

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, the Independent Planning Commission modifies the consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Wilson (Chair)
Member of the Commission



Dr Peter Williams
Member of the Commission

Sydney

6 May 2019

SCHEDULE 1

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|-----------------------------|---|
| Development consent: | MP 09_0121 granted by the Minister for Planning on 24 November 2010 |
| For the following: | Mixed Use Residential Development over two stages, including: <ul style="list-style-type: none">• Stage 1 - Construction of a 7-storey mixed use residential building; and• Stage 2 - Construction of a 2-storey commercial/retail building |
| Proponent: | Longbeach Living Pty Ltd |
| Consent Authority: | Minister for Planning |
| The Land: | Memorial Avenue and The Esplanade, Ettalong Beach (Lots 111, 112, 113, 114, 115, 116, DP 10650) |
| Modification: | MP 09_0121 MOD 5. The modification includes: <ul style="list-style-type: none">• extensions and additions of apartment balconies;• minor internal alterations to the layout of the ground floor; and• extension and minor reconfiguration of Level 6 apartment terraces. |

SCHEDULE 2

The approval is modified as follows:

- (a) Schedule 2 Part A - Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 09_0121 and the Environmental Assessment dated April 2010, prepared by Kann Finch Group Pty Ltd, except where amended by the Preferred Project Report dated 3 September 2010, prepared by Kann Finch Group Pty Ltd., as amended by the documents submitted with Modification 1, 3, ~~and 4,~~ **and 5** including the Statements of Environmental Effects by Planning Lab and Response to Submissions dated 05.06.2016 **and Response to Submissions for MOD 5** and the following drawings:

| Architectural Drawings prepared by CDArchitects | | | | |
|---|------------------------------|----------------------------------|--------------|---|
| Drawing No. | Revision | Name of Plan | Drawn By | Date |
| DA100 | A | Basement Plan | CDArchitects | 16.02.17 |
| DA101 | E <u>F</u> | Ground Floor Plan | CDArchitects | 04.08.16 <u>27.09.18</u> |
| DA102 | B <u>C</u> | Upper Ground Floor Plan | CDArchitects | 27.03.17 <u>27.09.18</u> |
| DA103 | C | Level 01 Floor Plan | CDArchitects | 04.07.17 |
| DA104 | C | Level 02 Floor Plan | CDArchitects | 04.07.17 |
| DA105 | E <u>F</u> | Level 03 Floor Plan | CDArchitects | 04.07.17 <u>06.12.18</u> |
| DA106 | E <u>D</u> | Level 04 Floor Plan | CDArchitects | 04.07.17 <u>27.09.18</u> |
| DA107 | E <u>F</u> | Level 05 Floor Plan | CDArchitects | 04.07.17 <u>06.12.18</u> |
| DA108 | D <u>H</u> | Level 06 Floor Plan | CDArchitects | 25.05.18 <u>19.02.19</u> |
| DA109 | D <u>H</u> | Roof Plan | CDArchitects | 25.05.18 <u>17.12.18</u> |
| DA200 | E <u>H</u> | North & South Elevations | CDArchitects | 25.05.17 <u>19.02.19</u> |
| DA201 | E <u>G</u> | East & West Elevations | CDArchitects | 27.03.17 <u>06.12.18</u> |
| DA300 | B <u>E</u> | Section A | CDArchitects | 08.03.17 <u>04.12.18</u> |
| DA500 | A | Pre & Post Adaptable Unit Layout | CDArchitects | 16.02.17 |
| DA501 | A | Basix Info Sheet 1 | CDArchitects | 16.02.17 |
| DA502 | A | Basix Info Sheet 2 | CDArchitects | 16.02.17 |
| DA710 | C | Photomontage | CDArchitects | 16.02.17 |

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|-------|---|--|--------------|----------|
| DA730 | C | Finishes Schedule | CDArchitects | 16.02.17 |
| DA731 | C | Details Sheet | CDArchitects | 16.02.17 |
| DA800 | C | Stage 2 Basement 1 & Ground Floor Plan | CDArchitects | 05.02.16 |
| DA801 | C | Stage 2 Level 1 & 2 Floor Plan | CDArchitects | 05.02.16 |
| DA802 | C | Stage 2 West Elevation | CDArchitects | 05.02.16 |
| DA803 | C | Stage 2 East Elevation | CDArchitects | 05.02.16 |

| Landscape Plan | | | | |
|----------------|----------|----------------------------|--------------------|----------|
| Drawing No. | Revision | Name of Plan | Drawn By | Date |
| DA01 | B | Ground Floor Planting Plan | Site design studio | 05.02.16 |
| DA02 | A | Level 1 Planting Plan | Site design studio | 05.02.16 |
| DA03 | A | Level 3 Planting Plan | Site design studio | 05.02.16 |
| DA04 | A | Typical Details | Site design studio | 05.02.16 |

except for:

- Any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and otherwise provided by the conditions of this approval.

- (b) Schedule 2 Part B – Condition B1 is amended by the insertion of the **bold and underlined** words/numbers as follows:

B1. Modification of details of the development

The *approved plans* and the *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail the following amendments:

- Adequate lighting to AS1158 is to be provided to common areas.
- Landscaping adjacent to mailboxes and footpaths must not provide for the concealment opportunities for criminal activity.
- The development must be designed to avoid foot holes or natural ladders so as to minimise unlawful access to the premises.
- Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- The driveway, vehicle manoeuvring area and 90 car parking spaces as shown on the approved plans must be properly constructed, graded, drained, sealed and line marked including directional arrows with impervious paving material, in accordance with Australian Standard 2890.1-2004 Off Street Parking.
- Impervious surface areas including pathways and driveways are to be graded and drained to prevent water run-off affecting adjoining properties.
- Driveways/ramps and car parking areas must be designed according to the requirements of the current Australian Standard AS2890 for the geometric designs, and industry Standards for pavement designs.

- h) Nutrient/pollution control measures must be designed in accordance with Council's DCP165 - Water Cycle Management. A nutrient/pollution control report including an operation and maintenance plan shall accompany the design.
 - i) The secondary stormwater flow path as shown on the approved plans (located between the Laneway and The Esplanade on the eastern side of the development) shall be capable of conveying 50% of the 1% AEP flood flow shall be designed in accordance with Council's 'GCC Design Specification for Survey, Road and Drainage Works' & 'Civil Construction Specification'.
 - j) The minimum floor level of all habitable rooms in the development must be 500mm above the 1% AEP flood level associated with the laneway secondary stormwater flow path located between the laneway and The Esplanade.
 - k) The location of all electronic fixtures and/or gas outlets on the ground floor are to be at a minimum height of 500mm above the 1%AEP flood level associated with the laneway secondary stormwater flow path located between the laneway and The Esplanade.
 - l) Windows facing on to the rear laneway are to be incorporated into the ground floor level commercial tenancies within Stage 1, generally consistent with the details shown in A003 and A009, Revision A dated 04.11.10.
 - m) Incorporation of external shading devices for all east or west facing windows which would not be otherwise shaded by eave or balcony overhangs.
 - n) The floorplan of Unit 501 is to be modified so that the balcony is increased in size to be consistent with the size and design of the balcony at Unit 401.
 - o) The doorway associated with Retail Tenancy 3 located within the frontage of The Esplanade is not to open onto the footway.
 - p) The door to the Public Bathroom identified on the Ground Floor Plan must contain a self-locking mechanism.**
- (c) Schedule 2 Part F is amended by the insertion of the **bold and underlined** words/numbers as follows:

F14. Public Ground Floor Bathroom

The door to the Public Bathroom identified on the Ground Floor Plan must be accessed by a key.

End of Modification