

Natural Environment Referral Response - Coastal

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| Application Number: | DA2020/0189 |
| Date: | 05/03/2020 |
| Responsible Officer | Nick Keeler |
| Land to be developed (Address): | Lot 701 DP 1143488 , 13 Amiens Road CLONTARF NSW 2093 |

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

As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.

The subject land has been included on 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). 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 1, Part 2, Clause 14 and Part 3, Division 2 apply in assessing this DA.

As assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Lockery Planning & Development Solutions Pty.Ltd dated 25 February 2020 and Council accepts the assessment, it is determined that the Planning Principles and Matters for Consideration of the Area have been met.

Inclinators

As per the Sydney Regional Environment Plan (Sydney Harbour Catchment) 2005, inclinators are listed under Schedule 2: Development to be referred to Foreshores and Waterways Planning and Development Advisory Committee. Further, as per Division 3, Clause 29 of the Sydney Regional Environment Plan (Sydney Harbour Catchment) 2005, 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 (the Foreshores and Waterways Planning and Development 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.

Comment:

Council to refer this DA to and receive submission from the Foreshores and Waterways Planning and Development Advisory Committee.

Furthermore, construction of Inclinators should meet the criteria described in Clause 5.14 of the Sydney Harbour Foreshores and Waterways Area Development Control Plan, 2005

Manly LEP 2013 and Manly DCP

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.

Foreshores Scenic Protection Area Management

As assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Lockery Planning & Development Solutions Pty.Ltd dated 25 February 2020 and Council accepts the 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 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.

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

Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities);
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls;
- North point and scale.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

Inclinor

Construction of Inclinor should meet the criteria described in Clause 5.14 of the Sydney Harbour Foreshores and Waterways Area Development Control Plan, 2005

Development Advisory Committee.

Reason: Inclinator is designed and constructed considering risk and accoustics.

Design Impact on Coastal Processes and Public/Private Amenity

All development and/or activities must be designed and constructed so that they will not adversely impact on surrounding properties, coastal processes or the amenity of public foreshore lands.

Reason: To ensure the development does not impact the coastal process and public/private

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