ITEM-9: DAC 19/06/18 - DA2018/00048 - 430 HUNTER STREET NEWCASTLE AND 20A AND 20B WRIGHT LANE NEWCASTLE - THREE LOTS INTO SEVEN LOT SUBDIVISION AND ASSOCIATED ROAD WIDENING

APPLICANT: MONTEATH & POWYS
OWNER: HUNTER DEVELOPMENT CORPORATION
REPORT BY: PLANNING AND REGULATORY
CONTACT: ACTING DIRECTOR PLANNING AND REGULATORY / INTERIM MANAGER DEVELOPMENT AND BUILDING

PART I

PURPOSE

An application has been received seeking consent for the subdivision of three lots into seven lots and associated road widening to Civic Lane.

The application is referred to the Development Applications Committee for determination, due to the application being called in by two Councillors. The proposal was considered at a meeting of the Public Voice Committee on 15 May 2018.

A copy of the submitted plans for the proposed subdivision and road widening is appended at Attachment A.

The proposed development was notified in accordance with Council's Public Notification policy and 12 submissions were received in response. A late submission was received prior to the meeting of the Public Voice Committee and two further submissions were received on the day of that meeting.

The submissions raise concerns regarding:

i. Rezoning of land not yet approved
ii. Access to Honeysuckle precinct via proposed lots
iii. Amenity impacts of future development of proposed lots
iv. Reinstatement of public car parking
v. Access to premises via Civic Lane
vi. Footpath in Civic Lane should be widened
vii. Loss of part of Wright Lane as a road

Suggestions that the proposed widening of Civic Lane is insufficient are common to all of the submissions.
Details of the submissions received are summarised at Section 3.0 of Part II of this report and the concerns raised are addressed as part of the Environmental Planning Assessment at Section 4.0.

Issues

1. Civic Lane
2. Future use of the land

Conclusion

The proposed subdivision and road widening has been assessed having regard to the relevant heads of consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

The proposal is considered to be acceptable and is recommended for approval, subject to suitable conditions of consent being resolved with the applicant, as is required in respect of a Crown development application (ie a development application made by or on behalf of the Crown).

Note: the *Environmental Planning and Assessment Act 1979* provides that Council must not refuse its consent to a Crown development application, except with the approval of the Minister for Planning.

RECOMMENDATION

A. That Development Application DA2017/00299 for subdivision of three lots into seven lots and associated road widening to Civic Lane, at 430 Hunter Street, 20A Wright Lane and 20B Wright Lane Newcastle, be approved and consent granted, subject to conditions of consent being resolved with the applicant (the Crown), generally as set out in the draft schedule of conditions (refer to Attachment B); and

B. That those persons who made submissions be advised of Council's determination.

Political Donation / Gift Declaration

Under Section 10.4 of the *Environmental Planning and Assessment Act 1979*, the applicant, and any person related to this Development Application must report any political donation and/or gift to a Councillor and/or any gift to a Council employee within a two year period before the date of this application.

The applicant has answered **NO** to the following question on the application form: *Have you, or are you aware of any person having a financial interest in the application, made a 'reportable donation' or 'gift' to a Councillor or Council employee within a two year period before the date of this application?*
PART II

1.0 THE SUBJECT SITE

The subject site comprises three parcels, being:

a) Lot 2 DP1226145 being No.430 Hunter Street Newcastle (area of 11,543m²) - a portion of the former rail corridor between Merewether Street (in the east) and Worth Place (in the west), including the former Civic Station; and

b) Lot 4 DP1111305 being No.20A Wright Lane Newcastle (area of 4,268m²) - Wright Lane, extending from Workshop Way (in the north-east) to Worth Place (in the west). While Wright Lane presently appears to be a public road and is effectively used as such, it is not formally dedicated as a public road; and

c) Lot 21 DP1165985 being No.20B Wright Lane Newcastle (area of 5,759m²) - the car park located between the former rail corridor and Wright Lane, extending from near the former Civic Station (in the east) to Worth Place (in the west).

The site is relatively flat, with a total area of 21,570m².

Existing development on adjoining sites comprises buildings of a range of sizes and usage, including commercial and residential uses. The Newcastle Museum and the former Civic Railway Station also adjoin the site.

The majority of the site is located in the Newcastle City Centre Heritage Conservation Area. The Newcastle Museum (ie the former Civic Railway Workshops Group of buildings), which adjoins the north-eastern part of the site, is listed in Newcastle Local Environmental Plan 2012 as a heritage item of State heritage significance and is listed on the State Heritage Register.

2.0 THE PROPOSAL

The proposed development involves a three lot into seven lot Torrens Title subdivision and an associated one metre widening of Civic Lane. The proposed widening of Civic Lane includes land that is adjacent to the southern boundary of the former rail corridor.

The applicant has provided the following clarification regarding the proposed lots and road widening:

i. Proposed Lot 1 - This parcel is located adjacent to Worth Place and is 1,133m² in size. The Parcel is located between the two (2) stubs of worth Place previously separated by the former rail corridor. The lot is for the future establishment of a road connection consistent with the light rail project.
ii. Proposed Lot 2 - This parcel is 6186m² in size and allows for the productive future use of the land in the Newcastle city centre.

iii. Proposed Lot 3 - This parcel is 5567m² in size and allows for the productive future use of the land in the Newcastle city centre.

iv. Proposed Lot 4 - This parcel is 1587m² in size and allows for the productive future use of the land in the Newcastle city centre.

v. Proposed Lot 5 - This parcel is 1,602m² in size and allows for the productive future use of the land in the Newcastle city centre.

vi. Proposed Lot 6 - This parcel forms part of Wright Lane and is 2,300m² in size. The Parcel is set to remain for future road connections.

vii. Proposed Lot 7 – Civic Link - This parcel is 2,887m² in size and is set to form a public domain site.

viii. In addition to the new proposed allotments, road widening is proposed to the northern side of Civic Lane comprising a one (1) metre width from Worth Place to Civic Station.

A copy of the submitted plans is appended at Attachment A.

The various steps in the processing of the application to date are outlined in the Processing Chronology (refer to Attachment C).

3.0 PUBLIC NOTIFICATION

The application was publicly notified in accordance with Council's Public Notification Policy. Twelve submissions were received during the notification period. A late submission was received prior to the meeting of the Public Voice Committee and two further submissions were received on the day of that meeting.

The twelve submissions received during the notification period were from persons who identified as owners or tenants of premises located between Civic Lane and Hunter Street. The person who made the late submission did not identify with any property in the vicinity of the site.

The two further submissions received on the day of the Public Voice Committee meeting were from a person representing an unidentified number of owners of properties located between Civic Lane and Hunter Street and from a group of people identifying themselves as 'Newcastle Hunter Urban Planning and Transport Alliance'. These two submissions principally relate to the width of Civic Lane, being an issue that is common to all submissions.

The concerns raised by the objectors in respect of the proposed development are summarised as follows:

a) Statutory and Policy Issues:

   i.) Rezoning of land not yet approved.
b) Amenity Issues:

I.) Access to Honeysuckle precinct via proposed lots.

II.) Amenity impacts of future development of proposed lots.

c) Traffic and Infrastructure Issues:

I.) Reinstatement of public car parking.

II.) Access to premises via Civic Lane - lane should be further widened beyond proposed one metre widening.

III.) Footpath in Civic Lane should be widened.

IV.) Loss of part of Wright Lane as a road.

The proposal was considered at a meeting of the Public Voice Committee on 15 May 2018.

4.0 ENVIRONMENTAL PLANNING ASSESSMENT

The application has been assessed having regard to the relevant matters for consideration under the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act 1979, as detailed hereunder.

4.1 Statutory Considerations

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

SEPP 55 requires that where land is contaminated, Council must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which the development is proposed.

The land that is the subject of the application is considered to be contaminated, however, the proposal does not involve any physical development or use of the land. It is considered that the land is suitable in its contaminated state for the proposed subdivision and road widening and that contamination issues can be resolved in connection with future development of the land.

Newcastle Local Environmental Plan 2012 (NLEP 2012)

The site involves land to which NLEP 2012 applies.

The portion of the site that was part of the former railway corridor (ie Lot 2 DP1226145 No.430 Hunter Street Newcastle) has been rezoned since the development application was lodged. The land use zone for this part of the site, under NLEP 2012, changed on 17 April 2018 from SP2 Infrastructure – Railway to B4 Mixed Use and RE1 Public Recreation (ie RE1 Public Recreation zone applies to ‘Proposed Lot 7 – Civic Link’).
The zoning of the remainder of the site, outside of the former railway corridor, remains as B4 Mixed Use.

Clause 2.6 Subdivision – Consent Requirements

The proposed subdivision is permissible with Council's consent on all land to which NLEP 2012 applies.

Clause 4.1 Minimum Subdivision Lot Size

The site is not subject to any minimum lot size restriction under NLEP 2012.

Clause 5.5 Development within the Coastal Zone

The proposal involves development within the coastal zone.

While clause 5.5 of NLEP 2012 is now repealed, it remains applicable to the proposal as it was in place at the date of lodgement of the application. The proposed subdivision and road widening is considered to be satisfactory in respect of the matters identified in the former clause 5.5 of NLEP 2012.

Clause 5.10 Heritage Conservation

The majority of the site is located in the Newcastle City Centre Heritage Conservation Area. The Newcastle Museum (ie the former Civic Railway Workshops Group of buildings), which adjoins the north-eastern part of the site, is listed in Newcastle Local Environmental Plan 2012 as a heritage item of State heritage significance and is also listed on the State Heritage Register.

As the proposed subdivision and road widening does not involve any physical works, it is considered that the proposal will have no appreciable impact on the heritage significance of the area or the adjoining heritage item.

State Environmental Planning Policy (Coastal Management) 2018

Draft State Environmental Planning Policy (Coastal Management) 2016 was exhibited between 11 November 2016 and 20 January 2017. The draft SEPP was made as State Environmental Planning Policy (Coastal Management) 2018 on 3 April 2018.

As the application was lodged prior to State Environmental Planning Policy (Coastal Management) 2018, it is Draft State Environmental Planning Policy (Coastal Management) 2016 that is required to be considered in respect of the proposed subdivision and road widening.

It is considered that the proposed subdivision and road widening is satisfactory in respect of the provisions of Draft State Environmental Planning Policy (Coastal Management) 2016.

4.3 Merit Considerations

4.3.1 Newcastle Development Control Plan
Newcastle Development Control Plan 2012 (DCP)

The proposed development is considered to be consistent with the DCP. It is considered that the most relevant considerations arising from the DCP in respect of the proposed development are as follows:

3.01 Subdivision

It is considered that the proposed subdivision will have adequate access to service infrastructure and the proposed lot layout, sizes and dimensions are suitable for future development of the land.

4.01 Flood Management

The site is potentially affected by flooding. It is considered that the proposed subdivision and road widening will not have any direct impact on the flood environment of the locality.

4.03 Mine Subsidence

The site is located within a Mine Subsidence District.

The application was referred to Subsidence Advisory NSW under the integrated development provisions of the Environmental Planning and Assessment Act 1979 and conditional approval for the proposed development has been granted by Subsidence Advisory NSW.

5.02 Land Contamination

The land that is the subject of the application is considered to be contaminated, however, the proposal does not involve any physical development or use of the land. It is considered that the land is suitable in its contaminated state for the proposed subdivision and road widening and that contamination issues can be resolved in connection with future development of the land.

It is considered that no further investigation of land contamination is necessary in connection with this application.

5.04 Aboriginal Heritage

The applicant has addressed the due diligence requirements of this section of the DCP, having made reference to the Aboriginal Heritage Information Management System. Noting that the application does not involve any physical works, the proposal is acceptable having regard to this section of the DCP.

5.05 Heritage Items and 5.07 Heritage Conservation Areas

The majority of the site is located in the Newcastle City Centre Heritage Conservation Area. The Newcastle Museum (ie the former Civic Railway Workshops Group of buildings), which adjoins the north-eastern part of the site, is listed in Newcastle Local Environmental Plan 2012 as a heritage item of State heritage significance and is also listed on the State Heritage Register.
As the proposed subdivision and road widening does not involve any physical works, it is considered that the proposal will have no appreciable impact on the heritage significance of the area or the adjoining heritage item.

**6.01 Newcastle City Centre**

Council resolved to adopt amendments to this section of the DCP, in relation to provisions for land in the former rail corridor, at its meeting of 12 December 2017.

The adopted amendments commenced, with related zoning changes in NLEP 2012, on 17 April 2018, after this application was lodged.

The DCP makes references to the ‘Civic Link’ (proposed Lot 7) and Civic Lane, including reference to Civic Lane being a 7m wide road reserve, which would include the proposed 1m widening of the lane.

It is considered that the proposed subdivision and road widening is consistent with the amended Newcastle City Centre provisions of the DCP.

**7.03 Traffic, Parking and Access**

The proposed subdivision will facilitate development on the western end of Wright Lane, restricting traffic in the eastern portion of Wright lane from being able to travel through to Worth Place. Traffic in the eastern portion of Wright Lane will retain the ability to circulate via Honeysuckle Drive and Settlement Lane.

The proposed 1m widening of Civic Lane will facilitate improved conditions for pedestrians and vehicles in Civic Lane.

The public car park located on the southern side of Wright Lane is located across two of the proposed lots, whereas it is currently located on a single lot. The application indicates that the two proposed lots on which the car park is located allow for "the productive future use of land in the Newcastle City Centre". The Wright Lane car park was originally established on a temporary basis and the proposed subdivision does not change that status.

While the provisions of this section of the DCP have limited direct relevance to the proposal, it is considered that the proposal is satisfactory in respect of the broad issues of traffic, parking and access.

**7.04 Movement Networks**

The proposed subdivision and road widening will facilitate changes to movement networks, but do not involve any physical works in relation to those networks.

The proposal facilitates the creation of the ‘Civic Link’ between Hunter Street and the Honeysuckle area at the former Civic Station, the widening of Civic Lane and the formalisation of part of Wright Lane and Worth Place as public roads.

The proposed subdivision will facilitate development on the western end of Wright Lane, however, the remaining eastern portion of Wright Lane will have a connection to Honeysuckle Drive at its western end, via land known as Settlement Lane.
It is considered that the proposal is consistent with the movement network provisions of the DCP.

8.0 Public Participation

The proposal has been notified in accordance with this section.

The issues raised in submissions are addressed under Part 4.3.5 of this assessment report.

4.3.2 Planning agreements

Council resolved to endorse a planning agreement with Hunter Development Corporation, being the ‘Newcastle Urban Rail Transformation Program Planning Agreement’, at its meeting of 12 December 2017.

Specifically, the planning agreement provides for Civic Lane widening, by the dedication of land to the north side of Civic Lane, "with dimensions of approximately 1m wide and 154m long", within 6 months of the registration of the plan of subdivision to create the land as a separate lot.

The land proposed for the widening of Civic Lane is approximately 308m long, compared to the 154m length referred to in the planning agreement. The proposed 1m road widening effectively extends for the full length of the north side of Civic Lane.

It is considered that the proposal is consistent with the planning agreement, in that it provides for a 1m widening to what is effectively the full length of the north side of Civic Lane.

4.3.3 Impacts on the Natural and Built Environment

The proposed subdivision and road widening will have minimal impact on the natural or built environment. While the proposed widening of Civic lane is likely to lead to physical works in the lane, the assessment of any such works would be subject to a process that is separate from the current application.

4.3.4 Social and Economic Impacts in the Locality

Submissions received in respect of the application allude to economic impacts related to the width of Civic Lane, in the context of the light rail installation in Hunter Street restricting parking and construction work access to that frontage of sites located between Civic Lane and Hunter Street.

It is considered that the circumstances arising from the light rail installation are not directly connected to the proposed widening of Civic Lane, which, in the absence of the proposed widening, might otherwise continue in its current state. As such, the proposed widening of Civic Lane does not generate a negative economic impact in the locality.

The proposed subdivision is likely to facilitate positive social and economic impacts in the locality, due to the land use opportunities that are likely to result.
4.3.5 Suitability of the Site for the Development

The site is located within a Mine Subsidence District and conditional approval for the proposed development has been granted by Subsidence Advisory NSW.

The site is potentially affected by flooding. It is considered that the proposed subdivision and road widening will not have any direct impact on the flood environment of the locality.

The site is considered to be contaminated, however, this issue can be addressed in connection with approval processes for future development of the land.

The site is not subject to any other known risk or hazard that would render it unsuitable for the proposed development.

The central business district location of the site is considered to be suitable for subdivision and road widening in the nature of that proposed.

4.3.6 Submissions made in accordance with the Act or Regulations

Comments regarding the various concerns raised in the submissions received in response to the Public Notification of the application are provided as follows:

a) Statutory and Policy Issues:

   I.) Rezoning of land not yet approved.

   Comment: The former rail corridor land that forms part of the site for the proposed subdivision and road widening has been rezoned since the application was lodged.

b) Amenity Issues:

   I.) Access to Honeysuckle precinct via proposed lots.

   Comment: The proposed subdivision and road widening does not directly alter access arrangements to the Honeysuckle precinct. However, the proposal facilitates the creation of the 'Civic Link' between Hunter Street and the Honeysuckle area at the former Civic Station.

According to the 'Newcastle City Centre' section of the DCP, the 'Civic Link' is part of "an important link between some of the region's most important civic and cultural assets, including Civic Park, City Hall, Civic Theatre, Newcastle Museum and the foreshore".

It is considered that the proposed subdivision and road widening will not reduce access to the Honeysuckle precinct.

II.) Amenity impacts of future development of proposed lots.
Comment: The amenity impacts of future development of the proposed lots will need to be separately considered, in connection with the approval processes for such future development.

c) Traffic and Infrastructure Issues:

I.) Reinstatement of public car parking.

Comment: The issue of public car parking is considered to be separate from the current application. While the site contains a public car park, which was originally established on a temporary basis, the proposal does not directly relate to public car parking.

II.) Access to premises via Civic Lane - lane should be further widened beyond proposed one metre widening. This issue is raised in all of the submissions.

Comment: The widening of Civic Lane by one metre is consistent with the Council endorsed planning agreement with Hunter Development Corporation, being the ‘Newcastle Urban Rail Transformation Program Planning Agreement’, and with the provisions for Civic Lane in the ‘Newcastle City Centre’ section of the DCP.

The ‘Newcastle City Centre’ section of the DCP reinforces that Civic Lane provides one-way vehicular movement in an east to west direction and indicates that pedestrian access along the northern side of the lane is to be integrated within the building setback of the associated development.

Submissions include references to the width of Civic Lane in the context of the light rail installation in Hunter Street restricting parking and construction work access to that frontage of sites located between Civic Lane and Hunter Street.
It is considered that the circumstances arising from the light rail installation are not directly connected to the proposed widening of Civic Lane, which, in the absence of the proposed widening, might otherwise continue in its current state.

It is considered that the proposed one metre widening of Civic Lane is consistent with Council's adopted policy.

III.) Footpath in Civic Lane should be widened.

Comment: The ‘Newcastle City Centre’ section of the DCP provides for a minimum 1.2m wide footpath to be provided on the southern side of Civic Lane. While the proposed widening of Civic Lane does not involve any physical works, it facilitates the construction of a footpath that is consistent with the DCP.

IV.) Loss of part of Wright Lane as a road.

Comment: Wright Lane is effectively a private road, having not been gazetted as a public road that would be under Council's control. The proposed subdivision allows
for the eastern half of Wright Lane to continue to function as a road, whereas the western half of Wright Lane would be available for development.

Traffic in the eastern portion of Wright Lane will retain the ability to circulate via Honeysuckle Drive and Settlement Lane.

It is considered that the eventual development of the western half of Wright Lane is unlikely to generate significant traffic issues in the locality.

4.3.7 Public Interest

Sustainability

The proposed subdivision pattern and proposed road widening does not raise any significant issues in respect of the principles of ecologically sustainable development.

The proposed subdivision and road widening will not result in the disturbance of any endangered flora or fauna habitat or otherwise adversely impact on the natural environment.

General

While the proposed subdivision is not premised upon specific developments occurring on the land, publicly available information suggests that:

1. Proposed Lots 2 and 3, located to the north of Civic Lane and Lot 5, being the western half of Wright Lane, are likely to form part of a development by the University of Newcastle.
2. Proposed Lot 4, located immediately west of Merewether Street, is likely to be developed for affordable housing.
3. Proposed Lot 7, at the former Civic Railway Station, is to be the 'Civic Link', as described elsewhere in this report.

The proposed development does not raise any significant general public interest issues beyond matters already addressed in this report.

5.0 CONCLUSION

The proposal is acceptable against the relevant heads of considerations under section 4.15 of the Environmental Planning and Assessment Act 1979 and is supported on the basis that the recommended conditions in Attachment B are included in any consent issued.
## ATTACHMENTS

**Attachment A:** Submitted plans - Under Separate Cover - 430 Hunter Street, 20A Wright Lane and 20B Wright Lane Newcastle

**Attachment B:** Draft Schedule of Conditions - 430 Hunter Street, 20A Wright Lane and 20B Wright Lane Newcastle

**Attachment C:** Processing Chronology - 430 Hunter Street, 20A Wright Lane and 20B Wright Lane Newcastle

**Attachment A** Submitted Plans - (Under Separate Cover) - 430 Hunter Street, 20A Wright Lane and 20B Wright Lane Newcastle
Attachment B

**DRAFT SCHEDULE OF CONDITIONS**

<table>
<thead>
<tr>
<th>Application No:</th>
<th>DA2018/00048</th>
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<tbody>
<tr>
<td>Land:</td>
<td>Lot 2 DP1226145, Lot 4 DP1111305 and Lot 21 DP1165985</td>
</tr>
<tr>
<td>Property Address:</td>
<td>430 Hunter Street, Newcastle, 20A Wright Lane Newcastle and 20B Wright Lane Newcastle</td>
</tr>
<tr>
<td>Proposed Development:</td>
<td>Subdivision of three lots into seven lots and associated road widening to Civic Lane</td>
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**SCHEDULE 1**

**REASONS FOR CONDITIONS**

1. The conditions of this consent have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979. The conditions relate to any matter referred to in Section 4.15(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

**APPROVED DOCUMENTATION**

2. 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.

<table>
<thead>
<tr>
<th>Plan No / Supporting Document</th>
<th>Reference / Version</th>
<th>Prepared by</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statement of Environmental Effects</td>
<td>Revision 1 - Final Draft</td>
<td>Monteath &amp; Powys Pty Ltd</td>
<td>12 January 2018</td>
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<tr>
<td>Draft Subdivision Plan</td>
<td>170150DPA</td>
<td>Surveyor: David Luke Sullivan</td>
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In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

3. An application is to be made for a Subdivision Certificate. The application is to be supported by a survey plan of subdivision, seven copies thereof and a Section 50 Certificate from the Hunter Water Corporation.

4. The requirements of Subsidence Advisory NSW (as per attached letter of 28 February 2018) being satisfied.

**END OF CONDITIONS**
NEWCASTLE CITY COUNCIL
Development Assessment & Compliance
ATTN: Geoff Douglass

Via email: mail@ncc.nsw.gov.au

To whom it may concern

RE: PROPOSED 3 LOTS INTO 7 LOT SUBDIVISION AND ASSOCIATED ROAD WIDENING AT 430 HUNTER STREET, 20A AND 20B WRIGHT LAND NEWCASTLE;
LOT 4 DP 1111305, LOT 21 DP 1165985 AND LOT 2 DP 1226145
TSUB18-00022 – DA2018/00048 - GENERAL TERMS OF APPROVAL

I refer to the above integrated development referred on 22 January 2018. Please find attached Subsidence Advisory NSW’s General Terms of Approval (GTA) for the development of land as detailed in DA/1542/2017.

Please note conditions are detailed under Schedule 2, I have also attached stamped plans. This satisfies the approval of the Subsidence Advisory NSW under section 22 of the Coal Mine Subsidence Compensation Act 2017.

Should you have any questions about the determination I can be contacted by email at john.johnston@finance.nsw.gov.au or via phone 02 4908 4300

Yours faithfully,

John Johnston
Senior Risk Engineer

Date: 28 February 2018
GENERAL TERMS OF APPROVAL

Issued in accordance with s.91A of the Environmental Planning & Assessment Act 1979 for the subdivision/development of land.

As delegate for Subsidence Advisory NSW under delegation executed 28 February 2018, general terms of approval are granted for the subdivision described in Schedule 1, subject to the conditions attached in Schedule 2.

SCHEDULE 1

Ref: TSUB18-00022
DA: DA2018/00048
Site Address: 430 HUNTER STREET, 20A AND 20B WRIGHT LAND NEWCASTLE
Lot and DP: LOT 4 DP 1111305, LOT 21 DP 1165985 AND LOT 2 DP 1226145
Proposal: 3 LOTS INTO 7 LOT SUBDIVISION AND ASSOCIATED ROAD WIDENING
Mine Subsidence District: NEWCASTLE
## SCHEDULE 2

### GENERAL TERMS OF APPROVAL

<table>
<thead>
<tr>
<th>Plans, standards and guidelines</th>
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<tbody>
<tr>
<td><strong>1.</strong> The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</td>
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<tr>
<td><strong>Note:</strong> Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new Application will have to be submitted to Subsidence Advisory NSW.</td>
</tr>
<tr>
<td><strong>2.</strong> This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.</td>
</tr>
<tr>
<td><strong>3.</strong> Subsidence Advisory NSW is to be notified of any changes to lot numbering and the registered DP number.</td>
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<tr>
<td><strong>4.</strong> Approval under section 22 of the Coal Mine Subsidence Compensation Act 2017 is also required for the erection of all improvements on the land. As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</td>
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### Dispute Resolution

If you are dissatisfied with the determination of this application an appeal may be formally submitted with the Chief Executive Office for an independent internal review. The application must be made in writing and must provide reasons why the determination should be changed.
### Attachment C - Processing Chronology

**DA2018/00048 – 430 Hunter Street, 20A Wright Lane and 20B Wright Lane, Newcastle**

<table>
<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>19 January 2018</td>
<td>Application Lodged</td>
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<tr>
<td>24 January 2018</td>
<td>Public notification of application</td>
</tr>
<tr>
<td>28 March 2018</td>
<td>Application called in by two Councillors</td>
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<tr>
<td>15 May 2018</td>
<td>Public Voice Committee meeting</td>
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