

Natural Environment Referral Response - Riparian

Application Number:	DA2024/0878
Proposed Development:	Construction of a dwelling house, garage and stable building with ancillary site works
Date:	30/07/2024
To:	Adam Croft
Land to be developed (Address):	Lot 1A DP 11784 , 7 Wattle Road INGLESIDE NSW 2101

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

Not Supported

This application was assessed in consideration of:

- Supplied plans and reports;
- Coastal Management Act 2016;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Relevant LEP and DCP clauses

The proposal is for construction of residential dwelling with garage and horse stables. The site of the proposal is in the headwaters of Mullet Creek catchment.

Passing through the property is Mullet Creek, which is mapped under the Water Management (General) Regulation 2018 Hydro Line spatial data. Land within 40 metres of a mapped watercourse is waterfront land, and it is proposed to dispose of stormwater into Mullet Creek via the construction of a headwall outlet. Work on the bed and or bank of a river, including for outlet structures, is a controlled activity under the Water Management Act 2000 (WM Act). This means that controlled activity approval must be obtained from DPIE Water, and this requirement makes the proposal Integrated Development. The applicant has two options to move forward with respect to the headwall outlet and subsequent controlled activity permit requirements:

1. Redesign their stormwater disposal method so that it is set back from the bed and banks of the watercourse. This would remove the need for a referral to DPIE Water and improve water quality leaving the site. Examples of alternative disposal methods include level spreaders, infiltration trenches, and bioretention systems.
2. Proceed with the headwall outlet design and apply for controlled activity approval from DPIE Water. In this case, Council will require additional information in the form of a Water Management Plan. The

Water Management Plan must show the location, description, design details (including cross sections and long-sections of drainage lines and watercourses), dimensions and discharge details for the headwall outlet. The location and dimensions of all existing and proposed drainage easements, and easements to be extinguished is also to be shown if relevant. Refer to the DPE Fact Sheet: Controlled activities – Guidelines for outlet structures on waterfront land, particularly the section on Considerations in the design and construction of outlet structures. Council must be confident that the outlet is appropriately sited and designed to not negatively impact the watercourse. Appropriate rock (size, type, and amount) and remediation of the riparian area following construction are important considerations.

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.