



City of Ryde, 1 Pope Street, Ryde
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Telephone 9952 8222

Development Consent

**Applicant: C & J Ainsworth
C/- Granny Flat Solutions Pty Ltd
90 Pacific Highway
WAITARA NSW 2077**

Consent No: LDA2023/0121

Consent Date: 28 September 2023

Valid until: 28 September 2028

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: 15 Threlfall Street Eastwood Lot 9B DP 406335

Development: New secondary dwelling.

subject to the conditions 1 to 66 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.

**Colin Murphy
Senior Coordinator - Development Assessment**

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 LDA2023/0121:-

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	21.08.2023	Job No. N214426 – Sheet 0 ‘Rev F’
	21.08.2023	Job No. N214426 – Sheet 1 ‘Rev F’ <i>(as amended in red)</i>
	21.08.2023	Job No. N214426 – Sheet 2 ‘Rev F’
	21.08.2023	Job No. N214426 – Sheet 3 ‘Rev F’
	21.08.2023	Job No. N214426 – Sheet 4 ‘Rev F’
	21.08.2023	Job No. N214426 – Sheet 5 ‘Rev F’
	21.08.2023	Job No. N214426 – Sheet 6 ‘Rev F’
Stormwater Plans	21.08.2023	Job No. 230058: Dwg No. C000 ‘Rev E’
	21.08.2023	Job No. 230058: Dwg No. C001 ‘Rev E’ <i>(as amended in red)</i>
Landscaping Plans	27.07.2023	Dwg No. 23043 – DA – 1 ‘Rev B’ <i>(as amended in red)</i>
Arborist Report	Aug 2023	Arboricultural Impact Assessment prepared by Accurate Tree Assessment <i>(as amended in red)</i>

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

- (a) **Stormwater Drainage.** The proposed stormwater drainage system will need to be modified (*see Condition No. 21 ‘Stormwater Management’). The Stormwater Plan will need to be amended accordingly.
- (b) **Landscape Plan / Arborist Report.** Tree 4 (listed as being removed in the Arboricultural Impact Assessment prepared by Accurate Tree Assessment) is to be retained and protected. The Landscape Plan will need to be amended accordingly.

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).

Conditions of Consent for LDA2023/0121:-

3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 1366804S_02, dated 21 March 2023.

(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. **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).

Conditions of Consent for LDA2023/0121:-

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).

General Engineering Conditions

11. **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.)

12. **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.)

13. **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.)

14. **Road Activity Permits.** To carry out any work in, on or over a public road (including verge and public footpath areas), consent from Council is required as per the Roads Act 1993. The applicant is required to review the "Road Activity Permits Checklist" (available from Council's website) and apply for the relevant permits for approval by 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 LDA2023/0121:-

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

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$1,994.26
Open Space & Recreation Facilities	\$3,434.03
Roads & Traffic Management facilities	\$1,054.24
Plan Administration	\$ 97.24
The total contribution is	\$6,579.77

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

The above amounts are current at the date of this consent and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

A copy of the Section 7.11 Development Contributions Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

(Reason: Statutory requirement).

16. **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).

17. **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).

18. **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

Conditions of Consent for LDA2023/0121:-

Construction Certificate. (category: dwelling houses with delivery of bricks or concrete)

(Reason: Statutory requirement).

19. **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).

20. **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).

Engineering Conditions to be Complied with Prior To Construction Certificate

21. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to {insert point of discharge}, generally in accordance with the plans by SDS Engineering Job No. 230058 Dwg No C001 and C001 'Revision E' dated 21.08.2023 subject to any variations marked in red on the approved plans or noted following;

Provision of 10m long Jumbo trenches or 2.5m³ of Atlantis cell tank for absorption, located minimum 5.0m from downstream property No 13 Threlfall St and 3.0m from the secondary dwelling. Realign trenches parallel to the contours to achieve wider area for dispersal. Connect down pipes from secondary dwelling to the absorption trench via 2000L BASIX tank and sediment pit Remove all paved areas behind existing dwelling and downstream to the trenches.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a suitably qualified Civil Engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

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

Conditions of Consent for LDA2023/0121:-

22. **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 the floodplain management controls stated within Council's DCP Part 8.2 (Stormwater and Floodplain Management), the following measures must be implemented in the development.

- a) All new 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, any fencing angled to the anticipated overland flowpath must incorporate either louvres, open type pool fencing, frangible screen, battens or floodgate system, at the base of the fence, extending from the finished surface level up to the estimated 100yr ARI flood level.
- b) The habitable floor levels of all dwellings encompassed under this approval must not be constructed less than the nominated floor levels approved under this development consent.
- c) All structures subject to flooding and overland flows must be constructed of flood compatible building components.
- d) All external steps leading to natural ground are to have open risers to permit the free flow of flood waters.
- e) All electrical service outlets and junctions must be elevated at least 500mm above the immediate 100yr ARI flood level.
- f) 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.
- g) Any portion of the development which is to be suspended above the estimated flooding and overland flow must be designed and constructed to allow for the free passage of flood waters. To ensure that a clear flowpath is maintained for the life of the dwelling, the ground surface in the region of the undercroft must be stripped of vegetation, levelled and coated with blue metal (or similar aggregate) to prevent the growth of vegetation under the structure.

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.

(Reason: To ensure that the development implements measures to minimise the risk of flood inundation and flood impacts, as per the requirements of the City of Ryde DCP 2014 - Part 8.2.)

23. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by NSW Department – Office of Environment and Heritage and must contain the following information;

- a) Existing and final contours
- b) The location of all earthworks, including roads, areas of cut and fill

Conditions of Consent for LDA2023/0121:-

- c) Location of all impervious areas
- d) Location and design criteria of erosion and sediment control structures,
- e) Location and description of existing vegetation
- f) Site access point/s and means of limiting material leaving the site
- g) Location of proposed vegetated buffer strips
- h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- i) Location of stockpiles
- j) Means of diversion of uncontaminated upper catchment around disturbed areas
- k) Procedures for maintenance of erosion and sediment controls
- l) Details for any staging of works
- m) Details and procedures for dust control.

The ESCP must be submitted with the application for a Construction Certificate.

(Reason: To protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site).

Tree Conditions to be Complied with Prior to Construction Certificate

24. **Canopy Tree Planting.** All proposed canopy tree plantings are to be positioned within the open deep soil area located between the proposed Granny Flat and the existing dwelling. Details of compliance are to be indicated on the plans for the **Construction Certificate**.

(Reason: To enable appropriate establishment of canopy tree planting and reduce potential for future crown conflicts).

25. **Tree Planting – Selection & Establishment.** Tree specimens chosen for planting are to align with the requirements for stock selection as stipulated by AS2303-2015 – Tree stock for landscape use. Further, the trees shall be planted in accordance with the specifications as prescribed within Section 6 of the City of Ryde Tree Management Technical Manual and maintained until they reach a height of five (5) metres or have a stem circumference of 450mm at a height of 1.4m above ground level, at which time they shall become protected by Part 9.5 (Tree Preservation) of the City of Ryde Development Control Plan 2014. If any tree dies before reaching this size, it is to be replaced with a specimen of the same species and pot size and maintained accordingly. Details of compliance are to be indicated on the plans for the **Construction Certificate**.

(Reason: To ensure the establishment of viable canopy tree planting in the medium-long term).

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.

26. 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,

Conditions of Consent for LDA2023/0121:-

- (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).

27. **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).

28. **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).

29. **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).

Conditions of Consent for LDA2023/0121:-

30. **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).

31. **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.)

Tree Conditions to be Complied with Prior to Commencement of Construction

32. **Tree Retention.** The following trees, as referenced within the Arboricultural Impact Assessment prepared by Accurate Tree Assessment dated August 2023, must be retained and protected: Trees 1, 1a, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16.

(Reason: To ensure all trees which are not significantly impacted by the proposed works are appropriately retained and projected).

33. **Tree Removal.** The following trees, as referenced within the Arboricultural Impact Assessment prepared by Accurate Tree Assessment dated August 2023, are approved for removal: Trees 5 & 6.

(Reason: To facilitate the proposed works).

34. **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 the subject site and neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Impact Assessment prepared by Accurate Tree Assessment dated August 2023. All trees are to be monitored to ensure adequate health throughout the works period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist. Details of the Project Arborist are to be submitted to Council prior to the commencement of the proposed works.

(Reason: To ensure a suitably qualified Arborist is appointed and made responsible for the protection of trees).

35. **Excavation for Building Piers.** Prior to commencement of construction, test excavation for proposed pier locations within the Tree Protection Zone (TPZ) of Tree 13 must be undertaken in a root sensitive manner to minimise root disturbance and severance. Excavation of pier locations is to be completed or supervised by the Project Arborist and employ a method of hand digging with non-motorised hand tools or via pneumatic device (i.e. Air Spade) to ensure roots are maintained intact without damage. If any roots exceeding 40mm in diameter are encountered during this process, the piers are to be relocated to avoid impact. Due to the likely impact to tree roots, Hydro-Vacuum excavation is not to be utilised.

Conditions of Consent for LDA2023/0121:-

(Reason: To minimise the level of impact to Tree 13).

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.

36. **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).

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

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

38. **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).

39. **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).

40. **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).

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

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

42. **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.

Conditions of Consent for LDA2023/0121:-

(Reason: Statutory requirement).

43. 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).

44. 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).

45. 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).

Tree Conditions to be Complied with During Construction

46. Tree Protection. All tree protection works including installation of any fencing is to be undertaken prior to any the commencement of any works on site.

(Reason: To ensure suitable tree protection is in place prior to the commencement of any works).

47. Tree Protection Fencing. The Tree Protection Zones of all retained trees must be protected by way of fencing and signage designed and located in accordance with AS4970: 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 provide suitable protection fencing for trees nominated for retention).

48. Stormwater Trench/Pit Locations - General. The alignment of stormwater infrastructure is to be located as far away from existing trees to be retained as practical. Should the excavation for the stormwater pits and trenches conflict with any major structural roots (greater than >40 mm diameter) of existing trees, their location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.

(Reason: To ensure excavation works associated with stormwater infrastructure do not result in damage to existing tree roots).

Conditions of Consent for LDA2023/0121:-

49. **Excavation within TPZ – General.** Any excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual, non-motorised hand tools. Roots greater than 40mm are not to be damaged or severed without the prior written approval of the Project Arborist.

Reason: To ensure all excavation works do not result in damage to existing tree roots.

50. **Canopy Tying.** Where possible, tree branches overhanging works zones are to be tied back to the main trunk rather than pruned.

(Reason: To minimise the extent of canopy pruning necessary to facilitate construction and mitigate impacts to existing trees nominated for retention).

51. **Root Pruning.** Where root pruning is required, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using hessian material or mulch where practical. Severed roots shall be treated with a suitable root growth hormone.

(Reason: To reduce the stress and negative impacts caused by any root pruning required for construction).

52. **Project Arborist.** All tree removal work is to be carried out in accordance Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal (2016) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

(Reason: To ensure all tree removal work is carried out correctly).

53. **Hold Points and Certification.** The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre-construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to Ryde City Council on completion of the project.

(Reason: To ensure the Tree Protection Schedule is complied with).

TREE PROTECTION SCHEDULE

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1.	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2.	Establishment of tree protection fencing	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3.	Supervise all excavation works	Principal Contractor	Project Arborist	As required prior to the works proceeding

Conditions of Consent for LDA2023/0121:-

	proposed within the TPZ			adjacent to the tree
4.	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5.	Final inspection of trees by project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

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 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).

Engineering Conditions During Construction

56. **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 SDS Engineering Job No 230058 - Dwg No C001 and C001 Revision E dated 21.08.2023 submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

(Reason: To ensure the stormwater system is constructed as approved)

57. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

(Reason: To prevent soil erosion and the discharge of sediment over the land.)

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Conditions of Consent for LDA2023/0121:-

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.

58. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate.

(Reason: Statutory requirement).

59. **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).

Engineering conditions Prior To Occupation Certificate

60. **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.)

61. **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 disposal/ absorption 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).)

62. **Restriction as to User – Overland Flow.** 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 current standard terms for provision for overland flow and to the satisfaction of

Conditions of Consent for LDA2023/0121:-

Council. To assure Council the completed development works are consistent with the approved development and associated flood conditions, Works-As-Executed plans and/ or engineering certification related to any flood mitigation measures are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). The covenant must be registered on the title prior to the release of any Occupation Certificate for the development works.

(Reason: To ensure that the site topography and any flood mitigation measures are maintained for the ongoing life of the development)

63. **Restriction as to User – Undercroft.** A restriction as to user is to be placed on the property title to prevent the closure of openings or storage of any materials within undercroft areas which are intended to accommodate the conveyance of overland flows that may occur during extreme storm events. The terms of the restriction shall be prepared to the satisfaction of Council and must be registered on the title of the property prior to the release of any Occupation Certificate. To assure Council the works have complied with this requirement, photos of the completed undercroft demonstrating compliance with the approved development and associated flood conditions are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). The covenant must be registered on the title prior to the release of any Occupation Certificate for the development works.

(Reason: To ensure that the site topography and any flood mitigation measures are maintained for the ongoing life of the development).

64. **Restriction as to User - Site cover.** A restriction as to user under Section 88 of the Conveyancing Act 1919 shall be placed on the property title, to limit the extent of impervious paving and or roof areas on the site. The drafted terms must be in accordance with Council's standard terms and are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website) for review. The covenant must be registered on the title prior to the release of any Occupation Certificate for the development works.

(Reason: The approved stormwater management system has been designed to accommodate only the approved hardstand area. This requirement ensures that no further expansion of hardstand will be undertaken which would cause the stormwater system to fail.)

65. **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) Certification from an Engineer specialising in Flood and Overland Flow analysis that the finished surface levels and the habitable floor levels have been constructed in accordance with this development consent, that the overland flow path has been maintained as designed and that the requirements of the condition "*Flood and Overland Flow Protection*" have been satisfied.
 - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite absorption) servicing the development complies

Conditions of Consent for LDA2023/0121:-

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 all paved areas behind the existing dwelling and area downstream to absorption trenches have been removed.
- d) 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.
- e) 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).

(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.

66. **Secondary dwelling only.** The secondary dwelling is not to be used or adapted for use as a boarding house.

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

End of Consent



Lifestyle and opportunity
@ your doorstep

ABN: 81 621 292 610
Address: 1 Pope Street, Ryde NSW 2112
Post: Locked Bag 2069, North Ryde NSW 1670
Email: cityofryde@ryde.nsw.gov.au
Web: www.ryde.nsw.gov.au

Carl & Jenny Ainsworth C/- Granny Flat Solutions
90 Pacific Highway
WAITARA NSW 2077

Development Contributions Consent Notice – not for payment

Advice number:	ICN-002153
Date of issue:	28 Sep 2023
Development approval reference:	LDA2023/0121
Application type:	Development Application
Stage name:	N/A
Land description:	9B//DP406335
Property address:	15 Threlfall St, Eastwood NSW 2122
Secondary address:	Not Applicable
Relevant development contributions plan:	City of Ryde Section 7.11 Development Contributions Plan 2020
Related planning agreements:	Not Applicable
Notes:	

Total contributions and fees payable	\$6,579.77
<i>Refer following page for detailed breakdown of total contributions and fees</i>	

Authority for development contributions

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

Indexation of development contributions

The above development contributions are current at the date of this notice, 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 development contribution amounts that differ from those shown above.

Payment of development contributions

Development contributions must be paid in accordance with relevant Condition of this Consent as authorised by the City of Ryde Section 7.11 Development Contributions Plan 2020.

Applicants are required to request a Developer Contributions Quote that will state the applicable adjusted development contributions prior to or at the time of payment. A Tax Invoice/Receipt will be issued at time of payment.

Payment is to be by a BANK CHEQUE made payable to the City of Ryde. Personal or company cheques will not be accepted.

GST

The development contributions stated on this advice are not subject to GST. However, the Private Certifier Fee (if applicable) includes GST.

Detailed breakdown of contributions payable

Development composition and fees

Development type	Unit	Proposed development	Existing development	Development change
Secondary dwelling	Dwelling	1	0	1

Adopted contribution rates and fees

Infrastructure category	Unadjusted contribution rate ¹	Adjusted contribution rate ²	Capped contribution rate ³	Applied contribution rate
7.11 - 1. Community Facilities				
Secondary dwelling	\$1,747.21	N/A	N/A	\$1,994.26
7.11 - 2. Open Space and Recreation				
Secondary dwelling	\$3,008.62	N/A	N/A	\$3,434.03
7.11 - 3. Transport and Traffic facilities				
Secondary dwelling	\$923.64	N/A	N/A	\$1,054.24
7.11 - 4. Plan Preparation and Administration				
Secondary dwelling	\$85.19	N/A	N/A	\$97.24

¹ As stated in Tables 2, 3 and 4 of the City of Ryde Section 7.11 Development Contributions Plan 2020.

² At the date of this advice, after the application of indexation.

³ In accordance with Ministerial Direction of 17 July 2017.

Total contributions and fees

Infrastructure category	Unit	Development amount	Applied contribution rate	Total contribution (\$)
7.11 - 1. Community Facilities				
Secondary dwelling	Dwelling	1	\$1,994.26	\$1,994.26
7.11 - 2. Open Space and Recreation				
Secondary dwelling	Dwelling	1	\$3,434.03	\$3,434.03
7.11 - 3. Transport and Traffic facilities				
Secondary dwelling	Dwelling	1	\$1,054.24	\$1,054.24
7.11 - 4. Plan Preparation and Administration				
Secondary dwelling	Dwelling	1	\$97.24	\$97.24

Applicable discounts

No discounts apply.

Other adjustments

No other adjustments apply.

Summary

Total contributions and fees (\$)	\$6,579.77
Total discounts (\$)	\$0.00
Total other adjustments (\$)	\$0.00
Total contributions and fees payable (\$)	\$6,579.77