

14 August 2012

OUR REF: 2922

The Director General  
NSW Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

**ATTENTION: HEATHER WARTON**

Dear Madam,

**RE: ROYAL NEWCASTLE HOSPITAL SITE - SECTION 75W APPLICATION TO AMEND CONCEPT PLAN – RESPONSE TO MATTERS RAISED BY NEWCASTLE CITY COUNCIL**

We refer to the Section 75W application lodged on behalf our client, KRED Pty Ltd to amend the above concept plan, and the letter from Newcastle City Council dated 25 July 2012 raising a number of matters related to the proposed amendments. Thank you for the opportunity to provide the following comments in response to the matters raised:

### **Height**

We confirm that the proposed amended heights are consistent with the development application (DA) currently before Council. The Section 75W application seeks to amend the height limit set out in the Concept Plan Supporting Control Drawings for part of the southern building adjacent to Shortland Esplanade to ensure that the building, as proposed, is located within the envelope. In particular, it is proposed to increase the allowable height set out in the Concept Plan Supporting Control Drawings from "indicative" RL 49.1 to RL 49.75 excluding plant for the full extent of the proposed southern building along the Shortland Esplanade frontage (other than the triangular portion on the eastern side of the northern building which will remain at RL 45.4). It should be noted that plant above the southern building is well below the allowable 5.8m in the concept plan.

In relation to Council's comment regarding the concept plan's "seemingly inconsistent reduced levels and number of stories above ground level", we have interpreted the possible height of the southern building in the existing concept plan as being RL 49.1 along its length, with only the triangular portion on the eastern side of the northern building being restricted to RL 45.4.

With respect to the impacts on views from adjoining properties, Attachment 1 includes a block model prepared by Suters Architects showing the existing concept plan envelope and proposed concept plan envelope, and which includes:

- Perspectives taken from midway along the balconies of lower and upper level north east and south east facing apartments in the Arvia development;

- Perspectives taken from two locations (lower and upper) looking west and east in the Sebel Development to the north.

With respect to overshadowing, Attachment 1 includes shadow diagrams showing the impact on surrounding open space areas as well as elevational sun shadow studies on the Arvia Apartments comparing impacts from the existing concept plan and proposed concept plan envelopes at 1 hour intervals from 8am until 3pm at the winter solstice.

### Envelope

We note that from a general urban form perspective, Council does not raise any objection to aligning the southern eight-storey building to Shortland Esplanade. As discussed in our original submission, aligning the southern building to Shortland Esplanade should be understood in the context of the overall development of the site, and noting that this parcel of land is the final parcel to be developed within the concept plan site. Retaining the David Maddison Building, which has a wider footprint than the originally anticipated replacement buildings along Watt Street, has required that the southern Esplanade building be located further east to allow adequate building separation while still ensuring an appropriate relationship with the public footpath along the Esplanade. It is not anticipated that aligning the building closer to Shortland Esplanade will significantly impact upon the future residential amenity of ground level apartments. Privacy and general amenity of these apartments could be enhanced by using screens and could be addressed through conditions at the DA stage.

It is also not anticipated that amending the building envelopes in the manner proposed will result in significantly different afternoon overshadowing impacts of Newcastle Beach at the winter solstice.

### Gross Floor Area

We confirm that no gross floor area (GFA) is proposed to be transferred from the David Maddison site to the remaining portions of the site. The David Maddison DA recently approved by Newcastle City Council has a GFA of 8501sqm, which is 3554sqm below the 12055sqm maximum allowed under condition 2(c) of the approved concept plan. This 3554sqm of GFA is **not** being transferred to Stage 1. With respect to GFA, Attachment 2 taken from the SEE accompanying the DA currently before Council demonstrates consistency with Condition 2 of the concept plan.

### Open Space

We note that Council does not raise any objection in principle to excising the David Madison site from the concept plan. We acknowledge that in doing this, a proportion of the open space envisaged under the concept plan will be lost. However the proposed amendments to the concept plan include moving the envelope for the northern building 6.7m south (to be consistent with the DA currently before Council). This will allow for increased separation between the northern building and the completed Mirvac Residential towers to the north, with the area between these buildings having the potential to be used as a public plaza. The principle landscape works for the project include a forecourt and common area on the eastern side of the lower ground floor of building north and a walkway providing access to residents of the upper floor apartments on the building's western side. It should also be noted that the site is adjoined by public parks and Newcastle beach, which will afford future residents considerable recreation opportunities.

### Amended Concept Plan Drawing

As discussed with your office, Attachment 3 includes a clearer, more accurate concept plan drawing showing the proposed new building envelopes and the excised David Maddison Building.

## Conclusion

The modifications to the concept plan are geared towards facilitating the proposed development of Stage 1C, which is currently before Council. The buildings are sited and spaced to minimise view loss, maximise visual and acoustic privacy between buildings and enhance solar access opportunities. It is anticipated that the minor changes will not prejudice the integrity of the concept plan, and will have minimal environmental impact on the locality. On this basis, it is respectfully requested that the Minister for Planning and Infrastructure approve the modifications in the manner requested.

We would be pleased to provide further information if required.

Yours sincerely  
**de WITT CONSULTING**

A handwritten signature in blue ink, appearing to read 'A. Biller', is written over a horizontal line.

**Andrew Biller**  
**PRINCIPAL TOWN PLANNER**

Attachment 1 – Sun Shadow drawings and View Impact Drawings prepared by Suturs

Attachment 2 – Extract from SEE in relation to GFA

Attachment 3 – Amended Concept Plan Drawing



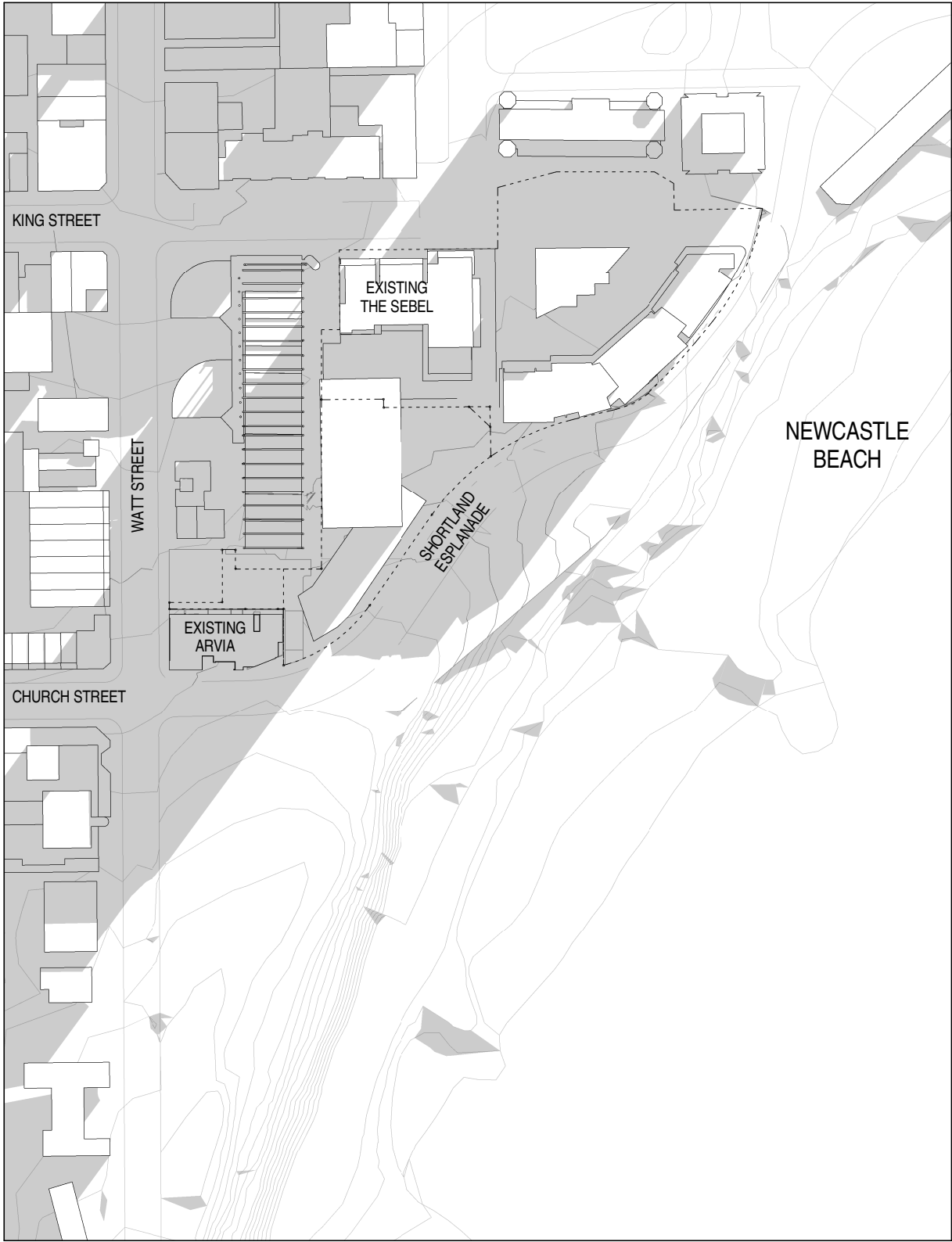
## APPENDICES



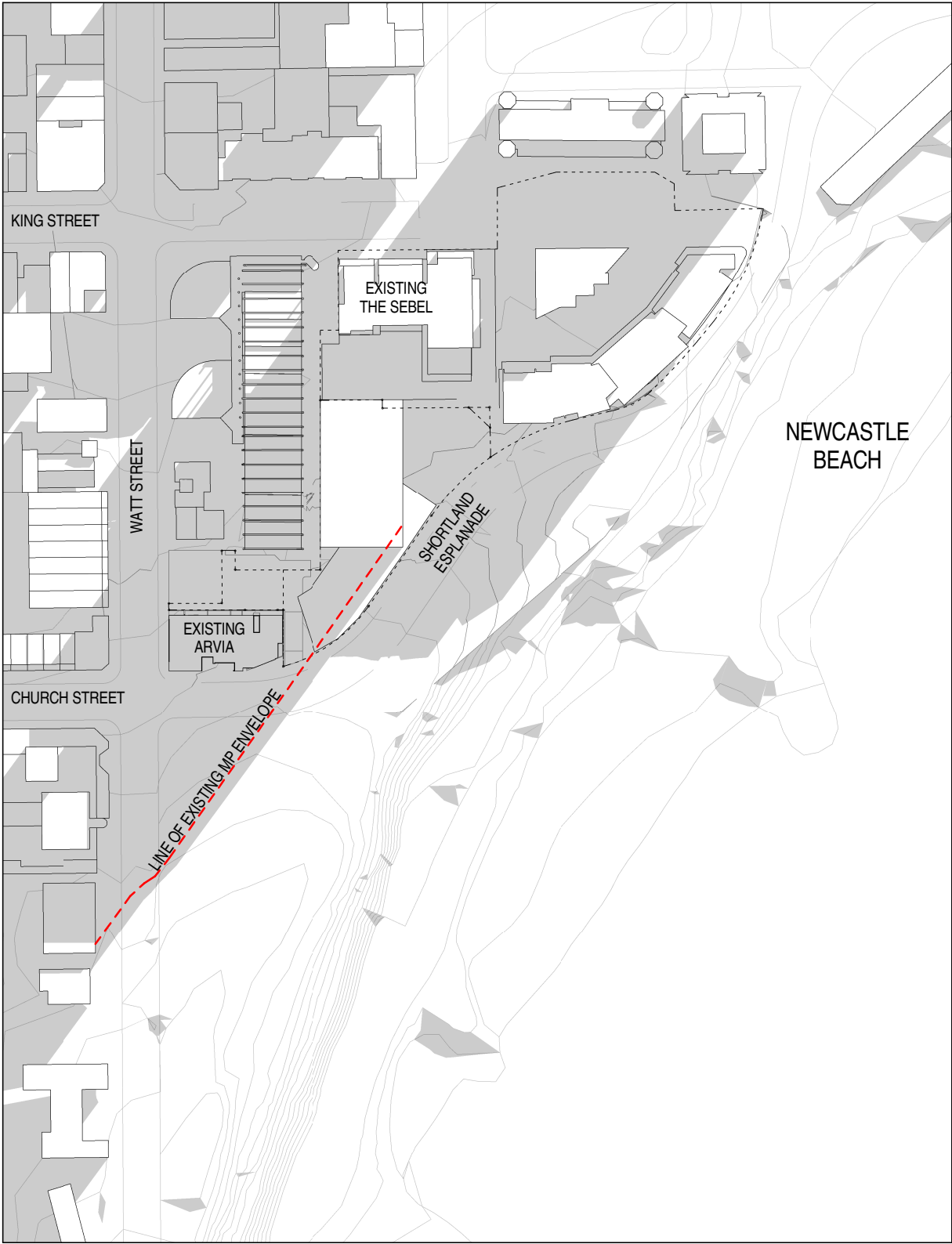


## **APPENDIX 1**

### **Sun Shadow Drawings and View Impact Drawings prepared by Suters**



SITE PLAN SHADOW ANALYSIS-EXISTING MP 8AM



SITE PLAN SHADOW ANALYSIS-PROPOSED MP 8AM

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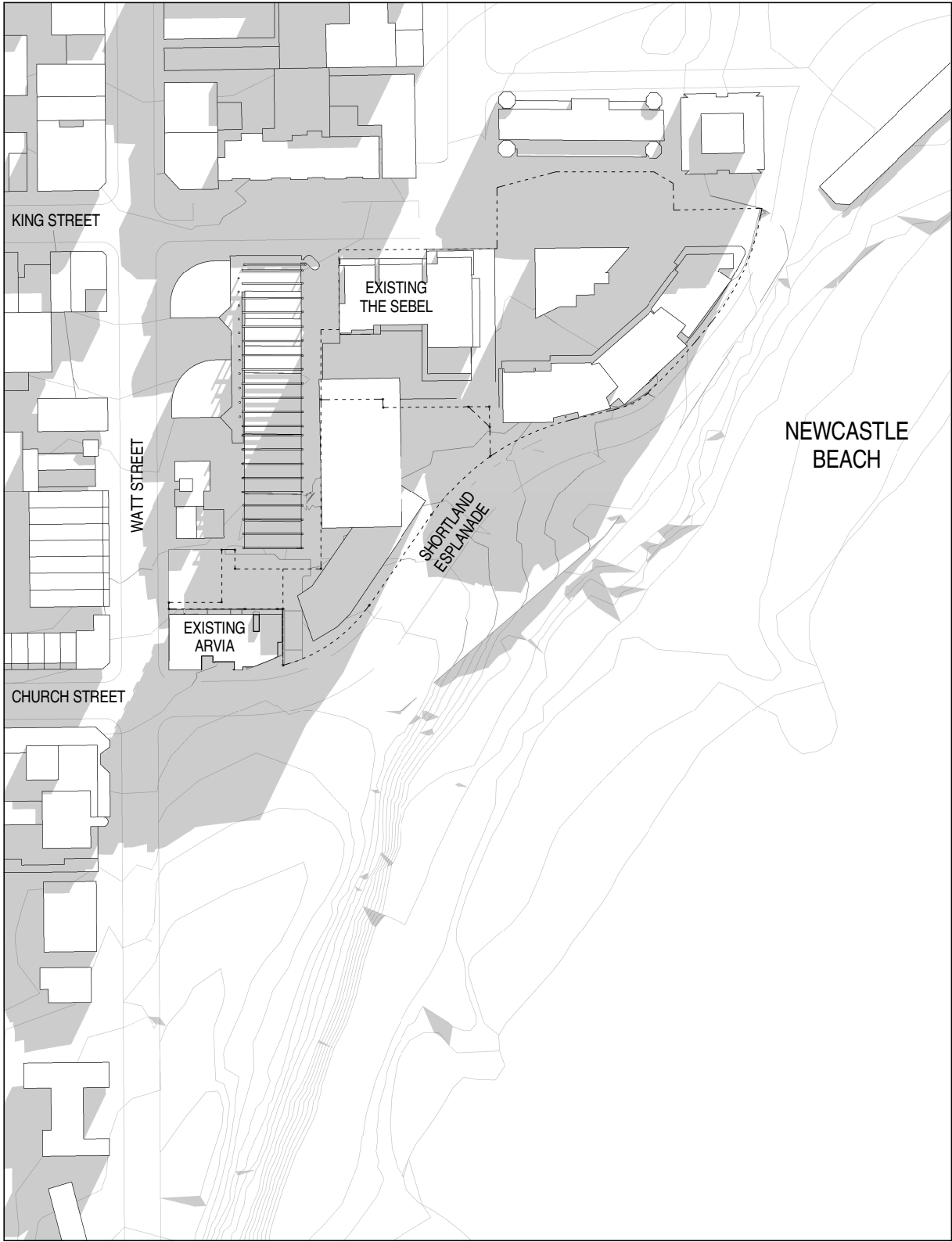
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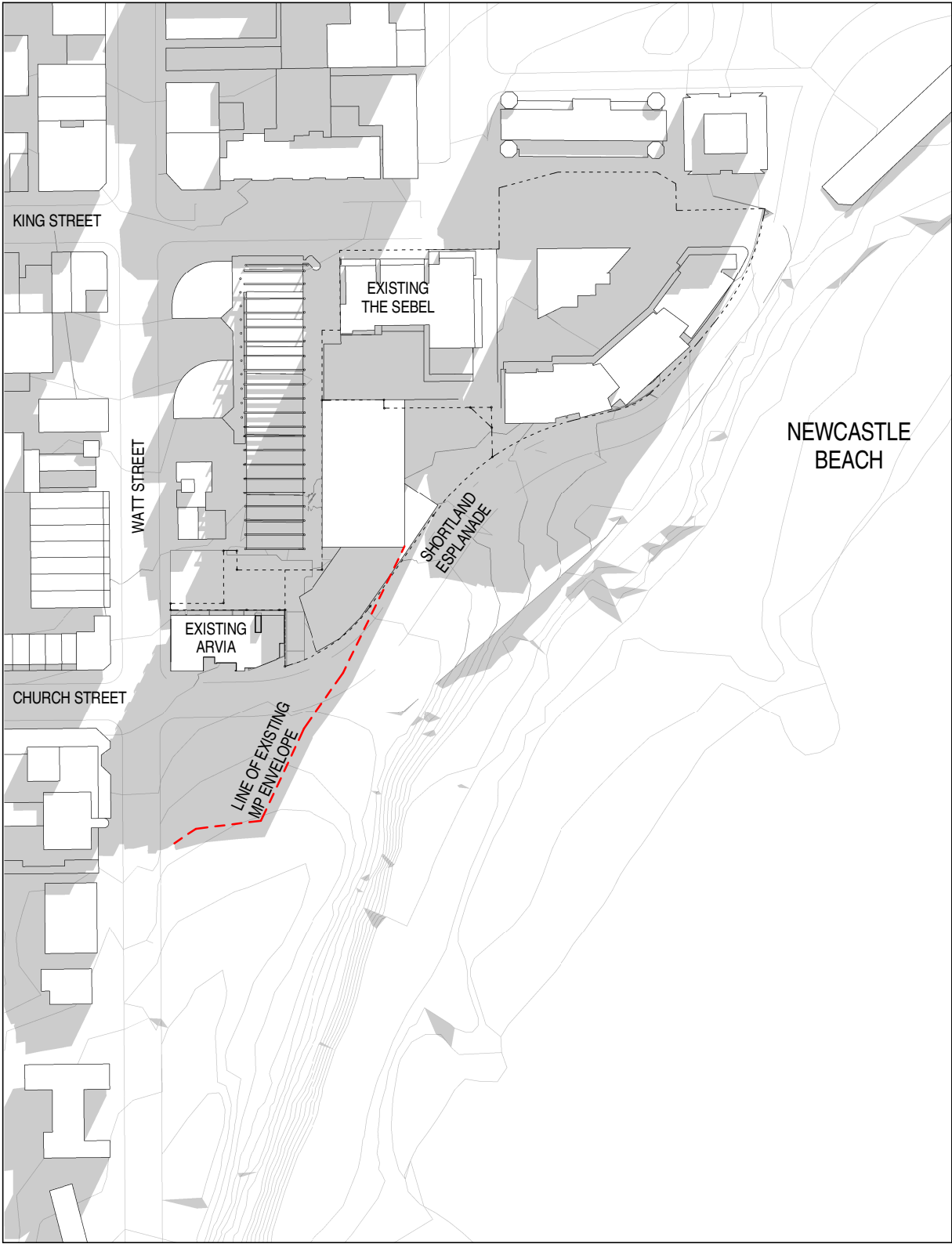
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SITE PLAN SHADOW ANALYSIS-EXISTING MP 9AM



SITE PLAN SHADOW ANALYSIS-PROPOSED MP 9AM

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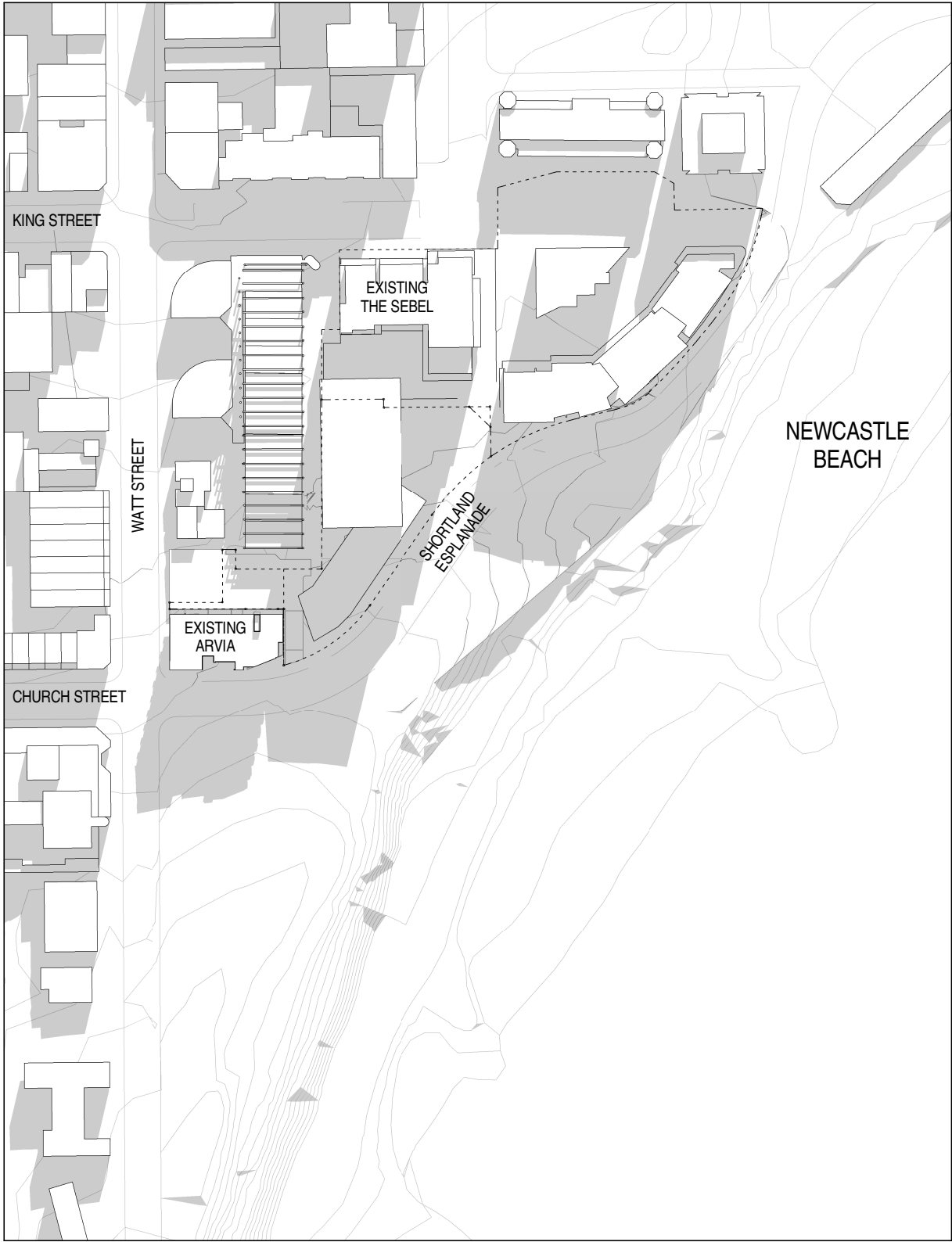
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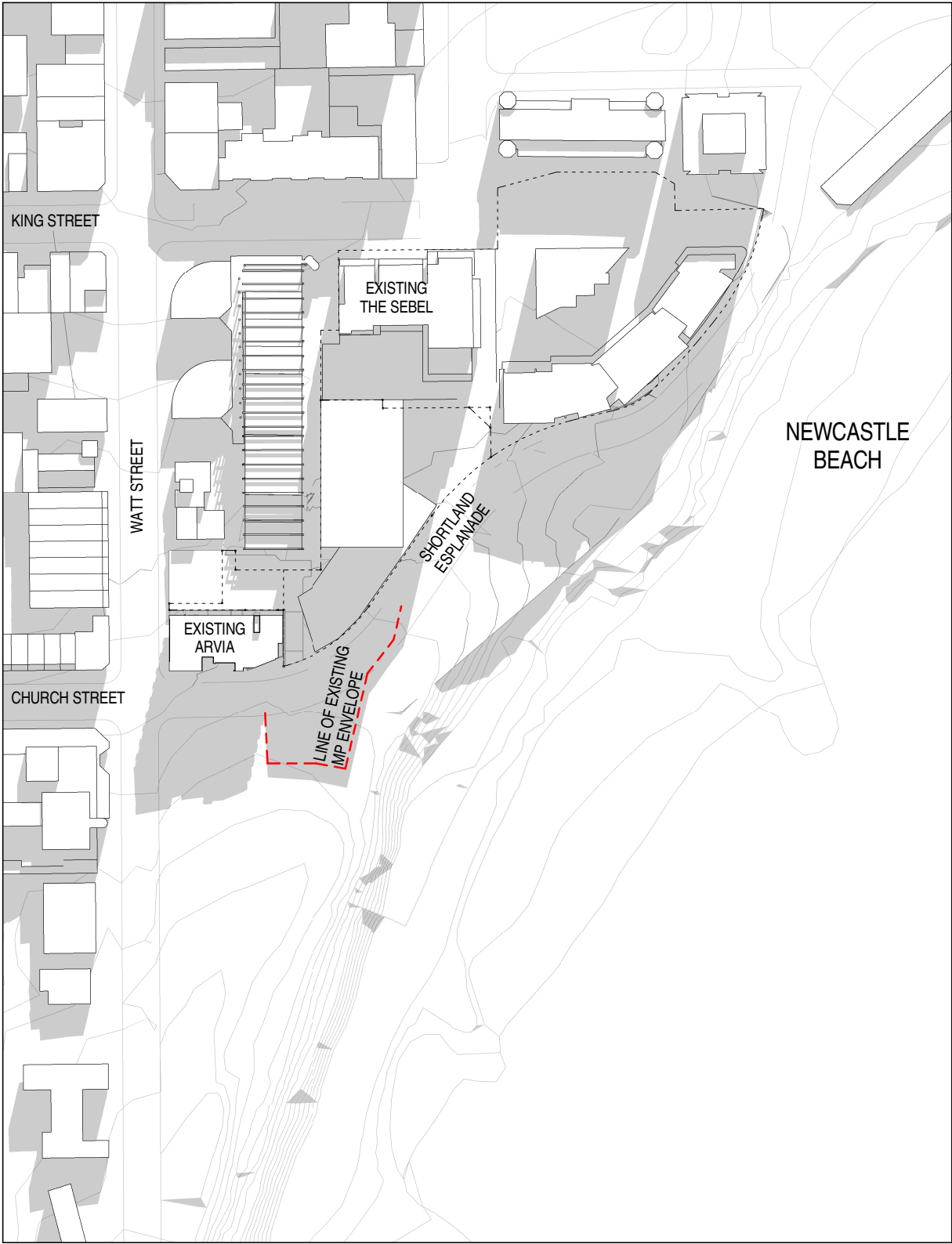
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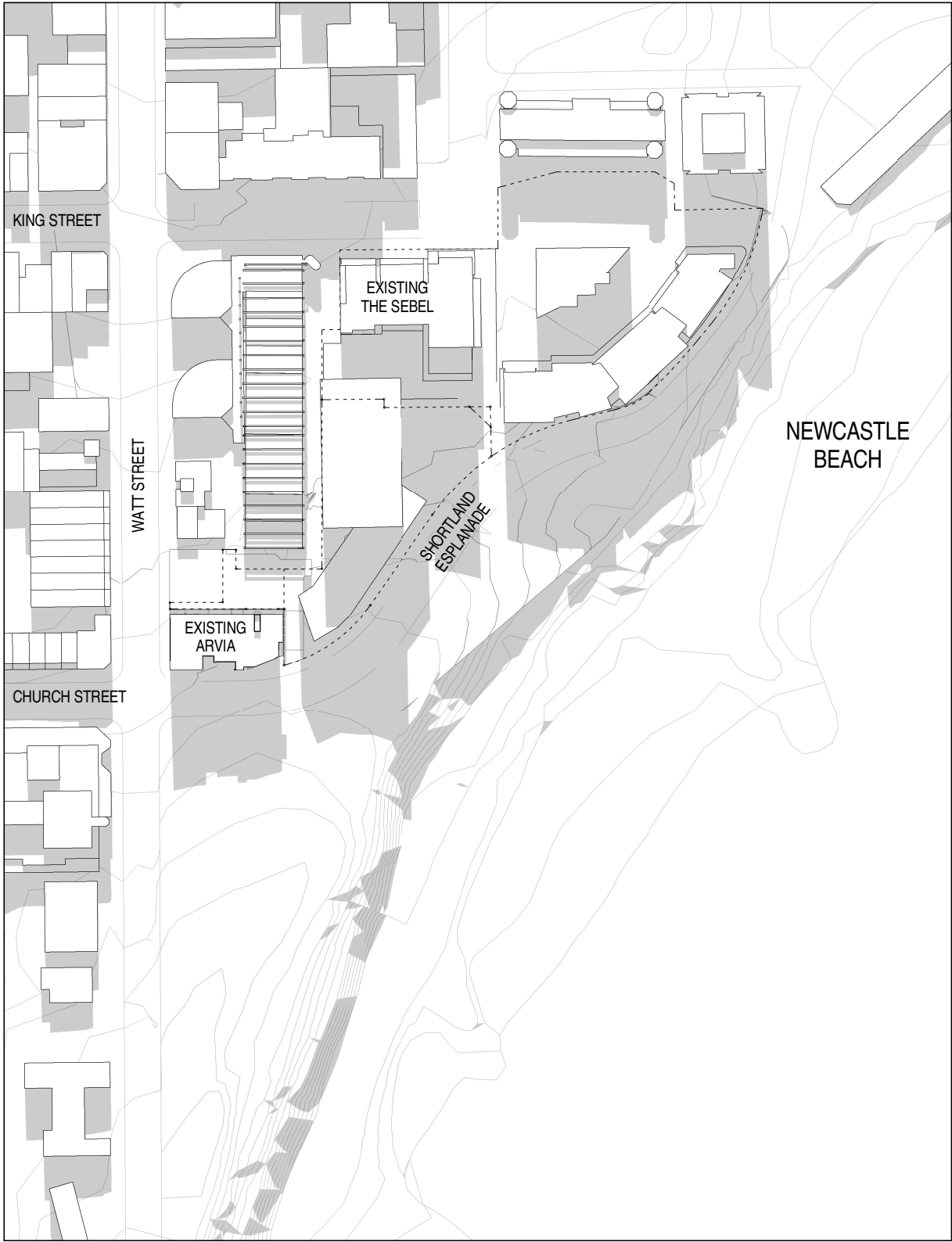
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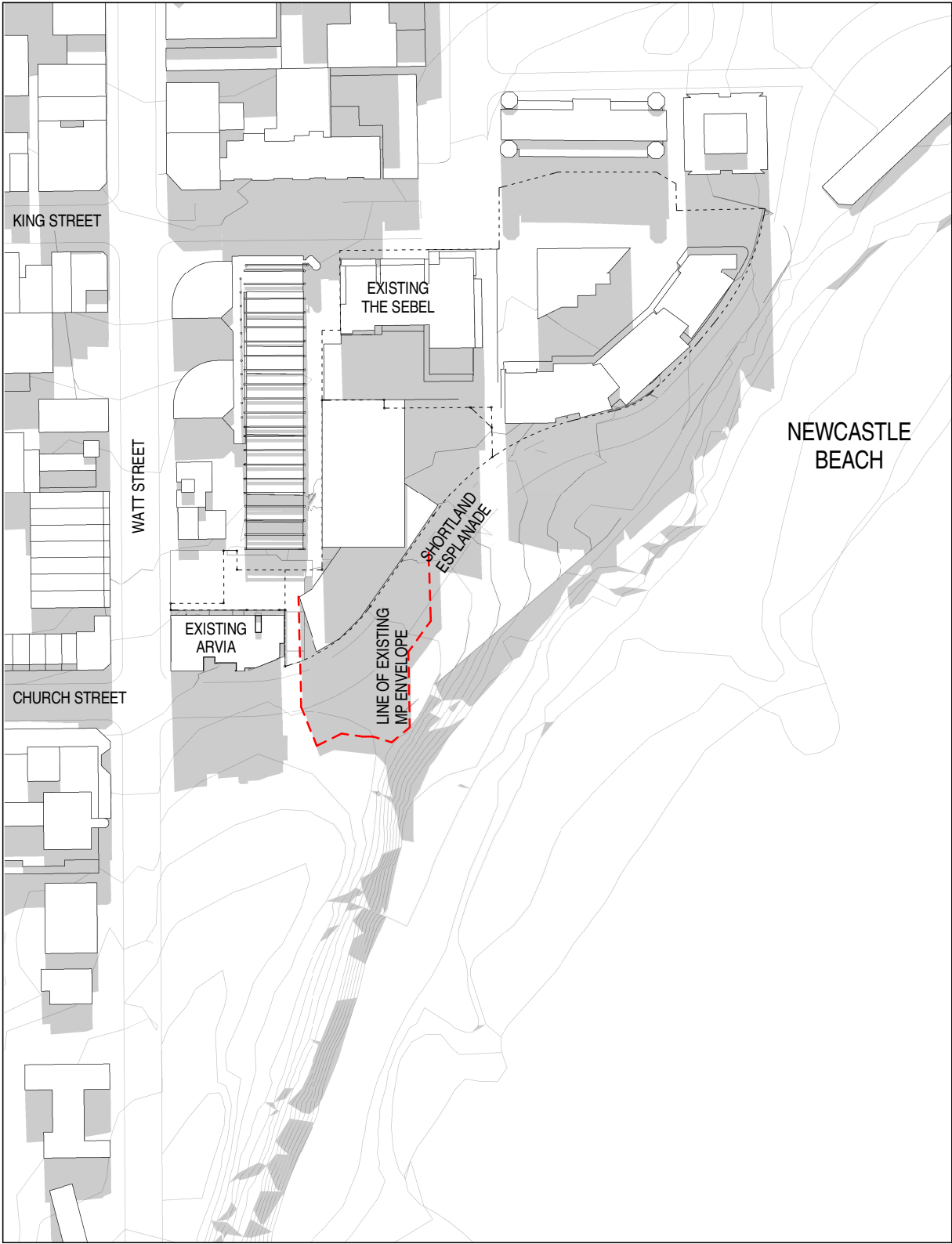
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SITE PLAN SHADOW ANALYSIS-PROPOSED MP 11AM

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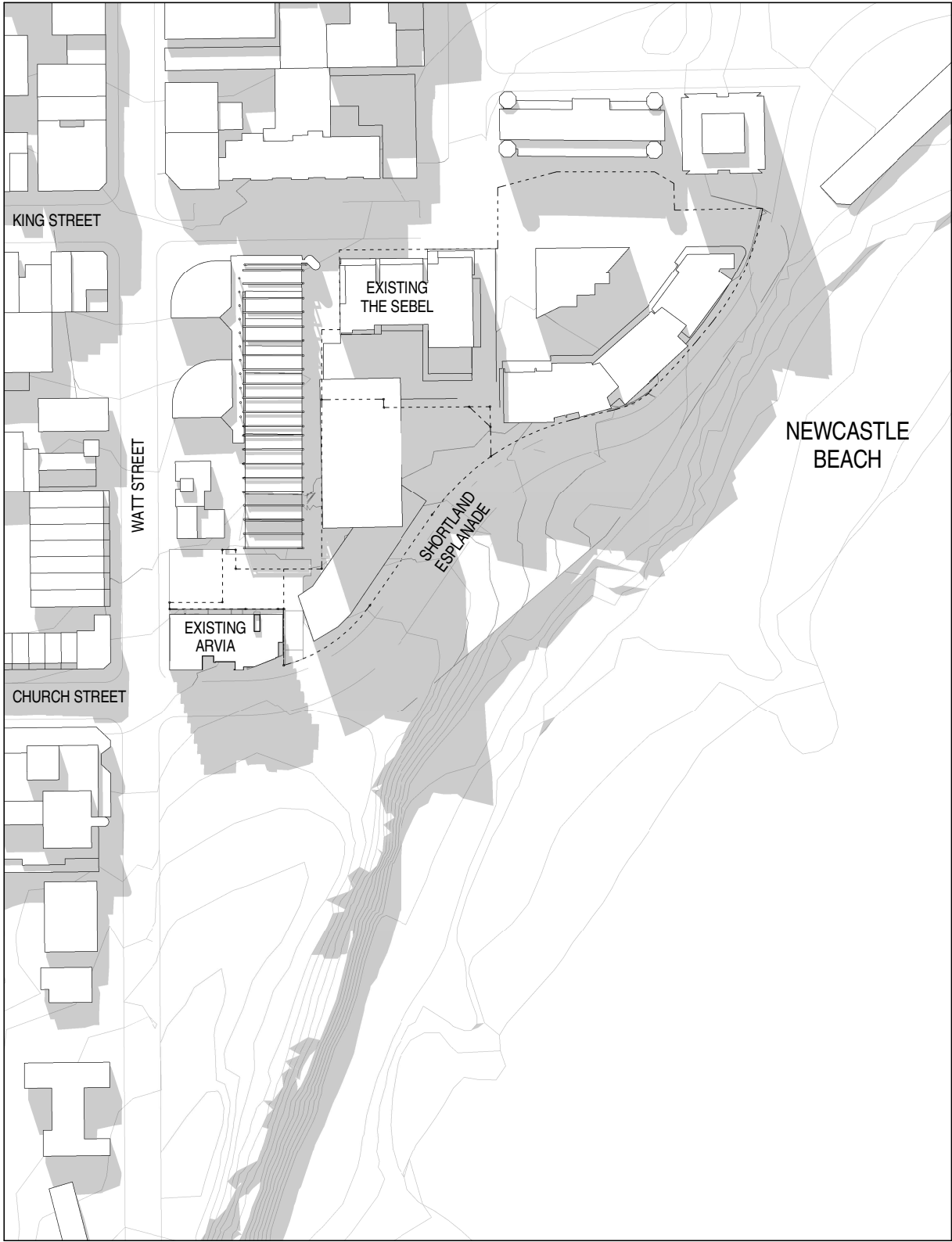
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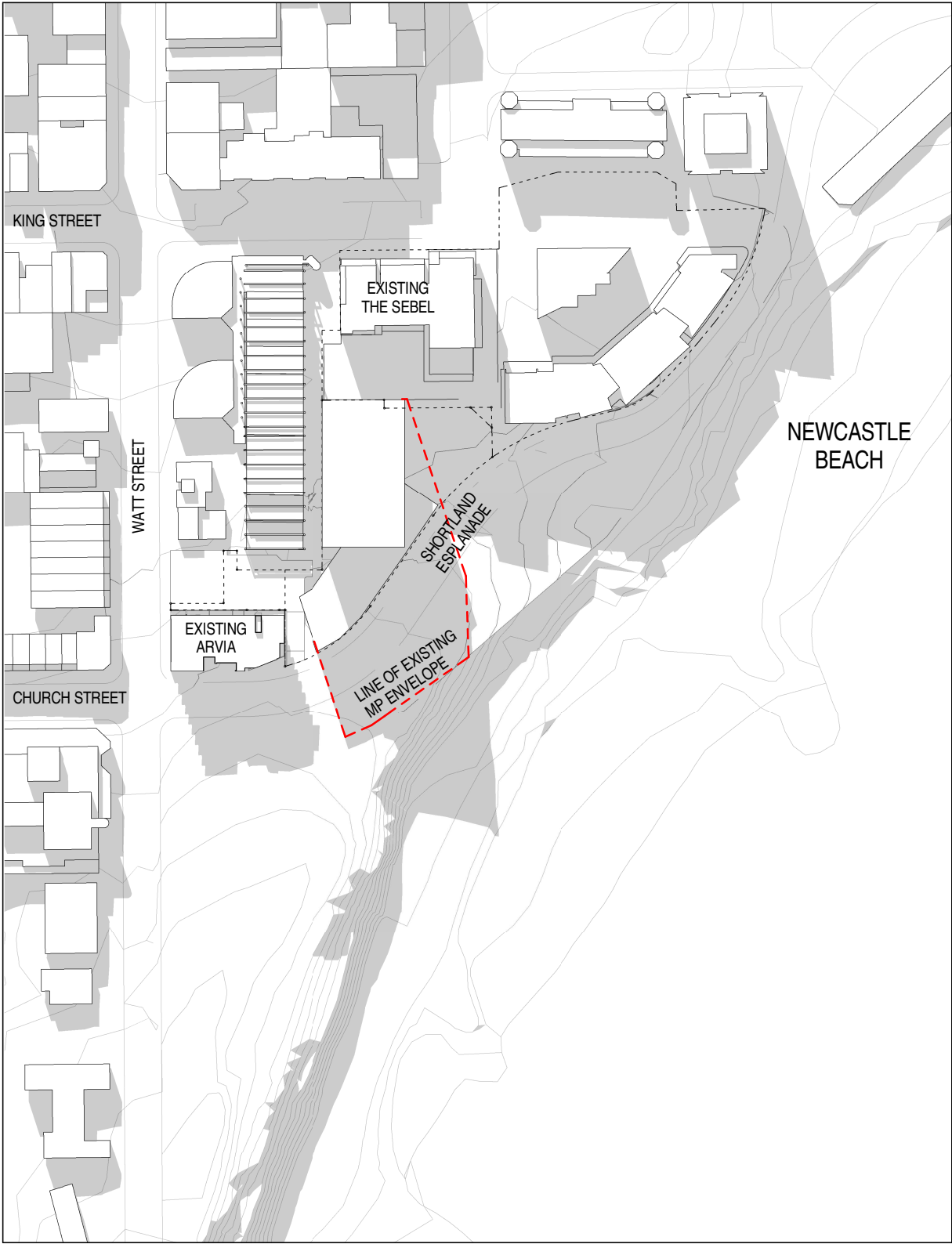
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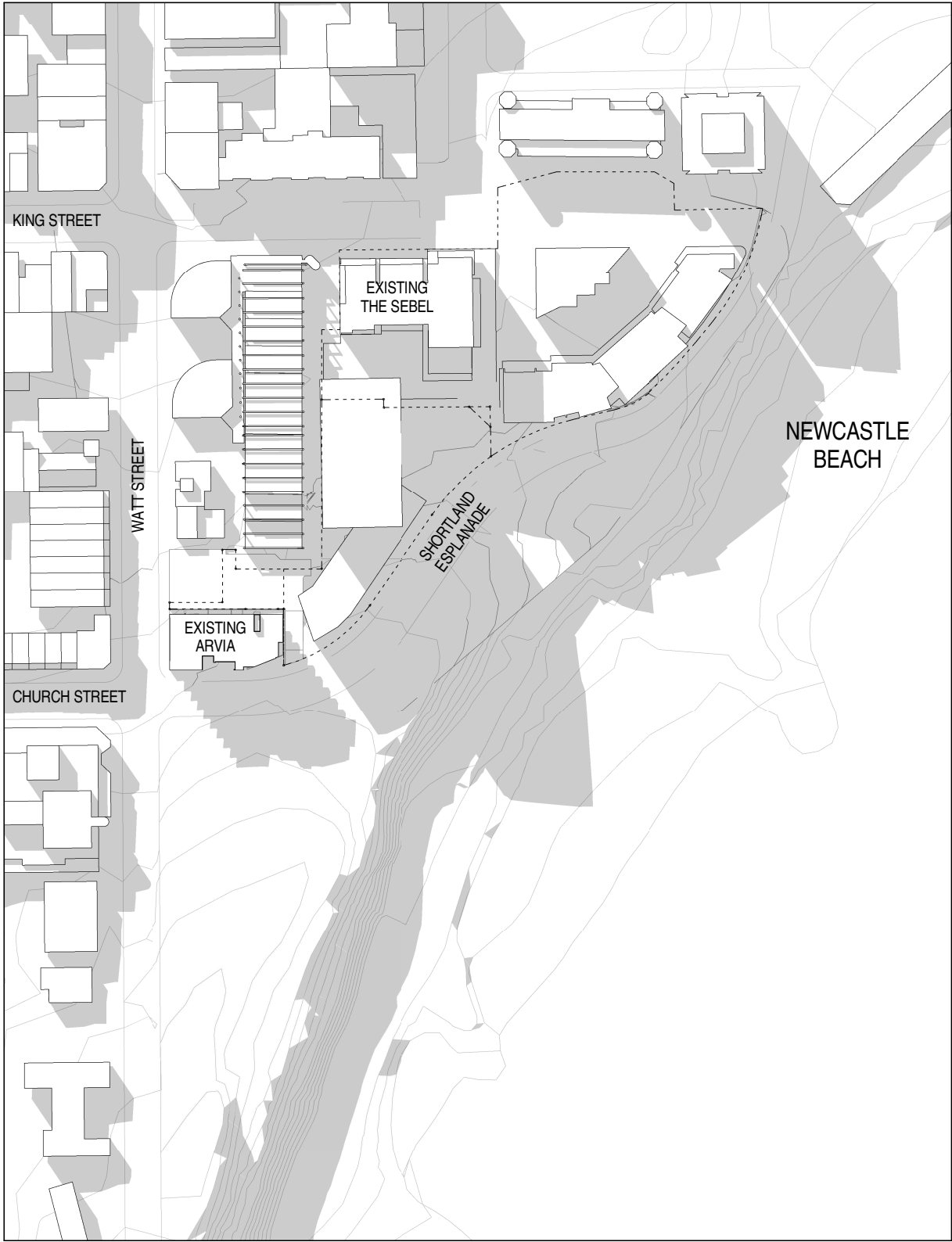
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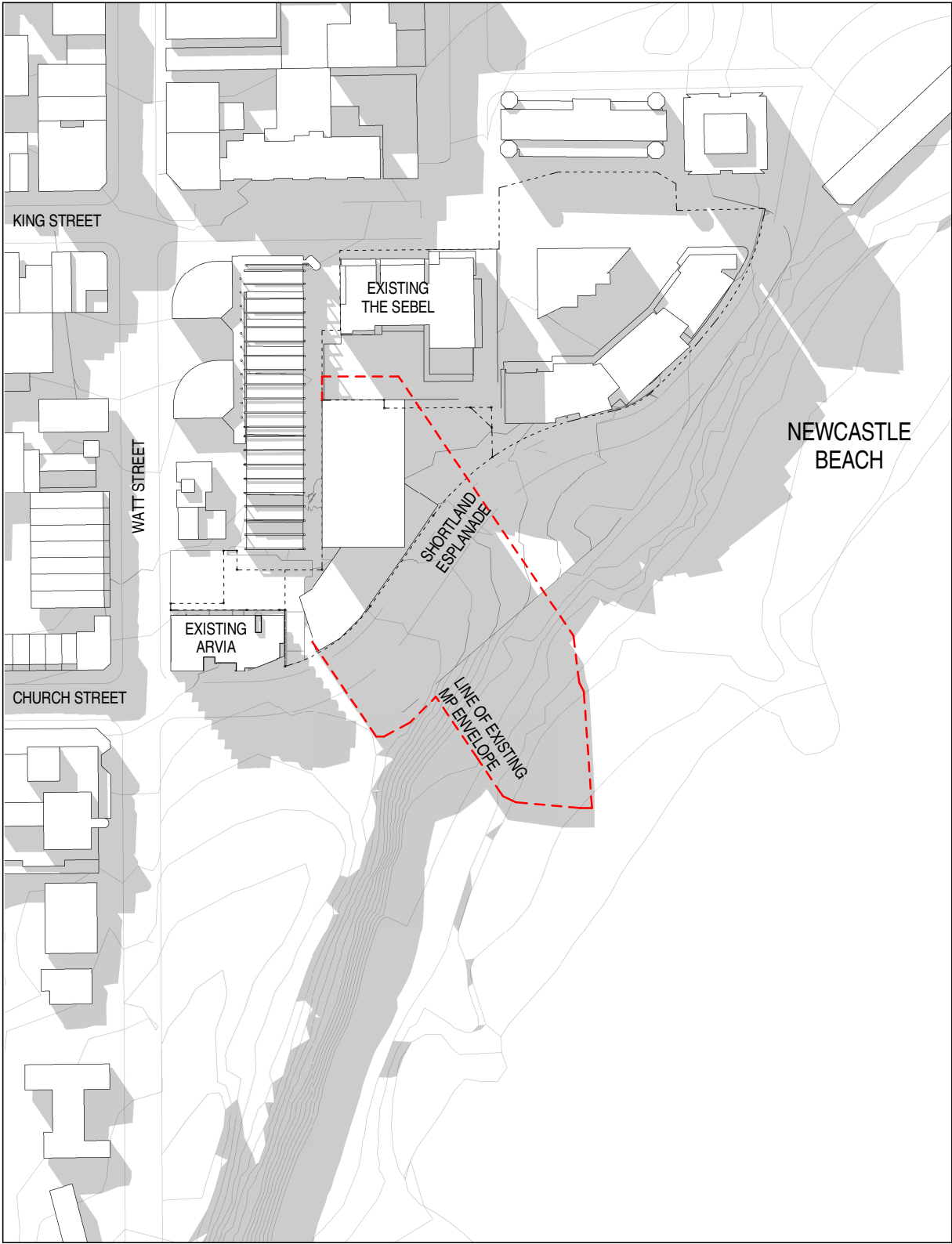
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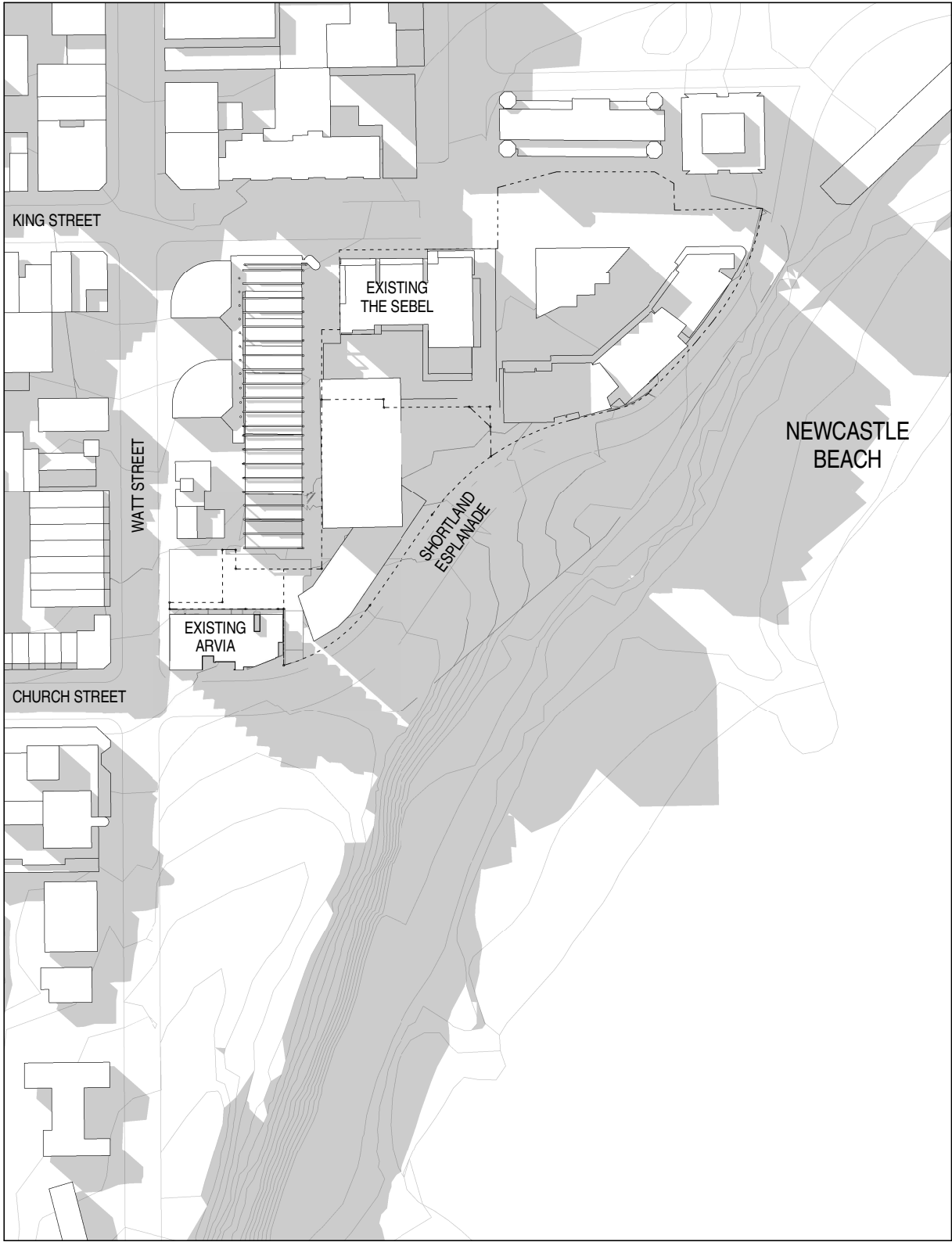
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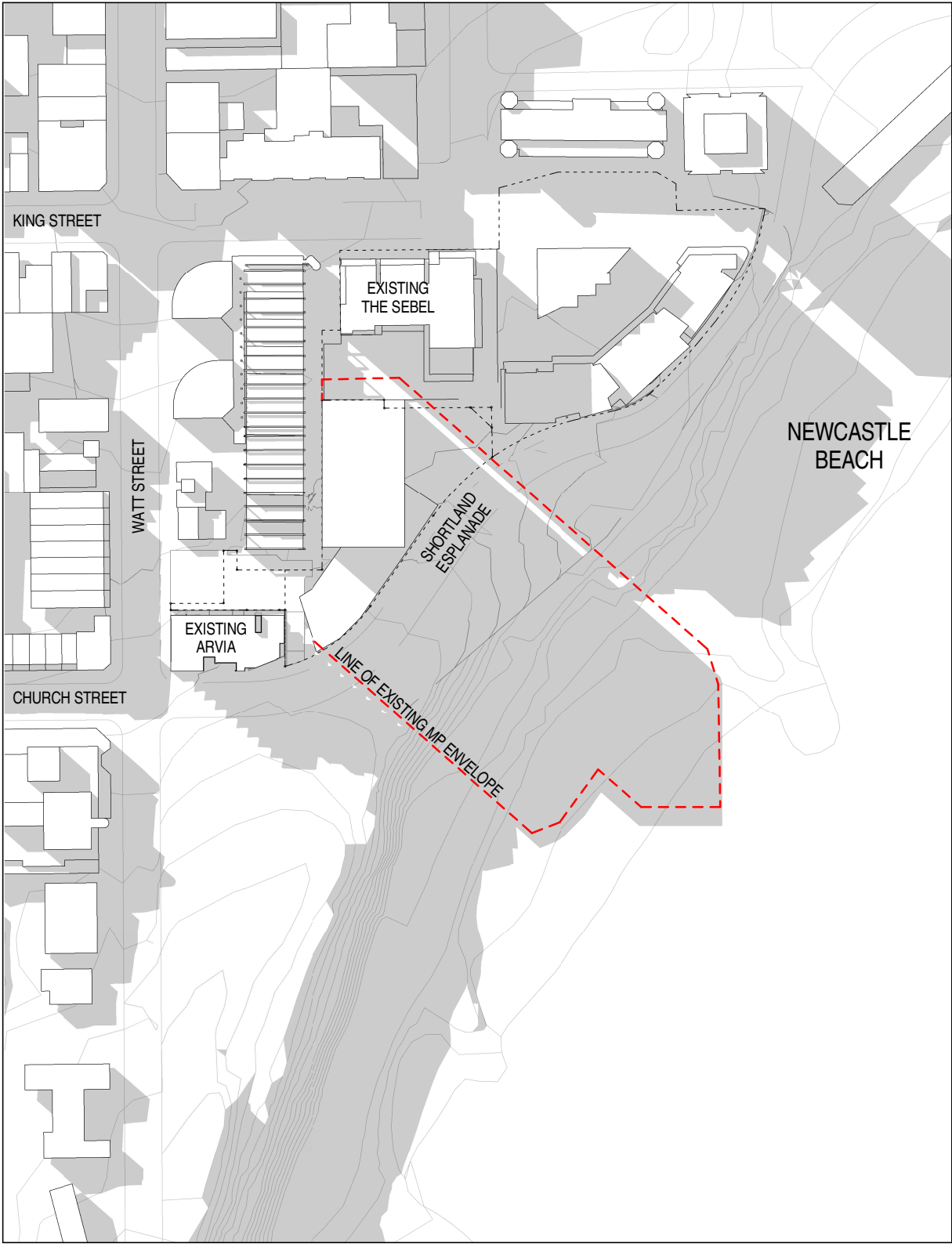
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SITE PLAN SHADOW ANALYSIS-PROPOSED MP 2PM

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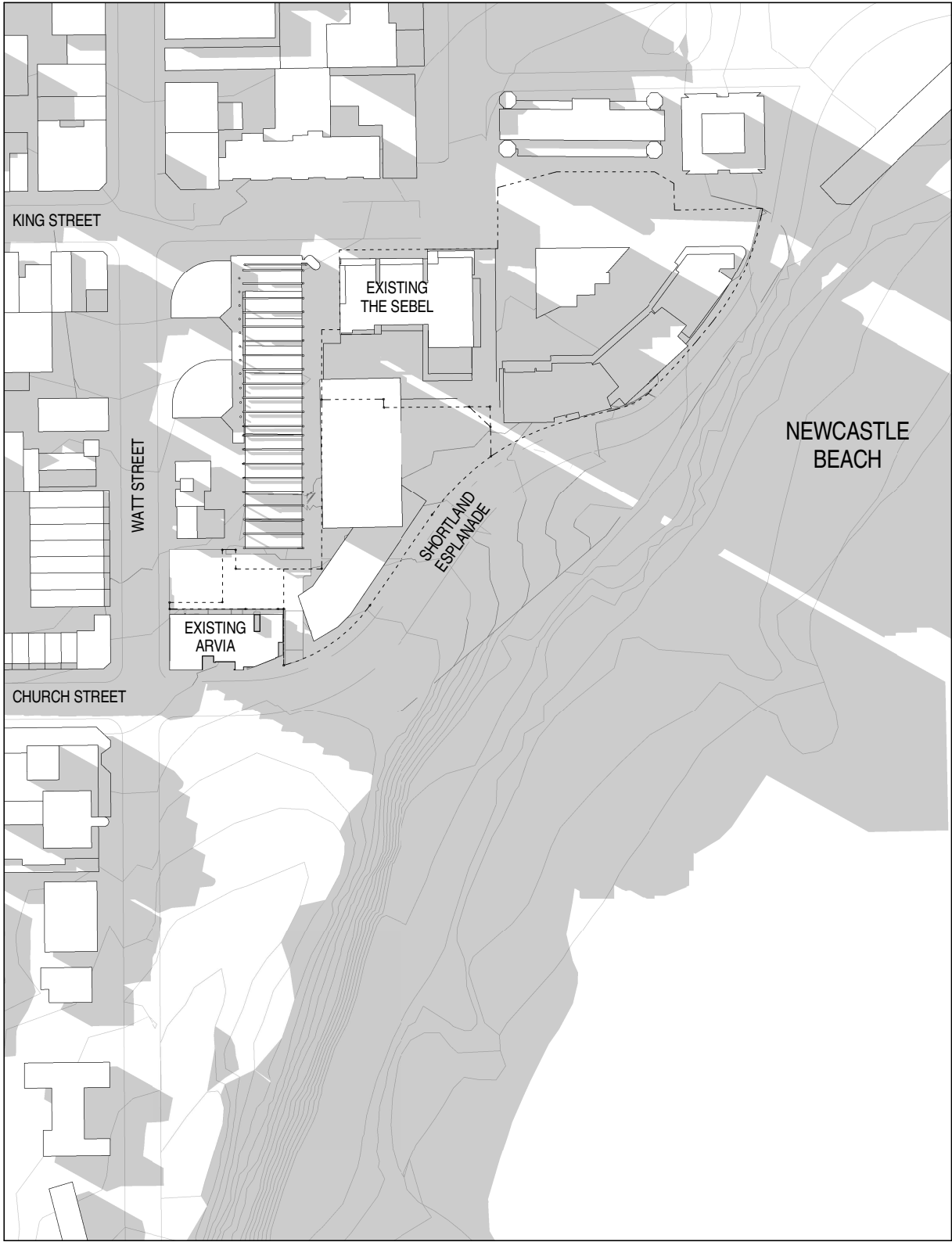
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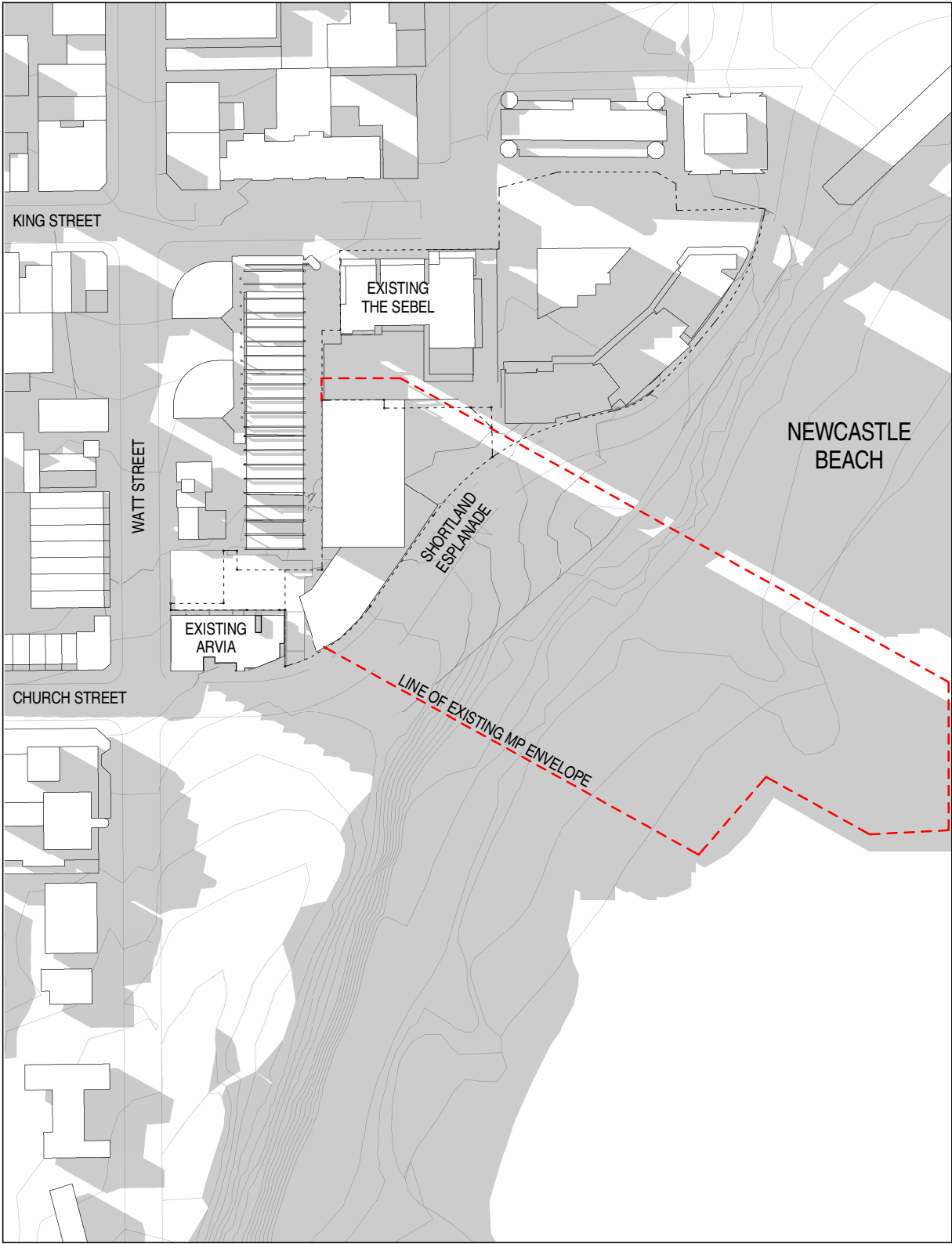
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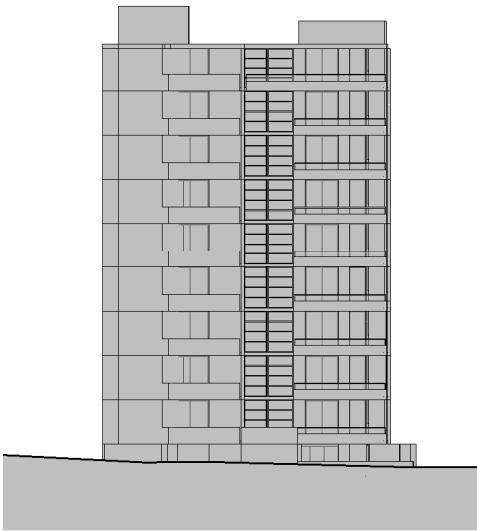
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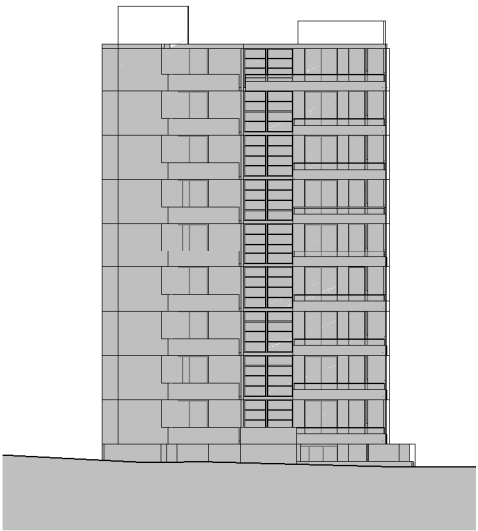
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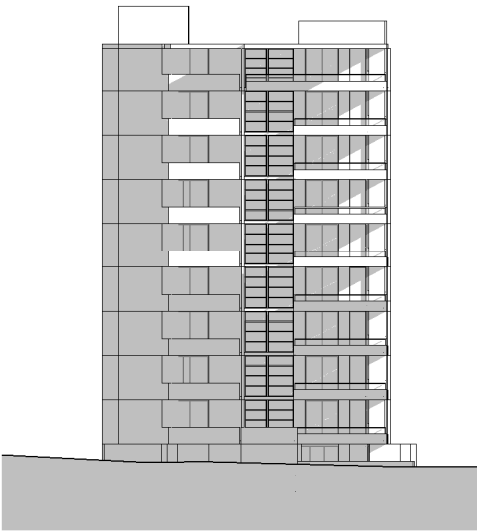
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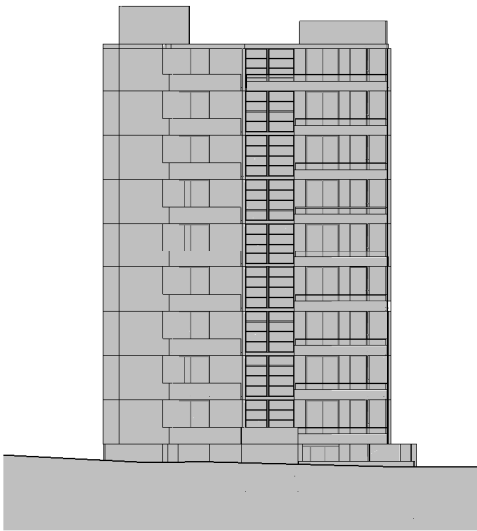
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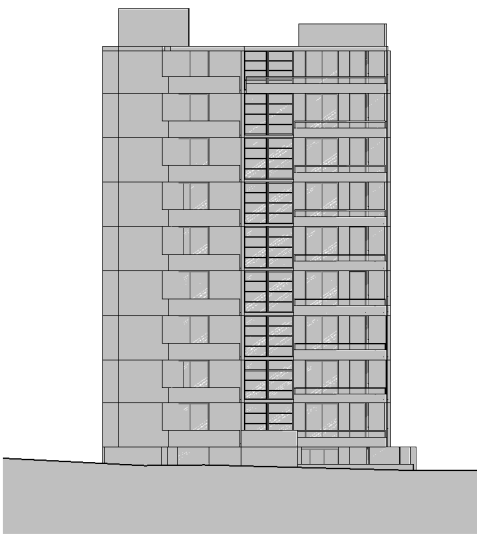
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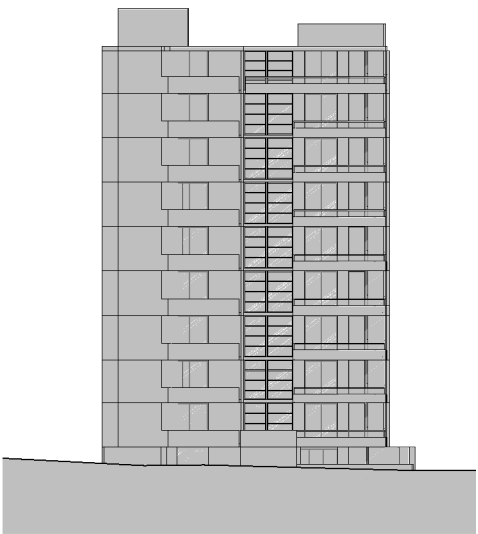
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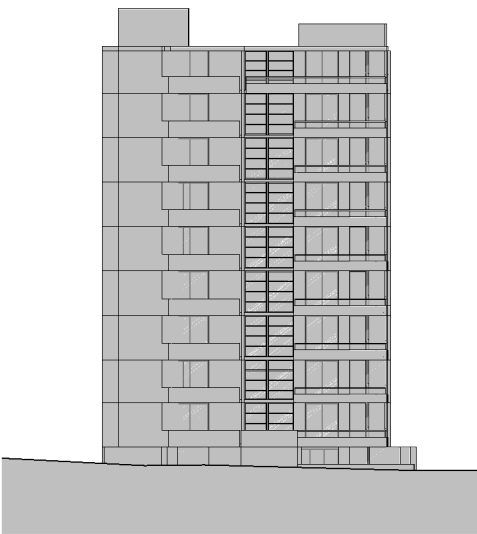
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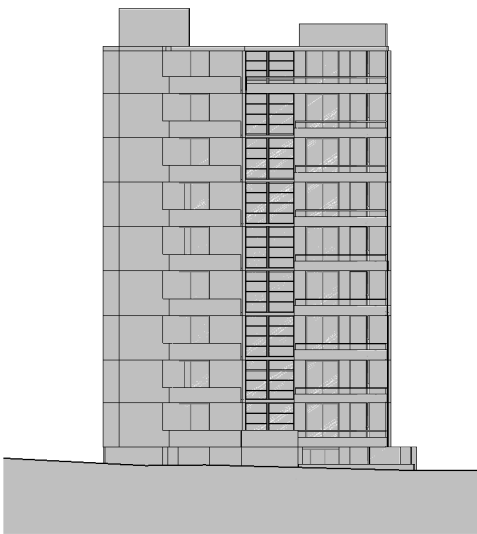
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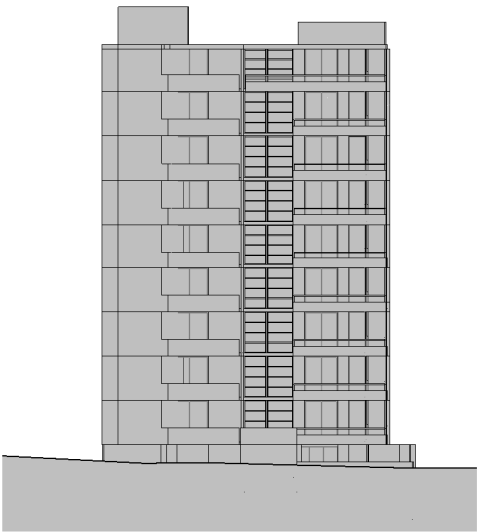
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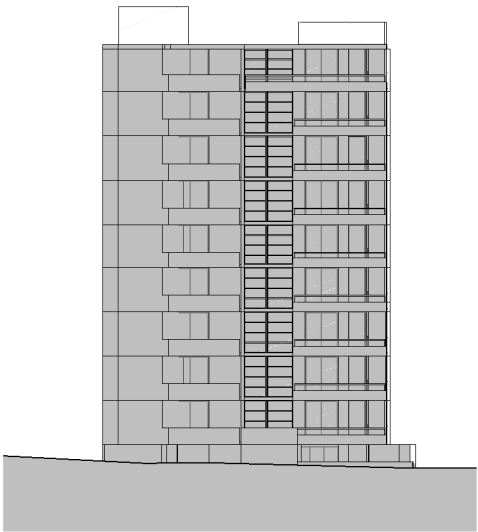
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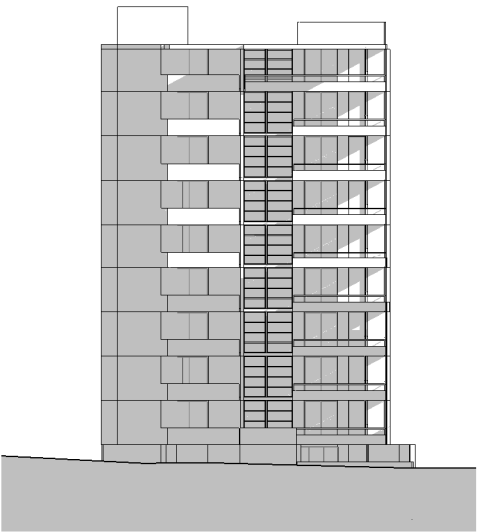
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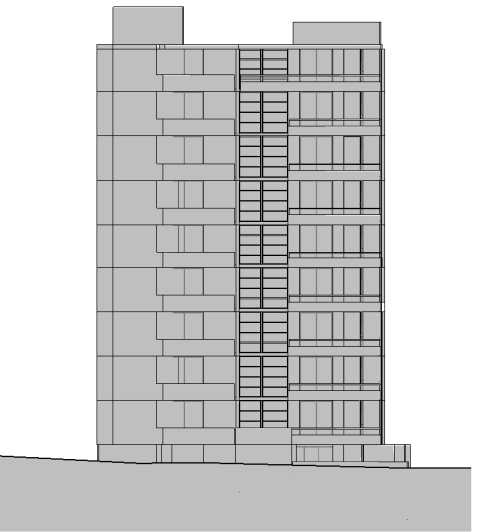
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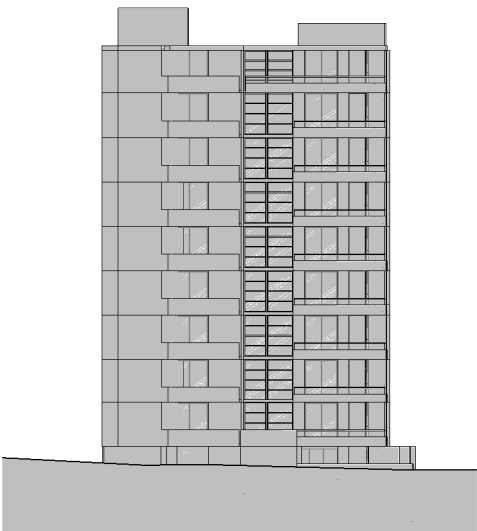
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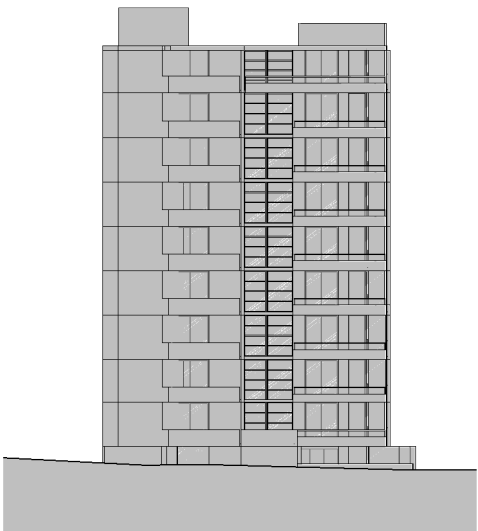
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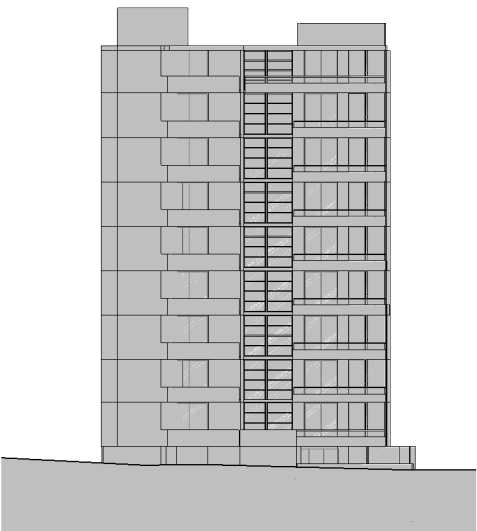
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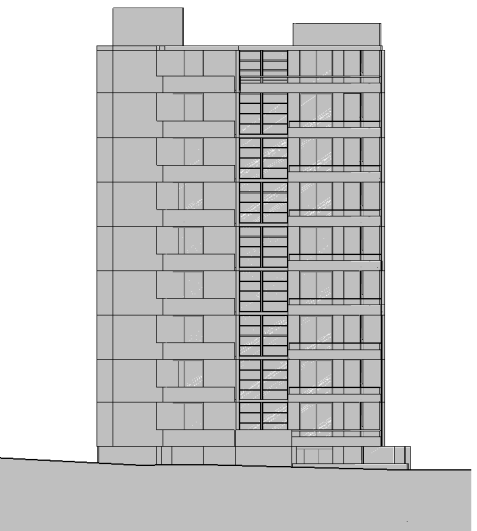
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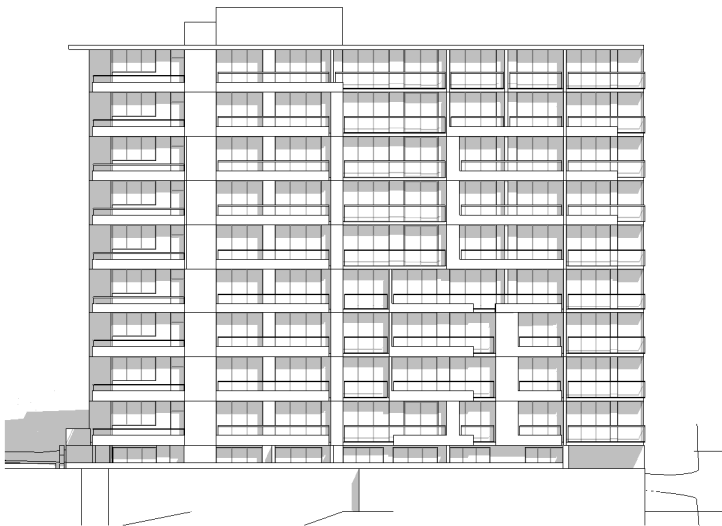
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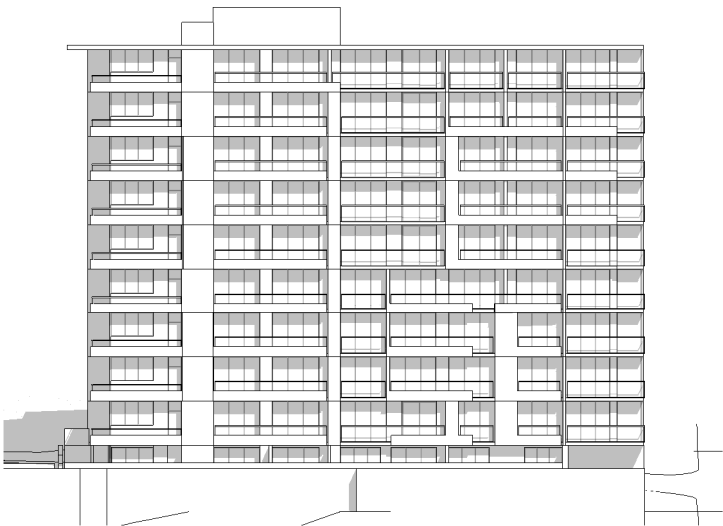
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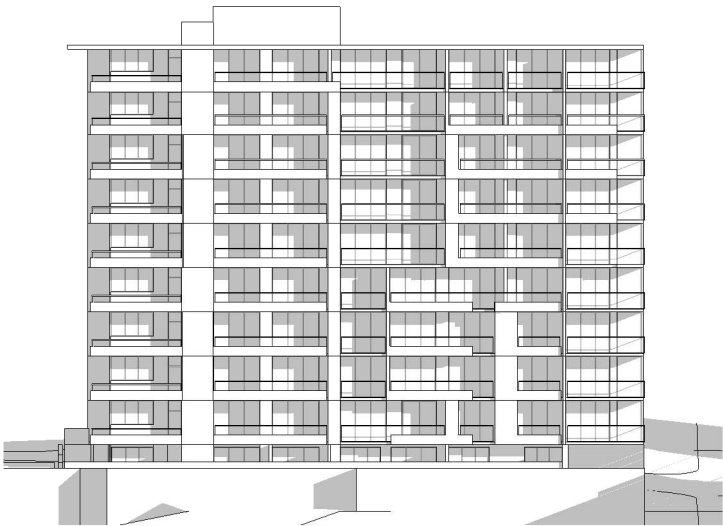
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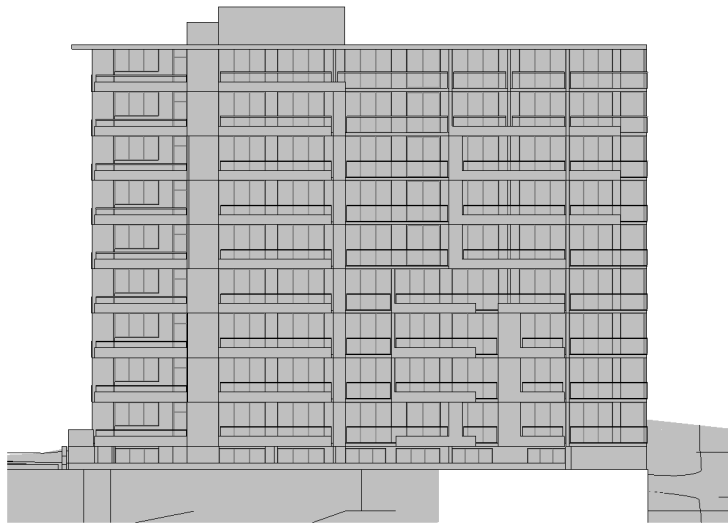
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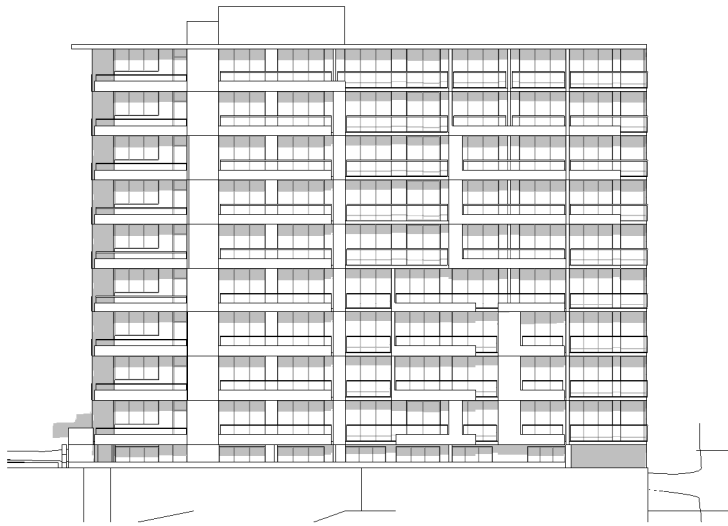
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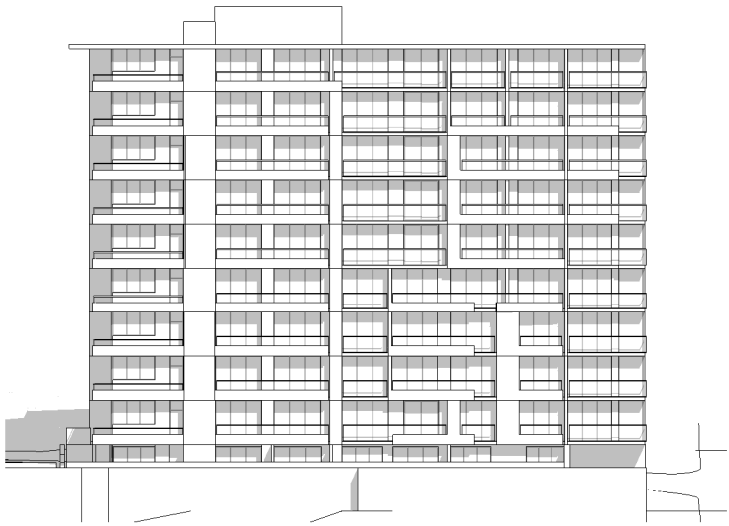
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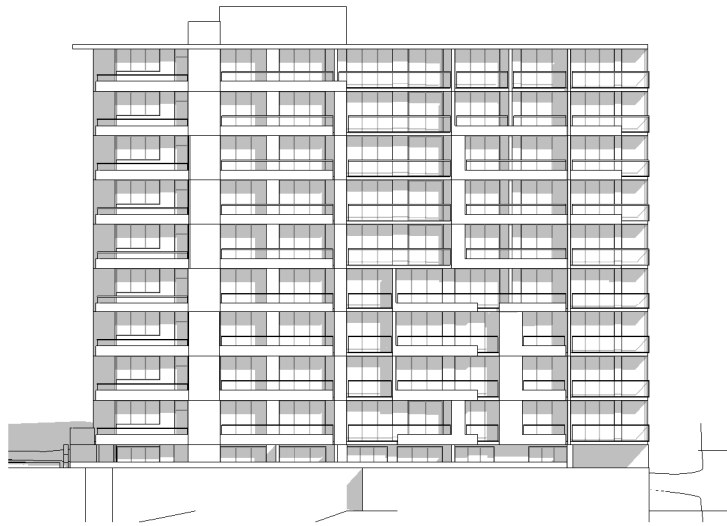
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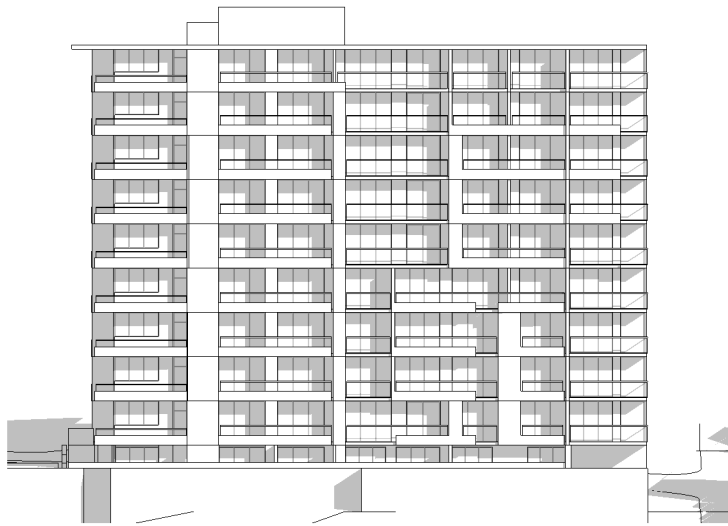
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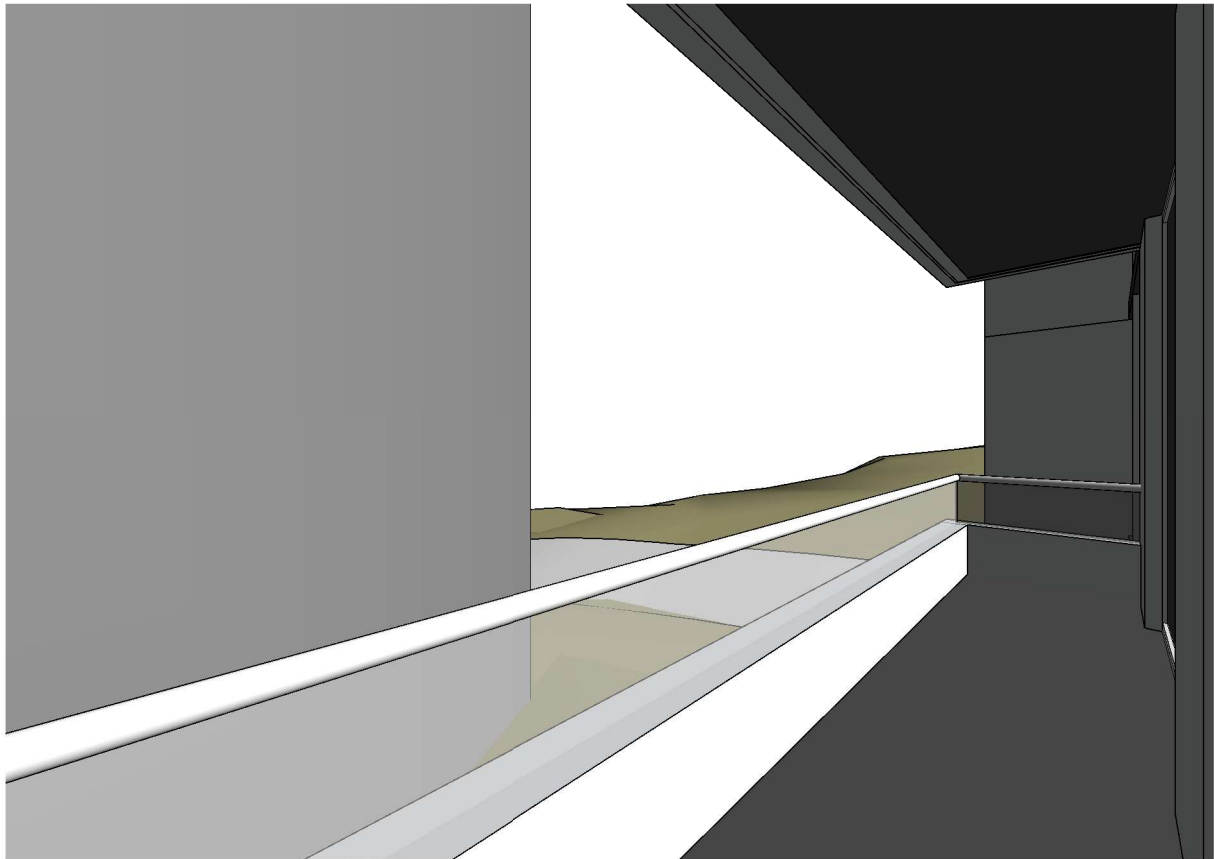
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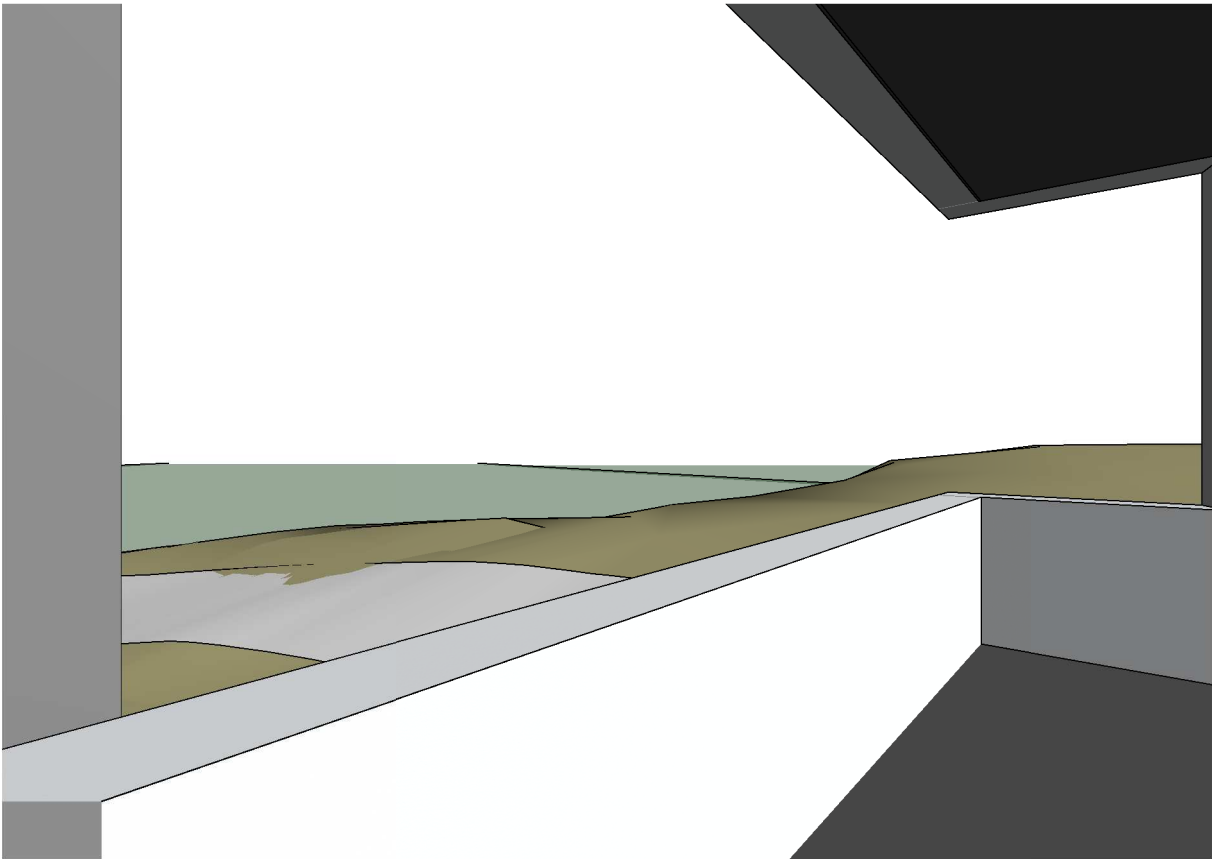
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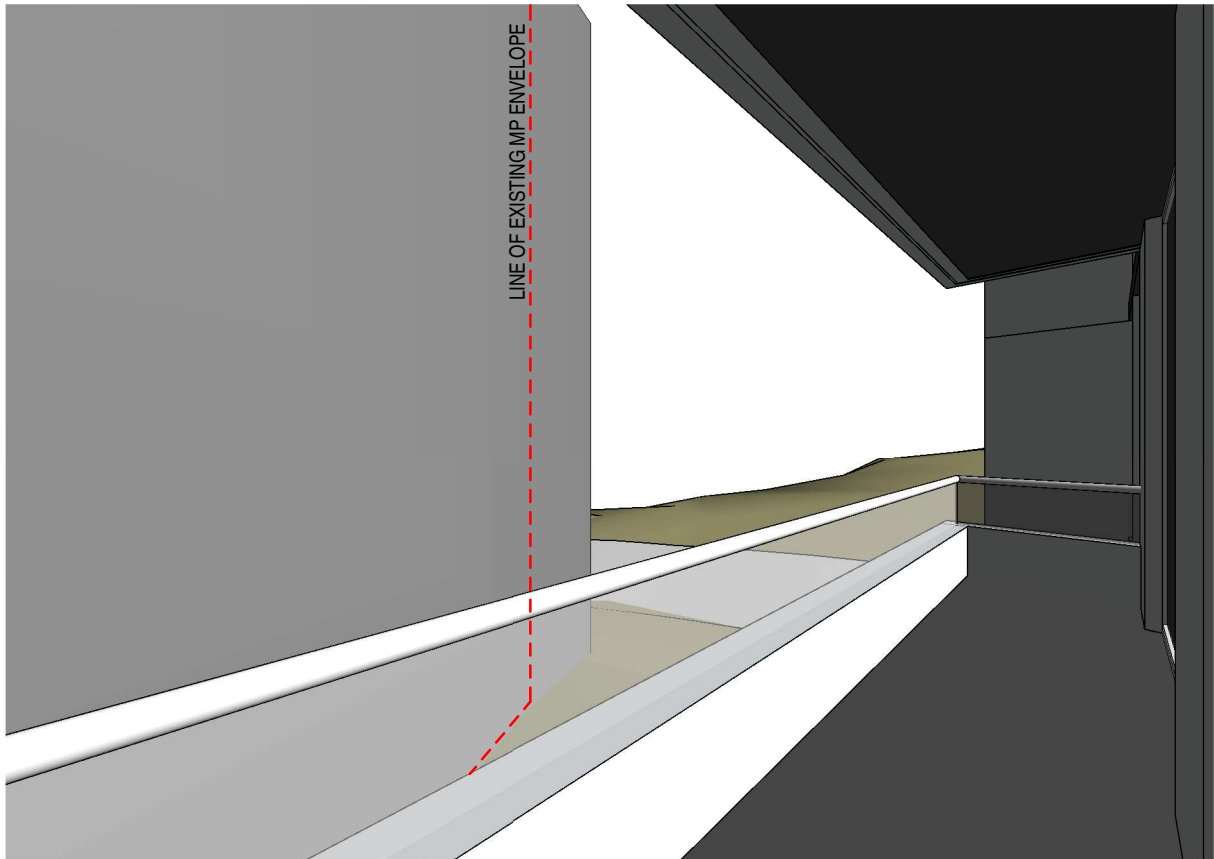
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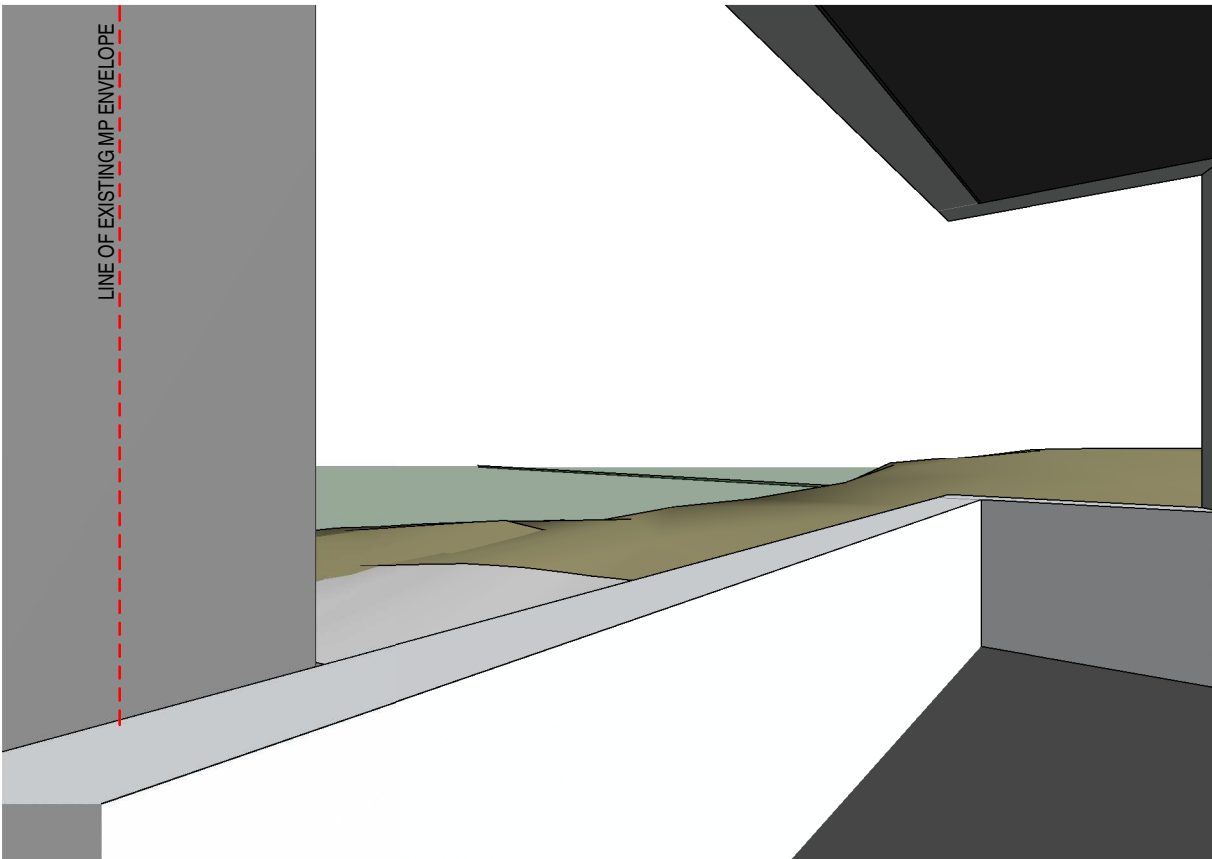
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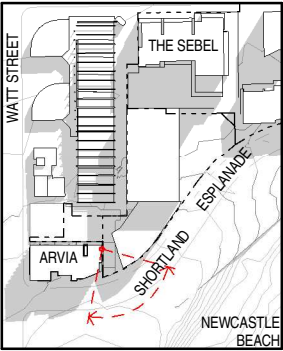
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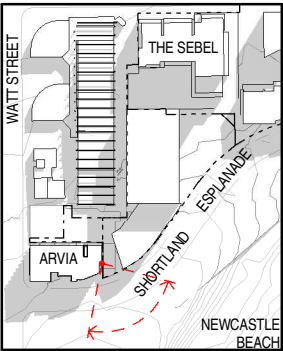
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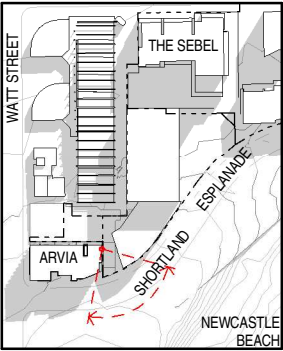


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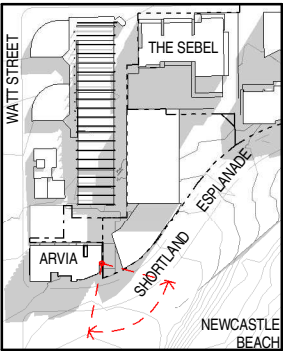
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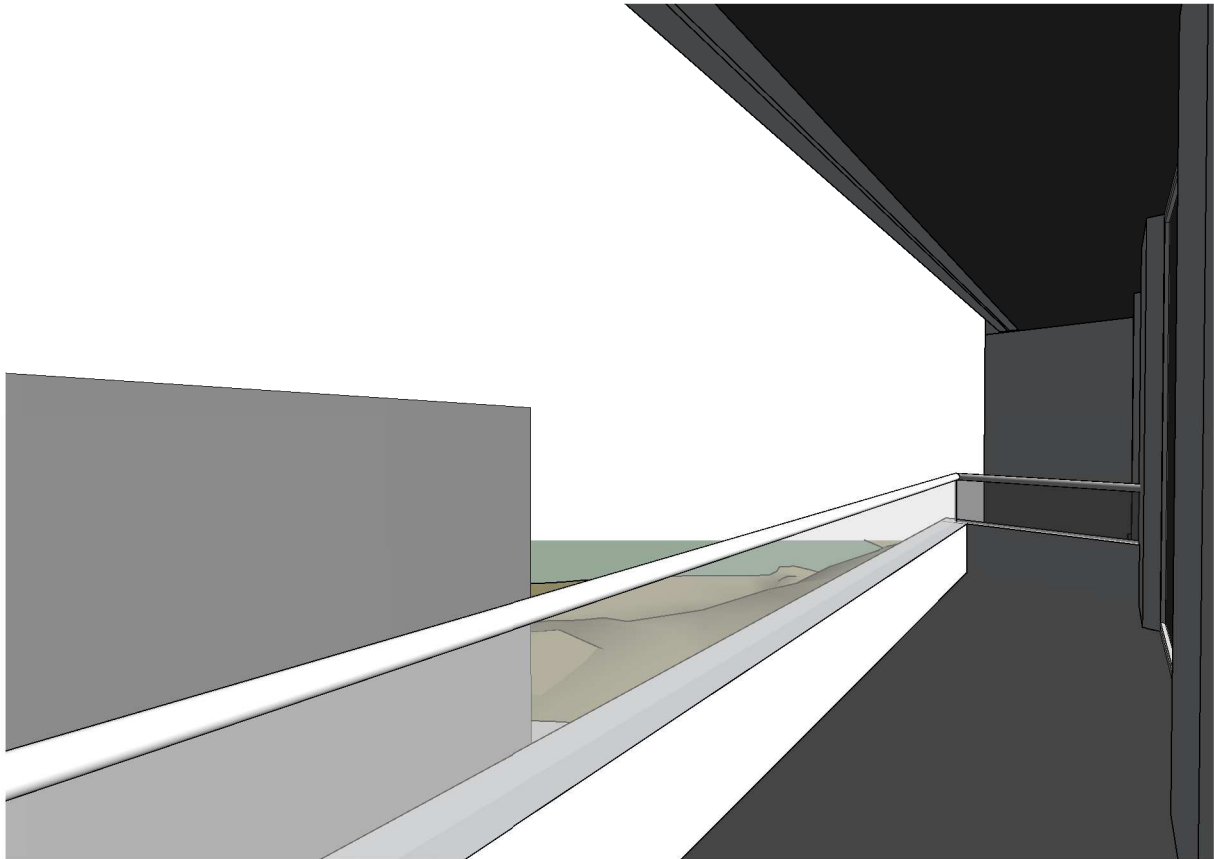
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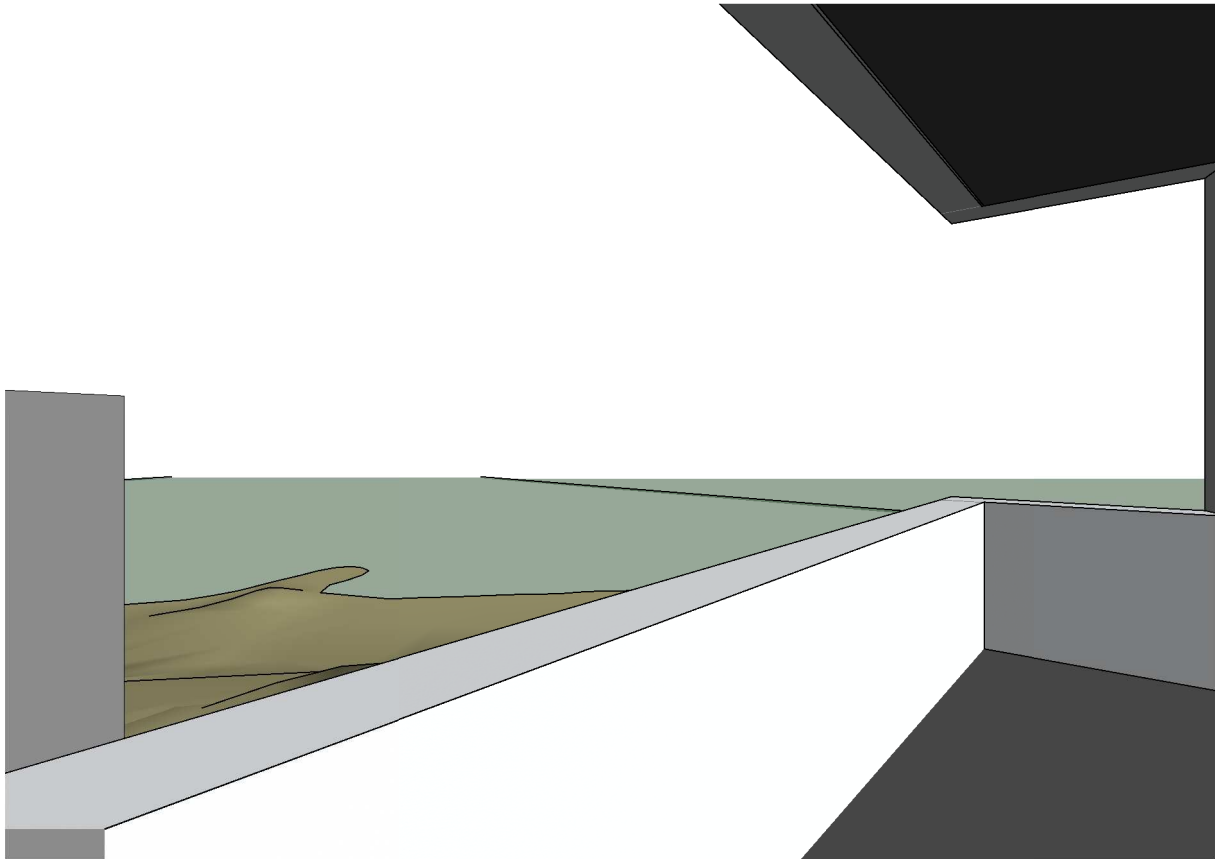
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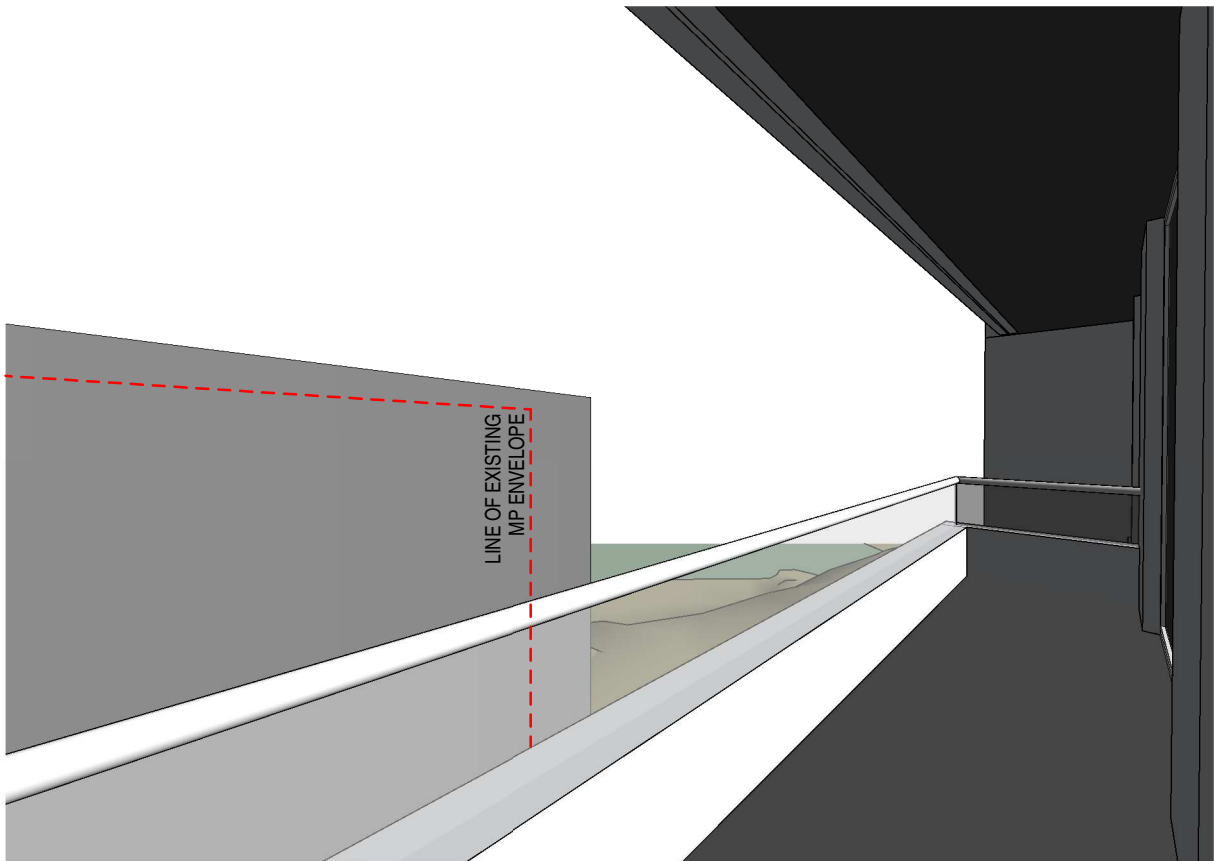
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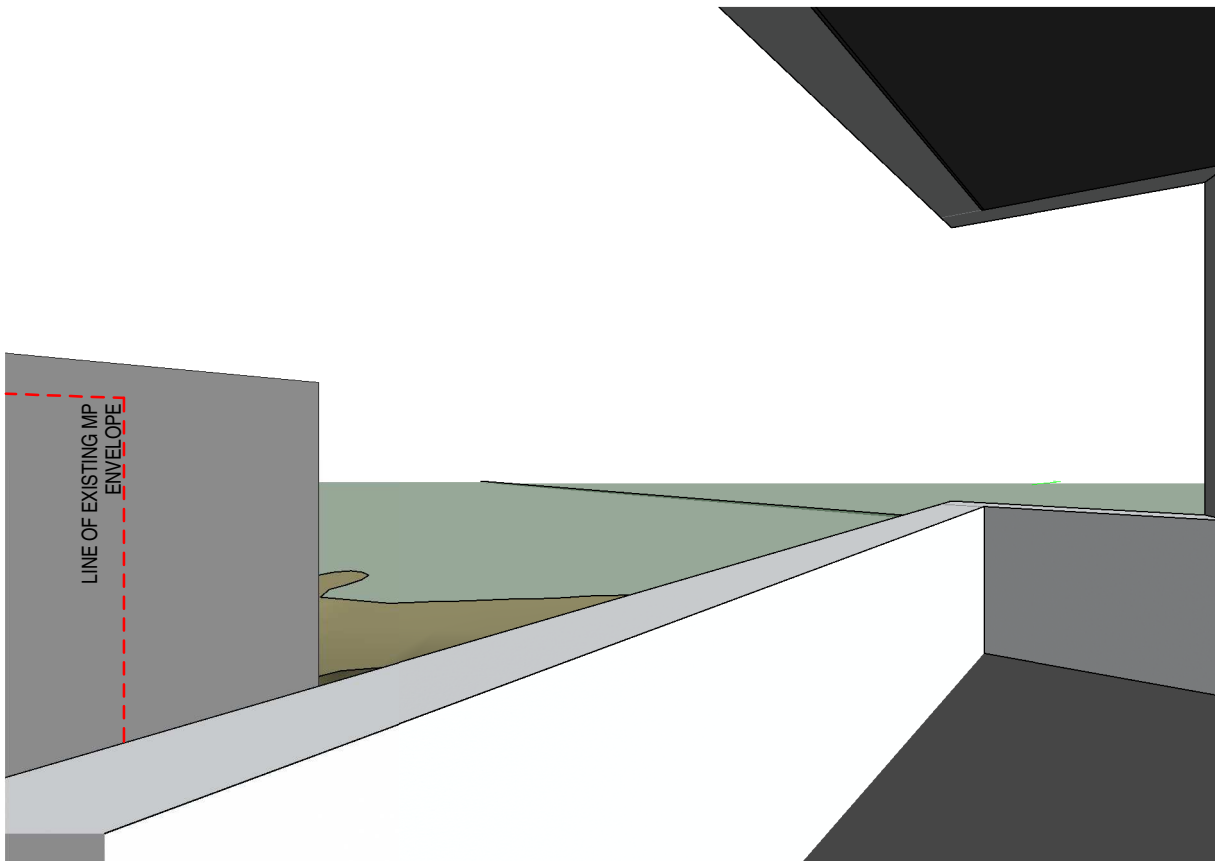
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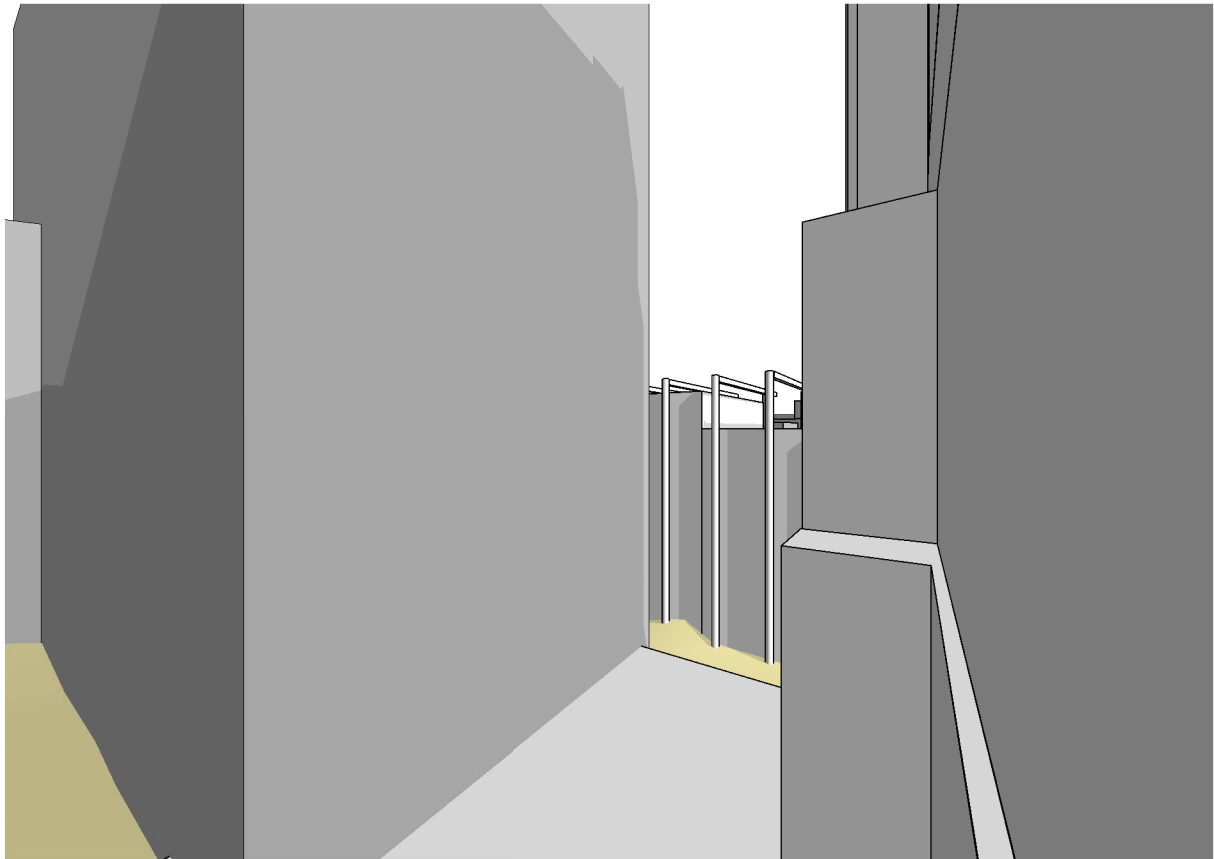


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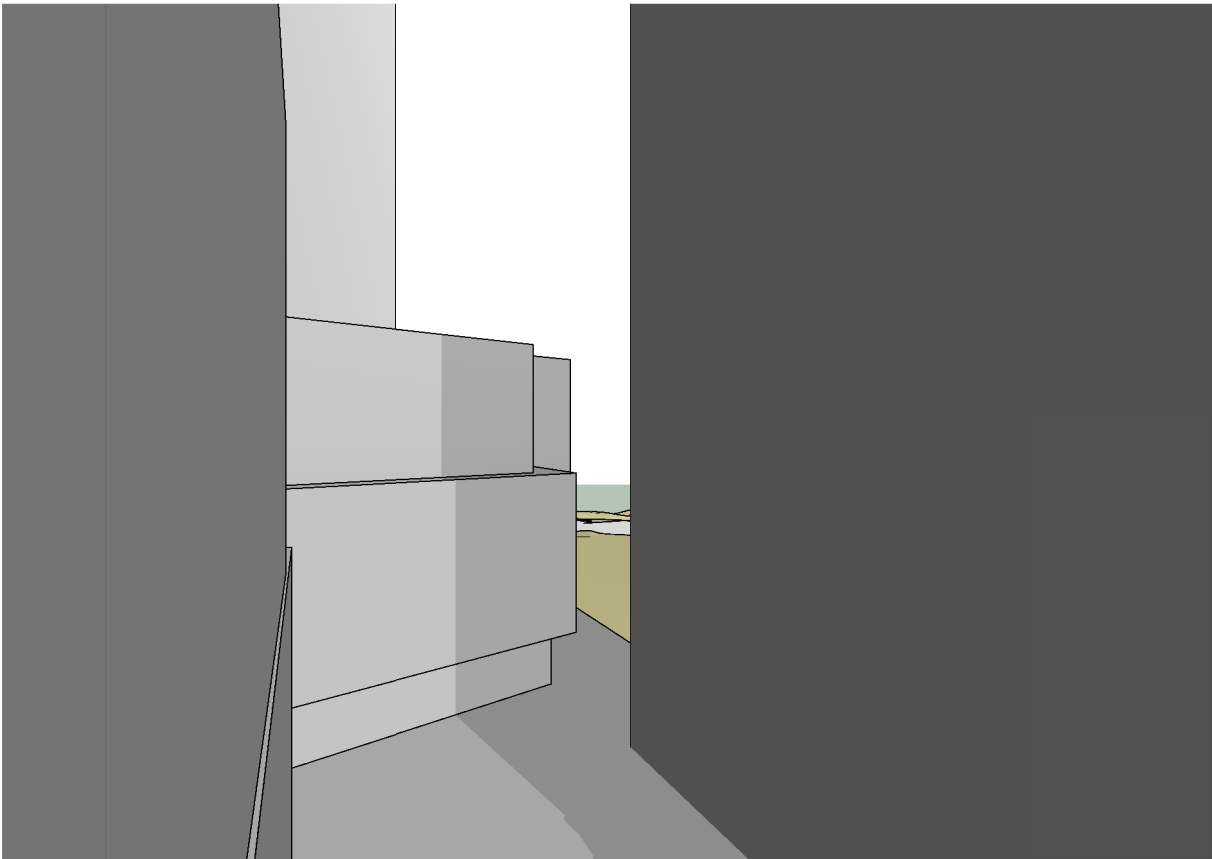


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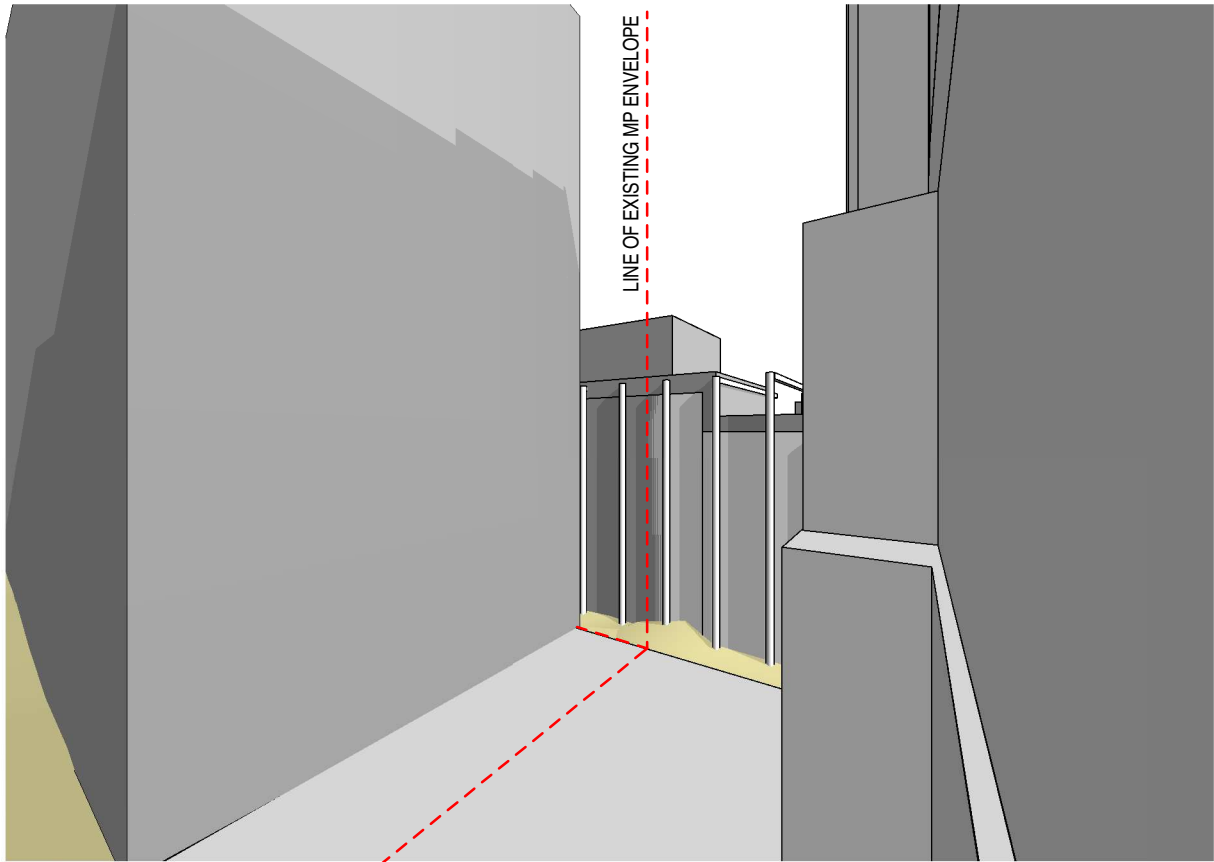
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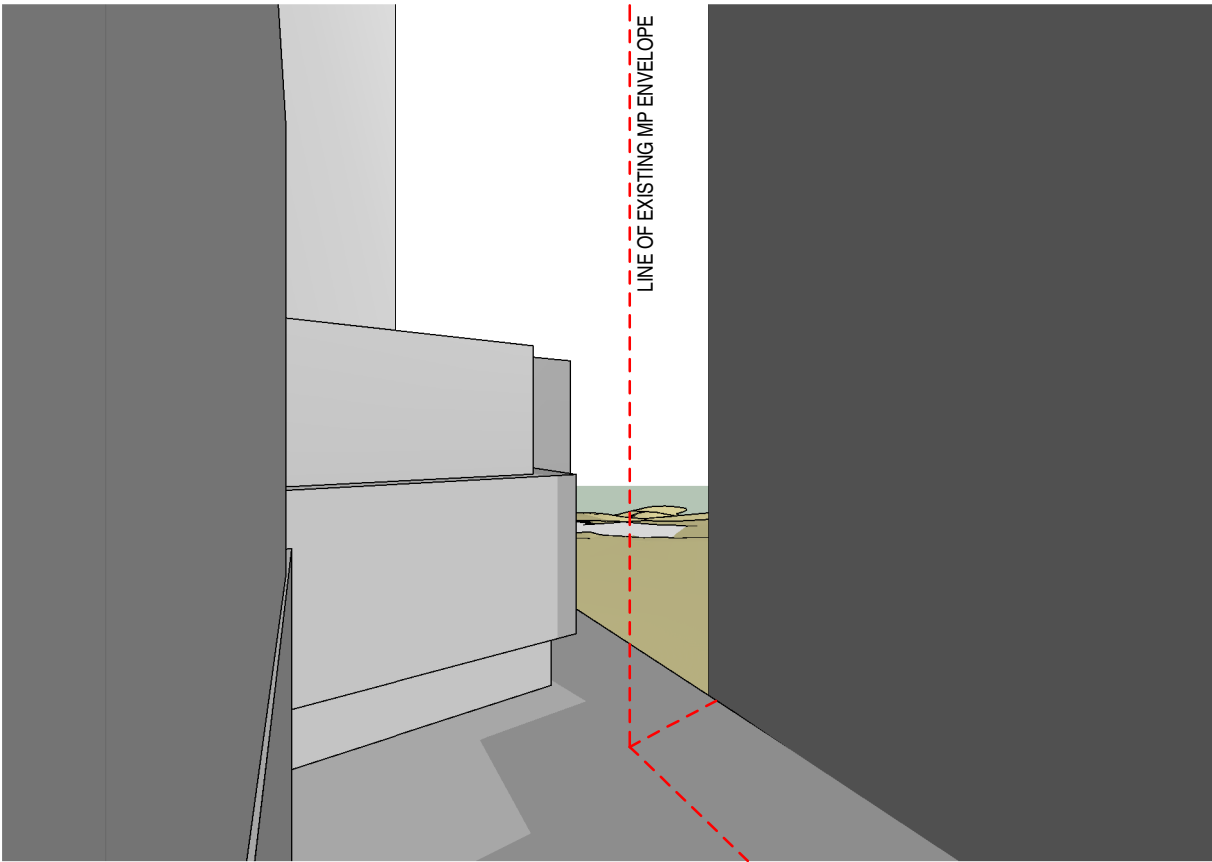
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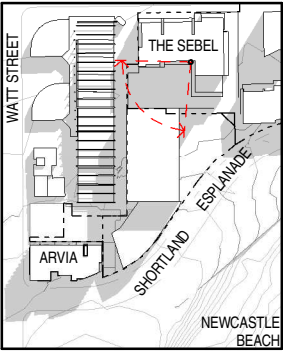
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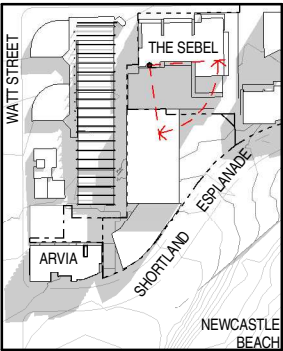
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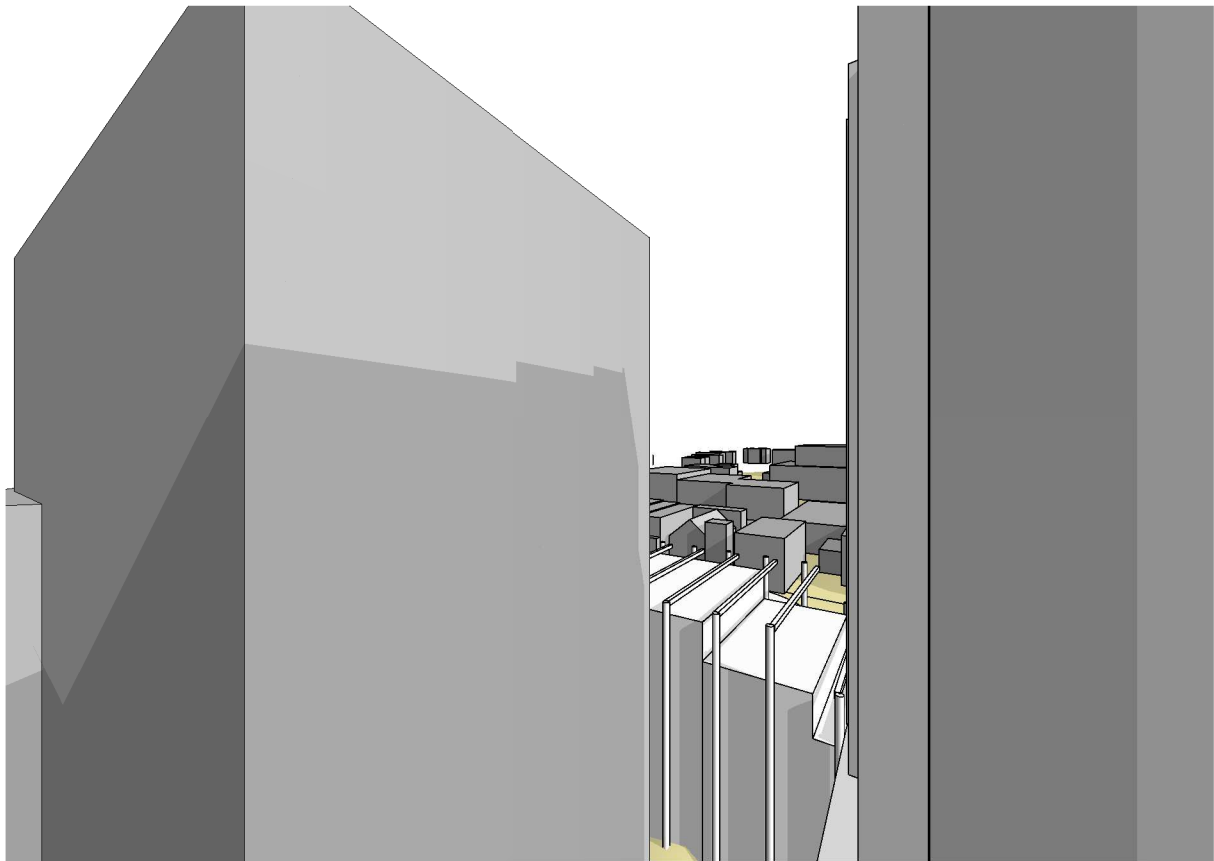
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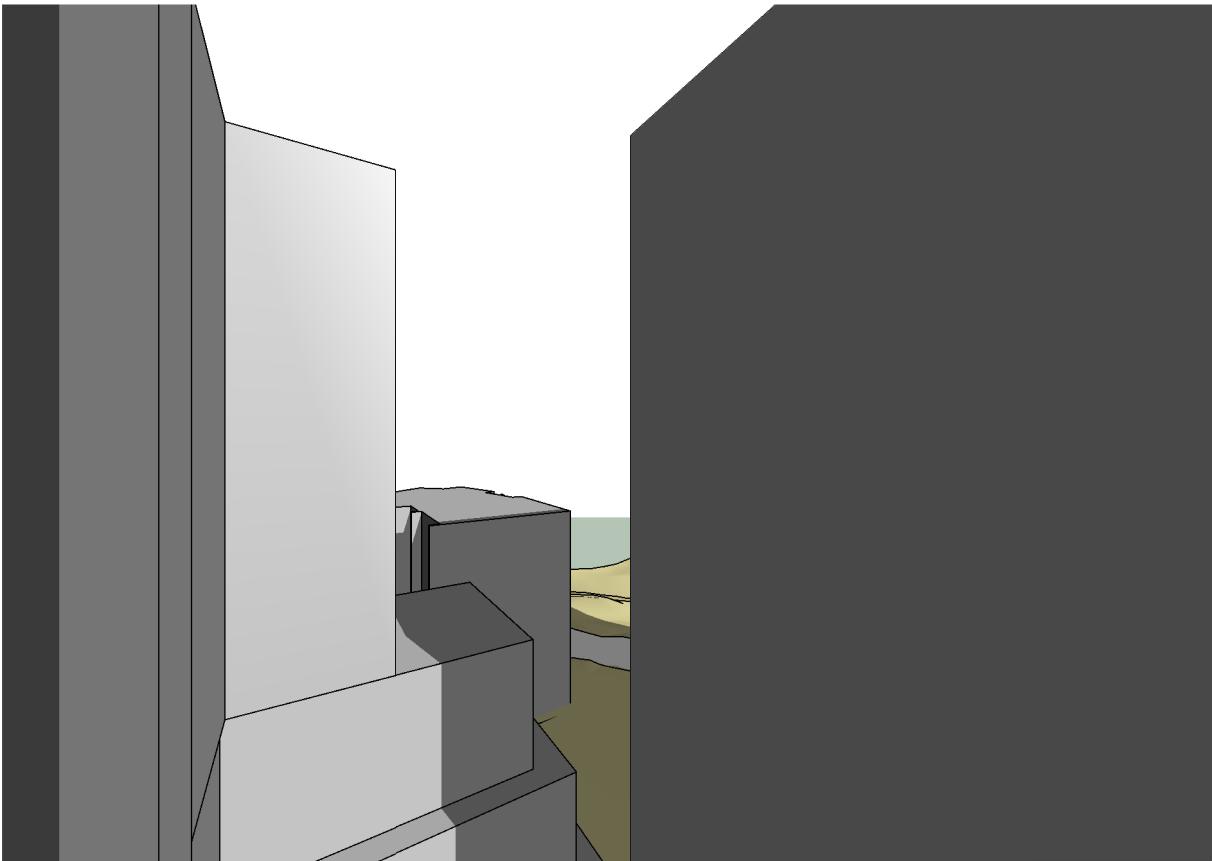
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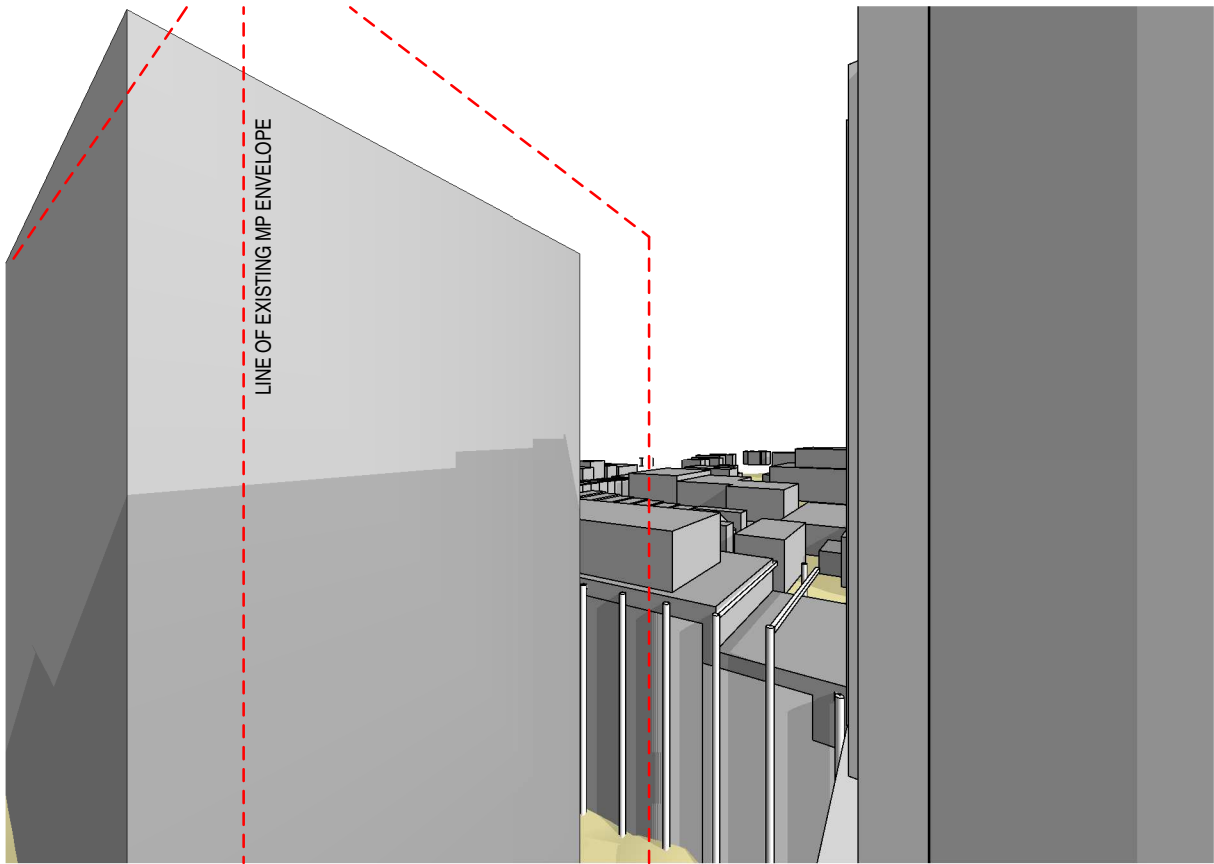




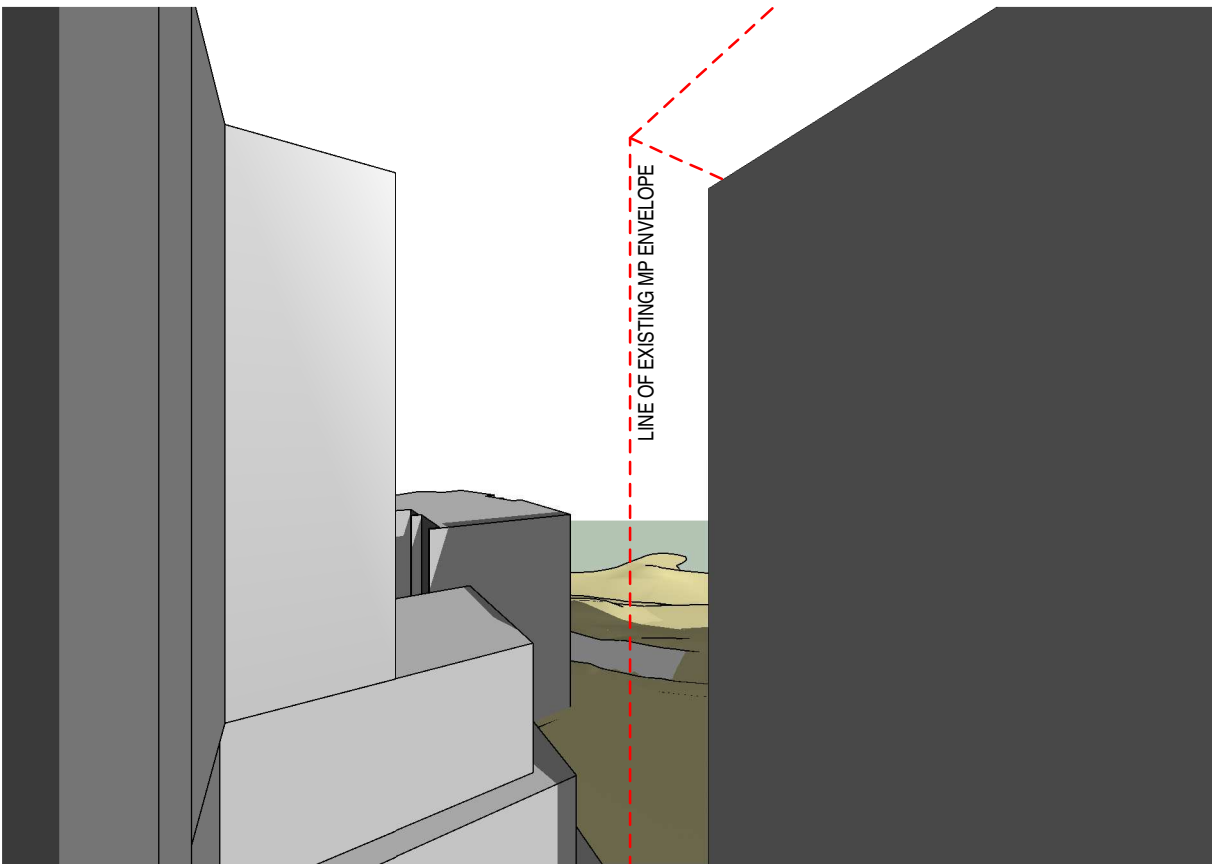
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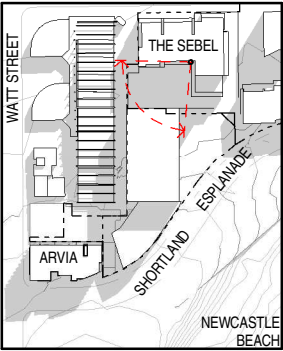
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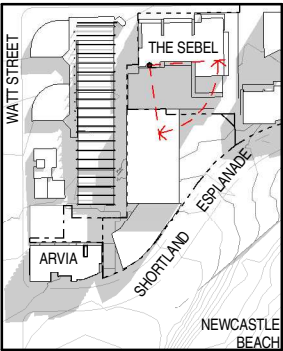
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## **APPENDIX 2**

### **Extract from SEE in relation to GFA**

## Floor Space Ratio

At the time the Concept Plan was approved, the proponent indicated that the project may be staged. Consequently, condition 2 of the Concept Plan set out the following maximum GFAs and FSRs for each part of the site:

- 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 971sqm**. 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 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, but excluding the David Maddison Building site, shall have a maximum GFA of **41,916sqm** being **FSR 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 **12,055sqm**.
- d) Should the United Services Club (*car park*) site be excised from the Subject Site, the maximum FSR for the subject site shall be **3.06:1** being a maximum GFA of **52,771sqm**.

In relation to d) above, in the Director General's Environmental Assessment Report which formed the basis for the Concept Plan, reference was made to section 2.1.2 of the report which sets out the following:

*The site has a total area of 17566sqm, being 17245sqm in total for the Health owned site and 321sqm for the United Services Club (USC) car park site. The car park site has a two storey car park structure on it which is jointly owned by Health and the USC – the ground (Lot 11 DP635003) 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.*

On this basis condition d) above is taken to relate to the USC car park being excised from the subject site.

A DA has been lodged with Newcastle City Council seeking consent to carry out alterations and additions to the existing David Maddison Building (DMB) to be used as office space. Hence the DMB is no longer part of the subject site as per b) above. In addition, for the purposes of this DA, the USC car park site has been excised from the subject site as per d) above. Hence the available GFA on Stage 1 is:

41916sqm - 1200sqm (being 53971-52771 because the USC Car park is being excised) = 40716sqm

Less that part of Stage 1 already developed by Mirvac (25222sqm) = **15494sqm**

This figure is reflected in the design competition brief (Appendix 8) which was approved by DPI in a letter dated 25 November 2011.

## David Maddison DA

It should be noted that as part of the David Maddison DA, 67 car spaces are to be provided utilising part of the existing car park which adjoins the DMB building to the south. 12.5 of these spaces encroach on Lot 11 DP 1112367 which contains the DMB building. 24 spaces are located on Lot 12 DP 635003 (with the bottom level - Lot 11 DP 635003 - to be used by the United Services Club). The remaining 31 spaces are being provided for on Lot 5 DP 1145847 which forms the Stage 1 Development Area. Assuming an area of 19.92m<sup>2</sup> per car park, including circulation space, this equates to 618m<sup>2</sup> of parking space being provided for on part of Lot 5 DP 1145847 ie within Stage 1.

The Concept Plan adopts the definition for GFA as defined in the Standard Instrument Local Environmental Plan, being

*“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, 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."*

Given the above, the 31 spaces (618m<sup>2</sup>) being provided within Stage 1 for use by future occupants of the DM building are to be counted as GFA, since they exceed the requirements of the consent authority for Stage 1. Therefore the GFA remaining on Stage 1 is 15494m<sup>2</sup> – 618m<sup>2</sup> = **14876m<sup>2</sup>**

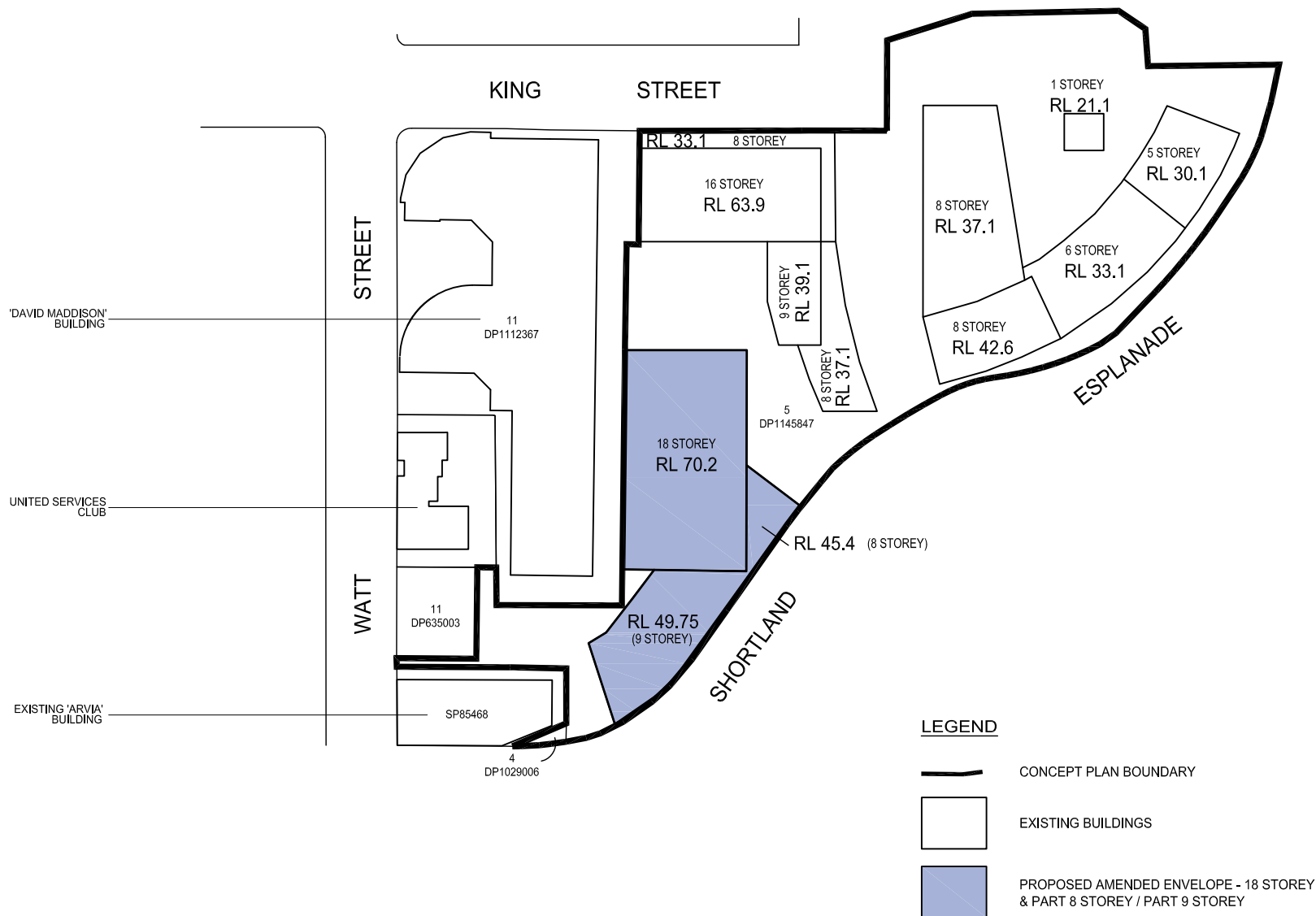
The two new buildings will have a combined GFA of 14619m<sup>2</sup>, (northern building 11150m<sup>2</sup> and southern building 3469m<sup>2</sup>).



## **APPENDIX 3**

### **Amended Concept Plan Drawing**

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