

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011 and effective from 1 October 2011, the Planning Assessment Commission approves the concept plan modification application referred to in schedule 1, subject to the amended modifications in schedule 2.



Jan Murrell  
MEMBER OF THE COMMISSION



Garry Payne AM  
MEMBER OF THE COMMISSION

Sydney

9 April 2013

### SCHEDULE 1

**Concept Approval:**

MP 05\_0062 granted by the then Minister for Planning on 3 January 2007

**For the following:**

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.

**Modification:**

MP 05\_0062 MOD 2: Modify the concept plan as follows:

- excision of the David Maddison Building and the United Services Club car park site
- deletion of building envelopes on the excised sites
- modification of the building envelopes for Stage 1C
- inclusion of "hotel or motel accommodation" as defined in Schedule 2 an allowed land use within the concept plan.

*(Note: This is the first modification of the concept plan as MP 05\_0062 MOD 1 was withdrawn.)*

## SCHEDULE 2

### PART A – TABLE

1. **Delete the lots identified in the second column of the table in relation to ‘On land comprising’ and replace with ‘Lots 2, 4 & 5 DP 1145847, Lot 4 DP 1029006, SP 84211 and SP 83376’.**

### PART C – DEFINITIONS

2. **Delete the definition for Height and replace with the following:**

**Height** means the height of the buildings in numerical controls as defined on the drawing referenced 2922-CONCEPT AREA 29.10.12, titled *Newcastle Royal Hospital Site Plan Showing Proposed Concept Plan Area & Revised Building Envelopes*, prepared by de Witt Consulting, dated 29.10.12.

3. **Insert the following definition for Stage 1C:**

**Stage 1C** means the development within Lot 5 DP1145847 and Lot 4 DP1029006.

4. **Insert the following definition:**

**Hotel or motel accommodation** means a building or place (whether or not licensed premises under the Liquor Act 2007 that provides temporary or short-term accommodation on a commercial basis and that:

- (a) Comprises rooms or self-contained suites, and
- (b) May provide meals to guests or the general public and facilities for the parking of guests’ vehicles,

but does not include a backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

### MODIFICATIONS TO CONCEPT PLAN APPROVAL

5. **Delete Modification 1 Approval in Accordance with Documents and replace with:**

- 1 **Approval in Accordance with Documents**

The approval shall be in accordance with MP 05\_0062 for predominantly residential and hotel 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, 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
- as modified by the MP 05\_0062 MOD 2 modification application and associated documentation including:
  - a letter prepared by *Andrew Biller, de Witt Consulting*, dated 22 June 2012, titled *RE: ROYAL NEWCASTLE HOSPITAL SITE – SECTION 75W APPLICATION TO AMEND CONCEPT PLAN 05\_0062 (LOT 11 DP 1112367, LOT 5 DP 1145847, LOT 4 DP 1029006 AND LOT 11 DP 635003 PACIFIC STREET, NEWCASTLE)* and appendices except for Appendix 2
  - a letter prepared by *Andrew Biller, de Witt Consulting*, dated 14 August 2012, titled *RE: ROYAL NEWCASTLE HOSPITAL SITE – SECTION 75W APPLICATION TO AMEND CONCEPT PLAN – RESPONSE TO MATTERS RAISED BY NEWCASTLE CITY COUNCIL*
  - a letter prepared by *Andrew Biller, de Witt Consulting*, dated 1 November 2012, titled *RE: MODIFICATION REQUEST FOR ROYAL NEWCASTLE HOSPITAL SITE*
  - a letter prepared by *Andrew Biller, de Witt Consulting*, dated 10 December 2012, titled *RE: MODIFICATION REQUEST TO CONCEPT PLAN TO INCLUDE HOTEL USE AS AN ADDITIONAL PERMISSIBLE USE - ROYAL NEWCASTLE HOSPITAL SITE*
- Drawing referenced 2922-CONCEPT AREA 29.10.12, titled *Newcastle Royal Hospital Site Plan Showing Proposed Concept Plan Area & Revised Building Envelopes*, prepared by *de Witt Consulting*, dated 29.10.12.

except for as modified as follows, pursuant to section 75O(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.

**6. Delete Modification 2 Floor Space Ratio and Staging and replace with:**

**2 Floor Space Ratio**

The redevelopment of the subject site shall have a maximum GFA of **40,716** sqm.

**7. Delete Modification 3 Building Envelopes and replace with:**

**3 Building Envelopes**

Building Envelopes as shown as footprints and height drawing referenced 2922-CONCEPT AREA 29.10.12, titled *Newcastle Royal Hospital Site Plan Showing Proposed Concept Plan Area & Revised Building Envelopes*, prepared by *de Witt*

*Consulting*, dated 29.10.12 are maximum controls and to include articulation zones in accordance with the site design principles.

**8. Delete Modification 4 Building Heights and replace with:**

**4 Building Heights**

- a) Approved building heights are to be in accordance with the drawing referenced 2922-CONCEPT AREA 29.10.12, titled *Newcastle Royal Hospital Site Plan Showing Proposed Concept Plan Area & Revised Building Envelopes*, prepared by *de Witt Consulting*, dated 29.10.12.
- b) In addition, plant rooms, lift overruns and architectural roof features may occupy additional height as follows:
  - i. for buildings up to 25m, up to 3.0m in height; and
  - ii. for buildings over 25m, up to 5.8m in height.

**9. Delete Modification 11 Subsequent Approval Regime**

**10. Insert the following modification after Modification 10 Alignment to King Street:**

**11 Site design principles**

The site design principles are modified as follows:

- a) Delete 2.1 Built Form, a) Floor Space Ratio (FSR)
- b) Modify 2.1 Built Form, e) Building setbacks to identify a setback of a minimum 3 metres to the kerb for Stage 1C the site design principle to replace the 2.5 metre minimum setback.
- c) Insert 2.1 Built Form, g) View Sharing

**Objectives**

- Provide for view sharing between new and existing buildings.
- Maximise outlook and views from principal rooms and private open spaces without compromising visual privacy.

**Design Principles**

- The design, height and bulk of proposed buildings within the building envelopes 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.
- d) Modify 6.7.2 Building character, c) Vehicular access and car parking, Figure 13 to delete the northern preferred location of car parking entries on Watt Street and the western preferred location of car parking entries on King Street and retain the southern preferred location of car parking entries on Watt Street and relocate this preferred location to an accessible location along Watt Street.
- e) Include in 6.7.2 Building character, c) Vehicular access and car parking, the principles, the following requirement:
  - Any proposal for a vehicle access point on Shortland Esplanade must demonstrate that the vehicle access point would not result in adverse traffic impacts and sight lines are adequate.

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