



Development Consent

Applicant: N Still
PO Box 3004
PUTNEY NSW 2112

Consent No: LDA2022/0035

Consent Date: 31 August 2022

Valid until: 31 August 2027

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: 28 Donnelly St Putney Lot 27 DP 35543

Development: New two storey dwelling, pool, covered arbor and 1.8m masonry fences.

subject to the conditions 1 to 72 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 82, of the Environmental Planning & Assessment Act within 6 months after you have received the Consent.

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

Jane Tompsett
Development Assessment Officer – Building Surveyor

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

Conditions of Consent for LDA2022/0035 :-

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:	July 2022	DA A00, DA A001, DA A002, DA A003, DA A004, DA A005, DA A006, DA A007, DA A008, DA A009, DA A012, DA A013, DA A014 & DA A100, DA A300, as amended in red by Council and Conditions of Consent.
Landscaping Plans	13/07/02022	Project No. 210701 Drawing No. L100, L101, L102, L203, L104, L105, L300 all Revision A prepared by outdoor establishments.
Stormwater Concept Plans	20/07/2022 20/07/2022 21/07/2022 21/07/2022 21/07/2022 16/11/2021	Job No. 210934 Drawing No. D01, Issue C D02, Issue D D03, Issue B D04, Issue B D04, Issue A prepared by NB Consulting Engineers, and as amended in red by Council and Conditions of consent.
Specialist reports	29/06/2022	Arboricultural Impact Assessment Report Ref no. 8622 prepared by Mark A Kokot

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

- (a) **Street Tree Removal.** That the Landscape plan be amended to show the location of the replacement trees within Council's road reserve.

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

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

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

(Reason: Statutory requirement).

3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 1317217S, dated 12 July 2022.

(Reason: Statutory requirement).

4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

(Reason: Statutory requirement).

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

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

6. **Hoardings.**

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

(Reason: To ensure public safety).

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

(Reason: To ensure public safety).

8. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

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

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

(Reason: to ensure public safety).

10. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council

etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: Access to public utilities).

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

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

Swimming Pools/Spas

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

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

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

(Reason: Safety).

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

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

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

(Reason: Safety).

General Engineering Conditions

16. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council’s DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management), except otherwise as amended by conditions of this consent.

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

17. **Service Alterations.** All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the

requirements of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

(Reason: To ensure public services are maintained.)

18. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP Part 8.5 (Public Civil Works), to the satisfaction of Council.
(Reason: To ensure the amenity and state of the public domain is maintained.)

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

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.

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

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

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.

29. **Site Sign**

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

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

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

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

(Reason: Statutory requirement).

32. **Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.

- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

Engineering Conditions Prior To Commencement Of Construction

34. **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. Any doors/ gates on the boundary must be installed so they do not open onto any footpath.

(Reason: To maintain public safety and amenity in public domain areas adjoining the development site.)

35. **Property above/below existing verge levels.** Where the proposed levels adjacent the property alignment are above/below the existing verge and footpath level, adequate measures are to be taken, either by means of constructing approved retaining structures or batters entirely on the subject property, to support the subject land/footpath and prevent harm to the public / occupants of the site due to the abrupt level differences. Where it is necessary to raise or lower the verge in front of the development site, the verge must be regraded to provide a smooth transition and not result in diversion of the existing overland flow path.

(Reason: To preserve public safety and the support of property due to abrupt level differences between the site and public domain land.)

Tree Conditions Prior to commencement

36. **Street Tree Removal.** Two (2) Jacaranda (*Jacaranda mimosifolia*) identified as Trees 2 and 3 and located in the road reserve at the front of 28 Donnelly Street Putney (Ida Street Frontage) be removed and replaced as part of the development process, if approved in its current format, in accordance with the following conditions:

- (a) That all relevant legislation and WHS regulations be adhered to whilst undertaking these works
- (b) That the planting of two (2) WA Flowering Gum (*Corymbia ficifolia*) in the road reserve, form part of the Construction Certificate.
- (c) That the pot size of the replacement trees shall be no less than 45lt at the time of planting
- (d) That the trees be planted in accordance with Section 6 of Councils Tree Management Technical Manual.

- (e) 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
- (f) That the Landscape plan be amended to show the location of the trees within Council's road reserve.
- (g) That a bond be placed upon the two (2) trees to be replanted to the value of \$1000 each.
- (h) That the bond be paid to Council prior to the issue of the Construction Certificate.
- (i) That Council's Tree Management Officer inspects the tree prior to the bond being released.
- (j) That the trees shall be in good health and vigour upon inspection.
- (k) That if the trees are found to be in poor condition or vigour the bond shall not be released.
- (l) That the bond be released no sooner than 12 months after the final Occupation Certificate is granted.

37. **Tree Retention.** As identified in the Arboricultural Impact Assessment (AIA) prepared by Rain Tree consulting dated 29/06/2022, the following trees on site or adjoining the site are to be retained and protected:

Tree No.	Species "Common name"	Notes
1	<i>Syzygium smithii</i> (Common Lilly Pilly)	Implement the requirements set out in the Arboricultural Impact Assessment (AIA) for Arborist supervision, pier location, tree protective fence, irrigation and mulching,

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

38. **Tree Protection.** Tree Protection is to be installed before demolition and construction commences as indicated in the Arboricultural Impact Assessment (AIA) "Figure 3, Showing T1 management area" prepared by Rain Tree consulting dated 29/06/2022.

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

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

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

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

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

41. **Any Demolition Works near Trees 1.** Demolition works within Tree Protection Zones areas should be supervised by the Project Arborist and utilise tree sensitive methods. Structures should be demolished in small sections ensuring demolition machinery/equipment does not contact with any part of the tree. The existing house to be demolished is located in the Structural Root Zone of the trees. Structures within an SRZ can contribute to tree stability by providing ballast to the rootplate or acting as a stop to the overturning of the rootplate. If possible, existing underground structures and sub-base materials should be left in situ and reused.

(Reason: To ensure demolition works do not adversely impact any trees to be retained in the development.)

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

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

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

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

44. **Arboricultural Impact Assessment (AIA).** All items in the AIA outlined in: “page 6 Specific tree management” prepared by Rain Tree consulting dated 29/06/2022, are to be implemented.

(Reason: To ensure all tree protection measures are implemented prior to commencement of works.)

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.

45. **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*.

(Reason: Statutory requirement).

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

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

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

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

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

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

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

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

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

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

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

51. **Site Facilities**

The following facilities must be provided on the site:

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

(Reason: Statutory requirement).

52. **Site maintenance**

The applicant must ensure that:

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

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

53. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

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

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

(Reason: To ensure trees are not removed from the site unless there is approval for the work).

55. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.

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

56. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

(Reason: Statutory requirement).

57. **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.

(Reason: To ensure all tree works are overseen by a suitably qualified Arborist).

58. **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.

(Reason: To ensure Council is notified of the Project Arborist).

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

(Reason: To ensure any excavation works are not detrimental to the health of the tree.)

60. **Tree Removal.** As identified in the Arboricultural Impact Assessment (AIA) prepared by Rain Tree consulting dated 29/06/2022, the following trees on site are to be removed:

Tree No.	Species "Common name"
2	<i>Jacaranda mimosifolia</i> (Jacaranda)
3	<i>Jacaranda mimosifolia</i> (Jacaranda)

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

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

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

(Reason: To ensure the timing and frequency of inspections by the Project Arborist is appropriate to maintain the health of existing trees to be retained throughout the works.)

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

(Reason: To ensure that any tree work is carried out by a qualified Arborist)

63. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level. Pier and beam construction as required for tree protection.

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

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.

64. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered #, dated #.

(Reason: Statutory requirement).

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

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

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

(Reason: Statutory requirement).

Engineering Conditions Prior To Occupation Certificate

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.

(Reason: To clarify the configuration of the completed stormwater management system.)

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

(Reason: To maximise on-street parking capacity and avoid confusion relating to the enforcement of parking restrictions.)

69. **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 pump/ sump components incorporated in the approved Stormwater Management system. The terms of the instrument are to be in accordance with the Council's standard for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, stormwater Works-As-Executed plans and certification of the system are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.

(Reason: This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s).)

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

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

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. **Single dwelling only.** The dwelling is not to be used or adapted for use as two separate domiciles or a boarding house.

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

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

(Reason: Statutory requirement).

End of Consent