

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	Mod2019/0241
<b>Responsible Officer</b>	Catriona Shirley
<b>Land to be developed (Address):</b>	Lot 4 DP 249261 , 4 Laura Street 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

### Referral Body Recommendation

Recommended for refusal

### Refusal comments

The application has proposed modifications on an approved DA, DA148/2014. Since then, new Coastal Management Act 2016 has commenced in June 2016 and the State Environmental Planning Policy (Coastal Management) 2018 has commenced on 3 April 2018.

Hence, 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.

#### Remarks:

A summary of the proposed modification works include the following:

- To remove existing boat shed and timber logs and replace with new sea wall
- Section of existing retaining wall removed and replaced with storage shed
- Approved stairs removed and replaced with timber ramp
- Construct a new inclinor on the western side of the site and alter parts of the retaining wall to suit.

The proposed modifications are all located in the harbour Foreshores Area.

The Modification application is refused and the following requirements are submitted before an assessment could be made:

- The applicant has proposed construction of new seawall. Hence the proposed development must satisfy the requirements of the Section 27 of the Coastal Management Act 2016. This should be addressed in a revised Statement of Environmental Effects (SEE) report before the application can be assessed.

- The subject land has been located on both the 'Coastal Environment Area' and 'Coastal Use Area'

maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence Clauses 13, 14 and 15 of the CM SEPP are relevant. However, as the subject land is located under the Sydney Harbour Foreshores and Waterways Area, Clauses 13 and 14 do not apply. Requirements of the Clauses 15 should be addressed in a revised SEE before the application can be assessed.

Further, Council needs to refer development application to the Foreshores and Waterways Planning and Development Advisory Committee

As the proposal is to construct a new inclinator, as per Division 3, Clause 29 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

(1) The consent authority must not grant development consent to the carrying out in the Foreshores and Waterways Area of development listed in Schedule 2, unless:

(a) it has referred the development application to the Advisory Committee, and

(b) it has taken into consideration any submission received from the Advisory Committee within 30 days after the date on which the application was forwarded to the Committee.

Inclinators are listed in Schedule 2 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

**Recommended Natural Environment Conditions:**

Nil.