



Agenda

Land Use Management Committee Meeting

Notice is hereby given that a Land Use Management Committee Meeting of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

Monday 6 September 2004

Commencing at 7:30 pm for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped to ensure the accuracy of the minutes. However, under the *Local Government Act 1993*, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:
www.manly.nsw.gov.au*

Seating Arrangements for Meetings

Staff

Staff

General
Manager

Chairperson

Staff

Minute
Taker



Mayor Dr Peter
Macdonald

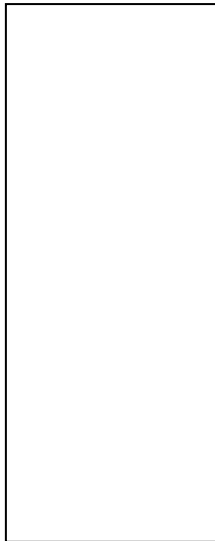
Clr Mark Norek

Clr Joanna Evans

Clr Barbara Aird

Clr Brad
Pedersen

Clr Richard
Morrison



Clr Jean Hay
AM

Clr Adele
Heasman

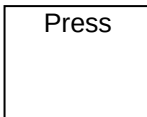
Deputy Mayor
Clr Judy Lambert

Clr Simon Cant

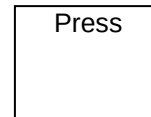
Clr David Murphy

Clr Pat Daley

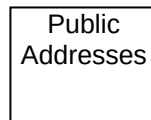
Press



Press



Public
Addresses



Public Gallery

Chairperson: Clr Judy Lambert
Deputy Chairperson: Clr Simon Cant

LAND USE MANAGEMENT COMMITTEE

APOLOGIES AND LEAVE OF ABSENCE

DECLARATIONS OF INTEREST

CONFIRMATION OF MINUTES

The Land Use Management Committee of 2 AUGUST 2004

PUBLIC ADDRESSES

SITE INSPECTIONS

A site inspection will be held at: 63 Bower Street, Manly 6 September, 2004 8:10am

ENVIRONMENTAL SERVICES DIVISION REPORTS

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CLOSED COMMITTEE ITEMS - Nil

******* END OF AGENDA *******

TO: Land Use Management Committee - 6 September 2004
REPORT: Environmental Services Division Report No. 66
SUBJECT: 63 Bower Street, Manly
FILE NO: DA94/04

Application Lodged

30 December, 2003 Amended Plans 30 June, 2004

Applicant:

Mitua Pty Ltd

Owner:

C Pollock & G Flowers

Estimated Cost:

\$500 000

Zoning:Manly Local Environmental Plan, 1988 - Residential and within
Foreshore Scenic Protection Area**Surrounding Development:**

Predominantly Residential Dwellings

Heritage:

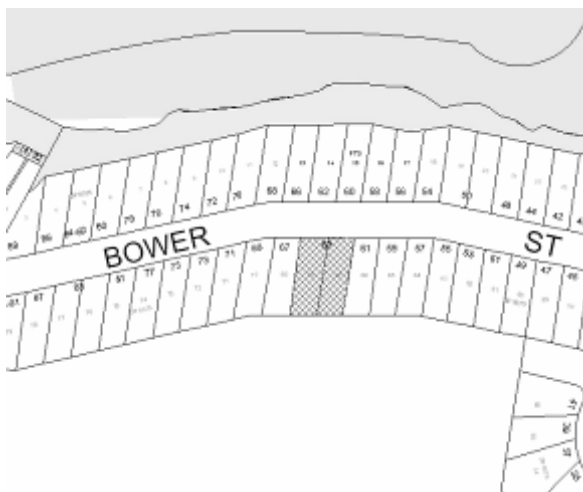
Heritage values with potential heritage significance

SUMMARY:

1. AN APPLICATION IS LODGED FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING.
2. THE APPLICATION WAS NOTIFIED AND NO OBJECTIONS RECEIVED.
3. THE APPLICATION WAS FORWARDED TO THE COMMUNITY PRECINCT FORUM AND NO OBJECTIONS WERE RECEIVED.
4. THE APPLICATION IS ASSESSED IN ACCORDANCE WITH SECTION 79C WITH PARTICULAR REFERENCE TO COUNCIL'S LOCAL ENVIRONMENTAL PLAN AND RESIDENTIAL DEVELOPMENT CONTROL PLAN.
5. THE COUNCIL'S DEVELOPMENT ASSESSMENT UNIT HAS CONSIDERED THE APPLICATION AND SUBSEQUENT AMENDED PLANS (THE SUBJECT OF THIS REPORT) AND HAS RECOMMENDED THE APPLICATION BE REFUSED.
6. COUNCILLOR MACDONALD REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE LAND USE MANAGEMENT COMMITTEE.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE FOR REFUSAL.

LOCALITY PLAN

Shaded area is subject land.

**REPORT**

Environmental Services Division Report No. 66 (Cont'd)**Introduction**

An application is received for alterations and additions comprising:

- New ground level games room, bathroom and laundry to the rear of the dwelling
- New first floor bedroom 3 and guest bed to the rear of the dwelling
- New front entrance and stairway with erection of a 'widows walk' viewing tower above
- Erection of Juliet balcony at the first floor of the front elevation
- New French door opening at the ground floor of the front elevation
- Landscaping works including pond and water feature, new steps

On 8 April 2004 the applicant was requested to provide more clarifying details in relation to gross floor space the calculation of floorspace ratio which was provided on the 23 April 2004

On 6 May 2004 the Council's Development Assessment Unit held discussions particularly in relation to the interpretation of floorspace ratio. In this regard the applicant's submission that the adjoining site (lot 68) should be combined with the subject site for the purposes of calculating site area and the floorspace ratio was not supported.

On 1 June 2004 the Council's Development Assessment Unit recommended the application be refused for the following reasons:

- The proposal is considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, and is considered to be unsatisfactory. In particular the development is not considered satisfactory under the provisions of the Manly Local Environmental Plan and Residential Development Control Plan (Section 79C(1)(a)(i)&(iii)); the likely impacts of the development (Section 79C(1)(b)); the suitability of the site (Section 79C(1)(c));
- The proposed objectives of the Manly Local Environmental Plan, 1988, are not considered to be satisfied.
- The proposal does not satisfy Council's objectives and controls under Manly Development Control Plan for the Residential Zone 2001 (Amendment 3)
- The proposed alterations and additions to the existing site are not considered to satisfy Council's Residential DCP in respect of heritage criteria as the property is identified as having potential as a heritage item. While the DCP seeks to retain and conserve properties of potential heritage significance the proposed development is not considered sympathetic in terms of the proposed bulk, height and treatment of the proposed viewing tower and garage designs.
- The proposal development does not comply with Council's Floor Space Ratio (FSR). The Council's Development Control Plan objectives in relation to floor space are not considered to be achieved.
- The proposal development does not comply with Council's controls for height. The Council's Development Control Plan objectives in relation to height are not considered to be achieved

On 25 June 2004 the applicant submitted a photomontage of the development from the street as requested for further assessment of the impact to perceived bulk and scale.

On 30 June 2004 the applicant submitted amended plans involving reductions to the proposed alterations and additions at the rear of the property and removal of a window in the proposed second floor viewing level.

Environmental Services Division Report No. 66 (Cont'd)

The applicant's amended plans and photomontage from the street was reviewed by Council's Heritage Officer who raised issues particularly in relation to the proposed 'tower' element.

On 20 July 2004 the DAU further considered the application as amended and incorporating further assessment and recommended that the previous recommendation to refuse the application remain.

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance with the numerical standards of the D.C.P. The plans assessed and reported to Council are the applicants' amended plans. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

	<u>Permitted / Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Density - Sub Zone	500sqm	695.6sqm	N/A
Floor space ratio	0.45:1	0.65:1	No
Floor space ratio - existing	0.39:1	0.39:1	Yes
Wall height west side	6.8m	9.3m (tower)	No
east side	7m	5.2- 7.5m	Yes (avge)
Roof height	3m	1.9m	Yes
Fence height			N/A
Setback Front	6m or existing	5.2m (existing)	Yes
Setback Rear	8m	12m	Yes
west setback side	2.3m	2.5m	Yes
east setback side	2m	1m	No
Open space - total	55%	53%	No
Open space - total	383sqm	372sqm	No
Open space - soft	35%	50%	Yes
Number of Endemic Trees	2 trees	>2 trees	Yes
Private Open Space	18sqm	>18sqm	Yes
Car Parking – Residents	2 spaces onsite	2 spaces onsite	existing
Threatened Species	Bandicoots	8 part test	Yes
Energy Efficient Rating ★★★★★	3.5 stars	3.5 stars	Yes

Applicant's Supporting Statement

The applicants' statement of environmental effects accompanying the application are attached

Submissions

There are no public submissions

Precinct Community Forum Comments

No comment

Engineers Comments

No objections subject to conditions

Environmental Services Division Report No. 66 (Cont'd)**Building Comments**

No objections subject to conditions

Landscape Officers' Comments

Additional/ more detailed landscape plan submitted on Council officers' request is satisfactory.

Heritage Planner's Comments

Documentation reported are Development Application Plans: DA01a to DA15a dated June 2004, prepared by Conner & Solomon Architects and received by Council on 30 June 2004. An external site inspection of the site from Bower St was undertaken.

The existing dwelling and associated structures including pool house and garage exhibit the characteristics of the inter-war Spanish Mission style and inter-war Mediterranean styles c.1915-1940. In the book "*A Pictorial Guide to Identifying Australian Architecture – Styles and terms from 1788 to the present*," 1989, Richard Apperly, Robert Irving and Peter Reynolds, Angus & Robertson, Sydney (pp 172 – 179) these styles are described as follows:

It is noted that "the Inter-War Mediterranean style is closely related to its contemporary, the Inter-War Spanish Mission style" (p.172). The Mediterranean "style avoids the more blatantly Iberian features of Spanish Mission; indeed, it often tends towards Georgian rectitude". "Brick walls are either lightly bagged or cement-rendered smooth and then lime-washed in muted tones of cream, pink or apricot. Round arches are often used for openings and loggias. Double-hung windows are generous in size with sashes divided into small panes by slender wooden glazing bars. Windows are often provided with hinged, louvered shutters for which dark green is the favored color" (p.172). The Spanish Mission style architectural features include "round-headed arches (preferably in groups of three) supported on plain heavy piers or on twisted Baroque columns; some ornamental wrought iron, painted black; half-round roof tiles (at least in prominent locations); cream-painted stucco applied to brick walls with carefully practiced roughness to simulate peon-built adobe masonry, and if possible, a little splash of colorful ceramic tile ornament in, say orange and emerald green" (p.176).

It is considered that 63 Bower St is more closely related in terms of detailing to the inter-war Mediterranean style (although the arches, terracotta roof tiling, chimneys, general asymmetrical style and the like are also typical of the Spanish Mission style) including rendered light coloured walls of pink, timber shutters (green), round arches, loggias/arched colonnades; metal balustrades to Juliet balconies and double hung windows, with sashes divided into small panes.

The proposal involves the removal of original fabric which exhibit the characteristic detailing of this style, including the windows on the front elevation, balcony, windows on the other elevations, the removal of the arched colonnades, loss of internal features which may be original and part of the architectural style. The removal of the arched doors to the garage designed in the same style as the house. The addition of a new element (tower) of a different form and style to the existing.

It is noted that most of the alterations and additions to the existing main house appear to be sympathetic to the existing style, (i.e. the design of new Juliet balconies, window detail to match the existing, including architectural detail, metal balustrades and multi-paned timber windows, roof tiles to match the existing, gutter and eaves detail to match the existing. It is considered that this approach retains the integrity of the existing dwelling and its distinctive architectural style (Mediterranean). It is considered that the proposed tower does not respect this style. It is proposed to demolish the existing loggia and part of the existing roof to accommodate this structure and its rectangular, almost 'cubist' form towers above the central courtyard and above the single storey

Environmental Services Division Report No. 66 (Cont'd)

section of the dwelling and part of the second storey which adversely impacts on the asymmetrical characteristics of the house (a characteristic of the style and a major part of the style of the existing dwelling). It is considered that the tower should be redesigned so that its width and height respects the original style of the house. It is noted that towers found on this style are not typically on domestic dwellings, but rather on larger scaled buildings, such as institutions and are of a style matching the style of the main building.

It is considered that the proposed tower is not subservient due to its scale, form and design. The width of the tower should be reduced, the height of the tower should respect the asymmetrical form and not overwhelm this characteristic, the detailing should include arched openings and the like typical of the dwelling style. Another option is not to have a roof over the look out section of the tower, so that the asymmetrical style of the house is retained, at least on the streetscape to retain the integrity of this section of the site.

Similarly, the loss of the arched detail to the rear garages will diminish the aesthetics of the garage designed in the Mediterranean style, matching the main dwelling. Plus the removal of the original detailing on the front (Bower St elevation) of the dwelling will result in a loss of the original detailing. The integrity of the whole site will be cumulatively diminished in terms of its architectural style, setting and diminish the aesthetics of the streetscape overall.

It is noted that any new work on the site can easily be identified as new on close inspection through subtle detailing, rather than by a form that diminishes the distinctive architectural style of the dwelling. It is noted that the Burra Charter (Article 22) states that "new work such as additions to the place may be acceptable where it does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation." In this regard it is considered that the place exhibits architectural/aesthetic significance in terms of its architectural style, materials and detailing. The proposed tower and changes to the rear garage in particular are considered to distort and detract from the significance, interpretation and appreciation of the place. Given that there is no existing tower on the site, imitation is not possible, however, the new work should be sympathetic in terms of siting, bulk, form, scale, character, color, texture and materials which are similar to the existing fabric.

Planning Comments

The development proposal reported are amended plans received following Council's Development Assessment Unit refusal recommendation. The amended plans have also been considered at a further meeting of the DAU at which time the recommendation remained for refusal of the application. The amended plans reduce the floorspace ratio by 33sqm at ground floor and 25.9 sqm at first floor. It is also sought to reduce the perceived bulk of the building by the deletion of glazing in the front elevation of the proposed tower.

The FSR calculation has been amended as a result of amended plans resulting in 0.64:1 (0.45:1 required). The applicant submits that the submission represents 0.55:1 fsr but has not included the garage (39.9sqm), stairs at first floor (13.5sqm), part of tower that remains enclosed (6.8sqm) and a floor cut-out void (4.6sqm).

The applicant submits that a previous approval involved a greater fsr than now proposed. Council approval has been noted by the DAU however this previous consent has expired and the current application is to be considered on its own merits against relevant planning controls..

The applicant submits the development would otherwise comply if the adjoining lot was incorporated into the site area. In this regard the adjoining site remains capable of its own future redevelopment. The owners consent for this DA also specifies that the development rights for the adjoining site (lot 68) must not be affected. Consideration of fsr 'rights' from the neighbouring site

Environmental Services Division Report No. 66 (Cont'd)

to the subject site are not supported. A variation to fsr is not considered appropriate on the basis of additional site area of the adjoining lot. In this regard the proposed variation to fsr is not supported.

The applicant concludes that the building bulk is adequately controlled in accordance with objectives with alterations and additions having a minimum effect on the appearance of the house from the street. In relation to Council's FSR objectives the proposal is particularly assessed in relation to the appropriate control of building bulk and impacts. The bulk of building is not considered to be adequately controlled, notwithstanding that additions are largely contained behind the existing front elevation. Inspections indicate the proposed tower contributes to the building bulk particularly as viewed approaching the site from the street (NW) and from a distance- Manly Town Centre (along/across foreshore). The impact of this building bulk is more than a numeric fsr variation. This structure also exceeds Council's height controls and raises streetscape and heritage concerns.

The height of the proposed additions involves a variation to the DCP of 2.5m in respect of the proposed tower element. While the applicant notes that the DCP contains separate provisions for roofs, parapets and lifts, the external walls heights of the structure remain subject to the wall height control as defined in the DCP. There are no significant amenity effects as the neighbouring site is co- occupied. The extent of the height limit remains a concern being more prominent on this western side elevation, creating an additional level and considered in conjunction with bulk and heritage issues in this report.

In relation to the tower element, Council's Heritage officer indicates the proposed tower is inappropriate on heritage grounds as detailed in comments contained in this report. A photo-montage of the building is provided by the applicant at Council officers' request. Having regard to the issues of building bulk, height and heritage the proposed tower is not supported.

The proposed design ensures no significant additional windows look directly into existing neighbours living areas.

A variation to the eastern side setback is proposed. The applicant submits that this encroachment is limited to a short wall length and is an established alignment as existing. It is agreed that this variation is considered minor.

The landscape plan has been assessed and based on additional information provided the Council's Landscape Officer advises the landscaping is satisfactory. Some variation to the area of landscaped open space are assessed and deletion of the proposed tower would result in the retention of the existing loggia space and the retention of a complying level of open space. The variation to the landscaped open space is only considered to be a concern to the extent that the proposed development results in a loss of significant open space in the front entrance courtyard. Such open space areas are a characteristic quality of Mediterranean building styles.

Shadow diagrams (additional details submitted) indicate no significant shadow impact as a result of the proposed development pursuant to the DCP objectives.

Under Clause 17 of the LEP the development is considered to have a detrimental effect on the amenity of the Foreshore Scenic Protection Area to the extent of the proposed concerns raised above. Similarly the heads of consideration under SREP 23 and the guiding principles of SEPP56 including the appearance of the development from the foreshore are considered and may be more appropriately addressed with the deletion of the tower element.

Council's Environmental Planners have undertaken section 5a assessment and their requirements/recommendations may be incorporated into an approval

Environmental Services Division Report No. 66 (Cont'd)

A bushfire protection report is submitted. Having regard to the conclusions of the report there are no objections nor special conditions sought in relation to bushfire protection.

The site is found to adjoin the St Patrick's Heritage Estate at the rear and is considered to satisfy clause 19 of the LEP in terms of adjoining heritage. However in terms of the DCP the existing site is well intact and representative of the Spanish Mission style which appears to extend to the adjoining lot with a complementary/ contemporary tennis/pool house. The proposed alterations and additions are not considered appropriate in terms of the proposed viewing tower as discussed above. Council's heritage officer has also raised concerns regarding the design of the amended garage and this aspect of the development is also considered to detract from the significance, interpretation and appreciation of the place and is not supported.

CONCLUSION:

The development is assessed under section 79C of the Environmental Planning and Assessment Act 1979. Proposed alterations and additions as amended are not supported as the development does not comply with the performance criteria of the Council's Residential Development Control Plan and is also not considered to satisfy the relevant objectives of the Local Environmental Plan and Development Control Plan.

RECOMMENDATION

The Development Application No. 94/04 for the alterations and additions to the existing dwelling at No. 63 Bower Street, Manly be refused for the following reasons:

1. The proposal is considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, and is considered to be unsatisfactory. In particular the development is not considered satisfactory under the provisions of the Manly Local Environmental Plan and Residential Development Control Plan (Section 79C(1)(a)(i)&(iii)); the likely impacts of the development (Section 79C(1)(b); the suitability of the site (Section 79C(1)(c));
2. The proposed objectives of the Manly Local Environmental Plan, 1988, are not considered to be satisfied.
3. The proposal does not satisfy Council's objectives and controls under Manly Development Control Plan for the Residential Zone 2001 (Amendment 3)
4. The proposed alterations and additions to the existing site are not considered to satisfy Council's Residential DCP in respect of heritage criteria as the property is identified as having potential as a heritage item. While the DCP seeks to retain and conserve properties of potential heritage significance the proposed development is not considered sympathetic in terms of the proposed bulk, height and treatment of the proposed viewing tower and garage designs.
5. The proposal development does not comply with Council's Floor Space Ratio (FSR). The Council's Development Control Plan objectives in relation to floor space are not considered to be achieved.
6. The proposal development does not comply with Council's controls for height. The Council's Development Control Plan objectives in relation to height are not considered to be achieved

Environmental Services Division Report No. 66 (Cont'd)

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 66 *****

TO: Land Use Management Committee - 6 September 2004
REPORT: Environmental Services Division Report No. 68
SUBJECT: 5 Sandy Bay Road, Clontarf
FILE NO: DA64/04
PREVIOUS ITEMS: 29, Land Use Management Committee (7 June 2004)

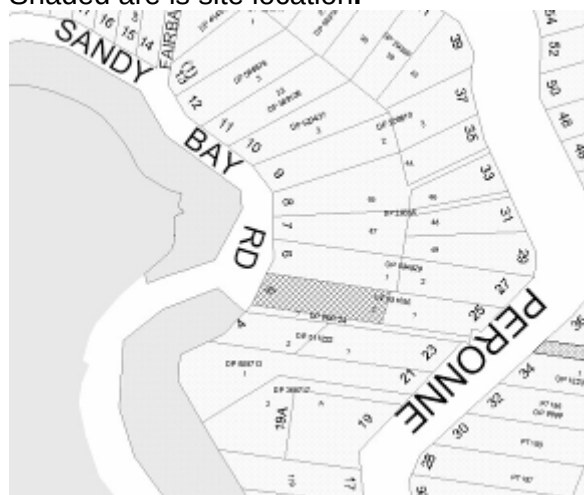
<u>Application Lodged:</u>	19 December 2003
<u>Applicant:</u>	GDB Architecture P/L
<u>Owner:</u>	Mr J and Mrs K Barker
<u>Estimated Cost:</u>	\$800,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Residential Dwellings
<u>Heritage:</u>	Within the Vicinity of the Harbour Foreshore, Which is Listed as an Item of Environmental Heritage.

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING-HOUSE INCLUDING A NEW STOREY AND A POOL.
2. THE APPLICATION WAS NOTIFIED IN ACCORDANCE WITH COUNCIL'S POLICY AND ONE OBJECTION WAS RECEIVED.
3. THE APPLICATION WAS ALSO REFERRED TO THE CLONTARF PRECINCT COMMITTEE, WITH COMMENTS RECEIVED.
4. THE APPLICANT WAS REQUESTED TO AMENDED THE PLANS TO ADDRESS SOME ISSUES RAISED BY COUNCILS PLANNING OFFICER.
5. AMENDED PLANS WERE SUBMITTED ON 27 APRIL 2004.
6. THE AMENDED PLANS WERE RENOTIFIED TO THE OBJECTOR AND THE PRECINCT COMMITTEE WITH ONE OBJECTION RECEIVED.
7. COUNCILLOR CANT REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE LAND USE MANAGEMENT COMMITTEE.
8. THE APPLICATION WAS CONSIDERED BY COUNCIL AT ITS LAND USE MANAGEMENT MEETING OF 7 JUNE 2004 WHERE THE MATTER WAS DEFERRED.
9. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

LOCALITY PLAN

Shaded are is site location.



Environmental Services Division Report No. 68 (Cont'd)**REPORT****Introduction****Property Description**

The subject property is located on the eastern side of Sandy Bay Road opposite Sandy Bay. The site is roughly rectangular in shape with a frontage of 15.6 metres and depth of about 56 metres resulting in a site area of about 850m². The site slopes steeply from south-east to north-west (from the rear to the street) with cross-fall of about 20 metres. It is legally described as Lot 2 in Deposited Plan 531050.

The street includes a variety of larger scale detached dwelling houses of differing styles and designs. All are oriented with living areas and balconies to the west and south-west to take advantage of the views of Sandy Bay and Middle Harbour. Immediately to the south of the site is No. 4 Sandy Bay Road which is a two storey brick and tile residence. It includes a large terrace and pool at the front of the premises and due to the slope of the land, is elevated above the subject site. To the north of the site at 6 Sandy Bay Road is a two storey masonry and timber residence which is situated below the subject premises.

Currently on the subject property is timber dwelling of a pole frame construction that creates a substantial undercroft which is used for vehicle parking. Open space areas include a paved terrace at the rear of the site and balconies at the front and side of the premises. The rear yard is heavily vegetated and virtually inaccessible. A small garage exists at the front of the site, but due to its orientation, is difficult to access and is used essentially as a storage shed.

The Proposal

Approval is sought to demolish much of the existing improvements and carry out extensive alterations and additions to create a three level dwelling house and a pool. The dwelling would include a two car garage and entry at the lower ground floor level; a range of living areas, kitchen, bathroom and laundry on the ground floor, four bedrooms, study and two bathrooms on the first floor; and two additional bedrooms at the second floor. A range of materials and finishes are proposed including timber cladding, face brick and cement rendered walls, as well as metal deck roofing. Windows and doors will have timber frames and balustrades will be steel and glass as well as masonry. A lap pool is proposed along a portion of the north side of the dwelling on a 1.957m side boundary setback.

History

The application was presented to Council's Land Use Management Meeting of 7 June 2004 with a staff recommendation for approval subject to conditions (copy attached). Following a site inspection by Council and consideration of the application Council resolved as follows:

"That Development Application No.64/04 for alterations and additions to the existing dwelling including new storey and pool at 5 Sandy Bay Road, Clontarf be deferred for consideration of:

1. Appropriate setbacks of Deck 1 and 2
2. Removal of the third storey in the northwest section of the rear.
3. Pool relocated to the rear of the property
4. A dilapidation report on adjoining properties"

The applicant has responded with revised plans and a written submission (copy attached).

Environmental Services Division Report No. 68 (Cont'd)

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance (most recent plans) with the numerical standards of the Residential D.C.P. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

	<u>Permitted/ Required</u>	<u>Previous Proposal</u>	<u>Current Proposal</u>	<u>Complies Yes/No</u>
Density - Sub Zone 7	1 dwelling / 1150m ²	1 dwelling / 852m ²	1 dwelling/ 852m ²	n/a – as existing
Floor space ratio	0.4:1	0.39:1	0.39:1	Yes
Floor space ratio - existing	0.4:1	0.28:1	0.28:1	Yes
Wall height North side	8 metres	Up to 10 m	Up to 10m	No
South side	7.75 metres	Up to 7.6m	Up to 7.6m	Yes
Roof height	3 metres	1.1 m	1.1m	Yes
Setback Front	6 metres	9 m	9m	Yes
Setback Rear	8 metres	23 m	23m	Yes
North setback side	1.5 – 3 metres	1.2 – 3.6m	1.5 – 4.2m	Yes
South setback side	1.7 – 2.5 metres	2 – 5.9 metres	2 – 5.9m	Yes
Pools Side Rear	1m to concourse 1.5m to waters edge	No concourse 1.2m to overflow 1.9m to waters edge	No concourse 1.9m to waters edge (overflow deleted)	Yes
Pool height above ground	1.78m previous 1.95m current	1.7m	1.95m	Yes
Setback to Foreshore	15 metres min	Over 15 metres		Yes
Open space - total	70% of site	78%		Yes
Open space - total	596m ²	667m ²		Yes
Open space - soft	50% of total open space	57%		Yes
Open space - above ground	<25% of open space	13%		Yes
Number of Endemic Trees	4	More than 10		Yes
Private Open Space	18m ²	36.6m ²		Yes
Car Parking Residents	2	2		Yes

Applicants Submission

The applicant has made revisions to the plans and submitted as follows:

Swimming pool – the overflow weir to the northern edge has been deleted and a wall 1.2m high above the water level proposed.

Comment – The proposed swimming pool meets the numeric requirements of the Residential DCP, the revision will reduce potential noise impacts on the adjoining property to the north. The applicant has not relocated the proposed pool to the centre of the rear of the property as indicated in Council's resolution of 7 June 2004. The applicant advises that relocation of the pool is not viable and that relocation will make no difference to the aural amenity of the adjoining property owners. Further the applicant comments that geotechnical instability of the

Environmental Services Division Report No. 68 (Cont'd)

site in this area would make building of the pool in this area difficult and that a pool at the rear of the dwelling would have much less amenity for the owners.

Deck 2 side setback increased 240mm.

Comment – the deck now stands 1.5m from the north side boundary and complies with the 1/3rd height requirement of the residential DCP. The applicant states that Deck 1 is an existing deck and a 1.0m wide return section along the northern side of the existing dwelling is to be removed therefore privacy impacts will be less than that currently existing.

Rear terrace planter width increased.

Comment – the revision will allow additional landscape planting at the eastern end of the pool.

Master Bedroom terrace reduced in northern extent to align with dwelling wall and privacy screen proposed.

Comment - The reduction and screening will reduce potential privacy impacts on the adjoining property.

Roof overhang to north of the living room has been reduced 320mm.

Comment – The reduction will lessen visual height and scale to some degree, when viewed from the street and adjoining property to the north.

Privacy screen provided to stair void.

Comment – the screen will reduce visual privacy impacts on the adjoining property to the north.

Obscure glass provided to north eastern window Bedroom 1.

Comment - the window treatment will reduce visual privacy impacts on the adjoining property to the north.

Highlight windows provided to Bedroom 2.

Comment - the window treatment will reduce visual privacy impacts on the adjoining property to the north.

Level 2 and level 3 rear areas have been setback a further 0.9m from the north side boundary.

Comment – whilst the revision assists in reducing impacts on the amenity of the adjoining property to the north, the applicant has not revised the proposal to delete the third storey (level 3) as indicated in Council's resolution of 7 June 2004.

North facing windows to proposed Bedroom 3 now glazed with obscure glass.

Comment - the window treatment will reduce visual privacy impacts on the adjoining property to the north.

Full height north facing windows to the lounge room reduced in area with 1.0m sill height and 0.6m window height.

Comment - the window treatment will reduce visual privacy impacts on the adjoining property to the north.

The applicant has agreed that a dilapidation report on adjoining properties should be carried out, however the applicant requests that the report be required by way of condition of Consent and submitted prior to issue of the Construction Certificate.

Comment – this approach is considered reasonable in the circumstances.

Environmental Services Division Report No. 68 (Cont'd)**Submissions**

The revised plans were notified to nearby and adjoining property owners with one objection received from P Caffin of No.6 Sandy Bay Road (adjoining to the north of the subject land). The submission raises the following concerns:

- Certain changes were required by Council, these have been generally ignored.

Deck 1 no change still non compliant. Deck 2 setback increased but still non compliant.

Comment – Deck 1 is existing and Deck 2 has been reduced to comply with setback requirements of the DCP.

Third storey remains the same and at the same height.

Comment. – the third storey remains however the north side setback to this part of the building has been increased.

Pool location unchanged non compliant with DCP.

Comment – the pool design has been revised and now meets the numeric requirements of the Residential DCP.

Setback to north side balcony to Master bedroom to align with northern wall and balustrade to be reduced to coincide, no change.

Comment – plans show the balcony aligns with the northern wall of Bedroom 1.

Windows along northern elevation Bedroom 3 to be highlight type, remain unchanged.

Comment – the windows to Bedroom 3 are highlight windows.

Privacy and amenity issues remain.

Northern elevation does not show ground level at the side boundary thus diminishing the apparent height of the terrace retaining walls.

Concurrent DA No.572/03 for landscaping works on the subject site concerns include 2.0m high retaining wall on northern boundary, 0.9m setback as per DCP not provided.

Terrace and retaining walls over stormwater and sewerage easements.

Privacy intrusion wall 2.0m high and 4.6m above our deck.

Comment – Council Policy does not permit building over drainage easements. A 1.065m wide drainage easement runs inside the subject property and adjoins the north side boundary. Should Council decide to grant consent for this proposal it is recommended that a condition be included to position any retaining wall or other structures clear of the drainage easement. This will also reduce impacts on the amenity of the adjoining property particularly in terms of visual privacy and comply with the DCP requirements regarding setback. Building over the sewer is permitted by the relevant authority (Sydney Water) under certain circumstances and this is not a matter for Council under Section 79C of the Environmental Planning and Assessment Act 1979.

Planning Comments

The proposal generally complies with the numeric requirements of Council's Residential DCP. The only variance relates to the wall height north side and comments of the previous report to Council in this regard remain applicable as follows:

Environmental Services Division Report No. 68 (Cont'd)*Building Height:*

The proposed development mostly complies with the height controls of the DCP. One corner of the three storey rear section exceeds the maximum external wall height by up to 40cm. The deviation from Council's control is considered minimal. The proposed boundary screen planting will soften the appearance of the structure from the neighbouring premises, and the structure is considered to be less visually imposing than a complying structure with a higher roof.".....

"The north-west corner of the dwelling also deviates from Council's height control to a much more significant degree. As previously discussed, the applicant amended the plans in response to concerns raised by Council officers by reducing the size of the second floor, and this has reduced the degree of non-compliance with the building height controls. However, the northwest corner of the dwelling still exceeds Council's height control by up to 1.8 metres in one section. The non-compliance with the control is largely result of the existing large undercroft area and two-way cross-fall of the landform. The deviation from Council's controls is considered acceptable and complies with the objectives of the DCP in this circumstance because:

- It is not considered to result in any significant streetscape affects as discussed below, and the height and bulk of the building will appear to be consistent with the existing character of the street;
- It will not result in any significant loss of views;
- It will not result in any shadowing impacts;
- It is not considered to result in any significant privacy impacts as discussed below; and
- It is not considered to result in any significant visual impacts, to the neighbouring premises because top storey is setback about 1.8 metres from the lower storey and therefore the non-complying section of wall appears to recede visually."

The applicant has chosen not to revise the proposal as described in Council's resolution of 7 June 2004. However, a number of revisions have been made to the proposal to alleviate concerns in respect of aural and visual privacy and visual impact, as discussed above.

The proposed landscaping of the rear yard (see DA 572/03) and proposed retaining walls shown on both DA 572/03 and the subject applications are considered acceptable subject to condition requiring any fill and/or retaining walls/structures to be positioned a minimum 1.0m from the side boundary with suitable landscape screen planting being provided between the structure and the side boundary.

Having regard to all the circumstances it is considered that the proposal is acceptable in terms of its impact on the amenity of adjoining public and private land. Accordingly the application is recommended for approval subject to conditions.

CONCLUSION:

The proposal has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan, 1988, the Development Control Plan for the Residential Zone 2001, and other relevant controls. It is considered that the application adequately meets the aims and objectives of the LEP and the DCP and therefore can be supported.

Environmental Services Division Report No. 68 (Cont'd)**RECOMMENDATION**

That Development Application No. 64/04 for the alterations and additions to existing dwelling including new storey and pool at 5 Sandy Bay Road, Clontarf be approved, subject to the following conditions:

1. This approval relates to drawings/plans No. DA-001 – DA008 All Issue C dated July, 20043 and received by Council on 13 July, 2004.
2. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$10,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, **at least 7 days prior to the commencement of any work on site.**

3. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
4. Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.
5. Details of the builder's name and licence number contracted to undertake the works shall be provided to Council **prior to issue of the Construction Certificate.**
6. Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council **prior to issue of the Construction Certificate.**
7. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.
8. Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.
9. A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

10. All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

Environmental Services Division Report No. 68 (Cont'd)

11. Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.
12. A Certificate of Adequacy signed by a practicing Structural Engineer is to be submitted to the Principal Certifying Authority in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate**.
13. Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.
14. The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.
15. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
16. The implementation of adequate care during building/construction/excavation/demolition to ensure that no damage is caused to any adjoining properties.
17. An adequate security fence, is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.
18. Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application/**prior to the issue of the Construction Certificate**.
19. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
20. All demolition is to be carried out in accordance with AS2601-1991.
21. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
22. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
23. An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.
24. Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.
25. **Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control

Environmental Services Division Report No. 68 (Cont'd)

detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**

26. A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site.**
27. The works require the following inspection/certification during the course of construction:-
 - Silt control fences
 - Footing inspection - trench and steel
 - Reinforced concrete slab
 - Framework inspection
 - Wet area moisture barrier
 - Drainage inspection
 - Driveway crossing/kerb layback
 - Final inspection

The cost of these inspections by Council is \$603. (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.**

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$80.00.

28. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
29. All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.
30. In the event that de-watering of the site becomes necessary, the discharge of waters to Council's Stormwater System is to be to the satisfaction of the Principal Certifying Authority and the Environmental Protection Authority and shall be in accordance with the Protection of the Environment Operations Act 1997.
31. Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practicing Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority **prior to the commencement of framework.**
32. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
33. Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
34. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.

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35. The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land.

The measures must include:-

- (i) siltation fencing;
 - (ii) protection of the public stormwater system; and
 - (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.
36. Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays.

Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

37. All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.
38. The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.
39. An approved Resuscitation Notice is to be erected in a prominent position in the immediate vicinity of the swimming pool and kept current at all times.
40. The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which:
- (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and
 - (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.
41. All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.
42. All protective fencing and gates are to be in accordance with Australian Standard 1926 **prior to the pool being filled with water**. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.
43. Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

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44. **Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".
45. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
46. Roofwaters and surface waters from hard surface areas of the property shall be collected and discharged to Council's drainage system.
47. Amended landscaping plans showing two (2) Acimena Smitnii of 75 litre stock located within the front setback shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.
48. Waste Management Plan is to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.
49. Compliance with the recommendations contained in the Geotechnical Engineers GeoEnviro consultancy Job No JG03515A dated December 2003.
50. Any fill and/or retaining walls/structures are to be positioned a minimum 1.0m from the side boundaries and be restricted in height to a maximum 2.0m above natural ground level at any one point, plans being suitable amended **prior to the issue of the Construction Certificate**.
51. Existing ground levels are to be maintained within 1.0m of the north side boundary, plans being suitable amended **prior to the issue of the Construction Certificate**.
52. Provision of landscape screen planting to the north side boundary, adjacent to the dwelling and any elevated ground levels at No. 5 Sandy Bay Road, landscape plan being amended accordingly **prior to the issue of the Construction Certificate**.
53. The eucalyptus tree adjacent to the north east corner of the dwelling is to be retained and protected during construction/site works.
54. The trees to be retained are to be protected from trenching or excavation works or other construction works during the building construction stage. A security bond for \$5,000. is required to ensure that the trees are protected during the construction stage. The security bond may be in the form of a bank guarantee which must be lodged with Council **prior to issue of the Construction Certificate**.
55. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

ATTACHMENTS

There are no attachments for this report.

LUM060904ESD_68

***** End of Environmental Services Division Report No. 68 *****

TO: Land Use Management Committee - 6 September 2004
REPORT: Environmental Services Division Report No. 69
SUBJECT: Manly Wharf Upgrade
FILE NO: DA49/04

Application Lodged: 30 January 2004.
Applicant: NSW Department of Commerce
Government Architects Office
Owner: Waterways Authority
Estimated Cost: \$7,000,000
Zoning: W1 General Waterways, Under SREP No.23 and W2 under draft SREP (Sydney Harbour Catchment), SEPP No.56 and Council's Manly Cove Policy applicable
Surrounding Development: Manly Cove Public Transport Facility and Recreation Open Space, Multi Storey Commercial and Residential Buildings opposite in East and West Esplanade
Heritage: Yes – Listed under MLEP (Façade and street returns only) and State Heritage Register

SUMMARY:

1. COUNCIL IS IN RECEIPT OF AN APPLICATION FOR ALTERATIONS AND UPGRADE WORKS TO THE OUTER PORTION OF THE WHARF FACILITY.
2. THE APPLICATION WAS NOTIFIED TO NEARBY PROPERTY OWNERS WITH SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO APPROPRIATE EXTERNAL AUTHORITIES FOR COMMENT.
4. THE APPLICATION WAS REFERRED TO THE CORSO PRECINCT COMMUNITY FORUM FOR COMMENT.
5. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

LOCALITY PLAN

Shaded area is subject land.



Environmental Services Division Report No. 69 (Cont'd)**REPORT****Introduction**

Council received the subject application on 14 January 2004. Approval is sought to carry out alterations and upgrade works to the outer wharf. This part of the wharf is under State Transit Authority leasehold and is the operational area of the wharf in terms of ferry and jet cat services. The work proposed is described as maintenance and repair, reversal of previous interventions, upgrading of Jet Cat berthing, upgrading of passenger waiting and embarking areas and provision of new ticketing and staff amenity facilities. The applicant has described the proposed changes in detail:

To peel away the clutter of the wharf to reveal and enhance the character and industrial atmosphere of the original wharf building. Processes will involve analysis of the original wharf fabric, repair where required and replacement as needed. The intent is to retain the heritage fabric and structure where possible with new elements being inserted within a simple coteremporary palette so that the significant aspects of the wharf at various stages of its history are distinct and recognizable.

To open the wharf up visually for views to and from the water. Waiting areas will be enclosed with glass walls supported by lightweight steel frame fixed to the deck level. Suspended roofs free of the original wharf structure will provide shelter to the waiting areas on the east and west sides of the wharf. Raised and cantilevered steel framed roof will provide weather protection over the new ramp and pontoon system giving access to the Jet Cat. All balustrades outside of operational areas will be glass to enhance views to the Harbour.

The unnecessary hydraulic ramp and access ramp on the east side of the wharf will be removed to open up the spatial quality of the wharf and facilitate better vision throughout the wharf. The hydraulic ramp and access ramp/stair for the Manly Ferry will remain. These will be improved with solid cladding below the ramp/stair and glass balustrades above the ramp/stair.

Construction of a combined ticket, control/revenue office, mess room and staff amenities facility on the east side of the outer wharf. The amenities have been so planned to provide an access corridor along the original east façade and also locate services away from the wall so as to minimise damage to the original fabric. The height of the amenities block has been reduced so that it sits within the existing wharf heights and structural framework. This enables the original fabric of the wharf to be seen and appreciated. Horizontal timber slats fixed to the western side of the amenities block will reinterpret and reinforce the aesthetics of the original wharf.

The raised roofs over the hydraulics ramping system are to be lowered. This is to reduce the bulk and massing of the existing roofs when seen from the water or surrounding Cove. It will further allow the inherent horizontality of the original building to be appreciated. Roof on the east side will be removed and the building façade rebuilt to parapet level. Clerestory windows surrounding the central ramp will although modified in height will be retained to provide natural light within the wharf.

Finishes and colours will complement those used at Circular Quay but have slight variations to reflect qualities appropriate for the Manly Wharf and respect aspects of the retail part of the wharf recently upgraded."

Statutory Planning Assessment

Manly Wharf is located outside the boundaries of Manly Council and as such Manly Local Environmental Plan and Manly Development Control Plans do not apply to the proposed

Environmental Services Division Report No. 69 (Cont'd)

development. Manly Council is the consent authority under the provisions of Sydney Regional Environmental Plan 23 – Sydney and Middle Harbour (REP 23). Along with State Environmental Planning Policy No. 56 (SEPP56), it is the applicable environmental planning instrument for consideration under s79C of the Environmental Planning and Assessment Act. The proposal is also assessed against Council's Manly Cove Policy, as well as other relevant matters for consideration under Section 79C:

Submissions

One objection was received in response to Council's notification of the application from Urbis JHD on behalf of TMG Developments. A copy of the submission is attached. Briefly, the concerns raised are as follows:

The proposal does not appropriately reinforce or respond to the significance of Manly Wharf as a major transport interchange

The proposal does not comply with clause 14 of SEPP 56 in that a master plan has not been prepared for the land a waiver has not been granted by the Minister to date.

Request further consultation with TMG including consideration of the concept proposals that were discussed with Waterways, State Transit and TMG.

Precinct Comments

The Corso Precinct made the following comment:

"This DA is for an upgrade of the ferry terminal section of Manly Wharf. The precinct believes that this application has implications for not just The Corso Precinct but for the whole of Manly and the peninsula. The precinct requests that a public presentation be made by the applicant. Plans including pictures and models be put on public display at Manly Wharf with representatives from the applicant on hand to answer questions. We also recommend that feedback forms be provided at this display."

Comment: The applicant has provided detailed plans and photomontages which were available for public inspection at Council and the Library.

Building Comments

The application was referred to Council's Building Surveyor and no objection is raised to the proposed development in terms of compliance with the Building Code of Australia. Appropriate conditions are recommended to be imposed on any consent granted.

Engineers Comments

The application was referred to Council's Development Engineer who raises no objection to the development with the inclusion of one condition.

Heritage Comments

The application was referred to Council's Heritage Officer who advises:

Documentation Received:

Manly Wharf Statement of Heritage Impact, December 2003, Report #03/42, prepared by The Government Architects Office, NSW Department of Commerce. (SHI)

Environmental Services Division Report No. 69 (Cont'd)

Statement of Environmental Effects prepared for Waterways Authority by NSW Department of Commerce Governments Architect Office dated 12 January 2004 and received by Council on 14 January 2004. (SEE)

Development Application Plans numbered DA01 to DA16, dated February 2004 prepared by the Government Architects Office for the Waterways Authority.

Proposal:

The proposal involves that part of the wharf with the STA wharf lease, which comprises the southern part of the wharf containing the ferry and jet cat passenger operations to the south of all the retail activities in the wharf structure as shown on the Development Application plans (DA02). The SEE refers to this area of wharf as the 'outer wharf'.

The applicant Statement of Heritage Impact, page 39 & 40 states that 'the scope of the proposed works' contained within this application includes the following:

- * The reinstatement of elements of the original Baldwinson designed ferry wharf superstructure and the removal of some later unsympathetic accretions.
- * The instigation of the essential catch-up maintenance of the ferry transport wharf terminal superstructure especially the remaining original fabric.
- * The inclusion of new elements to enhance the experience, convenience, comfort, safety and management of passengers to and from ferries.
- * The provision of upgraded facilities for ferry services staff.
- * The upgrading of emergency and other services.
- * Work below deck level is not addressed in this report.'

An important part of the proposed works is to undertake catch-up maintenance to the significant fabric of the wharf superstructure including the repair and treatment of the steel structure against the corrosive maritime environment, reforming the copper roofing and the repairs, protection and repainting of the timber framed and clad walls.

Repair and restoration of the coloured galls windows where damaged is to be included.

The repair of the timber decking floor and reestablishment of a continuous floor finish is important.'

'Another important part of the proposed work is the reversal of previous interventions. Almost without exception, all interventions which have occurred at Manly Wharf since completion of the original 1940's building, whether large or small scale, have tended to be intrusive, unsympathetic and out of character with the original design.'

'This project, to upgrade passenger facilities, presents an opportunity to reverse some of these actions and to reinforce the qualities of the original design, at least in the passenger wharf area of the structure.'

'The upgrading of emergency and other services has yet to be designed, and will need to be integrated with the structure in a manner sympathetic to its heritage significance.'

The work is proposed to be staged due to the maintenance of ferry activities throughout its normal operating hours.

Heritage Item:

Environmental Services Division Report No. 69 (Cont'd)

The subject site is listed as an item of environmental heritage under the NSW State Heritage Register and is also located in the vicinity of heritage items listed in the Manly LEP 1988. The wharf is also listed on the S.170 NSW State agency heritage register and SREP 23.

The application has been referred to the NSW State Heritage Office and Council.

It is noted that the Manly Council Heritage Committee have commented on the proposal and their comments are on the file.

Items in the vicinity include:

- The Corso
- Manly Wharf entrance
- Street Trees in the Corso
- East Esplanade Reserve
- Philip monument
- Stone kerb, East Esplanade
- Stone wall, West Esplanade

The proposed works are not considered to have an adverse impact on the heritage items in the vicinity due to the separation of the subject site from these items and the nature of the works proposed.

Statement of Significance for Manly Wharf:

"Of environmental significance as a visually prominent man-made feature. Of historical significance for its association with the maritime activities at Manly, as a tourist destination and suburb of Sydney, dependant on the ferry link to the CBD. 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" (State Heritage Register 11 April 01, www.heritage.nsw.gov.au).

In addition to the above statement the applicant has provided a statement of significance based on the updated NSW Heritage Office criteria for assessing significance. It is stated that the Manly Ferry Wharf has high historical, aesthetic and social significance, exceptional associational significance, high significance as a rare surviving modernist style working wharf, the wharf has moderate significance to demonstrate the development of Sydney coastal resorts from the early days of settlement, and is representative of a class of structures built for industrial and maritime purposes around Sydney Harbour. The applicants summary statement of significance is: 'Manly Wharf is of heritage significance as a visually prominent man-made feature of Manly Cove of historical significance for its association with maritime dependent activities at Manly, which have contributed to its development as a suburb and as an important recreational destination, and for its design by the significant and influential Modernist architect, Arthur Baldwinson. It is highly esteemed by local residents and visitors as a landmark structure with strong identity to the locality and to Sydney Harbour, and as an important transport interchange.'

Comments:

The proposal to maintain and repair the wharf is supported. The proposal to remove previous unsympathetic intrusions to the wharf, such as the 1981-82 two storey ferry wharf roof structure and internal ramps is also supported subject to the reinstatement and reconstruction of the original wharf roof and parapets, based on the physical and photographic evidence available on the original wharf structure. Specific comments have been provided below on the proposed works as detailed in the SHI.

1. Relocation of current ticketing facilities/offices:

Environmental Services Division Report No. 69 (Cont'd)

The proposed pod design and location of the new ticketing facilities and offices is accepted given the benefits of the opening up of the ferry providing a closer resemblance of the early wharf design and opening up of the majority of the wharf to the public and greater appreciation of and understanding of the original design is proposed. It is noted that the pod design is only 2.7m in height, the exterior appearance of the eastern windows is retained, and the pod is removable and the new materials are sympathetic to the original. Photographs of the interior of the wharf are required prior to this work. The recommendation of the applicant that 'the final detail of the proposed service duct cupboards are to be recessed further behind the adjacent curved return' is to be incorporated into any recommendation for approval.

2. Removal of half of access ramp facilities:

Agree with the applicants statement regarding the positive impacts of this proposal which will reinstate part of the original design of the wharf, plus the opportunity to reinstate the timber walling and parapet above the jet cat passenger embarking and disembarking area opening and the original roof profile which will enable the re-establishment and appreciation of the continuity of the unbroken horizontal Modernist lines of the structure's original eastern roof line. This reinstatement and reconstruction of the original roof and parapet is a requirement of any recommendation for approval.

3. Portal frames:

The proposed in-situ repair, protective treatment and repainting of the existing and original portal frames is supported. It is noted that "two portal frames were removed and minor support frames installed to accommodate the insertion of the two A-frame hydraulic ramp lifts in 1981." It is required that the portal frame on the eastern side be reconstructed based on existing detail and reinstated on the eastern side of the wharf where the A-frame hydraulic ramp lift is being removed. It is also stated that "five of the remaining nine portal frames had their centre leg removed to accommodate the ramps, stairs, and hydraulic gangways. These works required that the portal frames be supplemented with a square hollow section tube structure." These portal frames are to have their centre leg reconstructed and reinstated particularly on the eastern side of the wharf where the ramps, stairs and hydraulic gangways are being removed. Details of these conservation works are to be provided to Council prior to commencement and no new additions are to be attached to the portal frames.

4. Lowering of the raised clerestory roof above the passenger ferry access on the western side of the wharf and construction of a revised lower roof structure.

Removal of the A frame and hydraulic lift on the eastern side of the wharf is supported and the revised lower height clerestory on the western side is also supported due to the reduced impact of the raised roof over the ferry access ramp. It is also considered that the owners should investigate the future reinstatement of the original wharf roof on both sides.

The materials proposed on the roof of the new clerestory are proposed to be copper roofing, which is stated to be the original roof material and as such is supported.

It is stated that minor structural adjustments will be necessary to lower the revised clerestory windows on the roof, however no details are provided and no assessment of their impact is provided. This detail is required prior to issue of the construction certificate.

5. Changes to stairs and ramp balustrade:

No objection to the proposed removal of the existing unsympathetic Ballustrading and handrails which will improve the appearance of the wharf space.

Environmental Services Division Report No. 69 (Cont'd)**6. Replacement of wind break screens and awnings and new canopies:**

"The existing screens and awnings to the passenger embarking and disembarking areas are to be removed and replaced with new glass screens and canopies. The proposed new screens comprise 3 large louvers 800-1000mm high between metal supports. On the western façade the screen is proposed to be constructed on both sides of the ferry loading ramps. On the eastern façade the screen is proposed to extend across the whole of the public area to account for the configuration of 2 ramps, which will provide separate embarking and disembarking access for the smaller jet cat ferries. The new concept doubles the area of enclosed wharf apron space available for passenger waiting. Stainless steel palisade gates will be installed at each end of the screened areas on the Wharf aprons to allow for emergency access/egress."

"The existing sloping white sail awnings will be replaced with horizontal, thin profile canopies set below the head of the openings either side of the ferry wharf and within the portal column grid. These canopies are to be clad in matching ribbed copper on top and painted fibre cement sheet on the soffit. They are to have a very narrow profile, which will be painted." Dimensions of this profile are required. "The canopies are to be inserted between portal frames, supported by tie rods, which will be tied back into the original fabric of the wharf parapet. The location of the tie rods needs to be reviewed to ensure adequate strength in the parapet to support the canopies." This detail should be provided.

It is also proposed that "the canopies will be linked to each other by a glazed strip of roof to provide a continuous weather proof cover while reinforcing the articulation of the portal grid behind. The horizontal supports for the canopies are proposed to extend 500mm into the internal wharf space and provide up-lighting of the roof space. The canopies on the eastern facade are required to extend beyond the existing wharf apron to protect passengers on the new floating ramps giving access to the jet cat. They will need to be supported at mid span by slender posts along the screen alignment."

It is stated that "the proposed screens are 2.7m high and although transparent will have a significant obscuring impact across the wharf breezeway, which was a major feature of the original wharf design. They will also obscure the external view of the curved ribbed return either side of the openings, and will interrupt the horizontal line of the side elevation of the wharf. The proposed canopies and screens would allow no passenger waiting areas open to the weather once passengers pass through the turnstiles."

The photomontages dated 2 December 2003 sheet 3, 4, 5 and 6 illustrate the proposed glass 'wind breaks' and new canopies. It is considered that although an impact the new works are readily identifiable, minimalist and low in profile enabling the original wharf structure to remain dominant and readable. In addition the new canopies have a less obscuring effect than the existing. The new works are also reversible. It is also noted that the continued use and longevity of the wharf will be improved. Given the above circumstances the new canopies and glass areas are accepted.

It is also stated that "the tie rods which tie the canopies back to the wharf parapet, impact on the original fabric of the parapet". It is requested that the applicant provide detail on how the impact on the significant original fabric will be mitigated.

7. Passenger organization:

With the removal of the eastern side of the ramp and stairs and associated unsympathetic works, the ticket barriers and passenger flow in the wharf will be changed. There is no objection to the location of the new ticket barriers.

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The current passenger control fencing is to be replaced with clear glass barriers and Ballustrading, with stainless steel trim and fixings, which will separate the public and passenger areas. This will provide more transparency and less clutter. The ferry and jet cat passengers are proposed to be separated by a glass wall running north south from the turnstiles to the south wall of the wharf, 1800mm high. Gates required to control passenger movement will be stainless steel palisade style. How high are the gates? It is agreed with the SHI that 'less fencing and clear glass barriers will enable a better opportunity for public interpretation of the original experience of an open wharf. It is desirable to keep the glass barriers as few and as low as possible.' This is a requirement of any recommendation for approval.

8. Steel mesh security barriers and gates:

No objection to the removal of the northern steel mesh security screens and gates.

9. Flooring:

It is stated that "the original diagonal timber decking has been resurfaced, repaired and in some areas changed over the last 60 years, so that there is a variety of surface treatments and degrees of repair. It is proposed to cover this whole area with a dark grey concrete topping." Require a floor plan showing the existing and proposed areas of flooring and the material. Are the existing internal timber floors being retained and covered with concrete? Agree with the retention and reinstatement of timber decking on the southern apron. Details to be submitted to Council. Agree that care should be taken that the final finish material chosen reflects the maritime/industrial character of the wharf and consider that as much original fabric as possible be retained.

10. Timber walls and windows:

The work proposed to the windows and walls comprises of maintenance, repair and repainting of existing fabric matching the original materials and finishes.

It is noted that the eastern section of the walls removed in 1981 are to be re instated to match the existing and original design.

It is proposed to repair or reinstate as required the yellow glass in the upper three of the four rows and the clear glass in the bottom row on the windows in the eastern, western and southern walls.

Internally the western windows have "Holland blinds which are used to reduce the afternoon glare of the low western sun, and require repair or replacement with a more robust blind system." It is agreed with the SHI that these blinds should be designed to have minimal visual impact externally and be discretely retractable internally. The details and design of the blind system is to be submitted to Council.

There is no objection to the above conservation works proposed to the walls and windows.

11. Northern wharf entry:

The existing 4 open grille roller doors are proposed to be removed and replaced by a roller door system of a less intrusive design. In addition the painted steel mesh paneling above the roller doors is proposed to be removed and replaced with clear frameless glass to enhance the openness of the interior space as originally formed. Details of the new roller door of a 'less intrusive design' are required to be submitted to Council.

12. Roof Areas:

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No objection to the proposed conservation works to the roof areas as outlined in section 6.3.12, page 51 of the SHI.

13. Removal of extraneous columns, partition walls, beams, gate tracks and metal pipe work:

No objections to the proposed works as stated in section 6.3.12 of the SHI, page 52.

14. Signage:

Agree with the comments made in section 6.3.14 of the SHI, page 52. It is also required that any new signage be consistent with this policy of the SHI and details of any new signage be submitted to Council.

15. Light fittings:

It is stated that the current lighting system and fitting are out of keeping with the style and period of the original wharf lighting. The original wharf lighting as shown in early photographs provided in the SHI show pendant type fittings. It is agreed that pendent lights sympathetic to the original design would have minimal adverse impact and the proposed light fittings should be consistent with this assessment. Condition light fittings to be pendant style sympathetic to the original light fittings as shown in early photographs of the wharf and details of which to be submitted to Council.

16. Provision of seating:

Agree with SHI assessment on page 53 of section 6.3.13 that any new seating is to reflect the style of early remnant seating in a contemporary way and that the existing early seat is to be retained and restored. Details of this requirement are to be submitted to Council.

17. Repainting original fabric:

It is proposed to repaint the original fabric of the wharf an appropriate colour scheme to be determined from external and internal paint scrape analysis. This is supported.

18. Section 7.1 and 7.2 of the SHI, page 54:

Agree with these comments and recommendations and are to be incorporated into conditions of any consent recommendation for this application.

19. Appendix A: Manly Wharf Survey of Original Fabric:

The survey report includes recommendations which include maintenance of all original fabric as is, re-constructing original fabric/missing elements, repair and maintenance, which are all supported. It is noted that very little is mentioned on the condition or state of the fabric.

In addition to the above recommendation the missing portal frame in Area E should be reinstated, no new roof structures additional to the original are permitted. The office above the ticketing area (Bay J) is proposed to be removed and the original roof in this space is required to be reinstated to match the original. The original fencing detail on the east apron boarding steps is to be retained and any new fencing is to be sympathetic to the original. Lighting is also to match the original lighting. Painting is to match the original.

Note, the owner is encouraged to prepare a conservation management plan is for the continued conservation of the wharf as a whole to assist in the management of any future works to this state significant item. This should include the re-instatement and reconstruction of missing significant

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elements (e.g. roof and northern circular breezeway structures), plus the reinstatement of original working layout, including ticketing and staff amenities.

20. Plans:

Proposed balustrade details shown on plan DA12 for the western and eastern elevations.

Plan DA34 a new stair is proposed where the current western stair is located.

Plan DA36 plan shows an upstairs mezzanine floor plan, is this proposed? It is not clear if the current size of the mezzanine ferry waiting area is being retained or reduced or if the area is being enclosed. A condition of consent is required to ensure the wharf is maintained.

21. Statement of Environmental Effects:

In addition to the proposed works above the SEE states that the "works proposed as part of this development application are related to the operational requirements of the wharf, upgrade building works and all services above the fixed deck level. Remedial work to the deck and wharf support structure do not form part of this application." On page 6 it is stated that an "existing sewerage pump station is located under the wharf and is in need of repair." No other detail is provided. In addition a new pontoon, ramps, hydraulic system, and piles are to be located immediately east of the existing wharf edge to enable a variety of catamaran vessels to operate from the wharf. It is stated that "the moving ram section of the height adjustment system will be 2.2 metres above the platform level and generally above the reach of STA-Sydney Ferries' passengers." On page 23 it is stated that fire engineered solutions may be required in some instances due to the need to minimise impact on the heritage significance of the building. Details of such works are required to be provided to assess heritage impact.

Overall, the proposed conservation works and operational upgrading works are considered satisfactory subject to the recommendations of the SHI and conditions of consent as indicated in the recommendation.

Note: The owners are encouraged to prepare a Conservation Management Plan for the continued conservation of the wharf as a whole and to assist in the management of any future works to this state significant item. This should include the re-instatement and reconstruction of missing significant elements (e.g. roof and northern circular breezeway structures), plus the reinstatement of original working layout, including ticketing and staff amenities as outlined in the SHI.

Because the application is for works to a State Heritage Item, approval was sought for the works from the Heritage Office under S60 of the NSW Heritage Act. The Heritage Office has granted approval to the application subject to a number of conditions.

Access Committee Comments

The application was considered by the Access Committee at its February meeting 2004. The Committee raised concerns in relation to provisions for equity of access and mobility. Additional information was requested from the applicant and the application was referred back to the Access Committee who advised :

Background:

It is considered that the subject site is a destination and point of arrival for many thousands of visitors and tourists (local, state, national and international) to Manly. The experience and use of this site constitutes a formative and lasting one for these visitors. It is a major public nodal interchange for the residents of Manly and the Northern Beaches. Many of these various groups of users are persons with a disability.

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It is in Manly's interest to ensure that this experience and use of the wharf as positive as possible. Negative experiences and perceptions of the subject site are considered to have negative consequences for the tourism sector and consequently for local economic development in the LGA. It is also a local government responsibility to ensure that full and equitable access to public facilities and buildings is designed for as well as built, operated and maintained. This is particularly the case of Manly Council is the consent authority.

In summary, observation, evidence and experience by the committee indicate that the ferry services is an essential and frequently used means of access to the Manly LGA by many persons with a disability throughout the year.

Comment:

It is noted that the SEE states at section 1;2 that pre DA consultations were held with the Council, DIPNR and other authorities. It is considered a reasonable assumption that these authorities would have advised the applicant and/or its professional team that compliance with the DDA 1992 and Council Access DCP was necessary and should be fully addressed on any application.

It is noted that no submission by a specialist access consultant report was submitted nor appears to have formed the application. It is noted that a "Section 3.6 Access" advises in a single sentence that no change to the existing "arrangements" is proposed.

Access for Disabled Persons is found by way to of Section 3.8 BCA, which has two sentences which identified appendix 6 as to where such matters are considered.

Appendix 6 consists of 2 1/3 page report by a "Building Regulations Consultant". The first two pages address other BCA matters. The remaining three sentences on page three constitute the entire consideration of the proposal in relation to access for Disabled Persons.

One technical design issue is addressed with a recommendation in regard to wheelchair circulation space in relation to the staff officer area.

The following is drawn to the Council's attention:

the application does not contain sufficient information to enable Council to assess its compliance are otherwise with Council's planning instruments and particularly its access DCP.

the application does not address the compliance are otherwise of the proposal in relation to BCA and Australian Standards other than wheelchair access.

no reference to provision for the needs of visual and audio and mentally disabled persons is addressed. Furthermore, it is not apparent from information submitted in support of the application that these aspects of access for Disabled Persons have been addressed in the planning and design of proposal.

the submissions is not provide adequate information regarding provisions for persons with a disability, who will use the site during the period of construction.

there does not appear to be any provision of public toilets for disabled persons.

there appears to be no consideration of accessible signage.

It is noted that the commercial portion of Manly Wharf was approved without a full and detailed access specialist report informing the proposal and being approved by Council. It is noted that

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since that time, a disabled access has been an issue that to date has not been satisfactorily addressed.

Is recommended that Council use this opportunity afforded during assessment of this DA to require the applicant to demonstrate to Council's satisfaction full and detailed compliance with Council's Access DCP, the DDA 1992, as well as the relevant Australian Standards and BCA standards.

It is recommended that the Council to not simply impose a condition to be complied with that construction certificate stage. This does not provide adequate certainty about the proposals compliance and defers assessment potentially to a private certifier.

The wharf, whilst it may have more than one leaseholder/operator/manager used for the users of it a single functional(or dysfunctional) entity. Any assessment of the proposed development must have due regard to the overall facility. The integration of all provisions for disabled persons with in and around the whole or fairly are must be addressed by the applicant so that these matters may be addressed by Council.

Summary Recommendations:

Council required applicant to submit a full and detailed design and assessment prepared by a suitably qualified and experienced access consultant that fully complies with the DDA 1992, Council's access DCP and the relevant BCA and Australian standards.

The proposal must contain toilets for disabled persons.

The proposal must contain details of comprehensive accessible signage that compliments and is integrated with other signage in the remainder of the wharf and its general locality.

In addition to one above, the council impose a condition that must be satisfied prior to the issue of occupation certificate that all works have been constructed and made operational in accordance with the design that meets the DDA 1992, Council's Access DCP, the relevant Australian Standards and BCA requirements etc. The certificate of compliance must only be issued by a suitably qualified and experienced specialist access consultant.

In the event that the applicant submitted additional information, and/or amended drawings, the committee have such information referred to it for comment. Members of the committee can be contacted by Ellen Turley for consultations at short notice with your assessment officer if this may be of assistance.

Planning Comments**1.1 State Environmental Planning Policy No. 56 - Sydney Harbour Foreshores and Tributaries (SEPP56)****Clause 7 – Guiding Principles**

Clause 7 outlines 15 guiding principles which are required to be taken into consideration in the assessment of development applications.

The application has been assessed against clause 7 and it is considered that the proposed development is consistent with the relevant principles in that: it improves public access between the ferries and the land; it will result in improved views of the water from the wharf; it will reduce the scale of the existing development; it will improve the appearance of the wharf when viewed from the water and surrounding land; and it retains and enhances water based public transport facilities

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at the wharf. Clause 7 also includes principles relating to heritage and ecologically sustainable development. These issues are discussed in greater detail elsewhere in this report, and the development is also considered to be consistent with these principles.

Clauses 13-15 – Sites of Strategic Significance

Manly Wharf has been identified as a site of strategic significance under the provisions of the SEPP. Clause 14 requires that a master plan be prepared prior to consent being granted unless the Minister waives the requirement for a master plan. The application was referred to the Department of Infrastructure, Planning and Natural Resources which in this case has waived the requirement for a master plan.

This waiver also satisfies Clause 15 which requires the consent authority to consider any views of the Director General.

1.2 Sydney Regional Environmental Plan 23 – Sydney and Middle Harbour (REP 23) and Draft SREP (Sydney Harbour Catchment) 2004

The proposed development is within the boundaries of land to which REP 23 applies. The application is considered against the relevant clauses of REP 23:

Clauses 9 & 10 - Zoning

Manly Wharf is within the General Waterways zone and the proposed development is permissible with Development Consent. The proposed development is considered consistent with the objectives of the zone.

Clause 11 – Consultation

The proposed development is defined as a '**public water transport facility**' under the provisions of the REP which requires that Council must refer the application to, and consider any submissions from, the Foreshores and Waterways Planning and Development Advisory Committee. The application was referred to the Committee who advised that:

1. This matter was considered by the foreshores and waterways planning and development advisory committee on 9 July 2004.
2. the committee supports the proposal because it will improve public access to public water transport and will improve the appearance and amenity of the public space.
3. the committee notes that the proposal does not include any retail commercial uses on the public ferry wharf. The committee supports such a limitation on the basis that effective use of the wharf for public transport purposes must take priority.

Clause 18 – Matters for consideration

Clause 18 of the REP outlines matters for consideration in determining applications. The application has been assessed against the 12 relevant matters under clause 18. The application is considered acceptable in that:

It will result in an improved appearance of the wharf from the waterways and the foreshore;

It will not detrimentally impact the heritage values of the wharf (see discussion below);

It will not result in loss of view by way of changes in the size of vessels using the wharf;

It will not result in any significant environmental impacts in that:

- o Any potential for siltation caused during the construction phase can be effectively managed;
- o The development will cause no adverse impacts to wetlands, flora or fauna;

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- o Increased noise is limited to the construction phase only and will not result in any significant impacts;
 - o The development will not result in any drainage impacts; and
- The development will result in more efficient passenger movement but will not result in any real impacts to pedestrian movements on the foreshore.
- The development is considered satisfactory under the heads of consideration listed in clause 18.

Clauses 21- 28 Heritage

Manly Wharf is an item of environmental heritage under the REP and is also listed on the State Heritage Register. The REP requires that development must not be carried out to items of environmental heritage unless consideration has been given to the impacts of the development on the significance of the item and any stylistic or horticultural features of its setting.

A Statement of Heritage Impact was prepared by the Government Architects Office which describes the heritage significance of the Wharf:

"Manly Wharf is of heritage significance as a visually ruminant man-made feature of Manly Cove of historical significance for its associations with maritime dependant activities at Manly, which have contributed to its development as a suburb and as an important recreational destination, and for its design by the significant and influential Modernist architect, Arthur Baldwinson. It is highly esteemed by local residents and visitors as a landmark structure with strong identity to the locality and to Sydney Harbour, and as an important transport interchange."

The Statement also finds that:

"The proposed works are generally positive actions which support a conservation approach to the project as follows:

The removal of inappropriate accretions as far as possible, and the opening up of the majority of the wharf area to public access.

The undertaking of extensive catch-up maintenance which would enhance the presentation and interpretation of the wharf building and will assist in the longevity of the remaining original fabric.

The introduction of new elements, which is based on the principle of minimal intervention and massing, to ensure maximum appreciation of the whole building and its original condition.

All of the new elements are reversible in future with minimal impact on the original heritage fabric."

See also comments from Council Heritage Advisor.

1.3 Manly Development Control Policy for Manly Cove 1996

The policy provides specific design advice and development controls in relation to Manly Cove. The proposed development is considered to be consistent with the relevant Control of the policy. These are summarised as:

Building Location:	no change - complies
Building Height:	The building currently does not comply with the height control of 10.5m AHD. The proposed changes will result in a complying development with maximum height of 9.4m.

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Building Scale:	Overall scale is to be reduced - complies
Design for Townscape:	The proposed development is considered to improve the townscape
Design Principles	The development is considered to be consistent with the principles and is well designed in terms of heritage values, design details, and the local environment.
Design Considerations:	The alterations take into account the scale, proportions and materials of the building and its backdrop.
Access / Loading / Parking:	No change to the existing situation.
Drainage:	Can be dealt with by way of condition of consent
Waste management:	Apart from that generated during construction / refurbishment works, no change to existing situation

1.4 Other Impacts of the Development

Section 79C of the Environmental Planning and Assessment Act requires assessment of the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The statement of environmental effects submitted with the application has assessed the environmental impacts of the development in terms of its built form, heritage impacts, flora and fauna impacts, access and transport, resources, soils, noise and vibration, air and general amenity impacts.

The construction phase of the development will result in some potential impacts to the surrounding environment. The applicant proposes to manage these impacts through a Construction Environmental Management Plan.

Council has a range of policies and development control plans aimed at improving the impacts of development. These are broadly based on esd and social planning principles. Although having no statutory requirements, the application is assessed against 2 of these relevant DCP's:

Development Control Plan for Energy Efficient Buildings 1998:

Relevant sections of the DCP relate to building materials, heating, lighting, appliances, and water use. The applicant has included the energy efficiency measures in the development.

Development Control Plan for Access 1996

Council's Access Committee originally raised a number of concerns with the proposal. As a result additional information was submitted by the applicant who requested that in view of the time delay and that the matters are related to issues that would be covered in developing the documentation for tender that it would be appropriate to condition the DA so that extra information is provided to Council for approval prior to any construction works.

Overall, the proposed development is not considered to result in any significant adverse impacts to the local environment, and with appropriate energy efficiency, waste management and access measures, will result in some positive social and environmental outcomes as compared to the existing facility.

1.5 Suitability of the site

The Manly Wharf site is existing, and the proposed development is considered suitable in that it will improve services for commuters using the site and it will improve the visual appearance and heritage values of the site. The proposed changes will thus reinforce Manly Wharf as an important commuter and tourist passenger facility as one of two major public water transport wharves in Sydney.

Environmental Services Division Report No. 69 (Cont'd)**1.6 Submissions**

The application was notified in accordance with the requirements of the DCP and one submission was received. The main issues raised are:

1. The development does not appropriately reinforce or respond to the significance of Manly Wharf as a major transport interchange; and
2. No master plan has been prepared, and the requirement for a master plan has not been waived by the Minister.
3. Request further consultation with TMG including consideration of the concept proposals that were discussed with Waterways, State Transit and TMG.

Since the time of the submission, the Minister has waived the requirement for a master plan and point 2 is no longer relevant.

With regard to point 1, it is submitted that the outer wharf should include an extension of the retail facilities throughout the rest of the wharf. Whilst there is no objection in principle to extending the retail facilities, it is considered that there is no basis on town planning grounds to require the integration of retail facilities into the transport terminus.

Point 3 is not a matter which would warrant deferral or refusal of the application by Council.

1.7 The Public Interest

The proposal is considered to be in the public interest. It has been seen to be consistent with the relevant controls and policies, will not result in any significant impacts and will result in improved amenity to the public by:

- Improving public transport services; and
- Improving the visual appearance and heritage significance of the wharf.

1.8 Crown Applications

The applicant is the State Government and under the provisions of the Environmental Planning and Assessment Act, Council is unable to impose any conditions on a consent to any application by the Crown without concurrence of the Minister for Planning or approval from the applicant. Additionally, there is no requirement for the applicant to obtain a Construction Certificate or appoint a Principle Certifying Authority. It is therefore recommended that the applicant be advised that the application is acceptable to Council subject to the imposition of certain conditions, a number of which require submission of details prior to commencement of construction.

Conclusion:

The proposal has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan, 1988, State Regional Environmental Plan No.23, Draft SREP (Sydney Harbour Catchment), State Environmental Planning Policy No.56 and Council's Manly Cove Policy and is considered acceptable. The proposal is subsequently recommended for approval.

Environmental Services Division Report No. 69 (Cont'd)**RECOMMENDATION**

A. That in respect of Development Application No.49/04 for Alterations and Upgrade to Manly Wharf, the applicant be advised that the application is acceptable to Council subject to the imposition of the following conditions;

1. This approval relates to drawings/plans No. DA01 – DA16 dated February 2004 received by Council 27 February 2004.
2. A Construction Environmental Management Plan as described on page 13 of the Statement of Environmental Effects being submitted to the satisfaction of Council before work commences. Compliance with the Plan at all times throughout the construction phase.
3. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.
4. A sign must be erected on the subject construction area in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

5. All demolition is to be carried out in accordance with AS2601-1991.
6. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
7. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
8. The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.
9. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.
10. Submission of a full and detailed design and assessment report prepared by a suitably qualified and experienced access consultant that fully complies with the DDA 1992, Council's access DCP and the relevant BCA and Australian standards, including provision of toilets for disabled persons and details of comprehensive accessible signage that compliments and is integrated with other signage in the remainder of the wharf and its general locality.
11. All works are to be constructed and made operational in accordance with the design that meets the DDA 1992, Council's Access DCP, the relevant Australian Standards and BCA requirements. A certificate of compliance in respect of these matters is to be issued by a suitably qualified and experienced specialist access consultant, prior to occupation.
12. Compliance with Heritage Council of NSW conditions of approval as detailed in NSW Heritage Office correspondence to Government Architect's Office dated 19 April 2004.

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13. Photographs of the interior of the wharf are required **prior to the new work commencing and are to be included in the archival record**. A copy of which is to be provided to Council to be located in the Local Studies section of Manly Library.
14. As required in the SHI (Manly Wharf Statement of Heritage Impact, December 2003, Report #03/42, prepared by The Government Architects Office, NSW Department of Commerce) the 'final detail of the proposed service duct cupboards are to be recessed further behind the adjacent curved return'. This detail is to be **submitted to Council prior to commencement of construction**.
15. The reinstatement and reconstruction of the original roof and parapet over the eastern section of the ferry ramp is to match the original design.
16. The portal frame on the eastern side of the wharf which was removed as a result of the installation of the A-frame hydraulic ramp is to be reconstructed to match the original. The five of the remaining nine portal frames which had their centre leg removed to accommodate the ramps, stairs, and hydraulic gangways are to have their centre leg reconstructed and reinstated particularly on the eastern side of the wharf where the ramps, stairs and hydraulic gangways are being removed. The missing portal frame in Area E is to be reinstated. **Details of these conservation works are to be provided to Council prior to commencement of construction** and no new additions are to be attached to the portal frames.
17. Details of the 'minor structural adjustments' necessary to lower the revised clerestory windows on the roof, is required to be provided **prior to commencement of construction**.
18. The dimensions of the new canopy profile are **to be submitted to Council prior to commencement of construction**.
19. The tie rods which tie the new canopies back to the wharf parapet are to be located such that the impact on the original fabric is mitigated. Details of this mitigation are to be submitted to Council **prior to commencement of construction**.
20. Details and dimensions, including the height of the proposed stainless steel palisade style gates is required. It is required that glass barriers are kept to a minimum and as low as possible. This detail is to be **submitted to Council prior to commencement of construction**.
21. A floor plan showing the existing and proposed areas of flooring and the material is to be provided to Council **prior to commencement of construction**. Details of the retention and reinstatement of timber decking on the southern apron is required to be submitted to Council **prior to commencement of construction**. The final finish of the material is to reflect the maritime/industrial character of the wharf and as much original fabric is to be retained. Details of the final flooring are to be submitted **to Council prior to commencement of construction**.
22. All original fabric is to be retained in-situ where ever possible, including the original flooring material.
23. Conservation works to the walls and windows are to match the original detail, material, finish and colour scheme, including the proposed re-instated eastern walls.
24. The repair and reinstatement of the windows in the eastern, western and southern walls is to be in accordance with the SHI (Manly Wharf Statement of Heritage Impact, December

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2003, Report #03/42, prepared by The Government Architects Office, NSW Department of Commerce) and match the original detail.

25. Details of the new internal western window blinds are **to be submitted to Council prior to commencement of construction**. These blinds are to be designed to have minimal visual impact externally and be discretely retractable internally.
26. Details of the new roller door of a 'less intrusive design' are required **to be submitted to Council prior to commencement of construction**.
27. Any new signage is to be consistent with section 6.3.14 of the SHI (Manly Wharf Statement of Heritage Impact, December 2003, Report #03/42, prepared by The Government Architects Office, NSW Department of Commerce) and details of all new signage are to be **submitted to Council**.
28. The proposed light fittings are to be pendant style sympathetic to the original light fittings as shown in early photographs of the wharf in the SHI (Manly Wharf Statement of Heritage Impact, December 2003, Report #03/42, prepared by The Government Architects Office, NSW Department of Commerce). Details of which to **be submitted to Council prior to commencement of construction**.
29. Any new seating is to reflect the style of early remnant seating in a contemporary way and that the existing early seat is to be retained and restored. This detail is to be **submitted to Council prior to commencement of construction**.
30. The comments and recommendations of Section 7.1 and 7.2 of the SHI (Manly Wharf Statement of Heritage Impact, December 2003, Report #03/42, prepared by The Government Architects Office, NSW Department of Commerce), page 54 are to be complied with.
31. The roof is to be reinstated to match the original over the removed staff amenities on the mezzanine level.
32. The works are to be in accordance with the Appendix A: Manly Wharf Survey of Original Fabric report recommendations located in the SHI (Manly Wharf Statement of Heritage Impact, December 2003, Report #03/42, prepared by The Government Architects Office, NSW Department of Commerce).
33. No new roof structures additional to the original are permitted, except for the lowered clerestory on the western side of the wharf over the ferry ramp area.
34. Specific design details of the proposed balustrade shown on plan DA12 for the western and eastern elevations **are to be provided to Council for approval prior to commencement of construction**. The original fencing detail on the east apron boarding steps is to be retained and any new fencing is to be sympathetic to the original.
35. The size of the mezzanine ferry waiting area is to be reduced to the western half of the wharf only and is not to be enclosed to maintain the openness of the wharf structure. This detail is to be **submitted to Council prior to commencement of construction**.
36. Details of the fire engineered solutions required to minimize impact on the heritage significance of the building are required to be provided to Council **prior to commencement**

Environmental Services Division Report No. 69 (Cont'd)

of construction.

37. Details of the proposed 'moving ram section of the height adjustment system 2.2metres above the platform level' and measures to mitigate any adverse impacts on the heritage significance of the wharf are to be submitted **to Council prior to commencement of construction.**
- B. Upon receipt by the Council of the written agreement of the applicant, delegated authority be granted to the General Manager to determine the application.

ATTACHMENTS

- AT-1** Heritage Council of NSW comments. 3 page(s)
AT-2 Extract from Statement of Environmental Effects 24 page(s)

LUM060904ESD_69

***** End of Environmental Services Division Report No. 69 *****

TO: Land Use Management Committee - 6 September 2004
REPORT: Environmental Services Division Report No. 70
SUBJECT: Appeals List for September 2004
FILE NO:

SUMMARY

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS' INFORMATION.

REPORT

Application	Site Address	Appeal Lodged	Solicitor	Status
DA480/03	101 Bower Street Manly	21.11.03	Abbott Tout	Discontinued
DA26/04	Totem Development	14.04.04	Abbott Tout	Appeal Dismissed
DA46/04	36-38 South Steyne	20.04.04	Pike Pike & Fenwick	Hearing 15-10-04
DA249/04	12 Tutus Street	12.05.04	Pike Pike & Fenwick	Callover 14-9-04
DA257/03	69 Wood Street	20.05.04	Abbott Tout	Hearing 13-09-04
DA184/04	104-106 Whistler Street	02.07.04	Pike Pike & Fenwick	Hearing date to be set.
DA08/04	18 Reddall Street	09.08.04	Abbott Tout	Callover 15-09-04
DA314/03	30 Boyle Street	12.08.04	Pike Pike & Fenwick	Callover 21.09.04
DA395/03	12 Fairy Bower Road	12.08.04	Abbott Tout	Callover 22.09.04
221.53-59	53-39 Osborne Road	27.08.04	Pike Pike & Fenwick	Callover 13.10.04
DA620/02	10-10A Addison Road	24.08.04	Abbott Tout	Callover 01.10.04
DA494/03	110-112 The Corso	27.08.04	Pike Pike & Fenwick	Callover 12.10.04

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM060904ESD_70

***** End of Environmental Services Division Report No. 70 *****

TO: Land Use Management Committee - 6 September 2004
REPORT: Environmental Services Division Report No. 71
SUBJECT: Development Applications Being Processed During September 2004.
FILE NO:

SUMMARY

Development Applications Currently Being Processed During September 2004.

REPORT

DA#	Date Rec by Council	Site Address	Proposal	Date Rec by Officer	Target Date	DEL DAU LUM
DA399/00	5-Nov-02	538-540 Sydney Road Seaforth	Section 96 Modification		15-Sep-04	DEL
DA480/03	3-Oct-03	101 Bower Street Manly	Demolish existing & construct new flats		Awaiting Info	
DA525/03	20-Oct-03	22 Wentworth Street	Change of Use		Awaiting Info	
DA572/03	14-Nov-03	5 Sandy Bay Road	Landscaping & RW	22-Apr-04	21-Sep-04	DAU
DA107/04	14-Jan-04	25 Quinton Road	Alts & 1st Floor Adds	1-Apr-04	Awaiting Info	
DA68/04	23-Jan-04	41 Fairlight	5 Lot Subdivision	22-Apr-04	Awaiting Info	
DA62/04	5-Feb-04	151 Darley Road Manly - St Pat's	Precinct 3 & 12 RFB	23-Apr-04	October	LUM
DA122/04	13-Feb-04	5 Edgecliffe Esplanade	New Dwelling, Pool & Garage	21-Apr-04	Awaiting Info	
DA102/04	18-Feb-04	73 Lauderdale Avenue	Land Subdivision with 3 Dwellings, 1 Unit & 2 Units	1-Apr-04	02-Sep-04	DAU
DA146/04	18-Feb-04	9-13 South Steyne	Strata Subdivision	08-Jun-04	Awaiting Info	
DA178/04	20-Feb-04	2 Beatty Street	Alterations & Additions	09-Jun-04	20-Sep-04	DAU
DA57/04	21-Feb-04	38 Malvern Avenue	Alts & Adds, Garage & Pergola	25-Feb-04	Awaiting Info	
DA106/04	5-Mar-04	27 Quinton Road	Alts & 1st Floor Adds	28-Apr-04	Awaiting Info	
DA174/04	23-Mar-04	46 North Steyne	Change of Use	19-Aug-04	Awaiting Info	
DA35/04	29-Mar-04	8 The Corso	RFB & Mixed Commercial	23-Apr-04	October	LUM
DA190/04	31-Mar-04	9 Acacia Road	Alts & Adds to Dwelling & Pool	20-Aug-04	Awaiting Info	
4375/S	01-Apr-04	Radisson Hotel	Strata Subdivision		Awaiting Info	
4378/S	7-Apr-04	98-100 North Steyne	Land Subdivisions	11-May-04	14-Sep-04	DEL
DA160/04	7-Apr-04	34 Ellery Parade	Alts & Adds to Dwelling & Carport	13-Aug-04	Awaiting Info	
DA177/04	14-Apr-04	53 East Esplanade	Upgrade & Repair Existing Dwelling	19-Aug-04	Awaiting Info	
DA167/04	15-Apr-04	83 West Street	Demolish & 5 Town	24-May-04	Awaiting	

Environmental Services Division Report No. 71 (Cont'd)

			Houses		Info	
DA213/04	16-Apr-04	33-37 Ethel Street	16 unit RFB & strata		October	LUM
DA540/03	20-Apr-04	9 Barrabooka Street	Section 82A Review	27-Jul-04	16-Sep-04	DAU
DA203/04	21-Apr-04	27 Belgrave Street	Change of Use	20-Aug-04	Awaiting Info	
DA230/04	29-Apr-04	85 Wood Street	Alts & Adds & Pool	20-Aug-04	Awaiting Info	
DA209/04	29-Apr-04	36-38 South Steyne	Alts & Adds to Dwelling	12-Jul-04	05-Oct-04	DAU
DA238/04	10-May-04	2/6 Addison Road	Enclose balcony		21-Sep-04	DAU
DA234/04	17-May-04	3 Hogan Street	Alts & Adds & Carport	15-Jun-04	28-Sep-04	DAU
DA236/04	20-May-04	35 Heathcliff Crescent	Alts & 1st floor adds	15-Jun-04	28-Sep-04	DAU
DA250/04	27-May-04	51 Stuart Street	Demolish & Rebuild	27-Jul-04	23-Sep-04	DAU
DA338/03	02-Jun-04	105 Condamine Street	Section 82A Review	29-Jun-04	07-Sep-04	DAU
DA115/02	02-Jun-04	93-95 North Steyne	Section 96 Modification	20-Aug-04	Awaiting Info	
DA263/04	2-Jun-04	11-25 Wentworth Street	Alterations & Additions	19-Aug-04	Awaiting Info	
Da271/04	3-Jun-04	25 Violet Street	Alts & 1st Floor Additions & Garage	27-Jul-04	16-Sep-04	DAU
DA264/04	4-Jun-04	4 Beaconview Street	Alterations & Additions	29-Jun-04	Awaiting Info	
DA260/04	7-Jun-04	87 Griffiths Street	Child Care Centre	29-Jun-04	05-Oct-04	DAU
DA566/01	8-Jun-04	9 Ellery Parade	Section 82A Review	27-Jul-04	16-Sep-04	DAU
DA285/04	8-Jun-04	8 The Crescent	Alts & Adds, Deck & Room in Attic	27-Jul-04	13-Sep-04	DAU
DA10/01	9-Jun-04	12 Jellico Street	Section 96 Modification	20-Aug-04	Awaiting Info	
DA291/04	10-Jun-04	33 Herbert Street	Alts & 1st Floor Additions	19-Aug-04	Awaiting Info	
DA302/04	10-Jun-04	3 Allenby Lane	Alterations & Additions and Pool	27-Jul-04	16-Sep-04	DAU
DA270/04	11-Jun-04	1 Karingal Street	Alts & 1st Floor Additions & Carport	18-Aug-04	07-Oct-04	DAU
DA289/04	16-Jun-04	92 Birkley Road	1st Floor Addition	19-Aug-04	Awaiting Info	
DA301/04	17-Jun-04	123 Bower Street	Alterations	27-Jul-04	09-Sep-04	DAU
DA81/04	17-Jun-04	248 Yatama Street	Section 82A Review	27-Jul-04	09-Sep-04	DAU
DA303/04	17-Jun-04	13&14 James Street	Alterations & Additions into Two Flats	27-Jul-04	October	LUM
DA304/04	18-Jun-04	27 MacMillian Street	Concrete Swimming Pool	27-Jul-04	10-Sep-04	DEL
DA365/03	22-Jun-04	6 Woodland Street	Section 82A Review	27-Jul-04	14-Sep-04	DAU
DA456/03	24-Jun-04	26 Perrone Avenue	Section 96 Modification	27-Jul-04	16-Sep-04	DAU
DA297/04	25-Jun-04	6 Jackson Street	Internal Alts to Create Addition Flat & Strata	27-Jul-04	02-Sep-04	DAU
DA310/04	25-Jun-04	15 Clontarf Street	New 2 Storey Dwelling	27-Jul-04	10-Sep-04	DEL
DA16/00	26-Jun-04	13 Kanangra Crescent	Section 96 Modification	27-Jul-04	10-Sep-04	DAU
DA316/04	28-Jun-04	13 Dalwood Avenue	Alterations & Additions	27-Jul-04	28-Sep-04	DAU
DA320/04	1-Jul-04	20 Peacock Street	Alterations & Additions	27-Jul-04	15-Sep-04	DEL
Da262/03	2-Jul-04	273 Sydney Road	Section 82A Review	27-Jul-04	07-Sep-04	DAU

Environmental Services Division Report No. 71 (Cont'd)

DA327/04	6-Jul-04	27 East Esplanade	External Lift & Strata	13-Aug-04	08-Oct-04	DEL
DA336/04	8-Jul-04	5A Raglan Street	Alterations to Strata Plan	19-Aug-04	14-Oct-04	DAU
DA341/04	9-Jul-04	33 Radio Avenue	Alts & Adds, Pool & Lift	19-Aug-04	15-Oct-04	DAU
DA334/04	9-Jul-04	25 Pine Street	Alterations & Additions & Garage	19-Aug-04	17-Sep-04	DAU
DA325/04	12-Jul-04	243-259 Pittwater Road	Change of Use	19-Aug-04	12-Oct-04	DAU
DA335/04	12-Jul-04	12 Angle Street	Alterations & 1st Floor Addition	19-Aug-04	12-Oct-04	DAU
DA324/04	13-Jul-04	71 Addison Road	Strata Subdivision	19-Aug-04	07-Oct-04	DAU
DA347/04	13-Jul-04	149 Pittwater Road	Gallery / Studio	19-Aug-04	14-Oct-04	DAU
DA649/01	13-Jul-04	20 Jackson Street	Section 96 Modification	30-Jul-04	Awaiting Info	
DA345/04	13-Jul-04	6 Bentley Street	Garage, Carport & Access	6-Aug-04	Awaiting Info	
DA343/04	14-Jul-04	6 Heathcliff	Fences & Driveway	19-Aug-04	15-Oct-04	DAU
DA588/03	14-Jul-04	16 Fairy Bower Road	Section 96 Modification	13-Aug-04	24-Sep-04	DAU
DA38/02	14-Jul-04	52 Gordon Street	Section 96 Modification	19-Aug-04	23-Sep-04	DAU
DA469/02	14-Jul-04	10 Nolan Place	Section 96 Modification	30-Jul-04	Awaiting Info	
DA349/04	15-Jul-04	37 Griffiths Street	Alterations and Additions	19-Aug-04	Awaiting Info	
DA354/04	15-Jul-04	63 Ellery Parade	Alts & Adds, Pergola and Deck	19-Aug-04	15-Oct-04	DEL
DA355/04	15-Jul-04	24 Boyle Street	Pool, Spa, Carport and Fence	19-Aug-04	21-Sep-04	DAU
DA357/04	16-Jul-04	67 Clontarf Street	Demolish Carport, Extend Deck	19-Aug-04	15-Oct-04	DEL
DA356/04	16-Jul-04	52 Ellery Parade	Alterations, Skylight and Windows	19-Aug-04	17-Sep-04	DEL
DA360/04	16-Jul-04	18 Barrabooka Street	Pool, Landscaping and Fence	19-Aug-04	22-Sep-04	DAU
DA340/04	16-Jul-04	17 Adelaide Street	Alts & 1st Floor Adds & Deck	19-Aug-04	28-Sep-04	DAU
DA358/04	16-Jul-04	152 Pittwater Road	Carport & Pergola	19-Aug-04	30-Sep-04	DAU
DA344/04	16-Jul-04	13 Woodland Street	Extension of Garage	5-Aug-04	Awaiting Info	
DA351/04	19-Jul-04	71 Lauderdale Avenue	Enclose Spiral Stairs	19-Aug-04	15-Oct-04	DEL
DA359/04	20-Jul-04	1 Hill Street	Pool, Gazebo and Landscaping	19-Aug-04	15-Oct-04	DEL
DA350/04	22-Jul-04	18 Carey Street	Alts & 2nd Storey, Terrace & Driveway	19-Aug-04	15-Oct-04	DEL
DA352/04	22-Jul-04	416 Sydney Road	Replace Laundry, Garage & Deck	19-Aug-04	15-Oct-04	DEL
DA353/04	22-Jul-04	162 Pittwater Road	Alts & 1st Floor Adds	19-Aug-04	04-Oct-04	DAU
DA211/03	26-Jul-04	7 Francis Street	Section 96 Modification	19-Aug-04	Awaiting Info	
DA371/04	27-Jul-04	Ocean World	Sea Kayak Business	30-Aug-04	07-Sep-04	DAU
DA363/04	27-Jul-04	1 Westlake Place	Alterations & Additions & Vergola	19-Aug-04	15-Oct-04	DEL

Environmental Services Division Report No. 71 (Cont'd)

DA365/04	27-Jul-04	20/26 The Crescent	Alts & Adds, Replacement of Walls with Beams	19-Aug-04	15-Oct-04	DEL
DA374/04	28-Jul-04	1 Harbourview	Demolish & New Dwelling	30-Aug-04	01-Oct-04	DEL
DA364/04	29-Jul-04	10/42 Victoria Parade	Removal of Internal Walls	19-Aug-04	09-Sep-04	DEL
DA368/04	29-Jul-04	32 Clontarf Street	Fence, Deck & Carport	30-Aug-04	13-Sep-04	DAU
DA372/04	29-Jul-04	26 Upper Beach	Alts & Adds, Pool & Cabana	30-Aug-04	05-Oct-04	DAU
DA73/01	29-Jul-04	472 Sydney Road	Section 96 Modification	13-Aug-04	Awaiting Info	
DA508/03	29-Jul-04	1 Munoorra Street	Section 96 Modification	19-Aug-04	Awaiting Info	
DA369/04	30-Jul-04	4/318 Sydney Road	Takeaway	30-Aug-04	21-Sep-04	DAU
DA366/04	30-Jul-04	53 Golf Parade	Rear Alterations and Additions	19-Aug-04	04-Oct-04	DAU
DA370/04	3-Aug-04	Shop 7, Manly Wharf	Subway Takeaway	30-Aug-04	28-Sep-04	DAU
DA373/04	4-Aug-04	17 Prince Edward	Alts & Adds to Decks	30-Aug-04	23-Sep-04	DAU
DA378/04	5-Aug-04	26A Darley Road	Cement Render Around Windows	30-Aug-04	15-Sep-04	DEL
DA375/04	6-Aug-04	38 Ocean Street	Alts & 2nd Storey Adds and Terrace	30-Aug-04	01-Oct-04	DEL
DA376/04	6-Aug-04	1/5 Kitchener Street	Alterations to Unit 1	30-Aug-04	09-Sep-04	DEL
DA377/04	9-Aug-04	17 Pine Street	Air Conditioning Unit	30-Aug-04	15-Oct-04	DEL
DA379/04	10-Aug-04	1 Harwood Place	Concrete Slab	30-Aug-04	15-Oct-04	DEL
DA385/04	11-Aug-04	Tania Park	Shade Structure	19-Aug-04	20-Sep-04	DAU
DA389/04	13-Aug-04	11/84 North Steyne	Strata Subdivision	30-Aug-04	30-Sep-04	DAU
DA404/04	27-Aug-04	49-51 Sydney Road	Advertising Structure	30-Aug-04	15-Oct-04	DEL

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM060904ESD_71

***** End of Environmental Services Division Report No. 71 *****

Attachments

Land Use Management Committee Meeting

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 6 September 2004

*Copies of business papers are available at the Customer Services
Counter at Manly Council, Manly Library and Seaforth Library and
are available on Council's website:
www.manly.nsw.gov.au*



TABLE OF CONTENTS

ENVIRONMENTAL SERVICES DIVISION REPORTS

- 1. Manly Wharf Upgrade

ATTACHMENTS:

AT1	Heritage Council of NSW comments. (3 pages)
AT2	Extract from Statement of Environmental Effects (24 pages)

***** END OF ATTACHMENTS LISTING *****

Attachment 1 - Heritage Council of NSW comments.



11 Market Place
Parramatta NSW 2150
Locked Mail Bag 9200
Parramatta NSW 2124
DX 8225 PARRAMATTA

Telephone: 02 9673 8500
Facsimile: 02 9673 8589
heritageoffice@heritage.nsw.gov.au
www.heritage.nsw.gov.au

Contact: Ed Beebe
Telephone: 02-9849 9588
ed.beebe@heritage.nsw.gov.au
File: S91/02009
Our Ref: HRL 26322

Government Architect's Office
Level 19
McKell Building
2-24 Rawson Place
SYDNEY NSW 2000

Attention: Peter Mould, Assistant Government Architect

Dear Peter

APPLICATION UNDER S60 OF THE NSW HERITAGE ACT, 1977

RE: Manly Wharf, West Esplanade, Manly Cove, SHR No. 01434.
Proposal: Upgrade works to Manly Wharf for improved operational ferry services.
S60 Application no: 04/S60/07 received on 12 January, 2004.
Information received with application: Drawings Nos. DA01-DA16 dated December, 2003, prepared by the Government Architect's Office and Heritage Impact Statement, No. 03/42, dated December, 2003, prepared by the Government Architect's Office.
Additional information requested: A1 Plans.
Date additional information received: 15 January, 2004.
Date submissions received: None received.

At its meeting on 7 April, 2004, the NSW Heritage Council Approvals Committee, as delegate of the Heritage Council of NSW, considered the above application. Pursuant to Section 63 of the NSW Heritage Act 1977, the Heritage Council hereby informs Government Architect's Office that approval is granted subject to the following conditions:

- 1) The work is carried out in accordance with the Drawings Nos. DA01-DA16 dated December, 2003 prepared by the Government Architect's Office;
- 2) Prior to commencement of the works the following information shall be submitted to and approved by the Director of the NSW Heritage Office:
 - a) Drawings which show proposed detailed design and appearance of the new elements including ticket/amenities block, the glazed walls, low roofs, ramps and balustrades which also include details of the junction of new elements/structure with the original fabric. The details shall clearly illustrate the appearance of the work and its impact on the existing fabric and presentation of the wharf;
 - b) A research design and methodology to consider and address possible impacts of the work on any existing indigenous archaeological items as well as any non-indigenous items which may remain from the earlier wharf and its use;
 - c) Identification and proposed management of any items of moveable heritage;
 - d) Proposed internal and external colour scheme including an investigation of the original colour scheme using recognised paint analysis techniques;
 - e) Proposed interpretation strategy which considers relevant historical themes, proposes appropriate media and is linked with any existing or



future strategies required by Manly Council or State Transit/Sydney Ferries. The strategy should include both use and interpretation signage and describes location, size, materials, layout, lettering, and colours of any signs, construction materials and details of proposed fixing method; and

- f) An archival record of all contents, including fixtures and fittings, in accordance with NSW Heritage Office guidelines. The original copy of the archival record shall be deposited with the NSW Heritage Office. Additional copies shall be made and deposited with the NSW State Library and the owner.

Nominated Heritage Consultant

- 3) A heritage consultant shall be nominated to advise on design resolution and conformity to the conditions of approval. The heritage consultant shall have appropriate qualifications and experience commensurate with the scope of the works;
- 4) The demolition and removal works are to be supervised and documented by the nominated heritage consultant experienced in the conservation and recording of heritage items who shall ensure that all works are undertaken in accordance with this approval and with accepted conservation practice in order to minimise negative impacts on the heritage item;
- 5) An inspection of the site shall be carried out by the nominated heritage consultant to assess whether any damage to historic fabric has occurred as a consequence of the works. A report shall be submitted to the NSW Heritage Office within 1 month of the completion of the works which describes any damage and remedial works carried out to the satisfaction of the Director;
- 6) All work shall be carried out by suitably qualified tradesmen with practical experience in the conservation and restoration of similar heritage items. The name and experience of these tradesmen shall be submitted to the NSW Heritage Office for the approval of the Director prior to construction commencing;

The Works

- 7) Significant building elements, features, fixtures, fittings and fragile materials shall be adequately protected during the works from potential damage. Protection systems must ensure they do not cause damage to historic fabric in their application or removal or alter the microclimate to the extent that they cause damage to the item;
- 8) The installation of services shall be carried out in such a manner as to minimise damage to or removal of historic fabric and shall not obscure historic features;
- 9) Surviving examples of early painted finishes are to be conserved in-situ and recorded in accordance with NSW Heritage Office guidelines;

Archaeology

- 10) The Applicant must note this approval does not cover the removal of any State significant relics;
- 11) The Applicant must ensure that the Heritage Office is informed of the commencement and completion of the archaeological program at least 5 days prior to the commencement and within 5 days of the completion of work on site;
- 12) The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Office must be contacted for advice. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery;
- 13) Should any Aboriginal relics be uncovered, excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be



Informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974;

Moveable Heritage

- 14) All movable heritage items shall be removed from the vicinity of the works unless they can be adequately protected in situ. Items should be stored on site unless reasonable circumstances require off site storage. Items should not be removed if the act of removal is likely to cause damage. All items shall be returned to their original location once the works have ceased. Protection measures shall be submitted to and approved by the Director of the NSW Heritage Office prior to the commencement of the works; and

Commencement

- 15) This approval shall be void if the activity to which it refers is not physically commenced within five years after the date of the approval or within the period of consent specified in the relevant development consent granted under the Environmental Planning and Assessment Act, 1979, whichever occurs first.

Your attention is drawn to the right of appeal against these conditions.

It should be noted that an approval under the Heritage Act is additional to that which may be required from other Local Government and State Government Authorities. If you have any questions regarding the above matter please contact Ed Beebe at the Heritage Office on (02)9849 9588.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Sharon Hendrickson'.

Assistant Director
NSW HERITAGE OFFICE

cc. Manly Council

19.4.04

Attachment 2 - Extract from Statement of Environmental Effects

2 THE SITE AND ITS CONTEXT

2.1 Regional Context

Manly Wharf is significant as the gateway to Manly and for its association with thousands of tourist local and overseas with fond memories of the ferry trip and first impressions of Manly from the water.

It is an important destination within the Sydney Harbour environs not only for tourist but also for the growing number of commuters who enjoy the peninsula lifestyle and are willing to travel between Manly and Circular Quay.

It is an important transport interchange located adjacent to the bus terminus of the East and West Esplanades and the main pedestrian retail mall of Manly. Bus services from this interchange provide a service to most of the northern peninsula as well as the southeastern areas of Balgowlah and Seaforth.

Recent surveys indicate that over 6 million passengers use the Manly Ferry service on a yearly bases. On weekends there is usually an average of 20,000 passengers per day with weekdays catering for an average of 5,000 passengers in the morning and 5,200 passengers in the afternoon.

2.2 Local Context

Manly Wharf is located on the Esplanade in Manly Cove facing Sydney Harbour (Figure 1). Manly Cove provides an open and sheltered harbourside recreation area for relaxing, promenading and swimming. North of the wharf is the Corso, an open landscaped pedestrian mall serviced by retail shops each side. The Corso is a direct pedestrian link to Manly Beach from Manly Wharf and the Esplanade.

The wharf and retail complex are accessed from the Esplanade via an open pedestrian plaza adjoining the bus interchange. The plaza is part of the landscaped pedestrian concourse that surrounds Manly Cove and provides access to the beach on the Harbourside. Manly Wharf with the associated retail outlets and restaurants is an important part of the pedestrian life and activities of the area.

Most of the buildings within close proximity to the wharf are of two storey low scale.

To the east and west side of the wharf is Manly Cove beach. The Esplanade a trafficable road linking East Manly with Balgowlah and Manly proper adjoins the Esplanade. Building along this strip are a collection of low rise 1930's flats and high rise flats built in the 1960's.

For site location and extent of the outer wharf see Figure 2

2.3 Site Details and Ownership

Manly Wharf is owned by the Waterways Authority. It is known as Lot 1 in DP 809933 (Figure 3). This land has a total area of 13.40Ha. The land contains the outer wharf used by STA for the Manly ferry service to Circular Quay, the area of the wharf occupied by the retail complex and the adjacent pier.

The land to which this development application relates ("the site") is the outer wharf which is leased by the STA. The site is shown on Figure 4.

Work for the new Jet Cat pontoon will be partially located outside the land identified as the STA leasehold in Figure 3. This land is the bed of Manly Cove and is owned by the Waterways Authority.

2.4 Built Form

Details of the existing fabric of the outer wharf are included in the Heritage Impact Assessment submitted under separate cover. Appendix 3 contains a series of photographs of the existing outer wharf. Drawings DA02 to DA07 indicate the outer wharf in its present condition.

The passenger wharf and building was constructed in 1941 as part of an upgrading program by the Maritime Services Board in the early 1940's. The wharf was designed as a low horizontal building in a modernist style suitable for a beachside resort like Manly and respectful of the maritime nature of the location. The wharf was a distinctive building with its main features being the curved welcoming arms facing the Corso, the Clock Tower, symmetrical planning of the building, double height clerestory space, horizontal façade treatment with the rusticated horizontal boarding and ribbon windows and the general internal treatment of the building with an industrial aesthetics similar to that of the wharves at Walsh Bay and Woolloomooloo.

While some of the original features of the original 1941 wharf building have changed, the outer wharf has remained mostly in tact particularly the east, west and southern facades. The main changes to the outer jetty were the construction in 1982 of the hydraulic ramping system with its associated alterations to the original structure and the raised roofs for the double deck Manly Ferry service. Construction of the twin ticket booths and mezzanine amenities and the staff facilities under the south stair constituted further alterations. More changes occurred in 1993 with the construction of the glass walls and lightweight canopy roofs on the east and west sides of the wharf for the Manly ferry and Jet Cat passenger waiting areas.

Lack of maintenance, termite damage, periodic installation of services and haphazard alterations to the outer jetty have contributed to the wharf's general demise and bad state of repair.

2.5 Access

The outer wharf is accessed via public accessways through the wharf buildings closer to the shore. Access to the Manly Ferry is provided at the lower deck level and upper deck level. In both cases the hydraulic ramp adjusts to the particular tide requirements and allows a hinged skirt to descend onto the deck of the ferry thereby providing safe access to the deck of the ferry. Disabled access is provided to the lower deck of the ferry only.

Access to the Jet Cat is provided by gangplank that adjusts for the tidal variation. Disabled access to the Jet Cat is STA staff assisted.

Passengers walk through the retail complex to access the ferry services on the outer wharf. Alternative access points are from the walkway on the east and west sides of Manly Wharf linking to a waterside boardwalk promenade surrounding the retail part of the wharf that in turn links to the foreshore walk along Manly Cove.

Existing ferry waiting areas and loading and unloading modes are shown in Appendix 4.

2.6 Operations

The STA provides a ferry service between Circular Quay and Manly. There are two types of ferries currently operating:

- Freshwater class ferry; and
- Jet Cats

The Freshwater class ferries operate from the western side of the outer wharf and the Jet Cat service operates from the eastern side of the outer wharf. All the Freshwater class vessels have a capacity to each carry 1100 passengers, while all the Jet Cat vessels have a capacity to each carry 280 passengers.

Currently the wharf has a number of operational issues that need to be addressed:

- Unclear passenger circulation;
- Inefficient ticketing procedures with split facilities for revenue collection;
- Separate staff offices and amenities;
- Inappropriate and under-utilised passenger waiting areas;
- Inappropriate hydraulic loading/unloading ramp system for Jet Cat service;
- Unclear directional signage;
- General condition of the wharf building fabric;
- General upgrade of the wharf's fender piles.

Currently 11 operational staff are available for gate hand and wharf hand shifts. There are 6 revenue cashiers in total and 4 supervisors. There are two shifts per day for wharf hands and supervisors. There are 3 shifts per day for the gate hands.

2.7 Services

Manly wharf is in a poor state of repair both above and below the fixed wharf deck. The deterioration to the superstructure of the ferry wharf is due to the harsh marine environment causing deterioration of the steelwork, rainwater ingress leading to rotting of the timber wall cladding and roof lining boards and termite attack of the framing and cladding particularly at the southern end of the wharf. All exposed services require immediate attention and repair.

The wharf is provided with electrical services, data/communication services linked to Circular Quay, public address system, hydraulic services, fire hose reel and sprinkler services, lighting and emergency lighting and security surveillance equipment. All services need to be upgraded with those exposed services needing to be replaced. Services for the outer jetty that are linked with the services to the retail complex need to be rationalised and isolated where applicable.

An existing sewerage pump station is located under the wharf and is in need of repair.

3 THE PROPOSED DEVELOPMENT

3.1 Introduction

Manly Wharf is an important ferry terminal providing direct access for passengers from Manly to Circular Quay and Sydney's Central Business District and for tourist to Manly. It is an integral part of the Sydney Harbour ferry transport system with over 10,000 passengers using the Manly Ferry and Jet Cat service weekly for commuting and tourist purposes and over 6 million passengers yearly.

The existing outer wharf has a number of problems:

- It is in poor state of repair and requires a major program of maintenance and upgrading for the increasing passenger use of the ferry service.
- Current circulation patterns are not clear and there is a conflict of pedestrian movement between arriving and departing passengers.
- The internal visual appearance of the wharf is cluttered and claustrophobic with inadequate natural lighting and obstructed clear vision to the water.
- The changes in the 1980's with the installation of the hydraulic ramp system and raised central roofs disrupted the horizontality and symmetry of the wharf building.

The condition of Manly Wharf is at a stage where it is essential that it be upgraded to the same standard as the wharves at Circular Quay.

The key purpose of the proposed development is to upgrade the operational requirements of the outer wharf for the Manly Ferry and Jet Cat services to and from Circular Quay. The work proposed is alterations and additions to the outer wharf and is essential maintenance and repair, the reversal of previous interventions, the upgrading of jet-cat berthing, the upgrading of passenger waiting and embarking areas and the provision of new ticketing and staff amenity facilities on the outer wharf. Some existing fabric will be demolished and removed. Existing services will be relocated and upgraded as required. The aim is to improve the facilities for current passengers and to cater for the increasing passenger use of the ferry and jet-cat services. The work is intended to enhance the heritage significance of the wharf.

Works proposed as part of this development application are related to the operational requirements of the wharf, upgrade of building works and all services above the fixed deck level. Remedial work to the deck and wharf support structure do not form part of this application.

3.2 Architecture and Urban Design

The proposed development is based on the following design principles derived from a careful consideration of the site and its context:

- **Clarity of people movement:**
 - Clear paths of travel;
 - Separation of arrival/departure passengers;
 - Queuing and movement without conflict.

- **Improved operation:**
 - Efficient ticketing;
 - Sensible location of services;
 - Improved and combined staff facilities;
 - Improved client interface.
 - **Improved Spatial Quality:**
 - Improve natural light and ventilation;
 - Create a sense of openness and spatial flow;
 - **Views/Vistas:**
 - Enhance views to and from the water;
 - Reinforce view along the wharf to the water at the southern end;
 - Refine the views of the wharf from surrounding areas.
 - **Improved Visual Appearance:**
 - Create more open spaces within the wharf;
 - Remove the visual clutter on the wharf;
 - Enforce openness and clarity through considered placement of built objects.
 - **Heritage:**
 - Reinforce and respect the existing heritage fabric.
 - **Lighting:**
 - Upgrade lighting for the wharf;
 - Establish design quality.
- Signage:**
- Develop signage strategy and system for the wharf;
 - Establish design quality.

The outer wharf is a distinct building retaining most of the original 1941 east, west and south building facades. The internal space of the wharf, while altered for the installation of the hydraulic ramp system in 1982, still retains its former internal spatial quality. Horizontal boarding joints, stud framing, bracing and steel portal frames and general framing members are all exposed to reinforce an industrial type atmosphere to the wharf. The original structural system with its curved portal frames is still present in most parts of the wharf.

The intrusions and changes to the building with the installation of the hydraulic ramp and the associated structural changes and the provision of glass enclosed waiting areas with lightweight roofs in 1993 have had a devastating affect on the wharf building.

The new proposal incorporates the following changes:

- To peel away the clutter of the wharf to reveal and enhance the character and industrial atmosphere of the original wharf building. Processes will involve analysis of the original wharf fabric, repair where required and replacement as needed. The intent is to retain the heritage fabric and structure where possible with new elements being inserted within a simple contemporary palette so that the significant aspects of the wharf at various stages of its history are distinct and recognisable.

- To open the wharf up visually for views to and from the water. Waiting areas will be enclosed with glass walls supported by lightweight steel frame fixed to the deck level. Suspended roofs free of the original wharf structure will provide shelter to the waiting areas on the east and west sides of the wharf. Raised and cantilevered steel framed roof will provide weather protection over the new ramp and pontoon system giving access to the Jet Cat. All balustrades outside of operational areas will be glass to enhance views to the Harbour.
- The unnecessary hydraulic ramp and access ramp on the east side of the wharf will be removed to open up the spatial quality of the wharf and facilitate better vision throughout the wharf. The hydraulic ramp and access ramp/stair for the Manly Ferry will remain. These will be improved with solid cladding below the ramp/stair and glass balustrades above the ramp/stair.
- Construction of a combined ticket, control/revenue office, messroom and staff amenities facility on the east side of the outer wharf. The amenities have been so planned to provide an access corridor along the original east façade and also locate services away from the wall so as to minimise damage to the original fabric. The height of the amenities block has been reduced so that it sits within the existing wharf heights and structural framework. This enables the original fabric of the wharf still to be seen and appreciated. Horizontal timber slats fixed to the western side of the amenities block will reinterpret and reinforce the aesthetics of the original wharf.
- The raised roofs over the hydraulics ramping system are to be lowered. This is to reduce the bulk and massing of the existing roofs when seen from the water or surrounding Cove. It will further allow the inherent horizontality of the original building to be appreciated. Roof on the east side will be removed and the building façade rebuilt to parapet level. Clerestory windows surrounding the central ramp will although modified in height will be retained to provide natural light within the wharf.
- Finishes and colours will complement those used at Circular Quay but have slight variations to reflect qualities appropriate to the Manly Wharf and respect aspects of the retail part of the wharf recently upgraded.

Manly Wharf is to be upgraded to complement the upgrade completed to the wharves at Circular Quay in 2000 so that a consistent and integrated service is provided to the public.

3.3 Development Objectives

The upgraded design of the outer wharf will provide a significant arrival point for Manly and reinforce the vibrancy of the wharf retail complex that has recently undergone a revitalisation.

The objectives of the proposed development are to:

- Upgrade the outer wharf to provide an efficient operational service similar to that provided at Circular Quay;
- Rationalise ferry staff amenities and offices on the outer wharf;
- Provide clear and sensible circulation patterns for passengers and rationalisation of waiting areas for passengers;
- Remove the hydraulic ramp and internal ramp to the east side of the wharf and install new pontoon system for embarking and disembarking for the Jet Cat service;
- Utilisation of the dead southern end of the outer wharf for passenger waiting;
- Improve vistas of the outer wharf to and from the water;
- Improve the visual appearance of the wharf;

- Recognise and reinforce the heritage fabric of the outer wharf building; and
- Consolidate maintenance and repair to the outer wharf's structure above deck level.

3.4 Proposed Works and Wharf Operation

The scope of works relates to necessary maintenance and repair to existing fabric above the deck, upgrade the outer wharf to provide an efficient operational service, rationalise ferry staff facilities and ticketing, a new pontoon for the Jet Cat, improve the visual appearance and openness of the wharf and associated services upgrades and demolition of redundant structure.

The proposed works are shown on the DA Drawings contained in Appendix 1 and in the Photomontages contained in Appendix 2.

The operational issues that will be addressed as part of the upgrade of the outer wharf are as follows:

- **Ticketing:**

STA require four ticket windows in addition to two ticket vending machines. Queuing barriers have been provided to improve the flow of customers through the ticketing process. The layout of the ticket areas will be similar to those now at Circular Quay. The ticket vending machines are located away from the main pedestrian flow so as not to interrupt the general flow of passengers. For security reasons the ticket outlets have been combined with the control office and revenue room.

- **Waiting Areas:**

Two different waiting areas are required because of the different fare structures for the Manly Ferry and Jet Cat service. These waiting areas will be located on either side of the wharf close to the respective loading ramps. The waiting area for the Manly Ferry consists of two zones located along the western side and at the southern end of the wharf. Both areas provide loading to the upper level of the ferry. The waiting area for the Jet Cat is at the southern end of the wharf. All waiting areas are to be roofed for weather protection and have glazed walls to the cove to facilitate uncluttered views to Manly Cove and the Harbour. Appendix 4 contains drawings showing the existing and proposed loading and unloading modes.

- **Staff Areas:**

Staff will be accommodated within the one new internal space that will provide facilities for control staff, ticketing staff and deckhands. These new facilities will include ticket office, control office, revenue office, mess room, locker room and toilet facilities with a combined disabled toilet/shower room. New gateboxes will be located adjacent to the waiting area entry points to provide ticket control and aid passenger access requirements.

- **Storage/Waste Management:**

Storage areas are required for items such as ropes, garbage, etc. These areas need to be accessible for the deckhands and will be located towards the southern part of the wharf under the ramp and stair. Existing waste management arrangements will continue with garbage collected under contract to Sydney Ferries. There are 4 bins collected three days per week. Bins, including spares, are stored under the ramp. The full bins are transferred to the car park loading dock for disposal by external contractors. The lease arrangement allows for STA to have access to the retail complexes central bin storage and compactor.

- **Landing Platform Systems:**

The existing hydraulic ramp for the Jet Cat does not provide access at low tide and the upper level ramp is unnecessary. The hydraulic ramp to the east side of the wharf along with the eastern side of the internal access ramp and stair is to be removed. Existing fender piles will be removed and a new floating pontoon system with ramped access from the wharf will be installed for access to the Jet Cat. The existing hydraulic ramp for the Manly Ferry will remain along with the western side of the existing stair and ramp for loading and unloading requirements.

- **Deckhand Work Areas:**

Work areas for the deckhands are required along the edge of the wharf for access to ferry ropes, docking requirements, firehose reels, ferry power supply, etc. These will be maintained for the operational part of the wharf. Areas outside of the operational zones will be revitalised for public use.

- **Security:**

Security grilles will be installed at the line of the STA lease to secure the outer wharf when not in use. A system of strategically located surveillance cameras will be placed around the outer wharf to monitor activity within the outer wharf and adjoining public areas.

- **Emergency Escape:**

Wharf emergency drills are conducted by STA on a weekly basis and procedures are documented in their Shore Emergency Response Plan (SERP). STA indicate that emergency escape from the wharf should allow for up to 1000 passengers. Turnstiles are designed so that they automatically open in emergency situations. The retained internal ramp and stair would provide further escape within the wharf area. On the east and west sides of the wharf gates with panic bar release would afford escape to the public access areas located each side of the wharf.

- **Services:**

All existing fire services, electrical services, communication services and hydraulic services are in need of repair and will be replaced as part of the proposed development.

The proposed works place particular emphasis on clear passenger circulation, efficient ticketing procedures, good information and directional signage, upgraded passenger waiting areas and clear escape routes.

Disabled access will be provided throughout the lower deck of outer wharf. Current disabled access to the Manly Ferry at deck level will be maintained. No access will be provided to the upper deck of the Manly Ferry. The new pontoon system with associated ramps will provide disabled access to the Jet Cat for most tidal situations.

3.5 Multi-purpose Berthing Facility

The existing Jet Cat berthing facility will be upgraded to accommodate all existing catamaran vessels and the proposed catamaran vessel on the Manly Service. Currently the Freshwater Class vessels berth on the western side of the outer wharf and the Jet Cat vessels berth at a vessel specific facility on the eastern side of the outer wharf. The new facility is designed to accommodate other Catamaran vessels in the Sydney Ferries fleet to provide flexibility in ferry operations.

The design of this facility is shown on the DA Drawings and is described in the design report prepared by Taylor Lauder Bersten contained in Appendix 5. The new platform, ramp and fendering will be located immediately east of the existing wharf edge. The proposed facility consists of the following elements.

1. **An adjustable height platform** which is raised and lowered by hydraulic cylinders located on the western side of the platform and supported on a steel frame attached to the existing wharf structure. This platform will be located on the eastern side of the wharf. The range of height adjustment will enable STA-Sydney Ferries' catamaran vessels to use the berth at any stage of the tide. The raising and lowering of this platform will automatically occur to accommodate the tidal movements with an override arrangement such that STA-Sydney Ferries personnel may finally adjust the level of the platform to suit the trim of the vessel at the berth. The platform will have a roof over it and screens on the southern and western sides to provide protection from the weather. The deck level of the platform will be covered with an anti-skid surface.
2. **Ramps** supported on the adjustable height platform and connected to the existing wharf with a pin arrangement to ensure that the ramp can move freely to accommodate the different heights of the platform. The ramps will have a canopy roof over them and weather protection along each side. The ramps have been designed to comply with the requirements of the Disability Discrimination Act, and in particular the regulations applicable to accessible public transport. The maximum slope of the ramps will be 7.1 degrees (1 vertical to 8 horizontal). The walking surface of the ramps will be covered with an anti-skid material.
3. **New fendering and mooring points** along the eastern side of the existing wharf. Along the ramps and on either side of the platform, the new fendering will comprise: fender piles, rubber fenders, and large diameter circular steel piles all of which will absorb the impact energy arising during the berthing of vessel. The large diameter piles will be connected to the existing wharf structure by struts and bracing. These restraints will be under the proposed ramps. At no stage of the tide will the ramps come into contact with these restraints. The fenders will serve to protect the platform from vessel impact. Mooring cleats will be fixed to the large diameter steel piles in an arrangement which will enable all of the proposed vessels to safely moor at the berth in all operational conditions.
4. **The hydraulic adjustment system** will be arranged such that the cylinders will be lowermost and surrounded by guards so those passengers using the facility will not come into contact with the cylinders. The moving ram section of the height adjustment system will be 2.2 metres above the platform level and generally above the reach of STA-Sydney Ferries' passengers. Further guards will be provided as necessary.

3.6 Access

No change to access arrangements to the outer wharf from Manly Wharf and the adjoining street system is proposed.

3.7 Construction Staging and Management

Construction will be staged and managed to enable the ferry terminal to continue to operate through the construction period. It is envisaged that construction will occur over a period of approximately 18 months. Interim arrangements will be put in place for the construction period to maintain access to ferry services.

Identification and removal of hazardous material will be carried in accordance with the appropriate authorities requirements. Assessment Reports and Hazardous Material Reports

have been completed by various consultants commissioned by the applicant. Copies of these reports can be supplied to Council if required.

It is proposed that demolition and construction materials will arrive and depart by barge thus minimising impacts on the adjoining wharf and street system. Construction may be required on occasions out of hours to avoid impact on passengers during peak times. A Construction Environmental Management Plan will be prepared prior to construction commencing that will address issues such as:

- Construction traffic and parking management;
- Construction hours (including provision for out of hours activities);
- Pedestrian management and ferry services access throughout the construction process;
- Construction waste management;
- Noise and dust management;
- Means of minimising disturbance to seagrasses;
- Means of minimising impacts to penguins including educational information for construction workers, control of siltation during construction and the like;
- Removal of any hazardous building materials;
- Occupational health and safety.

3.8 Building Code of Australia

Proposed alterations to the wharf impacts upon BCA compliance in terms of fire compartments, egress and sanitary facilities. These matters are considered in the BCA report contained in Appendix 6.

4 SECTION 79C – MATTERS FOR CONSIDERATION

The following section outlines an assessment of the proposed development under the provisions of Section 79C(1) of the Environmental Planning and Assessment Act 1979 (as amended). This section of the act requires the consent authority to take into consideration the following matters, which are of relevance to the development application:

- (a) the provisions of:
 - (i) any environmental planning instrument and,
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and
 - (iii) any development control plan, and
 - (iv) any matters prescribed by the regulations
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environment and social and economic impacts in the locality
- (c) the suitability of the site for the development
- (d) any submissions made in accordance with the Act
- (e) the public interest.

4.1 Environmental Planning Instruments and Policies

4.1.1 State Environmental Planning Policy 56 – Sydney Harbour Foreshores and Tributaries

State Environmental Planning Policy 56 – Sydney Harbour Foreshores and Tributaries applies to the site and the development. This Policy aims to co-ordinate the planning and development of land comprising the foreshores of Sydney Harbour and its tributaries:

- (a) by establishing a clear set of guiding principles for the development of all land on those parts of the foreshores to which this Policy applies, and
- (b) by requiring the preparation of master plans for strategic foreshore sites to ensure that the guiding principles for the foreshores are met, and
- (c) by establishing clear consultation procedures for the planning and development of all strategic foreshore sites, and
- (d) by declaring development on certain strategic foreshore sites to be State significant development and so providing that the Minister is to be the sole consent authority under the provisions of Part 4 of the Environmental Planning and Assessment Act 1979 for that development.

The outer wharf is within a strategic foreshore site identified in Schedule 2 of SEPP 56 and is therefore subject to the provisions of Part 4 of SEPP 56. The proposed new Catamaran and Jet Cat berthing facility may be outside the area identified in Schedule 2 although it is related to the outer wharf structure.

Clause 7 identifies guiding principles that are to be considered in determining development applications under SEPP 56. These guiding principles must be taken into consideration and, where possible, achieved in the preparation of environmental studies, environmental planning instruments, development control plans, master plans and any other environmental

planning codes or guidelines, and in the assessment and determination of development applications.

The guiding principles are as follows:

- (a) increasing public access to, and use of, land on the foreshore,
- (b) the fundamental importance of the need for land made available for public access, or use, on the foreshore to be in public ownership wherever possible, particularly land that is within the foreshore area as defined in the Sydney Harbour Foreshore Authority Act 1998,
- (b1) if public ownership of foreshore land is not possible, the use of appropriate tenure mechanisms to safeguard public access to, and public use of, that land and to ensure the rights of public authorities to determine the design of, use of, and amenities on, the land over time,
- (c) the retention and enhancement of public access links between existing foreshore open space areas,
- (d) the conservation of significant bushland and other natural features along the foreshore, where consistent with conservation principles, and their availability for public use and enjoyment,
- (e) the suitability of the site or part of the site for significant open space that will enhance the open space network existing along the harbour foreshores,
- (f) the protection of significant natural and cultural heritage values, including marine ecological values,
- (g) the protection and improvement of unique visual qualities of the harbour, its foreshores and tributaries,
- (h) the relationship between use of the water and foreshore activities,
- (i) the conservation of items of heritage significance identified in an environmental planning instrument or subject to an order under the Heritage Act 1977,
- (j) the scale and character of any development, derived from an analysis of the context of the site,
- (k) the character of any development as viewed from the water and its compatibility and sympathy with the character of the surrounding foreshores,
- (l) the application of ecologically sustainable development principles,
- (m) the maintenance of a working-harbour character and functions by the retention of key waterfront industrial sites or, at a minimum, the integration of facilities for maritime activities into development and, wherever possible, the provision of public access through these sites to the foreshore,
- (n) the feasibility and compatibility of uses and, if necessary, appropriate measures to ensure coexistence of different land uses,
- (o) increasing opportunities for water-based public transport.

It is considered that the proposed development is totally consistent with the guiding principles where relevant. In particular it is noted that the proposed development:

- improves public access to and views of the water;
- has no significant adverse impact on the heritage significance of the building and will improve the heritage qualities of the outer wharf;

- will improve the appearance of the outer wharf from the water and from within;
- retains and enhances the water based public transport facilities at the outer wharf.

Clause 14 requires a master plan to be prepared prior to consent being granted. The Minister can waive the requirement for a master plan in circumstances specified in the instrument. A request has been made to the Minister to waive the requirement for a master plan in this instance.

Clause 15 requires the consent authority to seek and consider any views of the Director-General before granting consent to the application.

The proposed development is totally consistent with the guiding principles and aims and objectives of SEPP 56. The development will enhance the qualities of the outer wharf that make it a site of strategic significance under this SEPP.

4.1.2 Sydney Regional Environmental No 23 Sydney and Middle Harbours

The general aims of this plan are:

- to establish a framework which encourages a consistent and co-ordinated approach to the planning, development and management of the waterway, islands and foreshores of Sydney and Middle Harbours, and
- to establish an efficient and effective development control system for the Harbours and their foreshores and islands, and
- to ensure that the Harbours and their foreshores and islands are developed and promoted as a community asset, with due recognition being given to their role as a recreation and tourist focal point, and
- to ensure that the special value of certain foreshore areas as access points to the waterway are fully considered in future planning and development control, and
- to recognise, protect and enhance the natural, scenic, environmental, cultural and heritage qualities of the land to which this plan applies in future planning and development control, and
- to ensure that appropriate facilities are provided for water based and foreshore recreational activities which are compatible with the commercial role of the Port of Sydney and give due regard to environmental and cultural attributes, and
- to encourage balanced multiple use of the Harbours and their foreshores and islands, in a manner that is consistent with their environmental and cultural attributes and the commercial functions of the Port of Sydney, and
- to ensure that consistent guidelines are applied to the assessment of development of the Harbours and their foreshores and islands, and
- to encourage an appreciation of the Harbours and their foreshores and islands as areas of outstanding heritage significance and, in particular, the significance of individual heritage items within those areas, and
- to encourage an appreciation of the remaining natural foreshores around the Harbours.

The specific aims of this plan are:

- in relation to commercial, governmental and administrative uses and activities:
 - to maintain the role of the Port of Sydney in a manner that is consistent with the environmental and cultural attributes of the land to which this plan applies, and
 - to establish an appropriate balance between commercial, governmental and administrative activities and recreational

- activities, and
- (b) in relation to administration and management:
- (i) to ensure that a consistent and co-ordinated development approval process applies to all development proposals whether they be above or below mean high water mark or span mean high water mark, and
 - (ii) to ensure that for any development proposal there is only one consent authority, and
 - (iii) to ensure that all consent authorities apply consistent criteria when considering development applications, and
 - (iv) to establish clear and consistent guidelines on the use and development of the Harbours and their foreshores, and
- (c) in relation to open space and recreation:
- (i) to recognise the fundamental role that existing foreshore open space areas have in providing access to the waterway and in accommodating water based recreational activities, and
 - (ii) to give priority to recreational activities which require or are enhanced by a foreshore location, and
 - (iii) to improve access to the waterway and from the waterway to foreshore parks, and
 - (iv) to encourage in appropriate circumstances the provision of additional foreshore open space, and
- (d) in relation to boating facilities:
- (i) to recognise the value of the Harbours as an outstanding location for recreational, tourism and sports boating activities, and
 - (ii) to recognise the importance of having appropriate facilities for the storage, launching and maintenance of commercial, recreational and other vessels, and
 - (iii) to make appropriate provision for the establishment of new boating facilities in a manner that is consistent with the environmental and cultural attributes of the land to which this plan applies, and
- (e) in relation to the natural environment:
- (i) to protect flora and fauna habitats, including wetland areas, in a manner that is consistent with their conservation value, while also recognising the validity of other uses of the foreshores and the waterway, and
 - (ii) to improve and maintain the water quality of the Harbours and to provide a healthy habitat for marine and bird life and for water based recreational pursuits, and
 - (iii) to more carefully identify the biological resources of the inter-tidal and sub-tidal zones, and
 - (iv) to preserve known areas of biological conservation value in the inter-tidal and sub-tidal zones, and
- (f) in relation to the visual environment:
- (i) to protect and enhance the landscape and special scenic qualities of the Harbours, and
 - (ii) to ensure that adequate consideration is given to the visual impact of development, and
 - (iii) to preserve the natural foreshores of the Harbours and to ensure development does not detract from their natural character, and
- (g) in relation to the environmental heritage:
- (i) to conserve and enhance the environmental heritage of the

- (ii) Harbours and their foreshores and islands, including their underwater archaeological resources, and to encourage an appreciation of the role of the Harbours in the history of both Aboriginal and European settlement.

The proposed development is totally consistent with these general and specific aims of SREP 23.

Under Clause 8 of this plan, Manly Council is the consent authority for the proposed development. The site is on land that is within Zone No W1-General Waterways. The objective of this zone is to permit waterway activities and facilities and land/water interface development which:

- (a) maintains or enhances important, natural and visual attributes of the Harbours, and
- (b) is compatible with the existing or planned future character of the waterway and adjoining foreshores.

The proposed development is land water interface development being a **public water transport facility** which means any structure used primarily in connection with transporting the public by water.

Clause 11 provides that the consent authority shall not grant consent to the proposed development unless it has referred the development application to the Foreshores and Waterways Planning and Development Advisory Committee.

Clause 18 provides that a consent authority must not consent to the carrying out of development unless it is satisfied that the proposed development is consistent with development of the land to which this plan applies in accordance with the objectives of this plan, and it has considered such of the following matters as are of relevance to the development:

Statement of Environmental Effects
Manly Wharf Upgrade

Matter	Consideration
(a) the appearance of the development from the waterway and the foreshores,	The repairs and improvements to the external façade will improve the external appearance of the building. The removal of the eastern hydraulic lift and A frame and roof cowl provides the opportunity to reinstate the timber walling and parapet above the Jet Cat facility. The lowering of the clerestory roof above the ramp and stairs, the repair and replacement of worn timbers and other external fabric, the replacement of glass screens, reforming and replacing roofing elements etc will result in a simpler form when viewed from the water and the adjoining foreshore area more in keeping with the original design intent of the building.
(b) whether the development will cause pollution or siltation of the waterway to an extent that would jeopardise any existing or potential uses of the waterway,	There is some limited potential for siltation of the waterway during construction. This can be effectively managed through the implementation of good practices during construction. Such measures will be included in a CEMP to be prepared prior to construction. Once operational, there will be no additional sources of pollution or siltation.
(c) whether the development will have an adverse effect on wetlands or flora and fauna habitats,	This is discussed in Section 4. It is concluded that the proposed development will have no significant impact on seagrasses in the vicinity of the wharf or on the habitats of fauna species such as the local penguin population.
(d) the noise likely to be generated by the development and any adverse effect that any such noise would have on existing uses of the waterway or nearby land,	The development will generate noise during construction. This can be effectively managed through the implementation of good practices during construction. Such measures will be included in a CEMP to be prepared prior to construction. Once completed the upgrade works will not create any significant additional noise from that currently experienced. New equipment such as the hydraulic ramp for Jet Cat berthing pontoon will be specified to ensure acceptable noise criteria are not exceeded.
(e) whether the development will have an adverse effect on drainage patterns or cause shoreline erosion,	The proposed works are located on or above the existing deck level with the exception of the new pontoon. There will be no impact on drainage patterns or shore erosion.
(f) whether the development will cause excessive congestion of, or generate conflicts between, people using the waterway or the waterfront,	It is expected that there will be some disruption to passenger comfort during construction by the use of temporary walkways and passenger flows. This will be carefully managed during construction. The works are designed to improve the operation of the outer wharf rather than to increase the capacity. The resulting development will result in more efficient passenger movement onto and off ferry services and thus will reduce congestion.
(g) the demand for storage space for boats on the Harbours or on Parramatta River,	Not relevant
(h) whether the development warrants a foreshore location,	Yes
(i) whether the development will have an adverse effect on	There will be no significant increase in the size of vessels using the facility.

Statement of Environmental Effects
Manly Wharf Upgrade

Matter	Consideration
the views to and from the waterway as a result of the size of vessels capable of being accommodated within the development,	Additional vessels such as the Catamaran fleet will be able to use the facility providing greater operational flexibility for Sydney Ferries.
(j) the effect of the development on any conservation area or on any building, work, relic, tree or place that is a heritage item of significance to the locality and the effect on its site and in its vicinity,	Refer to the Heritage Impact Statement.
(k)	Deleted
(l) the Australian Standard-- AS 3962-1991--Guidelines for design of marinas,	Not relevant
(m)	Deleted
(n) any other relevant plan of management, urban design or other development control guidelines that apply to Sydney and Middle Harbours and their foreshores and which have been notified and provided to the consent authority by a public authority,	Not relevant
(o) any representations of the Committee,	A matter for submission
(p) whether the development will affect swimming in the locality,	There will be no impact on swimming in the locality.
(q) the provision of pedestrian access in the locality of the development and the impact of the development on existing pedestrian access,	The development will have no significant impact on pedestrian access in the vicinity of the outer wharf. Existing access arrangements will remain.
(r) the importance of giving priority to onshore access to the foreshores and waterway rather than access by means of boardwalks,	Not relevant
(s) any development control plan prepared in respect of this plan or, until such a plan has been prepared, the Sydney and Middle Harbours--Design and Management Guidelines a copy of which is available at the Head Office of the Department.	Not relevant

Statement of Environmental Effects
Manly Wharf Upgrade

The proposed development is appropriate having regard to the objectives of the zone and the matters for consideration in Clause 18.

Manly Wharf is a heritage item under SREP 23. Clause 22 provides that a person shall not, in respect of a building, work, relic, tree or place that is a heritage item:

- (a) demolish or alter the building or work,
- (b) damage or move the relic,
- (c) excavate for the purpose of exposing the relic,
- (d) damage or despoil the place or tree,
- (e) erect a building on, or subdivide, land on which the building, work or relic is situated or land which comprises the place, or
- (f) damage any tree on land on which the building, work or relic is situated or which comprises the place,

except with the consent of the consent authority.

The consent authority must not grant consent to a development application for a heritage item unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting. The consent authority may decline to grant consent to a development application required by this clause until it has considered a conservation plan that will enable it to consider fully the heritage significance of the item and the impact of the proposed development on the significance of the item and its setting.

A Heritage Impact Statement has been prepared and accompanies the application. This impact statement includes a comprehensive assessment of the history of the site and the existing fabric. It contains a detailed statement of the heritage significance of the item prepared in accordance with Heritage Office methodology and enables the heritage impacts of the proposed development to be fully considered and understood. Consequently a conservation plan referred to in Clause 22 is not required.

The Manly Wharf is listed on the State Heritage Register. The proposed changes are of an operational nature and will result in repair and maintenance work to the heritage fabric and improvements to the organisation of the wharf to enable better appreciation of the original design concept. The Heritage Office has indicated that the work can be undertaken on the basis of a Statement of Environmental Effects and accompanying Statement of Heritage Impact, and that the preparation of a Conservation Management Plan at this stage is not required.

4.1.3 Manly Local Environmental Plan 1998

There are no specific provisions of the LEP that are relevant to the proposed development with the exception of the heritage provisions. The heritage impacts of the development are discussed in detail in the Heritage Impact Statement lodged with this application. The site is not zoned under this LEP.

4.1.4 Development Control Policy for Manly Cove

This policy sets out Council's town planning controls and guidelines on key development factors in the harbour front area of Manly Cove and is guided by the aims and objectives of SREP 23 discussed above. Relevant provisions of this policy are discussed in the following table.

Statement of Environmental Effects
Manly Wharf Upgrade

Policy	Response
2.1 Building Location – it is anticipated that there will be no new building work other than on the location of existing buildings	Complies. Works are located on the existing outer wharf with the exception of a minor addition for the new pontoon replacing the existing Jet Cat access ramp.
2.2 Building Height – no building will exceed 10.5m AHD in height other than for architectural features and embellishments	Complies. The existing building is 10.84m at its highest point. The proposed changes will reduce this height to 9.4m.
3.1 Design for Townscape – design of any new development gives due attention to existing and future townscape issues.	Complies. Development has evolved out of a careful consideration of the site and its context including the heritage and visual qualities of the outer wharf. The upgrade will improve the appearance of the outer wharf and improve views from the wharf to the cove.
3.2 Design Principles	Complies. The proposed development satisfies the design principles in the policy to the extent that they are relevant as discussed in Section 3.2 and the Heritage Impact Statement.
3.3 Design Considerations	Complies. The alterations and additions take account of the scale proportions and materials of the building and views to the building.
4.2 Access	Complies. There is no change to access arrangements to the outer wharf.
4.3 Loading Facilities	Complies. There is no change proposed to the loading and unloading arrangements for the outer wharf. Existing waste management arrangements will be maintained although there are changes to waste storage arrangements on the outer wharf. All construction loading will be from the water via barges.
4.4 Vehicular Parking	Not relevant.
Waste Management:	
6.1 – Compartmented waste receptacles providing for recycled waste are to be provided.	Can comply as a condition of consent or an alternative solution found.
6.3 – suitable garbage storage areas to be provided	Complies.

4.1.5 Draft Planning Instruments

We are unaware of any draft environmental planning instruments that would be relevant to this application.

4.1.6 Matters Prescribed by the Regulations***Demolition of Buildings***

All demolition works will be undertaken in accordance with AS 2601 and in accordance with any conditions of consent and conditions of approval under Section 60 of the Heritage Act 1977.

Building Matters

Consideration has been given to fire egress, sanitary facilities and disabled access requirements of the BCA in the BCA report contained in Appendix 6. Fire engineered solutions may be required in some instances due to the need to minimise impact on the heritage significance of the building.

4.2 Environmental Impacts**4.2.1 Built Form**

- Scale - the existing scale of the building is unchanged by the proposed works with the exception in a reduction of the height of the building by lowering the intrusive roof element above the Manly Ferry hydraulic ramps;
- Built form - the built form of the out wharf will be improved by the repair and replacement works and the removal of some intrusive elements and erection of new elements more sympathetic to the original form and fabric as discussed in Section 3.4 and the Heritage Impact Statement.

4.2.2 Heritage Impacts

Manly Wharf The site is listed on the following heritage lists and registers:

- State Heritage Register: Manly Wharf, West Esplanade, Manly Cove, Manly: 18 April, 2000
- Sydney Regional Environmental Plan No 23: Manly Wharf, East Esplanade, Manly: 5 June 1990
- Manly LEP 1988: Manly Wharf (façade and street returns only), The Esplanade, Manly: 16 June 1988
- Marine Ministerial Holding Corporation (NSW Waterways Authority) Heritage Register: Manly Wharf, The Esplanade, Manly: December 1998
- National Trust of Australia (NSW): Manly Wharf, West Esplanade, Manly: 1 March 1982
- National Trust of Australia (NSW): Sydney Harbour Landscape Conservation Area: 21 January 1983
- Register of the National Estate: Sydney Harbour Landscape Area, Sydney, NSW (Indicative Place)
- In addition, the Wharf is identified as a Site of strategic significance in State Environmental Planning Policy No 56 – Sydney Harbour Foreshores and Tributaries

Heritage Council approval is required under Section 60 of the Heritage Act 1977 and will be obtained prior to consent being granted.

The heritage significance of the wharf has strongly influenced the upgrade program with new works designed to minimise impacts on the heritage significance of the building and other works identified to restore and repair existing fabric contributing to the significance of the place.

The heritage impacts of the proposed development have been addressed by the Government Architect's Office in a Heritage Impact Statement (HIS) submitted under separate cover.

The assessment of heritage significance of the proposed work has been developed in accordance with the Heritage Council's updated Assessment Criteria contained in the document titled Assessing Heritage Significance issued in July 2000 contained in the NSW Heritage Manual.

Manly Wharf is of heritage significance as a visually prominent man-made feature of Manly Cove of historical significance for its associations with maritime dependent activities at Manly, which have contributed to its development as a suburb and as an important recreational destination, and for its design by the significant and influential Modernist architect, Arthur Baldwinson. It is highly esteemed by local residents and visitors as a landmark structure with strong identity to the locality and to Sydney Harbour, and as an important transport interchange.

The proposed changes are of an operational nature, and will result in repair and maintenance work to the heritage fabric and improvements to the organisation of the wharf to enable better appreciation of the original design concept.

The HIS finds that the proposed development has an overall positive impact on the heritage significance of the outer wharf.

4.2.3 Flora and Fauna

Fauna

Manly Wharf is not located near any Critical Penguin Habitat areas. The Critical Penguin Habitat Area is located east of Manly Wharf and extends from Oyama Avenue, Manly Point through Little Manly Cove, Collins Beach, Store beach and Quarantine Station to Cannae Point. Discussions with NPWS indicated that there is a small colony of penguins with three burrows located under the public boardwalk to the northwestern part of the wharf where it adjoins Manly Cove beach. It is important that the presence of these penguins is recognised during construction so that any disruption can be minimised. It is apparent that the penguins habitat is highly disturbed and close to a highly urbanised area. Potential impacts include construction noise and disturbance to the bed of the cove during the construction of the pontoon including driving the additional fender piles required to provide protection to the pontoon. It is proposed that NPWS will be consulted during the preparation of the Construction Environmental Management Plan referred to in Section 3.7 so that appropriate measures can be adopted to minimise impacts during construction.

Given the nature of the construction and the surrounding environment there is no reason to suggest that the proposed development will have any significant adverse impact on the nearby penguins.

Seagrasses

Manly Wharf is not located within the North (Sydney) Harbour Aquatic Reserve. The Aquatic Reserve is contained within an area south of a line between Forty Baskets Beach, Manly Cove and Little Manly Point to a line between Grotto Point and North Head.

Manly Wharf is located in close proximity to underwater seagrass beds located closer to the shoreline on either side of the wharf. The NPWS has identified seagrass beds on the west side of the wharf in Manly Cove covering the sea bed from the wharf to the edge of the Aquarium and on the east side of the wharf in Manly Cove covering the sea bed from east of the wharf to Manly Point.

Seagrasses and any other vegetation are potentially impacted by the proposed development during the construction period from dust and dirt deposition from the work above the deck and by the construction of the pontoon including the additional fender piles to be installed into the bed of the cove. Any disturbance during the installation of the piles will be localised and it is expected that disturbed areas will quickly regenerate except for the immediate location of the piles. The piles will become habitat for ocean flora species.

Part of the upgrade works involves the removal of the hydraulic ramp and its associated raised roof to the east side of the wharf as well as the lowering of the roof over the hydraulics ramp on the west side and the lowering of the roof to the central clerestory area. These works considerably reduce the amount of shadow from the proposed works cast over Manly Cove on the east side. Shadow diagrams have been prepared indicating the extent of shadow reduction and are included in Appendix 7. Additional sunshine will be provided to the water surface which is likely to have a positive effect on flora on the bed of the cove.

4.2.4 Access, Transport and Traffic

The proposal will not impact on access, transport or traffic in the locality. The improvements to pedestrian flows and passenger waiting areas will improve the ferry loading and unloading process. Measures will be implemented during the construction phase to minimise construction traffic impacts including transporting materials to and from the site by barge.

4.2.5 Resources

Being an existing development of significant scale, it is not possible to achieve meaningful changes to the usage of resources generally. However it is intended to require the Building Contractor to adhere to best practice regarding waste management and to comply with all relevant guidelines in regard to sustainability.

4.2.6 Soils

The proposed development will not impact on the quality of the soils on site.

4.2.7 Noise and Vibration

The proposed development will not result in any adverse impacts in terms of noise or vibration. This is because there will be no significant change to the operation of the outer wharf that will change the noise environment to any significant extent. A new hydraulic ramp is proposed for the new Jet Cat pontoon.

Noise will be generated during construction. This will be generally minimal since no earthworks or excavation is required. Fender piles will be driven into the bed of the cove to provide protection for the Jet Cat pontoon.

Construction may be required on occasions out of hours to avoid impact on passengers during peak times. Specific provision will be made for noise management during construction in the Construction Environmental Management Plan to be prepared prior to construction commencing as discussed in Section 3.7.

4.2.8 Air and Micro-climate

The proposed refurbishment will not result in any adverse impacts to air or micro-climate of the locality. There will be little disturbance to soils and so dust management can be readily implemented by good housekeeping during construction.

4.2.9 Impact in the Locality

The refurbishment will not cause any amenity impacts in terms of over-shadowing, privacy or noise disturbance and accordingly will achieve a compatible relationship with neighbouring developments.

4.3 Suitability of the Proposal

The proposal will clearly fit into the existing built environment because of the planned improvements to the heritage qualities and operational performance of an iconic public water transport facility. It will reinforce the role Manly Wharf as an important commuter and tourist passenger facility as one of two major public water transport wharves in Sydney. It will enable the original design of the outer wharf to be retained and reinforced and will open views to the cove for passengers. The proposal is totally suitable and supportable.

4.4 Submissions

This is a matter for consideration by Council in determining the application. In addition to public submissions, Council will have regard to any submissions from the Director-General for Infrastructure and Planning and the Foreshores and Waterways Planning and Development Advisory Committee.

4.5 The Public Interest

The proposed development is considered to be totally consistent with the general public interest in that:

- It improves public transport services;
- It responds to and reinforces the heritage significance of the wharf;
- It is permissible with consent and consistent with State and local government guidelines and policies.

5 CONCLUSION

This proposal has been considered against the provisions of the relevant environmental planning instruments and policies and the heads of consideration in Section 79C of the Environmental Planning and Assessment Act. This report has demonstrated that this proposal achieves total compliance with relevant development standards and heritage requirements and that there is no environmental planning reason why the proposal should not be approved.

The proposal has been formulated in light of all the relevant planning controls. The SEE finds that the proposed upgrade to Manly wharf in combination with the upgraded wharves at Circular Quay will provide an excellent ferry service between Manly and Circular Quay for both commuters and tourists alike and substantially enhance the operational and visual presence of Manly Wharf as well as reinforce the heritage significance of the outer wharf.

Council is urged to support the proposal.