

SCHEDULE 1

PART A—TABLE

Application made by:	Statewide Developments Pty Ltd
Application made to:	Minister for Infrastructure and Planning
Development Application:	382-8-2003
On land comprising:	Lot 85 in DP5923, Lots 1-7 in DP16037 Lot 9 section 2 DP3241, Lot A in DP354767 & Lots 1 & 2 in DP370066 10-16 Marquet Street, Rhodes
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	Nil
Type of development:	Local Development
S.119 Public inquiry held:	No
BCA building class:	Nil
Approval Body / Bodies:	Not Integrated
Determination made on:	
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the accompanying letter.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: <ul style="list-style-type: none"> ▪ a shorter period of time is specified by the Regulations or a condition in Schedule 2, or ▪ the development has substantially commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 382-8-2003

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice, or
- (2) for a modification to the consent, within 3 months after the date on which the application received this notice.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Statewide Developments P/L or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Canada Bay Council.

DA No. 382-8-2003 means the development application and supporting documentation submitted by the applicant on 13 August 2003.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department or his nominee.

Director-General means the Director-General of the Department.

Minister means the Minister for Infrastructure and Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 382-8-2003

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Development consent is granted only to carrying out the development described in detail below:

- (1) The consolidation of 12 existing land parcels at 10-16 Marquet Street Rhodes
- (2) The subdivision of land at 10-16 Marquet Street, Rhodes into 2 lots
- (3) Dedication of pedestrian/cycleway to the Corporation.

A2 *Development in Accordance with Plans*

The development shall be generally in accordance with development application number 382-8-2003 submitted by the applicant on 13 August 2003, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects entitled "Development Application: Land Subdivision 10-16 Walker Street, Rhodes" prepared by Statewide Development Pty Ltd, dated August 2003			
Survey Drawings prepared by Denny Linker & Co. Lvl 5, 17 Randle St, Surry Hills 2010			
Drawing No.	Revision	Name of Plan	Date
Subdiv 1		Plan of proposed subdivision of Lot 9 Sec 2 DP3241, Lot 85 DP 5923, Lots 1-7 DP 16037, Lots 1 & 2 DP 370066	13/08/2003

A3 *Prescribed Conditions*

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

A4 *Extent of Consent*

In order that the extent of the consent is clarified, this development consent does not extend to carrying out of remediation works to decontaminate all or part of this land.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No Conditions

PART C—PRIOR TO COMMENCEMENT OF WORKS

No Conditions

PART D—DURING CONSTRUCTION

No Conditions

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Easements

E1 Access

Easements to provide for 24 hour unrestricted public access shall be created prior to issue of a subdivision certificate (where relevant) in respect of proposed Lots 21 the pedestrian/cycleway pursuant to Section 88B of the Conveyancing Act 1919. The terms of the easements shall require that public access will be provided to coincide with occupation of any development approved on Lot 20. Embellishment of the pedestrian/cycleway over which access is being provided must be completed in accordance with an approved development application for that land. Evidence that easements satisfying this condition of consent have been registered on title must be submitted to the Director General prior to the release of any related Occupation Certificate for development on the adjacent Lot 20.

E2 Services

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

E3 Subdivision Certificate Release – Remediation

In order that the release of subdivision certificates is in an orderly and coordinated manner, the Applicant shall submit with an application for subdivision certificate:

- (a) a detailed Site Audit Summary Report,
- (b) Site Audit Statement, and
- (c) a Validation Report;

for the entirety of the land the subject of this application i.e. proposed Lots 20 and 21. The Site Audit Statement must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The Site Audit Statement must verify that the land is suitable for the proposed uses.

Note: This condition does not imply consent for remediation. SREP 29 allows for remediation of land **with consent**. That consent must be obtained separately to this approval

E4 Subdivision Certificate Details

An application to the consent authority for a Subdivision Certificate under Part 4A of the Act shall include revised subdivision plans indicating the following;

- dimensions;
- areas;
- relevant surveying details;
- exterior boundary dimensions;
- all proposed easements and widths of these easements; and
- the terms of all proposed easements, restrictions and public positive covenants, and any other encumbrance and covenants referred to in this consent.

The dimensions of all public open space areas, pedestrian/cycleway paths, roads and road reserves are to comply with the relevant controls of the DCP for Rhodes Peninsula, except as modified by this consent.

E5 Public Positive Covenant

Prior to lodging any application for a subdivision Certificate under Part 4A of the Act, the applicant is to lodge for Director approval the terms of a public positive covenant, to be created under Section 88E of the Conveyancing Act 1919. The public positive covenant is to enable the pedestrian/cycleway to be dedicated, at no cost, to the Corporation at such time that the Corporation so requests. This Public Positive Covenant is to be registered with the Deposited Plan.

E6 Embellishment of Open Space and Transfer to Corporation

No pedestrian/cycleway paths, roads and road reserves are to be dedicated to the Corporation until such time as the open space has been fully embellished in accordance with an approved development application.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

No Conditions

PART G—POST OCCUPATION

No Conditions

PART H—GENERAL TERMS

No Conditions

ADVISORY NOTES

AN1 Compliance with Conditions

The applicant will be required to submit, documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 382-8-2003 and of compliance (or a Compliance Certificate) with the conditions of that consent, prior to the issuing of a subdivision certificate.

AN2 Remediation registered on title

The Applicant shall submit documentary evidence that any conditions or requirements identified by the accredited site auditor within a Site Audit Statement will be registered on title in conjunction with an application for subdivision certificate.

AN3 Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities, including S73 certificates, are to be submitted with an application for subdivision certificate.

AN4 Remediation

The applicant is to note that the development approval does not provide consent for the remediation of land.

AN5 Embellishment

This approval is for subdivision and is not an approval for any embellishments on the subject land. Separate application and approval must be obtained for the embellishment of the pedestrian cycleway in accordance with the principles and urban design details contained within the Renewing Rhodes DCP. Embellishment is to occur prior to the issue of an occupation certificate for any development on the adjoining proposed lot 20.