

JRPP No.	2012HCC019
DA No.	DA2012/0549
Proposal	Demolition of structures and erection of a commercial/residential building including hotel and basement car park to be completed in two stages and stratum subdivision of car park
Property	Lot: 5 DP: 1145847 & Lot: 4 DP: 1029006 1 KING STREET NEWCASTLE
Applicant	Kred Pty Ltd
Report By	The City of Newcastle

### **Supplementary Assessment Report 3 - 15 November 2013**

#### **Background**

The Joint Regional Planning Panel (JRPP) considered the proposed development on 5 September 2013. The Panel resolved:

*That consideration of the development application be deferred as the Panel is not satisfied that the issues raised in the previous decision of the Panel have been satisfactorily addressed. The Panel request that it be presented with a further supplementary report from Council addressing:*

- 1. Confirmation that drawing DA007P Car Park Level complies with the Concept plan approval as modified, particularly in relation to whether the proposed hospitality and car parking areas identified on that plan are permitted within the approved Concept Plan building envelopes. Concern also raised in relation to whether the proposed development is consistent with the conditions of the Concept Plan approval. Advice sought to confirm if the proposed development could be approved as submitted or whether further modification of the Concept Plan approval is required.*
- 2. Whether any intersection improvements are necessary at King and Watt Streets due to the absence of any vehicular access to the proposal from Watt Street.*
- 3. The applicant is to provide a traffic and pedestrian management plan for the development and an updated traffic impact assessment report showing cumulative impacts of other developments in the area (e.g. David Madison Building) on the intersection of Watt and King Streets.*
- 4. The applicant is to provide a detailed noise management plan for the proposed hotel use addressing the operational issues such as hours of operation, management of noise issues, and provision of security for the proposed hotel use.*

The applicant has provided a comprehensive response to these issues which is included at **Appendix C**, including enclosures. In response to concerns regarding access the applicant has submitted amended plans (**Appendix B**). The applicant describes the key amendments as follows:

- *Separation of north and south building car parks so they operate independently;*
- *Introduction of Loading Dock;*
- *Introduction of additional two way entry into north building car park, accessed off The Esplanade;*
- *Modification of internal ramps to accommodate the above;*
- *Realignment of services to accommodate the above; and*
- *Reduction of function space and alteration of orientation to accommodate the above.*

*The first three of these amendments reflect the key principle of 'decentralising' car park movements and promoting vehicular connection to the site via The Esplanade as opposed to King Street. The final three amendments are necessitated by the former and are complementary to the overall design. The resulting effect is a reduction in vehicle movements at the intersection of King and Watt Streets.*

In accordance with Council's Public Notification Policy it is considered that the proposed amended development does not warrant being publicly renotified, particularly given the amendments are related directly to concerns raised in submissions and by the JRPP.

It is noted that decorative 'windows' have been added to the northern wall of level 'Parking 05-04 / Lower Ground North Plan', however these are not actual windows what provide light and ventilation to function rooms; rather they are opaque decorative glazing with solid wall behind and therefore do not pose a privacy issue or result in any additional impact.

The four matters upon which the application was deferred by the JRPP are discussed below in the context of the amended plans and additional information submitted. This report should be considered in conjunction with previous reports to the JRPP.

## **1. Consistency with Concept Plan (as modified)**

The applicant's response (**Appendix C**) addresses this issue in detail and includes written legal advice from Norton Rose Fulbright Lawyers. Importantly, the submission reiterates that the relevant question is not whether the proposal 'complies' with the Concept Plan (as modified), as per the JRPP's resolution, but rather whether the proposal is 'generally consistent' with the Concept Plan, as required under Schedule 6A to the *Environmental Planning and Assessment Act 1979*.

Council agrees with the applicant's position that the relevant question in accordance with legislation is whether the proposed development is generally consistent with the Concept Plan (as modified). This matter has been addressed by Council on previous occasions. It is considered that the proposed development, including latest amendments, is generally consistent with the Concept Plan (as modified).

Council cannot provide any further commentary on this issue, with sufficient information before the JRPP for a decision to be made, as evidenced in the minutes of the JRPP meeting of 5 September 2013.

## **2. Intersection of King and Watt Street**

The applicant has submitted a supplementary traffic report prepared by Colston Budd Hunt & Kafes Pty Ltd, dated September 2013 (contained in applicant's submission at **Appendix C**) that provides an assessment of the operation of King and Watt Streets taking into account the revised access arrangements and cumulative impacts from the David Maddison Building adaptive reuse. As previously stated, based on the changes recommended in that report the applicant has made changes to the building design and provided a complete set of amended plans (**Appendix B**).

### **Site Design Principles**

The Site Design Principles approved under the Concept Plan (as modified) indicate preferred vehicular access from King and Watt Street. The Principles discourage vehicular access from Shortland Esplanade, and state:

*'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.'*

The amended proposal incorporates an additional access point to/from Shortland Esplanade that will provide direct access into the northern building car park. A separate access to the southern building car park and a third access point for the porte-cochere are also proposed, consistent with the previously considered proposal.

Having regard to public submissions received and JRPP's resolution it is evident that there is considerable concern regarding the proposal's impact on the King Street intersection, notwithstanding that traffic analysis for the previous proposal had identified that the intersection would continue to operate at acceptable levels. Direct access from Watt Street is not possible due to land ownership which means the only viable alternative to redistribute traffic into the local road network is via Shortland Esplanade. Provided that the applicant can demonstrate that the vehicle access points on Shortland Esplanade would not result in adverse traffic impacts and sight lines are adequate the access off Shortland Esplanade can be considered further.

Council's Senior Traffic Engineer has reviewed the amended design and supplementary traffic report with his advice provided below. In summary, the access arrangements from Shortland Esplanade will be acceptable from a traffic and safety perspective and are therefore considered acceptable against the Site Design Principles.

#### Traffic Generation

*The Supplementary Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd dated September 2013 has been reviewed in relation to traffic generation rates. The traffic rates are considered acceptable and accordingly form the basis of the Sidra intersection analysis undertaken by the consultant for Watt/King Streets, Watt/Church/Shortland Esplanade and King Street/laneway.*

*In accordance with the JRPP's request the consultant has factored in the traffic generation associated with the adjacent David Madison Building and has had regard for vehicle access changes approved as part of a recent S96 application.*

#### Traffic Distribution

*The amended plans comprise the reconfiguration of the internal car park to separate the northern and southern building parking areas and introduce a new two-way access driveway into the northern building from Shortland Esplanade.*

*The consultant has reviewed traffic distribution and confirmed a reduction in traffic generation in the laneway off King Street to around 50 vehicles per hour two-way during the peak period, with a larger portion of vehicles now accessing the site via Shortland Esplanade.*

#### Road Network (Intersections)

*The consultant has reviewed intersection operations using Sidra while having regard to the amended plans, traffic generation associated with the David Maddison Building and intersection improvement works presently being undertaken by Council at the intersection of Watt and King Streets. A summary of the results of this intersection analysis are as follows:*

##### *Watt/King Streets*

*The Sidra analysis confirmed that the intersection would continue to operate at an acceptable standard with a level of service (LOS) post development of A / B and the highest average delay on any leg of less than 21 seconds in the peak period.*

*The 95<sup>th</sup> percentile back of queue lengths in King Street - East during the morning and afternoon peak hour period comprised 1.5 and 0.7 vehicles respectively, while King Street - West ranged from 3.1 vehicles in the morning to 3.7 vehicles in the afternoon.*

*The intersection of Watt and King Streets is located within a designated 40km/h High Pedestrian Area. The works presently being undertaken by Council at this intersection focus on reducing vehicle speeds and improving pedestrian safety with a general reduction in road carriageway widths and the installation of marked pedestrian crossings.*

*Instances of increased vehicle queuing may occur at times in King Street - West as a consequence of the reduction in carriageway width to a single vehicle at the intersection.*

##### *Watt/Church/Shortland Esplanade*

*The amended plans for this development result in a larger portion of traffic accessing the site via Shortland Esplanade and therefore using this intersection.*

*The Sidra analysis confirmed that the intersection would continue to operate at an acceptable standard with a LOS post development of B / C and the highest average delay on any leg of less than 30 seconds in the peak period.*

*The 95<sup>th</sup> percentile back of queue lengths in Shortland Esplanade during the morning and afternoon peak hour period comprised 0.9 and 1.3 vehicles respectively, while Church Street ranged from 0.6 vehicles in the morning to 1.1 vehicles in the afternoon.*

#### *King Street /Laneway*

*The applicant has confirmed that this intersection operates at an acceptable LOS A / B with delays of less than 15 seconds.*

*Considering the satisfactory results of the operation of the above intersections – post development no intersection improvements are considered to be warranted in association with this development proposal.*

#### *Internal Layout*

*The amended car park layout has been reviewed and is generally considered acceptable.*

*Fifteen (15) small parking spaces are proposed as part of this application. These bays are 2.3m by 5.0m and comply with AS 2890.1*

*The applicant has been advised that a floor to ceiling height of 2.3m is required over the vehicle path of travel from entry/exit to the car park to the designated disabled parking spaces in accordance with AS 2890.1 & 6. The applicant has acknowledged this requirement in email advice dated 4 November 2013 and it is understood that amended plans will address this design element.*

*Notwithstanding, an appropriate condition has been recommended for this application requiring the car park to comply with AS 2890.1 & 6.*

#### *Site Access*

*The amended proposal details a new driveway off Shortland Esplanade near the eastern boundary of the site. This access services the northern car park and some 210 spaces comprising separate entry and exit vehicle crossings.*

*While Council's preference is generally for a single combined entry/exit driveway the grades in Shortland Esplanade coupled with site constraints make this difficult to achieve at this location. Acknowledging that sufficient width exists between the entry and exit driveways to accommodate a pedestrian and the access should be sufficiently clear of the proposed raised pedestrian crossing the driveway arrangement as detailed on amended plans is considered acceptable.*

*Furthermore, the introduction of a third driveway will permit vehicles exiting the hotel porte-cochere to re-enter the site for overnight parking via the new eastern two-way access driveway. This will reduce right turn out vehicle movements and improve overall traffic safety.*

#### *Traffic and Pedestrian Management Plan*

*The JRPP has requested that the applicant provide a copy of the Traffic and Pedestrian Management Plan for the development.*

*In response to this request the applicant has listed key principles for the preparation of this plan in Section 2.59 and stated in Section 2.60:*

*“These principles have been adopted in the revised plans for the proposed development...”*

*In response to transport and management related issues the following conditions are recommended by Council for this application and should address the concerns of the JRPP:*

*F11 The developer, in consultation with the owners of the David Madison Building, preparing a Traffic Management Plan (TMP) for the safe operation of the King Street Laneway, such being*

*implemented prior to issue of any Occupation Certificate for the premises the subject of this application with a copy of the TMP being provided to the Principal Certifying Authority.*

*F12 (Amended Condition) A 'Site Access Management Plan' being prepared by the developer to address the operation of the Shortland Esplanade western vehicular access to the Southern Building and such stipulating that this access is to be restricted to left out only for exiting vehicles. Under no circumstance are vehicles exiting the site permitted to make right turn manoeuvres. The plan is to be implemented prior to operation of this vehicle access and comprise the installation of a 'Left Turn Only' sign within the site at the property frontage.*

*F13 The developer preparing a Green Travel Plan (GTP) to encourage the use of alternate transport to the private vehicle in accordance with the 'Section 7.03.03 Travel Demand Management of Council's adopted Newcastle Development Control Plan 2012' and incorporating end of trip facilities, such being implemented in association with the occupation of the premises and a copy of the GTP being provided to the Principal Certifying Authority.*

### *Servicing*

*The amended plans for this development propose a loading dock off the King Street laneway.*

*This loading dock has been reviewed in accordance with AS 2890.2 and is considered acceptable on the basis that access is restricted to a maximum medium rigid truck 8.8m in length.*

*An appropriate condition will be required in relation to this matter.*

### *Recommendation*

*The application be supported on traffic grounds with the amendment / inclusion of the following conditions:*

### *New Conditions*

#### *New conditions for Northern Building*

- 1. Separate commercial type entry and exit vehicular crossings 4.5m wide with approach and departure slays being constructed across the public footway at no cost to Council and in accordance with Council's Driveway Standard A374 design specifications and such crossing being properly maintained.*
- 2. The maximum size vehicle that shall access the loading dock being restricted to a medium rigid vehicle (MRV) 8.8m in length as defined in AS 2890.2. Under no circumstances should a heavy rigid vehicle or an articulated vehicle enter the site.*

#### *Amended condition for Southern Building*

*F11 A 'Site Access Management Plan' being prepared by the applicant to address the operation of the Shortland Esplanade western vehicular access to the Southern Building and such stipulating that this access is to be restricted to left out only for exiting vehicles. Under no circumstance are vehicles exiting the site permitted to make right turn manoeuvres. The plan is to be implemented prior to operation of this vehicle access and comprise the installation of a 'Left Turn Only' sign within the site at the property frontage.'*

These conditions have been included in the revised Schedule of Conditions at **Appendix A**.

The proposed amended access arrangements are also acceptable in relation to previous advice received from Roads and Maritime Services which required:

- *Consideration of Section 117(2) direction 3.4 Integrating Land Use Development and Transport – no change from previous Council report.*

- *A Construction Traffic Management Plan* – addressed as condition.
- *Turning paths for design vehicles* – applicant's traffic report reviewed by Council's Senior Traffic Engineer and reconfirms compliance with Australian Standards.

A benefit of the additional access point is that it facilitates ease of entry to the hotel parking area after exiting from the porte-cochere. As previously reported by Council the former design required vehicles to circle the block to re-enter the car park which, while acceptable, was not ideal.

The additional access has reduced the size of the hospitality area which results in less activation to the Shortland Esplanade frontage, when compared to the previously considered proposal. Nevertheless, the remaining area (now designated as function areas on the amended plans) still activates the through site link and corner adjoining Shortland Esplanade and is still considered acceptable from a street activation perspective. Additional opaque decorative glazing (with solid wall behind) has been included to the northern elevation of the function rooms which would provide for a more articulated façade while still maintaining privacy. As previously stated, this element does not result in additional impact and the application was therefore not re-notified.

## **Parking**

Given the redesign of the basement parking areas it has been necessary to also reconsider the provision of parking and storage.

The Concept Plan (as modified) requires compliance with the Newcastle DCP 2005. The Newcastle DCP 2005 has now been superseded by Newcastle DCP 2012, which has been used as the basis for the parking calculations. It is noted that the parking requirements did not differ between the two DCPs.

The Newcastle DCP 2012 specifies the following car parking rates:

- Non-residential (i.e. Hotel in this case) – 1 space per 60m<sup>2</sup> GFA
- Residential
  - Small (<75m<sup>2</sup> or 1-Bed) – 0.6 space per dwelling
  - Medium (75m<sup>2</sup> – 100m<sup>2</sup> or 2-Bed) – 0.9 space per dwelling
  - Visitor – 1 for the first 3 and 1 for every 5 thereafter
    - Bicycle – 1 space per dwelling (unless separate storage provided). Visitor bicycle parking at 1 space per 10 dwellings.
    - Motorcycle – 1 space per 20 car parking spaces
  - Delivery area – In this regard the amended plans provide for a designated loading area accessed from the laneway and the forecourt area to the Hotel also provides for delivery area.

## **Vehicle parking**

Hotel – 5,378m<sup>2</sup> GFA requires 90 spaces.

Residential –

- 48 x 2-Bed requires 43.2 spaces
- 102 x 1-Bed requires 61.2 spaces
- Visitor parking requires 30.4 spaces.

Total parking requirement is 225 spaces.

The development site itself contains 260 spaces and therefore has sufficient capacity to service car parking demand, with an excess of 35 spaces.

Development Consent DA 2012/201 for alterations and additions and change of use to office space applying to the adjoining David Maddison Building (Lot 12 DP635003) required 69 car parking spaces within the multi-storey car park, part of which is on the subject site. The 35 excess parking spaces will in part meet this requirement with another 34 spaces required.

In this regard it is noted that the existing multi-storey car park (that will join to Building South) actually spans across a number of allotments, including the subject site itself (Lot 5 DP1145847), the David Maddison Building site (Lot 11 DP579257) and Lot 12 DP635003 (being the stratum upper levels of the United Services Union car park). Both of these adjoining sites are owned by the applicant. When accounting for the total parking provision within the subject site and the total multi-storey car park provides a total of 300 parking spaces. This satisfies the total combined parking demand for the subject development and the David Maddison Building development of 294 parking spaces.

#### Bicycle parking

The development requires a total of 150 bicycle parking spaces for residential dwellings and 16 spaces for visitors. The basement currently proposes only 117 storage compartments for dwellings. However, it is evident that there is sufficient room within the basement areas to accommodate additional storage compartments for residential dwellings and accordingly this matter can be addressed by way of a condition of consent. The plans indicate external bicycle racks for visitors however it is considered appropriate to also require secure bicycle storage for hotel staff. This will also be addressed as a condition of consent, noting that an excess car parking space could be used for this purpose.

#### Motorcycle parking

The development requires a total of 12 motorcycle parking spaces and provides for 12 spaces.

#### Staging

Consideration should also be given to the proposed staging, specifically whether sufficient parking will be available at Stage 1.

- Stage 1 – Is for the construction of the northern building, incorporating the hotel, 32 x 2-Bed and 63 x 1-Bed apartments. This requires 176 car parking spaces (90 for hotel and 86 residential), 105 bicycle parking spaces and 9 motorcycle parking spaces.

Stage 1 development provides for 212 car parking spaces, 98 storage compartments for bicycle storage (plus rack visitor bicycle parking), and 6 motorcycle parking spaces. It therefore provides sufficient car parking (36 excess). The north building basement parking combined with the existing multi-storey car park (total 278 spaces provided) would also satisfy the combined parking demand of David Maddison Building and Stage 1 of 245 spaces. The bicycle storage for the hotel can be addressed as a condition of consent. The motorcycle parking is 3 spaces short; however some of the excess parking could readily be used for motorcycle parking and is therefore considered acceptable.

- Stage 2 – Represents the completed development (i.e. construction of the southern building which incorporates 16 x 2-Bed and 39 x 1-Bed (including studio apartments). This requires 49 car parking spaces, 61 bicycle parking spaces and 3 motorcycle parking spaces.

Stage 2 development provides 88 car parking spaces (including existing multi-level car park), 19 storage compartments for bicycle storage, and 6 motorcycle parking spaces. There is therefore sufficient parking for the proposed residential building. Storage for bicycles will be addressed as a condition of consent and motorcycle parking complies.

In relation to parking for the David Maddison Building the submitted traffic report indicates that the final development will utilise 34 of the excess parking spaces in northern car park for the David Maddison Building and 35 spaces in the southern car park. It is noted that the bicycle storage for the hotel is considered important and if necessary should utilise a parking space in the northern car park. In any

regard there is still sufficient capacity in the north car park to accommodate parking as proposed. A revised plan of Stratum Subdivision has been submitted to reflect the David Maddison Building parking allocation and is included at **Appendix B**.

In summary the development satisfies the parking requirements of the Newcastle DCP 2012 both considering the total development (including David Maddison Building parking requirements) and when considered in individual stages. It also complies with motorcycle parking requirements and the bicycle parking shortfall will be addressed as a condition of consent.

### **3. Traffic and pedestrian management plan and an updated traffic impact assessment report**

As outlined above under point 2 the supplementary traffic report by Colston Budd Hunt & Kafes Pty Ltd, dated September 2013 (appended as part of **Appendix C**) has considered the cumulative impacts of development, including the David Maddison Building. The report identified that the local road network including the King / Watt Street intersection will continue to operate at acceptable levels. As outlined under point 2 Council's Senior Traffic Engineer concurs with the findings of this report.

The report has also reviewed existing pedestrian conditions around the intersection of Watt Street and King Street. The pedestrian counts identified that the highest pedestrian flows were observed across Watt Street, north of King Street at the existing pedestrian crossing with flows of some 50 to 70 pedestrians per hour during peak periods. The report indicates that these are low pedestrian movements, equivalent to on average one pedestrian per minute across Watt Street. Overall the pedestrian movements in the area were found to be low and the proposal would not result in any significant effect on pedestrian conditions and amenity. Increased pedestrian activity should be considered a positive outcome of the proposed development consistent with Council's vision for a revitalised City Centre.

The report provides the following specific response in relation to the traffic and pedestrian management plan:

*With regard to the JRPP requirement for a traffic and pedestrian management plan (TPMP), the key principles of the plan are as follows:*

- provision of a convenient and appropriate environment for pedestrians;*
- minimise effects on pedestrian movements and amenity;*
- maintain convenient access to public transport;*
- maintain appropriate capacity for pedestrians at all times along adjacent footpaths;*
- maintain traffic capacity at intersections and mid-block on the surrounding road network in the vicinity of the site;*
- provide appropriate access for cars and service vehicles to and from the site;*
- maintain appropriate access to adjacent properties;*
- provide appropriate on-site parking;*
- pedestrian movements adjacent to the site to be separated from vehicle activity entering and exiting the site; and*
- access arrangements; internal circulation and car parking arrangements to be provided in accordance with the Australian Standard.*

*These principles have been adopted in the revised plans for the proposed development and include the following:*

- convenient pedestrian access will be provided to/from Shortland Esplanade, via dedicated pedestrian entrances and via the proposed porte-cochere;*
- separation of the northern and south building car parks, resulting in a reduced traffic generation onto the existing service lane off King Street;*
- introduction of a new two-way access driveway into the northern building car park onto Shortland Esplanade, resulting in improved access arrangements to/from Shortland Esplanade and a further reduction in traffic generation onto the existing service lane off King Street;*



- *provision of an on-site porte-cochere, with access provided via a combined entry/exit driveway suitable for cars, vans and mini-buses. The proposed porte-cochere will incorporate a set-down/pick-up area for some three to four cars within the site and will provide an on-site turn around area to allow vehicles to enter and exit the site in a forward direction;*
- *provision of a new loading dock with access via the existing service lane off King Street. The loading dock has been designed to cater for service vehicles ranging from vans and small commercial vehicles to medium rigid trucks up to 8.8 metres in length. The loading dock has been designed to allow service vehicles to enter and exit via King Street in a forward direction;*
- *parking provision has been provided in accordance with Council's parking code; and*
- *access arrangements, internal circulation and car parking arrangements are considered appropriate and will be provided in accordance with the Australian Standards.*

As outlined above under point 2 Council's Senior Traffic Engineer has reviewed these measures and considered them acceptable, subject to existing, revised and new conditions. In addition it is noted that recommended condition F20 (within **Appendix A**) requires a new pedestrian crossing in Shortland Esplanade. This would be in proximity to the through site link to facilitate access to Newcastle Beach. Council is also currently carrying out an upgrade to the intersection of King and Watt Streets which includes new pedestrian crossings. It is considered that there are no further pedestrian management measures required other than the Traffic Management Plan for the access laneway off King Street which, as previously recommended, will be addressed as a condition of consent (condition F11 within **Appendix A**).

#### **4. Noise management plan**

The applicant has submitted a detailed Plan of Management for the proposed hotel which addresses all matters requested by the JRPP, including hours of operation, management of noise issues and security. The Plan of Management was formally required as a recommended condition of consent under the report to the JRPP 13 June 2013 (Condition H7). The Plan of Management has been reviewed by Council officers, including officers of Council's Compliance Services Unit, and is considered to have satisfactorily addressed the condition requirements. Accordingly Condition H7 has been amended to simply reference the submitted plan.

The Plan of Management has also clarified the hours of operation specifying that the accommodation component of the hotel will operate 24 hours a day and the function rooms 7am to 12 midnight Monday to Saturday. This was consistent with Council's previous assessment however the recommended condition of consent (Condition H1 within **Appendix A**) relating to operating hours has been amended accordingly to avoid any doubt.

#### **Late submission**

Council has been asked by the JRPP to respond to issues raised within a late submission received by Herbert Greer Lawyers, on behalf of a neighbouring resident, on 24 October 2013. Council's response to the submission by Herbert Greer Lawyers, which has been reviewed by Local Government Legal, can be found at **Appendix D**.

A copy of the late submission was requested by, and provided to, the applicant in order to respond to the issues raised therein. A response to the submission by Norton Rose Fulbright Lawyers, on behalf of the applicant, can be found at **Appendix E**.

In summary, Council (and the applicant) believes that the issues raised in the submission have been adequately dealt with and the JRPP has all the information before it necessary to determine the application.

#### **Conclusion**

The proposed amendments, including additional accesses and separation of the north and south building car parks will assist in further distributing traffic into the local road network and provides improved access from the porte-cochere into the car park.

The submitted Plan of Management provides further clarity on the management practices and procedures for the hotel component of the development. An existing condition has been amended to reflect the additional information provided.

In general the development would support Council's strategic position of revitalisation of the Newcastle City Centre (as outlined in Council's Newcastle Urban Strategy and foreshadowed in the draft Newcastle Urban Renewal Strategy (DoPI 2012)) while achieving acceptable impacts upon surrounding properties.

Council believes that the issues raised by the JRPP and within public submissions have been adequately dealt with and the JRPP now has all the information before it necessary to determine the application.

### **Recommendation**

- 1) The JRPP note differences between the proposal and the modified Concept Plan, and are of the view that the proposal is generally consistent with that plan, and
- 2) Grant approval to DA2012/0549, subject to the revised schedule of conditions contained within **Appendix A.**

**Appendix A – Revised Schedule of Conditions**

**Appendix B – Amended architectural plans and amended stratum subdivision plan**

**Appendix C – Applicant's response to resolution of JRPP dated 1 October 2013 and Norton Rose Fulbright Lawyers response to resolution of JRPP dated 1 October 2013**

**Appendix D – Council response to submission by Herbert Geer Lawyers**

**Appendix E – Norton Rose Fulbright Lawyers response to submission by Herbert Geer Lawyers**