

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION (MOD 75-5-2005) OF DEVELOPMENT CONSENT (DA 310-11-2001)

SUBDIVISION, ROAD LAYOUT, BULK EARTHWORKS, SHOPS, BULKY GOODS RETAILING, COMMERCIAL OFFICES, RESIDENTIAL STAGED DEVELOPMENT FOR THE “REMAINDER OF THE SITE”, LANDSCAPING AND ASSOCIATED DEVELOPMENT

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

(FILE NO. 9038999)

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 orderly and economic use of land
- (2) To achieve the aims and objectives of *Sydney Regional Environmental Plan No.29—Rhodes Peninsula*.

Chris Wilson
Executive Director, SDA

Sydney,

2006

SCHEDULE 1

PART A—TABLE

Application Number:	MOD 75-5-2005 modifying DA 310-11-2001
Application made by:	Walker Corporation P / L Level 7, 3 Rider Boulevard, Rhodes
On land comprising:	Lot 22 DP 1049524 1 Mary Street (also known as 5 Rider Boulevard Rhodes)
Local Government Area	Canada Bay
For the carrying out of:	Subdivision, road layout, bulk earthworks, shops, bulky goods retailing, commercial offices and residential components of but refusing the “remainder of site” and landscaping components
Section 96 (1A) Application	MOD 75-5-2005 to modify DA 310-11-2005 in the following manner: <ul style="list-style-type: none"> • amend condition 1.5 of Part D to reflect Gross Floor Area changes associated with the approved conversion of 285 square metres of the approved ‘Local Shops’ and 753 square metres of plant rooms for use as a gym.
Development consent granted by:	Minister for Planning
On:	12 September 2002
Type of development:	Local Development, Integrated Development
S.119 public inquiry held:	No
As modified:	<u>Previous Modifications applicable to the site:</u> <ul style="list-style-type: none"> ▪ MOD 94-11-2002 approved on 20 December 2002; ▪ MOD 100-10-2003 approved on 3 December 2003; ▪ MOD 8-2-2004 approved on 13 August 2004; ▪ MOD 26-3-2004 approved on 22 June 2004; ▪ MOD 84-8-2004 approved on 1 December 2004; ▪ MOD 88-9-2004 approved on 7 October 2004; ▪ MOD 112-11-2004 approved on 1 December 2004; ▪ MOD 131-12-2004 approved on 14 January 2005. ▪ MOD17-2-2005 approved on 17 January 2005 ▪ MOD 80-6-2005 approved on 20 February 2006.

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. MOD 75-5-2005

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 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 310-11-2001.

SCHEDULE 2

MODIFICATION (MOD 75-5-2005) OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO. DA 310-11-2001

The development consent is modified as follows:

PART D – RETAIL & COMMERCIAL

Omit Condition 1.5 and replace with the following:

- 1.5 Gross floor areas (GFA), as defined in Schedule 1 and leasable floor space (LFS) as described in clause 15(1)(b) and (c) of *Sydney Regional Environmental Plan No.29—Rhodes Peninsula*, shall not exceed:

24,836 square metres LFS – shops, restaurants and cinemas in Building 1;

15,000 square metres LFS – bulky goods retailing in Building 1;

5,325 square metres GFA – commercial floor space in Building 1;

615 square metres – external wall thickness in Building 1;

900 square metres GFA – Recreational Facility (Bowling Alley) in Building 1;

818 square metres GFA – Medical Centre in Building 2;

920 square metres GFA – Child Care Centre in Building 2;

161 square metres LFS – Premises Ancillary to Shops, Cinemas and Restaurants (Centre Management) in Building 2;

5,618 square metres GFA – commercial floor space in Building 2;

15,304 square metres GFA – commercial floor space in Building 3;

298 square metres GFA – Local shops in Building 3;

1,038 square metres GFA – Recreational Facility (gym) in Building 3

23,753 square metres GFA - commercial floor space in Building 4;

the area of floor space taken up by the wall thickness of the storage areas, as identified by condition 3.9.

END OF MODIFICATIONS TO DA310-11-2001