

Natural Environment Referral Response - Coastal

Application Number:	DA2022/0457
Date:	08/04/2022
Responsible Officer	Thomas Burns
Land to be developed (Address):	Lot 54 DP 9745 , 15 Monash Crescent 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*, 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*.

Further, the applicant has proposed replacement of the existing seawall with a new seawall at the same location. Hence the proposed development has been assessed also against the requirements of the Section 27 of the *Coastal Management Act 2016*. As required, the impact & risk associated with the construction of the seawall has been assessed in an Coastal Engineering Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 19 January 2022. Based on the impact and risk identified, Council endorses mitigation works applies maintenance condition as per Section 27(b)(ii) in approving this DA

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 and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Millgan Development Consulting Pty. Ltd. dated January 2022 and also in the submitted Coastal Engineering Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 19 January 2022, 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 and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Millgan Development Consulting Pty. Ltd. dated January 2022 and also in the submitted Coastal Engineering Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 19 January 2022, 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.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Millgan Development Consulting Pty. Ltd. dated January 2022 and also in the submitted Coastal Engineering Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 19 January 2022, it is determined that the proposed development satisfies the requirements of the DCP.

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 Vaughan Millgan Development Consulting Pty. Ltd. dated January 2022, 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 LEP 2013 and 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 works replacement of an existing seawall with a new seawall. The proposed sea retaining wall is consistent with Clause 6.10(2).

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Vaughan Millgan Development Consulting Pty. Ltd. dated January 2022 and also in the submitted Coastal Engineering Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 19 January 2022, 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 TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Compliance with Coastal Risk Management Report

The development is to comply with all recommendations of the approved Coastal Engineering Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 19 January 2022 , and

these recommendations are to be incorporated into construction plans and maintained over the life of the development.

Reason: To ensure estuarine process risks are addressed appropriately

Low Level Coastal Inundation Risk Design

All development must be designed and constructed to achieve a low risk of damage and instability due to coastal inundation, wave impact and foreshore erosion hazards.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Coastal Erosion

This property is on land located in an area where there is likely to be a risk of coastal erosion and wave impact during severe storms. The risk to the property may increase with time due to long-term beach recession caused by greenhouse induced sea level rise or natural coastal processes. To reduce the potential impact to your property, the Council strongly recommends that effective precautions be taken to ensure adequate volumes of sand are maintained within the eastern (seaward) boundary of your property. The Council requires that only free-draining, clean, yellow sand be used to fill allotments.

Reason: Protection of coastal environment.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Compliance with Coastal Engineering Risk Management Report

The development is to comply with all recommendations of the approved Coastal Engineering Risk Management Report prepared by Horton Coastal Engineering Pty. Ltd. dated 19 January 2022 and these recommendations are to be maintained over the life (considered 60 years design life) of the development.

Reason: To ensure preservation of the development and the estuarine environment and to comply with the section 27 of the Coastal Management Act.