

## Department of Climate Change, Energy, the Environment and Water



HMS ID: 8293

Ms Claire Ryan  
Northern Beaches Council  
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MANLY NSW 1655  
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Letter uploaded to the NSW Planning Portal

**Address:** West Esplanade MANLY NSW 2095

**SHR ITEM:** Manly Wharf, SHR no. 01434

**Proposal:** Alterations and additions to the existing Manly Wharf Hotel, including the installation of two solid fuel pizza ovens and one solid fuel grill, extension of the wharf bar deck and construction of a children's play area. Replacement of unsafe and climbable balustrades around the perimeter of Manly Wharf with glass balustrades.

**Development Application no:** DA2024/1375, CNR 76889, A-94200

**Received:** 24 December 2024

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### **Subject: Heritage Council of NSW – General Terms of Approval – Integrated Development Application**

Dear Ms Ryan

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following general terms of approval are granted:

### **Approved development**

1. Development must be in accordance with:

a. Architectural drawings, prepared by Little Boat Projects as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Manly Wharf Alterations			
DA.101	Site Plan	25.11.24	3

DA.102A	Ground Floor Plan – Existing West	03.09.24	1
DA.102B	Ground Floor Plan – Existing East	28.01.25	5
DA.103A	Ground Floor Plan – Proposed West	25.11.24	2
DA.103B	Ground Floor Plan – Proposed East	28.01.25	6
DA.103C	Roof Plan – Proposed East	05.12.24	5
DA.104	Elevations – Proposed	05.12.24	5
DA.105	Axonometric – Proposed	05.12.24	5
DA.205	Solid Fuel Detail Plan	26.08.24	1
DA.206	Boat Playground Details	26.08.24	1
DA.207	Awning Details	26.08.24	1
DA.208	Awning Details	26.08.24	1

b. Engineering drawings, prepared by Svalson as listed below

Dwg No	Dwg Title	Date	Rev
Project Name: Project Name: Café au La			
14.GC - 1(4)	Cross Section Drawing	08.03.18	04
14.GC - 2(4)	Cross Section Drawing	08.03.18	04
14.GC - 3(4)	Cross Section Drawing	08.03.18	04
14.GC - 4(4)	Cross Section Drawing	08.03.18	04
La2.S.S.R.I - 1(3)	Water resistant and non-climbable	10.10.22	01
La2.S.S.R.I - 2(3)	Water resistant and non-climbable	10.10.22	01
La2.S.S.R.I - 3(3)	Water resistant and non-climbable	10.10.22	01

c. Engineering drawings, prepared by Cavalier Ventilation as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Project Name: Felon, Manly Wharf			
MECH 101	Cavalier Legend	26.07.24	01
MECH 102	Drawing Notes	26.07.24	01
MECH 103	Typical Detail Drawing	26.07.24	01
MECH 104	Rangehood Detail	26.07.24	01
MECH 201	Site Plan	26.07.24	01
MECH 202	Roof Plan	26.07.24	01
MECH 203	Kitchen Plan View	26.07.24	01

MECH 204	Elevation View	26.07.24	01
MECH 205	Rangehood Elevation View	26.07.24	01

- d. Statement of Heritage Impact (SOHI) Manly Wharf: Pizza Oven, Balustrade, Deck, prepared by City Plan, dated December 2024
- e. Statement of Environmental Effects (SOEE) Manly Wharf (Alterations and Additions), prepared by Architectus, dated 6 December 2024

## **EXCEPT AS AMENDED by the General Terms of Approval: WORKS NOT APPROVED**

- 2. The proposed removal of the existing 'ship railing' metal balustrades and replacement with 1200/1800mm adjustable glass balustrades along the outer edge of the wharf public thoroughfares is not approved.

*Reason: The proposed adjustable glass balustrade design at the identified locations is not sympathetic to the historic and aesthetic values of Manly Wharf and has the potential to adversely affect the character and setting of the item.*

### **Details to be submitted for approval**

- 3. The following information is to be submitted with the s.60 application for approval by the Heritage Council of NSW (or delegate):
  - a. Amended plans and details are to be provided demonstrating a revised balustrade design to the existing 'ship railing' metal balustrades along the outer edge of the wharf public thoroughfares.
 

The amended plans should include clear frameless glass or perspex panels affixed or adjacent to the existing 'ship railing' metal balustrades making them non-climbable and BCA-compliant to adequately address the identified safety concerns.

    - The glass or perspex panels are to finish no higher than the underside of the existing 'ship railing' metal balustrades top handrail.
    - Elevation details are to be provided demonstrating the typical panel size and fixing details of the proposed connections.
  - b. Further details demonstrating how the boardwalk deck infill of the top 2 amphitheatre tiers will seamlessly integrate within the existing wharf fabric.
  - c. Amended plans demonstrating the removal of the roof and cabin from the proposed boat installation to lower the overall height of the boat and reduce bulk.
  - d. A materials board illustrating the proposed finishes, colours and artwork that will be painted over the timber boat installation are predominately light colours.
  - e. A materials board illustrating the proposed awning structures related materials, colours and finishes are predominantly light colours.

*Reason: The details requested were either not supplied during the assessment of the application or were considered to be unsympathetic to the setting and heritage values. The assessment and management of these details is considered essential in order to obtain a good heritage outcome.*

## **Heritage consultant**

4. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

## **Specialist tradespersons**

5. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

*Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.*

## **Site protection**

6. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

*Reason: To ensure significant fabric including vegetation is protected during construction.*

## **Unexpected finds**

7. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics or any other buried fabric are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

*Reason: All significant fabric within a State Heritage Register curtilage should be managed according to its significance. This is a standard condition to identify to the applicant how to proceed if historical archaeological relics, or other unexpected buried discoveries such as works are identified during the approved project.*

## **Aboriginal objects**

8. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974*.

Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

*Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*

## Compliance

9. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

## Section 60 application

10. An application under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

*Reason: To meet legislative requirements.*

## Advice

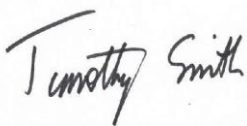
Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

## Right of appeal

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

If you have any questions about this correspondence, please contact Spiros Spyrou, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)

Yours sincerely



Tim Smith OAM  
Director Assessments  
Heritage NSW  
Department of Climate Change, Energy, the Environment and Water  
As delegate of the Heritage Council of NSW

22 April 2025