

Modification of Major Project Approval

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

I, the Director, Metropolitan Projects, as delegate of the Minister for Planning, under Instrument of Delegation dated 25 January 2010, modify, under s75W of the *Environmental Planning and Assessment Act 1979*, the Project approval referred to in Schedule 1 in the manner set out in Schedule 2.



Michael Woodland
Director
Metropolitan Projects

Dated this **29** day of **July** 2010

MP 07_0133 MOD 4

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
 - 167 residential dwellings with ground floor retail space,
 - A ~~89~~ **88** 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** ~~04~~ **05**

Architectural (or Design) Drawings prepared by Mirvac Design as submitted in the Modification Application dated 22 August 2008			
Drawing No.	Revision	Name of Plan	Date
500-PA1003	L	Plan – Building 1 – Level Ground; Building 2 – Level Ground; Building 3 – Level Ground	05.05.10
500-PA1004	L	Plan – Building 1 – Level 1; Building 2 – Level 1; Building 3 – Level Mezzanine	05.05.10
500-PA1005	K	Plan – Building 1 – Level 2; Building 2 – Level 2; Building 3 – Level 1	05.05.10
500-PA1022	J	Building 3 Elevations	05.05.10
500-PA1026	E	BASIX Compliance Sheet	05.05.10

- (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_4* **208809M_05** 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 F4 is amended by the insertion of the **bold and underlined** words as follows:

F4 Heritage Interpretation Plan

The proponent shall implement the recommendations of the approved Heritage Interpretation Plan, **subject to replacing 'Project 4' with 'Project 4a' as detailed in Mirvac's letter to the Department of Planning dated 16 June 2010,** prior to issue of the final Occupation Certificate.

END OF MODIFICATIONS TO MP 07_0133 (MOD 4)