

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF CONCEPT PLAN NO. 05\_0062**

**(FILE NO. 9040754)**

**ROYAL NEWCASTLE HOSPITAL SITE REDEVELOPMENT  
LOTS 1 & 4 DP 1029006, LOT 11 DP 635003 AND LOT 12 DP 635003  
PACIFIC STREET, NEWCASTLE**

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, Section 750 Clause (2), determine the concept plan referred to in Schedule 1 subject to modifications referred to in Schedule 2.

The reasons for the modifications are:

- (1) to prevent and/or minimise adverse environmental impacts;
- (2) to set requirements for future project applications; and
- (3) to provide for the ongoing environmental management of the site.

Frank Sartor MP  
**Minister for Planning**

Sydney, 3 January 2007

## SCHEDULE 1

### CONCEPT PLAN FOR REDEVELOPMENT OF THE ROYAL NEWCASTLE HOSPITAL SITE (MP 05\_0062)

#### PART A—TABLE

<b>Application made by:</b>	Landcom, on behalf of the NSW Department of Health (Health Administration Corporation as landowning entity)
<b>Application made to:</b>	Minister for Planning
<b>Major Project Application:</b>	MP 05_0062
<b>On land comprising:</b>	Lots 1 & 4 DP 1029006, Lot 11 DP 635003 and Lot 12 DP 635003, Pacific Street, NEWCASTLE NSW 2300
<b>Local Government Area</b>	Newcastle
<b>For the approval for:</b>	Concept Plan approval is sought for the redevelopment of the Newcastle Hospital site for land uses being predominantly residential with ancillary non-residential uses such as retail and commercial uses; floor space ratio; building envelopes (footprints and heights); public domain improvements; vehicle access points; and site design principles for future project applications
<b>Estimated Capital Investment Value</b>	\$125 million
<b>Type of approval:</b>	Concept Plan
<b>S.119 Public inquiry held:</b>	No
<b>Determination made on:</b>	3 January 2007
<b>Date approval is liable to lapse:</b>	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act

#### PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 05\_0062

##### Responsibility for other approvals / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

##### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

##### Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

## PART C—DEFINITIONS

In this consent,

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Articulation Zone** (as defined in the *Newcastle Local Environmental Plan 2003*) means the treatment of a facade of a building which forms part of the public domain (i.e. the relation to streets, view corridors, open space, the harbour foreshore) and how it is emphasised architecturally. The facade of a building can be articulated using distinctive building treatments including:

- balconies;
- verandahs and porches;
- recessed terraces;
- bay windows and French (or juliet) balconies;
- external sun shading.

Building facades can also be articulated using:

- variations in setbacks;
- fenestration;
- materials and detailing;
- entrances at ground level;
- punctuated walls with recognisable patterns and features.

**Council** means Newcastle City Council.

**David Maddison site** means proposed Lot 11 of the subdivision the subject of Major Project 06\_0263.

**Department** means the Department of Planning or its successors.

**Director-General** means the Director-General of the Department.

**Environmental Assessment** means the Environmental Assessment prepared by JBA Urban Planning Consultants, dated August 2006.

**Gross Floor Area (GFA)** (as defined in the Standard Instrument (Local Environmental Plans) Order 2006) 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) 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.

**Height** means the height of the buildings in numerical controls as defined on the drawing *Supporting Control Drawings – Concept Plan building heights diagram showing indicative RLs (m AHD) and storeys of all buildings dated 8<sup>th</sup> December 2006*. Where there is a conflict between the numerical controls stated in the RLs (m AHD) and the maximum number of storeys, the lesser will prevail.

**Minister** means the Minister for Planning.

**MP No. 05\_0062** means the Major Project described in the Proponent's Environmental Assessment.

**Proponent** means Landcom, on behalf of the NSW Department of Health (Health Administration Corporation as landowning entity) or any party acting upon this approval.

**Regulations** means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

**Wirraway Flats site** means land described as Lot 129 DP 747358, 67 Watt Street, Newcastle adjoining the Subject Site.

**United Services Club site** means development on Lot 2 DP 609103 adjoining the Subject Site.

## SCHEDULE 2

### MODIFICATIONS TO CONCEPT PLAN APPROVAL

#### MAJOR PROJECT NO. 05\_0062

##### 1 *Approval in Accordance with Documents*

The approval shall be in accordance with MP 05\_0062 for predominantly residential uses and non-residential uses including a mix of ancillary retail, cafes, restaurant and commercial office suites; maximum Floor Space Ratio; building envelopes including upper level setbacks, building footprints and heights expressed in storeys and indicative RLs (m AHD); vehicle access; staging; public facilities and public domain works being new street tree planting along King and Watt Streets and Shortland Esplanade, publicly accessible through site links from Pacific Street to Shortland Esplanade and from King Street to Shortland Esplanade, and a widened footpath along the northern side of Shortland Esplanade; as submitted by the Proponent on 14 August 2006, and in accordance with the following documents:

- **Environmental Assessment Report** entitled *Royal Newcastle Hospital Redevelopment Concept Plan for Mixed Use Residential Development* prepared by JBA Urban Planning Consultants (Volumes 1, 2 and 3) on behalf of the Proponent, dated August 2006
- as modified by the **Royal Newcastle Hospital Redevelopment Preferred Project Report** entitled *Royal Newcastle Hospital Redevelopment Preferred Project Report for Mixed Use Residential Development* prepared by JBA Urban Planning Consultants dated 24<sup>th</sup> November 2006 and *Royal Newcastle Hospital Redevelopment Supporting Information for the Preferred Project Report* prepared by JBA Urban Planning Consultants dated 24<sup>th</sup> November 2006, including attached *Royal Newcastle Hospital Site Design Principles* dated 24<sup>th</sup> November 2006 and *Royal Newcastle Hospital Draft Statement of Commitments* dated 24<sup>th</sup> November 2006; and
- **Supporting Control Drawings - Concept Plan building heights diagram** showing maximum storeys and indicative RLs of all buildings dated 8<sup>th</sup> December 2006 (the RLs shown on this plan are taken to be RLS in m AHD).

**except for as modified as follows, pursuant to section 750(4) of the Act:**

Note: In the event of any inconsistency between the modification to this concept plan approval and the approved plans and documentation described in (1) above, the modifications to this concept plan approval prevail.

##### 2 *Floor Space Ratio and Staging*

- 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 the GFA is greater than this, the maximum GFA is to be achieved by reducing height. 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 8<sup>th</sup> 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 GFA of **12,055 sq m**, being FSR **2.5:1**.
- d) Should the United Services Club be excised from the Subject Site, the maximum GFA shall be **52,771 sq m** being FSR **3.06:1**.

### **3 Building Envelopes**

Building Envelopes as shown as footprints and height drawing *Supporting Control Drawings – Concept Plan building heights diagram showing indicative RLs (m AHD) and storeys of all buildings dated 8<sup>th</sup> December 2006* are maximum controls and to include articulation zones in accordance with the site design principles.

### **4 Building Heights**

- a) Approved building heights are to be in accordance with the drawing *Supporting Control Drawings – Concept Plan building heights diagram dated 8<sup>th</sup> December 2006 showing indicative RLs (m) and storeys of all buildings*.
- b) In addition, plant rooms, lift overruns and architectural roof features may occupy additional height as follows:
  - i. for buildings up to RL 25m, up to 3.0m in height; and
  - ii. for buildings over RL 25m, up to 5.8m in height.

### **5 Building Separation**

- a) The building separation distances between all buildings proposed on the Subject Site; and the building separation distances between buildings proposed on the Subject Site and the United Services Club site building must comply with the building separation provisions of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*.
- b) The building separation agreement between the owner of the Wirraway Flats site and the Proponent, shall be amended such that forth storey of the 4 storey building to the north of the Wirraway Flats site complies with the building separation provisions of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*.

### **6 Car Parking**

Car parking rates shall be in accordance with the car parking provisions of the Newcastle DCP 2005.

### **7 Plaza**

All reference to the term “public” in Part 2 Design Objectives and Principles, 6.7.3 Public Domain, b) Public Plaza of the Site Design Principles is to be deleted and replaced with the term “publicly accessible” plaza.

### **8 Design Competition**

In order to achieve architectural diversity given the size of the Subject Site and to achieve the highest quality built form and urban design outcomes, a design competition shall be held prior to lodgement of future project application/s for the two buildings

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approved over 10 storeys, or for the whole site if preferred. The competition brief shall be approved the Department. The site should be divided into smaller components and consideration should be given to a design competition for each component, such that there is more than one architect for each component.

## **9 Section 94 Contributions**

To meet the demand for additional public facilities and services generated by the development on the site, contributions will be as required by the Minister based on the relevant Section 94 Contribution Plan as advised by Council at the time that future project application(s) are determined; and/or in accordance with any Voluntary Planning Agreement between the Proponent and Council.

## **10 Alignment to King Street**

Subject to an urban design review, the 8, 1 and 5 storey buildings within the publicly accessible plaza area on the north-eastern side of the Subject Site, adjacent to King and Pacific Streets shall be amended to be setback so as to match the alignment with the buildings as approved in this concept plan approval fronting the remainder of the southern side of King Street, west of Pacific Street. View analysis and current view corridors down King Street should be provided with the Project applications.

## **11 Subsequent Approval Regime**

Under Section 75P of the Act, the Minister will remain the consent authority under Part 3A of the Act for all development with a Capital Investment Value over \$5 million.