Development Applications Committee
17 October 2023

City of Newcastle

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

7.1 DAC 17/10/23 – 317 WHARF ROAD NEWCASTLE - SEC 4.55(2) MODIFICATION TO DA2013/1236

Demolition of buildings, erection of eight (8) storey hotel and conference centre - changes to design - MA2022/00238

Attachment A	Architectural Plans & Landscape Plans
Attachment B	Draft Schedule of Conditions
Attachment C	Letter from Navon Planning - Response to Public Voice Issues, dated 15 June 2023
Attachment D	Processing Chronology

7.2 DAC 17/10/23 – 810 HUNTER STREET NEWCASTLE WEST

Demolition of existing commercial building and construction of an eleven storey commercial development - DA2022/01424

Attachment A	Submitted Plans
Attachment B	Draft Schedule of Conditions
Attachment C	Processing Chronology
Attachment D	Applicant Clause 4.6 Request for Exemption

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ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

DAC 17/10/2023 - 317 WHARF ROAD NEWCASTLE – SECTION 4.55(2) MODIFICATION TO DA2013/1236 APPROVED FOR DEMOLITION AND ERECTION OF 8 STOREY HOTEL AND CONFERENCE CENTRE - MA2022/00238

7.1	**Attachment A:**	Architectural Plans & Landscape Plans
7.1	**Attachment B:**	Draft Schedule of Conditions
7.1	**Attachment C:**	Letter from Navon Planning - Response to Public Voice Issues, dated 15 June 2023
7.1	**Attachment D:**	Processing Chronology

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DISTRIBUTED UNDER SEPARATE COVER

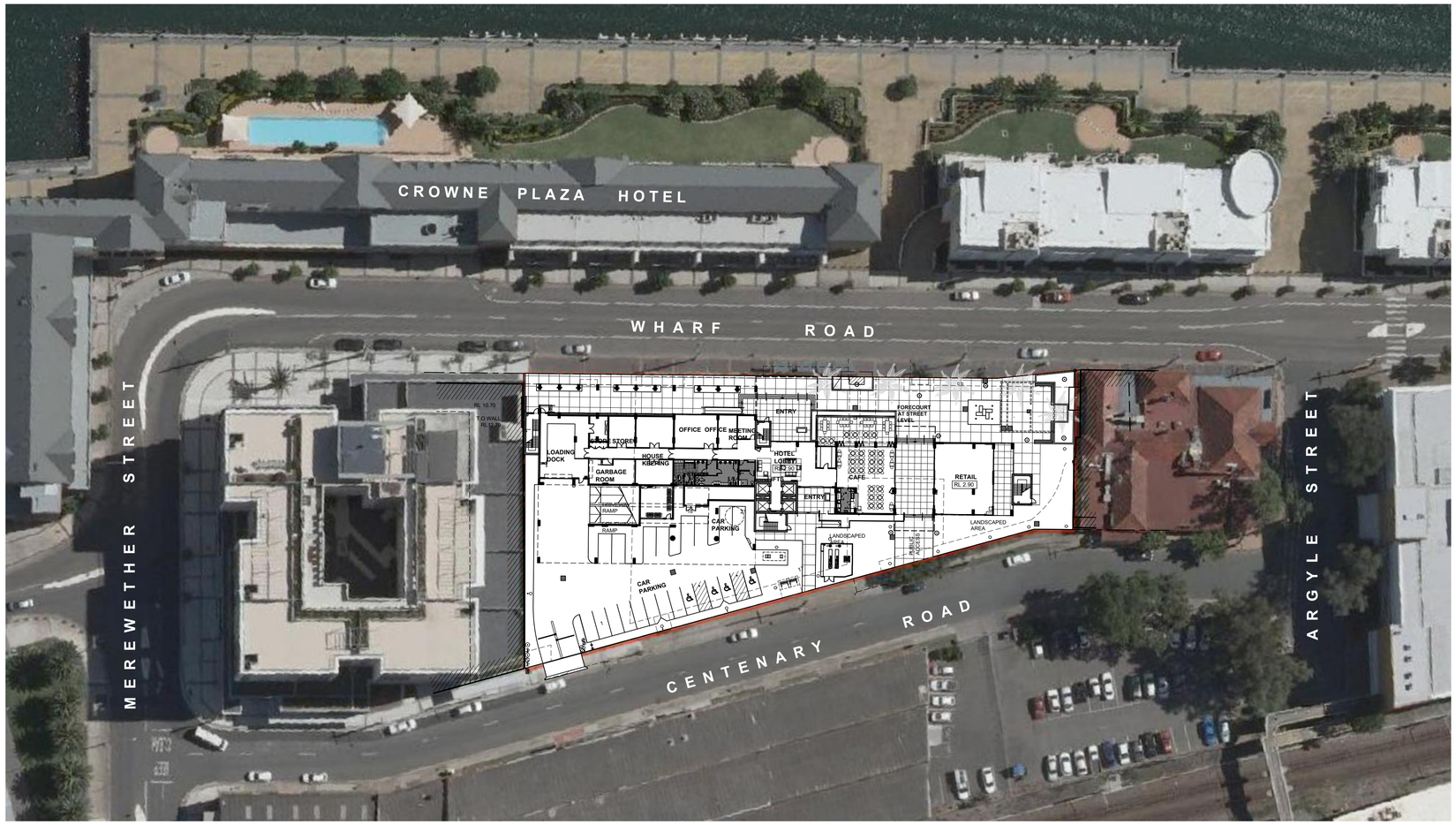
PROPOSED HOTEL AT

No. 313 - 317 WHARF ROAD NEWCASTLE

SECTION 455 ISSUE JUNE 2022
ARCHITECTURAL DRAWINGS LIST:

PREPARED BY
STUDIO M ARCHITECTURE - JOB No. SM2215

S455-100	COVER PAGE; LOCALITY PLAN + PART WHARF ROAD ELEVATION
S455-101	SITE + LEVEL 1 (GROUND) FLOOR PLAN
S455-102	LEVEL 2 FLOOR PLAN
S455-103	LEVEL 3 FLOOR PLAN
S455-104	LEVEL 4 FLOOR PLAN
S455-105	LEVEL 5 FLOOR PLAN
S455-106	LEVEL 6 FLOOR PLAN
S455-107	LEVEL 7 FLOOR PLAN
S455-108	LEVEL 8 FLOOR PLAN
S455-109	ROOF PLAN
S455-201	NORTH + SOUTH ELEVATIONS
S455-202	EAST + WEST ELEVATIONS
S455-301	SECTIONS AA + BB + CC
S455-L01	LANDSCAPE CONCEPT PLAN



LOCALITY PLAN
SCALE 1:500@A1 1:1000@A3

PART WHARF ROAD ELEVATION
SCALE 1:400@A1 1:800@A3

Issue	Amendment	Date	By
C	S455 ISSUE	22.06.22	MV
B	PRELIMINARY S455 ISSUE	14.06.22	JC
A	PRELIMINARY	07.06.22	MV

ALL DIMENSIONS TO BE VERIFIED ON SITE. DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS. ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT BEFORE PROCEEDING.

Project

PROPOSED HOTEL
No. 313 - 317 WHARF ROAD
NEWCASTLE, NSW

Client

WHARF ROAD DEVELOPMENTS PTY. LTD.

Drawing

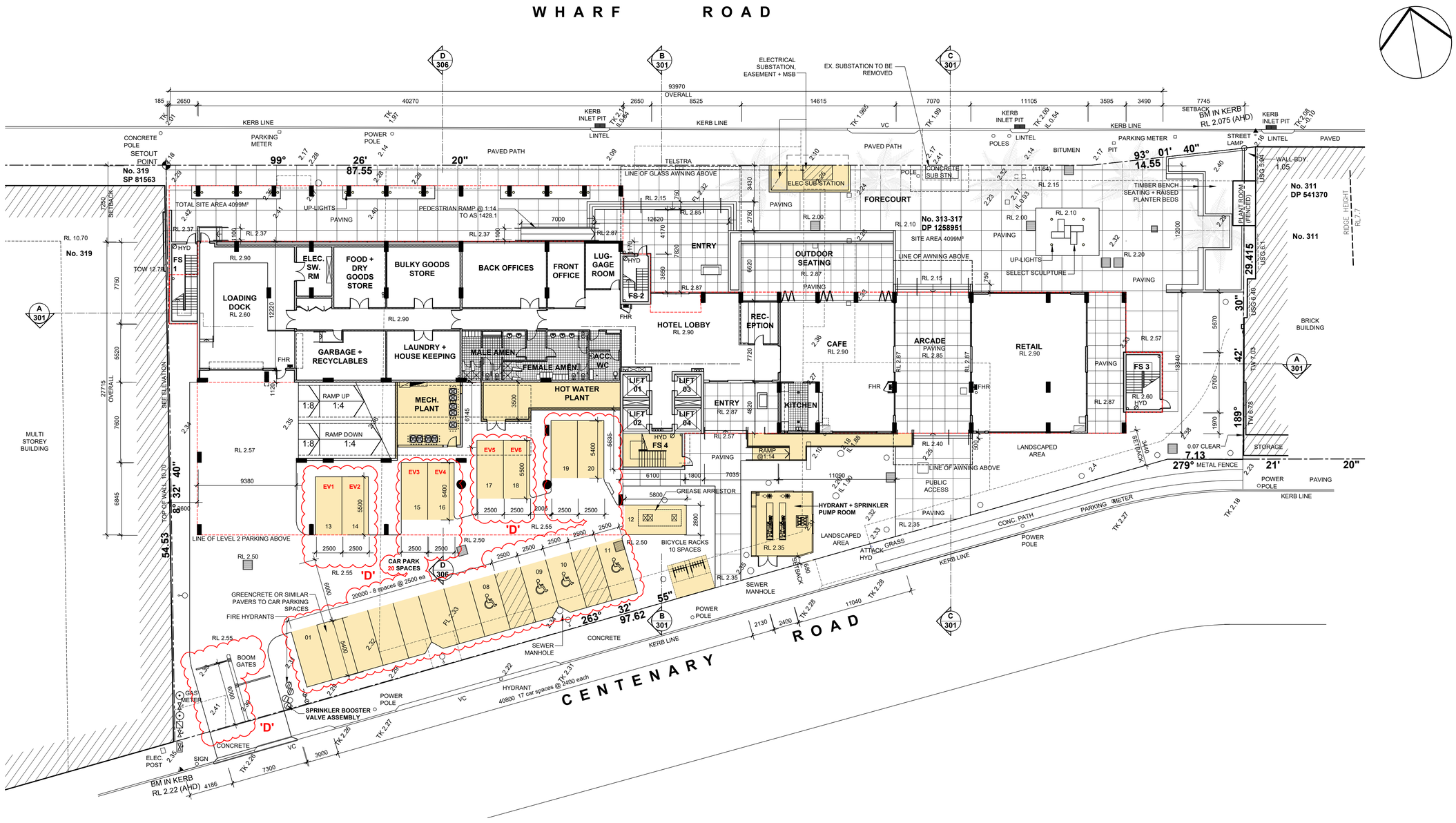
COVER PAGE
LOCALITY PLAN + PART WHARF ROAD ELEVATION

STUDIO M
ARCHITECTURE
architecture interior design
m: +61-403 051 739 w: studiomarchitecture.com.au
a: WeWork 100 Harris Street, Pyrmont NSW 2009

Scale	Job No.	Dwg No.	Rev.
1:400@A1 1:800@A3			

Date MAY 2022
Drawn MV

SM2215 S455-100 C



SITE + LEVEL 1 (GROUND) FLOOR PLAN

SCALE 1:200@A1 1:400@A3

1m 4m 10m
0
2m 6m 20m

'D'

LEVEL 1 (GROUND FLOOR):
RETAIL / HOTEL LOBBY
SERVICE AREAS /
PARKING (20 SPACES)

PARKING SCHEDULE:
LEVEL 1 20 SPACES
LEVEL 2 45 SPACES
LEVEL 3 35 SPACES
TOTAL 100 SPACES
(PARKING RATE 1 / 63.13 m² GFA)

LEGEND:
EV1-6 ELECTRIC VEHICLE SPACE

SITE DETAILS:
LOTS 181, 182 AND 189 IN DP 770006
SITE AREA: 4099 m²

GFA:
LEVEL 1 780 m²
LEVEL 2 27m²
LEVEL 4 1454 m²
LEVELS 5-8 4052 m² (1013 m² x 4)
TOTAL 6313 m²
FSR 1.54 : 1

LEGEND

SECTION 455 MODIFICATION

'D' COUNCIL RFI RESPONSE - AMENDED SECTION 455 ISSUE

Issue	Amendment	Date	By
D	COUNCIL RFI RESPONSE - AMENDED S455 ISSUE	05.12.22	MV
C	S455 ISSUE	22.06.22	MV
B	PRELIMINARY S455 ISSUE	14.06.22	JC
A	PRELIMINARY	07.06.22	MV

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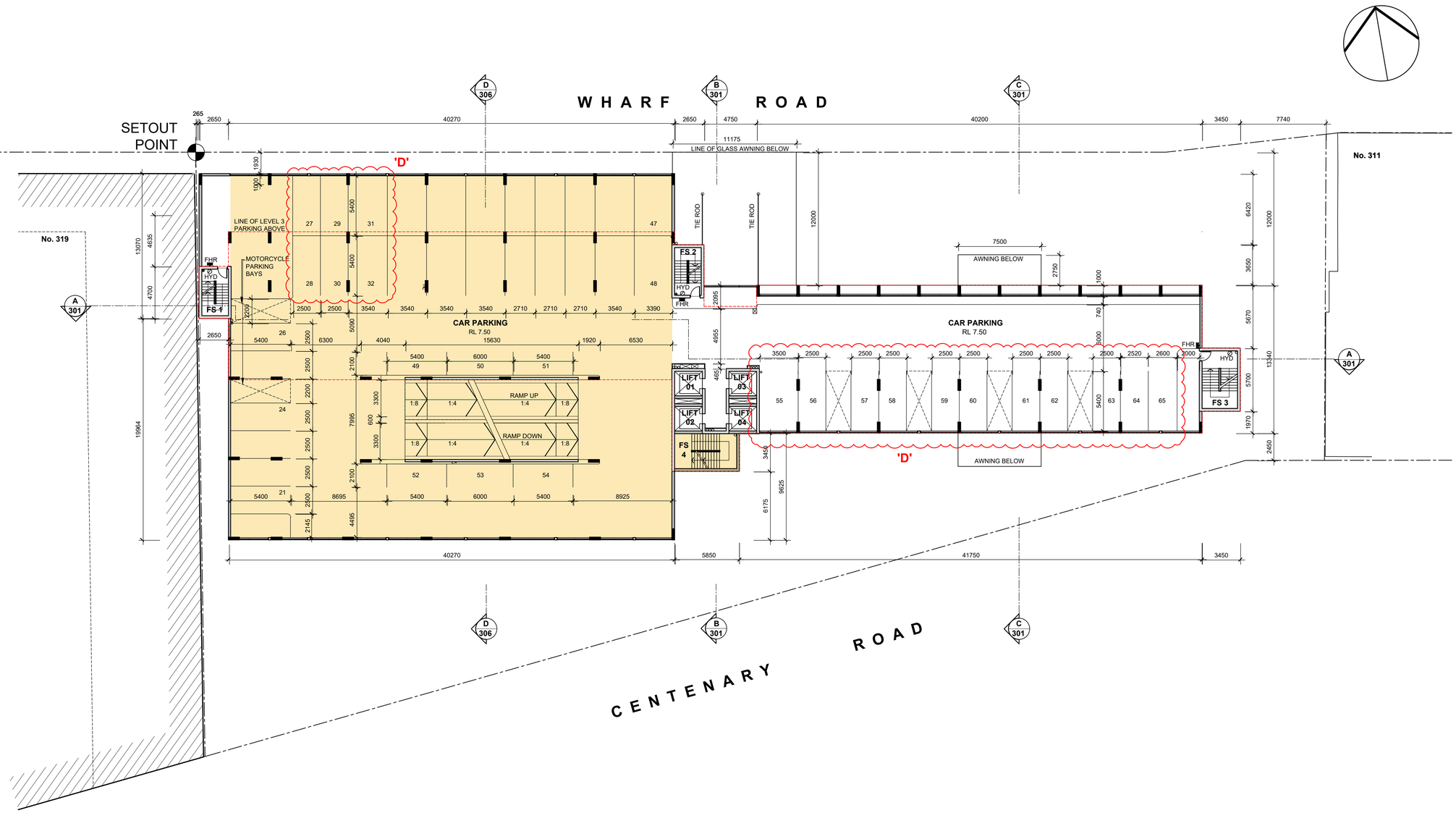
Project
PROPOSED HOTEL
No. 313 - 317 WHARF ROAD
NEWCASTLE, NSW

Client
WHARF ROAD DEVELOPMENTS PTY. LTD.

Drawing
SITE + LEVEL 1 (GROUND) FLOOR PLAN
RL 2.90

STUDIO M
ARCHITECTURE
architecture interior design
m: +61-403 051 739 w: studiomarchitecture.com.au
a: WeWork 100 Harris Street, Pyrmont NSW 2009

Scale 1:200@A1 1:400@A3 | Job No. | Dwg No. | Rev.
Date MAY 2022 | SM2215 | S455-101 | 'D'
Drawn MV



LEVEL 2 PLAN

SCALE 1:200@A1 1:400@A3

LEVEL 2:
CAR PARKING - 45 SPACES

1m 4m 10m
0
2m 6m 20m

LEGEND

SECTION 455 MODIFICATION

'D' **COUNCIL RFI RESPONSE - AMENDED SECTION 455 ISSUE**

Issue	Amendment	Date	By
D	COUNCIL RFI RESPONSE - AMENDED S455 ISSUE	05.12.22	MV
C	S455 ISSUE	22.06.22	MV
B	PRELIMINARY S455 ISSUE	14.06.22	JC
A	PRELIMINARY	07.06.22	MV

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Project

PROPOSED HOTEL
No. 313 - 317 WHARF ROAD
NEWCASTLE, NSW

Client

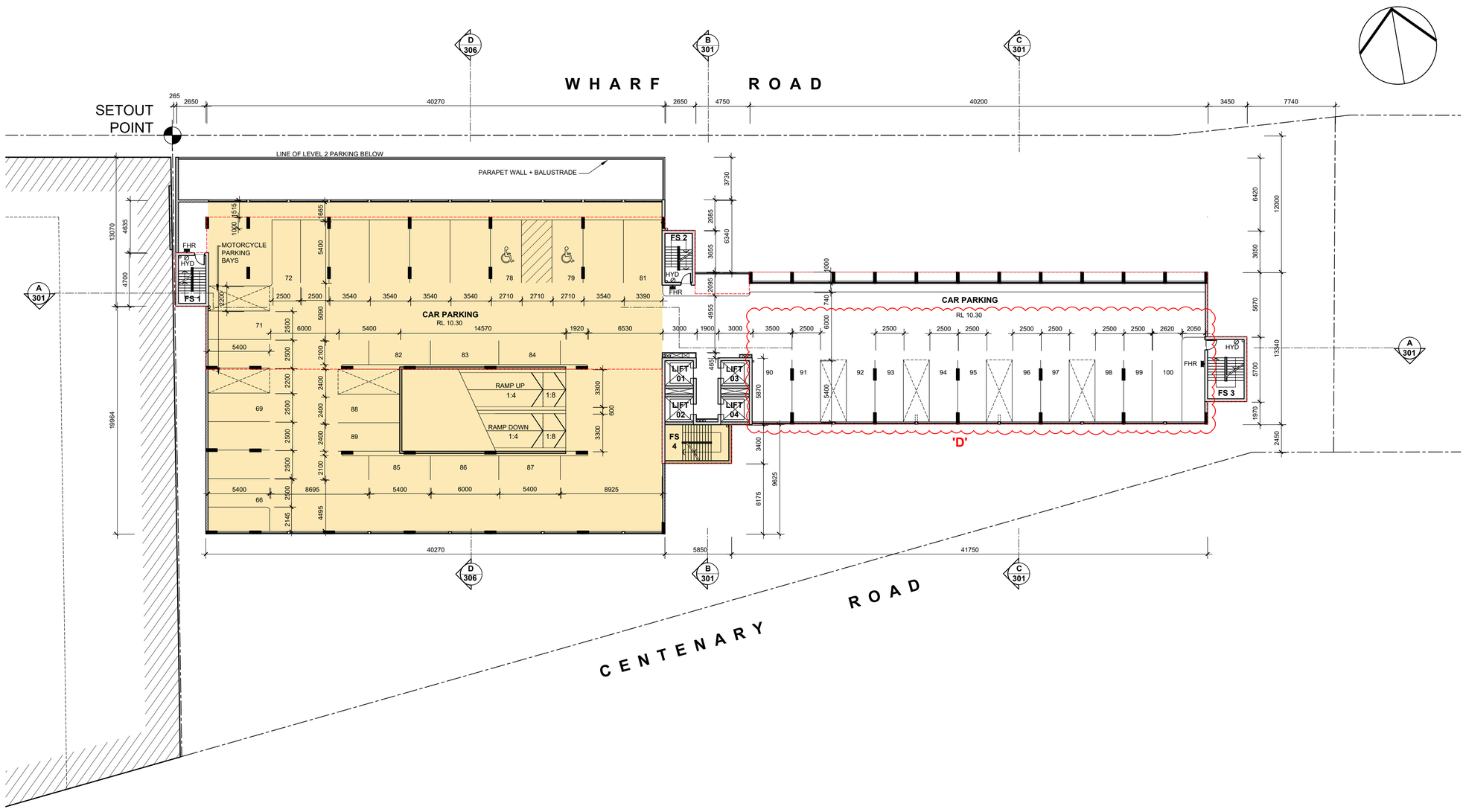
WHARF ROAD DEVELOPMENTS PTY. LTD.

Drawing

LEVEL 2 PLAN
RL 7.50

STUDIO M
ARCHITECTURE
architecture interior design
m: +61-403 051 739 w: studiomarchitecture.com.au
a: WeWork 100 Harris Street, Pyrmont NSW 2009

Scale	Job No.	Dwg No.	Rev.
1:200@A1 1:400@A3			
Date MAY 2022	SM2215	S455-102	'D'
Drawn MV			



LEVEL 3 PLAN

SCALE 1:200@A1 1:400@A3

LEVEL 3:
CAR PARKING - 35 SPACES

1m 4m 10m
0
2m 6m 20m

LEGEND

SECTION 455 MODIFICATION

'D' **COUNCIL RFI RESPONSE - AMENDED SECTION 455 ISSUE**

Issue	Amendment	Date	By
D	COUNCIL RFI RESPONSE - AMENDED S455 ISSUE	05.12.22	MV
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A	PRELIMINARY	07.06.22	MV

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Project

PROPOSED HOTEL
No. 313 - 317 WHARF ROAD
NEWCASTLE, NSW

Client

WHARF ROAD DEVELOPMENTS PTY. LTD.

Drawing

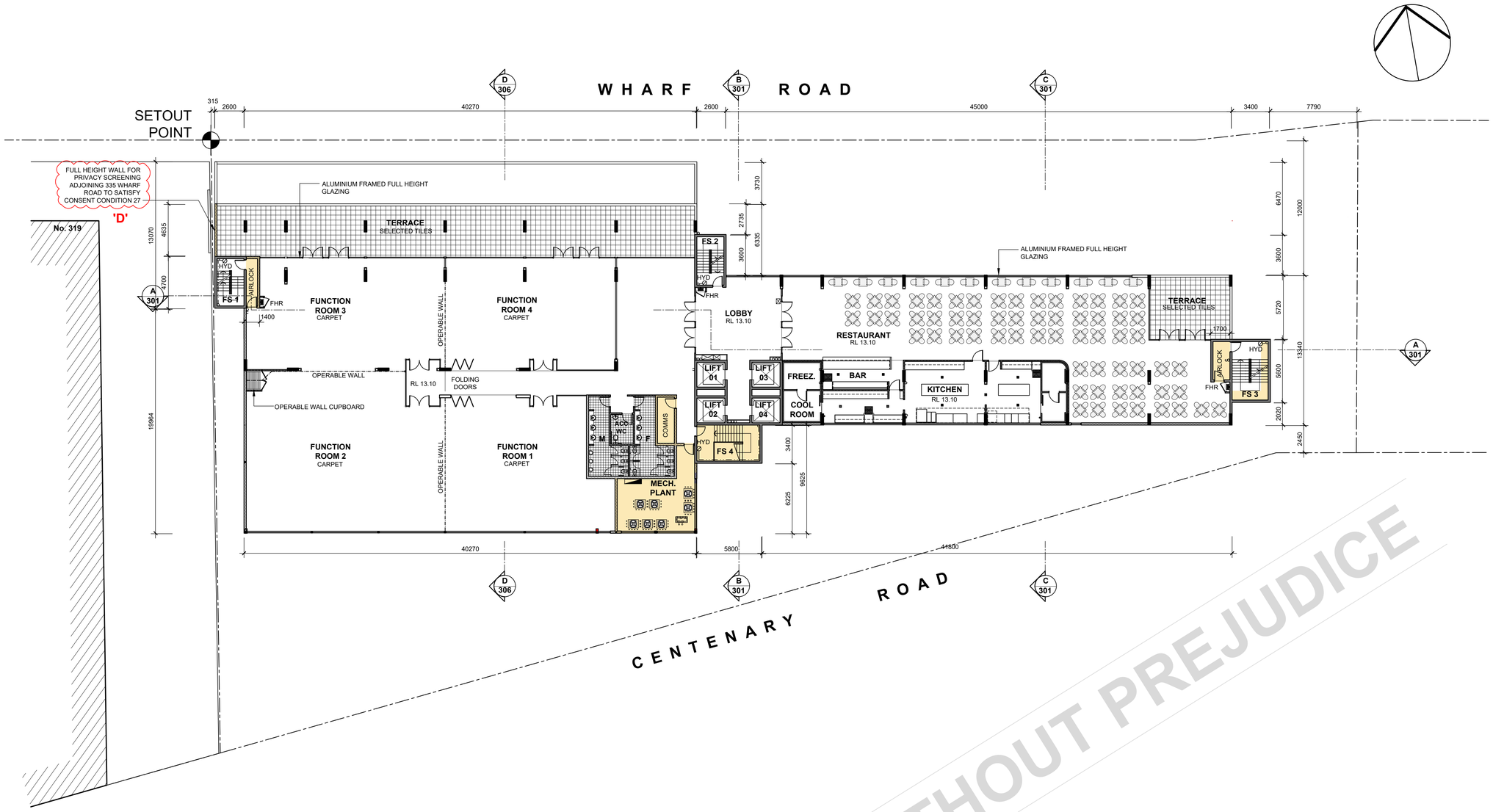
LEVEL 3 PLAN
RL 10.30

STUDIO M
ARCHITECTURE
architecture interior design
m: +61-403 051 739 w: studiomarchitecture.com.au
a: WeWork 100 Harris Street, Pyrmont NSW 2009

Scale 1:200@A1 1:400@A3 | Job No. | Dwg No. | Rev.

Date MAY 2022 **SM2215 S455-103 'D'**

Drawn MV



LEVEL 4 PLAN
SCALE 1:200@A1 1:400@A3

1m 4m 10m
0
2m 6m 20m

LEVEL 4:
CONFERENCE FACILITIES, RESTAURANT, KITCHEN, AMENITIES & SERVICES PLANT ROOMS

LEGEND

SECTION 455 MODIFICATION

WITHOUT PREJUDICE

Issue	Amendment	Date	By
D	COUNCIL RFI RESPONSE - UPDATED S455 ISSUE	24.08.23	MV
C	S455 ISSUE	22.06.22	MV
B	PRELIMINARY S455 ISSUE	14.06.22	JC
A	PRELIMINARY	07.06.22	MV

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Project

PROPOSED HOTEL
No. 313 - 317 WHARF ROAD
NEWCASTLE, NSW

Client

WHARF ROAD DEVELOPMENTS PTY. LTD.

Drawing

LEVEL 4 PLAN
RL 13.10

STUDIO M
ARCHITECTURE
architecture interior design
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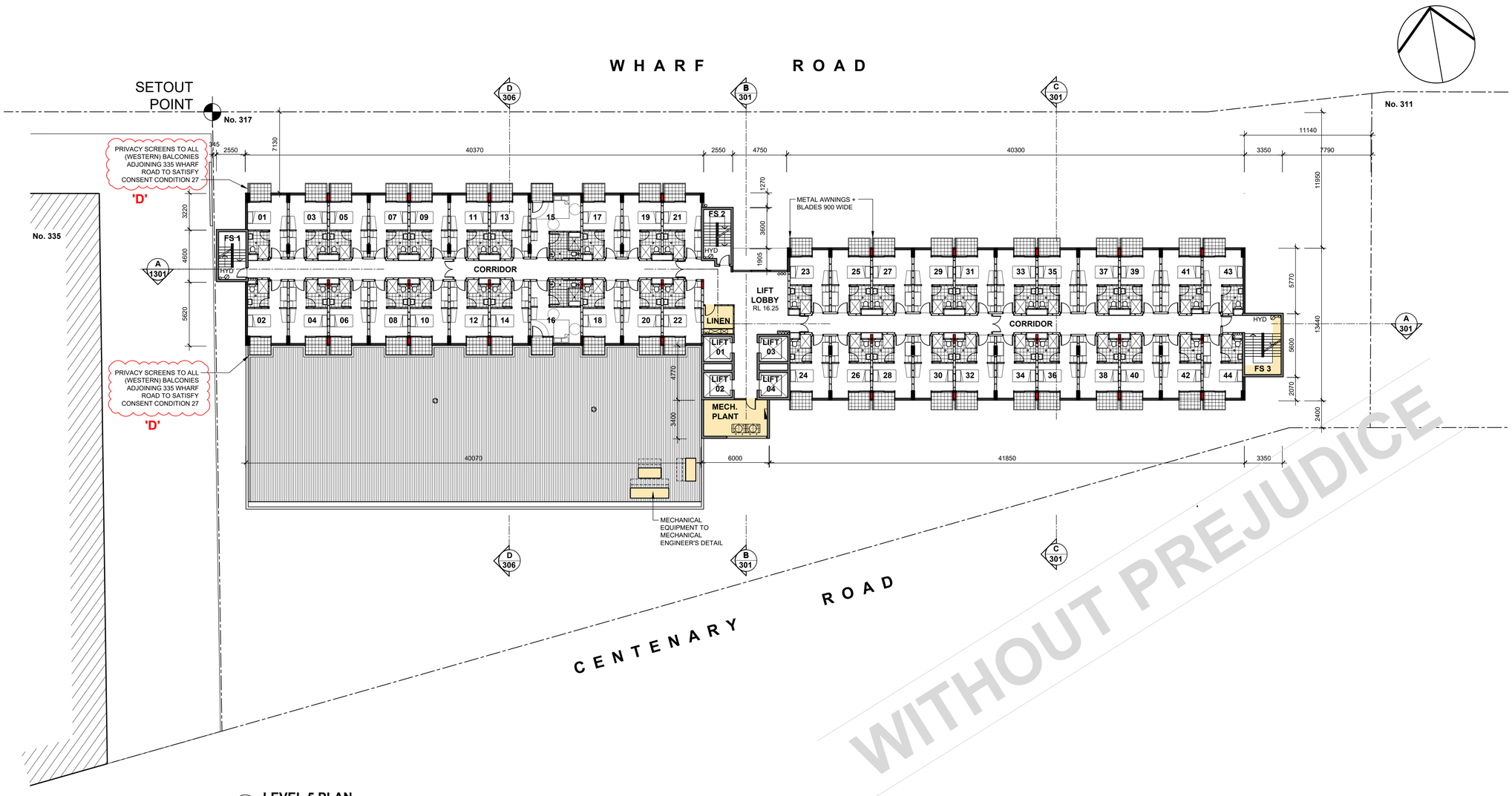
a: WeWork 100 Harris Street, Pyrmont NSW 2009

Scale	Job No.	Dwg No.	Rev.
1:200@A1 1:400@A3	SM2215	S455-104	C

Date MAY 2022
Drawn MV



WITHOUT PREJUDICE

LEVEL 5 PLAN

SCALE 1:200@A1 1:400@A3

1m 4m 10m
0
2m 6m 20m

LEVEL 5:
HOTEL GUEST ROOMS: 44 ROOMS
LEVELS 5-8: 44 x 4 FLOORS = 176 TOTAL ROOMS

LEGEND

SECTION 455 MODIFICATION

Issue	Amendment	Date	By
D	COUNCIL RFI RESPONSE - UPDATED S455 ISSUE	24.08.23	MV
C	S455 ISSUE	22.06.22	MV
B	PRELIMINARY S455 ISSUE	14.06.22	JC
A	PRELIMINARY	07.06.22	MV

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Project

PROPOSED HOTEL
No. 313 - 317 WHARF ROAD
NEWCASTLE, NSW

Client

WHARF ROAD DEVELOPMENTS PTY. LTD.

Drawing

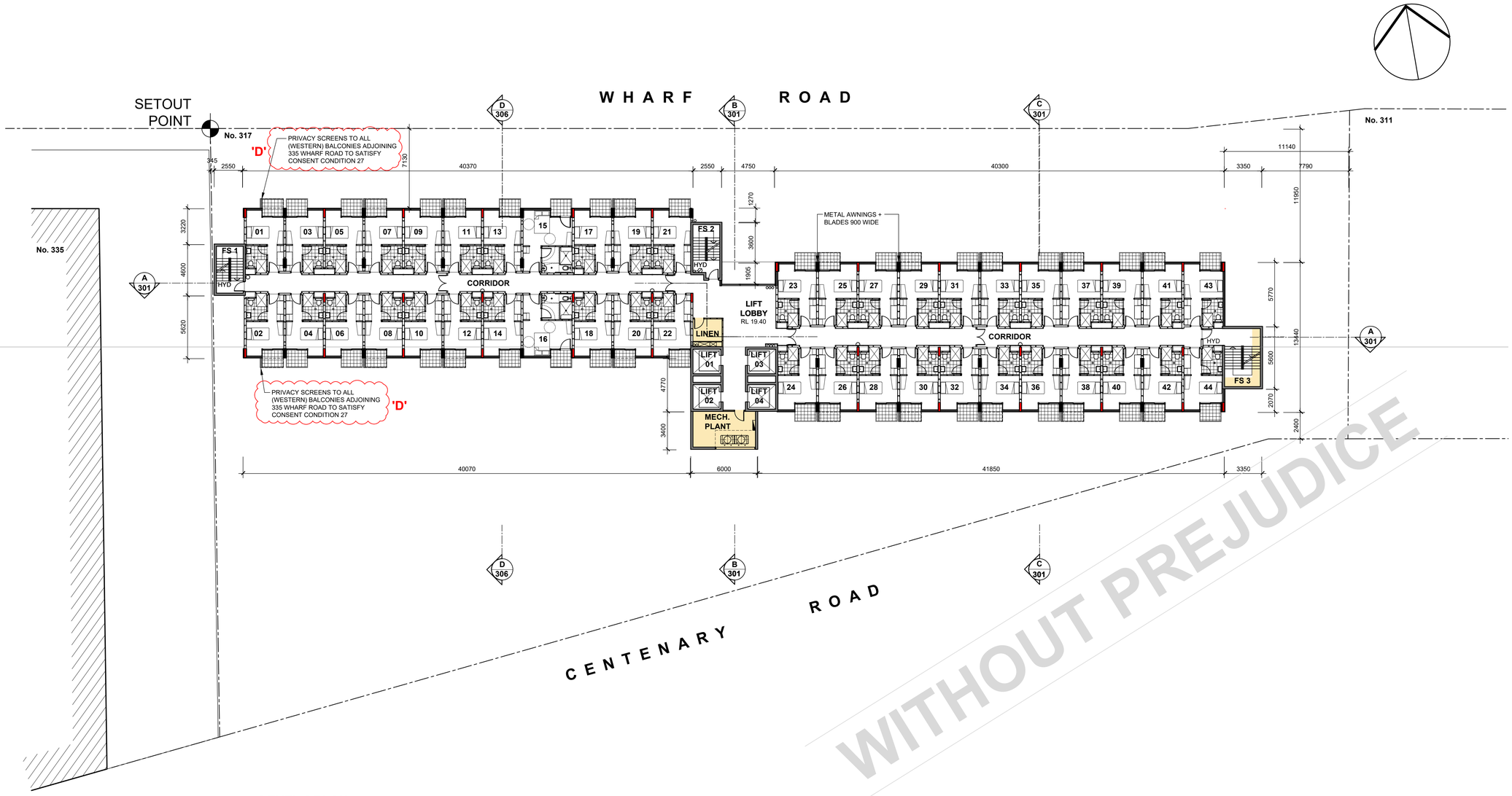
LEVEL 5 PLAN
RL 16.25

STUDIO M
ARCHITECTURE
architecture interior design
m: +61-403 051 739 w: studiomarchitecture.com.au
a: WeWork 100 Harris Street, Pyrmont NSW 2009

Scale 1:200@A1 1:400@A3 Job No. Dwg No. Rev.

Date MAY 2022 **SM2215 S455-105 D**

Drawn MV



LEVEL 6 PLAN

SCALE 1:200@A1 1:400@A3

1m 4m 10m
0
2m 6m 20m

LEVEL 6:
HOTEL GUEST ROOMS: 44 ROOMS
LEVELS 5-8: 44 x 4 FLOORS = 176 TOTAL ROOMS

LEGEND

SECTION 455 MODIFICATION

WITHOUT PREJUDICE

Issue	Amendment	Date	By
D	COUNCIL RFI RESPONSE - UPDATED S455 ISSUE	24.08.23	MV
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Project

PROPOSED HOTEL
No. 313 - 317 WHARF ROAD
NEWCASTLE, NSW

Client

WHARF ROAD DEVELOPMENTS PTY. LTD.

Drawing

LEVEL 6 PLAN
RL 19.40

STUDIO M
ARCHITECTURE
architecture interior design
m: +61-403 051 739 w: studiomarchitecture.com.au
a: WeWork 100 Harris Street, Pyrmont NSW 2009

Scale	Job No.	Dwg No.	Rev.
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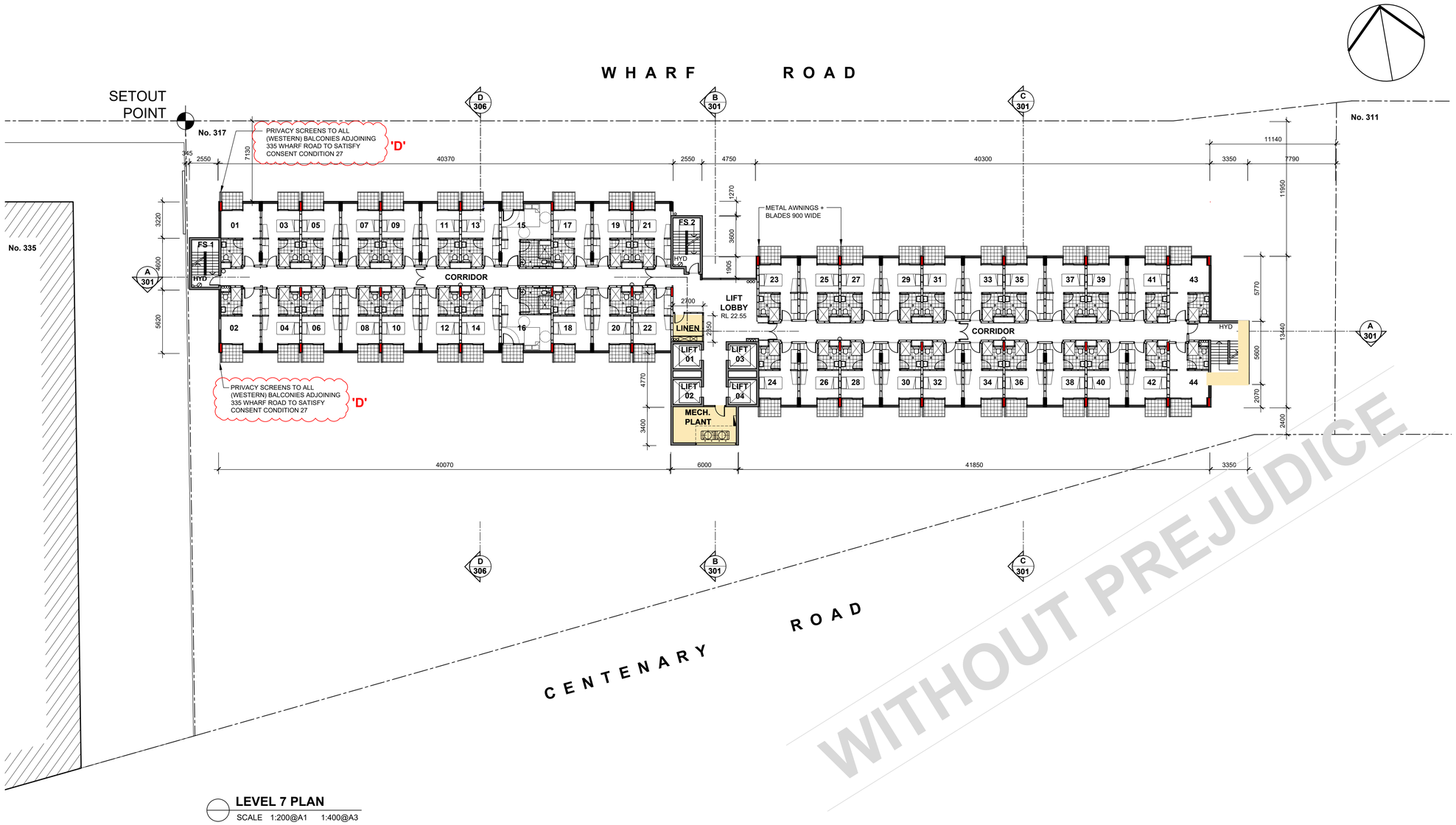
Date MAY 2022		SM2215 S455-106	D
Drawn MV			



LEVEL 7 PLAN

SCALE 1:200@A1 1:400@A3

1m 4m 10m
0
2m 6m 20m

LEVEL 7:
HOTEL GUEST ROOMS: 44 ROOMS
LEVELS 5-8: 44 x 4 FLOORS = 176 TOTAL ROOMS

LEGEND

SECTION 455 MODIFICATION

WITHOUT PREJUDICE

Issue	Amendment	Date	By
D	COUNCIL RFI RESPONSE - UPDATED S455 ISSUE	24.08.23	MV
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Project

PROPOSED HOTEL
No. 313 - 317 WHARF ROAD
NEWCASTLE, NSW

Client

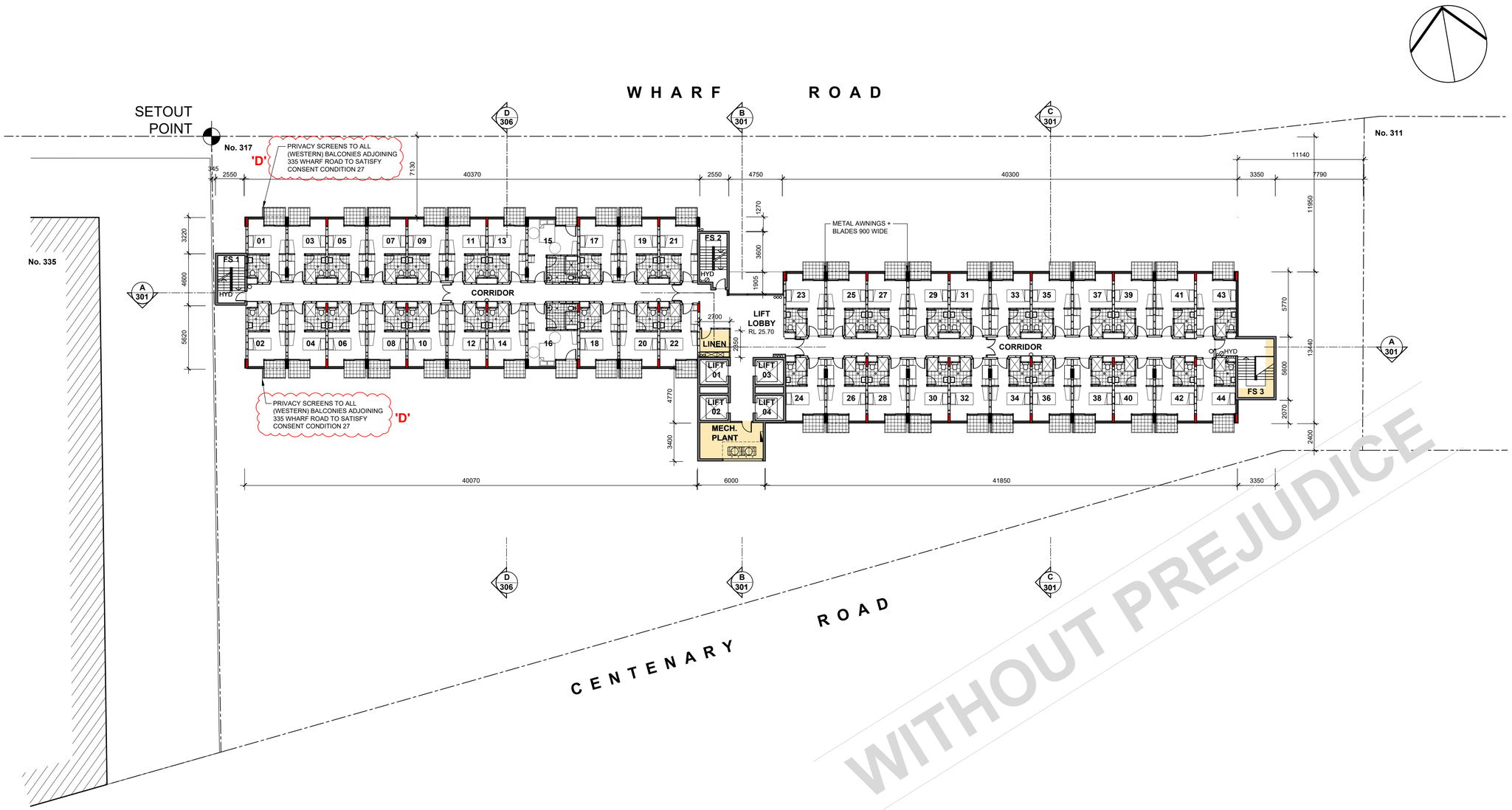
WHARF ROAD DEVELOPMENTS PTY. LTD.

Drawing

LEVEL 7 PLAN
RL 22.55

STUDIO M
ARCHITECTURE
architecture interior design
m: +61-403 051 739 w: studiomarchitecture.com.au
a: WeWork 100 Harris Street, Pyrmont NSW 2009

Scale	Job No.	Dwg No.	Rev.
1:50@A1 1:100@A3			
Date MAY 2022		SM2215 S455-107	D
Drawn MV			



WITHOUT PREJUDICE

LEVEL 8 PLAN

SCALE 1:200@A1 1:400@A3

1m 4m 10m
0
2m 6m 20m

LEVEL 5:
HOTEL GUEST ROOMS: 44 ROOMS
LEVELS 5-8: 44 x 4 FLOORS = 176 TOTAL ROOMS

LEGEND

SECTION 455 MODIFICATION

Issue	Amendment	Date	By
D	COUNCIL RFI RESPONSE - UPDATED S455 ISSUE	24.08.23	MV
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Project

PROPOSED HOTEL
No. 313 - 317 WHARF ROAD
NEWCASTLE, NSW

Client

WHARF ROAD DEVELOPMENTS PTY. LTD.

Drawing

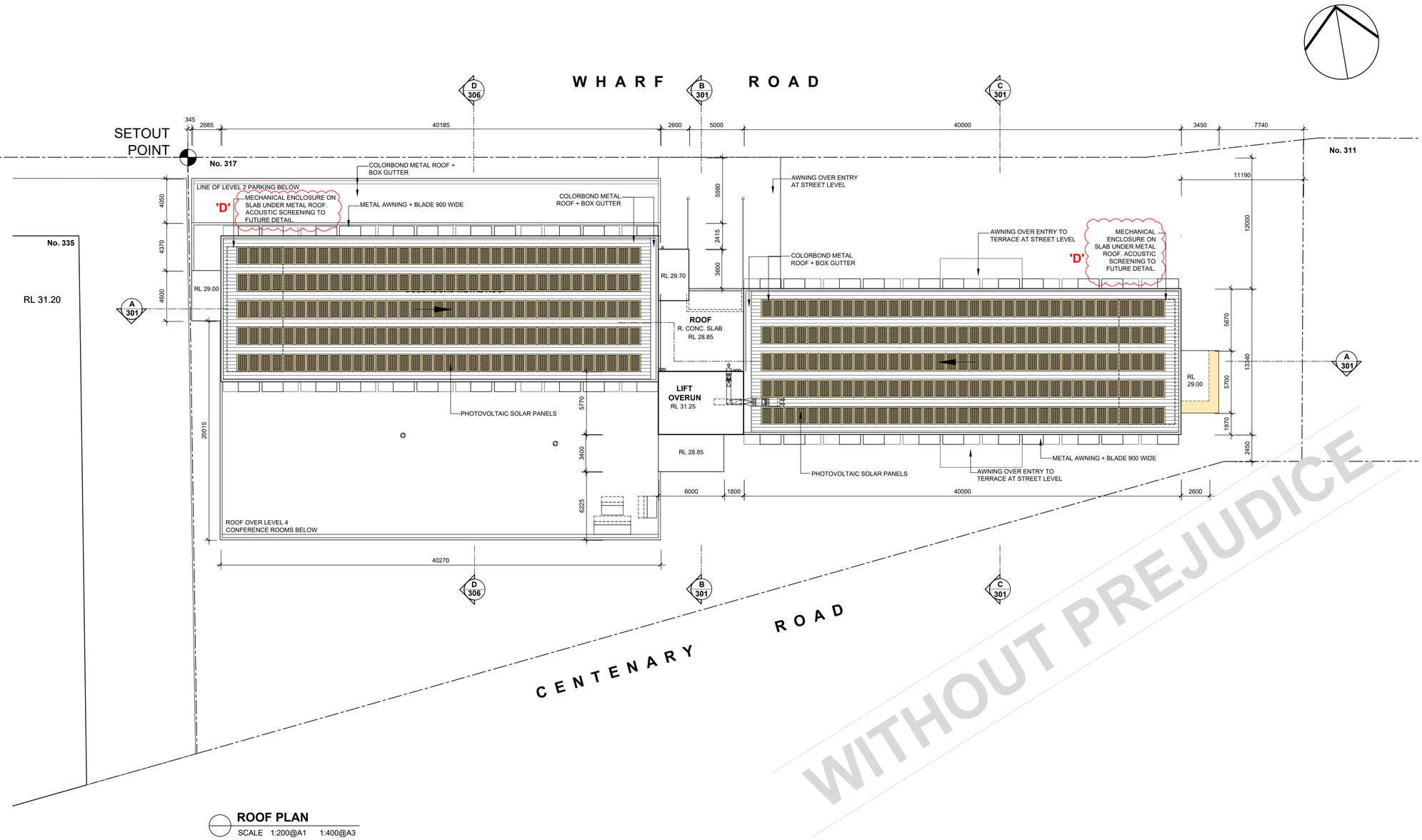
LEVEL 8 PLAN
RL 25.70

STUDIO M
ARCHITECTURE
architecture interior design
m: +61-403 051 739 w: studiomarchitecture.com.au
a: WeWork 100 Harris Street, Pyrmont NSW 2009

Scale 1:200@A1 1:400@A3 | Job No. | Dwg No. | Rev.

Date MAY 2022
Drawn MV

SM2215 S455-108 D



WITHOUT PREJUDICE

ROOF PLAN

SCALE 1:200@A1 1:400@A3

1m 4m 10m
0
2m 6m 20m

LEGEND

SECTION 455 MODIFICATION

Issue	Amendment	Date	By
D	COUNCIL RFI RESPONSE - UPDATED S455 ISSUE	24.08.23	MV
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Project

PROPOSED HOTEL
No. 313 - 317 WHARF ROAD
NEWCASTLE, NSW

Client

WHARF ROAD DEVELOPMENTS PTY. LTD.

Drawing

ROOF PLAN
RL 28.85

STUDIO M
ARCHITECTURE
architecture interior design
m: +61-403 051 739 w: studiomarchitecture.com.au
a: WeWork 100 Harris Street, Pyrmont NSW 2009

Scale	1:200@A1 1:400@A3	Job No.	Dwg No.	Rev.
Date	MAY 2022		SM2215 S455-109	D
Drawn	MV			

1m 4m 10m
0
2m 6m 20m

SOUTH ELEVATION CENTENARY ROAD

SCALE 1:200@A1 1:400@A3

LEGEND

SECTION 455 MODIFICATION

FINISHES LEGEND

FB	FACE BLOCKWORK
RP	RENDERED + PAINTED MASONRY WALLS
P	METAL PANELS EQUAL TO VITRACORE FIRE RESISTANT PANELS
PP	PANELS TO HOTEL ROOM LEVELS. EQUAL TO VITRACORE FIRE RESISTANT PANELS
FP	FEATURE PANELS TO HOTEL ROOM LEVELS EQUAL TO VITRACORE FIRE RESISTANT PANELS
GB	SELECTED GLASS BALUSTRADES / GLASS BALUSTRADES TO HOTEL ROOM BALCONIES. REFER TO SPECIFICATIONS
AW	ALUMINIUM FRAMED AWNING WINDOWS + SLIDING DOORS TO HOTEL ROOM UNITS. REFER TO SPECIFICATIONS
PC	PAINTED CONCRETE
T	TIMBER DOOR PAINTED
MA	METAL ALUMINIUM AWNING + BLADE 900 WIDE
GL	FIXED ALUMINIUM FRAMED GLASS LOUVRES
ML	FIXED WEATHERPROOF METAL LOUVRED PANELS TO CAR PARK EQUAL TO DECOR SYSTEMS 'DRAMAX P238' - 62% OPEN ML-A = ACOUSTIC SCREEN
WL	WEATHERPROOF LOUVRES - REFER MECHANICAL DRAWINGS & SPECIFICATIONS
AG	ALUMINIUM FRAMED DOORS; WINDOWS + FIXED GLAZING
RS	PAINTED METAL ROLLER SHUTTERS
OG	OBSCURE GLAZING - BACK LIT PATTERNED GLASS
GA	GLASS AWNING
S	SELECTED SCULPTURE / WATER FEATURE
B	SELECTED BALUSTRADE

NORTH ELEVATION WHARF ROAD

SCALE 1:200@A1 1:400@A3

WITHOUT PREJUDICE

Issue	Amendment	Date	By
D	COUNCIL RFI RESPONSE - UPDATED S455 ISSUE	24.08.23	MV
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Project

PROPOSED HOTEL
No. 313 - 317 WHARF ROAD NEWCASTLE, NSW

Client

WHARF ROAD DEVELOPMENTS PTY. LTD.

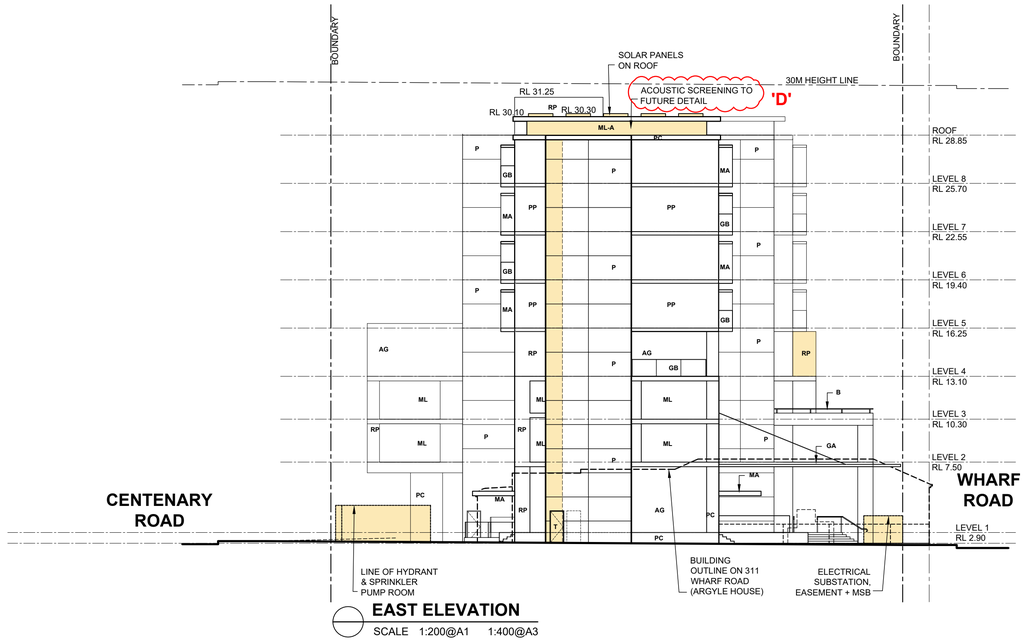
Drawing

NORTH + SOUTH ELEVATIONS

STUDIO M
ARCHITECTURE
architecture interior design
m: +61-403 051 739 w: studiomarchitecture.com.au
a: WeWork 100 Harris Street, Pyrmont NSW 2009

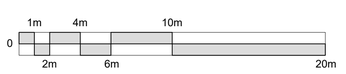
Scale	Job No.	Dwg No.	Rev.
1:200@A1 1:400@A3	SM2215	S455-201	D

Date MAY 2022
Drawn MV



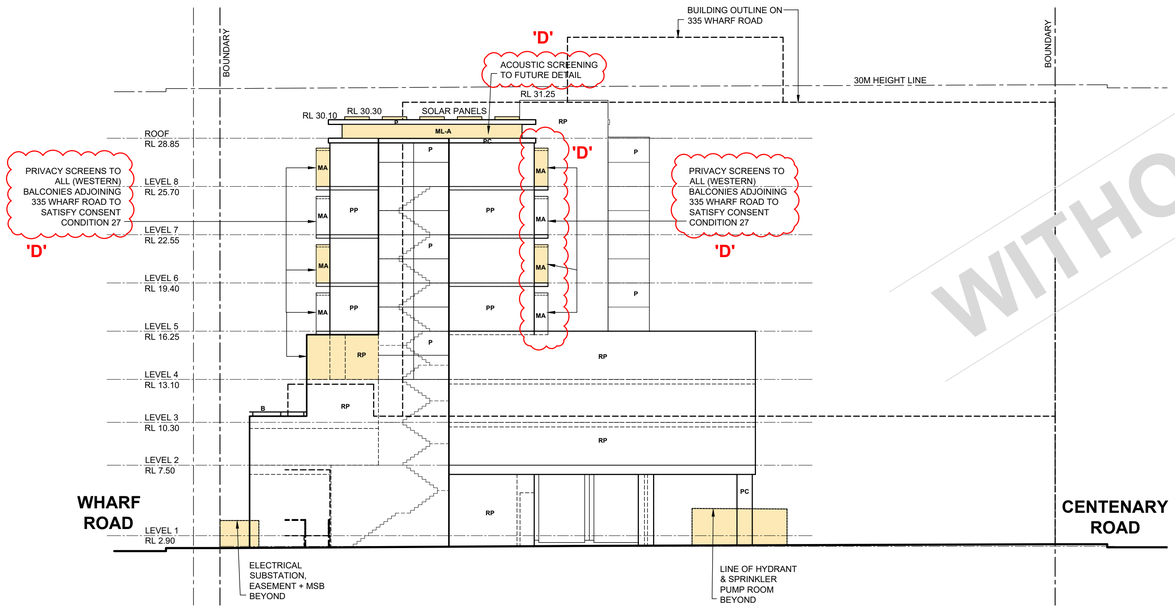
EAST ELEVATION

SCALE 1:200@A1 1:400@A3



LEGEND

SECTION 455 MODIFICATION



WEST ELEVATION

SCALE 1:200@A1 1:400@A3

FINISHES LEGEND

FB	FACE BLOCKWORK
RP	RENDERED + PAINTED MASONRY WALLS
P	METAL PANELS EQUAL TO VITRACORE FIRE RESISTANT PANELS
PP	PANELS TO HOTEL ROOM LEVELS. EQUAL TO VITRACORE FIRE RESISTANT PANELS
FP	FEATURE PANELS TO HOTEL ROOM LEVELS EQUAL TO VITRACORE FIRE RESISTANT PANELS
GB	SELECTED GLASS BALUSTRADES / GLASS BALUSTRADES TO HOTEL ROOM BALCONIES. REFER TO SPECIFICATIONS
AW	ALUMINIUM FRAMED AWNING WINDOWS + SLIDING DOORS TO HOTEL ROOM UNITS. REFER TO SPECIFICATIONS
PC	PAINTED CONCRETE
T	TIMBER DOOR PAINTED
MA	METAL ALUMINIUM AWNING + BLADE 900 WIDE
GL	FIXED ALUMINIUM FRAMED GLASS LOUVRES
ML	FIXED WEATHERPROOF METAL LOUVRED PANELS TO CAR PARK EQUAL TO DECOR SYSTEMS 'DRAMAX P238' - 62% OPEN ML-A = ACOUSTIC SCREEN
WL	WEATHERPROOF LOUVRES - REFER MECHANICAL DRAWINGS & SPECIFICATIONS
AG	ALUMINIUM FRAMED DOORS; WINDOWS + FIXED GLAZING
RS	PAINTED METAL ROLLER SHUTTERS
OG	OBSCURE GLAZING - BACK LIT PATTERNED GLASS
GA	GLASS AWNING
S	SELECTED SCULPTURE / WATER FEATURE
B	SELECTED BALUSTRADE

WITHOUT PREJUDICE

Issue	Amendment	Date	By
D	COUNCIL RFI RESPONSE - UPDATED S455 ISSUE	24.08.23	MV
C	S455 ISSUE	22.06.22	MV
B	PRELIMINARY S455 ISSUE	14.06.22	JC
A	PRELIMINARY	07.06.22	MV

ALL DIMENSIONS TO BE VERIFIED ON SITE. DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS. ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT BEFORE PROCEEDING.

Project

PROPOSED HOTEL
No. 313 - 317 WHARF ROAD NEWCASTLE, NSW

Client

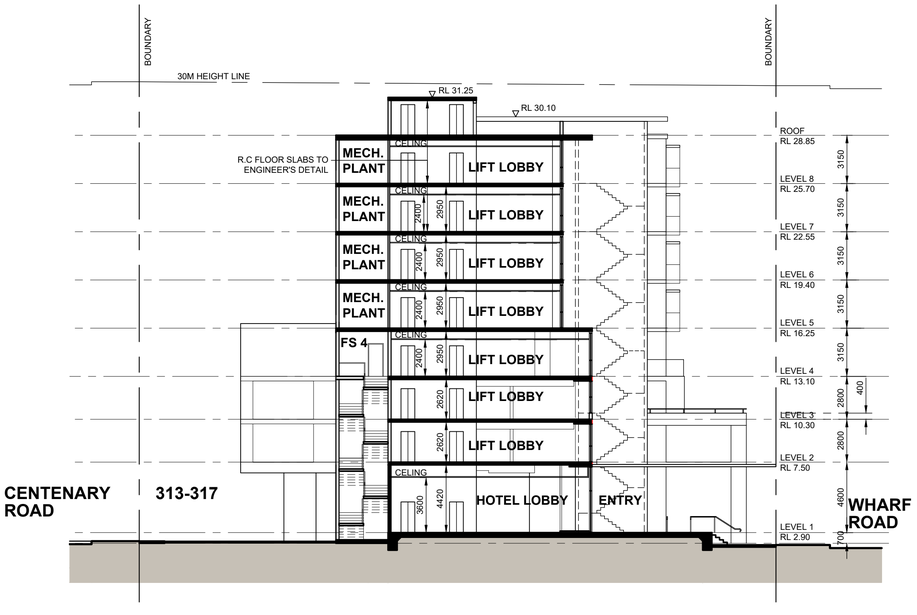
WHARF ROAD DEVELOPMENTS PTY. LTD.

Drawing

EAST + WEST ELEVATIONS

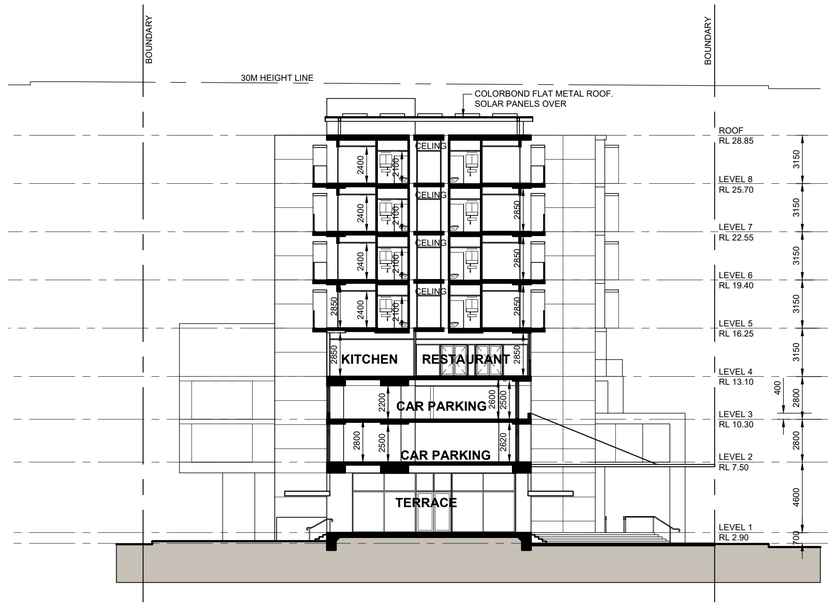
STUDIO M
ARCHITECTURE
architecture interior design
m: +61-403 051 739 w: studiomarchitecture.com.au
a: WeWork 100 Harris Street, Pyrmont NSW 2009

Scale	Job No.	Dwg No.	Rev.
1:200@A1 1:400@A3			
Date MAY 2022	SM2215	S455-202	D
Drawn MV			



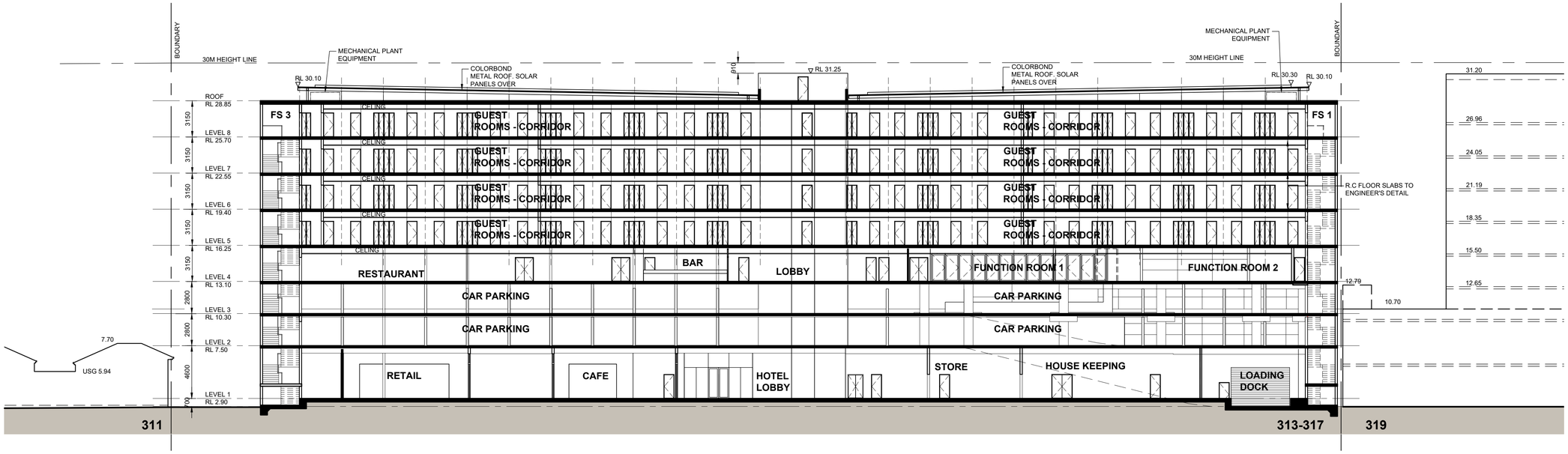
SECTION BB

SCALE 1:200@A1 1:400@A3



SECTION CC

SCALE 1:200@A1 1:400@A3



SECTION AA

SCALE 1:200@A1 1:400@A3

1m 4m 10m
0
2m 6m 20m

Issue	Amendment	Date	By
C	S455 ISSUE	22.06.22	MV
B	PRELIMINARY S455 ISSUE	14.06.22	JC
A	PRELIMINARY	07.06.22	MV

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Project

PROPOSED HOTEL
No. 313 - 317 WHARF ROAD
NEWCASTLE, NSW

Client

WHARF ROAD DEVELOPMENTS PTY. LTD.

Drawing

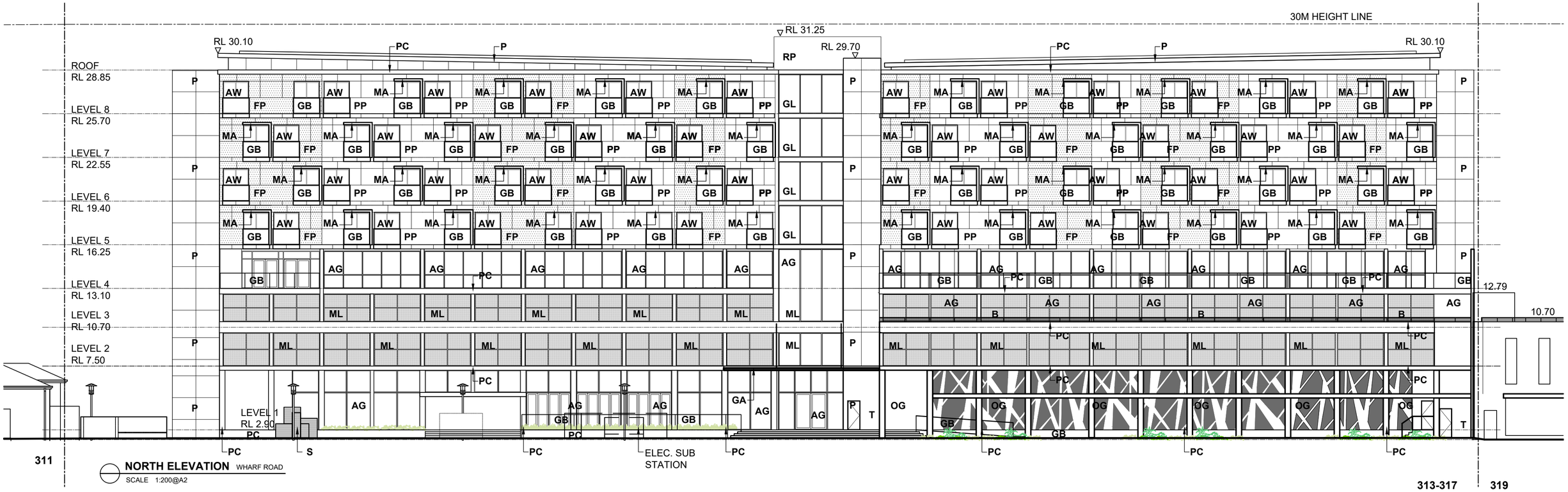
SECTIONS AA, BB and CC

STUDIO M
ARCHITECTURE
architecture interior design
m: +61-403 051 739 w: studiomarchitecture.com.au
a: WeWork 100 Harris Street, Pyrmont NSW 2009

Scale 1:200@A1 1:400@A3 Job No. Dwg No. Rev.

Date MAY 2022 **SM2215 S455-301 C**

Drawn MV



NORTH ELEVATION WHARF ROAD
SCALE 1:200@A2

FINISHES LEGEND

FB	FACE BLOCKWORK	NATURAL CONCRETE
RP	RENDERED + PAINTED MASONRY WALLS	DULUX WHITSUNDAY PN2A2
P	METAL PANELS EQUAL TO VITRACORE FIRE RESISTANT PANELS	TO MATCH 'DULUX PLOUGHED EARTH P14B7'
PP	PANELS TO HOTEL ROOM LEVELS. EQUAL TO VITRACORE FIRE RESISTANT PANELS	TO MATCH DULUX 'SILVER METALLIC'
FP	FEATURE PANELS TO HOTEL ROOM LEVELS EQUAL TO VITRACORE FIRE RESISTANT PANELS	TO MATCH 'AXOLOTL BROWN RUST PANEL'
GB	SELECTED GLASS BALUSTRADES / GLASS BALUSTRADES TO HOTEL ROOM BALCONIES. REFER TO SPECIFICATIONS	GLASS GREY
AW	ALUMINIUM FRAMED AWNING WINDOWS + SLIDING DOORS TO HOTEL ROOM UNITS. REFER TO SPECIFICATIONS	POWDERCOAT BLACK GLASS GREY
PC	PAINTED CONCRETE	DULUX WHITSUNDAY PN2A2
T	TIMBER DOOR PAINTED	DULUX PLOUGHED EARTH P14B7
MA	METAL ALUMINIUM AWNING + BLADE 900 WIDE	DULUX TEAL ESSENCE P30G5
GL	FIXED ALUMINIUM FRAMED GLASS LOUVRES	NATURAL ANODSED GLASS GREY
ML	FIXED WEATHERPROOF METAL LOUVRED PANELS TO CAR PARK EQUAL TO DECOR SYSTEMS 'DRAMAX P238' - 62% OPEN	DECOR SYSTEMS NOUVU
AG	ALUMINIUM FRAMED DOORS; WINDOWS + FIXED GLAZING	POWDERCOAT GLASS SATIN GLASS AZUR
RS	PAINTED METAL ROLLER SHUTTERS	COLOURBOND WINDSPRAY
OG	OBSCURE GLAZING - BACK LIT PATTERNED GLASS	GLASS WHITE
GA	GLASS AWNING	GLASS AZURE
S	SELECTED SCULPTURE / WATER FEATURE	

NOTE:
FINISHES & COLOUR SCHEME TO REMAIN CONSISTENT WITH DA APPROVED FINISHES.

ALL DIMENSIONS TO BE VERIFIED ON SITE. DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS. ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT BEFORE PROCEEDING.

Project:
RESIDENTIAL DEVELOPMENT
No.313 - 317 WHARF ROAD, NEWCASTLE
Client:
WHARF ROAD DEVELOPMENTS

Drawing Title:
FINISHES SCHEDULE

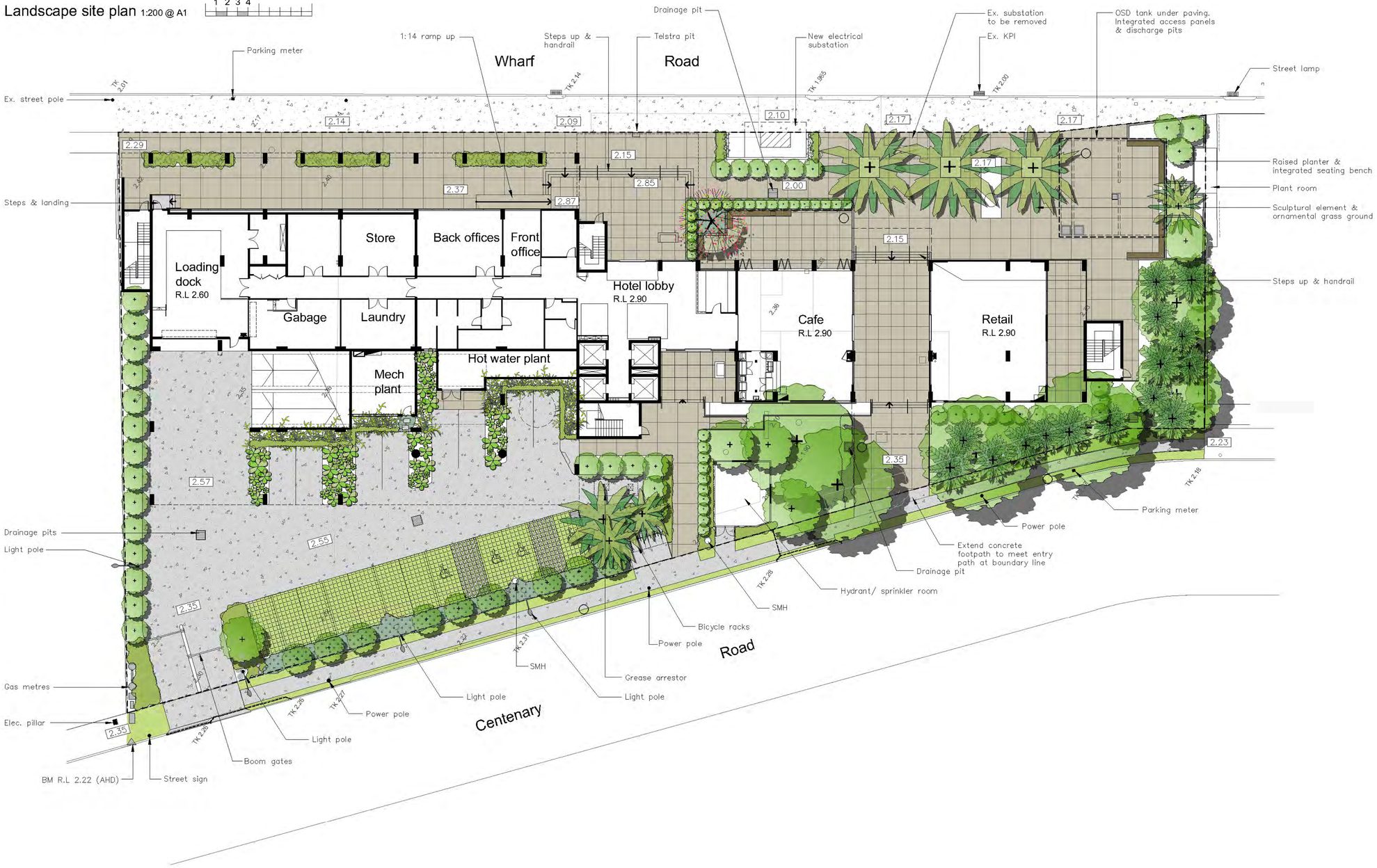
Consultant:
STUDIO M
ARCHITECTURE
architecture interior design
m: +61-403 051 739 w: studiomarchitecture.com.au

Issue	Amendment	Date	By
A	PRELIMINARY	07.06.2022	MV
B	PRELIMINARY S455 ISSUE	14.06.2022	JC
C	S455 ISSUE	22.06.2022	MV

Job No: SM2215 Dwg No: S455F01 Rev: C
Scale:1:200@A2 Date: JULY 2022

Landscape site plan 1:200 @ A1

0 1 2 3 4 5 10



Canary Island Date Palm

Dragon Tree

Livistona Palm

Westringia 'Aussie Box'

Blubery Ash

Sculpture element

Backhousia

Callistemon

Corymbia sentuous

Dwarf Bird of Paradise

Syzygium paniculatum 'Superior'

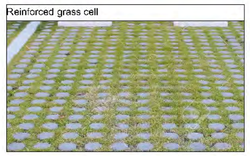
Raised planter

Coin Spot Tree Fern

Lomandra Tanika border plants

Show Maiden

Liriope


Reinforced grass cell

Blue Flax Lily

Legend

- Proposed evergreen trees
- Proposed Palms
- Common areas paving
- Tree Ferns
- Timber seating
- Ornamental grass
- Reinforced grass cell

Amendments

B	25.8.23
A	24.8.23

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Project: Proposed Hotel
313-317 Wharf Road,
Newcastle, NSW

Dwg: Landscape site plan

Date: 25.8.23 Scale: 1:200 @A1

Job Ref: 23/2582 Sheet No: 1 of 3

Builder must verify all dimensions of the site before work commences.
Figured dimensions should be used in preference to those scaled off.

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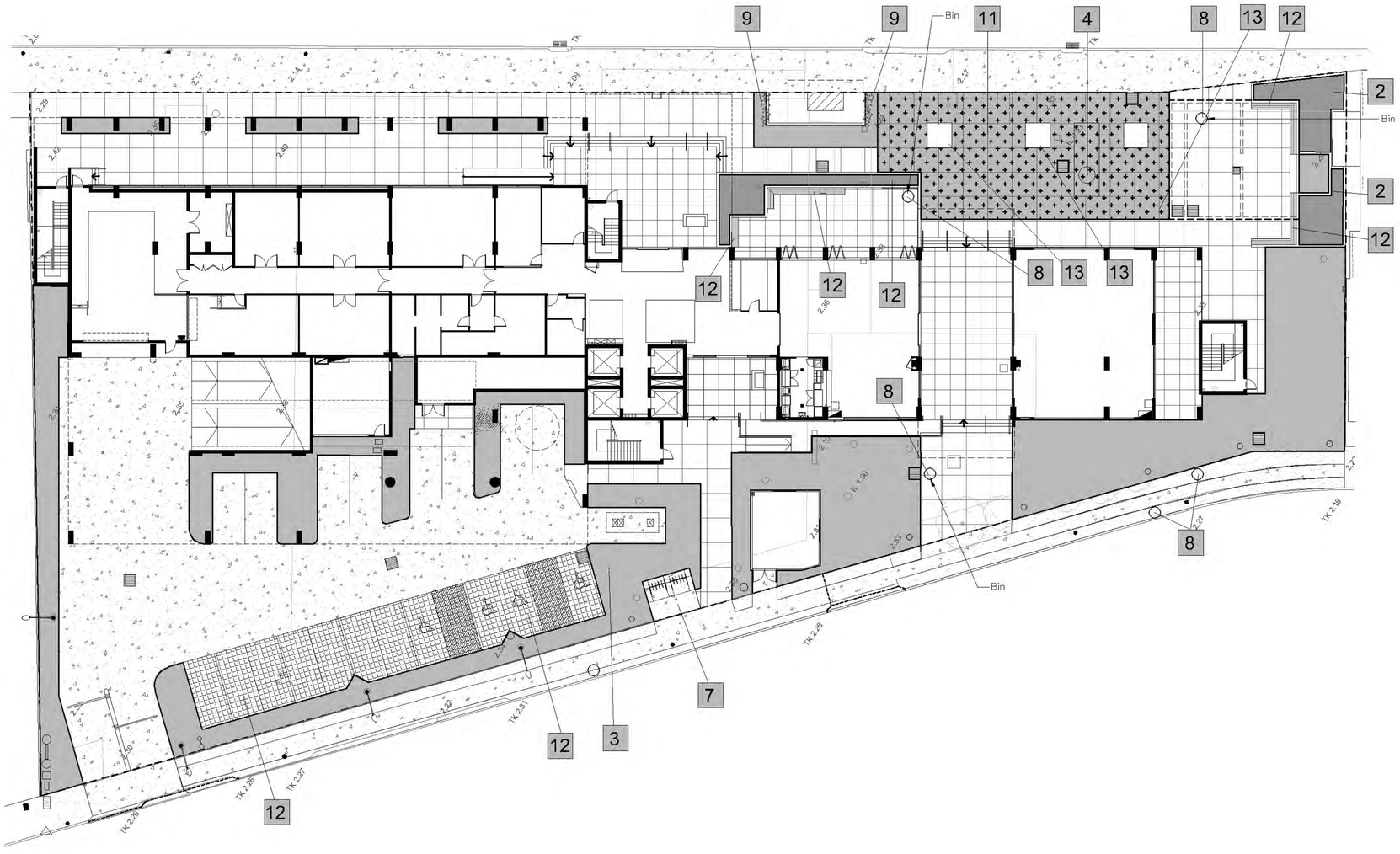
North

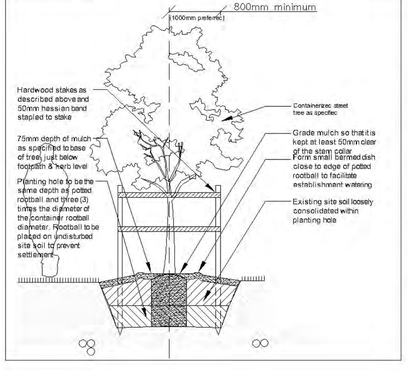
1 of 3
ISSUE-B

Landscape details plan 1:200 @ A1

0 1 2 3 4 5 10

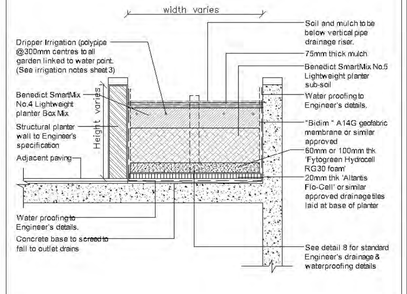


Detail 1
Tree planting details

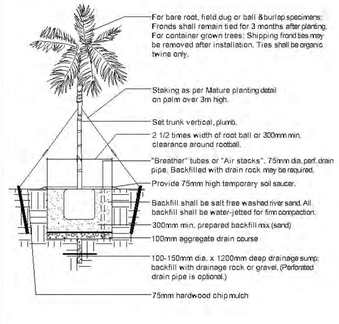


Detail 2
On structure planter typical soil installation detail n.t.s

For soil & irrigation methodology only Structural & drainage to relevant Engineers details

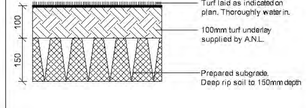


Detail 3
Palm planting detail n.t.s

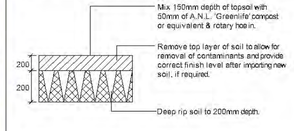


Detail 4 Typical Sculpture Detail

Detail 5
Turf over soil n.t.s



Detail 6
Soil preparation detail n.t.s.

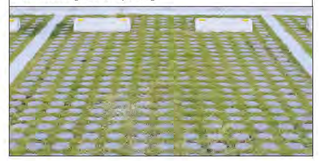


Detail 7
Bicycle racks

Detail 8
Rubbish bin

Detail 9
Green wall tensioned cables

Detail 10
Reinforced grass cell parking



Detail 11
Strata vault soil

Detail 12
Seat/ planter

Detail 13
Tree grate

Legend

- 11 — Detail #
- Soil zone (Detail #6)
- Strata vault soil system (Detail #11)
- Raised planter (Detail #4)
- Turf grass (Detail 10)

Amendments

B	25.8.23
A	24.8.23

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Project: Proposed Hotel
313-317 Wharf Road,
Newcastle, NSW

Dwg: Landscape details plan

Date: 25.8.23 Scale: 1:200 @A1

Job/ Ref: 23/2582 Sheet No: 2 of 3

Builder must verify all dimensions of the site before work commences. Figured dimensions should be used in preference to those scaled off.

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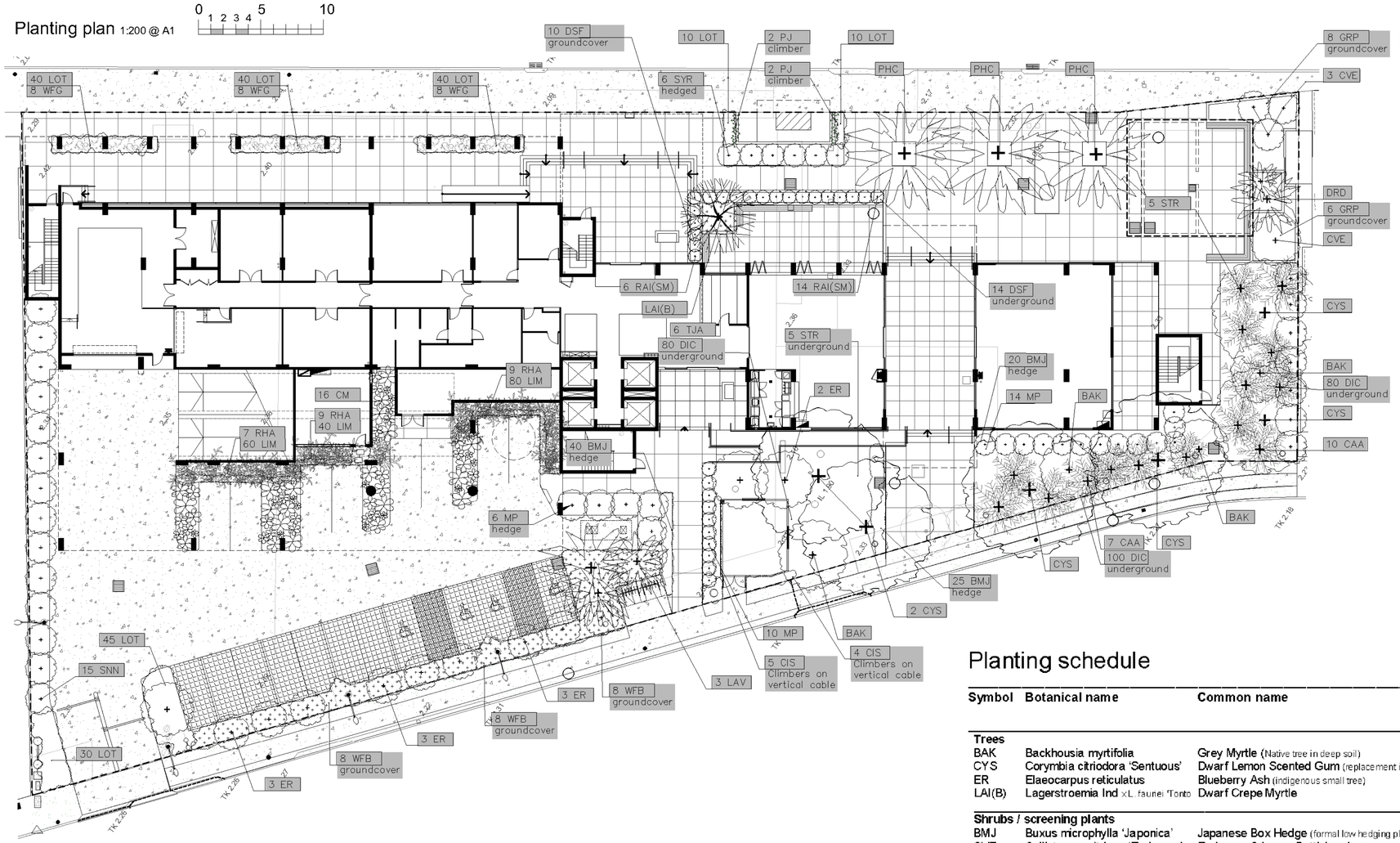
North

2 of 3
ISSUE-B

Planting plan 1:200 @ A1



Irrigation notes

Prior to approval by the project manager (and prior to installation) the Contractor responsible for the irrigation installation is to provide an irrigation design to meet the following requirements.

Automatic drip line watering system to be selected. To extend to ALL garden areas nominated on the deep soil and raised planter box areas on sheets 6. (internal site turfed areas, turfed nature strip and street tree areas to be excluded)

Note: Water supply tap hose cocks as indicatively located on the CC stage drawings are to be coordinated with Hydraulic and Structural Engineer's details). Ensure 50mm PVC conduit is provided under any path or surface structures between deep soil zones as indicated on the plans. In ground dripline supply system only to be incorporated.

Generally: Supply an automatic drip line irrigation system. To include all piping to solenoids either PVC lines and/or class 12 pressure pipe or low density, rubber modified polypropeyline reticulation (if determined to be required) to provide water supply to the nominated areas. (To be coordinated with Hydraulic Engineers plans). To include all bends, junctions, ends, ball valves, solenoids and all other ancillary equipment. Backwash valve. An approved backwash prevention valve is to be located at the primary water source for top up valves to rainwater tanks (where applicable).

Root inhibiting system: Driplines to be 'Netafim Techline AS XR' drip tubing or approved equivalent as provided by contractor proposal.

Automatic Controller: Provide automatic 2 week timer with hourly multi-cycle operation for each zone required zone.

Performance: it shall be the Landscape Contractor's responsibility to ensure and guarantee satisfactory operation of the irrigation system. The system is to be fit for the purpose and should utilize sufficient solenoids to provide for the varying watering requirements of landscape areas to allow all plants and lawn areas to thrive and attain long term viability.

Testing: After the system has been installed to the satisfaction of the project manager, the installation shall be tested under working conditions. Acceptance of the installed plant and equipment shall be subject to these being satisfactory.

Warranty: A twelve month warranty is to be provided in writing by the Landscape Contractor, which shall commit the Landscape Contractor to rectify the system (the items they have installed) to the satisfaction of the project manager or nominated representative. This will apply should any fault develop, or the capacity or efficiency fall below that guaranteed, or should the discharge or pressure be inadequate, or should defects develop in the filter unit or control heads, or any blockages that may develop in the system.

Approvals: The Landscape Contractor is to liaise as necessary, to ensure that the irrigation system conforms with all Water Board, Council and Australian standards (AS)

Planting schedule

Symbol	Botanical name	Common name	Cont. size	Staking	Mature height	No req.
Trees						
BAK	Backhousia myrtifolia	Grey Myrtle (Native tree in deep soil)	75Lt	3x50x50x1800	7-9.0M	4
CYS	Corymbia citriodora 'Sentuous'	Dwarf Lemon Scented Gum (replacement indigenous tree)	200Lt	3x50x50x1800	8-12.0M	6
ER	Elaeocarpus reticulatus	Blueberry Ash (indigenous small tree)	45Lt	3x50x50x1800	6-8.0M	11
LAI(B)	Lagerstroemia Ind xL. faunei 'Tonto	Dwarf Crepe Myrtle	45Lt	3x50x50x1800	3.0-4.0M	1
Shrubs / screening plants						
BMJ	Buxus microphylla 'Japonica'	Japanese Box Hedge (formal low hedging plant)	200mm	nil	0.4-1.2M	65
CVE	Callistemon citrinus 'Endeavor'	Endeavor Crimson Bottlebrush (Flowering native small tree)	300mm	nil	2-3.0M	4
MP	Murraya paniculata	Orange Jessamine (flowering screening plant)	300mm	hedged	2-3.0MM	30
RAI (SM)	Raphiolepis indica SM	Snow Maiden (hedging dense flowering plant)	300mm	nil	1.0M	20
SNN	Syzygium 'Straight and Narrow'	Narrow vertical Lilly Pilly (narrow vertical growing screen plant)	300mm	hedged to req.height	3-5.0M	15
SYR	Syzygium 'Resilience'	Resilience Lilly Pilly (native screen plant. Can be hedged)	300mm	hedged	2.8-3.5M	6
WFB	Westringa fruticose 'Blue Gem'	Blue Gem (hardy low screen can be hedged)	200mm	hedged	1.0-1.2M	24
WFG	Westringia fruticosa 'Grey Box'	Ozbreed Grey Box® (hardy low screen can be hedged)	200mm	hedged	0.4-0.7M	24
Ferns / Palms / Succulents / ornamental bamboos						
CAA	Cyathea australe	Tree Fern (Native tree ferns)	300mm	nil	2-4.0M	17
DRD	Draceana draco	Dragon Tree (striking feature plant)	semi adv.	nil	2.5-3.5M	1
LAV	Livistona australis	Cabbage Palm (tall indigenous palm)	semi adv	wire guys	8-12.0M	3
PHC	Phoenix canariensis	Canary Island Date Palm (Tall wide tolerant small palm)	semi advanced		7-9.0M0M	3
RHA	Raphis excelsor	Lady Finger Palm	300mm	nil	2-2.5M	25
STR	Strelitzia reginea	Bird of Paradise (Strappy leaved flowering accent plant)	250mm	nil	1-1.2M	10
Groundcovers/Climbers						
CIS	Cissus Antarctica	Kangaroo Vine (native groundcover)	150mm	nil	0.2M	9
DSF	Dichondra 'Silver Falls	Silver Falls (cascading groundcover in roof garden)	200mm	nil	0.15M	24
GPR	Grevillea 'Poorinda Royal Mantle'	Grevillea Groundcover (native low groundcover)	200mm	nil	0.2M	14
PJ	Pandorea jasminoides	Bower Plant (native climbing/cascading groundcover)	200mm	wire supports on fence	2.5M	4
TJA	Trachelospermum asiaticum	Flatmat Star Jasmine (FT01 Ozbreed hyrid groundcover)	200mm	nil	0.2M	6
VH	Viola hederacea	Native Violets (native low groundcover)	tubes	nil	0.1M	
Ornamental grasses/strappy leaved plants						
CM	Clivea miniata	Kaffir Lily (shade tolerant groundcover)	200mm	nil	0.5M	16
DIC	Dianella caerulea	Blue Flax Lily (blue foliage native grass like plant)	100mm	nil	0.4M	26
LIM	Liriope Evergreen Giant	Turf Lily (shade tolerant groundcover)	150mm	nil	0.4M	180
LOT	Lomandra 'Tanika'	Dwarf Mat Rush (native mass planted groundcover)	150mm	nil	0.4M	215

Planting schedule species to be sourced from local nurseries supplying plants of local provenance wherever possible. Landscape contractor is to check plant numbers on plan against the schedule prior to submitting tender price. Contact landscape architect if any number discrepancies are found. Council compliance controls require that any substitution of species variety or container size MUST be confirmed with landscape architect to ensure a compliance certificate can be issued that's meets the specific development consent conditions of the project.

General construction notes

1. Site preparation
Any existing trees and vegetation to be retained shall be preserved and protected from damage of any sort during the execution of landscape work. In particular, root systems of existing plants must not be disturbed if possible. Any nearby site works should be carried carefully using hand tools. To ensure the survival and growth of existing trees during landscaping works, protect by fencing or armoring where necessary. Trees shall not be removed or lopped unless specific written approval to do so is given or is indicated on plan. Storage of materials, mixing of materials, vehicle parking, disposal of liquids, machinery repairs and refueling, site office and sheds, and the lighting of fires shall not occur within three (3) metres of any existing trees. Do not stockpile soil, rubble or other debris cleared from the site, or building materials, within the dripline of existing trees. Vehicular access shall not be permitted within three (3) metres of any tree.

2. Soil preparation
All proposed planting areas to be deep ripped to 200mm (where possible) and clay soils to be treated with clay breaker.. Apply at least 200mm depth good quality garden soil mix to all garden planting areas. To comply with AS 4419 Turfed areas as noted to be laid over 100mm min. good quality turf underlay over existing soil which is to be deep ripped to 200mm depth prior to installation. To be worked in with rotary hoe except where tree root damage would otherwise occur. In such situations care to be taken to hand cultivate in any area where existing tree roots exist to preserve health of trees and to comply with the requirements of the Arborist's report. Where planting is to occur in existing soil profiles ensure soil conditioners and compst is worked into the top 200mm profile. To comply with AS 4454:1999 .

3. New plantings
Newly planted trees and large shrubs should be secured to stakes with hessian ties to prevent rocking by wind. Planting holes for plant material should be large enough in size to take root ball with additional space to take back filling of good quality planting mix. (Please note mature heights of planting as shown on planting schedule can vary due to site conditions, locations in constricted deep soil or over slab planters and so forth) Also shallow soils in certain locations may affect planting heights. Nominated heights for plantings in raised planters over slabs are nominated as less than their normal expected heights in acknowledgement of the contained soil environment. For other deep soil trees heights are subject to particular site conditions, and intended hedging or pruning for functional requirements such as available planting width, intended access under branches and solar access.

4. Planter boxes soil installation.
See planter box construction, waterproofing details and drainage details prepared by Engineers. Details to indicate soil installation and irrigation methodology only. All internal planter slab levels to have mortar screed to fall to drainage outlets as nominated by the Stormwater Engineering details. All planting containers to have the following soils:

- Benedicts Smart Mix no. 4 Lightweight Planter Mix (or approved equivalent) to min. 300mm depth. To be installed over Benedicts light weight No.5 light weight sub-soil mix (or approved equivalent). To comply with AS 4419 and AS 3743
- All planter boxes are to have automatic dripline irrigation system. Connecting pipes/conduit to be cast into slab structures prior to slab pour to be coordinated with the Structural Engineer's plans.
- Landscape contractor to install all planter box fill material and plant material after other site works are completed to ensure no deterioration of waterproof membrane. To be confirmed by Engineers and project manager to confirm the integrity of the engineer's specified waterproofing of the planter boxes at time of soil and plant installation.

5. Mulching
All planting areas to be mulched with a minimum 75mm thick cover of recycled hard wood chip mulch and then all plant areas to be thoroughly soaked with water. To comply with AS 4454

6. Fertliser
All planting areas to be fertilised with 9 month 'NPK' slow release fertiliser.

7. Staking
To those plants indicated on the planting schedules provide: hardwood stakes as nominated and driven into ground to a depth able to achieve rigid support. See separate detail for tree staking in raised planters to avoid damaging waterproofing installation

8. Garden and turfed finishes
All ground level garden beds adjacent to site boundary or paved areas to finish flush with finished mulch levels to avoid spillage of mulch to adjacent paths or adjacent hard surfaces.

9. Turfing
Turfed nature strip to be ' Sir Walter' (DNA Certified).
To be laid over 100mm good quality turf underlay over existing sub-grade which is to be ripped to 200mm depth prior to installation. Confirm clearance of all inground services with project manager prior to installation.
Finish turf flush and evenly graded to adjacent kerb, driveway or path edging.

10. **Structural**
All structural, drainage and waterproofing details related to external works whatsoever to Engineer's details.

Maintenance schedule

The Landscape Contractor shall maintain the contract areas by accepted horticultural practices as well as rectifying any defects that become apparent in the works under normal use. The Landscape Contractor shall maintain the works and make good all defects for a period of twenty six (26) weeks after the date of practical completion. Practical completion of the landscape works shall include but not be limited to the replacement of plants which have failed or been damaged or stolen during work under the contract. Landscape maintenance shall include but not be limited to the following: watering, rubbish removal, spraying and wiping leaf surfaces, replacing failed plants, maintaining mulch, pruning, insect and disease control, cleaning of surrounding areas. Mow the turf when it is established at regular intervals to maintain an average height of 50mm.

The owners of the residence are responsible for the ongoing maintenance and viability of the gardens and ongoing maintenance shall include the following:

- Regular hand watering of gardens if installed drip line irrigation system is turned off. Irrigation to be installed and maintained as per manufacturers specifications including regular checks for function of system, to check for leaks and to ensure general good working operation.
- Mulch is to be regularly topped up every 6 months to ensure an even 75mm coverage in all garden beds
- Regular pruning of plants is to be undertaken to ensure continued uniform growth of canopy and foliage of trees and shrubs.
- Regular assessment of plants for evidence of insect attack or disease. Appropriate pest oil, white oil of Yates pest spray or equivalent is to be employed if required
- Garden/lawn edging to be inspected regularly after practical completion to ensure it is maintained in good order. Replace where required if defective sections are discovered
- All garden refuse, rubbish and associated items that arise from the regular garden maintenance procedures are to be collected and stored in appropriate general waste or green waste containers as is appropriate. Excess waste unable to be stored in Council waste containers is to be removed from the site is a timely manner.

Amendments

B	25.8.23
A	24.8.23

PAUL SCRIVENER
LANDSCAPE
PO Box 4050. ACT 2602
ABN: 16 949 100 279
Phone: 02 9907 8011
www.scrivener-design.com
Email: paul@scrivener-design.com

Project: Proposed Hotel
313-317 Wharf Road,
Newcastle, NSW

Dwg: Planting plan

Date: 25.8.23 Scale: 1:200 @A1

Job Ref: 23/2582 Sheet No: 3 of 3

Builder must verify all dimensions of the site before work commences.
Figured dimensions should be used in preference to those scaled off.

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North

3 of 3
ISSUE-B

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DRAFT SCHEDULE OF CONDITIONS

City of Newcastle

Application No:	MA2022/00238
Land:	Lot 16 DP 1258951
Property Address:	317 Wharf Road Newcastle NSW 2300
Proposed Development:	Sec 4.55(2) Modification to DA2013/1236 - Demolition of buildings erection of eight (8) storey hotel and conference centre - changes to design

SCHEDULE 1

REASONS FOR CONDITIONS

1. The conditions of this consent have been imposed in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979* (NSW). The conditions relate to any matter referred to in Section 79C(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

APPROVED DOCUMENTATION

2. The development is to be implemented in accordance with the plans and supporting documents set outin the following table except where modified by any conditions of this consent.

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Architectural Plans	Ref: SM2215	Studio M Architecture	
Cover Page: Locality Plan + Part Wharf Road Elevation	S455-100 - Rev C		22 June 2022
Site + Level 1 (Ground) Floor Plan	S455-101 - Rev D		24 August 2023
Level 2 Floor Plan	S455-102		
Level 3 Floor Plan	S455-103		
Level 4 Floor Plan	S455-104		
Level 5 Floor Plan	S455-105		
Level 6 Floor Plan	S455-106		
Level 7 Floor Plan	S455-107		
Level 8 Floor Plan	S455-108		
Roof Plan	S455-109		
North + South Elevations	S455-201		
East + West Elevations	S455-202		

Sections AA + BB + CC Finishes Schedule	S455-301 - Rev C S455F01 - Rev C		
Landscaping Plans Landscape Site Plan Landscape Details Plan Planting Plan	Job Ref: 23/2582, Issue B, Dwg 1 Dwg 2 Dwg 3	Paul Scrivener Landscape	25 August 2023
Stormwater Management Plan Sediment and Erosion Control & Stormwater Detail	Job 190499 Issue 1, C02.00 C02.50	MPC Consulting Engineers	04 July 2022
Plan of Management & Security Management Plan	Job No. HM 1243	Hosking Munro Pty Ltd	October 2013 Amended 15 April 2014
Site Waste Minimisation Management Plan		Michael Munro	15 October 2013
Traffic Impact Assessment S4.55	P2391 / Ver. 02	SECA Solution	28 August 2023
Statement of Heritage Impact Heritage Impact Statement - s4.55	Reports/131017_SHI_FinaI -	NBRS+ Partners NBRS	17 October 2013 16 August 2023
Detailed Site Investigation Report	Project No. 19356/5520C Report No.14/1130B	6MEC Testing Services Pty ltd	May 2015
Proposal for Contamination Site Audit	P14387 Version 1	ES Environmental Strategies	16 January 2015
Remedial Action Plan	Project No. 19356/6535C Report No.16/0237.	STS GeoEnvironmental Pty Ltd	February 2016
Noise Assessment Report Addendum Acoustic Letter S4.55	43.6859.R1: CFCD7 Rev 01 Ref: 53.7267.L1:GA/DT/ 2023	Atkins Acoustics Atkins Acoustics	April 2014 24 March 2023
Building Code of Australia – Section JV3 Compliance Report	Project No. MN10885, Rev 5	Marline Newcastle Pty Ltd	28 June 2022

(Amended by MA2022-00238)

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3. A total monetary contribution of $484,828.06 is to be paid to Council, pursuant to section 94A of the *Environmental Planning and Assessment Act 1979,* such contribution to be payable prior to the issue of the first Construction Certificate for building works in respect of the proposed development.

   Note:

   a) This condition is imposed in accordance with the provisions of The City *of* Newcastle *S94A Development Contributions Plan 2009* (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

   b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A focal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.

   c) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at régular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

   CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approx release date
September	Late October
December	Late January
March	Late April
June	Late July

   Any party intending to act on this consent should contact Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment. **(Amended by MA2022-00238)**

4. The building is to be provided with adequate means of access for persons with disabilities to the extent necessary to comply with the Commonwealth (Disability Access to Premises - Buildings) Standards 2010. Full details are to be included in documentation for the first Construction Certificate application for building works **(Amended by MA2022-00238)**

5. On-site parking accommodation is to be provided for a minimum of 100 vehicles and such be set out generally in accordance with the minimum parking layout standards indicated in Section 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Full details are to be included in documentation for the first Construction Certificate application for building works. (**Amended by MA2022-00238)**

6. The car park is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for the first Construction Certificate application for building works. **(Amended by MA2022-00238)**

7. Opposing traffic flows on car park ramps are to be separated by the provision of an appropriate kerb and/or safety barrier. Full details are to be included in documentation for the first Construction Certificate application for building works. **(Amended by MA2022-00238)**

8. A loading bay with capacity to accommodate the largest delivery vehicles likely to deliver goods to or from the premises, is to be provided in a position adjacent to the proposed roller shutter in a manner which does not cause obstruction to the vehicular access driveway or parking area. Full details are to be included in documentation for the first Construction Certificate application for building works. **(Amended by MA2022-00238)**

9. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. The driveways are to be constructed in accordance with Council's Standard Drawing A374 (Driveway Crossing Standard Design Details). Full details are to be included in documentation for the first Construction Certificate application for building works. **(Amended by MA2022/00238)**

10. Kerbing or dwarf walls having a minimum height of 100mm are to be constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for the first Construction Certificate application for building works. **(Amended by MA2022-00238)**

11. Runoff from paved surfaces and exposed carpark area is to be directed to an underground on-site detention (minimum capacity of 44,600L). Roof water from the proposed new work is to be directed to a rainwater tank (minimum capacity of 34,000L) and being reticulated there from to any new toilet cisterns and cold-water washing machine taps, with a mains water top up being installed to maintain between 10% and 15%/ of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be installed in accordance with Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be included in documentation for the first Construction Certificate application for building works. **(Amended by MA2022-00238)**

12. Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to Council's drainage system by means of an interallotment drainage line or underground pipe directly to the street gutter. Full details are to be included in documentation for the first Construction Certificate application for building works. **(Amended by MA2022-00238)**

13. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable,

as indicated on the stormwater management concept plan prepared by MPC Consulting Engineers (Job No. 190499, Issue: 1, dated 4 July 2022). Full details are to be included in documentation for the first Construction Certificate application for building works. **(Amended by MA2022-00238)**

14. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for the first Construction Certificate application for building works. **(Amended by MA2022-00238)**

15. The floor level of all proposed buildings or building additions is to be not below 2.90m AHD (Australian Height Datum) and being indicated on plans for the first Construction Certificate application for building works. The. finished floor level of all car parking spaces is to be not below 2.50m AHD Australian Height Datum. The finished floor levels are to be certified by a registered Surveyor prior to the placement of the floor material and a copy of the Surveyor's Certificate is to be forwarded to the Principal Certifying Authority. **(Amended by MA2022-00238)**

16. The whole of the proposed structure below known 2.90m AHD (Australian Height Datum) is to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical fixtures (such as power points, light fittings and switches), storage units or similar items likely to be damaged by floodwaters/tidal waters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters/tidal waters. Full details are to be included in documentation for the first Construction Certificate application for building works. **(Amended by MA2022-00238)**

17. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a comprehensive landscape design plan and specification. The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:

    a) cross sections through the site where appropriate
    b) proposed contours or spot levels
    c) botanical names
    d) quantities and container size of all proposed trees
    e) shrubs and ground cover
    f) details of proposed soil preparation
    g) mulching and staking
    h) treatment of external surfaces and retaining walls where proposed
    i) drainage, location of taps and
    j) appropriate maintenance periods

    The plan is to be prepared by a qualified landscape designer and be included in the documentation for the first Construction Certificate application for building works. **(Amended by MA2022-00238)**

18. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation’s compliance certificate (refer s50 *Hunter Water Act 1991*) is to be included in documentation for the first Construction Certificate application for building works. **(Amended by MA2022-00238)**

19. The applicant is to comply with the requirements of the Hunter Water Corporation in respect of any building or structure proposed to be erected over any services or drain under the Corporation's control. Details addressing any requirements of the Hunter Water Corporation are to be included in documentation for the first Construction Certificate application for building works. **(Amended by MA2022-00238)**

20. Adequate facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of Council approved wheel type bins or bulk waste containers. Full details are to be included in documentation for the first Construction Certificate application for building works, noting all waste management is to be carried out onsite. **(Amended by MA2022-00238)**

21. The design and construction of the proposed development is to be in accordance with the relevant requirements of Australian Standard 4674:2004 - Design, Construction and Fit-Out of Food Premises.

    In particular ensure:

    a) All walls are of solid construction.
    b) Ceilings are to be non-perforated and finished smooth, free from open joints, cracks and crevices.
    c) Mechanical ventilation is provided and designed and installed in accordance with AS 1668pts 1 and 2 (AS 4674-2004 (2.3.2).
    d) All wastewater from the food processing areas must be disposed of to the sewer via a grease arrestor. The grease arrestor shall not be located in any areas where food, equipment or packaging is handled or stored. The great arrestor will be located outside with direct vehicle access for cleaning purposes.
    e) All garbage bins holding putrescible waste and recyclable materials shall be stored externally from food areas. The garbage storage area shall be finished in an impervious material, graded and drained to the sewer and provided with a hose tap connected to the water supply.

    Full specifications are to be included in the documentation for the first Construction Certificate application for building works. **(Amended by MA2022-00238)**

22. A dilapidation report prepared by a suitability qualified person shall be submitted to the Certifying Authority prior to the issue of the first Construction Certificate. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, infrastructure and roads. **(Amended by MA2022-00238)**

23. Working drawings and specifications of the proposed building are to be submitted to the NSW Mine Subsidence Board for approval prior to an application for a Construction Certificate and any requirements of the Board are to be included in the documentation for the first Construction Certificate application for building works. **(Amended by MA2022-00238)**

    Note: The Board advises that it will be necessary for the working drawings to be certified by a qualified Structural Engineer to the effect that the proposed building works will be safe, serviceable and repairable having regard to the following mine subsidence parameters:

    a) Design pothole of nominal diameter 5000 mm

b) Work as executed drawing to be submitted to the Board, certified by a qualified Structural Engineer that all improvements have been constructed in compliance with the plans approved bythe Board

c) No cavity or internal brick walls

d) Absolute maximum height of foundation brickwork not to exceed 1.5 metres

e) For brick veneer construction, the design to incorporate special features into the building (panellised brickwork and/or control joints etc) and

f) No raft or infill slabs

24. A commercial vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:

a. Constructed in accordance with Council's A1300 - Driveway Crossings Standard Design Details.

b. The driveway crossing, within the road reserve, shall be a maximum of 7.3 metres wide.

c. Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.

d. The proposed driveway shall be a minimum of 3metres clear of the trunk of any tree within the public reserve.

e. The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

These works are not approved until consent under Section 138 of the *Roads Act 1993 (NSW)* has been granted by Council. An application under Section 138 must be applied for and approved before the issue of the first Construction Certificate. **(Amended by MA2022-00238)**

25. Any proposed work within the public road reserve, including driveway works, reinstatement of a kerb or installation of drainage, is to be subject of the separate approval of Council prior to commencement.

A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the *Roads* Act *1993 (NSW),* before the issue of the first Construction Certificate. **(Amended by MA2022-00238)**

26. Prior to the issue of the first Construction Certificate, the proponent is to prepare and submit to the PCA and Council a Construction Environmental Management Plan (CEMP) for construction/demolition works on the site, which is to be kept on site and made available to authorised Council officers upon request. The CEMP is to include but not be limited tò:

a. A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.

b. A water management strategy, detailing erosion and sediment control, management of

soil stockpiles, control and management of surface water, groundwater and process water. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.

c. A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions. This strategy should be cross-referenced with the water management strategy.

d. A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works.

e. A noise and vibration management program detailing measures to minimíse the impact of the construction phase on the amenity óf the locality in accordance with Australian Standard AS *2436.* 2010 *(Guide to Noise and Vibration control on Construction, Demolition and Maintenance Sites).*

f. A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.

g. A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management. **(Amended by MA2022-00238)**

27. That all balconies adjoining 335 Wharf Road on the western elevation have suitable screening to protect the amenity on the neighbouring properties. Full details to be provided with documentation for the first construction certificate. **(Amended by MA2022-00238)**

28. Bicycle racks for a minimum of 10 bicycles to be provided onsite. Full details to be included in documentation for the first Construction Certificate. **(Amended by MA2022-00238)**

28a. Before the issue of the first Construction Certificate for building works, the acoustic performance of all mechanical plant and equipment associated with the building, is to be assessed by an appropriately qualified acoustic consultant. Appropriate acoustic treatment as recommended by the acoustic consultant is to be designed and submitted to the Principal Certifier and Newcastle City Council. This must also be consistent with the recommendations set out in the Noise Assessment prepared by Atkins Acoustics Pty Ltd, dated April 2014 and as amended by the Addendum Acoustic Letter for s4.55 prepared by Atkins Acoustics and dated 24 March 2023. **(Amended by MA2022-00238)**

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

29. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

a. Be a standard flushing toilet connected to a public 4ewer, or

b. Have an on-site effluent disposal system approved under the *Local Government*

Act 1993 (NSW), or

c. Be a temporary chemical closet approved under the *Local Government Act 1993 (NSW).*

30. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.

31. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.

32. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:

    a. Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development.

    b. The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW

    c. A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request

    d. Seven working days notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council's contact telephone number (49742000) and the Workcover Authority of NSW telephone number (49212900) and

    e. On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.

33. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:

    a. A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste

b. The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets

c. Appropriate provision is to be made to prevent windblown rubbish leaving the site and

d. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines maybe issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997 (NSW).*

34. If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

35. An application is to be made to and approved by Council for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence shall comply with the *Work Health and Safety Act 2011* (NSW), *Work Health and Safety Regulation 2011* (NSW) and any relevant approved industry code of practice. Notice of intention of commencement must be given to WorkCover New South Wales.

36. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:

a. showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and

b. showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and

c. stating that unauthorised entry to the work site is prohibited, and

d. being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

37. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

38. AÏl building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.

39. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifying Authority at the stages of construction indicated:

a. On completion of ground floor construction, confirming that the floor levels are in

accordance with the approved levels.

b. On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels:

When the roof has been completed, confirming that the building does not exceed the approved levels.

40. Any proposed paving works within the Centenary Road, Wharf Road and public footways are to be in accordance with the requirements of Council's specification (Form PLE/SOO9).

Note: It will be necessary for the Developer to notify water, telecommunications, gas and electricity authorities of the proposed paving works in order to enable the various authorities to carry out and complete any necessary repairs and/or amplification to their respective services before such works are commenced

41. Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.

42. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.

43. All parking bays are to be permanently marked out on the pavement surface.

44. The vehicular entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorised signs and pavement markings.

45. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:

- Monday to Friday, 7:00 am to 6:00 pm and
- Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

46. Council's 'PREVENT POLLUTION' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary, so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.

Note: Council's 'PREVENT POLLUTION' sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle.

47. Any excavated material to be removed from the site is to be addressed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change (DECC) 'Waste Classification Guidelines, Part 1: Classifying Waste'.

48. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the *Protection of the Environment Operations* Act

1997 and the *Protection of the Environment (Waste) Regulation 2014.*

49. Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Council officers or the Principal Certifying Authority on request.

50. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4" Edition - Vol. 1 (the 'Blue Book') published by Landcom 2004.

    Controls are not to be removed until the site is stable with all bare areas supporting an Established vegetative cover.

51. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:

    a. Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4" Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004.

52. Prior to the commencement of work, a 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all-weather vehicle access.

53. A temporary protective crossing is to be provided over the footway for vehicular traffic before demolition or building operations are commenced. This approval does not permit access to the property over any adjacent private or public land.

54. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:

    a. Restricting topsoil removal

    b. Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion

    c. Alter or cease construction work during periods of high wind and

    d. Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

55. Proposed landscape works are to be carried out generally in accordance with the details indicated on the submitted landscape design plan except as required to be modified under the terms of this consent.

56. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the *Surveying and Spatial Information Act 2002* (NSW).

57. The premises are to be constructed, including the installation of all equipment, fixtures and fittings, in accordance with the requirements of Australian Standard 4674:2004 - Design, construction and fit-out of food premises.

58. AII downpipes discharging to the rainwater tanks are to have pre-storage insect, debris and vermin control (eg. a rainwater head being leaf screened and vermin and insect proof) to minimise the contamination of captured roof water. A first flush device is to be provided for the inlet to the tank and a backflow prevention device is to be installed in the tank overflow outlet before connecting to the stormwater drainage system. If the roof downpipes are charged to the rainwater tank, all pipes are to be chemically welded and the stormwater system is to be designed such that the system is capable of being flushed in the event of pipe blockage (e.g. Capped relief access points at the lowest level of stormwater drainage).

59. The development and associated works must be undertaken in accordance with the Statement of Heritage Impact prepared by NBRS+ Partners (Final) and dated 17 October 2013, and as amended by the Heritage Impact Statement prepared by HBRS and dated 16 August 2022. **(Amended by MA2022-00238)**

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE, A SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE

60. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to the Council's satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.

61. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb is to be restored to Council's satisfaction to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.

    Note: A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the *Roads Act 1993* (NSW). For further information contact Council's Works Depot on 4974 6000 to request a Road Opening Approval. A fee will be payable in this regard.

62. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to Council prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

63. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.

64. A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

65. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the Noise Assessment prepared by Atkins Acoustics Pty Ltd, dated April 2014 and as amended by the Addendum Acoustic Letter for s4.55 prepared by Atkins Acoustics and dated 24 March 2023.

Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.

Note: The acoustic consultant may need to be involved during the construction process in order to ensure final certification is achieved. **(Amended by MA2022-00238)**

65a. Before the issue of the first Occupation Certificate, written certification from an appropriately qualified acoustic consultant, is to be submitted to the Principal Certifier and Council, confirming that noise from all mechanical plant and equipment achieves the required acoustic attenuation to comply with the conditions of this consent and the requirements of the *Protection of the Environment Operations Act 1997.* **(Amended by MA2022-00238)**

66. A post construction dilapidation report prepared by a suitability qualified person shall be submitted to the Principal Certifying Authority prior to the issue of the first Occupation Certificate, to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The reports shall be forwarded to Council and be made available in any private dispute between neighbours regarding damage arising from construction works.

67. Prior to issue of the first Occupation Certificate, the food business must notify the relevant enforcement agencies, under the *Food Act 2003* (NSW) and (for licensed food businesses) under the *Food Regulation 2010* (NSW). Notification is to be provided to Council and the NSW Food Authority.

Note: To arrange notification of the food business with Council go to www.newcastle.gov.au <http://www.newcastle.gov.au» and download a copy of the 'Council Food Business Notification Form' or contact Council's Environmental Health Services on (02) 4974 2525. To notify with the NSW Food Authority "go to www.foodnotify.nsw.gov.au «http.//www.foodnotify.nsw.gov.au» and follow the instructions.

68. Prior to the issuing of the first Occupation Certificate, the following documents are to be submitted to the Principal Certifying Authority and Council's Regulatory Section (Planning & Environment):

a) a Validation Report confirming the site achieves the contamination remediation goals given in the report: *Remedial* Ac//on *Plan* prepared by STS GeoEnvironmental Pty Ltd dated February 2016
b) a Site Audit Statement (and associated report) prepared by a NSW accredited site auditor certifying the site is suitable for the proposed land use

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

69. The hours of operation or trading of the premises are to be not more than from:

Use / Component	START	FINISH	
Hotel and Carpark	24 Hours	24 Hours	Monday to Sunday
Function Centre / Restaurant	7.00am	12.00 midnight	Monday to Sunday
Function Centre Terrace / Cafe / Café Terrace	7.00am	10.00pm	Monday to Sunday

unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.

NOTE: The Plan of Management is to be consistent with the approved hours of operation stated in this condition. **(Amended by MA2022-00238)**

70. The maximum number of persons permitted in the café, restaurant/bar and function rooms are not exceed the following maximums persons:

a) Café: 50 persons
b) Restaurant: 80 Persons
c) Function Centre: 200 Persons

71. A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building.

72. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997* (NSW).

Should Council consider offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

73. The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the *Protection of the Environment Operations Act 1997* (NSW), that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified

consultant to recommend measures to control emissions of air impurities to an acceptable level and such measures being implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to Council confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors before the expiration of the nominated period.

74. No goods or advertising signs are to be displayed or allowed to stand on the public footpath or street.

75. The landscaped areas are to be kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained.

76. A Landscape Establishment Report is to be submitted to Council following completion of a three month maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out to a high professional standard; copy of report format attached.

77. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.

78. Vehicles are to be loaded or unloaded standing wholly within the premises and within loading bays' designated on the submitted plans or as otherwise provided in accordance with the conditions of this consent and under no circumstances are vehicles to be loaded or unloaded at the kerbside, across the public footpath or in a manner which obstructs vehicular access to the site.

79. All vehicular movement to and from the site is to be in a forward direction.

79a. Before the issue of the first occupation certificate, the proposed customer/staff parking bays are to be permanently marked out on the pavement surface and being clearly indicated by means of signs and/or pavement markings.

79b. Before the issue of the first occupation certificate, the proposed "reverse-in only" parking bays are to be permanently marked out on the pavement surface and being clearly indicated by means of signs and/or pavement markings.

80. The installation of CCTV system is required to the minimum Industry standard shall be undertaken in order to monitor and detect unacceptable behaviour inside and outside the venue. The following must be undertaken to ensure adequate quality of CCTV and in accordance with CCTV guidelines:

a. The licensee shall install cameras that will monitor and record patron movements into and throughout the licensed premises whilst the premise is open to the public inthe following manor;

i. A minimum of one camera with a field of view covering each patron's entrance and exit. Each shall be positioned to identify beyond a reasonable doubt each person's face upon entering and leaving the premise from the recording.

ii. A minimum of one camera with a field of view covering the external vicinity of each entry/exit point to the premise to a radius of approximately ten (10) metres.

b. All video equipment and cameras are to be of superior quality, the camera is to record at a minimum of ten (10) frames per second at a storage ratio of 720 x 480 pixels being medium resolution, so as to facilitate identification of patrons, offenders and

incidents occurring in and around the licensed premises. The footage is to display the correct time, date and camera identification (Number) embedded on all recordings which is to be readable upon being played back without interfering with the captured image.

Where mood or low lighting is installed in areas of the licensed premises, all surveillance cameras must be capable of producing acceptable video images in which patrons and offenders can be clearly identified.

c. All surveillance cameras must be operational one (1) hour prior to when the licensed premise opens to trade and continues to record for at least thirty (30) minutes after the licensed premise ceases to trade.
d. All surveillance images stored are to be retained for a minimum period of thirty (30) days before the storage device can be reused or destroyed.
e. All surveillance images stored are to be made available for viewing immediately whenever the licensed premise is trading and a copy supplied to police or an inspector upon request, within forth-eight (48) hours.
f. The licensee is to ensure that the electronic recording device for the CCTV system is located in an accessible position and placed in a secure location to prevent unauthorised access.
g. Prior to the commencement of trade each day the CCTV system shall be checked to ensure the equipment is in full operating order. If during the check or at any other time, it is discovered that the equipment is not in full operating order, the licensee or his delegate is to notify the Local Area Commander or his delegate within two (2) hours. All reasonable steps must be undertaken to repair the system as soon as practicable.

81. The premises must be operated in accordance with the Management Plan submitted with the application and as amended by conditions of this consent. This Management Plan, and as amended by any conditions must be readily available for staff to view and adhere to, at all times.

82. Musical entertainment and amplified sound within the restaurant and function areas being restricted to between 7:00am and 10:00 pm.

83. The proposed remediation work being carried out in accordance with the requirements set out in the submitted Remedial Action Plan (RAP) prepared and dated February 2016, the requirements of the appointed NSW Department of Environment and Conservation (DEC) accredited Site Auditor and the conditions of this consent.

84. The operational hours of the loading bay are to be not more than Monday to. Friday 7.00am to 5.00pm and Saturday between 8.00am and 12.00pm.

85. Appropriate arrangements are to be made for the on-site collection of garbage (recyclable and non-recyclable). Under no circumstances are any waste bins to be presented to the kerb in Centenary Road or Wharf Road for collection. **(Amended by MA2022-00238)**

ADVISORY MATTERS

- Any proposed business identification sign or advertising sign should be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application approved prior to erection or placement in position.

It is recommended that, prior to commencement of work, the free national community

service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.

- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.

- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the *Dividing Fences Act 1991* (NSW).

- Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment* Act *1979* (NSW) (the 'Act') are to be complied with:

  a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act

  b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and

  Council is to be given at least two days' notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.

- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists must describe the extent, capability and basis of design of each of the measures.

- Development applications are not assessed against the provisions of the Building Code of Australia. A Section 96 modification under the *Environmental Planning and* Assessment/ *Act 1979* (NSW) will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.

- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and* Assessment *Regulation* 2000(NSW).

- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to. be prominently displayed in the building.

- An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2021* (NSW) is to be submitted to Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the

Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

- For the purposes of applying the provisions of the Building Code of Australia for class 1, 2, 3, 4, 9a (health care) and 9c (aged care) buildings, it is advised that the proposed building is located n a Flood Hazard Area and the:

  c) Defined Flood Level (DFL) is 2.50m Australian Height Datum (AHD)
  d) Flood Hazard Level is 2.90m AHD (Freeboard is 500mm above DFL)
  e) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.60m/

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30 June 2023

Ms Amanda Gale
Senior Development Officer
City of Newcastle
PO Box 489
Newcastle NSW 2300

Dear Ms Gale

Response to Public Voice Issues: 317 Wharf Road, Newcastle (MA2022/00238)

We act on behalf of our client in relation to the proposed Section 4.55 (2) Modification to the approved hotel at 317 Wharf Road, Newcastle. Following the Public Voice meeting on 26 April 2023, you requested we provide responses to the issues raised. The table below provides a summary of the key issues raised by the neighbours and Councillors, and our responses to assist with Council's assessment of this application. To simplify our responses, we have categorised the concerns under various headings relating to Statutory and Policy, Amenity, Design and Aesthetics, and Traffic and Parking.

Issues Raised	Response
Statutory and Policy	
Non-compliance with the maximum building height	The amendments include a very minor increase of 200mm to accommodate the thickness of the solar panels. The solar panels are necessary to meet the BCA/NCC JV3 requirement due to the change in NCC/BCA 2019 Amendment 1. These will be located on the lower level of the approved roof and there is no increase in height with the approved lift overrun being at 28.7m. The proposed building height of the development will remain compliant with the 30m maximum

Issues Raised	Response
	building height. As such, the proposal maintains compliance with the maximum building height.
Heritage impacts due to setback reduction towards the heritage listed Argyle House.	The application to modify the development consent at 317 Wharf Road, Newcastle, will have a negligible impact on the heritage significance of the Newcastle City Centre Heritage Conservation Area and the adjoining heritage item, Argyle House. The proposed modifications are supported by the heritage consultants, NBRS, who prepared a letter submitted with this application. The letter concluded the following; "*The proposed modifications to the development consent are limited to minor internal improvements to the layout of the approved building and minor external additions of fire stairs, plant rooms, solar panels on the roof and associated changes to entrances, carparking and landscaping.* *The cultural significance of the Newcastle City Centre Heritage Conservation Area and the cultural significance of the Argyle House will be retained. The proposed modifications to the approved building are consistent with the heritage objectives of the Newcastle LEP 2012 and the Newcastle DCP 2012."* As such, there are no heritage impacts generated by the proposed modifications to the approved building.
The proposal moves the building closer to 335 Wharf Road.	The application does not propose any changes to the approved setback to the western boundary with 335 Wharf Road.
The application included an additional 10 bicycle spaces and noted there were no such spaces approved, however the originally approved DA included a condition requiring 10 bicycle spaces.	The relevant DA consent condition is noted below. *28. Bicycle racks for a minimum of 10 bicycles to be provided onsite. Full details to be included in documentation for a Construction Certificate.*
Development contributions to be delayed as per Condition 3 of the DA approval	Refer to the letter prepared by Mr Joshua Palmer, Partner at Pikes & Verekers Lawyers which addresses this matter.

Issues Raised	Response
Amenity	
Noise from the loading dock	The approved garbage room includes an external roller door which has been reconfigured with an internal door and direct access to the loading dock under this modification. The changes are entirely internal, do not change the way in which the dock/room operates, and presents no external change or impact. The changes are to provide a "sound lock" to acoustically separate the room/dock from internal/guest areas of the hotel. Additionally, the DA consent specified a conditions restricting the use of this loading dock; *84. The operational hours of the loading bay are to be not more than Monday to Friday 7.00am to 5.00pm and Saturday between 8.00am and 12.00pm.* The location of the loading dock is also appropriately designed to ensure that it is not directly adjoining any of the neighbouring units at 335 Wharf Road. Therefore, the location of the approved loading dock is considered to be acceptable from an acoustic perspective.
Pollution from loading dock	Restricted hours as noted above.
View loss	The building envelope is not materially altered by the proposed modifications and therefore no additional views are expected to be impacted. Any potential view impacts from neighbouring buildings would have been assessed by Council in relation to the approved DA.
Outside terrace for function centre	Condition 69 of the approved DA stipulates various operating hours for the different uses within the building. The function centre and restaurant were approved to operate from 7am until midnight, Monday to Sunday. The function centre terrace, café and café terrace located on the ground level, are approved to operate from 7am to 10pm, Monday to Sunday. Therefore in relation to the function centre terrace, access to this area will be closed by 10pm. Condition 70, imposes the maximum capacity of the café, restaurant and function centre, all of which are not proposed to be changed. Subsequently, the capacity of these spaces will remain as per the approved DA.

Issues Raised	Response
Noise from function centre	As discussed above, the operation of the function centre has already been addressed in the DA approval and no changes are proposed under this application.
Privacy screens were conditioned in the original DA	Refer to the separate letter sent to Council on a without prejudice basis.
Design and Aesthetics	
Poor design of building	The application does not propose any changes to the material and finishes schedule of the approved development. As discussed previously, the approved building envelope is largely retained with only very minor changes to the fire stairs.
Aesthetics of the approved western wall that apartments at 335 Wharf Road are facing.	Aesthetics of the building are not altered by this application and remain consistent with the approved DA.
Poor architecture- same size as the refused boarding house	As discussed above, the aesthetics of the building are not altered by this application and remain consistent with the approved DA relating to the hotel and function centre (DA2013/1236).
Street activation will be impacted by the hydrant booster and substation.	In preparation for the Construction Certificate, it was discovered that the existing substation located on Wharf Road does not have the capacity to accommodate the approved building and therefore needs to be upgraded to meet Ausgrid requirements. Ausgrid advised the applicant that a new substation will require re-location and the new location is designed to meet their requirements. The fire hydrant and sprinkler pump room is proposed in the selected location due to the insufficient available mains pressure required to operate fire hydrant and fire sprinkler system in accordance with BCA and AS2419. As such, the proposed hydrant booster and substation are in the most appropriate locations and are incorporated to comply with the relevant provisions.

Issues Raised	Response
Traffic and Parking	
Reduction of approved car parking.	The reduction of car spaces to 100 is considered appropriate for the proposal. For guests it equates to a parking rate of 1 space per 2.3 rooms. The RTA Guide to Traffic Generating Developments provides commentary on parking for tourist hotels with 1 space per 5 rooms for a 5 star international hotel and 1 space per 4 bedrooms in 3 and 4 star hotels. This excludes the parking demand generated by other hotel functions such as conference activities. Applying the rate of 1 space per 4 bedrooms equals 44 parking spaces (176/4). The balance of 32 guest spaces is greater than required, applying the prior/approved parking rate of 1 space per 60m2 for the restaurant/function space GFA of 1,454sqm. This is in addition to the 22 staff parking spaces provided on site. The parking provision on site is consistent with the aim of the Council DCP, allowing for the following: • A high proportion of the staff and visitors can arrive by means other than private car, with good access to public transport, taxis / uber, walking and cycling. The site is located conveniently for light rail use. • The employees will be spread across the day with the peak staffing demands in the middle of the day, associated with change over for rooms. At this time, the use of the car park will be much lower and can cater for staff parking at these times if required. • The hotel will not be full for the majority of the time, with typical utilisation rates of 65% for hotels, which reduces the potential demand for parking. The hotel would potentially be full at peak times e.g. Christmas and special events such as V8 Supercars, etc. • The hotel could be attractive for group tours who arrive by hire bus from the airport or part of a coach travel trip and will not use private motor vehicles.

Issues Raised	Response
	• Public parking is available in the local street as well as in multi-deck car parks in the centre of Newcastle that could be used by guests if required.
Current site is being used as valet parking for Rydges Hotel	The valet parking for the Rydges Hotel is an issue for the Rydges Hotel to respond to, as there is no legal requirement for the subject site to provide this on-going facility.
A new traffic study for the proposal was requested because the original DA approval was in 2016.	Refer to the separate letter sent to Council on a without prejudice basis.

Based on the above responses, we trust Council now has adequate information to be able to finalise the assessment of this application. Should you have any further questions, please do not hesitate to contact me on [redacted].

Regards

Eli Gescheit

[redacted]

Director

PROCESSING CHRONOLOGY

MA2022/00238 S4.55(2) MODIFICATION TO DA2013/1236 – 317 WHARF ROAD NEWCASTLE

22/07/2022		Application lodged via the NSW Planning Portal
3/08 to 17/08/2022		Application notified in accordance with CN's Community Participation Plan.
18/11/2022		Request for additional information
08/12/2023		Additional information received
21/03/2023		Request for additional information
25/03/2023		Additional information received
04/04/2023		Request for additional information
26/04/2023		Public Voice Committee meeting
30/06/2023		Additional information received
28/07/2023		Request for additional information
28/08/2023		Additional information received
31/08/2023		Email advice to applicant advising of assessment position regarding request to amend Condition 3 - deferring contribution payment.
7/09/2023		Email advice from applicant advising of acceptance of CN's position on not recommending approval to defer payment of contributions to OC.
8/09/2023		Final confirmation that applicant is no longer pursuing amendment to Condition 3 of Development Consent (DA2013/1238).
8/09/2023		Additional information received

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

DAC 17/10/2023 - 810 HUNTER STREET NEWCASTLE WEST- - DEMOLITION OF EXISTING COMMERCIAL BUILDING AND CONSTRUCTION OF AN ELEVEN STOREY COMMERCIAL DEVELOPMENT - DA2022/01424

7.2	**Attachment A:**	Submitted Plans
7.2	**Attachment B:**	Draft Schedule of Conditions
7.2	**Attachment C:**	Processing Chronology
7.2	**Attachment D:**	Applicant Clause 4.6 Request for Exemption

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BIMcloud: SDASERVER02 - BIMcloud Basic for Archicad 25/2022-097_ 810 Hunter Street 281122

PROJECT

810 HUNTER STREET

810 HUNTER STREET NEWCASTLE NSW
LOT 10, 11 , 12, SECTION B, DP 976801

Beresford Land Company

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ISSUE	DESCRIPTION	BY	CHK	DATE
A	FOR COORDINATION	RM	JC	28/10/2022
B	FOR COORDINATION	RM	JC	2/11/2022
C	FOR COORDINATION	RM	JC	11/11/2022
D	Preliminary DA			2/12/2022
E	DA Issue	RM	JC	7/12/2022

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
COVER PAGE

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD000

ISSUE NO.
E

SCALE
@A3

SDA
SPACE·DESIGN·ARCHITECTURE

LEGEND

RPB	RAISED PLANTER BED
SCE1	EXTERNAL SCREEN
	CUSTOM PERFORATED SHADE SCREEN
BAL	GLAZED BALUSTRADE
BW1	BLOCKWORK - TYPE 1
CLD1	CLADDING - TYPE 1
FB1	FACE BRICK - TYPE 1
	STACKED BOND FEATURE BRICKWORK
GWS	GLAZED WINDOW SYSTEM
ML	ACOUSTIC MECHANICAL LOUVRES
	ACOUSTIC MECHANICAL LOUVRES POWDER COATED MONUMENT
PCON	PRECAST CONCRETE
PV	PHOTOVOLTAIC PANEL
CT	COOLING TOWER
FHR	DOMESTIC COLD WATER/FHR PUMP
FSP	DIESEL FIRE HYDRANT/ FIRE SPRINKLER PUMP
	AS2118.6-2012, AS2419.1-2021 AND AS2118.1-2017
GW	GREEN WALL
MSSB	MECHANICAL SERVICES SWITCHBOARD
SA1	STREET AWNING
SCP	SUP COOL PUMPSET

DRAWING LIST

8	**3D PERSPECTIVES - SHEET 3**
DD000	**COVER PAGE**
DD001	**LEGEND | NOTES | DRAWING LIST**
DD002	**CONNECTION TO COUNTRY**
DD003	**SITE CONTEXT ANALYSIS - FUTURE BUILDING HEIGHTS**
DD004	**SITE CONTEXT ANALYSIS - STREETSCAPE**
DD005	**SITE CONTEXT ANALYSIS - FSR STUDY**
DD006	**SITE CONTEXT ANALYSIS - FSR STUDY 2**
DD006a	**SITE CONTEXT - MASSING STUDY**
DD006b	**SITE CONTEXT - INTERSECTION STUDY**
DD006c	**SITE CONTEXT - INTERSECTION STUDY**
DD007	**SITE CONTEXT ANALYSIS - MASSING**
DD008	**SITE CONTEXT ANALYSIS - VIEWS ANALYSIS**
DD009	**SITE CONTEXT ANALYSIS - IMPACTS ON NEIGHBOURS**
DD010	**SITE CONTEXT ANALYSIS - LOCAL PRECEDENTS**
DD011	**SITE CONTEXT ANALYSIS - INFRASTRUCTURE**
DD012	**SITE CONTEXT ANALYSIS - TRAFFIC APPROACH**
DD013	**CAR PARK ENTRY ANALYSIS**
DD014	**3D PERSPECTIVES - SHEET 1**
DD015	**3D PERSPECTIVES - SHEET 2**
DD016	**3D PERSPECTIVES - SHEET 3**
DD017	**SITE CONTEXT ANALYSIS - IMPACT ON NEIGHBOURS SHEET 02**
DD100	**SITE/ROOF PLAN**
DD101	**EXISTING | DEMOLITION SITE PLAN**
DD200	**GROUND FLOOR PLAN**
DD201	**FIRST FLOOR PLAN**
DD202	**SECOND FLOOR PLAN**
DD203	**THIRD FLOOR PLAN**
DD204	**FOURTH FLOOR PLAN**
DD205	**FIFTH FLOOR PLAN**
DD206	**SIXTH FLOOR PLAN**
DD207	**SEVENTH FLOOR PLAN**
DD208	**EIGHT FLOOR PLAN**
DD209	**NINTH FLOOR PLAN**
DD210	**TENTH FLOOR PLAN**
DD211	**ROOF PLAN**
DD300	**ELEVATIONS - SHEET 1**
DD301	**ELEVATIONS - SHEET 2**
DD302	**ELEVATIONS - SHEET 3**
DD303	**ELEVATIONS - SHEET 4**
DD400	**SECTIONS - SHEET 1**
DD401	**SECTIONS - SHEET 2**
DD500	**SHADOW DIAGRAMS - SHEET 1**
DD501	**SHADOW DIAGRAMS - SHEET 2**

NOTES

LEP/DCP REQUIREMENTS

ZONE- B3 COMMERCIAL CORE

PERMITTED WITH CONSENT

Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Sex services premises; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Transport depots

ACID SULFATE SOILS- Class 3 and Class 4

MINE SUBSIDENCE AREA- N/A

FLOOD PRONE- The site is located in a flood area. The minimum habitable floor level is 3.4 AHD.

HEIGHT LIMIT- 90m

LANDSCAPING- N/A

LOT SIZE- 903m²

FSR- 8:1

FSR Reduced to 3:1 only due to clause 7.10A of Newcastle LEP.

The maximum floor space ratio for a building that is located on land with a site area of less than 1,500 square metres is whichever is the lesser of—

(a) the floor space ratio identified on the Floor Space Ratio Map, or

(b) 3:1.

GFA ALLOWABLE- 2,709m² (with additional 10% - 2979.9m²)

HERITAGE- The site falls within the Newcastle City Centre Heritage Conservation Area

P.O.S- N/A

SETBACKS: STREET WALL HEIGHT- 16m

FRONT- 0m up to 16m
6m from16m to 45m
12m above 45m

SIDE- No setbacks mentioned in DCP

REAR- 0m up to 16m
6m from 16mto 45m
12m above 45m

CARPARKING

FOOD AND DRINK, RETAIL, CAFE
1 per 6.5m² or 1 space per 3 seats

BUSINESS AND OFFICE PREMISES
1 per 60m² (72 required, 56 provided)

GFA Calculations		
Zone Name	Zone Number	Measured Area
GFA	Level 03	57.62
GFA	Level 04	422.92
GFA	Level 05	584.96
GFA	Level 06	577.21
GFA	Level 07	572.98
GFA	Level 08	573.41
GFA	Level 09	577.89
GFA	Level 10	589.23
GFA	Ground	17.81
GFA	Ground	294.28
		4,268.31 m²

4.7 : 1

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- GFA UPDATED TO REFLECT CHANGES TO CAFE

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ISSUE	DESCRIPTION	BY	CHK	DATE
E	DA Issue	RM	JC	7/12/2022
F	DA Reissue	RM	JC	9/02/2023
G	DA RFI ISSUE	RM		20/04/2023
H	DA RFI ISSUE	RM		28/04/2023
I	DA RFI ISSUE	RM	JC	16/06/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
LEGEND | NOTES | DRAWING LIST

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD001

ISSUE NO.
I

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CONNECTION TO COUNTRY

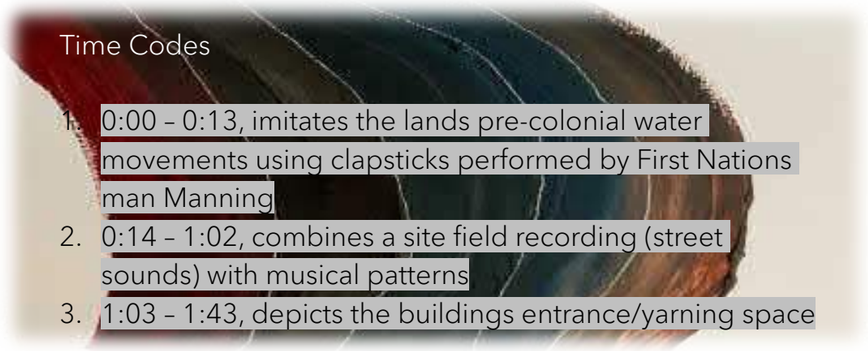
The existing building in its current form is completely privatised and does not allow passer-by's to experience the site. One of the main drivers for the ground floor design was to give a part of the space back for public use and enjoyment, particularly because the site has 3 street frontages. We saw an opportunity to create a Melbourne like activation along the two laneways, allowing people to sit, eat, watch and meet others. Initially we proposed the idea of the space spilling onto both Florence and Beresford Lane, encouraging pedestrian movement from the Interchange towards Hunter St along the laneway. We now understand from our Pre-DA meeting the safety concerns with the width of Beresford Lane and encouraging pedestrians alongside cars without a footpath is not favourable. Focusing on opening to Florence Street only instead, we dedicated a portion of the site as a gathering space for both pedestrians and commercial tenants to partake in urban life.

The next step in designing the communal space was to meet with a First Nations man to ensure our Connection to Country was created in a meaningful way. Through mutual connections we met with Adam Manning to understand Connection to Country from his perspective in the built environment. "Adam Manning was born on Awabakal/Worimi Country and has Kamilario kinship. He is a musican, artist, designer, producer and researcher at the University of Newcastle, NSW" (<https://www.adammanning.info/>)

Adam asked us what we felt at the site, which was difficult to answer. Hunter Street is busy, noisy, and along this section there is nowhere to stop and be sheltered from the city life. We all had no real connection to this site. Adam advised us that by creating a space where you can sit and just be on the land is fostering Connection to Country. Our goal was to create a calming space where the sense of time is haltered for a second before the workday commences, or a chance to have a break during the work day. The space forsters interactions and creates a sense of community. Adam has created a piece of music which allows us to experience the site sonically. His composition layers the sites history from Indigenous culture to European settlement as experienced from the street. The music transitions to a slower pace in the forecourt yarning space and allows us to understand the feeling of the space. Please scan the QR code below to listen.

SOUNDSCAPE

810 Hunter Street Soundscape



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A	FOR COORDINATION	RM	JC	28/10/2022
B	FOR COORDINATION	RM	JC	2/11/2022
C	FOR COORDINATION	RM	JC	11/11/2022
D	Preliminary DA			2/12/2022
E	DA Issue	RM	JC	7/12/2022

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
CONNECTION TO COUNTRY

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD002

ISSUE NO.
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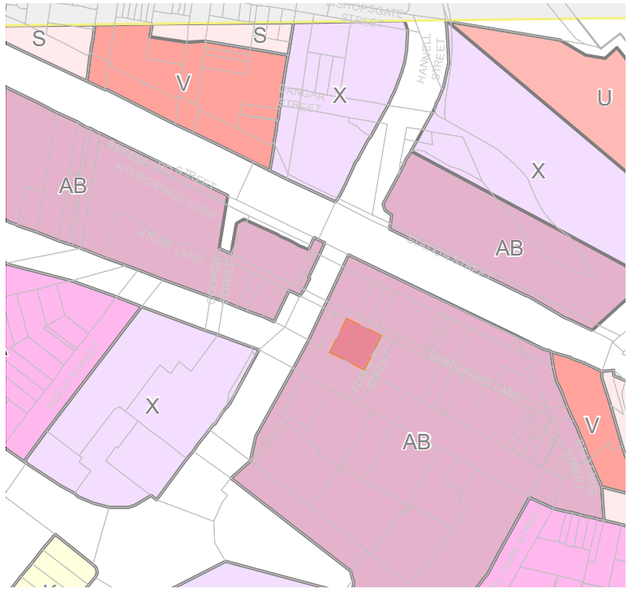
FUTURE BUILDING HEIGHTS

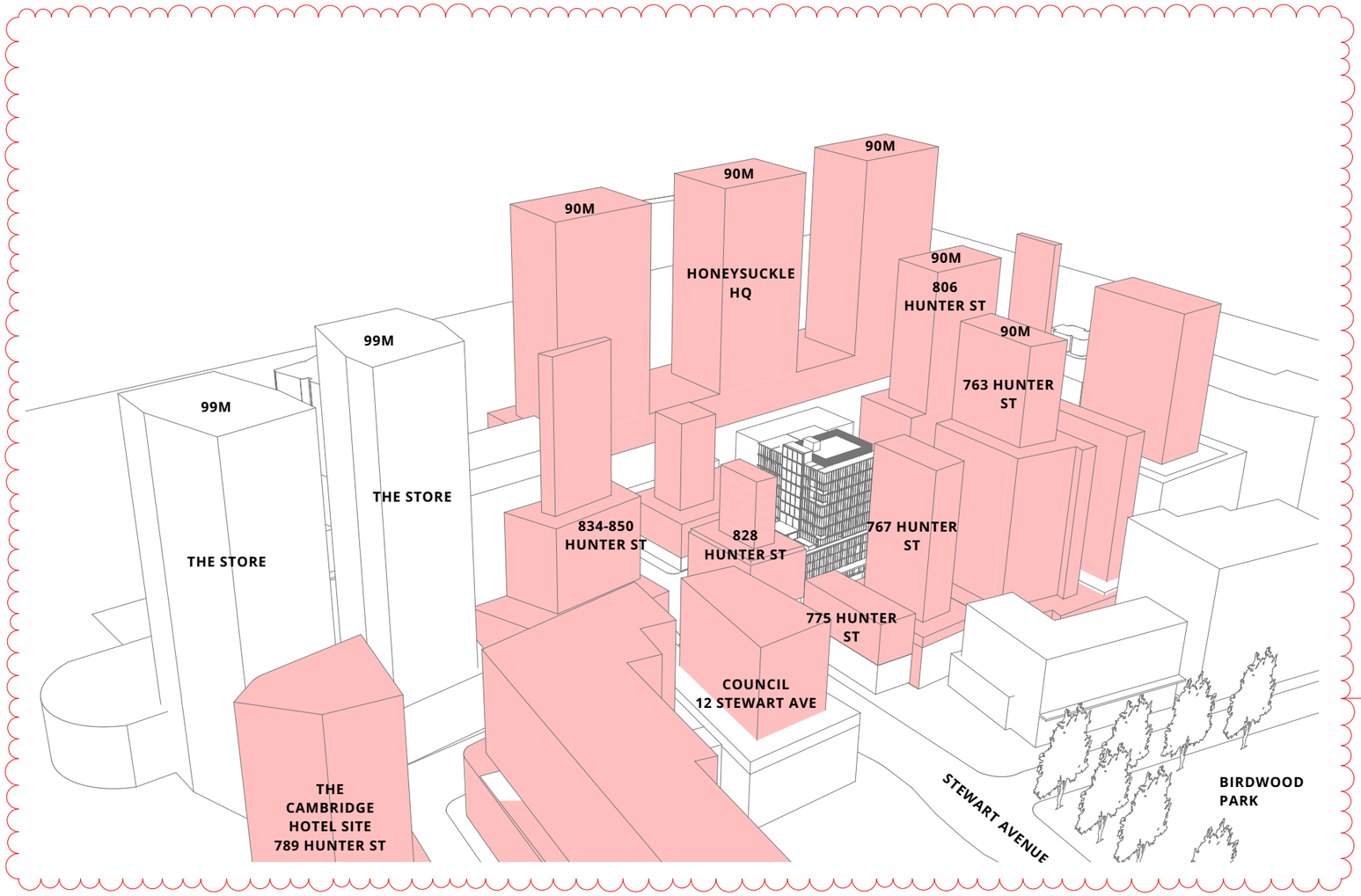
The site sits within the 90m height limit zone, which we cannot take advantage of due to the allowable FSR rate of 3:1. Whilst the proposal challenges the FSR to be 4.7:1, the below visualisation shows that the scheme sits well within its context, and has a significantly minimal impact to the surrounding amenity of any future developments.

Maximum Building Height (m)

I	8.5
K	10
L	11
M	12
N	14
O	15
P1	17
P2	18
Q	20
R	21
S	24
T	27
U	30
V	35
X	45
AA	60
AB	90



NCC LEP MAXIMUM BUILDING HEIGHT PLAN



EXISTING OR DA APPROVED BUILDING HEIGHTS

ALLOWABLE BUILDING HEIGHT TO LEP REGULATIONS

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B	FOR COORDINATION	RM	JC	2/11/2022
C	FOR COORDINATION	RM	JC	11/11/2022
D	Preliminary DA			2/12/2022
E	DA Issue	RM	JC	7/12/2022
F	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SITE CONTEXT ANALYSIS - FUTURE BUILDING HEIGHTS

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD003

ISSUE NO.
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SPACE·DESIGN·ARCHITECTURE

STREETSCAPE ANALYSIS

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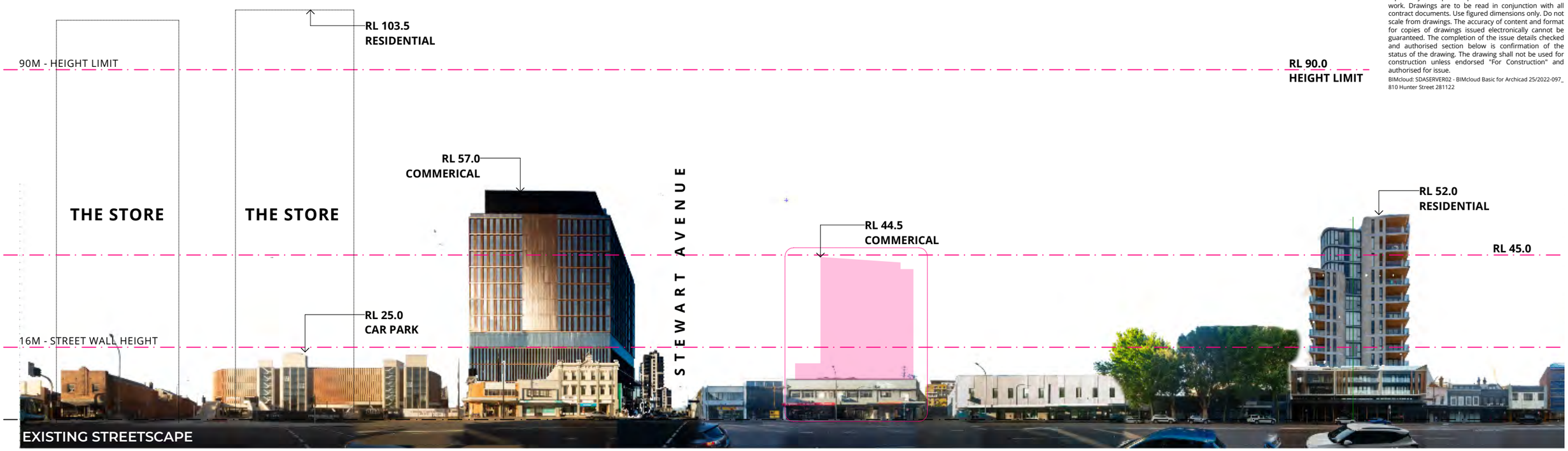
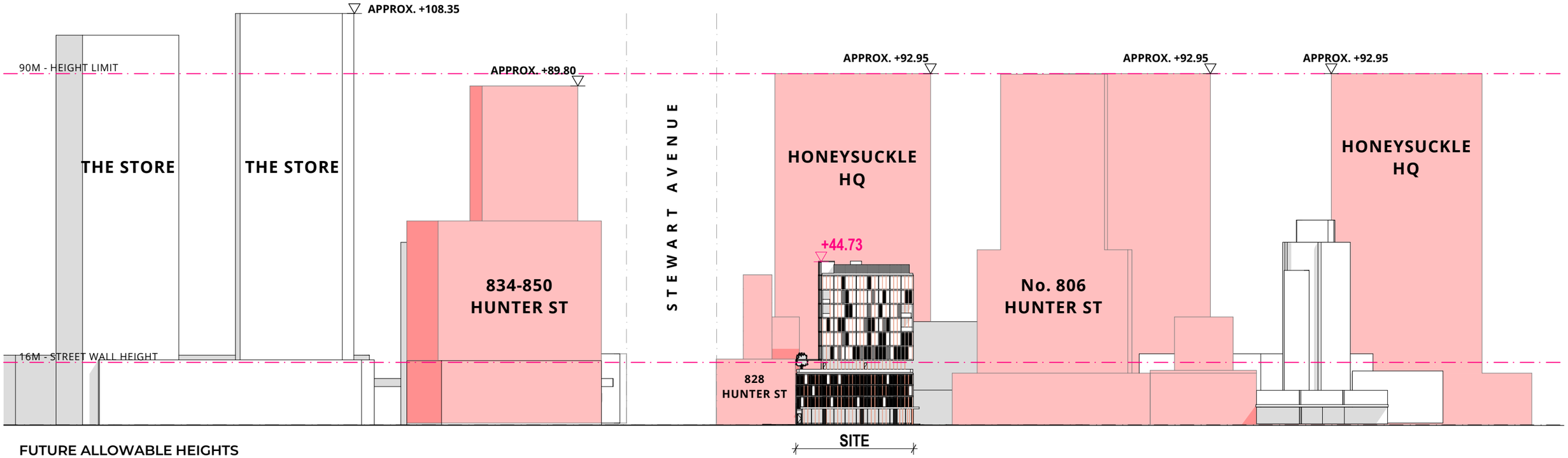


EXISTING STREETSCAPE



FUTURE ALLOWABLE HEIGHTS

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E	DA Issue	RM	JC	7/12/2022

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SITE CONTEXT ANALYSIS - STREETSCAPE

PROJECT NO.
2020-097

DRAWING NO.
DD004

ISSUE NO.
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LOCATION
810 HUNTER STREET NEWCASTLE NSW

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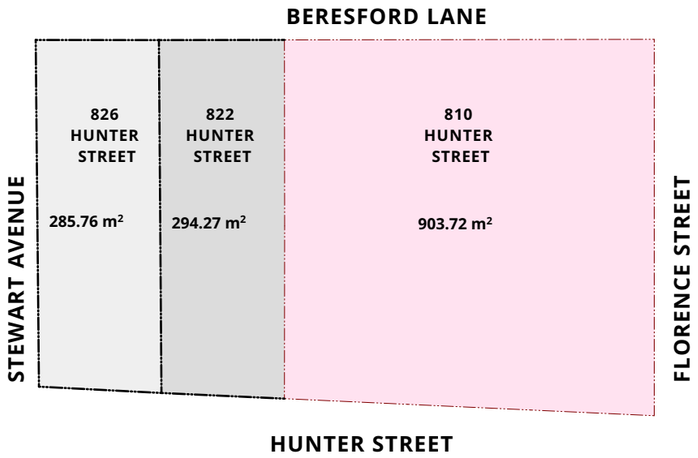
AMALGAMATION STUDY

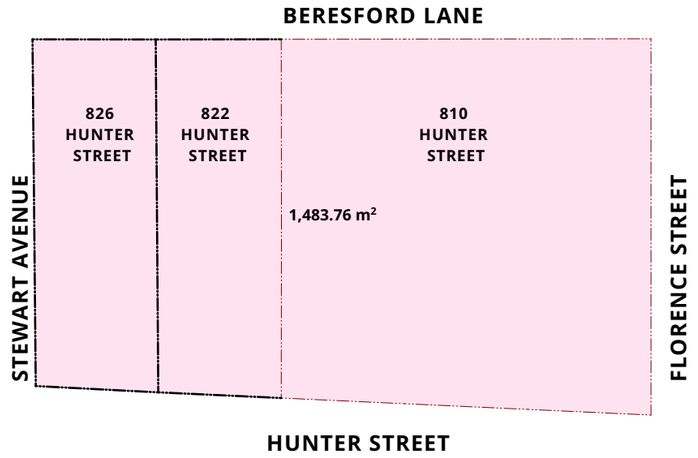
A study of the three sites within the block between Stewart Avenue and Florence Street has been undertaken, to ensure that future development can occur. This study is based off the FSR requirements in the Newcastle LEP, as below:

8:1
FSR Reduced to 3:1 only due to Clause 7.10A of Newcastle LEP.
The maximum floor space ratio for a building that is located on land with a site area of less than 1,500 square metres is whichever is the lesser of-
(a) the floor space ratio identified on the Floor Space Ratio Map, or
(b) 3:1.



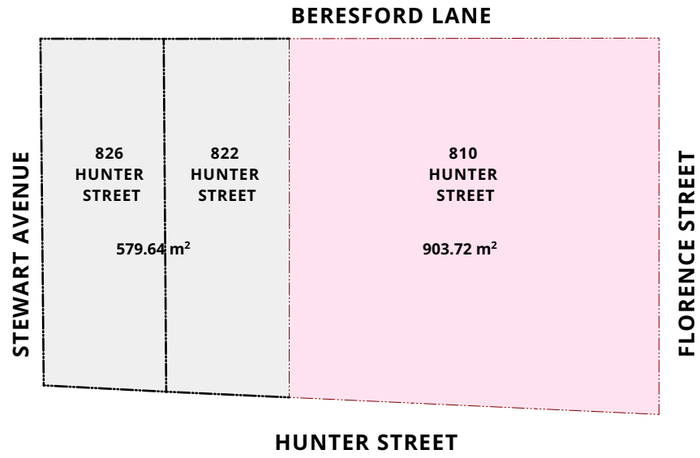
PRE-AMALGAMATION SITES

Pre-amalgamation, the three sites between Florence Street and Stewart Avenue do not meet the FSR site area requirements. Therefore, the FSR of 8:1 is reduced to 3:1 in accordance with Clause 7.10a of the Newcastle LEP.



3 x SITES AMALGAMATED (826 + 822 + 810 HUNTER ST)

Post-amalgamation, the total site area reaches close to the 1,500m^2 requirement, but still falls short. This means if the 3 sites were to be amalgamated, the 3.1 FSR rule would still apply. As these sites are landlocked by roadways, there are no opportunities for an increase to the site sizes.



2 X SITES AMALGAMATED (826 + 822 HUNTER ST)

Post-amalgamation, the total amalgamated site area would be approximately 579m^2. This would allow for 1738.92m2 of GFA following 3:1

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01	FOR COORDINATION	RM	JC	11/11/2022
B	Preliminary DA			2/12/2022
C	DA Issue	RM	JC	7/12/2022

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SITE CONTEXT ANALYSIS - FSR STUDY

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
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ISSUE NO.
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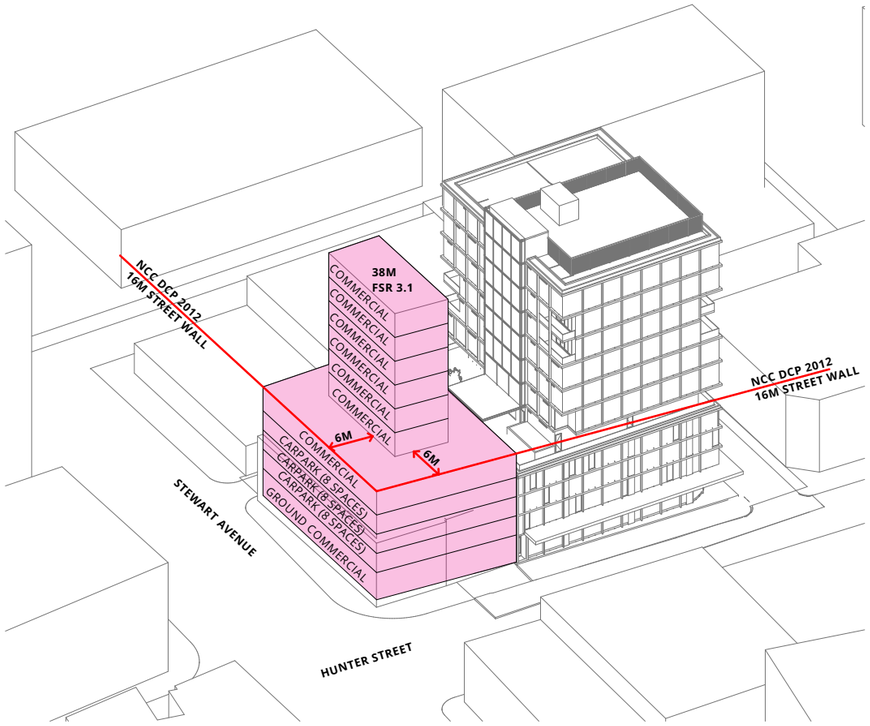
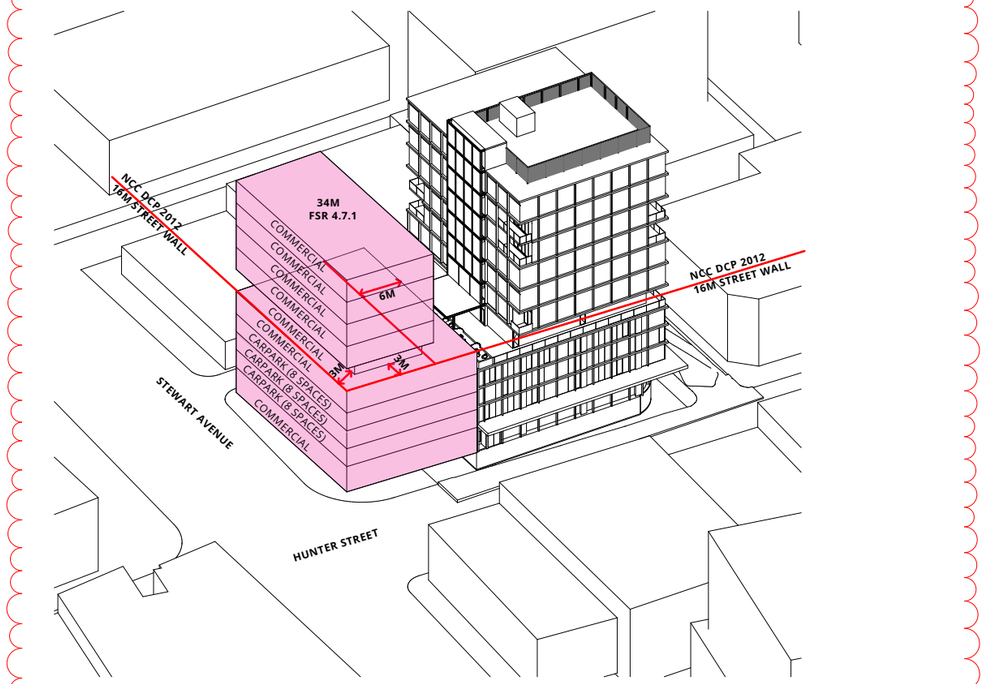
AMALGAMATION STUDY

A study of the 2 adjoining sites (826 and 822 Hunter Street) has been completed to ensure this site can be developed in the future and if it was, the possible impacts on 810 Hunter St. As previously demonstrated, if the 2 sites were amalgamated, the site area would be 579m2. A 3.1 FSR would apply, resulting in a maximum gross floor area of 1738m2 and a maximum 90m height limit would apply.



DCP COMPLIANT BULDING ENVELOPE

The site would require a setback of 6m along the street/side and rear setbacks above the 16m street wall height. This results in ineffienct floorplates and would not be commercially appealling.



POSSIBLE MASSING

By redistributing the FSR of the upper levels to lower levels a more commercially viable building could be developed. The 6 lanes of traffic along Stewart Avenue allows for sufficient separation to justify the reduction of the street setback along the western boundary. A 3m setback to Hunter Street would allow for articulation. Although this massing does not comply with a 3:1 FSR and instead works to a 4.7:1 FSR, it results in a better outcome for 826/822 Hunter Street.

F

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D	Preliminary DA			2/12/2022
E	DA Issue	RM	JC	7/12/2022
F	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SITE CONTEXT ANALYSIS - FSR STUDY 2

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD006

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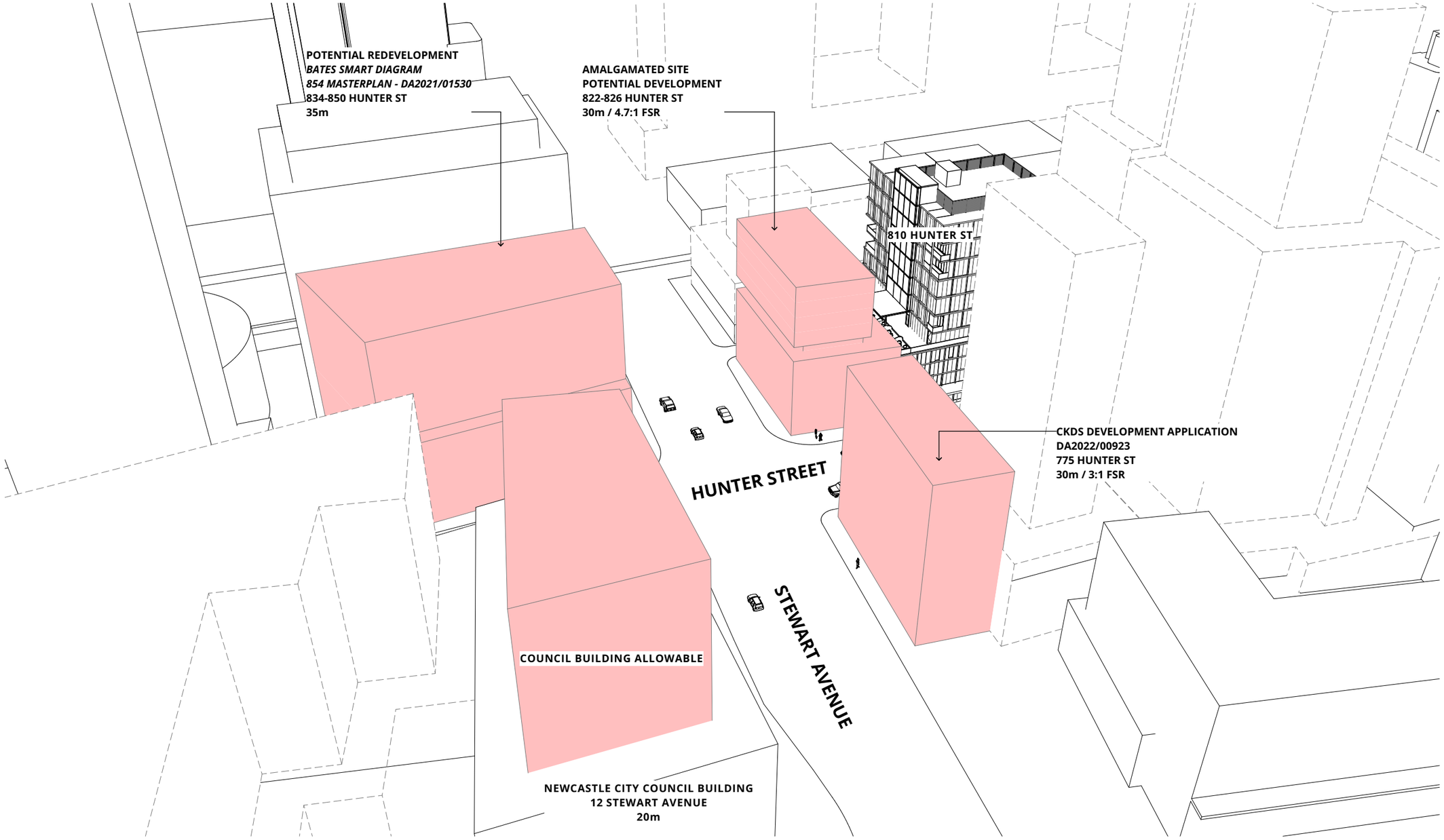
MASSING STUDY

This diagram shows the likely future streetscape, with commercially feasible buildings, as opposed to an LEP compliant streetscape. On smaller sites it is not practical to comply with all setbacks, therefore we have assumed lower building heights, with less front and side setbacks, as opposed to “wedding cake” forms. The urban scale at all 4 corners of Stewart Avenue and Hunter Street could present as broadly consistent mid scale buldings, which offers a positive urban outcome in the context. As a major intersection, stepping down in height at the corner creates a pedestrianised scale, which is particularly important in this location, being the main connection to the city from the Newcastle Interchange.



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POSSIBLE FUTURE BUILDINGS

HUNTER ST/STEWART AVENUE CORNER

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ISSUE	DESCRIPTION	BY	CHK	DATE
A	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
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DRAWING
SITE CONTEXT - MASSING STUDY

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD006a

ISSUE NO.
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MASSING STUDY

This diagram has been created to show a viable development is possible at 822/826 Hunter Street, which can be a prominent building within its context. As evident in DA2022/00923 a gateway building can be achieved on a 694sqm site over 7 levels. 822/826 Hunter Street once amalgamated would be slightly smaller than 775 Hunter Street, however it has a superior site shape and rear laneway, allowing for future successful planning outcomes with 3 levels of carparking and 7 levels of commercially viable floorspace.

This view shows the likely future streetscape as viewed from Hunter Street, looking towards the city. There is already an established 22 metre height datum, at council chambers and ME bank building. This existing gradual hierarchy in building height from the corner of Stewart Ave and Hunter St, towards sites which could reach the 90m height limit highlights the success of diversity in scale within the city, despite the blanket 90m height limit along this end of Hunter Street. If 822/826 were developed with similar principles to those at in DA2022/00923 (775 Hunter St), it will allow for a positive urban response with views towards the sky, necessary solar access and architectural interest.

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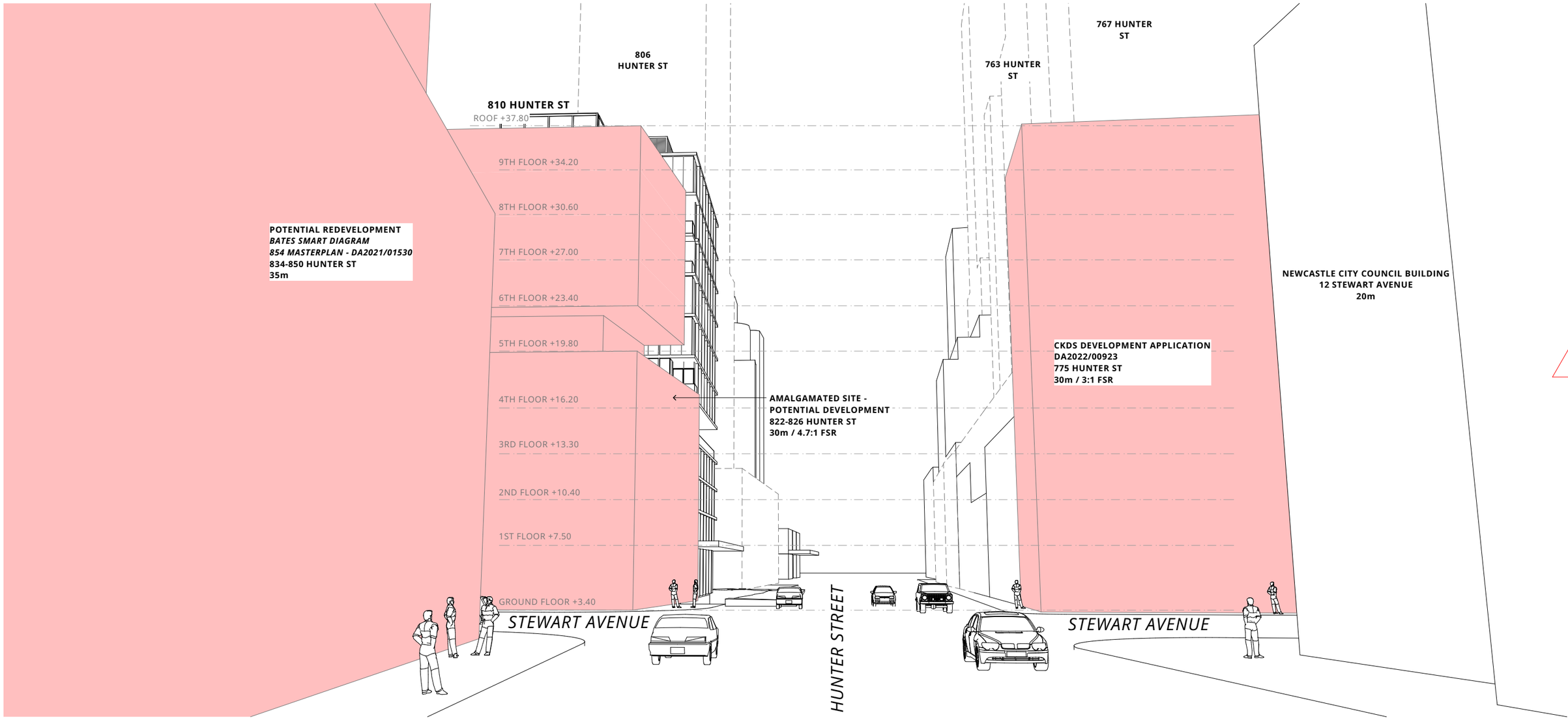
POSSIBLE FUTURE BUILDINGS

HUNTER ST/STEWART AVENUE CORNER



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ISSUE	DESCRIPTION	BY	CHK	DATE
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PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SITE CONTEXT - INTERSECTION STUDY

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD006b

ISSUE NO.
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MASSING STUDY

This diagram shows the likely future streetscape as viewed from Stewart Avenue looking North.
This existing gradual hierarchy in building height from the corner of Stewart Ave and Hunter St, towards sites which could reach the 90m height limit highlights the success of diversity in scale within the city, despite the blanket 90m height limit along this end of Hunter Street. If 822/826 were developed with similar principles to those at in DA2022/00923 (775 Hunter St), it will allow for a positive urban response with views towards the sky, necessary solar access and architectural interest.

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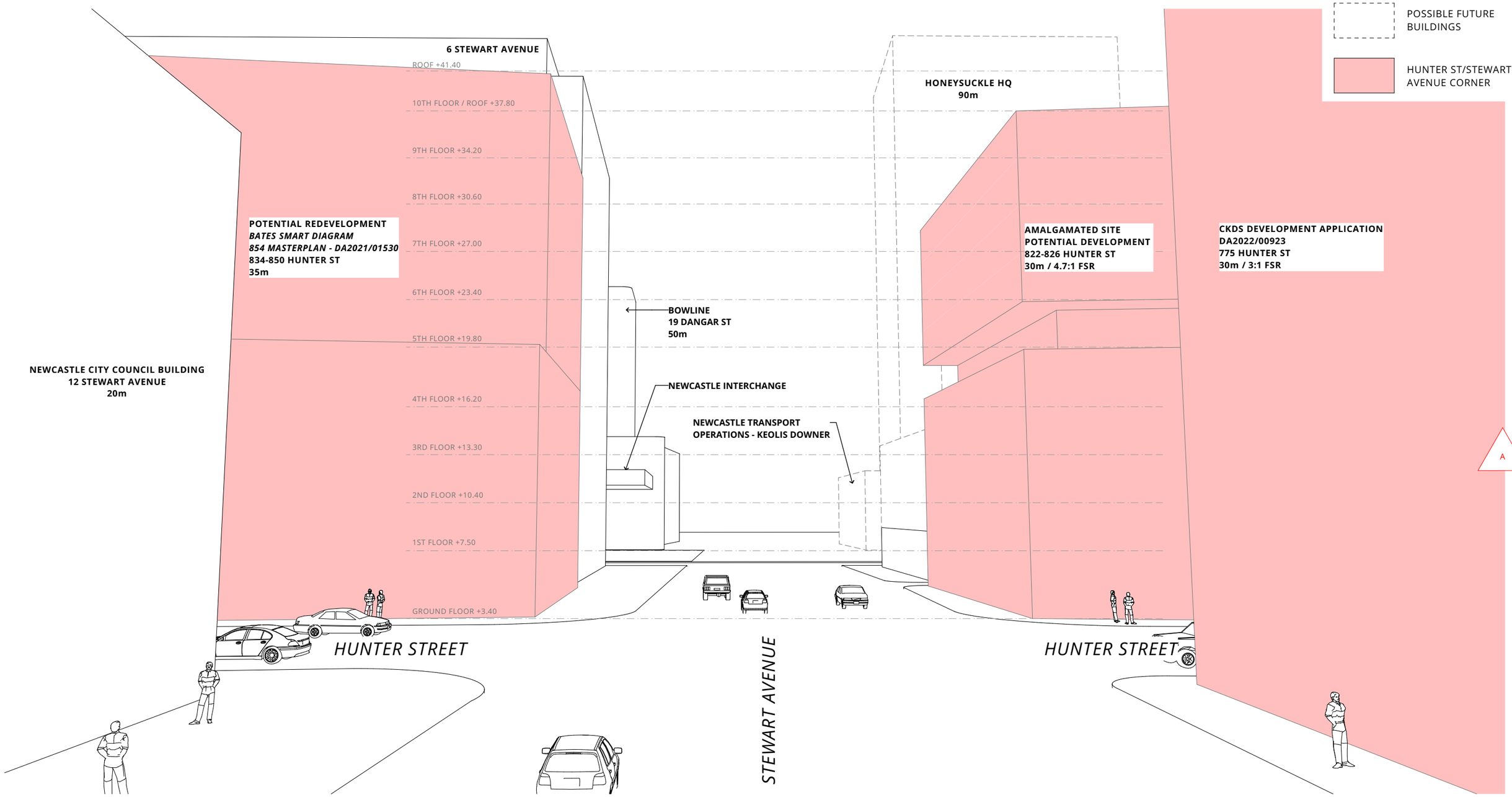

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PROJECT
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DRAWING
SITE CONTEXT - INTERSECTION STUDY

PROJECT NO.
2020-097

LOCATION
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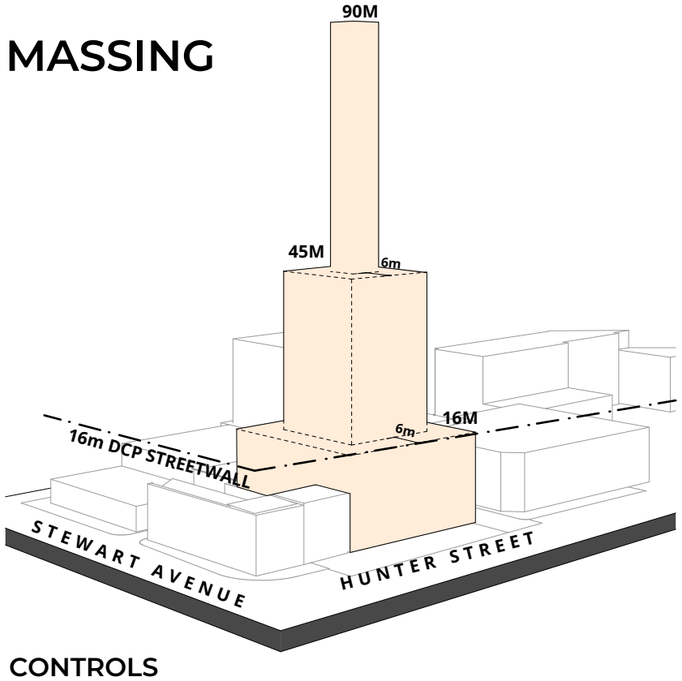
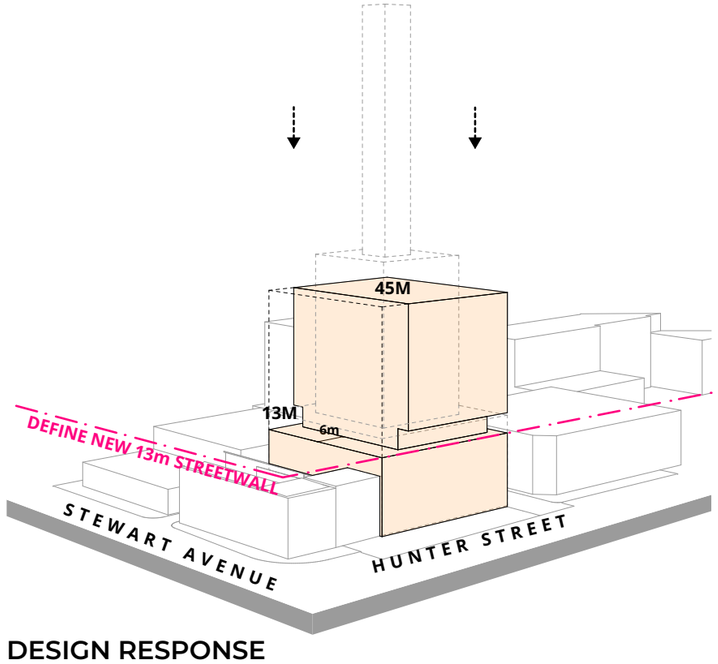
- BALCONY ADDED TO LEVEL 5 CORNER

MASSING



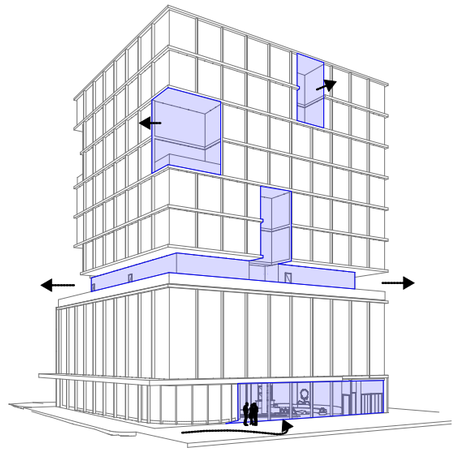
CONTROLS

Designing to a compliant envelope results in undesirable "wedding cake" form with unusable floor plates above 45m while the arbitrary 16m streetwall requirement does not relate to surrounding context or direct history. There is a currently artificial reduction in FSR to promote lot consolidation, however redevelopment of adjacent properties is unlikely due to the single residence immediately to the sites west. This effectively isolates our lot within its current boundaries.



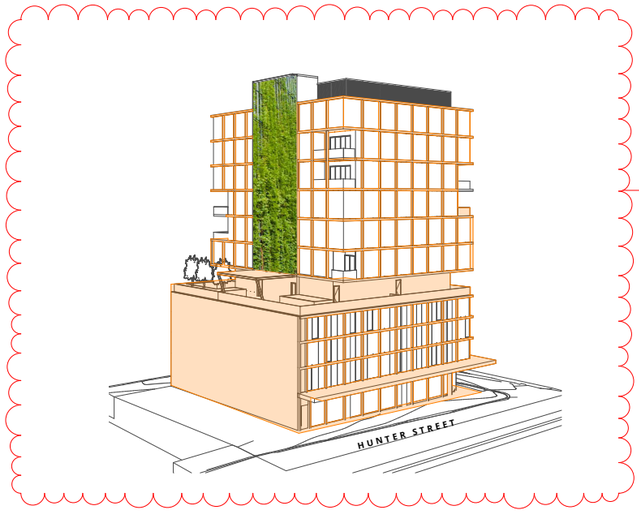
DESIGN RESPONSE

Our design response of redistributing floor area and reducing the building envelope reconsiders the DCP setback contraints, creating a positive balance of height, scale and FSR, ensuring the building relates well to the existing and future streetscape while giving the ground plane back to the public, creating a hierarchy of public/private space. The 3 immediate neighbours sit well below a 16m wall height, therefore we have set our street wall height to 13m, which is the closest we can relate to our neighbours while creating viable floor to floors.



PERMEABILITY

The building does not set back from the street, utilises permeable floor to ceiling glazing and incorporates various gathering spaces to promote interaction between the street and the built form.



F

ARTICULATION

The building emphasises a strong linear expression both horizontally and vertically through the use of a rigourous and consistent facade breakup. The recessing of the level 4 podium creates two unified dynamic built forms of varying scales while the green wall creates interest to a highly visable approach and manages harsh western sun.

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C	FOR COORDINATION	RM	JC	11/11/2022
D	Preliminary DA			2/12/2022
E	DA Issue	RM	JC	7/12/2022
F	DA Reissue	RM	JC	9/02/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SITE CONTEXT ANALYSIS - MASSING

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD007

ISSUE NO.
F

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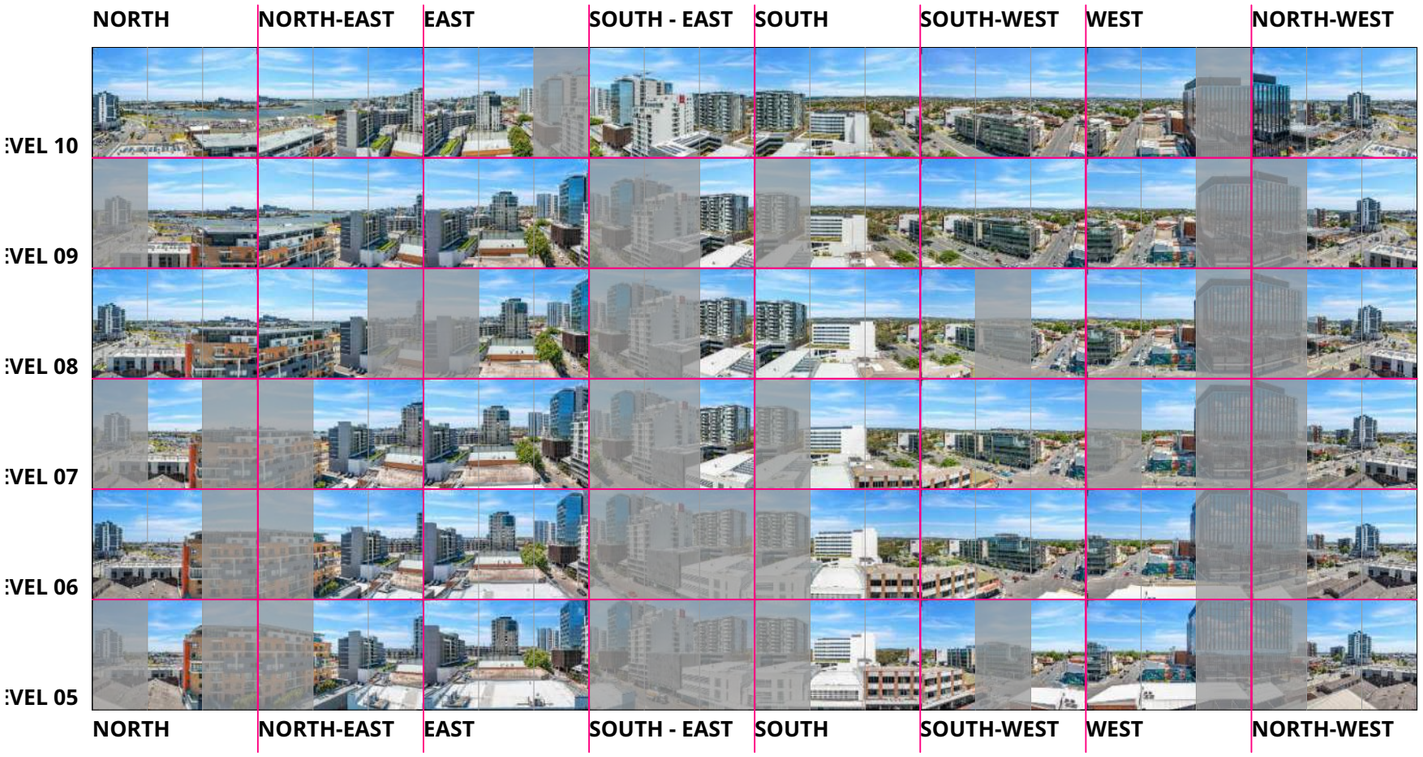
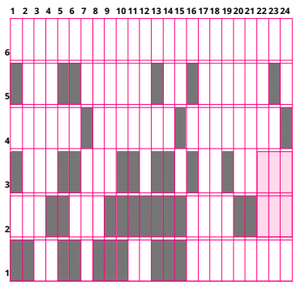
FACADE INTENT

Analysis of views, surrounding development and orientation allows for the purposeful organisation of facade glazing to frame key outlooks, shade harsh sunlight and maximise building efficiency.

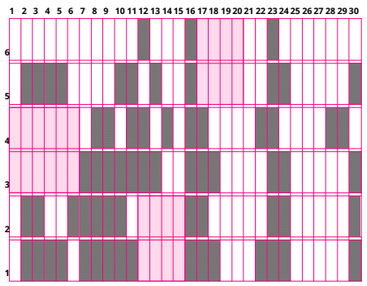
VIEW ANALYSIS



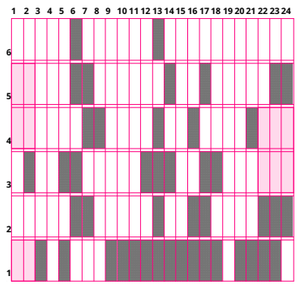
SHADING APPLICATION



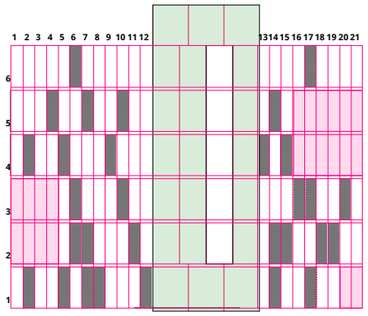
NORTH
144 PANES
39 SHADED



EAST
180 PANES
66 SHADED

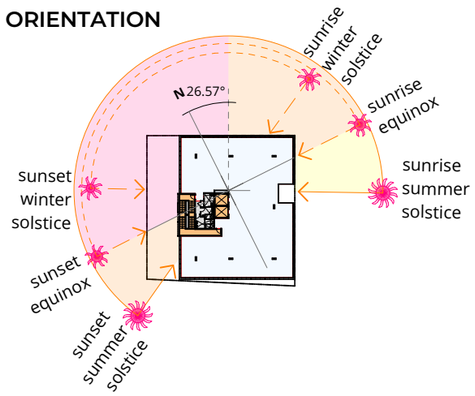


SOUTH
144 PANES
45 SHADED



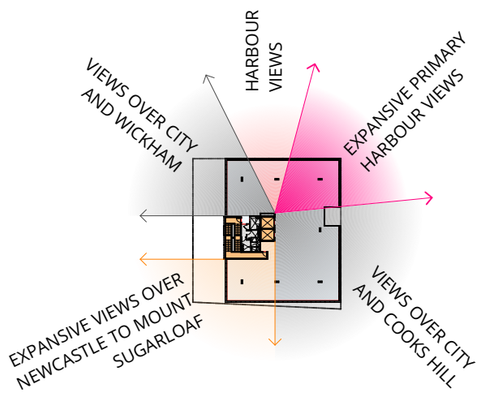
WEST
126 PANES
30 SHADED

ORIENTATION



1. SOLAR ORIENTATION

The building has been designed to respond efficiently to its solar orientation, celebrating its North East outlook while controlling sun from the West.



2. VIEW OPPORTUNITIES

Maximising views out from the open floor plate is essential while achieving sufficient solar shading.

KEY

- FACADE/BALCONY RECESS
- FACADE SCREENING PANELS
- GLAZED FACADE PANELS
- GREEN WALL

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PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SITE CONTEXT ANALYSIS - VIEWS ANALYSIS

PROJECT NO.
2020-097

DRAWING NO.
DD008

ISSUE NO.
E

SCALE
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LOCATION
810 HUNTER STREET NEWCASTLE NSW

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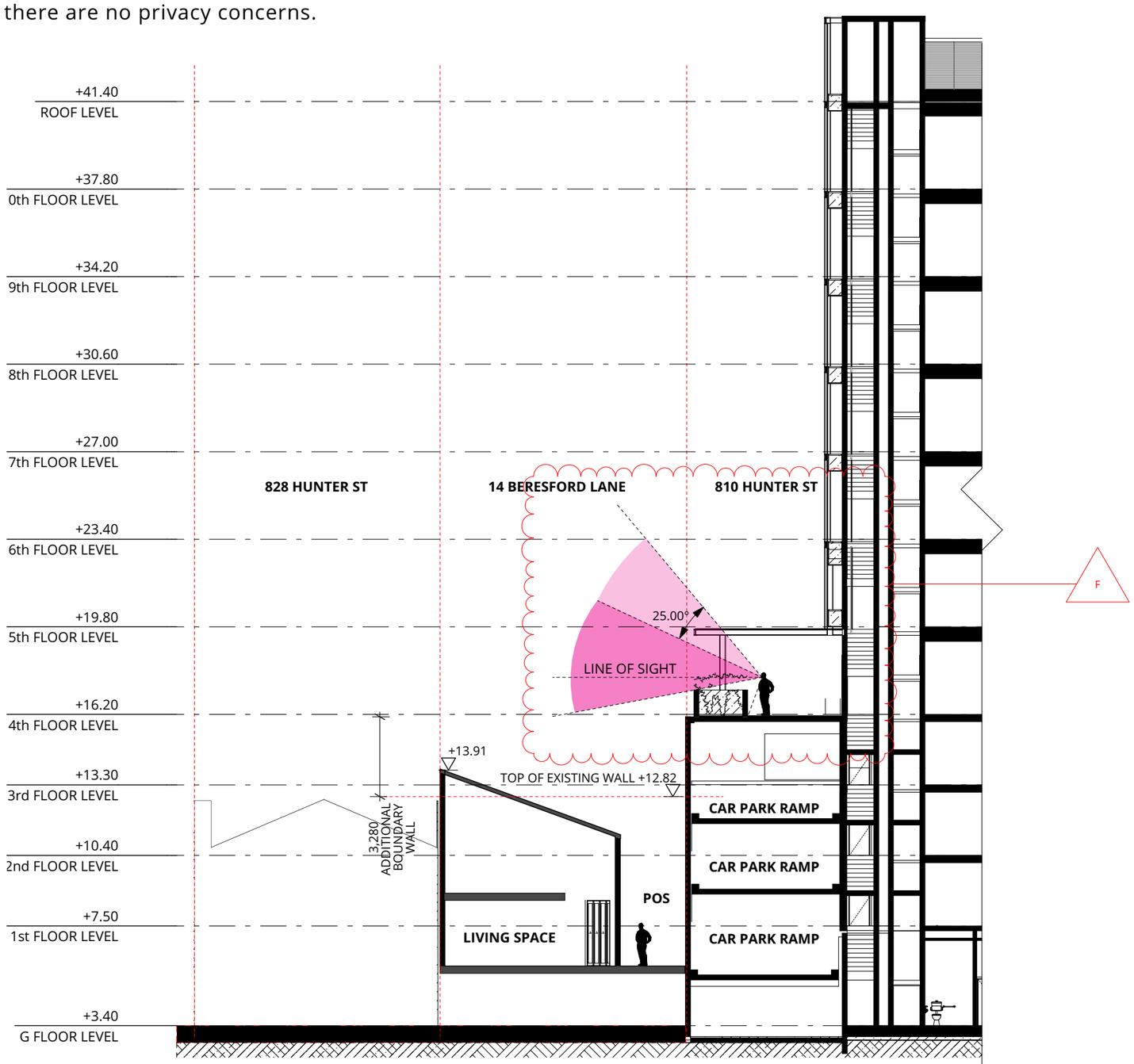
IMPACT ON NEIGHBOURS

A study has been completed to ensure privacy to the residential neighbours at **14 Beresford Lane**. Strategies include setting the building back from the Western boundary by 6 meters, and landscaping the western edge of the Level 4 terrace to ensure that overlooking is not an issue. The below diagrams demostrate that there are no privacy concerns.



14 BERESFORD LANE - PRIVATE OPEN SPACE LOOKING NORTH
SOURCE: https://www.airbnb.com.au/rooms/46141178?source_impression_id=p3_1668132372_5sWLx%2F7YUfMb%2FCZW

14 BERESFORD LANE - LIVING SPACE LOOKING EAST TOWARDS 810 BOUNDARY WALL
SOURCE: https://www.airbnb.com.au/rooms/46141178?source_impression_id=p3_1668132372_5sWLx%2F7YUfMb%2FCZW

NOTE: 822 HUNTER ST/14 BERESFORD STREET MODELLED APPROXIMATELY ONLY BASED ON AVAILABLE INFORMATION

- L4 PODIUM PLANTER EXTENDED TO PROVIDE GREATER PRIVACY
- ANGLED PERGOLA COLUMNS REVISED TO BE STRAIGHT

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F	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SITE CONTEXT ANALYSIS - IMPACTS ON NEIGHBOURS

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD009

ISSUE NO.
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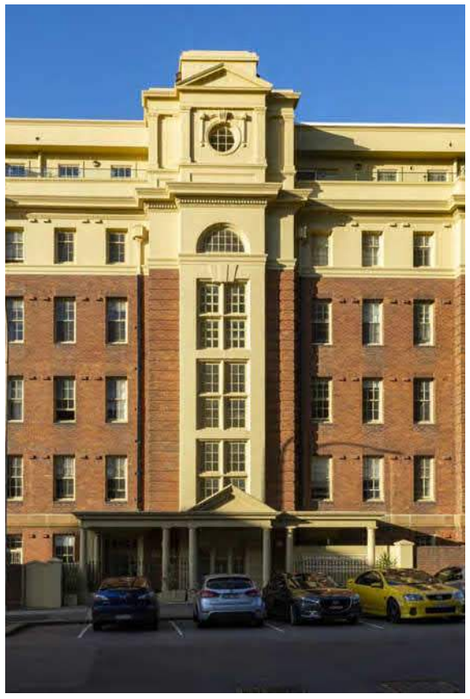
LOCAL PRECEDENTS

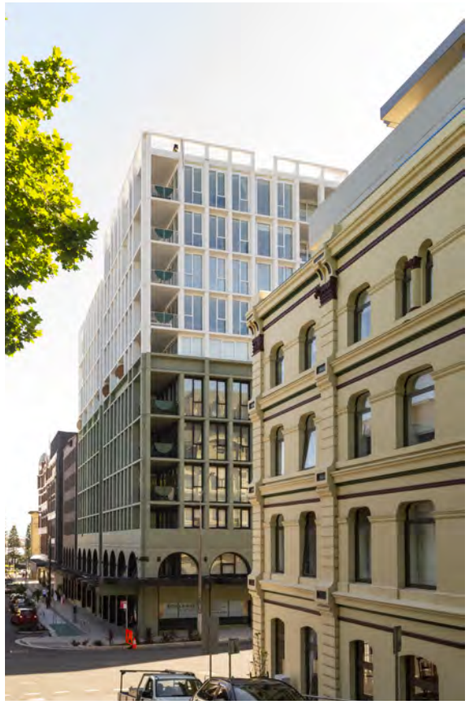
There are multiple current examples of projects in the Newcastle City Centre with 0 setback from the street corner. These buildings have a civic presence in the landscape and successfully contribute to the city centre.

6 STEWART AVE - BATES SMART

17 BOLTON ST



8 KING ST



PERKINS AND KING ST - SJB

HUNTINGTON HONEYSUCKLE - SJB

LUME - SJB

30 WATT ST

GATEWAY 2 - CKDS

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PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SITE CONTEXT ANALYSIS - LOCAL PRECEDENTS

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD010

ISSUE NO.
E

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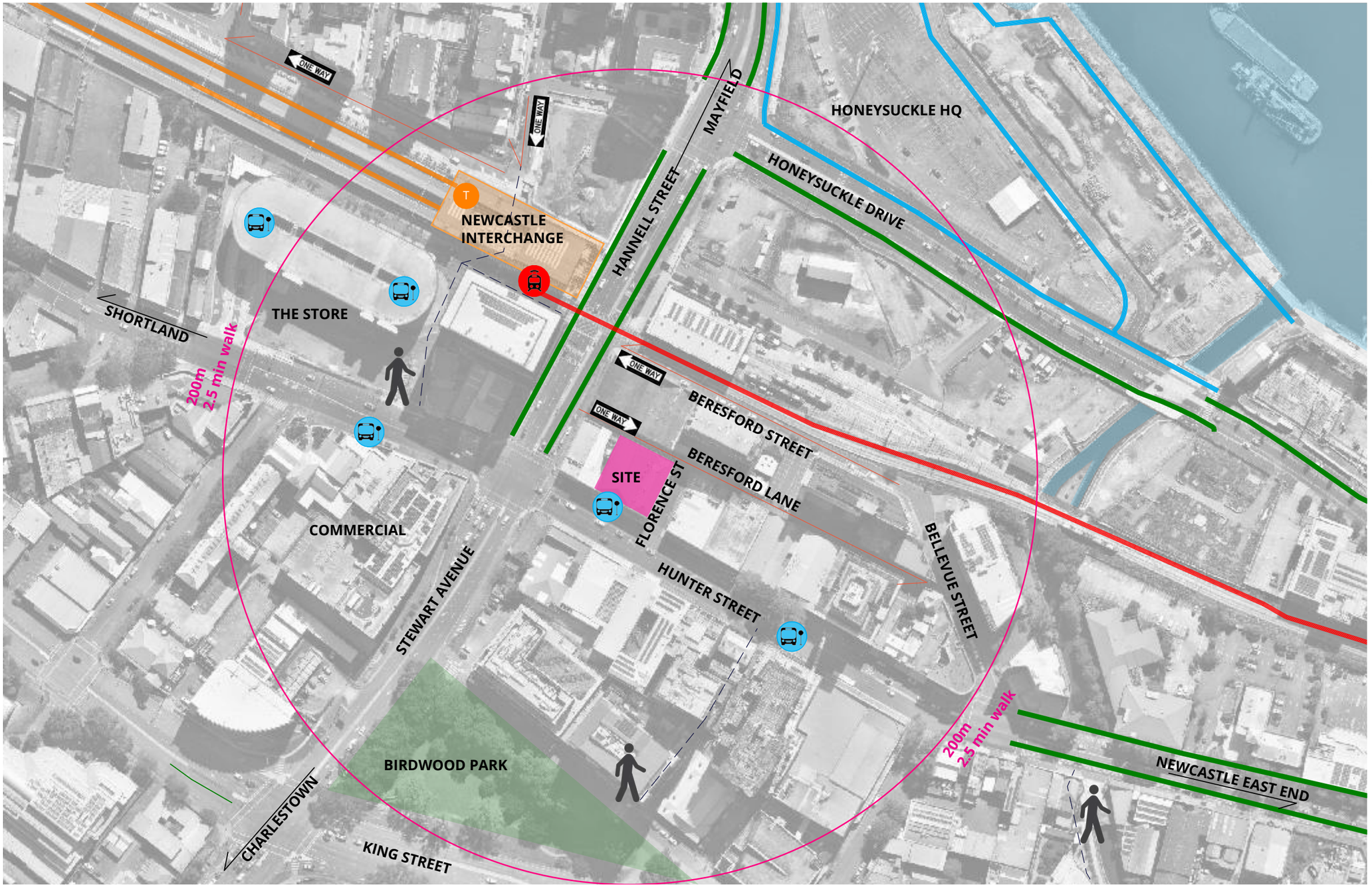
SPACE·DESIGN·ARCHITECTURE

INFRASTRUCTURE ANALYSIS

The site is well serviced by public transport, being a short walk to Newcastle Interchange, accessing the tram towards Newcastle East, trains towards Maitland or the Central Coast/Sydney and buses towards Newcastle suburbs. The site is also easily accesible by bike, with multiple dedicated bike lanes in close proximity.



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BUS STOP
TRAIN STATION
TRAM STOP
ONE WAY STREET
DEDICATED BIKE LANE
SHARED PATHS
BLOCK CUT THROUGH

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PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SITE CONTEXT ANALYSIS - INFRASTRUCTURE

PROJECT NO.
2020-097

DRAWING NO.
DD011

ISSUE NO.
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LOCATION
810 HUNTER STREET NEWCASTLE NSW

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TRAFFIC APPROACH

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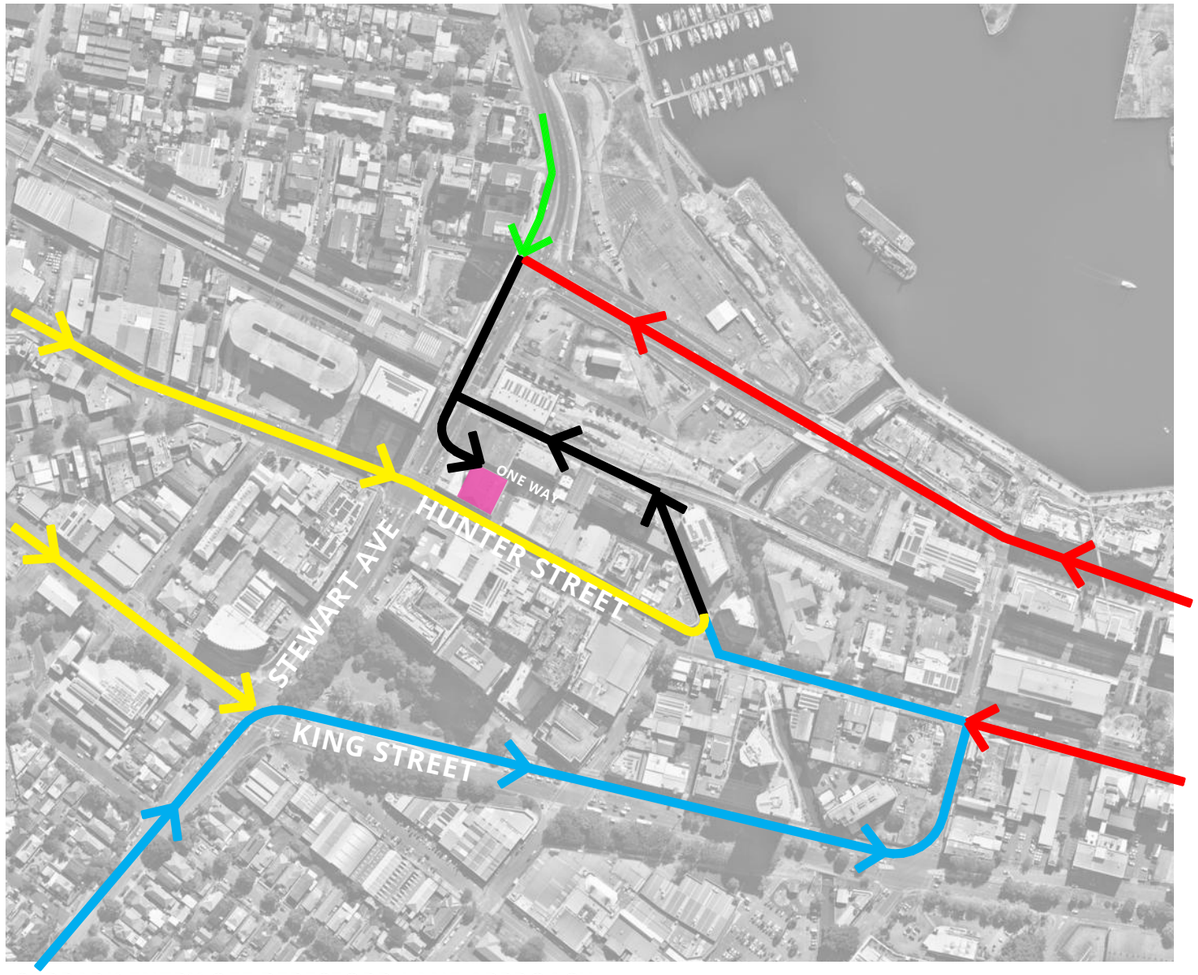
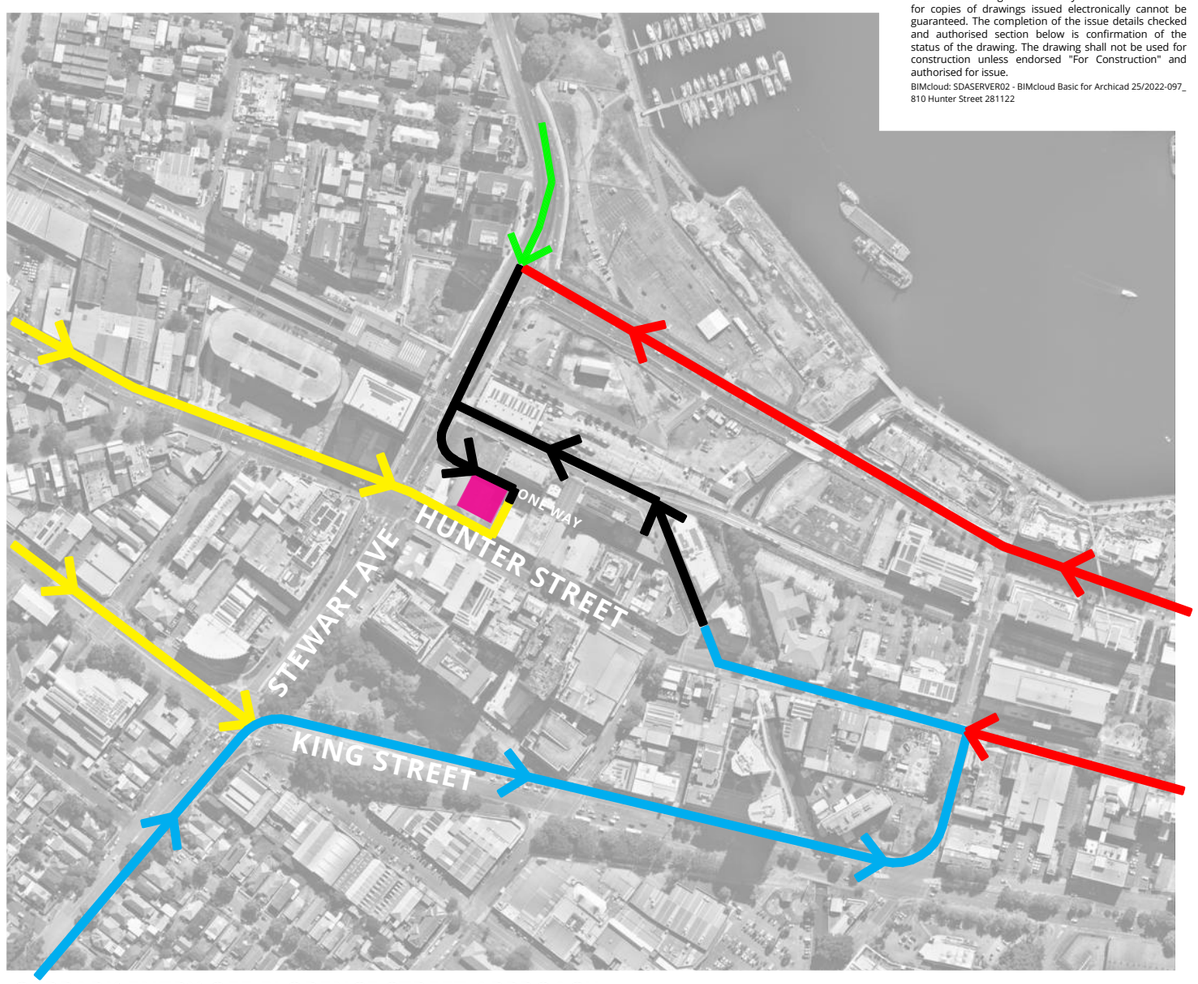


CARPARK ENTRY OFF BERESFORD LANE APPROACH



CARPARK ENTRY OFF FLORENCE STREET APPROACH

SITE

APPROACH FROM WEST

APPROACH FROM NORTH

APPROACH FROM SOUTH

APPROACH FROM EAST

COMMON APPROACH

The diagrams above indicate there is minimal difference in approach if the carpark entry is moved from Beresford Lane to Florence Street. The only minimal benefit is for cars approaching from a westerly direction. Sheet DD013 identifies the negative impact this would have on other aspects of the design.

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PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SITE CONTEXT ANALYSIS - TRAFFIC APPROACH

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD012

ISSUE NO.
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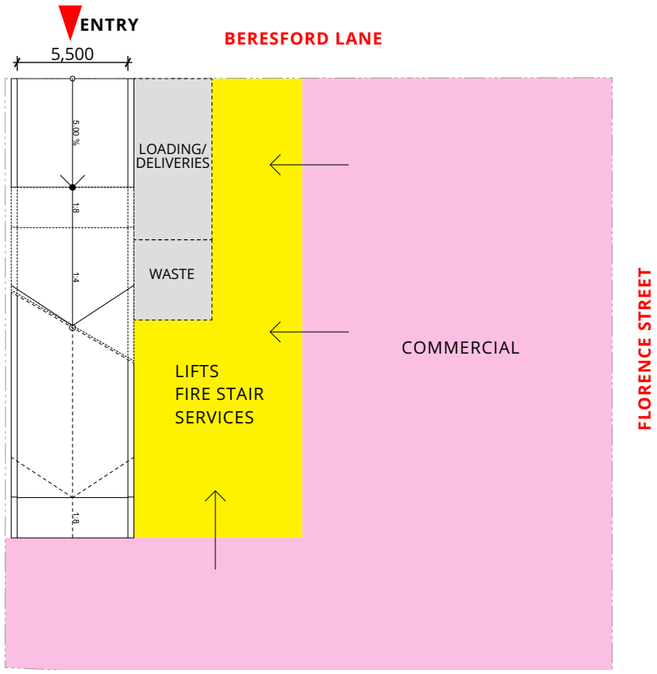
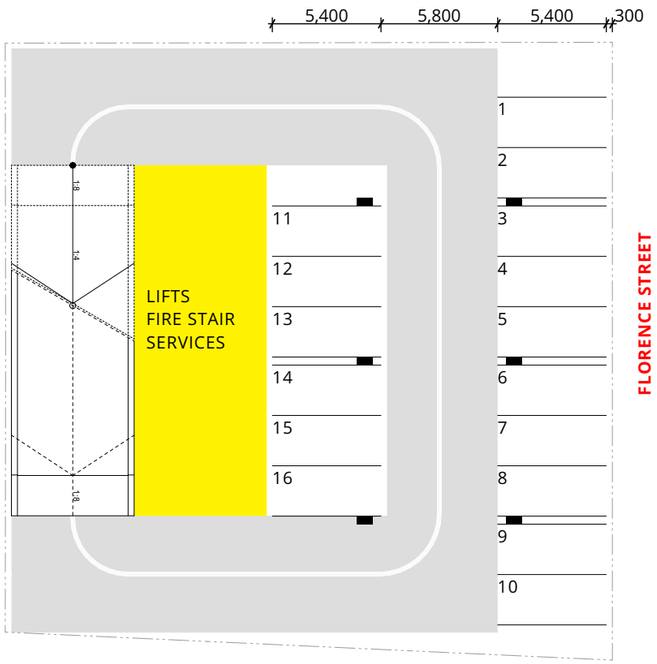
CAR PARK ENTRY ANALYSIS



GROUND FLOOR - ENTRY OFF BERESFORD LANE

PROS

-Lift and fire stair central to commercial space
- 3 street frontages for commercial spaces
- Less queuing impact to hunter street/ florence street
-Passive surveillance towards beresford lane
- 3 glazed elevations allows for improved natural light and cross air flow



TYPICAL LEVEL - ENTRY OFF BERESFORD LANE

PROS

-Efficient car park layout
- Upper office levels benefit from lift/stair/wc's on western wall, blocking the hot western sun and breaking up the visually predominent elevation

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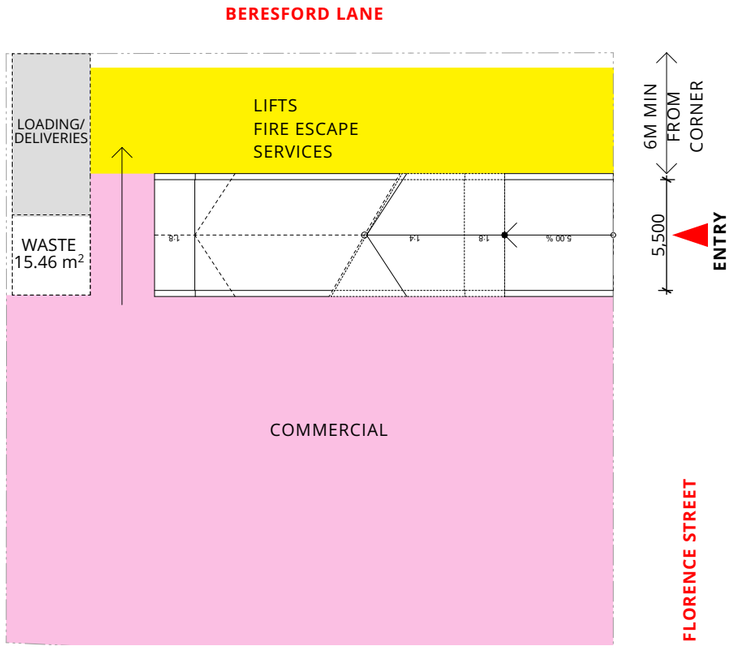


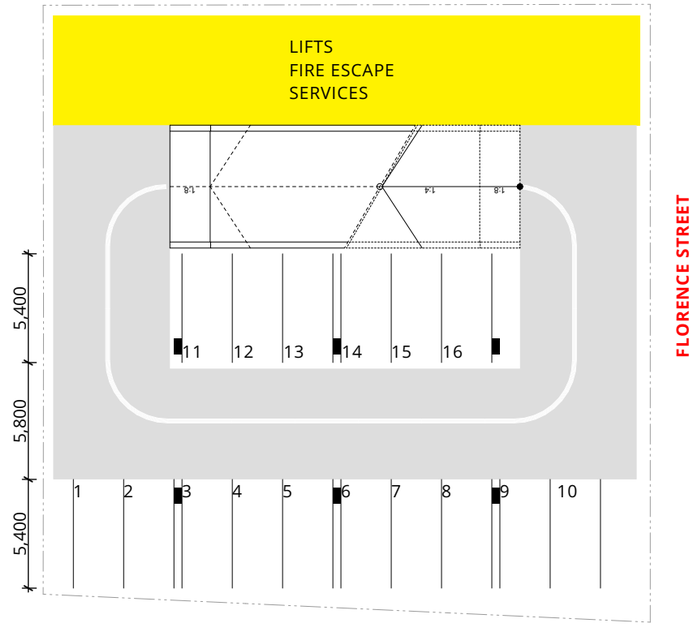
GROUND FLOOR - ENTRY OFF FLORENCE STREET

PROS

- Large street frontage to Hunter Street

CONS

- Driveway segregates commercial space from lift/ stairs and toilets/services



TYPICAL LEVEL - ENTRY OFF FLORENCE STREET

PROS

- Achieves same amount of car spaces as other scheme

CONS

- Driveway segregates car spaces from lift/ stair. this is a safety concern for pedestrians and fire egress.
- Upper office levels will lose main view of harbour and northern light if lift/stair/wc's are positioned along the northern elevation.
- More office space along western facade

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PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
CAR PARK ENTRY ANALYSIS

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD013

ISSUE NO.
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- PERIMETER PLANTERS REMOVED
- HORIZONTAL SHADING DEVICES REMOVED

PERSPECTIVE LOOKING WEST ALONG HUNTER ST

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PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
3D PERSPECTIVES - SHEET 1

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD014

ISSUE NO.
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BIMcloud: SDASERVER02 - BIMcloud Basic for Archicad 25/2022-097_ 810 Hunter Street 281122

- L4 PODIUM PLANTER EXTENDED TO PROVIDE GREATER PRIVACY
- ANGLED PERGOLA COLUMNS REVISED TO BE STRAIGHT

PERSPECTIVE LOOKING NORTH EAST ALONG STEWART AVE

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ISSUE	DESCRIPTION	BY	CHK	DATE
C	FOR COORDINATION	RM	JC	11/11/2022
D	Preliminary DA			2/12/2022
E	DA Issue	RM	JC	7/12/2022
F	DA Reissue	RM	JC	9/02/2023
G	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
3D PERSPECTIVES - SHEET 2

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD015

ISSUE NO.
G

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- L4 PODIUM PLANTER EXTENDED TO PROVIDE GREATER PRIVACY
- ANGLED PERGOLA COLUMNS REVISED TO BE STRAIGHT

PERSPECTIVE LOOKING AT LEVEL 4 TERRACE AND WESTERN FACADE

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C	FOR COORDINATION	RM	JC	11/11/2022
D	Preliminary DA			2/12/2022
E	DA Issue	RM	JC	7/12/2022
F	DA Reissue	RM	JC	9/02/2023
G	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
3D PERSPECTIVES - SHEET 3

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD016

ISSUE NO.
G

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IMPACT ON NEIGHBOURS

A further study has been completed to ensure privacy to the residential neighbours at **14 Beresford Lane/822 Hunter St**. The below views have been taken to ensure there are no overlooking issues between the new commercial development and the living and outdoor areas of 14 Beresford Lane.

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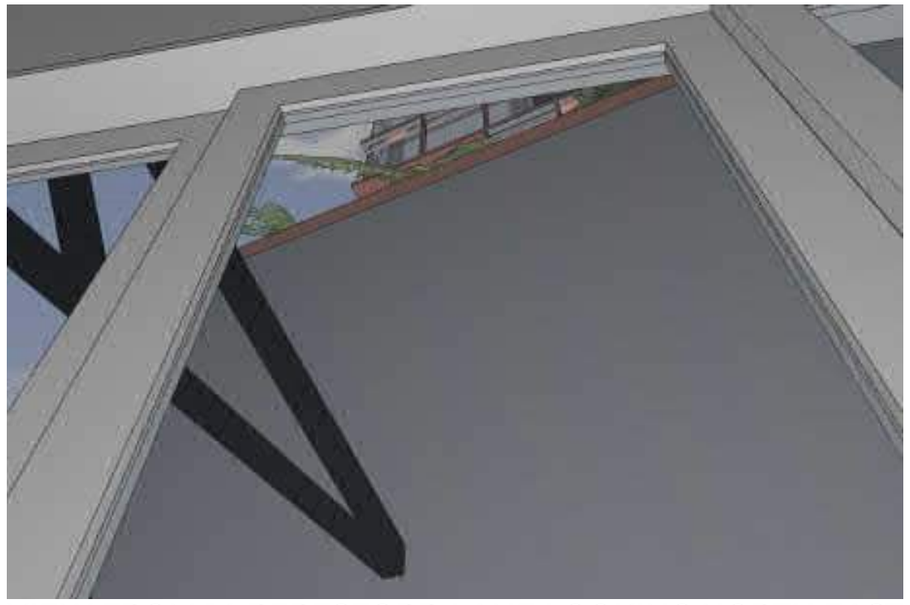
VIEW FROM L7 NORTH-WEST BALCONY (810 HUNTER) LOOKING WEST



VIEW FROM 14 BERESFORD LANE LOOKING NORTH EAST

NOTE: 822 HUNTER ST/14 BERESFORD STREET MODELLED APPROXIMATELY ONLY BASED ON AVAILABLE INFORMATION

VIEW FROM L10 NORTH WEST CORNER COMMERCIAL SPACE (810 HUNTER) LOOKING WEST

VIEW FROM L10 SOUTH WEST CORNER COMMERCIAL SPACE (810 HUNTER) LOOKING WEST

01

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ISSUE	DESCRIPTION	BY	CHK	DATE
01	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SITE CONTEXT ANALYSIS - IMPACT ON NEIGHBOURS SHEET 02

PROJECT NO.
2020-097

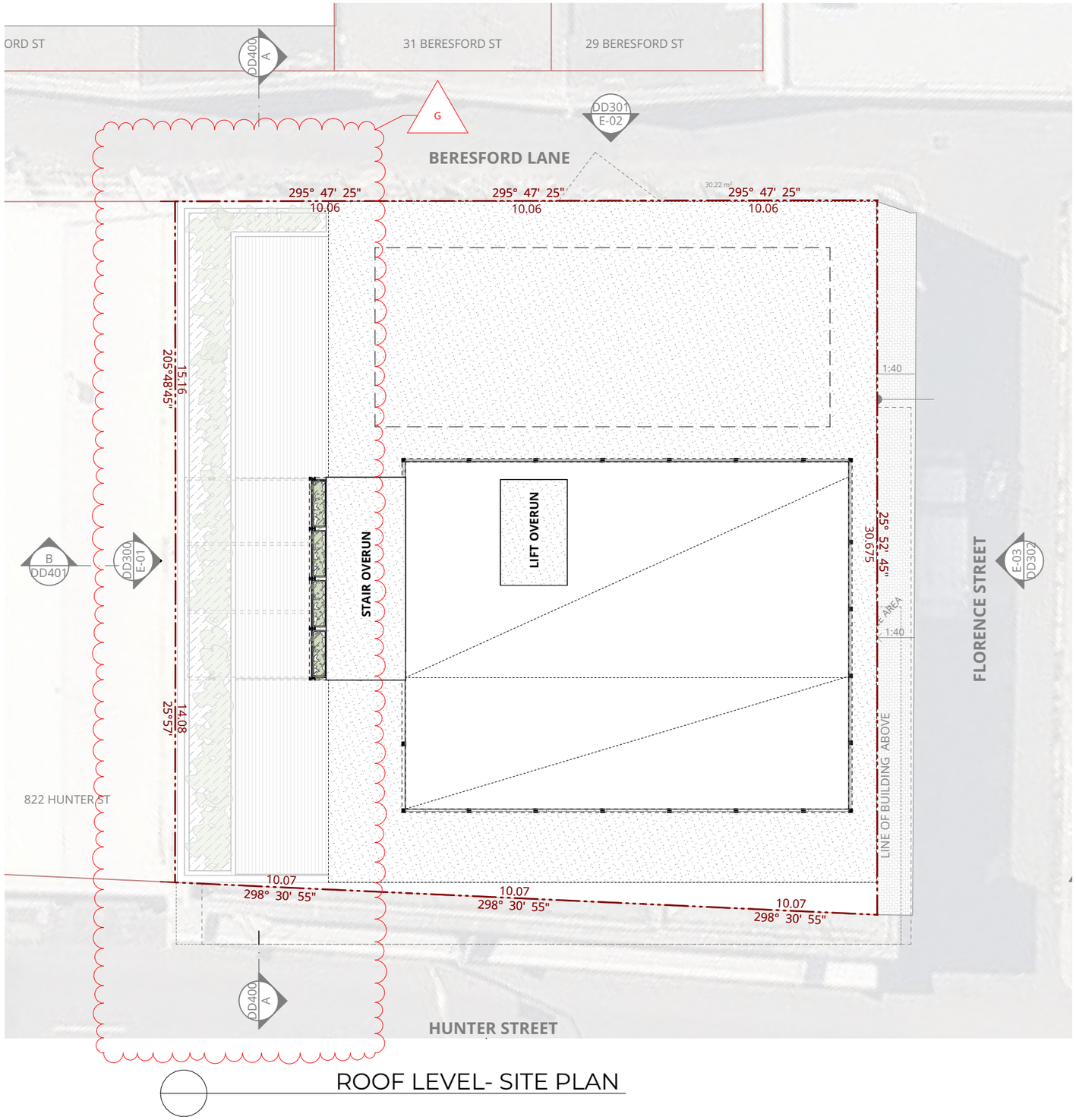
LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD017

ISSUE NO.
01

SCALE
1:302.59 @A3

SPACE·DESIGN·ARCHITECTURE



ROOF LEVEL- SITE PLAN

- L4 PODIUM PLANTER EXTENDED TO PROVIDE GREATER PRIVACY

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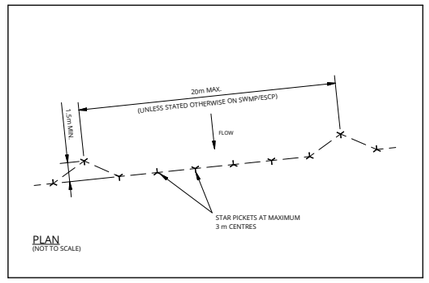
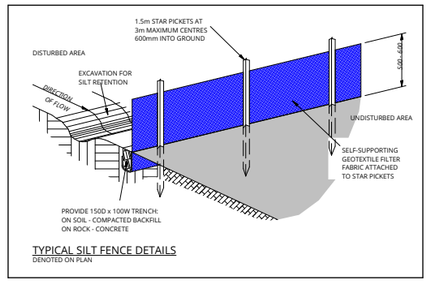
LEGEND

LOCATION PLAN



PLAN
(NOT TO SCALE)



TYPICAL SILT FENCE DETAILS
DENOTED ON PLAN

SEDIMENT CONTROL PLAN

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ISSUE	DESCRIPTION	BY	CHK	DATE
C	FOR COORDINATION	RM	JC	11/11/2022
D	Preliminary DA			2/12/2022
E	DA Issue	RM	JC	7/12/2022
F	DA Reissue	RM	JC	9/02/2023
G	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SITE/ROOF PLAN

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD100

ISSUE NO.
G

SCALE
1:200@A3

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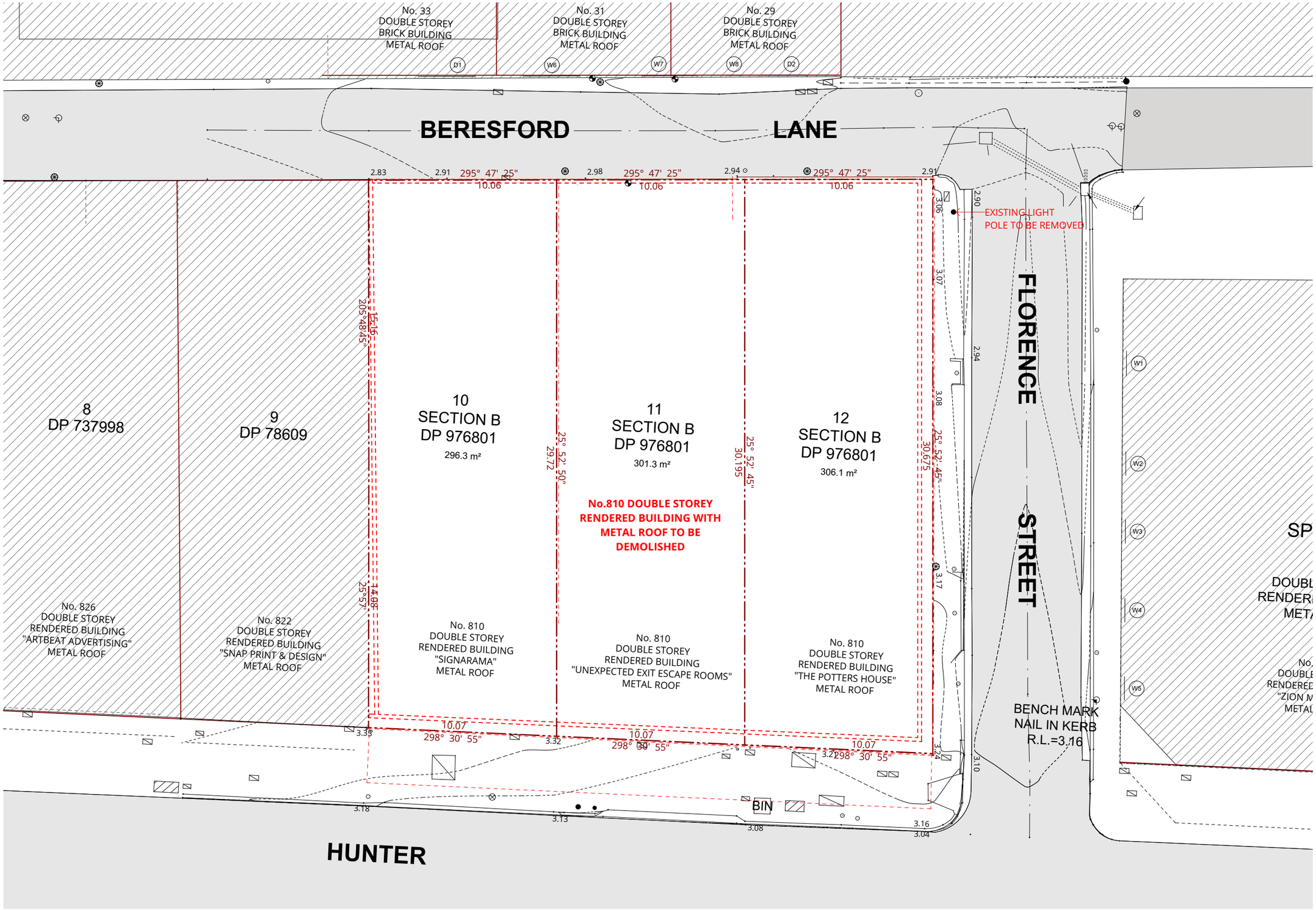
LEGEND



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ISSUE	DESCRIPTION	BY	CHK	DATE
A	FOR COORDINATION	RM	JC	28/10/2022
B	FOR COORDINATION	RM	JC	2/11/2022
C	FOR COORDINATION	RM	JC	11/11/2022
D	Preliminary DA			2/12/2022
E	DA Issue	RM	JC	7/12/2022

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
EXISTING | DEMOLITION SITE PLAN

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD101

ISSUE NO.
E

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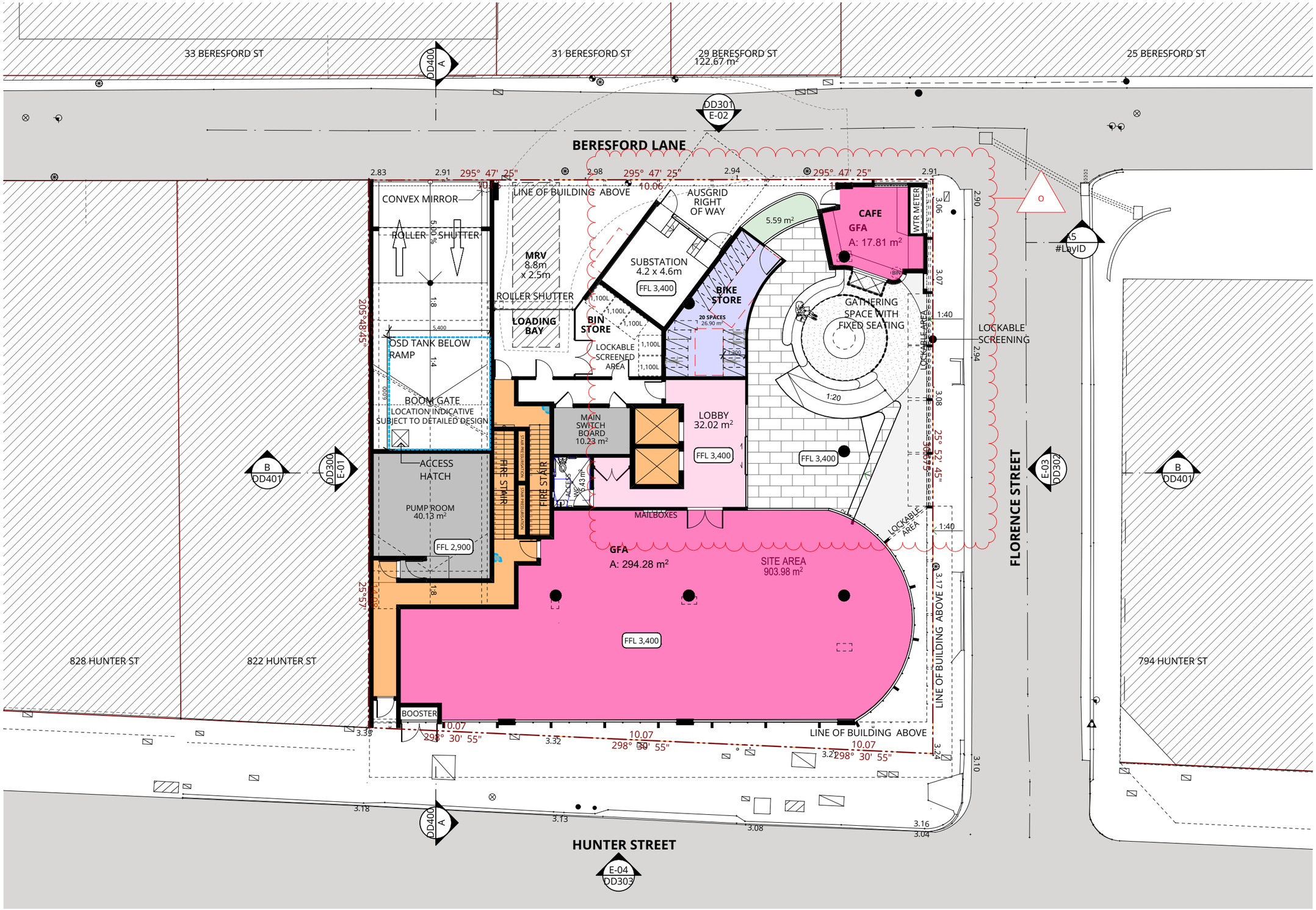
LEGEND

- CAFE SERVERY REMOVED FROM FLORENCE STREET
- WATER METER MOVED TO FLORENCE STREET FOR SAFE ACCESSIBILITY
- BIKE STORE COMBINED AS A RESULT OF THE ABOVE CHANGES



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ISSUE	DESCRIPTION	BY	CHK	DATE
K	DA Reissue for review	RM	JC	7/03/2023
L	DA RFI ISSUE	RM		20/04/2023
M	DA RFI ISSUE	RM		28/04/2023
N	DA RFI ISSUE	RM	JC	7/06/2023
O	DA RFI ISSUE	RM	JC	16/06/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
GROUND FLOOR PLAN

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD200

ISSUE NO.
O

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1:200@A3

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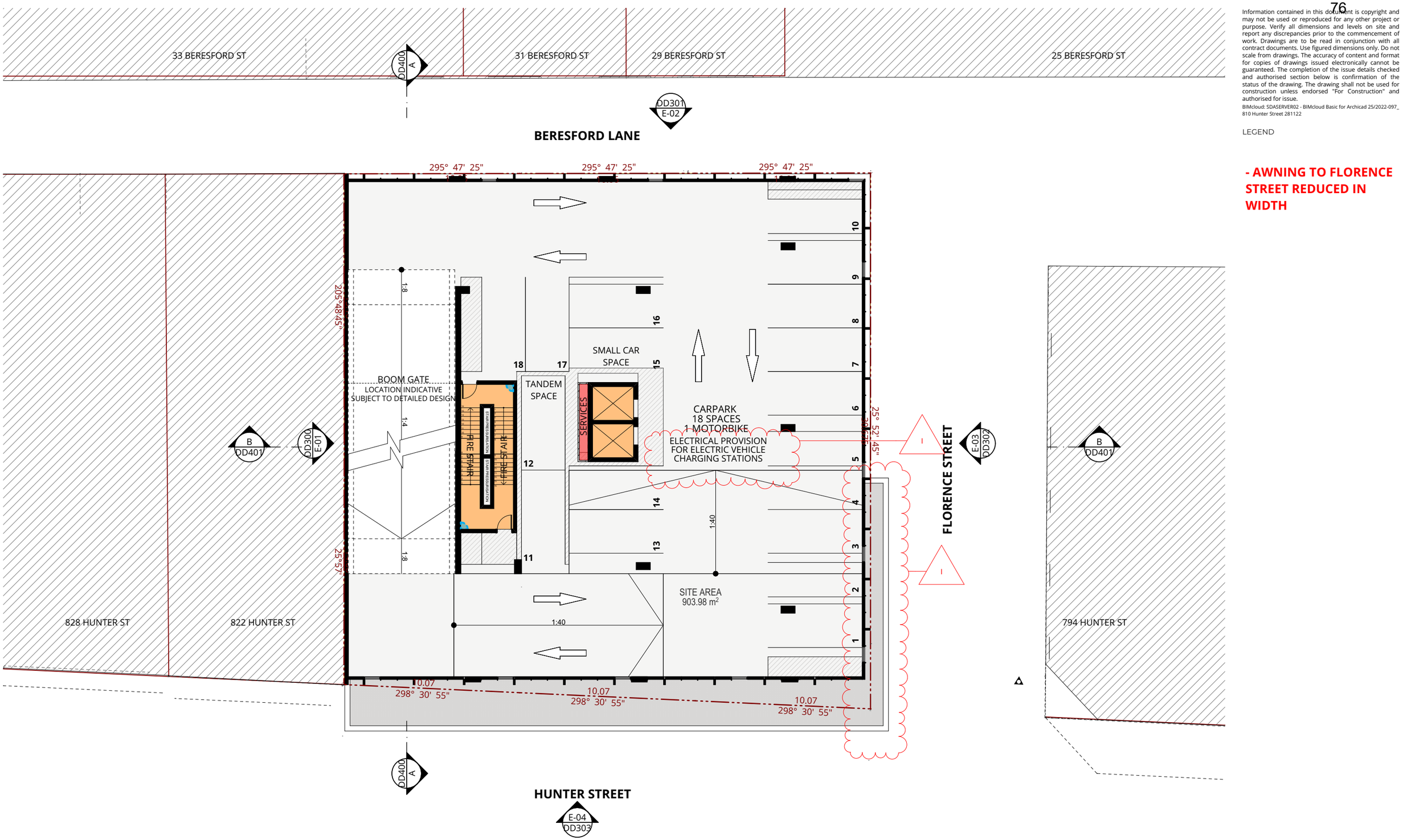
LEGEND

- AWNING TO FLORENCE STREET REDUCED IN WIDTH



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ISSUE	DESCRIPTION	BY	CHK	DATE
F	MECH UPDATES FOR COORDINATION			29/11/2022
G	Preliminary DA			2/12/2022
H	DA Issue	RM	JC	7/12/2022
I	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
FIRST FLOOR PLAN

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD201

ISSUE NO.
I

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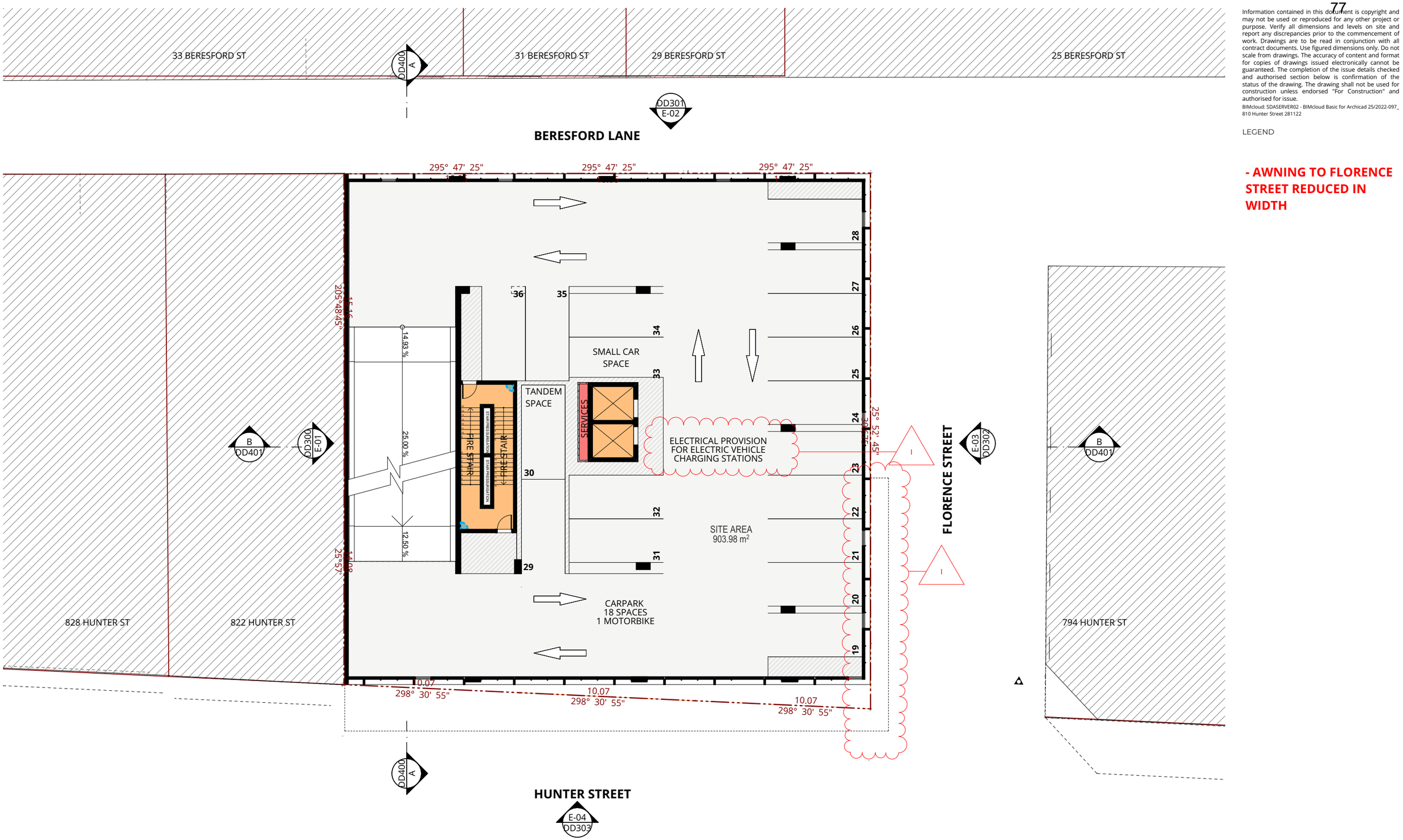
LEGEND

- AWNING TO FLORENCE STREET REDUCED IN WIDTH



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ISSUE	DESCRIPTION	BY	CHK	DATE
F	MECH UPDATES FOR COORDINATION			29/11/2022
G	Preliminary DA			2/12/2022
H	DA Issue	RM	JC	7/12/2022
I	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SECOND FLOOR PLAN

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD202

ISSUE NO.
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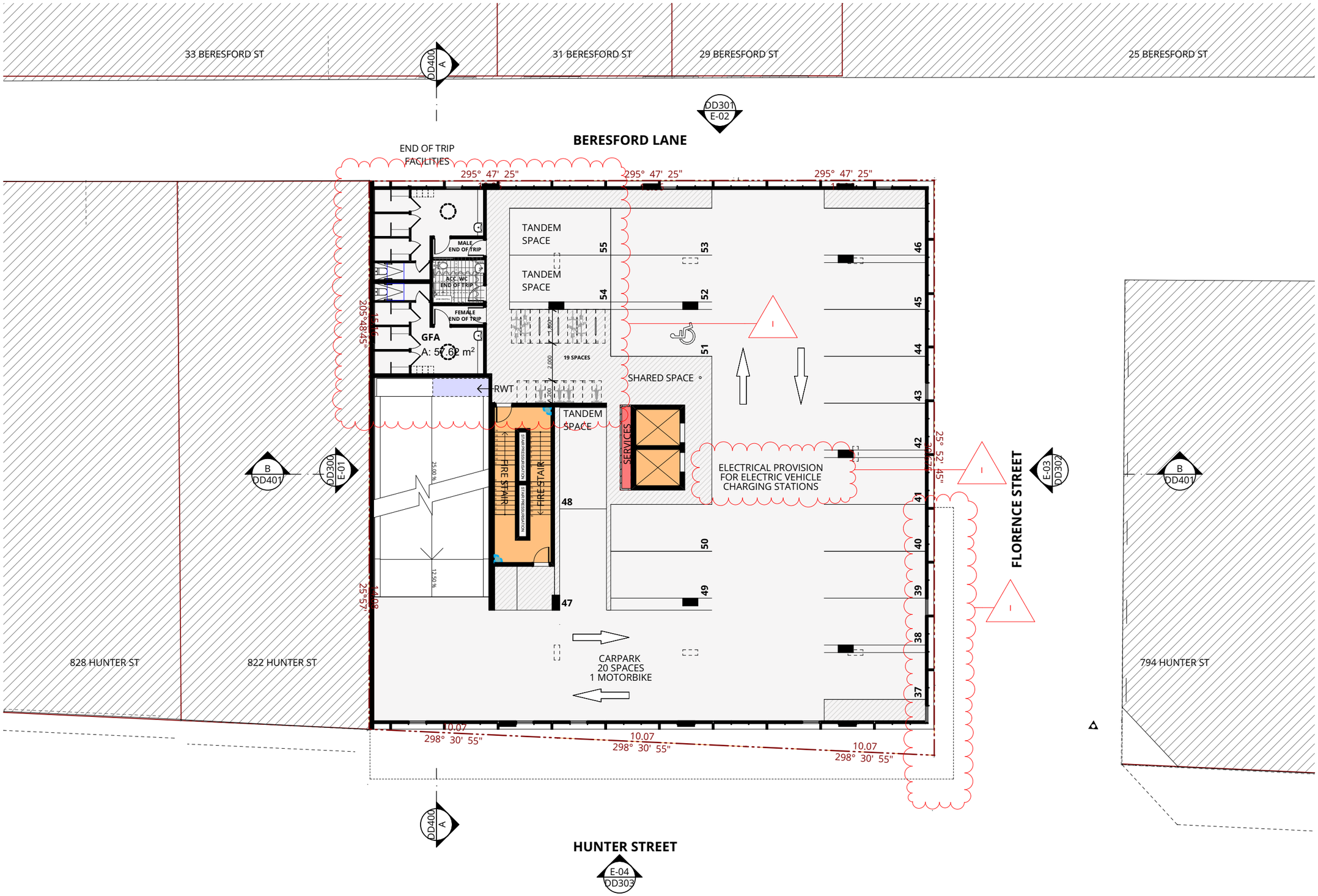
LEGEND

- ACCESSIBLE TANDEM CAR SPACE REMOVED AND REPLACED WITH ADDITIONAL BICYCLE PARKING
- END OF TRIP FACILITIES DIVIDED INTO MALE/FEMALE
- AWNING TO FLORENCE STREET REDUCED IN WIDTH



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ISSUE	DESCRIPTION	BY	CHK	DATE
F	MECH UPDATES FOR COORDINATION			29/11/2022
G	Preliminary DA			2/12/2022
H	DA Issue	RM	JC	7/12/2022
I	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
THIRD FLOOR PLAN

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD203

ISSUE NO.
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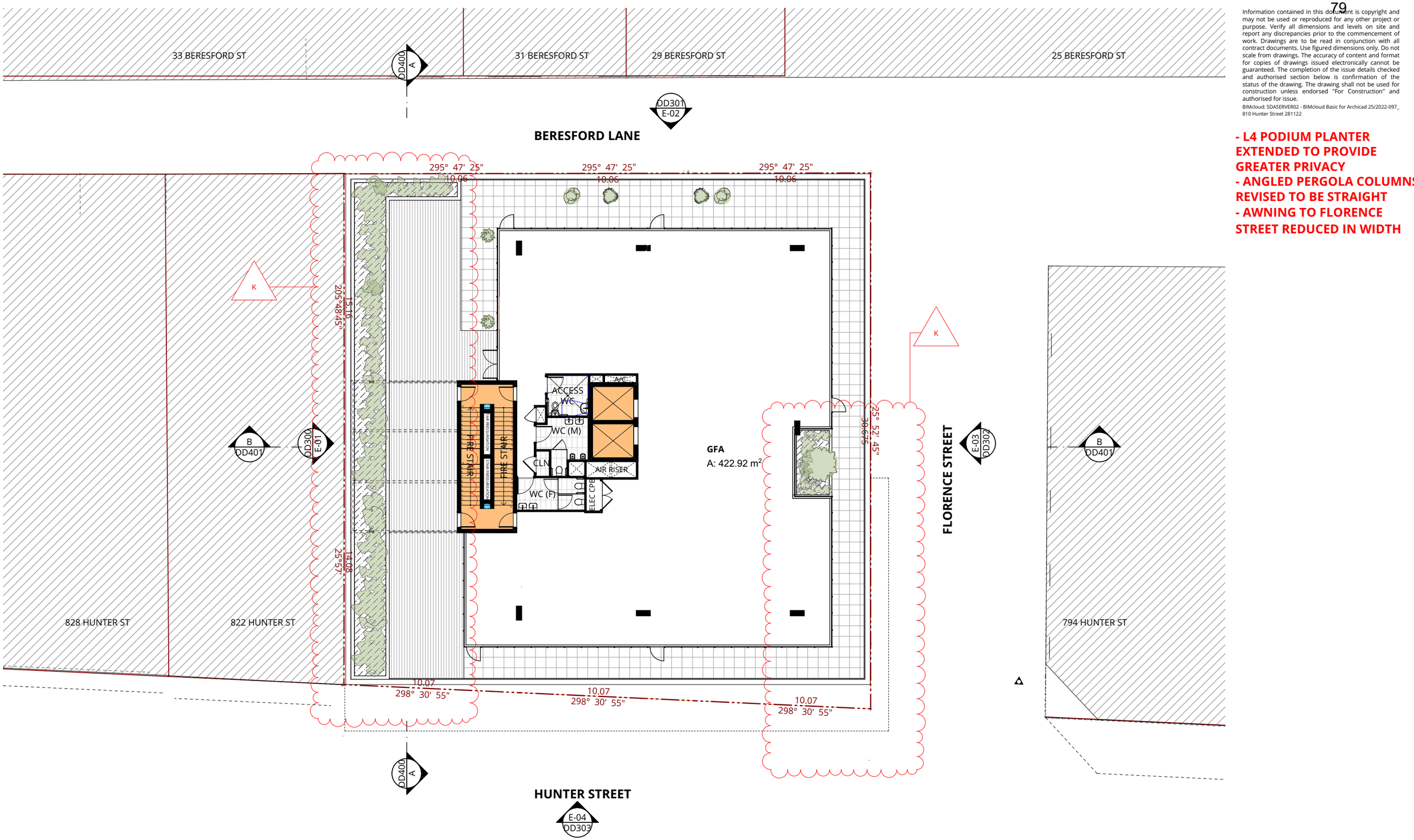
- L4 PODIUM PLANTER EXTENDED TO PROVIDE GREATER PRIVACY
- ANGLED PERGOLA COLUMNS REVISED TO BE STRAIGHT
- AWNING TO FLORENCE STREET REDUCED IN WIDTH



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ISSUE	DESCRIPTION	BY	CHK	DATE
G	Preliminary DA			2/12/2022
H	DA Issue	RM	JC	7/12/2022
I	DA Reissue	RM	JC	9/02/2023
J	FOR COORDINATION	RM		27/03/2023
K	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
FOURTH FLOOR PLAN

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD204

ISSUE NO.
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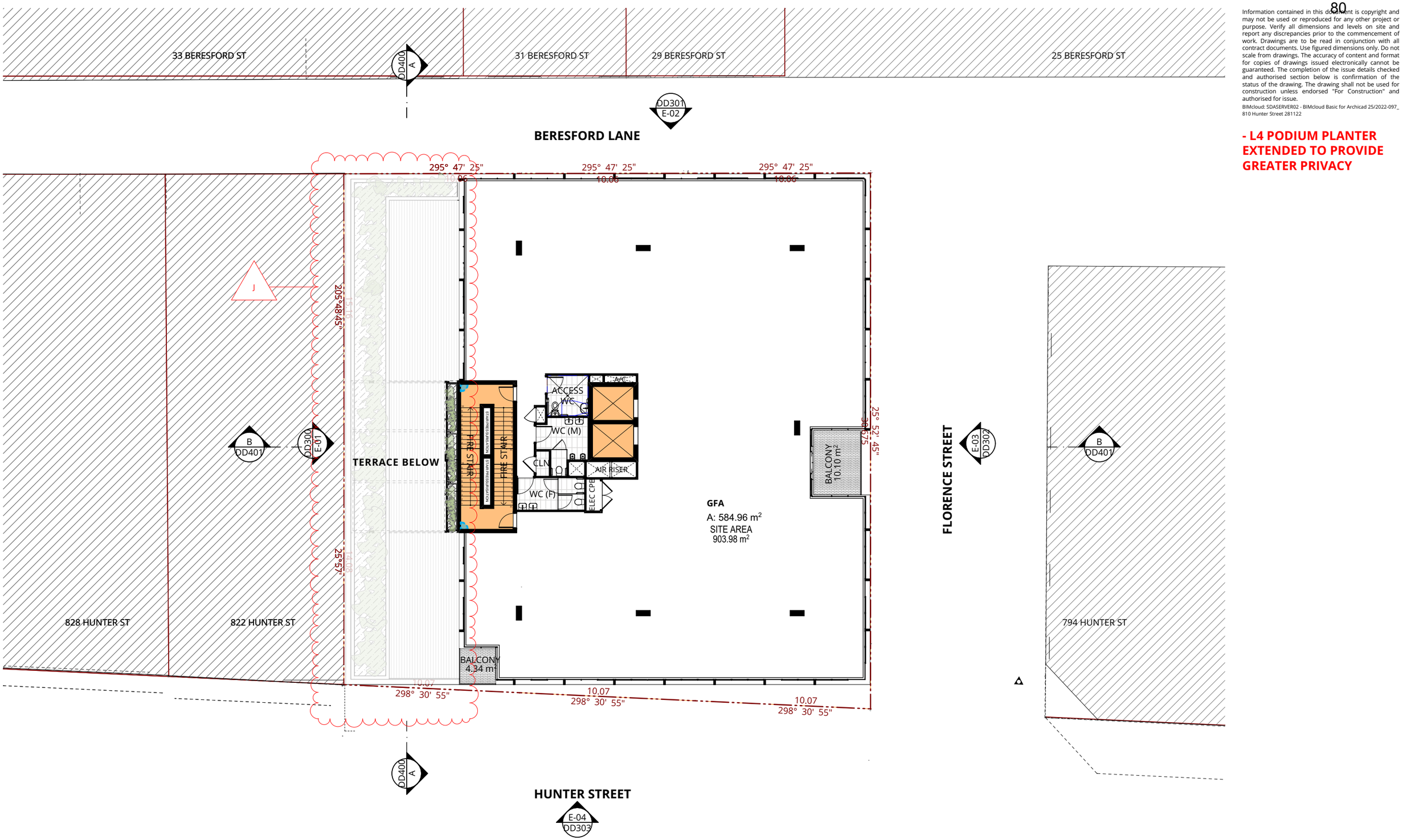

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ISSUE	DESCRIPTION	BY	CHK	DATE
G	Preliminary DA			2/12/2022
H	DA Issue	RM	JC	7/12/2022
I	DA Reissue	RM	JC	9/02/2023
J	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
FIFTH FLOOR PLAN

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD205

ISSUE NO.
J

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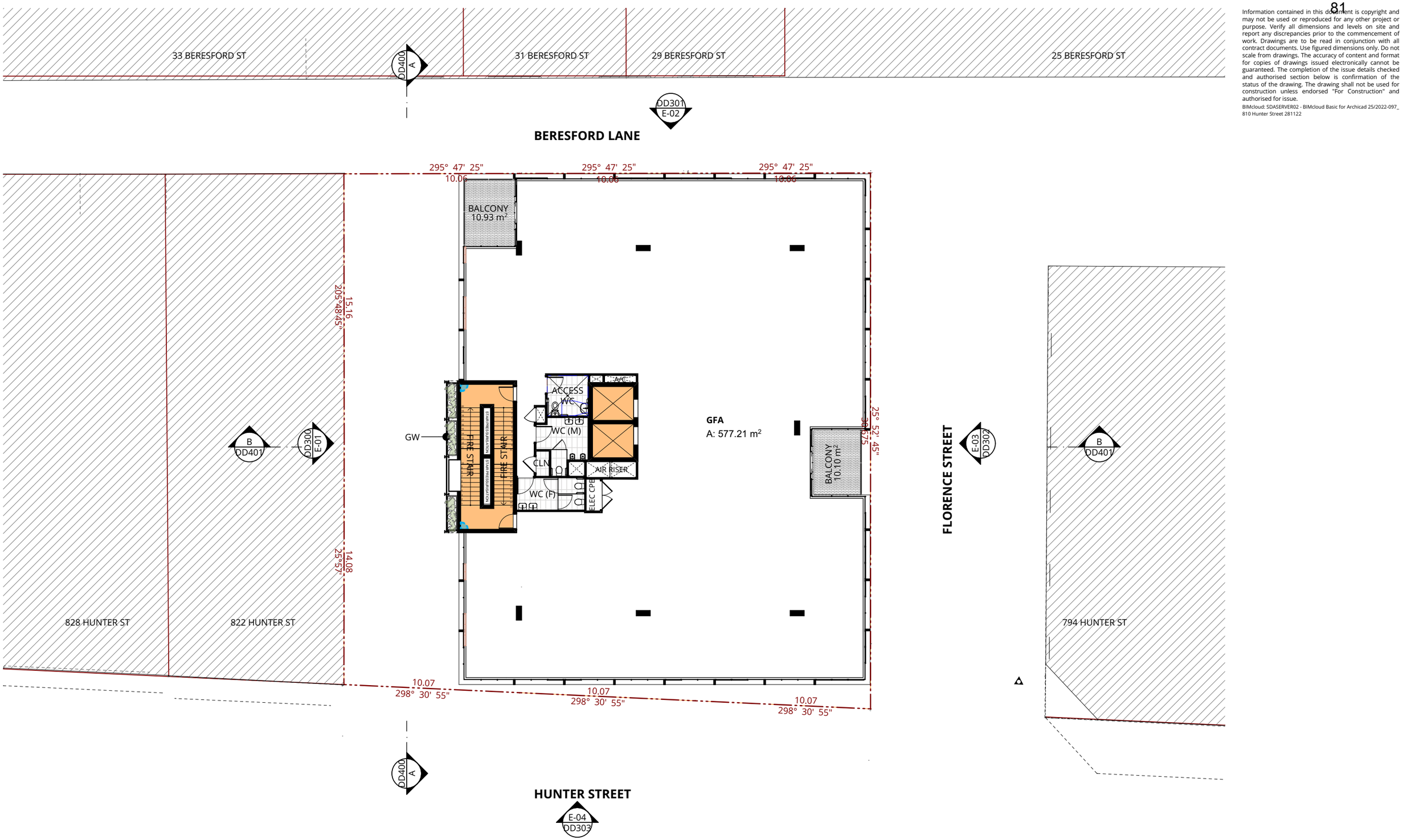

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ISSUE	DESCRIPTION	BY	CHK	DATE
E	FOR COORDINATION			24/11/2022
F	MECH UPDATES FOR COORDINATION			29/11/2022
G	Preliminary DA			2/12/2022
H	DA Issue	RM	JC	7/12/2022

PROJECT
810 HUNTER STREET

DRAWING
SIXTH FLOOR PLAN

LOCATION
810 HUNTER STREET NEWCASTLE NSW

CLIENT
Beresford Land Company

PROJECT NO.
2020-097

DRAWING NO.
DD206

ISSUE NO.
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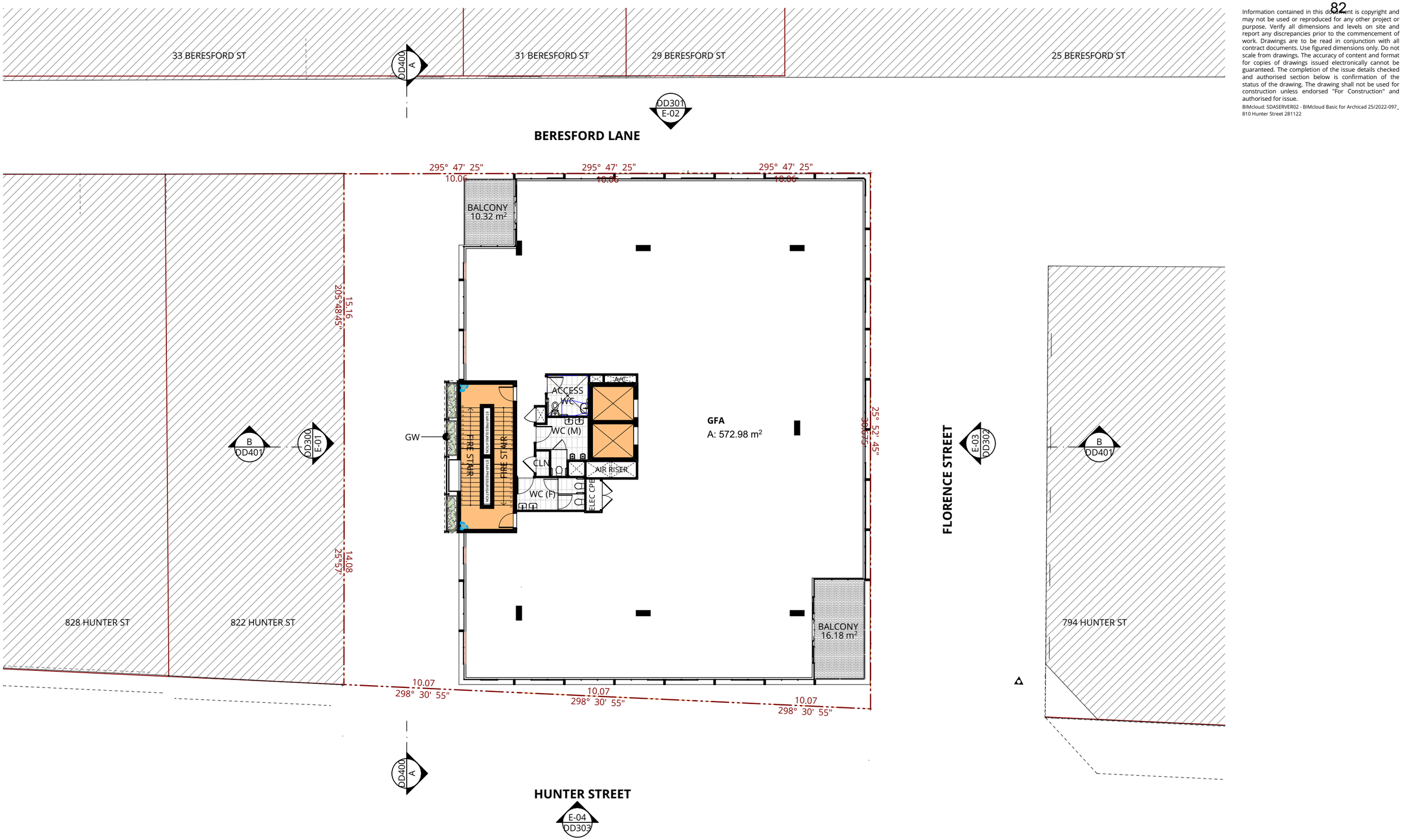

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ISSUE	DESCRIPTION	BY	CHK	DATE
E	FOR COORDINATION			24/11/2022
F	MECH UPDATES FOR COORDINATION			29/11/2022
G	Preliminary DA			2/12/2022
H	DA Issue	RM	JC	7/12/2022

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SEVENTH FLOOR PLAN

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD207

ISSUE NO.
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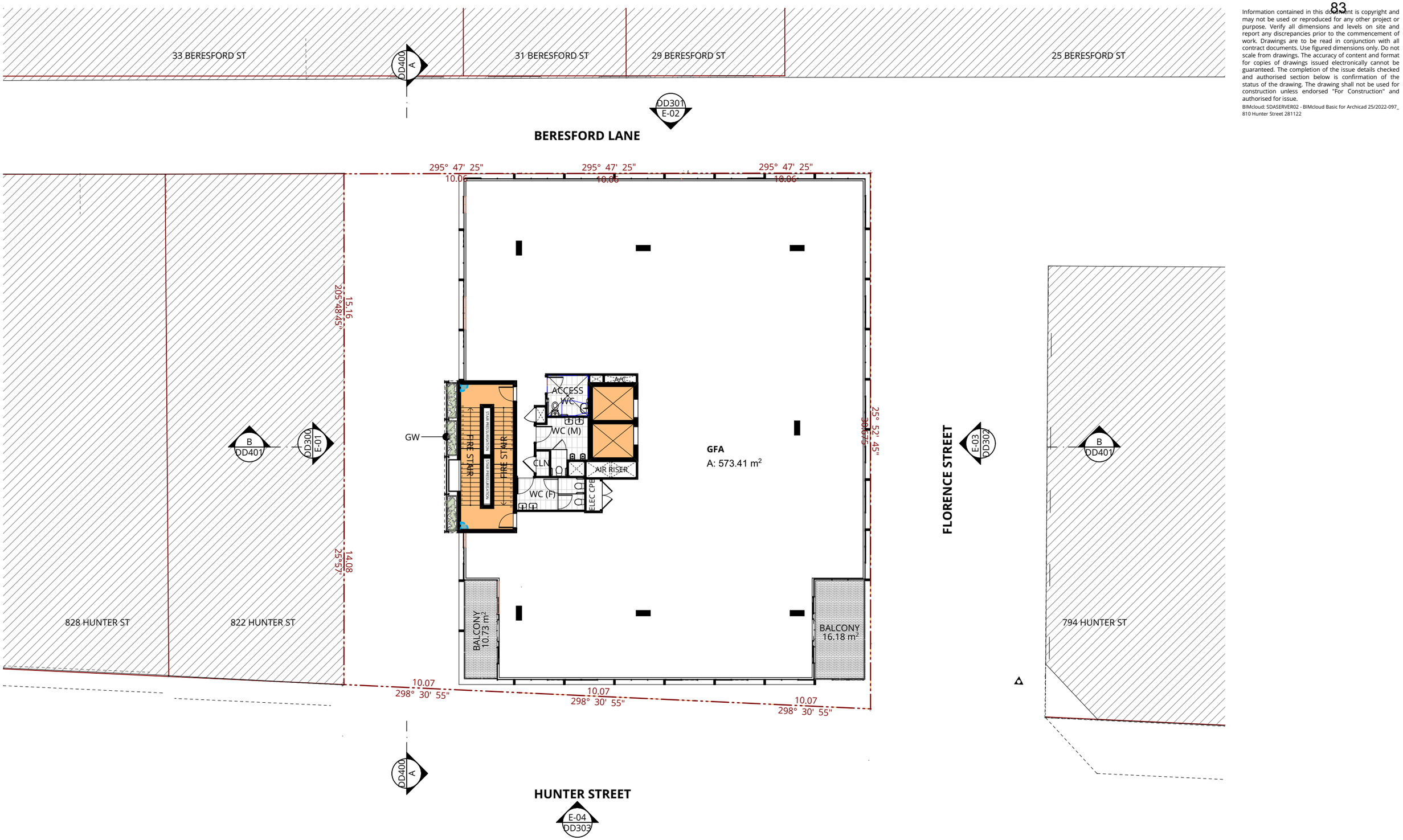

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ISSUE	DESCRIPTION	BY	CHK	DATE
E	FOR COORDINATION			24/11/2022
F	MECH UPDATES FOR COORDINATION			29/11/2022
G	Preliminary DA			2/12/2022
H	DA Issue	RM	JC	7/12/2022

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
EIGHT FLOOR PLAN

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD208

ISSUE NO.
H

SCALE
1:200@A3

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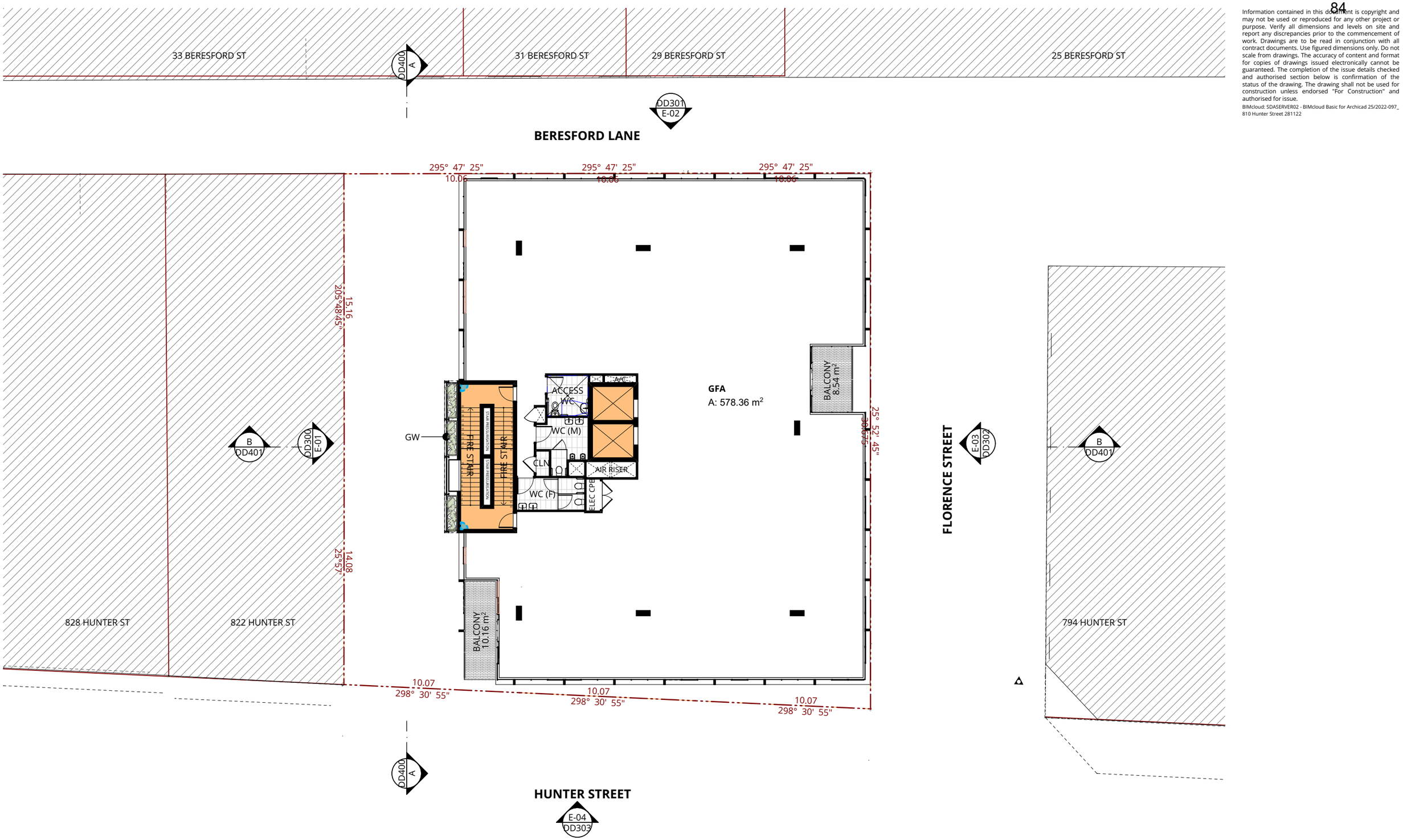
BIMcloud: SDASERVER02 - BIMcloud Basic for Archicad 25/2022-097_ 810 Hunter Street 281122



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ISSUE	DESCRIPTION	BY	CHK	DATE
E	FOR COORDINATION			24/11/2022
F	MECH UPDATES FOR COORDINATION			29/11/2022
G	Preliminary DA			2/12/2022
H	DA Issue	RM	JC	7/12/2022

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
NINTH FLOOR PLAN

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD209

ISSUE NO.
H

SCALE
1:200@A3

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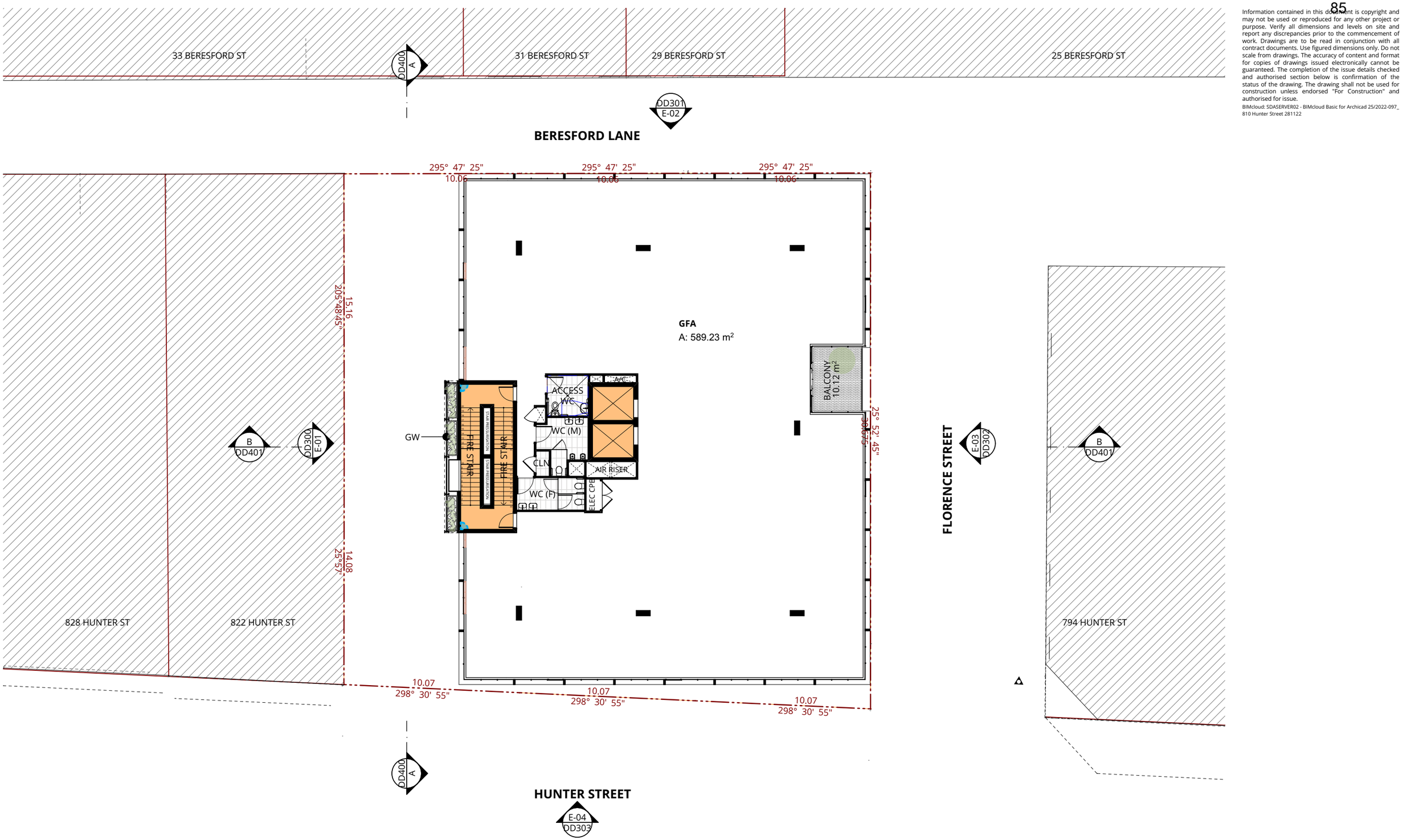

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ISSUE	DESCRIPTION	BY	CHK	DATE
F	FOR COORDINATION			24/11/2022
G	MECH UPDATES FOR COORDINATION			29/11/2022
H	Preliminary DA			2/12/2022
I	DA Issue	RM	JC	7/12/2022

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
TENTH FLOOR PLAN

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD210

ISSUE NO.
I

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1:200@A3

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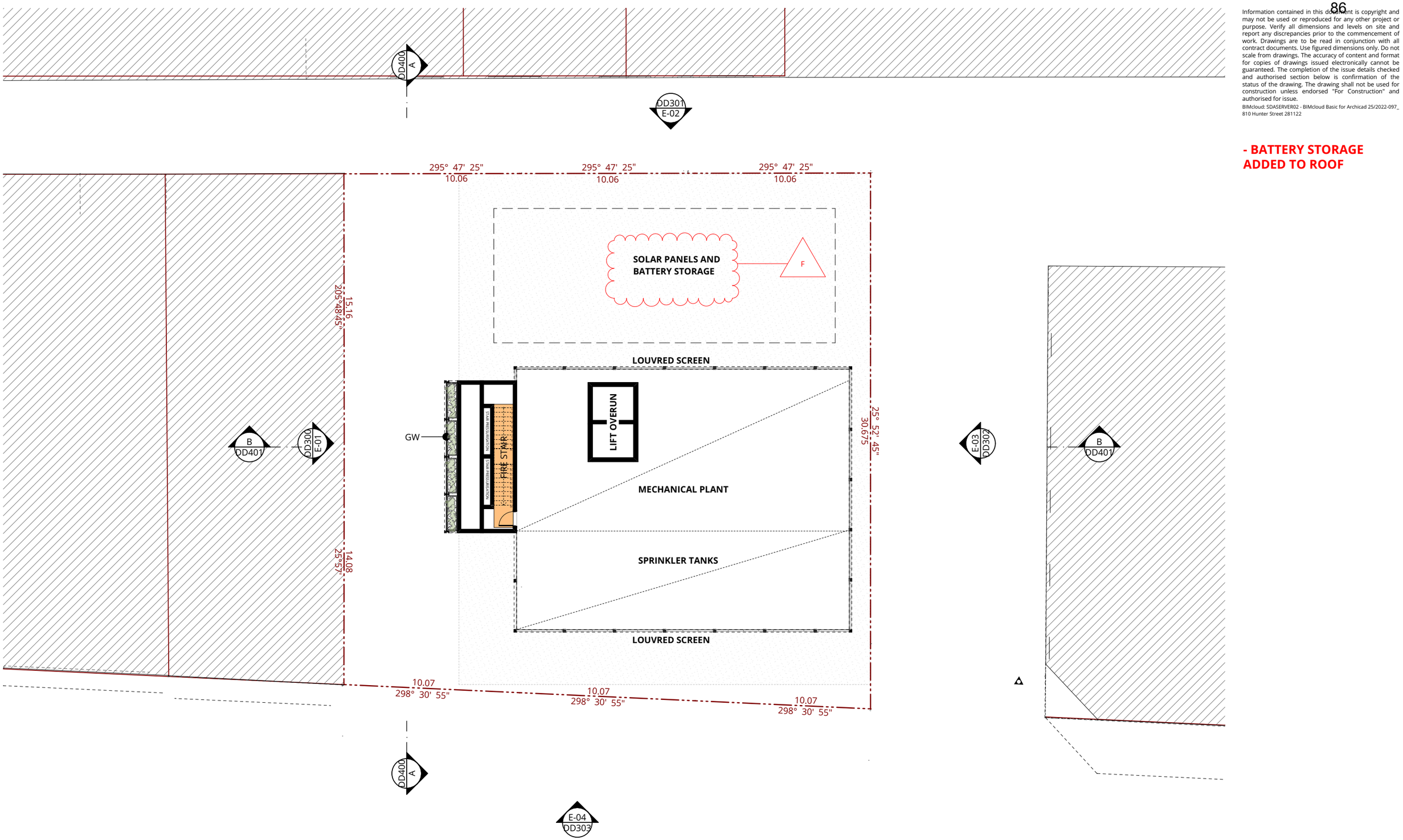
- BATTERY STORAGE ADDED TO ROOF



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ISSUE	DESCRIPTION	BY	CHK	DATE
C	Preliminary DA			2/12/2022
D	DA Issue	RM	JC	7/12/2022
E	DA Reissue	RM	JC	9/02/2023
F	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
ROOF PLAN

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD211

ISSUE NO.
F

SCALE
1:200@A3

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BIMcloud: SDASERVER02 - BIMcloud Basic for Archicad 25/2022-097_ 810 Hunter Street 281122

LEGEND

RPB	RAISED PLANTER BED
BAL	GLAZED BALUSTRADE
CLD1	CLADDING - TYPE 1
GWS	GLAZED WINDOW SYSTEM
PCON	PRECAST CONCRETE
PV	PHOTOVOLTAIC PANEL
GW	GREEN WALL
SA1	STREET AWNING

- L4 PODIUM PLANTER EXTENDED TO PROVIDE GREATER PRIVACY
- ANGLED PERGOLA COLUMNS REVISED TO BE STRAIGHT
- ROOF RL'S ADDED TO ELEVATIONS

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ISSUE	DESCRIPTION	BY	CHK	DATE
E	FOR COORDINATION			24/11/2022
F	Preliminary DA			2/12/2022
G	DA Issue	RM	JC	7/12/2022
H	DA Reissue	RM	JC	9/02/2023
I	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
ELEVATIONS - SHEET 1

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD300

ISSUE NO.
I

SCALE
1:200@A3

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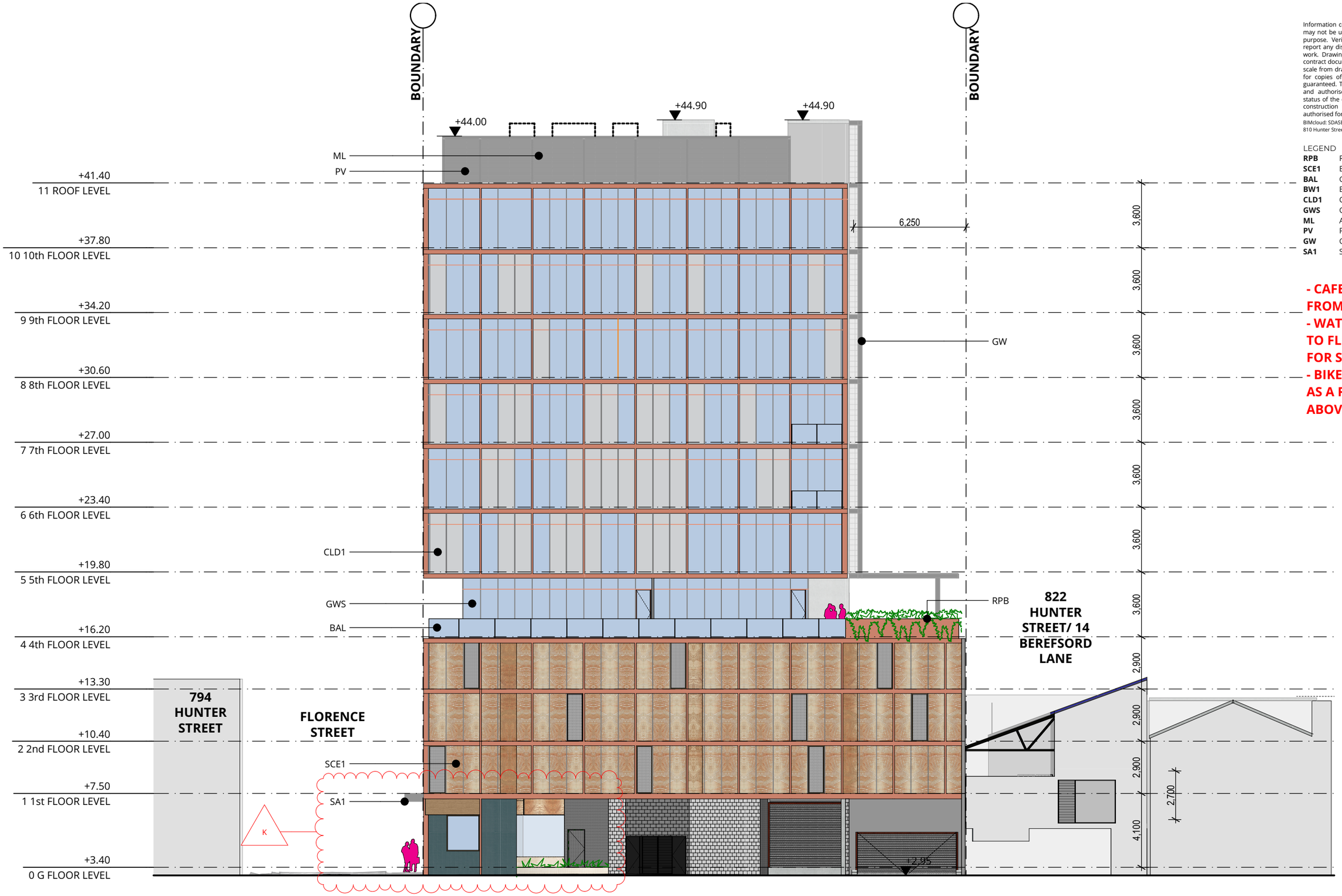
LEGEND

RPB	RAISED PLANTER BED
SCE1	EXTERNAL SCREEN
BAL	GLAZED BALUSTRADE
BW1	BLOCKWORK - TYPE 1
CLD1	CLADDING - TYPE 1
GWS	GLAZED WINDOW SYSTEM
ML	ACOUSTIC MECHANICAL LOUVRES
PV	PHOTOVOLTAIC PANEL
GW	GREEN WALL
SA1	STREET AWNING

- CAFE SERVERY REMOVED FROM FLORENCE STREET
- WATER METER MOVED TO FLORENCE STREET FOR SAFE ACCESSIBILITY
- BIKE STORE COMBINED AS A RESULT OF THE ABOVE CHANGES



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ISSUE	DESCRIPTION	BY	CHK	DATE
G	DA Issue	RM	JC	7/12/2022
H	DA Reissue	RM	JC	9/02/2023
I	DA RFI ISSUE	RM		20/04/2023
J	DA RFI ISSUE	RM		28/04/2023
K	DA RFI ISSUE	RM	JC	16/06/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
ELEVATIONS - SHEET 2

PROJECT NO.
2020-097

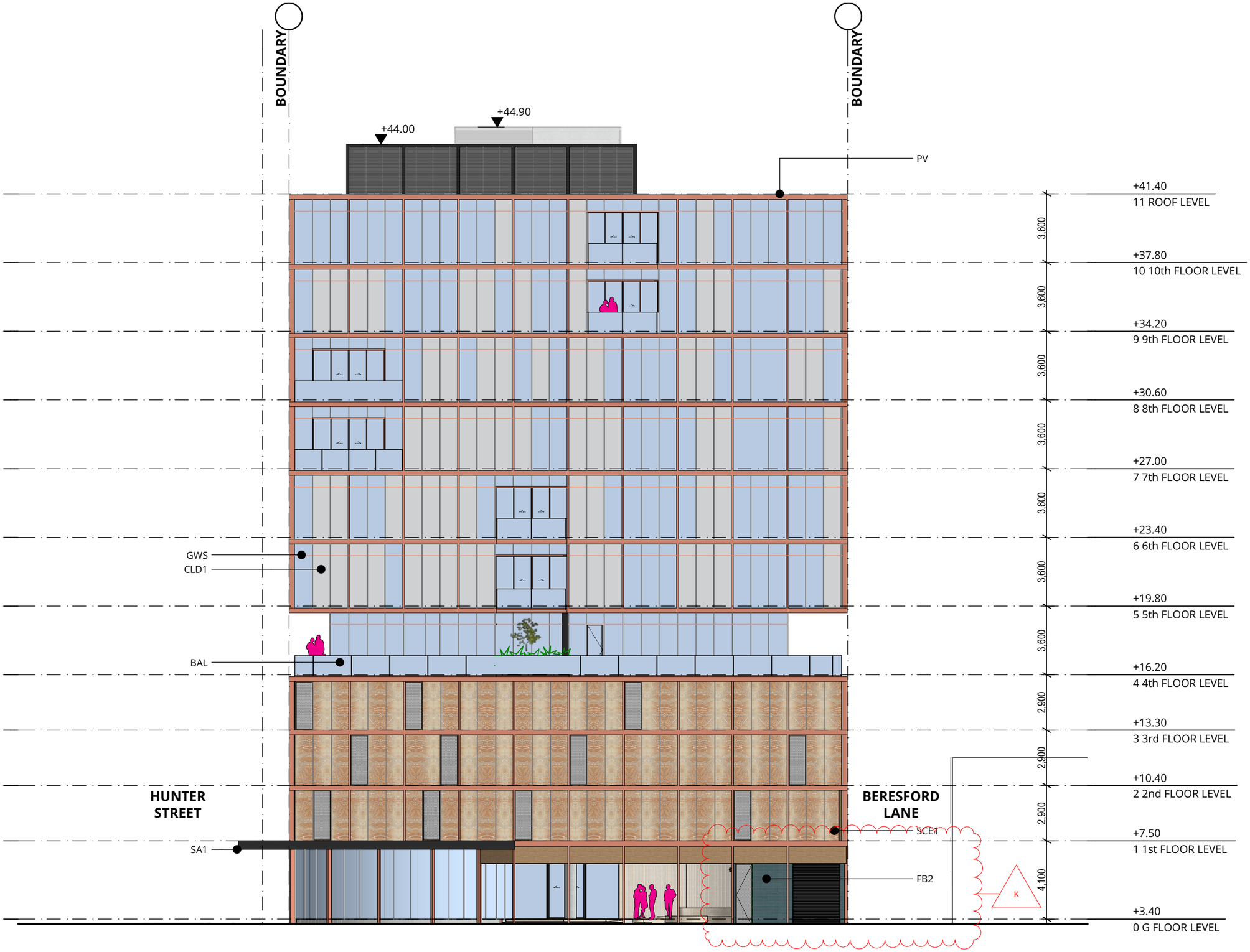
LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD301

ISSUE NO.
K

SCALE
1:200@A3

SPACE·DESIGN·ARCHITECTURE



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LEGEND

SCE1	EXTERNAL SCREEN
BAL	GLAZED BALUSTRADE
CLD1	CLADDING - TYPE 1
FB2	FEATURE TILE - TYPE 1
GWS	GLAZED WINDOW SYSTEM
PV	PHOTOVOLTAIC PANEL
SA1	STREET AWNING

- CAFE SERVERY REMOVED FROM FLORENCE STREET
- WATER METER MOVED TO FLORENCE STREET FOR SAFE ACCESSIBILITY
- BIKE STORE COMBINED AS A RESULT OF THE ABOVE CHANGES

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ISSUE	DESCRIPTION	BY	CHK	DATE
G	DA Issue	RM	JC	7/12/2022
H	DA Reissue	RM	JC	9/02/2023
I	DA RFI ISSUE	RM		20/04/2023
J	DA RFI ISSUE	RM		28/04/2023
K	DA RFI ISSUE	RM	JC	16/06/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
ELEVATIONS - SHEET 3

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD302

ISSUE NO.
K

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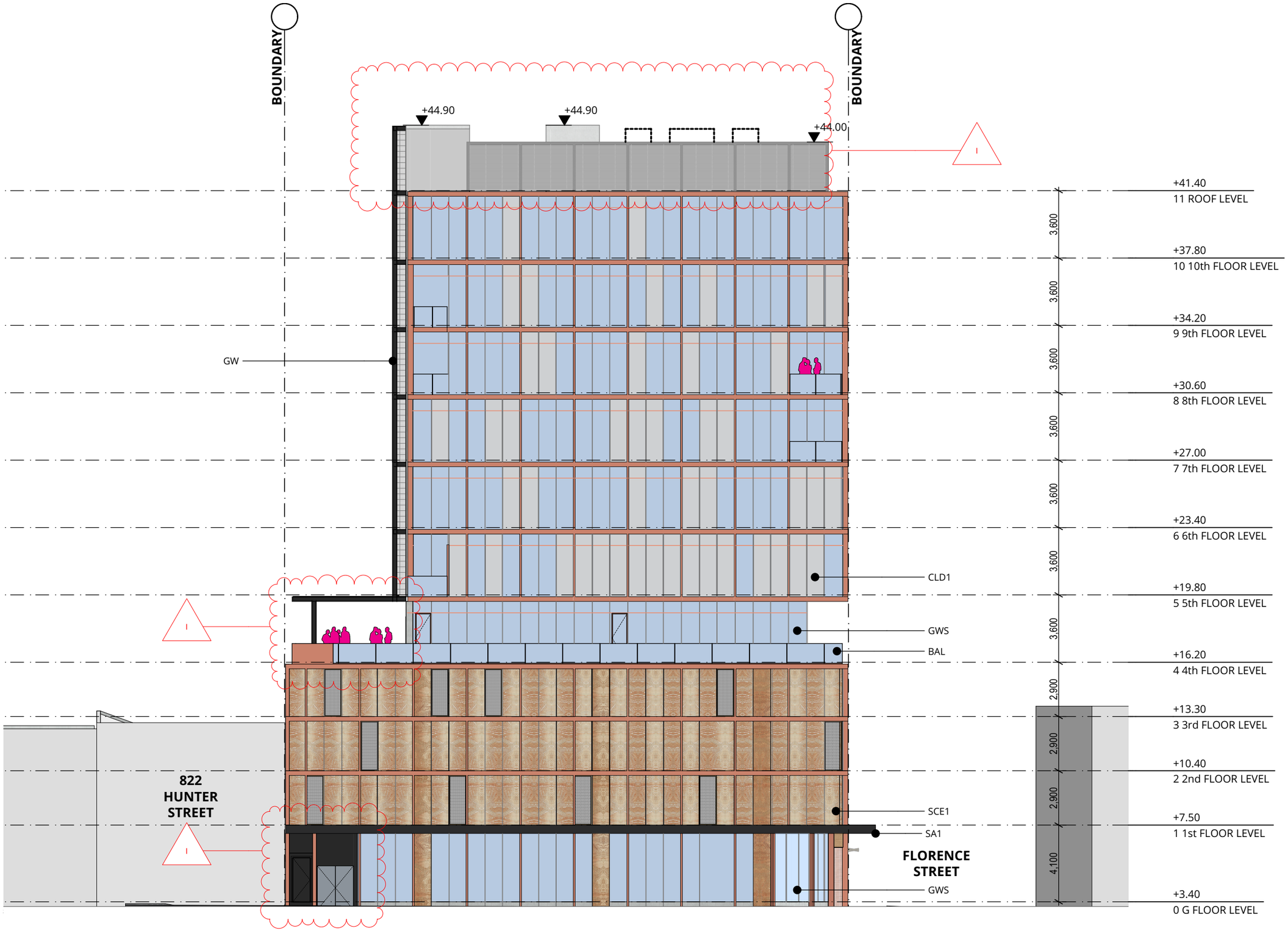
LEGEND

SCE1	EXTERNAL SCREEN
BAL	GLAZED BALUSTRADE
CLD1	CLADDING - TYPE 1
GWS	GLAZED WINDOW SYSTEM
GW	GREEN WALL
SA1	STREET AWNING

- L4 PODIUM PLANTER EXTENDED TO PROVIDE GREATER PRIVACY
- ANGLED PERGOLA COLUMNS REVISED TO BE STRAIGHT
- ROOF RL'S ADDED TO ELEVATIONS
- BOOSTER ASSEMBLY MOVED TO HUNTER STREET



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ISSUE	DESCRIPTION	BY	CHK	DATE
E	FOR COORDINATION			24/11/2022
F	Preliminary DA			2/12/2022
G	DA Issue	RM	JC	7/12/2022
H	DA Reissue	RM	JC	9/02/2023
I	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
ELEVATIONS - SHEET 4

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD303

ISSUE NO.
I

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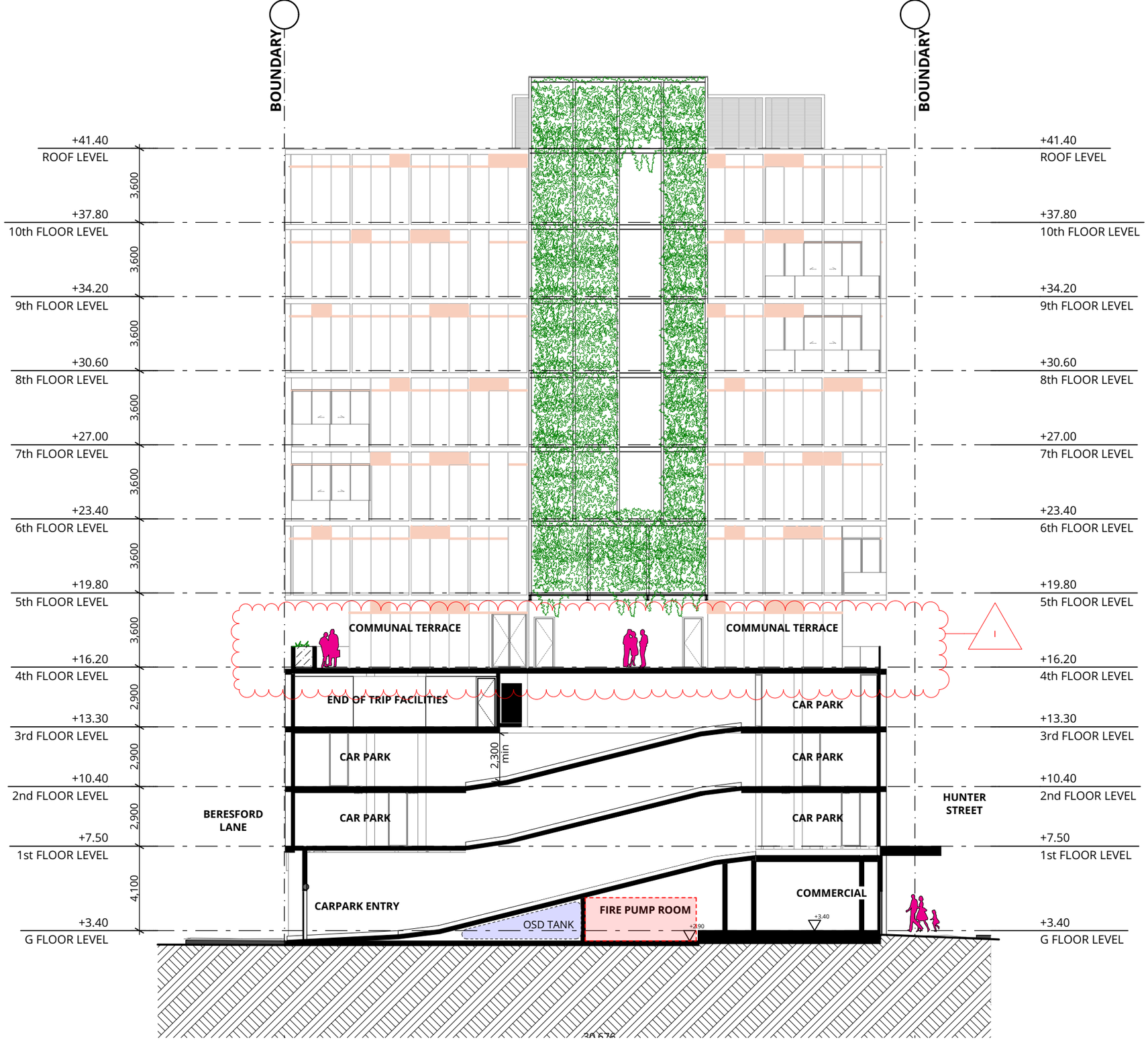
LEGEND

(e) - EXISTING

- LANDSCAPING TO COMMUNAL TERRACE REVISED



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ISSUE	DESCRIPTION	BY	CHK	DATE
E	FOR COORDINATION			24/11/2022
F	Preliminary DA			2/12/2022
G	DA Issue	RM	JC	7/12/2022
H	DA Reissue	RM	JC	9/02/2023
I	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SECTIONS - SHEET 1

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD400

ISSUE NO.
I

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- CAFE SERVERY REMOVED FROM FLORENCE STREET
- WATER METER MOVED TO FLORENCE STREET FOR SAFE ACCESSIBILITY
- BIKE STORE COMBINED AS A RESULT OF THE ABOVE CHANGES

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ISSUE	DESCRIPTION	BY	CHK	DATE
C	FOR COORDINATION			24/11/2022
D	Preliminary DA			2/12/2022
E	DA Issue	RM	JC	7/12/2022
F	DA RFI ISSUE	RM		20/04/2023
G	DA RFI ISSUE	RM	JC	16/06/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SECTIONS - SHEET 2

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD401

ISSUE NO.
G

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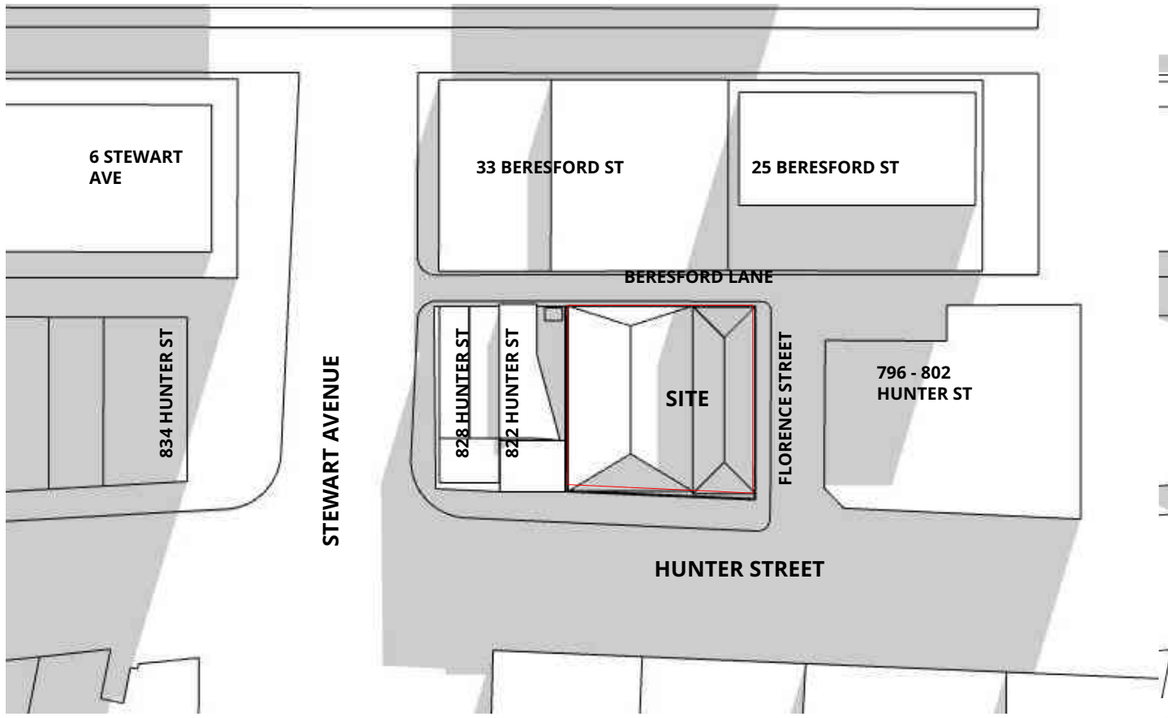
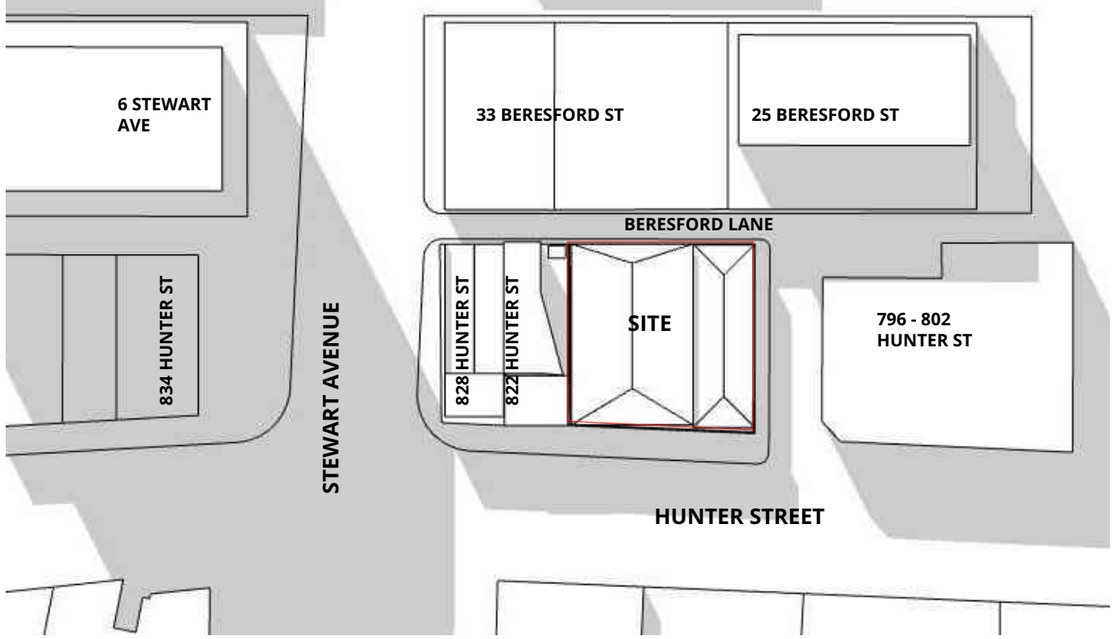
LEGEND

(e) - EXISTING



9am 21 June Existing

3pm 21 June Existing



12pm 21 June Existing

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ISSUE	DESCRIPTION	BY	CHK	DATE
A	FOR COORDINATION	RM	JC	28/10/2022
B	FOR COORDINATION	RM	JC	2/11/2022
C	FOR COORDINATION	RM	JC	11/11/2022
D	Preliminary DA			2/12/2022
E	DA Issue	RM	JC	7/12/2022

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SHADOW DIAGRAMS - SHEET 1

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD500

ISSUE NO.
E

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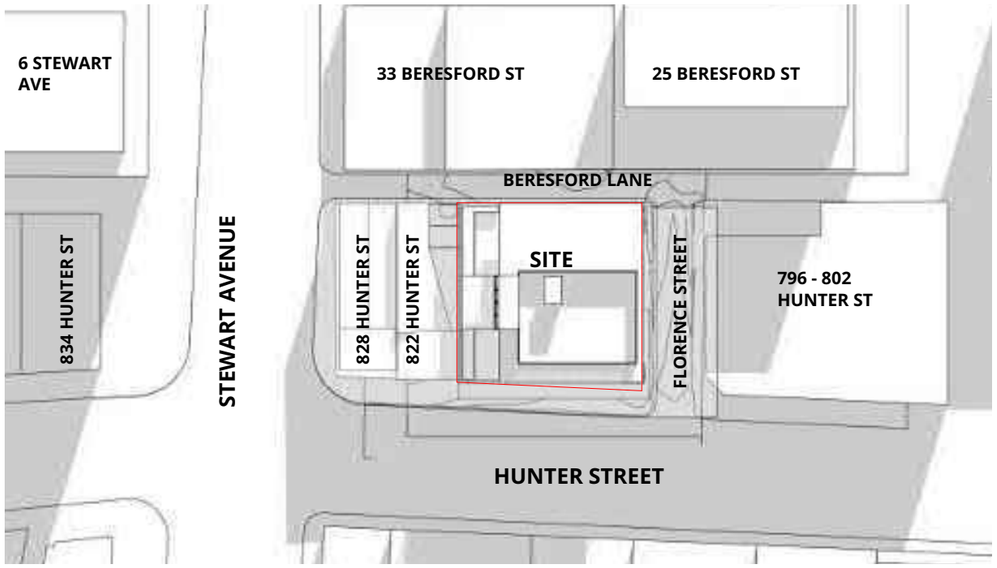
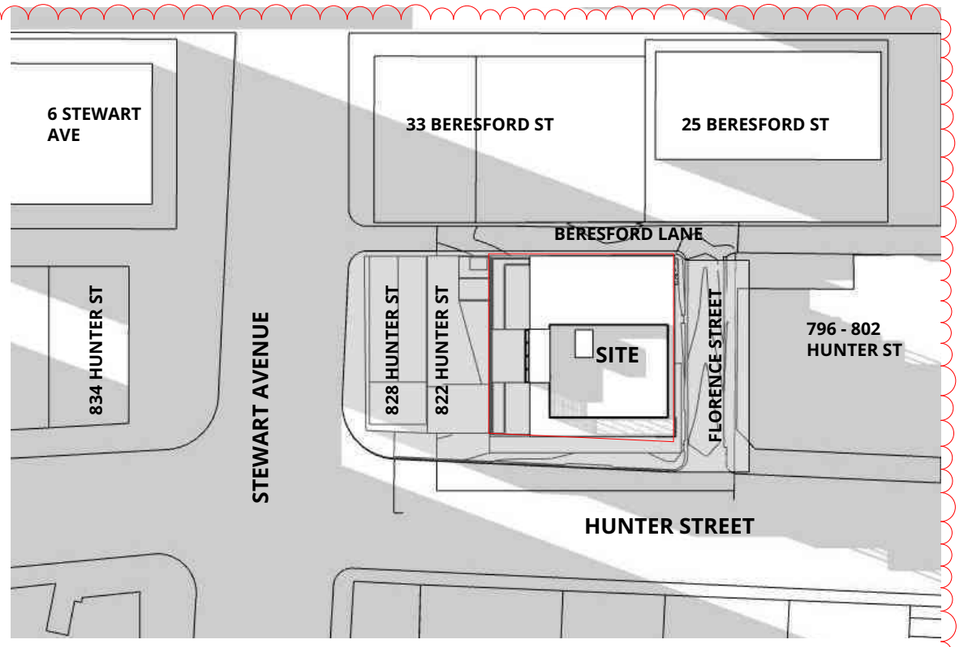
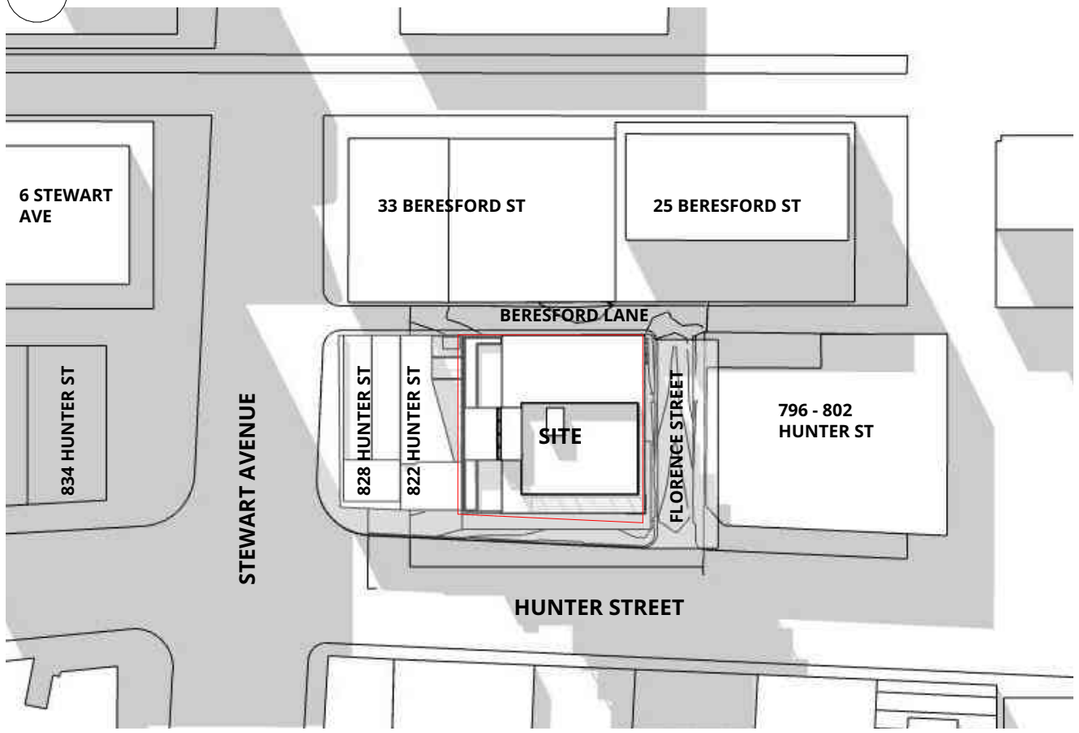
- L4 PODIUM PLANTER EXTENDED TO PROVIDE GREATER PRIVACY



9am 21 June Proposed



3pm 21 June Proposed



12pm 21 June Proposed

G

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ISSUE	DESCRIPTION	BY	CHK	DATE
C	FOR COORDINATION	RM	JC	11/11/2022
D	Preliminary DA			2/12/2022
E	DA Issue	RM	JC	7/12/2022
F	DA Reissue	RM	JC	9/02/2023
G	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SHADOW DIAGRAMS - SHEET 2

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD501

ISSUE NO.
G

SCALE
@A3

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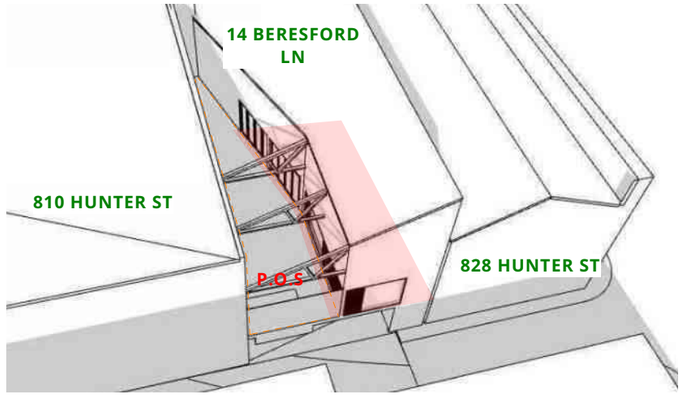

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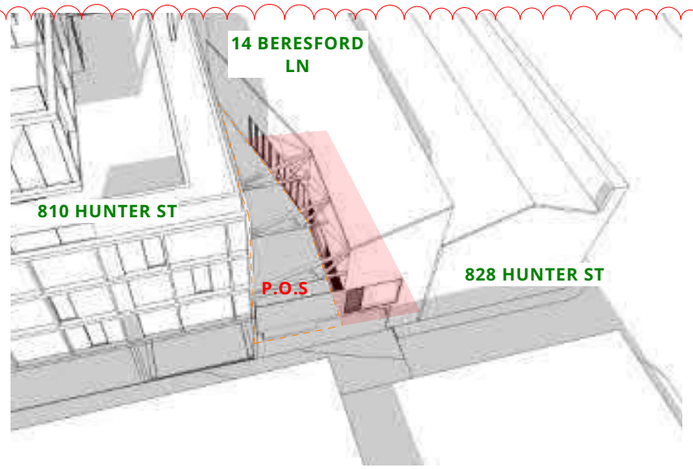
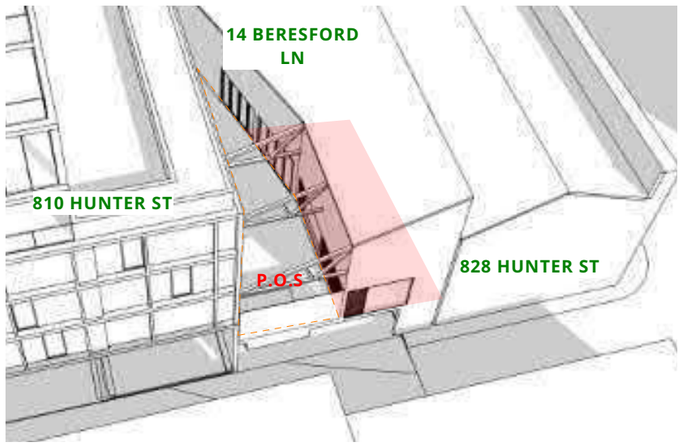
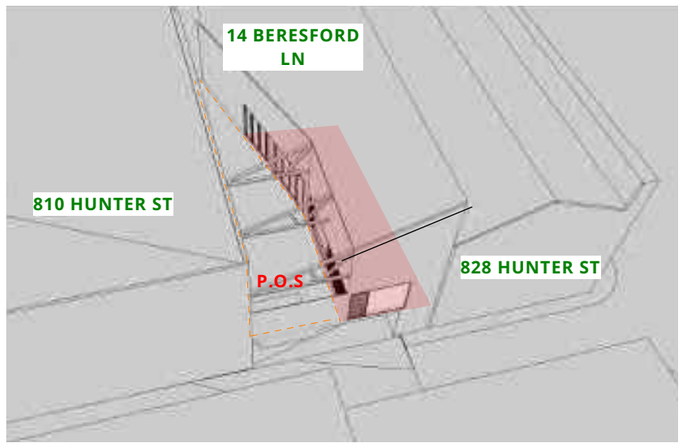


9AM, 21st JUNE - PROPOSED

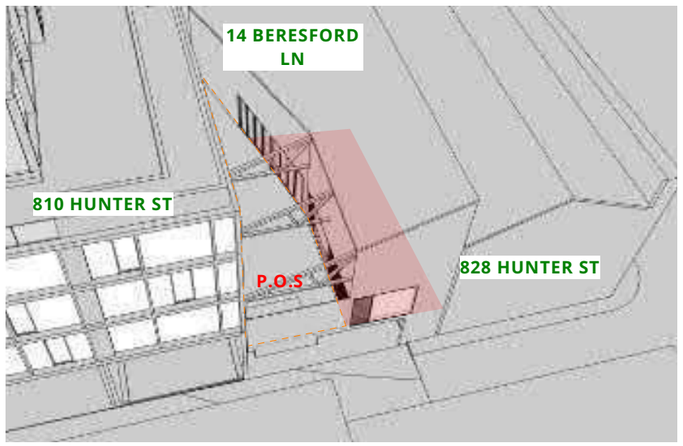
12PM, 21st JUNE - EXISTING



12PM, 21st JUNE - PROPOSED



3PM, 21st JUNE - EXISTING



3PM, 21st JUNE - PROPOSED

OPEN-PLAN LIVING SPACE

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BIMcloud: SDASERVER02 - BIMcloud Basic for Archicad 25/2022-097_ 810 Hunter Street 281122

NOTE: 822 HUNTER ST/14 BERESFORD STREET MODELLED APPROXIMATELY ONLY BASED ON AVAILABLE INFORMATION

- L4 PODIUM PLANTER EXTENDED TO PROVIDE GREATER PRIVACY

F

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ISSUE	DESCRIPTION	BY	CHK	DATE
B	FOR COORDINATION	RM	JC	2/11/2022
C	FOR COORDINATION	RM	JC	11/11/2022
D	Preliminary DA			2/12/2022
E	DA Issue	RM	JC	7/12/2022
F	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SHADOW DIAGRAMS - SHEET 3

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD502

ISSUE NO.
F

SCALE
@A3

SDA
SPACE·DESIGN·ARCHITECTURE

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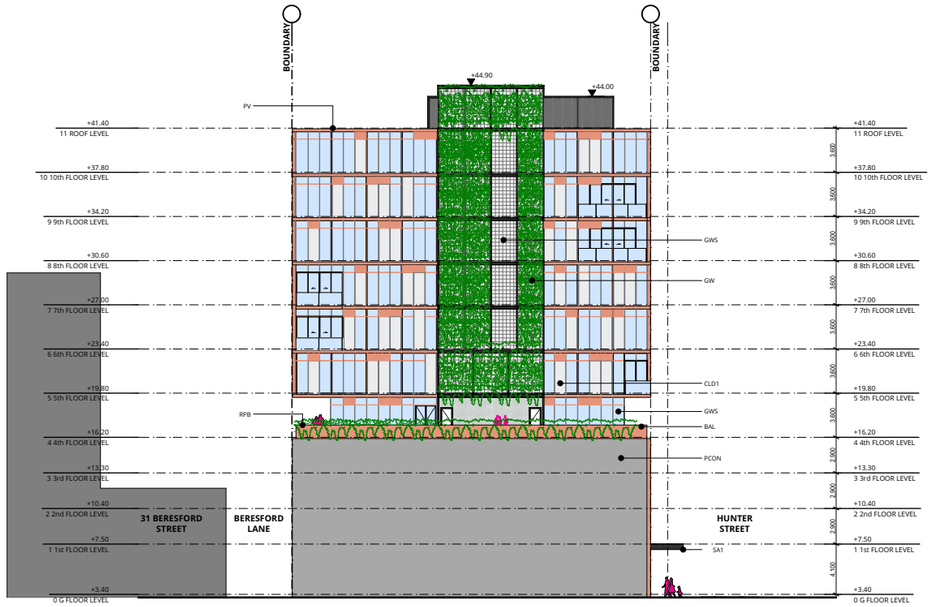
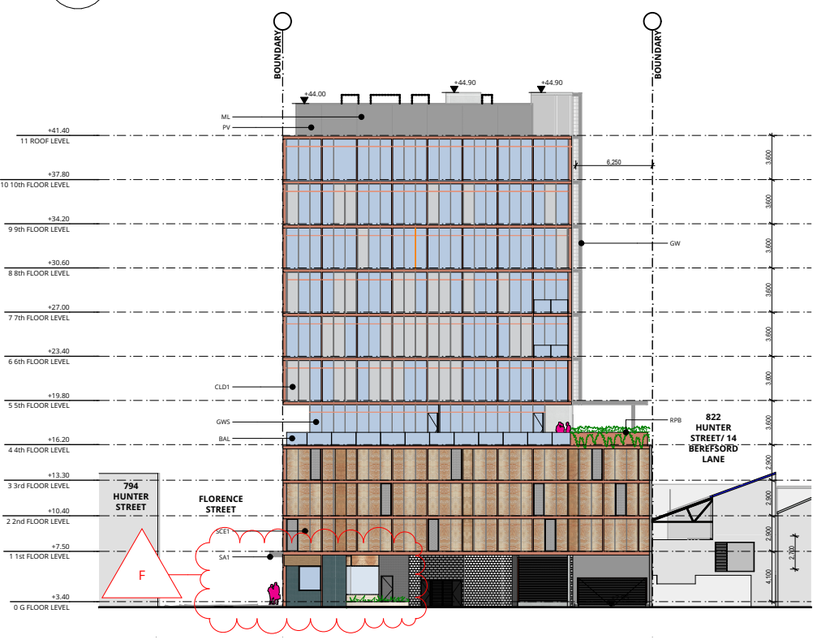
BIMcloud: SDASERVER02 - BIMcloud Basic for Archicad 25/2022-097_ 810 Hunter Street 281122

- CAFE SERVERY REMOVED FROM FLORENCE STREET
- WATER METER MOVED TO FLORENCE STREET FOR SAFE ACCESSIBILITY
- BIKE STORE COMBINED AS A RESULT OF THE ABOVE CHANGES



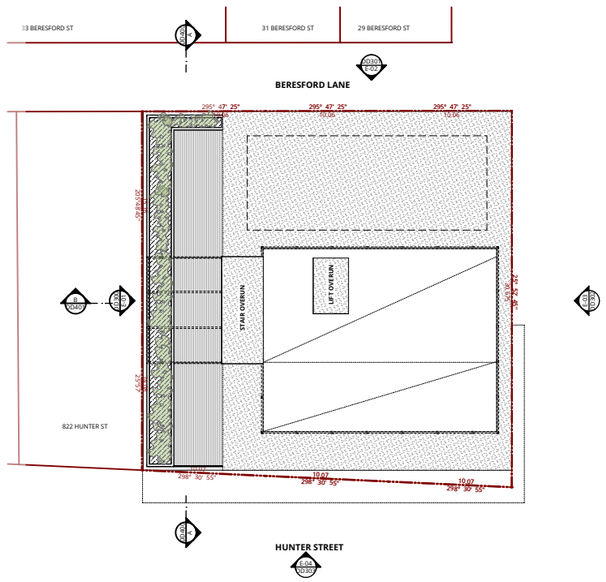
WEST ELEVATION

EAST ELEVATION (FLORENCE ST)



NORTH ELEVATION (BERESFORD LANE)

SOUTH ELEVATION (HUNTER ST)



ROOF LEVEL- SITE PLAN

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ISSUE	DESCRIPTION	BY	CHK	DATE
B	DA Issue	RM	JC	7/12/2022
C	DA Reissue	RM	JC	9/02/2023
D	DA RFI ISSUE	RM		20/04/2023
E	DA RFI ISSUE	RM		28/04/2023
F	DA RFI ISSUE	RM	JC	16/06/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
NOTIFICATION PLAN

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD600

ISSUE NO.
F

SCALE
1:200, 1:500 @A3

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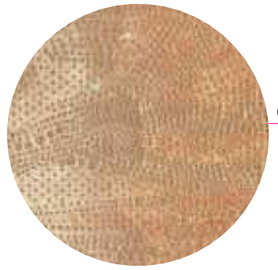
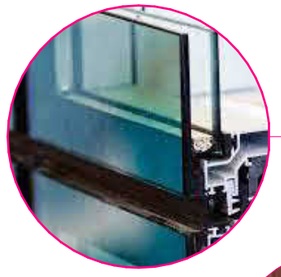
- L4 PODIUM PLANTER EXTENDED TO PROVIDE GREATER PRIVACY
- ANGLED PERGOLA COLUMNS NOW STRAIGHT

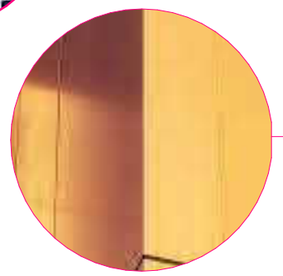


CLADDING PANEL

GREEN WALL



HIGH PERFORMANCE GLAZING



PAINTED CONCRETE

PERFORATED CLADDING PANEL

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ISSUE	DESCRIPTION	BY	CHK	DATE
01	FOR COORDINATION	RM	JC	11/11/2022
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D	DA Reissue	RM	JC	9/02/2023
E	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
MATERIALS | FINISHES BOARD

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

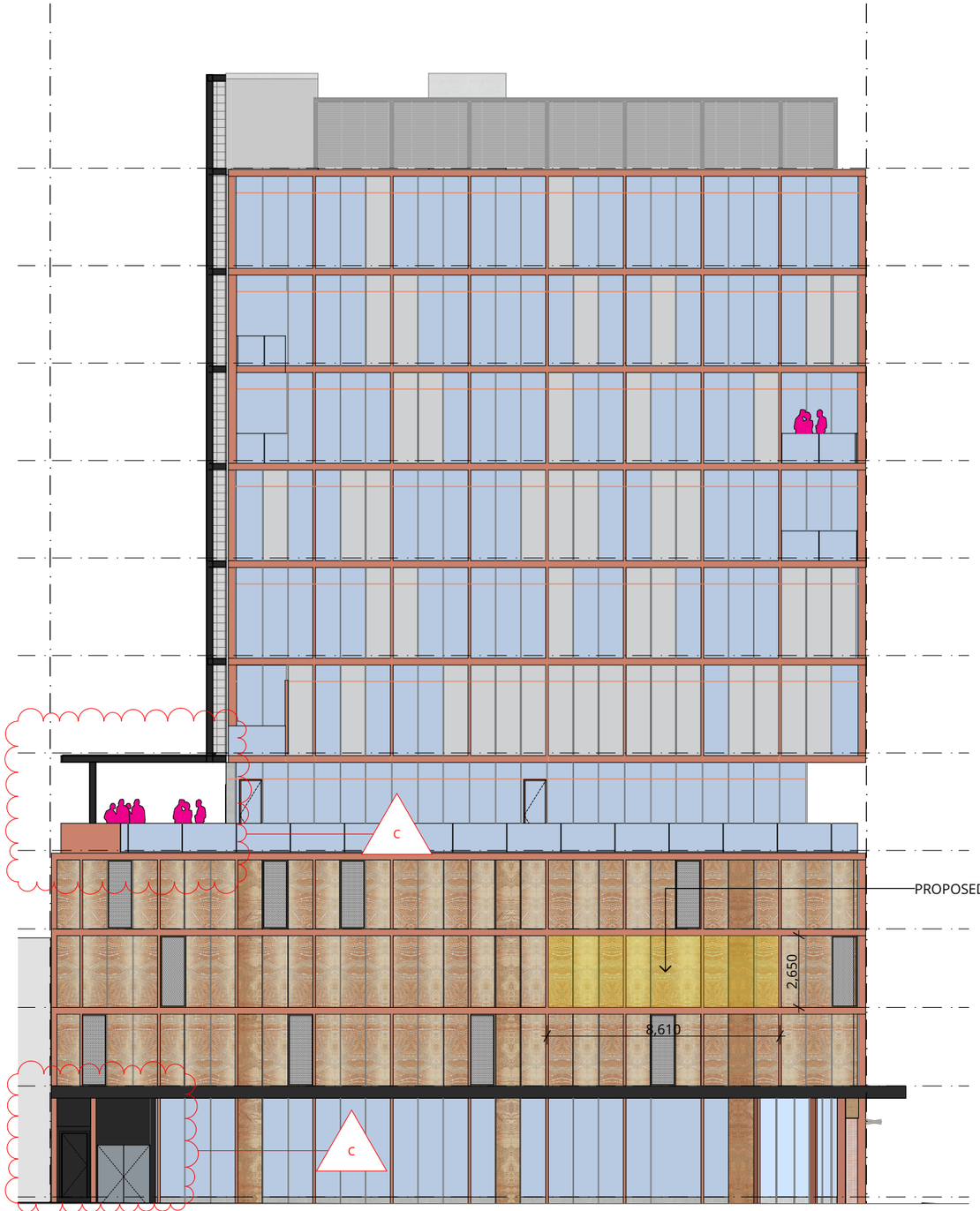
DRAWING NO.
DD700

ISSUE NO.
E

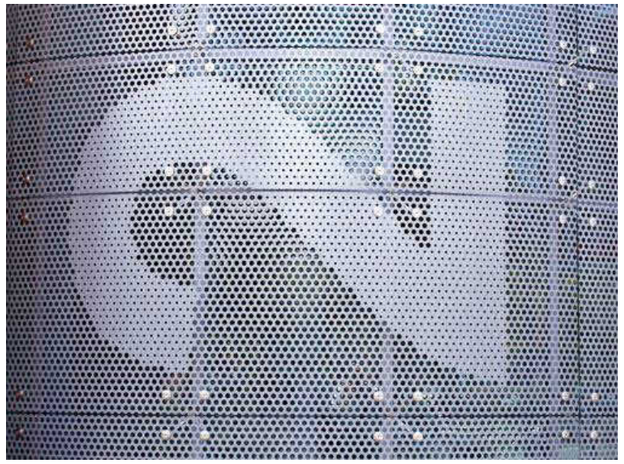
SCALE
@A3

SPACE·DESIGN·ARCHITECTURE

SIGNAGE LOCATIONS



HUNTER STREET ELEVATION



SIGNAGE TO MATCH THE MATERIAL OF FEATURE SCREENS

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- L4 PODIUM PLANTER EXTENDED TO PROVIDE GREATER PRIVACY
- ANGLED PERGOLA COLUMNS NOW STRAIGHT
- BOOSTER ASSEMBLY MOVED TO HUNTER STREET

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ISSUE	DESCRIPTION	BY	CHK	DATE
A	DA Issue	RM	JC	7/12/2022
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C	DA RFI ISSUE	RM		20/04/2023

PROJECT
810 HUNTER STREET

CLIENT
Beresford Land Company

DRAWING
SIGNAGE LOCATIONS

PROJECT NO.
2020-097

LOCATION
810 HUNTER STREET NEWCASTLE NSW

DRAWING NO.
DD701

ISSUE NO.
C

SCALE
1:200@A3

SPACE·DESIGN·ARCHITECTURE

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DRAFT SCHEDULE OF CONDITIONS

Application number	DA2022/01424
Land	Lot 10 Sec B DP 976801 Lot 11 Sec B DP 976801 Lot 12 Sec B DP 976801
Property	810 Hunter Street Newcastle West
Description of development	Demolition of existing commercial building and construction of an eleven storey commercial development

Reasons for approval

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; Newcastle Local Environmental Plan 2012 (NLEP) and applicable State environmental planning policies.
- The proposed is acceptable in relation to the objection under Clause 4.6 Exceptions to Development Standards of the NLEP 2012, against the development standard at Clause 7.10A Floor space ratio for certain other development and considers the objection to be justified in the circumstances consistent with the objectives of Clause 4.4 and Clause 7.10A and the objectives of the Zone B3 Commercial Core under NLEP 2012.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.

Terms and Reasons for Conditions

GENERAL CONDITIONS

Condition

1. **Approved plans and documentation**

The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Approved plans				
Drawing number	**Issue number**	**Plan title**	**Drawn by**	**Date of plan**
DD100	G	Roof Level -Site Plan	Space Design Architecture	20/04/2023
DD101	E	Demolition site plan	Space Design Architecture	07/12/2022
DD200	O	Ground Floor Plan	Space Design Architecture	16/06/2023
DD201	I	First Floor Plan	Space Design Architecture	20/04/2023
DD202	I	Second Floor Plan	Space Design Architecture	20/04/2023
DD203	I	Third Floor Plan	Space Design Architecture	20/04/2023
DD204	K	Fourth Floor Plan	Space Design Architecture	20/04/2023
DD205	J	Fifth Floor Plan	Space Design Architecture	20/04/2023
DD206	H	Sixth Floor Plan	Space Design Architecture	07/12/2022
DD207	H	Seventh Floor Plan	Space Design Architecture	07/12/2022
DD208	H	Eight Floor Plan	Space Design Architecture	07/12/2022
DD209	H	Ninth Floor Plan	Space Design Architecture	07/12/2022
DD210	I	Tenth Floor Plan	Space Design Architecture	07/12/2022
DD211	F	Roof Plan	Space Design Architecture	20/04/2023
DD300	I	Elevation - Sheet 1	Space Design Architecture	20/04/2023
DD301	K	Elevation - Sheet 2	Space Design Architecture	16/06/2023
DD302	K	Elevation - Sheet 3	Space Design Architecture	16/06/2023
DD303	I	Elevation - Sheet 4	Space Design Architecture	20/04/2023
DD400	I	Sections - Sheet 1	Space Design Architecture	20/04/2023
DD401	G	Sections - Sheet 2	Space Design Architecture	16/06/2023
DD700	E	Material Finishes Board	Space Design Architecture	20/04/2023
DD701	C	Signage Location	Space Design Architecture	20/04/2023
C-0200	B	Stormwater Management and Levels Plan Ground Level	BG&E	27/04/2023
C-0204	B	Stormwater Management Level 4	BG&E	27/04/2023
C-0355	B	OSD Tank Plan	BG&E	27/07/203
C-0700	B	Erosion and Sediment Control Plan	BG&E	27/04/2023

Approved documents			
Document title	**Version number**	**Prepared by**	**Date of document**
Site Waste Minimisation and Management Plan	-	DeWitt Consulting Town Planning	15/02/2023
Detailed Contamination Assessment	-	JM Environments - James McMahon	23/08/2023
Green Travel Plan	VER02	SECA Solution Pty Ltd - C.Thomas	07/12/2022
Landscaping Plans	Revision C	Moir Landscape Architecture	05/12/2022
Traffic Impact Statement	-	SECA Solution Pty Ltd – Sean Morgan	30/11/2022
Statement of Heritage Impact	-	Contemporary Heritage - Jason Penhall	November 2022
Due Diligence Aboriginal Archaeological Assessment	-	Archaeological Management & Consulting Group - Benjamin Streat	08/12/2022

In the event of any inconsistency between the approved plans and conditions, the conditions prevail.

Indent In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

Condition reason: to ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. **Development contributions - 7.12 general**

In accordance with the Newcastle City Council Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of **$372,593.67** shall be paid to the Newcastle City Council for the purposes of the provision, extension or augmentation of transport and social infrastructure.

(a) If the contribution is not paid within the financial quarter that this consent is granted, the contribution payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment.

(b) Subject to prevailing Ministerial Directions, the monetary contribution shall be paid to Newcastle City Council
   (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
   (ii) prior to the issue of the first Construction Certificate where the development is for building work.
   (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
   (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

Condition reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

3. Construction Management Plan

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building, a Construction Management Plan (CMP) must be prepared to manage all environmental aspects associated with the construction works, including off site impacts such as transport to and from the site. The CMP is to include but not be limited to:

a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
b) A contaminated management strategy which addressed the handling and disposal of potential asbestos material during intrusive earthworks onsite to protect human health and the environment.
c) A soil and water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water and groundwater. Procedures should be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
d) A dust management strategy incorporating the recommendations as set out in the Air Quality Assessment prepared by Northstar dated 4 August 2021, detailing procedures to minimise dust generation, with reference to control techniques and operational limits under adverse meteorological conditions.
e) A waste minimisation strategy that aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
f) A community relations plan that aims to inform residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.
g) A noise management strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality, in accordance with Department of Environment and Climate Change Interim Construction Noise Guideline. Noise monitoring during the construction phase should be incorporated into the program.

The CMP must be submitted to the satisfaction of the Principal Certifying Authority and form part of the documentation for the first Construction Certificate (whether for all or part of the building).

Condition reason: To enable construction

4. **Disabled access details**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building), the building must be designed to be provided with access for

persons with disabilities, to the extent necessary to comply with the Commonwealth's *Disability (Access to Premises - Buildings) Standards 2010*. Full details are to be included in the documentation the first Construction Certificate for the development (i.e., whether for part or whole of a building).

Condition reason: to satisfy access standards for the disabled.

5. **Car parking requirements**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building) on-site parking accommodation is to be provided for a minimum of 54 vehicles and such be set out generally in accordance with the minimum parking layout standards indicated in Section 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Two of the parking spaces on the first floor are to be converted into loading bays for small vehicle delivery/servicing. Both bays are to be line marked as "Loading Bay". Full details are to be included in the documentation the first Construction Certificate for the development (i.e., whether for part or whole of a building).

Condition reason: to meet on-site car parking numbers and design standards.

6. **Car park design**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building) the car parking and vehicular access is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in the documentation the first Construction Certificate for the development (i.e., whether for part or whole of a building).

Condition reason: to satisfy car parking and vehicular access standards for vehicles.

7. **Loading and unloading**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building), a loading bay must be designed, with capacity to accommodate the largest delivery vehicles likely to deliver goods to or from the premises and is to be provided in a position adjacent to the proposed roller shutter. The loading bay is not to cause obstruction to the vehicular access driveway or parking area. Full details are to be included in the documentation the first Construction Certificate for the development (i.e., whether for part or whole of a building).

Condition reason: to enable safe loading and unloading on-site and permit unobstructed vehicular access to the loading bay.

8. **Driveways basecourse**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building) all proposed driveways, parking bays, loading bays and vehicular turning areas are to be designed and constructed with a basecourse of a depth to suit design traffic and be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers. Full details to be included in the documentation the first Construction Certificate for the

development (i.e., whether for part or whole of a building).

Condition reason: to set appropriate design standards for vehicle use on-site.

9. **Landscape protection - driveways and parking bays**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building) either kerbing or a dwarf wall having a minimum height of 100mm must be designed along the edge of all garden or lawn areas adjacent to driveways and parking bays, sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in the documentation the first Construction Certificate for the development (i.e., whether for part or whole of a building).

Condition reason: to protect landscaping from vehicle damage.

10. **Electric vehicle circuitry and electric vehicle charging point requirements**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building) a detailed electrical plan and specifications for all off-street car parking must be prepared by a suitably qualified and experienced person (such as an electrical engineer), demonstrating the following:

a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a 'Level 2' electric vehicle charger point. The construction certificate plans are to:

   i) Identify the power capacity to each car parking space.

   ii) Identify the EV Distribution Board and EV Load Management System on each level of parking. Locate EV Distribution Board(s) so that no future EV Ready connection will require a cable of more than 50 metres from the parking bay to connect.

   iii) Identify the conduit system to allow each car space to install an electric vehicle charger point - such as cable trays and/or buried cables underground. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem).

Note: The installation of a charging point is not required by this clause (a).

b) A minimum of one 'Level 2' electric charger must be provided and 'Level 2' electric chargers must be provided to not less than 5% of all car parking spaces. The location of all electric vehicle chargers must be shown on the construction certificate plans.

c) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) and (b) prior to the issue of the construction certificate.

Note: The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are:

   i) Privately available spaces: 'Level 2' slow - single phase 7kW power; and
   ii) Public spaces: 'level 2' fast - three-phase 11-22kW power.

Full details are to be included in the documentation the first Construction Certificate for the

development (i.e., whether for part or whole of a building).

Condition reason: to ensure that an acceptable standard of development is provided in relation to electric vehicle parking and charging.

11. **Roads Act Approval**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building), a separate application is to be lodged and consent obtained from Newcastle City Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*. The consent is to be obtained, or other satisfactory arrangements confirmed in writing from the Newcastle City Council.

Condition reason: to ensure compliance with the *Roads Act 1993*.

12. **Public domain works required**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building), the following works must be designed within the Hunter Street, Florence Street and Beresford Lane public road reserve, in accordance with Council's guidelines and design specifications:

a) Upgrade Beresford Lane from Hunter Street to Florence Street including:
   i. Reconstruction of laneway pavement to CN standards
   ii. Construction of new concrete dishdrain to direct surface water towards existing kerb inlet pit on Stewart Avenue. Survey identification of existing services in laneway is to be carried out and the dishdrain location is to be based on having the least impact on existing services. It is preferred to have the dishdrain offset approximately one third from the side of the laneway.
   iii. New 375mm RRJ RCP pipe extending from existing surface inlet pit at intersection of Beresford Lane and Florence Street to kerb inlet pit at intersection of Beresford Lane and Stewart Avenue.
   iv. Installation of V-grate pits in concrete dishdrain, connecting to underground 375mm pipe.
   v. Painting of 2 one-way arrows as well as a "No Stopping" edge line along the laneway.
b) Reconstruction of concrete kerb and gutter and footpath pavement along Florence Street for the full site frontage.
c) Replacement of kerb ang gutter and installation of bluestone pavers along Hunter Street extending from Florence Street to Stewart Avenue.
d) Construction of a raised continuous footpath across Florence Street for pedestrians walking along Hunter Street. The layback on the Hunter Street side of the continuous footpath is to be aligned with the existing kerb along Hunter Street. For cyclist safety, no bullnose is to be included on the layback.
e) Installation of two Zelkova serrata 'Musashino' 150 litre street trees on the Hunter Street site frontage. The awning is to be set back to allow for future tree growth.

Engineering design plans and specifications for the works being undertaken within the public

road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to Council for approval pursuant to Section 138 of the *Roads Act 1993* (NSW).

The Section 138 approval must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building)

Condition reason: to require details and council approval of works within the public road reserve.

13. **Water tanks and plumbing direction**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building), details demonstrating that the roof water from the proposed new work is to be directed to the proposed water tank with a minimum capacity of 4,000 litres and being reticulated to all toilet cisterns in the end of trip facility area on third floor, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity.

Alternatively, details demonstrating that an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3). Full details are to be included in documentation for a Construction Certificate for the development (i.e., whether for part or whole of a building).

Condition reason: to ensure appropriate design standards for water tanks and plumbing applicable to the new work are included at the detailed design stage.

14. **Stormwater management details**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building), plans demonstrating that all stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by BG&E (Project N22110, Drg. No. C-0200, C-0204 and C-0355, Rev B, dated 27.04.2023) are to be prepared. Full details are to be included in documentation for a Construction Certificate for the development (i.e., whether for part or whole of a building).

Condition reason: to ensure that detailed designs provide for stormwater runoff relating to the new work to be directed to a dispersion trench.

15. **On-site drainage requirement**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that all new impervious surfaces, including driveways and paved areas will be drained to the nominated discharge controls. Full details are to be included in documentation for a Construction Certificate for the development (i.e., whether for part or whole of a building).

Condition reason: to ensure that details relating to impervious surface drainage applicable to the new work are included at the detailed design stage.

16. **Flooding - verifying floor levels**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building), full details are to be provided demonstrating that the ground floor level of all proposed buildings or building additions are to be reduced level 3.4 m Australian Height Datum.

Condition reason: to require verification of proposed floor level heights.

17. **Landscape plans and specifications**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building), all proposed planting and landscape elements indicated on the approved landscape concept plan or otherwise required by the conditions of this consent are to be detailed on a comprehensive landscape plan and specification. The plan and specification are to be prepared in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:

a) cross sections through the site
b) proposed contours or spot levels
c) botanical names
d) quantities and container size of all proposed trees
e) shrubs and ground cover
f) details of proposed soil preparation
g) mulching and staking
h) treatment of external surfaces and retaining walls where proposed
i) drainage, location of taps and
j) maintenance periods.

The plan and specification are to be prepared by a qualified landscape designer and be included in documentation for a Construction Certificate for the development (i.e., whether for part or whole of a building).

Condition reason: to require a detailed landscape plan and specifications.

18. **Screening of plant**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building), all external items of air conditioning plant are to be designed to be screened or positioned in such a manner as to not detract from the visual presentation of the building. Full details are to be included in documentation for a Construction Certificate for the development (i.e., whether for part or whole of a building).

Condition reason: to protect visual amenity.

19. **Hunter Water Requirements - compliance certificate**

Before the release of the first Construction Certificate for the development (i.e., whether for

part or whole of a building), a copy of a Hunter Water compliance certificate (*Water Act 1991 - Section 50*) must be obtained and included in the construction certificate documentation.

Note: Compliance is required with all of Hunter Water's requirements to provide the development with water supply and sewerage service.

Condition reason: to require a Hunter Water compliance certificate.

20. **Waste storage facilities and arrangements details - mixed**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building), details are to be provided showing facilities in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes, and arrangements are to be made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of Newcastle City Council approved wheel type bins or bulk waste containers. Full details are to be included in documentation for the first Construction Certificate for the development (i.e., whether for part or whole of a building).

Condition reason: to require full details of waste storage facilities.

21. **Signage**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building), engineer's certification of proposed fixtures and/or footings of the signage is to be supplied to the certifier.

Condition reason: to require evidence of safety of advertising structures.

22. Archival Photographic Record

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building), a full archival photographic record is to be undertaken of all buildings on the site, including the interiors. The archival recording is to be in accordance with the requirements of:

a) The NSW Heritage Office publication "How to Prepare Archival Records of Heritage items" (1998); and
b) The Department of Planning's "Recording Places of Cultural Significance" (1991)

The record in digital form is to be submitted to the written satisfaction of Council's Heritage Planner is to be obtained prior to the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building).

Condition reason: To record the history of the place

23. **Interpretation Plan**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building), an interpretation plan is to be prepared by an experienced heritage interpretation practitioner and submitted with the documentation for a Construction

Certificate. The Interpretation Plan shall be in accordance with the Heritage Council's "Interpreting Heritage Places and Items Guidelines" (2005). The plan must interpret the former uses and history of the site in a way that is engaging, informative and readily accessible to the majority of visitors.

The interpretation plan must be prepared to the written satisfaction of Council's Heritage Planning and documentation evidencing this must be provided as part of the documentation for the first Construction Certificate (i.e., whether for part or whole of a building). The Interpretation Plan must be implemented prior to the issue of an Occupation Certificate.

Condition reason: Keep the history of place

24. **End of trip facilities**

A total of 39 individual lockers are to be provided within the site to encourage use of the end of trip and bicycle parking facilities. To provide space for these lockers, tandem parking space No. 54 as shown on the approved architectural plans is to be removed and replaced with 39 individual lockers. Details are to be submitted with the documentation for the first Construction Certificate (i.e., whether for part or whole of a building).

Condition reason: Ensure provision of end of trip facilities

25. **Beresford Lane Safety**

Convex safety mirrors and an associated amber flashing warning light being installed in accordance with the relevant Transport for NSW standard, at suitable location/s on the building at the two entry/exit driveway into Beresford Lane to facilitate exiting driver visibility of pedestrian and vehicle movements within the laneway. Under no circumstances is a mirror to protrude into Beresford Lane. Details of the placement and size of the required mirrors to be submitted with the application for the first Construction Certificate (i.e., whether for part or whole of a building).

Condition reason: Ensure pedestrian and car safety

26. **Driveway Exit Signs**

Custom "No left turn" and "Right turn only" signs are to be placed at the exit driveway in a location visible to all exiting vehicles. Under no circumstances is a sign to protrude into Beresford Lane. Details of the placement and size of the required mirrors to be submitted with the application for the first Construction Certificate (i.e., whether for part or whole of a building).

Condition reason: To control traffic flow

27. **Building numbering**

Within one week of lodging an application for the first Construction Certificate (i.e., whether for part or whole of a building), the applicant must submit an Addressing Allocation request to City of Newcastle to commence the addressing allocation process for sub-address numbering. The allocated sub-addressing will be as per the Addressing Allocation document issued by City of Newcastle and in accordance with the NSW Addressing Policy. Any request for amendments to

the Addressing Allocation must be submitted to City of Newcastle for consideration and if approved, a revised Addressing Allocation will be issued.

Note: Addressing for this property may change. Please do not use property addressing for advertising material until the Addressing Allocation has been issued. Addressing provided by Newcastle City Council must be correctly implemented prior to any Occupation Certificate being issued.

Condition reason: to ensure the necessary numbering is provided in accordance with the NSW Addressing Policy.

BEFORE BUILDING WORK COMMENCES

Condition

28. **Toilets on site**

Before building work commences, toilet facilities are to be available or provided at the work site and maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet is to:

a) be a standard flushing toilet connected to a public sewer, or
b) have an on-site effluent disposal system approved under the *Local Government Act 1993,* or
c) be a temporary chemical closet approved under the *Local Government Act 1993*.

Condition reason: to require provision of toilet facilities on site.

29. **Hoardings**

Before building work commences, if construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence is to be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Condition reason: to protect public spaces during demolition.

30. **Hoardings**

Before building work commences an application is to be made to and approved by the Newcastle City Council for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence is to comply with the *Work Health and Safety Act 2011, Work Health and Safety Regulation 2011* and any relevant approved industry code of practice. Notice of intention of commencement is to be given to SafeWork NSW.

Condition reason: to protect public spaces during demolition.

31. **Traffic management (construction) plan**

Before site work and/or building work commences, the developer is to submit to the Newcastle City Council, for approval, a Construction Traffic Management Plan, addressing traffic control measures to be implemented in the public road reserve during the construction phase.

Condition reason: to require a traffic management plan.

32. **Erosion and sediment control - vehicle access**

Before site work and/or building work commences a 3.0m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand or soil is not to be stockpiled on the all-weather vehicle access.

Condition reason: to prevent soil erosion.

33. **Aboriginal Cultural Heritage Assessment Report**

The conclusions and recommendations (Section 8.0) of the Aboriginal Due Diligence Assessment Report (by AMAC, 2 December 2022) are to be implemented. This includes the preparation of an Aboriginal Cultural Heritage Assessment Report prior to any ground disturbance works commencing, including full Aboriginal community consultation; archaeological test excavation; and any further action and permits pending these studies as described in outlined in Section 8.1 of the report.

Condition reason: To ensure Aboriginal Cultural Heritage

34. **Induction Sessions**

Before any works commence on site, all contractors and subcontractors shall undergo an induction session, delivered by a suitably qualified heritage consultant, highlighting the historical significance of the site including Aboriginal cultural heritage. The induction session is to include the relevant obligations under the *Heritage Act 1977* and the National Parks and *Wildlife Act 1974* in regard to unexpected finds.

Condition reason: To ensure understanding of the site

DURING BUILDING WORK

Condition

35. **Compliance with BCA**

Building work must be carried out in accordance with the requirements of the Building Code of Australia.

Condition reason: prescribed condition - *Environmental Planning and Assessment Regulation 2021* (Section 69).

36. **Site signage - site and building work**

During site work and/or building work, a rigid and durable sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:

a) showing the name, address and telephone number of the Principal Certifier for building work and subdivision work, and
b) showing the name, address and telephone number of the Principal Contractor, if any, for any building work and a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
c) stating that unauthorised entry to the work site is prohibited, and
d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, and must be removed when the work has been completed.

Note: This does not apply in relation to building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Condition reason: prescribed condition.

37. **Site lighting during work**

During building work, the worksite is to be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Condition reason: to protect the public near worksites.

38. **Acid sulfate soil - found at excavation**

During site work and/or building work, an assessment of acid sulfate soil potential is to be undertaken in the area of excavation including any works for pillars or footings. If acid sulfate soils are found to be present, soils are to be treated in accordance with the New South Wales Acid Sulfate Soil Management Advisory Committee's '*Acid Sulfate Soil Manual*'.

Condition reason: to ensure identification and treatment of acid sulphate soils.

39. **Excavation and backfilling safety**

During site work and/or building work, all excavations and backfilling are to be executed safely, and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

Condition reason: to protect the public near worksites.

40. **Erosion and sediment control measures**

During site work and/or building work, erosion and sediment control measures are to be implemented, and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:

a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site is to be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover; and
b) Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1(the 'Blue Book') published by Landcom, 2004.

Condition reason: to prevent erosion and control sediment.

41. **Controlling surface water**

During site work and/or building work any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.

Condition reason: to protect adjacent properties from additional surface water runoff.

42. **Containing materials and plant**

During building work, all building materials, plant, and equipment is to be placed on the site of the development, to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Newcastle City Council reserves, including the road reserve, is not permitted.

Condition reason: to contain materials and plant and protect the public.

43. **Checking floor levels - surveyor**

During building work, certification is to be prepared by a Registered Surveyor and submitted to the principal certifier at the following stages of construction:

a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.
c) When the roof has been completed, confirming that the building does not exceed the approved levels.

Condition reason: to ensure finished floor levels equal approved plans.

44. **Limits on noise**

During building/demolition work, generation of noise that is audible at residential premises is to be restricted to the following times:

- Monday to Friday, 7:00 am to 6:00 pm and
- Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

Condition reason: to protect the residential amenity of neighbours.

45. **Pollution prevention signage**

During site work and/or building work, a Newcastle City Council *'Prevent Pollution'* sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary, so it is clearly visible to the public, or at other locations on the site as otherwise directed by the Newcastle City Council for the duration of demolition and construction work.

Note: The sign can be obtained by presenting your development application receipt at Newcastle City Council's Customer Enquiry Centre, Wallsend Library or the Master Builders Association Newcastle.

Condition reason: to require pollution prevention signage.

46. **Containing waste**

During site work and/or building work, and at a minimum, the following measures are to be implemented:

a) A waste container of at least one cubic metre capacity is to be provided, maintained, and regularly serviced from the commencement of operations until the completion of the building, for the reception and storage of waste generated by the construction of the building and associated waste.
b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets.
c) Provision is to be made to prevent wind-blown rubbish leaving the site; and
d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997*.

Condition reason: to require waste management on site.

47. **Handling excavated waste**

During site work and/or building work, any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) '*Waste Classification Guidelines Part 1: Classifying Waste*'.

Condition reason: to ensure compliance with State Guidelines.

48. **Imported fill material**

During site work and/or building work, any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2014*.

Condition reason: to ensure compliance with State Guidelines.

49. **Resource recovery Orders**

During site work and/or building work, documentation demonstrating compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Newcastle City Council officers or the principal certifier on request.

Condition reason: to provide evidence of compliance.

50. **Controlling dust**

During site work and/or building work, all necessary measures are to be undertaken to control dust pollution from the site. These measures are to include, but are not limited to:

a) Restricting topsoil removal.
b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
c) Alter or cease construction work during periods of high wind; and
d) Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

Condition reason: to control dust during works.

51. **Construction Management Plan**

During site work and/or building work, all measures within the Construction Management Plan (CMP) approved under the Construction Certificate are to be implemented. Two copies of the CMP are to be provided to the Principal Certifying Authority and the CMP is to be maintained on site during all site works and be made available to Authorised Officers upon request.

Condition reason: to ensure construction works are appropriately managed.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

52. **Landscaping complete - Report requirements**

Before the issue of any occupation certificate, a Landscape Practical Completion Report is to be submitted to the principal certifier. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a construction certificate application and is to verify that an effective maintenance program has been commenced.

Condition reason: to ensure landscape works are as approved.

53. **Relocation of survey monuments**

Before the issue of any occupation certificate, where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated at no cost to Newcastle City Council, by a surveyor registered under the *Surveying and Spatial Information Act 2002*.

Condition reason: to ensure relocation of survey marks.

54. **Public infrastructure - rectification of damage**

Before the issue of any occupation certificate, any public infrastructure (including all public footways, foot paving, kerbs, gutters and road pavement) damaged during the works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) are to be immediately fully repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles, to the written satisfaction of Council, and at no cost to Council.

Condition reason: to ensure rectification of any damage to public infrastructure.

55. **Completion of road reserve works**

Before the issue of any occupation certificate, all works within the road reserve required by this consent are to be completed and a practical completion certificate, or equivalent written advice, is to be obtained from Newcastle City Council.

Condition reason: to ensure completion of works within the road reserve.

56. **Removing redundant driveways**

Before the issue of any occupation certificate, any redundant existing vehicular crossing is to be removed at no cost to the Newcastle City Council. The road reserve and kerb are to be restored to the Newcastle City Council's satisfaction.

Condition reason: to ensure removal of redundant driveways.

57. **Consolidation of lots**

Before the issue of any occupation certificate, the whole of the land Lot 10, 11 and 12 of DP976801 is to be consolidated into a single title and documentary evidence of the lodgement

for registration of a survey plan of consolidation with NSW Land Registry Services is to be submitted to the Newcastle City Council.

Condition reason: to require consolidation of lots.

58. **Works as executed - stormwater**

Before the issue of any occupation certificate, a copy of the stormwater drainage design plans approved with the construction certificate with 'work as executed' levels indicated, shall be submitted to the principal certifier and to Newcastle City Council. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

Condition reason: to ensure works as executed levels are as approved.

59. **Water management measures complete**

Before the issue of any occupation certificate, the water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational.

Condition reason: to ensure water management measures are as approved.

60. **Numbering premises**

The premises is allocated the following street addresses in accordance with Newcastle City Council's House Numbering Policy and the Surveying and Spatial Regulation.

Newcastle City Council allocated street addresses				
Unit/ dwelling/ Lot Number on plan	Street number	Street name	Street type	Suburb
Primary Address	1	Florance	Street	Newcastle West

Condition reason: to require numbering of premises.

61. **Car park provision**

Before the issue of any occupation certificate, on-site car parking accommodation is to be provided for a minimum of 54 vehicles and be set out generally in accordance with the details indicated on the approved Development Application plans except as otherwise provided by the conditions of consent.

Condition reason: to require minimum car spaces.

62. **Visitor car park signs and line marking**

Before the issue of any occupation certificate, the proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings.

Condition reason: to require signage and line-marking for visitor car spaces.

63. **Car park marking**

Before the issue of any occupation certificate, all parking bays (including visitor and any required loading bays) are to be permanently marked out on the pavement surface. Loading bays and visitor parking facilities must also be clearly indicated by signs.

Condition reason: to require signage and line-marking for visitor car spaces.

64. **Car park marking - customer/staff**

Before the issue of any occupation certificate, the proposed customer/staff parking bays are to be permanently marked out on the pavement surface and being clearly indicated by means of signs and/or pavement markings.

Condition reason: to require signage and line-marking for visitor car spaces.

65. **Directional signage on site**

Before the issue of any occupation certificate, the vehicular entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorised signs and pavement markings.

Condition reason: to require directional signage.

66. **Heritage Interpretation Plan**

Prior to the release of the occupation certificate, the Heritage Interpretation Plan must be implemented on the site to the written satisfaction of Council's Heritage Officer

Condition reason: To ensure heritage values

67. **Green Travel Plan**

All recommendations of the Green Travel Plan by Seca Solution (Ref P2525, Version 2 dated 6.12.2022) are to be implemented within the development site prior to issue of an occupation certificate.

Condition reason: To enable further use of green travel with development

OCCUPATION AND ONGOING USE

Condition

68. **Noise control**

During occupation and ongoing use of the premises, all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment*

Operations Act 1997.

Should Newcastle City Council consider that offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant, verifying that the recommended acoustic measures have been satisfactorily implemented, will be required to be submitted to Newcastle City Council prior to the expiration of the nominated period.

Condition reason: to limit offensive noise.

69. **Air quality**

During occupation and ongoing use of the premises is not to give rise to the emission of any 'air impurity' as defined under the *Protection of the Environment Operations Act 1997*, that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should Newcastle City Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control emission of air impurities to an acceptable level and such measures are to be implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to Newcastle City Council, confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors, before the expiration of the nominated period.

Condition reason: to protect air quality.

70. **Trade waste**

During occupation and ongoing use, any liquid wastes from the premises, other than stormwater are to be either discharged to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or collected and disposed of by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change 'Waste Classification Guidelines Part 1: Classifying Waste'.

Condition reason: to enforce approved Trade Waste Agreement or contractor system for liquid waste.

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Condition

71. **Asbestos removal signage**

Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

Condition reason: to alert the public to any danger arising from the removal of asbestos.

72. **Demolition management plan**

Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.

The demolition management plan must be prepared in accordance with Australian Standard 2601 - The Demolition of Structures, the Code of Practice - Demolition Work, Newcastle Development Control Plan 2012 and must include the following matters:

a) The proposed demolition methods
b) The materials for and location of protective fencing and any hoardings to the perimeter of the site
c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones
d) Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles
e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites and Newcastle Development Control Plan 2012)
f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways
g) Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent
h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines
i) Details of any bulk earthworks to be carried out
j) Details of re-use and disposal of demolition waste material in accordance with Newcastle Development Control Plan 2012
k) Location of any reusable demolition waste materials to be stored on-site (pending future use)
l) Location and type of temporary toilets onsite
m) A garbage container with a tight-fitting lid.

Condition reason: to provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.

73. **Disconnection of services before demolition work**

Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's

requirements.

Condition reason: to protect life, infrastructure and services.

74. **Hazardous material survey before demolition**

Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences.

Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.

The report must include at least the following information:

a) the location of all hazardous material throughout the site
b) a description of the hazardous material
c) the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust
d) an estimation of the quantity of each hazardous material by volume, number, surface area or weight
e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials
f) identification of the disposal sites to which the hazardous materials will be taken

Condition reason: to require a plan for safely managing hazardous materials.

75. **Notice of commencement for demolition**

At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:

a) name
b) address,
c) contact telephone number,
d) licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
e) the contact telephone number of council and
f) the contact telephone number of SafeWork NSW (4921 2900).

Condition reason: to advise neighbours about the commencement of demolition work and provide contact details for enquiries.

76. **Site preparation**

Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete:

a) Protective fencing and any hoardings to the perimeter on the site

b) Access to and from the site
c) Construction traffic management measures
d) Protective measures for on-site tree preservation and trees in adjoining public domain
e) Onsite temporary toilets
f) A garbage container with a tight-fitting lid

Condition reason: to protect workers, the public and the environment.

77. **Demolition standards - hazardous waste plan**

Before site work and/or demolition work commences, a Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to the Newcastle City Council and to the demolisher before demolition work commences.

Condition reason: to comply with Australian standards.

78. **Dilapidation Report - existing**

Before demolition work commences, an electronic copy of a dilapidation report, prepared by a suitability qualified person, is to be submitted to the certifier prior to the issue of a construction certificate. The dilapidation report is to document and contain a photographic record of the condition of the adjoining buildings, infrastructure, and roads.

Condition reason: to require a pre-construction dilapidation report.

79. **Toilets on site**

Before site work and/or demolition work commences, toilet facilities are to be available or provided at the work site and maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet is to:

a) be a standard flushing toilet connected to a public sewer, or
b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
c) be a temporary chemical closet approved under the Local Government Act 1993.

Condition reason: to require provision of toilet facilities on site.

80. **Hoardings**

Before demolition work commences, if demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence is to be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Condition reason: to protect public spaces during demolition.

81. **Erosion and sediment control measures**

Before site work and/or demolition work commences, details are to be provided demonstrating the erosion and sediment control measures that are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted with the construction certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

Condition reason: to require details of erosion and sediment control measures.

82. **Erosion and sediment control measures**

Before site work and/or demolition work commences, erosion and sediment control measures are to be implemented and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

Condition reason: to prevent erosion and control sediment.

83. **Erosion and sediment control measures**

Before site work and/or demolition work commences, erosion and sediment control measures are to be implemented and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan approved with the application, and with the below requirements:

a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site is to be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover; and
b) Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004.

Condition reason: to prevent erosion and control sediment.

84. **Erosion and sediment control - vehicle access**

Before site work and/or demolition work commences, a 3.0m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand or soil is not to be stockpiled on the all-weather vehicle access.

Condition reason: to prevent soil erosion.

DURING DEMOLITION WORK

Condition

85. **Asbestos safety**

During site work and/or demolition work, the removal of any asbestos material is to be in accordance with the requirements of the SafeWork NSW.

Condition reason: to require compliance with SafeWork NSW.

86. **Handling of asbestos during demolition**

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material.
b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on- line reporting tool WasteLocate.

Condition reason: to ensure that the removal of asbestos is undertaken safely and professionally.

87. **Site maintenance**

While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:

a) Protective fencing and any hoardings to the perimeter on the site
b) Access to and from the site
c) Construction traffic management measures
d) Protective measures for on-site tree preservation and trees in adjoining public domain
e) Onsite temporary toilets
f) A garbage container with a tight-fitting lid

Condition reason: to protect workers, the public and the environment.

88. **Demolition standards - Australian Standards**

Building demolition is to be planned and carried out in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*.

Condition reason: to comply with Australian standards.

89. **Demolition management**

During site work and/or demolition work, works are to be undertaken in accordance with *Australian Standard 2601:2001 - The Demolition of Structures* and the following requirements:

a) prior to commencement of demolition works a competent person shall determine the presence of hazardous substances impacted by the proposed demolition works in accordance with Section 1.6.1 of AS2601:2001 and where required produce a Hazardous Substances Management Plan
b) demolition works shall be conducted in accordance with any required Hazardous Substances Management Plan. A copy of the Plan shall be kept on-site for the duration of the proposed development and a copy is to be held in the possession of the landowner.
c) the removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
d) a copy of all waste disposal receipts is to be kept in the possession of the landowner and made available to authorised Council Officers upon request.
e) seven working days' notice in writing is to be given to the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor, and
f) on sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.

Condition reason: to comply with Australian standards.

90. **Erosion and sediment control measures**

During site work and/or demolition work, erosion and sediment control measures are to be implemented and maintained during the period of demolition in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

Condition reason: to prevent erosion and control sediment.

91. **Containing waste**

During site work and/or demolition work, and at a minimum, the following measures are to be implemented:

a) A waste container of at least one cubic metre capacity is to be provided, maintained and regularly serviced from the commencement of operations until the completion of the building, for the reception and storage of waste generated by the construction of the building and associated waste.
b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets.
c) Provision is to be made to prevent wind-blown rubbish leaving the site; and
d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish,

building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997*.

Condition reason: to require waste management on site on site.

92. **Demolition - protecting services**

During demolition work, the demolisher is to ensure that all services (i.e. water, telecommunications, gas, electricity, sewerage etc) are disconnected in accordance with the relevant authority's requirements prior to demolition.

Condition reason: to protect services during demolition.

93. **Demolition - material management**

During demolition work, the demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

Any waste containers used in association with the proposed demolition are to be located on the site where possible.

Note: Where this is not feasible, an application is to be made for the Newcastle City Council's approval to position the container on the adjacent public road in accordance with Newcastle City Council's adopted Building Waste Container Policy.

Condition reason: to protect public spaces during demolition.

94. **Demolition - maximising reuse**

During demolition work, all demolition material incapable of being re-used in future redevelopment of the site is to be removed from the site, and the site cleared and levelled.

Note: Where reusable building materials are to be stored on site for use in future building works, such materials are to be neatly stacked at least 150 mm above the ground.

Condition reason: to require waste disposal and maximise reuse on site.

95. **Demolition - material management**

During demolition work, the demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

Condition reason: to protect public and private spaces during demolition

96. **Demolition - waste management**

During demolition work, any demolition/waste building materials that are not suitable for recycling are to be disposed of at Newcastle City Council's Summerhill Waste Management Facility or other approved site.

Condition reason: to require waste disposal and maximise reuse on site.

97. **Site lighting during work**

During demolition work, the worksite is to be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Condition reason: to protect the public near worksites.

98. **Site signage - site and building work**

During site work and/or demolition work, a rigid and durable sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:

a) showing the name, address and telephone number of the Principal Certifier for building work and subdivision work, and
b) showing the name, address and telephone number of the Principal Contractor, if any, for any building work and a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
c) stating that unauthorised entry to the work site is prohibited, and
d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, and must be removed when the work has been completed.

Note: This does not apply in relation to building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Condition reason: prescribed condition.

99. **Excavation and backfilling safety**

During site work and/or demolition work, all excavations and backfilling are to be executed safely, and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

Condition reason: to protect the public near worksites.

100. **Controlling surface water**

During site work and/or demolition work, any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.

Condition reason: to protect adjacent properties from additional surface water runoff.

101. **SafeWork NSW requirements**

During site work and/or demolition work, operations are to comply with all requirements of SafeWork NSW.

Condition reason: to require compliance with SafeWork NSW.

102. **Limits on noise**

During site work and/or demolition work, generation of noise that is audible at residential premises is to be restricted to the following times:

- Monday to Friday, 7:00 am to 6:00 pm and
- Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

Condition reason: to protect the residential amenity of neighbours.

103. **Disposal of slag**

During site work and/or demolition work, any black glassy slag excavated during earthworks, and which will not be covered by building structures or reburied on site, is to be removed for disposal at the Summerhill Waste Management Centre or another approved waste disposal site. Any such action is to be confirmed by the submission of evidence of disposal to the principal certifier, e.g., copy of docket from disposal centre.

Condition reason: to require removal of black glassy slag.

104. **Pollution prevention signage**

During demolition work, a Newcastle City Council 'Prevent Pollution' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary, so it is clearly visible to the public, or at other locations on the site as otherwise directed by the Newcastle City Council for the duration of demolition and construction work.

Condition reason: to require pollution prevention signage.

105. **Handling excavated waste**

During site work and/or demolition work, any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.

Condition reason: to ensure compliance with State Guidelines.

106. **Imported fill material**

During site work and/or demolition work, any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery

Exemption, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2014*.

Condition reason: to ensure compliance with State Guidelines.

107. **Resource recovery Orders**

During demolition work, documentation demonstrating compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Newcastle City Council officers or the principal certifier on request.

Condition reason: to provide evidence of compliance.

108. **Protecting footways**

During site work and/or demolition work, a temporary protective crossing is to be provided over the footway for vehicular traffic. This approval does not permit access to the property over any adjacent private or public land.

Condition reason: to protect footways during works.

109. **Controlling dust**

During site work and/or demolition work, all necessary measures are to be undertaken to control dust pollution from the site. These measures are to include, but are not limited to:

a) Restricting topsoil removal.

b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)

c) Alter or cease construction work during periods of high wind; and

d) Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

Condition reason: to control dust during works.

110. **Acid sulfate soil - found at excavation**

During site work and/or demolition work, an assessment of acid sulfate soil potential is to be undertaken in the area of excavation. If acid sulfate soils are found to be present, soils are to be treated in accordance with the New South Wales Acid Sulfate Soil Management Advisory Committee's '*Acid Sulfate Soil Manual*'.

Condition reason: to ensure identification and treatment of acid sulfate soils.

ON COMPLETION OF DEMOLITION WORK

Condition

111. **Waste disposal verification statement**

On completion of demolition work:

a) signed statement must be submitted to the certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent,

and

b) if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the certifier within 14 days of completion of the demolition work.

Condition reason: to provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

112. **Relocation of survey monuments**

On completion of demolition work, where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated at no cost to Newcastle City Council, by a surveyor registered under the *Surveying and Spatial Information Act 2002.*

Condition reason: to ensure relocation of survey marks.

113. **Public infrastructure - rectification of damage**

On completion of demolition work, any public infrastructure (including all public footways, foot paving, kerbs, gutters and road pavement) damaged during the works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) are to be immediately fully repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles, to the written satisfaction of Council, and at no cost to Council.

Condition reason: to ensure rectification of any damage to public infrastructure.

114. **Dilapidation report**

On completion of demolition work, a post construction dilapidation report prepared by a suitability qualified person shall be submitted to the principal certifier, to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The reports shall be forwarded to Newcastle City Council and will be made available in any private dispute between neighbours regarding damage arising from construction works.

Condition reason: to protect adjoining buildings and infrastructure.

Advisory Matters

- Any proposed business identification sign or advertising sign is to be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application that is to be approved prior to the sign being erected or placed in position, except when such signage meets '*exempt development*' criteria.

- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.

- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of Newcastle City Council and any other relevant authorities. Newcastle City Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.

- Prior to commencing any building works, the following provisions of Division 6.2 of the *Environmental Planning and Assessment Act 1979* are to be complied with:

  a) A Construction Certificate is to be obtained; and

  b) A Principal Certifier is to be appointed for the building works and Newcastle City Council is to be notified of the appointment; and

  c) Newcastle City Council is to be given at least two days notice of the date intended for commencement of building works.

- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists are to describe the extent, capability and basis of design of each of the measures.

- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, any Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for any Occupation Certificate must contain the information set out in Section 37 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW).

- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

- An annual Fire Safety Statement in the form described in Section 88 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW) is to be submitted to Newcastle City Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (ie '*on-the-spot fine*') or prosecution.

- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (ie '*on-the-spot fine*') or prosecution.

- A person who is aware or believes that he or she has discovered or located a relic not identified and considered in the supporting documents for this approval, in any circumstances (including where works are carried out in reliance on an exception under section 139(4)), excavation or disturbance must cease in the affected area(s) and the Heritage Council must be notified in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, additional assessment and approval under the *Heritage Act 1977* may be required prior to the recommencement of excavation in the affected area(s).

  Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the *Heritage Act 1977 (NSW)* for a person to disturb or excavate any land upon which the person has discovered a relic except in accordance with a gazetted exception or an excavation permit issued by the Heritage Council of NSW.

- If any Aboriginal objects are discovered which are not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be notified in accordance with section 89A of the *National Parks and Wildlife Act 1974* (NPW Act). Depending on the nature of the discovery, additional assessment and approval under the NPW Act may be required prior to works continuing in the affected area(s). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by Heritage NSW.

  Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. An 'Aboriginal object' is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. It is an offence under the provisions of the *National Parks and Wildlife Act 1974* (NPW Act) for a person to harm or desecrate an Aboriginal object, with defence from prosecution and certain activities exempt as prescribed under the NPW Act.

- Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the National Parks and Wildlife Act 1974. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

- The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
  Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the Heritage Act 1977 (NSW) for a person to disturb or excavate any land upon which the person has discovered a relic except in accordance with a gazetted exemption or an excavation permit issued by the Heritage Council of NSW.

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PROCESSING CHRONOLOGY

DA2022/01424 – 810 HUNTER STREET, NEWCASTLE WEST

19/12/2022	-	Application lodged.
20/12/2022	-	External referrals commenced: Ausgrid & Transport for NSW.
23/12/2022 - 25/01/2023	-	Application notified in accordance with CN's Community Participation Plan (CPP).
8/1/2023	-	External referrals Agencies responses received.
12/01/2023	-	External referrals Agencies responses received.
22/02/2023	-	Application presented to Urban Design Review Panel.
14/4/2023	-	Request for additional information issued.
05/05/2023, and	-	Additional information received from applicant.
08/05/2023	-	Internal re-referrals commenced: UDRP, Engineering, Waste, ESU (land contamination).
1/06/2023		Application presented to Urban Design Review Panel.
27/06/2023,		Additional information received from applicant.
24/08/2023		Additional information received from applicant.
31/08/2023		Response received from Urban Design Review Panel.

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CLAUSE 4.6 VARIATION REQUEST Version 2
CLAUSE 7.10A FSR

810 HUNTER STREET, NEWCASTLE WEST
(LOTS 10, 11 AND 12 SECTION B DP976801)

CLIENT: The Trustee for Beresford Land Unit Trust c/Altim Property

DATE: 4 MAY 2023

PREPARED BY:

de Witt Consulting
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Draft prepared by:	Final released by:
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Name: Emma Mason **Position**: Principal Town Planner **Date**: 17/04/2023	**Name**: Emma Mason **Position**: Principal Town Planner **Signed**: **Date**: 04/05/2023

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1. INTRODUCTION

This submission has been prepared with regard to a proposed eleven storey commercial building at 810 Hunter Street, Newcastle West (10, 11 and 12 Section B DP976801) (the site). The development application (DA) is made under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed development involves the demolition of existing structures and construction of an eleven-storey commercial building with ground floor business and retail space and public forecourt, three levels of parking and seven levels of commercial floor space for a gross floor area of 4,272.64 square metres (m^2). The building floors will include the following:

- Ground Floor
  - A public forecourt and lobby
  - Commercial tenancy
  - Services, loading facilities and bicycle storage
- First and Second Floors
  - Carparking (18 car spaces and 1 motorbike)
- Third Floor
  - Carparking (20 car spaces and 1 motorbike)
  - End of trip facilities
- Fourth floor
  - Commercial tenancies
  - Communal terrace
- Fifth - Tenth Floors
  - Commercial tenancies

The development intent is for Boutique A Grade commercial building which primarily caters to small to medium businesses with a requirement for small floor plate of 600m^2 or less. The development is filling a niche and under-supplied section of the city's commercial stock and providing much needed diversity to the available commercial premises.

Significant elements include a generous public forecourt, a 'green wall' landscape feature on the western façade and landscaped podium and roof top. The proposal represents a unique architectural design aimed at making a positive contribution to the urban environment when viewed in the round. Quality building materials that have a high performance in respect of energy efficiency and thermal comfort are proposed.

This Clause 4.6 Report should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by de Witt Consulting and the architectural plan set prepared by SDA which form Appendix 1 to the SEE.

This submission seeks a variation to Clause 7.10A of the *Newcastle Local Environmental Plan 2012* (LEP 2012), which prescribes a maximum floor space ratio (FSR) to the subject site.

Development standards are a means to achieving an environmental planning objective and can be numerical or performance based. Some developments may achieve planning objectives despite not meeting the required development standards. The planning system provides flexibility to allow these objectives to still be met by varying development standards in appropriate cases.

As detailed in this variation request, the proposed development is considered to meet the requirements prescribed under Clause 4.6 of LEP 2012, as the development standard is considered unreasonable and unnecessary in the context of the development, and the development displays sufficient environmental planning grounds to warrant contravention of the development standard.

Clause 4.6 states the following:

"4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

i. *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

ii. *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(a) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

***Note.** When this Plan was made it did not include all of these zones.*

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4

(d) clause 8.1 or 8.2"

The use of Clause 4.6 to enable an exception to this development standard is appropriate in this instance and the consent authority should be satisfied that all requirements of the Clause have been suitably addressed via the content in this formal request.

Clause 4.6 – Exceptions to development standards, establishes the framework for varying development standards applying under a LEP. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must

not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

"*4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

4.6(3)(b) that there is sufficient environmental planning grounds to justify contravening the development standard."

In addition, 4.6(4)(a)(i) and (ii) requires that development consent must not be granted to a development that contravenes a development standard unless:

(a) "the consent authority is satisfied that:

i. *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

ii. *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) the concurrence of the Secretary has been obtained."

The Environmental Planning Instrument (EPI) to which this variation relates to is the *Newcastle Local Environmental Plan 2012*. The development standard to which this variation relates to is Clause 7.10A – Floor space ratio for certain other development, which reads as follows:

7.10A – Floor space ratio for certain other development

The maximum floor space ratio for a building that is located on land with a site area of less than 1,500 square metres is whichever is the lesser of—

(a) the floor space ratio identified on the Floor Space Ratio Map, or

(b) 3:1.

The maximum FSR identified on the Floor Space Ratio Sheet FSR_004G is 8:1.

Figure 1: *FSR Map FSR_004G – Subject site outlined in yellow (Source: NSW Planning Portal)*

However, the site is mapped within the City Centre and has an area of less than 1,500 square metres. Clause 7.10A reduces the FSR to whichever is the lesser: the FSR identified on the Floor Space Ratio Map (in this instance 8:1); or 3:1. The lesser of the two values is 3:1.

Written justification for a proposed variation to the FSR development standard in accordance with Clause 4.6 of LEP 2012 is required.

2. EXTENT OF VARIATION

As noted above, Clause 7.10A of LEP 2012 states that land having an area of less than 1,500m^2 is subject to a maximum FSR of 3:1.

The site has an area of 903.72m^2. A FSR of 3:1 equates to a maximum gross floor area (GFA) of 2,711.16m^2.

Referring to the architectural plans prepared by SDA the proposed GFA is 4,250.50m^2. This is an additional 1,539.34m^2 than allowed under Clause 7.10A.

Based on a site area of 903.72m^2 the development has a proposed FSR of 4.7:1 which is represented as a 57% variation to the maximum permitted FSR. Refer to Table 1 for a breakdown of areas.

Table 1: *FSR Calculations – 810 Hunter Street, Newcastle West*

Provision	Response
Site Area	903.72m^2
Maximum permitted FSR (Clause 7.10A)	3:1
Maximum permitted GFA based on FSR of 3:1	2,711.16m^2 (3 x 903.72)
Proposed Gross Floor Area	4,250.50m^2 (GF [294.28] + L3 [57.62] + L4 [422.92] + L5 [584.96] + L6 [577.21] + L7 [572.98] + L8 [573.41] + L9 [577.89] + L10 [589.23])
Proposed FSR	4.7:1 (4,250.50m^2 / 903.72m^2)
Proposed Variation	57%

It is our submission that Clause 7.10A is unreasonable in the circumstances of this particular application. This position was formulated following detailed site analysis and a comprehensive design process. Further information is provided in Section 3 to support this submission.

3. IS COMPLIANCE UNREASONABLE OR UNNECESSARY?

The proposed variation from the development standard is assessed against the accepted "5 Part Test" for the assessment of a development standard variation established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827*. In the matter, the Commissioner stated within the judgement the following, in reference to a variation:

> "*…the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1.*"

It is therefore our submission that the Wehbe test is of relevance in the consideration of a standard to determine whether or not it is unreasonable or unnecessary in the circumstances of the case and it is evident, the above test is relevant.

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827*, Chief Justice Preston expressed the view that there are five (5) different ways in which an objection may be well founded, and that approval of the objection may be consistent with the aims of the policy. This attributes to determining whether compliance with the standard is unreasonable or unnecessary in the circumstances of the case as set out below.

Table 2: *"5 Part Test" established under Wehbe v Pittwater Council (2007) LEC 827*

Test	Description
1	The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard. The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development provides an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable.
2	A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.
3	A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.
4	A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
5	A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary".

Satisfactorily demonstrating that compliance with a development standard is unreasonable or unnecessary in any one of these ways is sufficient for meeting the requirement in Clause 4.6(3)(a) of LEP 2012.

The following discussion is provided in response to each of the above tests.

3.1 FIRST TEST - The Objectives of the Standard are Achieved Notwithstanding Non-Compliance with the Standard

Consistency with the objectives of the development standard and the absence of any environmental planning impacts, would demonstrate that strict compliance with Clause 7.10A would be unreasonable in this instance.

Whilst there are no stated objectives for the development standard in Clause 7.10A, the development has considered the objectives of Newcastle LEP 2012, Part 7 Additional local provisions—Newcastle City Centre. The objectives of Part 7 are outlined in Table 3 below, and a response provided to each.

Table 3: Objectives of Newcastle LEP 2012 Part 7 Additional local provisions—Newcastle City Centre

Objective	Response
(a) to promote the economic revitalisation of Newcastle City Centre,	The proposal will make a positive contribution to the revitalization of the Newcastle City Centre at both the construction and operation stages: • The project will provide opportunity for new or established businesses to locate within the City Centre; • Jobs created during the construction phase will include a range of trades including tilers, roofers, concreters, plumbers, electricians, etc. The proposal will result in multiplier effects throughout the region as a result of construction employment; • Jobs in the service industries will be increased after completion of the development including cleaners, maintenance staff, etc; and • The development will attract Section 7.11 contributions which will facilitate CoN's delivery of services and infrastructure within the LGA. In this regard, the proposed development in its current form will contribute to the revitalization of the City Centre.
(b) to strengthen the regional position of Newcastle City Centre as a multi-functional and innovative centre that encourages employment and economic growth	The proposal will strengthen the regional position of Newcastle City Centre by providing flexible commercial space without compromising the role of Newcastle local government area's regional, sub regional or neighbourhood centres. The project will deliver A-Grade commercial floor space to the city centre, attracting successful established and emerging businesses and encouraging diversity in the range of businesses occupying the CBD. The proposed FSR results in a feasible, economical development that will make an ongoing positive contribution to the economy.
(c) to protect and enhance the positive characteristics, vitality, identity, diversity and sustainability of Newcastle City Centre, and the quality of life of its local population	The proposal protects and enhances the positive elements of Newcastle City Centre, and the quality of life of its local population by responding directly to its urban context. Substantial work has been undertaken by the proponent and its architect SDA to identify, analyse and respond to the urban context. The analysis is documented in the architectural plans and summarised in Section 3.3 below. The analysis demonstrates that the FSR variation responds directly to the site's context and will complement the positive elements of the Newcastle City Centre.

Objective	Response
(d) to promote the employment, residential, recreational and tourism opportunities in Newcastle City Centre	The proposal promotes the employment opportunities in Newcastle City Centre. The commercial spaces are flexible; designed to accommodate a range of tenants and their commercial operations. The ground floor commercial space will activate the street. The proposed additional gross floor area across the development maximises the potential for employment generating activities to be carried out on site.
(e) to facilitate the development of building design excellence appropriate to a regional city	The initial design process was followed by a pre-DA meeting with CoN staff (PR2022/04841 dated 4 October 2022) and pre-lodgement meeting with CoN's Urban Design Review Panel (UD2022/00025 dated 31 August 2022). The Panel was generally supportive of the proposal but recommended further consideration of FSR exceedance as well as review of public domain and ground level circulation for pedestrians. The design was refined to incorporate the suggestions of the Panel and to give detailed consideration to the potential impacts arising from the proposed FSR exceedance. The detailed design process has been documented within the architectural plans prepared by SDA and summarised in Section 3.3 below. The DA submission demonstrates that the development is capable of achieving design excellence while supporting a variation to the FSR development standard.
(f) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Newcastle City Centre achieves sustainable social, economic and environmental outcomes	Energy efficiency has been considered throughout the design process with opportunity for natural light and ventilation incorporated into the proposal. Glazing has been designed and located to protect the thermal comfort of the building's occupants whilst maximizing natural light penetration within the building. Balconies provide natural ventilation and reduce reliance on mechanical heating and cooling. Insulation, water and energy efficient fixtures as well as landscaping at the podium and upper levels contribute to the sustainable use of resources and the amenity of the building's occupants. The green wall contributes to the building's thermal performance and environmental outcomes. A photovoltaic array (PV) located on the roof level facilitates sustainable energy use. The proposed variation to the maximum FSR does not impact the ability to provide an energy efficient development.
(g) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Newcastle City Centre for the benefit of present and future generations	The social, natural and cultural heritage of the locality has been considered throughout the design and documentation process. A Statement of Heritage Impact and an Aboriginal Due Diligence Assessment prepared in relation to the development consider the heritage context and potential impacts. Both reports conclude that the development should proceed with appropriate mitigation measures in place. The development in its current form does not result in impacts to the social, natural or cultural environment that would be avoided if the additional FSR were not proposed.
(h) to help create a mixed use place, with activity during the day and throughout the evening, so Newcastle City Centre is safe, attractive, inclusive and efficient for its local population and visitors alike	The City Centre continues to experience a significant increase in residential development, with several new apartment buildings recently completed and others under construction. In order for the City Centre to be a truly mixed use place, additional commercial development is required to reduce reliance of private motor vehicle use and encourage walking and cycling.

Objective	Response
	The site's proximity to Newcastle Transport Interchange, tertiary campuses, CoN's administration centre, shops and parks encourages activity within and around the site. Whilst the majority of activity at site is likely to occur during the day, the proposal will contribute to Newcastle City Centre as a safe, attractive, inclusive and efficient city for its local population and visitors alike. The objective is in no way linked to FSR and will not be impacted by the proposed additional FSR.

Objectives of Clause 4.4

For completeness, the relationship between clause 7.10A and clause 4.4 FSR is also addressed. Clause 7.10A relates to FSR in the Newcastle City Centre (which the case for this site) and clause 4.4 relates to FSR in all other areas of the LGA mapped on the Floor Space Ratio Map. The objectives of clause 4.4 are as follows:

> *(a) to provide an appropriate density of development consistent with the established centres hierarchy,*
>
> *(b) to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.*

The development is commensurate in scale and density of a development within the Newcastle City Centre, the 'top' of the centres hierarchy. The City Centre is identified in the Newcastle Local Strategic Planning Statement and Greater Newcastle Metropolitan Plan 2036 as a Catalyst Area and the focus for economic and development activity. As well, the building density, bulk and scale makes a positive contribution to the desired built form in the City Centre. This is demonstrated in detail in Section 3.3 of this report and *Figure 11*.

The site mapped under clause 4.4 as having a maximum FSR of 8:1 which would result in a significantly larger built form than what is currently proposed. However, the site's location within the Newcastle City, and its site area of less than 1,500m^2 results in a reduction in FSR to 3.1. The proposed FSR of 4.5:1 is certainly consistent with the objectives of clause 4.4 and is considered reasonable and appropriate in this context.

Zone objectives

The objectives of the B3 Commercial Core Zone are addressed in Table 4 below.

Table 4: Objectives of Zone B3 Commercial Core, Newcastle LEP 2012

Objective	Response
To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.	The development will contribute to the commercial nature the area, offering tenancy space for a variety of potential businesses. The development site is highly accessible by various public transport modes (light rail, heavy rail and bus) as well as by active transport means (cycling and walking). The commercial space is provided within a mixed use development, there being opportunity for food and drinks and retail space at the ground floor and commercial uses across Levels 4- 10. There are no significant view corridors experienced in the immediate locality. The development is subject to restricted floor space and is substantially lower that the maximum
To encourage appropriate employment opportunities in accessible locations.	
To maximise public transport patronage and encourage walking and cycling.	
To provide for commercial floor space within a mixed use development.	

Objective	Response
To strengthen the role of the Newcastle City Centre as the regional business, retail and cultural centre of the Hunter region.	permitted building height of 90m, has limited footprint, and does not impact view corridors.
To provide for the retention and creation of view corridors.	

Summary

The design facilitates appropriate development of the site with encroachment into the maximum permissible FSR justified on the basis that the objectives of LEP 2012 Part 7 Additional Local Provisions – Newcastle City Centre, the objective clause 4.4 and the zone objectives are achieved notwithstanding the variation. This is considered to be a positive outcome within the context of the City Centre.

3.2 SECOND TEST - The Underlying Objective or the Purpose of the Standard is Not Relevant to the Development

The underlying purpose of the standard, which restricts FSR for sites smaller than 1,500m^2, is to significantly limit development potential of smaller sites and therefore encourage the amalgamation of lots into more substantial development sites. However, the purpose of the standard is not relevant in this instance.

The subject site has an area of 903.72m^2. It is bound on three sides by road frontages: Hunter Street to the south, Florence Street to the east and Beresford Lane to the north. As a result, the site is only contiguous with one other site, that being 822 Hunter Street, Newcastle West (Lot 9 DP78609), which has an area of 294.2m^2. 822 Hunter Street, Newcastle West adjoins 826 Hunter Street, Newcastle West (Lot 8 DP737998) which has an area of 285.76m^2. Refer to *Figure 2* below.

Amalgamation is often required in order to avoid the isolation of lots. Lot isolation is not a relevant consideration here, as 822 and 826 Hunter Street can be amalgamated and developed independent of 810 Hunter Street.

Notwithstanding, amalgamation has been considered in the context of Clause 7.10A. Analysis was undertaken to determine whether 810 Hunter Street could be amalgamated with other sites to create a development site of 1,500m^2 or more, meet the intent of Clause 7.10A and lift the 3:1 FSR restriction. If successful, the site would revert to the mapped 8:1 FSR.

The findings are as follows:

- Amalgamation of the subject site with 822 Hunter Street would result in a combined area of 1,197.99m^2. This remains less than the 1,500m^2 requirement. The amalgamated site would remain subject to the reduced FSR of 3:1.
- Amalgamation of all three sites would result in a combined area of 1,483.76m^2. This remains less than the 1,500m^2 requirement (refer to *Figure 3*). The amalgamated site would remain subject to the reduced FSR of 3:1.
- As these sites are landlocked by roadways, there are no opportunities for an increase to the site sizes and therefore to achieve the intent of Clause 7.10A.

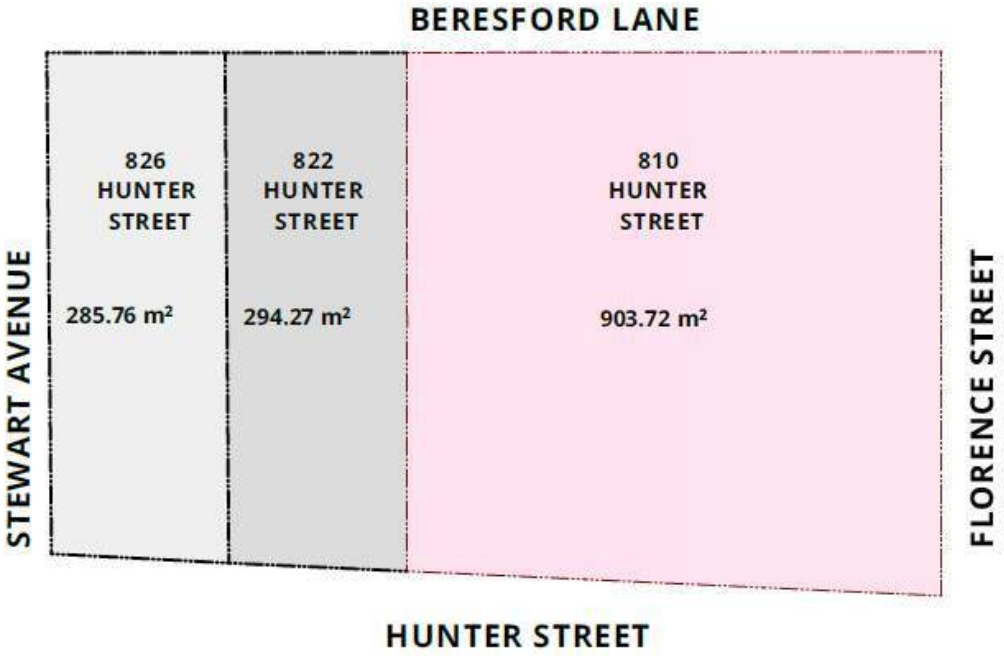


Figure 2: Three sites comprising the block bound by Hunter Street, Florence Street, Beresford Lane and Stewart Avenue (source: SDA)

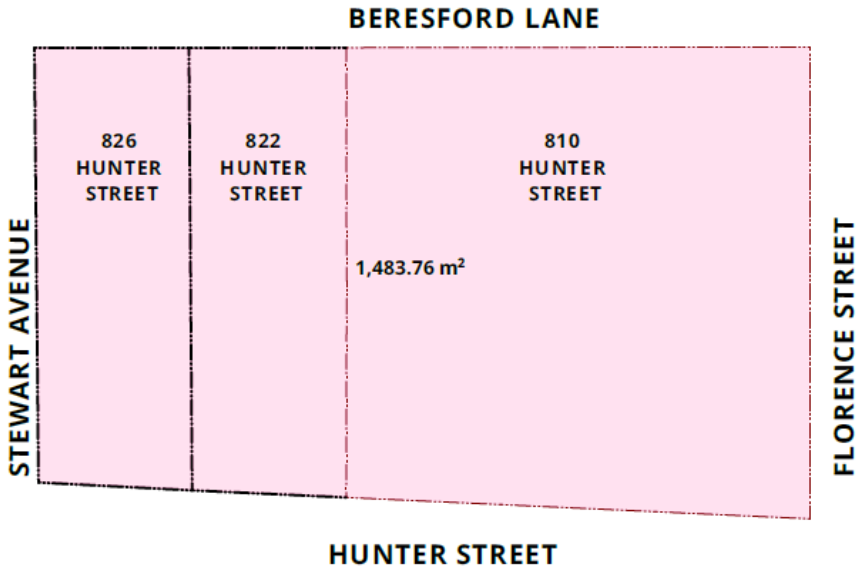


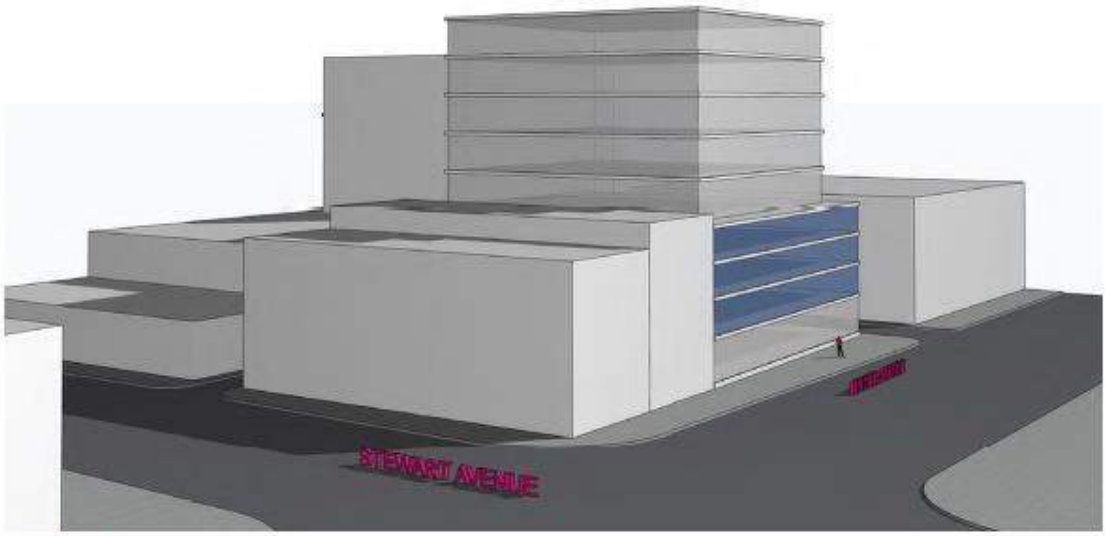
Figure 3: Amalgamation of 810, 822 and 826 Hunter Street, Newcastle West (source: SDA)

To summarise the response to the second test established under Wehbe v Pittwater Council (2007) LEC 827, the underlying purpose of Clause 7.10A is to encourage amalgamation of lots to achieve a minimum area of 1,500m^2 in order to support a larger scale of development typical of a city centre environment. Physical limitations exist that prevent the site from being able to comply with the clause, however, the proposal demonstrates that a suitable scale and form of development can be achieved notwithstanding the clause. As discussed in section 3.1 above, the intent of LEP 2012 Part 7 Additional Local Provisions are achieved notwithstanding the variation, resulting in a positive outcome within the context of the City Centre.

3.3 THIRD TEST - The Underlying Object or Purpose Would be Defeated or Thwarted

Strict compliance with Clause 7.10A would result in outcomes that are both unsuitable to the locality and of lesser or poor quality, and therefore defeat or thwart the underlying purpose of the development standard. As previously stated, the intent is to restrict floor space for smaller sites, encouraging site amalgamation and more significant built form suited to a city centre context. By encouraging larger sites (and corresponding increased FSR), the clause seeks to avoid situations where otherwise large format-built forms are interspersed with small-scale development creating inconsistent streetscape character and poor visual outcomes. The underlying purpose of the clause is sound, however the clause did not anticipate situations such as this, where the site, landlocked by roadways, has no opportunity to increase the site sizes to above 1,500m^2 and therefore cannot meet Clause 7.10A. The result is that compliance with the clause would have the effect of significantly restricting built form, enforcing the type of streetscape it aims to avoid. This is particularly relevant when considering the site context including the surrounding 8:1 FSR.

During the design development phase, SDA prepared block plans that interrogate the clause and demonstrate the likely outcome of implementing a compliant FSR of 3:1. The result is building of squat proportions, that would create a visual gap in the streetscape. It is considered that 3:1 FSR would result in undesirable outcomes for the streetscape and city character.



FSR 3:1

GROUND-	GFA- 450m²
TYPICAL-	GFA- 566m²
Total -	GFA- 2709m²
Car Spaces-	@1:60 spaces- 45 spaces required @1:70 spaces- 39 spaces required

RESULT-	GROUND FLOOR 5 TYPICAL FLOORS 3 PARKING FLOORS

Figure 4: Analysis - FSR 3:1 (source: SDA)

Consideration was then given to potential implementation of the mapped FSR of 8:1. It is considered that 8:1 FSR would result in negative outcomes such as visual impact, overshadowing, privacy, inability to achieve adequate separation and setbacks etc. A FSR of 8:1 would also result in excessive car parking requirements with detrimental impacts to the streetscape at the lower levels and create adverse traffic impacts.

Figure 5: Analysis - FSR 8:1 (source: SDA)

Further analysis considered the outcomes for FSR of 4:1, 5:1 and 6:1. Neither option demonstrates clear benefit to the character of the city centre.

Figure 6: Analysis - FSR 4:1 (source: SDA)

Figure 7: Analysis - FSR 5:1 (source: SDA)

Figure 8: Analysis - FSR 6:1 (source: SDA)

Having reviewed the options above and moving into a more detailed analysis phase involving consideration of the full suite of development controls, the proposed development settled on a FSR of 4.7:1 as shown in *Figure 9*.

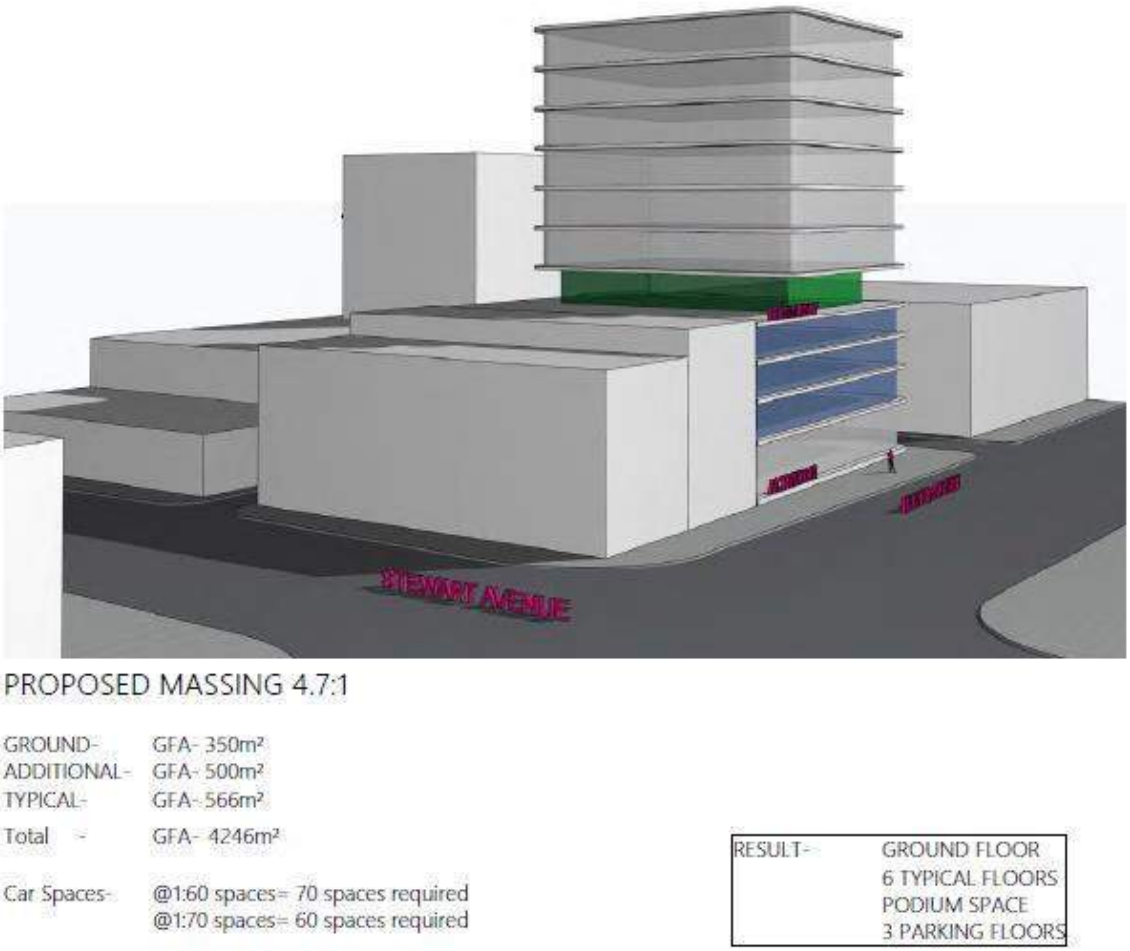


Figure 9: Analysis - FSR 4.7:1 (source: SDA)

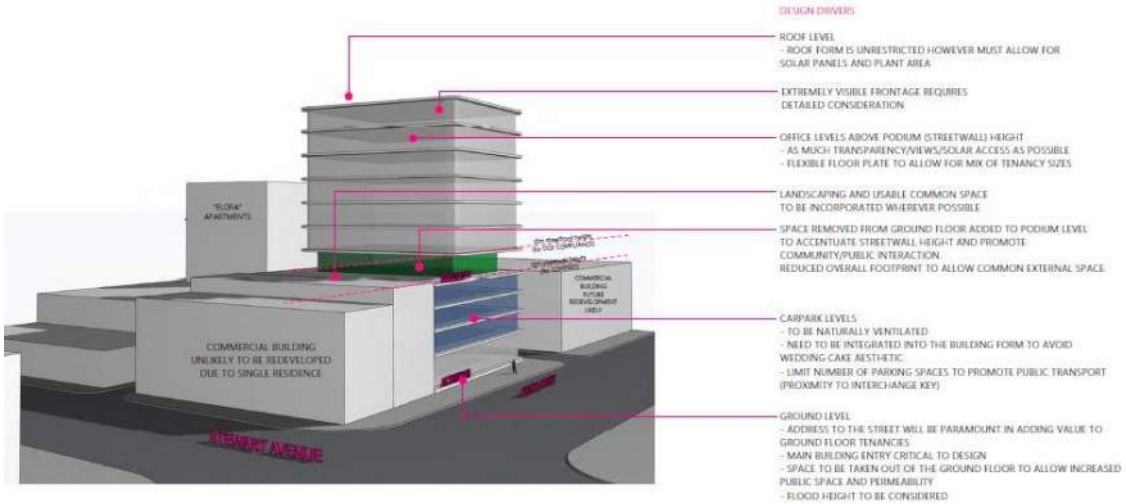


Figure 10: Detailed analysis - FSR 4.7:1 (source: SDA)

The proposed FSR of 4.7:1 is considered in the context of existing and future streetscape as provided below. It is our submission that the proposed FSR is reasonable and appropriate in the context of surrounding development, having regard to:

- Streetscape – the proposed FSR balances reduced development potential with a built form suited to the city centre context. A FSR that is highly restricted would result in 'gaps' in the streetscape, whereas a FSR that is too generous would result in an overdevelopment of the site and ultimately impact the ability for surrounding sites to achieve their development potential. *Figure 11* below shows the site in the context of existing and future streetscapes having regard to the likely development outcomes of surrounding sites.

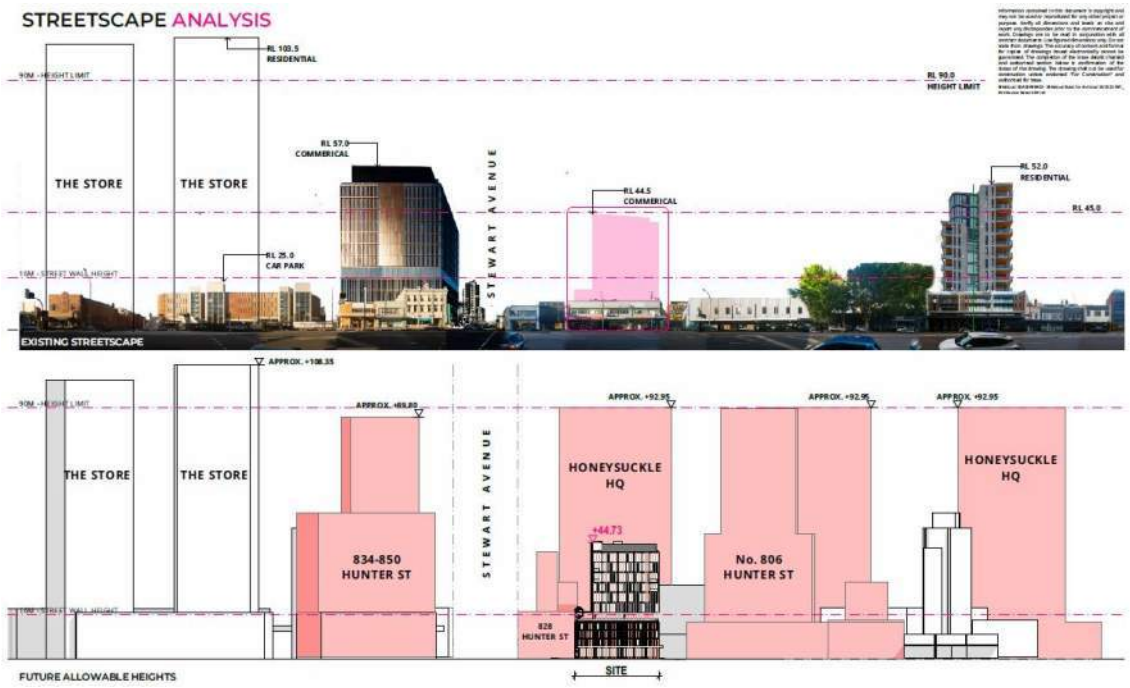


Figure 11: Streetscape analysis – FSR 4.7:1 (source: SDA)

- Bulk and scale are managed through careful distribution of mass as demonstrated in *Figure 12* resulting in a positive balance of height, scale and FSR. By redistributing the FSR of the upper levels to lower levels a more commercially viable building could be developed. Potential floor space at the ground floor is given over to the public domain to enhance activation, amenity and street presence.

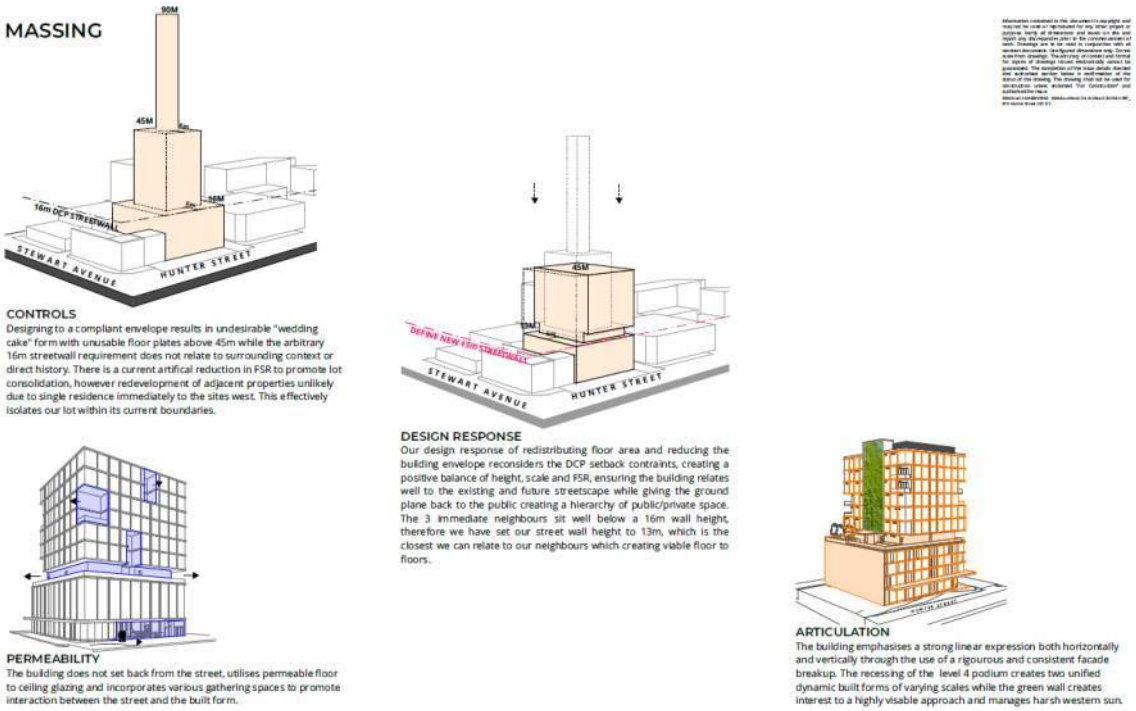
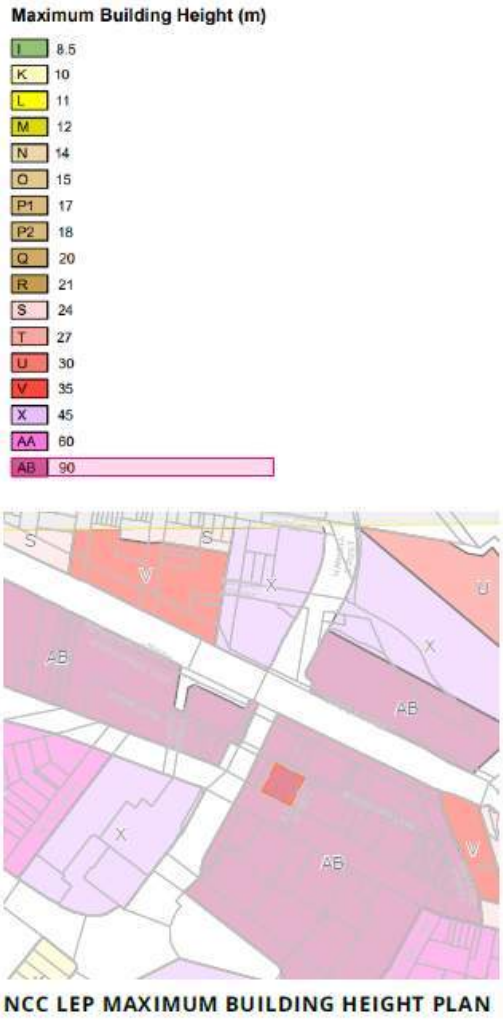


Figure 12: Massing – FSR 4.7:1 (source: SDA)

- With a FSR of 4.7:1, the building proposes a height (38m plus lift overrun) that is significantly less than the maximum 90 metres, and eminently reasonable in the context of existing and future surrounding development. A FSR of less than 4.7:1 would likely result in a lower height in steep contrast with surrounding development. An analysis of building heights is provided in *Figure 13*. Whilst the proposal challenges the FSR to be 4.7:1, the below visualisation shows that the scheme sits well within its context, and has minimal impact to the surrounding amenity of any future developments.



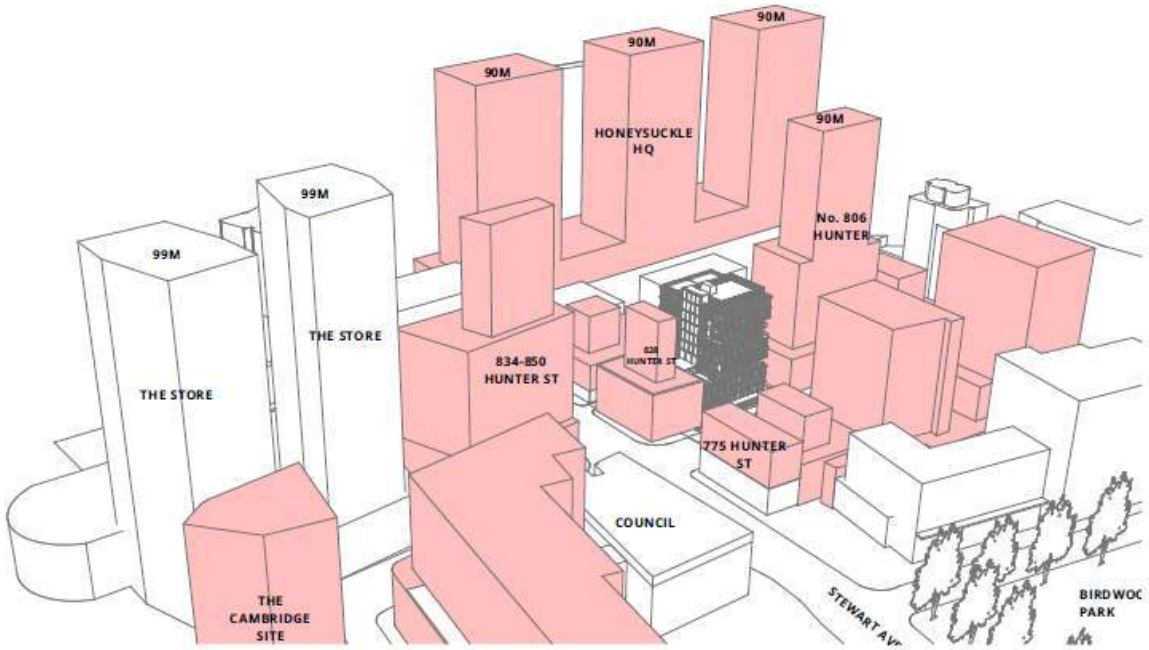


Figure 13: Height as at FSR of 4.7:1 (source: SDA)

- A study has been completed to ensure privacy to the residential neighbours at 14 Beresford Lane. Strategies include setting the building back from the western boundary by six metres, and landscaping the western edge of the Level 4 terrace to ensure that overlooking is not an issue. *Figure 14* demonstrates that there are no privacy concerns as a result of the proposed variation. Conversely, opportunities for overlooking would likely increase as a result of a compliant scheme, as there would be fewer parking levels meaning a reduce the podium height and increase the viewshed to the neighbouring property.

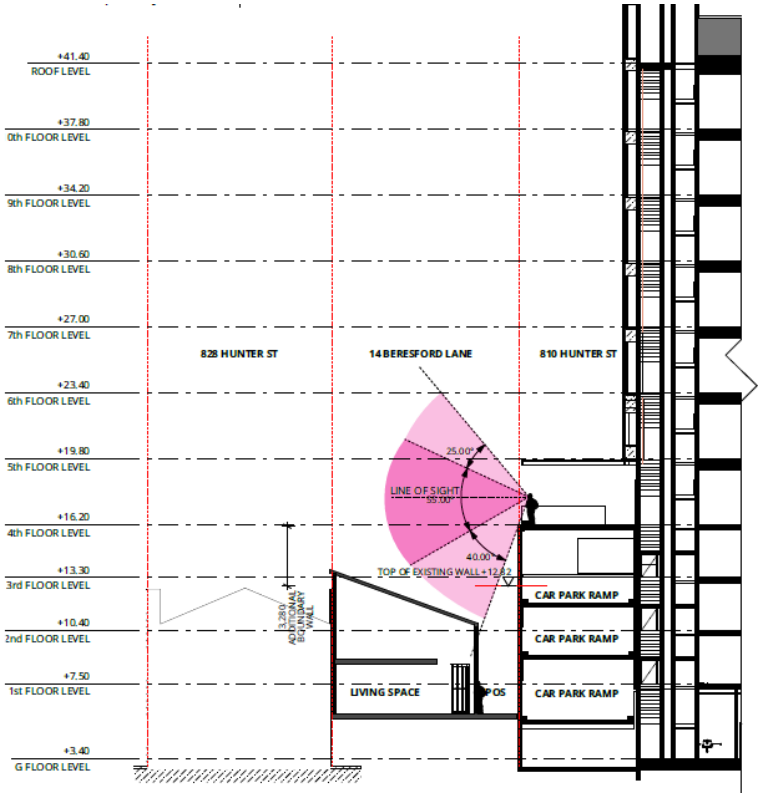


Figure 14: Visual privacy – FSR 4.7:1 (source: SDA)

- A study of overshadowing has been carried out to determine the impact of the development on the neighbouring residential dwelling, with a particular focus on the principal area of private open space. Existing and proposed shadows are depicted in the images below and in greater detail in the architectural plans in **Appendix 1** of the SEE. Refer to drawings DD500-502. In can be seen in these drawings that current structures at 810 Hunter Street overshadow the principal private open space to the extent that the proposed development does not result in any additional impact to that space.

Figure 15: Existing Shadows – FSR 4.7:1 (source: SDA)

Figure 16: Proposed Shadows – FSR 4.7:1 (source: SDA)

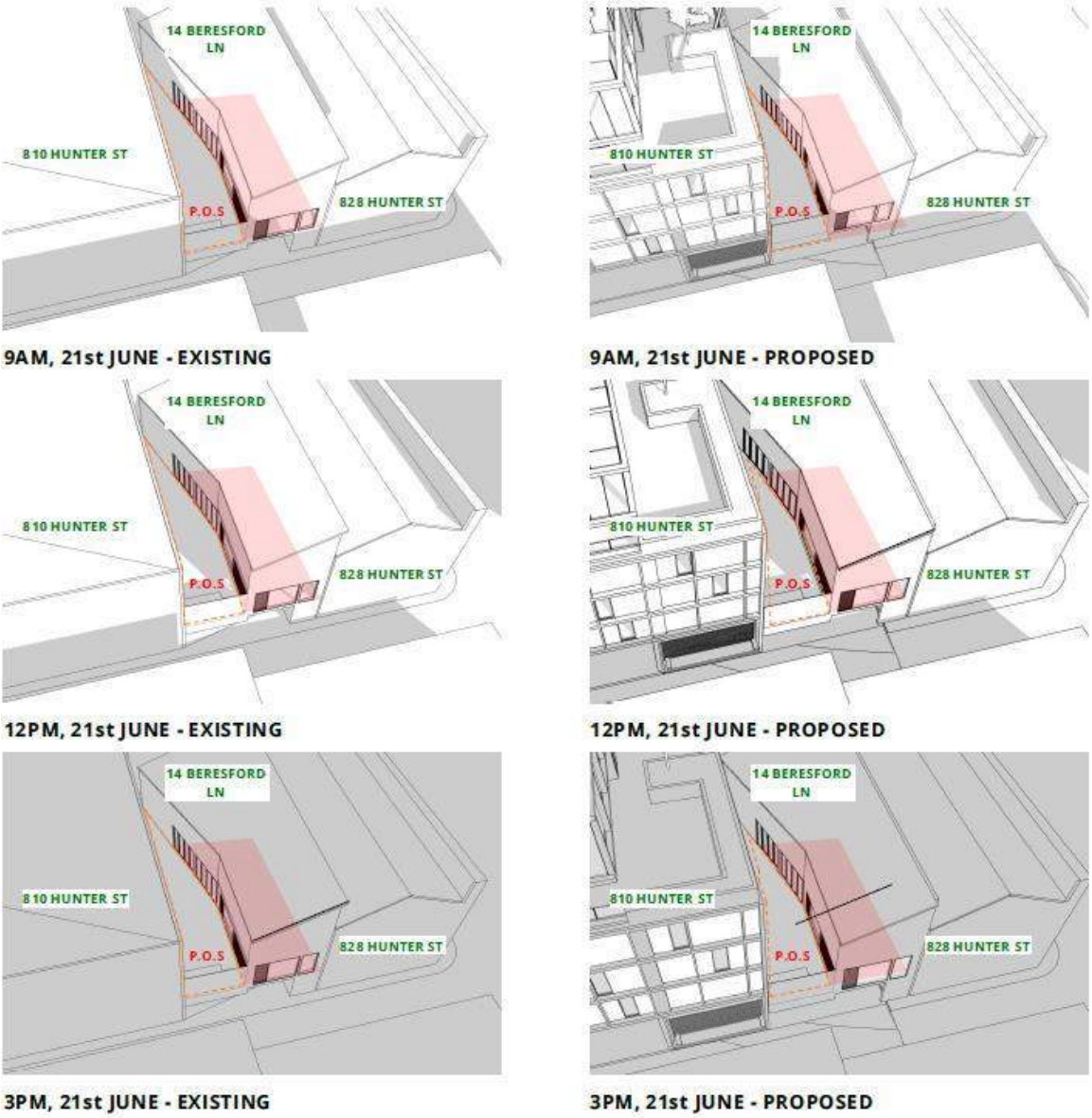


Figure 17: Comparison – Existing and proposed shadows – FSR 4.7:1. Private open space is illustrated by pink shading (source: SDA)

In respect of the proposed development, it has been demonstrated that an appropriate degree of flexibility ensures the FSR standard is not disregarded, but the development responds appropriately to its context. A flexible approach to development standard ensures the underlying purpose of Clause 7.10A, that is, to ensure appropriate development of smaller sites within the city centre is successfully implemented.

3.4 FOURTH TEST - The Development Standard has been Virtually Abandoned or Destroyed

CoN has shown an appropriate degree of flexibility in its application of the development standard without abandoning or destroying the standard. Therefore, this particular test is not applicable.

3.5 FIRTH TEST - The Zoning of the Land is Unreasonable or Inappropriate

This test is not applicable as the zoning of the site is appropriate.

4. ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS?

4.1 JUSTIFICATION BASED ON ENVIRONMENTAL PLANNING GROUNDS

The assessment above and as shown throughout the DA supporting documentation demonstrates that the resultant environmental impacts of the proposed variation will be negligible. The proposal addresses the relevant objectives of the standard. The proposal will not result in any unreasonable amenity or environmental impacts as detailed in the submitted reports. The proposal will maintain high levels of amenity within the development and to the surrounding context. The proposal seeks to make a positive contribution to the desired built form of the locality and has been architecturally designed in consideration of its surrounding context and land use.

There are sufficient environmental and planning grounds to justify contravening the development standard and are as follows:

- The underlying intent of the development standard is to encourage development of a scale and nature commensurate to the site. However, strict compliance with the development standard will result in poorer outcomes than the proposed non-conforming development. Following detailed site analysis and design, a scheme is proposed that creates a positive balance of height, scale and FSR. The intent of the clause can be achieved notwithstanding the numerical variation.
- Features such as the substantial green wall on the western façade and landscaping above podium level and at the roof top, along with careful articulation creates visual interest, improves the environmental performance and amenity.
- The proposed development is compatible with existing buildings and uses within the surrounding locality. Height, setbacks, views, privacy and streetscape have all been considered and addressed.
- The development gives the ground plane back to the public creating a hierarchy of public/private space; a considerable improvement on the existing street level environment. To achieve this, floor area is redistributed from the ground floor to upper levels without impacting views, privacy, height compliance etc.
- The additional 1,539.34m^2 of GFA will not result in unreasonable visual or privacy impacts, including to the adjoining residential property. A compliant design would likely have a greater privacy impact due to a lowering of the communal outdoor area above podium level.
- The Statement of Environmental Effects submitted with the development application demonstrates the development's substantial compliance with all other development standards and planning controls notwithstanding the FSR variation.
- The development has received the support of City of Newcastle's Urban Design Review Panel.

In this case, we submit that the proposal displays sufficient environmental planning grounds to warrant variation to the development standard.

5. IS THE VARIATION IN THE PUBLIC INTEREST?

As detailed above, Clause 4.6 (4) (a) (ii) of the LEP requires demonstration that the proposed development will be in the public interest because it is consistent with the intent of the particular development standard (described in Section 3.1.1 above) and the objectives for development within the zone in which the development is proposed to be carried out.

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. The development is a permissible form of development, consistent with the objectives of the B3 Commercial Core zone and is therefore considered to be in the public interest.

6. PUBLIC BENEFIT OF MAINTAINING THE STANDARD?

It is considered that there is no benefit to the public or the community in maintaining the development standard. The proposed development will allow for the creation of a high-quality development of A-Grade office space which as stated above meets the desired objectives of the standard.

It is not considered that the variation sought raises any matter of significance for State or regional environmental planning.

The departure from Clause 7.10A within LEP 2012 still allows for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

7. IS THE VARIATION WELL FOUNDED?

It is considered that this has been adequately addressed above. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the LEP 2012 in that:

- Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development
- There are sufficient environmental planning grounds to justify the departure from the standards
- The development meets the objectives of the standard to be varied (FSR) and objectives of the B3 Commercial Core zoning of the land
- The proposed development is in the public interest and there is no public benefit in maintaining the standard
- The breach does not raise any matter of State of Regional Significance; and
- The development submitted aligns with the development expectations for the surrounding area.

Based on the above, the proposed variation is considered well founded and worthy of favourable determination.

8. GENERAL

Clause 4.6 also states that:

> *(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
>
> *(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
>
> *(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. *When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition or Zone R5 Large Lot Residential*

> *(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
>
> *(8) This clause does not allow development consent to be granted for development that would contravene any of the following:*
>
> *(a) a development standard for complying development,*
>
> *(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
>
> *(c) clause 5.4,*
>
> *(d) clause 8.1 or 8.2.*

This variation does not relate to the subdivision of land. The variation sought is not contrary to subclause (6). Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission.

The development proposed is not complying development. A BASIX certificate is not required for this development type. The development is not affected by clauses 5.4. 8.1 or 8.2

9. CONCLUSION

The proposal does not comply with the FSR standard prescribed by Clause 7.10A of the Newcastle LEP 2012. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of LEP 2012 are met, as the breach to the maximum FSR does not create any significant adverse environmental planning impacts.

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular instance and use of Clause 4.6 of the LEP 2012 to vary this development control is appropriate in this instance.

It is submitted that the 57% variation to the standard is reasonable in the context of the overall proposal and its location within the City Centre. The proposed building bulk and scale, along with design features such as generous ground floor forecourt, green wall, varied setbacks and recesses, landscaping and quality use of materials ensures that the proposal will make a positive contribution to the urban environment. It is considered that the variation is with merit and the claims are well-founded. The variation will not adversely impact the amenity of the development or adjoining properties, nor will the variation compromise the character of the area. As such a degree of flexibility is considered reasonable in this instance and anticipated under the LEP where justification is made.

As stated in *Wehbe vs Pittwater Council (2007) LEC 827* the rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development provides an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable.

Based on the above, it is reasonable to conclude that strict compliance with the maximum FSR is not necessary and that a better planning outcome is achieved for this development by allowing flexibility in the application. The proposal provides for a high-quality design that is consistent with sites within the immediate and surrounding area.