

Natural Environment Referral Response - Riparian

Application Number:	DA2019/0214
To:	Georgia Quinn
Land to be developed (Address):	Lot C DP 408151 , 46 A Irrubel Road NEWPORT NSW 2106

Reasons for referral

This application seeks consent for the following:

- All Development Applications on land, and located within 40 metres of land, containing a watercourse, or
- All Development Applications on land containing a wetland, or located within 100m of land containing a wetland,
- All Development Applications on land that is mapped as "DCP Map Waterways and Riparian Land".

And as such, Council's Natural Environment Unit officers are required to consider the likely impacts on drainage regimes.

Officer comments

The development proposal is recommended for refusal.

The proposed location and size of a pool in the rear yard of this property results in unacceptable encroachment on the riparian area of a creek. The entire property is located on land identified in the Coastal Management SEPP 2018 as in proximity to littoral rainforest.

The Coastal Management SEPP 2018 states in Part 2 Division 1:11:

(1) Development consent must not be granted to development on land identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" on the *Coastal Wetlands and Littoral Rainforests Area Map* unless the consent authority is satisfied that the proposed development will not significantly impact on:

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Consideration of hydrological flow regimes is also noted as a high priority in the Australian Government's *Littoral Rainforest and Coastal Vine Thickets of Eastern Australia Ecological Community Draft National Recovery Plan (2017)*.

Pittwater 21 DCP B5.13 Development on Waterfront Land requires that any waterfront land as defined under the *Water Management Act 2000* shall be retained in its natural state to carry stormwater/flood flows, maintain aquifers, retain stability, and provide habitat functions. Waterfront land is defined as land lying parallel to the highest bank of the river. This area can be up to 40 metres, with legislation prescribing a buffer of 100 metres to littoral rainforest. The usual riparian area for a creek of this scale is 10 metres from top of bank (the edge of the actual creek channel).

The proposed installation of a swimming pool will increase the impervious area in the rear yard in close proximity to the watercourse and littoral rainforest, preventing infiltration of surface flows and potentially redirecting surface and groundwater flows. It will also constrain and introduce fill to the riparian area of the creek.

Summary:

The proposed placement of the swimming pool encroaches significantly into the 10 metre riparian zone and is therefore not supported.

The applicant should consider either shortening the pool to be level with the sandstone boulder retaining wall/lawn area (about 3.5 metres shorter) or positioning the swimming pool parallel rather than perpendicular to the dwelling.

Any trees/vegetation removed should be replaced in order to maintain the stability of the banks.

Replacing the lower retaining wall next to the watercourse should be timed to coincide with dry weather (where possible) to avoid significant sediment impacts to the watercourse, and as recommended in the geotech report, all cut batter slopes should be covered if exposed for more than a couple of days to prevent sediment runoff and slumping of the slope into the watercourse.

Referral Body Recommendation

Recommended for refusal

Recommended Natural Environment Conditions:

Nil.