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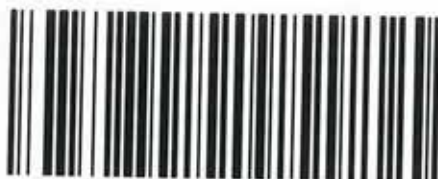
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Department of Planning
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Scanning Room

Manager Centres and Urban Renewal
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2000

RE: SUBMISSION TO DRAFT NEWCASTLE URBAN RENEWAL STRATEGY 2012

JW Planning Pty Ltd act for Hunter Parking and Storage, the owners of the Bolton Street Car Park site incorporating the heritage listed David Cohen Building Façade (the *site*). We have reviewed the Draft Newcastle Urban Renewal Strategy 2012 (the *Strategy*) and forward this submission seeking to ensure that the intentions and objectives of the Strategy does not unintentionally preclude or artificially limit the redevelopment potential of this site.

1. We firstly commend the Department on releasing this Strategy which provides clear directions on the renewal of Newcastle City Centre. This includes the identification of the city's east end as a *distinct retail, entertainment, leisure and residential precinct*.
2. We submit however that in order to achieve the guiding principles of the Strategy, it is necessary to provide flexibility in respect of the Building Height and Floor Space Ratio controls applying to heritage items within the east end precinct, inclusive of the subject site.
3. In respect of building height, the existing building on the subject site already encroaches the height limit of 24m proposed by the strategy. Whilst this increased height limit may provide opportunities for redevelopment of other sites within the immediate context (subject to site specific investigations), the proposed height limit of 24m will hinder the potential for the adaptive reuse of this existing heritage structure. It appears from our initial assessment that the Newcastle LEP 2012 does not apply a height limit to listed heritage sites on the building height map, whereas the Strategy seeks to introduce a limit contrary to Guiding Principle 4 which states:

...supporting and encouraging the adaptive reuse of the heritage buildings that contribute to the rich fabric of the city.

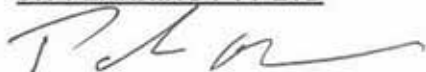
4. The site's owner has undertaken two (2) independent assessments of the site's carrying capacity and redevelopment prospects. These assessments identify that the site is suitable and capable of sustaining a structure in excess of the proposed 24m height limit and Floor Space Ratio controls, without impact to the amenity of adjoining allotments or the precinct as a whole. These investigations have determined that:
 - o The subject site is not significantly constrained by mine subsidence; a key limitation on additional building height elsewhere in the city centre;
 - o The existing structure is capable of sustaining a number of additional floors without requiring substantial structural improvement;
 - o The impact on views to the Cathedral, and from adjoining allotments within the context, by the addition of extra floors will be negligible in the context of the existing and the conceivable future skyline, given topography of the area; and
 - o The proposed additional floors will not adversely impact on the ability for adjoining residential development to obtain sunlight in accordance with Council requirements.

5. The application of a height limit is proven to be a limitation on the feasible redevelopment of the subject site, as confirmed by the Bolton Street Car Park Case Study prepared for the Strategy. The study concludes that redevelopment of the site is not feasible, unless additional units or a different use such as a hotel are considered. Both of these recommendations are achievable with the application of merits/performance based height and FSR controls.
6. A number of structures in the eastern portion of the city (including the Sebel Hotel, Arvia Apartments and other approved development within the Royal Newcastle Hospital site) are above the proposed height limit of 24m, and a merits or performance based height requirement will better facilitate economically feasible redevelopment consistent with these recent additions to the city skyline.
7. It is therefore recommended that heritage items within the City Centre precinct be excluded from identification on the Height of Buildings and Floor Space Ratio Maps contained within the Newcastle LEP. This would be in line with the exclusion of heritage items from Height of Building and Floor Space Ratio Maps across the LGA.
8. The exclusion of heritage items, including the subject site, from the building height and floor space ratio maps will promote innovation in the redevelopment of these sites to ensure they remain viable assets of the city over time.

If you wish to discuss the contents of this submission please don't hesitate to contact the undersigned.

Yours Faithfully

JW PLANNING PTY LTD



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