

Our Ref: DA2016/0159

13 September 2016

Georges River Council  
MacMahon St  
HURSTVILLE NSW 2220

**Notice of Determination of Development Application**  
Environmental Planning and Assessment Act 1979, Section 81(1) (a)

**Development Application No:** DA2016/0159

**Legal Description:** Lots 14-20 Sec 3 DP 7124  
Lots 3-7 Sec 4 DP 7124  
Lot 1 DP 1159269

**Property Address:** 35 and 40 River Road OATLEY NSW 2223  
(also known as 34 Mimosa Street Oatley) and  
part River Road (formerly known as Oatley  
Bowling Club)

**Applicant:** Georges River Council

**Proposed Development:** Subdivision involving lot consolidation and  
boundary adjustment

**Authority:** Decision of the IHAP

**Date of Determination:** 8 September 2016

**Date Consent Lapses:** 8 September 2021

**BEFORE COMMENCING BUILDING WORK, you must obtain a  
Construction Certificate from the Council or an Accredited Certifier.**

**DEVELOPMENT CONSENT** is granted to the Development Application described  
above, subject to the conditions in Schedules A, B and C.

**Consent Operation** - This consent operates from the date of determination set  
out in this notice and will lapse five (5) years after that date, unless development  
has commenced within that time, pursuant to the provisions of the Sections 83,  
and 95 of the Act.

**Right of Review** – If you are dissatisfied with this decision, you may request a review of the determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review and the decision by Council of that request must be made within six (6) months of the date of this Notice of Determination and be accompanied by the relevant fee. You must ensure that an application for review of determination gives Council a reasonable period in which to review its decision having regard to the relevant issues and complexity of the application (Section 82A is not applicable to Integrated or Designated Development).

**Right of Appeal** – Alternatively, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the NSW Land and Environment Court within six (6) months of the determination date on this notice.

### **Schedule A – Site Specific Conditions**

#### **GENERAL CONDITIONS**

These conditions have been imposed to ensure that the development is carried out in accordance with the approved plans and to ensure that the appropriate fees and bonds are paid in relation to the development.

1. GEN1001 - **Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Reference No.	Date	Description	Revision	Prepared by
14169subd ivision	18 April 16	Subdivision Plan	1	CMS Surveyors Pty Limited

2. GEN1002 - **Fees to be paid to Council** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable **at the time of payment.**

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

**Form of payment for transactions \$500,000 or over - Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable)**

- (a) Fees to be paid:

**The following fees types apply when you submit an application to Council for the Subdivision Certificate.**

Subdivision Application Fee
Subdivision Certificate Fee
S88B Checking Fee

Fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

### **REQUIREMENTS OF OTHER GOVERNMENT AGENCIES**

These conditions have been imposed by other NSW Government agencies either through their role as referral bodies, concurrence authorities or by issuing General Terms of Approval under the Integrated provisions of the Environmental Planning and Assessment Act 1979.

3. GOV1008 - **Sydney Water - Section 73 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 Plumbing, Building and Developing section of Sydney Water's website to locate a Water Servicing Coordinator in your area. Visit: [www.sydneywater.com.au](http://www.sydneywater.com.au)

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, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The "Notice of Requirements" must be submitted prior to the commencement of work.

4. GOV1009 - **Sydney Water - Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act must be submitted to the Principal Certifying Authority prior to the issue of the Occupation/Subdivision or Strata Certificate.

### **PRIOR TO THE ISSUE OF THE STRATA/SUBDIVISION CERTIFICATE**

These conditions have been imposed to ensure that all works have been completed in accordance with the Development Consent prior to the issue of the Strata/Subdivision Certificate.

5. SUBD9001 - **Subdivision - Fees to be paid to Council** - The following fees shall be paid to Council prior to the issue of the Subdivision Certificate:
  - a. All Relevant Subdivision Certificate Application Fees plus any 88B Checking Fee shall be paid prior to the issue of the Subdivision Certificate.

6. **SUBL9002 - Subdivision - Final Subdivision Plan Requirements** - A final Subdivision Plan shall be prepared by a Registered Surveyor and include (but not be limited to) the following:

(a) Required Easements

The following easements shall be created by Section 88B of the Conveyancing Act 1919 on the Final Subdivision Plan.

- i. Any necessary Easements to Drain Water, (minimum 1m wide).
- ii. Any necessary Easements for Services (minimum 300mm wide).
- iii. Any necessary Easements for overhanging roof structures.

(b) Access details.

(c) Extinguishments of any existing easements

7. **SUBL9003 - Subdivision - Requirements for Application of a Subdivision Certificate** - To enable registration of the plan of subdivision at NSW Land and Property Information (Land Title) Office, the person acting on the consent must apply for a Subdivision Certificate pursuant to Section 109J of the Environmental Planning and Assessment Act 1979.

To enable the determination of the application for a Subdivision Certificate by Georges River Council, the applicant must submit the following: -

- (a) Application for Subdivision Certificate form completed with payment of fees current at lodgement.
- (b) Three (3) copies of the final plan of subdivision prepared by a Registered Surveyor.
- (c) The Original Deposited Plan Administration Sheet(s) plus one (1) copy.
- (d) The Original of any relevant 88B Instrument plus one (1) copy.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete.
- (g) Certification from the Registered Surveyor that all services (including but not limited to stormwater drainage, gas, electricity, telephone cable) as constructed or to be constructed are/will be contained within each lot or within the necessary easements to accommodate such services.
- (h) The cost of repairing any damage caused to Council's assets in the vicinity of the subject site as a result of construction works associated with the approved development is to be met in full by the applicant/developer prior to the issue of the Subdivision Certificate.

- (i) A copy of the Final Occupation Certificate issued from the Principal Certifying Authority for the construction works required by the approved Construction Certificate.

- (j) Section 94 Contributions

All Section 94 Contributions and any other outstanding fees as per Conditions of Development Consent No DA2016/0159 shall be paid prior to the issue of the Subdivision Certificate.

#### **IMPORTANT NOTES:**

- (i) **A Subdivision Certificate cannot be issued unless all relevant conditions of the development consent that are to be satisfied prior to the issue of the Subdivision Certificate have been complied with.**
- (ii) **Council will check the consent conditions on the relevant subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision.**
- (iii) **Plans of Subdivision, Administration Sheets, 88B Instruments and copies must not be folded.**
- (iv) **All Subdivision Plans, Deposited Plan Administration Sheets and 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer)**

#### **ONGOING CONDITIONS**

These conditions have been imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood or environment.

- 8. **ONG2003 - Development Assessment – Maintain Access to Myles Dunphy Reserve** – Access to the northern entry (from River Road) of the Myles Dunphy Reserve walking tracks must be maintained at all times to the general public and in accordance with the *Myles Dunphy Reserve and Wetland Plan of Management* (POM).

## Schedule B – Prescribed Conditions

Prescribed conditions are those which are mandated under Division 8A of the *Environmental Planning and Assessment Regulation 2000* and given weight by Section 80A (11) of the Environmental Planning and Assessment Act 1979.

Detailed below is a **summary** of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

It is the responsibility of the beneficiary of this consent to determine which prescribed conditions apply.

Not applicable

## Schedule C – Operational & Statutory Conditions

These conditions comprise the operational and statutory conditions which must be satisfied under the Environmental Planning and Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2000. Please refer to the full details of the Act and Regulations as in force, at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

It is the responsibility of the beneficiary of this consent to determine which operational and statutory conditions apply.

9. OPER1006 - **Subdivision work – Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the subdivision works.

A **Notice of Commencement Form** is attached for your convenience.

If you need more information, please contact the Manager - Development Assessment, below on 9330-6400 between 9.00am -11.00am business days.



Tina Christy  
Manager - Development Assessment  
**Planning & Development Directorate**