

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	DA2022/0047
<b>Date:</b>	21/04/2022
<b>Responsible Officer</b>	Megan Surtees
<b>Land to be developed (Address):</b>	Lot LIC 9014 , 11 Seaforth Crescent SEAFORTH NSW 2092 Lot 16 DP 4889 , 11 Seaforth Crescent 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 (Resilience & Hazards) 2021, State Environmental Planning Policy (Biodiversity & Conservation) 2021 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 been assessed in consideration approval/support of:

- Consent to lodge DA from the Roads & Maritime Services of the Transport for NSW dated 24 June 2021 enclosing dated and signed maps
- No Objection from the DPI-Fisheries under the Department of Primary Industries dated 28 March 2022

### **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. Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA. Clauses 2.10 (coastal environment area) and 2.11 (coastal use area) do not apply as the site is also located within the Sydney Harbour catchment area. Hence, only Clause 2.12 of the SEPP R & H apply for this DA.

Comment:

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Watermark Planning dated August 2021, the DA satisfies requirements under clause 2.12 of the SEPP R&H.

As such, it is considered that the application does comply 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 10.2, Clause 10.11 and Part 10.3, Division 2 apply in assessing this DA.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Watermark Planning dated August 2021, it is determined that the Planning Principles and Matters for Consideration of the Area have been met.

The subject site is located within/adjacent to the W6 (Scenic Waters – Active Use) Zone.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Watermark Planning dated August 2021, it is determined that the objectives and assessment criteria of the zone have been met.

### **Wetland Protection Zone**

The subject site is located within the Wetland Protection Zone. Hence, Part 10.6, Clauses 10.61, 10.62 and 10.63 of the SEPP (Biodiversity & Conservation) 2021 apply for assessment of this DA.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Watermark Planning dated August 2021 and also in the submitted Marine Habitat Survey prepared by H2O Consulting Group Pty. Ltd. dated 12 July 2021, it is determined that the objectives, requirements of development consent and matters for consideration have been assessed and 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 Watermark Planning dated August 2021, it is determined that the proposed development satisfies the requirements of the DCP.

### Landscape character Assessment

The subject site is located within the Landscape Character Type 1.

On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Watermark Planning dated August 2021, it is determined that the proposed developments within the landscape satisfy the relevant criteria.

### Aquatic Ecology Assessment ( as some of the proposed development are located below MHWL)

The subject site is located within/adjacent to the Aquatic Ecological Community Type Mixed Rock Intertidal & Sand.

On internal assessment and as assessed in the submitted Marine Habitat Survey prepared by H2O Consulting Group Pty. Ltd. dated 12 July 2021, it is determined that the proposed development within/adjacent to the Aquatic Ecological Community satisfy the relevant performance criteria. The report concludes that the proposed works to repair the existing structure at 11 Seaforth Crescent, Seaforth, are not expected to result in any additional impacts on marine habitat. However, some short-term disturbances and potential to impact on any cryptic fauna associated the sliprails as a result of the repair work, are expected.

## **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 Watermark Planning dated August 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.

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

### **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 to demolish and construct a new boat shed, slipways and repair wall of the swimming pool. These 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 Watermark Planning dated August 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****Compliance with the approved Maritime Habitat Survey Report**

The development is to comply with all safeguards and recommendations of the approved Maritime Habitat Survey Report prepared by H2O Consulting Group Pty. Ltd. dated 12 July 2021 .

Reason: To minimise potential hazards associated with working in an inter-tidal habitat.