

Attachment A

Recommended Conditions of Consent

DRAFT 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/2017/1341 dated 1 May 2018, and the proposed lot layout plan prepared by registered surveyor Don Urquhart of the City of Sydney revision E dated April 2017, consisting of 1 sheet, reference S110508.072,

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) LAND SUBDIVISION – SUBDIVISION CERTIFICATE

A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*, for each of the two stages of subdivision approved under this consent.

The first subdivision certificate may be issued prior to the construction of a road upon Lot 11.

(3) SYDNEY WATER CERTIFICATE - SUBDIVISION

Prior to the issue of a Subdivision/Strata 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. It should be noted that a Section 73 certificate is not required for the second stage of the subdivision as it will involve dedication of a road only.

(4) RECIPROCAL EASEMENTS

Reciprocal easements for services, drainage, and rights of carriageway, if necessary, and affecting the whole of each lot if so desired, shall be created over the lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919*, and to Council's satisfaction.

A right of carriageway, an easement to drain water, and an easement for services shall be created burdening Lot 11, and benefiting Lots 10, 12, 13 and Council, with a sunset clause extinguishing the easements and right of carriageway upon dedication of Lot 11 as public road.

(5) EASEMENT FOR ACCESS, STORAGE AND SITE SHEDS FOR ROAD CONSTRUCTION PURPOSES

A whole of lot easement for access, storage, and site sheds for road construction purposes shall be created burdening the lots 10, 12 and 13 in the subdivision and benefiting Council, pursuant to Section 88B of the *Conveyancing Act 1919*, and to Council's satisfaction. The terms of the easement shall exclude the site of proposed buildings once the relevant Construction Certificate has been issued, and the easement shall include a sunset clause, where the easement shall be extinguished upon dedication of Lot 11 as public road.

(6) RESTRICTION ON THE USE OF LAND – FUTURE CONSTRUCTION CERTIFICATES

A restriction on the use of land shall be shall be created burdening the lots 10 and 13 in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919*, and to Council's satisfaction, in the following terms:

- a) A Construction Certificate for any buildings or other structures upon Lot 10 or Lot 13 must not be issued unless the proposed road upon Lot 11 has been designed and constructed to the satisfaction of Council, **however**,
- b) The footpaths, landscaping and the final Asphaltic Cement seal for the proposed road upon Lot 11 may be completed after the issue of a Construction Certificate, although must be completed to the satisfaction of Council prior to the issue of any Interim or Final Occupation Certificate for any building or structure upon the site.

(7) STREET ADDRESSES OF LOTS

In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2012, the street addresses for each lot must be shown on the final plan of subdivision. An application should be made to Council's Land Information Officer to obtain the correct street address for each lot.

(8) ROAD DEDICATION

- (i) Lot 11 shall be dedicated to the public as road with the future stage 2 subdivision of the property, prior to the issue of any Interim or Final Occupation Certificate for any building or structure constructed upon Lots 10 and 13.
- (ii) Public domain works on Lot 11, and also within O’Riordan Street and Botany Road, shall be completed to the satisfaction of Council’s Public Domain team prior to the issue of any Interim or Final Occupation Certificate for any building or structure constructed upon Lots 10 and 13.

(9) SURVEY INFRASTRUCTURE

Prior to the issue of the subdivision certificate for the stage 2 subdivision, sufficient survey infrastructure, including reference marks and permanent marks, must remain in place in order to satisfy the requirements of the Surveying and Spatial Information Regulation 2012, and to the satisfaction of Council.