

## REPORT TO GEORGES RIVER COUNCIL IHAP MEETING OF 8 SEPTEMBER 2016

<b>IHAP Report No</b>	3	<b>Development Application No</b>	DA2016/0159
<b>Site Address &amp; Ward Locality</b>	35 and 40 River Road, Oatley (also known as 34 Mimosa Street, Oatley) and part River Road (formerly known as Oatley Bowling Club) Peakhurst Ward		
<b>Proposal</b>	Subdivision involving Lot Consolidation and Boundary Adjustment		
<b>Report Author/s</b>	Planning Consultant – Planning Ingenuity Pty Ltd		
<b>Zoning:</b>	Zone RE1 - Public Recreation		
<b>Date of Lodgement</b>	22 June 2016		
<b>Owner</b>	Georges River Council (Formerly Hurstville Council)		
<b>Applicant</b>	Georges River Council		
<b>Submissions</b>	278 individual submissions and 4 petitions		
<b>Cost of Works</b>	\$0		
<b>Issues</b>	The main issues relate to the objections raised regarding impacts on the Myles Dunphy Reserve and concerns for future residential development of the site		
<b>Recommendation</b>	THAT the application be approved in accordance with the conditions included in the report		

### Site Plan



## **EXECUTIVE SUMMARY**

1. The application seeks approval for subdivision involving boundary adjustments and consolidation of lots to create one new lot encompassing the land of the former Oatley Bowling Club and residue allotments.
2. Subdivision incorporating lot consolidation and boundary adjustment is permissible within the RE1 Public Recreation Zone and complies with the requirements of Hurstville Local Environmental Plan 2012.
3. The proposal has been assessed in accordance with the relevant planning controls to the Hurstville Development Control Plan No 1. No variations are proposed.
4. Main issues relate to the impact on the Myles Dunphy Reserve and concerns as to future residential development.
5. The application was notified/advertised during which time 278 individual submissions and 4 petitions containing a total of 1,275 signatures were received.

## **AUTHOR RECOMMENDATION**

THAT the application be approved in accordance with the conditions included in the report.

## REPORT DETAIL

### DESCRIPTION OF THE PROPOSAL

1. The proposal involves the subdivision of the subject site to create a single consolidated Torrens Title lot containing the former Oatley Bowling Club land and residue lots. The proposal aims to consolidate Lots 14-20, Section 3, DP 7124 and make boundary adjustments to 6 other lots being Lots 3-7, Section 4, DP 7124 and Lot 1, DP 1159269.

The subdivision will result in the following lots:

Proposed Lot	Description	Lot size
100	Former Oatley Bowling Club	11,010m <sup>2</sup>
101	Land for recreation purposes	987.4m <sup>2</sup>
102	Land for recreation purposes	923.7m <sup>2</sup>
103	Land for recreation purposes	867.1m <sup>2</sup>
104	Land for recreation purposes	889.8m <sup>2</sup>
105	Land for recreation purposes	929.0m <sup>2</sup>
106	Land for recreation purposes	4,055m <sup>2</sup>

No works are proposed as part of this subdivision application.

### HISTORY

2. The entire site is under the care, control and ownership of Council. Part of the subject site was originally leased to the Oatley Bowling Club, a private entity, who occupied the site for several years. The bowling club ceased operations and vacated the site. The existing club house and storage buildings were demolished in accordance with Development Consent DA2011/0300.

The current application was lodged on the 22 June 2016.

The application was notified from the 30 June to the 14 July 2016. The application was renotified due to administrative error from 8 August to the 24 August 2016.

### DESCRIPTION OF THE SITE AND LOCALITY

3. The subject site is known as 35 and 40 River Road, Oatley (also known as 34 Mimosa St, Oatley) and part River Road and has a legal property description of Lots 14-20, Section 3 and part of 3-7, Section 4, in DP 7124 and part of Lot 1, DP 1159269. The site is owned by Council. The site is currently classified as "community land".

Existing on the site are remnants of the previous Oatley Bowling Club being two (2) bowling greens and associated retaining walls. The site is currently subject to minimal maintenance.

The southern part of the site is identified as having Class 5 acid sulfate soils in accordance with Council's acid sulfate soils maps.

The site is irregular in shape and is accessible via River Road with vehicle access off Mulga Road. To the north of the site are two (2) detached residential dwellings located in a battleaxe configuration. Detached dwellings are located to the north and north west.

The site is located adjacent to the Eastern Suburbs and Illawarra Railway Line and is in close proximity to Oatley Railway Station.

To the south and west of the site is the Myles Dunphy Bushland Reserve consisting of dense native vegetation forming part of an ecological corridor extending towards the Georges River.

### **COMPLIANCE AND ASSESSMENT**

4. The development application has been assessed under the relevant Section 79C(1) "Matters for Consideration" of the *Environmental Planning and Assessment Act 1979*.

### **Environmental Planning Instruments**

#### **HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012**

5. The extent to which the proposal complies with the relevant standards of Hurstville Local Environmental Plan 2012 is outlined in the table below.

<b>Clause</b>	<b>Standard</b>	<b>Assessment Under HLEP 2012</b>
2.3 – Zone Objectives and Land Use Table	RE1 – Public Recreation	Proposal adequately meets the zone objectives. Subdivision is permissible with consent as per Clause 2.6 below.
2.6 Subdivision	Land to which this Plan applies may be subdivided, but only with development consent	The application proposes subdivision for the consolidation of lots and boundary adjustments to existing lots
4.1 – Minimum subdivision lot size	No minimum lot size specified	Not applicable
4.3 – Height of Buildings	None specified	Not applicable
4.4 – Floor Space Ratio	None specified	Not applicable
4.5 – Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl.4.5	Not applicable
5.9 – Preservation of trees or vegetation	Consent is required for pruning or removal of specified vegetation	No tree removal required as part of the consolidation application
5.10 – Heritage Conservation	Item I78 - Oatley Railway Station Group located on adjoining the site	No works are required as part of the subdivision application and as such no impact on the adjoining railway station will occur as part of this application

Clause	Standard	Assessment Under HLEP 2012
5.9AA – Trees or vegetation not prescribed by Development Control Plan	Any tree or vegetation to be removed that is not specified in DCP No.1	No tree removal required as part of the application
6.1 – Acid Sulfate Soils	Class 5	No works are proposed as part of this subdivision application. No acid sulfate soils management plan is required.
6.4 –Foreshore Scenic Protection Area	The site is located within the foreshore scenic protection area	The subdivision does not involve any works. The proposal is considered to be consistent with the objectives of the clause.
6.7 – Essential Services	<p>The following services that are essential for the development shall be available or that adequate arrangements must be made available when required:</p> <ul style="list-style-type: none"> <li>* Supply of water, electricity and disposal and management of sewerage</li> <li>* Stormwater drainage or on-site conservation</li> <li>* Suitable vehicular access</li> </ul>	Services are currently available to that part of the site which was formerly used for a bowling club. The subdivision and boundary adjustment does not require relocation or amplification of services.

**STATE ENVIRONMENTAL PLANNING POLICY NO 55 - REMEDIATION OF LAND**

6. Clause 7(1)(a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been previously used as a bowling club for a significant period of time. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7(1)(b) and (c) of SEPP 55. The land is considered to be suitable for the subdivision in the manner proposed.

**GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO 2 – GEORGES RIVER CATCHMENT**

7. The site is within the area affected by the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment. No works are proposed as part of the subdivision application however it is considered that the proposal, is consistent with aims and objectives of the Plan to protect the environmental quality of the Georges River Catchment.

**Draft Environmental Planning Instruments**

8. No Draft Environmental Planning instruments apply to the proposed development.

**Any other matters prescribed by the Regulations**

9. No matters prescribed by the Regulations require specific consideration in the assessment of this application.

**Development Control Plans**

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.2 SUBDIVISION**

10. The proposed development complies with the provisions of Section 3.2 Subdivision as follows.

Lot Size and Shape	The site is zoned RE1 Public Recreation and as such the HLEP 2012 does not apply a minimum lot size. The proposed lots are considered satisfactory in this regard.
Roads, Vehicle Access and Car parking	Currently Lots 3-7, Section 4, DP 7124 do not have access to a dedicated public road. This is the case for most of the lots that comprise the Myles Dunphy Reserve. The boundary adjustment does not change this situation. The lots will remain in one ownership and still form part of the public reserve and community land.
Utilities and Services	The subdivision application does not involve works. There will be no change to utilities and services available to the site.
Drainage	The subdivision application does not involve works. The existing drainage patterns will not change as part of this application.

In summary the development application complies with the relevant requirements of Hurstville Development Control Plan No 1.

**Impacts**

**Natural Environment**

11. The subdivision application does not involve physical works. In this regard there are no anticipated environmental impacts. The proposal does not involve the removal of vegetation, will not affect air and water quality and will not displace fauna. Part of the site falls within the natural area of the Myles Dunphy Reserve. The proposal has been considered against the Myles Dunphy Reserve and Wetland Plan of Management and is considered to be consistent with the Plan.

### **Built Environment**

12. The application does not involve any physical works or buildings and there will be no impacts to the built environment.

### **Social Impact**

13. Despite being previously operated as a bowling club, the site has been vacant for a number of years. The proposed consolidation and boundary adjustments will have no social impact.

### **Economic Impact**

14. There are no economic impacts as a result of the proposal.

### **Suitability of the Site**

15. The site is identified as Bushfire Prone Land however the application does not trigger referral to the NSW Rural Fire Service requiring a Bushfire Safety Authority in accordance with section 100B of the '*Rural Fires Act 1997*'. The application does not propose or facilitate a residential use or development for a special fire protection purpose.

The proposed development has been assessed under Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 and the site is considered to be suitable for subdivision in the manner proposed.

## **REFERRALS, SUBMISSIONS AND THE PUBLIC INTEREST**

### **Resident**

16. The proposal was notified from the 30 June to the 14 July 2016 and again from 8 August to the 24 August 2016 during which time Council received 278 individual submissions (2 support and 276 objections) and 4 petitions containing a total of 1,275 signatures.

These submissions objected to the application and raised issues which have been summarised as follows.

### **Object to rezoning**

17. Objection is raised to the rezoning of the site to allow for residential development.

Comment: The application is for the subdivision of the site involving boundary adjustments and consolidation of lots. The application is not for rezoning. Any future planning proposal to seek rezoning of the site is required to be publicly exhibited.

### **Object to housing and high rise development on the site**

18. Objection is raised to the 7-9 storey seniors housing/aged care facility

Comment: This application is for subdivision only.

## **Zoning**

19. Currently the site is zoned RE1 Public Recreation and prohibits residential development.

Comment: Agreed.

## **Planning Proposal should come before lot consolidation**

20. It is logical planning that a DA for subdivision/amalgamation be prepared after a planning proposal has been determined. This DA puts the planning process in contrary order.

Comment: The proposed subdivision will create a separate allotment containing the land of the former Oatley Bowling Club site as identified in the adopted Plan of Management. There is no planning proposal applicable to the site.

## **Consolidation forms part of the overall seniors housing development and should be assessed that way**

- 21.
- *“Given this DA is integral to the proposed seniors housing development of the site, the DA is in fact not consistent with the objectives of the current zoning and the FSPA, and so should be rejected.”*
  - *“The general public will not be duped by an argument that suggests that lot consolidation, as is proposed, is a harmless and innocuous step. It is ludicrous to suggest this. The real truth is that such a step is pre-emptive of a future development proposal.”*

Comment: This application is for subdivision. The application is considered consistent with the current planning controls and objectives.

Any future planning proposal and/or development application will require public exhibition for comment and separate assessment.

## **Access and Parking**

- 22.
- *One road going in and out devastating in a fire and access for ambulance*
  - *Access from Mulga Road is on a bend and raises a massive safety concern*
  - *There is a lack of road infrastructure on the western side of the Oatley station which barely copes with station traffic currently.*

Comment: The application does not change the use of the land. Existing vehicle access is appropriate for the use.

## **Previous Council Resolution to rezone the site**

23. *“In September 2010 the former Hurstville Council decided to rezone the former Oatley Bowling Club site in Myles Dunphy Reserve from Open Space to Residential. Georges River Council is now proposing to rezone the site to SP2 Infrastructure (Seniors housing). - because there are no height limits in SP2 zones whereas residential zones are limited to three (3) storeys?”*



Comment: The site is within Zone RE1 Public Recreation and is classified as community land.

### **Hurstville Community Strategic Plan**

24. *“The Hurstville Community Strategic Plan upon which Georges River Council relies to proceed with the development of this site for seniors housing is flawed. Results of meetings with individual groups consulted on the future use of the former Oatley Bowling Club site in 2009 indicate that the preference for aged care or community uses was basically evenly split with no clear majority either way, whereas community meeting feedback forms and on-line survey indicated that most residents supported restoring the existing building for community use and were not supportive of aged care. In other words, most residents consulted preferred that the site be used for a community centre. However, former Hurstville councillors ignored this finding and adopted a Community Strategic Plan with aged care at the site as a high priority project instead.”*

Comment: The Community Strategic Plan 2025 was adopted by Council on 3 June 2015 and identifies the former Oatley Bowling Club as a key initiative site for exploring options in providing an aged care facility. The future use of the site does not form part of this proposal and therefore assessment does not extend beyond the current proposal for lot consolidation and boundary adjustments. Any future use will be the subject of a further development application.

### **Bushfire Affected**

25. The site is bushfire affected and therefore inappropriate for residential use.

Comment: See *Suitability of the Site* above.

### **Future Development**

26. Any multi-storey residential development will destroy the heritage and environmental importance of the reserve

Comment: The application is for subdivision only and does not include physical works. This application has no impact on the environment.

### **Myles Dunphy Reserve**

27.

- *Objection is raised to part of the Myles Dunphy Reserve being sold off for future development*
- *The development appears to encroach into the Myles Dunphy Reserve.*
- *The DA seeks to incorporate parcels of land that are in the existing reserve to be part of a new lot of land that was once the Oatley Bowling club. The 4 lots represented in the proposal which are part of the reserve should stay in the reserve as they are an integral part of the bush reserve, and slope down to the creek. This area would be compromised with the loss of these 4 plots as shown in the DA.*

- *Any development on the site would further compromise the health and vitality of the bush reserve, the creek, the wetland and riverfront areas.*

Comment: The Myles Dunphy Reserve as identified in the *Myles Dunphy and Wetland Plan of Management (POM)* is adjacent to the former Oatley Bowling Club. The *POM* was adopted by the former Hurstville City Council in March 2013. The former Oatley Bowling Club was not classified as a natural area and does not form part of the reserve to be actively managed and maintained in accordance with the *POM*.

The proposed boundary adjustment will establish a legal boundary containing the site of the former Oatley Bowling Club and separate the reserve consistent with the land use categories of the *POM*.

No works or change of use are proposed as part of this subdivision application and therefore there will be no impact to the reserve.

### ***Impact on important habitat for threatened and vulnerable fauna and flora species***

28.

Comment: The subdivision application does not involve physical works and as such there is no impact on fauna, flora or habitat.

### ***Position of proposed western boundary limits access to Bushland Reserve***

29.

- *The proposed western boundary of the Proposed Lot 100 (below the retaining wall of the lower bowling green) leaves very little room for access to the remaining portion of Myles Dunphy Reserve from the current formed part of River Rd. In the future, if major work requiring large machinery is required in the Reserve it may force the widening of the current access track which will have to be pushed into the vegetated land. This will have a significant impact on the Reserve particularly as the creek is very close to the access track. Sydney Water need to maintain their sewer viaduct and tunnels in the Reserve on a regular basis.*

Comment: The subdivision application does not involve closure of the walking tracks located at the northern entry to the Reserve. A condition is recommended requiring the maintenance of access to the walking tracks to the reserve.

### ***Community Land***

30. This land is community land and should be maintained as a zone for public recreation.

Comment: The application does not change the classification of the land.

### **Previous extension of sporting ovals on the site**

31.

- *“St. George Rugby Football Club lodged an application with Hurstville Council to allow for a football oval to be constructed adjacent to the Oatley Bowling Club bowling green. The application highlighted the benefits of combination of lawn bowls and football as PUBLIC RECREATION on COMMUNITY LAND, but no, Hurstville Council in their wisdom, saw fit to reject the application, deeming the wetlands needed to be protected from such a development. Is it not correct that a precedent has already been set by Hurstville Council years ago not permitting an oval to be constructed and used for recreational purposes due to the impact on the Myles Dunphy Wetlands?”*

Comment: The application is for subdivision. The previous proposal for recreational use is not a matter precluding the current proposal.

### **Road Closure**

32.

- *The proposed amalgamation of the lots extends over the Road allowance for River Road, even if the road allowance is changed by the Georges River Council it still, under the Roads Act 1993 - sect 249 qualifies as a public road.*

Comment: The Myles Dunphy Reserve is made up of a series of lots established by the original paper subdivision. The road layout is not dedicated as public road. This portion of the River Road has not been dedicated as public road and is recognised as a Torrens title lot. Road closure is not required or proposed as part of the application. The current vehicle access is not proposed to change.

### **The site should remain park and form part of the Myles Dunphy Reserve**

33.

- *This space should be used for the community and remain green.*
- *Areas mapped out for consolidation into a saleable parcel of land should be resumed into the Myles Dunphy Reserve, and kept as a publicly accessible recreational bush reserve.*
- *New council should be strategically planning to acquire new sites for parkland, rather than planning to rezone existing open space for high rise residential development of any kind.*

Comment: The former Oatley Bowling Club land is not located within the natural reserve identified within the Myles Dunphy POM. The site of the former Oatley Bowling Club is not classed as a natural area for the purposes of the POM.

The portion of the lots subject to boundary adjustment that currently form part of the natural reserve will remain part of the Reserve and maintained in accordance with the POM.

### **Precedent**

34. Subdivision of the site would set a dangerous precedent for the subdivision of other Council reserves for sale for future development.

Comment: All applications are assessed on their merits and dealt with on an individual case by case basis. Any development application involving other Council reserves would be notified in accordance with Council's policy giving residents an opportunity to comment.

### **Other potential uses of the site should be explored**

- 35.
- *Objection is raised that other potential uses should be explored rather than residential for the site something that can positively contribute to the community.*
  - *The former Oatley Bowling Club on the site have been allowed to deteriorate through what appears to have been a deliberate policy of wilful neglect. The buildings could have been an asset which was able to be used by many community groups (e.g. men's sheds) which would have prevented their deterioration to their present state.*

Comment: The current application will not change the use.

### **Incorrect information**

36. Incorrect Statement of Environmental Effects submitted as part of the application. Incorrect property address using Mimosa Street.

Comment: The Statement of Environmental Effects forms part of the application lodged with Council and is required to be submitted as part of any development application. The property address and site description have been confirmed as part of the assessment of the application and the application was re-notified to address this matter.

### **Incorrect address and notification**

- 37.
- *The lack of community consultation by the Georges River Council regarding this matter.*
  - *Why was the public not notified on this Development Application. It was not in the Leader and nor was a sign put up at the site.*

Comment: The application was notified in accordance with Category B of the Development Control Plan (DCP) No 1 Section 2.2 – Neighbour Notification and Advertising of Development Applications which was applicable at the time of lodgement of this DA. The application did not require an advertisement in the newspaper, however did require a written notice to be placed on site. The Application was notified twice due to administrative error in the site description, extending the deadline for submissions to Wednesday 24 August 2016.

### **Approval of the development application is not in the public interest**

38.

- *The applicant acquired this land in or about 1944 for public recreation and it is in the public interest to remain as community land and managed as such. The applicant seeks to “carve up” by way of subdivision the Reserve to achieve its stated purpose “seniors housing”, without any consultation with the community. The Myles Dunphy Reserve (as a whole – including this site) has significant local historical significance which will be lost should this development application be approved.*

Comment: The application is for subdivision. The application does not propose a change of land use.

### **Determination Authority**

39.

- *Postpone the decision of the DA until after September when the residents of Oatley have representation by Councillors.*
- *The current Georges River Council is really in 'Care taker' mode, it has not been endorsed by democratic elections. This council has no legitimacy in this sense, and there is a great risk to its credibility should it make unpopular decisions on highly controversial issues, as this one is. Since there is a lack of a democratic mandate, and a contested history around this issue, the current council would be wise should it decide to not proceed with this matter, and in fact defer it, to a future council determination, after a council election.*

Comment: The application is being considered by the Independent Assessment Hearing Panel (IHAP) established by the Council. In accordance with delegations adopted by Council at its extraordinary meeting on 19 May 2016, the IHAP has determining authority for applications of this nature.

### **Council Referrals**

#### **Team Leader Subdivision and Development**

40. Council's Team Leader Subdivision and Development raised no objections to the application and conditions have been recommended.

### **CONCLUSION**

41. The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979 and the proposal is considered to comply with relevant planning policy and is acceptable in terms of the likely impacts on the natural and built environment. The site is considered to be suitable for the proposed development. The proposal complies with the applicable controls and objectives of Hurstville Local Environmental Plan 2012, Hurstville Development Control Plan No 1 the adopted Plan of Management and the proposal does not change the use of the site and is therefore in the interest of the public.

The comments from the 278 individual submissions and 4 petitions containing a total of 1,275 signatures have been considered in the assessment of the proposal and do raise issues which warrant refusal of the application.

Subject to the recommended conditions of development consent, the proposal will not result in adverse environmental impacts.

## DETERMINATION

42. THAT pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, the Council, grants development consent to Development Application DA2016/0159 for subdivision involving lot consolidation and boundary adjustment on Lots 14-20, Section 3, DP 7124, Lots 3-7, Section 4, DP 7124 and Lot 1, DP 1159269 and known as 35 and 40 River Road, Oatley (also known as 34 Mimosa Street, Oatley) and part River Road (formerly known as Oatley Bowling Club), subject to the attached 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

Reference No.	Date	Description	Revision	Prepared by
14169subdivision	18 April16	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. 3GOV1008 - **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 Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Co-ordinator" 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 Co-ordinator, 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 SUBDIVISION/STRATA 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 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.

#### **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**

#### **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)*.