



---

## ***Development Consent***

**Applicant:** R.Koncept Architectural Design & Drafting  
D205/6 Latham Terrece  
NEWINGTON NSW 2127

**Consent No:** LDA2021/0307

**Consent Date:** 22 December 2021      **Valid until:** 22 December 2026

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:** 11 Mirool Street West Ryde      **Lot 224 DP 23812**

**Development:** New dual occupancy (attached) and strata title subdivision.

subject to the conditions 1 to 82 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 and your right to request a review of the determination to Council under Division 8.3 of the Environmental Planning & Assessment Act within 6 months after you have received the Consent.

**Oliver King**  
**Development Assessment Officer – 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 LDA2021/0307:-**

### **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:

Document Description	Date	Plan No/Reference
Architectural Plans	01.11.2021 01.11.2021 01.11.2021 01.11.2021 01.11.2021 01.11.2021 01.11.2021 01.11.2021 01.11.2021 01.11.2021 01.11.2021 01.11.2021	Sheet No. 001 Issue D Sheet No. 002 Issue D Sheet No. 003 Issue D Sheet No. 101 Issue D Sheet No. 201 Issue D Sheet No. 202 Issue D Sheet No. 203 Issue D Sheet No. 301 Issue D Sheet No. 302 Issue D Sheet No. 401 Issue D Colour Concept Plan
Erosion & Sediment Control Plan	01.11.2021	Sheet No. 102 Issue D
Subdivision Plan	01.11.2021	Sheet No. 105 Issue D
Landscaping Plans	25.10.2021 25.10.2021	Sheet No. L/01 Revision A Sheet No. L/02 Revision A
Stormwater Management Plans	01.11.2021 01.11.2021	Dwg No. SW21248 – S1 Issue C Dwg No. SW21248 – S2 Issue C
Arborist Report	11.08.2021	Aboricultural Impact Assessment prepared by New Leaf Arboricultural

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) BASIX Cert 1229354M dated 11 August 2021.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and

## **Conditions of Consent for LDA2021/0307:-**

- (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Site Maintenance.** For the period the site remains vacant of any development the subject of this consent, the site is to be regularly maintained in a tidy manner such that it does not become overgrown with weeds or become a repository for the leaving or dumping of waste.
6. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
7. **Hoardings.**
- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
8. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
9. **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.
10. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
11. **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.
12. **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 139 of the Roads Act 1993.

### ***Street Tree Conditions***

13. **No Unauthorised Removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.
14. **Street Trees.** One (1) Weeping Bottlebrush (*Callistemon viminalis*) located in the road reserve at the front of 11 Mirool Street West Ryde is to be retained and protected in accordance with the following conditions:
- (a) Protection fencing, construction type 1.8m high chainwire fencing, in accordance with AS4970-2009 Protection of trees on Construction Sites, to be installed

## **Conditions of Consent for LDA2021/0307:-**

around the tree in the road reserve to be retained as indicated in the Tree Protection plan within the supplied Arborist report, prior to the issue of the Construction Certificate.

- (b) That all relevant legislation and WHS regulations be adhered to whilst undertaking these works.

One (1) Shrub consisting of Privet and Cotoneaster located in the road reserve at the front of 11 Mirool Street, West Ryde be removed and replaced as part of the development process in accordance with the following conditions:

- (a) That the planting of two (2) Lemon Myrtle (*Backhousia citriodora*) in the road reserve, form part of the Construction Certificate.
- (b) That the pot size of the replacement trees shall be no less than 45lt at the time of planting.
- (c) That the trees be planted in accordance with Section 6 of Councils Tree Management Technical Manual.
- (d) That the trees 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.
- (e) That the Landscape plan be amended to show the location of the trees within Councils road reserve.
- (f) That the owner of the property water and maintain the trees for first 12 months after issue of the Occupation Certificate.
- (g) That a bond be placed upon the trees to be retained and two (2) trees to be planted to the value of \$1000 each (Total = \$2000).
- (h) That the bond be paid to Council prior to the issue of the Construction Certificate.
- (i) That the bond be redeemable no sooner than 12 months after the Final Occupation Certificate has been issued.
- (j) That Councils Tree Management Officer inspects the trees prior to the bond being released.
- (k) That the trees shall be in good health and vigour upon inspection.
- (l) That if the trees are found to be in poor condition or vigour the bond shall not be released.

### ***General Engineering Conditions***

15. **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

## **Conditions of Consent for LDA2021/0307:-**

accordance with Council's 2014 DCP 2014 Part 8.5 (*Public Domain Works*), except otherwise as amended by conditions of this consent.

16. **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.
17. **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.
18. **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.

### **PRIOR TO CONSTRUCTION CERTIFICATE**

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

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

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

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

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

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

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

## **Conditions of Consent for LDA2021/0307:-**

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>.

20. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
21. **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**.
22. **Security deposit.** The Council must be provided with security for the purposes of section 80A(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)
23. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy
24. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
25. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.
26. **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:

## **Conditions of Consent for LDA2021/0307:-**

- (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).

### ***Engineering Conditions to be Complied with Prior to Construction Certificate***

27. **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 2890.1 (Off-street Parking standards).

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

- a) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.
- b) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, the northern side of 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.

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

28. **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 (Off-street Parking).

## **Conditions of Consent for LDA2021/0307:-**

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 Off-street 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.

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.

29. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to Mirool Street, generally in accordance with the plans by ALW Design SW21248 S1 & S2 issue C dated 1/11/2021 subject to any variations marked in red on the approved plans or noted following;

- Adjust levels of Pits P2, P3 & P6 to reflect correct levels

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.

30. **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;



## **Conditions of Consent for LDA2021/0307:-**

- 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.

31. **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.
32. **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.

## **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.

## **Conditions of Consent for LDA2021/0307:-**

### **33. 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.

### **34. 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.

### **35. 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).

### **36. 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.

## **Conditions of Consent for LDA2021/0307:-**

37. **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.
38. **Proposed Property Addressing.** Proposed addressing for the new development must have been lodged with Council, prior to the commencement of construction.

### ***Landscaping Conditions to be Complied with Prior to Commencement of Construction***

39. **Tree Retention.** As identified in the Arboricultural Impact Assessment (AIA) prepared by New Leaf Arboricultural dated 11/08/2021, the following trees on site or adjoining the site are to be retained and protected:

<b>Tree No.</b>	<b>Species “Common name”</b>	<b>Location</b>
<b>1</b>	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Street Tree
<b>4</b>	<i>Liquidambar styraciflua</i> (Liquidambar)	In adjoining property
<b>5</b>	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Limit excavation to 2m from rear of house footprint
<b>6</b>	<i>Syzygium sp. x 3</i> (Lilly Pilli)	Row of 3 screening plants near boundary
<b>7</b>	<i>Jacaranda mimosifolia</i> (Jacaranda)	In adjoining property.

40. **Tree Protection.** Tree protection is to be installed before demolition and construction commences as indicated in the Arboricultural Impact Assessment (AIA) “Section 4 Tree Protection Plan” prepared by New Leaf Arboricultural dated 11/08/2021.
41. **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.
42. **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.
43. **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.
44. **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.

## **Conditions of Consent for LDA2021/0307:-**

45. **Arboricultural Impact Assessment (AIA).** All items in the AIA outlined in: "Section 7 Recommendations" prepared by New Leaf Arboricultural dated 11/08/2021 dated, are to be implemented.

### **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.

46. **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*.
47. **Noise from construction work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from construction work.
48. **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.
49. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
50. **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.
51. **Construction materials.** All materials associated with construction must be retained within the site.
52. **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.
53. **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.

## **Conditions of Consent for LDA2021/0307:-**

54. **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".
55. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

### ***Landscaping Conditions to be Complied with During Construction***

56. **Excavation for the building slab, driveway and services within Tree Protection Zone (TPZ) of Trees 1, 5 and 7.** The Project Arborist is to be present on site when excavation starts and is to be present for the duration of excavation. Any excavation or grading/re-grading within the identified TPZs of the above 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. Upon completion of excavation the Project Arborist is to supply a Certificate to the Principle Certifier that excavation has been carried out under their supervision and to their satisfaction.
57. **Tree Removal.** As identified in the Arboricultural Impact Assessment (AIA) prepared by New Leaf Arboricultural dated 11/08/2021, the following trees on site are to be removed:

<b>Tree No.</b>	<b>Species "Common name"</b>
<b>2</b>	<i>Pinus sp.</i> (Pine Tree)
<b>3</b>	<i>Callistemon citrinus</i> x 2 (Lemon-scented Bottlebrush)

58. **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.

<b>PROJECT PHASE</b>	<b>ACTIVITIES</b>	<b>PROJECT ARBORIST to</b>
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 <b>Issue a Certification of Compliance</b> 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

## **Conditions of Consent for LDA2021/0307:-**

Stormwater connection installation through TPZ, Implement hard and soft landscape works	<b>Supervise</b> 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 <b>Issue a Certificate of Compliance</b>
Practical Completion	Tree vigour and structure Assessment and undertake soil rehabilitation for all retained trees	Remove all remaining tree Protection measures <b>Certification of tree protection and soil rehabilitation for Protected Trees</b>
Defects liability / maintenance period	Tree vigour and structure	Undertake any required remedial tree works <b>Certification of tree protection if necessary</b>

59. **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).

### ***Engineering Conditions to be Complied with During Construction***

60. **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 ALW Design SW21248 S1 & S2 submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.
61. **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.
62. **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.

### **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.

## **Conditions of Consent for LDA2021/0307:-**

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.

63. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate.
64. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

### ***Engineering Conditions to be Complied with Prior to Occupation Certificate***

65. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed, and the kerb and footpath reinstated to the satisfaction of Council. With the removal of the existing crossing, the access driveway to next door No 13 Mirool Street still needs to be maintained. The existing driveway is to be removed from the construction joint location with the driveway of No 13 Mirool Street. The existing driveway to No 13 is to be extended to provide a width of 3.0m at least and to include a 0.5m wing in addition. All works shall be borne by the applicant.
66. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct the concrete footpath paving across the frontage of the property in Mirool 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.
67. **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.
68. **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 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.
69. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards,

## **Conditions of Consent for LDA2021/0307:-**

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.

70. **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 (within Top Ryde Shopping Centre).

### **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.

71. **Dual Occupancy only.** The dwellings are not to be used or adapted for use as a boarding house.

### **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.

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



## **Conditions of Consent for LDA2021/0307:-**

73. **On-Site Detention, Positive Covenant.** Evidence shall be provided to the Principal Certifying Authority to demonstrate that Positive Covenant for the Onsite detention system has been registered on the title of the property.
74. **Driveway marked as Common Property.** To facilitate access to each of the respective garages and ensure there is equitable maintenance of the driveway area, the plan of subdivision must mark the entire driveway area on the lot as Common Property.
75. **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.
76. **Final Plan of Subdivision.** The submission of a final plan of subdivision suitable for endorsement by the Authorised Officer.
77. **88B Instrument.** If required, an instrument under Section 88B of the Conveyancing Act 1919 shall be submitted, creating any Easements Positive Covenants and restrictions on use, the Ryde City being the authority empowered to release, vary or modify the same.
78. **Final plan of subdivision - title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
79. **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) **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.
  - b) **Other Utility Providers** – Written confirmation confirming compliance with the requirements (including financial costs) of electrical and telecommunication providers (e.g. AusGrid, Telstra).
  - c) **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.
80. **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.

## **Conditions of Consent for LDA2021/0307:-**

81. **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).

82. **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.

**End of consent.**