

Statutory Declaration
OATHS ACT 1900, NSW, EIGHTH SCHEDULE

We, Clayton Henry Kasmar and Debra Anne Kasmar of 2 Naree Road, Frenchs Forest in the State of New South Wales, do solemnly and sincerely declare that:

1. We are the registered proprietors of 54 Yarrabin Street Belrose being Lot 3 DP 224801.
2. We have Development Approval (DA 2021/0375) from Northern Beaches Council to do a knock down/rebuild on the said property. The DA contains a deferred commencement condition that we must provide Council with evidence of a drainage easement on title in order to activate the consent.
3. In December 2020 I sent letters to our neighbours explaining that we were the owners of 54 Yarrabin Street Belrose and that we were doing a knock down/rebuild.
4. When Masterton Homes advised that I would need to speak to our rear neighbour being 9 Castle Circuit Belrose to get permission to construct an easement across her property I went in person to introduce myself to the owner (Ms Dryland) to discuss the situation. Mrs Dryland thanked me for the lovely letter and then kindly told me that I would not need to build the easement as the previous owners of my property had already laid drainage pipes from my property across her property to the street. Mrs Dryland then proceeded to show me the location of the pipes.
5. Following Mrs Dryland showing me where the pipes were already laid, we have had storm water plans drawn up and reports from Storm Civil Engineers confirming the location of the easement.
6. In order to comply with the conditions of Northern Beaches Council, on the 2nd September 2021 I (Debra Kasmar) made contact with Ms Dryland through correspondence of a letter explaining that Northern Beaches Council require the easement to be registered on the title to her property. I offered to organise a solicitor for her and to pay all her solicitors fees. I left my phone number for her to call me to discuss the position. When I hadn't heard anything for a couple of days I phoned her on the 6 September and she advised that she didn't want to talk to me as she was quite upset with my request.
7. On the 8th September, 2021 Clayton and I sent another letter to apologise as we did not want to upset her and that we did not want to go on her property and dig an easement, we just wanted to have the easement that was already there registered on her Title and again offered to pay for her solicitors fees.
8. On the 11th September 2021 Ms Dryland called me to say that she has decided that she does not want the easement registered on her Title.

9. We wish to confirm that we have been very accommodating and polite and unfortunately Ms Dryland has refused our kind offers.

and we make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: Forestville on 12th October, 2021.



.....
[signature of declarant]

in the presence of an authorised witness, who states:

I, Wendy Waters, a Justice of the Peace
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it: [**please cross out any text that does not apply**]

1. ~~*I saw the face of the person [OR]*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering.~~
2. ~~*I have known the person for at least 12 months [OR]*I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was NSW Driver Licences~~
[describe identification document relied on]



.....
[signature of authorised witness]

12 October, 2021

.....
[date]

WENDY WATERS
1st floor, 10 Darley Street
Forestville NSW 2087
Justice of the Peace
No. 111617

2 September 2021

Dear Peta

Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures

Hope you are well and staying safe.

Northern Beaches Council require me to have the easement from our property (54 Yarrabin Street) to your property registered, which needs to be on your Certificate of Title.

My solicitor has contacted me to ask if you have your own solicitor or conveyancer that could assist with this or I am happy to organise one? We will pay for ALL of the fees from your solicitor.

If you want to give me a call to discuss or I can give you a call tomorrow (Friday 3 September) at approx 3pm.

Kind regards

Deb Kasmar

043 110 6 110

8 September 2021

Dear Peta

Hope you're well and enjoying the beautiful weather. Thankyou for briefly taking my call the other night and apologies if you felt upset as we certainly didn't want that, we are nice people and just want to be able to start the journey of building our new family home.

Anyhow, the reason I am writing this letter is just to make sure there was no misunderstanding with my previous correspondence.

We don't need to dig anything up on your property, we don't need to be on your property at all, we don't need you to pay for anything.

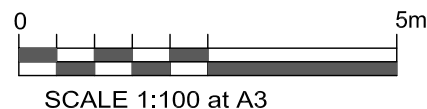
The pipe you showed me that time that was built by the previous owners that starts from our home and runs out to your street just needs to be listed on your title deed. That's it. All that needs to be done is for a solicitor to fix up the paper work and for you to sign it. Unfortunately this should have been done by the previous owners of our home and now we have been left with trying to fix it. Once that's all done we can go ahead and build our home.

We are happy to chat to your family if that is of any help, otherwise as requested I shall give you a call over the weekend. We greatly appreciate you taking time to read this letter.

Kindest regards,
Deb and Clayton Kasmar

Phone number: 0431 106 110

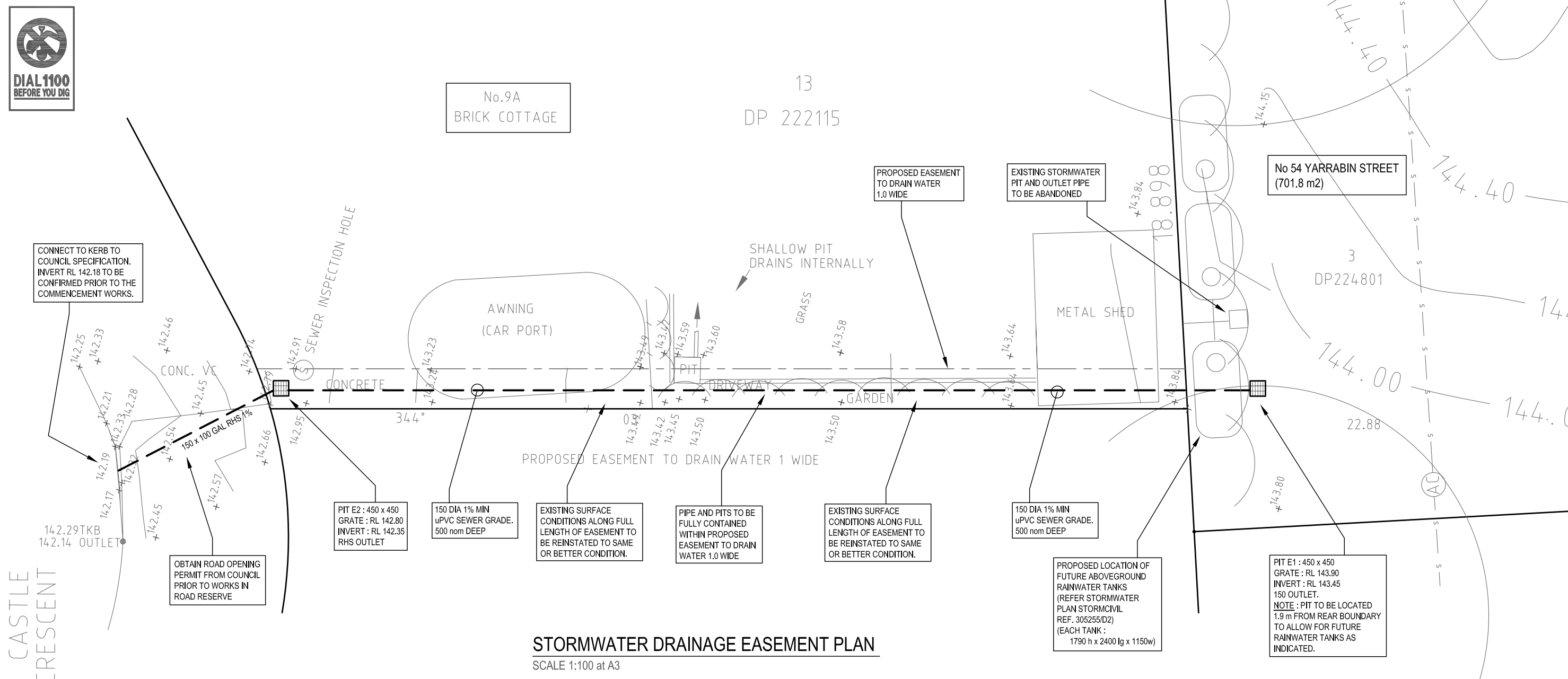
Email: debkasmar@icloud.com



NOTE
ALL UNDERGROUND SERVICES IN VICINITY OF PROPOSED DRAINAGE PITS AND PIPES TO BE LOCATED PRIOR TO THE COMMENCEMENT OF WORKS.

DRAINAGE EASEMENT CAPACITY CALCULATIONS									
PIT	SUBCATCHMENT AREA m ²	TOTAL CATCHMENT AREA m ²	C ₁₀₀	20 I mm/hr	Q ₁₀₀ l/s	DOWNSTREAM PIPE			COMMENTS
						DIAMETER mm	GRADE %	CAPACITY l/s	
E1	702	702	0.78	190	29	150	4.5	55	CAPACITY OK

TREE PRESERVATION NOTE
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ANY PRIOR APPROVAL REQUIRED FROM COUNCIL WITH RESPECT TO POTENTIAL IMPACT ON TREES FOR ANY WORKS SHOWN ON THIS DRAWING PRIOR TO THE COMMENCEMENT OF THOSE WORKS.



A	30.07.2021	FOR DEF. COMM. APPROVAL
ISS	DATE	AMENDMENT

ARCHITECT/BUILDER		ARCH. REF : 2015939
MASTERTON HOMES		
OWNER		
KASMAR		
LGA	NORTHERN BEACHES (WARRINGAH)	



DWG TITLE	STORMWATER DRAINAGE EASEMENT PLAN
PROJECT TITLE	PROPOSED RESIDENTIAL DEVELOPMENT Lot 3, No 54 YARRABIN STREET, BELROSE

<h1>StormCivil</h1>			APPROVED ON BEHALF OF STORMCIVIL PTY LTD	
			Mark Taylor <i>M Taylor</i> MIE Aust CP Eng NER 1473333	
JOB No	DWG No		No In SET	ISSUE
305255	E1		1	A