

TO: Hunter Central Coast Regional Planning Panel

FROM: Elle Durrant, Senior Development Officer (Planning)

DATE: 10 December 2024

SUBJECT: PPSHCC-204 – Newcastle – DA2023/00419 - 121 Hunter Street Newcastle 2300

Background

The subject application (DA2023/00419) was reported to the Hunter Central Coast Regional Planning Panel (HCCRPP) for determination on 5 December 2024.

The purpose of this memo is to provide details of revised draft schedule of conditions in response to matters raised during the determination meeting. The revisions as detailed in this memo, have been collated within **Attachment A: Revised Draft Schedule of Conditions** - changes shown in red. For clarity, a 'clean' version of the revised draft schedule of conditions is provided at **Attachment B**.

For clarity:

- References to 'Original Condition No.' means the condition numbers as listed in the draft schedule of conditions accompanying Council's assessment report dated 28 November 2024, and have been used when the condition in question has been renumbered in **Attachment A** and **Attachment B** due to the addition or removal of conditions as detailed below.
- References to 'New Condition No.' or 'Revised Condition No.' means the updated condition numbers as they appear in the revised draft schedule of conditions at **Attachment A** and **Attachment B**.

Revisions to conditions

Revisions to Condition No's 6(a)(i), 7, 10, 11, 12, 13, 14, 15, 16, 17, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 54, 56, 59, 60, to:

- Insert additional wording to clarify that the design details are required before the issue of the first construction certificate for the development, but excluding construction certificates related to demolition, retention or excavation works only

Revisions to Condition No. 1 (Approved plans and documentation) to:

- Correct typos corrected in plan title of drawing 'DEMOLITION PLAN - 3N&3S - GROUND LEVEL' and 'James Taylor & Associates'
- Remove architectural drawings showing 3D axonometric views of the development from approved plans table

Revisions to Condition No. 4 (Part 8 Division 2 Roads Act 1993 approval required) to:

- Remove incorrect reference to 'before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building)' and insert the word 'Separate'

Revisions to Condition No. 6 (Design excellence) to:

- Insert additional wording to part a) i) to clarify design review is required for every construction certificate excluding construction certificates related to demolition, retention, or excavation works only
- Remove part a) ii), which required design review prior to the submission of every occupation certificate application
- Renumber part a) iii), to be part a) ii)

- Correct typo in condition reason

Revisions to Condition No. 7 (Requirements for final building design) to:

- Insert additional wording to clarify the necessary design amendments are required before the issue of the first construction certificate for the development excluding construction certificates related to demolition, retention or excavation works only
- Remove parts e) i) and e) ii) and replaced with more general wording requiring screening or suitable privacy devices to allow for an appropriate design lead response from the design team
- Insert new part f) requiring the fabric/ elements salvaged from the demolished heritage items and contributory buildings to be incorporated as interpretive element(s) within common areas of the approved development

Revisions to Condition No. 9 (Construction Environmental Management Plan) to:

- Insert additional wording to clarify the Construction Environmental Management Plan ('CEMP') is required before the issue of the first construction certificate

Revisions to Condition No. 47 (Residential storage) to:

- Correct typo in the condition reason

Revisions to Condition No. 48 (Design excellence) to:

- Insert additional wording to clarify design review is required for every construction certificate excluding construction certificates related to demolition, retention, or excavation works only
- Correct typo in condition reason

Revisions to Condition No. 54 (Fire and life safety upgrade)

- Deleted the word 'proposed'

Revisions to Condition No. 59 (Through-site connections on privately owned land) to:

- Remove reference to conditions of the Concept Development Consent from body of the condition and insert said reference into condition reason.

New Condition No. 64 (Construction Environmental Management Plan) added to:

- Require the CEMP to be prepared prior to any site works commencing. Requirements for the CEMP are consistent with those of condition 9.

Revisions to Original Condition No's 64 to 182 to:

- Renumber the conditions due to the addition and removal of conditions.

New Condition No. 70 (Heritage Salvage Strategy) added to:

- Require a Heritage Salvage Strategy to be prepared prior to any site works commencing. The strategy is to identify the salvage potential of fabric/ elements, original to heritage listed and contributory buildings, that will be demolished to facilitate the development. The meaningful reuse of salvaged fabric/ elements as interpretive element(s) (including options for repository and display) within common areas of the approved development is to be prioritised.

New Condition No. 75 (Construction hours) added to:

- Nominate the hours of construction

New Condition No's 103 and 179 (Section 88B Instrument - positive covenant in respect to approved public art) added to:

- Require a positive covenant for the maintenance of the approved public art to be registered on the title of the site.

Revisions to Original Condition No. 108 (Design excellence) to:

- Deleted condition. Considering the design review undertaken to date, and the ongoing design review required prior to the submission of every construction certificate (excluding those related to demolition, retention, or excavation works only) as required by conditions 6 and 48, the requirement for further design review prior to the issue of occupation certificate can be considered onerous and unnecessary.

Revisions to Original Condition No. 123, now Revised Condition No. 127 (Road safety audit) to:

- Remove incorrect reference to 'construction certificate' and replaced with 'occupation certificate'

Should you require any further information on this matter please contact Elle Durrant, Senior Development Officer (Planning) on (02) 4974 2188.

Elle Durrant
Senior Development Officer (Planning)