Appendix D – Concept Plan MP 05_0062

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 *(Note: This is the first modification of the concept plan as MP 05_0062 MOD 1 was withdrawn.)*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 24th November 2006 and *Royal Newcastle Hospital Redevelopment Supporting Information for the Preferred Project Report* prepared by JBA Urban Planning Consultants dated 24th November 2006, including attached *Royal Newcastle Hospital Site Design Principles* dated 24th November 2006 and *Royal Newcastle Hospital Draft Statement of Commitments* dated 24th 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.

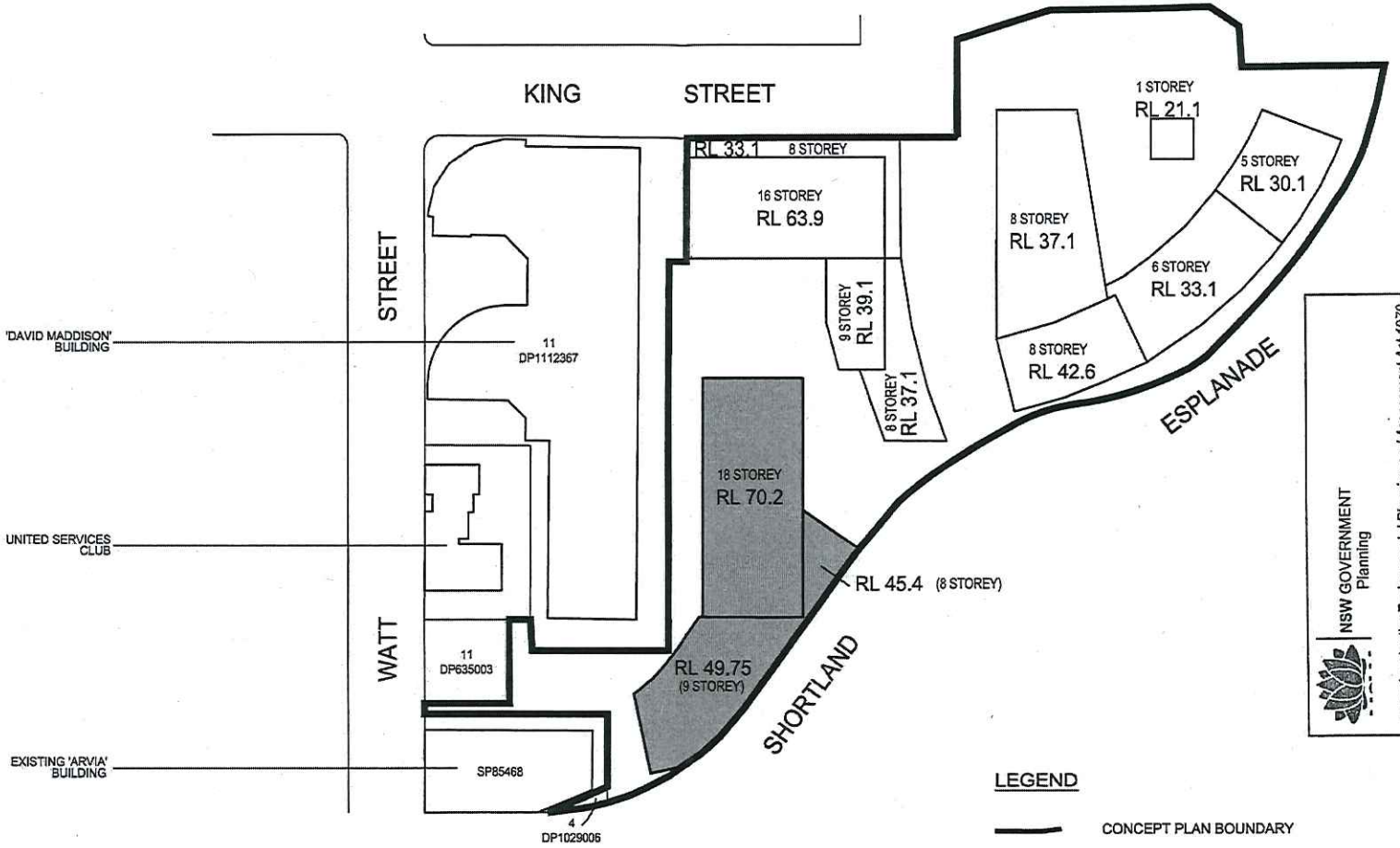
    d) Modify 6.7.2 Building character, c) Vehicular access and car parking, Figure 13 to delete the northern preferred location of car parking entries on Watt Street and the western preferred location of car parking entries on King Street and retain the southern preferred location of car parking entries 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.

****

NOTE :
THE BOUNDARIES SHOWN ARE APPROXIMATE ONLY. THE
THE BOUNDARIES SHOWN ARE INTENDED FOR DISCUSSION
PURPOSES ONLY.



NSW GOVERNMENT
Planning

Issued under the Environmental Planning and Assessment Act 1979

Approved Section 75W Modification Application

No. MP 05_0062 Mod 2 granted on the 09/04/15

In respect to MP 05_0062

Signed.....

Sheet No.....of.....

LEGEND

- CONCEPT PLAN BOUNDARY
- EXISTING BUILDINGS
- PROPOSED AMENDED ENVELOPE - 18 STOREY & PART 8 STOREY / PART 9 STOREY

THIS PLAN IS COPYRIGHT AND SHALL REMAIN THE PROPERTY OF DE WITT CONSULTING. THE CLIENT NAMED ON THE PLAN IS GRANTED A LICENCE TO USE THE INFORMATION, USING THE INFORMATION CONTAINED IN THIS PLAN IS PROHIBITED UNLESS WRITTEN APPROVAL IS GRANTED BY DE WITT CONSULTING. THE PLAN AND INFORMATION MAY ONLY BE USED FOR THE PURPOSE FOR WHICH THE PLAN WAS DESIGNED.

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ABN 23 104 067 405

TITLE
NEWCASTLE ROYAL HOSPITAL SITE
PLAN SHOWING PROPOSED CONCEPT AREA &
REVISED BUILDING ENVELOPES

Ed.	Date	Amendment
H		
G		
F		
E		
D	29.10.12	AMENDMENTS
C	11.10.12	CUT OFF 8/9 STOREY BUILDING
B	15.08.12	AMENDMENTS
A	21.06.12	INITIAL ISSUE

JOB ADDRESS: SHORTLAND ESPLANADE
CLIENT: STRONACH PROPERTY
SCALE: NTS
SURVEY DATE:
PLAN DATE: 29.10.12
DATUM: -
CAD REF:
ORIGIN OF LEVELS -
DRAWN MH
SURVEYOR CHECKED
APPROVED
DRAWING REF: 2922-CONCEPT AREA 29.10.12

PLAN No 1
JOB REF: 2922
SHEET No 1/1

ROYAL NEWCASTLE HOSPITAL SITE REDEVELOPMENT
PACIFIC STREET, NEWCASTLE (MP 05_0062)
CONSOLIDATED APPROVAL

AS MODIFIED BY MP 05_0062 MOD 2 (09.04.13)

SCHEDULE 1
CONCEPT PLAN FOR REDEVELOPMENT OF THE ROYAL NEWCASTLE HOSPITAL SITE (MP 05_0062)

FOR INFORMATION

PART A—TABLE

Application made by:	Landcom, on behalf of the NSW Department of Health (Health Administration Corporation as landowning entity)
Application made to:	Minister for Planning
Major Project Application:	MP 05_0062
On land comprising:	**Lots 2, 4 & 5 DP 1145847, Lot 4 DP 1029006, SP 84211 and SP 83376**
Local Government Area	Newcastle
For the approval for:	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
Estimated Capital Investment Value	$125 million
Type of approval:	Concept Plan
S.119 Public inquiry held:	No
Determination made on:	3 January 2007
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act

[MP 05_0062 MOD 2 – 09.04.13]

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

FOR INFORMATION

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 8th 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.~~

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*.**

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.

[MP 05_0062 MOD 2 – 09.04.13]

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).

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

[MP 05_0062 MOD 2 – 09.04.13]

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.

FOR INFORMATION ONLY

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 24th November 2006 and *Royal Newcastle Hospital Redevelopment Supporting Information for the Preferred Project Report* prepared by JBA Urban Planning Consultants dated 24th November 2006, including attached *Royal Newcastle Hospital Site Design Principles* dated 24th November 2006 and *Royal Newcastle Hospital Draft Statement of Commitments* dated 24th November 2006; and~~
- ~~Supporting Control Drawings - Concept Plan building heights diagram showing maximum storeys and indicative RLs of all buildings dated 8th 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 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.~~

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 24th November 2006 and *Royal Newcastle Hospital Redevelopment Supporting Information for the Preferred Project Report* prepared by JBA Urban Planning Consultants dated 24th November 2006, including attached *Royal Newcastle Hospital Site Design Principles* dated 24th November 2006 and *Royal Newcastle Hospital Draft Statement of Commitments* dated 24th 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.

[MP 05 0062 MOD 2 – 09.04.13]

~~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 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 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.**~~

2 *Floor Space Ratio*

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

[MP 05_0062 MOD 2 – 09.04.13]

~~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 8th December 2006* are maximum controls and to include articulation zones in accordance with the site design principles.~~

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.

[MP 05_0062 MOD 2 – 09.04.13]

~~4 *Building Heights*~~

~~a) Approved building heights are to be in accordance with the drawing *Supporting Control Drawings – Concept Plan building heights diagram dated 8th 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.~~

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.**

[MP 05_0062 MOD 2 – 09.04.13]

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.*

FOR INFORMATION

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 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 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.~~

[MP 05_0062 MOD 2 – 09.04.13]

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**

SIGNATURE

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.**

[MP 05_0062 MOD 2 – 09.04.13]

FOR INFORMATION ONLY