



Planning Assessment Report

Development Application DA 214-9-2004

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number DA 214-9-2004.

The application seeks consent for the use of Blocks B (the Locomotive Boiler Shop) & C (the New Erecting Shop) of the Civic Railway Workshops complex for short-term exhibitions, functions, meetings, presentations, concerts, markets and performances. Refer to the site location map at Tag E.

The Minister for Infrastructure and Planning is the consent authority under Clause 7(2) of Newcastle Local Environmental Plan 2003.

It is recommended that the development application be **granted consent**.

2 BACKGROUND

2.1 Site Context

The site is located at Civic Workshops B & C Merewether Street in the Newcastle local government area.

The development application was lodged with the Department on 7 September 2004 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The buildings are part of the former Civic Railway Workshops, which consists of 5 railway workshop brick structures and a brick office block. Block A, which is located to the north of the site is leased to the Crown Plaza Hotel but remains empty and is not presently in use, while Block D to the west of the site is used as a food/refreshment outlet and a craft manufacturing centre. The site is adjacent to the rail (Civic Station) to the south and Merewether Street is located to the immediate east. It is located in primarily a commercial area, although residential dwellings are being constructed in the area.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for:

- the use of Blocks B (the Locomotive Boiler Shop) & C (the New Erecting Shop) of the Civic Railway Workshops complex for short-term exhibitions, functions, meetings, presentations, concerts, markets and performances.

3.1 Amended Plans

The applicant submitted an amended Statement of Environmental Effects on 19 October 2004, which incorporated the additional information and amendments required by Urban Assessments.

4 STATUTORY FRAMEWORK

4.1 Statement of permissibility

The proposed development is permitted in the 3(c) City Centre Zone pursuant to clause 16 of the Newcastle LEP.

4.2 Instrument of consent and other relevant planning instruments

Pursuant to clause 7(2) of the Newcastle LEP the minister is the consent authority.

In addition to the Newcastle LEP, other planning instruments that apply include:

- Hunter Regional Environmental Plan; and
- Development Control Plan No 40 – City West Unlocking the Potential.

An assessment of the development application against the requirements of these instruments is provided in the compliance report at Tag C.

4.3 Legislative context

The proposed development represents local development.

5 CONSULTATION

5.1 Public consultation

The application was notified, in accordance with the Regulations and the Newcastle Public Notification DCP No 49 including:

Notifications – landowners/occupiers	Adjoining land owners and occupiers.
Newspaper advertisements	Not required.
Site notices	Not required.
Exhibition dates	Start: 1 November 2004. End: 15 November 2004.
Exhibition venues	▪ Planning Information Centre, 20 Lee Street Sydney ▪ Newcastle City Council, 282 King Street, Newcastle

No public submissions were received regarding the Application. Issues are considered in Section 6.2 of this report.

5.2 Referrals

5.2.1 Integrated Approval Bodies

The application was not made for integrated development. A separate application for Section 57 (Heritage Act) permit was lodged with the Heritage Office, which was approved with conditions prior to the notification and assessment of this application.

5.2.2 Council

The application was referred to Newcastle City Council on 25 October 2004. A response was received from Council on 10 December 2004. Council raised no objections to the proposal however identified a number of conditions to be placed on the consent. Council's full submission is at Tag D.

5.2.3 RTA

The application was referred to the RTA on 25 October 2004. The RTA responded on 1 November 2004 raising no issues with the proposed development, identifying that there is

unlikely to be any significant impact on the classified road network. The RTA requested that the RTA be forwarded a copy of the consent for record purposes.

5.2.4 Rail Estate – State Rail Authority

The application was referred to Rail Estate on 25 October 2004. No response was received from the authority.

6 CONSIDERATION

6.1 The Environmental Planning & Assessment Act

6.1.1 Section 79C

The application and the likely impacts of the proposed development have been considered in accordance with Section 79C of the Act. Significant issues are discussed below in Section 6.2 and an assessment of the proposal against the relevant planning instruments is provided at Tag C.

The subject site is considered suitable for the proposed development. Submissions have been considered and issues raised in submissions are discussed in Section 6.2. On balance, the proposed development is considered to be in the public interest.

6.2 Issues

6.2.1 Proposed Uses

Issue: The original SEE submitted did not provide adequate detail as to the actual uses proposed.

Raised by: Urban Assessments

Consideration: The applicant submitted additional details regarding the types of events and functions proposed to be held at the site. Information requested and submitted included the types of activities involved with each type of use, any likely issues associated with each, the number of patrons and hours of operation for each proposed use, the frequency of each event and the maximum duration of any one event.
As the proposed uses will vary depending on the application from potential operators, it was considered appropriate to allow some scope to ensure that appropriate uses would not be prohibited.

Resolution: The types of uses have been adequately detailed. Some issues have arisen as a result including potential noise, parking, security and waste issues, which are discussed in the following sections.

6.2.2 Heritage

Issue: The application was unclear as to whether integrated development was applied for.

Raised by: Urban Assessments

Consideration: The applicant confirmed that a section 57 exemption under the Heritage Act was applied for separately and simultaneously to the development application. Urban Assessments notified the application following confirmation that the exemption had been granted by the Heritage Council of NSW. The exemption was granted on 9 September 2004.

Resolution: S57 exemption granted. No further action required.

6.2.3 Noise

Issue:

Two potential noise issues were identified, which included:

- The use of amplified sounds systems / other amplified equipment.
- Noise generated from patrons entering and leaving the site or using external amenities.

Raised by:

Urban Assessments

Consideration:

Of particular concern is noise likely to be generated by the concert events and other functions that would be using amplification equipment. The applicant has identified that the site is adjacent to a high noise level activity (the Civic Station and railway) and is within a primarily commercial area, and that the building's bulk nullifies noise issues. While these points have been considered, it is considered appropriate to condition the consent. However, conditions proposed are intended not to be overly onerous unless issues become apparent.

Noise from patrons entering and leaving the site and using external amenities is an issue, which can be addressed by condition.

Resolution:

Noise issues have been addressed through the inclusion of proposed conditions of consent that:

- Restrict the hours of operation,
- Restrict the frequency of higher impact uses such as concerts,
- Requires security presence on-site for events after 6pm and on weekends to assist in the control of noise,
- Requires a complaints line to be operated for any event using amplified equipment,
- Identifies boundary noise levels that are not to be exceeded,
- Requires a level of noise complaint recording and response, and
- Allows Council to take action to control future events in the case that events cause a nuisance to the neighbourhood, through the requirement of future noise, security and parking plans to be submitted for future events.

6.2.4 Parking and Traffic

Issue:

The proposed uses will be permitted to host up to 600-850 patrons depending on the specific event. However there are only 80 car parking spaces in the adjacent public car park, which is not exclusively for use by patrons of the proposed events.

The parking is available 24 hours a day however a fee is charged between 8am and 5pm weekdays.

Raised by:

Urban Assessments

Consideration:

Given the location of the site adjacent to Civic Station, where buses, trains and taxis are located, it is considered that an appropriate response to the limited parking would be to encourage the use of public transport.

Bicycle racks are provided around the venue.

It is also considered that limiting the hours of operation, frequency and duration of events will alleviate some of the parking issues.

The majority of the events will primarily be held in the evenings and on weekends and as such will not be competing with parking in high use times.

Conditions proposed should not be onerous but should include provisions for future control should parking become an issue.

Resolution: Conditions of consent are proposed to require event operators to promote the use of public transport to their events.
In the event that complaints regarding parking are made and Council perceives that future control needs to be exercised, the conditions proposed will allow Council to require the preparation of a parking plan, to be approved by Council prior to future events.

6.2.5 Security

Issue: Security of the Heritage buildings, patrons attending the events, neighbours and their property, are considered potential issues given the operation of a number of events proposed for after dark, and the operation of events such as concerts, at which large groups of people would be gathering and other events where alcohol may be served. Security concerns may also arise due to the potential for amenities available to patrons to be located either outside or in adjacent building.

Raised by: Urban Assessments

Consideration: Security will need to be present after hours to secure the heritage buildings, provide safety response to patrons and ensure respectful behaviour. Security would also be advisable on weekend as the public events such as markets, which may attract large number of patrons, would be held on those days.

Resolution: Conditions of consent are proposed to require security presence on-site during events after 6pm and on weekends. The conditions specify that security presence is to extend to all amenities areas.
Security will also be assisted through the limiting of patron numbers and the provision of appropriate lighting.

6.2.6 Amenities

Issue: There are no amenities available within Building C.

Raised by: Urban Assessments

Consideration: The applicant was asked to submit information detailing the amenities arrangements for patrons of Block C.
The applicant responded that the patrons of building C would use the amenities in building B where no event was being held in building B at the time. Alternatively temporary amenities would be provided for the event.
Noise and safety issues may result in the event that outdoor temporary amenities are provided.
The applicant must obtain approval from Council to erect temporary structures, which will be required by the consent and as a result Council will provide input into the appropriate location of those amenities given variability on the number of cubicles required and available space indoors considering the specific event details.

Resolution: The proposed conditions require security presence to extend to any outdoor amenities areas or amenities being used in adjacent buildings to address noise and security issues.
The applicant must obtain approval from Council to erect any such temporary structures.

6.2.7 Waste Management

Issue: Events are generators of a significant amount of waste.

Raised by: Urban Assessments

- Consideration:* It is appropriate to encourage the consideration of waste issues by event operators including waste minimisation and recycling.
Recycling has been identified in the SEE however this requires the products used to be recycled in the first instance, which a large proportion of event waste is not – conditions should address this.
- Resolution:* Conditions are proposed requiring the preparation of waste and recycling management plan, with which all event operators are to adhere to. The plan is to be approved by Council. The plan is required to address the minimisation of packaging, non-recyclable and non-reusable products.

7 CONCLUSION

The Minister for Infrastructure and Planning is the consent authority.

The application has been considered with regard to the matters raised in section 79C of the Act.

The application has been notified in accordance with the Regulations. All submissions received in the period prescribed by the Regulations have been considered.

On balance, it is considered that the proposed development is acceptable and should be approved.

8 CONSULTATION WITH APPLICANT – DRAFT CONDITIONS

The applicant was asked to comment on the draft conditions of consent on 21 December 2004 and requested that a number of conditions be changed in order to permit more flexibility in the use of the buildings. Being a Crown Development negotiations continued on the draft conditions until 9 June 2005 when the applicant provided written approval for the amended draft conditions.

9 DELEGATION

Under the instrument of delegation dated 4 August 2003, the Minister has delegated to Team Leaders and officers holding a higher position his functions under the Act for granting development consents except where they relate to designated development or development that is declared to be State Significant development (other than under SEPP 56).

Having regard to the Urban Assessments Guidelines for Delegates, it is considered appropriate that the application be determined under delegation by a Team Leader.

10 RECOMMENDATION

It is recommended that the delegate of the Minister for Infrastructure and Planning pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 7(2) of Newcastle Local Environmental Plan 2003:

- (A) grant **consent** to the application subject to conditions (Tagged “A”), and
- (B) authorise the Department to carry out post-determination notification.

For Ministerial Endorsement

Prepared by:

Endorsed by

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