

City of Sydney

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Notice of Determination - Approval issued under Section 81(1)(a) of the
Environmental Planning and Assessment Act 1979

Development Application No.	D/2009/255
Applicant	DENNY LINKER & CO PO BOX 1807 STRAWBERRY HILLS NSW 2012
Land to be developed	26-98 BROADWAY & 48-70 O'CONNOR STREET, CHIPPENDALE
Approved development	Subdivision of the site into eight lots
Cost of development	\$0
Determination	The application was determined by Council and was granted consent subject to the conditions in Schedules 1 and 2.
Section 61 Contribution	A Section 61 Contribution (under the City of Sydney Act 1988) does not apply to this development.
Consent is to operate from	6 July 2009
Consent will lapse on	6 July 2011

Reasons for conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Right of appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 (the Act) gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you received this notice.

Alternatively, you may request a review of the decision by the City's Small Permits Appeals Panel, under Section 82A of the Act within 1 year of the date of this notice (N.B. Section 82A is not applicable to integrated or designated development). For further information please contact **Steve Longhurst on ph. 9265 9507**.

A handwritten signature in black ink, appearing to read "Stagor" or similar.

BILL MACKAY

A/Director - City Planning & Regulatory Services

CONDITIONS OF CONSENT

SCHEDULE 1

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2009/255 dated 27 February 2009 (as amended) and the Plan of Proposed Subdivision numbered 080401 SUPERLOT D-SUB prepared by Tasy Moraitis dated 11 June 2009 (Issue 13), and as amended by the conditions of this consent:
- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) MAIN PARK

A positive covenant must be created pursuant to Section 88B of the Conveyancing Act 1919, to Council's satisfaction, over Lot 4 in the subdivision to ensure that the Main Park is remediated (if required), constructed and dedicated to Council upon practical completion of the works for the Park and in accordance with the Planning Agreement with the Minister, the conditions of consent for the Major Project Approval by the Minister and the Owners Consent Deed with Council.

(3) BOUNDARY ADJUSTMENT

The northern section of the boundary between Lots 2 and 3 must be repositioned to be along the centreline of the proposed road reservation connecting with Balfour Street.

(4) COMPLIANCE WITH MAJOR PROJECT APPROVAL MP 06_0171

Full compliance must be given to the conditions of the approval contained in the Department of Planning's Modifications to Concept Plan Approval (MP 06-0171 MOD 2) dated 5 February 2009, as subsequently amended, in relation to the development of the subject site.

(5) LAND SUBDIVISION – PART 4A APPROVAL REQUIRED

A separate application must be made to Council to obtain the approval of the plan of subdivision under Part 4A of the *Environmental Planning and Assessment Act 1979*.

(6) PLANNING AGREEMENT WITH MINISTER

The Planning Agreement for the site with the Minister must be entered into by the current owners of the site and be registered on title prior to the issue of the subdivision certificate and a signed copy submitted to Council.

(7) DEED OF VARIATION OF OWNER'S CONSENT DEED

The Second Deed of Variation of Owner's Consent Deed for the site with Council must be entered into by the current owners of the site prior to the issue of the subdivision certificate.

(8) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

The Section 73 Certificate must be submitted to Council prior to a subdivision certificate being issued.

(9) EASEMENTS

Documentary easements for light and air, services and encroachments must be created over the appropriate lots in the subdivision to facilitate the operation of the proposed lots, including Lot 4, pursuant to Section 88B of the Conveyancing Act 1919, to Council's satisfaction.

(10) RIGHTS OF ACCESS

Documentary rights of access must be created, unlimited in height, over the appropriate lots in the subdivision to provide the necessary access over and reflecting the proposed internal road areas within the site, and created pursuant to Section 88B of the Conveyancing Act 1919, to Council's satisfaction.

(11) GROSS FLOOR AREA RESTRICTION

A restrictive covenant must be placed on the titles of the lots in the subdivision limiting the Gross Floor Area of the lots in accordance with Condition A1 of the Department of Planning's Modifications to Concept Plan Approval MP 06_0171.

(12) PUBLICLY ACCESSIBLE LAND

Positive covenants must be created pursuant to Section 88B of the Conveyancing Act 1919, to Council's satisfaction, over the relevant lots in the subdivision to ensure that rights of way, easements and positive covenants are created at the appropriate stage of the development to provide and maintain public access over the publicly accessible land shown on the Public Domain Plan for the site.

(13) PUBLIC ROADS

Positive covenants must be created pursuant to Section 88B of the Conveyancing Act 1919, to Council's satisfaction, over the relevant lots in the subdivision to ensure that the proposed public roads and road widenings areas within the site are remediated (if necessary), constructed and dedicated to Council upon practical completion of the works.

Note: Any Development Applications for the site involving civil works associated with the new roads is to also include subdivision of the site to dedicate the roads.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*

Clause 98A Erection of signs

Clause 98B Notification of *Home Building Act 1989* requirements

Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

IMPORTANT ADDITIONAL INFORMATION

The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. Nominate a **Principal Certifying Authority** (PCA) which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
3. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
4. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

You may also need to:

5. Lodge an **Application for Approval** under Section 138 of the *Roads Act 1993* for the **erection of a hoarding**.
6. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act, if strata title of the development is proposed.
7. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
8. Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
9. Carry out critical stage inspections in accordance with Section 109E of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000.

Applications and submissions referred to in this consent may be lodged at:

CBD Level 2, Town Hall House, 456 Kent St, Sydney.

KINGS CROSS 50-52 Darlinghurst Rd, Kings Cross.

GLEBE Glebe Town Hall 160 St Johns Rd, Glebe.

If you have any enquiries on any aspect of this consent, contact Steve Longhurst
ph. 9265 9507, email slonghurst@cityofsydney.nsw.gov.au.

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