

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.

Anthea Sargeant
Executive Director
Compliance, Industry and Key Sites

Sydney

2019

SCHEDULE 1

Development consent:	SSD 8019 granted by the Executive Director, Key Sites and Industry Assessments on 23 February 2018
For the following:	Construction of a mixed use development comprising three, two to seven storey buildings, two levels of parking, commercial/retail space on the ground floor, 148 residential units including 10 terraces and communal rooftop areas on Buildings A and B.
Applicant:	Doma Holdings (NSW) Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
The Land:	50 Honeysuckle Drive, Newcastle Proposed Lot 2 in Lot 2000 in DP1145678
Modification:	The modification includes: <ul style="list-style-type: none">• reconfiguration of apartment layouts• amendments to the roof structure and plant• reduction to the Probable Maximum Flood (PMF) level• deletion of anti-graffiti paint requirements• other minor amendments to the building layout and material.

SCHEDULE 2

The consent is modified as follows:

- (a) Definitions table is amended by the insertion of the **bold and underlined** words and deletion of the **~~bold and struckout~~** words as follows:

Department	Department of Planning, <u>Industry</u> and Environment <u>or its successors in title</u>
Minister	Minister for Planning <u>and Public Spaces</u> , or nominee

- (b) Schedule 2 Part A – Administrative Conditions, Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

TERMS OF CONSENT

A2 The development may only be carried out:

- a) in compliance with the conditions of this consent
- b) in accordance with all written directions of the Secretary
- c) generally in accordance with the EIS and Response to Submissions
- d) **in accordance with the modification application (SSD 8019 MOD 1) prepared by KDC Pty Ltd, dated 14 December 2018, Response to Submissions prepared by KDC Pty Ltd, dated 29 March 2019, Additional Information prepared by KDC Pty Ltd, dated 24 May 2019, Supplementary Additional Information prepared by KDC Pty Ltd dated 6 June 2019 and Additional Information prepared by KDC Pty Ltd dated 22 July 2019**
- e) in accordance with the approved plans in the table below:

Architectural (or Design) Drawings prepared by SJB Architects			
Drawing No.	Revision	Name of Plan	Date
DA0103	13 <u>17</u>	Site Plan/ site analysis	30.11.2017 <u>15.05.2019</u>
DA0200	13 <u>17</u>	Basement Plan	30.11.2017 <u>15.05.2019</u>
DA0201	13 <u>17</u>	Ground floor plan	30.11.2017 <u>15.05.2019</u>
DA0202	13 <u>17</u>	Level 01 floor plan	27.11.2017 <u>15.05.2019</u>
DA0203	13 <u>17</u>	Level 02 floor plan	27.11.2017 <u>15.05.2019</u>
DA0204	13 <u>17</u>	Level 03 floor plan	27.11.2017 <u>15.05.2019</u>
<u>DA0205</u>	<u>17</u>	<u>Level 04 floor plan</u>	<u>15.05.2019</u>
<u>DA0206</u>	<u>17</u>	<u>Level 05 floor plan</u>	<u>15.05.2019</u>
<u>DA0207</u>	<u>17</u>	<u>Level 06 floor plan</u>	<u>15.05.2019</u>
DA0205 <u>DA0208</u>	13 <u>17</u>	Roof plan	27.11.2017 <u>15.05.2019</u>
DA0220	13 <u>17</u>	Apartment types – 1 beds	27.11.2017 <u>15.05.2019</u>
DA0221	13 <u>17</u>	Apartment types – 2 beds	27.11.2017 <u>15.05.2019</u>

DA0222	43 <u>17</u>	Apartment types – 3 beds	27.11.2017 <u>15.05.2019</u>
<u>DA0223</u>	<u>17</u>	<u>Apartment types – 4 beds</u>	<u>15.05.2019</u>
DA0250	43 <u>17</u>	Adaptable apartments	27.11.2017 <u>15.05.2019</u>
DA0501	43 <u>18</u>	Site elevations	27.11.2017 <u>19.07.2019</u>
DA0502	43 <u>17</u>	Internal elevations	27.11.2017 <u>15.05.2019</u>
DA0601	43 <u>17</u>	Site sections	27.11.2017 <u>15.05.2019</u>
DA4000	43 <u>17</u>	External finishes	27.11.2017 <u>15.05.2019</u>
DA5000	43 <u>17</u>	Façade detail	27.11.2017 <u>15.05.2019</u>
Landscape Drawings prepared by Sydney Design Collective			
Drawing No.	Revision	Name of Plan	Date
LDA 01	D	Landscape identify and principles	Nov 2017
LDA 02	D	Landscape plan	Nov 2017
LDA 03	D	Landscape elevation B-B and C-C	Nov 2017
LDA 04	D	Landscape elevation D-D and section E-E	Nov 2017
LDA 05	D	Landscape roof plan and Section	Nov 2017
LDA 06	B	Communal rooftop plan	Nov 2017
LDA 07	D	Communal rooftop section and planting	Nov 2017
LDA 08	D	Indicative planting list	Nov 2017

Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to:

- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and
- (b) the implementation of any actions or measures contained in any such document referred to in (a) above.

The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition [2](c) ~~or to [2](de)~~. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition [2](c) ~~or to [2](de)~~, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

- (c) Schedule 2 Part A – Administrative Conditions, Condition A7 is amended by the insertion of the **bold and underlined** words and deletion of the ~~bold and struckout~~ words as follows:

A7 Any advice or notice to the consent authority shall be served on the **Director-General Secretary**.

- (d) Schedule 2 Part B – Prior to Issue of Construction Certificate, is amended by the insertion of a new condition, Condition B3A – External Decorative Work, as follows:

EXTERNAL DECORATIVE WORK

B3A The external decorative brick work on the southern elevation of Buildings A, B and C must be a terracotta finish material, as shown in ‘Site Elevations DA-0501, Revision 18 dated 19.07.19’, or a similar dark tone. Details demonstrating compliance shall be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

- (e) Schedule 2 Part B – Prior to Issue of Construction Certificate, Condition B9 is amended by the insertion of the **bold and underlined** words / numbers as follows:

COMPLIANCE WITH ACOUSTIC REPORT

B9 All performance parameters, requirements, engineering assumptions and recommendations contained in the Acoustic Assessment report prepared by, Renzo Tonin & Associates, dated 29 November 2017, **and the Noise Assessment report prepared by Muller Acoustic Consulting Pty Ltd, dated 29 March 2019** must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises, and in accordance with the requirements below and to the satisfaction of the Certifying Authority.

- a) In order to minimise noise impacts from port operations and traffic along Honeysuckle Drive to residents of the development, the use of the following window glazing is required:

Facade	Apartment	Room description	Required acoustic rating of glazing assembly, Rw
Facing Honeysuckle Drive (south)	All apartments	Bedroom	Rw 32
	Corner units of Building A and C	Living/ dining	Rw 35
	Other apartments	Living/ dining	Rw 32
Facing Hunter River (north)	All apartments	Bedroom	Rw 32
	All apartments	Living/ dining	Rw 35
West elevation of Building A	All apartments	Bedroom	Rw 32
East elevation of Building C	All apartments	Living/ dining	Rw 35

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with the requirements of the aforementioned Reports.

- (f) Schedule 2 Part B – Prior to Issue of Construction Certificate, Condition B10 is amended by the insertion of the **bold and underlined** words / numbers as follows:

MECHANICAL PLANT NOISE MITIGATION

- B10 Details of noise mitigation measures for all mechanical plant are to be detailed on the Construction Certificate drawings. **This must include the noise control recommendations outlined in the Noise Assessment report prepared by Muller Acoustic Consulting Pty Ltd, dated 29 March 2019.** Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development is required to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.
- (g) Schedule 2 Part B – Prior to Issue of Construction Certificate, Condition B23 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:
- B23 On site refuge is to be provided for the proposed development. The minimum refuge level is to be the level of the PMF (Local Catchment Flood Level ~~**RL3.65m**~~ **RL3.4m** Australian Height Datum). On site refuge is to be designed to cater for the number of people reasonably expected to be on the development site. Openings such as exhaust ducts, car park air intake, vents and the like that could potentially allow for flood waters to enter the basement (except for carpark and access) are to be designed at minimum RL3.65m AHOD. Full details are to be included in documentation for a Construction Certificate application.
- B24 The whole of the proposed structure below known probable maximum flood planning level (~~**RL3.65m**~~) (**RL3.4m**) is to be constructed in materials and finishes that are resistant to damage from floodwaters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters being installed above the PMF level or alternatively being of materials and functional capability resistant to the effects of floodwaters. Full details are to be included in documentation for a Construction Certificate application.
- (h) Schedule 2 Part F – Post Occupation – During Operation, Condition F5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:
- F5 ~~**All ground level walls and surfaces are to be treated with an anti-graffiti coating where possible. In addition, any**~~ **Any** graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

**End of modification
(SSD 8019 MOD 1)**