



STATEMENT OF ENVIRONMENTAL EFFECTS

**TO ACCOMPANY A DEVELOPMENT APPLICATION
FOR A PART RETRACTABLE, PART FIXED AWNING
STRUCTURE OVER PART OF THE SOUTHERN DECK
OF THE WHARF BAR AND ASSOCIATED
INSTALLATION OF TRANSPARENT ROLL-UP PVC
BLINDS AROUND THE PERIPHERY OF THE
PROPOSED AWNING**

WHARF BAR, MANLY WHARF

**Prepared for
Alexander and Co
on behalf of Wharf Bar**

**By
BBC Consulting Planners**

Job No. 21-120
SEE.Fdoc.doc
March 2022

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1. INTRODUCTION

1.1 Overview

This Statement of Environmental Effects (“SEE”) has been prepared on behalf of Alexander and Co for Wharf Bar to accompany a development application (“DA”) lodged pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 for the erection of an awning structure, part retractable and part fixed, over part of the southern deck and the associated installation of transparent roll-up PVC blinds around the periphery of the proposed awning (“the proposal”) at Wharf Bar (“the Hotel”) at Manly Wharf, East Esplanade, Manly (“the site”).

1.2 Purpose of Statement of Environmental Effects

The purpose of this SEE is to:-

- describe the land to which the DA relates;
- describe the characteristics of the surrounding locality and in particular adjoining and adjacent development;
- define the statutory planning framework within which the DA is to be assessed and determined;
- describe the form of the proposed development; and
- assess the proposed development in the light of all the relevant heads of consideration.

1.3 DA Documentation

This SEE is accompanied by the certificate of title and deposited plan for Lot 1 in DP 1170245 (see **Appendix 1**); DA Drawings prepared by Alexander and Co Architects (see **Appendix 2**); and a Heritage Impact Statement prepared by Heritage 21 (see **Appendix 3**).

2. THE SITE

2.1 Location

Wharf Bar occupies the eastern end of the ground floor of Manly Wharf (“the site”) in Manly Cove. Manly Wharf lies to the south of the intersection of East Esplanade, West Esplanade and The Corso as shown on **Figure 1**.

2.2 Real Property Description

The site comprises Lot 1 in DP 1170245, as shown on **Figure 2**.

2.3 Ownership

The site is owned by TMG Developments Pty Ltd.

2.4 Manly Wharf

This site has a total area of 9,615m². The site comprises retail and food and drink premises, including the Hotel and the basement car park, but does not include the Manly ferry wharf.

In the late 1980’s the (then) Maritime Services Board entered into new wharf lease arrangements for Manly Wharf under which the outer wharf, former “amusement pier” and the main wharf structure was leased to a private developer. In 1990 most of the wharf except the outer wharf was developed into a retail complex called Festival Markets. During this period the wharf adjoining the former amusement pier was subjected to considerable change in being converted to a retail complex. The Wharf Bar forms part of that complex.

Embarking/disembarking ferry passengers at Manly primarily arrive/depart the wharf via a central north-south circulation spine within which small scale retail and food and drink premises operate. These premises include: an ice cream shop, cafe, bakery, newsagent/souvenir shop, Thai restaurant, and a sushi bar.

On the outer western edge of the wharf is Hugo’s restaurant/bar and the Bavarian Beer café. On the eastern side of the wharf is Queen Chow, a restaurant facing towards Manly Cove, an Aldi supermarket and the Wharf Bar. On the northern facade of the wharf is a burger restaurant, a Mexican restaurant and a fish and chip shop. On the upper floor of the wharf is El Camino restaurant and bar, and Saké restaurant and bar both of which are accessible from the northern side of the wharf.

A basement car park beneath the wharf is accessed from East Esplanade. The car park is open from 6:00am until 12:00 midnight, 7 days.

2.5 The Hotel

The Hotel provides a modern, well-maintained, conveniently located, single-level, waterfront licensed premises with panoramic views of Manly Cove. It comprises four bars: the Harbour Bar/Restaurant which faces south towards Manly Cove; the Main Bar which faces east

towards East Manly Cove Beach and East Esplanade Park; the Jetty Bar located outside on the former fun pier of Manly Wharf, and the VIP Lounge with separate access from the pedestrian thoroughfare along the Wharf's northern side.

The Hotel is a high quality licensed premises with a strong emphasis on food service. The three outdoor decks which form part of the premises are orientated to the south and east providing iconic Harbour views.

The Hotel includes:-

- the Main Bar area in the eastern section of the Hotel which contains patron seating and a food servery. Around the periphery of the Main Bar are operable bi-fold glass doors which are opened when weather conditions permit to take advantage of the magnificent outlook and setting;
- the deck area (with a retractable awning over) off the eastern side of the Main Bar which contains seating for patrons. Access to the eastern deck is via the Main Bar;
- The Tropic Restaurant, accessed from the southern walkway of the Wharf which contains indoor and outdoor balcony seating and serves as the primary area for food consumption in the Hotel;
- the south-facing deck, which extends out from the Tropic Restaurant and provides outdoor seating with views over the water; and
- the Jetty Bar located to the south of the Hotel on the former fun pier, comprising outdoor seating and shade umbrellas. The patrons in this area are served only from the Jetty Bar (i.e. patrons cannot take their drinks across the public walkway on the southern side of the Main Bar to the Jetty Bar).

2.6 The South-facing Deck

The south facing deck comprises a raised timber structure with an area of approximately 90m² which is utilised as an outdoor seating area. It stands around 0.4m above the adjacent pedestrian concourse. Photos of the existing site condition are provided in **Appendix 4**. A fixed awning structure consisting of a steel frame, with umbrella shaped roof covering previously extended over the south facing deck. The fixed awning structure has since been demolished (September 2021). Photos of the prior awning structure are provided in **Appendix 5**.

2.7 Heritage Status

Manly Wharf (including Wharf Bar) is listed as an item of State heritage significance on the NSW State Heritage Register and as an item of local heritage significance in Schedule 5 of Manly Local Environmental Plan 2013 (Item 145). Manly Wharf Pier (including Jetty Bar) is also listed as an item of local heritage significance (Item 146) in Schedule 5 of Manly Local Environmental Plan 2013 (see **Figure 4B**).

2.8 Trading Hours

No change is proposed to the approved trading hours of the Hotel as part of this DA.

2.9 Recent Planning History

2.9.1 Development Application: DA 238/02

On 20 September 2002, Council granted development consent for the fitout of a hotel, interior alterations, external seating and servery rotunda at Manly Wharf.

2.9.2 Modification Application: S96 238/2002

On 7 May 2003, Council approved a Section 96 modification to the original development consent, authorising various design changes to the Wharf Bar.

2.9.3 Modification Application: S96 238/2002(2)

On 6 January 2005, Council approved a second Section 96 modification to the development consent (as amended) authorising the addition of blinds and external umbrellas at the Wharf Bar.

2.9.4 Modification Application: S96 238/2002(3)

On 20 November 2007, Council approved a third Section 96 modification to the development consent (as amended) to extend the trading hours of the Wharf Bar to accommodate breakfast service from 7:00am (as opposed to 10:00am) daily.

2.9.5 Modification Application: S96 238/2002(4)

On 18 August 2011 the NSW Land and Environment Court (LEC) upheld an appeal (in part) against Manly Council's refusal of a Section 96 Modification to modify the trading hours of the restaurant deck, south-facing deck and western deck. The Court ordered that the consent be modified to permit the restaurant deck, south-facing deck and western deck to trade until midnight, seven days per week, and applied four new conditions specifically concerning the operation of the south-facing deck and western deck.

2.9.6 Development Application: DA 216/2012

On 22 November 2013 the LEC approved a Development Application for alterations and additions to the Wharf Bar, including an extension of the eastern awning, roll up blinds, and an extension of operational hours of the eastern deck to 12 midnight.

2.9.7 Development Application: DA 149/2013

On 13 September 2013, Council approved a Development Application for new stairs leading to the outdoor dining area on the southern deck of the Wharf Bar.

3. THE SURROUNDING LOCALITY

3.1 Overview

The immediate and wider contexts of the site are illustrated on the aerial photographs in **Figures 3A** and **3B**, respectively.

3.2 To the North

To the north of Wharf Bar is the Fairlight Wharf pedestrian walkway (which runs along the northern side of Manly Wharf) connecting to East Esplanade Park. Access to the basement car park is provided via East Esplanade.

The area to the north of Manly Wharf is predominantly zoned B2 – Local Centre. It comprises part of the Manly Town Centre which contains a wide mix of shops, restaurants, offices, hotels, civic functions, car parks, special uses, and residential apartments.

3.3 To the East

To the east of the site is East Esplanade Park, which provides access to the foreshore and beach. To the south-east, across Manly Cove are the Manly Yacht Club, Manly Cove Launch Club and Manly 16ft Skiff Sailing Club which are located on East Esplanade between Wood Street and Stuart Street.

3.4 To the South

To the south and south-west of the site is Manly Cove.

3.5 To the West

To the north-west of the Wharf Bar beyond Manly Wharf is the western part of Esplanade Park and beach.

4. THE PROPOSAL

The proposal comprises the erection of a part retractable, part fixed awning structure over part of the southern deck and the associated installation of transparent roll-up PVC blinds around the periphery of the new awning.

It will replace a previously existing awning structure which has been removed. Photos of the previously existing structure are provided in Appendix A of the Heritage Impact Statement in **Appendix 3** and in **Appendix 5** of this SEE.

The fixed parts of the proposed awning will have a light weight, simple skillion form comprising a steel and timber structure with a fixed colourbond roof. The colour will be Surfmist (Dulux Colour C1). The retractable part of the awning will have a steel structure, mounted on the existing raised deck area and will have an automated retractable canvas roof in an off-white colour which will be operated by Hotel staff. Transparent PVC roller blinds will be installed to the inside edges of the awning which will be manually operated by Hotel staff to provide weather protection to patrons on the deck as and when required.

5. STATUTORY PLANNING CONTROLS

5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

5.1.1 Zoning

The land occupied by Wharf Bar (and by Manly Wharf as a whole) is zoned W2 Environmental Protection pursuant to the relevant provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021. An extract from the zoning map is provided in **Figure 5**.

5.1.2 Zone Objectives and Permissibility

The objectives of the W2 Environmental Protection zone are as follows:-

- “(a) to protect the natural and cultural values of waters in this zone,*
- (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,*
- (c) to give preference to enhancing and rehabilitating the natural and cultural values of waters in this zone and adjoining foreshores,*
- (d) to provide for the long-term management of the natural and cultural values of waters in this zone and adjoining foreshores.”*

Within the ‘W2 Environmental Protection’ zone “public water transport facilities” are permissible with consent.

“Public water transport facilities” are defined to mean:-

“any structure used primarily in connection with transporting the public by water”

Manly Wharf is a public water transport facility notwithstanding that within the wharf there are commercial, retail and food and drink premises including Wharf Bar.

The proposal is relevantly consistent with the objectives of the W2 Environmental Protection zone.

5.1.3 Matters for Consideration

Chapter 10, Part 10.3, Division 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 contains matters which are required to be taken into consideration by consent authorities before granting consent to a DA. The matters for consideration include:-

- Biodiversity, ecology and environment protection;

- Public access to, and use of, foreshores and waterways;
- Maintenance of a working harbour;
- Interrelationship of waterway and foreshore uses;
- Foreshore and waterways scenic quality;
- Maintenance, protection and enhancement of views; and
- Boat storage facilities

The proposed awning is relevantly consistent with the relevant matters for consideration. In particular, the proposal will not impact on public access to the foreshore and waterway, or the scenic quality of the foreshore and waterway and will maintain existing views.

In particular, the proposal will not impact on public access or affect use of the foreshore and the waterway by the public, nor will it impact on the scenic quality of the foreshores and waterways.

5.1.4 Strategic Foreshore Sites

Manly Wharf is classified as a strategic foreshore site, pursuant to State Environmental Planning Policy (Biodiversity and Conservation) 2021. Clause 10.39 requires a master plan to be prepared for all strategic sites, prior to development consent being issued. Clause 10.39(5) provides that the requirement for a Master Plan does not apply to minor development specified in Schedule 10. The “erection or installation of any awning or canopy” is listed as minor development in Schedule 10. The proposed extension of the awning is thus, considered to be minor development and exempt from the provisions of Clause 10.39.

5.1.5 Heritage Provisions

Manly Wharf is listed as a State Heritage Item on the NSW State Heritage Register (Item 146) and in Schedule 5 of Manly LEP 2013 (see **Figure 4B**). Manly Wharf is also listed as a heritage item in State Environmental Planning Policy (Biodiversity and Conservation) 2021. (see **Figure 5**).

In this regard, a Heritage Impact Statement (“HIS”) is provided in **Appendix 3**. It assesses the impact of the proposal on the heritage significance of the Hotel. The HIS concludes as follows:-

“Heritage 21 is therefore confident that the proposed development complies with pertinent heritage controls and would not engender any negative impacts on the heritage significance of the Manly Wharf or the heritage – listed item located in the vicinity of the site. We therefore recommend that Northern Beaches Council and Heritage NSW view the application favourably on heritage grounds.”

5.2 Draft Environmental Planning Instruments

There are no relevant draft environmental planning instruments applicable to this DA.

5.3 Relevant Development Control Plans and Policies

5.3.1 Manly Development Control Plan for Manly Cove

The Manly Development Control Plan for Manly Cove (“Manly Cove DCP”) applies to the site (see **Figure 7**).

Manly Cove DCP contains requirements relating to:-

- building location and scale;
- building design;
- access, loading and parking;
- drainage/water quality; and
- waste management.

The proposed awning is of a modest height and scale consistent with Wharf Bar and is consistent with the requirements relating to height and scale.

The design-based considerations of the DCP were in place when Wharf Bar was originally approved in 2002. Manly Cove DCP states, at page 4:-

“Manly is identified as a place to visit and is a location that supports a host of activities suitable for day tripping and for lengthy stays. It is important to recognise that the features of Manly are different and unique.

Water recreation is one of the key points in this regard. Manly’s beachside and harbourside location is its major natural resource which offers recreation opportunities of local, regional and national significance. Previous studies suggest that the beach and harbour waterfront areas, and their close proximity to the town centre, provide the identifiable centre with a high visual quality. There is a need not only to identify and preserve significant buildings in and adjacent to the town centre but also the spaces and elements that contribute to Manly’s unique visual character.

It should be recognised therefore that Manly Cove is part of the frame of the Manly Town Centre, that frame being open space in the form of beaches, parkland and landscaped reserves which define the town centre and which highlight the special seaside character and sense of place that is Manly. It is these qualities that constitute the principal attraction to residents, visitors and workers. Manly wharf has a role as a transport interchange and a gateway to Manly. The wharf because of its unique design is listed as an item of the environmental heritage as are the site of the former Manly cargo wharf and the boat club buildings at the southeastern end of Manly Cove.”

The proposed awning over the southern deck is relevantly consistent with the above statement.

6. ASSESSMENT OF ENVIRONMENTAL IMPACTS

6.1 Section 4.15(1)(a) – Statutory Planning Considerations

Section 4.15(1)(a) requires the consent authority to take into consideration:-

“(a) the provisions of:

- (i) any environmental planning instrument; and*
- 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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan; and*
- (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 93F, and*
- (iv) the regulations (to the extent that they prescribe matter for the purpose of this paragraph,*

6.2 Section 4.15(1)(a)(i) – Environmental Planning Instruments

In relation to **Section 4.15(1)(a)(i)**, the relevant matters are addressed in Sections 5.1 of this SEE.

In relation to **Section 4.15(1)(a)(ii)**, the relevant matters are addressed in Sections 5.2 of this SEE.

In relation to **Section 4.15(1)(a)(iii)**, relevant matters are addressed in Section 5.3 of this SEE.

In relation to **Section 4.15(1)(a)(iiia)**, no planning agreement pursuant to Section 7.4 of the Act is proposed.

In relation to **Section 4.15(1)(a)(iv)**, there are no matters arising out of the proposed development which raise compliance issues with any relevant Regulations.

6.3 Section 4.15(1)(b) – Impacts of the Development

Section 4.15(1)(b) requires the consent authority to consider:

“(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.”

The relevant matters are addressed below.

6.3.1 Impacts on the Natural Environment

The proposal will have no adverse impacts on the natural environment.

6.3.2 Impacts on the Built Environment

6.3.2.1 Heritage Impacts

Based on the assessment and conclusion in the Heritage Impact Statement in **Appendix 3**, and with the implementation of the recommendations provided in the HIS, the proposal will have no adverse impact on the heritage significance of the Manly Wharf.

The HIS concludes as follows:-

“Heritage 21 is therefore confident that the proposed development complies with pertinent heritage controls and would not engender any negative impacts on the heritage significance of the Manly Wharf or the heritage – listed item located in the vicinity of the site. We therefore recommend that Northern Beaches Council and Heritage NSW view the application favourably on heritage grounds.”

6.3.2.2 Streetscape Impacts

There will be no adverse streetscape impacts as the proposed awning structure is located on the southern side of Manly Wharf.

6.3.2.3 Amenity impacts

There will be no amenity impacts as a result of the proposal.

6.3.3 Social and Economic Impacts

The social and economic impacts of the proposal will be positive, in that:-

- employment opportunities will be created throughout the construction phase; and
- patrons will have improved comfort commensurate with a well-designed, better-equipped, well-managed licensed premises which is well-served by public transport (including taxis).

6.4 Section 4.15(1)(c) – The Suitability of the Site

Section 4.15(1)(c) requires the consent authority to consider:

“(c) the suitability of the site for the development.”

The Hotel is a well-managed, safe and highly presentable licenced premises adjacent to the Manly Town Centre and Manly Cove. The site is considered entirely suitable for the development which is proposed.

6.5 Section 4.15(1)(d) – Submissions

Section 4.15(1)(d) requires the consent authority to consider:

“(d) any submissions made in accordance with this Act or the regulations”.

Any relevant representations will need to be considered by the consent authority in the determination of the development application.

6.6 Section 4.15(1)(e) – Public Interest

Section 4.15(1)(e) requires the consent authority to consider:

“(e) the public interest”.

The public interest is generally best served by the orderly and economic use of land for purposes which serve a useful role in the social and economic life of the local community whilst not giving rise to any significant adverse impacts. Where existing heritage buildings are retained, refurbished and actively used, this is distinctly in the public interest. The proposal is therefore considered to be in the public interest.

7. CONCLUSION

This SEE has been prepared to accompany a DA for the erection of an awning over the southern deck of the Wharf Bar.

The proposed awning will create no adverse environmental impacts. The retractable awning will enhance the useability of the southern deck providing weather protection to external seating which form part of the Wharf Bar.

Having regard to the above, and in the light of the relevant heads of consideration listed under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the proposal is considered to be both reasonable and appropriate and worthy of approval by Council.



FIGURES



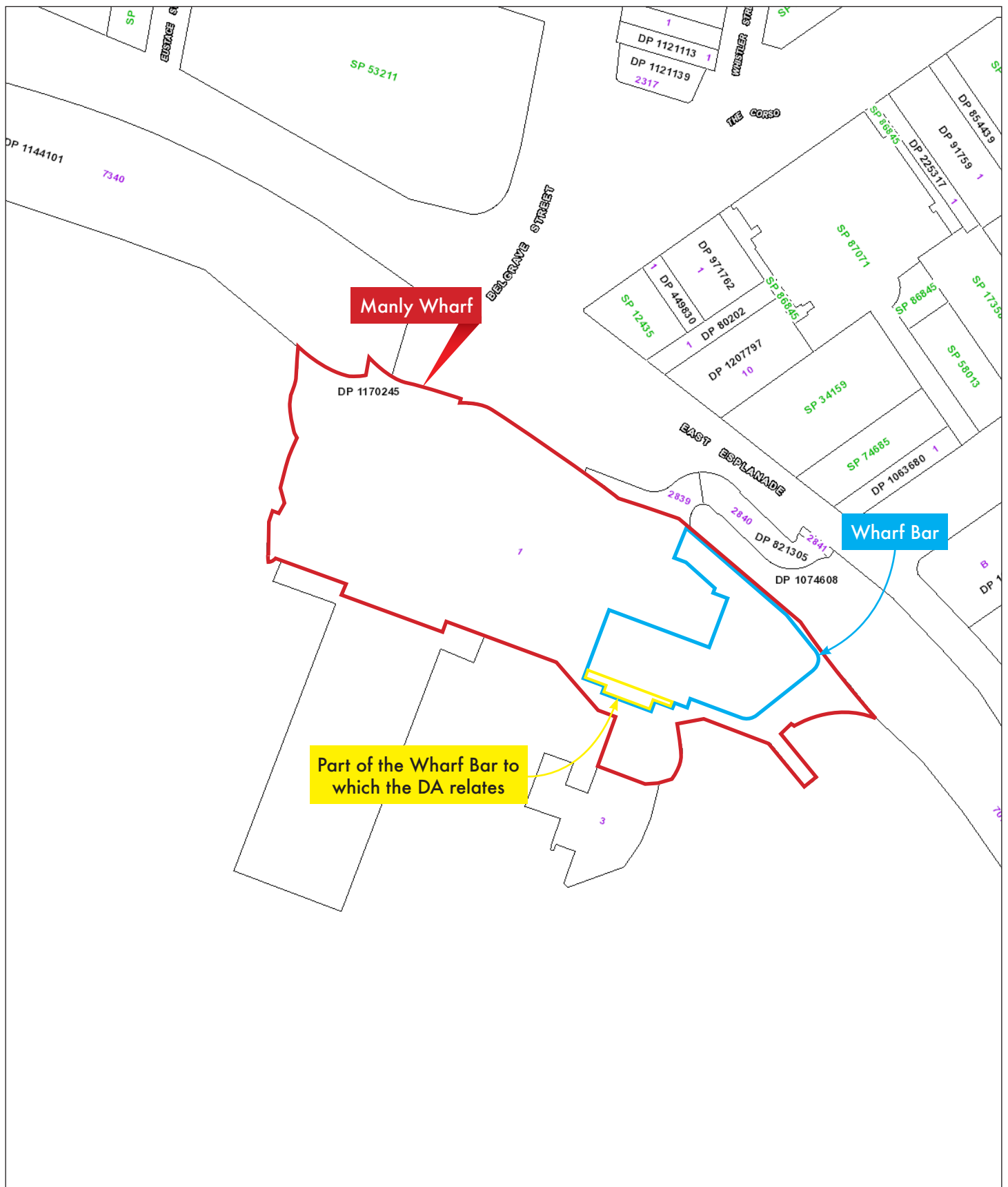
Source: <http://maps.six.nsw.gov.au/>



STATEMENT OF ENVIRONMENTAL EFFECTS Manly Wharf Bar

FIGURE 1
Location

Prepared For - Alexander and Co



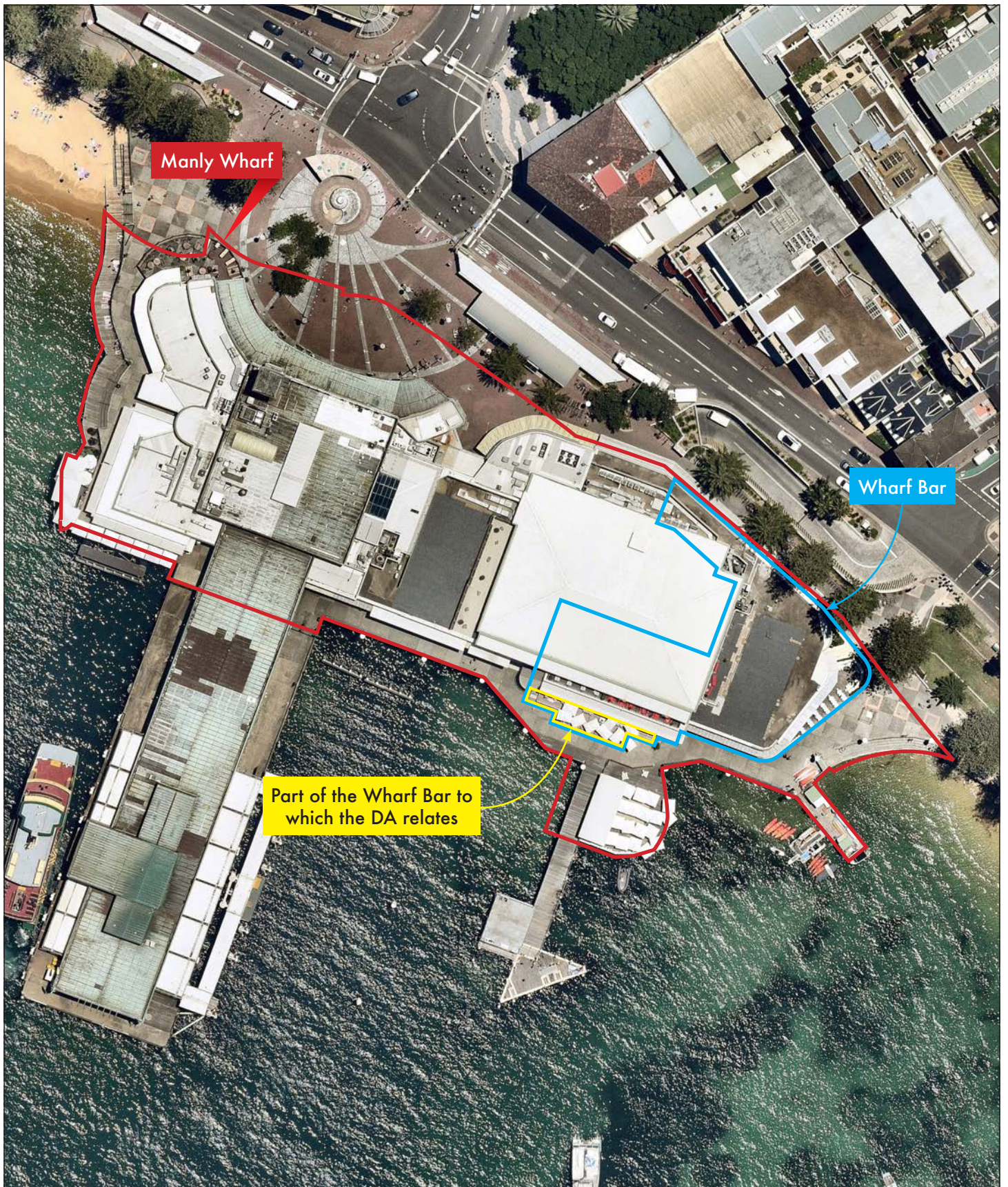
Source: <http://maps.six.nsw.gov.au/>

STATEMENT OF ENVIRONMENTAL EFFECTS

Manly Wharf Bar

FIGURE 2
Site

Prepared For - Alexander and Co



Source: NearMap 21 Dec 2021

STATEMENT OF ENVIRONMENTAL EFFECTS
Manly Wharf Bar

FIGURE 3A
Aerial Photo - Detail

Prepared For - Alexander and Co

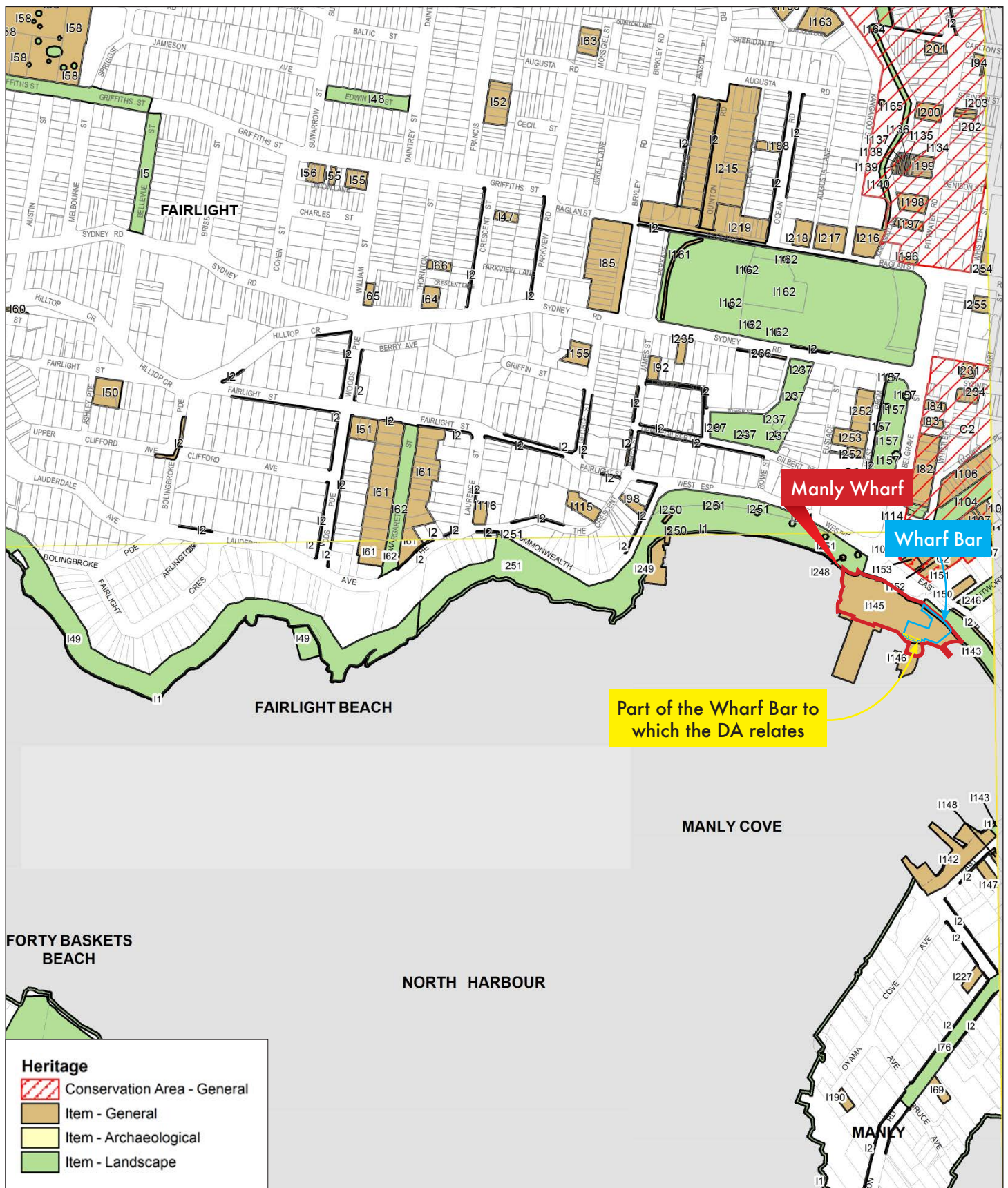


Source: NearMap 21 Dec 2021

STATEMENT OF ENVIRONMENTAL EFFECTS
Manly Wharf Bar

FIGURE 3B
Aerial Photo - Wider Area

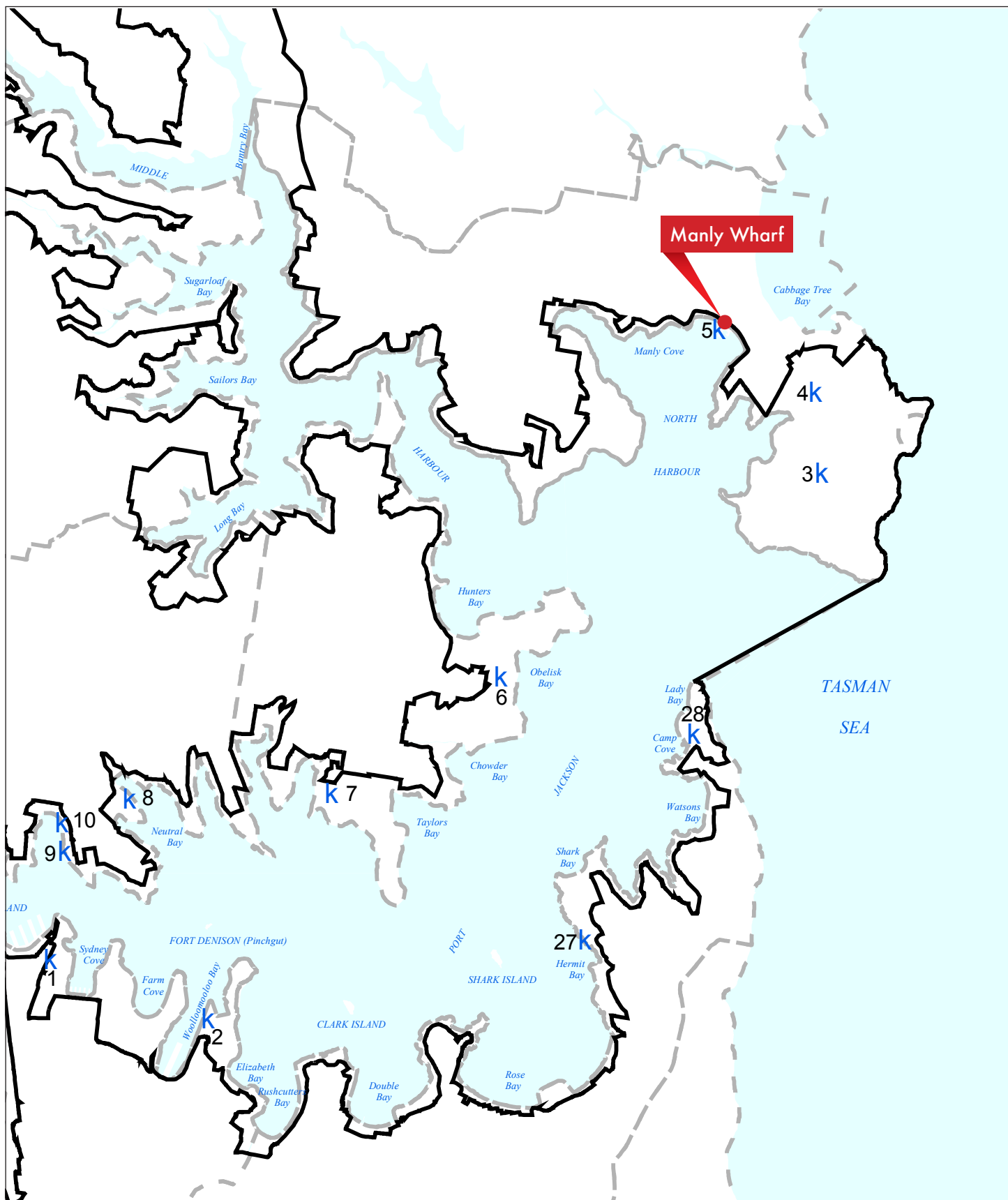
Prepared For - Alexander and Co



STATEMENT OF ENVIRONMENTAL EFFECTS Manly Wharf Bar

FIGURE 4B
Heritage Map - Manly LEP 2013

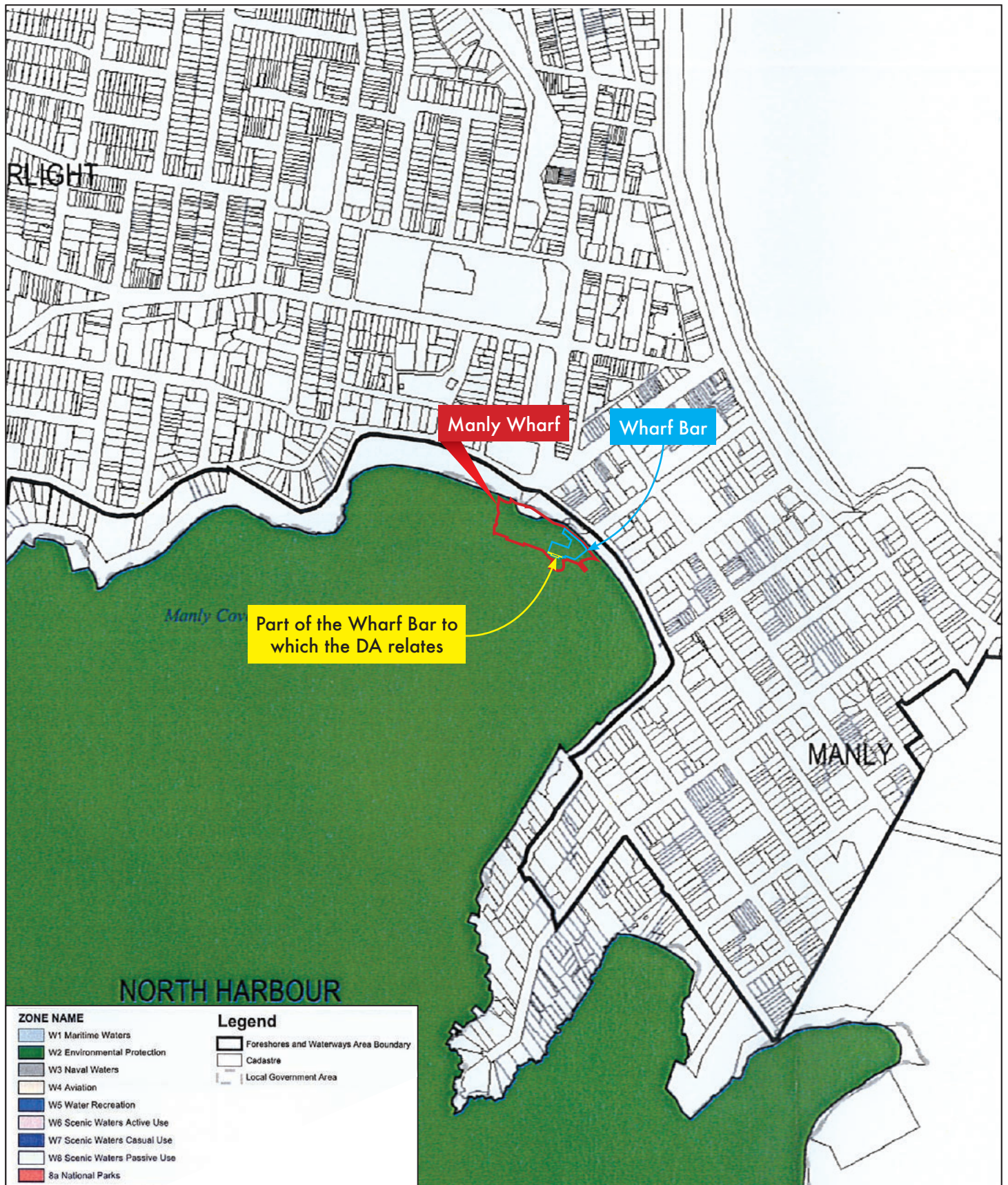
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STATEMENT OF ENVIRONMENTAL EFFECTS
Manly Wharf Bar

FIGURE 5
Foreshores and Waterways Area Map - SREP (Sydney Harbour Catchment) 2005

Prepared For - Alexander and Co

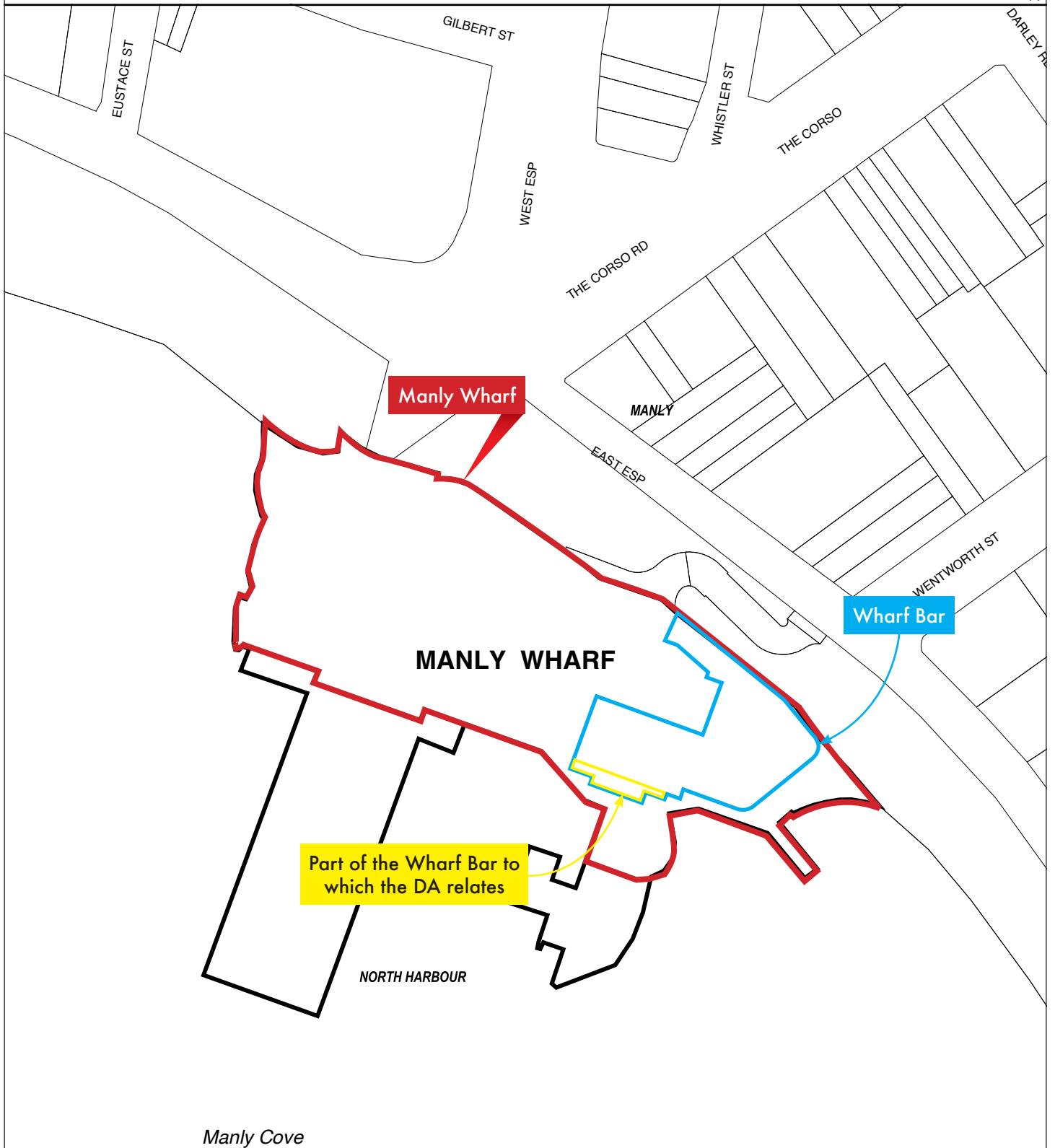


STATEMENT OF ENVIRONMENTAL EFFECTS
Manly Wharf Bar

FIGURE 6
Zoning Map - SREP (Sydney Harbour Catchment) 2005

Prepared For - Alexander and Co

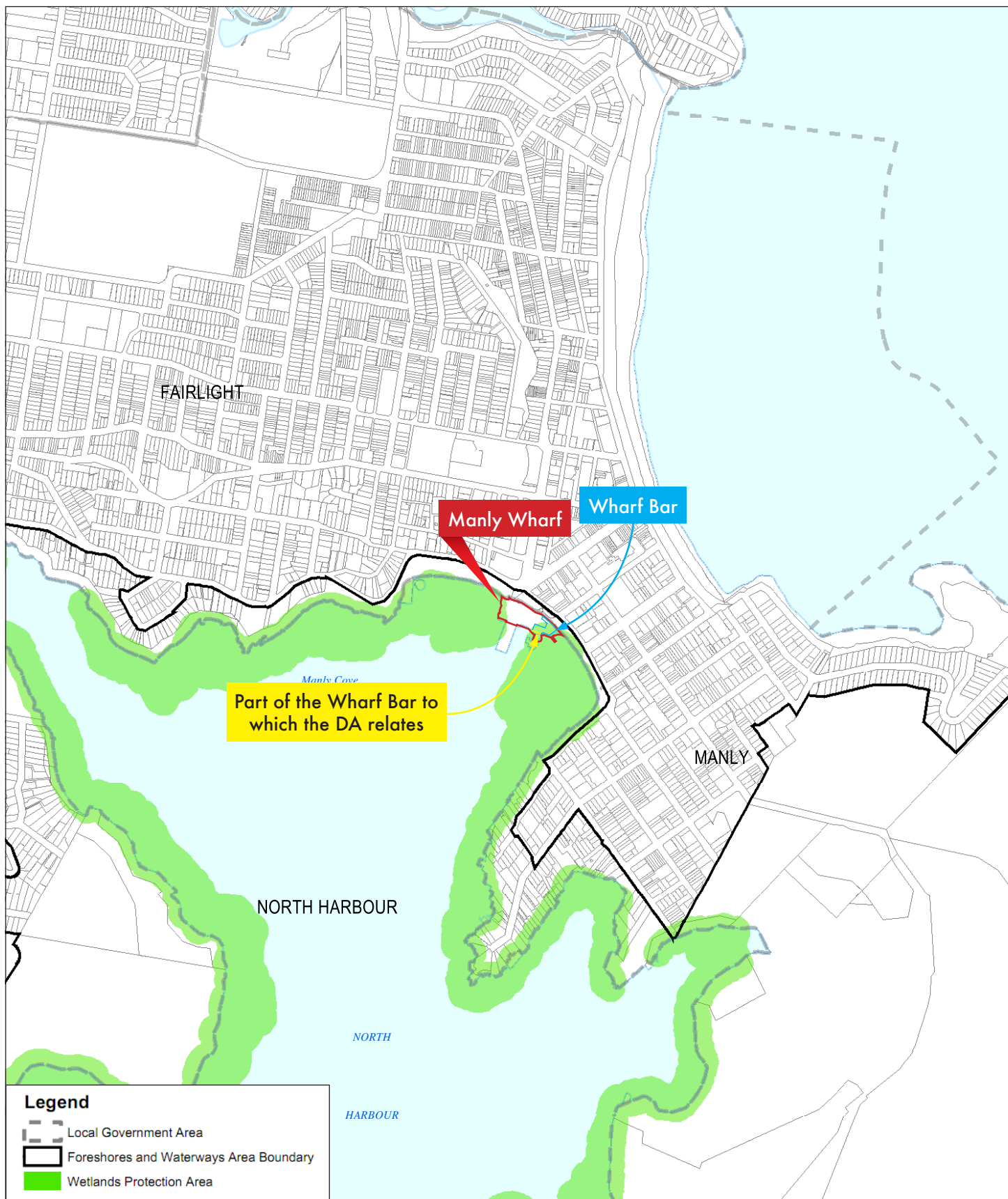
Sheet 5 - Manly Wharf



STATEMENT OF ENVIRONMENTAL EFFECTS Manly Wharf Bar

FIGURE 7
Strategic Foreshore Sites Map - SREP (Sydney Harbour Catchment) 2005

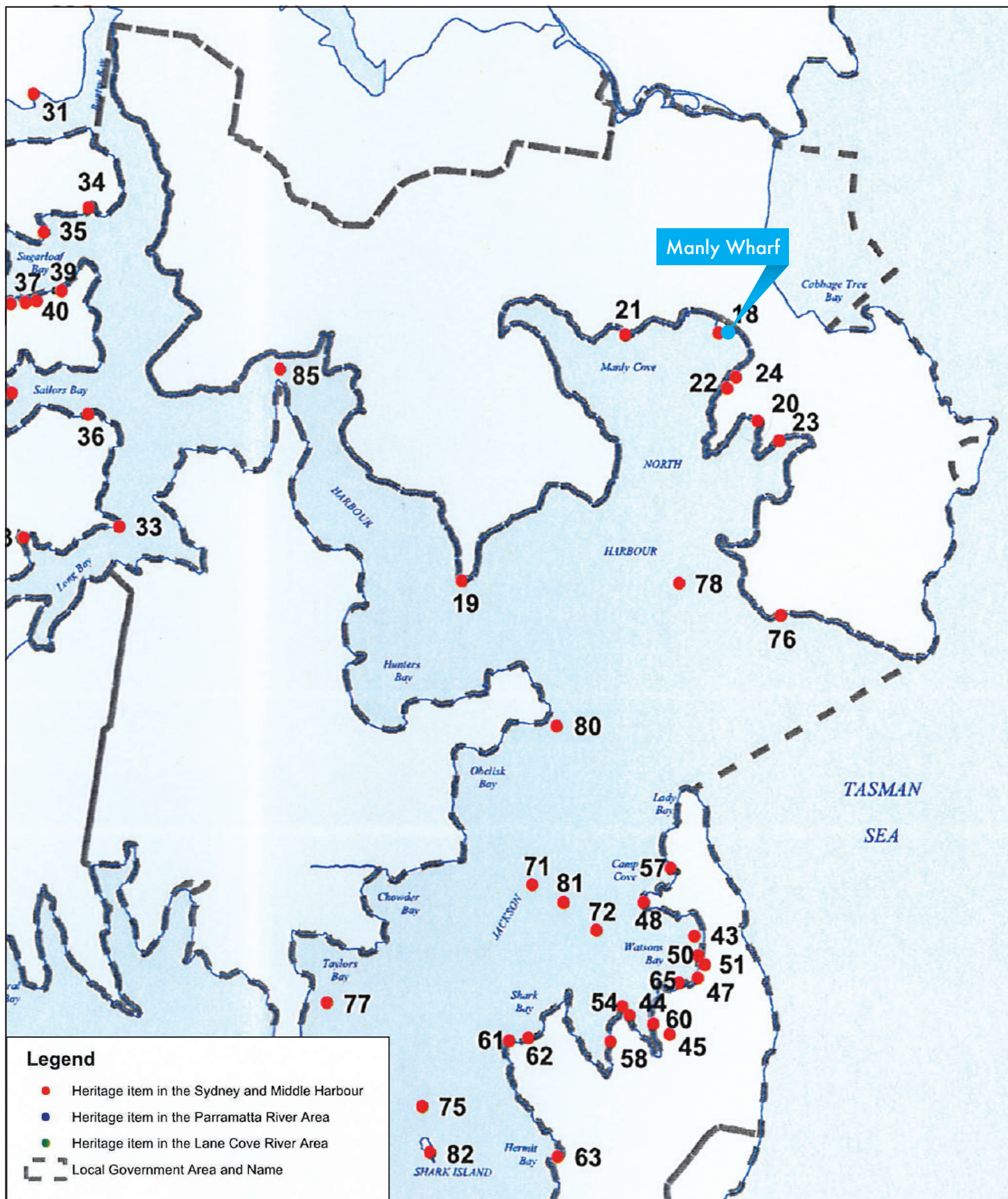
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STATEMENT OF ENVIRONMENTAL EFFECTS
Manly Wharf Bar

FIGURE 8
Wetlands Protection Area Map - SREP (Sydney Harbour Catchment) 2005

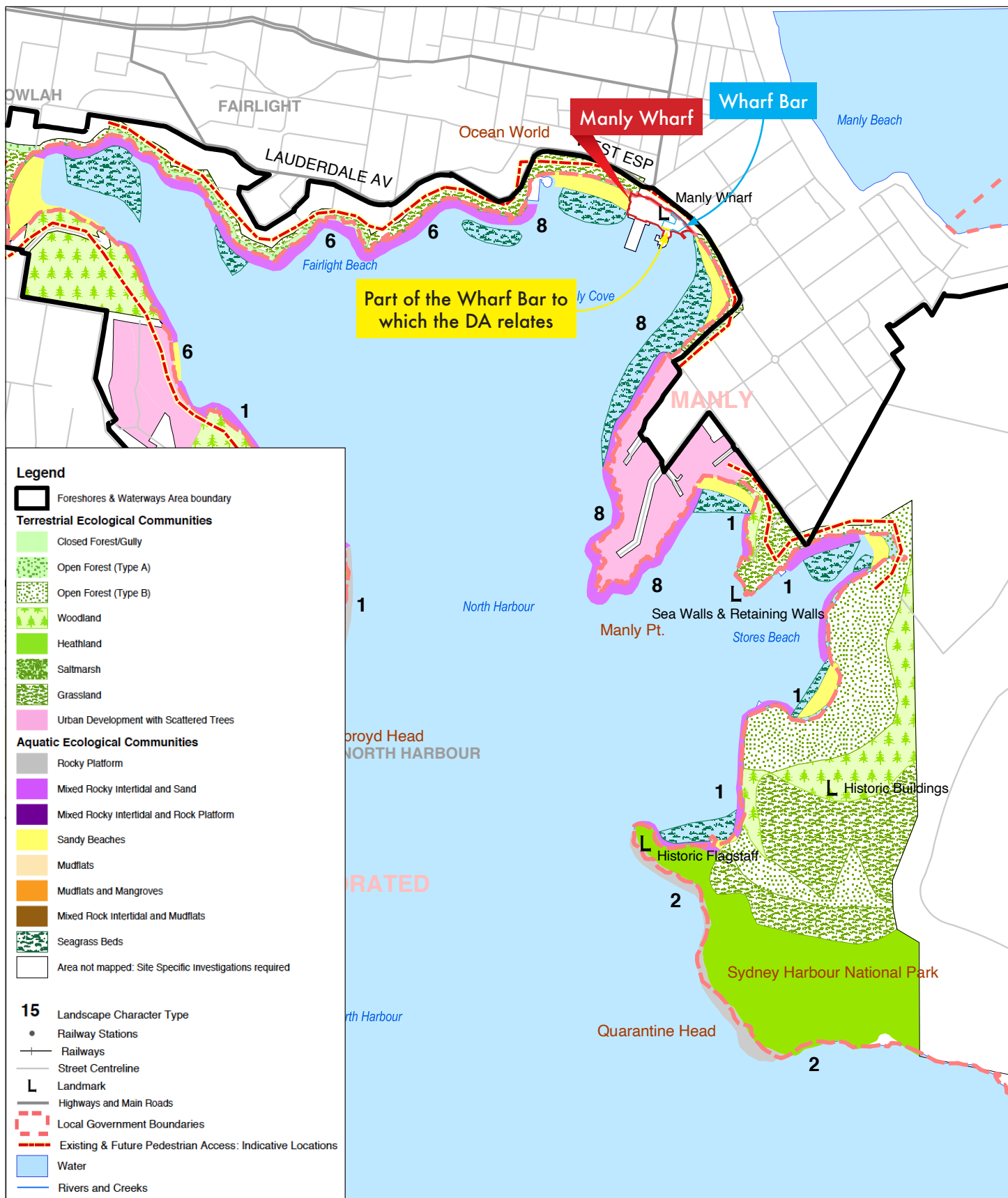
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STATEMENT OF ENVIRONMENTAL EFFECTS
Manly Wharf Bar

FIGURE 9
Heritage Map - SREP (Sydney Harbour Catchment) 2005

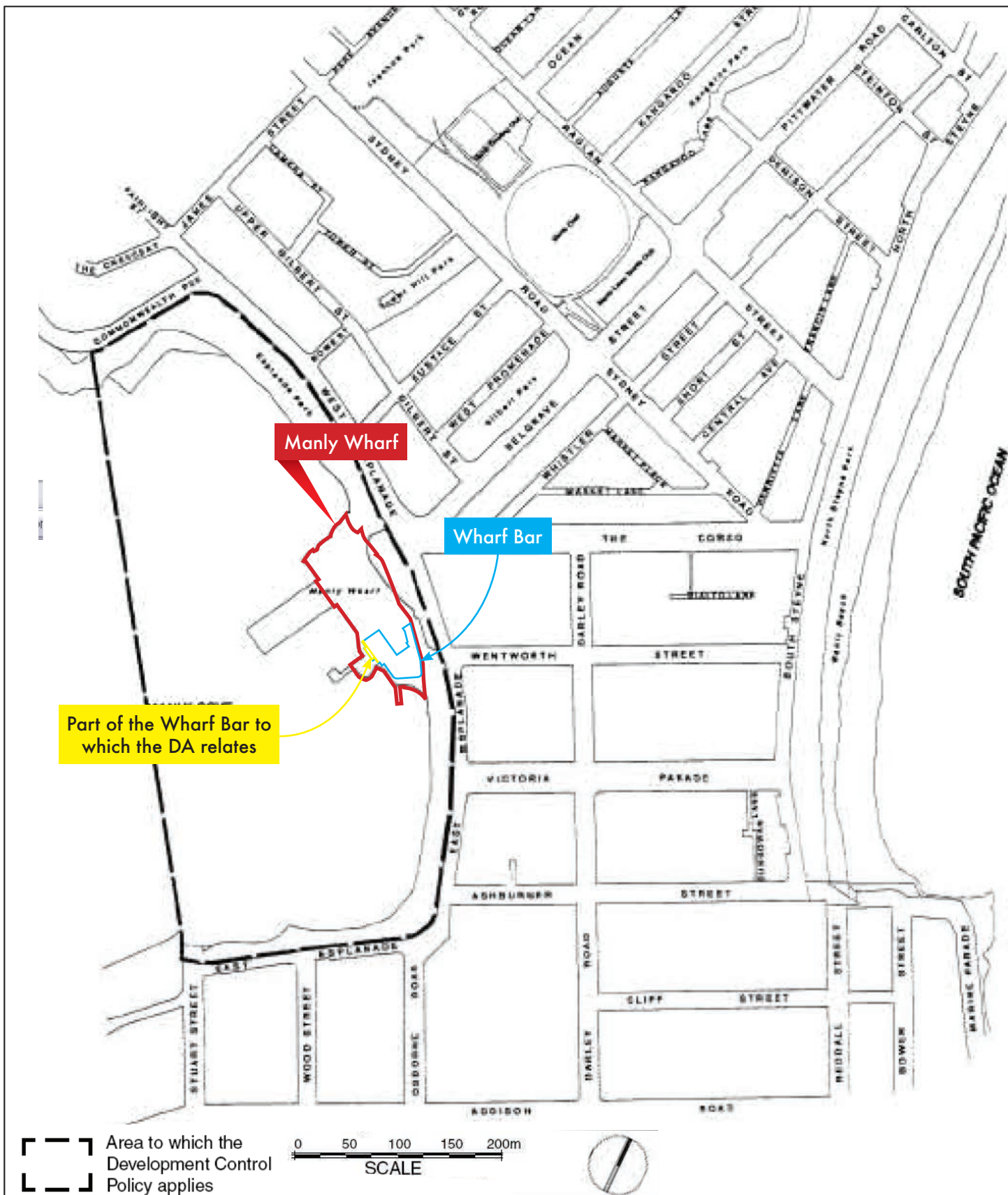
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STATEMENT OF ENVIRONMENTAL EFFECTS
Manly Wharf Bar

FIGURE 10
Ecological Communities and Landscape Characters Map - Sydney Harbour: Foreshores and Waterways Area DCP

Prepared For - Alexander and Co



STATEMENT OF ENVIRONMENTAL EFFECTS

Manly Wharf Bar

FIGURE 11
Manly Cove Development Control Plan Map

Prepared For - Alexander and Co



APPENDICES



APPENDIX 1

CT and DP



APPENDIX 2

DA Drawings



APPENDIX 3

Heritage Impact Statement



APPENDIX 4

Photos of Existing Site Condition



APPENDIX 4

PHOTOGRAPHS OF EXISTING SITE CONDITIONS



Photo 1: View towards the southern side of Wharf Bar from the adjacent pier (Jetty Bar to the right in the image).



Photo 2: Southern deck with outdoor furniture under cover.



Photo 3: Southern deck with outdoor furniture under cover. Existing stairs into Wharf Bar are at right of the image.



Photo 4: View to the north-east from northern end of the Jetty. Part of southern deck where the awning is proposed is at the left of the image.



Photo 5: View to the west showing the entry stairs to Wharf Bar.



Photo 6: View to the west of the southern deck. The entry stairs, into the Wharf Bar are at right of the image.



APPENDIX 5

Photos of Previous Awning Structure



APPENDIX 5

PHOTOGRAPHS OF PREVIOUS AWNING STRUCTURE



Photo 1: View to the north towards the southern deck from the Jetty showing the previous awning structure.



Photo 2: View to the west from the southern deck showing the previous awning structure (now demolished).



Photo 3: View to the north-west southern deck with the previous awning structure in place.



Photo 4: View to the north-west of the southern deck showing previous awning structure.



Photo 5: View to the west of the southern deck and previous awning structure.



Photo 6: View to the west of the southern deck and previous awning structure.