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Subject: Online Submission

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RE: Mod2021/0314 - 0 Wharves And Jetties MANLY NSW 2095

I wish to object to the proposed modification.

The modification to increase the deck area of the restaurant would extend to the north across the public boardwalk. This further encroachment of the board walk is not in the public interest.

The board walk is well used and allows the public to access the waterway to observe marine life or to sit and enjoy the view across the harbour. From the edge of the boardwalk small fish and marine vegetation can be seen under the water.

The boardwalk is a popular area for public access and the only area with a visual aspect to the west across the Harbour and Manly Beach.

Large plant pots have been placed on the public boardwalk next to the western deck of the outdoor restaurant area. These plant pots occupy public space and consequently reduce the available area for public use. What is the purpose of these pot plants? Are they intended to provide a barrier between the public use of the boardwalk and private use of the restaurant? The plant pots are ornamental features not easily visible to seated patrons of the restaurant, but they do obstruct and restrict the usable space within the public boardwalk.

The deck of the outdoor restaurant was previously a public space and pedestrian link connected to the boardwalk. The proposed modification will reduce the remaining area of public space - leaving an even smaller residual area for public use and enjoyment. The extension would overlap public space available for passive recreation use and pedestrian access beside the water.

It is important that public access be retained around the perimeter of the wharf to allow public access to views and to observe marine life. On the eastern side of the wharf, public access around the edge has mostly been retained. However, on the western side of the wharf, public access along the perimeter will continue to diminish with the further encroachment of the outdoor restaurant upon the public boardwalk.

The proposal is not consistent with planning requirements / guidelines:

- To ensure public access is retained around the perimeter of the wharf.
- To consider public access and views in relation to this modification.

In the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
4.2 General Requirements include:

- public access to waterways and public land is maintained and enhanced;

The proposal does not satisfy this requirement.

Sydney Harbour Foreshores and Waterways Development Control Plan 2005

Division 2 - Matters for consideration

CI 21 - Biodiversity, ecology and environment protection

CI 22 - Public access to, and use of, foreshores and waterways

CI 26 - Maintenance, protection and enhancement of views

CI 21- The proposed modification to extend the outdoor restaurant will increase the environmental risks and impacts associated with the construction and operational phases. Avoidance of impacts is preferable to mitigation measures.

CI 22 - The proposed extension of the upper deck would overlap the public area on the lower deck. The Application states: "The planter box had made this area of the deck generally inaccessible to the public and there is no loss of accessible public space as a result." The large planter box is an unnecessary obstruction that could be removed to restore public access in this area of the deck.

The focus of the proposal is on expanding the deck area of the outdoor restaurant. However, the impact on the public use associated with the boardwalk is not adequately considered. Manly Wharf attracts thousands of visitors and residents throughout the year and it is important that the public use of the boardwalk is taken into account and given due weight.

CI 26 The proposed extension of the outdoor deck to north west will not protect or enhance views from the public boardwalk.

In relation to the previous application, this was approved subject to a condition incorporating several amendments, including:

- No new piles are permitted.
- The removal of the northern extension of the existing outdoor seating area.
- Deletion of all proposed planter boxes.

This modification seeks to remove the condition and replace the above amendments as follows:

- The addition of 10 new piles.
- Extension of the deck to the north and north west.
- A single planter box on the lower deck to be removed.

The proposed amendments seek to reinstate aspects that were rejected as part of the previous application. These aspects were rejected on reasonable grounds and provide further justification for refusing the proposed modification.

Thank for the opportunity to comment.