
Application No:	DA2017/00701.01
Land:	Lot 1 DP 84634, Lot 1 DP 331535, Lot 1 DP 819134, Lot 500 DP 879162, Lot 1 DP 718456, Lot 100 DP 810457, Lot 1 DP 735255, Lot 1 DP 77846, Lot A & B DP 388647, Lot 31 DP 864001, Lot 31 DP 864001, Lot 32 DP 864001, Lot A DP 89504, Lot 1 DP 84577, Lot 1 DP 610140, Lot 1 DP 749729, Lot 100 DP 1098095, Lot 1 DP 723967, Lot 1 DP 195975, Lot B DP 89504, Lot 1 DP 122380, Lot 1 DP 122381, Lot 98 DP 1098034, Lot 2 DP 331535, Lot 10 DP 1043870
Property Address:	105-111, 121, 137-145, 147, 151-153, 163, 169-185 Hunter Street; 22 Newcomen Street; 3 Morgan Street; 66-74, 98-102, 104, 108-110 King Street, 14 Thorn Street and 21, 31, 33, 58 Wolfe Street Newcastle
Proposed Development:	Development application for a concept proposal of major redevelopment of Hunter Street Mall, a mixed use development comprising retail, hotel and motel accommodation, serviced apartments and commercial, public spaces, residential (582 apartments), associated car parking & site works – Modification to enable additional uses and increased GFA/FSR across whole site; and of development form within Block 2 bounded by Hunter, Thorn, King and Wolfe Streets

Proposed Modifications Summary

Amendments to Block 2

Altered mix of uses: increased retail and residential floor area (by 19 dwellings) and slightly reduced commercial floor area;

Gross Floor Area (GFA) and Floor Space ratio (FSR): Increase of FSR from 3.2:1 to 3.55 on Block 2 resulting in increase in the total site GFA to 62,375m² and FSR from 3:68:1 to 3.75:1.

Building Envelopes/Massing (Street Wall Heights & Upper Level Setbacks) & Building Height: Increase in building envelope over the northern part of the site toward Hunter Street; increased over the heritage-listed former Lyrique Theatre/ Masonic Hall (southern portion of Block 2) to a new addition accommodating apartments; and alteration of building envelope to accommodate additions to the rear of the terraces at 104, 108 and 110 King Street. Variations to setbacks above the street wall heights and heritage facades.

Car Parking, Servicing and Pedestrian Link increase parking by 61 spaces. Removal of vehicle access from the through-site link (now pedestrian only) and servicing access off Thorn Street. Proposes vehicle access from Thorn Street and servicing from both Thorn and Wolfe Street. Slightly realignment of link.

Whole Site: *Additional Land Uses:* 'Hotel and motel accommodation' and 'serviced apartments';

Plans and Documentation

- 1) The development shall be undertaken substantially in accordance with the details and specifications set out in:

Original Documents:

- a) Statement of Environmental Effects prepared by SJB Planning dated June 2017;
- b) Heritage Impact Assessment Addendum, Ref: 17-012 dated 13 June 2017, prepared by City Plan Services, and Statement of Heritage Impact (Project No. 14 0181 Issue B, dated October 2015), prepared by TKD Architects;
- c) Archaeological Considerations, dated 9 June 2017, prepared by Umwelt Australia; Comments on Archaeological Consent Conditions dated 9 June 2017, prepared by Umwelt Australia, and Aboriginal and Historical Archaeology Report Number 3303/R01/V6, dated October 2015, prepared by Umwelt Australia;
- d) Addendum to Preliminary Site Investigation (Contamination), Project No. 39826.09, dated 29 May 2017, prepared by Douglas Partners, and Report on Preliminary Site Investigation (Contamination) Project No. 39826.08, Revision 6, dated October 2015, prepared by Douglas Partners;
- e) Summary of Potential 'Ground' Issues, Project No. 39826.09, dated 8 June 2017, prepared by Douglas Partners;
- f) Infrastructure Services Report, Ref: SYD0296 Rev T3, dated 8 June 2017, prepared by ADP Consulting Engineering;
- g) Capital Investment Value Report, Ref: 71130.102037.000 dated 14 June 2017, prepared by Altus Group;
- h) Transport Impact Assessment, Ref N124070, Issue D dated 13 June 2017, prepared by GTA Consultants;
- i) Construction Management Plan, Rev A dated 8 June 2017, prepared by Parkview;
- j) Addendum to Social Plan, Ref: 2126423, dated 28 April 2017, prepared by GHD, and Social Impact Assessment, dated October 2015, prepared by GHD;
- k) Clause 4.6 - Exceptions to Development Standards - Height of Buildings (cl 4.3), prepared by SJB Planning;
- l) Site Survey, Ref 07/158, Sheets 1- 10, 12-17, 19-26 and 28 dated 15 July 2008; Sheet 11 dated 26 March 2014; Sheet 18 dated 15 July 2008; and Sheet 27 dated 26 March 2014 prepared by Monteath and Powys;
- m) Design and SEPP 65 Report, Version 00, dated 10 May 2017, prepared by SJB Architects;
- n) Visual Impact and Street Views Analysis, Version 00, dated 4 May 2017, prepared by SJB Architects and Addendum View Analysis, dated November 2017, prepared by SJB Urban;
- o) Indicative Public Domain Strategy, Dwg Nos. 13077-DA01-DA-10 Rev F, dated June 2017, prepared by Aspect Studios;
- p) Shadow Diagrams, Version 00, dated 4 May 2017, prepared by SJB Architects;

Modified and/or Additional Documents

- q) Architectural Plans prepared by SJB Architects, Job No. 5614, listed as follows, except where specifically amended by the conditions of consent as contained in this Notice of Determination:

Drawing No.	Rev.	Name of Plan	Date
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Drawing No.	Rev.	Name of Plan	Date
DA-0001	02	Contents	12.12.2018
DA-0101	02	Location Plan	12.12.2018
DA-0102	02	Site Analysis Plan	12.12.2018
DA-0103	02	Block Plan	12.12.2018
DA-0200	02	Floor Plan Basement 01	12.12.2018
DA-0201	02	Floor Plan Level 01	12.12.2018
DA-0202	02	Floor Plan Level 02	12.12.2018
DA-0203	02	Floor Plan Level 03	12.12.2018
DA-0204	02	Floor Plan Level 04	12.12.2018
DA-0205	02	Floor Plan Level 05	12.12.2018
DA-0206	02	Floor Plan Typical	12.12.2018
DA-0501	02	Building Envelope Elevation North & East	12.12.2018
DA-0502	02	Building Envelope Elevation South & West	12.12.2018
DA-0503	02	Building Envelope Elevation Wolfe St East & West	12.12.2018
DA-0504	02	Building Envelope Elevation South & West	12.12.2018
DA-0601	02	Section C & D	12.12.2018
DA-0602	02	Section E & F	12.12.2018
DA-0603	02	Section H	12.12.2018
DA-0604	02	Section J	12.12.2018
DA-2901	02	Envelope Plan	12.12.2018
DA-2902	02	Privately Owned Public Access	12.12.2018
DA-2903	02	Indicative Staging Plan	12.12.2018
DA-2904	02	FSR Plan	12.12.2018

- r) Statement of Support for Section 4.55(2) Modification Application to Modify Staged DA No. 2017-00701, dated May 2018, prepared by SJB Planning;
- s) Addendum Heritage Impact Statement, Ref. 17-012, dated 21 May 2018, prepared by City Plan;
- t) Visual Impact and Street View Analysis, Version 00, dated 4 May 2017, prepared by SJB Architects;
- u) Shadow Diagrams, Version 01, dated 5 April 2018, prepared by SJB Architects;
- v) Traffic Addendum, Ref. N140420, dated 22 May 2018, prepared by GTA Consultants.
- w) Amended Statement of Support, dated 16 January 2019, prepared by SJB Planning;
- x) Quantitative Assessment Changes – Approved Concept Plan (DA2017/701) and Proposed Modifications, prepared by SJB Planning;
- y) Comparison of Approved Concept DA and Proposed Modification, prepared by SJB Planning;
- z) Updated View Analysis – Stage 2, Version 07, dated 20 December 2018, prepared by SJB Architects;
- aa) Comparison of Shadow Impacts prepared by CKDS Architecture.

Amended conditions

Floor Area

- 2) This consent permits a maximum gross floor area of 62,375m² over all stages, calculated in accordance with the definition of gross floor area contained in Newcastle Local Environmental Plan 2012. Of the total gross floor area, not less than 7,942m² shall comprise retail space and not less than 1,160m² shall comprise business/office space which is generally apportioned to each stage as identified in the approved documentation

and as depicted on Floor Plans (Job No. 5614) numbered DA-0200 (Basement 01), DA-0201 (Level 1), DA-0202 (Level 2), DA-0203 (Level 3), DA-0204 (Level 4), DA-0205 (Level 5), DA-0206 (Level Typical), Revision 02 dated 12.12.2018, prepared by SJB Architects.

Allocation of gross floor area across the site shall generally be:

Block 1: 26,224m²

Block 2: 12,954m²

Block 3: 11,034m²

Block 4: 12,163m²

- 3) This consent permits a maximum floor space ratio on the total site of 3.75:1, with the maximum floor space ratio for each stage to be in accordance with the 'FSR Plan' prepared by SJB Architects (Job No. 5614, Drawing No. DA-2904, Revision 00, dated 12.12.2018) and is generally apportioned to each stage as identified in the approved documentation and is summarised below:

Stage 1: 4.0:1

Stage 2: 3.55:1

Stage 3: 3.3:1

Stage 4A: 4.0:1

- 4) This consent permits maximum building heights as shown and referenced as 'Staged DA Building Envelope' on the Building Envelope Plans prepared by SJB Architects (Job No. 5614, dated 12.12.2018) including:
- a) Drawing No. DA-0501, Revision 00, Elevation North and East;
 - b) Drawing No. DA-0502, Revision 00, Elevation South and West;
 - c) Drawing No. DA-0503, Revision 00, Elevation Wolfe Street East + West;
 - d) Drawing No. DA-0504, Revision 00, Elevation South and West.
- 5) Where the building envelope is above a retained heritage facade, then it shall be set back in accordance with Newcastle DCP 2012, being 6 metres, unless otherwise endorsed within a separate development consent for separate stage of the concept development area.
- 6) With the exception of the Thorn Street and Laing Street frontages of Block 3, where the building envelope exceeds the maximum street wall height identified in the Newcastle DCP 2012, then the section of any building above that height shall be set back in accordance with the DCP, being 6 metres, unless otherwise endorsed within a separate development consent for separate stage of the concept development area.

Car Parking and Access

- 7) On-site car parking is to be provided for a minimum of 616 vehicles across the four (4) stages of the development and shall be generally in accordance with the details indicated on the submitted plans and documentation, except as otherwise provided by the conditions of consent.
- 8) The number of car parking spaces shall be provided within each stage in accordance the requirements of Section 7.03 of Newcastle Development Control Plan 2012 (NDCP 2012) or the applicable standard at the date of lodgement of the application for each stage. The submitted plans and Traffic and Parking Impact Assessment for each stage shall detail the number and location of spaces required in accordance with this condition:
- a) 100% of car spaces required for residents are to be provided on site;
 - b) A minimum of 25% of the required number of residential visitor parking spaces shall be provided for residential visitor parking in each of the car parks for each Block contained in Stages 1-4 inclusive. These spaces are not to be subdivided,

leased or controlled by or on behalf of particular unit owners or residents. Spaces cannot be allocated or deferred to different Blocks/stages. The remaining 75% is to be accommodated by the existing Council carpark at the Corner of King and Thorn Streets and on-street parking.

- c) Stages 1 to 4 of the development shall each provide on-site car parking for the parking for commercial and retail staff at the rate of 50% required by Council's DCP for commercial and retail use. The remaining 50% is to be accommodated by the existing Council carpark at the Corner of King and Thorn Streets and on-street parking.
- 9) The location of carpark and service access shall be generally as shown in the 'Servicing and Car Parking Plan' contained as Figure 31 of the Statement of Support prepared by SJB Planning, dated May 2018.
- 10) Through-site connections on privately owned land shall be a minimum of 5m in width and shall be clear of obstructions, except for the pedestrian only link between Newcomen and Laing Streets, which shall be a minimum of 3m in width, clear of obstructions. Such through-site links shall be located as shown on the 'Privately Owned Public Access Plan' prepared by SJB Architects (Drawing No. DA-2902 Revision 02 dated 12.12.2018).