

Application Referral Comment Request

Development Assessment

To: Natural Environment ***NOTE *** Please refer to TRIM for Reports / Plans in relation to providing comments for subject referral

Date: 20 May 2010

Completion Due Date: 02/06/2010

Assessment Officer: Lashta Haidari

Application No: DA2010/0697

Works: Demolition of existing buildings and construction of mixed-use retail and residential development comprising 3 to 5 storey shop top housing buildings, 3 storey residential flat buildings and 2 storey townhouse style buildings with 2 levels of basement carparking, gym and pool (within the Freshwater Village Centre)

Address: 22-26 Albert Street FRESHWATER NSW 2096

In accordance with Council's procedures for the assessment of applications, your specialist advice is sought in relation to the above detailed application.

With regard to the completion of referrals the following is provided to assist your division:

- *Assessment of referrals must result in the following conclusions only:*
 - *Proposal is acceptable without conditions;*
 - *Proposal is acceptable subject to conditions;*
 - *Proposal is unacceptable, however subject to design amendments of proposal it may become acceptable (stipulate via conditions);*
 - *Proposal is unacceptable, - detail what part of the development is unacceptable and why (e.g. fails to comply with relevant controls or has failed to provide adequate information);*
- *All conditions must have legislative backing and be consistent with the Newbury Test (i.e. What: What must be done, Who: Who must certify the work, When: When work / requirement is to be completed by and Why: Why are we requiring this to be done)*
- *Referral response is to be completed within **14 days** from the date of this request;*
- *Referrals are to be clear and concise and legislatively correct;*
- *Referrals (Events) are to be completed in Council's Electronic Computer Systems - Tech 1, the generated document saved in TRIM and tasked to the Assessing Officer – **(this document is not to be edited)***

NOTE: ALL REFERRAL RESPONSES ARE RELEASED ONTO COUNCIL'S E-SERVICES SYSTEM.

Advice to Applicants:

Referral comments act as specialist advice to the Assessment Officer to aid in the consideration of the application. However, areas of specialisation can often conflict and the Assessment Officer will determine the appropriate way forward for the application.

NOTE: Council will assess the application as lodged and will generally not accept amended documentation (including plans, reports etc) and that an application should provide adequate detail prior to the lodgement of the application as per the requirements of the Environmental Planning and Assessment Act, Regulations and Council Application Checklists or other policy documents.

Accordingly you are advised that **prior** to engaging any specialist advice or revising an application (based on comments from a Referral Divisions) – contact the applications assigned **Assessment Officer on 9942 2111** or via council@warringah.nsw.gov.au

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If you require any further information please contact the Assessment Officer.

Application Review Panel – Development Assessment Unit

DRAFT STORMWATER ASSETS COMMENTS

The assessing officer requires addition information as noted in the comments below:-

1. Council's records indicate two stormwater pits in the adjacent Council carpark between 25 and 27 Lawrence street which have unknown outlets. As the development site is immediately downstream of the carpark, the location of these pipes should be determined to demonstrate that the proposed development will not impact these pipelines.
2. Construction drawings of the proposed Council stormwater diversion should be provided including longsections showing HGL.
3. Please also refer to conditions to be satisfied prior to the issue of the construction certificate.

Additional information is required for consideration by Natural Environment.

| FINAL STORMWATER ASSETS COMMENTS | | | | | | | | | | | |
|--|---|---------|--|--|---|--|---|--|---|--------------------------------------|---|
| In consideration of impacts of the proposed development against Section 79C(1) (b) & (c) of the Environmental Planning and Assessment Act 1979 relating to impacts upon the natural and built environments and the suitability of the site for development consideration was given against Council's Policy for Building Over or Adjacent to Constructed Council Drainage Systems and Easement Policy: | | | | | | | | | | | |
| Matter for consideration | Assessment Comments | | | | | | | | | | |
| Does the subject site have Council Stormwater Assets located within the property? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | |
| Will the proposed development be constructed over the Council Stormwater Asset? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown (further information required) <table border="1" style="width: 100%; margin-top: 5px;"> <tr> <td colspan="2">If Yes:</td> </tr> <tr> <td>Are the proposed structures permanent?</td> <td><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>Can maintenance requirements still be met?</td> <td><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> <tr> <td>Will the proposed construction damage Council's Asset?</td> <td><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> <tr> <td>Has a hydraulic Study been provided?</td> <td> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No is a Hydraulic Study Required? <input type="checkbox"/> Yes <input type="checkbox"/> No (to be determined by DE section) If Yes does it demonstrate that no adverse impacts including diversion of overland flow paths and flooding upstream and down stream will occur? <input type="checkbox"/> Yes <input type="checkbox"/> No </td> </tr> </table> | If Yes: | | Are the proposed structures permanent? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Can maintenance requirements still be met? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Will the proposed construction damage Council's Asset? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Has a hydraulic Study been provided? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No is a Hydraulic Study Required? <input type="checkbox"/> Yes <input type="checkbox"/> No (to be determined by DE section) If Yes does it demonstrate that no adverse impacts including diversion of overland flow paths and flooding upstream and down stream will occur? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If Yes: | | | | | | | | | | | |
| Are the proposed structures permanent? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | |
| Can maintenance requirements still be met? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | | | | | | |
| Will the proposed construction damage Council's Asset? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | | | | | | |
| Has a hydraulic Study been provided? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No is a Hydraulic Study Required? <input type="checkbox"/> Yes <input type="checkbox"/> No (to be determined by DE section) If Yes does it demonstrate that no adverse impacts including diversion of overland flow paths and flooding upstream and down stream will occur? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | |

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| | Could the site be reasonably developed without constructing over Council's Asset? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | Comments: |
| | If No: |
| | Has adequate room been provided to ensure maintenance requirements can still be met? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | Will the proposed construction damage Council's Asset? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | Has adequate room been provided for an easement to be provided? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | Comments: |
| Is there an easement over Council's Stormwater Assets located within the property? | <input type="checkbox"/> Yes <input type="checkbox"/> No (partial) If No, does Council require an easement to be created over the Asset? <input checked="" type="checkbox"/> Yes (addressed via condition) <input type="checkbox"/> No |
| Has the applicant proposed to re-locate the Council Stormwater Asset line to accommodate the development? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: Is this re-design acceptable and been design in accordance with the policy requirements? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No: Comment: |
| Conclusion / General Comments | |
| Recommendation | |
| <input type="checkbox"/> | NO OBJECTION <ul style="list-style-type: none"> Unlikely Significant Impact No Conditions |
| <input type="checkbox"/> | NO OBJECTION <ul style="list-style-type: none"> Unlikely Significant Impact Subject to Conditions identified below |

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|-------------------------------------|------------------------------|--|
| <input checked="" type="checkbox"/> | Further Information Required | <p>The following additional information is required for consideration by Natural Environment:</p> <ol style="list-style-type: none"> 4. Council's records indicate two stormwater pits in the adjacent Council carpark between 25 and 27 Lawrence street which have unknown outlets. As the development site is immediately downstream of the carpark, the location of these pipes should be determined to demonstrate that the proposed development will not impact these pipelines. 5. Construction drawings of the proposed Council stormwater diversion should be provided including longsections showing HGL. 6. Please also refer to conditions to be satisfied prior to the issue of the construction certificate. |
| <input type="checkbox"/> | Refusal | <p>Based on the above considerations the adverse impacts upon the natural / built environment are significant and that REFUSAL of the application is recommended for the following reasons:</p> <ul style="list-style-type: none"> • • • • |

Conditions to be imposed on the subject application are as follows:

GENERAL CONDITIONS

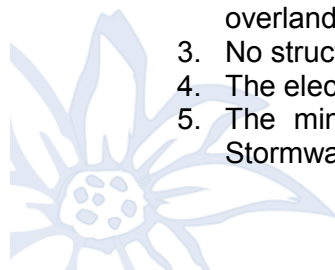
DEFERRED COMMENCEMENT CONDITIONS

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

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

Structures Located Adjacent to Council Pipeline or Council Easement

1. All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. A statement of compliance with this condition is required by the Certifying Authority prior to the issue of the Occupation Certificate.
2. No trees are to be planted within the stormwater easement to ensure safe conveyance of overland flows and to maintain the integrity of Council's pipeline.
3. No structures are to be built under Council's easement.
4. The electricity easement is not to be located within the stormwater easement.
5. The min vertical clearance over the easement is 5.0m not 3.0m as outlined in the Stormwater drainage report by AKY Civil Engineering.



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Reason: Protection of Council's Infrastructure.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

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

Works as Executed

The Civil Engineer responsible for the supervision of the civil works shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate. Works as Executed Data certified by a registered surveyor prepared in accordance with Councils requirements are to be provided to Council. Full details of the information to be submitted to Council, as part of the Works as Executed Data, are to be obtained from Council and verified by the Principal Certifying Authority prior to submission of any documentation.

The Works as Executed Data is to include but not be limited to the following:

- Works As Executed (WAE) plan,
- a Spreadsheet Schedule of all stormwater asset attributes and
- a CCTV Report of the completed pipeline

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

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENF06)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

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

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