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Attention: Jane Flanagan

Re: Honeysuckle Hotel, Lee Wharf C, MP05_0007 Mod 3 – Response to Submissions

Introduction

This Response to Submissions (RTS) report provides further information regarding the Honeysuckle Hotel, Lee Wharf, MP05_0007 Modification 3 and responds to questions and concerns raised by government agencies and community members.

This report formally responds to an email dated 7 February 2018 requesting Planik Pty Ltd to address issues raised during the public exhibition of the proposed modification. During the exhibition period which concluded on 29 January 2018, seventeen submissions were received from individual community members and government agencies, as outlined below:

- Newcastle City Council,
- NSW Environment Protection Authority,
- Roads and Maritime Services,
- Hunter Development Corporation, and
- General public (13 submissions).

The Department of Planning and Environment have also prepared an email outlining additional information and clarifications required prior to the final assessment and determination of the application. Further, an updated Acoustic Report prepared by Rodney Stevens Acoustic can be found at **attachment 1**.

The key issues raised in the submissions can broadly be grouped in the following categories:

- Acoustic impacts,
- Hours of operation,
- Changes proposed to the existing Positive Covenant, and
- Easement for Access.

The issues raised in the submissions have been considered by the proponent, Australian Leisure Hospitality Group (ALH) and its expert team.

Table 1 of this report provides a detailed response to each of the issues raised in each submission.

Response to Submissions

Public Access

The issue of maintaining public access through the precinct and ensuring public perception of public access is maintained has been considered by the Hotel.

The Honeysuckle Public Domain Strategy (2000) was perused to appreciate the original intentions for the Lee Wharf precinct. The strategies vision / objectives included the following relevant objectives:

- Honeysuckle is to be a place where people live, work and play. A place where every person has access to one of the great industrial harbours of the world;
- Maximise accessibility and permeability;
- Enhance human scale environment and promote interaction.

It is acknowledged from the above objectives that through-access, recreational choices, and interaction are important aspects of the 7 km promenade precinct to maintain. Importantly, rest points are also encouraged.

The Honeysuckle Hotel's internal and external dining areas offer casual / free access dining, with no seat allocation. Patrons and the public can use the area freely without necessarily purchasing a meal or a drink. This option provides an important rest point, adds to the passive recreation choices along the promenade, and provides an added public benefit within the precinct.

The precinct is promoted on the 'Visit Newcastle' website as a place to get "a meal with a view". The success of this marketing could potentially be sourced from the growing interest of patrons to eat at the Honeysuckle hotel.

Honeysuckle and the Harbour - For a meal with a view

Newcastle harbour is home to Honeysuckle, a major waterfront rejuvenation project transforming the previously industrial landscape. Working wharves are becoming places of play with the creation of foreshore promenades and open squares offering waterfront cafes and restaurants – all with glorious views.

Pubs / Hotels are one of the few remaining commercial enterprises that allow the public to enter and use facilities including seating, toilets, and child play areas (if provided) without requiring purchase or payment for products or services. Pub is commonly used shorthand for "Public House". Pubs are non-membership bars serving drinks and food. In this respect, they function as pseudo-public spaces that are well maintained, welcoming, clean and safe for public use. This service is considered to be in the public interest to maintain and support.

It is noted that the location of the heritage listed Honeysuckle Hotel is at a junction of the promenade where pedestrian flow is around the building to either continue along the waterfront, or pass between the two hotels (Honeysuckle and James Squire). A 1.4 metre wide pathway as proposed presents an adequate width for two-way passage of pedestrians, prams, and wheelchairs to travel through unimpeded. The frontage of the hotel forms a significantly minor part of the 7 km promenade, and with a clear and wide public pedestrian option also available between the two hotels, no inconvenience is envisaged by the proposal.

A pedestrian survey was undertaken on Friday 18 August 2017 and Saturday 19 August 2017. The following table reveals the movements recorded during the survey and demonstrates that 15 – 30 % of pedestrians use the deck as a thoroughfare without entering the hotel. It is considered that the approved proposal will not lower public usage with a potential to increase thoroughfare. ALH would be prepared to erect signage to ensure the public is aware that the thoroughfare is available at all times.

	Friday 18/8/17	Saturday 19/8/17	
Time	Patron #'s	Patron #'s	
10am - 11am	1	7	
11am - 12pm	3	8	
12pm - 1pm	8	20	
1pm - 2pm	7	23	
2pm - 3pm	7	9	
3pm - 4pm	6	14	
4pm - 5pm	3	4	
5pm - 6pm	0	6	
6pm - 7pm	0	0	
7pm - 8pm	0	0	
8pm - 9pm	0	0	
9pm - 10pm	0	0	
10pm - 11pm	0	0	
11pm - 12am	0	0	
Total	35	91	
patrons that used the deck as thoroughfare only and did not enter hotel	5	34	

Positive Covenant

A positive covenant made under Section 88 D of the Conveyancing Act, exists over the land and was established 1 October 2009. There is only one change to an annexure plan required (refer **attachment 2**) to the covenant to action an approval to this proposal.

Clause 2.2 relates to the public positive covenant and the lessee's obligations for access and maintenance.

The Lessee must:

- (a) permit the Prescribed Authority and members of the public to have full, free and unimpeded access to the Public Access Area at all times; and to go, pass and repass across the Public Access Area at all times for the purpose of accessing public areas:
 - (1) on foot (but not using rollerblades, skateboards or similar items of equipment);
 - (2) with wheelchairs or other disabled access aids;
 - (3) without animals (except for guide dogs or hearing dogs for the visually or hearing impaired);
- (b) subject to clause 2.3, keep open the Public Access Area for the purpose or use specified in clause 2.2(a) on a continuous basis and not close or otherwise limit or fetter access to, or place any charge on or otherwise commercially exploit the use of, the Public Access Area, except for limiting access in the case of necessary maintenance, Repairs or emergencies; and
- (c) keep the Public Access Area clean and free from rubbish, debris, graffiti and vermin.

As previously stated, the pathway will accommodate any pedestrian, wheelchair, and pram movements to pass or re-pass the deck. Signage is able to be erected to encourage and make clear the path of travel of the through way. The ability to stop and rest at the tables and chairs will be an added feature of this area as the public will not be charged to enter or use the area, and are not obliged to purchase food or drink, unlike other restaurants or cafes.

With reference to the Annexure B plan, it is noted that Easement A will be required to be contracted to the proposed pathway of 1.4 metres which is adequate to service pedestrian / wheelchair movements on the wharf. This is the only amendment required to the covenant. Please see **attachment 2** drafted amendment to Annexure B - 180156A prepared by Monteath & Powys Pty Ltd

All other obligations for maintenance, repairs, emergencies, cleaning are still able to be met.

It is proposed that the covenant will be formally altered once positive consideration of this proposal has occurred and prior to any extended dining area being created.

Acoustic

An updated Acoustic Report prepared by Rodney Stevens Acoustic can be found at **attachment 1**.

Since the exhibition of the proposed modifications the Acoustic Report has been updated to further assess the acoustic impacts that result from the proposed outdoor seating area. The impacts of the proposed modifications that have been assessed include an assessment of existing noise, predicted patron noise, predicted patron noise exiting the premises and the acoustic impacts on nearby residential dwellings.

The Acoustic Report has been updated to address the following:

- Figure 2-1 of the acoustic report has been updated to correctly show the location of the site.
- The Acoustic Report has been updated to include background noise measurements at 1 Honeysuckle Drive, 2-5 Honeysuckle Drive and 5-15 Honeysuckle Drive. Figure 2-1 of the Acoustic Report has been updated to show the location of sensitive residential receivers and unattended logger locations.
- The Acoustic Report has been updated to address the acoustic impacts to dwellings located within no. 15 Honeysuckle Drive.

- The Acoustic Report has been updated to consider the overall impacts to dwellings located within the vicinity of the site.
- The Acoustic Report has been updated to assess patron noise exiting the venue.

Based on the acoustic assessment conducted by Rodney Stevens Acoustics the predict patron noise impacts of the proposal meet the cumulative noise assessment and the predicted noise levels show compliance with the established noise criteria for patrons using the proposed outdoor area (refer to Table 5-3 of Acoustic Report). The Acoustic Report demonstrates that the proposed outdoor seating area, accommodating a maximum of 96 patrons will not result in any unreasonable acoustic impacts and meets required noise regulations.

Further, concern was raised regarding noise generation from patrons leaving the premises late at night. Further acoustic modelling has been provided in the Acoustic Report and provides an assessment of the noise levels on Friday and Saturday nights measured at the nearest residential properties being 1, 2-5, 7 and 15 Honeysuckle Drive. The acoustic assessment concluded the calculated noise levels show compliance to the Office of Liquor and Gaming (OLG) criteria at the nearest residences when patrons are leaving the premises. The report concludes that no further acoustic measures are required. It is not expected that patrons leaving the premises from the proposed outdoor seating area will result in any further disturbance to nearby residential properties. It should be noted that the Acoustic Report considers that the existing establishment provides feasible and reasonable operational acoustic mitigation measures.

The recommendations made in Part 6 of the Acoustic Report will be implemented. These include:

- There is to be no amplified music in the form of live bands and DJ in the outdoor areas
- Outdoor dining is to be closed at 12:00am
- Signs should also be posted at exit doors reminding patrons to leave the premises in an orderly and quiet manner

The Acoustic Report makes a thorough assessment of acoustic impacts as a result of the proposed outdoor seating area, accommodating a maximum of 96 patrons. The proposed outdoor seating is not expect to result in any unreasonable impacts on the acoustic amenity of the locality. The Acoustic Report prepared by Rodney Stevens Acoustics concludes:

Rodney Stevens Acoustics has conducted a Noise Impact Assessment for the proposed additions to the Honey Suckle Hotel located at Lot 31 Wharf C, Honeysuckle Drive, Newcastle NSW. The assessment has predicted the noise impact to the nearest residential dwellings. The noise modelling resulted in compliance to the NSW EPA Industrial Noise Policy and OLGR Requirements.

It is envisaged that the addition of the outdoor deck area will not have an adverse acoustic impact to the nearby residences. Further the acoustic report has assumed for the purposes of its assessment the exit of 46 patrons at any one time from the outdoor area, being 50% of the patrons – in this regard the report considers a significant movement of patrons that is not considered to be a regular or usual movement of people but more a predicted worse case (one time exit of 50% of patrons).

Modifications to Proposal

The proposal no longer seeks to modify hours of operation of the outdoor deck areas, noting the Honeysuckle Hotel has existing consent (reached through the Land And Environment Court) to permit the operation of the outdoor deck areas to be consistent with the hours of operation of the hotel. The approved hours of operation of the hotel are as follows:

- Monday to Thursday: 10.00 AM – 11.00 PM
- Friday and Saturday: 10.00 Am – 12.00 AM

- Sunday: 10.00 AM – 10.00 PM

Noting the above, the proposal seeks to remove the previously sought amendment to extend the hours of operation to the outdoor deck areas as the hours sought are already approved.

Specific Issues Raised in Submissions

The below table provides a summary of submissions received in relation to MP05_0007 Mod 3.

Table 1 Response to Submissions

Issue Raised in Submission	Response
Nicholas John Broadbent	
The hotel is in a residential area. People, including myself purchased property in the area on the understanding there was an enforceable curfew.	<p>The Honeysuckle Hotel operates in accordance with the approved hours of operation for the site. Newcastle City Council provided information that clarified hours of operation for the hotel to extend to all indoor and outdoor areas. Therefore, the modification application does not seek to extend hours of operation and will operate in accordance with the existing approved hotel indoor and outdoor hours of operation.</p> <p>Further, the acoustic assessment concludes that the premises will continue to operate within the noise regulations.</p>
Significant noise impacts at closing time.	<p>The noise emitted from the Honeysuckle Hotel does not exceed specified noise controls for the site.</p> <p>An updated Acoustic Report dated 10 April 2018 prepared by Rodney Stevens Acoustics Pty Ltd is submitted with the RTS request and confirms:</p> <p><i>Rodney Stevens Acoustics has conducted a Noise Impact Assessment for the proposed additions to the Honey Suckle Hotel located at Lot 31 Wharf C, Honeysuckle Drive, Newcastle NSW. The assessment has predicted the noise impact to the nearest residential dwellings. The noise modelling resulted in compliance to the NSW EPA Industrial Noise Policy and OLGR Requirements.</i></p>
<p>The hotel has repeatedly failed to comply with current noise control:</p> <ul style="list-style-type: none"> • Noise complaints 	<p>The Honeysuckle Hotel complaints register has been reviewed and there are no records of complaints over the 2017-2018 summer period relating to noise from any neighbouring residential properties.</p> <p>It is noted that the Council's submission states that they are unaware of any noise issues with the hotel.</p>
<ul style="list-style-type: none"> • Hotel doors open during the Christmas Period 	<p>The Honeysuckle Hotel has a practice in place where the front doors remain closed whilst entertainment is provided at the Hotel. Further, entry to the hotel is reduced to only one side of the Hotel to help ensure noise emissions are minimized.</p>

Issue Raised in Submission	Response
<ul style="list-style-type: none"> • Cool room noise issue • Increased seating will increase all the above factors. • Delivery vans and trucks are noisy. • The violence associated with closing time will likely increase with the increase in numbers. 	<p>It is acknowledged that there was a temporary cool room 13 months ago which was approved by Hunter Development Corporation (HDC). During the time of its use the HDC did approach the Hotel about the noise emissions between the Summer of 2016 & Summer of 2017.</p> <p>The ALH Group invested in the construction of an additional cool room within the Hotel. This has been in place for Summer 2017-2018. No cool room noise complaints have been received since the construction of the internal cool room.</p> <p>The proposed additional seating will have minimal disruption on the neighbourhood. The demand for additional seating for dining has been observed by the Hotel as its food offering has become valued as a destination of choice for families and small groups, which has resulted in dining areas running at capacity.</p> <p>Delivery trucks deliver to the Hotel during the hours as set out by HDC and Hotel Liquor License. The modified application does not impact on the approved delivery hours.</p> <p>The proposed additional seating is not expected to result in any increase in alcohol related violence as this application is predominantly aimed at increasing dining capacity. The Hotel has an exemplary record of positive alcohol behavior and has never featured on the BOSCAR declared premises list and takes pride in ensuring the safety and security of Hotel patrons. The Honeysuckle Hotel employs security 7 nights a week from no later than 7:00pm until 30 minutes after the close of trade.</p>
Catherine Moloney	
<p>Increased noise, violence, irresponsibility – in a residential area, effecting sleep, safety and a poor example to our youth.</p>	<p>The proposed additional outdoor seating is not expected to result in an increase in alcohol related violence as this application is predominantly aimed at increasing dining capacity. As previously mentioned, the Hotel has an exemplary record of positive alcohol behaviour and has never featured on the BOSCAR declared premises list and takes pride in ensuring the safety and security of Hotel patrons by employing security every night of the week from no later then 7:00pm until 30 minutes after the cessation of trade.</p> <p>It is noted that the Council's submission states that they are unaware of any noise issues with the hotel.</p> <p>An updated Acoustic Report prepared by Rodney Stevens Acoustics is submitted and assesses</p>

Issue Raised in Submission	Response
	<p>predicted patron noise impacts – patrons exiting the premises. The Acoustic Report prepared by Rodney Stevens Acoustics concludes: <i>The calculated noise levels show compliance to the OLG criteria at the nearest residences with patrons leaving the premises. No further acoustic measures are required.</i></p>
<p>Newcastle has been praised highly by Police, hospitals, media and families for wonderful results in reducing dangerous harm and irresponsibility – by using 10pm closing time.</p>	<p>The modification application seeks to primarily increase dining trade which moves the business towards families and dining groups and away from a drinks focus. The Honeysuckle Hotel complaint and incident register does not contain any records of poor patron behaviour of Honeysuckle Hotel patrons when leaving the area.</p> <p>The modification application has been revised and no longer seeks to modify the approved hours of operation of the Honeysuckle Hotel. Noting, the approved hours of operation are for both the indoor and outdoor areas.</p>
<p>Safety on public transport reduced due to alcohol affected users.</p>	<p>The modification application will not impact safety on public transport and this issue raised is not related to the modification application. The Honeysuckle Hotel has an exemplary record for positive alcohol behavior and as previously mentioned, the modification application is targeted at increasing dining trade.</p>
Darryl Moore of Merewether	
<p>Extension of hours of operation of the Honeysuckle Hotel.</p>	<p>The modification application has been revised and no longer seeks to modify the approved hours of operation of the Honeysuckle Hotel. Noting, the existing approved hours of operation for indoor and outdoor areas.</p> <p>The acoustic report supports the additional outdoor dining tables in relation to maintaining noise amenity for the neighbourhood.</p>
Kylie Richards of Morpeth	
<p>Patron behaviour and noise levels when leaving the venue.</p>	<p>An updated Acoustic Report is submitted with this RTS. The Acoustic Report has been updated to consider predicted patron noise impacts – patrons exiting the premises. The report concludes: <i>The calculated noise levels show compliance to the OLG criteria at the nearest residences with patrons leaving the premises. No further acoustic measures are required.</i></p> <p>The Honeysuckle Hotel employs security every night until 30 minutes after closing time to monitor patron behavior when leaving the venue.</p>
<p>Not enough detail provided around the proposed extended opening hours 'on a trial basis'.</p>	<p>The modification application has been revised and no longer seeks to modify the approved hours of operation of the Honeysuckle Hotel as the hours currently approved suit the proposed use of the deck area.</p>

Issue Raised in Submission	Response
Wayne Carman of Newcastle	
Objects to the extended hours but supports the additional dining area.	The modification application has been revised and no longer seeks to modify the approved hours of operation of the Honeysuckle Hotel. The hotel will operate in accordance with the approved indoor and outdoor hours of operation.
If this is to be approved then a suggestion for approval consent conditions is for the Honeysuckle to engage with the Police and have them attend the area to "move on" noisy people on a regular and ongoing basis.	The Honeysuckle Hotel employs security every night until 30 minutes after closing time to monitor patron behavior when leaving the venue. NSW Police regularly patrol the premises.
Name Withheld of Newcastle (240408)	
Do not support for use of Public Access walkway for seating.	The proposed seating will be available for the use of both hotel patrons and the public. The area can be used freely without requiring the purchasing of food or drink.
Do not support the extended external trading hours.	The modification application has been revised and no longer seeks to modify the approved hours of operation of the Honeysuckle Hotel.
There is nothing in the application that limits the number of patrons allowed in this proposed Hotel "extension" area, standing or seated, only the number of seats.	The extended outdoor seating area will be restricted to 96 patrons. The pathway between must remain open and free for passage of the public and the hotel staff and security will ensure this pathway is maintained. Aside from the tables and chairs there is no other area for people to congregate.
To use the designated access, pedestrians will need to traverse between Hotel patrons under the existing shade structure and Hotel patrons in the proposed seating on the waters edge and this is not acceptable.	A 1.4m wide pathway will be provided on the wharf which is adequate to service pedestrian/wheelchair movements on the wharf. Signage is able to be erected to encourage and make clear the through way. Staff and security will also be instructed to ensure the through passage is maintained.
I also note that the applicant has chosen the prime waters edge area for the proposed seating instead of the area adjoining their existing outdoor seating area.	The Honeysuckle Hotel's dining area both internal and external offers casual / free access dining with no seat allocation. Patrons and public can use the area freely without the purchase of food or drink. This option provides an important rest point and adds to the passive recreation choices, providing an added public benefit along the promenade area.
Name Withheld of Newcastle (239975)	
Any extension of the dining area to the northern deck will see many additional patrons sitting outdoors and emitting significantly more noise and this would be a further disturbance for residents.	<p>The updated Acoustic Report submitted with the modification application assesses the acoustic impacts of the additional 96 people proposed within the outdoor seating area and concludes:</p> <p><i>The assessment has predicted the noise impact to the nearest residential dwellings. The noise modelling resulted in compliance to the NSW EPA Industrial Noise Policy and OLGR Requirements.</i></p> <p><i>It is envisaged that the addition of the outdoor deck area will not have an adverse acoustic impact to the nearby residences. The predicted noise levels to the nearby residents with the operation of the</i></p>

Issue Raised in Submission	Response
	<i>outdoor deck with 96 patrons in the outdoor area.</i>
To extend the operating hours of the new and existing outdoor areas will make it almost an unbearable noise increase continuing for much later at night every day of the week.	The modification application has been revised and no longer seeks to modify the approved hours of operation of the Honeysuckle Hotel. The Hotel will operate in accordance with the approved hours of operation.
The existing outdoor dining area is already emitting very loud crowd noises despite the claim by the previous owners that an "acoustic wall" constructed would significantly reduce any noise from the existing outdoor area.	The existing outdoor area seating area contains acoustic screening at the eastern and western boundaries.
Name Withheld of Newcastle (239701)	
Patrons leaving hotel later at night, noise at taxi ranks and thru the neighbourhood.	The updated Acoustic Report adequately considers patron noise impacts – patrons exiting the premises. The Acoustic Report prepared by Rodney Stevens Acoustics concludes: <i>The calculated noise levels show compliance to the OLG criteria at the nearest residences with patrons leaving the premises. No further acoustic measures are required.</i>
Donna Baguley of Cooks Hill	
I object in particular to the extension of the trading hours. This Hotel is in a highly residential area and the addition of extra space for patrons as well as the increase in trading hours will make for the venue to be a very noisy area.	<p>The modification application has been revised and no longer seeks to modify the approved hours of operation of the Honeysuckle Hotel. The Hotel will operate in accordance with the approved hours of operation.</p> <p>The updated Acoustic Report assesses the acoustic impacts of the existing hotel operation and the proposed outdoor seating area on the nearby residential properties and concludes: <i>The assessment has predicted the noise impact to the nearest residential dwellings. The noise modelling resulted in compliance to the NSW EPA Industrial Noise Policy and OLGR Requirements. It is envisaged that the addition of the outdoor deck area will not have an adverse acoustic impact to the nearby residences.</i></p>
Name Withheld of Newcastle (241360)	
We have no objection to the amendments provided the extended trading hours and changes to the outdoor seating relate only to the northern deck area of the hotel.	The modification application has been revised and no longer seeks to modify the approved hours of operation of the Honeysuckle Hotel. The Hotel will operate in accordance with the approved hours of operation.
If the hotel were to be allowed to extend the seating and trading hours on the southern deck this would have a significantly deleterious impact on the nearby residences.	The updated Acoustic Report concludes: <i>The assessment has predicted the noise impact to the nearest residential dwellings. The noise modelling resulted in compliance to the NSW EPA Industrial Noise Policy and OLGR Requirements</i>

Issue Raised in Submission	Response
Name Withheld of Newcastle (240760)	
<p>As a resident of Honeysuckle Drive for over five years, I can report that existing public seating in the area is under utilised and there is little public benefit for adding more chairs and tables to the deck beyond profits for the Honeysuckle Hotel.</p>	<p>The demand for additional seating for dining has been observed by the Hotel as its food offering has become valued as a destination of choice for families and small groups which has resulted in dining areas running at capacity.</p> <p>The Honeysuckle Hotel's dining area both internal and external offers casual / free access dining, with no seat allocation. Patrons and public can use the area freely without requiring the purchase of food or drink. This option provides an important rest point and adds to passive recreation choices, providing an added public benefit along the promenade area.</p>
<p>Honeysuckle Hotel currently generates significant noise. This is generated from its regular live music, patrons in the outdoor areas and from patrons exiting at the end of the night. Extending the trading hours of the outdoor deck area would cause a significant nuisance to residents of Honeysuckle Drive. Residents would be exposed to longer and later periods of outside noise from patrons.</p>	<p>The Honeysuckle Hotel will continue to operate in accordance with its consent in relation to live music.</p> <p>The Acoustic Report has been updated to assess patron noise when leaving the hotel.</p> <p>The modification application has been revised and no longer seeks to modify the approved hours of operation of the Honeysuckle Hotel. The Hotel will operate in accordance with the approved hours of operation.</p>
<p>Residents would also be exposed to more patron noise from Hotel patrons walking to and from the Hotel. It is common event to observe patrons leaving the Honeysuckle Hotel generating significant noise (talking, laughing, shouting and screaming) and other anti-social behaviours (e.g. urinating in boat sculpture in Worth Place Park) with the current indoor operating hours. Typically this is in short bursts of excessive noise at late hours.</p>	<p>The Acoustic Report has been updated to consider predicted patron noise impacts – patrons exiting the premises. The Acoustic Report prepared by Rodney Stevens Acoustics concludes: <i>The calculated noise levels show compliance to the OLG criteria at the nearest residences with patrons leaving the premises. No further acoustic measures are required.</i></p>
<p>Extending the trading hours of the outdoor deck area would encourage Hotel patrons to spend longer outside and thus generate more outside noise. The later hours would generate greater nuisance noise as the ambient sounds in the area are reduced at night and the sound of patrons on the deck area would travel. I see no public benefit for extending the outside hours and only more nuisance noise to residents.</p>	<p>The Acoustic Report assesses the acoustic impacts of the additional 96 people within the outdoor seating area and concludes:</p> <p><i>The assessment has predicted the noise impact to the nearest residential dwellings. The noise modelling resulted in compliance to the NSW EPA Industrial Noise Policy and OLGR Requirements. It is envisaged that the addition of the outdoor deck area will not have an adverse acoustic impact to the nearby residences.</i></p> <p>The modification application has been revised and no longer seeks to modify the approved hours of operation of the Honeysuckle Hotel. The Hotel will operate in accordance with the approved hours of operation.</p>

Issue Raised in Submission	Response
Name Withheld of Newcastle (240754)	
<p>The additional outdoor dining will result in noise levels being increased. The Acoustical Assessment is flawed because the noise monitoring was done over a limited, off-season timeframe and in locations that are not sufficiently defined or in locations that are not those closest to the residential sites that would be most affected by the proposed modification.</p>	<p>The Acoustic Report has been updated to include background noise measurements at 1 Honeysuckle Drive, 2-5 Honeysuckle Drive and 5-15 Honeysuckle Drive. Figure 2-1 of the Acoustic Report has been updated to show the location of sensitive residential receiver and unattended logger locations.</p>
<p>The patron noise assessment projections are incorrect as they assume 96 additional patrons speaking with a 'normal voice' dBA level, whereas patrons will be using 'loud' or 'shouting' voice dBA levels, to be heard over any music being played at the venue and other patrons, especially as the patrons become more intoxicated. The first recommendation listed in the Acoustical Assessment (no amplified music) is insufficiently specific as amplified music is already coming from within the hotel on some occasions. The third recommendation listed in the Acoustical Assessment (reminder sign) will not be heeded by patrons who are most likely to cause noise and disturbance at any time, especially late at night, and who tend to congregate outside the venue. The 'general operating hours' listed on the Honeysuckle Hotel website are : Mon - Thu 10am - 11pm, Fri - Sat 10am - 12:30am and Sunday 10am - 10pm. The currently approved trading hours for the existing outside dining area are not listed. The trading hours for the outside deck area should be limited to : Mon - Thu 10am - 10pm, Fri - Sat 10am - 11:30pm and Sunday 10am - 9pm. The existing northern deck should be maintained for public access, rather than developed for additional outdoor dining.</p>	<p>The updated Acoustic Report includes an assessment of:</p> <ul style="list-style-type: none"> • Patron noise when existing the venue • Include background noise measurements at 1 Honeysuckle Drive, 2-5 Honeysuckle Drive and 5-15 Honeysuckle Drive. • Consider the overall impacts to dwellings located within the vicinity of the site. <p>The Honeysuckle Hotel will continue to operate in accordance with its approval and will implemented any recommendations made in the Acoustic Report.</p> <p>The modification application has been revised and no longer seeks to modify the approved hours of operation of the Honeysuckle Hotel. Noting, the approved hours of operation for indoor and outdoor areas.</p> <p>The Honeysuckle Hotel will continue to operate in accordance with the approved operating hours of the premises.</p>
<p>The existing outdoor deck provides a clear safety exit from the premises, and as such would be obstructed by the installation of an additional dining area.</p>	<p>As previously stated, the 1.4m wide pathway will accommodate any pedestrian, wheelchair, and pram movements to pass or re-pass the deck. Signage is able to be erected to encourage and make clear the through way.</p>
<p>A key issue, not addressed in any of the supporting documents, is the issue of 'moving on' noisy, generally intoxicated, patrons exiting the Honeysuckle Hotel, after the official closing times. This issue should be addressed as a matter of priority.</p>	<p>The updated acoustic report adequately assesses patron noise when leaving the hotel.</p> <p>The Honeysuckle Hotel employs security every night until 30 minutes after closing time.</p>
<p>Whilst it is illegal to serve alcohol to intoxicated patrons, we are often disturbed on Friday and Saturday nights, by loud voices from intoxicated patrons exiting the Honeysuckle Hotel. This is not only a noise issue for local residents, but represents a security issue.</p>	<p>As stated above, The Acoustic Report has been updated to assess patron noise when leaving the hotel at night.</p> <p>Security is employed by the hotel every night until 30 minutes after closing time.</p>

Issue Raised in Submission	Response
Name Withheld of Newcastle (240651)	
<p>The hotel occupies an attractive building on Lee Wharf bookended by the Maritime Museum. The proposal would destroy the visual beauty of Lee Wharf and ruin the integrity of the historic wharf precinct.</p>	<p>The Heritage Impact Statement prepared by NBR Architecture concludes:</p> <p><i>The proposed modifications are generally consistent with the original approval and will have minimal heritage impact on the appearance or function of the heritage item, views to and from the existing structure or, views within the Newcastle City Centre Heritage Conservation Area. The proposal activates the currently underutilised wharf by providing an additional area for the public to enjoy, while still providing a 1.4m wide passageway, which is consistent with harbour side restaurants to the east of the site along Honeysuckle. The increased pedestrian use along the northern side of Wharf C will allow for a greater appreciation of the heritage item. The works are of a minor nature and have the capacity to be reversed at any time without affecting the heritage structure or fabric of Wharf C.</i></p> <p>The proposed additional outdoor seating area will not detract from the heritage character of fabric of the building.</p>
<p>The proposed new balustrading and outdoor dining area on the northern deck would significantly raise the noise level (unless enclosed). Outdoor trading should be minimised where the area is shared by residents.</p>	<p>The Acoustic Report prepared by Rodney Stevens Acoustics submitted with the modification application assesses the acoustic impacts of the additional 96 people within the outdoor seating area and concludes:</p> <p><i>The assessment has predicted the noise impact to the nearest residential dwellings. The noise modelling resulted in compliance to the NSW EPA Industrial Noise Policy and OLGR Requirements.</i></p> <p><i>It is envisaged that the addition of the outdoor deck area will not have an adverse acoustic impact to the nearby residences.</i></p>
<p>The proposal to extend trading hours is grossly unfair to the residents of hundreds of apartments overlooking the harbour who would bear the inconvenience of drunk and disorderly patrons leaving the hotel at the intended extended late hours. Believe me, the rowdy behaviour of people leaving the Honeysuckle Hotel is an unpleasant reality we live with but do not want it extended!</p>	<p>The modification application has been revised and no longer seeks to modify the hours of operation of the Honeysuckle Hotel. Noting, the existing approved hours of operation for indoor and outdoor areas.</p>
<p>The Hunter Development Corporation has developed a sympathetic mix of beautiful residential / commercial buildings along the waterfront at Honeysuckle Drive. Lee Wharf is a family friendly gathering place which attracts locals and tourists by day and night. Lee Wharf already has several licensed premises and cafes, all of whom seemingly trade successfully within the current laws. Any change would entirely change the character of the precinct.</p>	<p>The proposed additional seating will allow the general public the ability to stop and rest at the tables and chairs will be an added feature of this area as public as are not charged to enter or use the area and are not obliged to purchase anything, unlike other restaurants or cafes.</p>

Issue Raised in Submission	Response
Environment Protection Authority	
No issues raised	No response required.
Roads and Maritime Services	
Any temporary construction works planned below the high water mark/in the water must obtain RMS approval before the commencement of works.	RMS approval will be sought if any works extend below the high water mark.
City of Newcastle	
Concern is raised that the proposed use of the northern deck for additional outdoor dining by the hotel will significant constrain the use of this area by the general public for passive recreation activities and access.	<p>It is not the hotels intention to dissuade the public from utilising the public promenade. The increase of dining tables is a direct result of patronage and request for outdoor dining seating with the waterfront outlook.</p> <p>It is noted that the hotel's dining areas are free access and are not controlled dining. No seat allocation occurs.</p> <p>Patrons and the public can use the area freely without requiring the purchase of food and drink. This adds to the passive recreation choices along the promenade area.</p> <p>Pubs / Hotels are one of the few remaining commercial enterprises that allow the public to enter and use facilities including seating, toilets, and child play areas (if provided) without requiring purchase or payment for products or services. In this respect, they function as pseudo-public spaces that are well maintained, welcoming, clean and safe for public use. This service is considered to be in the public interest to maintain and support.</p> <p>The reduced pathway width will comfortably accommodate two way pedestrian traffic including wheelchairs and prams.</p>
The application has focused on providing a 1.4m pedestrian thoroughfare when a broader interpretation for access is required.	A 1.4m wide pathway is adequate to service pedestrian / wheelchair movements on the wharf. Signage is able to be erected to encourage and make clear the through way.
The design of the proposal could create a perception (perhaps already existing) that the use of the deck is for the exclusive use of the hotel patrons rather than area intended to have unfettered access by the public.	The Honeysuckle Hotel's dining area both internal and external offers casual / free access dining, with no seat allocation. Patrons and public can use the area freely without requiring the purchase of food or drink. This option provides an important rest point and adds to the passive recreation choices, providing an added public benefit along the promenade area.
Extended trading hours of existing outdoor dining area.	Noted. The proposed outdoor hours of operation are consistent with the approved hours of operation, therefore an extension to the outdoor hours of operation is no longer sought.

Issue Raised in Submission	Response
<p>The acoustic assessment indicates appropriate noise guidelines should be able to be complied with (regarding patron noise from the deck area) during the proposed trial period. The premises has not come to the attention of Council's Regulatory Services Unit as being a generator of significant acoustic impacts. It is noted that other potential acoustic impacts outside the scope of the acoustic report as a result of increased patron leaving the premises late at night and associated potential noise and anti-social behaviour will also have to be considered by the Department. Such consideration will need to be informed by any submission received by nearby residents and the police.</p>	<p>An updated Acoustic Report dated 10 April 2018 has been submitted to consider predicted patron noise impacts – patrons exiting the premises.</p> <p>The Acoustic report concludes: <i>The calculated noise levels show compliance to the OLG criteria at the nearest residences with patrons leaving the premises. No further acoustic measures are required.</i></p>
<p>Liquor licence conditions, Council's submission was endorsed unanimously at an extra ordinary Council meeting on 23 January 2018.</p>	<p>The Honeysuckle Hotel operates in accordance with approved liquor licence conditions for the premises.</p>
<p>Hunter Development Corporation</p>	
<p>Changes proposed to the existing Positive Covenant or Easement for Access.</p>	<p>Refer details above.</p>
<p>Department of Planning and Environment</p>	
<p>Acoustic Assessment Report</p> <p>The Department considers the Acoustic Assessment should be revised to take into account the following:</p> <ul style="list-style-type: none"> Figure 2-1 incorrectly shows the location of the site and should be revised. Figure 2-1 shows background noise measurements were taken from a location some distance from the site and immediately adjacent to Honeysuckle Drive which would be significantly affected by road noise. The most affected premises are the north facing dwellings at Nos. 5, 7, and 15 Honeysuckle Drive, where balconies which look towards the waterway are not significantly affected by road noise. Background noise should be measured at a location which is indicative of the background noise levels of the most affected premises. The report should be updated accordingly. The report has not considered the impacts to dwellings within No. 15 Honeysuckle Drive, which includes some of the most affected residential receivers. The report should be updated to include an assessment of the impacts to those dwellings. The report does not include predicted overall noise levels (i.e. background plus noise from the premises) for the affected residential receivers. The predicted levels must be included. The report should clarify that these are the predicted external levels (i.e. on the balconies) for north facing premises at Nos. 5, 7 and 15 Honeysuckle Drive. 	<p>An updated Acoustic Report dated 10 April 2018 is submitted this RTS.</p> <p>The amended Acoustic Report addresses the following issues raised by the Department of Planning and Environment:</p> <ul style="list-style-type: none"> Figure 2-1 of the acoustic report has been updated to correctly show the location of the site. The Acoustic Report has been updated to include background noise measurements at 1 Honeysuckle Drive, 2-5 Honeysuckle Drive and 5-15 Honeysuckle Drive. Figure 2-1 of the Acoustic Report has been updated to show the location of sensitive residential receiver and unattended logger locations. Section 3 and section 5.2-5.4 of the acoustic report has been updated to reflect the above. The Acoustic Report has been updated to address the acoustic impacts to dwellings located within no. 15 Honeysuckle Drive. The Acoustic Report prepared by Rodney Stevens Acoustics has been updated (sections 5.2-5.4) and concludes: <i>OLG assessment has the following requirement for noise assessment within habitable room near a licensed premises:</i> <i>"Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00 am."</i> <i>The above requirement is for operation of the additions to the hotel between the hours of midnight to 7:00am. As the proposed outdoor</i>

Issue Raised in Submission	Response
	<p><i>area is proposed to operate until midnight, an internal noise assessment is not required for habitable spaces within residential apartments. The predicted external noise is calculated to comply at the external boundaries of the residential apartments. This should not cause disturbances to the residents of the apartment complex identified as No. 15.</i></p> <ul style="list-style-type: none"> • The Acoustic Report has been updated to consider the overall impacts to dwellings located within the vicinity of the site. Table 5-3 of the Acoustic Report prepared by Rodney Stevens Acoustics demonstrates <i>the predicted noise levels show compliance to the established noise criteria for patrons using the proposed outdoor area.</i>
<p>Public Positive Covenant – Please address the impacts on the existing positive covenant over the site, particularly impacts on the public access area, and any required amendments to the covenant, including draft wording, and details of any agreement with Hunter Development Corporation to modify the covenant.</p>	<p>Refer details above.</p>

Conclusion

All submissions made in relation to the public exhibition of the proposal have been considered. A detailed response to all submission has been provided within this report. Further, an updated Acoustic Report prepared by Rodney Stevens Acoustics is submitted with this report at **attachment 1**. An amendment to the annexure B plan prepared by Monteath Powys Pty Ltd is submitted as **attachment 2**. Please do not hesitate to contact me if I can provide any further information to support this proposal.

Yours Sincerely



Nicole Lennon

Planik Pty Ltd

Attachment 1: Acoustic Report, dated 10 April 2018, prepared by Rodney Steven Acoustics.

Attachment 2: Annexure B Plan, dated 6 April 2018, prepared by ...