
Sent: 17/11/2020 4:53:02 PM
Subject: Local Planning Panel subm
Attachments: DA2020-0552 - Riparian Comments 20201117.doc; DA2020-0552 181
Allambie Rd creek refs 20201117.doc;

Hi Carly

Please find attached a subm from smdcc.

Regards, Ann Sharp

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To: NORTHERN BEACHES LOCAL PLANNING PANEL

Re DA2020/0552 181 Allambie Road, Allambie Heights

RIPARIAN ISSUES

17 November 2020

Dear Panel

We support the recommendation for refusal in the Council Report but consider that WDCP2011 E8 Waterways and Riparian Land should be included as an additional a reason for refusal.

“Note that the riparian is still within the APZ zone and the proposal is not fully satisfying the Council’s DCP and Protection of Waterway and Riparian Lands Policy”.

Ref: NE Referral Response - Riparian (dated 29/06/2020)

The proposal does not satisfy the requirements of the Warringah DCP 2011 E8 or the Protection of Waterways and Riparian Lands Policy.

The proposal is also *not* in accordance with the requirements of the Warringah Creek Management Study 2004 referred to in the conditions.

The proposal will be located in riparian land and result in changes to the natural flow regime in Curl Curl Creek.

ESD Principles are referred to in the Council Policies, but have not been applied to this proposal.

The Precautionary Principle should be applied to protect Curl Curl Creek catchment.

The presence of galaxias fish is an indicator that this major tributary of Curl Curl Creek is generally in excellent condition.

The Protection of Waterways and Riparian lands Policy assigns a high priority to Category A catchments and creeks, including Curl Curl Creek.

The conditions are inadequate to protect the riparian zone and waterway on site and in the Park.

The conditions do not include any requirement for ongoing monitoring of water quality and flow.

Compliance with conditions relies on private certifiers with no input from public authorities.

The public land, including the State Park, will bear the consequences of adverse impacts and non-compliance with conditions.

Conditions are not adequate to achieve the stated reason for their inclusion.

The REASONS for the conditions are important outcomes, but the conditions are not adequate to support those reasons.

There is no mention that the development footprint and APZ is located within riparian land identified in the DCP Waterways and Riparian Land MAP in the E8 clause.

Or that the APZ will include the riparian zone on site and in the Park.

The pre-DA meeting advised that Council is unlikely to approve a development that extends into riparian land on the basis of ecological impacts on a Group A catchment.

There is no mention of the water quality criteria for aquatic habitat to sustain aquatic species, such as the galaxias fish, that inhabit the creek downstream.

There is no mention of potential risks to water quality and the aquatic environment.

For Category A creeks, including Curl Curl Creek, the Water Management Policy requires a water quality standard that protects aquatic habitat.

Native species, such as the galaxias, are highly sensitive to water quality, temperature etc., as outlined in reports and submissions. There is no mention of these local criteria for aquatic habitat.

For riparian land within Manly Dam Catchment it is desirable that proposed land uses have a neutral or beneficial outcome on water quality, to protect Curl Curl Creek and Manly Reservoir.

The potential impacts the Curl Curl creek and its catchment are not sustainable and would be potentially irreversible.

We urge that this development proposal be refused.

From Save Manly Dam Catchment Committee

Email: savemanlydamcc@gmail.com

Re CURL CURL CREEK CATCHMENT

“The protection of waterway and riparian lands in this catchment is of the highest priority.”

“The APZ of the proposed development extends into riparian lands, contrary to Council's DCP and Protection of Waterway and Riparian Lands Policy. The applicant was advised during the Pre-Lodgement Meeting process that this is unlikely to be supported.”

Office of Water hydro line - map

This map submitted with the application does not show the full extent of waterways in the Manly Dam catchment. The hydro (blue) line of Curl Curl Creek is truncated and major tributary creeks, including the eastern branch that extends to the proposed development site, are not shown.

Steep Headwater Creek

The development would be located on riparian land immediately up-slope of a steep headwaters creek in Curl Curl Creek catchment.

Stormwater

The proposed development will replace natural landscape with buildings and impervious surfaces. Runoff from the development site would flow into Curl Curl Creek, the major inflow creek of Manly Reservoir. Existing controls for urban runoff are not adequate to protect the waterway.

Siltation

The proposed development will risk erosion and siltation in Curl Curl Creek, which supports aquatic habitat and has a “high level of connectivity of natural vegetation in the riparian zone”.

Weed growth

Siltation and increased nutrients results in weed growth that adversely affects aquatic habitat and native vegetation. Siltation that settles in the substrate of waterways is difficult to remove.

Runoff Regime

Potential changes to the natural runoff regime include an increase in peak stormwater flows, an increase in the frequency of flows, and a reduction in low flows.

Water Pollution

As demonstrated elsewhere, stormwater and erosion controls are not adequate to prevent pollutants and sediment during construction and operation phases from entering the downstream waterway.

Hydrology

The natural hydrology of the site will be altered with the removal of bedrock, soil and vegetation.

Aquatic habitat

Siltation, weed growth, water pollution, changes to the natural hydrologic regime, would affect aquatic habitat and threaten the survival of aquatic species, including the ‘climbing’ galaxias fish.

Excavation

The extensive excavation and removal of rock and soil substrate would irrevocably change the natural landform and hydrology of the site.

REFERENCES

WDCP 2011

E8 WATERWAYS AND RIPARIAN LANDS

This control applies to land identified as waterway or [riparian land](#) as shown on [DCP Map Waterways and Riparian Lands](#).

Objectives

- Protect, maintain and enhance the ecology and biodiversity of waterways and [riparian land](#).
- Encourage development to be located outside waterways and [riparian land](#).
- Avoid impacts that will result in an adverse change in watercourse or [riparian land](#) condition.

Requirements

- Developments shall comply with the requirements of Council's [Protection of Waterway and Riparian Land Policy](#) and Water Management Policy.
- The Asset Protection Zone must not extend into land identified as Waterways and Riparian Land.

PROTECTION of WATERWAYS and RIPARIAN LAND POLICY

"This Policy applies to all land containing waterways and riparian land as identified on Council's DCP Map Waterways and Riparian Land, or as defined in the Policy."

"Waterways and riparian land in the Warringah local government area are to be managed so that priority is given to those that: (*includes*)

- are classified as Group A Creeks."

"Bushfire asset protection zones shall be maintained outside of riparian land."

"Development within waterways and riparian land should be avoided."

PL 850 WATER MANAGEMENT POLICY

Undeveloped land within a Group A & B Catchments

Stormwater Quality Objectives (Table 4)

Criteria: Stormwater Quality

"Stormwater quality (temperature, salinity, chemical makeup and sediment loads) discharging from the development shall not impact the receiving waters. Reference shall be made to local data if available, including the Warringah Creek Management Study and the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC), or other widely accepted guidelines."

Criteria: Sediment

Runoff from the development must be retained at natural discharge rates and sediments controlled at the source.

Criteria: Hydrology

Natural flow regimes must be retained.

WARRINGAH CREEK MANAGEMENT STUDY (WCMS) 2004

The subject site is within the catchment of Curl Curl Creek, which flows to Manly Dam. A significant portion of the site is identified as a riparian buffer of Curl Curl Creek.

Curl Curl Creek has a high conservation value and has been assigned a Group A rating in WCMS.

Land use planning advice relating to Group A and Group B creeks includes the following information re seniors housing, planning principles, performance criteria and catchment land use:

Seniors housing (SEPP5)

It is recommended that an application for exemption from SEPP5 be made for land identified on the Warringah Local Environmental Plan on the basis of it being 'environmentally sensitive land':

This includes:

*all land within riparian zones of any creeks;
all land within riparian buffers of Group A and Group B creeks; and
all land within the catchment of Group A creeks.*

Principle (for Group A and B creeks):

Preserve all natural components that contribute to ecological value – particularly streamflow, water quality and flora/fauna.

Performance criteria include:

- No artificial barriers to capture water
- Site imperviousness is less than 10% etc.
- All development is outside riparian zone and riparian buffer zone

“relatively small changes in catchment land use can have significant impacts on flows, which in turn can strongly influence ecology.”