
ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

- 7.1 DAC 5/12/2023 – 28 DENISON STREET, NEWCASTLE WEST -**
- Concept Development Application - Co Living Housing Comprising 51 Rooms And Community Artist Space - DA2023/00119**
- Attachment A** Submitted Plans
Attachment B Draft Schedule of Conditions
Attachment C Processing Chronology
- 7.2 DAC 05/12/2023 – 2/29 AND 3/31 HONEYSUCKLE DRIVE NEWCASTLE**
- Food and Drink Premises - Change Of Use Including Fitout And Signage - DA2023/00243**
- Attachment A** Submitted Plans
Attachment B Draft Schedule of Conditions
Attachment C Processing Chronology
Attachment D Venue Management Plan
Attachment E Amended Acoustic Assessment Report
- 7.3 DAC 5/12/2023 - 775 HUNTER STREET NEWCASTLE WEST**
- Commercial Premises Including Demolition Of Existing Structures, Ground Floor Commercial/Retail Tenancy, Secure Ground Floor End Of Trip Facilities And Six Level Commercial/Office Premises - Da2022/00923**
- Attachment A** Submitted Plans
Attachment B Draft Schedule of Conditions
Attachment C Processing Chronology
Attachment D General Terms of Approval - Subsidence Advisory NSW
Attachment E Applicant Clause 4.6 Request for Exemption

INTENTIONAL BLANK PAGE

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 5/12/2023 - 28 DENISON STREET, NEWCASTLE WEST -
CONCEPT DEVELOPMENT APPLICATION - CO LIVING HOUSING
COMPRISING 51 ROOMS AND COMMUNITY ARTIST SPACE -
DA2023/00119**

- 7.1 **Attachment A:** Submitted Plans

- 7.1 **Attachment B:** Draft Schedule of Conditions

- 7.1 **Attachment C:** Processing Chronology



Good Housing Denison Development

28 Denison Street
Newcastle West
NSW 2302
Lot 1,2,3 & 4 of STRATA
PLAN 22981; LOT 20; DP
626163

Concept DA



INTENTIONAL BLANK PAGE

DISTRIBUTED UNDER SEPARATE COVER

Newcastle LEP 2012:

- Zoning: **B4 Mixed Use**
- Minimum Lot Size: **400m²**
- Maximum Building Height: **60m**
- Maximum Floor Space Ratio: **3:1 (under LEP Clause 7.10A) ***
- Acid Sulphate Soils: **Class 4**
- Heritage: **Conservation Area**

LEP Clause 7.10A Floor space ratio for certain other development
 The maximum floor space ratio for a building that is located on land with a site area of less than 1500 sqm is whichever is the lesser of:
 a) the floor space ratio identified on the FSR Map, or
 b) 3:1

Newcastle DCP 2012 - 6.01 Newcastle City Centre

Street Wall Height to Parry & Denison Street

Figure 6.01-11: Section showing the typical 16m street wall height and typical 6m upper level setback

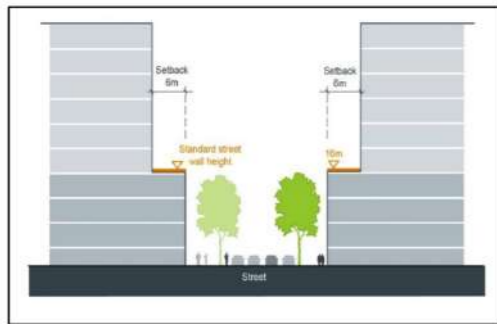
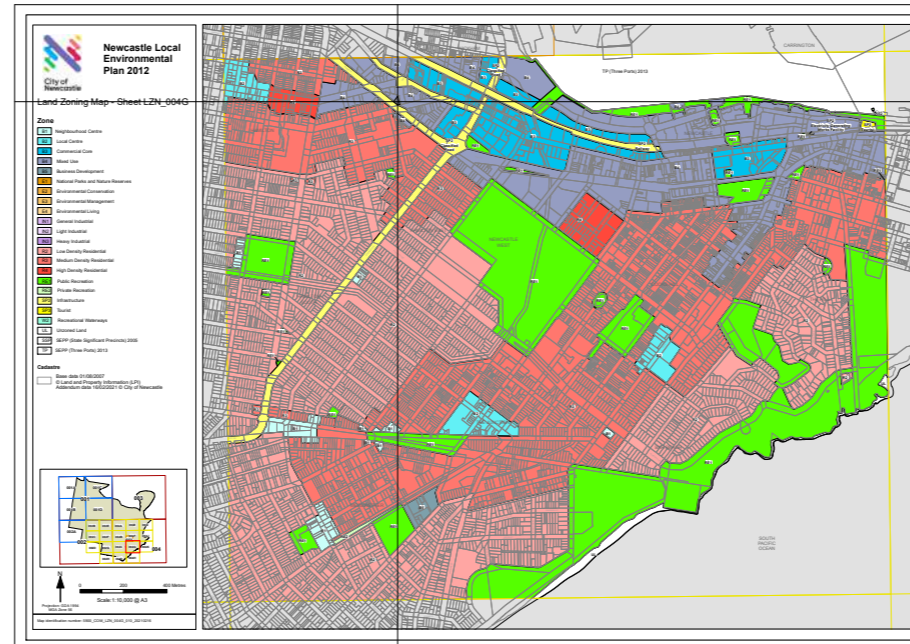
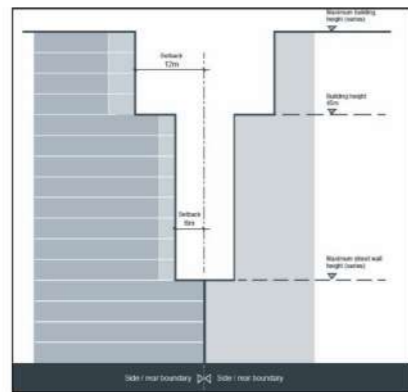


Figure 6.01-14: Building setbacks plan

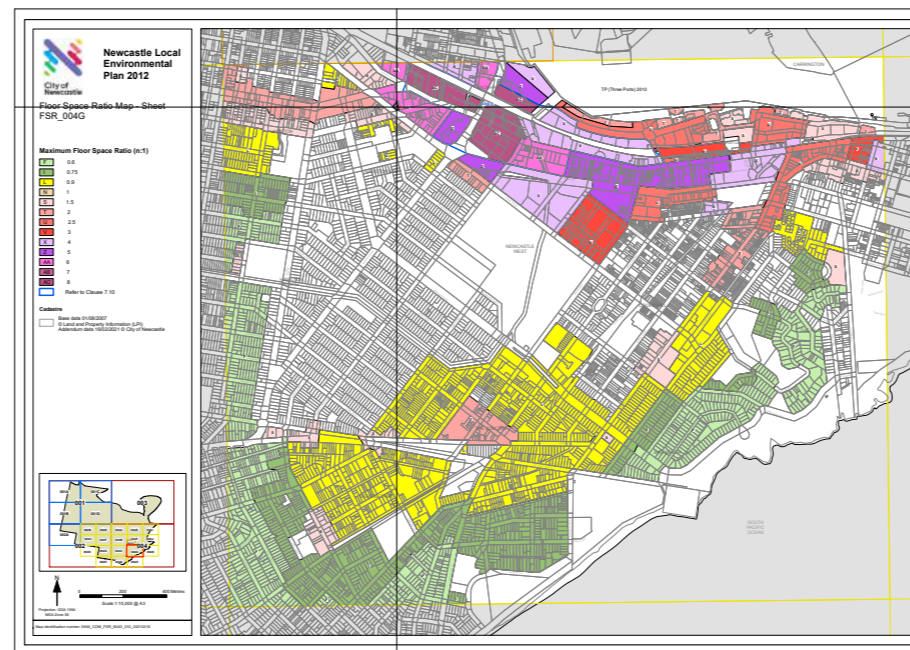


- 4.5m setback from boundary
- Align to Carby Street (eastern side)
- Built form to align to museum building
- 6.0m rear setback to allow for access laneway
- 2.5m primary building setback

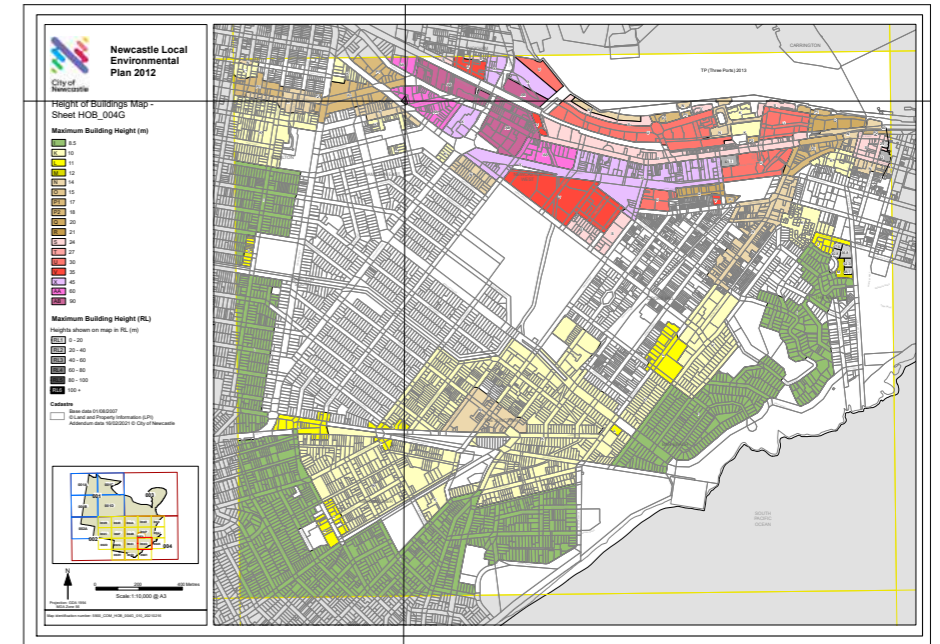
Figure 6.01-13 Section illustrating minimum side and rear setbacks



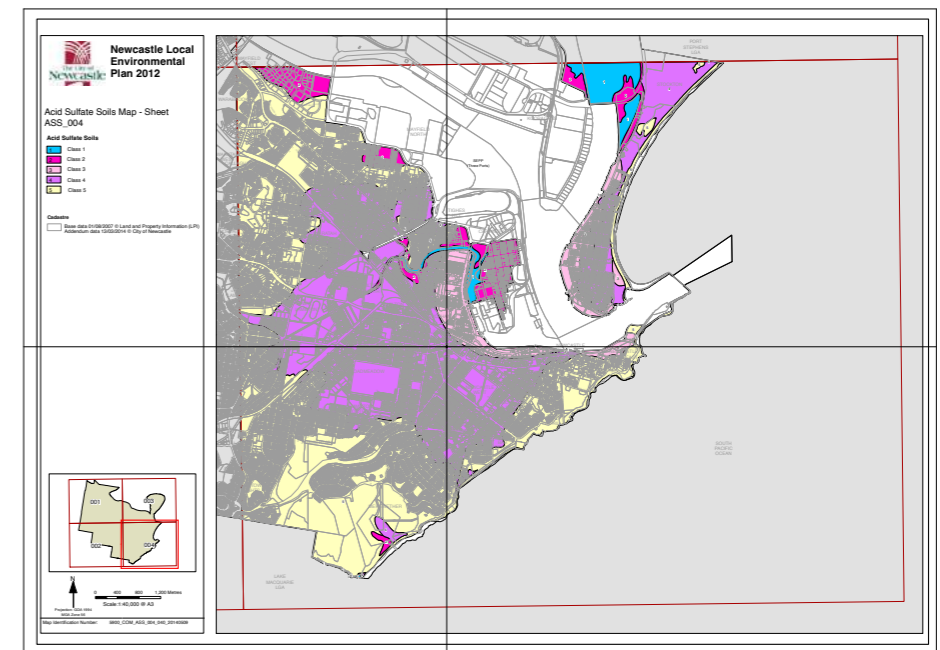
LAND ZONING B4 Mixed Use



MAXIMUM FSR 3:1 (under LEP Clause 7.10A)



HEIGHT OF BUILDING 60m



ACID SULFATE SOILS Class 4

NOTE: PRELIMINARY AUTHORITY CONTROL INFORMATION SUBJECT TO PLANNER AND COUNCIL REVIEW AND FURTHER INVESTIGATION

Concept DA

Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269
 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point



Good Housing Denison Development
 project # **21118**
 28 Denison Street, Newcastle West, NSW 2302

Planning Controls / BASIX
 drawing # **A-0002** issue **04**
 AS SHOWN 25/8/2023
This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



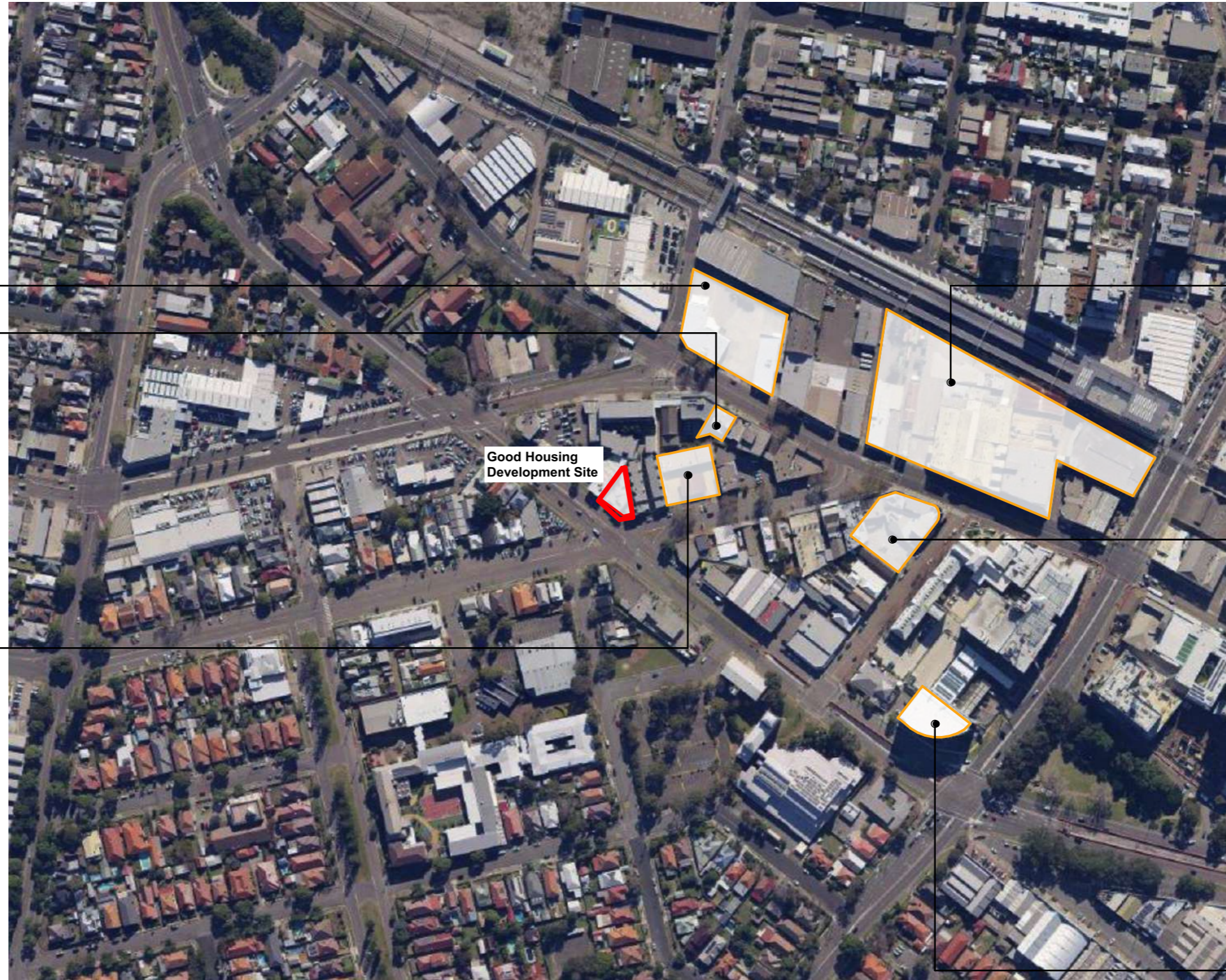
Dairy Farmers Corner (DA Submitted)



815 Hunter Street (DA Approved)



20 Denison Street (DA Approved)



Good Housing Development Site



The Store Development (In Construction)



Cambridge Hotel (Subject to DA Approval)



Gateway 1 Development (Built)

Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269
Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point



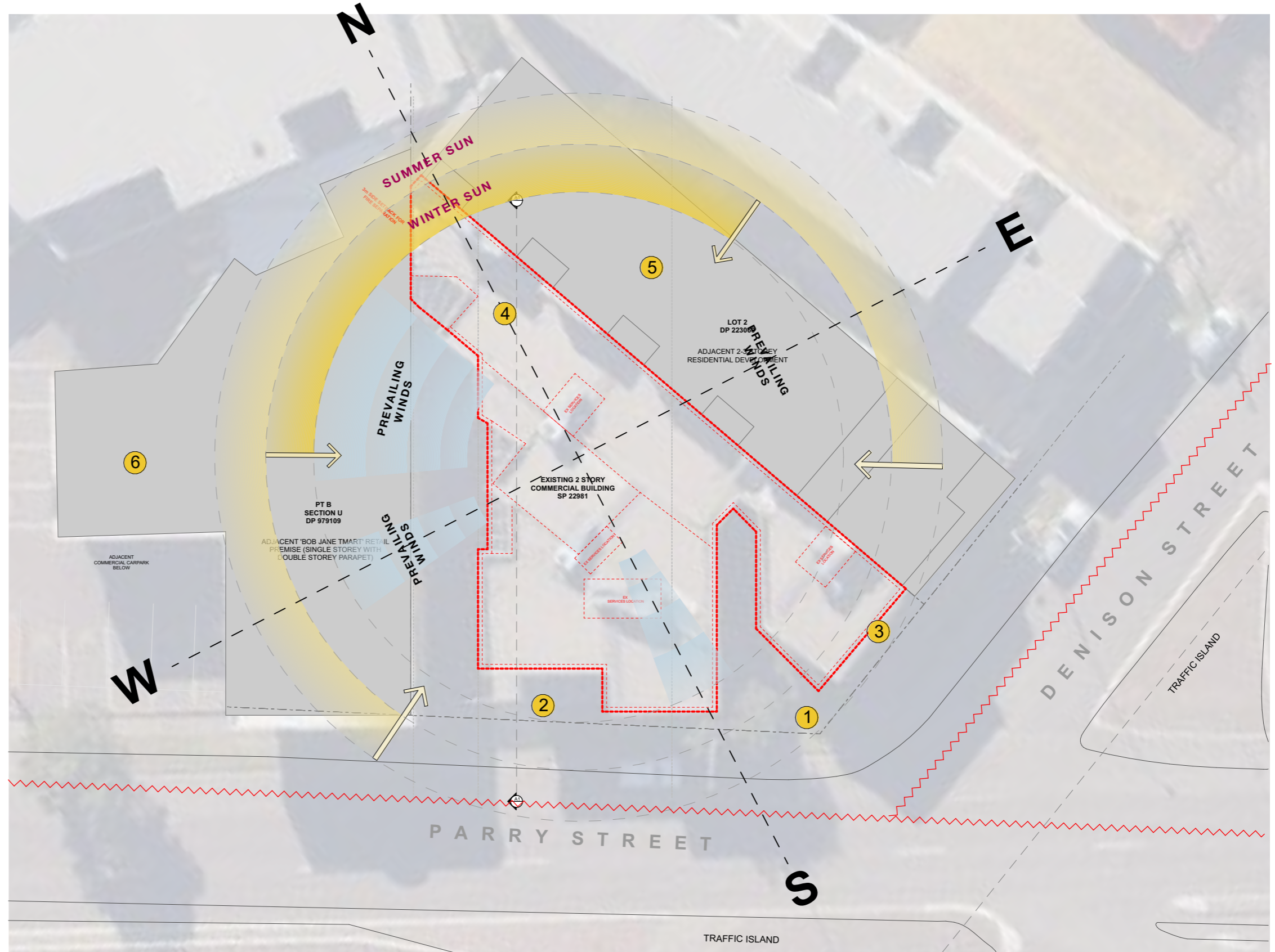
Good Housing Denison
Development
project #
21118
28 Denison Street,
Newcastle West, NSW 2302

Site Location Plan
drawing #
A-0003
AS SHOWN
issue
04
25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

DESIGN RESPONSES:

- 1 Address street corner and provide privacy and acoustic buffer between busy street and residents
- 2 Consider vehicle movement and access to site from Parry Street
- 3 Consider pedestrian access from Denison Street not from main artery road (Parry Street)
- 4 Consider northern light and orientate apartments on North-South aspects. Avoid West facing apartments
- 5 Respond to three story built form to East
- 6 Respond to future character of Western lot



Concept DA

Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269
 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

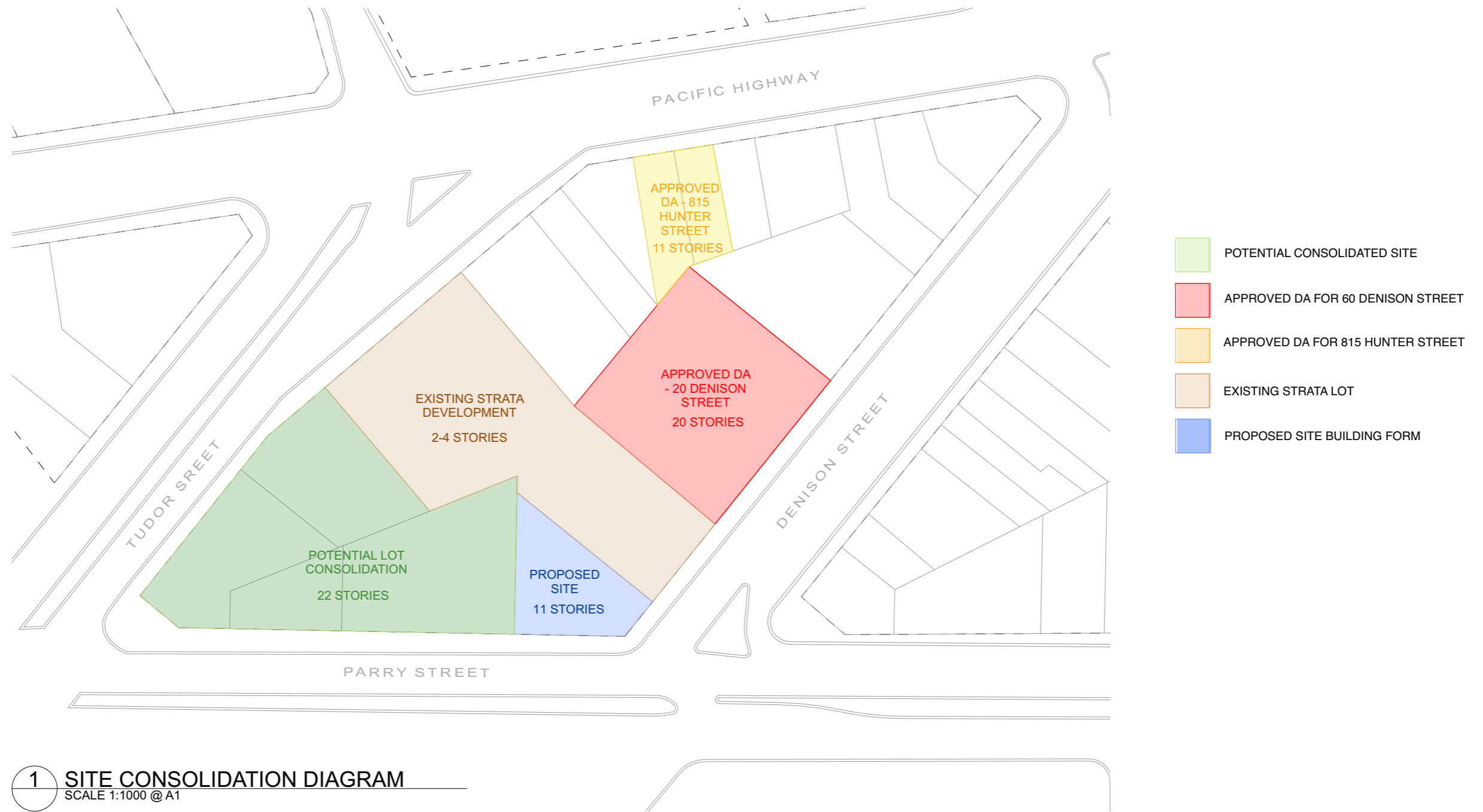
North Point



Good Housing Denison Development
 project # 21118
 28 Denison Street, Newcastle West, NSW 2302

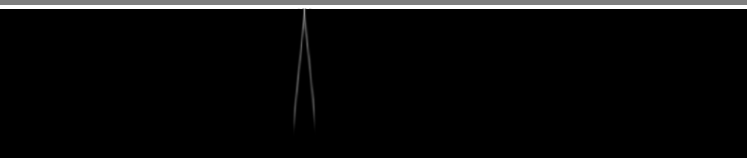
Site Analysis Plan
 drawing # A-0004
 issue 04
 AS SHOWN 25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction without the consent of the designer.



1 SITE CONSOLIDATION DIAGRAM
SCALE 1:1000 @ A1

Concept DA



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269
Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point



Good Housing Denison Development
project # **21118**
28 Denison Street,
Newcastle West, NSW 2302

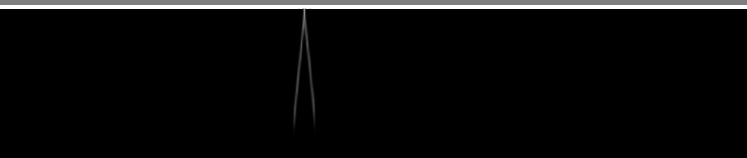
Site Consolidation Diagram
drawing # **A-0005**
project # **21118**
AS SHOWN
issue **04**
25/8/2023
This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

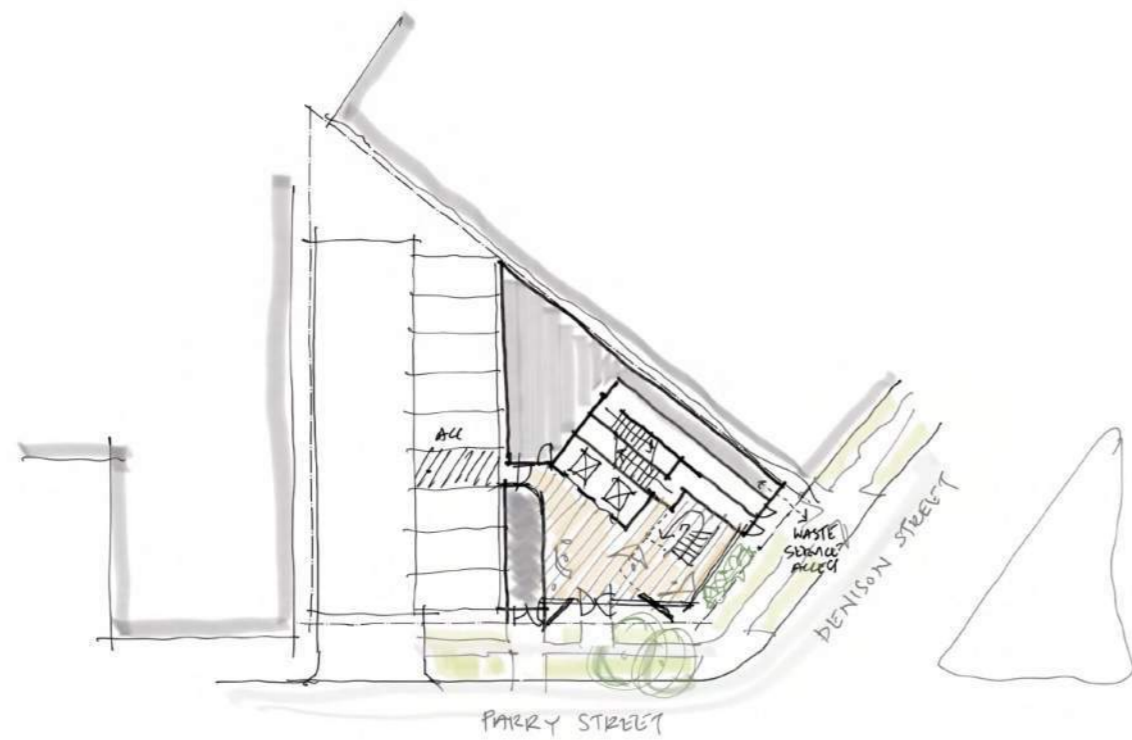


- PROPOSED SITE
- POTENTIAL SITE CONSOLIDATED PODIUM FOOTPRINT
- POTENTIAL SITE CONSOLIDATED ZONE FOR TOWER
- APPROVED PODIUM FOOTPRINT - 815 HUNTER ST
- APPROVED TOWER FOOTPRINT - 815 HUNTER ST
- APPROVED PODIUM FOOTPRINT - 60 DENISON ST
- APPROVED TOWER FOOTPRINT - 60 DENISON ST
- 60m BUILDING HEIGHT LIMIT
- UPPER LEVEL SETBACK TO TUDOR STREET ABOVE 16m STREET WALL HEIGHT
- UPPER LEVEL SETBACK TO DENISON STREET ABOVE 16m STREET WALL HEIGHT
- UPPER LEVEL SETBACK TO PACIFIC HIGHWAY ABOVE 16m STREET WALL HEIGHT
- 2.5m GROUND FLOOR STREET SETBACK
- UPPER LEVEL ADG BUILDING SEPARATION TO BOUNDARY

1 PLANNING CONTROL DIAGRAM
SCALE 1:1000 @ A1

Concept DA





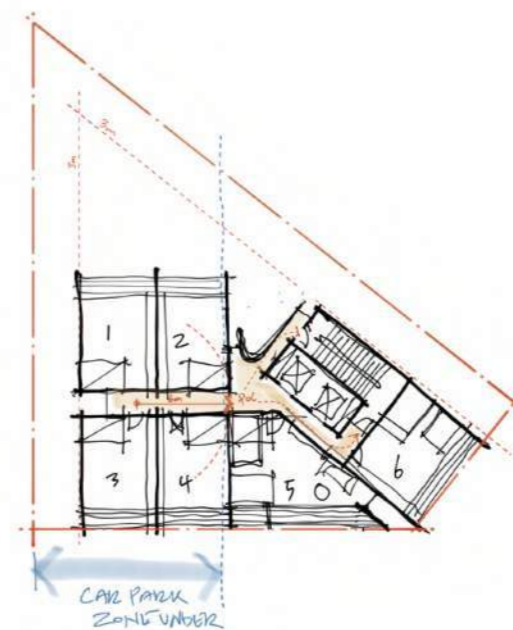
GROUND FLOOR PLAN



LEVEL 1



LEVEL 2 COMMUNAL



TYPICAL FLOOR PLAN

Concept DA

Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269
 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

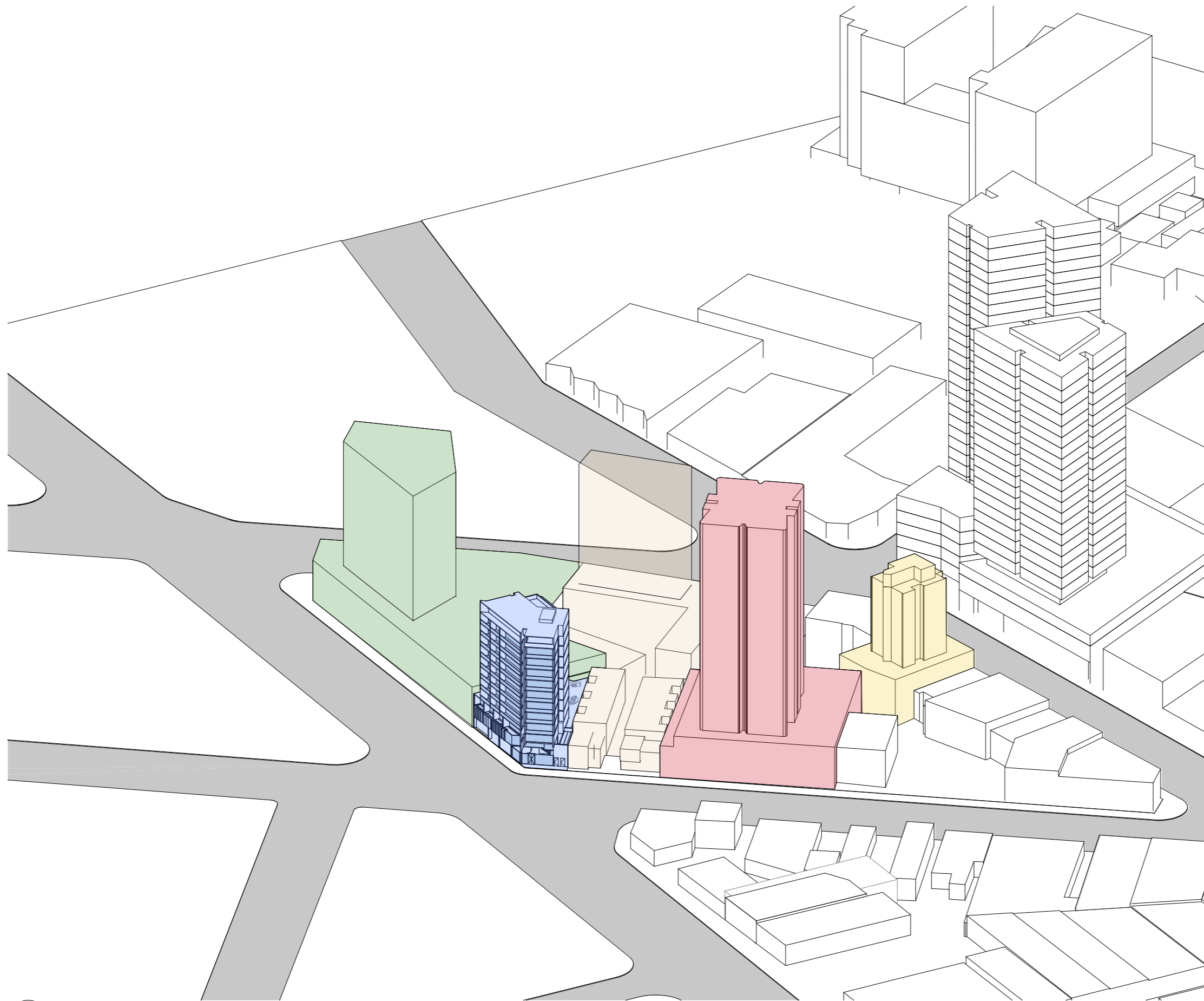
North Point



Good Housing Denison Development
 project # 21118
 28 Denison Street,
 Newcastle West, NSW 2302

Sketch Design Process
 drawing # A-0007
 issue 04
 AS SHOWN 25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



- PROPOSED SITE BUILDING FORM
- POTENTIAL SITE CONSOLIDATE SITE MASSING
- EXISTING STRATA LOT
- APPROVED DA FOR 60 DENISON STREET
- 60m BUILDING HEIGHT LIMIT

1 Future Massing - Axonometric
SCALE 1:1000 @ A3

Concept DA

Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269
Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point

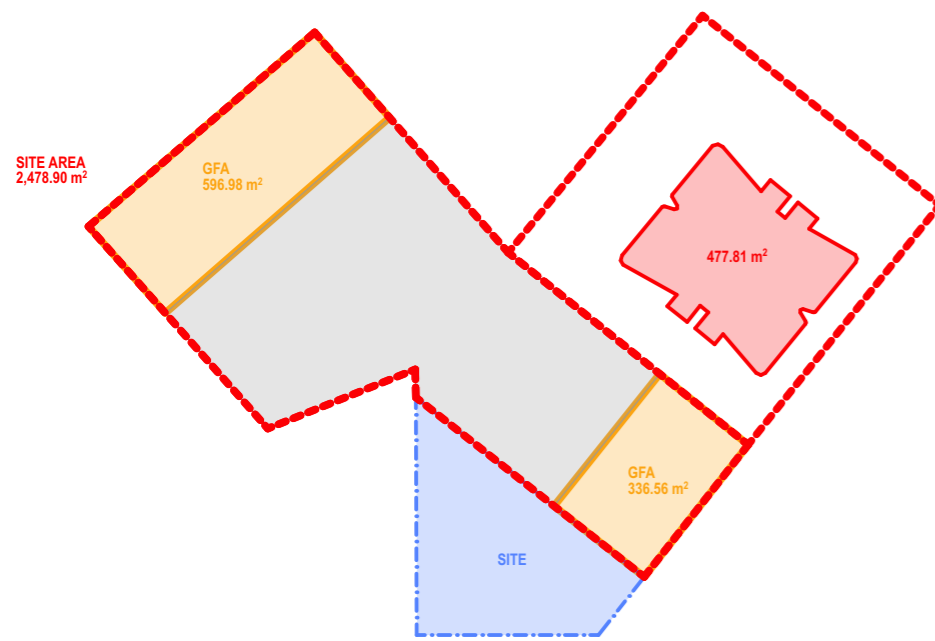


Good Housing Denison Development
project #
21118
28 Denison Street,
Newcastle West, NSW 2302

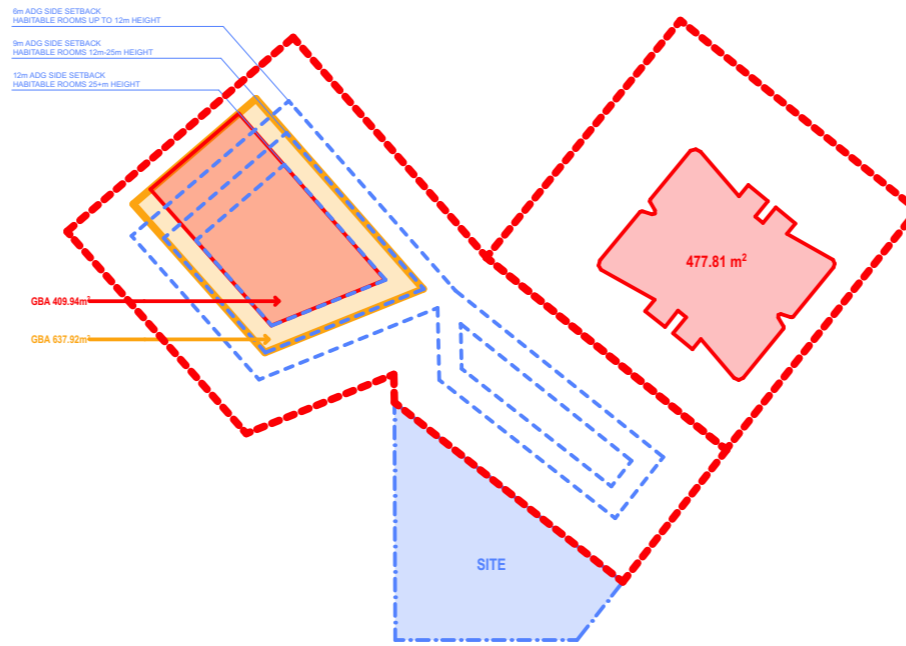
Future Massing

drawing #
A-0008
AS SHOWN
issue
01
25/8/2023

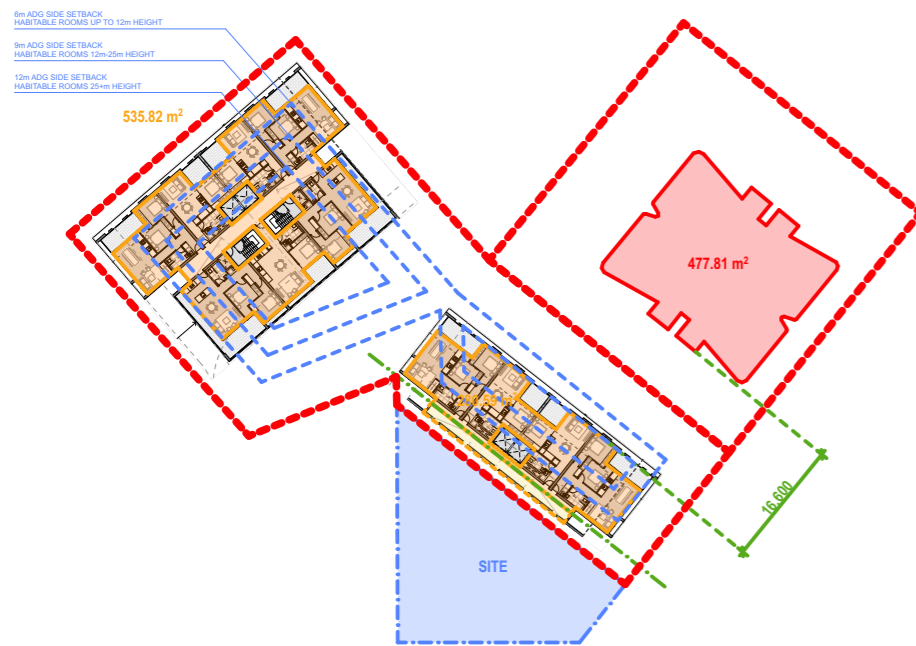
This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



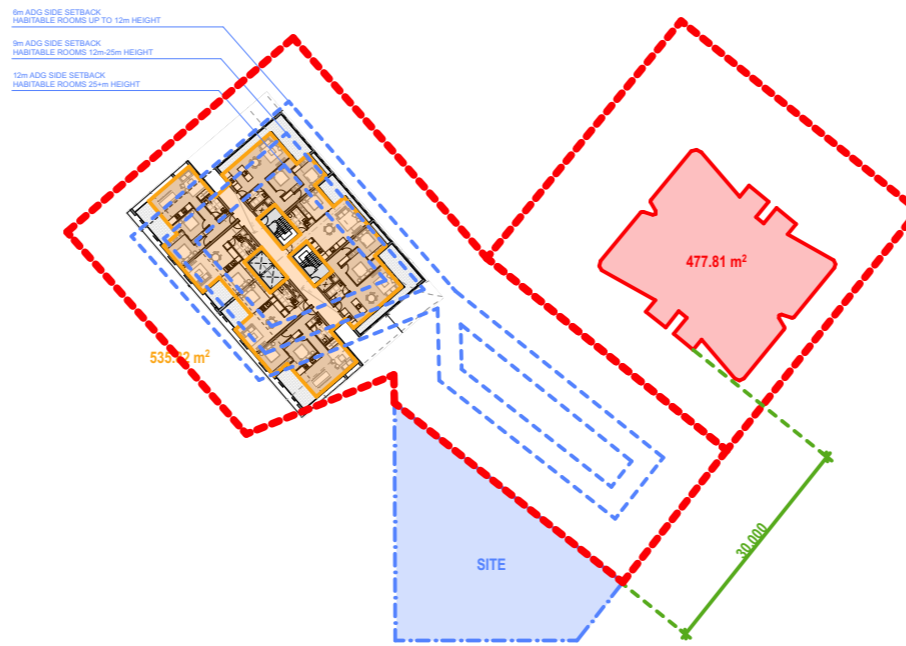
GROUND FLOOR GFA - STREET WALL



6m, 9m & 12m ADG SETBACK



GFA REFERENCE - OMITTING 3m SITE SETBACK



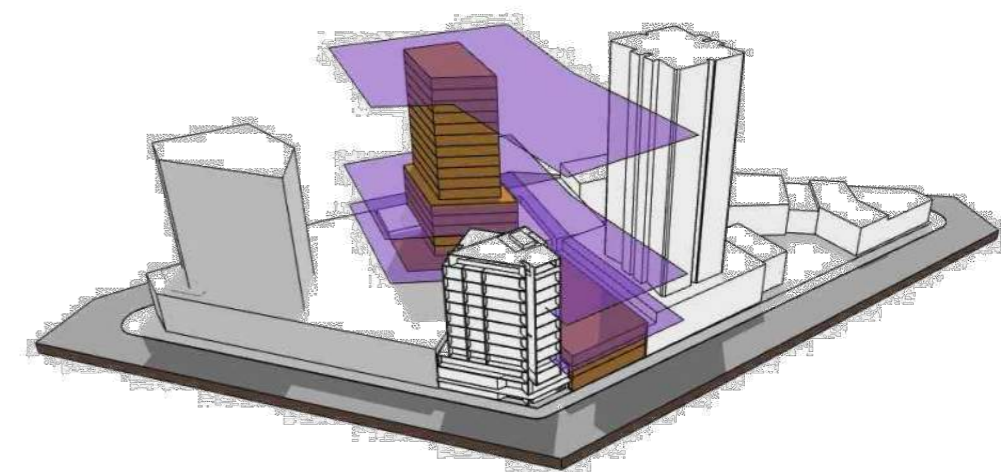
GFA REFERENCE - PROBABLE DEVELOPMENT

Area Schedule

	TOTAL GFA m²
Lift Overrun	
Roof / Plant	
Level 20	600
Level 19	600
Level 18	600
Level 17	600
Level 16	600
Level 15	600
Level 14	600
Level 13	600
Level 12	600
Level 11	600
Level 10	600
Level 09	600
Level 08	600
Level 07	600
Level 06	600
Level 05	600
Level 04	600
Level 03	600
Level 02	950
Level 01	950
Ground	950
Totals	13650

Summary

	Control	Concept Proposal
FSR	6 :1	5.50 :1
GFA	14880 m²	13650 m²



PROBABLE DEVELOPMENT MASSING - ADG SETBACKS

Concept DA

Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269
Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point

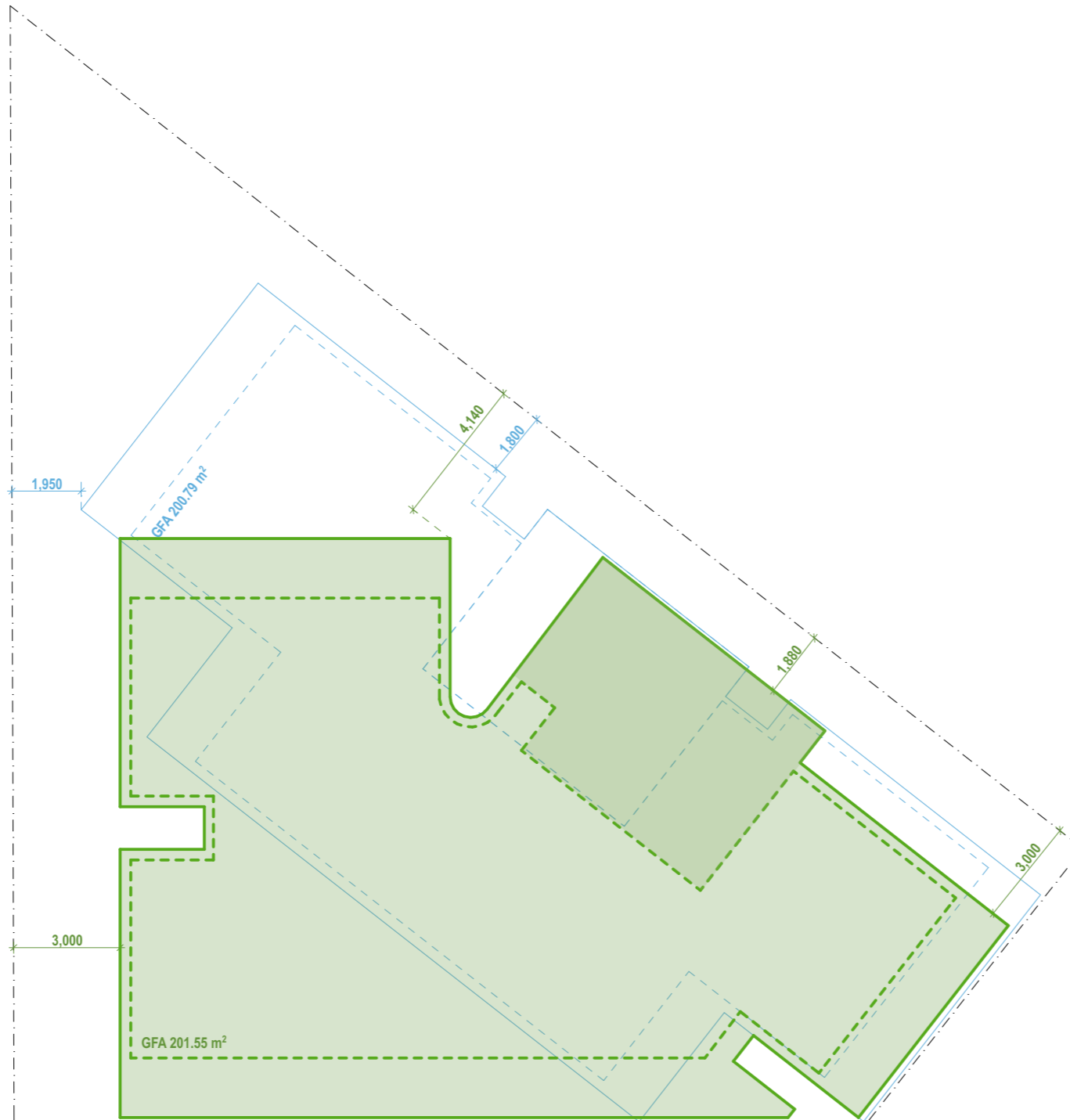


Good Housing Denison Development
project # **21118**
28 Denison Street,
Newcastle West, NSW 2302

Adjacent site study
drawing # **A-0009**
issue **01**
AS SHOWN 25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

- Revised Building footprint response to UDRP meeting
- GFA revised design
- Building footprint for UDRP meeting 03.08.2023
- GFA for UDRP meeting 03.08.2023
- Site boundary



3 AUGUST UDRP MEETING PROJECT SUMMARY

PROJECT SUMMARY	
SITE AREA:	582m ²
LEP FSR 6:1	3492m ² GFA
LEP FSR 3:1	1920m ² GFA
PROPOSED GFA:	2,068m² GFA
FSR ACHIEVED:	3.5 : 1
PROPOSED GFA :	1,938m² GFA (EXC. ART SPACE)
FSR ACHIEVED:	3.3 : 1 (EXC. ART SPACE)
NO. OF ROOMS:	50 (2 ACCESSIBLE)
CARS REQUIRED:	10
CARS PROVIDED:	9 (INCLUDES 1 ACCESSIBLE)
M.CYCLES PROVIDED:	5
BICYCLES REQUIRED:	50

GFA	
Story	Measured Area
Ground	16
Level 1	158
Level 2	263
Level 3	200
Level 4	200
Level 5	200
Level 6	200
Level 7	200
Level 8	200
Level 9	200
Level 10	200
Level 11	31
	2,068 m²

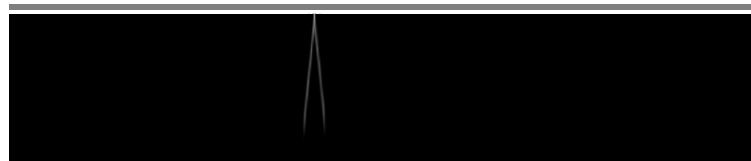
REVISED PROJECT SUMMARY

PROJECT SUMMARY	
SITE AREA:	582m ²
LEP FSR 6:1	3492m ² GFA
LEP FSR 3:1	1920m ² GFA
PROPOSED GFA:	2,101m² GFA
FSR ACHIEVED:	3.6 : 1
PROPOSED GFA :	2,015m² GFA (EXC. ART SPACE)
FSR ACHIEVED:	3.4 : 1 (EXC. ART SPACE)
NO. OF ROOMS:	51 (3 ACCESSIBLE)
CARS REQUIRED:	10
CARS PROVIDED:	9 (INCLUDES 1 ACCESSIBLE)
M.CYCLES PROVIDED:	5
BICYCLES REQUIRED:	50

GFA	
Story	Measured Area
Ground	63
Level 1	167
Level 2	254
Level 3	200
Level 4	200
Level 5	200
Level 6	200
Level 7	200
Level 8	200
Level 9	200
Level 10	200
Level 11	17
	2,101 m²

1 UDRP Response Building Footprint
SCALE 1:166.67 @ A3

Concept DA



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269
Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point



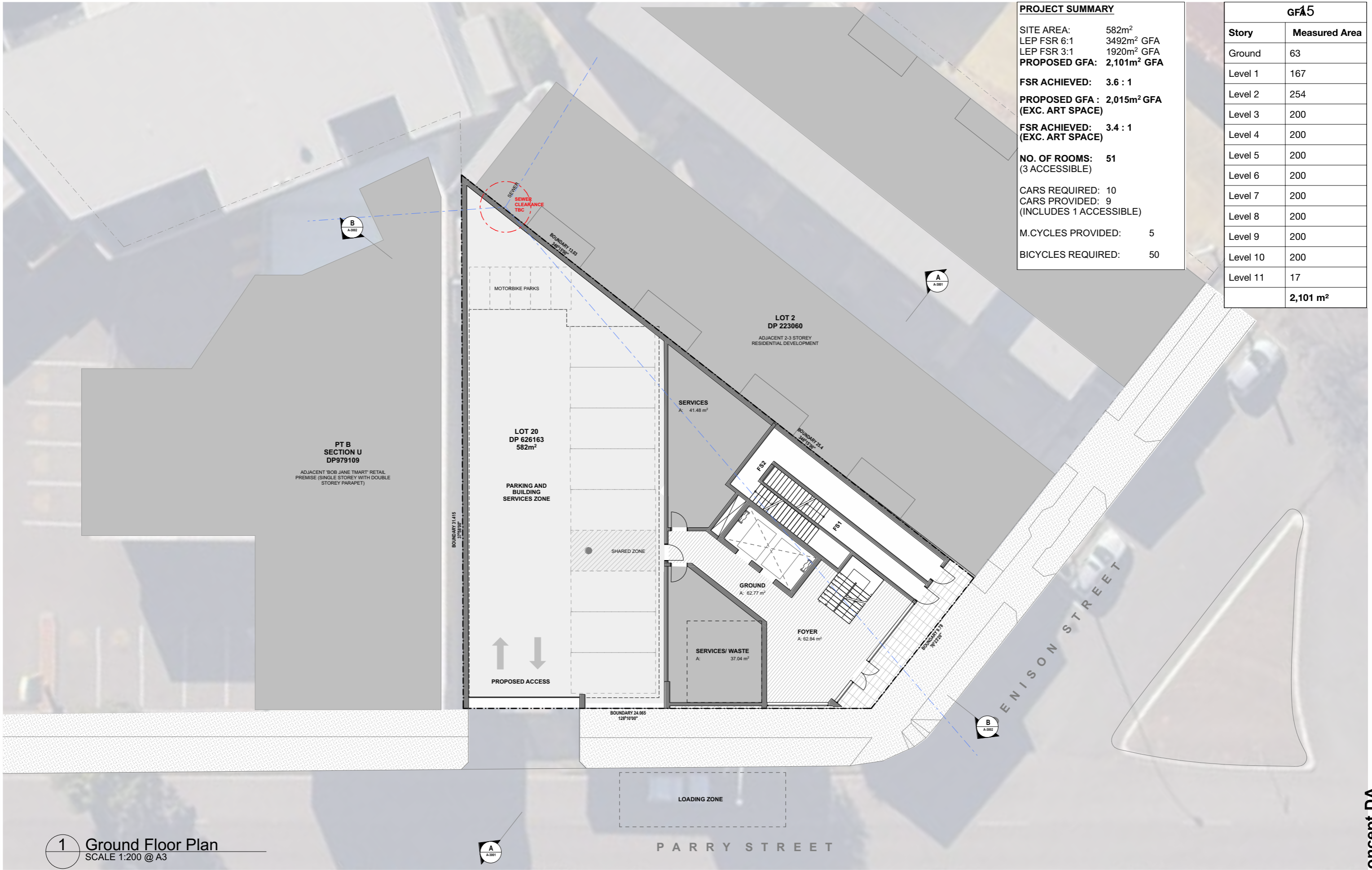
Good Housing Denison Development
project # **21118**
28 Denison Street,
Newcastle West, NSW 2302

UDRP Response Diagram
drawing # **A-0010**
project # **01**
AS SHOWN
25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

PROJECT SUMMARY	
SITE AREA:	582m ²
LEP FSR 6:1	3492m ² GFA
LEP FSR 3:1	1920m ² GFA
PROPOSED GFA:	2,101m² GFA
FSR ACHIEVED:	3.6 : 1
PROPOSED GFA :	2,015m² GFA
(EXC. ART SPACE)	
FSR ACHIEVED:	3.4 : 1
(EXC. ART SPACE)	
NO. OF ROOMS:	51
(3 ACCESSIBLE)	
CARS REQUIRED:	10
CARS PROVIDED:	9
(INCLUDES 1 ACCESSIBLE)	
M.CYCLES PROVIDED:	5
BICYCLES REQUIRED:	50

GFA5	
Story	Measured Area
Ground	63
Level 1	167
Level 2	254
Level 3	200
Level 4	200
Level 5	200
Level 6	200
Level 7	200
Level 8	200
Level 9	200
Level 10	200
Level 11	17
	2,101 m²



1 Ground Floor Plan
SCALE 1:200 @ A3

Concept DA

Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269
Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point



Good Housing Denison Development
drawing # **A-1101**
21118
28 Denison Street,
Newcastle West, NSW 2302

Ground Floor Plan
drawing # **A-1101**
06
AS SHOWN
issue **06**
25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction without the consent of the designer.

PROJECT SUMMARY

SITE AREA: 582m²
 LEP FSR 6:1 3492m² GFA
 LEP FSR 3:1 1920m² GFA
PROPOSED GFA: 2,101m² GFA

FSR ACHIEVED: 3.6 : 1

PROPOSED GFA : 2,015m² GFA (EXC. ART SPACE)

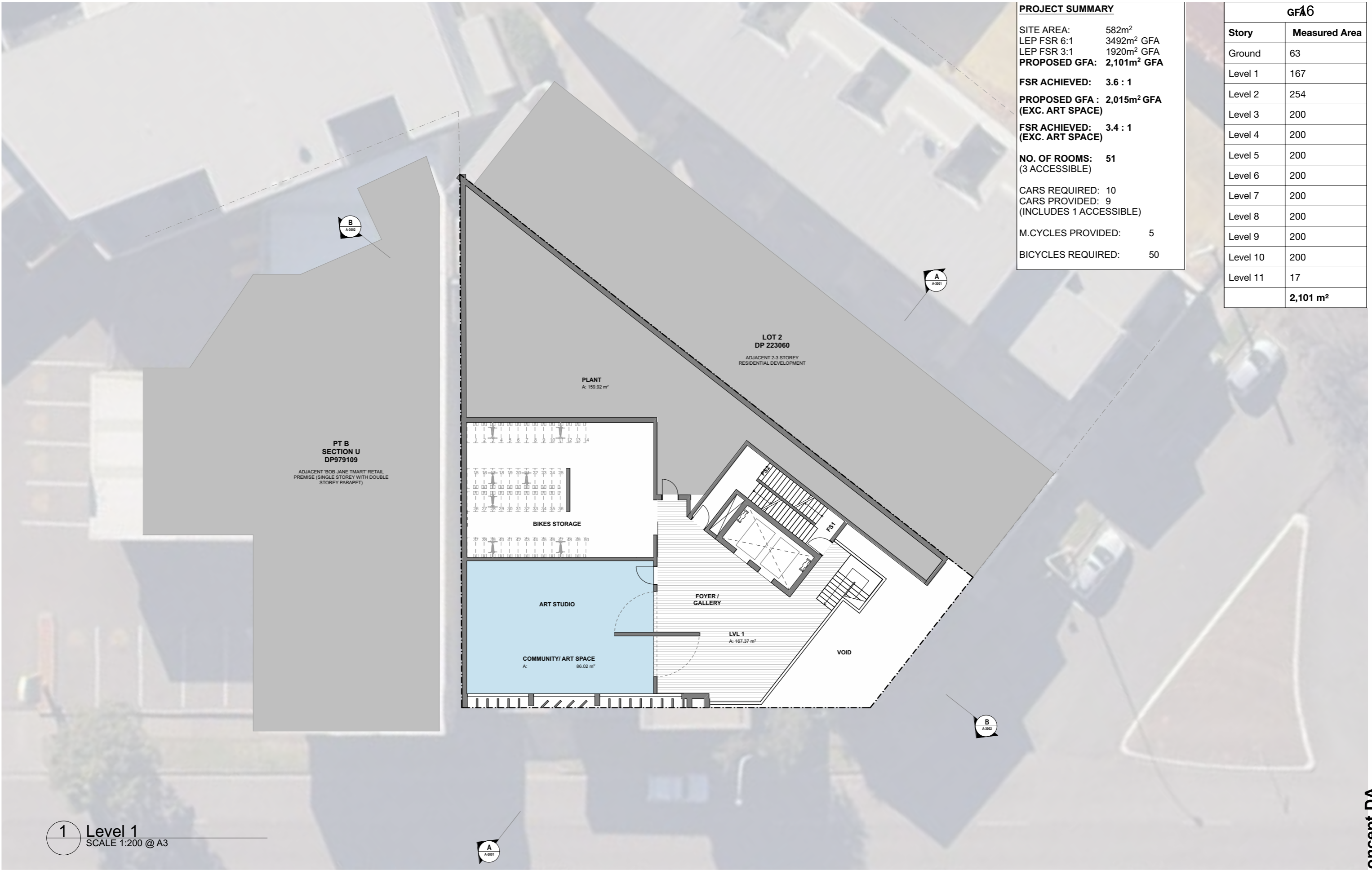
FSR ACHIEVED: 3.4 : 1 (EXC. ART SPACE)

NO. OF ROOMS: 51 (3 ACCESSIBLE)

CARS REQUIRED: 10
 CARS PROVIDED: 9 (INCLUDES 1 ACCESSIBLE)

M.CYCLES PROVIDED: 5
 BICYCLES REQUIRED: 50

GFA	
Story	Measured Area
Ground	63
Level 1	167
Level 2	254
Level 3	200
Level 4	200
Level 5	200
Level 6	200
Level 7	200
Level 8	200
Level 9	200
Level 10	200
Level 11	17
	2,101 m²



1 Level 1
 SCALE 1:200 @ A3

Concept DA



Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269
 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545



Good Housing Denison Development
 project # **21118**
 28 Denison Street,
 Newcastle West, NSW 2302

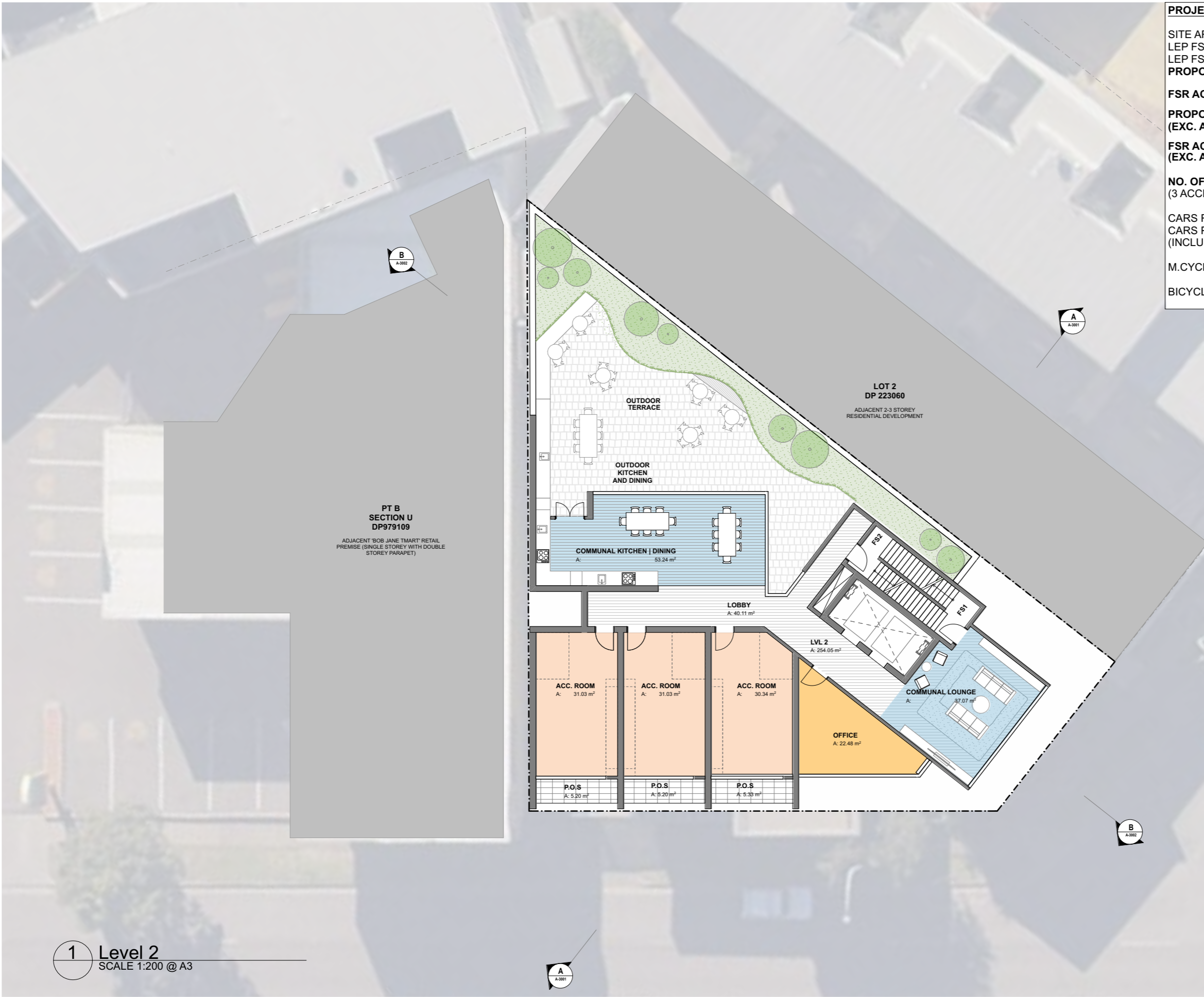
Level 1
 drawing # **A-1102**
 AS SHOWN

issue **06**
 25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction without the consent of the designer.

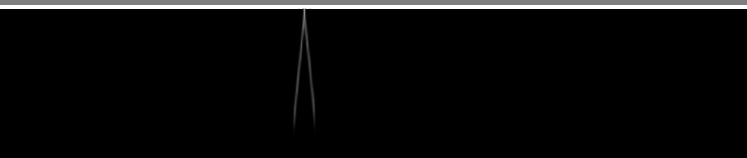
PROJECT SUMMARY	
SITE AREA:	582m ²
LEP FSR 6:1	3492m ² GFA
LEP FSR 3:1	1920m ² GFA
PROPOSED GFA:	2,101m² GFA
FSR ACHIEVED:	3.6 : 1
PROPOSED GFA :	2,015m² GFA
(EXC. ART SPACE)	
FSR ACHIEVED:	3.4 : 1
(EXC. ART SPACE)	
NO. OF ROOMS:	51
(3 ACCESSIBLE)	
CARS REQUIRED:	10
CARS PROVIDED:	9
(INCLUDES 1 ACCESSIBLE)	
M.CYCLES PROVIDED:	5
BICYCLES REQUIRED:	50

GF ⁷	
Story	Measured Area
Ground	63
Level 1	167
Level 2	254
Level 3	200
Level 4	200
Level 5	200
Level 6	200
Level 7	200
Level 8	200
Level 9	200
Level 10	200
Level 11	17
	2,101 m²



1 Level 2
SCALE 1:200 @ A3

Concept DA



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269
Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545



Good Housing Denison Development
project #
21118
28 Denison Street,
Newcastle West, NSW 2302

Level 2
drawing #
A-1103
AS SHOWN

issue
06
25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction without the consent of the designer.

PROJECT SUMMARY

SITE AREA: 582m²
 LEP FSR 6:1 3492m² GFA
 LEP FSR 3:1 1920m² GFA
PROPOSED GFA: 2,101m² GFA

FSR ACHIEVED: 3.6 : 1

PROPOSED GFA : 2,015m² GFA (EXC. ART SPACE)

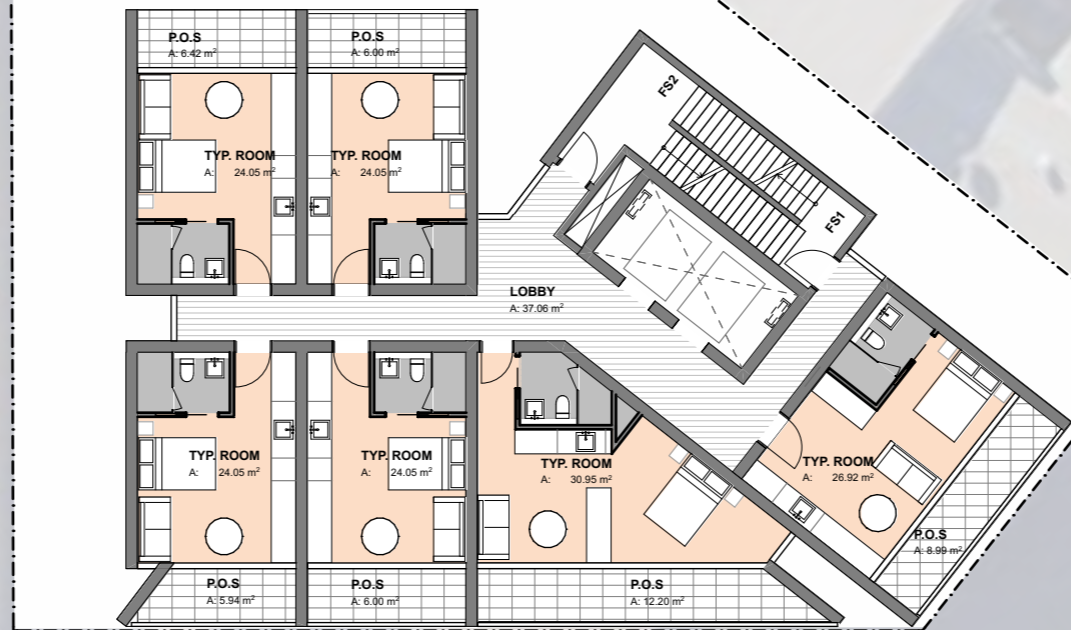
FSR ACHIEVED: 3.4 : 1 (EXC. ART SPACE)

NO. OF ROOMS: 51 (3 ACCESSIBLE)

CARS REQUIRED: 10
 CARS PROVIDED: 9 (INCLUDES 1 ACCESSIBLE)

M.CYCLES PROVIDED: 5
 BICYCLES REQUIRED: 50

GFA	
Story	Measured Area
Ground	63
Level 1	167
Level 2	254
Level 3	200
Level 4	200
Level 5	200
Level 6	200
Level 7	200
Level 8	200
Level 9	200
Level 10	200
Level 11	17
	2,101 m²



1 Tower Levels (Typical) Levels 3 - 10
 SCALE 1:200 @ A3

Concept DA



PROJECT SUMMARY

SITE AREA: 582m²
 LEP FSR 6:1 3492m² GFA
 LEP FSR 3:1 1920m² GFA
PROPOSED GFA: 2,101m² GFA

FSR ACHIEVED: 3.6 : 1

PROPOSED GFA : 2,015m² GFA (EXC. ART SPACE)

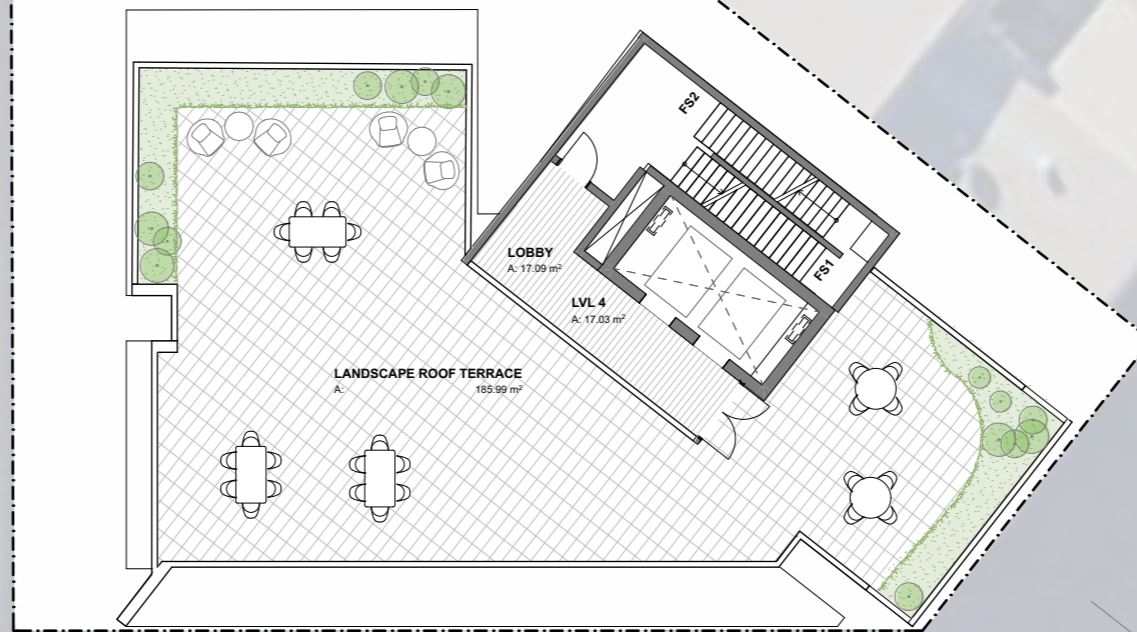
FSR ACHIEVED: 3.4 : 1 (EXC. ART SPACE)

NO. OF ROOMS: 51 (3 ACCESSIBLE)

CARS REQUIRED: 10
 CARS PROVIDED: 9 (INCLUDES 1 ACCESSIBLE)

M.CYCLES PROVIDED: 5
 BICYCLES REQUIRED: 50

GFA	
Story	Measured Area
Ground	63
Level 1	167
Level 2	254
Level 3	200
Level 4	200
Level 5	200
Level 6	200
Level 7	200
Level 8	200
Level 9	200
Level 10	200
Level 11	17
	2,101 m²



1 Level 11
 SCALE 1:200 @ A3

Concept DA

Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269
 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point



Good Housing Denison Development
 project # **21118**
 28 Denison Street,
 Newcastle West, NSW 2302

Roof Terrace
 drawing # **A-1105**
 AS SHOWN
 issue **05**
 25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

PROJECT SUMMARY

SITE AREA: 582m²
 LEP FSR 6:1 3492m² GFA
 LEP FSR 3:1 1920m² GFA
PROPOSED GFA: 2,101m² GFA

FSR ACHIEVED: 3.6 : 1

PROPOSED GFA : 2,015m² GFA (EXC. ART SPACE)

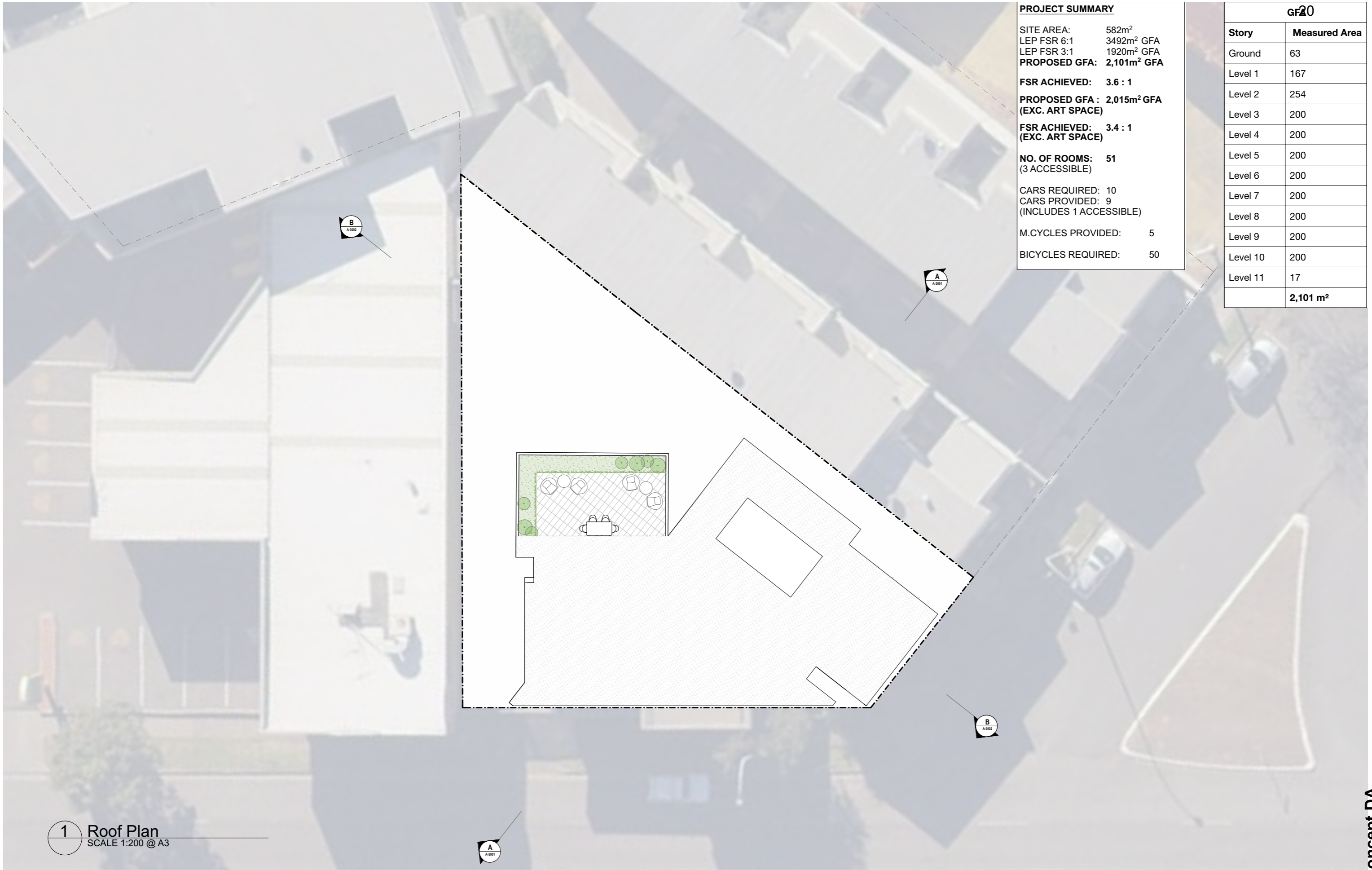
FSR ACHIEVED: 3.4 : 1 (EXC. ART SPACE)

NO. OF ROOMS: 51 (3 ACCESSIBLE)

CARS REQUIRED: 10
 CARS PROVIDED: 9 (INCLUDES 1 ACCESSIBLE)

M.CYCLES PROVIDED: 5
 BICYCLES REQUIRED: 50

GF ² O	
Story	Measured Area
Ground	63
Level 1	167
Level 2	254
Level 3	200
Level 4	200
Level 5	200
Level 6	200
Level 7	200
Level 8	200
Level 9	200
Level 10	200
Level 11	17
	2,101 m²



1 Roof Plan
 SCALE 1:200 @ A3

Concept DA



Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269
 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

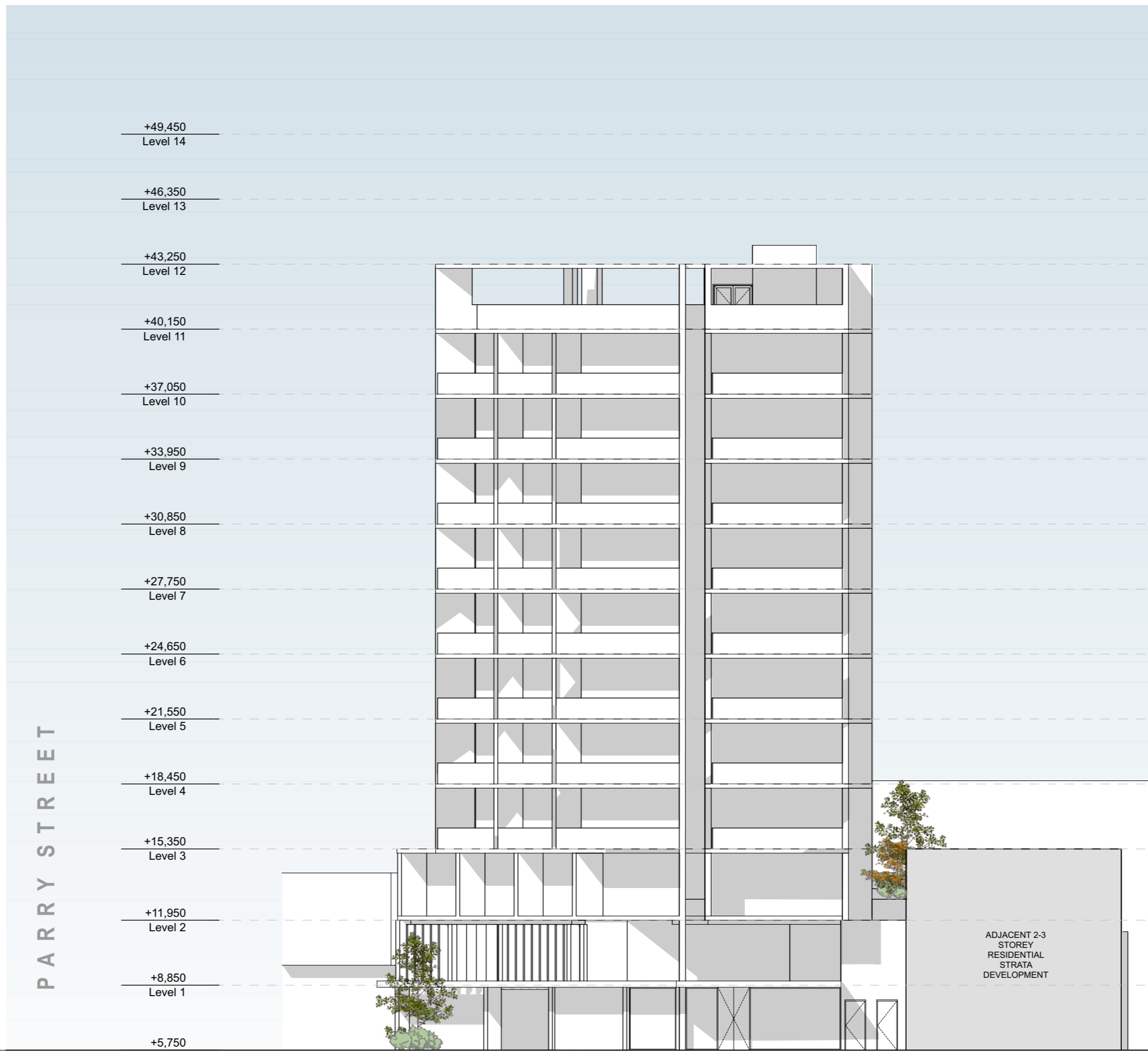


Good Housing Denison Development
 project # **21118**
 28 Denison Street,
 Newcastle West, NSW 2302

Roof Level
 drawing # **A-1106**
 AS SHOWN

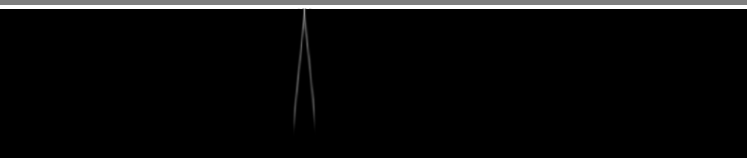
issue **02**
 25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



1 North Elevation
SCALE 1:200 @ A3

Concept DA



Architecture | Planning | Interiors

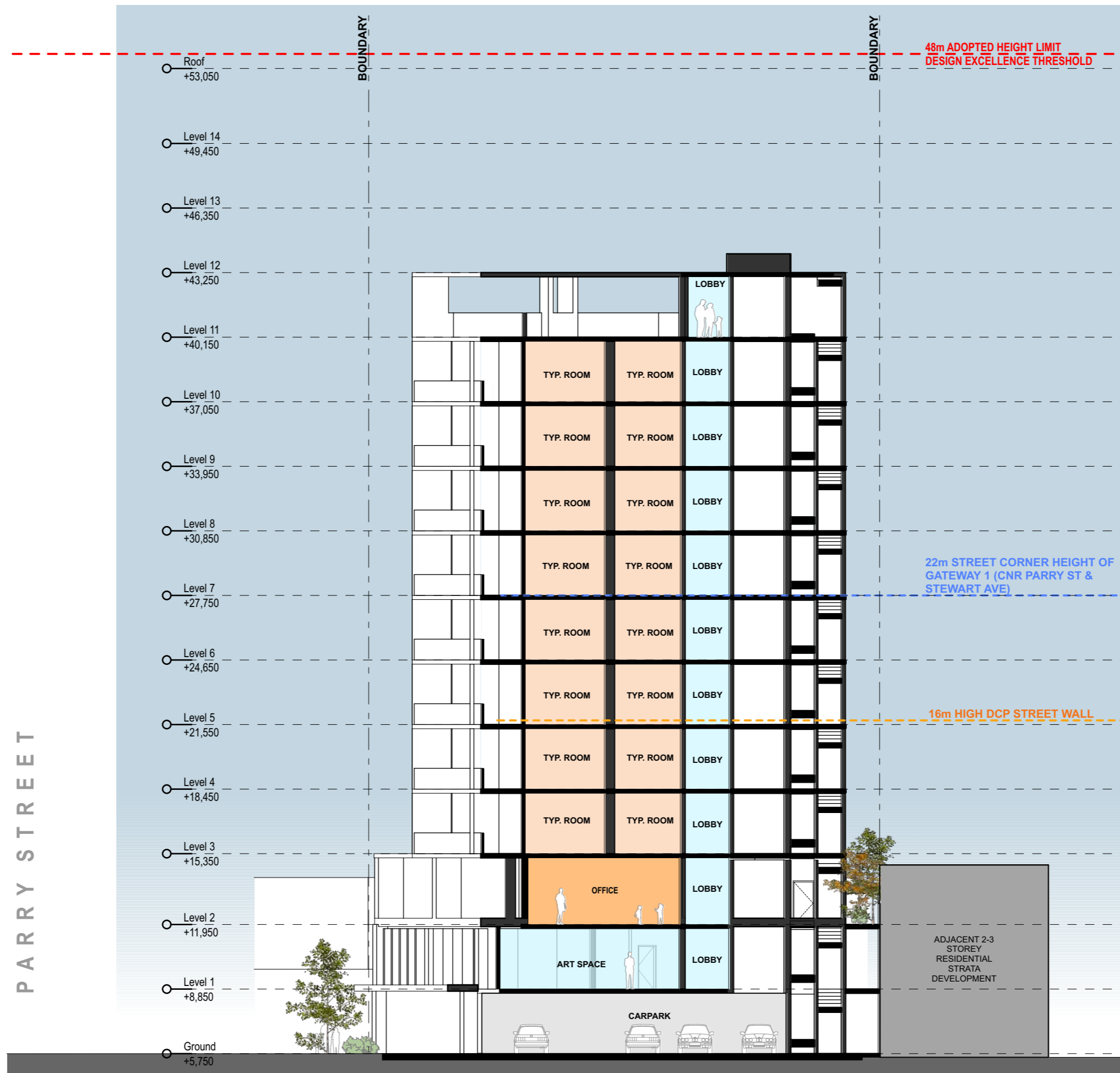
NEWCASTLE 115 King St (P.O. Box 958) Newcastle NSW 2300 P 02 4929 1843	CENTRAL COAST 1/28 Adelaide St (P.O. Box 4400) East Gosford NSW 2250 P 02 4321 0503	www.ckds.com.au E admin@ckds.com.au ABN 12 129 231 269 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545
--	---	---



Good Housing Denison Development
project # 21118
28 Denison Street,
Newcastle West, NSW 2302

North Elevation
drawing # A-2001
AS SHOWN
issue 01
25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction without the consent of the designer.



1 Section A
SCALE 1:200 @ A3

Concept DA

Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269
Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point



Good Housing Denison Development
project #
21118
28 Denison Street,
Newcastle West, NSW 2302

Section
drawing #
A-3001
AS SHOWN

issue
05
25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction without the consent of the designer.



1 Section BB
SCALE 1:200 @ A3

Concept DA

Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269
Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point



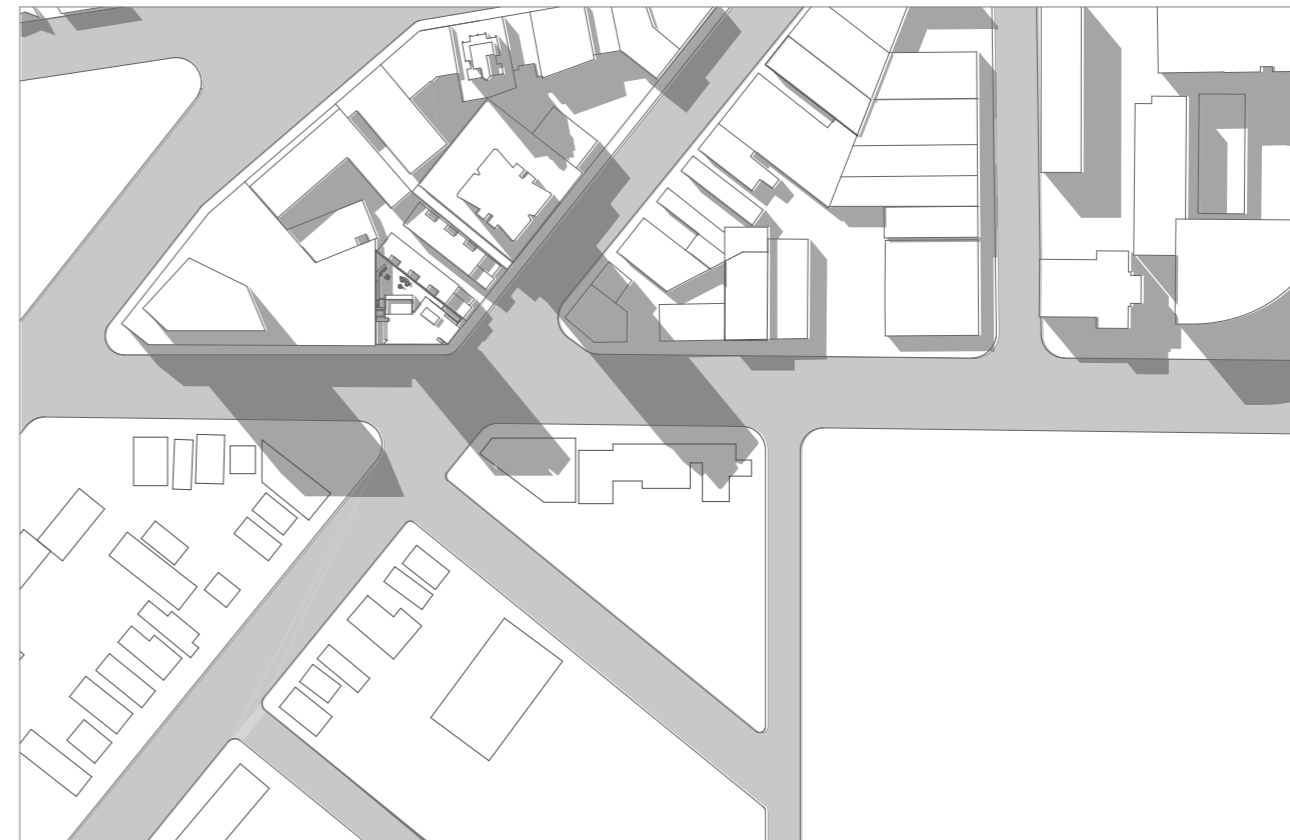
Good Housing Denison Development
project #
21118
28 Denison Street,
Newcastle West, NSW 2302

Section
drawing #
A-3002
AS SHOWN
issue
01
25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



June 21st 9am
NTS



June 21st 12pm
NTS



June 21st 3pm
NTS

Concept DA

Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269
Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point



**Good Housing Denison
Development**
project #
21118
28 Denison Street,
Newcastle West, NSW 2302

Shadow Diagrams

drawing #
A-4001
AS SHOWN
issue
03
25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



Concept DA

Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269
Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

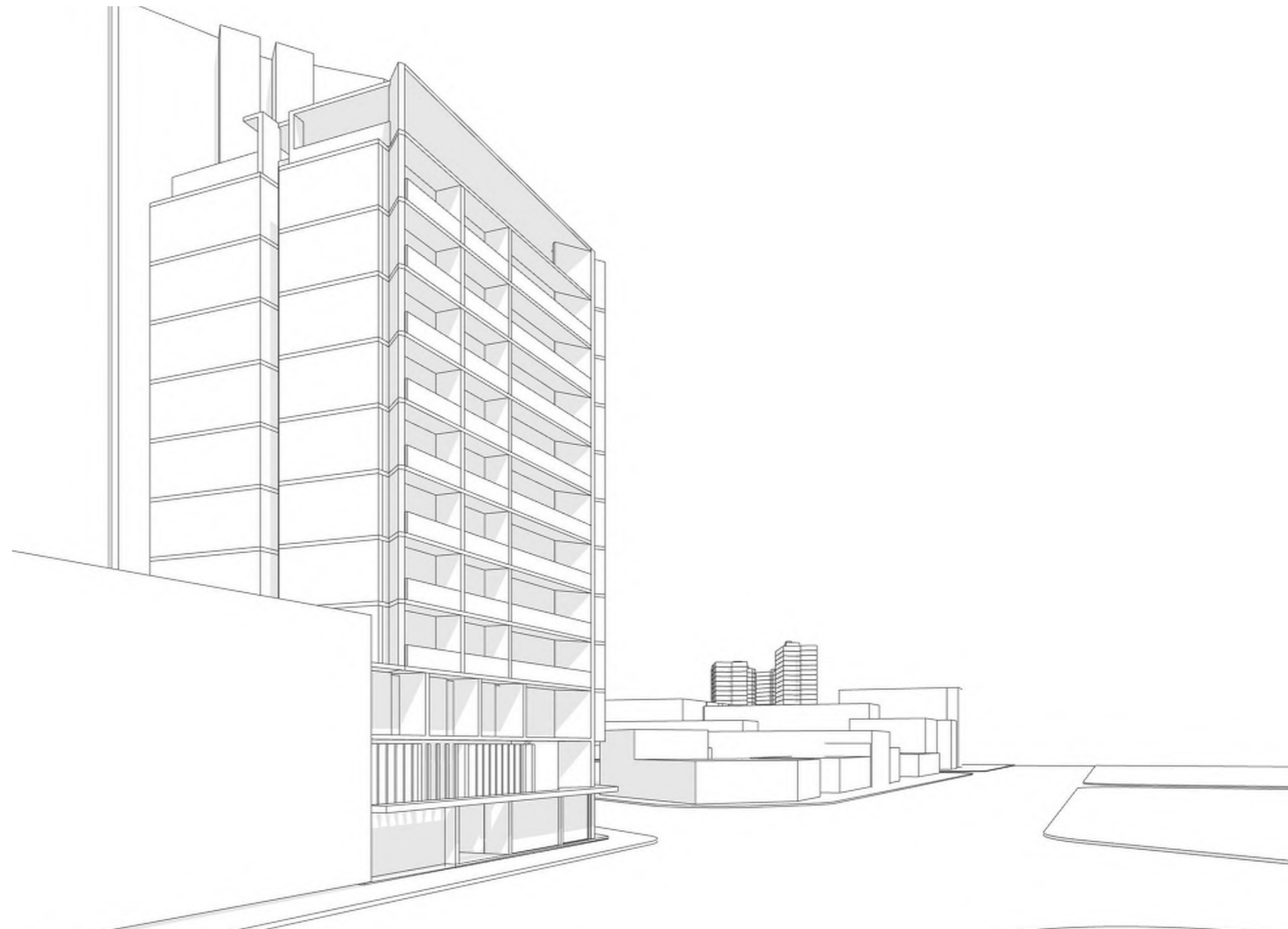
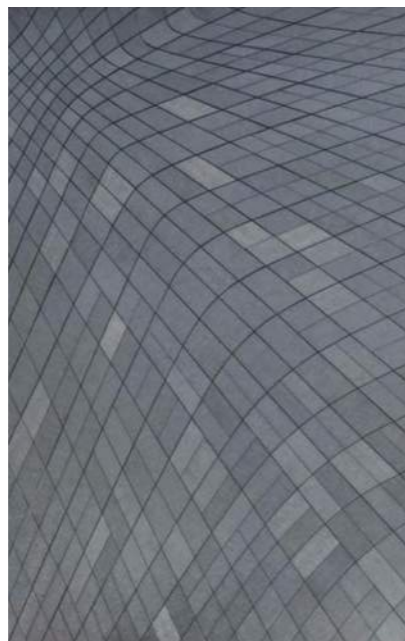
North Point



Good Housing Denison
Development
project #
21118
28 Denison Street,
Newcastle West, NSW 2302

View 1
drawing #
A-5001
AS SHOWN
issue
04
25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



Concept DA

Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269
Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

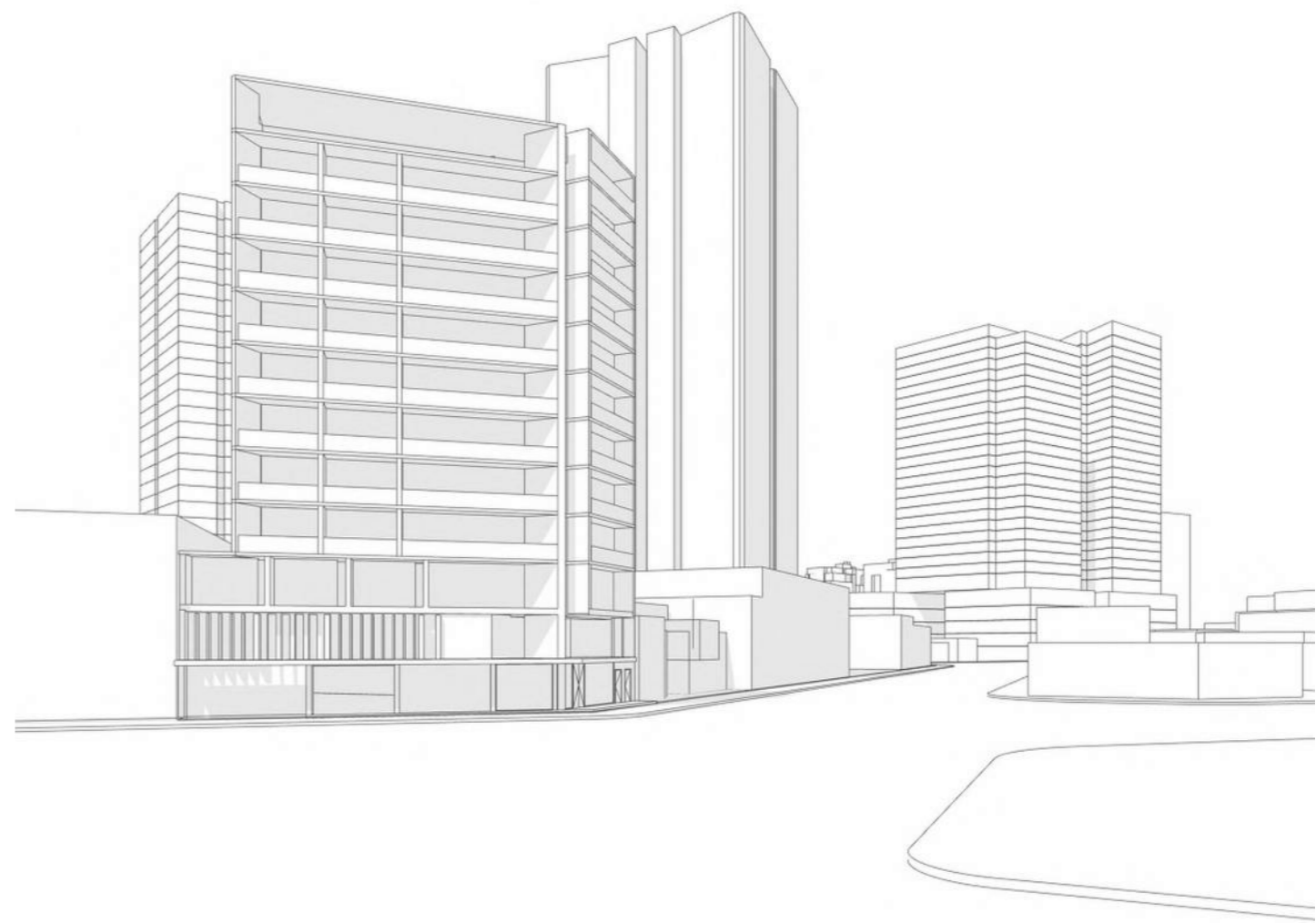
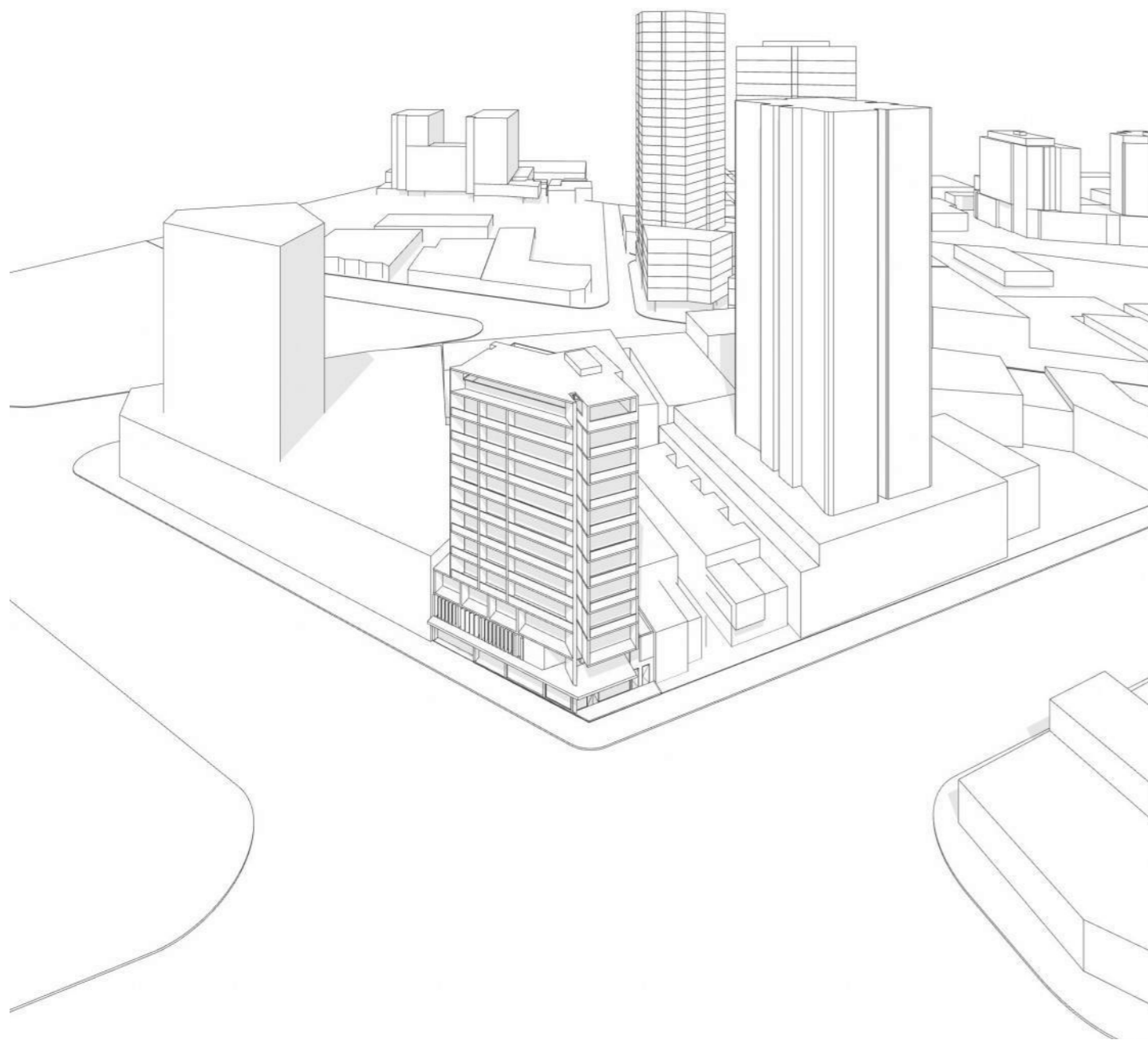
North Point



Good Housing Denison
Development
project #
21118
28 Denison Street,
Newcastle West, NSW 2302

View 2
drawing #
A-5002
AS SHOWN
issue
04
25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



Concept DA

Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269
 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point



**Good Housing Denison
 Development**
 project #
21118
 28 Denison Street,
 Newcastle West, NSW 2302

View 3 + 4
 drawing #
A-5003
 AS SHOWN

issue
04
 25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



Concept DA

Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269
 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point



**Good Housing Denison
 Development**
 project #
21118
 28 Denison Street,
 Newcastle West, NSW 2302

View 5
 drawing #
A-5004
 AS SHOWN
 issue
04
 25/8/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



Concept DA



Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269
 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point



**Good Housing Denison
 Development**
 project #
21118
 28 Denison Street,
 Newcastle West, NSW 2302

Render
 drawing #
A-5005
 AS SHOWN

issue
01
 10/11/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



INTENTIONAL BLANK PAGE

DISTRIBUTED UNDER SEPARATE COVER



DRAFT SCHEDULE OF CONDITIONS

Application number	DA2023/00119
Land	Lot 1 SP 22981 Lot 2 SP 22981 Lot 3 SP 22981 Lot 4 SP 22981
Property	28 Denison Street, Newcastle West NSW 2302
Description of development	Concept proposal - demolition of existing building and erection of a 12-storey co-living development comprising 51 rooms in addition to a dedicated community artist space.

Reasons for approval

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposed 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.

GENERAL CONDITIONS

Concept approval - Determination of Future Application

1. In accordance with section 4.22(4) of the EP&A Act all development under the Concept Proposal must be subject of future development application(s). This consent does not grant consent to any physical works.
2. The determination of future development application(s) is to be generally consistent with the terms of this development consent.
3. This concept approval will lapse after five years after the date of consent unless works approved under the subsequent development application for physical works are physically commenced.

Condition reasons: to ensure compliance with s.4.22(4) EP&A Act and the approved concept application.

Approved plans and documentation

4. The concept approval is granted in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
A-0004	04	Site Analysis Plan	CKDS	25 August 2023
A-0005	0	Site Consolidation Diagram	CKDS	25 August 2023
A-0006	04	Planning Control Diagram	CKDS	25 August 2023
A-0008	01	Future massing	CKDS	25 August 2023
A-0009	01	Adjacent Site Study	CKDS	25 August 2023
A-0010	01	UDRP Response Diagram	CKDS	25 August 2023
A-1101	06	Ground Floor Diagram	CKDS	25 August 2023
A-1102	06	Level 1	CKDS	25 August 2023
A-1103	06	Level 2	CKDS	25 August 2023
A-1104	06	Levels 3 - 10	CKDS	25 August 2023
A-1105	05	Roof Terrace	CKDS	25 August 2023
A-2001	01	North Elevation	CKDS	25 August 2023
A-3001	05	Section	CKDS	25 August 2023
A-3002	01	Section	CKDS	25 August 2023
A-5001	04	View 1	CKDS	25 August 2023
A-5002	04	View 2	CKDS	25 August 2023
A-5003	04	View 3 & 4	CKDS	25 August 2023
A-5004	04	View 5	CKDS	25 August 2023

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

Floor Area

5. This consent permits a maximum floor space ratio on the total site of 3.6:1, with the maximum floor space ratio to be in accordance with the 'Ground Floor Plan' prepared by CKDS (Job No. 2118, Drawing No. A-1101, Revision 06, dated 25/08/2023).

Condition reason: To ensure compliance with the approved floor space ratio.

Building height

6. This consent permits maximum building height to RL 43.25 (top of roof) as shown and referenced on drawing 'Section', prepared by CKDS (Job No. 2118, Drawing No. A-3001, Revision 05, dated 25/08/2023).

Condition reason: To ensure compliance with the approved building height.

Built Form

7. Any future application shall be accompanied by a detailed assessment undertaken by a qualified designer which confirms compliance of the development in accordance with the relevant provisions of State Environmental planning Policy (Housing) 2021.

Condition reason: to ensure compliance with State Environmental planning Policy (Housing) 2021.

European Built Heritage

8. A Heritage Impact Statement (HIS) by a suitably qualified heritage architect or heritage consultant will be required with any future development application. The report is to be prepared in accordance with the guideline document 'Statements of Heritage Impact', published by the NSW Heritage Office, and the 'Heritage Impact Statement Guidelines' set out in the NDCP 2012.
9. A schedule of materials and finishes shall accompany any future development application. Consideration should be given to incorporating materials that draw on the typical materials palette of nearby contributory buildings and listed heritage items.

Condition reasons: To ensure acceptable heritage impacts.

Aboriginal and Historical Archaeology

10. Any further application will need to demonstrate that the due diligence process has been followed with regard to Aboriginal cultural heritage in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, and Section 5.04 (Aboriginal Heritage) of the NDCP 2012.

Condition reason: To ensure Aboriginal cultural heritage is protected.

Car Parking and Access

11. Detailed plans shall accompany any future development application confirming that sight line distances for access locations promote safe vehicle movements and are in accordance with the relevant Australian Standards (including AS2890:1:2004). Plans shall also demonstrate compliance of access with the requirements of Section 7.03 of NDCP 2012.
12. On-site parking accommodation is to be provided for a minimum of 1 car per 5 private rooms and shall be designed in accordance with parking layout standards indicated in Section 7.03 'Traffic, Parking and Access' of Newcastle Development Control Plan 2012 and Australian Standard AS/NZS 2890 *Parking facilities*. Full details are to be included in any future development application related to this concept approval.
13. A detailed Green Travel Plan in accordance with Element 7.03 'Traffic, Parking and Access' of Newcastle Development Control Plan 2012 is to be submitted with any future development

application related to this concept approval. 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/retail premises tenants.

14. The design of any future development is to provide for all loading / servicing activity (including waste collection) associated with the development to be undertaken either within designated loading dock areas and/or kerbside in an approved and designated loading zone. The design is to ensure that all service vehicle movements are to be capable of forward entry and exit, i.e., without the need to reverse into vehicular traffic flows. Details are to be provided with any future development application related to this concept approval.
15. Any future development applications associated with this concept approval shall demonstrate how the entry and exit of vehicles from any proposed off-street car parking facility will not adversely affect or obstruct traffic or pedestrian flows in the frontage road (Parry Street).

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

Transport for NSW Requirements

16. Any on-street loading zone in Parry Street proposed in any future development applications associated with this concept approval must not conflict with existing 'No Stopping' restrictions for this kerb side lane (6:00am- 9:00am Monday - Friday).

Condition reasons: To enforce approved parking, loading and traffic measures.

Waste Servicing

17. Any future development application shall demonstrate that on street arrangements are acceptable to the consent authority and will not conflict with vehicular/pedestrian movements and availability of on street parking.
18. Details of the location and configuration of waste servicing and storage areas shall accompany any future development application for each stage of the development. Under no circumstance shall kerbside collection be supported.

Condition reasons: To require appropriate use of waste storage areas.

Acoustic Impacts

19. Any future development application must provide a report from a suitably qualified acoustical consultant assessing the impact of road traffic noise on the proposed residential premises in accordance with the provisions of the State Environmental Planning Policy (Transport and Infrastructure). This must include recommendations for any works necessary to the building in order to meet the specified noise limits for internal areas.

Condition reasons: To ensure acoustic treatment is implemented.

Public Domain

20. The developer of any future development application will be required to fully fund and complete all public domain works as part of any future development application and associated construction works.
21. The developer of any future development application shall be responsible for the construction of public footpath paving to full-width ashlar patterned concrete paving (A1404) for the full frontage of the development in Denison Street and Parry Street for the entire frontage of the development for

the full width of the verge at no cost to Council.

22. The developer of any future development application will be responsible for reconstruction of the existing pram ramp at the North-West corner of Denison Street and Parry Street in accordance with Council specification A1201 at no cost to Council.
23. The developer of any future development application will be responsible to provide one A3003 (100-150L tree, commercial) tree planter in Parry Street with A3022 timber tree guard.
24. The developer of any future development application will be responsible to provide one A3003 (100-150L tree, commercial) tree planter in Denison Street with A3022 timber tree guard.

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

Section 7.12 Contributions

25. Any future development application will be required to pay the relevant applicable monetary contribution as detailed in the '*Newcastle City Council Section 7.12 Development Contributions Plan (the Plan)*', *Newcastle City Council* or any other relevant contributions plan that may be applicable to the future development application.

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

Landscaping

26. Any future development application shall be accompanied by a Landscape Plan prepared by an appropriately qualified professional which provides details of landscaping, street tree planting, paving and other public domain works and/or other works within private property, to be implemented at no cost to Council.

Condition reasons: To ensure approved landscape details are implemented.

Safety and Security

27. A formal crime risk assessment (Crime Prevention through and Environmental Design) will be required to be prepared and submitted for any future development application.

Condition reasons: To ensure the safety of occupants and street and pavement users.

Accessibility - Liveable Housing Design Standards

28. Any future development application for any building on the site must achieve compliance with platinum level liveable housing design standards.

Condition reasons: To satisfy standards for accessibility.

Contamination

29. Any future development application shall provide a preliminary contamination investigation in accordance with the Environment Protection Authority's (EPA) 'Guidelines for Consultants Reporting on Contaminated Sites' is to be submitted to the relevant consent authority with the development application for each stage.

If the preliminary contamination investigation identifies that the site is not suitable for the proposed use in its present state and remediation is required, a Remedial Action Plan is required to be prepared and submitted with any future development application for the site.

Condition reasons: Remediation documents

Acid Sulfate Soils

30. Any future development application shall be accompanied by further detailed investigations to confirm the extent of Acid Sulfate Soils on the site and the implications for the proposed development. If the acid sulfate soil assessment identifies the presence of acid sulfate soils, then an Acid Sulfate Soil Management Plan prepared in accordance with the NSW Acid Sulfate Soil Management Advisory Committee's '*Acid Sulfate Soil Manual*' is to be submitted to the relevant consent authority with the development application for each stage.

Condition reasons: To ensure identification and treatment of acid sulphate soils.

Stormwater

31. Any future development applications associated with this concept approval shall be accompanied by a Stormwater Management Plan which includes details of connections to the existing drainage infrastructure, any infrastructure upgrades and details of stormwater harvesting for re-use within the development. Calculations to show the stormwater harvesting volumes proposed to meet retention volume requirements set out in Section 7.06 'Stormwater' of Newcastle Development Control Plan 2012 and the associated Technical Manual must also be provided.

Condition reasons: To control stormwater runoff.

Flood Risk Management

32. Any future development application must demonstrate the manner in which flood risks to property and life shall be adequately managed in accordance with the objectives and controls of Section 4.01 '*Flood Management*' of Newcastle Development Control Plan 2012.

Condition reasons: To require verification of proposed floor level heights.

Advisory Matters

- The concept approval does not preclude any legislative requirements related to Integrated Development.



INTENTIONAL BLANK PAGE

DISTRIBUTED UNDER SEPARATE COVER

PROCESSING CHRONOLOGY

DA2023/00119 – 28 DENISON STREET NEWCASTLE WEST

29 June 2022	-	Pre-DA Application (PR2022/00065) and Urban Resign Review Panel meeting (UD2022/00018) held.
08 February 2023		Development Application (DA2023/00082) submitted.
16 February - 02 March 2023	-	Application notified in accordance with CN's Community Participation Plan (CPP).
06 April 2023		Urban Design Review Panel meeting (UD2022/00018.01)
10 July 2023		Amended plans received from applicant in response to UDRP meeting minutes.
03 August 2023	-	Urban Design Review Panel meeting (UD2022/00018.02).
09 August 2023	-	Amended plans received from applicant in response to UDRP meeting minutes.
04 October 2023	-	Urban Design Review Panel minutes received via electronic referral.
13 October 2023		Amended Clause 4.6 variation received from applicant.
21 November 2023	-	Development Applications Committee meeting.



**DAC 05/12/2023 – 2/29 AND 3/31 HONEYSUCKLE DRIVE NEWCASTLE – FOOD
AND DRINK PREMISES - CHANGE OF USE INCLUDING FITOUT AND SIGNAGE
- DA2023/00243**

- 7.2 **Attachment A:** Submitted Plans
- 7.2 **Attachment B:** Draft Schedule of Conditions
- 7.2 **Attachment C:** Processing Chronology
- 7.2 **Attachment D:** Venue Management Plan
- 7.2 **Attachment E:** Amended Acoustic Assessment Report



INTENTIONAL BLANK PAGE

- A000 K Cover Sheet
- A001 K Notes & Schedules
- A004 K Site Analysis
- A005 K Existing Conditions
- A100 K Site Plan
- A110 K Ground Floor Plan
- A120 K Basement Level Plan
- A140 K Seating Plan
- A200 K Elevations & Section
- A700 K Perspectives
- A701 K Perspectives

ISSUED MARCH 2023
 AMENDED MAY 2023
 AMENDED AUGUST 2023
 AMENDED OCTOBER 2023
 AMENDED NOVEMBER 2023

Lot 2, DP 1285680 (TBC) 2/29 & 3/31 HONEYSUCKLE DR, NEWCASTLE

DEVELOPMENT APPLICATION

FOOD & BEVERAGE VENUE FITOUT & FIRST USE



NOT FOR CONSTRUCTION

Check all dimensions and site conditions prior to the commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and / or the fabrication of any components.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

Rev	Description	Date
D	For Review	17.11.2022
E	Coordination Issue	25.01.2023
F	Issued for DA	03.03.2023
G	Revised DA issue	16.05.2023
H	Revised DA issue 2	23.08.2023
J	Revised DA Issue 3	18.10.2023
K	Revised DA Issue 4	03.11.2023

Huntington Food & Beverage Fitout	
2/29 & 3/31 Honeysuckle Ave, Newcastle	
Cover Sheet	STATUS Development Application
Concept Co. Pty Ltd	DRAWN BY BR
PROJECT NUMBER 2022-0161	SCALE
DATE May 2023	REVISION K
	DRAWING NO. A000

a. PO Box 261 Newcastle NSW 2300
 e. studio@r-ad.com.au
 m. 0419 281 574
 w. www.r-ad.com.au
 ABN 70 619 983 023



GENERAL NOTES

Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.

a) WORKING AT HEIGHTS

1. FALLS, SLIPS, TRIPS
FLOOR FINISHES Specified
 If finishes have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/feet. Any changes to the specified finish should be made in consultation with the designer or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.

FLOOR FINISHES By Owner

If designer has not been involved in the selection of surface finishes, the owner is responsible for the selection of surface finishes in the pedestrian trafficable areas of this building. Surfaces should be selected in accordance with AS HB 197:1999 and AS/NZ 4586:2004.

STEPS, LOOSE OBJECTS AND UNEVEN SURFACES

Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace.

Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spills, loose material, stray objects or any other matter that may cause a slip or trip hazard should be cleaned or removed from access ways.

Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

DURING OPERATION OR MAINTENANCE

For houses or other low-rise buildings where scaffolding is appropriate:
 Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trestles should be used in accordance with relevant codes of practice, regulations or legislation.

For buildings where scaffold, ladders, trestles are not appropriate:
 Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.

ANCHORAGE POINTS

Anchorage points for portable scaffold or fall arrest devices have been included in the design for use by maintenance workers. Any persons engaged to work on the building after completion of construction work should be informed about the anchorage points.

b) SLIPPERY OR UNEVEN SURFACES

Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below.

1. Prevent or restrict access to areas below where the work is being carried out.
2. Provide toeboards to scaffolding or work platforms.
3. Provide protective structure below the work area.
4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).

LOOSE MATERIALS OR SMALL OBJECTS

2. FALLING OBJECTS
 During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility.

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

NOT FOR

CONSTRUCTION

Check all dimensions and site conditions prior to the commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and / or the fabrication of any components.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

BUILDING COMPONENTS

3. TRAFFIC MANAGEMENT

For building on a major road, narrow road or steeply sloping road:
 Parking of vehicles or loading/unloading of vehicles on this roadway may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas.

For building where on-site loading/unloading is restricted:
 Construction of this building will require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading areas.

For all buildings:
 Busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted for the work site.

4. SERVICES

GENERAL

Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as Dial Before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be used.

Locations with underground power:
 Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing.

Locations with overhead power lines:
 Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

5. MANUAL TASKS

Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the component mass.

All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur.
 Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These should be fully maintained in accordance with manufacturer's specifications and not used where faulty or (in the case of electrical equipment) not carrying a current electrical safety tag. All safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer's specification.

6. HAZARDOUS SUBSTANCES

ASBESTOS

For alterations to a building constructed prior to 1990:
 If this existing building was constructed prior to:
 1990 - it therefore may contain asbestos
 1986 - it therefore is likely to contain asbestos
 either in cladding material or in fire retardant insulation material. In either case, the builder should check and, if necessary, take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.

POWDERED MATERIALS

Many materials used in the construction of this building can cause harm if inhaled in powdered form. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

TREATED TIMBER

The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.

VOLATILE ORGANIC COMPOUNDS

Many types of glue, solvents, spray packs, paints, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

SYNTHETIC MINERAL FIBRE

Fibreglass, rockwool, ceramic and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts of the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.

TIMBER FLOORS

This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

7. CONFINED SPACES

Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

EXCAVATION

For buildings with enclosed spaces where maintenance or other access may be required:
 Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.

ENCLOSED SPACES

For buildings with small spaces where maintenance or other access may be required:
 Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

SMALL SPACES

8. PUBLIC ACCESS

Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

9. OPERATIONAL USE OF BUILDING

This building has been designed as a residential building. If, at a later date, it is used or intended to be used as a workplace, the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act should be applied to the new use.

RESIDENTIAL BUILDINGS

For non-residential buildings where the end-use has not been identified:
 This building has been designed to requirements of the classification identified on the drawings. The specific use of the building is not known at the time of the design and a further assessment of the workplace health and safety issues should be undertaken at the time of fit-out for the end-user.

NON-RESIDENTIAL BUILDINGS

For non-residential buildings where the end-use is known:
 This building has been designed for the specific use as identified on the drawings. Where a change of use occurs at a later date a further assessment of the workplace health and safety issues should be undertaken.

10. OTHER HIGH RISK ACTIVITY

All electrical work should be carried out in accordance with Code of Practice: Managing Electrical Risks at the Workplace, AS/NZ 3012 and all licensing requirements.
 All work using Plant should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace.
 All work should be carried out in accordance with Code of Practice: Managing Noise and Preventing Hearing Loss at Work. Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement. All the above applies.

MATERIALS & FINISHES



Huntington Food & Beverage Fitout

2/29 & 3/31 Honeysuckle Ave, Newcastle

Notes & Schedules

Concept Co. Pty Ltd

PROJECT NUMBER 2022-0161
 DATE May 2023

STATUS Development Application
 DRAWN BY BR

SCALE
 REVISION K
 DRAWING NO.

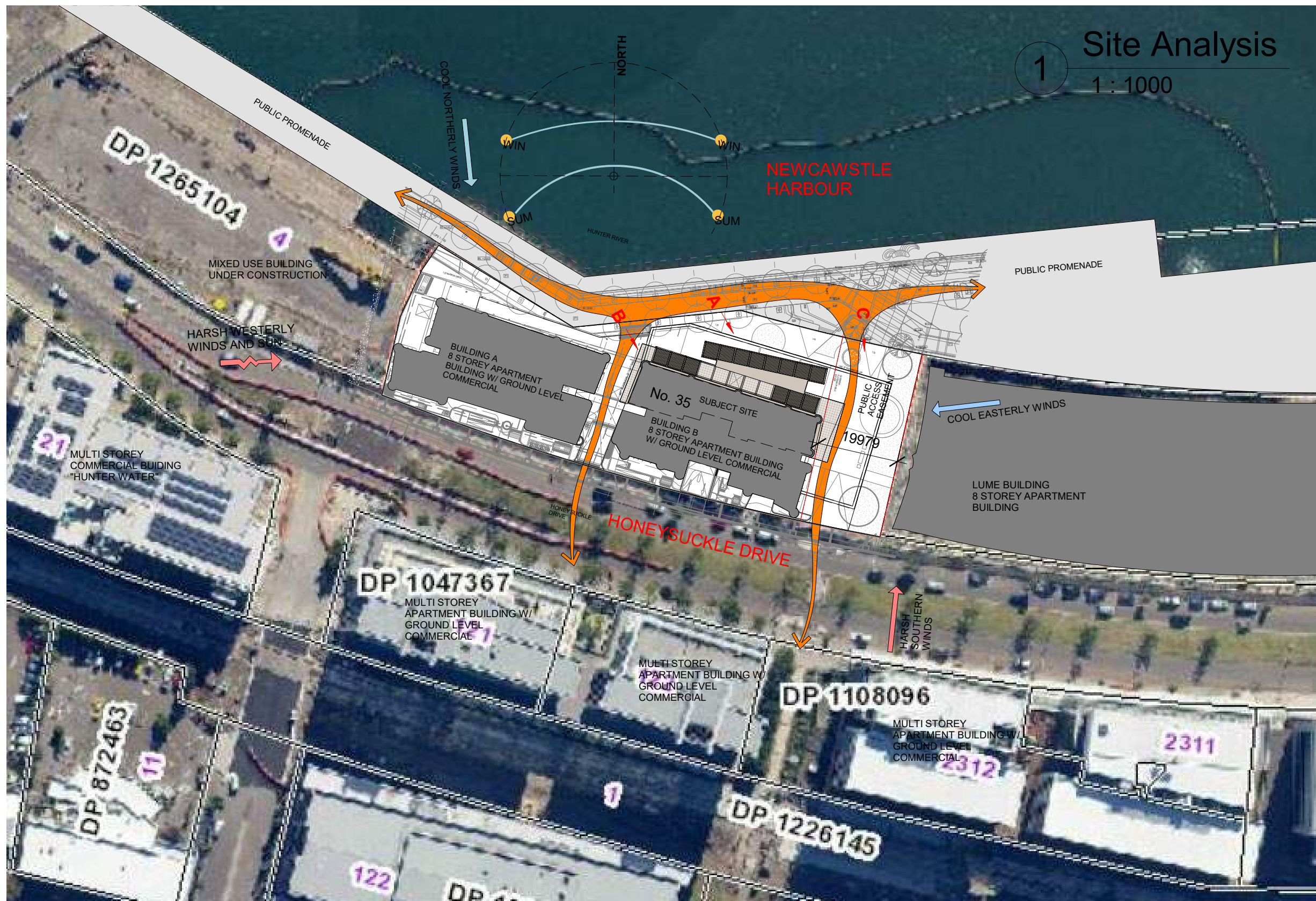
A001

Rev	Description	Date
D	For REVIEW	17.11.2022
E	Coordination Issue	25.01.2023
F	Issued for DA	03.03.2023
G	Revised DA issue	16.05.2023
H	Revised DA issue 2	23.08.2023
J	Revised DA Issue 3	18.10.2023
K	Revised DA Issue 4	03.11.2023

a. PO Box 261 Newcastle NSW 2300
 e. studio@r-ad.com.au
 m. 0419 281 574
 w. www.r-ad.com.au

ABN 70 619 983 023





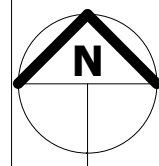
NOT FOR CONSTRUCTION

Check all dimensions and site conditions prior to the commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and / or the fabrication of any components.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

Rev	Description	Date
D	For Review	17.11.2022
E	Coordination Issue	25.01.2023
F	Issued for DA	03.03.2023
G	Revised DA issue	16.05.2023
H	Revised DA issue 2	23.08.2023
J	Revised DA Issue 3	18.10.2023
K	Revised DA Issue 4	03.11.2023



Huntington Food & Beverage Fitout

2/29 & 3/31 Honeysuckle Ave, Newcastle

Site Analysis

Concept Co. Pty Ltd

PROJECT NUMBER 2022-0161

DATE May 2023

STATUS Development Application

DRAWN BY BR

SCALE 1 : 1000

REVISION K

DRAWING NO. **A004**

a. PO Box 261 Newcastle NSW 2300
 e. studio@r-ad.com.au
 m. 0419 281 574
 w. www.r-ad.com.au

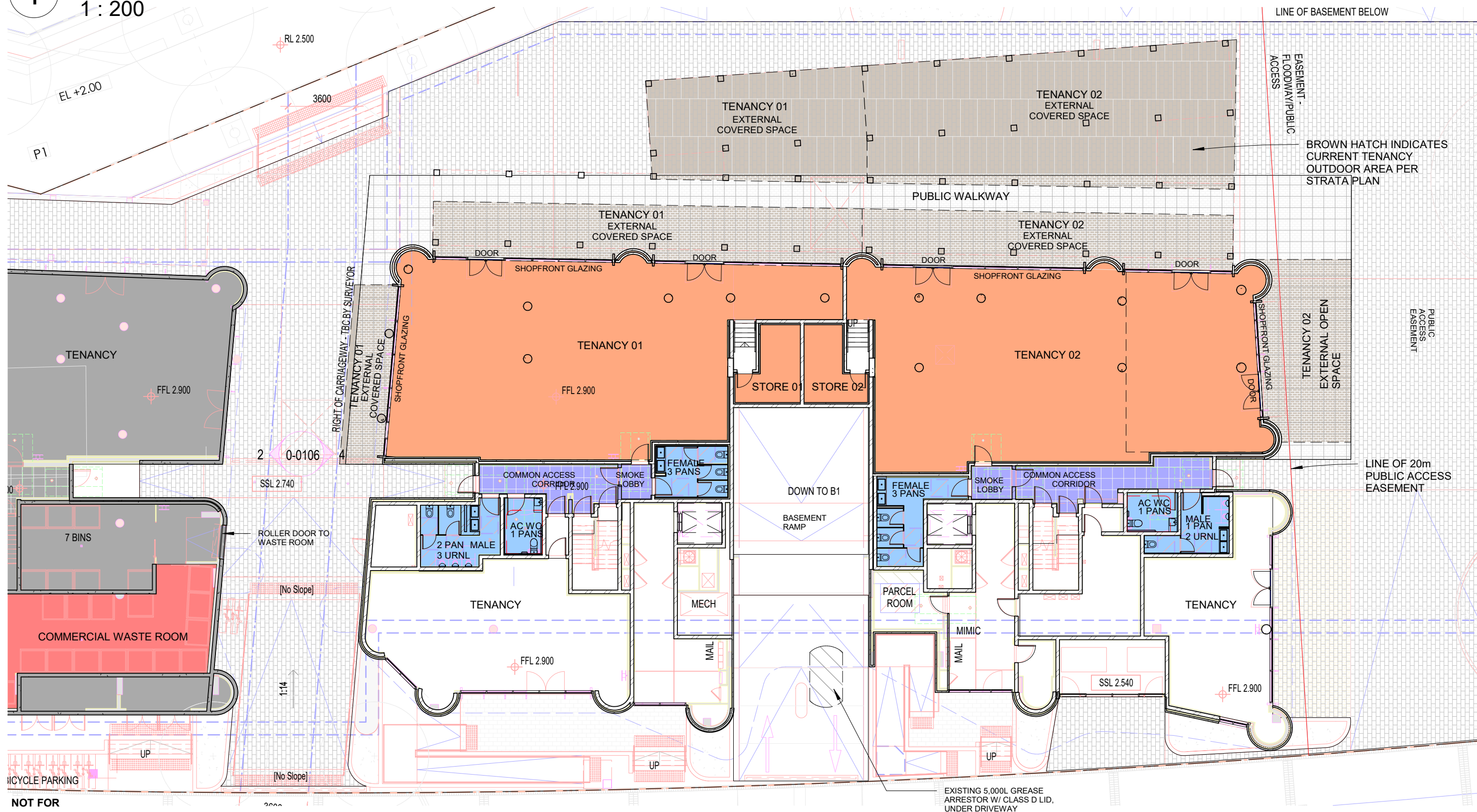
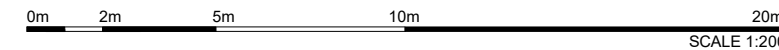
ABN 70 619 983 023



1

Ground Floor Existing

1 : 200



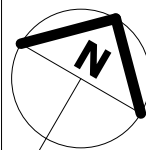
NOT FOR CONSTRUCTION

Check all dimensions and site conditions prior to the commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and / or the fabrication of any components.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

Rev	Description	Date
D	For Review	17.11.2022
E	Coordination Issue	25.01.2023
F	Issued for DA	03.03.2023
G	Revised DA issue	16.05.2023
H	Revised DA issue 2	23.08.2023
J	Revised DA Issue 3	18.10.2023
K	Revised DA Issue 4	03.11.2023



Huntington Food & Beverage Fitout

2/29 & 3/31 Honeysuckle Ave, Newcastle

Existing Conditions

Concept Co. Pty Ltd

PROJECT NUMBER 2022-0161

DATE May 2023

STATUS Development Application

DRAWN BY BR

SCALE 1 : 200

REVISION K

DRAWING NO. **A005**

a. PO Box 261 Newcastle NSW 2300
 e. studio@r-ad.com.au
 m. 0419 281 574
 w. www.r-ad.com.au

ABN 70 619 983 023

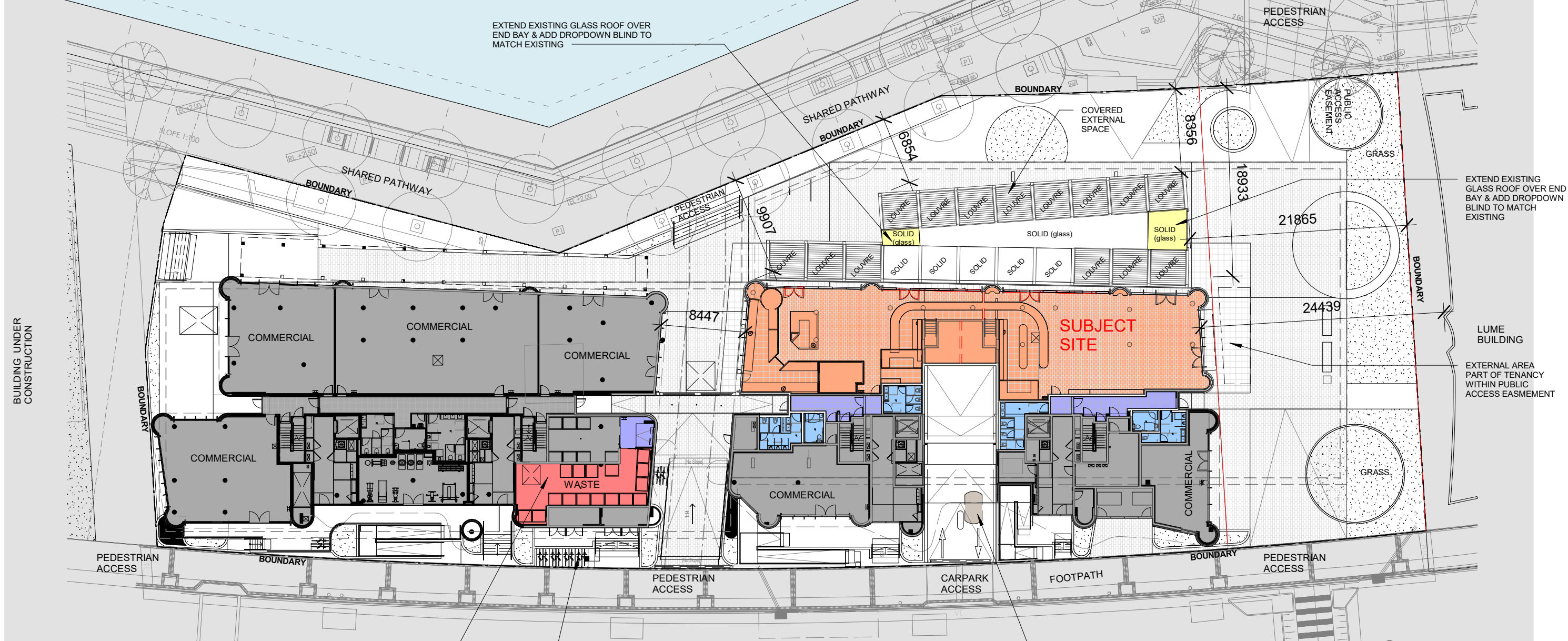


BUILDING CLASS	- 6 (WITHIN CLASS 2)	POPULATION (PROPOSED)	AMENITIES	EXISTING	REQ (PAT)	REQ (STAF)	TOTAL PROVIDED
AREA SUMMARY	INTERNAL NLA - 433.6sqm EXTERNAL NLA - 497sqm BASEMENT STORAGE - 26.3sqm GFL STORAGE - 22sqm	STAFF KITCHEN - 5 BAR/FLOOR - 6 WASH - 1 TOTAL - 12	FEMALE PANS - 6 BASINS - 4	- 6 - 4	7 3	1 1	8 (INC SHARED UNISEX DDA) 4
KITCHEN/BOH - 143.6sqm SEATING INTERNAL - 175sqm SEATING EXTERNAL - 375sqm	PATRONS INTERNAL - 175 @ 1sqm/PP EXTERNAL - 300 @ 1sqm/PP TOTAL - 475	MALE PANS - 3 URINALS - 5 BASINS - 4	- 3 - 5 - 4	2 6 3	1 0 1	5 (INC SHARED UNISEX DDA) 5 4	
	TOTAL POP MALE - 244 FEMALE - 243	ACCESSIBLE UNISEX - 2		1		2	
		PARKING (EXISTING) CARS - 8 SPACES BIKES - 4 SPACES					

CALCULATED USING NCC 2019 SANITARY FACILITIES CALCULATOR

NEWCASTLE HARBOUR

EXTEND EXISTING GLASS ROOF OVER END BAY & ADD DROPDOWN BLIND TO MATCH EXISTING



EXISTING RETAIL COMMUNAL WASTE STORAGE ROOM TO BE UTILISED AND COMPLY W/ AS4674-2004.

BICYCLE PARKING

HONEYSUCKLE DRIVE

EXISTING 5,000L GREASE ARRESTOR W/ CLASS D LID, UNDER DRIVEWAY

1 Site Plan

1 : 400

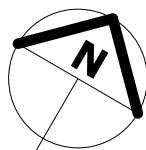
NOT FOR CONSTRUCTION

Check all dimensions and site conditions prior to the commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and / or the fabrication of any components.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

Rev	Description	Date
D	For Review	17.11.2022
E	Coordination Issue	25.01.2023
F	Issued for DA	03.03.2023
G	Revised DA issue	16.05.2023
H	Revised DA issue 2	23.08.2023
J	Revised DA Issue 3	18.10.2023
K	Revised DA Issue 4	03.11.2023



Huntington Food & Beverage Fitout

2/29 & 3/31 Honeysuckle Ave, Newcastle

Site Plan

Concept Co. Pty Ltd

PROJECT NUMBER 2022-0161

DATE May 2023

STATUS Development Application

DRAWN BY BR

SCALE 1 : 400

REVISION K

DRAWING NO. **A100**

a. PO Box 261 Newcastle NSW 2300
e. studio@r-ad.com.au
m. 0419 281 574
w. www.r-ad.com.au

ABN 70 619 983 023

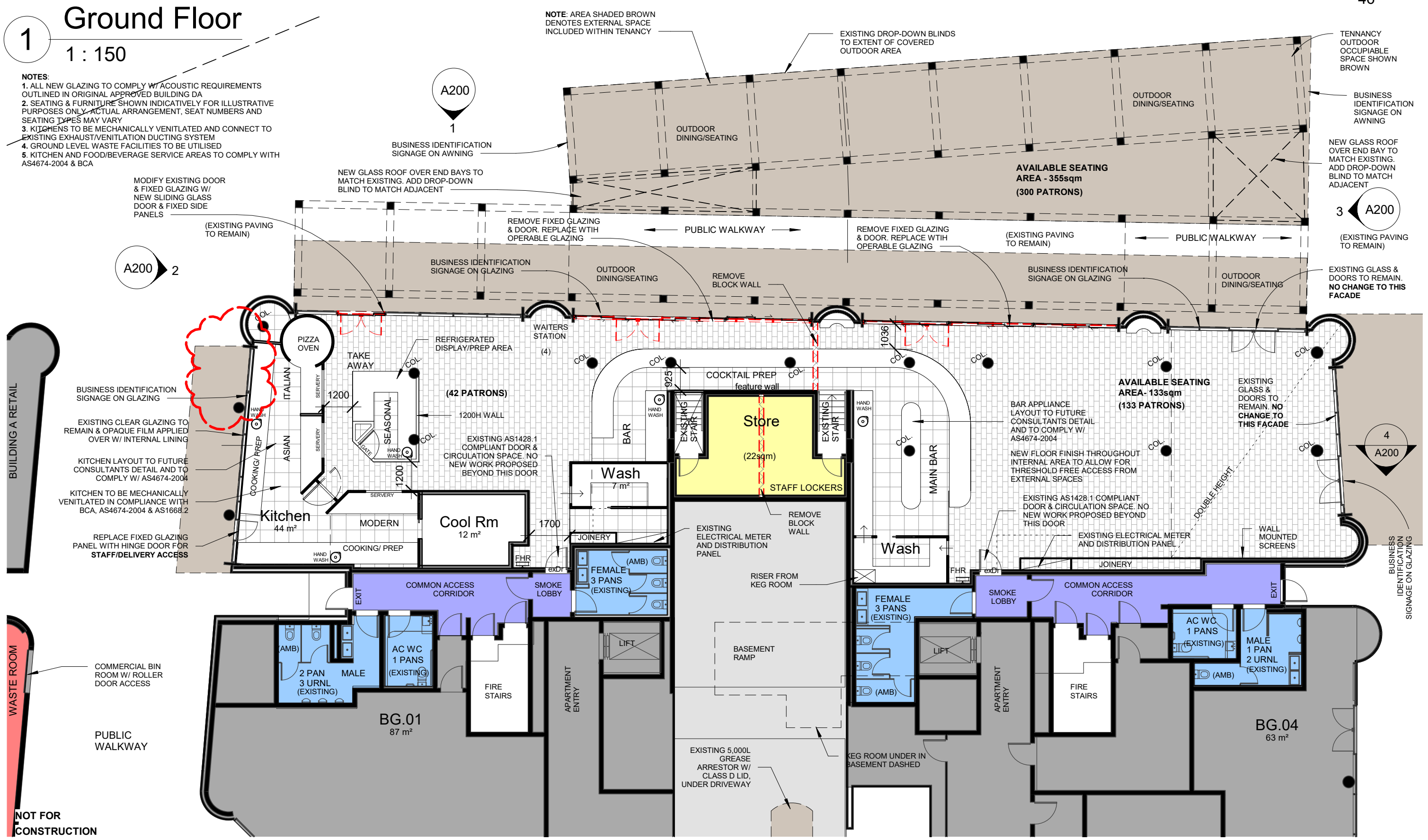


Ground Floor

1
1 : 150

- NOTES:**
1. ALL NEW GLAZING TO COMPLY W/ ACOUSTIC REQUIREMENTS OUTLINED IN ORIGINAL APPROVED BUILDING DA
 2. SEATING & FURNITURE SHOWN INDICATIVELY FOR ILLUSTRATIVE PURPOSES ONLY. ACTUAL ARRANGEMENT, SEAT NUMBERS AND SEATING TYPES MAY VARY
 3. KITCHENS TO BE MECHANICALLY VENTILATED AND CONNECT TO EXISTING EXHAUST/VENTILATION DUCTING SYSTEM
 4. GROUND LEVEL WASTE FACILITIES TO BE UTILISED
 5. KITCHEN AND FOOD/BEVERAGE SERVICE AREAS TO COMPLY WITH AS4674-2004 & BCA

NOTE: AREA SHADED BROWN DENOTES EXTERNAL SPACE INCLUDED WITHIN TENANCY



NOT FOR CONSTRUCTION

Check all dimensions and site conditions prior to the commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and / or the fabrication of any components.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

Rev	Description	Date
E	Coordination Issue	25.01.2023
F	Issued for DA	03.03.2023
G	Revised DA issue	16.05.2023
H	Revised DA issue 2	23.08.2023
I	Issued for Information	14.09.2023
J	Revised DA Issue 3	18.10.2023
K	Revised DA Issue 4	03.11.2023

Huntington Food & Beverage Fitout
 2/29 & 3/31 Honeysuckle Ave, Newcastle
Ground Floor Plan

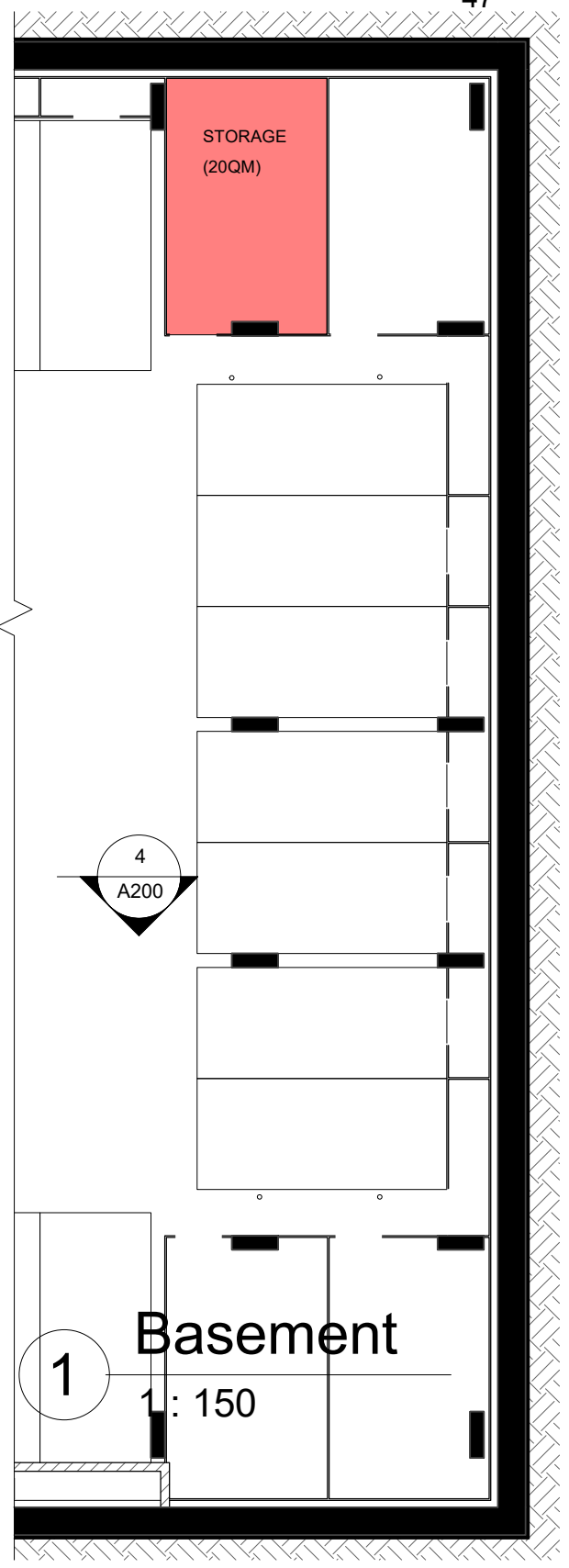
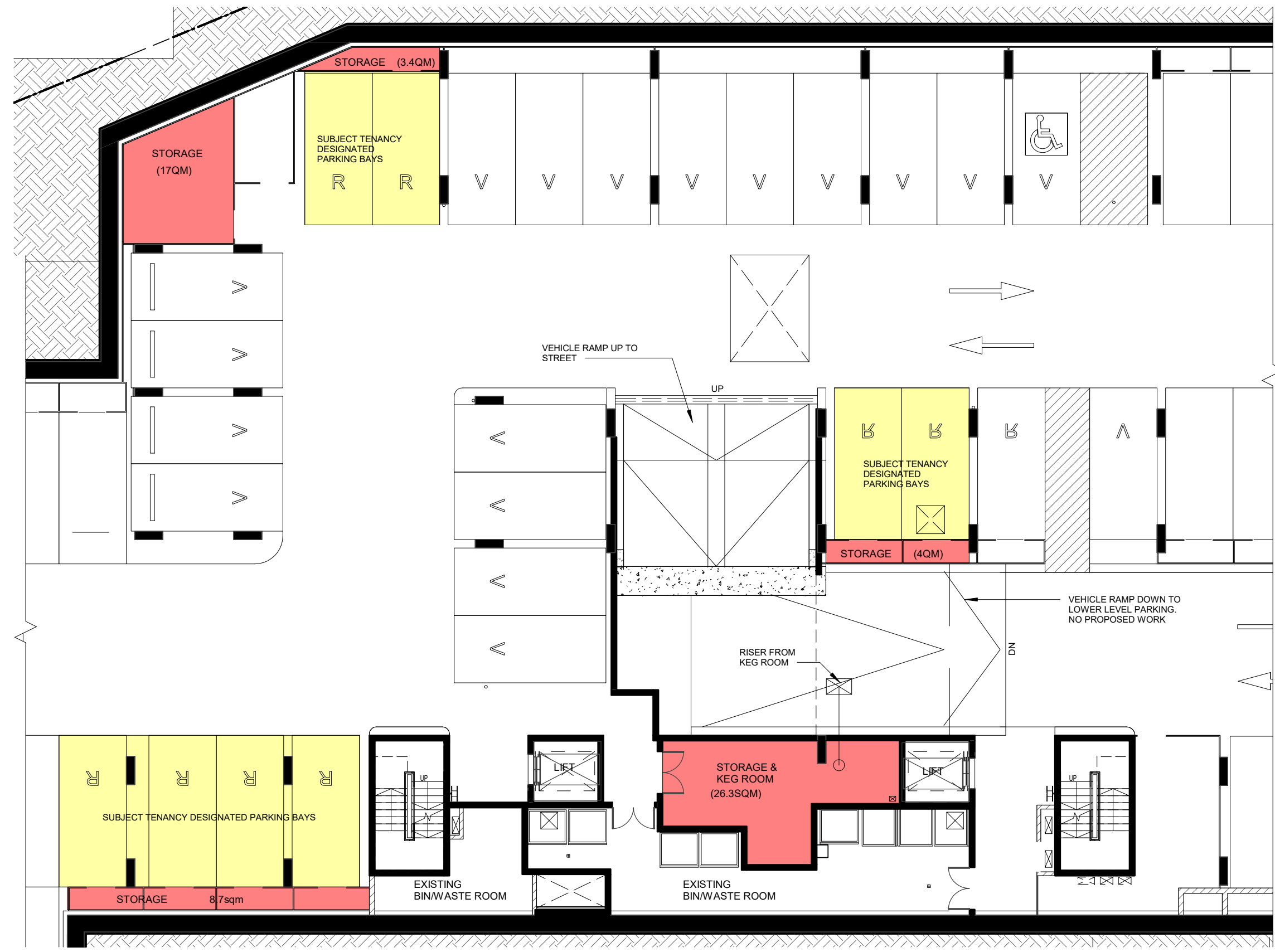
STATUS: Development Application
 DRAWN BY: BR
 SCALE: 1 : 150
 REVISION K: A110
 DRAWING NO.:

Concept Co. Pty Ltd
 PROJECT NUMBER: 2022-0161
 DATE: May 2023

a. PO Box 261 Newcastle NSW 2300
 e. studio@r-ad.com.au
 m. 0419 281 574
 w. www.r-ad.com.au

ABN 70 619 983 023

RAINSFORD ARCHITECTURE + DESIGN (RAD)



NOT FOR CONSTRUCTION

Check all dimensions and site conditions prior to the commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and / or the fabrication of any components.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

Rev	Description	Date
D	For Review	17.11.2022
E	Coordination Issue	25.01.2023
F	Issued for DA	03.03.2023
G	Revised DA issue	16.05.2023
H	Revised DA issue 2	23.08.2023
J	Revised DA Issue 3	18.10.2023
K	Revised DA Issue 4	03.11.2023

Huntington Food & Beverage Fitout

2/29 & 3/31 Honeysuckle Ave, Newcastle

Basement Level Plan

STATUS Development Application

DRAWN BY BR

SCALE 1 : 150

REVISION K

DRAWING NO. **A120**

Concept Co. Pty Ltd

PROJECT NUMBER 2022-0161

DATE May 2023

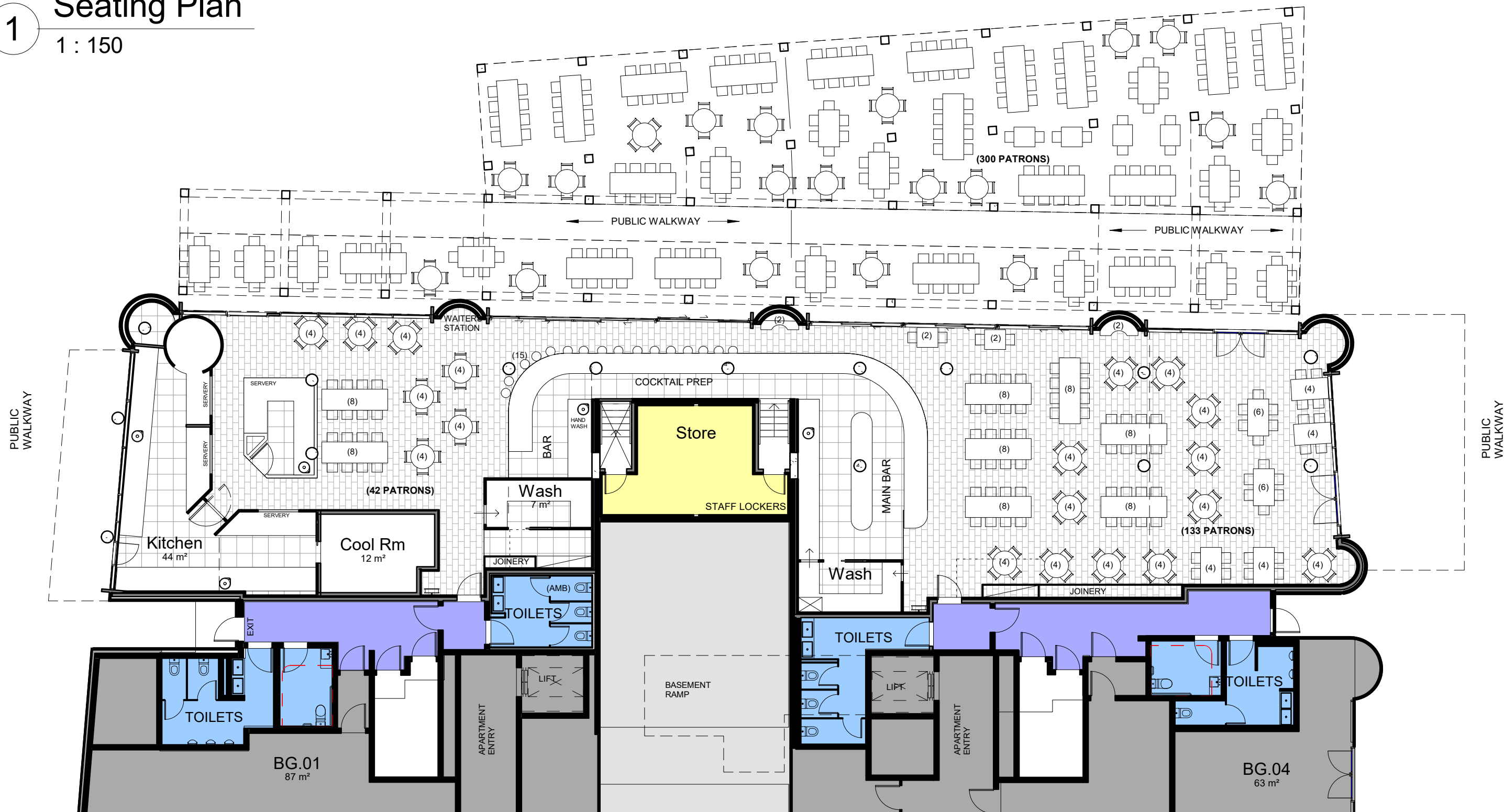
a. PO Box 261 Newcastle NSW 2300
 e. studio@r-ad.com.au
 m. 0419 281 574
 w. www.r-ad.com.au

ABN 70 619 983 023



1 Seating Plan

1 : 150



NOT FOR CONSTRUCTION ALL FURNITURE & SEATING LAYOUTS INDICATIVE & SUBJECT TO CC APPROVAL

Check all dimensions and site conditions prior to the commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and / or the fabrication of any components.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

Rev	Description	Date
I	Issued for Information	14.09.2023
J	Revised DA Issue 3	18.10.2023
K	Revised DA Issue 4	03.11.2023

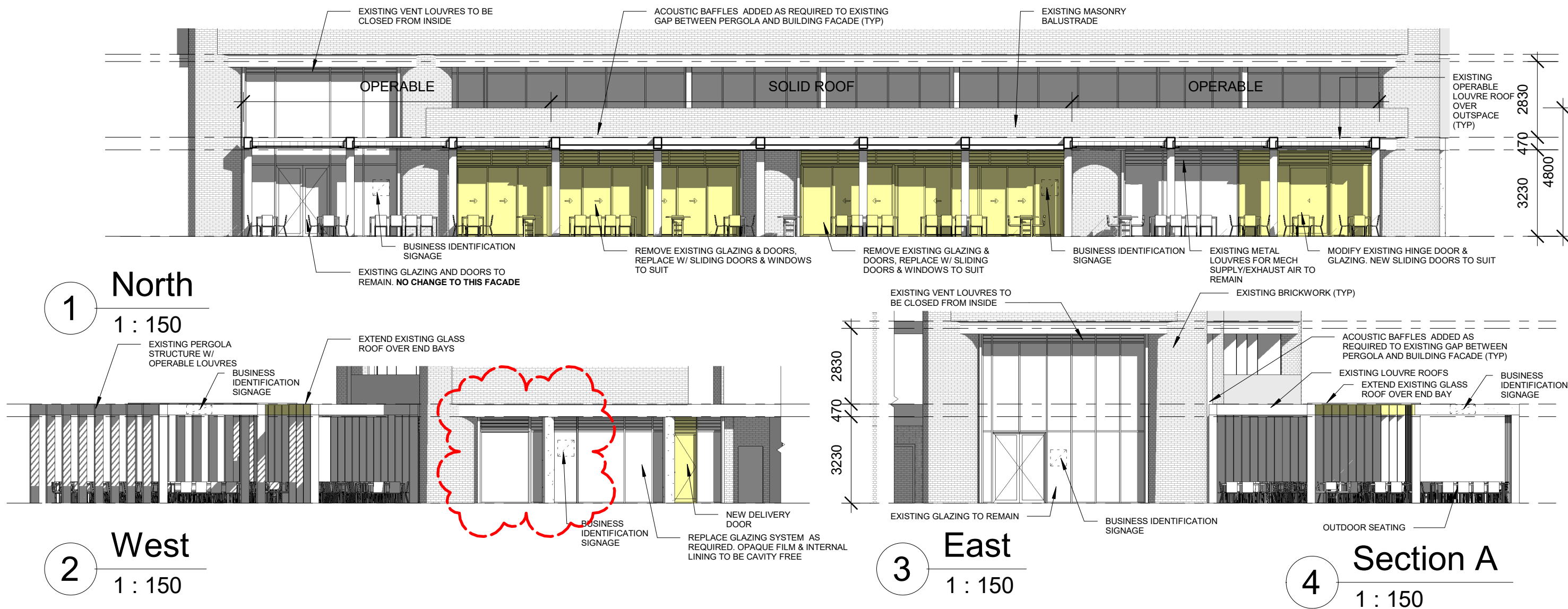
Huntington Food & Beverage Fitout
 2/29 & 3/31 Honeysuckle Ave, Newcastle
Seating Plan

STATUS Development Application
 DRAWN BY BR
 SCALE 1 : 150
 CONCEPT CO. PTY LTD
 PROJECT NUMBER 2022-0161
 DATE May 2023
 REVISION K
 DRAWING NO. **A140**

a. PO Box 261 Newcastle NSW 2300
 e. studio@r-ad.com.au
 m. 0419 281 574
 w. www.r-ad.com.au

ABN 70 619 983 023





1 North
1 : 150

2 West
1 : 150

3 East
1 : 150

4 Section A
1 : 150

NOT FOR CONSTRUCTION

Check all dimensions and site conditions prior to the commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and / or the fabrication of any components.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

Rev	Description	Date
D	For Review	17.11.2022
E	Coordination Issue	25.01.2023
F	Issued for DA	03.03.2023
G	Revised DA issue	16.05.2023
H	Revised DA issue 2	23.08.2023
J	Revised DA Issue 3	18.10.2023
K	Revised DA Issue 4	03.11.2023

Huntington Food & Beverage Fitout

2/29 & 3/31 Honeysuckle Ave, Newcastle

Elevations & Section

STATUS Development Application
 DRAWN BY BR
 SCALE 1 : 150
 REVISION K
 DRAWING NO. **A200**

Concept Co. Pty Ltd
 PROJECT NUMBER 2022-0161
 DATE May 2023

a. PO Box 261 Newcastle NSW 2300
 e. studio@r-ad.com.au
 m. 0419 281 574
 w. www.r-ad.com.au

ABN 70 619 983 023

RAINSFORD ARCHITECTURE + DESIGN (RAD)



1 Northeast



2 Northwest

Rev	Description	Date
A	Initial Concept - A	18.10.2022
D	For Review	17.11.2022
E	Coordination Issue	25.01.2023
F	Issued for DA	03.03.2023
G	Revised DA issue	16.05.2023
H	Revised DA issue 2	23.08.2023
J	Revised DA Issue 3	18.10.2023
K	Revised DA Issue 4	03.11.2023

NOT FOR CONSTRUCTION

Check all dimensions and site conditions prior to the commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and / or the fabrication of any components.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

Huntington Food & Beverage Fitout

2/29 & 3/31 Honeysuckle Ave, Newcastle

Concept Co. Pty Ltd

Perspectives

PROJECT NUMBER 2022-0161

DATE May 2023

STATUS Development Application

DRAWN BY BR

SCALE

DRAWING NO.

REVISION K **A700**



ABN 70 619 983 023
 a. PO Box 261 Newcastle NSW 2300
 e. studio@r-ad.com.au
 m. 0419 281 574
 w. www.r-ad.com.au



1 dining area



2 Main bar

Rev	Description	Date
D	For Review	17.11.2022
E	Coordination Issue	25.01.2023
F	Issued for DA	03.03.2023
G	Revised DA issue	16.05.2023
H	Revised DA issue 2	23.08.2023
J	Revised DA Issue 3	18.10.2023
K	Revised DA Issue 4	03.11.2023

NOT FOR CONSTRUCTION

Check all dimensions and site conditions prior to the commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and / or the fabrication of any components.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

Huntington Food & Beverage Fitout

2/29 & 3/31 Honeysuckle Ave, Newcastle

Concept Co. Pty Ltd

Perspectives

PROJECT NUMBER 2022-0161

DATE May 2023

STATUS Development Application

DRAWN BY BR

SCALE

DRAWING NO.

REVISION K **A701**



ABN 70 619 983 023

a. PO Box 261 Newcastle NSW 2300
 e. studio@r-ad.com.au
 m. 0419 281 574
 w. www.r-ad.com.au



INTENTIONAL BLANK PAGE

DISTRIBUTED UNDER SEPARATE COVER



DRAFT SCHEDULE OF CONDITIONS

Application number	DA2023/00243
Land	Lot 6 SP 105458 Lot 7 SP 105458
Property	2/29 Honeysuckle Drive Newcastle NSW 2300 3/31 Honeysuckle Drive Newcastle NSW 2300
Description of development	Food and drink premises - change of use, fitout and signage

Reasons for approval

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposed 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.
- Any issues raised in submission have been considered in the assessment report and where appropriate conditions have been imposed on the consent.

Terms and Reasons for Conditions

GENERAL CONDITIONS

Condition

1. Development contributions - 7.12 general

In accordance with the Newcastle City Council Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of \$26,773.74 shall be paid to the Newcastle City Council for the purposes of the provision, extension or augmentation of transport and social infrastructure.

- (a) If the contribution is not paid within the financial quarter that this consent is granted, the contribution payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment.
- (b) Subject to prevailing Ministerial Directions, the monetary contribution shall be paid to Newcastle City Council
 - (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (ii) prior to the issue of the first Construction Certificate where the development is for building work.
 - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

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

2. Approved plans and documentation

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

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
A100, A110, A120, A140 & A200.	K	Plans	Rainsford Architecture	03.11.2023

Approved documents			
Document title	Version number	Prepared by	Date of document
Venue Management Plan	Version 6.0	Liquor and Gaming Solutions	November 2023
Waste Management Plan	-	Land Development Solutions	Submitted to CN on 21 March 2023
Acoustic Assessment including addendum	Ref: 232288-9853	Spectrum Acoustics	18.08.2023 with Addendum added and submitted to CN on 03.11.2023

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

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

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

3. Closed Circuit Television

Before the issue of a Construction Certificate, plan detail displaying the location of CCTV cameras and CCTV server is to be provided.

A camera must be located at all entrances to the venue and to provide coverage of the outdoor dining area and be positioned to record any person entering/exiting through these areas.

The CCTV server is to be located in a secure room not accessible to the public.

Full details are to be provided in documentation for a Construction Certificate application.

Condition reason: to require the installation of Closed Circuit Television for the purposes of surveillance.

4. **External lighting**

Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person.

The lighting plan must be consistent with the approved plans and documents, and the following requirements:

- a) comply with AS 1158: Lighting for Roads and Public Spaces.
- b) comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting
- c) lighting must be placed at all entrances to, and exits from the premises
- d) lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;
- e) lighting must not interfere with traffic safety;
- f) lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
- g) external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.
- h) Relevant council development control plan

The lighting plan must be submitted to the certifier.

Note – All above documents refer to the version in effect at the time the consent is granted

5. **Disabled access details**

Before the issue of a construction certificate, details of how the building is to be provided with access for persons with disabilities, to the extent necessary to comply with the Commonwealth's *Disability (Access to Premises – Buildings) Standards 2010* are required, with full details included in the construction certificate documentation.

Condition reason: To satisfy access standards for the disabled

6. **Closing over of Louvres**

The closing over of all louvers is to be designed prior to the issue of a Construction Certificate in accordance with the Acoustic Assessment prepared by Spectrum Acoustics dated 18 August 2023 and addendum report dated November 2023. Written final certification confirming the treatment has been designed to meet the noise levels specified in accordance with the requirements of the above report is to be submitted to the principal certifier and Newcastle City Council.

Condition reason: to require design detail in order to ensure that acoustic mitigation measures are implemented.

7. Limiting Noise - mechanical plant and equipment

The acoustic performance of all mechanical plant and equipment associated with the building being assessed by an appropriately qualified acoustic consultant prior to the issue of any required Construction Certificate. Appropriate acoustic treatment as recommended by the acoustic consultant being designed prior to the issue of a Construction Certificate.

Condition reason: to limit noise emissions.

8. Hunter Water Requirements - compliance certificate

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

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

Condition reason: to require a Hunter Water compliance certificate.

9. Screening of plant

Before the issue of a construction certificate, details are to be provided demonstrating that any external items of air conditioning plant will be screened or positioned in such a manner as to not detract from the visual presentation of the building. Full details are to be provided with the construction certificate documentation.

Condition reason: to protect visual amenity.

10. Food premises standards

Before the issue of a construction certificate, details are to be provided demonstrating that the design and construction of the proposed development is to be in accordance with the relevant requirements of *Australian Standard 4674:2004 - Design, Construction and Fit-Out of Food Premises*. Full details are to be included in the documentation for the construction certificate application.

Condition reason: To require details of food premises design and fit-out

BEFORE BUILDING WORK COMMENCES

Condition

11. Toilets on site

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

- a) be a standard flushing toilet connected to a public sewer, or

- b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- c) be a temporary chemical closet approved under the Local Government Act 1993.

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

12. Hoardings

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

Condition reason: to protect public spaces during demolition.

13. Hoardings

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

Condition reason: to protect public spaces during demolition.

DURING BUILDING WORK

Condition

14. Site signage - site and building work

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

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

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

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

Condition reason: prescribed condition.

15. **Site lighting during work**

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

Condition reason: to protect the public near worksites.

16. **Compliance with BCA**

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

Condition reason: prescribed condition - EP&A Regulation (Section 69).

17. **Containing materials and plant**

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

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

18. **Limits on noise**

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

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

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

Condition reason: to protect the residential amenity of neighbours.

19. **Containing waste**

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

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

- b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets.
- c) Provision is to be made to prevent wind-blown rubbish leaving the site; and
- d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

Condition reason: to require waste management on site.

20. **Pollution prevention signage**

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

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

Condition reason: to require pollution prevention signage.

21. **Controlling dust**

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

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

Condition reason: to control dust during works.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

22. **Acoustic treatment complete**

Before the issue of an occupation certificate, appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Spectrum Acoustics, 18 August 2023 and addendum November 2023. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the principal

certifier and Newcastle City Council.

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

Condition reason: To ensure acoustic treatment is as approved

23. **Food Authority notification**

Before the issue of an occupation certificate, the food business is to notify the relevant enforcement agencies, under the *Food Act 2003* and (for licensed food businesses) under the *Food Regulation 2010*. Notification is to be provided to Newcastle City Council and the NSW Food Authority.

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

Condition reason: To ensure regulatory compliance

24. **Closed Circuit Television**

Before the issue of any occupation certificate, CCTV systems required by condition 3 of this consent are to be installed and operational in accordance with the applicable Australian Standard.

Condition reason: to ensure the installation and operation of CCTV prior to the occupation of the premises.

25. **Flooding - emergency response plan**

Before the issue of any occupation certificate, a flood emergency response plan is to be prepared by a professional engineer, who is experienced in flood management, and the plan is to be put in place prior to occupation of the site for the intended use. The plan is to include an education and awareness component for the workforce, detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan and provisions for any third parties likely to be involved.

A flood emergency response plan is to describe the following components:

- a) likely flood behaviour
- b) flood warning systems
- c) education awareness program
- d) evacuation and evasion procedures
- e) evacuation routes and flood refuges and
- f) flood preparedness and awareness procedures for residents and visitors

Considerations are to include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. The plan is to be aimed

at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details are to be included in documentation for a construction certificate application.

Condition reason: to require a flood emergency response plan.

26. Public infrastructure - rectification of damage

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

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

27. Noise Limiting Device

Prior to the issue of an Occupation Certificate an appropriately qualified consultant is to install and set out the ongoing operating requirements of a noise limiting device to meet the noise levels specified in the Spectrum Acoustics Acoustic Assessment dated 18 August 2023 and addendum November 2023. Written final certification confirming all treatments have been implemented in accordance with the requirements of the above report is to be submitted to the principal certifier and Newcastle City Council.

Condition reason: to require the installation of a noise limiting device prior to the occupation of the premises.

28. Limiting Noise - certification of mechanical plant and equipment

Written certification from an appropriately qualified acoustic consultant being submitted to the Principal Certifier prior to issue of any Occupation Certificate confirming 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.

Condition reason: to limit noise emissions.

OCCUPATION AND ONGOING USE

Condition

29. Hours of Operation

During occupation and ongoing use, the hours of operation or trading of the premises are to be not more than:

DAY	START	FINISH
Monday	7:00 am	11:00 pm
Tuesday	7:00 am	11:00 pm
Wednesday	7:00 am	11:00 pm
Thursday	7:00 am	11:00 pm
Friday	7:00 am	12 midnight
Saturday	7:00 am	12 midnight
Sunday	7:00 am	10:00 pm

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

Condition reason: to limit hours of operation.

30. **Monitoring of noise emissions**

Engage an appropriately qualified acoustic consultant to monitor and assess the noise emissions from the venue and produce a report confirming the recommended acoustic treatments have been implemented and meet the project noise goals for the facility in accordance with the requirements of Acoustic Assessment (Ref No. 232288-9853) prepared by Spectrum Acoustics dated 18 August 2023 and addendum November 2023. The report is to be prepared and submitted within 8 weeks of the commencement of operation of the facility.

Condition reason: to require monitoring of noise emissions from the venue for a specific time frame in order to capture the known output.

31. **Prohibition on use of eastern and western breezeways**

The breezeways to the east and west of the subject building including the external open space of each tenancy and public accessways are not approved to be utilised by the venue for seating and no patrons are permitted in these spaces after 10pm on any night.

Condition reason: to protect residential amenity.

32. **Use of Eastern doors**

The doors on the eastern elevation are to be closed at 10pm every night and during any musical entertainment and are only to be used for egress in the case of an emergency. Signage is to be implemented to the doors clearly explaining prohibition on use.

Condition reason: to protect residential amenity.

33. Music and amplified sound prohibited outdoors

No music or amplified sounds other than emergency PA announcements are to be played in the outdoor areas.

Condition reason: to protect residential amenity.

34. Noise minimisation signage

Signage (in lettering not less than 15mm in height on contrasting background) is to be erected in a prominent position nearby the entry/exit points to the premises and in such a manner that any person leaving the premises would be alerted to its content. The signage shall state:

Upon leaving please respect local residents by minimising noise.

Condition reason: to protect residential amenity.

35. Closure of Louvered roofs

The louvered roofs associated with the outdoor areas are to be closed from 6:00pm until the closure of the premises every night.

Condition reason: to protect residential amenity.

36. Deliveries and waste collection times

Goods deliveries and waste collection (including the grease arrestor) from the premises is to be limited to 7:00am to 6:00pm Monday to Sunday.

Condition reason: to protect residential amenity.

37. Venue Management Plan

The premises is to be operated at all times in accordance with the approved Venue Management Plan.

The approved venue management plan is to be updated to include the following:

- insertion of a clause requiring waste to be removed from the venue and taken to the commercial bin storage room as identified in the approved plans prior to 10pm on any night.
- Amendment to wording on Page 13 to reference that music will cease 30 minutes prior to closure rather than 'volume lowered'

Note: Any further amendments or proposed variation to the approved venue management plan require approval from Council through the submission of a s.4.55 modification application.

A copy of the approved Plan of Management is to be kept on the premises and made available for inspection on the request of a NSW Police officer, Council officer, or Liquor & Gaming NSW inspector.

Condition reason: to ensure the premises operates in accordance with a robust plan of management that reflects the detail of operational requirement under this development consent.

38. Noise control - staggered closing procedure

The operator must ensure the progressive patron disbursement strategy outlined within the Acoustic assessment and venue management plan is implemented.

The strategy is to be updated to reflect that any music/entertainment will cease 30 minutes prior to closure of the venue.

Condition reason: to ensure implementation of staggered patron egress and orderly dispersal of patrons into the public domain.

39. Noise control - music/entertainment

All music/entertainment is to cease 30 minutes prior to the closure of the venue on any night.

Condition reason: to protect residential amenity and ensure a 'soft closure' process for the venue.

40. Maximum patron numbers

As per the approved seating plan, the number of patrons permitted on the premises is not to exceed 475 at any one time (being 300 maximum patrons in the outdoor dining area and 175 patrons internal).

Signage (in lettering not less than 15mm in height on contrasting background) is to be erected in a prominent position nearby the entry/exit points to the premises including within the outdoor dining area which states the maximum number of patrons allowable on the premises.

Condition reason: to ensure compliance with maximum allowable patron numbers and require signage to be erected in accordance with Clause 73 of the EP&A Regulations 2021.

41. Closed Circuit Television operation

The Licensee shall maintain a CCTV system that meets the following minimum requirements:

- a. The CCTV recordings of all cameras must be sufficient to enable an individual to be identified, beyond reasonable doubt, when:

- i. the person represents not less than 100% of the screen height, and
 - ii. there is an unobstructed view of the person's face.
 - b. In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
 - i. all other public entrances and exits, whether or not in use at the time
 - ii. staircases,
 - iii. all portions of the floor area accessible to the public where entertainment is provided,
 - iv. toilet external entrances,
 - v. all public accessible areas within the premise excluding toilets and
 - vi. the footpath area directly adjacent to the premises.
 - c. The CCTV recordings of the cameras referred to in sub condition (b) must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before, when:
 - i. the person represents not less than 50% of screen height, and
 - ii. there is an unobstructed view of the person's face.
 - d. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments including vegetation, with vegetation being maintained to support unobstructed views.
 - e. Camera recordings must always meet the standards set in sub condition (a) and (c), either by way of camera positioning, camera shades or other environmental factors.
 - f. The CCTV equipment/server must be located in a secure room that is not accessible to patrons.
 - g. Recordings must:
 - i. be in digital format,
 - ii. record at a minimum of ten (10) frames per second, and
 - iii. commence one hour prior to opening and operate continuously until at least one hour after closing.
 - h. The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
 - i. Recordings should be retained for a period of 30 days before being reused or destroyed. The licensee shall ensure that no person is able to delete or alter any recordings within the 30-day period.
 - j. When the venue is open and trading, at least one person shall be at the venue who can access the CCTV system and is able to immediately review recordings and produce copies.
 - k. Immediate access to the CCTV system and the ability to review recordings is to be granted to NSW Police, OLGR Inspectors or other regulatory officers upon request.

- l. The CCTV system shall be able to reproduce a copy of the recordings, in the same quality as stated under point 6), on Compact Disc, DVD or USB memory stick and must, upon request, be provided within one working day to NSW Police, OLGR Inspectors or other regulatory officers.
- m. Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If, during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the licensee is to notify the Local Area Commander or delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable.

Condition reason: to ensure adequate operation of closed circuit television at the premises.

42. **Noise control**

During occupation and ongoing use, the premises is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997*.

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

Condition reason: to limit offensive noise.

43. **Air quality**

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

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

Condition reason: to protect air quality.

44. **Trade waste**

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

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

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Condition

45. Toilets on site

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

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

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

DURING DEMOLITION WORK

Condition

46. Demolition standards - Australian Standards

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

Condition reason: to comply with Australian standards.

47. Containing waste

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

- a) A waste container of at least one cubic metre capacity is to be provided, maintained and regularly serviced from the commencement of operations until the completion of the

building, for the reception and storage of waste generated by the construction of the building and associated waste.

- b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets.
- c) Provision is to be made to prevent wind-blown rubbish leaving the site; and
- d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

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

48. **Demolition - protecting services**

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

Condition reason: to protect services during demolition.

49. **Demolition - material management**

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

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

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

Condition reason: to protect public spaces during demolition.

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

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

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

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

Note: This does not apply in relation to building work, subdivision work or demolition work

carried out inside an existing building, if the work does not affect the external walls of the building, or Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Condition reason: prescribed condition.

51. Limits on noise

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

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

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

Condition reason: to protect the residential amenity of neighbours.

Advisory Matters

- Any proposed business identification sign or advertising sign is to be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application that is to be approved prior to the sign being erected or placed in position, except when such signage meets '*exempt development*' criteria.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of Newcastle City Council and any other relevant authorities. Newcastle City Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Prior to commencing any building works, the following provisions of Division 6.2 of the Environmental Planning and Assessment Act 1979 are to be complied with:
 - a) A Construction Certificate is to be obtained; and
 - b) A Principal Certifier is to be appointed for the building works and Newcastle City Council is to be notified of the appointment; and
 - c) Newcastle City Council is to be given at least two days notice of the date intended for commencement of building works.
- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists are to describe the extent,

capability and basis of design of each of the measures.

- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, any Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for any Occupation Certificate must contain the information set out in Section 37 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW).
- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- An annual Fire Safety Statement in the form described in Section 88 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW) is to be submitted to Newcastle City Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- Development applications are not assessed against the provisions of the National Construction Code. An application to modify the application under the *Environmental Planning and Assessment Act 1979* will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.
- Prior to effecting the proposed change of building use for the whole/part of the building, any Occupation Certificate is to be obtained under the *Environmental Planning and Assessment Act 1979*. A Fire Safety Certificate, based on the attached Fire Safety Schedule, is to be submitted with an application for any Occupation Certificate.



INTENTIONAL BLANK PAGE

DISTRIBUTED UNDER SEPARATE COVER

PROCESSING CHRONOLOGY

DA2023/002423 – 2/29 and 3/31 Honeysuckle Drive Newcastle

24 March 2023		Application lodged
30 March - 13 April 2023		Application notified in accordance with CN's Community Participation Plan (CPP).
2 May 2023		Request for additional information
19 May 2023		Additional information received from applicant.
3 July 2023		Request for additional information
28 August 2023		Additional information received from applicant.
27 September 2023		Applicant provided additional information including signage detail on amended plans
17 October 2023		Public Voice Committee meeting
3 November 2023		Applicant submitted revised application including amended operating hours, amended plans and response to Public Voice queries.



INTENTIONAL BLANK PAGE

DISTRIBUTED UNDER SEPARATE COVER

Huntington by Doma

35 Honeysuckle Drive, Newcastle

VENUE MANAGEMENT PLAN

VERSION – 6.0

November 2023

This Venue Management Plan (VMP) was written by Liquor and Gaming Solutions Pty Ltd in consultation with Management International Hotels.

This document is for use by authorised persons only, and contains commercially sensitive information. Unauthorised possession, storage, use, viewing, duplication, modification or distribution of the document and/or any of its contents is not permitted without the expressed written authorisation of the author, or Management International Hotels

This is a living document, which is regularly updated to ensure Management International Hotels remains compliant with changing legislation and remains at the fore front of best practice for licensed venues.

REVISION REGISTER

VERSION	DATE	DISTRIBUTION	AMENDMENTS
1.0	February 2023	Management International Hotels Newcastle City Council Submitted with DA Liquor and Gaming Solutions	
2.0	August 2023	Management International Hotels Newcastle City Council Liquor and Gaming Solutions	4.0 Updated floor plan 8.0 Updated to include transport, service, and staffing requirements at close of trade. 9.0 Signage- updated to include voluntary signage on exits.
3.0	September 2023	Management International Hotels Newcastle City Council Liquor and Gaming Solutions	Spelling
4.0	October 2023	Management International Hotels Newcastle City Council Liquor and Gaming Solutions	Updated Floor Plan, Include recommendations of the acoustic report in Chapter 10. Include Noise Complaint handling procedure and Noise Disturbance Register. Include strategy for managing patron numbers – refer to chapter 6.
5.0	November 2023	Management International Hotels Newcastle City Council Liquor and Gaming Solutions	Updated to Trading Hours Update to Chapter 8, Physical Acoustic Controls & Disbursal of Patrons
6.0	November 2023	Management International Hotels Newcastle City Council Liquor and Gaming Solutions	Update to floor plan

Table of Contents

REVISION REGISTER	2
1. BACKGROUND	4
2. KEY CONTACTS	6
3. TRADING HOURS	6
4. FLOOR PLAN	7
5. RESPONSIBLE SERVICE OF ALCOHOL (RSA)	8
6. STAFF PROCEDURES	9
7. MANAGEMENT OF MINORS.....	10
8. MINIMISING DISTURBANCE TO THE NEIGHBOURHOOD	11
9. SIGNAGE.....	14
10. CLOSED CIRCUIT TELEVISION (CCTV).....	14
11. INCIDENT REPORTING AND CRIME SCENE PRESEVATION.....	15
12. LIQUOR ACCORD	16
13. FUTURE AMENDMENTS TO THIS PLAN	16
ANNEXURE A. – CRIME SCENE PRESERVATION GUIDELINES.....	17

1. BACKGROUND

This Venue Management Plan has been developed in consultation with the various stakeholders to outline the performance requirements and expectations involved with the sale and supply of liquor at 35 Honeysuckle Drive, Newcastle under the proposed General Bar Liquor Licence.

This Venue Management Plan has been prepared to accompany the Development Consent application, and if approved, a separate application will be made through the Liquor and Gaming Authority for a General Bar Liquor Licence.

The venue is proposed to be located at 35 Honeysuckle Drive, Newcastle, the venue falls within a well-established commercial and residential mixed-use area and occupies the ground floor of a eight-storey building containing commercial tenancy on the ground floor and residential apartments above. The Huntington Building continues the Honeysuckle Urban transformation project that provides entertainment, tourism, employment and recreation on the edge of Newcastle harbour.

The purpose of this Venue Management Plan is to outline the control measures for the sale and supply of liquor at 35 Honeysuckle Drive, Newcastle.



Food and Drink Premise

The food and drink premises is proposed to operate as a bar.

The proposed business model is primarily for lunch / night time trade, the venue will have the opportunity to operate as a cafe from 7am (7 days a week).

The liquor licence will operate from 10am-midnight Mon to Sat. 10am-10pm on Sundays.

Proposed Licence type

Management International Hotels Pty Ltd are the proposed licensee for the new General Bar Liquor Licence.

This licence will authorise the sale and supply of liquor by retail for consumption on the proposed licensed premises.

This licence is proposed to be endorsed with a Minors authorised area which allows minors to attend the venue in the company of a responsible adult. The Minors Area Authorisation applies to the whole venue.

The venue has been identified under the Newcastle City Councils After Dark plan as being situated within the Honeysuckle Precinct.

The Honeysuckle precinct has strong perceptions of safety, inclusivity, and vibrancy.

The proposed changes to the use of the building align with Newcastle City Councils vision for the Honeysuckle precinct to become the heart and soul of the city with diverse venues providing night-time choices to the general public.

The proposed food and drink premises will increase visitation and vibrancy to the Honeysuckle precinct. The location of the venue will contribute positively to the Transport Interchange and contribute to the emergence of a mixed cluster of cafes and bars.



2. KEY CONTACTS

Contact Name	Position	Contact Details
Management International Hotels Pty Ltd	Licensee	0418 633 666
TBA	Approved Manager	TBA
Newcastle Licensing Police		(02) 49 266 599
John Van der Veen	Licensing Consultant	0492 821 204

3. TRADING HOURS

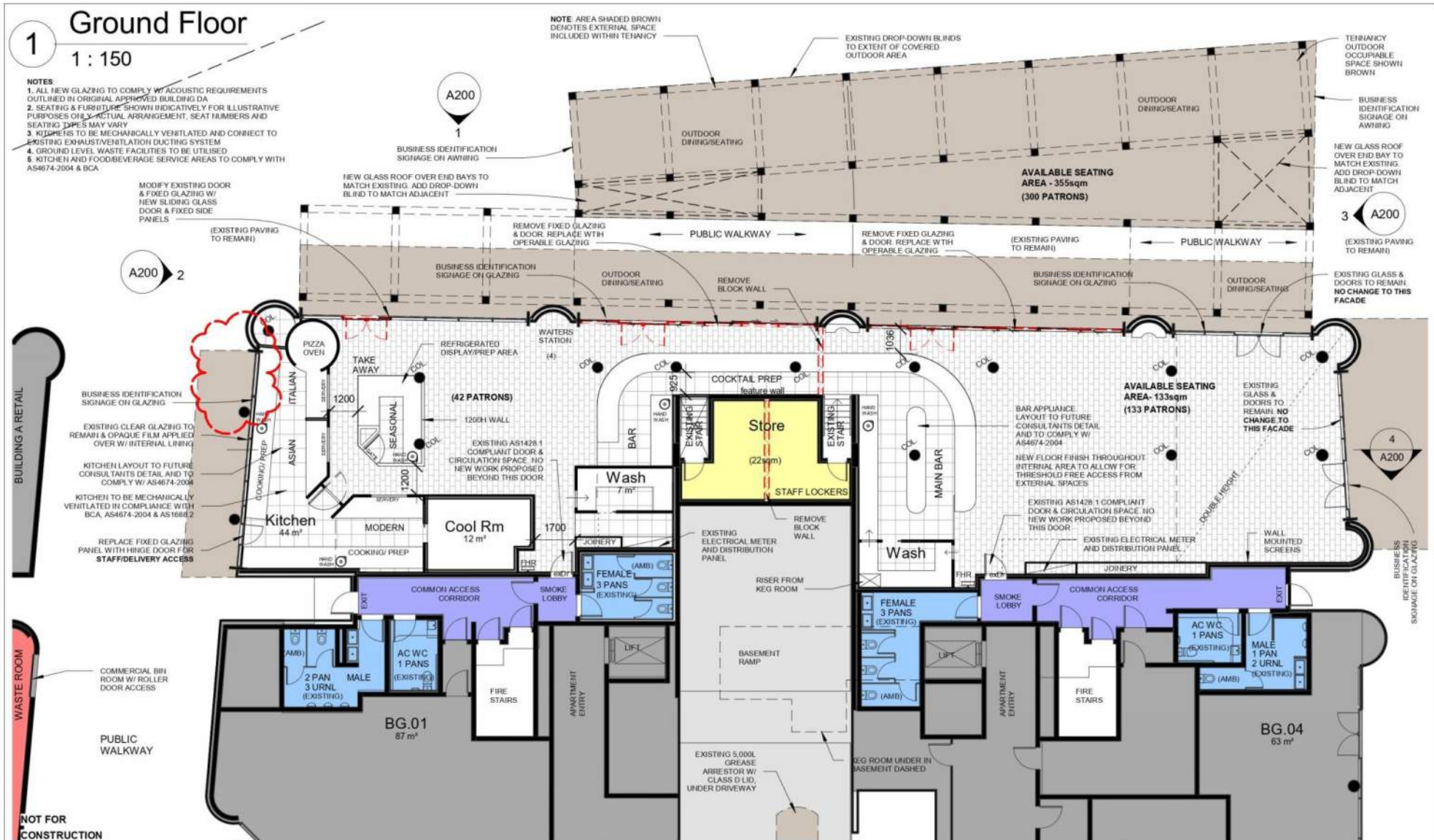
Proposed Food and Drink Premises trading hours

Day	Start Time	End Time
Monday	07:00am	11:00pm
Tuesday	07:00am	11:00pm
Wednesday	07:00am	11:00pm
Thursday	07:00am	11:00pm
Friday	07:00am	12:00am
Saturday	07:00am	12:00am
Sunday	07:00am	10:00pm

Proposed Liquor Licence trading hours

Day	Start Time	End Time
Monday	10:00am	11:00pm
Tuesday	10:00am	11:00pm
Wednesday	10:00am	11:00pm
Thursday	10:00am	11:00pm
Friday	10:00am	12:00am
Saturday	10:00am	12:00am
Sunday	10:00am	10:00pm

4. FLOOR PLAN



1 Ground Floor
1 : 150

- NOTES**
1. ALL NEW GLAZING TO COMPLY W/ ACOUSTIC REQUIREMENTS OUTLINED IN ORIGINAL APPROVED BUILDING DA
 2. SEATING & FURNITURE SHOWN INDICATIVELY FOR ILLUSTRATIVE PURPOSES ONLY - ACTUAL ARRANGEMENT, SEAT NUMBERS AND SEATING TYPES MAY VARY
 3. KITCHENS TO BE MECHANICALLY VENTILATED AND CONNECT TO EXISTING EXHAUST VENTILATION DUCTING SYSTEM
 4. GROUND LEVEL WASTE FACILITIES TO BE UTILISED
 5. KITCHEN AND FOOD BEVERAGE SERVICE AREAS TO COMPLY WITH AS4674-2004 & BCA

Check all dimensions and site conditions prior to the commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and / or the fabrication of any components.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

Rev	Description	Date
E	Coordination Issue	25.01.2023
F	Issued for DA	03.03.2023
G	Revised DA issue	16.05.2023
H	Revised DA issue 2	23.08.2023
I	Issued for Information	14.09.2023
J	Revised DA Issue 3	18.10.2023
K	Revised DA Issue 4	03.11.2023



Huntington Food & Beverage Fitout

2/29 & 3/31 Honeysuckle Ave, Newcastle
Ground Floor Plan

Concept Co. Pty Ltd
PROJECT NUMBER 2022-0161
DATE May 2023

STATUS Development Application
DRAWN BY BR
SCALE 1 : 150
REVISION K
DRAWING NO. **A110**

PO Box 261 Newcastle NSW 2300
e. studio@r-ad.com.au
m. 0419 281 574
w. www.r-ad.com.au

ABN 70 619 983 023

RAINSFORD ARCHITECTURE + DESIGN (RAD)

5. RESPONSIBLE SERVICE OF ALCOHOL (RSA)

The Licensee will ensure that all staff involved in the sale and supply of liquor have completed an approved NSW Responsible Service of Alcohol Course and hold a valid NSW Competency Card and/or interim certificate.

An incident register approved by Liquor and Gaming NSW will be utilise to record any incidents including:

- Refusal of service/Asked to Leave
- Minor/No ID
- Violence
- Intoxication
- First aid

Behaviour of Patrons

Management and staff will take all reasonable steps to manage the behaviour of patrons whilst at, and when they enter and leave the premises.

This includes no loitering of persons in the immediately vicinity of the premises who have been refused entry or asked to leave the premises.

Food

Food of substantial nature and in line with the guidelines for responsible service of alcohol will always be available whenever liquor is sold or supplied.

Food will consist of various food options made on-site, menus will be readily available to encourage responsible consumption of alcohol.

Identifying and Preventing Intoxication

Management and staff will endeavour to prevent intoxication through the following methods:

- Ensuring patrons already showing signs of intoxication or approaching intoxication will not be permitted entry to the venue.
- Ensuring patrons showing signs of intoxication or approaching intoxication will not be served by the bar staff.
- Food commensurate to the responsible service of alcohol is available at all times that alcohol is served.
- Ensuring that low alcohol, non-alcoholic drinks and free drinking water is available whenever alcohol is served.

These symptoms or signs are not exhaustive and not necessarily conclusive of intoxication.

Speech	Balance	Co-ordination	Behaviour
<ul style="list-style-type: none"> • slurring words • rambling or unintelligible conversation • incoherent or muddled speech • loss of train of thought • not understanding normal conversation • difficulty in paying attention 	<ul style="list-style-type: none"> • unsteady on feet swaying uncontrollably • staggering • difficulty walking straight • cannot stand or falling down • stumbling • bumping into or knocking over furniture and people 	<ul style="list-style-type: none"> • Lack of coordination • spilling drinks • dropping drinks • fumbling change • difficulty counting money or paying • difficulty opening or closing doors • inability to find one's mouth with a glass 	<ul style="list-style-type: none"> • rudeness • aggression • belligerent • argumentative/quarrelsome • offensive • bad tempered • physically violent • loud/boisterous • confused • disorderly • exuberance • using offensive language • annoying / pestering others • overly friendly • loss of inhibition • inappropriate sexual advances • drowsiness or sleeping at a bar or table • vomiting • drinking rapidly

6. STAFF PROCEDURES

Refusal of Service

- Identify signs of intoxication. If you are unsure, ask for a second opinion.
- Refuse service to intoxicated patron and inform relevant management and staff
- Respectfully and politely ask patron to leave
- Tell them they are welcome to return another time
- Stay with patron until they leave and walk them out the door
- Offer assistance for transport- If transport is not available a guard or manager will monitor situation.
- Details of the removal are listed in the incident register

Removal/Fail To Quit

- If a patron is continuously quarrelsome, unreasonable, or confrontational notify management. Police will be contacted if required.
- Any person that is asked to leave or refused entry to the premises are required by law to move 50m or more away from the premises and are not permitted to re-enter the vicinity for 6 hours.

Staff will monitor patron capacity requirements in accordance with approvals and statutory requirements as part of the daily operational management.

The venue has a defined number of seats. When the seats are full – the venue is full!

Verifying Proof of Age

- If a patron looks under the age of 25, ask for a suitable form of ID to be provided prior to service.
- Check authenticity, date of birth, compare photograph.
- If no suitable ID can be produced, politely ask patron to leave and inform other staff members and management

Secondary Supply

- If a minor or patron that has been refused service gains access to alcohol while on premise confiscate the beverage.
- Inform other staff and management.
- Ask the relevant patrons to leave.

7. MANAGEMENT OF MINORS.

Minors Authorised Area

A Minors Authorised area allows minors to attend the venue in the company of a responsible adult.

Supervision of Minors

The venue is vigilant in ensuring that a person under the age of 18 years are not permitted to;

- a) enter the venue unaccompanied,
- b) be served alcohol at the bar,
- c) Gain access to alcohol through secondary supply from another person.

Checking ID

If a staff member believes that a person, who is ordering or being supplied alcohol, is less than 18 years of age, they will politely request proof of age (current Passport, RTA Photo Card or Drivers Licence, or Key Pass ID).

If the person is less than 18 years of age, or refuses to produce identification, staff will refuse service and request the Manager on duty to ask the person to leave the premises.

Responsible Promotion of Alcohol Products

Management and staff shall not engage in activities promotions, have a special appeal to minors, may be considered indecent or offensive, encourages the rapid, excessive and/or irresponsible consumption of alcohol

Amenity of the Neighbourhood

All building works have been designed in consideration of the amenity of the surrounding area and ensure the operations are managed in such a way as to minimise any adverse impacts to neighbours (business and residential) through noise, waste, and the behaviour of patrons.

The venue is mindful of the neighbourhood in which it operates. Management will be contactable by telephone during operating hours, or by email outside of hours.

The premises and its immediately area will be kept clean and tidy.

The condition of the venue will be regularly maintained internally and externally to meet requirements of Newcastle City Council and any other relevant safety standard.

Recommendations of the Acoustic Report.

In accordance with the Acoustic report prepared by Spectrum Acoustics dated 18 August 2023, the following measures will be implemented.



Figure 4. View from east of ground floor glazing.

- All glazing in Figure 4, including the doors, are double glazed.
- The doors will remain closed whenever live music is performed in the venue.
- There is a small open section visible above the glazing will be closed over as a noise control measure.

Physical Acoustic Controls

- Gap between awning roof and building to be closed for full length of roof with acoustic baffle.
- Glass infill roof between awning structures to extend to fill in open sections at east and west ends.

- Façade vent louvres in east and west elevation to be closed over from inside.
- New doors/windows to be double glazed to match existing.
- Operable glass doors to be centred and positioned primarily under the solid section of awning roof.
- Signage adjacent to toilets indicating emergency exit doors are not to be used by patrons other than in an emergency. Toilet access to be internal only.
-

Noise Management Policy

Please refer to the Huntington Noise Management Policy

Complaints Handling Procedure

Prior to commencement of trade, the neighbours within 100 meters of the venue will be provided with the contact details for the noise disturbance hotline, the service includes a telephone number that are in operation when the venue is trading and which are dedicated to only receive and contact neighbours in relation to any disturbance complaints.

An email address for the venue Manager will also be provided, to ensure that any further follow up can be made electronically if required.

On any occasion when a neighbour, or any other person contacts the venue to make a complaint about any form of disturbance, a record will be made in a dedicate noise disturbance register.

Noise Management Policy

A Noise Disturbance Register will be used to record any contact made with the venue in relation to the venue affecting the quiet and good order of the neighbourhood.

A dedicated mobile number will be used for this purpose, so that a clear line of communication is always available to the residents.

The Noise Disturbance Register will record the details of the incident – including the type of disturbance, date and time, and the action taken by the manager to resolve it.

Each page of the noise disturbance register has a section to be followed by the management team the next available business day to investigate the problem and implement control measures if required.

Dispersal of patrons

Patrons and employees will be encouraged to keep noise to a minimum when entering and leaving the premises. Intoxicated and/or loud patrons will not be allowed entry into the premise and will be ejected if they are already in the venue.

Management will be contactable by telephone during operating hours, or by email outside of hours.

A record of any disturbance complaint, including any action taken will be recorded in the incident register and made available for inspection by the regulatory authorities on request.

Progressive Patron Disbursement Strategy

This strategy is designed to progressively reduce the number of patrons onsite from 10pm onwards during trading hours. A typical closing procedure can be demonstrated as follows that allows for the patron disbursement over a 2-hour period.

10pm

- East breezeway closed to patron use and access doors locked
- West breezeway closed for patron use
- Designated staff to monitor breezeway areas to prevent patrons loitering
- Kitchen will cease operations no later than 10pm (limited menu after as per liquor licensing requirements e.g. pizza)
- Natural patron exit of diners at Kitchen closure

30 minutes prior Venue Closure

- Bar service ceases
- Music volume is lowered.
- Lighting levels are increased.
- Active removal of loose table items including glassware etc to encourage disbursement
- Staff will advise patrons at bar service completion and ask them to finish consumption and to quietly move on respecting the neighbourhood & surroundings.
- identifiable staff to monitor breezeways and proximity to ensure patron compliance during soft closure period and after final closure.

Transport

Staff will provide patrons information about transport options and can contact the local taxi company. The venue will develop relationship & point of contacts with transport companies for ease of patron pick up.

A clearway is available for patron pick up at the front of the building.

Service

All service will cease 30 minutes prior to closing time to allow natural disbursement of patrons

Staffing

At the conclusion of trade, staff will remove any glassware promptly and encourage patrons to move on quietly and with respect to the local neighbourhood.

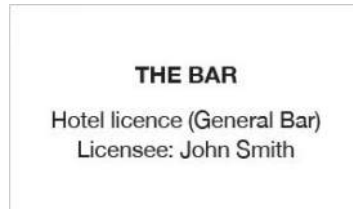
From 30 minutes after the cease of trade, staff will monitor common areas & thoroughfares in high-vis attire to ensure patrons do not congregate.

9. SIGNAGE

All signs required by Liquor & Gaming NSW will be installed and checked on a regular basis.



(3L) Entrance to hotel where minors authorisation is in place



Front door



(1L) Each Bar

Additional Voluntary signage

Additional external signage will be displayed in prominent exit locations to advise patrons to respect the 'quiet & good order of the neighbourhood' this act as a reminder to ensure minimal noise and littering occur during arriving and leaving the hotel.

10. CLOSED CIRCUIT TELEVISION (CCTV)

The venue operates a Close-Circuit Television System (CCTV) in accordance with regulatory legislation and licensing obligations; and to ensure as far as possible, the safety and protection of staff patrons, visitors, and members of the public and the property of the venue.

The venue recognises that the CCTV system is a valuable resource which deters anti-social behaviour and crime on and near the venue.

- 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
 - (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
 - (b) recordings must be in digital format and at a minimum of ten (10) frames per second,
 - (c) any recorded image must specify the time and date of the recorded image, (d) the system's cameras must cover the following areas: (i) all entry and exit points on the premises, (ii) the footpath immediately adjacent to the premises, and (iii) all publicly accessible areas (other than toilets) within the premises.
- 2) The licensee must also:
 - (a) keep all recordings made by the CCTV system for at least 30 days,
 - (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
 - (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

Immediately after the person in charge of the premises becomes aware of a serious incident involving an act of violence causing a serious injury to a person on the premises, the manager will contact NSW Police to request Police attend to location. The Manager will also seek advice about what action the Police would like taken.

A crime scene should be established in the following circumstances;

- There has been a serious assault involving a weapon (including glass) that results in physical injuries and there is physical evidence such as body fluids or broken glass in the area.
- There has been a serious assault involving a victim losing consciousness or that results in serious physical injuries such as broken bones or facial injuries.
- A victim alleges they have been sexually assaulted in an area of the venue.
- Police have requested that a Crime Scene be established.
-

To establish a crime scene, the following steps will be implemented;

- Take all practical steps to preserve and keep intact the area where the act of violence occurred;
- Retain all materials and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by the NSW Police (Annexure A – Crime Scene Prevention Guidelines);
- Make direct contact with local Police advise of the incident;
- Comply with any directions given by the Police to preserve or keep intact the area where the violence occurred;
- maintain a log of reportable incidents which will be made available at the request of NSW Police or other relevant regulatory officers.

Incident Register

If the General Bar regularly trades past midnight, they must maintain an incident register in the form approved by the Independent Liquor & Gaming Authority. The register must record details of any incidents that occur between midnight and 5am the following day Monday to Friday, between midnight Saturday and 10am Sunday, and between 10pm Sunday and 5am Monday:

The venue will maintain an incident register at all times, in excess of the legislative requirements.

The incident register is available for regulatory authorities to view at the premises.

The records are maintained for a minimum of 3 years.

What is recorded in the incident register.

Just the Facts - Incident reports should never include your opinions.

Simple Language - When someone is reading your incident report, they should be able to understand the language no matter what their experience is. Avoid using slang or jargon. Use simple language that anyone should be able to understand.

Abbreviations - There are commonly used abbreviations used in incident reporting. You need to adopt the same abbreviations consistently throughout all of the reports. You should include a key at the front of the incident book that says what the abbreviations stand for, so that they can be understood by others in the future.

Examples ATL – Asked to Leave. POI – Person of Interest - RSA – Showing signs⁹⁰ of intoxication.

Who, what, when, where, why– these should all be part of your incident report. If you are missing one of these then your report is not complete.

12. LIQUOR ACCORD

The Licensee or a representative is an active member of the Newcastle Liquor Accord and will comply with any resolutions that relate to the premises.

13. FUTURE AMENDMENTS TO THIS PLAN

If in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for the better management of the venue, that modification shall be made to the plan in consultation with NSW Police.

A copy of the plan is always maintained on the premises and is available to regulatory authorities on request.

This Management Plan replaces all previous versions.



CRIME SCENE PRESERVATION GUIDELINES – LICENSED PREMISES

RESPONSIBILITIES OF LICENSEES, MANAGERS AND STAFF

- Immediately contact '000' or local police station.
- Render any required first aid.
- Determine the crime location scene and remove all persons from the area. Cordon off the area with things such as bar stools, tables, tape or consider closing off the area completely for areas such as toilets or hallways. (Remember there may be multiple crime scenes).
- Do not allow any persons to enter this area.
- **DO NOT CLEAN UP ANY CRIME SCENE.** You may be destroying vital evidence.
- Assign a member of staff to guard all crime scenes until the arrival of police.
- Remember some evidence may not be visible to the naked eye such as blood, semen, skin cells, saliva, hair or fingerprints.
- Do not move any items that may have been involved in an offence unless absolutely necessary or someone's safety is at risk (for example, evidentiary items may be contaminated or destroyed due to getting wet. Use disposable gloves to stop transference of your DNA or fingerprints).
- Notify police if any items have been moved or removed from the crime scene. (Items may include bottles, glasses, pool cues, clothing, furniture, weapons or cigarette butts).
- Make notes in relation to the incident. Time, date, location, description of offender/s, vehicle/s involved, weapons used, last known direction of offender/s, any movement of items involved in the incident.
- Obtain any CCTV footage and the security sign on sheets.
- Obtain any details of witnesses and try to keep all witnesses separated so as to maintain the integrity of their evidence. (Try to dissuade witnesses from leaving the premises before police arrive).
- Hand this information to police on arrival.
- Be prepared to make a statement to police regarding the incident.

Interfering with evidence may constitute an offence, leaving you liable to prosecution or disciplinary action and/or may result in the closure of the premises.

CRIME PREVENTION SUPPORT UNIT

Telephone: (02) 9375 8038

Email #CPC-ALSU@police.nsw.gov.au

WHERE CAN I FIND MORE INFORMATION?

The information provided in this fact sheet is for general guidance only. Local police are available to provide further guidance.



INTENTIONAL BLANK PAGE

DISTRIBUTED UNDER SEPARATE COVER

To Company: Land Development Solutions

Attention: Jason Harman

Date: 18/8/2023

From: Neil Pennington

Ref: 232288-9853

Copies to: --

Pages: 10

Urgent

Please Reply

For your files

No action required

Subject: Acoustic Assessment: Proposed food and beverage premises, 29/31 Honeysuckle Dr, Newcastle

Dear Sir,

This report presents the results of a revised assessment of potential noise emissions from a proposed food and beverage premises on the ground floor of The Huntington development at 2/29 and 3/31 Honeysuckle Drive, Newcastle to accompany a Development Application to Newcastle City Council (Council). Council required the assessment of a nearby similar development to address the following potential noise issues at residential receivers:

The report should provide a list of recommendations and identify any acoustic attenuation measures which may be required to be integrated into the design of the development.

The acoustic assessment should consider:

- Music.
- Appropriate internal noise levels.
- The potential for sleep disturbance between 10 pm and midnight.
- Suitable times to close the external doors.

Following their review of our initial report, Council's ESU has requested further information to assist their assessment of the application. The ESU has validly identified the following points requiring more detailed assessment, and has identified residential premises that were not considered previously:

The ESU has reviewed the letter prepared by Spectrum Acoustics dated 21 April 2023 and notes the information provided is limited in nature considering the type of development and hours being proposed. As such, the ESU will require a detailed acoustic assessment of the food and drink premises to be submitted to support the proposal.

The assessment is to address, but not be limited to; patron noise, amplified entertainment (including types and locations), mechanical plant associated with the proposal along with deliveries and waste collection.

The assessment is also to address sleep disturbance from patrons within the premises and from the outdoor seating area. Regard should be given to surrounding receivers known to Council as 33 and 25 Honeysuckle Dr.

It is unclear to the ESU the number of patrons being assessed at the premises. The numbers of patrons in each area have not been defined and the consultant should advise the assumptions that they are working with in this regard. The ESU has assessed multiple proposals of similar nature and noting the source noise levels provided within the Spectrum letter and is of the opinion that these levels may not present a worst-case scenario.

Internal patron numbers have not been defined within the Spectrum's letter where it noted approximately 300 patrons are being proposed in the outdoor seating area (taken from Drawing No. A110 prepared by Rainsford Architecture & Design dated March 2023).

No explanation has been provided for the variation away from the Liquor and Gaming criteria when assessing patron and amplified entertainment noise transmission into the receiver above the food and drink premises. The report should present the criteria and the results up till midnight, to be consistent with the original Liquor and Gaming requirements.

Following their review of the revised acoustic report dated 16 May 2023, Council have identified aspects of the assessment for which they require additional information be provided as summarised below from their letter dated 3 July 2023:

- Cumulative impacts from entertainment and patrons inside the space;
- Clarification on sound levels (sound pressure vs sound power) used for patrons in the outdoor area and “the effect on crowd noise levels by alcohol and elevated noise levels from musical entertainment”;
- Assessment of patron noise to be against Liquor and Gaming criteria; and
- Sleep disturbance impacts from patrons in outdoor area after 10 pm.

These additional points are highlighted in this revised report to indicate where they have been addressed.

Figure 1 shows the proposed location of the food and beverage premises within The Huntington development and surrounding residential receivers identified as R1 (25 Honeysuckle Drive, R2 (31 Honeysuckle Drive above the proposal) and R3 (33 Honeysuckle Drive). **Figure 2** shows the proposed floorplan.

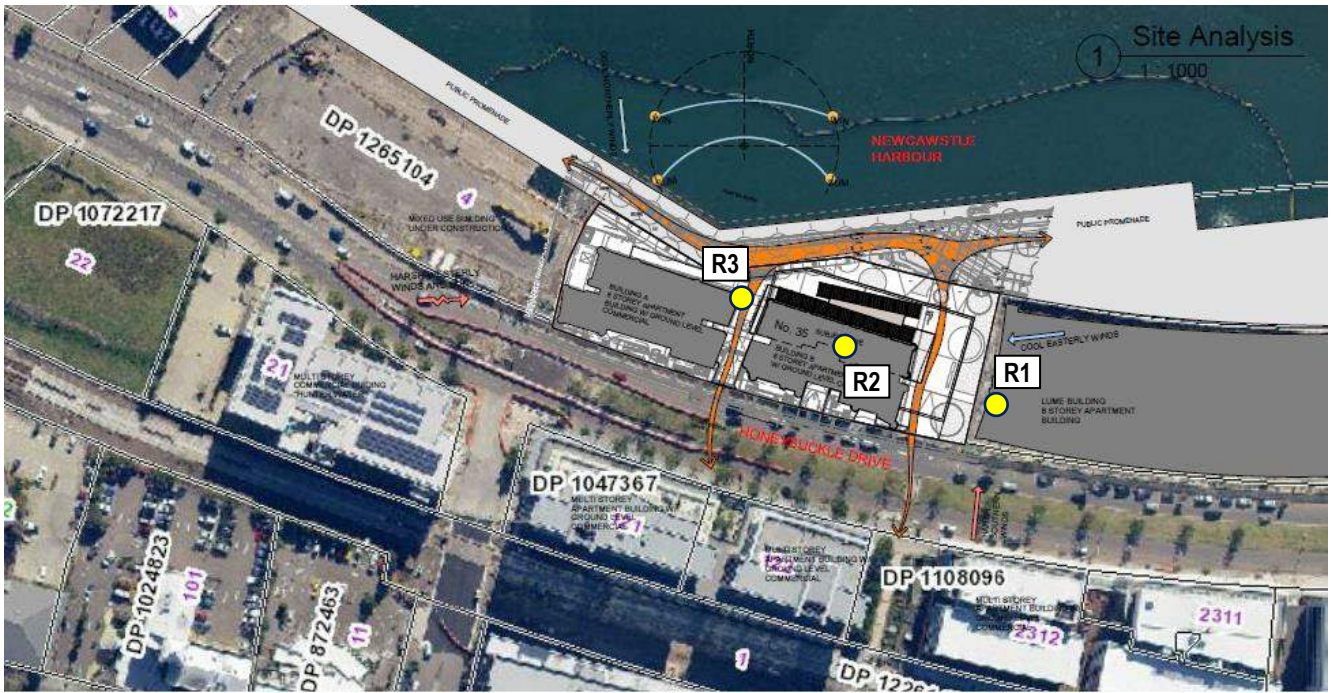


Figure 1. Subject site and receivers.

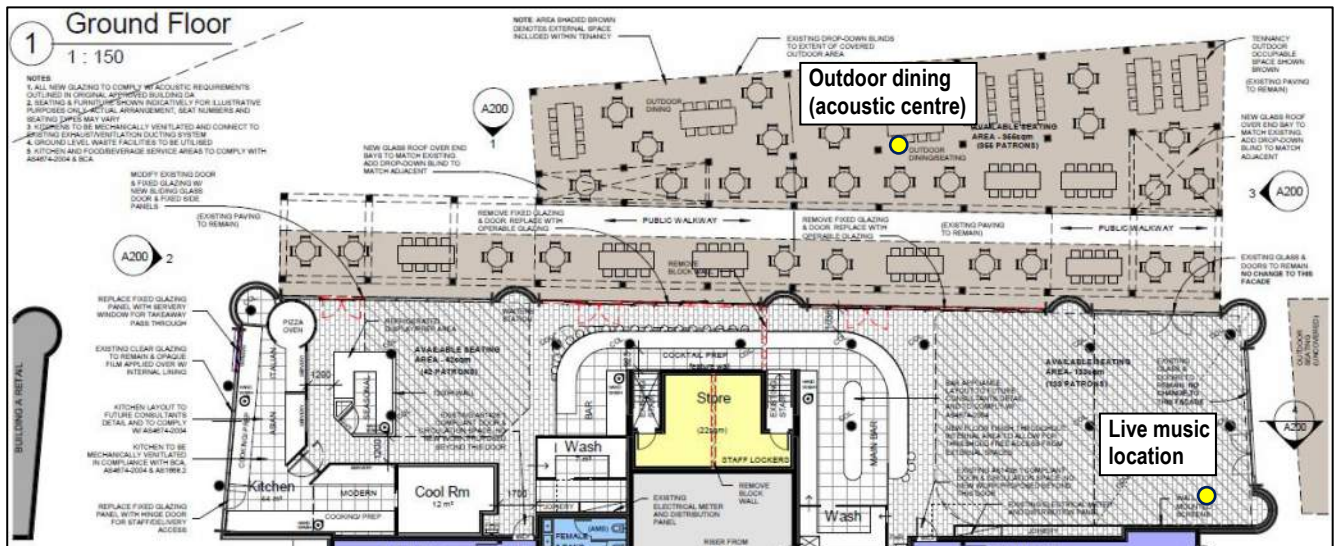


Figure 2. Venue floorplan.

NOISE IMPACT CRITERIA

The acoustic report prepared by Muller Acoustic Consulting (MAC, 2018) established intrusive noise trigger levels of **58 dB(A), Leq(15min) (day)**, **54 dB(A), Leq(15min) (evening)** and **48 dB(A), Leq(15min) (night)**. Assessment of potential noise impacts from the proposal will be based on the night time criteria. The MAC report also established a maximum noise screening level of **58 dB(A), Lmax**.

Noise emissions from music at licenced premises are also required to comply with the following octave band noise criteria originating from the NSW Liquor Administration Board (now NSW Liquor and Gaming) as contained in a typical entertainment licence:

1. The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz) by more than 5 dB(A) at the boundary of any affected residence between 07:00 hrs and 24:00 hrs.
2. The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz) at the boundary of any affected residence between 24:00 hrs and 07:00 hrs.
3. Notwithstanding the above the noise from the licensed premises shall not be audible within any habitable room in any residential premises between of 24:00 hrs and 07:00 hrs.

An assessment conducted by RCA Acoustics in 2019 for the now approved playing of live music within the James Squire premises at 9-11 Honeysuckle Drive established L&G criteria reproduced in **Table 1**. These values are reduced by 4 dB to equal the 48 dB(A) night time noise trigger level in the MAC report.

Evening& Night-time Period	A weighted octave band levels									Total dB(A)
	Frequency [Hz]	31.5	63	125	250	500	1k	2k	4k	
18:00 hrs – 00:00 hrs RBL L_{90}	34	31	37	40	41	42	38	28	22	47
18:00 hrs – 00:00 hrs OLGR RBL + 5dB	39	36	42	45	46	47	43	33	27	52

Table 1. Liquor and Gaming noise criteria. (Source: RCA report 14072-401/1, January 2019, Table 2)

EXTERNAL NOISE IMPACT ASSESSMENT

Noise Sources

During a site visit conducted on Thursday 9 March 2023, it was advised that there would be some internal live and/or amplified music played at a volume low enough to allow patrons to converse without undue interference. There would be no loud music as may occur in a band venue or nightclub. Further, the venue would have a sound system under the control of management, rather than performers plugging in their own amplifiers/speakers and controlling their own volume.

Music and speech generally begin to interrupt normal conversation in an enclosed space at a level of 60-65 dB(A). Levels up to 75 dB(A) may result from inadequately damped restaurants when people need to elevate their voice to be heard across the table. Worst case internal noise levels equivalent to 75 dB(A), $Leq(15min)$ and 80 dB(A) L_{max} at 3m from the music source will be adopted. These values are sound pressure levels (**RFI Point 2**).

In an open environment such as the outdoor eating area, there is negligible sound reverberation and conversation noise is at a more relaxed sound power level of approximately 85 dB(A), $Leq(15min)$ for a collective of approximately 284 people (ie, 80% of the 366 patron capacity of the outdoor area) in distinct social groups of 4-8 people per table, each contributing approximately 69 dB(A), $Leq(15min)$ to the total sound power, on average. Being an equivalent point source sound power level for an extended group of people, it is located at the acoustic centre of the seating area. For the assessment of L_{max} levels for sleep disturbance, there could be loud shouting or laughter from multiple people at a cumulative sound power level up to 90 dB(A), L_{max} . The sound power of shouted human speech is not intrinsically varied by alcohol and there is no conceivable pathway for music within the venue to be a primary cause of elevated speech levels in the outdoor dining area (**RFI Point 2**).

In a similar assessment conducted by RCA Acoustics in 2019 for the now approved playing of live music within the James Squire premises at 9-11 Honeysuckle Drive a sound power level (SWL) of 85 dB(A) was applied for amplified music and adopted in our previous assessment. This is lower than the 75 dB(A) sound pressure levels at 3m (equivalent to approximately 95 dB(A) sound power level) adopted in the current assessment.

The adopted level is also significantly greater than the sound power level adopted in the MAC assessment for the approved Huntington development.

As an absolute worst case it has been considered that the proposed maximum of 133 patrons in the main bar where the music is performed are producing the same equivalent point source sound power level of 85 dB(A) as the greater number of patrons in the outdoor dining area.

Operational noise impacts

Receiver R1

Figure 3 shows a view of receiver R1 as seen from outside the doors immediately east of the performer location indicated in Figure 2. The eastern ground level facade of the subject site looking towards the performer location is shown in **Figure 4**.



Figure 3. View of receiver R1 from subject site.

From the viewpoint of balconies in Figure 2, at least 50% of the proposed outdoor dining area is obscured visually and acoustically by the subject building.

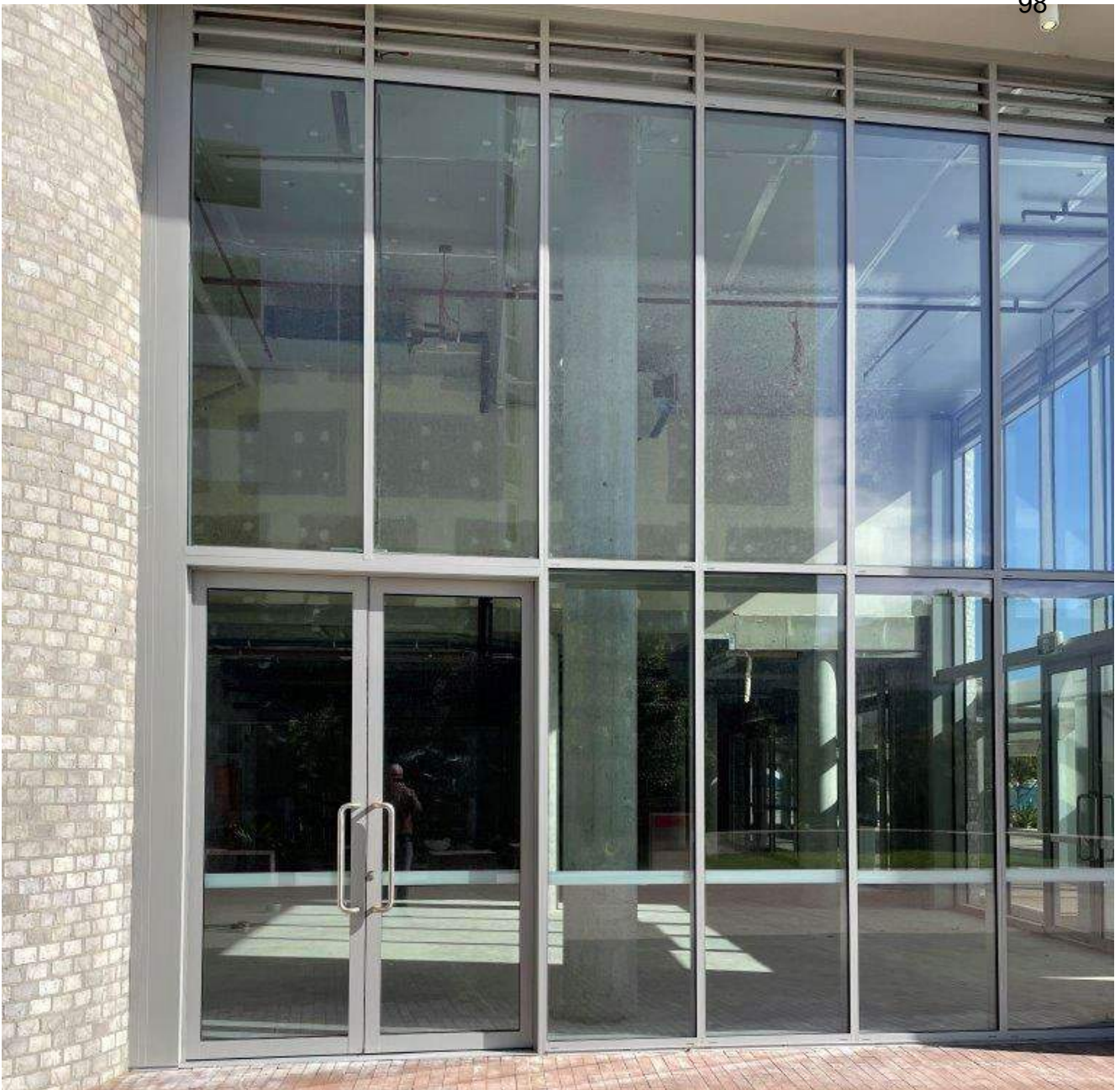


Figure 4. View from east of ground floor glazing.

All glazing in Figure 4, including the doors, is double glazed. The doors will remain closed whenever music is performed in the venue. There is a small open louvre section visible above the glazing. The Applicant and Architect have advised during a site visit that this opening can be closed over as a noise control measure as ventilation openings are available elsewhere.

The sound propagation summary in Table 2 for R1 adopts typical sound transmission loss data for 4mm/10mm/6mm double glazed units.

Propagation element	Octave band centre frequency, Hz									
	dB(A)	31.5	63	125	250	500	1k	2k	4k	8k
Sound power level ¹	95	65	70	78	83	90	88	83	79	75
Distance loss ² , 5m		-12	-12	-12	-12	-12	-12	-12	-12	-12
Transmission loss ³		-17	-23	-26	-28	-34	-35	-37	-40	-40
Exterior SPL	53	36	30	42	43	44	41	34	27	23
SPL at receiver ⁴	29	16	10	22	23	24	21	14	7	3
L&G Criterion	48	35	32	38	41	42	43	39	29	23
Exceedance	0	0	0	0	0	0	0	0	0	0

¹ 85 dB(A) adopted in previous assessment from RCA report 14072-401/1, January 2019. Increased level in this assessment to assess worse case.

² Loss from source to geometric centre of easter façade glazing in semi-reverberant field.

³ Typical 4/10/6 double-glazing, equivalent to Rw 36.

⁴ Sound propagation from incoherent plane radiator. Engineering Noise Control, Bies and Hansen, 1996, Eq (1.107).

The calculated sound pressure levels at R1 in Table 2 are well below the adopted L&G criterion. Human speech contains significantly less low-frequency noise than the spectrum used for the amplified music in Table 2, peaking at typically 500-2kHz. The calculation of noise emissions from patrons inside the main bar near the performer is summarised in **Table 3**.

Propagation element	Octave band centre frequency, Hz									
	dB(A)	31.5	63	125	250	500	1k	2k	4k	8k
Sound power level	85	58	63	68	72	80	81	77	70	60
Distance loss (internal) 5m		-12	-12	-12	-12	-12	-12	-12	-12	-12
Transmission loss		-17	-23	-26	-28	-34	-35	-37	-40	-40
Exterior SPL	41	29	28	30	31	34	34	28	18	8
SPL at receiver	21	9	8	10	11	14	14	8	0	0
L&G Criterion	48	35	32	38	41	42	43	39	29	23
Exceedance	0	0	0	0	0	0	0	0	0	0

At a distance of approximately 48m from the acoustic centre of the outdoor dining area (42 dB loss), as shown in Figure 3, to R1 and allowing for the 50% of the outdoor area that would be acoustically obscured by the subject building (3 dB off total sound power), the predicted level is 40 dB(A). **Table 4** shows the cumulative level at R1 from the music and patrons inside the venue and the outdoor dining area.

Contributing source	Octave band centre frequency, Hz									
	dB(A)	31.5	63	125	250	500	1k	2k	4k	8k
Performer (internal)	29	16	10	22	23	24	21	14	7	3
Patrons (internal)	21	9	8	10	11	14	14	8	0	0
Patrons (external)	40	13	18	25	29	35	36	32	25	15
Cumulative level	41	19	20	27	30	36	36	32	25	15
L&G Criterion	48	35	32	38	41	42	43	39	29	23
Exceedance	0	0	0	0	0	0	0	0	0	0

The results in Table 4 show that cumulative noise emissions from music and patron noise sources would remain below the applicable L&G noise criterion at R1 (**RFI Points 1 and 3**). Based on the adopted sound power level of 90 dB(A), L_{max} for shouting in the outdoor area, the predicted level of 45 dB(A) is well below the 58 dB(A), L_{max} sleep disturbance screening level and no further assessment is required for this receiver (**RFI Point 4**).

Propagation paths from the performance location inside the premises (S1) and a typical location in the outdoor seating area (S2) to receiver R2 above are shown in **Figure 5**. Calculated noise levels from the internal music, internal patrons and external patrons are summarised in **Tables 5 to 7**.

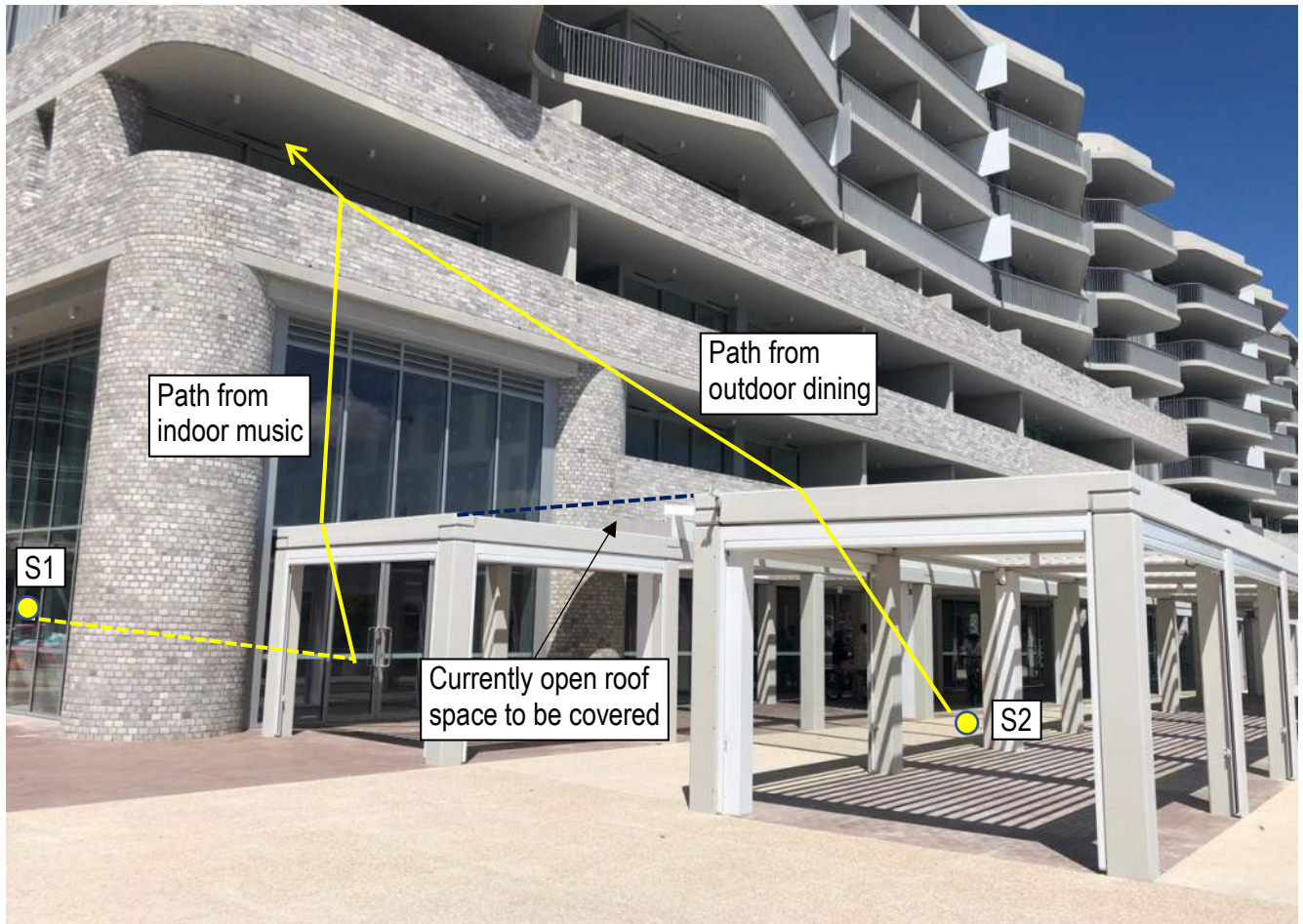


Figure 5. Main entry and propagation paths.

Table 5. Noise impact from live performer at R2, dB.										
Propagation element	Octave band centre frequency, Hz									
	dB(A)	31.5	63	125	250	500	1k	2k	4k	8k
Sound power level	95	65	70	78	83	90	88	83	79	75
Distance loss ¹ , 10m		-22	-22	-22	-22	-22	-22	-22	-22	-22
Loss through open door ²		-7	-7	-7	-7	-7	-7	-7	-7	-7
Distance loss ³ , 5m		-6	-6	-6	-6	-6	-6	-6	-6	-6
Barrier loss ⁴		-6	-8	-9	-12	-15	-18	-21	-23	-23
SPL at receiver	43	24	27	34	36	40	35	27	22	17
L&G Criterion	48	35	32	38	41	42	43	39	29	23
Exceedance	0	0	0	0	0	0	0	0	0	0

¹ Loss from source to open operable doors in semi-reverberant field.

² Half the 10 dB loss (ie -3dB) routinely applied for open windows.

³ Additional open space loss to receiver above.

⁴ Exterior roofing. Maekawa edge diffraction as used in noise modelling software.

Table 6. Noise impact from internal patrons at R2, dB.

Propagation element	Octave band centre frequency, Hz									
	dB(A)	31.5	63	125	250	500	1k	2k	4k	8k
Sound power level	85	58	63	68	72	80	81	77	70	60
Distance loss, 10m		-22	-22	-22	-22	-22	-22	-22	-22	-22
Loss through open door		-7	-7	-7	-7	-7	-7	-7	-7	-7
Distance loss, 5m		-6	-6	-6	-6	-6	-6	-6	-6	-6
Barrier loss		-6	-8	-9	-12	-15	-18	-21	-23	-23
SPL at receiver	35	17	20	24	25	30	28	22	12	2
L&G Criterion	48	35	32	38	41	42	43	39	29	23
Exceedance	0	0	0	0	0	0	0	0	0	0

Table 6. Noise impact from external patrons at R2, dB.

Propagation element	Octave band centre frequency, Hz									
	dB(A)	31.5	63	125	250	500	1k	2k	4k	8k
Sound power level ¹	75	48	53	58	62	70	71	67	60	50
Distance loss, 5m		-22	-22	-22	-22	-22	-22	-22	-22	-22
Barrier loss		-6	-8	-9	-12	-15	-18	-21	-23	-23
SPL at receiver	38	20	23	27	28	33	31	24	15	5
L&G Criterion	48	35	32	38	41	42	43	39	29	23
Exceedance	0	0	0	0	0	0	0	0	0	0

¹ Nearest group of tables to the northern edge of covered area.

Cumulative impacts at R2 are summarised in **Table 8**, showing compliance with the L&G criteria (**RFI Points 1 and 3**)

Table 8. Cumulative Noise impact at R2, dB.

Contributing source	Octave band centre frequency, Hz									
	dB(A)	31.5	63	125	250	500	1k	2k	4k	8k
Performer (internal)	43	24	27	34	36	40	35	27	22	17
Patrons (internal)	35	17	20	24	25	30	28	22	12	2
Patrons (external)	38	20	23	27	28	33	31	24	15	5
Cumulative level	45	27	30	36	38	41	38	30	24	17
L&G Criterion	48	35	32	38	41	42	43	39	29	23
Exceedance	0	0	0	0	0	0	0	0	0	0

Based on the adopted sound power level of 90 dB(A),L_{max} for shouting in the outdoor area, the predicted level of 53 dB(A) is 5 dB below the 58 dB(A),L_{max} sleep disturbance screening level and no further assessment is required for this receiver (**RFI Point 4**).

Receiver R3

Potential noise sources nearest to R3 to the west of the site include seating outside the dining area and a takeaway servery window as shown in Figure 2. Both of these areas are considered to have conversational speech only. The takeaway window would close by 10pm and not be open at night.

Conversational noise at a typical level of 65 dB(A),Leq(15 min) would reduce to approximately 33 dB(A) at R3 which, for the dining seating, is well below the established night time noise trigger level of 48 dB(A) and a full octave band assessment is not required to confirm compliance with the L&G criteria. Based on a sound power level of 80 dB(A) for normally raised speech, the predicted level of 48 dB(A) at R3 is 10 dB below the 58 dB(A),L_{max} sleep disturbance screening level and no further assessment is required for this receiver (**RFI Point 4**).

Rubbish removal would involve residential sized wheeled bins being moved across the laneway between the venue and 33 Honeysuckle Drive by a staff member and taken through the roller door of the existing residential and commercial waste area. Waste removal was included in the MAC assessment of the Huntington development and occasional manual movement of a garbage bin does not present a significant source of noise warranting detailed quantitative assessment.

INTERNAL NOISE IMPACTS

Potential noise impacts in the residential unit above the premises (R2) require assessment. As discussed above, the likely noise sources within the restaurant would include generally quiet music and conversation with occasional intermittent laughter. Calculated noise impact levels are summarised in **Table 2**.

As a worst case scenario a maximum sound power level of 100 dB(A), L_{max} for a live performer was propagated into the residential unit above as summarised in **Table 9**. The ceiling was assumed to be a bare 250mm reinforced concrete slab as is typical of other multi-storey buildings in the Honeysuckle precinct.

Table 9. Noise impact in apartment above the venue.									
Propagation element	Octave band centre frequency, Hz								
	dB(A)	63	125	250	500	1k	2k	4k	8k
Sound power level ¹	100	70	75	83	88	95	93	88	84
Distance loss ² , 4m		-12	-12	-12	-12	-12	-12	-13	-12
Transmission loss ³		-43	-48	-49	-55	-63	-68	-72	-73
SPL at floor above	23	10	11	16	16	15	9	3	0
Distance loss ⁴ , 1m		-4	-4	-4	-4	-4	-4	-4	-4
SPL at reception point	17	6	7	12	12	11	5	0	0

¹ File data from previous measurements.

² Loss from source to approximately 6m high ceiling above in semi-reverberant field.

³ 250mm reinforced concrete slab typical.

⁴ Reception point nominally 1m above floor level.

Predicted levels in the range 17-23 dB(A) from the proposal present minimal potential for adverse impacts on residential amenity, since they are more than 20 dB below the L&G criteria (**RFI Point 3**).

The conservative quantitative assessment conducted herein has found worst case noise levels at off-site receivers would be below established noise impact criteria for the development. As such, more detailed quantitative assessment is not considered necessary and I conclude that there would be no reason for refusing the application as the proposal could operate within standard noise conditions as would be contained in a DA approval.

I trust this report satisfies your requirements at this time. Please contact me if there are any questions or further required information.

Regards,



Neil Pennington
Principal/Director

ADDENDUM

This addendum has been written to provide additional information in relation to the potential noise emissions from a proposed food and beverage premises on the ground floor of The Huntington development at 2/29 and 3/31 Honeysuckle Drive, as discussed in a site meeting with Council representatives on November 1, 2023.

Council requested attention be given to the potential for adverse noise impacts from patrons leaving the premises after 10pm. The most significant potential is considered to be that of sleep disturbance arising from maximum noise events between 10pm and midnight.

As previously specified, the sleep disturbance trigger level for the project, for a detailed assessment is 58 dB(A),Lmax.

It is accepted that a detailed assessment should cover the maximum noise level, the extent to which the maximum noise level exceeds the rating background noise level, and the number of times this happens during the night-time period. Some guidance on possible impacts is contained in the review of research results in the NSW Road Noise Policy.

Other factors that may be important in assessing the extent of impacts on sleep include:

- how often high noise events will occur,
- the distribution of likely events across the night-time period and the existing ambient maximum events in the absence of the subject development,
- whether there are times of day when there is a clear change in the noise environment (such as during early-morning shoulder periods), and
- current scientific literature available at the time of the assessment regarding the impact of maximum noise level events at night.

The detailed assessment should consider all feasible and reasonable noise mitigation measures with a goal of achieving the above trigger levels.

The potential for sleep disturbance is considered to come from the loud speech of some patrons as they leave the venue via the walkways. This may only happen occasionally as, in practice, most people will leave a food and beverage premises relatively quietly and move off in various directions. To this end, the venue is committed to implementing a *Progressive Patron Disbursement Strategy*. This strategy is designed to progressively reduce the number of patrons onsite from 10pm onwards during trading hours.

Of most interest to Council are those patrons who may pass through the public walkways at the eastern and western sides of the restaurant (i.e., in the vicinity of receivers R1 and R3) after 10pm.

The walkways are approximately 15m wide. Patrons in the walkways will most likely be moving towards transport or to other venues. As such the noise source(s) will not be stationary and will be at varying distances in relation to any individual receivers at any time.

Table 10 shows the results of the calculation of theoretical received noise assuming a moving noise source at representative distances from the facades of nearby residences. The calculations have been undertaken to the outside of the most exposed window in each residence. The assumed distance to the receivers is as shown in the table.

TABLE 10 CALCULATED SPL - SLEEP DISTURBANCE – (LOUD SPEECH) as dB(A), Lmax			
Source	Voice 1	Voice 2	Voice 3
Loud Voice	90	90	90
Distance loss to Receiver	28 (10m)	32 (15m)	34 (20m)
Received Noise	62	58	56
Screening Criterion	58	58	58
Detailed Assessment	Y	N	N

The results in Table 10 show that, under the assessed conditions, the sleep disturbance screening criterion will not be exceeded at distances of greater than 15m from the noise source.

Where the screening criterion may be potentially exceeded then a detailed assessment should be undertaken.

It is noted that the residences are in an inner-city location where the acoustic environment is currently impacted by noise from road traffic, industrial noise and noise from the 24 hour operations on Newcastle Harbour. The walkways are also public access areas and are open to general foot traffic at all hours. Each of these noise

sources would add to the overall Leq noise levels in the area and also contribute regular maximum noise events at residences in the area (e.g., cars passing on Wharf Road, boats working on, and entering and leaving, the harbour etc.).

The potentially impacted residential buildings are relatively new constructions and it is apparent that they would have noise control incorporated into their design in order to minimise any impacts from all of the existing noise sources in the area (that is, their construction was included in the MAC acoustic assessment which specified the necessary noise control).

To quantify potential internal noise levels in a representative apartment, **Table 11** shows a sample calculation of the predicted maximum noise level noise at the outside of a window (as determined in Table 10) propagated through the glass in a closed window. A detailed window schedule was not available for review but, as a minimum, it was assumed that windows in the facade facing the walkway were fitted with 6.38mm laminated glass.

The calculation includes the sound transmission loss of 6.38mm laminated glass (with the window closed) and assumes the window is 2m x 2m. The additional loss to a point at 1m from the window was calculated using an equation¹ giving the sound field due to an incoherent plane radiator.

TABLE 11 - CALCULATED SPL INSIDE APARTMENT									
Item	1/3 Octave Band Centre Frequency, Hz								
	Total	63	125	250	500	1k	2k	4k	8k
Sound level at outside of window	62	8	32	47	57	56	58	47	31
STL glazing		20	22	25	30	34	32	38	36
Sound level at internal surface of window	24	<0	10	22	27	22	26	9	<0
Interior sound level (@1m)	17	<0	3	15	20	15	19	2	<0

The results in Table 11 show that noise levels within the most affected residences (with windows closed), as a result of noise emissions from patrons leaving the venue, will be at very low levels that would be barely audible and, typically, would not be considered intrusive.

Guidance on assessing the potential for noise impacts from maximum noise events can also be gained from Appendix B of the (now superseded) publication “*Environmental Criteria for Road Traffic Noise*” (ECRTN). This document outlines the results of research into the possible causes and effects of sleep disturbance as a result of traffic noise and concludes that;

- “Maximum internal noise levels (i.e. inside a residence) below 50 – 55 dB(A) are unlikely to cause awakening reactions, and
- One or two noise events per night, with maximum internal noise levels of 65 – 70 dB(A) are not likely to affect health and wellbeing significantly.”

The RTA’s “*Environmental Noise Management Manual*” indicates that the facade of a typical dwelling, with the windows open, will attenuate approximately 10 dB(A) of traffic noise. This is the noise loss through a partially opened window to a point just inside the room.

Based on the discussion above, an external noise level of 62 dB(A) (at the outside of a bedroom window) would correspond to internal level within the bedroom of 52 dB(A), with windows open (and less than 20 dB(A) internal with windows closed, as per the assumptions and results shown in Table 11).

Viewing this in light of the detail in the ECRTN indicates that it is considered unlikely that an external noise level of up to 62 dB(A) Lmax will create any adverse sleep disturbance reactions as a result of the loudest noise from patrons leaving the venue.

NSW Liquor and Gaming has previously published an information booklet titled “Footpath Strategy” to assist in the management of pedestrians on footpaths around licensed premises. Much of what is detailed in the strategy is not relevant to the operation of the current venue as it is food and beverage venue rather than a hotel or licensed club.

¹ Equation (5.104), DA Bies and CH Hansen, *Engineering Noise Control*, E & FN Spon, 1996.



The strategy does recommend staff training to identify potential “patron aggression”, which in this case may be transferred to noisy patrons. This would be regarded as standard practice in most licensed venues.

Such noisy groups should be monitored, and staff be aware of a need to act quickly to minimise potential outbreaks of noise. It is noted that current RSA requirements do not allow for the excessive consumption of alcohol and the service of alcohol at the current venue is to be accompanied by the provision of food. This will minimise the potential for intoxicated and/or noisy patrons to be in (and subsequently leave) the venue.

In a similar vein the strategy outlines a requirement to regularly communicate with staff the commitments to minimise noise and the implications of non-compliance.

Point 3.4 of the strategy details the requirement to provide signage and/or announcements at the end of the night reminding patrons to leave quietly and reduce neighbourhood noise. Appropriately worded signs should also be prominently displayed near egress points reminding patrons of the need to leave quietly and respect the amenity of neighbours.

Recommendations similar to these from the Footpath Strategy have been included in the Plan of Management for the venue.

Summary of Recommendations

The acoustic assessment and addendum information presented here have been written with the assumption that the following recommendations and controls are in place as per the commitments made by the proponent.

Physical Acoustic Recommendations

- Gap between awning roof and building to be closed for full length of roof with acoustic baffle
- Glass infill roof between awning structures to extend to fill in open sections at east and west ends
- Façade vent louvres in east and west elevation to be closed over from inside
- New doors/windows to be double glazed to match existing
- Operable glass doors to be centred and positioned primarily under the solid section of awning roof
- Signage adjacent to toilets indicating emergency exit doors are not to be used by patrons other than in an emergency

Managed acoustic controls – As detailed in venue POM

- *Progressive Patron Disbursement Strategy* is implemented (refer PoM for detail)
- East and west courtyards to cease operation at 10pm. Staff to manage and monitor area.
- East doors to be locked at 10pm to prevent use
- Louvre roof to be closed at 10pm
- Kitchen to close at 10pm
- Bar service ceases 30min prior to closure
- Music volume is reduced 30min prior to closure
- Staff to monitor patrons entering and exiting to prevent loitering in the breezeway areas
- Appropriately worded signs should also be prominently displayed near egress points detailing the need to minimise noise and respect the amenity of neighbours

Progressive Patron Disbursement Strategy Outline

This strategy is designed to progressively reduce the number of patrons onsite from 10pm onwards during trading hours. A typical closing procedure can be demonstrated as follows that allows for the patron disbursement over a 2 hour period.

10pm

- East breezeway closed to patron use and access doors locked
- West breezeway closed for patron use
- Designated staff to monitor breezeway areas to prevent patrons loitering
- Kitchen will cease operations no later than 10pm (limited menu after as per liquor licensing requirements e.g. pizza)
- Natural patron exit of diners at Kitchen closure

30 minutes prior Venue Closure

- Bar service ceases
- Music volume is lowered
- Lighting levels are increased
- Active removal of loose table items including glassware etc to encourage disbursement
- Staff will advise patrons at bar service completion and ask them to finish consumption and to quietly move on respecting the neighbourhood & surroundings
- identifiable staff to monitor breezeways and proximity to ensure patron compliance during soft closure period and after final closure

Proposed Trading Hours

Monday – Thursday, 7am to 11pm

Friday – Saturday, 7am to 12midnight

Sunday, 7am to 10pm

Proposed Patron Numbers

Internal seating – 175 patrons

External seating (covered) – 300 patrons

I trust this report satisfies your requirements at this time. Please contact me if there are any questions or further required information.

Regards,



Ross Hodge

Principal/Director



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 5/12/2023 - 775 HUNTER STREET NEWCASTLE WEST –
COMMERCIAL PREMISES INCLUDING DEMOLITION OF EXISTING
STRUCTURES, GROUND FLOOR COMMERCIAL/RETAIL TENANCY,
SECURE GROUND FLOOR END OF TRIP FACILITIES AND SIX
LEVEL COMMERCIAL/OFFICE PREMISES - DA2022/00923**

- | | | |
|-----|----------------------|--|
| 7.3 | Attachment A: | Submitted Plans |
| 7.3 | Attachment B: | Draft Schedule of Conditions |
| 7.3 | Attachment C: | Processing Chronology |
| 7.3 | Attachment D: | General Terms of Approval -
Subsidence Advisory NSW |
| 7.3 | Attachment E: | Applicant Clause 4.6 Request for
Exemption |

DISTRIBUTED UNDER SEPARATE COVER



INTENTIONAL BLANK PAGE

DISTRIBUTED UNDER SEPARATE COVER



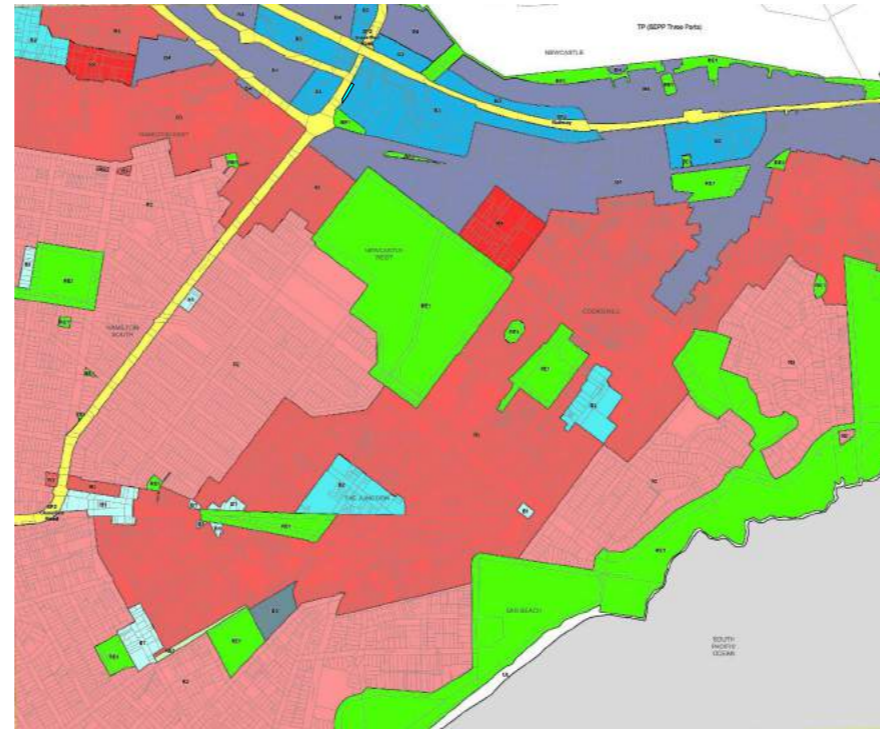
Politis Hunter Development

775 Hunter St
Newcastle West
NSW 2302
121 DP 526578

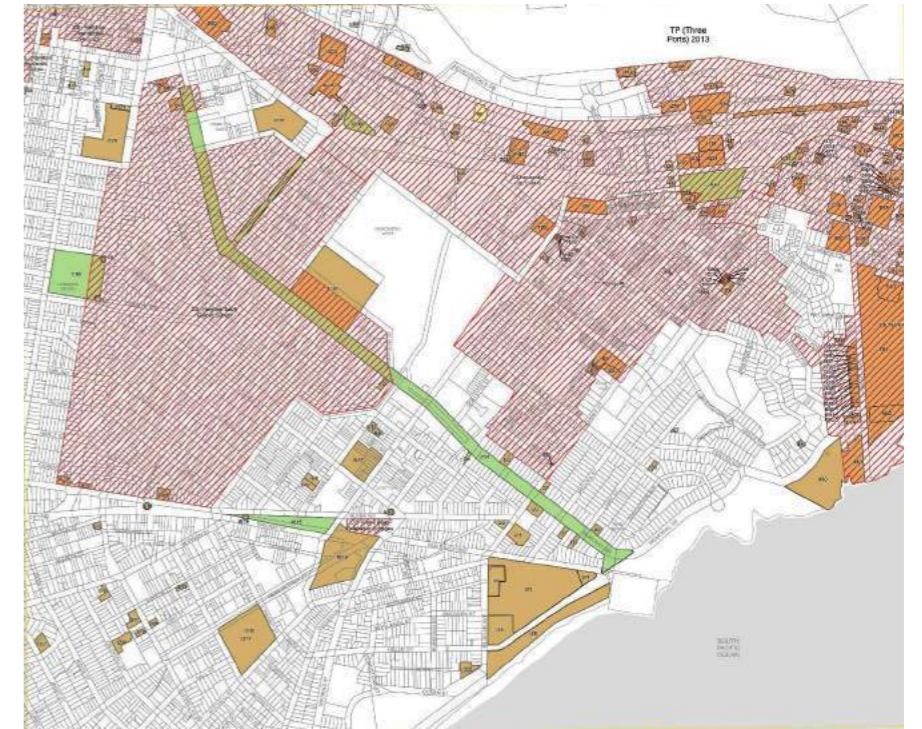
Development Application

PLANNING SUMMARY

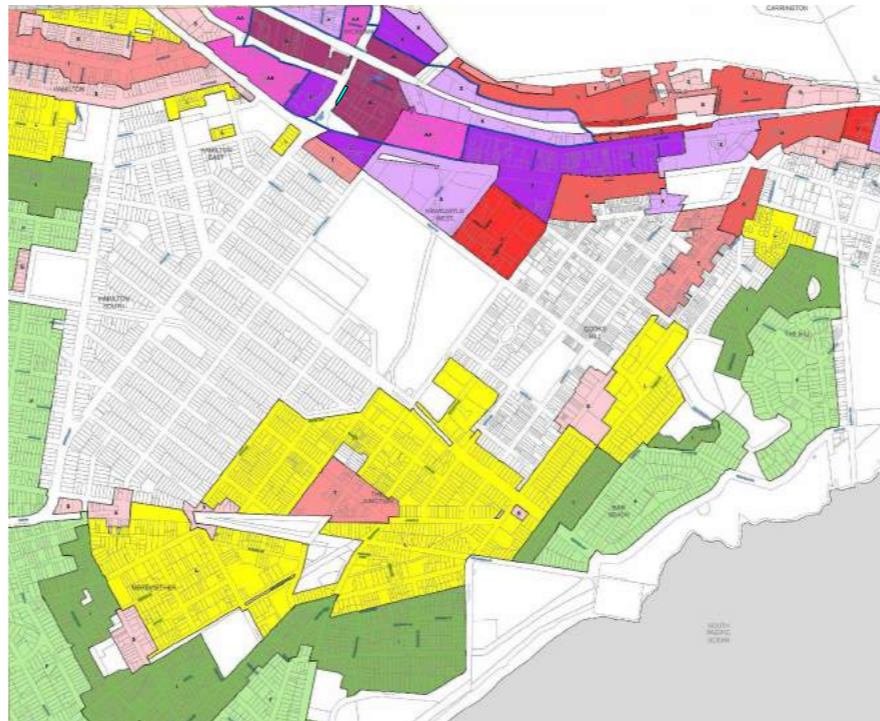
Local Environmental Plans	Newcastle Local Environmental Plan 2012 (pub. 30-5-2014)
Land Zoning	B3 - Commercial Core: (pub. 15-6-2012)
Height Of Building	90 m
Floor Space Ratio	8:1
Minimum Lot Size	NA
Heritage	Newcastle City Centre Heritage Conservation Area Significance: Local
Land Reservation Acquisition	NA
Foreshore Building Line	NA
Acid Sulfate Soils	Class 4
Local Provisions	Newcastle City Centre
GFA	
Site Area	697.7m2
FSR	3:1
Permissible GFA	2093.1m2



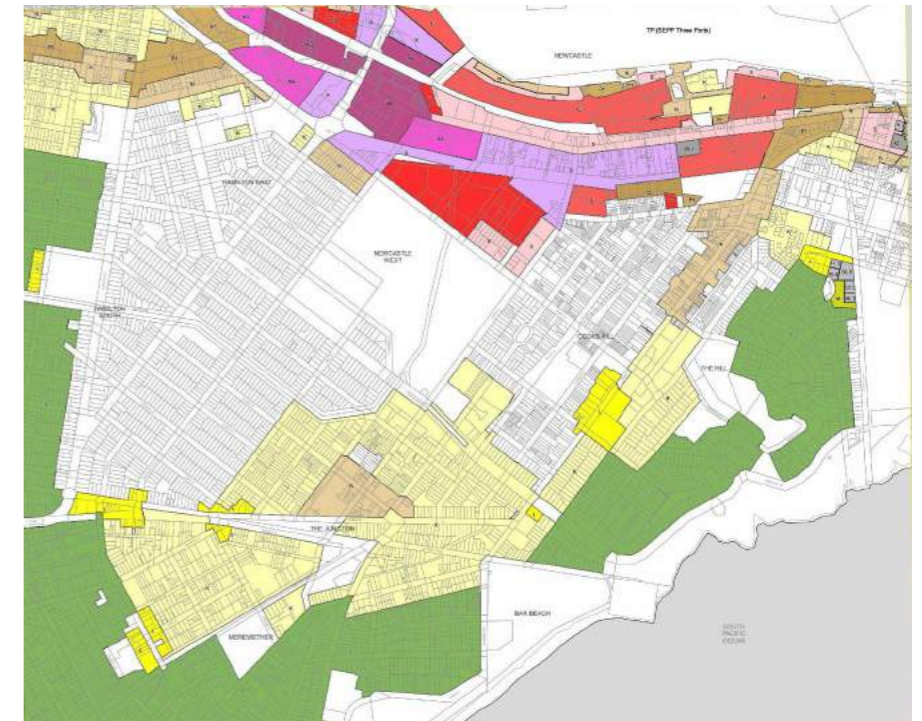
LAND ZONING - B3 COMMERCIAL CORE



HERITAGE - CONSERVATION AREA - GENERAL



FLOOR SPACE RATIO - 8:1 - (DCP CONTROL LESS THAN 1500m2 3:1)



HEIGHT OF BUILDING - 90m

Development Application



Architecture | Planning | Interiors

NEWCASTLE 115 King St (P.O. Box 958) Newcastle NSW 2300 P 02 4929 1843

CENTRAL COAST 1/28 Adelaide St (P.O. Box 4400) East Gosford NSW 2250 P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269



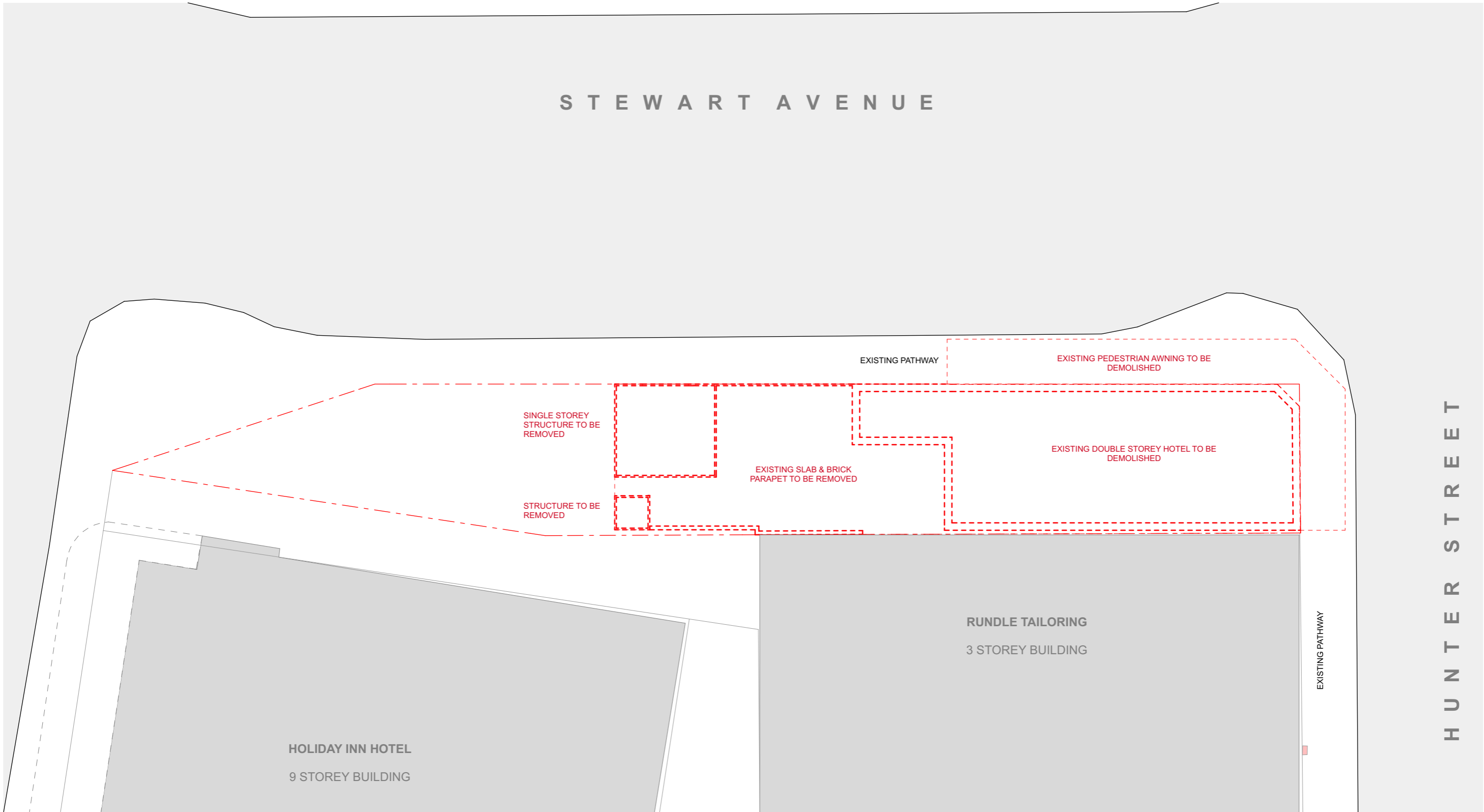
Politis Hunter Development
project # 21005
775 Hunter St, Newcastle West, NSW 2302

Planning Controls
drawing # DA-0002
AS SHOWN

issue K
28/4/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

STEWART AVENUE



1 Ground Floor Demo Plan
SCALE 1:250 @ A1

Development Application



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269

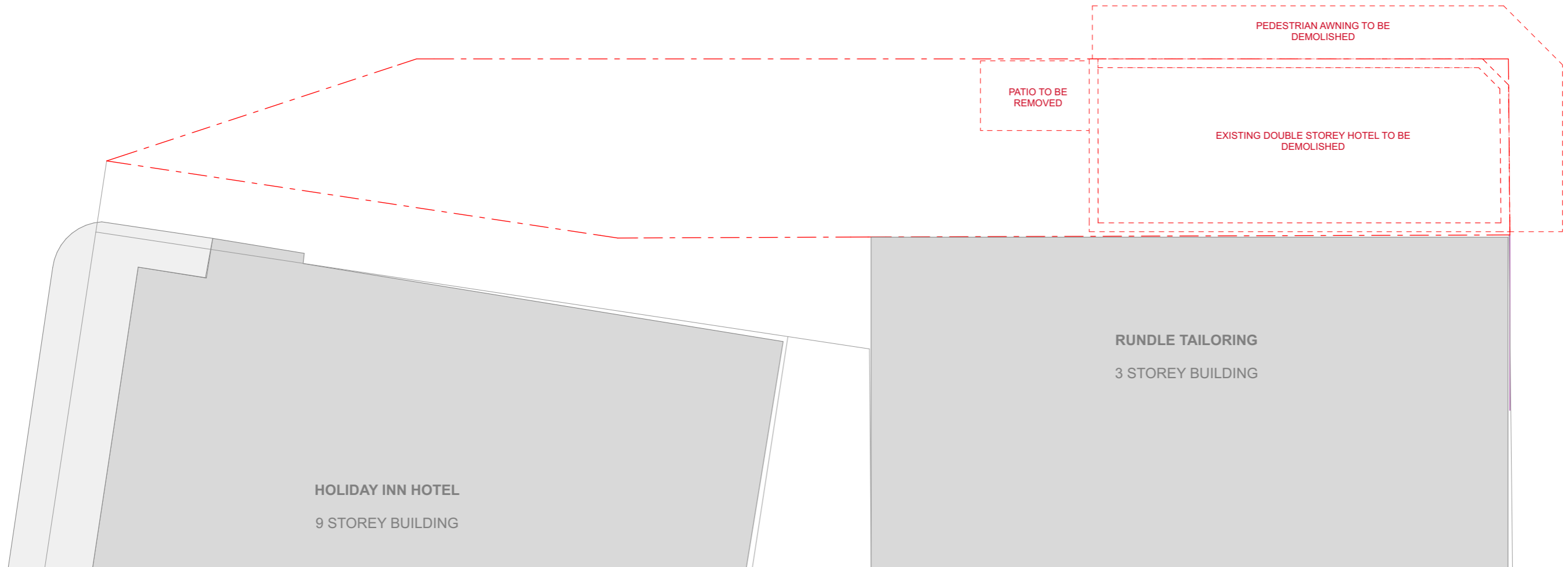


Politis Hunter Development
project #
21005
775 Hunter St,
Newcastle West, NSW 2302

Ground Floor Demolition Plan
drawing #
DA-0101
AS SHOWN

issue
E
28/4/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



 **Level 1 Demo Plan**
SCALE 1:250 @ A1

Development Application



Architecture | Planning | Interiors

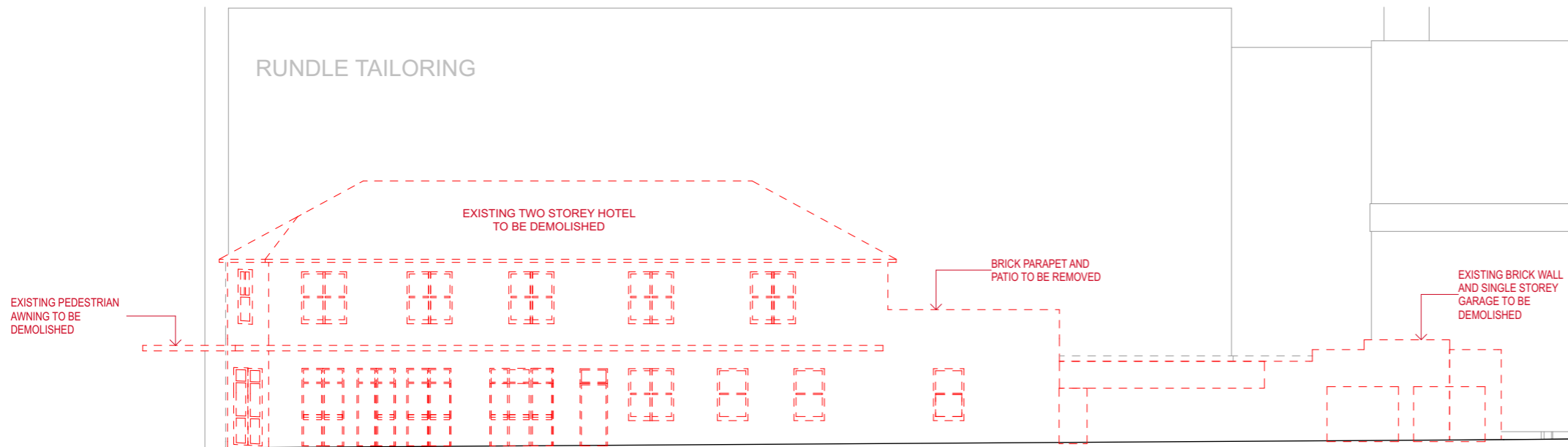
NEWCASTLE 115 King St (P.O. Box 958) Newcastle NSW 2300 P 02 4929 1843	CENTRAL COAST 1/28 Adelaide St (P.O. Box 4400) East Gosford NSW 2250 P 02 4321 0503	www.ckds.com.au E admin@ckds.com.au ABN 12 129 231 269
--	---	--



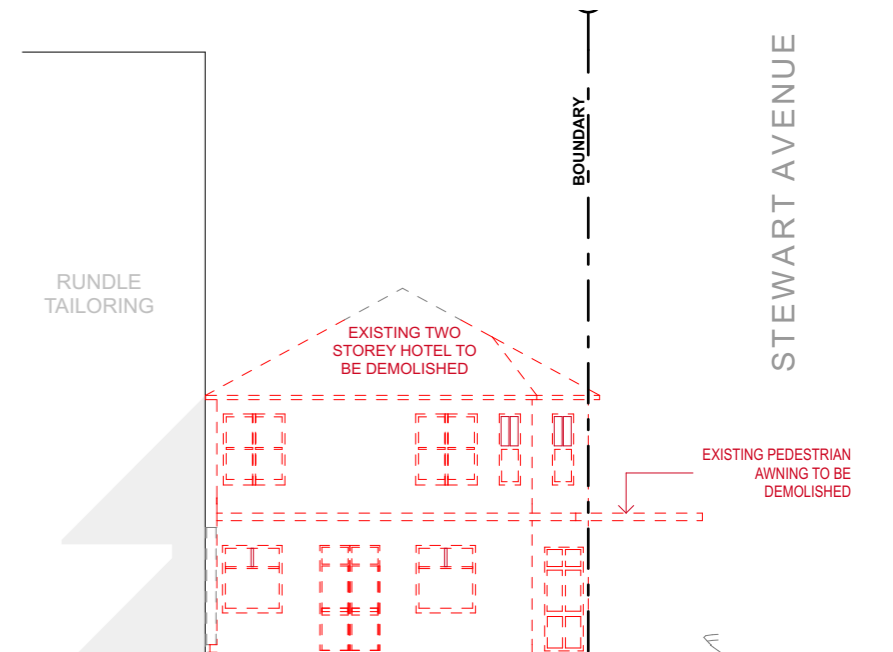
Politis Hunter Development
project # **21005**
775 Hunter St,
Newcastle West, NSW 2302

Level O1 Demolition Plan
drawing # **DA-0102**
AS SHOWN
issue **E**
28/4/2023

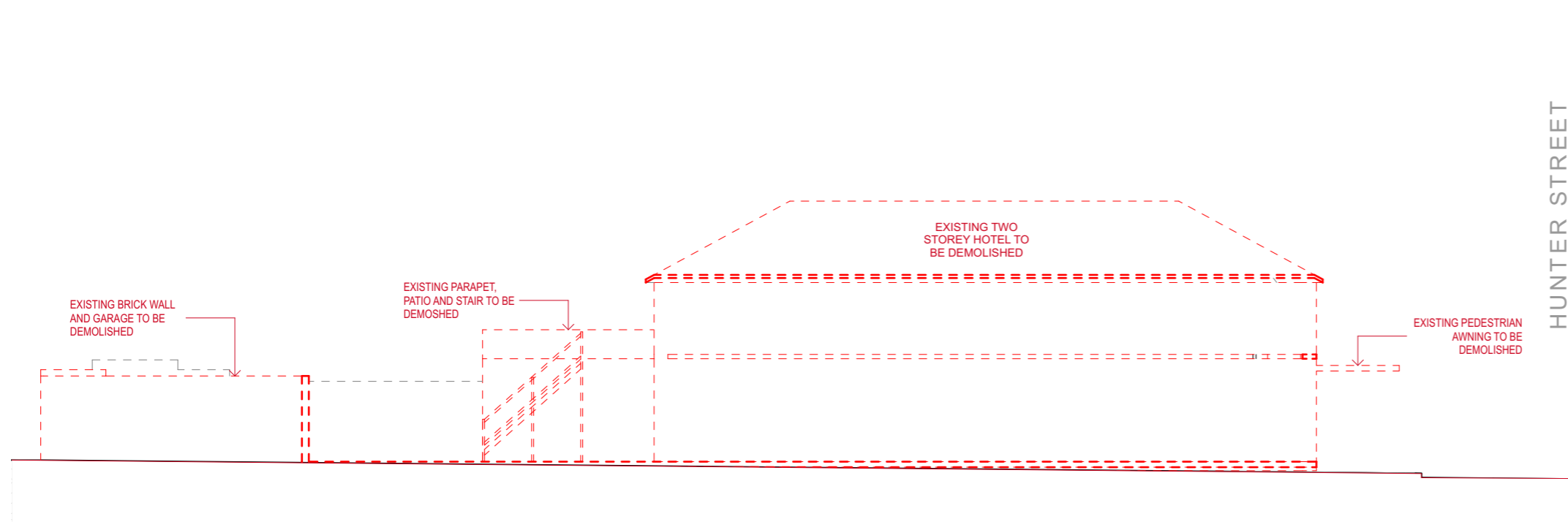
This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



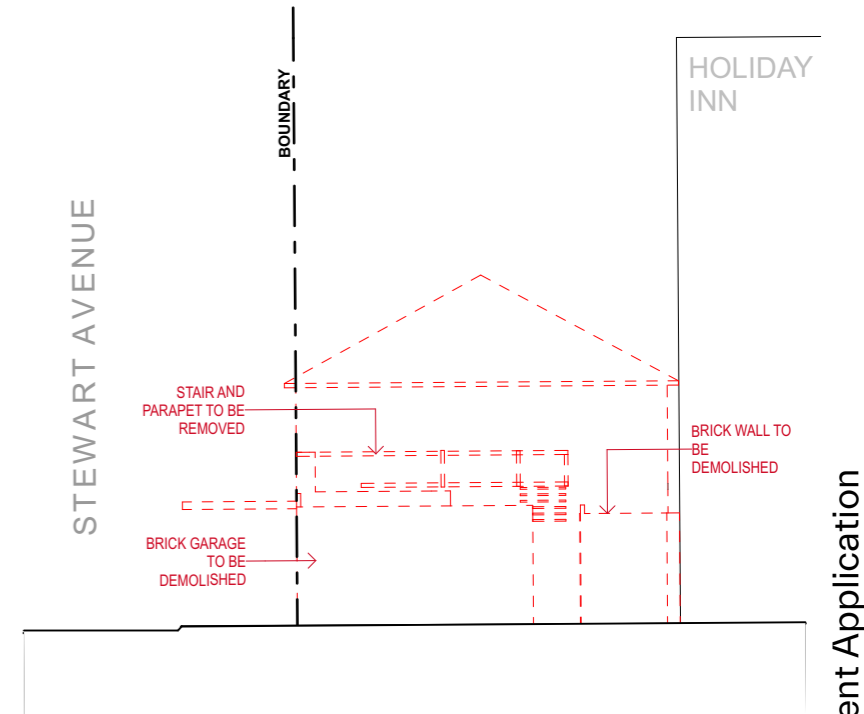
West Elevation to be Demolished
SCALE 1:200 @ A3



North Elevation to be Demolished
SCALE 1:200 @ A3



East Elevation to be Demolished
SCALE 1:200 @ A3



South Elevation to be Demolished
SCALE 1:200 @ A3

Development Application



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269



Politis Hunter Development
project #
21005
775 Hunter St,
Newcastle West, NSW 2302

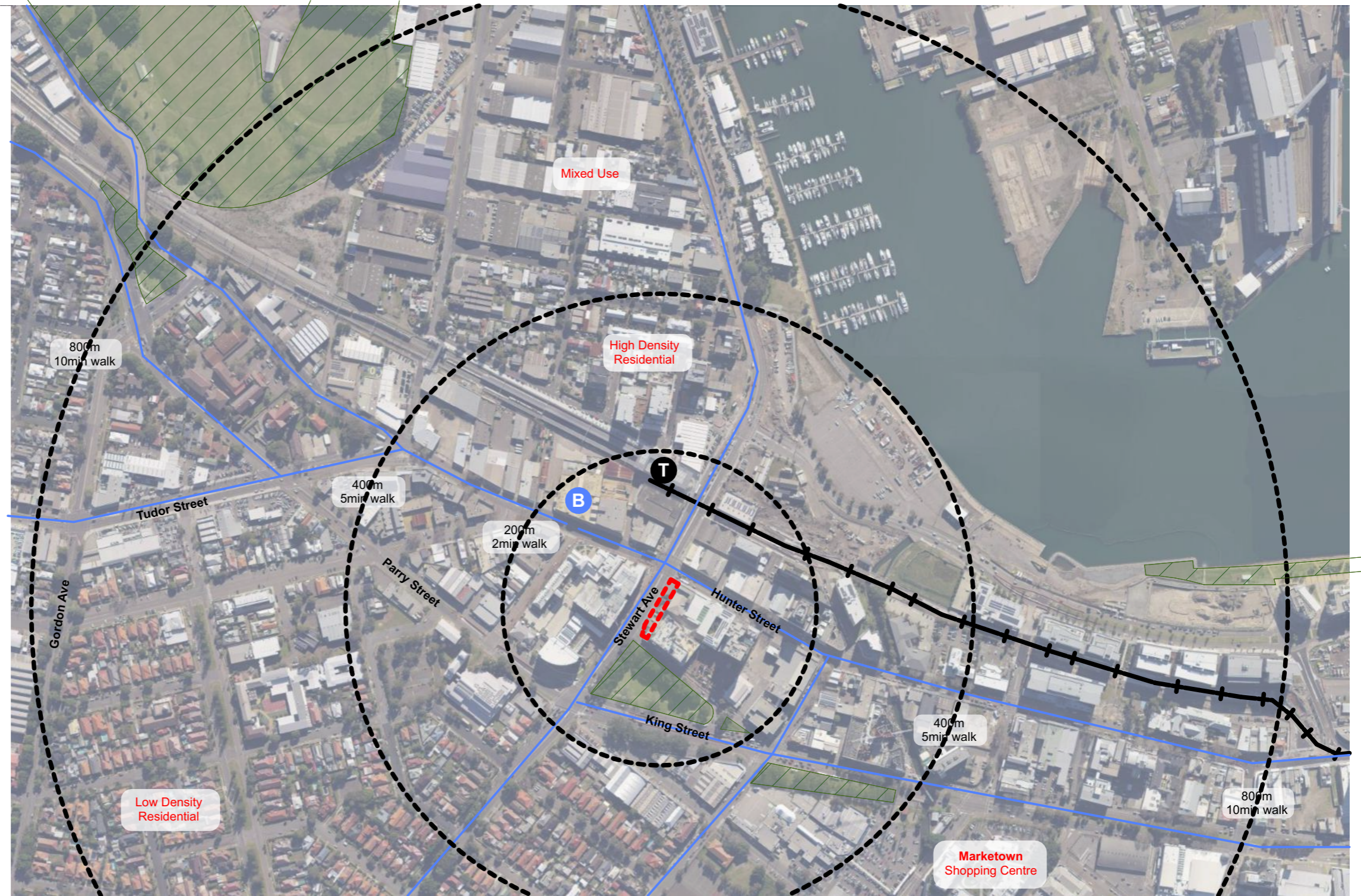
Demolition Elevations
drawing #
DA-0103
AS SHOWN

issue
E
28/4/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

KEY:

- - - Site
- B Newcastle Bus Interchange
- T Heavy Rail / Light Rail Interchange
- Lightrail
- Bus Route
- Parks & Vegetation



Development Application



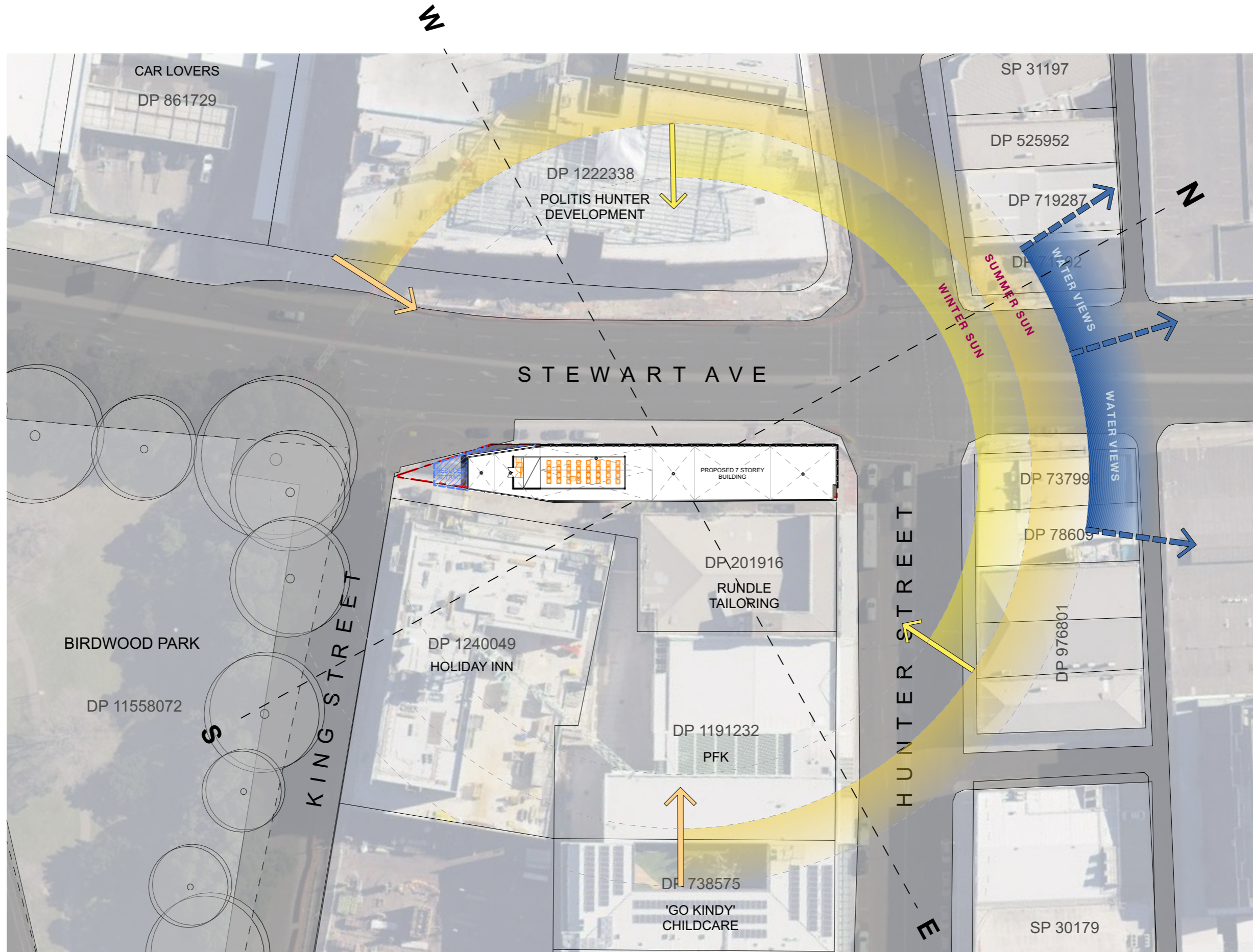
Architecture | Planning | Interiors

NEWCASTLE 115 King St (P.O. Box 958) Newcastle NSW 2300 P 02 4929 1843	CENTRAL COAST 1/28 Adelaide St (P.O. Box 4400) East Gosford NSW 2250 P 02 4321 0503	www.ckds.com.au E admin@ckds.com.au ABN 12 129 231 269
--	---	--



Politis Hunter Development
project #
21005
775 Hunter St,
Newcastle West, NSW 2302

Site Location Plan
drawing #
DA-1001
AS SHOWN
issue
E
28/4/2023
This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269

North Point



Politis Hunter Development

project #
21005

775 Hunter St,
 Newcastle West, NSW 2302

Site Analysis Plan

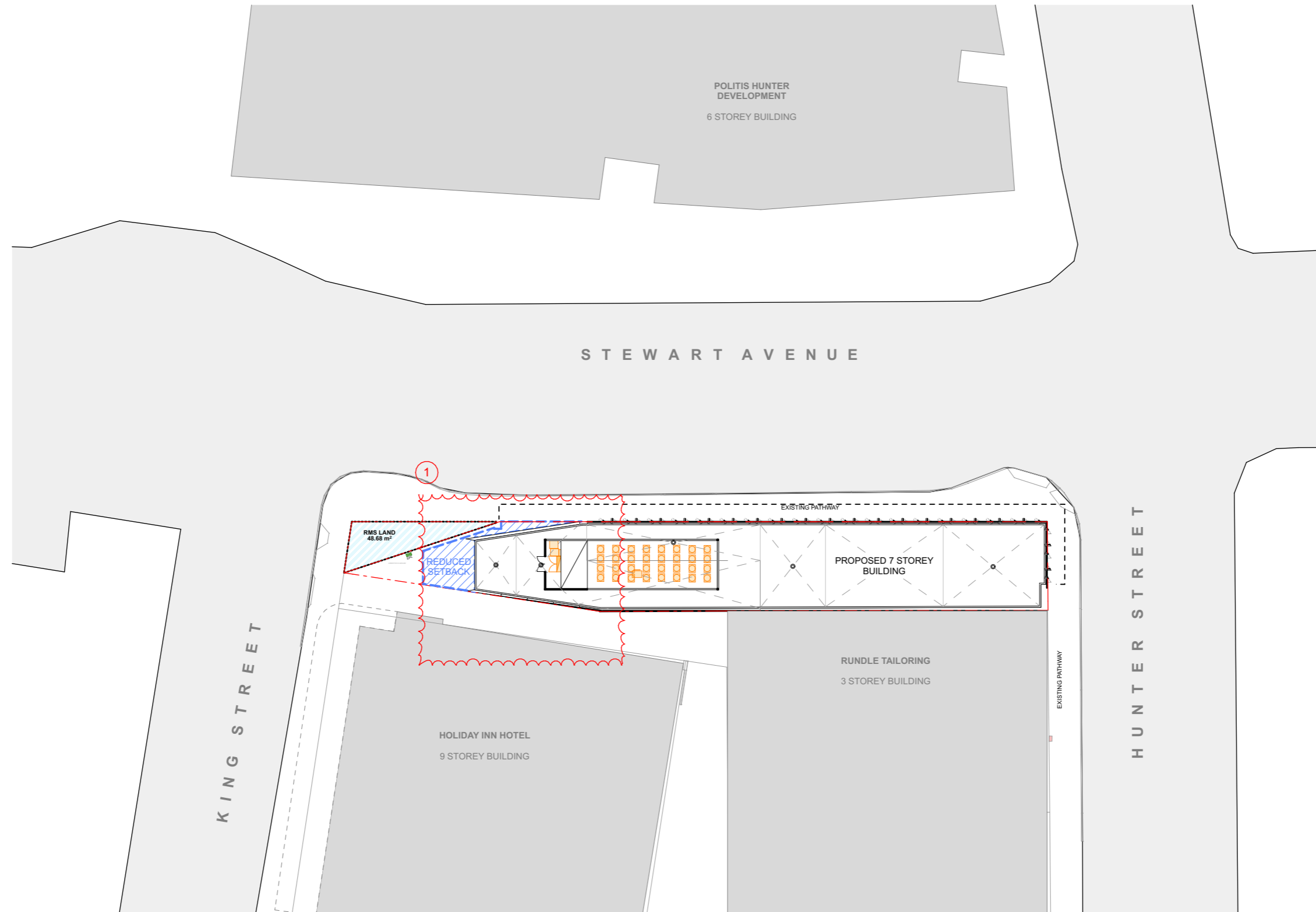
drawing #
DA-1002

AS SHOWN

issue
F

25/10/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



Site Plan
SCALE 1:500 @ A1

Development Application



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269

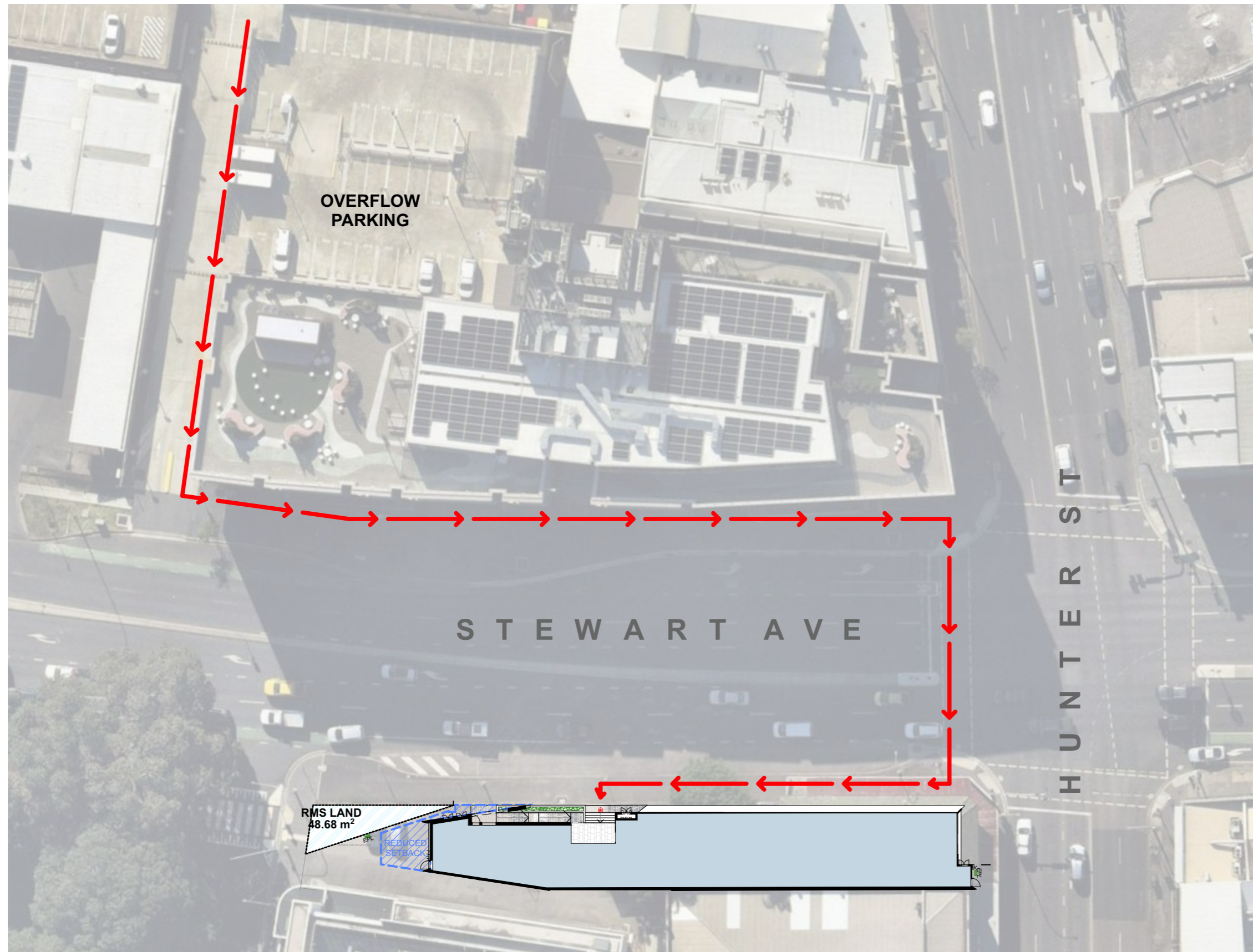


Politis Hunter Development
project #
21005
775 Hunter St,
Newcastle West, NSW 2302

Site Plan
drawing #
DA-1003
AS SHOWN

issue
G
25/10/2023

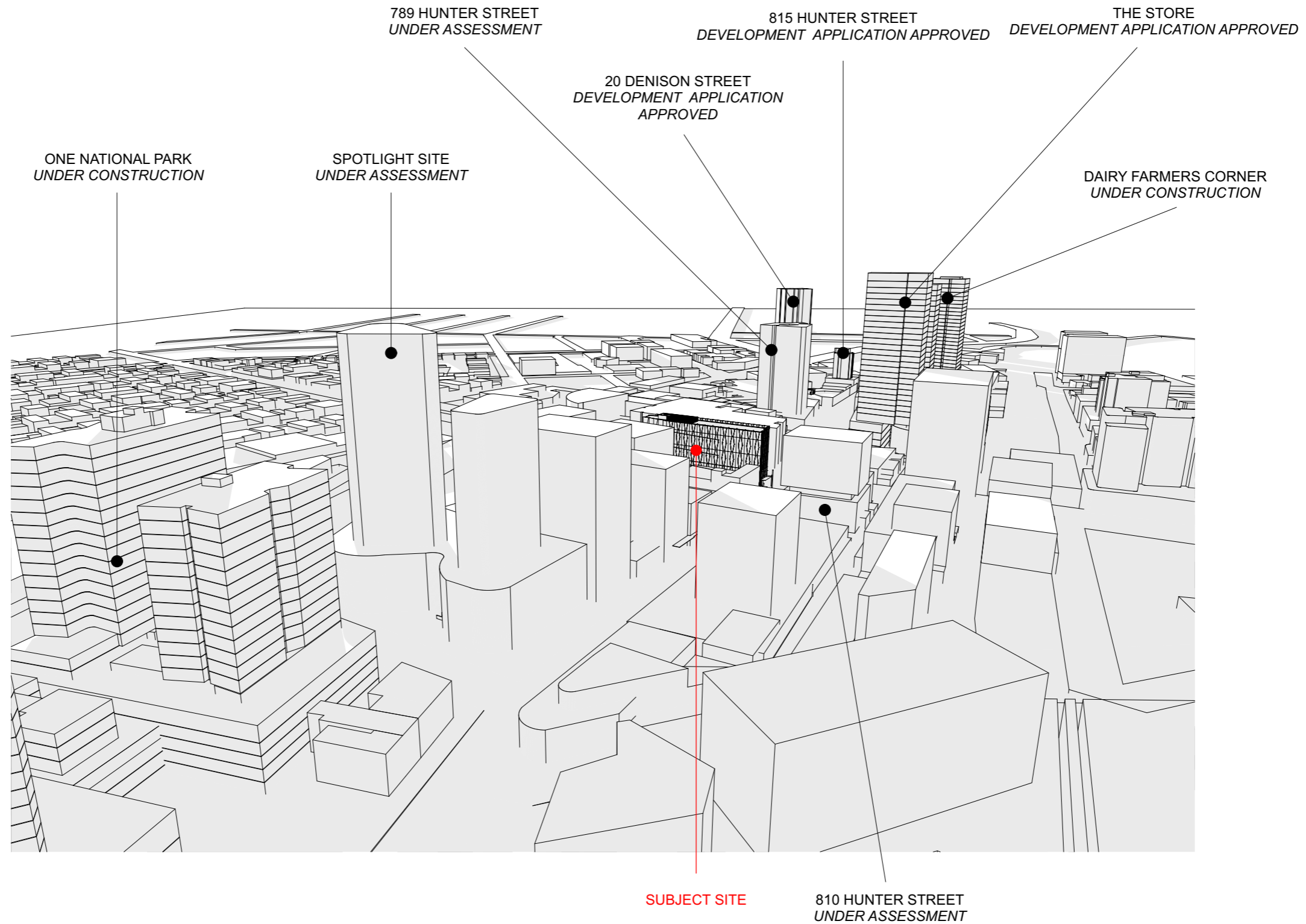
This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



1 Parking Arrival Plan
SCALE 1:500 @ A1

PEDESTRIAN PATH OF TRAVEL





Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269



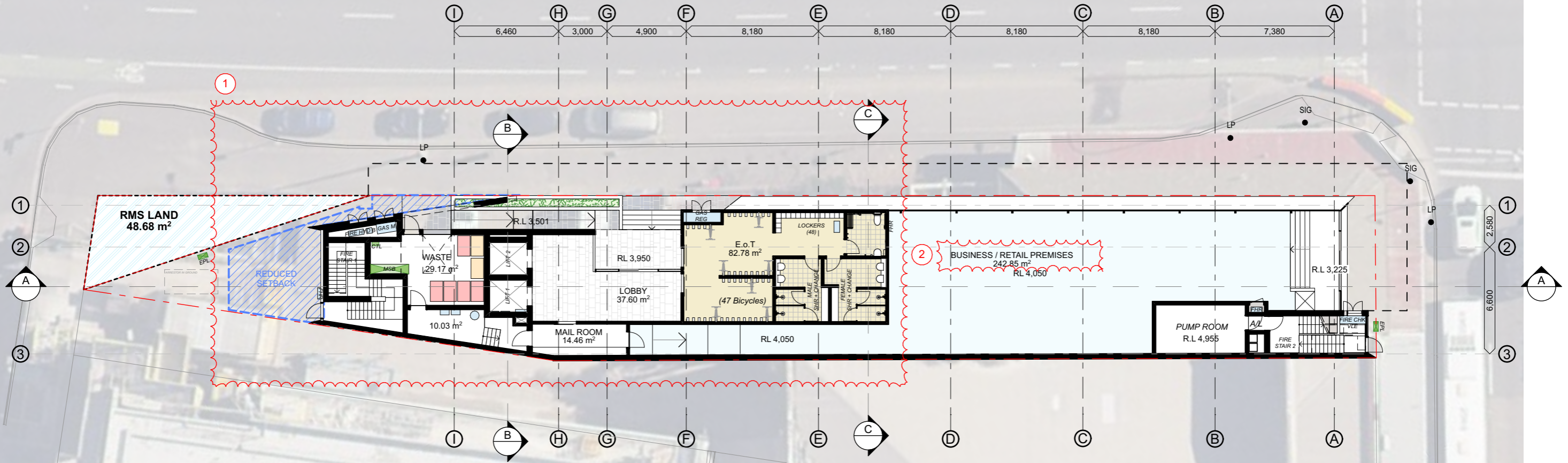
Politis Hunter Development
project #
21005
775 Hunter St,
Newcastle West, NSW 2302

Future Context Diagram
drawing #
DA-1005
AS SHOWN

issue
B
25/10/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

STEWART AVE



Ground Floor
SCALE 1:250 @ A3

NOTE:
PRELIMINARY AUTHORITY CONTROL INFORMATION SUBJECT TO
PLANNER AND COUNCIL REVIEW AND FURTHER INVESTIGATION

- COUNCIL RFI**
- ① REDUCED SOUTHERN SETBACK
 - ② AMENDED NLA

Development Application



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269



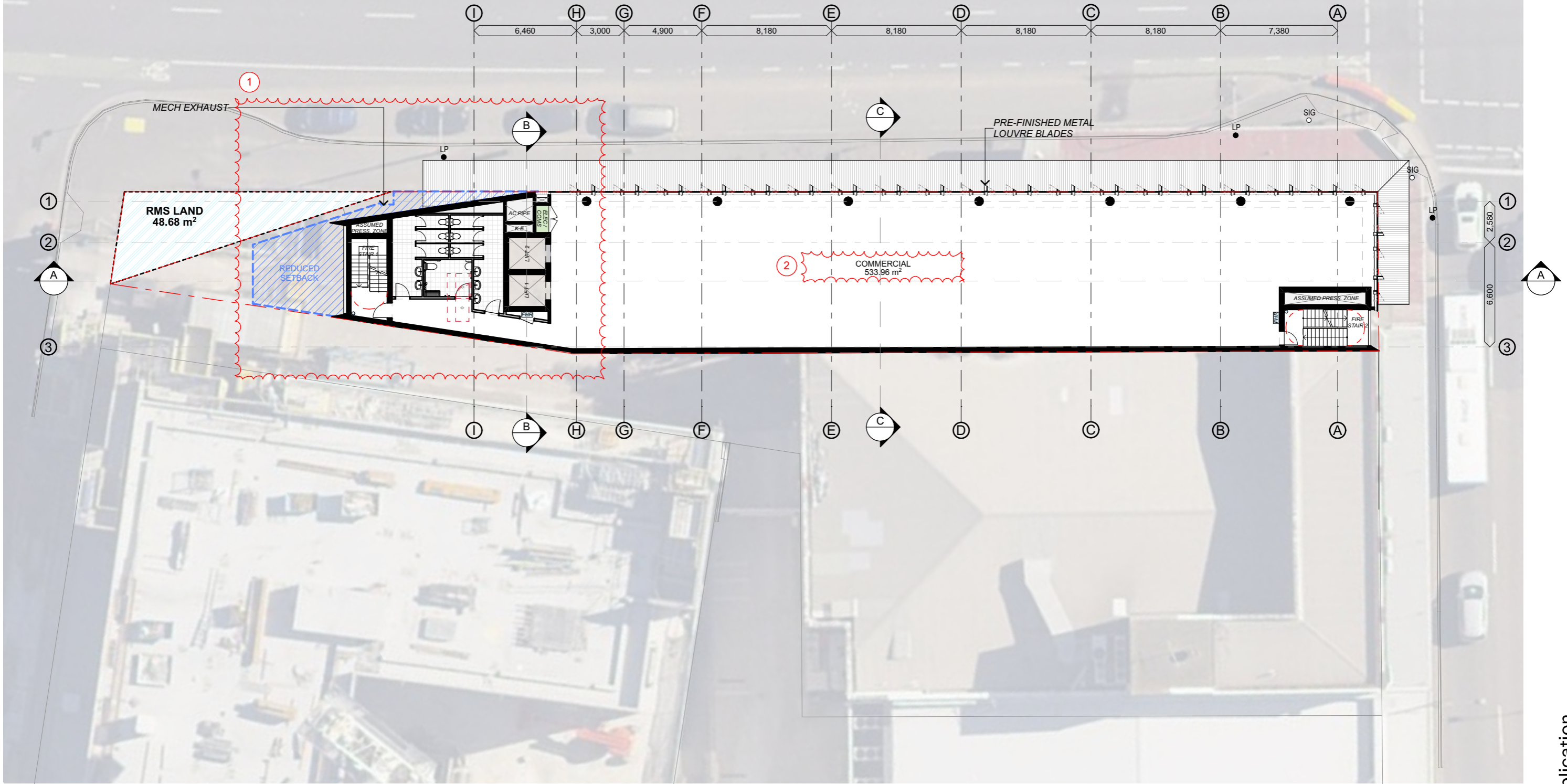
Politis Hunter Development
project #
21005
775 Hunter St,
Newcastle West, NSW 2302

Proposed Ground Floor Plan
drawing #
DA-1101
AS SHOWN

issue
Q
25/10/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

STEWART AVE



Typical Floor Plan (L1-6)
SCALE 1:250 @ A3

NOTE:
PRELIMINARY AUTHORITY CONTROL INFORMATION SUBJECT TO
PLANNER AND COUNCIL REVIEW AND FURTHER INVESTIGATION

- COUNCIL RFI**
- ① REDUCED SOUTHERN SETBACK
 - ② AMENDED NLA

Development Application



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269



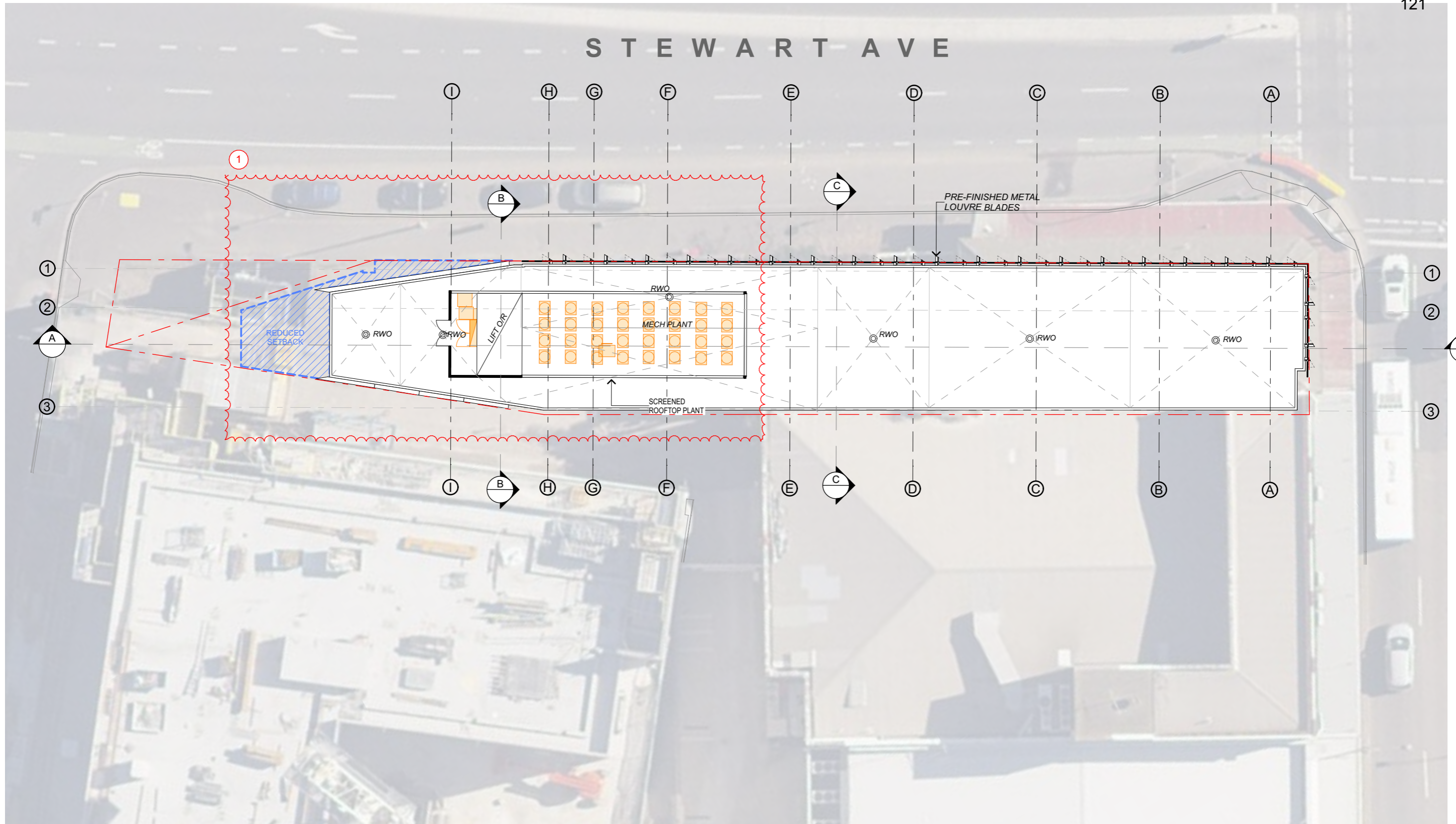
Politis Hunter Development
project #
21005
775 Hunter St,
Newcastle West, NSW 2302

Proposed Typical Floor Plan (L1-6)
drawing #
DA-1102
AS SHOWN

issue
O
25/10/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

STEWART AVE



Roof Plan
SCALE 1:250 @ A3

NOTE:
PRELIMINARY AUTHORITY CONTROL INFORMATION SUBJECT TO
PLANNER AND COUNCIL REVIEW AND FURTHER INVESTIGATION

COUNCIL RFI

① REDUCED SOUTHERN SETBACK

Development Application



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269

North Point



Politis Hunter Development
project #
21005

775 Hunter St,
Newcastle West, NSW 2302

Proposed Roof Plan

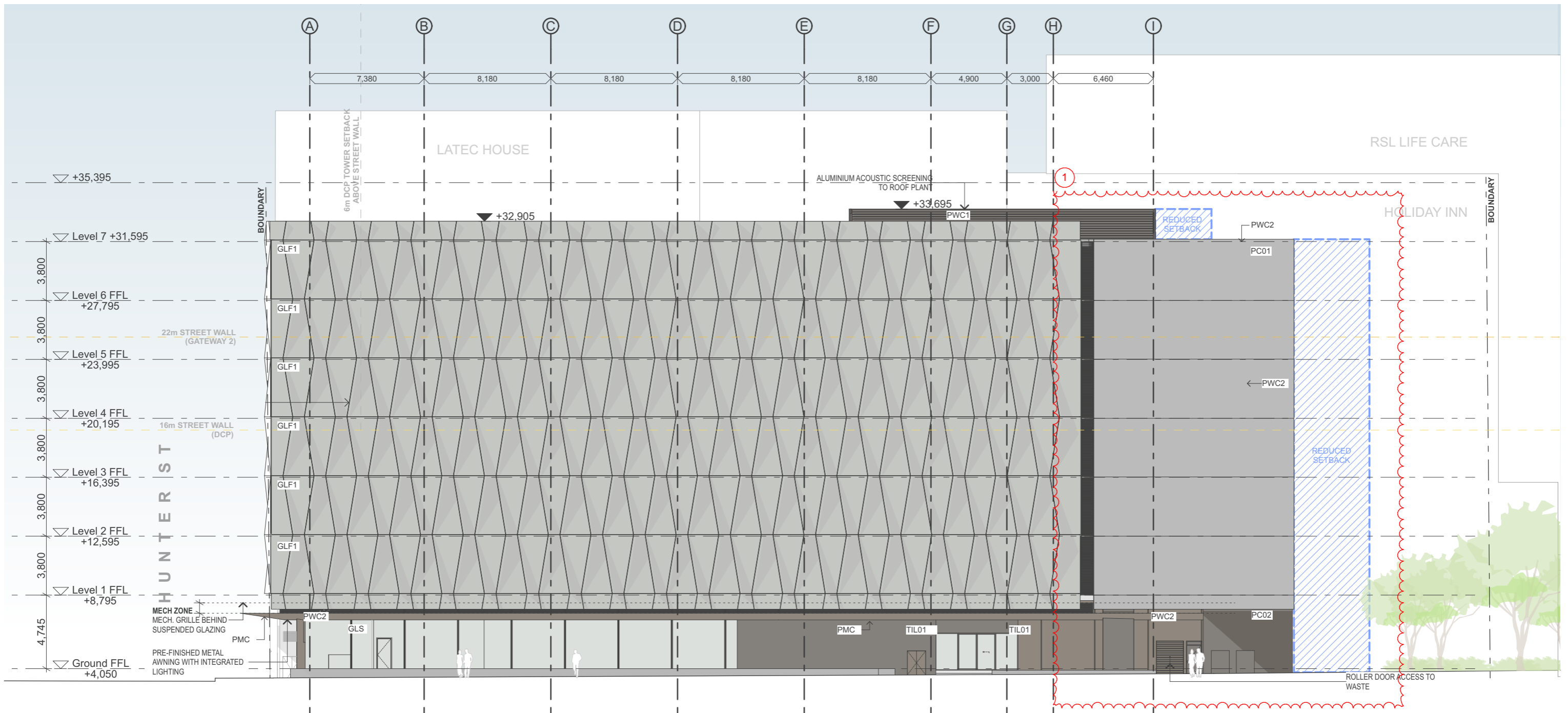
drawing #
DA-1103

AS SHOWN

issue
N

25/10/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



1 West Elevation
SCALE 1:250 @ A1

COUNCIL RFI
 1 REDUCED SOUTHERN SETBACK

ANNO	DESCRIPTION	SWATCH
GLF1	GLASS CURTAIN WALL FACADE WITH ALUMINIUM FIN SUNSHADES	
PC01	PRECAST CONCRETE WITH MINERAL PAINT FINISH (LIGHT)	
PC02	PRE-FINISHED DARK CONCRETE	
PC03	PRE-FINISHED LIGHT CONCRETE	
PWC01	ALUM. WITH POWDER COAT FINISH (LIGHTER)	
PWC02	ALUMINIUM WITH POWDER COAT FINISH (DARKER)	
PMC	PRE-FINISHED METAL WITH INTEGRATED LIGHTING	
TIL01	TILED FINISH TO GROUND LEVEL EXTERNAL WALLS/ ENTRY	
PT01	PAINT FINISH	

Development Application



Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

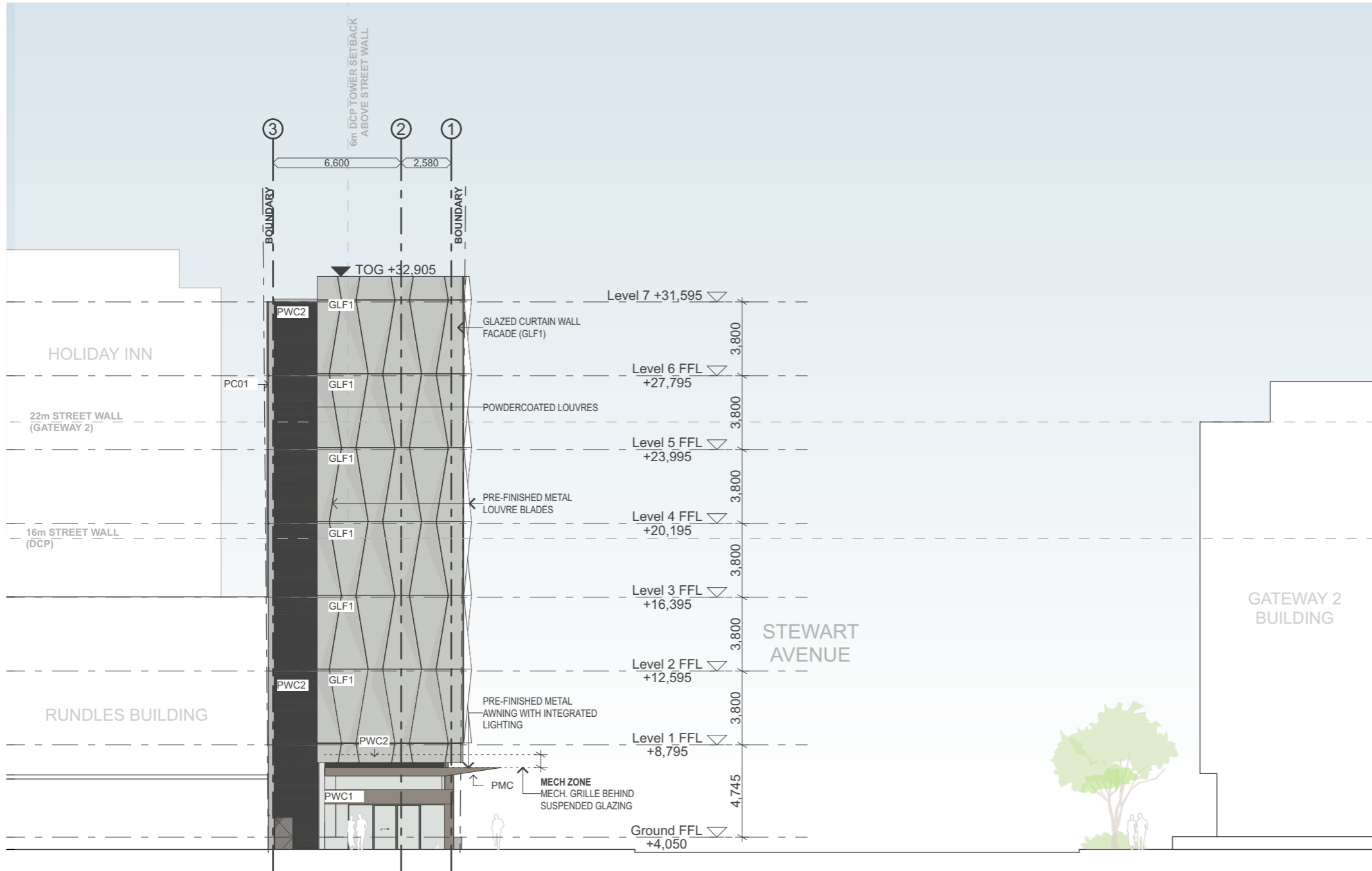
www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269



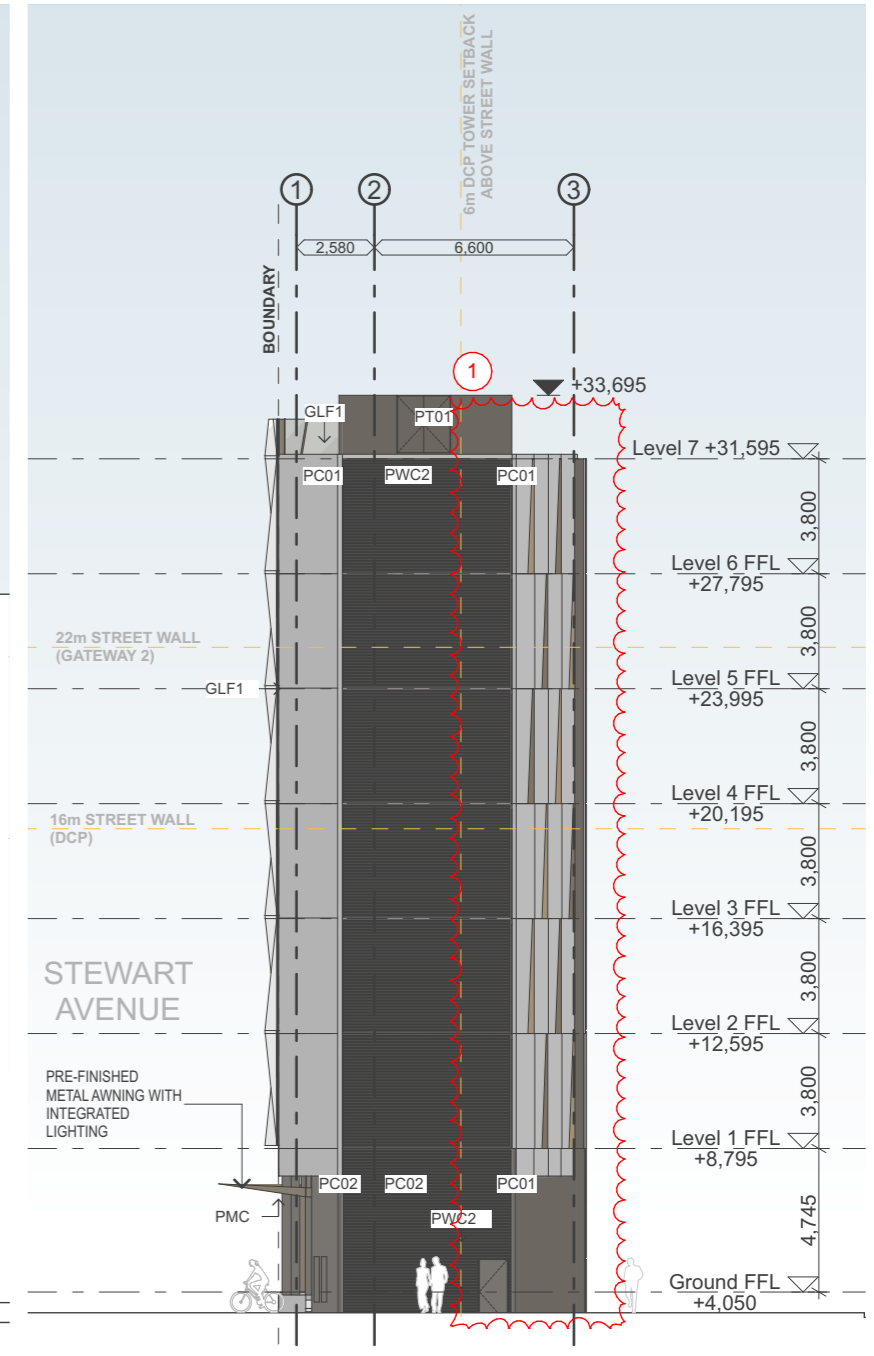
Politis Hunter Development
 project #
21005
 775 Hunter St.
 Newcastle West, NSW 2302

West Elevation
 drawing #
DA-3001
 AS SHOWN
 issue
I
 25/10/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



North Elevation
SCALE 1:250 @ A1



South Elevation
SCALE 1:250 @ A1

COUNCIL RFI
 ① REVISED EASTERN PRECAST MATERIALITY

ANNO	DESCRIPTION	SWATCH
GLF1	GLASS CURTAIN WALL FACADE WITH ALUMINIUM FIN SUNSHADES	
PC01	PRECAST CONCRETE WITH MINERAL PAINT FINISH (LIGHT)	
PC02	PRE-FINISHED DARK CONCRETE	
PC03	PRE-FINISHED LIGHT CONCRETE	
PWC01	ALUM. WITH POWDER COAT FINISH (LIGHTER)	
PWC02	ALUMINIUM WITH POWDER COAT FINISH (DARKER)	
PMC	PRE-FINISHED METAL WITH INTEGRATED LIGHTING	
TIL01	TILED FINISH TO GROUND LEVEL EXTERNAL WALLS/ ENTRY	
PT01	PAINT FINISH	

Development Application



Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

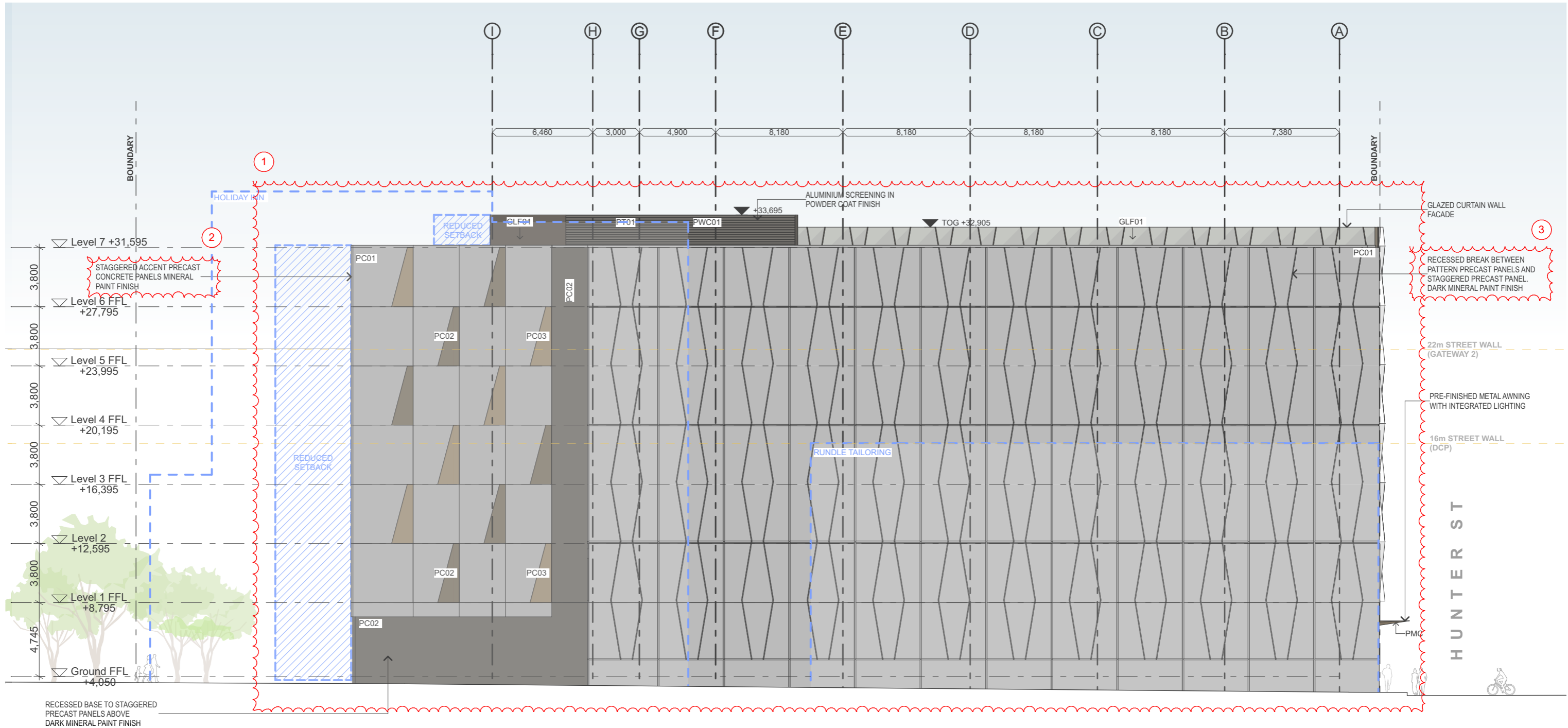
www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269



Politis Hunter Development
 project #
21005
 775 Hunter St.
 Newcastle West, NSW 2302

North & South Elevations
 drawing #
DA-3002 issue
H
 AS SHOWN 25/10/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



East Elevation
SCALE 1:250 @ A1

COUNCIL RFI

- ① REVISED EASTERN PRECAST MATERIALITY
- ② EASTERN BOUNDARY - ACCENT PANEL
- ③ EASTERN BOUNDARY - JOINTED PANEL

ANNO	DESCRIPTION	SWATCH
GLF1	GLASS CURTAIN WALL FACADE WITH ALUMINIUM FIN SUNSHADES	
PC01	PRECAST CONCRETE WITH MINERAL PAINT FINISH (LIGHT)	
PC02	PRE-FINISHED DARK CONCRETE	
PC03	PRE-FINISHED LIGHT CONCRETE	
PWC01	ALUM. WITH POWDER COAT FINISH (LIGHTER)	
PWC02	ALUMINIUM WITH POWDER COAT FINISH (DARKER)	
PMC	PRE-FINISHED METAL WITH INTEGRATED LIGHTING	
TIL01	TILED FINISH TO GROUND LEVEL EXTERNAL WALLS/ ENTRY	
PT01	PAINT FINISH	

Development Application



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269

North Point



Politis Hunter Development

project #
21005

775 Hunter St,
Newcastle West, NSW 2302

East Elevation

drawing #
DA-3003

AS SHOWN

issue

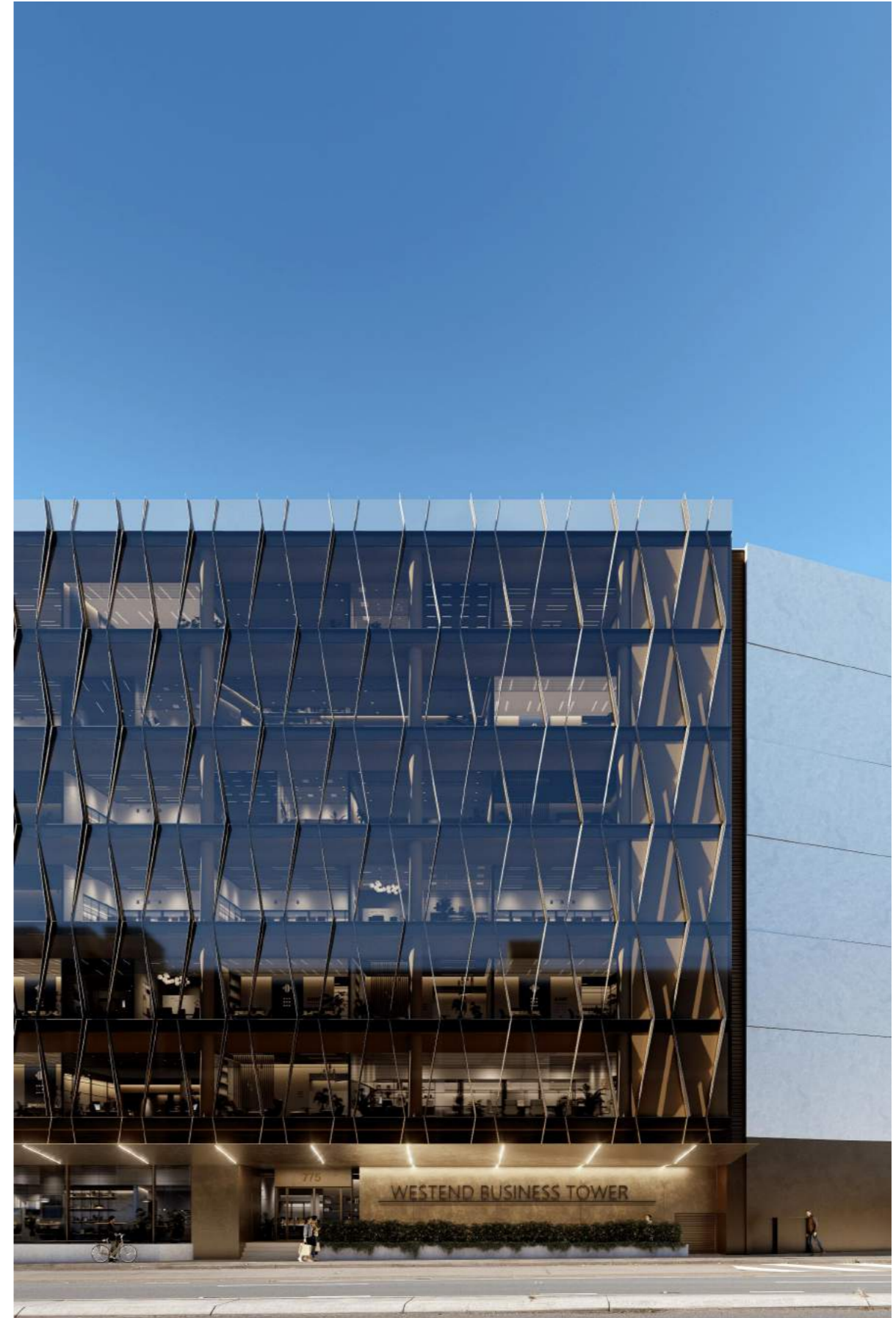
J

25/10/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



ELEVATION PERSPECTIVE - NORTH



ELEVATION PERSPECTIVE - WEST

Development Application



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269

North Point



Politis Hunter Development

project #
21005

775 Hunter St,
Newcastle West, NSW 2302

Elevation Perspectives

drawing #
DA-3004

AS SHOWN

issue
C

25/10/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

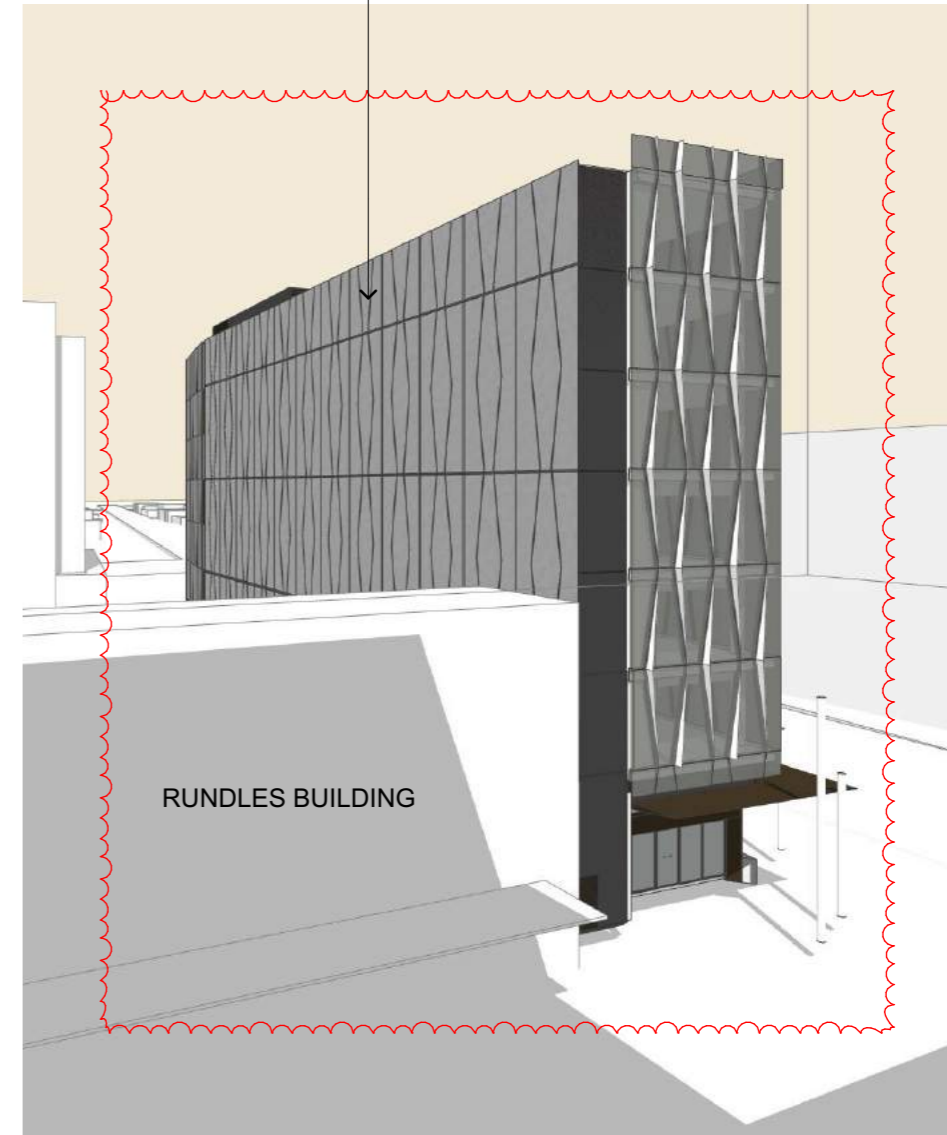


ELEVATION PERSPECTIVE - EAST From Hunter Street

PC01



PRECAST PANELS WITH DUMMY JOINTS
REFERENCING THE NORTH & WEST CURTAIN WALL



ELEVATION PERSPECTIVE - EAST From Above Hunter Street

Development Application



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269

North Point



Politis Hunter Development

project #
21005

775 Hunter St,
Newcastle West, NSW 2302

Elevation Perspectives

drawing #
DA-3005

AS SHOWN

issue
C

25/10/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

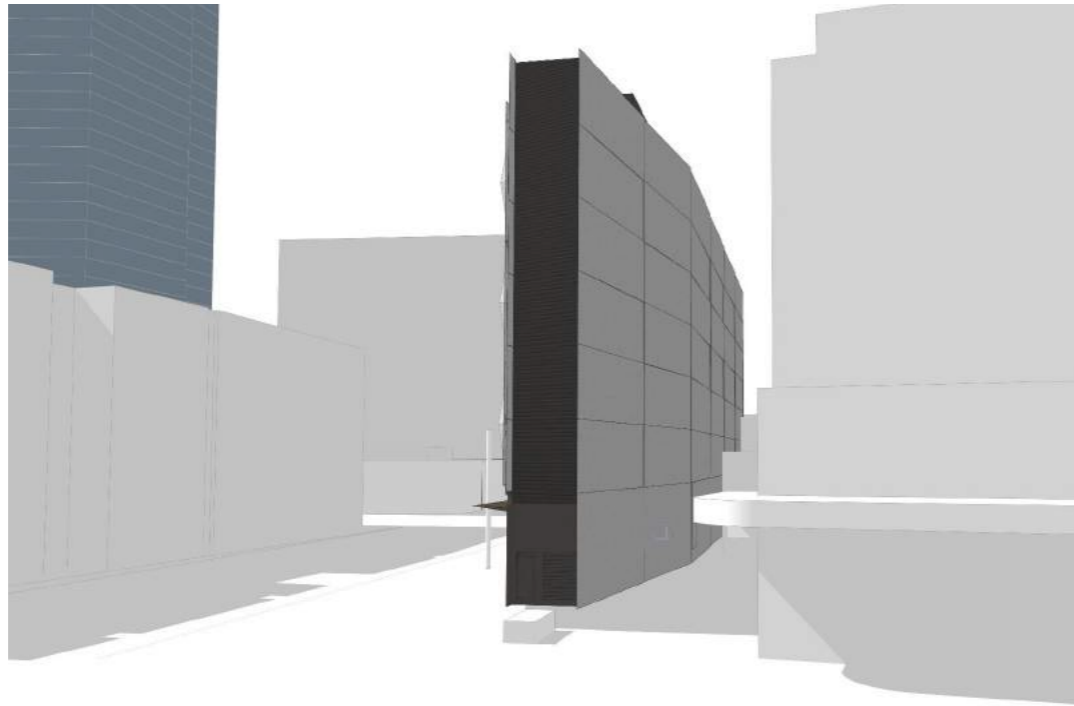


FIGURE 1 - VIEW FROM SOUTH ORIGINAL DA SUBMISSION

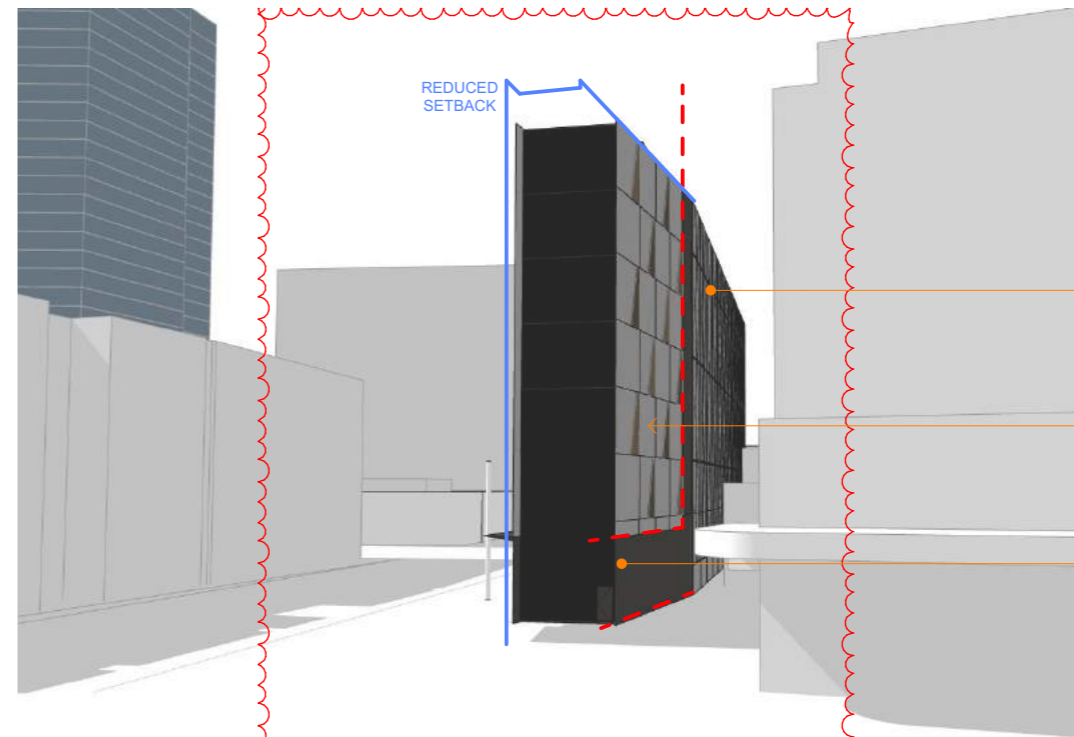


FIGURE 2 - VIEW FROM SOUTH REVISED DA SUBMISSION

PRECAST PANELS WITH DUMMY JOINTS REFERENCING THE NORTH & WEST CURTAIN WALL

STAGGERED PRECAST PANEL WITH RELIEF ACCENT. LIGHT MINERAL PAINT FINISH ON ACCENT PANELS

RECESSED BASE BETWEEN PATTERN PRECAST PANELS AND STAGGERED PRECAST PANEL. DARK MINERAL PAINT FINISH

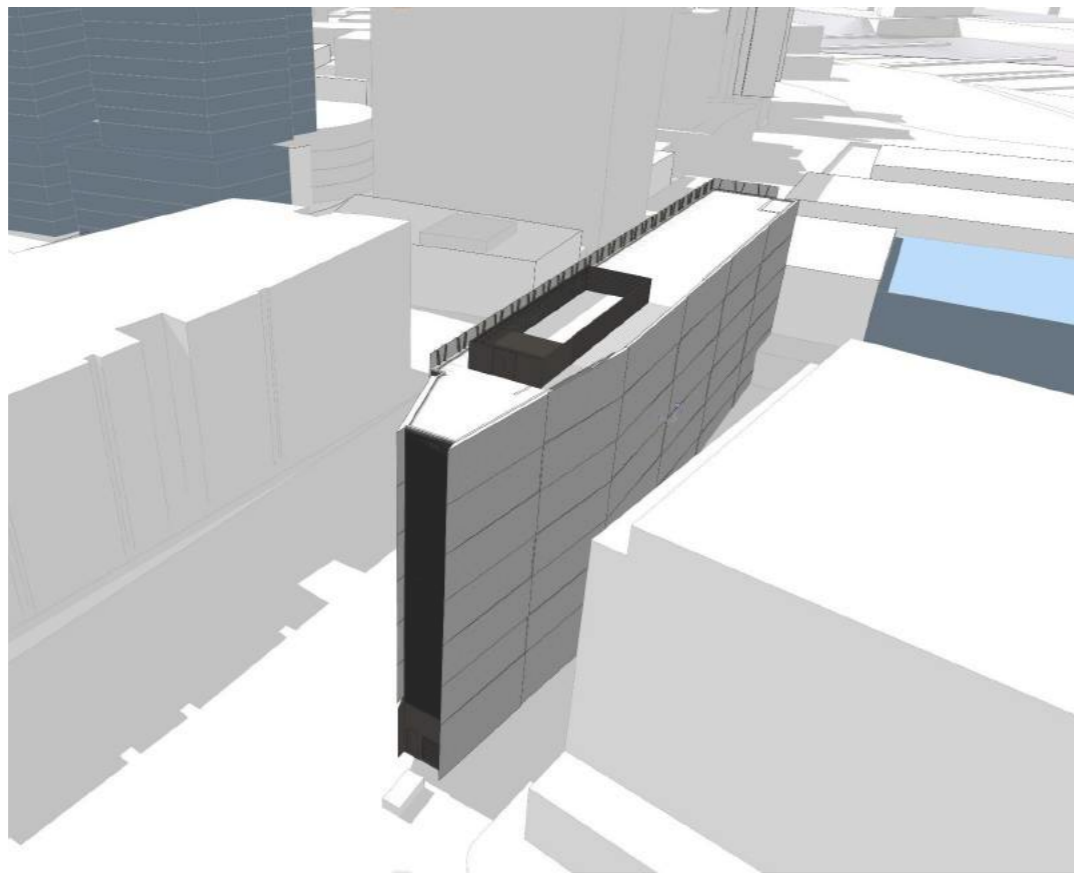


FIGURE 3 - VIEW FROM SOUTH EAST ORIGINAL DA SUBMISSION

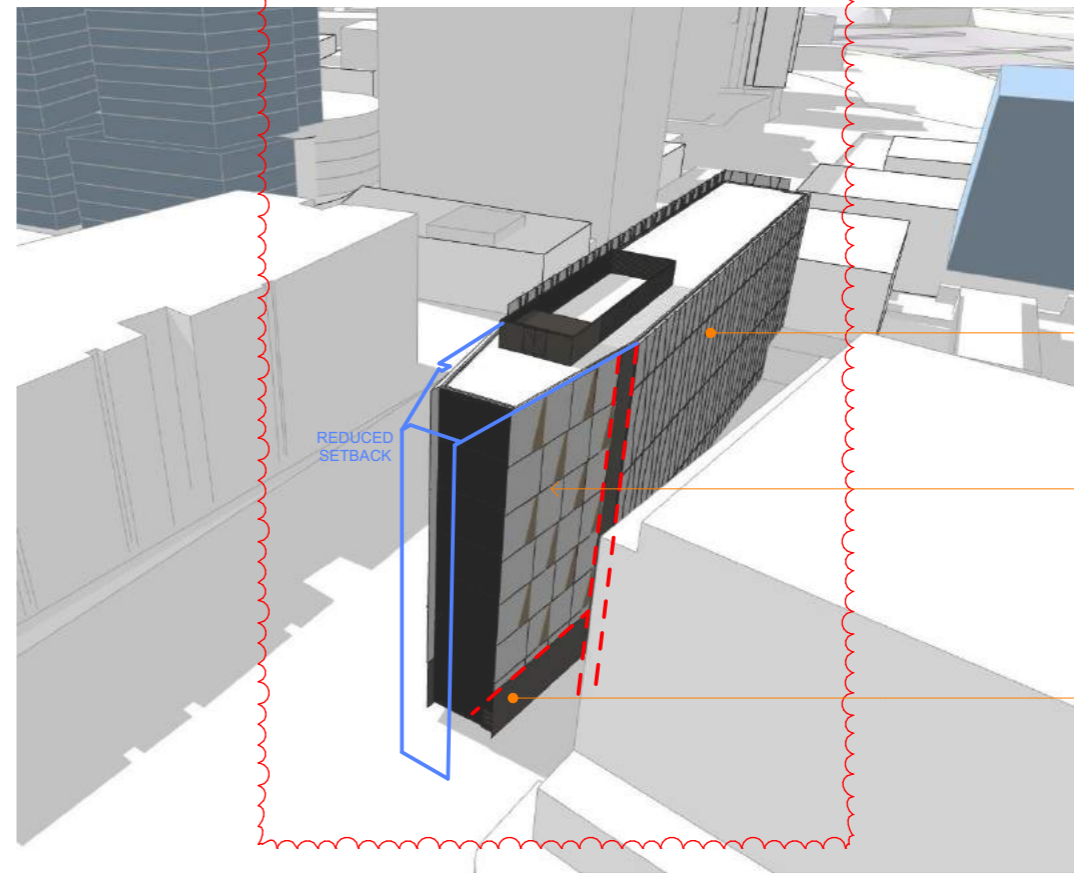


FIGURE 4 - VIEW FROM SOUTH WEST REVISED DA SUBMISSION

PRECAST PANELS WITH DUMMY JOINTS REFERENCING THE NORTH & WEST CURTAIN WALL

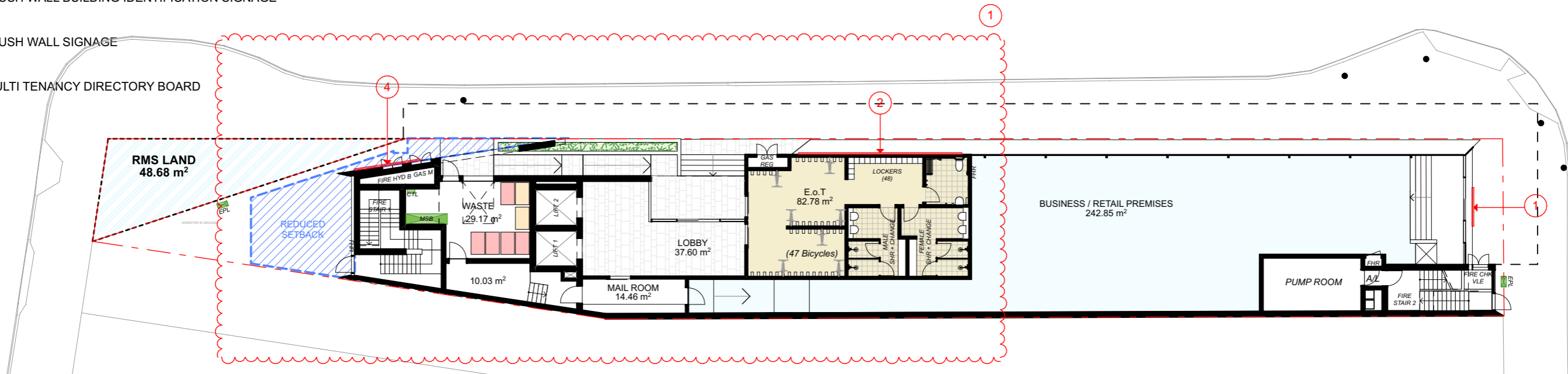
STAGGERED PRECAST PANEL WITH RELIEF ACCENT. LIGHT MINERAL PAINT FINISH ON ACCENT PANELS

RECESSED BASE BETWEEN PATTERN PRECAST PANELS AND STAGGERED PRECAST PANEL. DARK MINERAL PAINT FINISH

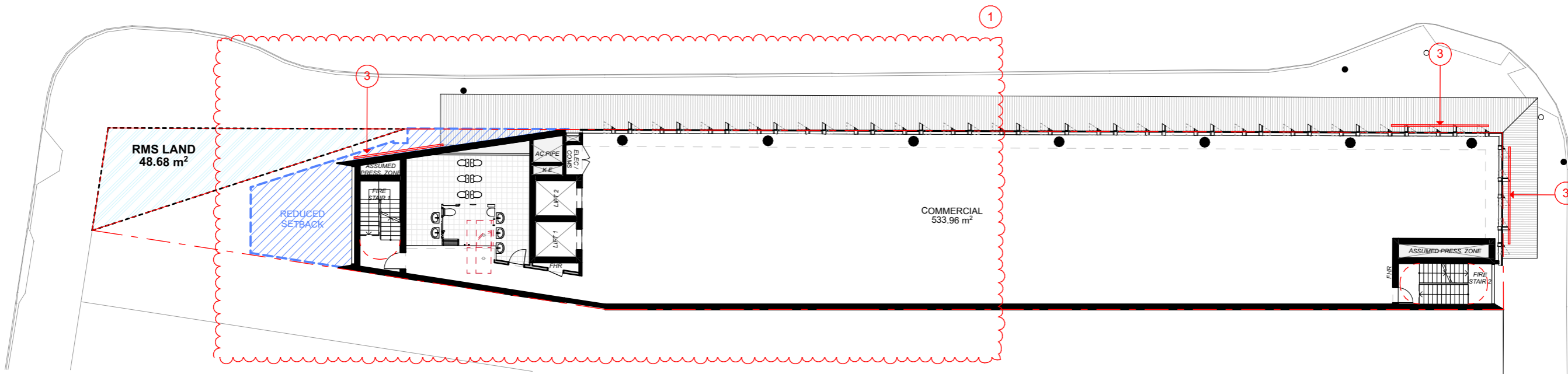
Development Application

- 1 FLUSH WALL ENTRANCE SIGNAGE
- 2 FLUSH WALL BUILDING IDENTIFICATION SIGNAGE
- 3 FLUSH WALL SIGNAGE
- 4 MULTI TENANCY DIRECTORY BOARD

- 1 REDUCED SOUTHERN SETBACK



Ground Floor
SCALE 1:250 @ A3



Typical Floor Plan (L1-6)
SCALE 1:250 @ A3

Development Application



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269



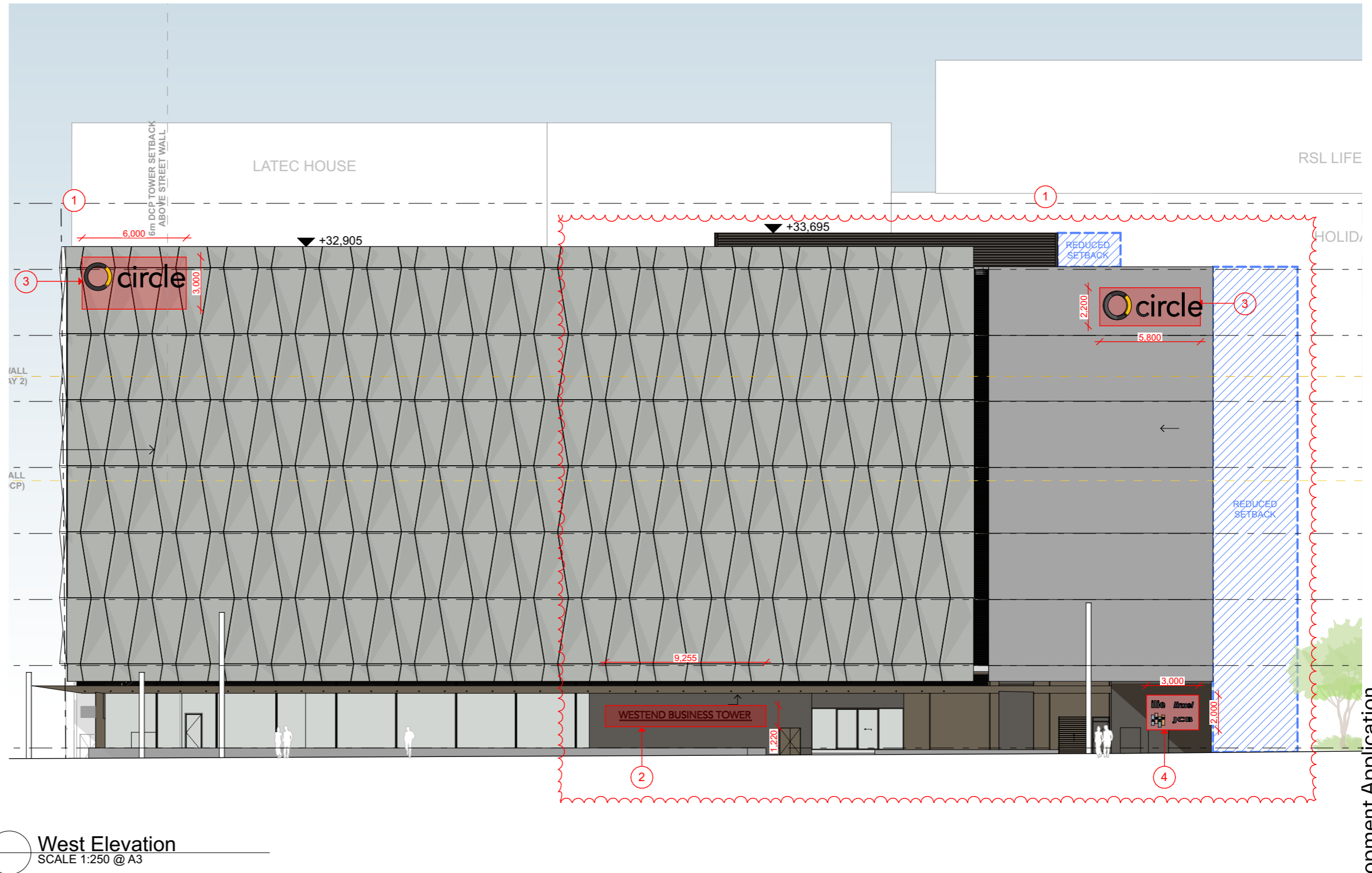
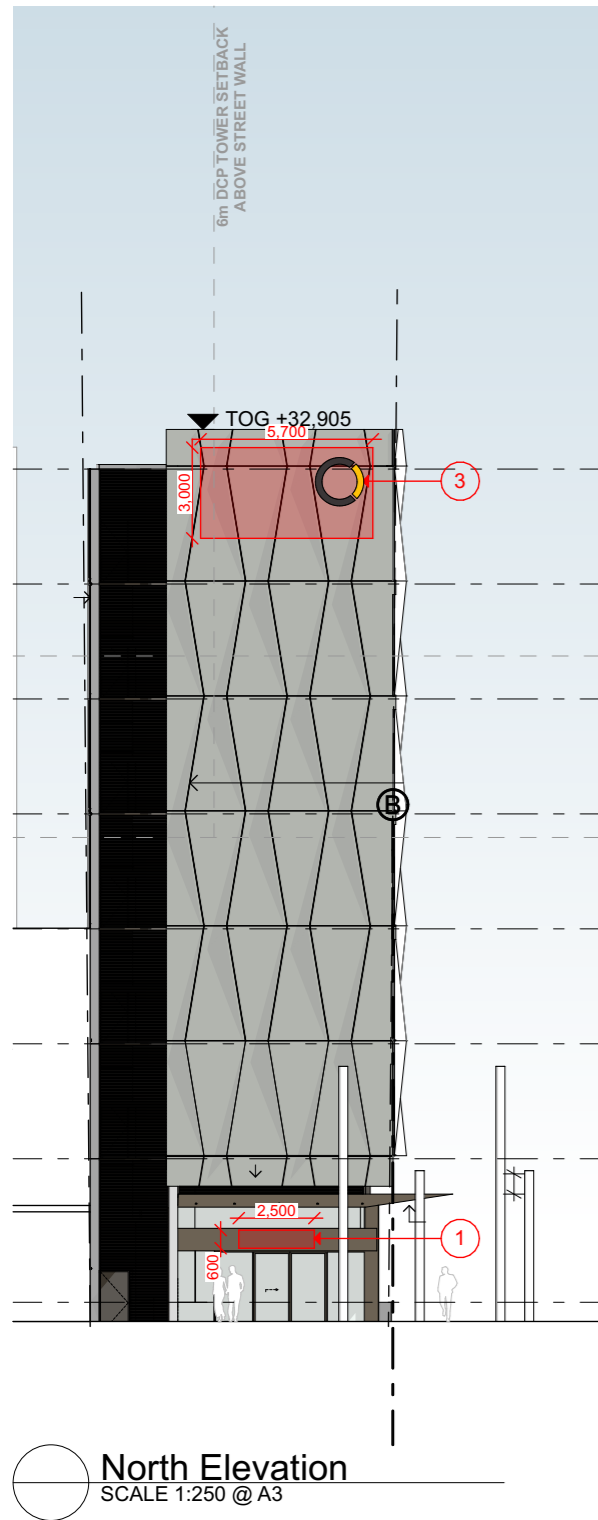
Politis Hunter Development
project #
21005
775 Hunter St,
Newcastle West, NSW 2302

Signage Strategy Plans
drawing #
DA-4001
AS SHOWN
issue
1
25/10/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

- ① FLUSH WALL ENTRANCE SIGNAGE
- ② FLUSH WALL BUILDING IDENTIFICATION SIGNAGE
- ③ FLUSH WALL SIGNAGE
- ④ MULTI TENANCY DIRECTORY BOARD

- ① REDUCED SOUTHERN SETBACK



Development Application



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269



Politis Hunter Development

project #
21005

775 Hunter St,
Newcastle West, NSW 2302

Signage Strategy Elevations

drawing #
DA-4002

issue
H

AS SHOWN 25/10/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



KEY TENANT SKY SIGN - CNR HUNTER & STEWART AVE

Development Application



Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269

North Point



Politis Hunter Development

project #
21005

775 Hunter St,
 Newcastle West, NSW 2302

Signage Strategy Perspective

drawing #
DA-4003

issue
D

AS SHOWN 28/4/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



Development Application



Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269

North Point



Politis Hunter Development

project #
21005

775 Hunter St,
 Newcastle West, NSW 2302

Signage Strategy Perspective

drawing #
DA-4004

issue
C
 AS SHOWN 28/4/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



Development Application



Architecture | Planning | Interiors

NEWCASTLE 115 King St (P.O. Box 958) Newcastle NSW 2300 P 02 4929 1843

CENTRAL COAST 1/28 Adelaide St (P.O. Box 4400) East Gosford NSW 2250 P 02 4321 0503

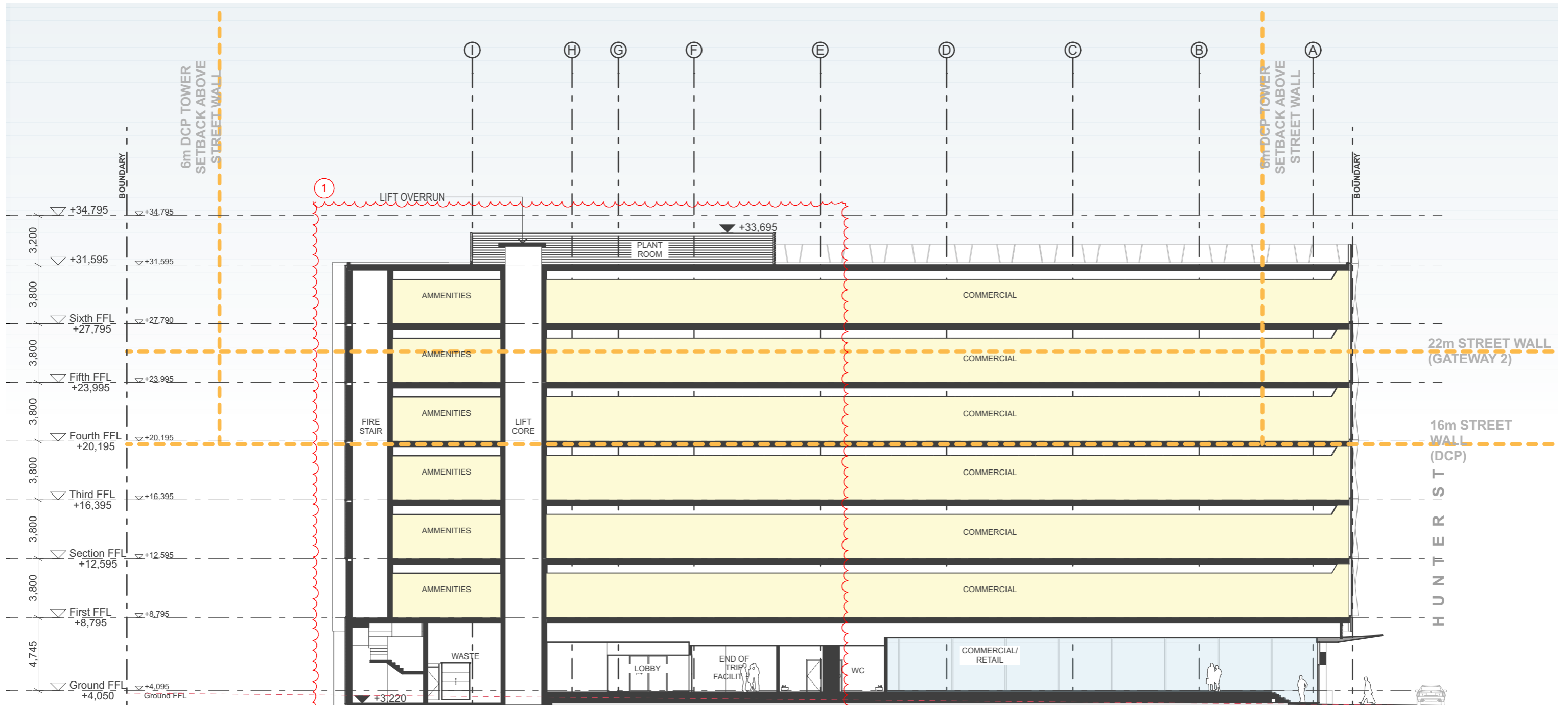
www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269



Politis Hunter Development
project # 21005
775 Hunter St, Newcastle West, NSW 2302

Signage Precedents
drawing # DA-4005
AS SHOWN
issue C
28/4/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



1 Section A
SCALE 1:250 @ A1

COUNCIL RFI
 ① REDUCED SOUTHERN SETBACK

Development Application



Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269

North Point



Politis Hunter Development

project #
21005

775 Hunter St,
 Newcastle West, NSW 2302

Section A

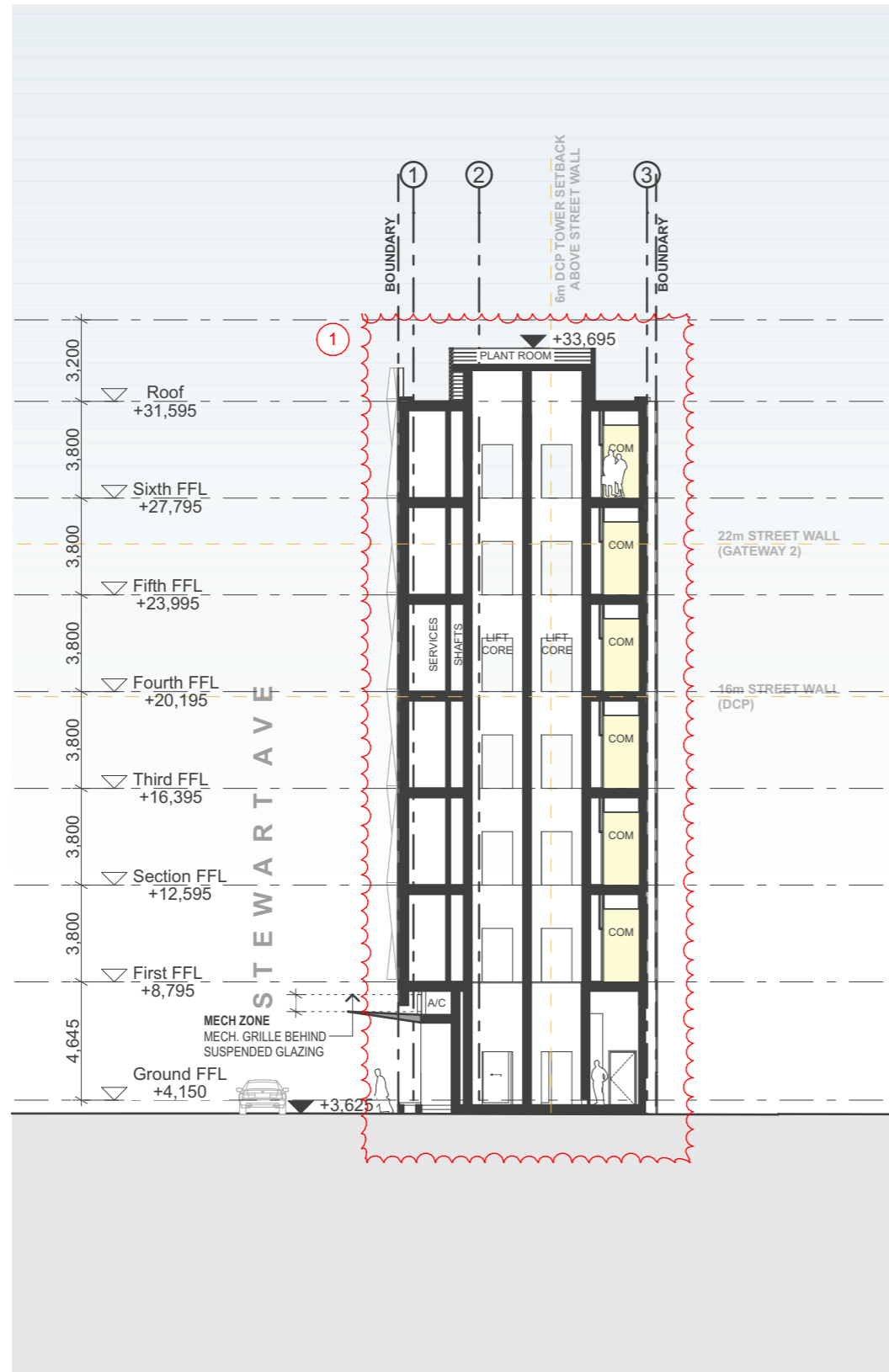
drawing #
DA-5001

AS SHOWN

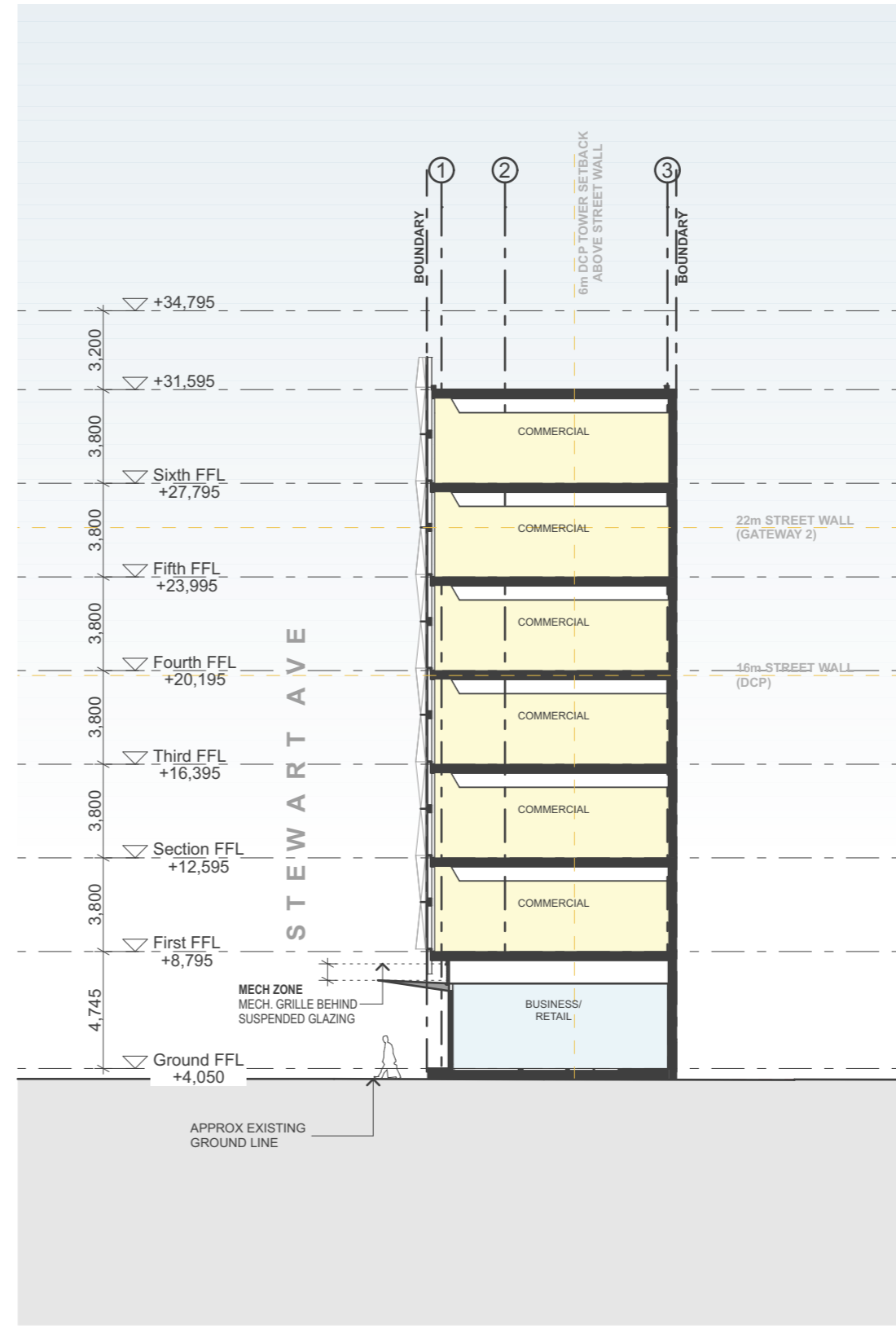
issue
H

25/10/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



Section B
SCALE 1:250 @ A1



Section C
SCALE 1:250 @ A1

COUNCIL RFI
 ① REDUCED SOUTHERN SETBACK

Development Application



Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269

North Point



Politis Hunter Development

project #
21005

775 Hunter St,
 Newcastle West, NSW 2302

Section B & C

drawing #
DA-5002

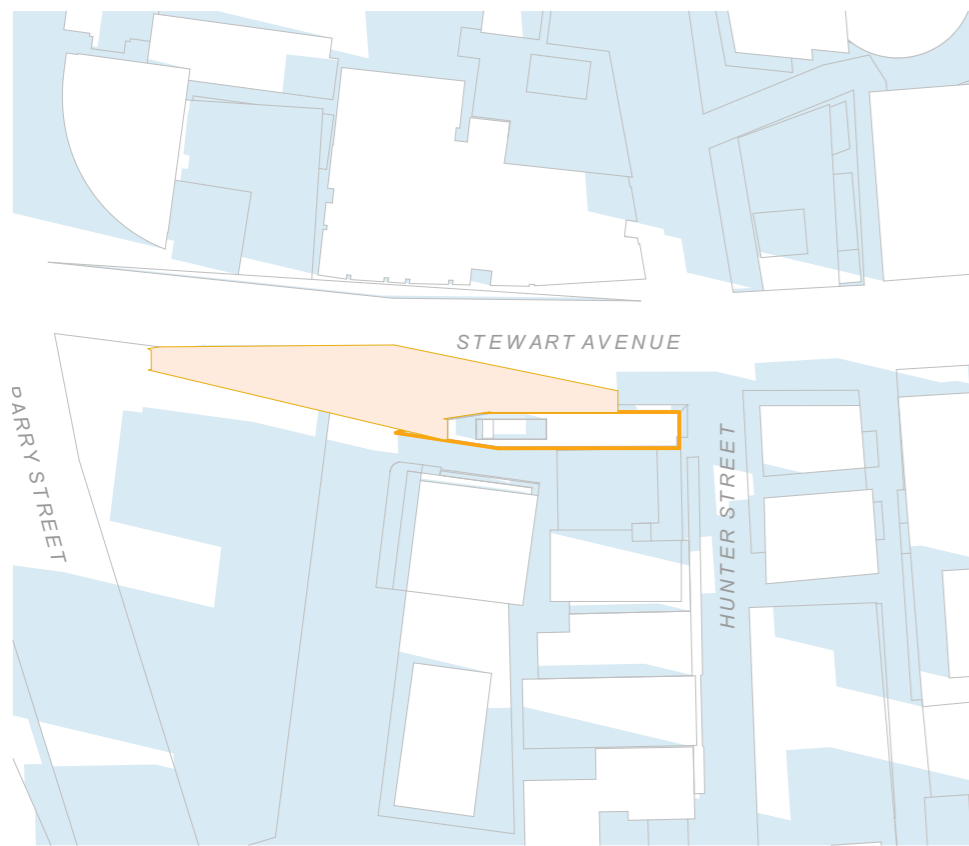
AS SHOWN

issue
H

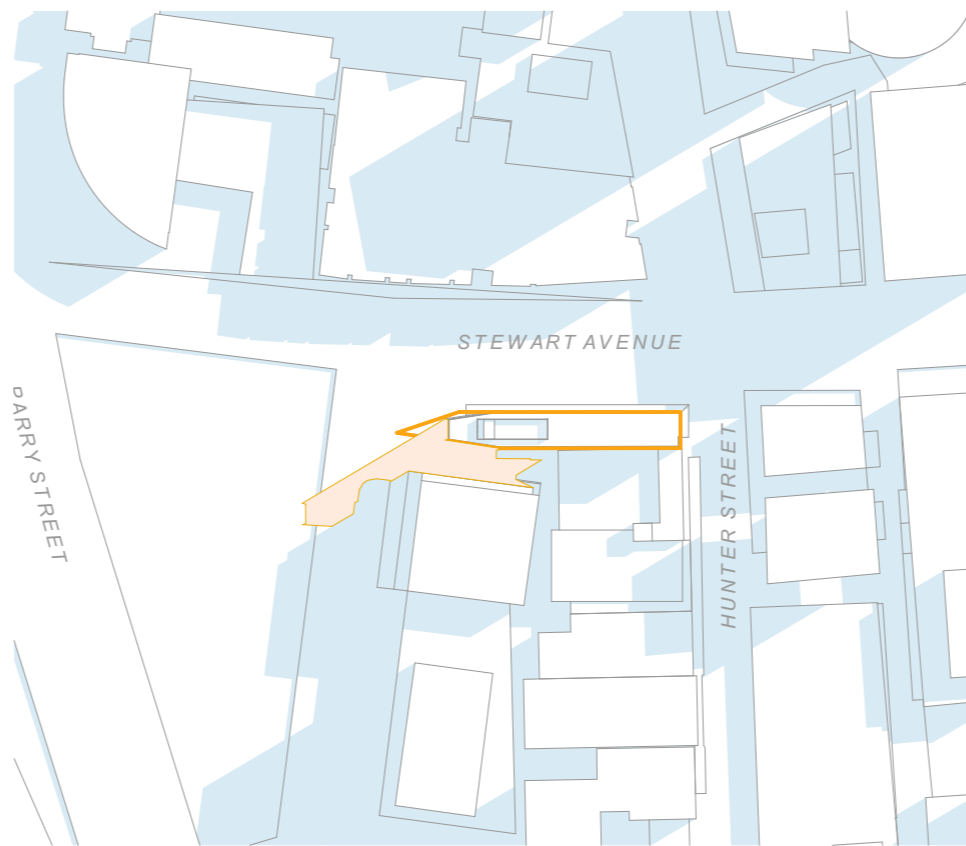
25/10/2023

This document is the copyright of CKDS Architecture PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

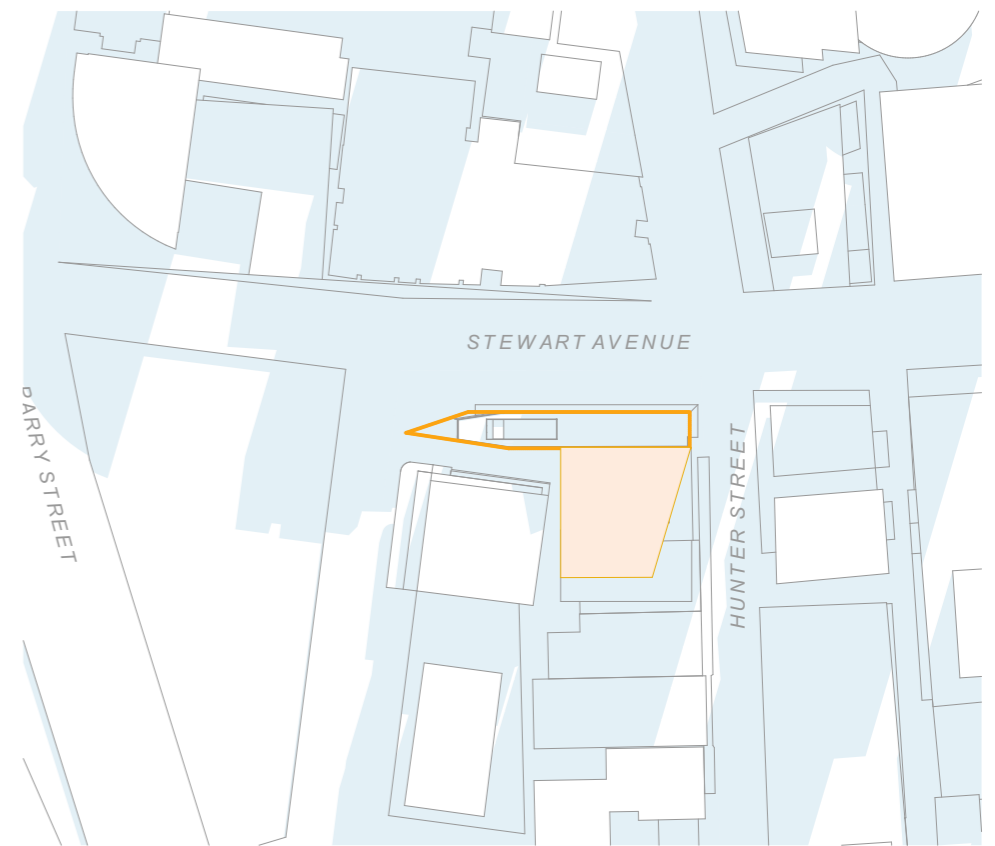
- SHADOWS FROM EXISTING SITE CONDITIONS
- NEW SHADOWS FROM PROPOSED DEVELOPMENT



SUN STUDY 21st JUNE 9AM



SUN STUDY 21st JUNE 12 NOON



SUN STUDY 21st JUNE 3PM

Development Application



Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269

North Point



Politis Hunter Development

project #
21005

775 Hunter St,
 Newcastle West, NSW 2302

Shadow Diagrams

drawing #
DA-6001

AS SHOWN

issue
G

25/10/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.

GLS1 -



PC01



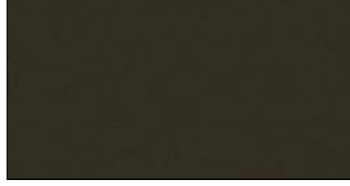
PC02



PC03 / PWC01



PWC02



PMC



TIL01



Development Application



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269

North Point



Politis Hunter Development

project #
21005

775 Hunter St,
Newcastle West, NSW 2302

Material Perspective

drawing #
DA-7001

AS SHOWN

issue
F

25/10/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



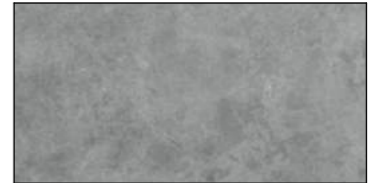
GLS1



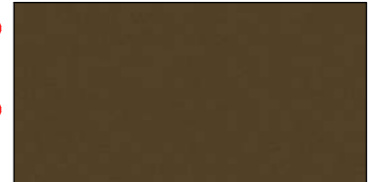
PC01



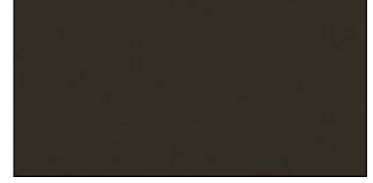
PC02



PC03 / PWC01



PWC02



PMC



TIL01



Development Application



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269

North Point



Politis Hunter Development

project #
21005

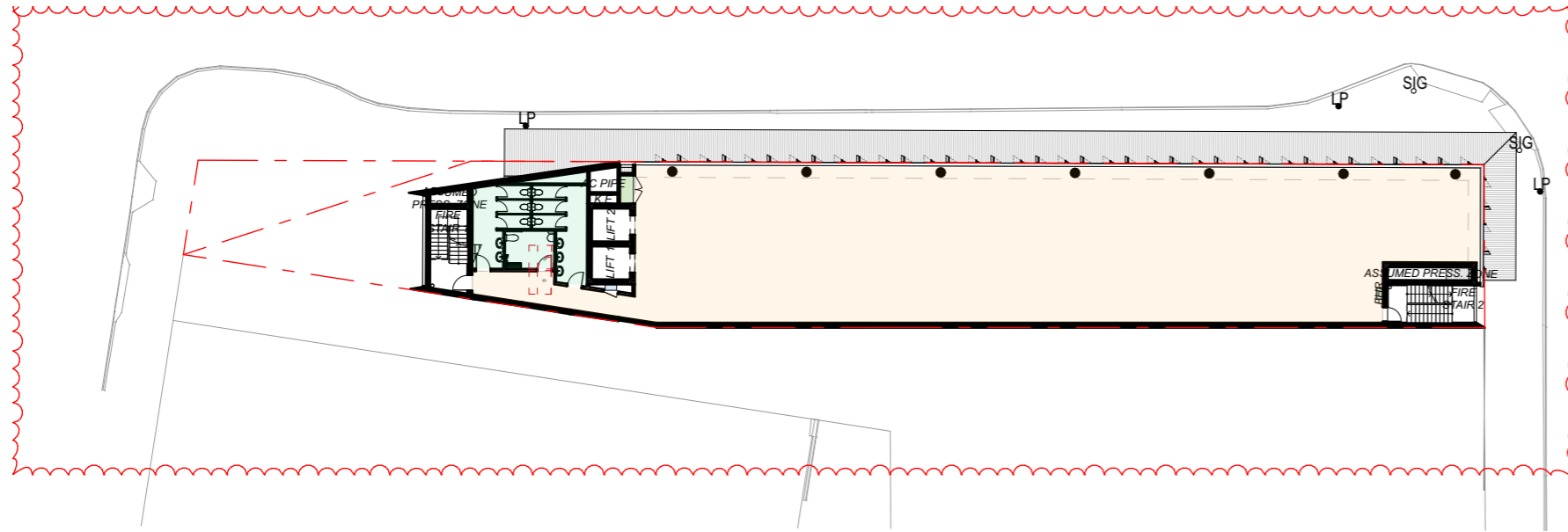
775 Hunter St,
Newcastle West, NSW 2302

Material Perspective

drawing #
DA-7002
AS SHOWN

issue
E
25/10/2023

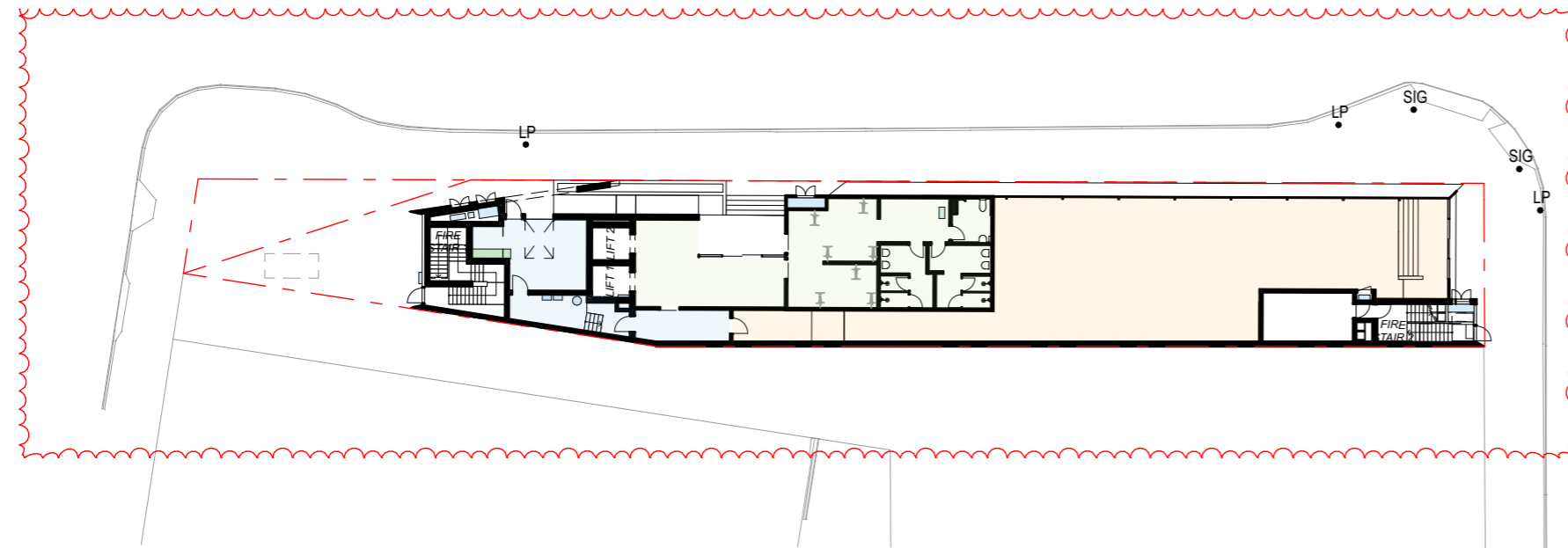
This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



Typical Upper Levels GFA Diagram

PROPOSED DEVELOPMENT SUMMARY

Site Area	697.7m2
FSR	3:1
Permissible GFA	2093.1m2
BUSINESS / RETAIL - GFA	
Ground Floor	
Business / Retail	243m2
Commercial Lobby /EoT	121m2
Waste / Service Room / Mail	53m2
Total Ground Floor	418m2
Level 1- 6	
Commercial Office Space / Amenities	527m2
Proposed FSR	5.13:1
Proposed GFA	3579m2



Ground Floor GFA Diagram



Architecture | Planning | Interiors

NEWCASTLE
115 King St (P.O. Box 958)
Newcastle NSW 2300
P 02 4929 1843

CENTRAL COAST
1/28 Adelaide St (P.O. Box 4400)
East Gosford NSW 2250
P 02 4321 0503

www.ckds.com.au
E admin@ckds.com.au
ABN 12 129 231 269



Politis Hunter Development
project #
21005
775 Hunter St,
Newcastle West, NSW 2302

GFA Schedule
drawing #
DA-8001
AS SHOWN

issue
I
25/10/2023

This document is the copyright of CKDS Architects PTY Limited. Check and verify all dimensions on site. Refer any discrepancies to the designer before proceeding with the work. Do not scale drawings manually or electronically. Drawing shall not be used for construction until issued for construction by designer.



INTENTIONAL BLANK PAGE

DISTRIBUTED UNDER SEPARATE COVER



DRAFT SCHEDULE OF CONDITIONS

Application number	DA2022/00923
Land	Part Lot 121 DP 526578
Property Description of development	775 Hunter Street Newcastle West Commercial premises - including demolition of existing structures, ground floor commercial/retail tenancy, secure ground floor end of trip facilities and six level commercial/office premises

Reasons for approval

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012 (NLEP)* and applicable State Environmental Planning Policies.
- The proposed is acceptable in relation to the objection under Clause 4.6 Exceptions to Development Standards of the NLEP 2012, against the development standard at Clause 7.10A Floor space ratio for certain other development and considers the objection to be justified in the circumstances consistent with the objectives of Clause 4.4 and Clause 7.10A and the objectives of the Zone B3 Commercial Core under NLEP 2012.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (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.

Terms and Reasons for Conditions

GENERAL CONDITIONS

Condition

1. Approved plans and documentation

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

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
DA-0101	E	Ground Floor Demolition Plan	CKDS	28/04/2023
DA-0102	E	Level 01 Demolition Plan	CKDS	28/04/2023
DA-0103	E	Demolition Elevations	CKDS	28/04/2023
DA-1003	G	Site Plan	CKDS	25/10/2023
DA-1101	Q	Ground Floor Plan	CKDS	25/10/2023
DA-1102	O	Typical Floor Plan (L1-6)	CKDS	25/10/2023
DA-1103	N	Roof Plan	CKDS	25/10/2023
DA-3001	I	West Elevation	CKDS	25/10/2023
DA-3002	H	North & South Elevation	CKDS	25/10/2023
DA-3003	J	East Elevation	CKDS	25/10/2023
DA-4001	I	Signage Strategy Plan	CKDS	25/10/2023
DA-4002	H	Signage Strategy Elevations	CKDS	25/10/2023
DA-5001	H	Section A	CKDS	25/10/2023
DA-5002	H	Section B & C	CKDS	25/10/2023
DA-7001	F	Material Perspective	CKDS	25/10/2023
DA-7002	E	Material Perspective	CKDS	25/10/2023

Approved documents			
Document title	Version number	Prepared by	Date of document
Acoustic Report	MAC221520-01RP1	Muller Acoustic Consulting	02 August 2022
Preliminary Site Investigation	EP2936.001	EP Risk	18 January 2023

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

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

plans prevail.

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

2. **Development contributions - 7.12 general**

In accordance with the Newcastle City Council Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of **\$336,862.02** shall be paid to the Newcastle City Council for the purposes of the provision, extension or augmentation of transport and social infrastructure.

- (a) If the contribution is not paid within the financial quarter that this consent is granted, the contribution payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment.
- (b) Subject to prevailing Ministerial Directions, the monetary contribution shall be paid to Newcastle City Council
 - (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (ii) prior to the issue of the first Construction Certificate where the development is for building work.
 - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

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

3. **General Terms of Approval**

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:

- Subsidence Advisory New South Wales dated 16 September 2022.

Condition reason: to ensure the requirements of state authorities are complied with under relevant legislation.

4. **Environmental Management Plan**

Prior to works commencing, the proponent is to prepare and submit to the private certifying authority and Council an Environmental Management Plan (EMP) for construction/demolition works on the site, which is to be kept on site and made available to authorised Council 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, and traffic management.

- a) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater and process water.
- b) A dust management strategy, detailing procedures to minimise dust generation, with reference to control techniques and operational limits under adverse meteorological conditions. This strategy should be cross-referenced with the water management strategy.
- c) A road management strategy, detailing procedures to ensure that all roads adjacent to and within the proposed application area are kept free and clear from mud and sediment.
- d) A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works. The soil management strategy must include an unexpected finds protocol/contingency plan in relation to potential contamination.
- e) A noise and vibration management program detailing measures to minimise the impact of the construction phase on the amenity of the locality in accordance with Noise Assessment, Muller Acoustic Consulting, 29 October 2021 (MAC211456-01RP1D1) and the Interim Construction Noise Guideline, DECC, 2009.
- f) A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- g) A community relations plan, which aims to inform residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.

Condition reason: To ensure appropriate Environmental Management procedures are in place throughout the development process.

5. **Aboriginal Cultural Heritage Assessment**

An Aboriginal Cultural Heritage Assessment (ACHA) is to be prepared by a suitably qualified heritage practitioner, prior to any ground disturbance works commencing. The ACHA is to include provision for Aboriginal community consultation; archaeological test excavation (if required); and any further action and permits as required. The findings and recommendations of that report are to be implemented prior to any ground disturbance taking place.

Note: An Aboriginal Heritage Impact Permit (under the *National Parks and Wildlife Act 1974*) is required to disturb, destroy or remove an Aboriginal Object or Place. This permit is required to be obtained from Heritage NSW and accompanied by an Aboriginal Cultural Heritage Assessment. It is illegal to knowingly damage, deface or destroy an Aboriginal object without the Director's prior written consent.

Condition reason: To ensure the proper protection of any Aboriginal Cultural Heritage.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

6. **Construction Management Plan**

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

- a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- b) A contaminated management strategy which addressed the handling and disposal of potential asbestos material during intrusive earthworks onsite to protect human health and the environment.
- c) A waste minimisation strategy that aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- d) A community relations plan that aims to inform residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.

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

Condition reason: To enable construction.

7. **Erosion and sediment control measures**

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

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

8. **Disabled access details**

Before the issue of a construction certificate, details of how the building is to be provided with access for persons with disabilities, to the extent necessary to comply with the Commonwealth's *Disability (Access to Premises - Buildings) Standards 2010* are required, with full details included in the construction certificate documentation.

Condition reason: to satisfy access standards for the disabled.

9. **Verandah/ awning design**

Before the issue of a construction certificate, the proposed verandah awning is to be designed in a manner that is consistent with Section 7.10 'Street Awnings and Balconies' of Newcastle Development Control Plan 2012, with full details are to be included with the construction certificate documentation.

Condition reason: to ensure the safety of occupants and street and pavement users.

10. Roads Act Approval

Before the issue of a construction certificate, a separate application is to be lodged and consent obtained from Newcastle City Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*. The consent is to be obtained, or other satisfactory arrangements confirmed in writing from the Newcastle City Council.

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

11. Public domain works required

Before the issue of a construction certificate, full details are to be provided to, and consent obtained, or other satisfactory arrangements confirmed in writing, from Newcastle City Council pursuant to Section 138 of the *Roads Act 1993* for the following works to be constructed by the developer in connection with the proposed development within the Hunter Street and Stewart Avenue public road reserves, adjacent to the site, at no cost to Newcastle City Council and in accordance with Newcastle City Council's guidelines and design specifications:

- a) Reconstruct road shoulder pavement in the full frontage of the development to Stewart Avenue and Hunter Street as complement to kerb and gutter replacement.
- b) Reconstruct kerb and gutter along the full frontage of the development to Hunter Street and Stewart Avenue.
- c) Reconstruct the footpath along the full frontage of the development to Hunter Street as full width paver footway (A1405) using City Centre Public Domain Technical Manual Pavement Type 2: Sandblasted Dark Grey Bluestone 900x450x40 units with 450x450x40 banding.
- d) Reconstruct the footpath along the full frontage of the development to Stewart Avenue as full width paver footway (A1405) using City Centre Public Domain Technical Manual Pavement Type 4: Sandblasted Natural Dark Bluestone 600x300x40 units with 300x300x40 banding.
- e) Reconstruct both existing kerb ramps as complement to full-width footpath work.
- f) Connection of development stormwater discharge to existing 'butterfly' inlet pit in Stewart Avenue (ID SW0057813).
- g) The existing on-road cycleway in Stewart Avenue is to be provided with renewed linemarking and extension of distinguished surface marking along its full length from Hunter Street to Little King Street.
- h) Installation of a new signposted time-restricted Loading Zone in the Stewart Avenue frontage subject to Transport for NSW approval.
- i) Reconstruction of existing indented bay in Stewart Avenue suitable for the storage of 2 standard buses (12.5m) and with approach/departure tapers in accordance with RMS' 'Supplement to Austroads Guide to Road Design Part 3' (Version 2.2 dated 2017).
- j) New tree vaults to be provided in the Stewart Avenue frontage where practical and by direction from Council's City Greening team.

Engineering design plans and specifications for the works to be undertaken within the public road reserve are to be prepared by a practising professional engineer with experience and competence in the related field.

Note: Separate Section 138 approval is required for the proposed awning over public footpath (see "Private Infrastructure" section of Newcastle City Council's Type 2 Section 138 Application form).

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

12. **Water tanks and plumbing direction**

Before the issue of a construction certificate, details are to be provided demonstrating roof water from the proposed new work will be directed to the proposed water tank with a minimum capacity of 17,500 litres and being reticulated to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3). Full details are to be provided with the construction certificate documentation.

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

13. **Rainwater tank screening**

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

Condition reason: to require screening of rainwater tanks.

14. **Stormwater management details**

Before the issue of a construction certificate, details are to be provided demonstrating how stormwater runoff from the proposed development is to be managed in accordance with the requirements of Section 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and *AS/NZS 3500.3 Plumbing and drainage Part 3 Stormwater drainage*, as indicated on the stormwater management concept plan prepared by Northrop (Ref. No. NL211656, Revision B, dated 05/08/22), except as amended by this consent. Full details are to be included in documentation for a construction certificate application.

Condition reason: to control storm water runoff.

15. **Flooding - verifying floor levels**

Before the issue of a construction certificate, full details are to be provided demonstrating that the ground floor level of all proposed buildings or building additions are to be no lower than 3.95m Australian Height Datum.

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

16. **Flooding - emergency response plan**

Before the issue of a construction certificate, a flood emergency response plan is to be prepared by a professional engineer, who is experienced in flood management, and the plan is to be put in place prior to occupation of the site for the intended use. The plan is to include an education and awareness component for the workforce, detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan and provisions for any third parties likely to be involved.

A flood emergency response plan is to describe the following components:

- a) likely flood behaviour
- b) flood warning systems
- c) education awareness program
- d) evacuation and evasion procedures
- e) evacuation routes and flood refuges and
- f) flood preparedness and awareness procedures for residents and visitors

Considerations are to include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. The plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details are to be included in documentation for a construction certificate application.

Condition reason: to require a flood emergency response plan.

17. **Flood refuge on-site**

Before the issue of a construction certificate, details are to be provided demonstrating that an on-site flood refuge is to be provided on the ground floor of the development. The minimum on-site refuge level in the building is the level of the Probable Maximum Flood event (reduced level 4.05 m Australian Height Datum). The design and/or suitability of the refuge is to be structurally certified by a professional engineer, ensuring that the building is able to withstand the hydraulic loading due to flooding from the Probable Maximum Flood (Flood Level reduced level 4.05 m Australian Height Datum, Maximum Flow Velocity of floodwaters 0.70 m/s). Full details are to be included in documentation for a construction certificate application.

Condition reason: to require location and design of an appropriate flood refuge on-site.

18. **Street trees replacement**

Before the issue of a construction certificate, details are to be provided demonstrating that a new street tree will be planted in Stewart Avenue complementary to required public domain works, and evidence provided that a fee, to be determined by contacting Newcastle City Council's City Greening Services, has been paid to Newcastle City Council for the required compensatory planting.

Note: The tree selection and location of the required compensatory planting will be determined by Newcastle City Council's Greening Services in accordance with the Newcastle City Council's 'Street Tree Master Plan'. The location of the compensatory tree planting may not be in the immediate proximity of the site.

Condition reason: to ensure compensatory street tree planting is provided.

19. **Landscape plans and specification**

Before the issue of a construction certificate, a landscape plan is to be provided to the certifying authority demonstrating that the southern portion of the site with no built form is to be landscaped including the provision of at least 1 tree.

The plan and specification are to be prepared by a qualified landscape designer and be included in documentation for the construction certificate application.

Condition reason: To enhance the presentation of the corner site.

20. **Location of Plant**

Before the issue of a construction certificate, the location and selection of the mechanical plant is to be in accordance with the estimated Sound Power Levels (LAeq) in the acoustic report and signed off by an acoustic consultant

Condition reason: to protect acoustic amenity.

21. **Screening of plant**

Before the issue of a construction certificate, details are to be provided demonstrating that all external items of air conditioning plant will be screened or positioned in such a manner as to not detract from the visual presentation of the building and shall not be visible from the street or public domain. Full details are to be provided with the construction certificate documentation.

Condition reason: to protect visual amenity.

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

Before the issue of a construction certificate, details are to be provided showing facilities in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes, and arrangements are to be made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of Newcastle City Council approved wheel type bins or bulk waste containers. Full details are to

be included in documentation for a construction certificate application.

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

23. **Dilapidation Report - existing**

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

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

24. **Signage**

Before the issue of a construction certificate, engineer's certification of proposed fixtures and/or footings of the signage is to be supplied to the certifier.

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

25. **House numbering**

Within one week of lodging an application for a Construction Certificate, the applicant must submit a Street Numbering Application to Newcastle City Council to commence the addressing allocation process. The allocated addressing will be as per the Addressing Allocation document issued by Newcastle City Council and in accordance with the NSW Addressing Policy and the Australian/New Zealand Standard: Rural and Urban Addressing (AS/NZS 4819:2011). Any request for amendments to the Addressing Allocation must be submitted to Newcastle City Council for consideration and if approved, a revised Addressing Allocation document will be issued.

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

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

26. **Interpretation Plan**

An interpretation plan is to be prepared by an experienced heritage interpretation practitioner and submitted with the documentation for a Construction Certificate. The Interpretation Plan shall be in accordance with the Heritage Council's "Interpreting Heritage Places and Items Guidelines" (2005). The plan must interpret the multiple uses and history of the site and the former West End Hotel in a way that is engaging, informative and readily accessible to the majority of visitors. Written approval from Council's Heritage Officer is to be obtained prior to the issue of a Construction Certificate. The Interpretation Plan must be implemented to the written approval of Council prior to the issue of an Occupation Certificate.

Condition reason: To ensure an understanding of the history of the site is maintained.

27. Full Archival Photographic Record

A full archival photographic record is to be undertaken of the site, including the interiors and detached outbuildings. The archival recording is to be in accordance with the requirements of:

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

The record, in physical or digital form, is to be submitted to Council and written approval of Council's Heritage Officer submitted prior to the release of the construction certificate.

Condition reason: To ensure the proper record of Newcastle built heritage.

BEFORE BUILDING WORK COMMENCES

Condition

28. Toilets on site

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

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

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

29. Hoardings

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

Condition reason: to protect public spaces during demolition.

30. Hoardings

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

Condition reason: to protect public spaces during demolition.

31. Roads Act approval

Before building work commences, a separate application is to be lodged and consent obtained from Newcastle City Council for all works within the road reserve, pursuant to Section 138 of the *Roads Act 1993*, prior to the commencement of works.

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

32. Traffic management (construction) plan

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

Condition reason: to require a traffic management plan.

33. Erosion and sediment control - vehicle access

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

Condition reason: to prevent soil erosion.

DURING BUILDING WORK

Condition

34. Compliance with BCA

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

Condition reason: prescribed condition - EP&A Regulation (Section 69).

35. Site signage - site and building work

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

- a) showing the name, address and telephone number of the Principal Certifier for building work and subdivision work, and
- b) showing the name, address and telephone number of the Principal Contractor, if any, for any building work and a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
- c) stating that unauthorised entry to the work site is prohibited, and

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

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

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

Condition reason: prescribed condition.

36. **Site lighting during work**

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

Condition reason: to protect the public near worksites.

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

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

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

38. **Excavation and backfilling safety**

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

Condition reason: to protect the public near worksites.

39. **Erosion and sediment control measures**

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

Condition reason: to prevent erosion and control sediment.

40. **Erosion and sediment control measures**

During site work and/or building work, erosion and sediment control measures are to be implemented, and be maintained during the period of construction in accordance with the

details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:

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

Condition reason: to prevent erosion and control sediment.

41. **Controlling surface water**

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

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

42. **Containing materials and plant**

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

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

43. **Checking floor levels - surveyor**

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

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

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

44. **Limits on noise**

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

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

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

Condition reason: to protect the residential amenity of neighbours.

45. **Pollution prevention signage**

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

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

Condition reason: to require pollution prevention signage.

46. **Containing waste**

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

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

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

Condition reason: to require waste management on site.

47. **Handling excavated waste**

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

Condition reason: to ensure compliance with State Guidelines.

48. **Imported fill material**

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

Condition reason: to ensure compliance with State Guidelines.

49. **Resource recovery Orders**

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

Condition reason: to provide evidence of compliance.

50. **Controlling dust**

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

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

Condition reason: to control dust during works.

51. **Construction Management Plan**

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

Condition reason: to ensure construction works are appropriately managed.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

52. **Landscaping complete - Report requirements**

Before the issue of any occupation certificate, a Landscape Practical Completion Report is to be

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

Condition reason: to ensure landscape works are as approved.

53. Relocation of survey monuments

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

Condition reason: to ensure relocation of survey marks.

54. Public infrastructure - rectification of damage

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

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

55. Completion of road reserve works

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

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

56. Works as executed - stormwater

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

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

57. Water management measures complete

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

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

58. Acoustic treatment complete

Before the issue of any occupation certificate, Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Muller Acoustic Consulting, dated 02 August 2022 (MAC221520-01RP1). The project must have acoustic attenuation measures equivalent to a minimum building category two as per appendix D of the Interim guideline for the Development near Rail Corridors and Busy Roads as per recommendation in sections 7 & 8. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifying Authority and Council

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

Condition reason: to ensure acoustic treatment is as approved.

59. House Numbering Allocation

The premises are allocated the following street address/es in accordance with the *NSW Addressing Policy and the Australian/New Zealand Standard: Rural and Urban Addressing (AS/NZS 4819:2011)*. Before the issue of any Occupation Certificate, addressing provided by Newcastle City Council must be correctly implemented.

Condition reason: to require numbering of premises.

60. Off-site car parking

Prior to the issue of any occupation certificate, or occupation or use of part of the building, a lease agreement being executed providing unrestricted access for occupants of the building to a minimum of 45 car parking spaces in the multistorey car park at Lot 200 DP 1222338 known as 12 Stewart Avenue, Newcastle West.

Condition reason: To provide unrestricted access to off-site car parking

61. Positive covenant - off-site car parking

Prior to the issue of any occupation certificate, or occupation or use of part of the building, a positive covenant pursuant to Section 88E of the *Conveyancing Act, 1919*, being created on the title of the subject property in favour of Council as the benefitting authority and requiring the land owner, and their successors and assigns, to maintain a lease agreement, or suitable alternative equivalent arrangements providing unrestricted access for occupants of the building to off-site parking accommodating a minimum of 45 car spaces.

Documentary evidence of registration of these instruments with the NSW Land Registry Services shall be submitted to the Certifying Authority and Council prior to the issue of any occupation certificate, or occupation or use of part of the build.

The instrument is to provide that the positive covenant is unable to be released, varied or modified without the concurrence of Newcastle City Council.

Condition reason: To ensure the long term provision of sufficient parking.

OCCUPATION AND ONGOING USE

Condition

62. Hours of Operation

During occupation and ongoing use, the hours of operation or trading of the premises are to be not more than:

DAY	START	FINISH	
Monday	6:00 am	8:00 pm	Same day
Tuesday	6:00 am	8:00 pm	Same day
Wednesday	6:00 am	8:00 pm	Same day
Thursday	6:00 am	8:00 pm	Same day
Friday	6:00 am	8:00 pm	Same day
Saturday	7:00 am	7:00 pm	Same day
Sunday and public holidays	8:00 am	6:00 pm	Same day

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

Condition reason: to limit hours of operation.

63. Loading Bay

During occupation and ongoing use of the premises, the use of the temporary loading zone on Stewart Avenue is restricted between the hours of 12 midnight to 5am and the indented bay is signposted accordingly subject to approval by the Newcastle City Traffic Committee.

Condition reason: to prevent conflict with existing bus bay use.

64. Noise control

During occupation and ongoing use of the premises, all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997*.

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

verifying that the recommended acoustic measures have been satisfactorily implemented, will be required to be submitted to Newcastle City Council prior to the expiration of the nominated period.

Condition reason: to limit offensive noise.

65. Air quality

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

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

Condition reason: to protect air quality.

66. Trade waste

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

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

67. Off-site Parking Accommodation

During occupation and ongoing use, a lease agreement (or suitable alternative equivalent arrangement) being maintained for unrestricted access for occupants of the building to off-site parking accommodating a minimum of 45 car spaces.

Condition reason: To ensure sufficient parking arrangements are made.

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Condition

68. Asbestos removal signage

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

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

69. Demolition management plan

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

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

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

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

70. Disconnection of services before demolition work

Before demolition work commences, all services, such as water, telecommunications, gas,

electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

Condition reason: to protect life, infrastructure and services.

71. **Hazardous material survey before demolition**

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

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

The report must include at least the following information:

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

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

72. **Notice of commencement for demolition**

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

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

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

73. **Site preparation**

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

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

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

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

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

Condition reason: to comply with Australian standards.

75. **Dilapidation Report - existing**

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

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

76. **Toilets on site**

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

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

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

77. **Hoardings**

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

Condition reason: to protect public spaces during demolition.

78. Erosion and sediment control measures

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

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

79. Erosion and sediment control measures

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

Condition reason: to prevent erosion and control sediment.

80. Erosion and sediment control measures

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

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

Condition reason: to prevent erosion and control sediment.

81. Erosion and sediment control - vehicle access

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

Condition reason: to prevent soil erosion.

DURING DEMOLITION WORK

Condition

82. Asbestos safety

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

Condition reason: to require compliance with SafeWork NSW.

83. Handling of asbestos during demolition

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

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

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

84. Site maintenance

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

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

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

85. Demolition standards - Australian Standards

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

Condition reason: to comply with Australian standards.

86. Demolition management

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

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

Condition reason: to comply with Australian standards.

87. **Erosion and sediment control measures**

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

Condition reason: to prevent erosion and control sediment.

88. **Containing waste**

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

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

building materials and all other items.

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

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

89. Demolition - protecting services

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

Condition reason: to protect services during demolition.

90. Demolition - material management

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

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

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

Condition reason: to protect public spaces during demolition.

91. Demolition - maximising reuse

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

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

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

92. Demolition - material management

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

Condition reason: to protect public and private spaces during demolition

93. Demolition - waste management

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

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

94. Site lighting during work

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

Condition reason: to protect the public near worksites.

95. Site signage - site and building work

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

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

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

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

Condition reason: prescribed condition.

96. Excavation and backfilling safety

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

Condition reason: to protect the public near worksites.

97. Controlling surface water

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

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

98. Safework NSW requirements

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

Condition reason: to require compliance with SafeWork NSW.

99. **Limits on noise**

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

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

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

Condition reason: to protect the residential amenity of neighbours.

100. **Pollution prevention signage**

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

Condition reason: to require pollution prevention signage.

101. **Handling excavated waste**

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

Condition reason: to ensure compliance with State Guidelines.

102. **Imported fill material**

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

Condition reason: to ensure compliance with State Guidelines.

103. **Resource recovery Orders**

During demolition work, documentation demonstrating compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of

the Resource Recovery Order and Exemption. This documentation must be provided to Newcastle City Council officers or the principal certifier on request.

Condition reason: to provide evidence of compliance.

104. **Protecting footways**

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

Condition reason: to protect footways during works.

105. **Controlling dust**

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

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

Condition reason: to control dust during works.

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

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

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

ON COMPLETION OF DEMOLITION WORK

Condition

107. **Waste disposal verification statement**

On completion of demolition work:

- a) signed statement must be submitted to the Certifying authority verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste

management plan approved under this consent,

and

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

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

108. Relocation of survey monuments

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

Condition reason: to ensure relocation of survey marks.

109. Public infrastructure - rectification of damage

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

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

110. Dilapidation report

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

Condition reason: to protect adjoining buildings and infrastructure.

Advisory Matters

- Any proposed business identification sign or advertising sign is to be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application that is to be approved prior to the sign being erected or placed in position, except when such signage meets '*exempt development*' criteria.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of Newcastle City Council and any other relevant authorities. Newcastle City Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Prior to commencing any building works, the following provisions of Division 6.2 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
 - a) A Construction Certificate is to be obtained; and
 - b) A Principal Certifier is to be appointed for the building works and Newcastle City Council is to be notified of the appointment; and
 - c) Newcastle City Council is to be given at least two days notice of the date intended for commencement of building works.
- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists are to describe the extent, capability and basis of design of each of the measures.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, any Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for any Occupation Certificate must contain the information set out in Section 37 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW).
- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- An annual Fire Safety Statement in the form described in Section 88 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW) is to be submitted to Newcastle City Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- 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 reduced level 3.45 m Australian Height Datum (AHD)
 - b) Flood Hazard Level is reduced level 3.95 m AHD (Freeboard is 500mm above DFL)
 - c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.30 m/s
- Approval is required to be obtained from the Newcastle City Traffic Committee for the proposed Loading Zone signage with indent lane to Stewart Avenue prior to the Construction Certificate stage. Items may be brought to the Committee via consultation Council's Traffic & Transport Team (traffic@ncc.nsw.gov.au).
- A person who is aware or believes that he or she has discovered or located a relic not identified and considered in the supporting documents for this approval, in any circumstances (including where works are carried out in reliance on an exception under section 139(4)), excavation or disturbance must cease in the affected area(s) and the Heritage Council must be notified in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, additional assessment and approval under the *Heritage Act 1977* may be required prior to the recommencement of excavation in the affected area(s).

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

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

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

Act) for a person to harm or desecrate an Aboriginal object, with defence from prosecution and certain activities exempt as prescribed under the NPW Act.

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



INTENTIONAL BLANK PAGE

DISTRIBUTED UNDER SEPARATE COVER

PROCESSING CHRONOLOGY

DA2022/00923 – 775 Hunter Street Newcastle West

25/08/2021	-	Pre-Application UD2021/00288 presented to Urban Design Review Panel
25/08/2022	-	Application lodged
26 August and 14 September 2022	-	Application notified in accordance with CN's Community Participation Plan (CPP)
28/09/2022	-	Application presented to Urban Design Review Panel
03/04/2023	-	Request for additional information issued: Amended 4.6, Discussion of isolated lots, Flooding, servicing, Parking, End of trip facilities, Eastern Elevation, Signage, Activating the Street frontage.
01/05/2023	-	Additional information received from applicant.
10/10/2023	-	Further request for additional information made: For additional design changes to southern end and upper levels to further improve presentation and neighbouring amenity.
25/10/2023	-	Additional information received from applicant which amended the design. The amendments included increased southern setback for greater view corridor from the Holiday Inn, further articulation and design interest of the eastern façade.
10/11/2023	-	Amended acoustic report provided.
15/11/2023	-	Updated Application form provided to recognise the building lease arrangement between Council and the owner of 775 Hunter Street.
05/12/2023	-	Development Applications Committee meeting



INTENTIONAL BLANK PAGE

DISTRIBUTED UNDER SEPARATE COVER



Subsidence Advisory

117 Bull Street, Newcastle West, NSW, 2302 | T: (02) 4908 4300

99 Menangle Street, Picton, NSW, 2571 | T: (02) 4677 6500

24 Hour Emergency Service: 1800 248 083 (Free Call)

Newcastle City Council
ATTN: Gareth Simpson
Via NSW Planning Portal

Our ref: TBA22-03342
FN00-01416N0

Dear Gareth

RE: PROPOSED SEVEN (7) STOREY RETAIL/COMMERCIAL PREMISE AT 775 HUNTER STREET NEWCASTLE WEST; LOT 121 DP 526578 – TBA22-03342 - DA2022/00923

GENERAL TERMS OF APPROVAL

I refer to the above integrated development referred on 26 August 2022. Attached, please find Subsidence Advisory NSW General Terms of Approval (GTA) for the development of land as detailed above. Please note conditions are detailed under Schedule 2. The stamped approved plans are attached.

Once relevant documentation to meet the conditions in Schedule 2 is available, please submit via email to subsidedevelopment@customerservice.nsw.gov.au quoting reference **TBA22-03342**.

This satisfies the approval of Subsidence Advisory NSW under *section 22 of the Coal Mine Subsidence Compensation Act 2017*.

Should you have any questions about the attached general terms of approval I can be contacted by phone on _____ or via email at subsidedevelopment@customerservice.nsw.gov.au.

Yours faithfully,

Melanie Fityus
Senior Risk Engineer
16 September 2022

GENERAL TERMS OF APPROVAL

Issued in accordance with Section 4.47 of the *Environmental Planning & Assessment Act 1979* for the subdivision / development of land.

As delegate for Subsidence Advisory NSW under delegation executed 16 September 2022, general terms of approval are granted for the development described in Schedule 1, subject to the conditions attached in Schedule 2.

SCHEDULE 1

Ref:	TBA22-03342
DA:	2022/00923
Site Address:	775 HUNTER STREET NEWCASTLE WEST
Lot and DP:	LOT 121 DP 526578
Proposal:	SEVEN (7) STOREY RETAIL/COMMERCIAL PREMISE
Mine Subsidence District:	NEWCASTLE

SCHEDULE 2

GENERAL TERMS OF APPROVAL

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 DA2022/00923 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.	This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.						
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 “safe” if subjected to the subsidence parameters outlined below:</p> <table style="margin-left: 40px;"> <tr> <td>a) Maximum Vertical Subsidence:</td> <td style="text-align: right;">35 mm</td> </tr> <tr> <td>b) Maximum Horizontal Tensile Strain:</td> <td style="text-align: right;">3.5 mm/m</td> </tr> <tr> <td>c) Maximum Tilt:</td> <td style="text-align: right;">3.5 mm/m</td> </tr> </table>	a) Maximum Vertical Subsidence:	35 mm	b) Maximum Horizontal Tensile Strain:	3.5 mm/m	c) Maximum Tilt:	3.5 mm/m
a) Maximum Vertical Subsidence:	35 mm						
b) Maximum Horizontal Tensile Strain:	3.5 mm/m						
c) Maximum Tilt:	3.5 mm/m						
4.	<p>Submit an “Engineering Impact Statement” 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. Provide certification that the design will ensure the improvement remains “safe”. f. 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>The design shall incorporate the design methodology contained in the “<i>Engineering Impact Statement</i>”, for acceptance by SA NSW prior to commencement of construction.</p> <p>It shall include certification by a qualified structural engineer to the effect that the improvements will remain “safe” taking into consideration the mine subsidence parameters outlined in Condition 3 above.</p>						

POST CONSTRUCTION	
6.	<p>Establish 4 survey monitoring reference marks on and around the circumference of the building(s) so that building movement can be monitored should mine subsidence occur.</p> <p>At least 2 of the following PMs or SSMs should be used as a benchmark:</p> <ul style="list-style-type: none"> • PM182070 • SS22379 D • SS103573 • PM9888 <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>
7.	<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.



INTENTIONAL BLANK PAGE

DISTRIBUTED UNDER SEPARATE COVER



CLAUSE 4.6 REPORT REQUEST TO VARY FSR STANDARD UNDER NEWCASTLE LEP 2012

DEMOLITION OF EXISTING BUILDING AND
CONSTRUCTION OF A COMMERCIAL
PREMISES

775 HUNTER STREET, NEWCASTLE WEST
LOT 121 DP 526578

SPARTOHORI PTY LTD
24 NOVEMBER 2023



HUNTER OFFICE
7/335 Hillsborough Road,
Warners Bay NSW 2282
(02) 4978 5100

CENTRAL COAST OFFICE
5 Pioneer Avenue,
Tuggerah NSW 2259
(02) 4305 4300

SYDNEY OFFICE
Level 35, One International Towers
100 Barangaroo Avenue,
Sydney NSW 2000
(02) 8046 7412

www.adwjohnson.com.au

Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	Draft	22/07/2022	LDW	CM
B	Final	11/08/2022	LDW	CM
C	Final v2	20/01/2023	LDW	CM
D	Final v3	24/04/2023	LDW	CM
E	Final	01/09/2023	CM	CM
F	Updated Final	24/10/2023	CM	CM
G	Updated Final	24/11/2023	CM	CM

Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

This document is solely for the use of the authorised recipient. It is not to be used or copied (either in whole or in part) for any other purpose other than that for which it has been prepared. ADW Johnson accepts no responsibility to any third party who may use or rely on this document or the information contained herein.

The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

Table of Contents

1.0	INTRODUCTION	3
2.0	SITE.....	4
3.0	EXCEPTIONS TO DEVELOPMENT STANDARDS.....	7
4.0	THE DEVELOPMENT STANDARD & VARIATION SOUGHT.....	10
4.1	THE DEVELOPMENT STANDARD.....	10
4.2	CONTRAVENTION OF THE DEVELOPMENT STANDARD.....	11
4.3	OBJECTIVES OF THE DEVELOPMENT STANDARD.....	11
5.0	PLANNING CONTEXT	15
5.1	STRATEGIC PLANNING.....	15
5.1.1	<i>Hunter Regional Plan 2036.....</i>	<i>15</i>
5.1.2	<i>Draft Hunter Regional Plan 2041</i>	<i>17</i>
5.1.3	<i>Greater Newcastle Metropolitan Plan</i>	<i>18</i>
5.1.4	<i>Newcastle 2030 – Community Strategic Plan</i>	<i>19</i>
5.1.5	<i>Newcastle Local Strategic Planning Statement</i>	<i>19</i>
5.2	FLOOR SPACE & E2 ZONE	20
5.3	EXISTING AND DESIRED BUILDING DENSITY.....	21
6.0	JUSTIFICATION OF VARIATION	25
6.1	ZONING AND ZONE OBJECTIVES.....	25
6.2	OBJECTIVES OF THE DEVELOPMENT STANDARD	26
6.3	COMPLIANCE WITH DEVELOPMENT STANDARD IS UNNECESSARY.....	28
6.4	JUSTIFICATION ON ENVIRONMENTAL PLANNING GROUNDS	28
6.4.1	<i>Objects of the EPA Act</i>	<i>28</i>
6.4.2	<i>Additional Justification.....</i>	<i>30</i>
6.4.3	<i>Section 4.15 EP&A Act</i>	<i>35</i>
7.0	CONCURRENCE	36
8.0	CONCLUSION.....	37

APPENDIX A

ARCHITECTURAL PLANS (CKDS ARCHITECTURE)

APPENDIX B

STATEMENT OF HERITAGE IMPACT (HERITAS ARCHITECTURE)

LIST OF FIGURES

- Figure 1: Aerial photograph showing the site and adjoining development.
- Figure 2: Extract from the NLEP 2012 Floor Space Ratio Map.
- Figure 3: GFA Schedule (Extract from CKDS Architectural Plans).
- Figure 4: Extract from Hunter Regional Plan 2036.
- Figure 5: Extract from Greater Newcastle Metropolitan Plan 2036.
- Figure 6: Available FSR.
- Figure 7: Zoning map extract from extract from NSW Planning Portal.

1.0 Introduction

Spartohori Pty Ltd is the applicant for a proposed commercial premises at 775 Hunter Street, Newcastle West.

The proposal has been architecturally designed by CKDS Architecture. A copy of the architectural plans are included in **Appendix A** of this report.

The proposed development comprises a ground floor commercial/retail tenancy (specific tenant yet to be confirmed), ground floor end of trip facilities, and a six (6) level commercial/office premises (tenant yet to be confirmed). The proposed development has a floor space ratio (FSR) greater than that set by the standard imposed by Clause 7.10A of the *Newcastle Local Environmental Plan 2012* (NLEP 2012).

Clause 4.4 of the NLEP 2012 ordinarily prescribes a maximum FSR of 8:1 for the locality however Clause 7.10A of the NLEP 2012 provides additional provisions for certain land under 1,500m² in the Newcastle City Centre (which includes the subject site). Clause 7.10A provides an alternative FSR of 3:1 for the site. The proposed development has a FSR of 5.13:1, thus exceeding the FSR prescribed for the site under Clause 7.10A.

Clause 4.6 of NLEP 2012 provides for an appropriate degree of flexibility in applying certain development standards such as floor space ratio.

This report sets out the applicant's written request under Clause 4.6 of NLEP 2012 to vary the development standard identified under *Clause 7.10A – Floor space ratio for certain other development* to achieve the proposed development outcome.

This report justifies that the proposed variation sought is appropriate, and should not preclude the consent authority from granting development consent for the proposed commercial premises at 775 Hunter Street, Newcastle West.

2.0 Site

The subject site has a street address of 775 Hunter Street, Newcastle West, comprising Lot 121 DP 526578. The site is owned by Spartohori Pty Ltd.

The site has an area of 697.7m², and is a corner lot with an approximate frontage of 80m to Stewart Avenue and 10m to Hunter Street. The narrow nature of the site is uniquely different from the surrounding subdivision pattern which is more conventional in terms of the width to depth proportions.

The site is prominently located within the Newcastle City Centre in a gateway location. The existing and vacant former hotel in its current state detracts from the overall visual quality of the locality and makes no contribution to the overall viability of the city and with no current use makes no contribution to activate the street.

The site is conveniently located within walking distance to the Honeysuckle Precinct, the Light Rail Interchange, Marketown Shopping Centre, National Park, Hunter TAFE's King St campus and University of Newcastle's "New Space" campus.

The aerial photograph below provides an indication of the current built form and pattern of development in the area. Nearby development is predominantly of a larger and taller scale as can be seen in the photographs below.



Figure 1: Aerial photograph showing the site and adjoining development.

The following photographs show the existing development on the site.



Photo 1: View of subject site looking east along Hunter Street, (Google Maps, 2022).



Photo 2: View of subject site looking south along Stewart Avenue, (Google Maps, 2022).



Photo 3: View of subject site looking south from Hunter Street, (Google Maps, 2022).

3.0 Exceptions to Development Standards

The applicant seeks development consent for development that would contravene a development standard imposed by the NLEP 2012 (as detailed in **Section 4.0** and **5.0** of this report).

Under Clause 4.6 of NLEP 2012, development consent may be granted for development even though the development would contravene a development standard. Clause 4.6 of the NLEP 2012 provides as follows:

4.6 Exceptions to Development Standards

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider—*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The Land and Environment Court has considered the question of contravention of development standards in a number of cases, both in its former application under *State Environmental Planning Policy No. 1 – Development Standards* and also in the current format as it appears under Clause 4.6.

This submission has been prepared having regard to the latest authority on Clause 4.6, contained in the following NSW Land and Environment Court (Court) judgements:

- *Winten Property Group Limited v North Sydney Council* [2001] NSWLEC 46;
- *Wehbe v Pittwater Council* [2007] NSWLEC 827;
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 (Four2Five No 1);
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 (Four2Five No 2);
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 (Four2Five No 3);
- *Moskovich v Waverely Council* [2016] NSWLEC 1015;
- *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7; and
- *Initial Action Pty Ltd V Woollahra Council* [2018] NSWLEC 118.

Key elements from the above cases are outlined below.

In the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827, Chief Justice Preston outlined the rationale for the development standard, and the ways by which a development standard might be considered unreasonable and/or unnecessary. In his decision Chief Justice Preston noted:

“The rationale is that development standards are not ends in themselves, but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)”.

Wehbe v Pittwater Council [2007] NSW LEC 827 also established the following (non-exhaustive) examples that can be used to demonstrate that compliance with a development standard is unreasonable or unnecessary in the circumstances of the case:

- 1) *The objectives of the development standard are achieved notwithstanding non-compliance with the standard (unreasonable and unnecessary);*
- 2) *The underlying objective or purpose is not relevant to the development (unnecessary);*
- 3) *The underlying objective or purpose would be defeated or thwarted if compliance was required (unreasonable);*
- 4) *The development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consent that departs from the standard (unreasonable and unnecessary); and*
- 5) *The zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard was unreasonable or unnecessary.*

Initial Action Pty Ltd V Woollahra Council [2018] NSWLEC 118 sets out the correct approach to assessing a written request under Clause 4.6.

Firstly, the consent authority must be satisfied that the request seeking to justify the contravention of the development standard has adequately addressed the following matters required to be demonstrated by Clause 4.6(3):

- (a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
- (b) There are sufficient environmental planning grounds to justify contravening the development standards.

Secondly, the consent authority must be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out (clause 4.6(4)(a)*(ii)). The consent authority must be directly satisfied about the matter in clause 4.6(4)(a)(ii) and not indirectly satisfied that the written request has adequately addressed the matter.

The following report sets out the applicant's written request under Clause 4.6 of the NLEP 2012 (taking the above principles into account).

4.0 The Development Standard & Variation Sought

4.1 THE DEVELOPMENT STANDARD

The proposed development will contravene the floor space ratio standard imposed by Clause 7.10A of NLEP 2012 (Development Standard).

Clause 7.10A states:

7.10A Floor space ratio for certain other development

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

- (a) the floor space ratio identified on the Floor Space Ratio Map, or
- (b) 3:1.

The Floor Space Ratio Map in the NLEP 2012 prescribes a maximum floor space ratio of 8:1 for the subject site (refer to **Figure 2** below), which is reduced to 3:1 under the provisions of Clause 7.10A for the subject site on the grounds that the site is less than 1,500m². Should the site have exceeded 1,500m², the prescribed FSR would be 8:1 under the provisions of Clause 4.4 of the NLEP 2012.

Floor space ratio is defined by the NLEP 2012 to be:

The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

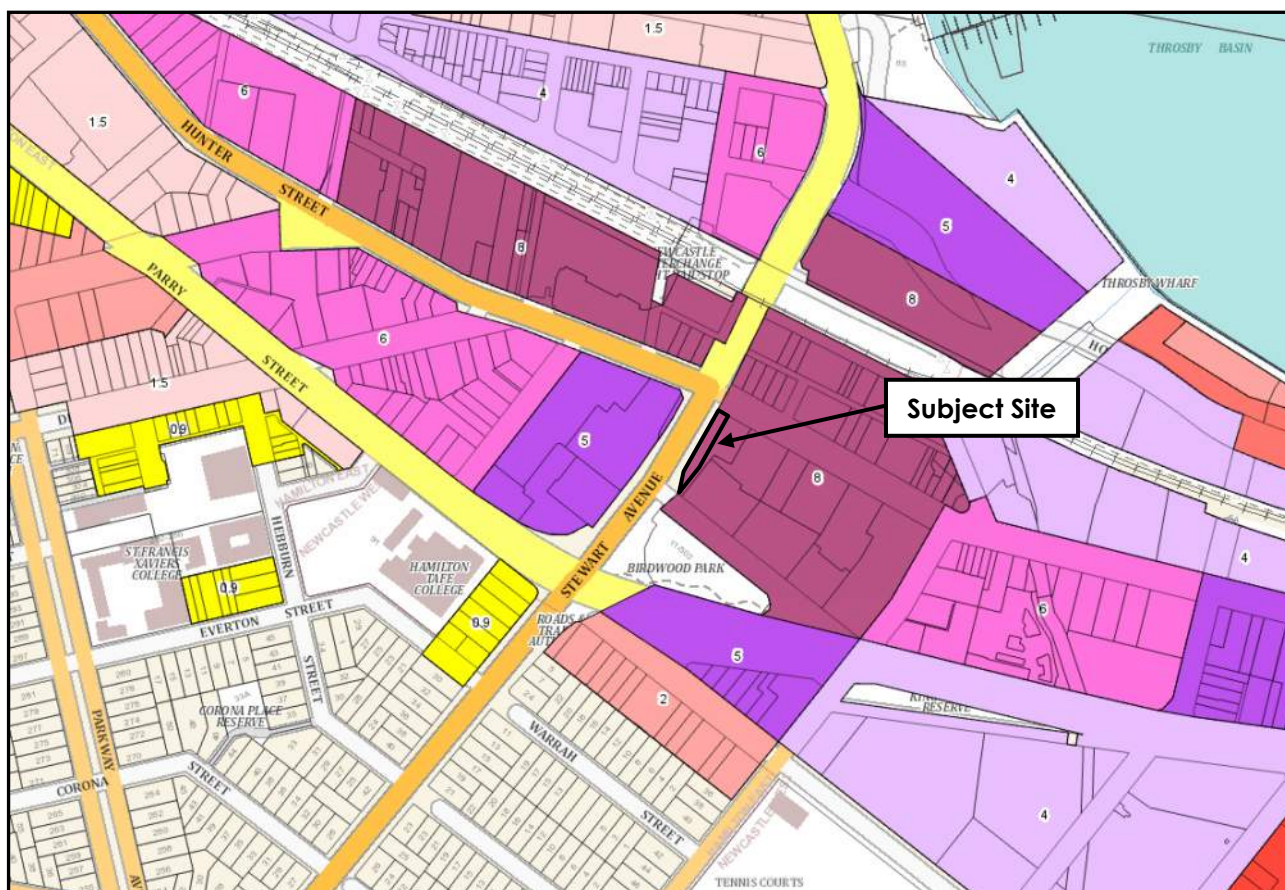


Figure 2: Extract from the NLEP 2012 Floor Space Ratio Map.

4.2 CONTRAVENTION OF THE DEVELOPMENT STANDARD

The proposed development has a floor space ratio of 5.13:1, which is approximately an 71% variation from the development standard of 3:1 under Clause 7.10A (site area is 697.7m²), proposed GFA is 3579m²). The breach of the FSR standard is predominantly in the upper 4 storeys and is distributed evenly across the length of the site.

Figure 3 below is an extract from the Architectural Plans prepared by CKDS that provides a breakdown of the GFAs for the components of the proposed development.

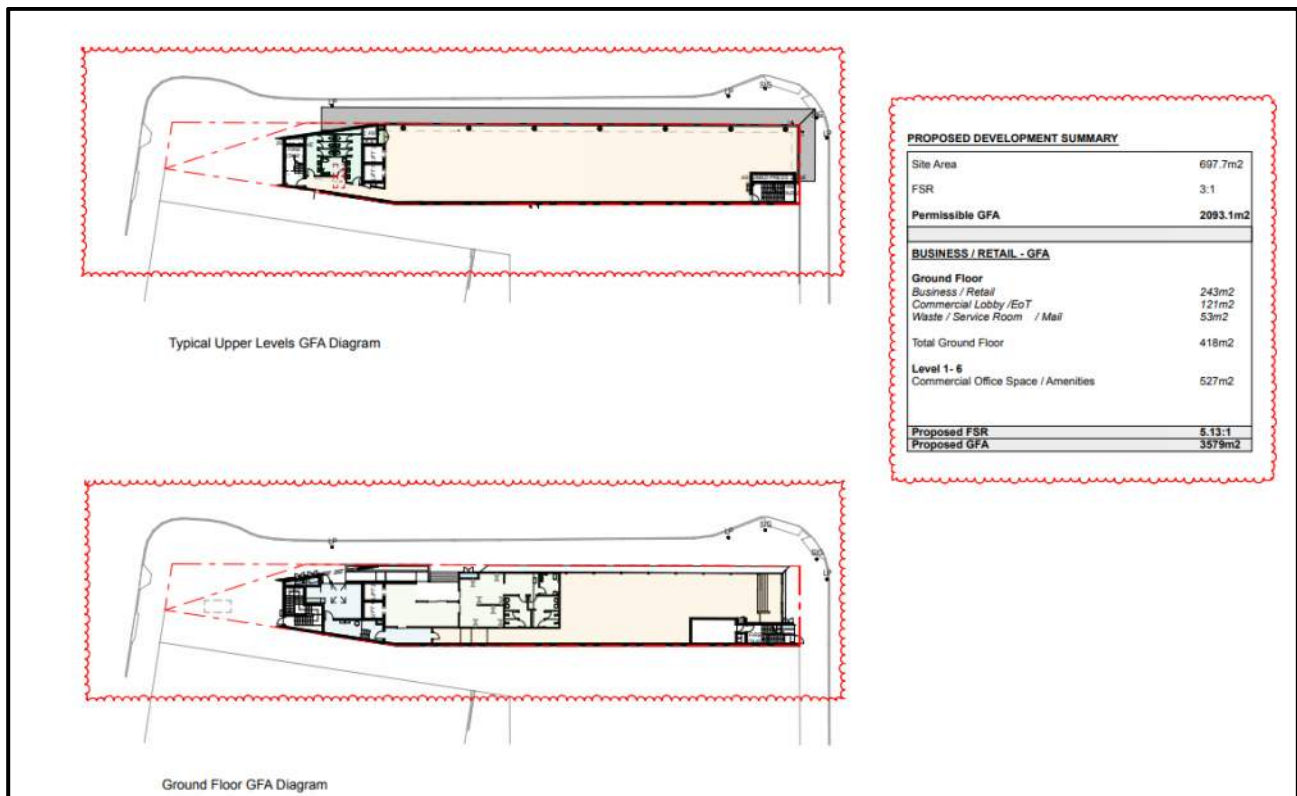


Figure 3: GFA Schedule (Extract from CKDS Architectural Plans).

4.3 OBJECTIVES OF THE DEVELOPMENT STANDARD

There is no listed clause objective for Clause 7.10A.

Because there is no stated objective for cl 7.10A it is necessary to identify at a level of generality the objective of the clause considering the text, context, and purpose of the development standard having regard to the whole of the NLEP 2012.

Starting with context, cl 7.10A is located in Part 7 of the NLEP 2012 which contains the additional local provisions for the Newcastle City Centre. Clause 7.2 provides that Part 7 applies to land in Newcastle City Centre which the Site is located. Clause 7.1 contains a number of express objectives of Part 7 which are set out below:

7.1 Objectives of Part

The objectives of this Part are as follows:

- a) to promote the economic revitalisation of Newcastle City Centre,
- b) to strengthen the regional position of Newcastle City Centre as a multi-functional and innovative centre that encourages employment and economic growth,
- c) to protect and enhance the positive characteristics, vitality, identity, diversity and sustainability of Newcastle City Centre, and the quality of life of its local population,
- d) to promote the employment, residential, recreational and tourism opportunities in Newcastle City Centre,
- e) to facilitate the development of building design excellence appropriate to a regional city,
- f) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Newcastle City Centre achieves sustainable social, economic and environmental outcomes,
- g) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Newcastle City Centre for the benefit of present and future generations,
- h) to help create a mixed-use place, with activity during the day and throughout the evening, so Newcastle City Centre is safe, attractive, inclusive and efficient for its local population and visitors alike.

There are also a number of standards in Part 7 which seek to give effect to these objectives. Those standards are as follows:

- Clause 7.3 which deals with minimum building street frontage. There are no stated objectives of this clause.
- Clause 7.4 deals with separation between buildings. There are no stated objectives of this clause.
- Clause 7.5 deals with design excellence. While there are no stated objectives of this clause there are a number of mandatory matters which are required to be considered by the consent authority.
- Clause 7.6 deals with active street frontages in the E2 zone. There is a single stated objective for this clause.
- Clause 7.9 deals with height of buildings. There are five stated objectives of this clause.
- Clause 7.10 deals with the FSR standard for certain development in Area A of the Newcastle City Centre. There are no stated objectives of this clause.

The additional provisions are all related to the built form of development. Of the seven additional standards or requirements under Part 7, only two clauses have stated objectives.

Turning to the text of cl 7.10A, it is a provision which provides an FSR development standard for certain land in the Newcastle City Centre. The following can be said of cl 7.10A having regard to its text:

1. First, cl 7.10A applies only to land with a site area less than 1,500m². It therefore does not apply generally to all land in the Newcastle City Centre. Further, the definition of "site area" in the Dictionary confirms the area is not limited to the legal boundaries of an allotment but can refer to contiguous allotments.
2. Secondly, cl 7.10A provides a maximum FSR standard for a "building" and therefore applies generally to all development for the erection of a building within the Newcastle City Centre on land with a site area less than 1,500m².

3. Thirdly, cl 7.10A adopts two FSR standards. The lesser of the two standards is the applicable standard for development on land with a site area less than 1,500m². The first standard is in paragraph (a) which adopts the FSR for the land on the Floor Space Ratio Map. The Floor Space Ratio Map is the map prescribed under cl 4.4(2) of the NLEP 2012 which contains the general development standard for FSR for all types of development under the NLEP 2012. The second standard is in paragraph (b) which prescribes a FSR standard of 3:1. Paragraph (b) applies to the proposed development because it is less than the FSR standard of 8:1 which is prescribed for the Site on the Floor Space Ratio Map.
4. Lastly, while cl 7.10A restricts the FSR for sites under 1,500m², there is no similar restriction on building height. This has the effect of limiting sites with an otherwise significant building height being limited by the allowable FSR. For example, a 3:1 FSR would typically have a height control significantly less than 90m, which is the maximum building height for the Site under cl 4.3.

Given cl 7.10A relates to the same subject matter as cl 4.4 by prescribing the applicable FSR development for buildings within the Newcastle City Centre, and cl 4.4 is impliedly referred to in paragraph (a) by adopting the FSR standard prescribed by the Lot Size Map, then the provisions of cl 4.4 are relevant to understanding the objective of cl 7.10A.

Clause 4.4, provides as follows:

4.4 Floor Space Ratio

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

- a) *to provide an appropriate density of development consistent with the established centres hierarchy,*
- b) *to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.*

(2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

(2A) *Despite subclause (2), the maximum floor space ratio for a building on land in any zone in this Plan is to be determined as if the area of the access laneway of a battle-axe lot were not part of the area of the lot.*

It is noteworthy that cl 4.4 has two standard objectives. The first objective is to provide for an appropriate density of development which is consistent with the hierarchy of development. The second objective of the standard is to control building density, bulk, and scale. Clause 4.4 is one of the main ways in which the second objective is achieved, along with the height of building standard in cl 4.3. These two objectives reflect the general planning purpose of controlling FSR through development standards and are equally applicable for the objective of cl 7.10A.

The main operative provision of cl 4.3 is subclause (2) which adopts the Floor Space Ratio Map which identifies the prescribed FSR standard for land under the NLEP 2012. Subclause (2) provides a requirement for a building to comply with the FSR standard for the land as prescribed by the Floor Space Ratio Map.

The following comparisons can be made of cl 7.10A and cl 4.4:

1. First, both provisions prescribe a FSR standard for buildings.
2. Secondly, both provisions prescribe an FSR standard by reference to the Floor Space Ratio Map. For cl 7.10A, this in paragraph (a).
3. Thirdly, cl 7.10A deals with more specific land within the Newcastle City Centre with a site area less than 1,500m². This is opposed to cl 4.4 which has a more general operation as it applies to all land which has a prescribed FSR on the Floor Space Ratio Map.
4. Fourthly, unlike cl 4.4, cl 7.10A prescribes a FSR standard of 3:1 for development on land with a site area less than 1,500m² within the Newcastle City Centre if it is less than the FSR prescribed by the Floor Space Ratio Map. Clause 7.10A is therefore seeking to impose a greater restriction on FSR for certain land in the Newcastle City Centre than would apply to a similar site outside this area. However, because Part 7 does not alter the applicable maximum building heights under cl 4.3 the clause is also seeking to encourage greater density of development on larger sites and therefore encourages consolidation of smaller lots. This reflects the fact that over the past century *ad hoc* subdivisions in the Newcastle City Centre has fragmented land into smaller allotments.

Having regard to these matters, cl 7.10A at a high level of generality has the following objectives:

1. To provide an appropriate density of development in the Newcastle City Centre.
2. To ensure building density, bulk and scale makes a positive contribution towards the desired built form in the Newcastle City Centre.
3. To encourage the consolidation of land in the Newcastle City Centre to achieve desired built form.

5.0 Planning Context

This Section establishes the planning context that frames the proposed floor space ratio variation request.

5.1 STRATEGIC PLANNING

5.1.1 Hunter Regional Plan 2036

The NSW Government has developed the *Hunter Regional Plan 2036* as an overarching framework to guide land use planning priorities and infrastructure funding decisions in the Hunter region over the next 20 years.

The Plan sets priorities and provides a direction for regional planning decisions. It focuses on new housing and jobs, and targets growth in strategic centres and renewal corridors close to transport to deliver social and economic benefits.

It sets in place line-of-sight land use planning for the region, regional districts like the Greater Newcastle metropolitan area and each Council area.

The vision of the *Hunter Regional Plan 2036* is for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart. To achieve this vision, the NSW Government has acknowledged the growing importance of Greater Newcastle and set the following regionally focused goals:

- The leading regional economy in Australia;
- A biodiversity-rich natural environment;
- Thriving communities; and
- Greater housing choice and jobs.

Figure 4 below provides the indicative boundaries of the Greater Newcastle area and identifies the location of the subject site within the Newcastle area.

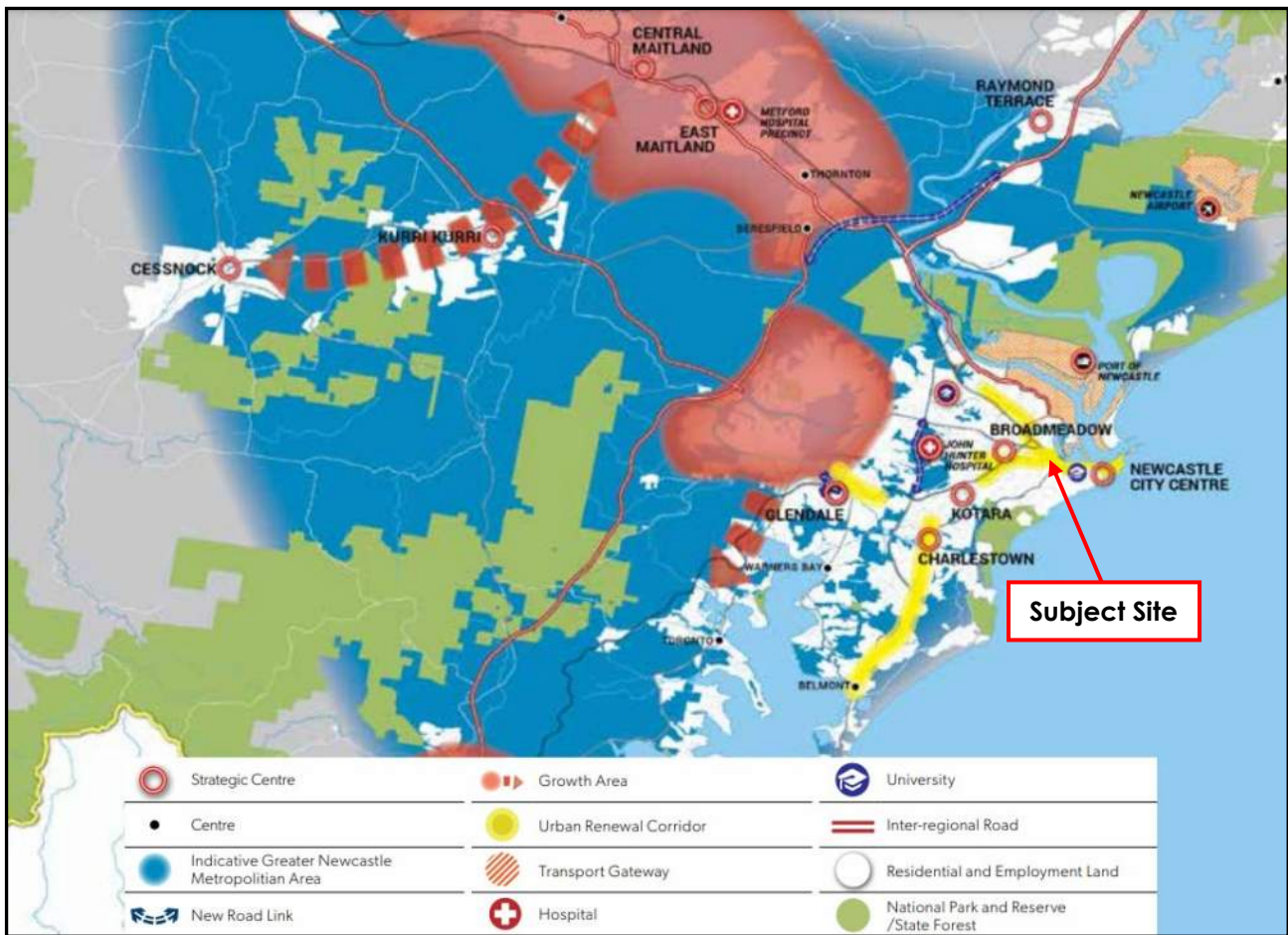


Figure 4: Extract from Hunter Regional Plan 2036.

The proposed development is consistent with the above goals identified to achieve the vision of the Plan. In particular, the proposed development contributes to supporting robust regional communities, by promoting economic growth within Hunter City. The proposed development provides an infill development on established urban land, within a central location within the city centre that comprises existing infrastructure and service networks.

More specifically, the proposed development is entirely consistent with the following directions within the Plan:

- Goal 1, Direction 1 – Grow Greater Newcastle as Australia's next metropolitan city;
- Goal 1, Direction 3 – Revitalise Newcastle City Centre; and
- Goal 4, Direction 23 – Grow centres and renewal corridors.

Goal 1, Direction 1 – Grow Greater Newcastle as Australia's next Metropolitan City

The proposed development is consistent with this direction, noting that the revitalisation of this prominent site in Newcastle West will create employment opportunities through the provision of a high-density commercial premises. This will expand the regional economy and support jobs close to where people live. The additional GFA proposed will provide essential commercial floor space in a key location, consistent with the aims of this direction.

Goal 1, Direction 3 – Revitalise Newcastle City Centre

The proposed development comprises the revitalisation of a prominent site in the Newcastle City Centre, which has fallen into disrepair. The additional floor space proposed also ensures that the design can be of a high architectural standard that is consistent with the bulk and scale of surrounding developments.

Goal 4, Direction 23 – Grow Centres and Renewal Corridors

The subject site is located within an urban renewal corridor identified within the Plan. The proposed development will facilitate the urban renewal of the site to support economic growth and a mix of commercial uses. Further, the site is appropriately located with good access to public transport and other retail and commercial centres such as Marketown and the Newcastle City Centre.

It is considered that the proposal inclusive of its additional floor area is entirely consistent with the relevant Directions and Actions within the *Hunter Regional Plan 2036*.

5.1.2 Draft Hunter Regional Plan 2041

The *Draft Hunter Regional Plan 2041* forms part of the five (5) year review of the *Hunter Regional Plan 2036*, and resets priorities for the area to ensure continued progress and prosperity for the Hunter community for the next 20 years. The Plan sets the strategic land use framework for continued economic transformation in one of Australia's most diverse and liveable regions.

Under this Plan, the regional vision for the Hunter is as follows:

“The leading regional economy in Australia, connected to and caring for Country, with a vibrant metropolitan city and sustainable 15-minute neighbourhoods at its heart.”

The proposed development is consistent with this vision, noting it will contribute to a vibrant metropolitan city through the high-density commercial redevelopment of an underutilised and dilapidated site in a key location in Newcastle West. The proposal will also provide essential secure bicycle lockers and end of trip facilities to support active transport modes through the City Centre.

The proposed development is also entirely consistent with objective 3 within the Plan, which aims to create a 15-minute region made up of mixed, multi-modal, inclusive and vibrant local communities.

Objective 3 places particular focus on reaching everyday needs within 15 minutes by walking or cycling, and more infrequent or specialised needs within 30 minutes through these active transport modes. The proposed development is consistent with this objective, noting that it incorporates secure bicycle lockers as well as end of trip facilities for cyclists. The future ground floor commercial premises will also provide a potential everyday need within a central location in Newcastle's West End.

The proposed development is generally consistent with the vision and relevant objectives of the *Draft Hunter Regional Plan 2041*.

5.1.3 Greater Newcastle Metropolitan Plan

The *Greater Newcastle Metropolitan Plan 2036* is a priority action of the above referenced *Hunter Regional Plan 2036*. The vision set out for the greater Newcastle area in the plan is:

Australia's newest and emerging economic and lifestyle city, connected with northern NSW and acknowledged globally as:

- *dynamic and entrepreneurial, with a globally competitive economy and the excitement of the inner city and green suburban communities;*
- *offering great lifestyles minutes from beaches or bushland, the airport or universities, and from the port to the lake;* and
- *a national leader in the new economy, with smarter cities and carbon neutral initiatives, and with collaborative governance that makes it a model to others in creating and adapting to change.*

The Plan sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

The site is identified in **Figure 5** below as being located within the 'West End Precinct' in the Newcastle City Centre Catalyst Area.

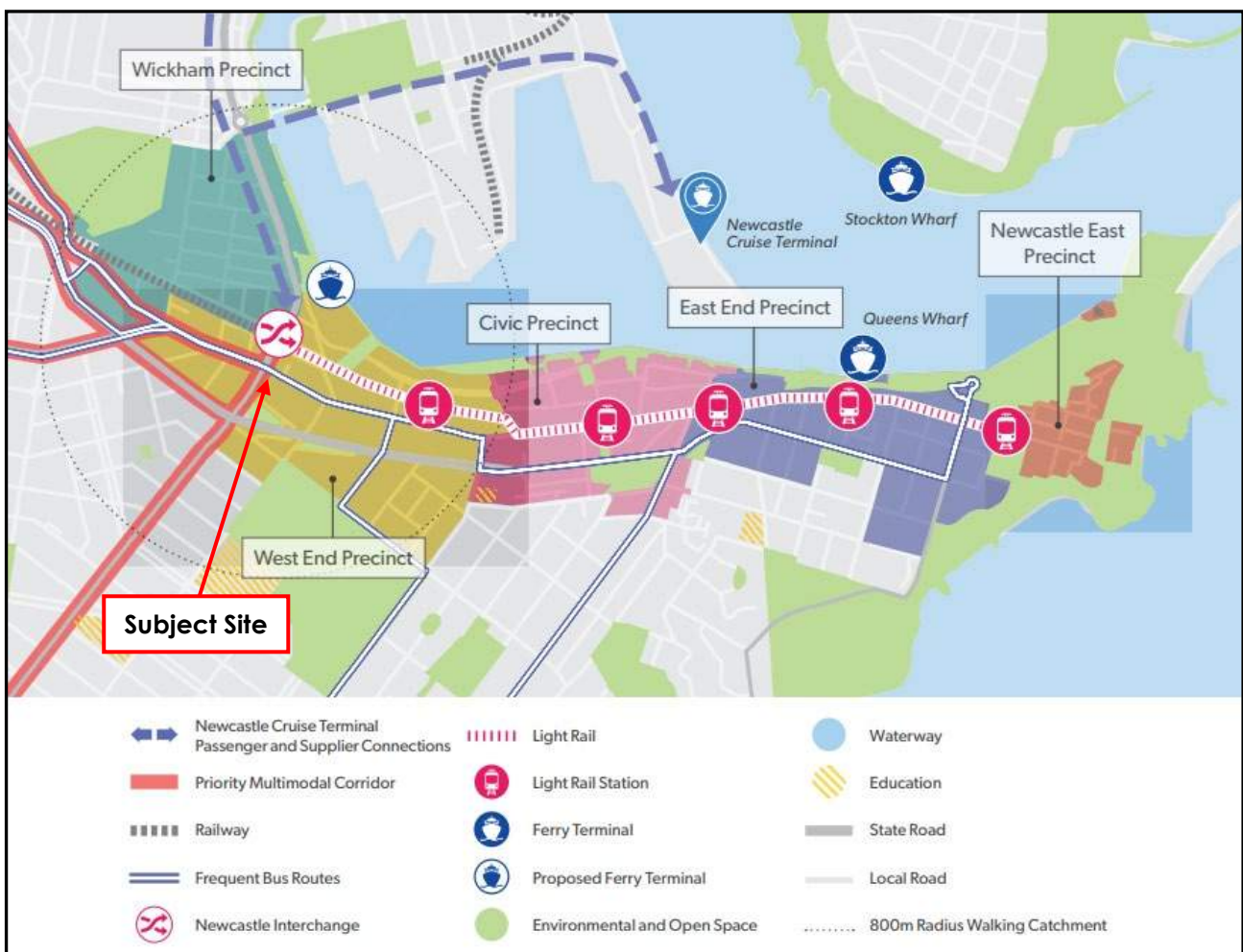


Figure 5: Extract from Greater Newcastle Metropolitan Plan 2036.

The Plan identifies the site as being located within the West End Precinct, where Newcastle City Council is to align local plans to increase commercial floor space surrounding the Newcastle Interchange. The proposed development achieves this by providing a high-density commercial premises within the 800m walking catchment surrounding the Interchange.

It is considered that the proposed development, inclusive of the exceedance of the FSR development standard, is compatible with the aims and objectives of the *Greater Newcastle Metropolitan Plan 2036*.

5.1.4 Newcastle 2030 – Community Strategic Plan

The *Newcastle 2030 – Community Strategic Plan (CSP)* identifies the main priorities and aspirations of the community and aims to integrate principles of equity, access, participation and rights, and addresses social, environmental, economic and governance matters into Newcastle's future development. The plan identifies seven (7) strategic directions developed to attain these goals.

The strategic directions within the CSP that are applicable to the proposed development include:

- *Vibrant, Safe and Active Public Places – A city of great public places and neighbourhoods promoting people's health, happiness and wellbeing; and*
- *Liveable Built Environment – An attractive city that is built around people and reflects our sense of identity.*

The proposed development is consistent with the CSP as it provides an attractive commercial premises in proximity to strong public and active transport networks. Further, the ground floor activation contributes to Newcastle West's emerging vibrant, safe and active public spaces.

It is considered that the proposed development is compatible with the provisions of *Newcastle 2030 – Community Strategic Plan*.

5.1.5 Newcastle Local Strategic Planning Statement

The *Local Strategic Planning Statement* has been adopted by CoN as a means of providing direction to future development patterns throughout the City of Newcastle. The comprehensive land use strategy aims to guide the future growth and development of Newcastle.

The Strategy implements the land use directions from the *Newcastle 2030 – Community Strategic Plan* and underpins the NLEP 2012, providing a land use planning platform to move towards a smarter, more liveable and sustainable Newcastle.

The Planning Priorities relevant to the proposed development are outlined below.

Planning Priority 8 – Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas

Planning Priority 8 seeks to Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas. The proposed development is consistent with the intent of this planning priority as it will provide a commercial premises in the West End of Newcastle. The proposal ensures greater choice in jobs, with good access to the existing active and public transport networks.

Further, the proposed development aligns with the principles of this planning priority, particularly facilitating the concentration of commercial development in the West End.

Planning Priority 10 – Development responds to the desired local character of our communities

Planning Priority 10 aims to protect communities from new development that is not compatible with the desired local character of the area.

The proposed development complies with the various planning controls relevant for the site.

Planning Priority 11 – Protect and celebrate our heritage

The Statement of Heritage Impact undertaken by Heritas and provided within **Appendix B** of this report demonstrates that the proposed development successfully protects and celebrates the heritage values of the area.

The proposed development is therefore consistent with the aims and relevant planning priorities of the *Newcastle Local Strategic Planning Statement*.

5.2 FLOOR SPACE & E2 ZONE

At the time the DA was lodged with Council, the subject site was zoned B3 Commercial Core. *State Environmental Planning Policy Amendment (Land Use Zones) (No 4) 2022 (Amendment SEPP)* commenced on 26 April 2023 and replaced the B3 zone with the new E2 Commercial Centre zone. Relevantly, the objectives of the E2 Commercial Centre zone largely adopt the objectives of the former B3 Commercial Core zone.

The Amendment SEPP does not include any savings provisions and the subject site is now zoned E2 Commercial Centre (and the objectives of the E2 Commercial Centre zone are now relevant to Council's assessment of the proposed development including for the purposes of clause 4.6(4)(a)(ii) of the NLEP 2012). This Clause 4.6 objection addresses the objectives of the new E2 zoning.

The objectives of the E2 Commercial zone are:

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity;
- To encourage investment in commercial development that generates employment opportunities and economic growth;
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians;
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area;
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces;
- To provide for commercial floor space within mixed use development;
- To strengthen the role of the Newcastle City Centre as the regional business, retail and cultural centre of the Hunter region; and
- To provide for the retention and creation of view corridors.

Clause 7.10A applies to the site and restricts the FSR to 3:1 on the grounds that the site area is less than 1,500m². The applicable FSR for the site would otherwise have been 8:1 under Clause 4.4.

Clause 4.3 sets out the permitted height of building for this site at 90m. While Clause 7.10A restricts the FSR for sites under 1,500m², there is no similar restriction on building height. This has the effect of creating controls that do not integrate well. A 3:1 FSR would typically have a height control significantly less than 90m.

As previously outlined, there is no clause objective provided which states why sites under 1,500m² are provided with a reduced FSR. Having regard to the text, context and purpose of cl 7.10A the objectives of the clause are similar to the objectives of cl 4.4 but would the additional objective of encouraging amalgamation of sites in an attempt to encourage greater density of development within the CBD, consistent with general urban consolidation objectives.

During the feasibility stages of the proposed development, the proponent held discussions with the land owner of the adjoining lot (767 Hunter Street – Lot 1 DP 201916) regarding the potential sale of the site for future amalgamation. These discussions were unsuccessful and as such the consolidation of lots in this instance is not possible.

The existing building is in poor condition and vacant and does not make a positive contribution to the social or economic wellbeing of the city or to the streetscape. Redevelopment of the site is highly desirable from this perspective.

5.3 EXISTING AND DESIRED BUILDING DENSITY

As outlined above the site is in poor condition and requires attention in the short term to ensure it makes a valuable social, economic and streetscape contribution to the city. The site is unable to be consolidated with adjoining lands in order to realise the available FSR under Clause 4.4.

The site's primary frontage is to Stewart Avenue, with a short boundary to Hunter Street. It is a logical and appropriate design response to address Stewart Avenue with an evenly distributed built form, to this boundary. This approach is consistent with and responds appropriately to the scale of development opposite at 12 Stewart Avenue.

A compliant design that attempts to respond to the site and its location would only achieve 3 storeys. If the proposed development was to be scaled back to a FSR of 3:1 it would result in a development that is inconsistent with the scale of development along Stewart Avenue and within the immediate locality. It would also be inconsistent with the scale of development that is emerging in the area and the desired future character of the locality as envisaged in the planning controls for Newcastle West. In particular it would result in a development that is in stark contrast to the available 8:1 FSR on nearby sites as identified in the below figure showing the LEP mapped available FSR to other sites within the same city block. In addition, a design that is compliant with FSR would result in a height of development that is well below the site's mapped height under the NLEP of 90m.



Figure 6: Available FSR.

Council's DCP advises for the West End that *“this area is the western gateway to Newcastle's city centre and is an area of unrealised potential.....The predominance of larger consolidated land holdings and fewer environmental and heritage constraints make this precinct ideally suited to become the future CBD of Newcastle.”*

The proposed development including with additional FSR will provide an appropriate level of density, more consistent with the vision for City West and more consistent with the desired future character.

In addition to consistency with the desired character it is important in urban design terms to provide stronger building elements to corner sites and more particularly on this site which is a gateway to the CBD. This will not be achieved with a development of limited density. A compliant built form, with its resultant reduced height, would not provide for a strong CBD entry and will not frame the street in the desired manner. This outcome will mean a development that does not contribute to the overall quality and amenity of the city.

The photographs below identify the larger scale built form emerging within proximity of the site, in addition to Photos 1 and 2 in Section 2 of this report.

Photos 4-6 below show the bulk and scale of the abovementioned developments.



Photo 4: View of 12 Stewart Avenue, (Google Maps, 2022).



Photo 5: View of 168 Parry Street, (Google Maps, 2022).



Photo 6: View of 514 King Street, (Google Maps, 2022).

6.0 Justification of Variation

In accordance with Clause 4.6(3)(a) of NLEP 2012 and having regard to the established law on Clause 4.6 objections, this Section identifies that:

- Compliance with the Development Standard is unnecessary in this instance;
- There are sufficient environmental planning grounds to justify contravening the development standard; and
- The proposed development is in the public interest because it is consistent with the objectives of the Development Standard and of the B3 Commercial Core zone.

6.1 ZONING AND ZONE OBJECTIVES

The zoning of the land and the zone objectives are relevant to Council's assessment of the request to contravene the Development Standard.

The subject site is zoned E2 Commercial Centre under the NLEP 2012 (refer **Figure 7** below).



Figure 7: Zoning map extract from extract from NSW Planning Portal.

The proposed development, including with Floor Space Ratio exceedance, is consistent with the objectives of the zone, as outlined in **Table 1** below.

Table 1: NLEP Zone Objectives

NLEP OBJECTIVE	COMMENT
To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.	The proposed commercial premises particularly with the additional floor space provided for by the FSR breach will strengthen the role of the commercial centre.
To encourage investment in commercial development that generates employment opportunities and economic growth.	The proposed development including with additional floor space will encourage employment opportunities, The site is suitably located for the proposed use, being within proximity to the Newcastle Interchange and other public and active transport networks.
To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.	As stated above, the site is in proximity to public and active transport networks. Additional floor space in this location will maximise public transport patronage.
To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.	The proposed development does not propose residential development.
To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.	The proposed development includes active street frontages.
To provide for commercial floor space within mixed use development.	The proposal will provide the opportunity for commercial floor space within mixed use development.
To strengthen the role of the Newcastle City Centre as the regional business, retail and cultural centre of the Hunter region.	The proposed development including with the additional floor space provides commercial floor space in a prominent gateway location in Newcastle West. The establishment of a high-quality commercial premises in this key location will strengthen the role of the Newcastle City Centre as the regional business, retail and cultural centre of the Hunter region.
To provide for the retention and creation of view corridors	The proposed development will not impact on any existing view corridors, and the site has not been identified to provide for additional public view corridors.

6.2 OBJECTIVES OF THE DEVELOPMENT STANDARD

Clause 7:10A does not have a specific objective however objectives can be implied from the text, context, and purpose of the provision in the context to the NLEP 2012 as set out in section 4.3. These objectives are addressed below.

To provide an appropriate density of development in the Newcastle City Centre

It is intended that FSR's throughout the Newcastle City Centre encourage higher density, consistent with urban consolidation objectives and consistent with the Newcastle CBD being the metropolitan city of the region (as identified in the Hunter Regional Plan 2041). The proposed additional FSR sought for the subject site is consistent with this objective. A FSR of 3:1, if enforced, would result in a development outcome that is not consistent with the established hierarchy i.e., the objective of the clause would not be met.

To ensure building density, bulk and scale makes a positive contribution towards the desired built form in the Newcastle City Centre.

The proposed additional floor space will ensure a density, bulk and scale more consistent with the desired and emerging character of Newcastle West, particularly along the southern portion of Stewart Avenue. **Figure 6** clearly identifies available FSR of (8:1) in proximity of the site and a FSR of only 3:1 will be inconsistent with this. A significantly reduced density will not contribute in the same way to making a positive contribution towards the desired built form and this would be inconsistent with the established centres hierarchy.

To encourage the consolidation of land in the Newcastle City Centre to achieve desired built form.

This objective concerns the benefits of consolidating to achieve site areas larger than 1,500m² to achieve the benefits of greater FSR and height of building standards which allow for more intense development.

As addressed in **Section 5.2**, consolidation with the adjoining lot (767 Hunter Street – Lot 1 DP 201916) as the landowner has rejected the offer for consolidation.

While the Site cannot be consolidated with adjoining land to achieve a site area greater than 1,500m² the development still satisfies the intended purpose of this objective because the same design outcome is achieved for the following reasons.

First, as addressed in **Section 5.3**, a compliant design that attempts to respond to the site and its location would only achieve 3 storeys. If the proposed development was to be scaled back to a FSR of 3:1 it would result in a development that is inconsistent with the scale of development along Stewart Avenue and within the immediate locality. It would also be inconsistent with the scale of development that is emerging in the area and the desired future character of the locality as envisaged in the planning controls for Newcastle West. It would also result in a development that is in stark contrast to the available 8:1 FSR on nearby sites as identified in the figure in section 5.3 which demonstrates the LEP mapped available FSR to other sites within the same city block. In addition, a design that is compliant with FSR would result in a height of development that is well below the site's mapped height under the NLEP of 90m.

Secondly, the proposed development including with additional FSR will provide an appropriate level of density, more consistent with the vision for City West and more consistent with the desired future character.

Lastly, consistency with the desired character is important in urban design terms to provide stronger building elements to corner sites and more particularly on this site which is a gateway to the CBD. This will not be achieved with a development of limited density.

A compliant built form, with its resultant reduced height, would not provide for a strong CBD entry and will not frame the street in the desired manner. This outcome will mean a development that does not contribute to the overall quality and amenity of the city.

6.3 COMPLIANCE WITH DEVELOPMENT STANDARD IS UNNECESSARY

Compliance with the development standard is unnecessary because the objectives of the standard are achieved notwithstanding non-compliance with the standard. Further to the reasons identified in **Section 6.2** of this report, the proposed development will meet the objectives of the standard in the following ways:

- The site is in the Newcastle City Centre which is identified in both regional and local planning strategies as a city centre. The Newcastle City Centre is the major centre under the established centres hierarchy for the Hunter Valley;
- The scale of the development that will be afforded by the proposed FSR variation sought is consistent with surrounding developments in the area and the desired future character of the area. It is considered that without the additional FSR that a poorer urban development outcome will be the result, including taking into consideration the gateway location of the site; and
- The scale of development is consistent with regional strategies and plans, for higher density buildings around key public transport nodes.

6.4 JUSTIFICATION ON ENVIRONMENTAL PLANNING GROUNDS

As outlined in **Section 3.0**, there needs to be sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b)).

In considering the relevant environmental planning grounds, it is necessary to consider the objects of the Environmental Planning and Assessment Act 1979 (EPA Act) and the matters for consideration outlined in section 4.15 of the EPA Act.

6.4.1 Objects of the EPA Act

The proposed variation in floor space ratio will promote the objects of the Act, in particular the following:

Object (a)

"To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources"

The proposed development in particular with the additional floor space will promote the social and economic welfare of the community, through the provision of commercial floor space at an appropriate density in a strategic location close to employment, shops, services, public transport and outdoor public recreational spaces.

Object (b)

"To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment"

The proposed development including with additional floor space will promote the principles of urban consolidation and the resultant ESD benefits by ensuring an appropriate level of density within a key location close to transport and services.

Object (c)

"To provide the orderly and economic use and development of land"

The proposed variation to the development standard will allow for the orderly and economic use of the site with the redevelopment of a currently under developed and dilapidated site to provide a use and form that is consistent with the zoning and desired future character of the area.

Object (g)

"To promote good design and amenity of the built form"

The proposed development has been architecturally designed to respond to the site's unique infill characteristics. The breach in FSR is triggered by the fact that the lot size is less than 1500m².

In this instance the proposed breach of FSR will result in a better built form outcome as the breach provides for increased density consistent with the existing and desired future character of the area and provides for an appropriate design response to allow a corner site in a gateway location to have a strong built presence.

This better design outcome is achieved by the distribution of additional bulk on the upper storeys across the length of the site as it creates a building that is similar in scale to 12 Stewart Avenue and 168 Parry Street and is responsive to the site's features and its location within Newcastle West.

This design outcome cannot be achieved with a compliant built form. It also cannot be achieved without distributing additional bulk across the upper storeys and for the length of the subject site because of the site's prominent location and the massing of nearby buildings. To do otherwise would create a significant and awkward break in urban built form that would be unacceptable given the prominent location of the site and its orientation towards Stewart Avenue.

There are three elements for consideration in determination of whether there are sufficient environmental planning grounds (Bhat v Hornsby Shire Council [2023] NSWLEC 1424 at 31 per Commissioner Dickson):

1. Firstly, whether the grounds advanced are environmental planning grounds.

The Court has accepted that additional floor space provides for the orderly and economic use a development on small lots (*Ahearne v Mosman Municipal Council* [2023] NSWLEC 1013).

As identified in this report the additional FSR afforded by the breach will provide a better planning outcome. It is noted that the proposed FSR is 5.13:1 which is still well below that achievable for larger sites within the locality at 8:1.

The Court has also accepted achieving consistency in the streetscape and fit with character is an environmental planning ground that may justify contravention of a development standard (*SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [90]).

As identified in this report the additional FSR afforded by the breach will provide a better planning outcome because the additional FSR contributes to providing a development outcome that will be more consistent with the streetscape and the emerging and desired future character of the area. This is achieved by distributing additional floor space in the upper storeys across the full length of the site. The proposed design therefore is a high quality response to the site's unique features and location within Newcastle West.

2. Secondly, whether the environmental planning grounds advanced in the written request focus on the aspect or element of the development that contravenes the standard.

The breach results from the unique configuration of the lot and its size. The unique configuration and prominent location require a high quality design response. The breach in FSR directly provides for a high quality design which responds to the site's features and its location within Newcastle West and along Stewart Avenue. The design results in a better planning outcome for the site and in Newcastle West.

A compliant outcome will result in a development that is inconsistent with emerging and desired future character of the area because the built form will be of a much smaller scale by comparison. In addition, the breach provides for a stronger building element on a prominent corner within the CBD, in a gateway location. These benefits are directly related to the upper storeys of the building that result in the breach of the development standard.

3. Thirdly, I must be satisfied that the environmental planning grounds are "sufficient" to justify, or inform, the aspect or element that contravenes the development standard.

The environmental planning grounds are sufficient to justify the departure because a superior urban design outcome (by providing a density of development more consistent with that which surrounds and desired for the locality) will be the result of allowing the breach compared to not allowing the breach. There will also be no unacceptable environmental planning outcomes that will arise from the variation sought.

6.4.2 Additional Justification

Additional justification of the proposed variation on environmental planning grounds is provided below.

Objectives of Part 7 of the NLEP

a) to promote the economic revitalisation of Newcastle City Centre

The proposed commercial premises, including with additional floor space, represents an opportunity to make a significant improvement to the public realm and contribution to the revitalisation of the city centre. The development will satisfy the desired, co-ordinated and integrated transformation of the west end of the Newcastle City Centre.

b) to strengthen the regional position of Newcastle City Centre as a multi-functional and innovative centre that encourages employment and economic growth

The proposed commercial premises, inclusive of the increased FSR, provides six (6) levels of commercial floor space above ground level in a key gateway location, facilitating employment and economic growth.

c) to protect and enhance the positive characteristics, vitality, identity, diversity and sustainability of Newcastle City Centre, and the quality of life of its local population

The proposed commercial premises including with increased FSR will enhance the positive characteristics, vitality, identity and diversity of the city, in particular this will be achieved by ensuring a built form that is more consistent with that approved and envisaged for the area.

d) to promote the employment, residential, recreational and tourism opportunities in Newcastle City Centre,

The proposed commercial premises, inclusive of the increased FSR, will provide considerable employment opportunities throughout both the construction and operational phases of the development.

e) to facilitate the development of building design excellence appropriate to a regional city

The proposed building, in particular with the proposed additional floor space, will contribute to building design excellence appropriate to a regional city by providing a form and density of development that is consistent with the desired character for the locality and more consistent with the emerging surrounding development density.

f) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Newcastle City Centre achieves sustainable social, economic and environmental outcomes,

The proposed development including with additional FSR is not inconsistent with this objective. In particular, the commercial premises contributes to the economic and social sustainability of the Newcastle City Centre through the provision of employment opportunities and public domain improvements.

g) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Newcastle City Centre for the benefit of present and future generations

The proposed development including with additional floor space does not prevent this objective for the city centre from being achieved.

h) to help create a mixed-use place, with activity during the day and throughout the evening, so Newcastle City Centre is safe, attractive, inclusive and efficient for its local population and visitors alike.

The proposed development including with additional floor area will provide substantial improvements to the public domain in Newcastle West, thus making the area a safe, attractive, inclusive and efficient mixed-use neighbourhood.

Newcastle Development Control Plan 2012

The site is located within the West End precinct in the Newcastle City Centre. The relevant provisions of Section 6.01 Newcastle City Centre of the Newcastle Development Control Plan 2012 (NDCP 2012) are addressed below.

Section 6.01.03(A1) of the NDCP 2012 applies to street wall heights within the Newcastle City Centre, and states that corner sites may be emphasised by design elements that incorporate some additional height above the nominated street height. The proposed development inclusive of the proposed FSR development standard is consistent with this control, whereby the aim is to emphasise corner lots within the city centre. The additional floor space allows the development to reach a height and scale consistent with surrounding developments in the locality and provides a sense of enclosure to the street.

The site is also located within the 'Birdwood Park Key Precinct', whereby the following objectives are provided:

1. *Guide development that contributes to the realisation of a future commercial core.*
2. *Create a sense of arrival into the city centre from the western approach.*
3. *Promote active street frontages.*
4. *Protect heritage items and contributory buildings.*
5. *Promote a permeable street network in Birdwood Park precinct with well-connected easily accessible streets and lanes.*
6. *Provide new public spaces and improve pedestrian amenity, particularly to Birdwood Park.*
7. *Improve Birdwood Park with a strong built edge and protecting sunlight access.*

The proposed additional floor space is consistent with these objectives as it will provide essential floor space that contributes to the realisation of a future commercial core and create a sense of arrival into the city centre from the western approach.

If the proposed development were to comply strictly with the FSR development control under the NLEP 2012, it would not maximise commercial floor space in the city centre, and would miss a substantial opportunity to create a sense of arrival into the city centre on a gateway site at the intersection of Stewart Avenue and Hunter Street.

The proposed additional floor space is therefore consistent with the NDCP 2012 provisions supporting commercial floor space in the Newcastle City Centre.

Newcastle 2040 – Community Strategic Plan

Newcastle 2040 is the highest-level plan that the City of Newcastle (CN) prepares. Its purpose is to identify the community's main priorities and aspirations for the future and to plan strategies for achieving these goals. Newcastle 2040 guides all other CN strategies and plans and must be developed with and on behalf of the community.

The priorities within Newcastle 2040 that are applicable to the proposed development are addressed below:

Liveable Newcastle: Enriched Neighbourhoods and Places

The proposed development inclusive of the additional FSR has been architecturally designed in accordance with Council's Urban Design Review Panel to deliver a building form that responds to the current and future context of the site and its locality, creating an innovative building for a prominent corner site. The additional floor space allows the architectural form to landmark the prominent corner site in a key location in Newcastle's West End, which will result in a better place to live, work, and enjoy.

Creative Newcastle: Opportunities in Jobs, Learning and Innovation

The proposed additional floor space is consistent with this priority as it will facilitate greater opportunities for economic success and innovation in a key location within Newcastle's West End. The additional floor space will provide greater opportunities for job and economic growth within the city centre, thus growing the local skill base and attracting domestic and international talent to Newcastle.

Newcastle Local Strategic Planning Statement

The *Local Strategic Planning Statement* has been adopted by CN as a means of providing direction to future development patterns throughout the City of Newcastle. The comprehensive land use strategy aims to guide the future growth and development of Newcastle.

The Strategy implements the land use directions from the *Newcastle 2030 – Community Strategic Plan* and underpins the NLEP 2012, providing a land use planning platform to move towards a smarter, more liveable, and sustainable Newcastle.

The Planning Priorities relevant to the proposed development are outlined below.

Planning Priority 8 – Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas

Planning Priority 8 seeks to Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas.

The proposed development is consistent with the intent of this planning priority as it will provide a commercial premises in the West End of Newcastle. The proposed variation the FSR development standard under the NLEP 2012 will ensure greater concentration and choice in jobs, with good access to the existing active and public transport networks.

Further, the proposed development aligns with the principles of this planning priority, particularly facilitating the concentration of commercial development in the West End.

Planning Priority 10 – Development responds to the desired local character of our communities

Planning Priority 10 aims to protect communities from new development that is not compatible with the desired local character of the area.

The proposed development complies with the various planning controls relevant for the site, if not for Clause 7.10A of the NLEP 2012, of which compliance with this standard is considered unnecessary under this document.

Notwithstanding, the proposed variation to the FSR development standard under the NLEP 2012 may be supported on local character grounds as it will ensure that the proposed development is of a nature and scale consistent with the surrounding developments in the locality, in particular those located on key corner sites.

Planning Priority 11 – Protect and celebrate our heritage

The Statement of Heritage Impact undertaken by Heritas and provided with the Development Application demonstrates that the proposed development, inclusive of the additional floor space, successfully protects and celebrates the heritage values of the area.

Hunter Regional Plan 2041

The *Hunter Regional Plan 2041* is a 20-year land use plan which applies to the local government areas (LGAs) of Cessnock, Dungog, Lake Macquarie, Maitland, Mid Coast, Muswellbrook, Newcastle, Port Stephens, Singleton, and Upper Hunter.

Under this Plan, the 2041 vision for the Hunter is as follows:

“The leading regional economy in Australia, where people are connected and care for Country, with a vibrant metropolitan city at its heart and sustainable 15-minute neighbourhoods.”

The proposed variation to the NLEP 2012 FSR development standard is consistent with this vision, noting it will contribute to a vibrant metropolitan city through the high-density commercial redevelopment of an underutilised and dilapidated site in a key location in Newcastle West.

The proposed development is generally consistent with the vision and relevant objectives of the *Hunter Regional Plan 2041*.

Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* is a priority action of the above referenced *Hunter Regional Plan 2036*. The vision set out for the greater Newcastle area in the plan is:

Australia’s newest and emerging economic and lifestyle city, connected with northern NSW and acknowledged globally as:

- *dynamic and entrepreneurial, with a globally competitive economy and the excitement of the inner city and green suburban communities;*
- *offering great lifestyles minutes from beaches or bushland, the airport or universities, and from the port to the lake; and*
- *a national leader in the new economy, with smarter cities and carbon neutral initiatives, and with collaborative governance that makes it a model to others in creating and adapting to change.*

The Plan sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

The Plan identifies the site as being located within the West End Precinct, where Newcastle City Council is to align local plans to increase commercial floor space surrounding the Newcastle Interchange. The proposed variation to the FSR development standard achieves this by maximising commercial floor space within the 800m walking catchment surrounding the Interchange.

It is considered that the proposed development is compatible with the aims and objectives of the *Greater Newcastle Metropolitan Plan 2036*.

6.4.3 Section 4.15 EP&A Act

Under section 4.15 of the EPA Act, a consent authority is required to take into account the following matters (being those matters that are of relevance to the variation sought in this instance):

"The provisions of any environmental planning instrument and any proposed instrument that is or has been the subject of public consultation under this Act"

The zoning and relevant clause objectives from NLEP 2012 have been considered above.

"The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality"

The site is strategically located with excellent access to public transport, shops, services, recreation and entertainment. The proposed bulk and scale will achieve a better design outcome and appropriate commercial floor space that more closely reflects the desired density for the site and locality.

Achieving higher residential densities in inner city and well-connected locations is vital to realising urban consolidation and ESD objectives. Missing opportunities to maximise densities in key locations prevents the ability to achieve good planning outcomes.

From a strategic planning perspective, there are strong reasons to encourage and achieve as much development in this location as is reasonably possible.

"The public interest"

In accordance with Clause 4.6(4)(a)(ii) development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the Development Standard and the objectives for development in the E2 zone.

As outlined in our report above, the proposed development is consistent with the objectives of the Development Standard.

As outlined in our report above, the proposed development is consistent with the objectives for development within the E2 zone.

7.0 Concurrence

In accordance with Clause 4.6(4)(b) of NLEP 2012 development consent must not be granted for development that contravenes a development standard unless the concurrence of the Secretary has been obtained.

Given the proposed variation exceeds the development standard by more than 10%, only the elected Council (and not a delegate of Council) can assume the concurrence of the Secretary in accordance with Planning Circular PS20-002 Variations to Development Standard, dated 5 May 2020.

8.0 Conclusion

The applicant considers that the consent authority can be satisfied that:

- (a) This request adequately addresses the matters required to be demonstrated by Clause 4.6(3), being:
 - (i) Compliance with the development standard is unnecessary in the circumstances; and
 - (ii) There are sufficient environmental planning grounds to justify contravening the development standard.

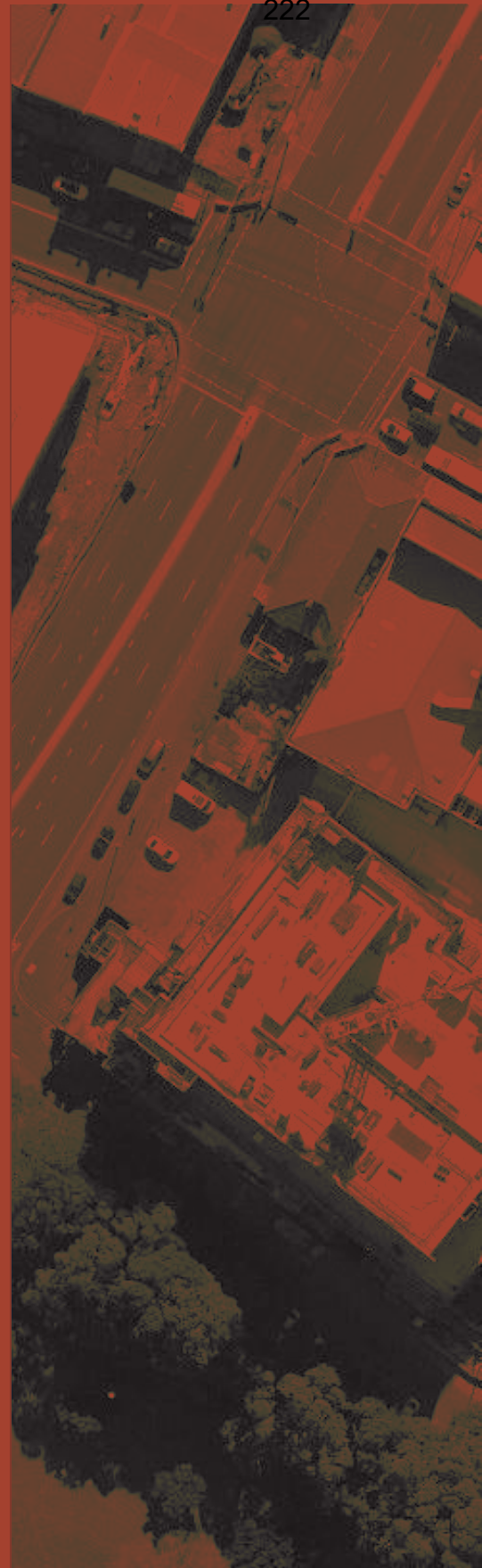
- (b) The proposed development will be in the public interest because it is consistent with the objectives of the development standard and the relevant zone objectives.

Appendix A

ARCHITECTURAL PLANS (CKDS ARCHITECTURE)

Appendix B

STATEMENT OF HERITAGE IMPACT (HERITAS ARCHITECTURE)



QMS Certification Services



QMS Certification Services



QMS Certification Services



www.adwjohnson.com.au