

Attachment A - Draft Conditions of consent

1. The development shall be undertaken substantially in accordance with the details and specifications set out below, except where modified by any condition of this consent.

Original documents: (DA2017/00701)

- 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; Indicative Public Domain Strategy, Dwg Nos. 13077-DA01-DA-10 Rev F, dated June 2017, prepared by Aspect Studios;
- o) Shadow Diagrams, dated 18 October 2019, prepared by SJB Architects;

Modified and/or Additional Documents: (DA2017.03)

- p) Statement of Support, SJB Planning, October 2019;
- q) Traffic Impact Assessment Advice; Ref. 19SYT0055, 18 October 2019, Prepared by TTM;
- r) Quantitative Assessment Changes; SJB Planning; October 2019;
- s) Addendum Heritage Impact Statement, Ref. 19-004, dated 03 October 2019, prepared by City Plan Services;
- t) View Impact and Street View Analysis, SJB Architects, 02 October 2019;
- u) 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
DA-0001	03	Contents	19.09.2019
DA-0101	03	Location Plan	19.09.2019
DA-0102	03	Site Analysis Plan	19.09.2019
DA-0103	03	Block Plan	19.09.2019
DA-0200	03	Floor Plan Basement 01	19.09.2019
DA-0201	03	Floor Plan Level 01	19.09.2019
DA-0202	03	Floor Plan Level 02	19.09.2019
DA-0203	03	Floor Plan Level 03	19.09.2019
DA-0204	03	Floor Plan Level 04	19.09.2019
DA-0205	03	Floor Plan Level 05	19.09.2019
DA-0206	03	Floor Plan Typical	19.09.2019
DA-0501	03	Building Envelope Elevation North & East	19.09.2019
DA-0502	03	Building Envelope Elevation South & West	19.09.2019
DA-0503	03	Building Envelope Elevation Wolfe St East & West	19.09.2019
DA-0504	03	Building Envelope Elevation South & West	19.09.2019
DA-0601	03	Section C & D	19.09.2019
DA-0602	03	Section E & F	19.09.2019
DA-0603	03	Section H	19.09.2019
DA-0604	03	Section J	19.09.2019
DA-2901	03	Envelope Plan	19.09.2019
DA-2902	03	Privately Owned Public Access	19.09.2019
DA-2903	03	Indicative Staging Plan	19.09.2019
DA-2904	03	FSR Plan	19.09.2019

Modification Stages 3 & 4 (MA2023/00175)

- v) 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
DA-0201	05	Floor Plan Level 01	23/2/2024
DA-0202	05	Floor Plan Level 02	23/2/2024
DA-0203	05	Floor Plan Level 03	23/2/2024
DA-0204	05	Floor Plan Level 04	23/2/2024
DA-0205	05	Floor Plan Level 05	23/2/2024
DA-0206	05	Floor Plan Typical	23/2/2024
DA-0501	07	Building Envelope Elevation North & East	23/2/2024
DA-0502	07	Building Envelope Elevation South & West	23/2/2024
DA-0601	06	Section C & D	23/2/2024
DA-0604	05	Section J	23/2/2024
DA-2901	05	Envelope Plan	23/2/2024
DA-2902	04	Privately Owned Public Access	23/2/2024
DA-2904	05	FSR Plan	23/2/2024

- 4 This consent permits a maximum gross floor area of 64,831m² 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 8100m² shall comprise retail space and not less than 1160m² 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 Rev 3 19/9/19), DA-0201 (Level 1 Rev 5 23/2/24), DA-0202 (Level 2 Rev 5 23/2/24), DA-0203 (Level 3 Rev 5 23/2/24), DA-0204 (Level 4 Rev 5 23/2/24), DA-0205 (Level 5 Rev 05 23/2/24), DA-0206 (Level Typical Rev 05 23/2/24) prepared by SJB Architects.

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

- Block 1: 27,466 m²
- Block 2: 12,954 m²
- Block 3: 10,987 m²
- Block 4: 13,444 m²

- 5 This consent permits a maximum floor space ratio on the total site of 3.92:1, 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 05, dated 23/2/24) and is generally apportioned to each stage as identified in the approved documentation and is summarised below:

Stage 1: 4.19:1

Stage 2: 3.55:1

Stage 3: 3.29:1

Stage 4: 4.42:1

- 6 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, including:

- a) DA2901 (Envelope Plan Rev 05 23/2/24)

- b) DA-0501 (Elevation North/East Rev 07 23/2/24),
 - c) DA-0502 (Elevation South/West Rev 07 23/2/24)
 - d) DA-0601 (Section C&D Rev 06 23/2/24)
 - e) DA-0604 (Section J Rev 05 23/2/24),
 - f) DA-0503, Revision 03 19/9/2019, Elevation Wolfe Street East + West;
 - g) DA-0504, Revision 03 19/9/2019, Elevation South and West
- 6A This consent permits maximum building height of +24.50m RL for the 'Laing Lane Café' site as marked in red and yellow highlight on the plans by SJB Architects (Job No. 5614, dated 23/2/24) DA2901 (Envelope Plan Rev 05 23/2/24).
- 10 Delete condition 10: - *"Elevations submitted with Blocks 2, 3 and 4 shall confirm the provision of minimum 4m floor to ceiling heights at ground floor level and minimum 3.3m at first floor level for all new buildings."*
- 18 On-site car parking is to be provided for a minimum of 735 vehicles across the four 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.
- 19 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 unless there is a specific condition that allows this and has formed part of a separate development consent. 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 unless there is a specific condition that allows this and has formed part of a separate development consent . The remaining 50% is to be accommodated by the existing Council carpark at the Corner of King and Thorn Streets and on- street parking.
 - d) 42 carparking spaces are to be provided for the hotel located within Stage 1 of the development, comprising 34 guest and 8 staff spaces which may otherwise be reduced if justified or approved through a separate development consent or modification after a minimum of two (2) years operations.
 - e) an additional 5 parking spaces and 11 residential visitor parking spaces are to be included in Stage 3, in addition to compliance with Section 7.03 of Newcastle Development Control Plan 2012 (NDCP 2012) or the applicable standard at the date of lodgement of the application for this stage. This additional 5 parking spaces are not to be allocated to residential uses and the allocation is to be approved by Council. This term applies unless otherwise justified or approved through separate development consent that demonstrates it is not warranted based on traffic and

parking analysis of Stage 1 including specific information from a minimum of two (2) years hotel operations.

- 42 A public right of carriageway is to be created over the publicly accessible private land, as detailed within the plans by SJB Architects dated 23/2/24 (Job No 5614 Dwg NO DA-2902 Rev 04) and inclusive of an associated public lift located between Newcomen and Laing Streets. A detailed survey plan is to be submitted with an accompanying Subdivision Certificate Application for Council certification and such plan is to be registered with the NSW Government Land Registry Service (LRS) prior to issue of any Occupation Certificate or Subdivision Certificate, whichever occurs first.
- 42A Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), a notation is to be made on a survey plan and accompanying instrument under Section 88B of the *Conveyancing Act 1919* setting out the terms of the required public right of carriageway to be created over the publicly accessible private land, and inclusive of an associated public lift located between Newcomen and Laing Streets, and the instrument is to provide that the right of carriageway is unable to be released, varied or modified without the concurrence of Newcastle City Council, and such is to be lodged with the Newcastle City Council for certification and be subsequently registered with NSW Land Registry Services.
- 43 The development application for each stage must address the principles and design requirements of the following documents:
- a) 'Indicative Public Domain Strategy' (Aspect Studios);
 - b) 'Hunter Street Plan' prepared for Newcastle City Council, (Aspect Studios) (as adopted);
 - c) 'City of Newcastle's Technical Manual City Centre Public Domain' (September 2014);
 - d) Stage 3 & 4 Landscape Public Domain Plans prepared by Cola Studio dated January 2023
- 44 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, and inclusive of an associated public lift located between Newcomen and Laing Streets, and is permitted to have Laing Street Café in the location shown on 'Floor Plan – Level 04' prepared by SJB Architects (Drawing No. DA-2904 Revision 04 dated 23.02.2024). The through-site links shall be located as shown on aforementioned plans. All through site connection links, and inclusive of an associated public lift located between Newcomen and Laing Streets, must have public right of carriageway to be created over the publicly accessible private land and this be registered on title with NSW Land Registry Services.