

Natural Environment Referral Response - Coastal

Application Number:	Mod2022/0731
Proposed Development:	Modification of Development Consent DA2018/0832 granted for Construction of a dwelling house
Date:	22/02/2023
Responsible Officer	Maxwell Duncan
Land to be developed (Address):	Lot 2 DP 565073 , 149 A Seaforth 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

SUPPORTED WITH CONDITIONS

This modification application was assessed in consideration of:

- Supplied plans and reports;
- Coastal Management Act 2016;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity & Conservation) 2021; and
- Manly LEP 2013 and Manly DCP 2013.

Coastal Management Act 2016

The subject site has been identified as being within the coastal zone and therefore the Coastal Management Act 2016 is applicable to this modification application. The proposed development is considered to be consistent with the objects, as set out under Part 1 Section 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, as the site is located in the Sydney Harbour Catchment Area, only Division 5 of SEPP R & H applies to this modification application. As the proposed development is largely within the envelope of the existing development, it is not likely to cause increased risk of coastal hazards on that land or other land. Consequently, the modification proposal is considered to satisfy the relevant requirements of SEPP R & H, subject to conditions.

State Environmental Planning Policy (Biodiversity & Conservation) 2021

Harbour Foreshores & Waterways Area

As the subject site is located within the Sydney Harbour Catchment, Chapter 6 of State Environmental Planning Policy (Biodiversity & Conservation) 2021 (SEPP B & C) applies to the assessment of this modification application.

The subject site is located within the Foreshores and Waterways Area and Part 6.3 of SEPP B & C applies to land that is in or abuts the Foreshores and Waterways Area. On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Sutherland &

Associates Planning dated 19 December 2022, the proposed modifications do not alter the development's consistency with the planning principles for land within the Foreshores and Waterways Area. As such the modification application is considered to satisfy the relevant requirements of SEPP B & C, subject to conditions.

Manly LEP 2013 and Manly DCP 2013

Foreshores Scenic Protection Area Management

The subject site is shown to be "Manly Foreshores Scenic Protection Area" in Council's 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 and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Sutherland & Associates Planning dated 19 December 2022, the proposed modifications do not cause additional impacts on the visual amenity of the harbour, excessive overshadowing of the harbour or conflicts with water based activities. As such the relevant requirements of the Manly Foreshores Scenic Protection Area in Manly LEP 2013 and Manly DCP 2013 are considered to be satisfied.

Limited Development on Foreshore Area

The subject site is also shown to be affected by the Foreshore Building Line in Manly LEP 2013. The proposed modification application includes construction of a deck in the Foreshore Area. This aspect of the modification application will need to be assessed by the planning officer.

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.

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

Swimming Pools

The backwash of Swimming Pool water must be discharged to Sydney Water's sewer in accordance with Australian/New Zealand Standard AS/NZS 3500. Detailed plans and specification must be submitted prior to the issue of the Construction Certificate. The drawings must show the location of Sydney Water's sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with Australian/New Zealand Standard AS/NZS 3500.

Reason: To ensure compliance with legislation and Australian Standards and to protect public health, amenity and to ensure the protection and preservation of receiving waters.

Stormwater Management

Stormwater shall be disposed of in accordance with Council's Policy. The stormwater management plan is to be implemented to ensure that there is no increase in stormwater pollutant loads arising from the approved development. Details demonstrating compliance are to be submitted to the Certifier for approval prior to issue of the Construction Certificate.

Reason: To make appropriate provision for stormwater disposal and management arising from development, to ensure that the proposed works do not negatively impact receiving waters.

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 and receiving waters from the effects of sedimentation and erosion from the site.

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 and debris is to be removed off site and disposed of as frequently as required in accordance with the Waste Management Plan and applicable regulations.

Reason: To protect the surrounding environment, and ensure that pollutants and building associated waste do not enter receiving waters.