

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

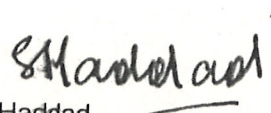
File No:	S04/01874 Pt1
Application Number:	DA 187-8-2004
Date of lodgement:	04 th August 2004
On land comprising:	Lot 224 in DP 1048494 Dianella Drive, Casuarina 2488
Application made by:	Mr. John Lea Pacific Projects Group Pty Ltd.
Application made to:	Minister for Infrastructure and Planning
Local government area:	Tweed Shire Council
State electorate:	Tweed, Mr. Newell Neville The views of the Member are not known.
Notification:	Advertised in Tweed Time on 3 September 2004
Public Exhibition	Start: 3 rd September 2004. End: 1 st October, 2004.
For the carrying out of:	Development of 114 tourist accommodation units, Lobby/ Reception, guest dinning area, guest Lounge and courtyard with pool.
Estimated cost of works:	\$17.5 Million
FTE Jobs created:	245 jobs during construction and 6-10 full time equivalent operational jobs.
Type of development:	State Significant Development
Was a public inquiry held?	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	The application is integrated development and requires consent from Council under section 138 of the Roads Act.
Main Issues:	Refer to attached page.
Compliance with the Act	The application has been considered with regard to the matters raised in section 79C of the Act. The application was notified in accordance with the Regulations and all submissions received in the period have been considered. On balance, it is considered that the proposed development is acceptable and that development consent be granted.
Applicant views on draft conditions:	Applicant expressed general support for proposed draft conditions.

Recommendation

It is recommended that the Minister for Infrastructure and Planning pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 10 of State Environmental Planning Policy No 71 – Coastal Protection:

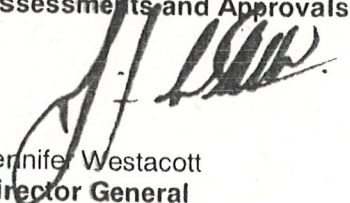
- (A) grant **consent** to the application subject to conditions (Tag A), and
- (B) authorise the Department to carry out post-determination notification.

Approved:

19/4

 Sam Haddad
 Deputy Director-General
 Office of Sustainable Development
 Assessments and Approvals

28/4/05

 Craig Knowles
 Minister for Infrastructure and Planning
 Minister for Natural Resources

20/4

 Jennifer Westacott
 Director General
 Development of Infrastructure, Planning and
 Natural Resources

28/4/05

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 187-8-2004

(FILE NO. S04/01874 PT 1)

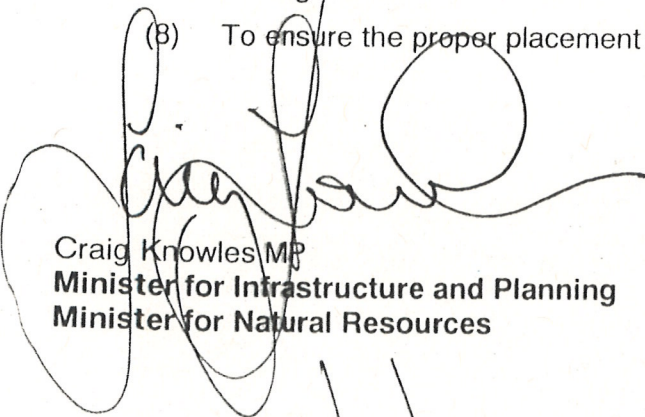
LOT 224 DP 1048494 DIANELLA DRIVE

**TOURIST COMPLEX COMPRISING A TOTAL 114 TOURIST ACCOMODATION
UNITS**

I, the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 10(2) of State Environmental Planning Policy No. 71 – Coastal Development 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 promote the orderly and ecologically sustainable use and development of land,
- (2) To ensure that the height, form and orientation of buildings are to take into account visual impact, both land and water based, solar access, ventilation, wind impact and the amenity and privacy of residences,
- (3) To ensure the development provides a high quality of landscaping and plantings,
- (4) To ensure that the development represents good design by providing an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings
- (5) To ensure that the development represents good design by optimising safety and security, both internal to the development and for the public domain.
- (6) To ensure that the development represents good design by recognising that together, landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.
- (7) To ensure the potential for pollution resulting is appropriately minimised and managed.
- (8) To ensure the proper placement of drainage and other services.



Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

28/4

2005

SCHEDULE 1

PART A—TABLE

Application made by:	Pacific Projects Group pty Ltd.
Application made to:	Minister for Infrastructure and Planning
Development Application:	No 187-8-2004
On land comprising:	Lot 224 DP 1048494, Dianella Drive, Casuarina Beach
For the carrying out of:	<i>Development described in Condition A1, Part A, Schedule 2</i>
Type of development:	State Significant Development
S.119 Public inquiry held:	No
Approval Body / Bodies:	N/A
Determination made on:	
Determination:	A 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: ▪ 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. 187-8-2004

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 Director-General.

Section 94 Conditions

This development consent contains a levy for development imposed under section 94 of the Act. The imposing of levies where imposed in accordance with Council's Contributions Plans.

Council's Contributions Plans may be inspected at Council's offices located at Civic and Cultural Centre, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

In this consent,

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

Applicant means John Lea from Pacific Projects Group Pty Ltd or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act.

Council means Tweed Shire Council.

DA No. 187-8-2004 means the development application and supporting documentation submitted by the applicant on 04 August 2004.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of Urban Assessments (or its successors) within the Department.

Minister means the Minister for Infrastructure and Planning.

Regulation means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

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