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Memorandum

TO: SYDNEY WEST CENTRAL PLANNING PANEL

FROM: GREG SAMARDŽIC
SENIOR TOWN PLANNER

SUBJECT: RECOMMENDED CONDITION NO. 83 – CREATION OF
RESTRICTION/POSITIVE COVENANTS

DA 318/2017/JP
2016SYW179

DATE: 12 APRIL 2017

A further review of Condition No. 83 for the above Development Application has occurred and its amendment is recommended. Condition No. 83 currently read as:

83. Creation of Restrictions / Positive Covenants

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used.

a) Restriction – Restricted Access

The subject site must be burdened with a restriction precluding access to INSERT using the "restricted access" terms included in the standard recitals.

b) Restriction – Bedroom Numbers

The subject site must be burdened with a restriction using the "bedroom numbers" terms included in the standard recitals.

c) Restriction – Housing for Seniors or People with a Disability

The subject site must be burdened with a restriction using the "SEPP Housing for Seniors or People with a Disability" terms included in the standard recitals.

d) Restriction – Affordable Rental Housing

The subject site must be burdened with a restriction using the "SEPP Affordable Rental Housing 2009" terms included in the standard recitals.

e) Restriction/ Positive Covenant – Onsite Stormwater Detention

The subject site must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

f) Restriction – Rainwater Tanks

The subject site must be burdened with a restriction using the "rainwater tanks" terms included in the standard recitals.

g) Restriction/ Positive Covenant – Water Sensitive Urban Design

The subject site must be burdened with a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

h) Positive Covenant – Stormwater Pump

The subject site must be burdened with a restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals.

i) Positive Covenant – Onsite Waste Collection

The subject site must be burdened with a positive covenant relating to onsite waste collection using the "onsite waste collection" terms included in the standard recitals.

It is recommended that points a, c, d and e are not applicable in this case and should be deleted prior to determination by the panel. It is recommended that Condition No. 83 be amended to read as follows:

83. Creation of Restrictions / Positive Covenants

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used.

a) Restriction – Bedroom Numbers

The subject site must be burdened with a restriction using the "bedroom numbers" terms included in the standard recitals.

b) Restriction – Rainwater Tanks

The subject site must be burdened with a restriction using the "rainwater tanks" terms included in the standard recitals.

c) Restriction/ Positive Covenant – Water Sensitive Urban Design

The subject site must be burdened with a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

d) Positive Covenant – Stormwater Pump

The subject site must be burdened with a restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals.

e) Positive Covenant – Onsite Waste Collection

The subject site must be burdened with a positive covenant relating to onsite waste collection using the "onsite waste collection" terms included in the standard recitals.



Greg Samardzic
SENIOR TOWN PLANNER