



**Applicant:** G Carl  
Unit 61 5 Gladstone Road  
CASTLE HILL NSW 2154

## ***Deferred Commencement Development Consent***

**Consent No:** LDA2022/0218

**Consent Date:** This Consent does not become operative until the matters referred to in Part 1 have been submitted to Council and Council has notified you in writing that the Consent has become operative.

The information required in Part 1 shall be submitted to Council within twenty four (24) months from the date of this notice or the Consent will have lapsed, in accordance with the requirements of Section 4.53(6) of the Environmental Planning & Assessment Act.

**Valid Until:** 5 Years years from the date that Council notifies in writing that the Consent has become operative.

The City of Ryde, as the consent authority under the provisions of the Environmental Planning and Assessment Act, 1979 hereby consents to the development as follows:

**Property:** 100 Winbourne Street West Ryde Lot 2 DP 27511

**Development:** Alterations and additions to existing dwelling including rumpus room, swimming pool, spa, pergola with outdoor kitchen and retaining walls.

subject to the conditions 1 to 55 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 rights of appeal to the Land and Environment Court under S8.7 of the Act, against any of the conditions contained within this consent, within a period of six (6) months after receipt of the Consent.

**Jane Tompsett**  
**Development Assessment Officer – Building Surveyor**

**Date: 20 December 2023**

## **Conditions of Consent for LDA2022/0218 :-**

### **PART 1 - The following are the Deferred Commencement condition(s) imposed pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979.**

1. **Pipe within the Drainage Easement.** A certificate from a registered plumber or a surveyor is required certifying that a stormwater pipe exists within the easement to drain water that runs through No 4 Emu Place, pipe size, invert levels and the pipe is connected to the Council drainage system and the pipe is in working order.

(Reason: To ensure that existing and proposed drainage system works effectively with controls and objectives of Council's DCP 2014 for Stormwater Management)

2. **Stormwater Management.** To ensure the discharge of stormwater is undertaken in an appropriate manner, the stormwater drainage plan by Group Development Services Pty Ltd Drawing No P00533-C1-DA-1321 Rev B dated 12/12/22 is to be amended to address the following matters;
  - a) Based on the proposed site impervious area, Onsite detention will not be required for the development. Delete details referring to the proposed OSD system from plans.
  - b) Provide new water tank and associated pipes independent of the existing On-Site Detention system.
  - c) Provide stormwater pit/pipes to collect runoff from sunken fire pit and direct this to the drainage easement

Documentation demonstrating compliance with these items must be submitted to Council for approval prior to the issue of the development consent.

(Reason: To ensure that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2)

3. **Existing Stormwater System – Proof of Registration of Positive Covenant.**

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 existing onsite detention components incorporated in the approved Stormwater Management system for the existing dwelling. 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). Copies of the endorsed instruments (including terms) and the Title Certificate must be provided to Council.

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

- (A) Written evidence that the matter identified in deferred commencement condition (A) (1) above has been satisfied, must be submitted to Council within 24 months from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 95 (6) of the Environmental Planning and Assessment Act 1979.
- (B) This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent condition (A) (1) above has been satisfied; and

Upon Council giving written notification to the Applicant that deferred commencement consent condition (A) (1) above has been satisfied, the development consent will become

## **Conditions of Consent for LDA2022/0218 :-**

operative from the date of that written notification, subject to the following conditions of consent:

**PART 2** - The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

### **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	16/12/2022	Sheet L-01, L-02, L-03, L-04 L-05, L-06, L-07, all revision E prepared by Ecodesign.
Stormwater Concept Plans	-	As approved under Part 1
Specialist reports	12/05/2022	Arborist Report prepared by All Arbor Solutions.
	12/12/2023	Geotechnical report prepared by Geotest Services Pty Ltd Job No:34009-1

(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 Certificate No. A455018 and dated 5 April 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.

## **Conditions of Consent for LDA2022/0218 :-**

(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. **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).

8. **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).

9. **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).

10. **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).

11. **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).

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

## **Conditions of Consent for LDA2022/0218 :-**

(Reason: Safety).

13. **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).

14. **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***

15. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in 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.)

16. **Service Alterations.** All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

(Reason: To ensure public services are maintained.)

17. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, 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.)

### **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.

## **Conditions of Consent for LDA2022/0218 :-**

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

18. **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).

19. **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).

20. **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).

21. **Infrastructure Restoration and Administration Fee.** An 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).

22. **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).

23. **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.

(Reason: Statutory requirement).

24. **Trees.** As per the Arborist report/statement by All Arbor Solutions, only minor TPZ encroachment is proposed to trees 1, 7 and 8. This is deemed an acceptable encroachment as per *AS 4970-2009 Protection of Trees on Development Sites*. The following conditions are to apply:

- a) Comply with Australian Standard 4790 Protection of trees on development sites.
- b) Tree protection measures are to be undertaken and construction activity managed in accordance with the arborists's report prepared by All Arbor Solutions.

## **Conditions of Consent for LDA2022/0218 :-**

- c) No cutting or filling is to occur within the tree protection zone and existing surface levels are to be maintained.
- d) A \$1,000.00 bond, payable before issuing of the Construction Certificate, is applicable to the site. The site will be inspected by Council's TMO to confirm condition of Council's trees on the site before a refund of the bond is issued. A Refund will be issued no earlier than 12 months after final Occupancy Certificate is issued.

(Reason: To ensure all trees that are required to be retained and protected are managed accordingly).

25. **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).

26. **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**.

(Reason: Statutory requirement).

### ***General Engineering Conditions Prior To Construction Certificate***

27. **Stormwater Management – Detailed Plans.** To ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system, stormwater runoff from the development shall be collected and piped by gravity flow to Emu Place via the existing pipe through the drainage easement in accordance with the approved Stormwater concept plan required by condition "Stormwater Management" under deferred commencement. Accordingly, detailed engineering plans and certification from a qualified hydraulic engineer, demonstrating compliance with this condition and the DCP 2014 Part 8.2 are to be submitted with the application for a Construction Certificate.

(Reason: To ensure that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2)

28. **Slope Instability.** The site is located in slope instability. The structural engineering design and construction works shall be carried out in accordance with the recommendations of the geotechnical investigation report, Job No. 34009-1 dated 12 December 2022 by Geotest Services Pty Ltd.

(Reason: To ensure that the geotechnical recommendations are complied with)

29. **Bushfire - Asset Protection Zones.**

## **Conditions of Consent for LDA2022/0218 :-**

***Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

- i) From the commencement of building works and in perpetuity, the entire property must be managed as an inner protection area in accordance with the following requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:
  - Tree canopy cover should be less than 15% at maturity;
  - Trees at maturity should not touch or overhang the building;
  - Lower limbs should be removed up to a height of 2 m above the ground;
  - Tree canopies should be separated by 2 to 5 m;
  - Preference should be given to smooth-barked and evergreen trees;
  - Large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
  - Shrubs should not be located under trees;
  - Shrubs should not form more than 10% ground cover;
  - Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
  - Grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
  - Leaves and vegetation debris should be removed regularly.
- ii) Any new landscaping must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:
  - A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
  - Planting is limited in the immediate vicinity of the building;
  - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
  - Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA) at maturity and trees do not touch or overhang buildings;
  - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
  - Use smooth bark species of trees species which generally do not spread fire up the bark into the crown;
  - Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
  - Avoid climbing species to walls and pergolas;
  - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
  - Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
  - Low flammability vegetation species are used.

### **Construction Standards**

***Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

- iii) New construction must comply with Section 3 (excluding section 3.5) and Section 9 (BAL FZ) of the Australian Standard AS3959-2018 *Construction of*



## **Conditions of Consent for LDA2022/0218 :-**

*buildings in bushfire-prone areas* or the relevant BAL-FZ requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015)*. New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

- iv) Any new Class 10b structures as defined per the *National Construction Code* must be non-combustible.

### **Water and Utility Services**

***Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

- v) Any new water, electricity and gas installations must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:
- exposed water pipes external to the building are metal, including any fittings;
  - where practicable, electrical transmission lines are underground;
  - where overhead, electrical transmission lines are proposed as follows:
    - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
    - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
  - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
  - all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
  - connections to and from gas cylinders are metal;
  - polymer-sheathed flexible gas supply lines are not used; and
  - above-ground gas service pipes are metal, including and

(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.

### **30. 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.

## **Conditions of Consent for LDA2022/0218 :-**

(Reason: Statutory requirement).

31. **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).

32. **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).

33. **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).

34. **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).

## **Conditions of Consent for LDA2022/0218 :-**

### **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.

35. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 61 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2001*.

(Reason: Statutory requirement).

36. **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).

37. **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).

38. **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).

39. **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).

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

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

41. **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).

## **Conditions of Consent for LDA2022/0218 :-**

### **42. 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).

43. **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).

44. **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).

45. **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).

46. **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).

47. **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).

48. **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).

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

## **Conditions of Consent for LDA2022/0218 :-**

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

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

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

### **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.

51. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s).

(Reason: Statutory requirement).

52. **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).

53. **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).

### **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.

54. **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).

## **Conditions of Consent for LDA2022/0218 :-**

55. **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**