

Modification of Major Project Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

I, the Executive Director, Strategic Sites and Urban Renewal, as delegate of the Minister for Planning, under Instrument of Delegation dated 7 June 2007, modify, under s.75W of the *Environmental Planning and Assessment Act 1979*, the Project approval referred to in Schedule 1 in the manner set out in Schedule 2.

Jason Perica
Executive Director
Strategic Sites and Urban Renewal

Dated this 22nd day of December 2008

MP 07_0133 MOD 1

SCHEDULE 1

Approval for the redevelopment of a portion of the Royal Newcastle Hospital site (Stage 1A & 1B) for a mixed use residential, retail and hotel development comprising:

- 146 residential apartments, 89 hotel suites and 1430m² of retail floor space in three buildings including:
 - 1 x part 5, part 6 and part 8 storey building overlooking Shortland Esplanade and Newcastle Beach and incorporating residential and retail uses (Building 1);
 - 1 x 8 storey residential and retail building overlooking a new plaza and new extension to King Street (Building 2);
 - 1 x 16 storey building incorporating studio apartments, a hotel and conference facility and retail uses (Building 3);
 - Public domain improvements incorporating a publicly accessible plaza and through site links, one from Pacific Street and one from King Street and both connecting to Shortland Esplanade and Fletcher Park / Newcastle Beach; and
 - 2 levels of basement car parking for 366 cars.

Project Application (MP 07_0133) granted by the Minister for Planning on 9 July 2008.

SCHEDULE 2

The above approval is modified as follows:

(a) Insert the following below Condition A2:

"as modified by the following drawings and documents:

Architectural (or Design) Drawings prepared by Mirvac Design as submitted with the Modification Application dated 22 August 2008			
Drawing No.	Revision	Name of Plan	Date
500-PA1000	H	Drawing Register and Site Locality Plan	13.08.08
500-PA1003	I	Plan – Building 1 – Level Ground; Building 2 – Level Ground; Building 3 – Level Ground	13.08.08
500-PA1004	H	Plan – Building 1 – Level 1; Building 2 – Level 1; Building 3 – Level Mezzanine	13.08.08
500-PA1005	H	Plan – Building 1 – Level 2; Building 2 – Level 2; Building 3 – Level 1	13.08.08
500-PA1006	H	Plan – Building 1 – Level 3; Building 2 – Level 3; Building 3 – Level 2	13.08.08
500-PA1007	H	Plan – Building 1 – Level 4; Building 2 – Level 4; Building 3 – Level 3	13.08.08
500-PA1008	H	Plan – Building 1 – Level 5; Building 2 – Level 5; Building 3 – Level 4	13.08.08
500-PA1009	H	Plan – Building 1 – Level 6; Building 2 – Level 6; Building 3 – Level 5	13.08.08
500-PA1010	H	Plan – Building 1 – Level 7; Building 2 – Level 7; Building 3 – Level 6	13.08.08
500-PA1011	H	Plan – Building 1 – Level Roof; Building 2 – Level Roof; Building 3 – Level 7	13.08.08
500-PA1012	H	Plan – Building 1 – Level Roof; Building 2 – Level Roof; Building 3 – Level 8	13.08.08
500-PA1013	H	Plan – Building 1 – Level Roof; Building 2 – Level Roof; Building 3 – Level 9	13.08.08
500-PA1014	H	Plan – Building 1 – Level Roof; Building 2 – Level Roof; Building 3 – Level 10-14	13.08.08
500-PA1015	H	Plan – Building 1 – Level Roof; Building 2 – Level Roof; Building 3 – Level 15	13.08.08
500-PA1016	H	Plan – Building 1 – Level Roof; Building 2 – Level Roof; Building 3 – Level Roof	13.08.08
500-PA1019	H	Building 1 Elevations – Sheet 1 of 2	13.08.08
500-PA1020	H	Building 1 Elevations – Sheet 2 of 2	13.08.08
500-PA1021	H	Building 2 Elevations	13.08.08

500-PA1022	H	Building 3 Elevations	13.08.08
500-PA1023	H	Sections 1 and 2 – Buildings 1 and 2	13.08.08
500-PA1024	H	Section 3 – Buildings 1, 2 and 3	13.08.08
500-PA1025	H	Section 4 – Building 3	13.08.08
L_8400	J	Landscape Plan	08.08.08
Draft Stratum Plans prepared by Tassy Moraitis as submitted with the Modification Application dated 22 August 2008			
Drawing No.	Reference No	Name of Plan	Date
Sheets 1-7	070603 D-SUB	Plan of Proposed Subdivision of Lot 12 in DP 1112367, Lot 12 in DP 635003 and Lot 4 DP 1029006	8 August 2008

(b) Condition B3 is amended by updating the BASIX Certificate number as follows:

B3 BASIX Certificate requirements

All amendments and treatments outlined in the *BASIX Certificate No. 173454M No. 208809M* to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development. The Proponent shall submit to the Certifying Authority all relevant documentation demonstrating compliance with the requirements of this condition prior to issue of a Construction Certificate for above ground works.

(c) Condition B7 is amended by deletion of the struck out words and insertion of the underlined words as follows:

B7 GFA Certification

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the Stage 1A and Stage 1B development does not exceed **25,222m²** in accordance with the definition of GFA in the Newcastle City Centre LEP 2008 in Schedule 1 of the Determination of the Concept Plan for Redevelopment of the Royal Newcastle Hospital Site (MP05_0062). Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate for above ground works.

(d) Condition B15 is deleted and replaced by the following

B15 Anti Graffiti

An anti-graffiti coating is to be applied to all vertical surfaces at ground level that are suitable for such treatment. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 24 hours.

(e) Condition E9 is amended as follows:

E9 Car parking allocation

Parking spaces shall be allocated in accordance with Condition **C9 B9** of this consent. A minimum of 1 space shall be allocated for each residential unit. Visitor units shall be held as common property for use by visitors to the residential units, and no leasing or timed parking fees shall be permitted for these spaces.

(f) Condition E10 is amended by addition of the underlined word as follows:

E10 Use of Residential Parking Spaces

Residential Parking spaces will remain for the exclusive use of the residents, their visitors or utility vehicles servicing the site. Leasing of spaces for non-resident use, other than to tenants of the retail, cafes and restaurants on the site, is not permitted. Evidence of compliance with this condition shall be submitted to the Certifying Authority prior to release of the certified strata plan of subdivision.

(g) Condition F4 is amended by addition of the underlined word as follows:

F4 Heritage Interpretation Plan

The proponent shall implement the recommendations of the approved Heritage Interpretation Plan prior to issue of the final Occupation Certificate.

(h) Condition F5 is amended by addition of the underlined words as follows:

F5 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures applicable to a stage of the project prior to the issue of any Occupation Certificate for that stage. A copy of the Fire Safety Certificate must be submitted to the Council and the NSW Fire Brigade

(i) Condition F6 is amended by addition of the underlined words as follows:

F6 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems for each stage, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems for that stage complies with:

1. The Building Code of Australia;
2. Australian Standard AS1668 and other relevant codes;
3. The development approval and any relevant modifications; and,
4. Any dispensation granted by the New South Wales Fire Brigade.

cc

(j) Condition F9 is amended by the addition of the underlined words and deletion of the struck out words as follows:

F9 Post-construction Dilapidation Report

1. The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining infrastructure and roads.
2. The report is to be submitted to the PCA, and a copy provided to Council. ~~In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:~~
 - ~~(a) compare the post-construction dilapidation report with the pre-demolition dilapidation report required by this consent, and~~
 - ~~(b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.~~
3. ~~A copy of this report is to be forwarded to Council.~~