

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	Mod2025/0517
<b>Proposed Development:</b>	Modification of Development Consent DA2020/1027 granted for Alterations and additions to the existing cafe and the addition of a cool room, freezer room and bin storage area
<b>Date:</b>	24/09/2025
<b>Responsible Officer</b>	Lachlan Rose
<b>Land to be developed (Address):</b>	Lot 1 DP 1129384 , 0 Stuart Street 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, State Environmental Planning Policy (Resilience & Hazards) 2021 and State Environmental Planning Policy (Biodiversity & Conservation) 2021. It has also been assessed against requirements of the Manly LEP and DCP.

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 (Resilience & Hazards) 2021

The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP R & H). Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA.

Comment:

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Hatzis Cusack Lawyers, dated 5 September 2025, the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the SEPP R&H.

As such, it is considered that the application is generally consistent with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.

State Environmental Planning Policy (Biodiversity & Conservation) 2021

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 6.3, Division 3 of the State Environmental Planning Policy (Biodiversity & Conservation) 2021 (SEPP B&C 2021) apply in assessing this DA.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Hatzis Cusack Lawyers, dated 5 September 2025, it is determined that the Planning Principles and Matters for Consideration of the Area have been met.

The subject site is located adjacent to the W2 (Environmental Protection Zone).

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Hatzis Cusack Lawyers, dated 5 September 2025, it is determined that the objectives and assessment criteria of the zone have been met.

Manly LEP 2013 and Manly DCP

Foreshores Scenic Protection Area Management

The subject site is 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 Hatzis Cusack Lawyers, dated 5 September 2025, the DA satisfies the 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 is generally consistent 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:**

Nil.