

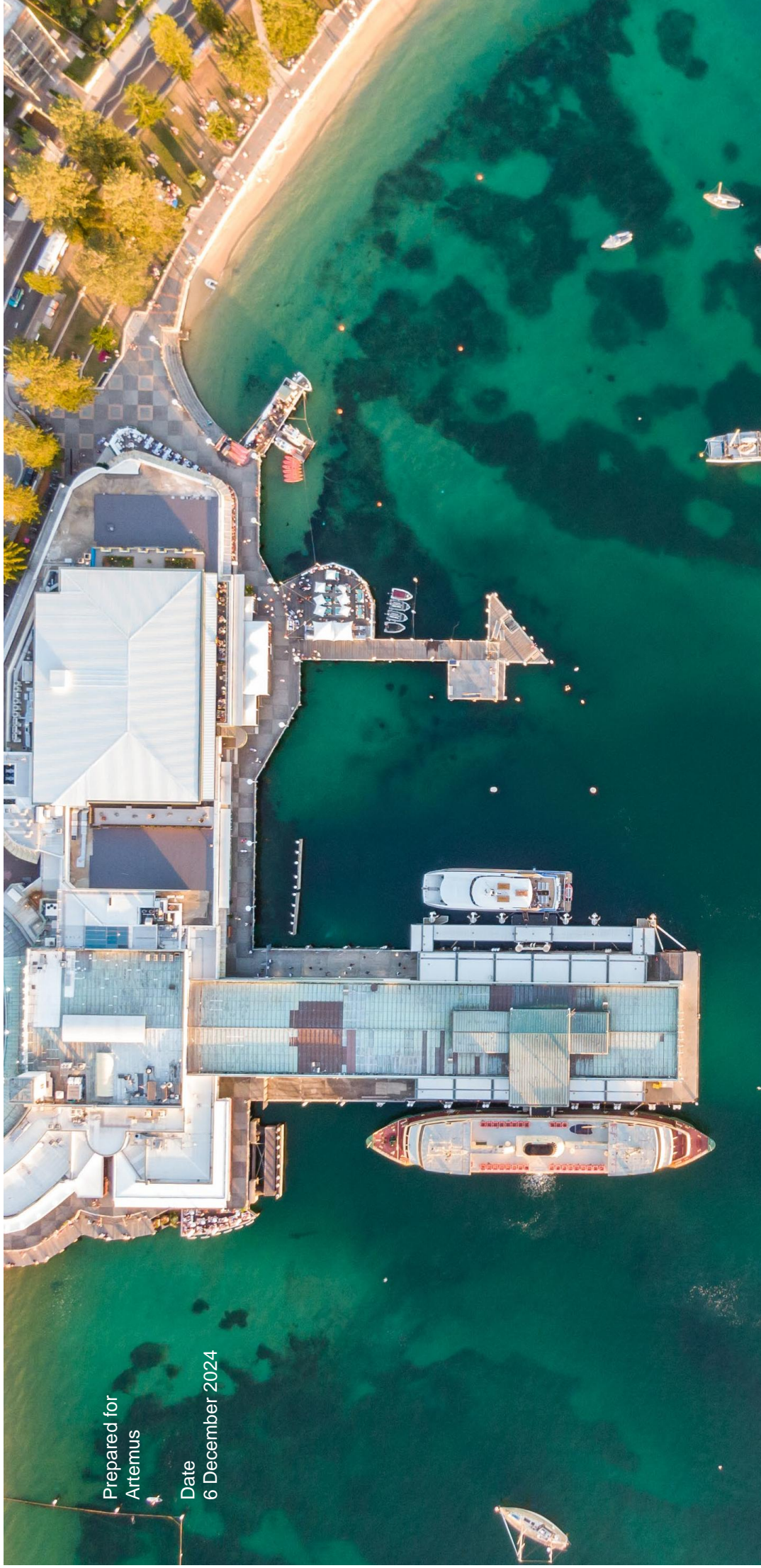
Prepared for
Artemus

Date
6 December 2024

Statement of Environmental Effects

Manly Wharf (Alterations and Additions)

Artemus



Architectus Australia Pty Ltd
ABN 90 131 245 684

Adelaide
Level 1, 15 Leigh Street
57 Wyatt Street
Adelaide SA 5000
T +61 8 8427 7300
adelaide@architectus.com.au

Brisbane
Level 2, 79 Adelaide Street
Brisbane QLD 4000
T +61 7 3221 6077
brisbane@architectus.com.au

Melbourne
Level 25, 385 Bourke Street
Melbourne VIC 3000
T +61 3 9429 5733
melbourne@architectus.com.au

Perth
QV1 Upper Plaza West
250 St Georges Terrace
Perth WA 6000
T +61 8 9412 8355
perth@architectus.com.au

Sydney
Level 18, 25 Martin Place
Sydney NSW 2000
T +61 2 8252 8400
sydney@architectus.com.au

architectus.com.au

Report Contact

Jonathan Archibald
Associate
jonathan.archibald@architectus.com.au

6 December 2024

Revision history

Issue Reference	Issue Date	Issue Status
A	6 September 2024	Draft
B	11 September 2024	Draft 2
C	26 September 2024	Final Draft
D	9 October 2024	Final
E	6 December 2024	Revised Plans

File Ref: 241206_manly wharf da1_revised see

Contents

1. Introduction	6
1.1 Preliminary	6
1.2 Structure of this report	7
1.3 Project team	7
1.4 Applicant	7
2. Site and context analysis	8
2.1 The site	8
2.2 Site context	8
2.3 Heritage significance	9
2.4 Transport and access	9
3. Development history	10
4. The proposal	11
4.1 Summary of proposed development	11
4.2 Architectural drawings	11
4.3 Cost of works	11
4.4 Detailed description of proposal	12
5. Planning framework	16
5.1 Environmental Planning and Assessment Act 1979	16
5.2 Coastal Management Act 2016	17
5.3 Heritage Act 1977	17
5.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021	18
5.5 State Environmental Planning Policy (Resilience and Hazards) 2021	20
5.6 Manly Local Environmental Plan 2013	21
5.7 Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005	25
5.8 Manly Development Control Plan 2013	25
5.9 Manly Development Control Policy for Manly Cove 1996	26
5.10 Strategic planning context	26
6. Environmental assessment	27
6.1 Heritage	27
6.2 Views	28
6.3 Safety	28
6.4 Noise	29
6.5 Odour and ventilation	29
6.6 Social and economic impact	29
6.7 Suitability of the site for the development	29
6.8 The public interest	29
7. Conclusion	30

Figures & tables

List of figures

Figure 1 Manly Wharf and surrounds	6
Figure 2 Manly Wharf with areas related to the proposed alterations and additions highlighted in red.	8
Figure 3 Manly Wharf and surrounds	9
Figure 4 Existing balustrades to be replaced by retractable glass balustrades	12
Figure 5 Proposed balustrades around perimeter of Manly Wharf	13
Figure 6 Overview of proposed operable awnings	13
Figure 7 Overview of proposed deck extension and children's playground	14
Figure 8 Photomontage of proposed deck extension and children's playground, including boat installation	15
Figure 9 Land adjacent to the site zoned RE1 and E1	23
Figure 10 Heritage item mapping	23

List of tables

Table 1 Project team	7
Table 2 Development consent history	10
Table 3 List of architectural drawings	11
Table 4 Locations of existing balustrades proposed to be removed	12
Table 5 Section 4.15(1) matters for consideration	16
Table 6 Consistency with Zone 2 Environment Protection zone objectives	18
Table 7 Consistency with section 6.28 General considerations for development in the Foreshores and Waterways Area	19
Table 8 Impact on RE1 (Public Recreation) zone objectives	21
Table 9 Impact on E1 (Local Centre) zone objectives	22
Table 10 Matters for consideration – Foreshore scenic protection areas	24
Table 11 Assessment against DCP 2013 controls	25

Appendices

Appendix A – Architectural drawings, prepared by Little Boat Projects	31
Appendix B – Statement of Heritage Impact, prepared by City Plan	32
Appendix C – BCA Assessment Report, prepared by BM+G	33
Appendix D – Acoustic Statement, prepared by Pulse White Noise Acoustics	34
Appendix E – Pizza oven technical schedule, by Forni Visciano	35
Appendix F – Detailed drawings of glass balustrades, by Svalson	36
Appendix G – Estuarine Risk Management Plan, by Horton Coastal Engineering	37
Appendix H – Cost Summary Report, by Crookwell Constructions	38

1. Introduction

1.1 Preliminary

This Statement of Environmental Effects (SEE) has been prepared by Architectus Australia Pty Ltd (Architectus) on behalf of the Artemus Group, for alterations and additions to Manly Wharf.

This SEE is submitted to Northern Beaches Council (Council) in support of a Development Application (DA) under Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) proposing the replacement of unsafe and climbable balustrades around the perimeter of Manly Wharf with glass balustrades. It also proposes 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.

This report illustrates how the proposed development not only meets legislative requirements, but also results in an overall positive outcome for the area and the local community. The proposed development improves safety, amenity and accessibility in Manly Wharf while respecting the heritage and culture of the area. It also upholds the area's biodiversity and environmental value and respects the amenity of neighbouring areas, particularly residential dwellings along East Esplanade.

This report describes the site, its context, the proposed development and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15(1) of the EP&A Act.

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



Figure 1 Manly Wharf and surrounds

Source: Artemus

1.2 Structure of this report

This report is structured as follows:

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

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

1.3 Project team

An overview of the Project team is set out below:

Table 1 Project team

Applicant	Artemus
Architect	Little Boat Projects
Project manager	Lewis Advisory
Urban planner	Architectus
Heritage consultant	City Plan
Acoustic consultant	Pulse White Noise Acoustics
BCA Consultant	Blackett Maguire + Goldsmith (BM+G)

1.4 Applicant

Artemus Group are an established hospitality business specialising in revitalisation of iconic waterfront precincts, transforming them into thriving community and cultural hubs. Their portfolio of hospitality venues include Brisbane's Howard Smith Wharves, a prominent heritage site with a selection of food and drink establishments and hotel accommodation.

Consistent with their holistic management approach at Howard Smith Wharves, Artemus will implement comprehensive management of safety, maintenance and operations across Manly Wharf.

2. Site and context analysis

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

2.1 The site

Manly Wharf (Lot 1 in Deposited Plan 1170245) is located on East Esplanade, Manly.

The parts of Manly Wharf that the proposal relates to are highlighted on **Figure 2** below and include the open timber wharf structure, specifically the existing steel balustrading, the external deck adjoining Manly Wharf Hotel and the internal spaces of Manly Wharf Hotel.

Manly Wharf Hotel currently operates as a licensed premises with the following trading hours:

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

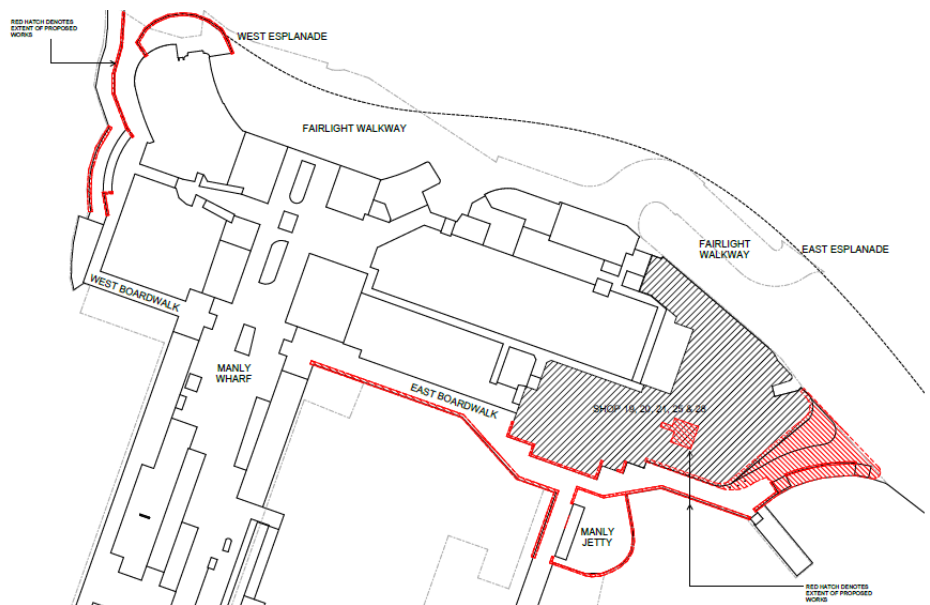


Figure 2 Manly Wharf with areas related to the proposed alterations and additions highlighted in red.

Source: Little Boat Projects

2.2 Site context

In addition to its role as a major ferry and bus transport hub, Manly Wharf features a variety of food and dining venues ranging from cafes, takeaway and casual dining options. Licensed establishments within the building also operating with late night trading hours include Hugos, The Bavarian and El Camino Cantina.

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



Figure 3 Manly Wharf and surrounds
 Source: SIXmaps

2.3 Heritage significance

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

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

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

The Statement of Heritage Impact (SoHI) at **Appendix B** provides further detail about Manly Wharf's heritage significance.

2.4 Transport and access

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

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

Given the number of visitors that take the ferry and alight at Manly Wharf, Manly Visitor Information Centre is located on the concourse of Manly Wharf facing East Esplanade.

3. Development history

Table 2 provides a summary of development consent history for Manly Wharf Hotel. The fit out of Manly Wharf Hotel was originally granted consent in September 2002 through DA 238/2002. This consent has been modified multiple times and various other development applications have been lodged for alterations and additions to the site.

The latest consent granted was in October 2022 for the construction of an awning structure over the southern deck covered by Manly Wharf Hotel, as well as the installation of transparent roll-up PVC blinds. When operated by hotel staff, the awning and blinds would provide weather protection to patrons on the deck.

Table 2 Development consent history

DA Ref.	Description	Approved
DA 0403/2022	<i>Alterations and additions to commercial development - Construction of awnings and blinds</i>	7 October 2022
CC 29/2017	<i>Council - Construction of two staff locker rooms and one disabled bathroom at the back of house - Manly Wharf Hotel</i>	1 March 2017
DA 149/2013	<i>Alterations and additions to the existing Manly Wharf Hotel including new stairs to the deck</i>	13 September 2013
DA 216/2012	<i>Alterations and additions to the existing Manly Wharf Hotel including the extension of the awning to the eastern verandah, roll up blinds and the extension of operational hours of the eastern deck to midnight (12.00am)</i>	22 November 2013
DA 135/2012	<i>Alterations to the Manly Wharf Hotel including the conversion of part of the existing Lounge Bar into an indoor and partially outdoor Gaming Room area and revise entrance on the northern side of the hotel</i>	18 October 2012
S96 DA 238/2002 (5)	<i>Section 4.55 (8) - Section 96 to modify approved closing hours of the Manly Wharf Hotel restaurant deck and south facing deck from 10.00pm extended to 12.00midnight Monday to Sunday</i>	18 August 2011
S96 238/2002 (4)	<i>Section 4.55 (8) - Section 96 to modify hours of operation for the Manly Wharf Hotel (accommodate breakfast service from 7:00am daily)</i>	29 November 2007
S96 DA 238/2002 (3)	<i>Section 4.55 (8) - S.96 Mod. to add blinds to 3 external umbrellas at Manly Wharf Hotel</i>	6 January 2005
DA 473/2003	<i>Alterations and Additions to Roof - Installation of Air Conditioning Units - Manly Wharf Hotel</i>	5 August 2005
S96 DA 238/2002 (2)	<i>Section 4.55 (8) - Section 96 to modify approved Fit out for a hotel, interior alterations, external seating and servery Rotunda - Manly Wharf Hotel</i>	6 April 2004
S96 DA 238/2002	<i>Section 4.55 (8) - Section 96 to modify approved Fit out for a hotel, interior alterations, external seating and servery Rotunda - Manly Wharf Hotel</i>	6 May 2003
DA 238/2002	<i>New - Fit out for a hotel, interior alterations, external seating and servery Rotunda - Manly Wharf Hotel</i>	20 September 2002

4. The proposal

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

4.1 Summary of proposed development

The proposed development seeks approval for alterations and additions to Manly Wharf, which include the following.

- Removal of existing climbable and unsafe balustrades and the timber and concrete bench seats around the water's edge.
- Removal of timber balustrades that define the edge between the public promenade and the outdoor seating areas of The Bavarian and The Manly Wharf Hotel.
- Installation of new retractable glass balustrades to replace all removed balustrading.
- Revised awning arrangement to outdoor areas of The Manly Wharf Hotel, including removal of existing awnings, to be replaced with new operable awnings.
- Installation of a pizza preparation area including the replacement of an existing gas fired pizza oven with two solid fuel pizza ovens and one solid fuel grill in the existing Manly Wharf Hotel kitchen. The pizza ovens and grill will rely on the existing mechanical exhaust plant with no new penetrations required through the roof of the existing building.
- Extension of Manly Wharf Bar deck to enable construction of a children's play area, including a repurposed boat playground installation.

A separate liquor license application will seek an extension of the existing Manly Wharf Hotel license to provide for the service of alcohol within the extended wharf bar deck.

The proposal results in minor change to the seating type and layout within the extended deck area of Manly Wharf Hotel, to accommodate the children's play area. There will however be no increase in the patron capacity.

No change is proposed to the current trading hours of Manly Wharf Hotel.

4.2 Architectural drawings

Table 3 below provides a list of the drawings for which approval is sought. A copy of the drawings is provided in **Appendix A**.

Table 3 List of architectural drawings

Drawing number	Description	Revision	Date
DA.101	Site Plan	3	25.11.24
DA.102A	Ground Floor Plan – Existing West	1	03.09.24
DA.102B	Ground Floor plan – Existing East	4	25.11.24
DA.103A	Ground Floor Plan – Proposed West	2	25.11.24
DA.103B	Ground Floor Plan – Proposed East	5	05.12.24
DA.104	Elevations – Proposed	5	05.12.24
DA.105	Axonometric – Proposed	5	05.12.24
DA.205	Solid Fuel Detail Plan	1	26.08.24

4.3 Cost of works

The estimated development cost (EDC) for this development is \$964,700 (including GST).

4.4 Detailed description of proposal

Alterations to existing balustrades

The proposed balustrade works are itemised in **Figure 4** and described in detail **Table 4**.

Table 4 Locations of existing balustrades proposed to be removed

Item	Description of proposed works
1	Removal of existing timber balustrades and installation of new retractable glass balustrades around the edge between the public promenade and the outdoor dining area of The Bavarian, facing West Esplanade.
2	Removal of existing metal balustrades and installation of new retractable glass balustrades along the upper and lower walkway on the western edge of the public promenade facing Manly Cove.
3	Removal of existing metal balustrades and timber and concrete bench seats and installation of new retractable glass balustrades along the water's edge of the south and southeast public promenade.
4&5	Removal of existing timber balustrades surrounding Manly Wharf Hotel outdoor seating areas and installation of new retractable glass balustrades.
6	Removal of existing metal balustrades and installation of new retractable glass balustrades along the water's edge surrounding the Manly Wharf Hotel jetty bar.

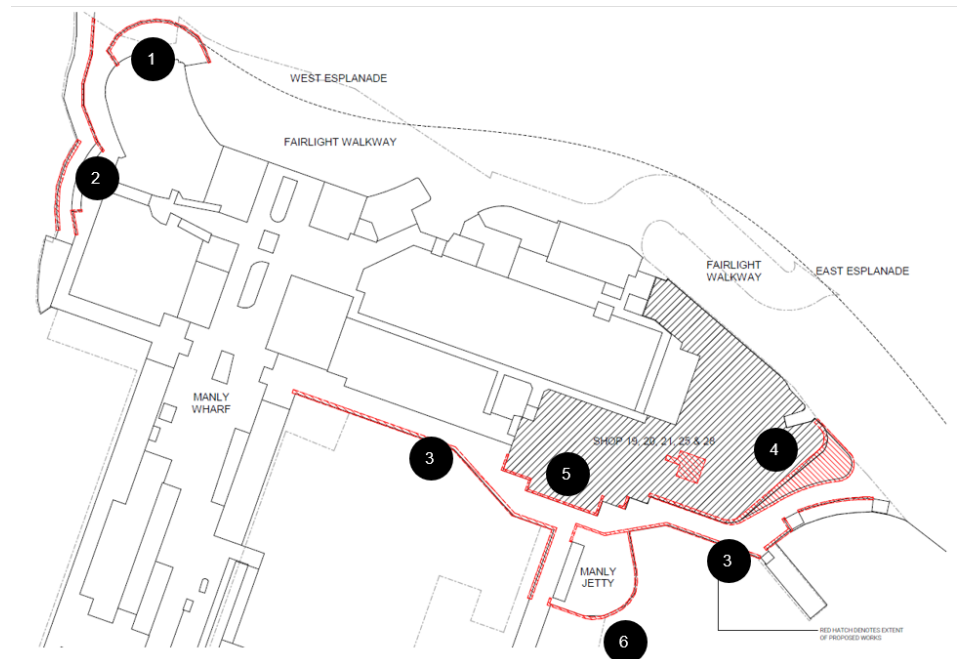


Figure 4 Existing balustrades to be replaced by retractable glass balustrades

Source: Little Boat Projects

Glass balustrades

The proposed glass balustrades are 1,200mm high when retracted and have a maximum height of 1,800mm when extended to full height. The movement of the balustrades is mechanically assisted and can be raised or lowered by staff only.

Detailed plans, elevations and cross-sections of the retractable glass balustrades (prepared by Svalson) are included in **Appendix G**. The proposed balustrades are identical to those already installed along a portion of the water's edge adjacent to Hugos, achieving a uniform and consistent approach to balustrading across Manly Wharf, as indicated in **Figure 5**.

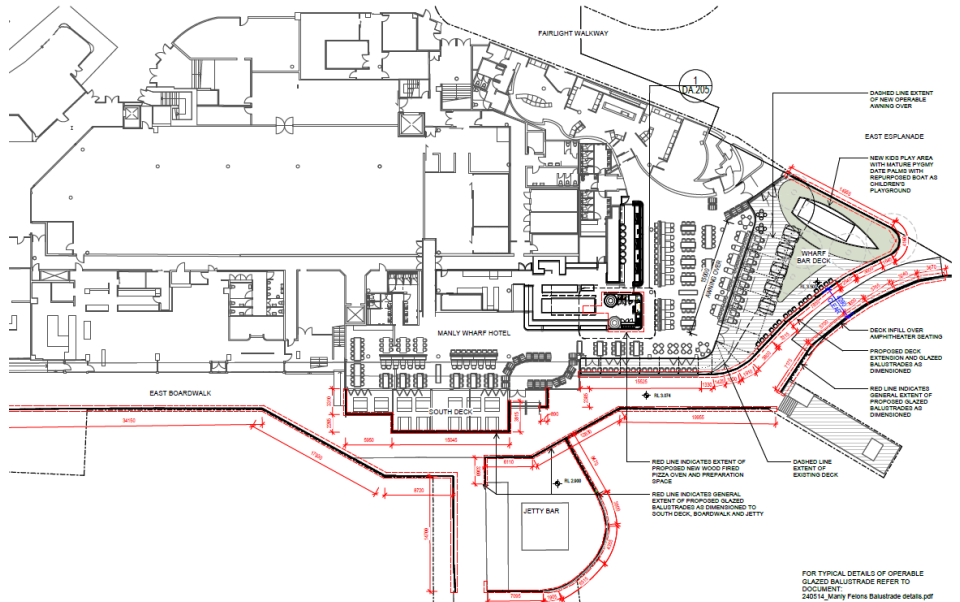


Figure 5 The proposed balustrades will improve comfort and safety, sheltering the outdoor dining and seating areas, decks and walkways from high winds and cold temperatures. As confirmed by the BCA Report in **Appendix C**, the design of the glass balustrades is consistent with BCA standards.

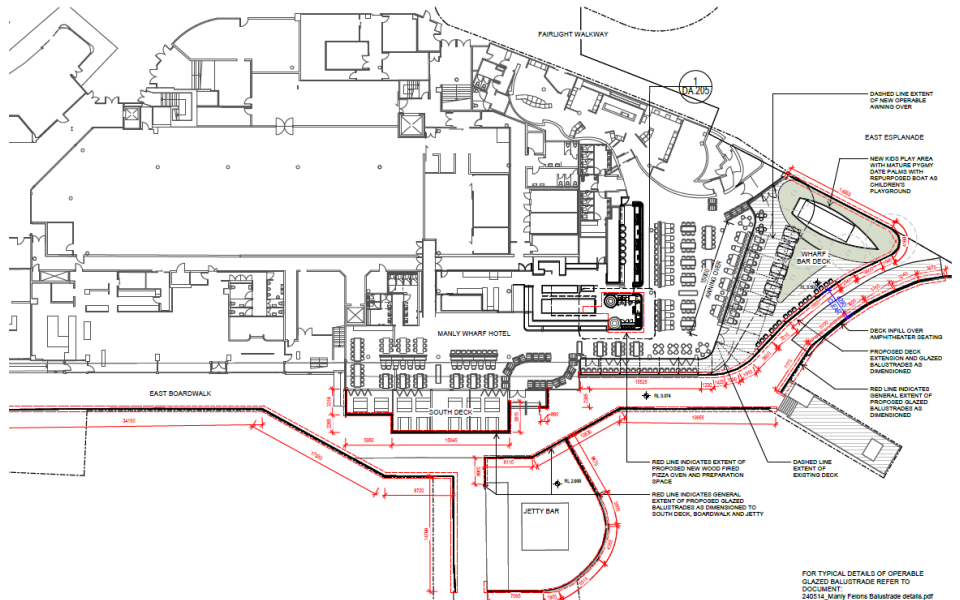


Figure 5 Proposed balustrades around perimeter of Manly Wharf

Source: Little Boat Projects

Installation of operable awnings

Revised awning arrangement to outdoor areas of The Manly Wharf Hotel, including removal of existing awnings, to be replaced with new operable awnings. These are

retractable and intended to provide improved levels amenity for patrons and do not extend beyond existing tenancy alignments as detailed below.

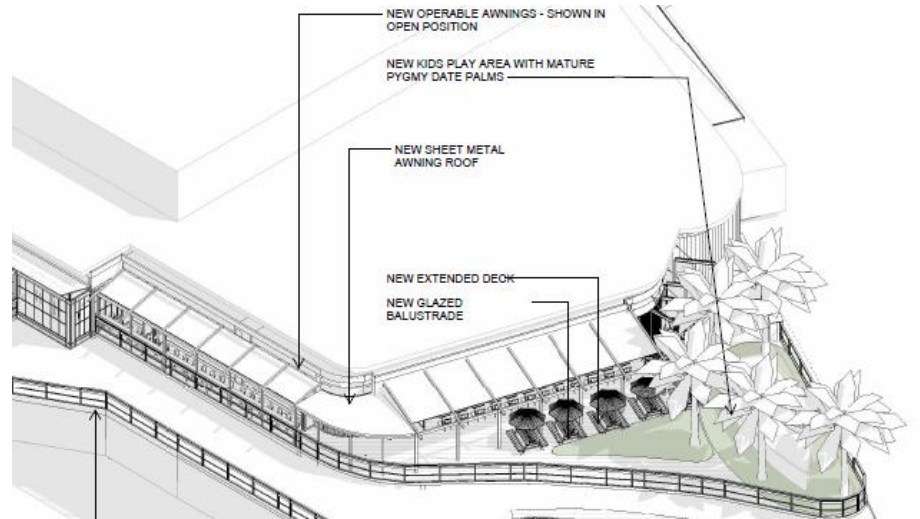


Figure 6 Overview of proposed operable awnings
Source: Little Boat Projects



Figure 8 Photomontage of proposed deck extension and children's playground, including boat installation
Source: Little Boat Projects

5. Planning framework

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

5.1 Environmental Planning and Assessment Act 1979

Division 4.8 Integrated Development

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

Section 4.15(1) Matters for consideration

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

Table 5 Section 4.15(1) matters for consideration

Section 4.15(1)	Compliance	Comment
(a)(i) any environmental planning instrument	Yes	A detailed assessment of the proposal against the relevant environmental planning instruments (EPIs) demonstrates the proposal adequately addresses the requirements therein. The proposal has been assessed against the following EPIs: <ul style="list-style-type: none"> – <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> – <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> – Manly LEP 2013
(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)	Yes	There are no draft EPIs applicable to the proposed development.
(a)(iii) any Development Control Plan	Yes	As detailed in the following sections of the compliance assessment, the proposal adequately addresses the requirements of the Manly Development Control Plan 2013 (DCP 2013). The proposal is also compliant with the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 and Manly Development Control Policy for Manly Cove 1996.
(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	N/A	There are no planning agreements (draft nor executed) that form part of, or inform this DA.
(a)(iv) the Environmental Planning and Assessment Regulations 2000 (to the extent that they prescribe matters for the purposes of this paragraph)	Yes	The prescribed matters within the Regulations required to be considered have been met by this proposal.

Section 4.15(1)	Compliance	Comment
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Yes	<p>Potential impacts resulting from the proposed development which have been assessed include:</p> <ul style="list-style-type: none"> – Heritage; – Views; – Safety; – Noise; – Odour and ventilation; and – Social and economic impact. <p>These impacts are discussed in detail in Section 6 of this report. It is considered that the likely impacts of the proposal are acceptable.</p>
(c) the suitability of the site for development	Yes	<p>Section 4.15(1)(c) of the EP&A Act requires consideration of the suitability of the site for development.</p> <p>From a strategic and statutory planning perspective, the site is suitable for the proposed development. This is further discussed in Section 6.</p>
(d) any submissions made in accordance with this Act or the regulations,	Yes	Any submissions received by Council during the exhibition period will be duly considered.
(e) the public interest	Yes	Section 4.15(1)(e) of the EP&A Act requires consideration of the public interest. The proposal is considered to be in the public interest for the reasons discussed in Section 6 .

5.2 Coastal Management Act 2016

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

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

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

5.3 Heritage Act 1977

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

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

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

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

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

5.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

Part 6.3 Zoning of Foreshore and Waterways Area

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

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

The proposed development comprises alterations and additions to an existing approved development. In line with section 6.27(2) of the Biodiversity and Conservation SEPP, this development is permitted with consent within the zone as the development:

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

Table 6 Consistency with Zone 2 Environment Protection zone objectives

Objective	Comment
<i>To protect the natural and cultural values of waters in the zone.</i>	The proposed alterations and additions do not negatively impact the heritage significance of Manly Wharf and maintain the natural and cultural values of the surrounding waters. Further detail on the protection of the natural and cultural values of waters in the zone is further addressed in the proposed development's response to section 6.9 Foreshore scenic protection area of LEP 2013.
<i>To prevent damage to, or the possibility of long term adverse impact on, the natural and cultural values of waters in the zone and adjoining foreshores.</i>	The development does not result in any adverse impacts on the waters and adjoining foreshores as it is limited to internal works and minor exterior works that do not physically interact with the water and foreshore. In particular, the new balustrades better prevent people or objects from falling into the water and foreshore.
<i>To enhance and rehabilitate the natural and cultural values of waters in the zone and adjoining foreshores.</i>	The proposed alterations and additions improve the value and amenity of Manly Wharf. Given its connection to the surrounding waters and foreshores, these improvements serve to enhance their natural and cultural values.
<i>To provide for the long term management of the natural and cultural values of waters in the zone and adjoining foreshores.</i>	The Applicant's management and operations of Manly Wharf do not negatively affect the waters and adjoining foreshores. The proposed replacement of unsafe balustrades, provision of a children's play area and improvement of Manly Wharf Hotel's kitchen capacity is part of the Applicant's long term vision to improve safety, amenity and appreciation of the natural and cultural values of the area.

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

This is further reinforced by an Estuarine Risk Management Plan (ERM) in **Appendix G**. This was prepared by Horton Coastal Engineering for a separate DA seeking alterations and a change of use to an existing vacant retail tenancy at Manly Wharf for use as a pub and micro-brewery with ancillary dining and occasional live performance. However, given the similarity in site and development context, the merit assessment and conclusions drawn from this ERM also apply to this development.

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

Consideration	Comment
<i>(1) In deciding whether to grant development consent to development in the Foreshores and Waterways Area, the consent authority must consider the following—</i>	
<i>(a) whether the development is consistent with the following principles—</i>	The proposed development is consistent with these principles in that it enhances the public's enjoyment of Sydney Harbour by providing additions complementary to the natural assets of Sydney Harbour.
<i>(i) Sydney Harbour is a public resource, owned by the public, to be protected for the public good,</i>	The children's play area makes the Manly Wharf Hotel more inclusive and family-friendly while the kitchen modifications improve its capacity to serve patrons.
<i>(ii) the public good has precedence over the private good,</i>	The replacement of existing unsafe balustrades with retractable glass balustrades improve safety and amenity for all users of Manly Wharf.
<i>(iii) the protection of the natural assets of Sydney Harbour has precedence over all other interests,</i>	
<i>(b) whether the development will promote the equitable use of the Foreshores and Waterways Area, including use by passive recreation craft,</i>	The proposed development does not inhibit the use of the Foreshore and Waterways Area by passive recreation craft.
<i>(c) whether the development will have an adverse impact on the Foreshores and Waterways Area, including on commercial and recreational uses of the Foreshores and Waterways Area,</i>	The proposed development will not adversely impact commercial and recreational uses on the Foreshores and Waterways Area, rather it contributes to these uses by improving safety, amenity and inclusivity.
<i>(d) whether the development promotes water-dependent land uses over other land uses,</i>	The proposed development does not promote water-dependent land uses over other land uses as it only supports land-based uses.
<i>(e) whether the development will minimise risk to the development from rising sea levels or changing flood patterns as a result of climate change,</i>	As Manly Wharf is a heritage item and is currently used as a primary ferry wharf for the Northern Beaches, the development does not propose to change the level of the wharf.
<i>(f) whether the development will protect or reinstate natural intertidal foreshore areas, natural landforms and native vegetation,</i>	The proposed development does not alter Manly Wharf's physical and functional relationship with the harbour and foreshore. The glass balustrades prevent people and objects from falling or being thrown into the harbour and foreshore. As a result, there are no negative impacts on the natural environment and ecological characteristics of the area.
<i>(g) whether the development protects or enhances terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to or shading of aquatic vegetation,</i>	
<i>(h) whether the development will protect, maintain or rehabilitate watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.</i>	
<i>(2) Development consent must not be granted to development in the Foreshores and Waterways Area unless the consent authority is satisfied of the following—</i>	
<i>(a) having regard to both current and future demand, the character and functions of a working harbour will be retained on foreshore sites,</i>	The development does not propose any changes to the function of Manly Wharf as a ferry wharf.
<i>(b) if the development site adjoins land used for industrial or commercial maritime purposes—the development will be compatible with the use of the adjoining land,</i>	The development does not adjoin land used for industrial or commercial maritime purposes.
<i>(c) if the development is for or in relation to industrial or commercial maritime purposes—public access that does not interfere with the</i>	

Consideration	Comment
<i>purposes will be provided and maintained to and along the foreshore,</i>	
<i>(d) if the development site is on the foreshore—excessive traffic congestion will be minimised in the zoned waterway and along the foreshore,</i>	The proposed development does not increase waterway and foreshore traffic.
<i>(e) the unique visual qualities of the Foreshores and Waterways Area and its islands, foreshores and tributaries will be enhanced, protected or maintained, including views and vistas to and from—</i> <i>(i) the Foreshores and Waterways Area, and</i> <i>(ii) public places, landmarks and heritage items.</i>	The SoHI (Appendix B) concludes that the proposed development is consistent with the heritage character of Manly Wharf, a highly significant landmark in Manly and Sydney Harbour. In maintaining Manly Wharf's heritage character and its relationship with the foreshore and harbour, the proposed development also preserves the unique visual qualities of the area.

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

The land is also identified as a Strategic Foreshore Site under Division 5 of this Part. A master plan is not required for this development as it comprises non-structural alterations to the interior and exterior of an existing building, which is identified in section 6.46(d) and 6.46(e) as development to which Part 6.3 Division 5 of the Biodiversity and Conservation SEPP does not apply.

Part 6.4 Heritage conservation in Sydney Harbour

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

Part 5.4 of the SoHI (**Appendix B**) shows the proposed development's consistency with the heritage provisions of this part of the Biodiversity and Conservation SEPP. The SoHI further confirms that only non-significant elements of the site (existing balustrades around the Manly Wharf Hotel, The Bavarian and wharf promenade) are proposed to be removed and replaced by a sympathetic alternative. It further concludes that the installation of pizza ovens occurs internally within the more contemporary retail wing of the wharf and extensions of the deck for the children's play area will not have a visual impact.

5.5 State Environmental Planning Policy (Resilience and Hazards) 2021

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

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

In line with section 2.12 of the Resilience and Hazards SEPP, and as confirmed by the ERM (**Appendix G**), the proposed development is unlikely to increase the risk of coastal hazards because the proposed development only proposes minor alterations and additions with no structural effects on Manly Wharf.

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

5.6 Manly Local Environmental Plan 2013

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

Section 2.4 Unzoned Land

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

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

The site is adjacent to RE1 – Public Recreation Land but is more similar in character and function with the land across East Esplanade zoned E1 – Local Centre (See **Figure 9**).

Zone RE1 Public Recreation

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

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

The development comprises minor additions to the existing Manly Wharf and the Manly Wharf Hotel previously approved through DA 238/2002. In consideration of clause 2.4(2)(b) of LEP 2013, the proposed alterations and additions to Manly Wharf improve its compatibility with the permissible land uses on the adjoining RE1 Public Recreation zoned land. The proposed development will enhance the safety and amenity of existing approved uses at Manly Wharf.

In consideration of clause 2.4(2)(a) of the LEP 2013, **Table 8** illustrates how the proposed development will not negatively impact, and sometimes positively impact, on the RE1 zone objectives.

Table 8 Impact on RE1 (Public Recreation) zone objectives

Objective	Comment
<i>To enable land to be used for public open space or recreational purposes.</i>	The site is not public open space land. However, it serves as a transition space for public transport users from the ferry wharf to the RE1 zone on East Esplanade.
<i>To provide a range of recreational settings and activities and compatible land uses.</i>	The proposed additions serve to improve amenity on the site which contributes to the recreational setting of the adjacent land. In particular, the addition of the children's play space provides a space for families in an area mostly catered to night time events.
<i>To protect and enhance the natural environment for recreational purposes.</i>	Comprising of minor alterations and additions, the proposed development does not have any negative impacts on the natural environment.
<i>To protect, manage and restore areas visually exposed to the waters of Middle Harbour, North Harbour, Burnt Bridge Creek and the Pacific Ocean.</i>	The proposed development maintains the RE1 zoned land's connection with Sydney Harbour. The proposed glass balustrades prevent people or objects falling or being thrown into the harbour while maintaining significant views.

Objective	Comment
<i>To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.</i>	The glass balustrades proposed to be installed are made of clear glass and do not form an imposing façade against existing vegetation, topography and surrounding land uses. The children's play area, with its nautical theme and proposed landscaping, is sympathetic with existing vegetation and land uses.

Zone E1 Local Centre

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

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

In consideration of clause 2.4(2)(b) of LEP 2013, the proposed alterations and additions to Manly Wharf improve its compatibility with the permissible land uses on the adjoining E1 Local Centre zoned land. The proposed development will enhance the safety and amenity of existing approved uses at Manly Wharf and contribute to the function and character of the Local Centre zone.

In consideration of clause 2.4(2)(a) of the LEP 2013, **Table 9** illustrates how the proposed improvements to Manly Wharf improve its amenity and safety and contribute to the E1 zone objectives.

Table 9 Impact on E1 (Local Centre) zone objectives

Objective	Comment
<i>To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.</i>	Manly Wharf and its establishments such as Manly Wharf Hotel and The Bavarian are well-known establishments in the area, providing food and drink, as well as a space for the community to gather. The proposed additions improve amenity and safety for patrons. This would support increased patronage, leading to better outcomes not just for the Manly Wharf and its establishments, but also for surrounding businesses.
<i>To encourage investment in local commercial development that generates employment opportunities and economic growth.</i>	
<i>To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.</i>	The development does not propose any residential development. Nevertheless, the proposed additions and the site itself contribute to the lively and active Local Centre. This supports the needs of surrounding residential development and makes the area a desirable place to live.
<i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i>	The site and proposed improvements are on the ground floor of Manly Wharf and serve to improve the pedestrian experience from the ferry wharf to East Esplanade and the rest of the commercial centre of Manly.
<i>To minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.</i>	The proposed additions are consistent with adjoining land uses and do not result in additional noise, odour or any other negative impacts.
<i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant,</i>	Manly Wharf itself is a heritage-listed item that has been an iconic part of the local streetscape. The proposed development does not have a

Objective	Comment
<p><i>diverse and functional streets and public spaces.</i></p> <p><i>To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.</i></p>	<p>major impact on the site's urban form, scale and street frontage, maintaining its distinct and vibrant character.</p>



Figure 9 Land adjacent to the site zoned RE1 and E1
Source: Northern Beaches Council

Section 5.10 Heritage Conservation

Schedule 5 of LEP 2013 identifies Manly Wharf as local heritage item I145. Just adjacent to Manly Wharf, Manly Wharf Pier (former Fun Pier) is identified as local heritage item I146 (See **Figure 10**).

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

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



Figure 10 Heritage item mapping
Source: Northern Beaches Council

Section 6.9 Foreshore scenic protection area

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

Table 10 considers matters relating to the achievement of this section's objective.

Table 10 Matters for consideration – Foreshore scenic protection areas

Consideration	Comment
<i>a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,</i>	The proposed development does not result in overshadowing or loss of views, so there are no detrimental impacts to visual amenity.
<i>(b) measures to protect and improve scenic qualities of the coastline,</i>	The installation of retractable glass balustrades preserve the scenic qualities of the coastline while improving amenity and safety for users of Manly Wharf.
<i>(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,</i>	Manly Wharf and its tenancies such as the Manly Wharf Hotel and The Bavarian are suitable to the location, sharing similarities with adjacent venues. The proposed additions are also suitable, given its compliance with provisions in LEP 2013, applicable SEPPs and the DCP 2013.
<i>(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.</i>	The development does not lead to conflict between land-based and water-based coastal activities. Manly Wharf already accommodates both land-based and water-based coastal activities and the proposed development further promotes the seamless integration of land and water based coastal activities in Manly.

Section 6.10 Limited development on foreshore area

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

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

Section 6.12 Essential services

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

Section 6.21 Noise impacts—licensed premises

Manly Wharf Hotel is a licensed premise under the Liquor Act 2007. A separate liquor license application will seek an extension of the existing Manly Wharf Hotel license to provide for the service of alcohol within the extended wharf bar deck.

The Acoustic Statement (**Appendix D**), prepared by Pulse White Noise Acoustics, concludes that with the inclusion of appropriate noise management and mitigation measures, compliance with appropriate construction and operational noise and vibration criteria would be achieved. This includes the provision of acoustic treatment to an external discharge fan servicing the new ovens through the existing mechanical ventilation, to be specified during design development. It also recommends building and management controls for the children's play area.

5.7 Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

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

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

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

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

5.8 Manly Development Control Plan 2013

The Manly Development Control Plan 2013 (DCP) provides detailed planning controls relevant to the site and the proposal. The proposed development is consistent with the provisions in the DCP. **Table 11** below illustrates the proposal's consistency with general principles of development in the DCP applicable to the proposal.

Table 11 Assessment against DCP 2013 controls

DCP 2013	Compliance	Comment
3.2 Heritage Considerations	Yes	<p>The proposed pizza ovens will utilise existing mechanical ventilation and ducting, so installation will not require any new penetrations through the roof or other heritage significant fabric.</p> <p>The proposed glass balustrades are to replace existing timber and metal balustrades which are considered unsafe and non-significant fabric. Should the glass balustrades be removed at a later time, this will not result in any damage to the existing fabric.</p> <p>The balustrades are transparent and are only raised during cold and windy weather, so the heritage character of Manly Wharf is maintained.</p> <p>The children's play space does not detract from Manly Wharf's heritage character. It is sheltered by landscaping features, ensuring views to and from the harbour are preserved. Further, this use is consistent with Manly Wharf's historical function as a place for community entertainment.</p> <p>The proposed development complies with heritage requirements under the <i>Heritage Act 1977</i>, Biodiversity and Conservation SEPP and section 5.10 of LEP 2013.</p> <p>Part 5.3 of the SoHI (Appendix B) demonstrates the proposed development's consistency with the heritage objectives and provisions of the Manly DCP 2013. As a whole, the retention of significant features and heritage fabric achieves the section's relevant objectives.</p>
3.4 Amenity	Yes	<p>No additional air pollution in the form of odour or fumes is proposed as the two proposed wood-fired ovens replace an existing gas fired pizza oven.</p> <p>The proposed glass balustrades maintain views over Sydney Harbour and Manly Wharf while improving safety and amenity for users.</p> <p>The Noise Assessment (Appendix D) shows consistency with the controls contained in this section of the DCP and section 6.21 Noise impacts – licensed premises of LEP 2013. It concludes that with the inclusion of appropriate noise management and mitigation measures, compliance with appropriate construction and operational noise and vibration criteria would be achieved.</p> <p>The proposed development maintains and improves the amenity for users of the space as well as residents and neighbouring development.</p>

5.9 Manly Development Control Policy for Manly Cove 1996

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

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

Although land/water interface development is not defined in the Biodiversity and Conservation SEPP, the proposed development would be classified as such under the repealed SEPP 23 and SREP (Sydney Harbour Catchment). Regardless, the proposed development is compliant with MDCP 1996 development controls.

Section 5.8 of this report shows how the proposed development is consistent with the controls of Manly DCP 2013, which contains similar / updated versions of the controls contained in the MDCP 1996.

5.10 Strategic planning context

The works proposed are of a minor nature but contribute to the objectives set out in the following Council strategies:

- Northern Beaches Local Strategic Planning Statement (LSPS) Towards 2040
- Manly Night Time Economy Strategy
- Draft Place Plan (My Place: Manly)

The LSPS identifies Manly as the only designated late-night precinct in the LGA and reinforces its role as a premier seaside destination having a mix of cultural, tourism, retail and entertainment uses.

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

The proposed development is in line with the objectives and directions in these strategies reinforcing Manly's role as a premier seaside destination having a mix of cultural, tourism, retail and entertainment uses. It contributes to the Place Plan's desired outcome for Manly Wharf to serve as a key gateway into the Manly Town Centre by creating a sense of arrival and enhancing the visitor arrival experience. Further, the proposed development aligns with objectives around the improvement of safety and amenity, and the enhancement of Manly's night time economy.

6. Environmental assessment

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

6.1 Heritage

The SoHI (**Appendix B**) concludes that the proposed works are acceptable from a heritage perspective and are consistent with the heritage provisions and controls in the Biodiversity and Conservation SEPP, Manly LEP 2013, Manly DCP 2013 and Manly Ferry Wharf CMP.

The sections of Manly Wharf where the alterations and additions are proposed are assessed as not having significance consistent with the Manly Ferry Wharf CMP. The improvements to the Manly Wharf Hotel kitchen and wharf bar deck are located on the more contemporary (c.1990) eastern retail wing of Manly Wharf and not the main Ferry Wharf and 1930s wharf building including the welcoming arms. Additionally, the existing balustrades surrounding Manly Wharf, the Manly Wharf Hotel and The Bavarian are considered non-significant elements of the Manly Wharf heritage item. As a result, the proposed alterations and additions are not deemed as impactful to the heritage significance of Manly Wharf.

The proposed balustrades are identical to those already installed adjacent to Hugos outdoor dining area. In this location, they have proven to significantly improve user safety and comfort and are of a design and style that complements the wharf. The SoHI provides that the balustrades do not seek to replicate, overwhelm or dominate Manly Wharf, rather, they tidy and simplify the southern façade of the eastern retail wing of Manly Wharf, which will improve the overall setting and appearance of the southern elevation of the wharf through a contemporary balustrade design. This retractable glazed balustrade complements the form and scale of the original wharf and the former fun pier, which in turn means that the works do not diminish or impact on the heritage significance of either heritage item.

The pizza ovens proposed for installation will be connected to the existing roof and exhaust vents, with no new penetrations proposed. Though the heritage fabric of this area of the wharf is not considered significant, the new pizza ovens can be removed from the site without damaging any building fabric. Further, the pizza ovens are not visible from the public domain of Manly Wharf, nor from the former Fun Pier. This work is entirely internal and will be visually obscured by the existing fit-out of the Manly Wharf Hotel.

The extension of Manly Wharf Hotel's wharf bar deck to accommodate the new children's play area will generate visual interest without any negative visual impact on the setting or character of the Manly Wharf hotel heritage item. The siting of this new play area on the eastern side of the retail wing where there are no direct sightlines towards the significant spaces of the wharf (like the clerestory or Corso façade) means that this area will have no discernible impact on the heritage item. Its addition is consistent with the historic use of Manly Wharf as a community entertainment space. Current entertainment uses were introduced in the 1990s and the historic fun pier was operational from the 1930s-1980s. Further, the proposed pygmy date palms surrounding the play area will not visually disrupt or overwhelm the existing mature Norfolk pine trees along East Esplanade.

The impacts of the proposed minor additions to Manly Wharf as a heritage item is considered acceptable.

6.2 Views

The proposed pizza ovens and grill utilise existing ducting, avoiding new or additional openings through the existing roof. This retains Manly Wharf's existing roof line and avoids any potential change to views to and from Manly Wharf and from surrounding buildings.

The glass balustrades are identical to those installed adjacent to Hugos outdoor dining area. Comprised of clear glazing within a metal frame, the balustrades enhance the visual link between the wharf, water and harbour activities including boating and ferry activity.

When lowered, the balustrades are the same height as the existing metal balustrades to be removed. The balustrades will only be raised when shielding the outdoor dining areas and walkways from wind and rain. Even at full height, the balustrades are not visually dominating, comprising light weight and linear framing and transparent glass. Consistent with the balustrading already in place adjacent Hugos, the balustrades result in minimal change to the existing presentation of Manly Wharf.

The children's play area and associated play equipment are lower than the existing awning over the wharf bar deck and anchored in a landscape setting comprising mature pygmy date palms. Hull elements of the boat installation have been removed to lower its overall height, ensuring it is of a suitable scale that integrates within the surrounding landscaped setting and does not result in any visual impacts or loss of water views from the public domain.

The proposal preserves key views to and from Manly Wharf and the harbour and will present a consistent and attractive aesthetic for Manly Wharf.

The impacts of the proposed alterations and additions to Manly Wharf on key views are considered acceptable.

6.3 Safety

Over the years there have been safety incidents involving people falling or jumping from Manly Wharf, either accidentally or because of intentional and unsafe behaviour. The existing balustrades do not meet BCA standards, particularly the horizontal rails between balustrades which allow climbing. Gaps in between balusters also exceed maximum standards. The BCA report (**Appendix C**) highlights these issues and suggests that the loadbearing capacity of existing balustrades requires review.

The proposed glass balustrades comply with the BCA standards highlighted in the BCA report (**Appendix C**) with a design that inhibits climbing. The glass balustrades can also be extended to full height, sheltering outdoor dining and seating areas, decks and walkways from high winds and cold temperatures.

The extension of the Manly Wharf Hotel deck does not constrict the path of travel along the eastern promenade. It is wide enough to facilitate emergency vehicle access and allows for easy access by pedestrians.

The new children's play area will be complemented by new glass balustrades that enhance the safety and comfort of children and patrons. The integration of the play area within the deck bar allows for improved adult supervision and staff / security monitoring. This is a significant improvement to the current situation of patrons' children playing unsupervised on the public grassed areas of the promenade.

In addition to these aspects of physical safety, the applicant will manage safety, security and maintenance across Manly Wharf. Surveillance systems and 24/7 security staff on the premises will monitor the safety of staff and visitors.

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

6.4 Noise

Additional noise impacts are unlikely as the proposed development does not intensify use nor modify Manly Wharf Hotel's hours of operation.

The Acoustic Statement (**Appendix D**) concludes that, with the inclusion of appropriate noise management and mitigation measures, compliance with appropriate construction and operational noise and vibration criteria would be achieved.

Acoustic treatments will be installed on the existing mechanical ventilation ducting's external discharge fan to support the proposed pizza ovens and grill.

Acoustic modelling demonstrates that the noise generated from the proposed children's play area is acceptable. The installation of glass balustrades around the play area provides enhanced acoustic separation compared to the existing balustrades

The proposed development's noise impacts are considered acceptable.

6.5 Odour and ventilation

The proposed pizza ovens are well-insulated with expanded clay and ceramic fiber, reaching a maximum exterior temperature of 35 degrees Celsius, ensuring safety for staff and patrons. Existing mechanical ventilation and ducting will provide ventilation for the operation of the proposed pizza ovens and grill and preventing fumes from accumulating within the kitchen and Manly Wharf Hotel. The exhaust flue passes through the designated mechanical plant room on the first floor. This space is properly insulated and kept away from any sensitive uses.

The proposed development's impacts on odour and proposed ventilation measures are considered acceptable.

6.6 Social and economic impact

The proposal seeks to improve customer safety and amenity in the existing Manly Wharf Hotel. The new pizza ovens and grill improve the kitchen's capacity, enabling an improved dining experience. The glass balustrades, particularly those surrounding the outdoor areas of The Bavarian and Manly Wharf Hotel's south deck and jetty bar, allow safe and comfortable utilisation of these areas at night, or in cold and windy conditions. The addition of a children's play area is an important step towards the evolution of the Manly Wharf Hotel toward a more inclusive, family friendly offering.

The proposed alterations and additions improve customer safety and amenity, attracting visitors and locals alike and enhancing the positive social and economic contribution Manly Wharf makes to the local area.

The social and economic impacts of the proposed minor alterations and additions to Manly Wharf and the local area are considered acceptable.

6.7 Suitability of the site for the development

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

The proposed alterations and additions are improvements to the existing Manly Wharf with positive effects for the dining and entertainment prominence of Manly more broadly.

The site is considered well suited to the proposed development.

6.8 The public interest

The public interest is well served by this proposal because it will improve the safety, amenity and accessibility of Manly Wharf, for visitors and locals. The proposal is respectful of and encourages the appreciation of the heritage character of Manly Wharf.

7. Conclusion

This Development Application seeks consent for alterations and additions to Manly Wharf, East Esplanade, Manly. Specifically, this includes:

- Removal of existing climbable and unsafe balustrades and the timber and concrete bench seats around the water's edge.
- Removal of timber balustrades that define the edge between the public promenade and the outdoor seating areas of The Bavarian and The Manly Wharf Hotel.
- Installation of new retractable glass balustrades to replace all removed balustrading.
- Revised awning arrangement to outdoor areas of The Manly Wharf Hotel, including removal of existing awnings, to be replaced with new operable awnings.
- Installation of a pizza preparation area including the replacement of an existing gas fired pizza oven with two solid fuel pizza ovens and one solid fuel grill in the existing Manly Wharf Hotel kitchen. The pizza ovens and grill will rely on the existing mechanical exhaust plant with no new penetrations required through the roof of the existing building.
- Extension of Manly Wharf Bar deck to enable construction of a children's play area, including a repurposed boat playground installation.

The proposed alterations and additions will significantly enhance the recreation and entertainment experience, safety and amenity of Manly Wharf. The wood fired pizza oven and grill allows improved service to patrons while the glass balustrades provide safety and comfort to patrons during cooler, windier conditions. The children's play area contributes to the inclusive, family-friendly environment of the Manly Wharf Hotel, attracting a wider demographic of visiting patrons, for a more diverse, food related offering.

The proposed development is consistent with the Heritage Act 1977, the EP&A Act 1979 and the related Environmental Planning Instruments including the Biodiversity and Conservation SEPP and LEP 2013. The proposed development contributes to the objectives of the Northern Beaches Council LSPS and Manly Night Time Economy Strategy.

Having regard to the above and in light of the matters for consideration listed under Section 4.15 of the *EP&A Act 1979*, it is recommended that this Development Application be approved by Council.

Appendix A – Architectural drawings, prepared by Little Boat Projects

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

Appendix C – BCA Assessment Report, prepared by BM+G

Appendix D – Acoustic
Statement, prepared by Pulse
White Noise Acoustics

Appendix E – Pizza oven
technical schedule, by Forni
Visciano

Appendix F – Detailed drawings
of glass balustrades, by
Svalson

Appendix G – Estuarine Risk
Management Plan, by Horton
Coastal Engineering

Appendix H – Cost Summary
Report, by Crookwell
Constructions