



NSW GOVERNMENT  
**Department of Planning**

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Watt St Development Pty Ltd

Attn: Keith Stronach

Suite C9, 1 Honeysuckle Drive

NEWCASTLE NSW 2300

Our ref: MP 06\_0033

Your ref:

File: 9041734

Dear Mr Stronach,

**Subject: Director-General's Requirements for the Environmental Assessment of Peninsula Apartments, Lot 129 DP 747358 Watt St, Newcastle (MP 06\_0033)**

The Department has received your application for the proposed redevelopment of the Peninsula Apartments in Watt Street, Newcastle (Application Number: 06\_0033).

I have attached a copy of the Director-General's requirements (DGRs) for environmental assessment of the project for a Project application. These requirements have been prepared in consultation with the relevant government agencies including Newcastle Council.

It should be noted that the Director-General's requirements have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

Attachment 1 outlines the required documents to accompany the Environmental Assessment. Attachment 2 provides some guidance to relevant State government technical guidelines which may be applicable to your application.

It would be appreciated if you would contact the Department at least two weeks before you propose to submit the Environmental Assessment to determine:

- the fees applicable to the application;
- relevant land owner notification requirements;
- consultation and public exhibition arrangements that will apply;
- options available in publishing the Environmental Assessment via the Internet; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessments that will be required.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department will consult with other relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessment does not adequately address the DGRs, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent. Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days.

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance, it will require an additional approval under the Commonwealth Environment Protection Biodiversity Conservation Act 1999 (EPBC Act). This approval would be in addition to any approvals required under NSW legislation. If you have any questions about

the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of Environment and Heritage in Canberra (6274 1111 or <http://www.deh.gov.au>).

If you have any enquiries about these requirements, please contact Verity Humble-Crofts on (02) 9228 6523 or via email to [verity.humble-crofts@planning.nsw.gov.au](mailto:verity.humble-crofts@planning.nsw.gov.au).

Yours sincerely

16.5.08

  
~~Chris Wilson~~

A/ Executive Director  
as delegate for the Director-General

# Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

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| Application number   | 06_0033  |
| Project              | Demolition of the existing building on the site and construction of a 12 storey residential flat building comprising 58 apartments, gymnasium, lap pool and car parking for 69 cars; and associated footpath and landscaping works.  |
| Location             | Lot 129 DP 747358, 67 Watt Street NEWCASTLE NSW 2300   |
| Proponent            | Watt St Development Pty Ltd  |
| Date issued          | 16 May 2006  |
| Expiry date          | 16 May 2008  |
| General requirements | <p>The Environmental Assessment (EA) must include:</p> <ul style="list-style-type: none"> <li>• An executive summary;</li> <li>• A detailed description of the project including: <ul style="list-style-type: none"> <li>(i) any development options; and</li> <li>(ii) justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest;</li> <li>(iii) compliance with the requirements specified by BASIX including lodgement of a BASIX Certificate;</li> <li>(iv) if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts;</li> <li>(v) FSR; details of the maximum number of apartments; and basis of the break down of apartment type;</li> <li>(vi) demolition details;</li> </ul> </li> <li>• A thorough site analysis;</li> <li>• Consideration of all relevant statutory and non-statutory requirements, in particular relevant provisions of all applicable Environmental Planning Instruments, Regional Strategies and Development Control Plans (including drafts), and guidelines or draft guidelines issued by the Department of Planning or other State government agencies (as applicable);</li> <li>• A detailed assessment of potential impacts of the project, which includes: <ul style="list-style-type: none"> <li>(i) description of the existing environment;</li> <li>(ii) an assessment of the potential impacts of the project;</li> <li>(iii) an environmental risk analysis of the project;</li> <li>(iv) a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage, and/or monitor the impacts of the project; and</li> <li>(v) a consideration of any issues raised during consultation;</li> </ul> </li> <li>• How you have identified the environmental impacts of the development;</li> <li>• A draft Statement of Commitments outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project;</li> <li>• A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is</li> </ul> |

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|                   | <p>neither false nor misleading;</p> <ul style="list-style-type: none"> <li>An assessment of the key issues specified below and a table outlining how these issues have been addressed.</li> </ul>   |
| <b>Key issues</b> | <p><b>Key Issues to be addressed in the Environmental Assessment</b></p> <p><b>1. Traffic and Parking issues</b></p> <p>1.1 The Environmental Assessment must present a traffic impact study for parking and access to the site and the surrounding site.</p> <p>1.2 The traffic impact study must include be prepared in accordance with the RTA's <i>Guide to Traffic Generating Developments</i> and <i>Road Design Guide</i> and the EPA's <i>Environmental Criteria for Road Traffic Noise</i>, including assessment of the following issues at minimum:</p> <p>(a) consideration of the traffic impacts on the existing intersections and the capacity of road network to safely and efficiently cater for the additional vehicular traffic generated;</p> <p>(b) traffic analysis for all relevant intersections, including current traffic counts and 10 year traffic growth projection, 95<sup>th</sup> percentile back of queue lengths, delays and level of service on all legs, and use of SIDRA or similar traffic model;</p> <p>(c) assessment of traffic management and proposed access arrangements to the site;</p> <p>(d) assessment of parking requirements and the impact on parking provisions in the area;</p> <p>(e) assessment of pedestrian, cyclist and public transport facilities; and</p> <p>(f) assessment of service vehicle arrangements.</p> <p><b>2. Access, Built Form, Urban Design</b></p> <p>2.1 The Environmental Assessment must demonstrate compliance with the Newcastle Development Control Plan 2005 (NDCP). Where there is a variation proposed, the Environmental Assessment must include a detailed analysis and demonstration that the proposal achieves the best or a better urban design outcome for the site over that shown in the provisions of the NDCP.</p> <p><b>3. Adjoining Sites</b></p> <p>3.1 The Environmental Assessment must address the development opportunities of the adjoining sites and demonstrate that desirable reasonable planning outcomes can be achieved on all sites.</p> <p><b>4. Heritage</b></p> <p>4.1 The Environmental Assessment must demonstrate the following matters in regard to the environmental impacts of the proposed development:</p> <p>(a) an appropriate level of heritage assessment, including the preparation of a heritage impact statement and other applicable reports, for the subject site, the United Services Club building and the adjoining Royal Newcastle Hospital site and David Maddison buildings, prepared in accordance with the NSW Heritage Office's <i>Statement of Heritage Impacts</i> (Table 1), the provisions of the <i>Newcastle Local Environment Plan 2003</i> in so far as it</p> |

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|                              | <p>relates Heritage Conservation Areas and items of State heritage significance and section 75H of the <i>Environmental Planning and Assessment Act 1979</i> and in consultation with any requirements of the NSW Heritage Office; and</p> <p>(b) an appropriate level of historical archaeological assessment of the site and a visual assessment that the major vantage points and views along the coastline are not obstructed by the proposed development, in consultation with the NSW Heritage Office.</p> <p><b>5. Staging</b></p> <p>5.1 The Environmental Assessment must include the method of staging the development (if proposed) that represents orderly development and does not affect current uses and operation and future development of the United Services Club, the Royal Newcastle Hospital site and David Maddison buildings site and access and use of the car park on the David Maddison site.</p> <p><b>6. Coastal</b></p> <p>6.1 The Environmental Assessment must include an analysis of the proposal against the principles contained in the Department of Planning's <i>Coastal Design Guidelines for New South Wales</i>.</p> <p><b>7. Mine Subsidence</b></p> <p>7.1 The Environmental Assessment must present geotechnical investigation reports detailing the following:</p> <p>(a) location, condition and risk of subsidence from mine workings affecting the proposal;</p> <p>(b) removal of any risk of mine subsidence by a suitable means, such as grouting or confirmation that the workings are long term stable and there is no risk of mine subsidence affecting the site; and</p> <p>(c) a sufficient number of boreholes to the floor of the seam; numerical modelling/sensitivity analysis to demonstrate the appropriateness of the strata to support the development given the mine workings; confirmation of the depth of coal seam, height of workings, floor conditions, thickness of competent rock and pillar dimensions used in the analysis.</p> |
| <b>Consultation</b>          | <p>During the preparation of the Environmental Assessment, you must consult with the relevant local, State or Commonwealth government authorities, service providers, community groups or affected landowners. In particular you must consult with:</p> <p>(a) Agencies</p> <ul style="list-style-type: none"> <li>• NSW Department of Environment and Conservation;</li> <li>• NSW Roads and Traffic Authority;</li> <li>• Newcastle Urban Design Consultative Group;</li> <li>• Mine Subsidence Board; and</li> <li>• Newcastle City Council.</li> </ul> <p>(b) Public</p> <ul style="list-style-type: none"> <li>• Any public meetings proposed by the local member, Newcastle City Council or other relevant group.</li> </ul> <p>The consultation process and the issues raised should be described in the Environmental Assessment</p>  |
| <b>Deemed refusal period</b> | <p>Under clause 8E(2) of the <i>Environmental Planning and Assessment Regulation 2000</i>, the applicable deemed refusal period for both the Project Application and the Concept Plan Application is 120 days.</p>  |

# ATTACHMENT 1

## DOCUMENTS TO ACCOMPANY THE ENVIRONMENTAL ASSESSMENT FOR THE PROJECT APPLICATION (AS APPLICABLE)

| Plans of the development | As a minimum, you will be required to submit the following plans, architectural drawings and diagrams of your proposal (as applicable):<br><br>As a minimum, you will be required to submit the following plans, architectural drawings and diagrams of your proposal:   |
|--------------------------|--|
|                          | <ol style="list-style-type: none"> <li>1. The <b>existing site survey plan</b> is to be drawn to 1:500 scale and show: <ul style="list-style-type: none"> <li>• the location of the land, the measurements of the boundaries of the land, the size of the land and which direction is north;</li> <li>• existing significant vegetation, built and topographic features;</li> <li>• the existing levels of the land in relation to buildings and roads; and</li> <li>• location and height of adjacent buildings and private open space.</li> </ul> </li> <li>2. A <b>locality plan</b> drawn to 1:5000 scale should be submitted indicating: <ul style="list-style-type: none"> <li>• significant local features such as parks, community facilities and open space, water courses and heritage items;</li> <li>• the location and uses of existing buildings, shopping and employment areas;</li> <li>• traffic and road patterns, pedestrian routes and public transport nodes</li> </ul> <p>The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation.</p> </li> <li>3. The <b>architectural drawings</b> are to be drawn to scale and show: <ul style="list-style-type: none"> <li>• the location of any building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land;</li> <li>• the floor plans of the proposed buildings indicating apartment location, layout, size and orientation;</li> <li>• the location and size of vertical and horizontal circulation of lifts, stairs and corridors;</li> <li>• fenestrations, balconies and other features;</li> <li>• communal facilities and servicing points;</li> <li>• the height of the proposed development in relation to the land;</li> <li>• any changes that will be made to the level of the land by excavation, filling or otherwise;</li> <li>• the level of the lowest floor, the level of any yard or unbuilt area and the level of the ground;</li> <li>• parking arrangements, where vehicles will enter and leave the site, and how vehicles will move about the site.</li> </ul> </li> <li>4. The <b>shadow diagrams</b> are to show solar access to the site and adjacent properties, including the Newcastle Beach, at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday, 3.00 pm and 6.00 pm.</li> <li>5. <b>Other plans</b> including: <ul style="list-style-type: none"> <li>• view analysis (artists impression, photomontages, etc) of the proposed development in the context of the surrounding development;</li> <li>• detailed sections of the proposed facades; and</li> <li>• coloured elevations of the proposed buildings drawn to the same scale as the architectural drawings will be required for exhibition and assessment purposes. The elevations are to indicate height and key datum lines, building length and articulation, the composition of the façade and roof design, existing buildings on the site, building entries (pedestrian, vehicular and service), and profile of buildings on adjacent properties.</li> </ul> </li> <li>6. A <b>water and sewer mains plan</b> showing the location of existing and proposed water and sewer mains.</li> <li>7. A proposed <b>stormwater drainage plan</b> showing details of temporary controls to be installed during construction of the development.</li> <li>8. A <b>sediment and erosion control plan</b> showing temporary controls to be installed during construction of the development.</li> <li>9. A <b>cut and fill plan</b> showing areas subject to cut/fill and the depths of both cut and fill, including measures to be taken to retain both are to be indicated.</li> </ol> |

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| <b>Specialist advice</b>         | <p>Specialist advice, prepared by a suitably qualified person, will be requested to support your Environmental Assessment including, but not limited to, the following (as applicable):</p> <ul style="list-style-type: none"> <li>• BCA compliance;</li> <li>• traffic;</li> <li>• heritage (if applicable);</li> <li>• hazardous material presence (and details of removal during demolition if present) (if applicable);</li> <li>• geotechnical and hydrogeological;</li> <li>• contamination in accordance with the requirements of SEPP 55; and</li> <li>• Acid Sulphate Soil Management Plan demonstrating compliance with ASSMAC guidelines (if applicable).</li> </ul> |
| <b>Documents to be submitted</b> | <ul style="list-style-type: none"> <li>• 10 copies of the Environmental Assessment;</li> <li>• 10 sets of architectural and landscape plans to scale, including set one (1) set at A3 size (to scale);</li> <li>• 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size; and</li> <li>• 1 built to scale model (scale 1:500) showing the subject site and a context of no less than 100 metres around the site.</li> </ul>   |

## ATTACHMENT 2

## STATE GOVERNMENT TECHNICAL AND POLICY GUIDELINES

Whilst not an exhaustive list, the following are State government technical and policy guidelines which may be relevant and may assist your preparation of the Environmental Assessment (where relevant).

| Aspect                           | Policy /Methodology  |
|----------------------------------|--|
| Planning                         | Residential Flat Design Code - tools for improving the design of residential flat buildings, PlanningNSW, & UDAS 2002<br><br>NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, UAB, 1997<br><br>Coastal Design Policy for NSW, PlanningNSW, March 2003   |
| Community Consultation           | Community Involvement Practice Notes and Resource Manual (RTA, 1998)<br><br>Best Practice Community Consultation and Involvement (Commonwealth DEH, 1995, ISBN 0 642 19421 1)  |
| Environmental Management Systems | Best Practice Environmental Impact Assessment (Commonwealth DEH, 1995, 0 642 19418 1)<br><br>Best Practice in Environmental Management Systems (Commonwealth DEH, 1995, 0 642 19418 1)<br><br>Best Practice in Environmental Monitoring and Performance (Commonwealth DEH, 1995, ISBN 0 642 19428 9)<br><br>Cleaner Production (Commonwealth DEH, 2000, ISBN 0 642 54679 7)<br><br>Energy Efficiency (Commonwealth DEH, 2002, ISBN 0 642 99711 X)<br><br>Environmental Management Standards (Integral Energy, EMS0001-00011)<br><br>Environmental Management System: Best Practice (DMR, Dec, 1999)<br><br>Penalty Notices for Environmental Offences (DMR, Nov, 2002) |
| EIA/ Environmental Management    | Contractor's Environmental Management Plan. Proformas and Guidance Notes (RTA, 2001)<br><br>Environmental Impact Assessment Policy, Guidelines and Procedures (RTA, 2001)<br><br>Environmental Management System Manual (EMS) (RTA, 2000)<br><br>Environmental Risk Assessment Guidelines (DUAP, 1994)<br><br>Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)   |
| Lighting                         | Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, 1997, AS 4282-1997)   |
| Noise                            |  |



| Aspect                         | Policy /Methodology   |
|--------------------------------|---|
|                                | Environmental Criteria for Road Traffic Noise (EPA, 1999)                 |
|                                | Noise Guide for Local Government (DEC, 2004)                              |
| <b>Safety and Hazards</b>      | The Demolition of Structures (Standards Australia, 2001, AS 2601-2001)    |
| <b>Soils</b>                   | Acid Sulfate Soil Manual (ASSMAC)   |
| <b>Traffic &amp; Transport</b> | Guide to Traffic Generating Development (RTA, 1993)                       |
|                                | RTAs Road Design Guide (RTA, 1996)  |
| <b>Waste</b>                   | Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) |
| <b>Stormwater</b>              | Managing Urban Stormwater: Source Control (DEC, 1998)                     |
|                                | Managing Urban Stormwater: Treatment Techniques (DEC, 1998)               |
|                                | Constructed Wetlands Manual (DLWC)  |

## Electronic publishing of the Environmental Assessment

Electronic documents presented to the NSW Department of Planning for publication via the Internet will need to meet certain criteria. Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files. File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files.

Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order.

- Graphic images will need to be provided as [.gif] files.
- Photographic images should be provided as [.jpg] files.
- Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each.
- Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order.