

Engineering Referral Response

Application Number:	DA2020/1533
Date:	03/06/2021
To:	Jordan Davies
Land to be developed (Address):	Lot 1 DP 1221920 , Dove Lane WARRIEWOOD NSW 2102

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

Comments 3/6/21.

The subdivision application has been amended to transfer ownership of the water quality treatment /OSD basin facility (Lot 1) to the future 3 proposed lots. Whilst this is a better outcome than the previous arrangement and not as ideal as a community title subdivision there are still ongoing concerns about dispute resolution and funding the ongoing maintenance of the basin between 3 separate future strata plans.

It is noted also the Manager Strategic and Place planning recommends that legal advice should be sought on the 88B Instrument to specifically address dispute resolution and the maintenance of the water management facility for the life of the development. This recommendation is supported.

Engineering conditions will be provided.

Comments 21/4/2021

The previous engineering comments still apply and also reference is made to the Natural Environment Riparian referral response which is supported also. The proposed subdivision into 3 lots is therefore not supported.

Previous comments

The proposed re-subdivision is not supported for the following reason:

The original subdivision consent approval N0067/16 detailed a future stage 4 strata scheme part lot 1 west whilst part lot 1 east contained stormwater detention/bioretention basin which has been built. The basin was built to treat stormwater runoff from the completed road (Dove lane) and part lot 1(stage 1). The stormwater detention/ bioretention basin was a requirement of the DA approved Water Management Report Issue 7 prepared by Civil certification Pty Ltd dated 30/01/2017.

The stage 4 strata scheme was to fund the costs of the future maintenance of the detention/bioretention basin.

The SEE has not addressed how the above requirements for ongoing maintenance of the detention/bioretention basin will be managed in to the future.

The proposal is therefore unsupported.

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

Recommended Engineering Conditions:**DEVELOPMENT CONSENT OPERATIONAL CONDITIONS****Stormwater Treatment Operation and maintenance manual- Water Quality Treatment/ Stormwater Detention Basin (Lot 1 DP1221920)**

An Operation and Maintenance Manual is to be prepared by Civil Certifiers detailing the Water Quality Treatment/ Stormwater Detention Basin maintenance intervals and regime to achieve the objectives of the original design. Costings for the maintenance requirements/schedule are also to be provided as an initial guide of maintenance costs for future landowners.

Maintenance of Stormwater Treatment Measures must be maintained at all times in accordance with the Stormwater Treatment Measure Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Vegetated stormwater treatment measures must maintain an 80 percent survival rate of plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure, and be kept free of sediment, debris and litter.

Ensure that all removed silt, rubbish, debris, and filter media will be disposed of in a manner consistent with all relevant laws and regulations in effect at the time.

The on site stormwater detention control structure is to be regularly cleaned including all screens . All inlet pipes are to be also regularly inspected for blockages and cleaned accordingly.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owners.

Reason: Protection of the receiving environment and receiving waters.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE**Positive Covenant for Drainage Structures**

The Applicant shall submit a positive covenant (under the provisions of Section 88B of the Conveyancing Act) to be created on the final plan of subdivision and accompanying 88B instrument. The covenant will require the proprietors of the land to maintain the Water Quality Control /Stormwater detention basin located on Lot 1 (DP 1221920 east) in accordance with the standard requirements of Council.

The positive covenant should :

- 1) Reference the original council approved Water Management Report dated January 2017(Issue 7) prepared by Civil Certifiers which details the Water Quality Control /Stormwater detention basin.
- 2) Reference a Council approved Stormwater treatment and operations maintenance manual for the Water Quality Control /Stormwater detention basin. This manual is to be prepared by Civil Certifiers.

The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure ongoing maintenance of the on-site stormwater detention system

Restriction as to User (On-site Stormwater Detention)

The Applicant shall create a restriction as to user (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision and accompanying 88B instrument for the water quality control structure/on-site stormwater detention basin, restricting any alteration or additions to the system. The terms of such restriction are to be prepared to Council's standard requirements. Council shall be nominated as the party to release, vary or modify such restriction.

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

Reason: To ensure no modification to the on-site stormwater detention structure without Council's approval.

Certification of Water Quality Control/On-site Detention Basin (Lot 1 DP1221920)

A Compliance Certificate is to be submitted by a the design engineer from Civil Certifiers confirming to the satisfaction of the Principal Certifying Authority that the water quality/on-site stormwater detention basin is functioning as designed to achieve the water quality/quantity outcomes as required by the Water Management Report prepared by Civil Certifiers dated January 2017 (Issue No7) and was constructed in accordance with the approved plans as nominated on the Development Consent (N0067/16) and relevant conditions of Development Consent. The Subdivision Certificate will not be released until this certification has been submitted and the Principal Certifying Authority has confirmed that this condition has been satisfied.

Reason: To ensure the Water Quality/On-site Detention System has been built to the appropriate standard

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>> 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 Certifying Authority prior to the issue of the Subdivision Certificate.

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

Release of Subdivision Certificate

The final plan of subdivision will not be issued by Council until the development has been completed in accordance with terms and conditions of the development consent.

Reason: Council's subdivision standards and the statutory requirements 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 Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure proper management of land.