

Natural Environment Referral Response - Coastal

Application Number:	Mod2020/0393
Date:	13/10/2020
Responsible Officer	Nick Keeler
Land to be developed (Address):	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

The modification 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*.

Further, the applicant has proposed modification of an approved seawall by lowering 400mm, previously supported by studies. Hence the proposed development has been assessed also against the requirements of the Section 27 of the *Coastal Management Act 2016*. As described in the Revised Statement of Modifications prepared by Space Landscapes Designs Pty. Ltd. dated 6 August 2020 "the modified works are to be funded and maintained by the owner." Based on the impact and risk identified, Council applies maintenance condition as per Section 27(b)(ii) in approving this DA

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 Revised Statement of Modifications report prepared by Space Landscapes Designs Pty. Ltd. dated 6 August 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 Revised Statement of Modifications prepared by Space Landscapes Designs Pty. Ltd. dated 6 August 2020, it is determined that the Planning Principles and Matters for Consideration of the Area have been met.

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 and as assessed in the submitted Revised Statement of Modifications prepared by Space Landscapes Designs Pty. Ltd. dated 6 August 2020, 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 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.

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 modified works are consistent with the approved works with altered layout of walls and relocation of stairs. The proposed modification will not have any unreasonable impacts to the visual amenity of the harbour or foreshore. There is no public access from the foreshore area.

On internal assessment and as assessed in the submitted Revised Statement of Modifications prepared by Space Landscapes Designs Pty. Ltd. dated 6 August 2020 , 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 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