

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 06-0083

(FILE NO. 9042157)

**NEWCASTLE REGIONAL MUSEUM
ADAPTIVE REUSE OF HONEYSUCKLE RAILWAY WORKSHOPS
6 WORKSHOP WAY, NEWCASTLE**

I, the Director General of the Department of Planning, under delegation of the Minister for Planning dated 4 March 2009, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, section 75J(2) determine the major project referred to in the attached Director General's Environmental Assessment Report, by **giving of approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in Schedule 2.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment and Statement of Commitments in Schedule 3, subject to the conditions of approval in Schedule 2.



Sam Haddad
Director General

Sydney, 25th March 2009

SCHEDULE 1

PART A — TABLE

Application made by:	Francis-Jones Morehen Thorp
Application made to:	Minister for Planning
Major Project Application:	MP 06_0083
On land comprising:	Lot 3 DP 1111305 9 Honeysuckle Drive, Newcastle
Local Government Area	Newcastle City Council
For the carrying out of:	<ul style="list-style-type: none"> • adaptive reuse of Honeysuckle Workshops for the use of a museum, incorporating a new foyer linking the three heritage buildings and mezzanine levels within, including fit-out and landscaping; ▪ the landscaping including retention of trees and a substation; and ▪ 10 new car spaces as an extension to Wright Lane car park, a further visitor car parking space closer to the museum with two disabled car park spaces and bicycle spaces.
Estimated Cost of Works	\$11,279,400
Type of development:	Major Project
S.119 Public inquiry held:	No
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06-0083

Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Newcastle City Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Francis-Jones Morehen Thorp, dated 22 September 2008.

HDC means Honeysuckle Development Corporation

Minister means the Minister for Planning.

MP No. 06-0083 means the Major Project described in the Proponent's Environmental Assessment.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

PPR means Preferred Project Report

Proponent means Newcastle City Council or their agent, Francis-Jones Morehen Thorp or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06-0083

PART A—ADMINISTRATIVE CONDITIONS

A1 Development Description

- (1) Development approval is granted only to carrying out the development described in detail below:
- adaptive reuse of Honeysuckle Workshops for the use of a museum, incorporating a new foyer linking the three heritage buildings, mezzanine levels, including fit-out and services;
 - the landscaping including retention of trees and a substation; and
 - 12 new car spaces as an extension to Wright Lane car park, including two disabled car park spaces and also providing bicycle spaces.
- (2) Development must be carried out consistently with the Statement of Commitments (attached Schedule 3) except as amended by the conditions of approval.

A2 Development in Accordance with Plans

The development will be undertaken in accordance with the Environmental Assessment dated September 2008 prepared by Francis-Jones Morehen Thorp and updated drawings received in February 2009 including all Appendices and the following drawings prepared by Francis-Jones Morehen Thorp:

Architectural (or Design) Drawings prepared by Francis-Jones Morehen Thorp			
Drawing No.	Revision	Name of Plan	Date
PA_000	A	Project Scope — Ground and Mezzanine Floor Plans	12/02/2009
PA_001	A	Reference Plans	12/02/2009
PA_003	A	Archaeological Area Plan	12/02/2009
PA_004	A	External Works Plan	12/02/2009
PA_005	A	Roof Plan	12/02/2009
PA_101	A	Blacksmith's Shop Floor Plan	12/02/2009
PA_102	A	Boiler Shop and Link Building Plan	12/02/2009
PA_103	A	Erecting Shed Ground Floor Plan	12/02/2009
PA_104	A	Blacksmith's Shop and Boiler Shop Plant Level Plan	12/02/2009
PA_105	A	Erecting Shed Ground Lower Mezzanine Floor Plan	12/02/2009

PA_106	A	Erecting Shed Ground Mezzanine Floor Plan	12/02/2009
PA_201	A	North South Elevations	12/02/2009
PA_202	A	West East elevations	12/02/2009
PA_301	A	Section 1	12/02/2009
PA_302	A	Section 2	12/02/2009
PA_303	A	Section 3	12/02/2009
PA_304	A	Section 4	12/02/2009
PA_305	A	Section 5	12/02/2009
PA_306	A	Section 6	12/02/2009
Building Code of Australia Compliance Assessment Report prepared by Davis Langdon dated 12 June 2008.			
Environmental Assessment Report prepared by FJMT dated October 2008.			
Archaeological Survey by C & M Doring dated November 2007			
Heritage Impact Statement prepared by Clive Lucas Stapleton Architects dated 29 August 2008.			
Access Report prepared by Accessibility Solutions dated October 2008.			
Acoustic Report prepared by ARUP Acoustics dated July 2008, and Noise Management Plan by ARUP dated 20 March 2009.			

A3 Development in Accordance with Documents

The development will be undertaken in accordance with the following documents:

- (1) *Environmental Assessment Report* prepared by Francis-Jones Morehen Thorp on behalf of Newcastle City Council;
- (2) Architectural Plans, Design Statement and Preliminary Landscape Design Report prepared by Francis-Jones Morehen Thorp, various dates;
- (3) Museum Visitation Report prepared by Newcastle Regional Museum;
- (4) Statement of Heritage Impact prepared by Clive Lucas Stapleton & Partners dated 29 August 2008;
- (5) Hydraulic and Fire Systems Report prepared by Warren Smith & Partners Pty Ltd, Issue C August 2008;
- (6) Services Design Overview by Steensen Varming (Australia) Pty Ltd dated August 2008;
- (7) Fire Safety Strategy prepared by ARUP Fire, dated June 2008;
- (8) BCA Compliance Report prepared by Davis Langdon, dated June 2008;
- (9) Acoustic Report prepared by ARUP, dated July 2008;
- (10) Contaminant Assessment prepared by RCA Australia dated March 2007;
- (11) Waste management Plan prepared by Newcastle Regional Museum;
- (12) Geotechnical Report prepared by Douglass Partners dated February 2008;
- (13) Traffic Management Plan prepared by Mark Waugh Pty Ltd dated 29 August 2006; and
- (14) Archaeological management Plan by C and MJ Doring dated November 2007.

A4 *Inconsistency between documents*

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions of this approval prevail.

A5 *Place of Public Entertainment Approval*

The interiors of the finished buildings at Newcastle Regional Museum may be used as a place of public entertainment, subject to all the enclosed conditions. No approval is given for the external areas of the site to be used as a place of public entertainment.

A6 *Maximum number of persons*

The maximum number of persons approved and permitted to be in the premises at any one time is 2000 patrons and up to 45 staff members.

A7 *Separate Applications*

No consent is granted or implied for the following:

- (a) signage including building identification signs and business identification signs which are either externally or internally fitted or applied. Discrete safety signs and noise control signs are permitted.
- (b) installation of any umbrellas, awnings or other shade structures or other form of weather protection not specified in the above drawings;

A separate application shall be submitted to Newcastle City Council for consideration for any of the above-mentioned works and uses.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Structural Details

Prior to issue of the Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:

- (1) the relevant clauses of the BCA,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA.

B2 Design Modification — Doors

The infill doors, panels and louvers in the east façade of the Boiler Shop are to be detailed with flush framing and a single colour.

B3 Design Modification — Fire Hydrants

- (1) A fire hydrant system is to be provided to serve the building in accordance with Performance Requirement EP1.3 of the Building Code of Australia before the site may be used as a place of public entertainment. Details shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.
- (2) In meeting the requirements of condition (1) above, should the Proponent choose an alternate solution to meet the relevant performance requirement, the Proponent shall obtain the written agreement to the proposal from the NSW Fire Commissioner, which is to include endorsement of the detailed alternate solution.
- (3) In the event that the NSW Fire Commissioner does not endorse the submitted alternate solution, the Proponent must provide a deemed to satisfy solution.
- (4) The detailed design of the proposed fire hydrant system, including any impact on heritage fabric of the existing building, and the terms of the NSW Fire Commissioners approval are to be submitted to the Department of Planning for approval prior to the issue of any construction certificate.

B4 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of the Construction Certificate a certification of compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B5 Noise Attenuation Measures

Prior to issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, drawings and documentation demonstrating that the construction and fit out of the building incorporates the recommendations of the Acoustic Reports prepared by ARUP, July 2008 and 30 March 2009, except where varied by these conditions.

B6 Mechanical Ventilation

All mechanical ventilation systems shall be designed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B7 Reflectivity

The light reflectivity from any building materials used on the facades of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B8 Outdoor Lighting

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B9 Construction and Traffic Management Plan

Prior to the issue of a Construction Certificate a Construction Management Plan shall be submitted to the satisfaction of the Certifying Authority. The construction hours however must be in accordance with condition D10 of this approval.

The Proponent shall also submit a copy of the final plan to the Certifying Authority and the Council.

B10 Construction Waste Management Plan

Prior to the issue of Construction Certificate, a Waste Management Plan shall be prepared by a suitably qualified person. The Proponent shall submit a copy of the plan to the Certifying Authority and Council.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 Barricade Permit

Where construction/building works require the use of a public place including a road or footpath, approval for a Permit is to be obtained from Newcastle City Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Newcastle City Council.

C2 Loading and Unloading During Construction

A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted, an application must be made to Newcastle City Council prior to commencement of the work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the day to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

C3 Vehicle Cleansing

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site/associated with the construction of the development. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

C4 Utility Services

To ensure that utility authorities are advised of the development:

- (1) A survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (2) Prior to the commencement of work the Proponent is to negotiate with the utility authorities (eg. Energy Australia, Hunter Water Corporation and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

C5 Construction Management Plan

Prior to the commencement of the works, the Proponent shall forward to the Certifying Authority and Council a construction management plan in accordance with the Draft Statement of Commitments and also including a section on how the significant heritage fabric will be protected from damage during the works.

C6 Contact Telephone Number

Prior to the commencement of the works, the Proponent shall forward to the Certifying Authority and Council a 24 hour telephone number to be operated for the duration of the construction works.

PART D—DURING CONSTRUCTION

D1 Heritage

- (1) The proposed works are to be carried out in a manner that minimises demolition, alterations, and new penetrations/fixings to the significant fabric of the heritage-listed buildings.
- (2) The Honeysuckle Railway Workshops are to be adequately protected during the works from potential damage. Appropriate protection systems must ensure that historic fabric is not damaged or removed without approval.
- (3) Adequate signage and other protective measures should be erected in the vicinity of the heritage items and in the vicinity of the work site to alert contractors and subcontractors to the existence and fragile nature of these heritage items.
- (4) The original bricks from the internal archway to become a doorway between the Wheel Shop and the Blacksmith's Shop are to be stored on site for future conservation projects.
- (5) Horizontal chasing through mortar joints is permitted for flashings and services. Vertical chasing through pre-1945 brickwork is not permitted. Fixing into original walls is permitted where face bricks are not damaged.
- (6) Any fixing to the cast iron columns is to be done with tension straps or cleats. Welding, hammered and explosive-driven fasteners are not to be used on the cast iron.

D2 Archaeology

- (1) If any unidentified historical archaeological remains or deposits are exposed during the works excavation is to cease immediately in the affected areas and the archaeologist is to undertake an evaluation of the potential extent and significance of such relics. The Heritage Council is to be notified immediately (02 9873 8500) in accordance with Section 146 of the *NSW Heritage Act, 1977*.
- (2) An archaeologist is to observe the excavation in areas with a likelihood of uncovering archaeological resources. Archaeological observations are to be recorded, including any rails, pits, pipes, building footings and machine footings.
- (3) The item-specific recommendations in the 'Honeysuckle Point Railway Workshops 2007 Archaeological Survey' items 9.2 to 9.8 are to be carried out in the works.

D3 No Obstruction of Public Way

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Newcastle City Council to stop all work on site.

D4 Erosion and Sedimentation Control

Sediment controls, to ensure that no sediment, fines, and like material can enter the waterway or drainage system are to be in place for the duration of the works. The Proponent is to carry out works generally in accordance with an approved Construction Management Plan in respect to environmental management and safeguards. These controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be

immediately made good. Soil erosion and sediment control measures and methods shall be designed in accordance with the document *Managing Urban Stormwater — Soils & Construction Volume 1 (2004) by Landcom*. Details are to be complied with prior to Construction.

D5 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D6 Stormwater Pits

Any existing stormwater pits that do not comply with AS 3500 must be upgraded as part of the development.

D7 Approved Plans to be On-Site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal by the Certifying Authority or by any officer of the Department, HDC or Council.

D8 Covering of Loads

All vehicles involved in the excavation process and departing with spoil or loose matter must have their loads fully covered before entering the public roadway.

D9 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the immediate area during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
- (2) All materials shall be stored or stockpiled at the most suitable locations;
- (3) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- (4) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
- (5) All equipment wheels shall be washed before exiting the site;
- (6) Gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- (7) Cleaning of footpaths and roadways shall be carried out regularly.

D10 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) between 9:00 am and 3:30 pm, Mondays to Fridays for any mechanical rock blasting;
- (4) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (5) the delivery of materials is required outside these hours by the Police or other authorities;
- (6) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
- (7) 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 commencement of the works.

D11 Site Contamination

The recommendations of the Remediation Action Plan by RCA Australia dated March 2007 are to be carried out in full.

PART E—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 Heritage

An Interpretation Plan is to be prepared and installed to interpret the industrial heritage of the site in its regional context. The Interpretation Plan is to be prepared by the Proponent and implemented as part of the project prior to the occupation of the building in accordance with the NSW Heritage Council's Heritage Interpretation Policy available on:
<http://www.heritage.nsw.gov.au/docs/interpretationpolicy.pdf>

E2 Landscaping and public domain works

The museum shall not commence operation until all the landscaping and public domain works that are the subject of this Approval are completed. For each tree to be removed from this site, another of the same species is to be planted on or in the vicinity of this site.

E3 Noise Control — Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- (1) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (2) A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.
- (3) Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

Prior to issue of any Occupation Certificate a report is to be prepared and submitted by a qualified acoustic engineer confirming that the development has been constructed in accordance with the recommendations of a Plan of Management approved by the Certifying Authority.

E4 Accessibility

Prior to issue of an Occupation Certificate a certificate of compliance is to be prepared by an appropriately qualified person and submitted to the Certifying Authority confirming that the development complies with the recommendations in the Access Report (WHP Accessibility Solutions, October 2008).

E5 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of the final Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the relevant authority and Council by the Certifying Authority.

E6 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of the final Occupation Certificate.

E7 Waste Management

Prior to an Occupation Certificate being issued, the Certifying Authority must ensure that waste handling works have been completed in accordance with an approved Waste Management Plan; other relevant approval conditions; and any relevant Council policy.

E8 Food Premises

The construction, fit out and finishes or any proposed commercial food premises shall comply with Standard 3.2.3 of the Australian and New Zealand Standards Food Code under the *Food Act 2003*. All food preparation areas are to be inspected and certified by Council's Environmental Health Officers prior to use.

E9 Plan of Management

Prior to the issue of any Occupation Certificate, a Plan of Management consistent with all conditions of this approval is to be approved by the Certifying Authority. The Plan must be prepared in consultation with Newcastle City Council. This Plan must describe queuing, monitoring of patron numbers, ingress and egress, and numbers of security guards. The procedures for security staff to control outdoor noise from patrons likely to disturb residents, and the movement of bottles must also be specified.

Functions with more than 200 anticipated patrons must have arrangements for the number of patrons less 200 to be able to get to the premises without parking in the vicinity. This may include the use of public transport tickets within the function event ticket, or 'park and ride schemes'.

PART F—POST OCCUPATION & ON GOING OPERATIONAL CONDITIONS

F1 General Hours of Approved Museum Use

The Newcastle Regional Museum is permitted to be open for public visitation between 10 am and 5pm daily. The premises may be used by Museum Staff at all other times.

F2 Hours of Approved Use as a Place of public Entertainment

The use of the finished interiors of the premises as a place of public entertainment may commence no earlier than 8:30am and must cease by 10:00pm Sunday–Thursday, and cease by 12:00 midnight Friday–Saturday, with packing up completed within one hour after the time at which the event must cease. The premises shall always be operated and managed in accordance with the Plan of Management. The external areas of the site are not approved as a place of public entertainment.

F3 Loading dock restrictions

The use of the loading dock area is restricted to the following times:

- (1) 6.00 AM – 8.00 AM
- (2) 10.00 AM – 12.00 PM (midday)
- (3) 2.00 PM – 4.00 PM

F4 Annual Fire Safety Statement

For any essential fire safety equipment, an Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the relevant authority initial Fire Safety Certificate is received.

F5 Noise — Use

Noise caused by the approved use including music and other activities must comply with the following criteria:

- (a) The use must not result in the transmission of “offensive noise” as defined in the *Protection of Environment Operations Act 1997* to any place of different occupancy.
 - (b) The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 KHz inclusive) between the hours of 7.00 am and 12.00 midnight when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
 - (c) The L10 noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 KHz inclusive) between the hours of 12:00 midnight and 7.00 am when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
 - (d) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 11.00 pm and 7.00 am.
 - (e) External doors and other openings are to be operated according to the advice of the Noise Management Plan by ARUP dated 20 March 2009.
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F6 Noise — Mechanical plant

Noise associated with any mechanical plant must not give rise to any of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (L90, 15 minute) noise level by more than 5db(A). The background noise level must be measured in the absence of noise emitted from the licensed premises. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from any mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00 am.

F7 Noise —amplification

- 1) External amplification of noise to external public areas is prohibited.
- 2) A sound amplification system to be installed in the Newcastle Museum limiting amplified sound in accordance with the Plan of Management required by condition E9 and conforming to condition F5 above. No other sound amplification systems are permitted to be used on site.
- 3) Prior to the operation of the house amplifier, it is to be tested by an acoustic engineer to ensure conformity with Condition F5.

F8 Complaints Procedure

Prior to the commencement of operations, the proponent must ensure that the following facilities are available to handle community complaints:

- 1) a 24-hour, toll free telephone number on which complaints about the Project may be registered;
- 2) a postal address to which written complaints may be sent; and/or
- 3) an email address to which electronic complaints may be transmitted.

The proponent must ensure that the telephone number, postal address and/or email address are advertised to the local community and any potentially affected neighbours prior to the commencement of operations.

The proponent must record details of all complaints received through the means of an up-to-date Complaints Register. The Register must record, but not necessarily be limited to:

- (a) the date and time, where relevant, of the complaint;
- (b) the means by which the complaint was made (telephone, mail or email);
- (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken by the Proponent in relation to the complainant, the reason(s) why no action was taken.

The Complaints Register must be made available for inspection Newcastle City Council and NSW Police.

PRESCRIBED CONDITIONS

P1 Use of the Premises as a Place of Public Entertainment

- (a) Pursuant to Clause 46A of the Environmental Planning and Assessment Regulation 2000, the building is subject to the conditions set out in Schedule 3A of the Regulation.
- (b) The building must display a sign in a prominent position in the building that specifies the following:
 - (i) the maximum number of persons, as specified in the development consent, that are permitted in any part of the building used as a place of public entertainment,
 - (ii) the name, address and telephone number of the council of the area in which the building is located,
 - (iii) the name and business telephone number of an owner or manager of the buildings used as a place of public entertainment.

P2 Dangerous entertainment

- (1) Public entertainment must not involve:
 - (a) the discharge of ammunition from a firearm, or
 - (b) the use of any material or thing giving off a level of heat or toxicity that poses a threat of harm to patrons or members of the audience, or
 - (c) the use of fireworks unless the use of the fireworks is in accordance with a licence granted under the Explosives Act 2003, or
 - (d) the use of a sharp implement in a manner that poses a threat of harm to patrons or members of the audience, or
 - (e) the screening of a nitrate film.
- (2) In this clause:

fireworks does not include fireworks that are permitted to be used without a Licence under the Explosives Act 2003.

P3 Stage performance

During a stage performance, there must be at least one suitably trained person in attendance in the stage area at all times for the purpose of operating, whenever necessary, any proscenium safety curtain, drencher system and smoke exhaust system.

P4 Proscenium safety curtains

If a proscenium safety curtain is installed at a place of public entertainment:

- (a) there must be no obstruction to the opening or closing of the safety curtain, and
- (b) the safety curtain must be operable at all times.

P5 Projection suites

- (1) Where there is a projection suite at a place of public entertainment, the requirements of NSW Part H101.17 in Volume One of the *Building Code of Australia* must be complied with.

- (2) When a film is being screened at a place of public entertainment, at least one person trained in the operation of the projectors being used and in the use of the fire fighting equipment provided in the room where the projectors are installed (the **projection room**) must be in attendance at the place of public entertainment.
- (3) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the *Building Code of Australia*, the person required by subclause (2) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.
- (4) No member of the public is to be present in the projection suite during the screening of a film.

P6 Locks

Any key-operated fastening fitted to an exit door or gate used by the public as a main entrance must be arranged so that, whenever the public is in attendance, the tongue or bolt is locked in the retracted position to enable the door or gate to yield to pressure from within.

P7 Rope barriers

If a rope barrier is used across or at the side of an aisle:

- (a) the barrier must be secured with spring clips that become unfastened when pressure is exerted on the rope, and
- (b) the barrier must have a centre fastening only, and
- (c) the barrier must not trail on the floor when released.

P8 Emergency evacuation plans

- (1) An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as a place of public entertainment.
- (2) An **emergency evacuation plan** is a plan that specifies the following:
 - (a) the location of all exits, and fire protection and safety equipment, for any part of the building used as a place of public entertainment,
 - (b) the number of any fire safety officers that are to be present during performances,
 - (c) how the audience are to be evacuated from the building in the event of a fire or other emergency.
- (3) Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

P9 Upholstery, curtains or blinds

Any upholstery, curtains or blinds must, on installation (including replacement), comply with any relevant specifications set out in Specification C1.10a and NSW Specification C1.10 in Volume One of the *Building Code of Australia*.

ADVISORY NOTES

AN1 Use of Mobile Cranes

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the Proponent shall ensure the following matters are complied with:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN2 Movement of Trucks Transporting Waste Material

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN3 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act 1997*, or exceed approved noise limits for the site.

AN4 Disability Discrimination Act

This application is to comply with the *Disability Discrimination Act 1992*. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

SCHEDULE 3

MP 06-0083

ADAPTIVE REUSE OF HONEYSUCKLE RAILWAY WORKSHOPS

6 WORKSHOP WAY, NEWCASTLE

LOT 1 DP 1111305

PROPONENT'S DRAFT STATEMENT OF COMMITMENTS

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

General

The development will be undertaken in accordance with the Environmental Assessment report dated July 2008 as prepared by FJMT Architects (including accompanying Appendices) and drawings.

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.

Environmentally sustainable development

The Proponent is committed to the principles of sustainability as defined in the *Environmental Planning and Assessment Act, 1979*. A range of ESD initiatives will be incorporated to minimise the impact of the development on the environment including reduction in energy and water. These initiatives are detailed in the Environmental Assessment report and accompanying consultants' report.

Trees to be removed will be replaced by an equal specimen.

Building Code of Australia

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

Requirements of Public Authorities

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.

Pre Construction and Construction Phase

Construction Management Plan

Prior to the commencement of construction, a Construction Management Plan will be submitted to and approved by the 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 vehicles routes;
 - Construction staging;
 - Waste generation and management;
 - Soil erosion and sediment control and water management measures;
 - Dust management;
-

- Noise mitigation measures and vibration impacts; and
- Site security procedures.

The CMP will also outline any specific approvals required prior to commencement of construction such as erecting of hoardings, road closures. The Proponent/contractor will implement the approved Construction Management Plan during excavation and construction of the development.

Landscaping

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

Mine Subsidence

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

Archaeology

The Proponent/contractor undertakes to stop excavation works immediately should a historic relic be discovered on the site, and to inform the Heritage Council of NSW in accordance with s149 of the *NSW Heritage Act, 1977*, and in accordance with the recommendations of the Archaeological Management Plan.

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 the *National Parks and Wildlife Act, 1974*.

Post Construction

Security

The Museum will be provided with high levels of security consistent with its role as an institution of national standard. Entry to secure areas, including collection stores will be by electronic card system. Manned security will be present on site during opening hours and for major events and the building will be incorporated into Council's existing security network. Public safety and security around the buildings will be enhanced by security lighting and appropriately designed landscaping.

Maintenance

The owner/building manager will ensure that the publicly accessible areas to the immediate vicinity of the development, including the new Railway Square, are well maintained at all times.

Interpretation Plan

As part of the exhibition content, NCC will provide interpretation of the site including the heritage workshops and important elements contained within. Consideration will be given to those items as identified in the Archaeological Management Plan.