

Natural Environment Referral Response - Coastal

Application Number:	DA2020/1670
Date:	20/01/2021
Responsible Officer	Thomas Burns
Land to be developed (Address):	Lot 44 DP 11214 , 95 Gurney Crescent SEAFORTH NSW 2092

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*, State Environmental Planning Policy (Coastal Management) 2018, Sydney Harbour Catchment Regional Environment Plan, 2005 and Sydney Harbour Foreshores and Waterways Area Development Control Plan, 2005. It has also been assessed against requirements of the Manly LEP and DCP.

The application has also been assessed using Northern Beaches SREP assessment template.

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 (Coastal Management) 2018

The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Clauses 13 (coastal environment area) and 14 (coastal use area) do not apply as the site is also located within the SREP area. Hence, only Clause 15 of the CM SEPP apply for this DA.

Comment:

On internal assessment and as assessed in the submitted Coastal Management Statement report prepared by Mark Hurcum Design Practice dated December 2020, the DA satisfies requirements under Clause 15 of the CM SEPP.

As such, it is considered that the application does comply with the requirements of the State

Environmental Planning Policy (Coastal Management) 2018.

Sydney Regional Environment Plan (Sydney Harbour Catchment), 2005

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 2, Clause 14 and Part 3, Division 2 apply in assessing this DA.

On internal assessment and as assessed in the submitted Coastal Management Statement report prepared by Mark Hurcum Design Practice dated December 2020 it is determined that the Planning Principles and Matters for Consideration of the Area have been met.

The subject site is located within/adjacent to the W2 (Environmental Protection) Zones.

On internal assessment and as assessed in the submitted Coastal Management Statement report prepared by Mark Hurcum Design Practice dated December 2020 , 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 Coastal Management Statement report prepared by Mark Hurcum Design Practice dated December 2020, it is determined that the proposed development satisfies the requirements of the DCP.

Manly LEP 2013 and Manly DCP

Foreshores Scenic Protection Area Management

The subject site is also shown to be as “Manly Foreshores Scenic Protection Area” on Council’s Foreshores Scenic Protection Area in Manly LEP 2013. As such, Clause 6.9 (Foreshores Scenic Protection Area) of the Manly LEP 2013 and Part 5, section 5.4.1 Foreshores Scenic Protection Area of the Manly DCP 2013 will apply to proposed development on the site.

On internal assessment, the DA satisfies requirements under Clause 6.9 (Foreshores Scenic Protection Area) of the Manly LEP 2013 and Part 5, section 5.4.1 Foreshores Scenic Protection Area of the Manly DCP 2013.

As such, it is considered that the application does comply with the requirements of the Manly DCP 2013.

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 access works on the foreshores which are consistent with Clause 6.10(2).

On internal assessment and as assessed in the submitted Coastal Management Statement report prepared by Mark Hurcum Design Practice dated December 2020, the DA satisfies the objectives and requirements of Part 6, Clause 6.10 of the Manly LEP 2013.

Proposed landing steps, as such, cannot be supported. However, this can be supported with letter of consent from the Department of Crown Lands under the NSW Planning, Industries & Environment.

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

Landing Steps into the water - Letter of Consent needed

The proposed landing steps into the water cannot be supported at this stage. However, this can be supported with letter of consent from the Department of Crown Lands under the NSW Planning, Industries & Environment.

Reason: The river bed is crown land and managed by the Department of Crown Lands under the NSW Planning, Industries & Environment.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom’s ‘Managing Urban Stormwater: Soils and Construction’ (2004). Techniques used for erosion and sediment control on site

are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site