

## Natural Environment Referral Response - Coastal

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| Application Number:             | DA2021/1813                                     |
| Date:                           | 16/11/2021                                      |
| Responsible Officer             | Maxwell Duncan                                  |
| Land to be developed (Address): | Lot 2 DP 218836 , 7 Bruce Avenue MANLY NSW 2095 |

### 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*, 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*.

As the site is located within the SREP area. Hence, relevant clauses of the CM SEPP do not apply for this DA.

### **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 Statement of Environmental Effects (SEE) report prepared by SJB Planning dated September 2021, it is determined that the Planning Principles and Matters for Consideration of the Area have been met.

#### Wetland Protection Zone

The subject site is located within the Wetland Protection Zone. Hence, Part 6, Clauses 61, 62 and 63 of the SREP (Sydney Harbour Catchment) 2005 apply for assessment of this DA.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by SJB Planning dated September 2021, it is determined that the objectives, requirements of development consent and matters for consideration have been assessed and met.

#### Referral (Schedule 2 Development)

Proposed boatshed (lowering of ceiling, demolition of walls etc) is included in the Schedule 2 of the Sydney Regional Environment Plan (Sydney Harbour Catchment), 2005. According to Division 3, Clauses 28 and 29 of the Sydney Regional Environment Plan (Sydney Harbour Catchment), 2005, the application is referred to the Foreshore and Waterways Planning and Development Advisory Committee through the DA Officer of the Northern Beaches Council. Submission received from the Advisory Committee within 30 days after the date on which the application was forwarded to the Committee shall be considered before making any decision on the DA.

#### **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.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by SJB Planning dated September 2021, it is determined that the proposed development satisfies the requirements of the DCP.

#### **Manly LEP 2013 and Manly DCP**

#### **Landslide/ Landslip Hazard Management**

The subject site is also shown to be as “Landslide risk” on Council’s Landslide Risk Map in Manly LEP 2013. As such, Clause 6.8 (Landslide Risk) of the Manly LEP 2013 and Part 4, section 4.1.8 Development on Sloping Sites of the Manly DCP 2013 will apply to proposed development on the site.

A Geotechnical Report by JK Geotechnique dated 15 June 2021 assessing landslide/landslip hazard has been submitted with the DA. The report assessed that the risk to property is ‘Low’, which is ‘acceptable’. Adopting the above ‘Rare’ and ‘Unlikely’ likelihood of instability together with typical temporal, vulnerability, evacuation and spatial factors, the risk to life for the person most at risk would be less than  $10^{-6}$ , which is ‘Acceptable’. We consider that our risk analysis has shown that the proposed development can achieve ‘Acceptable’ risk criteria, provided the recommendations are adopted.

As such, it is considered that the application does comply, subject to conditions, with the requirements of the Clause 6.8 (Landslide Risk) of the Manly LEP 2013 and Part 4, section 4.1.8 Development on Sloping Sites of the Manly DCP 2013.

## **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 Statement of Environmental Effects (SEE) report prepared by SJB Planning dated September 2021, 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.

### **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 DA proposes partial demolition and reconstruction of an existing building within the foreshores area. The proposed works are consistent with Clause 6.10(2).

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by SJB Planning dated September 2021, 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

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**Geotechnical Issues**

All conditions outlined in Geotechnical Assessments prepared by JK Geotechnics dated 15 June 2021 are to be complied with and adhered to throughout development.

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

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE  
OCCUPATION CERTIFICATE**

**Geotechnical Issues**

Following construction activities provide Council with a geotechnical report that has investigated the

stability of the site and provided an assessment of any new landslip hazards prior to the issue of an occupation certificate.

Reason: To ensure works are undertaken in an appropriate manner.