



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 037-10-08


(FILE NO. 0809/026)

LAND SUBDIVISION AT AUSTRALIAN TECHNOLOGY PARK EVELEIGH

I, the Acting Chief Executive Officer of the Redfern-Waterloo Authority as delegate of the Minister for Planning under the Instrument of Delegation dated 22 February 2007, pursuant to Sections 80 (1)(a) and 80A of the *Environmental Planning & Assessment Act, 1979*, clause 9A of the *State Environmental Planning Policy (Major Projects) 2005* determine the development application referred to in the attached Schedule 1, by **granting consent** to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

1. To confirm the details of the application submitted by the applicant.
2. To comply with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.
3. To ensure compliance with relevant planning controls.
4. To ensure that the development complies with the Building Code of Australia.
5. To protect the amenity of the local environment, and adjoining residents, businesses and landowners.


Mohini Nair
A/Chief Executive Officer
Redfern Waterloo Authority

Sydney,  2009

SCHEDULE 1

PART A—TABLE

Application made by:	Australian Technology Park Precinct Management Ltd
Application made to:	Minister for Planning
Development Application:	DA037-10-08
On land comprising:	Lot 500 and DP1033739 Australian Technology Park, Garden Street and Henderson Road Eveleigh 2015
Local Government Area	City of Sydney Council
For the carrying out of:	Subdivision
Estimated cost of works:	\$ 0
Type of development:	Local Development
S.119 Public inquiry held:	No
Approval Body / Bodies:	Not Integrated
Determination made on:	13 February 2009
Determination:	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 formal notification letter accompanying the Determination.
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 physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 037-10-08

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, for a development application, within **12** months after the date on which the Applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Chief Executive Officer of the Redfern Waterloo Authority.

Further Information

If you have any queries regarding this matter, please contact Ms Joanne McGuinness, Planning Manager on 9202 9100.

PART C—DEFINITIONS

In this consent,

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

Applicant means Australian Technology Park Precinct Management Ltd 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.

CEO means the Chief Executive Officer of the Redfern Waterloo Authority

Council means the City of Sydney.

DA No. 037-10-08 means the development application and supporting documentation submitted by the Applicant on 21 October 2008.

Department means the Department of Planning or its successors.

Planning Director means the Planning Director of the Redfern Waterloo Authority.

Minister means the Minister for Planning.

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

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

RWA means the Redfern Waterloo Authority

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

Advisory Notes – means advisory information relating to the approved development but do not form a part of this consent.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 037-10-08

PART A—GENERAL CONDITIONS

A1 Development Description

The development shall be in accordance with following plan of subdivision prepared by *Peter Raymond Salmon*:

Reference No.	Sheets No	Name of Plan	Dated	Received
73068	1 to 9	Plan of Subdivision of Lot 500 DP 1033739	04.02.09	04.02.09

and as amended by the following conditions:

A2 Inconsistency between documents

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

A3 Application for Subdivision Certificate

A separate application must be made to RWA to obtain the approval of the plan of subdivision under Part 4A of the *Environmental Planning and Assessment Act 1979*.

A4 Lapsing of Consent

In accordance with Section 95(1) of the Act the development consent shall lapse unless work has physically commenced on the land within five years from the date of the consent or in instances where no work is required, the use has commenced within 5 years from the date of the consent.

A5 Prescribed Conditions

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

A6 Sydney Water 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 the RWA prior to the Subdivision Certificate being issued.

A7 Access

Easements for access must be created over the appropriate lots in the subdivision to provide for access required as a consequence of the subdivision pursuant to the *Conveyancing Act 1919*

A8 Services and miscellaneous

Easements for services including: drainage; electricity; telecommunications; water supply; repairs and 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 the *Conveyancing Act 1919*.

A9 Heritage

A heritage impact assessment is to be provided with future applications for development proposals within the new lots. This is to include a statement of potential heritage impacts on the site, buildings and existing archaeological items.

ADVISORY NOTES**AN1 Modification to development consent**

That the applicant or any person entitled to act on this consent may make an application to modify this development consent in accordance with Section 96 of the Act.