

**Andrew Starr and Associates Heritage Consultants
for
SGB Group
Heritage Impact Statement**



**El Camino and Sake Restaurants Manly Wharf Belgrave Street and West
Esplanade 54 Raglan Street, Manly**

**Prepared by Andrew Starr and Associates Heritage Consultants
September 2019**

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Table of Contents

1.0	
INTRODUCTION	3
1.1 Background	3
1.2 Site location	4
1.3 Methodology	4
1.4 Author identification	5
1.5 Limitations	5
2.0	
ITEM DESCRIPTION AND CONTEXT	6
2.1 Item Description	6
2.2 Site Context	41
3.0	
HISTORICAL DEVELOPMENT OF THE SITE	42
3.1 Historical Context	42
3.2 Specific History of the Site	46
4.0	
STATEMENT OF HERITAGE SIGNIFICANCE	48
4.1 Assessment Criteria	48
4.2 Statement of Significance	49
4.3 Curtilage	49
5.0	
THE PROPOSAL	50
6.0	
HERITAGE IMPACT ASSESSMENT	51
6.1 Statutory Controls.	51
6.2 Assessments of Impacts	51
6.2.1 Manly Local Environment Plan 2013	52
6.3. Manly DCP 2013	52
7.0	
CONCLUSION	56

1.0

Introduction

1.1 Background

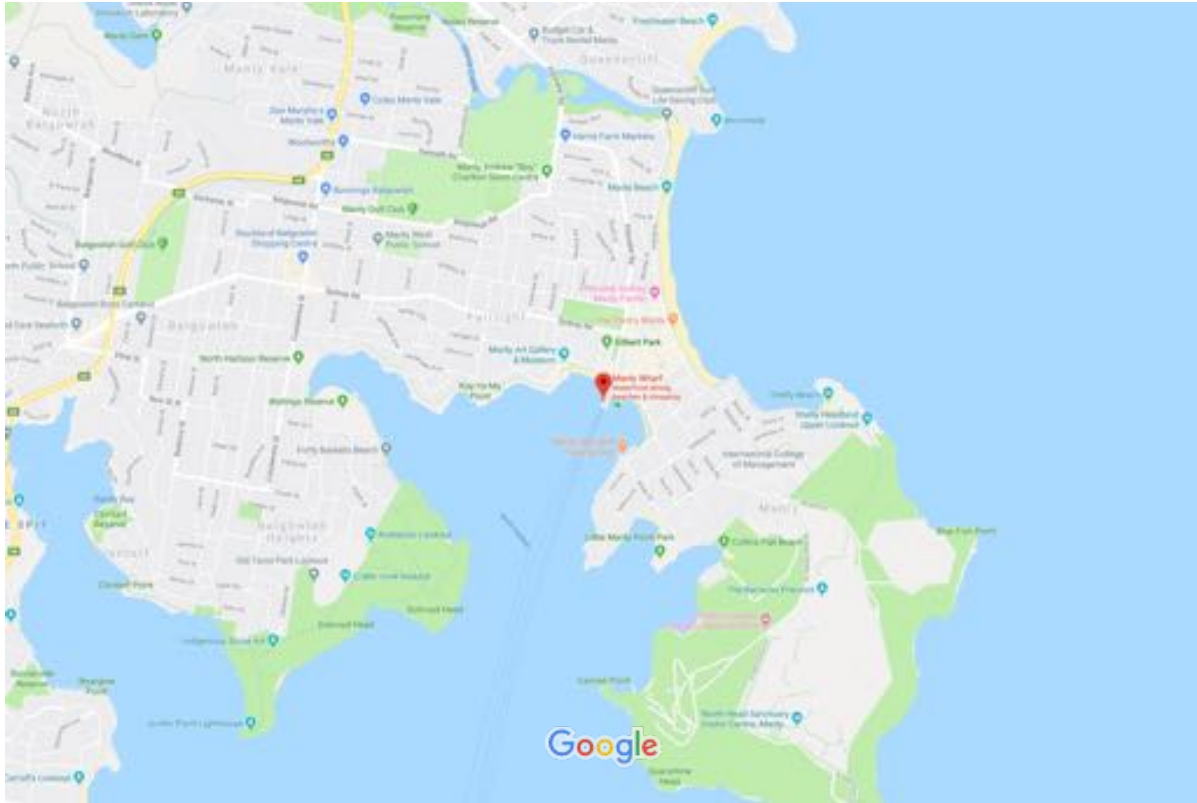
Andrew Starr and Associates Heritage Consultants have been engaged by the SGB Group to prepare the following Heritage Impact Statement. It is proposed to make alterations and additions to the existing restaurants El Camino and Sake at Manly Wharf. It is proposed to utilize the existing roof spaces for outside lounge areas for patrons. This will require new flooring and construction of balustrades on the roof edge. New furniture will be installed. The subject site is on the first floor of an ante building of the Manly Wharf. It is a contemporary styled building that has undergone many past alterations and has the appearance of a contemporary infill structure. The subject site itself has no distinct heritage fabric. Its heritage significance is due to its association with the public transport, tourism and as a social gathering place. The proposed works have been designed by the SGB Group.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Heritage Act - State Heritage Register		01434	18 Apr 00		
Heritage Act - s.170 NSW State agency heritage register		4920067			
Regional Environmental Plan		SREP23	05 Jun 90		
Local Environmental Plan		LEP1988			
Heritage study			01 Jan 86		
Within a National Trust conservation area		Sydney Harbour LCA	24 Jan 83		

1.2 Site Location

The subject site is located on the southern side of Manly Wharf at Belgrave Street and West Esplanade, Manly in an ante-building to the main wharf. The building is prominent from the promenade that runs above the beach at Manly Cove. The specific site is areas of the existing roof top.



Map data ©2019 Google 200 m

Location of subject Site

1.3 Methodology

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Manual 'Statements of Heritage Impacts' and 'Assessing Heritage Significance' guidelines. The philosophy behind this report has been guided by the Australia ICOMOS Burra Charter 1999. The report has also been prepared in accordance with Northern Beaches Council's guidelines on documentation accompanying development applications involving heritage items and conservation areas. The subject site has been assessed in relation to the controls and provisions contained in the Manly Council's Local Environment Plan 2013 and DCP as amended in 2013.

This report considers the heritage significance of the Manly Wharf and the impact of the proposed alterations and additions at the El Camino Restaurant and the Sake Restaurant and associated roof spaces upon this significance. The purpose of this report is to:

- Outline the historical background of the site.
- Describe the locality and its significance.
- Describe the building's fabric and its condition.
- Assess the heritage significance of the building.

- Assess the impact of the proposed works upon the heritage significance of the site.

1.4 Author identification

This report is prepared by Andrew Starr, Heritage Consultant, Graduate of the University of Sydney, Master of Arts with Merit. Andrew Starr is registered with the New South Wales Heritage Office as a Generalist Consultant.

1.5 Limitations

- This SOHI is based upon an assessment of the heritage issues only and does not purport to have reviewed or in any way endorsed decisions or proposals of a planning or compliance nature. It is assumed that compliance with non-heritage aspects of Council's planning instruments, the BCA and any issues related to services, contamination, structural integrity, legal matters or any other non-heritage matter is assessed by others.
- This SOHI relies solely on secondary sources. Primary research has not been included in this report, other than the general assessment of the physical evidence on site.
- It is beyond the scope of this report to address Indigenous associations with the subject site.
- It is beyond the scope of this report to locate or assess potential or known archaeological subsurface deposits on the subject site or elsewhere.
- It is beyond the scope of this report to assess items of movable heritage.
- Andrew Starr and associates Heritage Consultants has only assessed aspects of the subject building/place that were visually apparent and not blocked or closed on the day of the arranged site inspection.

2.0

ITEM DESCRIPTION AND CONTEXT

2.1 Item Description

Manly Wharf operates both as a ferry wharf and commercial area. The El Camino Restaurant and Sake Restaurant are some of a number of restaurants and cafes operating in the wharf complex. There are also specialty shops and a supermarket operating in the wharf complex. These businesses are a key component to the local tourist industry contributing to the idea of Manly as a tourist destination. Turnover of tenants on the Manly Wharf is regular and because of this some areas of the wharf complex have been refitted a number of times. The Manly Wharf has some surviving fragments of *Inter-War Art Deco Style c.1915-c. 1940*, which replaced earlier Victorian and Edwardian styles.

The area affected by the proposed fit-out is El Camino Restaurant and Sake Restaurant. They are located on the South West Corner of the Manly Wharf complex on the first floor level of an ante-building of the wharf. They front Many Cove and the West Esplanade.

The exact site is an ante-building of the Many Wharf built in the 1980s, which has been significantly altered having many fit-outs since its first construction. It has contemporary finishes. The two restaurants are located on the top floor and have roof spaces on either side. The Sake has an area of the roof converted to a raked gravel garden. A timber fence screens the majority of the roof space. The restaurant leases the roof space but at present use by patrons is not permitted. The El Camino Restaurant at the other side of the building shares a similar situation. The restaurant leases the roof space but there is also no public access to the roof. A section of the roof is screened by a painted masonry wall that enclosed a cactus garden. Both Restaurants have balcony seating fronting Manly Cove. The restaurants have three entrances from the Esplanade and from Belgrave Street. Each restaurant has a contemporary fit-out that reflects the character of the cuisine served. The restaurants as modified contemporary spaces have no heritage fabric and their significance is due to social significance and historical as the wharf as an area of entertainment.



Fig.1 Sake and El Camino are located on the first floor and can be seen from a promenade in front of the building.



Fig.2 View looking to the subject site from an outdoor bar on the foreshore.



Fig.3 View looking to the subject site from an outdoor bar on the foreshore.



Fig.4 The edge of the subject site is the roof level. A clear glass balustrade is proposed along the edge.



Fig.5 El Camino is located on the first floor the roof space is to be enclosed with a glass balustrade.



Fig.6 El Camino is above the roof level.



Fig.7 Looking towards the El Camino site.



Fig.8 Looking towards the El Camino site.



Fig.9 Looking towards the El Camino site.



Fig.10 The new roof area at the Sake Restaurant will not be seen from the entrance to the wharf.



Fig.11 Near an entrance to the El Camino Restaurant and Sake Restaurant.



Fig.12 Near an entrance to the El Camino and Sake



Fig.13 Near an entrance to the El Camino and Sake.



Fig.14 Promenade in front of the subject site.



Fig.15 Promenade in front of the subject site



Fig.16 Looking towards the El Camino.



Fig.17 Promenade in front of the subject site



Fig.18 Sake Restaurant.



Fig.19 Proposed site of rooftop terrace.



Fig.20 Proposed site of rooftop terrace.



Fig.21 Proposed site of rooftop terrace.



Fig.22 Proposed site of rooftop terrace.



Fig.23 Sake Restaurant



Fig.24 Proposed site of rooftop terrace.



Fig.25 Raked gravel garden part of the proposed site of rooftop terrace.



Fig.26 Proposed site of rooftop terrace.

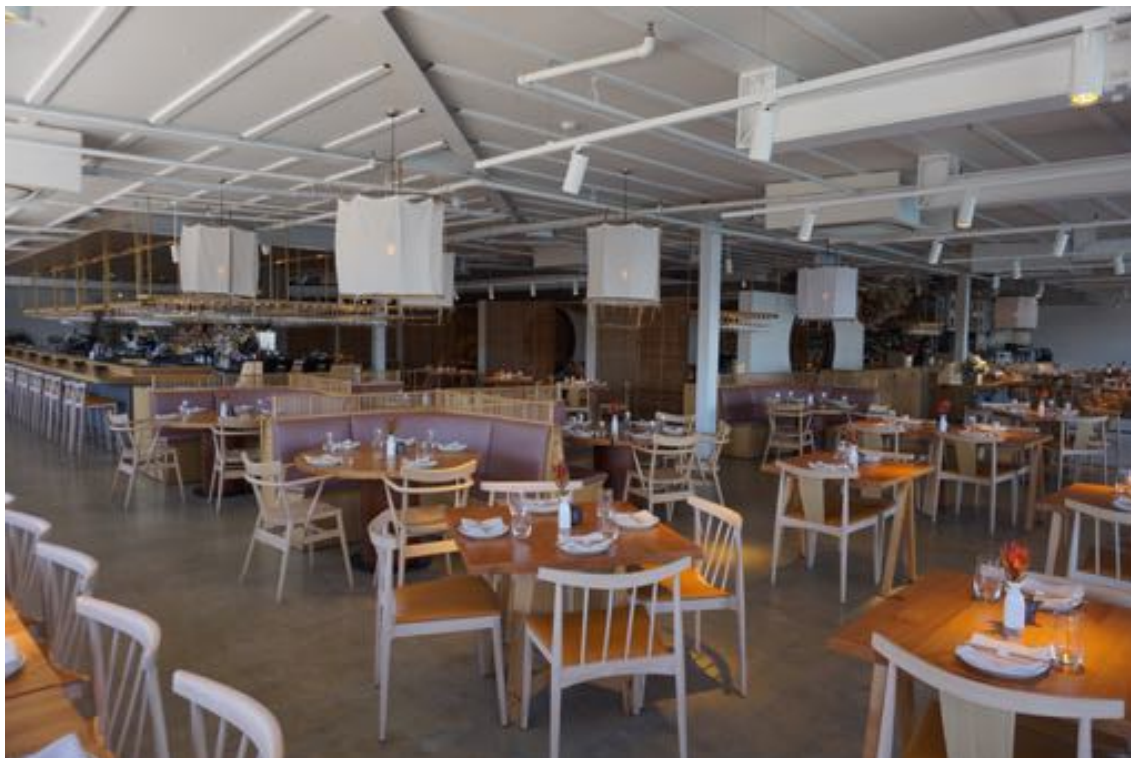


Fig.27 Sake restaurant



Fig.28 Raked gravel garden. Proposed site of rooftop terrace.



Fig.29 Raked Grave garden. Proposed site of the roof top terrace.

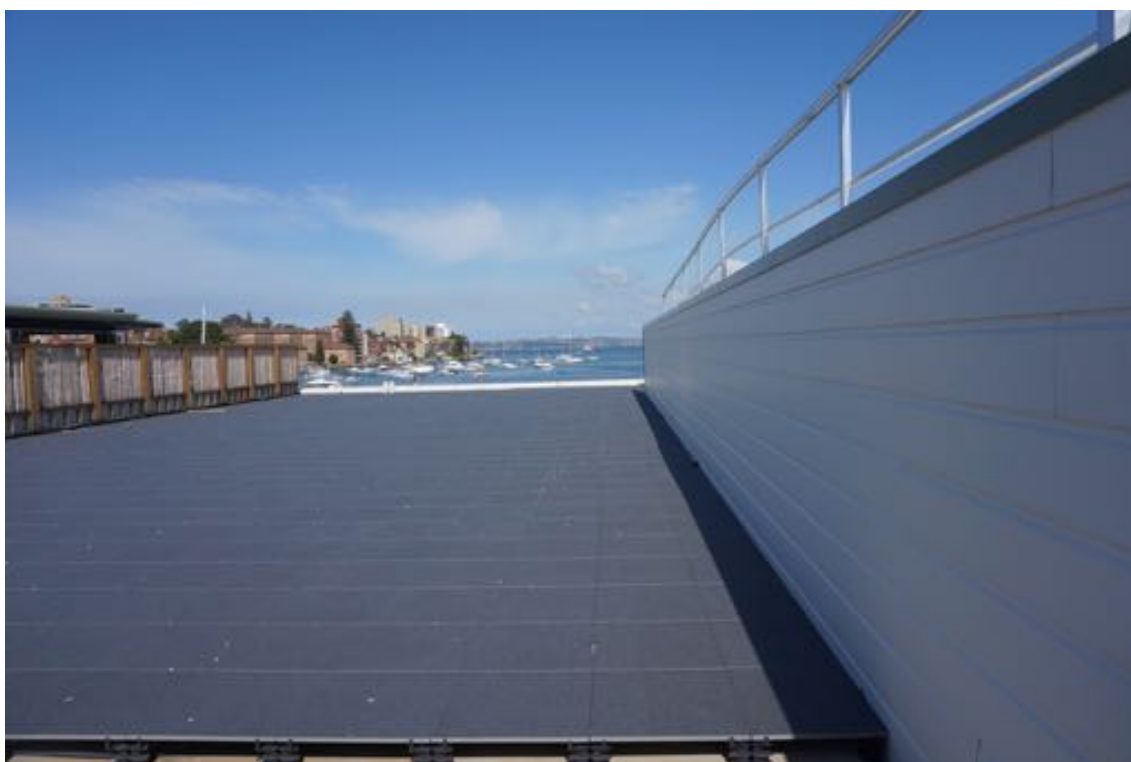


Fig.30 Proposed site of the rooftop terrace.



Fig.40 Sake restaurant



Fig.41 Raked gravel garden.



Fig.42 Proposed site of rooftop terrace.



Fig.43 Proposed site of the rooftop terrace.



Fig.44 Balcony Sake restaurant



Fig.45 Raked grave garden



Fig.46 Raked gravel garden



Fig.47 Sake Restaurant.



Fig.48 Sake restaurant.



Fig.49 Balcony



Fig.50 El Camino



Fig.51 El Camino.



Fig.52 El Camino.



Fig.53 El Camino.



Fig.54 Proposed roof terrace of El Camino.



Fig.55 Proposed roof terrace of El Camino.



Fig.56 Proposed roof terrace of El Camino.



Fig.57 Proposed roof terrace of El Camino.



Fig.58 Proposed roof terrace of El Camino.



Fig.59 Bar El Camino



Fig.60 Proposed roof terrace of El Camino.



Fig.61 Proposed roof terrace of El Camino.



Fig.62 Proposed roof terrace of El Camino.



Fig.63 Proposed roof terrace of El Camino.



Fig.64 Proposed roof terrace of El Camino.



Fig.65 Proposed roof terrace of El Camino.



Fig.66 Proposed roof terrace of El Camino.



Fig.67 Cactus garden



Fig.68 Cactus garden



Fig.69 Cactus garden

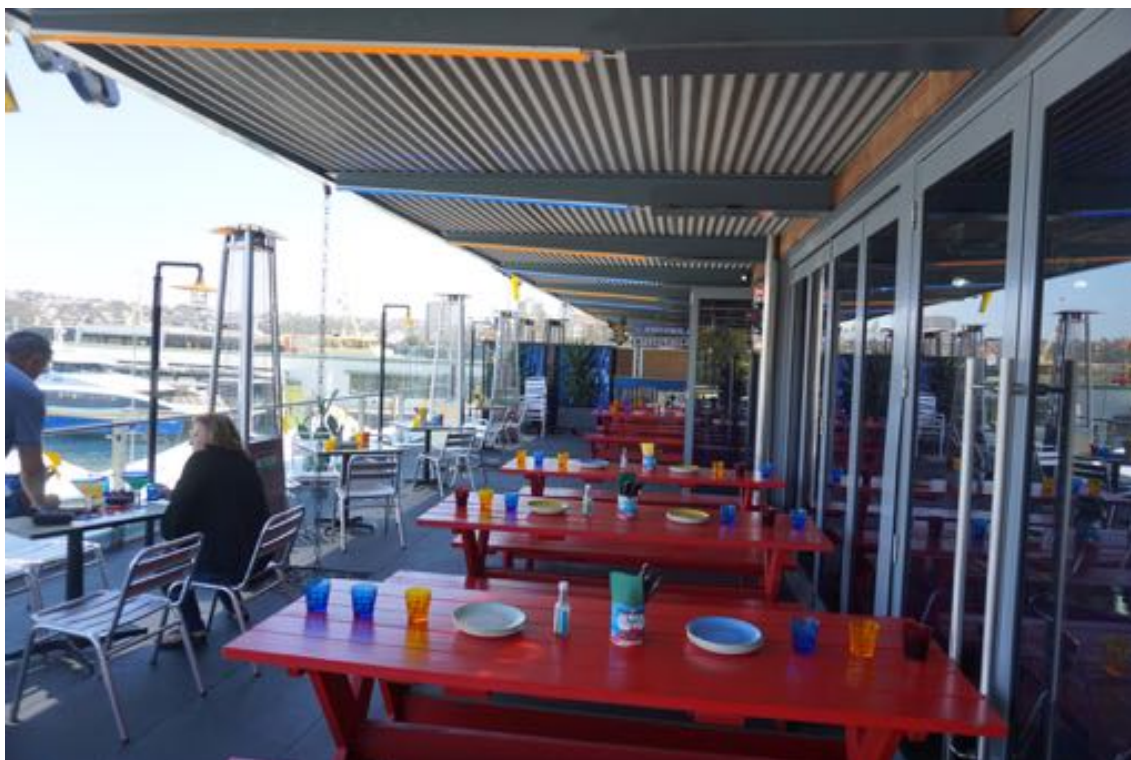


Fig.70 Balcony

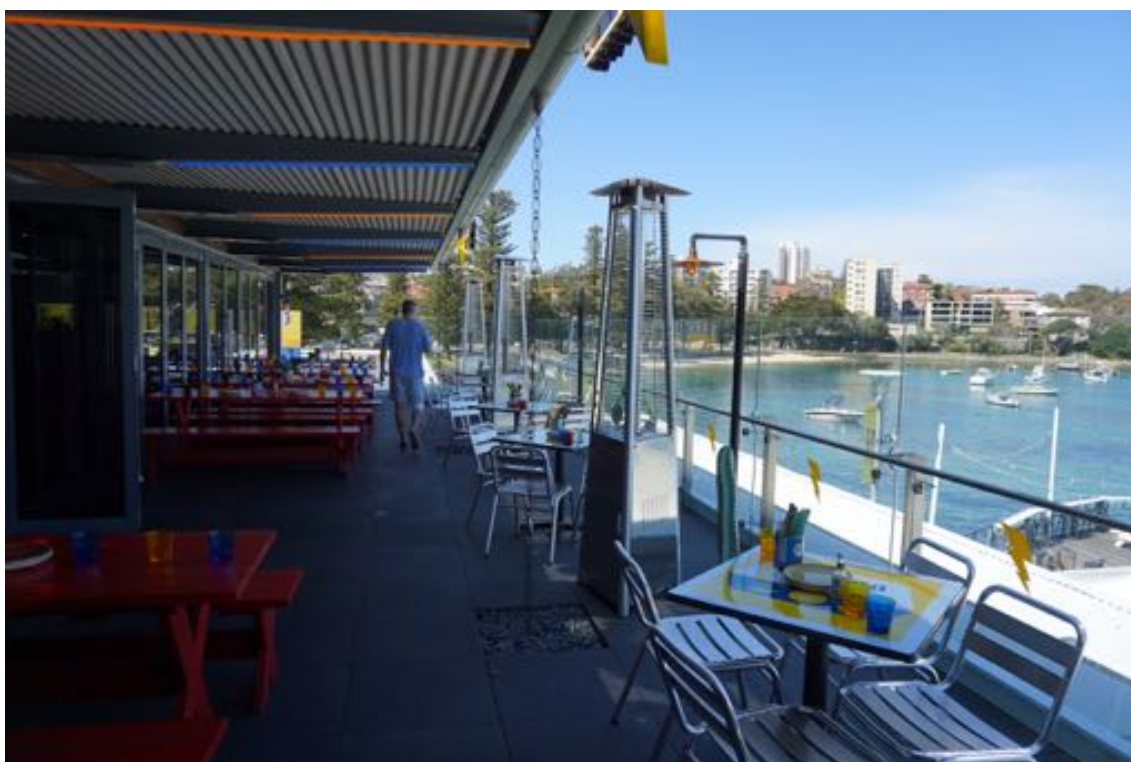


Fig.71 Balcony



Fig.72 Looking towards the cactus garden from the restaurant.



Fig.73 View to the subject site from the promenade.



Fig.74 View to the subject site from the promenade.



Fig.75 View to the subject site from the promenade.



Fig.76 View to the subject site from the promenade.



Fig.77 View to the subject site from the promenade.

2.3 Site Context

The site is in a contemporary section of the Manly Wharf complex. This is an area that has been associated with entertainment for a long time and has been a small amusement park in the past. Now this area houses restaurants bars and other retail outlets. It is a building that is prominent from promenades along Manly Cove to the south of the site and also prominent from Manly Cove itself and from properties around the harbor headlands. The building is opposite mixed commercial and residential buildings.

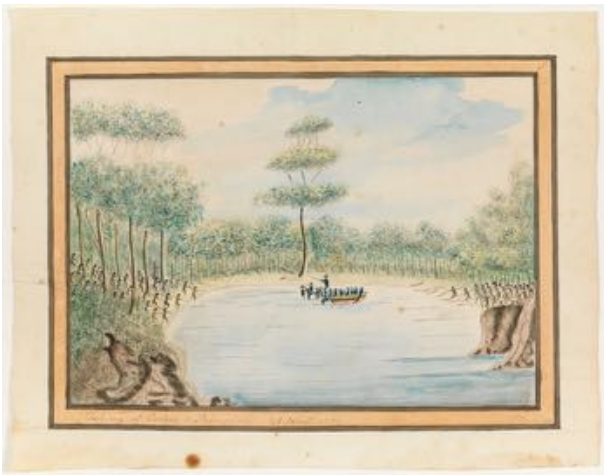
3.0

Historical Development of the Site

3.1 Historical Context

Manly by Paul Ashton 2008

Manly was originally inhabited by the Cannalgal and Kayimai clans of the Kuring-gai people. The first official dispatch in 1788 from Arthur Phillip, governor of the newly founded imperial outpost in New South Wales, noted the 'confidence and manly behaviour' of the Aboriginal people encountered on the northern side of the entrance to Sydney Harbour. Thus Manly derived its name. In 1868, however, their decimation was symbolised by the theatrical importation, reported in the Sydney Morning *Herald* on 13 March, of a 'troupe' of Aborigines to demonstrate 'war games' on Manly's ocean beach for the entertainment of European excursionists.



The Brighton of the South Pacific

Manly is one of Australia's oldest and most famed public 'watering places' and pleasure grounds. From the mid-1850s – when its handful of residents numbered around 70 – Henry Gilbert Smith became the first of many to market Manly as the Brighton of the South Pacific. On 5 January 1876, a number of Manly citizens gathered in public to discuss the formation of a municipality. As a result of this meeting, 63 signatures – thirteen more than were required under the *Municipalities Act* of 1867 – were appended to a petition seeking permissive incorporation.



The *Municipalities Act* also required applicants to delineate an area and give it a name. The petitioners sought a charter for 'Brighton' – shortly to be amended to 'Manly' – between the village of Manly and The Spit. The first chosen name reflected the sought-after Brighton-Eastbourne-Blackpool connection, an axis for the famous and the fashionable which epitomised the healthy seaside culture.



Manly was resolutely promoted by developers, civic worthies, ferry companies, real estate agents and some medical practitioners who saw the place as a sanatorium. The British-style resort was to figure prominently in the rise of beach culture from the second half of the nineteenth century until the 1920s, when the myth of the beach fully emerged. Improved transport to and from the city of Sydney saw the population rise from 500 in 1871 to 1,327 in 1881, 3,236 in 1891 and 5,035 in 1901.



Seven miles from Sydney and a thousand miles from care

As the Manly and Port Jackson Steamship Company's popular slogan trumpeted, the place was 'Seven miles from Sydney and a thousand miles from care'. For most of the nineteenth century, however, Manly, for the majority of people, might as well have been a thousand miles from Sydney. Until bridges and roads connected the municipality directly with the city, Manly remained largely the haunt of the wealthy – including politician and orator WB Dalley, timber merchant WH Rolfe and shipowner William Spier – and their servants and providers. The remnants of Dalley's 'Castle' can be seen today in the form of sandstone walls and carvings on the southern side of Sydney Road opposite Ivanhoe Park.

Later, less eminent residents, like the throngs of tourists, were drawn by the appeal of sun, sand, surf and sea. Such attractions were heightened after World War I following the liberalisation of local bathing by-laws in 1903 and the introduction of surfboard riding in 1915.

The development of flats after the World War I added a further enticement, as it did in other fashionable seaside locales. Offering a chic and casual lifestyle for singles, young couples and retirees – too casual for some conservative social commentators – a huge wave of flat and bungalow development washed across the municipality, burying the Victorian village under a 1920s red- and brown-brick suburb. During that decade, around 400 flats were built in Manly. Of all new flat construction in Sydney municipalities, Manly's was the sixth highest in this period. A similar number were built in the following decade. Many remain.



Manly's geographical isolation engendered the development of an independent, self-contented community. But it was, and continues to be, dependent on tourism. The area's function as a resort has also meant that, from the 1920s on, around half of Manly's population has been semi- or non-permanent. Both tourism and the area's population were stimulated by the construction of the Spit Bridge in 1924 which replaced a punt that had been operating from the nineteenth century. The introduction of government buses from 1932 also facilitated access to Manly.



After World War II, however, aged and deteriorating facilities, combined with changes to the tourist market, led to a significant decline in stopover visitors. This became acute by the early 1960s. The rise of both the car and the backyard swimming pool also undermined harbourside resorts as people flocked to surf beaches or swam at home. A burst from the mid-1970s of civic rejuvenation and successful local protest which reversed

the decline of ferry services contributed to a period of urban gentrification which continues in the twenty-first century.



Manly's politics

Despite its easygoing reputation, Manly has historically been a conservative place. It was a safe seat for the Australian Liberal Party until the 1990s, when it was won by an independent and held for four terms, until being reclaimed by the Liberal Party. It has also captured the imagination of creative Australians. Manly has been depicted in paintings and photographs, such as David Moore's 1964 iconic image of a surf lifesaving carnival on Manly Beach, as well as books such as John O'Grady's *The y're a Weird Mob* (1957) and Roger Millis's autobiographical novel *Serpent's Tooth* (1984), and films such as Fred Schepisi's *The Devil's Playground* (1976).

Manly Wharf

First wharf constructed in 1856 on the same site as the present wharf. (Anglin 1990:2033). Lumby (2016) says the date was 1855, and the wharf was built by English-born merchant and Manly enthusiast, Henry Gilbert Smith, who envisaged the place as a seaside resort. Smith bought up land in 1853 and eventually acquired an interest in steam ferries serving the locality. As well as building a house known as 'Fairlight', Smith was responsible for cottages, a hotel, church, school, pleasure grounds and swimming baths. He also had much to do with planting the first Norfolk Island pines (*Araucaria heterophylla*) on the ocean front (Lumby, 2016, 1).

Improvements were made to the wharf in the first half of the 20th century. These were swept away at the end of the inter-war era after the Maritime Services Board decided to construct an 'imposing' new wharf during 1938 following several years of local agitation. A fire at the wharf in 1939 precipitated further action (ibid, 2016, 2).

The MSB engaged gifted young modernist architect Arthur Baldwinson (1908-68), not long after his return from several years working in England, to design major reconstructions of the ferry wharves at Manly and Circular Quay (ibid, 2016, 2)

The wharf was built in a modernistic transport idiom with typical stylistic features of era such as play of circular and rectangular geometric terms, bayed facade to the water (marine connotations), wide arc plan at entrance, clock tower with "fins," flat roofing marked by wide fascia board. The current entrance was

originally designed as a tram terminus and turning area. The structure was subjected to major alterations to the wharf wings involving a T-shaped clerestorey. (Stapleton, 1981).

The Manly wharf was completed in 1941 (ibid, 2016, 2).

Evaluation

The subject site is in a building associated with Manly Wharf but not part of any original wharf structure and has no heritage fabric. Its historic associations are social and concern Manly and Manly wharf as entertainment areas and tourist attractions.

References

Paul Ashton, 'Thematic History', vol 2, Kate Blackmore and associated consultants, *Manly Heritage Study*, Kate Blackmore, Sydney, 1986

Paul Ashton, 'Inventing Manly', in Max Kelly (ed), *Sydney: City of Suburbs*, University of New South Wales Press in association with the Sydney History Group, Sydney, 1987, pp 149–171

Pauline Curby, *Seven Miles from Sydney: A History of Manly*, Manly Council, Manly NSW, 2001

PW Gledhill, *Manly and Pittwater: its Beauty and Progress*, Manly, Warringah and Pittwater Historical Society and Robert Dey, Son & Co, Sydney, 1948

F Myers, *Beautiful Manly: illustrated views of Eastbourne in the marine suburb, Manly and the favorite watering place of New South Wales*, Anglo-Australian Investment, Finance & Land Company, Sydney, 1885

Charles Swancott, *Manly 1788 to 1968*, DS Ford, Sydney, 1968

4.0

Statement of Heritage Significance

4.1 Assessment Criteria

The following assessment of significance addresses the criteria endorsed by the NSW Heritage Council, and is in accordance with the *NSW Heritage Manual* 'Assessing Heritage Significance' guidelines. The assessment is based upon the limited historical information, and the inspection of the fabric of the item and the surrounding area.

a) an item is important in the course, or pattern, of the local area's cultural or natural history.

Of historical significance for its associations with the maritime activities at Manly as a tourist destination and suburb of Sydney, dependant on the ferry link to the Sydney CBD. (Anglin 1990:2033)

b) an item has strong or special associations with the life or works of a particular person, or group of people, of importance in the local area's cultural and natural history

Does not meet this criterion

c) an item is important in demonstrating aesthetic characteristics and/ or a high degree of creative achievement in the local area.

Of environmental significance as a visually prominent manmade feature. O (Anglin 1990:2033)

d) an item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.

A place of entertainment and social interaction.

Of social significance as the ferry link to Sydney CBD by commuters and visitors.

e) an item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history

Does not meet this criterion due to extent of change to original fabric.

f) an item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history

Not relevant under this criterion.

g) an item is important in demonstrating the principal characteristics of a class of the local area's

- cultural or natural places; or
- cultural or natural environments

Not relevant under this criterion.

4.2 Statement of Significance

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

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

The specific site is only associated with the ferry wharf. Constructed much later and then extensively modified its heritage significance is not due to heritage fabric but by association with the tourist function of the wharf.

4.3 Curtilage

First floor restaurants with roof access.

5.0 The Proposal

Proposed is:

The construction of roof top terraces at the El Camino and the Sake restaurants. The Sake's terraces will have glass balustrades at BCA height levels. El Camino will have 'concrete block wall balustrade' blended with a 'Rio mesh fence' as balustrades. The floors are paved. The two existing gardens are deleted and new furniture is to be installed. The new terraces are in areas leased by the current management of the restaurants. The rooftops have no heritage fabric. They are part of a contemporary infill building that is an ante-building of the Manly Wharf. The impact of the installation of the new terraces is neutral to the heritage significance of the wharf. They are to an area already function as restaurant and retail space.

Procedures /Exemptions

Section of act	Description	Title	Comments	Action date
57(2)	Exemption to allow work	Standard Exemptions	<p>SCHEDULE OF STANDARD EXEMPTIONS HERITAGE ACT 1977 Notice of Order Under Section 57 (2) of the Heritage Act 1977</p> <p>I, the Minister for Planning, pursuant to subsection 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order:</p> <p>1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published in the Government Gazette on 22 February 2008; and</p> <p>2. grant standard exemptions from subsection 57(1) of the Heritage Act 1977, described in the Schedule attached.</p> <p>FRANK SARTOR Minister for Planning Sydney, 11 July 2008</p> <p>To view the schedule click on the Standard Exemptions for Works Requiring Heritage Council Approval link below.</p>	Sep 5 2008

The general exemptions for the site permit works as the ones proposed to be undertaken if the heritage significance is not impacted.

6.0

Heritage Impact Assessment

6.1 Statutory Controls

The Northern Beaches Council is a recently amalgamated council that has not yet integrated the planning controls of Manly, Warringah and Pittwater councils. Despite being listed as a heritage item, Manly Wharf is excluded from the application area of Manly LEP 2013. The current applicable planning instruments are:- Sydney Regional. However, the subject building is listed as a heritage item under Schedule 5 Heritage Items of the Manly Local Environment Plan 2013. The proposal is also subject to Part 5 Clause 10 Protection of heritage items and heritage conservation areas. As part of a heritage item the subject proposal will be discussed under the relevant Manly Council planning controls and its Development Control Plan.

6.2.1 Manly LEP 2013

The following provides an assessment of the proposal against the relevant clauses of the Manly LEP 2013.

Manly Local Environmental Plan 2013

Current version for 28 February 2019 to date (accessed 11 September 2019 at 12:25)

[Part 5](#) Clause 5.10

5.10 Heritage conservation

Note.

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) Objectives The objectives of this clause are as follows:

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

(2) Requirement for consent Development consent is required for any of the following:

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

- (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
 - (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
 - (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
 - (d) disturbing or excavating an Aboriginal place of heritage significance,
 - (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
 - (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) When consent not required However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.
- (4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) Heritage assessment The consent authority may, before granting consent to any development:
- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies):
- (a) notify the Heritage Council of its intention to grant consent, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
 - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:
- (a) notify the Heritage Council about the application, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an

Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Evaluation of the proposal in reference to Manly's Development Control Plan

Relevant DCP objectives in relation to heritage in this plan include the following:

- Objective 1) To retain and conserve environmental heritage and cultural significance of Manly including:
- Objective 2) To ensure any modification to heritage items, potential heritage items or buildings within conservation areas is of an appropriate design that does not adversely impact on the significance of the item or the locality.
- Objective 3) To ensure that development in the vicinity of heritage items, potential heritage item and/ or conservation areas, is of an appropriate form and design so as not to detract from the significance of those items.
- Objective 4) To provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons.
- Objective 5) To integrate heritage management and conservation into the planning development process including incentives for good heritage management, adaptive reuse, sustainability and innovative approaches to heritage conservation.

Response

O1 The proposed works have a neutral impact on Manly Wharf and The Manly Cove foreshore. No archaeological site is impacted. No excavation is proposed.

O2 The proposed works are neutral in impact on the heritage item.

O3 The proposed works do not detract from the appearance of the Manly Wharf or Manly Cove foreshore.

O4 Light weight balustrades at Sake and movable furniture make the proposed work fully reversible. At El Camino the low profile of the cement block wall has neutral impact. The wire balustrading is light weight and fully reversible

O5 No heritage fabric is impacted. Heritage significance of the Manly Wharf is not impacted.

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

- In addition to LEP listings of Environmental Heritage (LEP Schedule 5), this DCP requires
- a) consideration of the effect on heritage significance for any other development in the vicinity of a heritage item or conservation area.
 - b) Proposed development in the vicinity of a heritage item or conservation area must ensure that:
 - i) it does not detract or significantly alter the heritage significance of any heritage items, conservation area or place;
 - ii) the heritage values or character of the locality are retained or enhanced; and
 - iii) any contemporary response may not necessarily seek to replicate heritage details or character of heritage buildings in the vicinity, but must preserve heritage significance and integrity with complementary and respectful building form, proportions, scale, style, materials, colours and finishes and building/street alignments.
 - c) The impact on the setting of a heritage item or conservation area is to be minimised by:
 - i) providing an adequate area around the building to allow interpretation of the heritage item;
 - ii) retaining original or significant landscaping (including plantings with direct links or association with the heritage item);
 - iii) protecting (where possible) and allowing the interpretation of any archaeological features; and
 - iv) retaining and respecting significant views to and from the heritage item.

The work is neutral in impact. The materials and finishes of the building are sympathetic. The footprint of the building is retained. Work is reversible and has little impact on any public view. At El Camino where the balustrading uses a section of heavier material (painted masonry) its location and level mitigate its heritage impact. The changes are made to a building with low heritage significance and the change is absorbed due to the height and profile of the existing balcony balustrade.

6.2.2 'Questions to be Answered' from the 'Statements of Heritage Impact' Guidelines of NSW Heritage Manual

How is the impact of the addition on the heritage significance of the item to be minimised?

The new roof top terraces are on a section of the wharf complex built in the 1980s and then extensively altered. This building has a contemporary appearance and has no heritage fabric. This allows for a range of alterations that can take place on the building. These new roof terraces are neutral in impact and adapt an existing space without any impact on aesthetic, historic, technological and social significance of the site.

Can the additional area be located within an existing structure? If no, why not?

The roof top terraces adapt pre-existing areas of the building for use by patrons. The visual bulk of the additions are mitigated by the level of the balustrading and the reversibility of the proposed work.

Will the additions visually dominate the heritage item?

The new roof terraces do not dominate the heritage item.

Is the addition sited on any known, or potentially significant archaeological deposits? If so, have alternative positions for the addition been considered?

Roof top changes require no excavation.

Are the additions sympathetic to the heritage item? In what way (e.g. form, proportions, design)

Materials and finishes are appropriate to the context of the site. Glass and wire balustrades reduce impact. At El Camino where the balustrading uses a section of heavier material (painted masonry) is location and level mitigate its heritage impact. The changes are made to a building with low heritage significance and the change is absorbed due to the height and profile of the existing balcony balustrade. Work is fully reversible.

Has the advice of a heritage consultant /specialist been sought? Have the consultant's recommendations been implemented?

Andrew Starr and Associates Heritage Consultants were engaged by the owners of the subject property to comment on the proposal. After consideration, our opinion was that the proposal would be appropriate within the existing context of the site.

7.0

Conclusion – Conservation Principles

The proposed alterations and additions to the existing dwelling at the El Camino Restaurant and the Sake Restaurant are considered to be appropriate within the context of the Manly Council's Guidelines pertaining to the alteration and additions to items on the local government's environmental heritage register. This site offers unique opportunities to construct additions that retain the main body of the building while marrying the new to the existing building in a contemporary but respectful way. The scale and size of the proposal is appropriate to the context.

The use of balustrades allows for the incorporation of existing roof space while retaining the existing footprint. The new roof top terraces are achieved without increase in visual bulk. The additions do not dominate the existing building. They make no heritage impact on immediate neighbors and are sympathetic to the Manly Wharf. Despite being listed as a heritage item, Manly Wharf is excluded from the application area of Manly LEP 2013, because the current applicable planning instruments are:

- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Development Control Plan for Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Sydney Harbour Foreshores & Waterways Areas
- Manly Development Control Policy for Manly Cove, 1996.

The general exemptions placed on the Manly Wharf and associated buildings allow for changes to be made if heritage significance is not impacted. The Manly Wharf retains little of its original fabric, it is a building that has been altered significantly due to factors of fashion, practicality and new technology. The section of the wharf complex altered is a later infill addition, it has no historic significance or heritage fabric and its significance resides in a social contribution to tourism and entertainment. The proposed rooftop terraces enhance the viability of the building for tourism and entertainment and maintain what is of significance in the building.

The subject proposal is considered as an example of sympathetic development desired in Manly.

Andrew Starr Heritage
September 2019