

City of Ryde  
1 Pope Street, Ryde  
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Facsimile 9952 8070  
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***Development Consent***

**Applicant:** Swa Group  
12/16-18 Malvern Ave  
CHATSWOOD NSW 2067

**Consent No:** LDA2018/0385

**Consent Date:** 0 **Valid until:** ValidUntil5Years

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:** 8 Grove Ln Eastwood Lot 2 DP 1180363

**Development:** New multi-dwelling housing development comprising 3 x two storey 3 bedroom dwellings, 1.0m high front fence, associated car parking and tree removal.

subject to the conditions 1 to **XX** specified in this consent.

You are advised that failure to observe any condition of approval set out in the consent is an offence and legal proceedings may be instituted by Council.

This Consent does not guarantee compliance with the Disability Discrimination Act and you should, therefore, investigate your liability under the Act.

You are advised of your right of appeal to the Land and Environment Court under Section 8.7 of the Environmental Planning & Assessment Act and your right to request a review of the determination to Council under Division 8.3 of the Environmental Planning & Assessment Act within 6 months after you have received the Consent.

**Hussein Bazzi**  
**Assessment Officer**

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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 LDA2018/0385 :-**

### **Attachment 1 – Amended Conditions of Consent**

#### **GENERAL**

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

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

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Site Plan	27.03.2020	Job No. 1306, DWG No. DA - 01, Issue F
Ground Floor & First Floor Plan	01.05.2020	Job No. 1306, DWG No. DA - 11, Issue G
Elevations & Fence Detail	26.09.2019	Job No. 1306, DWG No. DA - 21/C, Issue C
Section A & B	26.09.2019	Job No. 1306, DWG No. DA - 31, Issue D
Section B1 & B2	26.09.2019	Job No. 1306, DWG No. DA - 31-1, Issue B
Sections C1, C2 & C3	26.09.2019	Job No. 1306, DWG No. DA - 31-2, Issue A
Stormwater Drainage Plan	22.09.2019	REF: 2018660 S1, Revision C
Stormwater Drainage Plan Details	22.09.2019	REF: 2018660 S2, Revision C
Landscape Plan	31.03.2020	DWG No. L01/1 – K23118, Revision D
Arboricultural Assessment Report	10.09.2018	Arboricultural Assessment Report prepared by Tree Landscape Consultants.
Parking Design Review	December 2018	Parking Design Review prepared by Apex Engineers

The Development must be carried out in accordance with the 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 LDA2018/0385 :-**

3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered **956093M**, dated **4 September 2018**.

Reason: Statutory Requirement

4. **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.

5. **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.

6. **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 development occurs within the site boundaries.

7. **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.

8. **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

9. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

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

10. **Ancillary Elements – Noise.** Any noise emitted from ancillary elements such as air-conditioning units or the like must not exceed 5dB(A) above the background noise level when measured at any affected residence.

## **Conditions of Consent for LDA2018/0385 :-**

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

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 2014 DCP Part 8.5 "Public Civil Works", except otherwise as amended by conditions of this consent.

Reason: To ensure works are in accordance with relevant Australian Standards and Council's DCP.

12. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.

Reason: To ensure access to public utilities.

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 will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

Reason: To ensure maintenance and safety of public areas.

14. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.

Reason: To maintain public infrastructure.

15. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.

Reason: To ensure safety of pedestrians and vehicular traffic.

16. **Construction Staging.** For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.

Reason: to ensure Council are aware of construction management and staging of public domain works .

## **Conditions of Consent for LDA2018/0385 :-**

17. **Public areas and restoration works.** 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 2014 Part 8.5 *Public Civil Works*, to the satisfaction of Council. Council's standards and specifications are available on the Council website.

Reason: To ensure maintenance and safety of public areas.

### **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.

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

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$11,164.26
Open Space & Recreation Facilities	\$27,485.19
Civic & Urban Improvements	\$9,348.24
Roads & Traffic Management facilities	\$1,275.15
Cycleways	\$796.53
Stormwater Management Facilities	\$2,531.73
Plan Administration	\$214.74
<b>The total contribution amount</b>	<b>\$52,816.26</b>

These are contributions under the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979 as specified in Section 7.11 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014.

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

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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.

19. **Construction Certificate plans.** The Construction Certificate plans must not be inconsistent with the approved plans and documents referred to in Condition No. 1 of this Development Consent.

Reason: To ensure that the works are carried out in accordance with the Development Consent.

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

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: To ensure structural integrity and compliance with relevant standards.

22. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (Category: Other buildings with delivery of bricks or concrete or machine excavation).

Reason: Statutory Requirement.

23. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:

- (a) Infrastructure Restoration and Administration Fee
- (b) Enforcement Levy

Reason: Statutory Requirement.

24. **Driveway Access Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific driveway access levels by Council prior to the issue of the **Construction Certificate**.

Reason: To ensure driveway access levels to be issued by Council.

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

Reason: Statutory Requirement.

26. **Dilapidation Survey/Report.** A dilapidation survey/report is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely **Unit 5, 27 – 29 Grove Street, 5 Lilac Place and 4 Lilac Place**. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.

Reason: To minimise any damages/liability of owners on properties that may be affected by the construction of the development.

27. **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.

28. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.

Reason: To ensure the use of appropriate material to minimise reflectivity and impacts upon amenity.

29. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

Reason: To protect the amenity of future occupants and adjoining properties.

30. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of any Construction Certificate satisfactory evidence is to be provided to the Certifying Authority that arrangements have been made for:

- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Alternatively, demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

And

## **Conditions of Consent for LDA2018/0385 :-**

- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note: Real estate development project has the meanings given in Section 372Q of the Telecommunications Act).

Reason: Statutory Requirement.

31. **Clothes lines.** A clothes line is to be provided for each unit and contained within the private open spaces. Details demonstrating compliance are to be submitted to the Principle Certifying Authority prior to the issue of the **Construction Certificate**.

Reason: To ensure each unit is provided with a clothes drying facility.

32. **Amended Landscape Plan.** The Landscape Plan is to be amended to comply with the following:

- Replacement of the proposed *Murraya paniculata*, as this plant has become a weed in bushland. A native shrub with a height capable at minimum 2.0 metres is to be substituted for the *Murraya paniculata*; and,
- A 1.2m wide Landscape strip is to be provided along eastern property boundary adjoining Unit 5, 27 – 29 Grove Street.

Amended Landscape Plans are to be submitted to and approved by the Principal Certifier prior to the issue of a **Construction Certificate**.

Reason: To ensure the landscaping complies with Council's requirements.

33. **Privacy Screens.** The provision of privacy screens are to be erected to the southern elevation of the alfresco's of each unit. The bottom of the privacy screens are to be erected in accordance with the following heights:

- Unit 1: RL92.05 (1.4m above FFL)
- Unit 2: RL92.90 (1.4m above FFL)
- Unit 3: RL93.60 (1.4m above FFL)

Each screen is to be a minimum height of 500mm and must have; no individual opening more than 30mm wide, and a total area of all openings that is no more than 30% of the surface area of the screen or barrier. Details demonstrating compliance with this condition are to be provided in the plans for the **Construction Certificate**.

Reason: To ensure that there is no adverse impact on privacy upon properties located along Lilac Place.

34. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the inter-allotment drainage easement discharging to Orange Street, generally in accordance with the plans by MBC Consulting Engineers (Refer Project No. 2018660 Dwgs S1 & S2 Rev C dated



## **Conditions of Consent for LDA2018/0385 :-**

22.09.2019) subject to any variations marked in red on the approved plans and noted following:

- The forward tandem parking space in the rear yard of Unit 3 is to incorporate a minimum 150mm high kerb at the downstream end of the space and surface inlet pit/ grate so as collect any stormwater runoff from this hardstand area and prevent it being dispersed into the downstream property.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and are to be prepared by a chartered civil engineer and comply with the following:

- The certification must state that the submitted design (including any associated components such as 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 City of Ryde 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 effective management of stormwater.

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

- Existing and final contours
- The location of all earthworks, including roads, areas of cut and fill
- Location of all impervious areas
- Location and design criteria of erosion and sediment control structures,
- Location and description of existing vegetation
- Site access point/s and means of limiting material leaving the site
- Location of proposed vegetated buffer strips
- Location of critical areas (drainage lines, water bodies and unstable slopes)
- Location of stockpiles
- Means of diversion of uncontaminated upper catchment around disturbed areas
- Procedures for maintenance of erosion and sediment controls
- Details for any staging of works
- Details and procedures for dust control.

The ESCP must be submitted with the application for a Construction Certificate. This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

Reason: To protect the environment and the amenity of surrounding properties.

## **Conditions of Consent for LDA2018/0385 :-**

36. **Public domain improvements.** The public domain is to be upgraded along the Grove Lane frontage of the development site in accordance with the City of Ryde standards, specifications and DCP 2014 Part 8.5 *Public Civil Works*. The works shall include but are not limited to road and footpath paving, construction of new driveway crossings, improvement to street lights, and shall be completed to Council's satisfaction at no cost to Council.

A public domain design plan for the following works shall be submitted to, and approved by Council's City Works Directorate, prior to the issue of the Construction Certificate.

- (a) Footpath, driveway crossings, kerb & gutter and road paving as specified in the condition of consent for public infrastructure works.
- (b) The existing street light fronting the development site in Grove Lane shall be upgraded and replaced with a current Ausgrid standard LED luminaire. Light poles must not obstruct the proposed footway along the Grove Lane frontage and therefore must be relocated in accordance with approval from Ausgrid and Council. The street lighting will remain on the Ausgrid street lighting network.

Reason: As a result of the development, the public domain is required to be upgraded.

37. **Public Infrastructure Works.** Public infrastructure works shall be designed and constructed as outlined in this condition of consent.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works Directorate prior to the issue of the Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable. The approved works must be completed to Council's satisfaction at no cost to Council.

The drawings shall include plan views, sections, existing and proposed surface levels, drainage pit configurations (if applicable), kerb returns, existing and proposed signage and line-marking, and other relevant details for the new works. The drawings shall also demonstrate the smooth connection of the proposed works into the remaining street scape.

The Applicant must submit, for approval by Council as a Road Authority, full design civil engineering plans and applicable specifications for the following required infrastructure works:

- (a) The removal of redundant vehicular crossing in Grove Lane and replacement with a new 600mm width roll kerb and gutter along the entire frontage of the development site in Grove Lane. The roll kerb profiles and details are to be constructed in accordance with Council's standard roll kerb specifications.
- (b) The full lane width reconstruction of the existing road pavement for the full extent of the Grove Lane frontage of the development site. The scope of road pavement works in regards to reconstruction of the sub grade will be subject to road pavement testing and subsequent determination by Council engineers.

## **Conditions of Consent for LDA2018/0385 :-**

- (c) Construction of a 1200mm wide concrete footpath along the full frontage of the development site in Grove Lane. The 1200mm width concrete footpath is to be centred on the existing Grove Lane boundary alignment, extending from 600mm off the boundary alignment to 600mm inside the boundary alignment. The 600mm portion of the footpath inside the property boundary is to be registered as a Right of Way in accordance with condition titled 'Public Access Right of Way.'

The portion of the footpath within the property boundary is to be delineated from the portion outside the boundary by an expansion joint located on the boundary alignment. The full width of the proposed 1200mm footpath must provide for a consistent 2.5% crossfall and be free of any obstructions or trip hazards.

The footpath must be reinforced with SL72 mesh and constructed to a 125mm thickness to facilitate potential vehicular loads.

- (d) Two single and one double vehicular access crossings along Grove Lane, in accordance with the DA approved plans. The vehicular access crossings shall be designed in accordance with City of Ryde Development Control Plan 2014 Part 8.3 *Driveways*. The maximum length of each layback shall be determined by swept paths. The proposed garage floor level for each dwelling shall be elevated to achieve compliance with the relevant Australian standard.

The proposed driveway alignment levels must incorporate the 1200mm footway crossing as part of the driveway designs. Roll kerb is to extend for the entire Grove Lane frontage and form the driveway gutter crossing. The public domain plans must demonstrate adequate vertical vehicular clearance for a B85 vehicle accessing the development via the proposed driveways.

- (e) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (f) Signage and line-marking details.
- (g) Staging of the public civil works, if any, and transitions between the stages shall be clearly indicated on a separate plan.
- (h) The relocation/adjustment of all public utility services affected by the proposed works shall be acknowledged by the Developer and all costs associated with the relocation/adjustment of the services will be borne by the Developer. Written approval from the applicable Public Authority shall be submitted to Council along with submission for the public domain design plans. All the requirements of the Public Authority shall be complied with.

### **Notes:**

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.
- Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.

## **Conditions of Consent for LDA2018/0385 :-**

- Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - *Public Civil Works*, Section 5 “*Standards Enforcement*”. A checklist has also been prepared to provide guidance, and is available upon request to Council’s City Works Directorate.
- City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however Council’s title block shall not be replicated.

Reason: Public domain upgrade requirements.

38. **Relocation / Removal of Power Poles from Grove Lane Frontage.** Any existing power pole along the Grove Lane frontage of the development site must be either removed or relocated in order to construct a concrete footpath providing for unobstructed pedestrian access. In order to remove existing poles, all existing overhead telecommunications and utility services would need to be placed underground.

The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work.

The public utility cover requirements shall be based on the approved Finished Surface Levels for the footpath, driveways and kerb ramps. For the undergrounding of existing overhead electricity network, the requirements specified in the Ausgrid Network Standards NS130 and NS156 are to be met. Any relocation of the existing power poles along the development laneway frontage would require preparation and certification by a suitably qualified Electrical Design Consultant and subsequent approval by Council and the relevant utility authorities. Relocation of poles must not obstruct any public or private pedestrian or vehicular access.

Reason: To ensure the removal/relocation is approved by Council and the relevant utility authorities, and in accordance with the relevant requirements and/or standards.

39. **Vehicle Footpath Crossing and Gutter Crossover.** A new vehicle footpath crossing and associated gutter crossover shall be constructed at the approved vehicular access location/s. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required in order that it has a service life that is consistent with that of the development, and that it is also compliant with current Council’s standards and specifications. The location, design and construction shall be in accordance with City of Ryde Development Control Plan 2014 Part 8.3 *Driveways* and Part 8.5 - *Public Civil Works* and Australian Standard AS2890.1 – 2004 *Offstreet Parking*.

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath crossing and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover.

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The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included.

All grades and transitions shall comply with Australian Standard AS 2890.1-2004 *Offstreet Parking* and Council's specifications. The new crossing width shall be in accordance with the DA approved plans, without any splay, and constructed at right angle to the alignment of the roll kerb, and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

Review of the driveway plans will be covered under the Engineer Plan Assessment and Works Inspection Fee. The Council approved design details shall be incorporated into the plans submitted to the Principal Certifier, for the application of the Construction Certificate.

Reason To ensure the location of the vehicle footpath crossing and associated gutter crossover are approved by Council.

40. **Public Domain Works – Defects Security Bond.** To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the External Works. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee of \$40,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.

Reason: To ensure satisfactory performance of the public domain works.

41. **Engineering plans assessment and works inspection fees.** The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council. Note: An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

Reason: To ensure works are overseen by Council.

42. **Waste storage.** The waste and recycling storage areas and facilities are to be provided and shown on the plans. The waste storage areas are to be located in the private open spaces of each Unit. The design of the waste storage areas are to be in accordance with the requirements of RDCP 2014: Part 7.2 Waste Minimisation and

## **Conditions of Consent for LDA2018/0385 :-**

Management. Details demonstrating compliance are to be submitted to the Principle Certifying Authority prior to the issue of the **Construction Certificate**.

Reason: To ensure waste and recycling storage and facilities provided for the development.

43. **Wheel Stoppers.** To ensure safety and mitigate damage to adjoining properties located south of the development site. Wheel stoppers are to be provided at the end of the tandem car parking space for Unit 3. The wheel stoppers are to be designed by a suitably qualified professional and must be constructed in accordance with the relevant Australian Standard. Details demonstrating compliance are to be submitted to the Principle Certifying Authority prior to the issue of the **Construction Certificate**.

Reason: To ensure protection and safety of adjoining properties.

### **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.

#### 44. **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.

45. **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.

46. **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:

**Conditions of Consent for LDA2018/0385 :-**

- (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.

- 47. **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.

- 48. **Tree Retention.** As identified in the Arborist Report prepared by TALC dated 10/09/2018. The following tree is to be retained and protected:

Tree No.	Species "Common name"
6	Howea forsteriana Kentia Palm

The existing boundary fence will not provide sufficient protective fencing for the tree. Protection of tree 6 is to be in accordance with sections 4.5, 4.6 and 4.7 of the Arborist Report prepared by TALC dated 10/09/2018. A Level 5 Project Arborist be appointed 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
Initial Site Preparation	Establish/delineate TPZ Install protective measures and undertake soil rehabilitation for all trees to be retained.	Project Arborist to mark Tree Protection Zones and install fences, mulch, irrigation and signage. <b>Issue a Certification of Compliance</b> of tree protection measures being in place and soil rehabilitation undertaken
Construction work	Liaison with site manager, compliance and any deviation from approved plan	Maintain or amend protective measures Supervision and monitoring formal notification of any deviation from approved tree protection plan

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Stormwater connection installation through TPZ, Implement hard and soft landscape works	<b>Supervise</b> Installation of pipes within tree TPZ	Excavate trench through TPZ under Arborist supervision, install pipework, remove selected protective measures as necessary and perform remedial tree works. <b>Issue a Certificate of Compliance</b>
Practical Completion	Tree vigour and structure Assessment and undertake soil rehabilitation for all retained trees	Remove all remaining tree Protection measures. <b>Certification of tree protection and soil rehabilitation for Protected Trees</b>
Defects liability / maintenance period	Tree vigour and structure	Undertake any required remedial tree works. <b>Certification of tree protection if necessary</b>

Reason: To identify and sure trees marked for retention are retained.

49. **Tree Removal.** As identified in the Arborist Report prepared by TALC dated 10/09/2018. The following trees on site are to be removed:

Tree No.	Species "Common name"
1	Macadamia integrifolia Macadamia Nut
2	Jacaranda mimosifolia Jacaranda
3	Jacaranda mimosifolia Jacaranda
4	Sapium sebiferum Chinese Tallow Tree
5	Howea forsteriana Kentia Palm

Reason: Trees permitted for removal.

50. **Work Zones and Permits.** Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

Reason: Statutory requirement.

51. **Notice of Intention to Commence Public Domain Works.** Prior to commencement of the public domain works, a *Notice of Intention to Commence Public Domain Works* shall be submitted to Council's City Works Directorate. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the



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certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

**Note:** Copies of a number of documents are required to be lodged with the Notice; no fee is chargeable for the lodgement of the Notice.

Reason: To ensure Council is aware of the relevant responsible Contractor's and Engineers providing the certifications required for the public domain works including if all relevant Road Activity Permits required have been applied.

52. **Notification of adjoining owners & occupiers – public domain works.** The Applicant shall provide the adjoining owners and occupiers' written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

Reason: To ensure adjoining owners and occupiers' are provided sufficient written notice prior to the commencement of public domain works.

53. **Pre-construction inspection.** A joint inspection shall be undertaken with Council's Engineer from City Works Directorate prior to commencement of any public domain works. A minimum 48 hours' notice will be required when booking for the joint inspection.

Reason: To ensure works are overseen by Council.

54. **Pre-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and coloured photographic record of any observable defects to the following infrastructure where applicable.

- (a) Road pavement,
- (b) Kerb and gutter,
- (c) Footpath,
- (d) Drainage pits and lintels,
- (e) Traffic signs and line-markings
- (f) Any other relevant infrastructure.

The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to any work commencing.

All fees and charges associated with the review of this report shall be in accordance with Council's Schedule of Fees and Charges and shall be paid at the time that the Dilapidation Report is submitted.

Reason: To ensure Council's infrastructures are adequately protected.

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55. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to the commencement of the relevant works and considering the lead times required for each application, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Public Domain Works*.
- a) **Road Use Permit.** The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
  - b) **Work Zone Permit.** The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.**
  - c) **Road Opening Permit.** The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
  - d) **Elevated Tower, Crane or Concrete Pump Permit.** The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
  - e) **Crane Airspace Permit.** The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
  - f) **Hoarding Permit.** The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.

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- g) **Skip Bin on Nature Strip.** The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.

Reason: Statutory requirement.

56. **Temporary Footpath Crossing.** A temporary footpath crossing, if required, must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.

Reason: To provide a temporary footpath crossing to service the safety of pedestrians.

57. **Ryde Traffic Committee Approval.** A plan showing details of the proposed signage and line marking, and/or traffic devices including pedestrian refuge, pedestrian crossing or LATM measures, shall be submitted to the Council and approved by the Ryde Traffic Committee prior to the installation of any traffic devices, signage and line-marking.

Reason: To ensure that the Ryde Traffic Committee approve any installation of any traffic devices, signage and line-marking or the like.

### **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.

58. **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.

59. **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 adjoining properties.

60. **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.

61. **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*;

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(c) The material is reused only to the extent that fill is allowed by the consent.

Reason: To ensure fill is either virgin excavated natural material or reused excavated material can be used to the extent as determined.

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

Reason: To ensure safety and amenity of the area.

63. **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.

64. **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.

65. **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.

66. **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: No unauthorised removal of trees permitted.

67. **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 trees.

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

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Reason: Statutory Requirement.

69. **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 Consulting Arborist.

70. **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 appointed Consultant Arborist's name, contact details and qualifications of the

71. **Advanced Planting.** The nominated species on the Landscape Plan (*Viburnum Odoratissimum*, *Acmena smithii* minor including replacement species required by **Condition 32**) proposed to be planted along the southern boundary are to be planted with a minimum height of 1.8m.

Reason: To assist in the protection on visual privacy.

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

Reason: To ensure perimeters of slabs are not visible.

73. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.

Reason: To protect the environment and the amenity of surrounding properties.

74. **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 MBC Consulting Engineers (Refer Project No. 2018660 Dwgs S1 & S2 Rev B dated 22.09.2019, Revision C) submitted in compliance to the condition labelled "Stormwater Management."

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

75. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and

## **Conditions of Consent for LDA2018/0385 :-**

systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2014: Part 8.1 - Construction Activities.

Reason: To ensure safety of pedestrians and vehicular traffic.

76. **Hold Points during construction - Public Domain.** Council requires inspections to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

The Applicant shall submit to Council's City Works Directorate, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- c) Upon compaction of the applicable sub-base course.
- d) Upon compaction or construction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).
- e) Upon installation of any formwork and reinforcement for footpath concrete works.
- f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

Reason: To ensure inspections are undertaken by a Chartered Civil Engineer and submitted to Council.

77. **Parking during Construction.** To minimise parking impacts within Grove Lane during construction, the parking of contractors is not to obstruct access within Grove Lane or obstruct access to properties utilising the laneway for primary vehicular access.

Reason: To minimise parking impacts and vehicular access impact to properties with primary from Grove Lane.

### **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

## **Conditions of Consent for LDA2018/0385 :-**

plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

78. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate as approved under **Condition 3**.

Reason: Statutory Requirement.

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

Reason: To ensure all landscaping works are completed prior to occupation.

80. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of any **Occupation Certificate**.

Reason: To provide evidence on the condition of adjoining properties following construction of the development.

81. **Boundary Fencing.** Prior to the issue of the Occupation Certificate, the boundary fence adjoining properties are to be replaced at the applicant's expense. The fencing is to be at minimum 1.8 metres high.

Reason: To ensure the person having benefit of this development consent bears the cost on the replacement of boundary fences,

82. **Grove Lane Parking Restrictions.** To prevent the parking of vehicles in Grove Lane which may impose on vehicle access to properties accessed from the Lane and / or inhibit the passage of emergency vehicles, a written submission must be made to the Local Traffic Committee seeking the approval of "No Parking" parking restrictions in the Lane. The submission must be accompanied by a sign and line marking plan which is to locate the position of traffic and parking restrictions, which are to be positioned mindful of traffic flow and vehicle swept paths into all vehicle access points.

The extent of the restrictions (ie possibly the full length of Grove Lane) is subject to the discretion of Council's Traffic Section, may be altered by the consideration of the Local Traffic Committee and will likely require the consultation of residents fronting Grove Lane. The applicant is bear all costs of this exercise, including but not limited to, the consultation process with residents, any costs associated with the approval and the installation of the approved traffic and parking measures. The recommendations of the Local Traffic Committee must be implemented prior to the issue of any Occupation Certificate.

Note: The Local Traffic Committee meets on a schedule of every 6 weeks and therefore approval for these measures may take in the order of 3 months from the date of application.

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Reason: To minimise parking impacts and vehicular access impact to properties with primary frontage from Grove Lane.

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

Reason: To ensure letterboxes and house numbering are designed and constructed to be accessible from the public way.

84. **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 ensure that the development is in accordance with the determination.

85. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's terms for these systems as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title.

Reason: A Positive Covenant must be created for the ongoing maintenance of the onsite detention components incorporated in the approved Stormwater Management system.

86. **Compliance Certificates – Engineering.** 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 the City of Ryde DCP 2014, Part 9.3 "Car Parking".
- b) Confirming that the constructed interallotment drainage system complies with the construction plan requirements and the City of Ryde DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- c) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2014 Part 8.2 (Stormwater and Floodplain



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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.

- 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 the City of Ryde DCP 2014, Part 8.1 "Construction Activities".
- f) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

Reason: To ensure appropriate stormwater has been undertaken in accordance with the development consent

87. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

Reason: To ensure the On-site detention system will not be modified.

88. **Positive Covenant – Waste Collection.** At present Grove Lane is not serviced by Council's waste collection services. A positive covenant shall be created, under Section 88E of the Conveyancing Act 1919. The positive covenant is to state that bins for each Unit is to be placed in front of No. 2 Orange Street during the prescribed waste collection period. This is to ensure that future occupants to acknowledge that waste collection is not within Grove Lane and bins are to be place in front of No. 2 Orange Street. The wording of the Instrument shall be submitted to, and approved by Council's Waste Section prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate. All associated costs shall are to be borne by the applicant.

Reason: A Positive Covenant must be created for ongoing waste management.

89. **Public Access Right of Way.** Prior to the issue of any Occupation Certificate, a Pedestrian Right of Way (ROW) shall be created over the portion of footpath contained within No. 8 Grove Lane along the Grove Lane frontage of the development site, in favour of Council for public access. Terms regarding the creation of the ROW are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office. Evidence regarding effective registration of the ROW shall be submitted to Council and the PCA prior to the issue of the Occupation Certificate.

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- a. The terms of the Right of Way must ensure that:
- b. The portion of the footpath on private property is to be accessible at all times to the Public;
- c. The portion of the footpath on private property will be adequately maintained by the occupier/ owner of the site at all times;

The Council is the only authority empowered to release, vary or modify the terms of the Public Access.

Reason: To ensure that a right of way is imposed on the footpath to provide lawful access for pedestrians.

90. **Public Domain Improvements and Infrastructure Works – Completion.** All public domain improvements and infrastructure works shall be completed to Council's satisfaction, in accordance with the approved public domain plans and at no cost to the Council, prior to the issue of any Occupation Certificate.

Reason: To ensure public domain works are completed to Council's satisfaction.

91. **Vehicle Footpath Crossing and Gutter Crossover – Construction.** The proposed vehicle footpath crossing and gutter crossover shall be constructed prior to the issue of any Occupation Certificate at no cost to Council. Works may include the removal of any redundant vehicle footpath crossing and gutter crossover and reinstatement of kerb and gutter and restoration of road pavement.

Any adjustment or relocation of underground utilities as a result of the driveway construction must be carried out in accordance with the requirements of the utility authority. Minimum cover requirements of utility authorities must be maintained.

Reason: To ensure public domain works are completed to Council's satisfaction.

92. **Restoration – Supervising Engineer's Certificate.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council's standards and specifications, and DCP2014 Part 8.5 *Public Civil Works*, or the Roads and Maritime Services' standards and specifications, where applicable.

Reason: To ensure public domain works are completed to Council's satisfaction.

93. **Electricity accounts for new street lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Public Domain Development Section regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.

Reason: To ensure public domain works are completed to Council's satisfaction.

94. **Compliance Certificates – Street Lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a *Certificate of Compliance* -

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*Electrical Work (CCEW)* from the Electrical Contractor, and certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

Reason: To ensure public domain works are completed to Council's satisfaction.

95. **Public Domain Works-as-Executed Plans.** To ensure the public infrastructure works are completed in accordance with the approved plans and specifications and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans shall be submitted to Council for review and approval. The Works-as-Executed Plans are to be prepared on a copy of the approved plans and certified by a Registered Surveyor, and shall contain notations in red, all departures from the Council approved details. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.

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

96. **Supervising Engineer Final Certificate.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

Reason: To ensure public domain works are completed to Council's satisfaction.

97. **Post-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and coloured photographic record of any observable defects to the following infrastructure where applicable.

- (a) Road pavement,
- (b) Kerb and gutter,
- (c) Footpath,
- (d) Drainage pits and lintels,
- (e) Traffic signs and line-markings
- (f) Any other relevant infrastructure.

The report shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to issue of the Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, and to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

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All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the Dilapidation Report is submitted.

Reason: To provide evidence on the conditions of adjoining properties following construction of the development.

98. **Final Inspection – Assets Handover.** For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Works Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time. A minimum 48 hours' notice will be required when booking for the final inspection.

Reason: To ensure public domain works are completed to Council's satisfaction.

99. **Compliance Certificate – External Works and Public Infrastructure Restoration.** Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council's City Works Directorate confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have been dilapidated as a result of the development works, have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.

Reason: To ensure public domain works are completed to Council's satisfaction.

100. **Engineering Condition – Public Domain Works.** All outstanding civil works associated with all road works, kerb and gutter, footpath, vehicular crossings, stormwater drainage works and street lights for this development site shall be completed as required and in accordance with Council's specifications, or Ausgrid Standard for street lights, and to the satisfaction of Council prior to the issue of the Occupation Certificate.

Reason: To ensure public domain works are completed to Council's and/or Ausgrids satisfaction.

**End of consent**