

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

**MODIFICATION (MOD 168-11-2005) OF DEVELOPMENT CONSENT (DA
232-05-2003)**

**CONSTRUCTION OF NEWCASTLE FORESHORE PROMENADE – “LEE
WHARF DEVELOPMENT”**

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

(FILE NO. 9040906)

I, Chris Wilson, Acting Deputy Director General of the Office of Sustainable Development Assessments and 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*, 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:

- (1) To ensure appropriate use of the site.
- (2) To improve the external appearance of the development.
- (3) To encourage good urban design.

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

Sydney,

2006

SCHEDULE 1

PART A—TABLE

Application Number:	MOD 168-11-2005 modifying DA 232-05-2003
Application made by:	Caverstock Group Pty Ltd L1, 185 Liverpool St Sydney 2000
On land comprising:	Lot 12 DP 882474 and Lot 51 DP 1036132 5 and 7 Honeysuckle Drive, Newcastle

Local Government Area	Newcastle
For the carrying out of:	Public Domain Works: ▪  Harbour Foreshore Promenade ▪  Demolition of existing dilapidated remnants of wharf structure and sea wall ▪  Timber boardwalk ▪  Timber pontoon/floating walkway ▪  Landscaping of Public Open Space
Section 96 (1A) Application	MOD 168-11-2005 to modify DA 232-05-2003 the following manner: ▪ Amend condition A2 regarding approved development to reflect amendments to paving to improve maintenance access around Wharf C building and extension of seawall up to Lee Wharf building C.
Development consent granted by:	Minister for Planning
On:	20 May 2004
Type of development:	Integrated Development Advertised Development
S.119 public inquiry held:	No
As modified:	MOD 145-09-2005 under Section 96 (1A) of the Act on 15 October 2005

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. MOD 168-11-2005

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 232-5-2003.

SCHEDULE 2

MODIFICATION (MOD 168-11-2005) OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO. DA 232-05-2003

The development consent is modified as follows:

PART A – ADMINISTRATIVE CONDITIONS

Insert the following at the end of Condition A2;

And as further modified by the documents listed below:

Letter to the Department of Planning from Caverstock Group dated 7 November 2005			
Letter to the Department of Planning from Caverstock Group dated 2 February providing clarification of the modifications proposed			
Architectural Drawings (as clouded) prepared by Cronepartners Architecture Studios listed below, but only so far as the documents refer to amendments to paving to improve access around Wharf C building and extend the seawall			
Drawing No.	Revision	Name of Plan	Date
ACDZ1002	O	Podium Ground Floor Plan	24.10.05

ADAZ0002	F	Site Analysis Plan	25.10.05
ADAZ1022	C	Podium Site A Revised Ground Floor Plan	25.10.05
ADAZ0001	E	Location Plan	25.10.05
Landscape Drawings prepared by Oculus			
Drawing No.	Revision	Name of Plan	Date
DA-L02	Rev G	Landscape Plan	October 2005

End of modifications to DA 232-05-2003