

Original signed by Geoff Mossemear on 14/1/2019

Date determined: 10/1/2019

Date operates: 14/1/2019

Date lapses: 14/1/2024

Development Consent No. 442/18

Notice of Determination

Section 4.18 of the Environmental Planning and Assessment Act 1979 (“the Act”)
Clause 100 of the Environmental Planning and Assessment Regulation 2000 (“the Regulation”)

Applicant’s Name

Victoria Plaza Holdings Pty Ltd

Land to which this applies

77 Berry Street, North Sydney
Lot No.: 3, DP: 1078998

Proposal

Stratum Subdivision

Determination of Development Application

Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, approval has been granted subject to conditions in the notice of determination.

Reason for approval

This application is considered satisfactory in respect of the relevant statutory and policy controls. No physical works are proposed.

The proposed development will facilitate the delivery of the 1 Denison Street project in an orderly manner. The development is consistent with the aims and objectives of the North Sydney LEP. The proposed subdivision does not alter the general pattern of subdivision within the North Sydney CBD and the proposed development does not generate any environmental impacts.

Appropriate conditions are recommended for imposition with the granting of consent to this stratum subdivision application.

Date from which this Consent operates

14 January 2019

How were community views taken into account in making the decision

Notification was not required under Council's notification policy.

Period of Consent

Subject to Section 4.20 of the Act, this consent becomes effective and operates from 14 January 2019. The consent lapses five years after the date of consent in accordance with Section 4.53 of the Act and cannot be extended. To enjoy the benefits of this consent, works must physically commence onsite by 14 January 2024.

Review of determination and right of appeal

Within 6 months after the date of determination, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. If a review is contemplated, it should be lodged within two months of the date of this determination to enable the six month period, which includes Council's review to be met.

Endorsed for and on behalf of North Sydney Council

GEOFF MOSSEMENEAR
EXECUTIVE PLANNER

14 January 2019
Date of Endorsement

(i) Conditions

Consent is granted subject to the following conditions imposed pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979 (“the *Act*”) and the provisions of the Environmental Planning & Assessment Regulation 2000 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.15 of the Act.

(ii) Definitions

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans means the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or ***AS/NZS*** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

NCC means the National Construction Code as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

Council means North Sydney Council.

Court means the Land and Environment Court.

Local Native Plants means species of native plant endemic to North Sydney LGA.

Stormwater Drainage System means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner Builder has the same meaning as in the *Home Building Act 1989*.

PCA means the *Principal Certifying Authority* under the *Act*.

Principal Contractor for building work means the person responsible for the overall coordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the *Home Building Act 1989*.

Professional Engineer has the same meaning as in the *NCC*.

Public Place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

Site means the land being developed subject to this consent.

NSLEP 2013 means *North Sydney Local Environmental Plan 2013*

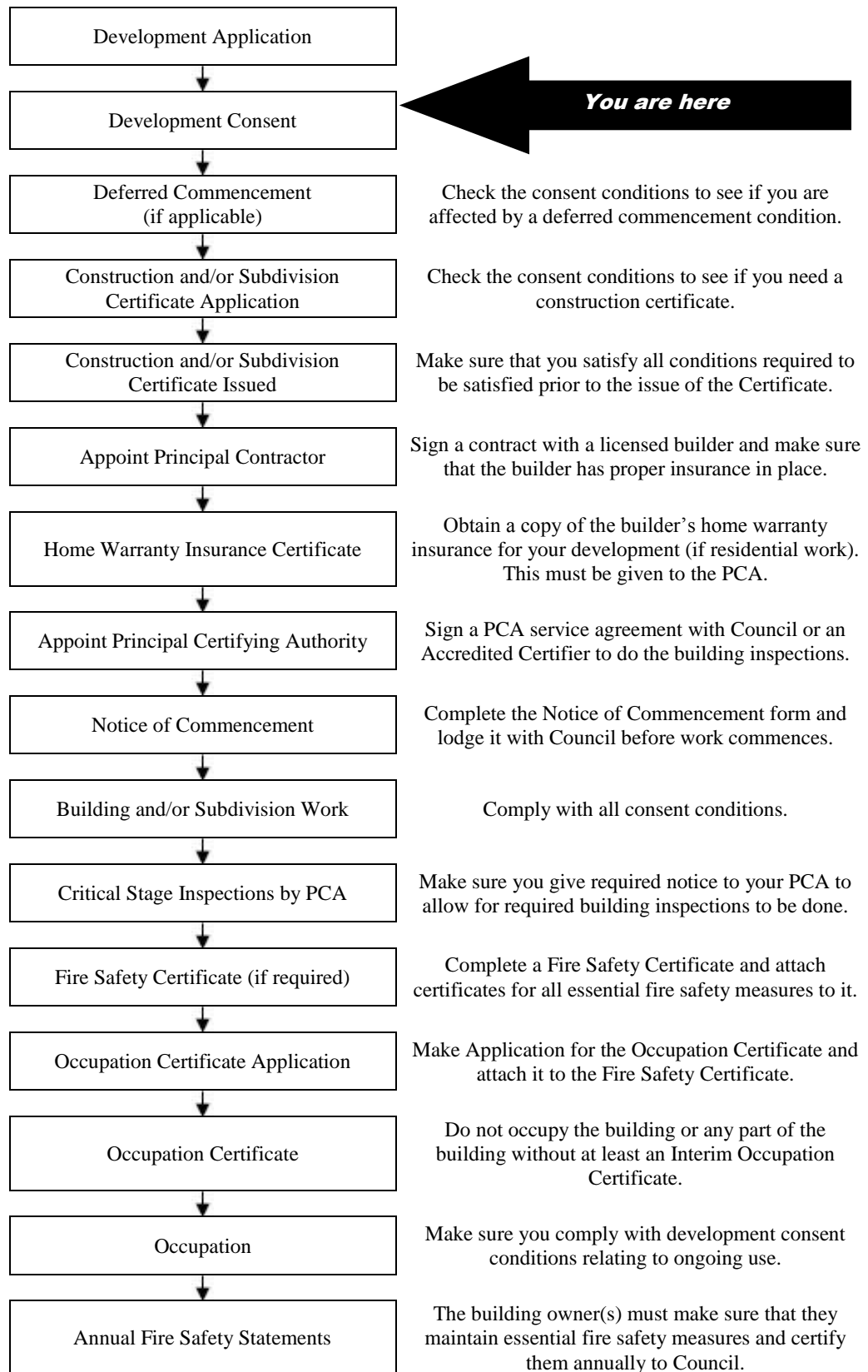
NSDCP 2013 means *North Sydney Development Control Plan 2013*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of any waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: **Interpretation of Conditions** – Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

(iii) The general steps after obtaining development consent from Council which need to be followed is provided below: -



Note: This guide is provided in good faith to assist applicants to understand the broad process. Not every statutory step may apply or has been covered given that each situation may vary in individual circumstances.

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A. *Conditions that identify approved plans*

Development in accordance with Plans

- A1. The subdivision plans being prepared in accordance with Plan of Subdivision, Sheets 1-9, drawn by Andrew P Mason (surveyor's reference 33182-41), and received by Council on 19 December 2018, except where amended by the following conditions.

(Reason: Statutory)

J. *Prior to the Issue of Any Subdivision Certificate (Stratum)*

Subdivision Certificate

- J1. 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 6.15 of the Environmental Planning and Assessment Act 1979. To enable the determination of the application for a Subdivision Certificate by North Sydney Council, the applicant must submit the following: -

- a) The original plans of subdivision and administration sheets plus two (2) copies of each, and any original 88B instrument to be endorsed, all **enclosed in a protective cardboard tube** (to prevent damage during transfer);
- b) 2 additional copies of both the plans and any 88b instrument for submission to Customer Services and records for electronic database scanning and copying;
- c) Application for Subdivision Certificate form duly completed with payment of fee current at lodgement; and
- d) Written evidence that all applicable conditions of consent to be satisfied, prior to issue of the Subdivision Certificate, have been satisfied (including submission of all required certificates and the like).

IMPORTANT NOTES:

- 1) 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, and may require payment of rechecking fees.
- 2) **Plans of subdivision and copies must not be folded.**
- 3) **Council will not accept bonds in lieu of completing subdivision works.**

(Reason: To ensure compliance with relevant legislative requirements and maintenance of up to date Council records)

Services within Lots

- J2. A Registered Surveyor shall provide certification 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.

(Reason: To ensure adequate servicing of the development)

Easements, Rights-of-Way and Restrictions-as-to-User

- J3. All easements, rights-of-way, right- of-carriageway, and restrictions-as-to-user as indicated on the plans submitted with the application for a Subdivision Certificate are to be registered on the title of the relevant lots.

(Reason: To ensure proper management of land)