



MIDCOAST
council

Taree office
2 Pulteney Street | PO Box 482
Taree NSW 2430

3 September 2018

Ref: 441/2018/DA
Enquiries: Arna Fotheringham

T Molloy
14 Gardenia Ave
PORT MACQUARIE NSW 2444

NOTICE OF DETERMINATION

Issued under the Environmental Planning and Assessment Act 1979
Sections 4.18(1)

Development Application No: 441/2018/DA

Development: Subdivision - 2 Lots

Property Address: Lot 132 DP 718879
51 Beecher Street Tinonee NSW 2430

Determination: **Approved Subject to Conditions**

Determination Date: 3 September 2018

Consent to lapse on: 3 September 2023
(if physical commencement has not occurred)

Statutory Instrument: Greater Taree Local Environmental Plan 2010

Other Approvals: Nil

General Requirements

The following conditions of consent are general conditions applying to the development.

1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Proposed 2 Lot subdivision Lot 132 DP 718879 – 51 Beecher Street Tinonee	Subdivision Plan	-	March 2018

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Reason: Information and to ensure compliance.

2. Other Government Approvals – NSW Rural Fire Service

Compliance with the conditions of the Bushfire Safety Authority issued by the NSW Rural Fire Services 7 August 2018 (ref D18/6371) as follows:

- a. The development proposal is to comply with the subdivision layout identified on the drawing titled 'Proposed 2 Lot Subdivision, Lot 132 DP 78879 – 51 Beecher St Tinonee; dated March, 2018.
- b. At the issue of subdivision certificate and in perpetuity the entire property of proposed Lot 2 shall be managed as an inner protection are (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for bush fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Reason: To ensure compliance with legislative requirements.

3. Adjustment to utility services

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

Reason: To ensure utility services remain in a serviceable condition.

Prior to the issue of the Subdivision Certificate

The following conditions of consent must be complied with prior to the issue of the Subdivision Certificate.

4. Plan of subdivision

An application for a subdivision certificate must be made on the approved form and must be accompanied by the subdivision certificate fees, in accordance with Council's adopted schedule of fees and charges.

Reason: To ensure adequate identification of boundaries and the location of structures.

5. Electricity supply certificate

Prior to the issue of a subdivision certificate, a certificate of compliance from the electricity supply authority must be submitted to Council stating that satisfactory arrangements have been made for the provision of electricity supply to the subdivision.

Reason: To ensure that utility services have been provided to the newly created lots.

6. Telephone supply certificate

Prior to the issue of a subdivision certificate, a certificate of compliance from the telephone supply authority must be submitted to Council stating that satisfactory arrangements have been made for the provision of telephone supply for the subdivision.

Reason: To ensure that utility services have been provided to the newly created lots.

7. Water and sewer supply certificate

Prior to the issue of a subdivision certificate, a certificate of compliance from MidCoast Water must be submitted to Council stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development.

Reason: To ensure that utility services have been provided to the newly created lots.

Reasons for Approval

The development is considered appropriate and compliant with the relevant aims and objectives contained in the Greater Taree City Council Local Environmental Plan 2010 and Greater Taree City Council Development Control Plan 2010.

Community Consultation

One submission was received. Issues raised in all submissions have been considered in the assessment, and where appropriate, conditions of consent have been included in the Notice of Determination to address these issues.

Advisory Note

Separate approval may be required by MidCoast Water (MCW) where the development may have an affect on MidCoast Water's Sewer and water infrastructure. To determine any requirements please contact MCW on 1300 133 455.

Are you dissatisfied with the determination?

If you are unhappy with conditions of consent discuss your concerns with the officer who dealt with your application. You may also apply to for a:

Modification of Consent

You may submit an application to Council to modify the consent under Section 4.55 of the Environmental Planning & Assessment Act, 1979. You will need to provide reasons why the conditions should be changed or deleted. You may lodge a Section 4.55 application at any time after the notice of determination. If you are not happy with Council's decision on your request for modification, then you may appeal to the NSW Land & Environment Council within six (6) months of the notification by Council.

Review of Determination

You may request Council to review its decision under Section 8.2 of the Environmental Planning and Assessment Act, 1979. Such a request must be in writing together with payment of the appropriate fee and made within six (6) months of the date of the determination, or if there is an appeal to the Land and Environment Court, up to the time when the court hands down its decision. In reviewing its decision Council is able to consider alterations to the above plans, provided that the Development Application remains substantially the same as the one for which the consent was originally sought, and the changes are publicly notified.

NOTE: This clause does not relate to Designated Development, Complying Development or applications previously considered under Section 8.2 of the Environmental Planning and Assessment Act 1979.

Land and Environment Court Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.



Arna Fotheringham
Town Planner

3 September 2018