

R Vurukovski  
Shop 5, 9 Elizabeth Street  
BERALA NSW 2141

4 October 2017

Dear Robert

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**Address: 4 and 6-8 Miriam Rd West Ryde**  
**Local Development Application No: LDA2016/0396**

Please find attached your approved Development Consent No: LDA2016/0396.

**Development Consent is not approval to commence building work.**

Before any construction works commence you must apply for a Construction Certificate. You can apply to Council or an Accredited Certifier. All plans and information which form part of your Construction Certificate application must comply with the conditions of Development Consent.

It is the responsibility of the applicant to carefully read all conditions of Development Consent prior to making application for a Construction Certificate.

Should you have any further questions please contact the Customer Service Centre on 9952 8222.

Yours sincerely



**Chris Young**  
**Senior Coordinator - Assessment**



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## ***Development Consent***

**Applicant:** R Vurukovski  
Shop 5  
9 Elizabeth Street  
BERALA NSW 2141

**COUNCIL  
COPY**

**Consent No:** LDA2016/0396

**Consent Date:** 3 October 2017

**Valid until:** 3 October 2022

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:** 4 and 6-8 Miriam Rd West Ryde Lot A DP 393426, Lot 1 DP 304633

**Development:** Boundary adjustment between 4 Miriam Rd & 6-8 Miriam Rd; and construction of a dual occupancy (attached) on Lot 1; and a multi-dwelling development containing 9 dwellings on Lot 2 (2 x 2-storey & 7 x 1-storey dwellings) with strata subdivision.

subject to the conditions 1 to 105 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 97 of the Environmental Planning & Assessment Act and your right to request a review of the determination to Council under Section 82A of the Environmental Planning & Assessment Act within 6 months after you have received the Consent.

**Chris Young**  
**Senior Co-ordinator – Assessment**

## **Conditions of Consent for LDA2016/0396 :-**

**Note:** This consent is structured into specific stages of development, those being:

- **Boundary adjustment between No 4 Miriam Road and No 6-8 Miriam Road;**
- **Stage 1 – Construction of Multi-Dwelling Housing development containing 9 dwellings (on Lot 2) with strata subdivision;**
- **Stage 2 – Construction of Dual Occupancy (Attached) (on Lot 1)**

### **CONDITIONS RELATING TO BOUNDARY ADJUSTMENT**

#### **GENERAL**

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

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

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Subdivision Plan	14.11.2016	1601_DA03, Issue B

#### **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.

2. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
3. **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.
4. **Section 88B Instrument.** If required, an Instrument under Section 88B of the Conveyancing Act 1919 shall be submitted plus 3 copies, 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.
5. **Utility provider – compliance.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc).
6. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au)

## **Conditions of Consent for LDA2016/0396 :-**

then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate.

### **CONDITIONS RELATING TO ERECTION OF DUAL OCCUPANCY (ATTACHED) ON LOT 1 (STAGE 2) and MULTI-DWELLING HOUSING DEVELOPMENT ON LOT 2 (STAGE 1)**

#### **GENERAL**

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

7. **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
<b><i>Architectural plans prepared by RJK Architects</i></b>		
Site Plan and Streetscape	28.04.2017	1601_DA02, Issue C
Ground and First Floor Plan Part 1	28.04.2017	1601_DA04, Issue C
Ground Floor Plan Part 2	28.04.2017	1601_DA05, Issue C
Roof Plan Part 1	28.04.2017	1601_DA06, Issue C
Roof Plan Part 2	28.04.2017	1601_DA07, Issue C
Elevation	28.04.2017	1601_DA08, Issue C
Elevations	28.04.2017	1601_DA09, Issue C
Elevations	14.11.2017	1601_DA10, Issue B
Sections	28.04.2017	1601_DA11, Issue C
Material Schedule	22.07.2016	1601_DA12, Issue C
Landscape Plan	April 2017	LPDA 17-20 Page 1
Hardscape Plan	April 2017	LPDA 17-20 Page 2
Landscape Details	April 2017	LPDA 17-20 Page 3

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

8. **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.
9. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 748455M, dated 15.08.2016.

## **Conditions of Consent for LDA2016/0396 :-**

10. **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.
11. **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.
12. **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.
13. **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.
14. **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.
15. **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.
16. **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.

### **Engineering Conditions**

17. **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 Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.
18. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.

## **Conditions of Consent for LDA2016/0396 :-**

19. **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.
20. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.
21. **City Works and Infrastructure conditions:**
- The proposed habitable floor levels shall be in accordance with the architectural drawing No 1601 - DA05 dated 17 April 2017 and prepared by Cordor Architects and Engineers.
  - The applicant shall carry out the recommended works in the Flood Study Report dated 27 April 2017 and prepared by Kozarovski and Partners.
  - Any new fences across overland flow path shall be permeable below the 100 year ARI (Average Recurrence Interval) flood level. The land over the along the overland flow path shall not be filled.
  - The proposed trunk drainage line within the site shall be owned and operated by the property owner.
  - The fences along south side of the property bordering the overland flow path shall be solid below the 100 year flood level plus a free board of 300 mm.

### **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.

22. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

Section 94 Contributions for Multi-Dwelling Housing Development (Stage 1 – Lot 2):

## **Conditions of Consent for LDA2016/0396 :-**

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$28,244.08
Open Space & Recreation Facilities	\$69,531.24
Civic & Urban Improvements	\$23,648.92
Roads & Traffic Management Facilities	\$3,225.88
Cycleways	\$2,015.04
Stormwater Management Facilities	\$6,404.73
Plan Administration	\$543.28
<b>The total contribution is</b>	<b>\$133,613.17</b>

### **Section 94 Contributions for Dual Occupancy Development (Stage 2 – Lot 1):**

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$4,227.74
Open Space & Recreation Facilities	\$10,407.85
Civic & Urban Improvements	\$3,539.91
Roads & Traffic Management facilities	\$482.86
Cycleways	\$301.62
Stormwater Management Facilities	\$958.70
Plan Administration	\$81.32
<b>The total contribution is</b>	<b>\$20,000.00</b>

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014.

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 94 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>.

23. **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**.

## **Conditions of Consent for LDA2016/0396 :-**

24. **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**.
25. **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: other buildings with delivery of bricks or concrete or machine excavation)
26. **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
27. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
28. **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**.
29. **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.
30. **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 Principal Certifying Authority prior to the release of the **Construction Certificate**.
31. **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**.
32. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
33. **Privacy** – The south-facing window to the living/dining room of Unit 5 is to be obscure glazed and non-openable to a height of 1.6m above the finished floor level, or be a high level window with a sill height of 1.6m above finished floor level to prevent overlooking of adjoining properties. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.



## **Conditions of Consent for LDA2016/0396 :-**

34. **Privacy** – The external landing/terrace on the south-western side of the living room of Unit 3 is to be reduced in width to a maximum of 1m to minimise overlooking of adjoining properties. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.

### **Engineering Conditions**

35. **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).
36. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the existing trunk drainage line discharging to Anthony Road, generally in accordance with the plans by Kozarovski & Partners (Refer to Dwg No. C-3028-01 and C-3028-03 Iss. 7 dated 27 April 2017) subject to any variations marked in red on the approved plans and noted following;
- The parking area accommodating the onsite detention basin must be bunded at least 300mm above the immediate adjoining 100yr ARI flood level to prevent the entry of flood waters into the detention storage.
  - The connection of the interallotment trunk drainage system will require the inspection and approval of Council's City Works and Infrastructure (Stormwater Section). Refer to the condition "*Stormwater Management – Connection to Public Drainage 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 chartered 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.
37. **Stormwater Management – Connection to Public Drainage System.** The connection to the public inground stormwater drainage infrastructure located downstream of the site will require the assessment, approval and inspection by Council's City Works & Infrastructure section to ensure the integrity of this asset is maintained. Engineering plans detailing the method of connection complying with Council's DCP and Technical Standards and an inspection fee in accordance with Council's current fees and charges must be paid to Council prior to the issue of the Construction Certificate. Council must be notified when the connection has been made to the pit / pipe and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.

Where the point of connection is in neighbouring property, the applicant must provide written notification to the affected property owner no less than a week prior to the works and all structures/ surface areas affected by the drainage connection works

## **Conditions of Consent for LDA2016/0396 :-**

must be reinstated at the completion of this activity, at no cost to the affected property owner.

38. **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.
39. **Vehicle Footpath Crossing(s).** Concrete footpath crossings and associated gutter crossovers must be constructed fronting the approved vehicle access location(s). The crossing(s) must be constructed in plain reinforced concrete with location, design and construction shall conform to Council requirements and AS 2890.1 – 2004 (Offstreet Parking). Accordingly, prior to issue of Construction Certificate an application shall be made to Council's City Works & Infrastructure division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.
40. **External Engineering Works.** To facilitate satisfactory and safe access to and from the proposed development, the following public infrastructure works shall be constructed at no cost to Council along the entire public road frontage of the site.
- a) Construction of concrete footpath paving and replacement of all damaged kerb and gutter etc.
  - b) Construction of any other associated structures across the footway if required by Council's City Works & Infrastructure Section.
  - c) Relocation or adjustments of any services within the footpath area if required due to proposed works

Detailed engineering plans prepared by a qualified and experienced civil engineer in accordance with Development Control Plan 2014 Part 8.5 - Public Civil Works are to be submitted to, and approved by Council.

Engineering plans assessment and inspections fee associated with this work are payable in accordance with Council's Management Plan prior to approval being issued by Council.

41. **Flood and Overland Flow Protection.** The property has been identified as being susceptible to flooding and overland flow during large storm events. In accordance with Council's Floodplain Risk Management controls, the following measures are required to be implemented in the development.
- a) All fencing shall be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on adjacent properties. To this end, the underside of the fence should provide a clearance of at least the estimated 100yr ARI flood level and may comprise of a louvre/ gate system to permit the conveyance of overland flows during large storm events.
  - b) The habitable floor levels of all dwellings encompassed under this approval must not be less than the adjoining flood levels plus *freeboard* as determined in the Flood Study Report by Kozarovski & Partners dated 15 August 2016.
  - c) All structures subject to flooding and overland flows must be constructed of flood compatible building components (refer to Schedule 3 of Council's DCP

## **Conditions of Consent for LDA2016/0396 :-**

2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures,

- d) All external steps leading to natural ground in the vicinity of the overland flowpath are to have open risers to permit the free flow of flood waters.
- e) External structures subject to flooding and overland flows must be structurally designed to withstand the forces imposed by these flows, including forces imposed by floating debris and buoyancy. To achieve this, the structure must be designed and certified by a suitably qualified structural engineer to comply with this condition.

Certification of the structural design and details complying with this condition must be submitted to the Accredited Certifier for approval prior to the issue of a Construction Certificate.

- 42. **Construction near overland flow path.** All structures within the site must be designed and constructed to withstand the force of running flood waters, including the potential impact by debris and buoyancy, during the possible maximum flood.
- 43. **Construction near Pipeline in the Interallotment Drainage Easement.** To ensure the new structure is not jeopardised by any potential maintenance works in the adjacent drainage easement, all footings for structures adjacent the easement shall be extended below the zone of influence of the pipe foundation. The zone of influence is to extend from a point offset from the edge of the pipe by half the pipe diameter, at the depth of the pipe invert and extending upwards at the angle of repose for the given subsurface conditions. To demonstrate compliance with this requirement, cross section details prepared by a suitably qualified engineer, showing the new footing, the exact location and depth of the stormwater pipe in the easement and the resulting zone of influence are to be submitted with the application for a Construction Certificate.
- 44. **Garbage collection access.** Safe easy access must be provided for waste collection vehicles to service the waste containers. "No Standing on Garbage Day (Wednesday) between 5.00am to 11.00am" signs will be placed on Miriam Road to enable the trucks to access the bins for servicing. Details demonstrating how safe access will be achieved must be approved by the City of Ryde Council prior to the issue of any Construction Certificate.

### **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.

#### **45. 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.

## **Conditions of Consent for LDA2016/0396 :-**

- (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.

46. **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.
47. **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).

48. **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.
49. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

### **Engineering Conditions:**

50. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure

## **Conditions of Consent for LDA2016/0396 :-**

shall encroach onto the adjoining properties. Any doors/ gates on the boundary must be installed so they do not open onto any footpath.

51. **Footpath Works.** The applicant shall, at no cost to Council, excavate and/or fill the footpath adjacent to the subject property so the levels of the footpath comply with the levels specified by Council's Engineering City Works & Infrastructure. All work which is necessary to join the new footpath levels with the levels in front of the adjoining properties in a satisfactory manner shall be carried out by the applicant. The cost of reconstructing footpath paving or adjusting any services that may be affected shall be borne by the applicant.
52. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.

### **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.

53. **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*.
54. **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.
55. **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.
56. **Construction materials.** All materials associated with construction must be retained within the site.
57. **Site Facilities**  
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover 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.
58. **Site maintenance**  
The applicant must ensure that:

## **Conditions of Consent for LDA2016/0396 :-**

- (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.
59. **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".
60. **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.
61. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
62. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
63. **Tree works – arborist supervision.** A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.
64. **Tree works – provision of arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant 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.
65. **Street tree removal.** Approval is granted to remove 2 x Brush box (*Lophostemon confertus*) located on the nature strip adjacent to the subject property.
66. **Tree planting – street tree.** Two (2) water gums (*Tristania laurina*) tree with a minimum size of 45litres to be planted in the nature strip. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
67. **Security deposit.** The Council must be provided with security for the purposes in a sum \$1000.00 per tree a total of \$2000.00 prior to the release of the Occupation Certificate and be held for a minimum of 12 months to ensure the long term health and condition of the replacement street tree.
68. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

### **Engineering Conditions**

69. **Traffic Management.** Any traffic management procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014: -

## **Conditions of Consent for LDA2016/0396 :-**

Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

70. **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 Kozarovski & Partners (Refer to Dwg No. C-3028-01 and C-3028-03 Iss. 7 dated 27 April 2017) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.
71. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Kozarovski & Partners (Refer to Dwg No. C-3028-02 dated 27 April 2017) at the commencement of works on the site. Suitable 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. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
72. **Public Domain Works - Construction.** The public domain infrastructure works specified in this consent must be constructed in accordance with the approved civil infrastructure plans, documentation and any associated conditions as issued by Council's City Works & Infrastructure section under the provisions of Section 138 of the Roads Act and Local Government Act.
73. **Public Domain Works – Construction Inspections.** Any works in the Public Domain or alterations to public infrastructure that will come under the care and control of Council upon completion of the development, will require inspection by Council's City Works & Infrastructure section (the relevant officer) at the following hold points: -
- a) Prior to the commencement of construction and following the set-out on site of the position of the drainage works to the levels shown on the approved drainage drawings.
  - b) Upon excavation of trenches and for other drainage structures to the line, grade, widths and depths shown on the approved drainage drawings.
  - c) Upon installation of any pipe and other drainage structures.
  - d) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.
  - e) Upon the completion of all drainage works and prior to practical completion.

An inspection fee is applicable for each visit and at least 24hours notification will be required prior to each inspection.

74. **Utility Services -** The applicant shall undertake and bear all costs associated with the liaison, approval and relocation of any utility services. All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the stormwater drainage works.

## **Conditions of Consent for LDA2016/0396 :-**

75. **Hold Points during construction – Drainage Works** - Construction inspections shall be required by Council's Stormwater Engineer for the Council stormwater drainage connection works at the following hold points: -

- o Upon installation of pipes and other drainage structures.
- o Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

An inspection fee is applicable for each visit, and at least 24 hours' notice will be required for the inspections. Please contact Council's Customer Service Section on 9952 8222 to book an inspection.

76. Tip Dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.
77. The area surrounding the construction site must be maintained to reduce the incidence of illegal dumping and management of litter from the site and workers associated with the site must be undertaken.

### **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.

78. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 748455M, dated 15 August 2016.
79. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of any **Occupation Certificate**.
80. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the



## **Conditions of Consent for LDA2016/0396 :-**

Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

81. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

### **Engineering Conditions**

82. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for 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.
83. **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, as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7 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.
84. **Restriction as to User - Floodway.** A restriction as to user is to be placed on the property title to prevent any works which would result in the alteration of the ground surface level or impose on overland flow due to stormwater runoff in the 100ARI, such to adversely impact flood protection of the approved dwelling or have an adverse impact on neighbouring properties. The terms of the restriction shall be generally in accordance with Council's draft terms for provision for overland flow, to the satisfaction of Council and must be registered on the title of the property prior to the release of any Occupation Certificate.
85. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
  - b) Certification from a Hydraulic Engineer that the finished ground levels floor levels have been constructed and the overland flow path has been maintained

## **Conditions of Consent for LDA2016/0396 :-**

- as designed, including the provision of the open style decking / dwelling / landing and steps.
- c) Confirming that the constructed interallotment drainage system complies with the construction plan requirements and the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
  - d) 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.
  - e) 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.
  - f) Confirming that the footings adjacent to drainage easements are founded below the zone of influence of this infrastructure, in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
  - g) 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).
  - h) Compliance certificate from Council confirming that all external works in the public road reserve and alteration to Council assets located in the property have been completed to Council's satisfaction.
86. **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).
87. **City Work and Infrastructure conditions**
- A certificate shall be provided to the Principal Certifying Authority confirming the building structure is able to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event.
  - A certificate shall be provided to the Principal Certifying Authority confirming that all new building components below the 100 year ARI flood plus 0.5m freeboard have been designed to be flood compatible.
  - CCTV Report - After the construction works and prior to the issue of an Occupation Certificate, the Council shall be provided with an electronic closed circuit television report (track mounted camera CCTV report) prepared by an accredited operator that assesses the condition of the existing drainage connection works. Any defects in the drainage connection works identified in the report shall be rectified to Council's satisfaction

## **Conditions of Consent for LDA2016/0396 :-**

- Works-As-Executed Drawings showing existing and finished ground levels along the overland flow paths, opening details under the proposed fences across the overland flow path and the solid fence details in the southern side shall be submitted to Principal Certifying Authority. The Works-as-Executed Drawings shall be accompanied by a certificate from a suitably qualified stormwater engineer, certifying the drawings are a true and accurate representation of the constructed works.
88. The paving from the waste storage area or garbage and recycling room must be moderately graded with no steps or uneven surfaces so that the waste containers can be safely and easily manoeuvred to the collection point.
89. External areas for the storage of garbage must be paved with concrete graded to a floor waste connected to the sewerage system and be roofed to exclude rainwater. The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation and a hose with a trigger nozzle must be provided adjacent to the garbage storage area to facilitate cleaning.

### **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.

90. Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage
91. Garbage and recycling bins must always be stored on-site between collections.
92. All waste storage areas must be maintained in a clean and tidy condition at all times
93. Staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying point for servicing and to return the containers to the garbage room after servicing

### **PRIOR TO SUBDIVISION CERTIFICATE**

The following conditions in this Part of the consent apply to the Strata Subdivision of the Multi-Dwelling Housing Development.

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

94. **Occupation Certificate.** A final occupation certificate in relation to Development Consent No.LDA2016/0396 must be in force.
95. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

## **Conditions of Consent for LDA2016/0396 :-**

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate.

96. **Utility provider – compliance.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc).
97. **Drainage Easement.** A private drainage easement must be registered on the title of the property burdened by the drainage line traversing the villa lot, to ensure that both the dual occupancy lots have rights to drain over this land. The area and alignment of the easement must be located over the public drainage infrastructure which is to be confirmed by a practising and registered surveyor, specialising in service investigation. The dimension, alignment and terms of the easement must be in accordance with the relevant DCP (Part 8.2 Stormwater Management & 8.4 Title Encumbrances S2.1) and to the satisfaction of Council.
98. **Final Plan of Subdivision.** The submission of a final plan of subdivision plus three copies suitable for endorsement by the Authorised Officer.
99. **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
100. **Existing Easements and Restrictions.** The applicant must acknowledge all existing easements and restrictions of the use of land on the final plan of subdivision.
101. **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. Prior to issue of Subdivision Certificate, a certificate shall be obtained from a registered surveyor and submitted to the Principal Certifying Authority to confirm this requirement has been met.
102. **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 the Land and Property Information.
103. **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

## **Conditions of Consent for LDA2016/0396 :-**

Notice of Requirements letter detailing all requirements that must be met.  
Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

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

104. **Utility provider – compliance.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc).
105. **88B Instrument.** If required, the submission of an instrument under Section 88B of the Conveyancing Act 1919 with 2 copies, creating any Easements, Positive Covenants and Restrictions on use, the City of Ryde being the authority empowered to release vary or modify the same.

**End of consent**