



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 16/08/2022 – 150 & 170 WHARF ROAD NEWCASTLE –
MA2022/00109 – PUB – RELOCATION OF STAGE**

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**DAC 16/08/2022 – 150 & 170 WHARF ROAD NEWCASTLE –
MA2022/00109 – PUB – RELOCATION OF STAGE**

ITEM-13 **Attachment A:** Acoustic Report

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29 March 2022

Ref: 14948/29696

Integrated Hotels
150 Wharf Road
Newcastle NSW 2300

RE: ACOUSTIC UPDATE – QUEENS WHARF HOTEL

This letter provides comment on the proposed amendment to the D.A. for the operation of the Queens Wharf Hotel at 150 to 170 Wharf Road, Newcastle, NSW.

This information presented here follows on from previous works undertaken for the venue by Spectrum Acoustics (an original Noise Impact Assessment and subsequent additional information letter prepared by Spectrum Acoustics dated February 2015 and 16th September 2015, respectively and a further letter dated 18th October 2017) and, for completeness, this letter should be read in conjunction with that report and additional information letters.

The current D.A. condition relating to the position of the entertainment at the wharf area of the hotel is shown in extract below;

- 16B Amplified or musical entertainment is only to be provided from a stage located at the south eastern end of the wharf area with speakers facing north east to the harbour with the eastern side screen of the outdoor covered area extended during entertainment to attenuate noise. This is to be incorporated into the approved plan of management.

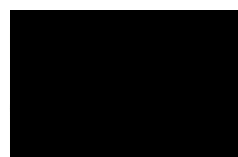
The wording of the current D.A. is not in keeping with the intent of the original acoustic assessment and further advice. It is apparent that some of the wording in those reports was in error.

An inspection of the wharf area and the location of the stage has shown that, from an acoustic point of view, the most appropriate location for the stage is to be at the south western side of the wharf with speakers directed to the north east (pointing towards the harbour entrance). That is, where the stage and speakers are currently located. This was the intent of the original assessment. All other conditions relating to noise should remain in place.

We trust this report fulfils your requirements at this time, however, should you require additional information or assistance please do not hesitate to contact the undersigned.

Yours faithfully,

SPECTRUM ACOUSTICS PTY LIMITED



Ross Hodge
Acoustical Consultant (M.A.A.S.)



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**DAC 16/08/2022 – 150 & 170 WHARF ROAD NEWCASTLE –
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ITEM-13 Attachment B: Draft Schedule of Conditions

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Application No: MA2022/00109

Land: Lot 57 DP 791037

Property Address: 150 Wharf Road Newcastle NSW 2300
170 Wharf Road Newcastle NSW 2300

Proposed Development: Sec 4.55(1) Modification to DA2015/0486 – Pub – Relocation of stage

MODIFIED NOTICE OF DETERMINATION

Modified Application No: MA2022/00109

SCHEDULE 1

REASONS FOR CONDITIONS

- 1 The conditions of this consent have been imposed in accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979* (NSW). The conditions relate to any matter referred to in Section 4.55 of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

APPROVED DOCUMENTATION

- 2 The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No./Supporting Document	Reference/Version	Prepared by	Dated
Licence Area Plan		ADW Johnson Pty Ltd	9 March 2015
Statement of Environmental Effects		ADW Johnson Pty Ltd	May 2015
Updated Plan of Management - Queens Wharf Hotel 2017.		author unknown	undated
Letter: ADW Johnson Pty Ltd Section 4.55(1A) Modification		ADW Johnson Pty Ltd	30 May 2018
Noise Assessment		Spectrum Acoustics Pty Ltd	18 October 2017

Letter: Spectrum Acoustics Pty Ltd RE: DA2015/0486.01		Spectrum Acoustics Pty Ltd	28 November 2018
Letter: ADW Johnson Pty Ltd RE: Response to Information Request.		ADW Johnson Pty Ltd	30 November 2018
Letter: Spectrum Acoustics Pty Ltd RE: MA2022/00109		Spectrum Acoustics Pty Ltd	29 March 2022

s4.55 condition MA2022-00109

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Nil

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

Nil

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF USE

- 3 Prior to the commencement of the use, consent dated 1 April 1998 for the use of part of public wharf for entertainment purposes and licensing of area for the sale and consumption of liquor (Development Application No1997-247) shall be surrendered in accordance Clause 97 of the Environmental Planning and Assessment Regulation 2000.
- 4 Prior to the commencement of the use, the applicant shall obtain the relevant liquor licence in accordance with the Liquor Act 2007.
- 5 Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared Spectrum Acoustics dated 16 September 2015 and updated report dated 18 October 2017. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report and imposed conditions is to be submitted to The City of Newcastle and NSW Police commencement of the use.

Note: The acoustic consultant may need to be involved during the establishment process in order to ensure requirements of acoustic measures are achieved.

Condition amended (29/7/19) DA2015/0486.01

- 6 A final comprehensive Plan of Management signed by the licensee of the Hotel being provided to Council prior to the commencement of use. The Management Plan shall include all management measures proposed to be implemented to minimise potential noise impacts from the outdoor wharf area, including the

conduct of patrons within the area and management of closure of the area at midnight. The plan of management is to be updated in accordance with the conditions of this consent, including acoustic recommendations and hours of operation. The following requirements shall be included in the Management Plan:

- a) The outdoor wharf seating area is to be constantly monitored by staff.
- b) The footpath/thoroughfare between the outdoor wharf seating area and pub are to be kept clear of patrons and outdoor furniture, and maintained to facilitate public access.
- c) The footpath/thoroughfare to the northern section of the wharf, and areas of the wharf not included in the lease area are to be kept clear of patrons and outdoor furniture, and maintained to facilitate public access (refer to approved licence area).
- d) Installation and management of CCTV, to including outdoor wharf seating area.
- e) No permanent furniture or barriers (excluding the existing approved shade structure) are permitted to be erected in the outdoor wharf seating area. All furniture and barriers are to be disassembled at the close of trade each day.
- f) Temporary barricades (as detailed in Plan of Management) are to be used during peak trade periods, to manage public access of the walkways.

The Management Plan shall be implemented at all times and updated in response to complaints lodged through consultation with Council and the Police.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

- 7 The hours of operation or trading of the outdoor wharf seating area are to be not more than from:

DAY	START	FINISH
Monday	10am	midnight
Tuesday	10am	midnight
Wednesday	10am	midnight
Thursday	10am	midnight
Friday	10am	midnight
Saturday	10am	midnight
Sunday	10am	midnight
Public Holidays	10am	Midnight

unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.

Condition amended (29/7/19) DA2015/0486.01

- 8 The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997 (NSW)*.

Should Council consider offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming the

recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

- 9 No goods or advertising signs are to be displayed or allowed to stand on the public footpaths/thoroughfares.

10 *Condition deleted (29/7/19) DA2015/0486.01*

- 11 Live or musical entertainment on the wharf area being restricted to the following times

- 12:00noon to 11:00pm Monday and Saturday
- 12:00pm noon to 10:00pm Sundays and Public Holiday

Condition amended (29/7/19) DA2015/0486.01

- 12 The outdoor wharf seating area shall not be used for private functions or events, and entry fees to this area are not permitted.

- 13 Any proposed floodlighting of the premises being so positioned, directed and shielded so as to not interfere with traffic safety or detract from the amenity of adjacent premises.

- 14 Adequate means of access for persons with disabilities, to the extent necessary to comply with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010 shall be provided within the outdoor wharf seating area, and for the public thoroughfares identified on the approved licence area plan.

- 15 The wharf area shall be maintained free of litter and any washing does of the foredeck and walkway areas only being carried out as a last resort and only when sweeping and/or other methods of litter and waste collection are not appropriate in a particular instance due to the nature of the waste involved.

- 16 Suitable waste bins being provided within the public thoroughfare and fore deck areas in accordance with Council's requirements, and these areas, in addition to the adjacent harbour environment, being maintained in a tidy condition, free of litter, to Council's satisfaction.

- 16A The approved plan of management incorporating security management and responsible service of alcohol being implemented at all times and updated in response to complaints lodged through consultation with Council and NSW Police.

s4.55 condition (29/7/19) DA2015/0486.01

- 16B Amplified or musical entertainment is only to be provided from a stage located at the southern end of the wharf area adjacent to the building with speakers facing in a north east or north west location toward the harbour with the eastern side screen of the outdoor covered area extended during entertainment to attenuate noise. This is to be incorporated into the approved plan of management.

s4.55 condition MA2022-00109

- 16C The LA 10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5Db between 07.00am and 12.00 midnight at the boundary of any affected residence. This is to be incorporated into the approved plan of management.

s4.55 condition (29/7/19) DA2015/0486.01

- 16D A sound level meter is to be used to measure the noise level at a location of 5m from the speakers on an hourly basis to ensure compliance with the recommended sound level.

The first measurement is to be made within 10 minutes of the entertainment commencing on any given day. The measurements must be made by a responsible person who is adequately trained to take accurate and valid noise measurements. All readings must be entered into a register and signed off by the responsible person with records kept for at least 3 months. This is to be incorporated into the approved plan of management.

S4.55 condition (29/7/19) DA2015/0486.01

ADVISORY MATTERS

- 17 This consent relates to the outdoor wharf seating area. Any existing conditions or terms of use of the existing licensed premises remain unaffected by this consent.
- 18 The NSW Police Force Licensing Unit recommend that if there is no CCTV covering the western side of the proposed area, then cameras to be installed to assist in the identification and recording of anti social behaviour and provide safety to patrons utilising that particular area. This system is to meet the standards set by the Office of Liquor Gaming and Racing.
- 19 Any proposed business identification sign or advertising sign should be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application approved prior to erection or placement in position.
- 20 It is an offence under the provisions of the Protection of the Environment Operations Act 1997 (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- 21 Failure to comply with the conditions of consent constitutes a breach of the Environmental Planning and Assessment Act 1979 (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

End of conditions

SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest
- Any issues raised in submission have been taken into account in the assessment report and where appropriate conditions of consent have been included in the determination.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The conditions in Schedule 1 have been applied to:

- Confirm and clarify the terms of Council's determination;
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.
- Ensure the development is undertaken in an orderly manner.



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ITEM-13 **Attachment C:** Processing Chronology

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PROCESSING CHRONOLOGY

MA2022/00109 – 150-170 Wharf Road Newcastle

07 April 2022	-	Modification application lodged
27 May 2022	-	Internal referrals received: Environmental Health
18 August 2022	-	Development Applications Committee meeting