

Appendix A - Conditions to modify DA 2016/00733.01

New Condition

The existing "*Lophostemon confertus*" street trees (ref: 2180777 & 218778) are approved to be removed, subject to arrangements being made for the removal of the trees by contacting Council's City Greening Services. All tree removal works are to be carried out by Council at the Developer's expense.

New condition

The developer is to arrange for the planting of a new trees at Hudson Park prior to the Occupation Certificate for the major tenant on level 2 (Kmart). All tree works (removal and planting) are at the Developers expense and are to be completed by Council. A minimum twenty (20) large growing tree species will be selected by Council and planted within an appropriate location of Hudson Park. Council's City Greening Services are to be contacted to make the required arrangements a minimum of 14 days, before the issue of the Occupation Certificate on 4974 2000.

Amendment to Condition 2

Existing Condition

The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

APPROVED PLANS

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Level 1 Existing / Demolition Plan 01.5101	Rev 2	Scentre Group	06.12.2016
Level 2 Existing / Demolition Plan 01.5103	Rev 4	Scentre Group	28.06.2016
Level 2M Existing / Demolition Plan 01.5104	Rev 4	Scentre Group	28.06.2016
Level 3 Existing / Demolition Plan 01.5105	Rev 4	Scentre Group	28.06.2016
Level 1 Proposed Plan 01.5201	Rev 2	Scentre Group	06.12.2016
Level 2 Proposed Plan 01.5203	Rev 4	Scentre Group	28.11.2016
Level 2M Proposed	Rev 2	Scentre Group	28.11.2016

Plan 01.5204			
Level 3 Proposed Plan 01.5205	Rev 2	Scentre Group	01.12.2016
Roof Level - Proposed Plan 01.5206	Rev 2	Scentre Group	01.12.2016
East Elevation Proposed 01.5301	Rev 3	Scentre Group	09.03.2017
South Elevation Proposed 01.5302	Rev 3	Scentre Group	09.03.2017
East Elevation Comparison 01.5303	Rev 2	Scentre Group	05.12.2016
Section A & B Proposed 01.5401	Rev 2	Scentre Group	28.11.2016
Floor Plan Zone F Level 1	Rev B	Scentre Group	14.06.2016
Tree Protection and Planting Plan 71.0001	Rev J	Group GSA	11.10.2016
Tree Protection and Planting Plan (Level 1) 71.0801	Rev J	Group GSA	29.11.2016
Planting Plan (Level 1)	Rev D	Group GSA	29.11.2016
Stormwater Management Plan Report		Robert Bird Group	13.05.2016
Geotechnical Report		Douglas Partners	July 2016
Clause 4.6 Height Variation Statement		Ingham Planning	Received 16.09.2016
Flooding Statement		GCA Engineering	02.11.2016
Traffic Assessment	Rev 1	Colston Budd & Kafes Pty Ltd	November 2016
Loading Dock and Access Noise Impact Assessment	Rev 6	Acoustic Logic	19.12.2016
Architectural Intent Statement		Scentre Group	14.02.2017

Proposed condition

The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

APPROVED PLANS

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
<i>Level 1 Existing /</i>	<i>Rev 6</i>	<i>Scentre Group</i>	<i>28.06.2017</i>

<i>Demolition Plan 01.5101</i>			
Level 2 Existing / Demolition Plan 01.5103	Rev 4	Scentre Group	28.06.2016
Level 2M Existing / Demolition Plan 01.5104	Rev 4	Scentre Group	28.06.2016
Level 3 Existing / Demolition Plan 01.5105	Rev 4	Scentre Group	28.06.2016
<i>Level 1 Proposed Plan 01.5202</i>	<i>Rev 6</i>	<i>Scentre Group</i>	<i>04.08.2017</i>
<i>Level 2 Proposed Plan 01.5203</i>	<i>Rev 6</i>	<i>Scentre Group</i>	<i>03.08.2017</i>
Level 2M Proposed Plan 01.5204	Rev 6	Scentre Group	03.08.2017
<i>Level 3 Proposed Plan 01.5205</i>	<i>Rev 6</i>	<i>Scentre Group</i>	<i>15.01.2018</i>
<i>Roof Level Proposed Plan 01.5206</i>	<i>Rev 6</i>	<i>Scentre Group</i>	<i>15.01.2018</i>
<i>East Elevation Proposed 01.5301</i>	<i>Rev 6</i>	<i>Scentre Group</i>	<i>11.01.2018</i>
<i>South Elevation Proposed 01.5302</i>	<i>Rev 6</i>	<i>Scentre Group</i>	<i>12.01.2018</i>
East Elevation Comparison 01.5303	Rev 2	Scentre Group	05.12.2016
Section A & B Proposed 01.5401	Rev 2	Scentre Group	28.11.2016
Floor Plan Zone F Level 1	Rev B	Scentre Group	14.06.2016
<i>Landscape Tree Removal Plan 71801</i>	<i>Rev E</i>	<i>Group GSA</i>	<i>20.09.2017</i>
<i>Ground Floor Landscape General Arrangement Plan 71802</i>	<i>Rev E</i>	<i>Group GSA</i>	<i>20.09.2017</i>
<i>Ground Floor Landscape Planting Plan</i>	<i>Rev F</i>	<i>Group GSA</i>	<i>20.09.2017</i>
Tree Protection and Planting Plan 71.0001	Rev J	Group GSA	11.10.2016
Tree Protection and Planting Plan (Level 1) 71.0801	Rev J	Group GSA	29.11.2016
Planting Plan (Level 1)	Rev D	Group GSA	29.11.2016
Arborist Report		Ian McKenzie	22.05.2017
Stormwater Management Plan		Robert Bird Group	13.05.2016

Report			
Geotechnical Report		Douglas Partners	July 2016
Clause 4.6 Height Variation Statement		Ingham Planning	<i>Amended September 2017</i>
Flooding Statement		GCA Engineering	02.11.2016
<i>Traffic Assessment</i>	<i>Rev 1</i>	<i>Colston Budd & Kafes Pty Ltd</i>	<i>30 August 2017</i>
Loading Dock and Access Noise Impact Assessment	Rev 6	Acoustic Logic	19.12.2016
Architectural Intent Statement		Scentre Group	14.02.2017

Amendment to Condition 3

Existing Condition

A total monetary contribution of \$1,001,011.29 is to be paid to Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note:

- a) This condition is imposed in accordance with the provisions of *The City of Newcastle S94A Development Contributions Plan 2009* (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.
- b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.
- c) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approx release date
September	Late October
December	Late January

March	Late April
June	Late July

Any party intending to act on this consent should contact Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

Proposed Condition

A total monetary contribution of **\$1,021,011.29** is to be paid to Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

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March	Late April
June	Late July

Any party intending to act on this consent should contact Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

Amendment to Condition 13

Existing Condition

The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy

of the Corporation's compliance certificate (refer s50 Hunter Water Act 1991) is to be included in documentation for a Construction Certificate application.

Proposed condition

The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's compliance certificate (refer s50 Hunter Water Act 1991) is to be included in documentation for a Final Occupation Certificate.

Amendment to Condition 14

Existing Condition

The applicant is to comply with the requirements of the Hunter Water Corporation in respect of any building or structure proposed to be erected over any services or drain under the Corporation's control. Details addressing any requirements of the Hunter Water Corporation are to be included in documentation for a Construction Certificate application.

Proposed condition

The applicant is to comply with the requirements of the Hunter Water Corporation in respect of any building or structure proposed to be erected over any services or drain under the Corporation's control. Details addressing any requirements of the Hunter Water Corporation are to be included in documentation for a Final Occupation Certificate

Amendment to Condition 25

Existing Condition

A comprehensive landscape plan shall be prepared that demonstrates 50% solar roof shading or shade tree planting for the proposed Level 3 carpark. A combination of both these elements is allowed.

This plan shall be prepared by an appropriately qualified Landscape Architect. The roof design shall comply with the following:

- i. The species selected shall be drought tolerant species.
- ii. A maintenance plan for the ongoing care of the area shall be prepared. This plan shall be implemented for the life of the development.
- iii. Where provided, shade trees are planted within the parking area at a rate of at least one shade tree per six parking spaces with an aim to achieve at least 50% shade cover of that area. Shade area is to be calculated from the estimated crown projections of a tree 15 years in age under suitable growing conditions. Selected tree species are to develop a clean trunk height greater than 4.5m and a crown projection of at least 50m² to provide adequate shade and vehicle clearance. Landscape documentation is to detail the provision of sub-grade load bearing root vaults to provide suitable rooting volume for the required number of shade trees planting to incorporate suitable taller growing tree species, and all on-site landscaped areas being kept free of parked vehicles, garbage, trade waste or other extraneous material and being permanently maintained.
- iv. Trees and shrubs are positioned to provide adequate sight distance on

corners and intersections of roads and paths within the development to avoid safety hazards to motorists and pedestrians.

Full details are to be approved by Council and included in documentation for a Construction Certificate application.

Proposed Condition

A comprehensive solar plan shall be prepared that demonstrates shading for the proposed Level 3 car park and any coverage above the new and existing roof-space.

Full details are to be approved by Council and included in documentation for a Construction Certificate.

Amendment to Condition 73

Existing Condition

The visual treatment of the ramp as required in Condition 29 is to be installed prior to issue of the Occupation Certificate.

Proposed Condition

The visual treatment of the ramp as required in Condition 29 is to be installed prior to the issue of the occupation certificate for the major tenant on level 2 (Kmart).

Amendment to Condition 90

Existing Condition

Prior to the issue of an occupation certificate, the rooftop solar shading, shade trees, green walls, rooftop landscaping to the level 3 car park and the screening between the walkway outside the ground floor retail tenancies and the ground floor car park shall be implemented in accordance with the approved details.

Proposed Condition 90.1

Prior to the issue of the Occupation Certificate for the major tenant on level 2 (Kmart) the landscaping on ground level and the screen between the walkway outside the ground level retail tenancies and the ground floor car park shall be installed in accordance to the approved details.

Proposed Condition 90.2

Prior to the issue of the Occupation Certificate for the major tenant on level 2 (Kmart) the solar rooftop shading to level 3 car park shall be installed in accordance to the with the approved details.