

# Modification of Minister's Consent

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

I, Alan Bright, Acting Director of Regional Projects, as delegate of the Minister for Planning, pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* determine to approve of the modification to the consent referred to in Schedule 1 in the manner set out in Schedule 2.



Alan Bright  
A/Director  
Regional Projects

Sydney,

21/01

2010

## SCHEDULE 1

### PART A—TABLE

|                                        |                                                                                                                                                                                                                                                                                    |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b>             | DA 492-11-2003 MOD 2 modifying DA 492-11-2003                                                                                                                                                                                                                                      |
| <b>Application made by:</b>            | Coastline Building Certification Group P/L<br>2/47 Greenway Drive<br>Tweed Heads South NSW 2486                                                                                                                                                                                    |
| <b>On land comprising:</b>             | Lot 4 Section 4 DP 172565 30 Marine Parade, Kingscliff                                                                                                                                                                                                                             |
| <b>Local Government Area</b>           | Tweed Shire Council                                                                                                                                                                                                                                                                |
| <b>For the carrying out of:</b>        | Retail/commercial premises & tourist accommodation                                                                                                                                                                                                                                 |
| <b>Section 96 (1A) Application</b>     | DA 492-11-2003 MOD 2 to modify DA 492-11-2003 in the following manner: <ul style="list-style-type: none"> <li>• Amend condition A1AA with regard to the description of the consented development.</li> <li>• Amend condition A2AA with regard to the development plans.</li> </ul> |
| <b>Development consent granted by:</b> | Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)                                                                                                                                                                                          |
| <b>On:</b>                             | 27 January 2005                                                                                                                                                                                                                                                                    |
| <b>Type of development:</b>            | Integrated Development                                                                                                                                                                                                                                                             |
| <b>S.119 public inquiry held:</b>      | No                                                                                                                                                                                                                                                                                 |
| <b>As modified:</b>                    | DA 73-2-2003<br>MOD 8-1-2006                                                                                                                                                                                                                                                       |

### PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT DA 492-11-2003 MOD 2 MODIFYING DA 492-11-2003

#### ***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 96(6) of the *Environmental Planning and Assessment Act 1979*, in relation to a modification application. Section 96(6) provides that an applicant who is dissatisfied with the determination of the application or the failure of the consent authority to determine the application within 40 days after the application is made may appeal to the Land and Environment Court.

#### ***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 492-11-2003 as modified.

## SCHEDULE 2

The development consent is modified by:

### PART A – ADMINISTRATIVE CONDITIONS

Delete Condition A1A and insert condition A1AA:

#### **A1AA Development Description**

Development consent is granted only to carrying out the development described in detail below:

- (1) Erection of a four (4) storey building;
- (2) Ground floor comprises 286sqm of commercial/retail, two kitchen areas, commercial waste area, and toilets;
- (3) Four tourist accommodation units; two (2) three (3) bedroom units, 8 space car parking and one (1) three (3) bedroom unit at level 3.

Delete Condition A2A and insert A2AA:

#### **A2AA Development in Accordance with Plans**

The development shall be generally in accordance with development application number 492-11-2003 submitted by the applicant on 25 November 2003, and in accordance with the supporting documentation submitted with that application, as amended by modification including, but not limited to, the following:

| Statement of Environmental Effects entitled <b>Statement of Environmental Effects – Proposed mixed commercial/retail &amp; tourist accommodation comprising 4 units prepared by Darryl Anderson Consulting Pty Ltd, dated November 2003</b> |          |                                       |           |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------------------------------|-----------|-----------|
| Architectural (or Design) Drawings prepared by <b>Pacific Project Groups Architecture</b>                                                                                                                                                   |          |                                       |           |           |
| Drawing No.                                                                                                                                                                                                                                 | Revision | Name of Plan                          | Date      | Rev. Date |
| DA01                                                                                                                                                                                                                                        | -        | Site Plan                             | 30/9/2003 | -         |
| 532.06 Sheet 2                                                                                                                                                                                                                              | C        | Ground Floor Plan<br>First Floor Plan | Jan 2008  | -         |
| DA03                                                                                                                                                                                                                                        | A        | First Floor Plan                      | 30/9/2003 | Sept 2004 |
| DA04                                                                                                                                                                                                                                        | A        | Second Floor Plan                     | 30/9/2003 | Sept 2004 |
| DA05                                                                                                                                                                                                                                        | A        | Third Floor Plan                      | 30/9/2003 | Sept 2004 |
| DA06                                                                                                                                                                                                                                        | A        | Roof Plan                             | 30/9/2003 | Sept 2004 |
| 532.06 Sheet 24                                                                                                                                                                                                                             | C        | Elevation + Section                   | Jan 2008  | -         |
| DA09                                                                                                                                                                                                                                        | A        | Sun Study June 21 3pm                 | 30/9/2003 | Sept 2004 |
| DA10                                                                                                                                                                                                                                        | A        | Sun Study December 22 6:30pm          | 30/9/2003 | Sept 2004 |

### PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Insert condition B17:

#### **B17 Design of Food Premises**

The fitout of the food premises shall be carried out in accordance with the Food Premises and Equipment Standard 3.2.3 of the Australia New Zealand Food Standards Code. Details of compliance with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. Standard 3.1.1 must be referred to. Standard 3.2.2 Food Safety Practices and General Requirements must be followed at all times during operation of the facility.