



Pre-lodgement Meeting Notes

Application No: PLM2022/0075
Meeting Date: 10 May 2022
Property Address: 52 Cabbage Tree Road and 1825 Pittwater Road BAYVIEW
Proposal: Renovation and replacement of 8 greens within an existing golf course
Attendees for Council: Daniel Milliken - Acting Manager, Development Assessments
Adam Urbancic - Planner
Ellie Peedom - Planning Officer
James Brisbois - Team Leader - Catchments
David Hellot - Senior Environment Officer - Catchments
Jeanne Thuez - Senior Environment Officer - Catchments
Jason Ruszczyk - Senior Environment Officer - Catchments
Paul Hardie - Principal Officer - Coast & Estuary
Sonia Roberts - Environmental Health Officer
Attendees for Applicant: Craig Pocklington - Greens Committee/Project Manager
Craig Parry - Golf Course Architect

General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting.

These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Response to Matters Raised by the Applicant

External Referrals

Comment:

The applicant has requested that comments be provided in relation to the necessary external referrals for the proposed development.

The Water Management (General) Regulation 2018 *hydro line spatial data* identifies Cahill Creek and the ponds that flow through the golf course as a 'river' under the Water Management Act 2000. As the proposed development involves works within 40m of the river, a controlled activity approval will be required, and the proposed development will constitute nominated integrated development under Section 91(2) of the Water Management Act 2000.

The proposed development may also constitute nominated integrated development under Section 91(3) of the Water Management Act 2000 if temporary dewatering is required. This is to be addressed in the Geotechnical Report prepared for the development application.

Due to the proximity of the proposed development to Cahill Creek, it is recommended that the applicant also seeks preliminary advice from NSW Department of Primary Industries – Fisheries prior to the lodgement of the development application to determine if the proposed development constitutes integrated development under the Fisheries Management Act 1994.

The applicant is to identify if the proposed development constitutes integrated development on the Portal Application Form when lodging the development application.

Designated Development

Comment:

The land at 1825 Pittwater Road, specifically Lot 191 in DP 1039481, has been identified as containing coastal wetlands on the *Coastal Wetlands and Littoral Rainforests Area Map of SEPP (Resilience and Hazards) 2021*. As noted by Council's Biodiversity Officer, Clause 2.7 of SEPP (Resilience and Hazards) 2021 states that development for which consent is required under Subsection (1) of Clause 2.7, which includes earthworks, is declared to be designated development for the purposes of the Environmental Planning and Assessment Act 1979.

The applicant is to review this information and determine whether the proposed development will constitute designated development. An Environmental Impact Statement will be required if the proposed development is deemed to constitute designated development.

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)

PLEP 2014 can be viewed at: <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0320>

Part 2 - Zoning and Permissibility



Definition of proposed development: (ref. PLEP 2014 Dictionary)	recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).
Zone:	RE2 Private Recreation
Permitted with Consent or Prohibited:	Permitted with Consent

Part 4 - Principal Development Standards		
Standard	Permitted	Proposed
4.3 Height of buildings	8.5m	N/A
<u>Comment:</u> Based on the plans submitted for the pre-lodgement meeting, the proposed development comprises earthworks with no buildings, therefore, this development standard does not apply.		

PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21DCP)

P21DCP can be viewed at:

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=PDCP>

The following notes the identified non-compliant areas of the proposal only.

Control	Permitted	Proposed
Section C Development Type Controls		
C5 Design Criteria for Other Development		
C5.17 Pollution control		
<u>Comment:</u> As the golf course adjoins residential development, the acoustic impacts of the proposed changes to the layout of the course, particularly the relocation of the tees, must be addressed in the development application.		

Specialist Advice
Biodiversity Officer
The applicant, in the Statement of Environmental Effects, is to address the development in relation to the objectives and requirements of the following controls.



Specialist Advice

Pittwater LEP cl 7.6 Biodiversity

P21 DCP B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

State Environmental Planning Policy (Resilience and Hazards) 2021

- 2.7 Development on certain land within coastal wetlands and littoral rainforests area
- 2.8 Development on land in proximity to coastal wetlands or littoral rainforest
- 2.10 Development on land within the coastal environment area

I note that cl 2.7 above states that any development that involves earthworks, including deposition of material on the land, is declared to be designated development for the purposes of the Act. The areas mapped as Coastal Wetland are located on either side of the 2nd fairway. The Plans supplied indicate that the works on the 2nd Green will not impact the Coastal Wetland, and the development documentation must ensure that this is the case, and construction is managed to avoid impact to that area.

The Coastal Wetland Proximity area does coincide with the 2nd Green works, and the applicant must provide evidence to ensure that the proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

It is noted that the majority of works proposed will not impact on native vegetation or the habitat of threatened species, although should be confirmed as part of the detailed plans and documentation. Portions of the existing vegetation on the golf course is mapped as the Endangered Ecological Community Swamp Sclerophyll Forest on Coastal Floodplains. The development must ensure that impacts to the mapped EEC are avoided as much as possible, otherwise an assessment of significance must be provided by a suitably qualified ecologist. I note that there are trees located to the proposed bunkers and/or greens on the 3rd, 8th, 11th and 12th and 13th. I also note a new path planned through the EEC vegetation to the east of the 10th/12th green complex, and impact to the vegetation must be avoided (not sure if this path was already approved as part of a separate DA?).

It is recommended that an Arborist is engaged to provide an assessment of the trees potentially impacted, recommendations for retention/removal, and include management measures to ensure that the works will not impact existing trees and native vegetation, especially within the mapped EEC.

Coast & Catchments

Relevant legislation and planning instruments

- Coastal Management Act 2016
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan

Coastal Management Act 2016 and State Environmental Planning Policy (Resilience and Hazards) 2021



Specialist Advice

The proposed development is located within the coastal zone of NSW and is subject to the provisions of the Coastal Management Act 2016 (CM Act) and State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP).

Under the RH SEPP the subject site has been included on the Coastal Wetlands and Littoral Rainforest Area, Coastal Environment Area and Coastal Use Area Maps. The objectives and requirements of both the CM Act and the RH SEPP must be addressed within the Statement of Environmental Effects (SEE) as they relate to development within the coastal zone. In this regard the requirements of Divisions 1, 3, 4 and 5 of the RH SEPP will apply to the proposed development and must be addressed in all relevant aspects of the DA.

In accordance with Section 2.7(2) of the RH SEPP, it should also be noted that development on certain land within a coastal wetlands and littoral rainforests area may be designated development. Under these circumstances, an environmental impact statement would be required to be submitted in support of the DA.

Pittwater Local Environment Plan 2014

Clause 7.5 Coastal Risk Planning in Pittwater LEP 2014 applies to the proposed development and must be addressed in the design of the development proposal as well as the SEE.

Pittwater 21 Development Control Plan

Estuarine Risk Management

The subject site has been identified as being affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. The Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater DCP) and the B3.9 Estuarine Hazard controls in the Pittwater 21 DCP will apply to the proposed development at the site.

A statement in relation to the proposed development outlining how it has been designed and will be constructed to address the estuarine hazards and risks to life and property associated with these hazards must be included in the SEE. An estuarine risk management report addressing the relevant coastal hazards in accordance with the requirements of the Estuarine Risk Management Policy for Development in Pittwater must be submitted in support of the DA.

An Estuarine Risk Management Report must also address the objectives and relevant requirements of the Estuarine Risk Management Policy for Development in Pittwater as well as those of the CM Act and RH SEPP.

The estuarine risk management report must be prepared by a specialist coastal engineer who is a registered professional engineer with chartered professional status (CP Eng) and with coastal engineering as a core competency and who has an appropriate level of professional indemnity insurance.



Specialist Advice

It is understood that the proposed greens replacement and renovations will be undertaken in conjunction with proposed subsurface drainage and stormwater harvesting works proposed as a part of DA 2021/1338.

In this regard, if a technical report such as the Estuarine Risk Management Report is to be resubmitted in support of the new DA, the report will need to be reviewed by the consultant to assess the proposal and a revised report or addendum report may need to be prepared and submitted if the proposed new works change any conclusions or recommendations of the original report.

Riparian Lands and Creeks

The information submitted for the Pre-lodgement meeting for the Bayview Golf Course Improvements 2022 include the redesign of 8 greens and associated bunkers. These redesign works will include cut and fill.

Water NSW Water Management (General) Regulation 2018 *hydro line spatial data* identifies Cahill Creek and ponds that flow through the Golf Course as a 'River' under the Water Management Act 2000.

Therefore if the applicant proceeds with the development application for course improvement works a Controlled Activity Approval will be required from Natural Resource Access Regulator and will be considered an Integrated Development Assessment System Development Application.

Pittwater DCP 21

The development application should be consistent with the Pittwater 21 DCP, B5.13 Development on Waterfront Land. A Water Management Plan with supporting documentation is to be submitted demonstrating the feasibility of the proposed watercourse works within the site as in accordance with this DCP control.

To view the Pittwater 21 DCP, B5.13 Waterfront land see the following link.

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/pages/plan/Book.aspx?exhibit=PDCP&hid=11882>

To undertake construction dewatering, the following approvals must be obtained from WaterNSW:

- water supply work approval
- water access licence (WAL) - unless the project qualifies for an exemption, please refer to the [exemption aquifer interference activities taking 3ML or less](#) and [exemption for excavation dewatering taking greater than 3ML](#) fact sheets for more information
- water use approval - unless there is a development application from a local government authority.
- If the construction project will involve dewatering, the integrated development assessment process can be initiated by the local council at the time of the development application (DA)



Specialist Advice

Requirements

All new bunkers and greens must be located a minimum of 10 metres landward from the top of bank of the watercourse and or ponds.

Sediment and Erosion Control Plan will also be required.

Environmental Health

Section 5.7 of the Dewatering Management Plan by NPE recommends the following parameters be monitored:



These parameters are insufficient for the monitoring of dewatering operations on a golf course, especially where water will be discharged to an adjacent sensitive estuarine environment. Sediment and ground water on this site are highly likely to be contaminated with fertilisers, pesticides, herbicides and fungicides, yet the dewatering plan fails to acknowledge these contaminants. With consideration to these contaminants, along with historic fill and acid sulfate soils, Council requires contamination assessments in order to make a sound determination regarding excavation and dewatering projects on the site.

Should the Golf Course wish to proceed to application stage in absence of contamination assessments, then an EPA accredited site auditor must be engaged to confirm the development will not pose an unacceptable risk of environmental harm.

Flood Engineer

The works involve the renovation and replacement of 8 existing greens at Bayview Golf Course.

The proposed level of the greens and bunkers are not clear from the plans (dated 10 Jan 22). If filling is proposed below the 1% AEP event, a Flood Information Report is required demonstrating that there is no net loss of flood storage.

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects (local or integrated development) or Environmental Impact Statement (designated development)
- Scaled and dimensioned plans:
 - Site Plan;
 - Sections.
- Cost Summary Report (prepared by a building industry professional for works up to \$1,000,000 or a Quantity Surveyor for works equal to, or greater than, \$1,000,001)
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan



- Demolition Plan
- Excavation and Fill Plan
- Waste Management Plan (Construction & Demolition)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Acid Sulfate Soils Report
- Arboricultural Impact Assessment
- Estuarine Risk Management Report
- Flood Risk Assessment Report (if filling is proposed below the 1% AEP event)
- Contaminated Land Report
- Geotechnical Risk Assessment Report (prepared in accordance with the Geotechnical Risk Management Policy for Pittwater – 2009)
- Water Management Plan

IMPORTANT NOTE FOR DA LODGEMENT

Please refer to the Development Application Lodgement Requirements on Council's website (link details below) for further detail on the above list of plans, reports, survey and certificates.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/development-application-da-modification-or-review-determination/2060-da-modification-lodgement-requirements-dec21.pdf>

The lodgement requirements will be used by Council in the review of the application after it is lodged through the NSW Planning Portal to verify that all requirements have been met for the type of application/development.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 10 May 2022 to discuss the renovation and replacement of 8 greens within an existing golf course at 52 Cabbage Tree Road and 1825 Pittwater Road, Bayview. The notes reference the plans prepared by Craig Parry Design and dated 21 August 2019, 10 January 2022, 11 January 2022 and 27 March 2022.

The proposed development may be supported, subject to the matters raised within these notes being addressed and the submission of the documentation outlined within these notes.

Question on these Notes?

Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.