



---

## ***Deferred Commencement Development Consent***

**Applicant:** S Robinson  
Robinson Urban Planning Pty Ltd  
83 Fletcher Street  
TAMARAMA NSW 2026

**Consent No:** LDA2021/0364

**Consent Date:** This Consent does not become operative until the matter(s) referred to in Part 1 have been submitted to Council and Council has notified you in writing that the Consent has become operative.

The information required in Part 1 shall be submitted to Council within twelve (12) months from the date of this notice or the Consent will have lapsed, in accordance with the requirements of Section 4.53(6) of the *Environmental Planning & Assessment Act 1979*.

**Valid until:** Valid 5 years from the date that Council notifies in writing that the Consent has become operative.

The City of Ryde, as the consent authority under the provisions of the *Environmental Planning and Assessment Act 1979* hereby consents to the development as follows:

**Property:** 6 & 10 Clermont Avenue, Ryde      Lots X & Y DP 418160

**Development:** New dual occupancy (attached), swimming pools and Torrens title subdivision of proposed Lot 3 under LDA2021/0148.

subject to the conditions 1 to 93 specified in Part 2 of this consent.

You are advised that failure to observe any condition of approval set out in the consent is an offence and legal proceedings may be instituted by Council.

This Consent does not guarantee compliance with the Disability Discrimination Act and you should, therefore, investigate your liability under the Act.

You are advised of your right of appeal to the Land and Environment Court under Section 8.7 of the *Environmental Planning and Assessment Act 1979* and your right to request a review of the determination to Council under Division 82 of the Act within 6 months after you have received the Consent.

An objector does not have a right of appeal against this determination. However, any

## **Conditions of Consent for LDA2021/0362 :-**

person may bring proceedings against this determination before the court under Section 9.45 of the Act.



**Holly Charalambous**  
**Senior Town Planner**  
15 June 2022

The fees quoted at the time of issue of this Consent may be subject to variation. Council's annual fees and charges are published in the Management Plan. To confirm fees please contact Customer Service on 9952-8222.

### **PART 1**

#### **DEFERRED COMMENCEMENT**

The following are the Deferred Commencement condition(s) imposed pursuant to Section 4.16 of the *Environmental Planning & Assessment Act 1979*.

- (A) Pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, a deferred commencement consent is granted to LDA2021/0364 subject to the following condition(s) of consent:
1. **Subdivision Registration.** The subdivision as approved in LDA2021/0148 for the one (1) into three (3) lot subdivision is to be registered prior to the activation of this Development Consent. Documentary evidence of registration of the subdivision with the Land & Property Information Authority must be submitted to Council to demonstrate the requirements of this condition have been satisfied, prior to the activation of this Development Consent.
- (B) Written evidence that the matter identified in deferred commencement condition (A) (1) above has been satisfied, must be submitted to Council within 12 (twelve) months from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 4.53 (6) of the *Environmental Planning and Assessment Act 1979*.
- (C) This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent condition (A) (1) above has been satisfied; and

Upon Council giving written notification to the Applicant that deferred commencement consent condition (A) (1) above has been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent:

The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

## **Conditions of Consent for LDA2021/0362 :-**

### **PART 2**

#### **GENERAL**

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Cover Sheet	28.01.22	781DA_A_, Drawing No. 1
Location Plan/Site Analysis	28.01.22	781DA_A_, Drawing No. 2, Revision E
Subdivision Plan	28.01.22	781DA_A_, Drawing No. 8, Revision B
Ground Floor Plan (as amended in red)	28.01.22	781DA_A_, Drawing No. 5, Revision F
First Floor Plan	28.01.22	781DA_A_, Drawing No. 6, Revision F
Roof Plan	28.01.22	781DA_A_, Drawing No. 7, Revision E
South Elevation	28.01.22	781DA_A_, Drawing No. 9, Revision D
West Elevation	28.01.22	781DA_A_, Drawing No. 10, Revision D
North Elevation	28.01.22	781DA_A_, Drawing No. 11, Revision D
East Elevation	28.01.22	781DA_A_, Drawing No. 12, Revision D
Sections - 1	28.01.22	781DA_A_, Drawing No. 13, Revision C
Sections - 2	28.01.22	781DA_A_, Drawing No. 14, Revision C
Sections - 3	28.01.22	781DA_A_, Drawing No. 15, Revision C
Shadow Diagrams - 21 <sup>st</sup> June	28.01.22	781DA_A_, Drawing No. 16, Revision B
External Finishes Schedule	28.01.22	781DA_A_, Drawing No. 17, Revision D
Area Schedule	28.01.22	781DA_A_, Drawing No. 18, Revision B
Context Plan: Landscaping (as amended in red)	03.02.22	21898, LP10, Issue B
Landscape Plan (as amended in red)	03.02.22	21898, LP11, Issue C
Schedule + Materials	03.02.22	21898, LP12, Issue B
Section A	03.02.22	21898, LP13, Issue B
Level 1 Balcony	03.02.22	21898, LP14, Issue B
Calculations Diagram	03.02.22	21898, LP15, Issue B

## **Conditions of Consent for LDA2021/0362 :-**

Details, Notes & Legend	29.09.21	E210095, D1, Issue A
Stormwater Management Plan (as amended in red)	29.09.21	E210095, D2, Issue A
Stormwater Management First Floor Plan	29.09.21	E210095, D3, Issue A
Stormwater Management Roof Plan	29.09.21	E210095, D4, Issue A
Stormwater Details	29.09.21	E210095, D5, Issue A
Stormwater Details (as amended in red)	29.09.21	E210095, D6, Issue A
Stormwater Details (as amended in red)	29.09.21	E210095, D7, Issue A
Sediment Control Plan	29.09.21	E210095, D8, Issue A
Sediment Control Details	29.09.21	E210095, D9, Issue A

Prior to the issue of any **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- (a) Amendments to the Stormwater Management Plans to provide 5.0m<sup>3</sup> rainwater tanks for each dwelling as required by the BASIX Certificate and provide minimum two grated inlet pits for each tank.
- (b) Amendment to the Landscape Plan to change the species of the replacement street tree to a *Buckinghamia celsissima* (Ivory Curl Tree). The location of this street tree is to be approved by Council's Landscape Architect prior to the issue of the Construction Certificate.
- (c) The footpath in the street setback area as shown on the Ground Floor Plan and Landscape Plans is deleted.

The Development must be carried out in accordance with the amended plans approved under this condition.

(Reason: To ensure the development is carried out in accordance with the determination).

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.

(Reason: Statutory requirement).

3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 1244512M, dated 7 October 2021.

(Reason: Statutory requirement).

4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

## **Conditions of Consent for LDA2021/0362 :-**

(Reason: Statutory requirement).

5. **Site Maintenance.** For the period the site remains vacant of any development the subject of this consent, the site is to be regularly maintained in a tidy manner such that it does not become overgrown with weeds or become a repository for the leaving or dumping of waste.

(Reason: To protect the amenity of the locality).

### **Protection of Adjoining and Public Land**

6. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

(Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties).

7. **Hoardings.**

- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

(Reason: To ensure public safety).

8. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

(Reason: To ensure public safety).

9. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the subject lot (Lot 3 approved in LDA2021/0148 which must be finalised and registered at the NSW Land Registry Services). No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

(Reason: To ensure that development occurs within the site boundaries).

10. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

(Reason: To ensure public safety).

### **Development Engineering**

## **Conditions of Consent for LDA2021/0362 :-**

11. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP 2014 Part 8.5 (*Public Domain Works*), except otherwise as amended by conditions of this consent.

(Reason: Statutory requirement).

12. **Service Alterations.** All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

(Reason: Access to public utilities).

13. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

(Reason: Statutory requirement).

14. **Road Opening Permit.** In accordance with the requirements of the Roads Act, the applicant must obtain consent (*Road opening Permit*) from Council prior to any excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.

(Reason: To ensure compliance with the requirements of the Roads Act 1993).

## **Swimming Pools/Spas**

15. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.

(Reason: To protect the amenity of the adjoining properties).

16. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.

(Reason: Safety).

17. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.

(Reason: To ensure the appropriate discharge of wastewater).

## **Conditions of Consent for LDA2021/0362 :-**

18. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.

(Reason: Safety).

### **PRIOR TO CONSTRUCTION CERTIFICATE**

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

19. **Section 7.11.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$ 6,061.80
Open Space & Recreation Facilities	\$ 10,438.15
Roads & Traffic Management Facilities	\$ 3,204.48
Plan Administration	\$ 295.57
<b>The total contribution is</b>	<b>\$ 20,000.00</b>

These are contributions under the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 as specified in City of Ryde Section 7.11 Development Contributions Plan 2020, effective from 1 July 2020.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

A copy of the Section 7.11 Development Contributions Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

## **Conditions of Consent for LDA2021/0362 :-**

(Reason: Statutory requirement).

20. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the **Construction Certificate**.

(Reason: Statutory requirement).

21. **Security deposit.** The Council must be provided with security for the purposes of section 4.17(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation.)

(Reason: Statutory requirement).

22. **Infrastructure Restoration and Administration Fee** must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**.

(Reason: Statutory requirement).

23. **Driveway Access Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific driveway access levels by Council prior to the issue of the **Construction Certificate**.

(Reason: Statutory requirement).

24. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Certifying Authority prior to the issuing of the **Construction Certificate**.

(Reason: Statutory requirement).

25. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.

(Reason: Statutory requirement).

26. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Certifying Authority prior to the release of the **Construction Certificate**.

(Reason: To ensure the use of appropriate material to minimise reflectivity).



## **Conditions of Consent for LDA2021/0362 :-**

27. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. Details of compliance are to be provided in the plans for the **Construction Certificate**.

(Reason: Statutory requirement).

28. **Street Tree Planting.** The **Construction Certificate** documentation is to reflect the following requirements:
- The *Callistemon viminalis* (Weeping Bottlebrush) street tree nominated on the Landscape Plan is to be removed and replaced with one (1) *Buckinghamia celsissima* (Ivory Curl Tree).
  - That the pot size of the tree shall be no less than 45lt at the time of planting.
  - The tree be planted in accordance with Section 6 of Council's Tree Management Technical Manual.
  - The tree is to be planted in an appropriate location so to not impede line of sight for vehicles entering and exiting the driveway at this or neighbouring properties.
  - That all relevant legislation and WHS regulations be adhered to whilst undertaking these works.
  - That a bond be placed upon the 1 tree to be planted to the value of \$1,000.00 each.
  - That the bond be paid to Council prior to the issue of any Construction Certificate.
  - That the bond be redeemable no sooner than 12 months after the Final Occupation Certificate has been issued.

(Reason: To ensure that street trees are provided in accordance with the relevant requirements).

29. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2018*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.

Window W07 in Lot A and Window W07 in Lot B are not permitted to be openable.

(Reason: Statutory requirement).

30. **Pool Boundary Fence (Acting as a pool fence).** Where a boundary fence acts as a barrier to a pool it shall have a height not less than 1.8m on the inside and 'Non-Climbable Zone' (NCZ) formed as a quadrant of 900mm radius down from the top of the inside of the barrier. Details showing compliance are to be reflected on the plans submitted with the **Construction Certificate**.

(Reason: Statutory requirement).

31. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of any Construction Certificate satisfactory evidence is to be provided to the Certifying Authority that arrangements have been made for:

- The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots.

## **Conditions of Consent for LDA2021/0362 :-**

Alternatively, demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

And

- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note: real estate development project has the meanings given in Section 372Q of the Telecommunications Act).

(Reason: Statutory requirement).

32. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) / documentation must be provided with the plans submitted with the application for a Construction Certificate;

- a) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.
- b) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, the driveway entry at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Ideally the region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 900mm above finished surfaces and horizontal fencing/ slats are to permit more than 50% visual permeability.

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

(Reason: To ensure the vehicle access and parking area is in accordance with the require standards and safe for all users.)

33. **Vehicle Footpath and Gutter Crossover Approval.** A new vehicle footpath crossing and associated gutter crossover shall be constructed at the approved vehicular access location/s. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required in order that it has a service life consistent with that of the development and ensure it is

## **Conditions of Consent for LDA2021/0362 :-**

compliant with current Council's standards and specifications. The location, design and construction shall be in accordance with Council's DCP 2014 Part 8.3 (*Driveways*), Part 8.5 (*Public Civil Works*) and Australian Standard AS2890.1 – 2004 (*Offstreet Parking*).

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover. The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included. All grades and transitions shall comply with Australian Standard AS 2890.1-2004 Offstreet Parking and Council's specifications. The new crossing shall be 4.0m. wide, without the splays, and shall be constructed at right angle to the alignment of the kerb and gutter and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

Fees are payable at the time of the application, in accordance with Council's Schedule of Fees and Charges.

The Council approved design details shall be incorporated into the plans submitted for the application of the Construction Certificate.

(Reason: The design and levels of the new driveway crossover(s) will require approval from Council under Section 138 of the Roads Act)

34. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to Clermont Avenue, generally in accordance with the plans by NY Civil Engineering, Project No. E210095, Sheet No. D1 to D7, Revision No. A and dated 29/9/21, subject to any variations marked in red on the approved plans or noted following:

- Provide minimum of two grates for each OSD tank.
- Provide correct BASIX rainwater storage tank as required in the BASIX report which is 5.0m<sup>3</sup> for each unit. This will be in addition to the OSD volume.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a suitably qualified Civil Engineer and comply with the following:

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

## **Conditions of Consent for LDA2021/0362 :-**

(Reason: To ensure that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2)

35. **Stormwater Management - Onsite Stormwater Detention.** In accordance with Council's community stormwater management policy, an onsite stormwater detention (OSD) system must be implemented in the stormwater management system of the development.

As a minimum, the OSD system must:

- a) provide site storage requirement (SSR) and permissible site discharge (PSD) design parameters complying with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management);
- b) incorporate a sump and filter grate (trash rack) at the point of discharge from the OSD system to prevent gross pollutants blocking the system or entering the public drainage service;
- c) ensure the OSD storage has sufficient access for the purpose of ongoing maintenance of the system; and
- d) ensure the drainage system discharging to the OSD system is of sufficient capacity to accommodate the 100 year ARI 5 minute storm event.

Detailed engineering plans and certification demonstrating compliance with this condition and Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) are to be submitted with the application for a Construction Certificate.

(Reason: To ensure that the design of the OSD is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2)

36. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.

(Reason: To ensure that the design of the OSD is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2)

37. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by NSW Department – Office of Environment and Heritage and must contain the following information:

- Existing and final contours
- The location of all earthworks, including roads, areas of cut and fill
- Location of all impervious areas
- Location and design criteria of erosion and sediment control structures,
- Location and description of existing vegetation
- Site access point/s and means of limiting material leaving the site
- Location of proposed vegetated buffer strips
- Location of critical areas (drainage lines, water bodies and unstable slopes)
- Location of stockpiles

## **Conditions of Consent for LDA2021/0362 :-**

- Means of diversion of uncontaminated upper catchment around disturbed areas
- Procedures for maintenance of erosion and sediment controls
- Details for any staging of works
- Details and procedures for dust control.

The ESCP must be submitted with the application for a Construction Certificate. This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

(Reason: To protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.)

### **PRIOR TO COMMENCEMENT OF CONSTRUCTION**

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

#### **38. Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Statutory requirement).

- 39. Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

(Reason: Statutory requirement).

- 40. Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor; and
  - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.

## **Conditions of Consent for LDA2021/0362 :-**

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder; and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

(Reason: Statutory requirement).

### **41. Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

(Reason: Statutory requirement).

### **42. Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with Safework NSW requirements and be a minimum of 1.8m in height.

Appropriate safety fencing is to be erected to protect the boundary shared with No. 9 Jennifer Street, Ryde. This fencing is to provide appropriate noise and dust minimisation to protect the amenity of the occupants at No. 9 Jennifer Street, Ryde.

(Reason: Statutory requirement).

### **43. Proposed Property Addressing.** Proposed addressing for the new development must have been lodged with Council, prior to the commencement of construction.

(Reason: To ensure the address of the development meets Council's requirements).

## **DURING CONSTRUCTION**

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

### **44. Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the

## **Conditions of Consent for LDA2021/0362 :-**

critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

45. **Noise from construction work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from construction work.

(Reason: To protect the amenity of the neighbourhood).

46. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.

(Reason: To ensure that the development is in accordance with the determination).

47. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

(Reason: To protect the amenity of the area).

48. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:

- (a) Fill is allowed under this consent;
- (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
- (c) the material is reused only to the extent that fill is allowed by the consent.

(Reason: To ensure fill is consistent with the consent).

49. **Construction materials.** All materials associated with construction must be retained within the site.

(Reason: To ensure the public domain is not affected during construction).

50. **Site Facilities.** The following facilities must be provided on the site:

- (a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

(Reason: Statutory requirement).

51. **Site maintenance.** The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

(Reason: To ensure the site is appropriately maintained during construction).

52. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely

## **Conditions of Consent for LDA2021/0362 :-**

around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

(Reason: To ensure works do not disrupt pedestrians and vehicular traffic).

53. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by NY Civil Engineering Project No E210095, Sheet No. D1 to D7, Revision No. A and dated 29/9/21, submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

(Reason: To ensure the stormwater works are properly implemented).

54. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

(Reason: Statutory requirement).

55. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014 Part 8.1 Construction Activities.

(Reason: Statutory requirement).

56. **Excavation for services within Tree Protection Zone (TPZ).** Any excavation for services or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.

(Reason: To ensure the protection of existing trees on site).

57. **Tree Removal.** As identified in the Arboricultural Impact Assessment (AIA) prepared by Naturally Tree dated 8/10/2021. The following tree(s) on site are to be removed:

<b>Tree No.</b>	<b>Species "Common name"</b>
1	<i>Cinnamomum camphora</i> (Camphor Laurel)
2	<i>Jacaranda mimosifolia</i> (Jacaranda)

The removal of these trees is permitted to be undertaken prior to the issue of a construction certificate

(Reason: To ensure that approval is provided for the removal of any trees on site).



## **Conditions of Consent for LDA2021/0362 :-**

58. **Tree works – Australian Standards.** All tree work must be carried out by a qualified and experienced Arborist with a minimum of AQF level 3 in Arboriculture with NSW Work Cover Code of Practice for Amenity Tree Industry (1998) and AS4373 Pruning of amenity trees (2007).

(Reason: Statutory requirement).

### **PRIOR TO OCCUPATION CERTIFICATE**

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

59. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 1244512M, dated 7 October 2021.

(Reason: Statutory requirement).

60. **Landscaping.** All landscaping works approved by Condition 1 are to be completed prior to the issue of the any **Occupation Certificate**.

(Reason: To ensure the development is in accordance with the development consent).

61. **Street Tree Planting.** The planting of 1 street tree in the road reserve shall be completed prior to the issue of any **Occupation Certificate** and satisfy the following:
- i. The planting of one (1) *Buckinghamia celsissima* (Ivory Curl Tree) in the road reserve.
  - ii. The owner of the property shall water and maintain the tree for first 12 months after issue of the Occupation Certificate.
  - iii. That all relevant legislation and WHS regulations be adhered to whilst undertaking these works.
  - iv. The bond is redeemable no sooner than 12 months after the Final Occupation Certificate has been issued.
  - v. Council's Tree Management Officer shall inspect the tree prior to the bond being released.
  - vi. The tree shall be in good health and vigour upon inspection.
  - vii. If the tree are found to be in poor condition or vigour the bond shall not be released.

## **Conditions of Consent for LDA2021/0362 :-**

(Reason: To ensure that a street tree is provided and maintained in good health).

62. **Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

(Reason: Statutory requirement).

63. **Letterboxes and street/house numbering display.** All letterboxes are to be designed and constructed in accordance with Australia Post requirements and the house/unit numbering displayed shall be in accordance with the official property addressing allocated by Council's Land Information Section. The display of the street address shall be of a sufficient size and clarity to be easily visible from the street.

(Reason: To assist in way finding).

### **Swimming Pools**

64. **Swimming Pool Register.** Legislation requires all swimming pools to be registered online at: <http://www.swimmingpoolregister.nsw.gov.au/>. Documentary evidence confirming that the swimming pool has been registered must be submitted to the Principal Certifying Authority prior to the issuing of any **Occupation Certificate**.

(Reason: Statutory requirement).

### **Development Engineering**

65. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.

(Reason: To ensure that the public domain is appropriately finished).

66. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.

(Reason: Statutory requirement).

## **Conditions of Consent for LDA2021/0362 :-**

67. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's standard for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, stormwater Works-As-Executed plans and certification of the system are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.

(Reason: Statutory requirement).

68. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
  - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
  - c) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
  - d) Compliance certificate from Council confirming that all external works in the public road reserve and alteration to Council assets located in the property have been completed to Council's satisfaction.

(Reason: Statutory requirement).

69. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

(Reason: Statutory requirement).

## **Conditions of Consent for LDA2021/0362 :-**

### **OPERATIONAL CONDITIONS**

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

70. **Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

(Reason: To ensure the development does not impact on the amenity of the locality).

71. **Ancillary Elements – Noise.** Any noise emitted from ancillary elements such as air-conditioning units, swimming pool pumps, or the like must not exceed 5dB(A) above the background noise level when measured at any affected residence.

72. **Waste storage/disposal – method.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

(Reason: To ensure waste is collected and disposed of in an appropriate manner).

73. **Pool fencing.** The pool fence is to be maintained in accordance with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2018*.

(Reason: Statutory requirement).

74. **Landscaping and privacy screens.** All landscaping works and privacy screens approved by Condition 1 are to be maintained for the life of the development.

(Reason: To ensure the development is in accordance with the development consent).

75. **Street Tree Replacement Planting.** The 1 street tree shall be maintained in good health and vigour for the first 12 months after the issue of the **Occupation Certificate**.

(Reason: To ensure that street trees are appropriately maintained).

### **PRIOR TO SUBDIVISION CERTIFICATE**

The following conditions in this Part of the consent apply to the Subdivision component of the development.

All conditions in this Part of the consent must be complied with prior to the issue of a Subdivision Certificate.

76. **Final Occupation Certificate.** The final occupation certificate associated with the development and any related S4.55 applications, must be issued for the entire development prior to the release of the Subdivision Certificate.

(Reason: Statutory requirement).

77. **Final plan of subdivision.** The submission of a final plan of subdivision suitable for endorsement by the Authorised Officer of Council.

## **Conditions of Consent for LDA2021/0362 :-**

(Reason: Statutory requirement).

78. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.

(Reason: Statutory requirement).

79. **Existing Easements and Restrictions.** The applicant must acknowledge all existing easements and restrictions of the use of land on the final plan of subdivision.

(Reason: Statutory requirement).

80. **Right of Carriageway.** A right of carriageway shall be created over the driveway and adjoining manoeuvring area to service each lot.

(Reason: Statutory requirement).

81. **Section 88B Instrument.** If required, the submission of an Instrument under Section 88B of the *Conveyancing Act 1919* creating Easements, Positive Covenants and Restrictions on Use. This Instrument shall nominate the City of Ryde as the authority empowered to release, vary or modify the terms of the Instrument.

(Reason: Statutory requirement).

82. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for a Subdivision Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the existing stormwater drainage system (including the location of any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.

(Reason: Statutory requirement).

83. **Onsite Stormwater Detention Certification.** The submission of certification by a suitably qualified Civil Engineer for the on-site stormwater detention system, attesting the storage volume, discharge rate and satisfactory operation of the system prior to the release of the Subdivision Certificate.

(Reason: To ensure the development is in accordance with the development consent).

84. **On-Site Detention, Positive Covenant.** Evidence shall be provided from NSW Land Registry to Certifying Authority to demonstrate that Positive Covenant for the Onsite detention has been registered on the title of the property.

(Reason: Statutory requirement).

85. **Works on the Road Reserve.** All works on the road reserve shall be completed to the satisfaction of Council's City Works Section. A compliance certificate shall be obtained

## **Conditions of Consent for LDA2021/0362 :-**

from Council for all the works carried out within the road reserve including the drainage connection to the kerb. The applicant shall be liable for the payment of the fees associated with the issuing of this certificate.

(Reason: Statutory requirement).

86. **Removal of encroachments.** All structures, services etc. are to be wholly contained within the legal property boundaries of each lot. All existing structures and services etc are either to be demolished, relocated and/or have appropriate easement/s registered over the encroachment to ensure their legal operation.

(Reason: To ensure that development occurs within the site boundaries).

87. **Boundary Fences.** To ensure the boundary fence along the frontage to a public road is wholly located off the Public Domain, a Boundary Identification Survey (BIS) must be undertaken to confirm the location of the fence relative to the public domain. The survey must be undertaken by a Registered Surveyor and is to clarify any encroachment of posts, gates, etc. Any encroachment will need to be corrected unless otherwise approved to remain by Council.

(Reason: To ensure that development occurs within the site boundaries).

88. **Registration of easements.** The registration of all necessary easements is required to ensure all proposed lots will have legal access to all utility services, drainage and vehicular access. Prior to release of the Subdivision Certificate, certification shall be obtained from a registered surveyor and submitted to Council confirming the above requirement will be met upon registration of the linen plan at NSW Land Registry Services.

(Reason: Statutory requirement).

89. **Easement for Drainage of Water.** The drainage system servicing one of the lots is noted to traverse the alternate lot(s) and therefore an Easement for Drainage of Water must be created over the respective part(s) of the drainage system. Where the subdivision will result in rainwater storage/ detention tanks straddling the new lot boundaries, a reciprocal drainage easement must be created over the storage, allowing each lot to drain over the alternate lot and warranting shared responsibility in maintenance of the system. The easement width, location and alignment must be in accordance with the Council's DCP Parts 8.2 (*Stormwater and Floodplain Management*) and Part 8.4 (*Title Encumbrances*) and is to be based on recent Works-As-Executed plans of the stormwater system. Plans and documentation complying with this condition must be submitted with the application for a Subdivision Certificate.

(Reason: Statutory requirement).

90. **Subdivision Compliance Certificates.** To ensure the new lots created by the subdivision have access to services to function as a wholly separate lot and with appropriate legal instruments relating to the maintenance of services (where required), the following compliance certificates must be provided to Council prior to the release of the Subdivision Certificate:

## **Conditions of Consent for LDA2021/0362 :-**

- a) Surveyor Certification – A registered surveyor must certify that all necessary easements have been created for all encroaching services connections/structures or alternatively that all services for each existing dwelling and structures are contained wholly within their respective allotments.
- b) Sydney Water (Section 73 Compliance Certificate) - A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains.
- c) Other Utility Providers – Written confirmation confirming compliance with the requirements (including financial costs) of electrical and telecommunication providers (e.g. AusGrid, Telstra).

(Reason: Statutory requirement).

91. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of any Subdivision Certificate satisfactory evidence is to be provided to the Certifying Authority that arrangements have been made for:

- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Alternatively, demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

And

- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in Section 372Q of the Telecommunications Act).

(Reason: Statutory requirement).

92. **Building Code of Australia.** Certification from a suitably qualified accredited building consultant will need to be provided confirming compliance with the relevant sections of the Building Code of Australia for the following:

- a) Separating Wall (Part 3.7.3.2). The wall separating the two dwellings has an FRL (Fire Resistance Level) of not less than 60/60/60 extending from the ground to the underside of the roof cladding.
- b) Smoke Alarms (Part 3.7.5.2). The smoke alarms in each dwelling are connected to the consumer mains power and are interconnected as there are alarms on both floor levels.

(Reason: To ensure that the building complies with the Building Code of Australia requirements).

### **Conditions of Consent for LDA2021/0362 :-**

93. **Official Property Addressing.** The property addressing displayed on the administration sheets of a subdivision plan, must be in accordance with the official property addressing allocated by Council's Land Information Section.

(Reason: To assist in way finding).

**End of consent.**