



NSW GOVERNMENT
Department of Planning

**MAJOR PROJECT ASSESSMENT:
Royal Newcastle Hospital Site
NEWCASTLE**



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment
Act 1979

December 2006

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1 EXECUTIVE SUMMARY

The Proposal

Landcom, on behalf of the NSW Department of Health (Health Administration Corporation) (the Proponent) is proposing to develop land at Pacific Street, Newcastle for a mixed-use residential development with ancillary retail and commercial uses (the proposal). The site is described as Lots 1 and 4 DP 1029006, Lot 11 DP 635003 and Lot 12 DP 635003 Pacific Street, Newcastle (the site).

The proposal is a concept plan and seeks approval for land uses being predominantly residential with ancillary non-residential uses such as retail and commercial; floor space ratio; building envelopes (footprints and heights); public domain improvements; vehicle access points; and site design principles for future project applications. This proposal is a Major Project under Part 3A of the Act as has a Capital Investment Value (CIV) of more than \$50 million and which, in the opinion of the Minister, achieves State or regional planning objectives pursuant to it Clause 13, Schedule 1 of the *State Environmental Planning Policy (Major Projects) 2005* (MP SEPP).

Existing development on the site comprises the Royal Newcastle Hospital buildings including the Nickson Wing (used as a hospital ward) and the McCaffrey Wing (used for outpatients and accident and emergency purposes); the David Maddison building (an educational/medical establishment); and a large decked car park structure (a stratum that is located above land owned by the United Services Club).

Separate project applications for demolition of existing buildings and structures and for the subdivision of the site into two lots are currently being assessed by the Department of Planning. The subdivision is required to excise the current David Maddison building and a small curtilage from the main development lot. This is to allow the possible staging of the redevelopment of the RNH site as the David Maddison building is currently leased to University of Newcastle and may not be available on the short term (up to five years) for redevelopment.

Environmental Assessment – Exhibition and Approval Process

The Proponent prepared an Environmental Assessment (EA), lodged with the Department on 5 June 2006 which was deemed to be inadequate as the application was set out as a Development Control Plan rather than a concept plan application. A subsequent EA was lodged on 14 August 2006 and publicly exhibited between 24 August and 22 September 2006 and advertised in the Newcastle Herald and the Sydney Morning Herald on 23 August 2006. Notification letters were sent to adjoining properties and 33 submissions were received, comprising 26 submissions from the community, mostly objecting to the proposal. A further 7 submissions were received from agencies including Newcastle City Council.

Key Issues

Key issues including height and floor space ratio; scale and compatibility; view loss; overshadowing; visual amenity; and traffic and parking arose during the exhibition and assessment period.

Conclusion

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed via the Preferred Project Report, draft Statement of Commitments and recommended modifications to the concept plan, and that the impacts can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the proposal will provide environmental, social and economic benefits to the region. All statutory requirements relating to concept plan approvals have been met. Consequently, the Department recommends that the concept application be approved, subject to modifications.

2 BACKGROUND

2.1 The Site

2.1.1 Site Context and Location

The site is located at Pacific Street, Newcastle, in the Newcastle local government area. The site overlooks Newcastle Beach and is on the eastern edge of the Newcastle CBD. The site comprises four parcels of land (1 and 4 DP 1029006, Lot 11 DP 635003 and Lot 12 DP 635003) and is located within the street block bounded by Shortland Esplanade to the east and south, Watt Street to the West and King Street to the north. The site locality is illustrated in Figure 1 and the regional context is illustrated in Figure 2 below.

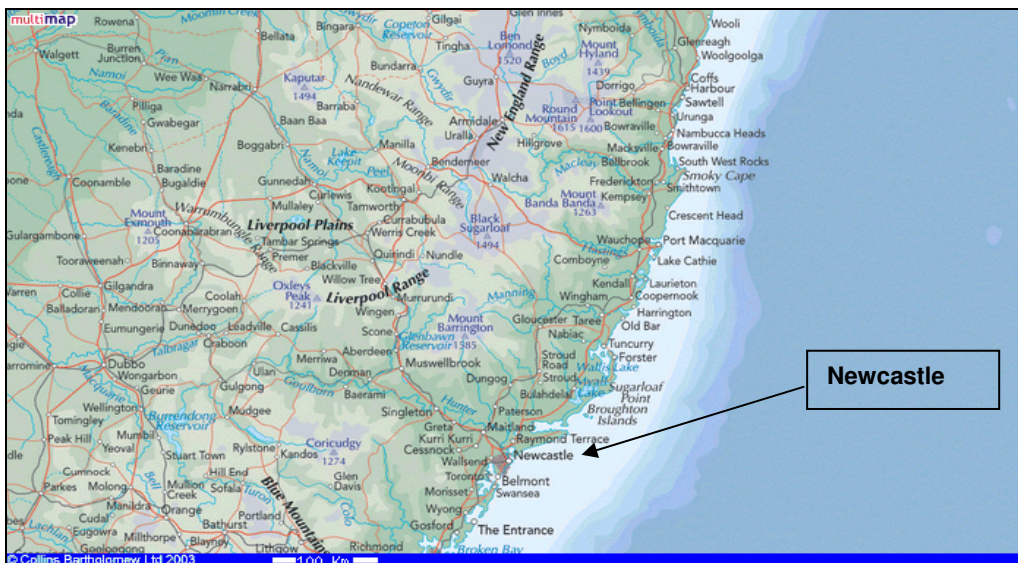
Figure 1 - Site Locality Plan

(Source: Part 3A Environmental Assessment, prepared by JBA Urban Planning Consultants dated August 2006)



Figure 2: Regional Location Plan

(source: www.multimap.com.au, 2006)



2.1.2 Existing Site Features

Existing development on the site comprises the Royal Newcastle Hospital buildings including the Nickson Wing (used as a hospital ward) and the McCaffrey Wing (used for outpatients and accident and emergency purposes); the David Maddison building (an educational/medical establishment); and a large decked car park structure.

The site has a total area of **17,566 sqm**, being 17,245 sqm in total for the Health owned site and 321 sqm for the United Services Club (USC) car park site. The following table summarises the ownership and legal description of the site.

Table 1 – Description of Land Ownership

(Source: Part 3A Environmental Assessment, prepared by JBA Urban Planning Consultants dated August 2006)

Legal description	Ownership	Existing use
Lots 1 and 4 DP 1029006 Area: 17,245 sqm	Health Administration Corporation	Royal Newcastle Hospital and David Maddison buildings
Lot 11 DP 635003 Area: 321 sqm	United Services Club	United Services Club car park*
Lot 12 DP 635003 (stratum lot)	Health Administration Corporation	United Services Club car park*

The car park site has a 2 storey car park structure on it which is jointly owned by Health and the USC – the ground (Lot 11 DP 635003) and stratum airspace are owned by the USC and the stratum and deck car parking above ground (Lot 12 DP 635003) are owned by Health. The Proponent has advised that the USC currently uses parking on the ground level and Health utilises the remainder of the parking structure, owned by Health.

In accordance with Section 8F(1)(a) of the *Environmental Planning and Assessment Regulation 2000* (Regulations), the consent of the land owner of land on which a project is to be carried out is not required for an application made by a public authority. In accordance with the Regulations, the Proponent issued a notice of application to the United Services Club on 10 March 2006 informing them of the proposed concept plan application. The Proponent has advised that the ultimate owner of the site may negotiate with the USC in relation to future development on the car park site.

Figure 3 below demonstrates the land ownership.

Figure 3 - Land Ownership

(Source: Part 3A Environmental Assessment, prepared by JBA Urban Planning Consultants dated August 2006)



Figure 4 below illustrates the site.

Figure 4: The Subject Site

(Source: Part 3A Environmental Assessment, prepared by JBA Urban Planning Consultants dated August 2006)



2.1.3 Surrounding development

The USC, which is listed in the Newcastle LEP 2003 as a heritage item of local significance, adjoins the site. The USC development comprises two adjoining buildings located at 55 and 57 Watt Street, Newcastle and consists of a 2-storey club buildings and 2-storey office building respectively.

The Wirraway Flats development is located on a 760 sqm parcel of land on the corner of Watt Street and Shortland Esplanade. This development currently comprises a 7-storey residential flat building and is currently the subject of a Part 3A project application for construction of a 13-storey residential building, currently being assessed by the Department.

Immediately adjacent to the north of the site is a residential development known as York Apartments, a 12-storey residential building approved by Newcastle City Council in 2001.

The surrounding built environment ranges from small scale residential buildings, retail and commercial offices to large multi-storey hotels, residential and public buildings. Building heights in the area immediately adjacent to the site generally range from 4-8 storeys, with building heights of 8 to 12 storeys occurring along Shortland Esplanade. Figure 5 below shows photographs of the United Services Club and Wirraway Flats developments.

Figure 5: United Services Club building and existing Wirraway Flats building

(Source: Part 3A Environmental Assessment, prepared by JBA Urban Planning Consultants dated August 2006)



2.1.4 **Zoning**

The subject site is zoned 3(c) City Centre Zone under the *Newcastle Local Environmental Plan 2003* (NLEP). The proposed uses are permitted with development consent in this zone.

2.2 **Site History**

Landcom initiated a master planning exercise for the subject site in early 2004. The RNH Masterplan was submitted to Newcastle Council on 22 December 2004. In 2005 Council prepared its own draft DCP for the site which was exhibited with the Landcom Masterplan in September/October 2005. On 29 November 2005, Council resolved to adopt the draft DCP and the *Newcastle Development Control Plan 2005* it came into force on 19 December 2005.

3 PROPOSED DEVELOPMENT

3.1 The Concept Plan Proposal

The proposal as originally submitted and exhibited comprised a concept plan application for land uses being predominantly residential with ancillary non-residential uses such as retail and commercial uses; base floor space ratio; building envelopes (footprints and heights); public domain improvements; vehicle access points; and site design principles for future project applications.

The proposal was described in the original EA as follows:

- Land Uses:
Predominantly residential uses on the site. Non-residential uses (approximately 2,000 sqm GFA) to comprise a mix of retail, cafes, restaurant and commercial office suites. Active uses (retail shops, cafes and the like) proposed generally around public spaces and along King and Watt Streets to activate these spaces.
- Floor Space Ratio:
Gross floor area (GFA) of 48,748 sq metres, being an FSR of 2.78:1 (described as 2.8:1) and up to GFA of **53,971 sq metres**, being FSR of **3.07:1** (described as being an FSR of 3.1:1) when 'bonus' provisions were applied (see below).
- Building Envelopes:
Building envelopes (footprints and height) of generally 3-9 storeys with taller buildings up to 16 storeys (20 storeys with bonuses) on the western side of the site.
- Bonus Floor Space and Height:
A package of public domain improvement works to be provided to achieve the bonus floor space and height. The EA was worded such that the Proponent of future development may take advantage of the bonus floor space and height if the following criteria can be demonstrated as being achieved:
 - acceptable environmental impacts – i.e. visual impacts, overshadowing and traffic generation;
 - a high quality urban design outcome – future developments will be subject to SEPP 65 and the Residential Flat Design Code;
 - the provision of a suitable public benefit package – to a value of \$350 per sqm of bonus floor space;
 - elements that may be included in the public benefit package included:
 - dedication of land, valued having regard to its potential alternate uses (but recognising that the dedication does not impact upon the maximum permitted floor space for the site) the value to be determined by a Registered Valuer;
 - the cost of embellishment and improvements to land dedicated, as determined by a Quantity Surveyor;
 - provision of public art work in the public domain or publicly accessible land, at a cost determined by a Quantity Surveyor;
 - private land accessible to the public such as piazzas, courtyards, through site links or the like, valued (be a Registered Valuer) at 50% of the land value plus the construction and embellishment costs over 100% of the area;

- road and infrastructure works (other than those generated by the development), at a cost determined by a Quantity Surveyor;
 - community facilities and open space (other than that required under Council's Section 94 Contribution Plan) – monetary contribution or at a cost determined by a Quantity Surveyor;
 - public carparking on or off-site, at a cost determined by a Quantity Surveyor;
 - affordable housing; or
 - adaptable housing.
- Building Setbacks:
Upper level setbacks at street frontages were proposed for the majority of buildings to minimise visual impacts. A variable setback is proposed along Shortland Esplanade to accommodate public domain treatments for improved pedestrian amenity.
- Vehicle Access Points and Basement Car Parking:
Primary access points to basement carparking were nominated in the concept plan. King, Watt and the extended Pacific Street will provide the main access points to the site, avoiding vehicle access (and potential congestion) from Shortland Esplanade which has poor road alignment and sightlines. On-site car parking for occupants and tenants in below ground basement carparking levels is proposed. Based on the assumptions provided by the proponent of a development capacity of 3.1:1, approximately 748 on-site car spaces will be required. The exact numbers of spaces will be determined in accordance with the relevant rates in the Newcastle DCP 2005 at project application stage, as will the location and detailed design of the basement carparks.
- Site Design Principles:
A set of Site Design Principles have been prepared as part of the concept plan. The principles can be used in the assessment of future project applications on the site and include:
- built form;
 - building density (FSR);
 - bonus FSR provisions;
 - building heights;
 - street wall and upper storey setbacks;
 - building setbacks;
 - building separation;
 - building character:
 - building articulation and façade treatment;
 - active frontages and pedestrian amenity;
 - vehicular access and car parking;
 - heritage and archaeology;
 - roof and skyline elements;
 - materials and colours;
 - public domain:
 - through-site links;
 - public plaza;
 - Shortland Esplanade;
 - water sensitive urban design;
 - landscape treatment; and
 - public art and site interpretation.

- Staging:
The EA proposes two scenarios for future development of the site: full implementation of the development and a stages implementation as follows:
 - Stage 1 includes the Royal Newcastle Hospital site (Nickson and McCaffery Wings only) and the existing car park site on Watt Street and provides for the following development:
 - 4, 6 and 8 storey buildings along Shortland Esplanade;
 - 4-storey building on Watt Street, adjacent to the United Services Club; and
 - taller buildings in the centre and northern portion on the site ranging from 6 to 18 storeys.
 - Stage 2 includes the David Maddison building and provides for the following development:
 - 4, 6, 8 and 9 storey buildings along Watt and King Streets.
- Subsequent Approval Regime:
The Proponent has requested that the Minister remain the approval authority under Part 3A of the Act for all the following types of subsequent project applications:
 - applications to undertake remediation works;
 - all Torrens Title subdivision applications; and
 - project applications with a development cost over \$5 million.
- Section 94 Contributions:
To be payable by project proponent at the project application stage in accordance with Newcastle City Council's Section 94 Contribution Plan in addition to any public domain works provided within the site.

3.2 Amendments to the Concept Plan Application

As a result of submissions received during exhibition of the concept plan and consultations with the Department, the Proponent lodged a Preferred Project Report (PPR) on 20 November 2006. The following amendments were made to the concept plan in the PPR:

- reduction in height of the two taller buildings in the centre of the site from 20-storeys to 16 and 18 storeys;
- increase in height of buildings along Shortland Esplanade from stepped 3, 4 and 5 storeys to stepped 5, 6 and 8 storeys; and
- deletion of the proposed bonus provisions and subsequent public domain works for gaining extra height and FSR (such works, where appropriate, have been mandated in the modifications to the concept plan);
- the GFA was described as now being **55,542.5 sq metres**, (an increase of 1,571.5 sq metres from the original EA) and **3.16:1**, although in the Design Guidelines, the FSR was indicated as being maximum of 3.1:1.

The PPR also added a further amendment relating to the active edge zone, which did not previously incorporate the public plaza.

The site Design Principles and the Statement of Commitments have also been amended to reflect the amendments made in the PPR.

The proposed development as amended is illustrated in plans and elevations in **Appendix C**.

3.3 Application Chronology

The following is a summary of the chronology of the application:

- 19 October 2005 – Request for a Clause 6 opinion lodged with the Department (for concept plan application, as detailed above).
- 8 November 2005 – The Minister formed the opinion on the proposal is a Project and that Part 3A of the Act applies.
- 22 December 2005 – Preliminary Assessment lodged with the Department.
- 25 May 2006 – Concept Plan authorisation signed by the Minister.
- 26 May 2006 – Director-General's Environmental Assessment Requirements signed by the Director-General's Delegate and provided to proponent.
- 2 June 2006 – Environmental Assessment lodged with the Department. Assessment was deemed inadequate as the application was set out as a Development Control Plan rather than a concept plan application.
- 14 August 2006 – Revised Environmental Assessment lodged with the Department. The revised Environmental Assessment was accepted by the Department as a duly made application.
- 24 August to 22 September 2006 – Environmental Assessment placed on public exhibition.
- 3 and 17 October 2006 – Summary of submissions provided to the Proponent and request from the Department to address issues.
- 11 October 2006 – Letter outlining the Department's concerns sent to the Proponent.
- 19 October 2006 – Meeting held with the Department and the Proponents to discuss the concerns raised by the Department. The major issues raised were:
 - height, bulk and scale;
 - street wall/ Facade height and upper storey building setbacks;
 - building setbacks;
 - car parking;
 - wind impacts;
 - articulation zone; and
 - alignment to King Street.
- 20 November 2006 – Meeting held with the Department and the Proponents. The Proponents' Preferred Project Report and response to submissions were submitted to the Department. The Department raised concerns with the Preferred Project Report and requested that additional information be submitted.
- 27 November 2006 – additional information previously requested submitted.

4 STATUTORY CONTEXT

4.1 Major Project

The proposal is subject to assessment under Part 3A of the Environmental Planning and Assessment Act 1979 ("the Act") and the approval of the Minister for Planning is required to carry out the project. The Minister formed the opinion that the project is one to which Part 3A of the Act applies on 8 November 2005. The Minister authorised the submission of a concept plan application on 25 May 2006.

The proposal is a Major Project under Part 3A of the Act as incorporates a Capital Investment Value (CIV) of more than \$50 million and which, in the opinion of the Minister, achieves State or regional planning objectives pursuant to it Clause 13, Schedule 1 of the *State Environmental Planning Policy (Major Projects) 2005* (MP SEPP).

The CIV of the proposal is estimated at \$125 million.

4.2 Statement of Permissibility

The site is located in the Newcastle local government area and is zoned 3(c) under the *Newcastle Local Environmental Plan 2003* (NLEP). Development of the site for the purposes of predominantly residential and ancillary retail and commercial uses are permissible with development consent.

4.3 Minister's power to approve

The Department has exhibited the EA in accordance with Section 75H(3) of the Act as described in Section 5 below. The project is entirely permissible and meets the requirements of the Major Projects SEPP. Therefore, the Department has satisfied its legal obligation and the Minister has the power to determine this project.

The Director-General's Environmental Assessment Requirements ("DGRs"), issued on 26 May 2006, required the following key issues to be addressed:

1. *Traffic and Parking issues*
 - 1.1 *The Environmental Assessment must present a traffic impact study for parking and access to the site and the surrounding site.*
 - 1.2 *The traffic impact study must include be prepared in accordance with the RTA's Guide to Traffic Generating Developments and Road Design Guide and the EPA's Environmental Criteria for Road Traffic Noise.*
2. *Access, Built Form, Urban Design*
 - 2.1 *The Environmental Assessment must demonstrate compliance with the Newcastle Development Control Plan 2005 (NDCP). Where there is a variation proposed, the Environmental Assessment must include a detailed analysis and demonstration that the proposal achieves the best or a better urban design outcome for the site over that shown in the provisions of the NDCP.*
 - 2.2 *The Environmental Assessment must include a visual assessment of the site demonstrating that view corridors along the coast from major vantage points are maintained or improved.*

- 2.3 *The Environmental Assessment must provide details of the impact of overshadowing of the proposal to Newcastle Beach; provide details of how the development integrates with the existing street patterns and pedestrian access.*
3. *Adjoining Sites*
The Environmental Assessment must address the development opportunities of the adjoining sites and demonstrate that desirable reasonable planning outcomes can be achieved on all sites.
4. *Staging*
The Environmental Assessment must include the proposed method of staging the development that represents orderly development and does not affect current uses and operation and future development of the United Services Club, the Wirraway Flats and access and use of the car park on the David Maddison site.
5. *Coastal*
The Environmental Assessment must include an analysis of the proposal against the principles contained in the Department of Planning's Coastal Design Guidelines for New South Wales.
6. *Mine Subsidence*
The Environmental Assessment must present geotechnical investigation reports.

The initial Environmental Assessment lodged by the Proponent on 2 June 2006 was considered by the Department to be inadequate as the application was too broad and proposed DCP type controls rather than building envelopes.

The Department also determined that some of the DGRs relating to heights impacts on adjoining sites; proposed methods of staging; and open space had not been adequately addressed by the Proponent in their EA.

The Proponent subsequently submitted a revised Environmental Assessment on 14 August 2006, which was considered to adequately address the DGRs issued for the proposal and was subsequently accepted by the Department as a duly made application.

4.4 Environmental Planning Instruments and Other Plans and Policies

To satisfy the requirements of Section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of any environmental planning instruments that substantially govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The provisions, including development standards, of local environment plans and development control plans are not required to be strictly applied in the assessment and determination of major projects under Part 3A of the Act. Notwithstanding, these provisions and standards are relevant considerations, particularly where the Director-General's Environmental Assessment Requirements require an applicant to address such provisions and standards (as is the case with this application).

Accordingly, the objectives of a number of Environmental Planning Instruments (EPIs) and other Plans and Policies were deemed to be appropriate for this assessment with consideration for relevant development standards and controls, as outlined below:

- *State Environmental Planning Policy (Major Projects) 2005 (MP SEPP)*

The MP SEPP applies to the site as discussed in Section 4.1 of this report.

- *State Environmental Planning Policy No. 11 – Traffic Generating Development (SEPP 11)*

SEPP 11 applies to the site under Clause 7(a) being for the erection of, or conversion of a building into, a residential flat building comprising 300 or more dwellings or the enlargement or extension of a residential flat building by the addition of 300 or more dwellings. Accordingly, the EA was referred to the RTA and was considered at the Hunter Regional Development Committee (HRDC) on 6 September 2006.

The HRDC noted that the EA was for a concept plan approval and advised that the subsequent project application/s will require re-referral to the RTA and HRDC during assessment.

- *State Environmental Planning Policy No. 55 – Contaminated Land (SEPP 55)*

The aims and objectives of SEPP 55 are to provide a state-wide planning approach to contaminated land remediation. SEPP 55 restricts consent authorities from issuing consent for development on land that may be contaminated. Consent may be granted if the consent authority is satisfied that the land is suitable for development or would be suitable if appropriate remediation were undertaken.

- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)*

SEPP 65 aims to improve the design quality of residential flat development throughout NSW and contains 10 design principles of context; scale; built form; density; resource; energy and water efficiency; landscape; amenity; safety and security; social dimensions and aesthetics.

- *State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)*

SEPP 71 applies to land and development within the Coastal zone (Clause 4) as defined by the *Coastal Protection Act 1979*. The site is located within the coastal zone. SEPP 71 provides aims of the Policy (Clause 2) and matters for consideration (Clause 8) when assessing development proposals. The Policy has been made under the *Environmental Planning and Assessment Act 1979* to ensure development in the NSW coastal zone is appropriate and suitably located, there is a consistent and strategic approach to coastal planning and management and there is a clear development assessment framework for the Coastal Zone.

- *State Environmental Planning Policy No. – Building Sustainability Index (BASIX) (BASIX SEPP)*

The BASIX SEPP was introduced as part of the NSW planning system to measure the potential performance of new residential dwellings against sustainability indices. Future project application(s) for development on the site will need to be accompanied by a BASIX Certificate.

- *Hunter Regional Environmental Plan 1989 (HREP)*

This plan applies to land declared to be a region by the Minister under section 4 (6) of the Act, including the City of Newcastle.

- *Newcastle Local Environmental Plan 2003 (NLEP)*

The site is located in the Newcastle local government area and is zoned 3(c) under the NLEP. This zone allows for mixed-use development for a range of uses including high-density residential; commercial and retail development; cultural and entertainment facilities; tourism, leisure and recreation functions; social, education and health services; and small scale light industries and service industries.

- *Newcastle Development Control Plan 2005 (NDCP)*

A single city-wide Development Control Plan, known as the *Newcastle Development Control Plan 2005* (NDCP) became effective on 21 November 2005. It replaced more than 40 separate plans covering all its development guidelines into a single document.

- *Lower Hunter Regional Strategy*

The Department prepared a Draft Lower Hunter Regional Strategy which was released to the public on 4 November 2005 and placed on public exhibition until 20 January 2006 for comment. The Strategy came into force in October 2006.

- *NSW Coastal Policy 1997 and NSW Coastal Design Guidelines*

The *NSW Coastal Policy 1997* responds to the fundamental challenge to provide for population growth and economic development without placing the natural, cultural, spiritual and heritage values of the coastal environment at risk. The Policy is based on the principles of ecologically sustainable development and addresses a number of key coastal themes including population growth, coastal water quality issues and establishing an adequate, comprehensive and representative system of reserves.

The *NSW Coastal Design Guidelines* aim to ensure that future developments and redevelopments are sensitive to the unique natural and urban settings of coastal places in NSW. The Guidelines provide an urban design focus for the coastal context. These policies and Guidelines were specifically nominated in the DGRs as key issues to be addressed in the Environmental Assessment in relation to all relevant legislation and planning provisions applying to the site and the reference to the need to address Coastal Design Guidelines for NSW.

An assessment of the proposal against the provisions of these Environmental Planning Instruments, policies and plans is outlined in **Appendix D**. The majority of these provisions will apply to the future detailed project applications and a full assessment against SEPP 65 will need to be undertaken at this future stage.

4.5 Key DCP Requirements

The key issues of the concept plan application in relation to the NDCP are summarised below and more a more detailed assessment is included in Section 6 of this report.

NDCP	Concept Plan (as originally submitted)	Preferred Project Report
<u>Height</u> Max 12 storeys	Max 16 storeys	The proposed height is max 18 storeys
<u>Bonus Height</u> Up to 16 storeys but only in northern corner of Pacific Street and only for a hotel development	Up to 20 storeys	The PPR does not include any bonus provisions. The max height is 16 storeys
<u>FSR</u> West Precinct: 3.1:1, or up to 4.1:1 with bonuses in East Precinct: 1.5:1 or up to 2.5:1 with bonuses For the Subject Site, this is an averaged FSR of approx 3.25:1.	3.07:1 across the Subject site (both Precincts) (described as rounded to 3.1:1)	3.16:1* across the Subject Site (both Precincts) (described as rounded to 3.1:1) *This is to be modified by the Instrument of Approval to be maximum 3.07:1 on the subject site
<u>Gross Floor Space</u> GFA not expressed, only FSR as above.	53,971 sq m	55,542.5 sq m *This is to be modified by the Instrument of Approval to be maximum of 53,971 sq m on the subject site

4.6 Related development applications

Separate project applications have been submitted to the Department for the demolition of all structures on the site and the subdivision of the site to facilitate its staged redevelopment. These are currently under assessment.

5 CONSULTATION AND ISSUES RAISED

5.1 Public Consultation

The application was notified, in accordance with the 75H of the Act for a period of 30 days. A summary of the notification procedure is outlined Table 2.

Table 2: Notification Procedure

Notifications – landowners/occupiers/other agencies	Notification letters dated 16 August 2006 were sent to adjoining and nearby landowners. In addition, Newcastle City Council, Hunter Water Corporation, Mine Subsidence Board, RTA, Energy Australia, NSW Heritage Office and the Department's Hunter regional office were notified of the proposal by correspondence dated 16 August 2006.
Newspaper advertisements	Advertised in the <i>Newcastle Herald</i> and the <i>Sydney Morning Herald</i> on 23 August 2006 (MP 05_0062).
Site notice	A site notice was sent to the Proponents on 14 August 2006 to be erected on the site by the commencement of the exhibition period on 24 August 2006.
Exhibition dates	Start: 24 August 2006. End: 22 September 2006.
Exhibition venues	<ul style="list-style-type: none"> • DoP Information Centre 23-33 Bridge Street, Sydney; • DoP Hunter office 26 Honeysuckle Drive, Newcastle; and • Newcastle City Council 282 King Street, Newcastle.

5.2 Environmental Assessment Exhibition and Submissions Received

During the exhibition period, the Department received a total of 33 submissions, comprising 26 submissions from the community, mostly objecting to elements of the proposal. A further 7 submissions were received from agencies, including Newcastle City Council.

5.3 Issues Raised in Submissions

The proponent responded to the issues raised in the submissions on 20 November 2006 and the proponent's response to these submissions is provided in **Appendix E**. A discussion of the key issues raised in the submissions and during the assessment period is considered in Section 6 of this report and in **Appendix D** in relation to consideration of environmental planning instruments.

6 ASSESSMENT

Key issues raised in the submissions to the proposal and/or identified during the Department's assessment included:

- Height and floor space ratio;
- Scale and compatibility;
- View loss;
- Overshadowing;
- Visual amenity; and
- Traffic and parking.

6.1 Environmental Impacts – Key Issues

6.1.1 Height

Raised By Department of Planning, Council, public submissions

The major issue raised in the submissions related to the height of the proposed development. The original concept plan proposed heights ranging from 4-9 storeys generally with taller buildings up to 19 and 20 storeys with bonuses in two locations on the north-western side of the site, as shown below in Figure 6.

Figure 6: Original Proposal: Building Heights

(Source: Part 3A Environmental Assessment, prepared by JBA Urban Planning Consultants dated August 2006)

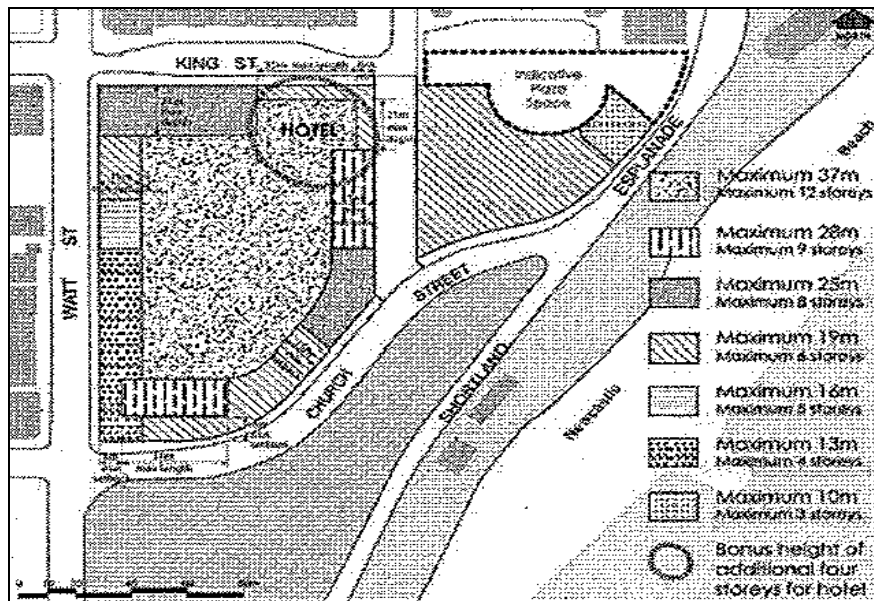


The proposed building heights, particularly the 20 storey elements of the proposal, are inconsistent with the NDCP which nominates a maximum base height of 37m (12 storeys) in the location where the Proponent's propose 20 storeys. The NDCP nominates that bonus height (to 16 storeys) can be obtained in one location only, in the northern part of the site, if the proposal incorporates a 4+ star hotel incorporating related uses such as a convention centre.

Figure 7 shows the maximum building heights permitted under the NDCP.

Figure 7: Maximum Building Heights under NDCP

(Source: Part 3A Environmental Assessment, prepared by JBA Urban Planning Consultants dated August 2006)



The intention of the NDCP in relation to the maximum building heights is as follows:

- ensure that building heights complement the built form and respond to and enhance the character of Watt, King and Pacific Streets; and
- improve sunlight access on Newcastle Beach and foreshore areas.

The EA stated that the proposed heights reduced the site coverage, freeing up the ground plane for new public open space and public domain; limited the height of buildings along Shortland Esplanade to reduce the amenity impacts of overshadowing to Newcastle Beach and also opening up the public domain elements along Shortland Esplanade, which will benefit the public by making this part of the site more useable.

The Proponent argued that the appropriateness of a building up to 16 storeys in the location proposed by the DCP acknowledges in urban design terms, the appropriateness of additional height up to 16 storeys irrespective of the use of the building. The Proponent advised that hotel development in the Newcastle CBD is not financially viable under current market a condition however is not precluded in the concept plan should market conditions change.

The Department advised it does not support the two 20 storey tower elements of the proposal. It is considered that the height, bulk and scale of these two towers are not sympathetic to surrounding development and would decrease the visual amenity and character of the area both for residents of the proposed development, adjoining residents and users of Newcastle Beach. It is noted that the current maximum in the DCP of 16 storeys matches the current lift overrun of existing buildings.

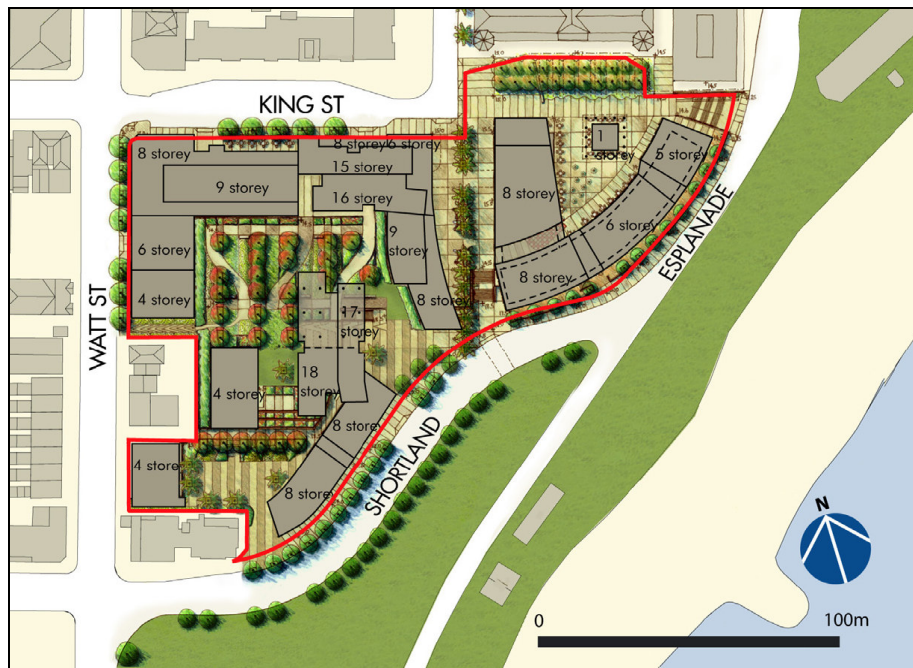
Notwithstanding this, the Department does agree with the Proponent's arguments about the impacts of a 16-storey building in the proposed locations. The built form and amenity impacts do not change according to the use of the buildings and it is agreed that the site can support this increased height in the locations proposed in the EA. In reaching this view, the Department considered the amenity impacts including view loss as well as overshadowing.

By placing this additional height in two slender tower forms, many of the views afforded to the ocean are opened up for residents and buildings behind the site and this represents a better outcome than the built form of the existing buildings. The overshadowing of Newcastle Beach has also been significantly improved by placing the additional height in the centre of the site as opposed to adjoining Shortland Esplanade.

Following these discussions, the Proponent submitted a Preferred Project Report which reduced the height of the proposed development. The two tower elements were reduced to 1 x 16 storey tower and 1 x 18 storey tower and height was redistributed over the remainder of the site. The Department considered the built form and amenity implications of the redistributed height and considered that this was an acceptable outcome for the site.

Figure 8: Amended Proposal: Building Heights

(Source: Part 3A Environmental Assessment, prepared by JBA Urban Planning Consultants dated August 2006)

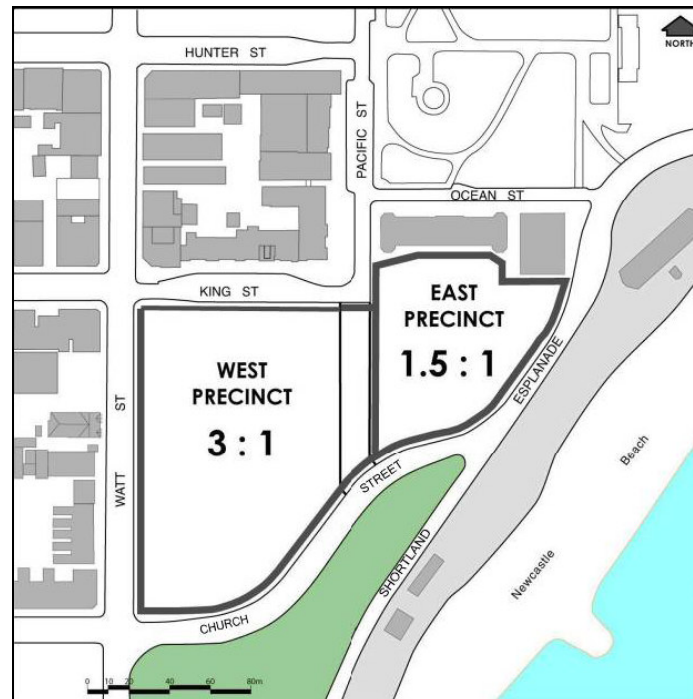


6.1.2 FSR

Raised By Department of Planning, Council, public submissions

The DCP sets out a differential FSR across the site of 1.5:1 for the East Precinct and 3:1 for the West Precinct. This is illustrated in Figure 9 below.

Figure 9: FSR Controls as per Newcastle DCP 2005



The DCP also allows for additional FSR by way of bonuses for the categories being:

- Dedicated, landscaped public spaces in addition to S94 contributions;
- Quality of public art
- Affordable housing
- Adaptable housing
- Community facilities in addition to s94
- Provision of on site below ground public carpark for 100 spaces
- Hotel development of 4+ star featuring related uses such as convention centre

The allowable bonuses are 0.25:1 for each element listed above to a maximum additional FSR of 1:1. This means including bonuses the potential FSR is **4:1** in the West Precinct and **2.5:1** in the East Precinct. The average FSR across the whole block would be approximately 2.4:1 without bonuses and **3.25:1** with bonuses.

The proposal does not propose to divide the site into an East and West Precinct but proposes an FSR across the whole site. The GFA proposed in the PPR is 55,542.5 sq metres, which is FSR or 3.16:1. The GFA as proposed in the application as originally lodged and advertised was GFA 53, 971 sq m, being FSR of 3.07:1. The proponent had rounded up the FSR maximum to 3.1:1 in the documentation.

The proposal (and original version) will comply with the FSR control for the West Precinct but does not comply for the East Precinct. It will comply with the FSRs when averaged across the site. The justifications for the departure as outlined in the EA are as follows:

- a single FSR allows greater flexibility across the site;
- the lower FSR in the eastern precinct is inappropriate as it carries the burden of the majority of the public domain benefits;
- the DCP FSR, including bonuses, would result in a greater total floor space than that proposed under the EA; and
- the EA claims to provide a simpler approach by nominating a single FSR.

Council claims that the reason that the DCP establishes a differential FSR is in direct response to the context of the area. The reduced built form adjacent to the beach is considered a desirable outcome.

The Department agrees with applying a single FSR control across the site and the assessment was based on the maximum FSR controls as it was considered that the application should be assessed on the full potential for development on the site including bonus provisions. The corresponding public benefits of a publicly accessible plaza, through site links, public art, landscaping and street improvements are considered to be positive contributions and they justify the application of the maximum FSR controls.

The lower buildings proposed adjacent to Shortland Esplanade achieve the purpose of reducing overshadowing impacts to Newcastle Beach and will also help in achieving increased public access and amenity for the public domain areas by widening the northern part of Shortland Esplanade and setting lower buildings back from the road. The Department further considered that by placing the greater part of the height in two slender towers in the centre and back of the site, view corridors are increased and these amenity and overshadowing impacts are reduced from the surrounding areas of the site and importantly, Newcastle Beach.

However, notwithstanding the fact that the proponent has applied for an FSR of 3:1:1, (which conflicts with the GFA figures) **it is recommended that the FSR be limited in terms of the GFA to that as indicated in the proposal as originally lodged, being a maximum of 53,971 sq metres, FSR 3.07:1.**

As the proponent has indicated that the project may be staged – by the non inclusion of that part of the site covered by the David Maddison building (site area 4766 sq m) and/or that the part of the site currently owned by the United Services Club (site 792 sq m) may not be developed, a modification to the concept plan is recommended such that maximum GFAs and FSRs are set for each part of the subject site, to reflect the approved development.. These modifications are as follows:

- a) Full implementation of the site, representing all of the Subject Site including the David Maddison building site and the United Services Club car park site, shall have a maximum FSR of **3.07:1**, being a maximum GFA of **53,971 sq m**. As the submitted documents indicate that GFA is greater than the required maximum GFA is to be achieved by reducing the height of the buildings. The preferred location for this reduction is the 8 storey building to the east of the Wirraway Flats site as shown on the drawing *Supporting Control Drawings – Concept Plan building heights diagram showing indicative RLs (m AHD) and storeys of all buildings dated 8th December 2006*.
- b) Stage 1 of the development, representing all of the Subject Site including the United Services Club car park site, but excluding the David Maddison Building site, shall have a maximum GFA of **41,916 sq m** being FSR of **3.27:1**.
- c) . Development on the David Maddison Site alone shall have a maximum FSR of **2.5:1**, being a maximum GFA of **12,055 sq m**.

- d) Should the United Services Club site be excised from the Subject Site (see section 2.1.1 of this report), the maximum FSR of the Subject Site shall be **3.06:1** being a maximum GFA of **52,771 sq m**.

This will ensure that even with part of the site subdivided, or if development does not occur on the USC site (which is considered to be not critical for the proposal), that the maximum FSR and GFA as approved will be maintained.

As the submitted envelopes produced an FSR of 3.16:1 (GFA of 55542.5 sqm), a modification has been imposed requiring that the excess GFA be removed, preferably from the buildings immediately to the east of the Wirraway Flats site. This will mean that the buildings now shown as 8 storeys will be reduced. It is considered that this is an appropriate response considering the adjoining Wirraway Flats site subject to a current application and DCP non compliance. That site is identified as a 'gateway' in the DCP and a possible urban design outcome will be for any new building on the Wirraway Flats site to be differentiated in terms of height from the adjoining building on the Subject Site.

A further modification to the Concept Plan includes a definition of 'articulation zone of the building envelope as defined in the Newcastle LEP; 'gross floor area' (GFA) as defined in the *Standard Instrument (Local Environmental Plans) Order 2006*; and 'height'.

6.1.3 Overshadowing

Raised By Department of Planning, Council, public submissions

Another main issue that was raised in the public submissions was overshadowing. The public was concerned that the EA caused a high amount of overshadowing to Newcastle Beach. The Department considers that the overshadowing to Newcastle Beach as a result of the EA (as amended in the PPR) generally decreased the amount of overshadowing to Newcastle Beach and was therefore considered to be a better outcome for the amenity of the area to the situation that currently occurs as a result of the existing buildings on the site.

6.1.4 View Loss

Raised By Department of Planning, Council, public submissions

Council considered that the view corridor from Bather's Way through the site to the Cathedral is a relatively significant view corridor and there appears to be no justification provided to suggest it is appropriate for it to be lost as a result of the site redevelopment.

The Proponent responded to this by stating that the potential of protecting this view line was forgone with the approval of the York Apartments, which blocked much of this view from Bathers Way. Representatives of the Department visited the site and the surrounding area during assessment of the concept plan and did not consider this view corridor to have great significance to the area.

The DCP also sets out a possible view corridor through the extension of Pacific Street to Fletcher Park and a northerly view along this corridor toward the Harbour. Council considered that further analysis of these corridors are required to ensure that the proposed built form and landscaping does not interfere with the view to an inappropriate extent. Council commented however that this analysis could occur at Project application stage.

The concept plan proposal improves the visual amenity of the coast and the surrounding environment by proposing taller slender towers on the subject site as opposed to the large 'block' development that currently exists on the site and enhancing the possibility for view sharing from surrounding and adjoining residents of the Newcastle area.

6.1.5 Traffic and Parking

Raised By Department of Planning, Council, public submissions

The EA includes a Traffic and Parking Assessment Report prepared by Mark Waugh Pty Ltd to support the concept plan application.

The parking assessment was based on development including up to 475 residential apartments (being 71 x one bedroom apartments, 261 x two bedroom apartments and 143 x three bedroom apartments) and 2,000 sqm of street front cafes, restaurants and retail and leisure and community facilities.

The assessment identifies that approximately 748 car parking spaces are required for the development, as proposed (subject to the final project application designs), which is supported by Council. Council noted however the following points in their submission:

- given that there is no excess in parking proposed, should there be any increased demand, additional parking would be required; and
- consideration will need to be given to parking in respect of the David Maddison building if it is to be retained under Stage 1 of the concept plan.

The Proponent has advised that these issues will be adequately dealt with at future project application stage.

The EA was referred to the RTA during the exhibition period and was considered at the Hunter Regional Development Committee (HRDC) on 6 September 2006.

The HRDC noted that the EA was for a concept plan approval and advised that the subsequent project application/s will require re-referral to the RTA and HRDC during assessment.

The HRDC made the following comments to apply to subsequent project applications:

- a traffic report be revised to the satisfaction of the RTA and Council in accordance with the RTA's Guide to Traffic Generating Developments for all relevant intersections/ accesses and include:
 - current traffic counts including peak periods (mid February) and 10 year traffic growth projections;
 - use of SIDRA or similar traffic models;
 - 95th percentile back of queue lengths;
 - delays and level of service on all legs;
 - origin destination surveys;
 - road safety issues; and input/output data to be provided to the RTA and Council.
- traffic control signals at the Church/Watt Street and Watt/King Street intersections should be signalised as part of this development and included in the revised traffic study;
- the HRDC does not support the 10kph shared zone in Shortland Esplanade and had concerns regarding traffic and pedestrian safety. Shortland Esplanade should be retained as a 40kph zone.

- the installation of pedestrian signals should be considered on Shortland Esplanade, focusing on the main pedestrian crossing area. The Proponent should include a pedestrian/cyclist connection from the development to the beach area;
- public pedestrian access should be maintained through the site with lighting to Australian standards;
- clear separation of pedestrians, service vehicles and other vehicles should be provided on-site. A separate access should be provided for service vehicles and the car parking areas;
- car parking should be to Council requirements and Australian standards;
- a review of parking on Shortland Esplanade should be undertaken, taking into account time limited parking. The short-term parking on Shortland Esplanade should be retained; and
- bus routes and stops should be considered as part of this development in conjunction with the local bus company.

6.2 Design Competition

The proponent's Draft Statement of Commitments includes the requirement of architectural design competition(s) for all the buildings on the site prior to the lodgement of project applications. This principle is modified to read that a design competition shall be held for the two buildings approved over 10 storeys or for the whole site if preferred with the brief to be approved by the Department.

6.3 Public Benefits and the Public Interest

The proposal is considered to provide many public benefits summarised below and is considered to be in the public interest.

- generate significant levels of employment in both the construction and operational phases which would provide flow-on economic benefits;
- reduce the net overshadowing of Newcastle Beach created by the existing hospital buildings by redistributing the height, bulk and form of the existing hospital buildings away from the beach and improving solar access by providing tall slender buildings towards the centre of the site which result in narrow shadows over shorter periods of time;
- provides active frontages to the streets and new public spaces;
- provides public domain areas; and
- improve the pedestrian amenity of Shortland Esplanade through a minor realignment and landscape treatments.

The Proponent proposed to provide public facilities and services to be offset against any otherwise payable monetary Section 94 contributions that arise in relation to this or subsequent project application/s, as follows:

- new street tree planting along King and Watt Streets, and Shortland Esplanade;
- publicly accessible through site link from Pacific Street to Shortland Esplanade and from King Street to Shortland Esplanade;

- a widened footpath along the northern side of Shortland Esplanade; and
- appropriately located pedestrian crossings from the site across Shortland Esplanade to the foreshore.

The Department considered that due to the Proponent gaining additional height and floor space on the site by proposing the public works these public services should be provided at the developer's expense and not offset against future payable Section 94 contributions. It is also noted the public benefits of through site links, landscaping and artwork would be matters ordinarily provided with development of this scale. Accordingly, the first 3 works as above have been imposed on the instrument as part of the future development. The Department considered that pedestrian crossings should be incorporated as proposed but will be considered as part of the future project application/s in consultation with Council and the RTA.

6.4 Suitability of the Site

The site is considered suitable for the proposed development for the following reasons (as stated in the concept plan EA):

- the proposed land uses are consistent with the objectives of the 3(c) City Centre Zone under the Newcastle LEP;
- the concept plan provides for the intensification and diversity of land-uses within the Newcastle CBD and supports the strategic planning actions included in the recent Lower Hunter Regional Strategy; and
- the proposal will provide through site links that enhance the legibility and permeability of the Newcastle CBD and enhance connectivity to the Newcastle Beach.

7 CONCLUSION

The Department has assessed the EA and considered the submissions in response to the proposal. The key issues raised in submissions related to height, density, loss of amenity, loss of view corridors and overshadowing of Newcastle Beach.

The proposed concept plan (as modified) affords greater view sharing, amenity and public access which is a far better outcome for the site and for Newcastle.

On these grounds, the Department considers the site to be suitable for the concept plan and that the proposal is in the public interest. Consequently, the Department recommends that the concept plan be approved, subject to modifications to the approval as recommended.

8 RECOMMENDATION

It is recommended that the Minister:

- (A) consider the findings and recommendations of this report;
- (B) **approve** the concept plan application, subject to modifications, under Section 75O of the *Environmental Planning and Assessment Act, 1979*; and
- (C) sign the Instrument of Approval (**tagged A**).

Prepared by:

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APPENDIX A. INSTRUMENT OF APPROVAL

APPENDIX B. SITE PHOTOGRAPHS



Photograph 1: Royal Newcastle Hospital looking north along Newcastle Beach



Photograph 2: Royal Newcastle Hospital looking south along Newcastle Beach

More photographs of the existing site in Appendix C below.

APPENDIX C. ILLUSTRATIVE DRAWINGS OF CONCEPT PLAN PROPOSAL

Illustrative future view of new public open space



Existing view east along King Street



Illustrative future view east along King Street



Existing view south along Pacific Street



Illustrative future view south along Pacific Street



Existing view north over site



Illustrative future view north over site



Existing view east along Shortland Esplanade



Illustrative future view east along Shortland Esplanade



Existing view from Newcastle Beach



Illustrative future view from Newcastle Beach



Existing view west from Newcastle Beach



Illustrative future view west from Newcastle Beach



Existing view east from Newcastle Beach promenade



Illustrative future view east from Newcastle Beach promenade



APPENDIX D. ENVIRONMENTAL PLANNING INSTRUMENTS ASSESSMENT

The following Environmental Planning Instruments apply to the site:

1. State Environmental Planning Policy (Major Projects) 2005 (MP SEPP)

The MP SEPP applies to the site as discussed in Section 4.1 of this report.

2. State Environmental Planning Policy No. 11 – Traffic Generating Development (SEPP 11)

SEPP 11 applies to the site under Clause 7(a) being for the erection of, or conversion of a building into, a residential flat building comprising 300 or more dwellings or the enlargement or extension of a residential flat building by the addition of 300 or more dwellings. Accordingly, the EA was referred to the RTA and was considered at the Hunter Regional Development Committee (HRDC) on 6 September 2006.

The HRDC noted that the EA was for a concept plan approval and advised that the subsequent project application/s will require re-referral to the RTA and HRDC during assessment.

The HRDC made the following comments to apply to subsequent project applications:

- a traffic report be revised to the satisfaction of the RTA and Council in accordance with the RTA's Guide to Traffic Generating Developments for all relevant intersections/ accesses and include:
 - current traffic counts including peak periods (mid February) and 10 year traffic growth projections;
 - use of SIDRA or similar traffic models;
 - 95th percentile back of queue lengths;
 - delays and level of service on all legs;
 - origin destination surveys;
 - road safety issues; and input/output data to be provided to the RTA and Council.
- traffic control signals at the Church/Watt Street and Watt/King Street intersections should be signalised as part of this development and included in the revised traffic study;
- the HRDC does not support the 10kph shared zone in Shortland Esplanade and had concerns regarding traffic and pedestrian safety. Shortland Esplanade should be retained as a 40kph zone.
- the installation of pedestrian signals should be considered on Shortland Esplanade, focusing on the main pedestrian crossing area. The Proponent should include a pedestrian/cyclist connection from the development to the beach area;
- public pedestrian access should be maintained through the site with lighting to Australian standards;

- clear separation of pedestrians, service vehicles and other vehicles should be provided on-site. A separate access should be provided for service vehicles and the car parking areas;
- car parking should be to Council requirements and Australian standards;
- a review of parking on Shortland Esplanade should be undertaken, taking into account time limited parking. The short-term parking on Shortland Esplanade should be retained; and
- bus routes and stops should be considered as part of this development in conjunction with the local bus company.

3. State Environmental Planning Policy No. 55 – Contaminated Land (SEPP 55)

The aims and objectives of SEPP 55 are to provide a state-wide planning approach to contaminated land remediation. SEPP 55 restricts consent authorities from issuing consent for development on land that may be contaminated. Consent may be granted if the consent authority is satisfied that the land is suitable for development or would be suitable if appropriate remediation were undertaken.

A Phase 2 Environmental Site Assessment report was prepared by HLA-Envirosciences for the concept plan application. In accordance with the recommendations of the investigation, a Remediation Action Plan (RAP) will be required as part of subsequent project applications.

4. State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)

SEPP 65 aims to improve the design quality of residential flat development throughout NSW and contains 10 design principles of context; scale; built form; density; resource; energy and water efficiency; landscape; amenity; safety and security; social dimensions and aesthetics.

The detailed design of the proposal will be required at the project application stage and will need to demonstrate compliance with all SEPP 65 requirements. A specific requirement regarding compliance with the building separation provisions of SEPP 65 has been imposed on the instrument of approval as elements of the concept plan application do not appear to comply with these provisions.

5. State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71)

SEPP 71 applies to land and development within the Coastal zone (Clause 4) as defined by the *Coastal Protection Act 1979*. The site is located within the coastal zone. SEPP 71 provides aims of the Policy (Clause 2) and matters for consideration (Clause 8) when assessing development proposals. The Policy has been made under the *Environmental Planning and Assessment Act 1979* to ensure development in the NSW coastal zone is appropriate and suitably located, there is a consistent and strategic approach to coastal planning and management and there is a clear development assessment framework for the Coastal Zone.

The major themes of SEPP 71 include retention of visual amenity, protection of the coastal foreshore in relation to amenity, views and public access and suitability of development with the area.

Clause 2: Aims of the Policy

AIMS OF POLICY	COMPLIANCE	COMMENT
(a) to protect and manage the natural, cultural, recreational and economic attributes of the NSW coast;	Yes	The proposed development improves the overshadowing impacts onto Newcastle Beach from the current situation. It is considered that this reduction will create positive impacts on the amenity of the area and therefore does contribute to the recreational and economic attributes of the site.
(b) to protect and improve existing public access to and along coastal foreshores;	Yes	The proposed development incorporates elements of public domain areas within the site. The proposal also aims to make the footpath area along Shortland Esplanade adjoining the subject site more accessible to the public. At present, the current building has a wall of development directly abutting the northern part of Shortland Esplanade and the existing footpath is narrow and unsightly. The proposal intends to widen the footpath in this area and proposes lower buildings along this Shortland Esplanade frontage improving public access along this part of the site, adjacent to the beach.
(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore:	Yes	See (b) above
(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge;	N/A	
(e) to ensure that the visual amenity of the coast is protected;	Yes	As well as improving overshadowing of Newcastle Beach and improving public access as stated above, the proposal also improves the visual amenity of the coast by proposing taller slender towers on the subject site as opposed to the large 'block' development that currently exists on the site.
(f) to protect and preserve beach environments and beach amenity;	Yes	See above.
(g) to protect and preserve native coastal vegetation;	N/A	
(h) to protect and preserve the marine environment of NSW;	N/A	The proposed development will not affect the aquatic environment of the adjoining area or any marine environments.

(i) to protect and preserve rock platforms;	N/A	
(j) to manage the coastal zone in accordance with the principles of ESD;	Yes	This will be addressed at project application stage.
(k) to ensure that the type, bulk, scale and size of development is appropriate for the location; and	Yes	As well as improving overshadowing of Newcastle Beach and improving public access as stated above, the proposal also improves the visual amenity of the coast by proposing taller slender towers on the subject site as opposed to the large 'block' development that currently exists on the site.
(l) to encourage a strategic approach to coastal management	Yes	As well as improving overshadowing of Newcastle Beach and improving public access as stated above, the proposal also improves the visual amenity of the coast by proposing taller slender towers on the subject site as opposed to the large 'block' development that currently exists on the site.

Clause 8: Matters for Consideration

MATTERS	COMPLIANCE	COMMENT
(a) the aims of this Policy set out in clause 2;	Yes	See assessment above.
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved;	Yes	<p>The proposed development incorporates elements of public domain areas within the site. The proposal also aims to make the footpath area along Shortland Esplanade adjoining the subject site more accessible to the public. At present, the current building has a wall of development directly abutting the northern part of Shortland Esplanade and the existing footpath is narrow and unsightly. The proposal intends to widen the footpath in this area and proposes lower buildings along this Shortland Esplanade frontage improving public access along this part of the site, adjacent to the beach.</p> <p>The proposed development improves the overshadowing impacts onto Newcastle Beach from the current situation. It is considered that this reduction will create positive impacts on the amenity of the area and therefore does contribute to the recreational and economic attributes of the site.</p>
(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability;	N/A	

(d) the suitability of development given its type, location and design and its relationship with the surrounding area;	Yes	As well as improving overshadowing of Newcastle Beach and improving public access as stated above, the proposal also improves the visual amenity of the coast by proposing taller slender towers on the subject site as opposed to the large 'block' development that currently exists on the site.
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore;	Yes	As well as improving overshadowing of Newcastle Beach and improving public access as stated above, the proposal also improves the visual amenity of the coast by proposing taller slender towers on the subject site as opposed to the large 'block' development that currently exists on the site.
(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities;	Yes	As well as improving overshadowing of Newcastle Beach and improving public access as stated above, the proposal also improves the visual amenity of the coast by proposing taller slender towers on the subject site as opposed to the large 'block' development that currently exists on the site.
g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants within the meaning of that Act), and their habitats,	N/A	
	N/A	
(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats,		
(i) existing wildlife corridors and the impact of development on these corridors;	N/A	
(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards;	N/A	
(k) measures to reduce the potential for conflict between land-based and water-based coastal activities;	N/A	
(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,	N/A	

(m) likely impacts of development on the water quality of coastal water bodies, N/A

(n) the conservation and preservation of items of heritage, archaeological or historic significance, N/A

(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities, N/A

(p) only in cases in which a development application in relation to proposed development is determined:

(i) the cumulative impacts of the proposed development on the environment, and N/A

(ii) measures to ensure that water and energy usage by the proposed development is efficient.

Further assessment against SEPP 71 will need to be undertaken at project application stage.

6. State Environmental Planning Policy No. – Building Sustainability Index (BASIX) (BASIX SEPP)

The BASIX SEPP was introduced as part of the NSW planning system to measure the potential performance of new residential dwellings against sustainability indices. Future project application(s) for development on the site will need to be accompanied by a BASIX Certificate.

7. Hunter Regional Environmental Plan 1989 (HREP)

This plan applies to land declared to be a region by the Minister under section 4 (6) of the Act, including the City of Newcastle. The aims of the HREP are as follows:

- to promote the balanced development of the region, the improvement of its urban and rural environments and the orderly and economic development and optimum use of its land and other resources, consistent with conservation of natural and man made features and so as to meet the needs and aspirations of the community;
- to co-ordinate activities related to development in the region so there is optimum social and economic benefit to the community; and
- to continue a regional planning process that will serve as a framework for identifying priorities for further investigations to be carried out by the Department and other agencies.

8. Newcastle Local Environmental Plan 2003 (NLEP)

The site is located in the Newcastle local government area and is zoned 3(c) under the NLEP. This zone allows for mixed-use development for a range of uses including high-density residential; commercial and retail development; cultural and entertainment facilities; tourism, leisure and recreation functions; social, education and health services; and small scale light industries and service industries;

9. Newcastle Development Control Plan 2005 (NDCP)

A single city-wide Development Control Plan, known as the *Newcastle Development Control Plan 2005* (NDCP) became effective on 21 November 2005. It replaced more than 40 separate plans covering all its development guidelines into a single document.

Element 6.7 of the NDCP applies to the Royal Newcastle Hospital site and identifies that the Royal Newcastle Hospital (RNH) city block is characterised by its position adjacent to both Newcastle Beach and the CBD. Its use for medical purposes since c1817 strongly links the local community to the site for employment, cultural and social reasons. The DCP aims to reflect its locational and heritage context; provide an appropriate mix of high quality, publicly accessible services and facilities; generate positive economic and employment impacts; and interpret the site's important social and cultural history for current and future generations.

Newcastle DCP 2005

6.7.2 a) Access Corridors

Compliance

Objectives

Ensure development provides connections within the site and to surrounding streets.

Provide clearly defined communal, private and public domains.

Integrate the site into City East.

Specific Provisions

The following publicly accessible links are to be provided through the site:

a public road (nominally consisting of two travel lanes, with parking and footpaths on each side) from Pacific Street to Church Street (shown as No. 1 on Map 2: Gateway and Access Corridors) in accordance with the requirements of Council and the outcomes of a detailed traffic analysis;

a pedestrian access from King Street to Shortland Esplanade (with limited vehicle access permitted and no through traffic) (shown as No. 2 on Map 2); and

an access lane from Watt Street to the extension of Pacific Street (shown as No. 3 on

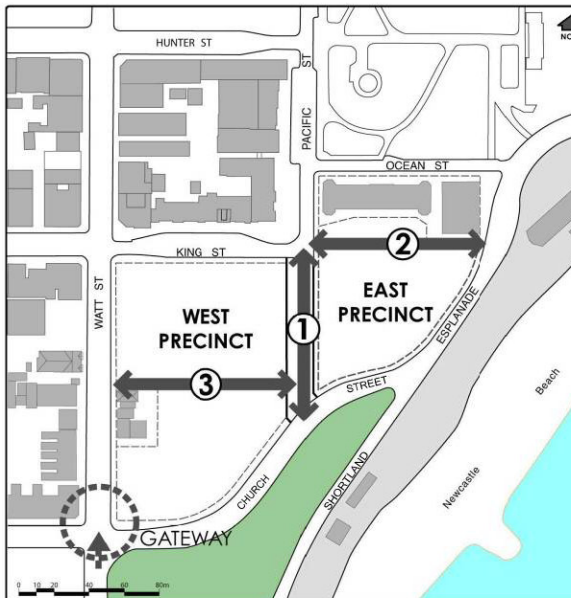
No.

The concept plan does not provide a public road in this location – instead it is proposed to incorporate a shared zone in this area to allow pedestrian access, residential and loading zone access and landscaping and public domain features.

Yes. A pedestrian link is proposed in this location.

No however this requirement is not mandatory.

Map 2) is desirable (but not mandatory) allowing pedestrian access through the site but not through vehicular traffic.



6.7.2 b) Land Use and Character Areas

Objectives

Ensure that new development is sensitive to the character of its local land use context.

Ensure that the coastal precinct is developed in a manner which complements City East in terms of uses, built form, and access between the City and its ocean foreshores.

Ensure that new development on this edge of City East contributes to the character of the coastal edge.

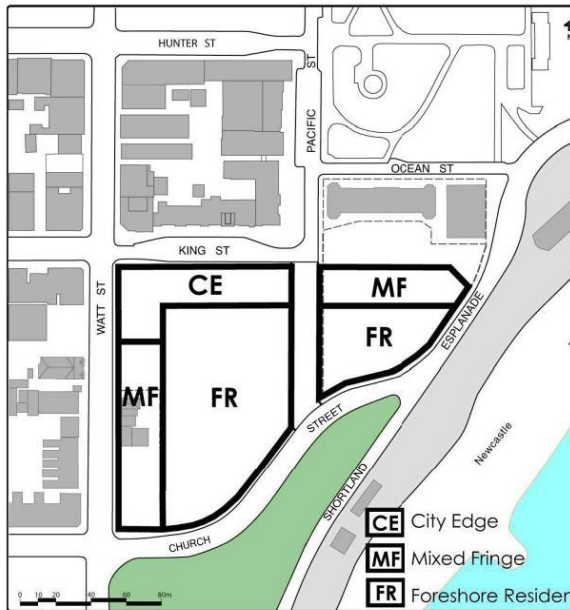
Specific Provisions

i) Development should have a positive relationship with the character area of which the site forms a part and respond to the preferred building types specified (see Map 3: Preferred Building Types).

Generally compliant.

The 2 proposed 20 storey towers in the centre of the site are not supported. Height in this location is not supported over 16 storeys. It is considered that this excess height may be able to be re-distributed in other locations over the site – to discuss with proponent.

PPR amended the maximum height of these towers to 1x16 storey tower and 1x18 storey tower and redistributed height elsewhere in the site. This is considered to be an acceptable outcome.



ii) The ground floor of buildings should address the street. The Watt and King Street frontages should have retail/commercial/café or community use where Map 8: Activation of Street Frontages indicates that active frontages are required. Pacific Street and Shortland Esplanade / Church Street may include residential uses at street level. Above ground uses may be mixed use and could include commercial, retail, tourist accommodation and residential uses.

Compliant.

iii) Development on the edge of the city centre should positively contribute to and reinforce the desired character of the coastal edge.

The proposal generally improves overshadowing of Newcastle Beach compared to what currently occurs. However, the proposal causes a significant amount of overshadowing in mid-winter although this is not thought to be a significant environmental impact.

iv) Development should aim to maximise ocean views without significant overshadowing of the beach.

6.7.2 c) Gateways – Watt/Church Sts

Objectives

Reinforce the sense of entry into the city centre.

Enhance the relationship of the site to existing gateway buildings along Watt Street.

Specific Provisions

Not applicable to this project.

i) Renovation of “Wirraway Flats” should address the gateway through design innovation and material choice.

ii) Redevelopment of “Wirraway Flats” should respect contributory buildings along Watt Street and provide an interface to adjoining buildings.

iii) New development that responds to the height of buildings on the adjacent corner (Macquarie House) should be built to the street alignment. Taller buildings should be set back from the street alignment (see Figure 1: Gateway).

3.7.2 d) Heritage and Archaeology

Objectives

Acknowledge, respond to and interpret the heritage significance of the heritage conservation areas within City East.

Enhance existing heritage items and reflect and respond to their built form and character.

Enable interpretation of the cultural and social heritage of the site including indigenous heritage.

Enable the archaeological potential of the site to be resolved through each development phase.

Specific Provisions

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| <p>i) Development Applications for demolition or to carry out work will require the submission of a Heritage Impact Statement in accordance with clause 6.1.1 b) of Element 6.1, Commercial Development.</p> | <p>Not applicable to the Concept Plan application.</p> |
| <p>ii) The United Services Club building (55 Watt Street) and its curtilage should be retained.</p> | <p>Not applicable to the Concept Plan application.</p> |
| <p>iii) A Conservation Management Plan shall be prepared in relation to the United Services Club building.</p> | <p>Not applicable to the Concept Plan application.</p> |
| <p>iv) Development should be compatible with the heritage character of the Newcastle City Centre Conservation Area.</p> | <p>See comments from Heritage Office.</p> |
| <p>v) The RNH site should be archivally recorded to a standard of local significance as set out in NSW Heritage Office guidelines in order to record the final phase of the hospital.</p> | <p>This will be included as a condition of consent for the Project Application for demolition.</p> |
| <p>vi) Any large-scale sub-surface works undertaken in areas identified as having archaeological potential in the report Background Historical Archaeological Assessment for the RNH Site, Newcastle, December 2004 (the ERM report), are to be subject to:</p> | <p>This will be included as a condition of consent for the Project Application for demolition.</p> |
-

- archaeological test excavation;
 - archaeological salvage, if warranted; and/or
 - archaeological monitoring and archival recording during demolition/construction.
- vii) Any archaeological remains relating to the first two phases of the Newcastle Hospital (the "First Hospital" 1817 – 1860, and the "Second Hospital" 1860 – 1875) are considered to be of high state heritage significance. If sub-surface works are to occur within the area identified in the ERM report as having potential to contain these deposits then archaeological test excavation should be conducted.

viii) Any significant archaeological excavation within the study area should incorporate interpretation, such as exhibitions, displays, school archaeology, open days and the like. Public archaeology should be built into any schedule of archaeological excavation from its inception.

This will be included as a condition of consent for the Project Application for demolition.

ix) Archaeological investigations should be in accordance with the Newcastle Archaeological Management Plan (1997).

This will be included as a condition of consent for the Project Application for demolition.

x) The Suters Architects Indicative Heritage Assessment – RNH Redevelopment, United Services Club, Watt Street Newcastle, October 2004 (the Suters Report) identifies the parking area at the rear of 55 Watt Street as having high archaeological potential (location of a c1816-1818 building). If sub-surface works occur within the area identified as having potential to contain these deposits then archaeological test excavation should be conducted.

This will be included as a condition of consent for the Project Application for demolition.

xi) The outcomes of the above investigations should be included in the Site Interpretation Strategy, see provision 6.7.6 a), Site Interpretation Strategy and Public Art with other interpretive information.

This will be included as a condition of consent for the Project Application for demolition.

6.7.2 e) Public Domain

Objectives

Create active public spaces and streets that interface between the public and private domain.

Provide a safe, accessible and convenient movement network for vehicles, pedestrians (including those with limited mobility) and cyclists along streets and through public open spaces.

Minimise environmental impacts of new

buildings on adjacent public spaces.

Enhance amenity and environment by greening the site.

Ensure that water and energy conservation practices are incorporated into building and landscape design.

Specific Provisions

i) Ensure the distinction between public and private open space is clear through its design.

This will be subject to future Project Applications for development on the site.

ii) Development should adopt design strategies that minimise detrimental environmental effects on surrounding public spaces, especially over-shadowing, wind turbulence and glare.

This will be subject to future Project Applications for development on the site.

iii) Public open space should provide a range of experiences and facilities.

This will be subject to future Project Applications for development on the site.

iv) Plant species should accommodate local environmental conditions, particularly the exposure to strong coastal winds, salt spray and shading.

This will be subject to future Project Applications for development on the site.

v) Street tree planting should be provided along King and Watt Streets, Shortland Esplanade / Church Street and the extension of Pacific Street.

This will be subject to future Project Applications for development on the site.

vi) Roof gardens on buildings that provide areas for recreation and environmental benefits (eg. recreation, communal space, stormwater storage/treatment, insulation etc) are encouraged.

This will be subject to future Project Applications for development on the site.

vii) Deep soil planting at ground level is encouraged and should be incorporated within landscaped areas (subject to consideration of any soil contamination issues).

This will be subject to future Project Applications for development on the site.

viii) Landscape treatment of the public domain should integrate site interpretation into landscape design and meaning. Possibilities for how this may be achieved include:

This will be subject to future Project Applications for development on the site.

- interpreting the Aboriginal and European history of the site in the landscape design through the design of individual elements (eg. furniture, structures), selection of materials and choice of plant species (eg. medicinal theme);
- relaying/recreating the stone tiled lobby floor of the Nickson Building in paving within the public domain in the event that the Nickson Building is demolished;
- indicating the footprints of the existing buildings within the public domain;
- inlaying names or words associated with the site's history in the paving or other elements; and
- site specific public artworks and water features located in public areas.

Public Plaza

Objectives

Create a vibrant and sheltered public plaza in close proximity to the beach.

Ensure the design of the public plaza responds to the existing environmental conditions affecting the site.

Provide connections between the extension of King Street and the Pacific Street extension and Shortland Esplanade (see Map 2: Gateway and Access Corridors).

Specific Provision

ix) The public plaza should:

- Be located in the eastern precinct of the site generally as shown on Map 5: Building Heights.
- Maintain a northerly aspect, and have frontage to and be contiguous with the pedestrian extension of King Street.
- Interface with buildings fronting Shortland Esplanade / Church Street.
- Be designed to maximise solar access and protection from wind turbulence. Shade structures and landscaping should be used to reduce glare and other environmental effects through endemic species selection having regard to landscape design principles and guidelines and to the satisfaction of Council.
- Provide lighting that clearly defines pedestrian paths through the plaza without the creation of overspill or glare.
- Include surveillance of the plaza through placement of windows and doors on surrounding buildings. Surveillance, safety and security of the public domain should be in accordance with the principles of Crime Prevention Through Environmental Design

Generally in accordance.

This will be subject to future Project Applications for development on the site.

(CPTED).

- Provide for public art and exhibition spaces and other cultural activities.
- Consider incorporating a play area.
- Provide opportunities for permanent representation of aspects of the Site Interpretation Strategy (see Provision 6.7.6 a), Site Interpretation Strategy).
- Include materials, furniture and structures that are durable and to the satisfaction of Council.
- Incorporate species selection for landscaping from the Site Interpretation Strategy, refer clause 6.7.6 a).

Public streets and spaces

Objectives

Improve pedestrian amenity adjacent to the foreshore.

Provide clear pedestrian paths through the site and from the city centre to the beach.

Improve connectivity and facilitate vehicle access arrangements.

Specific Provisions

x) Materials, furniture and structures within public spaces should be consistent with the treatment of the public plaza and be compatible with treatments in surrounding streets.

This will be subject to future Project Applications for development on the site.

xi) Species selection for landscaping in public spaces should incorporate recommendations from the Site Interpretation Strategy, refer clause 6.7.6 a).

This will be subject to future Project Applications for development on the site.

xii) King Street extended should provide a pedestrian connection between the city and the beach and complement (and be part of) the plaza. The design and articulation of buildings, colours, materials and paving should accentuate the link between this public space and the beach.

Compliant.

This will be subject to future Project Applications for development on the site.

xiii) The location of Pacific Street extended should align directly with the existing Pacific Street alignment, to provide a clear connection through the site to Fletcher Park and the Harbour. The articulation of buildings, corner treatments, the selection of materials, colours, and landscaping should clearly identify the entrance to this public street.

This does not occur in the proposal – see comments above.

6.7.2 f) View Corridors

Objectives

Maintain views to and from the site, to the

harbour, ocean, and Christ Church Cathedral.

Create views through the site by the provision of pedestrian spaces and street extensions.

Specific Provisions

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| i) A view analysis should be undertaken as part of the Development Application process to ensure views through the site are appropriately considered. | Provided. |
| ii) Buildings and landscaping fronting King Street and its proposed extension to Shortland Esplanade should be designed and located to maintain a direct easterly view through the site to the beach/ocean. No buildings should obstruct or diminish this view. | Compliant. |
| iii) Buildings and landscaping within the site should be designed and located to maintain a direct westerly view through the site to the Cathedral from Bathers Way (near the canoe pool). | Compliant. |
| iv) Buildings and landscaping fronting Pacific Street and its proposed extension to Church Street should be designed and located to maintain southerly views through the site to Fletcher Park, and northerly views towards the Convict Lumber Yard and Newcastle Harbour. | These buildings need to be redesigned to ensure that the buildings do not impeded into the corridor created by this road extension. |
| v) A view corridor is to be considered through the western precinct from the intersection of Church Street and the extended Pacific Street to St Phillips Church and tower fronting Watt Street. Building elements such as arcades and/or colonnades may frame this view but should not obstruct it. | This does not occur in the proposal – see comments above and in the Planning Report. |

6.7.2 g) View sharing

Objectives

Provide for view sharing between new and existing buildings.

Maximise outlook and views from principle rooms and private open spaces without compromising visual privacy.

Specific Provisions

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| i) The design, height and bulk of proposed buildings should incorporate the sharing of views through the location and orientation of buildings and land uses, gaps between buildings, placement of windows, balconies and open space. | The 2x20 storey towers in the centre of the site are considered to be too bulky in terms of height and scale and are not supported by the Department. THE PPR has redesigned these elements of the proposal to include 1x16 storey tower and 1x18-storey tower. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

6.7.3 a) Density FSR

Objective

To ensure the bulk and scale of development reflects and complements the distinct character of City East.

Specific Provisions

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| <p>i) The maximum Floor Space Ratios (FSR) allowable on the site are indicated on Map 4: Maximum Density FSR.</p> | <p>Not compliant but the Department has determined that the nominated maximum FSR is adequate.</p> |
| <p>ii) Where there are more than 2 on site car parking spaces provided per dwelling, the additional spaces above 2 per dwelling and the associated driveways are to be included as floor area in the calculation of the FSR.</p> | <p>This will be subject to future Project Applications for development on the site.</p> |

6.7.3 b) Bonus FSR

Objective

To provide bonus FSR where a significant public benefit can be demonstrated.

Specific Provision

- i) The applicant should identify in any Development Application the request for a FSR bonus and support the application with a design solution which demonstrates the site is capable of accommodating the increase in FSR while still satisfying the objectives of this DCP.
- ii) FSR bonuses may be aggregated for the categories below, up to a maximum of 1:1 (in addition to what is identified in Map 4): up to a rate of 0.25:1 in respect to any or each of the following at the discretion of Council depending on the cost and benefits of the proposed works/facilities:
- Dedicated, landscaped public spaces in addition to Section 94 (developer contributions).
 - Quality public art.
 - Affordable housing.
 - Adaptable housing.
 - Community facilities in addition to Section 94 (developer contributions).
 - Provision of an on site below ground public car park for 100 car spaces.
 - Hotel Development of 4+ star featuring related uses such as a convention centre.
- iii) Any FSR bonus will be contained within the upper height limits shown on Map 5: Building Heights, with the exception of the preferred hotel site.

- iv) The application of bonus FSR should not increase the FSR of either precinct by more than 1:1.

6.7.3 c) Building Heights

Objectives

Ensure building heights complement the built fabric of City East and the dominant form of Christ Church Cathedral.

Encourage a built form that reflects and responds to the topography.

Provide sympathetic built forms that reflect a transition in building height from the City Centre through the site, to the beach.

Ensure building height and massing responds to and enhances the built form character of Watt, King and Pacific Streets.

Improve sunlight access on Newcastle Beach and foreshore areas.

Specific Provisions

i) Buildings should not exceed the upper height limit as shown on Map 5 and Figures 2-4. The upper height limit is expressed in metres above ground level (at the level of the public street immediately adjacent to that part of the site) and does not include roof plant structures.

ii) Taller buildings are aligned to maintain view sharing and to reinforce the established street grid.

iii) Taller buildings are located in the Western Precinct to improve solar access to Newcastle Beach and to protect and enhance the existing profile of City East.

Not compliant. Bonus provisions have been deleted from the PPR.

iv) Buildings fronting Watt Street adjacent to the United Services Club are to provide an appropriate transition to this building in terms of height, separation, modulation and street alignments.

v) Hotel and bonus height – The preferred location and upper height limit for a 4+ star hotel on the site is shown on Map 5. A 4+ star hotel incorporating related uses such as convention centre may obtain four additional floor levels in the general area shown as bonus height on Map 5.

vi) Maximum height limits shall not be adopted

where development built to those heights will impede views through the site that are determined to be significant. A detailed view analysis shall be undertaken as part of the development design and approvals process.

6.7.3 d) Street Wall / Façade Height and Upper Storey Building Setbacks

Objectives

Provide a human scale to streets and other public spaces.

Encourage building massing and forms that are consistent with and sympathetic to the prevailing building forms in City East.

Specific Provisions

i) Street wall heights and upper storey setbacks should be consistent with those shown at Figures 5-8.

ii) Upper storey setbacks should be a minimum of:

- 8 metres from the Watt Street boundary at its intersection with Church St;
- 2.5 metres from the Shortland Esplanade / Church Street boundary; and
- 2.5 - 6 metres from the King and Pacific Street boundaries.

Not compliant but the proposed setbacks and heights are considered to be satisfactory as the non-compliances are minimal.

iii) Upper storey setbacks should be a minimum of 6 metres from Church Street boundary (see Figure 1: Gateway).

iv) Elements of a building's form may project into the upper storey setbacks where they contribute to the building's design.

6.7.3 e) Building Setbacks

Objectives

Improve pedestrian amenity and circulation through and around the site.

Create consistent street edges and retain the human scale of streets and public spaces.

Provide opportunities for road widening, street tree planting, activation of street frontages and public domain improvements.

Specific Provisions

i) Building setbacks should be consistent with those shown on Map 7: Building Setbacks.

See above.

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| ii) Buildings fronting Watt Street should be constructed to the street boundary to reinforce the consistent streetscape established in Watt Street. | Compliant. |
| iii) Buildings on the extension of Pacific Street should be constructed to the street boundary adjacent to its intersection with King Street as shown on Map 7. | Compliant. |
| i) This precinct should contain the taller buildings on the site, as indicated by Map 4 and Map 5 | Compliant. |
| ii) Building types should consist of City Edge, Mixed Fringe and Foreshore Residential, (see Map 3: Preferred Building Heights and the Commercial Technical Manual), which reflect the city context of lower buildings at the street edges and higher tower components to the rear. | Compliant. |
| iii) A 4+ star hotel/conference centre may be provided within the precinct in accordance with the preferred location (note bonus provisions). | Not compliant. See planning report. |
| iv) The King Street frontage and northern section of the Watt Street frontage should be activated with a mix of retail and commercial uses (see Map 8: Activation of Street Frontages). | Not compliant. See planning report. |
| v) A continuous awning should be provided along the activated building facades along King Street and the Pacific Street extension for weather protection. | This will be subject to future Project Applications for development on the site. |
| vi) Active frontages should continue into the extension of Pacific Street in this precinct with a mix of commercial, retail, restaurant, tourism or entertainment uses as shown on map 8. | Not compliant. |
| vii) The Church St and Shortland Esplanade frontage should provide a mixed use character with individual residential/retail /studio entrances at ground level to activate the street. | This will be subject to future Project Applications for development on the site. |
| viii) Public, communal and private areas internal to the site should be clearly defined through façade treatment, landscaping and fencing where ground floor private open spaces are provided. | This will be subject to future Project Applications for development on the site. |

Eastern Precinct

The Eastern Precinct forms the interface

between the foreshore and the beach. It should support a public plaza and community and visitor related functions as well as commercial and residential development to minimise overshadowing of Newcastle Beach.

ix) This precinct will contain buildings of a relatively lower density and height as indicated by Map 4 and Map 5. Compliant.

x) A public plaza should be located in this precinct as a formal public space adjacent to the beach, see provision Compliant.

6.7.2 e) Public Domain

Specific Provisions

xi) Street frontages and edges and any public plaza should be activated with a mix of restaurant, café, retail, leisure and entertainment uses at ground and street levels, see Map 8.

This will be subject to future Project Applications for development on the site.

xii) The extension of King Street should provide a clear link between any public plaza, Shortland Esplanade and Newcastle Beach.

Compliant.

xiii) A continuous awning should be provided along activated building facades on:

- The King Street extension;
- Shortland Esplanade at street level; and
- the Pacific Street extension, including the activated edges of any public plaza.

This will be subject to future Project Applications for development on the site.

xiv) Building types should consist of Mixed Fringe and Foreshore Residential, see the Commercial Technical Manual.

Generally compliant.

6.7.3 g) Vehicular Access and Parking

Objectives

Provide for the parking needs of building occupants and visitors without adverse impacts on building bulk or streetscapes.

Maximise opportunities for on-street public parking.

Minimise impact of driveways on pedestrian access and streetscapes.

Specific Provisions

i) Vehicular access to the site should desirably be provided from Watt Street and the extension of Pacific Street and discouraged from Church Street / Shortland Esplanade. Access points should be minimised to limit impact on building

Generally compliant.

form and pedestrian flow. The identified desirable Watt Street to Pacific Street (extended) pedestrian access may provide a vehicle access point for the United Services Club and the western precinct as shown on Map 9: Precincts.

Compliant.

ii) On-site parking should be provided underground and be appropriately ventilated with access to natural sunlight where practical.

iii) The extension of Pacific Street should replicate Pacific Street's existing width and be designed as a public road to provide both vehicular & pedestrian access through the site and access to internal parking areas, loading bays & deliveries to commercial/retail outlets.

Not compliant.

iv) The extension of Pacific Street and intersection with Church Street should be designed and constructed at no expense to Council, and should incorporate appropriate intersection design and management.

This will be subject to future Project Applications for development on the site.

v) The Church Street footpath should be widened at its intersection with Watt Street to a minimum of 3 metres to improve sight lines and to provide for landscaping and weather protection.

This will be subject to future Project Applications for development on the site.

vi) The treatment of the difference in levels between Shortland Esplanade and the internal street/plaza level should provide clear pedestrian paths including provision of ramps where necessary to allow access for mobility impaired persons.

This will be subject to future Project Applications for development on the site.

vii) Provision for on-site parking should be in accordance with the car parking rates in Element 4.1, Carparking. Commercial parking rates should be in accordance with the rates for the City East / City West area.

This will be included as a condition of consent for the Concept Plan approval to be complied with for future Project Applications for development on the site.

viii) On street parking should be provided on the extension of Pacific Street.

Noted.

ix) Improved pedestrian access across Shortland Esplanade should be considered as part of any future development proposal.

This will be subject to future Project Applications for development on the site.

x) The visual impact of car parking, service access and facilities is to be minimised by (among other things):

This will be subject to future Project Applications for development on the site.

- Ensuring parking structures do not adjoin public spaces but are located behind other

uses that address the public domain; and

- Confining the width of driveways and placing of back access points beyond the façade of the building.

6.7.3 h) Building Separation and Amenity

Objectives

Ensure adequate solar access (natural sunlight) is provided to all buildings.

Provide adequate natural ventilation to all buildings.

Provide visual and acoustic privacy between buildings and land uses.

Minimise environmental effects such as tunnelling of wind.

Specific Provisions

i) Building placement should maximise solar access and natural air flow to building windows and openings.

ii) Building separations for residential flat buildings should be consistent with the Residential Flat Design Code 2002 (SEPP 65), visit the Department of Planning at <http://www.planning.nsw.gov.au/programservices/dqp.asp>

iii) Living rooms in at least 70% of dwellings should receive a minimum of 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June (mid winter).

iv) Appropriate noise attenuation is to be provided between internal dwellings particularly where they share a common wall.

v) Buildings exposed to southerly or south-easterly winds should be designed to minimise the effects of wind tunnelling (testing for wind tunnelling impacts may be required by Council).

ALL

This will be subject to future Project Applications for development on the site.

6.7.4 Building Character

6.7.4 a) Building Façade and Articulation

Objectives

Reinforce the consistency of treatment which unifies streetscapes to allow buildings of different periods to exist harmoniously.

Provide variety and visual interest in building facades through modulation, fenestration,

articulation and architectural expression.

Reflect the traditional built form of the City East context by the incorporation of vertical bays.

Specific Provisions

Facade composition

i) Facades should comprise a tripartite vertical composition with base, middle and top sections with cues for buildings taken from adjacent characteristic development.

ALL

This will be subject to future Project Applications for development on the site.

ii) Lengths of building facades should generally reflect those within the area, typically facades in this location are in bays of between 4.5 metres and 6 metres. Building facades should not exceed a 10 metre continuous plane without appropriate articulation or variation in materials.

Surface texture

iii) Façade designs should include surface relief that achieves both horizontal and vertical articulation to break down the scale of the façade.

Fenestration design

iv) Windows in buildings should be treated as openings in a solid wall and arranged in a balanced horizontal and vertical system.

v) Any shade structures should reflect the context of existing buildings in adjacent streets.

Awnings, verandas, balconies

vi) Projecting awnings should be generally flat or near flat and similar in design to the prevailing awning of each particular streetscape and appropriate to the building.

vii) Projecting awnings should be continuous to ensure pedestrian amenity, see provision 6.7.3 f), Building bulk, massing and form.

viii) Balconies should generally be recessed into walls or protected by walls and roofs to maintain residential amenity in the coastal environment.

6.7.4 b) Street Frontage

Objectives

Ensure that a diversity of active street frontages and entries are compatible with the character and architectural treatment of the building.

Encourage a variety of relationships and openings between buildings and the street.

Ensure that buildings are accessible for all.

Specific Provisions

i) Continuous at grade access is provided between the footpath and commercial premises.

ALL

This will be subject to future Project Applications for development on the site.

ii) Commercial and retail windows and openings should be sympathetic with the overall proportion of the building and its division into bays.

iii) Clearly defined entries to above ground uses should be provided without adversely dominating retail frontages.

iv) Shop frontages should only be recessed where the recess provides useable space (eg outdoor dining, pedestrian colonnade) and is sympathetic to the building's character.

6.7.4 c) Corners Addressing Public Spaces

Objective

Ensure corner treatments strengthen building form and acknowledge the corner location.

Specific Provisions

i) Buildings on corners should provide a corner treatment that creates variation in height and setback such that the building visually turns the corner. The design should be resolved in form in terms of scale, proportion, materials and finishes.

ALL

This will be subject to future Project Applications for development on the site.

ii) Development at the corner of King and Watt Streets should respond to and complement the form of McGrath House opposite.

6.7.4 d) Roof Form and Silhouette

Objectives

Ensure the roofscape is integrated with the architecture of the building and is discreet and cohesive in form when viewed from above and from a distance.

Roof forms, materials and finishes should reinforce the prevailing roofscape characteristics of City East.

Specific Provisions

i) Roof top structures including lift towers, vents

ALL

and communication devices should be integrated with the building design, such structures should not detract from the overall appearance of the building or the cityscape.

This will be subject to future Project Applications for development on the site.

ii) Roof top structures should generally not exceed 20% of upper roof space and not be more than 3 metres in height.

iii) Roof forms should be proportional to the building's elements and comprise simple, flat or sculptural forms.

iv) Prominent parapet walls are generally appropriate to screen roof top structures on frontages facing Watt and King Streets.

v) Roof gardens and communal spaces are encouraged.

6.7.4 e) Materials, Finishes and Colours

Objectives

Maintain the palette of materials and finishes that characterise City East.

Recognise the distinction between the Western and Eastern Precincts to reflect their relationship to the City and Newcastle Beach respectively.

Ensure materials are appropriate to the coastal environment and have a low environmental impact.

Specific Provisions

Western Precinct

i) Materials should complement those used in contributory buildings in the locality including sandstone and granite, brickwork, timber, concrete and articulated render. However PVC, reflective glass, unrelieved painted render, unarticulated concrete surfaces and unarticulated cladding systems should be avoided.

ii) Colours should complement the existing colours within City East, predominantly those based on warm earth tones including brickwork in red-brown mid-tones, cream sandstone and heritage colour schemes of the Victorian & Federation periods.

iii) Colour schemes should be appropriate to the style and age of the building in the repainting of existing buildings.

ALL

This will be subject to future Project Applications for development on the site.

iv) Previously unpainted buildings should not be painted where the original finishes (eg face brickwork) are an important part of the building's character.

Eastern Precinct

v) Materials and finishes should complement those used in the Western Precinct. Where buildings interface with contributory buildings in the locality, they should reflect the relationship of the eastern precinct to Newcastle Beach and may include an expanded range of materials and design elements.

vi) Colours should complement the existing colours within City East but may introduce a broader colour palette, however primary colours and metallic should be avoided.

6.7.4 f) Fences and Walls

i) The provisions for fences and walls at clause 6.2.4 g) of Element 6.2, City East apply to development in the Royal Newcastle Hospital Site.

ALL

This will be subject to future Project Applications for development on the site.

6.7.5 Sustainability

6.7.5 a) Site Contamination

Objective

To incorporate the recommendations of any site specific contamination assessments conducted for the site.

Specific Provisions

i) The recommendations of the HLA Enviroscience's Phase II Environmental Site Assessment and Geotechnical Investigation, Royal Newcastle Hospital, November 2004 (HLA Report) should be considered in preparation of any Development Application for the site.

ALL

This will be subject to future Project Applications for development on the site.

ii) Applicants are referred to Element 4.2, Contaminated Land Management for further provisions related to site contamination.

6.7.6 Site Interpretation Strategy and Public art

6.7.6 a) Site Interpretation Strategy

Objectives

Ensure cultural and social history of the site is interpreted and expressed in components of the site redevelopment, for current and future generations.

Facilitate community cultural development that reinforces the role of the site in providing and

developing identity for the community, particularly with regard to the interaction between:

- *natural heritage;*
- *Aboriginal heritage;*
- *European heritage;*
- *open space systems and the beach;*
- *cultural diversity among workers/ residents;*
- *built form and streetscape design; and*
- *contemporary visual, craft, performing and community arts.*

Specific Provisions

i) The social and cultural significance of the Royal Newcastle Hospital and its buildings should be further investigated through consultation with local historical groups and other relevant groups and persons as part of any Development Application with a view to preparation of a Site Interpretation Strategy. The Site Interpretation Strategy should be submitted to Council with the first Development Application and should address the following matters:

- significance to the local community of the use of this site for medical/health purposes since c1817. This significance may be expressed through the provision of art works, oral histories, interpretive signage and links to the existing historical walk along The Bathers Way;
- outcomes of the investigations required by provision 6.7.2 d), Heritage and archaeology;
- retention, selection and interpretation of selected elements which represent the most important phases of development on the site;
- expression of the footprint of buildings forming the final phase of the Royal Newcastle Hospital through paving, lighting, or landscaping; and
- the potential for a medical/health theme to species selection for public domain landscaping.

ii) Proponents should consult with the Awabakal Aboriginal Community (including Land Council and Traditional Owners) about:

- the use of Awabakal language names within the development (buildings, streets, pathways, gardens etc);
- how the elders concept of a "meeting place" can be incorporated into the design of public space within the site;
- how the development will be linked to the beach;
- input into any indigenous artwork that may be used as part of the public space and landscape design (designs in footpaths, sculpture,

ALL

This will be subject to future Project Applications for development on the site.

features on buildings etc); and

- design and wording of any plaques and signage that may be proposed.

6.7.6 b) Public Art

Objectives

Celebrate and commemorate the social, cultural and heritage significance of the site.

Integrate a public art program within the site as an essential part of the development of landscape and urban form.

Reflect the cultural significance of the site, including its landscape, ecosystem, and history of occupation through design of open space.

Specific Provisions

i) Develop a Public Art Plan for the public domain.

ii) Public art should include themes from the cultural and social history of the hospital including its role in provision of healing and health services.

iii) Art works or functional objects are to aid in the creation of pedestrian areas, gathering places and public amenities with a strong sense of local identity.

iv) Public art should include:

- works of contemporary artists, crafts people, designers and/or artisans;
- works or functional objects which explore and interpret those elements or ideas relating to community, culture, heritage, environment and art; and
- design that reinforces the site history and cultural significance.

v) Public art should be in accordance with Newcastle's Public Arts and Placemaking Policy as administered by Council.

ALL

This will be subject to future Project Applications for development on the site.

10. Draft Lower Hunter Regional Strategy

The Department prepared a draft Lower Hunter Regional Strategy (draft Strategy) which was released to the public on 4 November 2005 and placed on public exhibition until 20 January 2006 for comment.

In general terms the key features of the draft Strategy at a Regional level include:

- population increase of 5000 people/year with an expected population of 125,000 by 2031;
- housing demand for 95,000 new dwellings (35,000 for the existing population);
- housing split of new versus infill is expected to be 50/50;
- employment for an additional 50,000 jobs (30,000 in commercial centres);
- promotes Newcastle as the Regional City;
- promotes increased population around commercial centres and transport nodes; and
- promotes the limiting of rural residential development.

At a local level, for Newcastle, the draft Strategy indicates:

- two new release areas – Dan land and Xstrata;
- the importance of port related industrial land and its protection;
- one new industrial release area – Beresfield; and
- support for a Regional Conservation Plan.

(Source: Newcastle City Council website, City Strategy Group meeting, February 2006)

11. NSW Coastal Policy 1997 and NSW Coastal Design Guidelines

The *NSW Coastal Policy 1997* responds to the fundamental challenge to provide for population growth and economic development without placing the natural, cultural, spiritual and heritage values of the coastal environment at risk. The Policy is based on the principles of ecologically sustainable development and addresses a number of key coastal themes including population growth, coastal water quality issues and establishing an adequate, comprehensive and representative system of reserves. The NSW Coastal Design Guidelines aim to ensure that future developments and redevelopments are sensitive to the unique natural and urban settings of coastal places in NSW. The Guidelines provide an urban design focus for the coastal context. These policies and Guidelines were specifically nominated in the DGRs as key issues to be addressed in the Environmental Assessment in relation to all relevant legislation and planning provisions applying to the site and the reference to the need to address Coastal Design Guidelines for NSW.

APPENDIX E. APPLICANT'S RESPONSE TO SUBMISSIONS

The following is a summary of the Proponent's response to submissions received on 25 July 2006. Further amendments to the response were received on 21 August 2006 and 24 August 2006.

APPENDIX F. DRAFT STATEMENT OF COMMITMENTS

The following are the draft statement of commitments (as amended and submitted dated 24 November 2006). These have been modified in part by the Instrument of Approval at Appendix A.

Subject	Commitments	Timing
1. Compliance with applicable planning requirements	Detailed design of the development will demonstrate compliance with applicable planning requirements, including BCA, SEPP 65 and BASIX.	Addressed at the detailed development design stage as part of the relevant Project Application(s).
2. Design excellence	The applicant must put in place limited architectural design competition/s for all the buildings on the site. An evaluation panel will be established to assess the design competition/s which will include representatives of Landcom and the Department of Planning.	Prior to the lodgement of project applications for new buildings.
3. Built form and urban design	The detailed design for the buildings will adhere to the Site Design Principles formulated for the project to ensure that the intended development outcomes will be achieved. The 'Site Design Principles' document shall provide guidance as to acceptable: FSR, building heights, building setbacks. Building separation, street wall heights and upper storey setbacks, extent of active frontages, vehicular access points and through-site links.	Detailed design for each building will be undertaken as part of the relevant Project Application(s).
4. Access, traffic and parking	Further traffic analysis will be undertaken for the detailed design of the project to ensure that the development will be consistent with the recommendations included in the Traffic Assessment Report prepared by Mark Waugh Transport and will not result in adverse traffic impacts.	Details of the traffic analysis will be undertaken as part of the relevant Project Application(s).
	Construction management	Construction management

	plans will be prepared for subsequent Project Application(s) to address the management of impacts from construction activities, as well as management of truck/vehicle and pedestrian access during construction.	plans will be prepared as part of the relevant Project Application(s).
5. Public domain	Detailed design of the development will incorporate public domain works in accordance with this Concept Plan and will be provided in accordance with Council's reasonable requirements.	Details of the design will be submitted in accordance with Council's reasonable requirements at Project Application stage.
6. Visual impact	An analysis of visual impacts will be submitted with the subsequent Project Application(s) to ensure that the location and detailed design of the buildings will preserve important visual corridors and are consistent with the Site Design Principles submitted with the Concept Plan.	Analysis of visual impacts will be undertaken as part of the relevant Project Application(s).
7. Solar analysis and overshadowing	If a future building extends beyond the approved Concept Plan building envelope, an overshadowing analysis will be required at the subsequent Project Application stage to ensure that the proposal will minimise overshadowing of Newcastle Beach in accordance with the solar access analysis included in Section 6.8 of the Environmental Assessment Report.	Details of overshadowing analysis will be undertaken as part of the relevant Project Application(s).
8. Heritage matters	The following are to accompany subsequent Project Application(s) at the detailed development design stage: <input type="checkbox"/> A Statement of Heritage Impact (SOHI) prepared in accordance with the recommendations included in the review of heritage issues prepared by Tanner Architects.	A Statement of Heritage Impact will be undertaken as part of the relevant Project Application(s) at the detailed development design stage. The Interpretation Strategy will be submitted before, or in conjunction with the first project applications seeking approval for buildings and public realm works.

	<p>□ A site wide Interpretation Strategy will be prepared, recognising and celebrating the site's social history and built form heritage.</p> <p>□ If aboriginal objects are exposed during the work, works must cease until the Department of Environment and Conservation and the local Aboriginal Land Council have been consulted.</p>	
9. Ecologically sustainable design and water management	The detailed design of the development is to demonstrate consistency with the ESD and water sensitive urban design (WSUD) measures generally consistent with Council's requirements and BASIX.	Addressed at the detailed development design stage as part of the relevant Project Application(s).
10. Wind conditions	Further wind analysis will be undertaken at the Project Application stage to ensure that no unacceptable wind conditions will result. Such analysis will also assess the need for measures that are necessary to mitigate any wind impacts (e.g. local screening and awnings along pedestrian thoroughfares and around public open spaces).	Analysis of the impacts on wind will be undertaken as part of the relevant Project Application(s).
11. Social plan	Subsequent Project Application(s) will take account of the Social Plan prepared by Heather Nesbitt Planning submitted with this Concept Plan.	As part of the relevant Project Application(s).
12. Site contamination and remediation	A Remediation Action Plan (RAP) will accompany any Project Application(s) in accordance with the recommendations included in the Phase 2 Environmental Site Assessment prepared by HLA-Envirosciences. The RAP will detail how the site is to be cleaned up including the excavation and disposal offsite of any contaminated material.	A Remediation Action Plan will accompany any relevant Project Application(s).
13. Geotechnical conditions	Subsequent Project Application(s) will be required	As part of the relevant Project Application(s).

	to incorporate the recommendations included in the Geotechnical Investigation prepared by Coffey Geosciences Pty Ltd.	
14. Site infrastructure and services	Detailed site infrastructure and services reports will be required to accompany any subsequent Project Application(s) to demonstrate how the development can be adequately and properly serviced. The report will include an outline of any necessary augmentation of existing services.	As part of the relevant Project Application(s).
15. Section 94 contributions	<p>To meet the demand for additional public facilities and services generated by development on the site contributions will be made in the form of works in kind, material public benefits and/or the payment of a monetary contributions to a monetary value equal to that otherwise payable in accordance with the relevant Newcastle City Council Section 94 Contribution Plan. The following public facilities and services proposed in this application are to be offset against any otherwise payable monetary Section 94 contributions that arise in relation to this or any subsequent Project Application(s):</p> <ul style="list-style-type: none"> <input type="checkbox"/> New street tree planting along King and Watt Streets, and Shortland Esplanade; <input type="checkbox"/> Publicly accessible through site link from Pacific Street to Shortland Esplanade and from King Street to Shortland Esplanade; <input type="checkbox"/> A widened footpath along the northern side of Shortland Esplanade; and <input type="checkbox"/> Appropriately located pedestrian crossings from 	As part of the issuing of the Construction Certificate for each Project Application(s).

the site across Shortland
Esplanade to the foreshore.

APPENDIX G. SITE DESIGN PRINCIPLES

The following are site design principles (as amended and submitted dated 24 November 2006). These have been modified in part by the Instrument of Approval at Appendix A.

ROYAL NEWCASTLE HOSPITAL REDEVELOPMENT SITE DESIGN PRINCIPLES



24th November 2006

Part 1 Introduction

The Royal Newcastle Hospital site as illustrated at **Figure 1**. This document accompanies the Royal Newcastle Hospital Concept Plan 2006. The objectives and design principles outlined in the document underpinned the preparation of the Concept Plan and will help establish the framework for the detailed design and implementation of the Concept Plan. As such, these objectives and design principles may be used as part of the assessment of Project Applications for new development on the site.

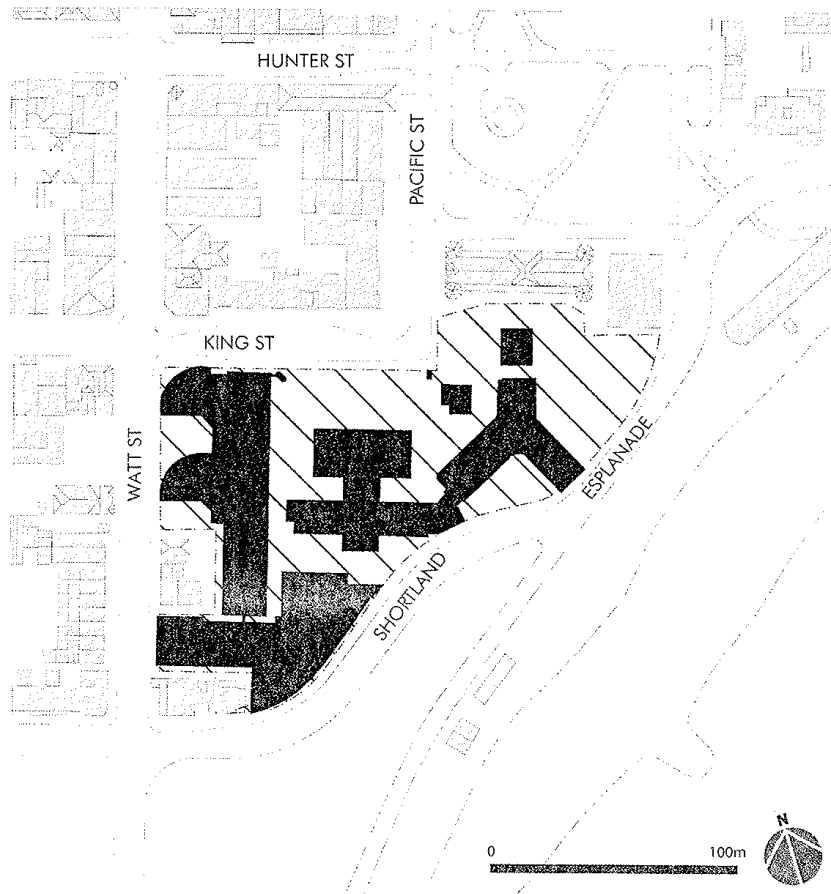


Figure 1: The existing Royal Newcastle Hospital site

Part 2 Design Objectives and Principles

2.1 Built Form

Objective

- To ensure development contributes towards the desired urban form for City East.

a) Floor space ratio (FSR)

Objective

- To provide an appropriate density of development on the site.

Design Principles

- Figure 2 demonstrates the base FSR allowable across the whole site.
- The total FSR calculated for the entire site will not exceed the nominated base FSR.
- Gross Floor Area (GFA) is defined as follows:

gross floor area means the sum of the floor area of each storey of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) *the area of a mezzanine within the storey, and*
- (b) *habitable rooms in a basement, and*
- (c) *any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:*
- (d) *any area for common vertical circulation, such as lifts and stairs, and*
- (e) *any basement:*
 - (i) *storage, and*
 - (ii) *vehicular access, loading areas, garbage and services, and*
- (f) *plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) *car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) *any space used for the loading or unloading of goods (including access to it), and*
- (i) *wintergardens and terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) *voids above a floor at the level of a storey or storey above.*

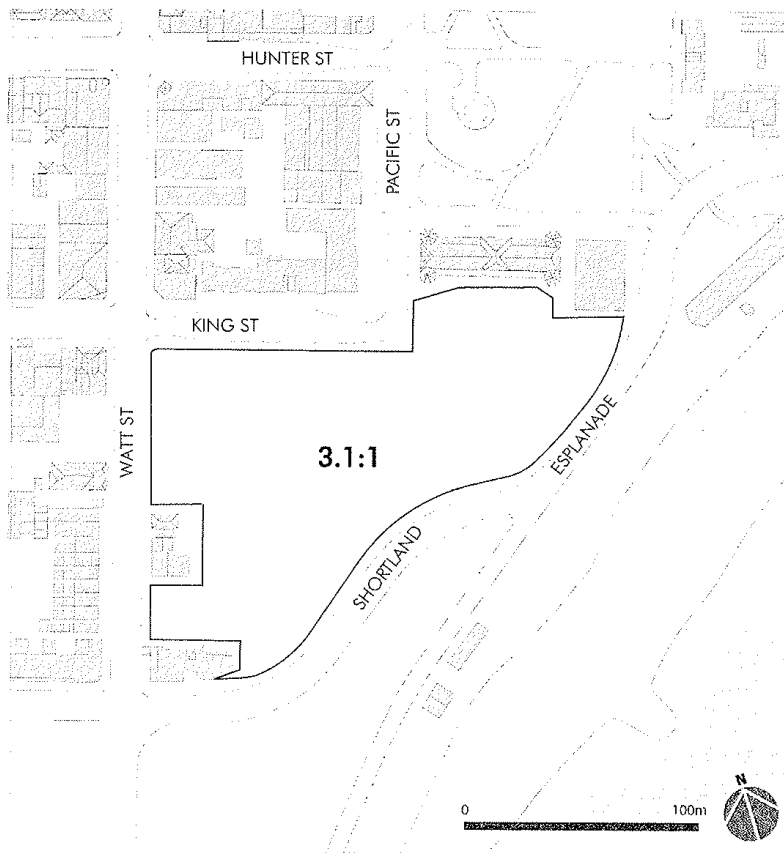


Figure 2: Permitted FSR

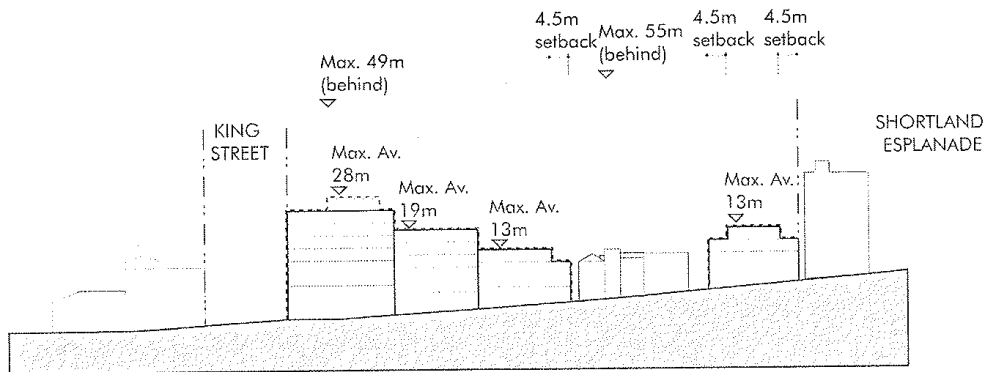


Figure 4: Watt Street elevation

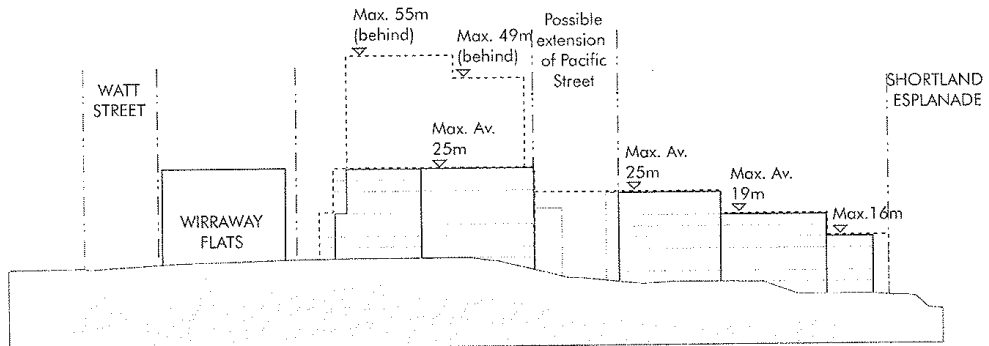


Figure 5: Shortland Esplanade elevation

d) Street wall heights and upper storey setbacks

Objectives

- To provide a human scale to streets and other public places.
- To encourage building massing and forms that are consistent with and sympathetic to the prevailing building forms within the City East locality.
- To ensure new streets are provided with an appropriate proportion and scale.

Design Principles

- Maximum street wall heights of buildings are shown in **Figures 6 – 10**.
- Where required, an upper level setback is to be a minimum of 4.5m.

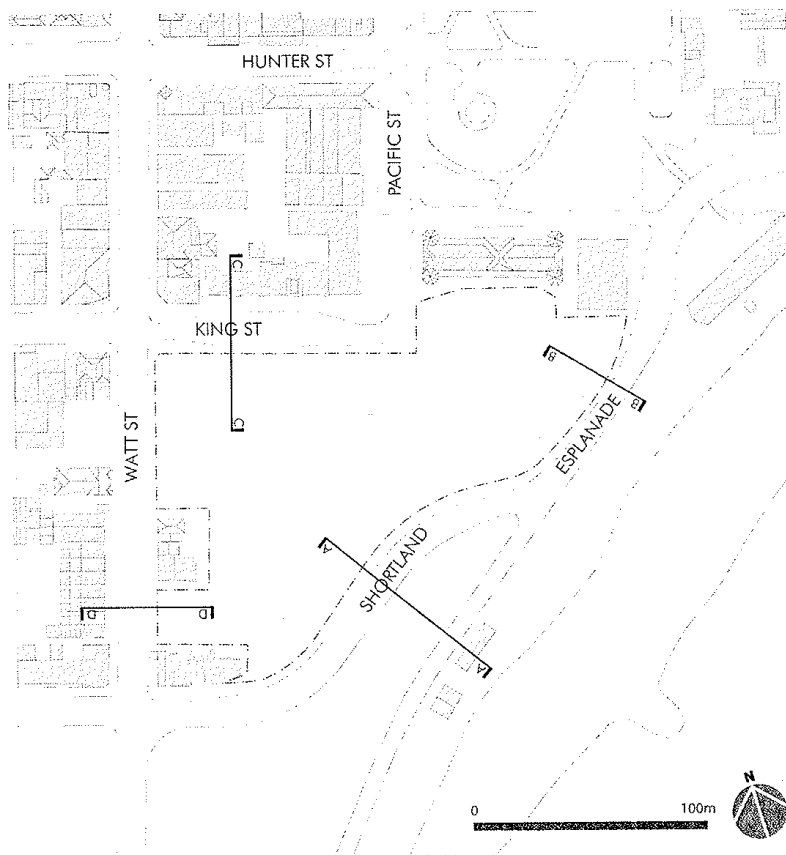


Figure 6: Cross section key

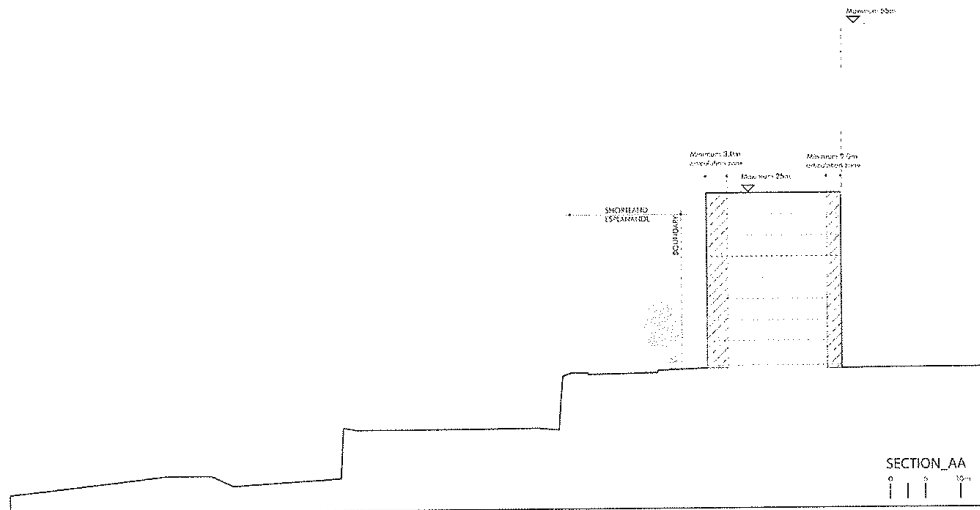


Figure 7: Shortland Esplanade 1 typical street cross-section A-A

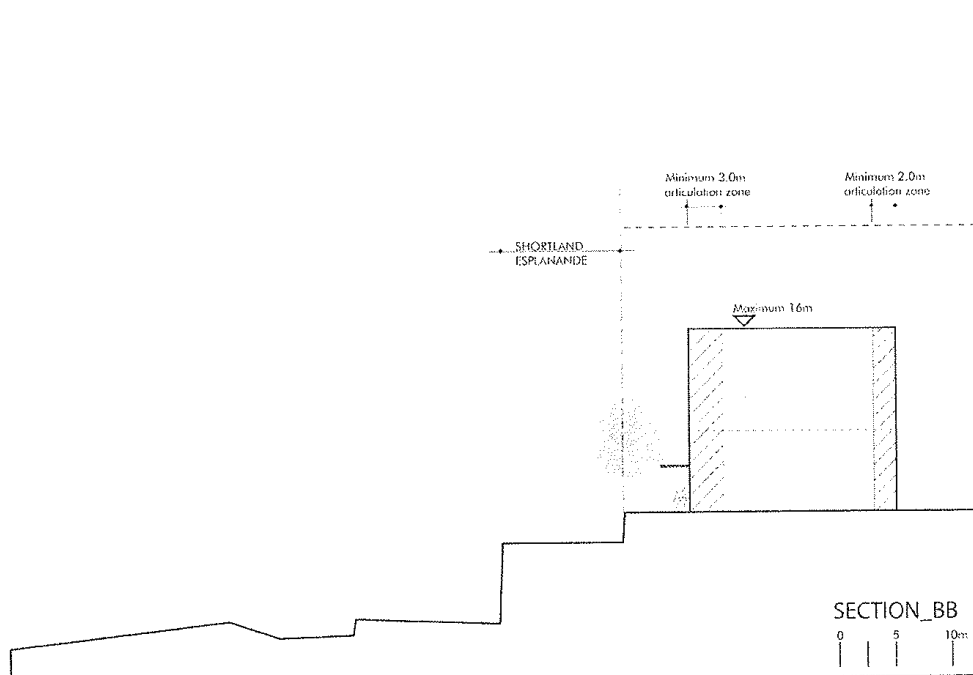


Figure 8: Shortland Esplanade typical street cross-section B-B

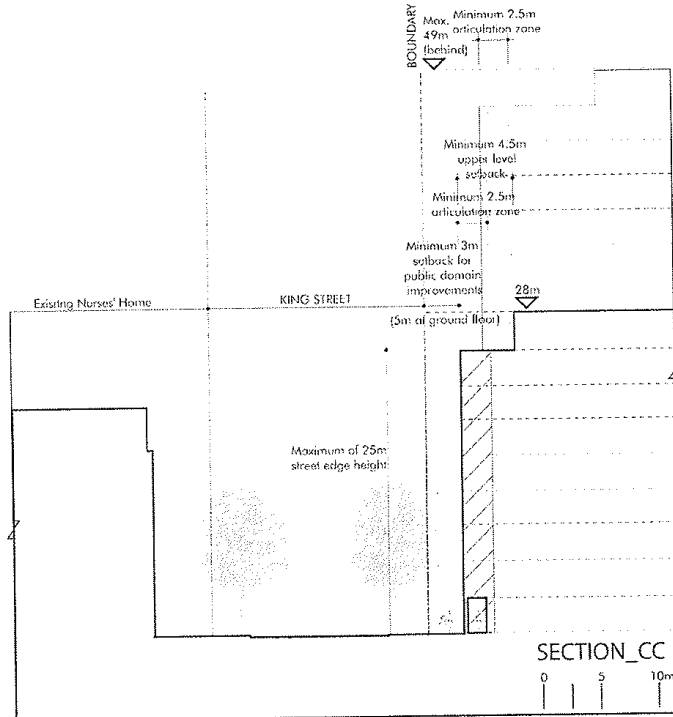


Figure 9: King Street typical street cross-section C-C

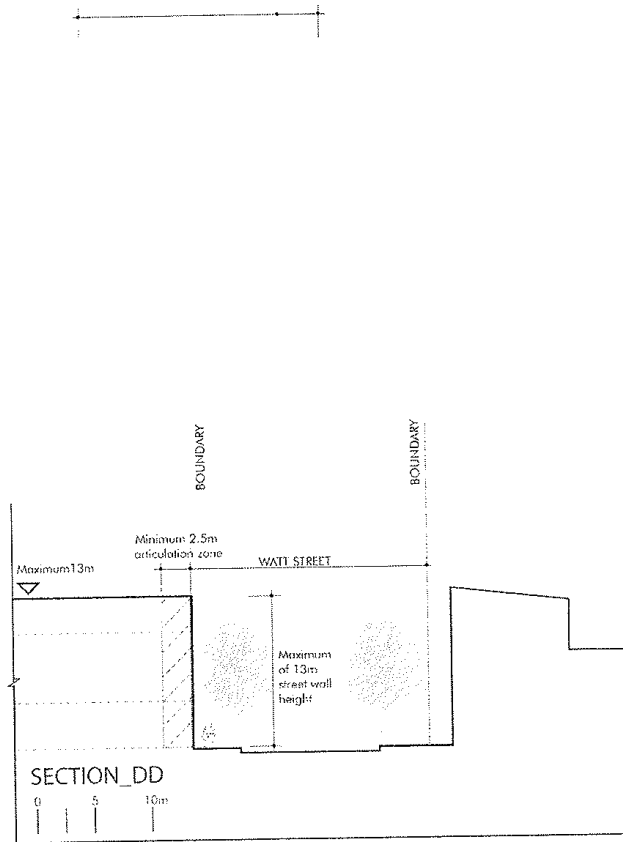


Figure 10: Watt Street typical street cross-section D-D

e) Building setbacks

Objectives

- To improve the pedestrian amenity and circulation around the site.
- To create consistent street edges while providing opportunities for street tree planting

Design Principles

- Building setbacks are to be generally consistent with those shown in **Figure 11**.
- Buildings are to be built generally to the street alignment to create a consistent and well defined edge to the street.
- Building forms fronting Shortland Esplanade are to express and define the curved nature of the street.

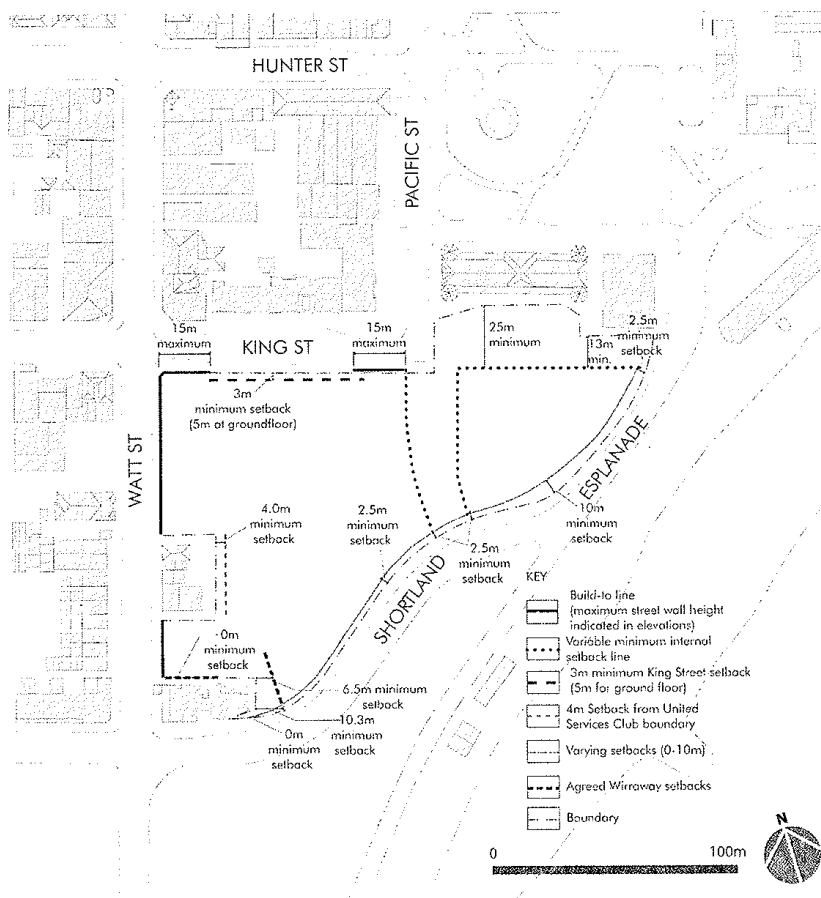


Figure 11: Building setbacks plan

f) Building separation**Objectives**

- To achieve acceptable levels of amenity in terms of solar access and privacy for residents.
- To achieve acceptable levels of amenity at ground level surrounding buildings.

Design Principles

- Building separation is to be consistent with the Residential Flat Design Code 2002.

6.7.2 Building character**a) Building articulation and facade treatment****Objectives**

- To promote development that provides variety and visual interest in the modulation, articulation and architectural expression of building facades.
- To ensure that developments on corners respond to the visually interesting corner building characteristic of City East.

Design Principles

- Long lengths of building frontages are to be minimised through the use of breaks in buildings and modulation of facades.
- Minimum articulation zones are to be provided where shown at **Figures 7-10**.
- Some variation in height and setback for corner features may be permitted where a satisfactory resolution of the form in terms of scale, proportion, materials and finishes can be demonstrated.
- Where articulation zones apply, 50% of the building is to be recessed from the relevant build-to line, setback line or internal setback line.

b) Active frontages and pedestrian amenity**Objectives**

- To create vibrant streets and public spaces.
- To maximise passive surveillance of public spaces.
- To provide weather protection and shelter for pedestrians.

Design Principles

- Active frontages and pedestrian shelter (awnings or colonnades) are to be provided in accordance with **Figure 12**.
- Active frontages and awnings are required to be provided around any new public plaza.
- The safety and amenity of the bus stop on Watt Street is to be enhanced by providing street level active frontages, passive surveillance, and weather protection.

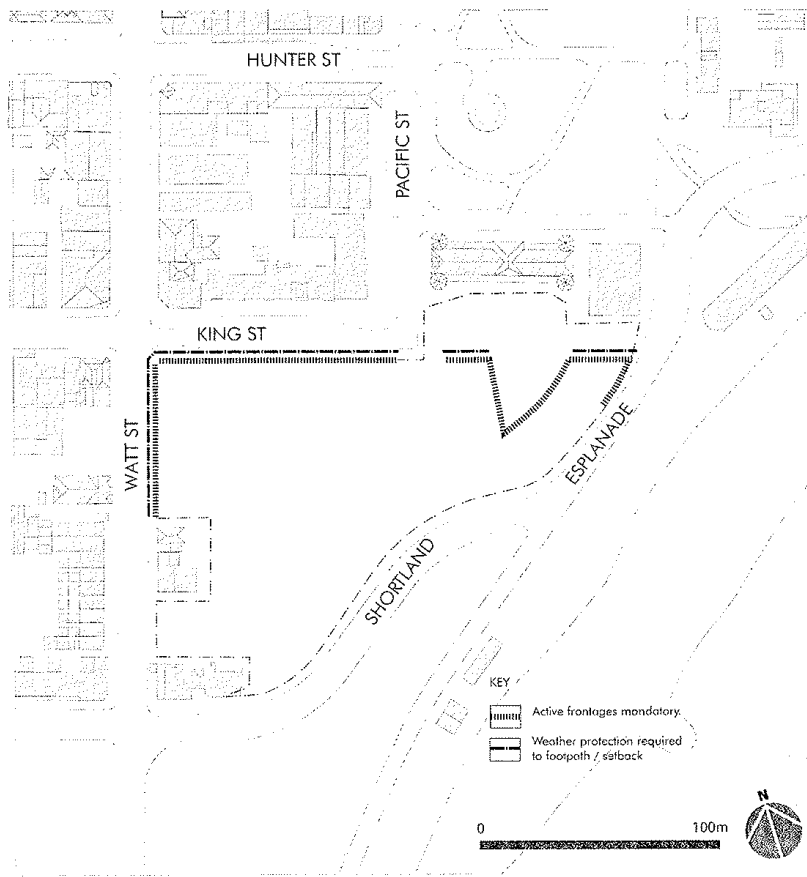


Figure 12: Active frontages and pedestrian shelter plan

c) Vehicular access and car parking**Objectives**

- To provide for the parking needs of building occupants and visitors while minimising adverse impacts on building bulk and streetscapes.
- To minimise the impact of driveways on pedestrian access and the streetscape.

Design Principles

- The number of vehicular access points to the site should be minimised. Preferred access points are from Watt Street, King Street and Pacific Street extension (**Figure 13**).
- Opportunities for on-street public parking should be maximised.
- Car parking rates are to be in accordance with Element 4.1 Car parking of the Newcastle DCP 2005.
- The visual impact of car parking and service access and facilities is to be reduced by:
 - ensuring that blank car parking structures do not adjoin public spaces but are located behind other uses or screened with high quality materials, and
 - minimising the width of driveways and setting back access points beyond the facade of the building.
- Section 4.1.10 of Element 4.1 (Car parking) of the Newcastle DCP 2005 relating to on-site parking in pedestrian-orientated business areas applies to the Watt and King Street frontages of the site.

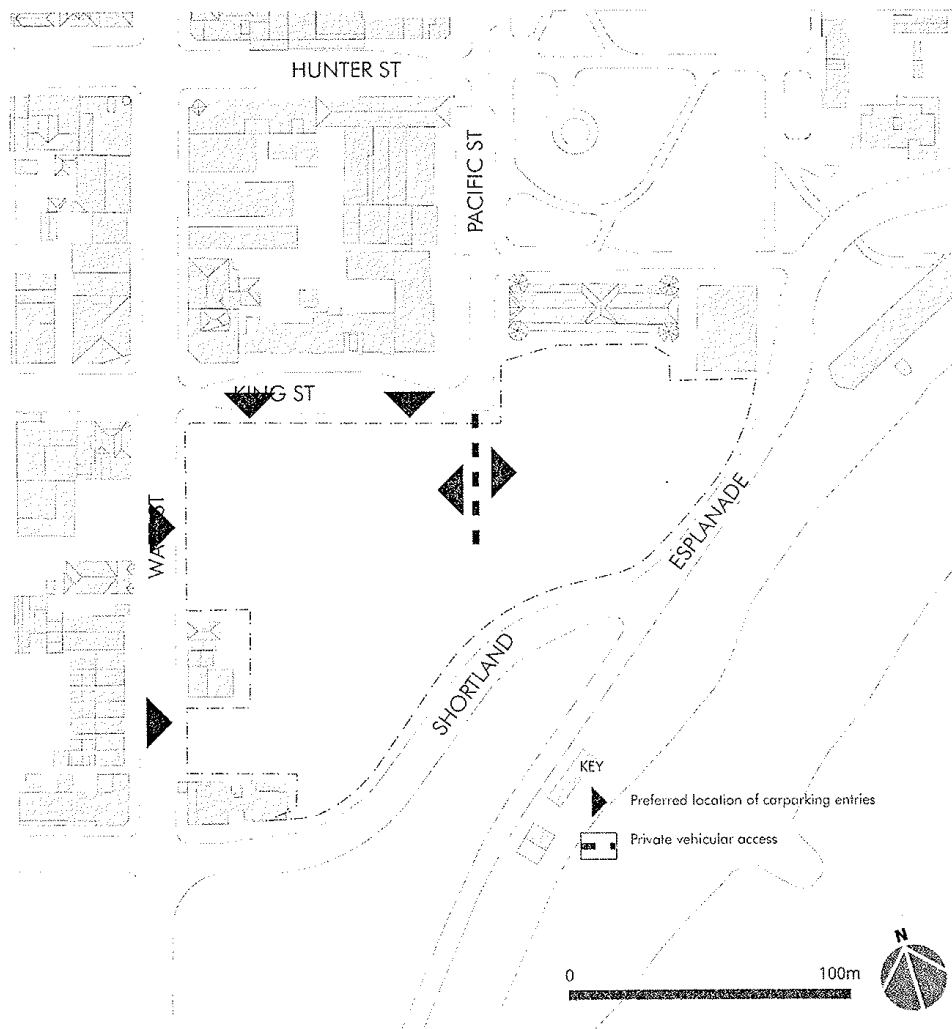


Figure 13: Preferred car parking access locations

d) Heritage and archaeology**Objectives**

- To retain and enhance existing heritage buildings.
- To reinterpret the cultural and social heritage, including indigenous heritage of the site.

Design Principles

- Ensure the height, setbacks and massing of buildings adjacent to the United Services Club provides an appropriate transition to the building.
- A Site Interpretation Strategy is to be prepared and submitted as part of any major development proposal on the site.

e) Roofs and skyline elements**Objectives**

- To ensure that new buildings contribute to Newcastle's modulated skyline through a variety of building heights and roof forms.
- To ensure that roofs are integrated into the overall design of the building composition.

Design Principles

- Roof plant, lift towers and vents should all be designed as an integral part of the roof form.
- Roof form elements are to be designed in proportion to the building elevation.

f) Materials and colours**Objectives**

- To retain the overall cohesiveness and variety of materials and finishes that characterise the locality.
- To ensure that materials and colour are appropriate to the coastal environment.
- To ensure that materials have low environmental impact.

Design Principles

- Buildings should incorporate material finishes that complement the material and finishes of buildings in the locality, including:
 - sandstone and granite;
 - timber;
 - brickwork; and
 - render.

- Materials which contrast with those that exist in texture or scale are to be avoided including:
 - PVC;
 - reflective glass;
 - unrelieved painted render;
 - unarticulated concrete surfaces; and
 - unarticulated cladding systems;
- Colours that complement the existing colours in the locality are encouraged including those based on warm earth tones and sandstone.

6.7.3 Public Domain

Objectives

- To create dynamic public spaces with permeable interfaces between the public and private domain.
- To provide a safe, accessible, convenient and legible movement network for vehicles, pedestrians and cyclists along streets and through public open spaces.
- To minimise the negative effects of new buildings on adjacent public spaces.
- To provide integrated water cycle management on the site.

Design Principles

- Development is to ensure the distinction between public and private open space is clear through its design.
- All new development should adopt design strategies to minimise environmental effects on surrounding public spaces, especially overshadowing, wind turbulence and glare.
- Ensure public open space is of a high quality and provides a range of experiences and facilities.
- Ensure appropriate access those with a disability and those with limited mobility.
- Issues of safety, security and surveillance are to be assessed against the principles of Crime Prevention Through Environmental Design (CPTED) in the Project Application.

a) Through-site links

Objectives

- To increase pedestrian permeability through the site.
- To improve connections between Newcastle Beach and the CBD.

Design Principles

- Publicly accessible through site links will be provided and embellished as follows:
 - from Pacific Street to Shortland Esplanade (No. 1 on **Figure 14**); and
 - from King Street to Shortland Esplanade (No. 2).

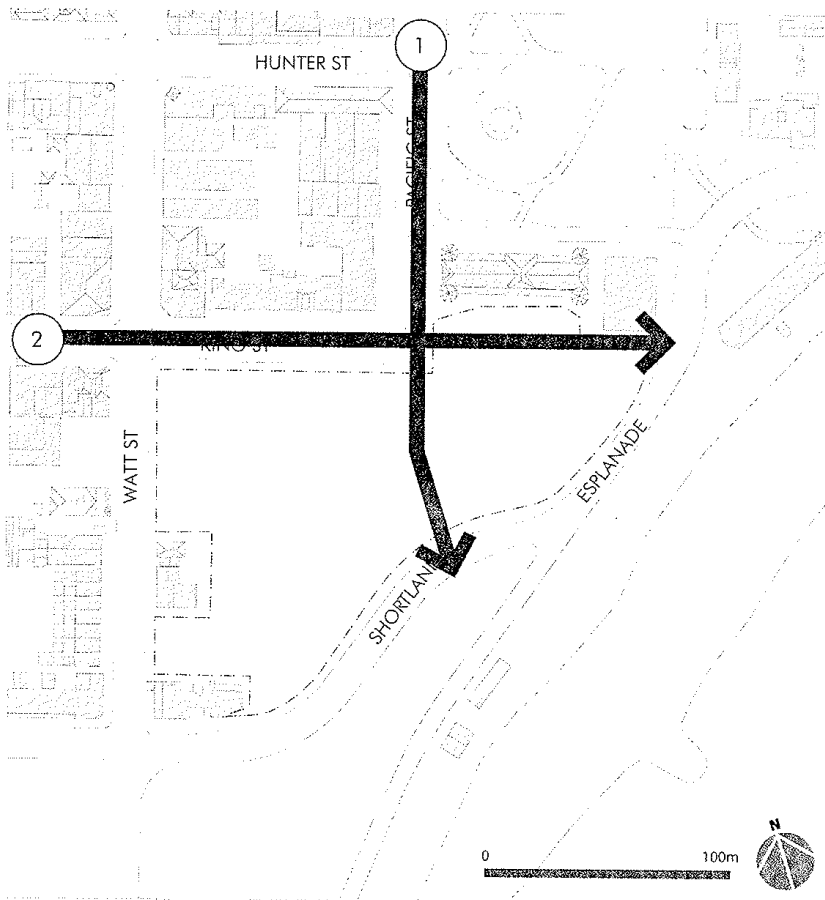


Figure 14: Indicative location of publicly accessible through site links

b) Public plaza**Objectives**

- To create a vibrant and sheltered public plaza in close proximity to the beach.
- To ensure the design of the public plaza responds to the existing environmental conditions affecting the site.

Design Principles

- Provide active uses along the edges of any public plaza (i.e. cafes, restaurants and the like).
- Orientate the public plaza towards north to maximise solar access.
- Protect the public plaza from the southerly and westerly winds.
- Provide awnings around the edges of the plaza.
- Design the plaza to ensure that it is overlooked by residential uses from above.

c) Shortland Esplanade**Objectives**

- To improve pedestrian amenity adjacent to the foreshore.

Design Principles

- A widened footpath along the northern side of Shortland Esplanade.
- Provide a continuous edge of appropriately scaled buildings along the Shortland Esplanade frontage.
- Create viewing opportunities towards the beach.
- Appropriately located pedestrian crossings are to be provided from the site across Shortland Esplanade to the foreshore.

d) Water Sensitive Urban Design**Objectives**

- To integrate water management measures into the landscape and built form.
- To reduce potable water demand and minimise wastewater generation.
- To treat stormwater to meet best practice water quality objectives and to attenuate and safely convey flood flows.

Design Principles

- External spaces are to be designed in accordance with best stormwater planning and management practices and should include opportunities for the following measures:
 - on-site retention,
 - porous pavements,
 - bio-retention systems,
 - water gardens, and
 - green roofs.
- Integrate water features into the built form and landscape design.
- Maximise stormwater capture and reuse on-site.
- Ensure that development has minimal impact on the flood flows from the site.

e) Landscape treatment**Objectives**

- To enhance the amenity of the site by providing 'greening' to complement the built environment.
- To adopt an integrated approach to ensure that stormwater management practices are incorporated into the landscape design.

Design Principles

- All landscape treatment is to help achieve the overall water sensitive urban design objectives for the site.
- The selection of plant species will need to take account of the local environmental conditions, particularly the exposure to strong coastal winds, salt spray and the degree of shading.
- All planting is to reflect the overall environmental objectives of the site, particularly in terms of minimising water and energy use.
- New street tree planting is to be provided along King and Watt Streets, and Shortland Esplanade.
- Communal open space areas are to include feature tree planting and mass planting and are to investigate incorporation of water garden(s) as part of the stormwater management strategy for the site.
- Green roofs on buildings may be provided for recreation and environmental benefits (e.g. stormwater storage/treatment, insulation etc) where possible, particularly at lower levels.
- Opportunities to encourage substantial planting at ground level should be investigated where possible.

f) Public art and site interpretation**Objectives**

- To celebrate and commemorate the social and cultural significance of the hospital and the site, including indigenous heritage.

Design Principles

- A Site Interpretation Strategy is to be prepared and submitted as part of any major development proposal on the site.
- The Strategy shall identify opportunities for public art to reflect the cultural and social history of the hospital including themes such as its role in healing and health services.
- The treatment of the public domain should integrate site interpretation with landscape design to create multiple layers of meaning. Possibilities for how this may be achieved include:
 - interpreting the Aboriginal and European history of the site in the landscape design in other ways such as the design of individual elements (e.g. furniture, structures), selection of materials, and choice of plant species (e.g. medicinal theme),
 - relaying/recreating the stone tiled lobby floor of the Nickson Building near its original location in the new paving within the public domain,
 - indicating the footprints of the Nickson Wing building where it appears within the public domain,
 - inlaying names or words associated with the site's history in the paving or other elements, and
 - site specific public artworks and water features located in public areas.