



28 August 2009

The Director-General
NSW Department of Planning
Ground Floor, 23-33 Bridge Street
SYDNEY NSW 2000

Attention: Michael Woodlands, Director Urban Assessments

Dear Michael,

APPLICATION TO MODIFY MP 07_0133, THE ROYAL, NEWCASTLE

1. BACKGROUND TO THE PROPOSAL

Pursuant to section 75W of the Environmental Planning & Assessment Act 1979, the applicant Mirvac Projects Pty Ltd seeks to modify the Minister's approval of MP07_133 being the redevelopment of Stages 1A and 1B of the Royal Hospital site at Shortland Esplanade, Newcastle East. The relevant background to the proposed modification is as follows:

On 3 January 2007 approval was granted by the Minister for Planning to a Concept Plan (No. 05_0062) over the Royal Newcastle Hospital site pursuant to Part 3A of the Environmental Planning & Assessment Act 1979. Approval was granted for:

Land uses, the siting of buildings, GFA, public domain works, and building heights. Land uses proposed were predominantly residential (475 units) with ancillary non-residential uses such as retail and commercial (2,000m²); floor space ratio; building envelopes (footprints and heights); public domain improvements; vehicle access points; and site design principles for future project applications.

Heights between 5 storey and 18 storeys were approved in the Concept Plan.

GFA limits for the site (including the USC car park) was set at 53,971m². Where the USC car park is not part of subsequent development, the maximum GFA will be 52,771m². Where Stage 1 is developed in isolation, the maximum GFA will be 41,916m². Where the Stage 2 is developed in isolation the maximum GFA will be 12,055m².

On 9 July 2008 approval was granted by the Minister for MP 07_133 for:

Construction of:

- A part 5, part 6 and part 8 storey building overlooking Shortland Esplanade and Newcastle Beach and incorporating residential and retail uses (Building 1);*

- *An 8 storey residential and retail building overlooking a new plaza and new extension to King Street (Building 2);*
- *A 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 two through site links, one from Pacific Street and one from King Street and both connecting to Shortland Esplanade and Fletcher Park / Newcastle Beach*
- *2 levels of basement car parking and;*
- *Stratum and strata subdivision*

On 22 December 2008, approval was granted to MP 07_133 MOD 1 which modified the approval by way of:

- *Adding a co-generation plant on-site (gas powered)*
- *Amendments and clarifications to various conditions of approval*
- *Changes to apartments by way of altering balcony sizes, replanning of some units, minor changes to facades*
- *Deletion of hotel swimming pool,*
- *GFA transferred from residential buildings to hotel building*
- *Changes to roof level plant, and deletion of rooftop terraces*
- *Ancillary amendments to stratum plan*

On 13 August 2009, approval was granted to MP 07_133 MOD 2 which modified the approval by way of:

- *Conversion of 11 x 3 bedroom units into 11 x 2 bed units and 11 x studio/1 bed units (overall unit numbers increased from 146 to 157)*
- *Minor changes to building facades & paving upon deck*
- *Substation relocated*
- *Change condition E12 to allow staged occupation*

The proposed modifications now sought are of minimal environmental impact with regard to the scope and nature of the approved scheme (as modified), and additionally seek to clarify the administration of the car parking conditions of consent. Given these facts assessment of the proposed modification pursuant to section 75W is warranted.

2. THE PROPOSED MODIFICATION

Approval is sought to modify the approved project by way of:

- Converting 5 x 3 bedroom units into 10 x 1 bedroom and 5 x studio apartments on Level 1-5 of Building 2, resulting in a net increase in unit numbers in the development from 157 to 167 units
- Clarification of conditions B9 and E9 regarding car parking allocations
- Internal modification layouts in Building 3 including, deletion of an internal stairwell in the hotel lobby, fitout of a void as a common bathroom accessible from the plaza (for the retail units) in lieu of individual bathroom facilities in individual retail tenancies, minor changes to the hotel back of house, reception area and office, and minor changes to certain hotel rooms arising due to services' co-ordination and detail design of amenities areas within hotel rooms over several floors
- Addition of louvred screen to the exterior of Unit 32 (Building 1) to limit overlooking from Shortland Esplanade into that unit
- Extension of approved louvres over uncovered bedroom glazing on the north/north-west elevations of Building 1 to provide shading from harsh sunlight (2 bedrooms each in Units 13, 14 and 30)
- Small privacy blades between balconies for newly divided units in Building 2
- Reincluding references to strata plans for LOT 1 and LOT 3 in Condition A2 removed by MOD 2
- Modification of the approved stratum subdivision plans to reflect the above changes

No change is sought to the approved Gross Floor Area, height, car parking, land uses, stratum subdivision and public domain improvements contained in the approved development. With the exception of the proposed screen to 1 unit in Building 1, no change to the external design or detailing of the buildings are proposed.

3. STATUTORY CONTEXT

Section 75W of the *Environmental Planning & Assessment Act 1979* enables a proponent to apply to modify the Minister's approval of a project, including varying a condition of the approval.

Section 75W(3) requires that the application be submitted to the Director-General (DG) of the Department of Planning, and enables the DG to issue environmental assessment requirements. It is our opinion that the extent of proposed modifications are minor, and consequently do not warrant the issue of separate environmental assessment requirements.

Following lodgement, pursuant to Section 75X(2)(f), it is anticipated that the proposed modification will be made publicly accessible by the DG on the Department's website.

4. ASSESSMENT OF PROPOSED MODIFICATIONS

Given the absence of external changes to the buildings, and the floorspace and land uses remaining the same as approved, it is considered the proposed modifications raise only the following relevant issues for assessment:

- Unit mix
- Car parking
- Consistency with Concept Approval
- Section 94A Levy
- BASIX
- Residential Flat Design Code and SEPP 65 Design Verification
- Traffic Generation

Unit Mix

With the benefit of a more detailed appraisal of the market, the proponent has formed the view that a more balanced unit mix better responds to market demand. Providing greater balance in the unit mix promotes housing choice, affordability and diversity within the locality. A summary of original approved unit mix and the proposed unit mix (MOD 3) follows:

Original approval		Proposed modification (MOD 3)	
<i>Units</i>	<i>%</i>		<i>%</i>
6 x studio	4.1	13 x studio	7.8
16 x 1 bedroom	11.0	35 x 1 bedroom	21.0
46 x 2 bedroom	31.5	57 x 2 bedroom	34.1
78 x 3 bedroom	53.4	62 x 3 bedroom	37.1
TOTAL	100	TOTAL	100

The proposed changes to unit mix have reduced the dominance of very large units (53.4%) in favour of a more evenly balanced distribution of dwelling sizes which will support greater household diversity and enhance housing opportunities close to Newcastle CBD. This outcome is consistent with Principle 9 of the *Design Quality Principles* of clause 17 of SEPP 65 namely:

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

Car Parking

On 21 April 2009 Newcastle City Council adopted a new approach to car parking provision in the City Centre, moving from a minimum provision to a maximum provision approach. Where development approved under the previous approach is to be modified, it seems appropriate to further the objectives of the latter approach, however it is acknowledged that the two approaches are somewhat incompatible and that each case will need to be assessed on its merits. A summary of compliance with the current DCP approach reveals the following:

Original approval			Proposed modification (MOD 3)		
Units	Rate	Required*	Units	Rate	Required*
6 x Studio	0.6	4	13 x Studio	0.6	8
16 x 1 bedroom	0.6	10	35 x 1 bedroom	0.6	21
46 x 2 bedroom	0.9	41	57 x 2 bedroom	0.9	51
78 x 3 bedroom	1.4	109	62 x 3 bedroom	1.4	87
Visitors (@ 146 units)	1/3 then 1/5	30	Visitors (@ 167 units)	1/3 then 1/5	34
Commercial GFA 5,586.9m ²	60m ²	93	Commercial GFA 5,891m ²	60m ²	98
TOTAL		287	TOTAL		299
PROVIDED		366	PROVIDED		366
		+79			+67

*Round fractions to nearest whole number (refer to s4.1.2(a)(vi) of DCP 2005)

The approved development incorporates an excess of 79 car spaces, whereas the modified development reduces this excess to 67. Reducing the excess is considered an appropriate planning outcome, as it proportionally reduces motor vehicle dependency for residents and visitors to and within the Newcastle CBD where public transport options are of a relatively high standard. The proposed modification therefore complements the current planning initiatives of Newcastle City Council.

Note: these excess amounts in both circumstances are to be excluded from Gross Floor Area calculations given the overall figure (366) as quoted in condition B9 satisfies the GFA exclusion (g) within Schedule 1 of the Concept Plan determination, being "car parking to meet the requirements of the consent authority.." The consent authority in this case being the Minister, and the relevant requirements being those set out in condition B9.

An exception to the current requirement of 1 car space per unit contained in condition E9 is proposed. Whilst acknowledging that the purpose of this requirement, to ensure a fair distribution of residential parking, it is proposed to allow a proportion of the smallest units to NOT BE provided with a resident car space. Clause 6.1.9 of the Newcastle DCP 2005 recommends this outcome to engender a range of affordability housing options within new development. Furthermore the recommended exception for the smallest units focuses upon the units which will have the lowest occupancy rates and lower car parking requirements on average (ie. the studio and 1 bedroom units). The recommended proportion (40% or 19 studio/1bed units) is consistent with the average parking of 0.6 spaces per unit for studio/1bed units as contained in the Element 4.1 of the Newcastle DCP 2005 (Table A1 Parking Rate – City Centre).

Modifying condition E9 for this outcome is consistent with the planning objectives for car parking and affordable housing within the Newcastle DCP 2005.

Additionally due to the changes to Element 4.1 of the Newcastle DCP 2005 in recent months, changes are warranted to Conditions B9 and E9 to clarify the administration of parking allocations within the development to avoid any uncertainties in the Occupation and certification stages of development. Currently B9 and E9 state the following:

B9 Number of Parking Spaces

The maximum number of parking spaces to be provided for the development is 366 spaces. Details confirming the parking numbers and allocation for each use/disabled users shall be submitted to the satisfaction of the Certifying Authority in accordance with the Newcastle DCP 2005 prior to the issue of the Construction Certificate.

E9 Car parking allocation

Parking spaces shall be allocated in accordance with Condition 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.

To provide for a fair distribution of car spaces between uses and units, facilitate the provision of a limited number of units without car parking, and to clarify the administration of the approval in light of changes to DCP 2005, it is proposed to modify conditions B9 and E9 (strikethrough for delete, and underline bold for insertions) as follows:

B9 Number of Parking Spaces

*The maximum number of parking spaces to be provided for the development is 366 spaces. Details confirming the parking numbers and allocation for each use/disabled users shall be submitted to the satisfaction of the Certifying Authority in accordance with the **following table**:*

<u>Land Use</u>	<u>No.</u>
<u>Residential Units</u>	<u>245</u>
<u>Residential Visitors</u>	<u>30</u>
<u>Commercial & Retail</u>	<u>14</u>
<u>Hotel</u>	<u>77</u>
<u>TOTAL</u>	<u>366</u>

~~Newcastle DCP 2005~~ prior to the issue of the Construction Certificate.

E9 Car parking allocation

*Parking spaces shall be allocated in accordance with Condition B9 of this consent. A minimum of 1 space shall be allocated for each residential unit, **with the exception of studio and 1 bedroom units of which up to 40% (ie. a maximum of 19 studio/1bed units) may be provided with no resident car space**. Visitor ~~spaces~~ ~~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.*

Consistency with Concept Approval

With regard to the key elements of the Concept Plan approval (05_0062), being height, siting, land uses, overall floorspace, vehicle access points, public domain and site design principles, the proposed modifications do not affect and therefore remain consistent with the original Concept Plan approval.

Section 94A Levy

Condition B19 requires that a cash contribution in accordance with Part B of the Newcastle S94A Contributions Plan 2006 be paid prior to the Issue of a Construction Certificate.

On 25 July 2008 the Department of Planning issued confirmation that the relevant section 94A levy applicable to the subject proposal would be \$1,890,000 based on the certified costs of the development being \$94,500,000. On 29 July 2008 this levy amount was duly paid to Newcastle City Council.

In the case of the proposed modification (MOD 3) no change to this levy amount is warranted given:

- the proposed modifications do not alter approved floorspace, height nor alter construction methodology, and fitout finishes for the development
- the proposed modification does not seek to enlarge the car parking basement areas

It is noted that similar minor internal modifications contained in MOD 2 have been accepted by the Department to not warrant any review of the contribution figure. The proposed modifications in this case, do not warrant any review of contributions with regard to condition B19.

BASIX modification

Consistent to the requirements of clause 115 of the *Environmental Planning & Regulations 2000* – regarding documentation to be submitted for applications to modify consents – this submission incorporates a modified BASIX certificate to address the proposed changes. (refer to Certificate No. 18659248, dated 27 august 2009, Assessor no. 20127). This certificate demonstrates that the proposal as modified satisfies the water and energy saving standards of the SEPP (Building Sustainability Index: BASIX) 2004.

Residential Flat Design Code and SEPP 65 Design Verification

Consistent to the requirements of clause 115 of the *Environmental Planning & Regulations 2000* – regarding documentation to be submitted for applications to modify consents – this submission incorporates a Design Verification Statement from the relevant qualified and responsible architects, being Tzannes Architects and Mirvac Design, to address the proposed changes. (refer to Annexure 3)

With regard to the proposed modifications and the provisions of the *Residential Flat Design Code* (RFDC) and the Design Quality Principles of SEPP 65, the following comments are made:

Unit mix

The proposed changes to unit mix have reduced the dominance of very large units (53.4%) in favour of a more evenly balanced distribution of dwelling sizes which will support greater household diversity and enhance housing opportunities close to Newcastle CBD. This outcome is consistent with Design Quality Principle 9 (Social dimensions) of SEPP 65 namely:

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

Privacy

The proposed louvre screening in front of Unit 32 adjoining Shortland Esplanade has been proposed to enhance the privacy of unit occupants and is consistent with Design Quality Principle No. 7 – Amenity

Building Configuration – Balconies

Of the 15 units proposed, no balconies are proposed for 4 x 1 bedroom apartments (No.s 88, 90, 92 and 94); very large balconies of 23m² are proposed for 5 x 1 bedroom apartments (No.s 85, 87, 89, 91, 93); and balconies of 6m² are provided for 5 x studio apartments (No.s 4, 8, 12, 16, 20); and a balcony of 6m² are provided for 1 x 1 bedroom apartments (No. 86).

The applicable “rule of thumb” seeks balconies for all units. The non-provision of balconies in this case is supportable given:

- The number of apartments without balconies in this modification is more than offset by the number of apartments which are provided with very generous balconies (nb. page 69 of the RFDC nominates balconies of 6-10m² for studio-1 bedroom units)
- Construction is well-advanced on Building 2 and provision of additional concrete balconies will now require dowelling into the existing slab and other remedial structural works that has been investigated and estimated to cost \$23,000 per balcony. This cost far outweighs the market value of such balconies.
- The absence of balconies provides additional affordable housing options in this development, and is thus consistent with another Design Quality Principle
- Alternatives to provide “add-on” (eg steel) balconies are considered inappropriate given the aggressive corrosive nature of the coastal environment
- Recessing a balcony into the façade (ie cutting into the proposed living area) will adversely impact upon unit amenity through reductions in the modest floor area of the units concerned (@ 40m²), they will achieve no solar access between 9am to 3pm on June 21 and recessing will prevent any direct mid-winter sunlight between 9am to 3pm entering through windows into the living area of that unit
- The overall number of units without balconies in this development will become 9 out of 167 units, which accounts for 5% of unit numbers. In terms of occupants the actual effect of this figure is far less given the fact affected units are only 1 bedroom in size. The proposed 9 bedrooms account for only 2.6% of overall bedroom numbers (348). In this regard a minimal proportion of the future residential population of the development are proposed to be affected.

- Balconies provided off the living areas of units 88, 90, 92 and 94 would provide quite poor amenity value to occupants, given they only look out onto the rear elevation of Building 1, they face south-east which in combination with a full height blade wall at each end effectively blocks off any effective winter sunlight, and the balcony would be exposed to strong coastal winds.
- The absence of balconies does not reduce the architectural design and quality of the building 2 facade
- Future occupiers will be aware of the absence of the balcony when negotiating purchase or lease the premises

The alternative provision of full-height glazing with balustrading across an operable window is not possible due to insufficient fire separation barriers between openings on different levels.

In this case strict compliance with the “rule of thumb” of the RFDC for units 88, 90, 92 and 94 is not warranted, and will not reduce the design quality of the development.

With regard to apartment size, it is noted that clause 30A includes the comment that consent must not be refused on grounds of apartment size in relation to minimum sizes outlined in Part 3 of the RFDC. In this case the modification provides for 1 bedroom apartments of 40-41m². Such apartments have been designed to provide functional and usable areas for occupants. Given apartment size influences affordability (p69 RFDC) and they are functional, the proposed unit sizes are not matters that ought to delay approval of this application.

Additional Shading and Blades

These are minor alterations that have been to enhance amenity for north-west facing bedrooms that will be exposed to harsh summer sun. The additional louvres are not of any concern with regard to overall design of the façade which for all intents and purposes remains unchanged.

Similarly the addition of new privacy blades between the newly created units on the northern façade of Level 1-5 in Building 2, will not appear as a significant element in the façade, and do not alter the design quality of this Building in any discernible way.

These changes constitute minimal changes to the external appearance of the approved development, which are of no discernible consequence and comfortably fit with the approved external design of these building.

There are no other relevant issues raised with regard to SEPP 65 or the RFDC.

Traffic Generation

The proposed modification is considered unlikely to generate any discernible change in traffic generation compared to the approved development given:

- no alterations to approved floorspace for the development are proposed
- no additional on-site car parking is proposed

Furthermore it is noted that the traffic consultants who prepared for the project application (Ref 6600/2, prepared by Colston Budd Hunt & Kafes, dated December 2007) adopted the higher end of a range of traffic generation rates to use in their analysis of traffic impacts. Even under these robust assumptions the report demonstrated that all local intersections would operate to satisfactory standards following development of Stages 1A and 1B of the Royal Hospital site.

On the above grounds it can be stated that traffic generation impacts of the approved development remain essentially unchanged, and no amendments to the submitted traffic study is warranted.

5. CONCLUSION

Approval is sought for minor modifications to MP 07_133 pursuant to section 75W of the EP & A Act 1979. These proposed changes do not alter the overall floorspace, height, land uses, public domain works, nor external design quality or character of the development. The modifications do not effect any element of the Concept Plan approval for the site.

The principal planning merits of the proposal are that it will enhance housing choice and affordability in this development, without detracting unreasonably from servicing requirements, occupant amenity, or increasing traffic impacts, and will reduce confusion and uncertainty regarding implementing conditions of consent due to recent changes to the Newcastle DCP.

With regard to the information presented in this report and the details of the proposal, approval of the application is commended to the Department.

Please contact the undersigned on 9080 8868 should you have any queries.

Yours sincerely,

Philip Drew
Principal Planner
Development NSW

Annexure 1

Proposed modifications to approval conditions

MODIFICATIONS TO CONDITIONS OF MP 07_0133

Strikethrough for deletions and bold underlined for insertions

Modifications to Condition A1

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 25,222m² and FSR of 2.84:1, comprising
 - ~~157~~ **167** residential dwellings with ground floor retail space, **[MOD 3 – xxxx]**
 - 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, 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;

Modifications to Condition A2

A2 *Development in Accordance with Documents*

The development will be undertaken in accordance with the Environmental Assessment dated 4 January 2008 prepared by Planning Workshop Ltd and all Appendices, except where varied by

- the Preferred Project Report submitted on 8 May 2008 and all Appendices,
- the additional information to the Preferred Project Report submitted on 5 June 2008 and all Appendices,
- the Proponent's revised Statement of Commitments dated 8 May 2008;
- BASIX certificate No. ~~208809M-02~~; **18659248** **[MOD 3 – xxx]**
- the following drawings:

Architectural (or Design) Drawings prepared by Mirvac Design as submitted in the Preferred Project Report dated 8 May 2008 and the Modification Application dated 22 August 2008, Modification Application dated 9 April 2009, and Modification Application dated XX August 2009

Drawing No.	Revision	Name of Plan	Date
500-PA1000	H <u>J</u>	Drawing Register and Site Locality Plan	13.08.08 <u>28.08.09</u> [MOD 3 – xxxx]
500-PA1001	H	Plan – Carpark Level P1	05.06.08
500-PA1002	H	Plan – Carpark Level P2	05.06.08
500-PA1003	J <u>K</u>	Plan – Building 1 – Level Ground; Building 2 – Level Ground; Building 3 – Level Ground	30.03.09 <u>28.08.09</u> [MOD 3 – xxxx]
500-PA1004	J <u>K</u>	Plan – Building 1 – Level 1; Building 2 – Level 1; Building 3 – Level Mezzanine	30.03.09 <u>28.08.09</u> [MOD 3 – xxxx]
500-PA1005	I <u>J</u>	Plan – Building 1 – Level 2; Building 2 – Level 2; Building 3 – Level 1	24.03.09 <u>28.08.09</u> [MOD 3 – xxxx]
500-PA1006	I <u>J</u>	Plan – Building 1 – Level 3; Building 2 – Level 3; Building 3 – Level 2	30.03.09 <u>28.08.09</u> [MOD 3 – xxxx]
500-PA1007	I <u>J</u>	Plan – Building 1 – Level 4; Building 2 – Level 4; Building 3 – Level 3	24.03.09 <u>28.08.09</u> [MOD 3 – xxxx]
500-PA1008	I <u>J</u>	Plan – Building 1 – Level 5; Building 2 – Level 5; Building 3 – Level 4	30.03.09 <u>28.08.09</u> [MOD 3 – xxxx]
500-PA1009	I	Plan – Building 1 – Level 6; Building 2 – Level 6; Building 3 – Level 5	30.03.09
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	↑ <u>L</u>	Building 1 Elevations – Sheet 1 of 2	30.03.09 <u>28.08.09</u> [MOD 3 – xxxx]
500-PA1020	↑ <u>L</u>	Building 1 Elevations – Sheet 2 of 2	27.03.09 <u>28.08.09</u> [MOD 3 – xxxx]
500-PA1021	↑ <u>K</u>	Building 2 Elevations	13.08.09 <u>28.08.09</u> [MOD 3 – xxxx]
500-PA1022	H	Building 3 Elevations	02.06.09 [MOD 2 – 13.08.09]
500-PA1023	I	Sections 1 and 2 – Buildings 1 and 2	07.05.08
500-PA1024	H	Section 3 – Buildings 1, 2 and 3	13.08.08
500-PA1025	H	Section 4 – Building 3	13.08.08
500-PA 1026	↺ <u>D</u>	BASIX Compliance Sheet	20.04.09 <u>28.08.09</u> [MOD 3 - xxxx]
500-PA1027	A	Public Domain Plan	02.05.08
L_8400	J	Landscape Plan	Rec'd 08.05.09 [MOD 2 – 13.08.09]
		Plan for S94A Offsets	undated

Draft Stratum and Strata Subdivision Plans prepared by Tassy Moraitis as submitted on 8 May 2008 as part of the PPR and the Modification Application dated 7 April 2009 and the Modification Application dated 28 August 2009

Drawing No.	Reference No	Name of Plan	Date
Sheets 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

<u>Sheet 6</u>	<u>070603 D SUB</u>	<u>Level 5</u>	<u>17 June 2009</u>
<u>Sheet 7</u>	<u>070603 D SUB</u>	<u>Level 6 and above</u>	<u>17 June 2009</u>
<u>Sheets 1 - 7</u>	<u>070603 D SUB</u>	<u>Plan of Proposed subdivision of Lot 12 in DP 1112367, Lot 12 in DP 635003 and Lot 4 DP 1029006</u>	<u>28 August 2009</u> <u>[MOD 3 - xxxx]</u>
<u>Sheets 1 - 2 and</u> <u>Sheets 1 - 14</u>	<u>070603 LOT 1 DSP</u>	<u>Strata Plan</u>	<u>28 August 2009</u> <u>[MOD 3 - xxxx]</u>
<u>Sheets 1 - 17</u>	<u>070603 LOT 3 DSP</u>	<u>Strata Plan</u>	<u>2 May 2008</u> <u>[MOD 3 - xxxx]</u>

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in the *Newcastle City Centre Local Environment Plan 2008* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this approval.

Modifications to Condition B3

B3 BASIX Certificate requirements

All amendments and treatments outlined in the *BASIX Certificate No. 208809M-02 18659248* 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.

Modifications to Condition B9

B9 Number of Parking Spaces

The maximum number of parking spaces to be provided for the development is 366 spaces. Details confirming the parking numbers and allocation for each use/disabled users shall be submitted to the satisfaction of the Certifying Authority in accordance with the following table:

<u>Land Use</u>	<u>No.</u>
<u>Residential Units</u>	<u>245</u>
<u>Residential Visitors</u>	<u>30</u>
<u>Commercial & Retail</u>	<u>14</u>
<u>Hotel</u>	<u>77</u>
<u>TOTAL</u>	<u>366</u>

~~Newcastle DCP 2005~~ prior to the issue of the Construction Certificate.

Modifications to Condition E9

E9 Car parking allocation

Parking spaces shall be allocated in accordance with Condition B9 of this consent. A minimum of 1 space shall be allocated for each residential unit, with the exception of studio and 1 bedroom units of which up to 40% (ie. a maximum of 19 studio/1bed units) may be provided with no resident car space. Visitor ~~units~~ spaces 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.

Annexure 2

Design Verification Statements
and Architectural Statements

SEPP 65 DESIGN VERIFICATION

THE ROYAL, NEWCASTLE

MODIFICATION APPLICATION

I, Alexander Tzannes, of Tzannes Associates, verify that I supervised the design of the application to modify consent MP07_0133. The residential apartment development, as modified, achieves the design quality principles set out in Part 2 of SEPP No. 65 - Design Quality of Residential Flat Development with the exception of some minor non compliances which have no impact on the objectives of the SEPP. The modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.

Name:


ALECTZANNES

Registration No. 4174

DESIGN VERIFICATION

THE ROYAL, NEWCASTLE

MODIFICATION APPLICATION

I, Michael Wiener, of Mirvac Design, verify that I supervised the design of the application to modify consent MP07_0133. The residential apartment development, as modified, achieves the design quality principles set out in original approval and subsequent approved modifications. The proposed modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.

Name:



Registration No.

5747