

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION (MOD 59-9-2008) OF DEVELOPMENT CONSENT (DA 39-3-2005)

LOT 4 DP 883474 & LOT 21 DP 1051525 – HONEYSUCKLE DRIVE, NEWCASTLE

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

(FILE NO. S08/01394-1)

I, Jason Perica, Executive Director – Strategic Sites and Urban Renewal, as delegate of the Minister for Planning under Instrument of Delegation dated 19 December 2007, pursuant to Section 80 and Section 96(1A) of the Environmental Planning and Assessment Act 1979, and clause 122 (2) of the *Environmental Planning and Assessment Regulations, 2000*, 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 the orderly and economic development of land.
- (2) To ensure a high quality of amenity to the apartments.

20/2/09
Jason Perica
Executive Director
Strategic Sites and Urban Renewal



SCHEDULE 1

PART A — TABLE

Application Number:	MOD 59-9-2008 modifying DA 39-3-2005
Application made by:	Pacific Lifestyle Projects PO Box 366, MEREWETHER NSW 2291
On land comprising:	Lot 4 DP 883474 and Lot 21 DP 1051525 Honeysuckle Drive, Newcastle
Local Government Area:	Newcastle
For the carrying out of:	Additional level and additions to the roof plant level containing 11 serviced apartments, new swimming pool, extension of the balconies on the south west corner of building and the basement car park and other minor modifications to approved building B7.
Section 96 (1A) Application:	MOD 59-9-2008 modifies DA 39-3-2005 in the following manner: ▪ Internal and external modifications
Development consents granted by:	Deputy-Director General, Office of Sustainable Development, Assessments and Approvals
On:	DA 39-3-2005 determined on 23 September 2005
Type of development:	Integrated Development, Advertised Development
S.119 public inquiry held:	No

PART B — NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. 39-3-2005 (MOD 59-9-2008)

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.

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 development consent no. 39-3-2005.

SCHEDULE 2**MODIFICATION (MOD 59-9-2008) OF DEVELOPMENT CONSENT TO
DEVELOPMENT APPLICATION NO. 39-3-2005*****The development consent is modified as follows:***

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

As modified by:

As modified by the following drawings submitted with Modification Application 59-9-2008, but only as they represent the scope of works listed in the Pacific Lifestyle Projects modification application dated 20 August 2008.			
Architectural Drawings prepared by Crone Partners Architecture Studios			
Drawing No.	Revision	Name of Plan	Date
A2187 S96 Z-1002	D	Section 96 – Ground Floor Plan	27.08.08
A2187 S96 Z-1003	F	Section 96 – Level 1 Floor Plan	15.02.08
A2187 S96 Z-1004	F	Section 96 – Level 2 Floor Plan	15.02.08
A2187 S96 Z-1005	F	Section 96 – Level 3 Floor Plan	15.02.08
A2187 S96 Z-1006	F	Section 96 – Level 4 Floor Plan	15.02.08
A2187 S96 Z-1007	F	Section 96 – Level 5 Floor Plan	15.02.08
A2187 S96 Z-1008	F	Section 96 – Level 6 Floor Plan	15.02.08
A2187 S96 Z-1009	F	Section 96 – Level 7 Floor Plan	15.02.08
A2187 S96 Z-2001	F	Section 96 – East & West Elevations	15.02.08
A2187 S96 Z-2003	F	Section 96 – North & South Elevations Buildings B1, B2, & B7	15.02.08
A2187 S96 Z-2011	E	Section 96 – West & East Elevations Miscellaneous	15.02.08
A2187 S96 Z-2012	E	Section 96 – South & North Elevations Miscellaneous	15.02.08
A2187 S96 Z-3002	D	Section 96 – North – South Section C East – West Section D	15.02.08

The above plans are modified as follows:

- (i) The 2 bedroom serviced apartment located on the first floor (previously included as a hospitality suite), is to be amended to include a maximum of one bedroom.
- (ii) The serviced apartments located on Level 6 are amended, as indicated in red on the approved plan, to be in accordance with the development approved by DA 39-3-2005.

(b) Omit Condition B17. Insert instead:

In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following monetary contributions:

NOTE: These contributions are levied in accordance with and in addition to those levied for the components of building B7 previously approved by DA 231-5-2003.

(1) Amount of Contribution

Contribution Category	Rate of Contribution	Amount
Open Space & Recreation	\$219.83 per bed room	\$4616.43
TOTAL		\$4616.43

(2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Newcastle City Council. Evidence of the payment to Council, shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(3) Indexing

The contribution has been calculated on the basis of current costs as at the date of consent and is to be indexed at the time of actual payment in accordance with the "Consumer Price Index" weighted average of eight capital cities published by the Australian Bureau of Statistics each quarter. Any party intending to act on this consent should contact Newcastle City Council's Section 94 Coordinator, City Strategy Group, for determination of the indexed amount of contribution as at the date of payment.