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Telephone 9952 8222

Development Consent

Applicant: ASA Studio Pty Ltd

C/O: - Emma Lee

Level 5 / 7 Eden Park Drive

MACQUARIE PARK NSW 2113

Consent No: LDA2022/0358

Consent Date: 13 July 2023

Valid until: 13 July 2028

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: 34 Clayton St Ryde Lot 34 DP 35169
Development: Demolition of existing dwelling and construction of dual occupancy with swimming pool and Torrens Title subdivision

subject to the conditions 1 to 109 specified in 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.

In accordance with section 4.50 of the Environmental Planning and Assessment Act 1979, NSW Rural Fire Service have given general terms of approval in relation to the development.

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

An objector does not have a right of appeal against this determination however, any person may bring proceedings against this determination before the court under section 9.45 of the EP&A Act.

Niroshini Stephen
Senior Town Planner

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.

Conditions of Consent for LDA2022/0358 :-

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:

Plan no.	Drawn by	Dated
Architectural Plans		
Site plan Dwg No. DA01 Issue K	ASA Studio	28/06/2023
Demolition plan Dwg No. DA02 Issue K	ASA Studio	28/06/2023
Proposed lower ground floor plan Dwg No. DA03 Issue K	ASA Studio	28/06/2023
Proposed ground floor plan Dwg No. DA04 Issue K	ASA Studio	28/06/2023
Proposed first floor plan Dwg No. DA05 Issue K	ASA Studio	28/06/2023
Proposed roof plan Dwg No. DA06 Issue K	ASA Studio	28/06/2023
North-west elevation Dwg No. DA07 Issue K	ASA Studio	28/06/2023
North-east elevation Dwg No. DA08 Issue K	ASA Studio	28/06/2023
South-east elevation Dwg No. DA09 Issue K	ASA Studio	28/06/2023
South west elevation Dwg No. DA10 Issue K	ASA Studio	28/06/2023
Section A Dwg No. DA11 Issue K	ASA Studio	28/06/2023
Section B Dwg No. DA12 Issue K	ASA Studio	28/06/2023
Section C Dwg No. DA13 Issue K	ASA Studio	28/06/2023
Pool plans Dwg No. DA14 Issue K	ASA Studio	28/06/2023
Pool section Dwg No. DA15 Issue K	ASA Studio	28/06/2023
Schedule of materials & finishes Dwg No. DA16 Issue K	ASA Studio	28/06/2023
Erosion and sediment control plan Dwg No. DA22 Issue K	ASA Studio	28/06/2023
Subdivision plan Dwg No. DA24 Issue K	ASA Studio	28/06/2023
Landscape Plans		
Landscape Plan Job No. PHL220803 Dwg No. L01 Issue C	PH Design Landscape Design Service	24/03/2023
Landscape Planting Plan Job No. PHL220803 Dwg No. L02 Issue C	PH Design Landscape Design Service	24/03/2023
Landscape Specification/Details Job No. PHL220803 Dwg No. L03 Issue C	PH Design Landscape Design Service	24/03/2023
Stormwater Management Plans		
Stormwater Drainage Plan Job No. 2023115 Sheet No. S1 Issue 2	MBC Engineering	23/03/2023

Stormwater Drainage Plan Job No. 2023115 Sheet No. S2 Issue 2	MBC Engineering	23/03/2023
Stormwater Drainage Plan Job No. 2023115 Sheet No. S3 Issue 1	MBC Engineering	12/03/2023
Stormwater Drainage Plan Job No. 2023115 Sheet No. S4 Issue 1	MBC Engineering	12/03/2023
Stormwater Drainage Plan Job No. 2023115 Sheet No. S5 Issue 1	MBC Engineering	12/03/2023

Document(s)	Dated
BASIX Certificate No. (1316909M_02)	28 October 2022
Site Waste Minimisation and Management Plan prepared by ASA Studio	28/06/2022
Arboricultural Impact Assessment Report prepared by Blues Bros Arboriculture	1 November 2022
Geotechnical Investigation Report Reference No. ESWN-PR-2022-1420 prepared by ESWNMAN Pty Ltd	1 July 2022
Bushfire Engineering Report Version V1.1 prepared by BlackAsh Bushfire Consulting	1 March 2023
Ausgrid letter	Received: 18 March 2023
NSW Rural Fire Service General Terms of Approval (Reference No. DA20221205012091-Original-1 – Subdivision)	25 January 2023
Bush Fire Safety Authority (DA20221205012091-Original-1 - Subdivision – 34)	25 January 2023

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

- (a) The landscape plans should be updated to be consistent with the architectural plans.
- (b) The plans should be updated to show *Nandina domestica* (Sacred Bamboo) plants provided within the ground floor alfresco planter boxes.
- (c) The width of the Unit B pathway should be reduced to 1.1 metres. The width of the pathway should not extend past the porch column.
- (d) A skylight should be provided above the Unit A and Unit B living/dining area.

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. **Inconsistency between documents.** In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

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

3. **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).

4. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 1316909M_02, dated 28 October 2022.

(Reason: Statutory requirement).

5. **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.

(Reason: Statutory requirement).

6. **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).

7. **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).

8. **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).

9. **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).

10. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. 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).

11. **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).

12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: Access to public utilities).

13. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 138 of the Roads Act 1993.

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

14. **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).

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

(Reason: Safety).

16. **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).

17. **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).

18. **NSW Rural Fire Service requirement.** The proposed development is to comply with the Recommendations in section 11 of the Bush Fire Report, *'Bushfire Engineering Report, Dual Occupancy, 34 Clayton Street, RYDE NSW, Prepared for ASA Studio'*, Version V1.1, dated 1 March 2023.
19. **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 DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management), except otherwise as amended by conditions of this consent.

(Reason: To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.)

20. **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: To ensure public services are maintained.)

21. **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, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP Part 8.5 (Public Civil Works), to the satisfaction of Council.

(Reason: To ensure the amenity and state of the public domain is maintained.)

22. **Road Activity Permits.** To carry out any work in, on or over a public road(including verge and public footpath areas), consent from Council is required as per the Roads Act 1993. The applicant is required to review the "Road Activity Permits Checklist" (available from Council's website) and apply for the relevant permits for approval by Council.

(Reason: To ensure the amenity and state of the public domain is maintained.)

23. **Geotechnical report.** All design works and all construction works shall be undertaken in full compliance with all of the recommendations contained in the ESWNMAN report (reference no. ESWN-PR-2022-1420) dated 1 July 2022.

Reason: To ensure works are carried out in compliance with the recommendations of the Geotechnical report.

DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

24. **Demolition 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 demolition occurring on the site.

(Reason: Statutory requirement)

25. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:

- (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
- (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.

(Reason: To ensure adequate details are provided to Council and properties in the immediate area of the proposed works).

26. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

(Reason: Statutory requirement).

27. Excavation

- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with Safework NSW in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

(Reason: to ensure work is completed in an appropriate manner).

28. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

(Reason: Safety).

29. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

(Reason: Safety).

30. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.

(Reason: To ensure demolition materials are disposed in an appropriate manner).

31. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

(Reason: To ensure demolition materials are disposed in an appropriate manner).

32. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

(Reason: To protect the environment).

33. **Imported fill – validation.** All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Virgin Excavated Natural Material. Records of the validation must be provided upon request by the Council.

(Reason: To protect the environment).

34. **Delivery dockets to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.

(Reason: to ensure only Virgin Excavated Natural Material is used).

35. **Delivery dockets – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.

(Reason: To protect the environment).

36. **Delivery dockets – forward to PCA on demand.** The delivery dockets must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.

(Reason: To protect the environment and ensure appropriate fill is used on site).

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.

37. **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:

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

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>.

(Reason: Statutory requirement).

38. **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).

39. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.

(Reason: Statutory requirement).

40. **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).

41. **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).

42. **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).

43. **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 to apply.

(Reason: Statutory requirement).

44. **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).

45. **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**.

(Reason: Statutory requirement).

46. **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:

- (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).

47. **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 garage. 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.
- c) To prevent vehicles from running over the edge of a raised driveway, safety barriers must be provided where the driveway level exceeds 600mm to a lower level.

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.)

48. **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 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 5.5m. 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.

An assessment and inspection fee (as per Council's schedule of fees and charges current at the time of payment) must be paid to Council prior to the issue of the Construction Certificate.

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)

49. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to a dispersal trench via an on-site detention system, generally in accordance with the plans by MBC Engineering Pty Ltd Job No 2023115 sheet S1 & S2 Issue 2 dated 23/3/23 sheet S3, S4 & S5 issue 1 dated 12/03/23 subject to any variations marked in red on the approved plans or noted following:
- a) Provision of above ground combined OSD/water recycling tanks for each unit. This is to prevent back flow from the dispersal trench and to achieve a free outfall from the onsite detention tank. Based on the site impervious area of 168m² each Lot development warrants a SSR of 4.6m³ and PSD of 4.3L/s. BASIX will be surplus to this. The orifice size is to be calculated to achieve the site discharge. These values and any variations are to be endorsed by the consultant.

- b) Provision of a shallow dispersal trench in lieu of the absorption trench proposed for each unit. The dispersal trench must be located minimum 3.0m from any structure and 2.0m from side boundaries.
- c) The driveway must be graded such to provide a defined failure mode which directs overflow runoff through each side boundary towards the rear. This is to prevent inundation of garages should any part of the drainage system surcharge or blocked.

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.

(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)

50. **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 & 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)

51. **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;

- a) Existing and final contours
- b) The location of all earthworks, including roads, areas of cut and fill
- c) Location of all impervious areas
- d) Location and design criteria of erosion and sediment control structures,
- e) Location and description of existing vegetation
- f) Site access point/s and means of limiting material leaving the site
- g) Location of proposed vegetated buffer strips
- h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- i) Location of stockpiles
- j) Means of diversion of uncontaminated upper catchment around disturbed areas
- k) Procedures for maintenance of erosion and sediment controls
- l) Details for any staging of works
- m) Details and procedures for dust control.

The ESCP must be submitted with the application for a Construction Certificate.

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

52. The foundation conditions at the absorption pits shall be inspected by a geotechnical engineer and confirmed to have the required permeability for the proposed discharge prior to the release of the Construction Certificate.

53. **Geotechnical report.** All design works and all construction works shall be undertaken in full compliance with all of the recommendations contained in the ESWNMAN report (reference no. ESWN-PR-2022-1420) dated 1 July 2022.

Reason: To ensure works are carried out in compliance with the recommendations of the Geotechnical report.

54. **Amended Landscape Plan.** The following details must be shown on an amended Landscape Plan:

- a) Murraya is regarded as an environmental weed in New South Wales by the Department of Primary Industries and is not to be included in the Planting Schedule. A local native shrub is to be substituted.

The amended Landscape Plans are to be submitted to and approved by the Principal Certifier prior to the issue of a Construction Certificate.

(Reason: To ensure the Landscape Plan fulfills the requirements of City of Ryde DCP 2014.)

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.

55. 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).

56. **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).

57. **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.
- (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).

58. 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).

59. **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.

(Reason: Statutory requirement).

60. **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).

61. **Tree Retention.** As identified in the Arboricultural Impact Assessment (AIA) prepared by Blues Bros Arboricultural dated 1/11/2022. The following trees on site or adjoining the site are to be retained and protected;

Tree No.	Species "Common name"	Notes
4	<i>Angophora costata</i> (Sydney Red Gum)	On site near rear boundary
7	<i>Eucalyptus pilularis</i> (Blackbutt)	In adjoining reserve to the rear
12	<i>Unidentified Palm</i>	On site. In front yard

(Reason: To ensure the health of existing trees retained by the development are maintained.)

62. **Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site.

(Reason: To protect existing trees before any work on site commences.)

63. **Tree Protection Fencing.** All trees to be retained on site and on adjoining site are to have protective fencing and signage around TPZs and must be located in accordance with AS4970-2009: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

(Reason: To protect existing trees before any work on site commences.)

64. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.

(Reason: To ensure all existing trees to be retained in the development works are maintained.)

65. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on adjoining allotments in accordance with AS4970-2009 Protection of trees on development sites. All trees are to be monitored to ensure adequate health throughout the construction period. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction.

(Reason: To ensure tree protection measures and the nature of works are appropriate and not detrimental to the health of the trees on site.)

66. **Provision of Project Arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

(Reason: To ensure the Project Arborist can be readily contacted in regards to the required tree protection measures.)

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.

67. **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 critical stage inspections are undertaken, as required under clause 61 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2001*.

(Reason: Statutory requirement).

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

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

69. **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).

70. **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).

71. **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).

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

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

73. 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).

74. 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).

75. **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 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).

76. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

(Reason: To ensure no fill is provided in the vicinity of the slab unless prior consent has been given for the fill).

77. **Consent documents available on site.** At all times during the construction, a copy of the development consent and the approved stamped plans is to be kept on site. These documents are to be made available to any Council Officer as requested.

(Reason: To ensure Council Officers are able to access the consent during any site inspection).

78. **Traffic Management.** Traffic management procedures and systems must be implemented during the construction period to ensure a safe environment and minimise impacts to pedestrian and other vehicle traffic. Any traffic management procedures and systems must be in accordance with AS 1742.3 2019 and City of Ryde, Development Control Plan 2014: - Part 8.1; (Construction Activities).

(Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.)

79. **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 MBC Engineering Pty Ltd Job No 2023115 sheet S1 & S2 Issue 2 dated 23/3/23 sheet S3, S4 & S5 issue 1 dated 12/03/23 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 system is constructed as approved)

80. **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: To prevent soil erosion and the discharge of sediment over the land.)

81. **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 any excavation works are not detrimental to the health of the tree.)

82. **Tree Removal.** As identified in the Arboricultural Impact Assessment (AIA) prepared by Blues Bros Arboricultural dated 1/11/2022. The following trees on site are to be removed:

Tree No.	Species "Common name"
1	<i>Camellia sasanqua</i> (Sasanqua Camellia)

2	<i>Bauhinia sp.</i> (Orchid Tree)
3	<i>Bauhinia sp.</i> (Orchid Tree)
5	<i>Viburnum sp.</i> (Viburnum)
8	<i>Plumeria sp.</i> (Frangipani)
9	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)
10	<i>Rhododendron sp.</i> (Rhododendron)
11	<i>Magnolia grandiflora</i> (Magnolia "Teddy Bear")

(Reason: To ensure only the trees approved for removal are in fact removed)

83. **Project Arborist Inspections.** The Project Arborist is to inspect and document with Certificates of Compliance to the certifying authority as stipulated in SECTION 5 MONITORING AND CERTIFICATION of AS4970-2009.

PROJECT PHASE	ACTIVITIES	PROJECT ARBORIST to
Initial Site Preparation	Establish/delineate TPZ Install protective measures and undertake soil rehabilitation for all trees to be retained.	Project Arborist to mark Tree Protection Zones and install fences, mulch, irrigation and signage Issue a Certification of Compliance of tree protection measures being in place and soil rehabilitation undertaken
Construction work	Liaison with site manager, compliance and any deviation from approved plan	Maintain or amend protective measures Supervision and monitoring formal notification of any deviation from approved tree protection plan
Stormwater connection installation through TPZ, Implement hard and soft landscape works	Supervise Installation of pipes within tree TPZ	Excavate trench through TPZ under Arborist supervision, install pipework, remove selected protective measures as necessary and perform remedial tree works Issue a Certificate of Compliance
Practical Completion	Tree vigour and structure Assessment and undertake soil rehabilitation for all retained trees	Remove all remaining tree Protection measures Certification of tree protection and soil rehabilitation for Protected Trees

Defects liability / maintenance period	Tree vigour and structure	Undertake any required remedial tree works Certification of tree protection if necessary
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(Reason: To ensure the timing and frequency of inspections by the Project Arborist is appropriate to maintain the health of existing trees to be retained throughout the works.)

84. **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: To ensure that any tree work is carried out by a qualified Arborist)

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.

85. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 1316909M_02, dated 28 October 2022.

(Reason: Statutory requirement).

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

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

87. **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 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

(Reason: Statutory requirement).

88. **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. Where a development contains multiple properties, signage is required to be clearly displayed on all unit door entrances. Directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lobby entry doors. It is essential that all numbering signage throughout a development is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.

(Reason: To assist in way finding).

89. **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).

90. **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: To clarify the configuration of the completed stormwater management system.)

91. **Damaged Footpath Paving Construction.** The applicant shall, at no cost to Council, construct any damaged concrete footpath paving across the frontage of the property in Clayton Street. A compliance certificate from the Council's City Works & Infrastructure shall be obtained upon completion of concrete footpath paving works indicating that all works have been completed to Council's satisfaction and submitted to the Principal Certifying Authority.

(Reason: To ensure the serviceability of infrastructure adjacent the development property is consistent with the life of the development and provides safe and efficient access to the site.)

92. **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 maximise onstreet parking capacity and avoid confusion relating to the enforcement of parking restrictions.)

93. **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 and onsite disposal components incorporated in the approved Stormwater Management system. 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: 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).)

94. **Restriction as to User - Site cover.** A restriction as to user under Section 88 of the Conveyancing Act 1919 shall be placed on the property title, to limit the extent of impervious paving and or roof areas on the site. The drafted terms must be in accordance with Council's standard terms and are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website) for review. The covenant must be registered on the title prior to the release of any Occupation Certificate for the development works.

(Reason: The approved stormwater management system has been designed to accommodate only the approved hardstand area. This requirement ensures that no further expansion of hardstand will be undertaken which would cause the stormwater system to fail.)

95. **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 after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site

detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.

- d) 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).
- e) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

(Reason: To ensure that all engineering components are completed to the satisfaction of an appropriately qualified person, prior to occupation or use of the development.)

96. **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 1 Pope Street – Ryde (Top Ryde City Shopping Centre).

(Reason: To ensure that owners of the site are aware of the location of the onsite detention system and the need to maintain the system over the life of the development.)

97. **Geotechnical report.** Written confirmation shall be provided the works have been undertaken in full compliance with all of the recommendations contained in the ESWNMAN report (reference no. ESWN-PR-2022-1420) dated 1 July 2022.

Reason: To ensure works are carried out in compliance with the recommendations of the Geotechnical report.

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.

98. **Single dwellings only.** Each approved dwelling is not to be used or adapted for use as separate domiciles or as a boarding house.

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

99. **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).

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.

100. **Occupation Certificate.** A full (not partial) Occupation Certificate associated with the approved development (including related modifications) must be issued for the development prior to the release of the Subdivision Certificate. All conditions required to be satisfied prior to the issue of an Occupation Certificate related to all development on the site must be satisfied.

(Reason: To ensure that the development works are fully completed and that should the new lot come under separate ownership, such owners will not be burdened by outstanding works.)

101. **Final plan of subdivision - Title Details.** The final plan of subdivision shall note all existing and/or proposed easements, positive covenants and restrictions of the use of land relating to the title.

(Reason: To disclose any easements or covenants burdening the land.)

102. **Vehicle Right of Way(s).** A Right of Way / Carriageway easement must be defined for any area of a lot which is traversed by vehicle when accessing the alternate lot. In the case of the subdivision of a dual occupancy, this is required for any shared driveway and will warrant it to be defined as a triangular area, no less than 2m wide (on each lot) by 2.4m depth, centred over the new joint boundary. The easement must accommodate the vehicle swept path and height clearances of the largest vehicles utilising the access. These elements must be in accordance with the relevant section of AS 2890 and any deviations from this requirement will require a statement of support from a suitably qualified Traffic Engineer to justify the discrepancy, subject to Council consideration.

(Reason: To ensure the definition of such easements can accommodate the intended vehicle sizes.)

103. **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 avoid dispute over the maintenance or preservation of encroaching structures.)

104. **88B Instrument.** The submission of an instrument under Section 88B of the Conveyancing Act 1919 creating any Easements, Positive Covenants and Restrictions on use (where required) noting the "Council of the City of Ryde" being the authority empowered to release vary or modify the same.

(Reason: To facilitate the registration of any instrument accompanying the subdivision certificate.)

105. **Subdivision Certificate - Compliance Certificates.** The following compliance certificates must be provided to Council prior to the release of the Subdivision Certificate;

- a) Surveyor Certification – A registered surveyor must certify that necessary easements have been created for all services and structures which encroach into adjacent lots and that all remaining services, 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: To ensure the newly created lots have access to and can maintain essential services.)

106. **Stormwater Management – Proof of Positive/ Restrictive Covenant(s).** Any Positive or Restrictive Covenant(s) relating to particular stormwater components, system configurations and flood measures as required by the 2014 DCP Part 8.2 (*Stormwater and Floodplain Management*) must be registered on the subject lot. Copies of the endorsed instruments (including terms) and the Title Certificate must be provided with the application for the Subdivision Certificate for Council approval.

(Reason: This is to ensure that the drainage system and / or flood mitigation measures will be maintained throughout the life of the development by the owner of the site(s).)

107. **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).

108. **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).

109. **Official Property Addressing.** The property addressing displayed on the administration sheets of a subdivision or strata 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



Lifestyle and opportunity
@ your doorstep

ABN: 81 621 292 610
Address: 1 Pope Street, Ryde NSW 2112
Post: Locked Bag 2069, North Ryde NSW 1670
Email: cityofryde@ryde.nsw.gov.au
Web: www.ryde.nsw.gov.au

ASA Studio Pty Ltd
C/O: - Emma Lee Level 5 / 7 Eden Park Drive
MACQUARIE PARK NSW 2113

Development Contributions Consent Notice – not for payment

Advice number:	ICN-001954
Date of issue:	17 Jul 2023
Development approval reference:	LDA2022/0358
Application type:	Development Application
Stage name:	N/A
Land description:	34//DP35169
Property address:	34 Clayton St, Ryde NSW 2112
Secondary address:	Not Applicable
Relevant development contributions plan:	City of Ryde Section 7.11 Development Contributions Plan 2020
Related planning agreements:	Not Applicable
Notes:	

Total contributions and fees payable	\$20,000.00
<i>Refer following page for detailed breakdown of total contributions and fees</i>	

Authority for development contributions

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

Indexation of development contributions

The above development contributions are current at the date of this notice, 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 development contribution amounts that differ from those shown above.

Payment of development contributions

Development contributions must be paid in accordance with relevant Condition of this Consent as authorised by the City of Ryde Section 7.11 Development Contributions Plan 2020. Applicants are required to request a Developer Contributions Quote that will state the applicable adjusted development contributions prior to or at the time of payment. A Tax Invoice/Receipt will be issued at time of payment. Payment is to be by a BANK CHEQUE made payable to the City of Ryde. Personal or company cheques will not be accepted.

GST

The development contributions stated on this advice are not subject to GST. However, the Private Certifier Fee (if applicable) includes GST.

Detailed breakdown of contributions payable

Development composition and fees

Development type	Unit	Proposed development	Existing development	Development change
Dual occupancy - 3 or more bed dwelling	Dwelling	2	0	2
Residential subdivision - per lot	Lot	0	1	-1

Adopted contribution rates and fees

Infrastructure category	Unadjusted contribution rate ¹	Adjusted contribution rate ²	Capped contribution rate ³	Applied contribution rate
7.11 - 1. Community Facilities				
Dual occupancy - 3 or more bed dwelling	\$7,290.41	\$6,061.80	\$6,061.80	\$6,061.80
Residential subdivision - per lot	\$7,290.41	\$6,061.80	\$6,061.80	\$6,061.80
7.11 - 2. Open Space and Recreation				
Dual occupancy - 3 or more bed dwelling	\$12,553.75	\$10,438.15	\$10,438.15	\$10,438.15
Residential subdivision - per lot	\$12,553.75	\$10,438.15	\$10,438.15	\$10,438.15
7.11 - 3. Transport and Traffic facilities				
Dual occupancy - 3 or more bed dwelling	\$3,853.96	\$3,204.48	\$3,204.48	\$3,204.48
Residential subdivision - per lot	\$3,853.96	\$3,204.48	\$3,204.48	\$3,204.48
7.11 - 4. Plan Preparation and Administration				
Dual occupancy - 3 or more bed dwelling	\$355.47	\$295.57	\$295.57	\$295.57
Residential subdivision - per lot	\$355.47	\$295.57	\$295.57	\$295.57

¹ As stated in Tables 2, 3 and 4 of the City of Ryde Section 7.11 Development Contributions Plan 2020.

² At the date of this advice, after the application of indexation.

³ In accordance with Ministerial Direction of 17 July 2017.

Total contributions and fees

Infrastructure category	Unit	Development amount	Applied contribution rate	Total contribution (\$)
7.11 - 1. Community Facilities				

Dual occupancy - 3 or more bed dwelling	Dwelling	2	\$6,061.80	\$12,123.60
Residential subdivision - per lot	Lot	-1	\$6,061.80	(\$6,061.80)
7.11 - 2. Open Space and Recreation				
Dual occupancy - 3 or more bed dwelling	Dwelling	2	\$10,438.15	\$20,876.30
Residential subdivision - per lot	Lot	-1	\$10,438.15	(\$10,438.15)
7.11 - 3. Transport and Traffic facilities				
Dual occupancy - 3 or more bed dwelling	Dwelling	2	\$3,204.48	\$6,408.96
Residential subdivision - per lot	Lot	-1	\$3,204.48	(\$3,204.48)
7.11 - 4. Plan Preparation and Administration				
Dual occupancy - 3 or more bed dwelling	Dwelling	2	\$295.57	\$591.14
Residential subdivision - per lot	Lot	-1	\$295.57	(\$295.57)

Applicable discounts

No discounts apply.

Other adjustments

No other adjustments apply.

Summary

Total contributions and fees (\$)	\$20,000.00
Total discounts (\$)	\$0.00
Total other adjustments (\$)	\$0.00
Total contributions and fees payable (\$)	\$20,000.00