

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION (MOD 190-12-2005) OF DEVELOPMENT CONSENT (DA230-5-2003)

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

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

(FILE NO. 9041284)

I, Chris Wilson, Acting Executive Director of Sustainable Development Assessments as delegate of the Minister for Planning, under Instrument of Delegation dated 5 April 2006, 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 ensure orderly development.

Chris Wilson
Acting Executive Director
Sustainable Development Assessments

Sydney,

2006

SCHEDULE 1**PART A—TABLE**

Application Number:	MOD 190-12-2003 modifying DA 230-5-2003
Application made by:	Caverstock Group Pty Ltd L1, 185 Liverpool St Sydney 2000
On land comprising:	Lee Wharf, Honeysuckle Drive, Newcastle Lot 4 DP 883 474, Lot 12 DP 883 474, Part Lot 51 DP 1036132 and Lot 21 DP 1051525
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 190-12-2005 to modify DA 230-5-2003 to delete the provision of a temporary car park for 200 vehicles from the development. Specifically, the consent shall be modified as follows; ▪ Omit Condition A1(5) ▪ Amend plan numbers referred to in Condition A2 to reflect the modifications. ▪ Omit Conditions B1(4), B1(5), B22, B23 ▪ Amend Condition B24 ▪ Omit Condition F13
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 125-12-2004 under Section 96 (1A) of the Act on 21 December 2004 MOD 146-09-2005 under Section 96 (1A) of the Act on 15 October 2005 MOD 73-05-2005 under Section 96 (1A) of the Act on 23 August 2005 MOD 170-11-2005 under Section 96(1A) of the Act on 1 March 2006. MOD 184-11-2005 under Section 96(1A) of the Act on 14 March 2006.

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. 230-5-2003***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 97 of the Environmental Planning and Assessment Act, 1979. The right to appeal is available within the time limit specified within Clause 1, Part 17 of the Land and Environment Court Rules 1996, which is 60 days after the date on which the applicant received this notice, or as otherwise specified under an Act or statutory instrument.

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 230-5-2003.

SCHEDULE 2**MODIFICATION (MOD 190-12-2005) OF DEVELOPMENT CONSENT TO DEVELOPMENT
APPLICATION NO. DA 230-5-2003**

The development consent is modified as follows:

PART A – ADMINISTRATIVE CONDITIONS

Omit Condition A1(5)

Insert the following at the end of Condition A2;

And as further modified by:

Letter to Department of Planning from Caverstock Group dated 16 December 2005 pertaining to the S96(1A) application			
Architectural Drawings (as clouded) prepared by Cronepartners architecture studios but only in so far as they reflect the deletion of the temporary car park.			
Drawing No.	Revision	Name of Plan	Date
ADA Z-0002	G	Site Analysis Plan	26.10.05
ADA Z-0001	F	Location Plan	26.10.05

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Omit Condition B1(4)

Omit Condition B1(5)

Omit Condition B22

Omit Condition B23

Omit Condition B24. Insert the following after B23;

B24. Footway Crossings

Commercial type vehicular crossing 6m wide, with appropriate splays, being constructed across the footway at the proposed driveway entrance/exit to the underground carpark for Buildings B1 and B2 and at the proposed driveway entrance/exit to the underground carpark for Buildings A1 and A2 in accordance with Council's Driveway Standard A17/6B (Concrete Vehicular Crossings) and such crossing being properly maintained.

PART F - PRIOR TO OCCUPATION CERTIFICATE

Omit Condition F13

END OF MODIFICATIONS TO DA 230-5-2003