



Section 4.55 Consent

Applicant: Clermont Holdings Pty Limited
9 Jennifer Street
RYDE NSW 2112

Section 4.55 Consent No: MOD2022/0128

Approval Date: 29 September 2022

Modification of Development Consent No. LDA2021/0363 under Section 4.55 of the Environmental Planning and Assessment Act 1979

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

Development: New dual occupancy (attached), swimming pools and
Torrens title subdivision of proposed Lot 2 under
LDA2021/0148.

Section 4.55 Modification:

S4.55(2) modification relating to minor changes to the dual occupancy (attached) building comprising a new basement level, modifications to adopt Council's amendments in red.

The City of Ryde as the Consent Authority pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979* (as amended) hereby consents to the modification of Local Development Application No. LDA2021/0363 dated 8 June 2022, subject to replacement of the following condition(s):

(Note: Deleted works are ~~crossed-out~~ and new words to be inserted are in **bold**).

A. Amend Condition 1 to read as follows:

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:

Document Description	Date	Plan No/Reference
Cover Sheet	20/06/22 28.01.22	783DA_A_, Drawing No. 1
Location Plan/Site Analysis	20/06/22 28.01.22	783DA_A_, Drawing No. 2, Revision E F

Subdivision Plan	28.01.22	783DA_A_, Drawing No. 8, Revision B
Basement Floor Plan	28/09/22	783DA_A_, Drawing No. 5, Revision F
Ground Floor Plan (as amended in red)	29/08/22 28.01.22	783DA_A_, Drawing No. 5, Revision F H
First Floor Plan	29/08/22 28.01.22	783DA_A_, Drawing No. 6, Revision F H
Roof Plan	20/06/22 28.01.22	783DA_A_, Drawing No. 7, Revision E F
East Elevation	20/06/22 28.01.22	783DA_A_, Drawing No. 9, Revision D E
South Elevation	20/06/22 28.01.22	783DA_A_, Drawing No. 10, Revision D E
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Sections - 1	29/08/22 28.01.22	783DA_A_, Drawing No. 13, Revision C
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Shadow Diagrams - 21 st June	20/06/22 28.01.22	783DA_A_, Drawing No. 16, Revision B C
External Finishes Schedule	28.01.22	783DA_A_, Drawing No. 17, Revision D
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Context Plan: Landscaping (as amended in red)	28.06.22 03.02.22	21898, LP30, Issue B C
Landscape Plan (as amended in red)	28.06.22 03.02.22	21898, LP31, Issue B C
Schedule + Materials	28.06.22 03.02.22	21898, LP32, Issue B C
Section A	28.06.22 03.02.22	21898, LP33, Issue B C
Level 1 Balcony	28.06.22 03.02.22	21898, LP34, Issue B C
Calculations Diagram	28.06.22 01.02.22	21898, LP35, Issue B C
Stormwater Management Plan: Details, Notes & Legend	30.08.22 29.09.21	E210095, D1, Issue A C
Stormwater Management Basement Plan	30.08.22	E210095, D2, Issue C
Stormwater Management Plan (as amended in red)	30.08.22 29.09.21	E210095, D3 D2 , Issue A C
Stormwater Management First Floor	30.08.22 29.09.21	E210095, D4 D3 , Issue A C

Stormwater Management Roof Plan	30.08.22 29.09.21	E210095, D5 D4 , Issue-A-C
Stormwater Details	30.08.22 29.09.21	E210095, D6 D5 , Issue-A-C
Stormwater Details (as amended in red)	30.08.22 29.09.21	E210095, D7 D6 , Issue-A-C
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Stormwater Details	30.08.22	E210095, D9, Issue C
Sediment Control Plan	30.08.22 29.09.21	E210095, D10 D8 , Issue-A-C
Sediment Control Details	30.08.22 29.09.21	E210095, D11 D9 , Issue-A-C
Basement Services Engineering Advice prepared by HHH Consulting Engineers	23.08.22	SY2312677
Structural Design Advice prepared by IHS Consulting Engineers	01.09.22	-

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

- ~~(a) Amendments to the Ground Floor Plan to provide a driveway perpendicular to the kerb and revise the levels of the garages.~~
- ~~(b) Amendments to the Ground Floor Plan and Landscape Plan demonstrating that the height of landscaping and structures in the vicinity of the driveway are below 900mm in height to ensure that appropriate sight lines are achieved.~~
- ~~(c) Amendment to the Landscape Plan to show the planting of 3 Ivory Curl Tree (*Buckinghamia celcissima*) in the road reserve. The location of these street trees is to be approved by Council's Landscape Architect prior to the issue of the Construction Certificate.~~
- ~~(d) Amendments to the Stormwater Management Plan to provide a driveway perpendicular to the kerb, revise the levels of the garages, provide 5.0m³ rainwater tanks for each dwelling as required by the BASIX Certificate, to reflect the location of the swimming pool as approved on the Architectural Plans and provide minimum 2 grated pits for each On-site Detention tank.~~
- ~~(e) 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).~~

B. Amend Condition 4 to read as follows:

4. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered **1319275M 4244520M**, dated **4 July 2022** ~~7 October 2021~~.

(Reason: Statutory requirement).

C. Amend Condition 36 to read as follows:

36. **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) The finished floor levels of the garages are to be revised to minimise the level difference between the driveway/garages. The garage of Lot A is to be raised to RL 84.925 and the garage of Lot B to RL 85.2. All plans shall be amended.~~
- c) 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.)

D. Amend Condition 37 to read as follows:

37. **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 **6.0m** ~~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)

E. Amend Condition 38 to read as follows:

38. **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 D1 to **D9** ~~D7~~ dated **30/08/22** ~~29/9/21~~ ~~subject to any variations marked in red on the approved plans or noted as follows:~~

- ~~— Amend levels of the OSD tanks to match amended garage floor levels and adjust the OSD/BASIX volumes as required.~~
- Relocate the swimming pools as shown on the architectural plans Revision **F** and adjust ground levels.
- Provide correct BASIX volume as required in the BASIX report which is **7.0m³** ~~5.0m³~~ for each unit. This will be in addition to the OSD volume.
- ~~— All OSD tanks are to be provided with two inlet grates.~~
- The proposed pump riser for dwelling 1 is to be relocated to the location of the proposed pump out system.

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)

F. Amend Condition 57 to read as follows:

57. 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 D1 to **D9** ~~D7~~ **dated 30.08.22** 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).

G. Amend Condition 62 to read as follows:

62. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered **1319275M** ~~1244520M~~, dated **4 July 2022** ~~7 October 2021~~.

(Reason: Statutory requirement).

H. Amend Condition 70 to read as follows:

70. 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 pump/sump** components 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 terms for such systems and to the satisfaction of Council. 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).

PRIOR TO CONSTRUCTION CERTIFICATE

I. The ADDITION of Condition 41A as follows:

41A. Stormwater Management - Pump System. The basement pump system must be dual submersible and shall be sized and constructed in accordance with Section 9.3 of AS 3500.3 (*Stormwater drainage*).

The wet well must be designed and constructed in accordance with section 9.3 of AS 3500.3 (*Stormwater drainage*), except that the sump volume is to be designed to accommodate storage of runoff accumulating from the 100yr ARI 3 hour storm event, in the event of pump failure as per the requirements of Council's DCP - Part 8.2 (*Stormwater and Floodplain Management*).

Direct connection of the pumps rising main to the kerb will not be permitted. The rising main must discharge to the sites drainage system, upstream of the onsite detention system (if one is provided) or any rainwater tank which is utilised for irrigation only.

Pump details and documentation demonstrating compliance with this condition are to be submitted in conjunction with the Stormwater Management Plan for the approval of the Certifying Authority, prior to the release of any Construction Certificate for construction of the basement level.

(Reason: To ensure that the design of the pump system is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2 and relevant Australian Standards.)

J. The ADDITION of Condition 41B as follows:

41B. Geotechnical Design, Certification and Monitoring Program. The applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation:

- a) Certification that the civil and structural details of all subsurface structures are designed to:
 - Provide appropriate support and retention to neighbouring property;
 - Ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure; and
 - Ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that:
 - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater;
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer;

- details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded; and
- Is in accordance with the recommendations of the Geotechnical Report by Douglas Partners, Project No.:200861.00, Document No.: R.002 Rev2, Dated July 2022.

The certification and the GMP is to be submitted for the approval of the Accredited Certifier prior to the issue of the Construction Certificate.

(Reason: To ensure there are no adverse impacts arising from excavation works.)

K. The ADDITION of Condition 41C as follows:

41C. Site Dewatering Plan. A Site Dewatering Plan (SDP) must be prepared and submitted with the application for a Construction Certificate.

The SDP is to comprise of detailed plans, documentation and certification of the system, must be prepared by a chartered civil engineer and must, as a minimum, comply with the following:

- c) All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- d) Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- e) Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- f) The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
- g) Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- h) Incorporate water treatment measures to prevent the discharge of sediment laden water to the public drainage system. These must be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
- i) Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
- j) Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.

(Reason: To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems.)

DURING CONSTRUCTION

L. The ADDITION of Condition 61A as follows:

61A. Geotechnical Monitoring Program - Implementation. The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

(Reason: To ensure that the excavation works are undertaken appropriately throughout the period of construction.)

M. The ADDITION of Condition 61B as follows:

61B. Site Dewatering Plan – Implementation. The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled “Site Dewatering Plan” the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.

(Reason: To ensure that site dewatering is undertaken appropriately throughout the period of construction.)

OPERATIONAL CONDITIONS

N. The ADDITION of Condition 78A as follows:

78A. Use of the Basement Level. The entirety of the basement is to comprise non-habitable areas. At no time is the basement to be occupied as a ‘habitable room’ as defined in the National Construction Code.

Attached is a copy of the modified development Consent which incorporates the original conditions as well as the conditions modified as a result of a modification application. The conditions modified in this application appear in bold.

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

You are advised of your right of appeal to the Land and Environment Court under Section 8.9 of the *Environmental Planning & Assessment Act 1979*, and your right to request a Review under Section 8.3 within 6 months after you have received the Consent.



Holly Charalambous
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.



Consolidated Deferred Commencement Development Consent

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

Consent No: LDA2021/0363

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	Lots X & Y DP 418160
	Ryde	
Development:	New dual occupancy (attached), swimming pools and Torrens title subdivision of proposed Lot 2 under LDA2021/0148.	

subject to the Conditions 1 to 96 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.

You are advised of your right of appeal to the Land and Environment Court under Section 8.7 of the *Environmental Planning & Assessment Act 1979* and your right to request a review of the determination to Council under Division 8.3 of the EP&A 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 Act.



Holly Charalambous
Senior Town Planner
8 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 LDA2021/0363 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.

PART 2**GENERAL**

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

(Condition 1 is deleted and replaced in MOD2022/0128)

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:

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Sediment Control Plan	30.08.22 29.09.21	E210095, D10 D8 , Issue A-C
Sediment Control Details	30.08.22 29.09.21	E210095, D11 D9 , Issue A-C

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

- ~~(f) Amendments to the Ground Floor Plan to provide a driveway perpendicular to the kerb and revise the levels of the garages.~~
- ~~(g) Amendments to the Ground Floor Plan and Landscape Plan demonstrating that the height of landscaping and structures in the vicinity of the driveway are below 900mm in height to ensure that appropriate sight lines are achieved.~~
- ~~(h) Amendment to the Landscape Plan to show the planting of 3 Ivory Curl Tree (*Buckinghamia celcissima*) in the road reserve. The location of these street trees is to be approved by Council's Landscape Architect prior to the issue of the Construction Certificate.~~

- ~~(i) Amendments to the Stormwater Management Plan to provide a driveway perpendicular to the kerb, revise the levels of the garages, provide 5.0m³ rainwater tanks for each dwelling as required by the BASIX Certificate, to reflect the location of the swimming pool as approved on the Architectural Plans and provide minimum 2 grated pits for each On-site Detention tank.~~
- ~~(j) 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. **Removal of trees on the site.** With the exception of Trees 3, 4 and 11 as identified in the Arboricultural Impact Assessment prepared by Naturally Tree dated 8/10/2021, all trees within the site are permitted to be removed.

(Reason: To enable tree removal works to be undertaken).

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).

(Condition 4 is deleted and replaced in MOD2022/0128)

4. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered **1319275M** 4244520M, dated **4 July 2022** ~~7 October 2021~~.

(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).

Protection of Adjoining and Public Land

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 subject lot (Lot 2 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).

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).

Development Engineering

12. **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).

13. **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).

14. **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).

15. **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

16. **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).

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

(Reason: Safety).

18. **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).

19. **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 (other than tree removal) 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.

20. **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).

21. **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).

22. **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).

23. **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).

24. **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).

25. **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).

26. **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 (other than tree removal) 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).

27. **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).

28. **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**. The fencing in the vicinity of the driveway is not permitted to obstruct sightlines of motorists entering and existing the site.

(Reason: Statutory requirement).

29. **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: Statutory requirement).

30. **Tree Retention.** As identified in the Arboricultural Impact Assessment (AIA) prepared by Naturally Tree dated 8/10/2021. The following trees on site or adjoining the site are to be retained and protected.

Tree No.	Species "Common name"
3 & 4	<i>Callistemon viminalis</i> (Weeping Bottlebrush)
11	<i>Buckinghamia celcissima</i> (Ivory Curl Tree)

(Reason: To ensure the retention and protection of trees).

31. **Tree Protection Fencing.** All trees to be retained in the road reserves are to have protective fencing (construction type 1.8m high chainwire fencing) and signage around TPZs and must be located in accordance with AS4970-2009: Protection of trees on Development Sites, to be installed around the trees in the road reserve to be retained, prior to the issue of the construction certificate.

All relevant legislation and WHS regulations be adhered to whilst undertaking these works.

No cutting or filling is to occur within the tree protection zone and existing surface levels are to be maintained.

(Reason: Statutory requirement).

32. **Street Tree Replacement Planting.** The **Construction Certificate** documentation is to reflect the following:
- The planting of three (3) Ivory Curl Trees (*Buckinghamia celcissima*) in the road reserve.
 - The pot size of the replacement trees shall be no less than 45lt at the time of planting.
 - The trees to be planted are in accordance with Section 6 of Council's Tree Management Technical Manual.
 - The trees are 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 3 trees to be replanted 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).

33. **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).

34. **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**.

Window W07 in Lot A and Window W04 in Lot B are not permitted to be openable.

(Reason: Statutory requirement).

35. **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).

(Condition 36 is deleted and replaced in MOD2022/0128)

36. **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) The finished floor levels of the garages are to be revised to minimise the level difference between the driveway/garages. The garage of Lot A is to be raised to RL 84.925 and the garage of Lot B to RL 85.2. All plans shall be amended.~~

- c) 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.)

(Condition 37 is deleted and replaced in MOD2022/0128)

37. **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 **6.0m** ~~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)

(Condition 38 is deleted and replaced in MOD2022/0128)

38. **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 D1 to **D9 D7** dated **30/08/22** ~~29/9/21~~ subject to any variations marked in red on the approved plans or noted as follows:

- ~~Amend levels of the OSD tanks to match amended garage floor levels and adjust the OSD/BASIX volumes as required.~~
- Relocate the swimming pools as shown on the architectural plans Revision F and adjust ground levels.
- Provide correct BASIX volume as required in the BASIX report which is **7.0m³** ~~5.0m³~~ for each unit. This will be in addition to the OSD volume.
- ~~All OSD tanks are to be provided with two inlet grates~~
- The proposed pump riser for dwelling 1 is to be relocated to the location of the proposed pump out system.

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)

39. **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)

40. **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 an appropriate water tank system is provided).

41. **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
- 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.)

(Condition 41A is added in MOD2022/0128)

- 41A. **Stormwater Management - Pump System.** The basement pump system must be dual submersible and shall be sized and constructed in accordance with Section 9.3 of AS 3500.3 (*Stormwater drainage*).

The wet well must be designed and constructed in accordance with section 9.3 of AS 3500.3 (*Stormwater drainage*), except that the sump volume is to be designed to accommodate storage of runoff accumulating from the 100yr ARI 3 hour storm event, in

the event of pump failure as per the requirements of Council's DCP - Part 8.2 (*Stormwater and Floodplain Management*).

Direct connection of the pumps rising main to the kerb will not be permitted. The rising main must discharge to the sites drainage system, upstream of the onsite detention system (if one is provided) or any rainwater tank which is utilised for irrigation only.

Pump details and documentation demonstrating compliance with this condition are to be submitted in conjunction with the Stormwater Management Plan for the approval of the Certifying Authority, prior to the release of any Construction Certificate for construction of the basement level.

(Reason: To ensure that the design of the pump system is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2 and relevant Australian Standards.)

(Condition 41B is added in MOD2022/0128)

41B. Geotechnical Design, Certification and Monitoring Program. The applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation:

- a) Certification that the civil and structural details of all subsurface structures are designed to:
 - Provide appropriate support and retention to neighbouring property;
 - Ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure; and
 - Ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that:
 - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater;
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded; and
 - Is in accordance with the recommendations of the Geotechnical Report by Douglas Partners, Project No.:200861.00, Document No.: R.002 Rev2, Dated July 2022.

The certification and the GMP is to be submitted for the approval of the Accredited Certifier prior to the issue of the Construction Certificate.

(Reason: To ensure there are no adverse impacts arising from excavation works.)

(Condition 41C is added in MOD2022/0128)

41C. Site Dewatering Plan. A Site Dewatering Plan (SDP) must be prepared and submitted with the application for a Construction Certificate.

The SDP is to comprise of detailed plans, documentation and certification of the system, must be prepared by a chartered civil engineer and must, as a minimum, comply with the following:

- a) All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- b) Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- c) Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- d) The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
- e) Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- f) Incorporate water treatment measures to prevent the discharge of sediment laden water to the public drainage system. These must be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
- g) Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
- h) Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.

(Reason: To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems.)

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.

42. 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).

43. **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).

44. **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).

45. **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).

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

(Reason: Statutory requirement).

47. **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.

48. **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 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

49. **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).

50. **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).

51. **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).

52. **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).

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

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

54. 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).

55. 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).

- 56. 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).

(Condition 57 is deleted and replaced in MOD2022/0128)

- 57. 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 D1 to **D9 D7 dated 30.08.22** 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).

- 58. 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).

- 59. 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).

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

Tree No.	Species "Common name"
5	<i>Citharexylum spinosum</i> (Fiddlewood)
6	<i>Callistemon viminalis</i> (Weeping Bottlebrush)
7	<i>Callistemon viminalis</i> (Weeping Bottlebrush)
8	<i>Olea europaea</i> (European Olive)
9	<i>Jacaranda mimosifolia</i> (Jacaranda)
10	<i>Jacaranda mimosifolia</i> (Jacaranda)
12	<i>Pittosporum undulatum</i> (Native Daphne)
13	<i>Pittosporum undulatum</i> (Native Daphne)
30	<i>Cupressus sp.</i> (Cypress)
31	<i>Photinia glabra</i>
32	<i>Photinia glabra</i>
33	<i>Photinia glabra</i>

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).

61. **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).

(Condition 61A is added in MOD2022/0128)

- 61A. **Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

(Reason: To ensure that the excavation works are undertaken appropriately throughout the period of construction.)

(Condition 61B is added in MOD2022/0128)

- 61B. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP

submitted in compliance to the condition labelled “Site Dewatering Plan” the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.

(Reason: To ensure that site dewatering is undertaken appropriately throughout the period of construction.)

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.

(Condition 62 is deleted and replaced in MOD2022/0128)

62. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered **1319275M 4244520M**, dated **4 July 2022** ~~7 October 2021~~.

(Reason: Statutory requirement).

63. **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).

64. **Street Tree Replacement Planting.** The planting of 3 street trees in the road reserve shall be completed prior to the issue of any **Occupation Certificate** and satisfy the following:
- i. The planting of three (3) Ivory Curl Trees (*Buckinghamia celcissima*) in the road reserve.
 - ii. The owner of the property shall water and maintain the trees 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 trees shall be in good health and vigour upon inspection.

- vii. If the trees are found to be in poor condition or vigour the bond shall not be released.

(Reason: To ensure that street trees are provided and maintained in good health).

65. **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).

66. **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

67. **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

68. **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).

69. **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).

(Condition 70 is deleted and replaced in MOD2022/0128)

70. **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 sump/pump** components 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 terms for such systems and to the satisfaction of Council. 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).

71. **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.
- 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).
 - 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.
 - 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.
 - 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).
 - Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

(Reason: Statutory requirement).

72. **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).

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.

73. **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).

74. **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.

75. **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).

76. **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).

77. **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).

78. **Street Tree Planting.** The 3 street trees 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).

(Condition 78A is added in MOD2022/0128)

- 78A. **Use of the Basement Level.** The entirety of the basement is to comprise non-habitable areas. At no time is the basement to be occupied as a 'habitable room' as defined in the National Construction Code.

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.

79. **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).
80. **Final plan of subdivision.** The submission of a final plan of subdivision suitable for endorsement by the Authorised Officer of Council.
- (Reason: Statutory requirement).
81. **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).
82. **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).
83. **Right of Carriageway.** A right of carriageway shall be created over the driveway and adjoining manoeuvring area to service each lot.
84. **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).
85. **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).
86. **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).
87. **On-Site Detention, Positive Covenant.** Evidence shall be provided from NSW Land Registry to the Certifying Authority to demonstrate that Positive Covenant for the Onsite detention has been registered on the title of the property.

(Reason: Statutory requirement).

88. **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 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).

89. **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).

90. **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).

91. **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).

92. **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).

93. **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:

- 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).

94. **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).

95. **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).

96. **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.