

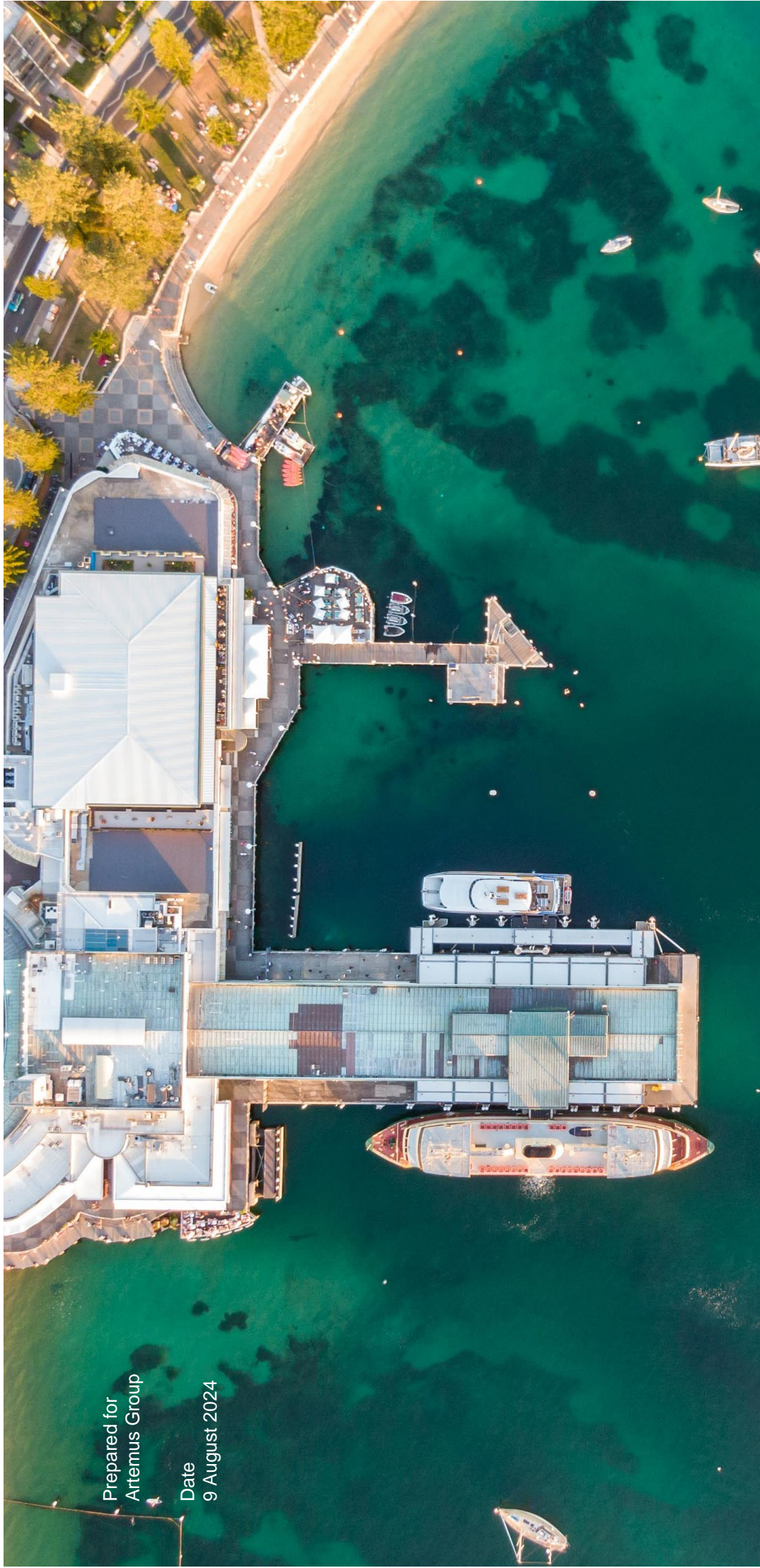
Prepared for
Artemus Group

Date
9 August 2024

Statement of Environmental Effects

Manly Wharf: Change of Use, Alterations and Additions to an Existing Tenancy

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1. Introduction

1.1 Preliminary

This Statement of Environmental Effects (SEE) has been prepared by Architectus Australia Pty Ltd (Architectus) on behalf of Artemus Group.

This SEE is submitted to Northern Beaches Council (Council) in support of a Development Application (DA) under Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) proposing alterations and a change of use to a vacant retail tenancy to a pub and microbrewery.

This report describes the site, its context, the proposed development and provides an assessment of the proposal with respect to the matters for consideration under Section 4.15(1) of the EP&A Act. This report illustrates how the proposed development not only meets legislative requirements, but also results in an overall positive outcome for the area and the local community.

As an adaptive reuse of Manly Wharf, the proposed development respects the heritage and culture of the area. It also upholds the area's biodiversity and environmental value while improving cleanliness, safety and accessibility for all users of the wharf, including commuters. The proposed premises will be an inclusive family-friendly and community-oriented space that values the safety and amenity of patrons, visitors and the local community.

The proposed development marks the beginning of a range of improvements to Manly Wharf in terms of safety, amenity and inclusivity, including new public toilets along the ground floor wharf concourse. A children's outdoor play area, improved kitchen services for the Manly Wharf Hotel and safety upgrades to the Wharf's exterior balustrade will be undertaken under separate approval(s).

This report should be read in conjunction with the Architectural Drawings Package and the accompanying documentation at Appendices A – P.



Figure 1 Manly Wharf and surrounds
Source: Artemus

1.2 Structure of this report

This report is structured as follows:

- **Section 1: Introduction** – provides an introduction to the proposal, the subject site and this DA.
- **Section 2: Site and context analysis** – provides an analysis of the site and its regional, local and immediate context.
- **Section 3: Development History** – provides an overview of the development history of the site and context to the subject application.
- **Section 4: Description of proposal** – provides a detailed overview of the proposed development.
- **Section 5: Environmental assessment** – provides an environmental assessment of the proposal in accordance with the relevant legislation, planning controls and policies.
- **Section 6: Conclusion.**

Plans, specialist reports and documentation are provided within appendices to this report.

1.3 Preparation of the application

This SEE has been prepared by Patricia Sim, Senior Urban Planner, and has been reviewed by Tim Moore, Principal.

An overview of the Project team is set out below:

Table 1 Project team

Applicant	Artemus Group
Architect	ACME
Project manager	Lewis Advisory
Urban planner	Architectus
Surveyor	Sydney Surveyors
Quantity surveyor	RLB
Heritage consultant	City Plan
Social impact consultant	Civic Assessments
Access report	Morris Goding Access Consulting (MGAC)
BCA consultant	Blackett Maguire + Goldsmith (BM+G)
Energy efficiency consultant	Integrated Group Services (IGS)
Fire safety consultant	Core Engineering Group
Transport consultant	JMT Consulting
Acoustic engineer	Pulse White Noise Acoustics (PWNA)
Waste management consultant	MRA Consulting Group
Coastal Engineer	Peter Horton Engineering

1.4 Applicant

Artemus Group are an established hospitality business specialising in revitalisation of iconic waterfront precincts, transforming them into thriving community and cultural hubs. Their portfolio of hospitality venues include Brisbane's Howard Smith Wharves, a prominent heritage site with a selection of food and drink establishments and hotel accommodation. Consistent with their holistic management approach at Howard Smith Wharves, Artemus will implement comprehensive management of safety, maintenance and operations across the wider Manly Wharf site.

2. Site and context analysis

This section provides information about the urban context, site details and description of the site's opportunities and constraints for development.

2.1 The Site

The site is a vacant tenancy identified as tenancy 24.1 (see **Figure 3**) located within Manly Wharf, East Esplanade, Manly (formally Lot 1 in Deposited Plan 1170245). The site was previously used as an Aldi supermarket until operations ceased in 2022.

The site has an area of 1,429m² within the Manly Wharf interior. The eastern portion of the site is enveloped by the Manly Wharf Hotel, while its northern section is adjacent to Manly Wharf's service areas (e.g. storage, goods lift and corridors). The western portion of the site served as the primary ingress / egress for the Aldi supermarket tenancy.

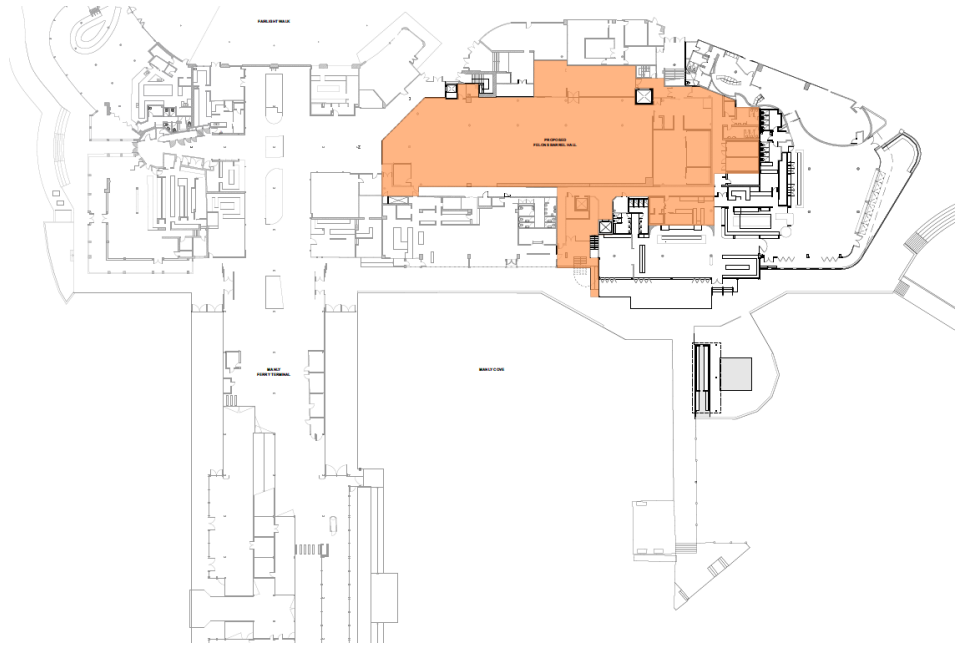


Figure 2 The site
Source: ACME

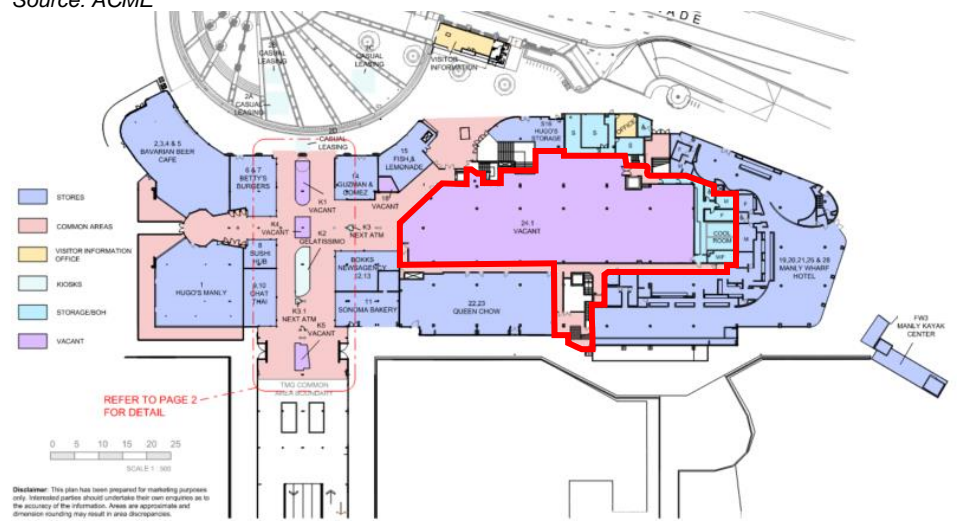


Figure 3 Manly Wharf tenancies (subject site outlined in red)
Source: TMG Developments Pty Ltd

2.2 Site context

Manly Wharf features a variety of food and dining venues ranging from cafes, takeaway and casual dining options. Licensed establishments with late night trading hours include the Manly Wharf Hotel, Hugos, The Bavarian and El Camino Cantina.

Manly Wharf is located at the junction of East and West Esplanade, and The Corso leading to Manly Beach. Food and dining establishments line The Corso and the northern side of East Esplanade and extend along North and South Steyne facing Manly Beach. There are a variety of licensed premises with entertainment and late night trading hours that contribute to Manly's vibrant night time economy. These include 4 Pines Brewpub, Ivanhoe Hotel, New Brighton Hotel and the Hotel Steyne.



Figure 4 Manly Wharf and surrounds

Source: SIXmaps

2.3 Heritage significance

Manly Ferry Wharf is listed as a heritage item under the *Heritage Act 1977*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP) and the *Manly Local Environmental Plan 2013* (LEP 2013).

Being the first landmark visible on approach by ferry from Sydney, Manly Wharf is considered significant because of its visual prominence and association with maritime activities in Sydney Harbour. Further, it acts as a gateway to Manly, an established suburb and tourist destination with a high dependence on the ferry link to the Sydney CBD.

Manly Wharf's modernistic architecture bears similarity to the Circular Quay ferry terminals, both of which are the only substantial older style ferry wharves surviving in Port Jackson.

The Statement of Heritage Impact (SoHI) found in **Appendix F** provides further detail on the site's heritage significance.

2.4 Transport and access

Transport for NSW (TfNSW) operates ferries between Manly Wharf and the Sydney CBD, making it the primary gateway to Manly for residents, daily commuters and tourists.

Several bus stops are found along East and West Esplanades, providing bus services to other key locations in the Northern Beaches such as Mona Vale, Dee Why, and as far as Palm Beach.

Given the high number of visitors that arrive at Manly Wharf by ferry, Manly Visitor Information Centre is located on the wharf concourse, facing East Esplanade.

3. Development History

This section provides an overview of development history on the subject site.

3.1 Development Application History

provides a summary of development consent history for the vacant tenancy 24.1 previously occupied by Aldi supermarket. The supermarket was originally granted consent in October 2004 through DA 396/2004. This consent has been modified multiple times and various other development applications have been lodged for alterations and additions to the site.

Table 2 provides a summary of development consent history for the vacant tenancy 24.1 previously occupied by Aldi supermarket. The supermarket was originally granted consent in October 2004 through DA 396/2004. This consent has been modified multiple times and various other development applications have been lodged for alterations and additions to the site.

Table 2 Development consent history

DA Ref.	Description	Approved
CC 1124/2018	<i>Minor internal alterations to the existing Aldi Store</i>	1 November 2018
CC 131/2015	<i>Expansion of the existing Aldi store into the adjoining tenancy and internal alterations</i>	7 August 2015
DA 59/2015	<i>Alterations and Additions - Removal and replacement of the existing mechanical plant equipment within the existing mechanical plant room - Aldi - Manly Wharf</i>	8 July 2015
S96 DA 265/2013	<i>Section 96 to modify approved Extension of the existing Aldi store into an adjoining retail tenancy with internal alterations – Shops 24 and 24A – involving reconfiguration of the internal areas and alterations to the service corridor and illuminated signage - Part 2</i>	17 June 2015
DA 265/2013	<i>Alterations and Additions - Extension of the existing Aldi store into an adjoining retail tenancy with internal alterations - Shops 24 and 24A - Manly Wharf</i>	2 February 2014
DA 150/2013	<i>Alterations and Additions - Internal alterations to the existing Aldi Store - Manly Wharf - Shop 24A</i>	4 September 2013
DA 396/2004	<i>Alterations and Additions - Refurbishment of an existing retail to new retail Aldi-(Old Bay Swiss)</i>	18 October 2004

4. The Proposal

This section provides a detailed description of the proposed development and should be read in conjunction with the attached plans and documentation.

4.1 Summary of proposed development

The proposed development seeks alterations to the existing vacant retail tenancy at Manly Wharf for use as a pub and micro-brewery with ancillary dining and occasional live performance. Key features of the proposed development include:

- change of use of vacant supermarket tenancy to a pub and micro-brewery with ancillary dining and occasional live performance;
- demolition of existing external staircase, office spaces, storage spaces, cool rooms, freezers, supermarket staff toilets and basement public toilets and amenities;
- internal fit-out including two bars, ancillary kitchen, small staff office, new toilets and amenities servicing customers and staff;
- new publicly accessible toilets and amenities for the convenience of all members of the public who visit Manly Wharf, including ferry commuters;
- an internal connection to provide controlled, secondary access for patrons who wish to make their way between the new premises and the existing Manly Wharf Hotel;
- installation of micro-brewing equipment;
- internal fit out works including new wall linings, floor coverings, ceilings and acoustic treatments;
- a new vestibule to provide entry to the premises, with direct connections to the waterside wharf promenade, the basement via both lift and stair, and a secondary access link to the existing Manly Wharf Hotel;
- intermittent and occasional weekend markets inside the new premises, four Saturdays a year during daytime trading hours; and
- hours of operation consistent with the Manly Wharf Hotel:
 - 7am to midnight, Monday to Wednesday and Sunday; and
 - 7am to 1am, Thursday to Saturday.

A separate liquor license application will seek an extension of the existing Manly Wharf Hotel license to provide for the service of alcohol within the new premises.

4.2 Numeric overview

Table 3 below provides a summary of the gross floor area (GFA) of the different spaces that form part of the proposed pub and ancillary uses.

Table 3 Break down of gross floor areas

Pub (including toilet amenities)	699m ²
Micro-brewery space	232m ²
Kitchen space	123m ²
Public toilet amenities	106m ²
Back of house and office space	108m ²
Ancillary areas (air lock, corridors, storage etc.)	161m ²
Total	1,429m²

The development proposes 699m² of pub GFA and 232m² of light industry replacing the vacant tenancy's previous commercial floor space.

4.3 Cost of works

The estimated cost of works for this development is \$13.46 million (including GST). A detailed Quantity Surveyor's Cost Report is provided at **Appendix E**.

4.4 Architectural drawings

Table 4 below provides a list of the applicable drawings for which approval is sought. A copy of the drawings prepared by ACME is provided in **Appendix B**.

Table 4 List of architectural drawings

Drawing number	Description	Revision	Date
A.01.01	Site Plan	C	29.07.24
A.01.02	Location Plan: Ground Floor	D	29.07.24
A.01.02A	Location Plan: Basement	B	29.07.24
A.01.02B	Location Plan: First Floor	B	29.07.24
A.01.03	Existing Plan: Ground Floor	E	29.07.24
A.01.03A	Existing Plan: Basement	B	29.07.24
A.01.03B	Existing Plan: First Floor	B	29.07.24
A.01.04	Demolition Plan: Ground Floor	J	29.07.24
A.01.04A	Demolition Plan: Basement	C	29.07.24
A.01.04B	Demolition Plan: First Floor	B	29.07.24
A.02.00	Proposed Plan: Gross Floor Area	E	29.07.24
A.02.00A	Proposed Plan: Ground Floor Fire Compartment Plan	D	29.07.24
A.02.01	Proposed Plan: Ground Floor	J	29.07.24
A.02.01A	Proposed Plan: Basement	C	29.07.24
A.02.01B	Proposed Plan: First Floor	C	29.07.24
A.05.01	Proposed Elevations	C	29.07.24
A.05.02	Proposed Sections	C	29.07.24
A.18.01	Proposed External Finishes	B	29.07.24
A.18.02	Proposed Internal Finishes	B	29.07.24

4.5 Description of proposed use

The proposed use is primarily a 'pub'¹, while the proposed 'microbrewery' can be characterised as 'light industry'².

An intermittent and occasional weekend market³ is proposed to be held in the new premises, four Saturdays a year. The markets would be held during daytime trading hours and feature goods from independent stall holders.

The proposed use is not characterised as 'artisan food and drink industry'⁴. Although the development will be manufacturing boutique / artisan drink products, there will not be a designated retail area for its sale on site.

The new premises has been designed to be managed and operated by the one management team in conjunction with Manly Wharf Hotel.

¹ **pub** means licensed premises under the *Liquor Act 2007*, the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

² **light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

³ **market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

⁴ **artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following: (a) a retail area for the sale of products, (b) a restaurant or café, (c) facilities for holding tastings, tours or workshops.

A separate liquor licence application will address requirements for the service of alcohol within the new premises.

4.6 Description of proposed building alterations

All proposed building alterations are within the interior of Manly Wharf, except the reconfiguration of an existing external stair and a new main entry to the premises.

There are no proposed changes to Manly Wharf's existing floor levels, nor its structure below water level.

All building alterations are described in detail below, with respect to the various proposed internal spaces.

Demolition

Demolition of:

- all remaining supermarket fittings and fixtures within vacant tenancy;
- partition walls to back of house dry and cold storage spaces;
- site offices;
- supermarket staff toilet amenities;
- basement public toilet amenities;
- entry doors to the previous retail space from the internal wharf concourse;
- external staircase; and
- mechanical plant and equipment located on level 1 outdoor area.

Pub

Works and alterations proposed include:

- two separate bars at either end of the space, for service of food and beverages;
- new male, female and accessible toilets to service both staff and patrons, behind the eastern end bar;
- new secondary egress doors to the internal wharf concourse, in the location of the existing roller doors that served as the previous supermarket entry point; and
- back of house area for storage.

Micro-brewery

The proposed micro-brewery is visible from the proposed pub and the existing Manly Wharf Hotel. The brewery is within a single space and comprises:

- 144 wooden barrels for ageing beer
- 4 vessel brewhouse hot and cold liquor tanks
- Fermentation tanks
- Cool room
- Processing equipment
- Packaging equipment
- Ancillary plant and equipment.
- Drainage for water management/cleaning

New entry / vestibule

External works mainly located at the existing building entry adjacent the water-side public promenade, include:

- reconfiguration of the existing stair which provides secondary access to a single tenancy on the first floor;
- reconfiguration of existing steps and ramp to the premises to improve the building entry while maintaining equitable access from the public promenade adjacent the water's edge;
- reconfiguration of existing glazing and entry doors to provide new double door entry to a new internal vestibule space;
- refurbishment of the existing lift to provide patrons access from the basement level directly to the vestibule arrival space;
- new internal vestibule to enhance the arrival experience and assist with the management of patrons entering and exiting the premises. This space will have direct lift and stair access from the basement public parking and provide access through to the existing Manly Wharf Hotel.

Public Toilets

The existing public toilets in the basement will be demolished and new public toilet amenities, accessible to all visitors of Manly Wharf and the general public, will be provided on the ground floor wharf concourse. These amenities will be located within the remaining portion of the existing tenancy fronting the internal Manly Wharf concourse. The relocation of public toilets from basement to concourse level will significantly improve their accessibility for use by all. A thorough, 24/7 cleaning and maintenance regime further enhances the safety and quality of this public offering, without compromising the retail active frontages that otherwise line the edges of the internal concourse.

Back of House and utility spaces

The proposed new use will be serviced by generous back of house areas for staff, office, storage and maintenance and management of the new premises and the wider Manly Wharf. These facilities include:

- kitchen for food preparation and service, including a freezer, cool room and dry store;
- storage areas;
- office space; and
- mechanical plant in existing external plant room.

4.7 Signage

A separate application for business signage will be submitted at a later date.

4.8 Traffic, Access and Transport

A Transport Assessment prepared by JMT Consulting is included at **Appendix M**.

Customers

Manly Wharf is a major public transport interchange with ferry and bus services to the Northern Beaches and the rest of Sydney. Majority of customers and visitors to Manly wharf arrive by public transport and the proposed use is forecast to achieve a similar public transport mode share.

The local focus of the proposed premises means that a high number of local customers are expected to travel by foot and bicycle from the surrounding catchment.

Staff

Similar to customers the majority of staff are anticipated to travel to and from work on public and active transport.

Vehicle Access and Car Parking

No additional car parking spaces can be provided within the limited space basement car park as part of the proposed development.

There are 69 car parking spaces (including two accessible spaces) within the existing basement which are managed as a paid public car park.

Pickup and drop off from private cars, taxis and ride share services is available from East Esplanade street frontage and a dedicated taxi rank is provided on Belgrave Street.

Servicing

Vehicle deliveries and servicing can occur wholly within the existing basement level, via the dedicated loading dock, with direct transfer of goods via the proposed goods lift.

The following vehicles types are to service the proposed development:

- Delivery vehicles up to a 12.5m heavy rigid vehicle;
- Commercial waste collection vehicles; and
- Light utility vehicles for tradespeople associated with the pub and brewery equipment.

4.9 Construction methodology

All demolition and construction will be contained within the Manly Wharf Precinct and will be appropriately fenced off from the portions of Manly Wharf that will remain operational.

Building materials will be delivered to the basement loading dock, so there will be no disruption to traffic along East Esplanade. As required, the basement is a contained area with drainage to sewer.

Goods lifts and stairs will be used to transport materials from the basement to the ground floor. Building materials will largely be stored within the large pub space and back of house spaces leading to the lift and stairs. Should stockpiling be necessary, this will occur only on the eastern side of the wharf, away from the water's edge.

4.10 Operational arrangements

This section provides a summary of the proposed operation arrangements in relation to the proposed development. Further detail is provided in the Plan of Management (POM) included at **Appendix D**.

Hours of operation

The proposed hours of operation are consistent with the trading hours of the existing Manly Wharf Hotel, that is:

- 7am to midnight, Monday to Wednesday and Sunday; and
- 7am to 1am, Thursday to Saturday.

Patron capacity

Capacity for a maximum of 700 patrons within the proposed new premises.

Staffing

An estimated maximum of 20 staff employed at the premises.

Complaints handling

The POM at **Appendix D** sets out the approach to dealing with any complaints if received in relation to the use and management of the proposed new premises. In summary this process involves keeping a record of complaints made, and the licensee responding to the complainant in a timely manner.

Safety, Security

The recent change of ownership of Manly Wharf includes a complete refresh of the approach to management and security of the premises. Consistent with their operations in QLD, the new owners will implement an approach of 24 hour security and a 24 hour roster of cleaning services across all part of Manly Wharf under their ownership.

Furthermore this security and management team will ensure a proactive and collaborative approach to effective management of area of the wharf and adjacent streets and public spaces that are the responsibility of public authorities and other landowners.

Within the proposed use, safety and security of all will be ensured by staff properly trained to perform these roles and in accordance with all obligations under the development consent and liquor licence. This is set out in further detail in the POM included at **Appendix D**.

Waste Management

The Waste Management Plan (WMP) prepared by MRA Consulting Group is provided as **Appendix O**. The WMP concludes that the proposed use of the site has comparable waste generation outputs to its previous use as a supermarket. Current waste infrastructure and site management is sufficient to accommodate expected waste generation rates, with some augmentation.

The designated solid waste collection provider for the Manly Wharf precinct is Bingo. The various waste collection streams include cardboard, commingled recycling, food waste and general waste. Section 5.1 of the WMP provides more detail on how various waste streams on the premises will be stored and collected.

5. Planning Framework

This section assesses the proposed development against the relevant legislation, environmental planning instruments, guidelines and controls.

5.1 Environmental Planning and Assessment Act 1979

Division 4.8 Integrated Development

Under section 4.46 of this division, development that requires approval in respect of the doing or carrying out of an act, matter or thing referred to in section 57(1) of the *Heritage Act 1977* constitutes integrated development. Because the proposal involves alterations and additions to a heritage item listed under the *Heritage Act 1977*, the proposed development will require approval from the Heritage Council of NSW (Heritage Council) and is considered integrated development.

Section 4.10 Designated development

Schedule 3 Part 2 of the *Environmental Planning and Assessment Regulation 2021* (Regulation) identifies breweries as designated development. However, under the same Part, the microbrewery proposed by this development does not classify as designated development because:

- Its intended production capacity does not exceed the volume identified under section 9(1);
- Although within 500m of a residential zone, as evidenced by the SEE and its associated technical reports, it will not significantly affect neighbourhood amenity due to odour (see section 6.5), traffic (see section 6.2) or waste (see section 6.76) under section 9(2); and
- The proposed development has existing connections to Sydney Water wastewater assets and will be designed to Sydney Water's trade waste requirements for craft breweries so it will not release effluent or sludge as specified under section 9(3).

Section 4.15(1) Matters for consideration

Section 4.15(1) of the EP&A Act identifies the matters for consideration by a consent authority for development. **Table 5** represents a summary for which additional information and consideration is provided in Section 6 (Environmental Assessment) of the SEE and relevant appendices or other sections of this report.

Table 5 Section 4.15(1) matters for consideration

Section 4.15(1)	Compliance	Comment
(a)(i) any environmental planning instrument	Yes	A detailed assessment of the proposal against the relevant environmental planning instruments (EPIs) demonstrates the proposal adequately addresses the requirements therein. The proposal has been assessed against the following EPIs: <ul style="list-style-type: none">– <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>– <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>– <i>State Environmental Planning Policy (Industry and Employment) 2021</i>– <i>State Environmental Planning Policy (Sustainable Buildings) 2023</i>– <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>– Manly LEP 2013.
(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act	Yes	There are no draft EPIs applicable to the proposed development.

Section 4.15(1)	Compliance	Comment
and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)		
(a)(iii) any Development Control Plan	Yes	As detailed in the following sections of the compliance assessment, the proposal adequately addresses the requirements of the Manly Development Control Plan 2013 (DCP 2013). The proposal is also compliant with the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 and Manly Development Control Policy for Manly Cove 1996.
(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	N/A	There are no planning agreements (draft nor executed) that form part of, or inform this DA.
(a)(iv) the Environmental Planning and Assessment Regulations 2000 (to the extent that they prescribe matters for the purposes of this paragraph)	Yes	The prescribed matters within the Regulations required to be considered have been met by this proposal.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Yes	<p>Potential impacts resulting from the proposed development which have been assessed include:</p> <ul style="list-style-type: none"> – Heritage; – Traffic and transport; – Access; – Noise and acoustic privacy; – Environmental sustainability; and – Social and economic impact. <p>These impacts are discussed in detail in Section 6. It is considered that the likely impacts of the proposal are acceptable.</p>
(c) the suitability of the site for development	Yes	<p>Section 4.15(1)(c) of the EP&A Act requires consideration of the suitability of the site for development.</p> <p>From a strategic and statutory planning perspective, the site is suitable for the proposed development. This is further discussed in Section 6.</p>
(d) any submissions made in accordance with this Act or the regulations,	Yes	Any submissions received by Council during the exhibition period will be duly considered.
(e) the public interest	Yes	Section 4.15(1)(e) of the EP&A Act requires consideration of the public interest. The proposal is considered to be in the public interest for the reasons discussed at Section 6 .

5.2 Coastal Management Act 2016

The object of the *Coastal Management Act 2016* is to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development.

This Act provides a framework toward identifying and adapting to hazards and planning and assessing coastal development. It also provides definitions and objectives for coastal areas identified by the *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP).

The site is identified as Coastal Environment Area and Coastal Use Area by the maps included in the Resilience and Hazards SEPP. This is further discussed at section 5.5 of this report.

5.3 Heritage Act 1977

The *Heritage Act 1977* identifies items of State heritage significance and promotes the adaptive reuse and conservation of these items.

Manly Wharf is listed as an item of State heritage significance on the NSW State Heritage Register.

Although all work will be limited to the interior of the building, under section 57(1) of the *Heritage Act 1977*, the following must not be undertaken without the approval of Heritage NSW:

- (f) alter the building, work, relic or moveable object; and
- (g) display any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct.

As a result of approval being required from Heritage NSW, the development is classified as Integrated Development.

The SoHI (**Appendix F**) provides an overview of the proposed development's impacts on the significance of the heritage item and concludes that the proposed works are acceptable from a heritage perspective and consistent with the heritage objectives and provisions of the Manly LEP 2013, the Manly DCP 2013, the Biodiversity and Conservation SEPP and the Manly Ferry Wharf Conservation Management Plan 2016.

5.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Biodiversity and Conservation SEPP commenced in March 2022. Provisions under Chapter 6 of this SEPP replaces provisions under the former *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* [SREP (Sydney Harbour Catchment)]. This came into effect through Schedule 1 of the *State Environmental Planning Policy Amendments (Water Catchments) 2022* amending the Biodiversity and Conservation SEPP in November 2022.

Division 2 Controls on development generally

The Estuarine Risk Management Plan (ERM) prepared by Horton Coastal Engineering and provided as **Appendix K** confirms that the proposed development satisfies sections 6.6 to 6.10 of this Division in that it would not:

- significantly affect water quality if appropriate construction environmental controls are applied, satisfying section 6.6;
- cause an adverse impact on terrestrial, aquatic or migratory animals or vegetation, does not involve the clearing of riparian vegetation, would not cause erosion or sedimentation and would not have an adverse impact on wetlands, satisfying section 6.7
- affect flooding or cause the release of pollutants, satisfying section 6.8;
- affect public foreshore access, satisfying section 6.9; nor
- affect downstream catchments, satisfying section 6.10.

Part 6.3 Zoning of Foreshore and Waterways Area

Part 6.3 contains provisions relating to development on land that is in, or abuts, the Foreshores and Waterways Area as identified by the of the Biodiversity and Conservation SEPP.

Manly Wharf is located within the Sydney Harbour catchment, on land zoned Zone 2 – Environment Protection.

The proposed alterations will result in a pub with ancillary dining and occasional live performance. In line with section 6.27(2) of the Biodiversity and Conservation SEPP, this development is permitted with consent within the zone as the development:

- is not identified in the list of prohibited developments;

- is not inconsistent with the objectives for development in the zone (see **Table 6**);
- is not inconsistent with the provisions of another EPI; and
- will not otherwise have adverse impacts.

Table 6 Consistency with Zone 2 Environment Protection zone objectives

Objective	Comment
<i>To protect the natural and cultural values of waters in the zone.</i>	By protecting the heritage significance of Manly Wharf, the proposed development will maintain the natural and cultural values of the surrounding waters. Further detail on the protection of the natural and cultural values of waters in the zone is further addressed in the proposed development's response to section 6.9 Foreshore scenic protection area of LEP 2013.
<i>To prevent damage to, or the possibility of long term adverse impact on, the natural and cultural values of waters in the zone and adjoining foreshores.</i>	The development does not result in any adverse impacts on the waters and adjoining foreshores as it is limited to internal works and minor exterior works.
<i>To enhance and rehabilitate the natural and cultural values of waters in the zone and adjoining foreshores.</i>	The proposed development improves the value and amenity of Manly Wharf. Given its connection the surrounding waters and foreshores, these improvements serve to enhance their natural and cultural values.
<i>To provide for the long term management of the natural and cultural values of waters in the zone and adjoining foreshores.</i>	The POM will ensure that long term management and operations do not negatively affect the waters and adjoining foreshores.

Section 6.28 of the Biodiversity and Conservation SEPP further identifies considerations for a consent authority when deciding whether to grant development consent in the Foreshores and Waterways Area. The proposed development's compliance and consistency with these considerations is described in **Table 7** and reinforced by the ERM (**Appendix K**).

Table 7 Consistency with section 6.28 General considerations for development in the Foreshores and Waterways Area

Consideration	Comment
<i>(1) In deciding whether to grant development consent to development in the Foreshores and Waterways Area, the consent authority must consider the following—</i>	
<i>(a) whether the development is consistent with the following principles—</i> <i>(i) Sydney Harbour is a public resource, owned by the public, to be protected for the public good,</i> <i>(ii) the public good has precedence over the private good,</i> <i>(iii) the protection of the natural assets of Sydney Harbour has precedence over all other interests,</i>	The proposed development is consistent with these principles in that it enhances the public's enjoyment of Sydney Harbour by providing a use and design complementary to the natural assets of Sydney Harbour.
<i>(b) whether the development will promote the equitable use of the Foreshores and Waterways Area, including use by passive recreation craft,</i>	The proposed development does not inhibit the use of the Foreshore and Waterways Area by passive recreation craft.
<i>(c) whether the development will have an adverse impact on the Foreshores and Waterways Area, including on commercial and recreational uses of the Foreshores and Waterways Area,</i>	The proposed development will not adversely impact commercial and recreational uses on the Foreshores and Waterways Area, rather it contributes to these uses.
<i>(d) whether the development promotes water-dependent land uses over other land uses,</i>	The proposed development does not promote water-dependent land uses over other land uses. Although access to the premises faces the harbour, the development only supports land-based uses.
<i>(e) whether the development will minimise risk to the development from rising sea levels or changing flood patterns as a result of climate change,</i>	As Manly Wharf is a heritage item and is currently used as a primary ferry wharf for the Northern Beaches, the development does not propose to change the level of the wharf.

Consideration	Comment
<i>(f) whether the development will protect or reinstate natural intertidal foreshore areas, natural landforms and native vegetation,</i>	Majority of the proposed development involves interior works and external works that do not alter Manly Wharf's physical and functional relationship with the harbour and foreshore. The proposed microbrewery will not release effluent or sludge, as there is an existing Sydney Water wastewater connection and the proposed development will be designed to Sydney Water's trade waste requirements for craft breweries. As a result, there are no negative impacts on the natural environment and ecological characteristics of the area.
<i>(g) whether the development protects or enhances terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to or shading of aquatic vegetation,</i>	
<i>(h) whether the development will protect, maintain or rehabilitate watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.</i>	
<i>(2) Development consent must not be granted to development in the Foreshores and Waterways Area unless the consent authority is satisfied of the following—</i>	
<i>(a) having regard to both current and future demand, the character and functions of a working harbour will be retained on foreshore sites,</i>	The development does not propose any changes to the function of Manly Wharf as a ferry wharf.
<i>(b) if the development site adjoins land used for industrial or commercial maritime purposes—the development will be compatible with the use of the adjoining land,</i>	The development does not adjoin land used for industrial or commercial maritime purposes.
<i>(c) if the development is for or in relation to industrial or commercial maritime purposes—public access that does not interfere with the purposes will be provided and maintained to and along the foreshore,</i>	
<i>(d) if the development site is on the foreshore—excessive traffic congestion will be minimised in the zoned waterway and along the foreshore,</i>	The proposed development does not increase waterway and foreshore traffic.
<i>(e) the unique visual qualities of the Foreshores and Waterways Area and its islands, foreshores and tributaries will be enhanced, protected or maintained, including views and vistas to and from—</i> <i>(i) the Foreshores and Waterways Area, and</i> <i>(ii) public places, landmarks and heritage items.</i>	The SoHI (Appendix F) concludes that the proposed development is consistent with the heritage character of Manly Wharf, a highly significant landmark in Manly and Sydney Harbour. In maintaining Manly Wharf's heritage character and its relationship with the foreshore and harbour, the proposed development also preserves the unique visual qualities of the area.

The site is adjacent to a 'rocky foreshore and significant seagrasses' area under this SEPP. As all works are internal, the ERM (**Appendix K**) confirms that the proposed development would not affect seagrass and ecological communities in rocky foreshore areas, satisfying section 6.32.

The site is also identified as a Strategic Foreshore Site under Division 5 of this Part. Part 6.3, Division 5 requires the preparation of a master plan. Section 6.46 identifies development to which Part 6.3 Division 5 does not apply, including:

- (a) the change of use of an existing building to another use;
- (d) structural or non-structural alterations to the interior of an existing building; and
- (e) minor structural or non-structural alterations to the exterior of an existing building.

The proposed development is a change of use with internal alterations and minor external alterations and therefore does not require the preparation of a master plan. This is reiterated in the ERM (**Appendix K**).

Part 6.4 Heritage conservation in Sydney Harbour

Manly Wharf is identified as a heritage item on the Sydney Harbour heritage map. The proposed development is considered a heritage development as it involves altering the exterior appearance and changing the interiors of Manly Wharf.

Part 5.4 of the SoHI (**Appendix F**) shows the proposed development's consistency with the heritage provisions of this part of the Biodiversity and Conservation SEPP. The SoHI further confirms that external works involving the reconfiguration of stairs and access to

the proposed development improves the presentation of this portion of the Wharf as the proposed changes are more consistent with the linear presentation of the southern façade, rather than the existing two-flight stairs with glass balustrade which are seen as a detracting element.

5.5 State Environmental Planning Policy (Resilience and Hazards) 2021

The Resilience and Hazards SEPP commenced in March 2022 and provisions under Chapter 2 of this SEPP replace the *State Environmental Planning Policy (Coastal Management) 2018*. Chapter 2 of the Resilience and Hazards SEPP aims to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*.

Under the Resilience and Hazards SEPP, Manly Wharf is mapped within a Coastal Environment Area and a Coastal Use Area, where section 2.10 and 2.11 of the SEPP identify provisions for development. However, the site is not subject to these provisions because as stated in sections 2.10(3) and 2.11(2), sections 2.10 and 2.11 do not apply to land within the Foreshore and Waterways Areas identified by the Biodiversity and Conservation SEPP.

In line with section 2.12 of the Resilience and Hazards SEPP, and as confirmed by the ERM (**Appendix K**), the proposed development is unlikely to increase the risk of coastal hazards because no new structure is being proposed as part of the development and majority of works will be occurring as interior building alterations.

Section 2.13 of the Resilience and Hazards SEPP does not apply to the proposed development as no certified coastal management program applies at the site.

5.6 State Environmental Planning Policy (Industry and Employment) 2021

The *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) commenced in March 2022 and provisions under Chapter 3 of this SEPP replace provisions under the retired *State Environmental Planning Policy No 64 – Advertising and Signage*.

The development does not propose any advertisements. A separate application for business signage will be submitted at a later date. As a result, the provisions of this SEPP do not currently apply to the proposed development.

5.7 State Environmental Planning Policy (Sustainable Buildings) 2023

The *State Environmental Planning Policy (Sustainable Buildings) 2023* (Sustainable Buildings SEPP) commenced in October 2023 and aims to encourage the design and delivery of sustainable buildings and to ensure consistent assessment of building sustainability.

Chapter 3 of this SEPP applies to the development because it involves alterations to an existing building and has an estimated development cost over \$10 million.

Section 3.2 of this SEPP outlines what the consent authority should consider when granting development consent for applicable non-residential development. **Table 8** describes the proposed development's consistency with these considerations.

Table 8 Consistency with section 3.2 of the Sustainable Buildings SEPP

Considerations	Comment
<i>(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—</i>	
<i>(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,</i>	The WMP (Appendix O) recommends several measures for minimising demolition and construction waste by reusing building materials where possible and aiming to recycle waste materials.

Considerations	Comment
<i>(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,</i>	An Energy Efficiency Report (Appendix J) has been prepared to show how the proposed development complies with the energy efficiency standards under Section J of the National Construction Code 2022 (NCC 2022). The Energy Efficiency Report confirms compliance with the performance requirements of NCC 2022 Section J.
<i>(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,</i>	The proposed development will utilise existing mechanical heating and cooling plant and equipment. All lighting will be LED to ensure the premises are well-lit without unduly straining the premises' energy consumption.
<i>(d) the generation and storage of renewable energy,</i>	The development does not propose to install energy generation facilities / equipment on the premises. However, the Energy Efficiency Report (Appendix J) concludes that the emissions resulting from the proposed development are compliant with Section J requirements of the NCC 2022.
<i>(e) the metering and monitoring of energy consumption,</i>	Energy consumption will be metered and monitored to ensure appliances are kept running efficiently and safely.
<i>(f) the minimisation of the consumption of potable water.</i>	The proposed development will install appliances deemed adequate under the Water Efficiency Labelling and Standards (WELS scheme).
<i>(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</i>	An Embodied Emissions Statement has been prepared for the proposed development (Appendix E).

Section 3.3 outlines other considerations for large commercial development. As defined by this SEPP, large commercial development is limited to non-residential development that involves prescribed office premises, hotel or motel accommodation or serviced apartments. As a result, this section does not apply to the proposed development.

Section 3.4 of this SEPP does not apply as the development is not State significant.

5.8 State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) commenced in March 2022 and aims to facilitate the effective delivery of transport and infrastructure across NSW by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of transport and infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Utilities

Section 2.48 of the Transport and Infrastructure SEPP requires the consent authority to give written notice to the electricity supply authority for the area and take into consideration any response to that notice before granting consent to a development likely to affect an electrical transmission or distribution network. It is unlikely that the proposed development will require this referral as section 2.48(3) excludes development

that involves only (a) internal alterations to a building and (b) a change of use of an existing building.

Rail

The site is not located within, nor within proximity to, any rail corridor. Division 15 (Railways) of the Transport and Infrastructure SEPP therefore does not apply to the proposed development.

Road

The site is located near a regional road (West Esplanade) and a State road (Belgrave Street). Clause 2.119 (Development with frontage to classified road) is satisfied by the proposed development as vehicular access to the site is provided on East Esplanade, which is not a classified road. The Transport Assessment (**Attachment M**) concludes that the proposed development will not result in a material change in the number of people travelling to or from Manly Wharf and the majority of visitors will arrive via public transport.

Section 2.122 provides that traffic-generating development is to be referred to TfNSW. The proposed development does not fall under traffic-generating development as defined under Schedule 3 of the Transport and Infrastructure SEPP. The proposed development's vehicular access is not on and is greater than 90 metres from a classified road, so column 3 of Schedule 3 is not applicable. Further, the proposed development does not meet the sizes or capacities identified under column 2. As a result, the proposed development does not constitute traffic generating development and a referral to TfNSW will not be required.

Wharf

Division 13 of the Transport and Infrastructure SEPP primarily outlines development that public authorities or their representatives can undertake on ports, wharves or boating facilities and the development consent (if any) required.

The provisions under this Division do not apply to the proposed development.

5.9 Manly Local Environmental Plan 2013

The LEP 2013 is the principal planning instrument applying to the site and the proposed development. An assessment against relevant provisions of LEP 2013 is provided below. The following sections assess the compliance of the proposed development with relevant clauses in the LEP.

Section 2.4 Unzoned Land

The site is on unzoned land. Under subsections (2)(a) and (2)(b) of this section, development on unzoned land is permissible with consent, with the consent authority:

- Considering whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land; and
- Being satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

The site is adjacent to RE1 – Public Recreation Land but is more similar in character and function with the land across East Esplanade zoned E1 – Local Centre (See **Figure 5**).

The proposed development is for a pub and microbrewery with ancillary dining and occasional live performance. Under LEP 2013, *pub* falls under the broader definition of a *commercial premises* and is defined as:

pub means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note—

*Pubs are a type of **food and drink premises**.*

Zone RE1 Public Recreation

Development permitted with consent in an RE1 zone includes the following:

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Depots; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Marinas; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Water recreation structures; Water recycling facilities; Water reticulation systems; Water storage facilities

In consideration of subsection (2)(b), although a *pub* is not permitted in an RE1 zone, this does not preclude it from being approved on unzoned land as it only needs to be compatible with permissible land uses. The proposed development shares similarities with some of the development permitted in an RE1 zone in terms of food service and the provision of recreation and community venues.

In consideration of subsection (2)(c), **Table 9** illustrates how the proposed development will not negatively impact, and sometimes even positively impact, on the RE1 zone objectives.

Table 9 Impact on RE1 (Public Recreation) zone objectives

Objective	Comment
<i>To enable land to be used for public open space or recreational purposes.</i>	The site is not public open space land. However, it serves as a space for visitors and the community to gather for entertainment and recreation.
<i>To provide a range of recreational settings and activities and compatible land uses.</i>	The proposed development does not compete with existing recreational settings and activities on the RE1 land. It complements these outdoor leisure activities by providing an indoor dining and entertainment option.
<i>To protect and enhance the natural environment for recreational purposes.</i>	Development works will comprise mostly interior alteration and no new structures on the water or RE1 zoned are proposed. These will not have any negative impacts on the natural environment. The proposed development is in accordance with provisions of the WMP (Appendix O) identifying the environmental safety measures put in place during construction and operation of the development,
<i>To protect, manage and restore areas visually exposed to the waters of Middle Harbour, North Harbour, Burnt Bridge Creek and the Pacific Ocean.</i>	The proposed development maintains the RE1 zoned land's connection with Sydney Harbour. As the main transition space from the Harbour to the RE1 zone, the proposed development enhances Manly Wharf as the gateway between the Harbour and Manly.
<i>To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.</i>	Majority of proposed works are within Manly Wharf's interior. The proposed reorientation of the exterior staircase reduces the building's bulk, provides a less imposing façade and a more welcoming entry way to the proposed premises.

Zone E1 Local Centre

Development permitted with consent in an E1 zone include the following:

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Creative industries; Early education and care facilities; Electricity generating works; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Group homes; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Roads; Service stations; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Waste or resource transfer stations.

In consideration of subsection (2)(b), a *pub*, classified under *commercial premises*, is permitted with consent in an E1 zone and is compatible with other permissible land uses. The proposed development is consistent with other permissible uses in this zone and contributes to the Local Centre in terms of function and character.

In consideration of subsection (2)(c), **Table 10** illustrates how the proposed development contributes positively to the E1 zone objectives.

Table 10 Impact on E1 (Local Centre) zone objectives

Objective	Comment
<i>To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.</i>	Manly Wharf and the Manly local centre is well-known for its established bars and restaurants. The proposed development contributes to the range of retail, business and community uses in the area by providing food and drink, as well as a space for the community to gather.
<i>To encourage investment in local commercial development that generates employment opportunities and economic growth.</i>	A proposed space for occasional live performance and microbrewery are an investment into the local arts and craft beverage scene. The pub and microbrewery will support local talent and invite international visitors and performers. The microbrewery provides an artisanal experience and elevates the beverage servings of the pub.
<i>To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.</i>	The development does not propose any residential development. Nevertheless, the proposed development contributes to the lively and active Local Centre. This supports the needs of surrounding residential development and makes the area a desirable place to live.
<i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i>	The proposed development is on the ground floor of Manly Wharf and serve to provide more dining and entertainment options, as well as improve the pedestrian experience from the ferry wharf to East Esplanade.
<i>To minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.</i>	The proposed development is consistent with adjoining land uses and does not result in additional noise, odour or any other negative impacts. This is further reinforced with the Building Code of Australia Assessment Report (BCA Report) and Noise Assessment reports prepared for the proposed development.
<i>To ensure that new development provides diverse and active street frontages to attract</i>	Manly Wharf itself is a heritage-listed item that has been an iconic part of the local streetscape.

Objective	Comment
<i>pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i>	As the transition area between the ferry wharf and the rest of Manly, the proposed development contributes an active frontage with its provision of glazing, appropriate external finishes and improved circulation.
<i>To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.</i>	There are no additions proposed to the exterior of the building except for the reduction of the exterior staircase to a uni-directional flight flushed to the building's exterior which reduces the building's bulk and creates a more enticing entryway into the premises. The Wharf itself is a part of Manly's streetscape and the development proposes to preserve its heritage significance and contribute to the character of the neighbourhood.

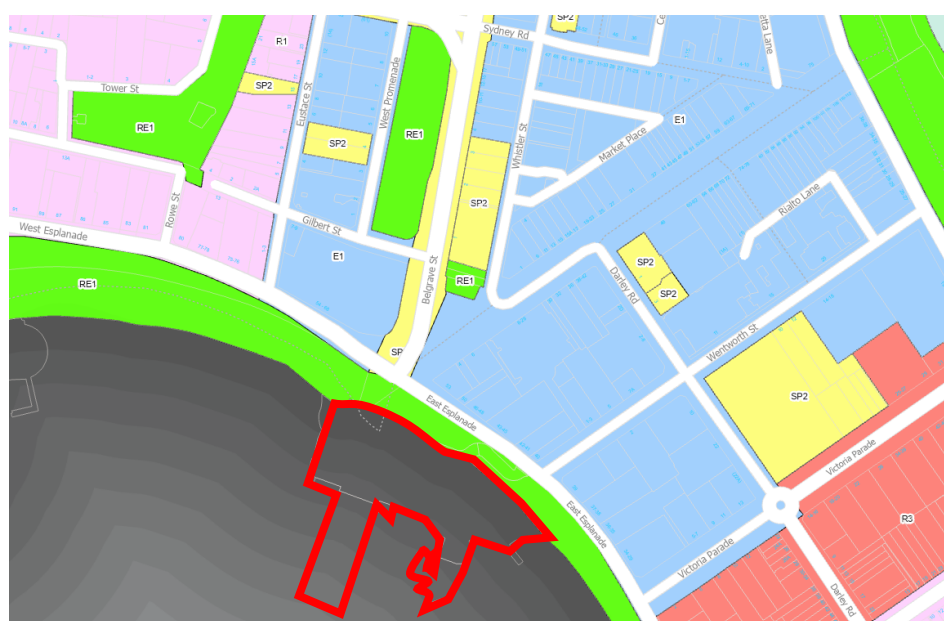


Figure 5 Land adjacent to the site is zoned RE1 and E1
Source: Northern Beaches Council

Section 2.7 Demolition requires development consent

Minor demolition is proposed and detailed in the architectural plans in **Appendix B**. Demolition will be limited to internal partitions, mechanical systems and one external staircase.

Section 5.8 Conversion of Fire Alarms

The conversion of fire alarms is not proposed under this DA. The existing alarm system is monitored by Artemus Group as the leaseholder for Manly Wharf.

Section 5.10 Heritage Conservation

Schedule 5 of LEP 2013 identifies Manly Wharf as local heritage item I145. Just adjacent to Manly Wharf, Manly Wharf Pier (former Fun Pier) is identified as local heritage item I146 (See **Figure 6**).

Under section 5.10, consent is required for the proposed development because it involves altering the exterior and interior of a heritage item (I145).

Part 5.2 of the SoHI (**Appendix F**) demonstrates the proposed development's consistency with the heritage objectives and provisions of the Manly LEP 2013.



Figure 6 Heritage item mapping
Source: Northern Beaches Council

Section 5.20 Standards that cannot be used to refuse consent—playing and performing music

The proposed development consists of a licensed premises with an ancillary function to support occasional live performance.

A Noise Assessment (**Appendix N**) has been undertaken for the proposed development and detailed acoustic modelling indicates that noise resulting from the proposed development can be managed and minimised to an acceptable level. The POM (**Appendix D**) contains provisions to ensure noise is managed and minimised during operation of the pub and microbrewery.

Section 6.9 Foreshore scenic protection area

The site is not identified within the Foreshore Scenic Protection Area Map however, this report acknowledges that Manly Wharf contributes to the visual aesthetic amenity and facilitates views to Sydney Harbour, the Pacific Ocean and the foreshore in Manly.

In a pre-lodgment meeting with Council, Council identified the objectives of clause 6.9 as informing / providing a terms of reference in ensuring the proposal provides a suitable use within the foreshore environment.

Further, this section's objective of protecting visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and foreshore in Manly are in line with the objectives for Zone 2 Environmental Protection under the Biodiversity and Conservation SEPP that aim to 'protect the natural and cultural values of waters in the zone'. **Table 11** considers matters relating to the achievement of this section's objective.

Table 11 Matters for consideration – Foreshore scenic protection areas

Consideration	Comment
<i>a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,</i>	The proposed development, which is mostly limited to interior works, does not result in overshadowing or loss of views, so there are no detrimental impacts to visual amenity.
<i>(b) measures to protect and improve scenic qualities of the coastline,</i>	Development is mainly limited to the interior of an existing tenancy in Manly Wharf. Further, the external works to reconfigure the stairs to the first floor and entrance to the pub and microbrewery makes this portion of the Wharf more consistent with the rest of its historic

Consideration	Comment
	façade. As a result, the proposed development not only protects, it also improves the scenic qualities of the coastline.
<i>(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,</i>	<p>The development is suitable to the location, given its compliance with provisions in LEP 2013, applicable SEPPs and the DCP 2013.</p> <p>Section 5.4.1 of the DCP identifies additional matters for consideration for foreshore scenic protection areas. This is addressed in section 5.10 of this Report.</p> <p>Lastly, the development shares similarities with adjacent venues both within and outside of Manly Wharf.</p>
<i>(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.</i>	The development does not lead to conflict between land-based and water-based coastal activities. Manly Wharf already accommodates both land-based and water-based coastal activities and the proposed development further promotes the seamless integration of land and water based coastal activities in Manly.

Section 6.10 Limited development on foreshore area

The proposed development does not propose any changes to the existing wharf structure below water level nor the existing floor levels of the Wharf. It only involves partial alterations to an existing building, which is permissible under section 6.10(2).

The proposed development meets the section's objectives in that it does not impact on natural foreshore processes nor affect the significance and amenity of the area. This is achieved in the following ways:

- The minor exterior alterations proposed are compatible with the surrounding area and heritage fabric of Manly Wharf and does not negatively impact the amenity and aesthetic appearance of the foreshore;
- The development does not cause environmental harm because there are no proposed changes to the ground and waterway;
- The development maintains continuous public access through Manly Wharf's walkways, leading to and from the ferry, Manly Wharf concourse, Manly Corso and adjacent recreational public land;
- The SoHI (**Appendix F**) reinforces the development's consistency with the heritage significance of the site and surrounds; and
- The ERM (**Appendix K**) provides further detail and reinforces the proposed development's compliance with this section.

Section 6.12 Essential services

The site for the proposed development has existing infrastructure and arrangements for water, electricity, sewage, stormwater drainage and suitable vehicular access.

In addition, the proposed development will be designed to meet Sydney Water's trade waste requirements for craft breweries. This entails Sydney Water's approval of the following requirements:

- Settling;
- Screening;
- Dedicated collection pit;
- Automatic pH correction;

- Electromagnetic flow meter;
- Temperature;
- Sampling point; and
- Backflow protection.

Section 6.21 Noise impacts—licensed premises

The proposed development, resulting in a licensed premises under the *Liquor Act 2007*, is fully enclosed with no doors and windows facing nearby residences, including those across West Esplanade. This arrangement ensures that noise is effectively contained and is not directed towards residential uses. Detailed acoustic modelling contained in a Noise Assessment (**Appendix N**) undertaken for the proposed development concludes that noise generated from the operation of the pub and microbrewery will comply with the acoustic requirements typically imposed by NSW Liquor and Gaming.

Noise from the proposed development will be managed and minimised via provisions in the POM (**Appendix D**), so that residential accommodation in the vicinity of the proposed development is not unreasonably impacted by noise.

5.10 Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (SHFWADCP 2005) came into effect through the SREP (Sydney Harbour Catchment).

In 2022, the SREP (Sydney Harbour Catchment) was repealed, and its provisions included as Chapter 6 of the Biodiversity and Conservation SEPP through Schedule 1 of the *State Environmental Planning Policy Amendments (Water Catchments) 2022* amending the Biodiversity and Conservation SEPP in November 2022.

Section 5.4 of this report shows how the proposed development is consistent with sections 6.27 and 6.28 of the Biodiversity and Conservation SEPP.

Although land/water interface development is not defined in the Biodiversity and Conservation SEPP, the proposed development would be classified as such under the repealed SREP (Sydney Harbour Catchment). Regardless, the proposed development is compliant with SHFWADCP 2005 development controls, particularly the relevant sections under Part 4.

5.11 Manly Development Control Plan 2013

The Manly DCP 2013 provides detailed planning controls relevant to the site and the proposal. The proposed development is consistent with the provisions in the DCP with **Appendix A** illustrating the development and site's compliance.

5.12 Manly Development Control Policy for Manly Cove 1996

The Manly Development Control Policy for Manly Cove 1996 (MDCP 1996) sets out controls and guidelines on development in Manly Cove and is guided by the aims and objectives of the *Sydney Regional Environmental Plan No. 23 Sydney and Middle Harbours* (SEPP 23).

SEPP 23 was repealed by section 8 of the SREP (Sydney Harbour Catchment) in 2005. The SREP (Sydney Harbour Catchment) was subsequently repealed and rolled into Chapter 6 of the Biodiversity and Conservation SEPP in November 2022.

Although land/water interface development is not defined in the Biodiversity and Conservation SEPP, the proposed development would be classified as such under the repealed SEPP 23 and SREP (Sydney Harbour Catchment). Regardless, the proposed development is compliant with MDCP 1996 development controls, particularly the relevant sections on building design, access loading and parking, and waste management.

Section 5.11 of this report shows how the proposed development is consistent with the controls of Manly DCP 2013, which contains similar / updated versions of the controls contained in the MDCP 1996.

5.13 Strategic Planning Context

The Northern Beaches Local Strategic Planning Statement (LSPS) Towards 2040 identifies Manly as the only designated late-night precinct in the LGA and reinforces its role as a premier seaside destination having a mix of cultural, tourism, retail and entertainment uses.

Consistent with the vision of the LSPS, a Place Plan (My Place: Manly) was adopted by Council to set the vision for Manly over the next 10-15 years. This Place Plan was informed by the Manly Night Time Economy Strategy (Manly NTE Strategy) which is guided by the following key principles:

- Foster a thriving and creative night-time economy reflecting local identity;
- Build partnerships and capability for businesses and the community to deliver exciting and unique night-time experiences;
- Encourage a diversity of night-time offerings catering to all demographics;
- Create a night-time economy that leverages and enhances natural beauty and built environment; and
- Support safe and accessible places that welcome local, workers and visitors

The inclusion of a pub and microbrewery within the iconic heritage and cultural Manly Wharf, is consistent with all the key principles identified by the Manly NTE Strategy. It also contributes to the Place Plan's desired outcome for Manly Wharf to serve as a key gateway into the Manly Wharf Town Centre by creating a sense of arrival and enhancing the visitor arrival experience.

The proposed development is also consistent with the NSW Government's Vibrancy Reforms which aimed to boost the state's night time economy and community by promoting live music, dining and creative sectors and workers. Some of these reforms included supporting councils in creating Special Entertainment Precincts and providing an exempt development pathway for outdoor dining.

Key among these reforms was the creation of the 24-hour Economy Strategy, with its long term vision for activating spaces, creating vibrant places to work and live and aligning planning and liquor approvals. Subsequently, the *24-Hour Economy Commissioner Act 2023* brought about the appointment of a 24-Hour Economy Commissioner responsible for implementing the Strategy.

The proposed development is consistent with the proposed initiatives of the 24-hour Economy Strategy which seek to:

- establish a 'Neon Grid' across Greater Sydney, where Manly Town Centre is identified within the conceptual Neon Grid map;
- enable the use of under-utilised spaces and buildings to accommodate live performance, arts and culture events;
- identify and preserve places of historic and cultural significance;
- retain and incubate talent in Sydney's night time industries;
- initiate an arts program to activate transport links; and
- re-establish a unifying vision of Sydney as a vibrant global cultural destination.

The proposed development contributes to the 'Neon Grid' by repurposing an underutilised space as a establish a high quality pub and craft microbrewery in a place well-known for its natural, historical and cultural significance. Use of this space for ancillary live performance further highlight the important role the proposed development can contribute to enhancing a vibrant 24-hour economy in Sydney..

6. Environmental Assessment

In accordance with Section 4.15(1)(b) to (e) of the EP&A Act 1979, this section takes into consideration the likely impacts of the proposed development. The proposed development is considered to have a potential impacts, as discussed below.

6.1 Heritage

The SoHI (**Appendix F**) deems the proposed development acceptable from a heritage perspective given its consistency 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.

The proposed works are entirely within the contemporary (c.1990) eastern retail wing of Manly Wharf. The majority of the works are interior fitout works within the existing vacant retail space and will not be visible from the public domain (East and West Esplanade or the Manly Cove). As a result, no significant fabric or spaces will be impacted.

The works to the southern elevation which includes the reconfiguration of external stairs and access to the pub and microbrewery not only maintains the heritage character of Manly Wharf, but improves the presentation of this portion of the Wharf as it is in keeping with the simple linear presentation of the southern facade. In comparison, the existing stairs are considered a detracting element, with their form and materiality at odds with the heritage fabric of the Wharf.

The proposed development is consistent with the historic use of Manly Wharf as a community entertainment space. Current entertainment uses were introduced in the 1990s and the historic fun pier was operational from the 1930s-1980s.

The impacts of the proposed development on Manly Wharf as a heritage item and the broader character of Manly Town Centre are considered acceptable.

6.2 Traffic and transport

Aside from providing ferry services, Manly Wharf is located in a walkable town centre with frequent bus services to other suburbs in the Northern Beaches. Because of this connectivity, the majority of Manly Wharf's customers, visitors and staff arrive via public transport and this pattern is expected to continue for the proposed development.

With the former use of the tenancy as an Aldi grocery, there was a higher likelihood that patrons would travel by private car to do grocery shopping. Given the change of use to a pub, a majority of visitors will most likely be arriving via public transport or taxi / ride-sharing services.

As concluded by the Transport Assessment Report (**Appendix M**), the proposal will not result in any adverse impacts on the surrounding road network. No additional parking is considered necessary and is not proposed as part of the development. There are several nearby public car parking areas within a 5 minute walk of the site which collectively provide approximately 1,000 parking spaces.

Section 3.2.5.1 of the Manly DCP 2013 states that a heritage item may be exempt from providing onsite car parking where conservation of the item depends on Council allowing the exemption. Additional car parking cannot be provided at Manly Wharf without major impacts on the heritage significance of the building.

The impact of the proposed development on traffic and transport is considered acceptable.

6.3 Access

The Access Report (**Appendix H**) provides detailed recommendations on the standards, various materials and components the development must comply with in order to provide

a level of accessibility compliant with the Access Code requirements embedded in the Building Code of Australia. These recommendations will be implemented at design development stage.

The proposed development upholds the values of universal design, ensuring that it is useable by a broad range of people. Aside from providing ramps and lifts where there is a change in level, two accessible toilets are provided – one to service the pub and microbrewery and the other servicing the public. A parent's room is also provided for use by the public.

The report concludes that accessibility requirements pertaining to external site linkages, building access, common area access, sanitary facilities and parking can be readily achieved.

The proposed development's compliance with accessibility standards is considered acceptable.

6.4 Safety

The operator of the proposed development will also manage safety, security and maintenance across the wider Manly Wharf site. Surveillance systems and 24/7 security staff on the premises will monitor the safety of staff and visitors.

The Fire Safety Strategy (FSS) in **Appendix L** concludes that the proposed development achieves appropriate fire separation, maintaining a maximum compartment size of 3,500m². This means separation of the pub and microbrewery space from the rest of the wharf, including the proposed public bathrooms.

The proposed development also achieves egress and travel distances compliance with the National Construction Code (NCC). Ongoing design development and operation of the development will be in line with the FSS, which meets the performance requirements of the NCC.

The proposed development's commitment to safety is evident and compliance with safety standards is considered acceptable.

6.5 Neighbourhood Amenity

By transforming an underutilised space into a more active and suitable use, there is an improvement to the area's visual and social amenity. This contributes to a more vibrant and liveable neighbourhood, benefitting both residents and the community as a whole. The proposed spaces and design features of the development also contribute to improved neighbourhood amenity.

All proposed spaces are appropriately ventilated, connecting to the mechanical plant space on the first floor of Manly Wharf. The provision of exhaust ducting and systems appropriately balances the heritage significance of the building, the air quality of patrons within the proposed spaces, and the visual and environmental amenity of surrounding development.

Manly Wharf's existing public toilet amenities are located in the basement car parking. Because of its inconspicuous location, public access to these amenities is severely inhibited. Additionally, because of the lack of passive surveillance, the space feels unsafe, unkempt and unwelcoming.

The development proposes two new toilet block amenities – one exclusively serving the proposed premises and the other, publicly accessible. The publicly accessible toilets feature the same number of stalls as the existing basement block and is built to an improved standard, including a parent's room and a disability accessible toilet.

The provision of improved public amenities is in line with Artemus Group's commitment to improving Manly Wharf as a whole by providing safer and improved access, not just for patrons of the premises, but for visitors, commuters and locals utilising Manly Wharf as a transport hub and community space.

The proposed development's impact on neighbourhood amenity is considered acceptable.

6.6 Noise and acoustic privacy

The Noise Assessment (**Appendix N**) undertaken for the proposed development included detailed acoustic modelling that noise generated the proposed development will comply with the acoustic requirements imposed by NSW Liquor and Gaming and that there will be no significant impacts to residential receivers.

The proposed pub and microbrewery are located within an existing tenancy of Manly Wharf, oriented to the water and away from sensitive receivers. The walls and ceiling of the pub and microbrewery space will be acoustically treated. The main entrance to the premises will be via a vestibule facing the southern façade of the Wharf. Aside from providing an air lock that ensures minimal noise leakage, the entry faces towards the water and the ferry wharf, rather than the residential developments along East Esplanade which are more sensitive to noise nuisances.

The POM (**Appendix D**) outlines noise management practices aimed at minimising impacts to the community. These include the appropriate management of patrons entering and departing the premises, as well the hours and locations for waste management and deliveries.

The anticipated noise impacts and proposed mitigation are considered acceptable.

6.7 Environmental sustainability

The Energy Efficiency Report (**Appendix J**) identifies that the proposed development complies (or can comply) with the performance requirements of NCC 2022 Section J.

In line with the Sustainable Buildings SEPP, an Embodied Emissions Statement has been prepared for the proposed development (**Appendix E**).

In line with recommendations of the WMP (**Appendix O**), the proposed development will be reusing and recycling as much construction and demolition waste as possible. The separation of food waste from landfill is also proposed.

The proposed environmental sustainability measures are considered acceptable.

6.8 Social and economic impact

Having taken over the leasehold of Manly Wharf in April 2024, Artemus have been conducting community engagement in the form of 'drop in sessions' and 'meet and greet' events. Aside from better understanding Manly Wharf's patrons, this has become an opportunity to better understand the needs of the community, given Manly Wharf's cultural impact on the neighbourhood. Informal feedback received in person and on social media suggest that the community is strongly supportive of improvements to Manly Wharf's connectivity and amenities.

This feedback is consistent with the feedback received for the redevelopment of Wharf 3 (by TfNSW), which is widely seen as having a positive impact on local businesses and public transport connectivity. Feedback on Wharf 3 called attention to the increase in anti-social behaviour around the Manly Wharf precinct. Feedback suggested that improving placemaking via the provision of informal meeting and gathering spaces would deter such behaviours and instead provide a more vibrant, community-oriented environment.

Manly town centre hosts several late night dining and entertainment venues. The proposed development provides a space for craft beverages and occasional live performances, making optimal use of a vacant, underutilised tenancy within the vibrant Manly town centre.

Manly Wharf is also a key destination for families and the proposal will operate as inclusive family-friendly premises during daytime trading hours and will host community-oriented events. This includes weekend markets, four times per year where various small businesses and artisans will gather in the premises to showcase local creative talent and enterprise.

The services to be offered by the development are a drawcard for the local community as well as visitors and tourists, adding to Manly's long history as a tourist and leisure destination.

In response to concerns around the safety and cleanliness of Manly Wharf's basement public toilets, the development proposes to provide new publicly accessible toilets on the ground floor wharf concourse. Security and cleaning staff will operate 24/7 to manage the safety, cleanliness and accessibility of the entire wharf, including these new toilets of use by all visitors and commuters passing through the wharf.

The Social Impact Assessment (SIA) prepared for the proposed development (**Appendix G**) concludes that the proposed balance is well-suited to the area's character and demographic and that it results in a positive social impact. The adaptive reuse of the vacant Aldi site is seen as a positive, providing opportunities for employment, surveillance, a community performance / meeting space and diverse food and drink offerings. There is also an improvement to amenity as noise, building maintenance and patron management are all well-mitigated by Artemus via the POM (**Appendix D**).

The social and economic impacts associated with the proposed development are considered acceptable.

6.9 Suitability of the site for the development

The proposed development complies with all key planning controls and is entirely consistent with zone objectives. It represents an appropriate planning and design outcome for the site.

The proposal to change the existing supermarket tenancy to a pub and microbrewery with ancillary dining and occasional live performance provides a use that is more compatible with other tenancies within Manly Wharf and the rest of Manly town centre's entertainment precinct. The premises provide a space for local artists, performers and creatives to showcase and hone their craft, with opportunities for live performance and the appreciation of artisanal craft brewing.

Most of the proposed development focuses on alterations to an internal space within Manly Wharf which is not heritage significant and will not diminish the character and quality of the area. The design approach is respectful of Manly Wharf's heritage character while providing a vibrant space consistent with other contemporary entertainment and dining venues in the neighbourhood. This is clearly expressed in the design's reliance on compatible materials and finishes.

The applicant for this development is also the proprietor for the rest of Manly Wharf and will manage and operate the proposed premises. 24 hour security, cleaning and maintenance implemented across the entire wharf are a key feature of a more coordinated and holistic approach to the management of the proposed premises and improved experiences for patrons and visitors to all parts of Manly Wharf.

The site is well suited to the proposed development.

6.10 The public interest

The proposed development is a positive addition to the already vibrant Manly town centre. The pub and microbrewery will serve as a hub for local artists to showcase their craft in the form of live music and performances, as well as high quality, artisanal food and beverages. Aside from the economic benefits, the premises becomes a space for patrons from the local community and visitors from further away to enjoy what local artists and producers have to offer.

While providing a space that makes Manly a great place to live and visit, the proposed development is respectful of the heritage character and community significance of Manly Wharf. The proposed development provides an adaptive reuse of an iconic building that is in keeping with the item's heritage fabric, the Wharf's role as a public transport hub and Manly Town Centre's local character.

The public's interests in preserving Manly Wharf's heritage character, ensuring the safety and vibrancy of Manly town centre, and providing social and economic opportunities are

all well-balanced in the proposed development. The proposed development is deemed to be in the public interest.

7. Conclusion

This DA seeks consent to alter a vacant retail tenancy at Manly Wharf for use as a pub and microbrewery with ancillary dining and occasional live performance.

In summary, this application seeks consent for:

- change of use of a vacant supermarket tenancy to a pub with dining, ancillary live performance, and a micro-brewery;
- demolition of existing external staircase, office spaces, storage spaces, cool rooms, freezers, supermarket staff toilets and basement public toilets and amenities;
- internal fit-out including two bars, ancillary kitchen, small staff office, new toilets and amenities servicing customers and staff;
- an internal connection to provide controlled, secondary access for patrons who wish to make their way between the new premises and the existing Manly Wharf Hotel;
- installation of micro-brewing equipment;
- internal fit out works including new wall linings, floor coverings, ceilings and acoustic treatments;
- a new vestibule to provide entry to the premises, with direct connections to the waterside wharf promenade, the basement via both lift and stair, and a secondary access link to the existing Manly Wharf Hotel;
- intermittent and occasional weekend markets inside the new premises, four Saturdays a year during daytime trading hours; and
- hours of operation consistent with the Manly Wharf Hotel:
 - 7 am to midnight, Monday to Wednesday and Sunday; and
 - 7am to 1am, Thursday to Saturday.

The proposed development makes optimal use of a site located in the vibrant Manly town centre which hosts several late night dining and entertainment venues. Located within Manly Wharf, the site has excellent public transport connections with the Sydney CBD and the rest of the Northern Beaches. The services offered by the development are a drawcard not only for the local community, but for visitors and tourists, given Manly's prominence as a tourist and leisure destination.

Aside from boosting the town centre's night time economy and live performance scene, the proposal acknowledges Manly Wharf's role as a key destination for families and the local community. Night time trading hours will see the premises operate in line with the vibrant night life Manly Town Centre is well-known for while daytime trading hours will feature family-friendly operations and community-oriented events, such as the proposed quarterly weekend markets.

The development also proposes the provision of safe, clean and accessible public toilets on the ground floor wharf concourse to improve the experience not just for visitors of the proposed premises, but also for commuters and the local community.

Further improvements to Manly Wharf's safety, amenity and inclusivity are already being considered and include a kids outdoor play area, improved kitchen services for the Manly Wharf Hotel and safety upgrades to the Wharf's exterior balustrade.

The proposed development is consistent with all applicable legislation and with the permitted uses and land use objectives identified in the LEP 2013 and foreshores and waterways zones in the Biodiversity and Conservation SEPP.

The development contributes to objectives in the Northern Beaches Council Local Strategic Planning Statement and Manly Night Time Economy Strategy.

Having regard to the above, and in light of the matters for consideration listed under Section 4.15 of the EP&A Act, it is recommended that this DA be approved by Council.

Appendix A – Development Compliance with Manly Development Control Plan 2013

Development Compliance with Manly Development Control Plan 2013

Manly DCP 2013	Compliance	Comment
1.7 Aims and Objectives	Yes	The aims and objectives of the DCP 2013 are integrated into the controls provided across various chapters. The proposed development is compliant with all the relevant controls provided below. As such, it is compliant with and contributes to the aims and objectives of the DCP 2013.
3.1 Streetscapes and Townscapes 3.1.3 Townscape (Local and Neighbourhood Centres)	Yes	Although Manly Wharf is on unzoned land, it contributes to the townscape of the Manly Town Centre. Majority of the proposed development will occur within the interior of Manly Wharf, but the proposed changes to the exterior stairs and entry way better emphasises the entrance to Manly Wharf and maintains pedestrian links within Manly Wharf and the exterior promenade. Additionally, section 4.2.5 of this DCP provides further controls and objectives to maintaining the character of Manly Town Centre and surrounds while promoting retail activity.
3.2 Heritage Considerations	Yes	The proposed development complies with heritage requirements under the <i>Heritage Act 1977</i> , Biodiversity and Conservation SEPP and section 5.10 of LEP 2013. Part 5.3 of the SoHI (Appendix F) demonstrates the proposed development's consistency with the heritage objectives and provisions of the Manly DCP 2013. As a whole, the retention of significant features and heritage fabric achieves the section's relevant objectives.
3.4 Amenity (Privacy, Noise, Odour / Fumes)	Yes	The Noise Assessment (Appendix N) shows consistency with the controls contained in this section of the DCP and section 6.21 Noise impacts – licensed premises of LEP 2013. Additional mechanical ventilation to be installed in the first floor plant room complies with the relevant standards around odour and air pollution, as identified by the BCA Report (Appendix I). The proposed development does not have any effects on sunlight access, overshadowing and view corridors. The proposed development maintains and improves the amenity for existing and future residents and neighbouring development.
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Consistent with the information required by section 3.5.6 of the DCP, this report responds to considerations in section 3.5 Sustainability.
3.5.1 Solar access	Yes	The proposed development is located within the existing building, allowing adequate shading from the summer sun. Doors and windows face the harbour and can be utilised for solar access, particularly in winter.
3.5.2 Energy sources and systems	N/A	The proposed development does not propose additional mechanical ventilation and heating equipment.
3.5.3 Ventilation	Yes	The proposed development is located within the existing building and insulated from harsh sun and wind conditions. Although natural ventilation may not be possible to provide fresh air and ambient temperatures, the proposed development will utilise existing mechanical ventilation and take advantage of its insulated location.
3.5.4 Energy efficient appliances and demand reduction and efficient	Yes	The Energy Efficiency Report (Appendix J) concludes that the proposed development is compliant with performance requirements of NCC 2022 Section J.

Manly DCP 2013	Compliance	Comment
lighting (non-residential buildings)		
3.5.5 Landscaping	N/A	Landscaping is not proposed as part of the development, given it is limited to the Wharf's interiors.
3.5.6 Energy efficiency / conservation requirements for non-residential development	Yes	In line with "all other developments" identified under this section, the SEE responds to section 3.5 of this DCP. Electrical appliances will be energy star rated and supplied in accordance with the Energy Efficiency report (Appendix J) and no new or replacement hot water systems are proposed.
3.5.7 Building Construction and Design	Yes	The site's location within the Wharf's interior largely achieves insulation against heat, cold and high winds. This also ensures that noise generated within the premises are insulated and do not negatively impact neighbouring residential uses.
3.6 Accessibility	Yes	<p>The Access Report (Appendix H) provides further detail on the proposed development's compliance with the relevant accessibility standards and legislation.</p> <p>Despite the heritage significance of the site, the proposed development achieves the objectives of this section in the following ways:</p> <ul style="list-style-type: none"> – The provision of a ramp to the main entry in a way that is still consistent with the heritage fabric of Manly Wharf; – Within the proposed premises, there are no additional steps or stairs, providing a continuous accessible path of travel; – There are 2 accessible spaces out of 69 car parking spaces located close to the lifts; and – One accessible toilet is provided within the premises.
3.8 Waste Management	Yes	Part 3 of the WMP (Appendix O) details reuse, recycling and disposal methods for all demolition and construction waste on site. Measures will be taken to ensure that waste is sorted into different streams and as much waste as possible is reused or recycled. Where disposal is necessary, waste is disposed of only at licensed facilities.
3.9 Mechanical Plant Equipment	Yes	<p>There is an existing mechanical plant room located on northern portion of the first floor. Being located behind the service corridor and amenities, the plant room is not apparent to patrons and pedestrians and does not compromise the heritage character of Manly Wharf.</p> <p>The plant room is insulated to minimise any noise and disturbances to tenants of Manly Wharf and neighbouring properties.</p>
3.10 Safety and Security	Yes	<p>There are no changes to the site's vehicular access arrangements.</p> <p>The pub and microbrewery space is located within the interior of Manly Wharf however, the vestibule doors to the Wharf promenade are glazed, rather than a solid finish. These attenuate noise from inside the premises while providing passive surveillance to the Wharf promenade.</p> <p>In addition, Manly Wharf have 24-hour security staff on the premises.</p>
4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)	Yes	<p>The site is on unzoned land but is adjacent to E2 Local Centre land and is consistent with the function and character of the zone.</p> <p>The proposed development is compliant with the controls under this section.</p>
4.2.5 Manly Town Centre and Surrounds	Yes	The development is consistent with these objectives and encourages retail activity within Manly Town Centre while maintaining its unique

Manly DCP 2013	Compliance	Comment
		<p>townscape in accordance with the requirements of this plan (addressed in 3.1 Streetscapes and Townscapes).</p> <p>Further sub-sections on car parking and late night venues are addressed below.</p>
4.2.5.4 Car Parking and Access	Yes	<p>Some of the controls outlined in this section are outdated in that the Northern Beaches Council S7.12 Contributions Plan no longer levies contributions for parking.</p> <p>The Transport Assessment (Appendix M) demonstrates that additional car parking is unnecessary. The majority of patrons will either walk to the premises or use public transport, taxis or ride share.</p> <p>Section 3.2.5.1 of this DCP states that a heritage item may be exempt from providing required onsite car parking where conservation of the item depends on Council allowing the exemption. Additional car parking cannot be provided within Manly Wharf without any major impacts on its heritage significant fabric.</p> <p>The lack of additional parking better achieves the objectives for promoting retail activity in Manly Town Centre. It also maintains the heritage significance of Manly Wharf and better reflects the townscape which is pedestrian-focused and well-connected by public transport.</p>
4.2.5.6 Late Night Venues	Yes	<p>The site is identified as part of the Manly Town Centre Entertainment Precinct.</p> <p>The SIA (Appendix G) illustrates the suitability of the vacant tenancy as a late night venue.</p> <p>The proposed pub and microbrewery's operating arrangements are consistent with the controls provided under this section.</p> <ul style="list-style-type: none"> – The operating hours are well within the maximum hours provided for hotels (e.g. 5am up to 2am the next day); – The proposed development does not include any open areas for patrons (e.g. roof or deck bar) and access to and from the premises is located on the side of Manly Wharf facing the water, rather than the residential areas across East Esplanade; – The development is consistent with other sections of this DCP and LEP 2013 in controlling noise from the premises; – The licensee of the premises is a member of the Manly Liquor Accord; and – In-house 24 hour security is present (the POM provides further detail on security procedures).
4.4.1 Demolition	Yes	<p>The SoHI (Appendix F) confirms that no demolition of Manly Wharf's heritage fabric is proposed.</p> <p>Part 3.1 of the WMP (Appendix O) details the demolition waste materials expected from the development as well as how these will be managed. As much as possible, demolition waste will be reused or recycled. Where disposal is necessary, waste is disposed of only at licensed facilities.</p>
4.4.2 Alterations and Additions	Yes	<p>Because of its heritage significance, the development proposes to maintain as much of the heritage fabric of Manly Wharf. The development sees the retention and adaptation of the vacant tenancy within the Wharf's interior rather than a completely new structure for the premises.</p>
5.4.1 Foreshore Scenic Protection Area	Yes	<p>The proposed development is consistent with the objectives under section 6.9 of the LEP.</p> <p>Other matters for consideration are addressed by the development as below:</p>

Manly DCP 2013	Compliance	Comment
		<ul style="list-style-type: none"> – The contrast between the built and natural environment is minimised via the use of neutral non-reflective materials and finishes that reflect the heritage character of Manly Wharf and the natural character of the foreshore and coastline; – Minimal external alterations are proposed and there are no proposed changes to the existing foreshore areas and roofline; – The development does not propose to remove any existing vegetation or wildlife habitats; and – To improve the visual impact, the volume of the stairs to the first floor is decreased by opting for a single flight flushed to a side wall.

Appendix B – Architectural drawings, prepared by ACME

Appendix C – Site Survey prepared by Sydney Surveyors

Appendix D – Plan of Management prepared by Architectus

Appendix E – Cost report and Embodied Emissions Statement, prepared by RLB

Appendix F – Statement of Heritage Impact, prepared by City Plan

Appendix G – Social Impact Assessment, prepared by Civic Assessments

Appendix H – Access report prepared by MGAC

Appendix I – BCA Capability Statement, prepared by BM+G

Appendix J – Energy Efficiency (Section J) Report, prepared by IGS

Appendix K – Estuarine Risk Management Plan, prepared by Horton Coastal Engineering

Appendix L – Fire Safety Strategy, prepared by Core Engineering Group

Appendix M – Transport Assessment, prepared by JMT Consulting

Appendix N – Noise Assessment, prepared by PWNA

Appendix O – Waste Management Plan, prepared by MRA Consulting Group