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**Sent:** 31/05/2021 1:08:55 PM

**Subject:** Objection DA2020/1533

**Attachments:** This Application does not address the most significant issue affecting the Stormwater Detention Structure already located on Lot 4.pdf;

Please see attached objection

Regards

lindsay Dyce

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19/09/2019

Cc Warriewood Residents Association, Cr Deluca, Cr Amon, Cr Heins

**OBJECTION TO DA 2020/1533**

This Application does not address the most significant issue affecting the Stormwater Detention Structure already located on Lot 4 (as originally proposed) now apparently part lots 1 2 and 3. As well as the potential to illegally exceed the dwelling yield as specified by the LEP.

I have raised the various issues of concern below BUT believe that all of these issues can easily be resolved at a meeting between Council and the applicant followed by a slightly amended application.

**THE ISSUES ARE:**

**Landscaping.**

The level of landscaping of the stormwater detention structure as originally proposed (for the initial system on the corner of Garden Street and Orchard Street) has not been realised. It is now appropriate that a detailed landscape plan be prepared as part of this application and implemented through its approval.

**On Going maintenance.**

Regardless of the eventual responsibility for maintenance being allocated, the extent of that task needs to be quantified and specified to Council's satisfaction. Otherwise, there is certain to be ongoing disputes with the body responsible for the maintenance.

The facility is a single structure servicing the current subdivision and the future development of proposed lots however the water that enters the facility drains from the public road (Dove Lane). As such Council needs to have the legal right to direct water to the system and have the system maintained to achieve its water management objectives.

### **Allocating Responsibility for ownership and maintenance**

It has always been acknowledged that the developer or eventual owner of the land containing the water management structure would be responsible for its ongoing maintenance.

Trying to divide this responsibility between 3 land owners each of which will be further divided by subsequent subdivision would be a disaster in terms of ongoing management responsibility.

The structure is a single facility and needs to be managed as such, dividing management responsibility into 3 properties just does not stack up.

The developer wants to create 3 individual lots for future development of multiple residential properties on each lot (either by Strata or Torrens subdivision).

Provided the final total number of dwelling does not exceed the LEP stipulated dwelling yield this in accordance with the Planning Objective for the site (subject to the future design of the dwellings being satisfactory).

The only logical way to achieve the objectives of the developer (who wants 3 development lots) and Council's requirement for legal and ongoing maintenance of the stormwater management structure is a Community Title Subdivision creating the Water Management site as a community lot and using the community title system to maintain the structure as per the agreed management schedule and specification and share the cost of doing so among the 3 development lots (these costs can then be legally dispersed among the eventual owners of the residential properties under the Community scheme and or Strata Schemes).

As to ensuring that the dwelling yield is achieved, the permissible dwelling yield should be divided among the development lots and entrenched by a Restriction on Use Of land thus preventing the first and second lot consents from depriving the 3<sup>rd</sup> lot of a fair share of the yield and also ensuring that the yields are not exceeded by a Private Certifier incorrectly issuing a CDC under the Medium Density Housing Code. (Surely the developer would not want the prospect of later development of the development lots being found to be inequitable or illegal).