

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION (MOD 25-3-2004) 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**

PRECINCT A, RHODES

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

(FILE NO. S01/02253 PT15)

I, Chris Wilson, Executive Director, Major Project Assessments as delegate of the Minister for Planning, under Instrument of Delegation dated 5 April 2005, pursuant to Sections 80 and 96(2) 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; and
- (2) To achieve the aims and objectives of Sydney Regional Environmental Plan No.29 – Rhodes Peninsula

Chris Wilson
Executive Director
Major Project Assessments

Sydney,

2006

SCHEDULE 1

PART A—TABLE

Application Number:	MOD 25-3-2004 modifying DA 310-11-2001
Application made by:	Walker Corporation Pty Ltd Level 7, 3 Rider Boulevard, Rhodes
On land comprising:	Lot 21 DP 1049524 & Lot 61 DP 1048445 3 and 5 Rider Boulevard, Rhodes
Local Government Area	City of Canada Bay
For the carrying out of:	The inclusion of an additional basement level under buildings 3 and 4 and the provision of an additional 175 parking spaces
Section 96 (2) Application	MOD 25-3-2001 to modify DA 310-11-2001 to insert a new condition 1.8 to remove inconsistency between overlapping consents.
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:	<p><u>Previous Modifications applicable to the site:</u></p> <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 26-3-2004 approved on 22 June 2004; ▪ MOD 8-2-2004 approved on 13 August 2004; ▪ MOD 88-9-2004 approved on 7 October 2004; ▪ MOD 84-8-2004 approved on 1 December 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. ▪ MOD 75-5-2006 approved on 5 July 2006. ▪ MOD 91-7-2006 approved on 3 August 2006

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT - MOD 25-3-2004

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 valid, for a development application, within **12** 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*.

PART C—DEFINITIONS

The definitions within this modification are consistent with the definitions in Schedule 1 of the consent to development application DA 310-11-2001.

SCHEDULE 2

MODIFICATION (25-3-2004) OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO. DA 310-11-2001

The development consent is modified as follows:

- (a) Insert after Condition 1.7 the following:
 - (1.8) In the case of any inconsistency in relation to Buildings 3 and 4 between this subject consent and the Development Consent DA 375-12-2001 granted by the Minister on 11 September 2002, Development Consent DA 375-12-2001 prevails to the extent of the inconsistency.

END OF MODIFICATIONS TO DA 310-11-2001