

Memo

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL



TO: Hunter & Central Coast Regional Planning Panel

FROM: W. Toose, Principal Development Officer (Planning) – City of Newcastle

DATE: 29 May 2026

SUBJECT: Draft Conditions of Consent - PPSHCC-386 – 711 Hunter Street, Newcastle West

The purpose of this memo is to provide further clarification in relation to a number of conditions of consent that the applicant for PPSHCC-386 – 711 Hunter Street, Newcastle West (DA2025/01348) has requested to be amended.

On 29 May 2026, a meeting was held between Council and the Applicant to discuss the Draft Conditions of Consent.

A summary of the conditions requested to be amended is presented below:

Condition	Applicant's comments	CN's response
1. Approved plans and documentation	Stormwater Management Plan reference should be <i>Version C, Wallace Design Group</i> and not BGCE. Public Art Strategy should be dated April 2026, not November 2025.	Agreed – condition has been amended to reflect these documents.
3. Affordable housing contributions – 7.32 Monetary Contribution In accordance with Newcastle Affordable Housing Contributions Scheme (the scheme), prior to the issue of the first Construction Certificate for the development (i.e., whether for part or whole of a building), a monetary contribution of \$1,860,847.38 shall be paid to Newcastle City Council for the purpose of affordable housing. If the contribution is not paid within the quarter that this consent is granted, the contribution payable will be adjusted in accordance with the provisions of the scheme and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment. This includes any changes to the discount rate.	Requested that the applicant can adopt the 50% discount rate on the monetary contribution of \$1,860,847.38 (so \$930,423.65) is payable within 30 days of the actual date of a development consent being issued. This application is scheduled to go to be determined by the HCCRPP on the 2 June 2026. If this application is deferred, the applicant would like to seek that the current rate which inclusive of the 50% is available to this application within 30 days following determination of the application.	Not agreed. The affordable housing contribution is governed by: • Clause 6.10 of the Newcastle Local Environmental Plan 2012 (NLEP 2012), which requires that contributions be calculated strictly in accordance with the Newcastle Affordable Housing Contributions Scheme as adopted. • Clause 6.10(5) states "The affordable housing levy contribution must be calculated in accordance with the Newcastle Affordable Housing Contributions Scheme." The Contributions Scheme adopted on 25 March 2025, which is a prescribed instrument referenced by date in the LEP (6.10(6)). As such, it operates as a statutory mechanism and cannot be varied or applied flexibly on a case-by-case basis without a formal planning proposal.

		The request to apply the 50% discount rate to a fixed contribution amount payable within 30 days of consent cannot be supported where it would have the effect of: • Extending the availability of the 50% discount beyond 30 June 2026, or • Avoiding the requirement for indexation at the time of payment. Similarly, the request to retain the current discounted rate if the matter is deferred beyond the determination date cannot be accommodated, as: The applicable contribution rate (including discount) is determined by the Scheme in force at the time the contribution is paid, not the timing of the Panel's determination.
4. Development contributions – 7.11 general <i>The contributions shall be paid to the Newcastle City Council:</i> <i>prior to the issue of the Subdivision Certificate where the development is for subdivision; or</i> <i>prior to the issue of the first Construction Certificate where the development is for building work; or</i> <i>prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or</i> <i>prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.</i>	It is requested that this payment be deferred to subdivision or occupation certificate.	Not agreed.
5. Design excellence <i>A process of design integrity is to be established to ensure the approved development retains design excellence through to completion, including the following:</i>	The whole project is subject to the DBP Act and as such the plans approved in the DA must match the Construction Certificates on the portal. This will ensure the approved development retains design excellence through to completion.	Not agreed. The intent of this condition is not to validate compliance with the DBP Act, it is to ensure design excellence (for which a design competition waiver has been endorsed) is carried

a) <i>Newcastle City Councils Urban Design Review Panel are to be appointed as the design integrity panel to oversee the development for its duration and are to review, assess and advise on the extent to which design excellence is realised. The program of design review post development consent is to include:</i> i. <i>Prior to the submission of every construction certificate application, to confirm the detailed design is consistent with design quality as approved</i> ii. <i>Prior to the submission of any application to modify development consent affecting the design, to confirm detailed design is consistent with design quality endorsed as approved.</i>	It is not necessary to attend UDRP meetings to validate this and this is a scheduling and time risk for the project and takes the UDRP panel away from more important project reviews of other DAs. It is requested to delete the following: i. <i>Prior to the submission of every construction certificate application, to confirm the detailed design is consistent with design quality as approved</i>	throughout the stages of construction. <u>Recommended condition:</u> Prior to the submission of every construction certificate application, <i>but excluding construction certificates related to in-ground works and/or the ground floor slab only</i>, to confirm the detailed design is consistent with design quality as approved.
Conditions (Before issue of a Construction Certificate): 7, 8, 10, 12, 13, 14, 15, 16, 17, 20, 21, 22, 24, 25, 27, 28, 29, 30, 31, 32, 34, 35, 37, 38, 39, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 59, 60	CN is requested to generally review if all these conditions need to be before “the first construction certificate” where they can be done before an occupation certificate or by a staged CC that allows works that are not impacted to proceed. <u>Requested:</u> As a minimum please strike out the words “first” and replace with “relevant” and more specifically “excluding construction certificates related to in-ground works and/or the ground floor slab only” added to most of these conditions to allow these works to continue whilst the condition of consent is being met.	Partially agreed. Conditions 7, 8, 10, 13, 15, 16, 17, 25, 27, 28, 29, 30, 32, 34, 35, 37, 38, 39, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 59 & 60 can be amended to specify “Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), <i>but excluding construction certificates related to in-ground works and/or the ground floor slab only</i> For conditions relating to stormwater works (i.e. 20 & 24) conditions CN does not support the applicant obtaining a CC for early works up to ground floor slab before completing detailed design of stormwater works as the stormwater works are below the ground floor slab. For conditions 22, 25 & 46, these conditions already provide some flexibility for the applicant by stating “<i>or other satisfactory arrangements confirmed in writing, from Newcastle City Council</i>”.
7. Flooding – verifying floor levels <i>Before the issue of the first construction certificate for the development (i.e., whether for part or</i>	Suggest a reword to include “habitable” before “ground” to make sure there is clarity that the facilities and services at carpark level are acceptable below 3.3m AHD.	Agreed – this condition is amended to include the word “habitable” before “ground floor level”

whole of a building), full details are to be provided demonstrating that the ground floor level of all proposed buildings or building additions are to be reduced level 3.3m Australian Height Datum.		
9. Flood protection for pools/spa <i>Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that the pool/spa surround and all machinery and electrical equipment susceptible to damage from floodwaters are to be a minimum of 300mm above existing ground levels. Full details are to be included in documentation for the construction certificate application.</i>	Delete this condition – this is already achieved with the pool on L5 so is unnecessary.	Agreed – condition can be deleted.
11. Stormwater control details <i>Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that the proposed development is not to increase upstream or downstream flooding for floods over a range of storms from 1:1 to 1:100-year events. This is to be verified by the provision of full stormwater control details included in documentation for the construction certificate application.</i>	Though titled “stormwater control”, there is a risk this implies flood modelling given reference to flooding in the clause, and it can be open for interpretation. Most frequent AEP event assessed in flood modelling is the 10% AEP and it would be unreasonable to flood model events more frequent than this.	Agreed – condition can be deleted.
12. Floodway provision <i>Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details demonstrating that floodways will be provided, sufficient to allow floodwaters to pass freely through the site, as outlined in the engineering details and calculations submitted in support of the Development Application. Plans showing full design details for the required floodways are to be included in documentation for the construction certificate application.</i>	It is requested that Council consider the removal of this condition and it is covered by conditions 13 and 14.	Agreed – condition can be deleted.
13. Floodway protection – fencing <i>Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided demonstrating that any</i>	It is requested that Council consider the removal of this condition. As above there are no Floodways affecting the site.	Agreed – condition can be deleted.

fencing proposed to extend across the required floodway or overland flowpath is to be of an open mesh or rod style.		
14. Floodway protection – landscaping <i>Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided demonstrating that any landscaping within the proposed development designed and positioned in such a manner as to ensure that the designated floodways, or overland flowpaths, are not obstructed.</i>	It is requested that Council consider the removal of this condition. As above there are no Floodways affecting the site (as per the NSW Government definition).	Agreed – condition can be deleted.
15. (h) Car parking requirements <i>Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details of on-site parking accommodation are to be provided for:</i> <i>h) Motorcycle parking including 14 residential spaces, 2 retail spaces and 9 commercial spaces</i>	The applicant accepts 25 motorbike spaces being provided but because there are distinct carparks and entries to the commercial and residential building, the proposed council allocation does not work based on where they are shown on the submitted DA plans. <u>Requested:</u> <i>Motorcycle parking includes 12 residential spaces, 1 retail space and 12 commercial spaces</i>	Agreed – condition can be amended. Applicant proposes a reduction from 14 to 12 residential motorcycle spaces. The DCP requires 14 spaces and the applicant's traffic impact assessment states that 14 are provided, however this late change can be allowed as it is only a minor deficiency.
18. Water tanks and plumbing direction <i>Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating roof water from the proposed new work will be directed to the proposed water tank(s) with a minimum combined capacity of 25,000 litres and being reticulated to any new toilet cisterns, cold water washing machine taps, and outdoor and carpark taps on the ground floor and outdoor taps on podium levels with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3).</i>	The latest BASIX Report (Section 3.1) and Certificate (provided with the DA) shows that only a 5kL reuse tank is required for the Commercial space only and is designated for landscape irrigation. <u>Requested:</u> We request this is amended to 5KL and reticulated to use for landscape irrigation.	Not agreed. Applicant proposes to reduce their reuse tanks to a single 5kL tank. The DA was initially lodged with 25kL of reuse storage and this was considered reasonable given that the site area is almost 5000m². A reduction to only 5kL is unreasonably low for a development of this size and would be a normal size for a single dwelling house. CN does not support the applicant's reduced reuse tank sizing.

21. (e) Vehicular crossings standards <i>Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided to, and approval obtained or other satisfactory arrangements confirmed, in writing, from Newcastle City Council, pursuant to section 138 of the Roads Act 1993 for a commercial vehicular crossing across the road reserve, in accordance with the following criteria:</i> e. <i>The proposed driveway is to be a minimum of 750mm clear of the centre of any pole or obstruction within the road reserve and 1.0m clear of any drainage pit</i>	The 1.0m clear of any drainage pit affects the width of the driveway as currently drawn on the plans. Alternatively, we could potentially consider some pit modifications to shift the kerb inlet further down and add a grated drain as we'll be modifying the stormwater at the entrance. The left edge of the existing driveway is 1m in accordance with the requirements, however we have not looked at how this would impact turning movements. <u>Requested:</u> We request that this be amended to accommodate some flexibility rather than strict compliance and suggest words like "submitted to CN engineering for signoff"	Not agreed – driveway conflicts with drainage pit. CN does not allow driveways within 1m of drainage pits, so pit reconstruction is required. The applicant's proposed changes are not supported.
23. Public domain works required <i>...the following works to be constructed by the developer in connection with the proposed development within the Little King Street, National Park Street and Hunter Street public road reserve, adjacent to the site, at no cost to Newcastle City Council and in accordance with Newcastle City Council's guidelines and design specifications:</i> a) <u>Hunter Street</u> i. <i>Reconstruction of footpath in accordance with Newcastle City Centre Public Domain Technical Manual.</i> ii. <i>Upgrade short pipe connection from existing kerb inlet pit to CN's 375mm pipe under Hunter Street.</i> iii. <i>Upgrade drainage under kerb in accordance with Newcastle West Drainage Study Option B which includes a new 600mm concrete pipe connecting to a 750mm pipe crossing the intersection of National Park Street and 825mm pipe to pit SW0036168.</i> iv. <i>Reconstruct stormwater pits.</i>	The detail and conditioning of all these items is unreasonable, and these requested upgrades have not been clearly tabled to the applicant during the CN concierge service. Several of the items relate to the upgrading of the Newcastle West Drainage Study which is considered to be works which should be undertaken by Council as there is no justified nexus from the proposed development to justify the additional stormwater upgrade works being done by the applicant only. This work should be included in the future Developer Contributions plan updates whereby all surrounding development contributes their fair and equitable amount to these works (and undertaken by council). Similarly, it is not the responsibility of the applicant to undertake the CN's West End Public Domain works which are also considered an item for future contributions plans that all Developers contribute fairly towards. It is reasonable to expect the same level of consent conditions as was required on the redevelopment of One National Park as the newest opposing development. No trees are proposed on Little King frontage.	Not agreed. The existing site discharges water onto the footpath and the street drainage is well under capacity. The development necessitates an upgrade of the stormwater network as the existing stormwater management on the site is well below standard and the street drainage has no additional capacity for water from the site as it is already well under sized. The applicant proposes to carry out some minor pipe upgrades to convey stormwater from their site into Council's network, however the proposed upgrades will not provide sufficient capacity to ensure that the drainage in the roads adjacent the site frontage has sufficient capacity to convey both runoff from the street and the site. Modelling was undertaken by CN in the Newcastle West Drainage Study to determine suitable pipe sizes capable of conveying water from both the street and the adjacent developments and these pipe sizes are included in the draft condition of consent. CN is only requiring the developer to upgrade the stormwater pipes along a portion of the site frontage, not the full extent of upgrades shown in the Newcastle West Drainage Study.

v. <i>Reconstruction of kerb and gutter and asphalt as required to carry out drainage upgrade.</i> vi. <i>Installation of street trees in footway.</i>		Previous DA consents on this site (DA2022/01316 & DA2022/01317) included the requirement to upgrade drainage in accordance with the Newcastle West Drainage Study, and the draft conditions of consent are consistent with this.
b) <u>National Park Street</u> i. <i>Reconstruction of footpath in accordance with Newcastle City Centre Public Domain Technical Manual.</i> ii. <i>Reconstruct kerb and gutter for full length of road. Where sandstone kerbing exists, it is to be carefully removed and re-installed (if required).</i> iii. <i>Installation of street lighting.</i> iv. <i>Pavement reconstruction along northbound side of National Park Street from kerb to road centreline.</i> v. <i>Street tree installation. Impact on stormwater shall be considered in design.</i> vi. <i>Installation of new stormwater pits on National Park Street with twin sag lintels at the location of the existing kerb inlet pit at the site frontage.</i> vii. <i>Installation of a 600mm drainage pipe from existing kerb inlet pits to a pit in the road centreline, draining via a 600mm pipe along the road centreline to avoid trees and connect to drainage in Hunter Street.</i> viii. <i>Parallel car parking spaces along edge of road.</i> ix. <i>All necessary changes to signage and line marking require separate support from CN's local traffic forum.</i> x. <i>An arboricultural impact assessment and tree protection plan as per AS4970-2025 being included for impacts on</i>		If the stormwater drainage network is not upgraded as stated in the conditions, CN anticipates receiving a significant number of customer complaints after this DA is completed when residents move into their new apartments. The applicant opposes the draft condition to reconstruct pavement along National Park Street from the kerb line to the centreline. The existing pavement is worn and is not in keeping with the high-quality development they are proposing. The intent of the condition was to have the road surface milled and re-sheeted, not fully reconstructed. The condition can be reworded to only require a mill and re-sheet of the pavement surface. The applicant proposes to remove all requirements to carry out upgrades in accordance with the West End Public Domain Plan (PDP). CN's Newcastle City Centre DCP, Section E5 requires that "Public domain improvements are in accordance with any adopted Public Domain Plan". CN acknowledges that when the PDP was prepared, it assumed there would be no vehicle access to this site via Little King Street, and as this is not the case, the plan cannot be fully implemented along the site frontage. However, some items from the plan can still be implemented including: • Upgrading footpaths along the site frontage; • Planting street trees; • Creation of a corner pocket paved area between intersecting footpaths; • Installation of street furniture; • Adjustments to kerb levels to ensure footway at the end of Little King Street achieves max 2.5% crossfall. Drainage shall be

<i>the London Plane trees being retained.</i> xi. <i>Upgrade kerb ramps at signalised intersection to current standard as requested by TfNSW.</i> xii. <i>Installation of bicycle parking hoops and public seats</i> c) <u><i>King Street and Little King Street</i></u> i. <i>Drainage upgrades including replacement of stormwater pipe along full frontage extending to nearest pits beyond frontage.</i> ii. <i>2.5% crossfall to be achieved on footpath by lowering site boundary level.</i> iii. <i>Bluestone paving across footpath for site frontage.</i> iv. <i>Reconstruction of cul-de-sac at the end of Little King Street to reduce the cul-de-sac size as far as practicable as indicated on CN's West End Public Domain Plan (Stage 1), but retaining vehicle access to 711 Hunter Street and ensuring access is still possible for Heavy Rigid Vehicles entering the site and B99 vehicles can pass each other when travelling in opposite directions and turn around in the road.</i> v. <i>Construction of a wide footpath from the signalised intersection to the intersection of King Street and Little King Street.</i> vi. <i>All necessary changes to signage and line marking require separate approval from CN's local traffic forum.</i> vii. <i>Installation of street trees</i> viii. <i>Installation of street lighting</i> ix. <i>Embellish public space as generally indicated in CN's West End Public</i>		considered with any kerb level changes. Any changes to drainage to facilitate kerb level changes will be required. The draft condition can be reworded to include the above items and state that the final design shall be considerate of the West End PDP. Recommended amendments to conditions: a) <u>Hunter Street</u> iii. Upgrade drainage under kerb in accordance with Newcastle West Drainage Study Option B which includes a new 600mm concrete pipe from pit SW0036864 connecting to a 750mm pipe crossing the intersection of National Park Street and 825mm pipe to pit SW0036168. b) <u>National Park Street</u> iv. Pavement reconstruction resurfacing along northbound side of National Park Street from kerb to road centreline c) <u>King and Little King Street</u> ii. 2.5% crossfall to be achieved on footpath by lowering site boundary level to a minimum of 2.2mAHD at the driveway entry and adjusting kerb levels. Drainage shall be considered with any kerb level changes. Any changes to drainage to facilitate kerb level changes will be required. iv. Reconstruction of cul-de-sac at the end of Little King Street to reduce the cul-de-sac size as far as practicable as indicated on CN's West End Public Domain Plan (Stage 1), but retaining vehicle access to 711 Hunter Street and ensuring access is still possible for Heavy Rigid Vehicles entering the site and B99 vehicles can pass each other when travelling in opposite directions and turn around in the road. v. Construction of a wide footpath from the signalised intersection to the intersection of King Street and
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<i>Domain Plan (Stage 1), acknowledging the above constraints.</i>		Little King Street bus stop on King Street. <i>ix. Design shall consider</i> Embellish public space as generally indicated in CN's West End Public Domain Plan (Stage 1), acknowledging the above constraints. <u>New condition:</u> Creation of a corner pocket paved area between intersecting footpaths.
24. Stormwater management details <i>In addition, the following amendment to the plans is required:</i> <i>The pipe outlet from the detention tank is to connect to Council's stormwater pit SW0036864 on Hunter Street. If the pipe connects to stormwater pit SW0023494 as shown on the plans, the longitudinal pipe along Hunter Street shall be upgraded for its full length.</i>	Further clarity is provided on the Stormwater Management details. <u>Requested:</u> The on-site detention tank outlet is to connect to Council's stormwater Pit as shown on the plans and includes the upgrade of the existing 225 dia pipe (CN Asset No. SW0017767) connecting to the existing 375 (CN Asset No. SW0020137).	Not agreed. CN does not support the applicant obtaining a CC for works up to ground floor slab before completing detailed design of stormwater works as the stormwater works are below the ground floor slab. Additionally, CN does not support the applicant's proposed change to the condition allowing them to discharge stormwater to the existing pit at SW0020137 without upgrading the 375mm pipe in Hunter Street as the existing pipe is already under capacity and additional flows from a site with area almost 5000m² is not allowed. The applicant is to either shift their outlet as CN has required in the condition or upgrade the pipe in Hunter Street.
26 House numbering Within one week of lodging an application for the first construction certificate for the development (i.e., whether for part or whole of a building), the applicant must submit a Street Numbering Application to Newcastle City Council to commence the addressing allocation process. The allocated addressing will be as per the Addressing Allocation document issued by Newcastle City Council and in accordance with the NSW Addressing Policy and the Australian/New Zealand Standard: Rural and Urban Addressing (AS/NZS 4819:2011). Any request for amendments to the Addressing Allocation must be submitted to	House numbering has been issued by CN.	Agreed – condition can be deleted.

Newcastle City Council for consideration and if approved, a revised Addressing Allocation document will be issued. - Note: Addressing for this property may change. Please do not use property addressing for advertising material until the Addressing Allocation has been issued. Addressing provided by Newcastle City Council must be correctly implemented prior to the first occupation certificate for the development (i.e., whether for part or whole of a building) being issued. Condition reason: To ensure the necessary house numbering is provided in accordance with the NSW Addressing Policy.		
33. Visitor parking standards <i>Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), the visitor parking bays are to be designed in paving bricks or in an alternative paving material that contrasts in colour and texture with that used in the construction of the driveway.</i>	Delete condition as this condition is adequately by the requirements of Condition 101.	Agreed – condition can be deleted.
41. Street trees <i>Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that eight (8) tree pits (and associated works), tree guards and nominated tree species are required to be installed at the developer's expense.</i>	The condition requires a total of 8 trees. In the Landscape Public Domain Plan, we currently have 7 new trees proposed, along with 1 existing corner tree to be retained. Of these, 2 trees are located within the pocket park and 5 are along National Park Street. However, the condition specifically notes 6 trees on National Park Street and 2 trees on Hunter Street. The Hunter Street trees were not endorsed by Keolis Downer as it restricts bus driver lines of visibility along Hunter Street and jeopardises pedestrian safety.	Not agreed. Tree vacancy ID numbers 1104727, 1104728, 1133833, 1133834, 1133835, 1135220, 1133836 and 1133838 located on National Park Street and Hunter Street will be required to be installed at the developer's expense.
43. Flood storage <i>Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that under floor flood storage areas will be provided, designed to allow floodwaters to enter and leave without flow restrictions.</i>	Remove the word "area" in last paragraph to allow some flexibility in the detailed design for structural and other constraints	Partially agreed. The applicant's proposal to remove the word "area" could allow them to change the area of the flood storage tank post consent. The condition can be slightly reworded to allow some changes provided the volume and area do not decrease. Recommended condition:

All entry points to the flood storage tank shall be designed to withstand debris loads during a major flood event and all openings shall be small enough that no people or children can be swept into the tank. Note: The flood storage is to be provided as indicated on the stormwater management concept plan prepared by Wallace Design Group (Project 24262 Rev C, Drawings C05.01 and C06.01, dated 28.04.26). The plans note that the location, area and volume of the tank will be confirmed at CC stage, however any changes to volume or total area are not allowed.		The following part of the condition should be amended: "Note: The flood storage is to be provided as indicated on the stormwater management concept plan prepared by Wallace Design Group (Project 24262 Rev C, Drawings C05.01 and C06.01, dated 28.04.26). The plans note that the location, area and volume of the tank will be confirmed at CC stage, however any changes reductions to volume or total area are not allowed."
106. Car parking requirements - accessible car parking spaces Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the proposed accessible car parking spaces are allocated as visitor parking or accessible units. Where allocated to accessible units, the accessible car parking space must be assigned to the unit in any future strata subdivision plan.	The PWD car space on the Ground Floor is allocated to Visitors as per consent condition 15 (d) and 109 (d) and the 155 cars in 109 (b) includes PWD spaces for the commercial office users. <u>Requested:</u> It is requested that Council consider the removal of this condition as this covered by Condition 15 and 109.	Agreed – condition can be deleted.
137. Art in publicly accessible places - maintenance plan Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), details confirming the installation of all publicly accessible art required by the public art strategy is submitted to the Principal Certifier and Newcastle City Council.	Delete. This appears to be a duplicate of Condition 121.	Agreed – condition can be deleted.
140. Street awnings and balconies - maintenance plan During occupation and ongoing use, the street awnings and/or street balconies is to be properly maintained for the life of the development	Delete. This appears to be a duplicate of Condition 122.	Agreed – condition can be deleted.
142-162 Demolition works condition set	It is requested that Council consider the removal of these conditions. Demolition of the site will be undertaken in accordance with DA2025/00576.	Agreed – conditions can be deleted and replaced with the following condition: Demolition is to be carried out in accordance with Australian Standard 2601:2001 - The

	Demolition and conditions of consent are imposed under development approval DA2025/00576 and this will be completed prior to the proposed works commencing under this DA. Alternatively, a standard condition could be applied which makes reference to DA2025/00576.	<i>Demolition of Structures and the relevant conditions and approved plans imposed under DA2025/00576.</i>
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In addition to the above matters, the applicant identified that the Clause 4.6 (FSR), dated December 2025 referred to the proposed FSR as being 6.6:1 (rounded down), whereas CN's assessment report referred to the proposed FSR as being 6.67:1. For consistency, an amended Clause 4.6(FSR), dated May 2026 has been updated to reflect the figure as per the CN's assessment report.

Should you require any further information on this matter please contact William Toose, Principal Development Officer on wtoose@ncc.nsw.gov.au or (02) 4974 2731.

W. Toose
Principal Development Officer (Planning)

Attachments:

- *Amended Draft Conditions of Consent (marked-up version)*
- *Amended Draft Conditions of Consent (clean version)*
- *Updated Clause 4.6 (FSR) has been updated to reflect the figure as per the CN's assessment report for consistency)*