out under archaeological supervision by a qualified archaeologist.

7.15.3 Policy - Archaeology

Based on the significance of the site it is the recommendation of the Conservation Management Plan that any ground disturbance on the property in the future be subject to further archaeological monitoring.

Discussion

Not applicable - the proposal does not involve any archaeological disturbance as all the proposed alterations and additions are above the ground surface.

5.6. NSW Department of Planning and Environment Guidelines

The following questions to be answered have been extracted from the NSW Department of Planning and Environment's, *Guidelines for Preparing a Statement of Heritage Impact, 2023*. Responses have been provided in relation to the proposed development.

5.6.1. General considerations when preparing a statement of heritage impact

General considerations	This proposal relates to these matters as follows:
Section 1 - The Heritage Item	
1.1 Site description <ul style="list-style-type: none"> Is the location of the proposed works area clearly identified? 	<ul style="list-style-type: none"> The subject site where the works are proposed are clearly identified in the architectural plans produced by Little Boat Projects. These drawings are identified at <i>Section 2.5 Proposal</i>.
Section 2 - Significance Assessment	
2.1 Statement of significance <ul style="list-style-type: none"> Is the significance of the heritage item well documented and understood? Have all the criteria of the heritage item's significance been considered? 	<ul style="list-style-type: none"> The significance of the site is well understood, with the statement of significance for the Manly Wharf heritage item extracted from both the SHR and the CMP produced for the site. These are extracted at <i>Section 5</i> of this SOHI.
Section 3 - Proposed Works	
3.1 The proposal <ul style="list-style-type: none"> Is there enough information available about the proposed works to determine how they may impact the heritage item and its significance? 	<ul style="list-style-type: none"> The proposed works, as identified at <i>Section 2.5</i> of this SOHI, make clear the alterations and additions to be made to the Manly Wharf heritage item. There is enough information available to sufficiently assess the heritage impact of the proposed works.
3.2 Background <ul style="list-style-type: none"> Will the proposed works be the best conservation solution for the heritage item? Will the works promote the ongoing use and upkeep of the item? 	<ul style="list-style-type: none"> The proposed works are considered beneficial to the heritage item as they: <ul style="list-style-type: none"> Improve the existing Manly Wharf by installing new pizza ovens, new balustrade and new kids play area within an extended deck of the Manly Wharf Hotel Do not alter or modify any significant fabric of the Manly Wharf Are not located in any significant spaces / areas of the Manly Wharf (as per the 2016 CMP gradings map at Figure 23) Do not interfere with any significant views to and from the significant spaces of the Manly Wharf.
Section 4 - Heritage Impact Assessment	
4.1 Matters for consideration <ul style="list-style-type: none"> Do the proposed works include removal of unsympathetic alterations and additions? How does this benefit or impact the heritage item and its significance? 	<ul style="list-style-type: none"> The proposed works seek to alter the existing non-significant balustrade that aligns the wharf promenade (metal) and the Manly Wharf Hotel (timber) with a contemporary glazed balustrade. Though the existing balustrades are not considered intrusive, the proposal will ultimately benefit the Manly Wharf heritage item by introducing a consistent balustrade across the southern and western extent of the wharf that will match that which has recently been approved and installed at the Hugos Manly restaurant.

General considerations	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated? 	<ul style="list-style-type: none"> The significant views and vistas of the heritage item 'Manly Wharf' are not impacted by the proposed works as they are located within non-significant spaces of the wharf. The alteration of the western, southern and eastern elevation with a new glazed balustrade will not detract or obstruct any significant views from the water towards the wharf, particularly as these works are located within the non-significant area of the site and away from the key approach of the Circular Quay ferry. As the balustrade is glazed, views of the non-significant areas of the wharf's southern façade can still be appreciated from the waterside.
<ul style="list-style-type: none"> Are the proposed works part of a broader scope of works? Does this proposal relate to any previous or future works? If so, what cumulative impact (positive and/or adverse) will these works have on the heritage significance of the item? 	<ul style="list-style-type: none"> TfNSW are currently proposing to undertake significant upgrade works at Manly Wharf No. 3 (south of the subject site where the works are proposed). According to the Review of Environmental Factors report published by TfNSW in November 2022, these works consider introducing a wider southern wharf promenade which will be fitted with canopies and small structures (Figure 25). Should this design be implemented, this would ultimately mean that the subject proposed works (like the new balustrade along the Manly Wharf Hotel) will be physically obstructed when viewed from the south, meaning there is even lesser impact to the setting and amenity of site.
<ul style="list-style-type: none"> Are the proposed works to a heritage item that is also significant for its Aboriginal cultural heritage values? If so, have experts in Aboriginal cultural heritage been consulted? Has the applicant checked if any other approvals or a separate process to evaluate the potential for impacts is required? 	<ul style="list-style-type: none"> There are no Aboriginal sites of heritage significance identified within the site or within a 200-metre buffer, as per the results of a basic AHIMS search of Lot 1 DP 1170245. Further, the CMP prepared for Manly Ferry Wharf in 2016 identified at section 3.4.2: "Given the history of site disturbance from the Interwar period, the site is unlikely to reveal aboriginal remains." As such, there are no identified Aboriginal cultural heritage values attached to the site. None of the alterations and additions to the site as part of these works involve the penetration of the ground surface, thus there is no impact on any potential Aboriginal heritage values.
<ul style="list-style-type: none"> Do the proposed works trigger a change of use classification under the National construction code that may result in prescriptive building requirements? If so, have options that avoid impact on the heritage values been investigated? 	<ul style="list-style-type: none"> Not applicable - no change of use proposed for the site in this proposal.
<ul style="list-style-type: none"> If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered? 	<ul style="list-style-type: none"> The controls of the <i>Manly DCP</i> 2013 have been extracted and considered above at <i>Section 6.3</i> of this SOHI.

General considerations	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> Will the proposed works result in adverse heritage impact? If so, how will this be avoided, minimised or mitigated? 	<ul style="list-style-type: none"> The works will not result in adverse heritage impacts as they are all to contemporary fabric that does not have any identified heritage significance. The works are focused within the 1990 retail wing addition of the wharf, particularly around the Manly Wharf Hotel tenancy. As this area of the wharf is not significant, the alteration of this area (new pizza ovens, extended deck with play area, new balustrade) are all considered acceptable and not impact on the site's heritage significance. The proposal to introduce a retractable glazed balustrade on the site's wharf promenade (replacing the existing metal balustrade) will also not adversely impact the heritage significance of the site. Instead, it will bring about a uniform appearance as the glazed balustrade will match that which has recently been approved and installed at Hugos Manly restaurant to the south-west of the wharf.

5.6.2. Considerations for specific types of work

Alterations and Additions

The following table addresses the proposal in relation to relevant 'questions to be answered' relating to alterations and additions.

Questions to be answered	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> Do the proposed works comply with Article 22 of The Burra Charter, specifically Practice note article 22 - new work (Australia ICOMOS 2013b)? 	<ul style="list-style-type: none"> The proposed alterations and additions comply with the articles of the Burra Charter as they respect the heritage significance of the Manly Wharf heritage item. This is because none of the significant spaces or fabric are to be modified in the proposed works, with the works entirely within non-significant spaces of the heritage item. The new work will be readily identifiable and not imitate the significant appearance and features of the heritage item.
<ul style="list-style-type: none"> Are the proposed alterations/additions sympathetic to the heritage item? In what way (e.g. form, proportion, scale, design, materials)? 	<ul style="list-style-type: none"> The proposed alterations are sympathetic to the heritage significance of the Manly Wharf heritage item as they all involve the alteration of non-significant fabric and spaces within the wharf. The proposed retractable and glazed balustrade is at an appropriate scale and does not overwhelm or visually dominate the Manly Wharf or Former Fun Pier heritage items. Likewise, the extended deck with new kids play area and landscaping will not be detrimental to the significant features and spaces of Manly Wharf.
<ul style="list-style-type: none"> Will the proposed works impact on significant fabric, design or layout, significant garden setting, landscape and 	<ul style="list-style-type: none"> No significant fabric, room layouts, elements or features of the historic wharf will be impacted by the proposal. This is because the works are all located in the non-significant area of the wharf - the retail wing addition and modified wharf

Questions to be answered	This proposal relates to these matters as follows:
trees or on the heritage item's setting or any significant views?	promenade. These areas were assessed in the 2016 CMP as not being of heritage significance, thus the proposed works are considered sympathetic and respectful to the significant spaces and elements of the heritage item.
<ul style="list-style-type: none"> How have the impact of the alterations/additions on the heritage item been minimised? 	<ul style="list-style-type: none"> The works will not impact the heritage significance of the heritage item as they are designed to be sympathetic and respectful to the heritage values of the wharf. Alterations to the western and southern façades have been kept to a minimum, with the reconfiguring works necessary to safely accommodate and identify the new space.
<ul style="list-style-type: none"> Are the additions sited on any known or potentially significant archaeological relics? If yes, has specialist advice from archaeologists been sought? How will the impact be avoided or mitigated? 	<ul style="list-style-type: none"> N/A - the CMP for the site identified that the site does not contain any potential archaeological significance. Additionally, no ground penetrative works are included in the proposal.

New Services and Service Upgrades

The following table addresses the proposal in relation to relevant 'questions to be answered' relating to new services (e.g. air-conditioning, plumbing) and service upgrades.

Questions to be answered	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> Are any of the existing services of significance? In what way are they affected by the proposed works? 	<ul style="list-style-type: none"> No services of significance within the wharf will be impacted by the proposal, with the only services impacted being the contemporary services associated with the Manly Wharf Hotel tenancy. This will be modified to accommodate the installation of the new pizza ovens.
<ul style="list-style-type: none"> How have the impacts of the installation of new services on heritage significance been minimised? 	<ul style="list-style-type: none"> Though not a significance space or service, the impact of the new pizza ovens has been minimised by utilising existing roof penetrations to accommodate the installation of the ovens. Additionally, the pizza ovens can be removed from the site without causing damage to existing services and fabric.
<ul style="list-style-type: none"> Are any known or potential archaeological deposits affected by the proposed new services? 	<ul style="list-style-type: none"> Not applicable - no ground penetrations are proposed for the installation of the pizza ovens.
<ul style="list-style-type: none"> Has specialist advice from a heritage consultant, architect, archaeologist or services engineer been sought? 	<ul style="list-style-type: none"> For the installation of the pizza ovens, advice has been sought from a heritage consultant and services engineer.

New Landscaping

The following table addresses the proposal in relation to relevant 'questions to be answered' relating to new landscape works and features.

Questions to be answered	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> How has the impact on the heritage significance of the existing landscape been minimised? 	<ul style="list-style-type: none"> The existing significant Norfolk Pines to the north of the site along East Esplanade will not be impacted physically or visually by the proposal. The new pygmy date palm trees to be accommodated in planters within the new play area will not detract from the setting or appearance of the existing plantings to the north.
<ul style="list-style-type: none"> Are works to the landscape or pathways necessary to comply with the access requirements of the Disability Discrimination Act 1992? 	<ul style="list-style-type: none"> Not applicable - landscaping in the form of the two new pygmy date palm trees is to improve the setting of the deck area, not to address previous non-compliance with the Disability Discrimination Act 1992.
<ul style="list-style-type: none"> Has evidence (archival and physical) of previous landscape work been investigated? Is the original landscape work being reinstated? 	<ul style="list-style-type: none"> The historical research did not indicate the presence of any other landscaping around the wharf other than the existing mature Norfolk Pine trees along East Esplanade. The establishment of Norfolk Pines within the new play area of the deck would not be appropriate in these circumstances, thus pygmy date palm trees have been chosen instead.
<ul style="list-style-type: none"> Will any known or potential archaeological relics be affected by the landscape works? How will this be mitigated? Has advice been sought from a suitably qualified archaeologist? 	<ul style="list-style-type: none"> Not applicable - new landscaping will not involve ground penetrations. Pygmy date palm trees will be incorporated in planters and not penetrate the ground.
<ul style="list-style-type: none"> Do the proposed works impact views to, from and within adjacent heritage items? 	<ul style="list-style-type: none"> The landscaping will not impact on any existing significant views of heritage items in the vicinity as they are confined to the deck area of the Manly Wharf Hotel. Heritage items in the vicinity are sufficiently distanced from the area of the proposed works. Existing mature Norfolk Pine trees to the north along East Esplanade already limit views to and from heritage items to the north of the site (like those heritage items on East Esplanade - like the commercial and residential buildings at 50 East Esplanade (item I152) and 53 East Esplanade (item I153)).

Access

The following table addresses the proposal in relation to relevant 'questions to be answered' relating to access.

Questions to be answered	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> Will the heritage item be accessed by the public? If so, has the advice of an access consultant been sought to investigate options of Disability Discrimination Act compliant access that may have least impact on the heritage item? 	<ul style="list-style-type: none"> The Manly Wharf and Manly Wharf Hotel tenancy will continue to be accessible to the public. The clearing between the extended deck and wharf edge (4205mm) is sufficient to continue uninterrupted access to the wharf promenade. An additional accessible entry to the hotel has been with a new gate providing access to the Manly Wharf Hotel deck from East Esplanade.

Works Adjacent to Heritage Items or within the heritage conservation area

The following table addresses the proposal in relation to relevant 'questions to be answered' relating to works adjacent to a heritage item or within the heritage conservation area (listed on an LEP).

Questions to be answered	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> Will the proposed works affect the heritage significance of the adjacent heritage item or the heritage conservation area? 	<ul style="list-style-type: none"> The proposed works will not affect the heritage items in the vicinity to the subject site. The former Fun Pier to the south of the heritage item (item I146) will not be visually or physically impacted by the tidying up of the southern elevation of the retail wing through the replacement of the balustrades. Likewise, no other heritage items to the north or east will be impacted by the works as the works will be obstructed by the existing Norfolk Pine plantings along East Esplanade, which shield much of the subject site. Heritage items to the north-west of the wharf will not be impacted by the installation of a visually permeable and retractable glazed balustrade.
<ul style="list-style-type: none"> Will the proposed works affect views to, and from, the heritage item? If yes, how will the impact be mitigated? 	<ul style="list-style-type: none"> No views to or from the heritage item in the vicinity will be impacted by the proposed alterations and additions to the Manly Wharf. Works are generally low lying (extended deck, new balustrade) and so will not be visually dominant or distracting.
<ul style="list-style-type: none"> Will the proposed works impact on the integrity or the streetscape of the heritage conservation area? 	<ul style="list-style-type: none"> There are no impacts to the streetscape of East and West Esplanade as the works are not visible from these streets due to the Norfolk Pine plantings along East Esplanade shielding much of the subject site. The works are either internal or to the southern elevation of the retail wing of the wharf, which is not visible from the streetscape. Regardless, the site is not within or in immediate proximity to a heritage conservation area.

5.6.3. Matters for Consideration

Fabric and Spatial Arrangements

The alterations to Manly Wharf primarily affect the Manly Wharf Hotel tenancy and the western, southern and eastern promenade of the wharf. These areas are not considered significant areas of the wharf, as per the gradings of significance map attached to the 2016 CMP for the site (Figure 23). Existing fabric to be replaced is also not considered to be significant, being contemporary additions to the wharf (post-1990). As such, there are no significant fabric or spaces within Manly Wharf that will be altered by the proposed works.

Settings, views and vistas

The settings and views of the Manly Wharf or Former Fun Pier heritage items will not be altered by the proposal. This is because most of the works are localised within the southern and eastern side of the 1990 addition to the wharf, where there are no significant views of the wharf. Significant views and vistas

of the wharf are instead concentrated towards the significant spaces, primarily the clerestory and Welcoming Arms areas, which have no direct sightlines to the areas proposed to be altered.

The setting of the heritage item will be improved in the proposal. This comes from installing a glazed balustrade that will match the existing balustrade outside Hugos Manly restaurant. This will result in the western, southern and eastern façade of the entire wharf featuring a consistent and sympathetic balustrade that will provide visitors with protection from the water. The setting of the heritage item will also be improved with the landscaping and new kids play area situated within the extended deck, which will create visual interest in this non-significant area of the wharf.

Landscape

The proposed landscaping will improve the setting of the subject site. The existing Norfolk Pine trees to the north of the wharf along East Esplanade will not be physically or visually overwhelmed with the new landscaping within the extended deck.

Use

Not applicable - no change of use is proposed.

Demolition

There are no demolition works proposed. Works involve the removal and replacement of existing non-significant balustrades with contemporary and sympathetic balustrades.

Curtilage

The proposed works will not alter the identified heritage curtilage of the Manly Wharf heritage item.

Moveable heritage

No moveable heritage is impacted by the proposed works.

Aboriginal cultural heritage

There are no impacts to any Aboriginal cultural heritage by the proposed works.

Historical archaeology

The works will not impact any historical archaeology due to no ground surface penetrations occurring in the fitout.

Natural heritage

The subject site within Manly Wharf does not have any identified natural heritage values. The natural heritage values of Sydney Harbour itself in the vicinity will not be impacted by the proposal as works are entirely above the water level and no below ground surface penetrations are proposed.

Conservation areas

The subject site is not situated within a heritage conservation area.

Cumulative impacts

TfNSW are currently considering the upgrade of Manly Wharf No. 3 (to the south of the subject site). According to the Review of Environmental Factors report published by TfNSW in November 2022, these works look at potentially introducing a wider southern wharf promenade which would be fitted with canopies and small structures (Figure 25). Should these upgrade works be undertaken, this would ultimately mean that the proposed works to the southern exterior of the eastern wing (the subject of this DA) would be physically obstructed when viewed from the south, meaning there is even lesser impact to the setting and amenity of site.

The conservation management plan

The proposed works have been assessed against the relevant policies of the *Manly Ferry Wharf Conservation Management Plan (CMP)*, produced by Architectural Projects in 2016. This assessment can be seen in *Section 6.5* of this SOHI. In general, the proposed works are all in compliance with the policies of the CMP and are considered sympathetic to the heritage values for the site.

Other heritage items in the vicinity

The proposed works will not affect the heritage items in the vicinity to the subject site. The former Fun Pier to the south of the heritage item (item I146) will not be visually or physically impacted by the tidying up of the southern elevation of the retail wing through the replacement of the balustrades. Likewise, no other heritage items to the north or east will be impacted by the works as the works will be obstructed by the existing Norfolk Pine plantings along East Esplanade, which shield much of the subject site. Heritage items to the north-west will not be impacted as the proposed balustrade on the western side will be visually permeable and retractable, allowing for significant views of these nearby heritage items to be preserved.

Commonwealth / National heritage significance

The site does not have any identified national heritage significance.

World heritage significance

The site does not have any identified world heritage significance.

6. CONCLUSION AND RECOMMENDATIONS

In conclusion, it is considered by CPH that the proposed works are deemed acceptable from a heritage perspective and are consistent with the heritage objectives and provisions of the *Manly LEP* 2013, the *Manly DCP* 2013 and the *SEPP (Biodiversity and Conservation)* 2021, as well as the relevant policies contained in the *Manly Ferry Wharf Conservation Management Plan*, 2016.

Most of the works are within the contemporary c.1990 eastern retail wing of Manly Wharf and thus no significant fabric or spaces of Manly Wharf will be impacted by the proposal. This is particularly so for the internal alteration involving the installation of the pizza ovens within the Manly Wharf Hotel, which while not a significant space, will be a reversible alteration that will utilise existing penetrations. The extension of the deck and incorporation of a new kids play area with associated landscaping will improve the setting of the eastern façade of the wharf, without having any discernible impact on the appreciation of the heritage item. Finally, the replacement of the existing non-significant balustrades of the Manly Wharf Hotel and the western, southern and eastern wharf promenade with a retractable glazed balustrade will provide protection to visitors and equipment of the wharf whilst introducing a consistent appearance across the entirety of the wharf as it will match the recently installed glazed balustrade at Hugos Manly restaurant.

We trust the above SOHI will satisfy both Heritage NSW and Northern Beaches Council's requirements for the assessment of the proposed additions and alterations to the Manly Wharf heritage item.

CITY PLAN HERITAGE
SEPTEMBER 2024