

STATEMENT OF ENVIRONMENTAL EFFECTS

**DA TO INCREASE OUTDOOR DECK AREA, MODIFY WINDOWS AND ADD
ADDITIONAL EXTERNAL SEATING TO HUGOS MANLY**

MANLY WHARF, EAST ESPLANADE, MANLY



Report Prepared by: Planning Lab

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Table of Contents

Summary	4
Site Location and Context	5
Site History	9
Proposal Summary	10
Environmental Planning and Assessment Act 1979 S4.15 Assessment	13
State Environmental Planning Policy (State and Regional Development) 2011	14
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	14
Sydney Harbour Foreshores and Waterways Development Control Plan 2005	18
Manly Development Control Policy for Manly Cove, 1996	22
Consultant Reports	22
Heritage Impact Statement	22
Biodiversity Assessment	23
Noise Impact Assessment	23
Traffic and Parking Assessment Report	24
BCA Capability Statement	24
Access Capability Compliance Statement	24
Substructure Concept Design	24
Conclusion	25

Table of Figures

Figure 1 - The site's approximate location within Manly Wharf (Six Maps)	6
Figure 2 - Existing site plan	6
Figure 3 - Photo of the existing site (Squillace Architects)	7
Figure 4 - Drone photo of the existing site (Squillace Architects)	7
Figure 5 - Drone photo of the current seating area (Squillace Architects)	8
Figure 6 - Proposed deck extension and seating plan	10
Figure 7 - Southern elevation (existing above compared to proposed elevation below)	11
Figure 8 - Western elevation (existing above compared to proposed elevation below)	11
Figure 9 - 3D perspective of proposed deck addition	12
Figure 10 - 3D perspective of southern seating	12

Summary

This Statement of Environmental Effects (SEE) accompanies an integrated development application (DA) that relates to Shop 1 Lot 1 of the Manly Wharf, East Esplanade, Manly which trades as 'Hugos'. The DA proposes an extension of the upper and lower decks along with minor modifications to the building's façade and seating layout. The proposal will allow for an increase in outdoor patron seating of 66 patrons. The restaurant's interior is unaffected by this proposal and the existing approved outdoor hours of operation are proposed to be retained.

Manly Wharf is a State listed heritage item (01434) and this application requires approval by the Heritage Council of NSW as an integrated development application. The heritage impacts of the proposal have been considered in detail in the attached Heritage Impact Statement by City Plan which demonstrates that the proposal relates to an area of the wharf constructed in the 1990s and does not impact the original 1941 building fabric. The proposal is demonstrated to have a minimal and acceptable impact.

As the public transport gateway to Manly, the wharf is used heavily by both residents and visitors accessing the area by ferry. The southern-western corner of the wharf, to which this application relates, is seen clearly from both the ferry and the popular Manly Cove beach. In addition to the seating it will provide for Hugos, the proposal also extends a public area of the lower deck providing additional seating and planters which will improve the amenity of this part of the wharf and will allow more people to enjoy the harbour. The additional seating for Hugos has been designed as an extension of the existing deck and the structure itself will have minimal visual impact but its use will increase activation of the wharf. The extended public and private space will enhance the liveliness of the wharf and support its ongoing commercial operation.

The impact of the proposal on pedestrian mobility will be acceptable as a walkway of 2.4m will be maintained around the perimeter of the restaurant. The acoustic impact of the proposal has been considered by Acoustic logic in the attached Noise Impact Assessment which demonstrates that the proposal can operate within all applicable acoustic standards subject to their minor operational recommendations. The visual impact of the proposal will be minimal as it relates to non-original building fabric and the form will remain visually similar to its current expression.

The proposal is accompanied by a Biodiversity assessment by Environmental Resources Management Australia. The assessment demonstrates that the proposal's impacts upon seagrass and the little penguin colony can be appropriately managed subject to the Assessment's recommendations.

The Manly Wharf is excluded from the Manly LEP 2013 and Manly DCP 2013 and the applicable controls are from the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, the Sydney Harbour Foreshores and Waterways Area Development Control Plan and Manly Development Control Policy for Manly Cove, 1996. This SEE demonstrates that the proposal is not inconsistent with any environmental planning instrument.

The proposed development does not meet the criteria for consideration as state or regionally significant development under State Environmental Planning Policy (State and Regional Development) 2011. The Northern Beaches Council is the consent authority for the application. The proposal will support the ongoing operation of the Manly Wharf as an iconic part of Manly's cultural history and will support the local tourism and night-time economies.

The COVID-19 pandemic began affecting Australia in early 2020 is still underway and has no certain end in sight. In response to the virus, restrictions have been placed on restaurants (and other public gathering spaces) requiring social distancing. For restaurants, this has meant a limit of 4m² of space per person which has greatly reduced restaurant capacities. There remains a great deal of ambiguity and speculation as to what the post-pandemic world may look like and what changes will be required to improve public health. It seems likely that customers may express an increased desire for outdoor seating.

Outdoor seating, by its nature, provides greater ventilation than indoor seating and may form part of the change to restaurant operation in the future. While the pandemic continues, the extended outdoor seating area will provide additional floor space which will allow Hugos to accommodate additional patrons while respecting any mandated social distancing rules (such as the current 4m² guidelines). This additional capacity will support the ongoing commercial viability of Hugos in this future period of uncertainty and will continue to add to the economy of the Northern Beaches once the threat has passed.

This proposal has not been specifically prepared in response to COVID-19 and is well justified under the existing planning controls and under normal circumstances. The proposal is recommended for approval by Northern Beaches Council due to both the short-term benefits of the proposal in relation to COVID-19, but more importantly, due to the long-term benefits supporting the Manly Wharf's ongoing commercial operation and atmosphere in compliance with the relevant controls.

Site Location and Context

The Manly Wharf is located on the southern end of the Manly Town Centre. It is the primary point of public transport between Manly and the Sydney CBD and forms a gateway through which residents, tourists and daily commuters all pass-through travelling to or from Manly.

The subject tenancy Shop 1 Lot 1 of the Manly Wharf, East Esplanade, Manly, is located at the westernmost point of the Ground Level of the Manly Wharf. Hugos currently has indoor seating for 150 customers and outdoor seating along the western edge of the wharf for 50 customers. The Manly Wharf contains multiple restaurants, bars and cafes. On the western side of the wharf, Hugos and the Bavarian have outdoor seating on the wharf and on the east Manly Wharf Hotel provides outdoor seating.

The Manly Ferry Wharf is a listed heritage item under both the Heritage Act 1977 and the Manly LEP 2013. Designed by Sydney Modernist Architect Arthur Baldwinson, the timber wharf is significant because of its age and association with the historic development and continuation of Manly as a seaside resort of Sydney and because of its contribution to the context of the sweeping beach and line of the trees which is now an integral part of this mainland view of Manly. It is a rare surviving working example of a maritime architecture, designed in the Modernist style of the mid-Twentieth Century. A major extension was undertaken in the 1990s to add retail shops, bars and cafes to the arcade. Hugos is located within an area that was constructed as part of the 1990s extension.

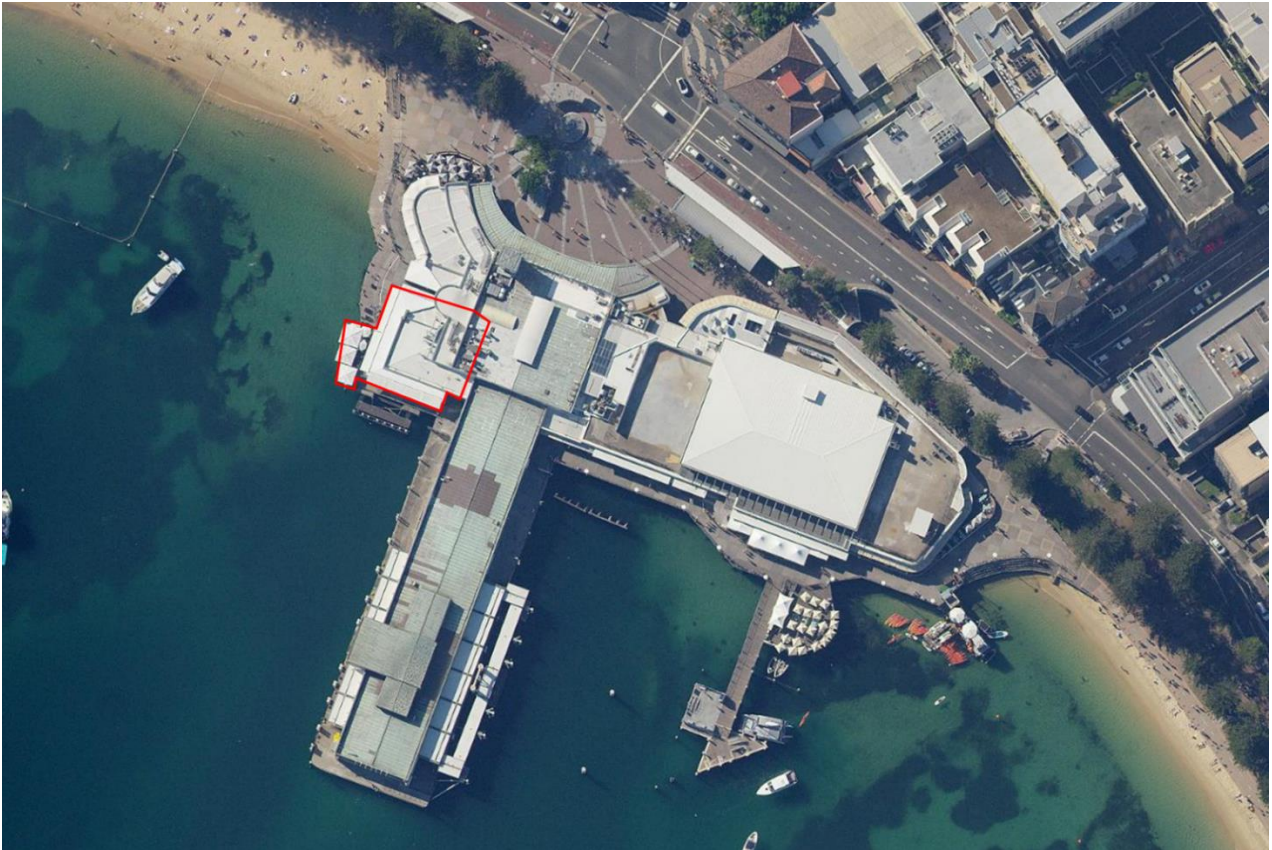


Figure 1 - The site's approximate location within Manly Wharf (Six Maps)

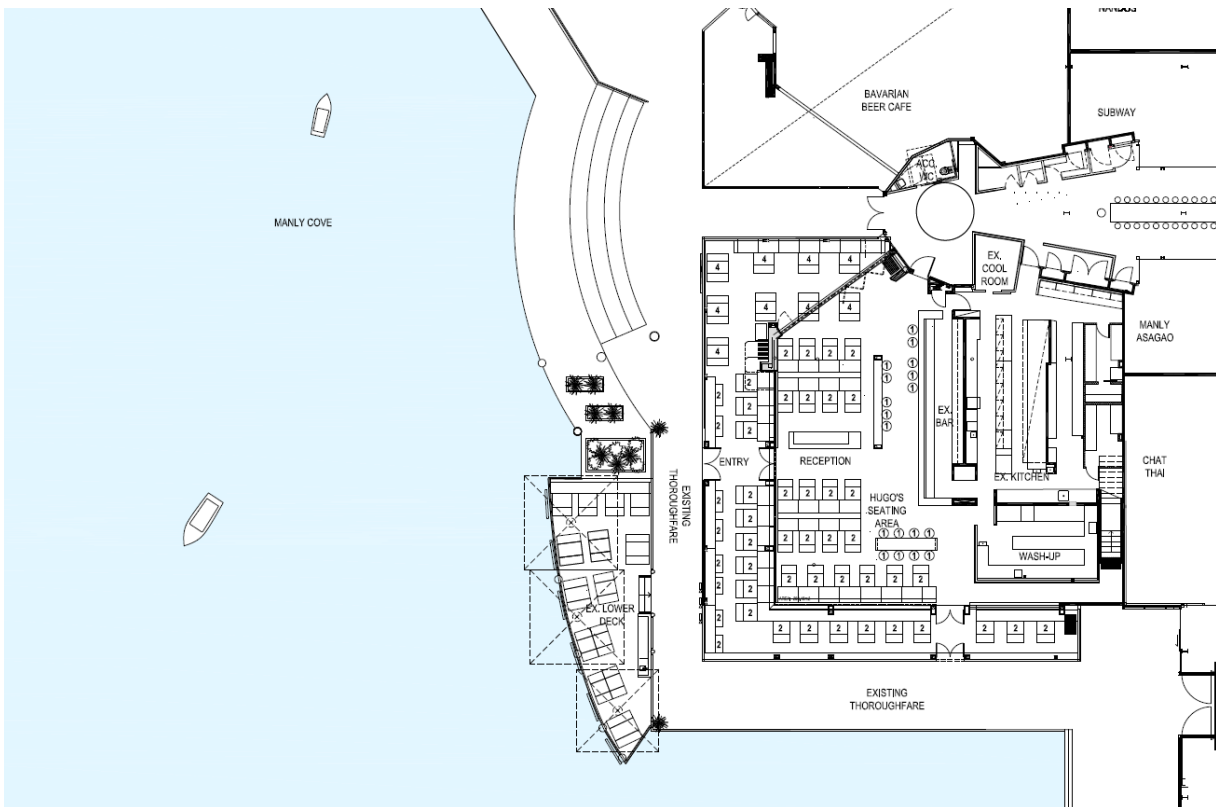


Figure 2 - Existing site plan



Figure 3 - Photo of the existing site (Squillace Architects)

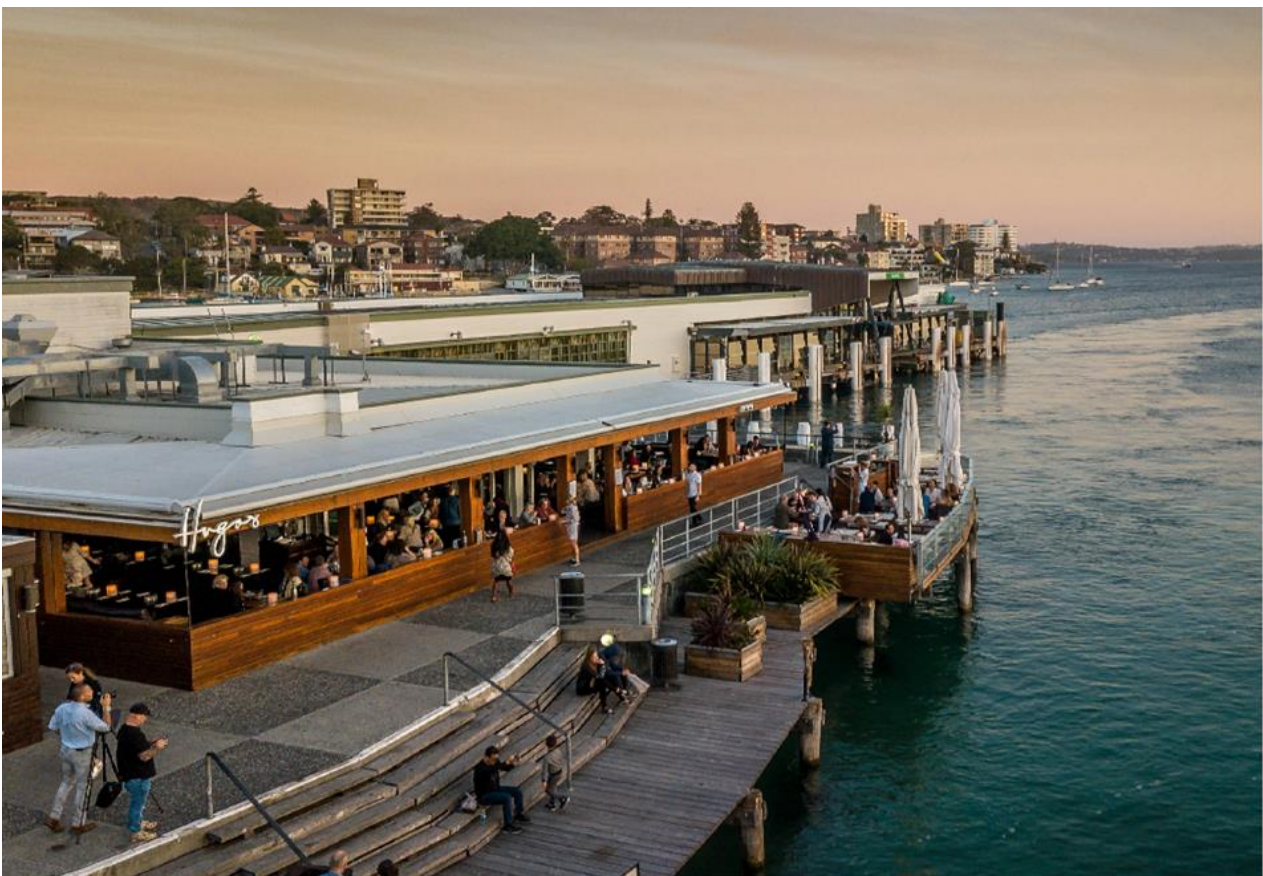


Figure 4 - Drone photo of the existing site (Squillace Architects)



Figure 5 - Drone photo of the current seating area (Squillace Architects)

Site History

DA 267/2007

On the 15th of November 2007, Manly Council approved the fitout and use of the restaurant tenancy described as:

“Alterations and Additions - Fitout to Shop 210 for use as a Restaurant including proposed outdoor dining area and new awning - Hugos restaurant”

DA 7/2008

On the 3rd of April 2008, Manly Council approved the extension of the timber framed pergola with bifold windows to create an additional outdoor seating area to the south of the restaurant.

DA 233/2013

On 21/08/2014 the Manly Independent Assessment Panel approved:

Alterations and Additions - Outdoor seating for Hugos Restaurant to the existing public wharf along the south-western side area including three (3) umbrella's, thirty-six (36) seats, alterations and additions to the stairs and enclosure of area

Condition ANS01(2) required “that the new outdoor seating, the subject of this application, is to remain on site for a period of no longer than 3 years”.

Condition ANS03 provide the currently approved hours of operation stating:

“The hours of operation for the outdoor dining area are 11.00am to 11.30pm on all days.

Upon expiration of the permitted hours of operation, all restaurant service shall immediately cease and all customers on premises shall be required to leave within the following half hour.”

S96 233/2013

On the 23rd of May 2018 Council approved an application to delete condition ANS01(2) as quoted above.

Proposal Summary

This DA seeks approval to undertake the physical works described in the attached architectural drawings by Squillace Architects. The works will extend the existing lower deck, increase the outdoor seating associated with Hugos by 66 seats from 200 to 266 and introduce new operable glazing for security purposes along the southern, western and northern elevations of the restaurant. The operating hours of the outdoor seating is proposed to remain the same as was approved under DA 233/2013 which is 11am-12am (midnight) with service having ceased at 11:30pm.

The works include public bench seating, planting and additional wharf decking for public use which will enhance public access to the harbour and further activate the wharf. The works include, but are not necessarily limited to:

- Removal of existing planter boxes, sections of balustrade and umbrellas.
- New planter boxes, removeable surface mounted heaters and movable outdoor furniture.
- Relocation of portion of existing balustrades, heaters, stairs and handrails.
- Existing wharf deck extended.
- Repair an existing pile and replace another existing pile in accordance with structural engineering recommendations.
- Three new structural piles to be installed.
- New operable frameless glass windows to the existing veranda

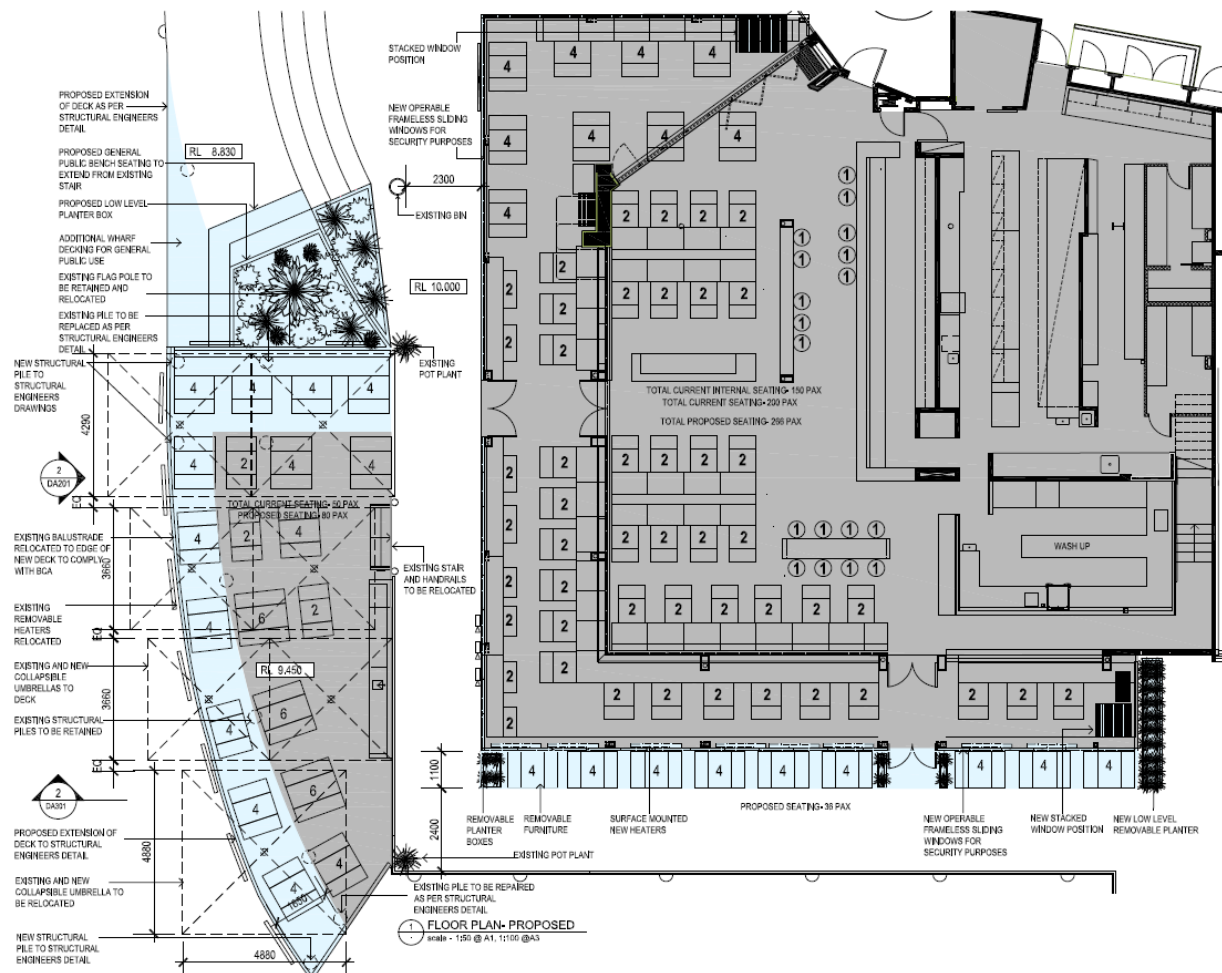


Figure 6 - Proposed deck extension and seating plan

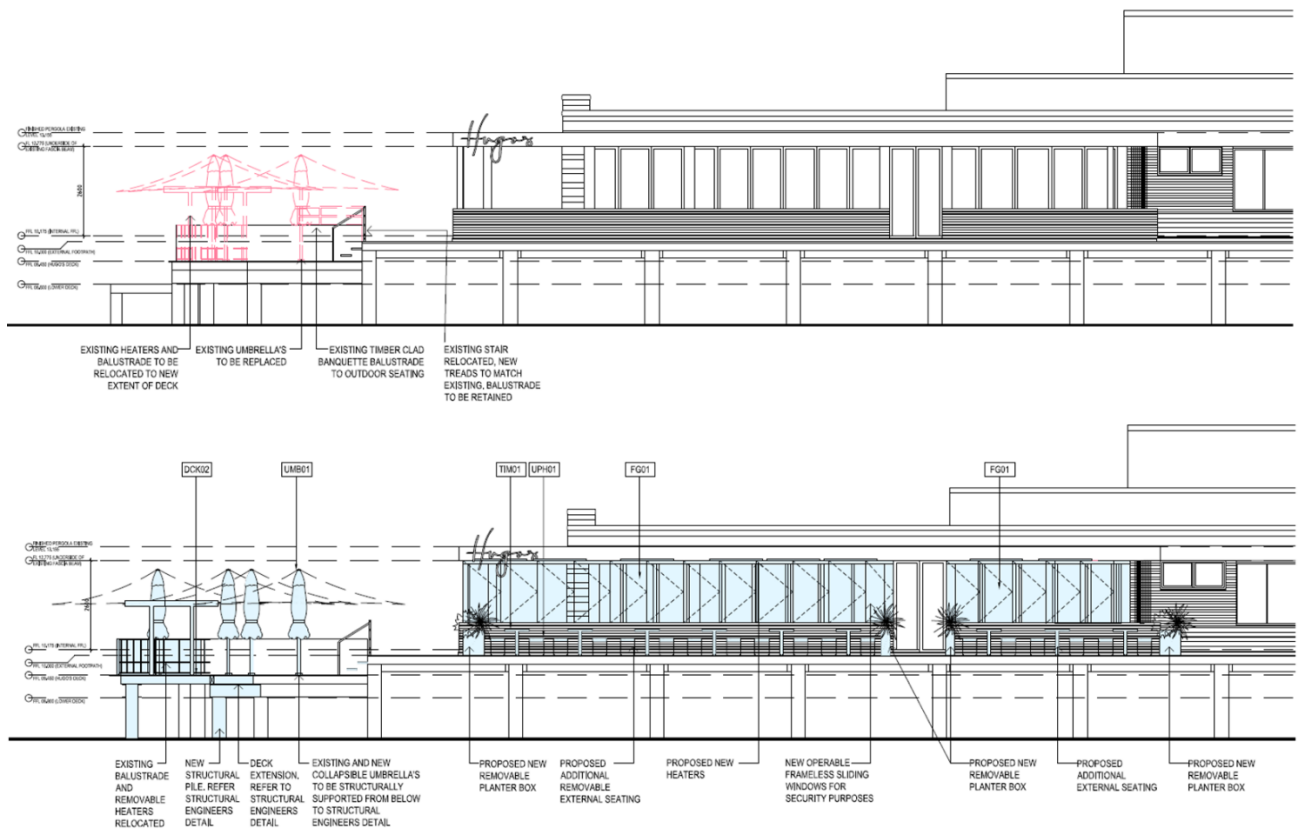


Figure 7 - Southern elevation (existing above compared to proposed elevation below)

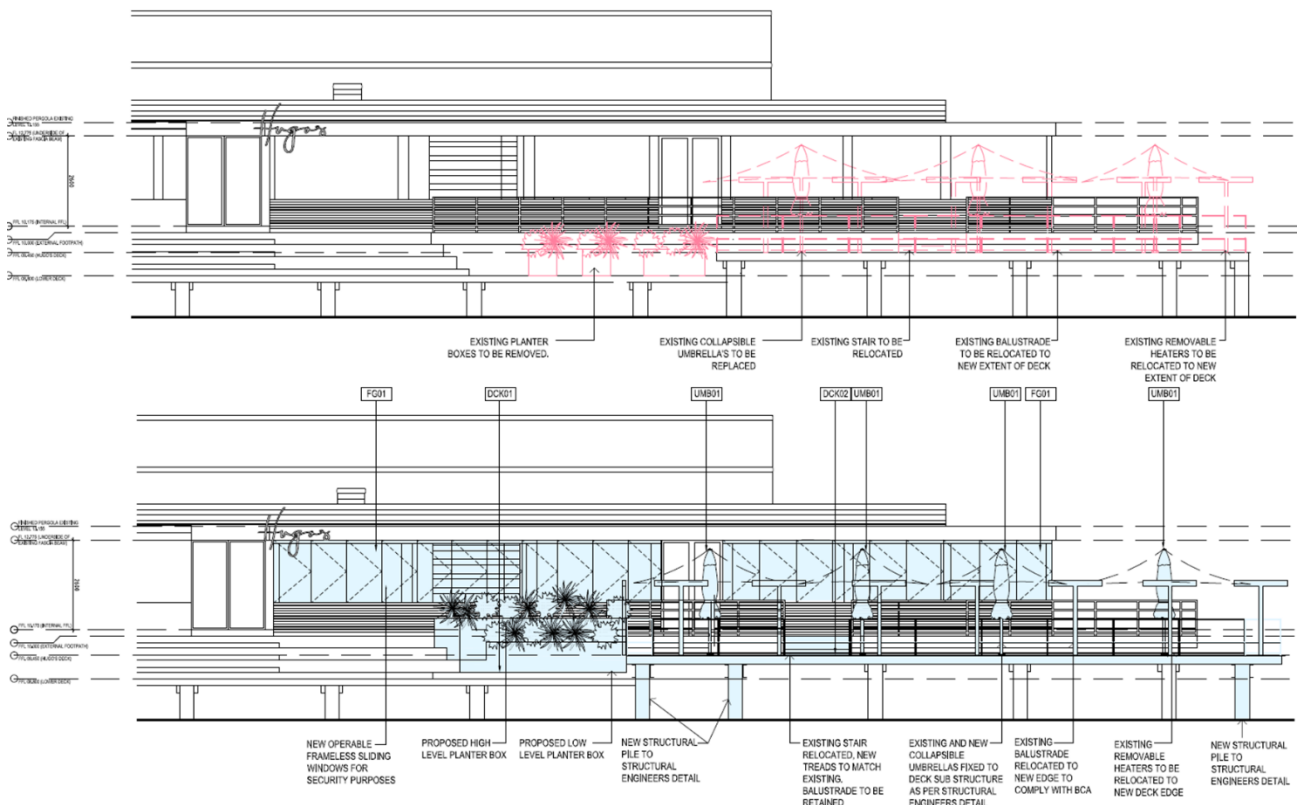


Figure 8 - Western elevation (existing above compared to proposed elevation below)



Figure 9 - 3D perspective of proposed deck addition



Figure 10 - 3D perspective of southern seating

Environmental Planning and Assessment Act 1979 S4.15 Assessment

Section 4.15(A) Relevant Planning Instruments

The site is located in the former Manly Council area which has now been amalgamated with the Northern Beaches Council. The Manly Wharf is listed as a Heritage Item in the Manly Local Environmental Plan 2013 (Item I145) and the Plan also identifies the foreshore building line across part of the site.

Nonetheless, the building is shown as outside of the Land Application Map and the relevant Statutory Planning Instrument for the site is the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The Sydney Harbour Foreshores and Waterways Area Development Control Plan is also applicable. There are no relevant draft Planning Instruments.

The site is identified as a State Heritage Item 01434 and the provisions of the *Heritage Act 1977* applies to the proposal making it an integrated development. The proposal's heritage impact is considered in the attached Heritage impact Statement by City Plan which is considered in greater detail in the Consultant Reports section of this SEE.

Section 4.15(B) Other Impacts of the Development

The proposal extends the south western corner of the Manly Wharf's decking. This includes extensions to an area used for seating by Hugos restaurant and a publicly accessible section on the lower deck. The visual impact of the structures will be minor from a distance, however, the increased activity and activation that is encouraged by the proposal will enhance the character of the wharf. The proposed works will be seen on approach to the wharf by ferry passengers where the proposed seating area and public decking will provide a positive visual impression of what Manly has to offer in terms of entertainment and enjoyment of its natural environment. The increased public space on the wharf and new planters with seating provides a further public benefit.

The proposal is well justified under normal circumstances but is also well suited to approval in response to the COVID-19 pandemic. Outdoor seating provides a safer way for people to gather as it is necessarily better ventilated than indoor seating which may be serviced by recycled air. There is also an added short-term benefit in that the additional restaurant area would allow Hugos to seat additional patrons under social distancing restrictions such as the recent one person per 4m² rules. The end of social distancing requirements relies on the effective management of COVID-19, the timing of which is highly uncertain. If social distancing is required into 2021 (or beyond), the proposal will support the ongoing operation of Hugos during this time which will support employment in the Northern Beaches LGA.

The other relevant development impacts are addressed throughout this report and are shown to be acceptable and manageable.

Section 4.15(C) Suitability of the Site for the Development

The proposal will support the ongoing use and conservation of the Manly Wharf. The proposal will expand an existing use that is compatible with the site's associated cultural uses. The site is suitable for the proposed development.

Section 4.15(E) Public Interest

The proposal is in the public interest as:

- The proposal is consistent with the relevant zone objectives.
- The proposal extends a publicly accessible section of the wharf providing new planters and seating. This provides a public benefit by enhancing the public domain.
- The proposal supports the ongoing viable commercial operation of the wharf in support of its historical use as a place of cultural and social significance.

State Environmental Planning Policy (State and Regional Development) 2011

SEPP (State and Regional Development) 2011 identifies development that is state significant. It doesn't identify Manly Wharf in Schedule 2 as an 'identified site'.

The proposal involves the extension of a wharf and the relevant references in the SEPP are:

Clause 18 under Schedule 1 "State Significant Development general" which lists:

"18 Port facilities and wharf or boating facilities

Development for the purpose of port facilities or wharf or boating facilities (not including marinas) that has a capital investment value of more than \$30 million."

And Clause 5 of Schedule 7 "Regionally Significant Development" which states

5 Private infrastructure and community facilities over \$5 million

Development that has a capital investment value of more than \$5 million for any of the following purposes—

(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,

The proposal has a capital investment value of less than \$5 million and therefore does not meet the criteria for consideration as either State Significant Development or Regionally Significant Development. The consent authority for this application will be the Northern Beaches Council.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP 2005. The site is located within a Foreshores Waterways Area and the objectives of the SREP apply to the proposed development. The relevant Clauses of the SREP 2005 are considered below and the proposal is shown to be compliant.

CI 16-17 - Zones

The site is located within a W2 – Environment protection zone. ‘General restoration works’ and ‘recreational or club facilities’ are permissible in the W2 zone.

‘Recreational or club facilities’ are defined under the SREP 2005 as “*a building or place used exclusively for sporting or leisure activities, whether operated for the purpose of gain or not*”. This is an apt description of the proposed restaurant use. The proposal also includes some minor general restoration works.

The proposed use is permissible in the W2 zone and the proposed works are consistent with the zone objectives which are considered in the table below:

OBJECTIVE	RESPONSE
<i>(a) to protect the natural and cultural values of waters in this zone,</i>	The proposal has a minor environmental impact which will be managed in accordance with the recommendations in the accompanying Biodiversity Assessment. The cultural value of the Manly Wharf is maintained under the proposal with its existing use as an area of entertainment (supported by restaurants and bars) is supported with additional seating.
<i>(b) to prevent damage or the possibility of longer term detrimental impacts to the natural and cultural values of waters in this zone and adjoining foreshores,</i>	See (a).
<i>(c) to give preference to enhancing and rehabilitating the natural and cultural values of waters in this zone and adjoining foreshores,</i>	As above, the proposal has minor but manageable environmental impacts and will support the cultural use of Manly Wharf.
<i>(d) to provide for the long-term management of the natural and cultural values of waters in this zone and adjoining foreshores.</i>	See (a).

Division 2 - Matters for consideration

Part 3, Division 2 of the SREP applies nine matters for consideration in the assessment of applications under Part 4 of the EPAA 1979 involving development within a Foreshores Waterways Area. These are:

MATTER FOR CONSIDERATION	COMPLIANCE
CI 21 - Biodiversity, ecology and environment protection	Complies. A Biodiversity Assessment has been prepared by Environmental Resources Management Australia to

	accompany this application. It is summarised in greater detail in the Consultant Reports section of this SEE.
CI 22 - Public access to, and use of, foreshores and waterways	<p>Complies.</p> <p>The proposal will allow additional people to enjoy the foreshore area (in commercial and public spaces). The proposal does not restrict any public access to the harbour and maintains a 2.4m wide walkway.</p>
CI 23 - Maintenance of a working harbour	<p>Complies.</p> <p>The proposal has no impact on the working harbour.</p>
CI 24 - Interrelationship of waterway and foreshore uses	<p>Complies.</p> <p>The proposal does not interfere with the use of any waterway, does not generate water bourne traffic and does not create any conflict in land use.</p>
<p>CI 25 - Foreshore and waterways scenic quality</p> <p><i>The matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways are as follows—</i></p> <p><i>(a) the scale, form, design and siting of any building should be based on an analysis of—</i></p> <p><i>(i) the land on which it is to be erected, and</i></p> <p><i>(ii) the adjoining land, and</i></p> <p><i>(iii) the likely future character of the locality,</i></p> <p><i>(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,</i></p> <p><i>(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.</i></p>	<p>Complies.</p> <p>The proposal involves works to the outdoor seating area on the deck area along with minor elevational modifications. It does not involve any internal or external intervention, structural changes, additions, or alterations to the significant fabric of the 1941 Wharf building. The scale of the modifications is relatively minor and will not adversely impact on the scenic quality of Manly Cove.</p>
CI 26 - Maintenance, protection and enhancement of views	<p>Complies.</p> <p>The proposal includes a minor extension of the Manly Wharf deck but will not have any significant impact on views as it is located on the lowest level of the wharf.</p>
CI 27 - Boat storage facilities	Complies.

	The proposal has no impact on boat storage facilities.
CI 27A - Floating boat platforms	Complies. The proposal has no impact on floating boat platforms.
CI 27B – Mooring pens	Complies. The proposal has no impact on mooring pens.

Sydney Harbour Foreshores and Waterways Development Control Plan 2005

SHFWDCP 2005	SPECIFIC PROVISIONS	PROPOSAL
2. Ecological Assessment	<p>The General aims of this Section are:</p> <ul style="list-style-type: none"> • <i>ecological communities, particularly those which form wildlife habitats, are protected and where feasible enhanced;</i> • <i>development is sited to retain native vegetation, wetlands and natural foreshores;</i> • <i>development is accompanied by revegetation and rehabilitation of degraded foreshores, where appropriate; and</i> • <i>development does not impact adversely on water quality</i> 	<p>Complies.</p> <p>A Biodiversity Assessment has been prepared by Environmental Resources Management Australia which addresses the aims of this section and which accompanies this application. It is summarised in greater detail in the Consultant Reports section of this SEE.</p>
3. Landscape Assessment	<p>The site is located in Landscape Character Area 8.</p> <p><i>Any development within this landscape is to satisfy the following criteria:</i></p> <ul style="list-style-type: none"> • <i>vegetation is integrated with land-based development to minimise the contrast between natural and built elements;</i> • <i>design and mitigation measures are provided to minimise noise and amenity impacts between incompatible land uses;</i> • <i>the maritime uses on the Harbour are preserved. Pressure for these uses to relocate is minimised. New developments adjoining maritime uses are designed and sited to maintain compatibility with existing maritime uses; and</i> • <i>remaining natural features that are significant</i> 	<p>Complies.</p> <ul style="list-style-type: none"> • The proposal is located on a wharf where it would not minimise contrast. However, planter boxes have been included within the design to soften the appearance of the extension. • A Noise Impact Assessment has been prepared by Acoustic Logic which considers the noise impacts of the proposal. It finds them acceptable and is summarised in the consultant Reports section of this SEE. • The proposal will have no negative impact on maritime uses of the wharf. • The proposal does not visually impact upon any natural feature of the foreshore.

	<i>along the foreshore are preserved and views of these features are maintained.</i>	
4. Design Guidelines for Land/Water Interface Developments		
4.2 General Requirements	<ul style="list-style-type: none"> • public access to waterways and public land is maintained and enhanced; • congestion of the waterway and foreshore is minimised; • conflicts on the waterway and foreshore are avoided; • the development warrants a foreshore location; • the development does not interfere with navigation, swimming or other recreational activities; • the demand for the development has been established; • the structure does not obstruct or affect the natural flow of tides and currents; • development does not dominate its landscape setting; • the extent of development is kept to the absolute minimum necessary to provide access to the waterway; • shared usage of facilities is encouraged to minimise the number of structures and their cumulative impact on the environment of the Harbour and its tributaries; and • development is setback at least 2.5 metres from the division of the waterway as established by the NSW Maritime Authority and illustrated in Figure 4. 	<p>Complies.</p> <ul style="list-style-type: none"> • Public access to the Wharf is maintained with minimum 2.4m wide pedestrian paths. • n/a • n/a • n/a • n/a • Hugos restaurant has been in operation since 2008 and has established a strong reputation for quality. There is a demand from customers for additional seating and a general demand for additional restaurant services at the Manly Wharf and surrounding areas. • The structure will not obstruct tides or currents. • The proposal is a minor modification to the existing wharf and does not dominate the existing structure • The proposal will have no detrimental impact on access to the waterway. • n/a • n/a

4.3 Foreshore access	<p>Foreshore access is to be encouraged and promoted.</p>	<p>Complies.</p> <p>The proposal continues to allow pedestrian access along Manly Wharf.</p>
4.4 Siting of buildings and structures	<p>Provides guidance to the location of structures.</p>	<p>Complies.</p> <p>The proposal relates to a minor extension of the existing wharf. It positively addresses the waterway and does not obstruct views to, or from, the Wharf.</p>
4.5 Built Form	<ul style="list-style-type: none"> • <i>where buildings would be of a contrasting scale or design to existing buildings, care will be needed to ensure that this contrast would enhance the setting;</i> • <i>while no shapes are intrinsically unacceptable, rectangular boxy shapes with flat or skillion roofs usually do not harmonise with their surroundings. It is preferable to break up facades and roof lines into smaller elements and to use pitched roofs;</i> • <i>bright lighting and especially floodlighting which reflects on the water, can cause problems with night navigation and should be avoided. External lights should be directed downward, away from the water. Australian Standards (AS4282–1997) Guidelines for Outdoor Lighting and Pedestrian Area (Category P) Lighting (AS/NZ 1158.3 – 1999) should be observed;</i> • <i>except where otherwise required for navigation purposes, all lights on structures shall be shielded seawards and positioned to avoid disturbance to neighbouring properties;</i> 	<p>Complies.</p> <ul style="list-style-type: none"> • The proposal is a minor addition to the Manly Wharf and is compatible with its scale and design. • n/a • Noted. Ceiling light fittings will be installed flush and not directed towards the water. The proposal is capable of compliance. • Noted. The proposal is capable of compliance. • The proposal continues to use the existing materiality of the restaurant which is a wooden façade with glazing. • The wharf's irregular shape, dual deck levels, deck level furniture and the form of existing development provide articulation and visual interest. • The expansion of the deck is relatively minor and will have little additional visual impact to the existing form of the Wharf.

	<ul style="list-style-type: none"> • <i>use of reflective materials is minimised and the relevant provisions of the Building Code of Australia are satisfied;</i> • <i>colours should be sympathetic with their surrounds and consistent with the colour criteria, where specified, for particular landscape character types in Part 3;</i> • <i>the cumulative visual impact of a number of built elements on a single lot should be mitigated through bands of vegetation and by articulating walls and using smaller elements; and</i> • <i>the cumulative impact of development along the shoreline is considered having regard to preserving views of special natural features, landmarks or heritage items.</i> 	
4.6 Signage	Governs signage.	N/A No signage is proposed.

Manly Development Control Policy for Manly Cove, 1996

The relevant controls to this application within the Manly Development Control Policy for Manly Cove, 1996 are in Section 3 – Building Design. The following character statement is provided under section 3.1:

“Irrespective of whether a building is listed as an item of environmental heritage, Council must be satisfied that the design of any new development has given due attention to the site’s position within and contribution to the overall and existing future townscape and landscape quality of Manly Cove.

The townscape is seen to be the total appearance of a locality and the way in which individual items contribute to its character. A high level of townscape quality will result in an area being experienced, not as a number of disconnected parts, but as a whole, with one recognisable area leading into another. For the purpose of this planning control it is considered that Manly Cove still maintains an essentially unified townscape giving rise to a particular individual and unique character which should be maintained and reinforced.”

The Manly Wharf is characterised by outdoor seating and active uses. The proposed fit outs relate to the expansion of an existing outdoor seating area. Extension of the outdoor dining will enliven the public domain through activation of the walkway. The works, once completed, will appear visually similar to the existing presentation of that area of the wharf and relate to a contemporary portion of the area. The proposal is in keeping with the existing character of the townscape and will complement the area’s existing vibrancy.

Consultant Reports

Heritage Impact Statement

A Heritage Impact Statement has been prepared by City Plan to accompany this application. Manly Wharf is listed as a Heritage Item in SREP 2005 and is listed on the State Heritage Register as item 01434. Accordingly, the development application will be an integrated DA requiring approval by the Heritage Council of NSW.

The HIS notes that the 1941 Wharf building is of medium heritage significance. The later 1990s and beyond additions hold little heritage significance but do contribute to the overall significance of the space. The area of the Wharf accommodating Hugos restaurant is from the 1990s additions. The HIS provides the following commentary on the additions:

The proposal involves works to the outdoor seating area and deck only, and do not involve any internal or external intervention, structural changes, additions, or alterations to the significant fabric of the 1941 Wharf building. There will be no adverse impact to the significant original Wharf building, to its significant facades or to views or vistas to or from the site. Further, the extension of the deck has been designed to minimally impact the overall look of the waterfront

area, thereby preserving the existing relationship between the 1941 Wharf building with its surrounding context and its heritage values.

The HIS considers the proposal against the Conservation Management Plan and finds that the proposal is acceptable.

Biodiversity Assessment

A Biodiversity Assessment has been prepared by Environmental Resources Management Australia to accompany this application. It was prepared based on a review of an earlier 2010 Study by ERM Australia and involved desktop review and aerial photo interpretation. The assessment considers the requirements of the *Biodiversity Conservation Act 2016* and identifies two ecologically sensitive receptors that the proposal has the potential to impact upon:

- *“Seagrass beds within the area, inclusive of the Commonwealth listed Threatened Ecological Community of ‘Posidonia australis seagrass meadows of the Manning-Hawkesbury Ecoregion’, which have the potential to be overshadowed by the proposed development and the potential to be disturbed during the construction phase of the redevelopment project.*
- *A NSW listed endangered population of Little Penguin (Eudyptula minor) in the Manly Point area. This population is known to utilise areas underneath and surrounding the Manly Wharf. Noise, vibration, light and other pollution from the development area were identified as having the potential to impact this endangered population.”*

In relation to seagrass, the Assessment recommends that detailed surveys be undertaken to determine whether seagrass will be disturbed. If seagrass is identified as being disturbed, a permit issued by the Minister for Primary Industries will be required under Section 205 of the *Fisheries Management Act 1994* for the harm of marine vegetation. It is also recommended that a Construction Environmental Management Plan (CEMP) be developed with specific aquatic habitat protections. Both of these recommendations will be incorporated into the construction certificate (CC) stage of development.

In relation to the little penguin population, the Assessment recommends that no intrusive construction works should occur during the peak times of use of the area by penguins which is between July to February. Additional mitigation measures are recommended for inclusion into the CEMP. The construction timing can be arranged to be outside of July – February and the required mitigation measures will be considered in the CEMP to be prepared as part of the CC stage of development.

The Assessment concludes that the proposal can be undertaken with a low risk of impact to seagrass and little penguins subject to the recommended mitigation measures which will be observed.

Noise Impact Assessment

A Noise Impact Assessment has been prepared by Acoustic Logic and has been submitted in support of this DA. The report concluded that the development is capable of achieving compliance with the relevant acoustic guidelines and policies subject to several managerial conditions being observed. All recommendations of the report will be operationalised. They include the following:

1. A maximum of 80 patrons to be in the western outdoor area
2. A maximum of 36 patrons to be in the southern outdoor area

3. No amplified music in the southern or western outdoor areas
4. The outdoor areas are not to be used between 12am and 7am
5. Management should encourage patrons to leave quietly, especially after 10pm
6. Garbage and bottle disposal to be undertaken before 10pm and after 7am.

Hugos seats all customers and will comply with the stated maximum occupancies. No music will be played in the outdoor areas. The existing hours of operation are 11:30am-11:30pm with customers having until 12am (midnight) to vacate. These hours are not proposed to be changed under the proposal and have been considered in the acoustic assessment.

Hugos existing management practices will continue to be employed to ensure that customers leave quietly and to ensure that waste is disposed of appropriately and with minimal noise impacts.

The proposal is capable of compliance and points 1-4 will form part of the conditions of consent.

Traffic and Parking Assessment Report

A Traffic and Parking Assessment Report has been prepared by Varga Traffic Planning and is submitted in support of this application. The Report finds that the proposed works will likely result in a nett increase in peak hour vehicles trips of less than 3. The report concludes that:

“the proposed additional seating at the premises is unlikely to negatively affect the local car parking demands, which will continue to self-regulate based on its pricing and availability within the Manly Town Centre.”

BCA Capability Statement

A BCA Capability Statement has been prepared by City Plan to accompany this application. The report concludes in part that:

“The design as proposed is capable of complying with the Building Code of Australia and will be subject to construction documentation that will provide appropriate details to demonstrate compliance.”

Access Capability Compliance Statement

An Access Capability Compliance Statement has been prepared by City Plan to Accompany this application. It finds that performance-based solutions can be developed at the construction certificate (CC) stage of development in relation to providing access to the western seating area which is not level with the other areas of the wharf and which requires new stairs. This will be pursued in the CC stage.

Substructure Concept Design

A Substructure Concept Design has been prepared by Consult Marine to accompany this application. The concept design shows the installation of three new piles, the replacement of one pile and the repair of one pile to facilitate the new deck.

Conclusion

This SEE has assessed the environmental impacts associated with the integrated DA proposal for the extension of part of the Manly Wharf deck and associated works to provide an additional 66 outdoor seats for Hugos restaurant and an enhanced public domain. The proposed extension will be visually consistent with the existing presentation of Manly Wharf, will provide a public benefit and support ongoing use of the wharf.

The extended outdoor seating is to be proposed to operate under the existing hours of operations and in accordance with the Noise Impact Assessment from Acoustic Logic. Their Assessment demonstrates that the proposal will have an acceptable acoustic impact.

The attached Heritage Impact Statement by City Plan considers the impact of the proposal on Manly Wharf. It demonstrates that the proposal will not have any impact on the existing heritage fabric as it relates to a contemporary section of the Wharf. The ongoing use as a restaurant is consistent with the historical uses of the site which have included tourism and entertainment.

The attached Parking Assessment by Varga Traffic Planning demonstrates that the additional seating area will have a negligible effect on parking in the Manly Town Centre. The Biodiversity Assessment by ERA Australia demonstrates that the proposal will have a minor and acceptable environmental impact subject to the implementation of their recommendations.

It has also been shown the proposal has benefits in relation to safe restaurant operation throughout the COVID-19 pandemic by supporting Hugos ongoing viable operation under social distancing rules. Once the pandemic has ceased, there are likely to be changes to customer behaviours and it can reasonably be expected that a preference towards outside dining may be part of this.

Impacts arising from the development were assessed throughout this SEE and are considered reasonable and manageable. The relevant planning instruments have been considered and the proposal is demonstrated to be compliant. The proposal will contribute to the tourism and night-time economies of Manly and is recommended for approval by Northern Beaches Council.