

Natural Environment Referral Response - Coastal

Application Number:	DA2023/1681
Proposed Development:	Alterations and additions to a residential flat building
Date:	07/12/2023
Responsible Officer	Olivia Ramage
Land to be developed (Address):	Lot 2 SP 40956 , 2 / 22 - 26 Addison Road MANLY NSW 2095 Lot 3 SP 40956 , 3 / 22 - 26 Addison Road MANLY NSW 2095 Lot 4 SP 40956 , 4 / 22 - 26 Addison Road MANLY NSW 2095 Lot 5 SP 40956 , 5 / 22 - 26 Addison Road MANLY NSW 2095 Lot 6 SP 40956 , 6 / 22 - 26 Addison Road MANLY NSW 2095 Lot CP SP 40956 , 22 - 26 Addison Road MANLY NSW 2095 Lot LIC 30002100 , 22 - 26 Addison Road 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, Schedule 1 of the State Environmental Planning Policy Amendments (Water Catchments) 2022 amending the 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.

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. 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, 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.

Schedule 1 of the State Environmental Planning Policy Amendments (Water Catchments) 2022 amending the State Environmental Planning Policy (Biodiversity & Conservation) 2021

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 of the Schedule 1 of the State Environmental Planning Policy Amendments (Water Catchments) 2022 amending the State Environmental Planning Policy (Biodiversity & Conservation) 2021 will apply in assessing this DA. Development consent, among others, must consider clause 6.28.

On internal assessment, it is determined that the relevant clauses of the Part 6.3 including the clause 6.28 have been followed.

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 Preliminary Landslip Assessment Report prepared by Crozier Geotechnical Consultants dated 21 August 2023 assessing landslide/landslip hazard has been submitted with the DA. The report assessed that the inspection of the external side walls of the structure did not reveal any signs of significant settlement or potential geotechnical concerns. Limited inspection of neighbouring properties from within the site and public roadway/reserves did not identify any signs of previous or impending landslip instability.

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.

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 Mod Urban Pty. Ltd. dated February 2023, 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 no works on the foreshores area and hence, the DA does not require to satisfy the objectives and requirements of Part 6, Clause 6.10 of the Manly LEP 2013.

Estuarine Hazard Management

Draft estuarine risk planning has been developed for Manly. There appears to be negligible risk in terms of estuarine hazards affecting the subject site. A draft Estuarine Planning Level is available however is not considered relevant given the steep topography of the site and the proposed development being set back on the upper contours.

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**

Estuarine Hazard Design Requirements

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.

Reason: To minimise risks associated with coastal hazards for development in an estuarine environment.

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