

**DEVELOPMENT APPLICATION
DRAFT CONDITIONS OF CONSENT**

Under the *Environmental Planning and Assessment Act, 1979*

Application No: DA2023/0566

Applicant: B Bradley
8/123 Pitt Street
SYDNEY NSW 2000

Property Description: 80 Betty Cuthbert Drive Lidcombe.
Lot 74 in DP 1141724, Lot 75 in DP 1141724 and Lot 475 in DP 45747.

Development: Subdivision of existing lot into 3 Torrens Title lots.

Determined by: Sydney Central City Planning Panel

CONDITIONS OF CONSENT**General Conditions.****1. DAGCA01- General**

This consent shall lapse five years after the date from this consent.

(Reason: Advisory)

2. DAGCA02 - Approved Plans and Supporting Documents

The subdivision plan must be prepared generally in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	Title/Description	Prepared By	Date/s
Reference 78896	Plan of Proposed Subdivision of Lot 74 in DP 1141724 and Lot 475 in DP 45747	Gregory Jon Frith	9 September 2024

(Reason: To confirm and clarify the details of the approval)

Conditions which must be satisfied prior to the issue of any Subdivision Certificate.**3. DASCA04 - Application for Subdivision Certificate**

An application for a Subdivision Certificate must be lodged with Council.

Note: In accordance with s.6.5(3) of the Environmental Planning and Assessment Act 1979, a certifier that issues a Subdivision Certificate must be Council unless an environmental planning instrument permits a registered certifier to issue a certificate. No environmental planning instrument applying to Cumberland permits a registered surveyor to issue a Subdivision Certificate.

(Reason: To comply with statutory requirements)

4. DASCA05 - Section 73 Compliance Certificate from Sydney Water

A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Subdivision Certificate confirming satisfactory arrangements have been made for the provision of water and sewer services. An application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). Please refer to Sydney Water's website to learn more about applying through an authorised WSC or Sydney Water.

The original Section 73 Certificate must be provided to Council prior to the issue of Subdivision Certificate.

(Reason: To comply with statutory requirements)

5. DASCZ01 - Existing easements, Right of Carriageway to be shown on the plans

All existing easements, right of carriage/ways and restrictions if any that are associated with the existing lots of the subject site shall be reflected on the plan of subdivision with the consistent denotation as shown on the current deposited plans associates with the subject site.

(Reason: Statutory requirements)

6. DASCZ06 - Creation of Right of way/ carriageways

All the lots shall have access to public roads. In this this regard, details shall be submitted to Council, Prior to the issue of a Land subdivision certificate. If necessary, appropriate right of ways, right of carriageways, shall be created wherever they are required and appropriate to allow the benefitting lots to enjoy the rights. In this regard, the subdivision plan shall incorporate the relevant items such as the right of ways, etc as required. The final plan of subdivision shall incorporate the required provision.

Note: The document/instrument shall be submitted to Council for endorsement together with other relevant supporting documents prior to lodgement with the Land and Property Information Service of NSW.

(Reason: Provision of legal access right.)

7. DASCZ03 - Creation of Restriction on the use of Land related to access to Public Road

Prior to the issue of a Land subdivision certificate, a Restriction on the Use of Land shall be created against the title of proposed lots 2 and 3 to restrict access only via Joseph Street.

In this regard, the terms of restriction shall be obtained from council. Cumberland City Council shall be named as the authority having power to vary, modify or release the restriction. The Restriction on the use shall be incorporated in the subdivision plan to the satisfaction of council and the registration with the NSW Land Registry Services (LRS) shall be eventuated together with the registration of the subdivision plan.

(Reason: To ensure the compliance of the requirement of the planning proposal)

Advisory Notes.

8. DAANN08 - Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon approval of an application under s.4.55 of the *Environmental Planning and Assessment Act, 1979*. A modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works or the like on the requested modification unless and until a modified consent is issued.

(Reason: Advisory)

9. DAANN09 - Review of Determination

In accordance with the provisions of section 8.2 of the *Environmental Planning and Assessment Act 1979*, you can request a review of a determination not relating to a complying development certificate, application for designated development or application for Crown development. A review application may not be determined after the period within which any appeal may be made to the Court if no appeal was made. To determine a review application within that time limit, the application must be submitted well in advance of the appeal right timeframe. A fee as per Council's current Pricing Policy, Fees and Charges, is payable for a review application.

(Reason: Advisory)

10. DAANN10 - Right of Appeal

Section 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979*, gives the applicant the right of appeal to the Land and Environment Court within six months after the date the decision appealed against is notified or registered on the NSW Planning Portal.

(Reason: Advisory)