

20 November 2013

Our Ref: Job 2922 (Planning)

Joint Regional Planning Panel Secretariat
GPO Box 39
SYDNEY NSW 2001

ATTENTION: Suzie Jattan

Dear Suzie,

**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 the additional information recently submitted by Newcastle City Council (NCC) to the Joint Regional Planning Panel (JRPP) in relation to the above matter.

The purpose of this letter is to provide the JRPP with a Supplementary View Sharing Analysis (**Attachment 1**) which should be read in conjunction with that which was previously provided to the Planning Assessment Commission (PAC) in support of the Concept Plan Amendments and NCC by letter dated 26 July 2013 (**Attachment 2**). The previous View Sharing Analysis was based on view impacts assuming that the whole modified concept plan envelope was filled, and was prepared in response to amendments to Concept Plan MP_0062MOD2 which introduced the following new Design Principles and Objectives 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.*

As opposed to being based on view impacts assuming that the whole modified concept plan envelope is being filled, the attached Supplementary View Sharing Analysis represents a refinement in that it is based on the view impacts associated with actual proposed building design.

We respectfully submit this for your consideration as part of the overall development application.

Yours sincerely
de WITT CONSULTING

A handwritten signature in blue ink, appearing to read 'A. Biller', with a horizontal line drawn underneath the name.

Andrew Biller
PRINCIPAL TOWN PLANNER

Attachment 1 – Supplementary View Sharing Analysis
Attachment 2 –Previous View Sharing Analysis

Attachment One

Supplementary View Sharing Analysis

Supplementary View Sharing Analysis – Proposed Built Form

The 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 outlines 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 supplementary view sharing analysis represents a further refinement on that provided to the PAC in support of the Concept Plan amendment and that provided to NCC on 26 July 2013 by assessing the actual proposed building design rather than assuming that the entire modified concept plan envelope would be "filled". Previous view analyses both followed the established view sharing principles set out in Tenacity Consulting vs Warringah (2004) NSWLEC 140.

The first step is the assessment of the views affected. Water views are valued more highly than land views. Iconic views eg the Opera House or the 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.

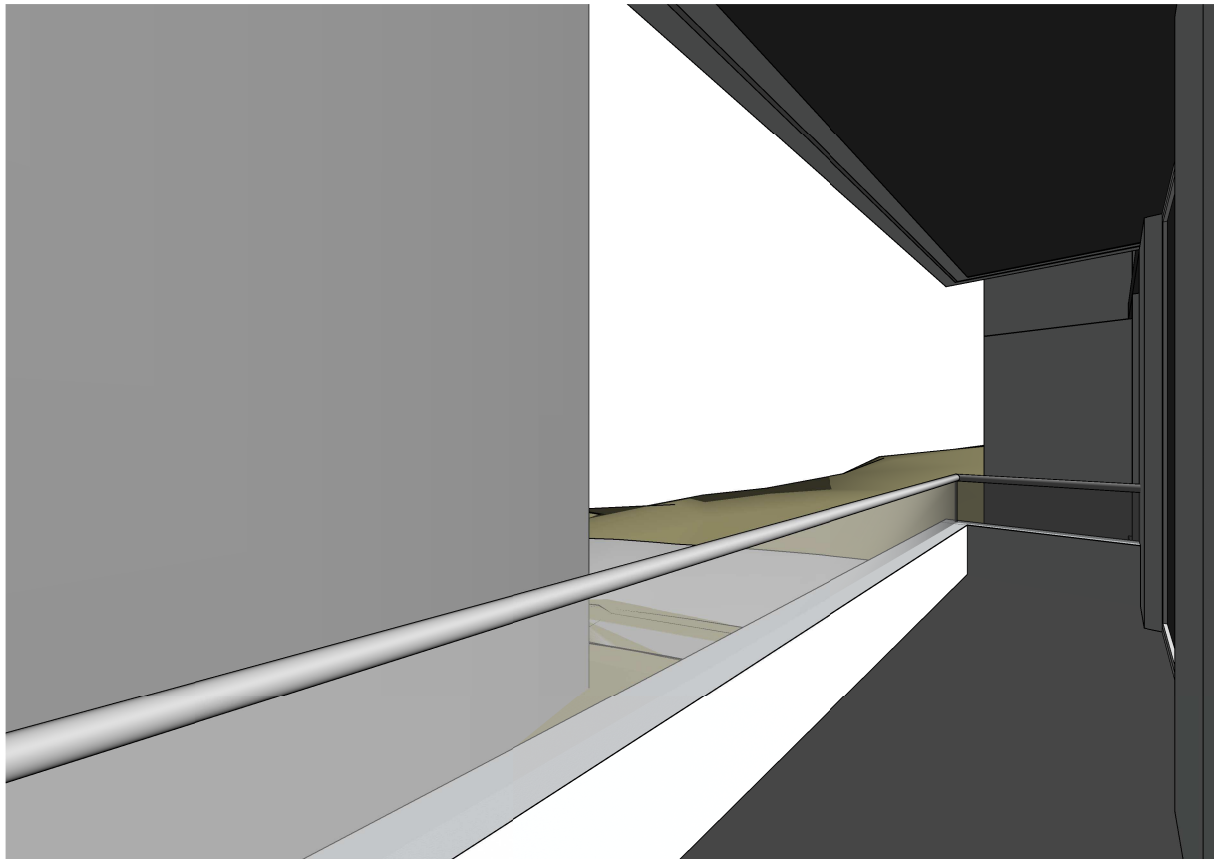
As a refinement to those drawings submitted to NCC by letter dated 26 July 2013, Suters Architects have prepared additional drawings PD 13D and PD 14D (attached) showing the impact of the proposal on views from the upper and lower levels of the Arvia building in terms of actual proposed built form, rather than building envelope. Drawings PD 13D and PD 14D take into account the articulation of the proposed southern building and that the building is stepped back from edge of the approved envelope at levels 4-6, therefore demonstrating a reduced impact in terms of view loss from the Arvia building when compared with previous drawings submitted to NCC.

With respect to the Arvia building, the additional drawings demonstrate that the proposed development therefore provides for a greater degree of view sharing between new and existing buildings than demonstrated in previous drawings. This accords with the new view sharing Design Principles and Objectives introduced by the PAC, as well as the Tenacity Principles. In summary, the proposed southern building is within the approved concept plan envelope and will allow for a sharing of views through its orientation, design, height and bulk. The proposed southern building and its primary living spaces are oriented away from the Arvia apartments, with the bulk of the building being stepped back at Levels 4-6 to allow a view corridor greater than that which would occur if the building completely filled the approved envelope.

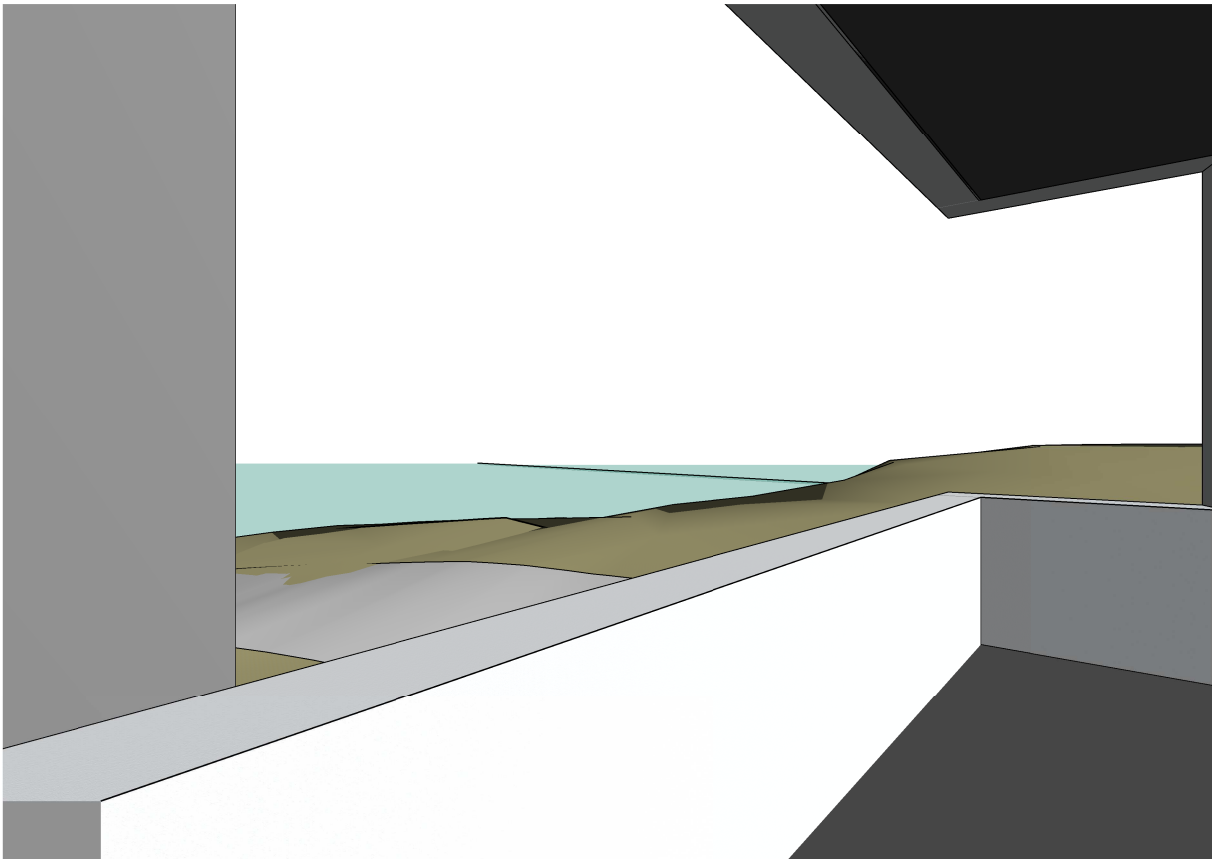
Views from Completed Stage 1A and 1B buildings

It should be noted that the approved Concept Plan envelope is now 6.7m further south than that of the previous envelope. This has increased the separation between buildings, enhancing 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.

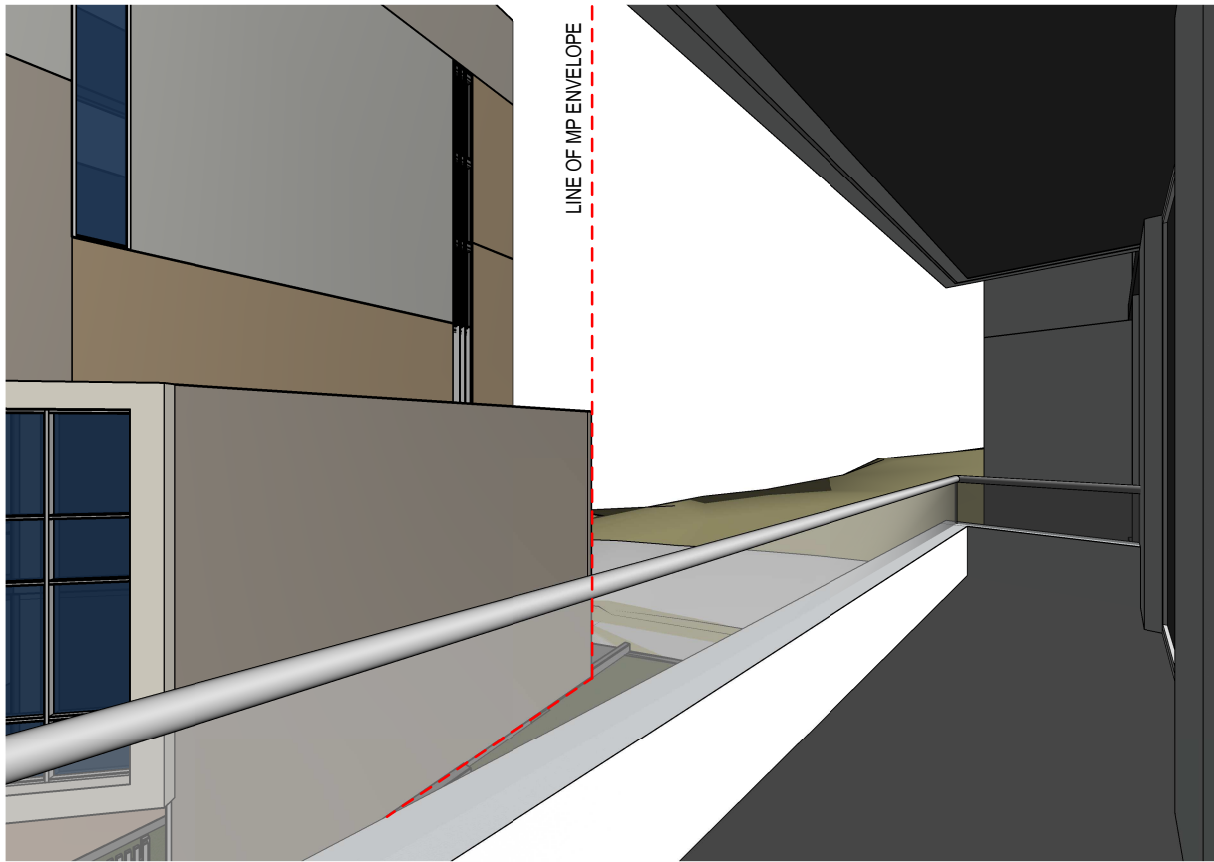
Notwithstanding the above, in relation to the completed Stage 1A and 1B towers to the north, drawings PD15 Issue D and PD16 Issue D prepared by Suters Architects (attached) taken from two locations within the development (lower and upper) looking west and east show the proposed built form well within the approved Concept Plan envelope. This additional separation in excess of that required by the approved Concept Plan envelope will further enhance east and west views, and ensure the proposed development is consistent with the view sharing principles set out in Tenacity Consulting vs Warringah and the new view sharing Design Principles and Objectives introduced by the PAC.



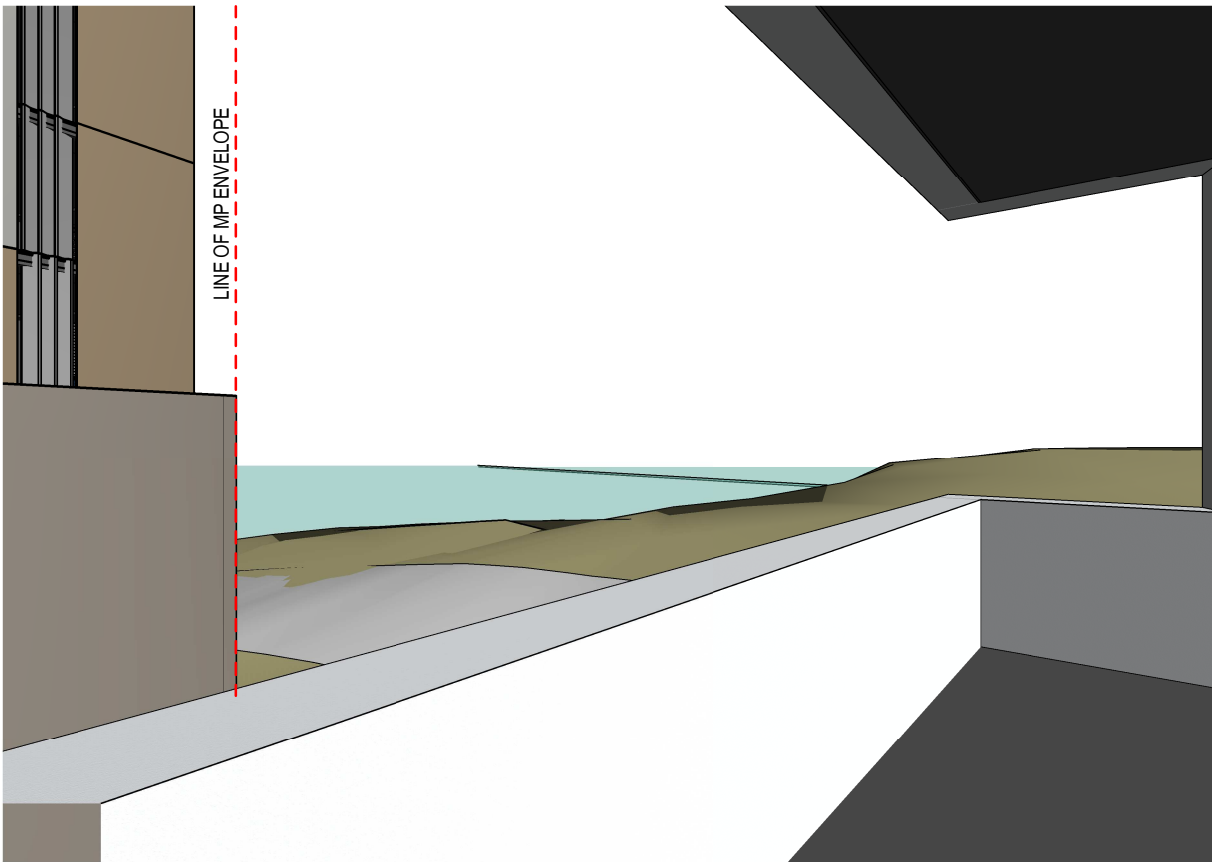
ARVIA LOWER LEVELS NORTH LIVING - MP BUILDING ENVELOPE



ARVIA LOWER LEVELS SOUTH LIVING-MP BUILDING ENVELOPE



ARVIA LOWER LEVELS NORTH LIVING-PROPOSED BUILT FORM



ARVIA LOWER LEVELS SOUTH LIVING-PROPOSED BUILT FORM

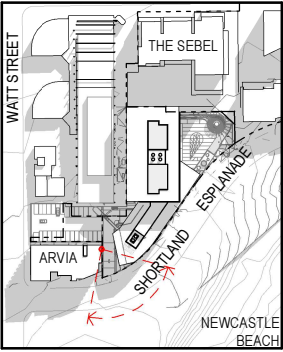
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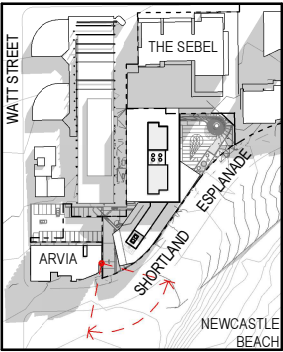
Verify all dimensions and levels on site and report any discrepancies to Suters Architects for direction prior to the commencement of work.
Drawings are to be read in conjunction with all other contract documents.

The drawings show building heights in accordance with the modified Concept Plan approval conditions, which permit plant rooms, lift overruns and architectural roof features to occupy additional height above the building envelopes.

Use figured dimensions only. Do not scale from drawings.
Suters Architects cannot guarantee the accuracy of content and format for copies of drawings issued electronically.
The completion of the Issue Details Checked and Authorized section below is confirmation of the status of the drawing. The drawing shall not be used for construction unless endorsed 'For Construction' and authorised for issue.

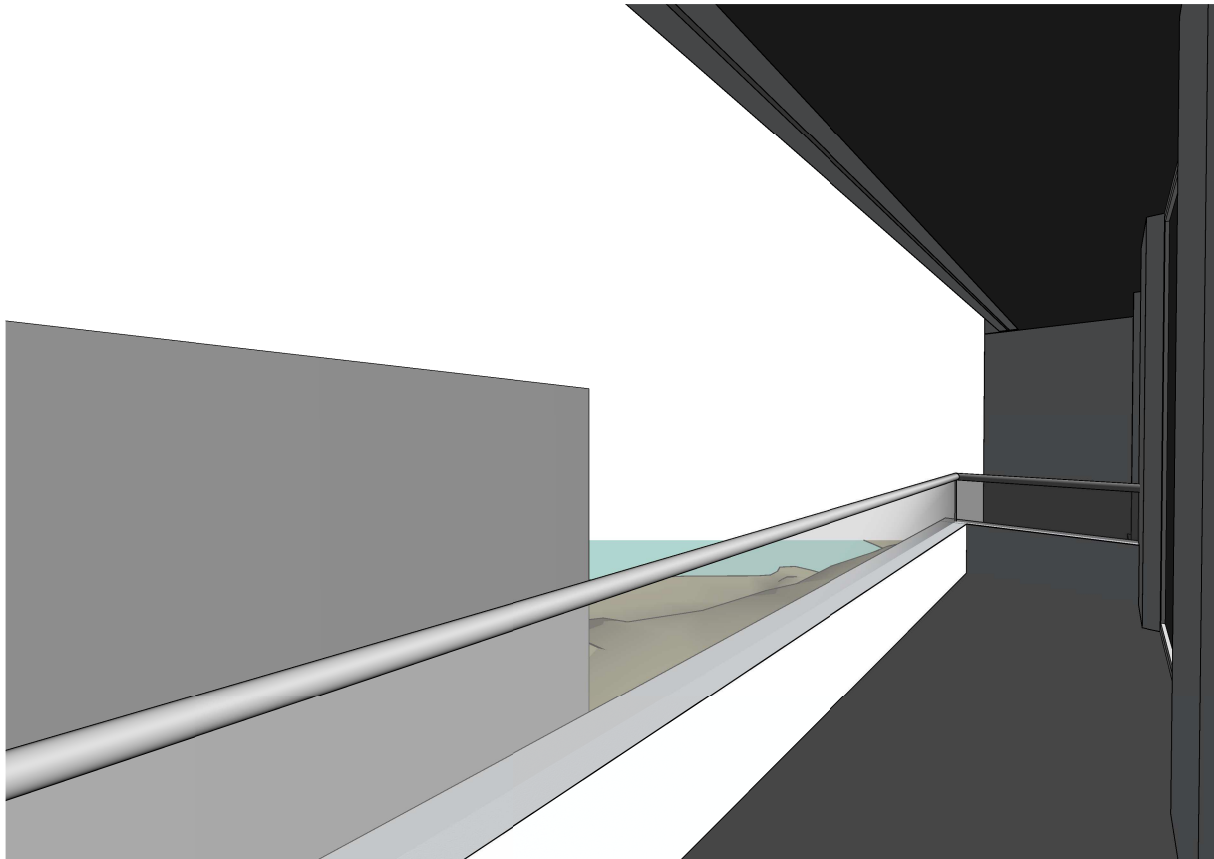


ARVIA NORTH LIVING

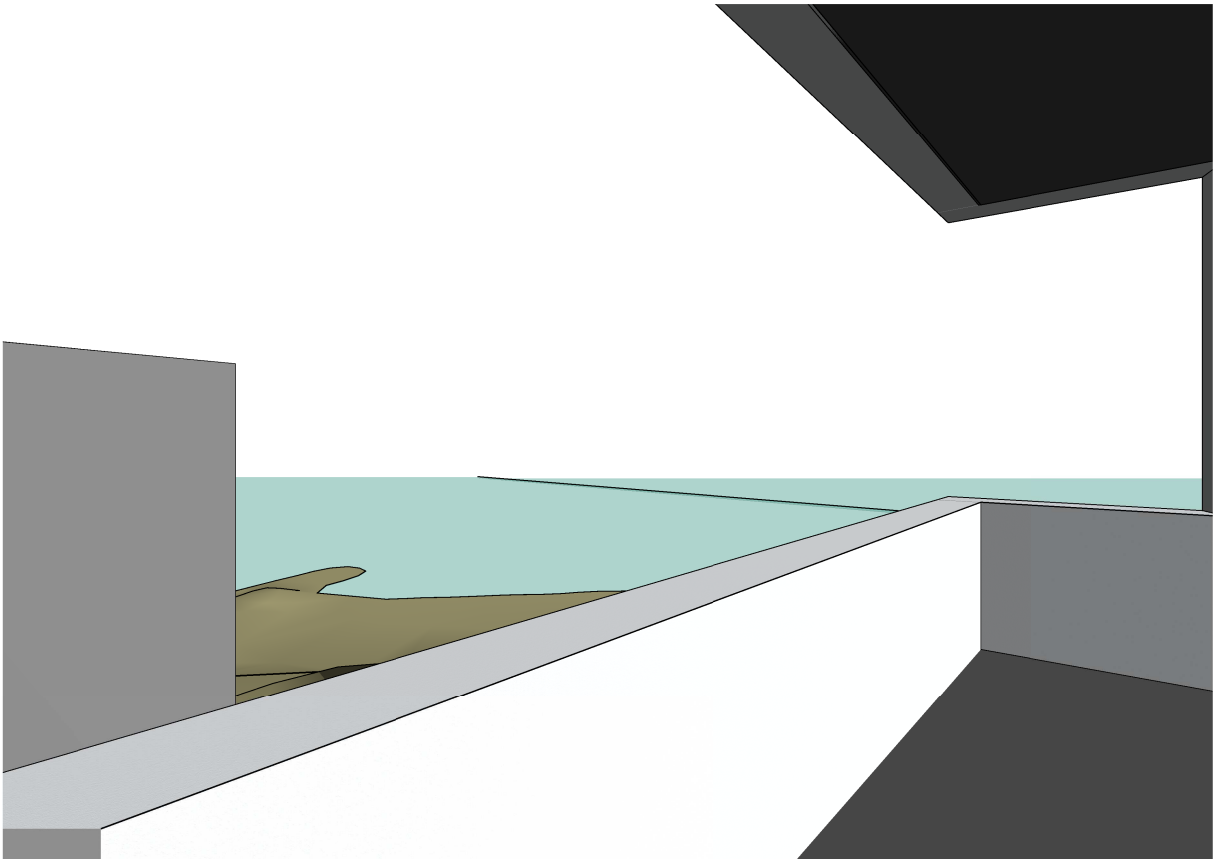


ARVIA SOUTH LIVING

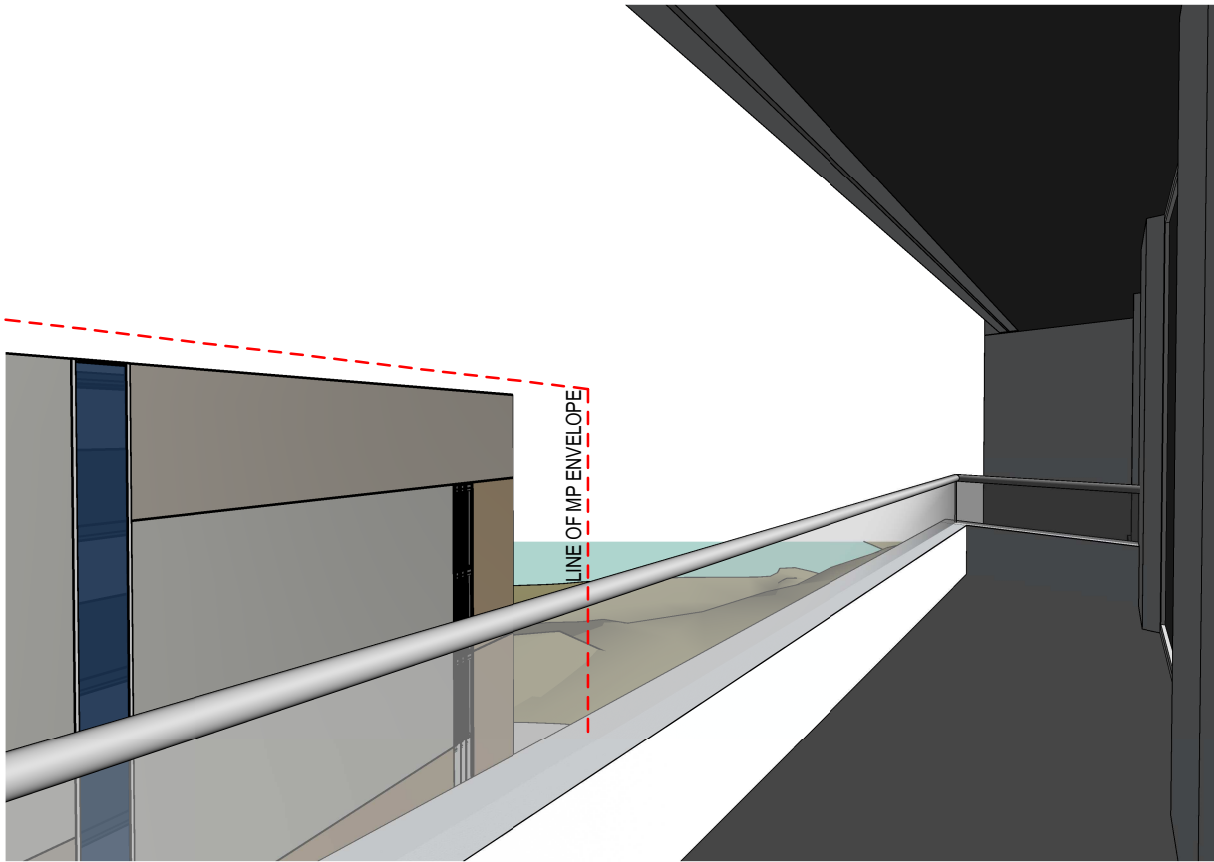
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Issue Description		Date	Chk	Auth
Architect				
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CEO Robert Macindoe - NSW ARBN 4699				
Project				
THE ESPLANADE PROJECT				
Location				
SHORTLAND ESPLANADE, NEWCASTLE				
Client				
KRED PTY. LTD.				
Drawing				
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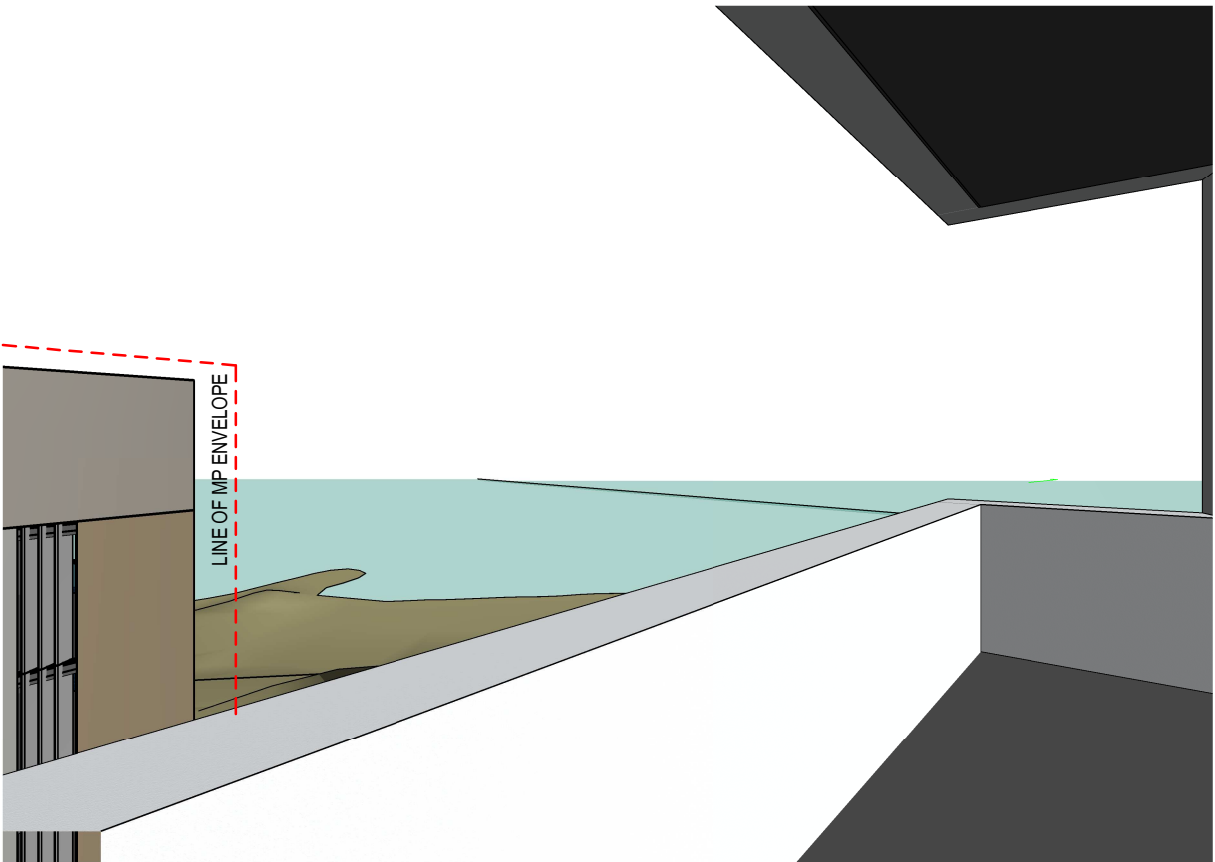
ARVIA UPPER LEVELS NORTH LIVING-MP BUILDING ENVELOPE



ARVIA UPPER LEVELS SOUTH LIVING-MP BUILDING ENVELOPE



ARVIA UPPER LEVELS NORTH LIVING-PROPOSED BUILT FORM



ARVIA UPPER LEVELS SOUTH LIVING-PROPOSED BUILT FORM

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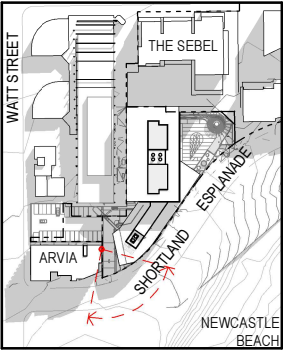
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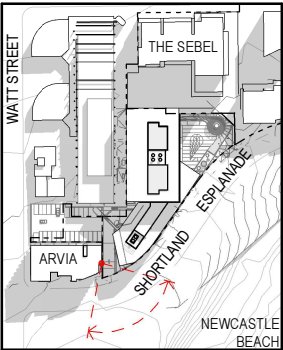
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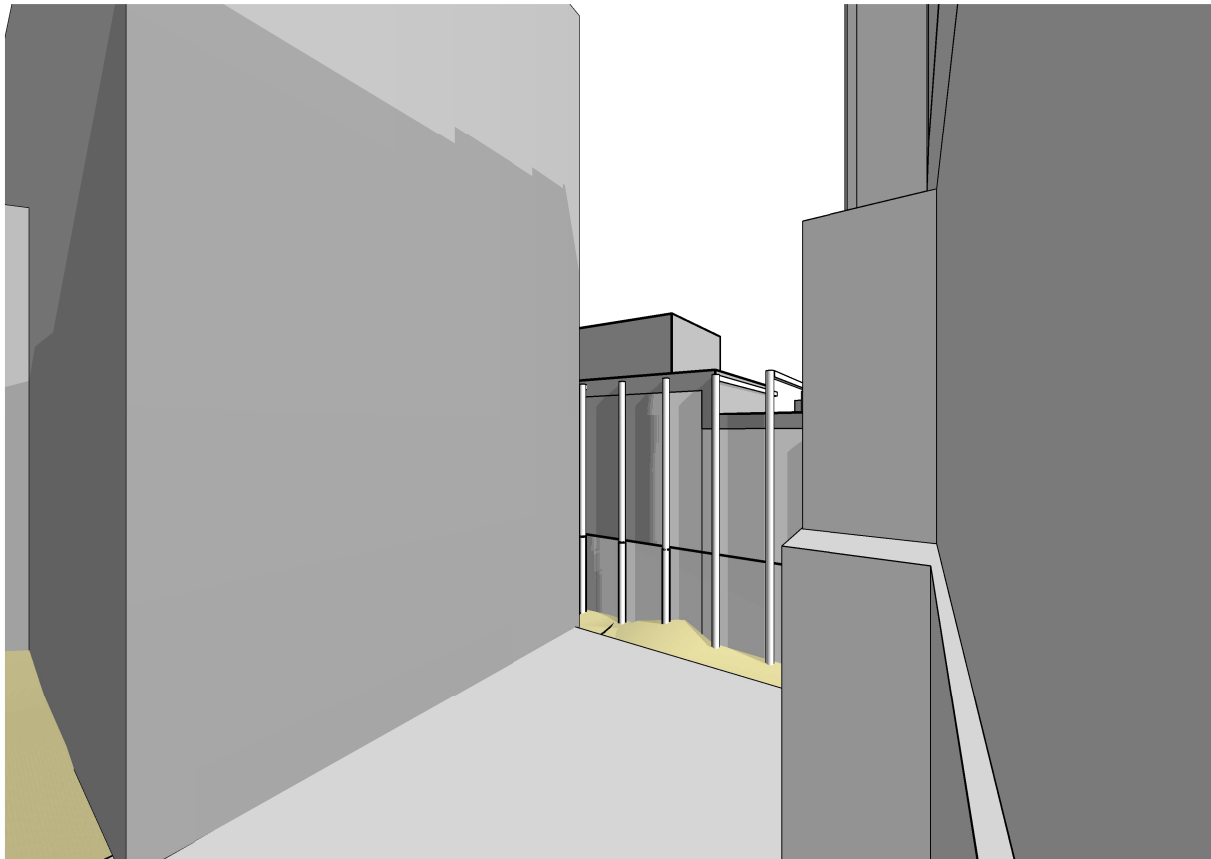


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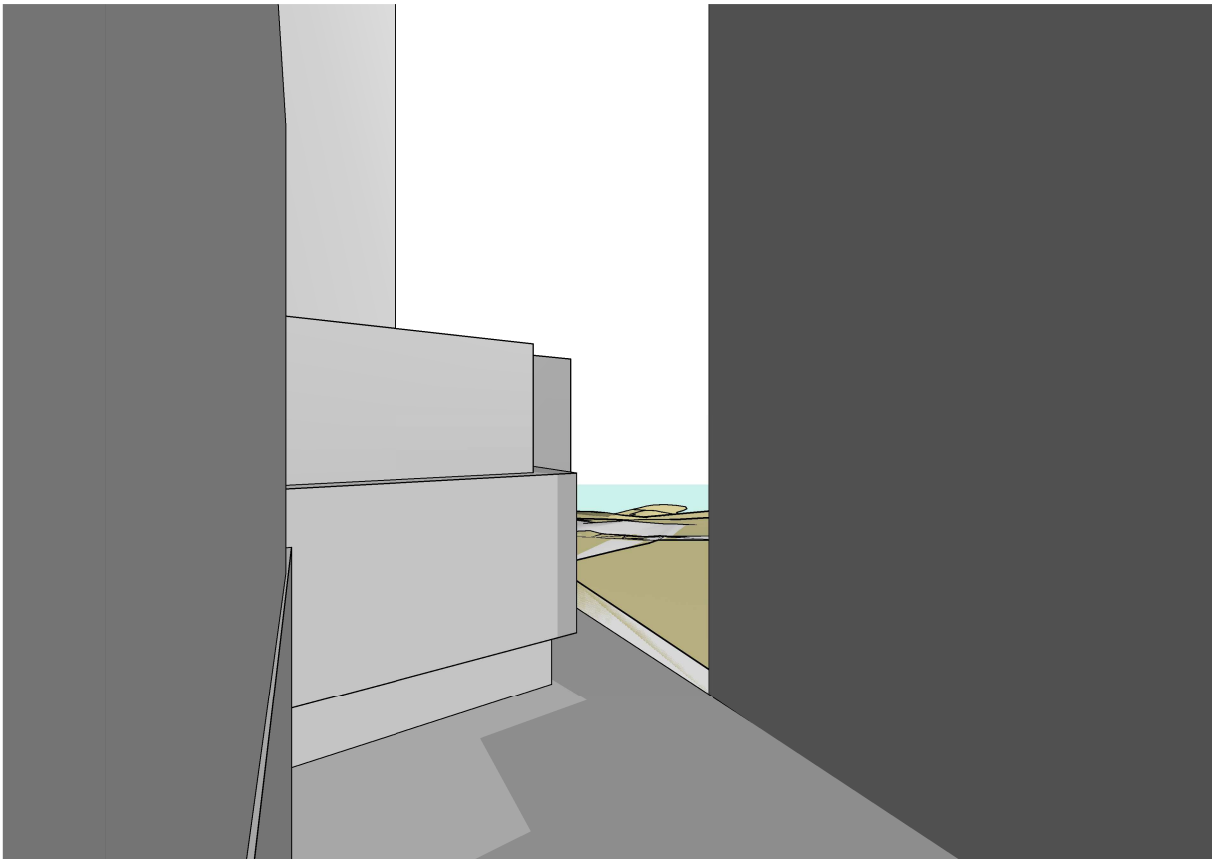


ARVIA SOUTH LIVING

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A	PRELIMINARY FOR INFORMATION	10.08.12	AC	AR
Issue Description		Date	Chk	Auth
Architect				
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CEO Robert Macindoe - NSW ARBN 4699				
Project				
THE ESPLANADE PROJECT				
Location				
SHORTLAND ESPLANADE, NEWCASTLE				
Client				
KRED PTY. LTD.				
Drawing				
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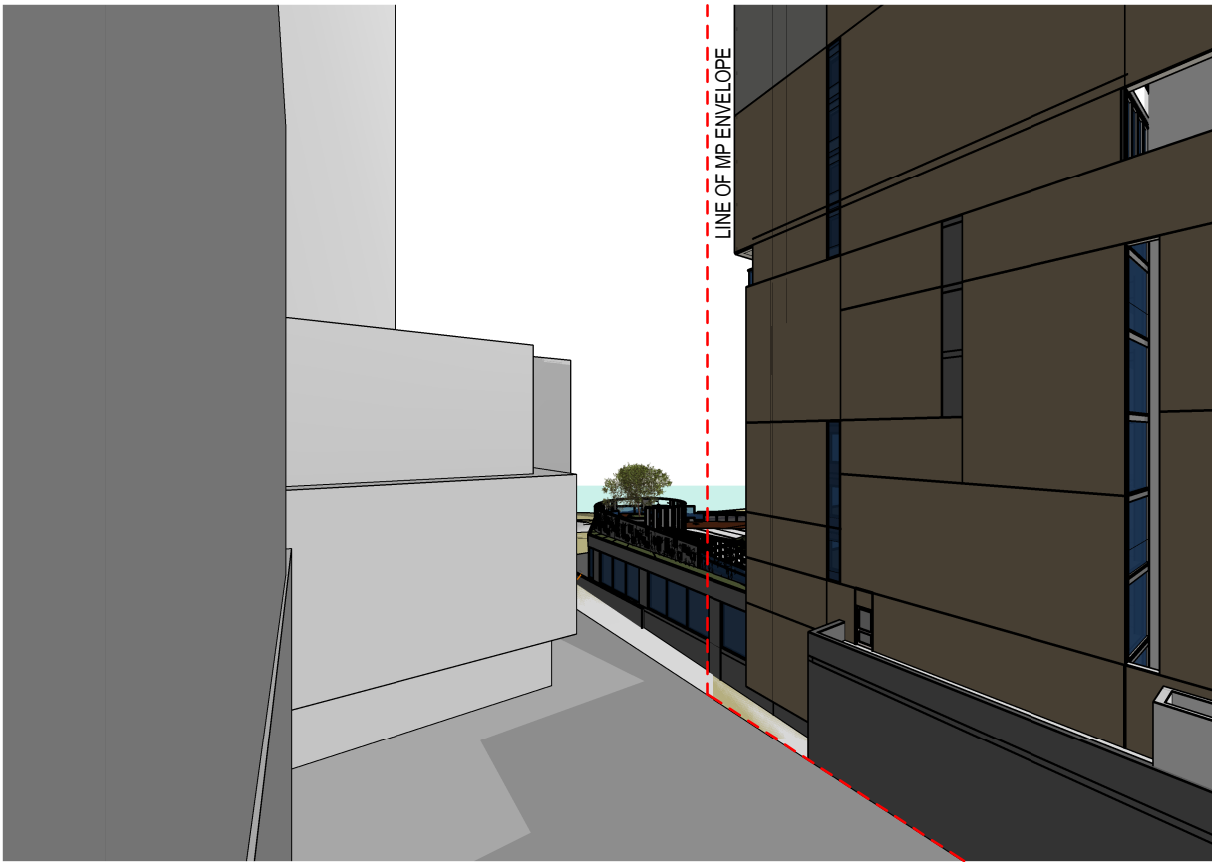
SEBEL LOWER LEVELS WEST VIEWS- MP BUILDING ENVELOPE



SEBEL LOWER LEVELS EAST VIEWS- MP BUILDING ENVELOPE



SEBEL LOWER LEVELS WEST VIEWS-PROPOSED BUILT FORM



SEBEL LOWER LEVELS EAST VIEWS-PROPOSED BUILT FORM

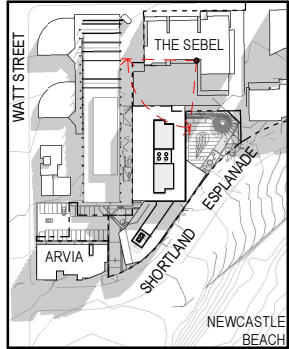
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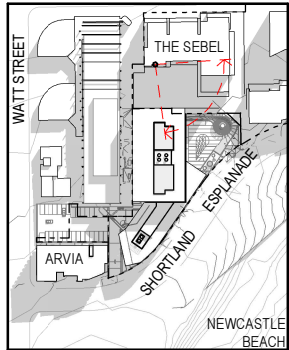
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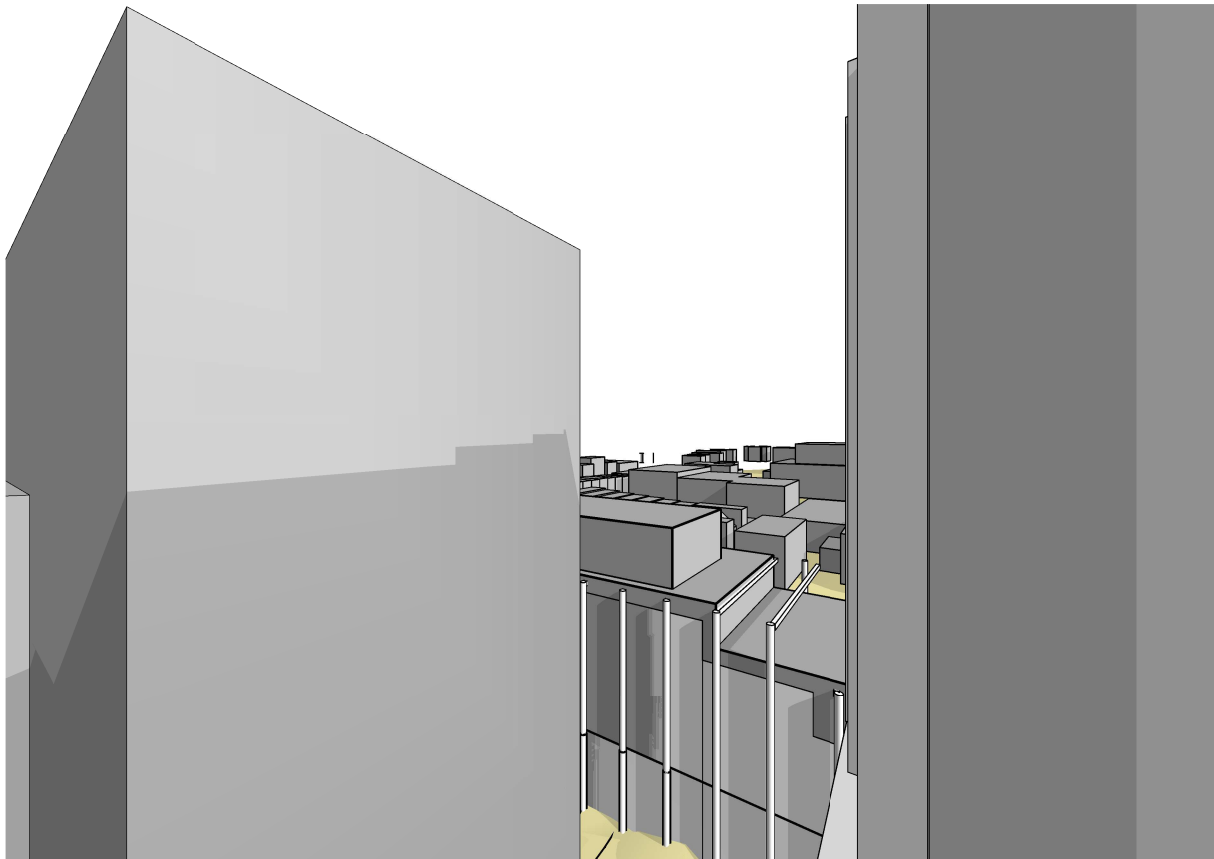


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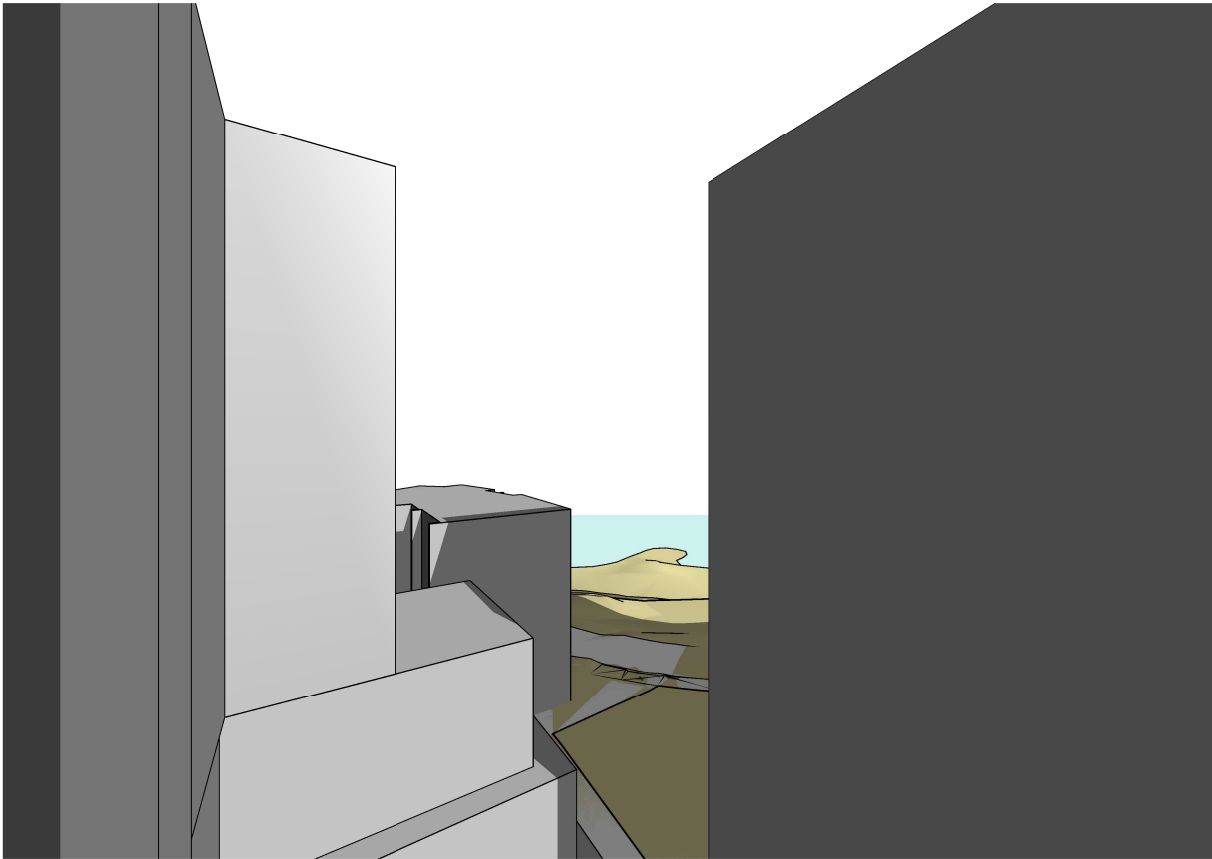


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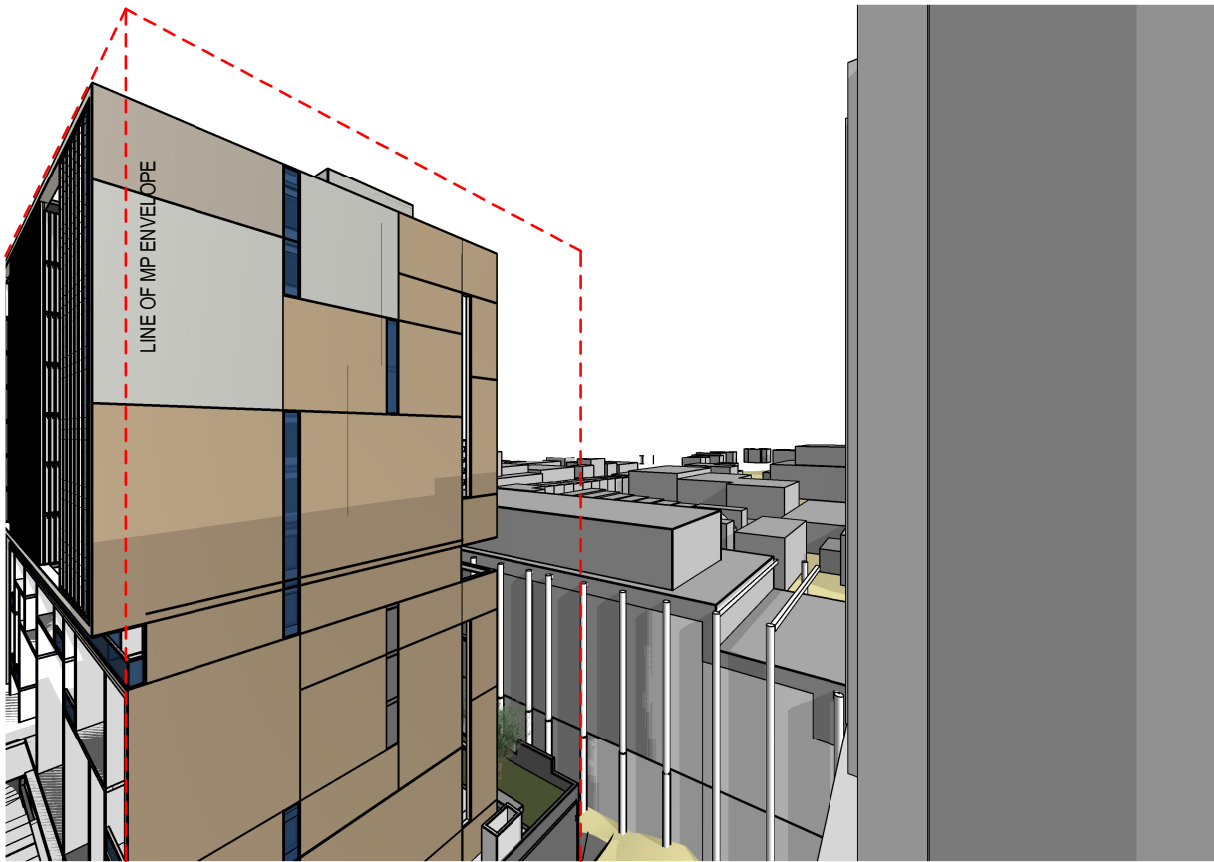
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Issue Description		Date	Chk	Auth
Architect © SUTERS ARCHITECTS PTY LTD ABN 83 129 614 713 www.sutersarchitects.com.au CEO Robert Macindoe - NSW ARBN 4699				
Project THE ESPLANADE PROJECT				
Location SHORTLAND ESPLANADE, NEWCASTLE				
Client KRED PTY. LTD.				
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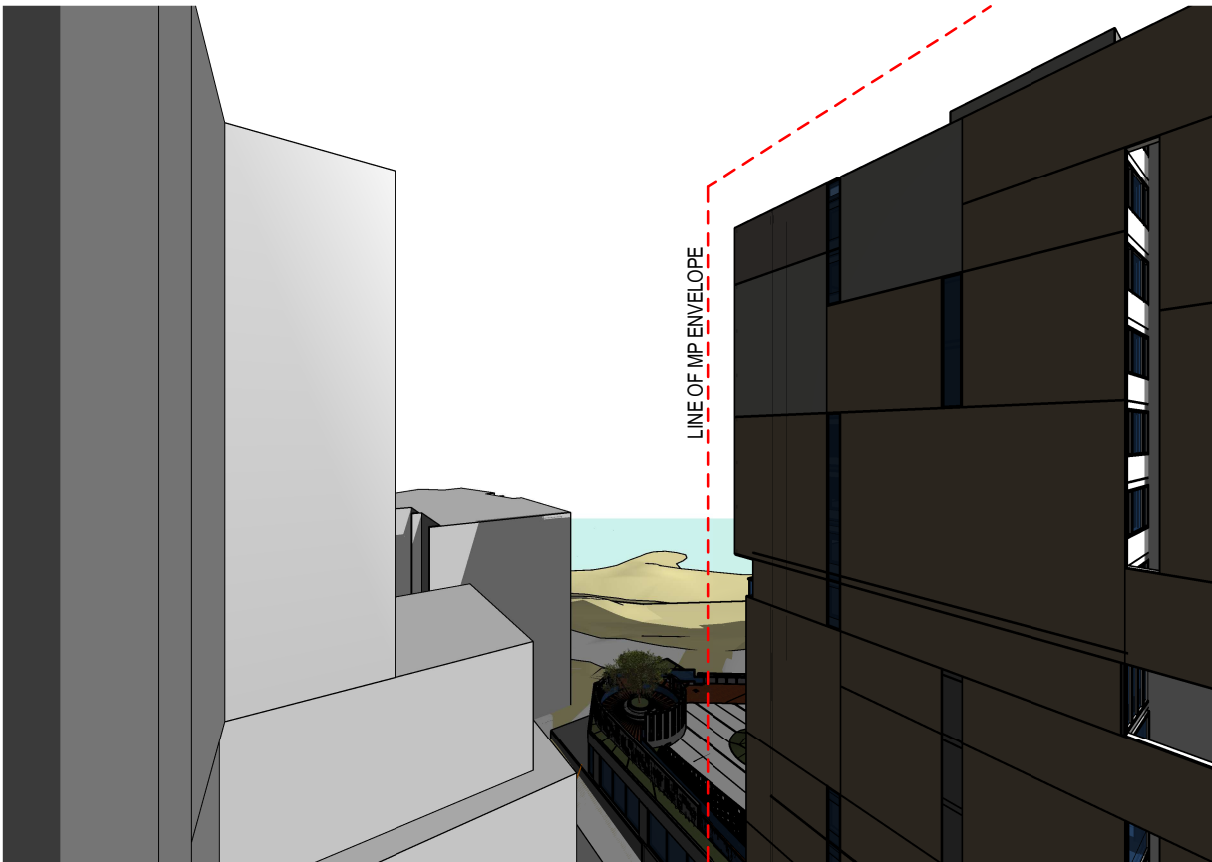
SEBEL UPPER LEVELS WEST VIEWS-MP BUILDING ENVELOPE



SEBEL UPPER LEVELS EAST VIEWS-MP BUILDING ENVELOPE



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SEBEL UPPER LEVELS EAST VIEWS-PROPOSED BUILT FORM

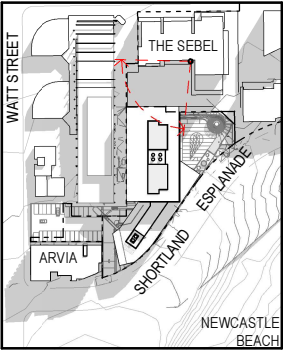
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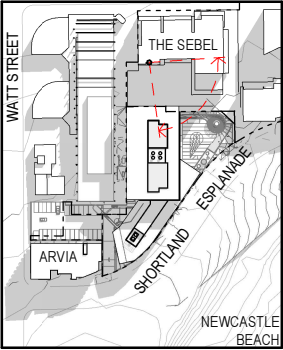
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SEBEL WEST VIEWS



SEBEL EAST VIEWS

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SHORTLAND ESPLANADE, NEWCASTLE				
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KRED PTY. LTD.				
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202485		PD16		D

Attachment Two

Previous View Sharing Analysis

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

A handwritten signature in blue ink, appearing to read "A. Biller", with a horizontal line drawn underneath the signature.

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

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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.

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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

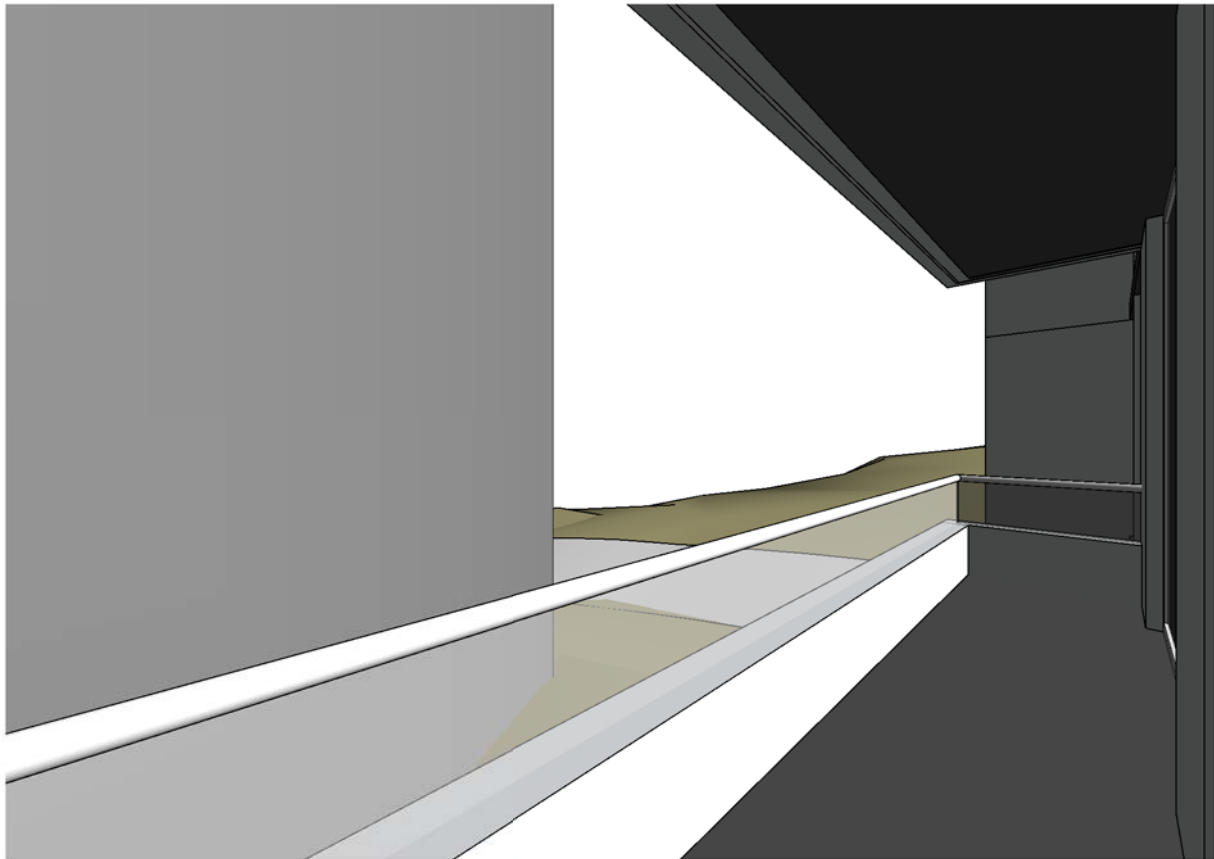
the height of the envelope for the southern building from RL 49.1 to proposed RL 49.75, the revised drawings demonstrate that residents of the Arvia building will have the same views that they would have had under the previous concept plan envelope.

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).

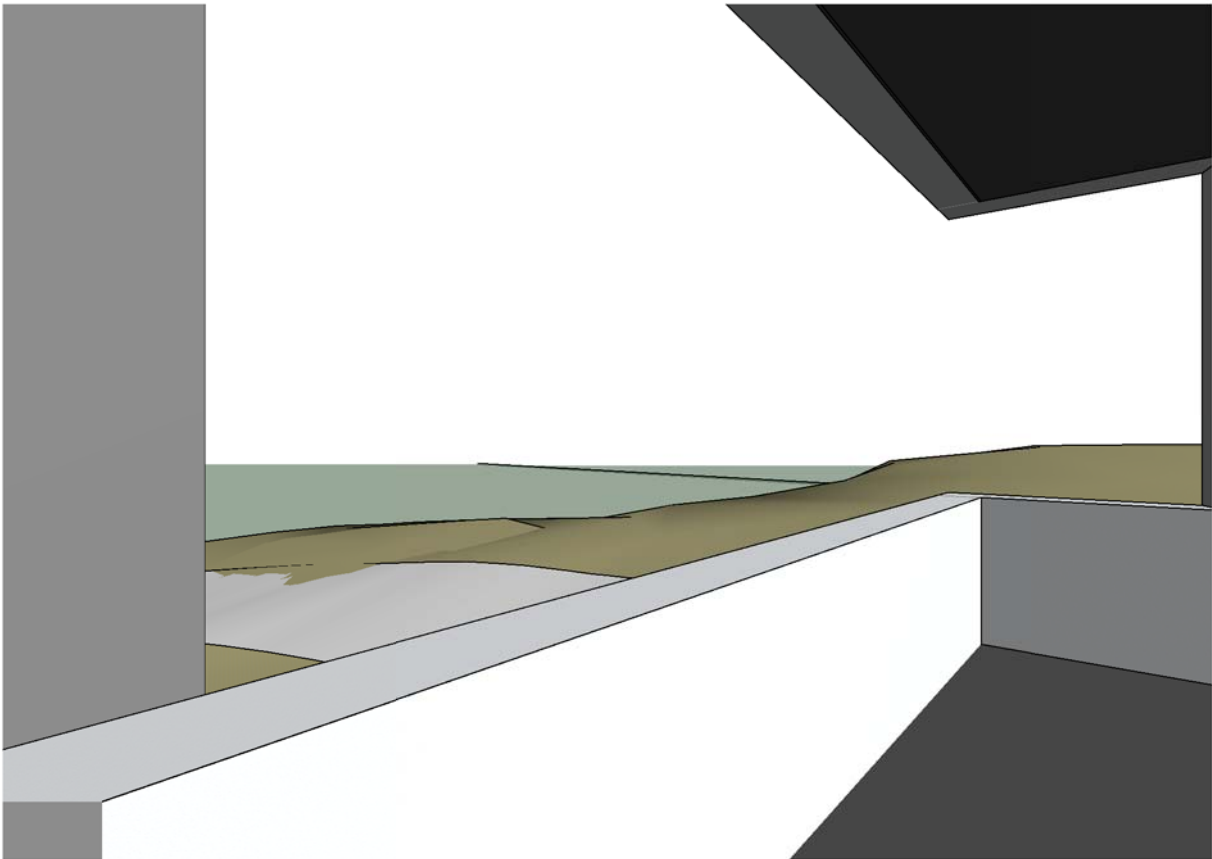
With respect to the Arvia building, the proposed development therefore provides for view sharing between new and existing buildings in accordance with the new view sharing principle objectives, and is also consistent with the design principles as well as the Tenacity Principles. The orientation, design,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

Views from Completed Stage 1A and 1B buildings

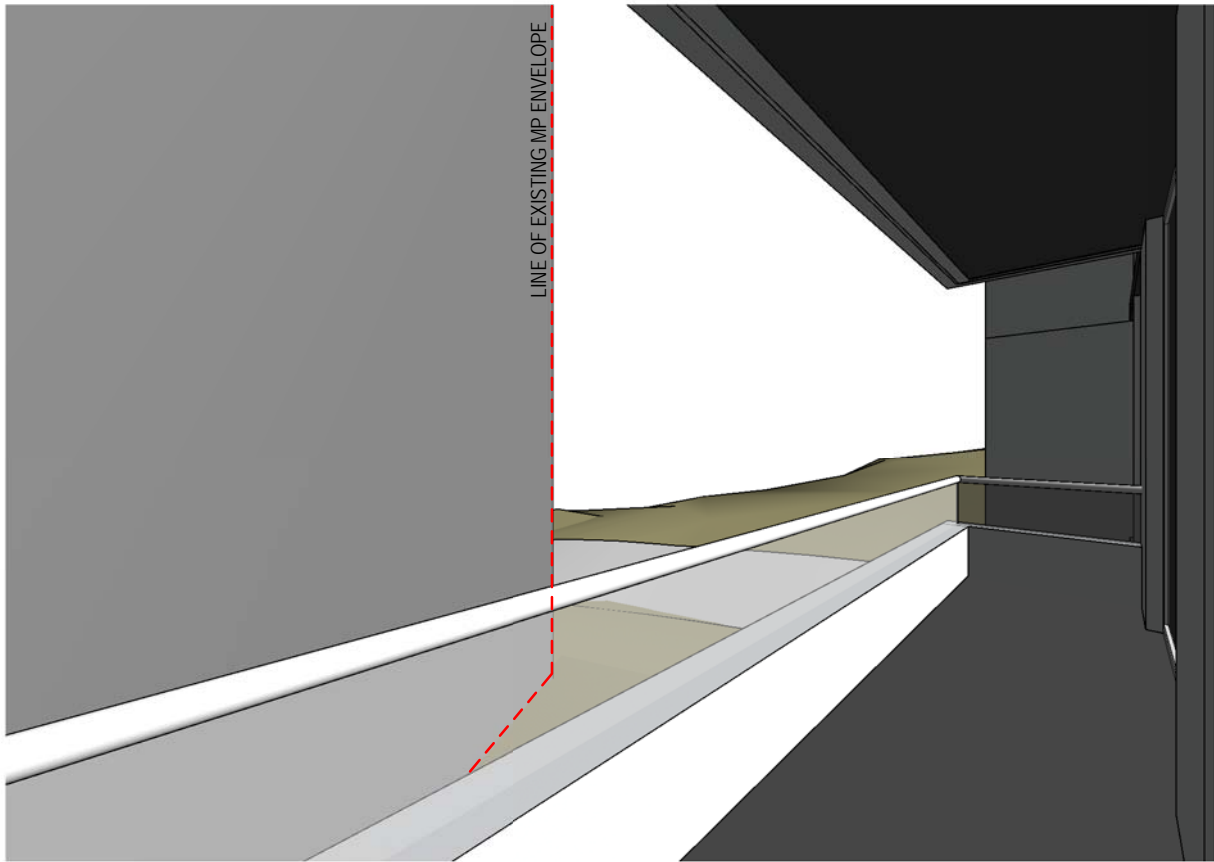
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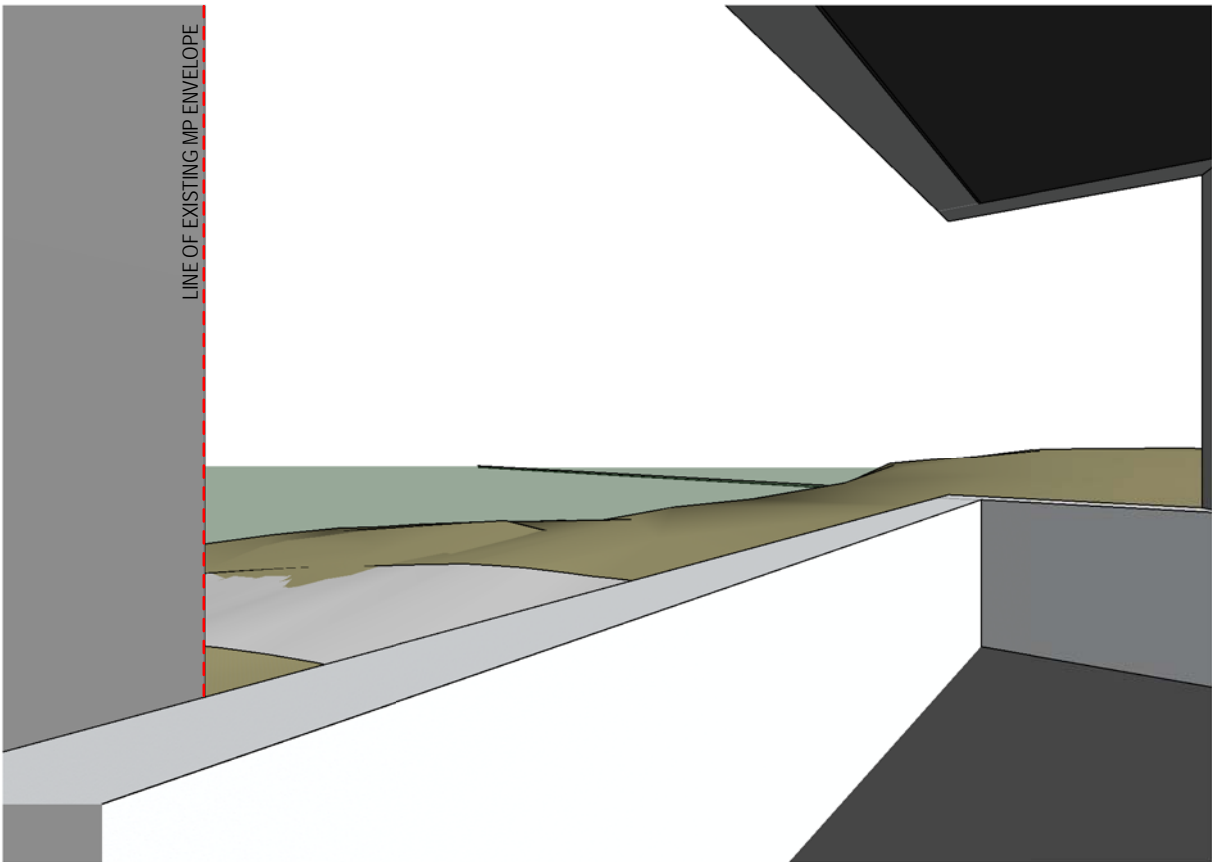
ARVIA LOWER LEVELS NORTH LIVING-EXISTING MP



ARVIA LOWER LEVELS SOUTH LIVING-EXISTING MP



ARVIA LOWER LEVELS NORTH LIVING-PROPOSED MP



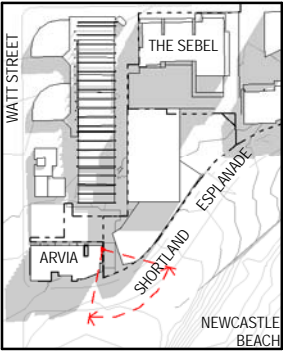
ARVIA LOWER LEVELS SOUTH LIVING-PROPOSED MP

Notes

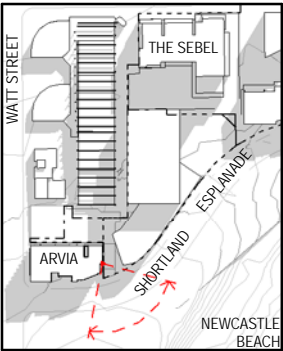
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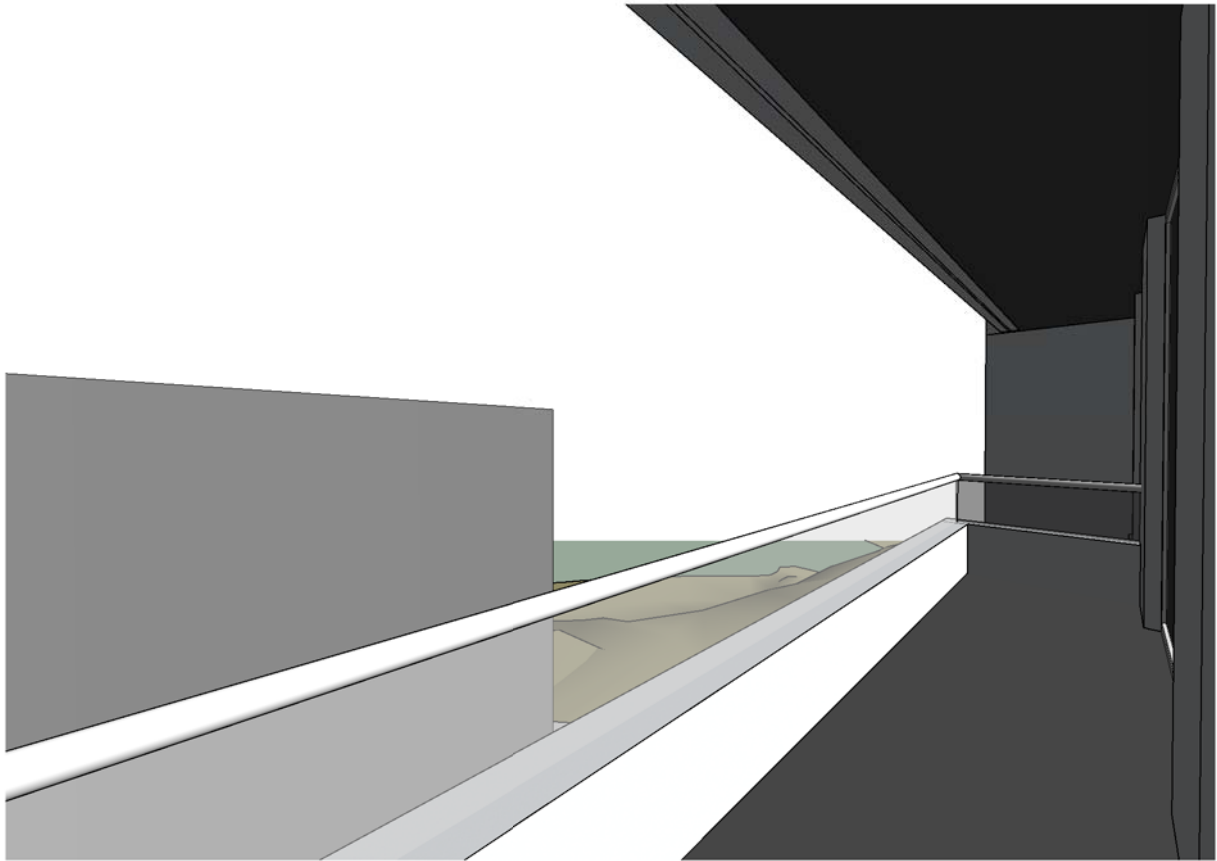


ARVIA NORTH LIVING

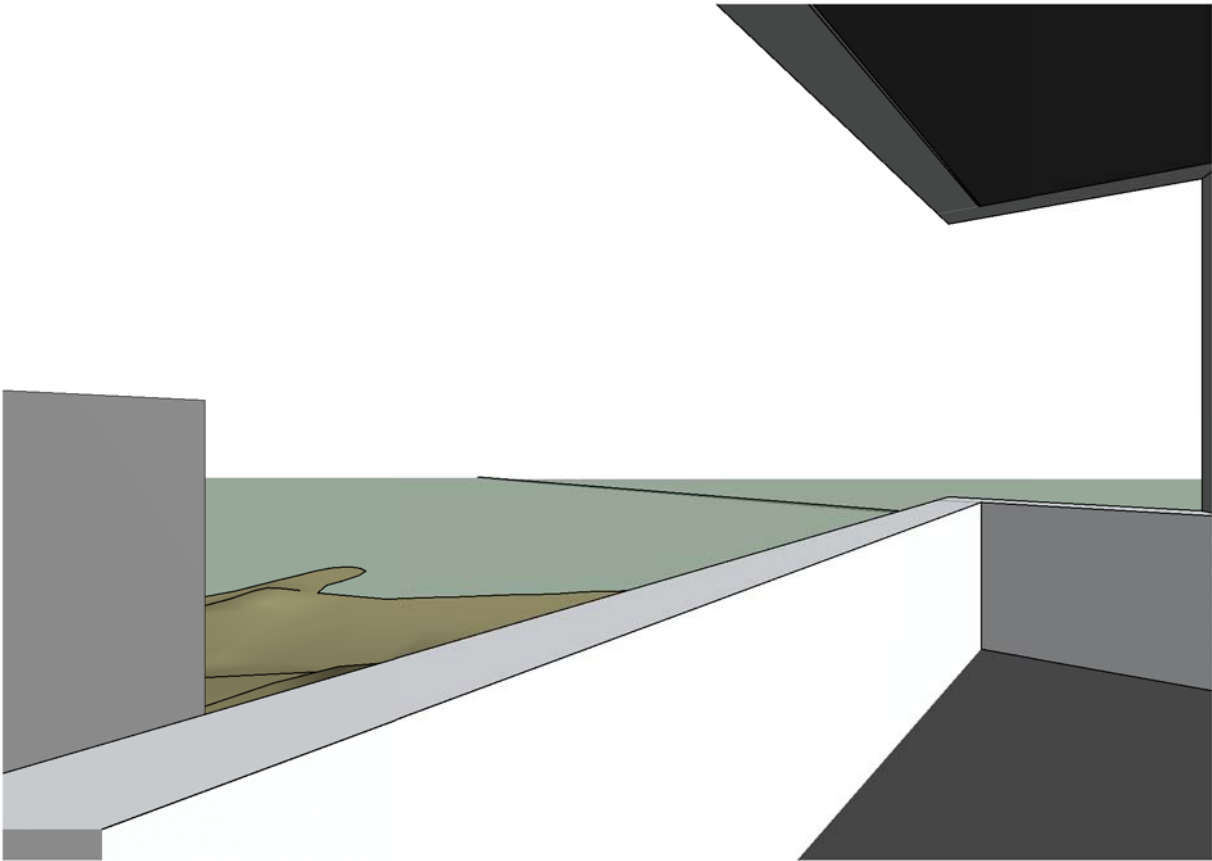


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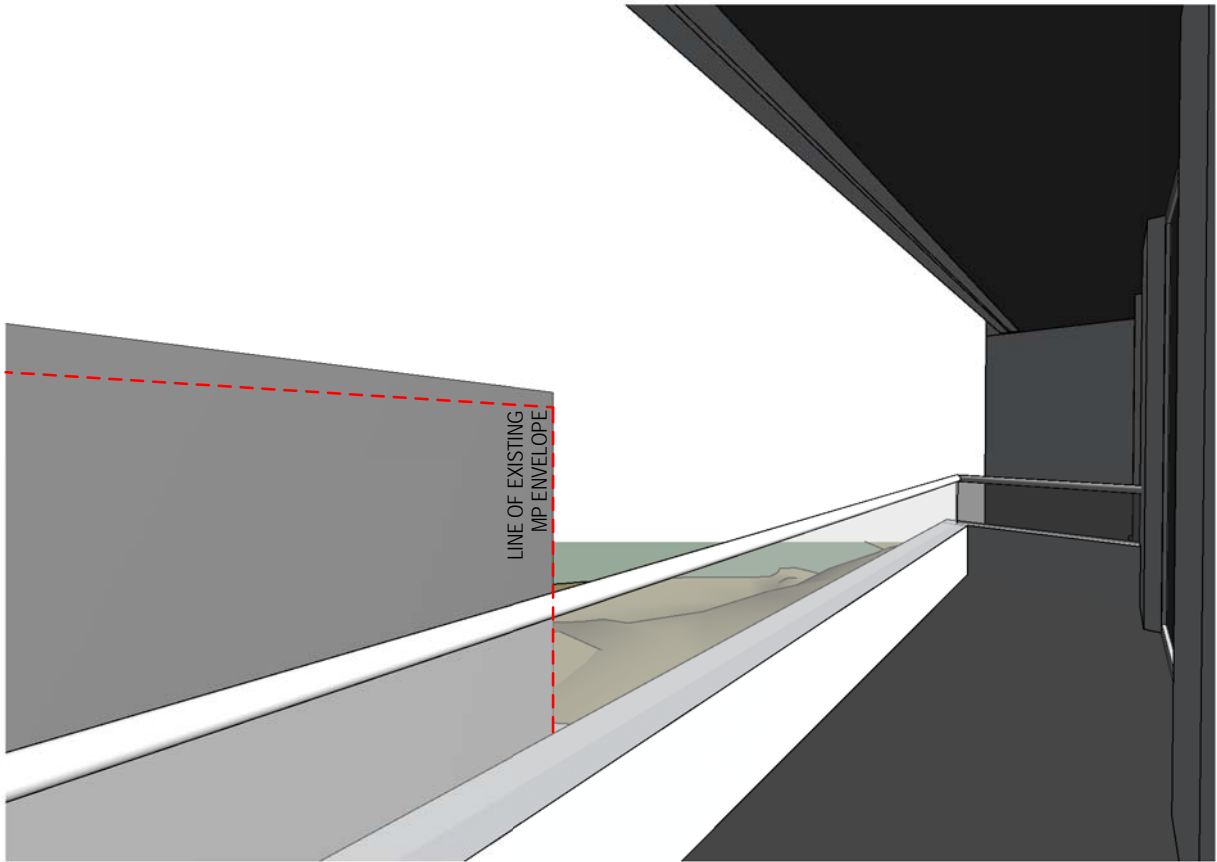
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A	PRELIMINARY FOR INFORMATION	10.08.12	AC	AR
Issue Description		Date	Chk	Auth
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Client				
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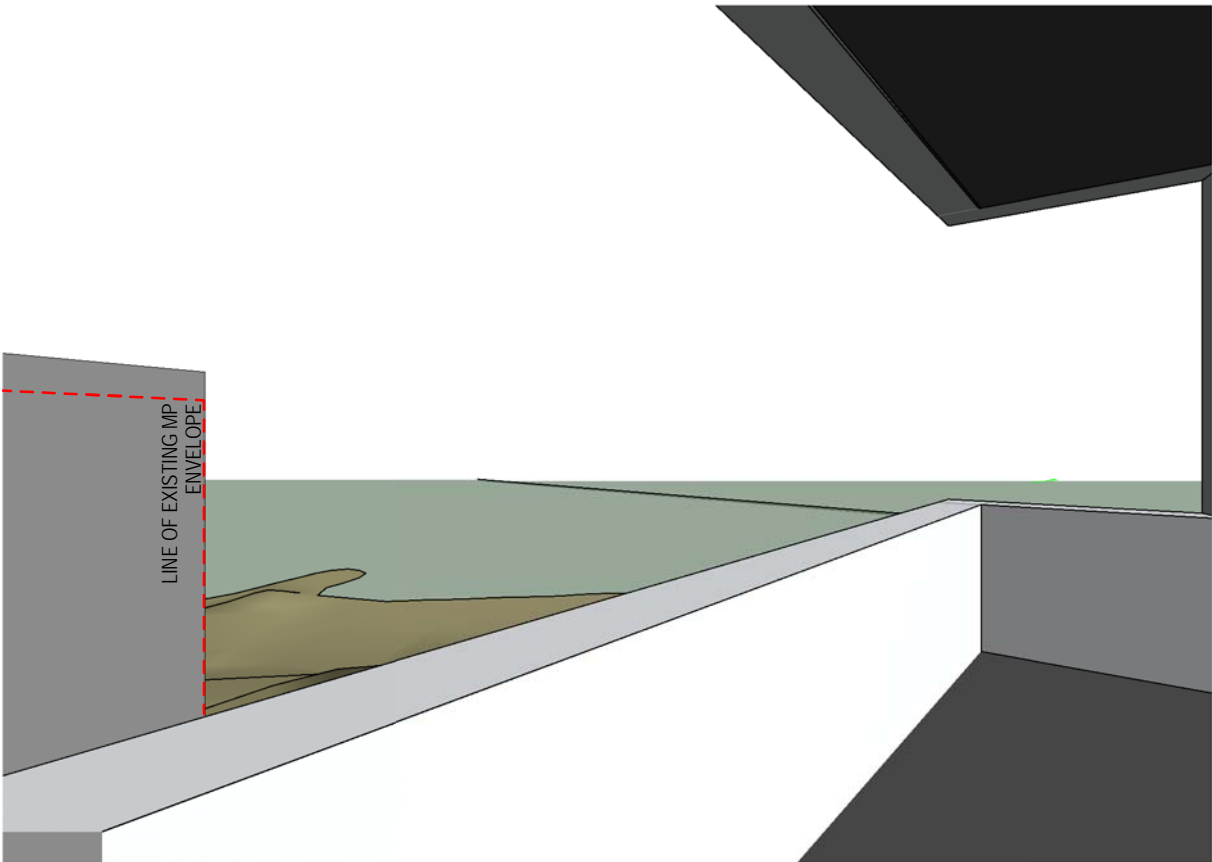
ARVIA UPPER LEVELS NORTH LIVING-EXISTING MP



ARVIA UPPER LEVELS SOUTH LIVING-EXISTING MP



ARVIA UPPER LEVELS NORTH LIVING-PROPOSED MP



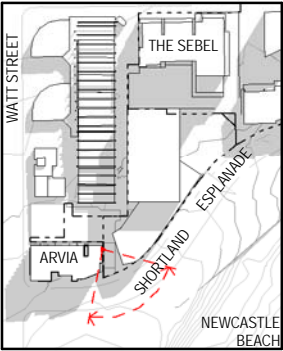
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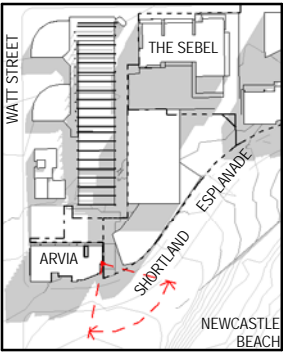
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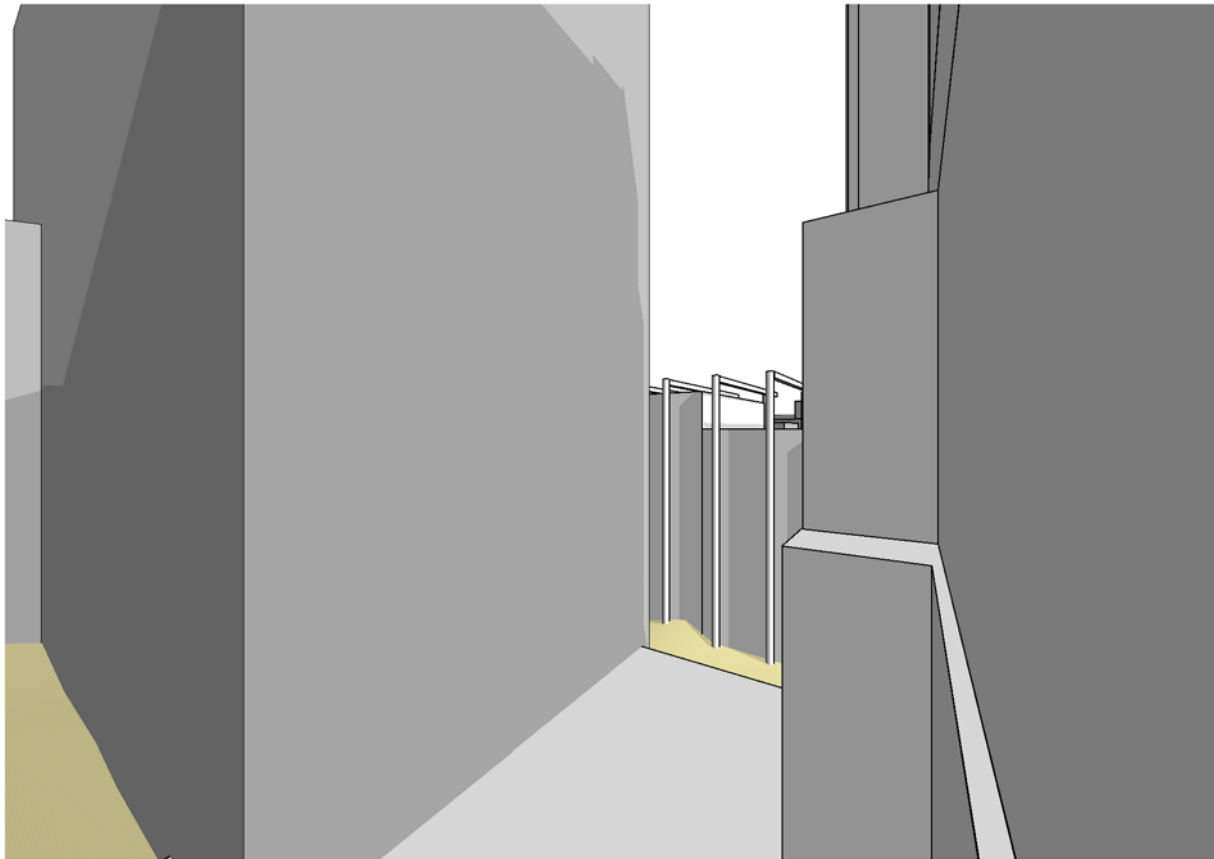


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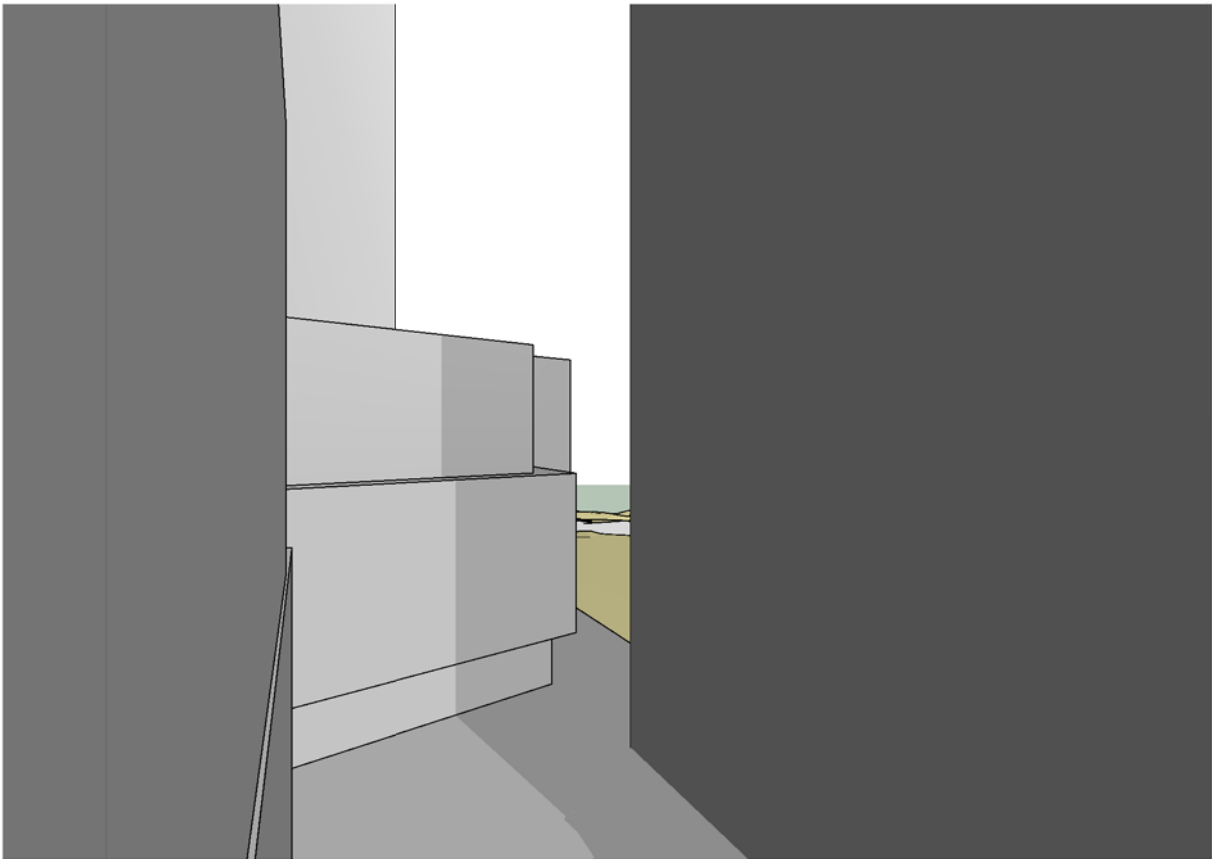


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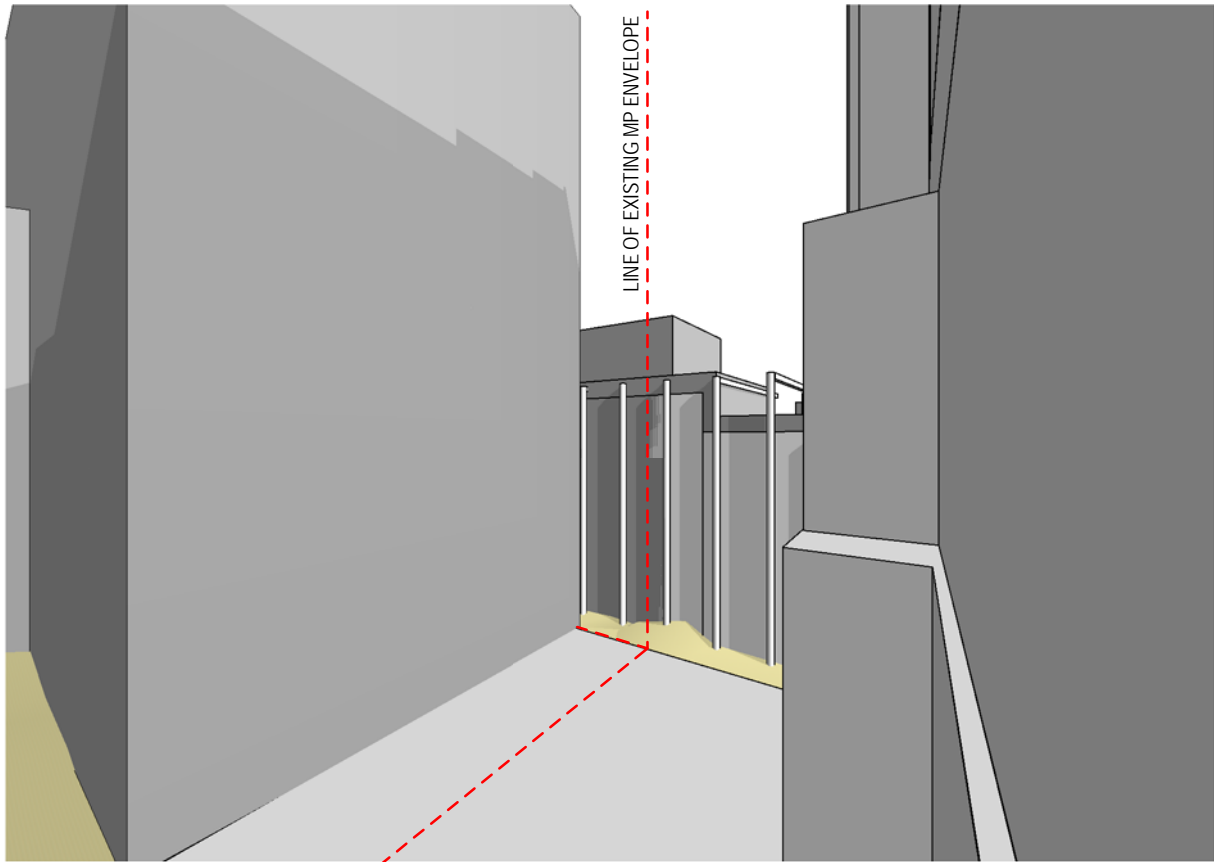
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Issue Description		Date	Chk	Auth
Architect				
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Client				
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Drawing				
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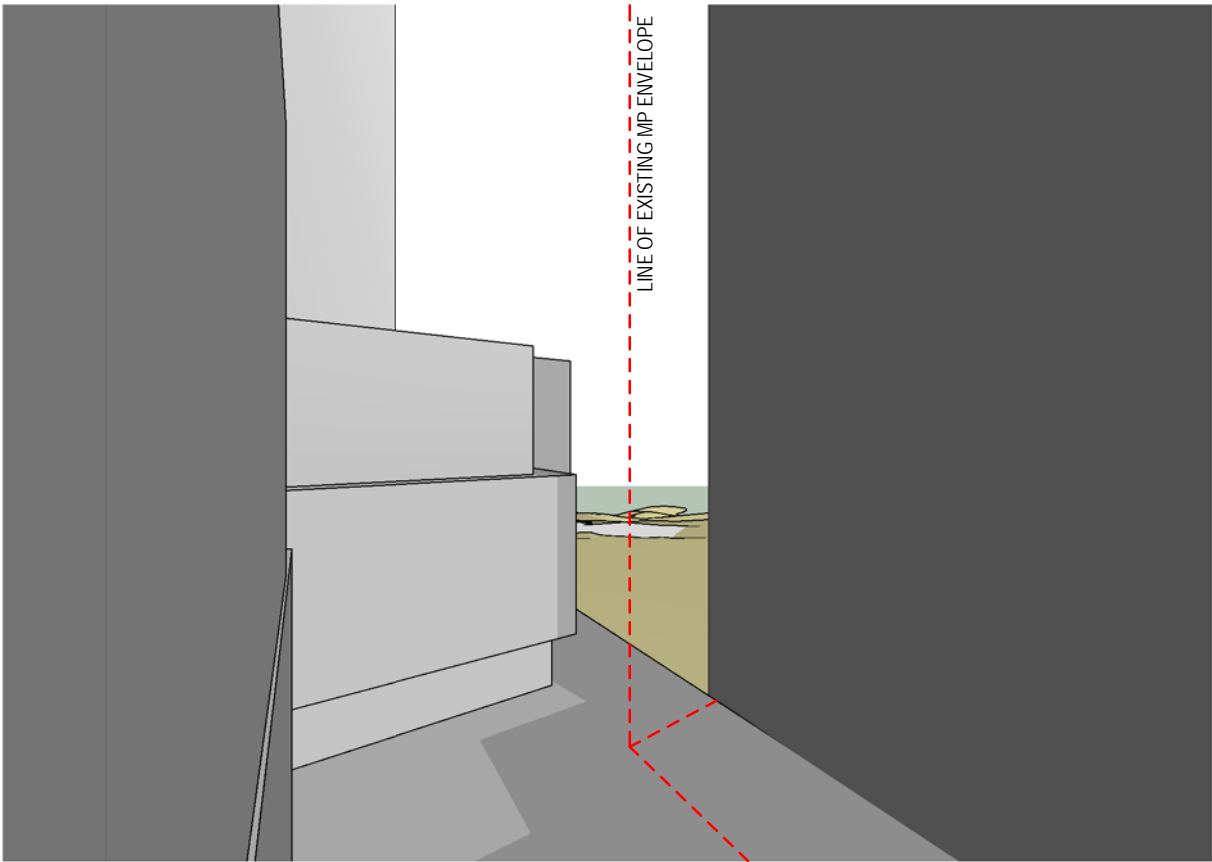
SEBEL LOWER LEVELS WEST VIEWS-EXISTING MP



SEBEL LOWER LEVELS EAST VIEWS-EXISTING MP



SEBEL LOWER LEVELS WEST VIEWS-PROPOSED MP



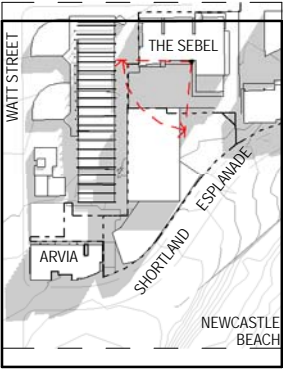
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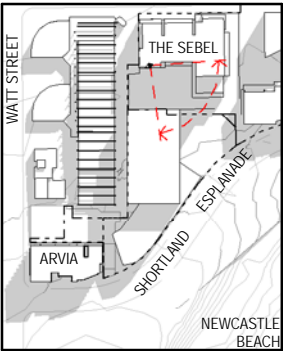
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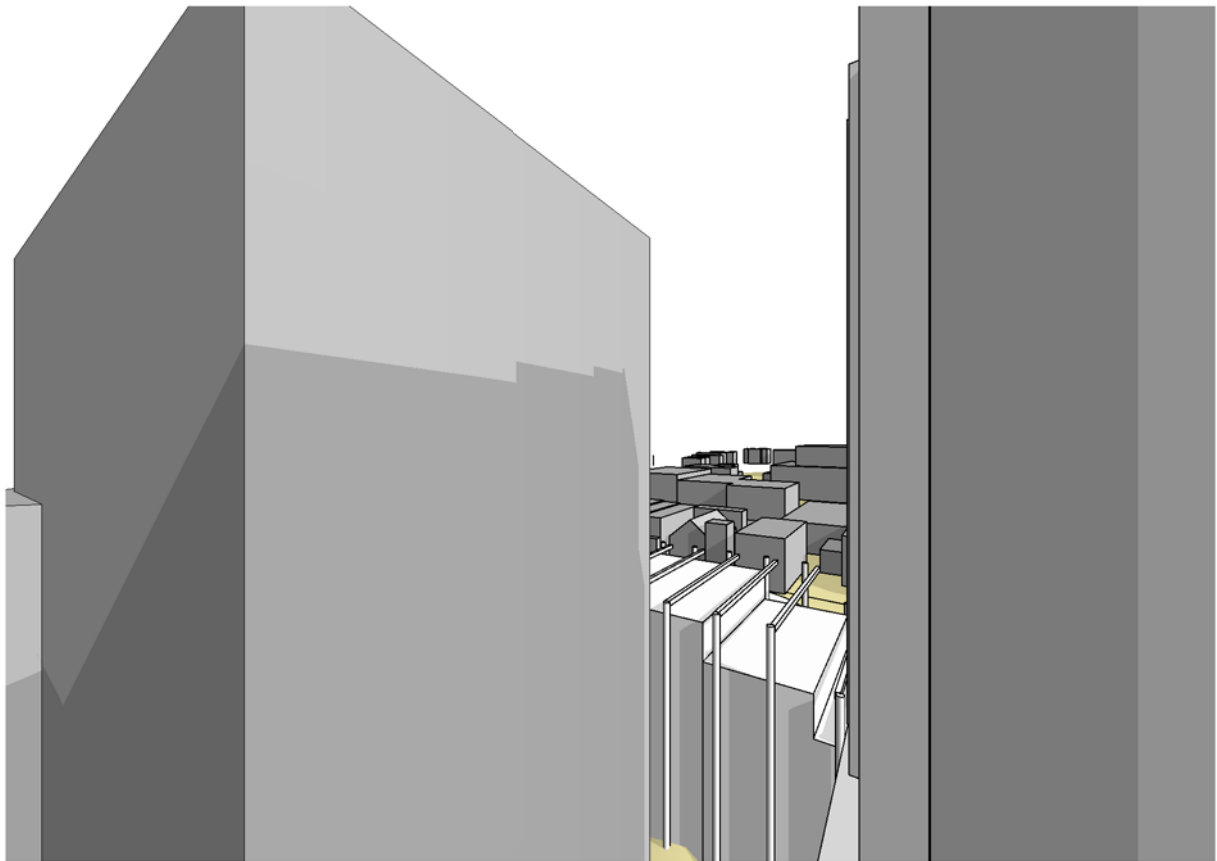


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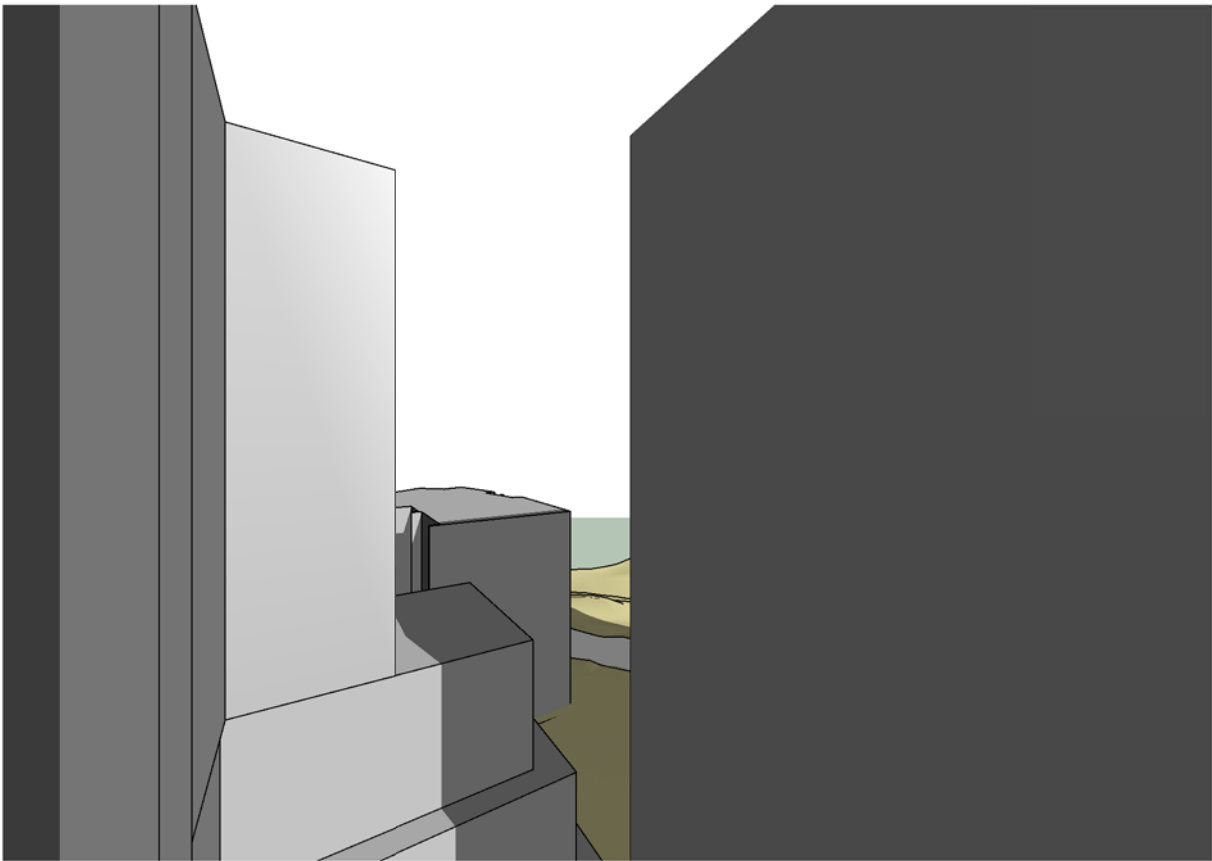


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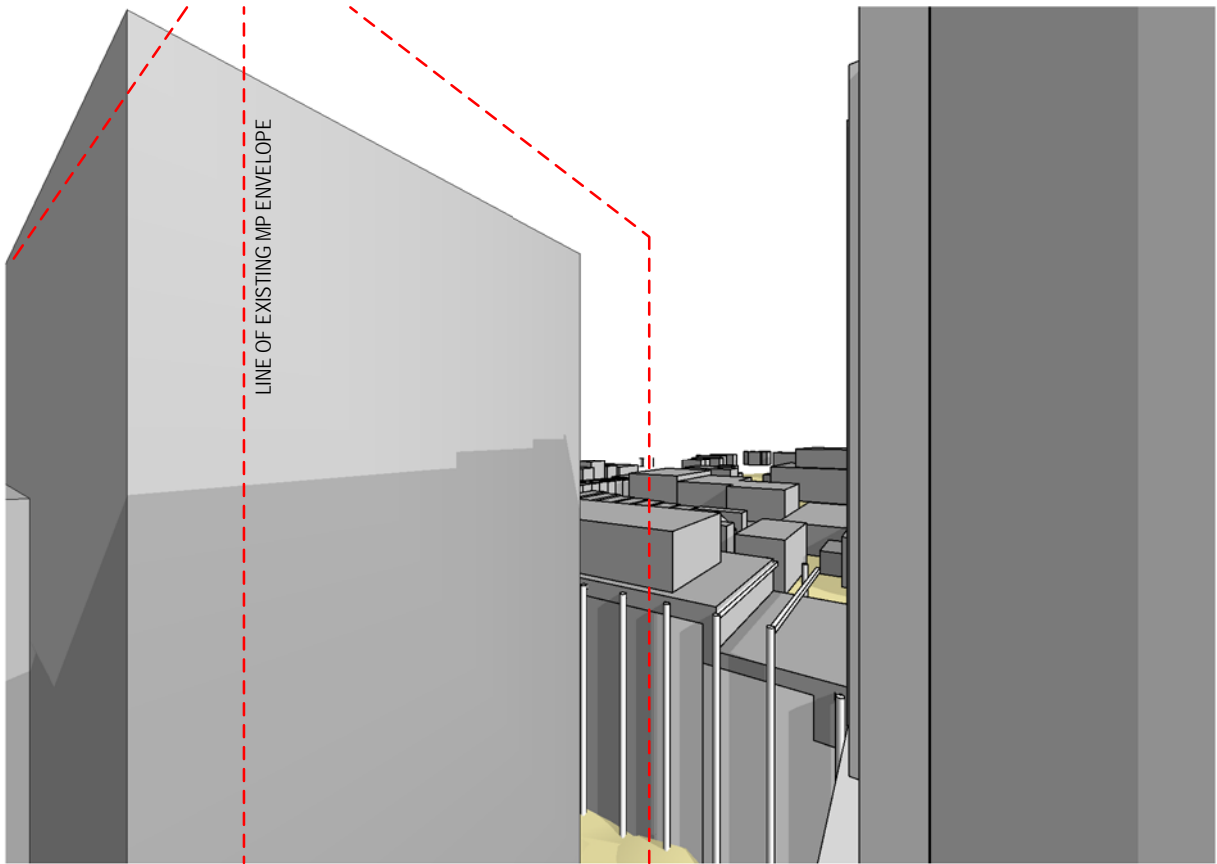
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Location				
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Client				
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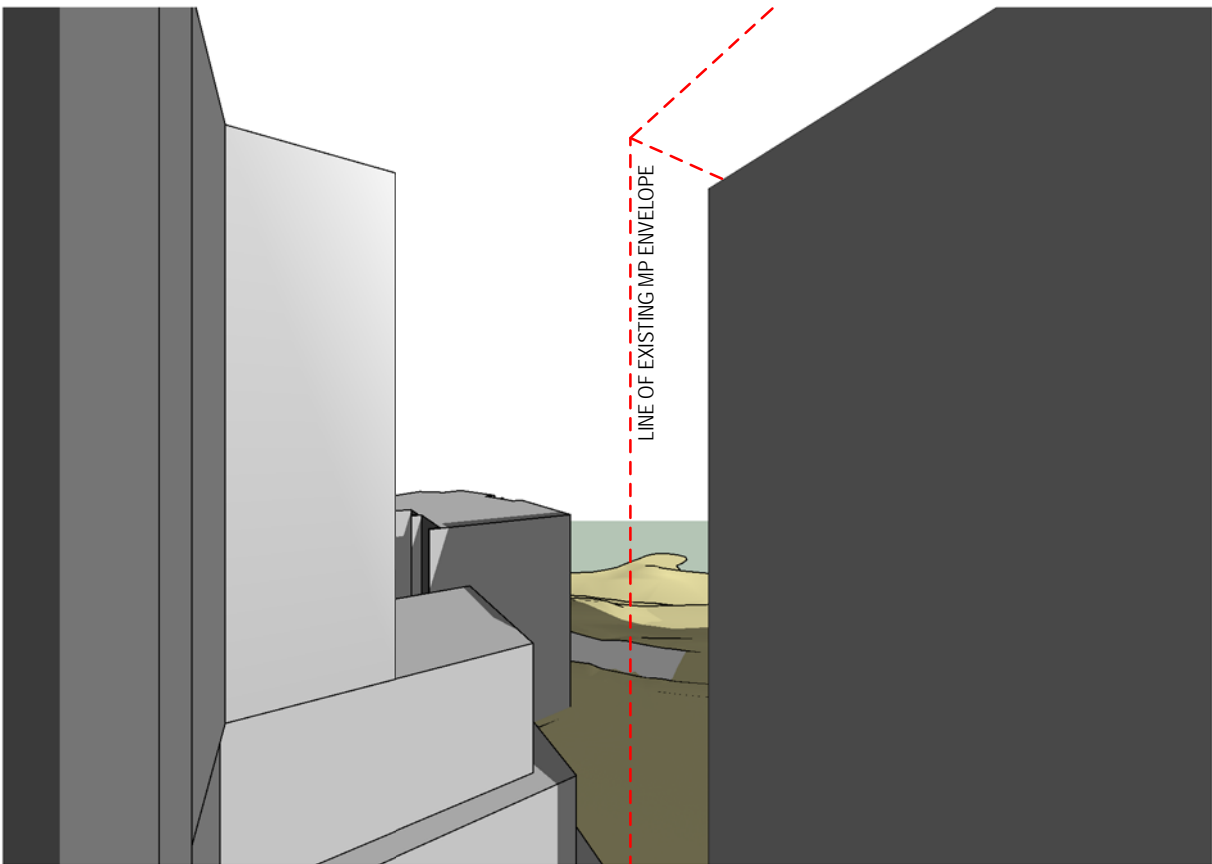
SEBEL UPPER LEVELS WEST VIEWS-EXISTING MP



SEBEL UPPER LEVELS EAST VIEWS-EXISTING MP



SEBEL UPPER LEVELS WEST VIEWS-PROPOSED MP



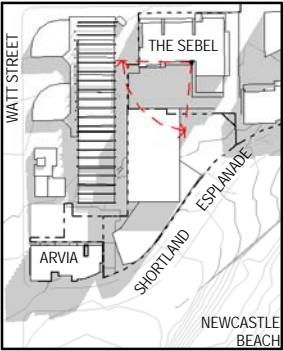
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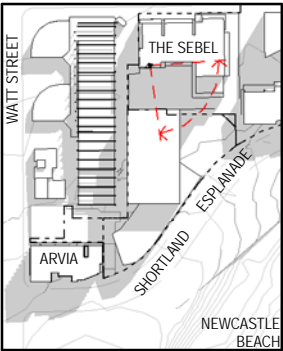
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