de Witt Consulting
planning surveying
project management

ABN 23 104 067 405

7 Canberra Street
PO Box 850 Charlestown NSW 2290
P 02 4942 5441
F 02 4942 5301
E admin@dewittconsulting.com.au

www.dewittconsulting.com.au

1 October 2013

Our Ref: 2922
Your Ref: DA 2012/0549

The General Manager
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

ATTENTION: WESLEY WILSON

Dear Wesley

RE: RESPONSE TO RESOLUTION OF JOINT REGIONAL PLANNING PANEL MEETING 2012HCC019 – DA 2012/0549 – 1 KING STREET, NEWCASTLE

I refer to the minutes of the Joint Regional Planning Panel (JRPP) meeting 2012HCC019 held Thursday 5 September 2013. The JRPP deferred consideration of the development application and requested Council to prepare a further supplementary report addressing four key matters including consistency with the concept plan, traffic impacts to the intersection of King and Watt Streets, preparation of a traffic and pedestrian management plan and updated traffic impact assessment, and the provision of a noise management plan for the proposed hotel use. The following information is provided to assist Council's preparation of the supplementary report.

ITEM 1 - CONSISTENCY WITH MODIFIED CONCEPT PLAN

The JRPP at its meeting 2012HCC019 requested 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 whether further modification of the Concept Plan approval is required.*

The various aspects of this request are addressed below.

Consistency with Concept Plan

A portion of the hospitality and parking areas shown in drawing DA007P (referred to as "car park level") is located outside the approved Concept Plan building envelope. The first question raised by the JRPP is whether the 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. This matter has been addressed in general terms in previous submissions to Council and in Council's report to the JRPP, as well as in legal advice obtained by Council and the applicant. We now seek to reinforce this matter specifically in relation to drawing DA007P (as amended by drawings A214 Issue Q & A201 Issue N (Refer to **Attachment 1**).

The relevant question is not whether the development shown in drawing DA007P "complies with" the concept plan, but whether it is "generally consistent" with the concept plan. Central to this issue is Clause 3B(2)(d) of Schedule 6A to the EP&A ACT 1979, which states:

> *"A consent authority must not grant consent under Part 4 for the development unless it is satisfied that the development is generally consistent with the terms of the approval of the concept plan."*

It is important to note that the language used by the JRPP in the motion carried on 5 September does not reflect the statutory language used in Clause 3B above. The phrase "generally consistent" in clause 3B(2)(d) implies an element of inherent flexibility which does not require strict or complete consistency with the concept plan. In contract, the word "complies" would necessitate a stricter approach than the language used in Clause 3B, and is contrary to the language used in Clause 3B (refer to legal advice provided by Norton Rose Fulbright **Attachment 2**).

It is also important to consider the concept plan as a whole, and not just the building envelope controls in isolation, in particular the following matters:

- The Concept Plan gives no guidance about the design of the areas *between* the approved building envelopes. However, the Concept Plan does include objectives relating to pedestrian amenity and achieving level open space adjacent to Shortland Esplanade. The proposed development scheme shown on drawing DA007P (as amended by drawings A214 Issue Q & A201 Issue N) assists in meeting these objectives, particularly in regard to the location of the proposed landscaped forecourt area. These objectives could not otherwise be achieved due to the sloping nature of the site without some form of construction, or extensive excavation, in this part of the site.
- Schedule 1 and Conditions 1, 3 and 4 of the Concept Plan approval identify that approval relates to the building envelopes being both footprints and heights. The required RL 18.5m is referred to in the Modification of Minister's Approval dated 9 April 2013 as "indicative":

  > *"**Approval in Accordance with Documents***
  >
  > *The approval shall be in accordance with MP 05_00623 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 height expressed in storeys and indicative RLs (m AHD)…"*

  The assessment of proposed RLs against the Concept Plan should take into account the indicative nature of the specified RLs. The proposed RL 19.15m AHD proposed represents a minor departure from the required RL 18.5m AHD is considered generally consistent with the Concept Plan as modified.
- The area of the development shown on drawing DA007P (amended by drawings A214 Issue Q & A201 Issue N) that is outside the modified Concept Plan envelope represents 1% of the GFA of the overall development (as determined by Council). This is a suitable reminder of the minor nature of the divergence and that it should be considered within the context of the overall Concept Plan. It is considered that this small divergence does not cause the development to cease to be generally consistent with the Concept Plan.

It is clear that by testing the proposed development for general consistency with the Concept Plan the JRPP is within power to grant consent to the development in its current form.

Conditions of the Concept Plan Approval

Previous submissions to Council by the applicant, and the report to JRPP by Council, demonstrate that the proposed development is generally consistent with the conditions of the Concept Plan approval. The relevant conditions include:

- *Building envelopes* – as demonstrated above the proposed development is generally consistent with the building envelopes shown in the Concept Plan as modified. As mentioned

above, the area of the development located outside the building envelope equates to only 1% of the development GFA.

- *Building heights* – as demonstrated above the proposed development is generally consistent with the building heights shown in the Concept Plan as modified, and as referred to in the Minister's Approval to Modify the Concept Plan as "indicative".
- *Building separation* – Previous submissions by the applicant and reporting by Council demonstrate compliance with building separation requirements including compliance with State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development.
- *Site design principles* – Previous submissions by the applicant and reporting by Council demonstrate compliance with site design principles. The following information relates directly to drawing DA007P (as amended by drawings A214 Issue Q & A201 Issue N in **Attachment 1**) and compliance with site design principles for vehicular access and car parking which provide for vehicle access to/from The Esplanade subject to demonstration that it will not result in adverse traffic impacts and that sight lines are adequate.

  The amended DA drawings provided in **Attachment 1** provide for additional two-way entry into north building car park accessed off The Esplanade and associated modifications. The amended drawings also separate the north and south building car parks so they operate independently. These changes reflect the key principle of 'decentralising' car park movements and promoting vehicular connection to the site via The Esplanade as opposed to King Street. For further discussion on these changes, please refer to Item 2 below.

  The Traffic Impact Assessment by Colston Budd Hunt & Kafes to be provided under separate cover will assess the amended site entry and ramp design for compliance with AS 2890 requirements.

Having regard to the above, the JRPP may be satisfied that the development is generally consistent with the conditions of the Concept Plan approval.

Need for Modification of Concept Plan

The information provided above, and attached, in conjunction with previous submission by the applicant and reporting by Council, demonstrates that there is no need for further modification of the Concept Plan. The JRPP, if satisfied that the development is generally consistent with the Concept Plan, may determine the application in its current form without the need to further modify the Concept Plan.

ITEM 2 - INTERSECTION OF KING AND WATT STREETS

The JRPP resolved to request further advice on the following:

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.*

The applicant has worked with their traffic engineer and architect to address these access issues and present amended plans which capture these:

Current Lodged Plans	Proposed Replacement Plans
DA 004 Issue M	Drawing A211 Issue N
DA 005 Issue M	Drawing A212 Issue P
DA 006 Issue N	Drawing A213 Issue P
DA 007 Issue P	Drawing A214 Issue Q & A201 Issue N
DA 008 Issue R	Drawing DA008 Issue S & A202 Issue N

DA 009 Issue P	Drawing DA009 Issue Q & A203 Issue S

The amended DA drawings provided at **Attachment 1** include the following key amendments:

- 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.

The supplementary traffic report at **Attachment 3** prepared by Colston Budd Hunt & Kafes provides an assessment of the operation of the intersection at King and Watt Streets taking into account the revised access arrangements outlined above.

ITEM 3 - TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN

The JRPP resolved the following:

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.*

A supplementary traffic report and traffic and pedestrian management plan prepared by Colston Budd Hunt & Kafes as requested in item 3 of the JRPP resolution is included at **Attachment 3**.

Notwithstanding previous advice from Colston Budd Hunt and Kafes that the intersection of King and Watt Streets would continue to operate at satisfactory levels under the previous design, the applicant has amended the DA drawings to include revised access arrangements as detailed above. With respect to cumulative impacts of the proposed and other developments in the area, the supplementary traffic report has determined that the intersection at Watt Street and King Street will continue to operate at a satisfactory level of service during peak periods, with no unusual operational characteristics or performance measures. As a result, the intersection does not require upgrading, nor are any improvement works necessary.

The traffic assessment also found that other intersections in the vicinity of the site, including site access driveways and the intersection of the existing service lane and King Street, would also operate at a satisfactory (or better) level of service during peak periods.

With respect to a traffic and pedestrian management plan for the development, the supplementary traffic report also sets out key principles which have been adopted in the revised plans for the proposed development.

ITEM 4 - NOISE MANAGEMENT PLAN

JRPP resolved the following:

4. *The applicant is to provide a detailed noise assessment 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.*

A Plan of Management has been prepared for the operation of the proposed hotel and associated hospitality areas (refer to **Attachment 4**). The purpose of the Plan is to ensure that the amenity, safety and security for patrons, staff and surrounding neighbours is preserved through the management of potential noise impacts, security management and responsible service of alcohol. The Plan of Management proposes a range of measures to achieve this outcome. This is considered a superior approach to managing a range of potential issues associated with noise..

It is also relevant to note that the revised access arrangements and in particular introduction of access from Shortland Esplanade (refer to amended drawings in **Attachment 1**) has resulted in a reduction in area of the overall hospitality area from GFA 655m² (including WC) to 485.1m² (including WC). Of that area the function space comprises only 314.4m². This will reduce the capacity of the hospitality area and further reduce potential impacts associated with its use.

CONCLUSION

This letter provides additional information in response to the JRPP resolution of meeting 2012HCC019. It provides supporting statements and documents that confirm the JRPP may be satisfied that the development proposed under DA 2012/0549 is generally consistent with the approved modified concept plan, as required by clause 3(B) of Schedule 6A to the EP&A ACT 1979 and that the JRPP is within power to approve the development application in its current form.

An updated Traffic Impact Assessment Report that clearly addresses the question of whether the intersection improvements are necessary at King and Watt Streets is currently being finalised and will be provided under separate cover. The Report will include a Traffic and Pedestrian Management Plan for the development that considers the cumulative impact of other developments in the area on the intersection of King and Watt Streets. The updated Traffic Assessment Report will address the changes proposed as per the revised DA drawings.

Finally, a Plan of Management for the operation of the proposed hotel is provided to ensure the amenity, safety and security for patrons, staff and surrounding neighbours is preserved through the management of potential noise impacts, security management and responsible service of alcohol.

We trust this information is sufficient for the purposes of determining the application. Should you require any further details please do not hesitate to contact me on 02 4942 5441.

Yours sincerely

de WITT CONSULTING

Andrew Biller

PRINCIPAL TOWN PLANNER

Enclosures:

1. Amended DA drawings prepared by Suters Architects
2. Statement of Advice prepared by Norton Rose Fulbright
3. Supplementary Traffic Report and Traffic and Pedestrian Management Plan prepared by Colston Budd Hunt and Kafes
4. Plan of Management for the Operation of the Proposed Hotel prepared by de Witt Consulting

ATTACHMENTS

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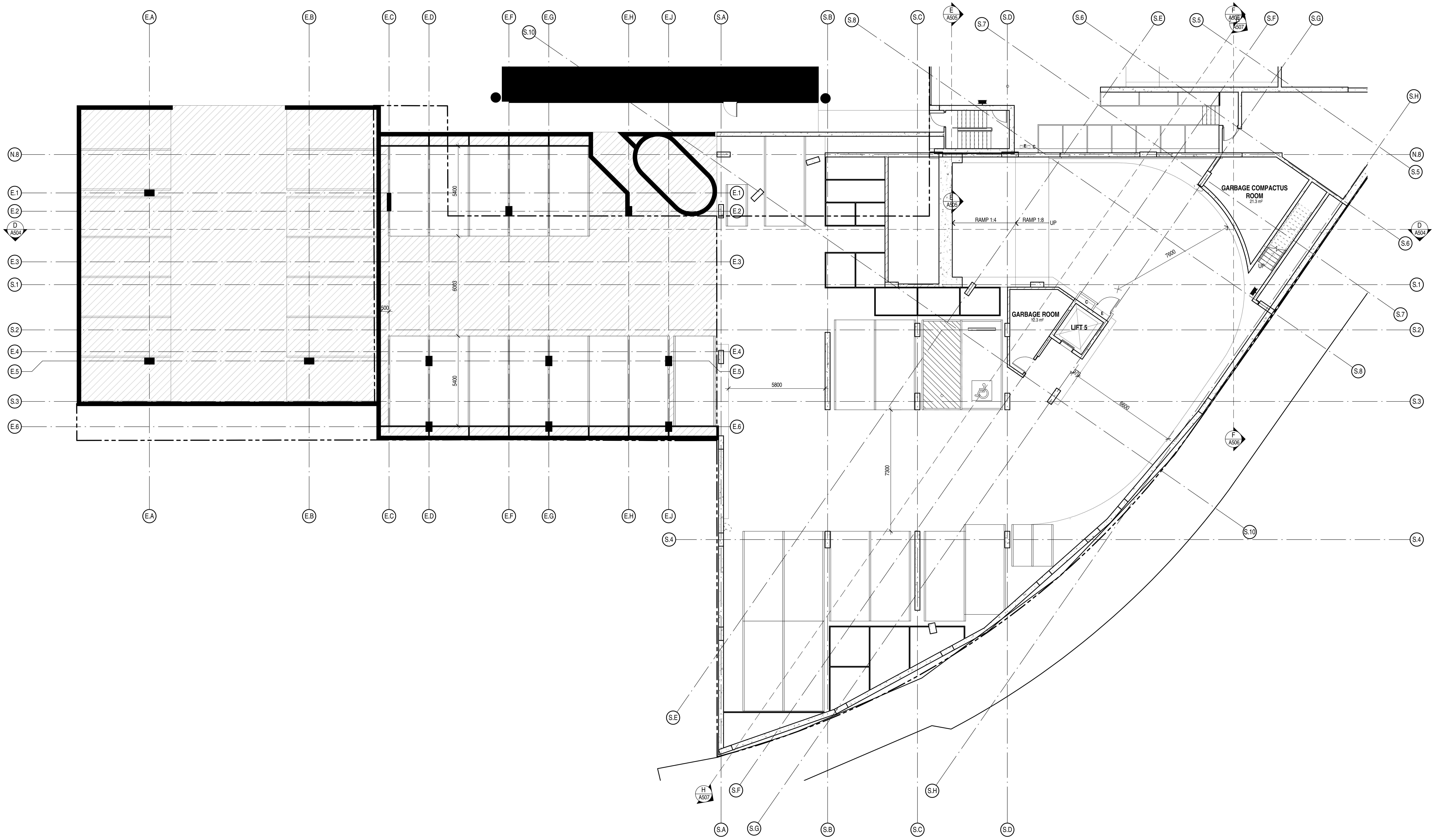
Robert Macindoe Nominated Architect NSW ARB 4699



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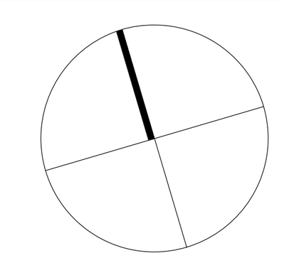

PRELIMINARY

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L	FOR INFORMATION	10.09.13	KD	AR
K	FOR REVIEW	06.08.13	AR	JR
J	FOR REVIEW CAR PARK No.	30.07.13	AR	JR
H	FOR INFORMATION	26.07.13	AR	KD
G	FOR COMMENT & COORDINATION	22.07.13	AR	CPS
F	FOR COMMENT & COORDINATION	09.07.13	AR	CPS
E	FOR COMMENT & COORDINATION	08.07.13	AR	JR
D	FOR INFORMATION	02.07.13	AR	AC
C	FOR COMMENT & COORDINATION	26.06.13	AR	JR

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Project

THE ESPLANADE

Location

SHORTLAND ESPLANADE, NEWCASTLE, NSW

Client

KRED PTY. LTD.

Drawing

PARKING 03 SOUTH PLAN

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Project Number: 202485
Drawing Number: A201
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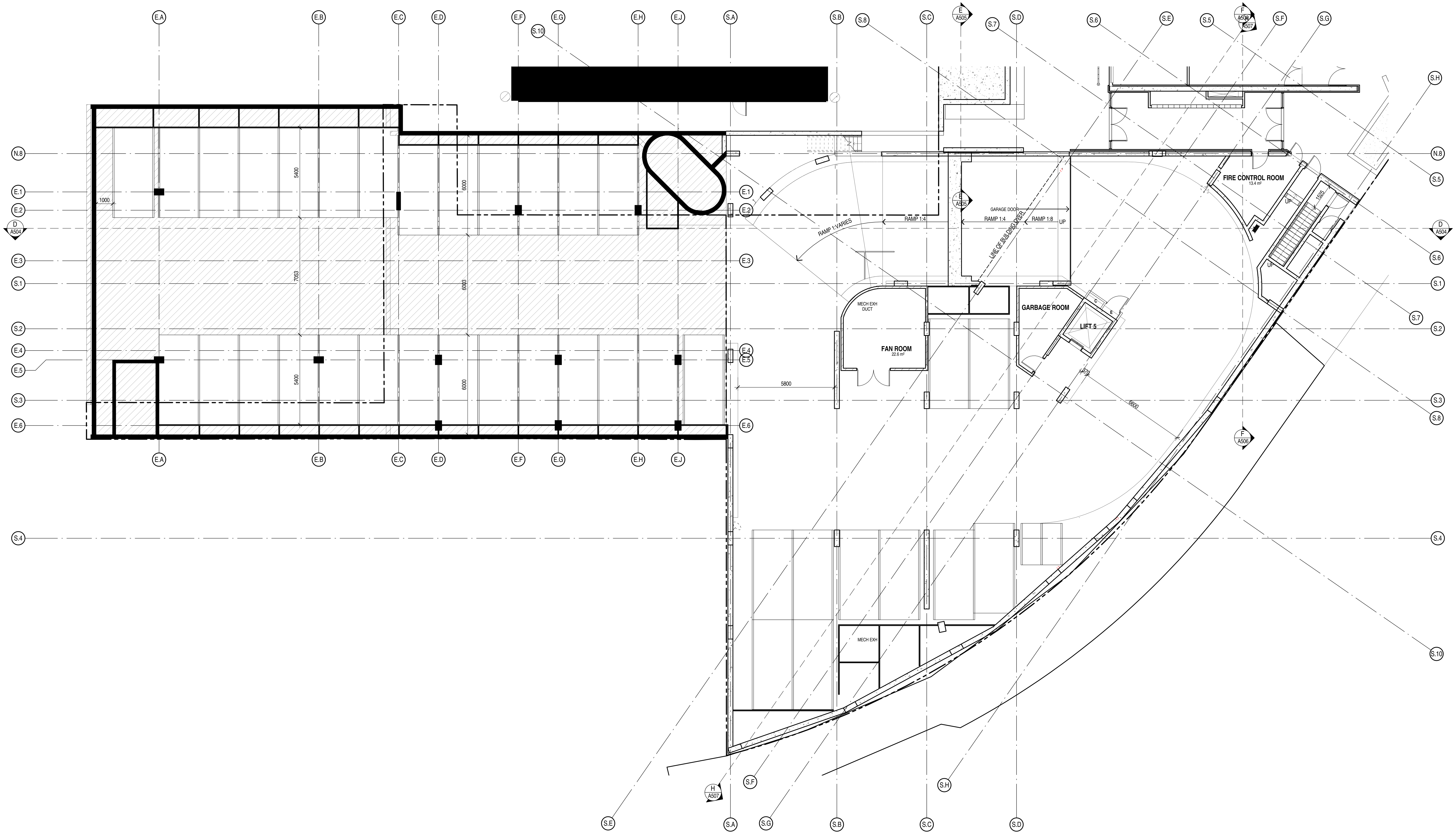

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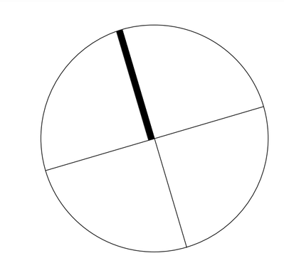

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E	FOR COMMENT & COORDINATION	08.07.13	AR	JR
D	FOR INFORMATION	02.07.13	AR	AC
C	FOR COMMENT & COORDINATION	26.06.13	AR	JR

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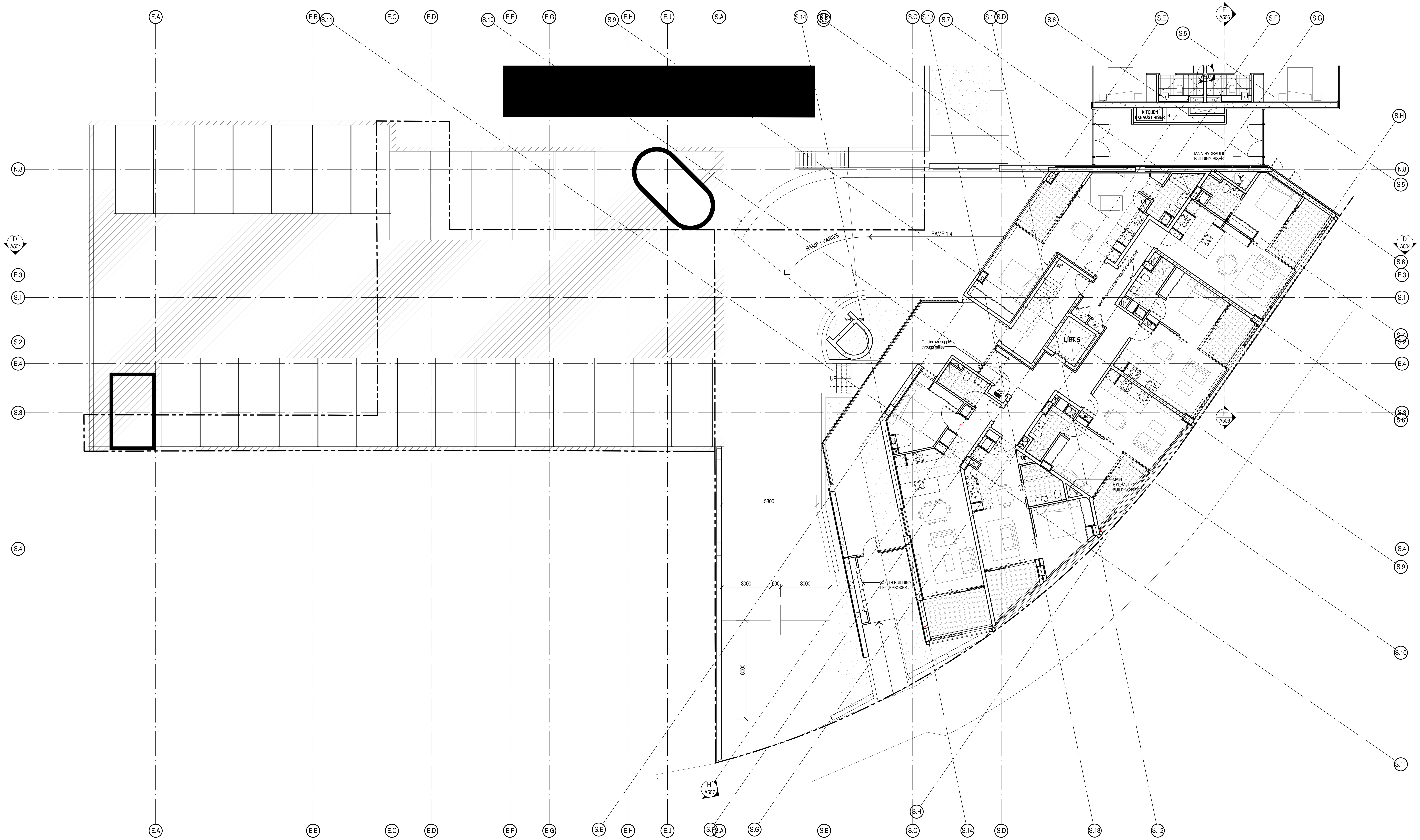

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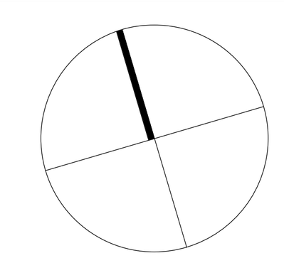

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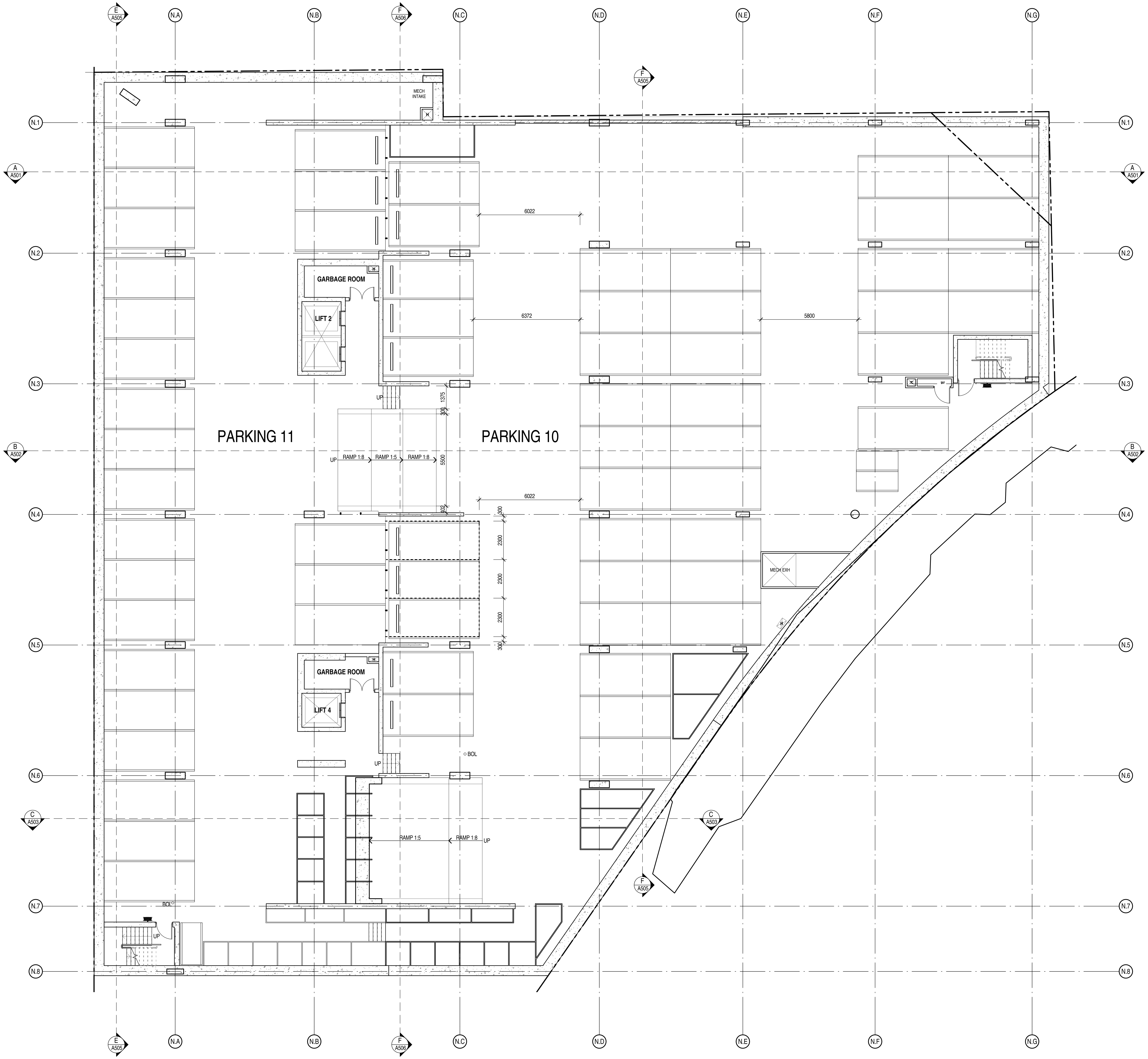

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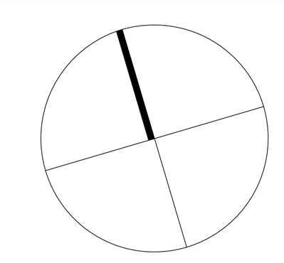

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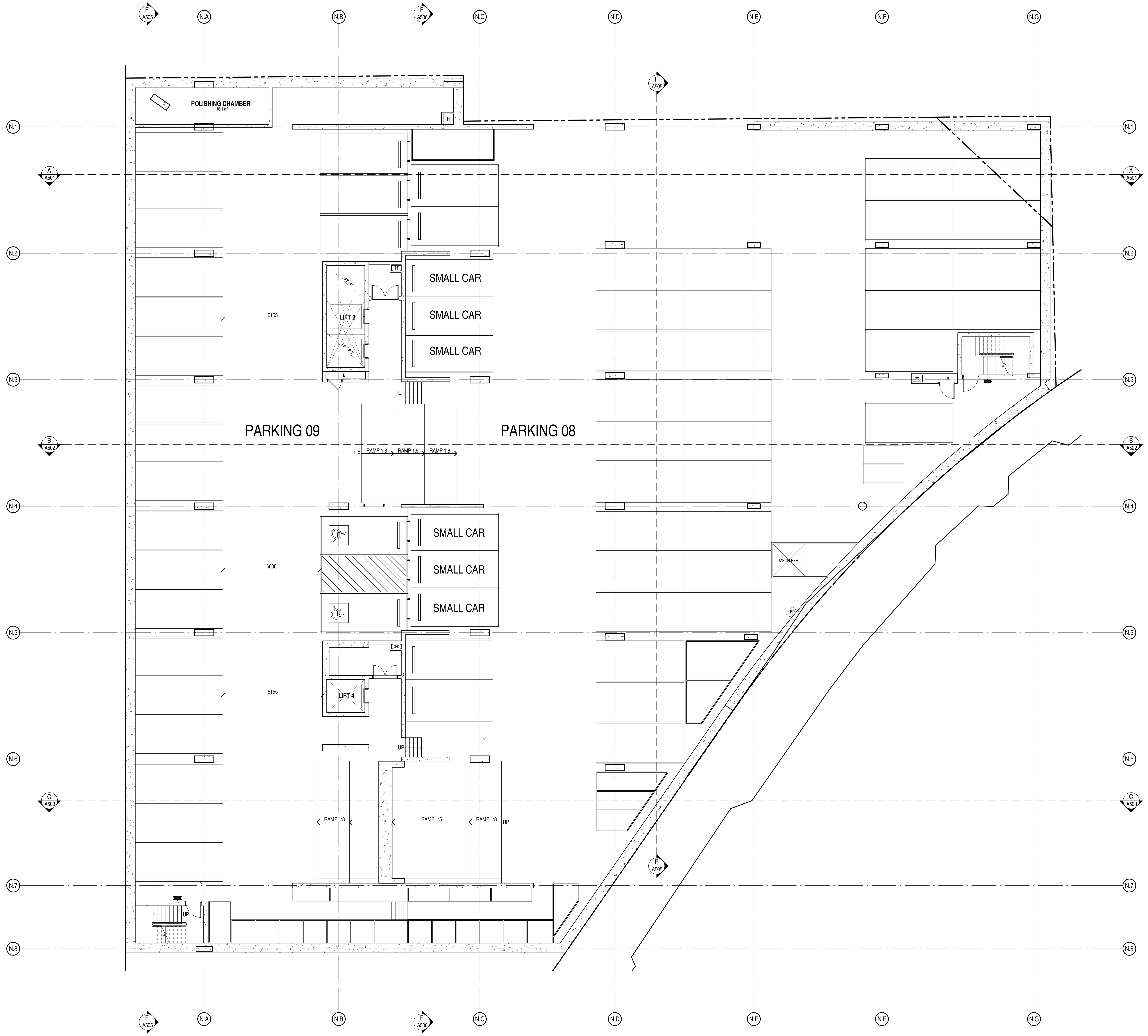

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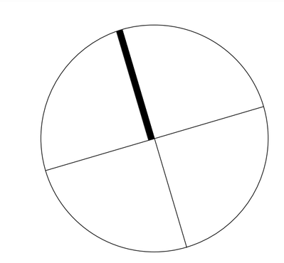

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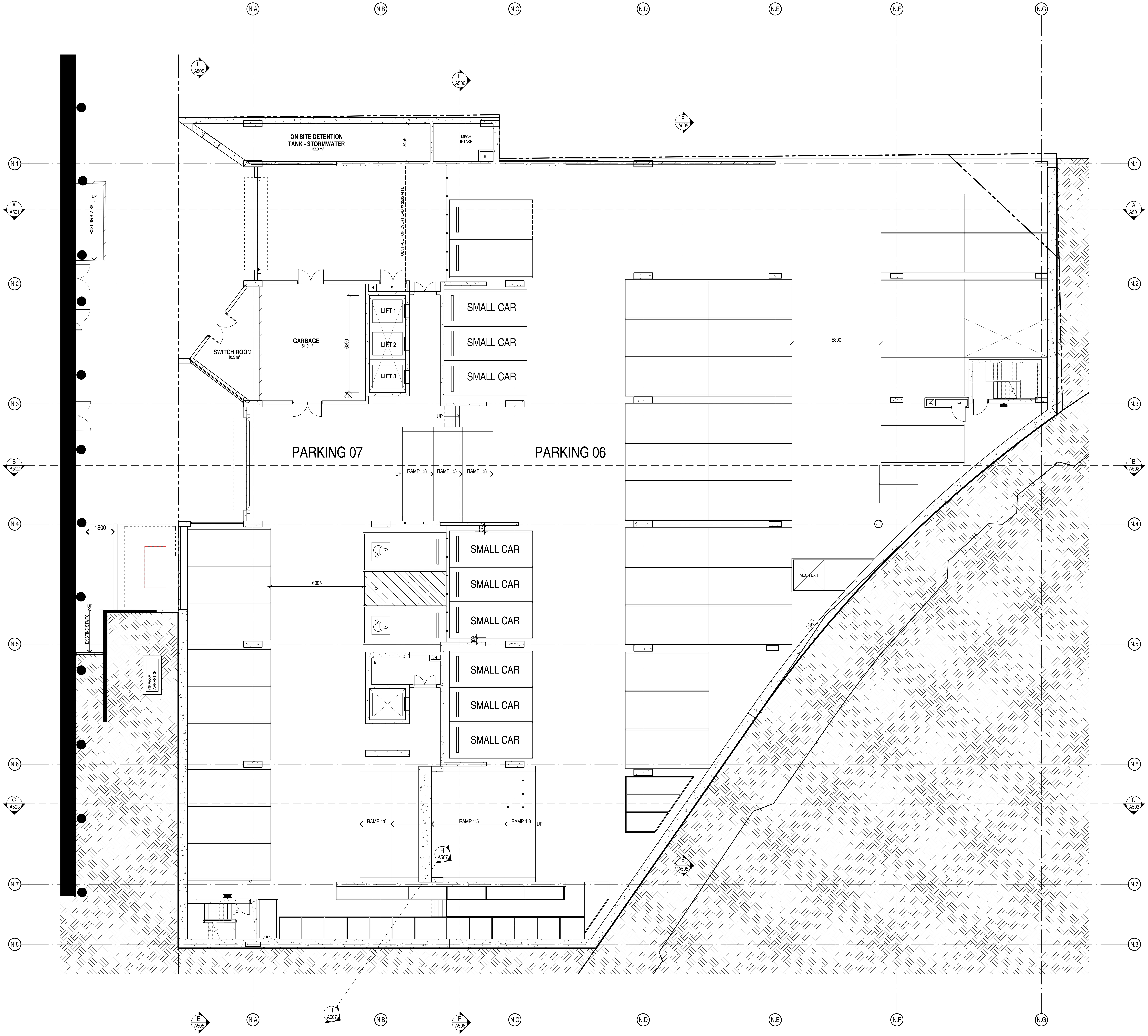

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Drawing
PARKING 07-06 PLAN

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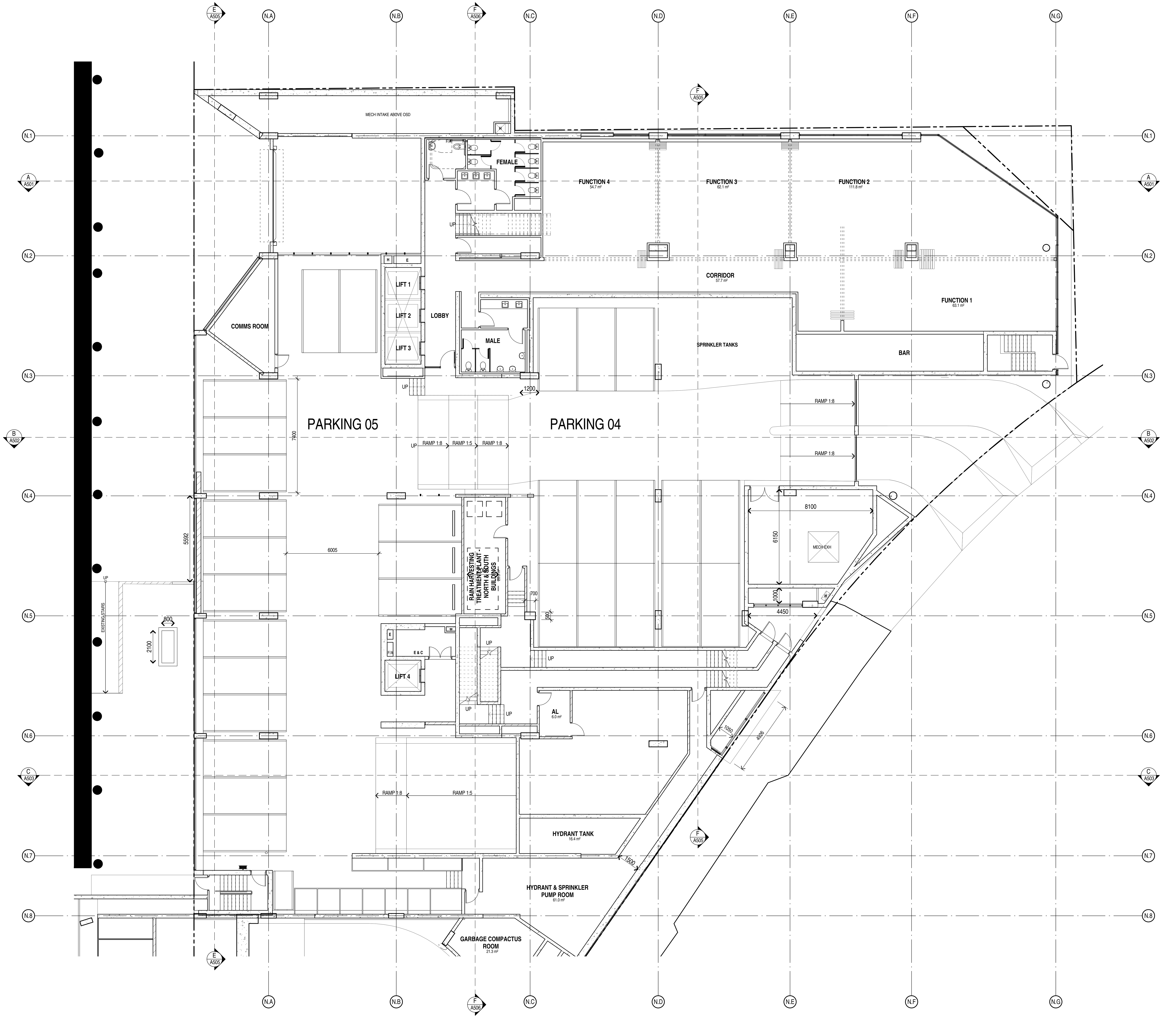

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Drawing
PARKING 05-04 / LOWER GROUND NORTH PLAN

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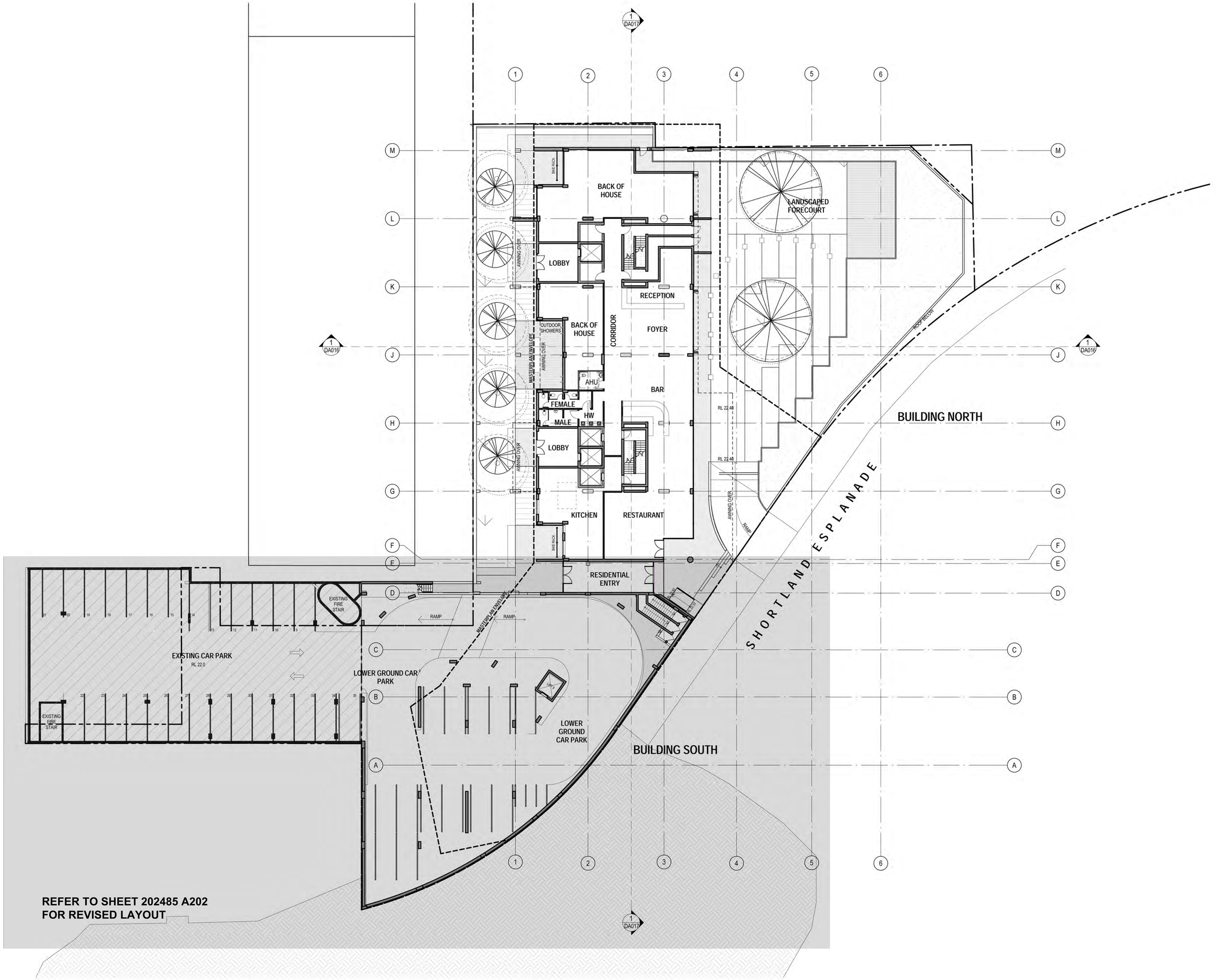

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ABSA
Assr # 20003 Cert # 51436426
Sign
Date 11-May-12

PARKING

BUILDING SOUTH
= 36 CARPARKS

Issue	Description	Date	Chk	Auth
S	REVISED FOR DA	27.09.13	AR	AR
R	REVISED DA REVISIONS	30.05.13	KD	AR
Q	REVISED DA	27.05.13	AC	AR
P	REVISED DA	24.05.13	CPS	DR
N	ISSUED FOR DA	14.05.12	AC	AR
M	ISSUED TO MSB	14.05.12	AC	AR
L	DA ISSUE FOR CLIENT APPROVAL	11.05.12	CVL	AR
K	95% ISSUE	09.05.12	CVL	AR
J	FOR INFORMATION	04.05.12	CVL	AR
H	ISSUED FOR INFORMATION	01.05.12	CVL	AR
G	ISSUED FOR INFORMATION	30.04.12	CVL	AR
F	ISSUED FOR INFORMATION	30.04.12	AR	DR

ABN. 83 129 614 713
www.sutersarchitects.com.au

Project
THE ESPLANADE PROJECT

Location
SHORTLAND ESPLANADE,
NEWCASTLE

Client
KRED PTY. LTD.

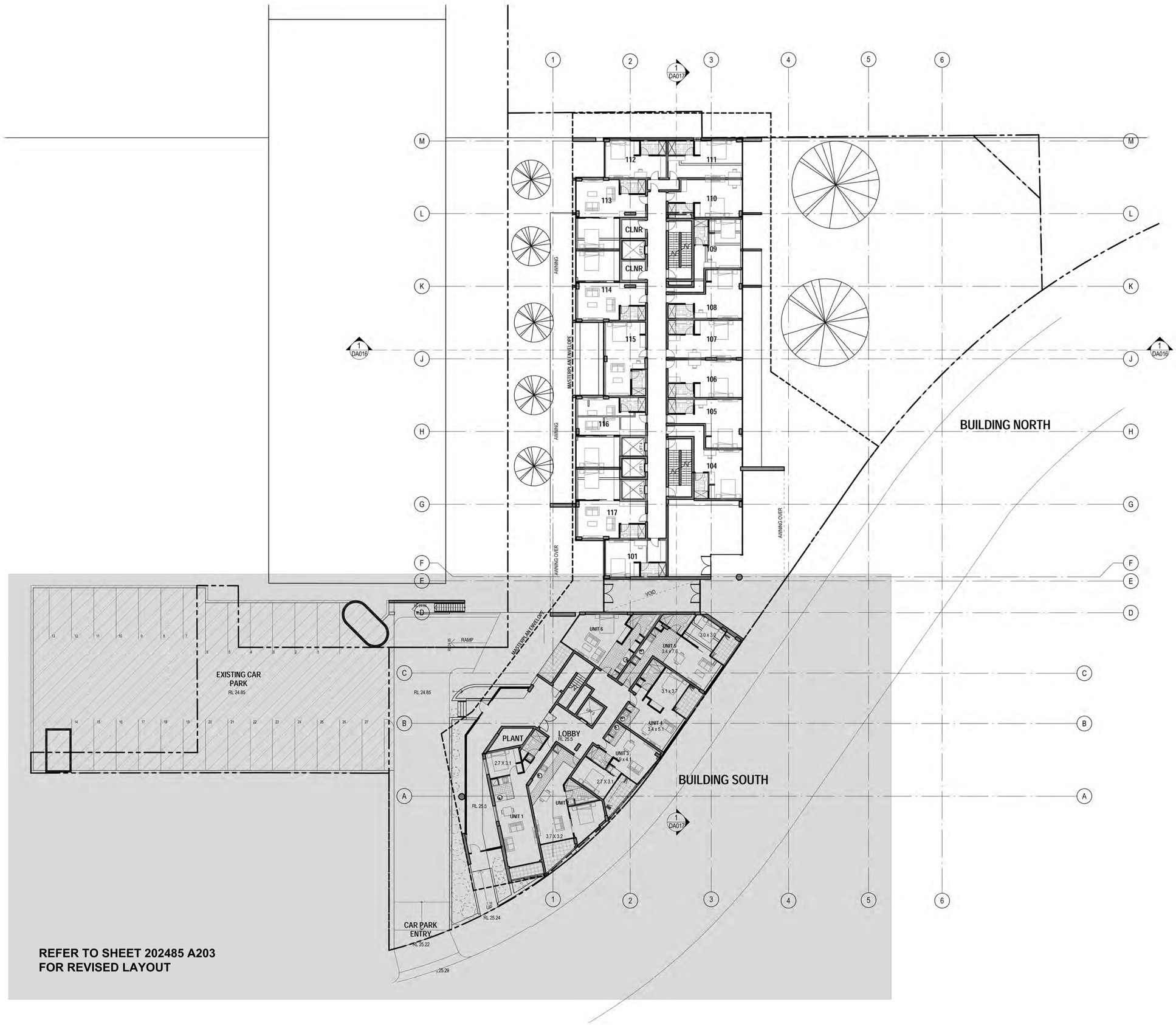
Drawing
LOWER GROUND

Scale	Date Printed
1 : 200 @ A1	30/05/2013 12:29:14 PM

Project Number	Drawing Number	Issue
202485	DA008	S

File Name C:\Revit\202485_ESPLANADE_CENTRAL_DA VIEWS & SHEETS_2013_kdaunt.rvt

suters



REFER TO SHEET 202485 A203 FOR REVISED LAYOUT

Notes

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.

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 Authorised 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.

ABSA
Assr # 20003 Cert # 51436426
Sign
Date 11-May-12

AREAS

BUILDING NORTH

01	26m2
04	32m2
05	30m2
06	32m2
07	32m2
08	30m2
09	32m2
10	30m2
11	30m2
12	26m2
13	45m2
14	45m2
15	34m2
16	45m2
17	45m2

BUILDING SOUTH

UNIT 1	56m2
UNIT 2	58m2
UNIT 3	42m2
UNIT 4	42m2
UNIT 5	53m2
UNIT 6	43m2

PARKING

BUILDING SOUTH
= 27 CARPARKS

Issue	Description	Date	Chk	Auth
Q	REVISED FOR DA	27.09.13	AR	AR
P	REVISED DA REVISIONS	30.05.13	KD	AR
N	REVISED DA	27.05.13	AC	AR
M	REVISED DA	24.05.13	CPS	DR
L	ISSUED FOR DA	14.05.12	AC	AR
K	ISSUED TO MSB	14.05.12	AC	AR
J	DA ISSUE FOR CLIENT APPROVAL	11.05.12	CVL	AR
H	90% ISSUE	09.05.12	CVL	AR
G	FOR INFORMATION	04.05.12	CVL	AR
F	ISSUED FOR INFORMATION	30.04.12	CVL	AR
E	ISSUED FOR INFORMATION	30.04.12	AR	DR
D	CLIENT REVIEW	13.04.12	AR	DR

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Project
THE ESPLANADE PROJECT

Location
SHORTLAND ESPLANADE,
NEWCASTLE

Client
KRED PTY. LTD.

Drawing
GROUND LEVEL 1

Scale	Date Printed	
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Project Number	Drawing Number	Issue
202485	DA009	Q

File Name C:\Revit\202485_ESPLANADE_CENTRAL_DA VIEWS & SHEETS_2013_kdavitt.rvt

suters

ATTACHMENT 1

Amended Drawings Prepared by Suters Architects

ATTACHMENT 2

Legal Advice prepared by Norton Rose Fulbright

NORTON ROSE FULBRIGHT

20 September 2013

Norton Rose Fulbright Australia
ABN 32 720 868 049
Level 18, Grosvenor Place
225 George Street
SYDNEY NSW 2000
AUSTRALIA

Tel +61 2 9330 8000
Fax +61 2 9330 8111
GPO Box 3872, Sydney NSW 2001
DX 368 Sydney
nortonrosefulbright.com

Direct line
+61 2 9330 8625

Email
rosemary.bullmore@nortonrosefulbright.com

Our reference:
2783332

Mr Richard Anderson
Development Manager
Stronach Property Pty Limited
PO Box 292
WICKHAM NSW 2293

Dear Richard

Application for proposed esplanade development including new hotel and apartments (Development)
Development Application: No. DA 2012/549 (DA)
Property address: 1 King Street, Newcastle

You have requested our advice as to whether the proposed hospitality and car parking areas identified in drawing DA007P are "generally consistent" with the terms of the Concept Plan No. 05_0062 ("**Concept Plan**"), and specifically whether it is legally open to the JRPP to approve the DA under the terms of the Concept Plan. This request follows our previous advice which examined in more general terms the "generally consistent" requirement.

For the reasons explained below, in our opinion the proposed hospitality and car parking areas identified in drawing DA007P can comfortably be considered to be "generally consistent" with the terms of the Concept Plan.

1 Background

1.1 On 3 January 2007, the Minister granted approval to the Concept Plan under the now repealed Part 3A of EP&A Act. The Concept Plan included approved building envelopes and indicative heights for the proposed development.

1.2 On 13 April 2013, the Planning Assessment Commission under delegation from the Minister approved the modification to the Concept Plan MP05-0062 MOD 2. This modification included approval for "*building envelopes including upper level setbacks, building footprints and heights expressed in storeys and indicative RLs (m AHD)*".

1.3 On 1 October 2011, Part 3A of the EP&A Act was repealed with the effect that further development under the Concept Plan was to be assessed by Newcastle City Council ("**Council**") under Part 4 of the EP&A Act.

1.4 On 18 May 2012 the DA was lodged with Council.

1.5 On 5 September 2013 the DA was considered by the Hunter & Central Coast Joint Regional Planning Panel (**JRRP**). At this meeting the JRPP resolved to request a supplementary report from Council addressing:

"*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.*" (our emphasis)

2 **Expansive approach to the application of the controls of the Concept Plan**

2.1 The statutory scheme of the EP&A Act which establishes the availability of concept plans for the approval of large projects provides for the approval of that development in a broad and general nature, with the provision for subsequent environmental assessment for the detailed aspects of that proposed development to be undertaken once those details are known.

2.2 This interpretation is reflected in section 75M(2)(a) of the EP&A Act (now repealed but which applied to the granting of the Concept Plan) which relevantly provides that an application for a concept plan is to "*outline the scope of the project and any development options*".

2.3 As a result, the Concept Plan should be interpreted expansively.

3 This expansive approach has been adopted by the Department of Planning and Infrastructure ("**Department**") and the Minister for Planning (**Minister**) in relation to the assessment and approval of subsequent development of the land to which the Concept Plan applies.

4 **Further development to be "generally consistent" with the Concept Plan**

4.1 On 1 October 2011, Part 3A of the EP&A Act was repealed. However, the Development continues to be subject to the provisions of Part 3A by virtue of the savings and transitional arrangements contained in Schedule 6A of the EPA Act. Schedule 6A also contains important provisions affecting the operation of statutory approval requirements in cases where the development in question is the subject of an approved concept plan.

4.2 Specifically, cl3B of Schedule 6A is central to the questions upon which JRPP has requested advice. Clause 3B(2)(d) is set out below:

> ***"3B Provisions applying with respect to approval of concept plans***
>
> *(1) This clause applies to development (other than an approved project) for which a concept plan has been approved under Part 3A, before or after the repeal of Part 3A, and so applies whether or not the project or any stage of the project is or was a transitional Part 3A project.*
>
> *(2) After the repeal of Part 3A, the following provisions apply (despite anything to the contrary in section 75P (2)) if approval to carry out any development to which this clause applies is subject to Part 4 or 5 of the Act:*
>
> ...
>
> *(d) a consent authority must not grant consent under Part 4 for the development unless it is satisfied that the development is generally consistent with the terms of the approval of the concept plan...* (emphasis added)."

4.3 Critically, the language used by the JRPP in the motion carried on 5 September does not reflect the statutory language used in cl3B above.

4.4 The JRPP has requested confirmation that the "*drawing DA007P Car Park Level complies with the Concept Plan*". With respect, this request misstates the proper test. The correct approach is for the JRPP to satisfy itself that drawing DA007P Car Park Level is "generally consistent" with the Concept Plan.

5 Meaning of "generally consistent"

5.1 The use of the phrase "generally consistent" in cl3B(2)(d) implies an element of inherent flexibility which does not require strict or complete consistency with the Concept Plan. Had the legislature intended the transitional arrangements which accompanied the repeal of Part 3A to impose strict requirements for absolute conformity on development subject of an approved concept plan, then different language would have been used in cl3B(2)(d).

5.2 Instead, the word "consistent" permits of some deviation, albeit of a limited degree. The use of the word "generally" in combination with "consistent" accommodates a further degree of flexibility.

5.3 In contrast, the use of the word "complies" by the JRPP would necessitate a stricter approach than the language used in the transitional arrangements in cl3B. This is not the correct approach because it fails to have regard to the express language of cl3B.

5.4 We note that in the information provided by Council to the JRPP for the 5 September 2013 meeting, Council noted the minor differences between the Concept Plan and the DA, and advised the JRPP that the "*JRPP would be justified in reaching the same conclusion [*as Council*] that the proposal is "generally consistent with" the Concept Plan. If so satisfied the JRPP has the power to grant consent*". We concur with the view of Council.

6 Application of the Concept Plan to the DA

6.1 The requirement of cl3B is for general consistency with the Concept Plan as a whole. The "Concept Plan" should be read as it applies to the whole of the proposed development. It is more than just the building envelope controls in isolation. In this regard we make the following observations:

(1) the area of the proposed hospitality and car parking areas identified in drawing DA007P is approximately 170 m2 which represents 1% of the total GFA. In the context of the total development the subject of the Concept Plan, this is negligible;

(2) RL 18.5m as per the original height map, is an "indicative" control which is not practically achievable in this part of the site given that there is a significant level change at the western portion of the site; and

(3) the Concept Plan gives no guidance regarding the design of areas **between** the approved building envelopes. However, the Concept Plan does include objectives to improve pedestrian amenity and achieving level open space adjacent to Shortland Esplanade. Due to the sloping nature of the site, this could not be achieved without some form of construction, or extensive excavation, in this part of the site.

6.2 We note that further analysis of drawing DA007P has been prepared by de Witt Consulting in a submission to be provided to the JRPP.

7 Conclusion

7.1 When applying the controls and objectives of the Concept Plan as a whole, with regard to the objective to achieve level open space adjacent to Shortland Esplanade, the form of development depicted on drawing DA007P remains "generally consistent" with the Concept Plan.

7.2 Accordingly, in our view it is clearly open to the JRPP to approve the DA as that development is "*generally consistent with the terms of the approval of the concept plan*".

Yours faithfully

Felicity Rourke
Partner
Norton Rose Fulbright Australia
Contact: Rosemary Bullmore

ATTACHMENT 3

Supplementary Traffic Report prepared by Colston Budd, Hunt and Kafes

KRED PTY LTD

SUPPLEMENTARY TRAFFIC REPORT (RESPONSE TO TRANSPORT MATTERS) FOR THE PROPOSED RESIDENTIAL/HOTEL DEVELOPMENT – THE ESPLANADE PROJECT, NEWCASTLE EAST

SEPTEMBER 2013

COLSTON BUDD HUNT & KAFES PTY LTD
ACN 002 334 296
Level 18 Tower A
Zenith Centre
821 Pacific Highway
CHATSWOOD NSW 2067

Telephone: (02) 9411 2411
Facsimile: (02) 9411 2422
Email: cbhk@cbhk.com.au

REF: 9073

TABLE OF CONTENTS

1. INTRODUCTION

1.1 Colston Budd Hunt and Kafes Pty Ltd has been commissioned by KRED Pty Ltd to prepare a supplementary traffic report on the traffic and parking implications of The Esplanade Project which comprises a residential and hotel development on part of the former Royal Newcastle Hospital site. The subject site is located on the southern part of the former hospital site along the northern side of Shortland Esplanade, as shown on Figure 1.

1.2 Parts of the former hospital site have been redeveloped with residential development located on the eastern part of the site (corner of Shortland Esplanade and Ocean Street) and a hotel located on the northern part of the site (along King Street). The David Madison Building located on the western part of the site is currently being refurbished into commercial offices.

1.3 The proposed development located on the southern part of the hospital site will comprises 150 residential units and 100 hotel rooms. Car parking is proposed for some 300 vehicles, including 69 spaces associated with the adjacent David Madison Building, with access provided onto Shortland Esplanade and King Street (via the existing service lane located to the west of the subject site). We have previously prepared a report[1] which assessed the traffic and parking implications of the proposed development and was submitted with the development application.

[1] "Traffic report for the Proposed Residential/Hotel Development – The Esplanade Project, Newcastle East", May 2012, Colston Budd Hunt & Kafes Pty Ltd.

1.4 This supplementary traffic report has been prepared in response to transport matters raised in submissions received by the Joint Regional Panning Panel (JRPP) with regards to the proposed development. At its meeting on 5 September 2013, the JRPP resolved to defer the development application subject to the preparation of a further supplementary report from Council addressing the following transport matters:-

2. Whether any intersection improvements are necessary at King Street and Watt Street 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 Street and King Street.

1.5 In addition to these matters, a number of traffic matters were raised by objectors at the JRPP meeting. These traffic matters can be summarised as follows:-

- access arrangements to the proposed development. The majority of parking spaces are accessed via the existing service lane onto King Street and hence will result in adverse impacts on traffic conditions in King Street;

- insufficient car parking provision;

- insufficient information to justify estimates of traffic generation and distribution of traffic onto the surrounding road network, and hence traffic effects have not been appropriately considered;

- operation of the intersection of Watt Street and King Street. Traffic queues currently occur in King Street during the morning and afternoon peak periods and the proposed development will exacerbate these problems;

- service vehicle access to and from the proposed loading dock;

- pedestrian access and circulation to and from the site; and

- bus access associated with the hotel.

1.6 Our response to the transport matters raised by the JRPP and by objectors at the meeting, is set out in Chapter 2.

2. RESPONSE TO TRANSPORT MATTERS

2.1 Our response to the transport matters raised by the JRPP with regards to the proposed development and by objectors at the JRPP meeting, is set down through the following sections:-

- site location and existing road network;
- traffic flows;
- pedestrian conditions;
- existing intersection operations;
- proposed development;
- parking provision;
- access arrangements;
- internal circulation and servicing;
- traffic generation and effects;
- traffic and pedestrian management plan; and
- summary.

Site Location and Existing Road Network

2.2 The site of the proposed development is on the southern part of the former Royal Newcastle Hospital, within the block bounded by Watt Street to the west, King Street and Ocean Street to the north and Shortland Esplanade to the east and south. The site is located on the northern side of Shortland Esplanade, as shown on Figure 1. It is located on the eastern edge of Newcastle CBD, overlooking Newcastle Beach.

2.3 Parts of the former hospital site have been redeveloped with residential development located on the eastern part of the site (corner of Shortland Esplanade and Ocean Street) and a hotel located on the northern part of the site (along King Street). The David Madison Building located on the western part of the site is currently being refurbished into commercial offices.

2.4 The road network in the vicinity of the site includes Watt Street, King Street, Ocean Street, Church Street and Shortland Esplanade. Watt Street is located west of the site and provides a north-south link between Wharf Road and Ordinance Street. Watt Street provides an undivided two-lane two-way road, with one traffic lane and one parking lane in each direction, clear of intersections. Its intersections with Church Street and King Street operate as unsignalised priority control intersections.

2.5 King Street is located to the north of the site. It provides an east-west traffic route through the adjacent Newcastle CBD. In the vicinity of the site it provides one traffic lane and one parking lane in each direction, clear of intersections. East of Watt Street, the King Street traffic lanes narrow to allow 90 degree angled parking along the northern side, between Watt Street and Pacific Street.

2.6 Church Street is the western extension of Shortland Esplanade. It provides an east-west traffic route through to the adjacent Newcastle CBD. It is an undivided road with one traffic lane and one parking lane in each direction, clear of intersections.

2.7 Ocean Street is located to the north of the site. It is a one-way eastbound street connecting Pacific Street to Shortland Esplanade.

2.8 Shortland Esplanade is adjacent to the southern and eastern boundary of the site and provides a two-way two-lane road that travels north-south around the Newcastle Beach foreshore. Its principal function is an access street for residential and hotel developments, and access to the Newcastle Ocean Baths and Newcastle Beach. There is a pedestrian crossing adjacent to Zaara Street and an underpass connecting Pacific Park to Newcastle Beach. Access to the subject site is provided from Shortland Esplanade.

Traffic Flows

2.9 As requested by the JRPP, updated traffic counts were undertaken during the morning and afternoon peak periods on Thursday 12 September and Friday 13 September 2013, at the following intersections:-

- Watt Street/Church Street/Shortland Esplanade;
- Watt Street/King Street;
- Shortland Esplanade/Ocean Street;
- Scott Street/Pacific Street; and
- Pacific Street/Hunter Street.

2.10 The results of the traffic counts are shown on Figures 2 and 3, and summarised in Table 2.1:-

Table 2.1: Existing Two-Way (Sum of Both Directions) Peak Hour Traffic Flows		
Road/Location	**Morning (Vehicles/Hour)**	**Afternoon (Vehicles/Hour)**
Watt Street		
- north of King Street	540	575
- south of King Street	540	585
- south of Church Street	745	890
King Street		
- east of Watt Street	295	220
- west of Watt Street	435	390
Church Street		
- west of Watt Street	210	200
Shortland Esplanade		
- north of Ocean Street	425	495
- south of Ocean Street	415	470
- east of Watt Street	425	485
Ocean Street		
- east of Pacific Street	30(1)	45(1)
Scott Street		
- east of Pacific Street	370	420
- west of Pacific Street	220	405
Pacific Street		
- south of Scott Street	270	125
- south of Hunter Street	185	130
Hunter Street		
- west of Pacific Street	155(1)	95(1)

(1) One-Way Traffic Flow

2.11 The updated traffic counts were found to be similar to those previously undertaken in early April 2012, associated with our May 2012 traffic report for the proposed development. The updated traffic counts indicated the following:-

- King Street, west of Watt Street, carried peak period traffic flows of some 390 to 440 vehicles per hour two-way;

- peak period traffic flows on King Street, east of Watt Street, were lower at some 220 to 300 vehicles per hour two-way;

- Watt Street, south of Church Street, carried traffic flows of some 740 to 890 vehicles per hour two-way during the morning and afternoon peak periods;

- traffic flows on Watt Street, north of Church Street, were lower at some 540 to 590 vehicles per hour two-way during peak periods;

- Shortland Esplanade and Scott Street, east of Pacific Street, carried traffic flows in the range of 370 to 500 vehicles per hour two-way during peak periods;

- traffic flows on Pacific Street and Church Street, west of Watt Street, were some 130 to 270 vehicles per hour two-way during peak periods;

- peak period flows on Ocean Street were some 30 to 45 vehicles per hour one-way.

2.12 In addition to the traffic counts, a survey was undertaken of the extent of traffic queues in King Street east of Watt Street, on approach to the intersection during the morning and afternoon peak periods. The results of the survey found that over a three hour period during the morning (7.00am to 10.00am) and a three and a half hour period during the afternoon (2.30pm to 6.00pm), the 95 percentile queue length in King Street was some 3 vehicles during both the morning and afternoon peak periods, and an average queue length of less than 2 vehicles during the morning and afternoon peak periods. This is not considered to be an excessive queue length and is considered to be within acceptable levels for an unsignalised intersection. The overall operation of the intersection of Watt Street and King Street was found to operate at an acceptable level of service, with no unusual operational characteristics or performance measures.

Pedestrian Conditions

2.13 In order to gauge pedestrian conditions in the vicinity of the site, pedestrian counts were undertaken during the morning and afternoon peak periods at the intersection of Watt Street and King Street, and along footpaths on approach to the intersection. Pedestrian facilities at the intersection include:-

- a marked pedestrian crossing on Watt Street, north of King Street;
- narrowing of King Street with kerb extension on the eastern side of Watt Street. Pedestrian required to give way to cars;
- all other approaches pedestrians give way to cars.

2.14 The results of the pedestrian counts are shown on Figures 2 and 3, and summarised in Table 2.2.

Table 2.2: Existing Two-Way (Sum of Both Directions) Peak Hour Pedestrian Flows

Location	Morning (Pedestrians/Hour)	Afternoon (Pedestrians/Hour)
Across Watt Street		
- north of King Street	55	70
- south of King Street	20	20
Across King Street		
- east of Watt Street	30	20
- west of Watt Street	40	40
Along King Street east of Watt Street		
- northern footpath	20	10
- southern footpath	10	10
Along Watt Street north of King Street		
- eastern footpath	10	20
Along Watt Street south of King Street		
- eastern footpath	30	10

2.15 It can be seen from Table 2.2 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 two-way during peak periods. Pedestrian movements across King Street at its intersection with Watt Street were lower at some 20 to 40 pedestrians per hour two-way. These are low pedestrian movements, equivalent to on average one pedestrian every minute across Watt Street (north of King Street) and one pedestrian every two to three minutes across Watt Street at peak times.

2.16 Pedestrian flows along footpaths at other locations in the vicinity of the site were lower at some 10 to 30 pedestrians per hour two-way at peak times.

2.17 Observation of existing pedestrian conditions at the intersection of Watt Street and King Street and along footpaths in the vicinity of the site did not indicate any unusual conditions. Overall, pedestrian movements in the vicinity of the site during the morning and afternoon peak periods are low and would therefore not result in any significant effect on pedestrian conditions and amenity.

Intersection Operations

2.18 The capacity of the road network is generally determined by the ability of its intersections to cater for peak period traffic flows. The intersections in Figures 2 and 3 have been analysed using the SIDRA program with the updated traffic counts undertaken on Thursday 12 September and Friday 13 September 2013. The SIDRA program simulates the operations of the intersections to provide a number of performance measures. The most useful measure provided is average delay per vehicle expressed in seconds per vehicle. Based on average delay per vehicle, SIDRA estimates the following levels of service (LOS):-

- For traffic signals, the average delay per vehicle in seconds is calculated as delay/(all vehicles), for roundabouts the average delay per vehicle in seconds is selected for the movement with the highest average delay per vehicle, equivalent to the following LOS:

0 to 14	=	"A"	Good
15 to 28	=	"B"	Good with minimal delays and spare capacity
29 to 42	=	"C"	Satisfactory with spare capacity
43 to 56	=	"D"	Satisfactory but operating near capacity
57 to 70	=	"E"	At capacity and incidents will cause excessive delays. Roundabouts require other control mode
>70	=	"F"	Unsatisfactory and requires additional capacity

- For give way and stop signs, the average delay per vehicle in seconds is selected from the movement with the highest average delay per vehicle, equivalent to the following LOS:

0 to 14	=	"A"	Good
15 to 28	=	"B"	Acceptable delays and spare capacity
29 to 42	=	"C"	Satisfactory but accident study required
43 to 56	=	"D"	Near capacity and accident study required
57 to 70	=	"E"	At capacity and requires other control mode
>70	=	"F"	Unsatisfactory and requires other control mode

2.19 It should be noted that for roundabouts, give way and stop signs, in some circumstances, simply examining the highest individual average delay can be misleading. The size of the movement with the highest average delay per vehicle should also be taken into account. Thus, for example, an intersection where all movements are operating at a level of service A, except one which is at level of

service E, may not necessarily define the intersection level of service as E if that movement is very small. That is, longer delays to a small number of vehicles may not justify upgrading an intersection unless a safety issue was also involved.

2.20 The SIDRA analysis with the updated traffic counts found that:

- the unsignalised intersection of Watt Street and King Street operates with average delays, for the movement with the highest average delay, of less than 20 seconds per vehicle during the morning and afternoon peak periods. This represents level of service B, a satisfactory level of intersection operation;

- the unsignalised intersection of Watt Street and Church Street is operating with average delay for all movements of less than 30 seconds per vehicle during peak periods. This represents level of service B/C, a satisfactory level of intersection operation; and

- the unsignalised intersections of Shortland Esplanade/Ocean Street, Scott Street/ Pacific Street and Pacific Street/Hunter Street are operating at a good level of service during the morning and afternoon peak periods. Average delays for the movement with the highest average delay are less than 15 seconds per vehicle during peak periods. This represents level of service A/B.

Proposed Development

2.21 The proposed Esplanade development is a residential and hotel development on part of the former Royal Newcastle Hospital site. The site is located on the southern part of the hospital site and will comprise the following:-

- 150 residential units (102 studio/one bed and 48 two bed); and

- 100 room hotel (some 5,250m^2 GFA).

2.22 Car parking is proposed for some 300 vehicles, including 69 spaces associated with the adjacent David Madison Building. Access will be provided onto Shortland Esplanade and King Street (via the existing service lane located to the west of the subject site).

2.23 In response to traffic matters raised at the JRPP meeting, with regards to traffic generation to/from King Street and access arrangements onto Shortland Esplanade, the following modifications to the development have been made:-

- separation of the northern and southern building car parks so that they operate independently. The southern car park (some 90 spaces) will have access via a combined entry/exit driveway onto Shortland Esplanade. The northern car park (some 210 spaces) will have access via combined entry/exit driveways onto Shortland Esplanade and the existing service lane off King Street;

- introduction of a new two-way access driveway into the northern building car park onto Shortland Esplanade;

- modifications to internal car parking arrangements to accommodate the above changes; and

- introduction of a new loading dock off the existing service lane.

2.24 The proposed modifications will result in the following improvements to the development:-

- improved access arrangements to/from Shortland Esplanade with the provision of a new two-way access driveway into the northern building car park;

- reduced traffic generation via the service lane to/from King Street as a result of the new access driveway onto Shortland Esplanade and the separation of the northern and southern building car parks;

- improved servicing arrangements with the provision of a dedicated loading dock.

2.25 The traffic effects of the proposed modifications have been assessed in the following sections.

Parking Provision

2.26 As set out in our previous traffic report, Newcastle DCP 2005 sets out parking rates for various land uses. For development within the City Centre (such as the subject site) the following rates apply:-

- all development other than residential – 1 space per 60m^2 GFA, plus 1 bicycle space per 200m^2 GFA and 1 motor cycle space per 20 car spaces; and

- residential
  - 0.6 spaces per small (1 bed) unit;

- 0.9 spaces per medium (2 bed unit);
- one visitor space for the first 3 dwellings and one space for every 5 dwellings thereafter or part thereof;
- 1 resident bicycle space per dwelling plus 1 visitor bicycle space per 10 dwellings; and
- 1 motor cycle space per 20 spaces.

2.27 Application of the above rates to the proposed development results in a parking requirement of some 222 parking spaces (including 104 resident spaces, 30 residential visitor spaces and 88 hotel spaces), 192 bicycle parking spaces, comprising some 27 spaces for the hotel, some 15 spaces for residential visitors and the balance for the residents accommodated within the storage areas for each unit. Thirteen motor cycle spaces will be provided (5 hotel and 8 residential). In addition to the above parking requirements and in accordance with the development consent for the David Madison Building, it is proposed to provide 69 parking spaces for the adjacent David Madison development on the subject site.

2.28 The proposed development will provide parking for some 300 vehicles, 193 bicycles and 14 motor cycles satisfying Council's requirement (including the 69 spaces associated with the adjacent David Madison development). Hence parking provision complies with Council's parking code.

Access Arrangements

2.29 In association with the proposed development and taking into consideration traffic matters raised at the JRPP meeting with regards to traffic generation and the distribution of traffic onto the surrounding road network, an additional two-way access driveway into the northern car park has been provided onto Shortland

Esplanade, located to the east of the hotel porte cochere. In addition, it is proposed to separate the northern and southern building car parks so that they operate independently and result in reduced traffic movements to/from the site via the existing laneway onto King Street. The southern car park (some 90 spaces) will have access via a combined entry/exit driveway onto Shortland Esplanade only. The northern car park (some 210 spaces) will have access via combined entry/exit driveways onto both Shortland Esplanade and the existing service lane off King Street.

2.30 In addition to the above, the hotel porte cochere will be located on the northern side of Shortland Esplanade with access provided via a combined entry/exit driveway suitable for cars, vans and mini-buses. Larger buses will be accommodated on-street in Shortland Esplanade, adjacent to the porte cochere access driveway.

2.31 The proposed modified access arrangements and the separation of the northern and southern building car parks will result in improved access arrangements to/from Shortland Esplanade and reduced traffic generation via the service lane to/from King Street.

2.32 The proposed access and driveway arrangements will be provided in accordance with the Australian Standards for Parking Facilities (Part 1: Off-street car parking and Part 2: Off-street commercial vehicle facilities) AS2890.1-2004 and AS2890.2-2002.

Internal Circulation and Servicing

2.33 With regards to car parking arrangements for the proposed development, modification have been made to internal circulation and servicing arrangements to address concerns raised at the JRPP meeting. With regards to the proposed development, car parking will be provided in basement parking levels beneath the northern and southern buildings. As previously discussed, car parking beneath the northern and southern buildings will not be connected. The southern car park (some 90 spaces) will have access via a combined entry/exit driveway onto Shortland Esplanade. The northern car park (some 210 spaces) will have access via combined entry/exit driveways onto Shortland Esplanade and the existing service lane off King Street.

2.34 Within the basement levels, parking space dimensions, aisle widths, ramp widths, ramp grades and transitions, column locations and height clearances will be provided in accordance with the Australian Standard (AS2890.1-2004).

2.35 Residential parking spaces will be provided in a mix of standard and stacked spaces and will have minimum dimensions of 2.4 metres wide by 5.4 metres long, clear of columns. Commercial tenant parking for the David Madison Building will be provided with minimum dimensions of 2.4 metres wide by 5.4 metres long. Hotel spaces, including stacked valet spaces, will have minimum dimensions of 2.5 metres wide by 5.4 metres long. A proportion of small car parking spaces will be provided with minimum dimension of 2.3 metres wide by 5 metres long. Spaces located adjacent to obstructions will be wider to provide for door opening. Part of the existing car park located on the western part of the site will be retained and allocated for use by the David Madison Building.

2.36 Circulation aisles within the car park will be 5.8 to 6.1 metres wide and columns will be set back 750mm from the front of parking spaces. Dead end aisles will have one metre extensions for appropriate access to and from end spaces.

2.37 Disabled parking will be provided with dimension of 2.4 metres wide by 5.4 metres, with an adjacent 2.4 metre wide shared zone for wheel chair access. Height clearances above disabled parking spaces will be 2.5 metres and 2.2 metres elsewhere within the car park. These dimensions are in accordance with the Australian Standards for Parking Facilities (Part 1: Off-street car parking and Part 6: Off-street parking for people with disabilities) AS2890.1-2004 and AS2890.6-2009.

2.38 The proposed modified car parking arrangements are considered appropriate and will provide convenient internal circulation and minimise potential conflicts between opposing vehicles.

2.39 The proposed development will incorporate a porte cochere for the hotel component of the development. The set down/pick up area will be located on the northern side of Shortland Esplanade, adjacent to the hotel entrance, and will be accessed via a central combined entry/exit driveway. The 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 depart the site in a forward direction.

2.40 Servicing of the site will be provided via 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. As discussed in the following section, the service lane off King Street will have adequate capacity to cater for the development traffic and service vehicle activity generated by the proposed development. The new loading dock will further improve access and circulation within the laneway, without the need for service vehicles to stop in the laneway. Service vehicles will be accommodated totally on-site.

2.41 The proposed car parking and servicing arrangements for the proposed development are considered appropriate and will be provided in accordance with the Australian Standards.

Traffic Generation and Effects

2.42 With regards to the issue of traffic generation of the proposed development raised in traffic submissions received by the JRPP, the traffic submission prepared by Ron Brown (consultant representing both the McCaffery and Nickson/Hannell Executive Committees of the existing Royal Development) indicated that the 150 residential units and 100 hotel rooms (0.18 to 0.2 trips per unit) would generate some 45 to 50 vehicles per hour two-way during the morning and afternoon peak periods. We agree with this traffic generation for the residential and hotel components of the development.

2.43 With regards to the traffic generation of the 69 parking spaces for the David Madison Building, we do not accept the suggested traffic generation rate of one trip per space during peak periods. The RMS Guide to Traffic Generating Developments (which is based on extensive surveys) indicates that commercial developments generate some 2 vehicles per 100m^2 GFA during peak periods, with

an unconstrained parking demand of 2.5 spaces per 100m^2 GFA (one space per 40m^2 GFA). This results in an unconstrained peak traffic generation of 0.8 trips per space. However, Council's parking rate for commercial developments within the City Centre is based on a constrained parking rate of one space per 60m^2 GFA which is the parking rate provided for the David Madison Building. Application of this constrained parking rate results in a traffic generation of 0.53 trips per space at peak times. This results in a traffic generation for the 69 David Madison Building parking spaces of some 35 to 40 vehicles per hour two-way during peak periods.

2.44 The combined traffic generation of the proposed development, including the 69 David Madison Building parking spaces, would therefore be some 80 to 90 vehicles per hour two-way during the morning and afternoon peak periods.

2.45 In addition to the proposed development, the adjacent David Madison Building currently under construction will include a further 59 parking spaces (42 spaces in the existing basement car park and 17 spaces in the new Level 1 car park). Access to these parking areas will be via a two-way access driveway to the existing basement car park (42 parking spaces) off King Street and via a new driveway to the Level 1 car park (17 parking spaces) off the adjacent service lane.

2.46 Based on a traffic generation of 0.53 trips per space at peak times, the David Madison Building (excluding the 69 spaces located within the adjacent Esplanade development) will generate some 30 vehicles per hour two-way during the morning and afternoon peak periods.

2.47 In order to mitigate concerns raised by objectors at the JRPP meeting with regards to the additional development traffic onto King Street and the adjacent service

lane, the proposed development has been modified to incorporate the following changes:-

- separation of the northern and southern building car parks so that they operate independently. The southern car park (some 90 spaces) will have access via a combined entry/exit driveway onto Shortland Esplanade. The northern car park (some 210 spaces) will have access via combined entry/exit driveways onto Shortland Esplanade and the existing service lane off King Street;

- introduction of a new two-way access driveway into the northern building car park onto Shortland Esplanade;

- modifications to internal car parking arrangements to accommodate the above changes.

2.48 The additional traffic from the proposed Esplanade development and the adjacent David Madison Building has been assigned to the road network, based on the following:-

- parking beneath the southern building (90 spaces) will comprise 55 residential spaces (one space per unit) and 35 David Madison spaces. These spaces will generate some 30 vehicles per hour two-way to/from Shortland Esplanade, during the morning and afternoon peak periods;

- parking beneath the northern building (210 spaces) will comprise 155 residential/hotel spaces and 34 David Madison spaces. These spaces will

generate some 55 to 60 vehicles per hour two-way to/from Shortland Esplanade and the service lane access onto King Street:

- the 34 David Madison spaces and 17 hotel valet parking spaces will be located within the two upper levels of the northern car park. These spaces will generate some 20 vehicles per hour two-way via the new access driveway onto Shortland Esplanade;

- the lower three basement parking levels will comprise the balance of the residential and hotel spaces, being some 138 spaces. These spaces will generate some 35 to 40 vehicles per hour two-way via the service lane access onto King Street;

- allowing for some traffic from the upper two parking levels to also access the site via the laneway, our traffic assessment has adopted a distribution of some 40 vehicles per hour two-way via the laneway and some 20 vehicles per hour two-way via the new access driveway onto Shortland Esplanade.

2.49 Existing traffic flows plus the additional traffic generated by the Esplanade development and the David Madison Building are shown on Figures 2 and 3, and summarised in Table 2.3.

2.50 Table 2.3 shows that the largest increases in traffic flow as a result of both developments would occur on King Street (east of Watt Street) and Shortland Esplanade (east of Watt Street) where traffic flows would increase by some 30 to 40 vehicles per hour two-way during the morning and afternoon peak periods.

Table 2.3: Existing Two-Way (Sum of Both Directions) Peak Hour Traffic Flows Plus Development Traffic

Road/Location	Morning (Vehicles/Hour)			Afternoon (Vehicles/Hour)		
	Existing	Plus Develop	Plus DMB	Existing	Plus Develop	Plus DMB
Watt Street						
- north of King Street	540	+20	+10	575	+20	+10
- south of King Street	540	+20	+10	585	+20	+10
- south of Church Street	745	+30	+10	890	+25	+10
King Street						
- east of Watt Street	295	+30	+25	220	+25	+30
- west of Watt Street	435	+5	+10	390	+5	+10
Service Lane						
- south King Street	-	+40	+10	-	+40	+10
Church Street						
- west of Watt Street	210	+5	-	200	+5	-
Shortland Esplanade						
- north of Ocean Street	425	+15	-	495	+20	-
- south of Ocean Street	415	+15	-	470	+20	-
- east of Watt Street	425	+30	-	485	+30	-
Ocean Street						
- east of Pacific Street	30(1)	-	-	45(1)	-	-
Scott Street						
- east of Pacific Street	370	+15	+5	420	+15	+5
- west of Pacific Street	220	-	-	405	-	-
Pacific Street						
- south of Scott Street	270	+15	+5	125	+15	+5
- south of Hunter Street	185	+15	+5	130	+15	+5
Hunter Street						
- west of Pacific Street	155(1)	-	-	95(1)	-	-

(1) One-Way Traffic Flow

2.51 Traffic flow increases on Watt Street would be some 20 to 30 vehicles per hour two-way during peak periods. Increases on other surrounding roads would be lower at some 5 to 15 vehicles per hour two-way during the morning and afternoon peak periods.

2.52 Traffic flows on the service lane off King Street as a result of both developments would be some 50 vehicles per hour two-way during peak period. This is a low traffic volume, equivalent to less than one vehicle every minute during peak periods.

2.53 The intersections previously analysed were re-analysed with the additional traffic from the two developments. The SIDRA analysis found that with the additional development traffic the intersection of Watt Street and King Street would continue to operate at a level of service B during the morning and afternoon peak periods, with similar average delays compared to today. This represents a satisfactory level of intersection operation.

2.54 With regards to the expected queue lengths in King Street on approach to the intersection, the SIDRA analysis found that the 95 percentile queue would continue to be some 3 vehicles during both the morning and afternoon peak periods.

2.55 This assessment found that the unsignalised intersection of Watt Street and King Street would continue to operate at a satisfactory level of service, with no unusual operational characteristics or performance measures. As a result, the intersection does not require upgrading, nor are any improvements works necessary.

2.56 The SIDRA analysis found that remaining intersections previously analysed would also continue to operate at their existing satisfactory (or better) levels of service, with similar average delays per vehicle during the morning and afternoon peak periods.

2.57 The intersection of the site access driveways onto Shortland Esplanade and the intersection of the existing service lane with King Street would operate with average delays, for the movement with the highest delay, of less than 15 seconds per vehicle during the morning and afternoon peak periods. This represents level of service A/B, a good level of intersection operation.

2.58 The traffic assessment found that the existing service lane off King Street will have adequate capacity to cater for the development traffic and service vehicle activity generated by the proposed development.

Traffic and Pedestrian Management Plan

2.59 The traffic and pedestrian effects of the proposed development (including the traffic and pedestrian matters raised by the JRPP), have been addressed through the preceding report. 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.

2.60 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 Esplpanade, 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 provide 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.

Summary

2.61 In summary, the findings of our supplementary traffic report and the cumulative traffic assessment of the proposed Esplanade development and other developments indicated the following:-

i) in response to traffic matters raised at the JRPP meeting the following modifications to the development have been made:

- separation of the northern and southern building car parks so that they operate independently. The southern car park (some 90 spaces) will have access via a combined entry/exit driveway onto Shortland Esplanade. The northern car park (some 210 spaces) will have access via combined entry/exit driveways onto Shortland Esplanade and the existing service lane off King Street;

- introduction of a new two-way access driveway into the northern building car park onto Shortland Esplanade;
- modifications to internal car parking arrangements to accommodate the above changes; and

- introduction of a new loading dock off the existing service lane;

ii) parking provision for the proposed development is considered appropriate and has been provided in accordance with Council's parking code;

iii) access, internal layout and servicing arrangements have been provided in accordance with the Australian Standards;

iv) the proposed development, including the 69 David Madison Building parking spaces, would generate some 80 to 85 vehicles per hour two-way during the morning and afternoon peak periods;

v) the approved David Madison Building (excluding the 69 spaces located within the adjacent Esplanade development) will generate some 30 vehicles per hour two-way during the morning and afternoon peak periods;

vi) the surrounding road network and its intersection will be able to cater for the additional traffic from the proposed Esplanade development and the adjacent David Madison Building;

vii) the cumulative impact of the proposed Esplanade development and other developments on the intersection of Watt Street and King Street found that the intersection will continue to operate at a satisfactory level of service during peak periods, with no unusual operational characteristics or performance measures. As a result the intersection does not require upgrading, nor are any improvement works necessary;

viii) the traffic assessment also found that the other intersections in the vicinity of the site, including the site access driveways and the intersection of the existing service lane and King Street, would also operate at a satisfactory (or better) level of service during peak periods;

ix) the service lane will have adequate capacity to cater for the development traffic and service vehicle activity generated by the proposed development; and

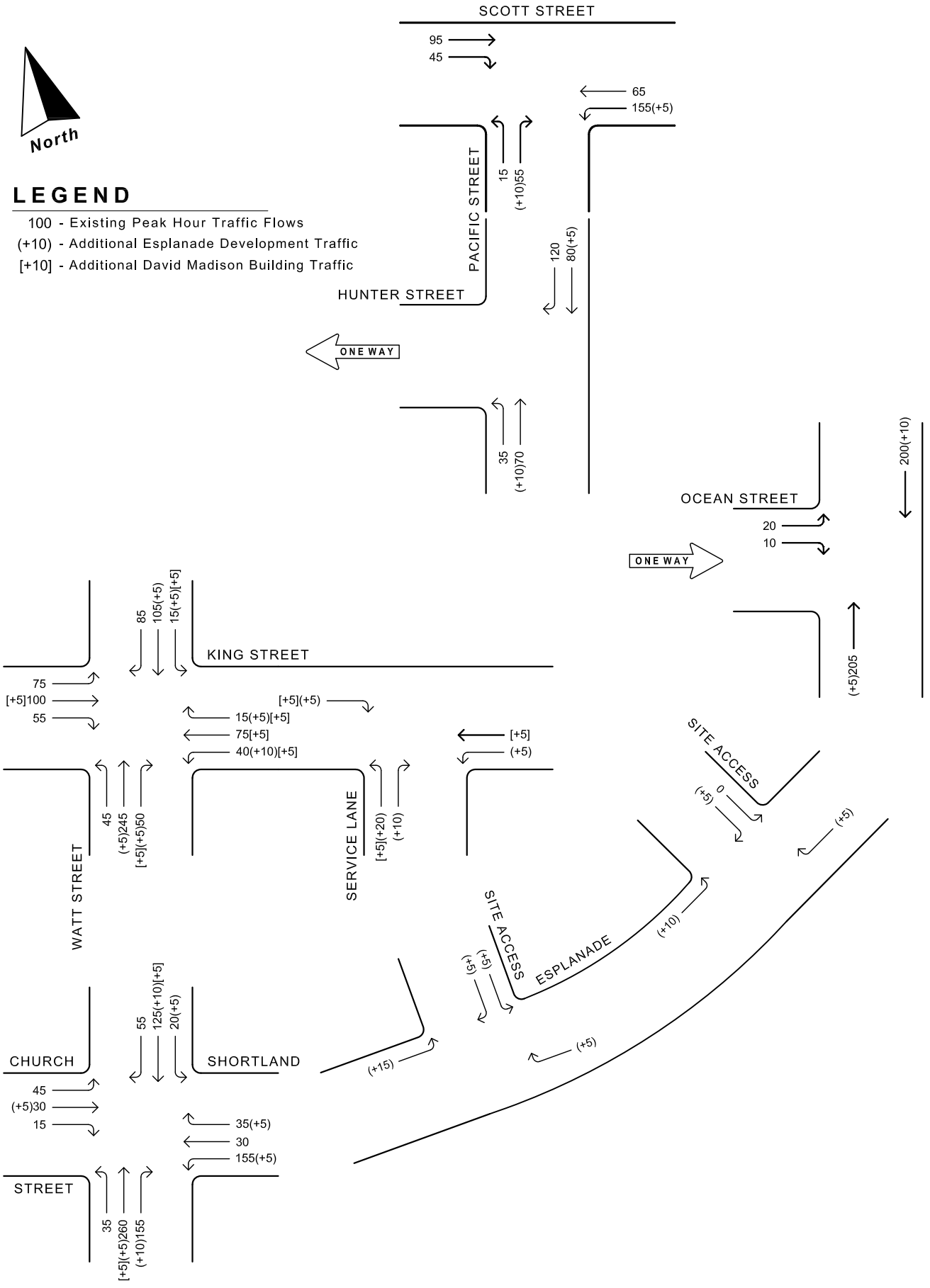
x) the principles of the traffic and pedestrian management plan for the proposed development are discussed in paragraphs 2.59 to 2.60.

Location Plan

Colston Budd Hunt & Kafes Pty Ltd

DRAWN BY CBHK Pty Ltd_hs Ref: 9073 26 September 2013

Figure 1

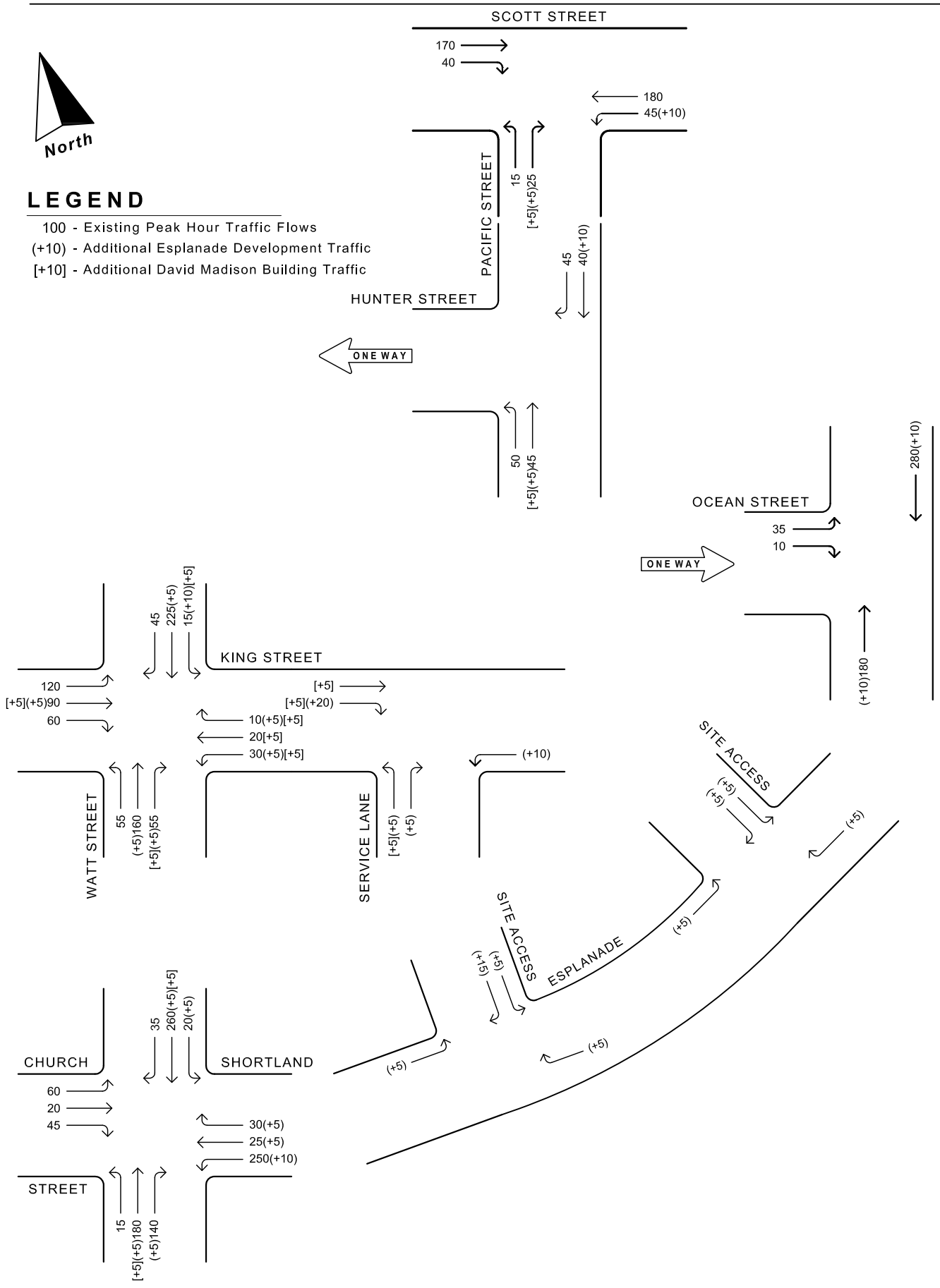


Existing weekday morning peak hour traffic flows plus development traffic

Colston Budd Hunt & Kafes Pty Ltd

DRAWN BY CBHK Pty Ltd_hs Ref: 9073 26 September 2013

Figure 2



Existing weekday afternoon peak hour traffic flows plus development traffic

Colston Budd Hunt & Kafes Pty Ltd

DRAWN BY CBHK Pty Ltd_hs Ref: 9073 26 September 2013

Figure 3

ATTACHMENT 4

Plan of Management prepared by de Witt Consulting

Plan of Management

For the operation of a hotel at:
Lot 5 DP 1145847 and Lot 4 DP 1029006 (1 King Street, Newcastle)

Prepared in relation to DA 2012/0549

September 2013

Contents

Introduction

This plan of management relates to a proposed 100-room residential hotel with associated hospitality areas including restaurant/café, bar area, function room, meeting rooms and pool. The proposal is not for gaming or takeaway liquor from the bar area. The hotel operator is yet to be determined.

Part 1 Purpose

1) This plan of management, herein referred to as the plan, is prepared in relation to DA 2012/0549 which includes a proposal for a new hotel at the site identified in Part 2 of the plan. The plan establishes policies and procedures to be implemented in relation to the management and operation of the hotel so as to ensure the amenity, safety and security for patrons, staff and surrounding neighbours. It has regard to the relevant matters under the Environmental Planning and Assessment Act 1979 and the Liquor Act 2007.

2) Particular emphasis has been placed on specifying performance criteria regarding the operation of the hotel and its function rooms to ensure that the amenity of the neighbourhood is preserved though the management of:

   a. potential noise impacts of patrons and vehicles departing the hotel;
   b. security management; and
   c. responsible service of alcohol.

   The plan aims to maintain the quiet and good order of the neighbourhood.

3) The plan acknowledges that the hotel operator will also be required to comply with conditions of consent, and this plan is designed to complement any such conditions of approval. In the event that this plan is inconsistent with conditions of approval, those conditions will prevail.

4) This Plan of Management will be made available to all staff of the hotel as part of their induction process.

5) Part 14 of this plan establishes the circumstances and process by which the plan may be amended.

Part 2 Site and Locality

6) The site is Lot 5 DP 1145847 and Lot 4 DP 1029006 (1 King Street, Newcastle). It is bounded by Watt Street to the west, King Street and Ocean Street to the north and Shortland Esplanade to the south. The site is located on the southern part of the former Royal Newcastle Hospital site. Other developments within the Royal Newcastle Hospital site include residential to the east, a hotel to the north and commercial office space to the west. Additionally, a residential apartment building is located to the south.

   The site is located in Newcastle East, is within 100 metres of Newcastle Beach, 500 metres of Newcastle Railway Foreshore and approximately 1km from Newcastle's civic and cultural precinct.

Part 3 Hours of Operation

7) The residential hotel will operate 24 hours a day.

8) The hotel's function room hours of trade will be:
Monday to Sunday, 7am to 12 midnight

9) Patrons shall not be permitted to remain in the function rooms for more than 15 minutes after closing time.

10) Staff may enter, or remain on the premises at any time.

11) Use of the rooftop porte-cochere will not be permitted outside the hours of 7am and 11pm.

Part 4 Patron Capacity

12) The maximum capacity of the function rooms (as combined) shall be 250-300 patrons in a stand up cocktail setting.

Part 5 Signage

13) Signage complying with the Liquor Act 2007, including but not limited to signage required for the responsible service of alcohol, together with signage requesting patrons when leaving the hotel respect the quiet and good order of the neighbourhood, shall be displayed at all appropriate locations within the hotel.

Part 6 Neighbourhood Amenity

14) At all times the licensee of the hotel shall consider the amenity of its neighbours and hotel guests and shall take all reasonable measures to ensure that impacts adverse to the surrounding area do not occur.

15) The management of the hotel shall take all reasonable measures to ensure that the behaviour of staff, patrons and hotel guests when leaving the premises after midnight does not detrimentally affect the amenity of the neighbourhood. These measures shall include the appointment of professionally trained personnel at the exit point(s) from the hotel function area.

16) The premises shall be operated in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by reason of noise vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

17) Erect signs as per Part 5 of this plan.

Part 7 Noise

18) The use of the premises shall not result in the LA10 noise level being emitted from the licensed area within the

premises exceeding the background noise level in any octave band centre frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7am and 12 midnight at the boundary of any affected residence.

19) The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any octave band centre frequency (31.5Hz – 8Hz inclusive) between 12 midnight and 7am at the boundary of any affected residence.

20) Notwithstanding compliance with the above, the noise from the licensed area within the premises shall not be audible within any habitable room in any residential premises beyond the site between the hours of 12 midnight and 7am.

21) Entertainment shall be restricted to duos or trios with drum machine accompaniment or similar. Live bands and discos are not permitted unless noise emissions are closely monitored in the adjacent residential areas and such entertainment complies with the performance criteria set out above.

22) In the event that complaints are received in relation to the use of amplified music, management shall install and use an electronic TecSound noise monitor or Panaray MB4 modular Bass Loudspeaker system or equivalent device in the entertainment area.

23) Doors to the hotel / bar must remain closed when amplified entertainment is occurring (except during the entry and exit of patrons).

24) No additional acoustic management is required when low level incidental music is played in the premises.

25) In the event of complaint or if low frequency bass noise is identified in the residential area(s), all doors to the hotel / bar must be closed.

26) The management of the hotel shall take all reasonable measures to ensure patrons are encouraged to leave the building promptly and are not permitted to congregate outside the building for prolonged periods of time. These measures shall include the appointment of professionally trained personnel at the exit point(s) from the hotel function area.

Part 8 Procedures for Management of Complaints

27) The hotel operator shall develop a procedure for managing noise complaints. The procedure shall require that a nominated contact officer, manager or other appropriately trained staff member is on site at all times.

28) The hotel operator shall establish and maintain a complaints register which contain the following:

- Date / time of a complaint. This will assist in identifying noise source and any trends in complaints, and sets the time period provided for the response.
- Name and contact details of the complainant
- The name of the contact officer / staff member receiving the complaint.
- Information regarding the nature of the complaint.
- Details of any report to local police, if applicable
- Outcome of the complaint (action and resolution details) and date / time completed.
- Confirmation that the complainant has been notified of the outcome.

29) Every effort should be made to address the noise complaint immediately, where practicable.

Part 9 Responsible Service of Alcohol

30) The management and staff shall comply with the measure for responsible service of alcohol set out hereunder.

31) The licensee shall prevent patrons leaving the function rooms with liquor in opened containers, glasses and the like.

32) The following operational policies for the responsible service of alcohol (RSA) shall apply, together with the NSW liquor Industry Code of Practice:

a. The hotel shall adopt and promote the NSW Liquor Industry Code of Practice for Responsible Promotion of Alcohol Products.
b. RSA as requested by legislation shall be mandatory.
c. All managers and permanent employees of the hotel shall complete an approved course in RSA unless they have already completed one within the last 5 years.
d. The licensee will maintain a register, containing copies of the certificates showing the satisfactory completion of RSA courses undertaken by the licensee and all staff required to undertake the training.
e. The hotel will arrange for a taxi to collect any patron from it upon receipt of a request from the patron to do so. Where possible patrons who are waiting for taxis should do so inside the hotel.
f. All conditions imposed on the hotel's licence shall be met.
g. The licensee and hotel must participate and retain membership of the local Licensing Accord.

Part 10 Deliveries and Waste Removal

33) The licensee shall endeavour to ensure that deliveries to the hotel are made between 7am and 6pm.

34) The removal of wastes and recyclables shall be made by a recognised contractor between the hours of 7am and 6pm.

Part 11 Maintenance

35) Tradespersons engaged by the hotel to undertake maintenance may enter or remain on the premises at any time provided their activities do not give rise to disturbance of neighbourhood amenity.

Part 12 Staff & Security Management

36) Not less than one senior staff member shall be on duty at the hotel at all times.

37) The licensee shall make copies of the noise complaint and noise monitoring registers available to Council or the police at all reasonable times and within 7 days of a written request from the Council or the police to do so.

Part 13 Surveillance

38) A closed circuit television system (CCTV), incorporating digital video surveillance cameras and recorders, shall be installed and maintained on the premises, to monitor and record all entrances/exits to and from the hotel (including hospitality area) and within the adjacent public plaza at all times the premises are open to the public and otherwise during the licensed trading hours. The video surveillance cameras are also to continue recording for 30 minutes after closure of the licensed premises.

39) The system shall comply with the Safer Venues Operating Standards for in Venue CCTV issued by Communities NSW (Office of Liquor, Gaming and Racing) dated September 2009.

40) The CCTV system shall meet the following requirements:

a. The system is to be of sufficient quality that facial identification of an individual may be achieved at any time the system is required to operate.
b. The interior and exterior light levels of the premises are to be such that the system is able to function and comply with point (a) above.
c. The licensee is to provide access to Police to view the CCTV footage on demand at any time the premises are trading.
d. The licensee is to provide copies of the CCTV footage on demand to any police officer or special inspector of the NSW Department of Gaming and Racing.
e. The licensee is to ensure that at all times there is a person on the premises who can operate the system and provide copies as required in point (d) above.
f. The licensee is to ensure that the system stores recorded footage for a minimum of 30 days.
g. The licensee is to fully consult with Newcastle Police prior to the installation of any new cameras or CCTV system and will take full account of any advice given by police in relation to the placement of cameras and type of system installed.
h. In the event of a camera not being operative, the licensee is to immediately inform the Local Area Commander or his/her representative in writing and is to immediately request a service call from the

system provider. The licensee is to provide Police with a copy of this request.

Part 14 – Review and Amendment of this Plan

41) The hotel operator will review this plan within 12 months of commencing operation, in consultation with Council and the Police.

42) If, following that review (or any subsequent review) it is reasonable or desirable to modify any provision of this plan for the better management of the hotel, the hotel operator may amend the plan with the consent of Council, which consent shall not unreasonably be withheld.