



Statement of Heritage Impact


Manly Wharf: Felons Seafood

East and West Esplanade, Manly NSW 2095

Submitted to Northern Beaches Council
On Behalf of Artemus Group

JULY 2025

REPORT REVISION HISTORY

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This report has been reviewed and approved for issue in accordance with City Plan's quality assurance policy and procedures.

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EXECUTIVE SUMMARY

City Plan Heritage (CPH) were engaged to prepare a Statement of Heritage Impact to assess the likely impacts of the proposed alterations and additions to Manly Wharf to accommodate the Felons Seafood restaurant. This engagement is a requirement under the provisions of the NSW *Heritage Act 1977* and *Manly Local Environmental Plan (LEP) 2013* due to the site's listing as a heritage item of State and local heritage significance (SHR no. 01434 and item I145 on *Manly LEP*) respectively.

To inform the assessment of the proposed works, the relevant publications from the State of NSW and Department of Planning and Environment have been followed, including *Guidelines for Preparing a Statement of Heritage Impact, 2023*, and *Assessing Heritage Significance, 2023*. As well as this, the guidelines and processes of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013* (Burra Charter) have also been considered.

The heritage significance of Manly Wharf is well understood. CPH have relied upon information and conservation policy recommendations provided within the *Manly Ferry Wharf Conservation Management Plan (CMP)*, prepared by Architectural Projects for the site in 2016, to understand the history and significance of the wharf. Additional historical research was undertaken for the proposed Felons Seafood space within the wharf that is subject to the current development application (DA). CPH have also relied upon Architectural Project's assessment of significant elements and spaces within the wharf through the significance gradings map and schedule of significant fabric table provided as part of the 2016 *CMP*.

It is concluded that the proposed works are appropriate from a heritage perspective and are consistent with the heritage provisions and controls contained within the *State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021*, *Manly LEP 2013* and the *Manly Development Control Plan (DCP) 2013*. The works are also consistent with the policies contained within the *Manly Ferry Wharf CMP 2016*.

The western façade of the wharf was assessed as having moderate significance as per the Schedule of Significant Fabric in the 2016 *CMP* as it was altered in the 1990s, while the front façade and welcoming arms were assessed as having Exceptional significance, being remnants from its 1941 construction. Since the 1990 redevelopment, the subject site has undergone internal and shopfront alterations in response to the needs of the occupying tenants and as such, much of the fabric and space is considered contemporary. Therefore, the proposed works including installation of retractable awnings, soffit mounted heaters, repainting of the timber framing, replacement of paving in the outdoor dining area and installation of a new swing door are all sympathetic alterations that will not impact the significance of the Manly Wharf heritage item as they involve intervention to non-significant fabric. The installation of mechanical services on the roof of the space will be visually shielded by an appropriate screen wall that will match the existing screen on the eastern roof of the welcoming arm, thereby establishing a similar element and blocking views of an intrusive element. Finally, the proposed internal fireplace will have a minor impact on views of the western façade of the wharf when viewed from West Esplanade as the flue will extend through the roof. However, the visual impact is mitigated by the small size of the flue (300mm diameter), and the fact that this façade is not considered to be of high significance.

All of these proposed alterations are considered visually sympathetic in regard to their scale, form and colour palette, and so the significant views of the wharf are not impacted. Additionally, the proposal is assessed as having no impact on the heritage items and heritage conservation area in the general vicinity of the subject site.

Having reviewed and considered the applicable background documentation, drawings and statutory requirements, it is concluded that the proposal is consistent with the heritage provisions applicable to the site and is therefore recommended for approval.

1. BACKGROUND

1.1. Introduction

This Statement of Heritage Impact (SOHI) has been commissioned by Artemus Group to accompany an Integrated Development Application (IDA) under Division 4.8 of the *Environmental Planning and Assessment Act (EP&A Act) 1979* to Northern Beaches Council, who will refer to the Heritage Council of NSW for consideration. It relates to the proposal at Manly Wharf, East and West Esplanade, Manly NSW 2095 (subject site) for proposed alterations and additions to the exterior and interior of the proposed Felons Seafood tenancy (formerly Bavarian restaurant) (subject site).

The subject proposal has been assessed at *Section 5* in relation to the relevant controls and provisions contained within the *Manly LEP 2013* and the *Manly DCP 2013*, as well as the provisions of the *NSW Heritage Act 1977*, the *EP&A Act 1979* and the *State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021*. The relevant policies within the *Manly Ferry Wharf CMP 2016*, prepared by Architectural Projects, have also been considered in the assessment, as well as matters for consideration identified in the Department of Planning and Environment publication *Guidelines for preparing a statement of heritage impact, 2023*.

All recommendations are made in accordance with statutory requirements and cultural heritage best practice.

1.2. The Site

The subject site where works are proposed relate to the exterior of the former Bavarian restaurant tenancy at the northern corner of Manly Wharf (Figure 1). This includes the external paved outdoor dining area, and the western wharf promenade (Figure 2).

For a more detailed description of the site and its context, refer to *Section 2. Site Context and Description*.

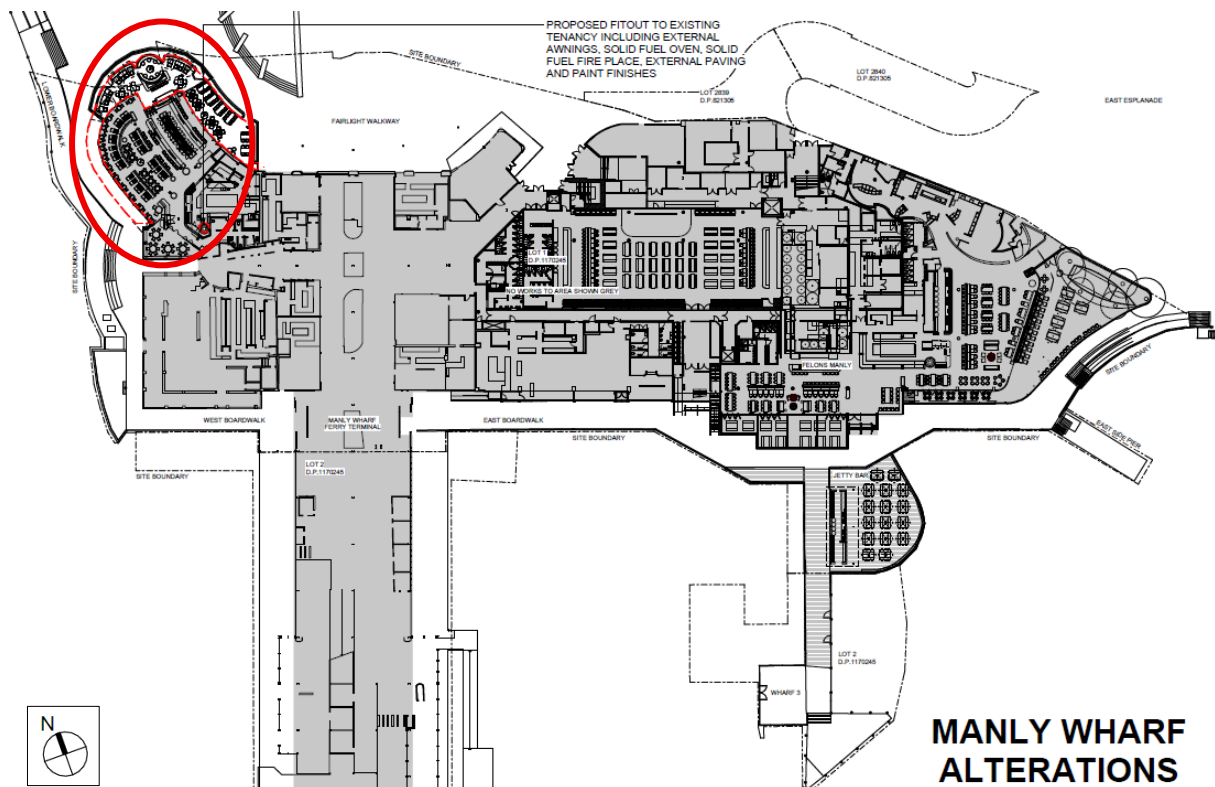


Figure 1: Site Plan, showing location of works confined to tenancy at northern corner of the wharf. Source: Little Boat Projects, Drawing No. D.03.000, rev DA4.

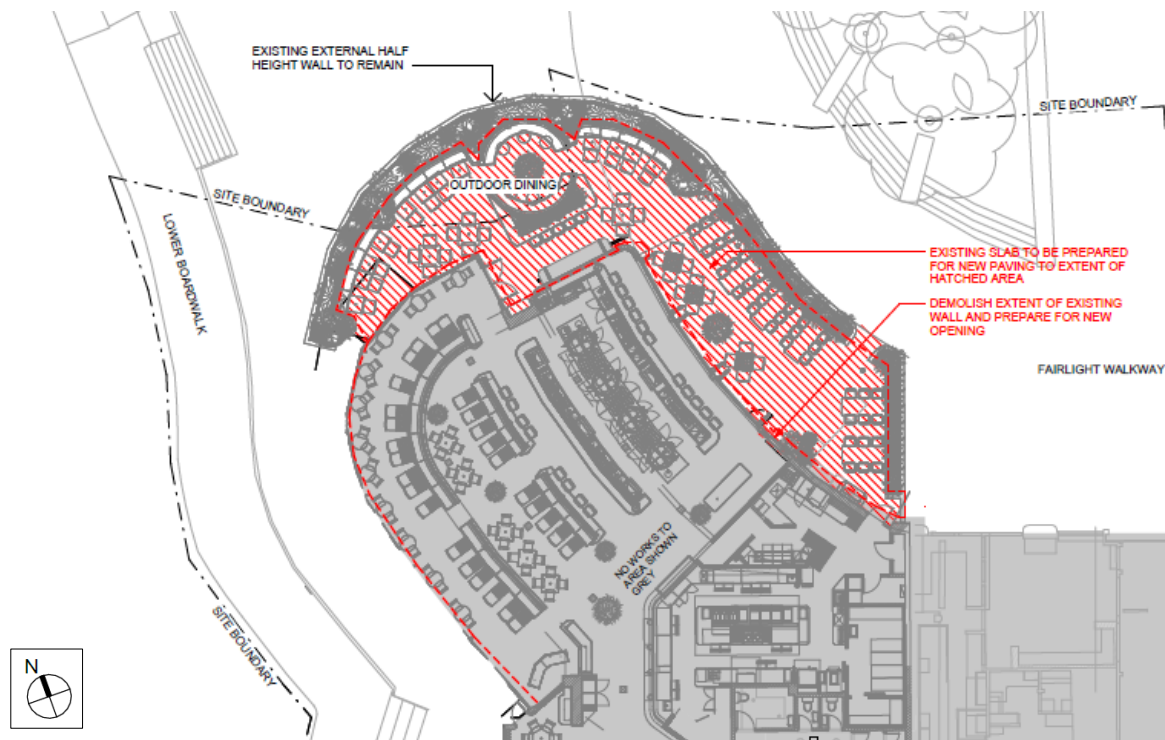


Figure 2: Ground Floor Existing / Demolition Plan, with areas affected by the proposal indicated in red. Source: Little Boat Projects, Drawing No. D.03.100, rev D3.

1.3. Legal Description

The subject site is situated within Lot 1 DP 1170245, as per the records held by the NSW Land Registry Services (Figure 3).

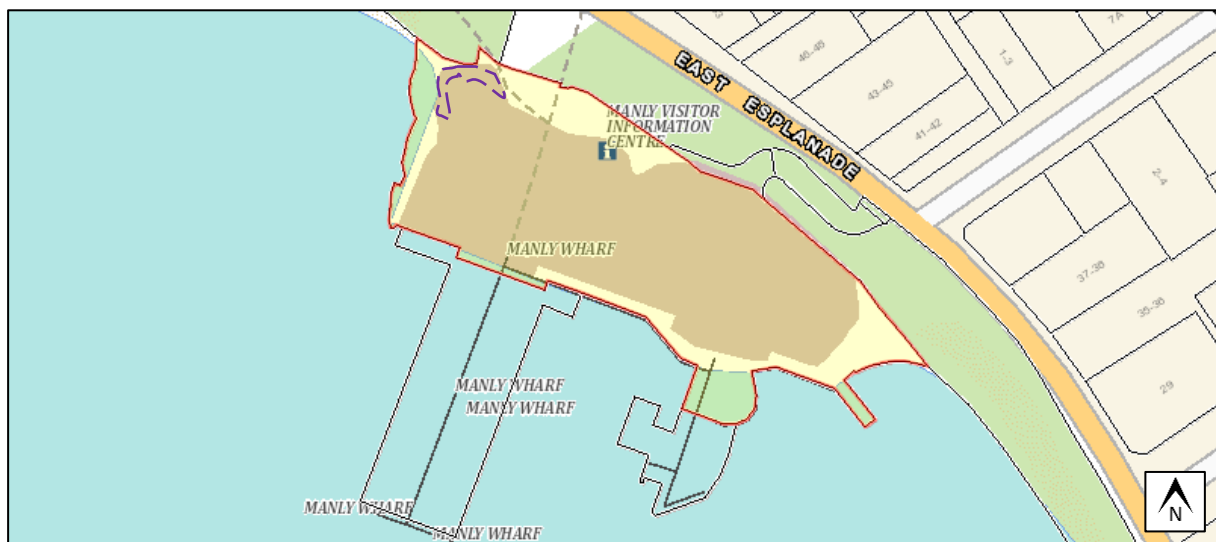


Figure 3: Cadastral Map of Manly, with Lot 1 DP 1170245 highlighted in yellow. Subject site indicated in purples. Source: Overlay of SIX Maps Image.

1.4. Heritage Listing

The subject site is within the curtilage of the heritage item 'Manly Wharf', East and West Esplanades (opposite The Corso, Harbour Side), Manly, which is listed under Part 1 of Schedule 5 of the *Manly LEP* 2013 (item no. I145).

The subject site is also listed on the State Heritage Register (SHR) as 'Manly Wharf', West Esplanade, Manly NSW 2095, SHR # 01434. It is also identified as a heritage item under Schedule 5 of the *SEPP (Biodiversity and Conservation)* 2021 as 'Manly Wharf' (item no. 52). Finally, it is listed on the NSW Transport and Maritime Section 170 Heritage Conservation Register (listing no. 4920067).

The subject site is also located in proximity to the following heritage items:

Environmental Planning and Assessment Act, 1979

Manly LEP 2013, Part 1 Heritage items

- 'Pier (former Fun Pier)', East and West Esplanade, item no. I146
- 'Park/Reserve', East Esplanade, item no I143.
- 'All stone kerbs', Manly municipal area, item no. I2.
- 'Governor Phillip Monument', West Esplanade Reserve, item no. I248.
- 'Park', West Esplanade, item no. I251.
- 'Commercial and residential building', 53 East Esplanade, item no. I153.
- 'Commercial and residential building', 50 East Esplanade, item no. I152.

Manly LEP 2013, Part 2 Heritage conservation areas

- 'Town Centre Conservation Area', item no. C2.

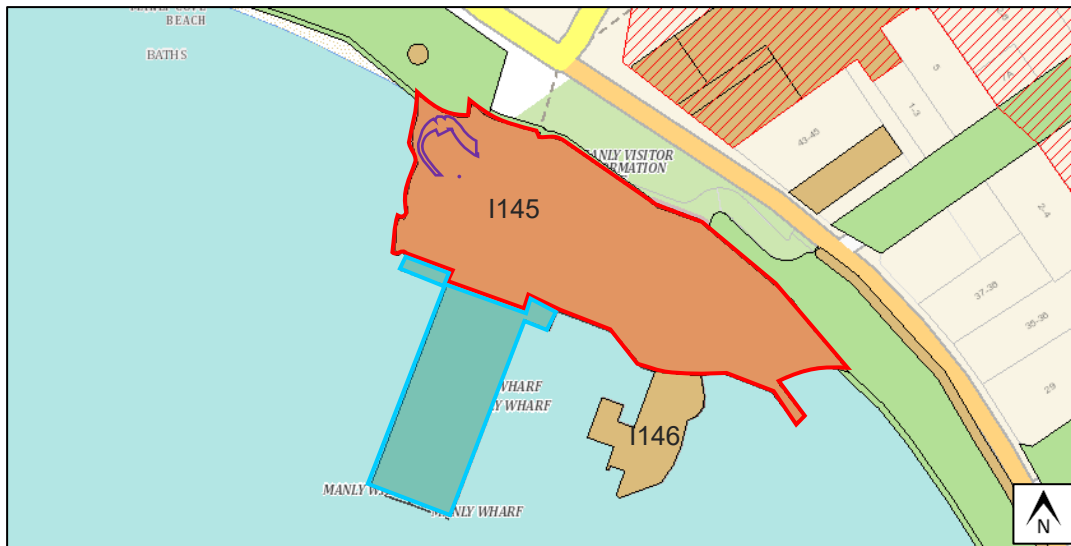
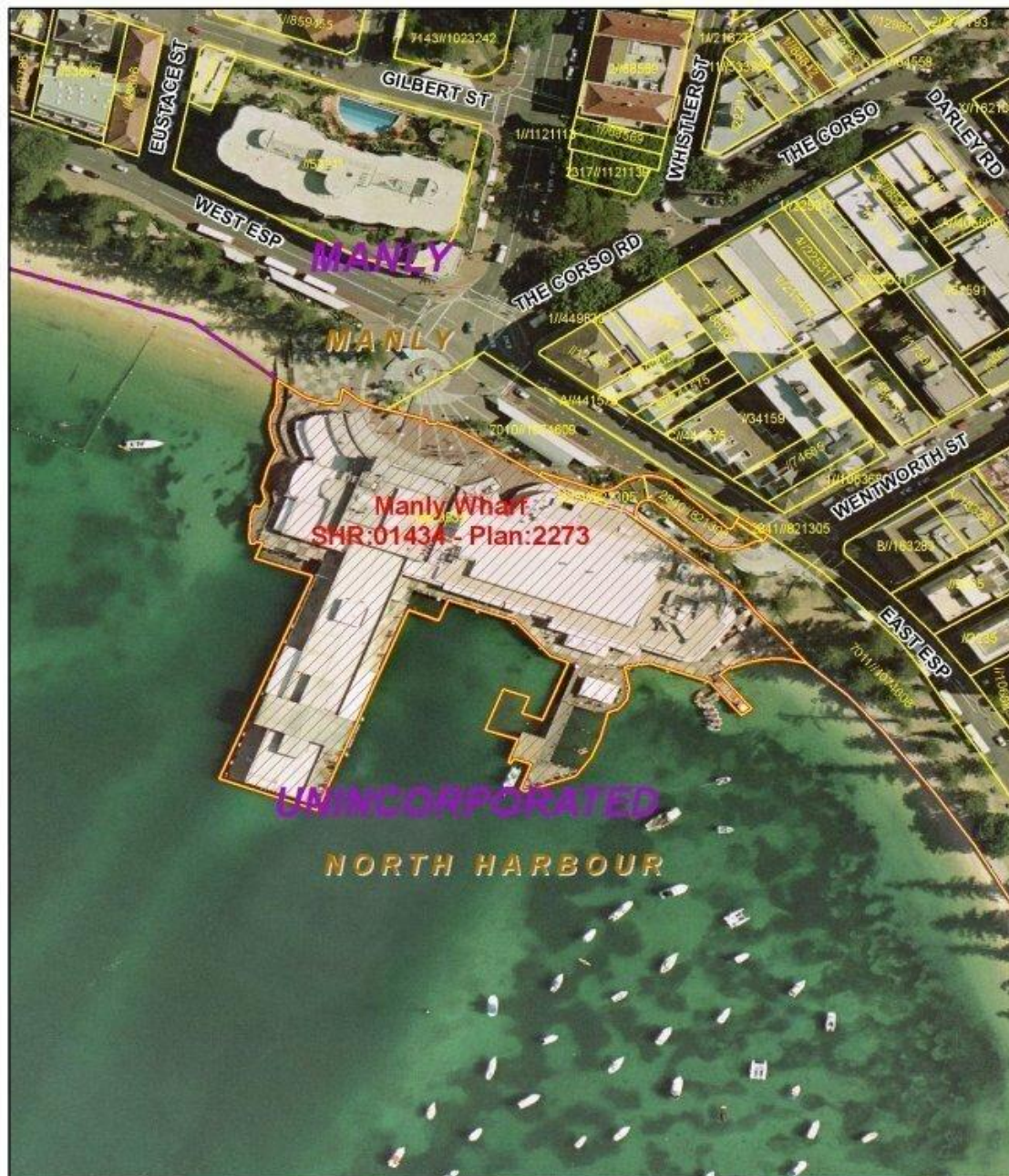


Figure 4: The subject site (approximate areas indicated in purple) is within the curtilage of the local heritage item I145 'Manly Wharf', which includes Lot 1 DP 1170245 (indicated in red) and Lot 2 DP 1170245 (indicated in blue). Source: NSW Planning Portal Spatial Viewer, accessed February 2024.

Heritage Council of New South Wales

Plan under the Heritage Act, 1977



State Heritage Register

Gazettal Date: 18 April 2000

0 10 20 40 60 80
Metres

Scale: 1:2,000

Produced by: Naomi Nelson

Legend

-  SHR Curtilage
-  Land Parcels
-  LGAs
-  Suburbs

Figure 5: State Heritage Register curtilage for Manly Wharf (SHR no. 01434). Source: NSW State Heritage Inventory (SHI) form.

1.5. Proposal

The proposed development seeks approval for proposed alterations and additions to the previous Bavarian restaurant to accommodate the Felons Seafood tenancy. These alterations and additions include:

- Removal of existing slab within outdoor dining area and replacement with honed travertine stone flooring in a crazy pave pattern
- Demolition of wall at eastern entry to tenancy and replace with new timber framed glazed swing door - paint finish Dulux - Casper White
- Repaint existing timber framed glazed bifold door suites on front (north) elevation, and timber framed glazed window suites on western elevation to Dulux - Casper White
- Repaint exterior walls in white paint finish
- Install new operable awnings over western elevation. Awnings to be white metal framed with white shade fabric.
- Install soffit mounted electric heaters beneath proposed awnings on western elevation
- Install solid fuel oven, cook top and live fuel induction hood over
- Install internal fireplace within dining area
- Install mechanical fan and ductwork
- Install screen wall with cladding and paint finish to match existing screen wall on eastern roof of 'welcoming arm'. This will screen the proposed mechanical services and ductwork.

The following drawings prepared by Little Boat Projects have been considered in preparation of this brief SOHI:

Drawing Title	Drawing No	Revision	Date
Site Plan	D.03.000	DA4	01.07.25
Ground Floor Plan - Existing / Demolition - Felons Seafood	D.03.100	D3	11.06.25
Ground Floor Plan - Proposed - Felons Seafood	D.03.110	DA9	03.07.25
Roof Plan Felons - Proposed - Felons Seafood	D.03.112	DA6	03.07.25
Elevations - Felons Seafood	D.03.120	DA8	03.07.25
Detail Sections - Felons Seafood	D.03.130	DA5	01.07.25
Finishes	D.03.139	DA4	03.07.25
Mech Screen Details	D.03.150	DA3	03.07.25
Mech Screen Details	D.03.151	DA2	01.07.25
Mech Screen Details	D.03.152	DA2	01.07.25
Mech Screen Details	D.03.153	DA1	03.07.25
Solid Fuel Heater 1 - Seafood Indoor	D.03.161	DA5	01.07.25

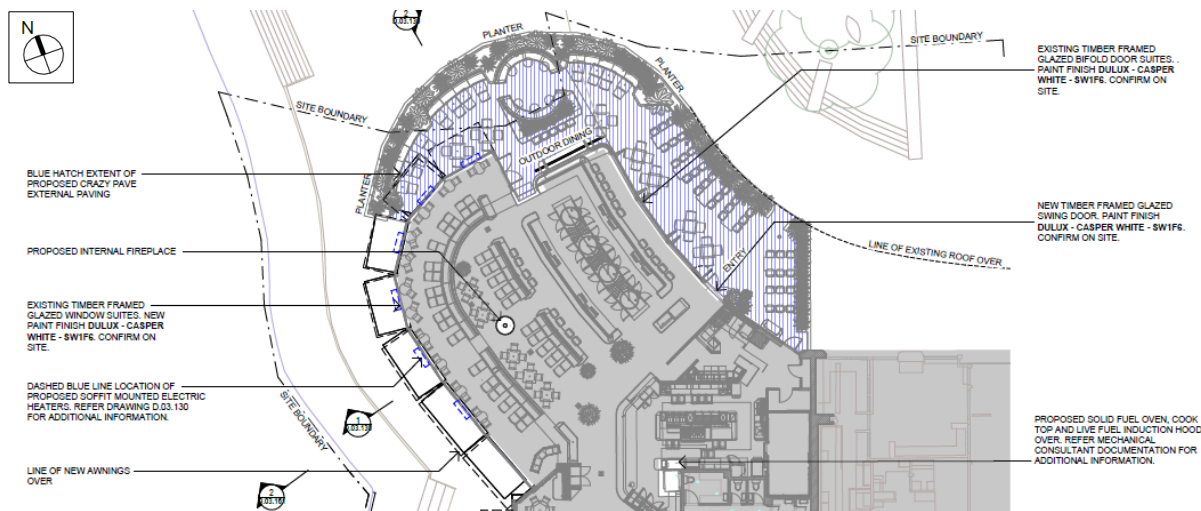


Figure 6: Proposed Ground Floor plan showing the proposed alterations to the space (new awnings, new heaters, new paving, new entry door, repainting). Source: Little Boat Projects, Drawing No. D.03.110, rev DA9.

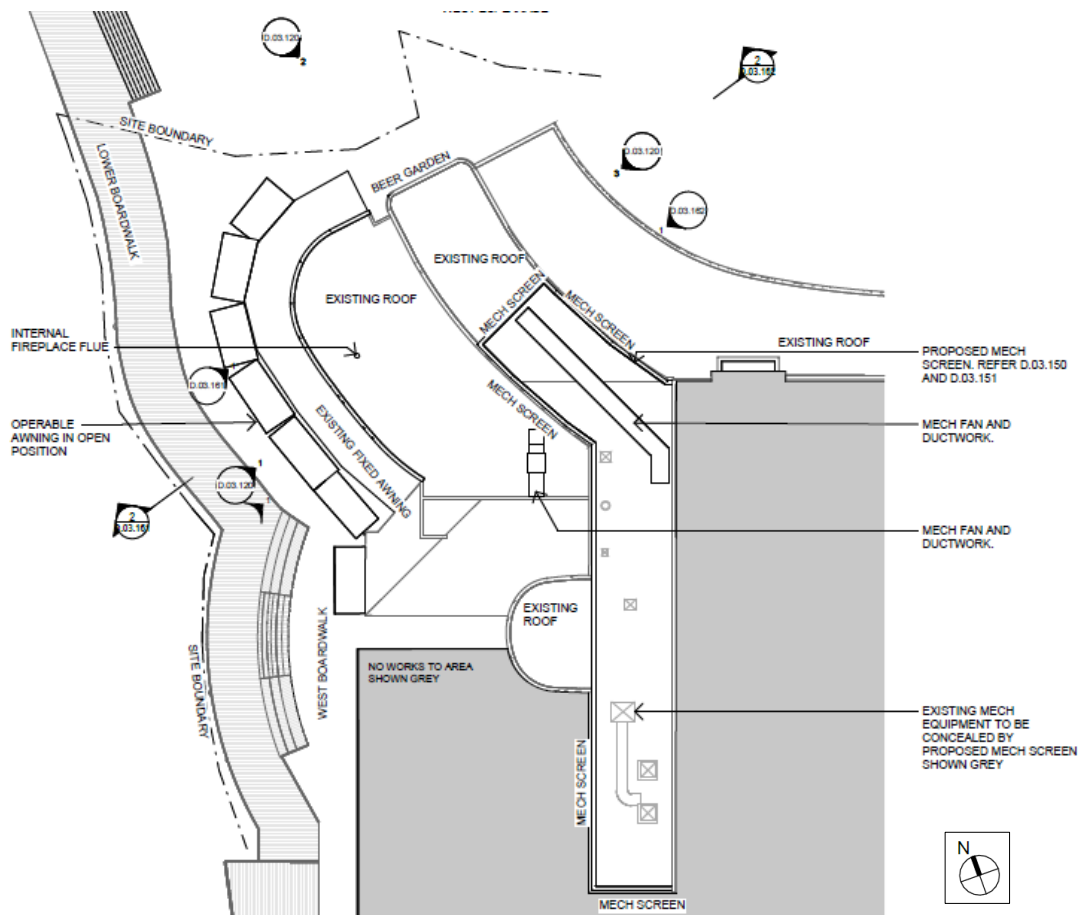


Figure 7: Proposed roof plan, showing new mechanical services, screening and heater flue. Source: Little Boat Projects, Drawing No. D.03.112, rev DA6.

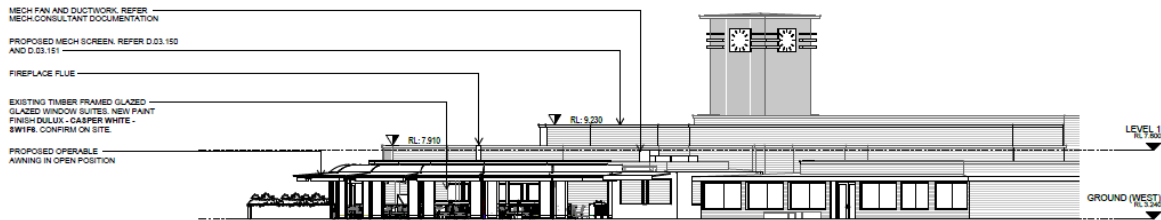


Figure 8: West elevation, indicating proposed mechanical screening, flue, and awnings. Source: Little Boat Projects, Drawing No. D.03.120, rev DA8.

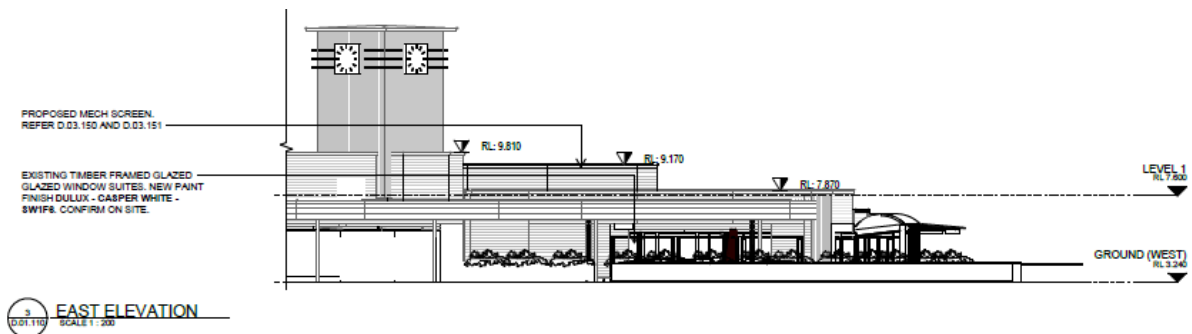


Figure 9: East elevation, showing proposed mechanical screening, and facade works. Source: Little Boat Projects, Drawing no. D.03.120, DA8.

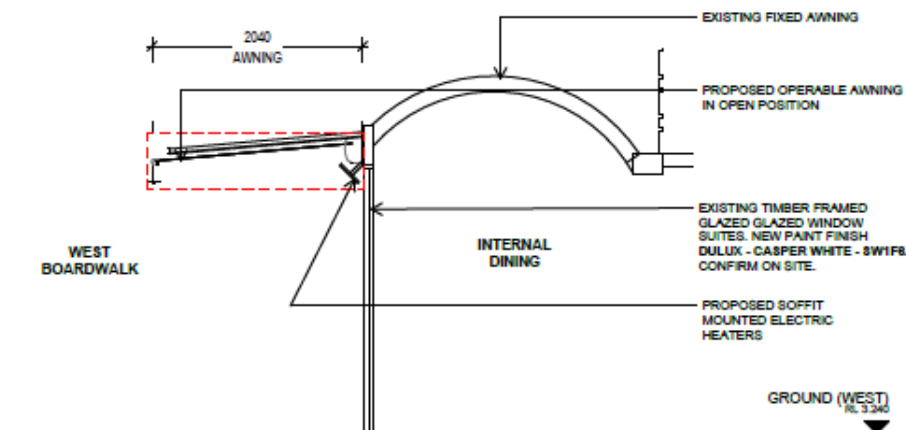


Figure 10: Detail of Western Boardwalk, showing proposed operable awning, heaters and repainted framing. Source: Little Boat Projects, Drawing no. D.03.130, DA5.

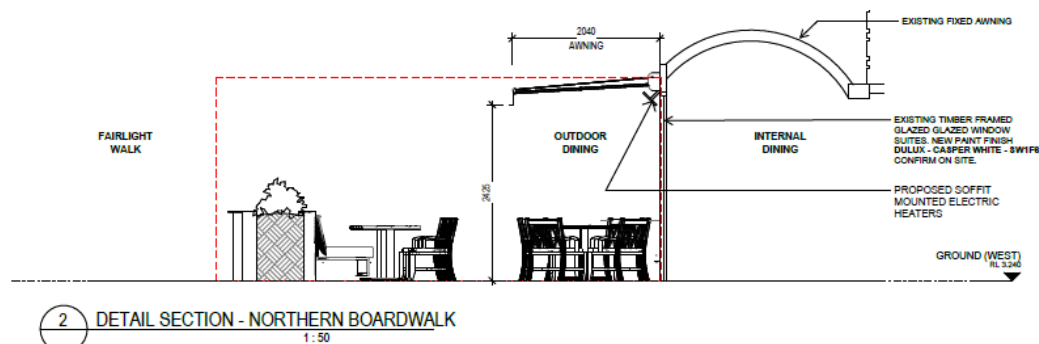


Figure 11: Detail of Northern boardwalk, showing proposed operable awning, heaters, and repainted framing. Source: Little Boat Projects, Drawing no. D.03.130, DA5.

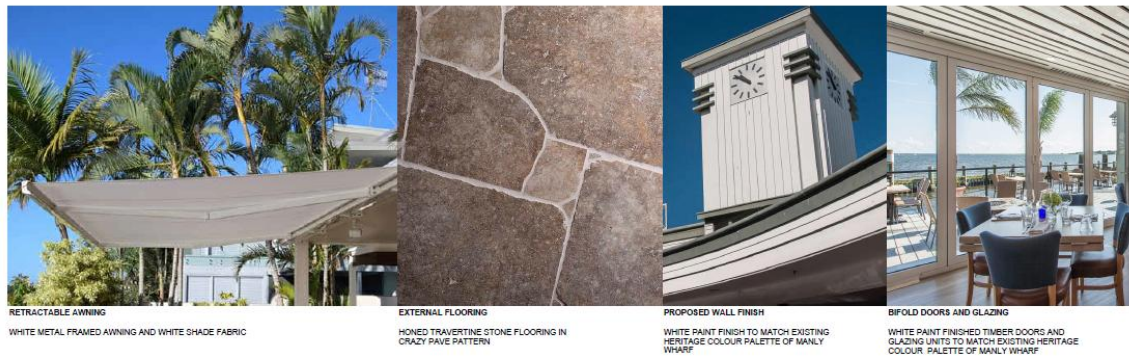


Figure 12: Proposed finishes for awnings, paving, and paint finishes. Source: Little Boat Projects, Drawing No. D.03.139, DA3.



Figure 13: Western elevation perspective showing existing mechanical equipment above the roof of Manly Wharf, and the proposed screen wall to conceal this equipment. Source: Little Boat Projects, Drawing No. D.03.153, rev. DA1.

Relevant Reports

The following previous studies and reports were reviewed during production of this report. Relevant information has been included where necessary:

- Architectural Projects, *Manly Ferry Wharf - Conservation Management Plan*, 2016.
- City Plan Heritage, *Statement of Heritage Impact, Manly Wharf: - Pizza Oven, Balustrade, Deck*, December 2024.

1.6. Methodology

This SOHI relates to the alterations and additions to the existing Manly Wharf. It has been prepared in accordance with the State of NSW and Department of Planning and Environment publications, *Guidelines for Preparing a Statement of Heritage Impact*, 2023 and *Assessing Heritage Significance*,

2023. It is also guided by the philosophy and processes included in *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013* (Burra Charter).

The subject proposal has been assessed in relation to the relevant controls and provisions contained within the *Manly LEP 2013*, the *Manly DCP 2013* and the *SEPP (Biodiversity and Conservation) 2021*. It has also been assessed against the relevant policies contained within the CMP prepared for Manly Ferry Wharf by Architectural Projects. It forms one of a collection of specialist reports.

Research for this SOHI has adopted a two-stepped approach. Step 1 comprised a desktop assessment and Step 2 was a site survey. This document provides the combined findings and recommendations resulting from this approach.

Step 1

Research into the early development of the site was undertaken to get a better understanding of the place. Further, the *Manly Ferry Wharf Conservation Management Plan (CMP)*, prepared by Architectural Projects in October 2016, and the State Heritage Register (SHR) were examined to determine the known heritage values of Manly Wharf. Finally, relevant historical information from *Statement of Heritage Impact, Manly Wharf: Pizza Oven Balustrade, Deck*, prepared by CPH in December 2024, was extracted, with this supplemented by additional research for the proposed Felons Seafood tenancy.

Step 2

A site survey of Manly Wharf and the area proposed for the new venue was carried out by Kerime Danis (Director - Heritage) and Kurt Dixon (Senior Heritage Consultant) on 23 April 2025 with the purpose of photographing and understanding the place. All results are presented in *Section 2 - Site Context and Description*.

1.7. Constraints and limitations

The following limitations are identified for this SOHI.

- Accurate measured drawings do not form part of this report.
- This SOHI does not include a heritage landscape assessment.
- This SOHI does not form part of the building consent process.
- The assessment in this report relates to the proposed works and documentation described in *Section 1.5 Proposal* and *Section 1.6 Methodology*. It does not relate to any additional or revised documentation by any party.
- This SOHI does not include for an archaeological assessment or opinions regarding such matters; neither does it form part of a Section 140 Application for an *Excavation Permit* or Section 144 *Application for an Excavation Variation Permit*.
- This SOHI does not include an assessment of Aboriginal values. An assessment of the Aboriginal cultural significance of an area can only be made by Aboriginal communities.
- Only a visual assessment of the subject site was carried out. Intrusive methods were not employed.
- This report does not include the provision of a title search for the subject site.

1.8. Author Identification

The following report has been prepared by:

- Kurt Dixon, Senior Heritage Consultant (BA (History), LLB).

It has been reviewed and endorsed by:

- Kerime Danis, Director - Heritage (BArch, MHeritCons (Hons), Associate RAIA, MICOMOS, ICOMOS AdCom)

All images have been taken by CPH unless otherwise indicated.

2. SITE CONTEXT AND DESCRIPTION

The Manly Wharf site comprises buildings from two periods of construction: the 1941 ferry wharf on the west, and the 1990 additions (including the retail arcade) to the east. The following physical description of the original wharf is taken from the NSW State Heritage Register (SHR) form for 'Manly Wharf' (listing no. 01434).¹

A broad wharf supported on timber piers and with a concrete platform. The superstructure is constructed of steel and timber. The facade and side walls form an important architectural design, similar to the Circular Quay ferry terminals. (Blackmore, Ashton, Higginbotham, Rich, Burton, Maitland, Pike, 1985).

The original part of the wharf was built in a modernistic transport idiom, with typical stylistic features of era including play of circular and rectangular geometric terms, bayed facade to the water (marine connotations), wide arc plan at entrance, clock tower with "fins", flat roofing marked by wide fascia board. The current entrance was originally designed as a tram terminus and turning area. Timber clad framed structure opening and large internal spaces, concrete deck to west enclosed by "ship" railing. Some original shop fittings, signage etc. Subjected to major alterations to the wharf wings involving a T-shaped clerestorey (Stapleton, 1981).

The following physical description of the northern side of The Corso façade (where the works are located) is extracted from the Manly Ferry Wharf CMP prepared by Architectural Projects (2016):

On the northern side of the wharf there is a retail arcade, through which passengers pass on the way to the existing bus interchange and The Corso. The main north elevation of the section remains highly intact. A major alteration has been the demolition of the curved eastern wing and awning, which is able to be reconstructed. The original opening to the Wharf has been narrowed by the installation of additional shops. Nevertheless, the north elevation retains most of its original character. The facade is characterised by two welcoming arms comprising an enclosed area accommodating services and a cantilevered awning of slightly different radius which has a deep fascia sheeted in timber boarding.

The fascia, soffit and beam have been modified by the removal of some detail. The surface mounted lights have been removed and replaced by downlights and surface mounted heaters have been installed

The distinctive features of the facade are the square clock tower, with a flat parapet at AHD 16.5, the flat parapets of the straight main roof, with the lettering "MANLY WHARF" and the curved awning. The horizontal emphasis provided by the grooved weatherboarding and the timber framed strip window provide a distinct character. The north elevation, more than any other element of the wharf, identifies the original Moderne Maritime character of the building.

The structure combines two types of portal frame to accommodate the curve plan. The columns were originally painted in two colours. The ceiling is lined to the underside of the fascia in a flush finish which contrasts with the texture of the fascia.

¹ NSW State Heritage Inventory, 'Manly Wharf', Item ID 5051365, accessed July 2025 via: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051365>.



Figure 14: Front elevation of Manly Wharf.

The location of the subject site has been present since the 1940s, however it has been modified considerably in recent years to accommodate retail tenancy. The areas within the Felons Seafood that are proposed to be altered include a solid fuel oven and cook top with rangehood in kitchen, crazy paving in northern outdoor dining area, along with soffit mounted electric heaters and new awnings, and new entry from the outdoor dining area into hotel. This location was previously occupied by The Bavarian, as shown in the images below.



Figure 15: View looking southeast towards subject site.



Figure 16: View facing southeast towards subject site.



Figure 17: Facing southwest looking towards subject site entrance.



Figure 18: View facing west under subject site primary façade awning.



Figure 19. View facing northeast towards subject site.



Figure 20: View facing southeast, showing western elevation of subject site.



Figure 21: View facing southwest along boardwalk showing western elevation of subject site.

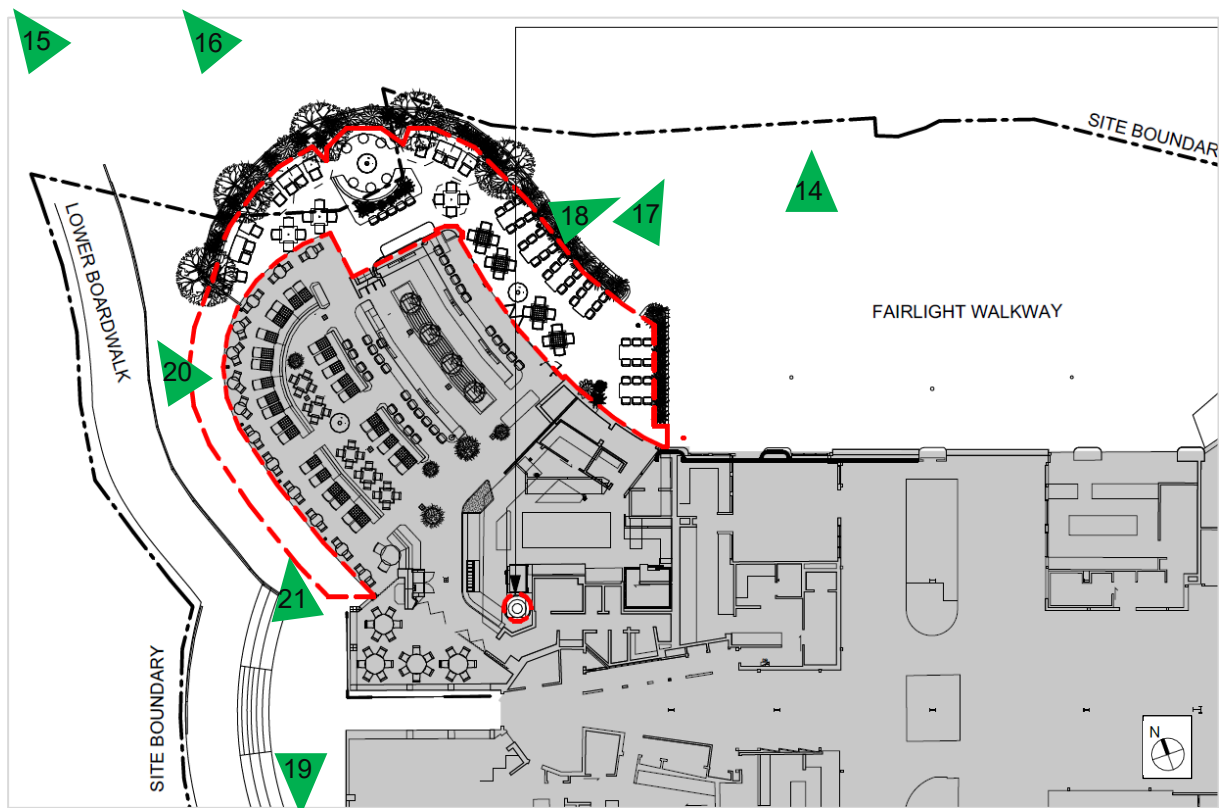


Figure 22. Site Plan with location and directions of above images taken and cross-referenced to Figure numbers in green.

3. HISTORICAL OVERVIEW

3.1. History of Manly Wharf

The following history of Manly Wharf has been extracted from the *CMP* produced for the site in 2016. Historical photographs utilised below have area proposed for alterations and additions indicated for reference.

2.1.3 Early Development

In May 1853 Henry Gilbert Smith bought twenty acres of land which had been granted to John Crane Porter 16 years earlier. The following year a sandstone residence was completed on the hill above the small Harbour Beach. Both the beach and the house were given the name "Fairlight". The estate was eventually divided in 1902 and Fairlight House was demolished in 1939 and replaced by nine blocks of flats.

In 1852 Henry Gilbert Smith decided to develop his one hundred and twenty acres, most of which lay on the slopes north of The Corso, where he built his home.

Gilbert Smith envisaged a new Brighton in Australia. A small jetty was constructed which has been continuously used as a ferry wharf ever since. At the same time he constructed the Pier Hotel which would be later replaced in the 1920s, by the Hotel Manly. Smith began a regular ferry service to and from Sydney. In 1856 he cleared the narrow, swampy street leading from the Harbour to the ocean which he called The Corso after the main street in Rome. Smith built a church in 1864 and a school house and public bath house. In the 1860's the first English-style bathing boxes on wheels appeared on the Ocean Beach sands.

The layout of the 1850's subdivision can still be evidenced today. Gilbert Park commemorates his role in the Town Plan. The Norfolk Island Pines that line the beach were planted by him. In his will Gilbert left most of Manly's present park reserves to future generations.

In 1876 much of the land west of The Corso to North Head was still held by the Wentworth family. Most of it was acquired by auction that year by the Anglo-Australian Investment Company. A second pier, west of the main pier, and at the foot of Stuart Street, was built.

Smith encouraged the growth of a ferry service to Manly. Excursion services to Manly were first advertised on Saturday 29 September 1855 as commencing the following Saturday 6 October. Ferries ran two or three times a week during 1855 and 1856. The first Manly Ferry Wharf was constructed in 1856 on the same site as the present wharf.

2.1.4 Incorporation of Manly Council

In 1877 five hundred people were living between The Spit and Manly, a sufficient number to warrant the establishment of a Municipality. The first meeting of the new council was held in February that year. Manly was taking shape in "the village by the sea". The Harbour trip enabled Manly to be reached as part of the day's outgoing. The 112 km journey by road would take an entire day.

...

While the possibility of a rail link between St Ives and the northern beaches was discussed in the 1880's it was never realised. This ferry was the only form of transport for a number of years. Manly's popularity with weekend excursioners grew rapidly.

Gilbert Smith entered into arrangements to improve the service in 1860. In 1877 the Port Jackson Steam Boat Company began its regular ferry service to Manly from Woolloomooloo dock. Alterations to the Wharf occurred at the same time. In 1877 the Port Jackson Steam Boat Company constructed a small cabin on the jetty. In 1881 the company now renamed Port Jackson Steamship Company constructed a shelter shed. In 1888 a two storeyed Camera Obscura tower was built at the front of the wharf. However, after functioning for around four years, the facilities were turned to housing various shops and businesses. One photograph shows the tower with a third storey. These private developments were accompanied by a government development

when, in 1866, the colonial government erected a cargo wharf alongside and to the east of the passenger wharf.

...

Further land subdivisions occurred on September 26, 1885. Free 5-year ferry steamer passes were offered to purchasers who erected homes on their land. The average cost of building a four room cottage in the mid 1880s was one thousand pounds (\$2,000).



Figure 23: Photograph of Manly Wharf from 1890. Source: State Library NSW, Hall & Co, 'Manly Wharf', FL1637720. Accessed 18 April 2024 via: <https://trove.nla.gov.au/work/15126075>.

2.1.5 The Federation Period: 1893 - 1918

In 1893 a new company, the Manly Co-operative Steam Ferry Company, was established but amalgamated with the Port Jackson Steamship Company in 1896, to form the Port Jackson and Manly Steamship Company. In that year around 1,400,000 people travelled to Manly on the ferry. The ferry proprietors also owned property in the district, and directly promoted the area's residential appeal.

Manly Ferry Wharf was an integral part of the facilities for coming to and leaving the resort. This importance was recognised further with major developments around the turn of the century. In 1900 the Port Jackson and Manly Steamship Company leased the Government cargo wharf, taking over its western side for company shipping and subleasing out the other side. Sheds and shelters proliferated and several businesses located themselves on the wharf. In 1903 the Sydney Harbour Trust reconstructed the passenger wharf. In the following year its Annual Report noted the provision of "new waiting rooms, offices, shops, and other conveniences." By 1918 an Old English style half timbered false parapet and clock tower were constructed at the passenger wharf, and its two side facades were enclosed.

Improved technology extended the range of transport available. A steam tram service began operating in Manly in February 1903. Five months later this was replaced by a horse service. That

lasted until 1906. A motor bus service to Newport was begun in 1906. In 1901 building blocks known as the Fairy Bower Estate were offered for sale to the public. In the days before World War I increased subdivision, improved transport and the natural topography meant that Manly offered a variety of entertainment.

2.1.6 Interwar period developments: 1924 - 1933

Manly thrived in the 1920s as new subdivisions opened and the building boom got under way. Places such as Balgowlah expanded quickly. During the 1920's folk discovered Manly was the ideal place to spend their holidays and many Hotels were constructed. The old Pier Hotel was rebuilt as the Hotel Manly and the era of the picnic gave way to the "refreshment room" such as the Royal, at the ferry end of The Corso; Easterbrook's Tea Room and The Brownie.

In December 1924 the first Spit Bridge opened to traffic and Manly's progress accelerated. In 1928 the twin ferries Curl Curl and Dee Why brought a new era in speed and comfort in Manly ferry travel. A number of private bus companies were formed in the 1920s but most of those routes were taken over by government buses in the following decade. November 1938 marked the beginning of the end for the Manly tramway system. In 1939, eight established bus routes fanned out from Manly Ferry Wharf to destinations in the Warringah Shire. The railway debate first discussed in the 1880's was revitalised during the building boom of the late 1920s. The opening of the Harbour Bridge in 1932 was seen as an opportunity to link Mosman with Manly with a railway line.

With the increased population new services were developed. The Manly Peace Hospital opened in 1931. In the 1930's there were five picture theatres in Manly. Even after the advent of television in 1956 three cinemas still survived. The Manly Art Gallery committee, the Manly Warringah and Pittwater Historical Society was formed in 1924. On Thursday, January 6, 1927, Manly held its Jubilee Celebrations. In 1928 St Matthews was demolished to make way for a widening of The Corso and St Matthew's opened on September 20, 1930.

The 1930's is the period of flat development in Manly. Manly reached its peak of popularity from the mid 1930s to the late forties. On Anniversary Day 1936 the ferries carried a record 100,000 passengers. By the end of the 1940s more than 10.1/2 million were travelling on the ferries annually.

Manly's status as a municipality was always closely linked to its waterfront. Manly swimming champion were well known in the 1920s and 1930s. They represented Australia at three Empire Games: Canada 1930, London 1934 and Sydney in 1938 and came fourth in the Los Angeles Olympics in 1932. The Manly Baths already thirty years old, were modernised in 1926. The baths again became somewhat outmoded in the mid 1940s when new rules regarding competitive swimming in tidal pools were introduced. In 1970s violent storms damaged the old baths.

In the late 1920's and early 1930's the Port Jackson and Manly Steamship Company initiated a number of other major developments. Manly's first shark aquarium, measuring approximately 60 by 22 feet, was constructed on the cargo wharf's western side in about 1928. In that year the cargo wharf was closed as a result of the loss of business caused by the opening of The Spit Bridge in 1924. The cargo wharf was reopened in 1931 as an amusement pier. During 1932 a raised timber walkway 1,000 feet in length was built between the western side of the passenger wharf and West Esplanade. It was netted to form a large shark-proof baths. A dressing pavilion at the western end of the promenade was opened in 1933. It incorporated a refreshment room, quarters for a caretaker, and lifesavers' rooms. The promenade was dismantled in 1974 after it was damaged beyond repair in a storm.

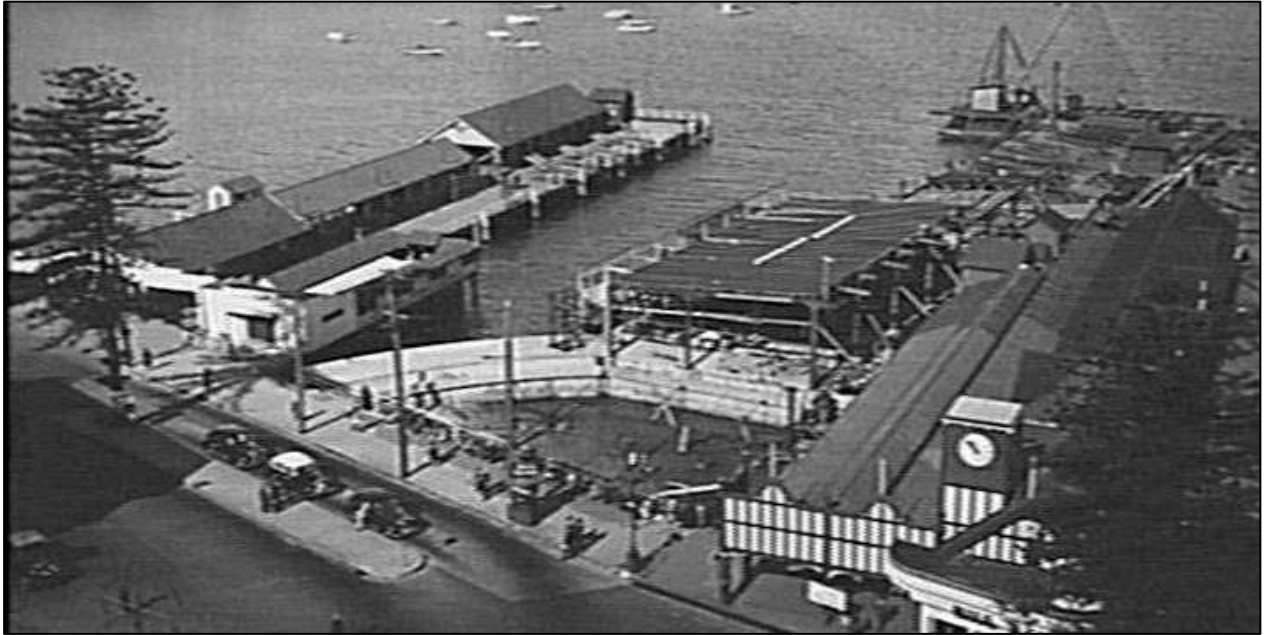


Figure 24: Photograph of Manly Wharf dated 23 May 1940. The front entrance to Manly Wharf is visible in the bottom right. Source: Northern Beaches Library, Record No. MWPHS/340-74. Accessed 18 April 2024 via <https://northernbeaches.recollect.net.au/nodes/view/44339>.

In the 1940s it was believed Manly's famous Norfolk Island Pines would serve as a landmark for enemy naval bombardment. After one was removed the public outcry was so extensive that no more trees were touched.

In 1940s Manly Wharf was upgraded in parallel with Circular Quay Wharf [so that] both [would achieve] a similar design.

Manly fell into a decline as a tourist and recreational destination, for a considerable period.

In 1972 Brambles took over the Manly Ferry Services. In 1974 the company attempted to wind down the ferry service which attracted much public protest resulting in the continuation of the service. In 1978 the State Government restored a three-boat service running at half-hourly intervals to Manly.

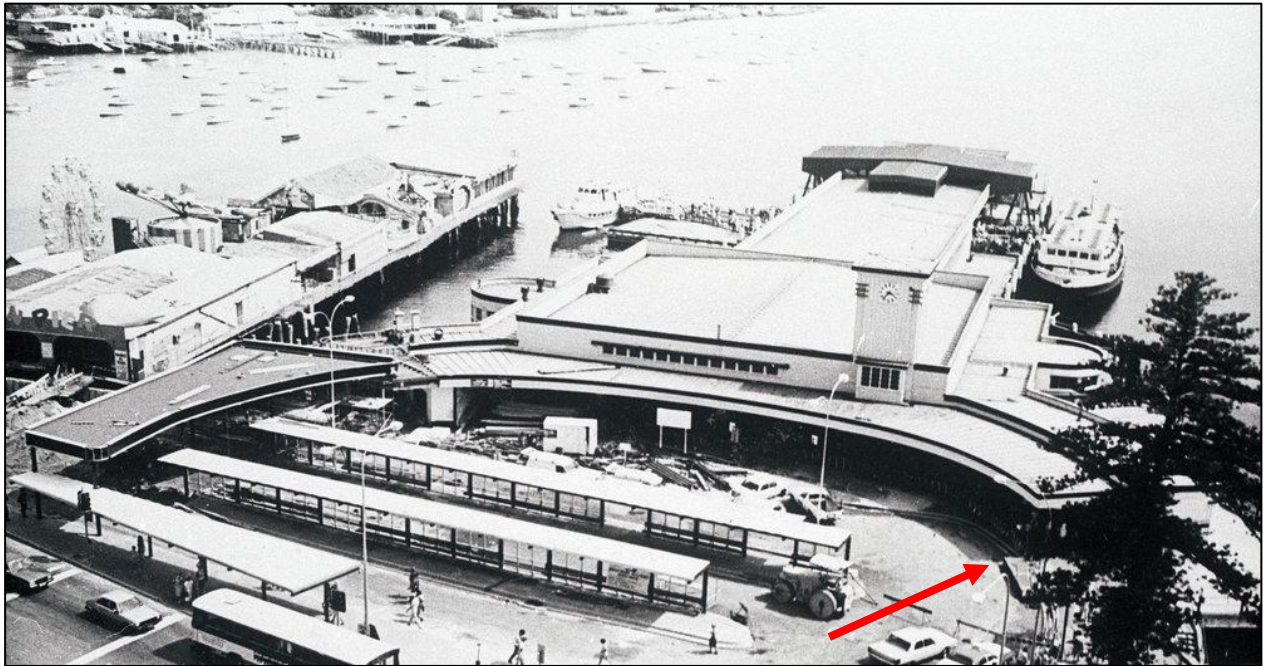


Figure 25: Photograph of Manly Wharf and forecourt from 1988, before the construction of the retail arcade / eastern wing of the wharf. The Felons Seafood area is indicated by red arrow. Source: Northern Beaches Library, Record No. MML/2629, accessed 18 April 2024 via <https://northernbeaches.recollect.net.au/nodes/view/44892>.



Figure 26: Aerial photograph of Manly Wharf in 1989, prior to the construction of the retail arcade / eastern wing. Felons Seafood area is indicated by red arrow. Source: Northern Beaches Library, Record No. MML/1832, accessed 18 April 2024 via <https://northernbeaches.recollect.net.au/nodes/view/44334>.

2.1.7 Recent Redevelopment

In 1990 the wharf was redeveloped again to provide a retail complex (Festival Market Place) adjacent to the Wharf. The fun pier was demolished and a retail arcade built in its place. There were also numerous alterations to the passenger wharf building. The development infilled the land between Manly Ferry Wharf and the second Wharf.

Table 1: Historical Summary of Manly Wharf (extracted from the 2016 CMP prepared by Architectural Projects).

Year	Event
1940	Baldwinson's designs for the renovation of both Circular Quay and Manly Ferry Wharves.
1972	Brambles took over the Manly Ferry Services.
1974	The company attempted to wind down the ferry service.
1978	The State Government restored a three-boat service.
1988	Manly Ferry Wharf is listed as a heritage item on the NSW State Heritage Register.
1990	The wharf was redeveloped to accommodate an eastern retail wing. The development infilled the land between Manly Ferry Wharf and the second Wharf.
2007	Significant upgrade and reinstatement of 1941 wharf.

3.2. History of the Subject Site

The area of the wharf where changes are proposed to accommodate the Felons Seafood tenancy has been present since the 1920s based on historical photos of the wharf. Prior to the reconstruction of the wharf in 1940 to accommodate the significant 'welcoming arms' façade, the wharf employed a timber framed Inter-War Old English-style façade with multiple gabled roofs (see Figure 27 and Figure 30). In the 1930s, Sydney's first milk bar - Burt's Milk Bar - was established near to the location of the present day Bavarian tenancy.² This milk bar was operated by Clarrie Burt, who imported the trend from the USA. The milk bar was constructed by 1936 by Messrs H & E Sidegreaves,³ who designed the milk bar in the Inter-War Functionalist architectural style (Figure 29). A photograph from pre-1939 shows the blending of the two distinct architectural styles of the wharf and the milk bar (Figure 30).

In early August 1939, a fire which started in the back room of the milk bar at around 12:30am badly damaged both the wharf and the milk bar,⁴ with this necessitating the reconstruction of the wharf in 1940-1941. According to a newspaper report at time, which quoted a Maritime Services Board official, the fire caused £4,000 worth of damage to the wharf and £4,500 worth of damage to the milk bar.⁵ The rebuilding plans were estimated to cost £50,000 and to take 18 months to complete. An aerial photograph from late 1939 / early 1940 shows the reconstruction of the wharf (Figure 31).

² *Manly Library Local Studies*, 'Burt's Milk Bar', Northern Beaches Council History Hub, accessed July 2025 via: <https://northernbeaches.recollect.net.au/nodes/view/10669>.

³ *Ibid.*

⁴ *Daily News*, 'Flames Damage Wharf', 7 August 1939, p. 1. Accessed July 2024 via: <https://trove.nla.gov.au/newspaper/article/236305757>.

⁵ *Daily Advertiser*, 'The Manly Wharf Soon', 15 August 1939, p. 3. Accessed July 2025 via: <https://trove.nla.gov.au/newspaper/article/145354747>.



Figure 27: 1920s photograph of western façade of the wharf. Approximate area of proposed fitout is indicated in red. Source: Northern Beaches Library History Hub, MML/2812.



Figure 28: 1934 Aerial view of Manly. Area for proposed Felons Seafood fitout works is indicated in red. Source: Northern Beaches Library History Hub, MML/2755.



Figure 29: 1938 photograph of western façade of the wharf. In foreground is free-standing bus shelter. Behind is the former Burt's Milk Bar (red arrow). Source: Northern Beaches Library History Hub, MWPHS/340-73.



Figure 30: 1938 photograph of northern elevation of Manly Wharf and Burt's Milk Bar, prior to fire and redevelopment. Source: Northern Beaches Library History Hub, MWPHS/340-71.

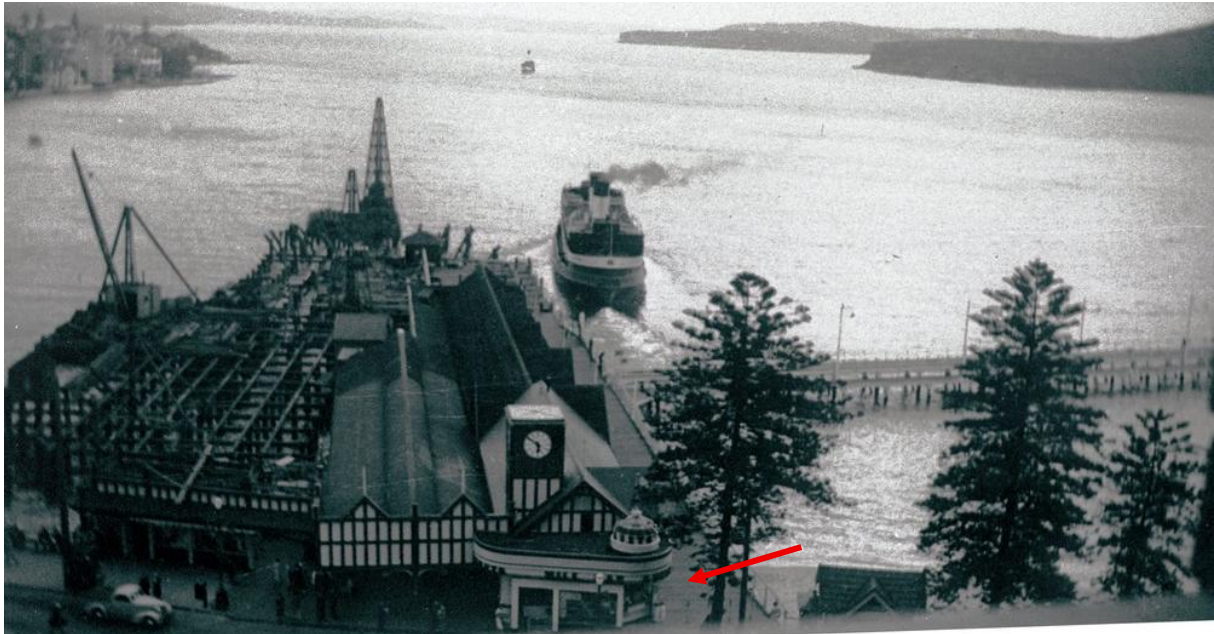


Figure 31: 1939-1940 photograph of Manly Wharf under reconstruction following the August 1939 fire. Also visible is Burts Milk Bar (red arrow). Source: Northern Beaches Library History Hub, MML/2898.

The wharf was reconstructed by 1941 into a configuration which is visible today (Figure 32). The front of the wharf employed a large forecourt area, which was used for carparking for a number of years. The distinctive clock tower was modified, and the former milk bar was incorporated within the 'welcoming arms' which circled around the forecourt area. The core of the wharf behind the welcoming arms and leading to the ferry jetty was a single, double-height clerestory space. The final alterations to the wharf were captured in a 1941 photograph (Figure 33), which also show the incorporation of the milk bar into the welcoming arms. This iteration of the milk bar is the current Bavarian restaurant tenancy.



Figure 32: 1940s photograph of Manly Wharf once completed. The wharf was redesigned to have a welcoming arm front façade which circled the new forecourt. Burt's Milk Bar was incorporated within the western welcoming arm (red arrow). Source: Northern Beaches Library History Hub, MML/2893.



Figure 33: 1941 photograph showing reconstruction of the wharf. Burts Milk Bar is accommodated within the welcoming arm.

Photographs throughout the mid-late 20th Century capture gradual changes to the space. In the 1940s, awnings were installed on the waterside (south-western) façade of the milk bar (Figure 34). The exterior of the subject site appears to have remain unaltered throughout the 1950s-1960s (see Figure 35 and Figure 36). By the 1970s, the previous awnings were removed alongside the 'Burts Milk Bar' sign on the splay corner, however, there appears other signs or advertising at eye-level (Figure 37). The final photograph (Figure 38) of Burt's Milk Bar prior to its demolition in April 1989⁶ shows the view of the tenancy under the welcoming arms, with the only remnant fabric on this façade appearing to be the tiled column and fascia / lining board to the east of the milk bar. The space was reconfigured into one similar to that present today as part of the 1990 retail addition to the wharf. Burt's Milk Bar would return to the wharf, as indicated in a November 1990 article recounting the grand opening of the retail wharf,⁷ however it is not known which space the milk bar occupied.

⁶ Natasha Bitá, 'It's Goodbye to Manly Village and Hello to High Risk', *Sydney Morning Herald* (SMH), 15 April 1989, p. 4. Source: SMH Archives.

⁷ Debbie McIntosh, 'Take A Ferry to Manly', *SMH*, 25 November 1990, p. 115. Source: SMH Archives.



Figure 34: 1940s photograph showing awning on waterside façade of the milk bar. Source: Northern Beaches Library History Hub, LH010011.



Figure 35: Manly Wharf as captured in 1951. The subject site is indicated in red. Source: Northern Beaches Library History Hub, LH000589.

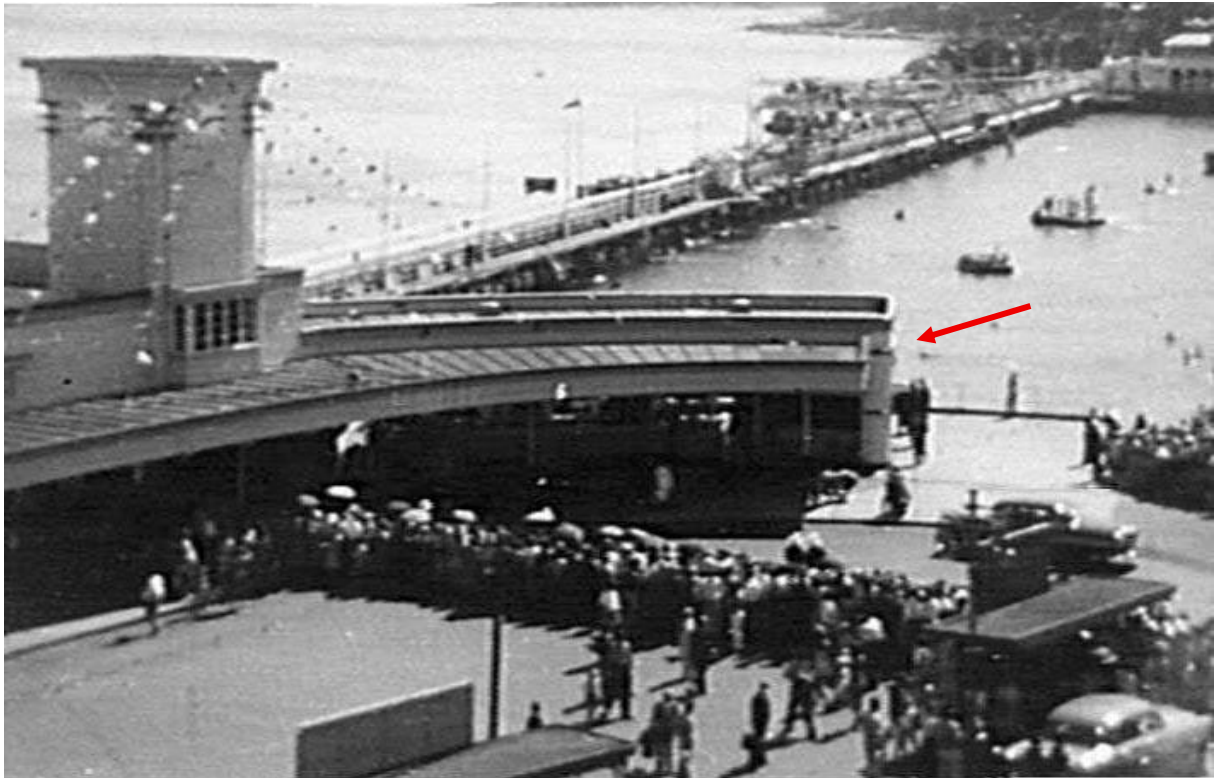


Figure 36: 1958 photograph of Manly Wharf during the visit of the Queen Elizabeth the Queen Mother (Elizabeth II's mother) to Manly. Subject site indicated by red arrow. Source: Northern Beaches Library History Hub, MAGAM/P0678.

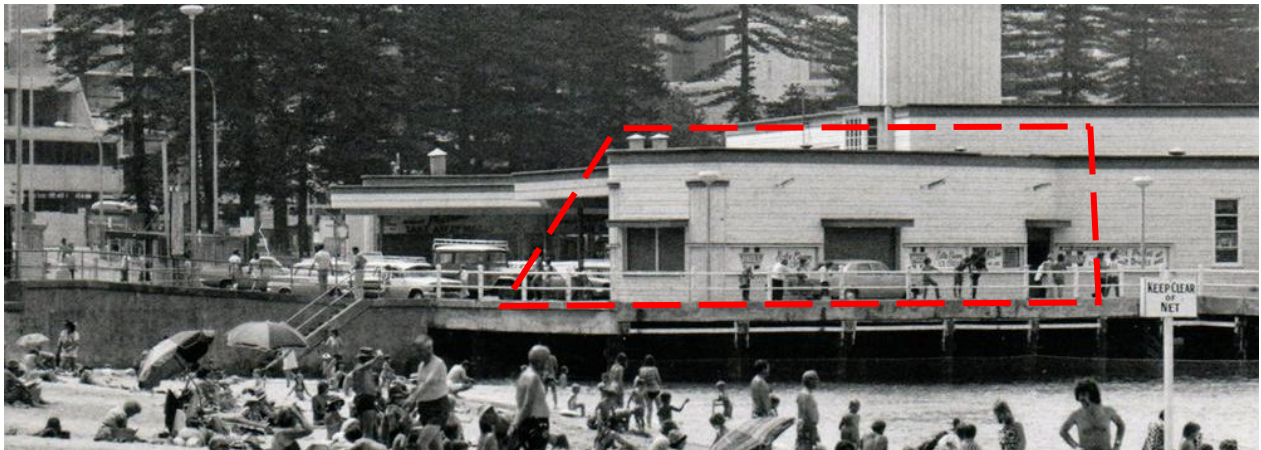


Figure 37: Photograph of Manly Wharf from the 1970s. Visible in the centre (indicated in red) is where the subject site is located. Source: Northern Beaches Library History Hub, MML/2322.



Figure 38: View of Burt's Milk Bar in 1989, prior to its demolition as part of the 1990 retail works to the wharf. Source: Northern Beaches Library History Hub, MLM/2625.

In 1994-1995, further alterations to the Manly Wharf shopping / retail addition were undertaken, though it is not known what changes, if any, were made to the subject site. A search of the Northern Beaches Council DA tracker identifies several development applications (DAs) and construction certificates issued for the retail wharf, however it is not known which tenant occupied the subject space in the 1990s. By 2003, it is known that Bistro Picasso, an Italian restaurant, occupied shops 2 - 5 of the wharf, and thus subsequent DAs are identifiable. However, the extent of modification to accommodate each DA is not known. These applications to Northern Beaches Council all modified the previous spatial arrangements and fabric of this area.

Table 2: Summary of subject site modifications

Year	Development Number	Description of Works
2003	DA 53/2003	Restaurant fitout (Bistro Picasso) Shops 2-5 Manly Wharf
2005	DA 402/2005	Shop 2-5 - Erection of signage ('Bavarian Bier Cafe')
2008	DA 128/2008	External seating area - Bavarian Beer Cafe
2008	DA 279/2008	Pergola over existing outdoor seating area at the southernmost end of the Bavarian Bier Café (Shops 2, 3, 4 & 5)
2019	NOC 2019/1279	Internal alterations to existing Bavarian restaurant, along with shopfront alterations (no increase to patron numbers)

4. SIGNIFICANCE OF MANLY WHARF

To aid in the assessment of the potential heritage impact the proposed works would have on Manly Wharf heritage item, it is important to understand the significance of the site, as well as the areas within the wharf that have particular significance.

4.1. Statement of Significance

The following Statement of Significance has been extracted from the SHR form for 'Manly Wharf' (SHR no. 01434):

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

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

The following Statement of Significance has been extracted from the *Conservation Management Plan for Manly Ferry Wharf*, prepared by Architectural Projects in October 2016:

The Manly Ferry Wharf is significant as the gateway to Manly, and for its association with thousands of tourists who hold memories of the ferry trip and first impressions of Manly.

The Manly Ferry Wharf is significant for its age and association with the development and continuation of Manly as a seaside resort of Sydney from the earliest days of European settlement. The low sweeping form has significance for its contribution to the context of the sweeping beach and line of the trees which is now an integral part of this mainland view of Manly. The Manly Ferry Wharf is significant for the positive contribution of the low building scale to the topographical setting of Manly Cove. The Wharf is enhanced by its visual relationship with the curved lines of the beaches, seawalls, and pavement promenades of East and West Esplanades.

The Manly Ferry Wharf in association with the fun pier is significant, for its ability to reflect the long continuous history of Manly Ferry Wharf as the location of retail, transport and recreation.

The Manly Ferry Wharf has historical significance as a major project by an important Sydney Modernist Architect Arthur Baldwinson. The main (north) facade composition, with its clocktower, flat parapets and curved awning is mostly intact. The grooved weatherboard cladding and timber frame windows are features which give the exterior much of its distinctive period character.

The Manly Ferry Wharf is significant as the site of the redevelopment of the area and wharf facilities in particular during Manly's second boom period as a resort (c 1910-1940), when both Circular Quay and Manly Ferry Wharf were constructed for the Maritime Services Board. The Manly Ferry Wharf is significant as a reflection of developments in urban transport and infrastructure in that period.

Manly Ferry Wharf is significant as a rare surviving working example of a maritime building designed in the Modernist style of the mid Twentieth Century. It is a rare example of maritime architecture.

These statements of significance provide sufficient understanding of the site's significance to inform the heritage impact assessment below at Section 5.

4.2. Grading of Significance

The following grading of significance for the Manly Wharf heritage item has been extracted from the *Manly Ferry Wharf CMP* produced by Architectural Projects in October 2016. This table provides justification for and informs each grading level.

Table 3: Grading of Significance Table used by Architectural Projects to assess the significance of various elements of Manly Wharf.

	Grading	Justification	Status
A	Exceptional	Rare or outstanding element directly contributing to an item's local and State significance	Fulfils criteria for local or State listing
B	High	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfils criteria for local or State listing
C	Moderate	Elements of typical representative quality. Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfils criteria for local or State listing
D	Little	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for local or State listing
E	Intrusive	Damaging to the item's heritage significance.	Does not fulfil criteria for local or State listing

The following Schedule of Significant Fabric table identifies the assessment attributed to each element of the Manly Wharf, as determined by Architectural Projects in 2016. Areas of the wharf that are relevant to this proposal are emphasised. Refer to Figure 39 for visual depiction of these significant fabric.

Table 4: Schedule of Significant Fabric, extracted from the Manly Ferry Wharf CMP.

Schedule of Significant Fabric	
The Exterior	
The Manly Ferry Wharf	
The South Elevation to the Wharf	B (High)
The East Elevation to the Wharf	B (High)
The West Elevation to the Wharf	B (High)
The Clerestory	
The East Elevation to the Clerestory	C (Moderate)
The West Elevation to the Clerestory	C (Moderate)
The Corso Façade	
The North Elevation of the Clerestory	A (Exceptional)
The Welcoming Arms	A (Exceptional)
The Clock Tower	A (Exceptional)

Schedule of Significant Fabric	
The Interior	
The Manly Ferry Wharf	
South Glazed Waiting Area	A (Exceptional)
Transit Space	B (High)
The Clerestory	
Main Space	A (Exceptional)
Remnant Service Areas	C/D (Moderate / Little)
The Welcoming Arms	
Service Areas	C (Moderate)
Under Awning Space	A (Exceptional)
KEY PHASES ADDITIONS	
The Exterior	
North Façade (1941)	A (Exceptional)
South Façade Wharf 1941	B (High)
East Façade 1990	C (Moderate)
West Façade 1990	C (Moderate)

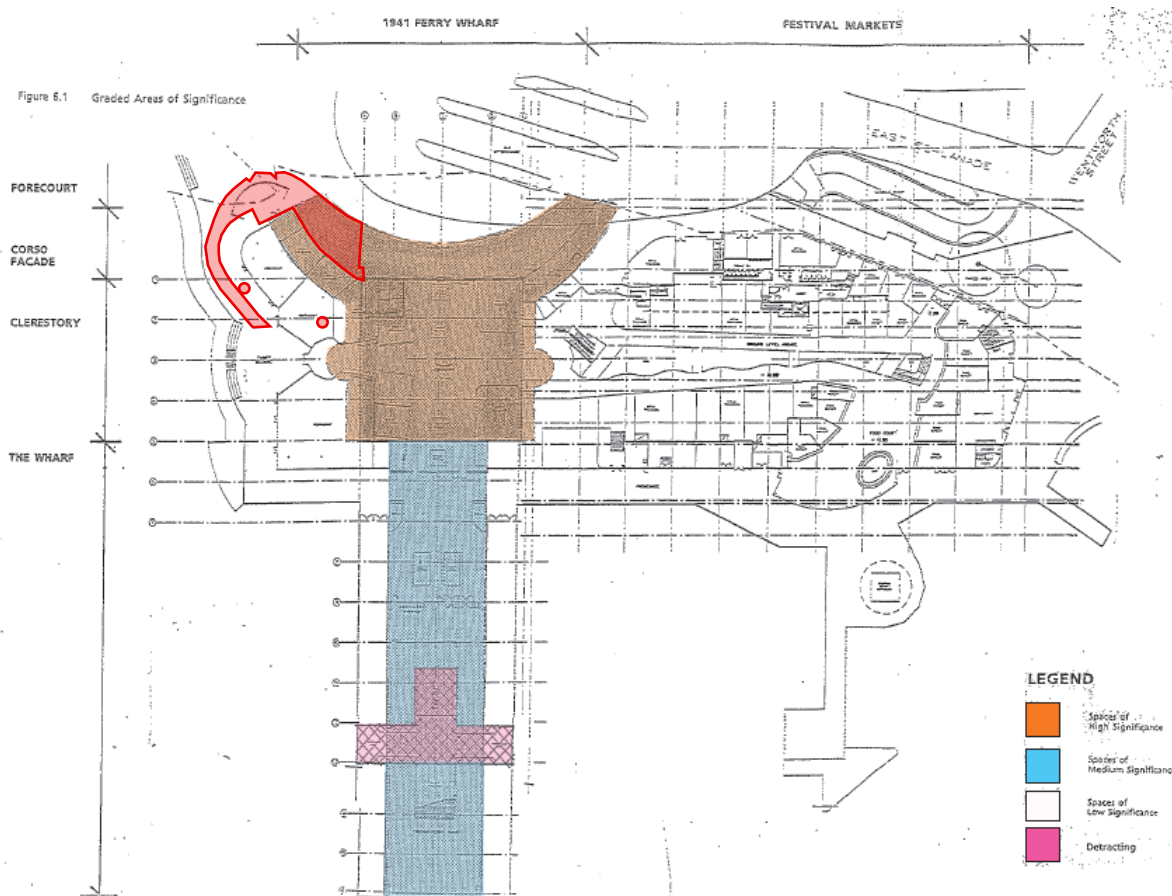


Figure 39: Graded Areas of Significance Map, with overlay of area of the current proposed scope of work areas (red). The significant areas are associated with the 1941 ferry wharf.

5. HERITAGE IMPACT ASSESSMENT

Due to the known heritage values of the subject site, the proposal is subject to the following heritage provisions contained within the *Heritage Act NSW 1977*, the *EP&A Act 1979*, the *Manly LEP 2013* and the *Manly DCP 2013*. They are also subject to the clauses of the *SEPP (Biodiversity and Conservation) 2021*, as well as the policies laid out in the *Manly Ferry Wharf Conservation Management Plan*, prepared by Architectural Projects in October 2016.

5.1. Environmental Planning and Assessment Act 1979 and Heritage Act NSW 1977

Under Section 4.46 of the *EP&A Act 1979*, integrated development is defined as development (other than state significant or complying development) that requires development consent as well as approval under the *Heritage Act 1977* in respect of the doing or carrying out of an act referred to in section 57(1) of the Act.

57 Effect of interim heritage orders and listing on State Heritage Register

(1) When an interim heritage order or listing on the State Heritage Register applies to a place, building, work, relic, moveable object, precinct, or land, a person must not do any of the following things except in pursuance of an approval granted by the approval body under Subdivision 1 of Division 3-

...

(e) carry out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct

(f) alter the building, work, relic or moveable object

As the proposal involves the additions and alterations to the Manly Wharf State heritage item, the proposal requires approval under Section 57(1)(f) of the *Heritage Act 1977*, and development consent under the *EP&A Act 1979*, thus it is treated as an integrated development.

5.2. Manly Local Environmental Plan 2013

Only the relevant subsections of the *Manly LEP 2013* have been extracted below.

5.10 - Heritage Conservation

(2) Requirement for consent

Development consent is required for any of the following-

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

(i) a heritage item

...

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6)

5.10 - Heritage Conservation

(5) Heritage assessment

The consent authority may, before granting consent to any development-

(a) on land on which a heritage item is located

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

Require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site other than land listed on the State Heritage Register...)-

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

Discussion:

As per Section 5.10(4) and 5.10(5), Northern Beaches Council require a heritage management document to be prepared to assess the proposed development against the heritage significance of the 'Manly Wharf' heritage item (item I145). As per the Dictionary for the *Manly LEP* 2013, a heritage management document is defined as:

- *(a) a heritage conservation management plan,*
- *(b) a heritage impact statement, or*
- *(c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of significance or heritage conservation area.*

This SOHI has been prepared to address this subclause, with this SOHI finding that the works have little impacts on the heritage significance of the Manly Wharf heritage item. This is expanded upon below in within Section 5.3 and 5.5.

In terms of the *LEP* provisions concerning archaeology, Sections 3.4.1 and 3.4.2 of the *Many Ferry Wharf CMP* found the following:

Given the history of site disturbance from the Interwar period, the site is unlikely to reveal archaeological / Aboriginal remains.

Further, a basic search of the AHIMS database found zero (0) registered Aboriginal sites of heritage significance located within the curtilage of Lot 1 DP 1170245, nor any Aboriginal sites within a 200-metre buffer of the subject site (Figure 40).

None of the proposed works involve penetration of the subsurface beneath the basement level. As such, there are no assessed impacts to archaeology in the proposal.



Figure 40: Basic search of the AHIMS database indicates zero (0) registered Aboriginal sites within the subject site, nor within a 200-metre buffer around the subject site.

5.3. Manly Development Control Plan 2013

Only relevant controls concerning heritage from the *Manly DCP 2013* have been extracted below.

3.2.1 Heritage Consideration

3.2.1 Consideration of Heritage Significance

LEP Clause 5.10(4) requires that Council consider the effect of the proposed development on the heritage significance of a heritage item or heritage conservation area. LEP Clause 5.10(5)(c) further requires that the development of land in the vicinity of Heritage Items or Conservation Areas may require further assessment into the effect on the heritage significance of the item/area.

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

- (a) In addition to ... LEP Schedule 5, this DCP requires that consideration of the effect on heritage significance for any development in the vicinity of a heritage item or conservation area.
- (b) Proposed development in the vicinity of a heritage item... must ensure that:
 - (i) it does not detract or significantly alter the heritage significance of any heritage items...;
 - (ii) the heritage values or character of the locality are retained or enhanced; and
 - (iii) any contemporary response may not necessarily seek to replicate heritage details or character of heritage buildings in the vicinity, but must preserve heritage significance and integrity with complementary and respectful building form, proportions, scale, style, materials, colours and finishes and building/street alignments
- (c) The impact on the setting of a heritage item or conservation area is to be minimised by:

3.2.1 Heritage Consideration

- (i) *providing an adequate area around the building to allow interpretation of the heritage item;*
- (ii) *retaining original or significant landscaping (including plantings with direct links or association with the heritage item)*
- (iii) *protecting (where possible) and allowing the interpretation of any archaeological features; and*
- (iv) *retaining and respecting significant views to and from the heritage item*

Discussion:

Control 3.2.1 - Heritage Significance

Some of the proposed works will take place with the areas of the wharf assessed as having Exceptional heritage significance, as shown in Figure 39. These works are those altering the front façade of the proposed Felons Seafood space, including new timber framed glazed swing door and repainting of the bi-fold suites. These are within the 'welcoming arms' and are therefore within a significant area of the heritage item, however the works are assessed as being sympathetic and non-impactful to the significance of the wharf. This is because they alter contemporary and non-original fabric associated with the shopfront fitout of the space dating from 1990 and later, are partially obscured by existing dining furniture, and are compatible with the existing façade of the building.

Other works are located outside the significant welcoming arm area and on the building's western façade, which was identified as having moderate significance in the 2016 CMP. These works include the installation of soffit mounted electric heaters, extendable awnings on the west facade, and the addition of new paving in the outdoor dining area. The proposed additions complement the form and scale of the subject site, and do not diminish or impact significant elements of the wharf (for example, the northern façade, and the welcoming arms). They introduce contemporary elements which are sympathetic to the site, therefore these works are assessed as having a minimal impact on the significance of the heritage item.

Other works which are not within identified significant area are the works to the roofscape to accommodate the proposed indoor fireplace and mechanical ductwork associated with the solid fuel oven. The fireplace will introduce a low scale flue to the western façade of the wharf, which again is not a significant façade of the wharf (having been altered considerably overtime). The flue is designed to be small in size (300mm diameter) and thus it will have a limited visual impact on this façade. The mechanical ductwork to accommodate the solid fuel ovens will be screened with a proposed screen to match that existing on the eastern welcoming arm roof. This screen will utilise similar colours and cladding to fit within the existing roofscape and limit the visual impact the mechanical services would have on views towards the Manly Wharf heritage item from the west.

Control 3.2.2 - Development in the vicinity of heritage items, or conservation areas

The proposed works will not have any physical and visual impact on the heritage items and HCA in the vicinity to the subject site. This is because the closest heritage items and the HCA do not have clear sightlines to the area of the wharf proposed for alteration. Heritage items near the western side of the wharf, like that of 'Park' (item I251) and 'Governor Phillip Monument' (item I248) will not have any primary views impacted by the proposed works. These heritage items can still be seen, appreciated and interpreted without interference; thus, the proposal is assessed as having no impact the heritage items and the HCA in the vicinity.

3.2.2 Alterations or Additions to Heritage Items or Conservation Areas

3.2.2.1 Complementary Form and Scale that Distinguishes Heritage Significance

- (a) *Alterations or additions to heritage items... will not necessarily seek to replicate, overwhelm, dominate or challenge heritage details of the building or structure of heritage significant buildings. However, a contemporary response which complements and respects the form and scale of the original buildings may be considered if the heritage significance is retained.*

3.2.2 Alterations or Additions to Heritage Items or Conservation Areas

3.2.2.2 Retaining Significant Features and Landscape Setting

Note: Significant features in relation to this paragraph include roofs, detailing, brickwork, colours and original windows (size, proportion and type)

Alterations or additions to heritage items... must:

- (a) retain original and traditional roof form, roof pitch with any alterations to the roofs to be sympathetic to the style of the heritage item...;
- (b) retain original architectural detailing such as barge board, finial trim, window awnings and front verandas. New detailing must be complementary to the character of the item or place;
- (c) retain original wall treatments and original cladding...
- (d) not render or paint original face brickwork...
- (e) where surfaces are not originally face brickwork:
 - (i) any appropriate use of cement render is complementary to and consistent with the heritage architectural style and colour schemes and repainting must be articulated in the same manner as the original colour rendering of the building;
 - (ii) external colour schemes are to be in keeping with the original character of the heritage building based where possible on physical or documentary evidence in keeping with the architectural style and period of the building;
 - (iii) contemporary colours are not discouraged, but should be combined in a complimentary way; and
 - (iv) single colour sections are not permitted.
- (f) avoid removal of original fabric in order to retain the integrity of the heritage item...

Discussion:

Control 3.2.2 - Alterations to Heritage Items

The proposed works to install retractable awnings, soffit mounted electrical heaters, and new paving will take place outside of the area assessed as having exceptional significance, as shown in Figure 39. These will also sit lower than the fascia and the fixed external awning and so are sympathetic to the traditional form of the roof, the setting and do not visually dominate or overwhelm the heritage item.

The addition of the solid fuel oven, cooktop and rangehood and associated ductwork does not impact on the heritage item as this proposed work is internal. The CMP recognises that the tenancy interiors are spaces of low integrity that have been extensively modified. As such, the addition of the solid fuel oven, cooktop and rangehood does not impact upon original fabric or any of the exterior significant features. Though the mechanical ductwork associated with this addition will be external, this will be screened by an appropriate and well-designed screen wall that matches the existing screen on the opposite welcoming arm (cladding, colour, size).

The changing of paving proposed for the outdoor dining area does not impact upon any original architectural detailing or fabric but is replacing existing non-uniform paving which was altered during the works completed in the 1990s. This paving is located behind a half height wall and so is not easily visible.

The proposed painting of the walls and timber framing on the windows and doors in a white colour matches the existing finishes of the heritage façade of the wharf and so ensures maintaining the original character of the wharf. The white metal frame and white shade fabric proposed for the retractable awning also maintain the colour palette of the heritage item.

Removal of fabric is limited to the demolition of a portion of the western façade for the installation of a new swing door. This fabric is not original, as the façade was altered in the early 1990s and has undergone further alterations since that time. The location of the proposed doorway is recessed from the roof line and so does not impact upon the curved "welcoming arms" fascia of the wharf entrance.

Overall, the works will ultimately enhance this area of the Manly Wharf with contemporary alterations that will not be detracting or impacting to any heritage items in the vicinity.

5.4. State Environmental Planning Policy (Biodiversity and Conservation) 2021

As Manly Wharf is listed as a heritage item under the *SEPP (Biodiversity and Conservation) 2021*, the following heritage provisions have been extracted from this *SEPP* and utilised in the assessment of the proposal.

6.52 Heritage development

In this part – heritage development means development that involves one or more of the following-

- (a) *demolishing or moving, or altering the exterior, including by changing the detail, fabric, finish or appearance of a building, of-*
 - (i) *a heritage item, or*
 - (ii) *...*
 - (iii) *a building, work, relic or tree within a place or site that is a heritage item.*
- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) *...*
- (e) *...*
- (f) *development near a heritage item, including development that-*
 - (i) *may have an impact on the setting of the heritage item, including by affecting a significance view to or from the item or by overshadowing, or*
 - (ii) *may undermine or otherwise cause physical damaged to the heritage item, or*
 - (iii) *will otherwise have an adverse impact on the heritage significance of the heritage item.*

6.53 Requirement for development consent

(1) Heritage development may be carried out only with development consent.

(3) The consent authority may, before work is carried out, give written notice to an applicant for development consent for heritage development that development consent is not required if the consent authority is satisfied the development-

- (a) *is of a minor nature, or is for the maintenance of-*
 - (i) *a heritage item, or*
 - (ii) *a building, work, relic, tree or place on a site that is a heritage item, or*
 - (iii) *an Aboriginal object, or*
 - (iv) *an archaeological site, and*
- (b) *will not adversely affect the heritage significance of the item, object or site.*

(4) In deciding whether to grant development consent to heritage development, the consent must consider the effect of the development on the heritage significance of the item, object or site.

(5) In considering the effect of heritage development under subsection (4), the consent authority must consider the following-

6.53 Requirement for development consent

- (a) *the heritage significance of the item, object or site as part of the environmental heritage of the land to which this Part applies,*
- (b) *the impact of the development on the heritage significance of the item, object or site and its setting, including landscape or horticultural features,*
- (c) *the measures proposed to conserve the heritage significance of the item, object or site and its setting,*
- (d) *whether an archaeological site will be adversely affected by the development,*
- (e) *the extent to which the development will affect the form of historic subdivisions,*
- (f) *other matters the consent authority considered relevant.*

6.54 Aboriginal places of heritage significance

- (1) *This section applies to heritage development that is-*
 - (a) *is an Aboriginal place of heritage significance, or*
 - (b) *likely to have an impact on an Aboriginal place of heritage significance.*

6.55 Archaeological sites

- (1) *Development consent must not be granted to heritage development that is on an archaeological site unless the consent authority has*
 - (a) *notified the Heritage Council of the heritage development, and*
 - (b) *considered any submissions made by the Heritage Council within 28 days after the notice is given.*
- (2) *This section does not apply to land-*
 - (a) *listed on the State Heritage Register under the Heritage Act 1977, or*
 - (b) *to which an interim heritage order under the Heritage Act 1977 applies.*

Discussion:

The works proposed to the site are subject to the approval of the Northern Beaches Council through the integrated development application process. This SOHI has been prepared to assist the Council in understanding the potential heritage impact of the works, which this SOHI has identified there will be minimal impacts to the established heritage significance of Manly Wharf.

As identified previously, the subject site does not have any identified Aboriginal heritage values or archaeological potential (Figure 40). As the works will not involve any ground disturbance (being a ground floor fitout and some external works), there will be no impacts to any potential archaeology beneath the site. It is noted that the Manly Wharf 2016 *CMP* does not identify any archaeological sites or archaeological potential.

The proposal is consistent with the conservation management policies produced for Manly Wharf as part of the *Manly Ferry Wharf Conservation Management Plan*, 2016, as discussed below.

5.5. Relevant Conservation Management Plan Policies

Only policies within the 2016 *Manly Wharf CMP* relevant to this proposal have been extracted and considered.

7.1 GUIDELINES FOR DEVELOPMENT

7.1.1 Guidelines for Development

The retail extension to the 1941 Manly Ferry Wharf should be modified to create visually separate parts and provide different architectural character. This would reduce the scale of the development and the uninterrupted horizontality of the present extensions.

New development should encourage mixed use and active street level uses at street level.

New development should locate non active uses above street level e.g. upper floor or below street level e.g. parking.

Facades should not be cluttered but simple and streamlined so as not to detract from 1941 wharf structure.

Large extent of curtain wall and mirror glass should be avoided or set back to avoid reflection.

Colours should be predominantly light.

Existing public access to the waterside internally and externally should not be reduced by any new work.

The continual Avenue of Norfolk Pines linked to original Gilbert Smith planting should be reinforced.

A sophisticated building volume which responds to the urban design controls should be developed for the site.

Scope exists for a building volume above the 10.5 limit if the volume was significantly smaller and setback from the existing building edge so that it would not be visible at close views and would merge with horizontals at distant views.

Discussion

The proposed works, most of which are on the exterior of the subject site, encourages continuing active use at street level with the introduction of the retractable awnings, and soffit mounted heaters. This ensures extended use of the subject site in variable weather conditions.

The work to the western façade, including the demolition of part of the wall to install a new door maintains the curved "welcoming arms" architectural feature. Additionally, this wall is set back under the awning and so reflection from the glazing in the door is avoided.

The proposed white colour for the retractable awnings and the painting of the timber framing retains the light colour palette of the Manly Wharf. In using this colour palette, the façade remains uncluttered and streamlined.

7.3 REQUIRED APPROVALS FOR STATE HERITAGE ITEMS

7.3 Policy - Approval

Before doing work to any part of the building or lodging a development application or a Section 60 application, the proponent should liaise with heritage architect from the relevant authority.

7.3.2 Policy - Archaeology Approval

A Section 60 application for an archaeological investigation is required prior to any excavation.

Discussion

The works are considered by a built heritage specialist to be of a minor nature due to not impacting on heritage fabric or the heritage item's significant views or setting. As such, they have not been raised with Northern Beaches Council prior to submission of the DA.

7.4 CONSERVATION OF BUILDING FABRIC

7.4.1 Policy - Fabric Conservation

No significant item identified in this plan should be despoiled and/or removed from the building prior to understanding the significance of the item and its contribution to the significance of the place.

The grading of significance of the various elements of the building is a valuable planning tool, and it assists in developing a consistent approach to the treatment of different elements. The various grades of significance generate different requirements for retention and conservation of individual spaces and their various elements.

Surviving building fabric nominated in this document as being of high significance shall be retained and conserved and shall only be considered for removal or alteration where there is no appropriate alternative. Any work which affects the building fabric or spatial arrangement graded in this category should be confined to preservation, restoration or reconstruction, as defined by the Burra Charter.

Where fabric of high significance is removed or altered a thorough recording of the original form and detail should be made. Removed items should be catalogued and stored safely for possible future reinstatement.

Fabric of moderate significance should generally be retained. Adaptation or alteration may be acceptable if assessed and appropriate within framework that protects the significance of the whole place. Surviving building fabric nominated in this conservation plan as being of little significance can be either retained or removed if required as either option does not intrude on the significance of the building.

The building should exemplify and reflect the principal period of its development from the key period of significance.

Significant fabric should be preserved. The existing building, in particular, the significant façades and building elements, should be retained.

This includes the following building elements:

The Welcoming Arms – fascia ceiling, and bulkhead,

The remnant curved sections,

The original wharf loading,

The high volume clerestory space.

7.4.2 Policy - Significance

Fabric identified in Section 5.10 having exceptional significance (A) must be retained and conserved.

Fabric identified in Section 5.10 as having high significance (B) should be retained, conserved and/or preserved where possible.

Fabric identified in Section 5.10 as having moderate significance (C) – retention and preservation is desirable but not essential.

Fabric identified in Section 5.10 as having little significance (D) may be retained or removed as required subject to practical considerations.

Fabric identified in Section 5.10 as intrusive elements (E) should be removed or modified to a less intrusive form, wherever the opportunity arises.

7.4.4 Policy - Reconstruction

Reinstatement of missing fabric, or reconstruction should only take place within the context of retention of cultural significance of a particular element and of the building generally.

7.4 CONSERVATION OF BUILDING FABRIC

7.4.4 Policy - Finishes

It is desirable that finishes never intended for painting should continue to be appropriately maintained. Investigation should be undertaken to establish whether the removal of later paint finishes is possible. Surfaces intended for painting should continue to be painted in appropriate colours. Contemporary descriptions identify the original colours. Paint scraping should occur to confirm the original colours.

Discussion

No identified significant fabric or element of the Manly Wharf heritage item will be altered in the proposal. This includes elements like the clock tower, fascia, welcoming arms and clerestory. The proposal will alter the shopfront within the western welcoming arm, which is a significant space for the wharf. However, the works only alter the non-significant and contemporary shopfront façade through minor alterations (new sliding door, repainting). The bulkhead, fascia and ceiling of the welcoming arm, which is identified as significant in policy 7.4.1, will not be altered, penetrated or physically affected by the proposal. The front façade of the wharf will continue to reflect the wharf as it was developed in the 1940s, particularly as the new additions will be sympathetically integrated (white colour painting to match façade in line with policy 7.4.4, rooftop screen of mechanical services to match similar screen on eastern welcoming arm creating symmetrical presentation to the front promenade).

7.7 INTEGRATION OF SERVICES

7.7.2 Policy - Installation of Services

The extension or alteration of existing services in the building is acceptable in the context of re-use, but should not have a detrimental impact on the significance of the building components as a whole.

7.7.3 Policy - Ventilation

Appropriate ventilation and climate control that enabled retention of long-term tenants.

7.7.4 Policy - Upgrading of services

Any proposed upgrading of services should be carefully planned. Brackets or fixings for services that are more visible and do not damage significance fabric are preferred.

Discussion

The installation of the mechanical fan and ductwork, which will be placed over the solid fuel oven, will be visually screened at the roofscape to match that screening utilised on the roof of the opposite 'welcoming arm' of the wharf. The eastern welcoming arm features a visually sympathetic screen which matches the existing roofscape (bulk, materials, colour scheme). This is proposed to be replicated above the Felons Seafood space to screen the bulky mechanical services. This ultimately will ensure the mechanical services are sympathetically introduced to the roofscape of the wharf creating a symmetrical presentation, and not have a detrimental impact on significant views towards the wharf and its roof (which contains significant elements like signage and clock tower).

Similarly, the proposed fireplace on the western façade of the building will not detriment the significance of the wharf, nor will it impact significant views of the wharf. The fireplace will introduce a low scale flue to the western façade of the wharf, which is not a significant façade of the wharf (having been altered overtime). Regardless, the flue is small in diameter and therefore will have a limited visual impact on this façade.



Figure 41: View of Manly Wharf's eastern 'welcoming arm'. Mechanical ventilation is visually screened (screen indicated by red arrow). A similar screen is proposed for the proposed mechanical services at the subject site.



Figure 42: Existing entry perspective, showing screening of mechanical services present on the eastern welcoming arm wing. Source: Little Boat Projects, D.03.151, DA2.



Figure 43: Markup of entry perspective showing proposed screening of mechanical services. Source: Little Boat Projects, D.03.151, DA2.

7.8 SETTING URBAN DESIGN

7.8.1 Policy - Urban Design

The architectural impact of the building derives from its form, facades and landmark quality. Key views of the building available from Manly Cove should be preserved. No further additions should occur to the footprint of Manly Ferry Wharf.

Given the building's location with a backdrop of higher buildings scope exists for some addition to the 1990 building in line with previous council approvals.

7.8.2 Policy - Detracting External Additions

Any new work should reduce the impact of detracting external additions. New development should be controlled so as not to detract from the significance of the place. Therefore additions to the building should be located away from and be visually separated from The Welcoming Arms.

Discussion

The proposed works do not diminish or overwhelm any significant views of Manly Wharf from Manly Cove, nor any views from East and West Esplanade, and they do not add to the footprint of the wharf. The addition of the retractable awnings and soffit mounted heaters are centred around the northern elevation of the subject site and so do not detract from the "welcoming arms". The proposed height of the retractable awnings and soffit mounted heaters are lower than the current fixed awnings, and so when viewed from Fairlight Walk or Cove Beach West the significant view towards the fascia, flat roof line and clock tower is not impacted.

7.9 EXTERIOR

7.9.1 Policy - Exterior Appearance

The overall 1941 building form should be preserved. All remaining intact fabric on significant facades, as identified in Section 5.10, should be retained and conserved. The existing form, external surfaces, materials and finishes of the façade should be preserved. It is desirable that 1941 door and window openings should be enlarged to a consistent size and maintain retention of the weather board. No new work should compromise the original significant facades.

7.9.2 Policy - Façade Modification

It is desirable that where it is necessary to modify the façade, changes to the facade should reinforce the composition of the original facade.

7.9.3 Policy - Façade Additions

Additions of little significance that detract from an appreciation of the original building detail as identified in Section 5.10 should be removed. Scope exists to modify the 1990's alterations particularly if they allow a better appreciation of the original building.

7.9.4 Policy - Façade Changes

The interpretation of the building would benefit by a better understanding of the original construction phase of the 1941 wharf and 1990 additions as modified in 2007.

Discussion

The 1941 building form is being preserved with no impact upon original fabric. Though the front and western façades of the wharf will be altered, the extent of alterations is limited to contemporary, non-significant shopfronts which do not contribute to the significance of the heritage item. The proposed

alterations include retractable awnings to provide weather protection, repainting to match existing colour palette of the wharf building, and new screening of mechanical services on the roof above the Felons Seafood tenancy. These façade additions are all considered non-intrusive and visually sympathetic respecting the significant architectural character of Manly Wharf.

7.10 INTERIOR

7.10.1 Policy - Interior Elements

Generally, the retention of the following elements and finishes described in Section 5.10 is desirable.

7.10.2 Policy - Interior Spaces

The spatial qualities of the building is large volume space contributing to its significance and interpretation and therefore should be conserved, as part of the on-going use, on-going management and any future development strategy.

7.10.3 Policy - Impact on Façade

Internal work should not compromise the significant 1941 facades of the buildings.

7.10.4 Policy - Low Integrity Interiors

As the interiors of the building have been extensively modified with numerous further modification could occur to the interior fitout. The character defined by the original interiors that create the high spatial quality of the clerestory should be preserved.

Discussion

The only internal work proposed is the installation of a new solid fuel oven, cook top and rangehood. As noted in policy 7.10.4 the interiors are of low integrity that have been extensively modified, so this proposed change does not impact upon original fabric. Their location within the kitchen space does not compromise the significant 1941 building façades.

7.11 TENANCY FITOUT GUIDELINES

7.11.1 Policy - Tenancy Fitout

All tenants of the building should be made aware of the cultural significance of the item.

Tenancies should only be selected on the basis that the proposed or future uses are compatible with the significance, and the sensitive fabric and spaces, and can be installed and removed without impact.

Background

To prevent the gradual loss of cultural significance through incremental change, a mechanism for controlling any modifications undertaken by tenants to the significant fabric needs to be established.

Guidelines

Tenants shall adopt the guidelines of this Conservation Management Policies in their planning and design.

The impact of proposed modifications to significant fabric should be adequately assessed, prior to the granting of owner's consent.

7.11.2 Policy - Incremental Changes

All incremental changes should be seen as an opportunity to recover the original significance.

Discussion

The proposal does not result in a change of use of the tenancy, instead continuing a commercial dining use that has been present within this space for decades. Historical research for this SOHI has revealed that this space was utilised as a milk bar for a number of years (1941-1990s). The continued dining use of the site under a Felons Seafood restaurant ensures this historic dining use is continued.

7.12 SIGNAGE AND EXTERNAL LIGHTING

7.12.1 Policy - Original Signage

The existing original signage should be retained.

7.12.2 Policy – Additional Signage

Investigations should occur to uncover evidence of any earlier signage.

7.12.3 Policy – Signage and External Lighting

Signs and external lighting must be consistent with the relevant signage and lighting policies of the Manly Ferry Wharf.

7.12.4 Policy – Co-ordinated Signage

Coordinated signage should be designed for the building that complements the appearance of original fabric and the overall character of the place and is sufficiently flexible to allow for changes in occupancy.

Discussion

Not applicable - the proposal does not alter, remove or impact any original signs of Manly Wharf, with no new business identification signage proposed as part of these alterations.

7.14 FUTURE USE

7.14.1 Policy - Future Use

The future use of the building should be compatible with its conservation and ideally remain as wharf with some retail activity.

The policies set out in this document should be applied irrespective of the uses that occupy the building.

7.14.2 Policy - Incremental Changes of Use

Proposed changes of use to any part of the building should only be considered in the context of a coordinated plan for the whole building.

Discussion

Not applicable - the proposal does not propose a change of use for the wharf, with the existing use of the subject site improved with the proposed alterations and additions.

7.16 ARCHAEOLOGY MONITORING

7.16.1 Policy - Archaeology Permit

In accordance with the Heritage Act 1977, any excavation where relics may be disturbed, requires an excavation permit.

7.16.2 Policy - Archaeology

All work involving excavation areas of a site that has archaeological potential should be carried out under archaeological supervision by a qualified archaeologist.

7.16.3 Policy - Archaeology

Based on the significance of the site it is the recommendation of the Conservation Management Plan that any ground disturbance on the property in the future be subject to further archaeological monitoring.

Discussion

Not applicable - the proposal does not involve any archaeological disturbance as all the proposed alterations and additions are above the ground surface. Paving at the subject site is to be demolished and replaced, however this will occur upon the existing slab.

5.6. NSW Department of Planning and Environment Guidelines

The following questions to be answered have been extracted from the NSW Department of Planning and Environment's, *Guidelines for Preparing a Statement of Heritage Impact, 2023*. Responses have been provided in relation to the proposed development.

5.6.1. General considerations when preparing a statement of heritage impact

General considerations	This proposal relates to these matters as follows:
Section 1 - The Heritage Item	
1.1 Site description ▪ <i>Is the location of the proposed works area clearly identified?</i>	▪ The subject site where the works are proposed are clearly identified in the architectural plans produced by Little Boat Projects. These drawings are identified at <i>Section 1.5 Proposal</i> .
Section 2 - Significance Assessment	
2.1 Statement of significance ▪ Is the significance of the heritage item well documented and understood? ▪ Have all the criteria of the heritage item's significance been considered?	▪ The significance of the site is well understood, with the statement of significance for the Manly Wharf heritage item extracted from both the SHR and the CMP produced for the site. These are extracted at <i>Section 4</i> of this SOHI.
Section 3 - Proposed Works	
3.1 The proposal ▪ Is there enough information available about the proposed works to determine	▪ The proposed works, as identified at <i>Section 1.5</i> of this SOHI, make clear the alterations and additions to be made to the Manly Wharf heritage item. There is enough information available to

General considerations	This proposal relates to these matters as follows:
how they may impact the heritage item and its significance?	sufficiently assess the heritage impact of the proposed works.
<p>3.2 Background</p> <ul style="list-style-type: none"> Will the proposed works be the best conservation solution for the heritage item? Will the works promote the ongoing use and upkeep of the item? 	<ul style="list-style-type: none"> The proposed works are considered beneficial to the heritage item as they: <ul style="list-style-type: none"> Do not alter or modify any significant fabric of the Manly Wharf Do not interfere with any significant views to and from the significant spaces of the Manly Wharf. Will encourage ongoing use of Manly Wharf by enabling patrons to dine at the location regardless of weather conditions.
Section 4 - Heritage Impact Assessment	
<p>4.1 Matters for consideration</p> <ul style="list-style-type: none"> <i>Do the proposed works include removal of unsympathetic alterations and additions? How does this benefit or impact the heritage item and its significance?</i> 	<ul style="list-style-type: none"> Not applicable. There are no items within the CMP identified as intrusive.
<ul style="list-style-type: none"> <i>Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated?</i> 	<ul style="list-style-type: none"> The significant setting, views and vistas of the 'Manly Wharf' heritage item are not impacted by the proposed works. Views of the significant wharf from both the forecourt and West Esplanade are not compromised or overwhelmed by the alterations and additions to the Felons Seafood space. This is because they have been sympathetically integrated, for example through screening on the roofscape, or painting shopfront elements to match the colour palette of the façades.
<ul style="list-style-type: none"> <i>Are the proposed works part of a broader scope of works?</i> <i>Does this proposal relate to any previous or future works? If so, what cumulative impact (positive and/or adverse) will these works have on the heritage significance of the item?</i> 	<ul style="list-style-type: none"> These works relate to the previous internal fit out of the subject site which had a heritage exemption. The cumulative impact of the work is positive as it ensures the on-going dining use of the subject site where patrons can view and appreciate the Manly Wharf heritage item.
<ul style="list-style-type: none"> <i>Are the proposed works to a heritage item that is also significance for its Aboriginal cultural heritage values? If so, have experts in Aboriginal cultural heritage been consulted?</i> <i>Has the applicant checked if any other approvals or a separate process to evaluate the potential for impacts is required?</i> 	<ul style="list-style-type: none"> As per an AHIMS search, there are no Aboriginal sites of heritage significance identified within the subject site.
<ul style="list-style-type: none"> <i>Do the proposed works trigger a change of use classification under the National construction code that may result in</i> 	<ul style="list-style-type: none"> Not applicable - no change of use proposed for the site in this proposal.

General considerations	This proposal relates to these matters as follows:
<i>prescriptive building requirements? If so, have options that avoid impact on the heritage values been investigated?</i>	
<ul style="list-style-type: none"> If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered? 	<ul style="list-style-type: none"> The controls of the <i>Manly DCP</i> 2013 have been extracted and considered above at <i>Section 5.3</i> of this SOHI.
<ul style="list-style-type: none"> Will the proposed works result in adverse heritage impact? If so, how will this be avoided, minimised or mitigated? 	<ul style="list-style-type: none"> The works will not result in adverse heritage impact as most works will occur in the contemporary shopfront area of the wharf which is not significant. No significant fabric is proposed to be altered. Potential visual impacts have been mitigated through sympathetic and matching screen walls on the roof, and matching painting of the façade.

5.6.2. Considerations for specific types of work

Partial Demolition

The following table addresses the proposal in relation to relevant 'questions to be answered' relating to the partial demolition of a heritage item (including internal elements).

Questions to be answered	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> Is the partial demolition essential for the heritage item to function? 	<ul style="list-style-type: none"> The partial demolition of the wall to accommodate the new entry doorway does not impact upon the function of the heritage item and is proposed within an area of the building which has previously been altered.
<ul style="list-style-type: none"> If partial demolition is proposed because of the condition of the fabric, can the fabric be repaired? 	<ul style="list-style-type: none"> The partial demolition is not in response to fabric condition but is to install a new door to improve circulation for the tenancy.
<ul style="list-style-type: none"> Are important features and elements of the heritage item affected by the proposed partial demolition (e.g. fireplaces in buildings)? 	<ul style="list-style-type: none"> No important features or elements are affected. The partial demolition of a part of the shopfront façade will not impact original fabric, but an area of the façade which has previously undergone alterations.
<ul style="list-style-type: none"> Will the proposed partial demolition have a detrimental effect or pose a risk to the heritage item and its significance? If yes, what measures are proposed to avoid/mitigate the impact? 	<ul style="list-style-type: none"> The partial demolition will not have a detrimental effect or pose a risk to the heritage item and its significance. The partial demolition will occur to a contemporary element which has undergone previous alteration. No original fabric of the heritage item is impacted.
<ul style="list-style-type: none"> Identify and include advice about how significant elements, if removed by the proposal, will be salvaged and reused. 	<ul style="list-style-type: none"> No significant elements will be removed as part of the proposal.

Alterations and Additions

The following table addresses the proposal in relation to relevant 'questions to be answered' relating to alterations and additions.

Questions to be answered	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> Do the proposed works comply with Article 22 of The Burra Charter, specifically Practice note article 22 - new work (Australia ICOMOS 2013)? 	<ul style="list-style-type: none"> The work does not distort or obscure the cultural significance of Manly Wharf, nor does it detract from the wharf's interpretation and appreciation. The works are readily identifiable as new work and do not try to mimic or imitate the significant features of the wharf.
<ul style="list-style-type: none"> Are the proposed alterations/additions sympathetic to the heritage item? In what way (e.g. form, proportion, scale, design, materials)? 	<ul style="list-style-type: none"> The proposed alterations are sympathetic to the heritage significance of the Manly Wharf heritage item as most work is occurring within non-significant spaces of the heritage item, and no significant fabric is being modified. External additions including the retractable awning and soffit mounted electric heaters are at an appropriate scale to the heritage item, sitting lower than the parapet of the western elevation. This means that they will not overwhelm or visually dominate the heritage item, particularly when it is viewed from West Esplanade. The proposed paint colour palette for the awnings, walls, timber framing of the windows and door are sympathetic to the colours of the Manly Wharf façade. The proposed mechanical ventilation on the roof will be screened through a wall which replicates a similar screen on the eastern welcoming arm. This ensures the detracting element is not visible or dominant when looking towards the roofscape of the heritage item, and creates a consistent roofscape across the front façade of the wharf.
<ul style="list-style-type: none"> Will the proposed works impact on significant fabric, design or layout, significant garden setting, landscape and trees or on the heritage item's setting or any significant views? 	<ul style="list-style-type: none"> No significant fabric, room layouts, elements or features of the historic wharf will be impacted by the proposal. Most proposed work is to occur outside of areas that were assessed in the 2016 CMP as being of heritage significance. Works to the shopfront are beneath the significant welcoming arms and do not compromise the fascia, ceiling and bulkhead. No garden or landscaping works are proposed.
<ul style="list-style-type: none"> How have the impact of the alterations/additions on the heritage item been minimised? 	<ul style="list-style-type: none"> The alterations and additions proposed will not impact the significance of the heritage item as they are designed to be sympathetic and respectful to the heritage values of the wharf and are mostly confined to non-significant shopfront façade of the tenancy. Most alterations occur at ground level contemporary shopfront. Additions to the roofscape are sympathetically integrated to not visually impact significant views of the heritage item.
<ul style="list-style-type: none"> Are the additions sited on any known or potentially significant archaeological relics? If yes, has specialist advice from 	<ul style="list-style-type: none"> N/A - the CMP for the site identified that the site does not contain any potential archaeological significance. Additionally, no ground penetrative works are included in the proposal.

Questions to be answered	This proposal relates to these matters as follows:
archaeologists been sought? How will the impact be avoided or mitigated?	

Painting

The following table addresses the proposal in relation to relevant 'questions to be answered' relating to painting.

Questions to be answered	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> Will the repainting affect the conservation of the significant fabric of the heritage item? 	<ul style="list-style-type: none"> No painting of significant fabric is proposed and the painting that will occur across the new work will have a white paint finish to match the existing heritage colour palette of the wharf.
<ul style="list-style-type: none"> Does the existing colour scheme contribute to the heritage significance of the heritage item? If yes, will the same scheme be used in the proposed painting works? If not, why not? 	<ul style="list-style-type: none"> Yes, the light colour scheme of Manly Wharf contributes to the heritage significance of the item. Historical photographs show the light colour has been retained at the wharf for decades since the 1940s development. A similar white colour scheme is utilised for the new additions.
<ul style="list-style-type: none"> Have previous (including original) colour schemes been investigated? Is an earlier scheme being reinstated? 	<ul style="list-style-type: none"> Yes, appropriate colour schemes are noted in the 2016 CMP which indicates colours should be predominantly light. Historical photographs also show light colours utilised on the exterior of the wharf.
<ul style="list-style-type: none"> Is the proposed paint type chemically compatible with existing materials? Will it affect the breathability of the heritage fabric? 	<ul style="list-style-type: none"> Not applicable. No heritage fabric is to be painted.
<ul style="list-style-type: none"> Will the existing paint finish be removed from the originally unpainted brick and stone surfaces? If not, why not? If yes, will the process for paint removal avoid/minimise damage to the fabric? 	<ul style="list-style-type: none"> Not applicable. Proposed work does not include paint on brick or stone surfaces.

New Services and Service Upgrades

The following table addresses the proposal in relation to relevant 'questions to be answered' relating to new services (e.g. air-conditioning, plumbing) and service upgrades.

Questions to be answered	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> Are any of the existing services of significance? In what way are they affected by the proposed works? 	<ul style="list-style-type: none"> No services of significance within the wharf will be impacted by the proposal, with the only services impacted being the contemporary services associated with the former Bavarian tenancy. This will be modified to accommodate the installation of a new solid fuel oven, cook top and rangehood.
<ul style="list-style-type: none"> How have the impacts of the installation of new services on heritage significance been minimised? 	<ul style="list-style-type: none"> The proposed mechanical ductwork required to accommodate the new solid fuel oven will be sympathetically accommodated through a screen

Questions to be answered	This proposal relates to these matters as follows:
	wall which will be painted to match the similar screen wall on the eastern welcoming arm.
<ul style="list-style-type: none"> Are any known or potential archaeological deposits affected by the proposed new services? 	<ul style="list-style-type: none"> Not applicable - no ground penetrations are proposed for the installation of the solid fuel oven or cook top.
<ul style="list-style-type: none"> Has specialist advice from a heritage consultant, architect, archaeologist or services engineer been sought? 	<ul style="list-style-type: none"> For the installation of the solid fuel oven and rangehood, advice has been sought from a heritage consultant and services engineer. The heritage consultant has recommended the sympathetic integration of a screen wall similar to that existing on the eastern welcoming arm.

Works Adjacent to Heritage Items or within the heritage conservation area

The following table addresses the proposal in relation to relevant 'questions to be answered' relating to works adjacent to a heritage item or within the heritage conservation area (listed on an LEP).

Questions to be answered	This proposal relates to these matters as follows:
<ul style="list-style-type: none"> Will the proposed works affect the heritage significance of the adjacent heritage item or the heritage conservation area? 	<ul style="list-style-type: none"> The proposed works will not affect the heritage significance of the proximate heritage items and HCA. The proposed changes are generally small in scale and so will not be visible from some heritage items.
<ul style="list-style-type: none"> Will the proposed works affect views to, and from, the heritage item? If yes, how will the impact be mitigated? 	<ul style="list-style-type: none"> The proposed works will have no impact to significant views of the heritage items and the HCA in the vicinity. The closest heritage items to the proposed Felons Seafood tenancy are the Governor Phillip Monument (item I248) and Park (I251). These items do not have significant views facing towards the subject site.
<ul style="list-style-type: none"> Will the proposed works impact on the integrity or the streetscape of the heritage conservation area? 	<ul style="list-style-type: none"> The proposed works will not impact the integrity of the streetscape of the Town Centre HCA (C2). The subject site is sufficiently distanced away from the HCA to not impact the character or amenity of this HCA.

5.6.3. Matters for Consideration

Fabric and Spatial Arrangements

The alterations to Felons Seafood primarily affect non-significant shopfront fabric that originates from contemporary development applications for the space within the last 30 years. The alteration of this fabric will not compromise or impact the significance of the Manly Wharf heritage item as its key features and elements (fascia, tower, sign) will be retained and unaffected.

Settings, views and vistas

The setting and significant views of the Manly Wharf will not be impacted by the proposal. This is because the proposal alters a non-significant contemporary shopfront. The significant welcoming arms above the shopfront will not be visually impacted by the proposed alterations beneath the fascia, nor will it be impacted by the works to the roofscape to accommodate the mechanical services. Works on the western façade (new soffit mounted heaters and retractable awnings) also do not visually impact the

significant welcoming arm façade, nor any significant views of the wharf afforded from the west (along West Esplanade).

Landscape

No landscaping work is proposed.

Use

Not applicable - no change of use is proposed.

Demolition

Partial demolition of a contemporary wall associated with previous restaurant fitout is proposed and to be replaced with a bifold swing door; this will not impact any significant fabric and not have any visual impact.

Curtilage

The curtilage of the Manly Wharf heritage item will not be impacted.

Moveable heritage

No moveable heritage is impacted by the proposed works.

Aboriginal cultural heritage

Not applicable - there is no known Aboriginal heritage values associated with the wharf.

Historical archaeology

Not applicable - there is no historical archaeology considered likely at the site, and there are no surface penetrating works proposed.

Natural heritage

The subject site within Manly Wharf does not have any identified natural heritage values. The natural heritage values of Sydney Harbour itself in the vicinity, but this will not be impacted by the proposal as works are entirely above the water level and no below ground surface penetrations are proposed.

Conservation areas

The subject site is not situated within a heritage conservation area.

Cumulative impacts

There are no cumulative negative impacts related to the proposed works. This work is related to the previous internal fit-out of the site for its use as the Felons Seafood tenancy. This internal fit-out underwent a heritage exemption pathway as it did not impact any significant fabric. The cumulative impact of accommodating the Felons Seafood restaurant within the wharf to the heritage item is considered minimal.

The conservation management plan

The proposed works have been assessed against the relevant policies of the *Manly Ferry Wharf Conservation Management Plan (CMP)*, produced by Architectural Projects in 2016. This assessment can be seen in *Section 6.5* of this SOHI. In general, the proposed works are all in compliance with the policies of the CMP and are considered sympathetic to the heritage values for the site.

Other heritage items in the vicinity

The proposed works will not affect the heritage items in the vicinity to the subject site. This also includes the Town Centre HCA (C2).

Commonwealth / National heritage significance

The site does not have any identified national heritage significance.

World heritage significance

The site does not have any identified world heritage significance.

6. CONCLUSION AND RECOMMENDATIONS

In conclusion, it is considered by CPH that the proposed works are deemed acceptable from a heritage perspective and are consistent with the heritage objectives and provisions of the *Manly LEP* 2013, the *Manly DCP* 2013 and the *SEPP (Biodiversity and Conservation)* 2021, as well as the relevant conservation policies contained in the *Manly Ferry Wharf Conservation Management Plan*, 2016.

Most of the proposed work is to the ground floor exterior of the former Bavarian restaurant, which is a contemporary restaurant fitout. Fabric which is to be altered to accommodate the desired Felons Seafood are contemporary fabric either associated with the former restaurant use of the space, or fabric associated with the 1990 alterations to the wharf. The replacement of this fabric with that proposed is considered acceptable as it replaces non-original fabric with fabric that is sympathetically integrated into the northern and western façades. The design of the new additions and alterations has also been carefully considered to minimise visual impact, whether the new fabric be painted in a complementary white colour or be designed to be small in scale (for example the heater flue). The mechanical exhaust / ductwork proposed for the roof will also be integrated into the roofscape through the erection of a screen wall that is similar to that which has been employed on the eastern welcoming arm roof. This will create a symmetrical presentation across the front façade of the wharf.

The works are assessed as having a minor impact on the views of the Manly Wharf heritage item. This impact is mitigated through the sympathetic design of the new alterations and additions.

We trust the above SOHI will satisfy both Heritage NSW and Northern Beaches Council's requirements for the assessment of the proposed additions and alterations to the Manly Wharf heritage item.

CITY PLAN HERITAGE

JULY 2025