

Natural Environment Referral Response - Coastal

Application Number:	DA2024/1249
Proposed Development:	Alterations and additions including internal fit-out for use of premises as a pub and artisan food and drink industry
Date:	19/12/2024
Responsible Officer	Claire Ryan
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 Applicant seeks the following

- The proposed development seeks alterations to the existing vacant retail tenancy at Manly Wharf for use as a pub and micro-brewery with ancillary dining and occasional live performance.

The application has been assessed in consideration of the

- Coastal Management Act 2016
- State Environmental Planning Policy (Resilience & Hazards) 2021
- The Manly LEP and DCP
- Submitted designs and reports
- Sydney Regional Environmental Plan 2005 (SREP)

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), however Clauses 2.10 and 2.11 do not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.

Hence, only clause 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 Pty Ltd dated 9 August 2024 and the Estuarine Risk

Management report by Horton Coastal Engineering dated 1 August 2024, the DA satisfies requirements under clause 2.12 of the SEPP R&H.

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

According to the Estuarine Risk Management Report, the risks from inundation and coastal processes such as wave energy and overtopping will have an acceptably low risk over the duration of the design life (60 years) to both the structure and will not increase coastal hazards on the structure or the surrounding land.

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

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The subject land has been included on the Foreshore and Waterways Area and hence is subject to the objectives and clauses of the DCP 2005

On internal assessment, the proposed development has been satisfied in the Statement of Environmental Effects (SEE) report prepared by Architectus Australia Pty Ltd dated 9 August 2024 and the Estuarine Risk Management Report by Horton Coastal Engineering dated 1 August 2024.

In particular, clause 6.32 Rocky Foreshore and significant seagrasses (Division 3 Development in Foreshore and Waterways Area) has been considered. The proposed development is limited to interior alterations and will have no impact to the seagrass, marine environment or coastal processes assuming appropriate design and conditions are followed.

As such, the DA complies with the objectives of the SEPP

Manly LEP 2013 and Manly DCP

No coastal related issues identified.

As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Manly LEP 2013 and Manly DCP.

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 SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION
CERTIFICATE**

Estuarine Hazard Design Requirements

All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes.

To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level.

Reason: To minimise risks associated with coastal hazards for development in an estuarine environment.

Estuarine Planning Level Requirements

An Estuarine Planning Level (EPL) of 3.26 m AHD has been adopted by Council for the subject site and shall be applied to all development proposed below this level as follows:

1. All structural elements below 3.26 m AHD shall be of flood compatible materials;
2. All electrical equipment, wiring, fuel lines or any other service pipes and connections must be located either above 3.26m m AHD or waterproofed to this level; and
3. The storage of toxic or potentially polluting goods, chemicals or materials, which may be hazardous or pollute the waterway, is not permitted below 3.26 m AHD.
4. All interior power supplies (including electrical fittings, outlets and switches) must be located at or above 3.26 m AHD. All exterior power supplies (including electrical fittings, outlets and switches) shall be located at or above 3.26 m AHD to avoid the likelihood of contact with splashing waves and spray.

Reason: To ensure vulnerable components of the development are built at the appropriate level.

Compliance with Estuarine Risk Management Report

The development is to comply with all recommendations of the approved Estuarine Risk Management Report prepared by Horton Coastal Engineering dated 1 August 2024 and these recommendations are to be incorporated into construction plans and specifications and maintained over the life of the development.

Reason: To minimise potential hazards associated with development in an estuarine habitat.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Stockpiling materials

During construction, all material associated with works is to be contained at source, covered and must be within the construction area. All material is to be removed off site and disposed of according to local regulations. The property is to be kept clean and any building debris removed as frequently as required to ensure no debris enters receiving waters.

Reason: To ensure pollution control measures are effective to protect the aquatic habitats within receiving waters throughout the construction period.