

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION (MOD 89-7-2006) OF DEVELOPMENT CONSENT (DA 54-3-2004)

**MIXED USE DEVELOPMENT COMPRISING THIRTY TWO RESIDENTIAL UNITS,
FORTY SEVEN SERVICED APARTMENTS AND COMMERCIAL DEVELOPMENT**

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

(FILE NO. S06/00217, S04/00573 (PT1) & 9039060 (PT1 & 2))

I, Yolande Stone, Acting Executive Director, Major Projects Assessment, pursuant to Section 96 (1A) of the *Environmental Planning & Assessment Act, 1979*, modify the development consent referred to in the attached Schedule 1 subject to conditions in the manner set out in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To encourage good urban design and a high standard of architecture;
- (2) To promote the orderly development and use of the land;
- (3) To maintain the amenity of the local area.

Yolande Stone
A/Executive Director
Major Project Assessments

Sydney, 2006

SCHEDULE 1

PART A—TABLE

Application Number:	MOD 89-7-2006 modifying DA 54-3-2004
Application made by:	Forbes Rigby Pty Ltd 278 Keira Street, Wollongong NSW 2500
On land comprising:	Lot 1 and Lot 202 DP 743509 Meares Place, Kiama
Local Government Area	Kiama Municipal Council
For the carrying out of:	Mixed Use Development Comprising Thirty Two (32) Residential Units, Forty Seven (47) Serviced Apartments and Commercial Development.
Section 96 (1A) Application	MOD 89-7-2006 to modify DA 54-3-2004 in the following manner. Modification proposed includes the following: - stairwell from basement to fourth floor, - design of basement parking, - inclusion of garbage and recycling areas - electrical substation pump and switch room - layout details for reception area - gym room - building setback to southern boundary
Development consent granted by:	Chris Wilson, Executive Director, Major Projects Assessment Delegate of the Minister for Planning
On:	
Type of development:	Local Development
S.119 public inquiry held:	N/A
As modified:	Consent not previously modified

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. MOD 89-7-2006

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.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

The definitions within this modification are consistent with the definitions in Schedule 1 of the consent to development application DA 54-3-2004.

SCHEDULE 2

MODIFICATION (MOD 89-7-2006) OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO. DA 54-3-2004

The development consent is modified as follows:

(a) Omit Condition **A2 of Part A**. Insert instead **A2A** as follows:

PART A – ADMINISTRATIVE CONDITIONS

A2A *Development in Accordance with Plans*

The development shall be generally in accordance with development application number DA No. 54-3-2004, **as amended by MOD 89-7-2006**, submitted by the applicant on 9 March 2004, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

(i)

Statement of Environmental Effects entitled Proposed Mixed Use Development "Meares Place", Kiama for Sebastian Builders and Developers Pty Ltd & Ocean Street Pty Ltd prepared by Forbes Rigby Pty Ltd, dated March 2004.			
Architectural (or Design) Drawings prepared by BHI Architects			
Drawing No.	Amendment	Name of Plan	Date
4442-CSD-02-H	H	Proposed Multi-Unit Commercial Development Proposed Lot 202, Lot 1 DP 743509 Collins Street Kiama	March 2004 Amended 25.05.06
4442-CSD-03-J	J	Proposed Multi-Unit Commercial Development Proposed Lot 202, Lot 1 DP 743509 Collins Street Kiama	March 2004 Amended 05.12.06
4442-CSD-04-H	H	Proposed Multi-Unit Commercial Development Proposed Lot 202, Lot 1 DP 743509 Collins Street Kiama	March 2004 Amended 25.05.06
4442-CSD-05-H	H	Proposed Multi-Unit Commercial Development Proposed Lot 202, Lot 1 DP 743509 Collins Street Kiama	March 2004 Amended 25.05.06
4442-CSD-06-H	H	Proposed Multi-Unit Commercial Development Proposed Lot 202, Lot 1 DP 743509 Collins Street Kiama	March 2004 Amended 25.05.06
4442-CSD-07-H	H	Proposed Multi-Unit Commercial Development Proposed Lot 202, Lot 1 DP 743509 Collins Street Kiama	March 2004 Amended 25.05.06
4442-CSD-08-H	H	Proposed Multi-Unit Commercial Development Proposed Lot 202, Lot 1 DP 743509 Collins Street Kiama	March 2004 Amended 25.05.06
4442-CSD-09-H	H	Proposed Multi-Unit Commercial Development Proposed Lot 202, Lot 1 DP 743509 Collins Street Kiama	March 2004 Amended 25.05.06
4442-CSD-10-H	H	Proposed Multi-Unit Commercial Development Proposed Lot 202, Lot 1 DP 743509 Collins Street Kiama	March 2004 Amended

4442-CSD-11-H	H	Proposed Multi-Unit Commercial Development Proposed Lot 202, Lot 1 DP 743509 Collins Street Kiama	25.05.06 March 2004 Amended 25.05.06
4442-CSD-12-H	H	Proposed Multi-Unit Commercial Development Proposed Lot 202, Lot 1 DP 743509 Collins Street Kiama	March 2004 Amended 25.05.06
Landscape Drawings prepared by Hughes Landscape Architects			
Drawing No.	Revision	Name of Plan	Date
506-LD01A	A	DA Landscape Concept Plan Ground Floor	3 October 2003
506-LD02A	A	DA Landscape Concept Plan Roof Terraces	22 September 2003

- (ii) **This consent for modification (MOD 89-7-2006) of DA 54-3-2004 does not permit strata subdivision or staged development.**

And as amended by these conditions:

- (b) Add **Advisory Note AN16** as follows:

ADVISORY NOTES

AN15 *Subdivision or Staged Development*

Any application for strata subdivision or staged development shall be dealt with by way of a new Development Application.