

## Natural Environment Referral Response - Coastal

Application Number:	DA2020/1324
Date:	29/10/2020
Responsible Officer	Adam Croft
Land to be developed (Address):	Lot 2 DP 236331 , 135 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

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, 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, it is determined that the Planning Principles and Matters for Consideration of the Area 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.

As the proposal is to construct a swimming pool/spa, the development needs to follow Section 5.13: Swimming Pool of the Chapter 5: Design Guidelines for Land-Based Development of the Sydney Harbour Foreshores and Waterways Area Development Control Plan, 2005. This will be conditioned.

## **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.

### **Swimming Pool/Spa**

As the proposal is to construct a swimming pool/spa, the development needs to follow objectives and requirements of the Clause 4.1.9: Swimming Pools, Spa and Water Features of the Manly DCP 2013.

This will be conditioned.

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**

#### **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.

#### **Swimming Pool Design Considerations**

Construction of swimming pool should meet the design guidelines described in Clause 5.13 of the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005.

To minimise the visual impact of swimming pools when viewed from the waterway the following requirements apply:

- swimming pools and surrounding areas shall not be cantilevered over the waterway;
- construction of swimming pools should avoid reshaping of the terrain and removal of native vegetation or significant cultural trees;
- swimming pools should be sited away from native vegetation to avoid chemical splash; and • where a swimming pool protrudes beyond natural ground level, mitigation measures to minimise the visual impact are to be implemented. These include: – landscaping to screen the exposed sides of the pool, and – colour and texture of the materials comprising the exposed sides are to match natural elements such as tree trunks and stone or where there is a seawall, any exposed sides of the pool should match the seawall.

This should also comply with objectives and requirements of the Clause 4.1.9: Swimming Pools, Spa and Water Features of the Manly DCP 2013

Reason: Swimming pool is designed and constructed considering the landscape and view from the waterways.

## 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