

Natural Environment Referral Response - Riparian

Application Number:	DA2023/0511
Proposed Development:	Demolition of existing structures, removal of trees and subdivision of one lot into three lots.
Date:	13/07/2023
To:	Nick Keeler
Land to be developed (Address):	Lot 5 DP 222134 , 337 Lower Plateau Road BILGOLA PLATEAU NSW 2107

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

Unsupported

This application was assessed in consideration of but not limited to:

- Supplied plans and reports;
- Relevant LEP and DCP clauses;
- Northern Beaches Water Management for Development Policy.

The proposal is for demolition of all existing site improvements, tree removal, subdivision of one lot into three, internal driveway, and infrastructure.

The proposal is on land within 40 metres of a waterway mapped under the Water Management (General) Regulation 2018 hydro line spatial data, and the Pittwater streams mapping. As such, the land is considered waterfront land and the applicant must obtain approval from the NSW Department of Planning & Environment – Water in the form of a controlled activity permit.

For all developments potentially impacting on Waterfront Land (as defined in the Water Management Act 2000) a Water Management Plan must be prepared to demonstrate compliance with clause B5.13 of the Pittwater 21 DCP. A Water Management Plan or Waterway Impact Statement may be required for unmapped waterways. In this case, the site includes two watercourses of which one is an unmapped waterway. As such, a Waterway Impact Statement (WIS) with supporting documentation is required to demonstrate the feasibility of any works near a watercourse, demonstrate that any potential environmental impacts will be mitigated, and address the requirements of the Pittwater LEP and DCP. Controlled Activities/Integrated Developments applicants are required to address the requirements of the DPI Water and Fisheries.

The WIS is to show the location, description, design details (including cross sections and long-sections of drainage lines and watercourses), dimensions and discharge details for all proposed stormwater system work elements. The location and dimensions of all existing and proposed drainage easements, and easements to be extinguished is also to be shown. The WIS should demonstrate compliance with the Pittwater LEP and DCP requirements, particularly the following components:

Pittwater LEP 2014 C4 Environmental Living objective: to encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

Pittwater 21 DCP section B5.13 Outcome: An appropriate setback between waterways and development (En).

Pittwater 21 DCP sB5.13 Controls:

- Any waterfront land (as defined in the Water Management Act 2000) on the property shall be retained in their natural state to: carry stormwater/flood flows, maintain aquifers, retain stability, and provide habitat functions.
- Development within waterfront land shall incorporate appropriately sized riparian corridor zones into the design (now based on Controlled activities – Guidelines for riparian corridors on waterfront land (NSW DPE, May 2022)).
- No encroachments or low lying overhangs of the development are permitted over natural water courses. Structural support elements are not permitted within the cross-sectional area of a natural watercourse. Structural support elements adjacent to a natural water course located on the development site or on adjacent lands must be founded on a stable foundation to the depth directed by a geotechnical engineer.

In its current form, the proposal encroaches on riparian land, as does the concept building pad. The structural stability and environmental importance to the creek and riparian area of the 93 trees proposed for removal needs consideration, noting this consideration does not form part of the tree Retention Value (RV) criteria used in the provided arboricultural impact assessment.

The proposal includes structural support elements within the cross-sectional area of a watercourse, which is not permitted under the DCP.

The proposal is therefore unsupported.

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

Recommended Natural Environment Conditions:

Nil.