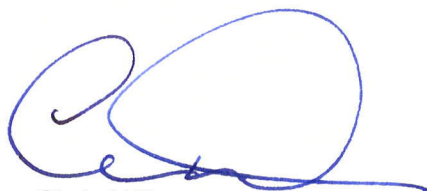


## Modification of Major Project Approval

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

I, the Executive Director, Major Projects Assessment, as delegate of the Minister for Planning, under Instrument of Delegation dated 4 March 2009, 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.



Chris Wilson  
**Executive Director**  
**Major Projects Assessment**

Dated this 13 day of August 2009

MP 07\_0133 MOD 2

### 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) **Condition A1 is amended by deletion of the struck out words and insertion of the underlined words as follows:**

### **A1 Development Description**

Development approval is granted only to carrying out the development described in detail below:

- Construction of 3 separate buildings ranging in height from 5 to 16 storeys above 2 levels of basement parking, with a GFA of 25,222m<sup>2</sup> and FSR of 2.84:1, comprising
  - ~~446~~ 157 residential dwellings with ground floor retail space,
  - A 89 suite hotel with associated conference and restaurant / retail floor space;
- Public domain improvements incorporating a publicly accessible plaza and two through site links
- Shared facilities for the residents and the hotel guests including ~~pool~~ spa, gym and outdoor landscaped communal spaces; and
- Stratum and strata subdivisions.

Development approval is not granted for the following which did not form part of this application:

- Use, fit-out, signage and/or hours of operation for ground level retail spaces;

- (b) **Insert the following below Condition A2:**

*“as modified by the following drawings and documents:*

- BASIX certificate ~~No.208809M~~ No.208809M\_02

<b>Architectural (or Design) Drawings prepared by Mirvac Design as submitted with the Modification Application dated 15 April 2009</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
500-PA1003	J	Plan – Building 1 – Level Ground; Building 2 – Level Ground; Building 3 – Level Ground	30.03.09
500-PA1004	J	Plan – Building 1 – Level 1; Building 2 – Level 1; Building 3 – Level Mezzanine	30.03.09
500-PA1005	I	Plan – Building 1 – Level 2; Building 2 –Level 2; Building 3 – Level 1	24.03.09
500-PA1006	I	Plan – Building 1 – Level 3; Building 2 –Level 3; Building 3 – Level 2	30.03.09
500-PA1007	I	Plan – Building 1 – Level 4; Building 2 –Level 4; Building 3 – Level 3	24.03.09
500-PA1008	I	Plan – Building 1 – Level 5; Building 2 –Level 5; Building 3 – Level 4	30.03.09
500-PA1009	I	Plan – Building 1 – Level 6; Building 2 –Level 6; Building 3 – Level 5	30.03.09
500-PA1019	I	Building 1 Elevations – Sheet 1 of 2	30.03.09

500-PA1020	I	Building 1 Elevations – Sheet 2 of 2	27.03.09
500-PA1022	I	Building 3 Elevations	02.06.09
500-PA1023	I	Sections 1 and 2 – Buildings 1 and 2	27.03.09
500-PA1026	C	BASIX Compliance Sheet	20.04.09
L_8400	J	Landscape Plan	Rec'd 8.05.09
<b>Draft Stratum Plans prepared by Tasy Moraitis as submitted with the Modification Application dated 15 April 2009</b>			
Drawing No.	Reference No	Name of Plan	Date
Sheet 1	070603 D SUB	Level 1	17 June 2009
Sheet 2	070603 D SUB	Level P2	17 June 2009
Sheet 3	070603 D SUB	Level P1	17 June 2009
Sheet 4	070603 D SUB	Level 2 Lot 1, Mezzanine Level Lots 2 & 3	17 June 2009
Sheet 5	070603 D SUB	Levels 2-4 Lots 2 & 3, Levels 3 & 4 Lot 1	17 June 2009
Sheet 6	070603 D SUB	Level 5	17 June 2009
Sheet 7	070603 D SUB	Level 6 and above	17 June 2009

- (c) **Condition B3 is amended by deletion of the struck out words and insertion of the bold and underlined words as follows:**

**B3 BASIX Certificate requirements**

All amendments and treatments outlined in the *BASIX Certificate No.208809M* **No.208809M 02** 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.

- (d) **Condition B13 is amended by the insertion of the bold and underlined words as follows:**

**B13 Landscape Plan**

A detailed Landscape Plan is to be submitted incorporating the following:

1. Locally native species to be at least 20% of plants by number.
2. Design of planter beds and boxes demonstrating capacity to support mature size of species selected, including details of soil volume and sub-surface design; and
3. Details of hard landscaping including paving, boundary treatments, and furniture and fittings in public areas.
4. **The timber decking shown to the south of Building 3 on drawing number L 8400J received on 8 May 2009 shall be replaced with paving to match the adjacent public domain.**

The Landscape Plan shall be submitted to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate for above ground works.

- (e) Condition E11 is amended by the deletion of the struck out words and insertion of the bold and underlined words as follows:

***E11 Shared facilities: Gym, Pool Spa and Outdoor facilities***

Prior to release of the Final Strata Plans for certification a Strata Management Plan shall be submitted to the Certifying Authority to state the gym, pool spa and outdoor facilities shall be available for all the residents and the patrons of the hotel. Access to these facilities will be controlled via an approved Strata Management Plan or an equivalent document that is endorsed as part of stratum or / and strata subdivisions.

- (f) Condition E12 (2) is replaced by a new condition F10 as follows:

***E12 Preconditions to release of plan of subdivision***

The plan of subdivision will not be issued until:

1. All Section 94 contributions required to be paid have been paid.
2. ~~The property has been developed in accordance with plans approved by MP 07\_0133 and documentary evidence of compliance with all conditions of consent has been submitted to Council.~~

A new condition F10 is inserted as follows:

***F10 Preconditions to release of occupation certificate***

**Prior to the issue of any final Occupation Certificate, the property shall be developed in accordance with plans approved by MP07\_0133 and documentary evidence of compliance with all conditions of consent has been submitted to the PCA.**

- (g) Condition F8 is amended by the deletion of the struck out words and insertion of the bold and underlined words as follows:

***F8 Road Damage***

**(a) The cost of repairing any damage caused, as a result of construction works, to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development any stage of the approved development which is subject to an Interim Occupation Certificate, shall be met in full by the Proponent prior to the issue of any that Interim Occupation Certificate.**

**(b) The cost of repairing any damage caused, as a result of construction works, to council or other Public Authority's assets in the vicinity of any stage of the approved development which is subject to any other Occupation Certificate, including a Final Occupation Certificate, shall be met in full by the Proponent prior to the issue of the Occupation Certificate, including any Final Occupation Certificate.**

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

**END OF MODIFICATIONS TO MP 07\_0133 (MOD 2)**