

## Engineering Referral Response

<b>Application Number:</b>	DA2023/1123
<b>Proposed Development:</b>	Boundary realignment
<b>Date:</b>	16/02/2024
<b>To:</b>	Clare Costanzo
<b>Land to be developed (Address):</b>	Lot 2 DP 1177671 , 100 A Wakehurst Parkway ELANORA HEIGHTS NSW 2101 Lot 12 DP 1014199 , 102 Wakehurst Parkway ELANORA HEIGHTS NSW 2101

### Reasons for referral

This application seeks consent for the following:

- New Dwellings or
- Applications that require OSD where additional impervious area exceeds 50m<sup>2</sup> or
- Alterations to existing or new driveways or
- Where proposals affect or are adjacent to Council drainage infrastructure incl. watercourses and drainage channels or
- Torrens, Stratum and Community Title Subdivisions or
- All new Commercial and Industrial and RFB Development with the exception of signage or
- Works/uses in flood affected areas

And as such, Council's development engineers are required to consider the likely impacts on drainage regimes.

### Officer comments

#### 16/02/2024:

An agreement letter from Owners of No 100 Wakehurst Parkway for redoing the benefits of services, access and drainage on title in favor of whole new proposed lot is provided (Internal ref: TRIM 2023/816642)

An amended subdivision plan by Waterview Surveying Services, Reference 1736 showing creation of whole new legal access, drainage and services burdening Lot 1DP1177671 and benefitting whole proposed Lot 2 DP1177671 is provided (Internal ref: TRIM 2023/816641)

Development Engineering have no objections to proposal subject to conditions.

#### For Planner:

The subject property is affected by a road proposal as mentioned in the letter from Transport for NSW, TfNSW Reference: SYD23/01174/01, Dated 7th Nov 2023. Please include this letter as part of approved documents.

#### 08/09/2023:

This is not deemed to be a boundary adjustment this is deemed to be a subdivision. Backyard of 102 Wakehurst Parkway that 100A Wakehurst Parkway is proposing to adjoin

doesn't have legal rights to access, drainage and services.

Applicant to provide:

- An agreement from owners of No 100 Wakehurst Parkway to redoing the benefits of services, access and drainage on title in favor of whole new proposed lot.
- Draft plan of subdivision by surveyor creating whole new legal access, drainage and services in favor of whole new proposed lot.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

#### **Recommended Engineering Conditions:**

### **CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE**

#### **Easement Creation**

The Applicant shall create an easement for drainage (under the provisions of Section 88B of the Conveyancing Act) burdening Lot 1 DP1177671 benefitting proposed Lot 2 on the final plan of subdivision, to accompany the Section 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s).

The Applicant shall create an easement for services (under the provisions of Section 88B of the Conveyancing Act) burdening Lot 1 DP1177671 benefitting proposed Lot 2 on the final plan of subdivision, to accompany the Section 88B instrument to ensure all utility services are located within the appropriate easement(s).

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.

#### **Provision of Services for Subdivision**

The applicant is to ensure all services including water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure that utility services have been provided to the newly created lots.

#### **Right of Carriageway**

The Applicant shall create a right of carriageway (under the provisions of Section 88B of the Conveyancing Act) burdening Lot 1 DP1177671 benefitting proposed Lot 2 on the final plan of subdivision and accompanying 88B instrument, to include all vehicular access and manoeuvring areas.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the

Subdivision Certificate.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.

### **Sydney Water Compliance Certification**

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and fees to be paid. Please make early contact with the coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water.

### **Subdivision Certificate Application**

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

### **Title Encumbrances**

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to be created on the title naming Council as the sole authority empowered to release or modify.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure proper management of land.