

Natural Environment Referral Response - Coastal

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| Application Number: | Mod2019/0241 |
| Responsible Officer | Catriona Shirley |
| 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 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 applicant has submitted revised Statement of Modifications, prepared by the Space Landscape Designs Ltd. dated 10 September 2019, which addressed issues related to the Coastal Management Act 2016 and SEPP (CM) 2018.

Coastal Management Act 2016

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.

To satisfy the requirements of the Section 27 of the Coastal Management Act 2016, the applicant has shown and stated that 'No beach or adjacent beach will be effected. The new works are to be funded and maintained by the owner' through the revised Statement of Modifications, prepared by the Space Landscape Designs Ltd. dated 10 September 2019. Council accepts the justifications and the statement as a condition of consent.

State Environmental Planning Policy (Coastal Management) 2018

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 Clause 15 have shown to be complied with in the revised Statement of Modifications, prepared by the Space Landscape Designs Ltd. dated 10 September 2019. Council accepts the justifications

Sydney Harbour Catchment Regional Environment Plan, 2005 and Sydney Harbour Foreshores and Waterways Area Development Control Plan, 2005.

The subject land has been located within the Sydney Harbour Catchment Area. On internal assessment, the application has been assessed to have satisfied the requirements of the Sydney

Harbour Catchment Regional Environment Plan, 2005 and Sydney Harbour Foreshores and Waterways Area Development Control Plan, 2005.

Further, as the proposal is to construct a new inclinator, Council needs to refer development application to the Foreshores and Waterways Planning and Development Advisory Committee.

As such, the DA can be approved subject to conditions.

Referral Body Recommendation

Recommended for approval, subject to conditions

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:

- a. To remove existing boat shed and timber logs and replace with new sea wall
- b. Section of existing retaining wall removed and replaced with storage shed
- c. Approved stairs removed and replaced with timber ramp
- d. Construct a new inclinator 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:

1. 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.
2. 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 inclinor, 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:

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.

Estuarine Hazard Design Requirements

The following applies to all development:

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.

To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning

Level.

Reason: To minimise potential hazards associated with development in an estuarine habitat.

Engineers Certification of Plans

The structural design shall be prepared by and each plan/sheet signed by, a registered professional civil or structural engineer with chartered professional status (CP Eng) who has an appropriate level of professional indemnity insurance and shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure structural engineering is prepared by an appropriately qualified professional

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Geotechnical Issues

All conditions outlined in Geotechnical report prepared by White Geotechnical Group dated 7/5/2019 are to be complied with and adhered to throughout development.

Reason: To ensure excavation, footings, are undertaken in an appropriate manner and structurally sound.

Blank condition for during works - requirement of site visits by Geotechnical Engineer

Due to the works proposed, a geotechnical assessment is required during phases works, specially during excavations and before concrete is placed to footings.

Reason: <insert reason>To ensure that the proposed works will not have any detrimental impacts within the environmentally sensitive areas.