

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION (MOD 144-09-2005) OF DEVELOPMENT CONSENT (DA 230-05-2003)

ERECTION OF 4 MIXED USE BUILDINGS – “LEE WHARF DEVELOPMENT”

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

(FILE NO. 9040213)

I, Chris Wilson, acting Deputy Director General, 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*, modify the development consent referred to in the attached Schedule 1 in the manner set out in the attached Schedule 2.

The reasons for the imposition of conditions are:

- a To maintain the amenity of the local area.

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

Sydney,

2005

SCHEDULE 1

PART A—TABLE

Application Number:	MOD 144-09-2005 modifying DA 230-05-2003
Application made by:	Caverstock Group Pty Ltd Level 1/185 Liverpool St Sydney 2000
On land comprising:	Lot 4 DP 883474, Lot 11 DP 883474, Lot 12 DP 883474, Part Lot 51 DP 1036132 and Lot 21 DP 1051525. Honeysuckle Drive, Newcastle
Local Government Area	Newcastle
For the carrying out of:	Mixed Use development consisting of 4 multi-storey buildings and associated facilities: Building A1: 7 storey apartment building containing 26 residential apartments, 361m ² ground floor retail space and 93 basement car parking spaces; Building A2: 5 storey apartment building containing 24 apartments, 650m ² ground floor retail space and shared basement car parking with Building A1; Building B1: 9 storey apartment building containing 41 residential apartments, 497m ² ground floor retail space and 108 basement car parking spaces; Building B2: 6 storey apartment building containing 44 apartments, 646m ² ground floor retail space and shared basement car parking with Building B2; temporary 200 space car park; 2 lot subdivision; and associated rights of way.
Section 96 (1A) Application	MOD 144-09-2005 to modify DA 230-05-2003 the following manner: <ul style="list-style-type: none"> ▪ amend condition A2 regarding approved development
Development consent granted by:	Delegate of the Minister for Planning
On:	
Type of development:	Integrated Development Advertised Development
S.119 public inquiry held:	No
As modified:	MOD 125-12-2004 under Section 96 (1A) of the Act on 21 December, 2004. MOD 73-05-2005 under Section 96 (1A) of the Act on 23 August 2005.

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. MOD 144-09-2005

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 available within **3** 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.

PART C—DEFINITIONS

The definitions within this modification are consistent with the definitions in Schedule 1 of the consent to development application 230-05-2003.

SCHEDULE 2**MODIFICATION (MOD 144-09-2005) OF DEVELOPMENT CONSENT TO
DEVELOPMENT APPLICATION NO. DA 230-05-2003**

The development consent is modified as follows:

PART A – ADMINISTRATIVE CONDITIONS

- (a) Insert below the table in Condition A2 the following:

As modified by:

Statement of Environmental Effects entitled Application to Modify Development Consent DA 230-05-2003, Modifications to Awnings to Buildings a1, A2, B1 and B2 prepared by Caverstock Group Pty Ltd, dated September 2005.			
Architectural (or Design) Drawings prepared by <i>Cronepartners Architecture Studios</i> – specifically the clouded portions which relate to the variation of the awnings.			
Drawing No.	Revision	Name of Plan	Date
ACD Z-1003	G	Level 1 Floor Plan	25/08/2005
ACD Z-3001	D	North-South Section A & B	25/08/2005
ACD Z-2002	E	North & South Elevations Buildings A1 & A2	25/08/2005
ACD Z-2003	F	North and South Elevations Buildings B1, B2, and B7	25/08/2005