

PLAN OF MANAGEMENT

for the

KING EDWARD HEADLAND RESERVE, NEWCASTLE (RESERVE 1011189)

for the



Department of Lands



Prepared by

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PLAN OF MANAGEMENT

KING EDWARD HEADLAND RESERVE, NEWCASTLE

Land to which this Plan Applies	Lot 3109 DP 755247
Name of Reserve and Location	King Edward Headland Reserve Off Ordnance Street, Newcastle
Reserve Number, Public Purpose and Trustee	R1011189 for Public Recreation NSW Lands Administration Ministerial Corporation
Description of Reserve	<p>The King Edward Headland Reserve was the site of the former Newcastle Bowling Club. The site is no longer used for that purpose and all the existing buildings associated with its former use are in a derelict condition.</p> <p>Set on a headland the Reserve provides panoramic views of the Newcastle coastline, the Pacific Ocean, and the adjoining King Edward Park.</p>
Purpose of Plan	The purpose of the Plan of Management is to enable the Reserve to be redeveloped to achieve broad social and economic outcomes in keeping with the vision of the Newcastle Coastline Management Plan.
Outcomes	<p>The purpose of the Plan of Management is to clearly define the King Edward Headland Reserve as a place for public recreation which provides for:</p> <ol style="list-style-type: none">1. The removal of all unwanted structures and buildings while retaining the form of the former bowling greens.2. The creation of a modern landscaped park which provides a high level of pedestrian access, plantings and areas of lawn which echo the former use as a bowling club, park furniture, shade structures, signage and public art, and vantage points to maximize views of the Newcastle coastline.3. The development of a future significant commercial building that takes advantage of the location relative to the coast and the Newcastle CBD.
Permissible Uses	Uses permissible in a 6(a) zone of the Newcastle LEP 2003 plus <i>conference centres</i> and <i>commercial facilities that provide for public recreation</i> .
Permissible Tenures	Leases and licenses for any purpose consistent with the purpose of the reservation.

EXECUTIVE SUMMARY

The former Newcastle Bowling Club site is under the control of the NSW Lands Administration Ministerial Corporation. The land is Reserve 1011189 with the name of the King Edward Headland Reserve Trust and its public purpose is for public recreation. The site is located on a headland which provides sweeping views of the coastline and ocean, but in consequence the Reserve is highly exposed to the elements and is highly visible. The existing buildings and facilities are either run down or highly dilapidated.

The land is not currently used for any particular purpose. The former use of the land was for a bowling club but there is limited demand for venues for lawn bowling. The previous use of the site as a club facility was unsuccessful for various reasons and the site gained a poor reputation which has alienated significant sections of the community.

The reserve is located within King Edward Park which was originally dedicated for public recreation in 1863. Newcastle City Council is the appointed manager of the King Edward Park.

The local planning instrument allows a wide range of uses of the land including childcare centres, clubs, community facilities, recreation areas, recreation facilities and restaurants. Key planning considerations revolve about the implications for the surrounding area and potential environmental impacts and impacts on the heritage features of the area. In its regional context this reserve is part of the Newcastle coastline public land system. The current Newcastle Coastline Management Plan (NCMP) has proposed that Plans of Management be prepared for key areas of Crown land to further the integrated planning and management of the Newcastle Coastline. The site of the Newcastle Bowling Club is recognised in the NCMP as one of a number of sites within the coastline reserve system that can provide both community facilities and commercial opportunities.

Consultation with the community (including Council and representatives of local resident groups) indicated a high degree of caution in relation to any significant development of the site given the Reserve's location and heritage values. At the same time the capital cost and the on-going recurrent cost involved in simply returning the land to passive open space was recognised as a significant issue. There is also a desire on the part of the community for additional open space facilities for the local community to use and enjoy.

This Plan of Management contains an indicative development concept for the Reserve. Some sections of the community are opposed to any development of the Reserve, others recognise that a significant opportunity exists for a substantial transformation of a degraded area of Crown land to provide for its on-going maintenance. The indicative concept plan presented in the Plan of Management illustrates the opportunities for a development which is consistent with the purpose of the Reserve and compatible with a formal landscaped setting. It is proposed that a formal expression of interest be sought for the redevelopment of the Reserve based on further consultation with Newcastle City Council.

1 INTRODUCTION

1.1 Background

This Plan of Management has been prepared to cover the future management and use of the King Edward Headland Reserve (R1011189) described as Lot 3109 in DP 755247 with an area of approximately 0.65 hectares. The notified purpose of the reserve is for Public Recreation.

The King Edward Headland Reserve is an area of Reserved Crown land on a headland to the east of the Newcastle CBD under the control of the NSW Lands Administration Ministerial Corporation. The location of the Reserve, which is an in-holding of King Edward Park, is shown in Figure 1.



Photograph 1 **Former Newcastle Bowling Club Site**

The site was used for many years as a bowling club by the former Newcastle Bowling Club, which operated the premises from 1964 under a Special Lease in perpetuity from the Crown. The Bowling Club went into liquidation and the lease was subsequently transferred to Newcastle Shores Recreation Club Ltd. However, the tenure was terminated in December 2005. The site as shown in Photograph 1 is now derelict but contains improvements that relate to the use of the land as a bowling club, although these improvements (buildings, landscaping, fencing etc) are of little or negative economic

value. However, some of these items may have a heritage value and therefore may be worthy of retention. In order for the site to be used by the public considerable restoration/redevelopment is required.

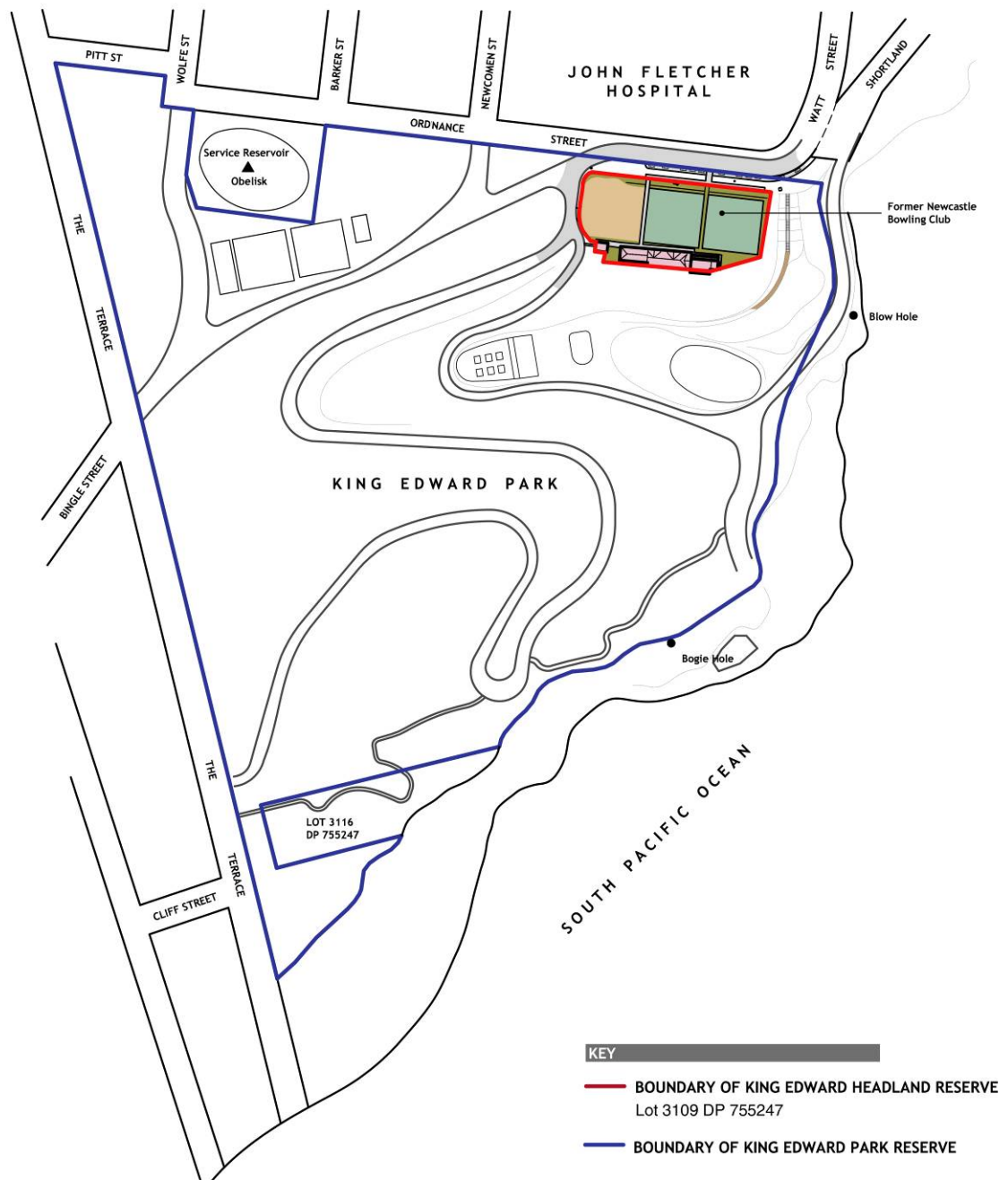


Figure 1 Location of King Edward Park Headland Reserve

The physical features of the site, including its exposed elevated location on a headland with spectacular views of the Pacific Ocean; its context within a reserve dedicated for public recreation, and it's historical associations for the local community and the City of Newcastle, represent a considerable planning challenge. At the same time the redevelopment of the site provides an opportunity to provide facilities which complement the uses in the adjoining King Edward Park.

1.2 Purpose of the Plan of Management

In order to ensure that this valuable resource is managed and developed in a manner that will result in the optimum benefit to the community, the New South Wales Department of Lands, on behalf of the Lands Administration Ministerial Corporation, decided to undertake a review of the future of the former Newcastle Bowling Club site. Integrated Site Design was engaged to report on the issues involved and to establish strategies through a Plan of Management to guide future improvement and development of the reserve in the context of the surrounding King Edward Park Reserve and the on-going management of other Crown lands in the vicinity.

In the preparation of this document preliminary consultation with officers of the Department of Lands, Newcastle City Council and representatives of the local resident groups and the National Trust (Hunter Region) was undertaken.

The purpose of the Plan of Management is to bring forward a Concept Plan for the Reserve and to establish objectives, performance targets and the means that the Reserve Trust will employ in the management of the reserve.

Implementation of the final Plan of Management will lead to the following outcomes:

- Improved and sustainable resource management;
- Improved facilities for the community of Newcastle and local residents;
- Better capacity to address changing community and market demands; and
- Maintenance of the essential character of the land.

1.3 Consultation

In the preparation of this Plan of Management discussions were held with officers of the Department of Lands at the outset to determine the status of the land, issues associated with the former lessees and potential stakeholders.

Subsequently, a round table discussion was held with officers of Newcastle City Council and the Department of Lands on the planning issues involved in the future use and management of the land. The discussion focused on the problems created by the former lessees, and the need to consider any future development in the context of the characteristic of the site, the views of the residents from surrounding areas and the regional open space system of which the land is part.

A workshop involving key stakeholders was held on Thursday 24th August 2006 at Newcastle City Council to discuss issues associated with the future use and management of the site.

The workshop was facilitated by Integrated Site design and attended by representatives of:

- Newcastle City Council
- The Department of Lands
- The National Trust (Hunter Region)
- The Cook Hill Community Group
- Newcastle East Community Group
- The Local Member Mr Bryce Gaudry MP

Consideration was given to the history of the site and its constraints and a spectrum of alternative uses ranging from minimal use (site landscaping) to provisions of community facilities with low level commercial activities (ie kiosk) through to more intensive uses – restaurants. Issues associated with these uses were canvassed. The workshop participants did not endorse in any way the redevelopment of the reserve; many of the participants were strongly opposed to any form of development. However, the process was valuable because it brought into focus both the opportunities and likely opposition to the inclusion of commercial activities in the redevelopment of the Reserve.

1.4 Exhibition of the Draft Plan of Management

A draft Plan of Management was placed on public exhibition from the 25 May until 27 July 2007. A total of 21 submissions were received from individuals and groups.

The public submissions received made the following comments on the Draft Plan and issues associated with the future management and development of the Reserve:

- Some community and resident groups opposed any redevelopment of the Reserve for commercial purposes because of concerns that potential impacts on the Reserve's values, loss of views, noise and traffic generation would be unacceptable. These submissions emphasise the desirability of retaining the Reserve as existing open space and/or decreasing the footprint of any structures.
- Some individuals and groups did not object to redevelopment of the Reserve but opposed structures outside of the existing building footprint for many of the same reasons (loss of views, visual amenity and heritage concerns). These submissions recognised the link between commercial activities on site and the need to provide for its on-going maintenance.

- Comment in some submissions on the desirability of expanding the area of the reserve to including the degraded steep sections of King Edward Park as this would provide opportunities to address existing management issues (geotechnical stability, weeds, and access) and allow greater scope to reduce the impact of development on the existing values of the Reserve.
- Some submissions in support of redevelopment and commercial activity within the Reserve also contained suggestions for alternative uses of the site, some proposed more intensive forms of development than the indicative concept provided in the Draft Plan.
- All submissions emphasise the need to retain the recreational, cultural, historical and scenic values of the site and that greater emphasis should be given in the final plan to maintaining these values.

In summary, the public submissions highlighted the divergent views of the community with regard to passive and active recreational activities and the most appropriate form of commercial activity to be approved for the Reserve. However, development can be justified in terms of providing a basis for the protection of an environmental, heritage, and recreational asset of the Crown. Commercial use of the site should provide an ongoing source of revenue to the Trust and prevent the Reserve from becoming an on-going target for further vandalism as well as a public liability.

The submissions and comments made have been used in the finalization of the Plan of Management of the King Edward Reserve having regard also to the regional and state significance of the site and the statutory land management requirements of the Crown Lands Act. The material received, particularly in relation to the heritage significance of the Reserve, represents a useful reference set which should be used in the on-going management of the Reserve.

1.5 Implementation and Review

This Plan provides a long term strategy for the management and development of the King Edward Headland Reserve. It is anticipated that the majority of the works described will be implemented over a five year period.

This Plan is to be reviewed approximately every five years or as required to ensure that it remains relevant and useful.

2 SITE USAGE AND CONTEXT

2.1 Introduction

This section of the Plan of Management looks at the status of the land, its history, use and its condition.

2.2 Land Description and Status

The location of the former Newcastle Bowling Club site is shown in Figure 1. The site has an area of 6,469m² and is formally described as lot 3109 in DP 755247, in the local government area of Newcastle, parish of Newcastle, and County of Northumberland. The land is Crown land being Reserve 1011189 for Public Recreation and the trust is the King Edward Headland Reserve Trust. The corporate manager of the reserve trust is the Lands Administration Ministerial Corporation, appointed on the 23rd December 2005.



Photograph 2 Site Location

The site is formed by a generally level platform set at approximately RL 40 AHD, with commanding views of the Pacific Ocean. On the northern side of Ordnance Street is the

site of the James Fletcher Hospital. Residential areas command the higher ground in an arc from the north-west to the south-west of the Reserve. However, heavy plantings effectively screen much of the site from the surrounding residential area, particularly the residences with frontage to The Terrace which is to the south west.

Reserve 1011189 is within a Public Park that was originally dedicated for public recreation in 1863. In 1894 the Park, described in the gazettal as a recreation ground, was revoked to allow part of the original dedication to be used for defence purposes. The balance of the land was then rededicated for public recreation. King Edward Park spans two headlands and has been used for a wide range of public purposes – health, defence, public utilities and recreation. The recreational facilities at the Park included a cricket oval, tennis courts, ornamental gardens and trees, seating and bandstand. Council is the appointed manager but its involvement in the management of King Edward Park and the adjoining Crown land goes back to the early 1860s and the activities of the Borough of Newcastle.



Figure 2 Bowling Green and Tennis Court - c 1915.

Many of the improvements in King Edward Park evident in Photograph 2 were present at the turn of the century as shown in Figure 2. The internal roads (which now function as public roads but are formally part of the park), pathways, ornamental garden, plantings of Norfolk Pines and terraced grassed areas date from the period of 1870 - 1890.

The band rotunda is a later item (it was relocated from Centennial Park in Sydney) as is the drinking fountain which was originally sited outside of the Newcastle Railway Station. Other heritage items including the Bogey hole and the Obelisk are located within or in the vicinity of the area of the original dedication.

The use of Lot 3109 as a bowling club dates from 1891. Figure 2 shows a depiction of a bowling green, tennis court and a caretaker's cottage based on plan N.98-844R. A Special Lease in perpetuity was granted to the Newcastle Bowling Club for commercial purposes on the 25th February 1966, however, the lease was terminated after the site was no longer actively used as a bowling club.

2.3 Heritage Overview

The following summary of the heritage significance of the Reserve has been provided by the Hunter Regional Committee of the National Trust.¹ It is recognised that the surrounding King Edward Park is listed in the Register of the National Estate.

- a. ***Aboriginal cultural significance.*** *The subject headland (with stunning vistas) defines the southern end of Yi-ran-na-li (the cliffs above South Newcastle Beach). The cultural significance of Yi-ran-na-li ('place of falling rocks') has been recognised by Newcastle City Council through the use of dual-naming on signage at South Newcastle Beach. This Awabakal site is registered with the NSW National Parks and Wildlife Service. European understanding of the significance of this site to Awabakal people is well documented back to the 1820s. The Awabakal story of the place, where caution needs to be taken as rocks will fall if passers by sing or yell, is oral record of the instability of these cliffs – with the road below recently closed to the public for several years. The eastern (ocean-end) of the Reserve is an ideal place to celebrate the Aboriginal cultural significance of the site using an interpretive device in accordance with the requirements of SEPP71, Objective (d).*
- b. ***Early coal mining.*** *A convict-era coal mine, popularly described as the 'Bowling Green shaft', is thought to exist within the site, or to the immediate south (within a few metres). Some writers (Goold) claim this mine began under Surgeon Mason in the failed 1801 settlement. Others have this mine operating by 1817. The 'mine at the top of the hill' necessitated the hand cartage of coal down to the wharf, creating a well worn track in the process. This mine is often cited as the genesis for Watt Street - Newcastle's most historic street and original 'main street'.*

¹ Material provided by Mark Metrikas, Deputy Chair on behalf of the Hunter Regional Committee of the National Trust,

- c. **Newcastle Bowling Club.** The extant turn-of-the-century sandstone gate posts contain a granite tablet with the words 'Newcastle City Bowling Club Established 1880'. We have no reason to believe that these impressive gate posts with carved sandstone capitals, are incorrectly dated. We also note the sign on the abandoned clubhouse which proclaims: 'Newcastle Bowling Club, 30 May 1889'. Regardless of the exact date of the first usage of the site for the purposes of lawn bowling, it is clear that the predominant cultural significance of the site for over 115 years, has been as the city's bowling club. **Retention of little more than a flagpole and the partial border of some of the greens does not adequately interpret the former use of the site.**
- d. **Defence uses.** The remains of a WW2 searchlight battery sit less than 60m to the east of the bowling club site, while a bunker and tunnel complex is known to exist under the headland reserve and slightly to the south. Sightlines to the Shepherd's Hill Fort should also be considered during planning for any re-development. It is not known if the site was used for defence purposes in WW2. The importance of the locality in the defence of Australia has not been adequately studied yet.

2.4 Current Condition

Figure 3 contains an extract from a survey plan of Lot 3109 drawn in 1963 at the time the Bowling Club was excised from King Edward Park. Immediately to the west of Lot 3109 is shown an internal park road with a bitumen surface.

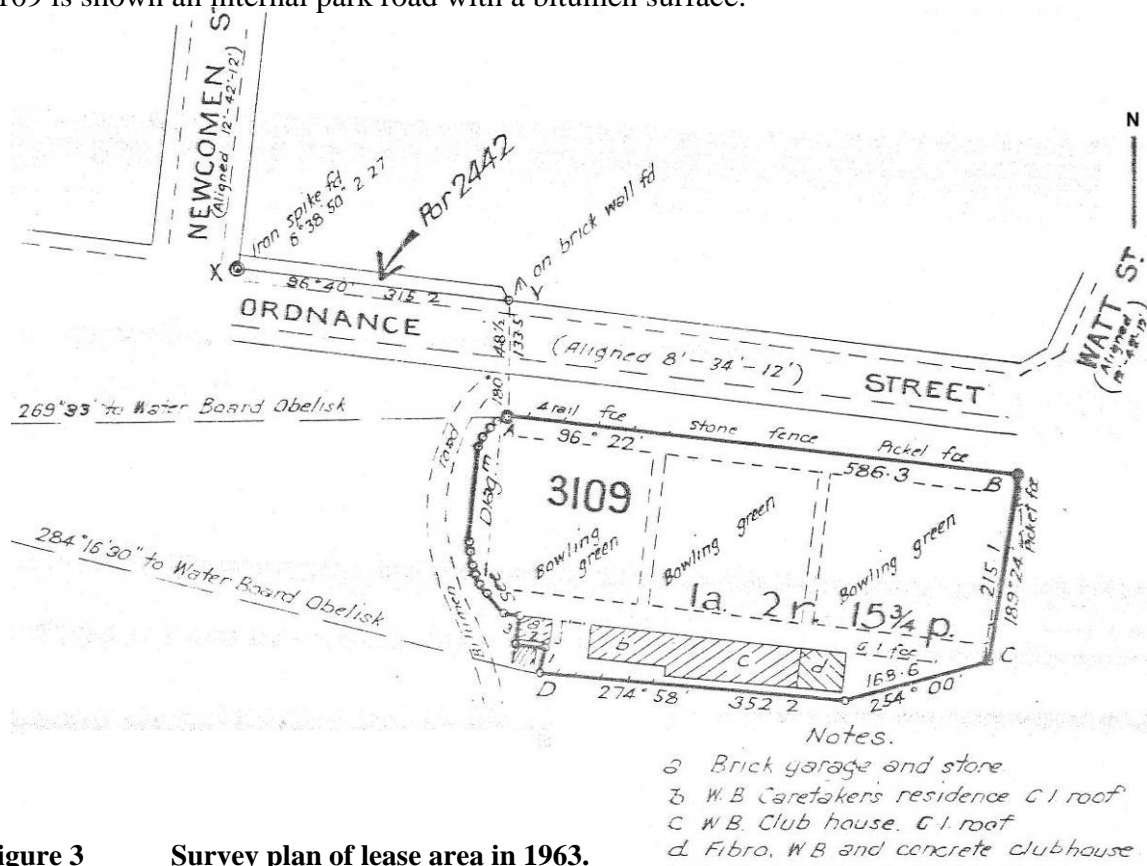


Figure 3 Survey plan of lease area in 1963.

The above plan shows that when the lease was granted to the Bowling Club the site contained the following improvements:

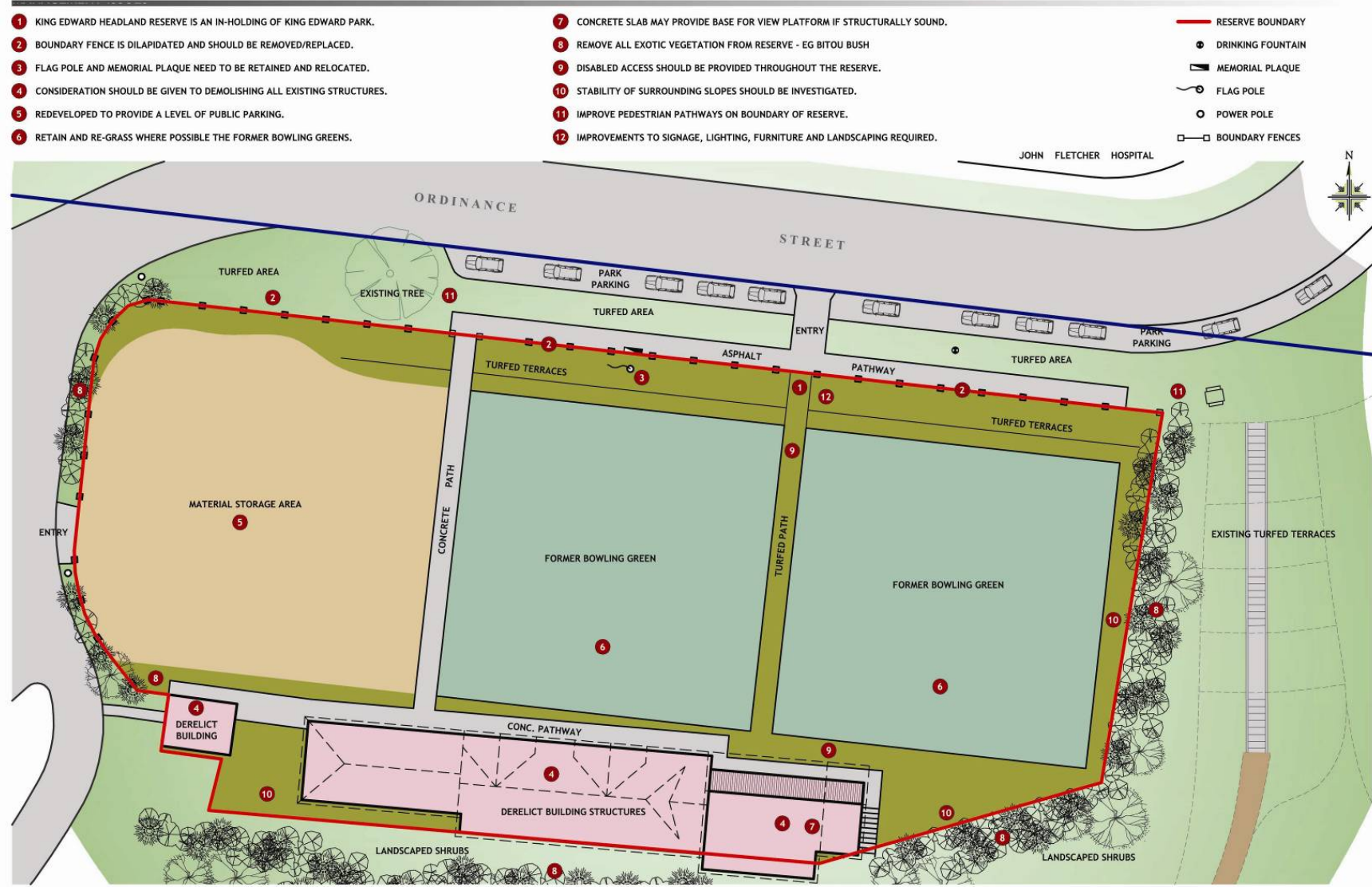
1. The northern boundary of lot 3109 is offset from Ordnance Street by approximately 7 m, accordingly, the parcel does not have access to a public road. The northern boundary fence is in three parts – a 4 rail fence on the western third of the frontage, a stone fence in the middle of the property and a picket fence for the eastern third of the boundary.
2. Three bowling greens in the centre of the property
3. A brick garage located in the south west corner. Immediately behind the garage in King Edward Park a brick public toilet is shown.
4. A single building on the southern boundary with good northern aspect facing the bowling greens was divided as follows as illustrated in Photograph 3:
 - Weatherboard caretaker's residence with corrugated iron roof.
 - Weatherboard club house with corrugated iron roof
 - Fibro weather board and concrete clubhouse

Subsequently, the existing buildings were further extended to the east by the construction of an additional entertainment area with amenities on an elevated concrete slab. It would appear that part of this building encroaches on King Edward Park.

The current features and condition of the Reserve are shown in Drawing PM 01 and Photographs 3 to 5. One of the bowling greens is used by Newcastle City Council under licence for the storage of materials and equipment.

The southern and eastern boundaries of the Reserve appear to be unstable. Site inspection identified evidence of landslip and erosion. There is also evidence of structural instability in the existing buildings. The buildings condition suggests that there has been some movement in the foundations. More geotechnical information is required to assess the actions required to manage the southern and eastern margins of the Reserve.

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JOB NAME: KING EDWARD HEADLAND RESERVE		CLIENT: NSW DEPARTMENT OF LANDS	JOB No: 26.12	isd Integrated Site Design Planning Design and Management	DRG No: PM-01 Rev. 01
DRG TITLE: EXISTING PARK RESERVE SITE PLAN		DATE: August 2007	SCALE: 1,400 @ A3		



Photograph 3 **Existing Buildings viewed from Ordnance Street**



Photograph 4 **Bowling Club Buildings viewed from King Edward Park**

The stand of Norfolk Pines in King Edward Park behind the club house building is evident in Photograph 3. This stand of vegetation acts as significant visual barrier to distant residences to the south west. A visual analysis would show that the bulk of the visual catchment of the Reserve is contained within King Edward Park looking north at the rear of the club building which presents as a continuous façade as shown in Photograph 4. Residences to the north-west above the Reserve have views of the bowling greens and the front of club house buildings.

The current buildings form an interconnected and dilapidated “rabbit warren”. Also seen in Photograph 1 is the eastern extension of the building with a small structure tacked on which is a later construction. The general level of the greens and the floor level of the buildings is below the level of Ordnance Street. Structural problems due to subsidence and water penetration are evident from Photograph 5.



Photograph 5 **Rear of former club showing extent of structural problems.**

2.5 Management Issues

The key management issues have been assessed from site inspections, discussions with officers of Newcastle City Council and stakeholders. It is evident that there are three key management issues that the Trust must address in them Management of the Reserve:

1. Manage and protect the existing asset not only from a public safety perspective but also to protect the heritage items and values of the Reserve;
2. Consider and consolidate the boundaries of the Reserve in consultation with Newcastle City Council to ensure that the Trust can work within a defined management precinct; and
3. In view of the degraded condition of the Reserve, redevelopment to enable the Reserve to be used and enjoyed by the community on a long-term sustainable basis. Redevelopment has to be considered because of the capital costs involved in

providing public facilities and the ongoing need for revenue to maintain+ these improvements.

2.6 Summary

The structures within King Edward Headland Reserve have limited value excluding those with heritage value and the fencing, pathways and buildings all need to be removed. The concrete slab under the eastern section of the former club house may still be structurally sound and could be adapted as a view platform although further investigations are required to determine its condition.

3 LEGISLATIVE AND PLANNING CONTEXT

3.1 Introduction

This Plan of Management has been prepared in accordance with the requirements of the *Crown Lands Act 1989* to provide a framework for the future redevelopment, management, and use of the King Edward Headland Reserve. Other instruments including environmental planning policies, guidelines and strategies also require consideration especially as new development is contemplated under this Plan of Management.

3.2 Crown Lands Act 1989

The objectives and principles of Crown land management are listed in Sections 10 and 11 of the *Crown Lands Act, 1989 (CL Act)* and form the starting point for the preparation of Draft Plans of Management. The principles of Crown land management are that:

- *Environmental protection principles be observed in relation to the management and administration of Crown land;*
- *The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible;*
- *Public use and enjoyment of appropriate Crown land be encouraged;*
- *Where appropriate, multiple use of Crown land be encouraged;*
- *Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity; and*
- *Crown land be occupied, used, sold, leased, licenced or otherwise dealt with in the best interests of the State consistent with the above principles.*

Part V of the *CL Act* provides for the reservation of Crown land for a public purpose and the formation of reserve trusts to manage a Crown reserve or part of a reserve. Some of the main provisions of Part V of the Act as they relate to a reserve trust's on-going management of a reserve are:

- With the Minister's consent, the reserve trust may sell, lease, licence or grant an easement or licence etc. over part or the whole of a reserve;
- The Act does not prescribe the length of leases or licenses of reserved land;
- The Minister may direct how the proceeds of sale, lease or licence is applied;
- If a reserve trust is acting in good faith in its management of the affairs of the reserve trust the liability of its members is safeguarded; and
- The Minister responsible for the *CL Act* or the reserve trust (with the agreement of the Minister) may prepare a Plan of Management for the reserve.

The *CL Act* and existing policy for the management of Crown land encourages the appropriate commercial use of Reserved Crown land. Appropriate commercial activities are encouraged to meet the needs of public users of a reserve and also to generate the financial means required to manage and improve the Crown Reserve system generally. It should be noted that it is a specific requirement of the Act that the proceeds of commercial undertakings on reserved Crown land be spent on the management of Reserved Crown land.

This Plan of Management has been prepared in accordance with the requirements of the Department of Lands for the preparation of plans of management.

3.3 The Local Government Act 1993

The *Local Government Act 1993 (LG Act)* can be important for the management of Crown reserves because it contains an approval regime for various activities under Section 68. The activities that require an approval include the use of a building or structure as a place of public entertainment. The requirements for the preparation of draft plans of management for *community land* do not apply to Reserved Crown land and other various categories of public land.

3.4 The Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979 (EP&A Act)* provides the statutory basis for the development consent process in New South Wales. Section 79C of Part 4 of the *EP&A Act* outlines the factors that a Council must consider when assessing a development application for local development.

These matters include:

- any environmental planning instrument;
- any draft environmental planning instrument that has been placed on public exhibition and details of which have been notified to the consent authority.
- any development control plan;
- the Regulations;
- the likely impacts of the development, including environmental impacts on both the natural and built environment, and social and economic impacts on the locality;
- The suitability of the site for the development;
- any submissions made in accordance with the Act or the Regulations; and
- the public interest.

Major projects, on the other hand, are assessed by the Minister for Planning under Part 3A

of the *EP&A Act*. The assessment requirements are determined by the Director of Planning. The significance of Part 3A of the *EP&A Act* for any development that might be required under this Management Plan is further considered in section 3.5.2.

3.5 Relevant Environmental Planning Policies

3.5.1 Coastal Policy and State Environmental Planning Policy No 71.

The NSW Coastal Policy 1997 was released by the New South Wales Government to replace the 1990 Coastal Policy. The stated purpose of the Policy is:

.....to provide for population growth and economic development without putting the natural, cultural and heritage values of the coastal environment at risk. In recognition of this challenge, the Coastal Policy incorporates the principles of ecologically sustainable development (ESD) into coastal planning. ESD aims to ensure that development occurs in such a way that the ecological processes on which life depends are maintained. (Coastal Policy, A sustainable future of the NSW Coast - Fact Sheet, 1997)

The Coastal Policy 1997 introduced three main changes to the previous Policy:

A revised definition of the coastal zone. The new definition of the coastal zone takes in areas within one kilometre of the ocean, as well as an area of one kilometre around coastal lakes, lagoons, islands, estuaries and rivers. The previous policy only applied to areas within one kilometre of the ocean.

Introduction of an Environmental Philosophy. The Policy is described as an integrative policy based on the principles of ecologically sustainable development (ESD) and

- Conservation of biological diversity and ecological integrity
- Intergenerational Equity
- Improved valuation, pricing and incentive mechanisms
- The precautionary principle.

A policy hierarchy of goals, objectives and strategic actions. The current policy framework has the same mix of initiatives but with some change of emphasis. There is now greater emphasis on improving water quality and maintaining public access to the coastline.

The Coastal Policy proposes that a range of management planning approaches including catchment management plans be implemented in consultation with relevant agencies to ensure that sustainable development and use of natural resources occurs in harmony with

the protection of the environment. A Plan of Management under the *Crown Lands Act 1989* is one of the most valuable management tools available to implement the Policy.

State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71) was introduced in October 2002 as part of the NSW Government's Coastal Protection Package. SEPP 71 applies to the coastal zone of the State as defined in the *Coastal Protection Act 1979*. The Policy gives statutory force to some of the elements of the NSW Coastal Policy 1997. Finally, the Policy identifies master plan requirements for certain developments in the coastal zone. While the policy primarily comes under consideration when a development application is submitted for determination the objectives and general principles established in the SEPP should be recognized as relevant to any coastal planning exercise.

The objectives of SEPP 71 are:

- (a) *to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales Coast, and*
- (b) *to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (c) *to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (d) *to protect and preserve Aboriginal cultural heritage and Aboriginal places, values, customs, beliefs and traditional knowledge, and*
- (e) *to ensure that the visual amenity of the coast is protected, and*
- (f) *to protect and preserve beach environments and beach amenity, and*
- (g) *to protect and preserve native coastal vegetation, and*
- (h) *to protect and preserve the marine environments of New South Wales, and*
- (i) *to protect and preserve rock platforms, and*
- (j) *to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6(2) of the Protection of the Environment Administration Act 1991), and*
- (k) *to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic qualities of the surrounding area, and*
- (l) *to encourage a strategic approach to coastal management.*

Clause 8 of the Policy establishes a list of the matters that a consent authority must take into consideration in assessing developments in the coastal zone.

3.5.2 State Environmental Planning Policy – Major Projects

State Environmental Planning Policy (Major Projects) 2005 commenced on 29th July 2005. The intent of the Policy is to identify projects to which the development assessment requirements under Part 3A of the Act should apply. The Minister for Planning is the approval authority for Part 3A projects.

Schedule 1 of the Policy defines the nature of Part 3A projects, for example, tourist facilities with a capital investment value of more than \$5m located in an environmentally sensitive area of State significance is a Part 3A project and the Minister is the consent authority. The definition in the Policy of *environmentally sensitive areas of State significance* includes land reserved or dedicated under the Crown lands Act 1989 for the preservation of flora, fauna, and geological formations or for other environmental protection purposes.

Schedule 2 of the Policy identifies specified sites, one of which is coastal areas, where certain types of development are subject to Part 3A. Buildings greater than 13m in height are specifically identified in any part of the coastal zone outside of the metropolitan coastal zone. A *sensitive coastal location* includes, for example, land within 100m of mean high water mark.

Consequently, any significant redevelopment may be potentially a Part 3A project with the Minister for Planning as the approval authority under the *EP&A Act*.

3.6 Newcastle Local Environmental Plan 2003

The land is zoned 6(a) Open Space and Recreation Zone under the *Newcastle Local Environmental Plan 2003* (NLEP). Newcastle City Council is the consent authority for development under this planning instrument.

The objectives and development control table for the 6(a) zone are as follows:

Zone objectives

- (a) *To accommodate leisure, recreation and sports facilities in parks, gardens, plazas and other open spaces, for the general use of the community, where consistent with an adopted plan of management under the [Local Government Act 1993](#) or the [Crown Lands Act 1989](#).*
- (b) *To provide for the conservation of urban bushland where associated with parks and other open spaces.*
- (c) *To accommodate other facilities for the benefit of the community that are compatible and consistent with the heritage and character of the open space*

and with the character and amenity of the neighbourhood.

The Development Control Table for the 6(a) zone in the NLEP only permits the following uses with development consent. All other uses are prohibited in this landuse zone.

Permitted Uses

- camping grounds or caravan parks
 - childcare centres
 - clearing
 - clubs
 - community facilities
 - convenience shops
 - dwellings
 - dwelling-houses
 - eco-generating works
 - eco-tourism facilities
 - environmental facilities
 - flood works
 - helipads
 - home employment
 - marinas
 - passenger terminals
 - places of assembly
 - recreation areas
 - recreation facilities
 - restaurants
 - tree removal
 - utility undertakings
 - Any development allowed by a plan of management under the [Local Government Act 1993](#) or [Crown Lands Act 1989](#).
 - Demolition.
- Subdivision.

Development that can be undertaken without consent includes utility undertakings by a public authority, minor landscaping and site works, minor non-structural improvements to buildings, demolition of minor structures, fencing etc and environmental protection works.

The 6(a) zoning does not overly restrict the commercial use of the land although commercial premises (for example a building used for wedding receptions) are excluded. The forms of development relevant to development within the King Edward Headland Reserve from the above table include childcare centres, clubs, community facilities, recreation areas, recreation facilities and restaurants. Demolition and subdivision require consent although these are usually ancillary aspects of development. The LEP also contains provisions relating to development in the vicinity of a heritage item that also require careful consideration.

The permissible uses in the above development control table for the 6(a) zone of NLEP can be expanded by the inclusion of any development allowed by a plan of management adopted under the *Crown Lands Act 1989*. This flexibility in the LEP has its limits. The public purpose of the reserve, which in this case is for public recreation, provides one form of limitation. Zone objectives (a) and (c) envisage development that will

accommodate leisure, recreation and sports facilities in parks, gardens, plazas and other open spaces, for the general use of the community.... and/or

provide other facilities for the benefit of the community that are compatible and consistent with the heritage and character of the open space and with the character and amenity of the neighbourhood.

It is proposed in this Plan of Management that the following additional uses be approved:

“Conference centres and commercial facilities that provide for public recreation”

3.7 Hunter Regional Environmental Plan 1989

The *Hunter Regional Environmental Plan 1989* (REP) also applies to development of the land. The object of this planning instrument includes the promotion of *balanced development of the region, the improvement of its urban and rural environments and the orderly and economic development and optimum use of its land and other resources, consistent with conservation of natural and man made features and so as to meet the needs and aspirations of the community.*

The REP achieves the above objective in a number of ways but principally by providing directions to councils in the preparation of planning instruments and by providing a further overlay of matters that Councils must consider in determining development applications. In this regard, any development for commercial, tourism and recreation will need to address the relevant objectives and controls. For example, clause 66 of the REP provides the following controls in relation to recreation:

A consent authority, in considering proposals for development on land within 100 metres of the ocean or any substantial waterway should consider:

- (a) whether there is sufficient foreshore open space accessible and open to the public in the vicinity of the proposed development,*
- (b) the likely impact of the proposed development on the amenity of the waterway,*
- (c) the principles of any foreshore management plan applying to the area, and*
- (d) any alternative use for which a waterfront site is essential.*

From the scale bar on Figure 1 the 100m line appears to fall through the middle of the property. Accordingly the provisions of clause 66 of the Hunter REP are particularly relevant.

3.8 Newcastle Coastline Management Plan

The Newcastle Coastline Management Plan (NCMP) provides a framework for the integrated planning and management of the Newcastle coastline. One of the key actions envisaged in the NCMP is the preparation of Master Plans and Plans of Management for sections of the coastline, particularly for areas of high use such as Griffith Park, King Edward Park, Dixon Park Beach area and Newcastle Beach, to provide facilities, shade, shelter, and improve visual amenity. This Plan of Management for King Edward Headland Reserve has been prepared in response to the findings of the Coastline Management Plan. The NCMP recognises that as well as amenity and community use of the coastline there is a range of social and economic opportunities that need to be considered. Options for the commercial development mention in the NCMP include the derelict Merewether Surf House and the site of the Newcastle City Bowling Club². In relation to social initiative the NCPM draws on community expectations to improve pedestrian amenity, comfort and safety. King Edward Headland Reserve is uniquely located to provide an activity node to link Council's Bathers Way (walk) and the Department of Lands Great North Walk.

3.9 Other Planning Regulations, Controls, and Strategies

Newcastle City Council has a range of other planning controls and guidelines in place. These take the form of development control plans (DCPs), development guides and policies. These planning controls and policies address such issues as parking access for disabilities, outdoor advertising, and the establishment of monuments. Depending upon proposed activities, works or development proposals that may emerge in the Reserve over time, Council's current planning controls will require consideration.

3.10 Summary

The management, operation, development and use of the King Edward Headland Reserve are subject to a diverse array of statutory controls and policies. It is a fundamental requirement of this Plan of Management that the Reserve Trust Manager will comply with the requirements of applicable statutory requirements, approvals and consents. The current statutory controls allow a wide range of commercial uses to be developed within the public purpose of the reserve.

² Umwelt (2003), Newcastle Coastline Management Plan, P 3.

MANAGEMENT PRINCIPLES and STRATEGIES

3.11 Introduction

This Plan of Management is based on a 'Vision Statement' that is intended to guide the Reserve Trust in its decision making processes. It is then supported by management principles which in turn generate specific management objectives and strategies.

The Reserve Trust will be required to adopt action plans to implement the stated objectives and strategies. Detailed action plans have not always been specified as part of this Plan. This will allow the Trust to be responsive to economic factors, new information, and social and technological change. The community will continue to be consulted on development and management proposals with respect to the Reserve. The community will have a further opportunity for involvement through the environmental assessment processes.

3.12 Vision Statement

The Vision of the Reserve Trust in managing the King Edward Headland Reserve is:

To develop the King Edward Headland Reserve for recreation and commercial purposes to serve the recreation and cultural needs of the Newcastle and Hunter Region Community.

3.13 Values and Custodial Responsibilities

The King Edward Headland Reserve has a range of significant values inherent in the natural and historic characteristics of the land and its locality and the recreational opportunities provided by this context. The following values, including those relating to management, establish the broad direction the Trust will follow to achieve the Vision for the Reserve. These values underpin the specified strategies and actions.

Environmental Values:	The Reserve has important vegetation, visual and ecological values which need to be protect and maintained.
Cultural Values	The Reserve has important cultural and heritage values which relate to its Aboriginal cultural significance, early mining use, and its previous defence and recreation use.
Recreation Values	The cliff top setting overlooking the Pacific Ocean provides a distinctive setting for a range of recreational activities.

Custodial
Responsibilities

Management of the Reserve to provide:

- High quality facilities and landscaping for residents of Newcastle and visitors to the Hunter Region.
- Maintenance of the Reserve in an efficient and effective manner.
- Integrated coastal land management associated with the adjacent parts of the wider coastal reserve system.

3.14 Management Strategies

The following management strategies have been developed to address the issues that will arise in the development and management of the Reserve over the next 5 years.

3.14.1 Environmental Management

ISSUE	STRATEGIES and ACTIONS
Ecologically Sustainability	
To create a Reserve that is a model in terms of environmental responsibility.	<ul style="list-style-type: none">• Design for minimisation of waste, optimum levels of recycling, a high degree of energy efficiency and responsible use of resources.• Use low ecological impact materials.• Use renewable materials.• Use low embodied energy materials.• Minimise operational energy requirements.• Minimise required maintenance.• Consider potential for de-construction and re-use.
Fire Management	
To minimise fire hazard to property and appropriately manage natural coastal vegetation	<ul style="list-style-type: none">• Provide and maintain adequate fire control access.• Provide and maintain fuel free and fuel reduced zones where necessary eg. in areas of the adjoining Reserve.• Appropriate construction standards of any new facility to ensure minimal impacts on site vegetation
Waste Management	
To reduce the incidence of litter and improve recreational amenity.	<ul style="list-style-type: none">• Provide litter bins in appropriate locations in accordance with the landscape plan. Monitor bin use and modify servicing and bin provision as required. Encourage the community to provide information on litter collection requirements to assist Council.• Develop a waste management strategy with any lessee/licensee to encourage recycling and waste separation of waste at source.

ISSUE	STRATEGIES and ACTIONS
Vegetation and Habitat	
To establish landscaping in the reserve through the creation of formal plantings and areas of lawn.	<ul style="list-style-type: none"> Engage a qualified landscape architect to design a landscape plan for the reserve in accordance with the design principles of the Concept Plan. Develop and implement a Water Reuse Strategy with a view to irrigating the reserve through out. Locate facilities and pathways to minimise impacts on lawn areas.
To establish a maintenance regime to maintain the landscape elements of the reserve.	<ul style="list-style-type: none"> Prepare and implement a landscape management plan to ensure the proper maintenance of landscape elements in the reserve. Remove all weeds, exotic species, ad hoc tree and shrub plantings that compromise the landscape plan. Actively manage pests and feral animals in the reserve.
To encourage the use of native Australian species and enhance the recreational and visual amenity of the reserve.	<ul style="list-style-type: none"> Enhance the fauna values of the reserve by the appropriate use of native plant species. Implement and continue weed control, planting and natural regeneration programmes. Actively manage vegetation adjoining boundaries including any viewing locations and other high use locations.

3.14.2 Cultural

ISSUE	STRATEGIES and ACTIONS
Cultural and Heritages	
To protect and enhance Aboriginal cultural values.	<ul style="list-style-type: none"> Identify the significance of the Reserve for Aboriginal culture and identity; Provide interpretation of the significance of the headland where appropriate; and If necessary, implement strategies through on-going consultation with local Aboriginal groups.
To protect and enhance the Reserve's heritage and cultural values.	<ul style="list-style-type: none"> Identify and protect significant sites. Provide appropriate interpretation of significant sites where desirable.

ISSUE	STRATEGIES and ACTIONS
Visual Amenity	
Protect and enhance the visual amenity of the Reserve and the adjoining King Edward Park.	<ul style="list-style-type: none"> • Select materials and designs for buildings, fencing, signs, lighting and pathways which create a unified theme for the Reserve and reinforce local character and design themes. • Locate any facilities, accessways and signs to minimise impact on visual amenity while being clearly visible.
To enhance opportunities to enjoy coastal views or vistas.	<ul style="list-style-type: none"> • Allow for the enjoyment of general vistas particularly of the Pacific Ocean, the headlands to the south and views of King Edward Park. • Carry out limited strategic pruning and planting of appropriate species on Reserve boundary to allow this to occur. Selective planting is to comprise endemic coastal species only.

3.14.3 Recreational

ISSUE	STRATEGIES and ACTIONS
Recreation Facilities	
To provide and maintain areas within the Reserve for passive recreation.	<ul style="list-style-type: none"> • Provide passive recreational opportunities and facilities within the Reserve to improve the amenity for users including shade structures and seating. • Construct and maintain a Reserve in accordance with Newcastle City Council's planning controls and construction standards.
Pedestrian Access	
To promote pedestrian access to all public areas of the reserve.	<ul style="list-style-type: none"> • Review existing linkages and circulation throughout the Reserve taking into account: <ul style="list-style-type: none"> • level of use <ul style="list-style-type: none"> - vegetation - erosion - visibility and convenience - desire lines (ie paths people want to follow). • Ensure pathways have appropriate grades, proportions, are appropriately aligned, well defined, safe and properly drained while using appropriate finishes and materials. • Ensure disabled access is provided to all areas of the reserve consistent with the relevant Australian Standards. • Work with Newcastle City Council to improve the pedestrian walkway on the boundary of the Reserve with Ordinance Street.

3.14.4 Custodial

ISSUE	STRATEGIES and ACTIONS
Commercial Activities	
To allow for commercial activities that enhance recreational and cultural opportunities without impacting adversely on other recreational users, the natural environment or visual amenity of the reserve.	<ul style="list-style-type: none"> • Implement the improvements proposed in the Concept Plan (Section 5) through private sector involvement. • Utilise future rental streams to maintain and embellish the Reserve. • Consider the viability and demand for any potential commercial or cultural activities on existing activities within the Reserve. • Approve commercial activities that are compatible with the use of the Reserve.
Development	
To preserve and enhance the financial contribution a new commercial facility makes to the management of the reserve and the local community;	<ul style="list-style-type: none"> • Seek development proposals through a public expression of interest for the development of a commercial facility.
Integrated management	
Implement the Plan of Management and address relevant statutory requirements in an ongoing, co operative and timely manner within the available resources.	<ul style="list-style-type: none"> • Refer inquiries and liaise as required with relevant government agencies, for example: <u>Department of Lands:</u> Plan of Management adoption and revisions, consideration of development proposals, Crown Lands leases, Coastline hazard management, Funding grants <u>Department of Water and Energy</u> Soil erosion and water quality. <u>Department of Planning:</u> Approvals for proposals within areas covered by Part 3A of the <i>EP&A Act</i>. <u>Newcastle City Council</u> for other development matters and local approvals.
Land Status	
To enable leases and licenses for appropriate uses	<ul style="list-style-type: none"> • The Trust may enter into leases or licenses provided that: <ul style="list-style-type: none"> - Management of the land is in accordance with this Plan of Management, relevant Crown Land policies and guidelines. - The use of the land is in the public interest. - The granting of the lease, license or estate is in accordance with the relevant provisions of the <i>Crown Lands Act 1989</i>.

ISSUE	STRATEGIES and ACTIONS
To ensure that the boundary of the reserve provides practical legal access and represents a sound management precinct.	<ul style="list-style-type: none"> • Determine the best boundaries of the reserve to ensure legal practical access for all activities of the reserve. • Discuss with the Department of Lands and Newcastle City Council an expansion of the reserve to include the area separating the reserve from Ordnance Street and an area for access to the western boundary. • Consider in consultation with Newcastle City Council enlarging the southern and eastern boundaries of the Reserve to take in the base of the hillside to enable these areas to be integrated into the management of the Reserve.
Reserve Information	
To provide signage which promotes and assists user enjoyment of the Reserve.	<ul style="list-style-type: none"> • Design signs in accordance with State Wide Best Practice Guidelines to convey appropriate information • Minimise number of signs used by combining information.
Regulation of Activities	
To improve security within the Park and discourage inappropriate behaviour and activities and reduce the incidence of vandalism of facilities or vegetation	<ul style="list-style-type: none"> • Ensure that Crime Prevention Through Environmental Design (CPTED) is embodied in all reserve designs. • When required exercise reserve management powers under Crown Lands Act. • Determine and implement suitable measures to address problems specific to particular areas through: <ul style="list-style-type: none"> - lighting; - hours of use; - passive surveillance through location and design of facilities and landscaping; • Respond promptly to incidences of damage. • Restore and protect damaged vegetation areas.
Safety and Risk Management	
To provide health, safety and risk management for the general public, guests and those involved in maintenance and management activities.	<ul style="list-style-type: none"> • Ensure all appropriate OH&S procedures and practices are followed by lessees, licensees and contractors. • Carry out regular risk management inspections for all infrastructure including lighting, pathways, fencing and other structures and implement maintenance and repairs as required. • Maintain recreational areas in accordance with relevant guidelines (Council and Australian Standards etc). • Carry out tree and vegetation maintenance to remove hazards or obstructions.

4 CONCEPT PLAN

4.1 Introduction

An indicative concept plan for King Edward Headland Reserve has been prepared based on site attributes and the following design principles. The concept plan envisages a high quality, well designed space which provides a high level of amenity for users. For plan see Drawing PM02.

4.2 Design Principles

1. Define King Edward Headland Reserve as a place by clearly establishing the boundaries of the Reserve.
2. Build on and embellish existing pathways and lawns to create a simple internal geometry.
3. Allocate sufficient space for commercial and open space uses within the Reserve.
4. Ensure that buildings are as transparent as possible consistent with the internal functions of the building.
5. Create vantage points that provide views of the Pacific Ocean and King Edward Park.
6. Ensure equality of access to all areas of the Reserve.
7. Plant trees to create shade having regard to the exposed coastal location.
8. Promote vibrancy through landscaping, lighting, signage and art work.
9. Promote safety through passive surveillance and encouraging activity within the Reserve with appropriate access for emergency vehicles.
10. Ensure that the built form allows efficient and effective management and maintenance. Ensure energy efficiency to minimise the environmental footprint of the Reserve.

4.3 Indicative Concept Plan

An indicative Concept Plan for King Edward Headland Reserve has been prepared as part of the Plan of Management to indicate how the Reserve could showcase a development

that complements and enhances the Reserve's values. The indicative concept plan seeks to transform an under utilised asset into a significant place for the use and enjoyment of the residents and visitors to Newcastle. The concept plan recognises the proximity of the Reserve to the Newcastle CBD and its prominent location between the institutional and residential land uses to the north and northeast and the backdrop provided by the extensive area of open space in adjoining King Edward Park to the south.

The key elements of the indicative concept plan, illustrated on the accompanying plan and pictures are:

- 1 Removal of all derelict structures and buildings associated with the former use of the Reserve
- 2 Retention of some of the surface of the former bowling greens as lawn areas.
- 3 Formalisation the boundary of the Reserve to provide separate legal access to the public road system. The boundary of the Reserve is to be clearly defined by landscape elements and fencing.
- 4 Removal of all exotic vegetation from the Reserve – especially bitou bush with a vegetation replacement program.
- 5 Formal plantings in the area between the former bowling greens and Ordnance Street provide a buffer to the road reserve. The south eastern edge of the Reserve has been reshaped through the introduction of low terraces.
- 6 Provision of a space for a future building which could be one to two storeys in height suitable for restaurant/reception/function venue with a footprint of approximately 875m².
- 7 The existing pathway between the bowling greens is widened and resurfaced to provide a central pedestrian access into the Reserve from Ordnance Street.
- 8 Vantage points with seating are located on the southern boundary to maximise views of the Pacific Ocean and King Edward Park.
- 9 Areas for public parking are provided at the western end of the reserve and at right angle to Ordnance Street.
- 10 Provision is made for new lighting, signage and public art. Some existing elements of the Reserve (eg memorial plaque) will be retained.

The final form of the development of the Reserve is to be the subject of a future

Expression of Interest. There will be further opportunities for public involvement and comment through this process and the subsequent development consent process.

4.4 Landscape Design Character

The recommended approach to the landscaping of the Reserve is to use a neutral palette with simple park furniture, shade structures and terracing. The following series of photographs illustrate the proposed design language. In the Concept Plan the pathways and vantage points impose a legible geometry to the space. The texture of the crushed granite pathways contrasts effectively with the concrete edged lawns. The terrace areas replicate similar elements found in the adjoining open space system.

Planting on the boundary of the Reserve should draw on native species suitable to an exposed coastal location. Emphasis is on species that are hardy and easy to maintain while providing effective ground cover.



Illustrative border fencing with crushed granite surface



Concrete and timber bench seating



Turfed terraces with concrete block edging



Metal bike rack with granite paving



Shade structure with timber bench seating



Handrails

4.5 Built Form Character

A special purpose building has not been designed in the preparation of the indicative concept plan. It is proposed that a design brief be prepared in consultation with Newcastle City Council and other relevant stakeholders, to seek a detailed architectural response to the unique opportunities afforded by the site. This would be done as part of a commercial public Expression of Interest (EOI). Within the identified building envelope, there is the capacity to create a contemporary multi-functional facility that can maximize the community's enjoyment and appreciation of the site. The building envelope has been located to reflect the general footprint of the buildings that have occupied the site over many years, but modified to facilitate uninterrupted pedestrian access to the perimeter of the Reserve and the Headland. The objective will be to develop a design response that has a degree of transparency with user friendly linkages between internal and external spaces. Subject to the preferred use of the building it could be designed to include some or all of the following functions:

- Restaurant/Bar
- Reception/Conference Facilities
- Kiosk
- Community Facilities

The building will also provide some protection to northern spaces of the Reserve from inclement weather and allow adequate access to service areas and facilities. Spaces surrounding the building can be used in association with functions in the building.

The final building form will be a product of further consultation with Newcastle City Council, the EOI process and the development consent process.



Indicative - Subject to final design

JOB NAME: KING EDWARD HEADLAND RESERVE

DRG TITLE: PARK RESERVE CONCEPT PLAN

CLIENT: NSW DEPARTMENT OF LANDS

JOB No: 26.12

DATE: August 2007

SCALE: 1:400 @ A3

isd
 Integrated Site Design
 Planning Design and Management

DRG No:
PM-02
 Rev. 01