

Natural Environment Referral Response - Coastal

Application Number:	DA2025/0999
Proposed Development:	Alterations and additions to an existing restaurant tenancy
Date:	28/08/2025
Responsible Officer	Alex Keller
Land to be developed (Address):	Lot 1 DP 1170245 , 0 East Esplanade MANLY NSW 2095

Reasons for referral

This application seeks consent for land located within the Coastal Zone.

And as such, Council's Natural Environment Unit officers are required to consider the likely impacts on drainage regimes.

Officer comments

The application has been assessed in consideration of the Coastal Management Act 2016, the State Environmental Planning Policy (Resilience & Hazards) 2021 and the State Environmental Planning Policy (Biodiversity & Conservation) 2021. It has also been assessed against requirements of the Manly LEP and DCP.

Coastal Management Act 2016

The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development.

The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.

State Environmental Planning Policy (Resilience & Hazards) 2021

The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP R & H). Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA.

Comment:

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Architectus Australia, dated 24 July 2025 the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the SEPP R&H.

As such, it is considered that the application is consistent with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.

State Environmental Planning Policy (Biodiversity & Conservation) 2021

Harbour Foreshores & Waterways Area

The subject site is located within the Sydney Harbour Catchment and is identified as being within the Foreshores and Waterways Area. Hence Part 6.3, Division 3 apply in assessing this DA.

Comment:

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Architectus Australia, dated 24 July 2025, it is determined that the Planning Principles and Matters for Consideration of the Area have been met.

The subject site is located adjacent to the W2 (Environmental Protection) Zone.

Comment:

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Architectus Australia, dated 24 July 2025 it is determined that the objectives and assessment criteria of the zone have been met.

Sydney Harbour Foreshores and Waterways Area Development Control Plan, 2005

The subject site is located within a foreshore area identified on the map and therefore the DCP applies to the proposed development.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by BBF town planners, dated July 2025, it is determined that the proposed development satisfies the requirements of the DCP.

Manly LEP 2013 and Manly DCP

Development on Foreshore Area

The subject site is also shown to be as “Manly Foreshores Area” on Council’s Area “within the foreshore building line Map” in Manly LEP 2013. Hence, Part 6, Clause 6.10 –Limited development on foreshore area of the Manly LEP 2013 applies for any development within the foreshore area.

The DA proposes alterations of an existing building within the foreshores area. The proposed works are consistent with Clause 6.10(2)(a).

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Architectus Australia, dated 24 July 2025, the DA satisfies the objectives and requirements of Part 6, Clause 6.10 of the Manly LEP 2013.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Natural Environment Conditions:

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Pollution Control

All stockpiles, materials, waste and slurry associated with works (including excavated material) is to be contained at source within the construction area and enclosed in waterproof covering and/or sediment

and erosion control while not in use. All waste/debris is to be removed off site and disposed of as frequently as required in accordance to local regulations.

Reason: To protect the surrounding environment, and ensure that pollutants and building associated waste do not leave the construction site.