

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION (MOD 128-8-2005) OF DEVELOPMENT CONSENT

(DA 416-9-2003)

CONSTRUCTION OF A TWO STOREY DWELLING (GROUND FLOOR TO BE USED FOR BOAT STORAGE AND ANCILLARY PURPOSES, TWO SWIMMING POOLS, FOUR TOURIST ACCOMMODATION CABINS AND ANCILLARY WORKS

PURSUANT TO SECTION 80 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

(FILE NO. 9041161)

I, Chris Wilson, Acting Deputy Director General, Office of Sustainable Development Assessment Approvals, as delegate of the Minister for Planning, under Instrument of Delegation dated 12 September 2005, pursuant to Section 96 (1A) of the *Environmental Planning & Assessment Act, 1979*, determine the application for modification of consent No. 416-9-2003 by refusing the application for the following reasons:

- a) The proposal to amend condition B1 is not acceptable due to the location of the proposal on flood prone land;
- b) The proposal does not comply with the provisions of Tweed Shire Council's Development Control Plan No 5 – Development of Flood Liable Lands; and
- b) The proposal is not in the public interest

**Chris Wilson,
Acting Deputy Director General
Office of Sustainable Development Assessment and Approvals**

Sydney,

2006

SCHEDULE 1

PART A—TABLE

Application Number:	MOD 128-8-2005 modifying DA 416-9-2003
Application made by:	Sandy Younan, 11 Shore Place, Kingscliff, NSW 2487.
On land comprising:	Lot 1, DP 119051 and Lot 1, DP 451271
Local Government Area	Tweed Shire Council
For the carrying out of:	Construction of two storey dwelling (ground floor to be used for boat storage and ancillary purposes), two swimming pools, four tourist accommodation cabins and ancillary works.
Section 96 (1A) Application	MOD 128-8-2005 to modify DA 416-9-2003 the following manner : <ul style="list-style-type: none">▪ amend condition B1 to permit further uses below flood levels
Development consent granted by:	Delegate of the Minister for Planning
On:	
Type of development:	State Significant Development
S.119 public inquiry held:	No
As modified:	Consent not previously modified

PART B—NOTES RELATING TO THE PROPOSED MODIFICATION OF DEVELOPMENT CONSENT NO. 416-9-2003

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 available 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,