

## Natural Environment Referral Response - Riparian

Application Number:	DA2020/1533
Date:	15/04/2021
To:	Jordan Davies
Land to be developed (Address):	Lot 1 DP 1221920 , Dove Lane WARRIEWOOD NSW 2102

### 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

A Torrens subdivision is not suitable for this lot, as the bio-retention basin at the proposed lot 4 is providing water management for the proposed lots 1-3. Therefore the proposed lots 1-3 will be responsible for maintenance and replacement of the basin on the proposed lot 4. Subdivision is possible under a community title arrangement only to ensure appropriate management of the basin.

1. It is not an effective arrangement for Council's compliance staff to rely on a positive covenant and a large number of individual property and strata managers (the current concept offered is two strata RFBs and a set of townhouses), with whom council would have to negotiate to achieve compliance with maintenance obligations and improvements. It is particularly difficult when the parties subject to the positive covenant do not own the land containing the shared infrastructure.

2. The proposal presents significant risk to council in that the basin is located on a lot that will be retained by the developer. At some stage the developer will pass over ownership of the lot, and because it is an unsellable lot and a buyer is unlikely to be found, council as the provider of last resort, would be forced to take on the lot. While a positive covenant would still be in place, the first point still applies.

Please note Pittwater 21 DCP C6.1 Integrated Water Cycle Management says:

"With the exception of the Inner Creekline Corridor, the water management facilities will remain in private ownership. The maintenance responsibility for this private infrastructure remains with the owners of the land/development."

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.