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**DAC 15/02/2022 – MA2021/00295 - 147, 151, 154 Hunter Street;
98, 100, 104, 110 King Street;
15, 21, 31, 33 Wolfe Street; & 14 Thorn Street Newcastle -**

**MA2021/00295 - Sec 4.55(1A) modification to DA2018/00354 - shop
top housing - changes to conditions of consent**

PAGE 3	ITEM-2	Attachment A:	Submitted Plans
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PAGE 36	ITEM-2	Attachment C:	Draft Schedule of Conditions
PAGE 71	ITEM-2	Attachment D:	Processing Chronology

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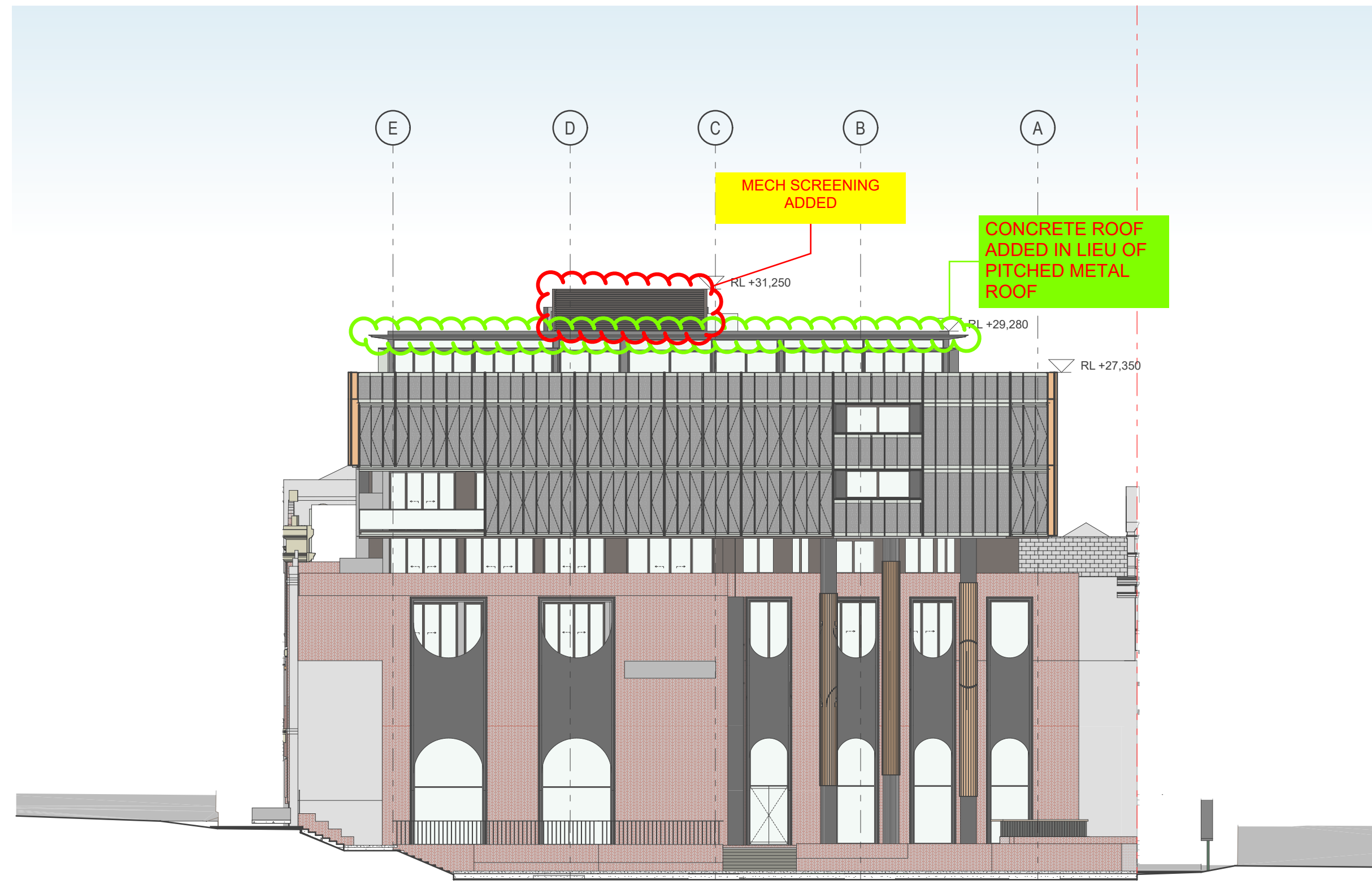
**DAC 15/02/2022 – MA2021/00295 - 147, 151, 154 Hunter Street;
98, 100, 104, 110 King Street;
15, 21, 31, 33 Wolfe Street; 14 Thorn Street Newcastle -**

**MA2021/00295 - Sec 4.55(1A) modification to DA2018/00354 - shop
top housing - changes to conditions of consent**

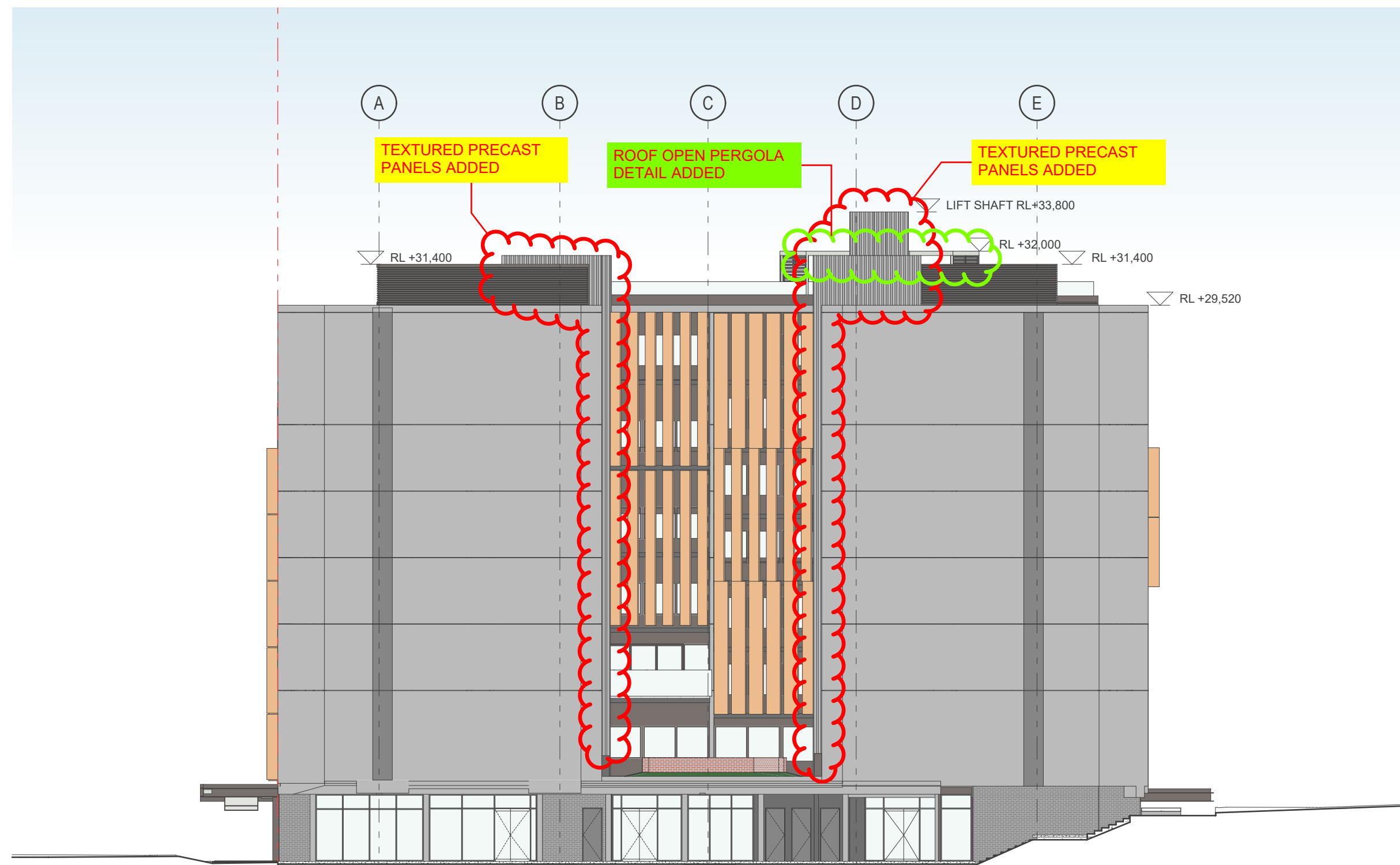
ITEM-2 Attachment A: Submitted Plans

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2 Lane Way North Elevation - 1:200
SCALE 1:200 @ A1



1 Lane Way South Elevation - 1:200
SCALE 1:200 @ A1

General Note:

- 1 31 Refer to structural engineering's documentation for details of columns, slabs, and structural elements generally.
- 1 31 Refer to ANA Civil drawings for all in ground stormwater.
- 1 31 Refer to the Northrop Engineers Public Domain documentation for external levels to Wolfe, Hunter, Thorn, and King Streets.
- 1 41 Refer to ADP Consulting for details of all electrical, fire, mechanical, and hydraulic services documentation requirements.
- 1 51 Refer to Heritage Specifications and Schedule of Conservation Works Newcastle East End - Block 2 prepared by City Plan regarding all heritage items on site.
- 1 61 Refer to Xeriscapes documentation regarding all raised planters, roof top communal area, and general landscape items.
- 1 71 The drawings are to be read in conjunction with the Architectural Specification prepared by CKDS. Refer to the Interior Finishes Schedule prepared by Turner Architects for details of all internal finishes.

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Nominated Architects: Cairn King NSW A88 7534 / Stuart Campbell NSW A88 7545

issue	revision	description	date	verified
1		ISSUE FOR INFORMATION	19/02/21	MT
2		ISSUE FOR INFORMATION	11/03/21	MT
3		ISSUE FOR INFORMATION	18/03/21	MT

key plan

consultants
Civil/Structural Engineers
TGM Design & Construct
Level 10
8 Mount Olympus Boulevard
Wooli Creek NSW 2205

Services Engineer
ADP Consulting Engineers
Level 3
8 Spring Street
Sydney NSW2000

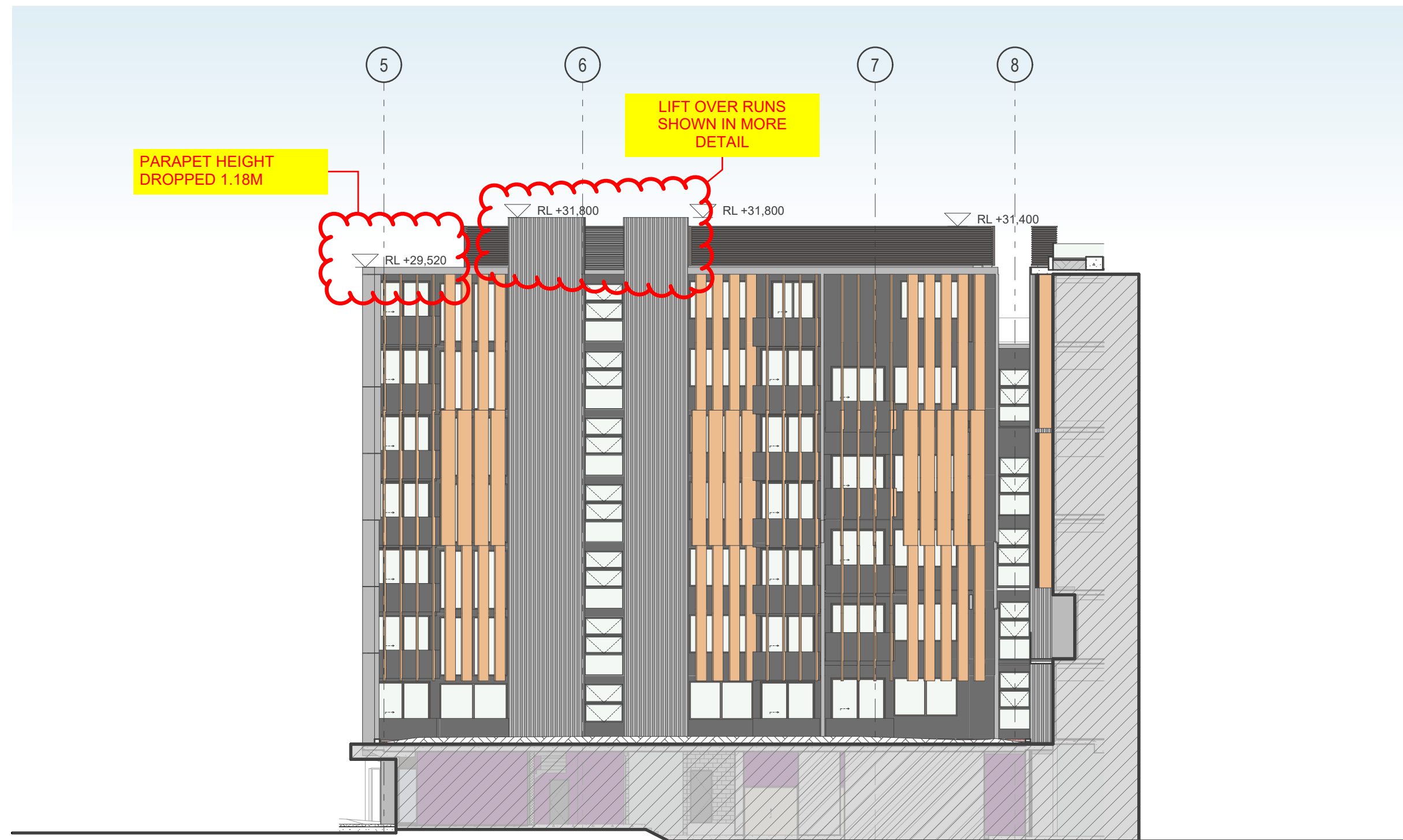
clients
design & construct
tqm

project
East End Stage 2
147-153 Hunter Street
Newcastle
NSW 2300
iris

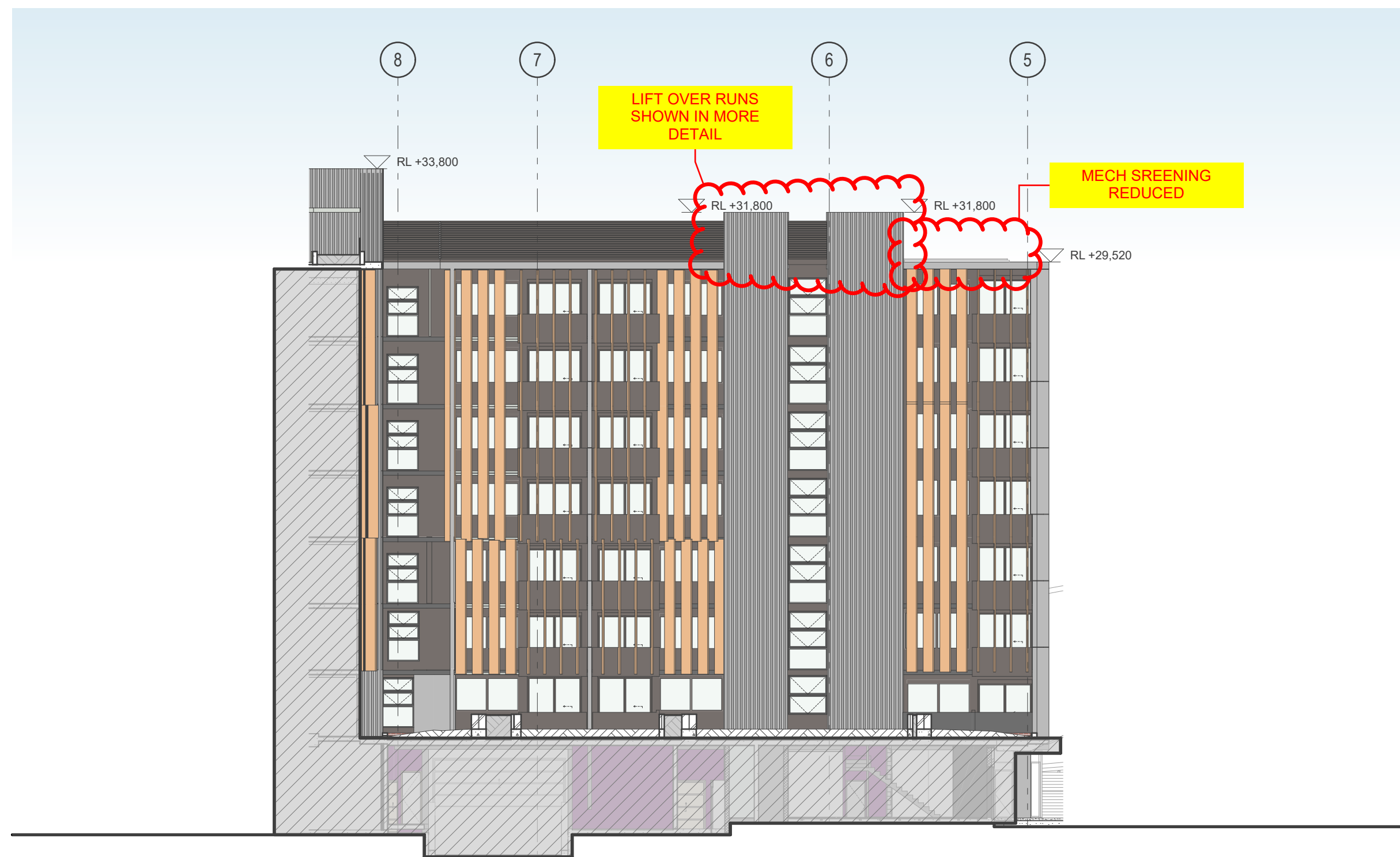
drawing title
Reference Elevations
Laneway North and
Laneway South
S4.55 Submission

drawing scale	drawn	verified	date
1:200, 1:5@A1		MCT	12/03/21
project #	drawing #	issue	
20139	A-1903	3	

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1 Courtyard West Elevation - 1:200
SCALE 1:200 @ A1



2 Courtyard East Elevation - 1:200
SCALE 1:200 @ A1

General Note:
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3		ISSUE FOR INFORMATION	18/03/21	MT

key plan

consultants	Civil/Structural Engineers TGM Design & Construct Level 10 6 Mount Olympus Boulevard Wooli Creek NSW 2205	Services Engineer ADP Consulting Engineers Level 3 8 Spring Street Sydney NSW2000	clients	design & construct
Interior Designer	Turners Level 7 1 Oxford Street Surry Hills NSW 2010			

project
East End Stage 2
 147-153 Hunter Street
 Newcastle
 NSW 2300

iris

drawing title
Reference Elevations
Courtyard East & West
Elevations
S4.55 Submission

drawing scale
 1:200, 1:5@A1

drawn
 MCT

verified
 12/03/21

project #
 20139

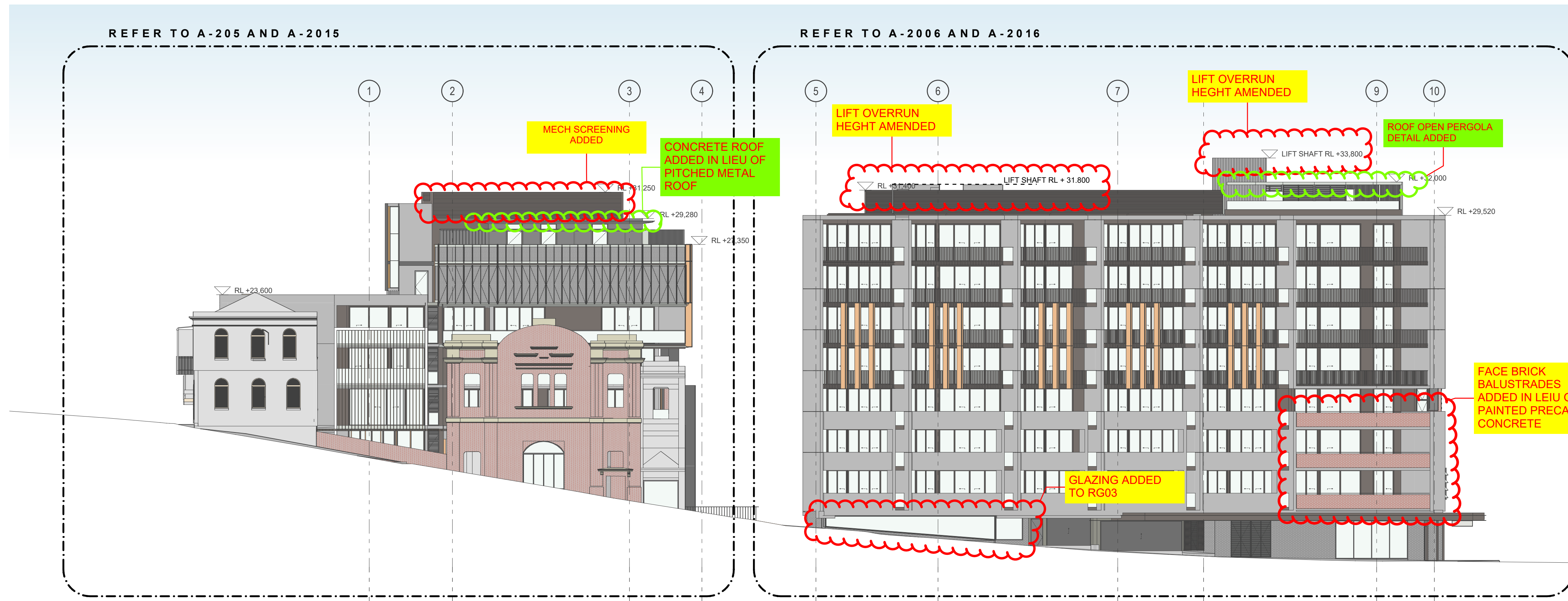
drawing #
A-1904

issue
3

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1 King Street Elevation - 1:200
SCALE 1:200 @ A1



2 Thorn Street Elevation - 1:200
SCALE 1:200 @ A1

General Note:
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 Notwithstanding Architects: Casey King NSW ABB 7534 / Stuart Campbell NSW ABB 7545

issue	revision	description	date	verified
1		ISSUE FOR INFORMATION	19/02/21	MT
2		ISSUE FOR INFORMATION	11/03/21	MT
3		ISSUE FOR INFORMATION	18/03/21	MT
3.1		ISSUE FOR INFORMATION - REFERENCE AMENDED	18/03/21	MT

key plan

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consultants
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 TQM Design & Construct
 Level 10
 8 Mount Olympus Boulevard
 Woll Creek NSW 2205

Services Engineer
 ADP Consulting Engineers
 Level 3
 8 Spring Street
 Sydney NSW 2000

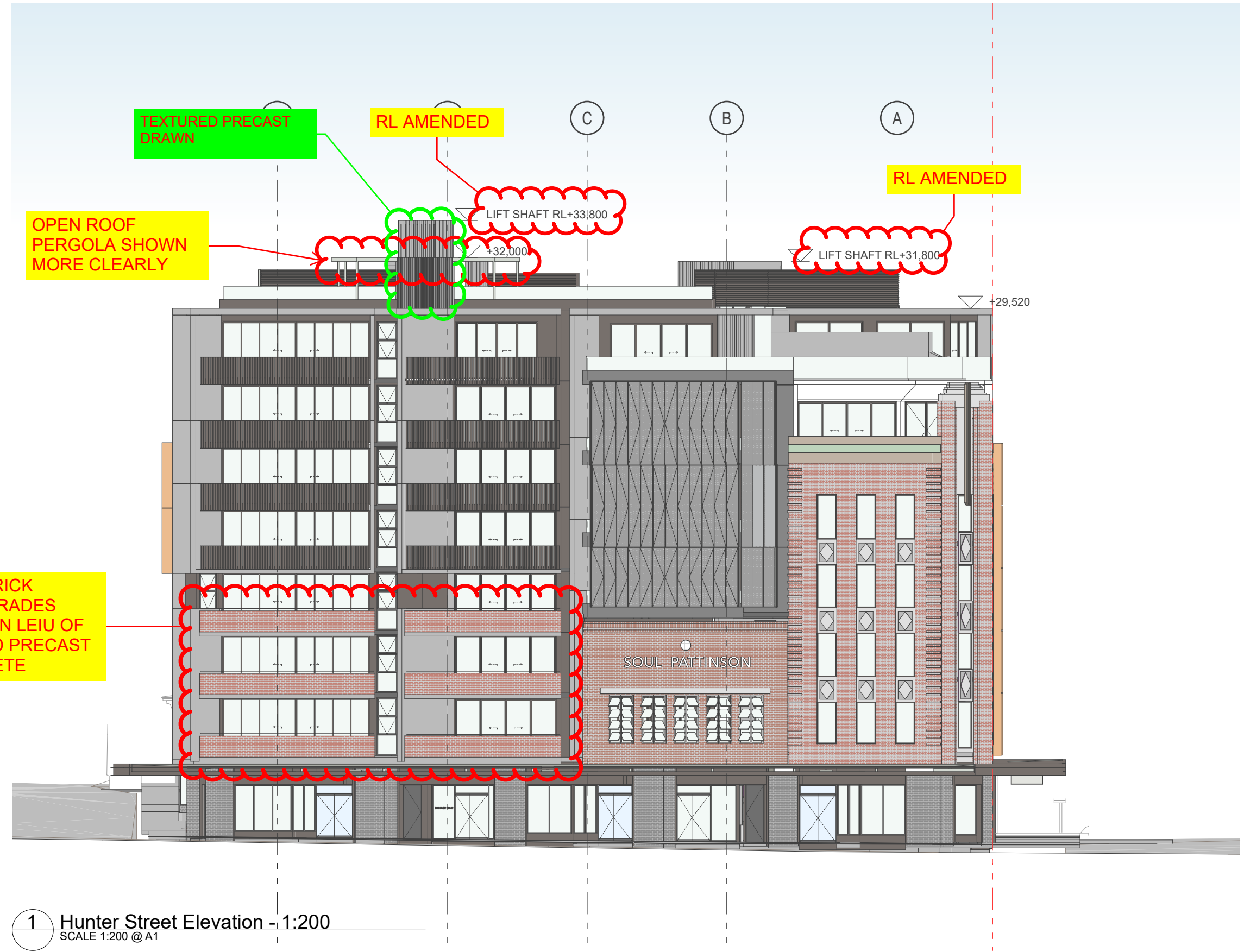
clients
 design & construct
tqm

project
 East End Stage 2
 147-153 Hunter Street
 Newcastle
 NSW 2300
iris

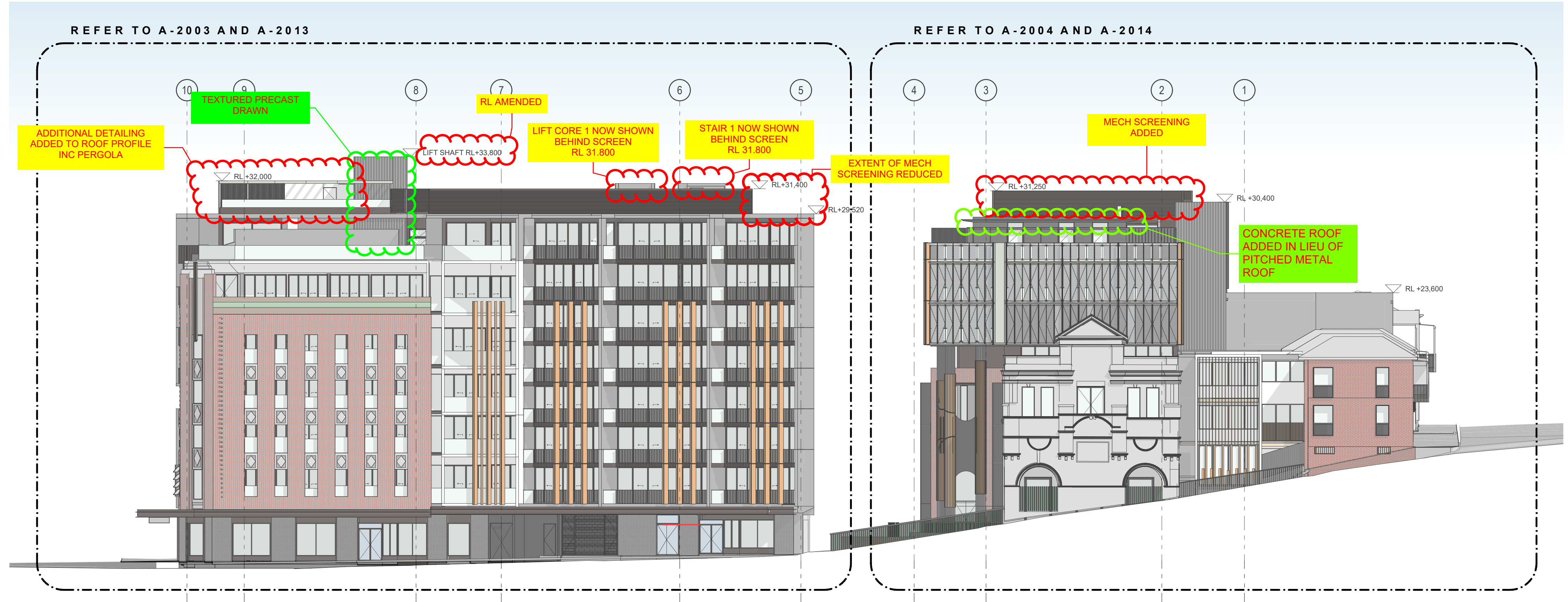
drawing title
 Reference Elevations
 King Street and Thorn
 Street Elevations
 S4.55 Submission

drawing scale 1:200, 1:5@A1
drawn MCT
verified MCT
date 12/03/21
project # 20139
drawing # A-1902
issue 3.1

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1 Hunter Street Elevation - 1:200
SCALE 1:200 @ A1



2 Wolfe Street Elevation - 1:200
SCALE 1:200 @ A1

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1		ISSUE FOR INFORMATION	19/02/21	MT
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3		ISSUE FOR INFORMATION	18/03/21	MT
3.1		ISSUE FOR INFORMATION - REFERENCE AMENDED	18/03/21	MT

key plan

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consultants

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Interior Designer Turners Level 7 1 Oxford Street Surry Hills NSW 2010	

clients

design & construct tqm

project

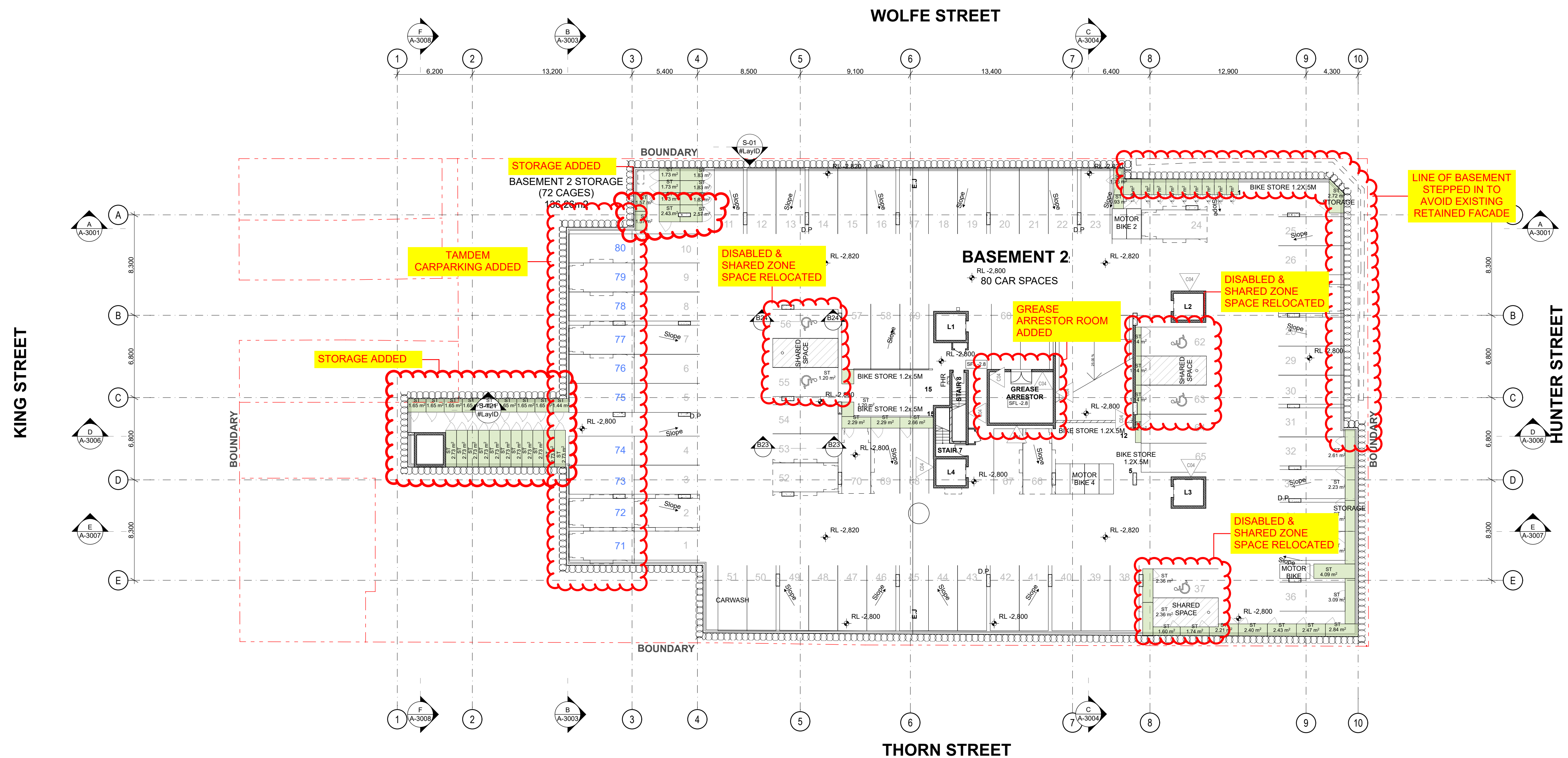
East End Stage 2 147-153 Hunter Street Newcastle NSW 2300 iris
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drawing title

Reference Elevations Hunter Street and Wolfe Street Elevations S4.55 Submission
--

drawing scale 1:200, 1:5@A1	drawn MCT	verified MCT	date 12/03/21
project # 20139	drawing # A-1901	issue 3.1	

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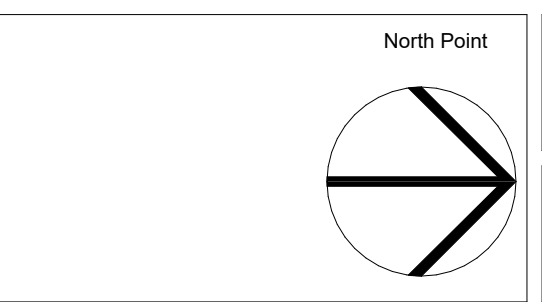
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1.4		PRELIMINARY ISSUE FOR INFORMATION	01/02/21	MT
2		ISSUE FOR INFORMATION	19/02/21	MCT
3		ISSUE FOR INFORMATION	11/03/21	MCT
3.1		ISSUE FOR INFORMATION	18/03/21	MCT

key plan



consultants
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TQM Design & Construct
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6 Mount Olympus Boulevard
Wooli Creek NSW 2205

Interior Designer
Turners
Level 7
1 Oxford Street
Surry Hills NSW 2010

Services Engineer
ADP Consulting Engineers
Level 3
8 Spring Street
Sydney NSW2000

clients

tqm
design & construct

project
East End Stage 2
147-153 Hunter Street
Newcastle
NSW 2300

iris

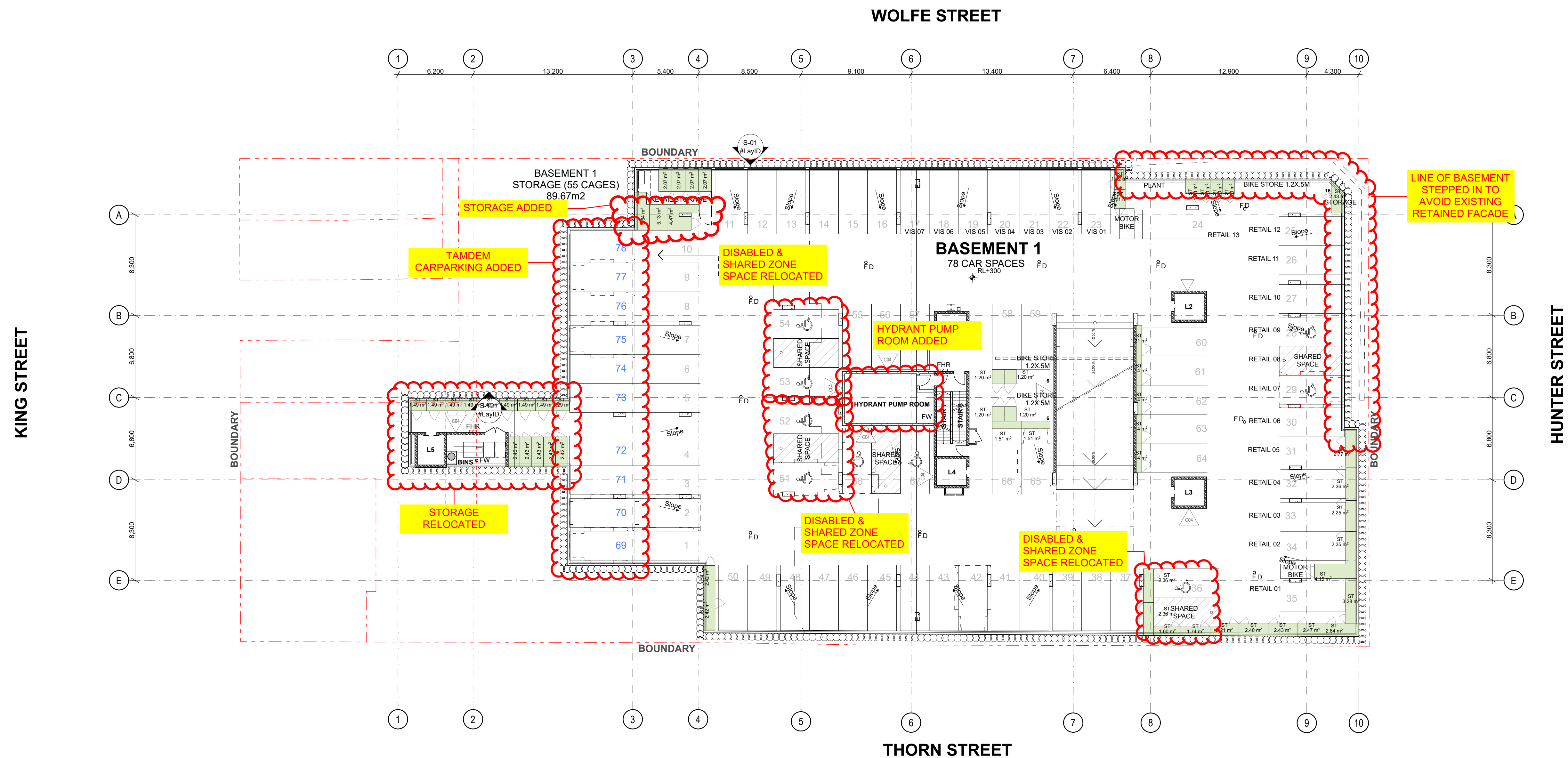
drawing title
Reference Plans
Basement 2
S4.55 Submission

drawing scale	drawn	verified	date
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project #	drawing #	issue	
20139	A-0101	3.11	

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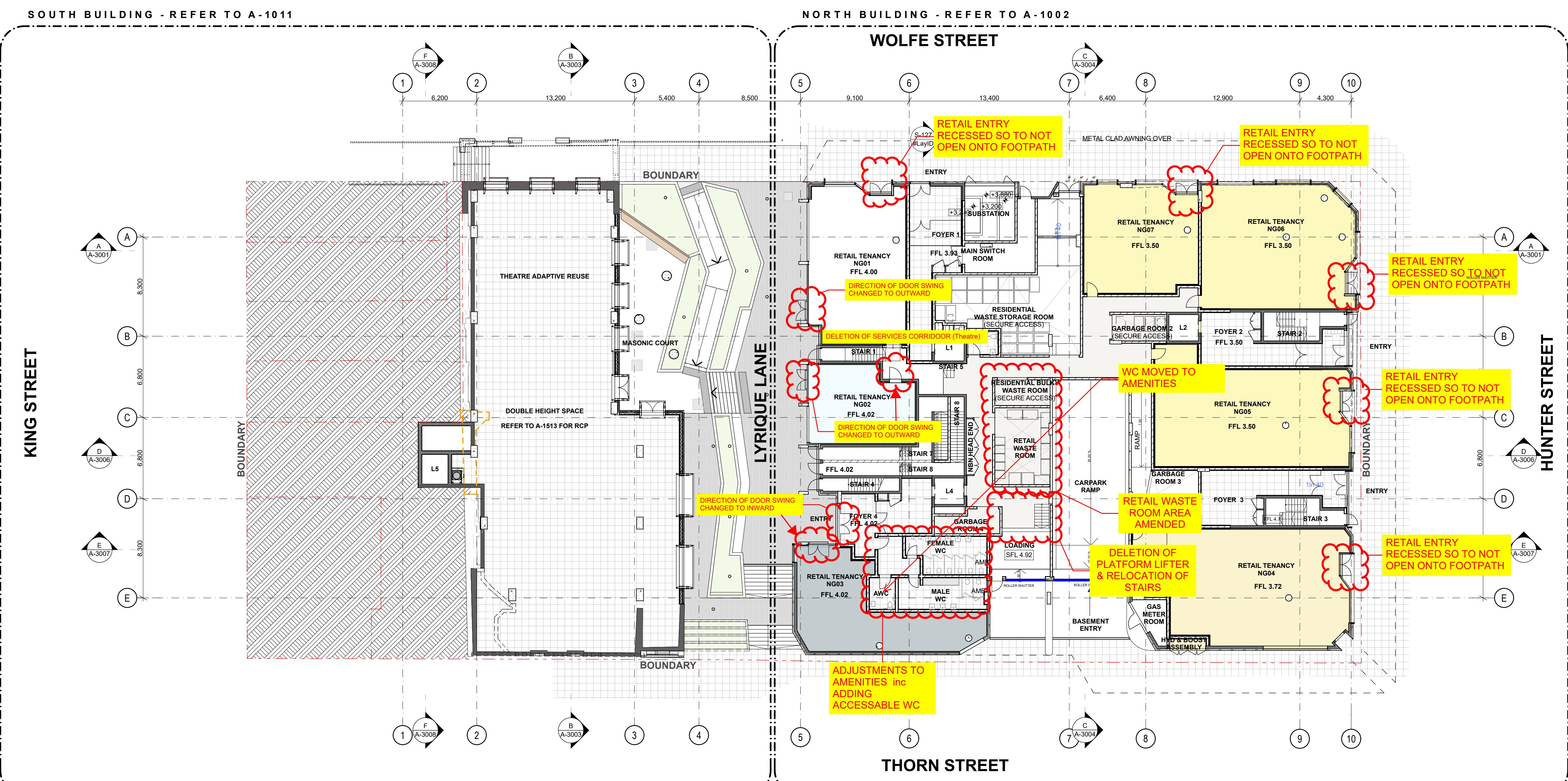
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1.3		PRELIMINARY ISSUE FOR COORDINATION ONLY	21/12/20	MT
1.4		PRELIMINARY ISSUE FOR INFORMATION	01/02/21	MT
2		ISSUE FOR INFORMATION	18/02/21	MCT
3		ISSUE FOR INFORMATION	11/03/21	MCT
3.1		ISSUE FOR INFORMATION	18/03/21	MCT

key plan	North Point	consultants	Services Engineer	clients
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		Interior Designer Turners Level 7 1 Oxford Street Surry Hills NSW 2010		project East End Stage 2 147-153 Hunter Street Newcastle NSW 2300

drawing title
Reference Plans
Basement 1
S4.55 Submission

drawing scale	drawn	verified	date
1:200, 1:5@A1	AE	MCT	7/4/21
project #	drawing #	issue	
20139	A-0102	3.11	

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01		PRELIMINARY ISSUE FOR COORDINATION ONLY	27/12/20	MT
1.1		PRELIMINARY ISSUE FOR COORDINATION ONLY	04/12/20	MCT
1.2		ISSUE FOR COORDINATION	21/12/20	MCT
1.3		WORK IN PROGRESS ISSUE	02/02/21	MCT
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2.1		ISSUE FOR COORDINATION	09/03/21	MCT
3		ISSUE FOR INFORMATION	11/03/21	MCT
3.1		ISSUE FOR INFORMATION	18/03/21	MCT
3.2		ISSUE FOR INFORMATION	27/03/21	MCT

key plan

North Point

consultants

Soil/Structural Engineers
 TQM Design & Construct
 Level 10
 8 Mount Olympus Boulevard
 Wooli Creek NSW 2205

Services Engineer
 ADP Consulting Engineers
 Level 3
 8 Spring Street
 Sydney NSW 2000

clients

project
East End Stage 2
 147-153 Hunter Street
 Newcastle
 NSW 2300

iris

drawing title
Reference Plans
Ground Floor
S4.55 Submission

drawing scale
 1:200, 1:5@A1

drawn
 MCT, AE

verified
 MCT

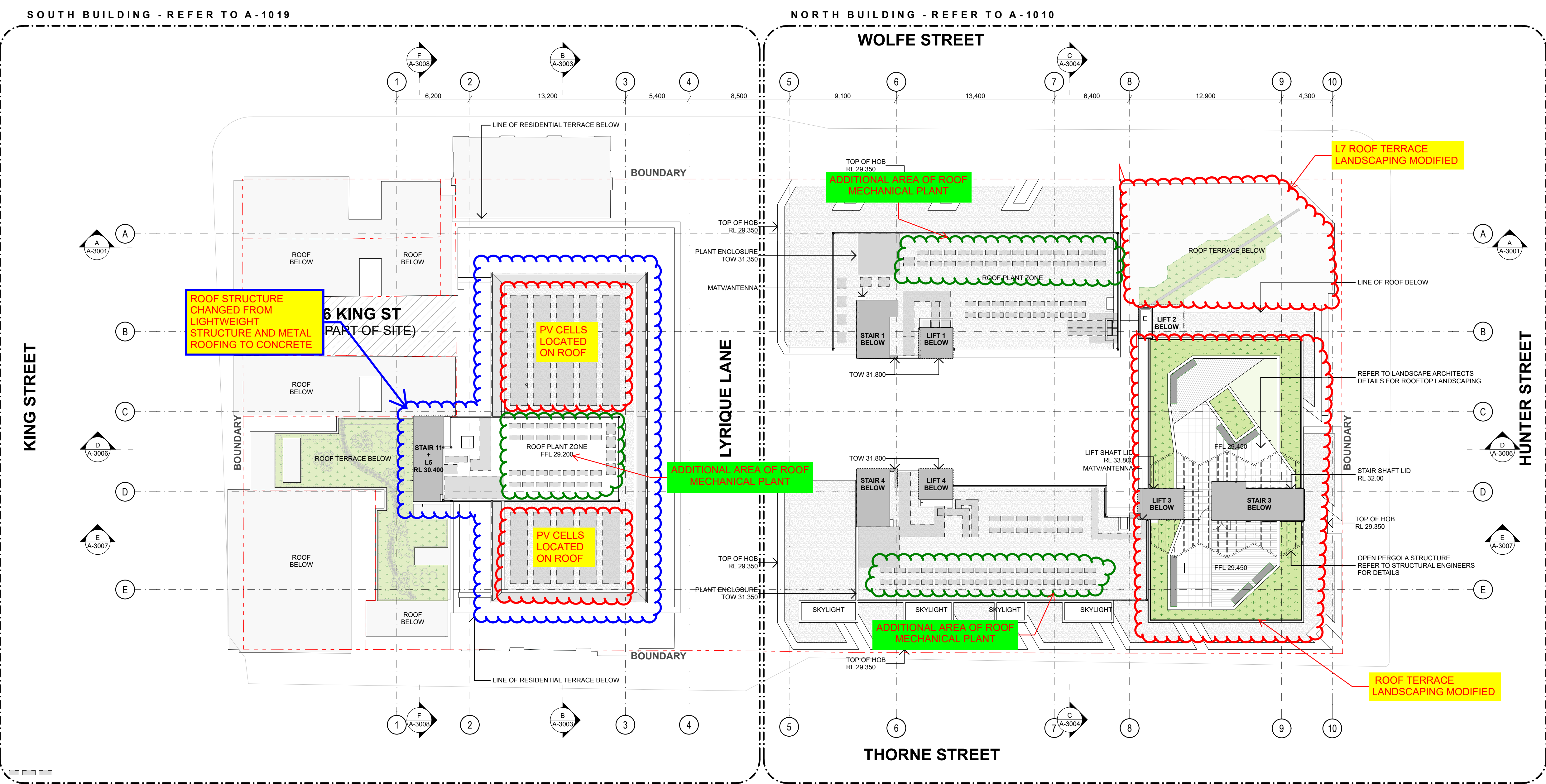
date
 28/5/21

project #
20139

drawing #
A-0103

issue
3.2

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3		ISSUE FOR INFORMATION	11/03/21	MCT
3.1		ISSUE FOR INFORMATION	18/03/21	MCT

key plan
 North Point

consultants
 Civil/Structural Engineers
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 Woll Creek NSW 2205

Services Engineer
 ADP Consulting Engineers
 Level 3
 9 Spring Street
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clients

project
 East End Stage 2
 147-153 Hunter Street
 Newcastle
 NSW 2300

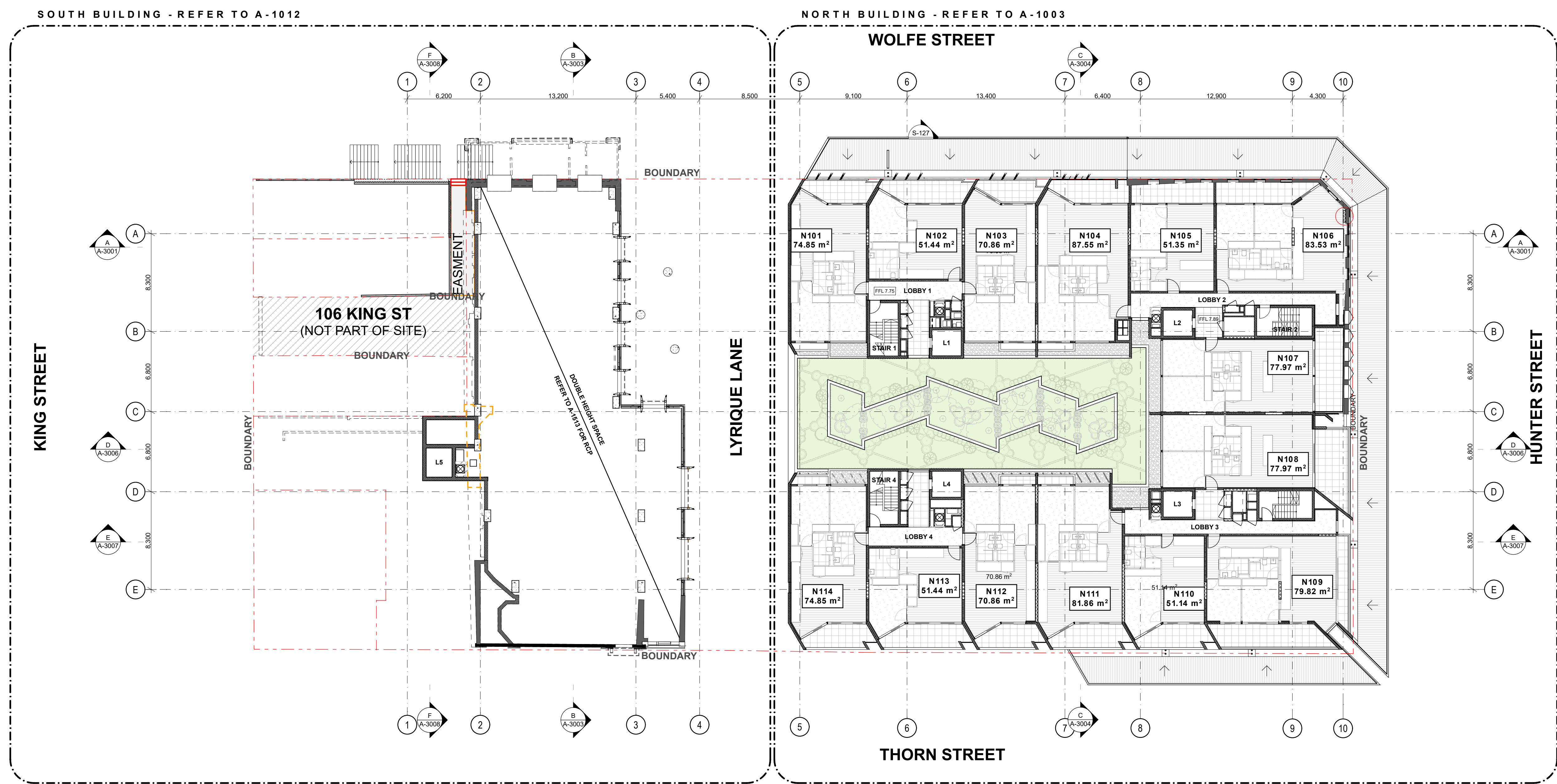
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 Reference Plans
Roof
S4.55 Submission

drawing scale	drawn	verified	date
1:200, 1:5@A1	HH, MCT	MCT	19/3/21
project #	drawing #	issue	
20139	A-0111	3.1	

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1.1		PRELIMINARY ISSUE FOR COORDINATION ONLY	04/12/20	MCT
1.2		ISSUE FOR COORDINATION	21/12/20	MCT
1.3		WORK IN PROGRESS ISSUE	02/02/21	MCT
2		ISSUE FOR INFORMATION	15/02/21	MCT
3		ISSUE FOR INFORMATION	11/03/21	MCT
3.1		ISSUE FOR INFORMATION	27/03/21	MCT
3.2		ISSUE FOR INFORMATION		

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design & construct
tqm

project

East End Stage 2
147-153 Hunter Street
Newcastle
NSW 2300

iris

drawing title

Reference Plans
Level 1
S4.55 Submission

drawing scale

1:200, 1:5@A1

drawn

JH, AE

verified

MCT

date

28/5/21

project #

20139

drawing #

A-0104

issue

3.1

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1.3		WORK IN PROGRESS ISSUE	02/02/21	MCT
2		ISSUE FOR INFORMATION	15/02/21	MCT
3		ISSUE FOR INFORMATION	11/03/21	MCT
3.1		ISSUE FOR INFORMATION	18/03/21	MCT
3.2		ISSUE FOR COORDINATION - STAIRS AMENDED	22/03/21	MCT

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East End Stage 2
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NSW 2300

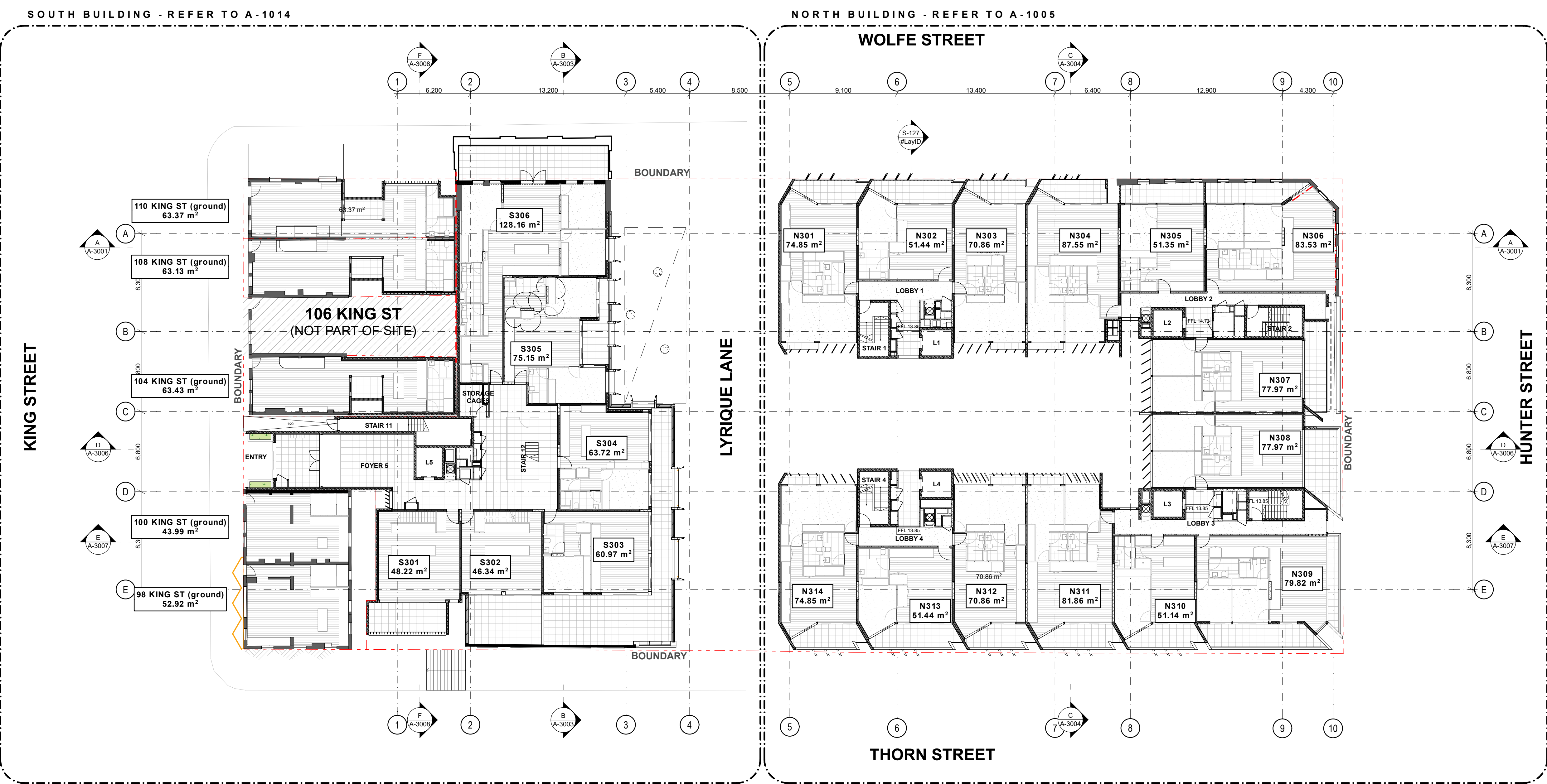
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Reference Plans
Level 2

S4.55 Submission

drawing scale	drawn	verified	date
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project #	drawing #	issue	
20139	A-0105	3.2	

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3.1		ISSUE FOR INFORMATION	27/03/21	MCT
3.2		ISSUE FOR COORDINATION - STAIRS AMENDED	07/06/21	MCT

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Newcastle
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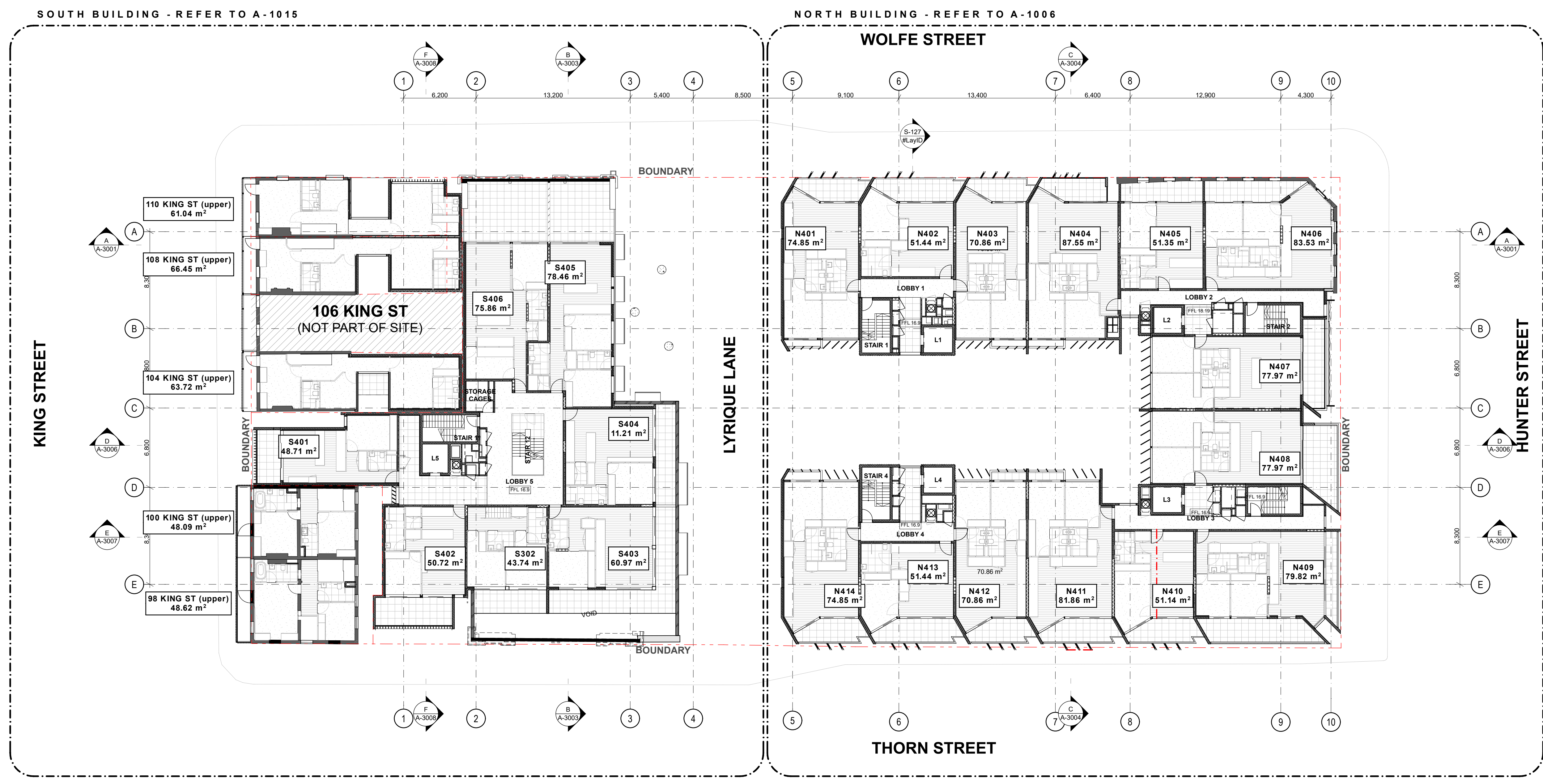
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Reference Plans
Level 3

S4.55 Submission

drawing scale	drawn	verified	date
1:200, 1:5@A1	JH, AE	MCT	1/6/21
project #	drawing #	issue	
20139	A-0106	3.2	

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2		ISSUE FOR INFORMATION	15/02/21	MCT
3		ISSUE FOR INFORMATION	11/03/21	MCT
3.1		ISSUE FOR INFORMATION	16/03/21	MCT
3.1		ISSUE FOR INFORMATION	16/03/21	MCT
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Newcastle
NSW 2300
iris

drawing title
Reference Plans
Level 4
S4.55 Submission

drawing scale
1:200, 1:5@A1

drawn
JH, AE

verified
MCT

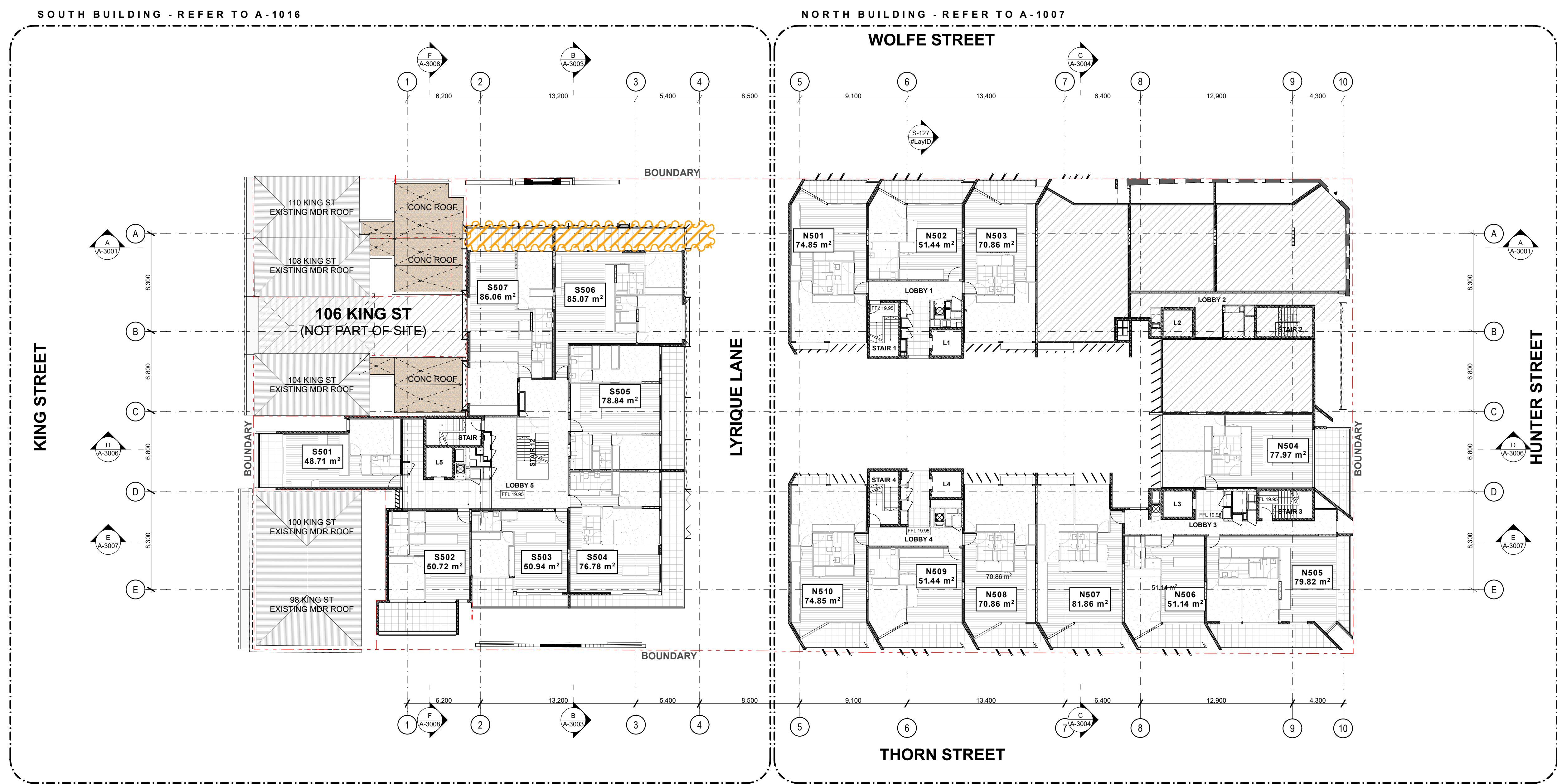
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project #
20139

drawing #
A-0107

issue
3.2

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3.1		ISSUE FOR INFORMATION	16/03/21	MCT
3.2		ISSUE FOR INFORMATION	22/03/21	MCT

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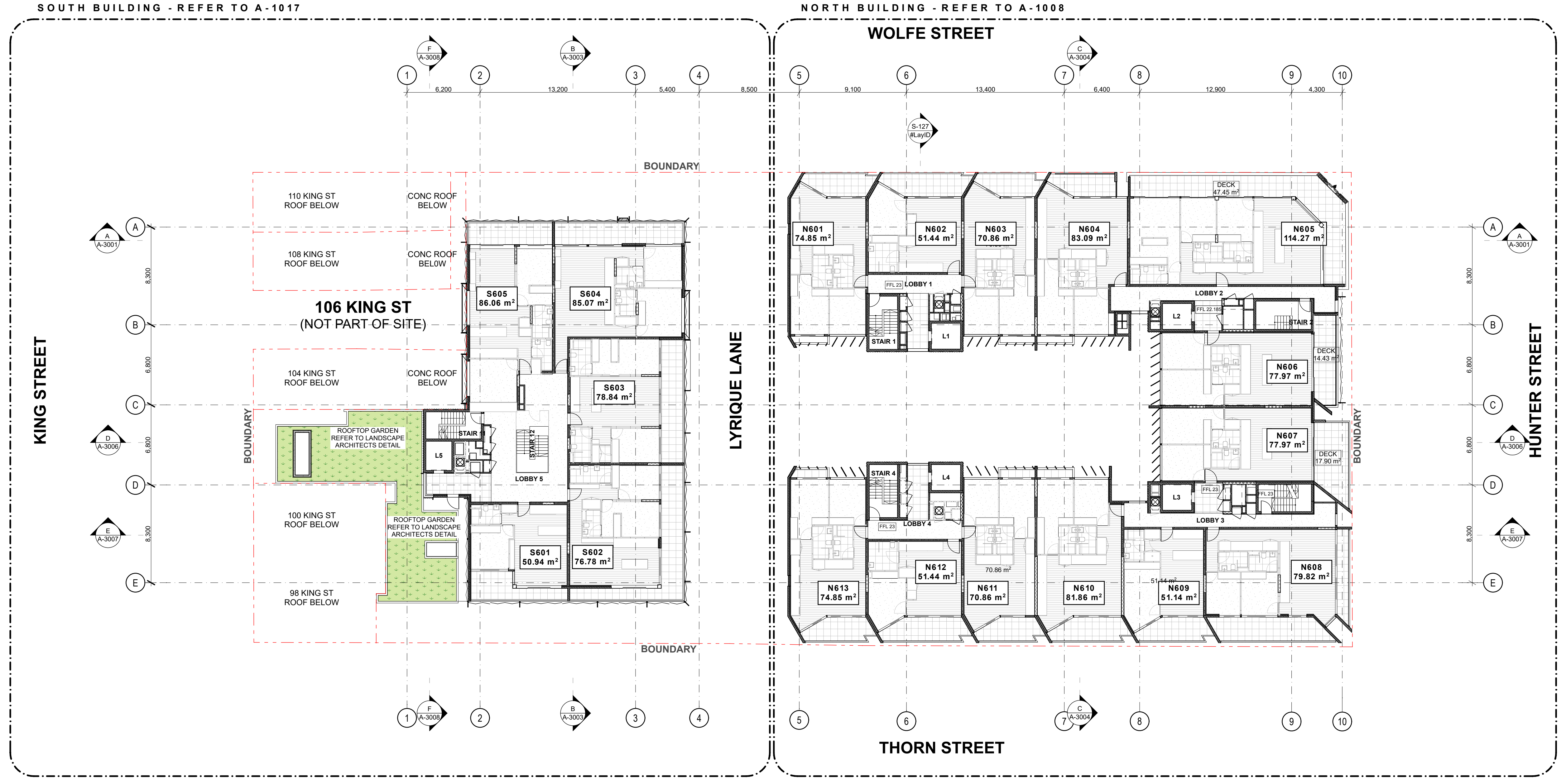
East End Stage 2
147-153 Hunter Street
Newcastle
NSW 2300

drawing title

Reference Plans
Level 5
S4.55 Submission

drawing scale	drawn	verified	date
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project #	drawing #	issue	
20139	A-0108	3.1	

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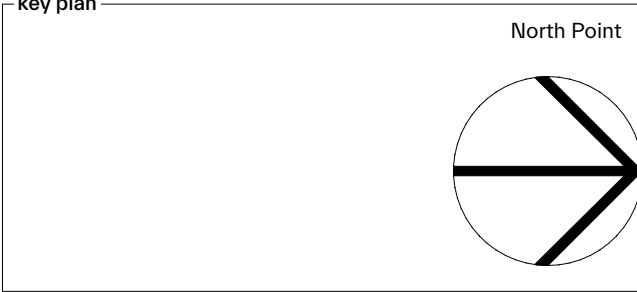
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Notwithstanding Architects: Cairn King NSW ABB 7534 / Stuart Campbell NSW ABB 7545

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3.1		ISSUE FOR INFORMATION	27/03/21	MCT



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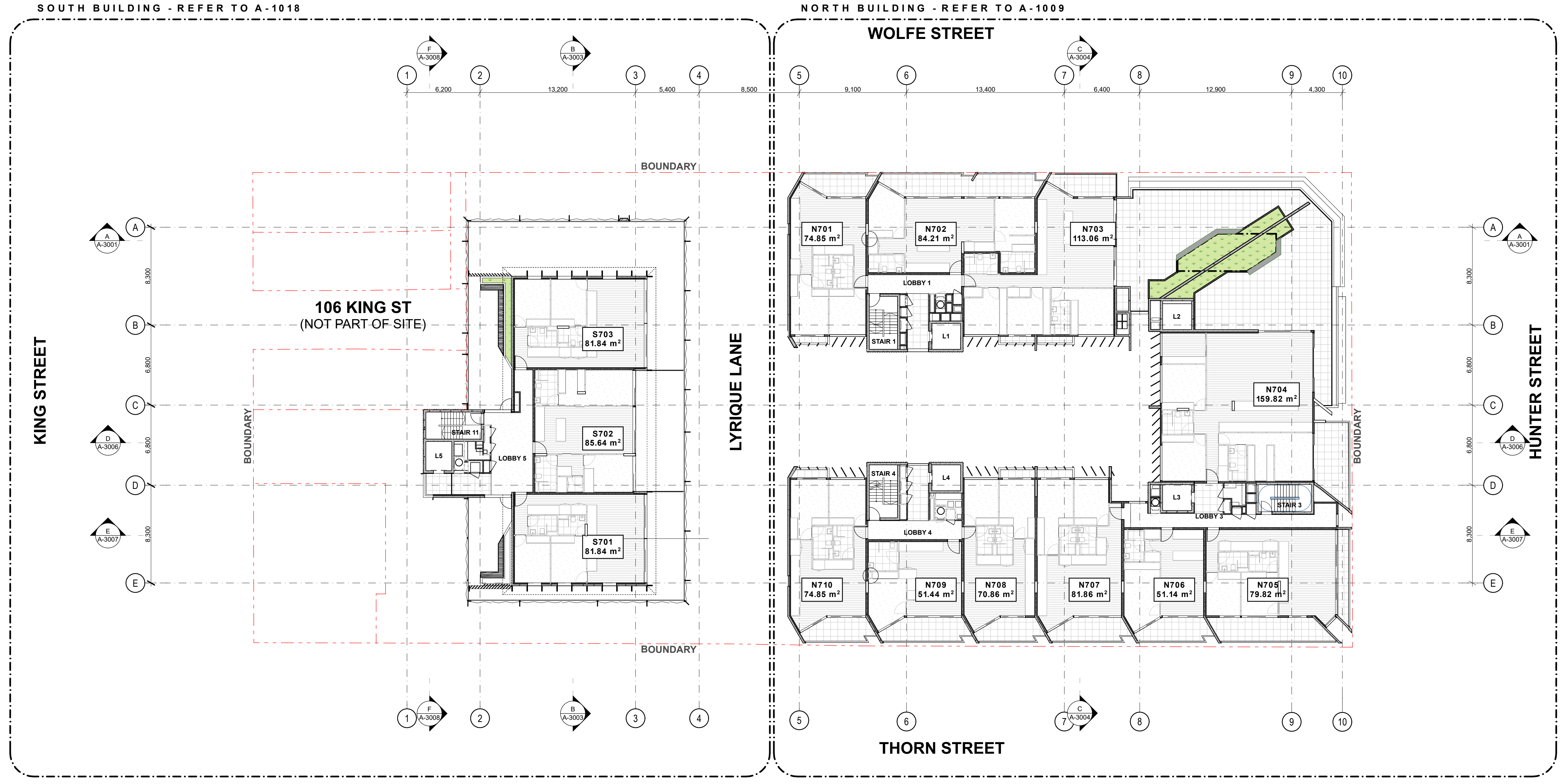
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Reference Plans
Level 6
S4.55 Submission

drawing scale	drawn	verified	date
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project #	drawing #	issue	
20139	A-0109	3.1	

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3.1		ISSUE FOR INFORMATION	18/03/21	MCT

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project
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 Newcastle
 NSW 2300

drawing title
Reference Plans
Level 7
S4.55 Submission

drawing scale	drawn	verified	date
1:200, 1:5@A1	JH, AE	MCT	19/3/21
project #	drawing #	issue	
20139	A-0110	3.1	

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East End Stage 2

147-153 Hunter Street Newcastle NSW 2300

Location Map



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A-1308	A-1308	North Level 7	A-1646	A-1646	Unit Type Plan S501	A-4105	A-4105	Plan Details 05
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A-1515	A-1515	South Level 4 RCP	A-2006	A-2006	West Elevation 2	A-4218	A-4218	King St - Entry South
A-1516	A-1516	South Level 5 RCP	A-2007	A-2007	Laneway South Elevation	A-4219	A-4219	SC03A- Thorne St. Sections South
A-1517	A-1517	South Level 6 RCP	A-2008	A-2008	Laneway North Elevation	A-4220	A-4220	Floor finishes details Typical
A-1518	A-1518	South Level 7 RCP	A-2009	A-2009	Courtyard East Elevation	A-4221	A-4221	Perforated Screen Detail North
A-1601	A-1601	Unit Type Plan A	A-2010	A-2010	Courtyard West Elevation	A-4222	A-4222	Shopfront Details North
A-1602	A-1602	Unit Type Plan B (Adaptable)	A-2011	A-2011	North Elevation (No Screens)	A-4301	A-4301	Royal Exchange Details
A-1603	A-1603	Unit Type Plan C	A-2012	A-2012	South Elevation (No Screens)	A-4302	A-4302	Soul Pattinson Details
A-1604	A-1604	Unit Type Plan D	A-2013	A-2013	East Elevation 1 (No Screens)	A-4303	A-4303	Street Awning Details
A-1605	A-1605	Unit Type Plan E	A-2014	A-2014	East Elevation 2 (No Screens)	A-4304	A-4304	Podium Courtyard Details
A-1606	A-1606	Unit Type Plan F	A-2015	A-2015	West Elevation 1 (No Screens)	A-5001	A-5001	Foyer 1
A-1607	A-1607	Unit Type Plan G	A-2016	A-2016	West Elevation 2 (No Screens)	A-5002	A-5002	Lobby 1
A-1608	A-1608	Unit Type Plan G1	A-2017	A-2017	Laneway North Elevation (No Screens)	A-5003	A-5003	Foyer 2
A-1609	A-1609	Unit Type Plan H	A-2018	A-2018	Laneway South Elevation (No Screens)	A-5004	A-5004	Lobby 2
A-1610	A-1610	Unit Type Plan J	A-2019	A-2019	Courtyard West Elevation (No Screens)	A-5005	A-5005	FoyerLobby 3
A-1611	A-1611	Unit Type Plan K	A-2020	A-2020	Courtyard East Elevation (No Screens)	A-5006	A-5006	FoyerLobby 4
A-1612	A-1612	Unit Type Plan L	A-3001	A-3001	Section A South	A-5007	A-5007	Foyer 5 - Level 2
A-1613	A-1613	Unit Type Plan M (Adaptable)	A-3002	A-3002	Section A North	A-5008	A-5008	Lobby 5 - Level 3
A-1614	A-1614	Unit Type Plan N	A-3003	A-3003	Section B Sth Building	A-5009	A-5009	Lobby 5 - Level 6
A-1615	A-1615	Unit Type Plan P	A-3004	A-3004	Section C	A-5010	A-5010	Entry/Foyer Typical Details
A-1616	A-1616	Unit Type Plan North 702	A-3005	A-3005	Section D Sth Building	A-5011	A-5011	Retail Amenities
A-1617	A-1617	Unit Type Plan North 703	A-3006	A-3006	Section D Nth Building	A-5012	A-5012	Theatre Elevation 1
A-1618	A-1618	Unit Type Plan North 704	A-3007	A-3007	Section E	A-5020	A-5020	Stair 1
A-1619	A-1619	Unit Type Plan 110 King Street 1	A-3008	A-3008	Section F	A-5021	A-5021	Stair 2
A-1620	A-1620	Unit Type Plan 110 King Street 2	A-4001	A-4001	Wall Section 01	A-5022	A-5022	Stair 3
A-1621	A-1621	Unit Type Plan 110 King Street 3	A-4002	A-4002	Wall Section 02	A-5023	A-5023	Stair 4
A-1622	A-1622	Unit Type Plan 108 King Street 1	A-4002	A-4002	Wall Section 02 South Building	A-5024	A-5024	Stair 5, 6, 7, 8
A-1623	A-1623	Unit Type Plan 108 King Street 2	A-4003	A-4003	Wall Section 03	A-5025	A-5025	Stair 11, 12
A-1624	A-1624	Unit Type Plan 108 King Street 3	A-4003	A-4003	Wall Section 03 South Building	A-7001	A-7001	Window Schedule 1
A-1625	A-1625	Unit Type Plan 104 King Street 1	A-4004	A-4004	Wall Section 04	A-7002	A-7002	Window Schedule 2
A-1626	A-1626	Unit Type Plan 104 King Street 2	A-4005	A-4005	Wall Section 05	A-7003	A-7003	Window Schedule 3
A-1627	A-1627	Unit Type Plan 104 King Street 3	A-4006	A-4006	Public Art Details 01	A-7004	A-7004	Window Schedule 4
A-1628	A-1628	Unit Type Plan 100 King Street 1	A-4006	A-4006	Wall Section 06	A-7005	A-7005	Window Schedule 5
A-1629	A-1629	Unit Type Plan 100 King Street 2	A-4007	A-4007	Public Art Details 02	A-7006	A-7006	Window Schedule 6
A-1630	A-1630	Unit Type Plan 100 King Street 3 NO...	A-4007	A-4007	Wall Section 07	A-7101	A-7101	Louvre Schedule 1
A-1631	A-1631	Unit Type Plan 98 King Street 1	A-4008	A-4008	Typical Floor Threshold Details 01	A-7102	A-7102	Louvre Schedule 2 NOT IN USE
A-1632	A-1632	Unit Type Plan 98 King Street 2	A-4008	A-4008	Wall Section 08	A-7103	A-7103	Louvre Schedule 3 NOT IN USE
A-1633	A-1633	Unit Type Plan 98 King Street 3 NOT...	A-4009	A-4009	Typical Heights and Door Details 01	A-7104	A-7104	Louvre Schedule 4 NOT IN USE
A-1634	A-1634	Unit Type Plan S301	A-4009	A-4009	Wall Section 09	A-7201	A-7201	Window Schedule
A-1635	A-1635	Unit Type Plan S302	A-4010	A-4010	Typical Waterproofing Details 01			
A-1636	A-1636	Unit Type Plan S303	A-4010	A-4010	Wall Section 10			
A-1637	A-1637	Unit Type Plan S304	A-4011	A-4011	Typical Insulation Details 01			
A-1638	A-1638	Unit Type Plan S305	A-4011	A-4011	Wall Section 11			
A-1639	A-1639	Unit Type Plan S306	A-4012	A-4012	Wall Section 12			
A-1640	A-1640	Unit Type Plan S401	A-4013	A-4013	Wall Section 13			
A-1641	A-1641	Unit Type Plan S402 (Liveable)	A-4014	A-4014	Wall Section 14			
A-1642	A-1642	Unit Type Plan S403	A-4101	A-4101	Balustrade Details			
A-1643	A-1643	Unit Type Plan S404	A-4102	A-4102	Typical Plan Details			
A-1644	A-1644	Unit Type Plan S405	A-4103	A-4103	Typical Window Details			

General Notes:

All dimensions to be checked and confirmed on site

All building work is to be carried out in accordance with the environmental planning and assessment act and regulations, the Building Code of Australia, and approved plans.

Builder shall make good all disturbed areas adjacent to the works on council property.

All concrete footings, floor slabs, columns, and roof framing to structural engineers detail

All stormwater requirements, external RL's and driveway levels to civil engineers details if required

All landscape areas, existing trees, and driveway to landscape plans if required.

NCC 2019

Building Classification	
Basement Carpark	7
Terrace houses	1
Apartments	2
Ground Floor Retail	6
Lyrique Theatre	5 or 6

Construction Type Type A

Consultant Team

Interior	Turner/CKDS
PCA	EastCoast Approval
Access	DIX Gardner
Traffic	Fernway
Landscape	TBC
Structural Engineer	TQM
Civil Engineer	TQM
Hydraulics	ADP
Electrical	ADP
Mechanical	ADP

Dwelling Types

North Tower
1 bedroom dwelling - 24
2 bedroom dwelling - 64
3 bedroom dwelling - 4

South Tower
1 bedroom dwelling - 11
2 bedroom dwelling - 15
3 bedroom dwelling - 6

Overall
1 bedroom dwelling - 35
2 bedroom dwelling - 79
3 bedroom dwelling - 10
Total: 124 Units

Carpark Numbers:

B1
Standard - 61
Disabled - 9
Tandem - 10

B2
Standard - 63
Disabled - 5
Tandem - 20

Overall
Standard - 124
Disabled - 14
Tandem - 20
All car parks - 158

Basement Storage/Bike Storage:

Storage:
Basement 1: 66m²
Basement 2: 63m²
L3/L4 Sth Building: 6.4m²
Grand Total: 135m²

Bike Store:
Basement 1: 47
Basement 2: 77
Grand Total: 124

Visitor/Retail Parking:

Visitor:
7 parking spots

Retail:
12 parking spots

Design Development

NOT FOR CONSTRUCTION

Design Development

CKDS
CENTRAL COAST
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East Gosford NSW 2250
P 0243 21 0503
E admin@ckds.com.au
www.ckds.com.au

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01		ISSUE FOR COORDINATION	23/12/20	MCT
1.1		WORK IN PROGRESS ISSUE	05/03/21	MCT
1.2		ISSUE FOR INFORMATION	19/03/21	MCT
1.3		ISSUE FOR INFORMATION	18/03/21	MCT

key plan

consultants
Civil/Structural Engineers
TQM Design & Construct
Level 10
8 Mount Olympus Boulevard
Wooli Creek NSW 2205

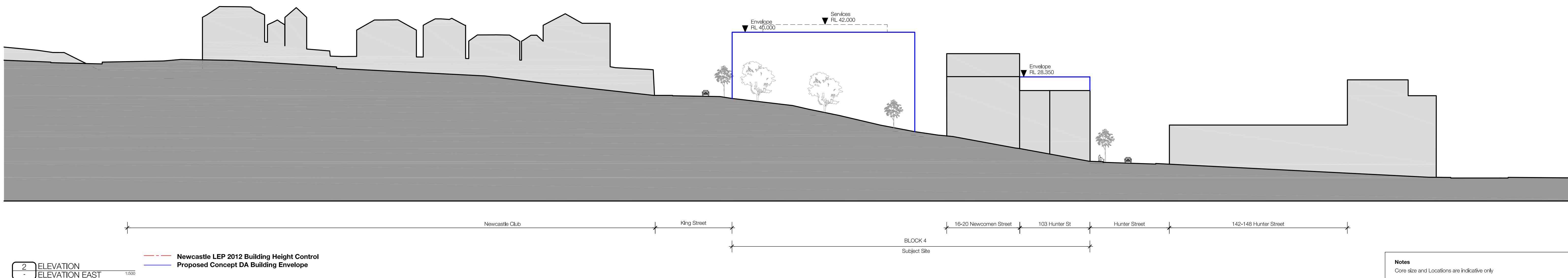
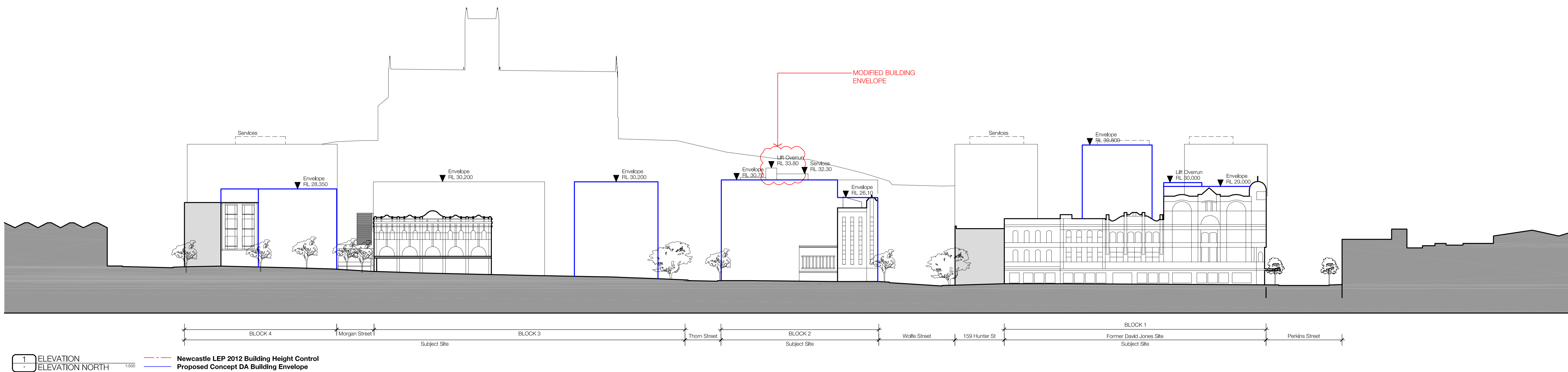
Services Engineer
ADP Consulting Engineers
Level 3
8 Spring Street
Sydney NSW2000

clients
design & construct
tqm

project
East End Stage 2
147-153 Hunter Street
Newcastle
NSW 2300
iris

drawing title
Preliminary
Cover Sheet

drawing scale drawn verified date
1:1.70@A1 MCT, RG MCT 15/4/21
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Rev.	Date	Revision	By	Chk.
00	15.05.17	Issue for DA	ML	AH
01	04.04.18	Section 4.55 - Block 2	ML	AH
02	12.12.18	Section 4.55 - Block 2	ML	AH
03	19.09.19	Section 4.55 - Block 2	ML	AH
04	09.04.21	Section 4.55 - Block 2	ML	AH

Rev.	Date	Revision	By	Chk.
05	02.02.21	Section 4.55 - Block 2	ASB	AH

Rev.	Date	Revision	By	Chk.


Key

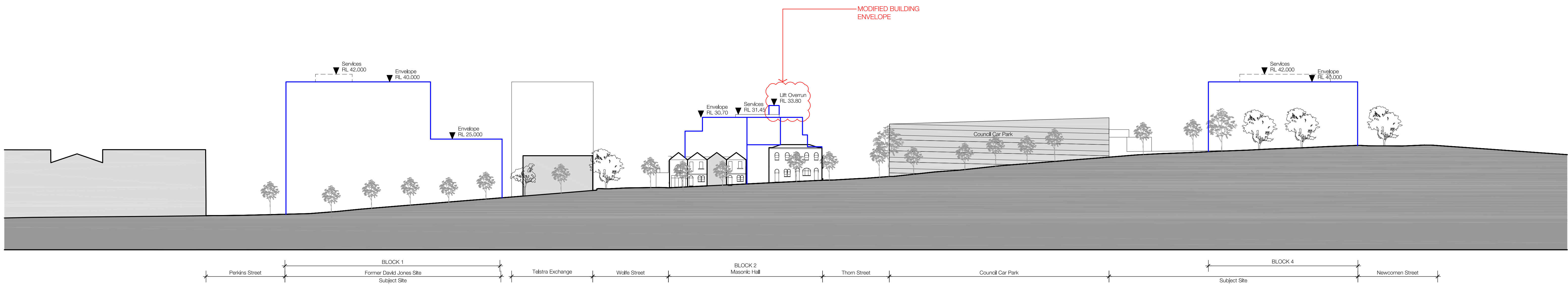
 Residential	 Retail
 Commercial	 Parking & Servicing
 Hotel	 Surrounding Buildings
 Refer to Building Conservation and Retention Plan	 Subject Site Boundary

Project
Newcastle East End Staged DA Concept Proposal
Drawing Name
Building Envelope Elevation North and East

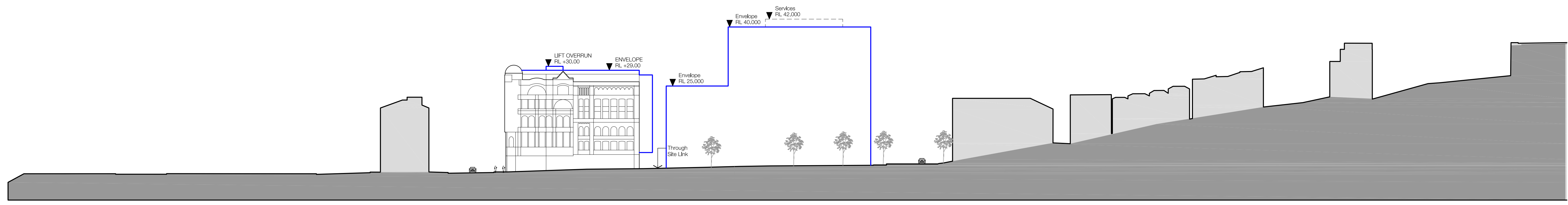
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-	ML	ML
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5614	DA-0501	/05

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1 ELEVATION
ELEVATION SOUTH 1:500
Newcastle LEP 2012 Building Height Control
Proposed Concept DA Building Envelope



2 ELEVATION
ELEVATION WEST 1:500
Newcastle LEP 2012 Building Height Control
Proposed Concept DA Building Envelope

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04	09.04.21	Section 4.55 - Block 2	ML	AH

Rev. No.	Date	Revision	By	Chk.
05	02.02.22	Section 4.55 - Block 2	ASB	AH

Key

 Residential	 Retail
 Commercial	 Parking & Servicing
 Hotel	 Surrounding Buildings
 Refer to Building Conservation and Retention Plan	 Subject Site Boundary

Project
Newcastle East End Staged DA Concept Proposal
Drawing Name
Building Envelope Elevation South and West

Date
02.02.2022

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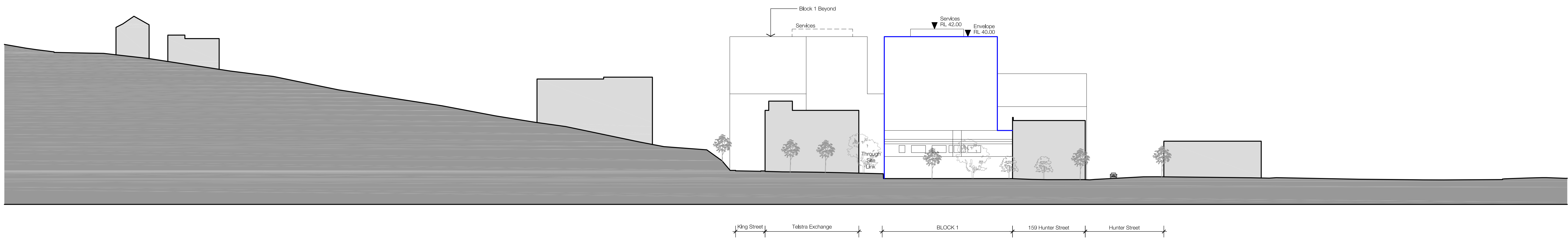
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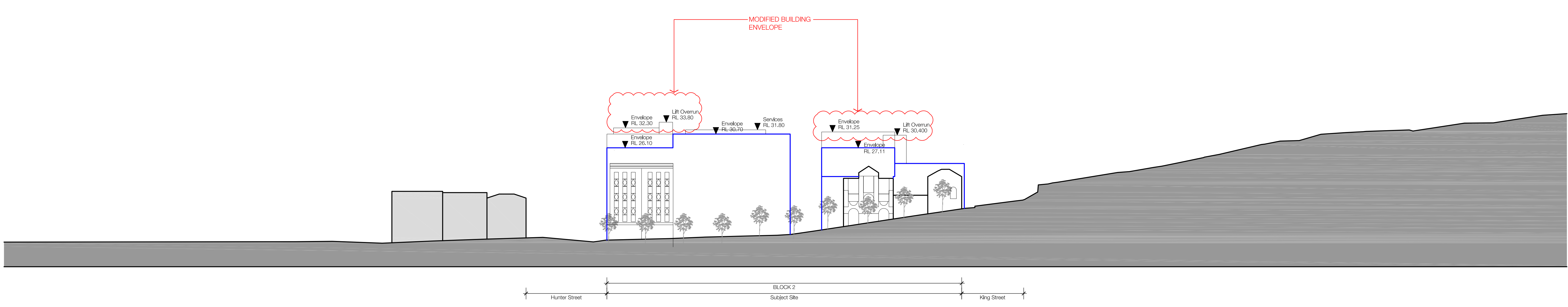
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Notes
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1 ELEVATION
ELEVATION WOLFE STREET EAST
1:500
Newcastle LEP 2012 Building Height Control
Concept DA Building Envelope



2 ELEVATION
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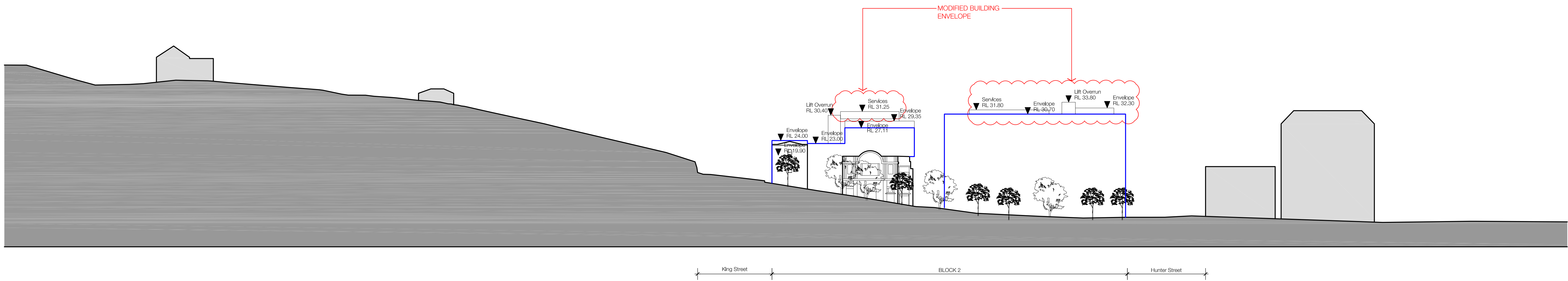
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	Commercial	
	Hotel	
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	Retail	
	Parking & Servicing	
	Surrounding Buildings	
	Subject Site Boundary	

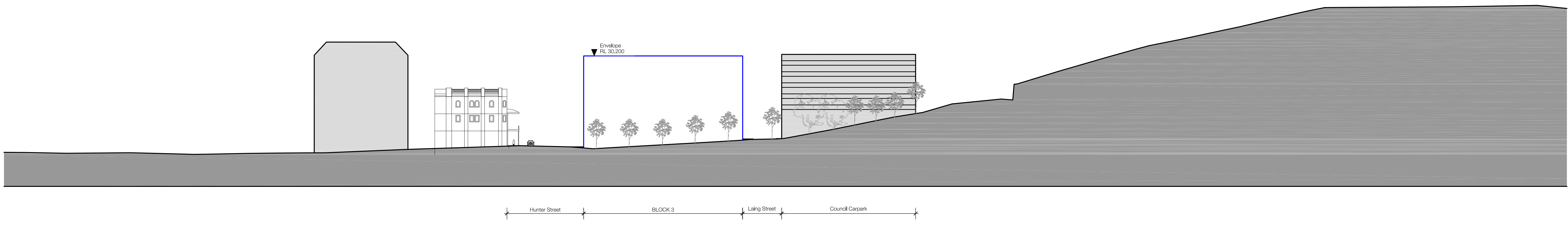
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Newcastle East End
Staged DA
Concept Proposal
Drawing Name
Building Envelope
Elevation Wolfe Street East+West

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1 ELEVATION
ELEVATION THORN STREET EAST
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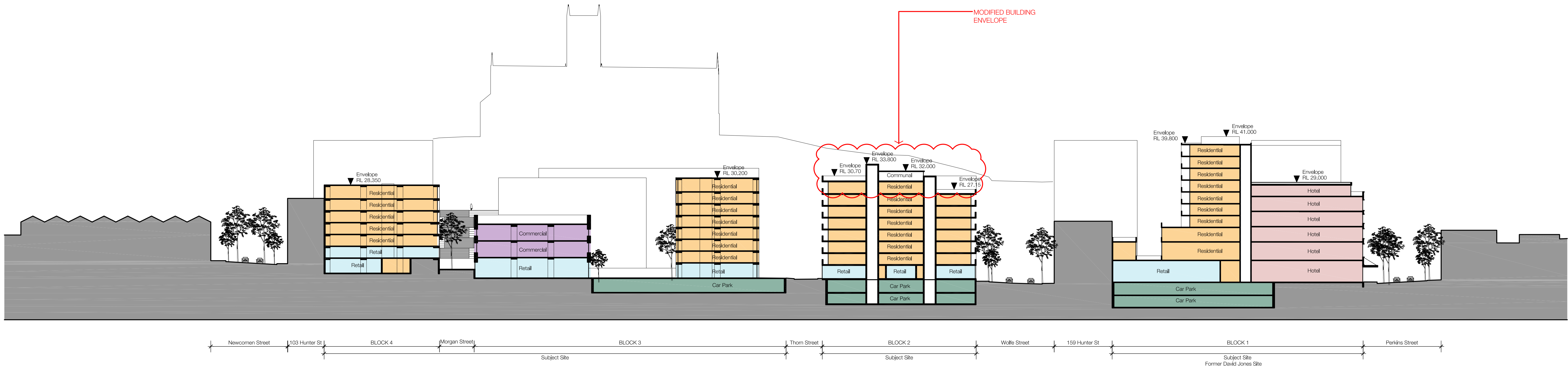
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	Commercial		Parking & Servicing
	Hotel		Surrounding Buildings
	Refer to Building Conservation and Retention Plan		Subject Site Boundary

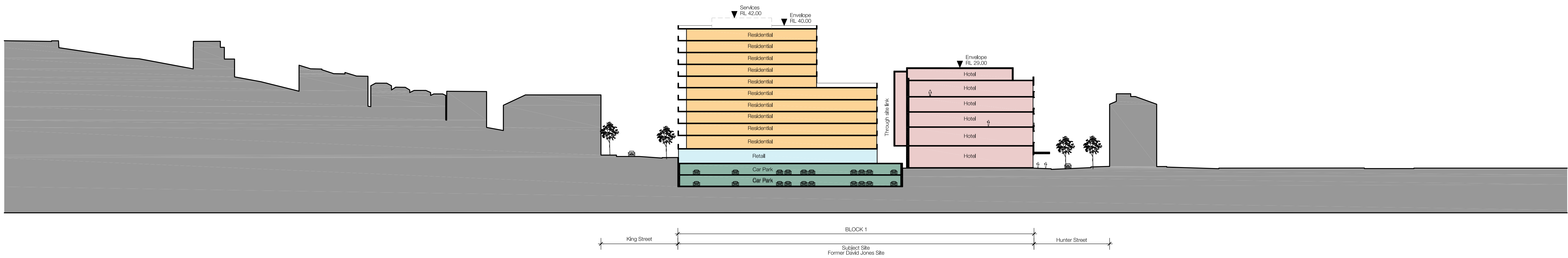
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Staged DA
Concept Proposal
Drawing Name
Building Envelope
Elevation South and West

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1 SECTION C
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1:500
Newcastle LEP 2012 Building Height Control
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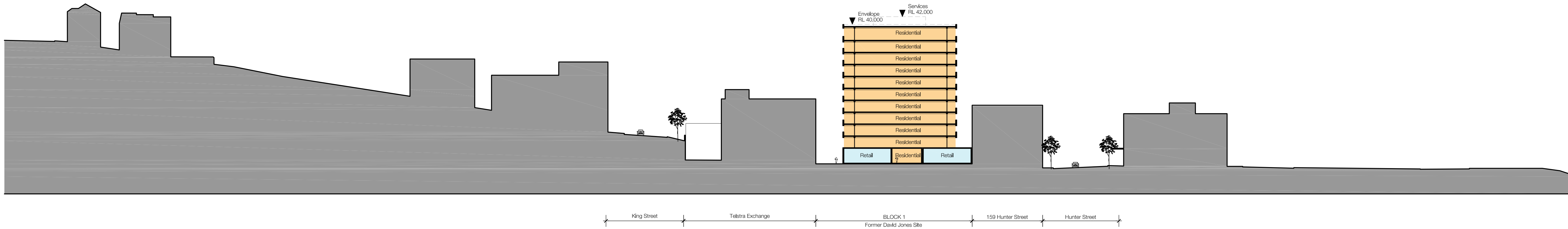
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 Commercial	 Parking & Servicing
 Hotel	 Surrounding Buildings
 Refer to Building Conservation and Retention Plan	 Subject Site Boundary

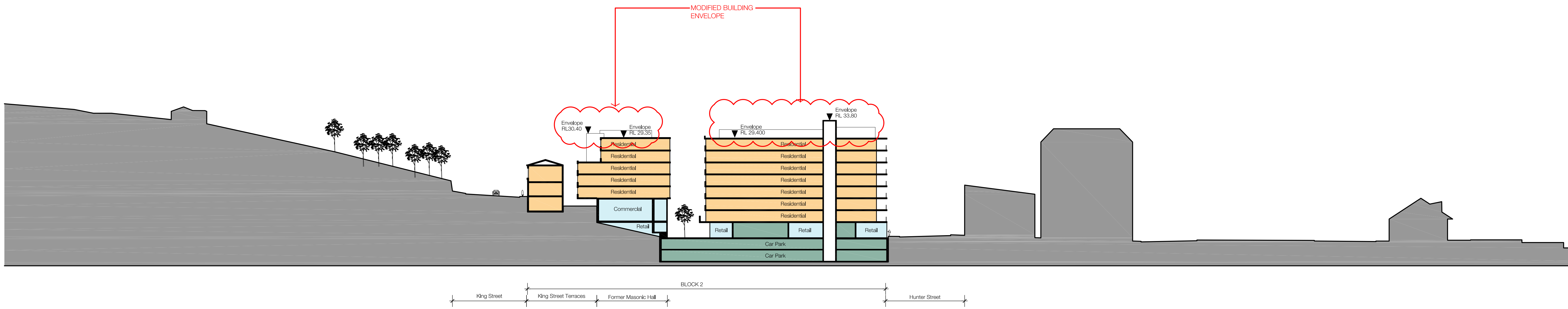
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1 SECTION A-0201 SECTION E 1:500 Newcastle LEP 2012 Building Height Control Concept DA Building Envelope



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04	02.02.22	Section 4.55 - Block 2	ASB	EW

Rev.	Date	Revision	By	Chk.

Key

- Residential
- Commercial
- Hotel
- Retail
- Parking & Servicing
- Surrounding Buildings
- Refer to Building Conservation and Retention Plan
- Subject Site Boundary

Project
Newcastle East End Staged DA Concept Proposal
Drawing Name
Section E & F

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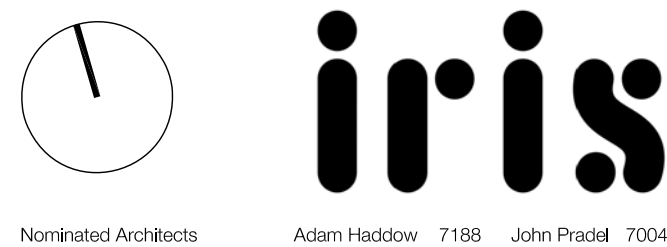
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The Builder/Contractor shall verify job dimensions prior to any work commencing. Use figured dimensions only. Do not scale drawing.

FOR APPROVAL



Rev.	Date	Revision	By	Chk.
00	15.05.17	Issue for DA	ML	AH
01	04.04.18	Section 4.55 - Block 2	ML	AH
02	12.12.18	Section 4.55 - Block 2	ML	AH
03	19.09.19	Section 4.55 - Block 2	ML	AH
04	02.02.22	Section 4.55 - Block 2	ASB	EW

Rev.	Date	Revision	By	Chk.	Rev.	Date	Revision	By	Chk.

Key

- SLOPED HEIGHT PLANE BASED ON NATURAL GROUND LEVEL.
- LEVEL HEIGHT PLANE

Project
Newcastle East End
Staged DA
Concept Proposal
Drawing Name

Envelope Plan

Date	Scale	Sheet Size
02.02.2022	1:500	@ A1
Reg No.	Drawn	Chk.
-	ML	ML
Job No.	Drawing No.	Revision
5614	DA-2901 / 04	

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MODIFIED NOTICE OF DETERMINATION**Modified Application No:** MA2021/00295

Modification Application No:	MA2021/00295
Development Application No:	DA2018/00354
Land:	Lot 1 DP 84634, Lot 500 DP 879162, Lot 1 DP 718456, Lot 100 DP 810457, Lot 1 DP 735255, Lot A DP 89504, Lot 1 DP 84577, Lot 1 DP 195975, Lot B DP 89504, Lot 1 DP 122380, Lot 1 DP 122381, Lot 10 DP 1043870.
Property Address:	147, 151, 154 Hunter Street; 98, 100, 102, 104, 108, 110 King Street; 15, 21, 31, 33 Wolfe Street; 14 Thorn Street Newcastle NSW 2300
Development:	Mixed-use development, residential (121 dwellings), retail and commercial, and associated demolition and site works

SCHEDULE 1**RELATIONSHIP WITH EXISTING CONSENT DA2017/00701 – CONCEPT APPROVAL**

Pursuant to Section 4.17(b) and 4.17(5) of the EP&A Act and Clause 97 of the *EP&A Regulation 2000* Development Consent No.DA2017/00701 is modified to include the amended conditions contained within this consent. Accordingly, Development Consent DA2017/00701 and this approval (MA2021/00295) must be read as one document.

MODIFIED CONDITIONSPlans and Documentation

1. The development shall be undertaken substantially in accordance with the details and specifications set out below, except where modified by any condition of this consent.

Original documents:

- a) Statement of Environmental Effects prepared by SJB Planning dated June 2017;
- b) Heritage Impact Assessment Addendum, Ref: 17-012 dated 13 June 2017, prepared by City Plan Services, and Statement of Heritage Impact (Project No. 14 0181 Issue B, dated October 2015), prepared by TKD Architects;
- c) Archaeological Considerations, dated 9 June 2017, prepared by Umwelt Australia; Comments on Archaeological Consent Conditions dated 9 June 2017, prepared by Umwelt Australia, and Aboriginal and Historical Archaeology Report Number 3303/R01/V6, dated October 2015, prepared by Umwelt Australia;
- d) Addendum to Preliminary Site Investigation (Contamination), Project No. 39826.09, dated 29 May 2017, prepared by Douglas Partners, and Report on Preliminary Site

Investigation (Contamination) Project No. 39826.08, Revision 6, dated October 2015, prepared by Douglas Partners;

- e) Summary of Potential 'Ground' Issues, Project No. 39826.09, dated 8 June 2017, prepared by Douglas Partners;
- f) Infrastructure Services Report, Ref: SYD0296 Rev T3, dated 8 June 2017, prepared by ADP Consulting Engineering;
- g) Capital Investment Value Report, Ref: 71130.102037.000 dated 14 June 2017, prepared by Altus Group;
- h) Transport Impact Assessment, Ref N124070, Issue D dated 13 June 2017, prepared by GTA Consultants;
- i) Construction Management Plan, Rev A dated 8 June 2017, prepared by Parkview;
- j) Addendum to Social Plan, Ref: 2126423, dated 28 April 2017, prepared by GHD, and Social Impact Assessment, dated October 2015, prepared by GHD;
- k) Clause 4.6 - Exceptions to Development Standards - Height of Buildings (cl 4.3), prepared by SJB Planning;
- l) Site Survey, Ref 07/158, Sheets 1- 10, 12-17, 19-26 and 28 dated 15 July 2008; Sheet 11 dated 26 March 2014; Sheet 18 dated 15 July 2008; and Sheet 27 dated 26 March 2014 prepared by Monteath and Powys;
- m) Design and SEPP 65 Report, Version 00, dated 10 May 2017, prepared by SJB Architects;
- n) Visual Impact and Street Views Analysis, Version 00, dated 4 May 2017, prepared by SJB Architects and Addendum View Analysis, dated November 2017, prepared by SJB Urban; Indicative Public Domain Strategy, Dwg Nos. 13077-DA01-DA-10 Rev F, dated June 2017, prepared by Aspect Studios;
- o) Shadow Diagrams, dated 18 October 2019, prepared by SJB Architects;

Modified and/or Additional Documents:

- p) Statement of Support, SJB Planning, October 2019;
- q) Traffic Impact Assessment Advice; Ref. 19SYT0055, 18 October 2019, Prepared by TTM;
- r) Quantitative Assessment Changes; SJB Planning; October 2019;
- s) Addendum Heritage Impact Statement, Ref. 19-004, dated 03 October 2019, prepared by City Plan Services;
- t) View Impact and Street View Analysis, SJB Architects, 02 October 2019;
- u) Architectural Plans prepared by SJB Architects, Job No. 5614, listed as follows, except where specifically amended by the conditions of consent as contained in this Notice of Determination.

Drawing No.	Rev.	Name of Plan	Date
DA-0001	03	Contents	19.09.2019
DA-0101	03	Location Plan	19.09.2019
DA-0102	03	Site Analysis Plan	19.09.2019
DA-0103	03	Block Plan	19.09.2019
DA-0200	03	Floor Plan Basement 01	19.09.2019
DA-0201	03	Floor Plan Level 01	19.09.2019
DA-0202	03	Floor Plan Level 02	19.09.2019
DA-0203	03	Floor Plan Level 03	19.09.2019
DA-0204	03	Floor Plan Level 04	19.09.2019
DA-0205	03	Floor Plan Level 05	19.09.2019
DA-0206	03	Floor Plan Typical	19.09.2019

DA-0501	05	Building Envelope Elevation North & East	02.02.2022
DA-0502	05	Building Envelope Elevation South & West	02.02.2022
DA-0503	04	Building Envelope Elevation Wolfe St East & West	02.02.2022
DA-0504	04	Building Envelope Elevation South & West	02.02.2022
DA-0601	04	Section C & D	02.02.2022
DA-0602	04	Section E & F	02.02.2022
DA-0603	03	Section H	19.09.2019
DA-0604	03	Section J	19.09.2019
DA-2901	04	Envelope Plan	02.02.2022
DA-2902	03	Privately Owned Public Access	19.09.2019
DA-2903	03	Indicative Staging Plan	19.09.2019
DA-2904	03	FSR Plan	19.09.2019

(Modified under DA2017/00701.02)
 (Modified under DA2019/01150.04)
 (Modified under MA2021/00295)

6. This consent permits maximum building heights as shown and referenced as 'Staged DA Building Envelope' on the Building Envelope Plans prepared by SJB Architects (Job No. 5614, dated 02.02.2022) including:

- a) Drawing No. DA-0501, Revision 05, Elevation North and East;
- b) Drawing No. DA-0502, Revision 05, Elevation South and West;
- c) Drawing No. DA-0503, Revision 04, Elevation Wolfe Street East + West;
- d) Drawing No. DA-0504, Revision 04, Elevation South and West

(Modified under DA2017/00701.02)
 (Modified under DA2019/01150.04)
 (Modified under MA2021/00295)

END OF MODIFIED CONDITIONS

DRAFT

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 15/02/2022 – MA2021/00295 - 147, 151, 154 Hunter Street;
98, 100, 104, 110 King Street;
15, 21, 31, 33 Wolfe Street; & 14 Thorn Street Newcastle -**

**MA2021/00295 - Sec 4.55(1A) modification to DA2018/00354 - shop
top housing - changes to conditions of consent**

ITEM-2 Attachment C: Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER



MODIFIED NOTICE OF DETERMINATION

Modified Application No: MA2021/00295

Modification Application No:	MA2021/00295
Development Application No:	DA2018/00354
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Development:	Mixed-use development, residential (121 dwellings), retail and commercial, and associated demolition and site works

SCHEDULE 1

MODIFIED CONDITIONS OF CONSENT FOR DA2018/00354 – MODIFIED BY MA2021/00295

In addition to the modification of conditions associated with the concept approval DA2017/00701 pursuant Section 4.17(b) and 4.17(5) of the EP&A Act and Clause 97 of the *EP&A Regulation 2000* as outlined above, MA2021/00295 results in modification to the development consent DA2018/00354 as follows.

INTEGRATED DEVELOPMENT

1. The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

- NSW Subsidence Advisory Reference No. TBA21-03673 FN84-01654N0 dated 15 October 2021

A copy of the General Terms of Approval is attached to this determination notice under Schedule 3.

(Amended under MA2021/00295)

Conditions imposed by Council as part of this Integrated Development Consent are:

Plans and Documentation

The development shall be undertaken substantially in accordance with the details and specifications set out in:

Architectural Plans:

Architectural Plans prepared by CKDS Architecture, Job No. 1786, listed as follows:

Drawing No.	Rev.	Name of Plan	Date
DA-0001	-	Contents	19.12.2018
DA-0002	E	Schedule/SEPP 65 Matrix	30.11.2018
DA-0003	G	GFA Calculations	30.11.2018
DA-0004	E	GFA Calculation	30.11.2018
DA-1001	F	Site Analysis Plan	30.11.2018
DA-1002	F	Site Plan	30.11.2018
A-0101	3.11	Basement Level 2 Plan	07.04.2021
A-0102	3.11	Basement Level 1 Plan	07.04.2021
A-0103	3.2	Ground Floor Plan	28.05.2021
A-0104	3.1	Level 01 Plan	28.05.2021
A-0105	3.2	Level 02 Plan	27.05.2021
A-0106	3.2	Level 03 Plan	01.06.2021
A-0107	3.2	Level 04 Plan	01.06.2021
A-0108	3.1	Level 05 Plan	28.05.2021
A-0109	3.1	Level 06 Plan	28.05.2021
A-0110	3.1	Level 07 Plan	19.03.2021
A-0111	3.1	Roof Plan	19.03.2021
DA-1200	C	Adaptable Apartment	11.05.2018
A-1903	3	Laneway North and Laneway South Elevations	12.03.2021
A-1904	3	Courtyard East and West Elevations	12.03.2021
A-1902	3.1	King Street and Thorn Street Elevations	12.03.2021
A-1901	3.1	Hunter Street and Wolfe Street Elevations	12.03.2021
DA-4001	D	Solar Analysis 9am	28.11.2018
DA-4004	D	Solar Analysis 12 noon	28.11.2018
DA-4007	D	Solar Analysis 3pm	28.11.2018
DA-4008	D	View from Sun Analysis	28.11.2018
DA-4009	D	View from Sun Analysis	28.11.2018
DA-4010	D	View from Sun Analysis	28.11.2018
DA-4011	D	View from Sun Analysis	28.11.2018
DA-4107	A	King St Terraces Sun Analysis	12.12.2018
DA-4108	A	King St Terraces Sun Analysis	12.12.2018
DA-5001	F	SEPP 65 Solar Analysis	28.11.2018
DA-5002	D	SEPP 65 Solar Analysis	28.11.2018
DA-5003	F	SEPP 65 Cross Ventilation Analysis	28.11.2018
DA-5004	D	SEPP 65 Cross Ventilation Analysis	28.11.2018
DA-7002	E	External Material Schedule	14.05.2018
DA-7003	C	Signage Strategy	14.05.2018
DA-7004	C	Signage Strategy	14.05.2018
DA-7005	C	Signage Strategy	14.05.2018
DA-8001	F	Ground Floor Demolition Plan	30.11.2018
DA-8002	F	Level 01 Demolition Plan	30.11.2018
DA-8003	F	Level 02 Demolition Plan	30.11.2018
DA-8004	F	Level 03 Demolition Plan	30.11.2018
DA-8005	F	Level 04 Demolition Plan	30.11.2018
DA-8006	F	Demolition Elevations	30.11.2018
DA-9000	A	Lyrique Lane Details	19.12.2018
DA-9001	A	Lyrique Lane Details	19.12.2018
DA-9002	A	Lyrique Lane Details	19.12.2018

Landscape and Public Domain Plans prepared by Aspect Studios, listed as follows:

Drawing No.	Rev.	Name of Plan	Date
17049_DA-001	F	Drawing List and Public Domain Plan	07.02.2019
17049_DA-002	F	Ground Floor Landscape Plan	07.02.2019
17049_DA-003	F	Ground Floor Landscape Sections	07.02.2019
17049_DA-004	F	Level 01 Landscape Plan + Section	07.02.2019
17049_DA-005	F	Level 06 Landscape Plan	07.02.2019

Drawing No.	Rev.	Name of Plan	Date
17049_DA-006	B	Level 07 Landscape Plans	05.02.2019
17049_DA-007	F	Level 08 Landscape Plan	07.02.2019
17049_DA-008	F	Planting Palettes	07.02.2019

Planning Documents

Statement of Environmental Effects for Stage 2 Development Application, dated May 2018, prepared by SJB Planning.

Submission supplementing the Statement of Environmental Effects and Cover Letter to Newcastle City Council, dated 20 December 2018, prepared by SJB Planning.

Revised Clause 4.6 Exceptions to Development Standards Statement prepared by SJB Planning (Ref: 8053B_11.2_Clause 4.6 – HoB_St. 2 DA_Amended_181220).

Revised SEPP 65 Apartment Design Guide Verification Statement, Issue E, dated 7 February 2019, prepared by CKDS Architecture.

View Analysis – Stage 2, Version 05, dated 9 May 2018, prepared by SJB Architects.

Exemption to Design Competition correspondence, dated 24 April 2018, prepared by Government Architect NSW.

Heritage and Archaeology

Heritage Response, Ref. H-17-012, dated 12 December 2018, prepared by City Plan Heritage.

Heritage Impact Statement, Ref. 17-012, Rev. 02, dated 21 May 2018, prepared by City Plan.

Conservation Management Plan, Ref. 17-012, Rev. 07, dated 18 May 2018, prepared by City Plan.

Historical Archaeological Assessment, Report No. 3971/R03/Final, dated 16 May 2018, prepared by Umwelt.

Draft Aboriginal Cultural Heritage Assessment Report, Report No. 3971/R04/V2, dated 10 April 2018, prepared by Umwelt.

Traffic and Transport

Traffic Impact Assessment, Ref. N140420, Rev. C, dated 18 May 2018, prepared by GTA Consultants.

Construction Traffic Management Plan, Ref. N140420, dated 16 May 2018, prepared by GTA Consultants.

Waste Collection Swept Turning Path Advice, Ref. N140420, dated 3 December 2018, and Plan, dated 24 January 2018, prepared by GTA Consultants.

Construction Management

Construction Noise and Vibration Management Plan, Project No. 20180363.1, Rev. 1, dated 5 April 2018, prepared by Acoustic Logic.

Construction Management Plan for Stage 2 DA, East End Project Block 2, prepared by Iris.

Ground Issues

Geotechnical Assessment, Project No. 39826.12, R.005.Rev1, dated 17 May 2018, prepared by Douglas Partners.

Preliminary Mine Subsidence Assessment, Project No. 39826.12, R.001.Rev1, dated 1 May 2018, prepared by Douglas Partners.

Preliminary Site Investigation (Contamination), Project No. 39826.12, R.002.Rev0, dated 17 May 2018, prepared by Douglas Partners.

Remediation Action Plan, Project No. 39826.12, R.003.Rev0, dated 17 May 2018, prepared by Douglas Partners.

Acid Sulfate Soils Management Plan, Project No. 39826.12, R.004.Rev1, dated 1 May 2018, prepared by Douglas Partners.

Flooding and Stormwater

Flooding Impact Assessment, Ref. NL167241, Rev. B, dated 9 April 2018, prepared by Northrop.

Concept Stormwater Management Plan, Job No. NL167241, Rev. B, dated 9 April 2018, prepared by Northrop.

Stormwater Drainage Advice, Ref. NL167241, dated 16 November 2018, prepared by Northrop.

Internal Civic Works, prepared by Northrop, RefNL167241			
Drawing No.	Rev.	Name of Plan	Date
P2-C.01.01	A	Cover sheet and drawing schedule	29.03.18
P2-C.02.01	A	Erosion and sediment control plan	29.03.18
P2-C.03.01	A	Ground Floor Civil Works	29.03.18
P2-C.03.03	A	Ground Floor Civil Works	29.03.18
P-C.03.04	A	Ground Floor Civil Works	29.03.18

Other Documents

Site Survey Plans, Ref. 07/158, dated 13 December 2007, prepared by Monteath and Powys.

Accessibility Assessment Report, Report 173521.01 (access), Rev. 02, dated 18 May 2018, prepared by City Plan and BCA Performance Solution, Ref. 188117 – Rev. 1.1, dated 19 April 2018, prepared by Code Performance.

BCA Assessment Report, Report RE173521, Rev. 4, dated 16 May 2018, prepared by City Plan.

Infrastructure Services Report, Job No. SYD0465, Rev. 04, dated 10 April 2018, prepared by ADP Consulting Pty Ltd.

Waste Management Support, Project No. IA148600, Rev. 3, dated 15 May 2018, prepared by Jacobs.

Capital Investment Value Report and Cover Letter, Project No. 71130.102549, Version 1.0, dated 12 April 2018, prepared by Altus Group.

DA Cost Estimate, Ref. 102549, dated 12 April 2018, prepared by Altus Group.

Strategic Social Plan, Ref. 2126423, dated 14 June 2017, prepared by GHD.

Crime Risk Assessment, Ref. 2126423, Rev 0, dated 17 May 2018, prepared by GHD.

Acoustic Assessment, Project No. 20170518.1, Rev. 1, dated 10 April 2018, prepared by Acoustic Logic.

Correspondence 'Newcastle Stage 2 East End – Acoustic Impacts – 106 King St, Newcastle' Ref: 20180363.1/1102A/R0/MF, dated 11 February 2019, prepared by Acoustic Logic.

Sustainability Report, Job No. SYD0465, Rev. 05, dated 13 April 2018, prepared by ADP Consulting Pty Ltd.

Thermal Comfort and BASIX Assessment, Job No. SYD0296, Rev. 01, dated 11 April 2018, prepared by ADP Consulting.

BASIX Certificate No. 994485M, issued 11 February 2019, prepared by Outsource Ideas Pty Ltd.

Internal Civil Works Plans, Job No. NL167241, Rev. A, dated 29 March 2018, prepared by Northrop.

A – CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION OR GROUNDWORKS

A1 Geotechnical/Mine Subsidence

A detailed geotechnical investigation which identifies ground constraints and confirms engineering design and management strategies for building works and earthworks shall be prepared by a qualified geotechnical engineer and submitted to Council for approval prior to the commencement of any remediation, excavation, dewatering or construction works on the site. Consent is not granted to the use of anchors which support any adjacent sites unless the written consent of that property owner is obtained.

A2 Excavation

The development involves an excavation that extends below the level of the base of the footings of a building on adjoining land. The person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation by method used wholly within the development site only, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

The above requirement does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the requirements not applying. If the written consent of the owner is required, this must be provided to the Principal Certifying Authority prior to the commencement of any works.

A3 Dilapidation Report

A dilapidation report prepared by a suitability qualified person shall be submitted to the Certifying Authority prior to the commencement of any demolition, excavation or construction works. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, public infrastructure and roads.

A4 Community Liaison

The applicant shall establish a Community Liaison Committee as an ongoing means of addressing community concerns during the excavation and construction phase of the development. The applicant is to advise adjoining businesses, residents and Council of the name and telephone number of the contact person for this Committee. The contact person shall be available during nominated working hours. A register of community concerns/complaints relating to the on-site operations and the action taken in response is to be kept and made available to Council officers upon request.

Prior to any site works commencing the applicant is to submit to Council for its written approval a Community Liaison Plan, which details the operation the Community Liaison Committee, including processes for responding to complaints/concerns and processes for advising residents of Council approved works to take place outside of normal construction hours. It is recommended that the applicant consider establishing and maintaining a website with contact details of the nominated contact person in case of complaints/concerns and to publish details of any Council approved works to take place outside of normal construction hours, including the duration of those works. This website should also include a non-identifiable record of complaints/concerns raised by the community and response.

A5 Construction Traffic Management Plan (CTMP)

Prior to any site works commencing, the Developer must prepare a final Construction Traffic Management Plan (CTMP). The CTMP is to address the parking of construction vehicles and the transportation of construction personnel to the site; and detail a common location for the parking of construction vehicles outside of the Newcastle CBD area and utilise shuttle buses and for the transportation of construction personnel and their equipment to the site.

Two copies of the CTMP are to be provided to the Council for written approval and the CTMP is to be maintained on site during all site works and be made available to Authorised Officers upon request.

The CTMP is to be prepared by an appropriately qualified person (Roads & Maritime Services-accredited) with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 – Manual of uniform traffic devices – traffic control for works on roads.

A6 Construction Noise and Vibration Management Plan (CNVMP)

Prior to any site works commencing, the Developer must engage an appropriately qualified acoustic consultant to prepare a final Construction Noise and Vibration Management Plan (CNVMP). The CNVMP is to include details of the following with respect to the medical facility located at No. 106 King Street:

- The outcome of site investigations undertaken to review potential noise/vibration transmission paths and potential mitigative treatment that may be practically incorporated, such as treatment of window and door openings or the removal of any physical connections between the works area and 106 King Street building (thereby minimising any structure borne vibration transmission).
- Consultation which has been undertaken with the medical facility operators to identify periods during the day where noise/vibration is more sensitive so that work practices on the proposed development can be programmed to minimise disruption.
- Noise and vibration measurements which will be undertaken by the contractor during works, to establish levels and to provide a response protocol.
- A strategy for the ongoing review of mitigation methodologies to be incorporated at the demolition and construction phases.
- A strategy to establish direct communications with the contractor and the operators of the medical facility.

A7 Environmental Management Plan (EMP)

Prior to any site works commencing, the Developer must prepare a final EMP addressing management of all environmental aspects associated with the construction works, during the construction phase including off site impacts such as transport to and from the site. Two copies of the final EMP is to be provided to the Council for written approval and the EMP is to be maintained on site during all site works and be made available to Authorised Officers upon request. The EMP is to include but not be limited to:

- A site management strategy, identifying and addressing issues such as environmental health and safety, site security, material storage and temporary storage sheds, fencing/hoarding, excavation and shoring; odour management.
- A strategy to ensure that footpaths remain free of storage materials at all times and that ongoing pedestrian access to No. 106 King Street is available.
- A traffic management strategy: including traffic control measures, including construction zones, to be utilised in the public road reserve for the provision for safe, continuous movement of traffic and pedestrians within the road reserve. Details of the matter in which disruption to all surrounding areas including Hunter Street Mall is to be addressed. This part of the Plan is to be prepared by an appropriately qualified (Roads & Maritime Services-accredited) person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 – Manual of uniform traffic devices – traffic control for works on roads.
- 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.
- A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
- A community relations plan that aims to inform local residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.

- A noise and vibration management strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality, in accordance with Australian Standard AS 2436, 1981 'Guide to Noise control on Construction, Maintenance and Demolition Sites'. Noise monitoring during the construction phase should be incorporated into the program.
- A site management strategy for dealing with any identifying potential for Acid Sulphate Soils (ASS) to be encountered and measures and techniques to be followed in the event that ASS is encountered.
- A detailed Site Waste Management and Minimisation Plan (SWMMP) for the demolition and construction phase of the development that aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material. The SWMMP is to be prepared by an appropriately qualified consultant in accordance with Newcastle Development Control Plan 2012 Element 7.08.01 Waste Management and submitted to Council for written approval prior to the commencement of any demolition of site works.

A8 Hazardous Substances Plan

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.

A9 Disconnection of Services

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

A10 Heritage Site Induction

Before any works commence on site, all contractors and subcontractors shall undergo an induction session, prepared and delivered by the Heritage Consultant, highlighting the historical significance of the site and in particular those building elements and archaeology requiring conservation.

A11 Aboriginal Heritage

An Aboriginal Heritage Impact Permit (AHIP) is required to be obtained from the Office of Environment and Heritage (OEH) under Part 6 of the [National Parks and Wildlife Act 1974](#) prior to the commencement of ground disturbance works. The AHIP is to include provision for the completion of Aboriginal archaeological investigations in the form of test excavations and (if required) further salvage activities.

During any excavation work, in the event that any Aboriginal objects are identified within the area of works, works within the immediate vicinity of the Aboriginal object should cease and Office of Environment and Heritage (OEH) should be contacted so that appropriate management strategies can be identified.

In the unlikely event that a potential burial site or potential human skeletal material is exposed, work in the vicinity of the remains is to halt immediately to allow assessment and management. If the remains are suspected to be human, it will be necessary to contact local police, OEH and the Heritage Division to determine an appropriate course of action.

A12 Heritage Architect to be commissioned

A suitably qualified and experienced heritage architect is to be commissioned to provide detailed heritage advice to the project for its duration, including providing guidance to the Construction documentation, the implementation of the conditions of consent and through the construction process. Written documentation to support the commission of the heritage architect is to be submitted with the Construction Certificate.

A13 Heritage: Archival Recording

A full archival photographic record is to be undertaken of all contributory and heritage listed buildings on the site, including the interiors of the Lyrique Theatre, Masonic Hall and former Exchange Hotel, prior to any works commencing on the site. 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);
 - b) The Department of Planning's "Recording Places of Cultural Significance" (1991)
- The record in digital form is to be submitted to Council and written approval of Council's Heritage Advisor submitted prior to any works commencing on site.

A14 Demolition Works and Retained Elements

Removal of existing shopfronts below retained facades shall be limited to those elements identified on the approved Demolition Plans Drawing DA-8001, DA-8002, DA-8003, DA-8004, DA-8005 and DA-8006 dated 30.11.18 prepared by CDKS Architecture. A structural engineers report, which details the method of removal and of support of the upper level elements to be retained, shall be submitted to Council for approval prior to any demolition commencing.

A15 Historical Archaeology

a) Prior to any ground disturbance works occurring on site, the Applicant must obtain an approved s.140 application under the *Heritage Act 1977* to undertake archaeological excavation of this site. The Applicant must comply with all the approval conditions of the s.140 approval.

b) In the event the subject site is found to contain substantially intact state significant archaeological relics which are undocumented and associated with the pre-1840s convict occupation of Newcastle, modification of the detailed design to avoid harm and retain these in situ should be undertaken. This is consistent with previous advice of the Heritage Council of NSW for this site. Additional approval under s.140 of the *Heritage Act 1977* may be required to harm such remains if detailed design cannot be redesigned to avoid harm to these resources in whole or part.

c) The conclusions and recommendations (Section 9.0) of the 'Historical Archaeological Assessment' (Ref: 3971/R03, by Umwelt, May 2018) are to be implemented. This includes the investigation and research methodology framework outlined in Sections 7.0 and 8.0 of the report.

A16 Unforeseen Utility Service and Infrastructure

In the event that during the pre-demolition planning/inspection phase, a public or private utility service piece of infrastructure is encountered, the developer shall consult the relevant utility service provider and negotiate an appropriate commercial arrangement for the termination of that service and if required, relocation of that service to a location suitable for the service provider (with approval).

A17 Isolation of Electrical Assets

Existing assets including live underground electrical assets must be positively located and identified prior to work commencing. Isolation will be required if work is within clearances detailed in Workcover Document– 'Work Near Underground Assets'.

Note: Refer to Ausgrid's Network Standard 156 – Working near or around underground cables which can be found on Ausgrid's website at www.ausgrid.com.au and Workcover Document– 'Work Near Underground Assets'.

A18 Hoardings (within any Public Road Reserve)

The site must be enclosed with a suitable hoarding or security fence to Council's standards, and must satisfy the requirements of the Work Health and Safety Act 2011, the Work Health and Safety Regulation 2017 and Australian Standard AS 2601. This application must be submitted to Council and a permit obtained, before the erection of any such hoarding or fence.

B – CONDITIONS TO BE SATISFIED DURING DEMOLITION OR GROUNDWORKS

B1 Demolition, Removal or Alteration of Structures

This consent does not permit the demolition, removal or alteration of any structure except that identified on the following demolition plans. Additional elements identified during site works (including, but not limited to walls of buildings, retaining walls and the like) and structures identified on the listed plans below for 'further investigation' will require written authorisation and justification by a suitable qualified heritage architect, with details to be fully documented and provided to Council, if located on the sites occupied the former Lyrique Theatre, Masonic Hall, King Street Terraces, Soul Pattinson Building and former Royal Exchange Building.

Architectural Plans prepared by CKDS Architecture, Job No. 1786, listed as follows:

Drawing No.	Rev.	Name of Plan	Date
DA-8001	F	Ground Floor Demolition Plan	30.11.2018
DA-8002	F	Level 01 Demolition Plan	30.11.2018
DA-8003	F	Level 02 Demolition Plan	30.11.2018
DA-8004	F	Level 03 Demolition Plan	30.11.2018
DA-8005	F	Level 04 Demolition Plan	30.11.2018
DA-8006	F	Demolition Elevations	30.11.2018

B2 Ground Issues

The recommendations of the following reports must be implemented during any ground works:

- a) Geotechnical Assessment, Project No. 39826.12, R.005.Rev1, dated 17 May 2018, prepared by Douglas Partners;
- b) Preliminary Mine Subsidence Assessment, Project No. 39826.12, R.001.Rev1, dated 1 May 2018, prepared by Douglas Partners;
- c) Preliminary Site Investigation (Contamination), Project No. 39826.12, R.002.Rev0, dated 17 May 2018, prepared by Douglas Partners;
- d) Remediation Action Plan, Project No. 39826.12, R.003.Rev0, dated 17 May 2018, prepared by Douglas Partners;
- e) Acid Sulfate Soils Management Plan, Project No. 39826.12, R.004.Rev1, dated 1 May 2018, prepared by Douglas Partners;

B3 Remediation

The site is to be investigated and remediated as required in accordance with Section 7 of Douglas Partners Remediation Action Plan dated 17 May 2018.

Under no circumstances is on-site soil remediation treatment to be carried out. Remediation shall be carried out in accordance with Option 4 as set out in the submitted Remediation Action Plan prepared by Douglas Partners dated 17 May 2018.

Any soils identified as exceeding the validation criteria during the remediation works (as specified by the Remediation Action Plan prepared by Douglas Partners dated 17 May 2018) are to be removed offsite.

B4 Acid Sulfate Soils

Any disturbance of acid sulfate soils through excavation or dewatering shall be conducted in accordance with the Acid Sulfate Soils Management Plan prepared by Douglas Partners dated 29 May 2017.

B5 Demolition

Building demolition works are to be planned and carried out 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.

Waste Containers

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, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.

Demolition Material

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

B6 Demolition Management

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.

B7 Vibration

The recommendations of the 'Construction Noise and Vibration Management Plan' prepared by Acoustic Logic (Ref: 20170518.1/2404A/RO/BW dated 24.4.17), together with any final updates of this plan shall be implemented to reduce the impact of noise and vibration during excavation and construction works.

Vibration generated from construction activities shall not exceed 10mm/s at any neighbouring receiver. The use of vibration compactors shall not be conducted within 30m of any neighbouring buildings.

B8 Hazardous Substances Plan Required

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.

B9 Construction Noise

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.

B10 Prevent Pollution Sign

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.

B11 Removing Excavated Material

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'.

B12 Fill Quality

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*.

B13 Fill – Resource Recovery Exemption

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.

B14 Sediment Control

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:

- 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 4th Edition – Vol. 1 (the 'Blue Book')* published by Landcom, 2004.

B15 All Weather Access

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.

B16 Dust Control

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

- restricting topsoil removal
- regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
- alter or cease construction work during periods of high wind and

- erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

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

C1 Activity Approval Under Water Management Act

An Activity Approval and/or a Water Supply Work Approval under sections 90 and 91 of the Water Management Act 2000 shall be obtained from Water NSW prior to the issuing of a Construction Certificate.

C2 Land Consolidation

The whole of the land is to be consolidated into a single title and documentary evidence of the lodgement for registration of a survey plan of consolidation with NSW Government Land & Property Information shall be submitted to Council prior to the issuing of the first Construction Certificate involving the King Street Terraces development.

C3 Section 7.12 Contributions

A total monetary contribution of \$1,003,180 (being 2% of the cost of development of \$50,159,000) is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate for works, other than for demolition, ground works and mine subsidence, in respect of the proposed development.

Note:

- This condition is imposed in accordance with the provisions of *The City of Newcastle S94A Development Contributions Plan 2009*. 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.
- The City of Newcastle S94A Development Contributions Plan 2009* permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.
- 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 regular 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.

C4 Contribution Toward Public Art

1% of the capital cost of development is to be allocated towards a public artwork feature(s) to be installed on the site in accordance with Newcastle Development Control Plan 2012, Section 6.01.03 – General Controls, Part B5- Public Artwork. The final details of all proposed public

artworks within the site and associated costings are to be submitted to the Council's Public Art Reference Group and the Newcastle Urban Design Group (in relation to treatment of the 'Urban Chandelier Art Installation' adjoining the Lyrique Theatre and its relationship with the architectural design and heritage values of the site), for written approval prior to the issue of the Construction Certificate, for works, other than for demolition, ground works and mine subsidence. The artwork shall provide visual interest for pedestrians and interpret or reflect the local setting, landscape setting and/or cultural setting of the Newcastle area. The feature shall be designed to ensure long-term durability and be resistant to vandalism.

C5 Heritage – Compliance with Condition 14 of Concept Approval

Documentation demonstrating compliance with the detailed recommendations in Section 6.0 of the Statement of Heritage Impact submitted for the Staged Concept Plan (TKD, October 2015) is to be submitted with the Construction Certificate. Written certification of compliance with is to be provided by the Heritage Consultant.

C6 Schedule of Conservation Works

Prior to the issue of the Construction Certificate, a Schedule of Conservation Works is to be prepared. The schedule is to include details of how external paint colours and significant interior finishes within the retained elements of the Lyrique Theatre and Masonic Hall buildings shall be conserved including but not limited to the flooring and floor coverings, lighting and electrical fixtures, walls and surface finishes, tiles, stages and searing, signage, handrails and balustrades, ceilings, window and door hardware and windows and doors. The Schedule is to be written by a suitably qualified heritage architect/consultant, in accordance with the Conservation Management Plan 2018. Conservation Works are to be implemented to the written approval of Council's Heritage Advisor prior to the issue of the Occupation Certificate.

C7 Structural Stability of Heritage Items and Contributory Buildings

Written certification by a structural engineer that the heritage listed and contributory buildings on the site are able to support the proposed works without loss of structural stability is to be provided with the Construction Certificate.

C8 Interpretation Plan

Before the issue of any Construction Certificate, an interpretation plan must be prepared by an experience heritage interpretation practitioner and submitted to the written satisfaction of Council. The interpretation Plan shall be in accordance with the Heritage Council's "Interpreting Heritage Places and Items Guidelines" 2005. Written approval from Council is to be provided to the Certifying Authority. The plan must make allowance for the display of any potential archaeology uncovered during the works, interpret the multiple uses and history if the various heritage items and contributory buildings on the site, in a way that is engaging, informative and readily accessible to the majority of visitors. The Interpretation Plan must be implemented, with written confirmation from the Council, prior to the issue of the Occupation certificate.

C9 Port Navigation Aid

Prior to the issue of the Construction Certificate, written confirmation from the port operator (Port of Newcastle) and the Harbour Master for Newcastle Harbour is required indicating that there will be no adverse impact to the view corridor/sight lines to port navigation aids in the vicinity from construction including cranes/lighting, reflectivity, glazing, finishes etc of future buildings.

C10 Requirements for Final Building Design: Plans and Documentation

The Construction Certificate plans and documents are to detail the following:

- a) *Communal Open Space*: The communal open space areas at the upper level of the Lyrique Theatre/Masonic Hall shall be accessible to residents of the King Street terraces which form part of the development site.
- b) *Floor to ceiling heights of new work*: The following minimum floor to ceiling heights shall be provided and shall be shown on the Construction Certificate plans: 2.7m for habitable rooms; and 2.4m for second floor of two storey apartments.

- c) *Southern Building*: Fixed louvres to the southwestern communal open space at Level 7 of the Lyrique Theatre/Masonic Hall additions to prevent direct overlooking of No. 106 King Street.

C11 Disabled Access

The buildings are to be provided with adequate means of 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 documentation for a Construction Certificate application.

C12 Awnings

New verandahs/awnings are to be designed in a manner that is consistent with Element 7.10 'Street Awnings and Balconies' of the Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.

C13 Confirmation of Requirements for Development:

Written confirmation from the author (or alternative appropriately qualified person) to the Principal Certifying Authority that the submitted Construction Certificate Plans accord with the recommendations and/or sections of the following reports:

- Crime Risk Assessment, Ref. 2126423, Rev 0, dated 17 May 2018, prepared by GHD;
- Sustainability Report, Job No. SYD0465, Rev. 05, dated 13 April 2018, prepared by ADP Consulting Pty Ltd;
- Strategic Social Plan, Ref. 2126423, dated 14 June 2017, prepared by GHD;
- Acoustic Assessment, Project No. 20170518.1, Rev. 1, dated 10 April 2018, prepared by Acoustic Logic;
- Construction Noise and Vibration Management Plan, Project No. 20180363.1, Rev. 1, dated 5 April 2018, prepared by Acoustic Logic;
- Construction Management Plan, Rev. A, dated 1 April 2018, prepared by Parkview;
- Conservation Management Plan, Ref. 17-012, Rev. 07, dated 18 May 2018, prepared by City Plan;
- Accessibility Assessment Report, Report 173521.01 (access), Rev. 02, dated 18 May 2018, prepared by City Plan and BCA Performance Solution, Ref. 188117 – Rev. 1.1, dated 19 April 2018, prepared by Code Performance;
- BCA Assessment Report, Report RE173521, Rev. 2, dated 16 May 2018, prepared by City Plan;
- Infrastructure Services Report, Job No. SYD0465, Rev. 04, dated 10 April 2018, prepared by ADP Consulting Pty Ltd;
- BASIX Certificate No. 994485M, issued 11 February 2019, prepared by Outsource Ideas Pty Ltd.

C14 Noise

Prior to the issue of a Construction Certificate a Final Acoustic Report is to be prepared by an appropriately qualified acoustic consultant confirming that:

- a) appropriate acoustic treatment and acoustic performance of all mechanical plant and equipment associated with the building is provided and has been appropriately designed as recommended by the acoustic consultant.
- b) the development has been designed to include any required acoustic treatment so the residential apartments meet the internal noise criteria of AS2107-2016 having regard to Port of Newcastle activities (noting these occur 24 hours, 7 days a week);
- c) noise impacts from road traffic has been considered and, if required, the development incorporates noise attenuation measures mitigating road traffic noise if required, in accordance with the NSW Road Noise Policy 2011, prepared by the department previously known as the Department of Environment, Climate Change and Water. If the external noise criteria cannot feasibly or reasonably be met, internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.

C15 Retained Buildings and BCA

Existing retained buildings are to be upgraded so as to comply with the Performance Requirements of Parts C, D and E of Volume One of the Building Code of Australia. Full details on means of compliance are to be nominated in Construction Certificate documentation and all upgrading works are to be completed prior to the issue of an Occupation Certificate for the development.

C16 Lighting

The proposed lighting of the premises is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties in accordance with Australian Standard 4282:1997 – Control of the obtrusive effects of outdoor lighting. Full details are to be included in the documentation for a Construction Certificate application.

C17 Stormwater Runoff

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 Northrop Engineers Job No. NL167241 Drawing No.'s P2-C-03.01, P2-C-03.03 & P2-C-03.04 Revision A dated 29/03/18 except as amended by this consent. Full details are to be included in documentation for a Construction Certificate application.

C18 Minimum floor level – flooding

The floor level of all proposed buildings or building additions is to be not below RL 3.3 m Australian Height Datum and being indicated on plans for a Construction Certificate application. 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.

C19 On Site Car Parking Allocation

On-site parking accommodation is to be provided for a minimum of 158 vehicles as per the approved basement plans. In accordance with Condition 19 of Concept Development Consent DA-2017/00701, this must comprise a minimum of 102 spaces allocated to residents (14 of these to be accessible spaces); a minimum of 7 spaces to be allocated for visitors to the residential apartments; and a minimum of 13 spaces to be allocated to retail staff. The Parking is to be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.

(Amended under MA2021/00295)

C20 Car Park Design

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 a Construction Certificate application.

C21 Disabled Parking

The proposed disabled parking bays being clearly indicated by means of signs and/or pavement markings. Full details are to be included in documentation submitted with Construction Certificate application.

C22 Vehicular Access

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 AS2890 – (Off street

parking) design specifications. Full details are to be included in documentation for a Construction Certificate application.

C23 Public Domain

The Developer is to design and construct the following works within Hunter, King, Wolfe and Thorne Streets adjacent to the site at no cost to Council and in accordance with Council's guidelines and design specification:

Road shoulder pavement

- a) Kerb and gutter replacement
- b) Footway formation
- c) Footpaving
- d) Associated drainage works
- e) Street tree planting in gap-graded structural soil vaults.
- f) Retaining walls and vehicular safety barrier fencing
- g) Street furniture – bins, bicycle racks etc

Engineering design plans and specifications for the works being undertaken in the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field. In this regard, an application under Section 138 must be lodged and consent obtained, or other satisfactory arrangements confirmed in writing, from Council before the issue of any Construction Certificate.

C24 Comprehensive engineering and landscape design plans and specifications for the works to be undertaken in the public road reserve being submitted for approval with the required application under Section 138 of the Roads Act, 1993, such to be accompanied by the following documentation and additional details.

Road Design Plans

Engineering Plans to comply with the following requirements:

- a) Plans to be accompanied by a pavement design report prepared and certified by a practising geotechnical engineer;
- b) Footways to be generally high level and at 2% grade toward the kerb;
- c) A separate linemarking and signposting plan (approved by the Newcastle City Traffic Committee to be included with the design plans).

Land Management Plan

The Land Management Plan to nominate existing and proposed surface levels and provide full details of proposed erosion and sediment control measures to be implemented prior to, during and after construction. The required Plan to be prepared in accordance with the Department of Housing's Guidelines – Managing Urban Stormwater: Soils and Construction.

Stormwater Drainage Plan

Existing street drainage in Wolfe Street to be upgraded in capacity as required to match the performance demonstrated in Drg.P2-C-C-CSK3, Rev 1 (dated 22/03/18) of the Flooding Impact Assessment report prepared by Northrop, dated 9 April 2018.

Utilities Layout Plan

The Utilities Layout Plan to indicate the location of existing mains, associated installations and service conduits, together with any proposed utility alterations and installations in particular street lighting. Any required electricity substations, pumping stations or similar installations are to be located in public reserves and/or private land and are not to be located within road reserves.

Set-out Layout Plan

The Set-out Layout Plan to indicate survey co-ordinates for set out points for kerbs, medians and lane lines

Detailed Landscape Plan

No work within the public road being commenced, including pipe or vehicular crossings, until Council's separate written approval has been obtained pursuant to Section 138 of the Roads Act 1993. An application under Section 138 must be lodged and consent obtained, or other satisfactory arrangements confirmed in writing, from Council before the issue of any Construction Certificate.

Note: An additional fee will be required by Council for the assessment of engineering plans submitted for the public road works. In this regard the developer is advised to confer with Council's Development & Building Services Section in order to confirm this fee.

C25 Street tree plantings being provided in Hunter, Thorn, Wolfe and King Street fronting the site generally at 10m spacings in accordance with Council's standards and soil specifications. The trees being advanced specimens in a minimum 300 litre pot size planted in tree vaults. The required plantings are to be undertaken in consultation with Council, with the trees certified by the supplier to comply with the current NATSPEC guideline with respect to root development, height, trunk diameter, branch structure and balance (refer to Specifying Trees, Construction Information Systems Australia PL, Clark, R 2003).

The street tree planting vaults in the Hunter, Thorn, Wolfe and King Street footways being linearly connected by tree pits to maximise soil volume (structural soil) and allow for drainage, soil moisture and root control barriers. The design and construction of the planting vaults are to be undertaken at no cost to Council and under Council's direction. The separate approval from Council must be obtained for all works within the public road reserve, pursuant to Section 138 of the Roads Act 1993, prior to commencement.

C26 Street lighting being upgraded across the Hunter, Thorn, Wolfe and King Street frontages of the site at no cost to Council (other than annual maintenance) to Standard P3 with additional luminance over the proposed raised thresholds and raised marked foot crossings in accordance with AS 1158.1.1 – Road Lighting. The separate approval from Council must be obtained for all works within the public road reserve, pursuant to Section 138 of the Roads Act 1993, prior to commencement.

Note: The developer is to liaise with Energy Australia in relation to the design and construction of the street lighting.

C27 Commercial vehicular crossings are to be constructed across the Thorn Street road reserve, in accordance with the following criteria:

- a) Constructed in accordance with Council's A374 – Driveway Crossings Standard Design Details.
- b) The light vehicle driveway crossing, within the road reserve, shall be a maximum of 6.0m metres wide inclusive of line marking to define/ separate the vehicle entry and exit ramps.
- c) The loading dock vehicle driveway crossing, within the road reserve, shall be a maximum of 6.0m metres wide.
- d) 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.
- e) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
- f) 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 lodged and consent obtained, or other satisfactory arrangements confirmed in writing, from Council before the issue of any Construction Certificate.

(Amended under MA2021/00295)

C28 Private structures on or over the public road reserve, including the Lyrique Theatre terrace in Wolfe Street, King Street stairs/voids for properties No.104, 108 and 110 bridges, balconies and awnings, being the subject of a separate consent from Council, under Section 138 of the Roads Act 1993, prior to commencement.

Note: A separate approval from Council must be obtained for all private structures within the public road reserve pursuant to Section 138 of the Roads Act 1993. A fee will be payable in this regard.

C29 Landscape Work

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 documentation for a Construction Certificate application.

C30 Garbage Room Ventilation

Details of the ventilation of the garbage rooms shall be submitted to Council approval prior to the release of the Construction Certificate stage.

C31 Hunter Water

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 a Construction Certificate application.

C32 Servicing and Infrastructure

The submission of documentary evidence from relevant electricity and telecommunications service authorities/providers to the Principal Certifying Authority is required confirming that satisfactory arrangements have been made with for the provision of gas and electricity supplies and telecommunications to the development, prior to the release of the Construction Certificate.

C33 Telstra

The submission of written confirmation from Telstra that sufficient mitigation measures have been agreed (via relocation of telecommunications equipment to the IRIS building at 11 Perkins Street, Newcastle NSW 2300 otherwise known as Building A Perkins and King) to be undertaken to address the impact of the development on the existing Exchange facility located on the corner of King and Wolfe Street. Written confirmation is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Note: this consent does not grant approval for the relocation of the telecommunications equipment referred to above. Any aspects of the telecommunications equipment outside the parameters of 'exempt development', as specified in State Environmental Planning Policy (Infrastructure) 2007, would be subject to a separate development application. An application in this regard is to be approved prior to any works relating to such relocation of telecommunications equipment taking place.

(Amended under DA2018/00354.03)

C34 Ausgrid Requirements

The submission of documentary evidence from an appropriately qualified infrastructure consultant confirming that the development is compatible with Ausgrid's existing infrastructure,

particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid is to be submitted prior to the issue of the Construction Certificate.

D – CONDITIONS TO BE SATISFIED DURING SITE WORKS AND/OR CONSTRUCTION WORKS

D1 Site Management

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.

D2 Construction Noise

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, unless in exceptional circumstances and with the prior approval of Council.

D3 Restriction Noise

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.

D4 Restriction Air Impurity

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.

D5 Site signage

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

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.

D6 Work to comply with BCA

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

D7 Survey Levels

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.

D8 Stormwater- Surface Levels

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.

D9 Electricity Kiosk

Provision is to be made on the site for the installation of an electricity substation should such be required by the electricity authority and any such substation being located in accordance with that authority's requirements.

D10 Survey Monuments

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).

D11 Prevent Pollution Sign

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.

D12 Removal of excavated material

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'

D13 Fill quality

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.

D14 Fill – recourse recovery exemption

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.

D15 Sediment control

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 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.

D16 All weather access

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.

D17 Dust control

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 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.

D18 Tree Protection

All public trees that are required to be retained must be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual 'Section 8.0 Protection Measures'.

The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

D19 House Numbering

The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage.

The minimum numeral heights shall be:

- a) exterior of the building: = 75mm and,
- b) group mailbox:
 - street number = 150mm
 - house number = 50mm

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

Unit on plan	Council Allocated Street Addresses			
	House Number	Street Name	Street Type	Suburb
Retail Tenancy NG01	8	Lyrique	Lane	Newcastle
Retail Tenancy NG02	6	Lyrique	Lane	Newcastle
Retail Tenancy NG03	2	Lyrique	Lane	Newcastle
Retail Tenancy NG04	147	Hunter	Street	Newcastle
Retail Tenancy NG05	151	Hunter	Street	Newcastle
Retail Tenancy NG06	155	Hunter	Street	Newcastle
Retail Tenancy NG07	23	Wolfe	Street	Newcastle
Lyrique Theatre	3	Lyrique	Lane	Newcastle
N101	101/27	Wolfe	Street	Newcastle
N102	102/27	Wolfe	Street	Newcastle
N103	103/27	Wolfe	Street	Newcastle

N104	104/153	Hunter	Street	Newcastle
N105	105/153	Hunter	Street	Newcastle
N106	106/153	Hunter	Street	Newcastle
N107	107/153	Hunter	Street	Newcastle
N108	108/149	Hunter	Street	Newcastle
N109	109/149	Hunter	Street	Newcastle
N110	110/149	Hunter	Street	Newcastle
N111	111/149	Hunter	Street	Newcastle
N112	112/4	Lyrique	Lane	Newcastle
N113	113/4	Lyrique	Lane	Newcastle
N114	114/4	Lyrique	Lane	Newcastle
N201	201/27	Wolfe	Street	Newcastle
N202	202/27	Wolfe	Street	Newcastle
N203	203/27	Wolfe	Street	Newcastle
N204	204/153	Hunter	Street	Newcastle
N205	205/153	Hunter	Street	Newcastle
N206	206/153	Hunter	Street	Newcastle
N207	207/153	Hunter	Street	Newcastle
N208	208/149	Hunter	Street	Newcastle
N209	209/149	Hunter	Street	Newcastle
N210	210/149	Hunter	Street	Newcastle
N211	211/149	Hunter	Street	Newcastle
N212	212/4	Lyrique	Lane	Newcastle
N213	213/4	Lyrique	Lane	Newcastle
N214	214/4	Lyrique	Lane	Newcastle
N301	301/27	Wolfe	Street	Newcastle
N302	302/27	Wolfe	Street	Newcastle
N303	303/27	Wolfe	Street	Newcastle
N304	304/153	Hunter	Street	Newcastle
N305	305/153	Hunter	Street	Newcastle
N306	306/153	Hunter	Street	Newcastle
N307	307/153	Hunter	Street	Newcastle
N308	308/149	Hunter	Street	Newcastle
N309	309/149	Hunter	Street	Newcastle
N310	310/149	Hunter	Street	Newcastle
N311	311/149	Hunter	Street	Newcastle
N312	312/4	Lyrique	Lane	Newcastle
N313	313/4	Lyrique	Lane	Newcastle
N314	314/4	Lyrique	Lane	Newcastle
N401	401/27	Wolfe	Street	Newcastle
N402	402/27	Wolfe	Street	Newcastle
N403	403/27	Wolfe	Street	Newcastle
N404	404/153	Hunter	Street	Newcastle

N405	405/153	Hunter	Street	Newcastle
N406	406/153	Hunter	Street	Newcastle
N407	407/153	Hunter	Street	Newcastle
N408	408/149	Hunter	Street	Newcastle
N409	409/149	Hunter	Street	Newcastle
N410	410/149	Hunter	Street	Newcastle
N411	411/149	Hunter	Street	Newcastle
N412	412/4	Lyrique	Lane	Newcastle
N413	413/4	Lyrique	Lane	Newcastle
N414	414/4	Lyrique	Lane	Newcastle
N501	501/27	Wolfe	Street	Newcastle
N502	502/27	Wolfe	Street	Newcastle
N503	503/27	Wolfe	Street	Newcastle
N504	504/149	Hunter	Street	Newcastle
N505	505/149	Hunter	Street	Newcastle
N506	506/149	Hunter	Street	Newcastle
N507	507/149	Hunter	Street	Newcastle
N508	508/4	Lyrique	Lane	Newcastle
N509	509/4	Lyrique	Lane	Newcastle
N510	510/4	Lyrique	Lane	Newcastle
N601	601/27	Wolfe	Street	Newcastle
N602	602/27	Wolfe	Street	Newcastle
N603	603/27	Wolfe	Street	Newcastle
N604	604/153	Hunter	Street	Newcastle
N605	605/153	Hunter	Street	Newcastle
N606	606/153	Hunter	Street	Newcastle
N607	607/153	Hunter	Street	Newcastle
N608	608/149	Hunter	Street	Newcastle
N609	609/149	Hunter	Street	Newcastle
N610	610/149	Hunter	Street	Newcastle
N611	611/149	Hunter	Street	Newcastle
N612	612/4	Lyrique	Lane	Newcastle
N613	613/4	Lyrique	Lane	Newcastle
N614	614/4	Lyrique	Lane	Newcastle
N701	701/27	Wolfe	Street	Newcastle
N702	702/27	Wolfe	Street	Newcastle
N703	703/27	Wolfe	Street	Newcastle
N704	704/153	Hunter	Street	Newcastle
N705	705/153	Hunter	Street	Newcastle
N706	706/153	Hunter	Street	Newcastle
N707	707/159	Hunter	Street	Newcastle
N708	708/149	Hunter	Street	Newcastle
N709	709/149	Hunter	Street	Newcastle

N710	710/149	Hunter	Street	Newcastle
98 King	98	King	Street	Newcastle
100 King	100	King	Street	Newcastle
104 King	104	King	Street	Newcastle
108 King	108	King	Street	Newcastle
110 King	110	King	Street	Newcastle
S301	1/102	King	Street	Newcastle
S302	2/102	King	Street	Newcastle
S303	3/102	King	Street	Newcastle
S304	4/102	King	Street	Newcastle
S305	5/102	King	Street	Newcastle
S306	6/102	King	Street	Newcastle
S401	101/102	King	Street	Newcastle
S402	102/102	King	Street	Newcastle
S403	103/102	King	Street	Newcastle
S404	104/102	King	Street	Newcastle
S405	105/102	King	Street	Newcastle
S406	106/102	King	Street	Newcastle
S501	201/102	King	Street	Newcastle
S502	202/102	King	Street	Newcastle
S503	203/102	King	Street	Newcastle
S504	204/102	King	Street	Newcastle
S505	205/102	King	Street	Newcastle
S506	206/102	King	Street	Newcastle
S507	207/102	King	Street	Newcastle
S601	301/102	King	Street	Newcastle
S602	302/102	King	Street	Newcastle
S603	303/102	King	Street	Newcastle
S604	304/102	King	Street	Newcastle
S605	305/102	King	Street	Newcastle
S701	401/102	King	Street	Newcastle
S702	402/102	King	Street	Newcastle
S703	403/102	King	Street	Newcastle

(Amended under DA2018/00354.01)

E - CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

E1 BASIX Commitments

All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.

E2 Design Verification Statement

A design verification statement from a qualified designer shall be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first. The statement shall confirm the development has been constructed in accordance with the quality principles set out in Part 4 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*.

Note: 'Qualified Designer' means a person registered as an architect in accordance with the *Architects Act 2003*. This condition is imposed in accordance with Clauses 154A of the *Environmental Planning and Assessment Regulation 2000*.

E3 Fire and life safety upgrade

Prior to the issue of the Occupation Certificate, Building B is to be upgraded to comply with the Performance Requirements of Parts C, D and E of Volume One of the Building Code of Australia. Full details on means of compliance are to be provided to the Principal Certifying Authority.

E4 Existing Buildings and BCA

Prior to the issue of an Occupation Certificate, existing retained buildings are to be upgraded so as to comply with the Performance Requirements of Parts C, D and E of Volume One of the Building Code of Australia. Full details on means of compliance are to be provided to the Principal Certifying Authority.

E5 Food – Notice to Agencies

Prior to issue of an Occupation Certificate, any food premises must notify the relevant enforcement agencies, under the Food Act 2003 and (for licensed food businesses) under the Food Regulation 2010.

Note: To arrange notification of the food business with Council go to 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.

E6 Site Validation

Following completion of the remediation works, a validation report shall be prepared by a suitably qualified consultant in accordance with the relevant Environment Protection Authority Guidelines and submitted to the Principal Certifying Authority and Council prior to the issuing of Occupation Certificate.

E7 Historical Archaeology

Prior to the release of the Occupation Certificate for this site, the Applicant must write to Council and demonstrate they have satisfied the requirements for lodging all final archaeological excavation reports required under any and all s.140 applications under the Heritage Act 1977 which have been approved by the Heritage Council of NSW for this site.

E8 Internal Accessway Right of Public Access and Naming

The proposed laneway connection between Thorn and Wolfe Streets shall be the subject of an appropriate reciprocal '*right-of-public access*' and the necessary survey plan and accompanying instrument under Section 88B of the *Conveyancing Act 1919* (NSW) being registered with NSW Government Land & Property Information prior to the issuing of an Occupation Certificate for the proposed development, it being noted that the instrument is to provide that the right-of-way is unable to be relinquished, varied or modified without the concurrence of the Newcastle City Council.

NB: The naming of the laneway will need to be amended to meet the requirements of the Geographical Names Board and Council approval granted to any proposed naming of this laneway.

E9 Right of Way – King Street

A right of way, 1.2m wide x 2.5m high, which benefits No. 106 King Street and which burdens 108 King Street (Lot 100 DP 810457) and 110 King Street (Lot 1 DP735255) is to be created. The necessary survey plan and accompanying instrument under Section 88B of the *Conveyancing Act 1919* (NSW) shall be registered with NSW Government Land & Property

Information prior to the issuing of an Occupation Certificate for the proposed development, it being noted that the instrument is to provide that the right-of-way is unable to be relinquished, varied or modified without the concurrence of Council.

E10 Repair of footpath damage

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 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.

E11 Works within Road Reserve

All works within the road reserve required by this consent are to be completed prior to the issue of any Occupation Certificate.

E12 Redundant Crossings

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

E13 Stormwater– WAE

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 Newcastle City 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.

E14 Water management measures

The water management measures as indicated on the stormwater management report prepared by Northrop Engineers Job No. NL167241 Drawing No.'s P2-C-03.01, P2-C-03.03 & P2-C-03.04 Revision A dated 29/03/18 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.

E15 Maintenance Manual

A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual, prepared by the applicant, is to be completed prior to issue of an Occupation Certificate.

E16 Acoustics

Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Acoustic Logic, dated 10 April 2018. Written final certification from an appropriately qualified acoustic consultant 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. This written certification must also confirm that noise from all mechanical plant and equipment achieves the required acoustic attenuation to comply with the conditions of consent and the requirements of the Protection of the Environment Operations Act 1997.

Note: The acoustic consultant may need to be involved during the construction process in order to ensure final certification is achieved.

E17 Dilapidation Report

A post construction dilapidation report prepared by a suitability qualified person shall be submitted to the Principal Certifying Authority prior to the issue of any 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 will be made available in any private dispute between neighbours regarding damage arising from construction works.

E18 Section 88B Instrument: Easements

An appropriate notation is to be placed on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act 1919* (NSW) being submitted to Council setting out the terms of easements as required by this consent. Council in addition to the owner of the land benefited by the easement is to be a party whose consent is needed to release or vary easements.

E19 Green Travel Plan

A detailed Green Travel Plan in accordance with Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012 must be submitted to Council for written approval prior to the issue of the Occupation Certificate for implementation upon occupation of the development. The Green Travel Plan shall encourage use of alternative modes of transport and include Public Transport Routes and Bicycle Network Plans. The Green Travel Plan is to be prepared and made available to the new residents and commercial premises tenants. The Public Transport and Bicycle Network Plans are to be installed in common areas prior to the issue of the Final Occupation Certificate.

E20 Waste Collection arrangements

All garbage and recycling waste collection arrangements indicating vehicle movement to and from the site and hours/days of collection are to be submitted to Council prior to the issue of an Occupation Certificate.

Note: Section 496 (1) of the Local Government Act 1993 (NSW) states "a council must make and levy an annual charge for the provision of domestic waste management services for each parcel of rateable land for which the service is available". Council will charge the domestic waste management service levy, notwithstanding that the waste is collected by a private contractor.

E21 Public Artwork Installation

Details confirming the installation of the public artwork, required as part of this consent, shall be submitted to the Principal Certifying Authority and Council prior to the issue of the Occupation Certificate.

E22 On site Parking

On-site parking accommodation is to be provided for a minimum of 158 vehicles as per the approved basement plans. In accordance with Condition 19 of Concept Development Consent DA-2017/00701, this must comprise a minimum of 102 spaces allocated to residents (14 of these to be accessible spaces); a minimum of 7 spaces to be allocated for visitors to the residential apartments; and a minimum of 13 spaces to be allocated to retail staff.

The stacked parking spaces are to be assigned to and used by a common residential unit or commercial tenancy.

(Amended under MA2021/00295)

E23 Parking Bays

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

E24 Visitor Parking

The proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings

E25 Driveway

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.

E26 Landscaping

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.

E27 Separate Consent Required for Advertising Signage

This consent does not authorise the erection of any advertising signage. Any advertising signage will require separate Council approval, in the event that such signage is not exempt development. Any new application for advertising signage must be in accordance with the approved Signage Strategy prepared by CKDS Drawing DA-7003, DA-7004 and DA-7005 dated 14.5.18.

E28 CCTV

The proponent shall consult with NSW Police regarding their requirements for provision of closed circuit television (CCTV) throughout the development. Documentary evidence shall be submitted prior to the issue of the Occupation Certificate confirming that their requirements have been met.

E29 Implementation of Conservation Works

Conservation Works as detailed in the Schedule of Conservation Works are to be implemented to the written approval of Council's Heritage Advisor prior to the issue of the Occupation Certificate.

F- CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

F1 Noise

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.

F2 Air Impurity

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.

F3 Waste Servicing

Waste servicing shall occur before 9.00am and after 6.00pm from the loading/service zone in Wolfe Street. Garbage bins must not be stored on the street for collection but shall be

accessed by the service provider from the storage area, emptied and returned to the bin enclosure.

F4 Vehicles – Unobstructed Use

Proposed parking areas, vehicle bays, driveways and turning areas are to be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

F5 Hours of operation of commercial premises

The hours of operation or trading of the ground floor 'Retail Premises' or 'Business Premises' are to be not more than from 7am to 10pm Monday to Sunday unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.

G - ADVISORY MATTERS

G1 Future Uses: A separate development application is to be submitted to and approved by Council in respect of any specific proposed use of the premises or portion of the premises prior to occupation, except as authorised by being exempt development or as approved by a complying development certificate.

G2 Dial before you dig: 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.

G3 Public utilities: 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.

G4 Pre-construction process: Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:

- a) A Construction Certificate is to be obtained in accordance with Part 6 of the Act.
- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Part 6 of the Act.
- c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Division 6.3 of the Act.

G5 Fire safety measures: 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.

G6 Building work: 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 Regulations.

G7 Fire Safety Certificate: 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.

G8 Annual Fire Safety Statement: An annual Fire Safety Statement in the form described in Clause 175 of the Environmental Planning and Assessment Regulation 2000 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.

G9 POEO Act Offence: It is an offence under the provisions of the Protection of the Environment Operations Act 1997 (NSW) 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 ('on-the-spot fine') or prosecution.

G10 EP & A Act Offence: Failure to comply with the conditions of consent constitutes a breach of the Environmental Planning and Assessment Act 1979 (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

G11 Building Code of Australia and Flood Hazard: For the purpose of applying the provisions of the National Construction Code for class 1, 2, 3, 4, 9a (health care) and 9c (aged care) buildings, it is advised that the proposed building is located in a Flood Hazard

Area and the:

- a) Defined Flood Level (DFL) is 3.1m Australian Height Datum (AHD)
- b) Flood Hazard Level is 3.6m AHD (Freeboard is 500mm above DFL)
- c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 1.0m/s

END OF CONDITIONS

DRAFT

SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- 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 development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- 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.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

- Confirm and clarify the terms of Council's determination;
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.

SCHEDULE 3

GENERAL TERMS OF APPROVAL FROM NSW SUBSIDENCE ADVISORY

GENERAL									
Plans, Standards and Guidelines									
1.	<p>These General Terms of Approval (GTAs) only apply to the development described in the plans and associated documentation relating to MA2021/00295 and provided to Subsidence Advisory NSW.</p> <p>Any amendments or subsequent modifications to the development may render these GTAs invalid.</p> <p>If the proposed development is amended or the development consent modified, Subsidence Advisory NSW must be notified to determine if any variations to these GTAs are required.</p>								
2.	<p>This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.</p>								
PRIOR TO COMMENCEMENT OF CONSTRUCTION									
3.	<p>Prescribed Design Parameters</p> <p>Provide certification from a qualified structural engineer that the proposed structure is capable of remaining "<i>safe, serviceable and any damage from mine subsidence shall be limited to 'very slight' damage in accordance with AS2870 (Damage Classification), and readily repairable</i>" if subjected to the subsidence parameters outlined below:</p> <table style="margin-left: 20px;"> <tr> <td>a) Maximum Vertical Subsidence:</td> <td style="text-align: right;">50 mm/m</td> </tr> <tr> <td>b) Maximum Horizontal Strains (+/-):</td> <td style="text-align: right;">1 mm/m</td> </tr> <tr> <td>c) Maximum Tilt:</td> <td style="text-align: right;">3 mm/m</td> </tr> <tr> <td>d) Maximum Radius of Curvature:</td> <td style="text-align: right;">10 km</td> </tr> </table>	a) Maximum Vertical Subsidence:	50 mm/m	b) Maximum Horizontal Strains (+/-):	1 mm/m	c) Maximum Tilt:	3 mm/m	d) Maximum Radius of Curvature:	10 km
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c) Maximum Tilt:	3 mm/m								
d) Maximum Radius of Curvature:	10 km								
4.	<p>Submit an "Engineering Impact Statement" prior to commencement of detailed design for acceptance by SA NSW, which shall identify the:</p> <ol style="list-style-type: none"> a. Mine Subsidence Parameters used for the design. b. Main building elements and materials. c. Risk of damage due to mine subsidence d. Design measures proposed to control the risks. e. Comment on the: <ul style="list-style-type: none"> • likely building damage in the event of mine subsidence. • sensitivity of the design to greater levels of mine subsidence. 								
5.	<p>Submit a final design incorporating the design methodology contained in the "Engineering Impact Statement", for acceptance by Subsidence Advisory NSW prior to commencement of construction. It shall include certification by a qualified structural engineer including a statement to the effect that the improvements will remain "safe, serviceable and any damage from mine subsidence shall be limited to 'very slight' damage in accordance with AS2870 (Damage Classification), and readily repairable" taking into consideration the mine subsidence parameters outlined above.</p>								

6.	<p>The design submitted for approval under Section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> shall:</p> <ul style="list-style-type: none"> a) Be developed from the Design accompanying DA b) Include sufficient drawing plans, long-sections, elevations and details, to fully describe the work and proposed mine subsidence mitigation measures. c) Include design mitigation measures to reduce the transfer of horizontal strain into building structures. d) Include design mitigation measures to relieve excessive strains into building structures. e) Include an additional grade for tilt due to mine subsidence, in excess of the minimum Code requirements for structures including pipes, gutters and wet areas. f) For underground pipes or conduits allow for flexible joints, flexible bedding surround and flexible building connections and penetrations. g) Ensure there is sufficient capacity in any storage structure for tilt due to mine subsidence. h) Locate underground structures to facilitate ease of repair and replacement. i) Ensure internal finishes are installed in accordance with relevant codes and standards and industry best practice guidelines with additional provision for mine subsidence. j) Ensure there is suitable provision for articulation jointing in building elements. All control joints including articulation for mine subsidence are to be shown on the design plans and elevations, k) Ensure there is provision for isolation joints between adjoining structures. For example, between a building and adjacent paving. l) All roads, driveways and pavement areas are to be designed as flexible structures with an asphalt surface. Where a concrete surface course is required it shall be designed to include expansion and crack control joints or sacrificial sections, to minimise the risk of damage from mine subsidence.
POST CONSTRUCTION	
7.	<p>Establish survey monitoring reference marks on the circumference of the building(s) so that building movement can be monitored should mine subsidence occur.</p> <p>A plan with the position including Easting, Northing and RL of each monitoring reference marks and original RLs are to be forwarded to Subsidence Advisory NSW.</p>
8.	<p>Upon completion of construction, work-as-executed certification by a qualified engineer will be required by Subsidence Advisory NSW confirming that construction was in accordance with the plans accepted by Subsidence Advisory NSW.</p>

Dispute Resolution

If you are dissatisfied with the determination of this application an appeal may be formally submitted with the Chief Executive Officer for an independent internal review. The application must be made in writing and must provide reasons why the determination should be changed.

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 15/02/2022 – MA2021/00295 - 147, 151, 154 Hunter Street;
98, 100, 104, 110 King Street;
15, 21, 31, 33 Wolfe Street; & 14 Thorn Street Newcastle -**

**MA2021/00295 - Sec 4.55(1A) modification to DA2018/00354 - shop
top housing - changes to conditions of consent**

ITEM-2 Attachment D: Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER



PROCESSING CHRONOLOGY

**MA2021/00295 - 147, 151, 154 Hunter Street; 98, 100, 104, 110 King Street;
15, 21, 31, 33 Wolfe Street; 14 Thorn Street Newcastle**

03 August 2021	-	Application lodged
29 September 2021	-	Application reviewed by Newcastle's UDRP
21 December 2021	-	Additional information requested regarding the application's relationship with the approved concept development for the entire 'East End Project' sites.
3 February 2022	-	Additional information received
15 February 2022	-	DAC meeting