

Lee Wharf Development

Honeysuckle Drive, Newcastle

Adaptive Re-Use and Fit-Out of Lee Wharf Building C
and Stage 3 Public Asset Works

Environmental Assessment

September 2007

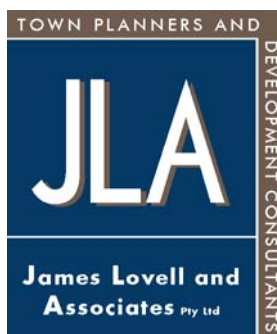


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EXECUTIVE SUMMARY

This document has been prepared by James Lovell, Director - James Lovell and Associates Pty Limited, and is based on information contained in a series of documents prepared by specialist consultants. In the context of those limitations, the author confirms that the information contained in this Environmental Assessment is neither false nor misleading.

This document constitutes an Environmental Assessment in respect of Project Application No. 05_0007. The proposed development relates to certain works associated with the *Lee Wharf Development*, located at Honeysuckle Drive, Newcastle.

The proposed development generally comprises the adaptive re-use and fit-out of *Lee Wharf Building C* to facilitate its use as a hotel incorporating a restaurant, and the carrying out of public asset works associated with Stage 3 of the *Lee Wharf Development*.

On 28 October 2005, the Department of Planning (DOP) advised that the Minister had formed the opinion that the proposed development is a major project to which Part 3A of the Environmental Planning and Assessment Act 1979 applies. The DOP further advised that the Minister did not require a Concept Plan to be lodged.

Accordingly, the Applicant was invited to lodge a Project Application and request for the Director-General's Environmental Assessment Requirements. The Project Application was lodged on 23 November 2005 and the Director-General's Environmental Assessment Requirements were issued on 17 January 2006.

The subject site is centrally located within a larger precinct commonly referred to as *City West*. The *City West* precinct has been identified as having significant development and redevelopment opportunities essential to inner Newcastle's ongoing renewal and revitalisation.

The physical works associated with the proposed development are relatively minor, and are generally ancillary and incidental to the development occurring elsewhere in the precinct as part of the *Lee Wharf Development*.

A Statement of Heritage Impact has been prepared in relation to the adaptive re-use and fit-out of *Lee Wharf Building C* and concludes that the

development will have a minimal impact on the heritage significance of the site. The Statement further concludes that the proposed development will have a positive impact upon the heritage of the site by opening up public access and therefore, increasing the potential to interpret the site.

A Traffic and Parking Assessment has been prepared in relation to the proposed development and concludes that the proposed development will not have any unacceptable traffic or parking implications.

The Draft Statement of Commitments includes detailed environmental management, mitigation and monitoring measures intended to minimise potential environmental impacts.

The proposed development is anticipated to have positive and beneficial social and economic impacts in terms of contributing to the realisation of the general vision for the *City West* precinct. Accordingly, it is considered that the proposed development will make a positive contribution to the ongoing revitalisation of the *City West* precinct.



James Lovell
Director
James Lovell and Associates Pty Ltd

1. INTRODUCTION

1.1 Preamble

This Environmental Assessment has been prepared to accompany a Project Application (No. 05_0007) to the Department of Planning (DOP) in respect of certain works associated with the *Lee Wharf Development*, located at Honeysuckle Drive, Newcastle (**Figure 1**).

The subject site is located on the northern side of Honeysuckle Drive, generally between *Lee Wharf Building C* to the east and *Worth Place* to the west. The site is centrally located within a larger precinct commonly referred to as *City West*, identified as having significant development and redevelopment opportunities essential to inner Newcastle's ongoing renewal and revitalisation.

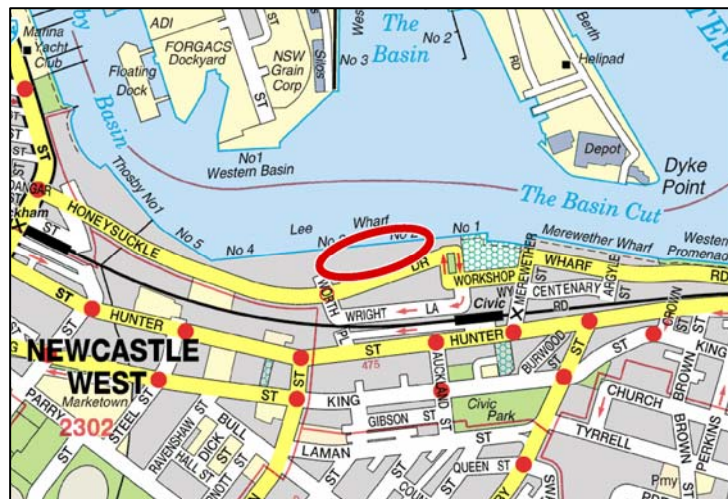


Figure 1 - General Location

The proposed development comprises the adaptive re-use and fit-out of *Lee Wharf Building C* to facilitate its use as a hotel incorporating a restaurant, and the carrying out of public asset works associated with the recently approved Stage 3 of the *Lee Wharf Development* (DA No. 158-7-2005).

In general terms, the proposed development comprises:

- adaptive re-use of *Lee Wharf Building C* to facilitate its use as a hotel incorporating a restaurant, including the fit-out and repairs and reinstatement of defective structural members;
- demolition of the remnant wharf sub-structure and construction of a new seawall immediately behind the existing king-post seawall along

- the northern edge of *Worth Park* between *Lee Wharf Building C* to the east and *Worth Place* to the west;
- extension of the foreshore promenade and public forecourt to the south of *Lee Wharf Building C*, connecting with the approved promenade and landscape works to the east, *Worth Place* to the west, and the public forecourt to the north of *Building A3*, incorporating a connection to *Honeysuckle Drive*;
 - creation and landscaping/paving of *Worth Park*;
 - associated drainage works; and
 - stratum and strata subdivision to reflect the configuration of the proposed works.

1.2 Background

The proposed development was the subject of a Project Application lodged with the DOP on 23 November 2005, and the Director-General's Environmental Assessment Requirements were issued on 17 January 2006.

The Key Assessment Requirements were identified as built form, urban design, landscaping, traffic, heritage, and impacts on Newcastle Port, with a requirement that specific traffic and heritage related impacts be considered by appropriately qualified persons.

The Consultation Requirements specify an appropriate and justified level of consultation with Newcastle City Council in regards to identification and ownership of future public assets, New South Wales (NSW) Maritime Authority in regards to identification of works within 10 metres of Newcastle Harbour, Newcastle Port Corporation in regards to demolition within and adjacent to the shipping channel, and the impacts of the proposed design and materials on safe navigation of shipping, and Honeysuckle Development Corporation in regards to the options available concerning the proposed children's play area within *Worth Park*.

1.3 Purpose

On 28 October 2005, the DOP advised that the Minister had formed the opinion that the proposal is a major project to which Part 3A of the Environmental Planning and Assessment Act 1979 applies. The DOP further advised that the Minister did not require a Concept Plan to be lodged.

Accordingly, the Applicant was invited to lodge a Project Application and request for the Director-General's Environmental Assessment Requirements.

The Project Application was lodged on 23 November 2005 and the Director-General's Environmental Assessment Requirements were issued on 17 January 2006.

This Environmental Assessment has been prepared to assess the environmental implications of the proposed development, and address the specific Director-General's Environmental Assessment Requirements. To that end, it:

- provides an executive summary of the Environmental Assessment;
- identifies the subject site and its locational context;
- describes the physical and operational characteristics of the proposed development;
- identifies the objectives of the proposed development;
- identifies the environmental planning instruments and policies that apply to the subject site and considers the proposed development against those that are relevant;
- identifies the environmental implications of the proposed development, with particular focus on the key assessment requirements;
- provides a draft Statement of Commitments detailing measures for environmental mitigation, management and monitoring; and
- summarises the consultation conducted as part of the preparation of the Environmental Assessment.

1.4 Documentation

This Environmental Assessment is based upon information contained in, and should be read in conjunction with, the following documentation:

- Survey and Subdivision Plan - **Attachment 1**;
- Architectural Plans - **Attachment 2**;
- Landscape Concept Plan - **Attachment 3**;
- Photomontages - **Attachment 4**;
- Plan of Civil Works - **Attachment 5**;
- Plan of Management - **Attachment 6**;
- Traffic and Parking Assessment - **Attachment 7**;
- Statement of Heritage Impact - **Attachment 8**;
- Structural Review - **Attachment 9**;
- NSW Maritime Authority Submission - **Attachment 10**;
- Newcastle Port Corporation Submission - **Attachment 11**; and
- Honeysuckle Development Corporation Submission - **Attachment 11**.

2. SITE DESCRIPTION

2.1 Site Details

The subject site is located on the northern side of Honeysuckle Drive, generally between *Lee Wharf Building C* to the east and Worth Place to the west.

Lee Wharf Building C occupies the north-western portion of Lot 1 in Deposited Plan 1111305.

Worth Park, the existing seawall, and a portion of the foreshore promenade occupy the western part of Lot 8 in Deposited Plan 883474. The remainder of the foreshore promenade occupies the north-western portion of Lot 2 in Deposited Plan 883474, and a portion of Lot 1 in Deposited Plan 1111305.

The proposed stratum subdivision involves the re-alignment of the internal boundaries between Lots 2 and 8 and 11 in Deposited Plan 883474, and Lot 1 in Deposited Plan 1111305.

2.2 Site Context

The subject site is located within a larger precinct commonly referred to as *City West*. The precinct encompasses approximately 45 hectares of land located between Newcastle Harbour to the north and the Newcastle Central Business District (CBD) to the south. The locality is mainly surplus to under-utilised government land previously owned by several New South Wales (NSW) government agencies including the State Rail Authority, Maritime Services Board, State Transit Authority and the Public Works Department.

The *City West* precinct has been identified as having significant development and redevelopment opportunities essential to inner Newcastle's ongoing renewal and revitalisation. It is envisaged that the locality will accommodate an additional 4,000 people to support the existing and proposed commercial, leisure and recreation activities in inner Newcastle and beyond.

In 1992, the Honeysuckle Development Corporation (HDC) was established to implement the redevelopment of the Honeysuckle Special Area. A primary responsibility of the HDC is to prepare land, through appropriate planning and provision of infrastructure, for presentation to the market for lease or sale.

In 2002, the HDC invited proposals for the development of the *Lee Wharf Precinct*, and Lee Wharf Developments Pty Ltd was successful in its submission of a five (5) stage development.

To date, development consent has been granted by the Minister for Stages 1, 2 and 3 of the *Lee Wharf Development*, generally comprising:

- *Buildings A1 and A2*, located on the northern side of Honeysuckle Drive, collectively accommodating 50 residential apartments, 1,011m² of retail floor space, and off-street car parking for 92 vehicles,
- *Buildings B1, B2, and B7*, located on the southern side of Honeysuckle Drive, collectively accommodating 179 residential apartments, 2,138m² of retail floor space, and off-street car parking for 163 vehicles, and
- *Buildings A3 - A6*, located on the northern side of Honeysuckle Drive, collectively accommodating 86 residential apartments, 2,111m² of retail floor space, and off-street car parking for 164 vehicles.

The proposed development represents the final component of Stage 3 of the *Lee Wharf Development*.

3. PROPOSED DEVELOPMENT

3.1 Overview

The proposed development comprises the adaptive re-use and fit-out of *Lee Wharf Building C* to facilitate its use as a hotel incorporating a restaurant.

The public asset works generally comprise demolition of the remnant wharf sub-structure, construction of a new concrete seawall immediately behind the existing king-post seawall along the northern edge of *Worth Park* between *Lee Wharf Building C* to the east and *Worth Place* to the west, extension of the foreshore promenade and public forecourt to the south of *Lee Wharf Building C*, connecting with the approved promenade and landscape works to the east, *Worth Place* to the west, and the public forecourt to the north of *Building A3*, incorporating a connection to *Honeysuckle Drive*, creation and landscaping/paving of *Worth Park*, associated drainage works, and stratum and strata subdivision to reflect the configuration of the proposed works.

3.2 Objectives

The general objectives of the proposed development include:

- facilitate the adaptive re-use and fit-out of a heritage listed building (*Lee Wharf Building C*), requiring only relatively minor physical works to accommodate the proposed use;
- facilitate the ongoing revitalisation of the precinct by implementing public asset works associated with *Stage 3* of the *Lee Wharf Development*;
- generate positive and beneficial social and economic impacts in terms of contributing to the realisation of the general vision for the *City West* precinct; and
- minimise environmental impacts through the implementation of detailed environmental management, mitigation and monitoring measures.

3.3 Physical Works

Refurbishment of Lee Wharf Building C

Lee Wharf Building C is one of two (2) historic wharf buildings located along the southern foreshore of Newcastle Harbour. The building has a floor area

of approximately 671.38m² and is an 11.74 metre high single-storey industrial cargo shed, with the structural framing expressed on the exterior.

The gabled roof is tiled with a corrugated iron awning extending from the southern façade. The building was initially constructed in 1910 as a cargo wharf for the Port of Newcastle and has subsequently undergone internal and external modification.

The necessary physical works associated with the proposed use are relatively minor, and are confined to:

- refurbishment of the existing structure including repairs and reinstatement of defective structural members, installation of new publicly accessible timber decking to the existing wharf sub-structure burdened by a public positive covenant, together with timber bollards to provide a safe trafficable concourse;
- reinstatement of the original openings to the eastern and western ends, with sliding stacked windows placed in the eastern doorway and a heavy door installed in the western doorway, both accommodating new timber framed awnings to match original details;
- installation and/or modification of five (5) openings to the northern façade, retaining the existing timber barriers and original fabric where possible;
- construction of new timber decks to the south, sympathetically detailed to provide easy access to the structure and the open deck to the north;
- installation of a new lightweight concrete floor over the existing protected floor to provide an appropriate internal environment;
- construction of timber gangway ramps, decks, steps and handrails to match existing carpentry; and
- internal fit-out to provide a floor area of approximately 1,066m² comprising 711m² at the ground floor level and 355m² in a partial mezzanine level.

Feature lighting will be provided to enhance the refurbished structure, and the colour scheme will compliment that of *Lee Wharf Building A*.

New Seawall

The existing structures along the waterfront comprise the remnants of an old commercial wharf (to be demolished), an older monier seawall located some 2.5 metres to the seaward of the existing seawall, and the existing seawall

comprising a king post timber and concrete panel seawall in various stages of dilapidation.

It is proposed to cut off the existing wharf piles at seabed level to maintain the dowel action of the piles to minimise the risk of slope instability. It is also proposed to protect the existing monier seawall during construction works.

The proposed new seawall comprises a rock armoured revetment located approximately on the line of the existing seawall, and in some cases, just behind the wall depending on levels and safe maintainable slopes.

The proposed revetment will comprise a primary rock armour face incorporating two (2) layers of sound igneous rock, a secondary armour layer, an under-layer of geotextile fabric, and a cope block formed of unreinforced precast concrete.

Extension of Foreshore Promenade

The proposed development makes provision for extension of the foreshore promenade and public forecourt to the south of *Lee Wharf Building C*, connecting with the approved promenade and landscape works to the east, Worth Place to the west, and the public forecourt to the north of *Building A3*, incorporating a connection to Honeysuckle Drive.

The proposed foreshore promenade incorporates a minimum 8 metre width of continuous paving, and includes a 1:20 ramp at its western end leading to the Worth Place floodway.

A portion of foreshore promenade involves raising the ground level to the south of *Lee Wharf Building C* by approximately 300mm. The level change is required due to flood mitigation requirements combined with a need to maintain a publicly accessible promenade across the frontage of the site.

The required level change to the south of *Lee Wharf Building C* will have an impact on the currently exposed railway tracks. Options for the treatment of those railway tracks were investigated, including the covering of the railway lines with their position interpreted in the pavement design above. Ultimately it was decided to raise the tracks and re-lay them in the pavement at the finished level of the promenade where relevant beyond *Lee Wharf Building C*.

The paving along the foreshore promenade comprises an insitu concrete main body with unit paver trim and banding in accordance with the

Foreshore Promenade Design Manual. The foreshore promenade also provides pole lighting and litter bins located within unit paver trim along the northern side aligned with the unit paver banding, metal inserts in the paving to define the boundary between public and private areas, vehicular access for emergency and maintenance purposes, and furniture and signage in accordance with the *Foreshore Promenade Design Manual*.

The foreshore promenade between *Lee Wharf Building C* and *Building A3* comprises a simple paved space to maintain views and a sense of address to *Lee Wharf Building C*. View corridors are maintained on either side of *Building A3*, treated as open visual and physical links to the waterfront, with tree planting adjacent to *Building A3*.

Public seats are located within the space providing an opportunity for site interpretation, whilst maintaining vehicular access for emergency and maintenance purposes.

Worth Park

The creation and landscaping/paving of Worth Park incorporates a simple rip-rap edge to the harbour, a pedestrian walkway along the harbour edge with edging blocks, seating and bollard lighting, a simple grass slope from the foreshore promenade down to the harbour edge to the north and the Worth Place floodway to the west, connecting footpaths between the foreshore promenade and the walkway along the harbour edge, an interactive public art/play feature integrated into the grass slope (the detailed design of which will be the subject of a separate Application), and evergreen shade tree plantings along the northern side of the foreshore promenade.

Stormwater

The extension of Worth Place is intended to act as a floodway, the levels and profile of which are provided in the *Waterfront and Cottage Creek Flood Management Plan*.

The drainage lines from Worth Place to the harbour are also proposed to be extended.

3.4 Operational Characteristics

The internal fit-out of *Lee Wharf Building C* incorporates a general bar, lounge and dining areas, kitchen and amenities.

The proposed trading hours are:

- Monday to Thursday: 10.00am - 11.00pm
- Friday and Saturday: 10.00am - 1.00am
- Sunday: 10.00am - 10.00pm

It is also likely that extended hours will be sought for special events such as New Years Eve.

A loading bay is proposed adjacent to the western side of the building, accessed from Honeysuckle Drive via a 5.0 metre wide service road which runs between *Buildings A3* and *A4/5*, directly to/from the loading dock.

A Plan of Management has been prepared to describe the operational characteristics of the proposed use.

4. HEADS OF CONSIDERATION

4.1 Project Justification and Public Interest

The proposed development is intended to facilitate the adaptive re-use and fit-out of a heritage listed building (*Lee Wharf Building C*), requiring only relatively minor physical works to accommodate the proposed use, and facilitate the ongoing revitalisation of the precinct by implementing public asset works associated with *Stage 3 of the Lee Wharf Development*.

The proposed development is also intended to generate positive and beneficial social and economic impacts in terms of contributing to the realisation of the general vision for the *City West* precinct, and minimise environmental impacts through the implementation of detailed environmental management, mitigation and monitoring measures.

4.2 Environmental Impacts

The necessary physical works associated with the proposed development are relatively minor, and the Draft Statement of Commitments includes detailed environmental management, mitigation and monitoring measures intended to minimise potential environmental impacts.

4.3 Social Impacts

The proposed development is anticipated to have positive and beneficial social impacts in terms of increasing opportunities for social interaction between residents and visitors, creating a sense of place available to a variety of participation groups, and promoting public safety via lighting, casual surveillance, defensible common spaces, active ground floor level uses and open space which allow clear site lines.

The proposed development is also anticipated to provide new employment opportunities during both the construction period and over the longer term, encourage visitation and activity within the precinct and along the foreshore promenade, increase the quantity and quality of open space particularly adjacent to the foreshore promenade, and facilitate leisure activities along and adjacent to the foreshore promenade with convenient access to retail facilities.

4.4 Economic Impacts

The proposed development is anticipated to have positive and beneficial economic impacts in terms of the provision of capital investment in the locality promoting the use and vitality of surrounding land, providing new employment opportunities during both the construction period and over the longer term, and increasing the attraction of the precinct to tourists/visitors in proximity to Newcastle Harbour and Central Business District.

5. ENVIRONMENTAL PLANNING CONTROLS

5.1 Environmental Planning Instruments

The proposed development is subject to the following environmental planning instruments:

1. Environmental Planning and Assessment Act 1979;
2. State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land;
3. State Environmental Planning Policy (SEPP) (Major Projects) 2005;
4. Hunter Regional Environmental Plan (REP) 1989; and
5. Newcastle Local Environmental Plan (LEP) 2003.

Environmental Planning and Assessment Act 1979

On 9 June 2005, the NSW Parliament passed the Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Bill. A key component of the amendments was the insertion of Part 3A (Major Projects) which aims to facilitate major project and infrastructure delivery and encourage economic development, while strengthening environmental safeguards and community participation.

Part 3A applies to major state government infrastructure projects, development previously classified as State significant, and other projects, plans or programs of works declared by the Minister.

On 28 October 2005, the DOP advised that the Minister had formed the opinion that the proposed development is a major project to which Part 3A applies. The DOP further advised that the Minister did not require a Concept Plan to be lodged.

Accordingly, the Applicant was invited to lodge a Project Application and request for the Director-General's Environmental Assessment Requirements. The Project Application was lodged on 23 November 2005 and the Director-General's Environmental Assessment Requirements were issued on 17 January 2006.

SEPP No. 55 - Remediation of Land

SEPP No. 55 specifies that a consent authority must not consent to the carrying out of development on land unless it has considered whether the

land is contaminated, and if the land is contaminated, whether the land requires remediation before the land is developed for the proposed use.

“Managing Land Contamination - Planning Guidelines SEPP 55 - Remediation of Land” provides advice on the process of determination as to whether a site is contaminated. In that regard, Section 2.2 of the Guidelines specifies that:

“When carrying out planning functions under the EP & A Act, a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.

When an authority carries out a planning function, the history of the land use needs to be considered as an indicator of potential contamination. Where there is not reason to suspect contamination after acting substantially in accordance with these Guidelines, the proposal may be processed in the usual way”.

The findings of a previous Site Audit Statement conclude that the land is suitable for commercial and/or residential use, subject to relatively standard conditions.

SEPP (Major Projects) 2005

SEPP (Major Projects) 2005 aims to identify development of economic, social or environmental significance to the State or regions of the State, facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State, facilitate service delivery outcomes for a range of public services, and to rationalise and clarify the provisions making the Minister the consent authority for State significant development and State significant sites.

The subject site is identified in Schedule 2 of the Policy, and the Minister has formed the opinion that the proposal is a major project to which Part 3A of the Environmental Planning and Assessment Act 1979 applies.

Hunter REP 1989

The Hunter REP 1989 aims to promote the balanced development of the region, the improvement of its urban and rural environments and the orderly and economic development and optimum use of its land and other resources, co-ordinate activities related to development in the region, and

continue a regional planning process that will serve as a framework for identifying priorities for further investigations to be carried out by the Department and other agencies.

Table 5.1.1 provides a summary assessment of the proposed development against the relevant provisions of the Hunter REP 1989:

Table 5.1.1 - Hunter REP 1989 - Summary Assessment		
Provision	Compliance	Comment
Part 3 - Economic Development		The proposed development is generally consistent with the following aims and objectives of the REP:
	Yes	(a) <i>to ensure that commercial service centres are developed to suit the convenience of consumers and to optimise public and private investment, and</i>
	Yes	(a) <i>to encourage the co-ordinated development of the region as an important tourist destination area within the State,</i>
	Yes	(b) <i>to encourage appropriate leisure and tourism developments on land which is environmentally capable and suitably located, as a means of improving the region's economic and employment prospects,</i>
	Yes	(c) <i>to encourage the recognition of natural and heritage conservation values as a means of improving tourism opportunities.</i>
Part 4 - Land Use and Settlement		The proposed development is generally consistent with the following aims and objectives of the REP:
		<i>Provide for sufficient urban land to meet anticipated growth in an orderly and efficient manner, having regard to:</i>
	Yes	(a) <i>constraints of the natural environment,</i>

	Yes	(b) <i>urban capability of the land as defined by the Soil Conservation Service,</i>
	Yes	(c) <i>supply and demand for land for all urban purposes,</i>
	Yes	(d) <i>availability and cost of public utility services,</i>
	Yes	(e) <i>access to employment and commercial and community facilities, and</i>
	Yes	(f) <i>provision of a choice of locations and development types.</i>
Part 5 - Transport		The proposed development is generally consistent with the following aims and objectives of the REP:
	Yes	(a) <i>to ensure that the use of public transport is facilitated,</i>
	Yes	(d) <i>to maintain an appropriate acoustical environment in line with criteria established by the State Pollution Control Commission in its Environmental Noise Control Manual.</i>

Newcastle Local Environmental Plan (LEP) 2003

The Newcastle LEP 2003 provides strategic direction, general controls for development, special provisions, and controls relating to environmental heritage conservation.

Table 5.1.2 provides a summary assessment of the proposed development against the relevant provisions of the Newcastle LEP 2003:

Table 5.1.2 - Newcastle LEP 2003 - Summary Assessment		
Provision	Compliance	Comment
Clause 5 - Aims and General Objectives	Yes	The proposed development is generally consistent with the following aims and objectives of the LEP: <u>Aim 1</u> <i>To respect, protect and complement the</i>

		<p><i>natural and cultural heritage, the identity and image, and the sense of place of the City of Newcastle.</i></p>
	Yes	<p><u>Objectives</u></p> <p>(a) <i>respect and build upon positive aspects of local character and amenity, and</i></p> <p>(b) <i>contribute positively to the public domain, namely its urban streetscapes and open spaces, or its rural and natural landscapes, and</i></p> <p>(c) <i>conserve the environmental heritage of the City of Newcastle, and</i></p> <p>(d) <i>conserve the heritage significance of the existing built fabric, role, settings and views associated with identified heritage items and heritage conservation areas, and</i></p> <p>(e) <i>ensure that archeological sites and places of aboriginal heritage significance are conserved, and</i></p> <p>(g) <i>ensure that nominated heritage conservation areas retain their heritage significance.</i></p>
	Yes	<p><u>Aim 2</u></p> <p><i>To conserve and manage the natural and built resources of the City of Newcastle for present and future generations, and to apply the principles of ecologically sustainable development (ESD) in the City of Newcastle.</i></p>
	Yes	<p><u>Objectives</u></p> <p>(a) <i>minimise the use of non-renewable resources and optimise the use of renewable resources, and</i></p> <p>(b) <i>minimise, where possible eliminate, waste and pollution, and</i></p> <p>(c) <i>address natural hazards and other risks such as flooding, bushfire, mine</i></p>

		<p>subsidence, landslip, coastal inundation, soil and groundwater contamination, acid sulphate soils and the like, and</p> <p>(d) ensure buildings are designed to be capable of being readily adapted for reuse for one or more purposes, and</p> <p>(e) address natural hazards and other risks such as flooding, bushfire, mine subsidence, landslip, coastal inundation, soil and groundwater contamination, acid sulphate soils and the like.</p>
	Yes	<p><u>Aim 3</u></p> <p>To contribute to the economic well being of the community in a socially and environmentally responsible manner.</p>
	Yes	<p><u>Objectives</u></p> <p>(a) where possible create sustainable employment opportunities, and</p> <p>(b) contribute to a greater degree of economic and employment self-sufficiency in the City of Newcastle, its urban centres and its neighbourhoods, as well as in the Hunter Region, and</p> <p>(c) not jeopardise the ongoing operation and potential of the Port of Newcastle, the adjacent industrial lands and the associated significant freight transport undertakings, and</p> <p>(d) reinforce the roles of established urban centres in their present hierarchy, comprising the City Centre, the district centres and the local centres, as generally described in the Newcastle Urban Strategy, and</p> <p>(e) contribute positively to urban centres being focal points for employment, particularly in the service sectors of</p>

		the economy.
	Yes	<p><u>Aim 4</u></p> <p>To improve the quality of life and well being of the people of the City of Newcastle.</p>
	Yes	<p><u>Objectives</u></p> <p>(a) maximise positive social impacts and eliminate or minimise potentially detrimental social impacts, and</p> <p>(b) optimise safety and security, both for the development and for the public realm, and</p> <p>(c) promote inclusiveness in the provision of access to accommodation, facilities or services, and</p> <p>(d) contribute positively to the functional efficiency, accessibility and urban quality of the City of Newcastle, and</p> <p>(e) ensure adequate provision of utility services.</p>
	Yes	<p><u>Aim 5</u></p> <p>To facilitate a diverse and compatible mix of land uses in and adjacent to the urban centres of the City of Newcastle, to support increased patronage of public transport and help reduce travel demand and private motor-vehicle dependency.</p>
	Yes	<p><u>Objectives</u></p> <p>(a) contribute to the diversity of and synergies between activities in and around urban centres, including housing, employment, service delivery and community activity, and</p> <p>(b) contribute positively to urban centres being places that are and will be come more highly desirable places in which to reside as well as work, and</p> <p>(c) optimise the shared use of streets and parking facilities, while improving or</p>

		<i>creating a safe, attractive, friendly and efficient pedestrian and cycling environment.</i>
Clause 7 - Consent Authority	Noted	The Minister is the consent authority for the purposes of Development Applications relating to land at Central Honeysuckle, and the Minister has formed the opinion that the proposed development is a major project.
Clause 8 - Requirements for Development	Noted	In addition to Section 79C(1) of the Act, the consent authority must have regard to: <ul style="list-style-type: none"> (a) <i>the relevant aims and general objectives of this plan,</i> (b) <i>the general zone objectives nominated by this plan for the particular zone in which the land concerned is situated,</i> (c) <i>any other relevant provision of this plan.</i>
Clause 16 - Zonings	Noted	The proposed development occupies land zone part 6(a) - Open Space and Recreation, and part 3(c) - City Centre, and is permissible with the consent of the Minister.
Clause 16 - Objectives	<div>Yes</div> <div>Yes</div>	<p>The proposed development is generally consistent with the following objectives of the 6(a) - Open Space and Recreation zone:</p> <ul style="list-style-type: none"> (a) <i>To accommodate leisure, recreation and sports facilities in parts, gardens, plazas and other open spaces, for the general use of the community, where consistent with tan adopted plan of management under the Local Government Act 1993 or the Crown Lands Act 1989.</i> (c) <i>To accommodate other facilities for the benefits of the community that are compatible and consistent with the</i>

		<p><i>heritage and character of the open space and with the character and amenity of the neighbourhood.</i></p> <p>The proposed development is generally consistent with the following objectives of the 3(c) - City Centre zone:</p>
	Yes	<p>(a) <i>To promote the Newcastle City Centre as the pre-eminent regional centre of the Hunter providing for activities of a higher functional order and development intensity than is provided for in District Centre and Local Centre zones under this plan.</i></p>
	Yes	<p>(b) <i>To accommodate a diverse and compatible range of uses and activities within the City Centre, within its street blocks and within individual buildings and sites, including high density residential development and a wide range of employment generating activities, such as:</i></p> <p>(i) <i>commercial and retail development, and</i></p> <p>(ii) <i>cultural and entertainment facilities, and</i></p> <p>(iii) <i>tourism, leisure and recreation functions, and</i></p>
	Yes	<p>(c) <i>To accommodate compatible mixed use development above or adjacent to core retail and commercial street frontages that contributes to a safe, attractive and efficient pedestrian environment.</i></p>
	Yes	<p>(d) <i>To conserve and enhance the rich cultural and built heritage of the City Centre to reinforce its unique character and improve its vitality and viability.</i></p>
	Yes	<p>(e) <i>To enable development of waterfronts sites to take advantage of the Harbour</i></p>

	<p>Yes</p> <p>Yes</p>	<p><i>while avoiding a continuous built edge along the waterfront, and not compromising or devaluing scale and operations of the Port of Newcastle.</i></p> <p>(f) <i>To provide for the creation and maintenance of easily located public access and view corridors.</i></p> <p>(g) <i>To provide for development that is consistent in scale and character with:</i></p> <p>(i) <i>other development in the locality and the City Centre generally, and</i></p> <p>(ii) <i>the landscape and streetscape context of the City Centre including, but not limited to, the City skyline, the foreshore, the coast and the Port of Newcastle.</i></p>
Clause 27 - Heritage Assessment	Yes	A Statement of Heritage Impact has been prepared in relation to the proposed development and concludes that the development will have minimal impact on the heritage significance of the site. The Statement further concludes that the proposed development will have a positive impact upon the heritage of the site by opening up public access and therefore, increasing the potential to interpret the site.
Clause 28 - Conservation Management	Yes	A Statement of Heritage Impact has been prepared in relation to the proposed development and concludes that the development will have minimal impact on the heritage significance of the site. The Statement further concludes that the proposed development will have a positive impact upon the heritage of the site by opening up public access and therefore, increasing the potential to interpret the site.
Clause 30 - Referral to Heritage Council	Yes	The proposed development does not involve the demolition of any heritage items such that Clause 30 does not require referral to the Heritage Council.

Clause 33 - Development in the Vicinity of a Heritage Item	Noted	A Statement of Heritage Impact has been prepared in relation to the proposed development and concludes that the development will have minimal impact on the heritage significance of the site. The Statement further concludes that the proposed development will have a positive impact upon the heritage of the site by opening up public access and therefore, increasing the potential to interpret the site.
Clause 34 - Conservation Incentives	Noted	The consent authority may grant consent to the use for any purpose of a building that is a heritage item if certain heritage related criteria is satisfied. Irrespective, the proposed development is permissible with the consent of the Minister.
Clause 35 - Central Honeysuckle and Linwood	Yes	<p>The proposed development does not compromise the broader Precinct requirements that:</p> <p>(a) <i>not less than 6.5 hectares or 25% of the total land area of Central Honeysuckle will be available for public open space or public domain,</i></p> <p>(b) <i>a continuous public promenade at least 6 metres wide is provided along the Harbour foreshore, which may divert away from the water's edge only because of reasonable operational requirements made by adjoining landuses.</i></p>
Schedule 6 - Heritage Items and Heritage Conservation Areas	Noted	Lee Wharf Building C is identified as an item of State significance.

5.2 Development Control Plans

The proposed development is subject to the following development control plan:

1. Newcastle Development Control Plan (DCP) 2005.

Newcastle DCP 2005

Newcastle DCP 2005 consolidates and condenses the contents of the previously existing DCP's within a single document, and provides detailed criteria for the assessment of development applications.

Element 4.1 provides controls relating to carparking, Element 4.2 provides controls relating to the management of contaminated land, Element 4.3 provides controls relating to flood management, Element 4.4 provides controls relating to landscaping, and Element 6.3 provides controls relating to the *City West* locality.

The general vision for the *City West* precinct is described as follows:

City West is a gateway for the revitalised City Centre providing for a wide range of mixed-use activity around the clock. The area will be a safe and accessible place to live, a place for economic and social exchange and a place for employment.

The objectives for the *City West* locality are expressed as follows:

- Significantly increase people living and working in the area.
- Create approximately 2000 additional dwellings (4000 residents) to help support Hunter Street retail and commercial activities.
- Fully utilise available commercial/retail floor space within the area with the revitalisation/establishment of key activity nodes.
- Conserve, respect and enhance the existing character of Newcastle whilst fostering contemporary design responses in new buildings to support a revitalised dynamic City and reflect the aspirations of new and existing residents.
- Provide transport choices for residents and workers that include walking, cycling and the use of public transport in preference to using private vehicles.
- Provide a quality open space network as an access corridor and a recreational and environmental resource.
- Integrate the waterfront and Hunter Street through additional north/south linkages.

Table 5.2.1 provides a summary assessment of the proposed development against the relevant provisions of the Newcastle DCP 2005:

Table 5.2.1 - Newcastle DCP 2005 - Summary Assessment		
Provision	Compliance	Comment
Element 4.1 - Carparking		
Parking Standards	Yes	A Traffic and Parking Assessment has been prepared in relation to the proposed development and concludes that there will be no unacceptable traffic or parking implications.
Variation to Parking Standards	Yes	A Traffic and Parking Assessment has been prepared in relation to the proposed development and concludes that there will be no unacceptable traffic or parking implications.
Element 4.2 - Contaminated Land Management		
Determination of Development Applications	Yes	The findings of a previous Site Audit Statement conclude that the land is suitable for commercial and/or residential use, subject to relatively standard conditions.
Special Provisions and Consent Conditions	Will Comply	The findings of a previous Site Audit Statement conclude that the land is suitable for commercial and/or residential use, subject to relatively standard conditions.
Element 4.3 - Flood Management		
Floodways	Yes	The extension of Worth Place is intended to act as a floodway, the levels and profiles of which are provided in the <i>Waterfront and Cottage Creek Flood Management Plan</i> .
Element 4.4 - Landscaping		
Landscape Plan	Yes	The Application is accompanied by a Landscape Concept Plan.
Element 6.3 - City West		
6.3.2a - Landuse, Activity Nodes and Special Areas	Yes	The western portion of the subject site is located within an identified activity node described as having a retail and commercial focus. The public asset works will contribute to activating the foreshore area in conjunction with the retail and residential uses incorporated in Stage 3. The proposed development also provides for the adaptive re-use and refurbishment/restoration of <i>Lee Wharf</i>

		<i>Building C</i> and will contribute to the appropriate activation of the public domain.
6.3.2b - Gateways, Landmarks and View Corridors	Yes	The proposed development preserves the existing and required view corridors to the east and west of <i>Lee Wharf Building C</i> , and the panoramic view corridor extending from Hannell Street to the north-west.
6.3.2c - Open Space Network	Yes	<p>The proposed development maintains and contributes to the continuous public foreshore promenade, with provision made for extension of the foreshore promenade and public forecourt to the south of <i>Lee Wharf Building C</i>, connecting with the approved promenade and landscape works to the east, Worth Place to the west, and the public forecourt to the north of <i>Building A3</i>, incorporating a connection to Honeysuckle Drive. The promenade will be accessible for a variety of participation groups and clearly legible as a public area, and will contribute to the legibility of the broader open space network throughout the precinct.</p> <p>The associated works around the perimeter of <i>Lee Wharf Building C</i> include a sensitive re-interpretation of the existing railway tracks in the finished pavement design.</p>
6.3.2d - Movement Network	Yes	The proposed development maintains and contributes to the continuous public foreshore promenade, with provision made for extension of the foreshore promenade and public forecourt to the south of <i>Lee Wharf Building C</i> , connecting with the approved promenade and landscape works to the east, Worth Place to the west, and the public forecourt to the north of <i>Building A3</i> , incorporating a connection to Honeysuckle Drive.
6.3.3k - Car Parking	Yes	A Traffic and Parking Assessment has been prepared in relation to the proposed

		development and concludes that there will be no unacceptable traffic or parking implications.
6.3.3l - Vehicle Access Management	Yes	A Traffic and Parking Assessment has been prepared in relation to the proposed development and concludes that there will be no unacceptable traffic or parking implications.
6.3.4a - Heritage and Archaeology	Yes	The DCP includes an objective to identify and protect areas or items of heritage or archeological significance. The proposed development provides for the adaptive re-use, fit-out and refurbishment/restoration of <i>Lee Wharf Building C</i> . The proposed development also makes appropriate provision for flood management and appropriately re-interprets the existing railway tracks adjacent in the finished pavement design.
6.3.4h - Pedestrian Activity and Active Street Fronts		The retail uses at the ground floor level of the Stage 3 development will result in an active public domain adjacent to Worth Park and the foreshore promenade.
6.3.4j - Open Space	Yes	The proposed development will encourage the protection and public use of the open space network as an access corridor, a recreation and environmental resource, community focus and stormwater management system.
6.3.4k - Environmental Effects on Open Space	Yes	Worth Park, the foreshore promenade and the public forecourt space will receive a good level of solar access and enhance views to and from the harbour.
6.3.4l - Children's Play Area	Yes	A children's play area will be incorporated in Worth Park as part of a separate Development Application.
6.3.4m - Access to Public Places	Yes	The proposed development establishes public access to Worth Park and the foreshore promenade from Honeysuckle Drive, and will contribute to activating the public domain. The proposed development

		complies with the access provisions of the Building Code of Australia and AS1428 - Design for Access and Mobility.
6.3.4n - Private and Communal Open Space	Yes	The retail uses at the ground floor level of the Stage 3 development will result in an active public domain adjacent to the foreshore promenade.
6.3.5a - Honeysuckle Special Area Movement Network	Yes	The proposed development provides access from Honeysuckle Drive to the foreshore promenade which provides a continuous connection with the movement network throughout the precinct. Cycle access is proposed along the waterfront.
Public Domain	Yes	The Stage 3 development incorporates retail uses at the ground floor level orientated towards the north in order to activate the public domain adjacent to Worth Park and the foreshore promenade. The open space is of a high quality and provides for a range of experiences and facilities.
Open Space Character	Yes	The proposed development incorporates an appropriate integration of the open space to the north of the Stage 3 development with Worth Park and the foreshore promenade.
Activity Nodes	Yes	The western portion of the site is located within an identified activity node described as having retail and commercial focus. The retail uses at the ground floor level of the Stage 3 development will result in an active public domain adjacent to Worth Park and the foreshore promenade.

6. KEY ISSUES

6.1 Built Form, Urban Design and Landscaping

The Environmental Assessment must include, but not be limited to, an analysis of the relationship between public and private domains and consideration of public foreshore access; soft and hard landscaping; amenity; and sustainability, in particular discussion of riparian and non-riparian vegetation.

The subject site is located within an emerging residential, retail and commercial environment, identified as having significant development and redevelopment opportunities essential to inner Newcastle's ongoing renewal and revitalisation.

The adaptive re-use and fit-out of *Lee Wharf Building C* to facilitate its use as a hotel incorporating a restaurant provides for the refurbishment/restoration of the building including repairs and reinstatement of defective structural members. The physical works required to accommodate the proposed use are minor in terms of changes to the visual context of the building and its surrounds.

Further, the proposed works make provision for the appropriate reinterpretation of the existing railway tracks in the finished pavement design, and the contribution towards the public promenade will increase the extent of public interpretation of the site and its historical context.

The adaptive re-use and restoration of *Lee Wharf Building C* will improve its presentation to the public domain and the creation of Worth Park and the foreshore promenade will increase the use and public enjoyment of the Harbour and foreshore.

The public asset works provide for the creation and landscaping/paving of Worth Park and the foreshore promenade. Those works will maintain and contribute to the continuous public foreshore promenade to the south of *Lee Wharf Building C*, connecting with the approved promenade and landscape works to the east, Worth Place to the west, and the public forecourt to the north of *Building A3*, incorporating a connection to Honeysuckle Drive.

The promenade and public open space will be accessible for a variety of participation groups and clearly legible as a public area, and will contribute to the legibility of the broader open space network throughout the precinct.

Finally, the proposed development will have no impact on any riparian or non-riparian vegetation on the basis that there is an existing seawall along the edge to the harbour such that there is no riparian zone along the water edge, and the site does not contain any existing trees or other significant vegetation.

6.2 Traffic

The Environmental Assessment must include a traffic report prepared by a suitably qualified person that addresses matters including, but not limited to, a local area traffic management plan that assesses the impact of the development on the local road network and identifies any improvements required to accommodate the traffic impact of the project; and the level of expected traffic generated by the development including private and delivery vehicles.

A Traffic and Parking Assessment has been prepared in relation to the proposed development which concludes that:

The parking demand generated by a “pub style” hotel comprises patron and workforce parking. The patron parking demand potential of an hotel can be calculated by applying a typical car driver rate to the hotel’s patronage potential. An allowance can then be made for workforce parking to yield the total parking demand potential of the hotel.

The patronage potential of hotels is typically at between day time and night time with higher patronage potential typically during the night time. The proportion of hotel patrons driving to and from an hotel is also different at daytime and night time, particularly for an hotel located in an employment area.

Surveys of hotel and club patronage characteristics conducted by John Coady Consulting Pty Ltd suggest that the average *maximum* night time patronage of the proposed hotel is in the order of 150 persons (ie. 1 person per 5m² public floorarea), while the average *maximum* daytime patronage is likely to be only one-half the night time patronage, that is approximately 75 persons. During a daytime, a significant proportion of the hotel patronage (say two-thirds) will be drawn from the local area (that is the office workforce and residents), while during the nighttime the proportion of the hotel patronage attracted from the local area is likely to be significantly less, say one-third of the total patronage. The majority of the local workforce and residents can be expected to walk

to/from the hotel, while the car driver rate of “non-local” patrons is likely to average about 30%.

With allowance for workforce parking, the total parking demand potential of the proposed hotel is unlikely to exceed 10 parking spaces during the daytime, and 35 parking spaces during the nighttime.

As noted in the foregoing, the proposed hotel does not make provision for on-site parking. This is in part a consequence of the heritage status of the building which make it impracticable to provide parking on-site, and in part a reflection of the general practice of hotel and restaurant development in the Lee Wharf area which make no provision for off-street parking.

The general practice of hotel and restaurant development in Lee Wharf is to rely on public parking in the area, both in public off-street car parks and in on-street parking spaces. In that regard, there is a total of some 264 public parking spaces within convenient proximity of the proposed development site comprising:

217 off-street public parking spaces

47 public on-street parking spaces

264 total public parking spaces

In addition to the 264 existing public parking spaces, a 100 space public car park is to be constructed as part of Stages 4 and 5 of the Lee Wharf Development. This future public car park will subsequently increase the total public parking provision to 364 spaces within convenient proximity to the proposed development.

It will be readily appreciated that the parking demand potential of the proposed hotel, 10 parking spaces during the daytime and 35 parking spaces during the night time, is relatively minor and of a scale which can be comfortably accommodated in the existing on-street and off-street public parking spaces in the vicinity.

In these circumstances, it can be concluded that the proposed hotel has no unacceptable parking implications.

It will readily be appreciated that the traffic generation potential of the proposed hotel is relatively minor and not of a level generally associated with unacceptable traffic impact in terms of either road network capacity or traffic-related environmental effect.

In the circumstances, it can be concluded that the proposed hotel will have no unacceptable traffic implications.

6.3 Heritage

The Environmental Assessment must include a heritage impact statement prepared by a suitably qualified person and addressing matters including, but not limited to, the details of demolition or removal of the fabric proposed to be removed; demonstration of adherence to the principles, processes and practices of the Burra Charter (Australia ICOMOS); a structural review of the current structure; the possible use of salvaged fabric or partial retention; the relationship between the original wharf structure and the proposal; demonstration (if applicable) of consideration of advice contained in Statements of Heritage Impact published by the Heritage Office; and an archaeological assessment report which identifies any potential archaeological significant sites (Aboriginal and non-Aboriginal); and the proposed appropriate approach for excavation and treatment of relics.

A Statement of Heritage Impact has been prepared in relation to the proposed development which concludes that:

After considering the impacts of the development on the heritage significance of the building it is considered that the development will have a minimal impact on the heritage significance of the site. Indeed this proposal has a positive impact upon the heritage of the site by opening up public access and therefore increasing the potential to interpret the site. Respect will be shown to the heritage significance of Lee Wharf C and its context within the Port throughout the process of adapting the building to suit its requirements.

Accordingly, this report concludes that there will be minimal impact arising from the proposed development and sufficient consideration of the heritage significance of this building has been taken into consideration by protecting and enhancing the historic significance of Lee Wharf 'C' through appropriate and sympathetic design as outlined in this report.

6.4 Impacts on Newcastle Port

The Environmental Assessment must include an assessment of the proposal's relationship with Newcastle Port, identification of any significant interface with safe navigation or shipping, consideration of lighting, reflective materials, and noise.

Feature lighting will be provided to enhance the refurbished structure, and the colour scheme will compliment that of *Lee Wharf Building A*.

7. STATEMENT OF COMMITMENTS

The Draft Statement of Commitments identifies those measures proposed to be carried out during the pre-construction period, construction period and operational phases of the development in order to minimise impacts on the environment.

The proponent acknowledges that the Draft Statement of Commitments does not remove any obligations pursuant to any applicable legislation.

The Draft Statement of Commitments has been prepared having regard to the standard conditions of consent typically imposed in relation to developments within the *City West* precinct.

7.1 General Commitments

The proponent makes the following general commitments:

1. The development will be carried out generally in accordance with the plans and material submitted as part of the Environmental Assessment for Major Project No. 05_0007, as described in:
 - Environmental Assessment Report prepared by James Lovell and Associates;
 - Architectural Plans prepared by Altis Architects;
 - Subdivision Plan prepared by Monteath and Powys;
 - Landscape Concept Plan prepared by Oculus; and
 - Plan of Civil Works prepared by Patterson Britten and Partners.
2. The proponent will ensure compliance with this Statement of Commitments.
3. The proponent will comply with the requirements of the Director General arising from the assessment of the Draft Statement of Commitments and the mitigation measures.

7.2 Pre-Construction Phase

The proponent makes the following commitments relating to the pre-construction phase:

Construction Management Plan

1. Prior to the commencement of construction, a Construction Management Plan will be submitted to and approved by the Principal Certifying Authority (PCA). The Plan will address the following, including making recommendations regarding procedures to be adopted to minimise the impacts of construction activities:
 - *pedestrian management*: proposed protection of pedestrians adjacent to the site;
 - *traffic management*: proposed ingress and egress from the site and construction vehicle routes; and
 - *construction staging*.
2. The proponent/contractor will implement the approved Construction Management Plan during excavation and construction of the development.

Staging of Development and Occupation

3. The proponent undertakes to finalise the construction staging for the development and the sequence of building occupation prior to the issue of a Construction Certificate.
4. The proponent undertakes to submit to the satisfaction of the PCA a Construction Staging and Occupation Plan prior to the release of a Construction Certificate.
5. The Plan will make allowances for the commencement of *early works*, including but not being limited to, the following:
 - Site preparation;
 - Earthworks; and
 - Excavation.

Construction Waste Generation and Collection

6. Prior to the issue of a Construction Certificate, the proponent/contractor will develop a Construction Waste Management Plan.
7. The Construction Waste Management Plan must comply will comply with the *Waste Minimisation and Management Act 1995*.
8. The Construction Waste Management Plan shall address the following:
 - Procedures by which waste will be minimised, managed and recycled;

- Details of the removal of spoil and rubbish from the site associated with the excavation operations including:
 - Type and quantities of materials expected to be excavated;
 - Name and address of transport company;
 - Address of proposed disposal site;
 - Name/address of company/organisations accepting the material;
 - Describe what procedures will be followed to ensure compliance with the Plan including monitoring of work; and
 - Provide ongoing monitoring of the Plan, as appropriate.

9. The proponent/contractor shall implement the Plan during construction.

Water and Sediment Run-Off

10. Prior to the commencement of work, a Water and Sediment Control Statement for Construction will be submitted to and approved by the PCA. The statement will include the following:
- Procedure of the treatment and disposal (as appropriate) of stormwater and waste water;
 - The proposed method of discharge;
 - Methods for the prevention of run-off from the site to neighbouring land; and
 - Monitoring procedures to prevent sediment, waste or pollutants from entering Newcastle Harbour and the street stormwater system.
11. In order to mitigate against soil and sediment run-off, all erosion and sediment control measures will be maintained at design capacity for the duration of the construction period until such time as the ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
12. The proponent undertakes to obtain separate approval from Council for the any seepage or rainwater collected on-site during construction that needs to be pumped to the street stormwater system.
13. Soil erosion and sediment control and water management measures will be designed in accordance with the document *Managing Urban Stormwater - Soils & Construction* (NSW Department of Housing, 1998).
14. The Water and Soil Management Plan will be implemented during excavation and construction of the development.

Stormwater

15. The proponent undertakes to submit to the PCA final stormwater drainage plans prepared by a suitably qualified practicing engineer.

Landscaping Plans

16. Prior to the issue of a Construction Certificate for the building, the proponent undertakes to submit to the PCA final detailed landscaping plans prepared by a suitably qualified and practising landscape architect.

Mine Subsidence

17. Prior to the issue of a Construction Certificate, final structural drawings including certification from a qualified structural engineer must be submitted to the PCA.

Security

18. The proponent/contractor undertakes to submit to the satisfaction of the PCA a Security Management Plan which includes appropriate measures to be implemented during the construction phase to control risk, risk treatments and deterrents.

Materials and Finishes

19. Prior to the issue of a Construction Certificate the proponent undertakes to erect on-site sample panel colours for the exterior façade of the building for final selection and the endorsement of HDC and the DOP.

Heritage

20. Applications under Section 140 of the Heritage Act will be submitted to and approved by the Heritage Council prior to the commencement of construction or excavation for those parts of the site outside the boundaries of the State Heritage Register listing.
21. An Archaeological Research Design will be submitted to the Heritage Council in conjunction with the applications to be lodged under Section 140 of the Heritage Act which must include a comprehensive mitigation strategy in relation to:

- (1) subsurface disturbance for landscaping, grading and temporary work;
- (2) the use of heavy machinery so that the proposed works do not directly impact on the areas immediately adjacent to the site boundary, as they are likely to contain significant archaeological remains associated with the Monier Seawall and other rare foreshore remains.

22. A full archival quality record will be prepared, focusing on wharves, wharf piles, the Monier seawall, and the setting of the physical features within the curtilage of Lee Wharf Building C. The required record will be prepared prior to any disturbance of the site, will include measured drawings of the timber wharves and will follow the methodology prescribed by the NSW Heritage Council in the publication entitled *"A Guide to Archival Recordings"*.

7.3 Construction Phase

The proponent makes the following commitments relating to the construction phase:

1. The hours of construction, including deliveries of materials to and from the site, shall be:
 - Monday to Friday inclusive: 7.00am to 6.00pm;
 - Saturday: 7.00am to 4.00pm;
 - No work on Sundays and public holidays.
 - Mechanical rock breaking or blasting will be undertaken only during 9.00am to 3.30pm Monday to Friday excluding any Public Holiday.
2. Notwithstanding the above, work may be undertaken outside these hours where:
 - The delivery of materials is required outside these hours by the Police or other authorities;
 - It is required in an emergency to avoid loss of life, damage to the property and/or to prevent environmental harm;
 - Relevant mitigation and management measures are included in the approved Noise Management Plan;
 - Approval is by the Team Leader prior to carrying out of these works; and
 - Residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the duration of the development.
3. Prior to the commencement of excavation, the proponent/contractor undertakes to contact *"Dial Before you Dig"* to ascertain/confirm the presence and type of underground utility services in the vicinity of the development.

Site Notice

4. The proponent/contractor will ensure that a 24 hour contact telephone is continually attended by a person with authority over the works for the duration of the development.
5. Prior to the commencement of work, a site notice will be prominently displayed at the boundaries of the site for the purpose of informing the public of the project details.
6. The site notice will be of A1 size, durable and waterproof and will display the approved hours of work, the name of the site/project manager, details of the responsible managing company and a 24 hours contact number for inquiries and complaints.
7. The sign will be displayed for the duration of the construction period, will be located on the perimeter hoarding/fencing and will advise that unauthorised entry to the site is prohibited.
8. The site manager will ensure that a copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification are kept on site at all times and for the duration of the construction period.

Hoarding and Scaffolding Approval

9. The proponent undertakes to obtain an approval under the Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place.
10. Any application for the erection of a hoarding or scaffolding will be accompanied by a structural certification prepared and signed by an appropriately qualified practicing Structural Engineer.
11. The proponent/contractor undertakes to ensure that the public way will not be obstructed by any materials, vehicles, skips or the like during the construction period.

Building Code of Australia

12. All building works will be carried out in accordance with the Building Code of Australia (BCA) as relevant at the time of lodgment of the Construction Certificate.

Requirements of Public Authorities

13. The proponent/contractor will comply with the requirements of Energy Australia, Hunter Water, Telstra Australia, AGL and WorkCover in relation to the connection to, relocation and/or adjustment of the services affected by the construction of the development.
14. All costs associated with the connection to, relocation and/or adjustment of the services will be the responsibility of the proponent.
15. Details of compliance will be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate.

Dust Management

16. During the excavation and construction works, adequate measures will be undertaken to minimise the generation of dust on the site and to prevent dust affecting the amenity of the neighbourhood.
17. Prior to the commencement of construction, the proponent/contractor will prepare a Dust Management Strategy detailing the measures to minimise dust generation.
18. The Dust Management Strategy will be implemented during construction and will include procedures for monitoring and compliance.
19. In order to mitigate the generation of dust, the following measures may be adopted:
 - All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust and other material;
 - The footpath and roadway immediate to the site must be regularly cleaned;
 - The gates will be fitted with shade cloth and closed between vehicle movements; and
 - All traffic leaving the site will be directed through a rumble grid or similar device to minimise the transport of dust and soil particles.

20. All disturbed areas on the site, including stockpiles, will be regularly watered to suppress dust emissions and stabilised as soon as practical.
21. Excavation and earthworks will be undertaken in favourable meteorological conditions.
22. When winds exceed 7m/s such works will cease.

Archaeology

23. The proponent/contractor undertakes to stop excavation works immediately should an historic relic be discovered on the site and to inform the Heritage Council of NSW in accordance with Section 149 of the Heritage Act 1977.
24. The proponent/contractor undertakes to stop excavation works immediately should any Aboriginal relics be discovered on the site and to inform the National Parks and Wildlife Service in accordance with Section 91 of the National Parks and Wildlife Act 1974.

Noise and Vibration Impacts

25. All works will be undertaken on site to ensure compliance with Chapter 171 of the NSW EPA's *Noise Control* and Australian Standard AS2436: 1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
26. Where possible, silencing methods for the construction equipment will be installed to minimise noise impacts to the neighbourhood.
27. Defined traffic routes will be utilised to minimise noise impacts during construction.
28. Noise compliance monitoring will be undertaken during the initial construction works.

Use of Mobile Cranes

29. For construction activities including the delivery of materials, hoisting of plant and equipment (as appropriate) which warrant the use of mobile crane on the site or land surrounding the site, a permit will be obtained from NCC.

30. The permits will be obtained 48 hours beforehand where a partial road closure is required and 4 weeks beforehand where a full road closure is required.
31. The use of mobile cranes will be managed to minimise traffic disruption and operation will occur in accordance with the 'hours of work'.

7.4 Operational Phase

The proponent makes the following commitments relating to the operational phase:

Waste Generation and Collection

1. A Waste Management Plan for the operational phase of the development will be submitted to the PCA prior to the release of a Construction Certificate which shall include strategies for waste minimisation, responsible disposal of waste, reuse and recycling.
2. Waste generated on the site will be managed in accordance with the DEC's *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999)*.
3. All waste collected from the site will be undertaken within the building alignment and no waste will be placed on the public way (unless subject to the prior approval of NCC).

Noise and Vibration

4. During the period of 12 midnight to 7.00am, the occupation of the premises will not be audible in any habitable room of any residential premises.
5. The use of the premises will not give rise to the transmission of vibration to any place of different occupancy greater than specified in AS2670.
6. The use of the premises will not give rise to the emission on an 'offensive noise' as defined in the Protection of the Environment (Operations) Act 1997.

Lighting

7. All outdoor lighting shall comply with, where relevant, AS/NZ 1158.3: Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor lighting.

Maintenance

8. The owner/building manager will ensure that the forecourt and surrounds to the development are kept clean at all times.
9. The ongoing maintenance of the premises during the occupation of the development will be in accordance with approved Building Management Statement.

Ownership

10. Subject to ongoing negotiations regarding part public ownership of the deck surrounding Lee Wharf Building C, the public asset works will be handed over to the Honeysuckle Development Corporation upon completion.

8. CONSULTATION

8.1 Newcastle City Council

Newcastle City Council, in regards to identification and ownership of future public assets;

In 1992, the HDC was established to implement the redevelopment of the Honeysuckle Special Area. A primary responsibility of the HDC is to prepare land, through appropriate planning and provision of infrastructure, for presentation to the market for lease or sale.

The HDC has clarified its position with regards to the identification and ownership of future public assets, and previously advised that:

As with all of the public areas within the Honeysuckle controlled development area (excluding road reserves), the Stage 3 Public Asset Works will be handed over to Honeysuckle Development Corporation (HDC) upon completion by the applicant. Extensive design consultation and costing studies have been entered into between Lee Wharf Developments and HDC prior to submission of the Project Application, and the provision of Public Asset Works forms part of the binding contractual agreement between the parties whereby HDC provide part of the funding for the works.

At some stage in the future the ownership of the public asset may transfer from HDC to Newcastle City Council (NCC), either at the winding up of HDC as an organization, or before with mutual agreement. HDC and NCC are in constant dialogue over the specifications and design of the public areas and are working towards the finalisation of a common document detailing mutual agreement between the parties.

HDC are in agreement with the design and scope of the Public Asset Works contained in this Project Application. Arrangements for part public ownership of the deck of Lee Wharf C is still under discussion and will be incorporated into the lease provisions and final subdivision documentation.

8.2 NSW Maritime Authority

NSW Maritime Authority, in regards to identification of works within 10m of Newcastle Harbour;

NSW Maritime Authority was provided with plans of the proposed development and invited to make representations.

The Authority has advised that:

Please be advised that in accordance with Section 13TA of the Maritime Services Act 1935, excavation and seawall works (including stormwater discharges) within 10 metres of the bed of Newcastle Harbour as vested in NSW Maritime requires NSW Maritime's approval. In the case of the above project, this means that the approval requirement extends to works within 10 metres of NSW Maritime's boundary and not the existing seawall.

The approval under the Maritime Services Act 1935 is required prior to the commencement of construction. In due course please ensure to complete the Application for Construction as available on NSW Maritime's website www.maritime.nsw.gov.au/caprocess.html and submit together with the necessary documentation including working drawings and calculations.

It is understood from your letter that the Department of Planning requests a letter advising of any environmental conditions that should be included in the final development consent, if forthcoming. As requested these are provided below:

1. The proposed construction works are carried out so that:
 - (a) No materials are eroded, or likely to be eroded, as deposited, or likely to be deposited, on the bed or shore or into the waters of Newcastle Harbour, and
 - (b) No materials are likely to be carried by natural forces to the bed, shore or waters of Newcastle Harbour.
2. Any material that does enter Newcastle Harbour must be removed immediately.
3. In relation to the above, a plan to manage erosion, sedimentation and other pollutants at the site is to be prepared by a suitably qualified person and approved by the appropriate approval authority. Best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction.

4. Methods shall be in accordance with the relevant specifications and standards contained in the manual Managing Urban Stormwater - Soils & Construction issued by the NSW Department of Housing in 1998 and any other relevant Council requirements.
5. Any material that is to be stockpiled or stored on site is to be stabilized and covered to prevent erosion or dispersal of the material.
6. The erosion, sediment and pollution controls shall be installed and stabilized before commencement of any site works. This does not include the works associated with the construction of the appropriate controls.
7. The erosion, sediment and pollution control system is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
8. Foreshore landscaping is to comprise indigenous species representative of original plant communities that would have been found along the shoreline in the vicinity of the subject lane.
9. Any material to be used as fill is to be clean and free from any contaminants.
10. No works are to be undertaken on land vested in NSW Maritime without the relevant approvals being granted by NSW Maritime.

8.3 Newcastle Port Corporation

Newcastle Port Corporation, in regards to demolition within and adjacent to the shipping channel, and the impacts of the proposed design and materials on safe navigation of shipping;

Newcastle Port Corporation was provided with plans of the proposed development and invited to make representations.

The Corporation has indicated that it has no objection to the proposed works, and requires that:

The Corporation has no objection to the proposed scope of works provided as below;

- Construction of a new pier around Lee Wharf C building
- Demolition of the old timber wharf structure from the west of the Lee Wharf C building up to Worth Place
- Demolition and reconstruction of the seawall from the west of the Lee Wharf C building up to Worth Place
- Construction of a paved area around Lee Wharf C, a park, playground and 8m wide concrete promenade extending to Worth Place.

The Corporation requires that the Applicant's activities do not impact on the safe navigation of shipping and are to comply with any directives issued by the Harbour Master when demolition is being undertaken adjacent to the shipping channel. To ensure there is no encroachment into the shipping channel all activities required to complete scope of works must be confined to within areas nominated on the plans submitted with your proposal.

The Corporation requires the proponent to ensure that lighting and other aspects of building design (eg. reflective materials including external lazing or cladding) do not represent a hazard to safe navigation within the port. Should any significant interference result from the lighting or building design for the proposed works with navigation or maritime operations generally, the proponent must agree to undertake appropriate remedial work as may reasonably be required by the Corporation.

8.4 Honeysuckle Development Corporation

Honeysuckle Development Corporation, in regards to the options available concerning the proposed children's play area.

The HDC was provided with plans of the proposed development and invited to make representations.

The HDC has indicated that it has no objection to the proposed development and advised that:

As part of the detailed discussions between Lee Wharf Developments (LWD) and Honeysuckle Development Corporation (HDC) prior to the Project Application being made, we confirm that the form and scope of the playground was reviewed and that HDC were consulted throughout the pre-application process. It was agreed that a decision on the exact detail, scope, and inclusions should be deferred and that an indicative location and size only was to be shown on the drawings and artists impressions. An allowance of \$125,000 + GST was agreed to be made available from the Stage 3

Public Asset Works budget to go towards construction of the final design solution.

HDC has since taken steps to engage a consultant who is currently putting together an open design competition for an appropriate play area/public art feature. It is our expectation that there may be additional funds made available from third party sponsors to enable enhancements to the scope and detail of the area.

9. CONCLUSION

The proposed development relates to certain works associated with the *Lee Wharf Development*, located at Honeysuckle Drive, Newcastle.

The subject site is centrally located within a larger precinct commonly referred to as *City West*. The *City West* precinct has been identified as having significant development and redevelopment opportunities essential to inner Newcastle's ongoing renewal and revitalisation.

The proposed development generally comprises the adaptive re-use and fit-out of *Lee Wharf Building C* to facilitate its use as a hotel incorporating a restaurant, and the carrying out of public asset works associated with Stage 3 of the *Lee Wharf Development*.

The physical works associated with the proposed development are relatively minor, and are generally ancillary and incidental to the development occurring elsewhere in the precinct as part of the *Lee Wharf Development*.

A Statement of Heritage Impact has been prepared in relation to the adaptive re-use of *Lee Wharf Building C* and concludes that the development will have a minimal impact on the heritage significance of the site. The Statement further concludes that the proposed development will have a positive impact upon the heritage of the site by opening up public access and therefore, increasing the potential to interpret the site.

A Traffic and Parking Assessment has been prepared in relation to the proposed development and concludes that the proposed development will not have any unacceptable traffic or parking implications.

The Draft Statement of Commitments includes detailed environmental management, mitigation and monitoring measures intended to minimise potential environmental impacts.

The proposed development is anticipated to have positive and beneficial social and economic impacts in terms of contributing to the realisation of the general vision for the *City West* precinct. Accordingly, it is considered that the proposed development will make a positive contribution to the ongoing revitalisation of the *City West* precinct.

ATTACHMENT 1

SURVEY AND SUBDIVISION PLAN

ATTACHMENT 2

ARCHITECTURAL PLANS

ATTACHMENT 3

LANDSCAPE CONCEPT PLAN

ATTACHMENT 4

PHOTOMONTAGES

ATTACHMENT 5

PLAN OF CIVIL WORKS

ATTACHMENT 6

PLAN OF MANAGEMENT

ATTACHMENT 7

TRAFFIC AND PARKING ASSESSMENT

ATTACHMENT 8

STATEMENT OF HERITAGE IMPACT

ATTACHMENT 9

STRUCTURAL REVIEW

ATTACHMENT 10

NSW MARITIME AUTHORITY SUBMISSION

ATTACHMENT 11

NEWCASTLE PORT CORPORATION SUBMISSION

ATTACHMENT 12

HONEYSUCKLE DEVELOPMENT CORPORATION
SUBMISSION