|  |
| --- |
| **Amendments to Pittwater Development Control Plan**  |

The proposed amendments to Pittwater DCP include changes at Part B General Controls, particularly in relation to B3 – Hazard Controls and B5 – Water Management (at Attachment 1 below) and changes to DCP Appendix 6 and Appendix 7 (at Attachment 2 below).

Note: all new proposed text in red font.

**PART 1**

**DETAILS OF DRAFT PITTWATER DCP AMENDMENTS IN RELATION TO A RANGE OF ENVIRONMENTAL CONTROLS**

**Part B3 – HAZARD CONTROLS**

**B3.7 Estuarine Hazard – Low density residential**

*Minor updating as follows:*

* *Omit reference to* ‘Flood and Estuarine Levels tool’
* *Insert cross referencing to* ‘D15.15 Waterfront Development controls’ and ‘Appendix 7 Estuarine Risk Management’ *where required*
* *Replace reference to* ‘Estuarine Planning Levels’ *rather than* ‘Flood Planning Levels’ *in relation to Estuarine Risk Construction (paragraph B2).*

**B3.8** **Estuarine Hazard – Medium density residential**

*Amend as above for B3.7*

**B3.9 Estuarine Hazard - Business, Light Industrial and Other Development**

*Amend as above for B3.7*

**B3.10 Estuarine Hazard – Subdivision**

*Amend as above for B3.7*

**Part B5 WATER MANAGEMENT**

**B5.1 Water Management Plans**

*Insert at end of the section an additional cross reference as follows*:

In relation to the development of any property that cannot discharge storm water into a public drainage system, such as land falling naturally away from a Council storm water drainage system, the development is required to comply with section 5.10 Stormwater Discharge in to Public Drainage System.

**B5.7 Stormwater Management - On-Site Stormwater Detention**

*Insert at the beginning of this section as follows:*

**Land to Which this Control Applies**

Land identified as requiring On-site detention NOT including the Warriewood Valley Locality. For Warriewood Valley Control see Pittwater 21 DCP Section D16 Warriewood Valley Locality.

*Amend controls for On-Site Stormwater Detention as follows:*

An On-Site Detention (OSD) facility is to be installed where the development results in additional hard (impervious) surface area of greater than 50m2 (on a cumulative basis since February 1996) ~~and on land designated through mapping as requiring OSD facility.~~ However, an OSD facility is not required where the development is to be carried out in the Flood Risk Precinct.

*Omit sentence as follows:*

‘All additional ground surface hard stand (impervious) areas are to be drained via a stormwater tank/pit to the OSD facility.’

*Insert at end of the section an additional cross reference as follows*:

In relation to the development of any property that cannot discharge stormwater into a public drainage system, such as land falling naturally away from a Council stormwater drainage system, the development is required to comply with section 5.10 Stormwater Discharge in to Public Drainage System.

**B5.8 Stormwater Management – Water Quality – Low Density Residential**

*Omit this whole section*

**B5.9 Stormwater Management – Water Quality ~~– Other than Low Density Residential~~**

**Outcomes**

*Amend title of section as above and Omit one of the listed Outcome as follows:* ‘No increase in pollutants discharged with storm water into the environment’.

*Insert new Outcome* *as follows:* ‘Protection and improvement of the ecological condition of beaches, lagoons, waterways, wetlands and surrounding bushland.’

**Controls**

*Insert additional text as follows:*

The control is applicable to all new development on lots over 1000sqm except dwelling houses, when the development results in an additional hard (impervious) area of more than 50sqm.

*Omit Sections of B5.9 titled* as *follows:*

* ‘Land Size up to 1500sqm’;
* ‘Land Size greater than 1500sqm’;
* ‘Table1: Stormwater Treatment Requirements’.

*Insert additional text as follows*:

Stormwater runoff must have a minimal environmental impact on any receiving waters. The stormwater quality requirements that apply are listed in Table 1.

Table 1 – General Stormwater Quality Requirements

|  |  |
| --- | --- |
| **Pollutant** | **Performance Requirements** |
| Total Phosphorous  | 65% reduction in the post development mean annual load\* |
| Total Nitrogen  | 45% reduction in the post development mean annual load\*  |
| Total Suspended Solids  | 85% reduction in the post development mean annual load\*  |
| Gross Pollutants  | 90% reduction in the post development mean annual load\* (for pollutants greater than 5mm in diameter)  |
| pH  | 6.5 - 8.5  |
| Hydrology  | The post-development peak discharge must not exceed the pre-development peak discharge for flows up to the 2 year ARI  |

**\***The percentage reduction in the post development mean annual loads are relative to the loads from the proposed development without treatment applied.

Stormwater treatment measures must be sited on private land. Council will not accept the ownership or maintenance responsibilities of any stormwater treatment measures located on private land.

Stormwater treatment measures must not be sited within riparian zones or where they will impact native vegetation, wildlife or habitat.

Stormwater treatment measures must not be completed, including the installation of filter media and vegetation, before landform is stabilised in 90 per cent of the area the measures will service. Alternatively, stormwater treatment measures must be kept offline and erosion and sediment controls implemented and maintained on site as conditioned under the development consent until the site has been fully stabilised.

All stormwater ~~quality improvement devices~~ treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

A positive covenant and ‘Restriction as to User’ must be registered on the title for the stormwater treatment measures to ensure regular maintenance and reliable operation.

An Operation and Maintenance Plan is to be prepared to ensure proposed stormwater treatment measures remain effective. For Community Title developments, the Plan is to be included in the Community Management Statement.

The Plan must contain the following:

* Maintenance schedule of all stormwater treatment measures
* Maintenance requirements for establishment period
* Routine maintenance requirements
* Funding arrangements for the maintenance of all stormwater treatment measures
* Identification of maintenance and management responsibilities
* Vegetation species list associated with each type of vegetated stormwater treatment measure
* Inspection and maintenance record and reporting
* Waste management and disposal
* Traffic control (if required)
* Maintenance and emergency contact information
* Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures
* Work Health and Safety requirements
* Record keeping.

Certification is to be provided by a suitably qualified and experienced Water Engineer with the Water Management Plan demonstrating that the proposed stormwater ~~quality improvement devices~~ treatment measures proposed at the site will achieve the Control requirements and the requirements of all applicable legislation.

**Variations**

*Omit the Advisory Note and insert a new variation as follows:*

All development not covered by the above that is located in the coastal environment area mapped under the State Environmental Planning Policy (Coastal Management) 2018 will be required to provide water quality treatment. Any new development, and alterations and additions that increase impervious area by greater than 50sqm must install a filtration device that removes organic matter and coarse sediments from stormwater prior to discharge from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

**References**

*Omit reference to superseded CSIRO publications dated 1999 and insert the addition reference as follows:* Healthy Land & Water (2019) Resources, at <https://hlw.org.au/resources/>.

**B5.10 Storm Water Discharge into Public Drainage System**

**Variations**

*Omit certain considerations of variations where the development does not have legal access to the public drainage system and is unable to gain adjoining owner's consent on alternative access through drainage easements as follows:*

* “Redirection of storm water flow”
* “A split system”.

**B6.1 Access driveways and Works on the Public Road Reserve**

*Edit provisions for access driveways under section titled ‘Access Driveway Profile and Gradient’ as follows:*

Access Driveways are to be ~~either~~ in plain concrete ~~or a cosmetic finish consisting of concrete, asphaltic concrete or paver construction in dark earthy tones~~. Cosmetic Access Driveways on a public road reserve are ~~subject to a Deed of Agreement releasing Council in respect to liability and damage to the driveway by any means~~ not permitted.

**D15.15 Waterfront Development**

**c) Boatsheds**

*Insert advisory note to* ‘section B3 Estuarine Hazard Controls relating to boatsheds’

**D15.15 Waterfront Development- Crystal Bay foreshore area**

*Insert advisory note to* ‘section B3 Estuarine Hazard Controls relating to boatsheds’ *and insert a new paragraph as follows:* ‘The minimum floor level for new boatsheds shall be in accordance with the B3 Estuarine Hazard controls.’

**D15.18 Seawalls**

*Replace reference to* ‘Sydney Metropolitan Catchment Management Authority’ (2009) *with* ‘Office of Environment and Heritage website’**.**

**D15.19 Dredging**

**Variations**

*Amend where Council may consider dredging to omit* ‘private boat purposes’ *and insert* ‘navigational reasons’. *Insert additional criteria to consider dredging as follows:*

‘where it can be demonstrated that the environmental risks associated with acid sulfate soils can be minimised by appropriate management measures.’

*Also in this section replace reference to* ‘wave patterns’ *to* ‘estuarine processes’

**PART 2**

**DETAILS OF DRAFT AMENDMENTS TO DCP APPENDICES**

**(AMENDMENT TO POLICY ASSOCIATED WITH AMENDMENT TO THE PITTWATER DCP)**

**DCP APPENDIX 6 - COASTLINE RISK MANAGEMENT POLICY**

*In general:*

* *all references to ‘Pittwater LGA’ replaced with either ‘Northern Beaches LGA’; ‘land to which the Pittwater LEP 2014 applies’; ‘land largely within the Pittwater Ward of the Northern Beaches’ as appropriate*
* *omit reference to certain guidelines and policies that are superseded or no longer relevant including: ‘NSW Government Coastline Management Manual’ 1990, ‘NSW Government Floodplain Risk Manual’ 2001 and ‘Coastal Management Strategy Warringah Shire Council’ 1985*
* *insert references to the Coastal Management Act, 2016 in lieu of superseded legislation*
* *minor editing including capitalization*
* *updating referencing under the Environmental Planning and Assessment Act 1979*
* *update referencing to Councils website*
* *insert clarification that the Coastline Hazard Map is contained in the Pittwater LEP 2014*
* *clarify at section 7 that measures to reduce risk include coastal protection works*
* *minor cross referencing to other parts of the Appendices for clarity.*

*Amend section titled ‘Relationship with other Legislation’**to insert additional references as follows:*

• Pittwater Local Environmental Plan 2014

• State Environmental Planning Policy (Coastal Management) 2018.

*Amend definition of ‘Coastal Hazards’ to include ‘*Erosion and inundation of foreshores caused by tidal waters and the action of waves, including the interaction of these waters with catchment flooding.’; to omit ‘sand draft’; replace ‘entrance stability’ with ‘coastal lake or watercourse entrance instability’ and replace ‘cliff instability’ with ‘coastal cliff or slope instability’,

**Development Controls**

**8.1 Coastline (Beach) Hazard area - Residential Development up to 2 Dwellings (single dwelling and dual occupancy)**

*Amend Paragraph titled ‘*Development to which this development control applies’ *to omit certain types of development as follows:* ‘Multi-unit housing’, ‘Shop-top housing (residential portion only, Business Development, Light Industrial Development, Land Subdivision, Other Development ‘development not included in residential development, business development, light industrial development, or land subdivision’.

**8.2 Coastline (Beach) Hazard area - All development other than up to 2 dwellings**

*Amend Paragraph titled ‘*Development to which this development control applies’ *to omit the following types of development* ‘Dwelling house (new)’, ‘Detached dual occupancy’, ‘Dwelling house (alterations & additions)’, ‘Attached dual occupancy’ and ‘land subdivision’.

**8.2 Coastline (Beach) Hazard area - Land Subdivision**

*Amend Paragraph titled ‘Development to which this development control applies’ to omit all land uses except for ‘*Land Subdivision’

# Information to be Submitted – Coastline Risk Management

**9.3 Coastal Risk Management Report**

*Omit statement that a Coastal Risk Management Report is not required in certain circumstances as follows: ‘*where it is demonstrated that all floor levels, including those of existing components of the development, are at or above the Coastline Planning Level (CPL), or raised to the Coastline Planning Level and/or all development (existing and proposed) is landward of the 100-year Coastline Management Line’.

*Omit section in relation to* ‘Section 149 Certificate Notations’ as follows: “*Note: These notations were superseded by the introduction of ‘current and future risk disclosures’ as a requirement of Planning Circular PS 1403 issued 13 November 2014.”*

**DCP APPENDIX 7 – ESTUARINE RISK MANAGEMENT POLICY**

*In general:*

* all references to ‘Pittwater LGA’ replaced with either ‘land to which the Pittwater LEP 2014 applies’ or ‘the foreshores of the Pittwater estuary’ as appropriate
* omit reference to certain guidelines and policies that are superseded or no longer relevant including: NSW Estuary Management Manual, 1992; NSW Government Coastline Management Manual, 1990
* insert references to the *Coastal Management Act 2016* in lieu of superseded legislation
* minor editing including capitalisation
* updating referencing under the Environmental Planning and Assessment Act 1979
* update referencing to Councils website
* replace references to ‘Estuarine Affected Properties’ with ‘Estuarine Hazard Affected Properties’
* replace references to ‘Flood and Estuarine Levels Tool on Council’s Website’ with ‘Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015)’
* replace references to ‘Estuarine Planning Level Mapping Pittwater Estuary’ (Lawson & Treloar, 2004) with ‘Pittwater Estuary Mapping of Sea Level Rise Impacts Study’ Cardno, (2015)
* definition of ‘freeboard’ amended to clarify a free board allowance of 0.3m as adopted.

*Insert a new section as follows:*

**Relationship with other Legislation**

This Policy is intended to support the provisions of and should be read in conjunction with:

• Pittwater 21 Development Control Plan

• Pittwater Local Environmental Plan 2014

• State Environmental Planning Policy (Coastal Management) 2018

• *Coastal Management Act 2016*.

*Insert at ‘Figure 1 - diagrammatic Representation for determining of Estuarine Planning Level’ the following:*

Foreshore edge treatment types in Figure 1 above should be amended as follows:

1. 1 in 10 natural slope (grassed/sandy gently sloping foreshores)

2. 1 in 5 rocky shorelines (natural rocky foreshore or sloped rip rap)

3. Vertical seawall (e.g. block work or other retaining structure

4. Mangroves.

*Clarify requirements for an Estuarine Risk Management Report as follows:*

An Estuarine Risk Management Report should consider development constraints due to estuarine hazard impacts on the land, including an assessment of the degree of inundation, effects of wave action, impacts of waterborne debris, buoyancy effects, and other emergency issues during the design event (100 ARI event). The report should also contain recommendations as to any reasonable and practical measures that can be undertaken to remove foreseeable risk associated with estuarine hazards for the design life of the development.

Insert new section in relation to Forms required to declare and certify

**Form 1 – Declaration and Certification made by Coastal Engineer in relation to the Estuarine Risk Management Report prepared in support of a DA:**

**When is Form 1 to be submitted?**

Form 1 is to be submitted with an Estuarine Risk Management Report accompanying a Development Application/Part 5 Assessment. Attach Form 1 to the inside cover of the Estuarine Risk Management Report.

**Why is Form 1 necessary?**

This form is essential to verify that the author of an Estuarine Risk Management Report is a Coastal Engineer as defined by this Policy or that the report has been technically verified by a Coastal Engineer as defined by this Policy.

**Form 2 – Declarations and Certification made by Structural Engineer or Civil Engineer and Coastal Engineer in relation to the design**

The purpose of this form is to ensure the Coastal Engineer verifies that the structural and/or civil engineer has correctly interpreted and incorporated the estuarine risk management requirements into their design and that the structural and/or civil engineer has prepared their documents in accordance with the Estuarine Risk Management Report.

**When is Form 2 submitted?**

This form must be attached with the submission of the structural documentation required for the determination of a Construction Certificate. The applicant must issue a copy of the structural documents and Form 2 to the Coastal Engineer who prepared or technically verified the Estuarine Risk Management Report for the Development Application now requiring a Construction Certificate.

**Why is Form 2 necessary?**

Form 2 is essential, as it provides evidence to Northern Beaches Council or other certifying authority determining the Construction Certificate that structural documents have been prepared or verified by a structural or civil engineer as defined by this Policy, and that the structural documents have been prepared in accordance with the recommendations given in the Estuarine Risk Management Report for the same development.

**FORM NO. 1**

To be submitted with Estuarine Risk Management Report

Development Application for\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Name of Applicant

Address of site \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Declaration made by a Coastal Engineer as part of an Estuarine Risk Management Report

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on behalf of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Insert Name) (Trading or Company Name)

on this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (date)

certify that I am a Coastal Engineer as defined by the Estuarine Risk Management Policy for Development in Pittwater and I am authorised by the above organisation/company to issue this document and to certify that the organisation/company has a current professional indemnity policy of at least $2 million.

Please mark appropriate box

 I have prepared the detailed Estuarine Risk Management Report referenced below in accordance with the Estuarine Risk Management Policy for Development in Pittwater

 I am willing to technically verify that the detailed Estuarine Risk Management Report referenced below has been prepared in accordance with the Estuarine Risk Management Policy for Development in Pittwater

 I have examined the site and the proposed development/alteration in detail and, as detailed in my report, am of the opinion that the Development Application only involves Minor Development/Alterations or is sited such that a detailed Estuarine Risk Management Report is not required.

Estuarine Risk Management Report Details:

Report Title:

Report Date:

Author:

Documentation which relate to or are relied upon in report preparation:

I am aware that the above Estuarine Risk Management Report, prepared for the above mentioned site is to be submitted in support of a Development Application for this site and will be relied on by Northern Beaches Council as the basis for ensuring that the estuarine risk management aspects of the proposed development have been adequately addressed to achieve an acceptable risk management level for the life of the structure, taken as at least 100 years unless otherwise stated and justified in the Report and that all reasonable and practical measures have been identified to remove foreseeable risk.

Signature …………………………………………………….……..

Name ………………………………………………………………..

Chartered Professional Status…………………………………….

Membership No. ……………………………………………………

**FORM NO. 2**

To be submitted with detailed design for Construction Certificate

Development Application for\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Name of Applicant

Address of site \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Declaration made by Structural or Civil Engineer in relation to the incorporation of estuarine issues into the project design

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on behalf of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (insert name) (trading or company name)

on this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (date)

certify that I am a Structural or Civil Engineer as defined by the Estuarine Risk Management Policy for Development in Pittwater. I am authorised by the above organisation/company to issue this document and to certify that the organisation/company has a current professional indemnity policy of at least $2 million. I also certify that I have prepared the below listed structural documents in accordance with the recommendations given in the Estuarine Risk Management Report for the above development.

Estuarine Risk Management Report Details:

Report Title:

Report Date:

Author:

Structural Documents list:

I am also aware that Northern Beaches Council relies on the assessments covered by the Estuarine Risk Management Policy for Development in Pittwater, including this certification as the basis for ensuring that the estuarine risk management aspects of the proposed development have been adequately addressed to achieve an acceptable risk management level for the life of the structure taken as at least 100 years unless otherwise specified and justified.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (name) (signature)

Declaration made by Coastal Engineer in relation to Structural Drawings

I prepared and/or technically verified the above mentioned Estuarine Risk Management Report as per Form 1 dated \_\_\_\_\_\_\_\_\_\_\_\_\_ and now certify that I have viewed the above listed structural documents prepared for the same development. I am satisfied that the recommendations given in the Estuarine Risk Management Report have been appropriately taken into account by the structural engineer in the preparation of these structural documents.

I am aware that Northern Beaches Council relies on the processes covered by the Estuarine Risk Management Policy for Development in Pittwater, including this certification as the basis for ensuring that the estuarine risk management aspects of the proposed development have been adequately addressed to achieve an acceptable risk management level for the life of the structure taken as at least 100 years unless otherwise stated and justified in the Estuarine Risk Management Report and that reasonable and practical measures have been identified to remove foreseeable risk.

Signature …………………………………………………….…….

Name ……………………………………………………………….

Chartered Professional Status…………………………………….

Membership No. ……………………………………………………