

26 July 2013

Our Ref: Job 2922 (Planning)  
Your Ref: DA 2012/549

General Manager  
Newcastle City Council  
PO Box 489  
NEWCASTLE NSW 2300

ATTENTION: STEVEN MASIA

Dear Steven,

**RE: 1 KING STREET NEWCASTLE – DEMOLITION OF PART MULTILEVEL CAR PARK AND  
ERECTION OF 17 STOREY COMMERCIAL/RESIDENTIAL BUILDING INCLUDING HOTEL  
AND BASEMENT CAR PARK**

We refer to our meeting of 19 July 2013 and the additional information request from the Joint Regional Planning Panel (JRPP) in relation to the above DA.

We note that the recent Concept Plan amendments contained in MP\_05\_0062MOD2, introduced the following new site design principle in relation to 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.*

Further to the above, we attach an additional view sharing analysis which responds to the above principles and objectives. This view sharing analysis is consistent with that provided to the PAC and which followed the established view sharing principles set out in Tenacity Consulting vs Warringah (2004) NSWLEC 140.

We respectfully request that you forward this to the JRPP for their consideration.

Yours sincerely

de WITT CONSULTING



Andrew Biller  
PRINCIPAL TOWN PLANNER

Attachment 1 – Additional View Sharing Analysis

## Additional View Sharing Analysis

The recent Concept Plan amendments approved by the Planning Assessment Commission (PAC) on 9 April 2013 introduced the following new site design principle in relation to 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.*

The Site Design Principle document contains the following statement in the introduction:

*"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."*

This view sharing analysis is consistent with that provided to the PAC in support of the approved amendments to the Concept Plan, and which followed the established view sharing principles set out in Tenacity Consulting vs Warringah (2004) NSWLEC 140.

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views eg the Opera House or Harbour Bridge are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas. It is usually more useful to assess view loss qualitatively rather than quantitatively as negligible, minor, moderate, severe or devastating.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them.

### **Views from east facing units in Arvia building**

In relation to views from east facing units of the Arvia building, taking into consideration the view sharing principles in Tenacity Consulting vs Warringah (2004) it is proposed to splay the southern building at the south western corner as per the approved Concept Plan envelope. It should be noted that the south-western corner of the envelope in the amended Concept Plan is the same as that approved under the original Concept Plan. This ensures that no additional impacts occur for north-eastern units of Arvia Apartments up to Level 8, other than those impacts which would have occurred under the original Concept Plan. Under the original Concept Plan, the building envelopes would already partially obstruct views enjoyed by these units. Other than the slight increase in

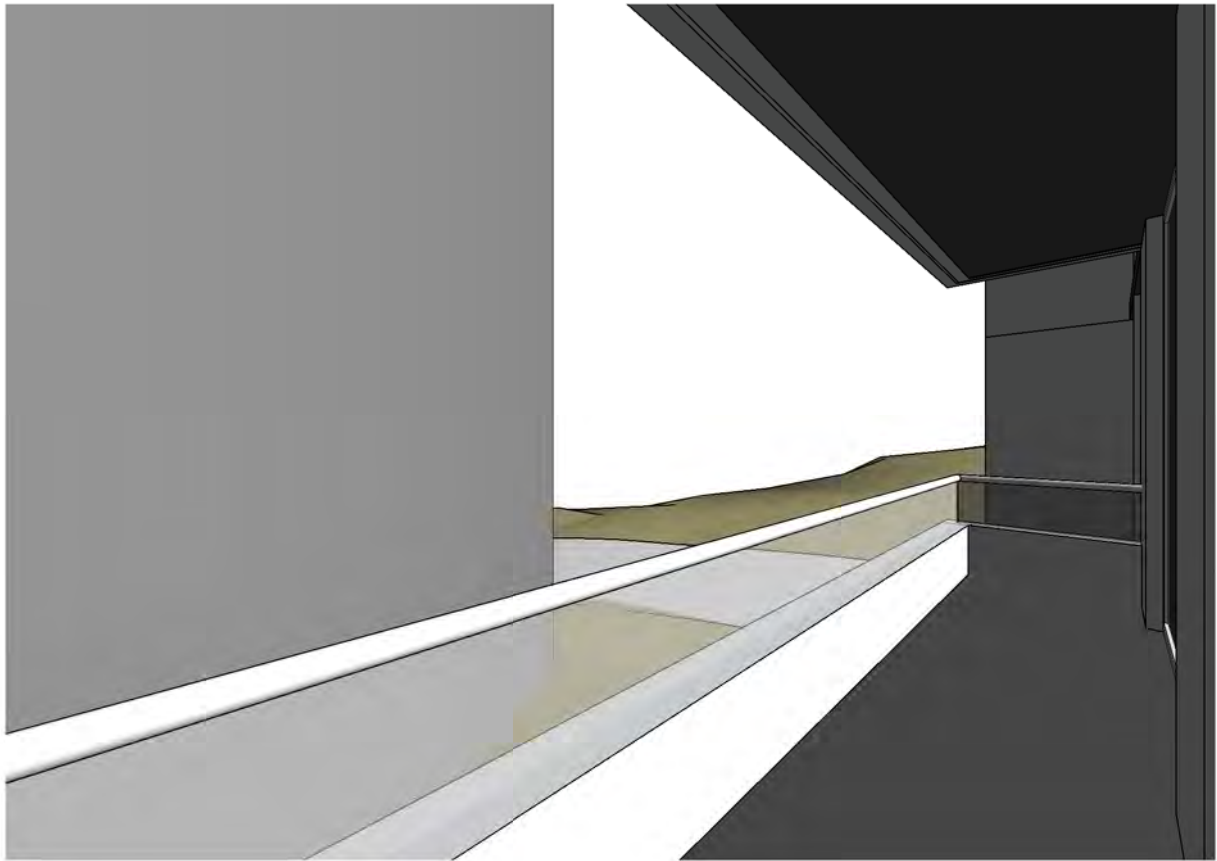
the height of the envelope for the southern building from RL 49.1 to proposed RL 49.75, the revised drawings demonstrate that residents of the Arvia building will have the same views that they would have had under the previous concept plan envelope.

The impact of splaying the building envelope on views from the upper and lower levels of the Arvia building is demonstrated in the revised drawings PD 13 Issue D and PD 14 Issue D, prepared by Suters Architects (below).

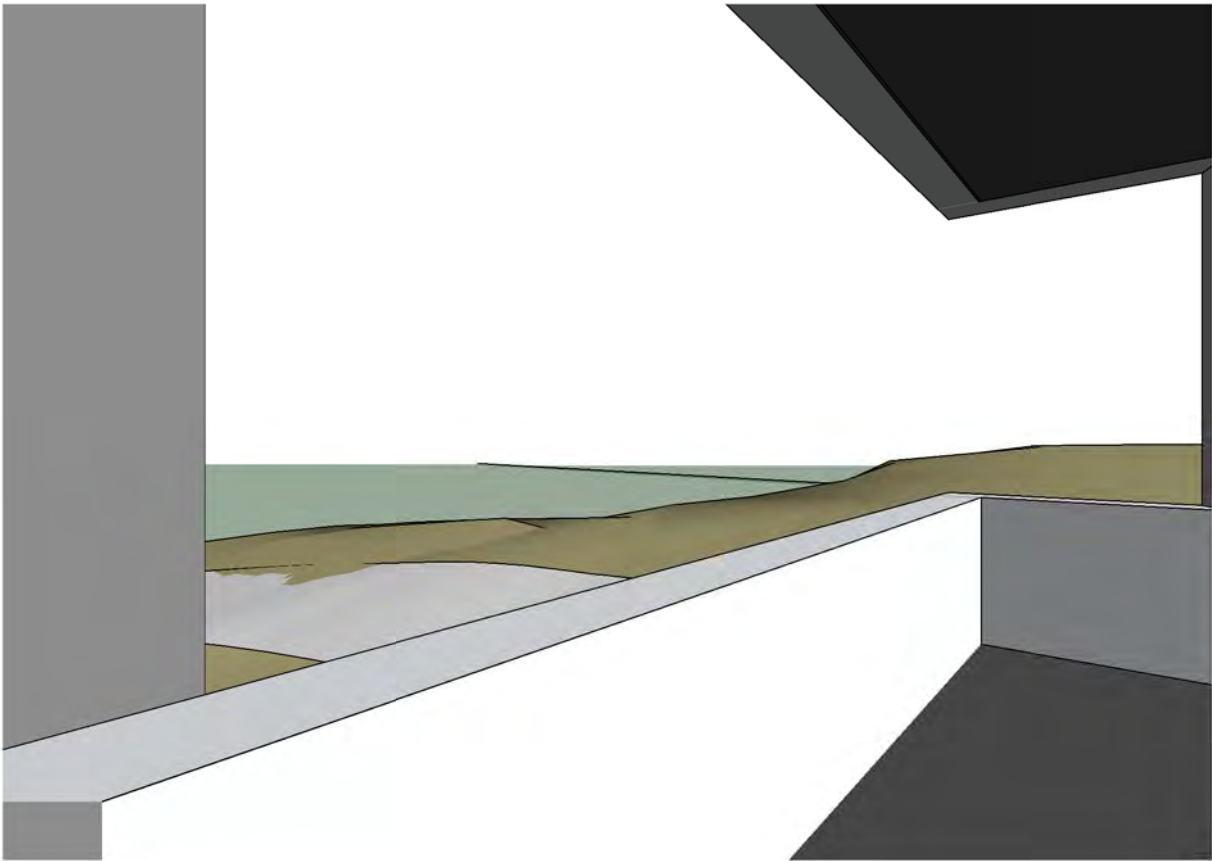
With respect to the Arvia building, the proposed development therefore provides for view sharing between new and existing buildings in accordance with the new view sharing principle objectives, and is also consistent with the design principles as well as the Tenacity Principles. The orientation, design, height and bulk of the proposed southern building incorporates sharing of views.

### **Views from Completed Stage 1A and 1B buildings**

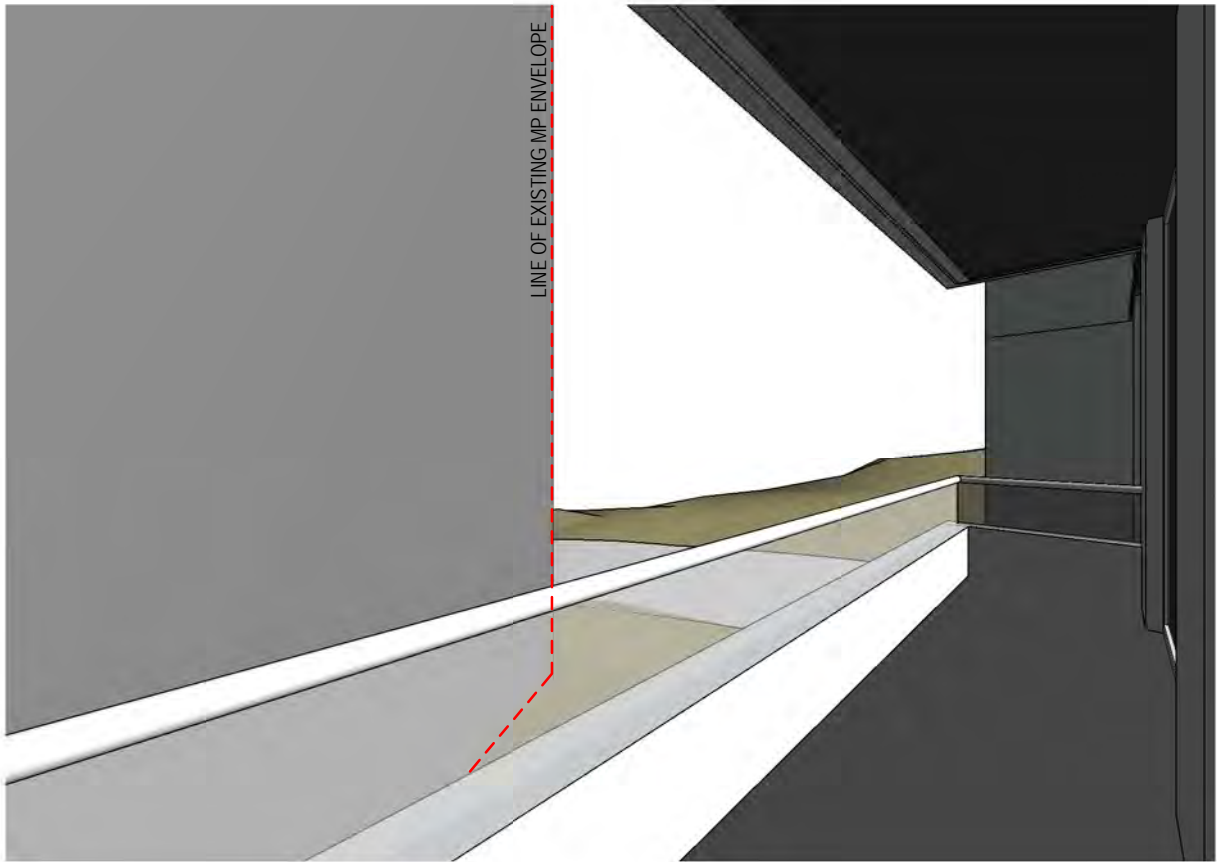
In relation to the completed Stage 1A and 1B towers to the north, drawings PD 15 Issue C and PD 16 Issue C prepared by Suters Architects (below) show existing and proposed perspectives taken from two locations within the development (lower and upper) looking west and east. Moving the northern building 6.7m further south as proposed, increases the separation between buildings, enhances east and west views and is considered to accord with the view sharing principles set out in Tenacity Consulting vs Warringah, as well as those introduced by the new view sharing principle objectives.



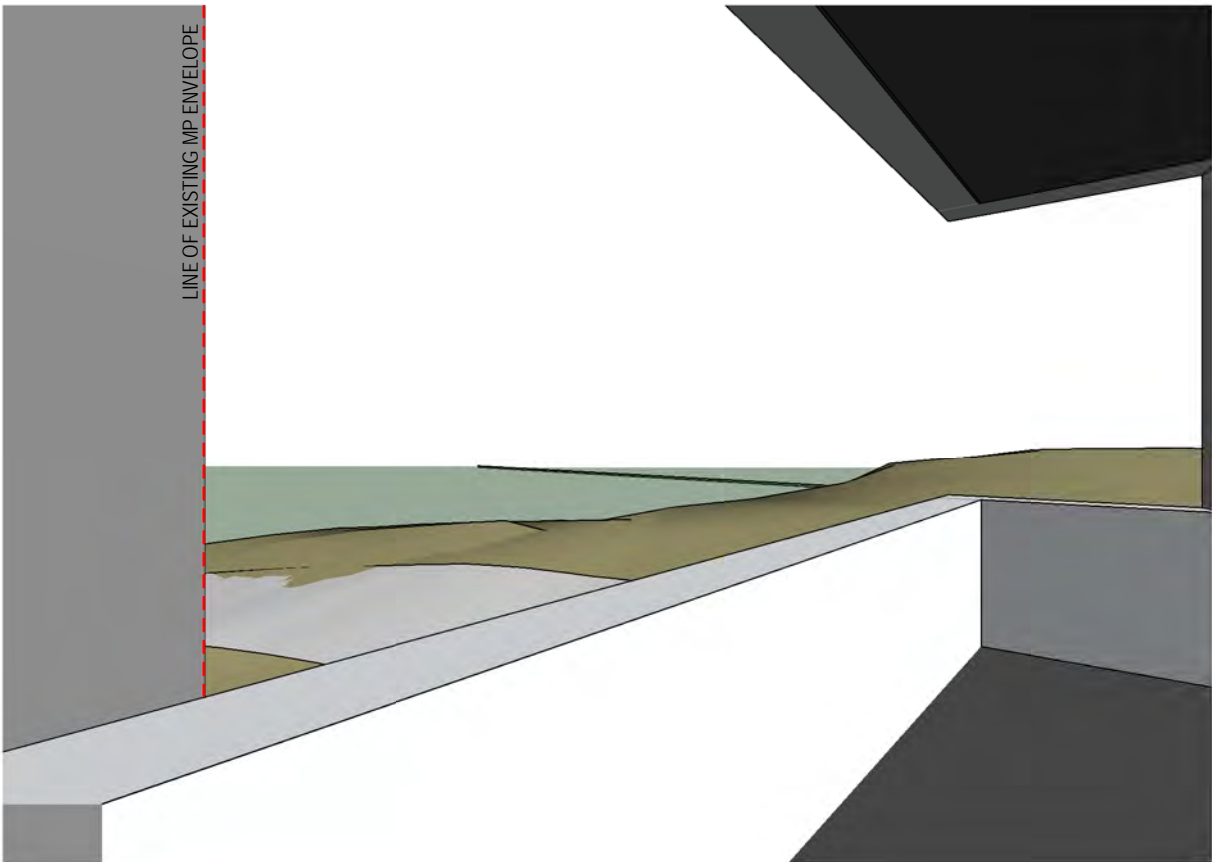
ARVIA LOWER LEVELS NORTH LIVING-EXISTING MP



ARVIA LOWER LEVELS SOUTH LIVING-EXISTING MP



ARVIA LOWER LEVELS NORTH LIVING-PROPOSED MP



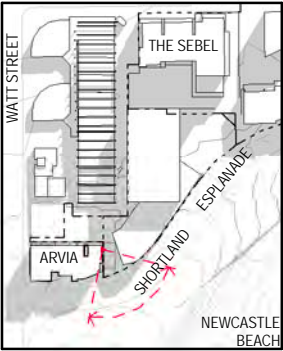
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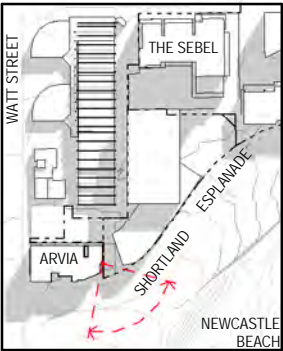
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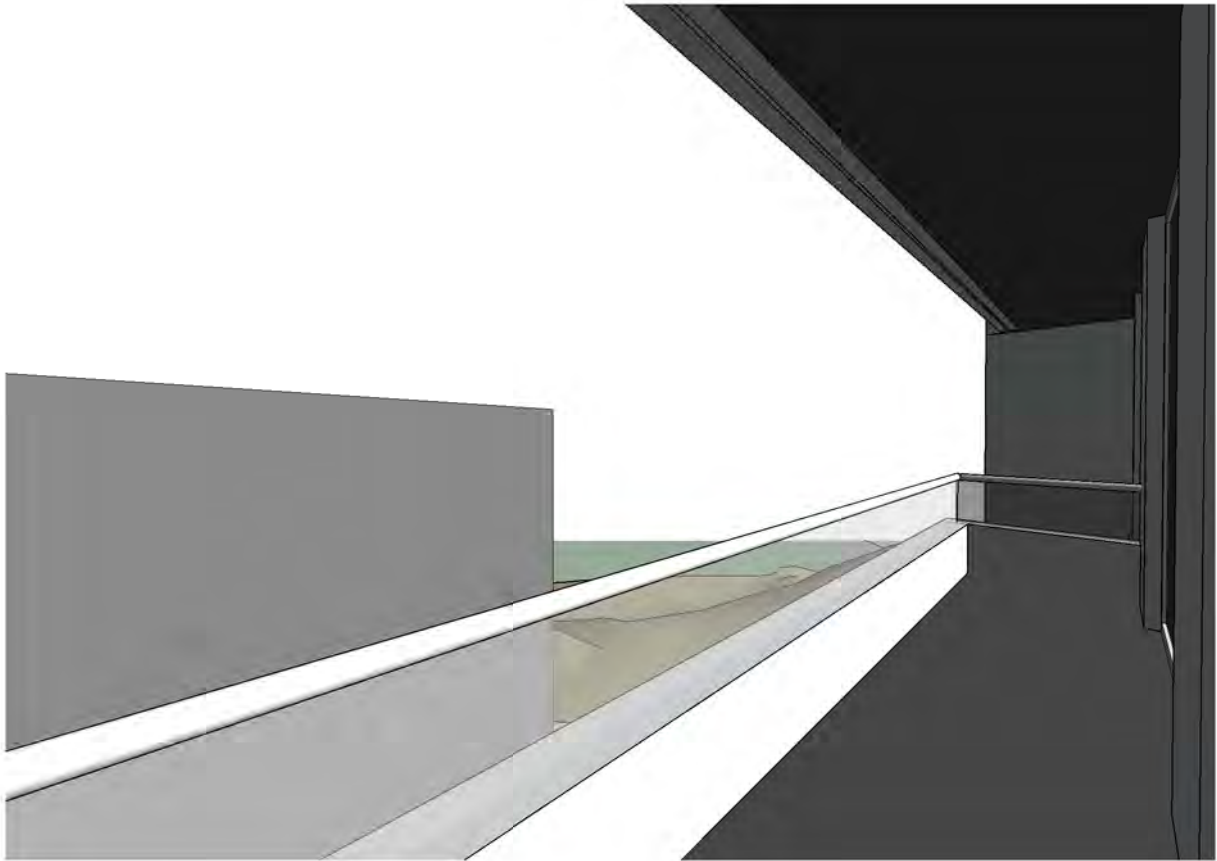


ARVIA NORTH LIVING

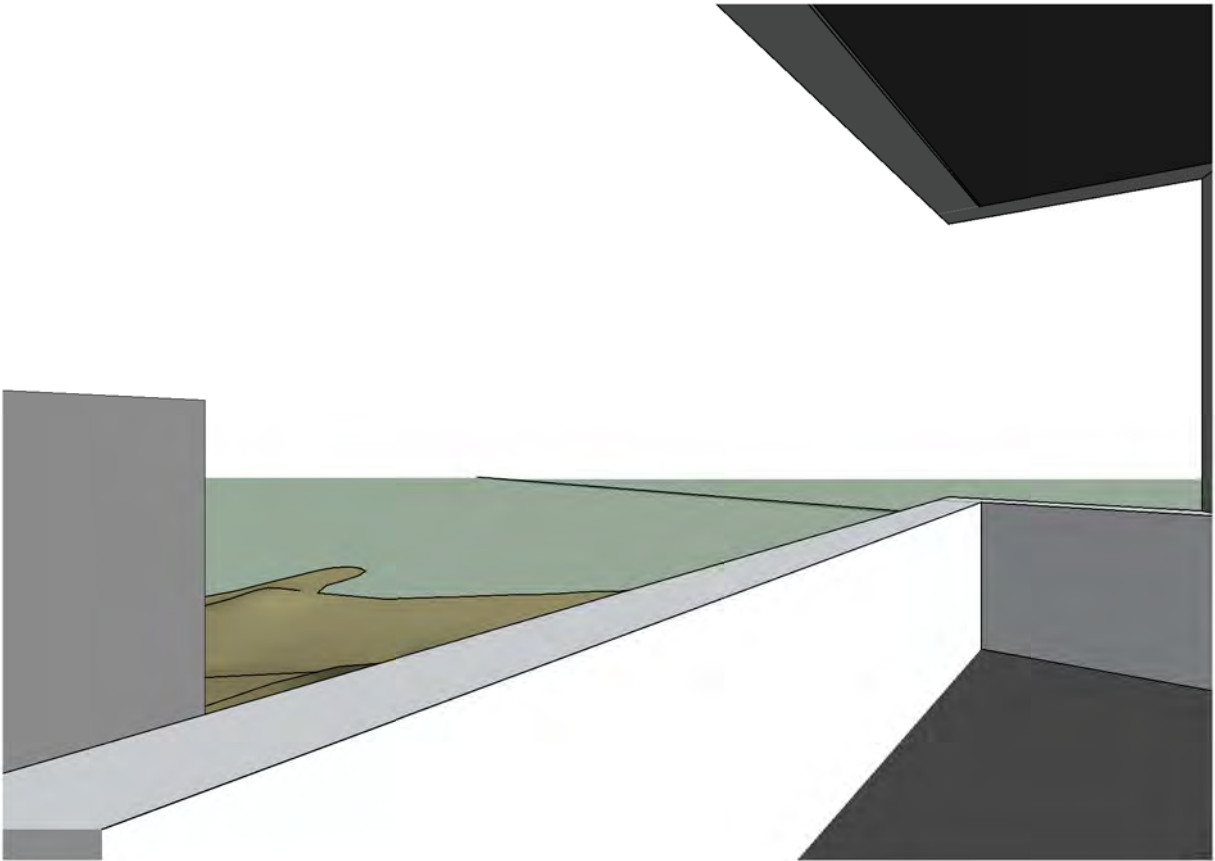


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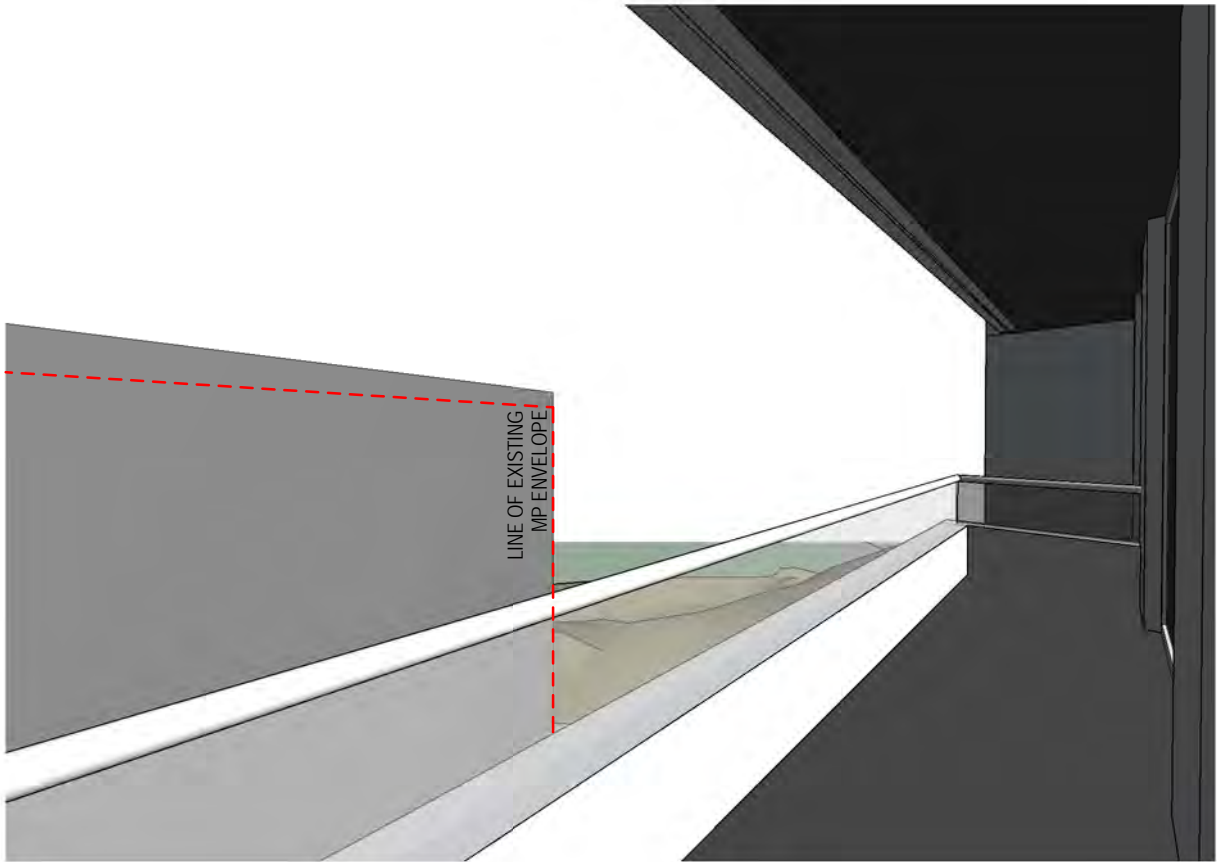
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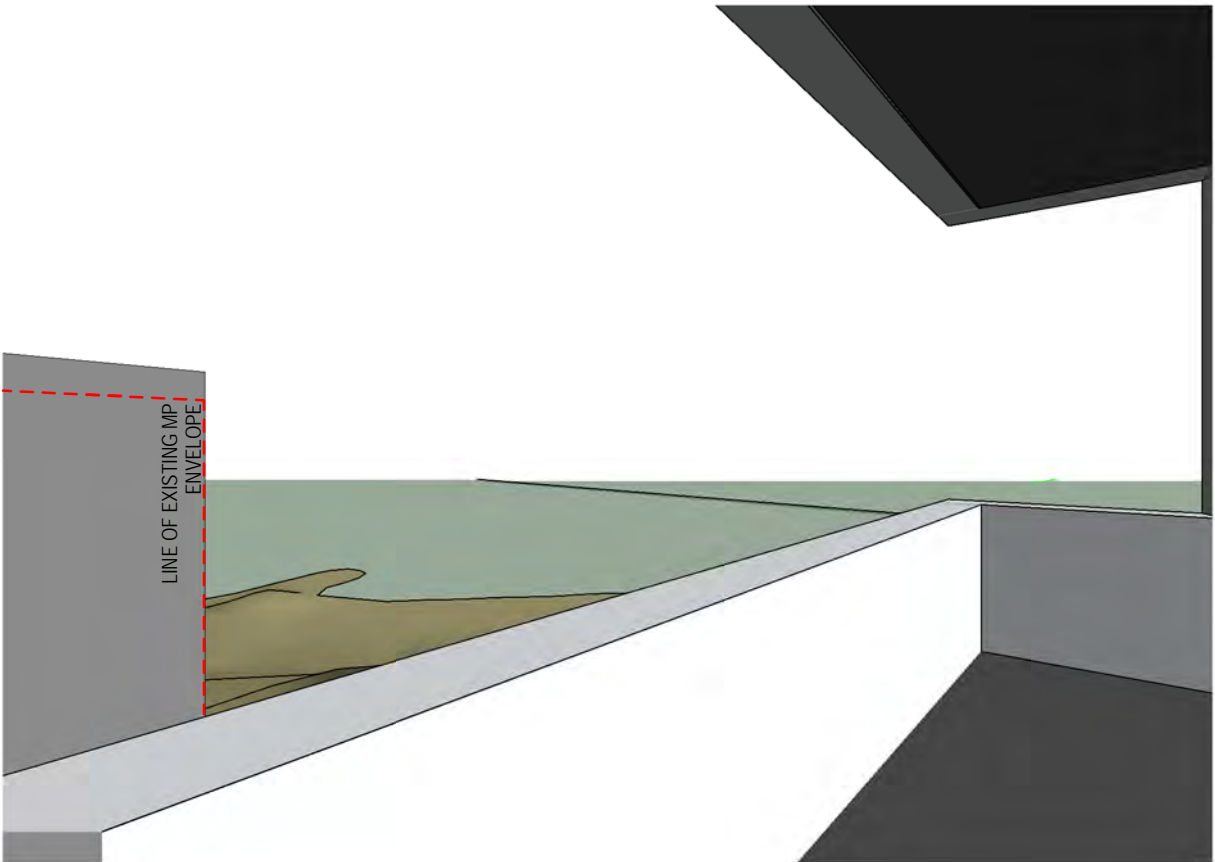
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ARVIA UPPER LEVELS NORTH LIVING-PROPOSED MP



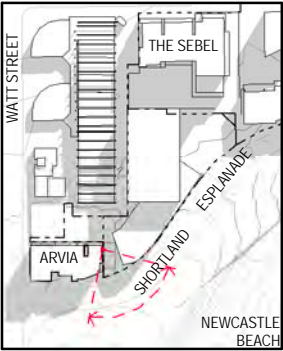
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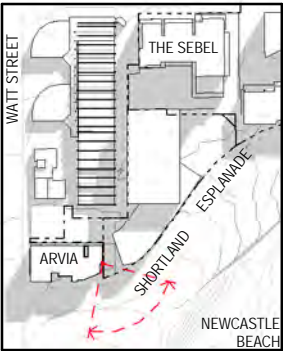
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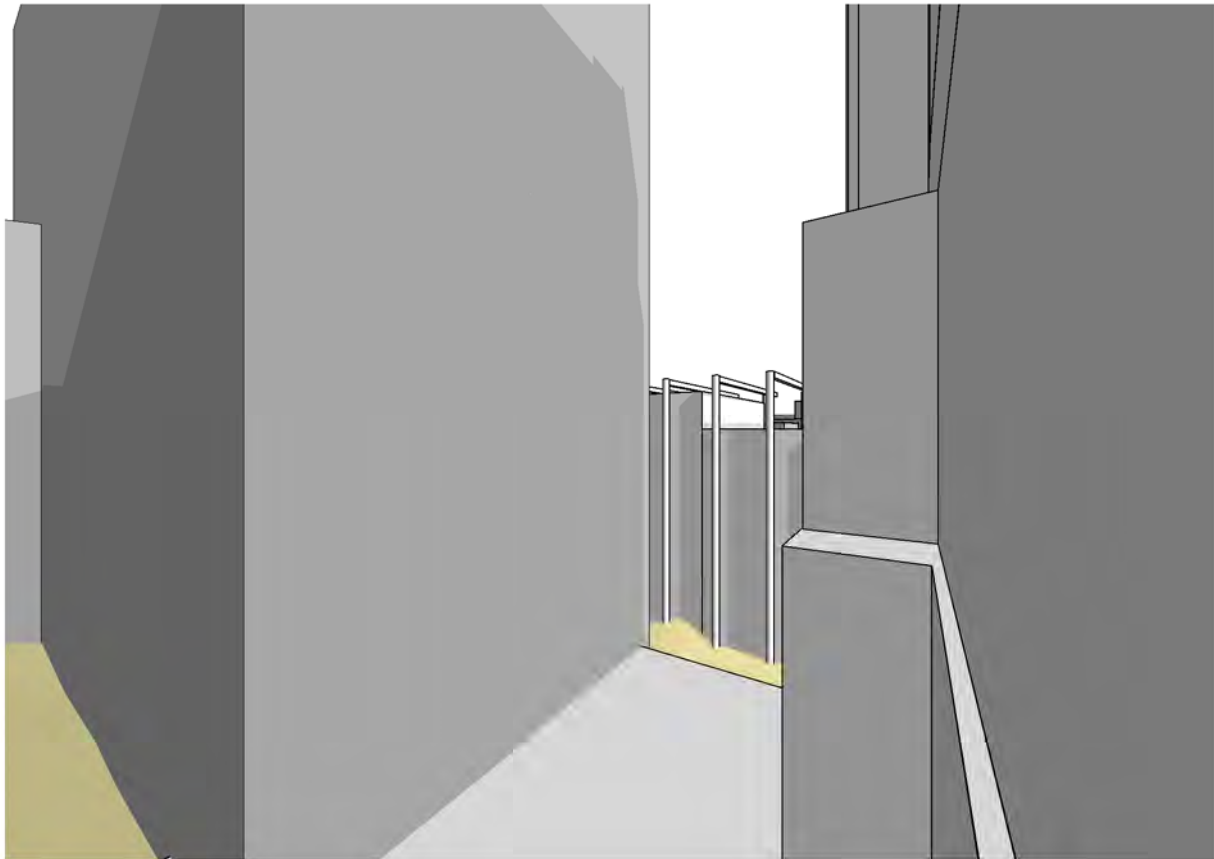
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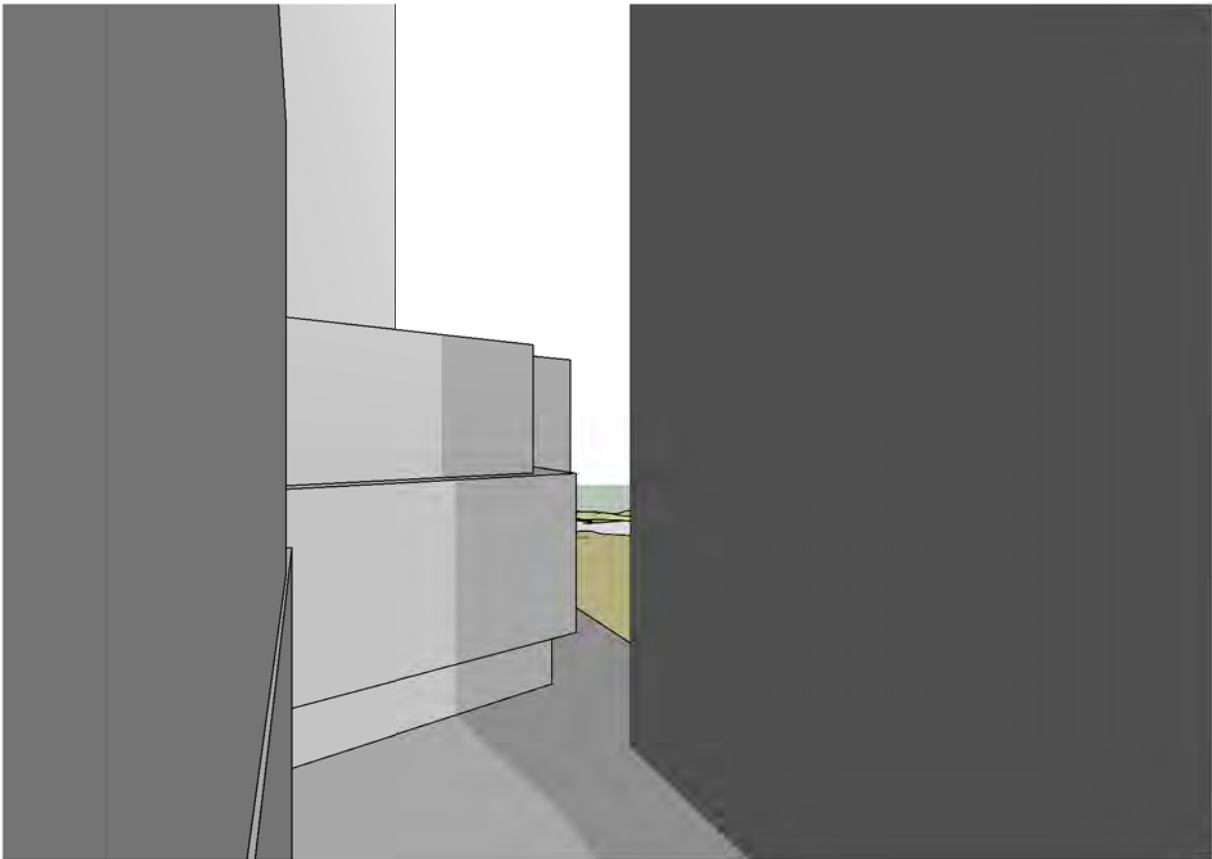
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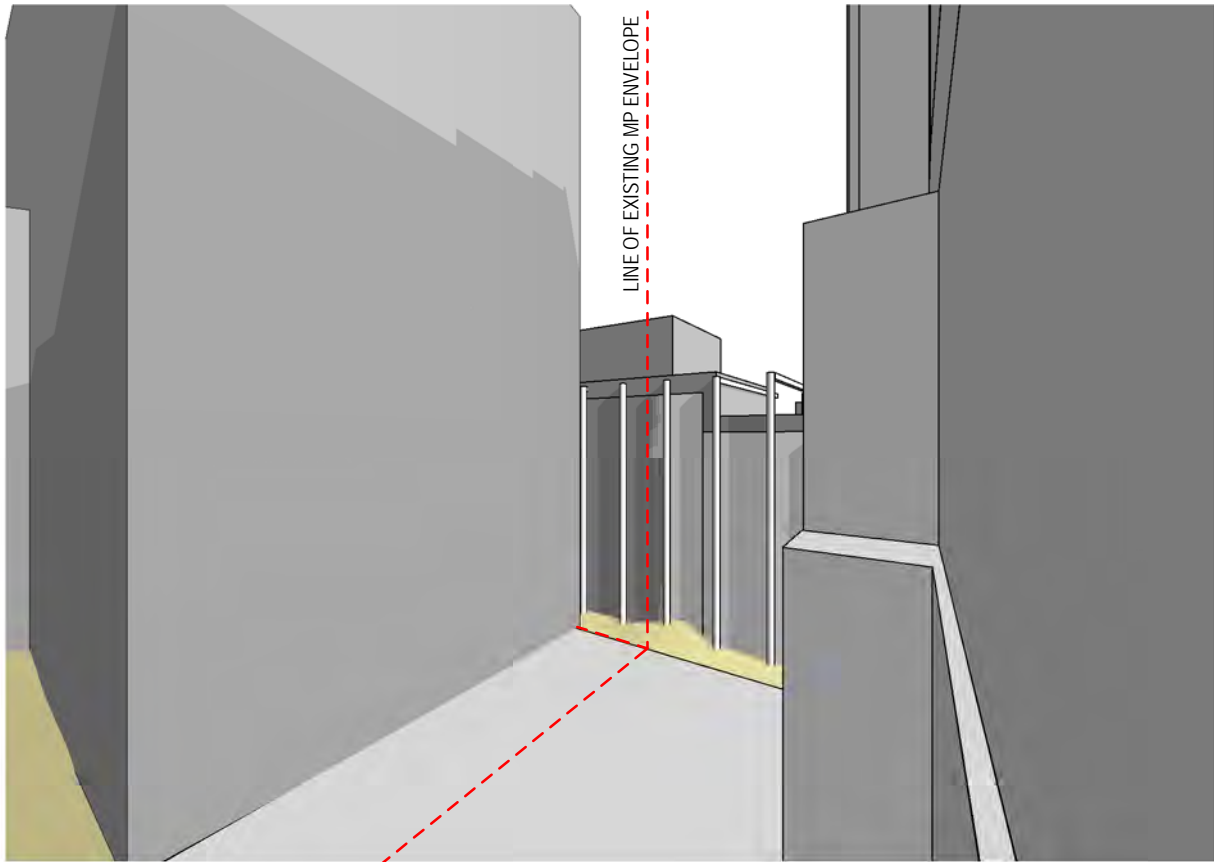




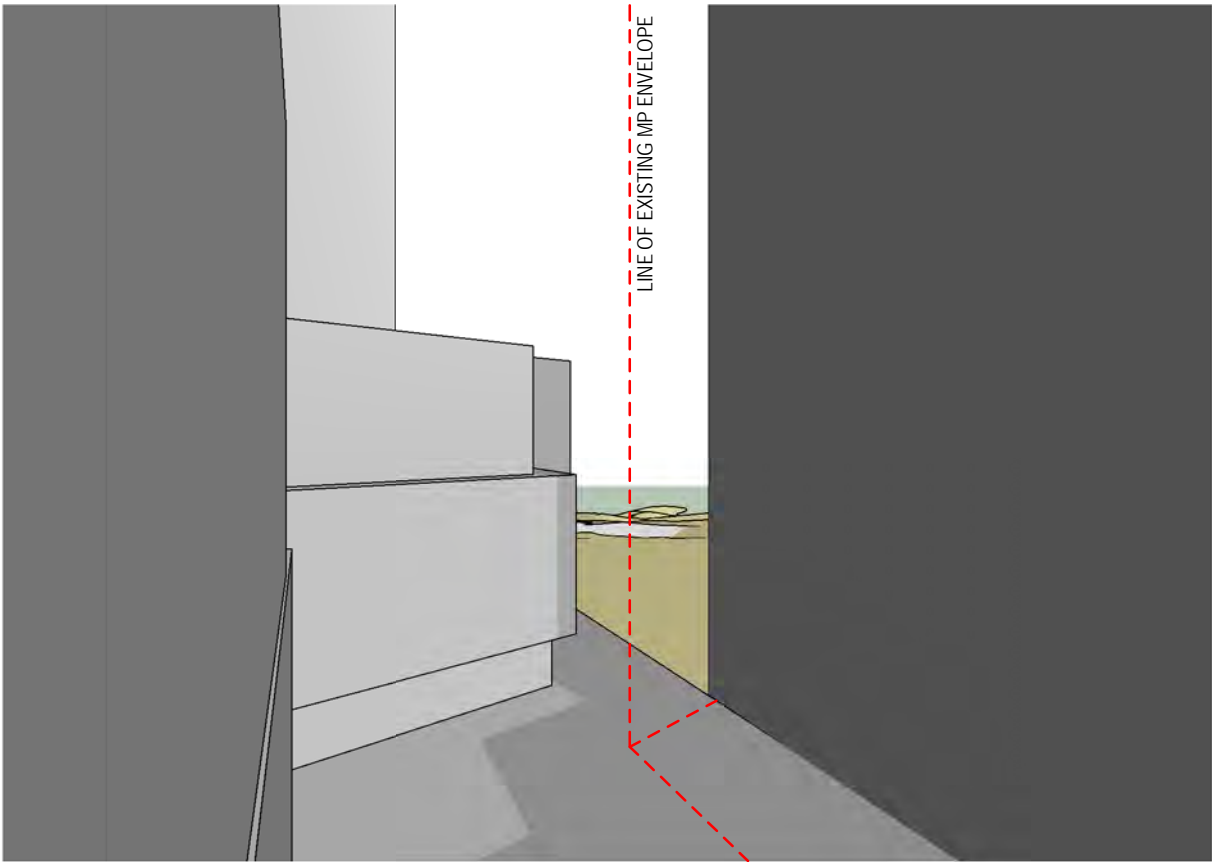
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SEBEL LOWER LEVELS EAST VIEWS-EXISTING MP



SEBEL LOWER LEVELS WEST VIEWS-PROPOSED MP



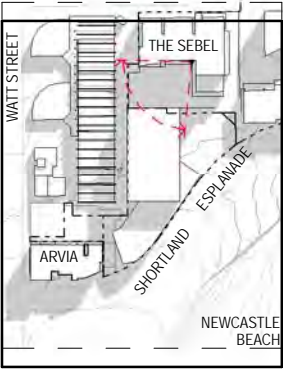
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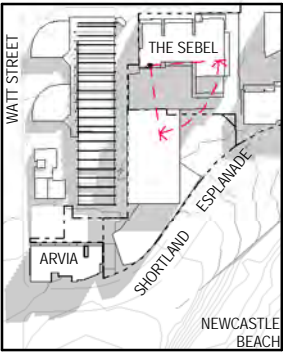
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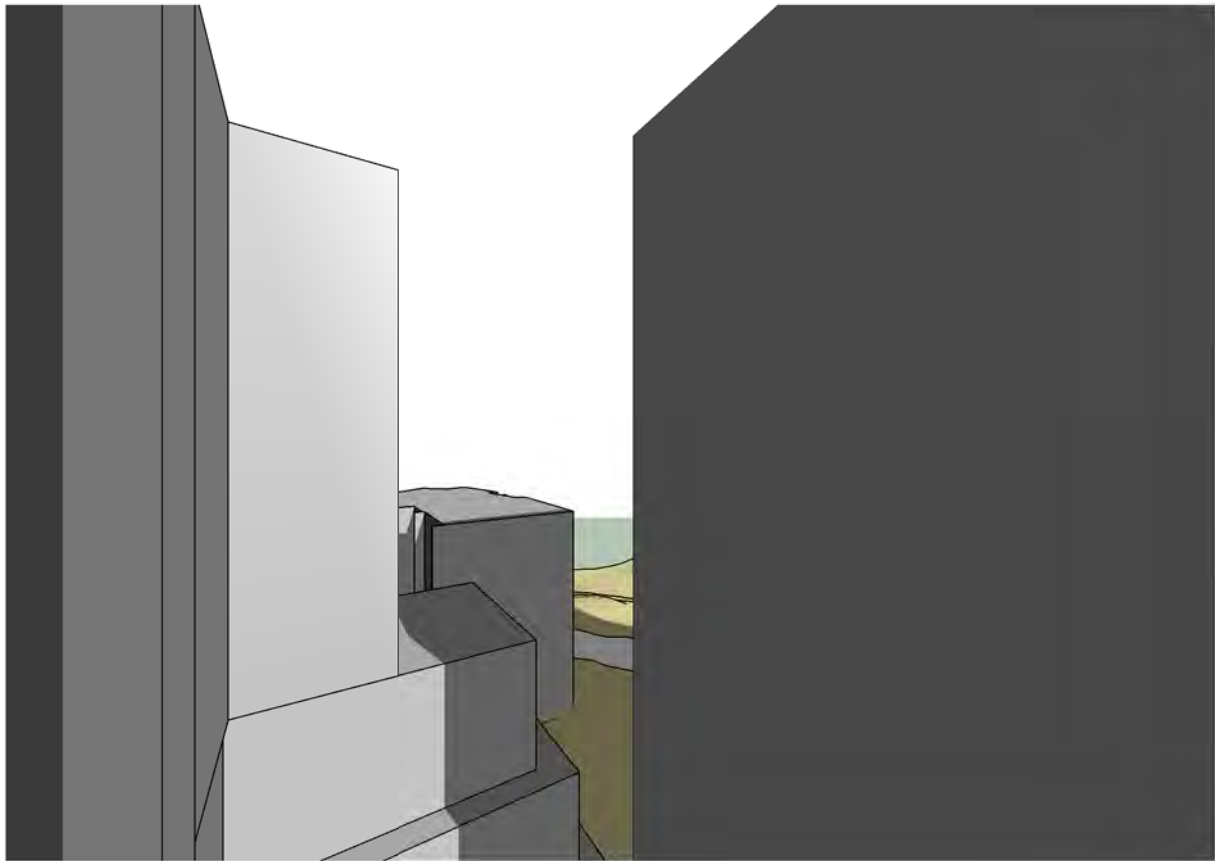


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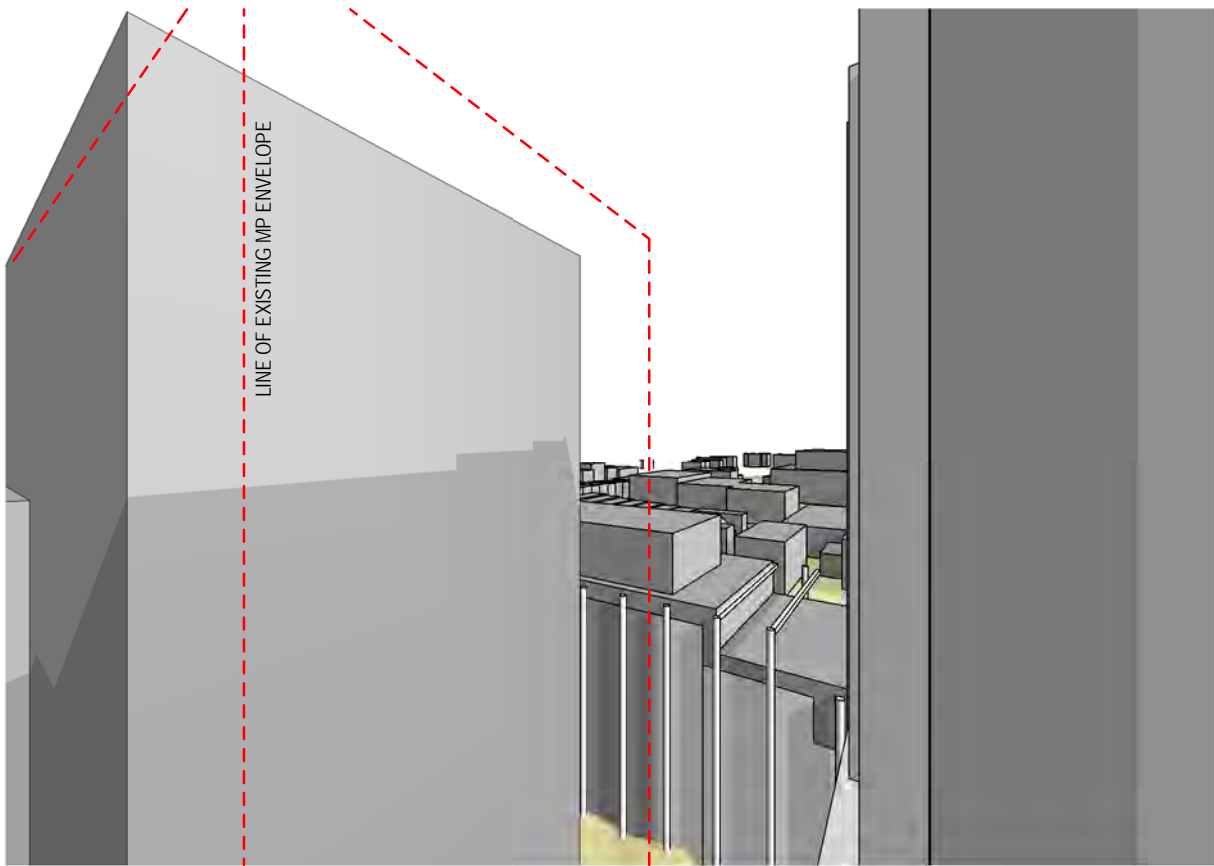
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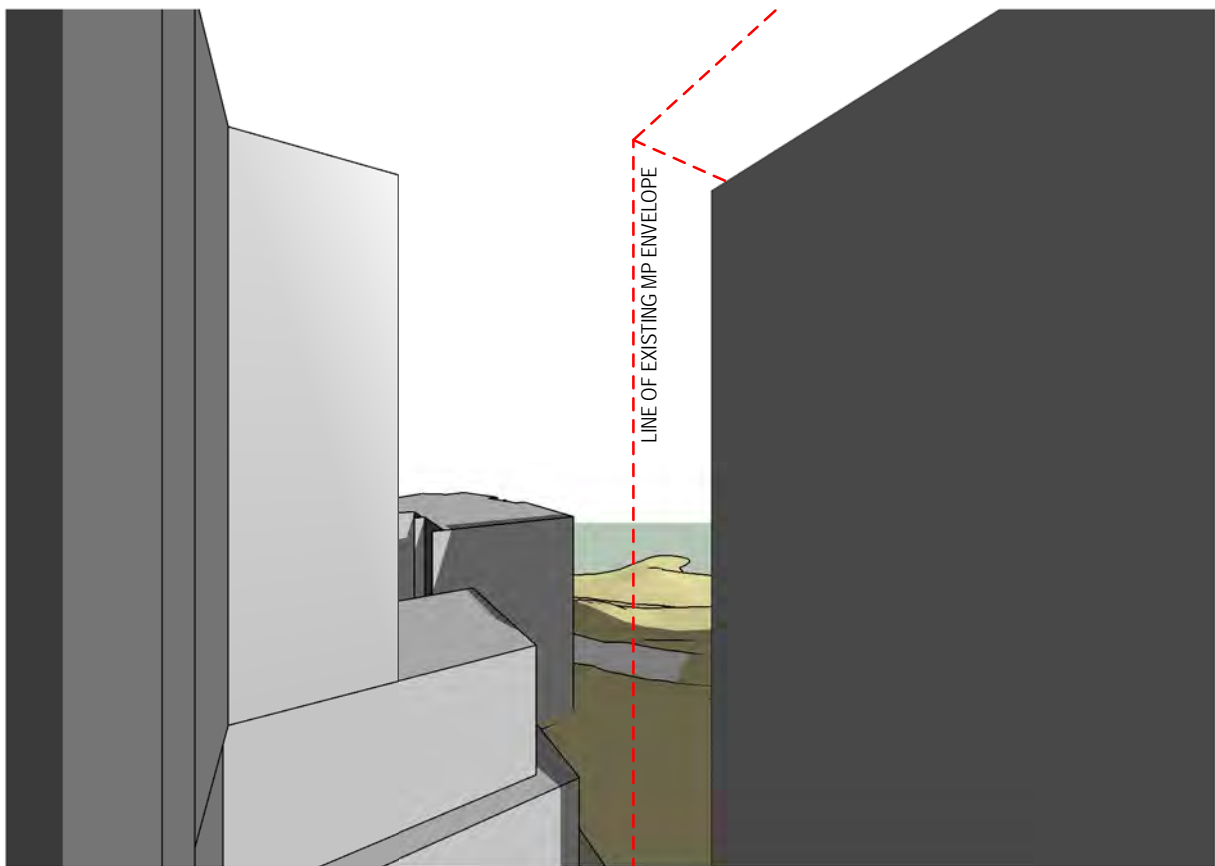
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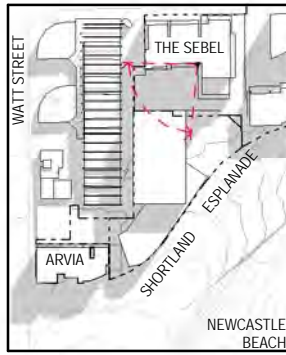
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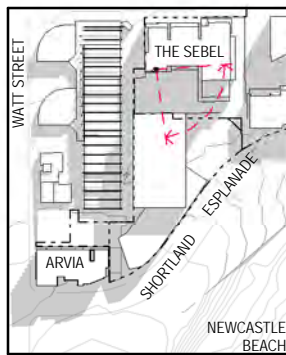
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