

Modification of Major Project Approval

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

I, the Executive Director, Major DA Assessments, 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 DA Assessments

Dated this 21st day of September 2009

MP 07_0133 MOD 3

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 the deletion of the ~~struck-out~~ words and insertion of the, **bold and 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 25,222m² and FSR of 2.84:1, comprising
 - ~~446 457~~ **167** 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, 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 04**

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			
Drawing No.	Revision	Name of Plan	Date
500-PA1000	J	Drawing Register and Site Locality Plan	28.08.09
500-PA1003	K	Plan – Building 1 – Level Ground; Building 2 – Level Ground; Building 3 – Level Ground	28.08.09
500-PA1004	K	Plan – Building 1 – Level 1; Building 2 – Level 1; Building 3 – Level Mezzanine	28.08.09
500-PA1005	J	Plan – Building 1 – Level 2; Building 2 –Level 2; Building 3 – Level 1	28.08.09
500-PA1006	J	Plan – Building 1 – Level 3; Building 2 –Level 3; Building 3 – Level 2	28.08.09

500-PA1007	J	Plan – Building 1 – Level 4; Building 2 –Level 4; Building 3 – Level 3	28.08.09
500-PA1008	J	Plan – Building 1 – Level 5; Building 2 –Level 5; Building 3 – Level 4	28.08.09
500-PA1019	L	Building 1 Elevations – Sheet 1 of 2	28.08.09
500-PA1020	L	Building 1 Elevations – Sheet 2 of 2	28.08.09
500-PA1021	K	Building 2 Elevations	28.08.09
500-PA1026	D	BASIX Compliance Sheet	28.08.09
Draft Stratum and Strata Subdivision Plans prepared by Tasy Moraitis as submitted on 8 May 2008 as part of the PPR and the Modification Application dated 28 August 2009			
Drawing No.	Reference No	Name of Plan	Date
Sheets 1-7 and Sheets 1-2	070603 D SUB	Plan of Proposed subdivision of Lot 12 in DP 1112367, Lot 12 in DP 635003 and Lot 4 DP 1029006	28.08.09
Sheets 1-2 and Sheets 1-14	070603 LOT DSP	Strata Plan	27.08.09
Sheets 1-17	070603 LOT 3 DSP	Strata Plan	2.05.08

- (c) Condition B3 is amended by the 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~~ **208809M_02** **208809M_4** 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 B9 is amended by the deletion of the ~~struck-out~~ words and insertion of the, **bold and underlined** words 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** Newcastle DCP 2005 prior to the issue of a Construction Certificate:

<u>LAND USE</u>	<u>NO.</u>
<u>Residential units</u>	<u>245</u>
<u>Residential Visitor</u>	<u>30</u>
<u>Commercial & Retail</u>	<u>14</u>
<u>Hotel</u>	<u>77</u>
<u>TOTAL</u>	<u>366</u>

- (e) Condition E9 is amended by the deletion of the ~~struck-out~~ words and insertion of the, **bold and underlined** words as follows

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.

END OF MODIFICATIONS TO MP 07_0133 (MOD 3)