

## Engineering Referral Response

Application Number:	DA2021/1135
Date:	20/12/2021
To:	Gareth David
Land to be developed (Address):	Lot 3 DP 1196894 , 6 Guwara Road DUFFYS FOREST NSW 2084

### Reasons for referral

This application seeks consent for the following:

- New Dwellings or
- Applications that require OSD where additional impervious area exceeds 50m2 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

#### Updated comments 20/12/2021

The applicant has now repositioned the swimming pool clear of the rocked lined drainage swale and headwalls /easements.

The previous requirements for an updated stormwater water management plan will be handled via a differed commencement condition.

Conditions will be provided.

#### Updated comments 29/11/21

In relation to stormwater management the original subdivision approval approved with an 88B instrument refers to a specific stormwater management system including stormwater detention to protect the downstream conservation area as denoted by E on the subdivision plan.

In light of the specific stormwater management requirements for the lot , an updated stormwater management plan is to be provided by the applicant to demonstrate there are no increases in stormwater flows from the proposed development for a range of storm events. The maintenance existing stormwater flows is to limit any impacts on the conservation area.

**Previous comments**

The proposed alterations and additions are not supported for the following reasons:

**1) Terms of Positive Covenant – Right of Carriageway**

The subject lot is burdened by a number of easements and restrictive covenants, in the Section 88B Instrument for DP1195894, which were required as part of the approved subdivision of the land under development consent DA2005/0376. The restriction on the use of land referred to and numbered 4 states the following:

Right of Carriageway, over those areas marked 'C' in the abovementioned Plan, as set out in Schedule 4A of the Conveyancing Act with the following addition:

Access is limited to the purposes of emergency access, access for emergency services and rural fire services personnel.

The proposed tennis court is proposed to be built over of this right of carriageway and would prevent access for the Rural Fire Service and emergency services as required by the original conditions of the subdivision development consent. and therefore is not supported.

**2) Stormwater management.**

The proposed works to extend the current stormwater discharge device are not supported because the works will impact on the existing ecology which was originally intended to remain in its current form. Additionally the construction of a tennis court in the current location will impact overland flows in higher storm events and lead to hydrological impacts on the downstream ecology.

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:****DEFERRED COMMENCEMENT CONDITIONS****Updated Stormwater Management Plan**

An updated stormwater management plan is to be provided by the applicant to demonstrate there are no increases in stormwater flows from the proposed development for a range of storm events up to the 1 in 100 year AEP event. The maintenance of existing stormwater flows is to limit any impacts on the downstream conservation area marked as easement E.

A DRAINS model is to be prepared together with a drainage design summary for Councils review.

Stormwater drainage plans prepared by a RPENG or NER registered civil engineer are to be submitted to Council for written approval detailing disposal of stormwater from the site in accordance with Council's Water Management Policy for Development.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION**

## CERTIFICATE

### Vehicle Crossings Application

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

### Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

### Vehicle Crossings

The Applicant is to construct one vehicle crossing 4 metres wide in accordance with Northern Beaches Council Rural Crossing Drawing and the driveway levels application approval. The vehicle crossing is to be constructed north of the existing crossing. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

### No Fill in Native Vegetation Areas

No fill is to be introduced in the area of native vegetation or habitat remaining on the site.

Reason: To ensure the protection of the natural environment.

## CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

### Stormwater Disposal

The stormwater drainage works shall be certified as compliant with the approved plans and Councils water management policy for development by the stormwater drainage design engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

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

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of final Occupation Certificate.

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.