

Water Management Referral Response

Application Number:	REV2021/0006
Date:	21/06/2021
To:	Thomas Prosser
Land to be developed (Address):	Lot 2615 DP 752038 , 181 Allambie Road ALLAMBIE HEIGHTS NSW 2100

Reasons for referral

Council's Water Management Officers are required to consider the likely impacts.

Officer comments

The review application relates to the refused development application under DA2020/0552 for the demolition of existing buildings, tree removal and the construction of 24 Independent Living Units under SEPP (Housing for Seniors or People with a Disability) 2004.

The design of the development has not been altered as part of the review request as the reasons for refusal state that the information provided within the submitted Biodiversity Development Assessment Report (BDAR) was insufficient to determine the extent of impact on the Manly Warringah War Memorial Park, including the required Asset Protection Zone.

The proposal was assessed under the current creek and water management legislation framework, the relevant parts of the Warringah LEP, DCP and Protection of Waterways and Riparian Lands Policy (Policy PL740). The Warringah Creek Management Study 2004 principles and NRAR waterfront land principles were also used in the assessment.

The supplied reports and plans were considered.

The community submissions for the review 2021/0006 were considered.

The supplied documentation has been assessed satisfactory.

The proposed stormwater treatment chain includes a biofiltration system with two cells and a vegetated pond prior to the connection to the creek.

The biofiltration system and the pond allow infiltration. The proposed treatment chain size and location is satisfactory and meets the Council stormwater quality objectives for high quality catchments.

Due to the sensitivity of the downstream environment it is imperative that an erosion and sediment management strategy is developed to ensure protection of this area. .

Construction activity and scheduling impacting on the downstream environment requires further assessment to determine acceptable water quality and water quantity thresholds during construction. It is required that a project ecologist is involved before and during construction to ensure the sediment and erosion controls measure are suitable to guarantee the protection of the downstream environment with specific attention to preservation of the *Galaxias brevipinnis* population.

Should the applicant demonstrate that this is achieved, the application can be supported, and on this basis conditions of consent are provided.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Water Management Conditions:

DEFERRED COMMENCEMENT CONDITIONS

Environmental Management Plans (EMP)

The applicant must provide an Environmental Management Plan (EMP) to describe all the environmental management activities and control measures that will be implemented to avoid environmental impacts. All potential off-site impacts should be considered prior to construction occurring and an effective plan should be developed to manage impacts on the natural environment, and to prevent foreseeable nuisance and health impacts on sensitive environments.

The EMP must demonstrate that the staging of works and erosion control measures mitigate the impacts to the downstream environment.

The EMP shall include the Project Ecologist's (aquatic freshwater specialist) recommendations regarding the management of the downstream environment, the Soil and Water Management Plan and proposed staging of works.

The EMP is to be submitted to Council for approval.

Evidence required to satisfy these conditions must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Reason: To protect native vegetation, wildlife, habitats and receiving waterways.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Detailed Design of Stormwater Treatment Measures

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the approved plans and Council's Water Management Policy.

The certificate shall be submitted to the Certifying Authority prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment

Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER3) and implemented onsite prior to commencement. The SWMP must meet the requirements

outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004)* and Council's Water Management Policy. The SWMP must include the following as a minimum:-

Site boundaries and contours

Vehicle access points, proposed roads and other impervious areas (e.g. parking areas and site facilities)

Location of all drains, pits, downpipes and waterways on and nearby the site

Planned stages of excavation, site disturbance and building

Demonstrated staging of works including stormwater management and sediment control

Stormwater management and discharge points

Integration with onsite detention/infiltration

Sediment control basin locations and volume (if proposed)

Proposed erosion and sediment controls and their locations

Location of washdown and stockpile areas including covering materials and methods

Vegetation management including removal and revegetation

A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained

Inspection and maintenance program

Northpoint and scale.

All Site drainage and sediment and erosion control works and measures as described in the SWMP, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To promote the long-term sustainability of ecosystem functions.

Project Ecologist

Prior to any works being undertaken on site, a Project Ecologist (aquatic freshwater specialist) is to be engaged for additional ecological investigation and for the duration of the onsite works.

The Project Ecologist is to be engaged as required by this consent and associated documentation to ensure all conditions relating to the creek and riparian design are fully implemented and complied with at all times. The project ecologist (freshwater specialist) is to ensure that the sediment and erosion controls measure are suitable to guarantee the protection of the downstream environment with specific attention to the *Galaxias brevipinnis* population.

The Project Ecologist shall have experience in the Sydney region and knowledge of *Galaxias brevipinnis*.

A legally signed contract demonstrating compliance is to be submitted to the Certifying Authority prior to commencement.

The ecologist shall issue compliance certification of the Sediment and Erosion Control monitoring program as per the requirements of this consent.

Reason: To ensure ecological management and protection of sensitive fauna communities.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Substitution of Stormwater Treatment Measure

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent must be submitted to the Principal Certifying Authority for approval prior to installation.

Reason: To ensure stormwater is appropriately managed and in accordance with the Water Management for Development Policy.

Stormwater Treatment Measures commissioning

Filter media and vegetation must not be installed in the stormwater treatment measures until construction work is 80 percent complete.

The stormwater treatment measures may be used as sediment settling basins during construction work on the site. All sediment must be removed prior to installing the filter media.

Reason: Protection of the stormwater treatment measures and the receiving environment

Monitoring Erosion and Sediment Control Site performance

Monitor the site and adjust erosion and sediment control (ESC) practices to maintain the required performance standard defined by the project ecologist to guarantee the protection of the site downstream environment with specific attention to the *Galaxias brevipinnis* population.

Monitor the effectiveness of the ESC through a combination of site inspection and water quality monitoring.

Water quality monitoring

The project ecologist shall develop a specific water quality sampling program designed to monitor the effectiveness of the ESC, implement it during the construction period and report to the Certifying Authority. Records shall be kept on site and made available at Council request.

Sites inspections

All erosion and sediment control measures shall be inspected:

- at least daily when rain is occurring
- at least weekly at all times, even if works are not occurring on site
- within 24 hours prior to expected rainfall
- within 18 hours of rainfall event of sufficient intensity and duration to cause on-site runoff

A "site checklist" is to be signed by a suitably qualified Civil Engineer (who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3)), construction site superintendent and project ecologist.

The project ecologist shall issue compliance certification of the erosion and sediment control monitoring program as per the requirements of this consent.

The Soil and Water Management Plan is a living document that can and should be modified as site conditions change.

If the site inspections detect a risk or a failure in the adopted ESC measures, then the source of this risk/failure must be investigated and corrected.

The site checklist and proposed ESC correction must be submitted the same day of the visit to the Certifying Authority.

The water quality report is to be submitted to the Certifying Authority. Reason: To protect the downstream environment

Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls 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 vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

The discharge of sediment-laden waters from the site may result in clean-up orders and/or fines under Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Reason: Protection of the receiving environment.

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

Certification for the Installation of Stormwater Treatment Measures

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the Stormwater management plans prepared by Stantec CL-520 01/02 .

The certificate must confirm:

- that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment
- vegetated measures must exhibit an 80 percent survival rate of plantings
- the Stormwater Treatment Measures Operations and Maintenance plan will allow the measures to perform to the design criteria.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment

Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

Stormwater Treatment Measures Operation and Maintenance Plan

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be referenced in the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

1. Detail on the stormwater treatment measures:

- a) Work as executed drawings
- b) Intent of the stormwater treatment measures including modelled pollutant removal rates
- c) Site detail showing catchment for each device
- d) Vegetation species list associated with each type of vegetated stormwater treatment measure
- e) Impervious area restrictions to maintain the water balance for the site
- f) Funding arrangements for the maintenance of all stormwater treatment measures
- g) Identification of maintenance and management responsibilities
- h) Maintenance and emergency contact information

2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:

- a) Activity description, and duration and frequency of visits
- Additionally for vegetated devices:
- b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure

3. Maintenance schedule and procedure - ongoing

- a) Activity description, and duration and frequency of visits
- b) Routine maintenance requirements
- c) Work Health and Safety requirements
- d) Waste management and disposal
- e) Traffic control (if required)
- f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
- g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

Works as Executed Drawings - Stormwater Treatment Measures

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

Strata Management Statement

The Strata Management Statement must specifically list the stormwater treatment measures that will be maintained under strata title. The statement must also include the Stormwater Treatment Measure Operation and Maintenance Plan.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To ensure maintenance of all stormwater management assets and protection of the receiving environment.

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

Maintenance of Stormwater Treatment Measures

Stormwater treatment measures must be maintained at all times in accordance with the Stormwater Treatment Measure Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Vegetated stormwater treatment measures must maintain an 80 percent survival rate of plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment