



# Newcastle Development Control Plan 2012



City of  
Newcastle



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Version 20: 25 November 2019

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## **Part 10.00 Technical Manuals**

**Subdivision Technical Manual**

**Commercial Technical Manual**

**Contaminated Land Management Technical Manual**

**Newcastle Urban Forest Technical Manual**

**Heritage Technical Manual**

**Wickham Streets and Laneways Technical Manual**

**Landscape Technical Manual**

**Stormwater and Water Efficiency for Development Technical Manual**

**Waste Management Technical Manual**

**Outdoor Advertising Technical Manual**

**City Centre Public Domain Technical Manual**







## Part 1.00 Introduction









## 1.00 Introduction

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### Title

The name of this plan is Newcastle Development Control Plan 2012.

### Commencement

Newcastle Development Control Plan 2012 commenced on 15 June 2012.

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Section	Amendment Type
1	15/11/2011	15/06/2012	All New Sections	All Adopted
2	17/07/2012	30/07/2012	3.01 Subdivision 3.02 Single Dwellings 6.13 Precinct Maps 7.01 Building Design Criteria 7.02 Landscape, Open Space and Visual Amenity 7.03 Traffic, Parking and Access 9.00 Glossary	Amended Amended New Section Amended Amended  Amended Amended
3	28/05/2013	10/06/2013	5.03 Tree Management 7.05 Energy Efficiency 7.06 Stormwater 7.07 Water Efficiency 9.00 Glossary	Amended Amended Amended Amended Amended
4	27/08/2013	16/09/2013	5.03 Tree Management	Amended
5	22/07/2014	04/08/2014	3.13 Industrial Development 8.00 Public Participation	Amended Amended
6	Department of Planning & Environment	09/10/2014	6.01 Newcastle City Centre (replaces Section 6.01 Newcastle City Centre – East and Section 6.02 Newcastle City Centre – West)	Amended
7	28/10/2014	10/11/2014	3.02 Single Dwellings 9.00 Glossary	Amended Amended
8	26/04/2016	09/05/2016	3.02 Single Dwellings and Ancillary Development	Amended
9	27/09/2016	24/10/2016	3.13 Industrial Development 7.09 Outdoor Advertising and Signage 9.00 Glossary	Amended



Version Number	Date Adopted by Council	Commencement Date	Section	Amendment Type
			Introduction only 'Land to which this section applies' of following sections: 3.01 Subdivision 4.04 Safety and Security 5.01 Soil Management 5.03 Tree Management 5.04 Aboriginal Heritage 5.06 Archaeological Management 7.02 Landscape, Open Space and Visual Amenity 7.03 Traffic, Parking and Access 7.04 Movement Networks 7.05 Energy Efficiency 7.06 Stormwater 7.07 Water Efficiency 7.08 Waste Management 8.00 Public Participation	
10	14/03/2017	03/04/2017	7.06 Stormwater 7.09 Advertising and Signage 9.00 Glossary	Amended
11	27/06/2017	10/07/2017	3.03 Dual Occupancy and Semi-Detached Dwellings 3.04 Attached Dwellings and Multi Dwelling Housing 3.05 Residential Flat Buildings 3.06 Boarding Houses and Group Homes 3.07 Caravan Parks 3.08 Seniors Housing 7.01 Building design Criteria 3.03 Residential Development 3.01 Subdivision 3.10 Commercial Uses 6.03 Wickham 6.04 Islington Renewal Corridor 6.05 Mayfield Renewal Corridor 6.06 Hamilton Renewal Corridor 6.07 Broadmeadow Renewal Corridor 6.08 Adamstown Renewal Corridor 7.02 Landscape, Open Space & Visual Amenity 7.03 Traffic, Parking and Access 7.05 Energy Efficiency 7.07 Water Efficiency 9.00 Glossary 7.11 Development Adjoining Laneways	Repealed  Repealed  Repealed Repealed Repealed Repealed Repealed New Amended Amended Amended Amended Amended Amended Amended Amended Amended Amended Amended Amended New



Version Number	Date Adopted by Council	Commencement Date	Section	Amendment Type
12	28/11/2017	11/12/2017	4.04 Safety and Security	Amended
13	12/12/2017	19/02/2018	5.03 Vegetation Management	Amended
14	12/12/2017 24/10/2017	17/04/2018 17/04/2018	6.01 Newcastle City Centre 6.14 11 Mosbri Crescent, The Hill	Amended New
15	24/07/2018	12/11/2018	5.07 Heritage Conservation Areas 6.02 Heritage Conservation Areas	Repealed New
16	23/10/2018	16/11/2018	6.01 Newcastle City Centre 6.03 Wickham	Amended Amended
17	26/03/2019	24/06/2019	6.02 Heritage Conservation Areas 9.00 Glossary	Amended Amended
18	23/07/2019	06/09/2019	6.02 Heritage Conservation Areas 9.00 Glossary	Amended Amended
19	26/03/2019	16/09/2019	6.15 Fort Wallace	New
20	22/10/2019	25/11/2019	8.00 Public Participation	Repealed

Note: Council's website contains the latest most up-to-date version of this development control plan. Wherever possible, it is recommended that the web version be used. However, if using a printed or saved copy (uncontrolled document), please first check Council's website or contact Council on phone. 4974 2000 and speak to Council's Development Duty Officer to ensure currency of that copy.



## Purpose of this Development Control Plan

The purpose of this Development Control Plan is to:

1. Provide detailed provisions relating to matters of significance to The City of Newcastle to be considered by Council when exercising its environmental assessment and planning functions under Part 4 of the *Environmental Planning and Assessment Act 1979*.
2. Expand upon the aims, objectives and other provisions of the Newcastle Local Environmental Plan 2012.
3. Provide detailed criteria for the assessment of development applications.
4. Identifies notification requirements in accordance with section 3.43(c) of the *Environmental Planning & Assessment Act 1979*.

## Relationship to legislation, other plans, and policies

This Development Control Plan:

- was prepared in accordance with Section 3.43 of the *Environmental Planning and Assessment Act, 1979* and Clause 16 of the *Environmental Planning and Assessment Regulations 2000*
- identifies further detail of Council's requirements for local development seeking consent under Newcastle Local Environmental Plan 2012 or State Environmental Planning Policy (Three Ports) 2013
- is generally consistent with the provisions of Newcastle Local Environmental Plan 2012 and other applicable Environmental Planning Instrument/s (EPI), however, in the event of any inconsistency, the requirements of the EPI will prevail to the extent of the inconsistency
- does not apply, in whole or part, where specifically excluded by an EPI as per Section 3.45 (3) of the *Environmental Planning and Assessment Act 1979*
- repeals and replaces the whole of Newcastle Development Control Plan 2005
- is applied in conjunction with other Council development guidelines, policy, and/or technical manuals, where identified.

Note: Environmental Planning Instruments may include State Environmental Planning Policies or Local Environmental Plans.

## Land to which this Development Control Plan applies

This Development Control Plan applies to all land within the Newcastle local government area to which Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies, unless excluded in whole or part by an EPI, as per Section 3.45 (3) of the *Environmental Planning and Assessment Act 1979*.



## **Development to which this Development Control Plan applies**

This Development Control Plan applies to all development requiring consent of Council under Newcastle Local Environmental Plan 2012 or State Environmental Planning Policy (Three Ports) 2013.

Under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Council is required to take into consideration the relevant provisions of any applicable DCP when determining an application for development.

Note: Section 4.15 of the *Environmental Planning and Assessment Act 1979* contains other matters that must be considered in determining a development application and accordingly compliance with the provisions of this DCP does not guarantee that development consent will be granted.

## **Development to which this Development Control Plan does NOT apply**

This Development Control Plan does not apply to development where:

- identified, within Newcastle Local Environmental Plan 2012, as being 'Permissible Without Consent'
- Exempt and Complying Development as defined within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or within Schedules 2 and 3, respectively, of Newcastle Local Environmental Plan 2012, other than when specifically referenced in the exempt or complying development criteria under the Environmental Planning Instrument.
- carried out under Part 5 of the *Environmental Planning and Assessment Act 1979*
- assessed under the provisions of another Environmental Planning Instrument (such as a State Environmental Planning Policy) that excludes the provisions of the Newcastle Local Environmental Plan 2012 and/or this Development Control Plan.

Note: Section 3.45 (3) of the *Environmental Planning and Assessment Act 1979* enables an EPI to exclude or modify the application of this DCP in whole or part.

## **Definitions**

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions used are defined within Part 9.00 - Glossary of this plan.



**Additional information**

For more detailed information on the development assessment process and/or the minimum requirements for lodging a development application with City of Newcastle (CN), please refer to the City of Newcastle's Development Application Guide, which is available on CN's website or at CN's Administration Centre, 12 Stewart Avenue, Newcastle West.



## Part 2.00 How to use this Development Control Plan









## 2.00 How to Use this Development Control Plan

### Instructions

1. Firstly, identify if this Development Control Plan (DCP) will apply to the proposed development by referring to Part 1.00 Introduction.
2. Where applicable, refer to the relevant section/s within Part 3.00 Landuse Specific Provisions. Where development consists of more than one landuse type, refer to each relevant section within Part 3.00. Individual sections within Part 3.00 identify what other sections of this Development Control Plan will and/or may also apply for the given landuse.

Relevant State Environmental Planning Policies are also identified.

For example: An application for a Dual Occupancy will, among others, require referral to sections 7.01 Building Design Criteria, 7.02 Landscaping, Open Space and Visual Amenity, 7.03 Traffic, Parking and Access. It may also require referral to section 5.03 Tree Management, where existing trees are within 5m of the development footprint or other existing trees likely to be affected by the development, and 4.02 Bush Fire Protection, where the land is identified as bush fire prone land within Council's Bush Fire Prone Land maps.

3. Where applicable, refer to relevant sections within Part 6.00 Locality Specific Provisions, which provide area specific guidelines for certain locations. Individual sections within Part 6.00 identify what other sections of this DCP will and/or may also apply.
4. Other sections of this Development Control Plan, other than those specifically identified under Part 3.00 or Part 6.00 may also apply to a development depending on the nature of the development and the circumstances of the case. These sections include:
  - (a) Part 4.00 Risk Minimisation Provisions, which provide specific controls aimed at reducing the risk of potential identified hazards on development and ensuring development does not exacerbate such risks.
  - (b) Part 5.00 Environmental Protection Provisions, which provide specific controls aimed at reducing the potential impacts from development on the natural and built environment.
  - (c) Part 7.00 Development Provisions, which provide minimum requirements on various design related aspects.

Each section also identifies relevant supporting technical manuals and additional information, where available.

Note: Council has also prepared various guidelines and fact sheets for more detailed information on the development assessment process including the minimum requirements needed for lodging a development application with Council. This information is available on Council's website and at the Customer Enquiry Centre within the City of Newcastle's Administration Centre, 282 King Street, Newcastle.



## General format of each section

For ease of use, each section is formatted consistently and contains the following:

- Amendment history
- Savings provisions
- Land to which this section applies
- Development (type/s) to which this section applies
- Applicable environmental planning instruments and legislation
- Related sections (other sections within this Development Control Plan that will or may apply)
- Associated technical manual/s (documents providing acceptable method or numerical standards for achieving the minimum requirements for development)
- Additional information (helpful advice that may include best practice guidelines)
- Definitions (related to the specific section)
- Aims (identifying why the section is relevant)
- Subject headings (only relevant where grouping the controls by topic)
- Sub-heading (further breakup of controls where necessary)
- Objectives (non-negotiable design principle or minimum requirement to be achieved by development)
- Controls (accepted means of achieving the objectives, which may only be varied where suitably justified).

## Hierarchy of sections

Where an inconsistency between two or more sections occurs, the prevailing provision (to the extent of the inconsistency) will generally be as follows:

1. Where an inconsistency arises between Part 6.00 Locality Specific Provisions and Part 3.00 Landuse Specific Provisions the locality specific provision will prevail to the extent of the inconsistency.
2. The provisions of the latest adopted section prevail, where sections are located within the same part of this plan.
3. The more precautionary provisions will apply, where sections are within the same part of this plan and were adopted on the same date.

## Variations to development controls

The controls within each section ensure the aims and objectives are achieved by proposed development. Where development proposes to vary from a control, the onus is on the applicant to demonstrate by documentation and plans, within the Statement of Environmental Effects, how the objectives of the subject section are still achievable by such variation.

Each application will be assessed on its merits having regard to all relevant statutory heads of consideration. Therefore, compliance with the minimum provisions of this plan does not necessarily mean that an application will be approved.

Note: It is not appropriate to request Council to vary a Control for economic reasons, to achieve a higher density (which may be out of character with the surrounding area), or to enable a “standard design” to fit on the site. The request must establish the need for the variation based on the constraints and attributes of the site, while considering the underlying objective(s) of the relevant Control.

Applications that cannot reasonably establish these criteria will not be supported by Council.



## Part 3.00 Landuse Specific Provisions



- 3.01 Subdivision
- 3.02 Single Dwellings and Ancillary Development
- 3.03 Residential Development
- 3.09 Tourist and Visitor Accommodation
- 3.10 Commercial Uses
- 3.11 Community Services
- 3.12 Sex Industry Establishments
- 3.13 Industrial Development
- 3.14 Exhibition Homes and Villages







### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	17/07/2012	30/07/2012	Amended
3	27/09/2016	24/10/2016	Amended
4	27/06/2017	10/07/2017	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

### Development (type/s) to which this section applies

This section applies to all development consisting of subdivision.

### Applicable environmental planning instruments and legislation

The provisions of the Newcastle Local Environmental Plan 2012 also apply to development applications to which this section applies.

In the event of any inconsistency between this section and the above environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 4.04 Safety and Security
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.04 Movement Networks
- 7.06 Stormwater
- 7.08 Waste Management.



The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bush fire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 4.05 Social Impact – where more than 20 lots are created by subdivision
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Vegetation Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site and/or potential soil disturbance
- 6.01 Newcastle City Centre - if proposed development is located in this precinct
- 6.02 Heritage Conservation Areas - known conservation area
- 6.03 Wickham - if proposed development is located in this precinct
- 6.04 Islington Renewal Corridor - if proposed development is located in this precinct
- 6.05 Mayfield Renewal Corridor - if proposed development is located in this precinct
- 6.06 Hamilton Renewal Corridor - if proposed development is located in this precinct
- 6.07 Broadmeadow Renewal Corridor - if proposed development is located in this precinct
- 6.08 Adamstown Renewal Corridor - if proposed development is located in this precinct
- 6.09 Darby Street Cooks Hill - if proposed development is located in this precinct
- 6.10 Beaumont Street Hamilton - if proposed development is located in this precinct
- 6.11 Royal Newcastle Hospital Site - if proposed development is located in this precinct
- 6.12 Minmi - if proposed development is located in this precinct.

### Associated technical manual/s

- *Newcastle Subdivision Technical Manual*, The City of Newcastle
- *Guide to Traffic Engineering Practice*, 1999, Austroads Standards Australia
- *Model Agreement for Local Councils and Utility/Service Providers*, Streets Opening Conference, [www.streetsopening.com.au](http://www.streetsopening.com.au)

### Additional information

- *Disability Standards for Accessible Public Transport*, 2002, Commonwealth of Australia
- *Planning Guidelines for Walking and Cycling*, 2004, Department of Infrastructure, Planning and Natural Resources
- *Transport Stops, Shelters and Seating Guidelines*, 2008, Newcastle City Council

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 – Glossary of this plan, and include:

- **Community title subdivision** - form of title created under the *Community Land Development Act 1989* and the *Community Land Management Act 1989*. Community title provides individual ownership of lots (with buildings and structures erected on the lots as in conventional subdivision) and a share in the association property. Association property is a



lot in the scheme on which community facilities may be erected. Association property can include land for roads and driveways, swimming pools and other common facilities, common open space areas and common infrastructure facilities, such as water treatment plants and the like.

Note: Community title subdivision can be particularly useful where individually owned lots are required, but where common property and/or facilities are desired or required by Council. An example of the latter may be where Council requires a watercourse in a rural residential scheme to be maintained and enhanced as part of the development proposal.

- **Conventional or Torrens title subdivision** - the traditional or 'single lot' form of subdivision, common in many residential estates. The Torrens title system is based on a plan of survey, or a plan compiled from survey, which defines the boundaries of a parcel of land at the date upon which it was registered.

Note: Subdivision proposing less than 20 lots may be classed as medium scale and development of more than 20 lots as large scale development.

- **Section 94 Developer Contributions** - Section 94 of the Environmental Planning and Assessment Act 1979 is the principal legislation enabling Council to levy contributions for amenities and services. Contributions are imposed by way of a condition of consent and can be satisfied by either:
  - (a) dedication of land
  - (b) monetary contribution
  - (c) material public benefit
  - (d) combination of the above.
- **Strata subdivision** - defined as 'subdivision' in the *Environmental Planning and Assessment Act 1979*. Strata subdivision can subdivide buildings and land into separate lots capable of individual ownership, with additional areas of land designated as common property. Those owning lots within the scheme have a proportional entitlement to use the common property and also a proportional responsibility for its maintenance. Examples are buildings such as townhouses, flats, industrial units and shops, with outside areas such as gardens, driveways and car parking spaces usually being part of the common property lot, owned and managed by the 'Owners Corporation'.
- **Subdivision certificate** - a certificate issued by the Council that authorises the registration of a plan of subdivision in the Land Titles Office.

Note: At present, accredited certifiers may not issue a subdivision certificate.

- **Subdivision process** - the subdivision design and application process is shown in Figure 1.
- **Voluntary Planning Agreements** - an alternative to the payment of a Section 94 or Section 94A levy whereby the applicant may offer to enter into a Voluntary Planning Agreement with Council to fund or provide works in kind for providing infrastructure or facilities not otherwise required as part of the development. Acceptance of an offer is at the sole discretion of Council and where Council decides not to accept the offer, payment of the Section 94 or Section 94A levy will be required.

Note: Proponents are encouraged to contact Council to determine requirements for the particular proposal.

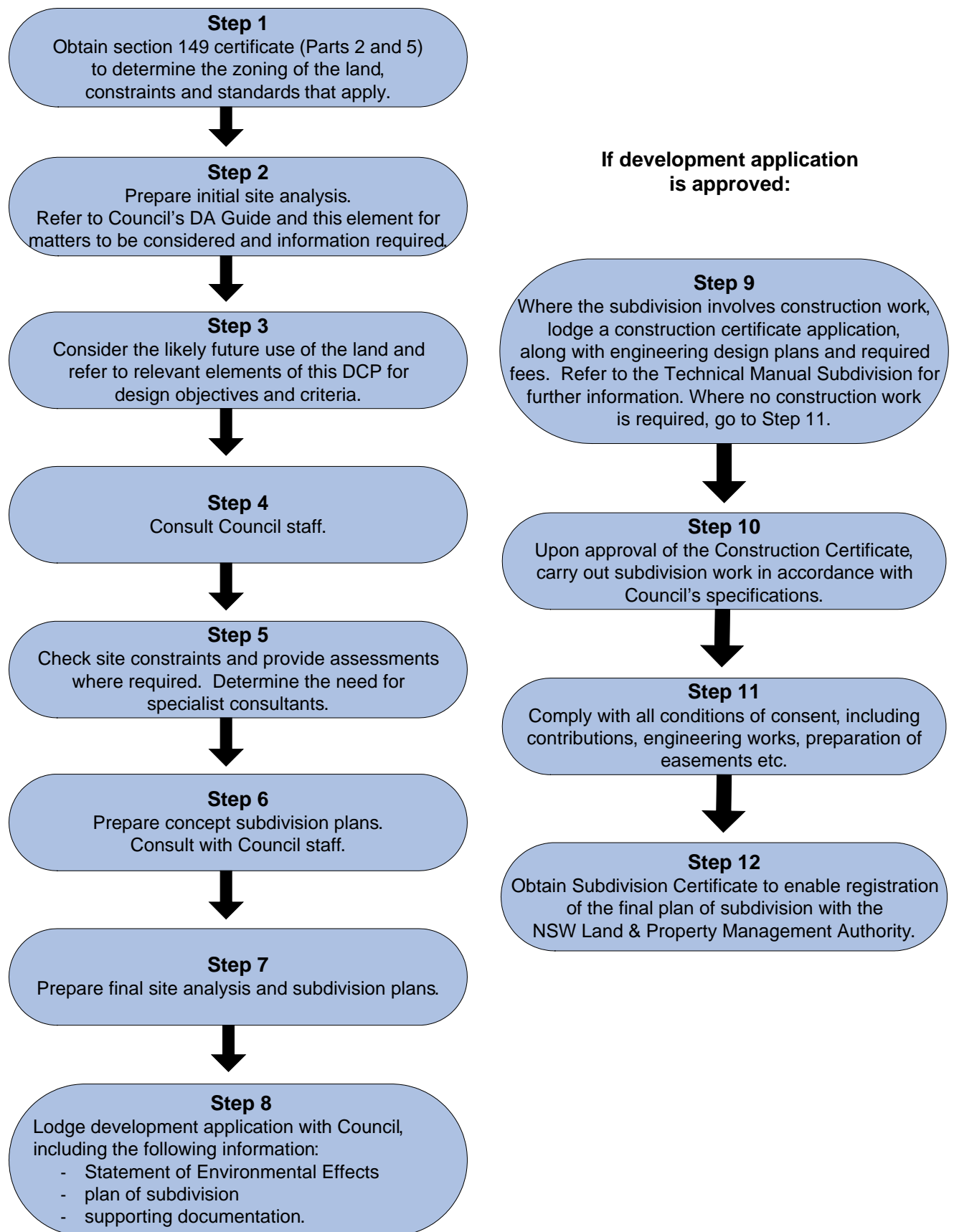


### **Aims of this section**

1. To identify Council's expectations and requirements relating to standards of subdivision design and construction, and information required to be submitted.
2. To minimise adverse impacts on the natural and built environments.
3. To ensure that all lots are physically capable of development.
4. To ensure lots have appropriate levels of amenity, services and access.
5. To achieve efficient use of land.



**Figure 1 – Subdivision Process**





### 3.01.01 Site analysis

#### Objectives

1. Undertake thorough site analysis prior to considering the subdivision design.
2. Design subdivisions that are responsive to existing site conditions.
3. Ensure subdivision proposals address all relevant matters.

#### Controls

1. The process for design follows the basic steps of:
  - (a) site analysis to identify all constraints and opportunities, both on-site and external to the site
  - (b) mapping, measuring or quantifying of constraints and opportunities
  - (c) development of a subdivision design that properly considers and takes account of those constraints, opportunities and various elements of this development control plan.

### 3.01.02 Subdivision design

#### A. Solar access

#### Objectives

1. Maximise the number of allotments which have good solar access.

#### Controls

##### The following controls apply to subdivision resulting in 20 or more lots

1. Eighty per cent of all lots should achieve a five star rating, with the rest achieving a minimum of four or three stars, as defined by an analysis determined from *Solar Access for Lots – Guidelines for Solar Efficient Residential Subdivision in New South Wales* (refer to Subdivision Technical Manual).
2. Allotment orientation results in living areas and private open space of any dwelling being oriented to the north and dwellings positioned so that possible overshadowing of existing or future adjoining buildings are avoided or minimised. Where site conditions, such as slope, could constrain future development, lot sizes are increased.

Note: Council may require plans showing potential building footprint, private open space for constrained sites (eg. sites with steep slopes) to ensure that the requirements of Section 3.02 Single Dwellings can be achieved.



## **B. Services**

### **Objectives**

1. Ensure all developments have adequate services, including water for domestic and fire fighting purposes, to cater for future developments and their occupants.
2. Enable installation, maintenance and augmentation of services in a cost effective manner and with minimal impact on the environment and community.

### **Controls**

#### Controls applying to all development to which this section applies

1. Essential services are provided to each lot, including the delivery of:
  - (a) satisfactory supply of water
  - (b) electricity
  - (c) communications
  - (d) the sustainable management of sewage.

The provision of reticulated natural gas and broadband internet are highly desirable.
2. All services are provided underground. Where overhead electricity wiring exists in established areas, Council may vary this standard to provide for reasonable connection to the existing system.
3. The location of utility services does not adversely affect the viability of significant vegetation and waterways.
4. Adequate buffers are maintained between utilities and houses to protect residential amenity and health.
5. Energy Australia Style 2 standard light poles (galvanised) are used. If a developer proposes a more decorative style, Council may require a non-refundable payment to be made, at the rate of the unit cost for one pole and luminaire for each 10 units or part thereof.
6. Copies of detailed construction plans, approved by the respective utility provider, submitted before a construction certificate is issued for subdivision work.
7. For installation of services, proponents refer to the *Model Agreement for Local Councils and Utility/Service Providers* and the *Guide to Codes & Practices for Streets Opening*.

## **C. Battleaxe allotments**

### **Objectives**

1. Ensure clear ownership and easements are established for battleaxe handles and stormwater drainage.
2. Ensure appropriate management is established for battleaxe handles.



## **Controls**

### The following controls apply only to battleaxe allotments

1. Vehicle access, where shared between proposed allotments, incorporates reciprocal right of carriageway to ensure a clear legal standing. The right of carriageway includes any turning areas and visitor parking bays where appropriate.
2. Battleaxe handles do not support more than two lots unless proposals are strata or community title subdivision.

## **D. Community title subdivision**

### **Objectives**

1. Ensure community title subdivisions are set up to meet the needs of end users/owners.

### **Controls**

#### The following controls apply only to community title subdivision

1. A draft of the Management Statement is provided with the development application for subdivision.
2. Communal open areas are designed to meet user needs and determined by:
  - (a) overall housing density
  - (b) non-discriminatory access and use
  - (c) the quality and extent of alternative, proximate open space.
3. Privacy is maintained between dwellings.
4. Appropriate vehicular access is provided having regard to the road hierarchy of the proposed movement network.
5. Essential services are provided to all proposed allotments.

## **3.01.03 Lot layout, sizes and dimensions**

### **Objectives**

1. Provide subdivision lot sizes that meet community and economic needs, while ensuring that environmental and social values are safeguarded.
2. Facilitate greater diversity in housing choice.
3. Ensure lots are of sufficient size to meet user requirements and to facilitate energy efficiency of the future built form.
4. Encourage innovative design.



5. Provide a range and mix of lot sizes to suit a variety of industrial uses with areas and dimensions to meet user requirements, including provision of storage space, vehicle access, parking, manoeuvring, and landscaping.
6. Provide subdivisions that are responsive to site constraints and opportunities.
7. Ensure appropriate building siting and access to development.
8. Provide adequate open space and recreation areas, vehicle access and parking.

## Controls

### The following controls apply only to subdivision in residential zones

1. Refer to Newcastle Local Environmental Plan 2012 for the minimum subdivision lot size in residential zones.
2. A range and mix of lot sizes produced, that:
  - (a) are generally rectangular in shape
  - (b) provide for diversity in housing choice
  - (c) use land efficiently
  - (d) protect natural and cultural heritage features
  - (e) provide for vehicular access that connects to a public road
  - (f) result in a street and lot layout that facilitates energy efficient building siting and design
  - (g) allow for erection of dwellings that present a building front to the street.
3. Lot sizes and dimensions provide for:
  - (a) rectangular allotments
  - (b) a minimum frontage of 15m
  - (c) space for parking and manoeuvring of vehicles
  - (d) space for private recreation and landscaping.
4. Where an application for subdivision proposes to subdivide land which contains an existing dwelling or that land has consent for the erection of a dwelling, or consent is being sought for dwelling(s), it must be demonstrated that each dwelling on each proposed allotment will comply with section 3.02 Single Dwellings (eg. via provision of parking, adequate solar access, good layout and design, adequate landscaping area and courtyards).
5. Where an application for subdivision proposes to subdivide land which contains:
  - i) an existing dual occupancy, semi-detached dwellings, attached dwellings, multi dwelling housing or residential flat buildings, OR
  - ii) the land has consent for, or consent is being sought for, the erection of a dual occupancy, semi-detached dwellings, attached dwellings, multi dwelling housing or a residential flat buildings;

it must be demonstrated that each dwelling on each proposed allotment will comply with Section 3.03 Residential Development.



The following controls apply only to subdivision in residential zones, arising in battleaxe lots

6. The minimum width of the access corridor for a battleaxe lot is 3.5m.
7. Subdivision proposals involving more than two lots served by an access corridor or battleaxe handle are strata or community title subdivision.
8. The maximum length of the access corridor for a battleaxe lot is 50m. Passing bays provided in accordance with Australian Standards.
9. The pavement within the access handle and associated drainage (in accordance with Section 7.04) is constructed from the road to the usable part of the lot prior to release of the subdivision certificate.
10. Where vehicular access is obtained from a laneway, a pedestrian pathway, within a minimum 1m wide access handle, is provided to the street frontage. The pathway allows pedestrian access, garbage services and property identification.

The following controls apply only to subdivision in residential zones, arising in fan-shaped lots

11. Fan-shaped lots have a minimum frontage of 9m and a minimum width measuring 6m from street alignment of 15m.

The following controls apply to subdivision of dual occupancy, attached dwellings and multi dwelling housing as defined by the Newcastle Local Environmental Plan 2012

12. Roof and gutter systems are graded such that each lot drains independently of each other. In the event that an approved development has other stormwater management systems, such as a detention tank, appropriate easements are established to preserve the legal rights of owners and to ensure that maintenance obligations are clearly defined.

Note: The endorsement of a subdivision certificate for subdivision in conjunction with dwellings is at the discretion of Council but will generally not be released prior to lock up stage of the associated development.

The following controls apply only to subdivision in industrial zones

13. Refer to Newcastle Local Environmental Plan 2012 for minimum subdivision lot size in industrial zones.
14. Lots have a minimum frontage of 25m.
15. Within 'Steel River' (as indicated on **Map 1** below) lots have a minimum frontage of 60m with no direct access off Industrial Drive, Tourle Street or Pacific Highway.
16. Lots are rectangular in shape.
17. The design of the subdivision allows for the largest vehicles anticipated to require access to the subdivision, which will typically be semi-trailers and B-Double trucks.
18. Lot size to allow trucks to manoeuvre on-site without reversing onto or off the lot.



A detailed map of the Steel River area. The map shows a network of streets including Hunter River, Steel River, and various residential streets like 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th. The map also shows the Hunter River and Steel River. A legend at the bottom left indicates that the line represents the Steel River. A north arrow is located at the bottom center.

### A. Subdivision construction

1. Ensure subdivision works meet all necessary standards.

### Controls applying to all development to which this section applies

1. All construction works associated with the subdivision carried out in accordance with the current version of NATSPEC (as amended by Council and detailed in the Subdivision Technical Manual).



## **B. Bonding of work**

### ***Objectives***

1. Ensure lots are serviced prior to titles being registered with the Land Titles Office.

### ***Controls***

#### Controls applying to all development to which this section applies

1. Bonding of minor works to allow the issuing of the Subdivision Certificate are only accepted by Council where demonstrated that such works are not required to service proposed lots that may be transferred into private ownership.



## 3.02 Single Dwellings and Ancillary Development

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	17/07/2012	30/07/2012	Amended
3	28/10/2014	10/11/2014	Amended
4	26/04/2016	09/05/2016	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land within which single dwellings are permissible with consent under Newcastle Local Environmental Plan 2012.

### Development (type/s) to which this section applies

This section applies to all development consisting of single dwellings, alterations and additions and ancillary structures.

Note: Dwelling is defined in the Newcastle Local Environmental Plan 2012:

***dwelling*** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

A single dwelling is distinctively different to a dual occupancy which involves two dwellings.

### Applicable legislation and environmental planning instruments

Under Section 79C of the *Environmental Planning and Assessment Act 1979*, Council is required to take into consideration the relevant provisions of any applicable Development Control Plan when determining an application for development.

Note: Section 79C of the *Environmental Planning and Assessment Act 1979* contains other matters that must be considered in determining a development application and accordingly compliance with the provisions of this DCP does not guarantee that development consent will be granted.

The provisions of the following listed environmental planning instruments also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.



Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bushfire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 6.01 Newcastle City Centre - if proposed development is located in this precinct
- 6.02 Heritage Conservation Areas - known conservation area
- 6.03 Wickham - if proposed development is located in this precinct
- 6.12 Minmi - if proposed development is located in this precinct.

## Associated technical manual/s

- Nil

## Additional information

The format of the DCP is set up in such a way that each of the controls has an acceptable solution and performance criteria.

### Acceptable Solutions

The acceptable solutions provide a certain outcome of achieving compliance with Council controls for this section. To achieve the acceptable solution the applicant must demonstrate that they have satisfied the required control/s within each section. Any variation from the acceptable solution will mean the application will be required to meet the performance criteria for that section and the application will become a performance based assessment.



## Performance Criteria

The performance criteria permit applicants to be flexible and innovative in responding to the DCP requirements. Applications which meet the performance criteria are assessed on merit and it is the applicant's responsibility to demonstrate how the performance criteria have been met. Compliance with the performance criteria can be undertaken through the use of 3D montages, 3D models, constraints mapping and other forms of visual representation.

Note: Development application forms, checklists and other explanatory information are available on Council's website to assist with the use of this section of the Development Control Plan.

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Words and expressions referred to in this section are defined within Section 9.00 - Glossary of this plan, and include:

- **Building envelope** - the three dimensional space that limits the extent of a building on an allotment. The building envelope is defined by *building height* and front, side and rear boundary *setbacks*. Refer to definitions for *building height* and *setback* for inclusions and exclusions.
- **Building height (or height of building)** - has the same meaning as in Newcastle Local Environmental Plan 2012. The term is defined as the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.
- **Building line or setback** - has the same meaning as in Newcastle Local Environmental Plan 2012. The term is defined as the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:
  - (a) a building wall, or
  - (b) the outside face of any balcony, deck or the like, or
  - (c) the supporting posts of a carport or verandah roof,whichever distance is the shortest.
- **Landscaped area** - has the same meaning as in Newcastle Local Environmental Plan 2012. The term is defined as part of the site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

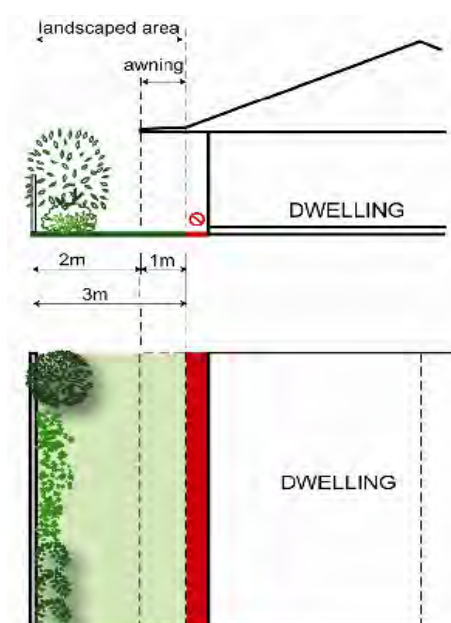


Note: For the purpose of this DCP the Landscape Area is to be open to the sky<sup>1</sup> and does not include any building, structure or hard paved area. The landscaped area should be designed in such a way that is free of conflicts with infrastructure, services and drainage pipes.

Under this DCP paving wider than 1m, impervious or otherwise, will not be considered as landscaping. Structures include, but are not limited to, such features as air conditioning systems, awnings, cubby houses, decks, fixed clotheslines, garden sheds, hot water systems, LPG storage tanks, patios, swimming pools, tennis courts, verandahs, water tanks (eg. rainwater) and the like.

<sup>1</sup> The first metre (ie 1m) of a landscape area which falls under an awning, overhang, under croft (or similar) may be included within the landscape area calculations where it forms part of continuous landscape area 3m wide or greater, with the remaining larger portion being open to the sky and the development is supported by a comprehensive landscape plan (ie '2m plus 1m') (see following figure - Landscape area and awnings).

### **Landscape area and awnings.**



- **Living area** - of a dwelling includes habitable rooms frequently used for general recreation, entertainment and dining and includes living rooms, dining, family, lounge, rumpus room and the like but excludes non-habitable rooms, bedrooms, study, kitchen and other areas that are less frequently used.
- **Natural light** – daylight received into a building
- **Principal area of private open space for single dwellings** – a 3m x 4m level area of private open space directly accessible from the main living area of the dwelling.
- **Secondary dwelling** - a self-contained dwelling that:
  - (a) is established in conjunction with another dwelling (the **principal dwelling**), and
  - (b) is on the same lot of land as the principal dwelling, and
  - (c) is located within, or is attached to, or is separate from, the principal dwelling.
- **Sunlight** – direct sunlight onto the ground or into a building.



## Objectives of this section

1. Encourage development that complements and enhances the built environment and the existing amenity.
2. Ensure efficient use of land for residential purposes.
3. Encourage innovation and diversification in site layout and building design.
4. Ensure dwellings are generally compatible with the scale and bulk of desired residential development character.
5. Ensure dwellings provide their occupants with adequate levels of comfort, security and amenity.
6. Ensure new development is designed to take advantage of the positive attributes of the site; including, slope, aspect, trees, gardens and existing buildings.
7. Ensure landscaping is in scale with the building and complements features on the site and adjoining land.
8. Retain significant existing landscaping where possible.
9. Ensure adequate solar access for dwellings.

### 3.02.01 Density - floor space ratio

#### *Performance criteria*

No performance criteria.

Note 1: Any variations to the controls set by the LEP are subject to clause 4.6 *Exceptions to development standards*.

Note 2: Development density within areas for which the LEP does not provide FSR maps is assessed on merit:

- Development within heritage conservation areas will be required to supply a Heritage Impact Assessment as part of the application to justify the proposed floor space ratio.

#### *Acceptable solutions*

1. Development complies with Newcastle Local Environmental Plan 2012 floor space ratio controls.



## 3.02.02 Height of buildings

### *Performance criteria*

No performance criteria

Note 1: Any variations to the controls set by the LEP are subject to clause 4.6 - Exceptions to development standards.

Note 2: Development height within areas for which the LEP does not provide height of buildings maps is assessed on merit having regards to building heights in the vicinity:

- Development within heritage conservation areas will be required to supply a Heritage Impact Assessment as part of the application to justify the proposed heights.

### *Acceptable solutions*

1. Development complies with the Newcastle Local Environmental Plan 2012 building height controls.

## 3.02.03 Street frontage appearance

### *Performance criteria*

1. Development complements and harmonises with the positive elements of existing development in the street.
2. Setbacks are compatible with the existing or intended local streetscape.
3. Garages and carports are integrated into a development and do not dominate the streetscape.
4. Development provides passive surveillance of the street.
5. Dwellings address the street.

### *Acceptable solutions*

1. In established residential zones the proposed building is to be set back the average distance of buildings within 40m either side of the lot on the same primary road see **Figure 1**.

Note 1: Ancillary development and building elements within the permitted articulation zone are not included in the setback calculation. See **Figure 3** and refer to acceptable solution 4 for further details.

Note 2: Where established residential setbacks are inconsistent, setbacks are to be determined by assessing the setbacks against the performance criteria.



**Figure 1: Front setbacks consistent with neighbouring dwellings 40m either side**



2. If there is no established setback the minimum front setback (building line) to a road is:

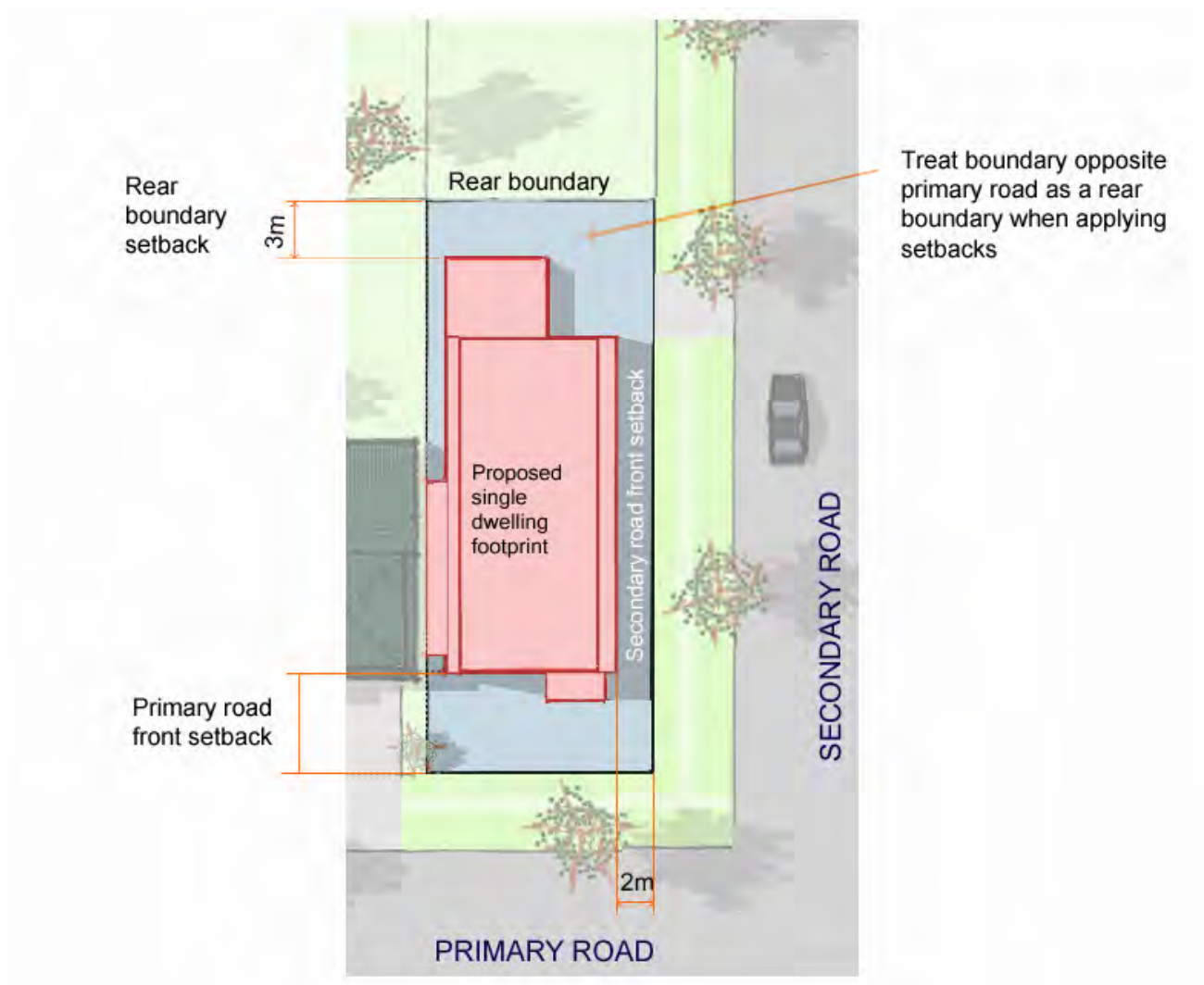
**Table 1: Minimum front setbacks**

Road type	Lots with an area of less than 300m <sup>2</sup> minimum setback	Lots with an area 300m <sup>2</sup> or more minimum setback
Primary Road	3m	4.5m
Corner lot (secondary road)*	2m	2m
Parallel road (eg laneway)	3m to principal dwelling	3m to principal dwelling
Classified road	As defined in any applicable Environmental Planning Instrument or if none exists 9m.	As defined in any applicable Environmental Planning Instrument or if none exists 9m.

\* Refer Figure 2 - setbacks from primary and secondary roads.



**Figure 2 - Setbacks from primary and secondary roads**



3. Garages - Notwithstanding controls 1 and 2, the minimum setback for garages is 1m behind the building line or 5.5m from the property boundary of the road frontage, whichever is the greater.

Note: The front setback is predominantly landscaped however, on merit assessment, part of the setback area may be utilised for carports, depending upon compatibility with the streetscape. Car parking spaces must be contained within the allotment boundaries.

4. A dwelling house, other than a dwelling house that has a setback from a primary road of less than 3m, may incorporate an articulation zone that extends from the building line to a distance of 1.5m into the required setback from the primary road.  
See **Figure 3 and Figure 4.**

Note 1: Articulation zone means an area within a lot where building elements are or may be located, that consists of that part of the setback area from a primary road that is measured horizontally for a distance of 1.5m from:

- (a) the required front setback (building line), or
- (b) a gable or roof parapet having a surface area of more than 10m<sup>2</sup>.



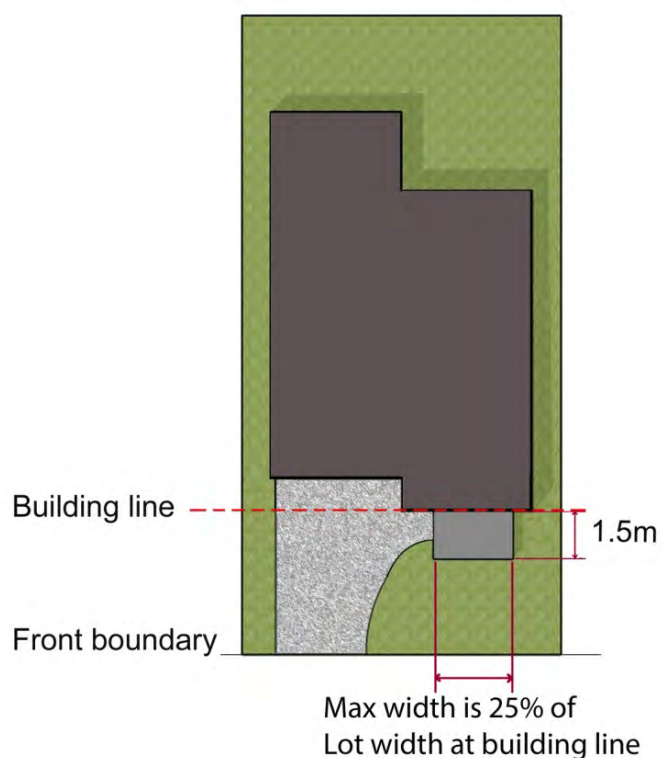
The following building elements are permitted in an articulation zone:

- (a) an entry feature or portico,
- (b) a balcony, deck, patio, pergola, terrace or verandah,
- (c) a window box treatment,
- (d) a bay window or similar feature,
- (e) an awning or other feature over a window,
- (f) a sun shading feature.

Note 2: Ancillary development and building elements within the permitted articulation zone are not included in the setback calculation.

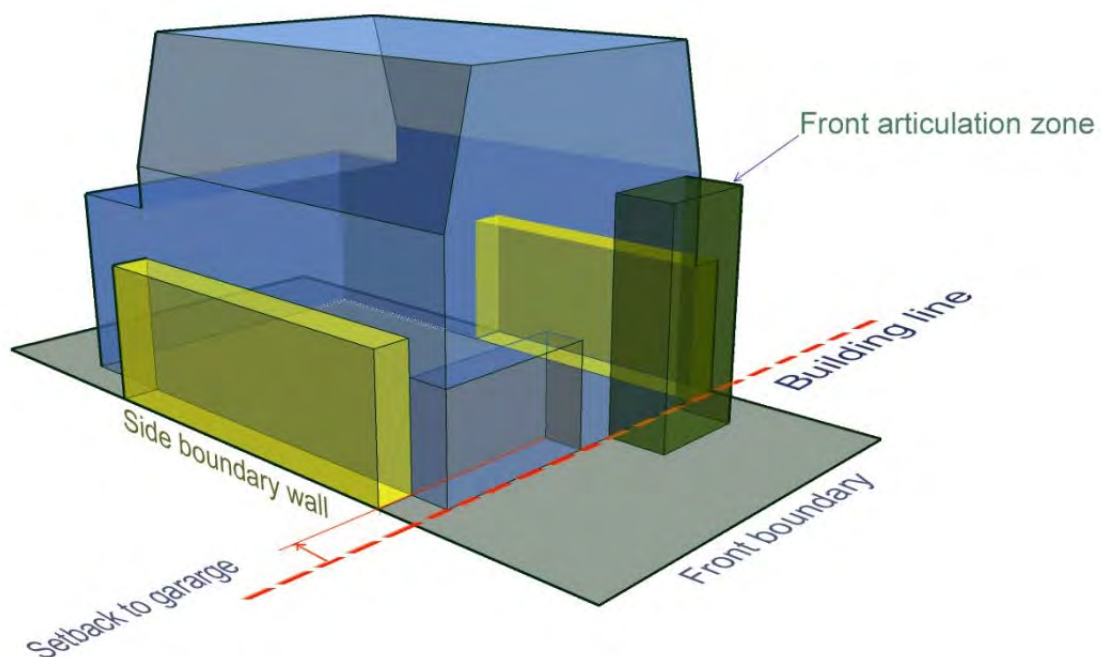
- 5. The articulation zone is to be a maximum 25% of the width of the lot at the building line. See **Figure 3**.
- 6. Dwellings have a front door and a window of a habitable room facing the primary road.
- 7. A new dwelling house on a corner lot must have a window to a habitable room that is at least 1m<sup>2</sup> in area and that faces and is visible from a secondary road.
- 8. The maximum width of a garage or carport opening which faces the street is 6m in respect of each dwelling, or 50% of the frontage, whichever is less.

**Figure 3: Aerial view of building articulation zone**





**Figure 4: Building articulation zone - envelope**



### **3.02.04 Side/rear setbacks (building envelope)**

#### **Performance criteria**

1. Development is of a bulk and scale that:
  - (a) is consistent with and complements the built form prevailing in the street and local area;
  - (b) does not create overbearing development for adjoining dwelling houses and their private open space;
  - (c) does not impact on the amenity and privacy of residents in adjoining dwelling houses;
  - (d) does not result in the loss of significant views or outlook of adjoining residents;
  - (e) provides for natural light, sunlight and breezes.

#### **Acceptable solutions**

##### **Small lots with a width measured at the building line of less than 10.5m**

1. The building is contained in the building envelope defined by:
  - (i) 900mm set back from each boundary up to a height of 5.5m then in at an angle of 4:1 up to the maximum height which is specified in the Newcastle Local Environmental Plan 2012



- (ii) buildings on lots with a width less than 8m can be built to both side boundaries
- (iii) buildings on lots with a width of 8m-10.5m can build to one side boundary only.

See **Figure 5**.

2. Where boundary walls are used each boundary wall is:

- (a) to be a maximum height of 3.3m or match an existing adjoining wall (whichever is greater)
- (b) to have a maximum length of 20m or 50% of the lot depth (whichever is the lesser)
- (c) be in accordance with the Building Code of Australia, maintenance free and attractive finish (eg face brick).

See **Figure 5**.

3. Notwithstanding controls 1 and 2, buildings are not to be built to the boundary if:

- (a) the wall of the building on the adjoining lot is not of masonry construction and is within 900mm of the boundary, or
- (b) the wall of the building on the adjoining lot has a window facing the boundary within 900mm of the boundary.

4. The setback to the rear boundary is to be at least the following:

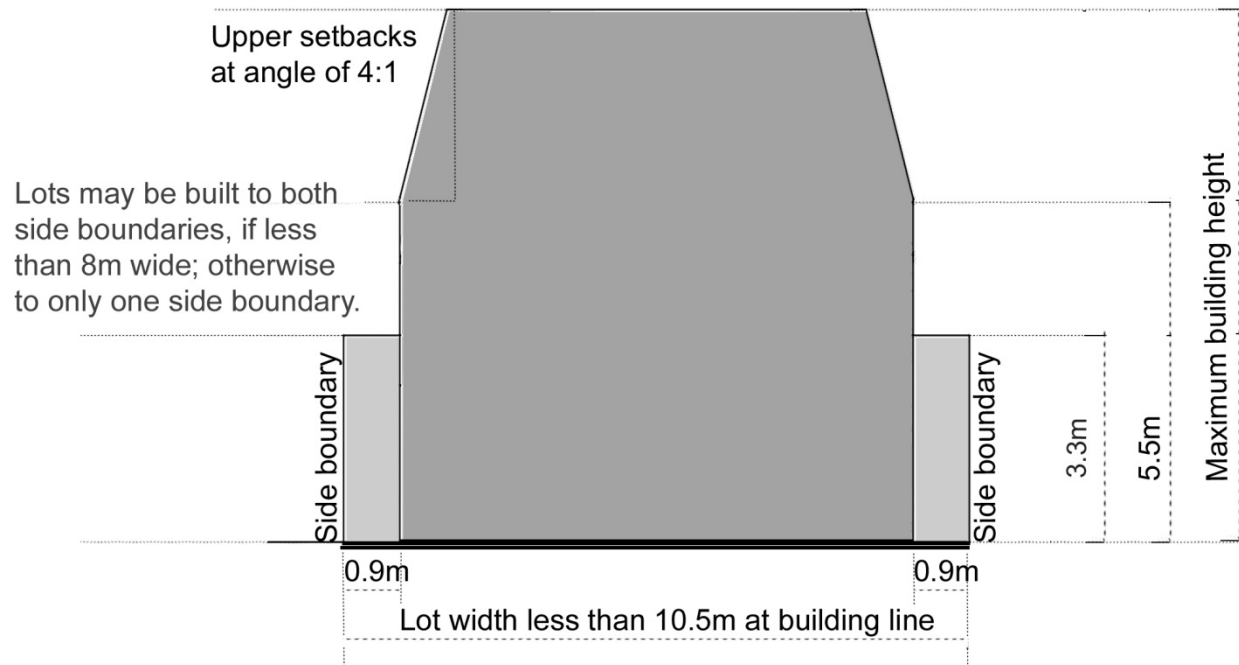
- (a) any part of the building up to 4.5m in height – a 3m setback
- (b) any part of the building with a height greater than 4.5m either:
  - i) if there are 2 adjoining dwellings with a height over 4.5m either a 6m setback or the average distance of those parts of the building over 4.5m, whichever is the lesser
  - ii) if there are no adjoining dwellings over 4.5m in height - a 6m setback (see **Figure 6**)
- (c) On corner lots the boundary opposite the primary road frontage is taken to be the rear boundary for the purposes of applying setbacks. See **Figure 2**.
- (d) Exceptions to rear setbacks for ancillary structures are outlined under Section 3.02.12, Table 2.

Note: Side and rear setbacks do not apply to:

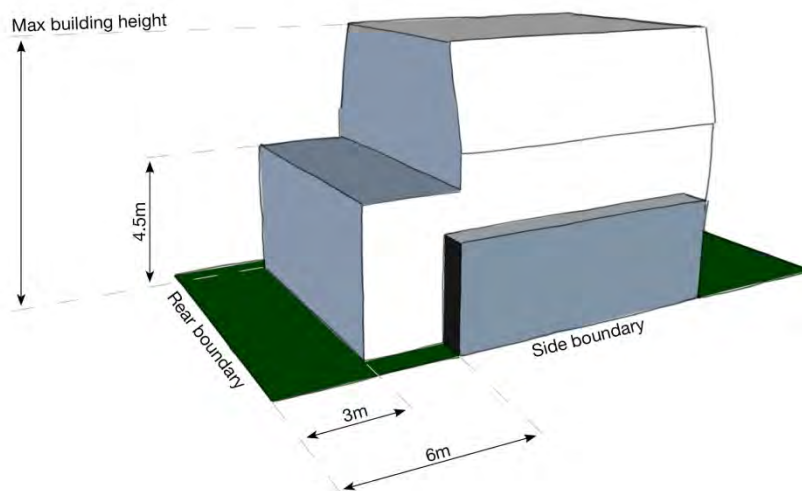
- (a) any aerial, antenna, awning, eave, flue, chimney, pipe, cooling or heating appliance, any rainwater tank less than 1.8m in height or any other structure associated with the provision of a utility service, if it is located at least 450mm from the relevant boundary, and
- (b) any fence, fascia, gutter, downpipe, light fitting, electricity or gas meter, driveway, hard stand space, pathway or paving, if it is located within the required setback area to the relevant boundary.



**Figure 5: The following building envelope applies to lots with a width measured at the building line of less than 10.5m**



**Figure 6: The rear setback with no adjoining dwellings over 4.5m in height**

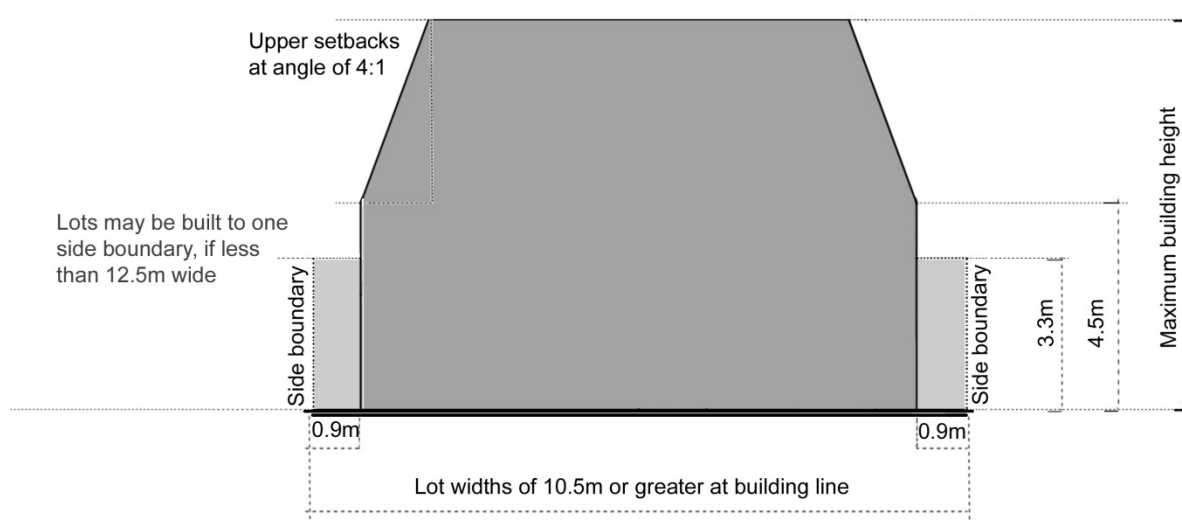




## Lots with a lot width measured at the building line of 10.5m or greater

1. The building is contained in the building envelope defined by:
  - (a) 900mm setback from each boundary up to a height of 4.5m then in at an angle of 4:1 up to the maximum height which is specified in the Newcastle Local Environmental Plan 2012
  - (b) lots with a width of 10.5m to 12.5m can be built to one side boundary only.
  - (c) lots over 12.5m are not built to side boundaries.See **Figure 7**.
2. Where boundary walls are proposed each boundary wall is:
  - (a) to be a maximum height of 3.3m or match an existing adjoining wall (whichever is greater)
  - (b) to have a maximum length of 20m or 50% of the lot depth (whichever is the lesser)
  - (c) be in accordance with the Building Code of Australia, maintenance free and attractive finish (eg face brick).See **Figure 7**.
3. Notwithstanding controls 1 and 2, buildings are not built to the boundary if:
  - (a) the wall of the building on the adjoining lot is not of masonry construction and is within 900mm of the boundary, or
  - (b) the wall of the building on the adjoining lot has a window facing the boundary within 900mm of the boundary.

**Figure 7: The following building envelope applies to lots with a width measured at the building line of 10.5m or greater**





4. The setback to the rear boundary is to be at least the following:
  - (a) for any part of the building up to 4.5m in height – a 3m setback.
  - (b) any part of the building with a height greater than 4.5m either:
    - i) if there are 2 adjoining dwellings with a height over 4.5m either a 6m setback or the average distance of those parts of the building over 4.5m, whichever is the lesser
    - ii) if there are no adjoining dwellings over 4.5m in height - a 6m setback (see **Figure 6**)
  - (c) On corner lots the boundary opposite the primary road frontage is taken to be the rear boundary for the purposes of applying setbacks. See **Figure 2**.
  - (d) Exceptions to rear setbacks for ancillary structures are outlined under Section 3.02.12, Table 2.

Note: side and rear setbacks do not apply to:

- (a) any aerial, antenna, awning, eave, flue, chimney, pipe, cooling or heating appliance, any rainwater tank less than 1.8m in height or any other structure associated with the provision of a utility service, if it is located at least 450mm from the relevant boundary, and
- (b) any fence, fascia, gutter, downpipe, light fitting, electricity or gas meter, driveway, hard stand space, pathway or paving, if it is located within the required setback area to the relevant boundary.

### 3.02.05 Landscaped area

#### *Performance criteria*

1. Improve the amenity of developments and neighbourhoods through the retention and/or planting of large and medium size trees.
2. Landscaped areas are of a usable size and proportion.

#### *Acceptable solutions*

1. Development has a minimum landscaped area of:
  - (a) if the lot has an area of less than 300m<sup>2</sup> - 10% of the area of the lot,
  - (b) if the lot has an area of more than 300m<sup>2</sup> but less than 450m<sup>2</sup> - 15% of the area of the lot,
  - (c) if the lot has an area of more than 450m<sup>2</sup> but less than 600m<sup>2</sup> - 20% of the area of the lot,
  - (d) if the lot has an area of more than 600m<sup>2</sup> - 30% of the area of the lot.



Note: Landscaped area can include any private open space area in excess of the principal area of private open space (as required under Section 3.02.06), provided it satisfies other landscape requirements under the DCP.

2. Landscaped areas have a minimum dimension of 1.5m.
3. A minimum 1.5m wide strip of landscaping is located along at least one boundary.
4. Dwellings have a setback of at least 3m from the base of the trunk of each protected tree.

### 3.02.06 Private open space

#### *Performance criteria*

1. Dwellings are provided with adequate private open space which is usable and meets the needs of the occupants.

#### *Acceptable solutions*

1. Lots have a principal area of private open space\* in addition to landscaping required under 3.02.05.  
***\*Principal area of private open space – a 3m x 4m level area of private open space directly accessible from the main living area of the dwelling.***
2. The principal area of private open space is a logical extension of the dwelling with good solar access and suitable for use for relaxation, dining, entertainment, recreation or children's play.
3. The principal area of private open space is not located within the front setback to the primary road.

Note 1: The principal area of private open space can be covered. If the principal area of private open space is enclosed on all sides with walls greater than 1.4m it will not be considered as private open space but form part of the gross floor area.

Note 2: Areas used for driveways, car parking, drying yards and service areas are not to be included when calculating principal area of private open space.



## 3.02.07 Privacy

### *Performance criteria*

1. Dwellings have adequate privacy to the principal area of private open space and the windows of habitable rooms.
2. Dwellings do not unreasonably overlook living room windows or the principal area of private open space of neighbouring dwellings.

### *Acceptable solutions*

Note: Designers should consider the following measures to alleviate direct view impacts:

- i) proper consideration of privacy outcomes at the site planning stage
- ii) screening, including lattice
- iii) off set windows
- iv) innovative balcony design
- v) separation by distance
- vi) the slope of the site and adjoining land.
- vii) highlight window

Sloping sites may raise particular privacy issues and these should be addressed through design.

1. A minimum 9m separation is provided between the windows of habitable rooms of facing dwellings that abut a public or communal street. This distance is increased to 12m for windows above the ground floor.
2. Direct views between living area windows of adjacent dwellings are screened or obscured where:
  - (a) ground floor windows are within an area described by taking a 9m radius from any part of the window of the adjacent dwelling. An area so defined is described as a 'privacy sensitive zone'. See **Figure 8**.
  - (b) windows above ground floor are within a privacy sensitive zone described by a 12m radius. See **Figure 8**.
3. Direct views from living rooms into the principal area of private open space of other dwellings are screened or obscured within a privacy sensitive zone described by a 12m radius. See **Figure 9**.
4. Direct views from the principal area of private open space of dwellings into the living area windows and/or principal area of private open space of adjacent dwellings are screened or obscured within a privacy sensitive zone described by a 12m radius. See **Figure 9**.

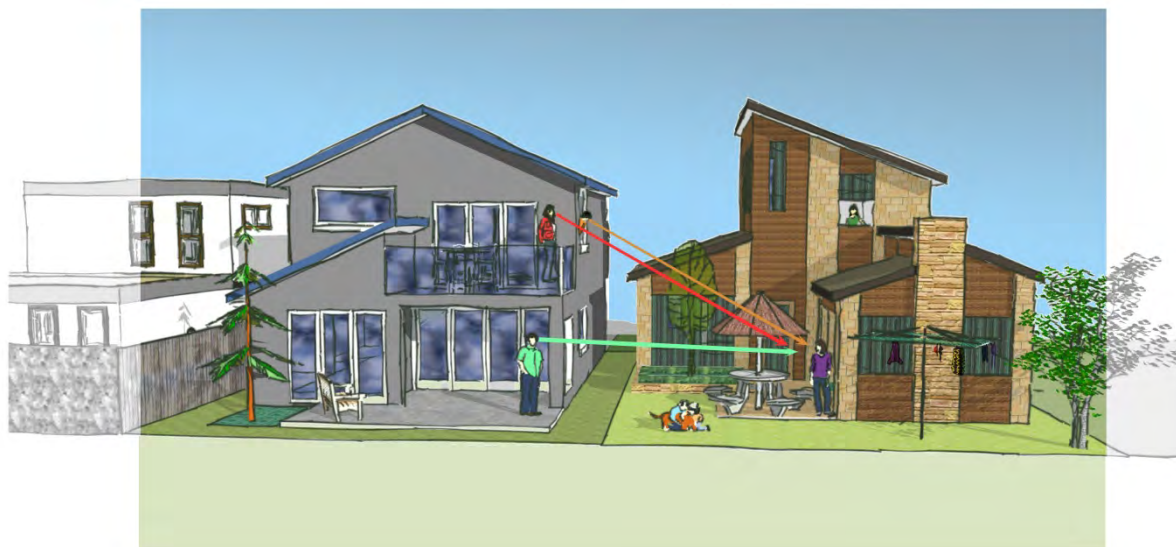
Note: Privacy is maintained to the principal area of private open space of adjoining properties but cannot be ensured to other general open space areas, including pools.



**Figure 8: A privacy sensitive zone for a single dwelling.**



**Figure 9: Potential privacy impacts that would require screening.**





5. Direct views described in controls 2 and 3 may be obscured by one of the following measures:
  - (a) 1.8m high solid fences and walls between ground floor level windows and adjoining open space where the slope is below 10%
  - (b) screening to a height of at least 1.7m but not more than 2.2m, above the finished floor level of the balcony, deck, verandah, etc., that has a maximum area of 25% openings, is permanently fixed and is made of durable materials
  - (c) Highlight windows with a minimum sill height of 1.5m above finished floor level.

Note: Elevated ground floor level may require higher fencing to maintain privacy.

### 3.02.08 Solar access

#### *Performance criteria*

1. Development does not significantly overshadow living area windows and principal areas of private open space of adjacent dwellings.

#### *Acceptable solutions*

1. Maintain at least three hours of sunlight to the windows of living areas that face north in existing adjacent dwellings between 9am and 3pm on 21 June. See **Figure 10** for northerly aspect windows.
2. The principal area of private open space of adjacent dwellings receives at least two hours of sunlight between 9am and 3pm on 21 June.
3. Sunlight to any existing solar panels is not reduced to less than three hours between 9am and 3pm on 21 June.

Note 1: Plans and details are to be supplied that graphically indicate how the above requirements have been achieved. Shadow diagrams in plan and elevation, including window locations may be required.

Note 2: Windows of living areas facing north are taken to be within 20° west and 30° east of true north. See **Figure 11**.

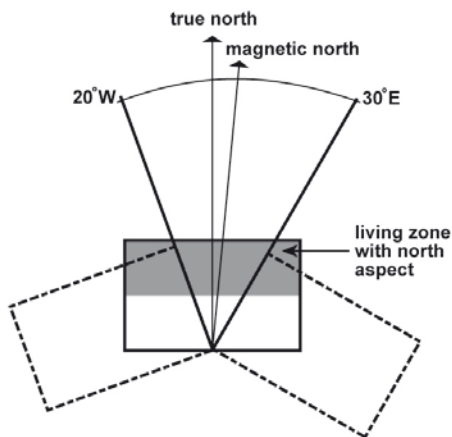
Note 3: Solar access may not be able to be maintained fully as per the acceptable solution to all north facing living area windows if there is more than one living area within the adjacent dwelling with north facing windows. Such cases are assessed against the performance criteria, on their merits, with particular regard to the windows of a main living area adjoining the principal area of private open space.

Note 4: Solar access is maintained to the principal area of private open space of adjoining properties but cannot be ensured to other general open space areas, including pools.

Note 5: Where existing overshadowing by buildings and fences of the principal area of private open space of adjoining properties does not satisfy the acceptable solution then it must be demonstrated that the existing sunlight is not unreasonably reduced, when addressing the performance criteria.



**Figure 10: Northern aspect windows**



### 3.02.09 View sharing

#### *Performance criteria*

1. Development is designed to allow view sharing with neighbouring properties.
2. Design plans identify existing views and demonstrate how view sharing is achieved.
3. Important public views and vistas are to be enhanced by the form and treatment of buildings including roof scapes.

#### *Acceptable solutions*

1. The building height does not exceed 5m or if the building is over 5m adjoining properties do not have views or vistas to water, city skyline and iconic views obscured by the proposed development.

Note: Merit based proposals (that do not meet acceptable solutions) must address the performance criteria having regards to the planning principle for view sharing established by the NSW Land and Environment Court (Tenacity Consulting Vs Warringah Council (2004)).

### 3.02.10 Car parking and vehicular access

#### *Performance criteria*

1. Vehicles can enter and exit the site in a safe manner.
2. Vehicle access and car parking structures do not dominate the streetscape.



### Acceptable solutions

1. Vehicular access and car parking areas comply with the provisions of AS2890 Parking facilities and Council's Standard Drawing.

Note 1: Councils standard drawings can be accessed on Councils website [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)

Note 2: Applications are supported by driveway section diagrams to demonstrate compliance. Swept turning path diagrams may also be required for difficult to access sites.

2. The off street car parking space for a battle-axe lot are constructed in a way that allows vehicles to leave the lot in a forward direction.
3. Driveways are set back 0.6m from side boundaries. The driveway itself is at least 2.5m wide, with adequate turning area provided to allow ease of access to garages.
4. One driveway crossing is permitted for allotments of land. The maximum width of the driveway crossing shall not exceed 4.5m.

Note 1: Landscaping, mailboxes, fences and other structures when located near driveway crossings, must not compromise safety aspects, such as sight distances, to both pedestrians and other vehicles. Refer to AS2890.

Note 2: Refer to AS2890 Parking Facilities for requirements and recommendations for location of driveways to corners / intersections and other structures.

Note 3: Car parking rates are to be in accordance with Section 7.03 Traffic, Parking and Access of this DCP. This section states that for a dwelling house parking is required at a rate of 1 space per dwelling <125m<sup>2</sup> and 2 space per dwelling >125m<sup>2</sup>.

## 3.02.11 Development within Heritage Conservation Areas

### Performance criteria

1. Development Applications within a Heritage Conservation area must be supported by a Heritage Impact Statement (HIS) or a Conservation Management Plan (CMP). These documents are to ensure the development has minimal adverse impact on the conservation area and meet the requirements of Section 5.05 Heritage Item and Section 5.07 Heritage Conservation area of the Newcastle Development Control Plan 2012.

Note: Heritage impact statements must be prepared by a suitably qualified and experienced heritage consultant and reference sections 5.05 Heritage Item and 5.07 Heritage Conservation Areas of the Newcastle Development Control Plan 2012.

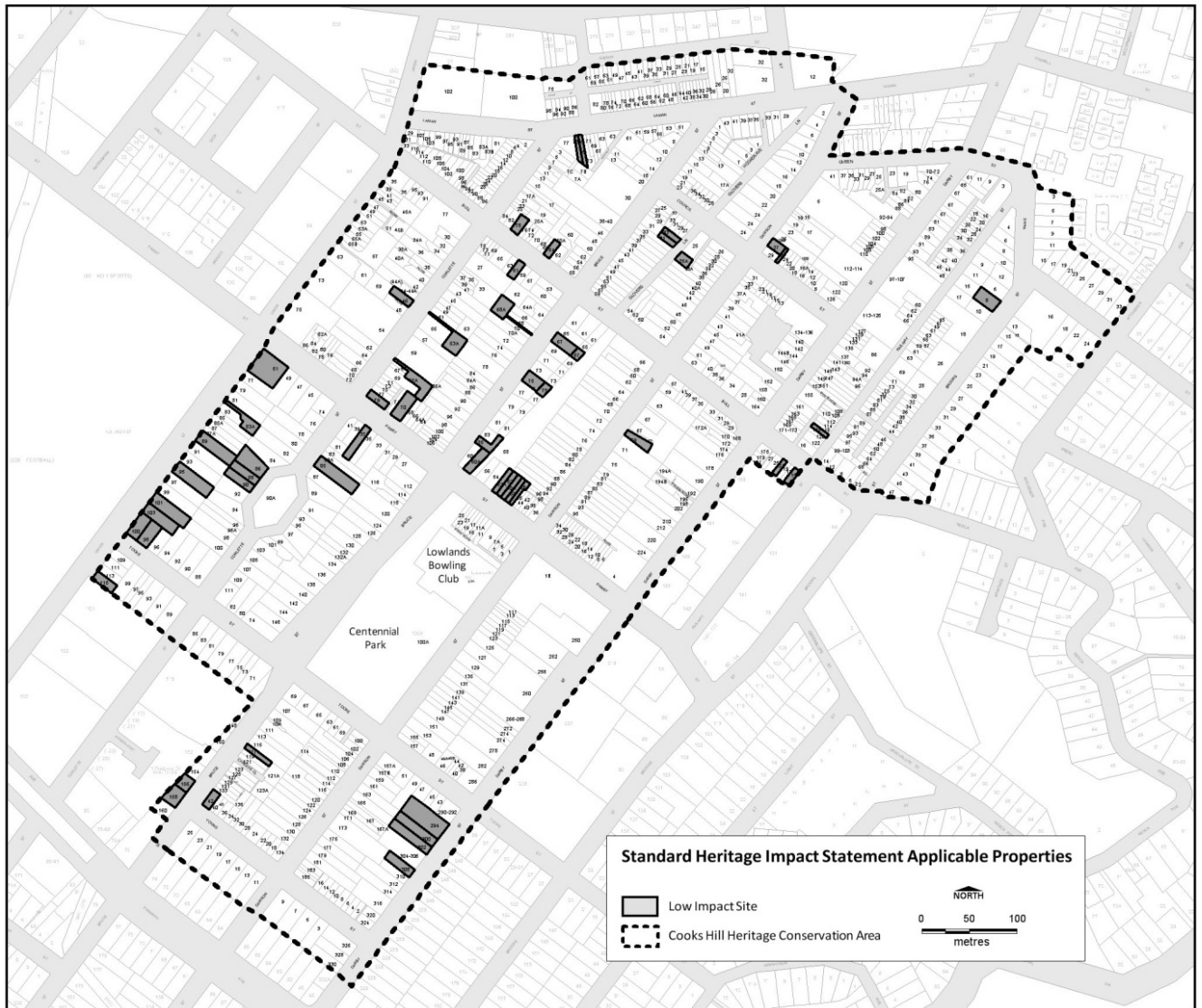
### Acceptable solutions

1. The site is identified as a "low impact site" in **Figure 11**, and a Standard Heritage Impact Statement with an acceptable outcome has been submitted with the application.

Note: The Standard Heritage Impact Statement can be found on Council's website.



**Figure 11: 'Low impact sites' in the Cooks Hill Heritage Conservation area.**



Note: Currently there is only a Standard Heritage Impact Statement for the Cooks Hill Conservation Area. As stages of the Heritage Conservation Area Technical Manual are completed more Heritage Conservation Areas will apply to the acceptable solution.



### 3.02.12 Ancillary development

1. All ancillary development shown in **Table 2** and any associated excavation must have a setback of at least 3m from the base of the trunk of each protected tree on the lot. However, the following development;
  - (a) an access ramp
  - (b) a driveway, pathway, or paving
  - (c) an awning, blind or canopy
  - (d) a fence, screen, or child resistant barrier associated with a swimming pool or spa
 is permitted within the setback if they do not require a cut and fill of more than 150mm.

Note: Ancillary development must also satisfy other applicable sections of the DCP.

**Table 2: Ancillary development**

Development type	Performance criteria	Acceptable solutions
Carports and Garages	<ol style="list-style-type: none"> <li>1. Structures and vehicular access do not dominate the streetscape.</li> <li>2. Structures are compatible with the scale and bulk of desired residential development character.</li> <li>3. Vehicles can enter and exit the site in a safe manner.</li> </ol>	<ol style="list-style-type: none"> <li>1. The carport or garage has a maximum floor area of 40m<sup>2</sup>.</li> <li>2. The carport or garage has a maximum height of 4.5m above existing ground level.</li> <li>3. Complies with acceptable solutions under Section 3.02.10 Car parking and vehicular access.</li> <li>4. The minimum front setback is 1m behind the building line or 5.5m from the property boundary of the road frontage, whichever is the greater.</li> <li>5. Side/rear setbacks:               <ol style="list-style-type: none"> <li>a) The setback from side boundaries complies with the acceptable solutions under Section 3.02.04.</li> <li>b) The minimum setback to the rear boundary is 900mm.</li> </ol> <p>Note: Allowable encroachments outlined under Section 3.02.04 continue to apply.</p> </li> <li>6. A carport has two or more sides open and not less than one-third of its perimeter open.</li> <li>7. A carport or garage on a laneway is setback a minimum 7m from the boundary on the opposite side of the laneway.</li> </ol>



Development type	Performance criteria	Acceptable solutions
Detached Studios	<ol style="list-style-type: none"> <li>1. The detached studio complements and harmonises with the principal dwelling on the site and the positive elements of the streetscape.</li> <li>2. The detached studio is compatible with the scale and bulk of desired residential development character.</li> <li>3. Ensure adequate amenity for the principal dwelling.</li> <li>4. Ensure adequate amenity for surrounding properties.</li> </ol>	<ol style="list-style-type: none"> <li>1. The development complies with all acceptable solutions under this Section 3.02 (as for the principal dwelling), other than: <ol style="list-style-type: none"> <li>a) Floor space - in addition to any floor space ratio controls (as per section 3.02.01 Density), the total floor area of the detached studio must not exceed: <ul style="list-style-type: none"> <li>• If lot area is not more than 350m<sup>2</sup> - 20m<sup>2</sup>.</li> <li>• If lot area is more than 350m<sup>2</sup> - 35m<sup>2</sup>.</li> </ul> </li> <li>b) Height - the detached studio has a maximum height of 4.5m above existing ground level.</li> <li>c) Street frontage appearance - if the detached studio addresses a road frontage then the studio must have a window of a habitable room that is at least 1m<sup>2</sup> in area facing the road.</li> <li>d) Side/rear setbacks: <ol style="list-style-type: none"> <li>i) The setback from side boundaries complies with the acceptable solutions under Section 3.02.04.</li> <li>ii) The minimum setback to the rear boundary is 900mm.</li> </ol> <p>Note: Allowable encroachments outlined under Section 3.02.04 continue to apply.</p> </li> <li>e) Private open space - the detached studio must maintain a principle area of private open space* for the principal dwelling.</li> </ol> <p><b><i>*Principal area of private open space – a 3m x 4m level area of private open space directly accessible from the main living area of the dwelling.</i></b></p> </li> </ol>



Development type	Performance criteria	Acceptable solutions
Fences	<ol style="list-style-type: none"> <li>1. Front fences and walls complement and harmonise with the streetscape.</li> <li>2. Front fences and walls allow for outlook from dwellings to the street for safety and surveillance.</li> <li>3. Higher front fences and walls only occur where necessary to minimise amenity impacts.</li> <li>4. Front fences allow safe vehicular access to the site and adjoining lots.</li> </ol>	<ol style="list-style-type: none"> <li>1. Front fences and walls have a maximum height of 1.2m (unless development meets clause 8 or 9).</li> <li>2. Front fences and walls highlight the entrance to the dwelling.</li> <li>3. Front fences and walls are constructed of materials compatible with the dwelling, and with attractive visible examples of fences and walls in the streetscape.</li> <li>4. Front fences and walls are compatible with facilities in the street frontage area, such as mail boxes and garbage collection areas</li> <li>5. Fencing and walls located on bush fire prone land are constructed of non-combustible materials.</li> <li>6. Fencing and walls do not incorporate barbed wire in its construction or be electrified.</li> <li>7. The use of sheet-metal fencing is avoided along the front boundary.</li> <li>8. Front fence or wall height may be increased to 1.8m if: <ol style="list-style-type: none"> <li>a) the development site is not located in a Heritage Conservation Area; and</li> <li>b) the development fronts onto an arterial road and it is demonstrated that traffic volumes will have a negative impact on amenity of residents; and</li> <li>c) the visual impact of the fence to the street is softened through landscaping and design; and</li> <li>d) Fence height, landscaping and any other obstruction to visibility is limited to 1.2m in height in the 2m by 2.5m splay within the property boundary for each side of the boundary and any driveway entrance in accordance with AS/NZ 2890.1:2004 – Parking facilities – Off street car parking. See <b>Figure 12</b>.</li> </ol> </li> </ol> <p>OR</p>



Development type	Performance criteria	Acceptable solutions
		<p>9. The front fence or wall height may be increased to 1.8m if:</p> <ul style="list-style-type: none"> <li>a) the existing principal area of private open space is in the front of the dwelling; and</li> <li>b) the entire fence or wall has openings which make it not less than 30% transparent (see <b>Figure 13</b>); and</li> <li>c) the visual impact of the fence or wall to the street is softened through landscaping and design (see <b>Figure 13</b>); and</li> <li>d) the fence is not on the northern side of the principal area of private open space and will not cause excessive overshadowing; and</li> <li>e) the fence or wall height, landscaping and any other obstruction to visibility is limited to 1.2m in height in the 2m by 2.5m splay within the property boundary for each side of the boundary and any driveway entrance in accordance with AS/NZ 2890. See <b>Figure 13</b>.</li> </ul> <p>Note: A transparent fence can be seen through from most viewing angles. A 30% transparent fence must have openings which make the entire fence not less than 30% transparent. Examples of fencing types that could satisfy this requirement are: a solid and transparent vertical or horizontal timber slat fence, masonry pillars with infill pickets spaced to provide 30% transparency, masonry low wall with horizontal infill slats above spaced to provide 30% transparency. See <b>Figure 13</b>.</p> <p>10. If it is on a sloping site and stepped to accommodate the fall in the land—be no higher than 2.2m above ground level (existing) at each step.</p> <p>11. If it is constructed of metal components - be of low reflective, factory pre-coloured materials.</p>



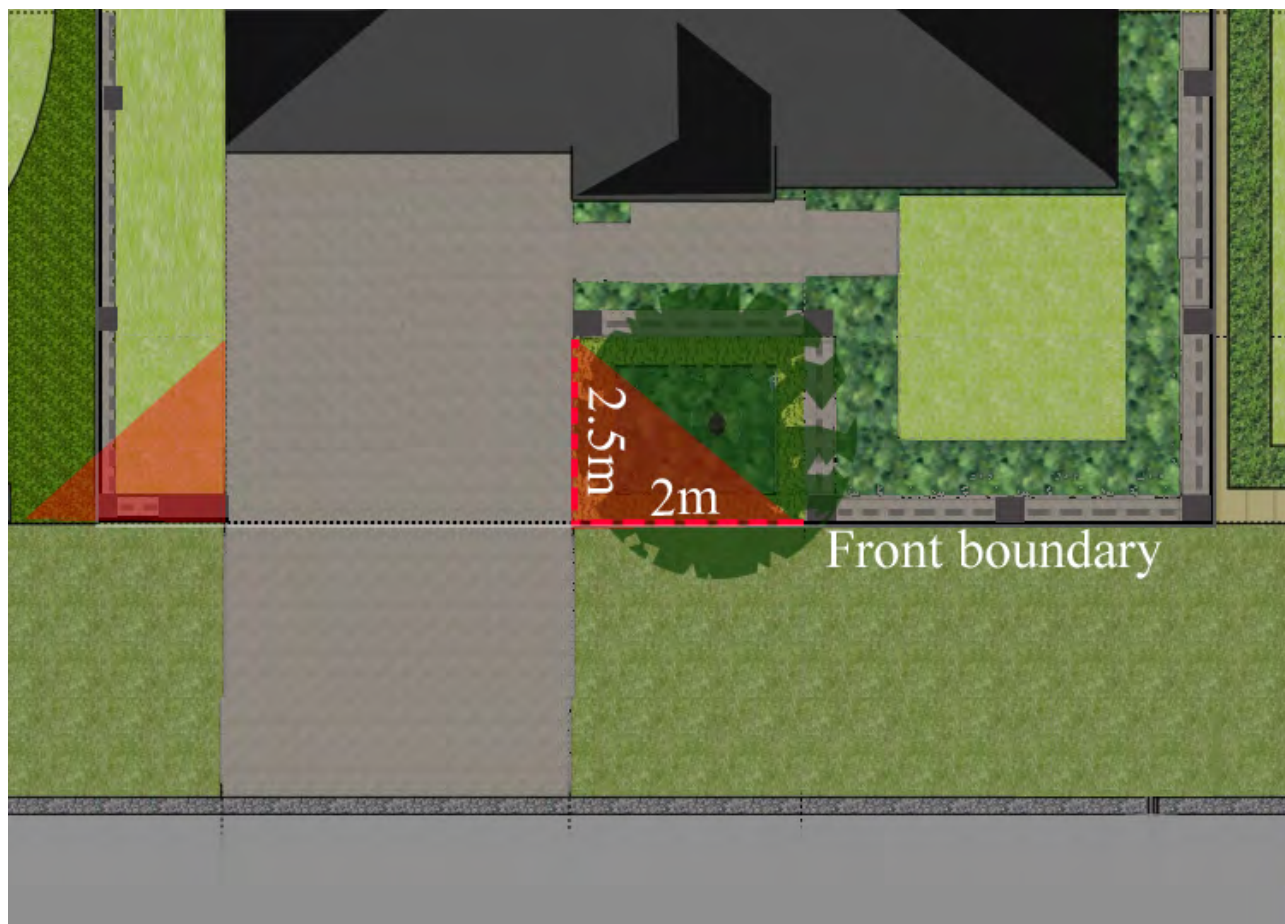
Development type	Performance criteria	Acceptable solutions
Secondary dwellings	<ol style="list-style-type: none"> <li>1. The secondary dwelling complements and harmonises with the principal dwelling on the site and the positive elements of the streetscape.</li> <li>2. The secondary dwelling is compatible with the scale and bulk of desired residential development character.</li> <li>3. Ensure adequate amenity for both the secondary dwelling and principal dwelling.</li> <li>4. Ensure adequate amenity for surrounding properties.</li> </ol>	<ol style="list-style-type: none"> <li>1. Secondary dwellings comply with all acceptable solutions under this Section 3.02 (as for the principal dwelling), other than: <ol style="list-style-type: none"> <li>a) Floor space - in addition to any floor space ratio controls (as per section 3.02.01 Density), the total floor area of the secondary dwelling must be in accordance with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 or Clause 5.4(9) of the Newcastle LEP 2012.</li> <li>b) Street frontage appearance <ol style="list-style-type: none"> <li>i) The front setback is per Section 3.02.03 other than if the secondary dwelling is located on a corner lot and addresses the secondary road, the minimum front setback to the secondary dwelling, from the secondary road frontage, is 2m.</li> <li>ii) If the secondary dwelling addresses a road frontage then there is a window of a habitable room that is at least 1m<sup>2</sup> in area facing the road.</li> </ol> </li> <li>c) Private open space <ol style="list-style-type: none"> <li>i) The secondary dwelling must maintain a principle area of private open space* for the principal dwelling.</li> <li>ii) The secondary dwelling must have direct access to a principal area of private open space*, which can be shared with the principal dwelling.</li> <li>iii) The principal area of private open space is not located within the front setback to the primary road.</li> </ol> <p><b>*Principal area of private open space – a 3m x 4m level area of private open space directly accessible from the main living area of the dwelling.</b></p> </li> <li>d) Car parking <ol style="list-style-type: none"> <li>i) No additional parking for the secondary dwelling is required.</li> <li>ii) Parking for the principal dwelling is provided as per Section 3.02.10 Car parking and vehicular access.</li> </ol> </li> </ol> </li> </ol>



Development type	Performance criteria	Acceptable solutions
Swimming pools	<ol style="list-style-type: none"> <li>Swimming pools are not visually intrusive on the street scape.</li> <li>Swimming pools are designed, located and operated in a safe manner in accordance with the relevant standards.</li> <li>Pool equipment is designed and located to minimise the impact of noise.</li> </ol>	<ol style="list-style-type: none"> <li>The swimming pool is located either behind the setback area from a primary road, or in the rear yard.</li> <li>The swimming pool water line must have a setback of at least 1m from a side or rear boundary.</li> <li>Despite subclauses (1) and (2), if the swimming pool is being constructed in a heritage conservation area or draft heritage conservation area, the swimming pool must be located: <ol style="list-style-type: none"> <li>behind the rear most building line of the dwelling house, and</li> <li>no closer to each side boundary than the dwelling house.</li> </ol> </li> <li>Decking around a swimming pool must not be more than 600mm above ground level (existing).</li> <li>Coping around a swimming pool must not be more than: <ol style="list-style-type: none"> <li>1.4m above ground level (existing), or</li> <li>300mm wide if the coping is more than 600mm above ground level (existing).</li> </ol> </li> <li>The pump is housed in an enclosure that is soundproofed.</li> </ol>



**Figure 12:** A 2m x 2.5m splay at the driveway and property boundary to avoid obstructions to visibility.



**Figure 13:** An example of a 1.8m transparent fence with landscaping complying with the driveway splay.





## 3.03 Residential Development



### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	27/6/2017	10/7/2017	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

### Land to which this section applies

This section applies to all land to which residential accommodation is permissible with consent under the Newcastle Local Environmental Plan 2012.

### Development (type/s) to which this section applies

This section applies to all development consisting of:

- attached dwellings
- boarding houses
- dual occupancies
- group homes
- hostels
- multi dwelling housing
- residential flat buildings
- semi-detached dwellings
- seniors housing

This section **does not** apply to shop top housing, single dwellings or secondary dwellings.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012.
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: Basix) 2004
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.



Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 4.04 Safety and Security
- 6.13 Precinct Maps
- 7.02 Landscape, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.06 Stormwater
- 7.08 Waste Management

The following sections of this DCP **may** also apply to development to which this section applies:

- 3.01 Subdivision
- 4.01 Flood Management - all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection - within a mapped bushfire area/zone
- 4.03 Mine Subsidence - within a mine subsidence area
- 4.05 Social Impact
- 5.02 Land Contamination - land on register/where risk from previous use
- 5.03 Tree Management - trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage - known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items - known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management - known/likely archaeological site or potential soil disturbance
- 5.10 Soil Management - works resulting in any disturbance of soil and/or cut and fill
- 6.01 Newcastle City Centre - if proposed development is located in this precinct
- 6.02 Heritage Conservation Areas - known conservation area
- 6.03 Wickham
- 6.04 Islington Renewal Corridor
- 6.05 Mayfield Renewal Corridor
- 6.06 Hamilton Renewal Corridor
- 6.07 Broadmeadow Renewal Corridor
- 6.08 Adamstown Renewal Corridor
- 6.12 Minmi
- 7.04 Movement Networks
- 7.11 Development Adjoining Laneways

## Associated technical manual/s

- Nil

## Additional information

This section of the DCP has performance criteria that explain the planning outcomes to be achieved. Accompanying the performance criteria are acceptable solutions that illustrate the preferred way of complying with the corresponding performance criterion. There may be other ways of complying with performance criteria and it is up to the applicant to demonstrate how an alternative solution achieves this.



## Acceptable Solutions

The acceptable solutions provide a means of achieving compliance with the performance criteria for this section. Where a development proposal does not meet all of the acceptable solutions in each section the development will be required to meet the performance criteria for that section and the application will become a performance based assessment.

## Performance Criteria

The performance criteria permit applicants to be flexible and innovative in responding to the DCP requirements. Applications which meet the performance criteria are assessed on merit and it is the applicant's responsibility to demonstrate how the performance criteria have been met. Compliance with the performance criteria can be undertaken through the use of 3D montages, 3D models, constraints mapping and other forms of visual representation.

Note 1: Development application forms, checklists and other explanatory information are available on Council's website to assist with the use of this section of the Development Control Plan.

Note 2: Diagrams are provided for illustrative purposes only.

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan and include:

- **Row housing** - a form of multi dwelling housing consisting of three or more detached and/or semi-detached dwellings that are arranged in a lineal fashion with a single driveway along one side of the site or a central driveway with dwellings on each side.

## Objectives of this section

1. To ensure the efficient use of land for residential purposes.
2. To encourage increased residential development in areas in proximity to services and transport.
3. To encourage innovation and diversification in the type and size of residential development.
4. To ensure development respects the amenity and character of surrounding development.
5. To ensure new development is compatible with the scale and desired residential character.
6. To ensure dwellings provide their occupants with adequate levels of amenity, comfort and security.
7. To ensure new development is designed to complement the individual site conditions including slope, aspect, trees and existing buildings.
8. To ensure landscaping is in scale with the building and complements the desired character of the area and surrounding development.



### 3.03.01 Principal controls

#### A. Frontage widths

##### *Performance criteria*

1. Sites are wide enough to accommodate new development that respects the desired character of the surrounding area, the amenity of adjoining development and provides good internal site amenity.
2. Development in the R3, R4 or B4 zones does not result in isolated sites that have less than the minimum developable site frontage.

##### *Acceptable solutions*

The following controls apply to all forms of residential development

1. The minimum site frontage width is:

Residential development Type	Site Frontage Width	
Zone	R2*	R3, R4 or B4
Dual Occupancy /attached dwellings	12m	12m
Multi-dwelling with basement car park	15m	15m
Multi-dwelling row housing	18m	15m
Residential Flat Building		

\*Excluding the Moderate Growth Precinct. Development in the Moderate Growth Precinct is to comply with the frontage requirements of the R3, R4 or B4 zone

2. The minimum site frontage for boarding houses, group homes, hostels and seniors housing is consistent with the minimum frontage in clause 1 based on the type of building proposed. For example, a seniors housing development in the form of a residential flat building would require a frontage of 18m in the R2 zone and 15m in the R3 zone.
3. In the R3, R4 and B4 zones the development does not result in the creation of an isolated lot. Where a development will result in an isolated lot, the Planning Principles outlined by the NSW Land and Environment Court for redevelopment resulting in isolated sites are satisfied.



Note: The Planning Principles require the following matters to be addressed:

1. Where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.
2. Where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.
3. The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of section 79C of the *Environmental Planning and Assessment Act 1979*.
4. Whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non-compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.
5. To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.
6. The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments.

## **B. Front setbacks**

### ***Performance criteria***

1. Setbacks are consistent with the existing or intended local streetscape.
2. Garages and carports are integrated into a development and do not dominate the streetscape.
3. Setbacks provide suitable space for site landscaping.
4. Setbacks provide suitable privacy and amenity for the building occupants.

### ***Acceptable Solutions***

#### **The following controls apply to all forms of residential development**

1. Compliance with the locality specific controls in section 6 of this DCP. Where there are no locality specific controls front setbacks are:
  - (a) In established areas the proposed building is setback the average distance of buildings within 40m either side of the lot on the same primary road (see **Figure 1**). The setback on a corner lot (secondary road) is 2m.



(b) If there is no established building line, the front setback is:

Road Type	Front Setback	
Zone	R2	R3, R4 or B4
Primary road	4.5m	4.5 m
Corner lot (secondary road)	2m	2m
Classified road	As defined in any applicable Environmental Planning Instrument, or if none exists 9m.	

- Entries to a basement car park, garage or carport are setback at least 1m behind the front building line. Where the building line is less than 4.5m, the entry to the basement car park, garage or carport is setback at least of 5.5m from the boundary with the road.
- An articulation zone that extends 1.5m from the building line into the setback from the primary road may be provided where the setback from the primary road is 3m or greater. The articulation zone is a maximum 25% width of the lot at the building line. See **Figure 2**.

Note: Articulation zone means an area within a lot where building elements are or may be located, that consists of that part of the setback area from a primary road that is measured horizontally for a distance of 1.5m from:

- the required front setback (building line), or
- a gable or roof parapet having a surface area of more than 10m<sup>2</sup>.

The following building elements are permitted in an articulation zone:

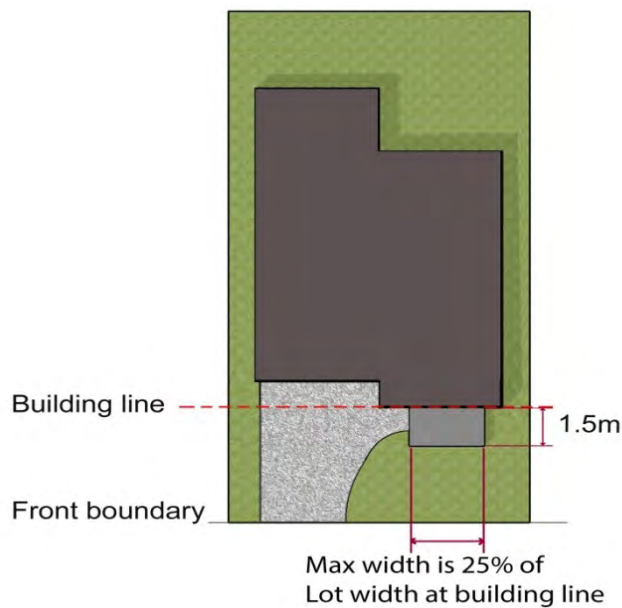
- an entry feature or portico
- a balcony, deck, patio, pergola, terrace or verandah
- a window box treatment
- a bay window or similar feature
- an awning or other feature over a window
- a sun shading feature.

**Figure 1: Front setbacks consistent with neighbouring buildings 40m either side**





**Figure 2: Building articulation zone**



### **C. Side and rear setbacks**

#### **Performance criteria**

1. Development is consistent with and complements the desired built form prevailing in the street and local area.
2. Setbacks maintain the amenity and privacy of public spaces and adjoining dwellings and their private open space.
3. Significant views from adjoining properties are maintained.
4. Sufficient landscape and deep soil areas are provided around the development to conserve existing trees and to accommodate intensive new landscaping.

#### **Acceptable solutions**

##### The following controls apply to all forms of residential development

1. Compliance with the locality specific controls in section 6 of the DCP. Where there are no locality specific controls, side and rear setbacks are:
  - (a) In the R2 Low Density Residential Zone:
    - (i) Side setbacks are a minimum of 900mm from each boundary up to a height of 4.5m, then at an angle of 4:1 up to the maximum permitted height under Newcastle Local Environmental Plan 2012 (see **Figure 3**).
    - (ii) Rear setbacks are a minimum of 3m for walls up to 4.5m in height and 6m for walls greater than 4.5m height.



- (b) In the R3 Medium Density Residential, R4 High Density Residential and B4 Mixed Use zones:

Wall height	Side and rear setbacks
Up to 4.5	1.5m
4.5 - 8.5m	3m
Over 8.5m	6m

Note: Dwellings should be orientated to the front and rear of the site. Orientation to a side boundary may be considered where it is necessary to achieve good solar access to living rooms and private open space. In these cases, greater side boundary setbacks will be required.

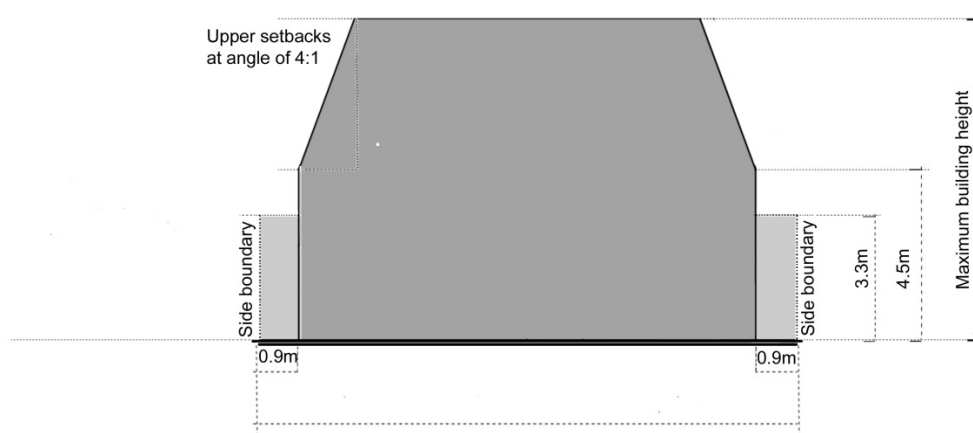
2. In the R3 Medium Density Residential, R4 High Density Residential and B4 Mixed Use zones side or rear boundary setbacks may be reduced/built to the boundary where:
  - (a) the wall height and length match an existing or similarly constructed wall on the adjoining site; and
  - (b) the proposed wall and the wall on the adjoining property do not contain any openings; and
  - (c) the wall will not impede the flow of stormwater or overland flow paths.
3. In the R3 Medium Density Residential, R4 High Density Residential and B4 Mixed Use zones, side and rear boundary setbacks are increased, where the site directly adjoins a site in the R2 Low Density Residential Zone.

Note: In these cases, building setbacks will need to be sufficient to ensure solar access, amenity and privacy to the adjoining properties.

4. Where a rear boundary adjoins a lane, development complies with Section 7.11 - Development adjoining laneways, of this DCP.
5. On corner lots, the boundary opposite the primary road frontage is taken to be the rear boundary for the purposes of applying setbacks.



**Figure 3: Side setbacks in the R2 Low Density Residential Zone**



## D. Landscaped Area

### Performance criteria

1. New development integrates into established streetscapes and neighbourhoods.
2. Landscaped areas are sized and located so that the amenity and privacy of adjoining dwellings is maintained.
3. Landscaped areas are of usable size and proportions to add value and quality of life for occupants within a development in terms of privacy, outlook, views and recreational opportunities.
4. New development respects and incorporates existing established trees and provides appropriate sized places and soil depths for the planting of new medium and large sized trees.

### Acceptable solutions

The following controls apply to all forms of residential development

1. Landscaped areas are provided as follows:

Zone	Minimum landscaped area (% of site area)	Minimum deep soil zone (% of site area)
R2 zone	30%	15%
R2 zone - Moderate Growth Precinct	25%	12%
R3 zone	25%	12%
R4 and B4 zones	20%	10%



Note: The moderate growth precinct covers areas within a SAFE 5 minute walk of local or neighbourhood centres and is considered suitable for increased residential density. While a wide range of housing is expected to be undertaken, residential flat buildings and multi dwelling housing are encouraged. This precinct also forms a transition between the limited and substantial precincts. Refer to Section 6.13 of the DCP for the Residential Growth Precinct Maps.

Further information about the Residential Growth Precincts and the SAFE criteria can be found in Newcastle Local Planning Strategy [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)

2. Landscaped areas have a minimum width of 1.5m and the following items are excluded from the landscaped area calculation:
  - (a) paving wider than 1m, impervious or otherwise
  - (b) structures such as air conditioning units, awnings, decks, patios, garden sheds, hot water systems, LPG storage tanks, water tanks and the like.
3. A minimum 25% of the front setback is landscaped area.
4. A minimum 3m wide landscaped area is located along the rear boundary.
5. Landscaped areas are distributed throughout the site and incorporated into both private open space and communal open space areas.
6. Landscaped areas take advantage of existing site conditions and respond to significant site features such as:
  - (a) significant landscape features including existing trees
  - (b) change of levels
  - (c) views.
7. One large tree or two medium sized trees are provided for every 90m<sup>2</sup> of landscaped area.
8. A medium sized tree with a minimum mature height of 5m is provided in the front setback, where the setback is greater than 3m.
9. Landscaping is consistent with Section 7.02 Landscape, Open Space and Visual Amenity of this DCP.

Note: Pedestrian and vehicle access controls require landscaping to be incorporated into the setbacks of driveways, internal streets, lanes and visitor car parking spaces.



## 3.03.02 Siting the development

### A. Local character and context

#### *Performance criteria*

1. The built form, articulation and scale relate to the desired local character of the area and the context.
2. Development does not unreasonably impact on the amenity and privacy of adjoining dwellings and their private open space.

#### *Acceptable solutions*

##### The following controls apply to dual occupancies and attached dwellings

1. A design statement describing how the built form of the development contributes to the character of the local area is submitted with the development application.

##### The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

2. A detailed site analysis is undertaken to understand all issues and considerations including:
  - (a) relationship to the public domain and surrounding development
  - (b) existing vegetation and trees
  - (c) boundary treatments
  - (d) retaining walls, fences, overshadowing impacts and privacy considerations
  - (e) orientation
  - (f) slope
  - (g) geology
  - (h) contamination
  - (i) infrastructure
  - (j) access arrangements
  - (k) stormwater management
  - (l) views.



## **B. Public Domain Interface**

### ***Performance criteria***

1. Transition between the private and public domain is achieved without compromising security.
2. Front fences and walls do not dominate the public domain and compliment the context and character of the area.
3. Amenity of the public domain is retained and enhanced.

### ***Acceptable solutions***

#### The following controls apply to all forms of residential development

1. Private open space is located behind the building line of the primary road frontage, but may be partially located within an articulation zone.
2. Windows and balconies overlook the public domain.
3. Direct visibility is provided along pathways and driveways from the public domain.
4. Fences and walls forward of the building line of the primary road frontage:
  - (a) have an average height of 1.2m, with a maximum height of 1.5m and are constructed using materials such as slats or pickets with at least 50% of the fence area open.
  - (b) may use high solid acoustic fencing to shield dwellings from the noise from classified roads. These walls may have a maximum height of 2.1m and a setback of at least 1.5m from the boundary. Landscape planting with a mature height of at least 1.5m is provided between the wall and the front boundary.
  - (c) do not use unfinished timber paling and metal panel fences forward of the building line.
  - (d) have courtyard fences and walls to secondary street frontages align with the facade facing the street. Solid fencing components are finished with the same material as the building facade.
5. Retaining walls within the front setback that have a height greater than 600mm are softened by landscape planting with a minimum width of 600mm on the low side of the retaining wall.
6. Where development adjoins public parks, open space or bushland, or is a corner site, the design positively addresses this interface by:
  - (a) street access, pedestrian paths and building entries which are clearly defined; or
  - (b) paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space; or
  - (c) walls fronting the public spaces have openings that are at least 25% of the surface area of the wall.



The following controls apply to dual occupancies and attached dwellings

7. Mail boxes are located at each dwelling entry not in a central location.
8. Direct visibility is provided to the front door and garage along paths and driveways from the public domain.

**C. Pedestrian and vehicle access**

***Performance criteria***

1. Internal vehicle and pedestrian circulation functions like a street.
2. Adequate space is provided for vehicle circulation and the dominance of driveways within the site and to the streetscape is minimised.
3. Impacts on habitable spaces are minimised.
4. Visual and environmental impacts of car parking are minimised.

***Acceptable solutions***

The following controls apply to all forms of residential development

1. Internal streets, lanes, driveways and parking spaces and circulation comply with AS 2890.1.
2. Battle-axe driveways, internal streets, lanes and visitor car parking spaces are setback:
  - (a) at least 1m from a fence;
  - (b) at least 1m from another dwelling;
  - (c) at least 2.5m from a window to a habitable room that has 1m<sup>2</sup> or larger in size.
3. Landscape planting is incorporated into the driveway, street and lane setbacks.
4. Driveways that are adjacent to a tree are located outside of the dripline or comply with the recommendations in a report prepared by a qualified arborist.

The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

5. All internal driveways, streets and lanes are overlooked by windows from habitable rooms or private open space.
6. Open space or the window of a dwelling is provided at the termination point of an internal driveway, street or lane.
7. Multi dwelling developments that contain 20 or more dwellings include pedestrian paths that are separated from the internal road or lane by a kerb or landscaped area.
8. Where pedestrian circulation is separated from vehicle circulation, the paths still function like streets with pavement at least 1.5m wide, clearly identifiable dwelling entrances and clear lines of sight to create a legible and safe network.



9. Lighting is provided in accordance with AS 1158.3 to roads and pedestrian spaces and avoids light spill into private open space or habitable rooms.
10. The maximum length of a dead end lane or driveway is 40m and serves a maximum of 10 dwellings.
11. Lanes and driveways including pedestrian paths are straight and all parts have a clear line of sight from internal or public streets.

The following controls apply to all forms of residential development that incorporate basement car parking

12. Basement car parking:
  - (a) does not protrude more than 1m above finished ground level, except at the entrance to the car park
  - (b) car park entrances have a maximum width of 3.5m where there are less than 10 dwellings served by the car park
  - (c) the car park entry has a maximum height of 2.7m.

## **D. Orientation and siting**

### ***Performance criteria***

1. Building types and layouts respond to the streetscape and site while optimising solar access within the development and maximise street surveillance and connectivity.
2. Development does not unreasonably impact on the amenity and privacy of adjoining dwellings and their private open space.
3. Overshadowing of neighbouring properties is minimised during mid-winter.
4. The development responds to the natural landform of the site, reducing the visual impact and minimising earthworks.

### ***Acceptable solutions***

The following controls apply to all forms of residential development

1. The principal area of private open space and the window to a living room of an adjoining dwelling receives greater than 2 hours of solar access between 9am and 3pm on the winter solstice. Where the window or principal area of private open space is already overshadowed, solar access is not reduced by more than 20%.
2. On sloping sites the buildings respond to the topography with changes in floor level to minimise the need for cut and fill.



3. Fill outside the building footprint does not exceed a height measured from existing ground level of:
  - (a) 600mm if located within 1m of a boundary, and
  - (b) 1m if located greater than 1m from a boundary.
4. Dwellings are orientated to maximise solar and daylight access to living rooms and private open space

The following controls apply to dual occupancies and attached dwellings

5. Each dwelling has a frontage to a primary, secondary or parallel road.

Note: See section 7.11 Development adjoining laneways for specific design criteria for development adjoining a laneway
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6. Battle-axe lots have access to the primary road of at least 3m.
7. Every wall that faces the street has a window to a habitable room at each level.
8. Excavation does not exceed a depth measured from existing ground level of:
  - (a) 1m if located within 1m of a boundary and
  - (b) 3m if located greater than 1m from a boundary.

The following controls apply to multi dwelling housing, dual occupancies and attached dwellings

9. Each dwelling has a frontage to a public street, internal street or lane.
10. Dwellings facing the street have a covered entry door and a window of a habitable room facing the street.

The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

11. Ground floor levels are not more than 1.3m above existing ground level and not more than 1m below existing ground level.
12. Excavation does not exceed a depth measured from existing ground level of:
  - (a) 600mm if located within 1m of a boundary and
  - (b) 1m if located greater than 1m from a boundary.
13. Fill outside the building footprint does not exceed a height measured from existing ground level of:
  - (a) 600mm if located within 1m of a boundary and
  - (b) 1m if located greater than 1m from a boundary.



## **E. Building separation**

### ***Performance criteria***

1. Adequate space is provided between buildings to allow for landscape, daylight access between buildings, provide visual separation, reduce visual bulk.

### ***Acceptable solutions***

#### The following controls apply to dual occupancies and attached dwellings

1. The minimum separation between two or more buildings on the same lot is 3m.

#### The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

2. The minimum separation between two or more buildings on the same lot is:
  - (a) 3m where a wall height is less than 7.5m
  - (b) 6m where a wall height is 7.5m or greater.

Note: Building separation may need to be increased to provide adequate privacy or solar access
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#### The following controls apply to all forms of residential development except for dual occupancies and attached dwellings in the R2 Low Density Residential Zone, excluding the Moderate Growth Precinct

3. Buildings are broken into a series of massing elements. Each massing element has a maximum wall length of 25m and is separated by a minimum 6m x 6m landscaped area. The landscaped area between each massing element may incorporate open car parking spaces and driveways, only where a minimum 3m wide deep soil zone is provided adjacent to the boundary.

## **3.03.03 Amenity**

### **A. Solar and daylight access**

#### ***Performance criteria***

1. The number of dwellings receiving sunlight to habitable rooms and private open space is maximised.
2. Solar access enables passive solar heating in winter and provides a healthy indoor environment.
3. Access to daylight is suited to the function of the room and artificial lighting is minimised.



## Acceptable solutions

1. Compliance with the standards for 'Solar and daylight access' detailed in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.

Note: State Environmental Planning Policy (SEPP) No. 65 - Design Quality of Residential Apartment Development requires some types of residential development to meet the requirements of The Apartment Design Guide.

SEPP 65 applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

- (a) the development consists of any of the following:
  - (i) the erection of a new building,
  - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
  - (iii) the conversion of an existing building, and
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2m above ground level (existing) that provide for car parking), and
- (c) the building concerned contains at least 4 or more dwellings.

2. Compliance with the standards for solar access in in *State Environmental Planning Policy (Affordable Rental Housing) 2009* for all boarding houses.

### The following controls apply to all forms of residential development

3. The living room and private open space receives a minimum of 2 hours direct sunlight between 9am and 3pm at the winter solstice for:
  - (a) Each dwelling in a dual occupancy or attached dwelling
  - (b) At least 70% of dwellings in all other forms of residential development.
4. Direct sunlight is achieved when 1m<sup>2</sup> of direct sunlight on the glass is achieved for at least 15 minutes. To satisfy 2 hours direct sunlight, 8 periods of 15 minutes will need to be achieved - the periods do not need to be consecutive.
5. Every habitable room has a window in an external wall with a total minimum glass area of at least 15% of the floor area of the room.
6. Daylight is not borrowed from other rooms, except where a room has a frontage to a classified road.
7. No part of a habitable room is more than 8m from a window.
8. No part of a kitchen work surface is more than 6m from a window or skylight.
9. Courtyards are fully open to the sky, have a minimum dimension of one third of the perimeter wall height and a minimum area of 3m<sup>2</sup>.



## **B. Natural ventilation**

### ***Performance criteria***

1. All habitable rooms are naturally ventilated.

### ***Acceptable solutions***

The following controls apply to all forms of residential development

1. Compliance with the standards for 'Apartment size and layout' in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.
2. For all other residential development:
  - (a) each habitable room is naturally ventilated
  - (b) each dwelling is cross ventilated
  - (c) the area of unobstructed window openings is equal to at least 5% of the floor area served.

## **C. Ceiling heights**

### ***Performance criteria***

1. Ceiling height achieves sufficient natural ventilation and daylight access and provides spatial quality.

### ***Acceptable solutions***

The following controls apply to all forms of residential development

1. Compliance with the standards for 'Ceiling heights' in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.
2. For all other residential development the ceiling height measured between finished floor level and finished ceiling level are:
  - (a) 2.7m to all ground floor habitable rooms
  - (b) 2.7m to first floor living rooms
  - (c) 2.4m to all first floor bedrooms.

## **D. Dwelling size and layout**

### ***Performance criteria***

1. Dwellings are of a sufficient size to provide functional, well organised rooms with a high standard of amenity.
2. Dwelling layouts accommodate a variety of household activities and needs appropriate to the number of occupants.



## Acceptable solutions

### The following controls apply to all forms of residential development

1. Compliance with the standards for 'Apartment size and layout' in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.
2. Compliance with the standards for 'accommodation size' in *State Environmental Planning Policy (Affordable Rental Housing) 2009* for all boarding houses.
3. For all other residential development:
  - (a) Dwellings have the following minimum internal areas:

No. Bedrooms	Size
1	65m <sup>2</sup>
2	90m <sup>2</sup>
3	115m <sup>2</sup>

- (b) The minimum internal areas include only one bathroom. An additional 5m<sup>2</sup> floor area is provided for each additional bathroom.
- (c) An additional 12m<sup>2</sup> is provided for any bedroom in excess of three.
- (d) Kitchens are not part of the circulation space, except in 1 bedroom dwellings.
- (e) A window is visible from any point in a habitable room.
- (f) One bedroom is a minimum area of 10m<sup>2</sup> and other bedrooms are a minimum of 9m<sup>2</sup> (excluding wardrobe space) with a minimum dimension of 3m (excluding wardrobe space).
- (g) Combined living/dining areas have a minimum dimension of 4m (excluding fixtures) and are a minimum of 24m<sup>2</sup> for dwelling with up to 2 bedrooms and 28m<sup>2</sup> for dwellings with 3 or more bedrooms.

## E. Private open space

### Performance criteria

1. Private open space and balconies are located and sized to enhance residential amenity and liveability.

## Acceptable solutions

### The following controls apply to all residential flat buildings

1. Compliance with the standards for 'Private open space and balconies' in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.
2. For residential flat buildings that are not required to comply with the Apartment Design Guide, each dwelling has:



- (a) A minimum area of private open space as follows:

Dwelling size	Private Open Space
1 bedroom	8m <sup>2</sup>
2 + bedrooms	12m <sup>2</sup>
Ground floor dwellings	16m <sup>2</sup>

- (b) The minimum dimension of the included area is 2m, excluding any storage space.
- (c) Primary private open space and balconies are located adjacent to living room, dining room or kitchen to extend the living space.
- (d) 50% of the minimum required private open space is covered to provide shade and protection from rain.
- (e) Balconies and terraces above ground floor level are orientated towards the street or rear of the site and not to a side boundary.

The following controls apply to all other forms of residential development

3. Compliance with the standards for 'private open space' in *State Environmental Planning Policy (Affordable Rental Housing) 2009* for all boarding houses.
4. For all other residential development:
- (a) All dwellings have at least 16m<sup>2</sup> private open space.
- (b) The minimum dimension of the included area is 3m, excluding any storage space, rainwater tanks, air-conditioning units or other similar structures.
- (c) Primary private open space and balconies are located adjacent to the living room, dining room or kitchen.
- (d) 50% of the minimum required private open space is covered to provide shade and protection from rain.

## **F. Storage**

### **Performance criteria**

1. Each dwelling has adequate, well designed storage.

### **Acceptable solutions**

The following controls apply to all forms of residential development

1. Compliance with the standards for 'Storage' in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.
2. For all other residential development
- (a) In addition to storage in kitchens, bathrooms and bedrooms, storage is to be provided as follows:



Dwelling size	Storage size volume
1 bedroom	6m <sup>3</sup>
2 bedrooms	8m <sup>3</sup>
3+ bedrooms	10m <sup>3</sup>

- (b) At least 50% of the required storage is located in the dwelling.
- (c) Storage not located in a dwelling is secure and clearly allocated to specific dwellings if located in a common area.

## G. Car and bicycle parking

### Performance criteria

1. Car and bicycle parking is appropriate for the scale of the development.

### Acceptable Solutions

The following controls apply to all forms of residential development

1. Car and bicycle parking comply with Section 7.03 Traffic, Parking and Access of this DCP.
2. Entries to a basement car park, garage or carport are set back at least 1m behind the front building line. Where the building line is less than 4.5m, the entry to the basement car park, garage or carport is setback at least of 5.5m from the primary road.
3. The maximum aggregated garage door width that has a frontage to a primary road is:

Lot width	Aggregate garage door width
7.5 - 12.5m	3.2m
>12m	6m

4. Where a lot width is less than 7.5m, car parking is provided from a secondary road, parallel road or lane.

The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

5. Facilities for car washing are provided and a dedicated car wash bay is provided for developments containing 20 or more dwellings.

## H. Visual privacy

### Performance criteria

1. Adequate building separation distances are shared equitably between neighbouring dwellings to achieve reasonable levels of external and internal visual privacy while retaining amenity for the dwelling.
2. Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.



## Acceptable Solutions

### The following controls apply to all forms of residential development

1. Compliance with the standards for 'Visual privacy' detailed in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.
2. For all other residential development, new development is located and orientated to maximise visual privacy between buildings on site and for neighbouring buildings. This is to be achieved by:
  - (a) Inclusion of privacy screens where the distance from the window of a habitable room to the boundary is:
    - (i) less than 3m, and the habitable room has a finished floor level greater than 1m above existing ground level, or
    - (ii) less than 6m, and the habitable room has a FFL greater than 3m above ground level.
  - (b) A privacy screen is not required to:
    - (i) a bedroom window with an area less than 2m<sup>2</sup>; or
    - (ii) any window that has a sill height of 1.5m or greater, or
    - (iii) any window that has a frontage to a road or public open space.
  - (c) Provision of a privacy screen on the edge of a terrace, balcony or verandah, where the edge is:
    - (i) less than 3m from the boundary, and the habitable room has a finished floor level greater than 1m above existing ground level, or
    - (ii) less than 6m and the habitable room has a finished floor level greater than 2m above ground level.
  - (d) A privacy screen is not required to a balcony or terrace that has an area less than 3m<sup>2</sup>, or a balcony or terrace of any size that has a frontage to a road or public space.
  - (e) Separation distances between windows and balconies of dwellings on the same site are double the distances above.
  - (f) Where privacy screens are provided to windows, they do not cover part of the window required to meet the minimum daylight or solar access requirements, or restrict ventilation.

## I. Acoustic privacy

### Performance criteria

1. Noise transfer is minimised through the siting of buildings and building layout.



## **Acceptable Solutions**

### The following controls apply to all forms of residential development

1. All noise generating equipment such as air conditioning units, swimming pool filters, fixed vacuum systems and driveway entry shutters are designed to protect the acoustic privacy of residents and neighbours. All such noise generating equipment must be acoustically screened. The noise level generated by any equipment does not exceed an LAeq (15 min) of 5dB(A) above background noise at the property boundary.

### The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

2. Noise sources not associated with the dwelling such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment are located at least 3m from any bedroom.

## **J. Noise and pollution**

### **Performance criteria**

1. Outside noise levels are controlled to acceptable levels in living and bedrooms of dwellings.

## **Acceptable Solutions**

### The following controls apply to all forms of residential development

1. Dwellings that are within 100m of a road corridor with an annual daily traffic (AADT) volume of more than 40 000 vehicles (based on traffic volume data published on the website of the RMS) or 80m from a rail corridor have LAeq measures not exceeding:
  - (a) in any bedroom: 35dB(A) between 10pm - 7am
  - (b) anywhere else in the building (other than a kitchen, garage, bathroom or hallway): 40dB(A) at any time.
2. This can be achieved by:
  - (a) a full noise assessment prepared by a qualified acoustic engineer; or
  - (b) complying with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of Draft Guide to Infrastructure development near rail corridors busy roads.
3. Dwellings within 25m of a rail corridor have a vibration assessment carried out by a qualified structural engineer.



### 3.03.04 Configuration

#### A. Universal design

##### *Performance criteria*

1. Universal design features are included in dwellings to promote flexible housing for all community members.

##### *Acceptable Solutions*

The following controls apply to all forms of residential development

1. Seniors housing development complies with the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
2. All other dwellings include the *Liveable Housing Design Guidelines* Silver Level universal design features.

Note: The Liveable Housing Design Guidelines describe basic design standards for key features to facilitate liveable housing design. A liveable home is designed to meet the changing needs of occupants across their lifetime. By including user-friendly design features a liveable home seeks to enhance the quality of life for all occupants at all stages of their life. The 7 core liveable housing design elements are:

- (a) A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level.
- (b) At least 1 level (step free) entrance into the dwelling.
- (c) Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
- (d) A toilet on the ground (or entry) level that provides easy access.
- (e) A bathroom that contains a hobless (step free) shower recess.
- (f) Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.
- (g) A continuous handrail on 1 side of any stairway where there is a rise of more than 1m.

#### B. Communal area and open space

##### *Performance criteria*

1. Suitably sized communal open space is provided to enhance the amenity of residents.
2. Communal areas are designed to maximise safety.
3. Common circulation spaces achieve good amenity and promote safety and social interaction between residents.

##### *Acceptable Solutions*

The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

1. Where 10 or more dwellings are proposed, a communal open space with a minimum area of 5% of the site area and with a minimum dimension of 8m is provided for active communal open space.



2. The active communal open space is not less than 3m from private open space or 6m from windows of a habitable room.
3. The active communal open space area receives at least 2 hours of direct sunlight between 9am and 3pm at the winter solstice to 50% of the required area.
4. Communal areas and open space are visible from habitable rooms and private open space while maintaining visual privacy.
5. Where open space is provided as public open space it has a direct connection to the internal street along the longest edge.
6. Public through site links have direct line of sight between public streets.
7. Daylight and natural ventilation is provided to all common circulation spaces above ground.
8. Lighting is provided to common spaces.

## **C. Architectural design and roof form**

### ***Performance criteria***

1. Roof treatments are integrated into the building design and positively respond to the street.
2. The visual bulk of the development is reduced by breaking up the building massing.

### ***Acceptable Solutions***

The following controls apply to all forms of residential development

1. The roof design is integrated with the overall building form.
2. Skylights and ventilation systems are integrated into the roof design.

## **D. Visual appearance and articulation**

### ***Performance criteria***

1. Façade design is consistent with the desired character of the area.
2. Development does not unreasonably impact on the amenity and privacy of adjoining dwellings and their private open space.
3. Building elements are integrated into the overall building form and façade design.

### ***Acceptable Solutions***

The following controls apply to all forms of residential development

1. Provision of an articulation zone forward of the building line.



The following controls apply to all forms of residential development **except** for dual occupancies and attached dwellings

1. Facades contain a balanced composition of elements including a mix of solid and void.
2. Building services are integrated within the overall façade.
3. Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.
4. Building entries are clearly defined and include a covered entry.
5. All building elements, including shading devices and awnings are coordinated and integrated into the overall façade design.
6. A variety of materials and colours are used.

## **E. Pools and ancillary development**

### ***Performance criteria***

1. Swimming pools and spas are located to minimise the impacts on adjoining properties.
2. Detached studios and outbuildings activate rear lanes and do not dominate the rear yard.

### ***Acceptable Solutions***

The following controls apply to all forms of residential development

1. Swimming pools and spas are located in the rear yard.
2. The coping around a swimming pool or spa is not more than 1.4m above existing ground level.
3. The decking or paved area around a swimming pool or spa (excluding coping less than 300mm wide) is not more than 0.6m above existing ground level.
4. Water from a swimming pool or spa is connected to the sewage disposal system.
5. The pump is housed in a soundproofed enclosure.
6. A detached studio or outbuilding:
  - (a) has a maximum building height of 3.6m. Where the outbuilding is within 0.9m of a lane, the maximum building height is 6m.
  - (b) may have a 0m setback from a side or rear boundary where it adjoins a lane. In all other cases, it has a minimum rear setback of 3m and 0m side setbacks.
  - (c) has a maximum floor area of 36m<sup>2</sup> and is included in the gross floor area (unless it is required for car parking).
  - (d) all windows have a maximum size of 2m<sup>2</sup> where the floor level is greater than 1.5m above ground level.



### 3.03.05 Environment

This section applies to development for residential development.

#### A. Energy efficiency

##### *Performance criteria*

1. Development incorporates passive environmental design.

##### *Acceptable Solutions*

The following controls apply to all forms of residential development

1. Development provides an outdoor area for clothes drying that can accommodate at least 16 lineal metres of clothes line per dwelling.
2. Clothes drying areas are screened from public and communal areas.

#### B. Water management and conservation

##### *Performance criteria*

1. Potable water use is minimised.
2. Urban stormwater is treated on site before being discharged to receiving waters.

##### *Acceptable Solutions*

The following controls apply to all forms of residential development

1. Each dwelling is provided with an individual meter for hot or cold water consumption.
2. Stormwater treatment and disposal is provided in accordance with Section 7.06 of this DCP.

#### C. Waste management

##### *Performance criteria*

1. Waste storage and collection facilities are integrated into the development and have minimal impact on the amenity of adjoining residents, building entry and the streetscape.

##### *Acceptable solutions*

The following controls apply to all forms of residential development

1. Waste management facilities comply with the requirements of Section 7.08 Waste Management of this DCP.
2. Where a communal bin storage area is provided, it is located behind the building line of the primary street frontage and appropriately screened from public places and adjoining properties.



3. Where the site characteristics or the number of bins and length of street frontage are not appropriate for kerbside collection of waste and recycling, developments are designed and constructed to facilitate onsite waste collection.

Note: Site owners will need to make private arrangements for waste collection where kerbside collection is not appropriate.



## 3.09 Tourist and Visitor Accommodation



### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This control applies to all land within which any form of tourist and visitor accommodation is permitted with consent under the Newcastle local Environmental Plan 2012.

### Development (type/s) to which this section applies

This section applies to all development consisting of tourist and visitor accommodation, including:

- backpackers accommodation
- bed and breakfast accommodation
- farm stay accommodation
- hotel or motel accommodation
- serviced apartments.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instruments also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy No. 21 - Caravan Parks.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 4.04 Safety and Security
- 7.01 Building Design Criteria
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access



- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management
- 7.09 Outdoor Advertising and Signage.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bush fire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 4.05 Social Impact – where required under ‘Social Impact Assessment Policy for Development Applications’, 1999
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal Heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 6.01 Newcastle City Centre - if proposed development is located in this precinct
- 6.02 Heritage Conservation Areas - known conservation area
- 6.03 Wickham - if proposed development is located in this precinct
- 6.04 Islington Renewal Corridor - if proposed development is located in this precinct
- 6.05 Mayfield Renewal Corridor - if proposed development is located in this precinct
- 6.06 Hamilton Renewal Corridor - if proposed development is located in this precinct
- 6.07 Broadmeadow Renewal Corridor - if proposed development is located in this precinct
- 6.08 Adamstown Renewal Corridor - if proposed development is located in this precinct
- 6.09 Darby Street, Cooks Hill - if proposed development is located in this precinct
- 6.10 Beaumont Street, Hamilton - if proposed development is located in this precinct
- 6.11 Royal Newcastle Hospital Site - if proposed development is located in this precinct
- 6.12 Minmi - if proposed development is located in this precinct
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required
- 7.10 Street Awning and Balconies – awnings or balconies proposed over public land.

### Associated technical manual/s

- Nil

### Additional information

- Nil



## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 – Glossary of this plan.

## Aims of this section

1. To encourage tourist and visitor accommodation where permissible and ensure that tourist and visitor accommodation has minimal effect on surrounding development and the environment.

Note: There are no specific controls for tourist and visitor accommodation. Please refer to the above mentioned related sections.



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## 3.10 Commercial Uses

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land zoned:

- R4 High Density Residential
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development.

### Development (type/s) to which this section applies

This section applies to the following development when located within the zone to which this section applies:

- business premises
- office premises
- retail premises
- wholesale suppliers
- registered clubs
- food and drink premises
- function centres
- service stations
- vehicle sale or hire premise
- amusement centre
- entertainment facility
- veterinary hospital.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instruments also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy No 22 – Shops and Commercial Premises
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.



In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 4.04 Safety and Security
- 7.01 Building Design Criteria
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management
- 7.09 Outdoor Advertising and Signage
- 7.10 Street Awnings and Balconies.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bush fire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 4.05 Social Impact – where required under ‘Social Impact Assessment Policy for Development Applications’, 1999
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item.
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 6.01 Newcastle City Centre - located within the Newcastle City Centre precinct
- 6.02 Heritage Conservation Areas – known conservation area
- 6.03 Wickham – located within the Wickham precinct
- 6.04 Islington Renewal Corridor – located within the Islington renewal precinct
- 6.05 Mayfield Renewal Corridor – located within the Mayfield renewal precinct
- 6.06 Hamilton Renewal Corridor – located within the Hamilton renewal precinct
- 6.07 Broadmeadow Renewal Corridor – located within the Broadmeadow renewal precinct
- 6.08 Adamstown Renewal Corridor – located within the Adamstown renewal precinct
- 6.09 Darby Street, Cooks Hill – located within the Darby Street Precinct
- 6.10 Beaumont Street, Hamilton – located within the Royal Newcastle Hospital Site
- 6.11 Royal Newcastle Hospital Site – located within the Royal Newcastle Hospital Site
- 6.12 Minmi – located within the Royal Newcastle Hospital Site
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required.



### **Associated technical manual/s**

- Nil

### **Additional information**

- Nil

### **Definitions**

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 – Glossary of this plan.

### **Aims of this section**

1. To enhance the economic viability of commercial centres.
2. To encourage commercial development that has a positive contribution to surrounding development.

Note: Urban Design Consultative Group

Proposals involving larger development which, by virtue of their location or scale, are likely to have a significant impact within the city may be referred to Council's Urban Design Consultative Group for independent advice.

In some instances, there will be the opportunity to discuss your proposal directly with the Group prior to the lodgement of your application. The Group will be able to offer independent advice regarding the proposal. The recommendations and advice of the Group will be taken into consideration when assessing the development.

## **3.10.01 Street activation**

### **Objectives**

1. Provide activation of street frontages to ensure a safe and accessible environment.
2. Promote uses that attract pedestrian traffic along ground floor street frontage in business zones.

### **Controls**

The following controls apply to all development which this section applies

1. Activated street edges at ground level through the provision of retail premises or business premises uses in business/commercial zones.



2. Ground floor retail uses provide multiple pedestrian accesses along the street frontage.
3. A visual connection into uses at ground level and avoid the use of solid walls or covered glassing for lengths greater than 3m.



## 3.11 Community Services

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies.

### Development (type/s) to which this section applies

This section applies to all development consisting:

- child care facilities
- community facilities
- correctional centres
- educational establishments
- health service facilities
- information and education facilities
- places of public worship
- public administration building
- research station.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instruments and legislation may also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- *Community Services Regulation 2004*
- *Children's Services Regulation 2004*
- *Children and Young Persons (Care and Protection) Amendment (Out of School Hours Care Services) Regulation 2007*
- *Children and Young Persons (Care and Protection) Act 1998*
- State Environmental Planning Policy (Infrastructure) 2007.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.



## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 4.04 Safety and Security
- 7.01 Building Design Criteria
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management
- 7.09 Outdoor Advertising and Signage.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bush fire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 4.05 Social Impact – where required under ‘Social Impact Assessment Policy for Development Applications’, 1999
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal Heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 6.01 Newcastle City Centre - if proposed development is located in this precinct
- 6.02 Heritage Conservation Areas -- known conservation area
- 6.03 Wickham - if proposed development is located in this precinct
- 6.04 Islington Renewal Corridor - if proposed development is located in this precinct
- 6.05 Mayfield Renewal Corridor - if proposed development is located in this precinct
- 6.06 Hamilton Renewal Corridor - if proposed development is located in this precinct
- 6.07 Broadmeadow Renewal Corridor - if proposed development is located in this precinct
- 6.08 Adamstown Renewal Corridor - if proposed development is located in this precinct
- 6.09 Darby Street, Cooks Hill - if proposed development is located in this precinct
- 6.10 Beaumont Street, Hamilton - if proposed development is located in this precinct
- 6.11 Royal Newcastle Hospital Site - if proposed development is located in this precinct
- 6.12 Minmi - if proposed development is located in this precinct
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required.

## Associated technical manual/s

- Nil

## Additional information

- New South Wales Department of Family and Community Services webpage  
[www.community.nsw.gov.au](http://www.community.nsw.gov.au)



## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 – Glossary of this plan.

## Aims of this section

1. To maintain the streetscape, amenity and character of areas surrounding community services.
2. To ensure community services are accessible, convenient and appropriately located.
3. To encourage social connections, community participation and promote health and wellbeing.

### 3.11.01 Building design

#### Objectives

1. Ensure community facilities integrate with the surrounding environment and built form.

#### Controls

##### General controls applying to all development to which this section applies

1. When designing and siting community facilities consideration is given to, but not limited to:
  - (a) location and use of surrounding buildings
  - (b) views to and from the site
  - (c) access to the site
  - (d) existing vegetation and topography of the site.



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## 3.12 Sex Industry Establishments

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

### Land to which this section applies

This section applies to all land zoned:

- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial.

### Development (type/s) to which this section applies

This section applies to all development consisting of home occupation (sex services), restricted premises, sex services premises.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instruments also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 4.04 Safety and Security
- 4.05 Social Impact



- 7.02 Landscaping ,Open Space, and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management
- 7.09 Outdoor Advertising and Signage.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bush fire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 6.01 Newcastle City Centre - if proposed development is located in this precinct
- 6.02 Heritage Conservation Areas - known conservation area
- 6.03 Wickham - if proposed development is located in this precinct
- 6.04 Islington Renewal Corridor - if proposed development is located in this precinct
- 6.05 Mayfield Renewal Corridor - if proposed development is located in this precinct
- 6.06 Hamilton Renewal Corridor - if proposed development is located in this precinct
- 6.07 Broadmeadow Renewal Corridor - if proposed development is located in this precinct
- 6.08 Adamstown Renewal Corridor - if proposed development is located in this precinct
- 6.09 Darby Street, Cooks Hill - if proposed development is located in this precinct
- 6.10 Beaumont Street, Hamilton - if proposed development is located in this precinct
- 6.11 Royal Newcastle Hospital Site - if proposed development is located in this precinct.
- 6.12 Minmi - if proposed development is located in this precinct
- 7.10 Street Awnings and Balconies – awnings or balconies to be located over public land.

### Associated technical manual/s

- Nil

### Additional information

- Australian / New Zealand Standard, 2009, Interior Lighting Part 0: Safe Movement AS 1680.0:2009
- Australian Standard, 1997, Acoustic Description and Measurement of Environmental Noise Part 1: General Procedures AS 1055.1:1997
- Australian Standard, 2004, Design, Construction and fit out of food premises AS 4674-2004
- *Protection of the Environmental Operations Act 1997*, Federal Government
- *Requirements for Food Premises*, Newcastle City Council
- *Ventilation Code*, Newcastle City Council
- *Restricted Premises Act 1943*, NSW Government
- *Food (General) Regulations*, 2003, NSW Food Act
- *Draft Guidelines for Disinfecting Public Swimming Pools and Spa Pools*, 2010, NSW Department of Health



- *Health and Safety Guidelines for Brothels in NSW*, 2001, NSW Department of Health & WorkCover

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9:00 - Glossary of this plan, and include:

- **Act of Prostitution** - has the meaning ascribed to it under Section 20 of the Summary Offences Act, 1988.
- **Spa bath** - a domestic type bath fitted with a water recirculation system and/or an air injection system. A water heater may be incorporated in the system, but a water filter is not required.

## Aims of this section

1. To nominate location requirements and development standards for sex industry establishments and other development types applying to this control, which reflect broad community attitudes and expectations and which clarify the provisions of the Newcastle Local Environmental Plan 2012 in this regard.
2. To provide guidelines for sex industry establishments, which will ensure that such are at a reasonable distance from residential occupancies and other nominated sensitive land uses, and will not cause disturbance or otherwise have a detrimental impact on the amenity of the host neighbourhood.
3. To provide appropriate guidelines which will restrict the scale of sex industry establishments and other development types to which this control applies, as well as prevent their concentration in close proximity to one another.
4. To identify appropriate health and hygiene standards relating to the equipping and management of sex industry establishments.
5. To provide detailed provisions to guide the preparation and assessment of development application for sex industry establishments.

### 3.12.01 Design guidelines

#### A. Location

##### Objectives

1. Ensure this development type is located on appropriate sites, having regard to the surrounding environment.



## Controls

### General controls applying to restricted premises and sex services premises as defined by the Newcastle Local Environmental Plan 2012

1. The entrance or exit doorway to or from a restricted premises or sex services premises is not closer than a 150m walk from the entrance to premises used as a dwelling within a residential zone. Council may relax this requirement by up to 50% in respect of premises used as a dwelling within a commercial or industrial zone, including 'shop top' housing or inner-city residential apartments.
2. The entrance or exit doorway to or from a restricted premises or sex services premises is not closer than a 200m walk from a school, community facility or any place where children or young people are likely to regularly congregate.
3. Avoid a concentration of sex industry related land uses in the one location:
  - (a) a restricted premises or sex services premises does not occupy premises already used or proposed to be used for any such purposes
  - (b) an entrance or exit doorway to or from a restricted premises or sex services premises is not closer than a 200m walk from the entrance doorway to any other restricted premises or sex services premises.
4. A sex services premises is not located within a remote area or an area in which public transport or support services (eg. police, ambulance) are not conveniently to hand.
5. A sex services premises is located either at the rear of ground floor premises or at an upper level, rather than having full exposure to the street.

## B. Scale and character

### Objectives

1. Limit the potential for adverse social and environmental impact of all sex services establishments in any locality by controlling the intensity of operation.

## Controls

### General controls applying to restricted premises, sex services premises and home occupation (sex services) development

1. Restricted total floor space such that it is reasonably compatible with the scale and character of and not dominant in relation to existing development in the vicinity and, in this regard, a sex service establishment provides no more than seven rooms in which acts of prostitution are to take place.
2. Any acts of prostitution within an approved sex services premises or home occupation (sex services) are confined to rooms or areas nominated on the submitted plans which are the subject of Council's consent.



3. Any new building or refurbishment of an existing building to function as a restricted premises or sex services premises is designed to be compatible with the built form of adjoining premises and in accordance with any location plan applicable to the subject site.
4. The entrance to a restricted premises, sex services premises and home occupation (sex services), is discrete and unobtrusive with any signage limited to a single identification sign only, of modest dimensions, devoid of any sexually explicit or suggestive material, and any distinctive external lighting provided in respect of a sex services premises is limited to a single, low-wattage globe.
5. A sex services premises or restricted premises (that is an entertainment establishment) is provided with adequate reception area/waiting room facilities sufficient to discourage clients or prospective clients from loitering outside the premises.
6. Alcoholic liquor is, under no circumstances, provided or offered for sale on premises used as a sex services premises, restricted premises or other sex service establishment unless such premises are appropriately licensed under the *Liquor Act 2007*.

## C. Specific building standards

### Objectives

1. Ensure that all development is adequately built to the standards of the *Building Code of Australia*.

### Controls

1. Restricted premises involving live shows or the exhibition of films satisfy the constructional and fire safety standards for a 9b Assembly Building under the provisions of the *Building Code of Australia*.

## D. Security

### Objectives

1. Ensure that all development provides adequate security.

### Controls

#### General controls applying to all restricted premises development that provides entertainment

1. The operator of restricted premises that provides sexual entertainment provides a security patrol in the vicinity of the premises to ensure the proper conduct of patrons and the safety of staff leaving the premises.

## E. Car parking

### Objectives

1. Ensure all development is adequately provided with car parking access and provisions.



## Controls

### General Controls applying to all sex services establishment development

1. Refer to Section 7.03 Traffic, Parking and Access.

## 3.12.02 Health standards

Note: It is the responsibility of the owner/operator to ensure the NSW Health, Occupational, Health and Safety Legislation and WorkCover Guidelines are satisfied in the design and ongoing operation of the premises for the planning controls under this provision.

### A. Ventilation and lighting

#### Objectives

1. Ensure adequate lighting in accordance with the *Building Code of Australia*.

#### Controls

### General controls applying to all restricted premises, sex services premises and home occupation (sex services) development

1. The premise is ventilated in accordance with the requirements of the *Building Code of Australia* and *Council's Ventilation Code*.

### B. Noise

#### Objectives

1. Ensure all development is in accordance with the standards of the *Building Code of Australia* and *Protection of the Environment Operations Act, 1997*.

#### Controls

### General controls applying to all restricted premises, sex services premises and home occupation (sex services) development

1. The use of the premises does not give rise to:
  - (a) a sound level at any point on the boundary of the site greater than the background levels specified in 'Australian Standard 1055, Acoustic Description and Measurement of Environmental Noise'
  - (b) an "offensive noise" as defined in the *Protection of the Environment Operations Act, 1997*.



## **C. Bar and food preparation areas**

### **Objectives**

1. Ensure all development is in accordance with the relevant standards.

### **Controls**

#### General controls applying to all restricted premises, sex services premises and home occupation (sex services) development

1. All bars and food preparation areas are constructed, fitted out and finished in compliance with *Food (General) Regulations 1992*, the *National Code for the Construction and Fit out of Food Premises* and Council's Requirements for Food Premises.

## **D. Spa baths and spa pools**

### **Objectives**

1. Ensure all development is in accordance with the relevant standards.

### **Controls**

#### General controls applying to all sex services premises and home occupation (sex services) development

1. Spa baths are filled with fresh water for each use and drained and thoroughly cleaned after being used.
2. Spa pools are to comply with the NSW Department of Health 'Guidelines for Disinfecting Public Swimming Pools and Spa Pools'.
3. The temperature of the water in the bathing area of a spa pool is not to be allowed to exceed 40°C.
4. Spa pools are provided with a system of automatic analysis and dosage control equipment that will maintain the level of disinfectant.
5. Tests to be done on every spa pool before use each day, and every four (4) hours when the spa is in use.
6. A log book of the spa water quality is kept by the proprietor and may be checked upon inspection by officers of Council or the NSW Department of Health.

## **E. Sanitary facilities**

### **Objectives**

1. Ensure all development is in accordance with the standards of the *Building Code of Australia*, NSW Department of Health and WorkCover Guidelines.



## Controls

### General controls applying to all sex services premises and home occupation (sex services) development

1. Sanitary facilities are provided in accordance with the requirements of the *Building Code of Australia*.
2. Each room used or available for use for the conduct of acts of prostitution contains or has direct access to its own shower and wash hand basin facilities for the use of both sex workers and their clients.
3. All required wash hand basins are provided with a continuous supply of hot and cold water delivered through an approved mixing spout which can be adjusted to enable hands to be washed under hot running water. The hot water supply is to be maintained and delivered at a temperature of at least 40°C.

## F. Contaminated waste

### Objectives

1. Ensure all development is in accordance with the standards of the *Building Code of Australia*, NSW Department of Health and WorkCover Guidelines.

### Controls

#### General controls applying to all sex services premises and home occupation (sex services) development

1. Used condoms and any other contaminated wastes are double bagged in plastic and placed in a waste receptacle provided on the premises. Contaminated wastes are disposed of by licensed waste contractors.

Note: A schedule of licensed waste contractors can be obtained from Council's Waste Collection Services.

## G. Health code of practice for sex services premises

### Objectives

1. Ensure all development is adequate and appropriate in accordance with the standards of the *Health Code of Practice*.

### Controls

#### Applies to sex services premises and home occupation (sex services) development

Note: There are no specific controls. A Health Code of Practice for Brothels has been recommended by the NSW Department of Health. The Department's *Health Code of Practice* is a guideline only which is not part of Council's policy and is not the responsibility of Council to administer.



## 3.13 Industrial Development

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	22/07/2014	04/08/2014	Amended
3	27/09/2016	24/10/2016	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land zoned:

- B5 Business Development
- IN2 Light Industrial
- IN3 Heavy Industrial
- IN1 General Industrial
- SP1 Special Activities.

### Development (type/s) to which this section applies

This section applies to development within the B5 Business Development, IN2 Light Industrial, IN3 Heavy Industrial, IN1 General Industrial zones and SP1 Special Activities.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instruments also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy (State Significant Precincts) 2005.
- State Environmental Planning Policy (Three Ports) 2013

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.



## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 4.04 Safety and Security
- 7.02 Landscaping, Open Space, and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management
- 7.09 Outdoor Advertising and Signage.

The following sections of this DCP **may** also apply to development to which this section applies:

- 3.01 Subdivision – if the proposal involves subdivision
- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bush fire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 6.02 Heritage Conservation Areas - known conservation area
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required
- 7.10 Street Awnings and Balconies – awnings or balconies over public land.

## Associated technical manual/s

- Nil

## Additional information

- *NSW Industrial Noise Policy*, 2000, Environment Protection Authority (now known as Office of Environment and Heritage)

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary of this plan.

## Aims of this section

1. To outline Council's requirements for development within industrial, business development zones



2. To promote the efficient and economic use of the city's industrial resources by ensuring that development proposed is appropriate to industrial areas.
3. To outline Council's requirements for development on sites that are zoned SP1 under State Environmental Planning Policy (Three Ports) 2013 and are located outside of the Port of Newcastle Lease Area.

### **3.13.01 Site coverage**

#### **Objectives**

1. Ensure that sites are developed to a level that maintains their efficient operation.

#### **Controls**

1. Site coverage of development is determined having regard to the following:
  - (a) landscaping requirements
  - (b) car parking and manoeuvring
  - (c) loading areas
  - (d) setbacks.

### **3.13.02 Character and amenity**

#### **Objectives**

1. Promote development that is both functional and attractive in the context of its local environment through appropriate design.
2. Ensure new development is sympathetic with the streetscape character and amenity of any adjoining residential precinct.
3. Ameliorate any potential adverse amenity, noise privacy or overshadowing impact upon any adjoining residential zoned land from any proposed new building or proposed alterations and additions to an existing building.
4. Minimise the potential impact of development, visual or otherwise through careful site planning and ensure that adequate environmental safeguards are implemented.
5. Ensure that development proposed in close proximity to residential areas does not have materially detrimental effects on such areas.

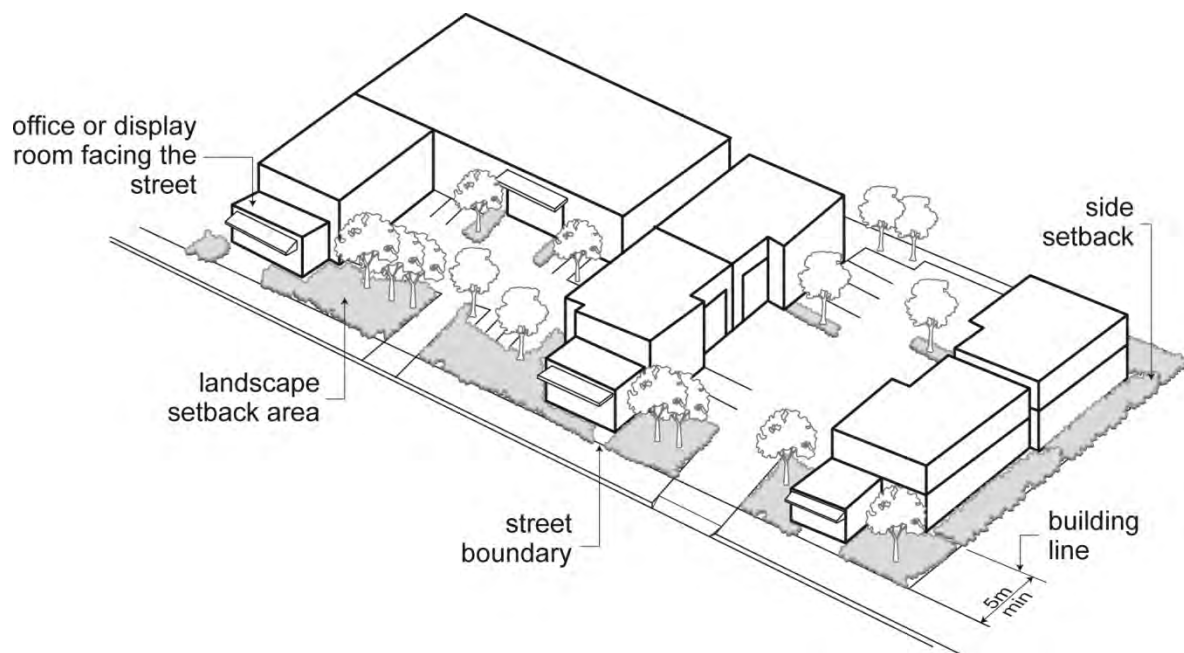
#### **Controls**

1. Buildings meet a high standard of building design to achieve a suitable level of visual and environmental quality. Attractive building design can, in most cases, be achieved simply and at comparatively low cost, and applicants are encouraged to consider variations in fascia treatments, roof lines and selection of building materials to achieve an attractive design.



- (a) Elevations of buildings which are visible from a public road, reserve, railway or adjacent residential areas are constructed using brick, masonry, pre-coloured metal cladding, appropriately finished 'tilt-slab' concrete or a combination of a number of these materials. Large unrelieved expanses of wall or building mass are avoided, and such should be broken up by the use of suitable building articulation, fenestration or alternative architectural enhancements.
- (b) Showroom display areas, ancillary offices, staff amenities and other low-scale building elements are, wherever practicable, located at the front of the premises and constructed in brick or masonry materials to enhance the appearance of the development. (Refer **Figure 1**).

**Figure 1 - Street address and front setback**



- (c) Roofing materials consist of low-reflective materials particularly when visible from a public place or adjoining residential areas.
2. In assessing a development proposal that adjoins or is located in close proximity to residentially zoned land, or land currently used for residential purposes, Council will have particular regard to:
- (a) the nature of the proposed development
  - (b) the bulk and scale of development and possible overshadowing effects
  - (c) the need for side and rear boundary setbacks

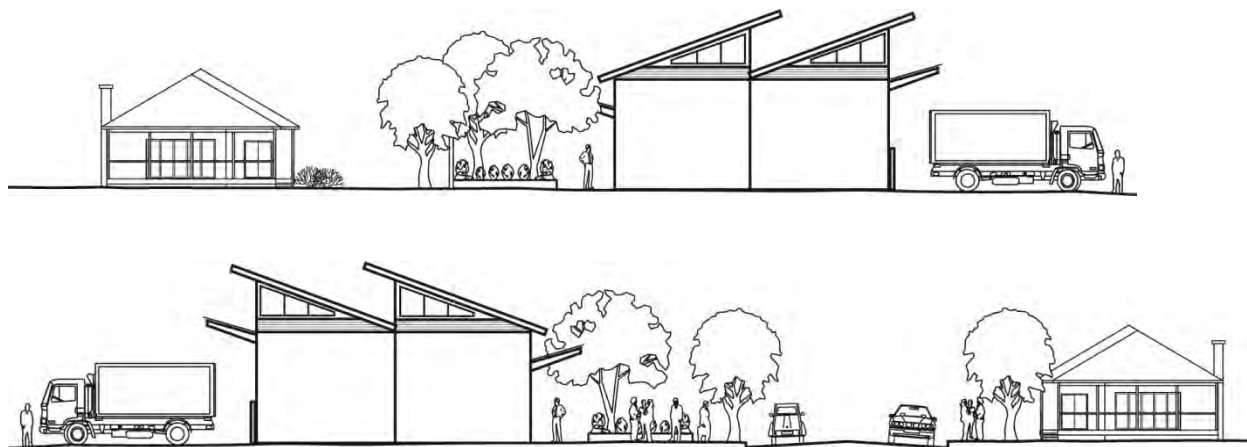
Note: Development adjoining residential zoned land should generally comply with the applicable residential building envelope at the zone boundary interface.

- (d) the provision of landscaping and its effectiveness in screening the proposed development
- (e) the level of traffic generated



- (f) the hours of operation proposed
  - (g) the impact of noise and other emissions.
3. Sources of noise such as garbage collection deliveries, plants and machinery, parking areas and air conditioning plants sited away from adjoining residential properties, wherever practicable, and screened by walls or other acoustic treatments. (Refer **Figure 2**).

**Figure 2 - Buffer provided from noise generating activities to residential areas**



Note: In determining a development application in industrial zones, Council is required to consider the effect the proposal will have on the existing and likely future amenity of the neighbourhood. The level of amenity for dwellings located on industrial land may be given less consideration than dwellings located on residential zoned land.

### 3.13.03 Open storage and work areas

#### Objectives

1. Ensure open storage and work area are suitably screened from public view.

#### Controls

1. Where any work or storage of materials is proposed to be undertaken outside the confines of a building, full details of those parts of the site to be so used, and of the materials to be stored, are provided with the application.
2. Approved open work and storage areas are located at the rear of industrial developments and screened from view by the use of landscaping and screen fencing. Such fencing is constructed of masonry materials or pre-coloured metal cladding, having a minimum height of 2m.



### 3.13.04 Building setbacks

#### Objectives

1. To ensure that adequate area is available at the street front of development to accommodate satisfactory landscaping, access, parking and manoeuvring of vehicles.
2. To reduce the visual impact of development on the streetscape and to provide adequate area for landscaping.

#### Controls

1. Development is setback 5m from the front property boundary, however, this setback may be reduced by up to 50% for half the width of the site (refer **Figure 1**), provided that:
  - (a) the remaining portion of the development is setback a distance equivalent to the concession taken
  - (b) the building design contributes to the enhancement of the streetscape
  - (c) the setback area is landscaped
  - (d) the front setback does not have any car parking spaces.

Note: Within established areas consideration will also be given to existing setbacks, particularly within the B5 Business Development Zone.

2. Variations to a setback for development that has more than one road frontage will be considered on merit and take into account the following factors:
  - (a) the location
  - (b) surrounding development and land uses
  - (c) building form.

Note: Setbacks for the secondary frontage should generally be between 2m to 5m.

3. Buildings and external work and storage areas are setback a minimum of 6m from side and rear boundaries on sites of 10,000m<sup>2</sup> or more.



### **3.13.05 Loading, unloading and servicing areas**

#### **Objectives**

1. Provide for the design of loading and servicing areas in a functional and aesthetically pleasing manner.

#### **Controls**

1. All loading and servicing areas are located to the side or rear of buildings and effectively screened from any street frontage, adjoining buildings and residential areas.
2. Each individual allotment provides sufficient on-site loading facilities to accommodate its activities within the allotment. All loading movements, including turnaround areas, are accommodated within allotments. Sharing of loading facilities and manoeuvring areas between sites will be considered on merit.

### **3.13.06 Parking and vehicle access**

#### **Objectives**

1. Ensure adequate provision is made for on-site car parking and for employees and visitor's vehicles.
2. Create attractive landscaped car parking throughout the development.

#### **Controls**

1. Car parking provided on site in accordance with the requirements of Section 7.03 Traffic, Parking and Access of this DCP.
2. All car parking required by Council is provided 100% on site.
3. Off-street parking is provided behind or at the side of the building area from street frontage.
4. Loading docks are positioned so they do not interfere with visitor and employee parking spaces and to ensure delivery vehicles do not stand on any public road, footway or laneway.
5. Where possible separate heavy and light traffic movements.

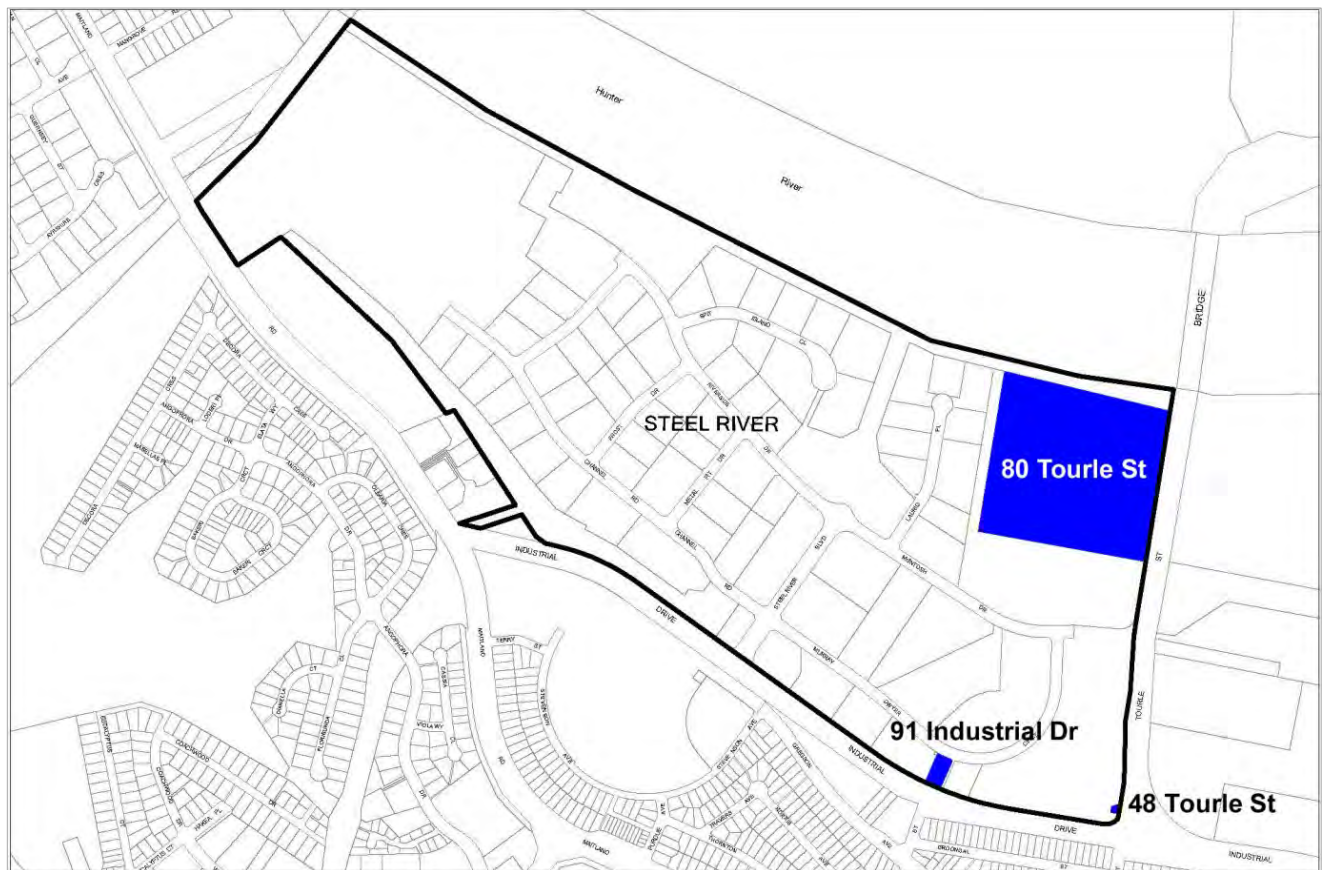


### 3.13.07 Land in Zone IN1 General Industrial 'Steel River'

The following controls apply to all development within 'Steel River' as identified on Map 1. Any inconsistency between a control under this part and elsewhere within the development control plan this part will take precedence to the extent of the inconsistency

#### Map 1: Steel River

Note: **80 Tourle Street** (Lot 1 DP874109) (former EMD Plant); **48 Tourle Street** (Lot 2 DP523584); and **91 Industrial Drive** (Lot11 DP842850) as shown on the map below are not part of the Steel River precinct (according to the Strategic Impact Assessment Study (1998)) and are therefore exempt from the area specific controls contained in 3.13.07 Land in Zone IN1 General Industrial 'Steel River'. The regular Industrial Development DCP controls still apply. Please consult with Council if you are unsure about the controls that apply to these sites.



#### Definitions

- **environmental envelope** - all the requirements set out in Part D of the 'Strategic Impact Assessment Study', and includes (without limitation) the requirements relating to the following:
  - (a) air quality, noise emissions and water quality
  - (b) industrial ecology and ecologically sustainable development
  - (c) the social and economic welfare of residents and workers in Newcastle
  - (d) urban design and landscaping
  - (e) the cultural, historic and landscape significance of the land.



- **qualified person** - a person:
  - (a) who holds qualifications in a relevant field (such as town planning, engineering, architecture or environmental sciences) that are recognised by a professional association and the Council, and
  - (b) who has been registered with the Council as a qualified person for the relevant purpose of preparing the study requested under Section 3.13.07 C.
- **Strategic Impact Assessment Study** - the study titled 'Strategic Impact Assessment Study' concerning land at Tourle Street and Industrial Drive, Mayfield - the Steel River Project, approved by the Council and dated February 1998, a copy of which is available at the office of the Council.

### **Aims of this section**

1. To identify special controls applying to 'Steel River'.

### **A Public notification**

1. On receipt of a development application with respect to land to which this clause applies, the consent authority shall:
  - (a) give public notice of the receipt of the application, within 7 days of its receipt, in a newspaper circulating in the City of Newcastle, and
  - (b) invite the public to inspect the proposal, at a place and at a time specified in the notice.

### **B Development controls**

1. The consent authority will not grant consent to the carrying out of development on land to which this part applies unless:
  - (a) the development is allowed with consent and complies with the environmental envelope, and
  - (b) the environmental effects of any aspect of the development relating to air quality, noise emissions or water quality that have not been addressed in the 'Strategic Impact Assessment Study', meet any relevant standards determined by the Office of Environment and Heritage.

### **C Granting consent**

1. The consent authority should, within 28 days of receipt of a development application relating to land to which this part applies, grant consent to the carrying out of the development, if it is satisfied that:
  - (a) a study prepared by a qualified person demonstrates that the requirements of Section 3.13.07 B above have been met, and
  - (b) the consent authority has met its obligations under Part 4 of the Act with respect to the assessment of the development application and, in particular, the matters required to be taken into consideration under section 79C (1) of the Act.

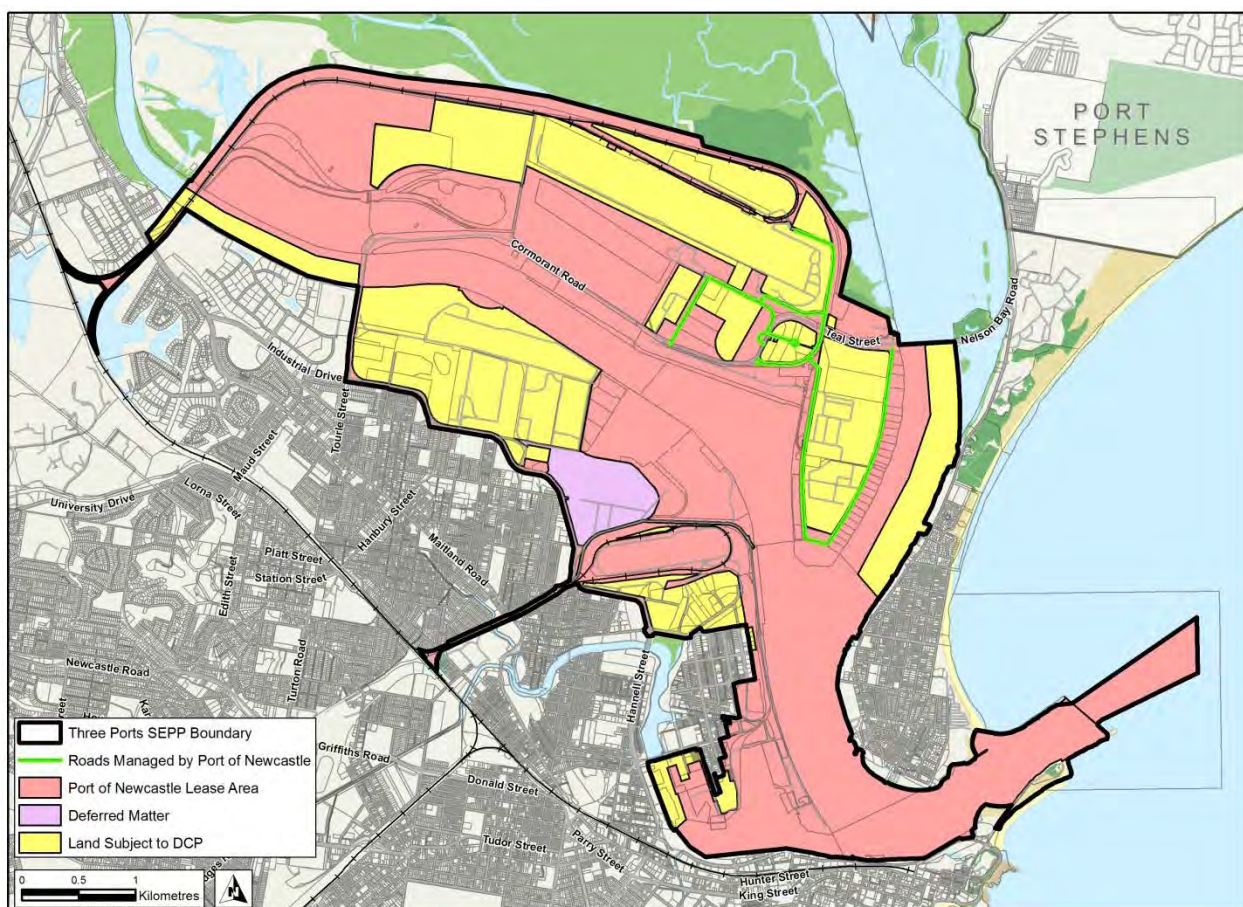


### 3.13.08 Land outside of the Port of Newcastle Lease Area

The following additional controls apply to development of land zoned SP1 under the Three Ports SEPP that is located outside of the Port of Newcastle Lease Area and shown in yellow in **Map 2**. Any inconsistency between a control under this part and elsewhere within the development control plan, this part will take precedence to the extent of the inconsistency.

This part of the DCP does not apply to the 'Deferred Matter' shown in purple in **Map 2**. The 'Deferred Matter' is zoned SP1 under State Environmental Planning Policy (State Significant Precincts) 2005.

**Map 2: Land identified under State Environmental Planning Policy (Three Ports) 2013**



### Definitions

- **Three Ports SEPP** means State Environmental Planning Policy (Three Ports) 2013
- **Port of Newcastle Lease Area** means land identified as “Port of Newcastle Lease Area” on the Lease Area Map contained in the Three Ports SEPP. This area is coloured Pink in **Map 2** above.



#### Notes:

1. The Port of Newcastle is within the protected airspace zone of the Williamstown RAAF base. Buildings and structures (including structures such as an aerial or antenna and temporary structures such as cranes) with a height of 30m or greater may require separate approval from the Commonwealth Department of Defence. If your proposal includes a structure or construction will include the use of a crane with a height 30m or greater, it is recommended that you first discuss your proposal with the Commonwealth Department of Defence.
2. The safe and efficient navigation of vessels in the Newcastle Harbour shipping channels, approaches and berthing boxes relies on a network of land based navigational aids located on land in the Newcastle CBD, Newcastle Foreshore (near Nobby's Beach), Throsby Basin, Kooragang Island and Stockton Point. Buildings and structures, including cranes used in construction, that are proposed to be developed or located within the sight lines or view corridors may have the potential to impact upon the use or functionality of the navigation aids, by way of obstruction, reflectivity or illumination. In this case, it is recommended that you first discuss your proposal with the Harbour Master at the Port Authority of Newcastle South Wales (PANSW) and the port operator, Port of Newcastle (PON).

### Aims of this section

1. To identify additional controls applying to development of land zoned SP1 under the Three Ports SEPP and located outside of the Port of Newcastle Lease Area.
2. To ensure development is consistent with the objectives of the Three Ports SEPP and supports Port activities.

### A Vehicular access

#### Objectives

1. To ensure safe and effective access is provided for land zoned SP1 under the Three Ports SEPP and located outside of the Port of Newcastle Lease Area.
2. To ensure that legal access is provided to all land zoned SP1 under the Three Ports SEPP and located outside of the Port of Newcastle Lease Area.

#### Controls

1. Vehicular access to a development is to be provided by a road other than Industrial Drive, Cormorant Road or Tourle Street. If access is only available from these roads, a single access point is to be located so that the safety, efficiency and ongoing operation of the road is maintained. Any other existing access points are to be closed.
2. Where access to a site is via roads managed by the operator of the Port of Newcastle (shown in **Map 2**), evidence that the operator has given consent to use the road is to be submitted with the development application.
3. Where new work, such as a new or reconstructed driveway crossing, is proposed within a road reserve of a road managed by the operator of the Port of Newcastle (shown in **Map 2**), the consent of the operator to lodge the development application is required.

Note: Industrial Drive, Cormorant Road and Tourle Street are classified roads. Any new openings to these roads require approval from Roads and Maritime Services.



## **B Stormwater Disposal**

### ***Objectives***

1. To ensure that safe and legal methods of stormwater disposal are provided for land zoned SP1 under the Three Ports SEPP and located outside of the Port of Newcastle Lease Area.

### ***Controls***

1. Where stormwater is to be discharged via a stormwater system that is managed by the operator of the Port of Newcastle, the development application is to include evidence that the operator has given consent to the use of the stormwater system.



## 3.14 Exhibition Homes and Villages

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land within which exhibition home or exhibition village is permissible with consent under Newcastle Local Environmental Plan 2012.

### Development (type/s) to which this section applies

This section applies to all development consisting of exhibition home and exhibition village.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instruments also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 3.02 Single Dwellings
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management.



The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bushfire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 6.02 Heritage Conservation Areas - known conservation area.

### **Associated technical manual/s**

- Nil

### **Additional information**

- Nil

### **Definitions**

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary of this plan.

### **Aims of this section**

1. To ensure due consideration is given to the potential impacts of development for the purpose of exhibition homes.
2. To ensure the existing amenity of the locality is not significantly affected by the development through the provision of inadequate on site parking and landscaping.
3. To ensure the proposed entry and exit to and from the exhibition homes integrates with the existing road hierarchy to maintain efficient functioning of the road system surrounding the site(s).



### 3.14.01 Landuse

#### Objectives

1. To ensure that the City of Newcastle offers improved housing choice and appropriate development in residential areas, without adversely impacting on nearby residents or the locality generally.

#### Controls

1. An exhibition home/village may contain other associated activities such as house and land sales, materials display, and home financing, as well as associated outbuildings only if they are ancillary to the exhibition home/village.
2. The ancillary uses to the exhibition home/village are contained within the curtilage of the exhibition home/village.
3. The exhibition home/village is only located in areas where Council is of the opinion that the proposed development (including ancillary uses) is unlikely to cause a negative impact on the amenity of the particular locality.
4. The applicant is not to undertake any activity on or adjacent to the subject lands which may constitute a nuisance to neighbouring owners and/or occupiers.

### 3.14.02 Time limits

#### Objectives

1. Limit the use of a dwelling house(s) for the purpose of an exhibition home/village to a temporary use in order to reflect the long term residential expectations and character of the zone.

#### Controls

1. Development consent for an exhibition home/village will be granted for a maximum operational period of three years. At the conclusion of the three year period, an application can be made to extend the operational period of the exhibition home/village by an additional two years.
2. At the conclusion of this time period the exhibition home(s) is to revert to a residential dwelling house.



### 3.14.03 Hours of operation

#### *Objectives*

1. Ensure that the hours of operation of the exhibition home/village do not adversely impact on the amenity of the surrounding neighbourhood and residents.

#### *Controls*

1. The exhibition home/village is operated only between the hours of 9am and 5pm Monday to Saturday and 10am and 5pm on Sundays.

### 3.14.04 Parking

#### *Objectives*

1. Ensure that adequate car parking is provided to minimise the impact of parked vehicles on the amenity of the locality and vehicular access is maintained to residents' properties.

#### *Controls*

1. Off street car parking is provided to meet the parking demand generated by the exhibition home/village.
2. For an exhibition village, a communal car park may be required.

### 3.14.05 Vehicular movement and access

#### *Objectives*

1. Provide for efficient movement of residential traffic and visitor traffic within the locality.
2. Ensure that traffic generated by the development does not adversely impact on the safety of residents in the locality.

#### *Controls*

1. The exhibition home/village is located adjacent to main roads and accessed from residential collector roads. Exhibition home/village is not within cul-de-sacs or minor roads particularly where there may be interaction and impact on the amenity of existing or future residents.
2. The exhibition home/village is not located in areas which require visitor traffic to access quiet residential streets.
3. Access to the exhibition home/village is via the most direct route available to minimise traffic and associated impacts on the amenity and wellbeing of existing and future residents.



## Part 4.00 Risk Minimisation Provisions



- 4.01 Flood Management
- 4.02 Bush Fire Protection
- 4.03 Mine Subsidence
- 4.04 Safety and Security
- 4.05 Social Impact







## 4.01 Flood Management

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

### Land to which this section applies

This section applies to all development on flood prone (= flood liable) land in the Newcastle Local Government Area, as defined by Council's Flood Policy - (adopted 2004) and *The NSW Government Floodplain Development Manual – the management of flood liable land (2005)*, being "land susceptible to flooding by the PMF event" \*.

A flood information application form can be obtained from Council's website: ([www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)) or Council's Customer Enquiry Centre, City Administration Centre, 282 King Street Newcastle NSW 2300.

### Development (type/s) to which this section applies

All of these provisions apply to all development on flood prone land with the exception of minor additions to existing buildings.

**Minor additions** (refer to definitions) are allowable without further reference to the provisions of this section, provided that the flood risk is not unreasonably increased.

### Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

\* Supplementary note (not required for application of this DCP): This definition remains unchanged to that defined by the previous Element 4.3 Flood Management Newcastle DCP 2005.



## Associated technical manual/s

- *The NSW Government Floodplain Development Manual – the management of flood liable land (2005)*. This Manual is available from the NSW Government website at the time of writing ([www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)) or a copy may be viewed at Council's Customer Enquiry Centre.

## Additional information

More information about floodplain risk management in the Newcastle Local Government Area can be found at Council's website. Copies of various flood studies and reports are also available for viewing at Council's Customer Enquiry Centre.

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 – Glossary and include:

- **Annual exceedance probability (AEP)** – is the probability that a flood of a given or larger magnitude will occur within a period of one year. Its reciprocal is equivalent to average recurrence interval.
- **Average recurrence interval (ARI)** – the average period between the recurrence of a storm event of at least a given rainfall intensity. The ARI represents a statistical probability. For example, a 10 year ARI indicates an average of 10 events over 100 years. The ARI is not the period between actual events.
- **Basement garage** – is a garage normally used for the parking of vehicles with the floor constructed below the street level.
- **Flood fringe areas** - the remaining area of the floodplain not included in flood storage areas and floodways. Flood fringe areas can usually be developed without reference to how that development will affect the flood behaviour either upstream or downstream.
- **Flood information certificate** - is a certificate issued by Council that provides information about the likelihood, extent or other characteristics of flooding known to affect a specified parcel of land.
- **Flooding** - is relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river estuary, lake or dam, and/or local overland flooding associated with major drainage, and/or coastal inundation resulting from super-elevated sea levels and/or waves , excluding tsunamis. Accordingly, flooding may occur due to a variety of reasons, either separately or in combination including:
  - river flooding - caused by a river or stream overtopping its banks onto the surrounding floodplain
  - urban flooding - caused by urban stormwater flows during an intense rainfall event, such as surface flows, surcharge from piped drainage systems or overflow from man-made stormwater channels.
  - coastal inundation - caused by sea water inundation due to king tides, storm surge, barometric effects, shoreline recession, subsidence, the enhanced greenhouse effect or other causes.



- **Flood liable land** - is synonymous with flood prone land (ie) land susceptible to flooding by the PMF event on the basis of flood information held by Council. Note that the term flood liable land covers the whole floodplain, not just that part below the FPL (see flood planning area).
- **Floodplain** - an area of land along the course of a river that is subject to periodic inundation due to the river overtopping its bank. It is commonly delineated by the area that would be flooded by an event with a given average recurrence interval.
- **Flood planning area** - the area of land below the FPL. Note that development controls that mainly relate to risk to property apply to the flood planning area, but other development controls mainly relating to risk to life and floodways and flood storages may apply to the remainder of flood liable (prone) land.
- **Flood planning level (FPL)** - is the level of the planning flood plus an additional freeboard as advocated in the NSW Floodplain Development Manual. For purposes of this element, the planning flood is the 1% Annual Exceedance Probability flood, and the freeboard is generally 500mm.
- **Flood prone land** - is land that, on the basis of flood information held by Council, is estimated to be inundated by the probable maximum flood.
- **Flood refuge** - is an area free of flooding. It can be either higher ground or it could be in the form of an area of the building, either constructed specifically for the purpose or as an intrinsic part of the building.
- **Flood storage area** - is an area where flood water accumulates and the displacement of that floodwater will cause a significant redistribution of floodwaters, or a significant increase in flood levels, or a significant increase in flood frequency. Flood storage areas are often aligned with floodplains and usually characterised by deep and slow moving floodwater.
- **Floodway** - those areas of the floodplain where a significant discharge of water flows during floods; often aligned with obvious naturally defined channels. Floodways are areas which, even if only partially blocked, would cause a significant redistribution of flood flow or increase in flood levels, which may in turn adversely affect other areas.
- **Freeboard** - is a margin applied to the estimation of flood levels to compensate for factors such as wave action, localised hydraulic behaviour, climatic change and modelling confidence.
- **Hydraulic behaviour threshold** - is a set of circumstances (that may or may not be present at some locations at some time in any particular sized flood) that constitutes a particular level of hydraulic impact, as specified below:

H <sub>1</sub>	hydraulically suitable for parked or moving cars $V < 0.5\text{m/sec}$ and $d < 0.3\text{m}$
H <sub>2</sub>	hydraulically suitable for parked or moving heavy vehicles and wading by able-bodied adults $V < 2\text{m/sec}$ , $d < 0.8\text{m}$ and $v < 3.2 - 4*d$
H <sub>3</sub>	hydraulically suitable for light construction ( <i>eg. timber frame and brick veneer</i> ) $v < 2\text{m/sec}$ , $d < 2\text{m}$ , $v*d < 1$
H <sub>4</sub>	hydraulically suitable for heavy construction ( <i>eg. steel frame and reinforced concrete</i> ) $v < 2.5\text{m/sec}$ , $d < 2.5\text{m}$ and $v*d < 2.5$
H <sub>5</sub>	generally unsuitable



**Life hazard** - is the 'risk to life hazard category' as a combination of hydraulic hazard category, warning time and escape path availability, applied to all floods, up to and including the PMF (as required by the NSW Government Floodplain Development Manual for the management of personal safety). For simplicity, the Life Hazard categories set out below are only assessed at the PMF in the application of this DCP section, on the assumption that once the PMF is managed for personal safety, all other lesser floods will also be managed. The life hazards "L1" to "L5" are defined below\*:

				Hydraulic Behaviour Threshold				
				H1	H2	H3	H4	H5
Catchment Response Time	Riverine			L1				
	Flash	Escape Route to flood free land	available	L2		L4		L5
			not available	L3				

L1	Riverine flooding where there is sufficient time to remove people from the risk to their lives by means of formal community evacuation plans. Not relevant to flash flooding scenarios such as the Wallsend Catchment.
L2	Short duration flash flooding with no warning time in circumstances where there is an obvious escape route to flood free land with enclosing waters during the PMF which are suitable for wading or heavy vehicles ie. hydraulic threshold does not exceed H2. On site flood refuge not necessary and normal light frame residential building are appropriate.
L3	Short duration flash flooding with no warning time and no obvious escape route to flood free land with enclosing waters during the PMF which are suitable for wading or heavy vehicles ie. hydraulic threshold does not exceed H2. On site flood refuge not necessary and normal light frame residential buildings and appropriate.
L4	Short duration flash flooding with no warning time and enclosing waters during the PMF not suitable for wading or heavy vehicles ie. hydraulic threshold exceeds H2. On site refuge is necessary and if hydraulic threshold exceeds H3, heavy frame construction or suitable structural reinforcement required.
L5	Short duration flash flooding with no warning time and enclosing waters during the PMF have too much energy for normal heavy building construction and therefore it is generally not possible to construct a flood refuge ie. hydraulic threshold is H5. The risk to life is considered extreme and the site is unsuitable for habitation, either residential or short stay.

\* Supplementary note (not required for application of this DCP): This definition remains unchanged to that defined by the previous Element 4.3 Flood Management Newcastle DCP 2005.



- **Minor additions** - (for the purpose of section 4.01 Flood Management) are additions that fall below the following limits:

Existing building area	Minor addition limit
< 250m <sup>2</sup>	50m <sup>2</sup>
250m <sup>2</sup> – 750m <sup>2</sup>	20% of the existing building area
>750m <sup>2</sup>	150m <sup>2</sup>

- **Occupiable rooms** – rooms of buildings where people may be present in the normal use of the building.
- **Planning flood** - is the flood event from which the flood planning level is derived. It is expressed in terms of the probability of the event being exceeded, usually within any given year (see annual exceedance probability).
- **Probable maximum flood (PMF)** - is the largest flood that could conceivably occur at a particular location.
- **Probable maximum flood level** - the flood level calculated to be the maximum which is likely to occur.
- **Property hazard** - is the 'risk to property hazard category' as a combination of hydraulic behaviour threshold and its effect on property. The risk to property hazards are based on the peak hydraulic behaviour thresholds ( $H_1$ - $H_5$ ) determined for the 1 in 100 annual chance flood. Five risks to property hazard categories (P1-P5) are defined as P1-P5 correlate directly with H1-H5 as follows<sup>\*</sup>:

P <sub>1</sub>	Parked or moving cars remain stable ie. equivalent to areas of H <sub>1</sub> at the Flood Planning Event.
P <sub>2</sub>	Parked or moving heavy vehicles remain stable ie. equivalent to areas of H <sub>2</sub> at the Flood Planning Event.
P <sub>3</sub>	Suitable for light construction ( <i>eg. timber frame, masonry and brick veneer</i> ) ie. equivalent to areas of H <sub>3</sub> at the Flood Planning Event.
P <sub>4</sub>	Suitable for heavy construction ( <i>eg. steel frame, reinforced concrete</i> ) ie. equivalent to areas of H <sub>4</sub> at the Flood Planning Event.
P <sub>5</sub>	Hydraulically unsuitable for normal building construction is equivalent to areas of H <sub>5</sub> at the Flood Planning Event.

The distribution of P<sub>1</sub>-P<sub>5</sub> is identical to the related H<sub>1</sub>-H<sub>5</sub> (*at the Flood Planning Event*).

- **Tsunami** - a series of ocean waves with very long wavelengths (typically hundreds of kilometres) caused by large-scale disturbances of the ocean, such as:
  - earthquakes
  - landslide
  - volcanic eruptions
  - explosions
  - meteorites.

<sup>\*</sup> Supplementary note (not required for application of this DCP): This definition remains unchanged to that defined by the previous Element 4.3 Flood Management Newcastle DCP 2005.



## Aims of this section

- 1 To guide the development of floodprone land, applying balanced strategies to economically, socially and environmentally manage risk to life and property.
- 2 To set aside appropriate areas to convey and/or store flood waters.
- 3 To ensure development, when considered both individually and as an instance of cumulative development trends, will not cause unreasonable adverse flooding impacts in other locations.
- 4 To implement the principles of *The NSW Government Floodplain Development Manual (2005)* to new development as applicable.

Notes: Tsunami and very minor nuisance flooding (such as the trapping of surface runoff in a road shoulder or against a building) are specifically excluded from the application of the DCP.

The life risk hazard category “L1” assumes people will respond to warnings and safely evacuate to the safety flood free high ground. Additional requirements may be necessary to manage personal safety in riverine flooding if there is evidence that a lack of response is likely, and this may lead to life threatening situations.

## 4.01.01 Floodways

### Objectives

- 1 Retain floodways in a condition capable for the conveyance of essential flood flow.

### Controls

- 1 No building or structure erected and no land filled by way of the deposition of any material within any area identified as a floodway except for minor alterations to ground levels which do not significantly alter the fundamental flow patterns for:
  - (a) roads
  - (b) parking
  - (c) below ground structures
  - (d) landscaping.
- 2 Where dividing fences across floodways are unavoidable, they are constructed only of open type fencing that does not restrict the flow of flood waters and are resistant to blockage. New development shall be designed to avoid fences in floodways.

Note: Floodways are shown on a flood information certificate obtainable on application from Council. In general, development other than low level driveways and parking areas is not practicable in floodways. Floodways are not necessarily indicative of high hazard flow, although the two will generally coincide. It is necessary to separately investigate hazard in order to determine if parking areas and the like are suitable within floodways.



## 4.01.02 Flood storage areas

### Objectives

1. Protect flood storage areas to provide storage of floodwaters to ensure that other areas are not significantly worse off due to development of the site.

### Controls

1. Not more than 20% of the area of any development site in a flood storage area is filled. The remaining 80% is generally developed allowing for underfloor storage of floodwater by the use of suspended floor techniques such as pier and beam construction.
2. Where it is proposed to fill development sites, the fill does not impede the flow of ordinary drainage from neighbouring properties, including overland flow.

Note: Flood storage areas are identified on the flood information certificate.
--

## 4.01.03 Management of risk to property

### Objectives

1. Manage risks to property up to an acceptable level of risk (the flood planning level).

### Controls

1. Floor levels of all occupiable rooms of all buildings are not set lower than the FPL.
2. Garage floor levels are no lower than the 1% Annual Exceedance Probability Event. However, it is recognised that in some circumstances this may be impractical due to vehicular access constraints. In these cases, garage floor levels are as high as practicable.
3. Basement garages may be acceptable where all potential water entry points are at or above the probable maximum flood (PMF), excepting that vehicular entry points can be at the FPL. In these cases, explicit points of refuge are accessible from the carpark in accordance with the provisions for risk to life set out below.
4. Electrical fixtures such as power points, light fittings and switches are sited above the FPL unless they are on a separate circuit (with earth leakage protection) to the rest of the building.
5. Where parts of the building are proposed below the flood planning level, they are constructed of water-resistant materials.
6. Areas where cars, vans and trailers are parked, displayed or stored are not located in areas subject to property hazard of P2 or higher. Containers, bins, hoppers and other large floatable objects also are not stored in these areas. Heavy vehicle parking areas are not located in areas subject to property hazard P3 or higher.



7. Timber framed, light steel construction, cavity brickwork and other conventional domestic building materials are generally not suitable forms of construction where the property hazard is P4 or higher. Where property hazard is P4, the structure is certified by a practising structural engineer to withstand the hydraulic loads (including debris) induced by the flood waters.
8. Property hazards of P5 are generally unsuitable for any type of building construction and building is discouraged from these areas. Where building is necessary, the structure is certified by a practising structural engineer to withstand the hydraulic loads (including debris) induced by the flood waters.

Note: This provision limits the risk of inundation relative to the flood planning level (FPL). The FPL is the water surface level of the relevant 'planning flood' plus a freeboard. Compliance with the flood planning level does not guarantee that flooding will not affect work carried out in accordance with Risk to Property Development Controls: In most cases, the flood planning levels and the property hazards are given on the flood information certificate for the relevant property. The "planning flood" for all development in all areas of Newcastle is the 1% Annual Exceedance Probability event.

#### 4.01.04 Management of potential risk to life

##### **Objectives**

1. Only permit new development or redevelopment where the full potential risk to life from flooding can be managed for all floods up to and including the PMF.

##### **Controls**

##### Risk to life category L5

1. Risk to life hazards of L5 are generally unsuitable for any type of building construction and building is discouraged from these areas. Reliable safe escape to high ground is likely not possible and normal building construction would likely suffer structural failure from the force of floodwaters, so that any people seeking refuge in the building would likely perish. Where building is necessary, the structure is certified by a practising structural engineer to withstand the hydraulic loads (including debris) induced by the flood waters.

##### Islands

2. The formation of islands in the floodplain during a flood is a potentially dangerous situation, especially when floods larger than the FPL totally inundate the island for an extended period. Development of such land is considered with great care.



### On-site refuge

3. On-site refuge is to be provided for all development where the life hazard category is L4 unless the proposed development is less than 40m from the perimeter of the PMF extent and the higher ground is accessible.

Note: Refuge can be in the form of on-site refuge or convenient access to flood free ground. In general, it is not acceptable to rely on refuge provided by or on other development sites. In all cases where on site refuge is provided, it is to be both intrinsically accessible to all people on the site and an integrated part of the development (eg a second storey with stair access). The route to the refuge is to be fail safe, plainly evident and self-directing. In most cases, life hazard categories are nominated on the flood information certificate for the relevant property.

### Standards for on-site refuge

4. Where on-site refuge is required for a development, it should comply with the following minimum standards:
  - (a) The minimum on-site refuge level is the level of the PMF. On-site refuges are designed to cater for the number of people reasonably expected on the development site and are provided with emergency lighting.
  - (b) On-site refuges are of a construction type able to withstand the effects of flooding. Design certification by a practising structural engineer that the building is able to withstand the hydraulic loading due to flooding (at the PMF).

Note: In most cases, the potential risk to life hazards categories are given on the flood information certificate for the relevant property.



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## 4.02 Bush Fire Protection

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land that is affected by Council's Bush Fire Prone Land Maps.

### Development (type/s) to which this section applies

This section applies to all development comprising:

- residential subdivision
- residential accommodation
- out-buildings.

### Applicable environmental planning instruments

The provisions of Newcastle Local Environmental Plan 2012 also apply to development applications to which this section applies.

In the event of any inconsistency between this section and the above environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Associated technical manual/s

- *Planning for Bush Fire Protection*, 2006, NSW Rural Fire Service.
- *Planning for Bush Fire Protection – Addendum: Appendix 3*, 2010, NSW Rural Fire Service.
- *NSW Rural Fire Service Guidelines for Single Dwelling Development Applications*, 2007, NSW Rural Fire Service.

### Additional information

- NSW Rural Fire Service website.
- *Australian Standard 3959-2008 – Construction of Buildings in Bush Fire Prone areas*.
- *Guideline Bush Fire Prone Land Mapping*, 2006, NSW Rural Fire Service.



## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to in this section are defined within Part 9.00 - Glossary, of this plan, and include:

- **Bush fire prone land** has the same meaning as in the Act.

Note 1: The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

Note 2: In general, bush fire prone land identifies a range of vegetation types and associated buffer zones. Bush fire prone land is described as Category 1, Category 2 or associated vegetation buffer. Factors that determine the level of bush fire threat include elevation, slope, orientation, the vegetation type and distance to or proximity to the subject property.

- **Bush fire prone mapping** – identifies a property's potential to be threatened by bush fire and to initiate an assessment under the NSW Rural Fire Service *Guideline Bush Fire Prone Land Mapping, 2006* to determine whether land management and building construction measures need to be adopted to help safeguard a development from bush fire.

Note: Detailed Bush Fire Prone Land maps for specific parts of the Newcastle Local Government Area are available for viewing on Council's web site or at its Customer Enquiry Centre.

- **Category 1 vegetation** - appears as orange on the Bush Fire Prone Land Map and represents forests, woodlands, heathlands, pine plantations and wetlands. Land within 100m of this category (indicated by the red buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.
- **Category 2 vegetation** - appears as yellow on the Bush Fire Prone Land Map and represents grasslands, scrublands, rainforests, open woodlands and mallee. The land within 30m of Category 2 vegetation (ie as indicated by the red buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.

## Aims of this section

1. To outline Council's requirements for development on land classified as being Bush Fire Prone Land within the Newcastle Local Government Area (LGA).

## Objectives

1. Ensure the statutory requirements of the *Rural Fire Service Act 1997* are considered in development assessment where relevant.
2. Ensure risks associated with bush fire are appropriately and effectively managed.
3. Ensure bush fire risk is managed in connection with the preservation of the ecological values of the site and adjoining lands.



## Controls

### The following controls apply to all development to which this section applies

1. Development complies with the NSW Rural Fire Service *Planning for Bush Fire Protection, 2006, Guidelines*.

### The following controls apply to subdivision

2. Applicants seeking consent for subdivision and development on bush fire prone land should satisfy the requirements of *Planning for Bush Fire Protection, 2006, Guidelines* NSW Rural Fire Service.
3. Bushfire protection measures are placed wholly within the development site. All proposed Asset Protection Zones are within the property to be subdivided and incorporated into affected lots or within the existing or proposed road reserve, or a combination of both. Asset Protection Zones will not be accepted on existing Council reserves, other public lands or in reserves proposed to be dedicated through the subdivision.
4. Fire trails, if required, are not accepted on existing Council reserves proposed to be dedicated through the subdivision.

### The following control applies to dwelling houses

5. Any development application involving the erection of a dwelling house, alterations and additions to an existing dwelling house within bush fire prone land or other development that is in proximity to bush fire prone land addresses the requirements contained in the NSW Rural Fire Service publication titled "Building in Bush Fire Prone Areas Single Dwelling Applicants Kit".

### The following controls apply to Integrated Development – Section 91 of the *Environmental Planning and Assessment Act 1979* and Section 100B of the *Rural Fire Act 1997*

Note: Integrated development requires a Bush Fire Safety Approval from the NSW Rural Fire Service under s100B of the Rural Fires Act 1997 for the following types of development:

- (a) subdivision of land that could be used for residential or rural residential purposes
- (b) development of bush fire prone land for a special fire protection purpose (educational establishments, senior living self-care or residential care facilities)

6. Any Integrated Development Application is accompanied by a Bush Fire Risk Assessment report prepared by a suitably qualified and experienced bush fire consultant.
7. The Bush Fire Risk Assessment report outlines the proposed development's consistency with the NSW Rural Fire Service's *Planning for Bush Fire Protection 2006 Guidelines*, *Australian Standard AS3959 – 2009 Construction of Buildings in Bush Fire Prone Areas*, and any other documents that have been adopted by NSW Rural Fire Service.



8. All Integrated Development Applications on bush fire prone land will be referred to the Rural Fire Service Headquarters for appropriate review and determination as to whether a Bush Fire Safety Authority will be authorised.

Note 1: Where the Rural Fire Service refuses to grant a Bush Fire Safety Authority, Council cannot approve the Integrated Development Application.

Note 2: Applications to build within the flame zone or proposing an alternate solution under the *Planning for Bush Fire Protection, 2006 Guidelines* will generally be referred by Council to the district Rural Fire Service Fire Control Centre for comment, prior to the determination of the application by Council.



## 4.03 Mine Subsidence

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land within a mine subsidence area to which the Newcastle Local Environmental Plan 2012 applies.

Note: Maps of land mine subsidence areas are available from the Mine Subsidence Board or contact Council's Customer Enquiry Centre.

### Development (type/s) to which this section applies

This section applies to all development consisting a new building or structure, extension or structural alteration.

### Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Associated technical manual/s

- Nil

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.



Other words and expressions referred to within this section are defined within Part 9.00 – Glossary, of this plan, and include:

- **Subsidence** - due to:
  - (a) the extraction of coal or shale
  - (b) the prospecting for coal or shale carried out within a colliery holding by the proprietor of the holding

and includes all vibrations or other movements of the ground related to any such extraction or prospecting (whether or not the movements result in actual subsidence), but does not include vibrations or other movements of the ground that are due to blasting operations in an open cut mine and that do not result in actual subsidence.

### **Aims of this section**

1. To raise awareness to potential applicants and the development industry that mine subsidence is a significant issue for some sites.

### **Objectives**

1. Ensure that all developments proposed within an area that is subject to mine subsidence are referred to the Mine Subsidence Board for investigation and approval.

### **Controls**

1. All developments located in areas affected by mine subsidence must have approval from the Mine Subsidence Board prior to lodgement with The City of Newcastle.



## 4.04 Safety and Security

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/09/2016	24/10/2016	Amended
3	28/11/2017	11/12/2017	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land to which Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

### Development (type/s) to which this section applies

This section applies to all development consisting of:

- Amusement centres (that trade past 7pm)
- Car parks
- Centre-based child care facility
- Community facilities (that trade past 7pm)
- Educational establishments
- Entertainment facilities (that trade past 7pm)
- Food and drink premises (that are licensed premises and/or that trade past 7pm)
- Function centres (that are licensed premises and/or that trade past 7pm)
- Health service facilities
- Industrial developments
- Markets
- Place of public worship
- Recreation facility (indoor, major and outdoor)
- Registered clubs
- Residential accommodation (excluding secondary dwellings, single dwellings and dual occupancies)
- Residential care facility
- Restricted premises
- Service stations
- Sex service premises
- Shops
- Tourist and visitor accommodation

Note: Contact Council to discuss level of detail required for a particular development type.



## Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- Nil

The following sections of this DCP **may** also apply to development to which this section applies:

- 3.01 Subdivision
- 3.03 Residential Development
- 3.09 Tourist and Visitor Accommodation
- 3.10 Commercial Uses
- 3.11 Community Services
- 3.12 Sex Industry Establishments
- 3.13 Industrial Development

## Associated technical manual/s

- *Newcastle Safe City Plan 2017 - 2020*, Newcastle City Council.
- *Crime Prevention and the Assessment of Development Applications: Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979, 2001*, NSW Department of Urban Affairs and Planning.

Note: Department of Urban Affairs and Planning is now known as Department of Planning and Environment.

- *Safer by Design*, NSW Police Force.
- *Australian Standard 806.1- Closed Circuit Television (CCTV) Management and Operation*.
- *Australian Standard 1158 - Lighting for roads and public spaces*.
- *Australian Standard 4282 - Control of the obtrusive effects of outdoor lighting*.
- *Australian Standard 5039 - Security screen doors and window grilles*.
- *Australian Standard 4145 - Locksets and hardware for doors and windows*.
- *International Standard IWA14-1 - Vehicle Security Barriers*.

## Additional information

- Development Applications may be referred to the NSW Police for Crime Prevention Through Environmental Design (CPTED) Assessment.
- Development Applications for licensed premises (including food & drink premises with trading hours past 7pm) and Liquor Licence Applications may be referred to the Licensed Premises Reference Group.
- Development Applications for licensed premises may be referred to NSW Police Licensing Unit.



## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan, and include:

- **Licensed premises** means premises licensed under the *Liquor Act 2007*.
- **Plan of management** means a document that provides a framework for the management of a particular development / event.

## Aims of this section

1. To provide actual and perceived safe environments and minimise opportunities for criminal and anti-social behaviour.
2. To ensure features that contribute to safety and security are incorporated into new development.
3. To ensure the incorporation of Crime Prevention Through Environmental Design (CPTED) principles in new development.

### 4.04.01 Crime Prevention through Environmental Design (CPTED) Principles

#### Performance criteria

1. Developments reduce the likelihood of criminal activity and assist in creating actual and perceived safe and secure environments.

#### Acceptable solutions

1. Developments incorporate the CPTED Principles into the design of the proposed development.

Note: For further information on CPTED principles refer to *Crime Prevention and the Assessment of Development Applications: Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979, 2001*, NSW Department of Urban Affairs and Planning.

### 4.04.02 General principles

#### Performance criteria

1. Potential criminal and/or anti-social behaviour risks for development are identified and addressed.
2. Opportunities for crime are lessened or prevented without detracting from the façade or layout of a building or streetscape amenity.



3. Development provides opportunities for effective natural and/or technical surveillance.
4. All areas that may be used at night (eg. carpark, common areas) incorporate appropriate levels of visibility and/or lighting.
5. Public/communal spaces reduce the likelihood of crime by installation of appropriate anti-graffiti measures/materials.

### Acceptable solutions

1. A *Crime Risk Assessment* (in accordance with figure 1 below) may be required for developments which are: major developments; involve an increased risk to public safety; and/or include a component to serve, sell or supply alcohol.

Note: Contact Council to discuss developments requiring a Crime Risk Assessment.

**Figure 1**

Information to be included in a Crime Risk Assessment	
<b>Introduction</b>	<ul style="list-style-type: none"> <li>Describe the proposed development.</li> </ul>
<b>Site Analysis</b>	<ul style="list-style-type: none"> <li>Describe the physical surrounds &amp; topography of proposed development.</li> </ul>
<b>Crime Risk &amp; Opportunity</b>	<ul style="list-style-type: none"> <li>Identify existing and possible crime risks.</li> <li>Analyse the types of crime that may be prevalent in the area, and to which the development may be susceptible.</li> </ul>
<b>CPTED</b>	<ul style="list-style-type: none"> <li>Describe how the proposed development addresses each of CPTED principles.</li> </ul>
<b>Specific Uses</b>	<ul style="list-style-type: none"> <li>If applicable, identify how the proposed development addresses the key principles (as outlined in Section 4.04.03 below).</li> </ul>
<b>Recommendations &amp; Mitigation Measures</b>	<ul style="list-style-type: none"> <li>Outline whether the proposed development will have an impact on crime and safety, and why.</li> <li>Describe risk assessment recommendations and mitigation measures to be implemented as part of the development.</li> </ul>
<p>Note: A Crime Risk Assessment may be required for developments to assist Council to assess crime risk in local developments. A Crime Risk Assessment is to be prepared by a suitably qualified person who has completed the NSW Police Safer by Design Course. For further information on preparing a Crime Risk Assessment refer to NSW Department of Urban Affairs and Planning's Crime Prevention and the Assessment of Development Applications: Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979, 2001.</p>	

2. A *Crime Risk Comment* included within the Statement of Environmental Effects (where a Crime Risk Assessment is not required).
3. Exterior design and layout:
  - (a) Building entrances are orientated to face public areas, are clearly identified and visible from the street.
  - (b) Development is designed so as not to include entrapment locations and blind corners.
  - (c) Building facades are designed so as not to include external indentations, projections or regular features that provide footholds allowing access to private property.



- (d) Building walls located adjacent to carpark or other public spaces include features such as windows and/or balconies, allowing casual surveillance to these areas.
- (e) Building entrances, walkways and connecting paths, are clearly defined, visible from the street, and well-lit at night.
- (f) Public places incorporate features to attract people in a safe manner, rather than discourage people from gathering.
- (g) Development is designed so that it reduces the opportunity for graffiti and vandalism.
- (h) Cues, symbols and signs are used to assist people to navigate their environment and define appropriate use of spaces.

4. Surveillance and sightlines:

- (a) Buildings are designed to overlook public areas.
- (b) Ground and near-ground levels of buildings are occupied by active land uses that overlook public areas.
- (c) New development maximises visibility and sightlines to destination points (eg. street frontage, car parks, stairwells etc).
- (d) Fence designs maximise natural surveillance between the street and the building.
- (e) Landscaping, walls and fences maintain clear sight lines between public and private areas and do not block fields of vision.
- (f) Mechanical/electronic surveillance systems are installed in compliance with *Australian Standard 806.1: Closed Circuit Television (CCTV) Management and operation* (where required by Council and/or Police).

5. Lighting:

- (a) Lighting is provided in accordance with *Australian Standard 1158 - Lighting for roads and public spaces* and *Australian Standard 4282 - Control of the obtrusive effects of outdoor lighting*.
- (b) All areas intended to be used at night to provide appropriate lighting and visibility.
- (c) Lights are directed towards access/egress routes, and illuminate possible entrapment locations/places to hide.
- (d) Lighting is to provide a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed; reduces light shadow contact; and is not unshielded at eye level.
- (e) Lighting is designed so that it reduces the opportunity of vandalism (eg. anti-graffiti, anti-breakage, and scratch resistant materials).
- (f) Lighting is located so that there is no spillage to neighbouring properties.
- (g) Growing and mature vegetation does not obscure lighting.



## 6. Signage / Wayfinding

- (a) Clear signage and wayfinding devices are incorporated into developments, including audible, tactile, graphic and/or architectural cues.
- (b) Information and directional signs are strategically located at entrances and near activity nodes (eg. intersections of corridors and paths, landmarks).
- (c) Information and directional signs are legible and where appropriate include standard symbols and/or simple graphics.
- (d) Location maps and directional signage are provided for larger developments.
- (e) Signposting is provided clearly identifying public amenities and hours of access (eg. toilets, carparking, lifts, ATM's).

### 4.04.03 Principles for specific uses

In addition to guidelines listed under Section 4.04.01 and Section 4.04.02 the following guidelines apply to the following specific uses.

Development Type	Key Principles
Automatic Teller Machines (ATM's)	<ul style="list-style-type: none"><li>• Approaches and entrances to ATM's are highly visible and are provided with good lighting (without inappropriate glare or shadow).</li><li>• Located at street level and within direct view of pedestrian and vehicle routes / surrounding activities.</li><li>• Located adjacent to supportive uses (eg. restaurants and cafes).</li><li>• Are not located adjacent to licensed premises, public transport stops, public telephones or public seating.</li><li>• Are not positioned in concealed spaces, corridors, recesses, alcoves etc or in buildings adjacent to laneways.</li><li>• Bollards in compliance with International Standard IWA14-1 Vehicle Security Barriers.</li></ul>
Carparks (or developments including carparks)	<ul style="list-style-type: none"><li>• Natural and/or mechanical surveillance provided (as required by Council and/or Police).</li><li>• Pedestrian access points are provided at ground level and in active areas.</li><li>• Entry and exit points to multi-level carparks are minimised and attendant's booths are clearly identified.</li><li>• Pedestrian paths link users from car parking spaces to buildings/lift lobbies directly as possible with clear sightlines along the route.</li><li>• Pedestrian paths, entrances and exits are provided with good lighting, signposted and clearly defined.</li><li>• Landscaping, walls and fences maintain clear sight lines between public and private areas and avoid concealment areas.</li><li>• Every second aisle of an open car park with 200 or more spaces has a pedestrian path between parking spaces, with paths linked to identified crossing areas and access points.</li><li>• Car parking ceilings are greater than 2.2m height.</li></ul>



Development Type	Key Principles
	<ul style="list-style-type: none"> <li>• Lighting is sufficient to allow pedestrians to see into the interior of cars and eliminate shadows between cars.</li> <li>• Incorporate vandal resistant materials (eg. lighting, exterior).</li> <li>• Stairwells are located on carpark perimeters and are open or highly see through from external public areas.</li> <li>• Stairwells, corridors etc are painted light colours to assist in reflecting light in these areas.</li> </ul>
Events / Markets	<ul style="list-style-type: none"> <li>• Entrances are located at prominent positions, are provided with good lighting and clearly visible.</li> <li>• All areas intended to be used at night provide appropriate levels of visibility and lighting.</li> <li>• Pedestrian paths and onsite parking are clearly defined; incorporate effective lighting; and provide direct access to event / market.</li> <li>• Toilets are located near high traffic areas and entrances; are clearly visible from public places; and are clearly signposted.</li> <li>• Entrapment locations (ie. small confined areas) are avoided.</li> <li>• Plan of Management (PoM) is submitted to Council which identifies/addresses safety and crime impacts.</li> </ul> <p>Note: PoM to include details on alcohol management (if applicable), hours of operation, patron movement, capacity numbers, safety and security measures and parking etc.</p>
Food & Drink premises / Function Centres / Registered Clubs / and the like, which is licensed and /or trades past 7pm.	<ul style="list-style-type: none"> <li>• Buildings have an active frontage to the public domain.</li> <li>• Pedestrian access and onsite parking are clearly defined, incorporate good lighting, and have direct access to buildings from areas likely to be used at night.</li> <li>• Natural and/or mechanical surveillance provided (as required by Council and/or Police).</li> <li>• Plan of Management (PoM) is submitted to Council which identifies/addresses safety and crime impacts.</li> </ul> <p>Note: PoM to include details on alcohol management (if applicable), hours of operation, patron movement, capacity numbers, safety and security measures and parking etc.</p>
Public Toilets	<ul style="list-style-type: none"> <li>• To be located near high traffic areas.</li> <li>• Approaches and entrances to public toilets have clear sightlines and good lighting (without inappropriate glare or shadow).</li> <li>• Public toilets are not positioned in concealed spaces, corridors, recesses, alcoves etc.</li> <li>• Public phones and seats are not placed near public toilets.</li> <li>• Incorporate vandal resistant materials.</li> </ul>
Residential accommodation (10+ dwellings), Group Homes or Boarding Houses	<ul style="list-style-type: none"> <li>• Buildings facing public or communal streets / public places have a window from a habitable room facing that area.</li> <li>• Dwellings have a window from a habitable room facing internal driveways.</li> <li>• Appropriate access controls (eg. user/sensor gates) are provided for car park entrances, and common areas such as lobbies, laundries and garbage storage.</li> </ul>



Development Type	Key Principles
	<ul style="list-style-type: none"> <li>• Lighting is provided to all pedestrian paths, shared areas, parking areas and building entries.</li> <li>• Doors and window locks are installed in all dwellings in accordance with AS 4145.</li> <li>• Dwellings are oriented towards the street with entrances and numbering clearly visible.</li> <li>• Buildings with shared entries serve a maximum of 10 dwellings.</li> <li>• Each building entry clearly states the unit numbers accessed from that entry.</li> <li>• Unobstructed sight lines / natural surveillance to open space and community areas.</li> </ul>
Service Stations	<ul style="list-style-type: none"> <li>• Natural surveillance to be provided from the public domain to any retail area or shop associated with the service station.</li> <li>• CCTV surveillance to be provided in accordance with Australian Standards for entrance, cashier and queue areas.</li> <li>• Refuelling areas and entrances to any retail area or shop are visible from the street.</li> <li>• Retail area to provide for direct surveillance from cashier area to the street/public domain.</li> <li>• Public and staff toilets are to be located and provide access, within the retail area.</li> <li>• Entrances are located at prominent positions, are provided with good lighting and clearly visible.</li> <li>• All areas intended to be used at night provide appropriate levels of visibility and lighting.</li> <li>• Landscaping, walls and fences maintain clear sight lines and avoid concealment areas.</li> </ul>
Sex Service Premises	<ul style="list-style-type: none"> <li>• Premises have only one entrance which is located at the front of the building (or primary street frontage).</li> <li>• Building entrance has good lighting and easily identifiable (but not a prominent streetscape feature).</li> <li>• Direct sight lines are provided between the building and the street.</li> <li>• Pathways to / from the building are direct (straight lines).</li> <li>• All premises have either an intercom or duress alarm in each room. Alarms connect back to a central base that is monitored at all times.</li> <li>• All external storage areas are secured.</li> <li>• Any locks and security grills can be opened from the inside.</li> <li>• External lighting is vandal resistant and directed towards access/egress routes.</li> <li>• Natural and/or mechanical surveillance provided (as required by Council and/or Police).</li> </ul>



## 4.05 Social Impact

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

### Land to which this section applies

This section applies to all land to which Newcastle Local Environmental Plan 2012 applies.

### Development (type/s) to which this section applies

This section applies to any development as required under the 'Social Impact Assessment Policy for Development Applications, 1999', The City of Newcastle.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instruments also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Associated technical manual/s

- *Social Impact Assessment Policy for Development Applications*, 1999, The City of Newcastle.

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 – Glossary of this plan.



### **Aims of this section**

1. To provide clear guidelines as to the level of assessment required for a development application.
2. To consider both positive and negative social impacts in achieving socially sustainable development through an evidence based approach.
3. To ensure consultation is undertaken with the community, stakeholders and relevant groups to identify public values and concerns.
4. To consider how potential social impacts of change can be best managed and mitigated.

## **4.05.01 Social impact**

### **Objectives**

1. Incorporate practical measures that will enhance the positive impacts, may improve the development and limit any possible negative social impacts.

### **Controls**

#### General controls applying to all development to which this section applies

1. Development applications comply with the requirements of the '*Social Impact Assessment Policy for Development Applications, 1999*', The City of Newcastle.



## Part 5.00 Environmental Protection Provisions



- 5.01 Soil Management
- 5.02 Land Contamination
- 5.03 Tree Management
- 5.04 Aboriginal Heritage
- 5.05 Heritage Items
- 5.06 Archaeological Management







## 5.01 Soil Management

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/09/2016	24/10/2016	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land to which Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

### Development (type/s) to which this section applies

This section applies to all development consisting:

- earthworks
- excavation
- work resulting in disturbance of soil.

### Related sections

The following sections of this DCP **may** also apply to development to which this section applies:

- all of section 3.0 where development consists of construction or building works
- 4.01 Flood Management
- 4.03 Mine Subsidence
- 5.02 Land Contamination
- 5.06 Archaeological Management
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.08 Waste Management.

### Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.



### Associated technical manual/s

- *Managing Urban Stormwater: Soils and Construction – Volume 1, 4<sup>th</sup> Edition ‘The Blue Book’, 2004, Landcom NSW*
- *Planning for Erosion and Sediment Control on Single Residential Allotment – 1<sup>st</sup> Edition, 2004, Landcom NSW*
- *Hip Pocket Handbook 1<sup>st</sup> Edition 2004, Landcom NSW*

### Additional information

- *Planning for Erosion and Sediment Control on Single Residential Allotments, 4<sup>th</sup> Edition 2006, Landcom NSW.*

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary, of this plan, and include:

- **VENM** - virgin excavated natural material is natural material, such as clay, gravel, sand, soil or rock fines that:
  - has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities
  - does not contain any sulfidic ores or soils or any other waste.

### Aims of this section

1. To prevent export of sediments from the site during construction.
2. To prevent litter, sediment, nutrients and oils from entering waterways.
3. To minimise potential for landslip on sloping sites.

## 5.01.01 Erosion prevention

### Objectives

1. Protect the environment against soil erosion and loss of soil from construction sites.
2. Prevent the loss of soil from the site through implementation of erosion and sediment control measures when undertaking construction and earthworks activities.
3. Reduce maintenance costs on existing stormwater infrastructure.
4. Meet legislative requirements of the *Protection of the Environment Operations Act 1979*.



## Controls

### General controls applying to all development where site disturbance is less than 250m<sup>2</sup>

1. Vehicle admittance onto the site is restricted during wet or muddy conditions, unless on a formed access road.

### General controls applying to all development where site disturbance is between 250m<sup>2</sup> and 2,500m<sup>2</sup> and involving construction, demolition or earth works

2. An erosion and sediment control plan is to comply with 'Managing Urban Stormwater: Soils and Construction' (the 'Blue Book').
3. Extent of clearing/disturbance is limited to locations of site works, and as much existing natural vegetation is to be retained as much as possible.
4. Topsoil stockpiles are stored as low mounds, not compacted and are sown with a temporary grass cover if left longer than 4 weeks. Easily wind-borne material such as sand and cement dust are covered.
5. Temporary fencing is placed around trees to prevent soil compaction and root damage.
6. Site clearing is staged to allow recycling of site material for re-use in the landscaping of the development. For example surface rock or gravel may be re-used.

### General controls applying to all development where site disturbance is greater than 2,500m<sup>2</sup> and involving construction, demolition or earth works

7. An erosion and sediment control plan complies with 'Managing Urban Stormwater: Soils and Construction' (the 'Blue Book').

## 5.01.02 Sediment control

### Objectives

1. Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign material from construction sites.
2. Prevent flood damage for individual properties caused by sediment reducing the flow capacity of the stormwater drainage system.
3. Meet legislative requirements of the *Protection of the Environment Operations Act 1979*

### Controls

#### General controls applying to all development where site disturbance is less than 250m<sup>2</sup>

1. Temporary fencing is installed along the boundary adjoining roadways to prevent vehicles by-passing the designated driveway access.
2. Coverage of stockpiles to prevent loss by wind erosion, unless the material is too coarse to be wind blown (eg. coarse sand).



General controls applying to all development where site disturbance is between 250m<sup>2</sup> and 2,500m<sup>2</sup> and involving construction, demolition or earthworks

3. An erosion and sediment control plan should comply with 'Managing Urban Stormwater: Soils and Construction' (the 'Blue Book').
4. Where there is native grassland on-site and not in conflict with the proposed development, it is retained as a preferred groundcover to assist with stormwater run-off interception and absorption.
5. Where there are areas of significant and useful site vegetation, including native grass cover, these areas are fenced off and protected during construction. Use of these areas for construction access, storage of construction material and dumping waste material is prevented.

General controls applying to all development where site disturbance is greater than 2,500m<sup>2</sup> and involving construction, demolition or earthworks

6. An erosion and sediment control plan complies with 'Managing Urban Stormwater: Soils and Construction' (the 'Blue Book').

### **5.01.03 Cut and fill**

#### **Objectives**

1. Encourage site responsive development and protect the amenity of adjoining land.
2. Avoid excessive earthworks and minimise changes to the natural landform.
3. Encourage site layout and building design that is appropriate to the site conditions, including the use of split level, pier foundations or suspended floor house design.
4. Avoid inappropriate fill being introduced to sites.
5. Ensure adequate provision for drainage in relation to cut and fill practices.

#### **Controls**

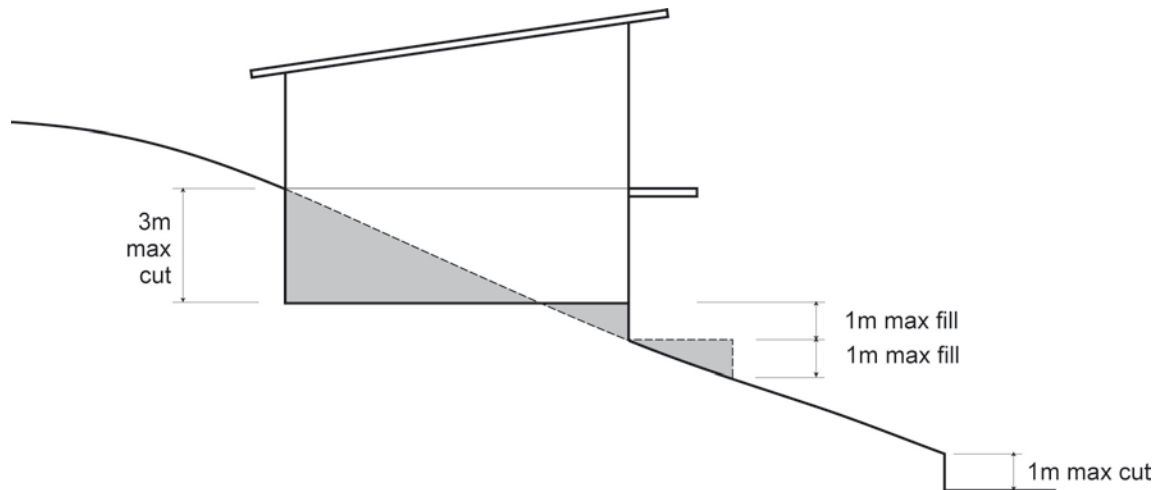
Controls applying to all development to which this section applies

1. A site plan prepared by a registered surveyor is submitted demonstrating the existing levels of the property and proposed levels of the landfill.
2. Development minimises the amount of cut and fill required by:
  - (a) maximum cut of 3m within the building envelope
  - (b) maximum fill within building envelope of 1m
  - (c) maximum cut external to building envelope of 1m
  - (d) maximum fill external of building envelope of 1m



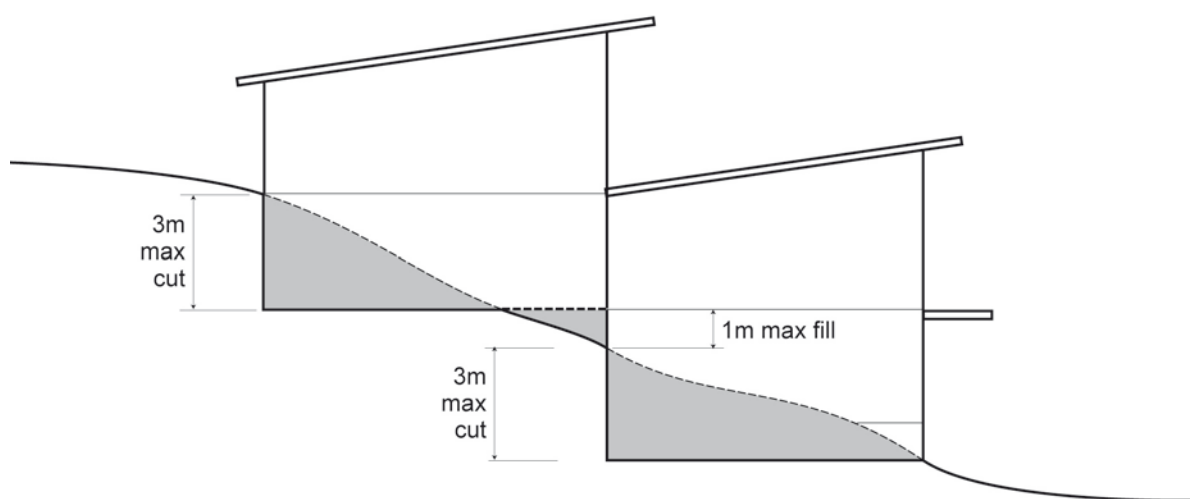
- (e) variation to (a), (b), (c) or (d) above will require justification, design and certification by a Structural Engineer.

**Figure 1 – Maximum cut and fill**



3. No cut or fill is to take place within easements.
4. If landfill is to be used it is preferred that it is virgin excavated natural material (VENM). If landfill contains material other than VENM, a licence may be required from the Office of Environment and Heritage.
5. Stormwater or surface water runoff is not to be redirected or concentrated onto adjoining properties so as to cause a nuisance.
6. Buildings are designed to relate to the existing topography with minimal excavation or fill and with the height of foundations kept to a minimum. (Refer **Figure 2**).

**Figure 2 – Minimise cut and fill by stepping building**





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## 5.02 Land Contamination

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land within the Newcastle LGA.

This section is also a policy of the Council in accordance with the Contaminated Land Planning Guidelines notified under Section 145C of the *Environmental Planning and Assessment Act 1979*.

### Development (type/s) to which this section applies

This section applies to all development.

As a policy this section also applies to the following planning functions of Council:

- the preparation of Local Environmental Plans
- the preparation and approval of Development Control Plans
- the preparation and adoption of Plans of Management for Community Land
- the determination of activities pursuant to Part 5 of the *Environmental Planning and Assessment Act 1979*.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instruments also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- *Contaminated Land Management Act 1997*, Office of Environment and Heritage
- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55).

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.



## Associated technical manuals

- *Newcastle Contaminated Land Management Technical Manual*, The City of Newcastle.
- *Contaminated Sites - Guidelines for Consultants Reporting on Contaminated Sites*, September 2000, NSW Environment Protection Authority.

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary, of this plan, and include:

- **Category 1 remediation work** - remediation work that needs development consent under State Environmental Planning Policy No. 55 - Remediation of Land.
- **Category 2 remediation work** - remediation work that does not need development consent under State Environmental Planning Policy No. 55 - Remediation of Land.
- **Contaminated land** - land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long term risk to human health or the environment.
- **Contaminated land planning guidelines** - guidelines notified in accordance with section 145C of the *Environmental Planning and Assessment Act 1979* (see Reference Section Managing Land Contamination: Planning Guidelines SEPP 55 - Remediation of Land).
- **Contamination** - concentration of substances above that which should be naturally present, and which poses, or is likely to pose, an immediate or long-term risk to human health or the environment.
- **Remediation site** - a site that is land declared to be a remediation site by a declaration in force under Division 3 of Part 3 of the *Contaminated Land Management Act 1997*.
- **Site audit** - an independent review by a site auditor that:
  - (a) relates to investigation or remediation carried out in respect of the actual or possible contamination of land
  - (b) is conducted for the purpose of determining any one or more of the following matters:
    - the nature and extent of any contamination of the land
    - the nature and extent of the investigation or remediation
    - what investigation or remediation remains necessary before the land is suitable for any specified use or range of uses.
- **Site audit statement** - a written statement by a site auditor that summarises the findings of a site audit. Site audit statements are prepared according to a standardised format prescribed in the *Contaminated Land Management Regulation 1998*.
- **Site auditor** - a person accredited under the *Contaminated Land Management Act 1997* as a site auditor.
- **Site history** - is a land use history of a site which identifies activities or land uses which may have contaminated the site, establishes the geographical location of particular processes within the site, and determines the approximate time periods over which these activities took place.



- **Site investigation process** - the process of investigating land that is or may be contaminated. The purpose of the site investigation is to provide the Council with sufficient information for it to make an informed decision as to whether it should authorise a proposed change of use of land. A site investigation may include up to four stages:
  - Stage 1 - Preliminary Investigation
  - Stage 2 - Detailed Investigation
  - Stage 3 - Remedial Action Plan
  - Stage 4 - Validation and Site Monitoring.
- **Site investigation report** - includes one or more of the following; a Preliminary Investigation Report, Detailed Investigation Report, Remedial Action Plan and Validation and Site Monitoring Report.
- **Summary site audit report** - a report prepared by a site auditor containing key information and considerations concerning the conduct and findings of a site audit.
- **Validation and site monitoring** - the process of determining whether the objectives for remediation and any conditions of development consent have been achieved. Reporting requirements for validation and site monitoring are as outlined in the publication *Guidelines for Consultants Reporting on Contaminated Sites*, 2000, EPA.

### Aims of this section

1. To ensure that the likelihood of land contamination is considered as early as possible in the planning and development process.
2. To ensure that planning and development decisions take into account available information relating to the likelihood of land contamination.
3. To ensure that any development of contaminated land will not result in unacceptable levels of risk to human health or the environment.
4. To ensure that site investigations and remediation work are carried out in a satisfactory manner, and where appropriate, are independently verified by site audits.
5. To ensure that Council exercises its functions relating to the development of contaminated land with a reasonable standard of care and diligence.
6. To facilitate the provision of consistent and reliable information to the public about land contamination.
7. To ensure that ongoing responsibility for management and monitoring of contaminated land is clearly and legally assigned.
8. To ensure the community is not unduly disadvantaged by increased health and environmental risks or increased management costs when accepting the dedication of public assets.



## 5.02.01 Plan making and development assessment

### A. Initial evaluation

#### Objectives

1. Identify whether contamination needs to be investigated as part of the planning proposal.

#### Controls

The following controls apply when preparing or determining a Local Environmental Plan, a Development Control Plan, a Plan of Management for Community Land, a Development Application (including modification) or an activity under Part 5 of the *Environmental Planning and Assessment Act 1979*

1. Where the proposal involves a change of use of land, or the carrying out of earthworks, Council is to undertake an initial evaluation generally in accordance with the relevant *Contaminated Land Planning Guidelines*.
2. The initial evaluation is to comprise an assessment of readily available factual information. Its purpose is to determine whether contamination is an issue that requires further investigation prior to the preparation of the plan, or determination of the matter and whether a site investigation process is required to be carried out.
3. The evaluation is to be based upon records held by Newcastle City Council that are readily accessible, and may also be based upon factual information gained from a site inspection. There is no requirement to research or consider records held by other agencies. Matters to be considered are described in the Technical Manual for this section (Newcastle Contaminated Land Management Technical Manual).

### B. Determining if a site investigation is required

#### Objectives

1. Identify whether a site investigation is required.

#### Controls

The following controls apply when preparing or determining a Local Environmental Plan, a Development Control Plan, a Plan of Management for Community Land, a Development Application (including modification) or an activity under Part 5 of the *Environmental Planning and Assessment Act 1979*

1. If after initial evaluation there is nothing to suggest that the land might be contaminated, or that further enquiry is warranted, Council and the proponent may proceed without further reference to this Section 5.02 Land Contamination.
2. If there are indications that:
  - (a) the land is or may be contaminated land, or
  - (b) there is insufficient information on which to make a decision,

a site investigation process is to be carried out in accordance with the *Contaminated Land Planning Guidelines*.



Note: Insufficient information on which to make a decision exists if there are significant gaps in historical information for a site, or if land uses are not described in sufficient detail to identify the presence or absence of possible contaminating land uses (listed in part 8 of the Technical Manual) during periods in which such uses could be lawfully carried out.

3. The circumstances in which a site investigation process is required also include those specified in clauses 6 and 7 of *State Environmental Planning Policy No 55 - Remediation of Land*. In accordance with these clauses, Council will require a preliminary investigation to be submitted with zoning and rezoning applications or a subdivision or development application where the land concerned is:
  - (a) land that is within an investigation area
  - (b) land on which potentially contaminating land use is being, or is known to have been carried out
  - (c) land on which it is proposed to carry out development for residential, educational, recreational or child care purposes, or for a hospital:
    - (i) where there is no knowledge (or incomplete knowledge) as to whether potentially contaminating development has been carried out on the land, and
    - (ii) where it would have been lawful to carry out such development on the land during any period in respect of which there is no knowledge (or incomplete knowledge).

## C. Site investigation process

### Objectives

1. Outline the site investigation process.
2. Ensure adequate information is available to inform the decision making process.

### Controls

The following controls apply when preparing or determining a Local Environmental Plan, a Development Control Plan, a Plan of Management for Community Land, a Development Application (including modification) or an activity under Part 5 of the *Environmental Planning and Assessment Act 1979*

1. The appropriate level of investigation will depend on the specific circumstances and may involve one or more of the following stages as described in *Guidelines for Consultants Reporting on Contaminated Sites* (NSW EPA) and section 3.4 of the *Contaminated Land Planning Guidelines*.
  - Stage 1 - Preliminary investigation
  - Stage 2 - Detailed investigation
  - Stage 3 - Remedial action plan
  - Stage 4 - Validation and site monitoring.

The proponent is responsible for undertaking and paying for the site investigation process.



2. Reports submitted to Council must include an electronic copy consisting of a single PDF document or similar. Reports consisting of multiple files will not be accepted. Reports and associated drawings and tables must be legible when printed in black and white.

## **D. Decision to proceed with draft plans**

### **Objectives**

1. Avoid a change of land use that would increase the risk to human health or the environment.
2. Avoid inappropriate restrictions on land use.

### **Controls**

The following controls apply when preparing a Local Environmental Plan, a Development Control Plan or a Plan of Management for Community Land

1. Following consideration of the findings of the site investigation process, Council may:
  - submit a draft Local Environmental Plan to the Minister for approval, or
  - make a Development Control Plan, or
  - adopt a plan of Management for Community Landonly if it is satisfied that:
  - (a) the land is suitable (or will be suitable after remediation) for all purposes that are permitted to be carried out under the draft plan, and
  - (b) the land will be remediated before it is subdivided or used for particular purposes where remediation is necessary to make the land suitable for such purposes.
2. For draft plans, Council is to consider the need to include special provisions in the draft plan requiring certain matters to be taken into consideration by Council when granting development consent or otherwise authorising any use of the land.

## **E. Determination of development applications**

### **Objectives**

1. Ensure development does not increase the risk to human health or the environment.
2. Ensure the management and monitoring of contaminated land is clearly and legally assigned.
3. Ensure that the community is not unduly disadvantaged by accepting the dedication of public assets which have increased human health or environmental risks or have potentially higher asset management costs due to contamination.



## Controls

The following controls apply when determining a Development Application (including modification) or an activity under Part 5 of the *Environmental Planning and Assessment Act 1979*

1. Following consideration of the findings of the site investigation process, Council may grant consent or otherwise authorise the matter only if it is satisfied that:
  - (a) the land is suitable (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out, and
  - (b) the land will be remediated before it is subdivided or used for the proposed purpose where remediation is necessary to make the land suitable for that purpose.
2. In determining development applications, Council is to consider:
  - (a) the need to impose conditions relating to the remediation issues outlined in Section 5.02.03,
  - (b) whether it would be appropriate to issue a deferred commencement consent or a staged consent, and
  - (c) the management of below surface contamination to ensure that the community is not unduly disadvantaged by accepting the dedication of public assets that have increased human health or environmental risks or have potentially higher asset management costs due to contamination.

## F. Site audit statements

### Objectives

1. Ensure information submitted is reliable for the purposes of decision making.

### Controls

The following controls apply when preparing or determining a Local Environmental Plan, a Development Control Plan, a Plan of Management for Community Land, a Development Application (including modification) or an activity under Part 5 of the *Environmental Planning and Assessment Act 1979*

1. Before satisfying itself that it can proceed, Council is to consider the contents of a site audit statement if any of the following circumstances prevail:
  - (a) Council believes on reasonable grounds that the information provided by the proponent is incorrect or incomplete,
  - (b) Council wishes to verify that the information provided by the proponent adheres to appropriate standards, procedures and guidelines, or
  - (c) Council does not have the internal resources or expertise to conduct its own technical review.

Note: Council may require the proponent to furnish and pay for the site audit statement.



## 5.02.02 Dedication of assets to Council

### Objectives

1. Ensure the management and monitoring of contaminated land is clearly and legally assigned.
2. Ensure that the community is not unduly disadvantaged by accepting the dedication of public assets which have increased human health or environmental risks or have potentially higher asset management costs due to contamination.

### Controls

1. Preliminary investigation - Where an asset is intended to be dedicated to Council, a preliminary contamination investigation of the land by a suitably qualified environmental consultant is required to be submitted to Council.
2. Site investigation process - If there is nothing to suggest that the asset to be dedicated may be contaminated, or that further enquiry is warranted, further reference to this section may not be required. However, if there are indications that:
  - the land is or may be contaminated, or
  - there is insufficient information on which to make a decision,

a site investigation process is to be carried out in accordance with the Contaminated Land Planning Guidelines (see Section 5.02.01). See the Technical Manual (Newcastle Contaminated Land Management Technical Manual) for Council's specific investigation requirements for roads, footpaths, open space areas and other assets intended to be dedicated.

3. Remediation - If a detailed investigation indicates that contamination in soil or groundwater exceeds the appropriate guidelines then remediation is required prior to Council accepting the asset.

Remediation in general must comply with Section 5.02.03. However, Council may impose site specific remediation requirements to ensure that there are no unacceptable ongoing contamination management requirements.

Roads shall be remediated to the depth of the lowest service at a minimum.

Open space areas and footpaths are to be remediated in such a way so that future maintenance activities such as the accessing of services, tree planting and landscaping are not impacted by contamination.

If remediation of the site cannot be achieved to Council's satisfaction, Council may not accept the dedication of the asset and other alternatives such as placing the asset under community title in accordance with the Local Government Act 1993 and the Community Land Management Act 1989 may be required.

4. Site audit statement - Should contamination of soil or groundwater remain at the site after remediation, or if Council believes it is otherwise necessary, then a site audit statement prepared by a NSW accredited site auditor is required. The site audit must specifically address the portion of land to be dedicated to Council stating that it is suitable for its intended land use (in accordance with Section 5.02.01F).



5. Contamination management plan - Where an asset is to be dedicated to Council and contamination that exceeds the appropriate land use criteria has been identified in soil or groundwater following remediation, a contamination management plan is to be prepared to the satisfaction of Council (and the Site Auditor where appropriate). The plan is required to be submitted to Council prior to acceptance of the asset.
6. Ongoing management requirements - There should be no ongoing management requirements for the asset regarding contamination to ensure the community is not unduly disadvantaged by increased health and environmental risks or increased management costs when accepting the dedication of public assets.

### 5.02.03 Remediation work

#### *Objectives*

1. Ensure the management and monitoring of contaminated land is clearly and legally assigned.
2. Ensure land is remediated appropriately for the current or proposed land use.
3. Ensure remediation is carried out in a manner which will not result in an unacceptable risk to human health or the environment.

#### *Controls*

1. Remediation of land to be subdivided or developed is completed consistent with the proposed or current zoning and land use, so that it does not place any future land owner or occupier in a position where further remediation of contaminants is required. In the case of subdivision, all remediation work including site capping is to be completed on the development lots prior to the issue of a subdivision certificate.
2. Remediation of land to be subdivided or developed does not place a public agency in a position where it may have to become involved in any future management or monitoring of contaminated land. In this regard, any ongoing management and monitoring requirements need to be clearly and legally assigned to the proprietors of newly created lots. It will need to be demonstrated, to the satisfaction of Council, that any further remediation required as a result of ongoing management or monitoring requirements can be legally and practically enforced.
3. Remediation of land is carried out in accordance with this section, unless specific Council consent is granted for the remediation proposal which allows a variation.
4. Remediation of land aims to remediate land to the highest land use possible under the current or proposed zoning without the need for site specific ongoing management controls such as capping.
5. Remediation of land is carried out and completed in a manner which will not result in an unacceptable level of risk to human health or the environment.
6. Remediation of land aims to remediate groundwater to a level that allows the maximum reuse of the resource into the future.



## 5.02.04 Information management

This section applies to the recording and keeping of information by Council about land contamination, and the supply of such information to the public. Council records include:

- documents, reports, registers and files
- maps and plans
- computerised land and geographical information systems.

### Objectives

1. Information relating to land contamination or the likelihood of land contamination is gathered, kept and disseminated in such a manner as to:
  - provide a basis for informed planning decisions that consider land use history
  - facilitate the provision of reliable information to the community
  - minimise risk to human health and the environment
  - avoid unnecessary restrictions on development
  - enable the Council to exercise its duties with reasonable care and diligence
  - acknowledge any limitations on information, such as its degree of uncertainty or accuracy, collection date and purpose of collection.

### Controls

1. To exercise its planning functions generally in accordance with the Contaminated Land Planning Guidelines, Council is to keep sufficient and appropriate records relating to the existence or likelihood of land contamination. The sorts of records that this may include are listed in the 'Newcastle Contaminated Land Management Technical Manual'.
2. Information about land contamination held within the Council's records is to be supplied to the public only by the means described in the 'Newcastle Contaminated Land Management Technical Manual'.



## 5.03 Vegetation Management

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	28/05/2013	10/06/2013	Amended
3	27/08/2013	16/09/2013	Amendment (Newcastle University Callaghan Campus)
4	27/09/2016	24/10/2016	Amended
5	12/12/2017	19/02/2018	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land under Newcastle Local Environmental Plan 2012 and to land outside of the Port of Newcastle lease area to which *State Environmental Planning Policy (Three Ports) 2013* applies.

### Development (type/s) to which this section applies

This section applies to the clearing or pruning of vegetation in conjunction with *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

This section applies to declared vegetation on private land, or within 5m of a development site, or that is likely to be affected by infrastructure works carried out in association with a development proposal.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *Newcastle Local Environmental Plan 2012.*
- *Biodiversity Conservation Act 2016*
- *Local Land Services Act 2013*
- *Roads Act 1993*

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.



Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **may** also apply to development to which this section applies:

- 7.02 Landscape, Open Space and Visual Amenity.

## Associated technical manual/s

- Newcastle Urban Forest Technical Manual, Newcastle City Council (check Council website for current version)

## Additional information

- *Newcastle Urban Forest Background Paper*, 2007, Newcastle City Council
- *Newcastle Urban Forest Policy*, 2008, Newcastle City Council
- *Street Tree Selection Manual*, 2016, Newcastle City Council
- *Australian Standard AS 4373-2007 Pruning of amenity trees*
- *Australian Standard AS 4970-2009 Protection of trees on development sites*
- *Planning for Bushfire Protection – NSW Rural Fire Service 2006*
- *WorkCover Authority of NSW – Amenity Tree Industry: Code of Practice*
- *Landscape Management Implementation Plan Callaghan Campus*, 3 September 2012, prepared by Ecological Australia for the University of Newcastle

## Definitions

A word or expression used in this development control plan has the same meaning as it has in State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan, and include:

- **Circumference breast height** - the girth of the supporting stem of a tree at a height of 1.4m above ground level (existing) measured at the trunk centre, and so as to contain the outermost projection of any flanges or buttresses.
- **Clear vegetation**- has the same meaning as in State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This term is defined to include:

- (a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
- (b) lop or otherwise remove a substantial part of the vegetation.

- **Dead tree**: is where the biological function of the tree has ceased, no leaves are present and visible evidence of trunk, root plate and canopy desiccation
- **Declared vegetation** - trees and shrubs to which Part 3 of State Environmental Planning Policy (Vegetation in Urban Areas) 2017 applies.
- **Dying tree**: demonstrates reduced growth rates, sparse foliage and reduced response to damage or stress over subsequent growing seasons.



- **Greenfield site** - undeveloped land that has been identified, through land use zoning, as having potential for future urban, commercial or industrial development. It is generally found on the fringes of existing developed areas and may contain a large amount of existing vegetation.
- **Native vegetation** - has the same meaning as in State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This term has the same meaning as in Part 5A of the Local Land Services Act 2013 and means:

any of the following types of plants native to New South Wales:

- (a) trees (including any sapling or shrub or any scrub),
- (b) understorey plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland.

- **Public Tree** - trees/shrubs located on land managed by Council (trees under Council's care and control).
- **Shrub** - a woody perennial plant that is generally smaller than a tree species at maturity and has many main stems or trunks.
- **Street tree vacancy site** - sites identified by Council for future tree planting. The sites have been identified from analysis of the Local Government Area based on criteria in the Tree Asset Management System (TAMS). The information on locations of street tree vacancy sites is available on request from Council.
- **Tree** - a long lived woody perennial plant greater than 3m height (or will be at maturity), with one or relatively few main stems or trunks.
- **Tree retention values** - weighted combination of tree sustainability and landscape significance used to determine how retainable a tree/s is to guide the site analysis and site planning stages of development. Tree retention values are determined using the following three steps further outlined within the Newcastle Urban Forest Technical Manual:
  1. Assess Tree Sustainability
  2. Assess Landscape Significance
  3. Weigh Sustainability and Landscape Significance.
- **Vegetation** - has the same meaning as in State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This term means

*A tree or other vegetation, whether or not it is native vegetation.*

### Aims of this section

1. To identify declared vegetation under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
2. To achieve the objectives of the Newcastle Urban Forest Policy 2008 for development on private land.
3. To ensure existing vegetation on a development site and surrounding sites is considered in the design of the development.



4. To ensure that tree canopy cover is considered in the design of development.
5. To promote the retention of existing vegetation and provide opportunities for appropriate tree growth.
6. To provide guidelines for the management of trees.

### 5.03.01 Declared vegetation

#### Objectives

1. To declare the vegetation that requires a permit from Council prior to clearing or pruning.

Note: Clause 9 of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* provides for Council to declare vegetation that requires a permit for removal in a DCP.

#### Controls

##### General controls applying to all development to which this section applies

1. A permit from Council is required prior to clearing or pruning the following:
  - (a) vegetation in a threatened ecological community or a threatened plant species listed under the *Biodiversity Conservation Act 2016* or *Fisheries Management Act 1994*; or
  - (b) vegetation that is or forms part of a heritage item, or that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, or
  - (c) a tree that is required to be retained or planted as a condition of a complying development certificate or development consent, or
  - (d) a tree that was planted as a replacement tree, or
  - (e) any other native vegetation including understorey plants, groundcovers and plants occurring in a wetland and is less than the biodiversity offsets scheme threshold identified under the *Biodiversity Conservation Act 2016*, or
  - (f) all trees and shrubs, regardless of size, on land managed by a public authority including Council, or
  - (g) all other trees or shrubs that are not listed in (a) to (f) above, unless the tree or shrub:
    - (i) is located within 3m of the wall of an existing principal building (excluding carports, garages, pergolas, fences, retaining walls and the like); or
    - (ii) the tree is less than 3m in height, or with a circumference (measured at 1.4m above ground level), less than 450mm for a single trunk tree, or less than 300mm for each trunk of a multi-trunk tree; or
    - (iii) the shrub is less than 5m in height.



Note 1: All trees and shrubs within Council's road reserve or located on land managed by Council are declared vegetation. The maintenance or removal of these trees and shrubs can only be undertaken by Council.

Note 2: *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* prohibits Council from issuing a permit for the clearing of native vegetation that exceeds the biodiversity offsets scheme threshold. Refer to the *Biodiversity Conservation Act 2016* for further information.

Note 3: The 3m distance is measured from the closest point of the trunk to the footings of the building.

## 5.03.02 When can declared vegetation be cleared without a permit?

### Objectives

1. To identify the circumstances where declared vegetation on private land can be cleared without a permit being issued by Council.

### Controls

The following controls apply to the clearing of declared vegetation on private land (see Figure 1)

1. A permit from Council is not required to clear declared vegetation (see clause 5.03.01) on private land if:
  - (a) clearing of the vegetation has been authorised under other legislation; or
  - (b) the tree or shrub:
    - (i) poses an immediate risk to life or property due to a demonstrated sudden change to its structure as a result of severe storm or wind events, and meets the requirements of section 3.3 of the Urban Forest Technical Manual, or
    - (ii) the tree is dying or dead and is not required as the habitat of native animals; and
  - (c) if the dead, dying or storm damaged tree is a heritage item or forms part of an Aboriginal object or is within an Aboriginal place of heritage significance Council is notified within 5 working days of the tree removal, by supplying the completed form in appendix 6 of the Urban Forest Technical Manual; and
  - (d) the landowners consent has been obtained.

Note 1: Trees or shrubs on public land cannot be removed in these circumstances. If a tree or shrub on public land appears to be damaged by a storm, it must be referred to council who will carry out the required works.

Note 2: Tree removal on private land under the bushfire 10/50 rules is to be undertaken in accordance with the requirements of the NSW Rural Fire Service and does not require a Council permit.

Note 3: Clearing of native vegetation that exceeds the biodiversity offsets scheme threshold can only be undertaken with the prior approval of the Native Vegetation Panel. Refer to *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and the *Biodiversity Conservation Act 2016* for further information.



### 5.03.03 When can declared vegetation be pruned without a permit?

The following controls apply to the pruning of declared vegetation on private land, excluding vegetation in a threatened ecological community or a threatened plant species listed under the *Biodiversity Conservation Act 2016*; or *Fisheries Management Act 1994*; or vegetation that is or forms part of a heritage item, or that is or forms part of an Aboriginal object or within a place of Aboriginal significance (see Figure 2)

1. A permit from Council is not required to prune declared vegetation on private land referred to in clause 5.03.01(c) to (g) if:
  - (a) landowners consent has been obtained; and
  - (b) for a tree or shrub greater than 5m in height:
    - (i) the pruning is undertaken in accordance with the Australian Standard AS4373 - 2007, and
    - (ii) a pruning specification is completed in accordance with section 2 of the Urban Forest Technical Manual, or

Note: An application to Council is not required for this pruning. However, pruning must be specified and undertaken by a suitably qualified arborist, and the pruning specification must be kept by the landowner. See Part A, section 2.0 of the Urban Forest Technical Manual and Appendix 5 Tree Pruning Specification form for further detail.

- (c) for pruning of individual branches from a tree/shrub that overhangs a dwelling, formal path or driveway, where:
    - (i) the pruning is to remove branches that are within 1m of the dwelling, formal path or driveway, and
    - (ii) the pruning does not alter the overall shape or structure of the tree, and
    - (iii) the branches removed are less than 100mm in diameter at the final cut, and
    - (iv) the final cut is at a branch collar or appropriate growth point (see section 2.3 Urban Forest Technical Manual), or

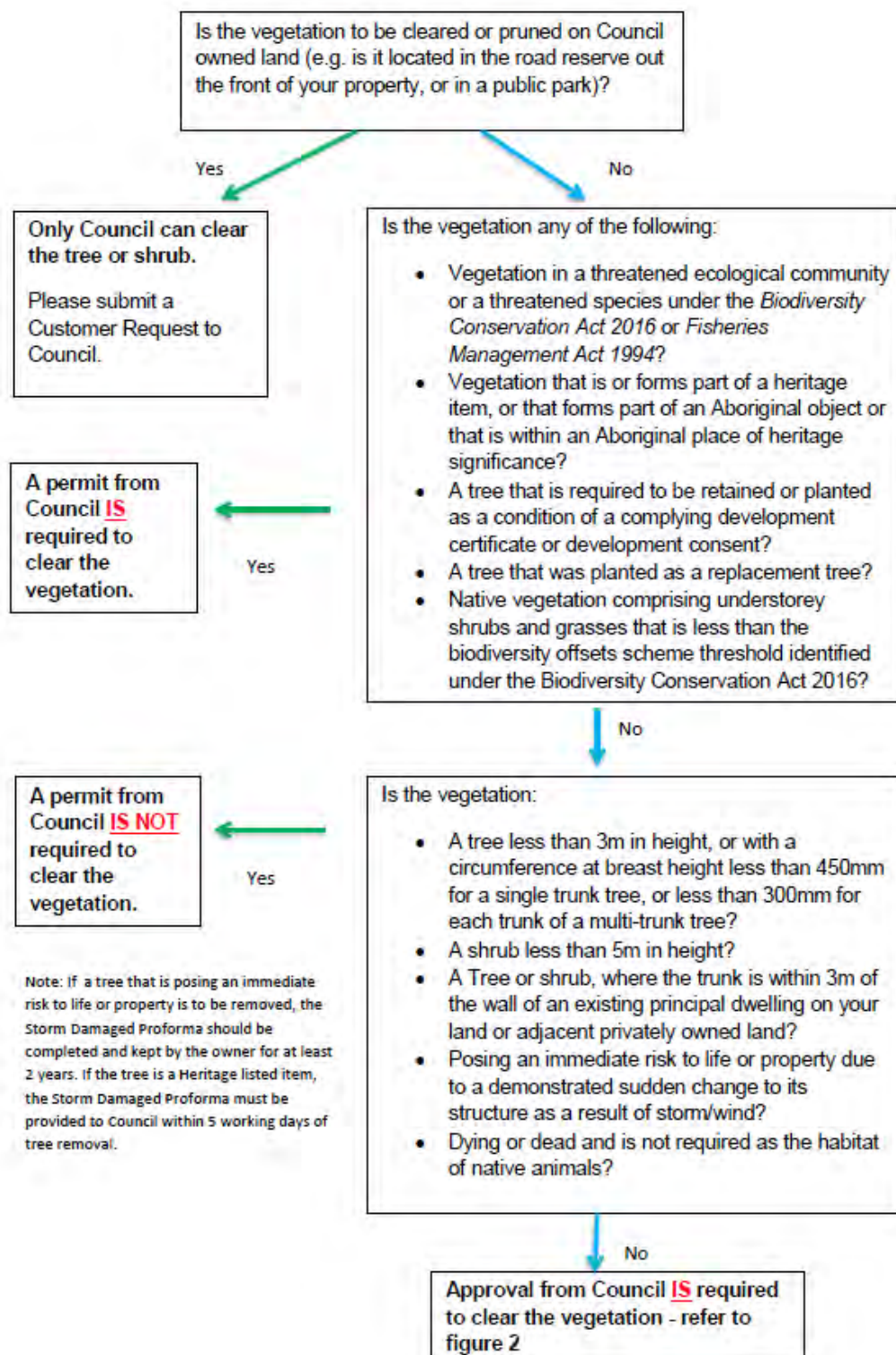
Note: An application to Council is not required for this pruning. A pruning specification is not required for this pruning.

- (d) for shrub/s less than 5m in height,
    - (i) it is maintained without reducing the height, or
    - (ii) is pruned for the purposes of hedging, topiary, clearing of driveways or formal pathways, or similar.

Note: An application to Council is not required for this pruning. A pruning specification is not required for this pruning.

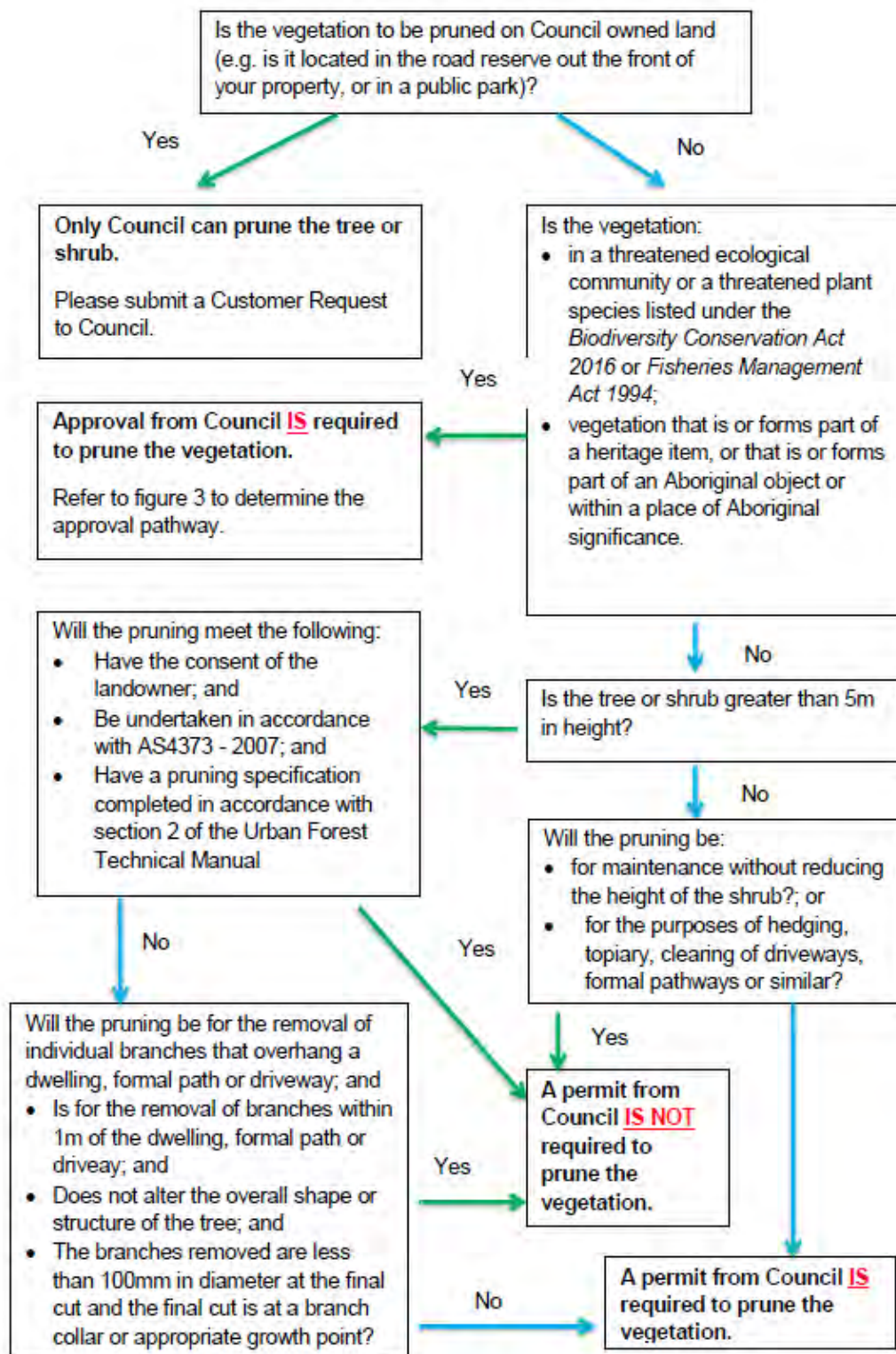


**Figure 1 - Do I need a permit from Council to clear a tree or shrub?**





**Figure 2 - Do I need a permit from Council to prune a tree or shrub?**





### 5.03.04 Clearing of declared vegetation on private land not associated with a development application

#### A. Clearing or pruning of declared vegetation - heritage items, Aboriginal objects and places of heritage significance

The following controls apply to the clearing or pruning of declared vegetation on private land that is not associated with any other work that requires development consent and that is or forms part of a heritage item or that is or forms part of an Aboriginal object; or that is within an Aboriginal place of heritage significance.

##### Objectives

1. To ensure vegetation removal meets the Urban Forest Policy goals and objectives of sustaining and maximising canopy cover on an intergenerational basis.
2. To ensure vegetation removal is carried out in accordance with best practice methods.
3. To justify removal or damage to existing trees and outline compensatory measures to offset such loss.

##### Controls

1. A completed Heritage Minor Works Notification form is to be submitted to and approved by Council before the clearing or pruning of vegetation that is or forms part of:
  - (a) a heritage item; or
  - (b) an Aboriginal object or that is within an Aboriginal place of heritage significance;
2. The removal of vegetation can only be considered under this section if the works are of a minor nature, or are for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, and do not adversely affect the significance of the item, object, or place.

Note 1: The Heritage Minor Works Notification form can be obtained from Council's website.

Note 2: If the vegetation clearing or pruning does not meet the requirements of control 2, a Development Application will need to be submitted and approved by Council.

#### B. Clearing of declared vegetation - all other sites

The following controls apply to the clearing of up to three (3) trees or shrubs on privately owned land and the planting of at least one (1) replacement tree on the land

Note 1: In accordance with clause 7 of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* a permit is required from Council to remove declared vegetation on private land.

Note 2: This permit process may apply to land managed by public authorities other than Council, where the public authority's relevant legislation does not provide for tree removal.

1. Where it is proposed to remove up to three (3) trees or shrubs and plant at least one (1) tree (with additional replacement trees as space permits) with a suitable tree species on the same site, a permit application for tree removal is to include the following:



- (a) a completed application form (see Council's website); and
  - (b) a site map which identifies the location of the vegetation to be removed and the location of replacement plantings in relation to the principal building and other ancillary structures; and
  - (c) the botanical and common name of the replacement tree species.
2. Replacement tree planting is to be undertaken in accordance with sections 8 and 9 of the Urban Forest Technical Manual. The preferred planting location is within the front setback of the property.

Note 1: The planting location is to take into account the location of services and other infrastructure, and is to be offset a minimum 1.5m from the front boundary when planted within the front setback.

Note 2: An arborist report of any kind is not required under this section.

The following controls apply to all other applications for the removal of more than three (3) trees or shrubs, or where no replacement tree planting is proposed on privately owned land

3. Where it is proposed to remove more than three (3) trees or shrubs, or where no replacement tree planting is proposed, a permit application for tree removal is to include the following:
- (a) a completed application form (see Council's website); and
  - (b) a site map which identifies the location of the tree/s or shrubs to be removed, and location of replacement plantings (where proposed) in relation to the principal building and other ancillary structures; and
  - (c) the botanical and common name of the replacement tree or shrub species.
  - (d) a completed Arborist Report form (see Appendix 7 of the Urban Forest Technical Manual) from a consulting arborist (AQF5) that:
    - (i) demonstrates that at least one of the tree assessment tests under Part A section 3.4.4 of the Urban Forest Technical Manual has been met, and
    - (ii) is prepared in accordance with Part A, section 6 of the Urban Forest Technical Manual.

Note 1: If replacement planting is proposed, it is to be undertaken in accordance with section 8 and 9 of the Urban Forest Technical Manual.

The following controls apply to the clearing of all other native vegetation on privately owned land

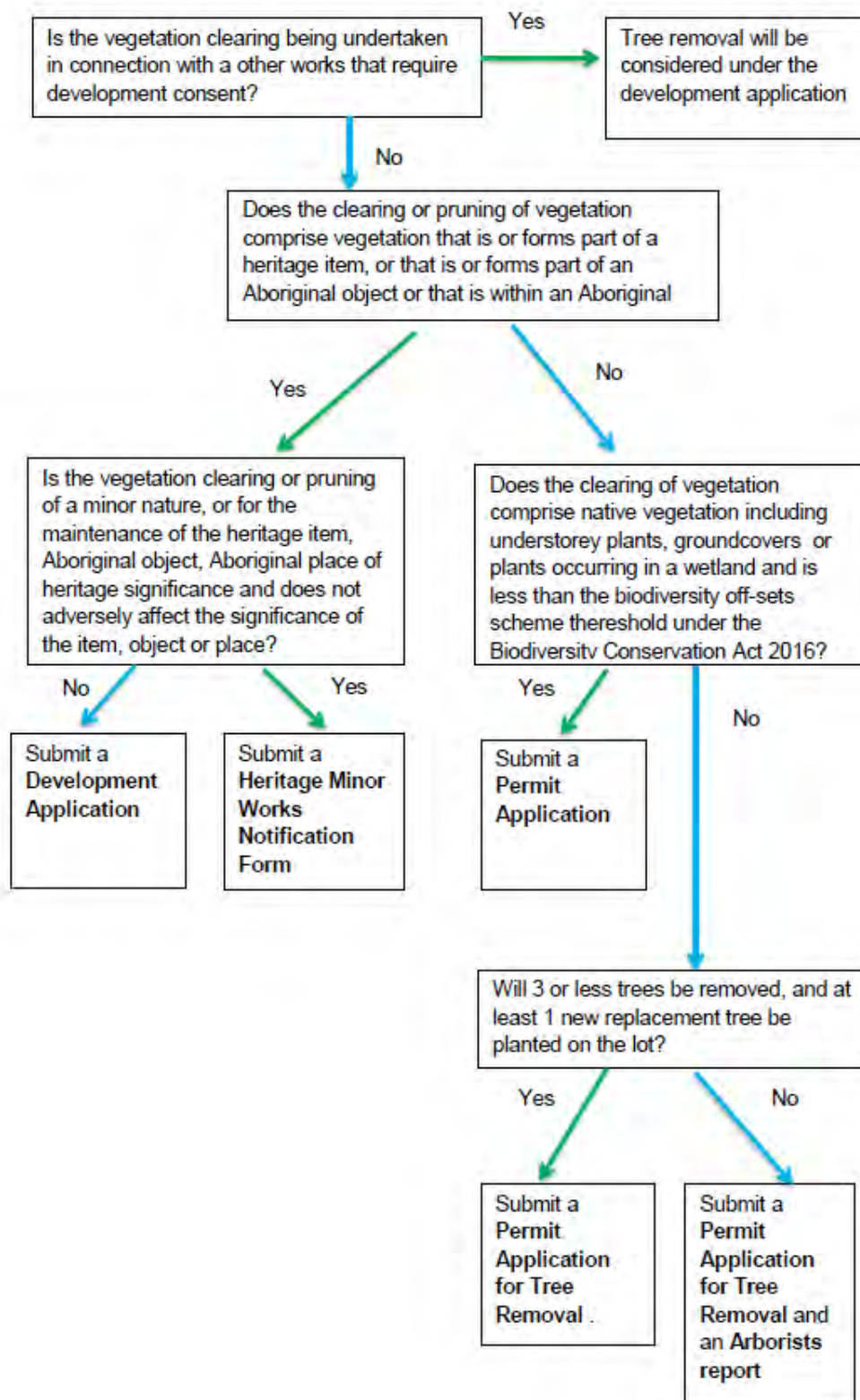
4. Where it is proposed to clear any other native vegetation, including understorey plants, groundcovers and plants occurring in a wetland, a permit application is to include the following:
- (a) a completed application form (see Council's website); and
  - (b) a site map which identifies the location of the native vegetation to be cleared and any retained vegetation at the site; and



- (c) description of the native vegetation community and /or list of the native vegetation species to be cleared; and
- (d) description of why the native vegetation is proposed to be cleared; and
- (e) a flora and fauna impact assessment prepared by a suitably qualified ecologist if the clearing of native vegetation exceeds more than 1000m<sup>2</sup> or clearing is within a riparian zone and/or wetland area.



**Figure 3 - What type of authorisation do I need from Council for tree removal or pruning?**





### 5.03.05 Clearing or pruning of declared vegetation associated with a development application

The following controls apply to the clearing or pruning of trees or shrubs on private land associated with other works that require development consent.

#### Objectives

1. To ensure that vegetation removal meets the Urban Forest Policy goals and objectives of sustaining and maximising canopy cover on an intergenerational basis.
2. Ensure existing vegetation is identified and assessed in the development process.
3. Incorporate new street and park trees into greenfield subdivision design.
4. Incorporate native vegetation into subdivision design.
5. Ensure retention of trees on existing greenfield estate lots is undertaken in a responsible manner.
6. To ensure retained public trees are protected during demolition or construction

#### General controls applying to all development (excluding greenfield sites)

1. Where the development including any ancillary development, or associated excavation, affects declared vegetation located on the site, or where the trunk of a tree is located within 5m of the development footprint, (including any ancillary development or associated excavation, the following information is to be submitted with the development application:
  - (a) a report from a consulting arborist (AQF5) that:
    - (i) incorporates a tree retention value assessment in accordance with section 4.1 of the Urban Forest Technical Manual, and
    - (ii) defines tree protection zone offsets and protection requirements in accordance with section 7 of Urban Forest Technical Manual, and
    - (iii) is prepared in accordance with Part A, section 6 of the Urban Forest Technical Manual.
  - (b) where it is demonstrated that the development design cannot retain trees, a landscape concept plan for the site that identifies suitable locations and species for compensatory tree planting within the site.

Note: Where space permits, the preferred planting location is within the front of the property. The planting location should take into account services and other infrastructure. Planting is to be offset a minimum 1.5m from the front property boundary.
2. Trees retained as part of a development consent are to be protected in accordance with the tree protection plan, during the demolition and construction phase.



### The following controls apply to development of greenfield sites

Note: Greenfield sites are defined as undeveloped land that has been identified, through land use zoning, as having potential for future urban, commercial or industrial development. These sites are generally found on the fringes of existing developed areas and may contain a large amount of existing vegetation. Separate processes for the assessment of large scale vegetation removal are outlined under the *Biodiversity Conservation Act 2016*.

3. A development application for a development of a greenfield site is to include:
  - (a) a detailed site plan and report that identifies:
    - (i) vegetation to be retained, and defines tree protection zone offsets and protection requirements in accordance with section 7 of Urban Forest Technical Manual, and
    - (ii) defined bushfire asset protection zones and relationship to vegetation to be retained, and
    - (iii) the location of habitat trees (to be retained and removed), and
    - (iv) a separate plan layer identifying locations of proposed street and park tree plantings, and nominated species selected in accordance with Council's Street Tree Selection Manual 2016.
  - (b) a report prepared by a consulting arborist (AQF5) where individual trees are to be retained on residential zoned lots or public land that:
    - (i) includes a Tree Impact Assessment, which assesses the condition of the trees, determines the impacts from clearing of adjacent vegetation, and identifies trees suitable for retention, and
    - (ii) identifies individual trees along fringes of bushland that are compromised by the development works and require removal, and
    - (iii) defines tree protection zone offsets and protection requirements in accordance with section 7 of Urban Forest Technical Manual, and
    - (iv) is prepared in accordance with Part A, section 6 of the Urban Forest Technical Manual.

## **5.03.06 Declared vegetation on public land**

### **A. Clearing or pruning of public trees not associated with a development application**

#### **Objectives**

1. To ensure vegetation management meets the Urban Forest Policy goals and objectives of sustaining and maximising canopy cover on an intergenerational basis.



2. To ensure existing public trees are retained except where it can be demonstrated that no practical alternative is available.
3. To ensure pruning and retention of public trees is carried out in accordance with best practice methods and relevant Australian Standards.

### **Controls**

The following controls apply to the clearing or pruning of trees or shrubs on public land that is not associated with any other works that require development consent

1. Public tree maintenance activities including clearing and pruning can only be undertaken by Council.

Note 1: Requests for inspection of public trees by Council can be made via Council's website or customer service centre.

Note 2: An application to Council under Section 138 of the *Roads Act 1993* is required for clearing or pruning of public trees in connection with complying development proposed under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. For information on the matters that will be considered in determining whether or not Council will support pruning or clearing of a public tree refer to section 5.03.06 B - Clearing or pruning of public trees associated with a development application.

2. Inspections will be undertaken by Council's arborists who will determine appropriate works in accordance with relevant Australian Standards, City Wide Maintenance Procedure, Urban Forest Technical Manual and best practice.
3. All public tree maintenance activities are undertaken by Council in accordance with relevant Australian Standards, City Wide Maintenance Procedure, Urban Forest Technical Manual and best practice.

## **B. Clearing or pruning of public trees associated with a development application**

### **Objectives**

1. To ensure vegetation management meets the Urban Forest Policy goals and objectives of sustaining and maximising canopy cover on an intergenerational basis.
2. To ensure public trees and public tree vacancy sites are considered in the design of the development.
3. To ensure existing public trees are retained except where it can be demonstrated that no practical alternative is available to allow for efficient development of the site.
4. To ensure retained public trees are protected during demolition or construction.



## Controls

The following controls apply to the clearing or pruning of trees or shrubs on public land associated with other works that require development consent

1. Where a public tree is located within 5m of the development property boundary the following information is to be submitted with the development application:
  - (a) identify the location of public trees and street tree vacancy sites within 5m of the property boundary on the site plans (contact Council to obtain location/s of street tree vacancy sites), and
  - (b) consider design options and feasibility to achieve the required offsets in accordance with Part B, section 2 of Council's Urban Forest Technical Manual, and
2. Council will specify the tree protection requirements for public trees that are to be retained as part of the conditions of consent.

Note: Public trees are assessed by Council and an Arborist report is not required to consider impacts on public trees.

## 5.03.07 Newcastle University Callaghan Campus

### Objectives

1. To improve the quality of vegetation on the Callaghan Campus.
2. To maintain the 'bushland campus' identity of the Callaghan Campus.
3. To ensure appropriate regeneration works are undertaken for vegetation which is removed or pruned for the purpose of a development.

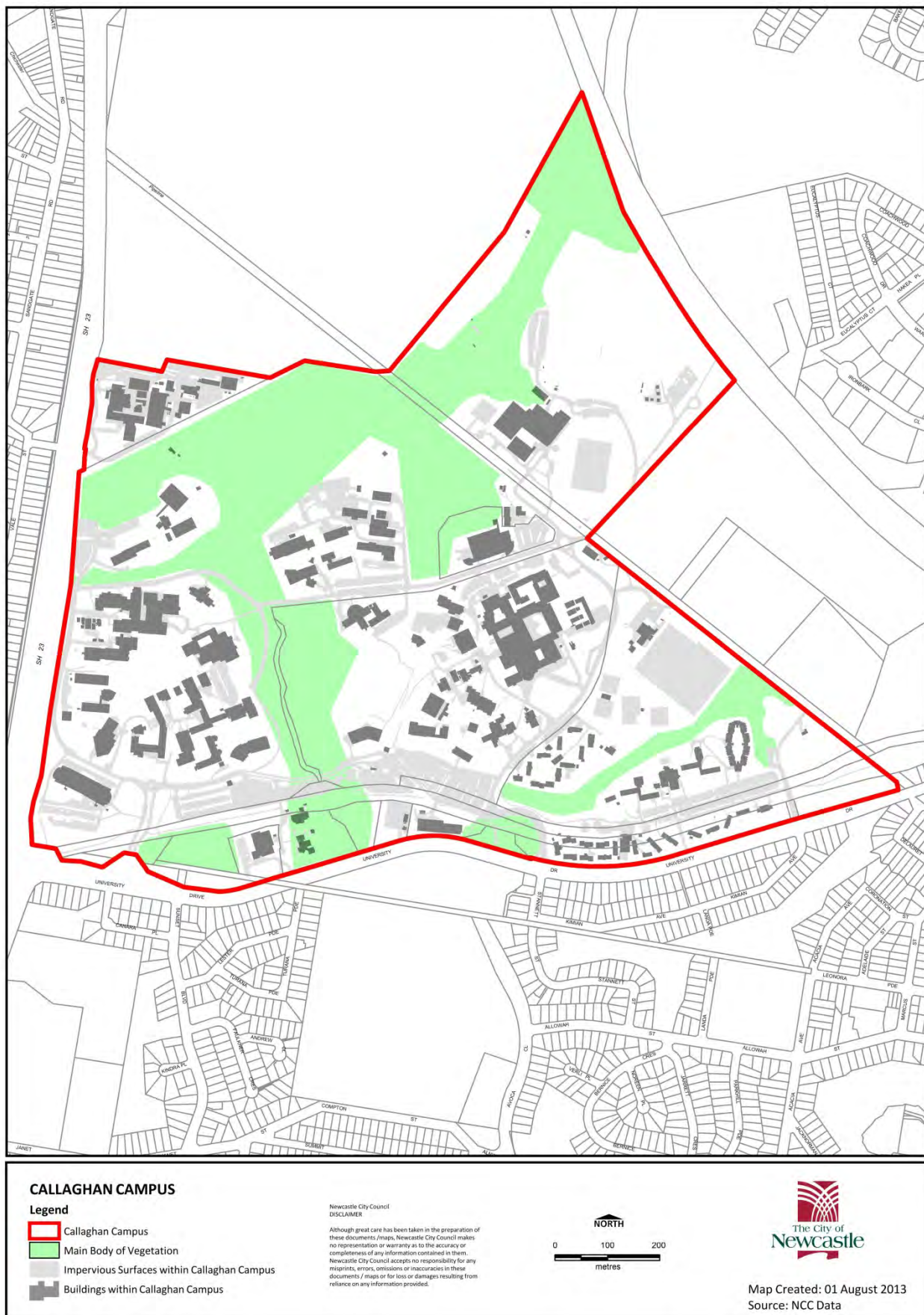
### Controls

The following controls apply to all land identified as the University of Newcastle Callaghan Campus as identified in Map 1

1. Compensatory works for the clearing or pruning of vegetation is to be undertaken in accordance with the provisions for the Callaghan Campus in the Urban Forest Technical Manual. The works are to be undertaken in a specific Bushland Management Zone as identified in the Landscape Management Implementation Plan Callaghan Campus 3 September 2012. The management zone where compensatory works will be undertaken is to be nominated in the development application.



**Map 1: Callaghan Campus**





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## 5.04 Aboriginal Heritage

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/09/2016	24/10/2016	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land to which Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

### Development (type/s) to which this section applies

Development that will, or is likely to affect, the heritage significance of an Aboriginal place or object.

### Related sections

The following sections of this DCP may also apply to development to which this section applies:

- 5.05 Heritage Items
- 5.06 Archaeological Management
- 6.02 Heritage Conservation Areas.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s (EPI) and legislation also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- *National Parks and Wildlife Act 1974.*
- National Parks and Wildlife Regulation 2009

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.



### Associated technical manual/s

- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, October 2010, Department of Environment, Climate Change and Water.
- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, September 2010; Department of Environment, Climate Change and Water.
- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*, April 2011, Office of Environment and Heritage, Department of Premier and Cabinet
- Newcastle Aboriginal Heritage Study, 2005.

### Additional information

Aboriginal cultural heritage regulation can be found at: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to in this section are defined within Part 9.00 - Glossary, of this plan, and include:

- **The Code** - refers to the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.
- **Aboriginal cultural heritage** means Aboriginal objects and declared Aboriginal places as defined under the *National Parks and Wildlife Act, 1974*.

Note: *The National Parks and Wildlife Act, 1974* defines **Aboriginal objects** as: any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place** means any place declared to be an Aboriginal place under Section 84.

### Aims of this section

1. To provide guidance to developers about appropriate investigations and assessments required to determine the likely impacts of a development on Aboriginal cultural heritage.
2. To encourage a precautionary approach to Aboriginal cultural heritage that supports conservation of Aboriginal heritage and places of significance to Aboriginal people.



## 5.04.01 Due diligence and development assessment

### Objectives

1. Ensure due diligence is followed before carrying out development that may harm Aboriginal objects.
2. Provide an integrated process for managing Aboriginal cultural heritage in the assessment of development applications.
3. Ensure there is an integrated process for managing Aboriginal cultural heritage and development assessment that considers the views of Aboriginal stakeholders.
4. Ensure reasonable steps are taken to consider if Aboriginal cultural heritage may be present and avoid harm to that heritage.
5. To ensure the effect of a proposed development on the heritage significance of an Aboriginal place or any Aboriginal object is considered by adequate investigation and assessment.

Note 1: *The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (the Code) provides a process whereby a reasonable determination can be made as to whether or not Aboriginal objects will be harmed by an activity, whether further investigation is warranted and whether the activity requires an Aboriginal Heritage Impact Permit (AHIP) application be submitted to the Office of Environment & Heritage.

Note 2: To find out if there are any notified Aboriginal objects or declared Aboriginal places on the land, check the Department of Environment and Heritage website.

### Controls

1. Where a development will disturb the ground surface, provide documentation to satisfy the consent authority that the due diligence process has been followed. The documentation should include (but is not limited to) the following:
  - A statement indicating the results of the AHIMS database search and any other sources of information considered.
  - A statement indicating whether there are landscape features that indicate the presence of Aboriginal objects.

Note: Aboriginal objects are often associated with particular landscape features such as rock shelters, sand dunes, waterways, waterholes and wetlands. Check the Code for more detailed information.

- A statement indicating whether the proposed development is likely to harm Aboriginal objects.
- A statement indicating whether an Aboriginal Heritage Impact Permit (AHIP) is required.

Note: Section 91 of the *Environmental Planning and Assessment Act, 1979* provides that a development is integrated development if it requires the grant of an Aboriginal Heritage Impact Permit under Section 90 of the *National Parks and Wildlife Act, 1974* in order for it to be carried out.



2. Where required, prepare an Aboriginal cultural heritage assessment to assess the impact of the proposed development on Aboriginal cultural heritage consistent with the Office of Environment and Heritage *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*.
3. Where required, prepare an Aboriginal cultural heritage assessment report consistent with the Office of Environment and Heritage *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* that includes strategies to avoid or minimise harm to Aboriginal objects and places of cultural significance.
4. Where the investigation and assessment requires the preparation of an Aboriginal cultural heritage assessment report, provide documentation to satisfy the consent authority that the relevant Aboriginal community and stakeholders have been involved in the decision making process.

Note 1: The investigation and assessment of Aboriginal cultural heritage is undertaken to assess the harm of a proposed development on Aboriginal objects and declared Aboriginal places and to identify those impacts that are avoidable and those that are not. Harm to significant Aboriginal objects and declared Aboriginal places should always be avoided wherever possible. Where harm to Aboriginal objects and declared Aboriginal places cannot be avoided, proposals that reduce the extent and severity of harm to significant Aboriginal objects and declared Aboriginal places should be developed.

Note 2: An Aboriginal cultural heritage assessment report is a written report detailing the results of the assessment and recommendations for actions to be taken before, during and after an activity to manage and protect Aboriginal objects and declared Aboriginal places identified by the investigation and assessment. The Aboriginal cultural heritage assessment report will support any application that you may make to the Office of Environment and Heritage for an Aboriginal Heritage Impact Permit (AHIP) where harm cannot be avoided.

**Source:** Office of Environment and Heritage website, [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)



## 5.05 Heritage Items

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to:

- land shown as a heritage item on the Heritage Map of Newcastle Local Environmental Plan (LEP) 2012 and described in Schedule E of the Newcastle LEP 2012.
- land in the vicinity of a heritage item on the Heritage Map of Newcastle LEP 2012 and described in Schedule E of the Newcastle LEP 2012.

### Development (type/s) to which this section applies

This section applies to all development requiring the consent of Council.

### Related sections

The following sections of this DCP **may** also apply to development to which this section applies:

- 5.04 Aboriginal Heritage
- 5.06 Archaeological Management
- 6.02 Heritage Conservation Areas.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instruments also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- *NSW Heritage Act 1977*.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.



## Associated technical manual/s

- *Technical Manual Heritage*, 2005, Newcastle City Council.

## Additional information

- *Altering Heritage Assets*, 1996, Heritage Office and Department of Urban Affairs & Planning, Sydney.
- *Architecture Newcastle: A Guide*, Barry Maitland and David Stafford, 1999, University of Newcastle and RAI.
- *Assessing Heritage Significance*, 2001, Heritage Office.
- *Burra Charter of Australia ICOMOS*, 1999, Australia ICOMOS, A.C.T.
- *California Bungalow in Australia*, Graeme Butler, 2003, Lothian Books.
- *Conservation Plan*, J.S. Kerr, 2001, National Trust of Australia (NSW).
- *Design in Context; Guidelines for Infill Development in the Historic Environment*, 2005, Heritage Office & RAI NSW Chapter.
- *EPBC Act Policy Statement 1.1 Significant Impact Guidelines - Matters of National Environmental Significance*, May 2006, Department of the Environment, Water, Heritage and the Arts.
- *Federation Architecture Guidelines*, 1982, Trevor Howells for Heritage Council of NSW.
- *Photographic Recording of Heritage Items Using Film or Digital Capture*, 2001 - Revised 2004, 2006, Heritage Office.
- *Commercial Limewashes Technical Notes*, 2007, Heritage Council of NSW.
- *Salt Attack and rising damp: A guide to salt damp in historic and older buildings*, 2008, NSW Heritage Council, with Heritage Victoria, South Australian Department for Environment and Heritage and Adelaide City Council.
- *Statements of Heritage Impact*, 1996, Revised 2002, Heritage Office & Department of Urban Affairs & Planning.
- *Repointing Lime Mortar Joints - some important points*, November 2006, Revised April 2009, Heritage Council of NSW.
- *Treating Biological Growths on Historic Masonry*, April 2005, Heritage Council of NSW.
- *Cracking of Buildings Due to Shrink/Swell in Clay Soils*, May 2004, Heritage Council of NSW.
- *Drought Related Cracking to Buildings*, January 2007, Heritage Council of NSW.

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.0 - Glossary of this plan, and include:

- **Building elements** – doors, windows, gutters, downpipes, chimneys, walls, shopfronts, roofs, stairs.
- **Building envelope** - the volume of the building on the site of the heritage item.
- **Bulk** – the total effect of the arrangement, volume, size, and shape of the building.
- **Character** – the combination of the individual characteristics or qualities of a neighbourhood, precinct or street.
- **Conservation** - all of the processes of conserving a place to retain heritage significance.



- **Conservation Management Plan** – a document prepared to conform with the publication *The Conservation Plan; A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance*, 1990, J.S.Kerr.
- **Contributory building** – a building that is associated with a significant historical period, substantially intact; and a building associated with a significant historical period, altered yet readily identifiable.
- **Curtilage** – the area of land surrounding a heritage item that is essential in retaining the heritage significance of the item.
- **Demolition** – in whole or in part, the damaging, defacing, destruction, removal, pulling down of the heritage item, building or work, in whole or in part.
- **Fabric** – the physical material of the place (including the building, site or area).
- **Facade** – the exterior walls of a building.
- **Facadism** – the practice of demolition of a building, retaining only the facade.
- **Form** – the overall shape and parts of the building.
- **Heritage buildings, sites and elements** – heritage items (including landscape and archaeological items, and building elements), buildings, works, relics, trees and sites within heritage conservation areas and heritage streetscapes.
- **Heritage impact statement** has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note. The definition is defined as a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

- **Heritage item** has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

- **Heritage significance** has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

- **Host building** – the existing building on the land that is the subject of an alteration or addition.
- **In the vicinity** – the surrounding context, environment or setting of a heritage item.
- **Infill development** – a new building in an established neighbourhood or precinct.
- **Intactness** – the degree of original elements, or elements from a significant period of development, which demonstrate the heritage significance of the building or group of buildings.
- **Internal fabric** – the interior fittings such as fireplaces, ceilings, joinery, walls, lifts, galleries, stairs, hardware and moveable items.



- **Intrusive building** – a building that has a negative effect on the character or heritage significance of a heritage conservation area.
- **Maintenance** – the ongoing protective care of the existing fabric, finish, appearance or setting of a heritage item or a building, work, tree, or place within a heritage conservation area or streetscape within a heritage conservation area. It does not involve the introduction of new materials or technologies.
- **Massing** – the size and volume of a building.
- **Scale** – the size of a building in relation to its surroundings.
- **Setbacks** – the horizontal distance from the building to a boundary or the building line in the case of houses in a street.
- **Setting** – the context within which a building or structure is situated in relation to the surroundings. Components that may be part of a setting includes nearby buildings, roof scapes, chimneys, valleys, ridges, view corridors, trees and parks, view corridors, vantage points and landmarks.
- **Verandahs** – located on the ground floor. Commonly seen on terrace houses and bungalows.

### Aims of this section

1. To provide controls based on best practice that support the adaptation, alteration and modification of structures and buildings that are listed as heritage items in Schedule 5 of Newcastle Local Environmental Plan 2012.
2. To ensure that development has a positive effect on the heritage significance of each heritage item.
3. To support development activity that is commensurate with the heritage significance of heritage items and produces good design and liveable streetscapes.
4. To maximise the adaptive re-use of heritage items.

## 5.05.01 General principles

### Objectives

1. Encourage the retention of existing heritage items.
2. Demonstrate an understanding of the heritage significance of items.
3. Encourage heritage items to be used for purposes that are appropriate to their heritage significance.
4. Maintain a suitable setting for the heritage item.
5. Encourage the removal of unsympathetic alterations and additions and reinstatement of original features and details.



6. Support ongoing maintenance, care and use of heritage items.
7. Encourage the whole of the building to be re-used.

## **Controls**

### General controls applying to all development on land consisting of a heritage item

1. Any development application for works to a heritage item is accompanied by a Heritage Impact Statement, Conservation Management Plan, or Conservation Management Strategy, as required by the Newcastle Local Environmental Plan 2012.
2. Development of a heritage item:
  - (a) is consistent with the Heritage Impact Statement, Conservation Management Plan or Conservation Management Strategy
  - (b) is consistent with the Statement of Heritage significance for the item
  - (c) protects the setting of the heritage item
  - (d) retains the significant internal and external spaces and to recycle, re-purpose and re-use fabric and building elements
  - (e) avoids “facadism” by using all of the components of the building including, but not limited to, the structure, floor, roof, floor and wall framing, fittings and finishes, fabric and materials
  - (f) removes alterations and additions that are unsympathetic to the heritage significance of the heritage item
  - (g) reinstates missing building elements and details
  - (h) uses materials, finishes, and colours that are appropriate to the architecture, style and age of the heritage item
  - (i) reinforces the dimensions, pattern and style of the original window and door openings of the heritage item
  - (j) maintains and repairs building elements in order to retain the heritage item in a serviceable condition commensurate with its heritage significance.

## **5.05.02 Integrating heritage items into new developments**

### **Objectives**

1. Ensure the heritage significance of heritage items is the starting point of design development.
2. Support innovation in the design process.



3. Minimise insensitive contrasts between new development and heritage items by encouraging customised solutions that integrate old and new.
4. Ensure that new work provides for the long term preservation of the heritage item.

### Controls

1. Where a conservation management plan or conservation management strategy, prepared for a heritage item, supports the incorporation of a development proposal with a heritage item, the design of the proposal includes appropriate measures to:
  - (a) ensure the heritage significance of the item is conserved. A written statement outlines how the proposal achieves the conservation of the item's heritage significance
  - (b) retain a suitable setting for the heritage item that enables the continued appreciation and integrity of the heritage item
  - (c) ensure that repair and stabilisation treatments to heritage items identified in the conservation and design process are carried out to promote the conservation of the item
  - (d) ensure that interventions do not affect the long term preservation of the fabric and construction of the heritage item.

## 5.05.03 Changing the use of a heritage item

### Objectives

1. Ensure the heritage significance of heritage items is the starting point for the change of use and design development.
2. Support innovation and new ideas in the selection of an appropriate use for a heritage item.
3. Encourage recycling of heritage items and significant internal fabric where the original design use is redundant.
4. Ensure heritage items may be utilised for a range of uses to promote occupation and ownership of heritage items.
5. Ensure heritage significance is retained while ensuring compliance with the *Building Code of Australia*.

### Controls

1. Any proposal for a change of use, including the adaptive reuse of a heritage item, demonstrates the following:
  - (a) compliance with the *Building Code of Australia* addressing the performance-based design solutions if necessary
  - (b) the new use minimises alteration of significant fabric and detailing, and incorporates existing fabric into the development proposal



- (c) alterations to the interior spaces minimise the effect on the exterior of the heritage item and promotes the integrity of the heritage item
  - (d) the significant original use of the heritage item is interpreted
  - (e) ensures that original crests, dates, logos, and building names are retained in situ
  - (f) minimises the impacts from the introduction of new services into the interior and the exterior of the heritage item.
2. The history of uses of a building is interpreted on the site in the form of interpretation panels, artefact and photographic displays, in situ retention of machinery and signage, and or artistic interpretation.

#### **5.05.04 Conserving significant elements of adjoining public domain**

##### **Objectives**

1. Ensure street furniture and other public domain items are sympathetic to the heritage item and landscape elements in the streetscape.
2. Conserve and retain significant historic features and treatments within the public domain.
3. Ensure work associated with either private development or public infrastructure does not have a negative impact on the heritage significance of public domain elements that have heritage significance.

##### **Controls**

1. Original paving treatments are retained and replicated in the repair and reinstatement of paved surfaces.
2. Timber post and rail ordnance fencing is repaired and reinstated in public domain projects.
3. Original or significant signposts, lamp posts, boundary markers, survey marks, flush-pavement street names, are retained in situ.
4. Sandstone steps, and sandstone kerb and gutter, are maintained in good order and kept throughout the local government area.
5. Masonry structures, including retaining walls are maintained in good order and kept throughout the local government area.
6. Where practical, new kerb and gutter, and/or new pram ramps are sited away from significant sandstone kerb and gutter and minimise the removal of historic concrete and linear sandstone.
7. Evidence of early road surfaces and concrete kerb and gutter are retained in situ.
8. Footway paving is selected to match the existing palette of paving materials in a precinct, and reconstructed to match the original pavement where it is missing or damaged.



9. Landscaping, including trees, gardens and horticultural elements of heritage significance are retained. Replacement species are to be selected based on the heritage significance of the heritage item.

### **5.05.05 Subdividing or amalgamating land on which a heritage item is situated**

#### **Objectives**

1. Ensure that subdivision and amalgamation of land involving a heritage item is commensurate with the heritage significance of the item and conserves the important characteristics of the subdivision pattern and allotment layout.
2. Ensure that subdivision and amalgamation of land involving a heritage item is appropriate with the setting of a heritage item.
3. Ensure that subdivision and amalgamation of land involving a heritage item maintains an appropriate curtilage for the conservation of heritage significance of the item.
4. Allow for the interpretation of the original pattern of the subdivision pattern in any development proposal.

#### **Controls**

1. Lot boundary changes not proposed where it is part of the heritage significance of the heritage item.
2. Lot boundary changes to heritage items retains significant features such as trees, gardens, and outbuildings associated with the heritage item.
3. Lot boundary changes to large allotments enables the continuation of the significant building pattern in the precinct or associated with the heritage item.

### **5.05.06 Development in the vicinity of a heritage item**

#### **Objectives**

1. Ensure development in the vicinity of heritage items is designed and located in such a way that the heritage significance of the heritage item is conserved.



## Controls

1. New development and alterations and additions in the vicinity of heritage items respects and enhances the setting and significance of the heritage item with regard to the following elements:
  - (a) building envelope
  - (b) proportions
  - (c) setbacks
  - (d) material and colours.
2. Development in the vicinity of heritage items respect the heritage item by:
  - (a) retaining adequate space around the heritage item to enable its interpretation
  - (b) conserving significant landscaping including horticultural features, trees, and outbuildings
  - (c) enabling archaeological sites to be conserved in accordance with relevant approvals
  - (d) retaining significant views and lines of sight to the heritage item.



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## 5.06 Archaeological Management



### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/09/2016	24/10/2016	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

### Development (type/s) to which this section applies

This section applies to all development consisting of excavation or site disturbance.

### Related sections

The following sections of this DCP **may** also apply to development to which this section applies:

- 5.04 Aboriginal Heritage
- 5.05 Heritage Items
- 6.02 Heritage Conservation Areas.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instruments and legislation also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- *NSW Heritage Act 1977*.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.



### Associated technical manual/s

- *Technical Manual Heritage*, 2005, The City of Newcastle
- *Newcastle Archaeological Management Plan*, 1997, Newcastle City Council.

### Additional information

- *Assessing Significance for Historical Archaeological Sites and 'Relics'*, 2009, Heritage Branch NSW Department of Planning.
- *Burra Charter of Australia ICOMOS*, 1999, Australia ICOMOS, ACT.
- *Guidelines for the preparation of Archaeological Management Plans*, 2009, Heritage Branch NSW Department of Planning.
- *Historical Archaeology Code of Practice*, 2006, Heritage Office, Department of Planning.
- *Historical Archaeological Sites: investigation and conservation guidelines*, 1993, Department of Planning Heritage Council New South Wales.
- *Revealing the Past: an Introduction to Historical Archaeology*, 2005, NSW Heritage Branch.
- *Skeletal Remains; Guidelines for Management of Human Skeletal Remains*, 1998, Heritage Office.

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary, of this plan, and include:

- **Archaeological Assessment** – a report prepared by a qualified archaeologist that conforms to the current reporting requirements of the NSW Office of Environment & Heritage.
- **Archaeological site** – (or site) a site identified in the Newcastle Archaeological Management Plan 1997; or the place or site of a relic or relics as defined in the *NSW Heritage Act 1977* as amended.
- **Conservation** - means all of the processes of conserving a place to retain heritage significance
- **Conservation Management Plan** – a document prepared to conform with the publication *The Conservation Plan*; a guide to the preparation of conservation plans for places of European cultural significance, J.S.Kerr, 1990.
- **Curtilage** – the area of land surrounding a heritage item or archaeological site that is essential in retaining the heritage significance of the item.
- **Demolition** – in whole or in part, the damaging, defacing, destruction, removal, pulling down of the heritage item, building or work, in whole or in part.
- **Excavation Permit** – a permit provided under Section 140 or Section 60 of the *NSW Heritage Act 1977*.
- **Exemption Notification Form s57(2)** – a permit provided under Section 57 of the *NSW Heritage Act 1977*.
- **Heritage Impact Statement** – also includes “Statements of Heritage Impact” – a document that conforms to the standards contained in the NSW Heritage Branch publication “Statements of Heritage Impact”, current version.



- **Heritage items, heritage buildings, sites and elements** – heritage items (including landscape and archaeological items, and building elements), buildings, works, relics, trees and sites within heritage conservation area and heritage streetscapes.
- **Heritage Significance** – historical, social, aesthetic, cultural, social, archaeological, architectural, scientific or natural significance.
- **In the vicinity** – the surrounding context, environment or setting of a heritage item or archaeological site.
- **Infill development** – a development proposal in an established neighbourhood.
- **Interpretation Plan** – a plan that presents the significant archaeological heritage of a site or property that is the subject of a development application.
- **Potential Archaeological site** – a place or site suspected of having a relic or relics present.
- **Preliminary Archaeological Assessment** – a report that investigates the archaeological potential and levels of significance of land prior to determination of development consent.
- **Relic** – the same as in the *NSW Heritage Act 1977* (as amended).
- **Research Design** – refers to the set of research questions and methodology developed for a site within a wider research framework.
- **Significance assessment** – an assessment of the heritage significance of predicted or known archaeological features.

### Aims of this section

1. To conserve the archaeological heritage of The City of Newcastle.
2. To apply world's best practice to the management of archaeological heritage.
3. To provide an integrated statutory process for managing the archaeological sites of the City of Newcastle.
4. To ensure that archaeological sites are considered during the development assessment process.

## 5.06.01 Archaeological management

### A. Predictive modelling

#### Objectives

1. Provide for the timely identification of potential archaeological sites.
2. Ensure that the findings of the Newcastle Archaeological Management Plan are considered when planning development in the city centre.
3. Ensure that high quality archaeological interpretation is an outcome of development activity.
4. Comply with the relevant provisions of the *NSW Heritage Act 1977*.



## Controls

1. Establish potential archaeological significance and location of archaeological sites or potential archaeological sites during the design development process.

Note: In the Newcastle City Centre refer to the Newcastle Archaeological Management Plan.

2. Assess archaeological significance of the potential or known archaeological site during the design development process.

## B. Managing archaeological resources

### Objectives

1. Ensure archaeological sites are managed in accordance with the requirements of the NSW *Heritage Act 1977*.
2. Manage archaeological sites in accordance with the assessed levels of heritage significance.

### Controls

1. Adhere to the recommendations of any archaeological assessment or preliminary archaeological assessment.
2. Manage archaeological sites in accordance with the requirements of the NSW *Heritage Act 1977*.

## C. Conserving archaeological resources

### Objectives

1. Conserve archaeological sites in accordance with the assessed levels of heritage significance.

### Controls

1. Adhere to the recommendations of any archaeological assessment or preliminary archaeological assessment.



## Part 6.00 Locality Specific Provisions



- 6.01 Newcastle City Centre
- 6.02 Heritage Conservation Areas
- 6.03 Wickham
- 6.04 Islington Renewal Corridor
- 6.05 Mayfield Renewal Corridor
- 6.06 Hamilton Renewal Corridor
- 6.07 Broadmeadow Renewal Corridor
- 6.08 Adamstown Renewal Corridor
- 6.09 Darby Street Cooks Hill
- 6.10 Beaumont Street Hamilton
- 6.11 Royal Newcastle Hospital Site
- 6.12 Minmi
- 6.13 Precinct Maps
- 6.14 11 Mosbri Crescent The Hill
- 6.15 Fort Wallace







## 6.01 Newcastle City Centre

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	-	September 2014	New
2	12/12/2017	17/04/2018	Amended
3	23/10/2018	16/11/2018	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to the Newcastle City Centre as shown in Figure 6.01 - 1 below.

**Figure 6.01-1: Newcastle City Centre Land Application Map**



### Development (type/s) to which this section applies

This section applies to all development consisting:

- New buildings or structures
- Additions or alterations to existing buildings or structures



## Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- State Environmental Planning Policy No 71 - Coastal Protection
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- Any applicable land use specific provision under Part 3.00
- 4.04 Safety and Security
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management

Note 1: Any inconsistency between the locality specific provision and the landuse specific provision, the locality specific provision will prevail to the extent of the inconsistency.

Note 2: Provisions within Section 6.01.04 - Key Precincts will have precedence over other sections of the DCP.

The following sections of this DCP **may** also apply to development to which this section applies:

- 3.01 Subdivision - where subdivision of land is proposed
- 4.01 Flood Management - all land which identified as flood prone under the Newcastle Flood Policy or within a PMF or area likely to flood.
- 4.03 Mine Subsidence - within mine subsidence area
- 5.01 Soil Management - works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination - land on register or where risk from previous use
- 5.03 Tree Management - trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage - known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items - known heritage item or in proximity to a heritage item.



- 5.06 Archaeological Management - known/likely archaeological site or potential soil disturbance
- 5.07 Heritage Conservation Areas - known conservation area
- 7.04 Movement Networks - where new roads, pedestrian or cycle paths are required.
- 7.09 Advertising and Signage
- 7.10 Street Awnings and Balconies - awnings or balconies located over public land

### **Associated technical manual/s**

- City Centre Public Domain Technical Manual

### **Definitions**

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan.

### **Additional information**

This Newcastle Development Control Plan (DCP) section provides detailed standards and guidance for development in Newcastle's city centre.

This section forms part of the community vision and is consistent with the provisions of the Newcastle Local Environmental Plan (LEP) 2012. It is to be read in conjunction with the LEP and other relevant sections of the DCP for the assessment of all development applications in the city centre.

This guide has been developed to consolidate and replace sections 6.01 and 6.02 of the Newcastle Development Control Plan 2012. This guide has performance criteria that explain the planning outcomes to be achieved. Accompanying the performance criteria are acceptable solutions that illustrate the preferred way of complying with the corresponding performance criterion. There may be other ways of complying with performance criteria and it is up to the applicant to demonstrate how an alternative solution achieves this.

### **Development Application requirements**

3D modelling: any application to carry out development that exceeds two storeys in height, or development that is in a "Key Precinct" is to be accompanied by a 3D file of the proposed development within in the context of the Newcastle CBD 3D model. The format should be compatible to that used by the City of Newcastle council.

The 3D Model should be used to develop the following information:

- context 'before' and 'after' streetscape drawings/images and/or photomontages;
- shadow diagrams; and
- assessment of impact on view corridors.



## Urban Design Consultative Group

Council has established an Urban Design Consultative Group to provide independent urban design and architectural advice on major development proposals within the Newcastle City Centre. The Urban Design Consultative Group is recognised by the Minister for Planning as a SEPP 65 Design Review Panel. In addition to providing advice on SEPP 65 matters, the Group may consider any development matters in accordance with the approved Charter for the Urban Design Consultative Group.

Note : Clause 7.5 (4) of the *Newcastle Local Environmental Plan 2012* requires an architectural design competition for certain types of development.

Clause 7.5 (6) of the *Newcastle Local Environmental Plan 2012* states that the consent authority may grant consent for a variation of up to 10% of the maximum floor space ratio or height control if the proposal has been reviewed by a Design Advisory Panel.



## 6.01.01 Introduction

### The vision

Newcastle City Centre will continue to grow and evolve to strengthen its position as the Hunter Region's capital. The city centre will reflect the Newcastle Community Strategic Plan 2030 vision to be a 'Smart, Liveable and Sustainable City', and the initiatives of the Newcastle Urban Renewal Strategy. Newcastle city centre will be an attractive city that is built around people and reflects our sense of identity.

*Image 6.01- 1: Potential public domain improvements to Crown Street, with active uses such as outdoor dining (Impression: Arup 2012)*



### Purpose of this section

This Development Control Plan section has been prepared as an implementation action of the Newcastle Urban Renewal Strategy. It integrates place-based planning for Newcastle East, Honeysuckle and Newcastle West. The Development Control Plan section contains a comprehensive set of planning and design guidelines. The design guidelines are derived from the characteristic features of distinct areas within the city centre.

### Aims of this section

1. To implement the Newcastle Urban Renewal Strategy
2. To integrate planning for Newcastle East, Honeysuckle and Newcastle West
3. To provide a comprehensive set of planning and design guidelines based on the characteristic of distinct areas within the city centre.

## 6.01.02 Character Areas

### A. Character Areas overview

Within the city centre there are a number of areas with distinct characteristics. These 'character areas' each have their own unique setting that provide opportunities for the ongoing renewal and revitalisation of the city centre. They are divided into areas based on their attributes, including topography, landscape, heritage, streetscape, land uses and built form. The character areas are described in the following character statements in this part and are identified in Figure 6.01-2.

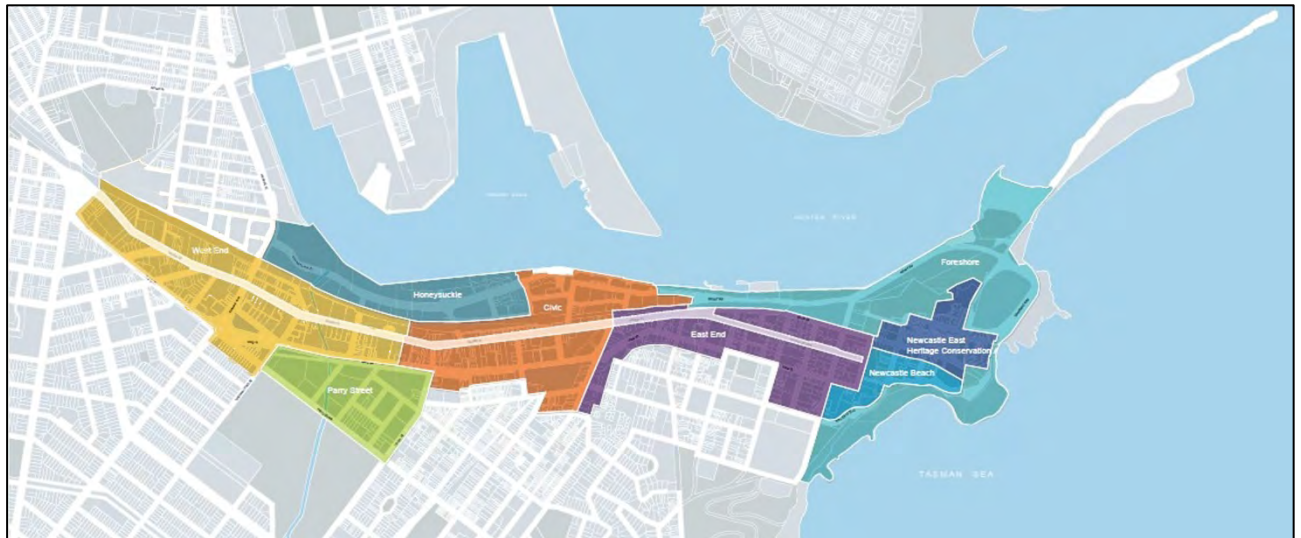
In addition to the character areas, seven 'key precincts' have been identified. The key precincts are focused around major public spaces in the city centre and have special provisions outlined in Part 6.01.04 of this DCP section that need to be considered.

This part contains the character statements and supporting principles for development within all character areas of Newcastle's city centre. The statements are place-specific and build on the existing urban structure, character of the neighbourhoods and important elements that will



contribute to the future quality of the area. The statements are supported by a number of principles that help reinforce and enhance the character of each locality.

**Figure 6.01-2: Character Areas Overview**



### **Overall principles**

1. The unique character of each Character Area is enhanced.
2. New development has regard to the fabric and character of each area in scale, proportion, street alignment, materials and finishes and reinforce distinctive attributes and qualities of built form.
3. Heritage items and their setting are protected.
4. Public spaces, including streets, lanes and parks maintain high levels of solar access.
5. Active frontages address the public domain.
6. Existing significant views and vistas to buildings and places of historic and aesthetic importance are protected.



## B. West End

This area is the western gateway to Newcastle's city centre and is an area of unrealised potential. It currently has showroom and bulky goods facilities, retail, car dealerships and self storage. The predominance of larger consolidated land holdings and fewer environmental and heritage constraints make this precinct ideally suited to become the future CBD of Newcastle. This precinct has fewer public domain assets. Improvement of public open space is needed to ensure the precinct is well-served as it evolves into a commercial precinct. Public domain opportunities include improvements to Birdwood Park, the Cottage Creek corridor and connections to the river foreshore. Public domain improvements should be in accordance with any adopted public domain plan of Council.

### Principles

1. New public spaces are created to meet the demands of the future CBD and existing public open spaces are improved, such as Birdwood Park and Cottage Creek. Opportunities for new publicly accessible spaces are identified.
2. Birdwood Park is recognised as an important element in the public domain network and as the western 'gateway' to the city centre.
3. New development fronting Birdwood Park addresses the park edge and promotes a sense of enclosure by being built to the street alignment. Any new development ensures adequate midwinter lunch time sun access to Birdwood Park.
4. Development along the former rail corridor, Cottage Creek, lanes or through-site links provide a building address to encourage activity, pedestrian and cycleway movement, and improve safety.
5. Building entries are inviting with activate frontages that allow visual permeability from the street to within the building.
6. Distinctive early industrial, warehouse and retail buildings that contribute to the character of the area are retained and re-purposed.
7. Heritage items and their setting are protected.

**Figure 6.01-3: West End Character Area**



**Image 6.01-2: Wood Street, view towards the Stores on Hunter Street**





## C. Honeysuckle

Honeysuckle is currently the premier locale for A-grade large floor plate commercial office development. A range of complementary uses include higher density residential development, restaurants and hotels which take advantage of Honeysuckle's prime position on the Hunter River foreshore. Honeysuckle has opportunities for significant public domain. The extension of the foreshore park westwards will form a continuous publicly accessible foreshore that extends from Maryville to Merewether around the city centre peninsula.

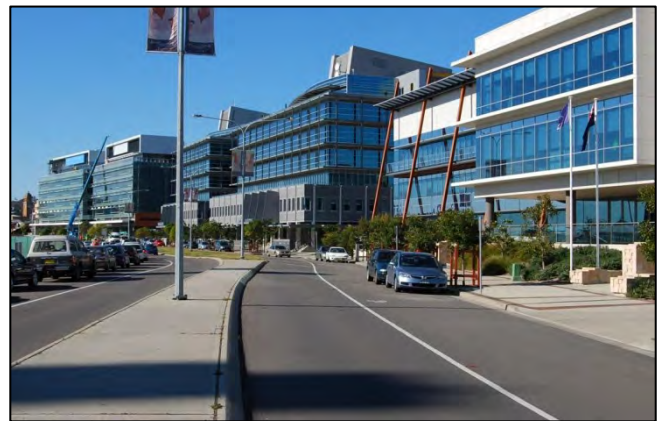
### Principles

1. Development between the former rail corridor and Honeysuckle Drive provides a building address to both frontages.
2. Development along the waterfront, Cottage Creek, lanes or through-site links provide a building address to encourage activity, pedestrian and cycleway movement, and improve safety.
3. Heritage items and their setting are protected Principles

**Figure 6.01-4 - Honeysuckle Character Area**



**Image 6.01-3: Honeysuckle Drive, A-grade commercial office building**



**Image 6.01-4: Honeysuckle waterfront, mixed-use development**





## D. Civic

Civic is the administrative, cultural and educational centre of Newcastle. It includes facilities that reflect Newcastle's importance as a major regional city such as Newcastle Museum, Newcastle Art Gallery and City Hall. It is the location of major public assets such as Wheeler Place and the Civic Theatre.

The relocation of the courts to Civic and the introduction of more educational facilities associated with the University of Newcastle will have a major effect on the future character and activity within this area. Smaller commercial spaces will redevelop as support services for the courts and the university, and an increased student population will create flow-on demand for housing, retail and other services.

### Principles

1. The pedestrian connection linking a number of the city's cultural buildings and spaces is reinforced, between Newcastle Art Gallery, through Civic Park and Wheeler Place, past the Newcastle Museum to the foreshore of the Hunter River.
2. Visual and physical connections through the area and between Civic and the Hunter River foreshores are opened.
3. Development between the former rail corridor and Hunter Street provides a building address to both frontages.
4. Public open space in the heart of Civic is improved and expanded through the addition of the Civic Link to complement and enhance Wheeler Place.
5. Development along publicly accessible spaces, lanes or through-site links provide a building address to encourage activity, pedestrian and cycleway movement, and improve safety.
6. Mid-winter lunch time sun access is protected to the footpath on the south side of Hunter Street and to Wheeler Place, Civic Link, Civic Park and Christie Place.
7. Distinctive early industrial, warehouse, and retail buildings that contribute to the character of the area are retained and re-purposed.
8. Development is encouraged that will support the role of Civic as the primary administrative, cultural and educational centre of Newcastle.
9. The expansion of Civic should extend northwards to link the Civic public realm to Newcastle Museum.

**Figure 6.01-5: Civic Character Area**



**Image 6.01-5: Christie Place, between University House and City Hall**





## E. Parry Street

The area to the north of National Park and south of King Street is currently a mixture of commercial development with some residential and retail development such as the shopping centre, Marketown. In the future, this precinct will be characterised by more high density residential development taking advantage of the good amenity offered by proximity to the city centre and National Park and available services such as retail, entertainment and employment opportunities.

**Figure 6.01-6: Parry Street Character Area**



**Image 6.01-6: Hall Street, an area in transition**



### Principles

1. Public domain spaces are improved to support the evolving character of the area into a high-density residential and mixed use precinct.
2. Distinctive early industrial and warehouse buildings that contribute to the character of the area are retained and re-purposed.
3. Development along Cottage Creek provides a building address to encourage activity, pedestrian and cycleway movement, and improve safety.

**Image 6.01-7: Parry Street, new residential development**





## F. East End

East End centres on the former Hunter Street Mall (between Perkins and Newcomen Street) and the terminus of Hunter Street at Pacific Park. The precinct is characterised by hilly topography and a mix of uses focusing on the retail spine of Hunter Street Mall. The subdivision is more finely grained than other areas of the city centre. A mix of heritage listed and historic buildings give this part of Newcastle a unique character and offer interesting and eclectic streetscapes.

### Principles

1. Hunter Street continues to be the main retail spine of the area, supported by a range of complimentary uses, including residential, commercial, entertainment and dining.
2. Hunter Street is recognised and enhanced as a major pedestrian space and an informal meeting place.
3. The historic fine grain character is maintained and enhanced.
4. Significant views to and from Christ Church Cathedral are protected, including views from Market Street and Morgan Street. Views to Hunter River are protected and framed along Market Street, Watt Street and Newcomen Street.
5. Vistas that terminate at significant heritage buildings are protected, such as Fort Scratchley.
6. Distinctive early industrial, warehouse and retail buildings that contribute to the character of the area are retained and re-purposed, including prominent corner buildings.
7. Existing laneways and pedestrian connections are enhanced.
8. Heritage items and their setting are protected. New buildings respect the setting of heritage buildings.
9. In-fill buildings, additions and alterations to respond to the height, massing and predominant horizontal and vertical proportions of existing buildings.
10. Recreational opportunities are created by establishing public space and pedestrian connections from Scott Street to the Hunter River foreshore.

**Figure 6.01-7: East End Character Area**



**Image 6.01-8: Hunter Street, view east**





## G. Newcastle Beach

With the redevelopment of Newcastle

Hospital, Newcastle Beach has emerged as the location of a cluster of high rise tourist and visitor accommodation and high quality residential apartments overlooking the beach.

Newer developments have been accompanied by high quality public domain improvements and good pedestrian through-site connections to the beach front. The area adjoins Newcastle East Heritage Conservation Area, so development on this edge must ensure sensitive transitions responding to the lower scale development in Newcastle East Heritage Conservation Area.

### Principles

1. The public domain and amenity is enhanced to support the high-density residential and hotel uses.
2. Pedestrian access is improved to Newcastle Beach.
3. New development addresses the street to provide a good interface with the public domain.
4. Development adjoining Newcastle East Heritage Conservation Area creates a transition in scale by aligning the scale, proportion, form and finishes of the associated buildings.
5. The high environmental quality of the area is maintained.

**Figure 6.01-8: Newcastle Beach Character Area**



**Image 6.01-9: Adaptive reuse of a heritage building**



**Image 6.01-10: Newcastle Beach**





## H. Newcastle East Heritage Conservation Area

Newcastle East Heritage Conservation Area is characterised by an intact heritage streetscape which is recognised by its inclusion as a Heritage Conservation Area in Schedule 5 of Newcastle LEP 2012, and by the number of state significant heritage items. It is a highly significant cultural landscape that provides a record of the early development of Newcastle.

The area is primarily residential with terrace housing dating from the late nineteenth century. Small corner shops and other ancillary retail or commercial uses are present. Terrace houses are built to the street boundary, with many featuring first floor verandas that overhang the footpath.

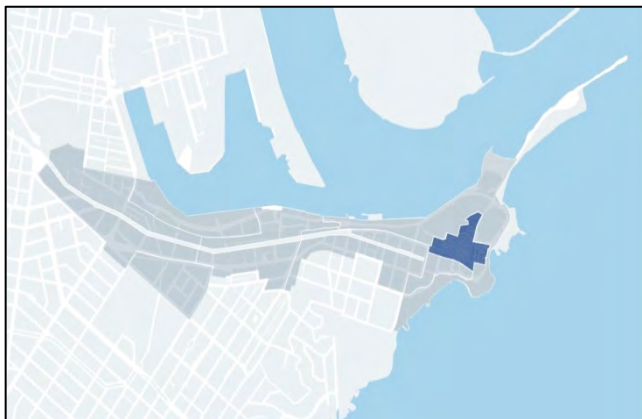
The fringes of the area feature heritage listed warehouses that have been converted for residential and commercial uses, and notable buildings including Fort Scratchley Historic Site, Boatman's Row, the Cohen Bondstore and Coutt's Sailors Home. The north edge of Newcastle East Heritage Conservation Area is bounded by the Coal River Precinct, a place of outstanding heritage significance listed on the NSW State Heritage Register.

Development in this area is subject to the provisions of the Newcastle DCP 2012 heritage provisions and the following principles.

### Principles

1. The heritage significance of Newcastle East Heritage Conservation Area is retained and conserved.
2. Development responds to and complements heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.
3. New development respects the scale, character and significance of existing buildings.
4. Existing views and vistas are maintained into and out of the area to the water and the foreshore parkland.
5. The continuity of Newcastle East's heritage conservation is retained and the diverse social mix of the area is maintained.

**Figure 6.01-9: Newcastle East Heritage Conservation Area**



**Image 6.01-11: Newcastle East Terraces**



**Image 6.01-12: Prominent corner building Newcastle East**





## I. Foreshore

The extensive foreshore is the primary open space asset of Newcastle's city centre. It showcases the city's unique natural setting, between the Hunter River and the Pacific Ocean. The foreshore provides public access linking the river and ocean waterfronts and is also the location of many significant heritage places such as Newcastle Railway Station buildings, Fort Scratchley, Customs House, the Ocean Baths and Nobbys Point lighthouse. Key public facilities can also be found in this precinct such as Nobbys Beach, Newcastle Beach, Queens Wharf, Nobbys Beach Surf

Pavilion, and the foreshore cycleway and promenade. Development must complement the leisure, recreation and heritage uses of the Foreshore area.

### Principles

1. The area is enhanced and continues to be the city's major recreational open space for Newcastle's workers, residents and visitors.
2. New public open space provides recreational opportunities for the community and key access links to the foreshore.
3. New development respects the scale, character and significance of existing buildings, especially heritage items.
4. New development promotes and facilitates the continuity of public access to the whole foreshore.
5. New development complements the use of public spaces as an events space.
6. Heritage items and their setting are protected, including the Aboriginal cultural heritage and non-Aboriginal archaeology.
7. The adaptive re-use of the Newcastle Railway Station maximises the long term potential of the site as a major visitor and community focal point.

**Image 6.01-14: Hunter River waterfront along Foreshore Park**



**Figure 6.01-10: Foreshore Character Area**



**Image 6.01-13: Ocean Baths**





## 6.01.03 General controls

### A. Building form

#### A1. Street wall heights

Street wall heights refer to the height of the building that addresses the public street from the ground level up to the first building setback. They are an important element to ensure a consistent building scale in streets that have a mix of uses, heritage items and infill development.

Street wall heights can provide a sense of enclosure to the street and contribute to the city's character through street alignment with appropriate street-width to building height ratios. They can also have a direct impact on sunlight access to the public domain.

#### Performance criteria

A1.1. Street wall heights of new buildings define and enclose the street, are appropriately scaled and respond to adjacent development.

#### Acceptable solutions

1. New buildings have a street wall height of 16m unless indicated otherwise in Figure 6.01-12.
2. Any development above the street wall height is set back a minimum of 6m, as shown in Figure 6.01-11.
3. Corner sites may be emphasised by design elements that incorporate some additional height above the nominated street height.

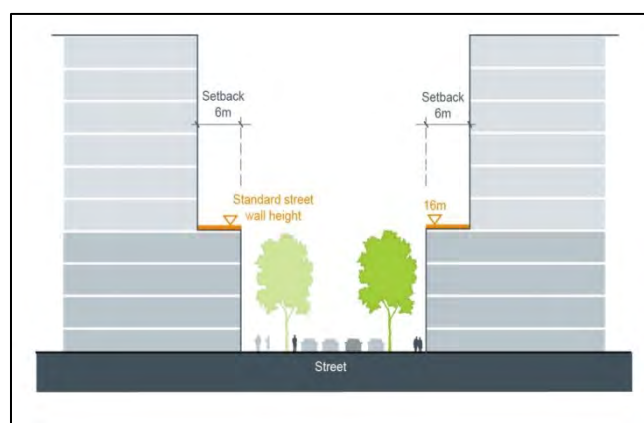
#### Alternative solutions

- The street wall height of new buildings may vary if the desired future character is to maintain the existing street wall height of neighbouring buildings, such as heritage streetscapes.
- Deeper setbacks above the street wall height may be needed for heritage buildings or conservation areas to maintain the scale of the streetscape and the setting of heritage items.
- Where it can be demonstrated that there will be no adverse impact in terms of overlooking, overshadowing, or streetscape appearance, a variation to the street wall height setback may be possible.

*Image 6.01-15: Consistent street wall heights help define the street*



*Figure 6.01-11: Section showing the typical 16m street wall height and typical 6m upper level setback*



*Image 6.01-16: Corners can be emphasised through change in architectural expression, material selection and design elements.*





Figure 6.01-12: Street wall heights plan



- 22m street wall height
- 18m street wall height
- 14m street wall height
- 10m street wall height
- 8m street wall height
- block pattern
- public open space
- city centre boundary



## A2. Building setbacks

A building setback is the distance between the building and the street boundary, a neighbouring site, waterfront, or any other place needing separation. Building setbacks can enhance development and its relationship with the adjoining sites and the public domain, particularly in terms of access to sunlight, outlook, view sharing, ventilation, wind mitigation and privacy.

In a city centre it is desirable to locate the frontage of lower levels (the podium) on the street boundary to give strong definition to the street and create setbacks in the upper building elements.

### Performance criteria

A2.1. Building setbacks define and address the street and public domain spaces, and respond to adjacent buildings.

### Acceptable solutions

1. Front setbacks are nil (zero) unless shown otherwise in Figure 6.01-13 and Table 6.01-1.
2. Where it is not possible to meet the setbacks in Figure 6.01-13 and Table 6.01-1 new development aligns with the adjoining front setbacks.
3. When a setback is used, footpaths, steps, ramps and the like may be provided within it.
4. Minor projections beyond the setback are possible for Juliette balconies, sun shading devices, and awnings. Projections into the setbacks are complementary to the style and character of adjoining buildings.

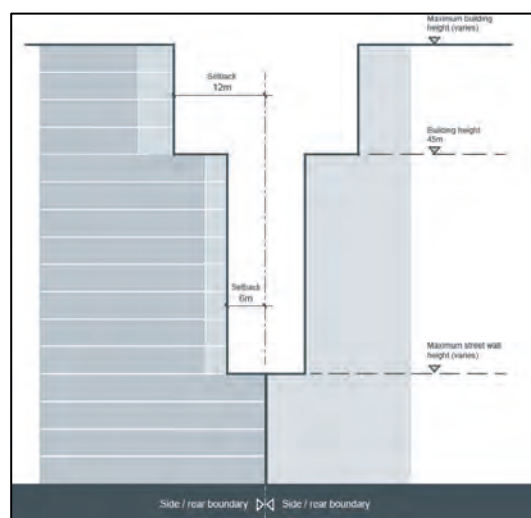
**Table 6.01-1: Minimum setback for side and rear boundaries**

Minimum setback for side and rear boundaries		
Part of building	Side boundary	Rear boundary
Below street wall height	Nil	Nil
Between street wall height and 45m	6m	6m
Above 45m	12m	12m

**Image 6.01-17: Front building line is located on the boundary to define the street.**



**Figure 6.01-13 Section illustrating minimum side and rear setbacks**





### ***Performance criteria***

A2.2 Side and rear setbacks enhance amenity and allow for ventilation, daylight access, view sharing and privacy for adjoining buildings.

### ***Acceptable solutions***

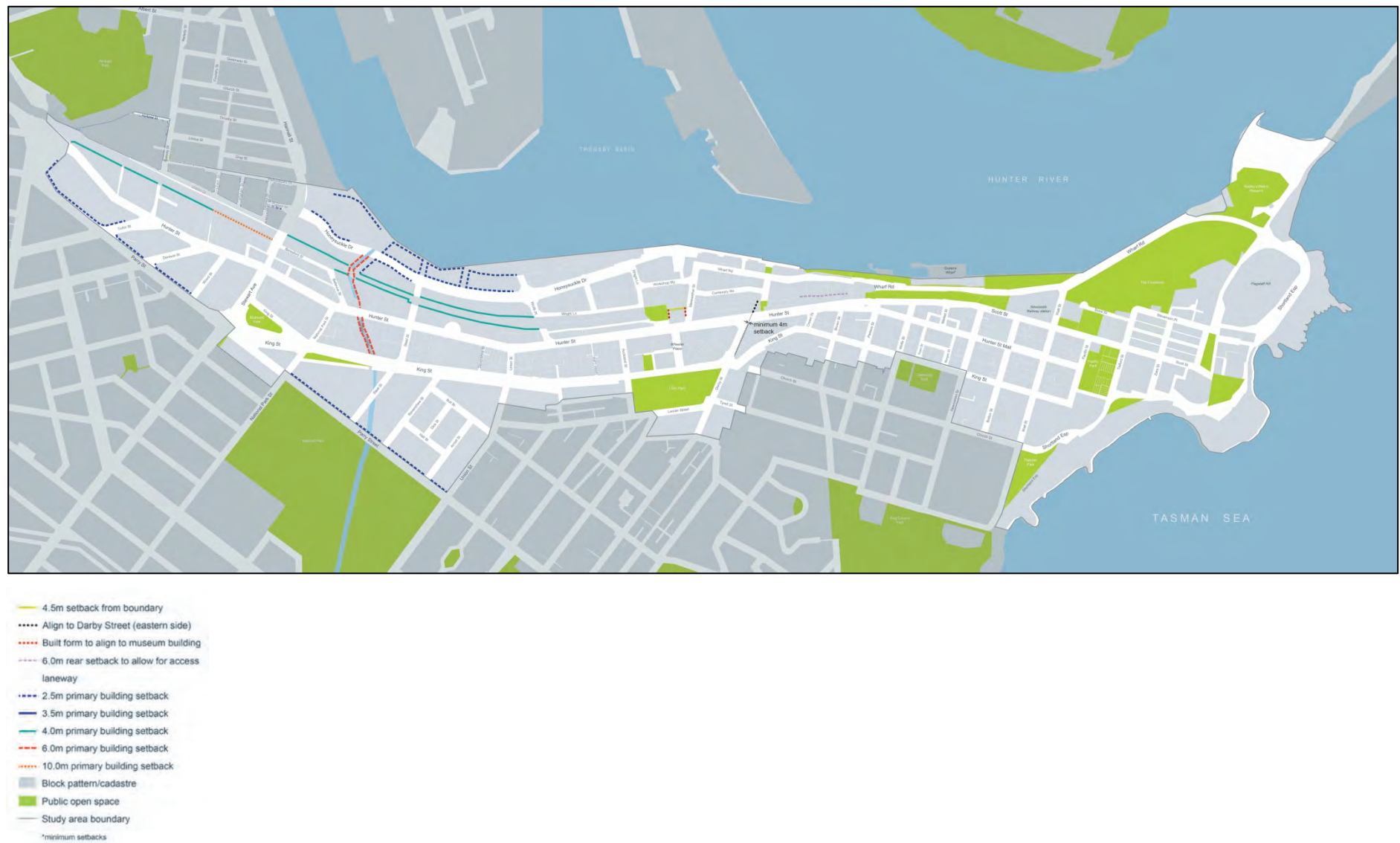
1. Development may be built to the side and rear boundary (a nil setback) below the street wall height.
2. Commercial development above street wall height is consistent with the side and rear setbacks outlined in Table 6.01-1 and Figure 6.01-13.

### ***Alternative solutions***

- Where there is no adjoining development to respond to, half the separation distances to boundary recommended in the Apartment Design Guide may be acceptable.
- Where there are no openings within the wall, the side setbacks are consistent with Table 6.01-1 and Figure 6.01-13



Figure 6.01-14: Building setbacks plan





### A3. Building separation

Building separation is the distance between two or more buildings on the same site. Building separation ensures ventilation, daylight access, view sharing and increased privacy between neighbouring buildings. In residential buildings and mixed-use buildings, separation between windows and balconies from other buildings is particularly important for privacy, acoustic amenity, view sharing and sun access.

Building separation can also enhance the built form by visually separating building elements that can result in more usable public domain spaces in terms of mitigating wind impact and ensuring daylight access. Building separation provided at lower levels, between buildings on the same site, can visually break long building frontages and provide opportunities for mid-block through-site links that connect to other streets or open space.

#### Performance criteria

A3.1. Sites that accommodate more than one building achieve adequate daylight, ventilation, outlook, view sharing and privacy for each building.

#### Acceptable solutions

1. Buildings achieve the minimum building separation for commercial buildings within the same site, as shown in Table 6.01-2 and Figure 6.01-14.
2. Building separation distances may be longer for residential and mixed-use developments to satisfy SEPP 65 guidance.
3. Sites with a road frontage 100m or greater include separation between buildings to maximise view corridors between the buildings and provide appropriate through-site links.

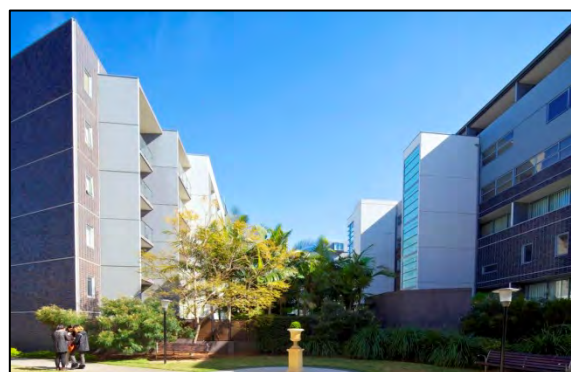
**Table 6.01-2: Minimum building separation**

Minimum building separation			
Up to 16m	Up to 45m	Above 45m	
Nil or 6m for link		9m	21m

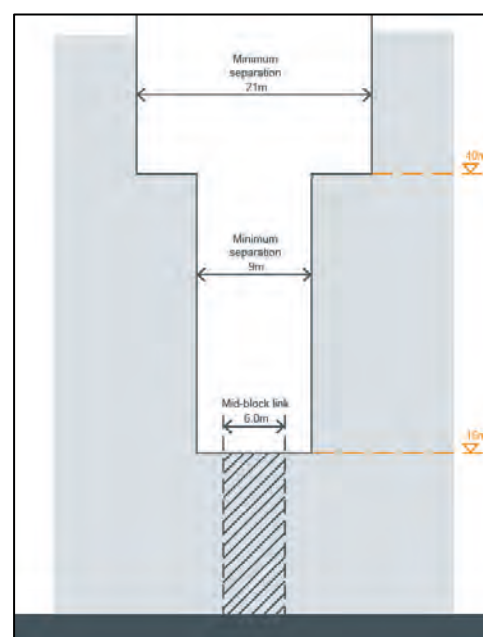
**Image 6.01-18: Solid walls with non-habitable room windows are used for end elevations to manage privacy impacts**



**Image 6.01-19: Building separation in this residential development allows for ventilation, daylight access, view sharing and privacy**



**Figure 6.01-15: Section showing minimum separation distances between buildings within the same site and a minimum 6m separation where a through-site link is required.**





## A4. Building depth and bulk

The size of building floor plates has a direct

impact on building bulk and urban form. Setting a maximum size of floor plates is also important to allow for ventilation, daylight access, view sharing and privacy in neighbouring development and the public domain.

### Performance criteria

A4.1. Building depth and floor plate sizes relates to the desired urban form and skyline of the city centre.

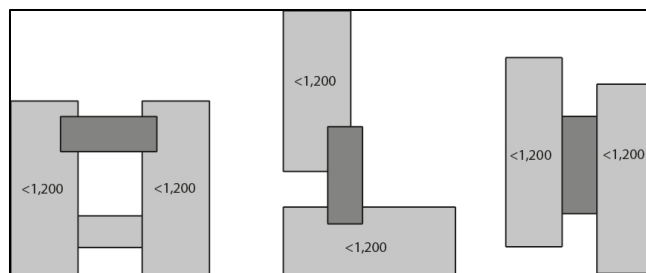
### Acceptable solutions

1. Buildings achieve the maximum building depth and floor plate sizes as outlined in Table 6.01-3.
2. Buildings with large floor plates are expressed as separate building elements, as shown in Figure 6.01-15.
3. Buildings above street wall height have a maximum building length of 50m.
4. Floor plates are flexible and allow adaption for multiple configurations or uses.

**Table 6.01-3: Maximum building depth and floor plate size**

Maximum building depth and floor plate size			
Building typology	Floor plates affected	Maximum GFA per floor	Maximum building depth
Campus style commercial building	All floor plates Honeysuckle	2500m <sup>2</sup>	25m
Commercial tower	Above street wall height	1200m <sup>2</sup>	25m
Residential tower	Above street wall height	900m <sup>2</sup>	18m

**Figure 6.01-16: Commercial buildings with large floor plates expressed as separate building elements of not more than 1200sqm.**



**Image 6.01-20: Buildings with large floor plates expressed as separate building elements**





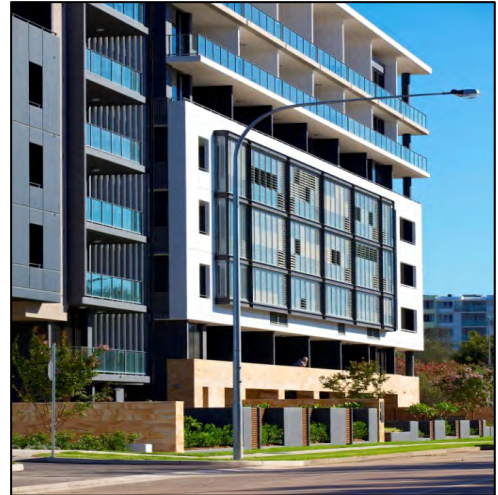
### **Performance criteria**

- A4.2. Buildings achieve good internal amenity with minimal artificial heating, cooling and lighting.

### **Acceptable solutions**

1. Workspaces in office buildings achieve adequate natural light. Design solutions include windows, atria, courtyards or light wells and by locating workspaces within 10-12m from a window or daylight source.
2. Consider opportunities to incorporate natural ventilation for commercial and mixed use development. Design solutions include the use of cross ventilation or stack effect ventilation via atria, light wells or courtyards to reduce reliance on artificial sources.

**Image 6.01-21: A well articulated building which differentiates between a base, middle and top, featuring high quality façade materials and adopts materials that are typical of the area.**



## **A5. Building exteriors**

The design of building exteriors create visual interest to the streetscape and unify developments of different styles and lot widths. Detailed architectural treatments, materials, finishes and colour have the potential to reference the history of the precinct and shape the future character of the area.

**Image 6.01-22: This building defines the corner and features active uses on the ground floor and a well articulated facade.**



### **Performance criteria**

- A5.1. Building exteriors feature high quality design with robust materials and finishes.

### **Acceptable solutions**

1. Materials and finishes complement the character of the precinct.
2. External walls are constructed of high quality and durable materials and finishes with low maintenance attributes such as face brickwork, rendered brickwork, stone, concrete and glass.
3. An exterior material and finishes sample board and schedule shall be submitted with development application to show the quality of the materials proposed.

### **Performance criteria**

- A5.2. Building exteriors make a positive contribution to the streetscape and public domain.

### **Acceptable solutions**

1. Buildings are articulated to differentiate between the base, middle and top.



2. Visually prominent parts of buildings such as balconies, overhangs, awnings, and roof tops are of high design quality.
3. Roof lines are to be designed to create a visually interesting skyline with roof plant and lift overrun integrated into the overall architectural design of the building.
4. Facades do not incorporate large expanses of a single material, including reflective glass

**Image 6.01-23: Balconies and terraces that overlook public spaces contribute to safety and natural surveillance.**



### **Performance criteria**

- A5.3. Building exteriors are designed to ensure a positive contribution to streets and public spaces.

### **Acceptable solutions**

1. Building exteriors clearly define the adjoining streets, street corners and public spaces, designed with safety in mind and easy to navigate for pedestrians.
2. Where development exposes a blank wall a visually interesting treatment is applied to the exposed wall.
3. Balconies and terraces are provided where buildings overlook parks and squares to contribute to casual surveillance.
4. External building facade lighting is integrated with the design of the building and contributes to the character of the building and surrounding area.

**Image 6.01-24: Detailed design and building articulation along the street edge adds interest to the pedestrian environment.**



### **Performance criteria**

- A5.4. Building exteriors respond to adjoining buildings.

### **Acceptable solutions**

1. Adjoining buildings are considered in terms of:
  - (a) appropriate alignment of building line, awnings, parapets, cornice lines and street wall heights
  - (b) setbacks above street wall heights
  - (c) selection of materials and finishes
  - (d) façade proportions including horizontal or vertical emphasis
  - (e) detailing of the interface with adjoining buildings.



## A6. Heritage buildings

This section applies to the assessment of building or alteration work (including demolition) of heritage items listed in Schedule 5 of the Newcastle LEP 2012 that requires development consent.

Additional guidelines for development within Heritage Conservation Areas are provided in the Newcastle DCP 2012, Heritage Technical Manual, City of Newcastle Heritage Strategy and the Newcastle East Heritage Conservation Area City Character Area contained in Part 02 of this Development Control Plan.

Within the city centre there are numerous heritage items of state and local significance that reflect the city's history and culture and make it unique. Retaining heritage buildings is an essential element in revitalising Newcastle.

The city centre contains a concentration of heritage items and streetscapes typified by late 19th and early 20th century buildings of between two and six storeys of a consistent scale, form and character. Many of these buildings have architectural emphasis at the skyline in the form of tower elements and parapet detail. The rich architectural detail of many heritage items is a distinctive characteristic of the Newcastle city centre.

*Image 6.01-25 Repurposing of a heritage structure at Honeysuckle into the Newcastle Museum.*



### **Performance criteria**

A6.1. Development conserves and enhances the cultural significance of heritage items.

### **Acceptable solutions**

1. A heritage management report, prepared by a suitably qualified heritage specialist, ensures the proposal achieves this performance criteria.
2. New development is consistent with the strategic actions of the City of Newcastle Heritage Strategy and the principles of the Newcastle Heritage Policy 2013
3. New development enhances the character and heritage significance of heritage items, heritage conservation areas, archaeological sites or places of Aboriginal heritage significance.
4. Views and sight lines to heritage items and places of historic and aesthetic significance are maintained and enhanced, including views of the Christ Church Cathedral, T&G Building, Newcastle Courthouse and former Post Office.



## ***Performance criteria***

A6.2. Infill development conserves and enhances the cultural significance of heritage items and their settings.

## ***Acceptable solutions***

1. Design infill development to respond to the scale, materials and massing of adjoining heritage items. Design solutions include:
  - (a) aligning elements such as eaves lines, cornices and parapets
  - (b) responding to scale proportion, pattern, form or rhythm of existing elements such as the structural grid
  - (c) complementary colours, materials and finishes.
2. Infill development responds to heritage items, historic streetscapes, contributory buildings and the public domain using best practice methods, design philosophies and approaches.
3. Archaeologically excavate and expose the item, and if possible, retain item in situ for permanent public display, allowing for sufficient set back to allow the item to be interpreted by the public. Where items cannot be retained in-situ ensure that the archival recording of the item is of sufficient standard that it can be used for interpretative purposes.
4. Prepare content which communicates and promotes the understanding of the historical context of the archaeological item and allow for content to be provided on an appropriate physical or digital platform.

***Image 6.01-26 Combining contemporary infill with heritage buildings creates an interesting relationship between old and new.***



***Image 6.01-27 The wharf building at Walsh Bay in Sydney is an example of successful adaptive reuse of heritage items.***



***Image 6.01-28: This historic marine building has been transformed into the Honeysuckle brewery, a popular destination on the waterfront.***





### **Performance criteria**

A6.3. Alteration and additions respond appropriately to heritage fabric and the items cultural significance.

*Image 6.01-29: The Grand Hotel in Newcastle, built in 1890, has been altered a number of times while retaining its historic integrity.*

### **Acceptable solutions**

1. New building work and uses encourage adaption that has minimal impacts and is low maintenance.
2. Internal and external alterations and additions are designed as a contemporary layer that is readily identifiable from the existing building, responding to but not mimicking its forms of architectural details. Design solutions include separating new work from old by:
  - (a) incorporating generous setbacks between existing and new fabric
  - (b) glazed voids between new additions and the existing building
  - (c) using shadow lines and gaps between old and new work
  - (d) using lighting, materials and finishes that enhance and reveal aspects of the heritage item.
3. Employ innovative design strategies to deal with existing physical aspects of heritage buildings that may not be ideal for the proposed new use. Design solutions may include:
  - (a) introducing generously sized voids to improve access to natural light and ventilation when building depth is greater than recommended.
  - (b) facilitate sunlight access in heritage items by using the full depth of rooms and introducing skylights and clerestory windows where ceiling heights are high.
  - (c) expose services, wall and ceiling framing, particularly in public areas and foyers, to reveal the significant internal fabric of heritage items.
  - (d) exposing, re-using and interpreting the fabric of existing interiors.



### **Performance criteria**

A6.4. New building elements support future evolution of the heritage item

### **Acceptable solutions**

1. Alterations are reversible and easily removed.
2. Primary and significant fabric is retained including structure.
3. New work is physically set-off the existing fabric.
4. Alterations and additions allow the ongoing adaptation of the heritage item in the future.



### **Performance criteria**

A6.5. Employ interpretation treatments when altering, adapting or adding to a heritage item.

**Image 6.01-30: Example of a supermarket integrated into a heritage building in Pyrmont Sydney**

### **Acceptable solutions**

1. Expose the fabric of heritage items by removing later additions that obscure and detract from heritage fabric.
2. Incorporate contemporary insertions in the building in a manner that allows the building layers to be readily identifiable and appreciated.
3. Provide interpretive treatments. Design solutions include:
  - (a) displays of artefacts and objects associated with the heritage item in foyers and public areas.
  - (b) public art that references the cultural significance of the heritage item.



### **Performance criteria**

A6.6. Encourage new uses for heritage buildings.

### **Acceptable solutions**

1. Employ innovative design strategies to enable heritage items and contributory buildings to accommodate new uses. Design solutions may include new building elements/additions that expand the existing envelope of the heritage building while still respecting and minimising impact on cultural significance.
2. Use innovative approaches to provide car parking where the provision of a basement or other onsite car parking is not possible. Design solutions include:
  - (a) allowing heritage building to provide less car parking than is normally required for that land use, or no car parking where not physically possible
  - (b) using car share schemes
  - (c) sharing space within existing nearby car parking structures

### **Alternative solutions**

Key development controls or standards may need to be varied for adaptive re-use residential projects to facilitate appropriate heritage responses and development viability.

Standards and controls that may need to be varied relate to:

- building and room depths
- building separation
- visual privacy
- deep soil requirements
- car parking requirements
- common circulation in apartment buildings



## A7. Awnings

Awnings increase the usability and amenity of public footpaths by protecting pedestrians from sun and rain. They encourage pedestrian activity along streets and in conjunction with active edges, such as retail frontages, support and enhance the vitality of the local area. Awnings, like building entries, provide a public presence and interface within the public domain and contribute to the identity of a development.

### Performance criteria

A7.1. Awnings provide shelter for public streets where most pedestrian activity occurs.

### Acceptable solutions

1. Continuous street frontage awnings or weather protection to entrances are provided for all new developments in areas requiring an active frontage on Figure 6.01-25 (B3 Active street frontages).
2. Awnings are continuous to ensure pedestrian amenity.

### Performance criteria

A7.2. Address the streetscape by providing a consistent street frontage in the City Centre.

### Acceptable solutions

1. Awnings are generally flat or near flat and similar to the prevailing awning of each particular streetscape and in keeping with the design of the building.
2. Awnings that break the continuity of the edge fascia with strongly geometrical forms such as triangular or barrel vaulted shapes are avoided.
3. First floor verandahs are permitted in the East End and Newcastle East Character Areas where they are designed to be sympathetic with the overall form, proportion and division of bays of the buildings to which they are attached.
4. Awnings attached to residential terraces are designed in a manner that responds to the division of buildings into vertical bays.

*Image 6.01-31: Simple awning design that responds to the building proportions.*



*Image 6.01-32: Awning contributes to the character of the heritage building.*





## A8. Design of parking structures

On-site parking includes underground (basement), surface (at-grade) and above ground parking, including parking stations. Underground and semi-underground parking minimises the visual impact of car parks and is an efficient use of the site, which creates the opportunity to increase communal and private open space.

High water table and mine subsidence and the impact of these on development feasibility means that above ground car parking structures are often the only way to accommodate on-site parking in Newcastle. A well designed car parking structure is an opportunity to introduce innovative design to the city, whether it is a new build, freestanding, retrofit or part of an integrated mixed use development.

Parts of Newcastle city centre are flood prone. In these areas, if basement car parking is provided, it should be designed to minimise the potential for inundation during a flood event.

Note: Traffic, parking and access controls for the city centre are covered by Newcastle DCP 2012 Section 7.03. This section contains additional provisions for managing the visual impact of car parking in the city centre.

*Image 6.01-33: Example of a screened above-ground carpark within a commercial development with ground floor uses in Parramatta. The screen could be improved with a custom art work or green cover.*



### Performance criteria

A8.1. At-grade or above-ground parking structures are well designed.

*Image 6.01-34: Example of above-ground car park screening addressing the side street, Melbourne*

### Acceptable solutions

1. Proposed at-grade or above-ground parking structures whether freestanding or part of larger developments in the city centre are to be reviewed and endorsed by Council's Urban Design Consultative Group prior to be lodged for development consent as:
  - (a) having fulfilled the requirements of Newcastle DCP 2012 Section 7.03.04 Clause B Parking areas and structures
  - (b) being well designed and well integrated with the streetscape and ground plane of the particular site and minimise the visual impact of parking structures
  - (c) Consultative Group confirms that development meets the performance criteria.





## Performance criteria

A8.2. Minimise the visual impact of at grade or above-ground parking structures.

## Acceptable solutions

1. All parking is provided within the building footprint either within basements or well integrated into the building's design using materials and architectural façade treatments that are common to the rest of the development.
2. Where on-site parking cannot be provided within the building footprint it is located to the side or rear and not visible from the primary street frontage.
3. Access to above ground car parking is located in side or rear streets or lanes.
4. At-grade or above-ground car parking is screened from view from public spaces. Design solutions include:
  - (a) green walls and roofs
  - (b) solar panels incorporated into screens and awnings over car parking
  - (c) architecturally designed façade treatments that incorporate artworks
  - (d) using car park roof tops for community facilities such as tennis courts
  - (e) sleeved by active and/or other uses as per Figure 6.01-16 and Figure 6.01-17.

## Performance criteria

A8.3. Basement car parks are designed to provide protection against flooding.

## Acceptable solutions

1. The design of entry ramps, ventilation points and pedestrian exits prevents water entering the basement until the last possible moment in a flood event, as shown in Figure 6.01-18. Design solutions include warning signage of the hazard and the route to safe refuge affixed in prominent locations.

**Figure 6.01-17: Diagram showing sleeved car parking**

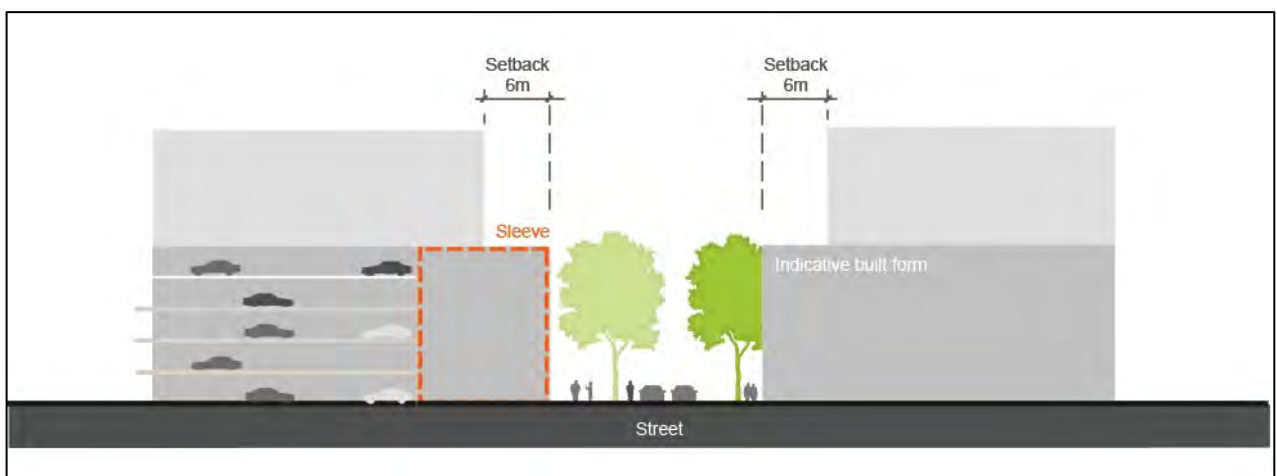




Figure 6.01-18: Diagram showing screened car parking

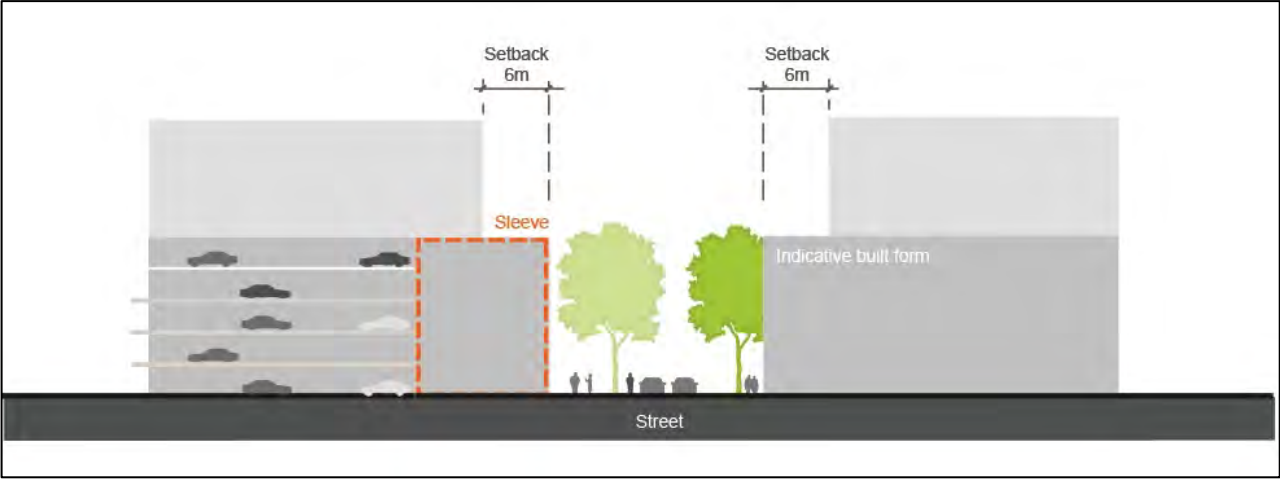
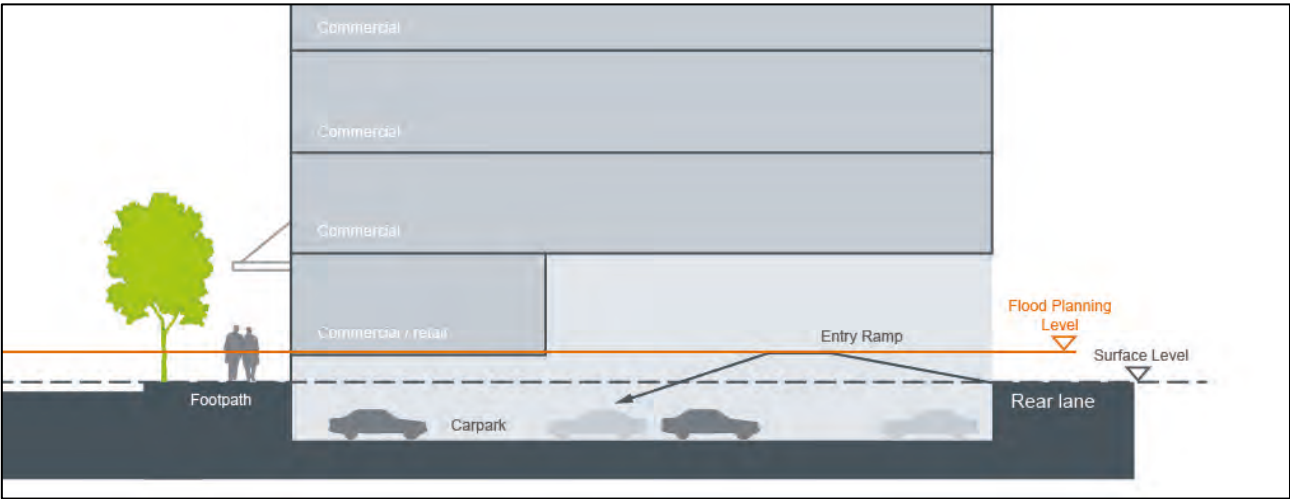


Figure 6.01-19 Basement ramp design to minimise inundation





## **A9. Landscaping**

### ***Performance Criteria***

A9.1 New development incorporates landscaping and communal open space that respects the desired character of the streetscape, adjoining land and public spaces.

### ***Acceptable solutions***

1. Landscaping and communal open space is provided having regard to the desired streetscape character, building setbacks and relationship to public open space.
2. Landscaping on upper levels and roof tops through the use of roof and wall gardens is encouraged in compliance with Section 7.02.07 Green walls and roof space.
3. Private open space areas which adjoin public open space complement the landscape character of the public open space.
4. Residential buildings in the city centre do not require the provision of a deep soil zone.



## B. Public domain

### B1. Access network

Streets and lanes provide pedestrian and vehicle connections through the city at all hours. The structure of the access network determines how permeable movement is through the city. Pedestrian activity can be encouraged by developing a fine-grain, connected and legible street and lane network that integrates pedestrians, cycling and public transport.

The promotion of active transport (walking and cycling) increases activity in the city centre by increasing the opportunities for people to move around. More activity equates to a higher retail spend. Active transport promotes well-being and reduces the environmental impacts of congestion. It is critical that streets and bike networks are safe, attractive and well connected to promote active transport.

#### *Performance criteria*

B1.1 Streets prioritise pedestrian, cycling and public transport users to support sustainable travel behaviour.

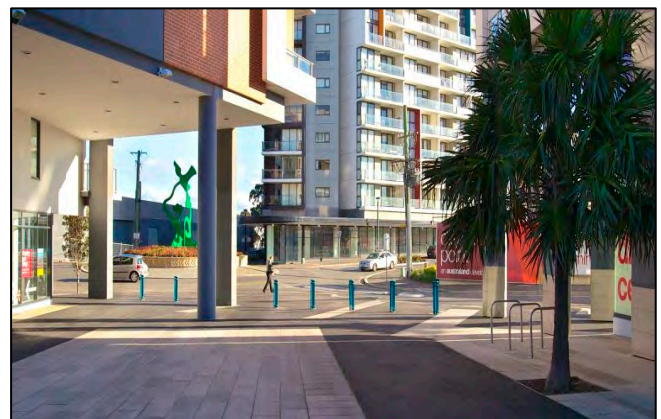
#### *Acceptable solutions*

1. Improved and new pedestrian connections are as shown in Figure 6.01-19 and are designed in accordance with the City Centre Public Domain Technical Manual.
2. Sites with a street frontage 100m or greater incorporate additional pedestrian connections to improve access and permeability.
3. New pedestrian connections are within comfortable walking distance to public transport.
4. Streets and lanes are connected to encourage pedestrian use.
5. Way finding signage is incorporated and clearly defined.

*Image 6.01-35: Streets need to provide space for cars but also cater for pedestrians, cyclists and public transport users.*



*Image 6.01-36: A network of integrated and legible connections link the city's public spaces and destinations.*



*Image 6.01-37: Pedestrian-only lanes provide a safe environment with opportunities for active frontages.*

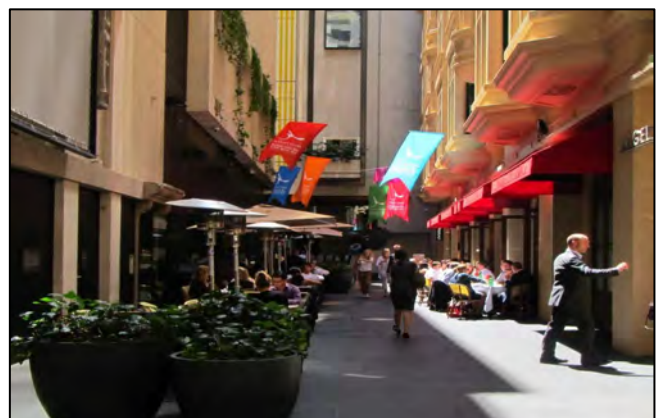
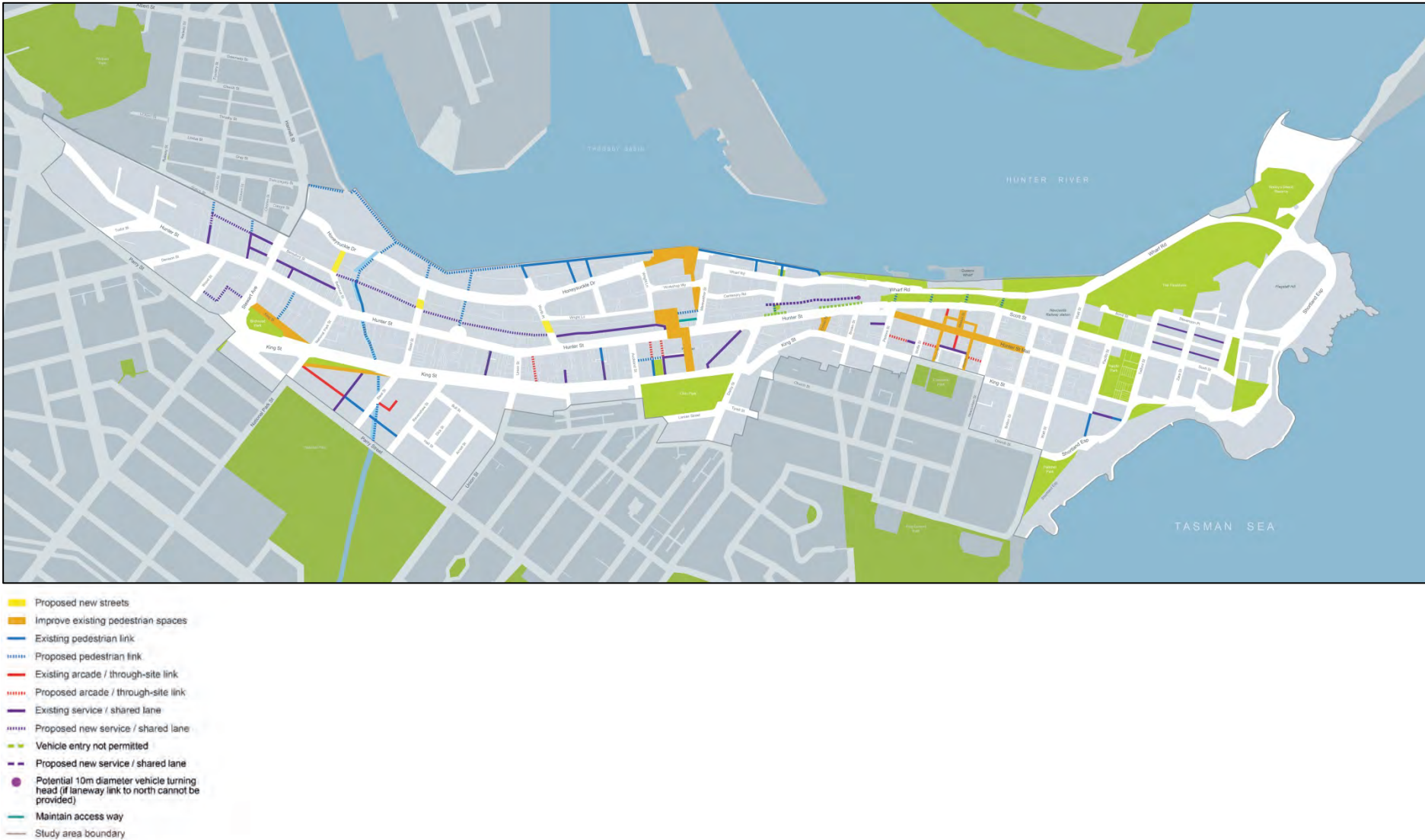




Figure 6.01-20: Network Access Map





### **Performance criteria**

B1.2 Lanes, through-site links and pedestrian paths are retained, safe and enhanced to promote access and public use.

### **Acceptable solutions**

1. Retain existing laneways
2. New streets, lanes, through-site links and pedestrian paths are provided as shown in Figure 6.01-19 and designed in accordance with the City Centre Public Domain Technical Manual.
3. Lanes and through-site links maintain clear sight lines from each end.
4. Dead-ends or cul-de-sacs are avoided. Where they exist they are extended to the next street, where possible. Where unavoidable, way finding signage should be provided.
5. Pedestrian bridges are avoided over public spaces, including lanes.
6. Development adjacent to a lane or pedestrian path includes:
  - (a) active uses at the ground level
  - (b) appropriate lighting
  - (c) access for service vehicles if necessary.
7. Streets, lanes and footpaths include lighting and illumination in accordance with the requirements of the City Centre Technical Manual.
8. Blank walls and solid fencing that inhibit natural surveillance and encourages graffiti should be avoided.
9. Laneways, paths and through site links incorporate Crime Prevention Through Environmental Design Principles.

### **Performance criteria**

B1.4 Street and block network is permeable and accessible to promote pedestrian use.

**Image 6.01-38: Retail arcade with active frontages and access to daylight.**





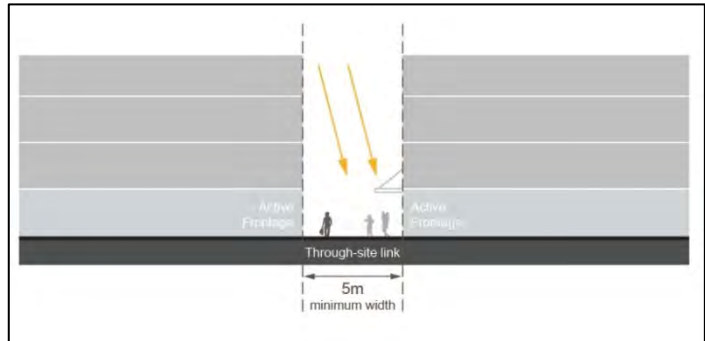
## Acceptable solutions

1. A permeable pedestrian network from the city centre to the foreshore is provided as shown in Figure 6.01-20.

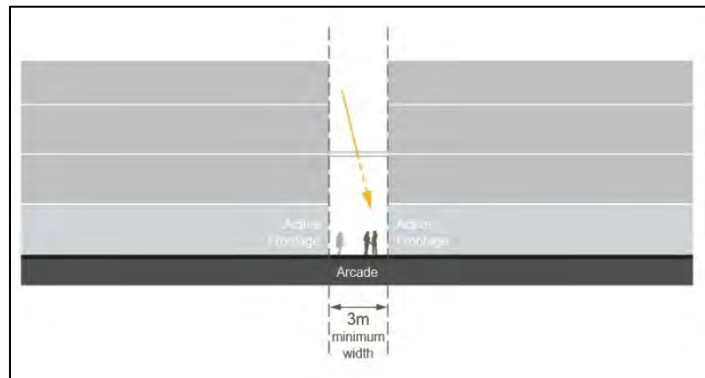
2. Through-site connections on privately owned land:

- Have a public character, are easily identified by users, safe, well lit, highly accessible and have a pleasant ambience;
  - Have a minimum width of 5m with no obstructions;
  - Have buildings which address the frontage and/or contain active uses to provide opportunities for natural surveillance.
  - Have clear and direct through-ways;
  - Are open to the sky and publicly accessible at all times;
  - Are clearly distinguished from vehicle access ways;
  - Align with breaks between buildings so that view corridors are extended and there is less sense of enclosure;
  - Do not contain structures such as electricity substations, carpark exhaust vents, swimming pools or the like);
  - Incorporate signage at street entries indicating public accessibility and the street to which the through-block connections ends; and
  - Are designed in accordance with the Crime Prevention Through Environmental Design principles.
3. Residential developments with a frontage to a through site link incorporate windows, doors and verandahs facing the through-site link at ground level.
  4. Arcades in retail and commercial developments:
    - (a) Are a minimum width of 3m; and
    - (b) Include ground level active uses; and
    - (c) Have access to natural light, and
    - (d) Provide public access during business hours; and
    - (e) Have clear connections to streets and lanes with a direct line of sight between entrances.
  5. Pedestrian crossings are located to enable a direct line of travel for pedestrians.

**Figure 6.01-21: Through-site connections on privately owned land.**



**Figure 6.01-22: Arcades in retail and commercial**





6. Pedestrian-only public lanes are designed in accordance with the City Centre Technical Manual.

### **Performance criteria**

- B1.5 Public transport facilities are integrated into the access network.

### **Acceptable solutions**

1. Pedestrian access to public transport stops is convenient, safe and accessible.
2. Light rail and bus stop locations are coordinated to enable convenient mode change, i.e. stops are located within walking distance from each other.
3. Cycling routes and cycle parking are coordinated and integrated with the location of public transport stops to enable convenient mode change.
4. The design of public transport facilities has regard to Crime Prevention through Environmental Design Principles.

### **Performance criteria**

- B1.6 Cycle routes are safe, connected and well-designed.

### **Acceptable solutions**

1. Separated cycle ways are provided on Hunter Street as shown in Figure 6.01-19 and designed in accordance with the City Centre Technical Manual.
2. Cycle ways are connected into the network indicated in the City of Newcastle Cycling Strategy and accessible to public transport stops.
3. Safety is maximised through active street frontages. Buildings that adjoin pedestrian and cycle paths are designed to address the path and provide passive surveillance opportunities.
4. Signage should be provided along cycle routes identifying key destinations, transport stops, bicycle parking, travel times and distances.
5. Commercial development includes end of trip cycling infrastructure. Design solutions include:
  - (a) secure bike parking
  - (b) shower and change room facilities.

**Image 6.01-39: Example of dedicated cycle lanes**



**Image 6.01-40: Bicycle parking should be conveniently located and secure.**



**Image 6.01-41: Undercover bicycle parking off a shared public link.**





## B2. Views and vistas

Preserving significant views around the city is critical to place-making, wayfinding and for

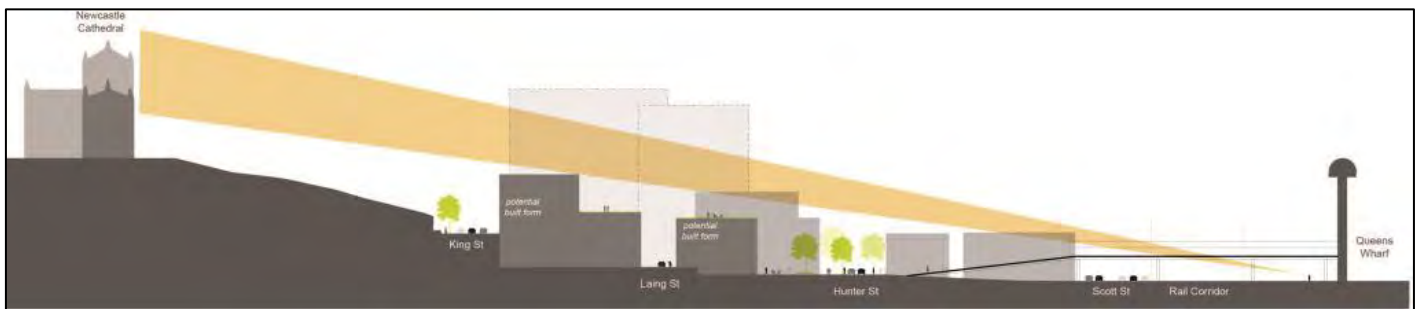
retaining the unique character of Newcastle. Significant views include views from public places towards specific landmarks, heritage items or areas of natural beauty. The most important views in Newcastle tend to be along streets leading to the water or landmark buildings, including Christ Church Cathedral and Nobby's Head.

With the redevelopment of the former rail corridor lands, key views and vistas are to be established and will create a visual connection and link the city to the foreshore.

**Image 6.01-42: View corridor along Morgan Street to Christ Church Cathedral**



**Figure 6.01-23: View axis to Christ Church Cathedral**



### Performance criteria

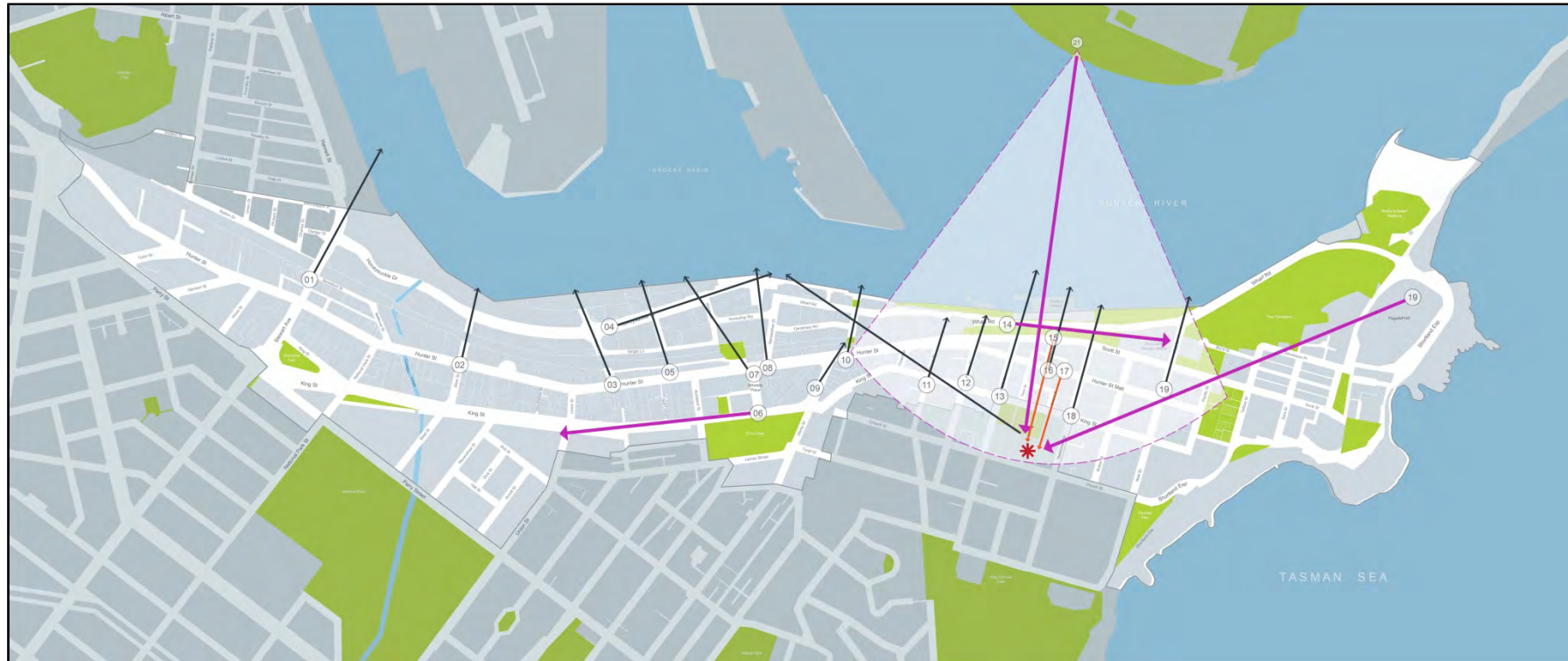
B2.1 Public views and sight lines to key public spaces, the waterfront, prominent heritage items and landmarks are protected.

### Acceptable solutions

1. New development protects the views nominated in Figure 6.01-23.
2. New development in the vicinity of views to Christ Church Cathedral nominated on Figure 6.01-23 must ensure that vistas of the Cathedral's tower, roof-scape and pinnacles of the buttresses are preserved.
3. Open space and breaks in the built form align with existing streets and view corridors as identified in Figure 6.01-23.
4. A visual impact assessment accompanies the application and confirms that this performance criteria has been met.



Figure 6.01-24: Views and Vistas Map



- |  |   |  |
|--|---|--|
| <ul style="list-style-type: none"> <li>— Vista towards harbour</li> <li>— Vista terminating in built form / landmark</li> <li>* Christ Church Cathedral</li> <li>— View terminating in Cathedral</li> <li>- - - City skyline with Cathedral</li> <li>Block pattern/cadastre</li> <li>Public open space</li> <li>Study area boundary</li> </ul> | <p>View locations</p> <ul style="list-style-type: none"> <li>01 - Steward Av cnr Beresford St</li> <li>02 - Hunter St cnr Steel St</li> <li>03 - Hunter St cnr Wright Lane</li> <li>04 - Honeysuckle Dr cnr Worth Pl</li> <li>05 - Settlement Ln cnr Civic Ln</li> <li>06 - King St cnr Wheeler Pl</li> <li>07 - Wright Lane at Hunter St</li> <li>08 - Merewether St to Harbour Square</li> <li>09 - Darby St to Darby Plaza</li> <li>10 - Argyle St at Hunter St</li> <li>11 - Browne St cnr King St</li> </ul> | <ul style="list-style-type: none"> <li>12 - Perkins St cnr King St</li> <li>13 - Wolfe St cnr King St</li> <li>14 - Wharf Rd to Customs House Tower</li> <li>15 - Wharf Rd cnr Market St</li> <li>16 - Hunter St Mall cnr Market St</li> <li>17 - Hunter St Mall cnr Morgan St</li> <li>18 - King St cnr Newcomen St</li> <li>19 - Hunter St Mall cnr Watt St</li> <li>20 - Parade Ground, Fort Scratchley</li> <li>21 - Stockton Ferry Wharf</li> </ul> |
|--|---|--|



### **Performance criteria**

B2.2 New development achieves equitable view sharing from adjacent development.

**Image 6.01-43: View along Honeysuckle Drive towards Nobbys Head**



### **Acceptable solutions**

1. Align new development to maximise and frame view corridors between buildings, taking into account topography, vegetation and surrounding development.
2. Where there is potential impacts on views an assessment of the following principles should be submitted with the application:
  - (a) the views to be affected
  - (b) what part of the property the views are obtained
  - (c) the extent of the impact
  - (d) the reasonableness of the proposal that is causing the impact.

Note: Visual Impact Assessments

A visual impact assessment identifies and analyses the affected views in their existing state, includes photomontages of the view once the proposed development is in place and then assess the impact on that view.



### B3. Active Street Frontages

Active street frontages promote an interesting and safe pedestrian environment. Shops, studios, offices, cafes, recreation and community facilities provide the most active street fronts. Residential buildings can contribute positively to the street by providing a clear street address, direct access from the street and outlook over the street.

*Image 6.01-44: Shopfronts activate the street edge*



#### *Performance criteria*

B3.1 In identified activity hubs, ground floor uses add to the liveliness and vitality of the street.

#### *Acceptable solutions*

1. Active frontages are a minimum 70% of the primary street frontage. They have transparent glazing to allow unobstructed views from the adjacent footpath to at least a depth of 6m within the building.
2. Active frontages are to be provided in activity nodes:
  - (a) in the locations shown in Figure 6.01-24
  - (b) on through block links, pedestrian only lanes and arcades
  - (c) on all other streets where possible.
3. New development:
  - (a) maximises entries or display windows to shops and/or food and drink premises, customer service areas and activities which provide pedestrian interest and interaction.
  - (b) minimises fire escapes, service doors, car park entries and plant and equipment hatches and grilles, to the active frontage
  - (c) provides elements of visual interest such as display cases, or creative use of materials where fire escapes, service doors and plant and equipment hatches cannot be avoided.
  - (d) provides a high standard of finish for shop fronts.
  - (e) avoid blank walls that inhibit natural surveillance and encourage graffiti.
4. Street frontages are activated through one or more of the following:
  - (a) retail and shop fronts
  - (b) cafés or restaurants
  - (c) active office uses, visible from the street
  - (d) public building or community facilities where activities inside the building are visible from the street
  - (e) entries and lobbies
  - (f) multiple entries for residential buildings
  - (g) uses that overlook the street



- (h) uses that screen or sleeve car parks to a minimum
  - (i) avoiding porte cochères
5. Ground levels of buildings in commercial core and mixed zones have a minimum 4m floor to ceiling height on the ground floor to ensure flexibility for a variety of active uses.
  6. Foyer and lobby spaces are no more than 20% of the street frontage where active frontages are required as shown in Figure 6.01-24, or no more than 8m of a street frontage elsewhere.
  7. The ground floor level is at the same level as the footpath.
  8. Shopfronts are enclosed, unless they are food and drink premises.
  9. Security grills, where provided, are fitted internally behind the shop front, are fully retractable and at least 50% transparent when closed
  - 10 Active uses in existing and new laneways are encouraged.

*Image 6.01-45: Cafes and restaurants enliven the street edge.*





Figure 6.01-25: Active Street Frontages Map





## B4. Addressing the street

Addressing the street' relates to all development outside the "active frontage areas" shown on Figure 6.01-24 or where a continuous 'active frontage' cannot be achieved.

A positive building address to the street contributes to the safety, amenity and quality of the public domain. The way buildings interface with the public domain also has a direct influence on the urban character of the city. It defines the relationship between the building and the street edge and can determine how accessible and functional a building is. All development adjoining the public domain needs to be well designed, using high quality durable materials.

### Performance criteria

B4.1 Buildings positively address streets, footpaths, lanes and other public spaces.

### Acceptable solutions

1. Acceptable design solutions include:
  - (a) maximise the number of entries onto the street
  - (b) ground floor internal uses are visible from the street
  - (c) building name and / or street number signage is well designed and easily identifiable
  - (d) well lit building entries
  - (e) well designed efficient external lighting to non-residential buildings
  - (f) building frontages to incorporate Crime Prevention through Environmental Design entries are at the same level as the adjacent footpath on sites not flood affected
  - (g) finished floor levels are no greater than 500mm above or below the adjacent footpath or public domain
  - (h) finished floor levels are no greater than 1.2m above the adjacent footpath or public domain on sites with a cross fall of greater than 1 in 10
  - (i) high quality finishes and public art that is visible from the public domain
  - (j) opportunities for direct surveillance from the building to the adjacent street
  - (k) ground floor residential uses can be elevated up to 1.0m above ground level for privacy

*Image 6.01-46: Shopfront and apartments overlooking the street to add to the urban character of the city and contribute to the quality of the public domain.*



*Image 6.01-47: Ground floor residential elevated up to 1m above the footpath with semi-transparent screening.*





### ***Performance criteria***

B4.2 Ground levels are designed to mitigate flood risk while ensuring accessibility and a positive relationship to the public domain.

### ***Acceptable solutions***

1. Equitable access to a building is provided where the lowest level is elevated above the flood planning level.
2. Locate accessibility ramps from the footpath to the lowest level of buildings above the flood planning level so that a positive address to the street and activated frontages are maintained.



## B5. Public artwork

Public art is a defining quality of dynamic, interesting and successful cities. More public artworks are needed in private developments and in the public domain. Public art can be integrated with essential infrastructure, such as stormwater treatment and water collection or aboveground car park screening.

### Performance criteria

B5.1 Significant development incorporates public artwork.

### Acceptable solutions

1. Public and civic buildings, development on key sites and development over 45m in height are to allocate 1% of the capital cost of development towards public artwork for development.
2. Council is consulted on the location and proposal for public art.

### Performance criteria

B5.2 Artworks in new buildings are to be located so they can be appreciated from streets and public spaces

### Acceptable solutions

1. Design solutions include:
  - (a) locating artworks in a public foyer so that they are visible from the street
  - (b) integrating public artwork into the design of the building such as its façade or roof features
  - (c) integrating public artworks with the delivery of essential open space infrastructure such as stormwater treatment or rainwater collection.

### Performance criteria

B5.3 Public artworks are used to interpret heritage components or recognise former uses of large development sites

### Acceptable solutions

1. Work with a heritage consultant and/or a public artist to develop innovative ways to interpret heritage using public art.

*Image 6.01-48: Bespoke street furniture in the East End of Newcastle*



*Image 6.01-49: A sculpture designed to invite interaction, Brisbane.*





## B6. Sun access to public spaces

Good sun access is a key contributor to the amenity of public spaces, particularly during winter. Sun access in public spaces is becoming more important as more people move into apartments in the city centre. Good sun access ensures that public spaces such as squares and parks are inviting and well utilised. This section should be read in conjunction with section A1 Street wall heights and Part 3 Key precincts (where applicable).

### Performance criteria

B6.1 Reasonable sunlight access is provided to new and existing significant public spaces.

### Acceptable solutions

1. Sunlight access is provided to significant public spaces for at least 2 hours during mid-winter between 9am and 3pm, demonstrated by shadow diagrams. Significant public spaces in the city centre include:
  - (a) Civic Park
  - (b) Civic Link
  - (c) Wheeler Place
  - (d) Birdwood Park
  - (e) Little Birdwood Park
  - (f) Cathedral Park
  - (g) Pacific Park
  - (h) National Park
  - (i) Christie Place
  - (j) Fletcher Park
  - (k) Church Walk Park.

**Image 6.01-50: Good sun access ensures that public spaces such as parks**



Note: Shadow diagrams submitted with the development application are to indicate the existing condition and proposed shadows at each hour between 9am and 3pm on 21 June. Shadow diagrams are not to include vegetation. If required, the consent authority may require additional detail to assess the overshadowing impact.

**Image 6.01-51: Good sun access is a key contributor to the amenity of public spaces.**





## **B7. Infrastructure**

### ***Performance Criteria***

B7.1 Stormwater, water and sewerage infrastructure is integrated into each site and does not create negative off-site impacts.

### ***Acceptable Solutions***

1. Drainage, overland flow paths and infrastructure easements are generally as shown in Figure 6.01.26
2. Stormwater management facilities comply with Section 7.06 Stormwater of this DCP.
3. New development has water and sewer links into the existing network with suitable capacity.

## **B8. Site Amalgamation**

To prevent the isolation and fragmentation of former rail corridor land, sites between Worth Place and Darby Plaza should conform to the amalgamations shown in the Figure 6.01-26.

### ***Performance Criteria***

B8.1 Former rail corridor land is amalgamated with adjoining land to create useable sites that are consistent with the desired character of the area.

### ***Acceptable Solutions***

1. Former rail corridor lands identified in the Figure 6.01-26 are wholly or partially amalgamated with the adjoining land to the north or to the south.
2. The former rail corridor lands are subdivided by an east/west and/or north/south split, to create an amalgamated lot.
3. Potential amalgamated site 1 shown on Figure 6.01-26 does not mean all sites need to be amalgamated but rather a combination of sites that utilises the former rail land effectively.
4. The amalgamation of former rail corridor lands identified in the 'Amalgamated Parcels Map' does not result in the creation of an isolated lot unless it is demonstrated that:
  - (a) The orderly, economic use and development of separate sites can be achieved; and
  - (b) The lots are of a suitable size and dimensions to facilitate new development that is consistent with the desired character of the area; and
  - (c) The Planning Principles outlined by the NSW Land and Environment Court for redevelopment resulting in isolated sites are satisfied.



Figure 6.01-26: Infrastructure Plan





Figure 6.01-27 Amalgamated Parcels Map





## 6.01.04 Key Precincts

### A. Overview

Seven key precincts have been identified within the Character areas of Newcastle's city centre. They are:

- Hunter Street Mall
- Wheeler Place
- Birdwood Park
- Civic Link
- Darby Plaza
- Hunter Street Live-work units
- Newcastle Station and Foreshore Park

These seven key precincts have their own set of objectives and performance criteria designed to achieve specific outcomes related to particular development and public domain opportunities of that precinct. These specific performance criteria and acceptable solutions must be considered in addition to the general controls in this section.

The key precinct guidelines in this section prevail over the more general guidelines in Section 6.01.03 in the event of any inconsistency.



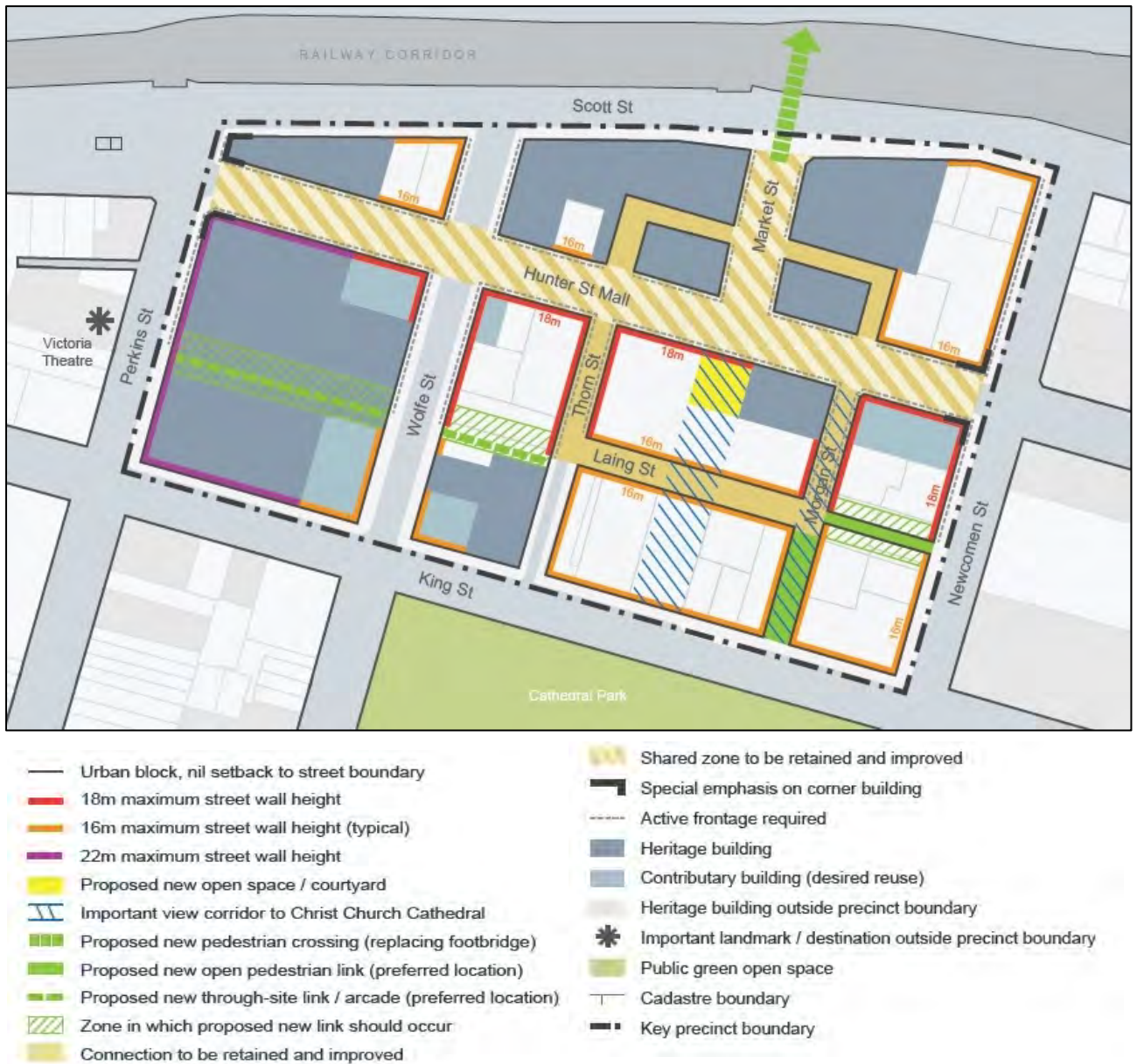
**Figure 6.01-28: Key Precincts**





## B. Hunter Street Mall

Figure 6.01-29: Hunter Street Mall Precinct



### Existing character

The Hunter Street Mall precinct contains a mix of uses and building types. In its centre is the former Hunter Street Mall (between Perkins and Newcomen Streets), a shared street for pedestrians and vehicles and is becoming a popular destination for a variety of activities including specialty retail, dining, entertainment, nightlife and events. The precinct is rich in cultural heritage with views of Christ Church Cathedral. Access to the foreshore is currently constrained.

### Future character

This precinct has the potential to develop as boutique pedestrian-scaled main street shopping, leisure, retail and residential destination. Infill development is encouraged that promotes activity on the street and which responds to heritage items and contributory buildings. Views to and from Christ Church Cathedral and the foreshore are retained and enhanced. Foreshore access is improved.



## Objectives

1. Strengthen the sense of place and urban character of the east end as a boutique retail, entertainment and residential destination.
2. Diversify the role of Hunter Street Mall precinct as a destination for many activities including retail, dining, entertainment, nightlife and events, additions to regular day-to-day services for local residents.
3. Promote active street frontages.
4. Protect heritage items and contributory buildings.
5. Protect views to and from Christ Church Cathedral.
6. Promote a permeable street network in Hunter Street Mall precinct with well connected easily accessible streets and lanes.
7. To create a space that is safe, comfortable and welcoming for pedestrians.

**Image 6.01-52: Potential public domain upgrades to Hunter Street Mall (Impression: JND Design 2012)**



## Performance criteria

- B1 Pedestrian permeability and amenity is improved.

## Acceptable solutions

1. New lanes and through-site links are provided in the locations identified in Figure 6.01-28. They are designed in accordance with the Public Domain section of this Development Guide and the City Centre Technical Manual.
2. New links include:
  - (a) a continuous pedestrian connection between Newcomen and Perkins Streets mid block between Hunter and King Streets.
  - (b) a minimum 3m wide pedestrian only link between Newcommen and Laing Streets connected to the Laing Street alignment.



- (c) a new pedestrian link or arcade between Thorn and Wolfe Street.
- (d) a pedestrian connection between Morgan and King Street.

### ***Performance criteria***

B2 Significant views and protected (refer to section B3).

### ***Acceptable solutions***

1. Development between Thorn and Morgan Street provides an opening on the Market Street alignment to preserve views of Christ Church Cathedral.

### ***Performance criteria***

B3 Building form integrates with existing heritage character and retains contributory buildings.

### ***Acceptable solutions***

1. Street wall heights ensure a minimum two hours of sunlight between 9am and 3pm in mid-winter to the southern side of Hunter Street.
2. Large scale new development is articulated so that large expanses of building form are broken down into smaller elements to relate to the fine grain of the precinct.
3. Retain and adaptively re-use existing character buildings that are not heritage items but contribute to the historic identity of the precinct.

### ***Performance criteria***

B4 Hunter Street is a pedestrian and vehicular thoroughfare and a place of activity.

### ***Acceptable solutions***

1. Remove existing lightweight and concrete freestanding awnings structures.
2. Define clear pedestrian spaces along the fronts of buildings.
3. Provide a centrally located one way share-way for vehicles with threshold treatments between Perkins and Newcomen Streets.
4. Provide limited short stay car parking with priority given to accessible parking spaces.
5. Provide a centrally located space that is relatively clear of obstructions that can be used for special events.
6. Remove the pedestrian bridge along Market Street to promote connections to the waterfront and future light rail stops.
7. Integrate Market Street into the mall using common public domain materials and treatments.
8. Provide additional street trees, new street furniture, new lighting, bike rings and way finding signage.

### ***Performance criteria***

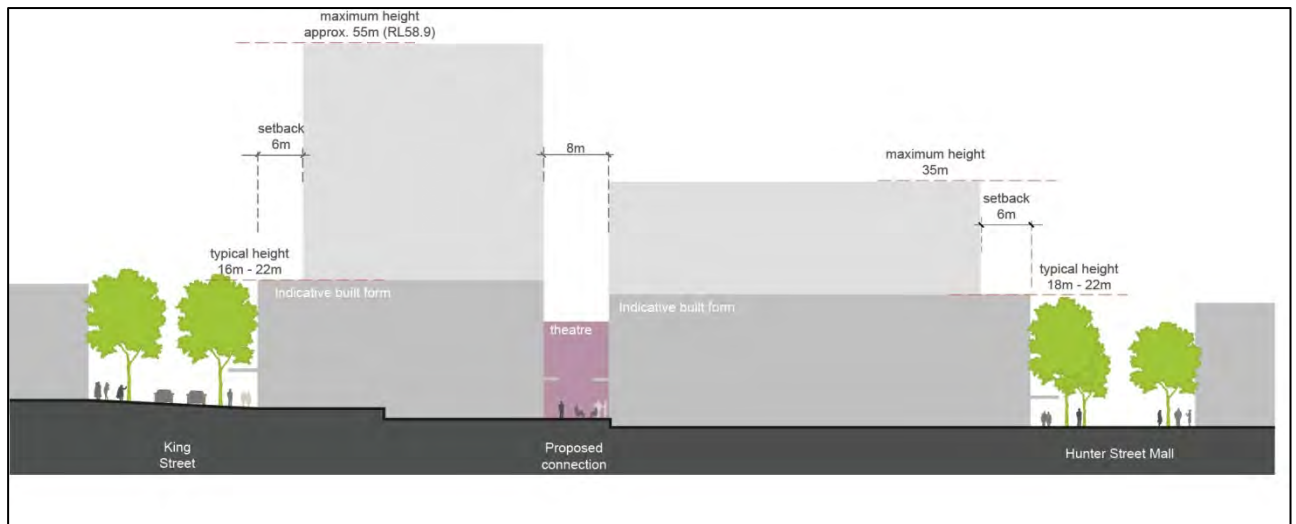
B5 Servicing and access is designed to minimise conflicts with pedestrians.



### Acceptable solutions

1. Hours for service deliveries from Hunter Street are restricted to minimise potential conflicts with other activities.
2. Vehicle access and servicing is located to minimise conflicts with pedestrians.
3. Loading docks and their access points are not located on Hunter Street.

**Figure 6.01-30: Section through the former David Jones building, showing a proposed connection terminated by the view of Victoria Theatre.**





## C. Wheeler Place

Figure 6.01-31: Wheeler Place Key Precinct



### Existing character

The Wheeler Place precinct contains the primary administrative and cultural facilities of Newcastle. These facilities reflect Newcastle's importance as a major regional city and include the City of Newcastle Administration Building, Newcastle Courts Complex, Newcastle Art Gallery, Civic Theatre and City Hall. The precinct also contains major public open space in the form of Wheeler Place and Civic Park.

### Future character

The civic importance of the precinct will be reinforced by improving pedestrian access through the precinct and linkages to Newcastle Museum and the foreshore in the north and Darby Street to the



east. Major new education facilities will be provided through the redevelopment of the Civic Arcade site for new faculties for the University of Newcastle.

### **Objectives**

1. Promote Wheeler Place precinct as the civic, administrative, education and cultural heart of Newcastle.
2. Promote a permeable street network and enhance pedestrian connections to Newcastle Museum and the foreshore in the north and Newcastle Art Gallery and Darby Street to the south via Wheeler Place and Civic Park.
3. Promote active frontages to streets and public spaces along the pedestrian route through the precinct.
4. Protect heritage items and contributory buildings.
5. Protect sunlight to Christie Place, Wheeler Place, Civic Park and the southern side of Hunter Street.

**Image 6.01 1-53: Potential public domain upgrades to Wheeler Place (Impression: JMD Design)**



### **Performance criteria**

- C1 Pedestrian permeability and amenity is improved.

### **Acceptable solutions**

1. New lanes and through-site links are provided as shown in Figure 6.01-30.
2. The pedestrian crossing on Hunter Street linking Wheeler Place and Civic Link is enhanced by increasing the width of the crossing.
3. A new through site-link or arcade from Christie Place to Hunter Street is provided.
4. A new through-site link or arcade is provided from Christie Street to Auckland Street.
5. New development provides an address to Christie Place with active frontages.



### ***Performance criteria***

C2 Building form integrates with existing heritage character and retains contributory buildings.

### ***Acceptable solutions***

1. Redevelopment of the former Civic Arcade site on the corner of Hunter and Auckland Street provides (as shown in Figures 6.01-31 and 6.01-32):
  - (a) a slender tower located near the corner of Hunter and Auckland Streets, no wider than University House (former Nesca House)
  - (b) ensure the clock tower of City Hall retains its prominence in the precinct
  - (c) an appropriate curtilage is provided to Civic Theatre
  - (d) protect sunlight access to Christie Place
  - (e) a 6m setback to the tower from the rear façade of University House.

### ***Performance criteria***

C3 Wheeler Place is designed to support a range of uses and events.

### ***Acceptable solutions***

1. A light weight stage can be erected to host events in accordance with any adopted public domain plan of Council.
2. Wheeler Place is redesigned to improve pedestrian amenity by increasing shade and providing a water feature, seating and bike rings.
3. Bespoke street furniture, fixtures and public art is provided to distinguish Wheeler Place from other public places in Newcastle city centre and in accordance with any adopted public domain plan of Council.
4. A Water Sensitive Urban Design Strategy is developed for landscaping to sustainability manage stormwater.
5. The quality of public domain treatments is improved, with materials, finishes and fixtures, including bespoke fixtures and public art, selected in accordance with the performance standards and specifications of the City Centre Technical Manual.



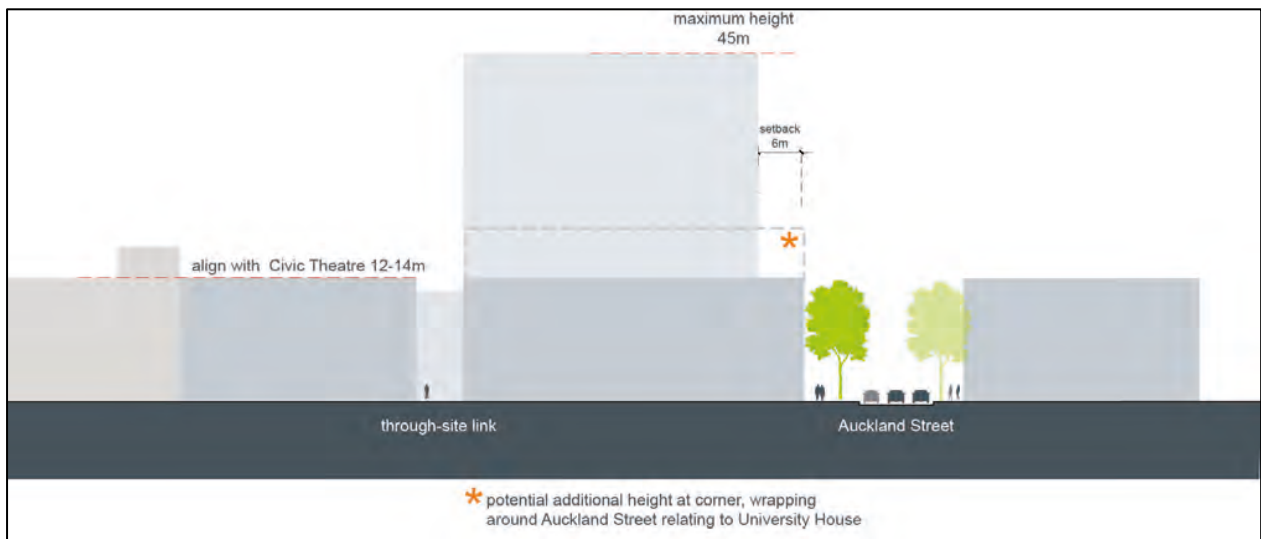
## Performance criteria

C4 Servicing and access minimises conflicts with pedestrians.

## Acceptable solutions

1. Service deliveries are not to be made from Hunter Street for development which has access to another street frontage.
2. For development that has no other frontage than Hunter Street, hours for service deliveries are restricted to minimise potential conflicts with other activities.
3. Vehicle access and servicing is located to minimise conflicts with pedestrians.
4. Loading docks and their access points are not permitted on Hunter Street.

**Figure 6.01-32: Section through Christie Place and the University site showing building form and setbacks.**



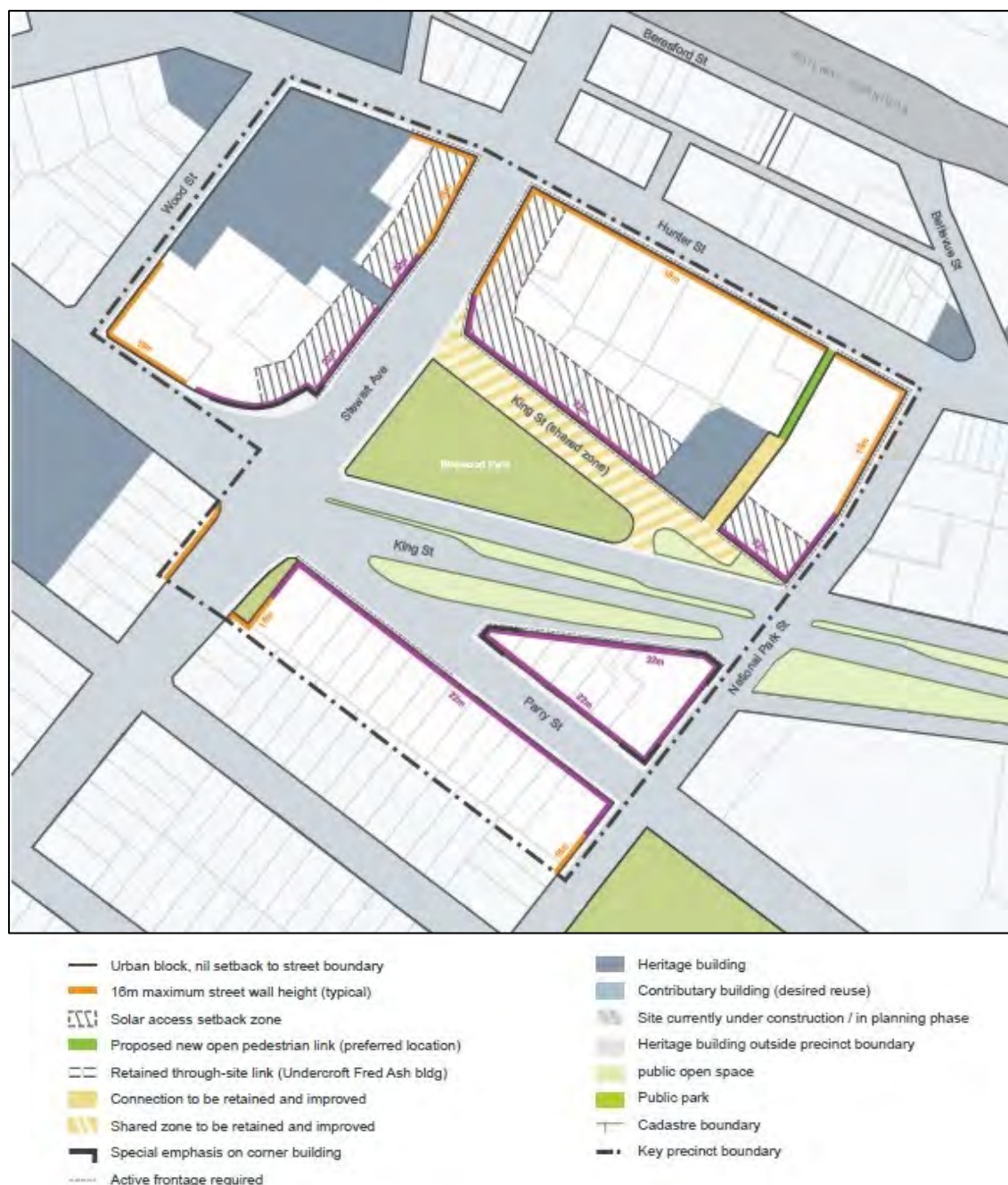
**Figure 6.01-33: Section through the University site showing building form and setbacks.**





## D. Birdwood Park

Figure 6.01-34: Birdwood Park Key Precinct



### Existing character

The Birdwood Park precinct is the western gateway to Newcastle city centre and currently houses a range of uses including showroom and bulky goods retail, car dealerships and self storage. This precinct contains the major heritage assets, including the former brewery.

Birdwood Park is the primary open space but is currently surrounded by busy roads resulting in sub-standard amenity.



### **Future character**

This precinct has the potential to become part of the future central business district of Newcastle. This is due to the location of the new transport interchange in the precinct. There is also a predominance of larger consolidated land holdings and fewer environmental and heritage constraints combined with generous floor space and height allowances. Improvements to streetscapes and Birdwood Park will raise the quality of the public domain, while adaptive re-use of the former brewery will enrich built form character in this precinct.

### **Objectives**

1. Guide development that contributes to the realisation of a future commercial core.
2. Create a sense of arrival into the city centre from the western approach.
3. Promote active street frontages.
4. Protect heritage items and contributory buildings.
5. Promote a permeable street network in Birdwood Park precinct with well connected easily accessible streets and lanes.
6. Provide new public spaces and improve pedestrian amenity, particularly to Birdwood Park.
7. Improve Birdwood Park with a strong built edge and protecting sunlight access.

**Image 6.01-54: Potential transformation of King Street edge alongside Birdwood Park (Impression Arup, 2012)**



### **Performance criteria**

- D1 Pedestrian permeability and amenity is improved.

### **Acceptable solutions**

1. New lanes and through-site links are provided in the locations identified in Figures 6.01-33 and 6.01-34. They are designed and constructed in accordance with the Public Domain section of this Development Guide and the City Centre Public Domain Technical Manual.



2. The design of the laneway network integrates with the ground floor uses of adjoining buildings and provides opportunities for external activities.

### **Performance criteria**

- D2 The bulk of building form is managed to promote good amenity for pedestrians and neighbouring buildings and to integrate well with heritage items and contributory buildings.

### **Acceptable solutions**

1. Large scale new development is articulated so that large expanses of building form are broken down into smaller elements to reduce building bulk.
2. Taller buildings are set back from Hunter Street, to provide a gradual increase in scale from Hunter Street.

### **Performance criteria**

- D3 Public domain - promote Birdwood Park as the primary open space asset in the precinct.

### **Acceptable solutions**

1. New development in the precinct ensures that a minimum of 3 hours of sunlight is provided to 50% of Birdwood Park between 9 am and 3pm on 21 June.
2. Reshape King Street, along Birdwood Park, as a shared pedestrian and vehicular street and a place of pedestrian activity by:
  - (a) reducing the road carriageway to minimum widths to maximise space on the footpath for pedestrians, landscaping, public art or outdoor dining.
  - (b) raising the level of the carriageway and marking the space with indicators to slow drivers and signal arrival into a shared space.
  - (c) incorporating other traffic calming measures such as landscaping and low speed limits.
  - (d) restricting service vehicle access at certain times of the day to allow for other activities.
3. Public domain works including tree planting, furniture, lighting and materials, is carried out in accordance with the City Centre Public Domain Technical Manual.

### **Performance criteria**

- D4 Servicing and access minimises conflicts with pedestrians.

### **Acceptable solutions**

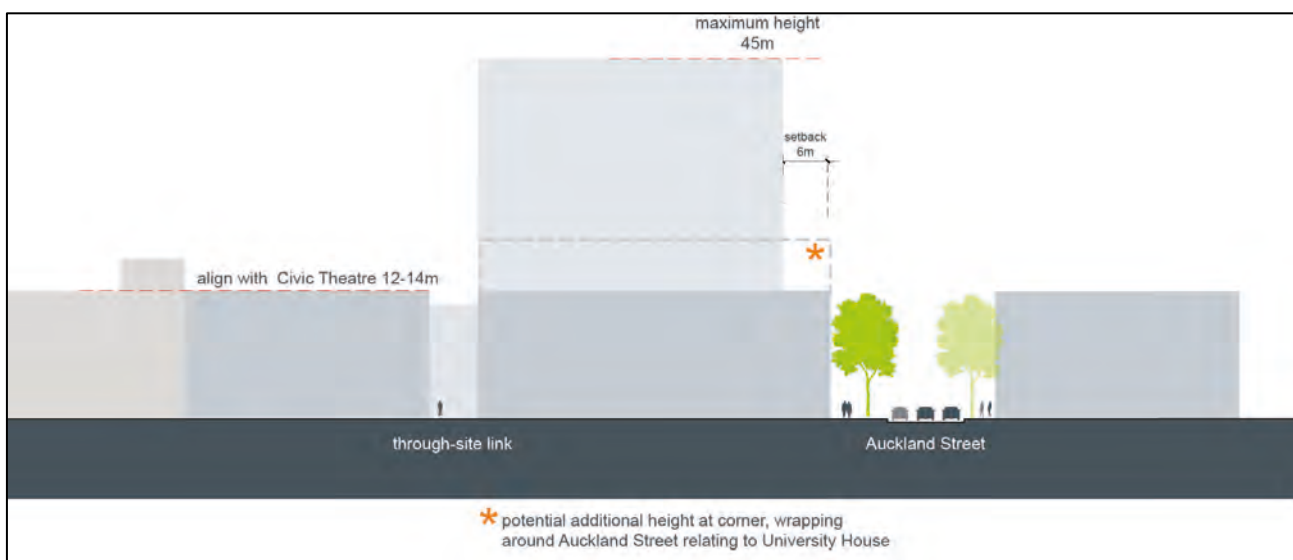
1. Service deliveries are not to be made from Hunter Street or Stewart Avenue for development which has access to another street frontage.
2. For development that has no other frontage than Hunter Street, hours for service deliveries are restricted to minimise potential conflicts with other activities.
3. Vehicle access and servicing is located to minimise conflicts with pedestrians.
4. Loading docks and their access points are not permitted on Hunter Street.



**Figure 6.01-35: Section through the former brewery/regional museum site between Stewart Avenue and Wood Street.**



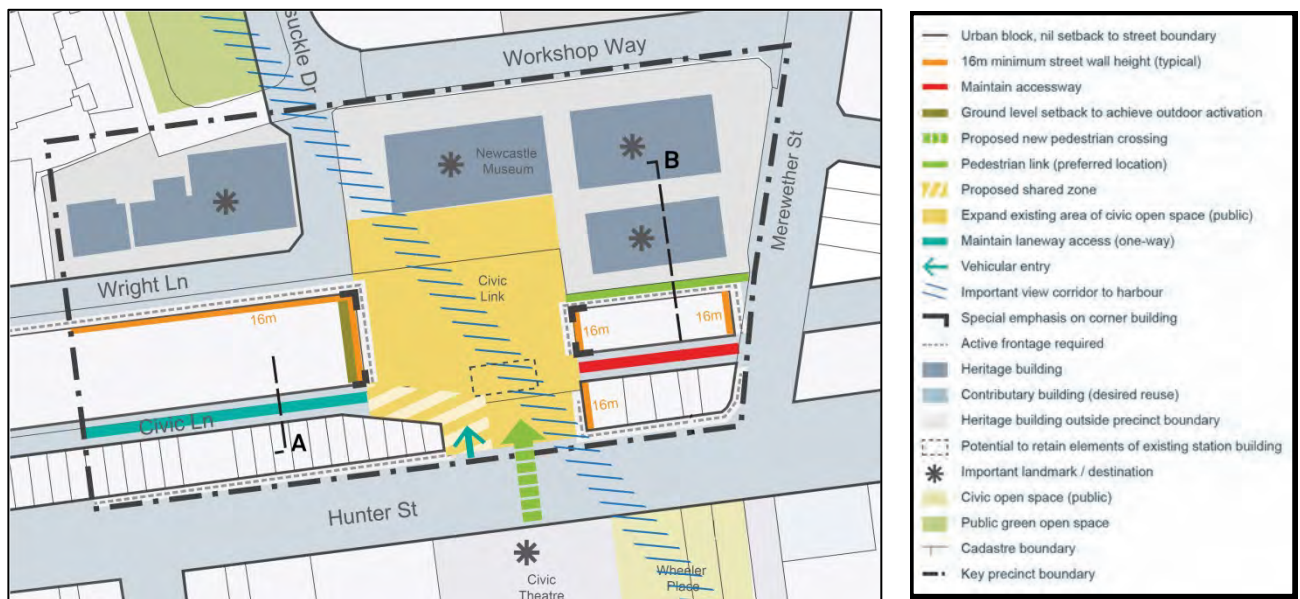
**Figure 6.01-36: Section through buildings fronting King Street and Birdwood Park showing 20m solar access plane setback**





## E. Civic Link

Figure 6.01-37: Civic Link Precinct



### Existing character

Civic Link Precinct sits within the Civic Character zone to the north of Hunter Street and is bound by Workshop Way and Merewether Street. The Precinct encompasses the former Civic Station and railway corridor, and the Newcastle Museum.

### Future character

This part of the city is intended to form part of the civic heart of Newcastle and will provide an important link between some of the region's most important civic and cultural assets, including Civic Park, City Hall, Civic Theatre, Newcastle Museum and the foreshore.

The focus on Civic is to leverage the best value from new investments by creating open space and walking and cycling connections that link Newcastle's civic buildings to the waterfront and the light rail system.

Creating a new civic focused public space, linking Hunter Street to the museum will provide a direct visual and physical connection from Wheeler Place to the harbour and meet the needs of the incoming populations.

### Objectives

1. Provide a new public space that links the civic, administrative, education and cultural heart of Newcastle to the foreshore.
2. Guide development surrounding the new Civic Link and along Civic Lane that contributes to the realisation of the area as the civic heart of Newcastle.
3. Promote a permeable street network and enhance pedestrian connections from Hunter Street to the foreshore.
4. Promote active frontages to streets and public spaces.
5. Respect heritage items and contributory buildings.



## Performance Criteria

- E1. Civic Lane provides an accessible, attractive link between Civic Link/Hunter Street and Wright Lane/Workshop Way. Vehicular and service access to the properties on the northern side of Hunter Street and the new developments between Civic Lane and Wright Lane is from Civic Lane.

## Acceptable solutions

1. Civic Lane provides vehicular access, including basement carpark access to properties on the northern side of Hunter Street and the new developments between Civic Lane and Wright Lane.
2. Civic Lane provides one-way vehicular movement in an east to west direction with an entry via a shared way through Civic Link onto Hunter Street.
3. A minimum 1.2m wide footpath is provided on the southern side of Civic lane.
4. Consolidated access points are provided to building lots along Civic Lane to reduce the dominance of driveways.
5. Pedestrian access along the northern side of Civic Lane is integrated within the building setback of the associated development.

## Performance criteria

- E2. Pedestrian permeability and amenity is improved by the connection of the Wheeler Place Key Precinct through Honeysuckle to the waterfront.

## Acceptable solutions

1. New lanes and open pedestrian links are provided in the locations identified in Figure 6.01-36.
2. New or enhanced links include:
  - (a) Direct pedestrian connection between Hunter Street and Wright Lane / Honeysuckle Drive.
  - (b) A minimum 4.5m wide pedestrian only link on the northern side of the former railway corridor between Civic Link and Merewether Street.

Figure 6.01-38: Civic Lane

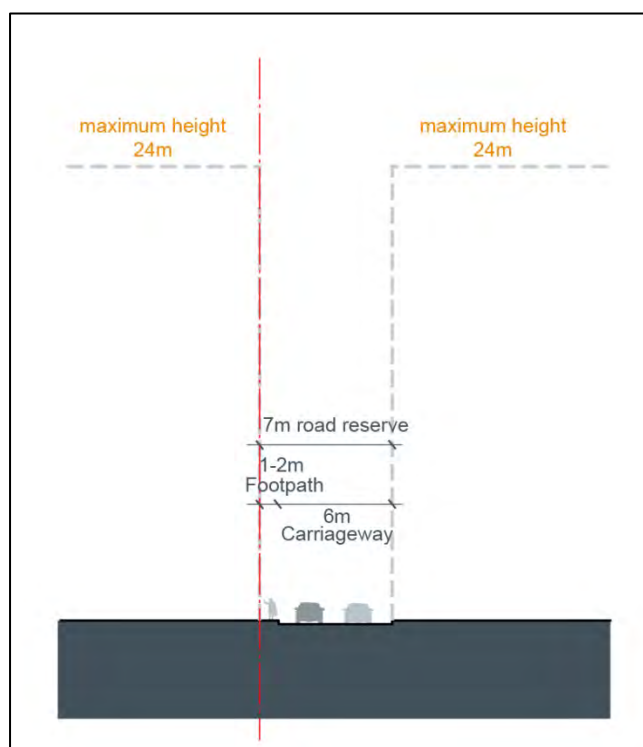
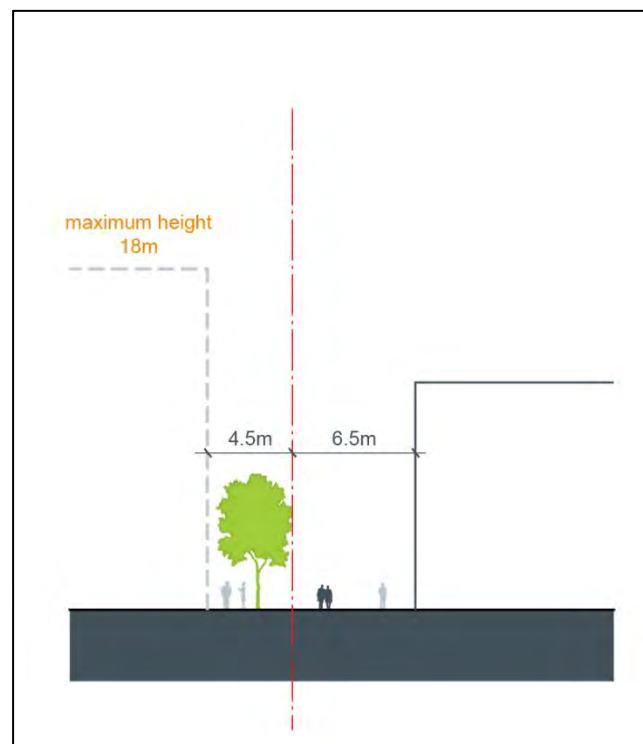


Figure 6.01-39: New accessway way between Merewether Street and Civic Link





- (c) A minimum 8m wide vehicular accessway adjoining the southern boundary of the former railway corridor accessed from Merewether Street.

### **Performance Criteria**

E3. Servicing and vehicular access minimises conflicts with pedestrians.

### **Acceptable solutions**

1. Service deliveries and garbage collection hours are restricted to minimise potential conflict with pedestrians and other activities within the shared zone of the Civic Link open space.
2. Vehicle access and servicing to the sites adjoining Civic Lane is provided from Civic Lane to minimise conflicts with pedestrians.

### **Performance Criteria**

E4. The bulk of building form is managed to achieve good amenity for pedestrians and neighbouring buildings, and to respect and integrate well with nearby heritage items and contributory buildings.

### **Acceptable solutions**

1. New development is articulated so that large expanses of building form are broken down into smaller elements.
2. Taller buildings are set back from Civic Link, to provide a gradual increase in scale along the former railway corridor from Civic Link to the east and from Civic Link to the west.
3. Street wall heights ensure a minimum two hours of sunlight between 9am and 3pm in mid-winter to at least 50% of the Civic Link open space.
4. Buildings facing Civic Link include prominent architectural features or design on corners.
5. Buildings with a secondary frontage to a laneway incorporate setbacks that enable ground floor active uses, vehicular access and off-street loading zones. Upper level setbacks enable compliance with the Apartment Design Guide.
6. A reduced setback above the street wall height of 3m may be appropriate within sites bounded by Civic Link and Merewether Street.

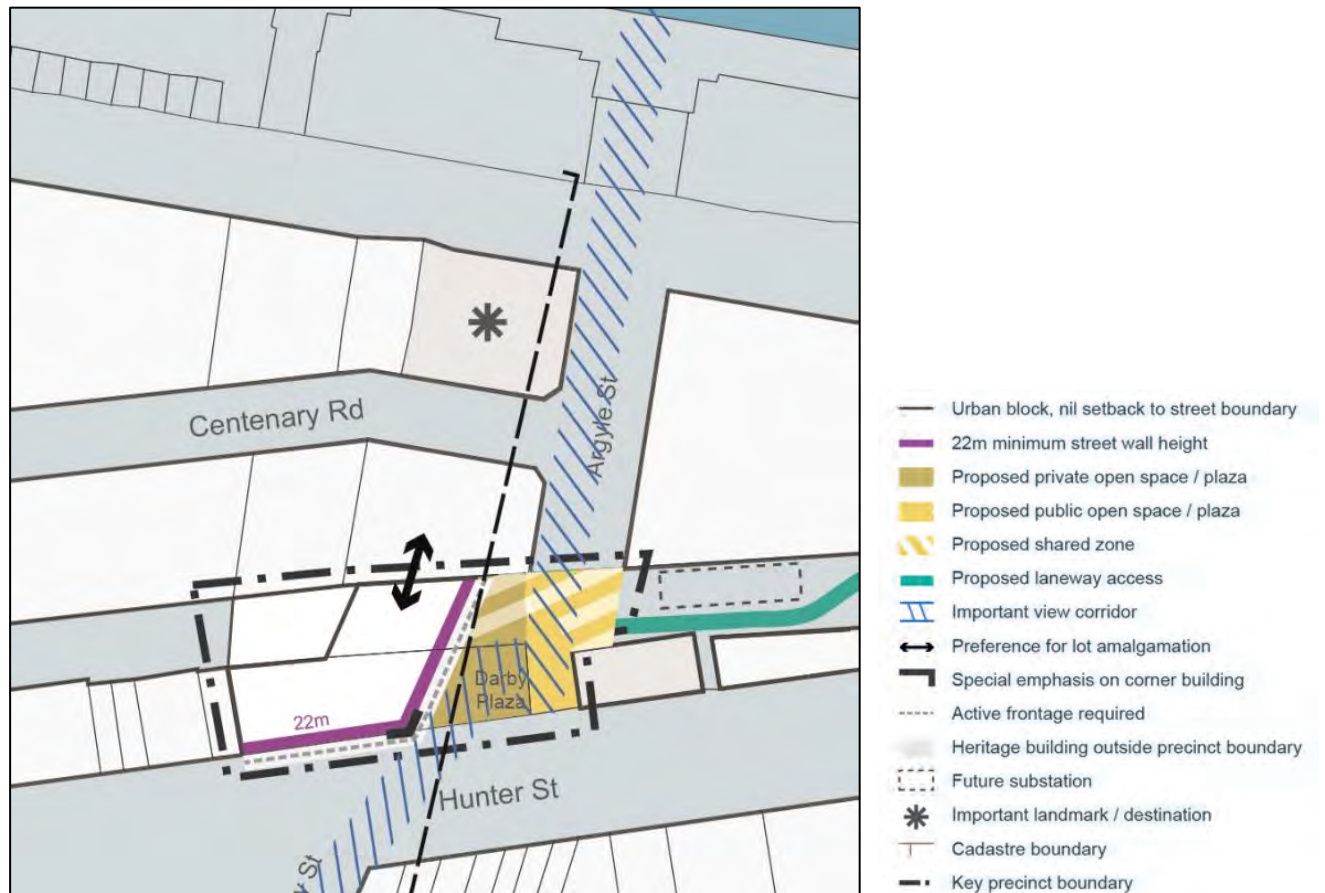
**Figure 6.01-40: Civic Link Section View Wheeler Place to Newcastle Museum**





## F. Darby Plaza

Figure 6.01-41: Darby Plaza Key Precinct



### Existing character

Darby Street is the main dining centre of Newcastle and offers a mix of shops, cafes and restaurants and night life. At present Darby Street ends at the intersection with Hunter Street.

### Future character

Darby Plaza will form a new community focused public space, providing a pedestrian and cycle connection from Hunter Street to the harbour.

### Objectives

1. Provide new open space and improve pedestrian amenity.
2. Promote a permeable street network and enhance pedestrian connections from Darby Street to the foreshore.
3. Promote active street frontages.
4. Respect heritage items and contributory buildings.
5. Provide a strong built edge to Darby Plaza and create an integrated space between the public and private land.



### **Performance criteria**

- F1. Pedestrian permeability and amenity is improved with the capacity to generate safe public movement from Darby Street and Argyle Street to the waterfront.

### **Acceptable solutions**

1. Adjacent mixed use development provides active frontages to both Hunter Street and the new Darby Plaza with active ground floor uses and natural surveillance from floors above.
2. Extension of view corridors from the eastern side of Darby Street and Argyle Street improves lines of sight increasing safety and wayfinding.

### **Performance criteria**

- F2. Darby Plaza supports a range of uses and activities and is edged by mixed use development along the western edge including active ground floor uses.

### **Acceptable solutions**

1. Buildings adjoining Darby Plaza incorporate a ground floor setback from Darby Plaza as shown in Figure 6.01-40, which aligns with the eastern side of Darby Street.
2. Buildings adjoining Darby Plaza are designed to integrate into the public open space.

### **Performance criteria**

- F3. Servicing and access minimises conflicts with pedestrians.

### **Acceptable solutions**

1. Vehicular access and servicing is from Argyle Street via a shared way within Darby Plaza and located so as to minimise and manage potential conflicts with pedestrians.
2. Hours for service delivery are restricted to minimize potential conflicts with pedestrian activities within the plaza.

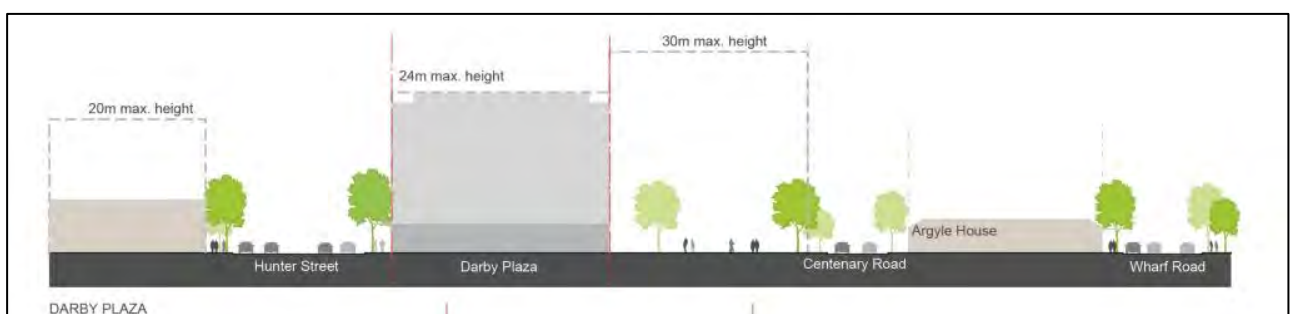
### **Performance criteria**

- F4. Significant views are strengthened (refer to Section B2 View and vistas).

### **Acceptable solutions**

1. Buildings adjoining Darby Plaza complement the view corridor through Darby Plaza.

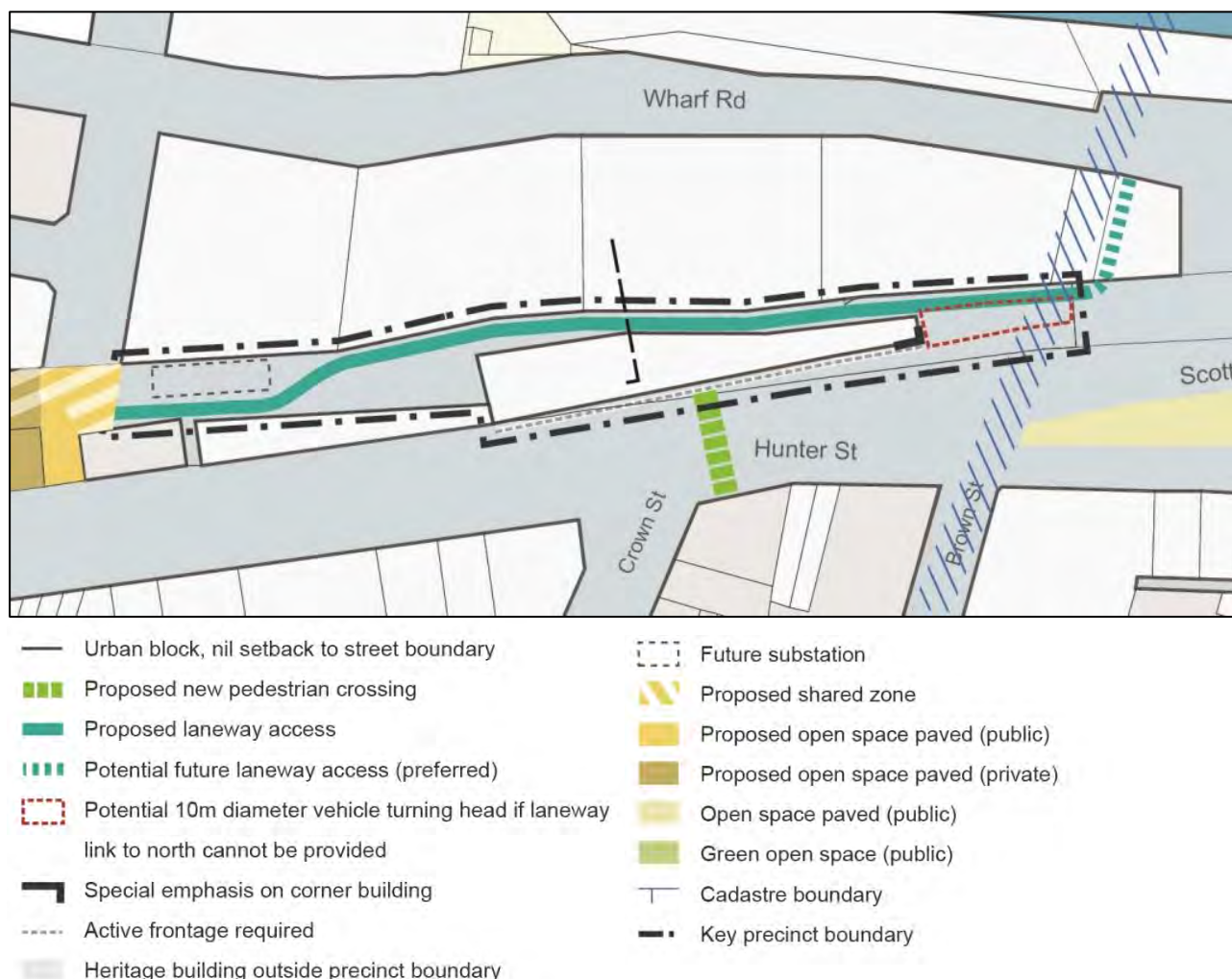
**Figure 6.01-42 Section through Darby Plaza**





## G. Hunter Street Live-Work Units

**Figure 6.01-43: Hunter Street Live-Work Units Key Precinct**



### Existing Character

Hunter Street features some of Newcastle's best heritage buildings and offers a mix of shops, cafes, restaurants and other local businesses.

The former rail line ran directly to the northern edge of Hunter / Scott Streets between Crown and Newcomen Streets creating a poor and inactive interface. The former rail corridor at this location is heavily overshadowed by the existing commercial and residential buildings fronting Wharf Road.

### Future Character

New mixed use development, greater pedestrian priority and future transport improvements contribute to the potential for Hunter Street / Scott Street to be strengthened as Newcastle's 'main street'. Infill development is encouraged on the northern side of Hunter Street between the alignments with Crown and Brown Streets to promote activity and improve the pedestrian interface and street edge definition. New built form at this location is sensitively scaled to allow for the maintenance of significant view lines from the adjoining residential apartments to the north. It is envisaged that this site, will be suitable for live-work style units fronting onto Hunter Street with ground floor commercial retail or office uses.



## Objectives

1. Improve the pedestrian interface and street edge definition of Hunter Street.
2. Promote active street frontages.
3. Respect heritage items and contributory buildings.
4. Ensure development responds to and respects the amenity of adjoining residential development.

## Performance criteria

- G1. Hunter Street is strengthened as Newcastle's 'main street.'

## Acceptable solutions

1. Active ground floor frontages supporting small office or retail uses are created along Hunter Street.
2. Built form is scaled to maintain a comfortable, human scaled streetscape.
3. Pedestrian amenity and walkability is enhanced by the provision of wide footpaths.
4. Windows and balconies overlook Hunter Street increasing natural surveillance and sense of safety.

## Performance criteria

- G2. The built form is appropriate to the land size and dimensions, provides streetscape definition and activation, minimises amenity impacts to and respects views from adjoining residential apartments.

## Acceptable solutions

1. New development in this section of Hunter Street:
  - (a) Incorporates active uses at ground level,
  - (b) Provides individual pedestrian entries off Hunter Street,
  - (c) Is of good quality contemporary design that complements nearby terrace development; and
  - (d) Avoids monotonous design by incorporating articulation and a variety of materials and colours
2. New development respects views from the adjoining residential apartments located to the north of the former rail corridor, through the use of appropriate setbacks, building heights, roof form and building articulation.

Note: The NSW Land and Environment Court Planning Principle describes the process for assessing view impacts and will need to be considered in the design of the development.
---

4. New development incorporates upper level setbacks on the northern side to achieve the separation distances detailed in the Apartment Design Guide, minimise amenity impacts to and respect views from adjoining residential apartments.
5. Continuous street frontage awnings do not need to be provided in areas requiring an active frontage on Figure 6.01-42.



### Alternative Solutions

- Alternate forms of development that are compatible with the narrow site width and surrounding development may be considered on the site.

### Performance criteria

- G3. Vehicular access and servicing minimises conflicts with pedestrians

### Acceptable solutions

1. Vehicle access and car parking is provided via a rear laneway from Argyle Street.
2. A 10m Vehicle turning head is provided at the eastern end of the rear access lane to allow vehicles to exit the site to Argyle Street.

### Alternative Solutions

- The laneway may be extended north at the eastern end to link with Wharf Road.

### Performance Criteria

- G4. Live Work Units provide adequate parking accessed from the laneway.

### Acceptable Solutions

1. Required car parking may be provided within the access laneway, rather than individual lots.
2. Variation to car parking rates may be considered in accordance with Section 7.03 Traffic, Parking and Access.

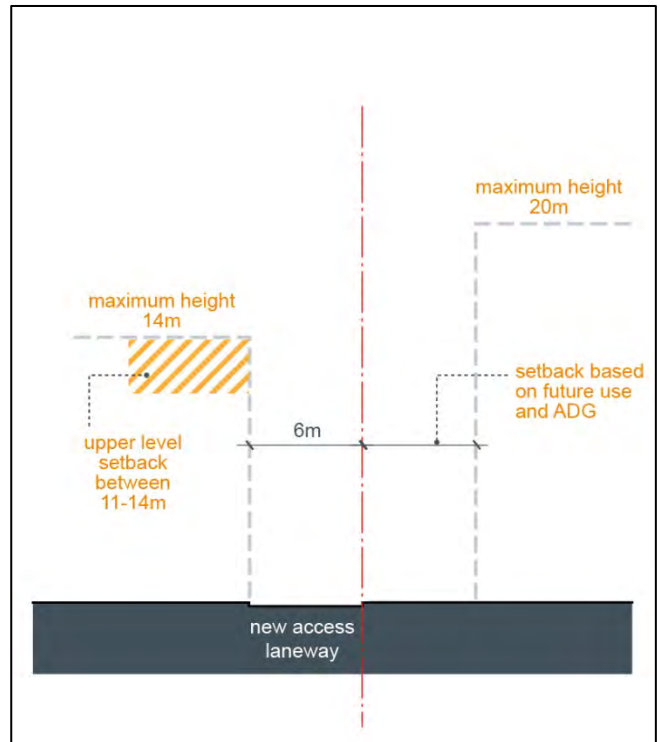
### Performance Criteria

- G5. New development respects and maintains heritage items - AA Company Abutment and Bridge

### Acceptable Solutions

1. New development incorporates sufficient setbacks from the AA Company Bridge abutment so that it is retained in situ for permanent public display.
2. A physical interpretation is prepared which communicates and promotes the understanding of the historical context of the AA Company Bridge Abutment and its relationship to the early railways. The interpretation allows for content to be provided on an appropriate physical or digital platform.

**Figure 6.01-44: Section through Hunter Street Live Work Units**



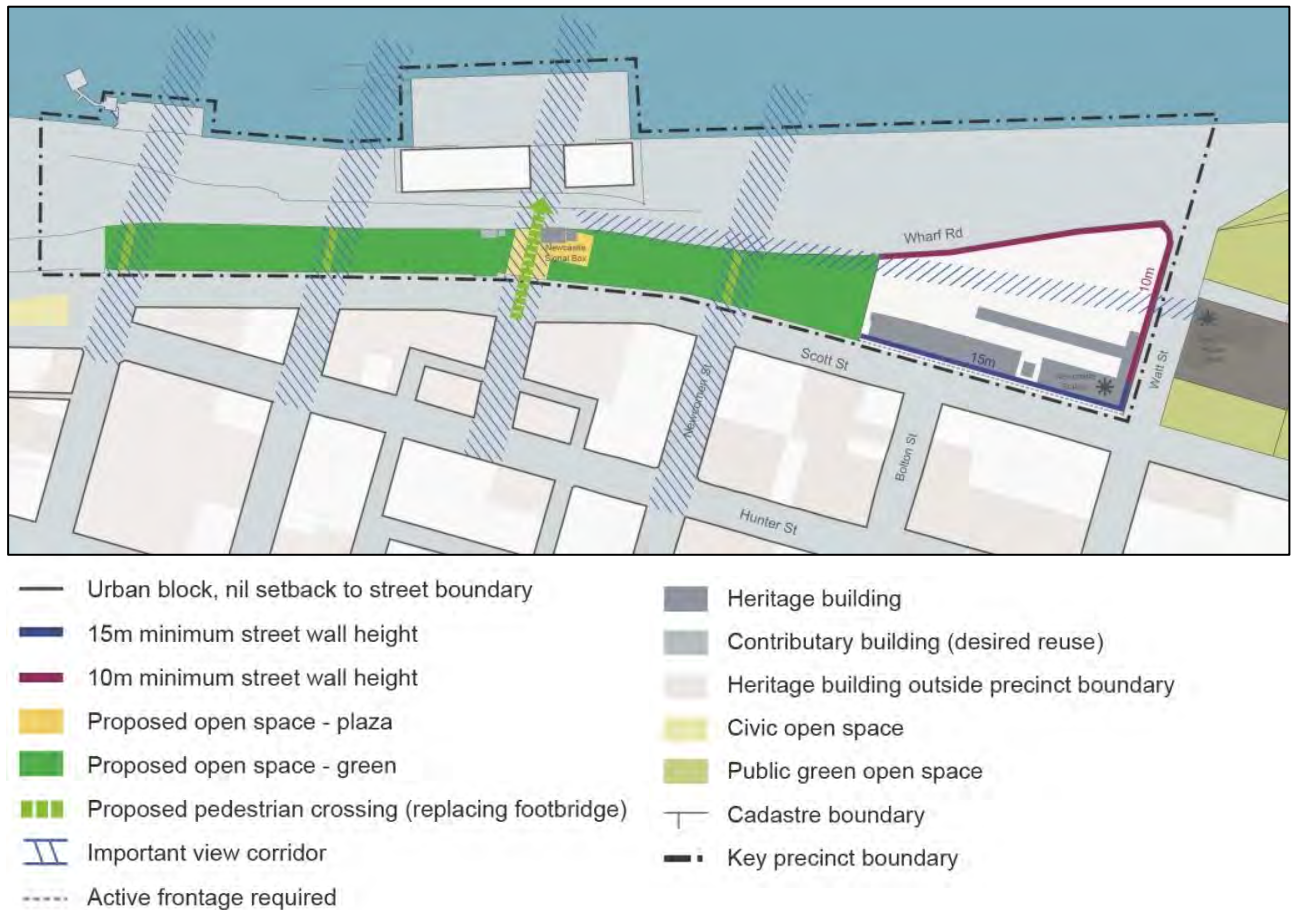


## Alternative Solutions

- If the bridge abutment cannot be retained in situ, options for its removal and re-installation where it can be kept on public display are to be developed in consultation with Newcastle City Council.

## H. Newcastle Station and Foreshore Park

Figure 6.01-45: Newcastle Station and Foreshore Park



## Existing character

Newcastle Railway Station, built in 1859, has State heritage significance due to its historical associations with the Great Northern Railway as its second terminus.

The Station site is central to Foreshore Park, located along Wharf Road, which provides vast open space for activities, recreation and community uses.

## Future character

The Newcastle Railway Station forms a key position in the development of the urban environment in this part of the city, including views of the building itself and key built forms in its surrounds. The space between the platforms has historically been naturally lit and this should be considered in the redevelopment, as a way of retaining the history of the item as a station.



The future character of Newcastle Station and Foreshore Park Key Precinct will fully respect and celebrate the heritage integrity of the Station, and could accommodate a range of different activities including community, tourism, retail, leisure and commercial uses.

Newcastle Railway Station is proposed to be repurposed into a hallmark destination, retaining and adapting the heritage character with a mix of uses and providing a focal point for the East End. It will accommodate enterprises and activities that attract visitors, activate the area and stimulate the economy.

The future use of the station will be supported and enhanced by the expansion of the Foreshore Park to the west of the station. Development adjoining this area will complement and support the use of this area as an event space.

### **Objectives**

1. Provide a new focal point for the community in the East End.
2. Promote a permeable street network and enhance pedestrian connections from Hunter Street to the foreshore.
3. Promote active frontages to streets and public spaces.
4. Respect heritage items and contributory buildings.

### **Performance Criteria**

- H1. Newcastle Station and Foreshore Park is a regional tourist and leisure destination for both residents and tourists.

### **Acceptable Solutions**

1. Improve pedestrian permeability and amenity by providing a link from Scott Street between the significant Station buildings to the foreshore.
2. Protect the heritage and history of the Newcastle Station through its adaptive re-use.
3. Create a public open space area that is safe and well-utilised.
4. Promote the Foreshore Park as a regional open space asset.
5. The built form and land use considers noise impacts on nearby residential uses.
6. The built form of the Newcastle Station buildings provides frontages to Scott Street and to the north facing Foreshore Park.
7. View corridors identified in Figure 6.01-23 are retained.

### **Performance Criteria**

- H2. The Newcastle Railway Station group of buildings integrate with the public domain and encourage pedestrian access and permeability.

### **Acceptable Solutions**

1. The use of the site, including the adaptive reuse of heritage items maintains the human scale of the buildings to the street and public spaces.
2. Pedestrian movement networks are developed around, and through, the heritage buildings.
3. Heritage items located adjacent to public open space, integrate with the public domain.
4. Development of the Newcastle Railway Station site:



- (a) Maintains views of Newcastle Station along Scott Street, particularly the main building and the Western Wing.
- (b) Maintains the view corridor from the harbour front to the roof elements on the main building and Western wing from a pedestrian level.
- (c) Ensure that the general bulk of any new development on the site does not compete with, impede or detract from the current tiered elevation and depth created by the built form in its current configuration.
- (d) Maintains the view corridor from the west to Customs house. The bulk of new structures does not obscure views to and from the clock element on Customs house, beyond what has already been established.
- (e) Ensures that the form, massing, scale and bulk of new development are complementary to the existing built form of the Newcastle Railway Station.



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## 6.02 Heritage Conservation Areas

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	24/07/2018	12/11/2018	New
2	26/03/2019	24/06/2019	Amended
3	23/07/2019	06/08/2019	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to land shown as *Heritage Conservation Area* on the Heritage Map of Newcastle Local Environmental Plan (LEP) 2012 and described in Schedule 5 of Newcastle LEP 2012.

### Development (type/s) to which this section applies

This section applies to all development.

### Applicable environmental planning instruments

The provisions of the following listed environmental planning instruments also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy 64 – Advertising Signage.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: The *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Related sections

The following sections of this DCP **may** also apply to development to which this section applies:

- 5.04 Aboriginal Heritage
- 5.05 Heritage Items
- 5.06 Archaeological Management.



## Associated technical manual/s

This section should be read in conjunction with the:

- *Heritage Technical Manual*, Updated August 2019, City of Newcastle.

## Additional information

- *A Pictorial Guide to Identifying Australian Architecture: styles and terms from 1788 to the present*, R. Apperly, R. Irving and P. Reynolds, 1994, Sydney.
- *Altering Heritage Assets*, Heritage Office and Department of Urban Affairs & Planning, 1996, Sydney.
- *Architecture Newcastle: A Guide*, Barry Maitland and David Stafford, 1997, University of Newcastle and RAI.
- *Assessing Heritage Significance*, 2001, NSW Heritage Office Sydney.
- *Better Placed; Design Guide for Heritage*, 2019, Heritage Council of NSW & Government Architect New South Wales.
- *California Bungalow in Australia*, Graeme Butler, 2003, Lothian Books.
- *Colour Schemes for Old Australian Houses*, Evans, I., Lucas, C., & Stapleton, I., 2004 & 1984, Flannel Flower Press.
- *Conservation Areas*, 1996, Heritage Office and Department of Urban Affairs & Planning.
- *Design in Context; Guidelines for Infill Development in the Historic Environment*, 2005, Heritage Office & RAI NSW Chapter.
- *Federation Architecture Guidelines*, 1982, Trevor Howells for Heritage Council of NSW.
- *Matters of National Environmental Significance - Significant Impact Guidelines 1.1 EPBC Act 1999*, 2013, Department of the Environment.
- *More Colour Schemes for Old Australian Houses*, Evans, I., Lucas, C., & Stapleton, I., 2008 & 1992, Flannel Flower Press.
- *Photographic Recording of Heritage Items Using Film or Digital Capture*, 2001, revised 2004, 2006, Heritage Office.
- *Salt attack and rising damp: A guide to salt damp in historic and older buildings*, 2008, NSW Heritage Council with Heritage Victoria, South Australian Department for Environment and Heritage and Adelaide City Council.
- *State Heritage Inventory* [www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx](http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx)
- *Statements of Heritage Impact*, 1996, revised 2002, Heritage Office & Department of Urban Affairs & Planning.
- *Technical Notes* [www.environment.nsw.gov.au/Heritage/conservation/techadvice.htm](http://www.environment.nsw.gov.au/Heritage/conservation/techadvice.htm)
  - Commercial Limewashes
  - Repointing Lime Mortar Joints — some important points
  - Treating Biological Growths on Historic Masonry
  - Cracking of buildings due to shrink/swell in clay soils
  - Drought Related Cracking of buildings
- *The Burra Charter - The Australia ICOMOS Charter for Places of Cultural Significance*, Australia ICOMOS, 2013, A.C.T.
- *The Conservation Plan - A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance*, J.S. Kerr, Australia ICOMOS, 2013, A.C.T.



## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary, of this plan, and include:

- **Aboriginal cultural heritage** – Aboriginal objects and declared Aboriginal places as defined under the National Parks and Wildlife Act, 1974.
- **Aboriginal object** – has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **Aboriginal place of heritage significance** – has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **The Act** – the Environmental Planning and Assessment Act 1979
- **Allotment** – the legal parcel of land which has been created via subdivision and registered with the Land Property Information service, normally having a Lot Number and Deposited Plan (ie Torrens Title subdivision).
- **Alter** – in relation to a heritage item, or to a building or work within a heritage conservation area, means:
  - (a) make structural changes to the outside of the heritage item, building or work; or
  - (b) make non-structural changes (other than maintenance) to the detail, fabric, finish or appearance of the outside of the heritage item, building or work.
- **Archaeological assessment** – a report prepared by a qualified archaeologist that conforms to the current reporting requirements of the NSW Office of Environment and Heritage.
- **Archaeological site** - a site identified in the Newcastle Archaeological Management Plan 1997; or the place or site of a relic or relics as defined in the NSW Heritage Act 1977 as amended and has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **Architectural character** – includes massing, articulation, composition of building elements, material use and details including building entrances, fenestration, balconies and balustrades, awnings, planters, pergolas, boundary walls, fences etc.
- **Awning** – is a predominantly horizontal structure that projects over a footpath from the host building to provide weather protection for pedestrians.
- **Balcony** – is an open area, not being an enclosed room or area, attached to or integrated with and used for the exclusive enjoyment of the occupant or occupants of a dwelling.
- **Building elements** – doors, windows, gutters, downpipes, chimneys, walls, shopfronts, roofs, and stairs.
- **Building envelope** – the three dimensional space that limits the extent of a building on an allotment. The building envelope is defined by building height and front, side and rear boundary setbacks. Refer to definitions for building height and setback for inclusions and exclusions.
- **Building height** or **Height of building** – has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **Building line** or **Setback** – has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **Bulk** – the total effect of the arrangement, volume, size, and shape of the building.



- **Character** – the combination of the individual characteristics or qualities of a neighbourhood, precinct or street.
- **Conservation** – all of the processes of conserving a place to retain heritage significance.
- **Conservation management plan** – refer to 'Heritage conservation management plan'.
- **Contributory buildings** - are buildings that contribute to the character of the heritage conservation area. They are:
  - (i) **Heritage item** – buildings that are listed as a heritage item in the Newcastle Local Environmental Plan 2012; or
  - (ii) **Contributory 1** – buildings that clearly reflect a Key Period of Significance for the heritage conservation area and are key elements of the heritage conservation area. This ranking is assigned where the main front portion of the building is largely unaltered as viewed from the street. Includes buildings with rear additions which do not affect the main front roof; or
  - (iii) **Contributory 2** – buildings that have been altered but are still identifiable as dating from a Key Period of Significance for the heritage conservation area. They retain their overall form from the original date of construction and, even though altered, are contributory to the heritage conservation area character. This ranking is assigned where a building has alterations such as cement rendering to Federation or Inter-war period brickwork or a first floor addition which affects the main front roof form, yet the period and style of the building remains discernible.
- **Contributory buildings map** – means a map of the heritage conservation area which identifies buildings and sites as being contributory, neutral or non-contributory. Refer to the Contributory Buildings Maps of the Heritage Technical Manual.
- **Contributory item** – a feature, including a building, work, relic, tree or place within a conservation area which in the opinion of the Council has cultural significance and whose loss would be detrimental to the overall heritage significance of the conservation area.
- **Curtilage** – has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **Demolish** – has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **Fabric** – the physical material of the place (including the building, site or area).
- **Facade** – the exterior walls of a building.
- **Facadism** – the practice of demolition of a building, retaining only the facade.
- **Fenestration** – arrangement of windows and other patterns on a building.
- **Fine grain** – a variety of different land uses in proximity to one another or a series of narrow building elements as opposed to a large consolidated land use or a broad, unbroken building form.
- **Form** – the overall shape and volume of the building and the arrangement of its parts.
- **Height of building** – refer to 'Building height'.
- **Heritage Act 1977** – an Act of the NSW Parliament providing for conservation orders and other controls over items having heritage significance. The Act is administered by the Heritage Council of NSW.
- **Heritage buildings, sites and elements** – heritage items (including landscape and archaeological items, and building elements), buildings, works, relics, trees and sites within heritage conservation area and heritage streetscapes.



- **Heritage conservation area** – has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **Heritage conservation management plan** – also includes "Conservation Management Plan" - a document prepared to conform with the publication *The Conservation Plan; a guide to the preparation of conservation plans for places of European cultural significance*, J.S.Kerr, Australia ICOMOS, 2013, ACT, and has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **Heritage Council of NSW** – the NSW Government's heritage advisory body established under the Heritage Act 1977. It provides advice to the Minister for Heritage and others on heritage issues. It is also the determining authority for s.60 applications.
- **Heritage impact statement** – also includes "Statements of Heritage Impact" – a document that conforms to the standards contained in the NSW Heritage Branch publication *Statements of Heritage Impact, 1996, revised 2002*, and has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **Heritage management document** – has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **Heritage item** – has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **Heritage significance** – has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **Host building** – the existing building on the land that is the subject of an alteration or addition.
- **In the vicinity** – the surrounding context, environment or setting of a heritage item.
- **Infill development** – a new building in an established neighbourhood or precinct.
- **Intactness** – the degree of original elements, or elements from a significant period of development, which demonstrate the heritage significance of the building or group of buildings.
- **Internal fabric** – the interior fittings such as fireplaces, ceilings, joinery, walls, lifts, galleries, stairs, hardware and moveable items.
- **Intrusive building** – a building that has a negative effect on the character or heritage significance of a heritage conservation area.
- **Landmarks** – prominent or distinguishing buildings or features by which people orient themselves and identify places within the City.
- **Lot** – refer to 'Allotment'.
- **Maintenance** – has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **Massing** – the size and volume of a building.
- **Neutral buildings** – are buildings that are either heavily altered to an extent where the construction period is uncertain, or are from a construction period which falls outside any Key Period of Significance for the heritage conservation area, but which reflect the predominant scale and form of other buildings within the heritage conservation area, and therefore do not detract from the character of the heritage conservation area. This ranking is assigned where the building is either so altered the period and style is no longer evident, or it is a recent building which is of a height, form and scale which is consistent with the streetscape.
- **Nominated State heritage item** – has the same meaning as in the Newcastle Local Environmental Plan 2012.



- **Non-contributory buildings** – are buildings from a construction period which falls outside any Key Period of Significance for the heritage conservation area and that have scale or form that is not consistent with the key characteristics of the heritage conservation area. This ranking is assigned where the building is recent or late 20<sup>th</sup> century and is out of scale, not consistent with the height, form and scale of buildings within the streetscape.
- **Relic** – has the same meaning as in the Newcastle Local Environmental Plan 2012.
- **Restoration** – means returning the existing fabric of a building or work to a known earlier state by removing accretions or by reassembling existing components without the introduction of new materials.
- **Setback** – refer to 'Building line'.
- **Scale** – the size of a building in relation to its surroundings.
- **Setting** – the context within which a building or structure is situated in relation to the surroundings. For example, buildings, roof scapes, chimneys, valleys, ridges, view corridors, trees, parks, gardens, view corridors, vantage points and landmarks may contribute to the setting of a building.
- **State Heritage Inventory** – is an online database of all statutory listed heritage items and heritage conservation areas in New South Wales including Aboriginal Places, State Heritage Register, Interim Heritage Orders, State Agency Heritage Registers and Local Environmental Plans. Each listing may include a description of the item or area, a Statement of Heritage Significance and recommended management provisions to guide future development. The information is provided by local councils and State government agencies.
- **Statement of environmental effects** – is a document that outlines the environmental impacts of a proposed development and outlines any steps taken to protect the environment and to manage impacts.
- **Streetscape** – means the form, character and visual amenity of the street environment.
- **Verandahs** – located on the ground floor. Commonly seen on terrace houses and bungalows.
- **View** – an extensive or long range outlook towards a particular urban aspect or topographical feature of interest.



## Statements of Heritage Significance and Desired Future Character

Note 3: These statements should be read in conjunction with the details provided in the *Heritage Technical Manual* and the *State Heritage Inventory* listing for the heritage conservation area.  
[www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx](http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx)

### ▪ Cooks Hill Heritage Conservation Area

#### Summary Statement of Heritage Significance

Cooks Hill Heritage Conservation Area is culturally significant on a number of levels. As a residential and commercial precinct it is regarded for its special historical character, liveable streetscapes, diverse range of historic residential and commercial buildings and several tree lined streets. The age of the suburb, relative to other suburbs of Newcastle, is apparent in the style and form of buildings and eclectic street layout.

It has a significant visual character comprising buildings which represent all of the common architectural styles including mid 19th century workers' houses and terraces, Federation bungalows, Inter-war cottages and post-war residential flat buildings. A critical mass of contributory buildings, traditional streetscapes, significant trees, sandstone kerb and gutters, artefacts, heritage listed hotels, shops and parklands, gives the suburb a strong sense of place and a distinctive historic identity valued by local residents and visitors.

Cooks Hill is closely associated with the Australian Agricultural Company as part of the original 2000 acre grant owned by the Company. The Company began to sell off parts of Cooks Hill in the 1850s. However, even before that the Company built huts for its workmen and so the area began its life as a mining village in the midst of the Company's railways and mines. When the first land sales did occur, development was rapid along Lake Macquarie Road (Darby Street) and eventually Blane Street (Hunter Street), becoming an extension of the main laid out streets towards the City Centre. The early houses were single and two storey terraces and miners' cottages, both brick and timber. Retailing and hotel keeping flourished as did the population. The area is significant as it reflects the land uses and activities of the AA Company. Its mines, its railways, and the Colliery railway serving the Merewether district, exercise a strong physical presence over Cooks Hill to this day.

#### **Key Period of Significance – circa 1850 to 1940**

#### Desired Future Character Statement

The character of the Cooks Hill Heritage Conservation Area is made up of a variety of building styles that date from the late 19th and early decades of the 20th century. The special character of Cooks Hill will be preserved, celebrated and maintained through the retention of contributory buildings, the existing subdivision pattern, and elements of visual interest. Elements that are to be preserved include:

- contributory buildings constructed prior to the Second World War
- mature trees in gardens and the public domain
- the former Burwood Coal and Copper Company rail line and bridge abutments at Laman Street
- heritage fences
- sandstone kerbing and guttering
- Victorian era post box on Corlette Street
- pubs and shops on Darby, Union and Bull Streets and
- parks, including Centennial Park, Corlette Street, National Park.

The eclectic character of Cooks Hill will continue to provide residents with a unique and valued sense of place into the future.



- **Glebe Road Federation Cottages Heritage Conservation Area**

**Summary Statement of Heritage Significance**

The Glebe Road Federation Cottages Heritage Conservation Area is important at the local level in demonstrating the principal characteristics of the Federation period and the nature of residential building construction in Newcastle between 1909 and 1915. The narrow window of time in which the precinct developed is significant in providing evidence of the key features of the Federation period including construction and building technologies, fashions and key elements of the Federation style. Those being the single storey scale of these modest detached row of dwellings, a symmetrical street frontage, set close to Glebe Road and set off side boundaries, open verandah, pyramidal roof form, hip and gable roofs, bearer and joist construction with lightweight cladding material (weatherboard), and the absence of garaging with provision for parking occurring at the rear accessed via side driveways. The uniformity of the group in terms of architectural style, age, height, form, massing, setbacks, materials, and lack of obvious garaging contributes to defining the character.

The house at 55 Glebe Road has associative significance with a prominent individual, being the home of RJ Kilgour, a past Mayor of Merewether, and whose son was the first to enlist locally in 1915 for the First World War. The group of houses itself has associational significance with the Australian Agricultural Company, and the south east boundary line abuts the easement of the former Burwood Coal and Copper Company railway line, which was the Merewether Estate's coal haulage line.

***Key Period of Significance – circa 1909 to 1915***

**Desired Future Character Statement**

The character of the Glebe Road Federation Cottages Heritage Conservation Area is made up of the single storey Federation cottages that were built between 1909-1915. The homogenous character of this precinct will be preserved and maintained through the retention of all contributory buildings, elements of visual interest and heritage significance. Elements that are to be preserved include:

- the building group at 55 to 75 Glebe Road, The Junction, is a fine representative example of a group of intact Federation era cottages which have high contributory value to the streetscape
- the single storey scale of housing stock that is an original defining feature of the Federation cottages group
- the urban form which reflects a regular pattern of subdivision and development that dates from the 1900-1920
- side driveways with access to garages and on-site car parking accommodation at the rear of the house group and
- items of heritage significance recommended for individual listing as heritage items in Schedule 5 of the Newcastle LEP.



- **Hamilton Business Centre Heritage Conservation Area**

**Summary Statement of Heritage Significance**

Hamilton Business Centre Heritage Conservation Area is of heritage significance for its role in the economic and social life of the local Hamilton community. It contains many examples of two storey shops and commercial premises that serve to reflect the various periods of economic growth and social history. The area is representative of the waves of immigration during the 20th century and the eastern European immigrants who came to Newcastle established businesses in the street. Newcastle's earliest examples of Italian and Greek eateries opened on Beaumont Street during the 1950s. The Newcastle Earthquake of 28 December 1989 dramatically changed Beaumont Street. There was widespread damage and loss of life and major social dislocation. However, in terms of the buildings that survived, they were revitalised and many of the two storey shopfronts were saved by judicious planning and urban design. Beaumont Street is now a thriving urban centre with a cosmopolitan character. Many of the buildings have been compromised by unsympathetic signage however, the two storey scale is important in defining the character of the street.

***Key Period of Significance – circa 1870 to 1940***

- **Hamilton Residential Precinct Heritage Conservation Area**

**Summary Statement of Heritage Significance**

The Hamilton Residential Precinct HCA is a low scale, residential area typified by small lot housing of generally one or two storeys, with the character of the area and its streetscapes representative of the late Victorian, Federation and Inter-war periods of Australian urban development. The style of housing - late Victorian terraces and cottages, Federation cottages and bungalows in the popular styles of the time, Italianate, Queen Anne, Edwardian, and California and Spanish Mission influences. In particular, a large number of detached terrace houses, with streets generally comprising of small lot housing, with a traditional street grid nestled adjacent to Hamilton railway station, and general absence of space for vehicle accommodation.

The Hamilton residential precinct represents a pattern of urban settlement that is representative of the gradual urban infill of the Newcastle coal field as mining moved out to the Hunter valley from 1880s until the turn of the 20th century. The urban development in the suburb reflects the gradual release of land by the AA Company, with some houses built as early as 1870. Most of the suburb was released in 1885-1886, and 1900-1920. Hamilton's development between 1880 and 1900 reflects a period of intensive infrastructure investment by the state government, comprising the opening of the railway and train station in 1887. This attracted people to the suburb from the city centre and the style and age of much of the housing stocks reflects this period of growth and development. The Hamilton Residential precinct HCA has special associations with the Australian Agricultural Company, being part of their 2000 acre grant of land in inner Newcastle. The township developed around the lucrative borehole pit, and was named 'Pit Town', with operations at the No 1 pit, No 2 pit, the Hamilton pit and the lucrative D pit on Cameron Hill, all of which were opened up in the late 1840s and 1850s. The enduring legacy of the AA Company is still reflected in the contemporary names of streets, including Lindsay, Denison, Cleary, Everton and Skelton Streets. The smaller lot layout of the present day residential area of Hamilton can be attributed to the manner in which the AA Company released land for sale, the main purchasers being miners and company employees, and also reflects an era of urban development before the widespread use of the motor car, with little provision made for car parking.

***Key Period of Significance – circa 1870 to 1940***



### **Desired Future Character Statement**

The character of the Hamilton Residential Precinct Heritage Conservation Area is made up of a variety of building styles that date from the late 19th and early decades of the 20th century. The special character of Hamilton residential precinct will be preserved and maintained through the retention of contributory buildings, street trees and elements of visual interest and heritage significance. Elements that are to be preserved include:

- the range of contributory and historic buildings, particularly intact or historically significant groupings, heritage items, iconic structures, and the appearance and layout of streets
- street furniture such as sandstone kerbing and guttering, and other features of historical interest
- the urban form which reflects a regular pattern of subdivision and development that dates from the 1890s to the 1930s, and building stock from this period
- prevailing absence of garages and on-site car parking accommodation
- sandstone kerb and gutters and traditional road layout and
- items of heritage significance individually listed as heritage items in Schedule 5 of the Newcastle LEP.

## **▪ Hamilton South 'Garden Suburb' Heritage Conservation Area**

### **Summary Statement of Heritage Significance**

The Hamilton South 'Garden Suburb' Heritage Conservation Area is significant to the local community for the surviving evidence of an early twentieth century subdivision pattern made up of single dwellings on large 'suburban' style allotments generally over 600 square metres. The precinct has associational significance with the eminent Australian architect and planner Sir John Sulman and as such, its original form is important evidence of his work and ideas. The suburb is one of Newcastle's earliest and largest examples of a planned garden suburb and as such is historically important. The evidence of Sulman's original design is reflected in the road layout, allotment shape and pattern, and form of housing – single storey detached bungalow and cottage style houses, with a consistent palette of face brick and painted weatherboard houses.

### ***Key Period of Significance – circa 1913 to 1940***

### **Desired Future Character Statement**

The character of the Hamilton South 'Garden Suburb' Heritage Conservation Area is made up of a variety of building styles that date from the late 19th and early decades of the 20th century. The special character of Hamilton South 'Garden Suburb' will be preserved and maintained through the retention of contributory buildings, open space, the existing subdivision pattern and maintenance of the 'Garden Suburb' layout, street trees and elements of visual interest and heritage significance such as Parkway Avenue, Learmonth Park, small pocket parks, and the vegetated edges of Cottage Creek. Elements that are to be preserved include:

- the original dwellings of the 'Garden Suburb' which were built up to 1935
- the single storey scale of housing stock that is an original defining feature of the 'Garden Suburb'
- the consistent front and side setbacks including retaining the offsets to side boundaries and keeping front gardens as open space
- existing subdivision pattern and street layout as evidence of Sulman's 'garden suburb' layout and town plan
- a strong symmetrical and hierarchical pattern of streets including Parkway, Gordon and Stewart Avenues



- the existing appearance, form and function of Parkway Avenue, including the road verges, street trees, bridge abutments at Cottage Creek, and the central median that splits the carriageway into two single lane roads
- gardens, street trees and public open space including pocket parks at Wilson Place, Corona Street, and elsewhere and
- the relationship of houses to their gardens and houses to each other.

## ▪ **Newcastle City Centre Heritage Conservation Area**

### **Summary Statement of Heritage Significance**

The Newcastle City Centre Heritage Conservation Area is significant on many levels. The mix of commercial, retail and civic buildings is a powerful reminder of the city's past, its economic and social history. Historic buildings provide the backdrop to a city of dramatic topography on the edge of the sea and the mouth of a harbour.

The pre-1840s buildings in the city are of state significance (Rose Cottage, c1830, Newcomen Club, 1830, parts of James Fletcher Hospital) and share associations with the city's convict origins. Newcastle has a rich archaeological record of national significance, with the potential to yield information about the early convict settlement and early industrial activities. The city area is known to have been a place of contact between colonists and the indigenous population. This evidence is available in historical accounts and in the archaeological record surviving beneath the modern city.

The high numbers of commercial and civic buildings of the 19th and 20th centuries gives the city a rich historic character which is notable and allows an understanding of the importance of the city as a place of commerce, governance and city building. The historical foundation of the city was the discovery and exploitation of coal with good shipping access via a safe and navigable harbour. The town's layout by Surveyor General Henry Dangar in 1828 is still visible in the city's streets, and is an element of historical value, particularly in the vicinity of Thorn, Keightley, Hunter and Market Streets.

***Key Period of Significance – circa 1801 to 1940***

## ▪ **Newcastle East Heritage Conservation Area**

### **Summary Statement of Heritage Significance**

The Newcastle East Heritage Conservation Area is highly significant as a historic landscape that provides a record of the interaction between the natural environment, including the harbour and the sea, and human settlement. It contains important evidence of Aboriginal life in Newcastle East, uncovered during excavations at the Convict Lumber Yard (CLY) and historical archaeological sites. This evidence allows archaeologist to understand the human and environmental history of the precinct.

Throughout its European history the area has been shaped by different activities including being the second penal settlement on the mainland after Sydney (from 1801), the site of the processing and shipping of cedar and coal (CLY), having an important coastal defence installation (Fort Scratchley Historic site), the Nobbys lighthouse and breakwater important to the story of shipping, through to the generation of electricity. The residential area is significant for its consistent streetscapes of two and three storey terrace housing dating from the mid-19th through to early 20th centuries and its housing for workers. There are also examples of single storey detached houses.



The social history of Newcastle East is derived from it being the site of early conservation battles in the 1970s, between developers and conservationists and there are rows of public housing that make this place a community and home for many. It is also an important place of recreation at facilities like the Ocean Baths, Nobbys Beach, and Foreshore Park.

***Key Period of Significance – circa 1801 to 1940***

**Desired Future Character Statement**

The character of the Newcastle East Heritage Conservation Area is made up of a variety of building styles that date from the late 19th and early decades of the 20th century. The special character of Newcastle East will be preserved and maintained through the retention of contributory buildings, open space, street trees and elements of visual interest and heritage significance such as the many iconic buildings located in Newcastle East, parks and open space, views and vistas, the unique steep topography and street layout, and the character of the streetscapes including street trees, buildings and the relationship of built elements. Elements that are to be preserved include:

- the range of contributory and historic buildings, particularly intact or historically significant groupings, heritage items, iconic structures, and the appearance and layout of streets
- existing subdivision pattern and street layout, including preserving the integrity of laneways
- street furniture such as sandstone kerbing and guttering, and other features of historical interest such as heritage items, public stairs, lanes, parks, views and vistas
- the regular and homogenous urban form which reflects a regular pattern of subdivision and development, and building stock from between the 1870s and 1930, demonstrating the gradual urbanisation of a once indigenous landscape
- the existing appearance of Newcastle East, views outwards to the coastline and harbour, and views into the area from Foreshore Park and the Newcastle coastline and Ocean Baths
- icon heritage items including the Coal River Precinct, the Nobbys headland and breakwater, Fort Scratchley Historic Site, Convict Lumber Yard and Customs House precinct, the Newcastle Ocean baths, Joy Cummings Centre and other significant groups such as the Lahey Bond Store and Stevenson Place terraces and
- parks and reserves, including Newcastle beach, Nobbys Beach, and Foreshore Park.

▪ **The Hill Heritage Conservation Area**

**Summary Statement of Heritage Significance**

The Hill is of outstanding heritage significance to the City of Newcastle on many levels. It is a significant historic landscape containing numerous heritage items, significant trees, views of the ocean and harbour, and a steep topography that gives it a distinctive character. Its history is multi-dimensional as one of the oldest settled areas and as a place of first European settlement.

There are many significant paintings by early colonial artists including Joseph Lycett, Sophia Campbell and others, depicting European use of the hill area during the first two decades of settlement, and that depict the traditional owners of the area, the Awabakal, living in this area. The Anglican Cathedral and burial ground is situated at the top of the hill. The first railway in Australia was located in this precinct, starting at the AA Coy's A Pit, just off Church Street. The flat bench created for the mine is still visible with the "The Boltons" heritage group now sitting over the site. The funicular railway is significant as the first in Australia, and it was manually powered by the convict labour force indentured to the Company.



The heritage conservation area is also significant historically for its three AA Coy coal pits, the three earliest private coal mines in Australia, the A Pit, off Church Street, the B Pit, off Swan Street, the C Pit, off Bingle Street, and their remains including the winding house at No 18 Bingle Street (see Item No. 2173981). These sites are of high heritage significance as they brought profound changes to the economic fortunes of the colony after 1828 because a coal export trade gained great momentum. The Cathedral and its burial ground have the potential to reveal through their archaeology information about the convict settlement, and despite the repositioning of the graves, the human remains survive in their original resting places.

The Hill Heritage Conservation Area has a strong sense of place and contains highly intact streetscapes with houses, terraces and villas dating from the mid 19th Century through to the late 20th century. There are several residences which date as far back as the 1850s and Claremont House in Newcomen Street which was built in the 1840s, and these are of particular importance. A remnant stone wall (the remains of the Parsonage at the corner of Newcomen and Church Street) dates between 1818-1820. The sandstone retaining walls are an important historical element in The Hill along with mature trees, gardens, and early roads formations.

### ***Key Development Period of Significance – circa 1801 to 1940***

#### **Desired Future Character Statement**

The character of the Hill Heritage Conservation Area is made up of a variety of building styles that date from the late 19th and early decades of the 20th century. The special character of The Hill will be preserved and maintained through the retention of contributory buildings, open space, the existing subdivision pattern, street trees and elements of visual interest and heritage significance such as the many iconic buildings located in The Hill, parks and open space, views and vistas, the unique steep topography and street layout, and the character of the streetscapes including street trees, buildings and the relationship of built elements. Elements that are to be preserved include:

- the range of contributory and historic buildings, particularly intact or historically significant groupings, heritage items, iconic structures, and the appearance and layout of streets
- sandstone retaining walls, street features such as sandstone kerbing and guttering, and other features of historical interest such as coal shutes, public stairs, lanes, parks, views and vistas
- the eclectic and organic nature of the urban pattern and varying ages of the building stock that demonstrates the gradual urbanisation during the 19th and 20th century of a once indigenous landscape
- the existing appearance of the Hill, views outwards to the coastline and harbour and views into the area from the City, foreshore and Stockton which reveal a tree-lined suburb with a steep topography
- gardens, street trees and public open space and
- existing subdivision pattern and street layout.



## Heritage Impact Statement Guidelines

A Heritage Impact Statement is required with development applications for properties within or within the vicinity of a heritage conservation area where the carrying out of the proposed development would affect the heritage significance of the heritage conservation area concerned. The statement is to assess the impact of the proposed development on the heritage significance of the building, streetscape, or area, and how any impact arising from the changes will be mitigated.

The length of the statement will vary depending on the scale and complexity of the proposal. For the most simplistic development proposals which apply for minor works that are likely to have a negligible impact on the heritage significance of the heritage conservation area, for example proposed works to a property which are not visible to the street, it may be sufficient for a brief one or two page Heritage Impact Statement to be included as a section within the Statement of Environmental Effects. A more extensive report would be required for more complex proposals or those that will have a significant impact on the heritage significance of the heritage conservation area, for example proposed works to a property which are visible to the street.

Note 4: It is a document that conforms to the standards contained in the NSW Heritage Branch publication *Statements of Heritage Impact, 1996, revised 2002*. The issues to be addressed by the heritage impact statement for development that is to be carried out within a heritage conservation area must include:

- (a) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance
- (b) the impact that the proposed development would have on the heritage significance of the heritage conservation area
- (c) the compatibility of any proposed development with nearby contributory buildings, the streetscape and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development
- (d) the measures proposed to conserve the significance of the heritage conservation area and its setting, including protection of significant views
- (e) whether any landscape or horticultural features would be affected by the proposed development
- (f) whether any archaeological site or potential archaeological site would be affected by the proposed development
- (g) whether any Aboriginal cultural heritage or potential Aboriginal cultural heritage would be affected by the proposed development
- (h) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern
- (i) an addendum to the statement to address the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

The statement should clearly identify each of the proposed works and should reference all development application drawings.



The statement should consider compliance with any recommended management policies contained in the State Heritage Inventory for the property or heritage conservation area.

Where a building has a current Conservation Management Plan, the Heritage Impact Statement will need to demonstrate compliance with the plan.

The statement should include options that have been considered for the proposal and document reasons for choosing the preferred option. These should include proposals to minimise the impact of the development on the heritage significance of the building, site, streetscape or area.

Major alterations to a heritage item may also require the statement to include options and justify the preferred option for interpretation, to detail how the significant aspects and uses of the heritage item may be publicly interpreted.

The inclusion of supplementary consultants' reports, for example an archaeological assessment report, interpretation strategy report or Aboriginal cultural heritage assessment report, may be required if further detailed assessment is necessary and relevant to the application.

### **Aims of this section**

1. To provide a framework for the conservation of the special qualities within each of Newcastle's Heritage Conservation Areas - Cooks Hill, Glebe Road Federation Cottages, Hamilton Business Centre, Hamilton Residential Precinct, Hamilton South 'Garden Suburb', Newcastle City Centre, Newcastle East, and The Hill.
2. To define the importance, in heritage terms, of each heritage conservation area by providing a Statement of Heritage Significance and a Desired Future Character Statement that shall be the basis of design development.
3. To ensure that development activity within each heritage conservation area is commensurate with heritage significance and produces good design and liveable streetscapes.
4. To ensure that all development has a positive effect on the character of heritage conservation areas.
5. To provide clarity on the types of alterations and additions acceptable in each heritage conservation area.
6. To ensure that proponents of development refer to the Heritage Technical Manual and State Heritage Inventory in the design of development proposals.
7. To identify when the adaptive re-use of existing buildings is suitable.
8. To integrate the principles of ecologically sustainable development with best practice heritage management.



## 6.02.01 Alterations and additions in heritage conservation areas

### Objectives

1. Contributory buildings are retained, recycled and adaptively reused, and their positive contribution to the area or streetscape is maintained. Reconstruct original features by removing unsympathetic alterations and additions or using more appropriate decorative treatment.
2. The benign contribution of neutral buildings to the area or streetscape is maintained. Depending on the building's context and heritage significance, it is preferable to retain and restore neutral buildings. It may be possible to remove unsympathetic alterations and additions to the neutral building to improve the contextual design and visual impact of the site to reinforce the character of the heritage conservation area.
3. The detrimental impacts of non-contributory buildings to the area or streetscape are ameliorated or removed. Development on sites containing non-contributory buildings is an opportunity to improve the contextual design and visual impact of the site to reinforce the character of the heritage conservation area.
4. The architectural style of the host building(s) is reflected in the design of the additions and alterations.
5. Alterations and additions contribute positively to the streetscape and the setting of the host building.
6. Additions are designed to minimise the impact on the special qualities of the streetscape and the architectural style of the host building.
7. Additions are in proportion to the host building and conserve the scale of the building and the street.
8. Additions are not visible from the public domain unless the addition is architecturally outstanding.

### Controls

Note 5: These controls should be read in conjunction with the guidelines provided in the *Heritage Technical Manual* and the *State Heritage Inventory* listing for the heritage conservation area.  
[www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx](http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx)

### Building Envelope

1. The building envelopes in Part 3 of the Newcastle Development Control Plan 2012 do not apply in heritage conservation areas. The building envelope for alterations and additions in heritage conservation areas is established on its merits having regards to:
  - (a) maintaining the profile and form of the host building and its contribution to the area and streetscape, including roof form and profile, and allowing the original building to be discerned, with additions smaller in scale than the existing building, and additional storeys located behind and preferably below the main roof ridge height of the existing building
  - (b) consistency with and complementary to the massing, form, rhythm, bulk, scale, setbacks, wall height, building height, roof pitch, parapet and ridge line of neighbouring contributory buildings which predominate in the street



- (c) amenity considerations relating to the building and its neighbours including:
- i) avoiding overbearing development for public spaces and adjoining dwelling houses and their private open space
  - ii) impact on the amenity and privacy of residents
  - iii) protection of significant views or outlook of adjoining residents
  - iv) provision of access to natural light, sunlight and breezes
  - v) ensure buildings are related to land form, with minimal cut and fill
  - vi) ensuring the development will not impede the flow of stormwater or overland paths
  - vii) sufficient landscape and deep soil areas are provided around the development to conserve existing trees and accommodate intensive new landscaping.

Note 6: To assist with 1(c) amenity considerations, this control should be read in conjunction with the relevant sections of Parts 3.00 – Landuse Specific Provisions, 4.00 – Risk Minimisation Provisions, 5.00 – Environmental Protection Provisions, and 7.00 – Development Provisions of the Newcastle Development Control Plan 2012.

### Contributory Buildings

2. Alterations and additions to a contributory building are to:
- (a) respect significant original or characteristic built form
  - (b) respect significant traditional or characteristic subdivision patterns
  - (c) retain significant original fabric
  - (d) retain, and where possible reinstate, significant original features and building elements, including original balconies and verandahs, fences, chimneys, joinery, shop front detailing etc
  - (e) remove unsympathetic alterations and additions, including inappropriate building elements
  - (f) use appropriate materials, finishes and colours
  - (g) respect the pattern, style and dimensions of original windows and doors.
3. Where an addition to the building is proposed, significant original external elements are to be reinstated.
4. The appearance of a principal or significant frontage should generally be conserved and should not be significantly altered. Alterations and additions may be possible to the rear of contributory buildings where they do not significantly alter the appearance of principal and significant façades.



5. Where buildings have foyers or other significant interior features, including hallway detailing, panelling and significant staircases, that are designed to be visible from the street, these are to be retained, especially where they form part of the building's contribution to the streetscape and character of the heritage conservation area.

#### Neutral Buildings

6. Alterations and additions to a neutral building are to:
  - (a) remove unsympathetic alterations and additions, including inappropriate building elements
  - (b) respect the original building in terms of bulk, form, scale and height
  - (c) minimise the removal of significant features and building elements
  - (d) use appropriate materials, finishes and colours.
7. Alternatives to the retention and reuse of neutral buildings will be considered where it can be demonstrated that:
  - (a) retention and reuse of the building is not reasonable having regard to its heritage significance and contribution to the heritage conservation area
  - (b) the replacement building will not compromise the heritage significance of the heritage conservation area or streetscape.

#### Non-contributory Buildings

8. Alterations and additions to non-contributory buildings are to:
  - (a) remove inappropriate elements or features that are intrusive to the heritage significance of the heritage conservation area; and
  - (b) respect the prevailing character of the area and street in terms of bulk, form, scale, height and materials.
9. Alternatives to the retention of non-contributory buildings will be considered where it can be demonstrated that the replacement building will not compromise the heritage significance of the heritage conservation area or streetscape.

#### Architectural character

10. Additions respect the host building, preserving the significant aspects such as scale, roofscape, building form, external materials, details, and bulk.
11. Roof conversions occur where the host roof is a high pitch and can accommodate rooms largely within the roof volume. Depending on the significance and the style of the building, dormer roof windows to provide light and ventilation are permitted.
12. Wing additions occur at the rear. Roof pitch matches that of the host building with additions constructed in a manner that reflects the detailing of the host building.
13. Pavilion additions and rear additions are the preferred method of extending a building. A contemporary or contrasting form may be used where such additions are not visible from street or other public areas.



14. Two storey pavilions occur where there is no negative impact on the dwelling when viewed as an element in the streetscape; and, where it can be demonstrated that there is no negative affect on adjoining properties.
15. Sloping sites accommodate additions that follow the slope of the land. Such additions should be located at the rear.
16. Additional storey additions that alter the scale of the host building are permitted where an existing single storey building:
  - (a) is not a listed heritage item
  - (b) is surrounded by two to three storey buildings
  - (c) does not negatively affect the building in its streetscape setting
  - (d) does not result in a building of more than two storeys in total height.
17. In semi detached houses and contiguous groups of terrace houses, additions and alterations are only considered if the symmetry of the host building will be maintained.
18. Solar panels are permitted on roof planes facing the street where the host building is not a listed heritage item and where the panels are not visually intrusive.

### **6.02.02 Materials and details in heritage conservation areas**

#### ***Objectives***

1. Maximise the reuse of existing material on site.
2. Ensure selection of new materials and details compliment the local character.

#### ***Controls***

1. A high proportion of the construction material from the host building are recycled and incorporated in the new additions.
2. The proposal builds on the materials, colours and detail seen throughout the area and which reflect the character of local precincts.
3. The materials palette proposed in an alteration and addition reflects the original design and appearance of the host building.
4. Traditional building elements including windows, doors, hardware, chimneys, verandahs, wall surfaces and other characteristic features of the building, are retained and repaired.
5. Sandblasting is not an acceptable method for cleaning unpainted brickwork or remove paint from brick or stone.
6. Lime mortars are replaced by mortars of similar consistency. Expert advice should be obtained for re-pointing and repair work.



7. External colour schemes are complimentary to the heritage conservation area, are based on research, and have regard of the setting.
8. Exposed brickwork, stone, tiles and shingles are not painted or rendered.
9. Repair and replace joinery in profiles matching the original detailing.
10. Where a face brick structure is proposed, this matches the brick colour and texture of the associated dwelling.

### **6.02.03 Accommodating vehicles in heritage conservation areas**

#### ***Objectives***

1. Minimise the visual intervention of new structures that accommodate vehicles.
2. Maintain the relationship of buildings to the street and to their settings.
3. Maintain the setbacks associated with the heritage conservation area.
4. Produce liveable streetscapes underpinned by the historical character of the conservation area.

#### ***Controls***

1. Garages and carports are sited at the rear or behind the building line of the existing house.
2. Additional vehicle crossings in heritage conservation areas are not supported unless the vehicle crossing is to a rear laneway.
3. Where a property has access to a rear lane, vehicle accommodation is located adjacent to the laneway, providing vehicle access from the laneway.
4. Where access to the rear or side of the site is not available, single garages and carports are permitted where demonstrated that the impact on the streetscape or host building is acceptable.
5. Where double garages are proposed at the rear of sites, they are designed with two doors and a pier between them to reduce the horizontal effect of the opening.
6. Car parking where permitted in front of a building, is uncovered.
7. Sandstone kerbing is not to be disturbed.
8. Driveways are designed as concrete or brick strips with grass or gravel in between.
9. Paving materials are terminated inside the property boundary and are not extended into the public domain, unless of a matching colour and treatment.
10. New driveway crossings are to be designed in consultation with Council. All crossings are to be designed to match the colour palette of the site and the neighbouring footway, subject to advice from council staff. Generally plain concrete with a charcoal oxide and trowel finish is to be used where bitumen paving is the predominant paving material.



## **6.02.04 Fences in heritage conservation areas**

### ***Objectives***

1. Preserve and protect fences, stone and brick retaining walls and garden settings.
2. Ensure fences within the public domain contribute to the streetscape.
3. Retain and repair surviving original fences.
4. Ensure new fences in the public domain match the details and materials of the adjoining contributory fences or matches the original fence in the case of rebuilding projects.

### ***Controls***

1. Reconstruct missing fences to their previous design based on photographic evidence.
2. Retain, repair and re-instate original and traditional fences and retaining walls.
3. Use traditional materials and designs on front or side boundaries where visible to the street.
4. Retain later fences where they reflect the traditional fence design.
5. Front fences are between 700-1200mm high, to a maximum height of 1500mm, measured from ground level.
6. Front fences extend across the whole of the front boundary of the property, and should incorporate gates where there is a driveway present.

## **6.02.05 Gardens in heritage conservation areas**

### ***Objectives***

1. Ensure front gardens are a part of the streetscape.
2. Ensure appropriate landscaping is provided.
3. Retain surviving original garden elements such as lych gates, paths, edging tiles etc.
4. Promote use of traditionally designed gardens that enhance the appearance of historic houses and the streetscape.

### ***Controls***

1. Trees and shrubs are planted within the property boundaries and not on the front verge which forms part of the public domain.
2. The selection of street trees is undertaken by Council.



## 6.02.06 Subdividing or amalgamating land in heritage conservation areas

### Objectives

1. Ensure that subdivision and amalgamation of land in a heritage conservation area is commensurate with the heritage significance of the area, and conserves the important characteristics of the subdivision pattern and allotment layout, streetscape character and notable features of the precinct.
2. Allow for the interpretation of the original pattern of the subdivision pattern in any development proposal.

### Controls

1. Lot boundary changes are not proposed where the development pattern or early subdivision is integral to the heritage significance of the heritage conservation area.
2. Lot boundary changes within heritage conservation areas retains significant features such as buildings, archaeological sites, trees, gardens, and outbuildings associated with the pattern of development of that area.
3. Lot boundary changes to large allotments enables the continuation of the significant or early subdivision pattern of development in the area.
4. Amalgamation of sites in heritage conservation areas provides for the conservation of the fine grain pattern of development associated with the area, where applicable.

## 6.02.07 Infill development in heritage conservation areas

Note 7: These controls should be read in conjunction with the guidelines provided in the *Heritage Technical Manual* and the *State Heritage Inventory* listing for the heritage conservation area.  
[www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx](http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx)

All new development in the conservation area should be treated as 'infill', that is, it should respect the design of its neighbours and the character of the area generally. Similar principles are applied to infill development as are applied to alterations and additions, and must begin with an understanding of the design and heritage significance of the buildings to which it relates.

Infill development should not copy or replicate its neighbouring traditional buildings. Rather, it is appropriate to interpret the features of the neighbouring buildings and design them in a way that reflects and respects them.

Where a development application is submitted for infill development, appropriate design advice from an architect or accredited building designer should be obtained. A heritage impact statement should be written by the design professional to explain the form and style of the proposal and explain how it relates to the heritage conservation area.



## **Objectives**

1. Infill development respects the design of its neighbours and the character of the heritage conservation area.
2. Infill development achieves a harmony of character; sympathy of scale; appropriateness of form; appropriate orientation and setback, and sympathetic materials and details within heritage conservation areas.
3. Infill development demonstrates a good fit within its setting that respects the neighbouring buildings and the character of the heritage conservation area.
4. Contributory buildings are retained, recycled and adaptively reused, and their positive contribution to the area or streetscape is maintained.
5. The benign contribution of neutral buildings to the area or streetscape is maintained. Depending on the building's context and heritage significance, it is preferable to retain and restore neutral buildings.
6. Non-contributory buildings provide locations for appropriate infill development. The detrimental impacts of non-contributory buildings to the area or streetscape are ameliorated or removed. Development on sites containing non-contributory buildings is an opportunity to improve the contextual design and visual impact of the site to reinforce the character of the heritage conservation area.

## **Controls**

### **Building Envelope**

1. The building envelopes in Part 3 of the Newcastle Development Control Plan 2012 do not apply in heritage conservation areas. The building envelope for infill development in heritage conservation areas is established on its merits having regards to:
  - (a) consistency with and complementary to the massing, form, rhythm, bulk, scale, setbacks, wall height, building height, roof pitch, parapet and ridge line of neighbouring contributory buildings which predominate in the street; and
  - (b) amenity considerations relating to the building and its neighbours including:
    - i) avoiding overbearing development for public spaces and adjoining dwelling houses and their private open space;
    - ii) impact on the amenity and privacy of residents;
    - iii) protection of significant views or outlook of adjoining residents
    - iv) provision of access to natural light, sunlight and breezes
    - v) ensure buildings are related to land form, with minimal cut and fill
    - vi) ensuring the development will not impede the flow of stormwater or overland paths
    - vii) sufficient landscape and deep soil areas are provided around the development to conserve existing trees and accommodate intensive new landscaping.



Note 8: To assist with 1(b) amenity considerations, this control should be read in conjunction with the relevant sections of Parts 3.00 – Landuse Specific Provisions, 4.00 – Risk Minimisation Provisions, 5.00 – Environmental Protection Provisions, and 7.00 – Development Provisions of the Newcastle Development Control Plan 2012.

### Contributory Buildings

2. Contributory buildings are to be retained.

### Neutral Buildings

3. Alternatives to the retention and reuse of neutral buildings will be considered where it can be demonstrated that:
  - (a) retention and reuse of the building is not reasonable having regard to its heritage significance and contribution to the heritage conservation area, structural adequacy and risk to life, and the economic feasibility of refurbishment and reconstruction
  - (b) the replacement building will not compromise the heritage significance of the heritage conservation area or streetscape.

### Non-contributory Buildings

4. Alternatives to the retention of non-contributory buildings will be considered where it can be demonstrated that the replacement building will not compromise the heritage significance of the heritage conservation area or streetscape.

### Character

5. The character or style of new buildings relates to the overall character of the area. The design of new buildings should be influenced by the style of buildings within the street and the neighbouring buildings.
6. The character of an infill building harmonises with the style of its neighbours. In particular, the proposed building should avoid becoming a dominant element within the streetscape or being deliberately modern.

### Scale

7. Infill buildings must reflect the general scale of streetscapes within the heritage conservation area. In particular, infill buildings should respect and be similar to the scale of neighbouring contributory buildings in the vicinity.
8. The predominant height of contributory buildings in the street should be used as the starting point for the scale of infill buildings, rather than the highest building in the street (especially where the highest building is non-contributory or intrusive).
9. Consideration must be given to the relative scale of the components of a building. Infill development must be designed with elements that reflect the scale of building elements in contributory buildings. For example, window proportions and the height of major elements such as parapets and eaves lines relative to neighbouring buildings, balustrades and roof lines.



### Form

10. The form of new buildings (i.e. massing and overall bulk) is consistent with the prevailing form of contributory buildings within the heritage conservation area.
11. New development relates to the massing of neighbouring contributory buildings.
12. The roof form, slope and pitch of new development reflects and is respectful of the typical forms of contributory buildings in the heritage conservation area.

### Setbacks and orientation

13. Infill development is setback consistent with the prevailing setbacks in the heritage conservation area. For example, zero lot lines to front boundaries is a development pattern that should be repeated where relevant to the streetscape.

### Materials and details

14. The materials and details of new development are compatible with, but not directly copy, those of contributory buildings in the streetscape.

### Vehicle accommodation

15. Garages and carports are sited at the rear or behind the building line.
16. Where a property has access to a rear lane, vehicle accommodation is located adjacent to the laneway, providing vehicle access from the laneway.
17. Additional vehicular crossings in heritage conservation areas are not supported unless the proposed car-parking is provided at the rear of the site.
18. Where access to the rear or side of the site is not available, single garages and carports are permitted where demonstrated that the impact on the streetscape is acceptable.
19. Where double garages are proposed it is at the rear and does not impact the public domain or appreciation of the character of the heritage conservation area.
20. Sandstone kerbing is not impacted.
21. Paving materials are terminated inside the property boundary and are not extended into the public domain.



## 6.03 Wickham

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/06/2017	10/07/2017	Amended
3	23/10/2018	16/11/2018	Amended

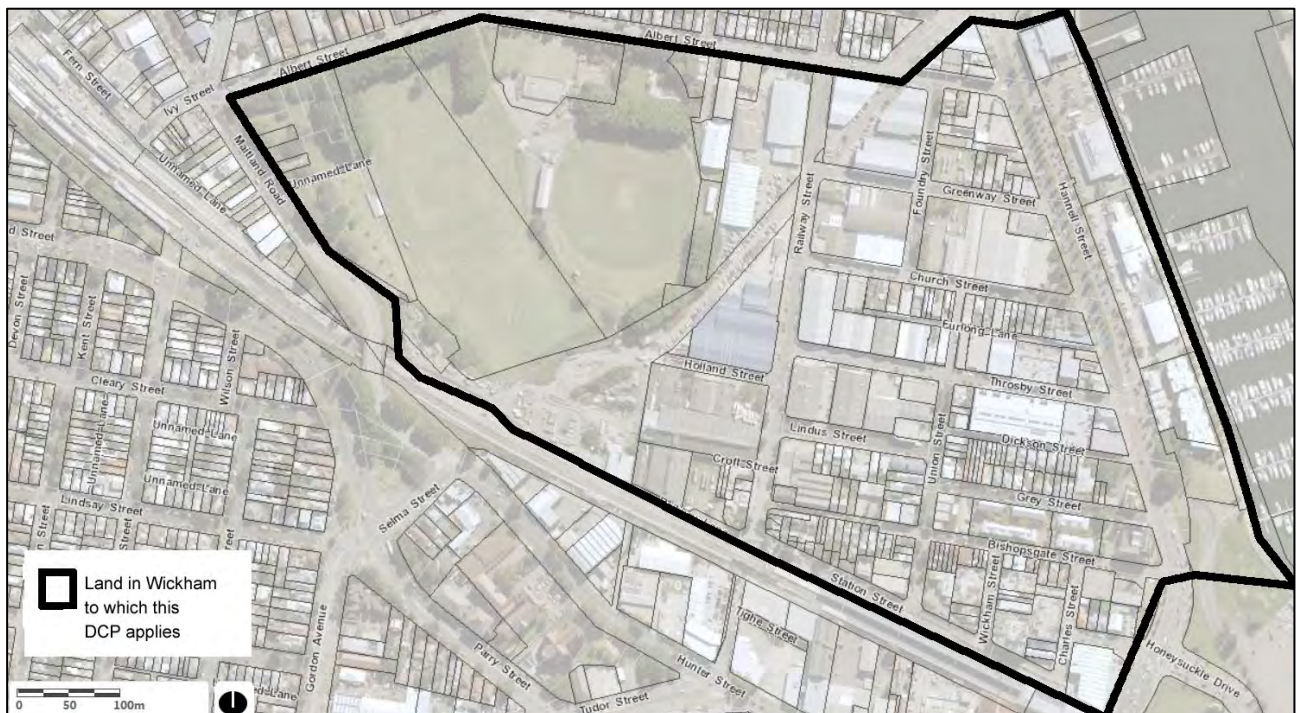
### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land within the heavy black line marked on Figure 6.03-1 - Wickham

**Figure 6.03 - 1 - Wickham**



### Development (type/s) to which this section applies

This section applies to all development consisting:

- New buildings or structures
- Additions or alterations to existing buildings or structures
- Subdivision



## Applicable environmental planning instruments and legislation

The provisions of the Newcastle Local Environmental Plan 2012 apply to development applications to which this section applies.

Additional environmental planning instruments, including relevant State Environmental Planning Policies may also apply. In the event of any inconsistency between this section and an applicable environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- Any applicable land use specific provision under Part 3.00
- 4.04 Safety and Security
- 7.02 Landscape, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.06 Stormwater
- 7.08 Waster Management

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management - all land which is identified as flood prone under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.03 Mine Subsidence - within a mine subsidence area
- 4.05 Social Impact - where required under 'Social Impact Assessment Policy for Development Applications', 1999
- 5.01 Soil Management - works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination - land on register or where risk from previous use
- 5.03 Vegetation Management - declared vegetation within 5m of a development footprint or likely to be affected by a development
- 5.04 Aboriginal Heritage - known/likely Aboriginal heritage item and/or place of significance and/or potential soil disturbance
- 5.05 Heritage Items - known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management - known/likely archaeological site or potential soil disturbance
- 7.04 Movement Networks - where new roads, pedestrian or cycle paths are required
- 7.06 Energy Efficiency
- 7.07 Water Efficiency
- 7.09 Advertising and Signage
- 7.10 Street Awnings and Balconies - awnings or balconies located over public land.

In the event of an inconsistency between provisions within this section and any other section of the Newcastle Development Control Plan 2012, the provisions of this section will apply to the extent of the inconsistency.



## Associated technical manual/s

- Wickham Master Plan
- City Centre Public Domain Technical Manual

## Purpose of this section

This section of the Newcastle Development Control Plan provides detailed standards and guidance for development in order to implement the Wickham Master Plan (2017).

It integrates place based planning and design guidelines to inform future redevelopment, consistent with the vision of the area as set out in the Wickham Master Plan, in particular the characteristic features of each of the five identified interconnecting precincts (Key Precincts) within Wickham.

This section provides *performance criteria* that explain the planning outcomes to be achieved. Accompanying the performance criteria are *acceptable solutions* that illustrate the preferred way of complying with the performance criteria. There may be other ways of meeting the performance criteria and it is up to the applicant to demonstrate how the performance criteria are met.

## Development Application requirements

All applications that include the erection of a new structure or the extension of an existing structure with a height exceeding 8.5m are to be accompanied with a 3D model of the proposed development within in the context of the Newcastle CBD 3D model.

The format should be compatible to that used by the Newcastle City Council.

The 3D Model should be used to illustrate the following information:

- context 'before' and 'after' streetscape drawings/images and/or photomontages;
- shadow diagrams; and
- assessment of impact on view corridors.

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan, and include:

- **Urban activation space** - a small public space that acts as a 'micro-scale' neighbourhood park that that contributes to the public domain through plantings and/or specific use or functions (e.g. small playground, community garden, or gathering space). Urban activation space is usually provided on corner sites within the development setback to the street and is incorporated into the road reserve.



### 6.03.01 Urban Character

Wickham will continue to evolve from a semi-industrial area at the outer fringe of Newcastle City Centre into a mixed use urban neighbourhood supporting the emerging commercial core within Newcastle West.

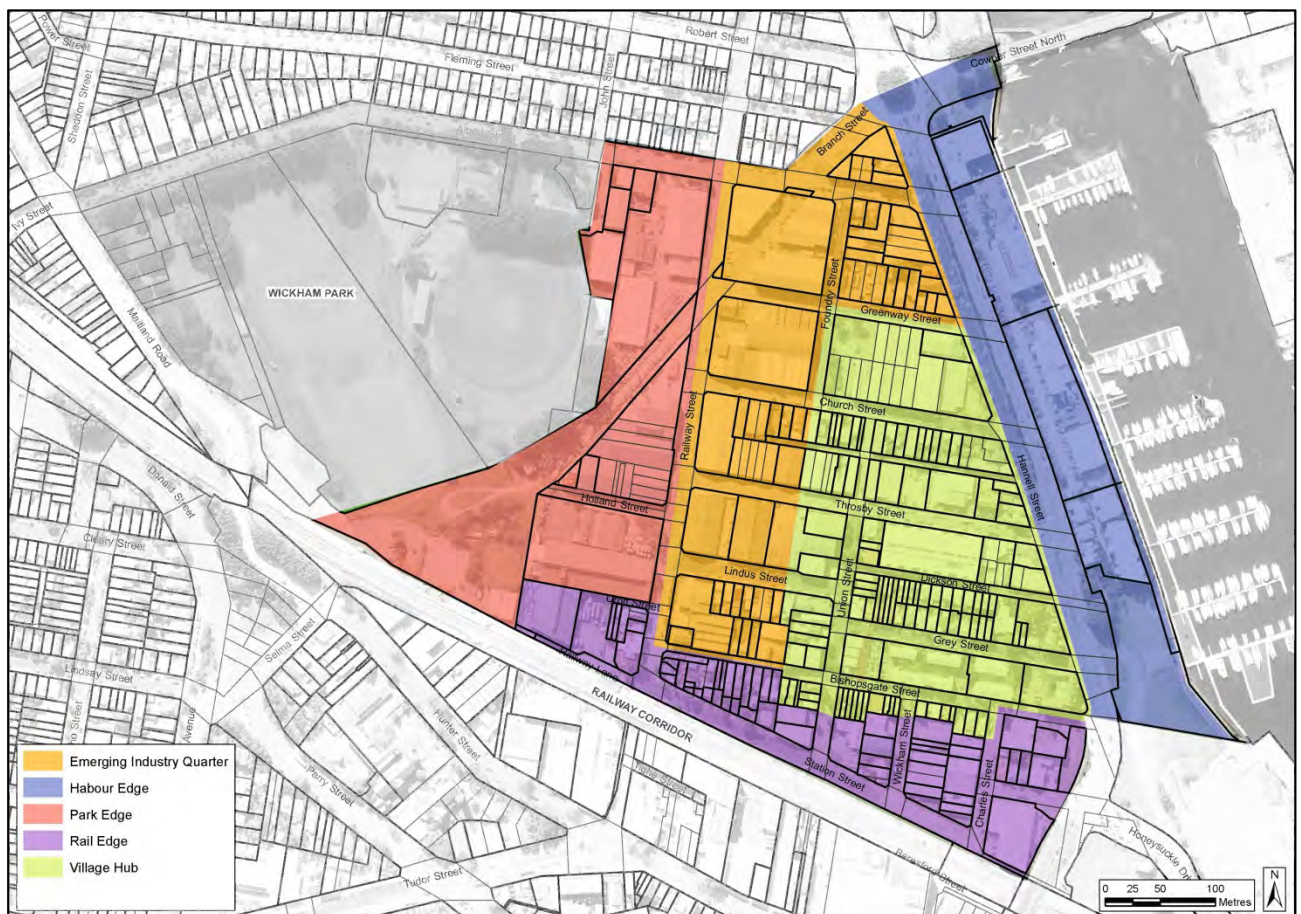
Urban renewal is envisaged to build on the existing urban structure to deliver greater connectivity, improved public domain amenity and built form which reflects the function and character of the area.

### Key Precincts

The controls applying to this section of the DCP are based on achieving the intended future character of each key precinct, as identified in *Figure 6.03 - 2 Key precincts*, consistent with the Vision of the Wickham Master Plan (2017).

Any variation to the 'acceptable solutions' proposed as an alternative means of meeting the specific 'performance criteria,' will need to be justified having regard to achieving the future character of the relevant precinct.

**Figure 6.03 - 2 - Key precincts**





## A. Rail Edge

### *Existing character*

The Rail Edge precinct contains a mix of uses and building types and provides an interface to the emerging commercial core of Newcastle West.

### *Future character*

The precinct is envisaged to support high density residential development that capitalises on its location adjacent to Newcastle Transport Interchange and provide ground level commercial uses, with neighbourhood level retail and services activating street corners. Building scale and form transitions down to integrate with the lower scale Village Hub precinct fronting Bishopsgate Street.

**Figure 6.03 - 3 - Potential future built form of the Rail Edge precinct**





## B. Village Hub

### *Existing character*

The Village Hub retains much of the original residential subdivision patterns established in the 1800s, which is characterised by narrow streets and a mix of lower scale residential building typologies. Buildings are set back from the front boundary and the front setback typically contains landscaping and forecourts.

### *Future character*

Redevelopment and infill development is envisaged to include terrace style housing, shop top housing and smaller residential apartment buildings up to three storeys in height which incorporate design elements complementary to existing housing stock. Opportunities for onsite car parking and driveway access are limited to ensure priority to pedestrian amenity and safety.

Union Street provides the main north-south pedestrian connection with wide footpaths and street trees, linking the predominantly residential precinct the Newcastle Transport Interchange. Retail and commercial activity are focused along Union Street while the east west orientated streets maintain a residential focus.

**Figure 6.03 - 4 - Potential future built form of the Village Hub precinct**





## C. Harbour Edge

### *Existing character*

The precinct is characterised by predominately three storey high buildings with uses that reflect the mixed residential, maritime, tourism and entertainment activities along the water edge.

### *Future character*

The Harbour Edge Precinct builds on the recreational and economic opportunities on offer within this prime waterfront location, by supporting intensification of use while retaining vistas and connections between Hannell Street and Throsby Creek.

**Figure 6.03 - 5 - Potential future built form of the Harbour Edge precinct**





## D. Emerging Industry Quarter

### *Existing character*

The Emerging Industry Quarter is characterised by larger development sites and wider streets. The Precinct predominately accommodates employment uses including service industries, small scale niche manufacturing and research and development technologies.

### *Future character*

Redevelopment is envisaged to provide opportunities for fostering business and employment generation uses.

The former Bullock Island corridor is adapted as open space and embellished to form a publicly accessible landscape element within the redevelopment site.

**Figure 6.03 - 6 - Potential future built form of the Emerging Industry Quarter precinct**





## E. Park Edge

### *Existing character*

The Park Edge precinct is characterised by large sites containing commercial, light industrial, storage and warehouse uses backing onto the eastern side of Wickham Park.

### *Future character*

The Park Edge precinct will provide activation and natural surveillance to Wickham Park from a mix of uses. The precinct may also contain public parking facilities integrated into development parcels.

The precinct will provide key connections for pedestrians and cyclists through the extension to Holland Street and the opening of the former Bullock Island rail corridor for public access. The precinct will include the creation of a new development parcel in the former railway lands, and the construction of a new one way street extending along the southern boundary of Wickham Park from Maitland Road to Railway Lane.

**Figure 6.03 - 7 - Potential future built form of the Park Edge precinct**





## 6.03.02 Building Envelopes

### A. Setbacks to streets

#### *Performance criteria*

- P1. Buildings setbacks define the street edge and public domain and reinforce the envisaged character of each precinct.

#### *Acceptable solutions*

- A1. Building setbacks to street boundaries are consistent with Figure 6.03-8
- A2. Where land is identified for acquisition by Council, in Figure 6.03-8, the minimum setback includes the land to be acquired plus any additional identified setback.
- A3. Where building setbacks are not specified in Figure 6.03-8, buildings may be built to the street edge (zero setback) at ground level but only for:
- (a) non-residential uses where the street facing façade has a minimum of 50% windows and /or other openings; or
  - (b) residential uses consisting of the covered private open space (outdoor living) component and where screened and/or elevated from the adjacent footpath/public domain area.

Note: Further design criteria for development interface to the public domain are provided in Section compliance with section 6.03.03 Urban Design

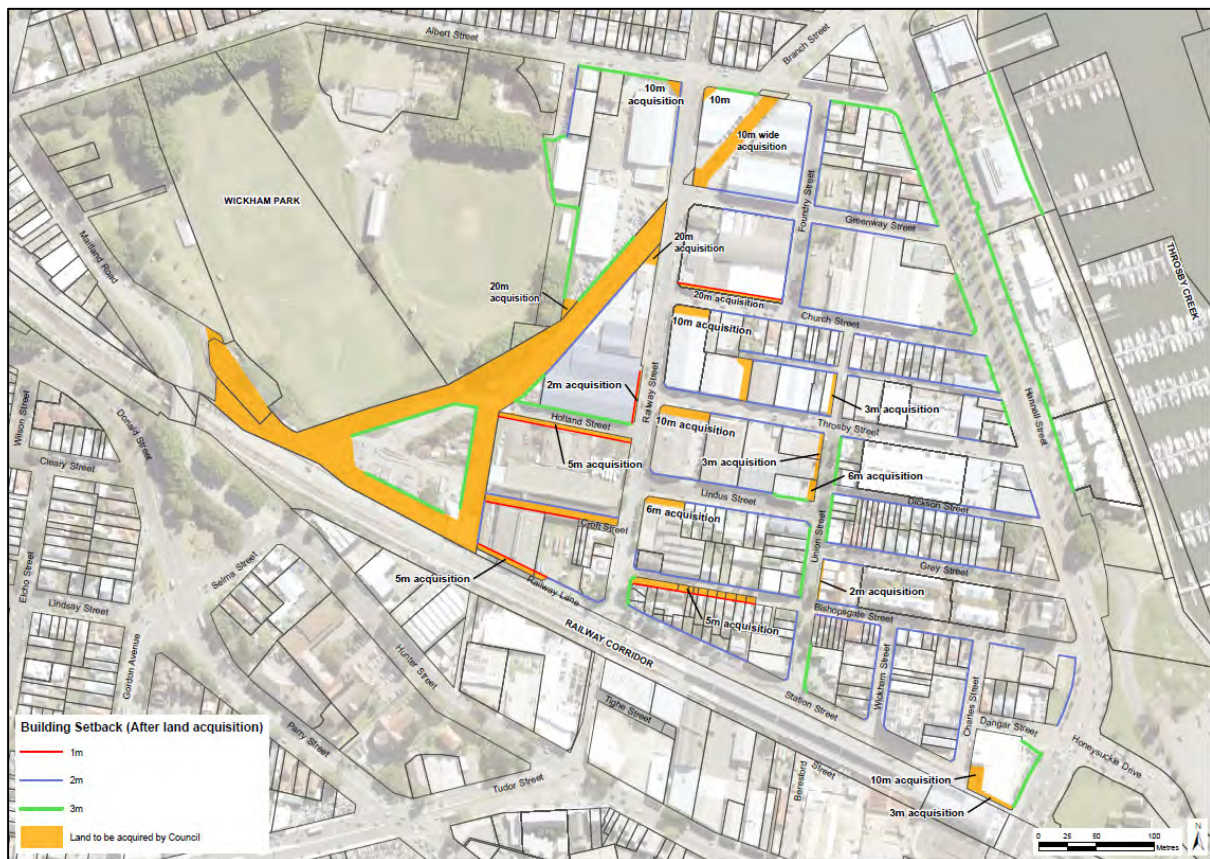
- A4. Minimum setbacks to the street front for upper levels are consistent with the ground level setbacks, except where identified in the table below:

Precinct	Minimum street setback above 12m building height
Rail Edge	6m
Village Hub	N/A
Harbour Edge	N/A
Emerging Industry Quarter	6m
Park Edge	6m

Note: Where the requirements of SEPP 65 and/or the Department of Planning and Environment's 'Apartment Design Guide', apply to a development proposals subject to this section, any inconsistencies in minimum setbacks will be resolved by the greater of the two setbacks applying.



**Figure 6.03 - 8 - Building setbacks**



**Additional acceptable solutions applying to development within the Village Hub Precinct**

- A5. Within the Village Hub precinct development may encroach into the minimum street setback at the first level (i.e. second storey) for 50% of the frontage but only where the encroachment is for private open space such as a veranda, balcony, pergola or deck.
- A6. Development fronting Bishopsgate Street has an upper level setback of 6m from the street boundary for parts of the building above 9m.
- A7. Large scale development incorporates building articulation such that the building form is broken into smaller elements that relate to the fine grain pattern of development along Bishopsgate Street.



## **B. Setbacks to neighbouring sites**

### *Performance criteria*

- P1. Side setbacks provide opportunity for landscaping and protect amenity to adjoining sites.
- P2. Development provides natural surveillance to side and rear setback areas
- P3. Redevelopment within the Harbour Edge precinct provides for public access and views to Throsby Creek.

### *Acceptable solutions for all precincts, except the Village Hub*

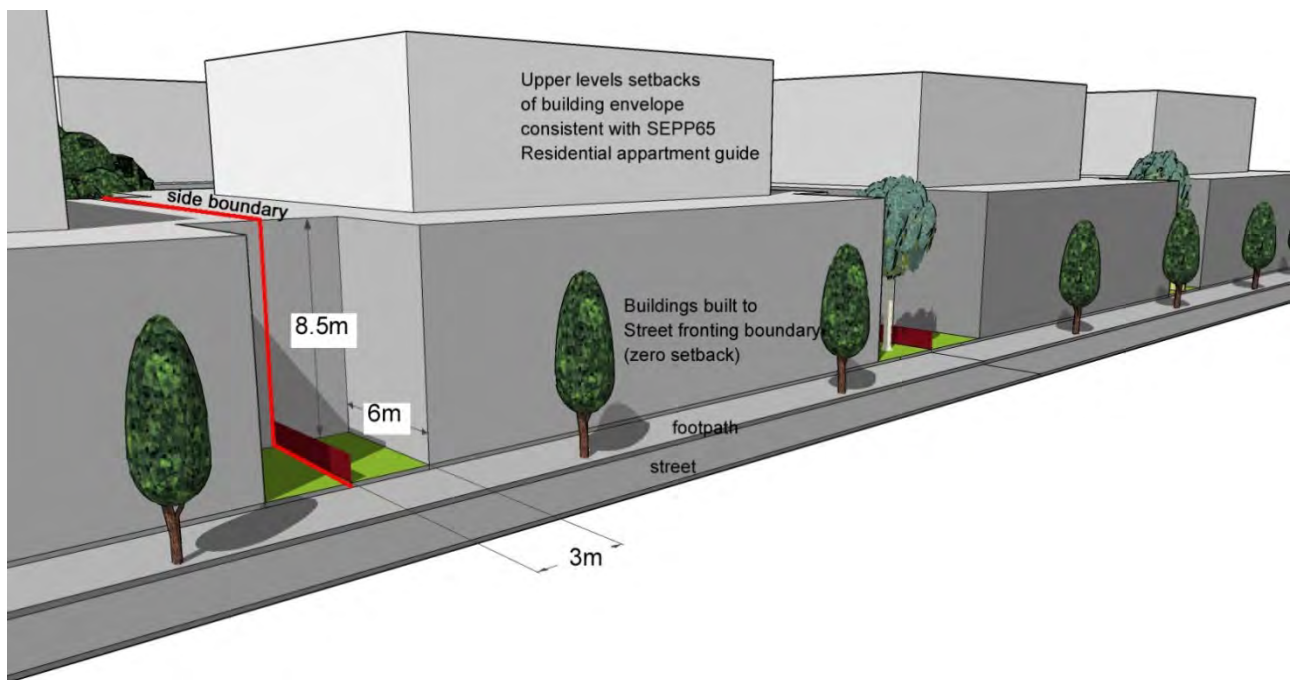
- A1. Development may be built to the side boundary (zero setback) for a height up to 8.5m where a landscaped setback of at least 3m from the side boundary is provided within the first 6m from any street fronting boundary, as shown in Figure 6.03 - 09.
- A2. The landscaped side setback (described above):
  - (a) consists of deep root planting with suitable trees, shrubs and groundcovers; and
  - (b) is visible from adjoining uses (within the site) through the placement of windows and open space areas.

### *Additional acceptable solutions for the Harbour Edge precinct*

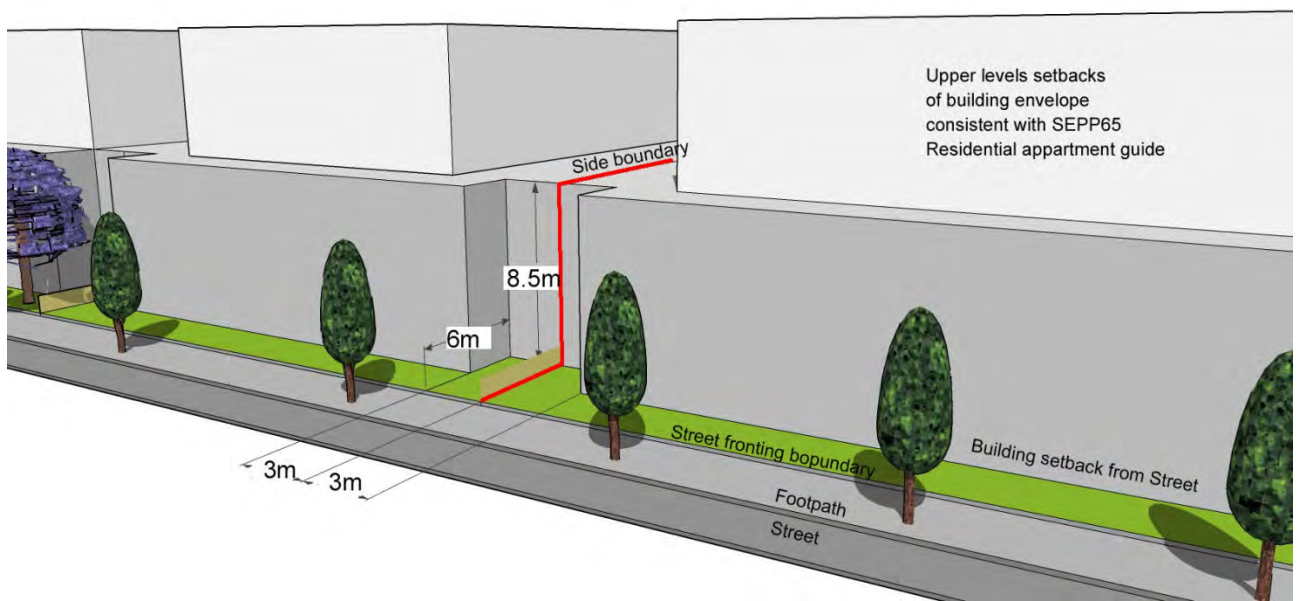
- A3. Development provides pedestrian and cycling links between Hannell Street and Throsby Creek.
- A4. Built form within the Harbour Edge precinct enables view lines to Throsby Creek from the east-west orientated streets to the west of Hannell Street.



**Figure 6.03 - 9 - Side setbacks**



*Where building envelopes have no setback to street front (zero setback)*



*Where building envelopes are setback from street front*



## 6.03.03 Urban Design

### A. Interface to the street

#### *Performance criteria*

- P1. Ground level uses promote pedestrian activation of the public domain
- P2. Development facilitates natural surveillance of the public domain.
- P3. Building form reflects the envisaged precinct character and takes design cues from existing built elements within the streetscape.

#### *Acceptable solutions*

- A1. The following design elements are incorporated in development facing a street or public domain area:
  - (a) building name and/or street number signage are easily identifiable;
  - (b) building entries are well-lit;
  - (c) individual ground floor uses have direct pedestrian access to footpath;
  - (d) universal access is provided to non-residential ground floor uses where the finished floor level is above or below the footpath;
  - (e) non-residential ground floor uses are visible from the street;
  - (f) the floor level of residential ground floor uses may be elevated not more than 1m above the footpath;
  - (g) building street setbacks incorporate gardens and/or landscaped forecourts; and
  - (i) green walls and/or street art (e.g. murals) are provided to reduce and/or break up non active building facades (i.e. blank walls, screened areas, services and utility cabinets, and/or garage doors).
- A2. Development on corner sites activate at least 50% each façade.
- A3. Residential development at ground level has a minimum 4m ceiling height and is designed to enable change of use in the future.



## B. Urban activation spaces

### *Performance criteria*

- P1. Development incorporates space that provides relief from the hard surfaces of the urban environment and for residents and the local community to gather or participate in activities.

### *Acceptable solutions*

- A1. Urban activation spaces are located:
- (a) In central locations along identified pedestrian and cycle routes and at street corners as identified in Figure 6.03 - 13; and
  - (b) Within the front setback of larger development sites and partly incorporated into the road reserve; and
  - (c) Adjoining supporting retail or community activities that provide natural surveillance, but do not commercialise the space for their own business.
- A2. Urban activation spaces incorporate uses or facilities such as:
- (a) shade and tree plantings;
  - (b) community gardens;
  - (c) rain gardens;
  - (d) furnishings such as seats, bins and drinking fountains.
  - (e) play equipment;
  - (f) lawns and paved areas;
  - (g) small stage areas with plugin facilities for open air music, performance or screenings;
  - (h) lighting;
  - (i) Wi-Fi;
  - (j) public facilities

**Figure 6.03 - 12 - Urban activation space**





**Figure 6.03 - 13 - Location of Urban activation spaces**



## C. Vehicle access to land

### *Performance criteria*

P1. Vehicle and service entry ensure the safety and amenity of pedestrians.

### *Acceptable solutions*

- A1. Vehicle access and service entries are located consistent with Figure 6.03-10.
- A2. Driveway crossings are consolidated or eliminated along the primary frontage of new developments.

### *Acceptable solutions - Village Hub*

- A3. For development consisting of two or more dwellings, on-site car parking is consolidated to minimise the number of driveways.
- A4. Driveway access is single vehicle width at the footpath crossover.



**Figure 6.03 - 10 - Vehicle and service entry points**



## 6.03.04 Car Parking

### A. Car parking demand management

#### *Performance criteria*

- P1. Provision of car parking caters for the demands of different uses and reflects the proximity to the city centre and active and public transport options.
- P2. Consumer choice and affordability is provided in the ownership of car parking spaces.

#### *Acceptable solutions*

- A1. Car parking spaces are created as separate lots in the strata plan and are not allocated to individual units.

Note: Residential parking permits are not available to owners or occupants of new developments and this information is required to be provided by the developer to all potential owners and occupants.

- A2. Designated car sharing spaces are retained as common property in the strata plan and are:
  - (a) clearly marked and sign-posted as car share spaces; and
  - (b) located so that they accessible to the public at all times.



## **B. Design of parking structures**

### *Performance criteria*

- P1. Parking structures are integrated into new buildings and are not visually prominent from the public domain.
- P2. The design and construction method of at grade and above ground car parking areas enable adaptable reuse in the future for residential or commercial uses.
- P3. Car parking areas are able to be adapted in response to changing future transport mode or demands

### *Acceptable solutions*

- A1. All parking is located within the building footprint, either in a basement or integrated into the building.
- A2. Ground level or above ground parking areas are not visible from the public domain by:
  - (a) being located behind other uses; or
  - (b) using green walls and roofs; or
  - (c) using architecturally designed façade treatment or artwork.
- A3. Car parking is located on level flooring and has a minimum ceiling height of:
  - (a) 4m where located on ground level; and
  - (b) 3m where located on any upper levels.



## 6.03.05 Constraints on development

### A Flooding

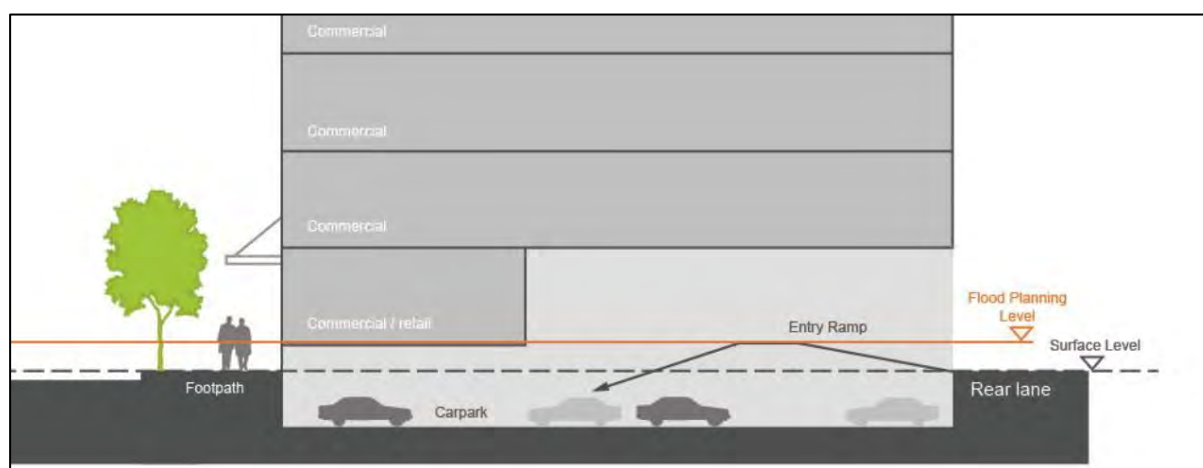
#### *Performance criteria*

- P1 Basement car parks minimise the entry of flood water and include information on emergency egress.

#### *Acceptable solution*

- A1. Entry ramps, ventilation points and pedestrian exits prevent flood water entering the a basement carpark until the last possible moment in a flood event as shown in Figure 6.03-11.

**Figure 6.03 - 11 - Basement ramp design to minimise inundation**



#### *Additional performance criteria for land in Park Edge precinct*

- P2 Development on land bounded by the former Bullock Island rail corridor, Railway and Holland Streets does not adversely impact on the local hydrology or increase the risk of localised flooding on adjoining land in a stormwater event.

#### *Additional acceptable solution for land in Park Edge precinct*

- A2. Where the area to be filled and/or built upon exceeds 20% of the land, development includes and overland flow path (designed and certified by a suitably qualified engineer) for the relief of stormwater from Railway Street to Wickham Park.

### B Mine Subsidence

Note: All proposed development on land in Wickham identified within the Newcastle Mine Subsidence District will need to be assessed on application by Subsidence Advisory NSW. Due to the nature of the old mine workings in the area, redevelopment is likely include significant and costly engineering controls including extensive grouting.

Council advises prospective applicant to first contact Subsidence Advisory NSW to gain an understanding of the potential risks, limitations and financial costs associated with developing over the old mine workings.



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## 6.04 Islington Renewal Corridor

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

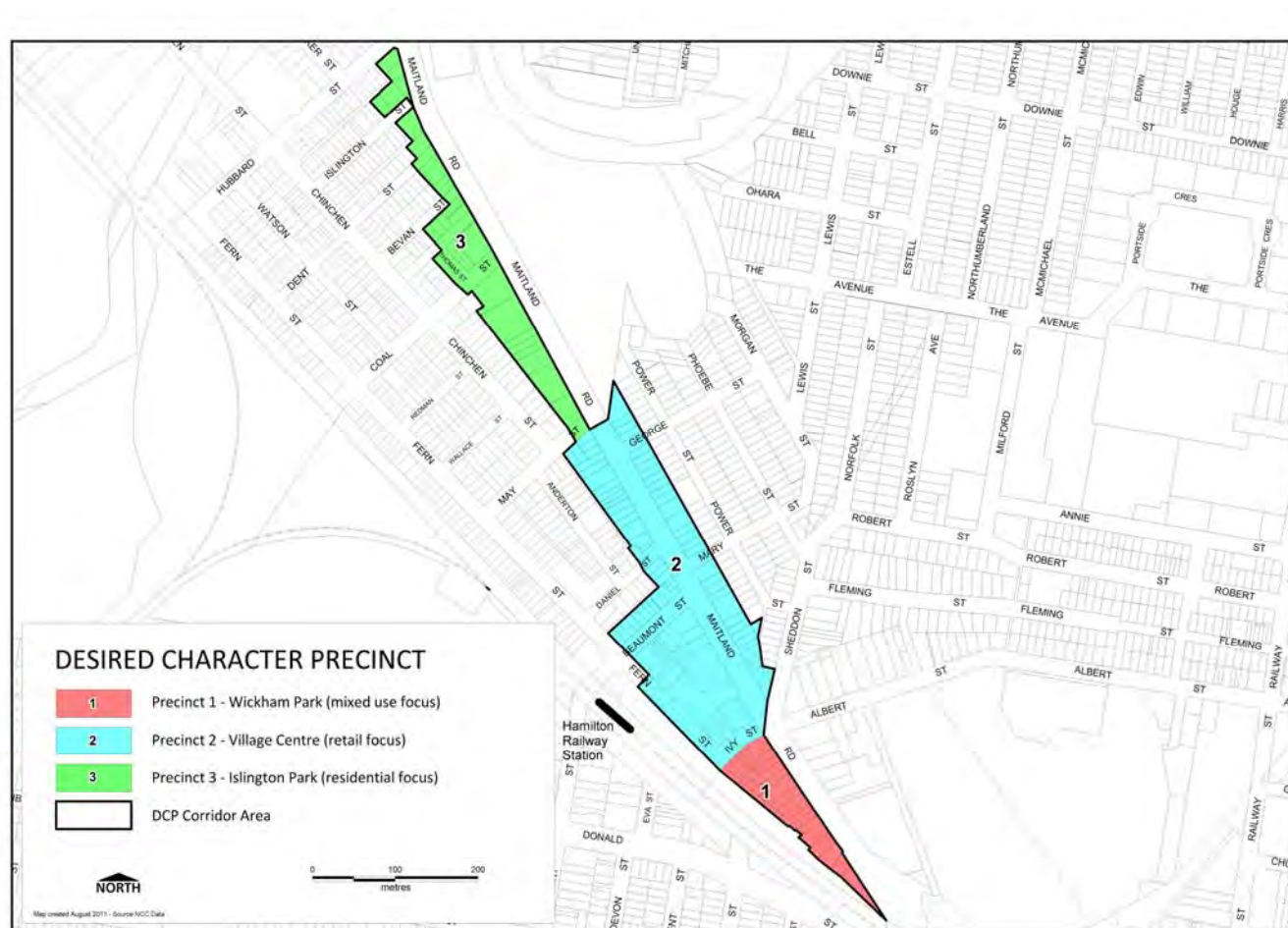
### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land identified in **Map 1** - Islington Renewal Corridor area.

**Map 1 – Islington Renewal Corridor area**





## Development (type/s) to which this section applies

This section applies to all development consisting:

- new buildings or structures
- additions or alterations to existing buildings or structures.

## Applicable environmental planning instruments

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- State Environmental Planning Policy No 71—Coastal Protection.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following section of this DCP **will** also apply to development to which this section applies:

- Any applicable landuse specific provision under Part 3.00

Note: Any inconsistency between the locality specific provision and a landuse specific provision, the locality specific provision will prevail to the extent of the inconsistency.

- 4.04 Safety and Security
- 7.01 Building Design Criteria

Note: Limited application as per control 6.04.01)A) – Land Use

- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bushfire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 4.05 Social Impact – where required under ‘Social Impact Assessment Policy for Development Applications’, 1999
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal Heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance



- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required
- 7.09 Outdoor Advertising and Signage – signage and outdoor advertising
- 7.10 Street Awnings and Balconies – awnings or balconies to be located over public land.

### Associated technical manual/s

- Nil

### Additional information

- Nil

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9:00 - Glossary, of this plan.

### Strategic Overview

The Islington Renewal Corridor is characterised by its position on a principal access route into the Newcastle CBD, adjoining significant open space areas (Wickham Park, Islington Park and Throsby Creek), and its location adjacent to the Beaumont Street Shopping Precinct and the Sydney to Newcastle railway line.

The aim of this plan is to ensure that development builds on the characteristics of the Islington village centre and existing built form along Maitland Road, while providing opportunities to intensify residential density to accommodate an additional 150 dwellings, and stimulate commercial activity, to vitalise the streetscape along the corridor.

Tree planting on Maitland Road will mature and serve to visually integrate the built form and to ensure an ongoing contribution of large and significant trees to the local landscape character.

Pedestrian movement across Maitland Road aims to be improved to enable increased accessibility to the open spaces of Islington Park, Throsby Creek, and Wickham Park.

### Character Precincts

The Islington Corridor has three distinct character precincts. These have been identified through analysis of current land use and character and consideration of the envisaged future character.

- **Precinct 1 – Wickham Park (mixed use focus) character statement** – Precinct 1 is situated between the railway line and Maitland Road, opposite from Wickham Park and consists a mix of uses and vacant sites, including land identified as surplus to RailCorp's operations. It is envisaged that this precinct will provide for a mix of uses that take advantage of its proximity to Wickham Park and Hamilton Railway Station and acts as a gateway to the corridor through distinct built form and height. This precinct has a target of providing thirty (30) additional dwellings. Introduction of consistently themed landscaping and street tree planting that will contribute to an improved public domain.



**Figure 1: Indicative built form outcome for lots facing Wickham Park**



- **Precinct 2 – Village Centre (retail focus) character statement** – Precinct 2 has a village like character, containing one and two storey buildings fronting onto Maitland Road. The precinct is well serviced by public transport, including Hamilton Railway Station, and is well connected with Hamilton commercial centre along Beaumont Street. It is envisaged that new development will reinforce the street edge and scale along the streetscape through appropriate use of setbacks, facade treatment, and awnings over the footpath. This precinct will act as a neighbourhood centre complimentary to the nearby Hamilton commercial centre in function but will still maintain its own distinct character. This Precinct has a target of providing fifty (50) additional dwellings.
- **Precinct 3 – Islington Park (residential focus) character statement** - This precinct is made up of a mix of commercial type development and large underutilised sites. The precinct has an outlook and views over Islington Park across Maitland Road and is adjoined by existing residential areas. There is potential to redevelop this precinct over time for higher density residential development overlooking Islington Park. This will improve passive surveillance of the area. Additional streetscape improvements including additional pedestrian crossings will also help to activate this area and improve pedestrian safety. This precinct has a target of providing seventy (70) additional dwellings.

### **Aims of this section**

1. To reinforce the existing character and sense of place for the Islington Renewal Corridor through appropriate built form and streetscape improvements.
2. To provide site responsive and sustainable development that maximises environmental benefits afforded by the northerly aspect.
3. To enhance the views to Islington Park and Wickham Park through appropriate building orientation.
4. To provide improved connectivity from the corridor to adjoining precincts and open space linkages.
5. To improve pedestrian amenity and safety through street activation and passive surveillance from adjoining uses.



## 6.04.01 Land use and development

### A. Land use

#### *Objectives*

1. Strengthen the commercial core of Islington through appropriate redevelopment of sites that reinforces the centre.
2. Encourage mixed use buildings that consist of active frontages at ground level.
3. Improve safety and amenity through uses that activate the street edge.
4. Provide for mixed use development that is sympathetic to the character of Islington.
5. Encourage consolidation of allotments to allow developments to be planned and designed in a holistic manner.
6. Ensure desired outcomes relating to increasing residential, commercial, and retail densities are achieved in suitable locations.

#### *Controls*

##### General controls applying to all development to which this section applies

1. Despite any other provisions within this plan, development comprising wholly or partly of Residential Accommodation, shall comply with the provisions identified within Section 7.01 Building Design Criteria with respect to the following:
  - open space
  - views and privacy
  - solar access
  - fencing and walls
  - utilities and services.

##### The following control applies to development within Precinct 1

2. Incorporate adaptable floor layouts to enable longevity of uses such as retail/commercial/residential.

##### The following control applies to development within Precinct 2

3. Non residential landuses are provided at street level.

##### The following control applies to development within Precinct 3

4. The ground floor of new buildings incorporate adaptable floor layouts to enable longevity of uses such as retail/commercial/residential.



## B. Activation of street frontages

### Objectives

1. Activate street frontages to ensure an interesting and safe streetscape.
2. Ensure that new development contributes to the character of Maitland Road.
3. Maintain a pedestrian scale and built form along the street edge.
4. Respect the existing fine grain subdivision pattern along Maitland Road frontage.
5. Maximise views to Islington Park and Wickham Park from new development.

### Controls

#### General controls applying to all development to which this section applies

1. Shopfronts incorporate a combination of window sill heights and openings at street level to create interest and encourage activity.
2. Vehicular access across the footpath to allow direct vehicular access onto Maitland Road is only to occur where no alternate option is available and the development site has a minimum width of 24m. Consolidation of lots may be necessary to achieve this minimum width.

#### The following control applies to development within Precinct 1

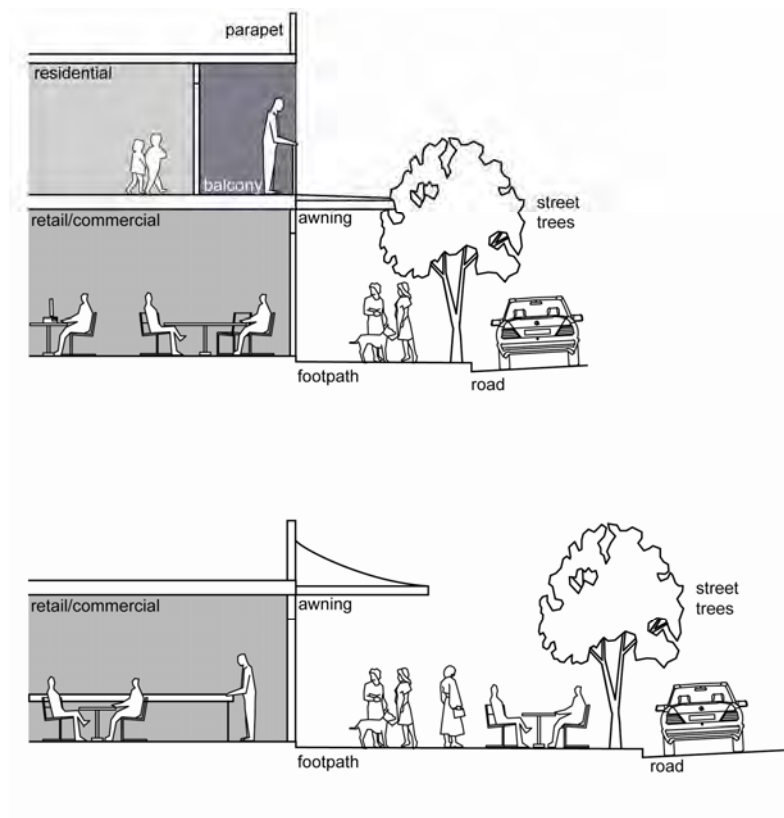
3. The eastern section of Precinct 1 should contain larger buildings to take advantage of the wider streetscape scale afforded by Wickham Park.

#### The following controls apply to development within Precinct 2

4. Building form reflects the fine grain allotment pattern that supports building modules of a notional rhythm to reinforce the existing diverse character.
5. Awnings over footpaths are provided, for protection against the elements and to foster pedestrian activity (see **Figure 2**).



**Figure 2: Examples of street edge activation**



The following control applies to development within Precinct 3

6. New development addresses Islington Park, to take advantage of views and amenity while providing passive surveillance of the streetscape.

## 6.04.02 Building form

### A. Floor space ratios

#### Objectives

1. Provide an appropriate density of development consistent with the established centres hierarchy.
2. Ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the centres hierarchy.
3. Ensure building density responds to and enhances the built form and character of Islington.
4. Provide building density that is responsive to changes along the corridor and maintain a pedestrian scale.



## Controls

### General controls applying to all development to which this section applies

1. Refer to the Newcastle Local Environmental Plan 2012 for floor space ratio controls.

### The following control applies to development within Precinct 2

2. Development adjacent to the former Regent Theatre reflects and responds to its building form and scale.

## B. Height

### Objectives

1. Ensure the scale of development enhances and makes a positive contribution towards the desired built form by reinforcing the established centres hierarchy.
2. Allow reasonable daylight access to all developments and the public domain.
3. Ensure building heights respond to and enhance the built form and character of Islington.
4. Provide for building heights that are responsive to changes along the corridor and maintain a pedestrian scale.
5. Ensure the scale of development respects the former Regent Theatre on the corner of Maitland Road and Beaumont Street.

## Controls

### General controls applying to all development to which this section applies

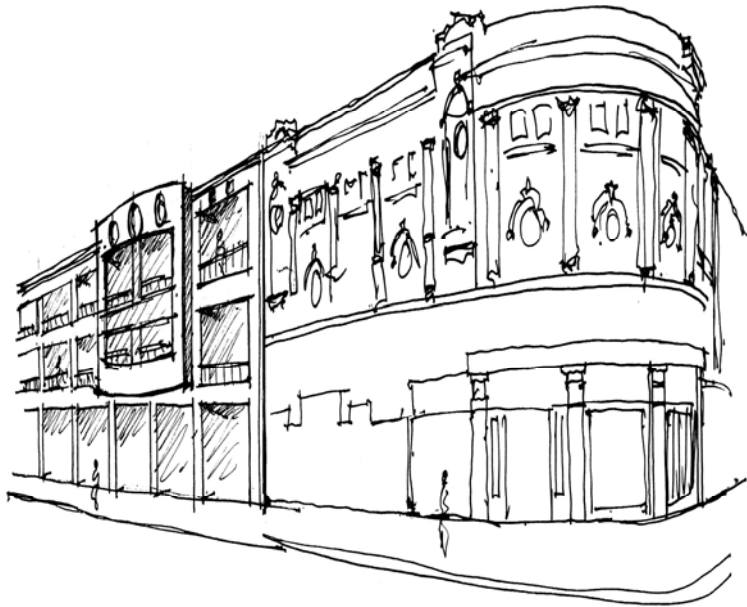
1. Refer to the Newcastle Local Environmental Plan 2012 for building height controls.

### The following controls apply to development within Precinct 2

2. Development adjacent to the former Regent Theatre reflects and responds to its building form and scale.
3. New development fronting Beaumont Street and Maitland Road does not appear to exceed a height of two storeys along the street edge and relates to existing parapets in order to complement the existing character and scale of the former Regent Theatre (see **Figure 3**) and the Hamilton Station Hotel to the south.



**Figure 3: Scale of development adjoining former Regent Theatre**



## **C. Building setbacks**

### **Objectives**

1. Reinforce a consistent street edge and maintain the scale of facade along the street.
2. Respect the adjoining residential precinct and commercial centre through the implementation of appropriate building setbacks at each interface.

### **Controls**

#### The following controls apply to development within Precinct 1

1. Development is built to the Maitland Road property boundary to reinforce a consistent streetscape edge.
2. Despite the requirements of Control 1, above, where residential uses are located at ground floor, such uses are set back 6m to front facade (or 4m to the edge of balconies, verandas, pergola or the like) to allow a suitable landscape buffer.
3. Development is set back at least 2m from Ivy and Fern Streets to provide clear private entries and front yards to buildings.

#### The following control applies to development within Precinct 2

4. Along Maitland Road, buildings maintain a zero lot line to reinforce the street's commercial character and established streetscape.



### The following controls apply to development within Precinct 3

5. Development is built to the front boundary along Maitland Road to reinforce the street edge, except where residential uses are located at ground floor, such uses should have a setback of 6m to front facade (or 4m to the edge of balconies, verandas, pergola or the like) to allow a suitable landscape buffer.
6. Ground floor residential uses fronting Maitland Road contain private open space and individual entries to dwellings.
7. Floor levels of ground floor residential uses may be raised to a maximum of 1.2m above ground natural ground level to allow for sub-grade car parking.
8. The ground floor of buildings along Maitland Road include adaptable floor plans that enable longevity of use to include retail/commercial or residential occupation.
9. A setback of up to 5m to be provided to rear lanes and/or residential boundaries to ensure an appropriate separation distance.

### **D. Upper building setbacks**

#### **Objectives**

1. Provide a pedestrian scale along street frontages.
2. Encourage building mass, forms and articulation that are consistent with the site location.
3. Provide sensitive interface between new development and existing heritage buildings.
4. Respect and reinforce the existing two and three storey height along the street edge within this precinct.
5. Encourage well articulated mixed use developments that provide a transition in building scale between Maitland Road and the residential streets of Islington.
6. Minimise overshadowing from new development to allow suitable solar access to adjoining land.



## Controls

### General controls applying to all development to which this section applies

1. The built form of new development is contained within the identified building envelopes, as shown in **Figures 4 and 5**.
2. Upper floors for buildings above two storeys are set back 6m from the street edge along Maitland Road, with the exception of Precinct 1 and potential landmark sites at the intersections of Maitland Road as follows:
  - Ivy Street
  - Beaumont Street
  - May Street
  - Coal Street
  - Hubbard Street
  - Sheddon Street
  - Mary Street
  - George Street.
3. Building mass provides a transitional form by stepping back from adjoining residential streets to minimise overshadowing and amenity impacts.
4. Development to maintain adequate solar access to adjoining dwellings during the winter solstice by stepping back the southern facades.
5. Upper level setbacks are encouraged to be utilised for provision of open space and landscaping, provided privacy of adjoining uses are protected.

### The following controls apply to development within Precinct 1

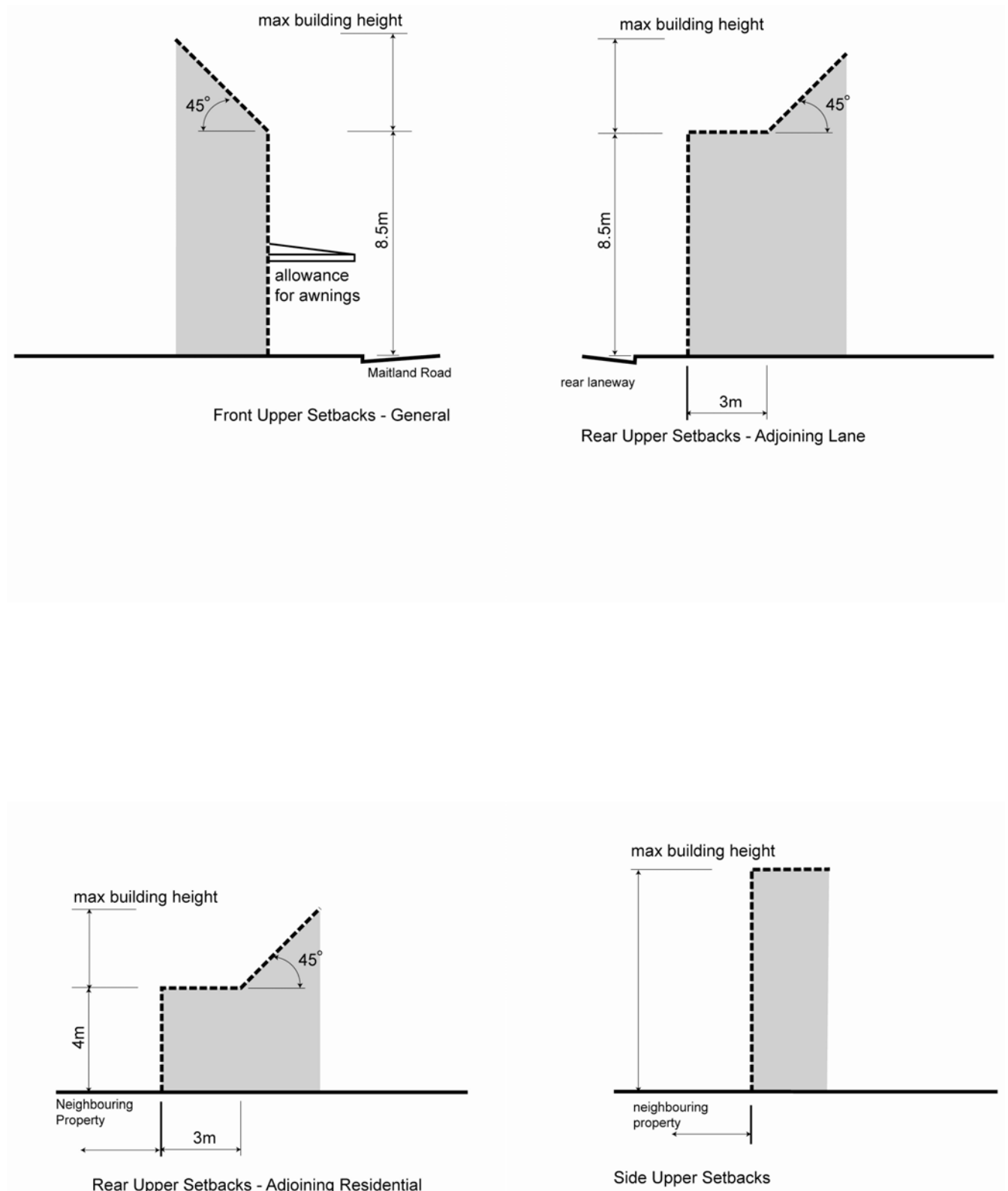
6. Orientate buildings to allow for living areas and balconies to have park views that will provide opportunities for passive surveillance and across Maitland Road.

### The following controls apply to development within Precinct 2

7. Upper level setbacks are utilised to reinforce the height of the street edge and existing parapets heights and forms.



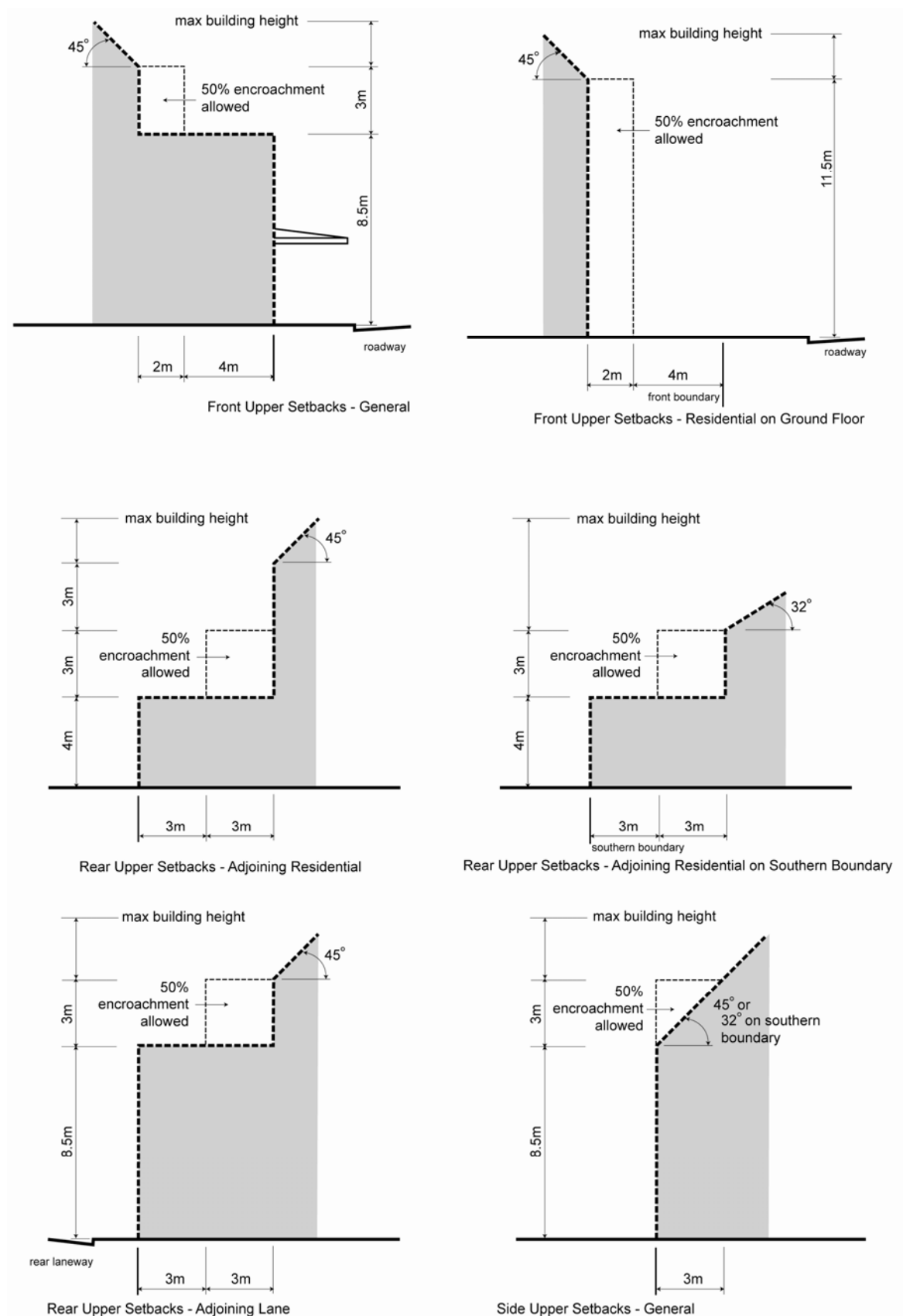
**Figure 4: Precinct 2 Building envelopes**



Note: Diagrams are not to scale. Use only the figured dimensions provided.



**Figure 5: Precincts 1 and 3 Building Envelopes**



Note: Diagrams are not to scale. Use only the figured dimensions provided.



## E. Building design

### Objectives

1. Create a vibrant streetscape through appropriate architectural expression.
2. Ensure building facades reinforce the established commercial streetscape character through appropriate design, articulation and fenestration.
3. Incorporate vertical bays that reflect the traditional built form of Maitland Road, Islington.
4. Encourage the use of materials that reflect contemporary architectural styles but reinforce the inherent character of Islington.
5. Ensure that a cohesive streetscape character is achieved through the appropriate use of colour and materials.
6. Integrate built form with the dominant parapet character of existing buildings.

### Controls

#### General controls applying to all development to which this section applies

1. Building facades incorporate a range of balconies and fenestration to provide visual interest and amenity for residents.
2. Building facades at street level include a combination of multiple openings and glazing to activate the street.
3. Ground level facades incorporate awnings to encourage pedestrian activity and allow 'spilling' of indoor activities out to the street (see **Figure 2**).
4. Entry porches, window awnings and verandas are provided to contribute to facade articulation and streetscape interest.
5. Exterior colour schemes are coordinated and consistent with existing local character. Use muted base colours to ensure an integrated and co-ordinated streetscape. Bright colour schemes and reflective surfaces should be avoided.
6. Mechanical, service and telecommunication equipment are discreetly screened if placed on the roof so that they are not visually prominent.
7. Roof forms are not dominated by hoardings or signage.
8. Roof forms do not detract from the architectural expression of the former Regent Theatre.

#### The following controls apply to development within Precinct 2

9. New building facades incorporate bay widths of approximately 6m to reflect vertical articulation of existing buildings.
10. Roof forms do not dominate parapets, which should be the main feature of building facades in this precinct (see **Figure 6**).



**Figure 6: Existing parapets dominating the street edge**



11. The selection of materials used for new development to consider and respect the character of existing buildings in the surrounding streetscape.

### **6.04.03 Public domain**

#### **A. Traffic and transport**

##### **Objectives**

1. Minimise vehicular access directly onto Maitland Road from new development.
2. Provide safe and orderly vehicular access.
3. Provide sufficient off-street car parking.
4. Minimise impacts from car parking on the streetscape and outdoor areas on site.

##### **Controls**

###### General controls applying to all development to which this section applies

1. Vehicular access onto Maitland Road is only to occur where no alternate option is available and the development site has a minimum width of 24m.
2. Vehicle entrances do not dominate the streetscape and should be recessed from building facades.
3. Vehicular access to loading areas is restricted to side or rear streets and lanes, where these occur.



4. Rear lanes to the south of Maitland Road should be the primary vehicular access point to redeveloped sites along the southern side of the corridor.
5. Car parking is provided in accordance with Section 7.03 Traffic, Parking and Access.
6. Sub-ground car parking is encouraged, however, where above-ground car parking is provided, it should be located to the rear of sites and appropriately screened from streets through the use of architectural screens, landscape or building forms.
7. At grade (ground level) car parking is only provided where:
  - (a) set back behind other uses that provide activation to street edge
  - (b) under cover and integrated into the built form and covered by upper levels of development or upper level open space/landscaping provision
  - (c) ceiling heights and floor levels allow for future adaption to other uses
  - (d) not within building setbacks
  - (e) not impeding on ability to meet onsite landscape requirements.

The following controls apply to development within Precinct 3

8. Existing rear lanes and streets, predominantly Hubbard, Coal and May Streets should be utilised for vehicle access points.
9. Pedestrian entrances should be predominantly from Maitland Road to activate the street, while vehicle access should be restricted to rear and side streets where possible.

## **B. Pedestrian and cycle amenity**

### **Objectives**

1. Provide a pedestrian and bicycle network which enables convenient and safe links to surrounding neighbourhoods and open space.
2. Improve the amenity and safety for pedestrians and cyclists along the corridor.
3. Encourage casual surveillance of public areas, including streets, laneways, cycleways, and open space.

### **Controls**

General controls applying to all development to which this section applies

1. Pedestrian footpaths should be upgraded in conjunction with new developments to enhance the link between Islington and Hamilton.
2. Pedestrian and vehicular access to development is separated through building design.
3. Clear and safe access is provided to buildings through well defined entrance/s from the public footpath.

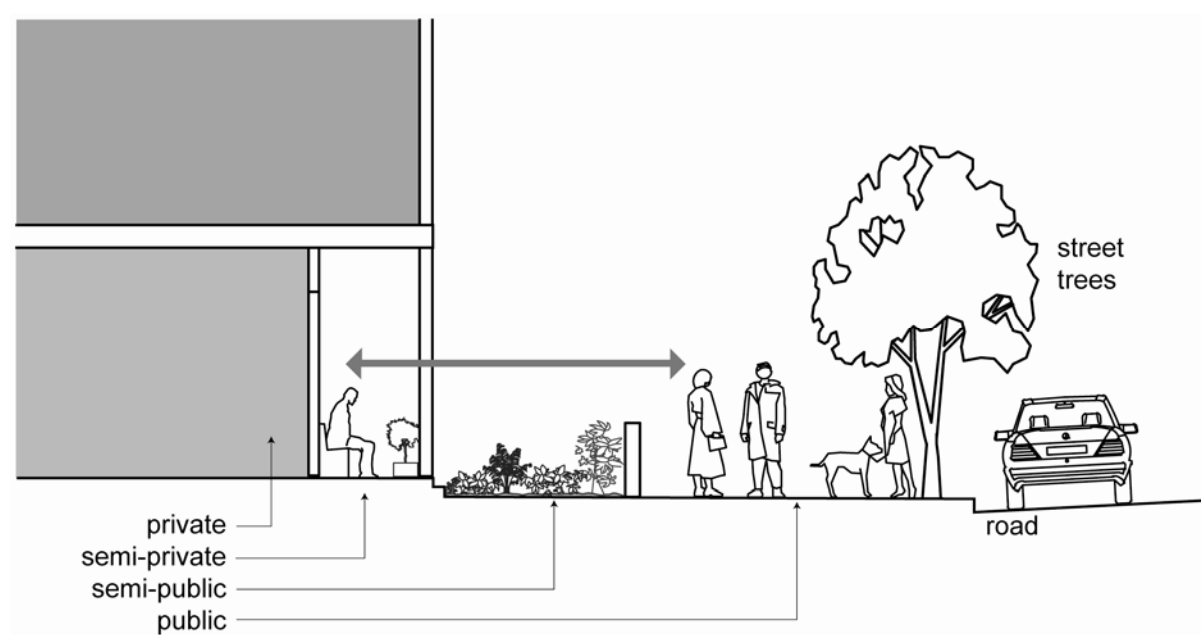


4. Pedestrian/cycle paths should be well lit.
5. Buildings should provide opportunities for balcony 'gardens' that will contribute to the general streetscape character.

The following controls apply to development within Precinct 3

6. Front fences and walls contribute to the streetscape character of Islington by ensuring visual connectivity between private and public spaces (see **Figure 7**).

**Figure 7: Relationship between private and public places**



7. Ground level of residential developments include front gardens that contribute to street character and provide an attractive local environment.

## 6.04.04 Landscaping

### Objectives

1. Encourage quality landscapes to complement building form and character.
2. Encourage landscaping along street frontages to soften built form and provide shade and shelter for pedestrian amenity.
3. Ensure landscaping complements street trees along Maitland Road and vegetation within Islington Park.



4. Minimise impacts of fragmented redevelopment by use of consistent landscape elements within streetscape, which provide a recognisable theme along the corridor.

## **Controls**

### General controls applying to all development to which this section applies

1. Landscaping is provided as per Section 7.02 Landscaping, Open Space & Visual Amenity.
2. Landscaping requirements for mixed use development and non-residential development will be assessed on its merits, having respect for the character of the existing streetscape and that of adjoining land.
2. Lighting is provided to front setbacks in particular to building entries and landscaped areas.
3. Onsite open space requirements may be achieved on upper levels and rooftops of development.
4. Soft landscaping (plantings) on upper levels and roof tops through use of roof and wall gardens and the like is encouraged.
5. Waste management facilities are to be appropriately screened and/or located where not visible from the streetscape.
6. Developments that require four or more wheelie bins are to use a waste removal contractor rather than Council's kerbside service.
7. Where practical, development should provide opportunities for street tree planting adjacent to buildings along street frontages.

### The following control applies to development within Precinct 3

8. Landscaping within the front setback of developments should complement existing street tree planting.



## 6.05 Mayfield Renewal Corridor

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

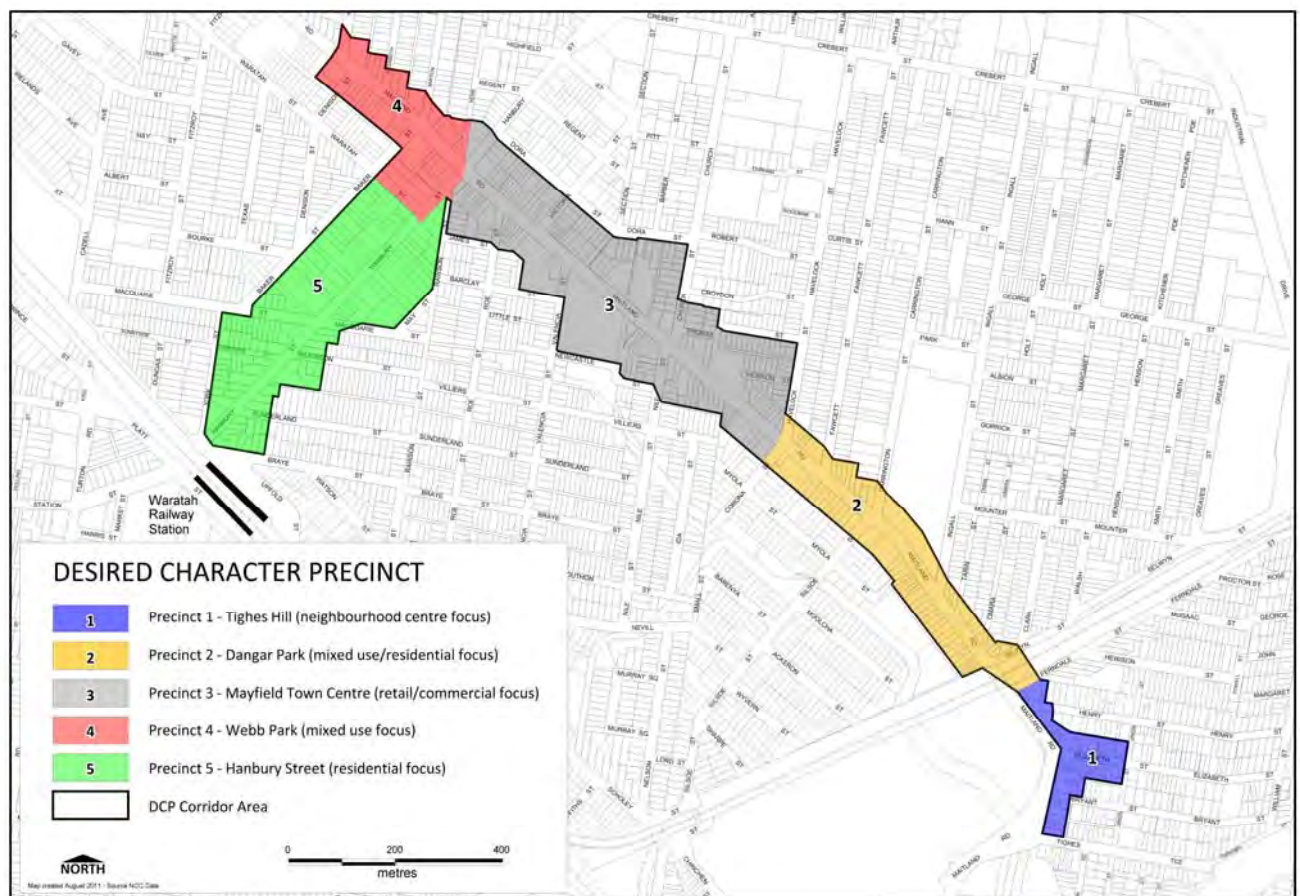
### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land identified in **Map 1** – Mayfield Renewal Corridor area.

**Map 1: Mayfield Renewal Corridor area**





## Development (type/s) to which this section applies

This section applies to all development consisting:

- new buildings or structures
- additions or alterations to existing buildings or structures.

## Applicable environmental planning instruments

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- State Environmental Planning Policy No 71—Coastal Protection.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 7.01 Building Design Criteria

Note: Limited application as per control 6.05.01 A – Land Use

- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bushfire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 4.05 Social Impact – where required under ‘Social Impact Assessment Policy for Development Applications’, 1999
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal Heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required



- 7.09 Outdoor Advertising and Signage – signage and outdoor advertising
- 7.10 Street Awnings and Balconies – awnings or balconies to be located over public land.

### Associated technical manual/s

- Nil

### Additional information

- Nil

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9:00 - Glossary of this plan.

## Strategic Overview

Maitland Road is a major strategic transport corridor linking Mayfield with the Newcastle City Centre. The 'Maitland Road Corridor' referred to in this element, consists of land alongside Maitland Road between Mayfield West and Tighes Hill.

The Lower Hunter Regional Strategy identifies the Maitland Road Corridor as presenting an opportunity for economic renewal, and for housing renewal and intensification. This element sets out guidelines for achieving these aims.

Renewal of the corridor will reinforce and consolidate the existing commercial areas of Mayfield, Mayfield West and Tighes Hill. It will also increase residential densities in areas close to these centres and public transport to accommodate an additional 960 dwellings. The renewal will improve the streetscape through development and landscaping and also improve access for residents and visitors.

### Character Precincts

The Mayfield Corridor has five distinct character precincts. These have been identified through analysis of current land use and character, and consideration of the envisaged future character.

- **Precinct 1 – Tighes Hill Neighbourhood Centre (retail/commercial focus) character statement** - comprises the Tighes Hill Neighbourhood Centre which is situated along Maitland Road and Elizabeth Street. Tighes Hill is characterised by a unique village atmosphere overlooking Throsby Creek and in close proximity to the TAFE college. The existing village character of Tighes Hill will be reinforced with new commercial development accommodating additional residential dwellings on upper levels. This precinct has a target of providing thirty (30) additional dwellings. Development of a cultural hub including art galleries, studio and the like is encouraged along Elizabeth Street. Development should take advantage of the improved pedestrian access between the Tighes Hill centre, the nearby TAFE and surrounding open space.



- **Precinct 2 – Dangar Park (residential focus) precinct overview character statement** - is centred on the historic Dangar Park, and currently features a mix of medium density residential, 'main street' retail, and automotive uses. The area surrounding Dangar Park features opportunity for renewal of existing buildings and underutilised vacant sites. It is envisaged that the area will develop into a diverse mixed use area, focusing on new residential development combined with retail and other appropriate uses. This precinct has a target of providing fifty (50) additional dwellings. New development is encouraged to take advantage of the precincts proximity to Dangar Park, and improving pedestrian amenity. A denser urban form along Maitland Road is envisaged, providing renewal of the underutilised sites.
- **Precinct 3 – Mayfield Town Centre (retail/commercial focus) character statement** - currently provides a range of retail and community facilities. Opportunities exist for renewal and redevelopment of underutilised sites. The commercial component of Mayfield town centre will be reinforced through adequate supply of retail, commercial and residential floor space to meet the employment and services functions. The centre will provide shopping and business centre for the district including health and professional services mixed with higher density residential. Cafes and restaurants are encouraged along Corona Street and Fawcett Street to complement the envisaged outdoor dining and gathering areas discussed in the public domain section. Increases in building height and densities will facilitate this redevelopment, allowing for residential and office uses above active frontage ground floor retail. This precinct has a target of providing three hundred and forty (340) additional dwellings.
- **Precinct 4 - Webb Park (mixed use focus) character statement** - provides a mix of commercial uses along Maitland Road, west of Hanbury Street. This precinct also contains Webb Park, which is physically separated from adjoining properties which front Maitland Road. Webb Park is an important green space within Mayfield's otherwise urbanised environment. It is envisaged that this precinct will continue to provide a range of mixed uses but with additional residential densities, in particular where these address Webb Park. This precinct has a target of providing one hundred (100) additional dwellings. Public domain improvements will also foster better connections between Maitland Road and Webb Park.
- **Precinct 5 – Hanbury Street (residential focus) character statement** - is located between the Mayfield commercial core and the Waratah station, providing an ideal location to promote residential densities over underutilised sites to take advantage of the access to public transport and community facilities and services. This precinct will increase residential densities in key locations in close proximity to transport and services. Active frontages are encouraged along Hanbury Street, with retail, commercial uses encouraged at ground floor, particularly close to Waratah Station. This precinct has a target of providing four hundred and forty (440) additional dwellings.

### Aims of this section

1. To reinforce and revitalise the Mayfield, Mayfield West and Tighes Hill commercial centres, permitting additional commercial and residential floor space.
2. To promote a denser urban form along Maitland Road while respecting surrounding residential character in adjoining streets.
3. To encourage a renewal of underutilised sites providing for increases in activity and urban densities.
4. To activate street frontages, and provide opportunities for mixed uses and activities.



5. To maximise redevelopment and infill opportunities for high and medium density housing within walking distance of centres.
6. To improve the public domain through landscaping and activation of public and private spaces along Maitland Road.
7. To respect and build on heritage significance.
8. To encourage increased public transport use through transit oriented development, and a pedestrian and cycle friendly environment.

## 6.05.01 Land use and development

### A. Land use

#### *Objectives*

1. Ensure desired outcomes relating to increasing residential, commercial and retail densities are achieved in suitable locations.

#### *Controls*

##### General controls applying to all development to which this section applies

1. Despite any other provisions within this plan, development comprising wholly or partly of residential accommodation, shall comply with the provisions identified within Section 7.01 Building Design Criteria (Residential Zones) with respect to the following:
  - open space
  - views and privacy
  - solar access
  - fencing and walls
  - utilities and services.

##### The following controls apply to development within Precinct 1

2. Provide a range of uses including low intensity employment and residential.
3. Ground floor uses are non residential.

##### The following control applies to development within Precinct 2

4. Development is encouraged to provide a mix of compatible uses including higher density residential and commercial, wholesaling and some retailing (other than groceries, clothing, newsagencies or chemists).

##### The following controls apply to development within Precinct 3 and 4

5. Development is encouraged to provide a range of retail, business, entertainment, and community uses.



6. Residential uses are also encouraged but only where provided as part of a mixed use development and where not located on ground floor.

## **B. Activation of street frontages**

### **Objectives**

1. Provide for activation of street frontages to ensure a safe and accessible environment.

### **Controls**

#### The following controls apply to development within Precincts 1, 3 and 4

1. Provide ground floor retail uses that provide multiple pedestrian accesses along Maitland Road.
2. Provide a visual connection into uses at ground level and avoid the use of solid walls or covered glassing for lengths greater than 3m.

#### The following controls apply to development within Precincts 2 and 5

3. Activate street edge at ground level through provision of retail or commercial uses in mixed use and mixed use (residential focus) areas.
4. Where residential dwellings are located on the ground floor of mixed use (residential focus) areas, individual pedestrian entrances are provided to each dwelling.

## **6.05.02 Building form**

### **A. Floor space ratios**

#### **Objectives**

1. Provide an appropriate density of development consistent with the established centres hierarchy.
2. Ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the centres hierarchy.
3. Encourage development that contributes to increasing residential density for each precinct.

#### **Controls**

#### General controls applying to all development to which this section applies

1. Refer to the Newcastle Local Environmental Plan 2012 for floor space ratio controls.



## B. Height

### Objectives

1. Ensure the scale of development enhances and makes a positive contribution towards the desired built form by reinforcing the established centres hierarchy.
2. Allow reasonable daylight access to all developments and the public domain.
3. Ensure built form respects the envisaged scale and character of adjacent residential neighbourhoods.

### Controls

1. Refer to the Newcastle Local Environmental Plan 2012 for building height controls.
2. Building heights within the renewal corridor, where adjoining areas outside the corridor, are not more than 4m above the envisaged maximum height of these adjoining areas.

Note: Precinct 1 and 2 of this corridor consist of lands within an identified mine subsidence district and may not achieve the maximum floor space ratios and building heights identified. Applicants are to seek advice from the Mine Subsidence Board as to the restrictions and/or conditions that may apply to their land.

## C. Building setbacks

### Objectives

1. Reinforce and maintain a well defined street edge along Maitland Road.

### Controls

#### General controls applying to all development to which this section applies

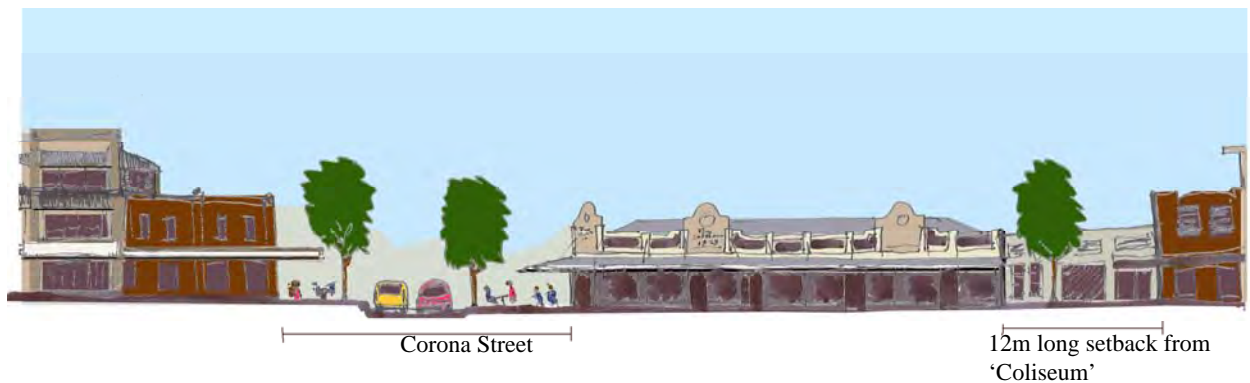
1. Building setbacks should be consistent with those shown on **Map 2**.
2. Development along Maitland Road should generally be built to the front property boundary to reinforce a consistent streetscape edge. However, where residential development occurs at ground level along Maitland Road, a landscape setback of 6m or more is required. An encroachment of no more than 2m may be permitted from the building setback to allow for verandas, decks, pergolas, balconies or the like.

#### The following controls apply to all development within Precinct 2

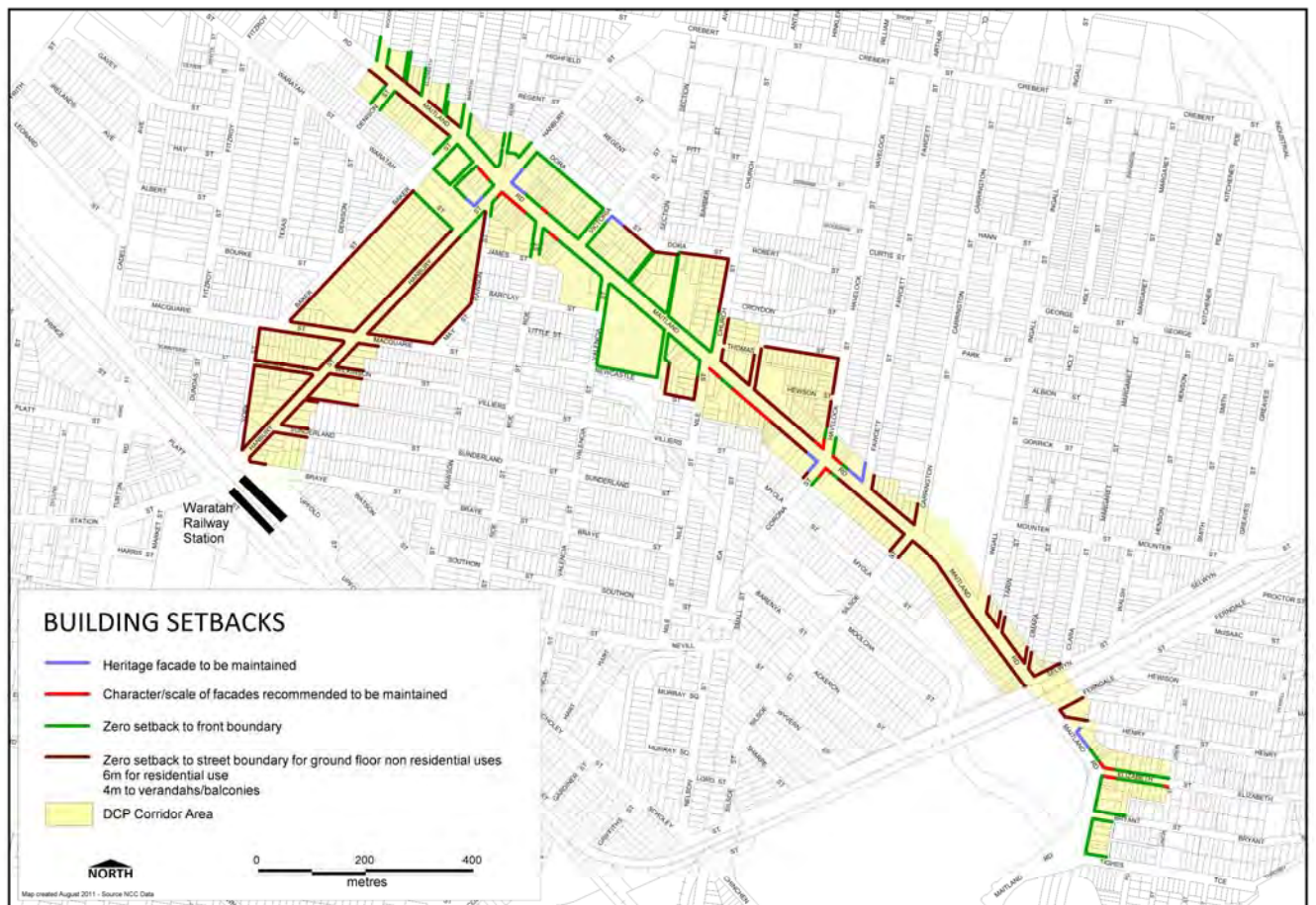
3. Development adjoining the 'Coliseum' heritage item should be set back for 12m along the Maitland Road street frontage, at a depth of at least 6m (see **Figure 1**). Setbacks are to contain landscaping that complements the character and scale of this heritage item.



**Figure 1: 12m setback to 'Coliseum' along Maitland Road**



**Map 2: Front setbacks**





## D. Upper building setbacks

### Objectives

1. Maintain the scale and alignment of facades along Maitland Road to reinforce the existing character of the street edge.
2. Respect scale and form of heritage items, without mimicking these.
3. Address envisaged scale and character of areas adjoining the renewal corridor.
4. Minimise overshadowing from new development to allow suitable solar access to adjoining land.

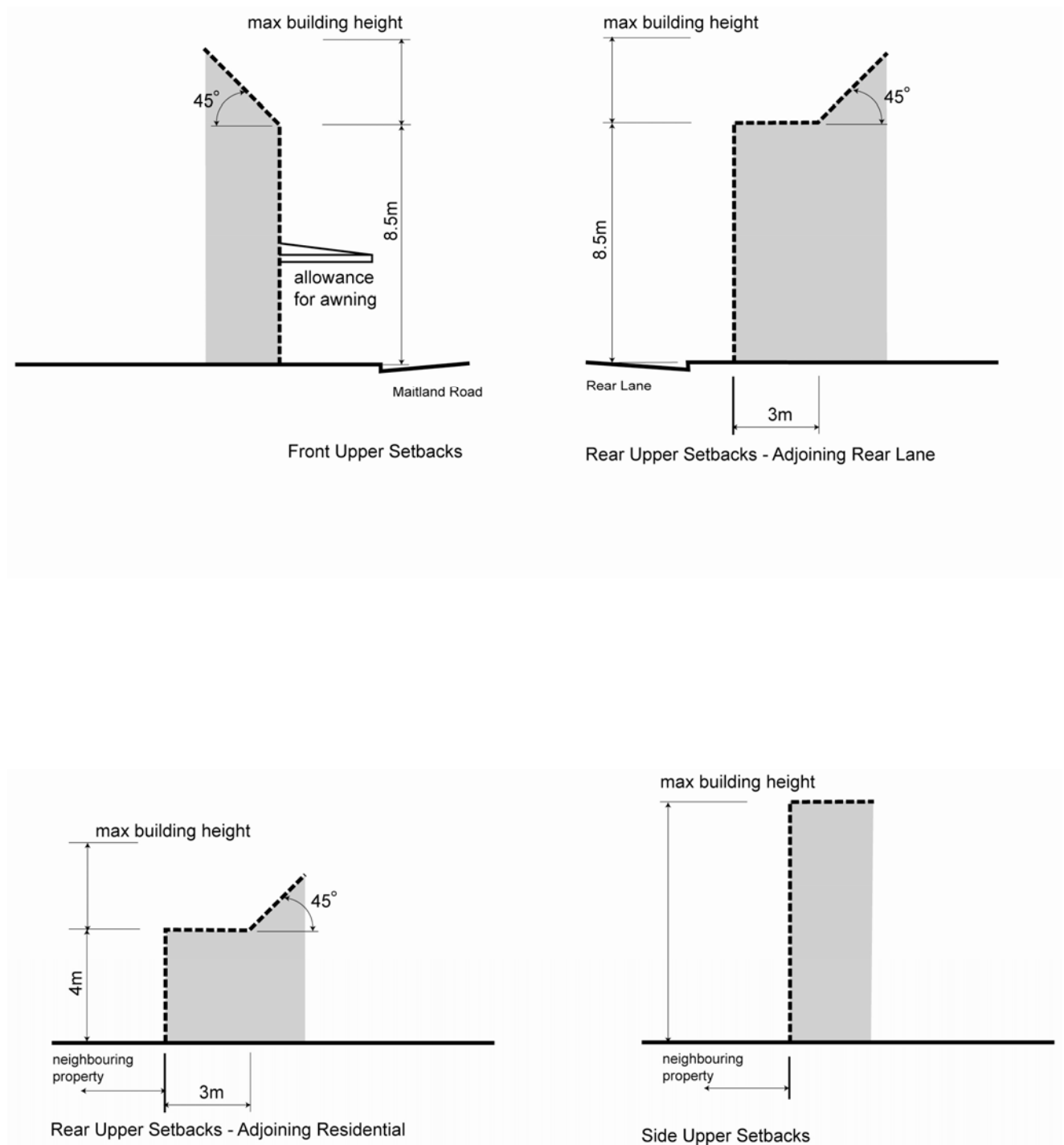
### Controls

#### General controls applying to all development to which this section applies

1. Upper building setbacks should be consistent with those shown in **Figures 2, 3 and 4**.
2. Upper level setbacks are encouraged to be utilised for provision of open space and landscaping, provided privacy of adjoining uses are protected.
3. Emphasise street corners by permitting a departure from the building envelopes, to allow the maximum permissible height along each front setback for a maximum length of 12m from the corner.



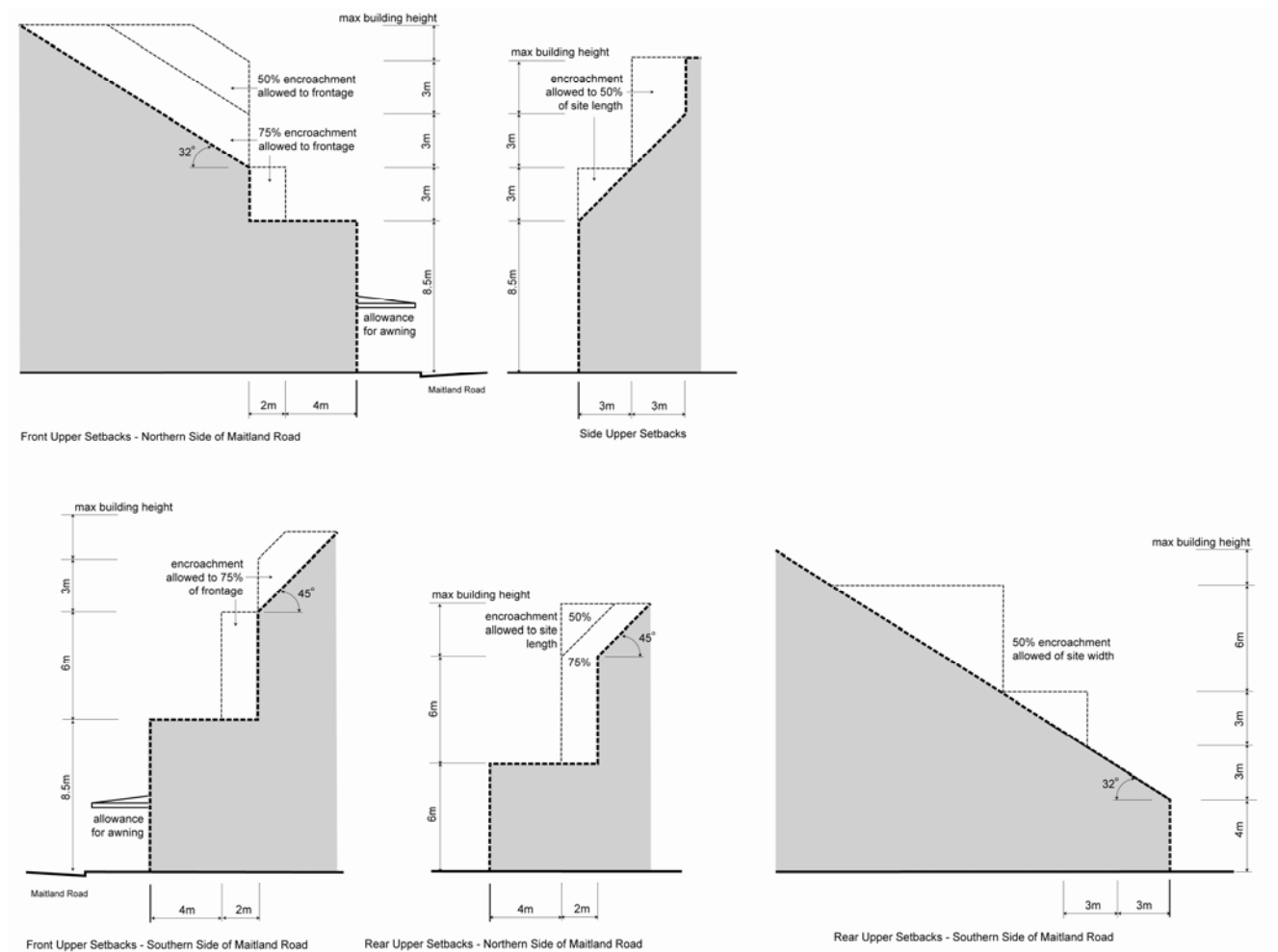
**Figure 2: Building envelopes for Precinct 1**



Note: Diagrams are not to scale. Use only the figured dimensions provided.



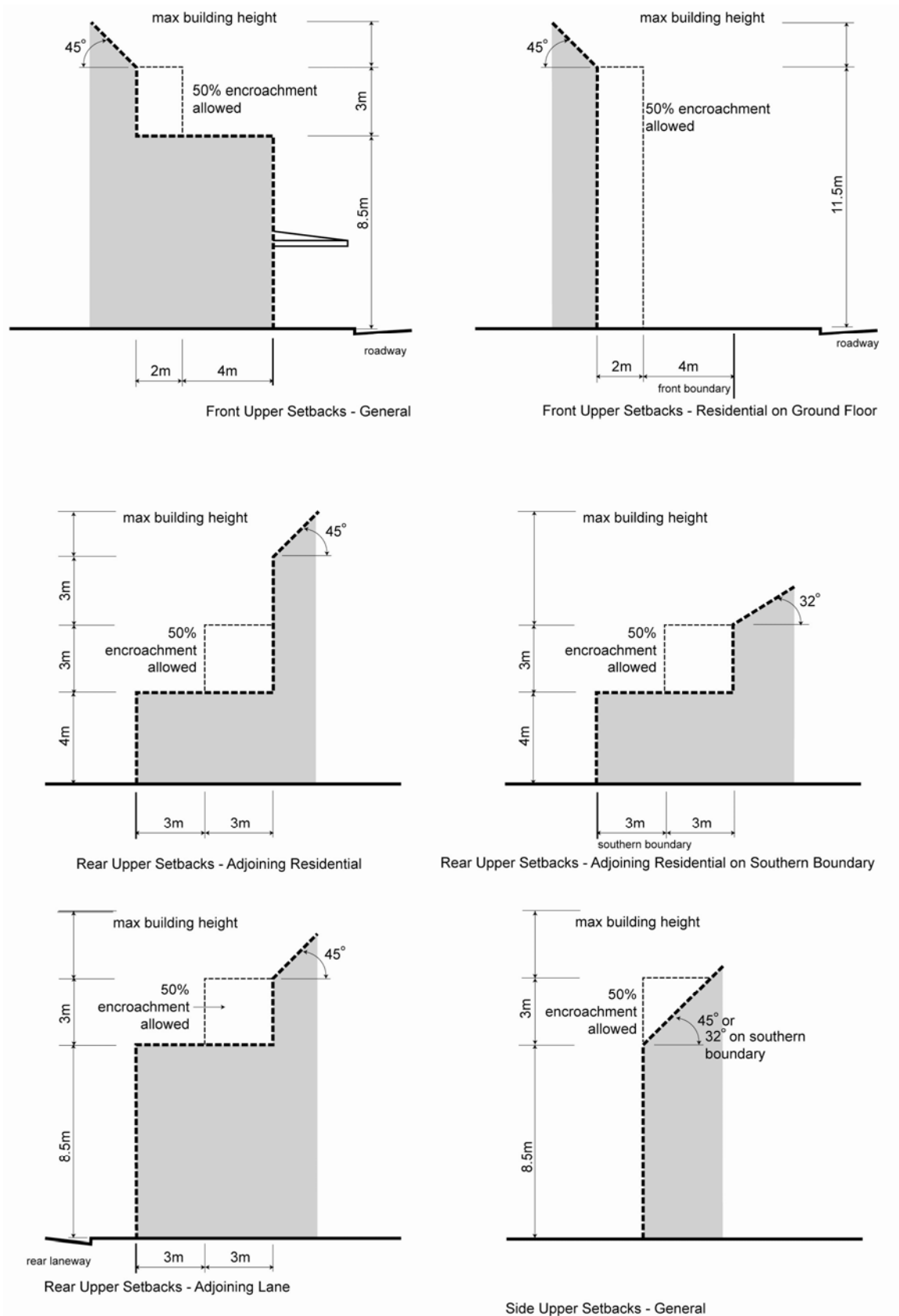
**Figure 3: Building envelopes for Precinct 3**



Note: Diagrams are not to scale. Use only the figured dimensions provided.



**Figure 4: Building envelopes for Precincts 2, 4 and 5**



Note: Diagrams are not to scale. Use only the figured dimensions provided.



## E. Building design elements

### Objectives

1. Encourage use of design elements and materials that reflect contemporary architectural styles and are sympathetic to adjoining heritage items, if applicable.

### Controls

#### General controls applying to all development to which this section applies

1. Development incorporates elements that respond to nearby heritage and character facade features (identified in **Map 1** – Front Setbacks).
2. Building facades incorporate a range of balconies and fenestration for visual interest and improved amenity.
3. Building facades at street level include a combination of openings and glazing to encourage an active street edge. Ground level facades are to incorporate awnings or colonnades to encourage pedestrian activity and allow ‘spilling’ of indoor activities out to the street.
4. Entry porches, window awnings, and verandas are provided to contribute to facade articulation and streetscape interest.
5. Prominent built form statement may be used to emphasise street corners but not detract from any adjoining heritage items.
6. Utilise potential open space on upper levels by including roof gardens and terraces.
7. The selection of materials used for new development to consider and respect the character of existing buildings in the surrounding streetscape.

## 6.05.03 Public domain

### A. Traffic and transport

#### Objectives

1. Minimise vehicles directly accessing onto Maitland Road from new development.
2. Provide sufficient off-street car parking.
3. Minimise impact from car parking on the streetscape and outdoor areas on site.



## Controls

### General controls applying to all development to which this section applies

1. Where possible, site access only to be provided off side streets and rear laneways, as identified on **Map 3** – Vehicle Access.
2. Vehicle access may only be provided directly onto Maitland Road where no alternate access exists and where sites have a minimum frontage of 24m.
3. Existing laneways and right-of-ways to be retained for access by new and existing development.
4. New public laneways are to be provided as shown on **Map 3** and dedicated to Council. The exact location of these may be negotiated at the development application stage.
5. Where negotiated prior to determination of a development proposal, such laneways may be incorporated into the development or allow development of their airspace but only where this allows for unrestricted public access. Vehicle entrances are not to dominate the streetscape and are to be recessed from building facades.
6. Car parking is provided as per Section 7.03 Traffic, Parking and Access.
7. At-grade (ground level) car parking only to be provided where:
  - (a) it is set back behind other uses that provide activation to street edge
  - (b) it is under cover and integrated into the built form and covered by upper levels of development or upper level open space/landscaping provision
  - (c) ceiling heights and floor levels allow for future adaption to other uses
  - (d) it is not within building setbacks
  - (e) it is not impeding on ability to meet minimum on site landscape requirements.
8. Above ground car parking facilities to be located to the rear of development along Maitland Road and screened from any street frontages by use of built form, architectural screens or landscaping.
9. Driveways directly accessing Maitland Road, where necessary, are not to result in queuing across footpath.
10. Enhance safety and amenity of bus stops by encouraging adjoining active uses, passive surveillance, and weather protection.
11. Funding or works-in-kind of s94A developer contributions may be negotiated to achieve a reduction in width of carriageway along Maitland Road, where possible, to facilitate a reduction in traffic speed and maximise opportunities for street tree planting as shown in **Figure 5**. This may only be achieved where carriageway widths do not impede on operation of bus services and provision of bus stops.



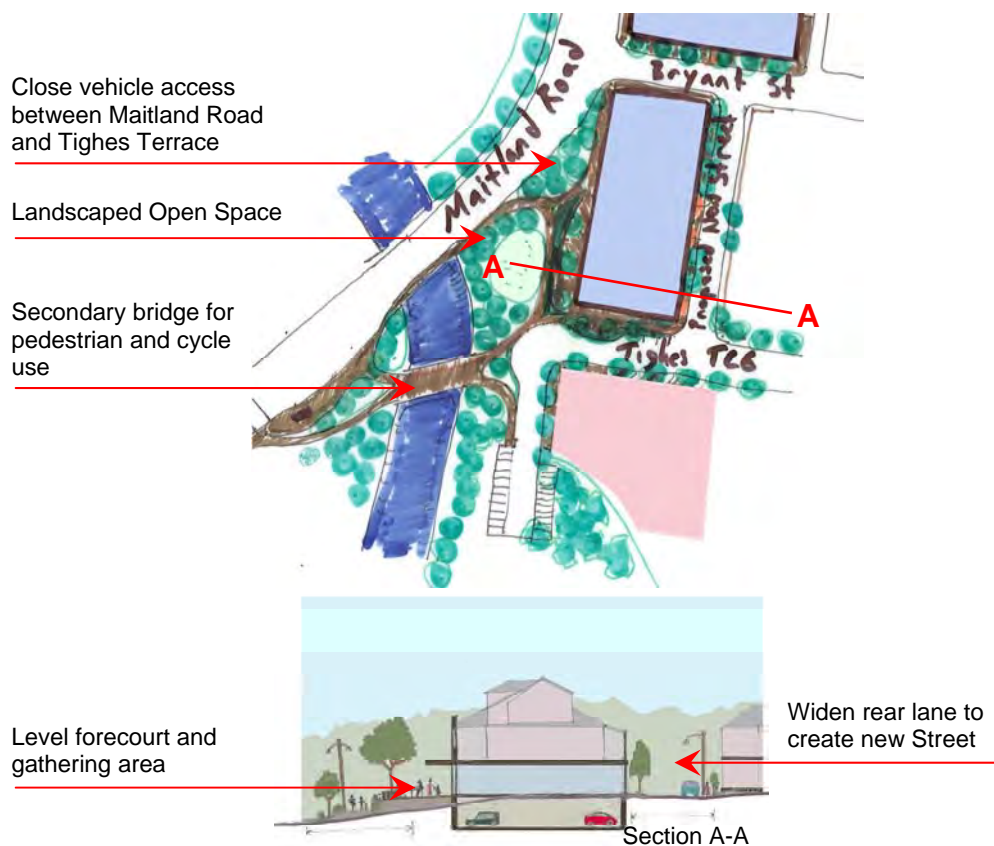
**Figure 5: Example of street tree planting envisaged along Maitland Road**



The following controls apply to all development within Precinct 1

12. Redevelopment of the site shown in **Figure 6** will require widening of existing rear laneway by a minimum of 5m. This dimension to include a 2m wide footpath.

**Figure 6: Landscape requirements for entry to corridor in Tighes Hill**





### The following controls apply to all development within Precinct 2

13. Provide and dedicate to Council a public rear laneway (minimum 8m width) to any new development along Maitland Road between Silsoe and Corona Streets (refer **Figure 7**). Ensure allowance is made for future connection with such laneway on adjoining land (even if not yet redeveloped).
14. No vehicle access is provided directly to/from Maitland Road unless:
  - (a) no access is available to Corona or Silsoe Streets
  - (b) adjoining land has not yet been redeveloped to include laneway access
  - (c) development will not result in additional access to Maitland Road
  - (d) access connects to rear laneway provided (on site) in redevelopment; and such access becomes one-way upon rear lane access connecting to either Corona or Silsoe Streets.

### The following controls apply to all development within Precinct 5

15. Redevelopment of the Mayfield Ex Services Club car park and adjoining vacant site, Baker Street to include provision of a new street, connecting Baker and Hanbury Streets. This providing improved entry to the club and other uses. Car parking should be provided at sub-ground level or within a multilevel facility.

## **B. Pedestrian amenity**

### **Objectives**

1. Improve the amenity along the corridor.
2. Encourage casual surveillance of public areas, including street, laneways, cycleways and open space.

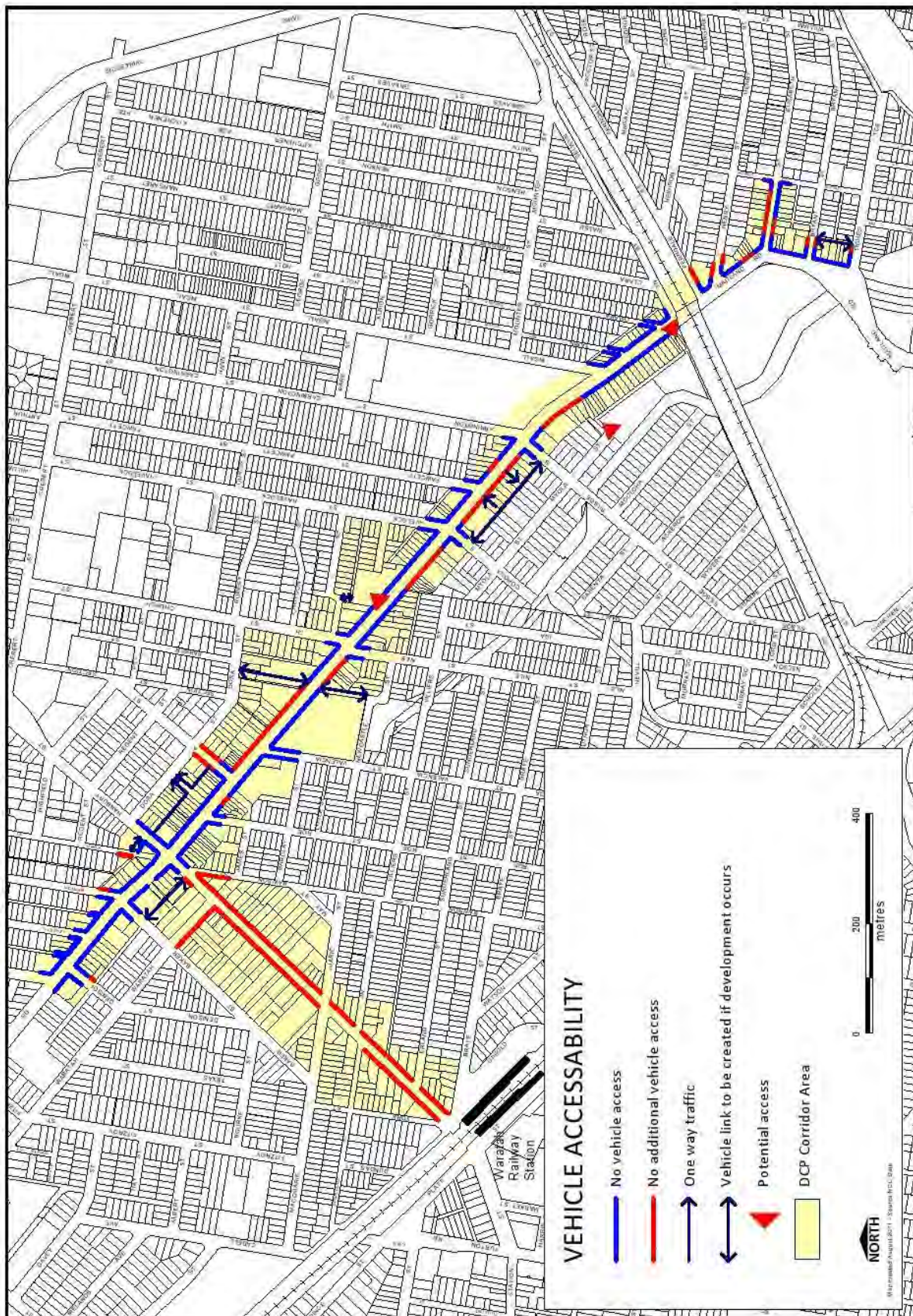
### **Controls**

#### General controls applying to all development to which this section applies

1. New and improved pedestrian links to be consistent with **Map 4 - Pedestrian Access**.
2. Pedestrian only links through street blocks should be along the most direct route, preferably straight, well lit and offer passive surveillance from surrounding uses.

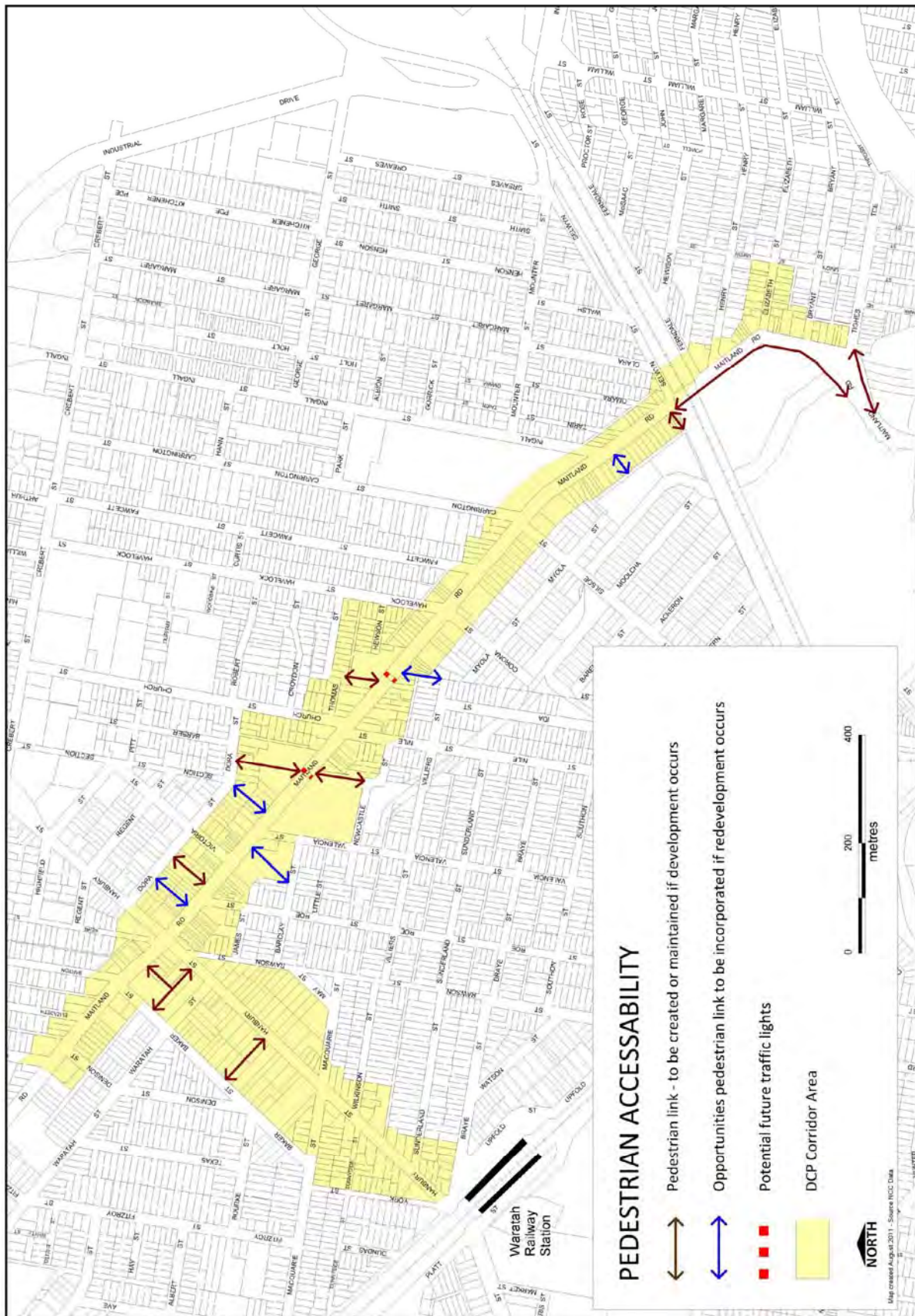


**Map 3: Vehicle Access**





**Map 4: Pedestrian access**





## **C. Cycle access**

### **Objectives**

1. Provide facilities that cater for cyclist in the corridor.

### **Controls**

#### General controls applying to all development to which this section applies

1. Provision of cycle storage and parking facilities at bus stops located where the corridor is intercepted by the cycle network, at all new retail and commercial developments requiring on-site car parking, and public open space areas.
2. Inclusion of the provision of safe, secure and accessible cycle storage facilities for occupants and visitor of all new commercial and residential developments.

## **D. Open space and landscaping**

### **Objectives**

1. Improve the provision and quality of open space along the corridor to reinforce a sense of place.
2. Provide open space for passive recreation and social activities, such as outdoor dining and gathering.
3. Create a landmark entry statement to the renewal corridor at Tights Hill through the provision of landscaping and bold public art.
4. Minimise impacts of fragmented redevelopment by use of consistent landscape elements with streetscape, which provide a recognisable theme along the corridor.

### **Controls**

#### General controls applying to all development to which this section applies

1. Landscaping is provided as per Section 7.02 Landscaping, Open Space & Visual Amenity.
2. Landscaping requirements for mixed use development and non-residential development will be assessed on its merits, having respect for the character of the existing streetscape and that of adjoining land.
3. Lighting is provided to front setbacks in particular to building entries and landscaped areas.
4. Onsite open space requirements may be achieved on upper levels and rooftops of development.
5. Soft landscaping (plantings) on upper levels and roof tops through use of roof and wall gardens and the like is encouraged.
6. Waste management facilities are to be appropriately screened and/or located where not visible from the streetscape.



7. Developments fronting Maitland Road that require four or more wheelie bins are to use a waste removal contractor rather than Council's kerbside service.
8. Where practical, development provides opportunities for street tree planting adjacent to buildings along street frontages.
9. Street tree planting to take into account such matters as overhead powerlines, driveway access, footpath pavement, underground utilities, stormwater culverts and bus stop locations.
10. Funding or works-in-kind of s94 developer contributions may be negotiated to achieve streetscape embellishments located on the corner of Maitland Road with Denison or Victoria Streets. Such embellishment to include, removal of on-street parking and widening of the footpath for a length of 20m to 30m along Denison and Victoria Streets. Landscape elements such as street trees, pavement and street furniture to comply with Council specifications.
11. Where feasible, street edge treatments and land uses, of development associated with the above widened footpaths, to activate frontages and compliment outdoor gathering respectively.

The following controls apply to all development within Precinct 1

12. Funding or works-in-kind of s94A developer contributions may be negotiated to achieve closure, to vehicles of the secondary bridge across Tykes Creek, adjoining Maitland Road, and extension of existing cycleway from Islington Park.
13. Residential development between Tighes Terrace and Atkinson Street addresses the adjoining park for improved passive surveillance of open space.
14. Redevelopment proposals fronting Maitland Road between Bryant Street and Tighes Terrace may negotiate an exemption from the on-site landscaping provisions of this plan but only where development is built to the front setback and provide embellishment to the existing road reserve as follows (see **Figure 6**):
  - (a) removal of existing vehicle connection between Maitland Road and Tighes Terrace to create a landscaped open space area or forecourt to development
  - (b) provision of a level paved outdoor area for gathering and uses such as outdoor dining
  - (c) provision of landscaping and a bold public art statement.
15. Redevelopment of the abovementioned site will require widening of existing rear laneway by a minimum additional 5m. This dimension to include a 2m wide footpath containing suitable pavement and street trees (see **Figure 6**). On-site car parking to be provided at sub-basement level taking advantage of slope of site.

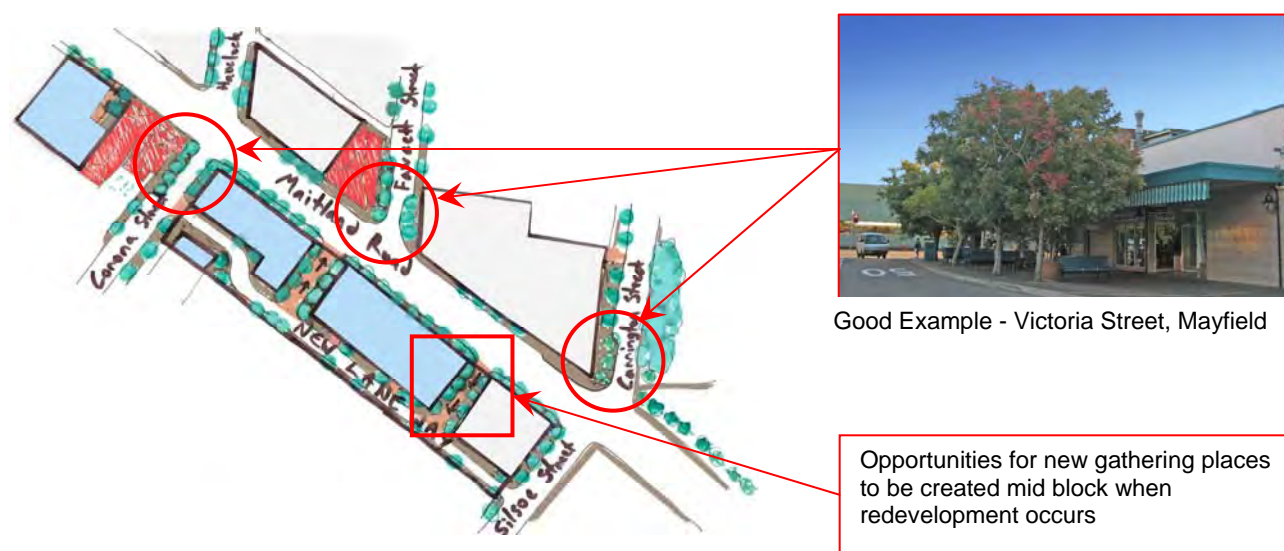
The following controls apply to all development within Precinct 2

16. Where relevant, new development address adjoining local parks for improved amenity, activation of park edge and improved passive surveillance.
17. Improved pedestrian amenity by provision of awnings over the footpath along Maitland Road, as well as seeking opportunities for street tree planting and consistent landscaping theme.



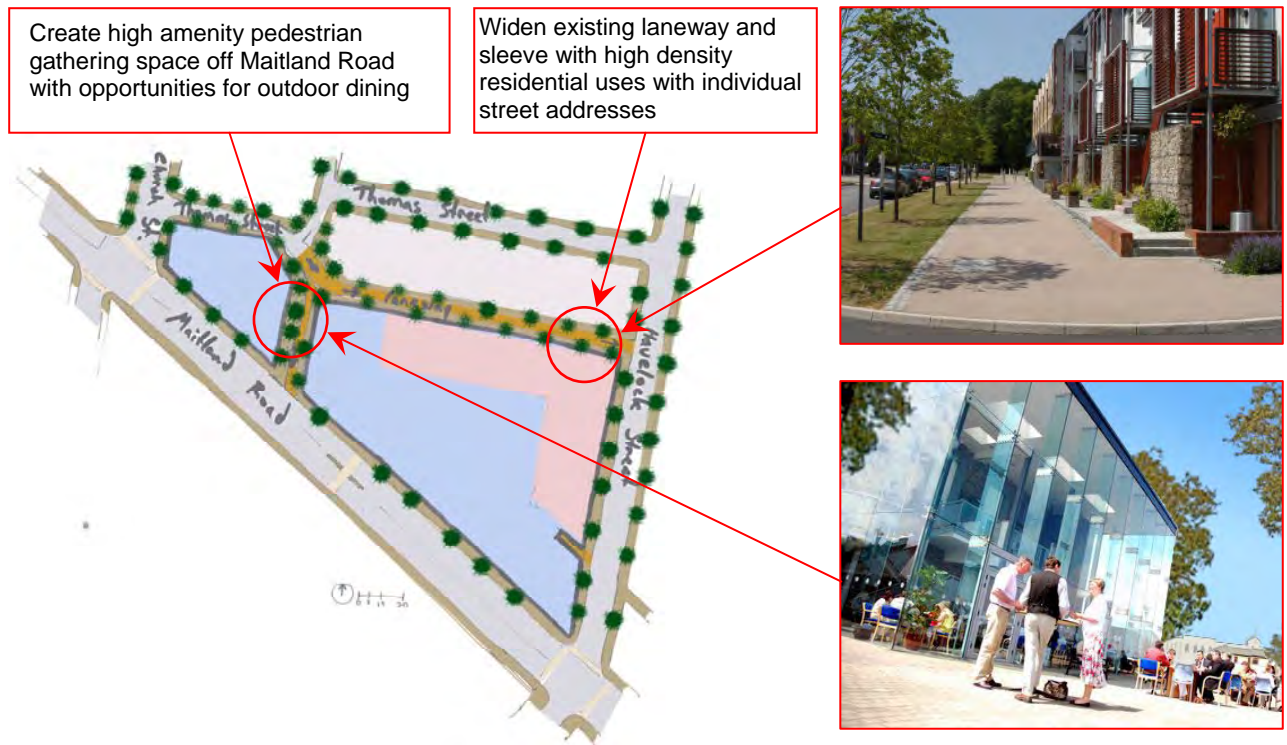
18. Funding or works-in-kind of s94A developer contributions may be negotiated to achieve streetscape embellishment for new development located on the corner of Maitland Road and Carrington, Fawcett, and Corona Streets should include, removal of on-street parking and widening of the footpath for a length of 20m to 30m along Carrington, Fawcett, and Corona Streets as per **Figure 7**. Such new areas should be landscaped to contain elements such as street trees, pavement, and street furniture, as per Council's specifications.
19. Where feasible, street edge treatment and land uses, of development associated with the above widened footpaths, activate frontages and compliment outdoor gathering respectively.
20. Redevelopment of land between Havelock and Church Streets may incorporate the existing cul-de-sac, Hewson Street, where redevelopment achieves the following improvements to the public domain (see **Figure 8**):
  - (a) widen existing rear laneway by 2m to include a 2m footpath with appropriate pavement and street trees and connect through to Thomas Street
  - (b) rear laneway to be sleeved with high density residential development with individual pedestrian entries provided off the laneway
  - (c) provide a landscaped pedestrian gathering space linking Thomas Street to Maitland Road
  - (d) provide a pedestrian crossing across Maitland Road mid-block of new development
  - (e) provide active frontage consisting of glazing and multiple entries along 75% of Maitland Road.

**Figure 7: Example of outdoor gathering places**





**Figure 8: Landscape requirements for redevelopment between Havelock and Church Streets**



The following controls apply to all development within Precinct 3

21. Funding or works-in-kind of s94A developer contributions may be negotiated to achieve streetscape embellishment for new development located on the corner of Maitland Road with Roe Street should include, removal of on-street parking and widening of the footpath for a length of 20m to 30m along Roe Street. Such new areas should be landscaped to contain elements such as street trees, pavement, and street furniture, as per Council's specifications.
22. Where feasible, street edge treatment and land uses, of development associated with the above widened footpaths, activate frontages and complement outdoor gathering respectively.
23. Improve pedestrian amenity by provision of awnings over the footpath along Maitland Road, as well as seeking opportunities for street tree planting and consistent landscaping theme.
24. Where relevant, new development address adjoining local parks for improved amenity, activation of park edge and improved passive surveillance.
25. Funding or works-in-kind of s94A developer contributions may be negotiated to achieve embellished open space along Newcastle Street with provision of playground and suitable landscaping.
26. Future redevelopment of current Woolworths site should include active street frontages and a zero front setback to Maitland Road.
27. Redevelopment of the aforementioned site should also include provision of a new street between Newcastle Street and Maitland Road, which provides for pedestrian based activity and improved links to public open space along Newcastle Street (see **Figure 9**).



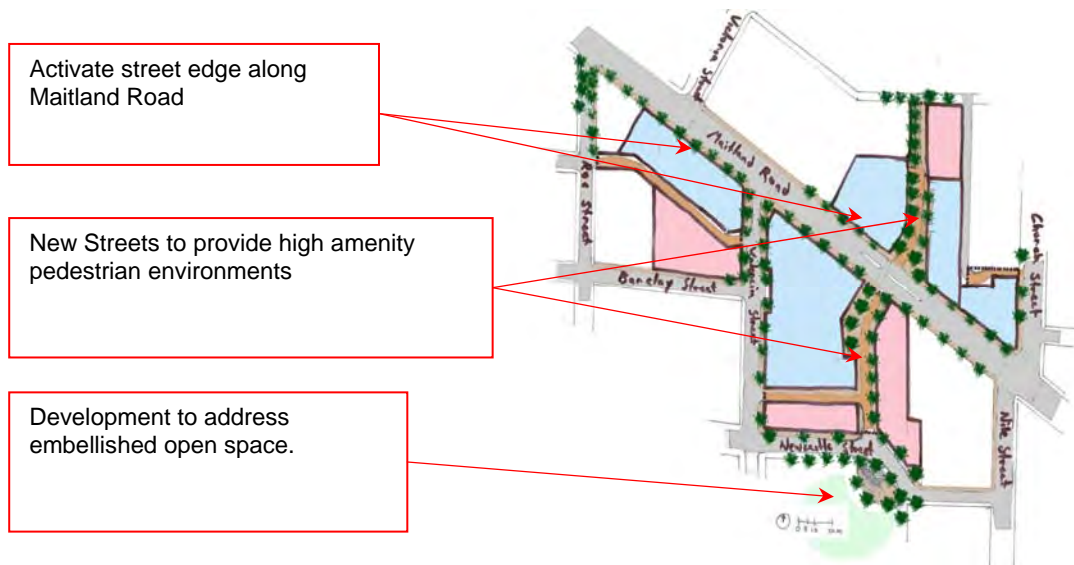
28. Redevelopment along Maitland Road, opposite Woolworths, currently consisting of a mix of retail uses including fast food outlets should achieve the following (as shown in **Figure 9**):
  - (a) reinforces the public domain by providing an active built edge to Maitland Road
  - (b) include a new street between Maitland Road and Dora Street, which provides for pedestrian based activity, such as outdoor dining.
29. Open space and landscaping may be provided at upper level setbacks where accessible from residential and/or other uses within the development (see **Figure 12**), and where provision is made to ensure privacy of any adjoining residential uses through use of landscaping, architectural screening or other measures.
30. Water sensitive urban design measures should be applied to minimise the use of potable water for irrigation of vegetation.
31. Deep soil landscaping requirements need not be achieved for development within this precinct.

The following controls apply to all development within Precinct 4

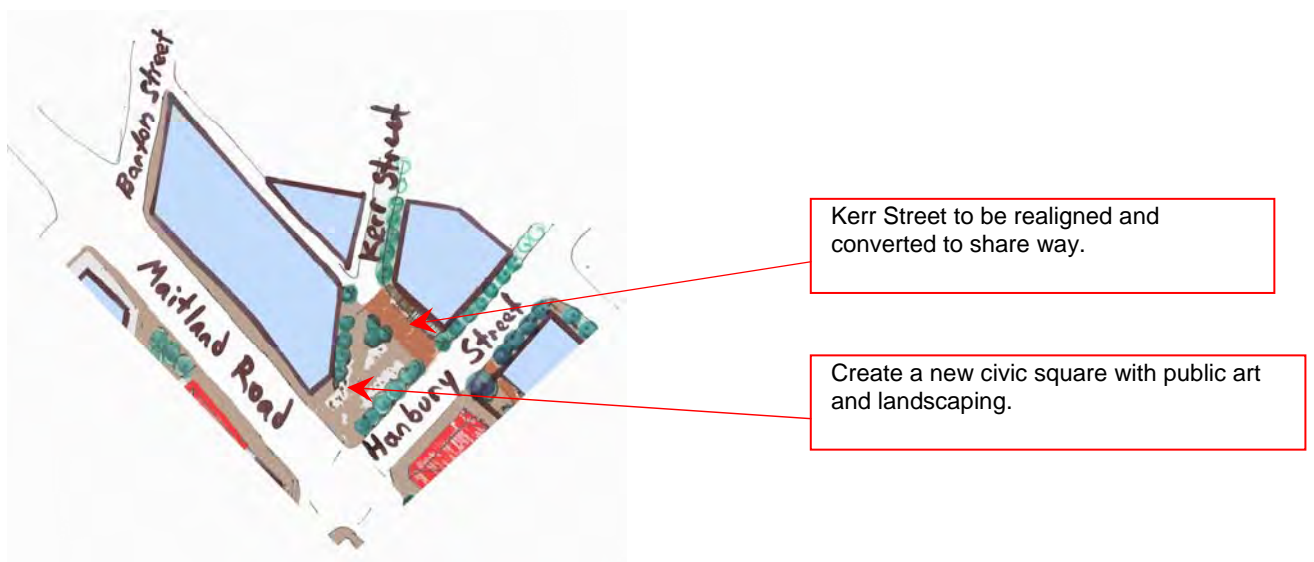
32. Future redevelopment of the existing Mayfield library site should include provision of a new civic square/forecourt containing both hard and soft landscape elements including public art and shade trees. To facilitate this, part of Kerr Street should be transformed into a shared zone and realigned to connect with Hanbury Street and the existing rear lane, as shown in **Figure 10**.
33. Redevelopment within the street block containing Webb Park should include the following public domain improvements (see **Figure 11**):
  - (a) remove vehicle access onto Maitland Road but extend existing vehicle from Hanbury Street to Baker Street
  - (b) create new high amenity pedestrian environment connecting from Maitland Road to Webb Park, activated by bordering uses which spill into this space
  - (c) provision of passive surveillance over new pedestrian space and Webb Park by orientation of high density residential development on upper levels and along the edge of Webb Park.
  - (d) Embellish Webb Park by provision of playground, recreation facilities, walkways and sufficient lighting.



**Figure 9: Landscape requirements for Mayfield retail core**

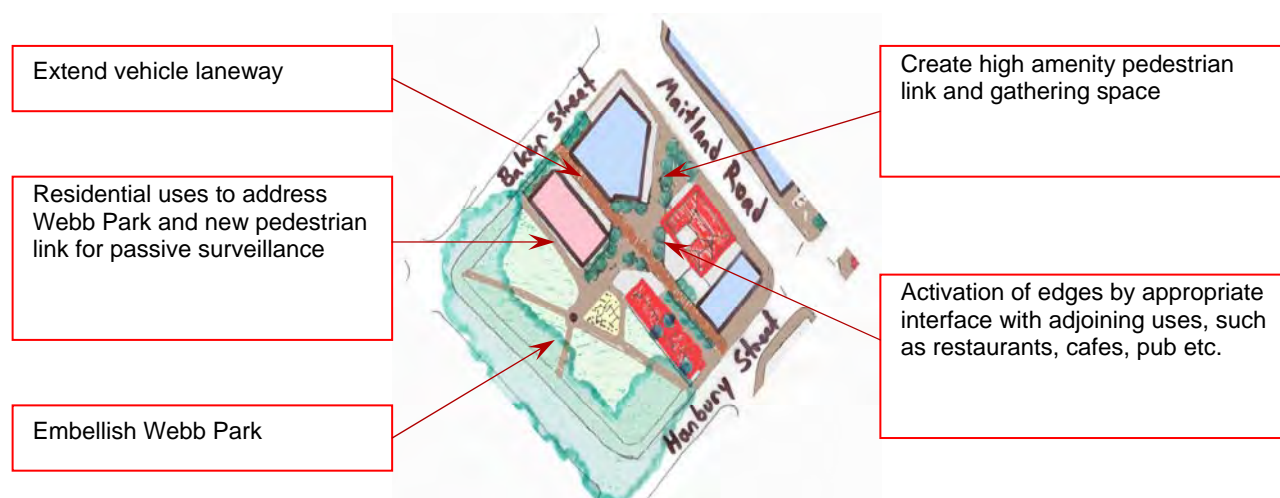


**Figure 10: Landscape requirements for redevelopment of Mayfield library site**

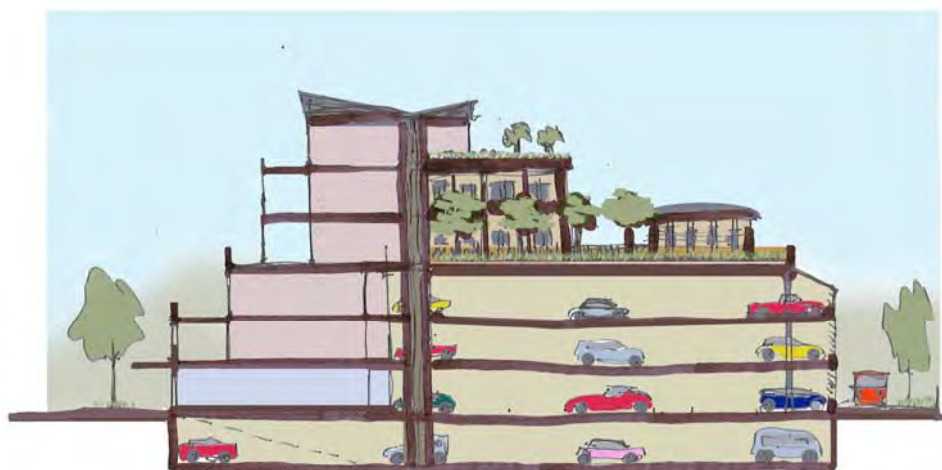




**Figure 11: Landscape requirement for redevelopment adjoining Webb Park**



**Figure 12: Landscaping and open space on upper level setbacks and roof space are encouraged.**





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## 6.06 Hamilton Renewal Corridor

### Amendment History

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

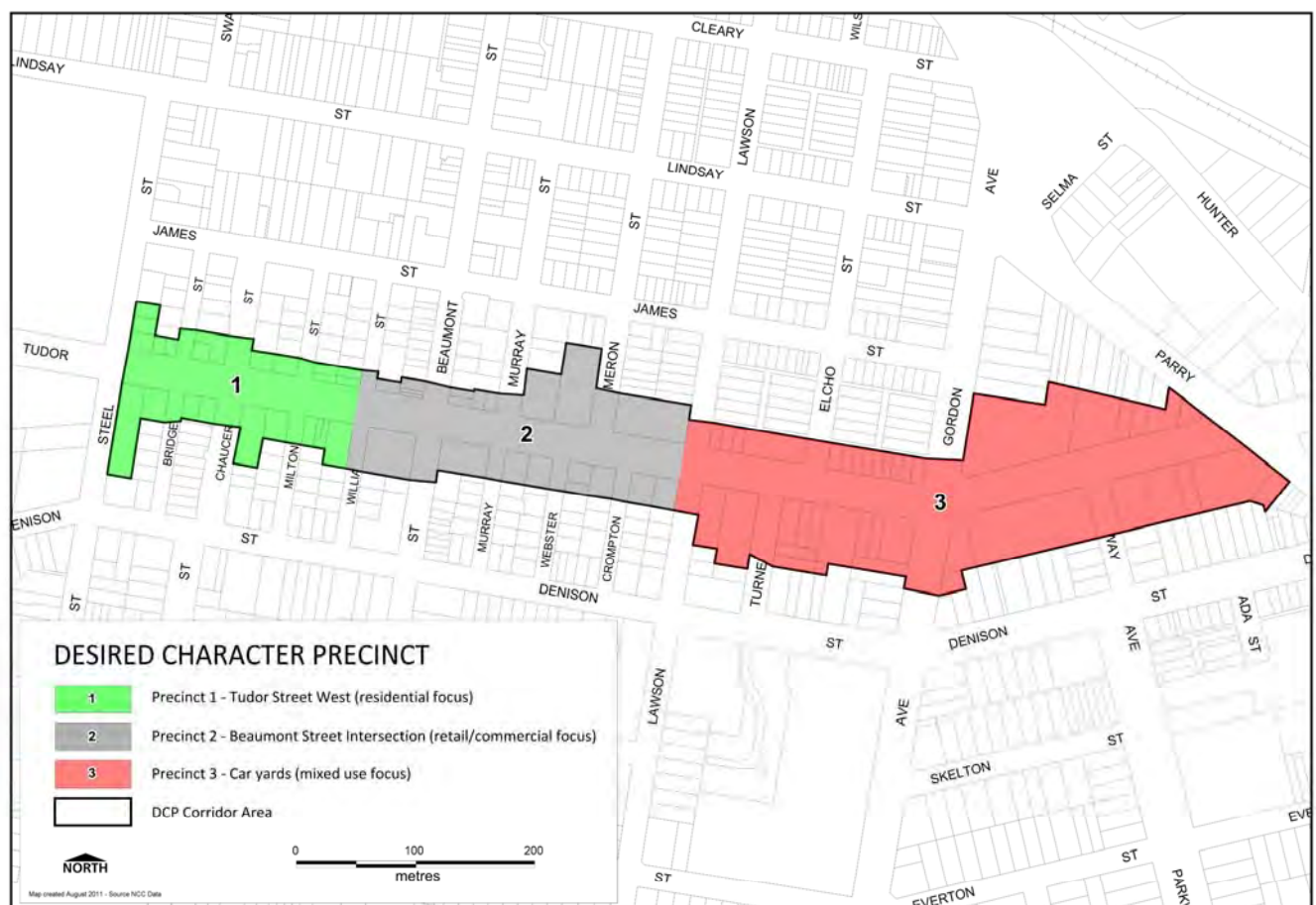
### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to land identified in **Map1** – Hamilton Renewal Corridor study area.

### Map 1 – Hamilton Renewal Corridor area





## Development (type/s) to which this section applies

This section applies to all development consisting:

- new buildings or structures
- additions or alterations to existing buildings or structures.

## Applicable environmental planning instruments

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- State Environmental Planning Policy No 71—Coastal Protection.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following section of this DCP **will** also apply to development to which this section applies:

- Any applicable landuse specific provision under Part 3.00

Note: Any inconsistency between the locality specific provision and a landuse specific provision, the locality specific provision will prevail to the extent of the inconsistency.

- 4.04 Safety and Security
- 7.01 Building Design Criteria

Note: Limited application as per control 6.06.01 A – Land Use

- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bush fire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 4.05 Social Impact – where required under 'Social Impact Assessment Policy for Development Applications', 1999
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal Heritage item/site and/or potential soil disturbance



- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 6.02 Heritage Conservation Areas – known conservation area
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required
- 7.09 Outdoor Advertising and Signage – signage and outdoor advertising
- 7.10 Street Awnings and Balconies – awnings or balconies to be located over public land.

### Associated technical manual/s

- Nil

### Additional information

- Nil

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary of this plan.

## Strategic Overview

The Hamilton Corridor will continue to evolve as a viable mixed use precinct, supporting a variety of land uses, increased residential densities and built form that reaffirm the centre's hierarchy within the city, whilst respecting adjoining established neighbourhoods.

Redevelopment along the Tudor Street Corridor will increase residential densities to accommodate an additional 230 dwellings and build upon the existing character of development. Increased tree planting along Tudor Street will assist in developing a distinct theme and improving the amenity of the streetscape.

### Character Precincts

- **Character Precincts** - The Hamilton Corridor has three distinct character precincts. These have been identified through analysis of current land use and character, and consideration of the envisaged future character.
- **Precinct 1 – Tudor Street west (residential focus) character statement** - lacks a consistent character given the range of uses, building types and scales, as well as consisting of vacant and underdeveloped sites. It is envisaged that this precinct will capitalise on the outlook and proximity to Gregson Park and provide for higher density residential uses within mixed use development. This precinct will target provision of eighty (80) additional dwellings.

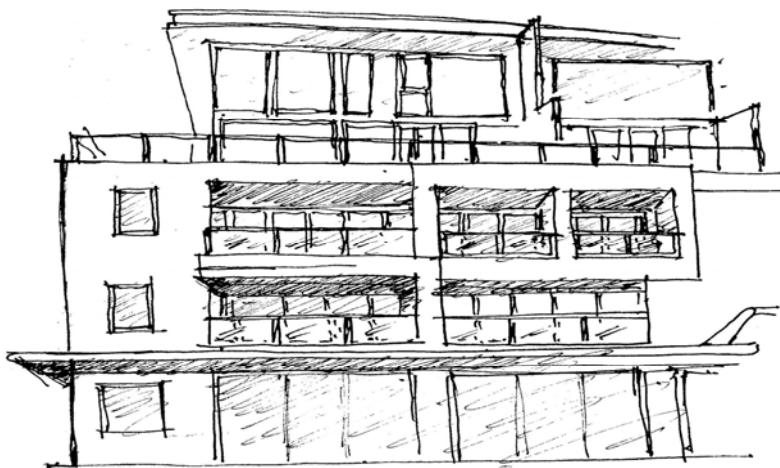


- **Precinct 2 – Beaumont Street intersection (retail/commercial focus) character statement** - consists of a diversity of mixed use development with primarily retail uses at ground floor and has a distinct built character, with buildings reinforcing the street edge towards the corner of Tudor and Beaumont Streets. The precinct will provide a mix of uses that strengthen Hamilton's role as an entertainment, multi-cultural and restaurant centre. Precinct 2 has a target of sixty (60) additional dwellings.
- **Precinct 3 – Caryards (mixed use focus) character statement** - primarily consists of automotive related uses such as caryards. The streetscape is dominated by vehicles and security fencing. The built form lacks interest and has an inconsistent setback from the street edge. Precinct 3 will provide a mix of uses, including automotive sales showrooms, and will provide a targeted additional ninety (90) dwellings, at upper levels of mixed use development. The envisaged built form will reinforce the street edge and add interest to the streetscape.

### Aims of this section

1. To reinforce the existing character and sense of place for the Tudor Street, Hamilton Corridor through appropriate built form and streetscape improvements.
2. To provide site responsive and sustainable development.
3. To encourage mixed use developments.
4. To improve pedestrian amenity and connectivity to nearby sporting and residential precincts.
5. To establish potential gateways to the corridor by built form and landscape improvements.

**Figure 1: Indicative built form outcome at corner of Tudor and Steel Streets**





## 6.06.01 Land use and development

### A. Land use

#### Objectives

1. Ensure desired outcomes relating to increasing residential, commercial and retail densities are achieved in suitable locations.
2. Ensure land uses along Tudor Street respect the adjacent residential neighbourhood.
3. Encourage land uses that capitalise on visual connections, passive surveillance and views to Gregson Park.

#### Controls

##### General controls applying to all development to which this section applies

1. Despite any other provisions within this plan, development comprising wholly or partly of residential accommodation, shall comply with the provisions identified within Section 7.01 Building Design Criteria with respect to the following:
  - open space
  - views and privacy
  - solar access
  - fencing and walls
  - utilities and services.
2. The ground floor of development shall not contain residential uses unless where:
  - (a) located in Precinct 1 and has a minimum front setback of 6m to Tudor Street, or
  - (b) fronting a side street other than Gordon Avenue, Lawson Street, Beaumont Street, or Chaucer Street, or
  - (c) being on a side street at minimum distance of 30m from a street corner to Tudor Street, or
  - (d) has a front setback consistent with adjoining development where that development is located outside of the renewal corridor.

### B. Activation of street frontages

#### Objectives

1. Provide for activation of street frontages to ensure a safe and accessible environment.
2. Improve streetscape amenity for residents and visitors travelling along Tudor Street.



## **Controls**

### General controls applying to all development to which this section applies

1. Development along Tudor Street provides a continuous 'street wall', by building up to the front boundary.
2. Development sites have minimum lot widths of 24m to Tudor Street.
3. Buildings incorporate a variety of articulation to the built form and incorporate awnings to provide pedestrian amenity.
4. Buildings are of a high architectural quality incorporating open balconies, decks, roof gardens and the like.
5. Developments provide appropriate interfaces with adjoining residential properties to the rear, by concentrating a building mass to the Tudor Street boundary and maintaining separation from rear residential development.

## **6.06.02 Building Form**

### **A. Floor space ratios**

#### **Objectives**

1. Provide an appropriate density of development consistent with the established centres hierarchy.
2. Ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the centres hierarchy.
3. Encourage built form and massing of developments that contributes to increased residential density and reflects the intended building typologies for each precinct.

## **Controls**

### General controls applying to all development to which this section applies

1. Refer to the Newcastle Local Environmental Plan 2012 for floor space ratio controls.

### **B. Height**

#### **Objectives**

1. Ensure the scale of development enhances and makes a positive contribution towards the desired built form by reinforcing the established centres hierarchy.
2. Allow reasonable daylight access to all developments and the public domain.



3. Ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the centres hierarchy.
4. Encourage built form and massing of developments that contributes to increased residential density and reflects the intended building typologies for each precinct.
5. Reinforce the height and massing of existing buildings that contribute to the streetscape character.
6. Ensure building mass and form is focussed along Tudor Street while respecting adjoining residential neighbourhood and amenity.
7. Respect the low scale residential character of adjacent residential precincts.

## **Controls**

### General controls applying to all development to which this section applies

1. Refer to the Newcastle Local Environmental Plan 2012 for building height controls.
2. Building height of listed heritage buildings is complemented when redeveloping adjoining sites. New buildings do not dominate heritage items.

Note: This corridor contains mine workings and is within an identified mine subsidence district and hence may not achieve the maximum floor space ratios and building heights respectively. Applicants are advised to seek advice from the Mine Subsidence Board as to the likely restrictions or conditions identifying remedial works prior to lodging a Development Application to Council.

## **C. Building setbacks**

### **Objectives**

1. Reinforce and maintain a well defined street edge along Brunner and Glebe Roads.
2. Extend and reinforce a strong street edge built form along Tudor Street.

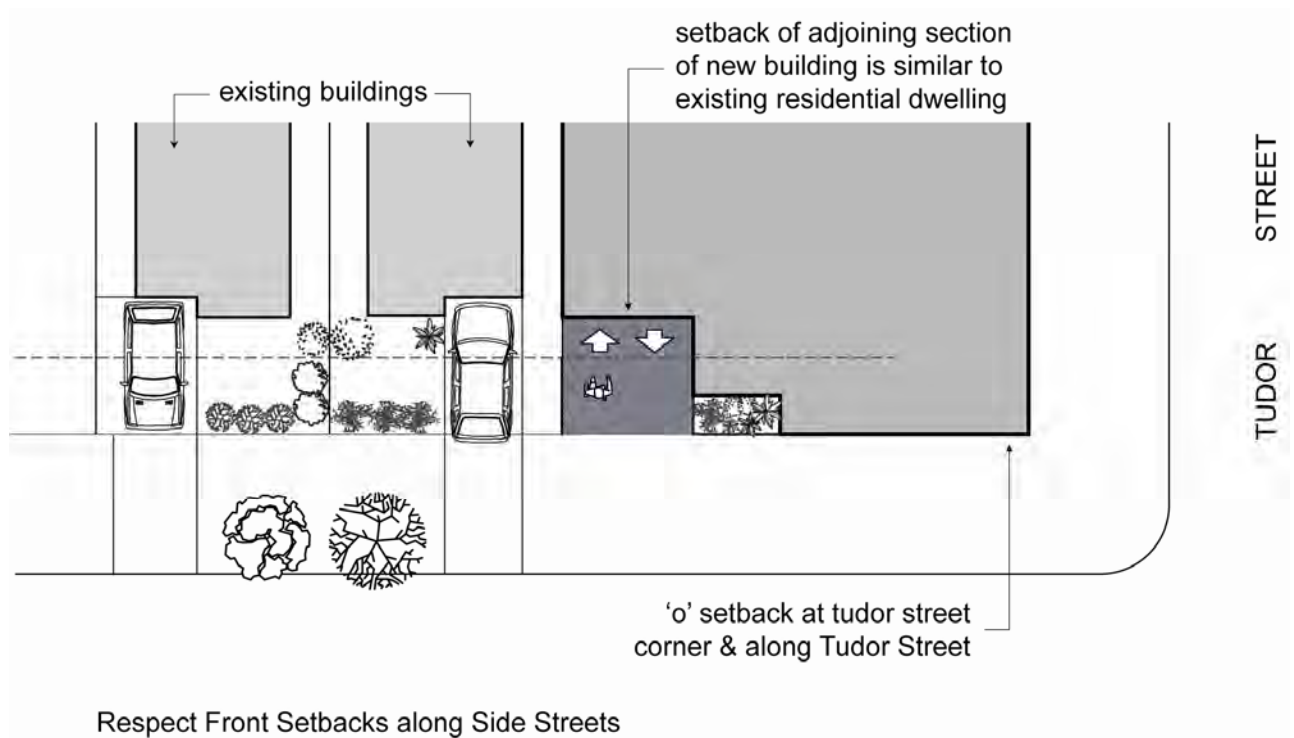
## **Controls**

### General controls applying to all development to which this section applies

1. Development is built to the front boundary along Tudor Street and on corner sites for other streets to reinforce the street edge.
2. Despite the requirements of control (1), above, where residential development occurs at ground level along Tudor Street, a landscape setback of 6m or more is required. An encroachment of no more than 2m may be permitted from the building setback to allow for verandas, decks, pergolas, balconies or the like.
3. Building form is focussed on the Tudor Street boundary and also provides a minimum separation of 3m to the rear boundary with adjoining residential properties.
4. Development is stepped back on side streets to match that of adjoining development outside of the corridor's boundary (see **Figure 2**).



**Figure 2: Respect front setbacks along side streets**



## D. Upper building setbacks

### Objectives

1. Provide a pedestrian scale to street frontages.
2. Encourage building mass, forms and articulation that are consistent with the site location.
3. Encourage built form that defines potential landmark sites.
4. Ensure a sensitive interface is provided between new developments and existing buildings.
5. Minimise overshadowing from new development to allow suitable solar access to adjoining land.

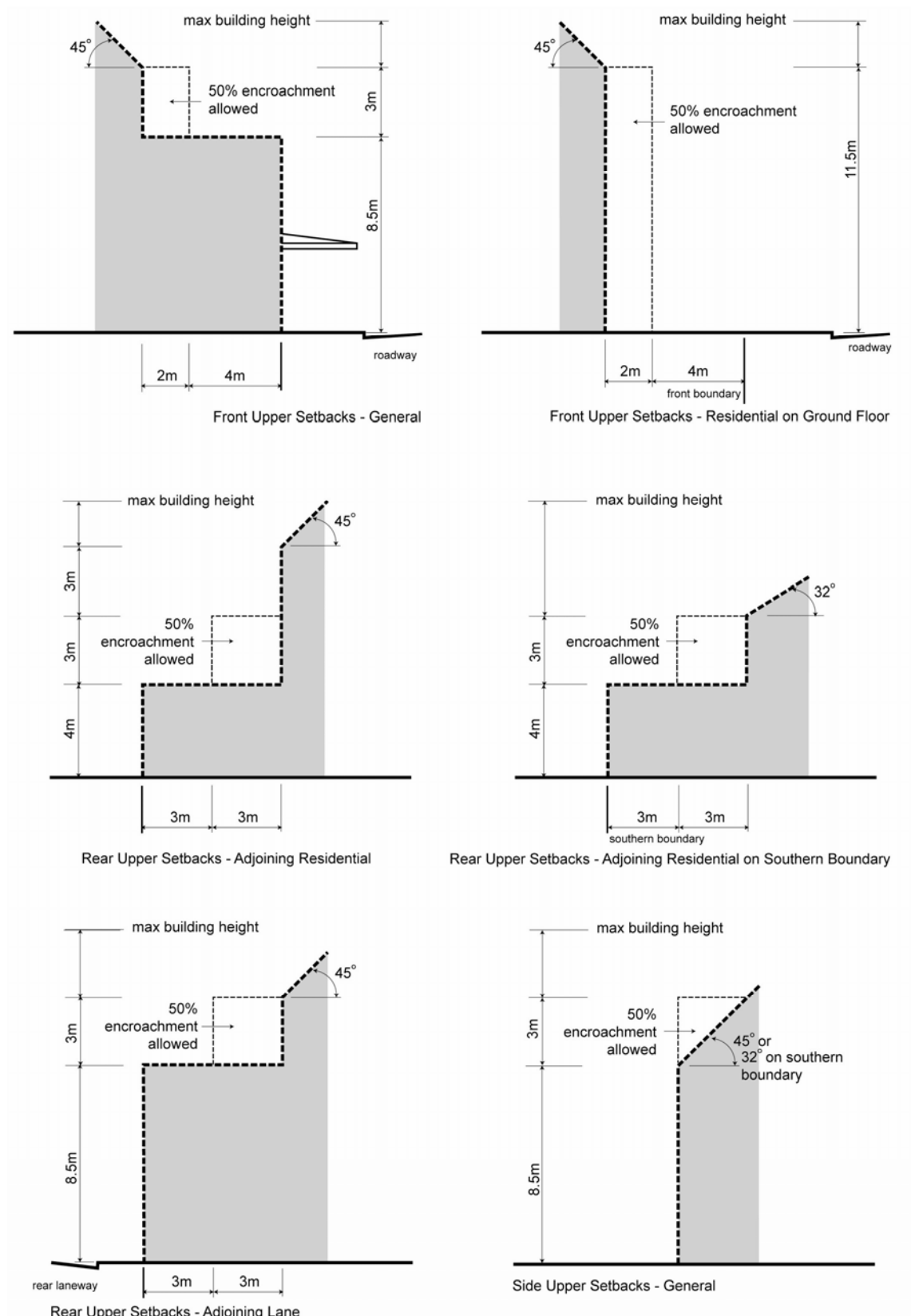
### Controls

#### General controls applying to all development to which this section applies

1. Upper level setbacks to comply with building envelopes identified in **Figures 3 and 4**.
2. Upper level setbacks are encouraged to be utilised for provision of open space and landscaping, provided privacy of adjoining uses are protected.
3. Emphasise street corners by permitting a departure from the building envelopes, to allow the maximum permissible height along each front setback for a maximum length of 12m from the corner.



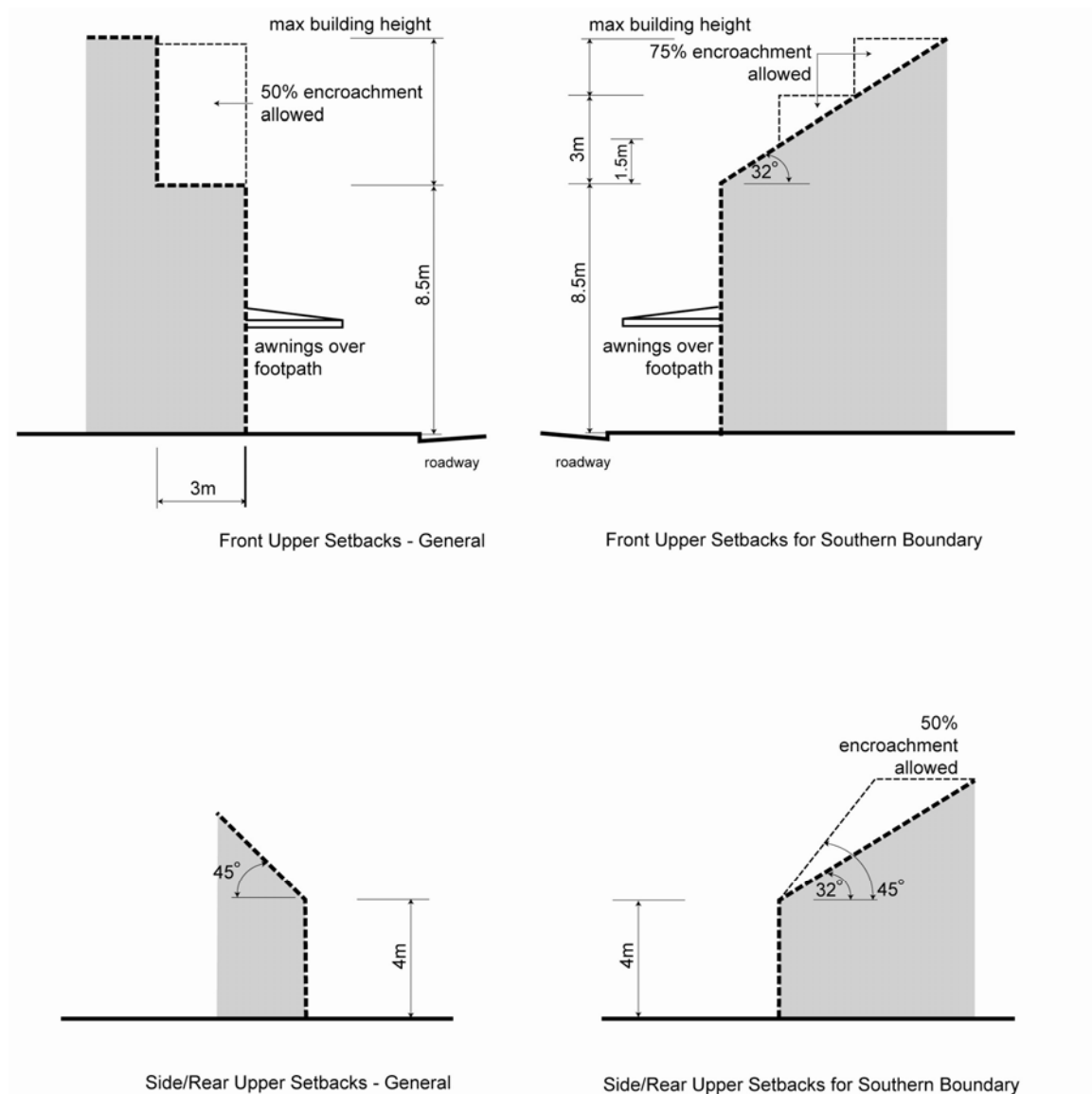
**Figure 3: Building envelopes for Precinct 1**



Note: Diagrams are not to scale. Use only the figured dimensions provided.



**Figure 4: Building envelopes for Precincts 2 and 3**



Note: Diagrams are not to scale. Use only the figured dimensions provided.

## E. Building design elements

### Objectives

1. Contribute to a vibrant and active streetscape through appropriate architectural design.
2. Encourage the use of materials that reflect contemporary architectural styles but reinforce the inherent character of Hamilton.
3. Strengthen character along Tudor Street through consistency in facade and roof design and treatment.



## Controls

### General controls applying to all development to which this section applies

1. Upper building wall treatments incorporate design measures to avoid overlooking of adjoining residential properties. These can include louvered screens, planter boxes, solid railing.
2. Exterior colour schemes are co-ordinated and consistent with existing local character. Avoid bright extravagant colour schemes that do not contribute to an integrated streetscape and the local character.
3. The roof form of buildings are an integral component of the built form design and should not include hoardings or signage.
4. Mechanical, service and telecommunication equipment are discreetly screened if placed on the roof and should not be visually prominent.
5. The selection of materials used for new development should consider and respect the character of existing buildings in the surrounding streetscape.

### The following controls apply to all development within Precinct 1

6. Sun screens, entry porches, window awnings, planter boxes and verandas are provided to contribute to facade articulation and provide shade and shelter.
7. Where residential uses occur at street level along Tudor Street, provide individual front yards and entries to the public footpath.
8. Solid walls/fences are avoided along front boundaries.
9. Buildings include elements such as balconies, terraces and appropriate fenestration, in addition to facade orientation, to maximise solar access to habitable rooms of residences.

### The following controls apply to all development within Precinct 2

10. Facade treatments at ground level should incorporate awnings, arcades and verandas to establish outdoor rooms along footpath areas and to encourage pedestrian activity and 'spilling' of indoor activities onto the street.
11. Facade treatment should incorporate elements that create visual articulation to the building mass. These may be achieved within 6m - 8m bays as shown in **Figure 5**.

### The following controls apply to all development within Precinct 3

12. Building facades may incorporate larger expanses of glass, in order to complement the character of existing showrooms and emphasise retail presentation.
13. Redevelopment of car sales yards should complement existing horizontal forms.
14. The ground floor of all buildings along Tudor Street should include adaptable floor plans for future use as retail/commercial occupation.



**Figure 5: Envisaged facade treatment for Precinct 2**



### **6.06.03 Public domain**

#### **A. Traffic and transport**

##### **Objectives**

1. Reduce potential vehicle and pedestrian conflict along site frontages to Tudor Street.
2. Provide clear and simple vehicular access from side streets and rear access lanes.
3. Restrict direct vehicular access to Tudor Street.
4. Provide sufficient off-street car parking.
5. Minimise impacts from car parking on the streetscape and open space areas.

##### **Controls**

###### General controls applying to all development to which this section applies

1. Vehicle access for development is restricted to the side roads and rear lanes, where possible.
2. Vehicular access across the footpath to allow direct vehicular access onto Tudor Street is only to occur where no alternate option is available and the development site has a minimum width of 24m. Consolidation of lots may be necessary to achieve this minimum width.
3. Car parking is provided as per section 7.03 Traffic, Parking and Access.
4. Vehicle accesses are recessed from building facades.



5. At-grade (ground level) car parking is only provided where:
  - (a) it is set back behind other uses that provide activation to street edge
  - (b) it is integrated into the built form and covered by upper levels of development or upper level open space/landscaping provision
  - (c) ceiling heights and floor levels allow for future adaption to other uses
  - (d) it is not within building setbacks
  - (e) it is not impeding on ability to meet minimum on site landscape requirements.
6. Car parking facilities are screened from Tudor Street through building design.

## **B. Pedestrian and cycle amenity**

### **Objectives**

1. Improve the accessibility and amenity for pedestrians and cyclists along the corridor.
2. Encourage casual surveillance of public areas, including streets, laneways, cycleways, and open space.

### **Controls**

#### General controls applying to all development to which this section applies

1. Pedestrian only links through street blocks to be along the most direct route, preferably straight, well lit and offer passive surveillance from surrounding uses.
2. Provide cycle storage and parking facilities at all new retail and commercial developments requiring on-site car parking.
3. Include the provision of safe, secure and accessible cycle storage facilities for occupants and visitors of all new commercial and residential developments.

## **C. Open space and landscaping**

### **Objectives**

1. Minimise impacts of fragmented redevelopment by use of consistent landscape elements within streetscape, which provide a recognisable theme along the corridor.
2. Soften the appearance of built form through landscaping elements.
3. Improve landscape amenity of public realm through consistent theme of pavement, street furnishings and street trees.
4. Provide landscaping that complements that in Chaucer Street and Gregson Park.



## Controls

### General controls applying to all development to which this section applies

1. Landscaping is provided as per Section 7.02 Landscaping, Open Space & Visual Amenity.
2. Landscaping requirements for mixed use development and non-residential development will be assessed on its merits, having respect for the character of the existing streetscape and that of adjoining land.
3. Lighting is provided to front setbacks in particular to building entries and landscaped areas.
4. Waste management facilities are to be appropriately screened and/or located where not visible from the streetscape.
5. Developments on Tudor Street that require four or more wheelie bins are to use a waste removal contractor rather than Council's kerbside service.
6. Landscaping along Tudor Street is to complement plantings in Chaucer Street, Gordon Avenue and Gregson Park.
7. Landscaping to complement and integrate with the Norfolk Pine memorial trees along Tudor Street.



## 6.07 Broadmeadow Renewal Corridor

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

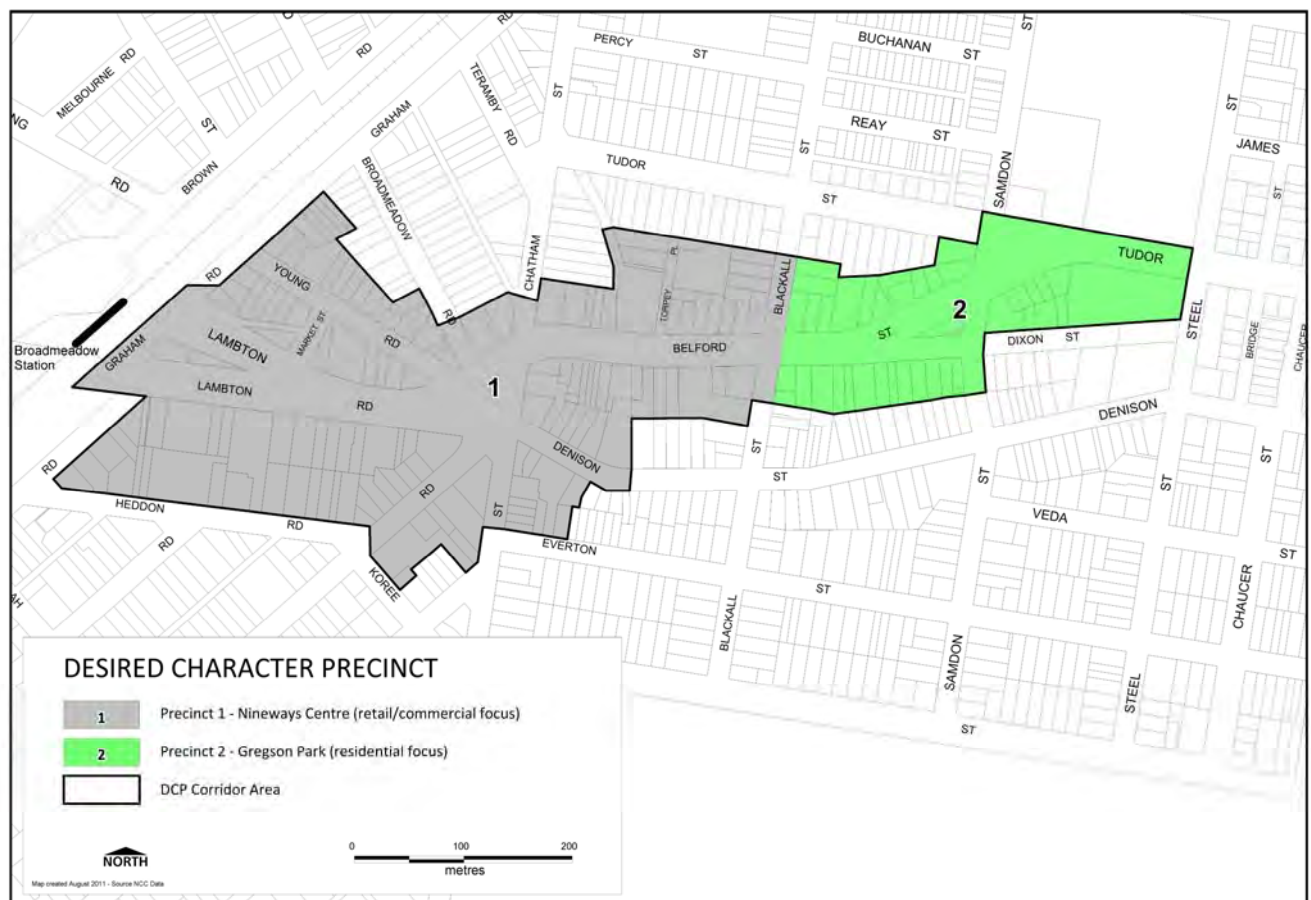
### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to land identified in **Map 1** – Broadmeadow Renewal Corridor study area.

### Map 1: Broadmeadow Renewal Corridor area





## Development (type/s) to which this section applies

This section applies to all development consisting:

- new buildings or structures
- additions or alterations to existing buildings or structures.

## Applicable environmental planning instruments

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following section of this DCP **will** also apply to development to which this section applies:

- Any applicable landuse specific provision under Part 3.00

Note: Any inconsistency between the locality specific provision and a landuse specific provision, the locality specific provision will prevail to the extent of the inconsistency.

- 4.04 Safety and Security
- 7.01 Building Design Criteria

Note: Limited application as per control 6.07.01(A) – Land Use

- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bushfire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 4.05 Social Impact – where required under ‘Social Impact Assessment Policy for Development Applications’, 1999
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal Heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required



- 7.09 Outdoor Advertising and Signage – signage and outdoor advertising
- 7.10 Street Awnings and Balconies – awnings or balconies to be located over public land.

### Associated technical manual/s

- Nil

### Additional information

- Nil

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary of this plan.

## Strategic Overview

Broadmeadow will strengthen its position as an employment centre and transportation hub with a significant increase in residential and commercial floor space expected. Redevelopment along this corridor will provide for an additional 230 dwellings.

Young Street will develop as a retail and commercial centre linking the corridor at Nineways, to Broadmeadow Station and the regional sporting precinct to the west of the railway line. Consolidation of allotments will assist in facilitating larger scale developments, suited to this centre.

The Lambton Road and Belford Street areas will act as support precincts for the Nineways centre and will continue to provide district level service and commercial uses.

Opportunities exist to reduce the intrusive nature of Tudor Street, Belford Street and Lambton Road through increases in street tree planting and improving pedestrian accessibility along this major corridor.

### Character Precincts

- **Character Precincts** - the Broadmeadow Corridor has two distinct character precincts. These have been identified through analysis of current land use and character, and consideration of the envisaged future character.
- **Precinct 1 – Nineways Centre (retail/commercial focus) character statement** - the Nineways precinct is dominated by traffic and intersections, as identified by the precincts name. This results in a disconnection between street blocks and poor pedestrian amenity. The precinct provides a mismatch of commercial activity and services but does not function well as a centre. There is also a lack of connectivity between this precinct and Broadmeadow Station. The Nineways Precinct will support significant redevelopment based around a simplified street network with improved pedestrian amenity. Amalgamation and redevelopment will result in Young Street emerging as a pedestrian focused retail and commercial centre anchored by Broadmeadow Station and the Nineways intersection. Broadmeadow Road could be redirected into Young street, which will protect and enhance



the residential character and amenity of the neighbourhood adjoining the corridor, while providing opportunity for more substantial development along the corridor. This precinct has a target of providing one hundred and eighty (180) additional dwellings.

- **Precinct 2 – Gregson Park (residential focus) character statement** - this precinct has a distinct low scale residential character as well as containing a mix of uses including a primary school and heritage listed Fire Brigade Station. It is envisaged that this precinct allow for a higher density of residential development while respecting the existing character and maintaining the scale of built form. This precinct has a target of providing fifty (50) additional dwellings.

### **Aims of this section**

1. To promote denser urban form along the corridor.
2. To intensify development around Nineways and the Broadmeadow Station.
3. To improve pedestrian amenity and connectivity to nearby sporting and residential precincts.
4. To establish potential gateways to the corridor by built form and landscape improvements.

**Figure 1: Existing built character in Precinct 2**



## **6.07.01 Land use and development**

### **A. Land use**

#### **Objectives**

1. Provide for an effective and efficient district level commercial centre.
2. Integrate/link the railway station and commercial centre.
3. Maintain, protect and reinforce the existing residential character along the eastern end of the identified corridor.



## **Controls**

### General controls applying to all development to which this section applies

1. Despite any other provisions within this plan, development comprising wholly or partly of Residential Accommodation, shall comply with the provisions identified within Section 7.01 Building Design Criteria with respect to the following:
  - open space
  - views and privacy
  - solar access
  - fencing and walls
  - utilities and services.

### The following controls apply to development within Precinct 1

2. Ground level uses located at the street front of allotments are to be non residential.
3. Ground floor uses along Young Street are to contribute to development of a retail and commercial focused 'main street' linking between the railway station and the existing 'Nineways' intersection.

### The following control applies to development within Precinct 2

4. Land uses complement the residential character of this precinct.

## **B. Activation of street frontages**

### **Objectives**

1. Improve pedestrian amenity and safety through improved access along the corridor.
2. Activate street frontages through facade treatment of new development and fostering pedestrian based activity.

## **Controls**

### General controls applying to all development to which this section applies

1. New development provides active street frontages through appropriate design and land uses.

### The following control applies to development within Precinct 1

2. Vehicular access across the footpath to allow direct vehicular access onto Belford Street, Lambton Road, Brunner Road, or Young Street shall only occur where no alternate option is available and the development site has a minimum width of 24m. Consolidation of lots may be necessary to achieve this minimum width.
3. Awnings over footpaths are provided for protection against the elements and to foster pedestrian activity.

### The following controls apply to development within Precinct 2

4. Where residential dwellings are located on the ground floor, individual pedestrian entrances are provided to such dwellings.



5. Garages and car parks are appropriately recessed from building facades and designed to avoid dominating Belford Street and Tudor Street frontages.
6. Ground level parking shall only occur for residential flat building development where:
  - (a) located at the rear of lots behind other active uses
  - (b) covered by built form or upper level open space/landscaping)
  - (c) appropriately screened from streetscape, and
  - (d) no other options (such as sub ground car parking) are achievable.

## **6.07.02 Building form**

### **A. Floor space ratios**

#### **Objectives**

1. Provide an appropriate density of development consistent with the established centres hierarchy.
2. Ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the centres hierarchy.
3. Encourage built form and massing of developments that contributes to increased residential density for each precinct.

#### **Controls**

##### General controls applying to all development to which this section applies

1. Refer to the Newcastle Local Environmental Plan 2012 for floor space ratio controls.

### **B. Height**

#### **Objectives**

1. Ensure the scale of development enhances and makes a positive contribution towards the desired built form by reinforcing the established centres hierarchy.
2. Allow reasonable daylight access to all developments and the public domain.
3. Provide a sense of arrival to the Nineways centre through building heights.
4. Provide a pedestrian scale to street frontages along Young Street.



## Controls

### General controls applying to all development to which this section applies

1. Refer to the Newcastle Local Environmental Plan 2012 for building height controls.

### The following controls apply to development within Precinct 1

2. Building massing to provide a strong edge to the Nineways intersection.
3. Ground floor, floor-to-ceiling heights should be a minimum of 4m to allow for adaptable floor plans and support either commercial or residential uses.
4. Building heights are appropriately stepped down where adjoining areas outside of the corridor, and where the maximum height of those areas is more than 4m lower than those in the corridor.

### The following control applies to development within Precinct 2

5. New development respects existing scale, massing and character within Precinct 2 (**Figure 2**).

**Figure 2: New buildings to complement existing heights with Precinct 2**



## C. Building setbacks

### Objectives

1. Provide building setbacks that reflect established setbacks of buildings within the precinct.
2. Reinforce a well defined street edge along all roads within the Nineways Centre and provide continuous built form.
3. Provide a sense of enclosure to the Nineways centre through minimal setbacks.



## Controls

### The following controls apply to all development within Precinct 1

1. New development adjacent to Lambton Road, Belford Road or adjoining side streets that form part of the Nineways shall be built to the front boundary.
2. All new development along Young Street is built to the front boundary and contains awnings over the footpath.
3. Development directly adjoining residential areas outside of the corridor is stepped back as to have regard to the existing setbacks of adjacent residential dwellings.

### The following controls apply to all development within Precinct 2

4. New buildings provide a consistent front setback to established adjoining buildings.

## D. Upper building setbacks

### Objectives

1. Encourage built form and massing of development reinforces the Nineways Centre.
2. Ensure a sensitive interface is provided between new developments and adjoining areas outside of the corridor.
3. Minimise overshadowing from new development to allow suitable solar access to adjoining land.

## Controls

### General controls applying to all development to which this section applies

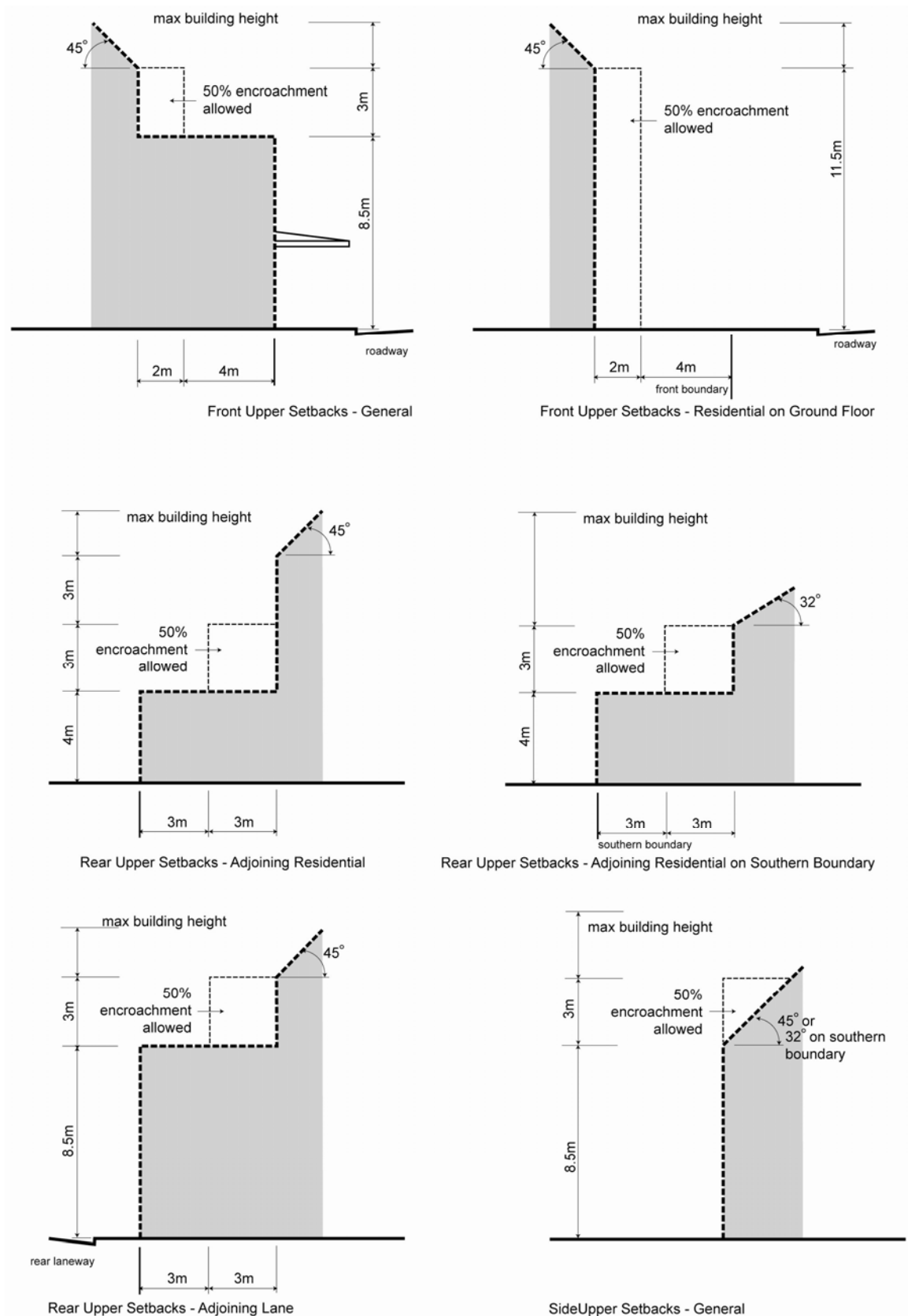
1. Upper level setbacks comply with building envelopes identified in **Figures 3 and 4**.
2. Upper level setbacks are encouraged to be utilised for provision of open space and landscaping, provided privacy of adjoining uses are protected.

### The following controls apply to all development within Precinct 1

3. Buildings fronting onto Heddon Road factor the winter sun angle of 32 degrees into the building's south facing upper level setback to reduce overshadowing of adjacent sites.



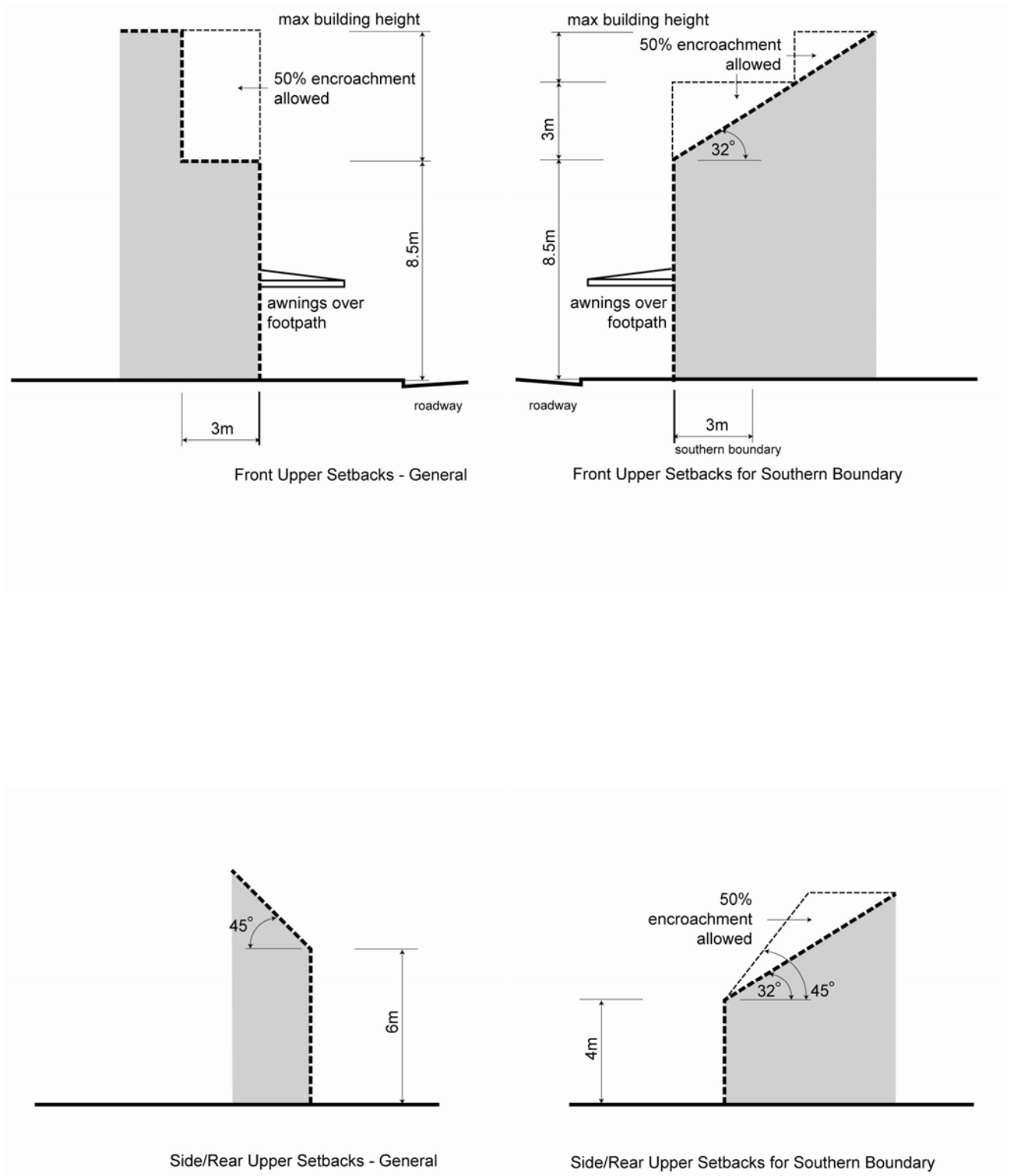
**Figure 3: Building envelopes for Precinct 2**



Note: Diagrams are not to scale. Use only the figured dimensions provided.



**Figure 4: Building envelopes for Precinct 1**



Note: Diagrams are not to scale. Use only the figured dimensions provided.



## E. Building design

### Objectives

1. Facilitate a vibrant, interesting and safe streetscape through building design.
2. Encourage the use of materials that reflect contemporary architectural styles.
3. Encourage the use of materials that reflect domestic architectural styles and reinforce the inherent domestic character of Precinct 2.
4. Achieve a cohesive streetscape characterised by appropriate use of colour and materials.

### Controls

#### General controls applying to all development to which this section applies

1. Exterior colour schemes are co-ordinated and consistent with existing local character. Avoid bright extravagant colour schemes that do not contribute to an integrated streetscape and the local character.
2. Mechanical, service and telecommunication equipment are discreetly enclosed on roof tops so as not to diminish the aesthetic qualities of the precinct and the building.

#### The following controls apply to all development within Precinct 1

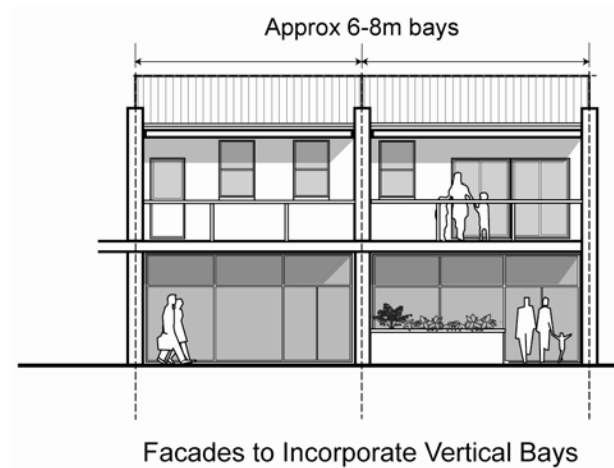
3. Facade treatments along Belford Road incorporate vertical bays of up to 6–8m wide with horizontal elements to avoid creating blank or bland facades (see **Figure 5**).
4. Buildings support active street frontages through a strong built edge that frames the street and provides functional design through awnings, colonnades and the like.
5. Buildings along Belford Road, Lambton Road, Brunner Road and Young Street incorporate awnings over the footpath to provide shade and shelter and encourage pedestrian activity.
6. Roof forms do not include hoardings or signage.

#### The following controls apply to all development within Precinct 2

7. Building design includes elements such as balconies, terraces, parapets and symmetrical fenestrations to upper level residential and/or office suites.
8. New buildings respect existing architectural character without replicating facade elements of heritage styles.
9. Building articulation provides interesting and attractive facades that address the street with fenestration and provide clearly defined entries.
10. Roof forms complement existing building character.
11. Vault and skillion roof forms are avoided.
12. The selection of materials used for new development to consider and respect the character of existing buildings in the surrounding streetscape.



**Figure 5: Facades to incorporate vertical bays**



## 6.07.03 Public domain

### A. Traffic and transport

#### Objectives

1. Provide sufficient and discreet on-site car parking.
2. Reduce potential vehicle and pedestrian conflict.
3. Provide clear and simple vehicular access from side streets and rear access lanes.

#### Controls

##### General controls applying to all development to which this section applies

1. Garages and car parks are located at the rear of sites.
2. Access to be from side and rear streets.
3. Car parking is provided in accordance with Section 7.03 – Traffic, Parking and Access.

##### The following controls apply to all development within Precinct 1

4. At-grade (ground level) car parking shall only be provided where:
  - (a) set back behind other uses that provide activation to street edge
  - (b) under cover, integrated into the built form, and covered by upper levels of development or upper level open space/landscaping provision
  - (c) ceiling heights and floor levels allow for future adaption to other uses
  - (d) not within building setbacks
  - (e) not impeding on minimum on site landscape requirements.



### The following controls apply to all development within Precinct 2

5. Car parking access is recessed from building facades along residential streets
6. Ground level parking is discouraged but may occur at the rear of lots behind active uses, where no other options (such as sub-ground car parking) is possible.

## **B. Pedestrian and cycle amenity**

### **Objectives**

1. Improve the accessibility and amenity for pedestrians and cyclists in the corridor.
2. Provide a well connected pedestrian and bicycle network to Gregson Park.
3. Encourage casual surveillance of public areas, including streets, laneways, cycleways and open space.
4. Create a pedestrian-friendly environment with improved linkages between the Nineways centre and Broadmeadow Station.

### **Controls**

#### General controls applying to all development to which this section applies

1. Well lit pedestrian/cycle linkages should be implemented between Gregson Park to Nineways and Hamilton.
2. Pedestrian only links through street blocks are provided along the most direct route, preferably straight, well lit and offer passive surveillance from surrounding uses.
3. Provide cycle storage and parking facilities at bus stops located where the corridor is intercepted by the cycle network, at all new retail and commercial developments requiring on-site car parking, and public open space areas.
4. Include the provision of safe, secure and accessible cycle storage facilities for occupants and visitors of all new commercial and residential developments.
5. Strategic pedestrian and bicycle access linkages from Gregson Park to Nineways and Hamilton should be implemented.

## **C. Open space and landscaping**

### **Objectives**

1. Strengthen the interrelationship between public and private space through quality of landscaping along the corridor.
2. Improve landscape amenity of public realm through consistent theme of pavement, street furnishings and street trees.
3. Encourage further street tree planting and landscaping along Belford Street and Tudor Street to provide links to Gregson Park and soften the streetscape.



4. Minimise impacts of fragmented redevelopment by consistent use of landscape elements within streetscape, which provide a recognisable theme along the corridor.
5. Integrate front fencing and/or walls of new developments so that they contribute to streetscape character.

## Controls

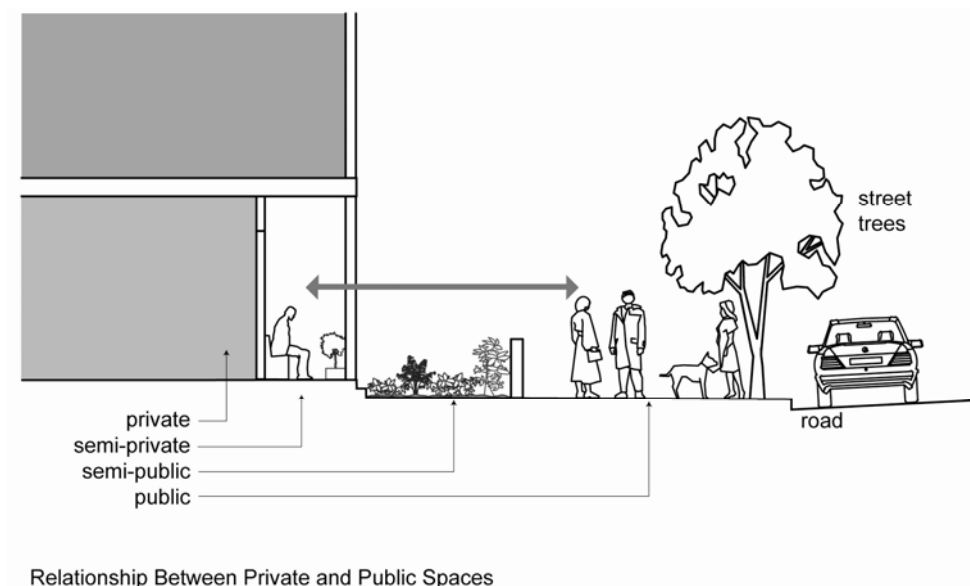
### General controls applying to all development to which this section applies

1. Landscaping is provided as per Section 7.02 Landscaping, Open Space and Visual Amenity.
2. Landscaping requirements for mixed use development and non-residential development will be assessed on its merits, having respect for the character of the existing streetscape and that of adjoining land.
3. Waste management facilities are to be appropriately screened and/or located where not visible from the streetscape.
4. Developments that require four or more wheelie bins are to use a waste removal contractor rather than Council's kerbside service.

### The following controls apply to all development within Precinct 2

5. Clearly define the public and private realm through landscaping and fencing as shown in **Figure 6**.
6. Provide clear and safe access to buildings by ensuring that there is a well defined entrance from the public footpath.
7. Provide for lighting within the front setback to ensure building entries and landscaped areas are well lit.

**Figure 6 : Relationship between private and public spaces**





## 6.08 Adamstown Renewal Corridor

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

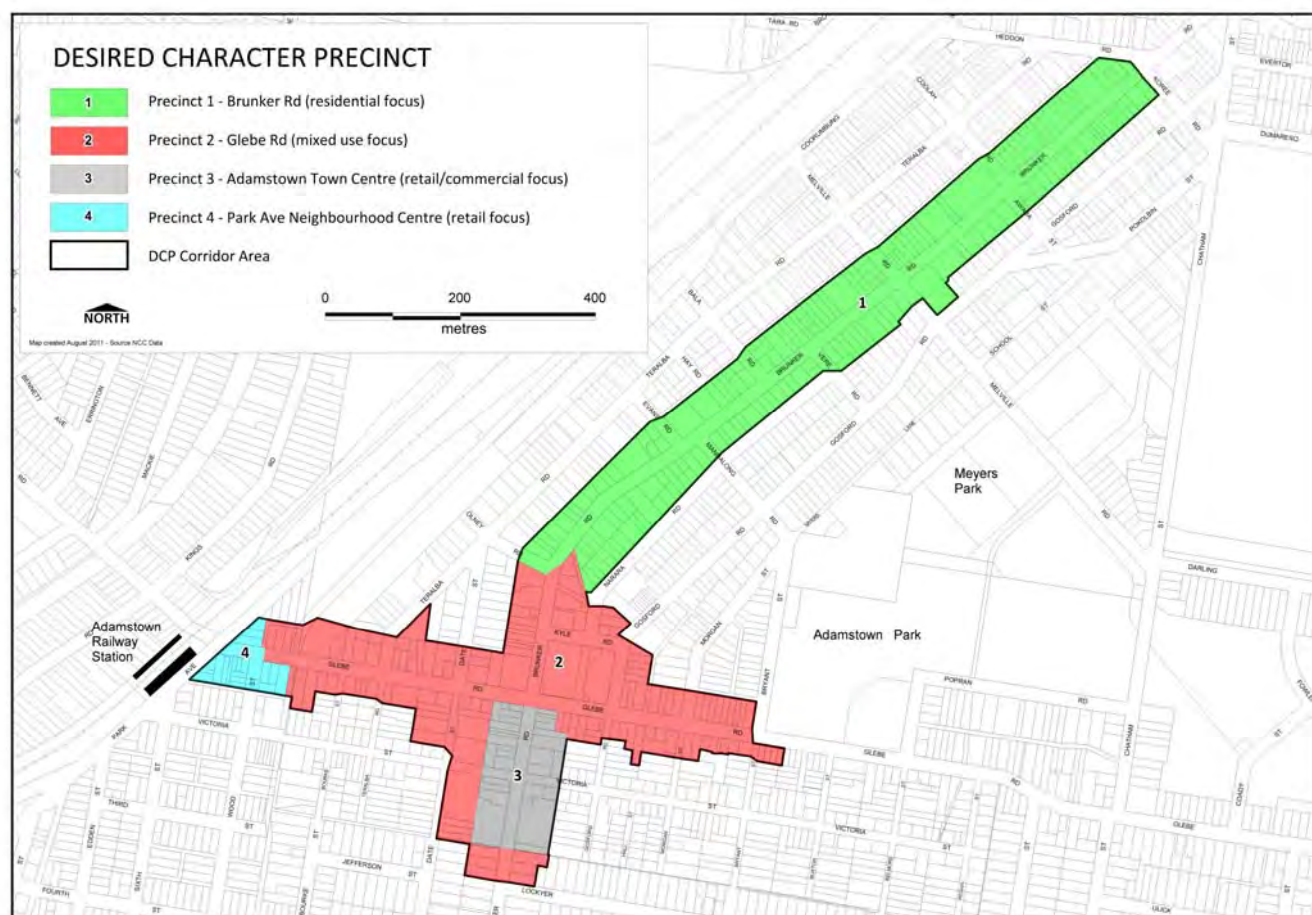
### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land identified in **Map 1** - Adamstown Renewal Corridor area.

### Map 1: Adamstown Renewal Corridor area





## Development (type/s) to which this control applies

This section applies to all development consisting:

- new buildings or structures
- additions or alterations to existing buildings or structures.

## Applicable environmental planning instruments

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following section of this DCP **will** also apply to development to which this section applies:

- Any applicable landuse specific provision under Part 3.00

Note: Any inconsistency between the locality specific provision and a landuse specific provision, the locality specific provision will prevail to the extent of the inconsistency.

- 4.04 Safety and Security
- 7.01 Building Design Criteria

Note: Limited application as per control 6.08.01A) – Land Use

- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bushfire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 4.05 Social Impact – where required under ‘Social Impact Assessment Policy for Development Applications’, 1999
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal Heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required



- 7.09 Outdoor Advertising and Signage – signage and outdoor advertising
- 7.10 Street Awnings and Balconies – awnings or balconies to be located over public land.

### Associated technical manual/s

- Nil

### Additional information

- Nil

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary of this plan.

## Strategic Overview

The Adamstown Renewal Corridor consists of land along Brunker Road, linking the commercial centres of 'Nineways' Broadmeadow and Adamstown, as shown in Map 1 - Adamstown Renewal Corridor area. A segment of Glebe Road, between Adamstown Railway Station to the west and Adamstown sporting fields to the east, is also included in this element.

The Lower Hunter Regional Strategy identifies the Adamstown Renewal Corridor as presenting an opportunity for economic renewal, and for housing renewal and intensification. This element sets out guidelines for achieving these aims.

The Adamstown Renewal Corridor reinforces and encourages commercial development in the Adamstown centre, increases residential densities along the corridor to accommodate an additional 700 dwellings, improve the streetscape through development and landscaping, and improve access for residents and visitors.

### Character Precincts

The Adamstown corridor has four distinct character precincts. These have been identified through analysis of current land use and character, and consideration of the envisaged future character.

- **Precinct 1 - Brunker Road (residential focus) character statement** - Precinct 1 includes land either side of Brunker Road south of 'Nineways' Broadmeadow to Onley Road, Adamstown. The precinct is predominantly residential but also includes a mixture of other uses, resulting in a lack of cohesive street character. Brunker Road follows the ridgeline, hence offering potential views either side of the corridor.

The precinct will provide a mixture of high density residential uses and other compatible uses. A cohesive street character is encouraged through consistent built form and landscaping. This precinct has a target of providing four hundred (400) additional dwellings. Development of a new commercial area at the intersection of Melville Road and Brunker Road, overlooking Arthur Park, which services the local neighbourhood is supported. Other employment opportunities will continue to be concentrated in the 'mixed use' area between Mandalong and Vere Road, providing a range of compatible uses.



- **Precinct 2 – Glebe Road (mixed use focus) character statement** - Precinct 2 transverses Glebe Road from Wood Street (near Adamstown Station) to the west and Bryant Street to the east and also partly engulfs the Adamstown commercial centre. The amenity of Glebe Road is affected by the relatively high volumes of through traffic.

This precinct will support Adamstown commercial centre with opportunities for mixed use development, consisting of commercial uses and services along Brunner and Glebe Roads. Increased residential densities are proposed for the remainder of the precinct and at upper levels. This precinct has a target of providing three hundred (300) additional dwellings. The eastern extremities of this precinct, adjoining the Adamstown playing fields, will continue to provide neighbourhood level retail and services.

- **Precinct 3 – Adamstown Town Centre (retail/commercial focus) character statement** - Precinct 3 focuses on the Adamstown 'retail core' along Brunner Road, between Glebe Road and Lockyer Street.

The precinct will reinforce retail and other commercial uses but retain its current urban village character. This precinct has a target of providing thirty (30) additional dwellings. Pedestrian amenity within the precinct should be improved through embellishment of the footpath, further activation of the street edge, and reduction of traffic speeds to 40km/hr along Brunner Road.

- **Precinct 4 – Park Avenue Neighbourhood Centre (retail focus) character statement** - The area immediately opposite Adamstown Railway Station at the corner of Park Avenue and Glebe Road is identified as Precinct 4. This area includes a number of neighbourhood level retail uses. It also features the excellent access to off-road cycleways, including the start of the Fernleigh Track and the cycleway to Kotara and Broadmeadow. The railway crossing along Glebe Road in this area possesses traffic issues due to the high volumes of vehicles.

The precinct will continue to provide neighbourhood level retail uses and services as well as taking advantage of its position close to the rail and from passing trade. This Precinct has a target of providing twenty (20) additional dwellings.

### Aims of this section

1. To revitalise the corridor as an accessible, functional and vibrant area.
2. To reinforce the Adamstown commercial centre through provision of additional commercial floor space.
3. To promote a denser urban form along Brunner and Glebe Road while respecting surrounding residential character and heritage items where relevant.
4. To activate street frontages and provide opportunities for mixed uses and activities.
5. To maximise redevelopment and infill opportunities for high and medium density housing within walking distance of Adamstown 'commercial core' and public transport.
6. To improve the public domain through landscaping and activation of public and private interfaces.
7. To encourage increased public transport use through transit oriented development and a pedestrian and cycle friendly environment.



## 6.08.01 Land use and development

### A. Land use

#### Objectives

1. Ensure desired outcomes relating to increasing residential, commercial and retail densities are achieved in suitable locations.

#### Controls

##### General controls applying to all development to which this section applies

1. Despite any other provisions within this plan, development comprising wholly or partly of residential accommodation, shall comply with the provisions identified within Section 7.01 Building Design Criteria with respect to the following:
  - open space
  - views and privacy
  - solar access
  - fencing and walls
  - utilities and services.

##### The following control applies to development within Precinct 1

2. Provide a range of compatible uses including higher density residential and low intensity employment.

##### The following control applies to development within Precinct 2

3. Provide a range of compatible uses including higher density residential and employment including commercial, wholesaling, and retailing (other than groceries, clothing, newsagencies, or chemists).

##### The following control applies to development within Precinct 3

4. Provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

##### The following control applies to development within Precinct 4

5. Provide a range of small-scale retail, business and community uses that serve the needs of people who live and work in the surrounding neighbourhood.

### B. Activation of street frontages

#### Objectives

1. Provide for activation of street frontages to ensure a safe and accessible environment.



## **Controls**

### General controls applying to all development to which this section applies

1. Provide ground floor retail uses in neighbourhood centre and local centre areas, with other commercial or residential uses located in upper levels.
2. Activate street edge at ground level through provision of retail or commercial uses in mixed use and mixed use (residential focus) areas.
3. Where residential dwellings are located on the ground floor of mixed use or mixed use (residential focus) areas, individual pedestrian entrances are provided to such dwellings.

## **6.08.02 Building form**

### **A. Floor space ratios**

#### **Objectives**

1. Provide an appropriate density of development consistent with the established centres hierarchy.
2. Ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the centres hierarchy.
3. Encourage built form and massing of developments that contributes to increasing residential density and reflects the intended building typologies for each precinct.

## **Controls**

### General controls applying to all development to which this section applies

1. Refer to the Newcastle Local Environmental Plan 2012 for floor space ratio controls.

### **B. Height**

#### **Objectives**

1. Ensure the scale of development enhances and makes a positive contribution towards the desired built form by reinforcing the established centres hierarchy.
2. Allow reasonable daylight access to all developments and the public domain.
3. Built form to respect the envisaged scale and character of adjacent residential neighbourhoods.



## Controls

### General controls applying to all development to which this section applies

1. Refer to the Newcastle Local Environmental Plan 2012 for building height controls.
2. Buildings heights within the renewal corridor, where adjoining areas outside the corridor, should not be more than 4m above the envisaged maximum height of these adjoining areas.

## C. Building setbacks

### Objectives

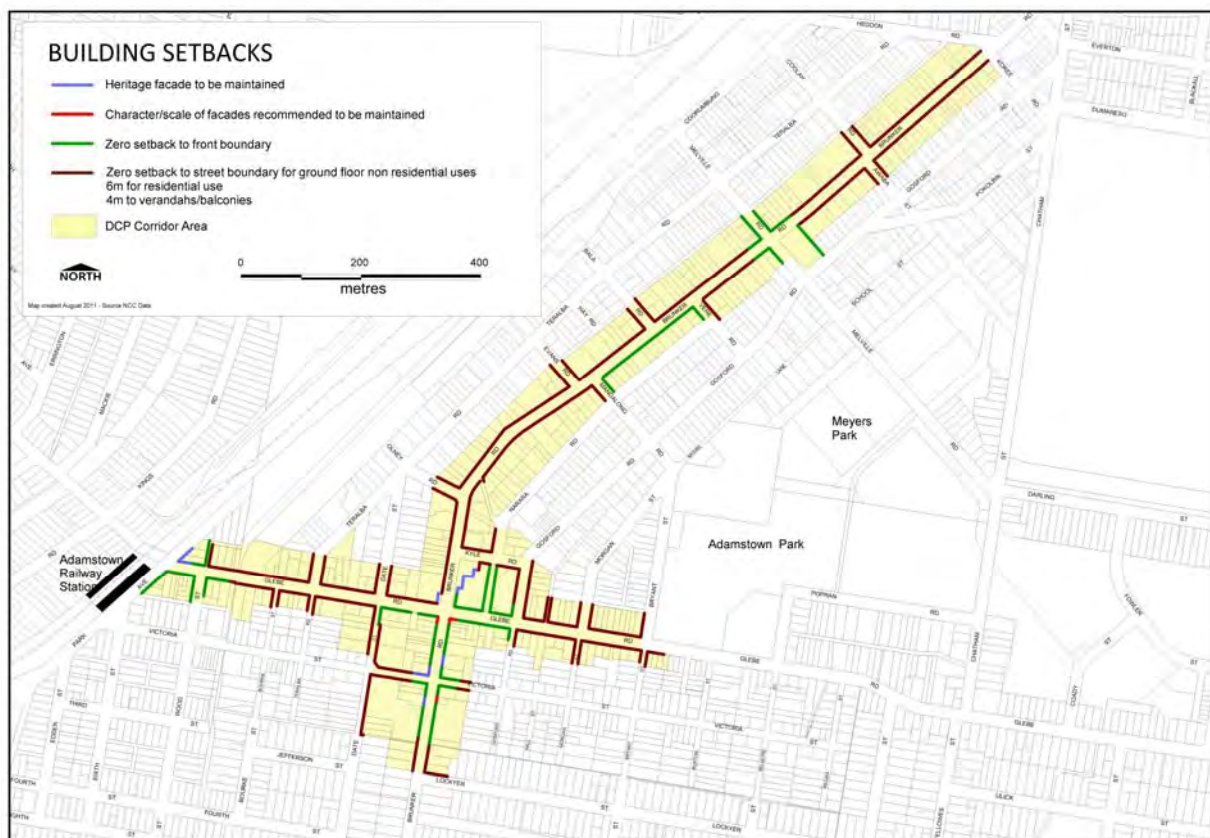
1. Reinforce and maintain a well defined street edge along Bruncker and Glebe Roads.

## Controls

### General controls applying to all development to which this section applies

1. Front building setbacks are consistent with those shown on **Map 2: Front Building Setbacks**.
2. Unless shown otherwise on **Map 2**, development along Bruncker and Glebe Roads are built to the front boundary.
3. Despite the requirements of control 2 above, where residential uses are located at ground floor, such uses are set back 6m to front facade (or 4m to the edge of balconies, verandas, pergola or the like) to allow a suitable landscape buffer.

### Map 2 – Front building setbacks





## D. Upper building setbacks

### Objectives

1. Protect the 'village' scale and character of Adamstown commercial centre.
2. Respect the scale and form of heritage items, without mimicking these.
3. Address envisaged scale and character of areas adjoining the renewal corridor.
4. Minimise overshadowing to allow suitable solar access to adjoining land.

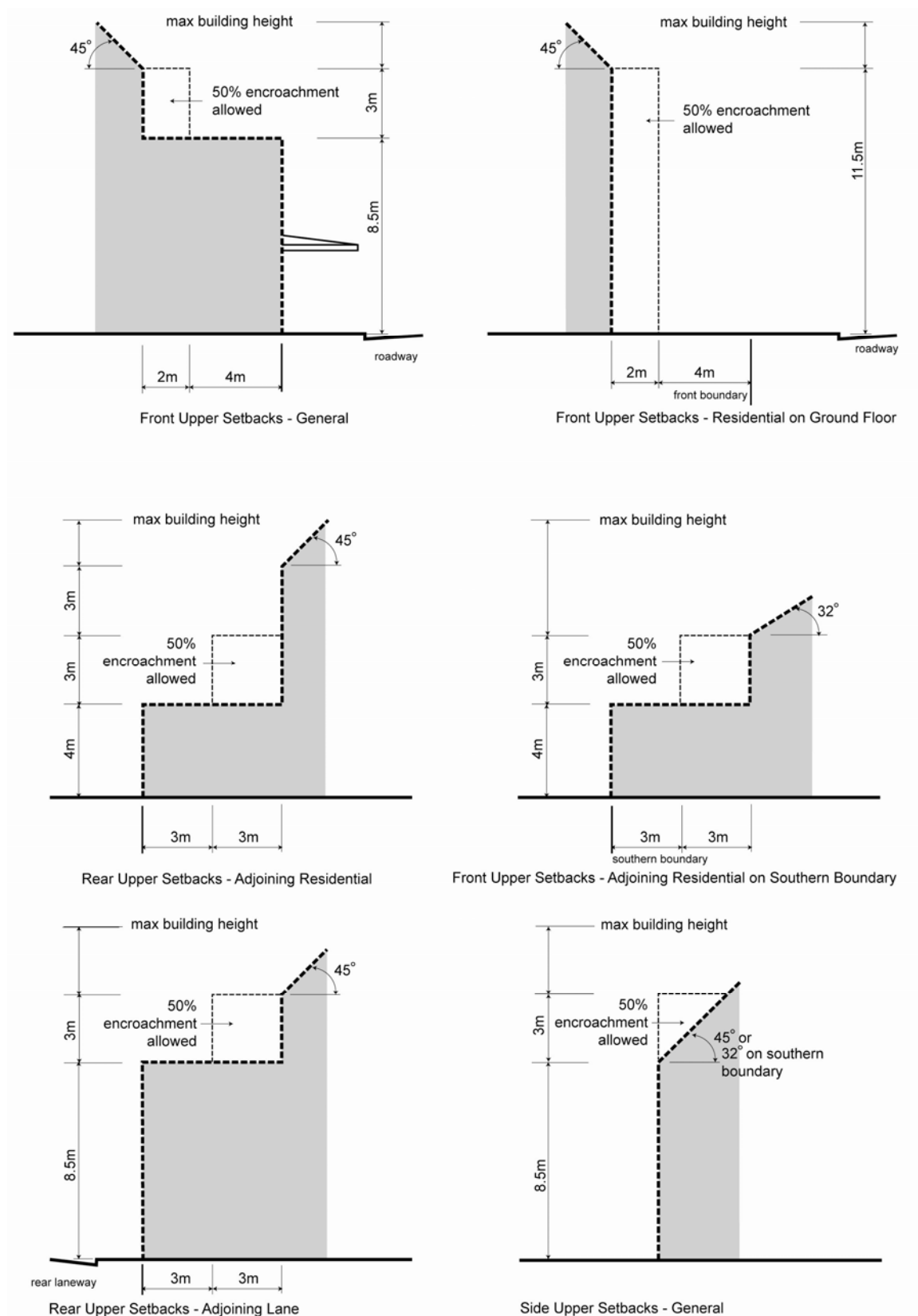
### Controls

#### General controls applying to all development to which this section applies

1. Upper building setbacks are consistent with those in **Figures 1 to 3**.
2. Upper level setbacks are encouraged to be used for provision of open space and landscaping, provided privacy of adjoining uses are protected.
3. Emphasise street corners by permitting the maximum permissible height along each front setback for a maximum length of 12m from the corner.



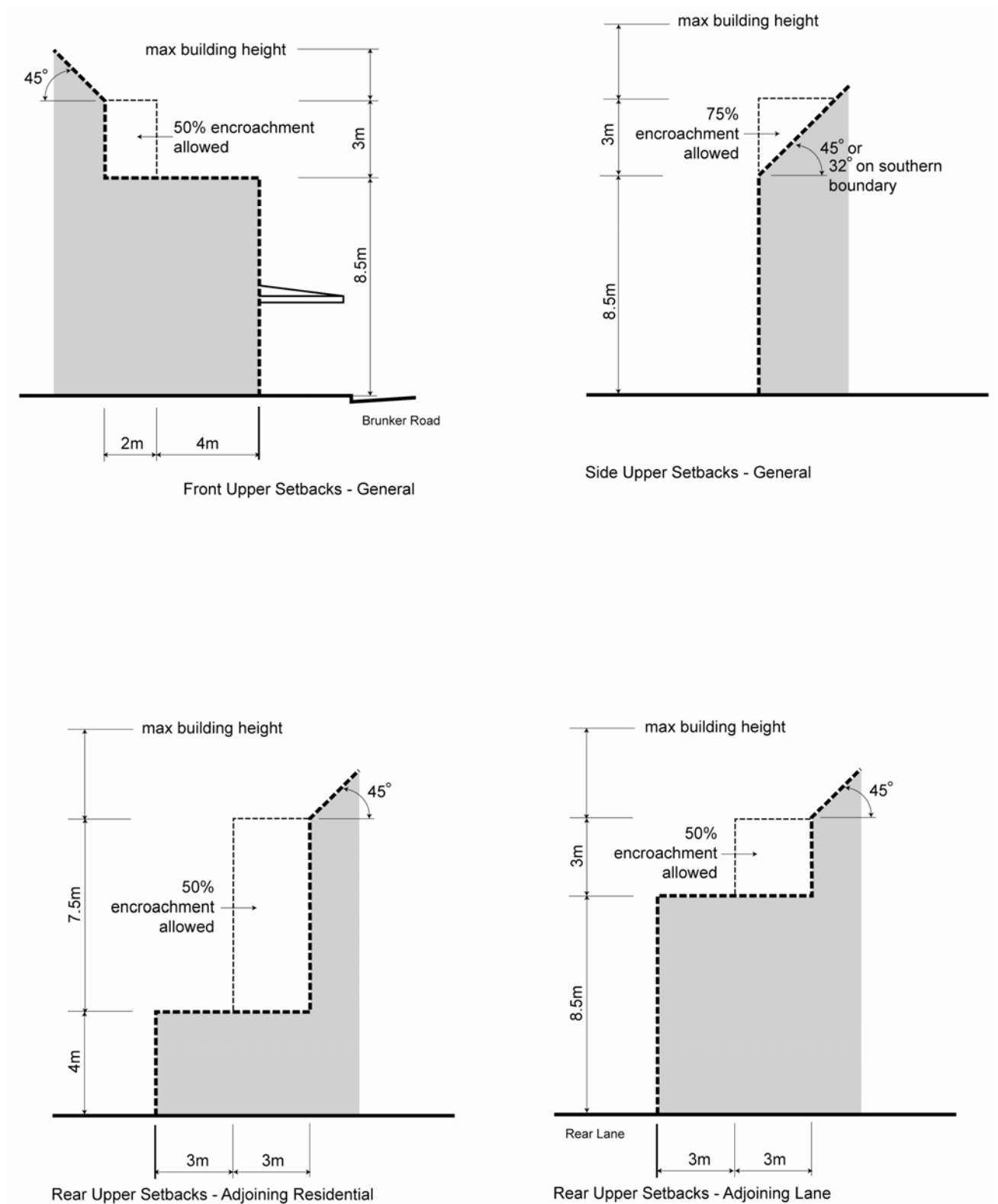
**Figure 1: Building envelopes for Precincts 1 and 2**



Note: Diagrams are not to scale. Use only the figured dimensions provided.



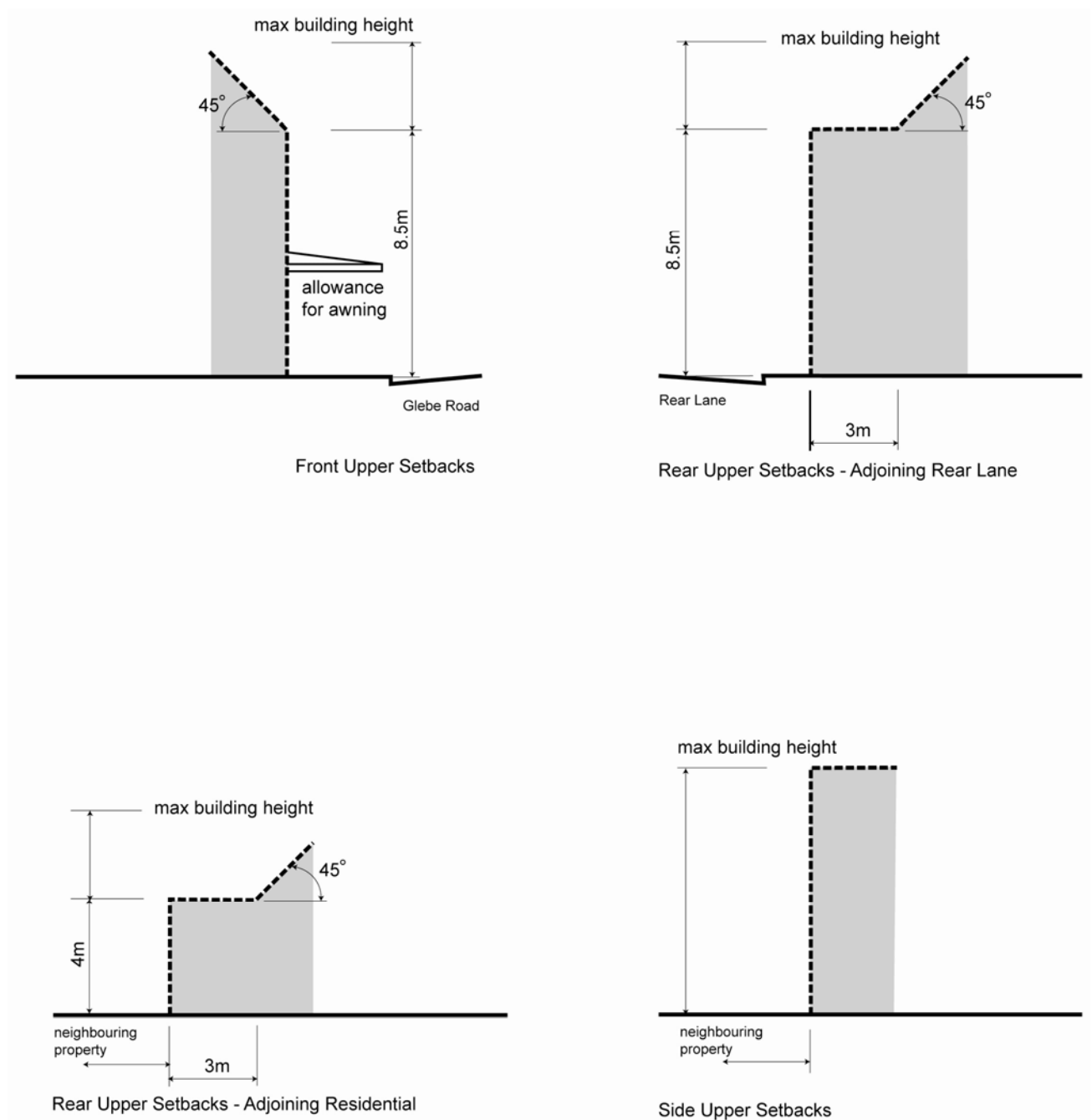
**Figure 2: Building envelopes for Precinct 3**



Note: Diagrams are not to scale. Use only the figured dimensions provided.



**Figure 3: Building envelopes for Precinct 4**



Note: Diagrams are not to scale. Use only the figured dimensions provided.



## E. Building design elements

### Objectives

1. Built form within Precinct 3 to reflect the vertical scale and horizontal rhythm along Brunner Road.
2. Encourage use of design elements and materials that reflect contemporary architectural styles but are sympathetic to adjoining heritage items, where applicable.

### Controls

#### General controls applying to all development to which this section applies

1. Development incorporates elements that respond to facade features (identified in **Map 2**) of heritage and character buildings.
2. Building facades incorporate a range of balconies and fenestration for visual interest and improved amenity.
3. Building facades at street level include a combination of openings and glazing to encourage an active street edge.
4. Ground level facades incorporate awnings or colonnades to encourage pedestrian activity and allow 'spilling' of indoor activities out to the street.
5. Entry porches, window awnings, and verandas are provided to contribute to facade articulation and streetscape interest.
6. Prominent built form statements are used to emphasise street corners but not detract from any adjoining heritage items.
7. Utilise potential open space on upper levels by including roof gardens and terraces.
8. The selection of materials used for new development considers and respects the character of existing buildings in the surrounding streetscape.

## 6.08.03 Public domain

### A. Traffic and transport

#### Objectives

1. Minimise access onto Brunner and Glebe Road from new development.
2. Provide sufficient off-street car parking.
3. Minimise impacts from car parking on the streetscape and outdoor areas on site.



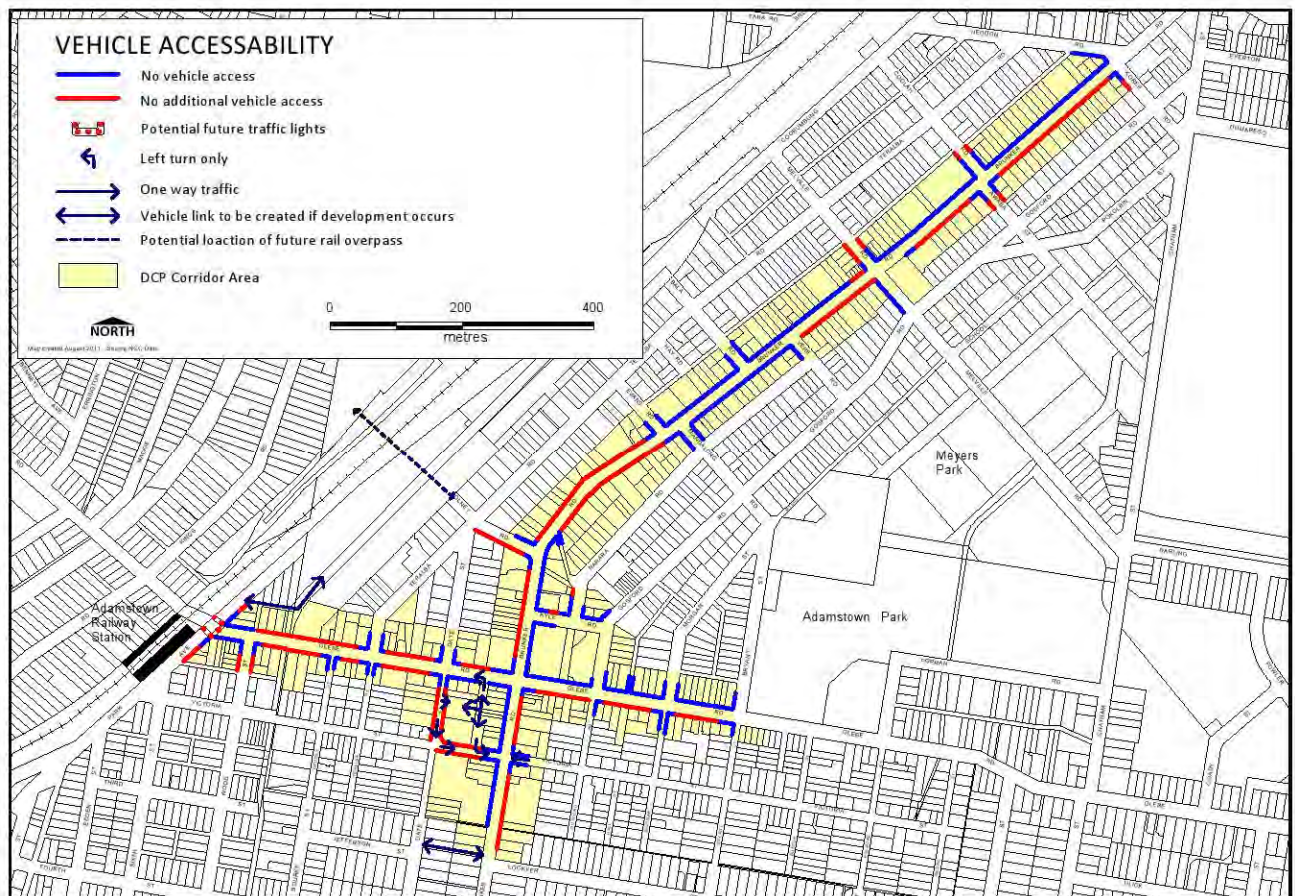
## Controls

### General controls applying to all development to which this section applies

1. Vehicle access is not provided directly to Brunner or Glebe Road but is off side streets and rear laneways, except where no other options for access exist, as identified on **Map 3: Vehicle Access**.
2. Existing laneways and right-of-ways are retained for access by new and existing development.
3. New public laneways are provided as shown on **Map 3** and dedicated to Council.
4. Where negotiated prior to determination of a development proposal, such laneways may be incorporated into the development or allow development of their airspace but only where this allows for unrestricted public access.
5. Vehicle entrances do not dominate the streetscape and are recessed from building facades.
6. At-grade (ground level) car parking is only provided where:
  - (a) it is set back behind other uses that provide activation to the street edge
  - (b) it is under cover and integrated into the built form and covered by upper levels of development or upper level open space/landscaping provision
  - (c) ceiling heights and floor levels allow for future adaption to other uses
  - (d) it is not within building setbacks
  - (e) it is not impeding an ability to meet minimum on site landscape requirements.
7. Above-ground car parking facilities are located to the rear of development along Brunner and Glebe Roads and appropriately screened from any street frontages by use of built form, architectural screens or landscaping.
8. Driveways directly accessing Brunner or Glebe Roads, where necessary, have a maximum width of 3m per direction and contain a centre refuge where allowing two-way access. The design also minimises queuing across footpath.
9. New development enhances safety and amenity of bus stops by encouraging adjoining active uses, passive surveillance, and weather protection.
10. Car parking is provided in accordance with Section 7.03 Traffic, Parking and Access.



**Map 3: Vehicle access**



## B. Pedestrian amenity

### Objectives

1. Improve the amenity for pedestrians along the corridor.
2. Encourage casual surveillance of public areas, including streets, laneways, cycleways, and open space.

### Controls

#### General controls applying to all development to which this section applies

1. New and improved pedestrian links provided as shown on **Map 4: Pedestrian access**.
2. Pedestrian-only links through street blocks are along the most direct route, preferably straight, well lit and offer passive surveillance from surrounding uses.



The following controls apply to all development in Precinct 1

3. Provides safe pedestrian crossings off Brunker Road at Melville Road.

The following controls apply to all development in Precinct 2

4. Provides safe pedestrian crossings off Glebe Road at Teralba Road.

**Map 4: Pedestrian access**



**C. Open space and landscaping**

**Objectives**

1. Provide quality open space for passive recreation and social activities.
2. Improve landscape amenity of the public realm through consistent theme of pavement, street furnishings and street trees.
3. Strengthen the inter-relationship between public and private space through activation of the street edge and quality of landscaping along the corridor.
4. Minimise impacts of fragmented redevelopment by use of consistent landscape elements within the streetscape, which provide a recognisable theme along the corridor.



## Controls

### General controls applying to all development to which this section applies

1. Landscaping is provided as per Section 7.02 Landscaping, Open Space and Visual Amenity.
2. Provides lighting to front setback to ensure well lit building entries and landscaped areas.
3. Landscape/Communal Open Space requirements for mixed use development and non-residential development is assessed on its merits, having respect for the character of the existing streetscape and that of adjoining land.
4. On-site open space requirements may be achieved on upper levels and rooftops of development.
5. Soft landscaping (plantings) on upper levels and roof tops through use of roof and wall gardens and the like is encouraged and is calculated as part of the landscape requirements of the development.
6. Waste management facilities are appropriately screened and/or located where not visible from the streetscape.
7. Development fronting Brunner Road that requires four or more wheelie bins are required to use a waste removal contractor rather than Council's kerbside service.

### The following controls apply to all development in Precinct 1

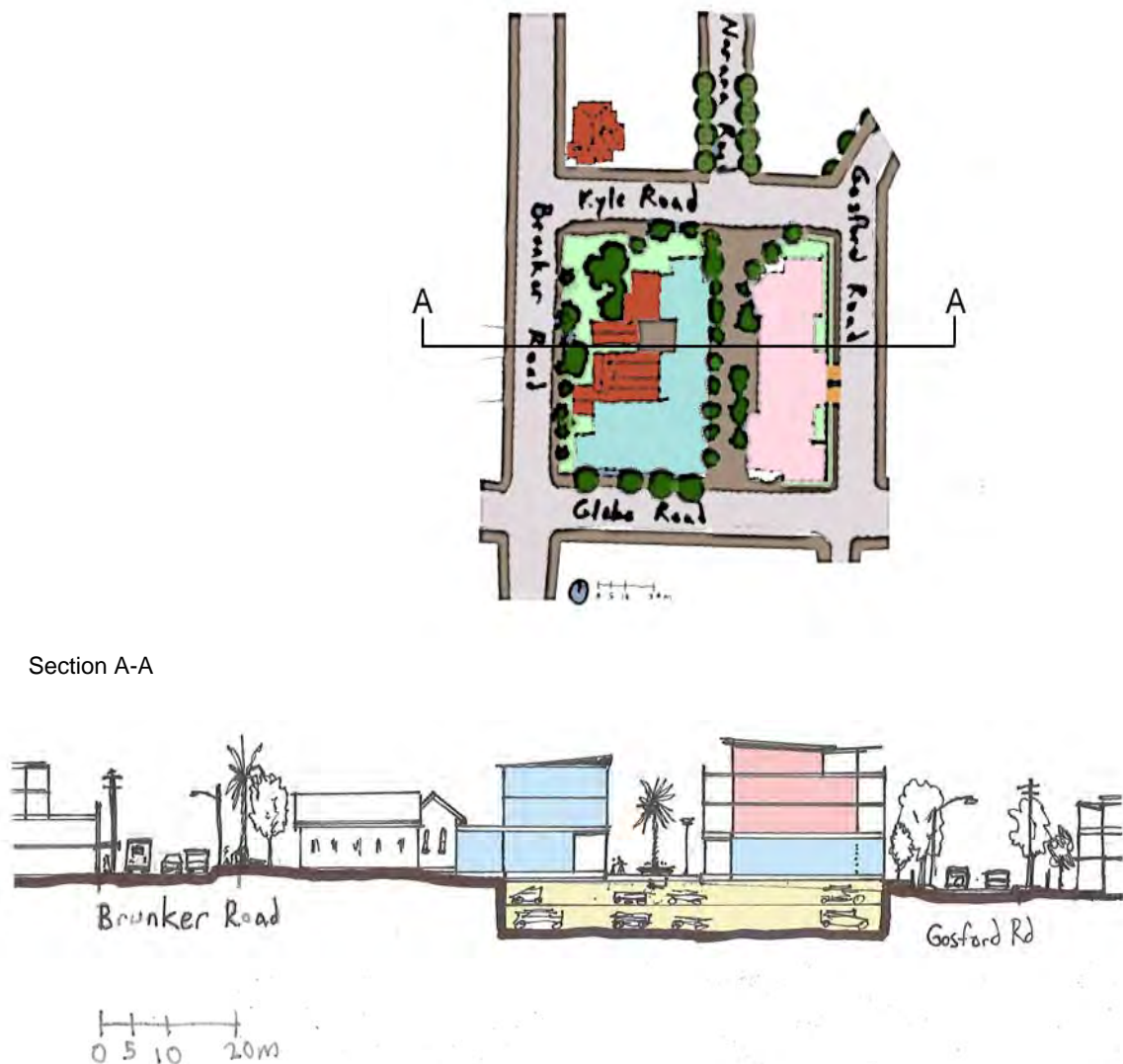
8. Funding or works-in-kind of s94A developer contributions may be negotiated to achieve embellishment of Arthur Park (93A Brunner Road, Broadmeadow) including a new playground and/or other outdoor recreation facilities.

### The following controls apply to all development in Precinct 2

9. Maintains vegetated setback to Brunner Road between Kyle and Glebe Road.
10. Development of the former Adamstown Public School site at the corner setback of Brunner and Kyle Roads to incorporate an informal public open space with playground facilities.
11. Provide pedestrian link between Kyle and Glebe Roads as an extension of Narara Road, incorporating formalised landscaping as a forecourt to development and as a gathering place, as shown in **Figure 4**.
12. On-site car parking associated with redevelopment of the former Adamstown Public School is provided at sub-grade with vehicle access from Gosford Road to maximise landscape opportunities on site, as shown in **Figure 4**.



**Figure 4: Landscape requirements for former Adamstown Public School site**



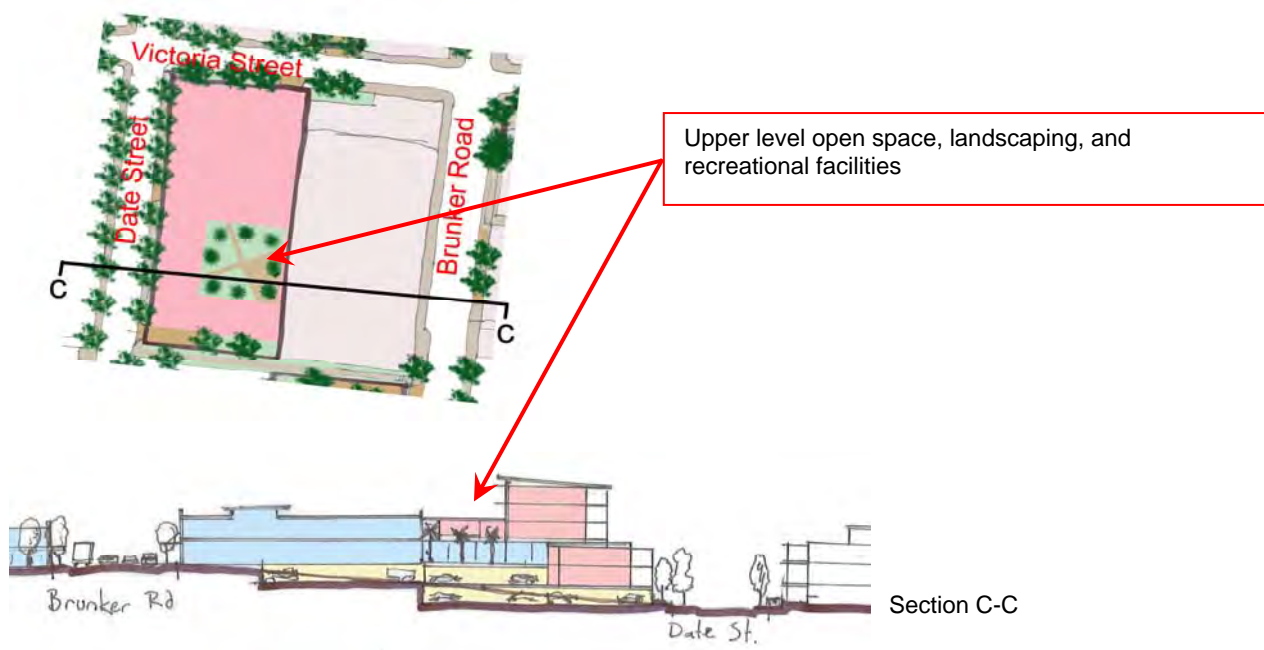
Note: Diagrams are not to scale.

13. Provide landscaped setback to all property boundaries adjoining the existing walkway between Brunker Road and Date Street, along the southern boundary of Adamstown RSL and 57 Date Street, Adamstown, with passive surveillance provided from adjoining development.
14. Development along Date Street is setback a minimum of 4.5m for non residential uses to enable embellishment of the footpath and provision of street trees.
15. Where residential uses are provided at ground floor along Date Street, provide a setback of 8m to the edge of balconies (or 10m to building facade) to enable a sufficient landscape buffer and individual front gardens per dwelling.



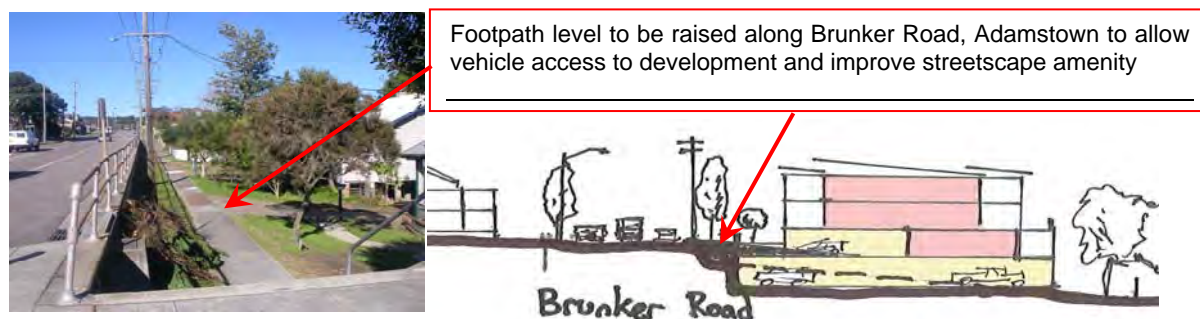
16. Redevelopment of the existing open air RSL car park to provide all on-site car parking at lower levels, whereas open space and landscaping should be provided at upper level setbacks and roof tops as shown in **Figure 5**.

**Figure 5: Landscape at upper levels for redevelopment of RSL car park site**



17. Raise the footpath level to that of the carriageway in front of 298, 300, 302, 304, 306 or 308 Brunner Road, Adamstown as part of any development occurring on these sites (including alterations or additions to existing dwellings, where the value of such development exceeds \$100K) to allow vehicle access and improve streetscape amenity, as shown in **Figure 6**.

**Figure 6: Landscape requirements for Brunner Road, south of Adamstown RSL Club**



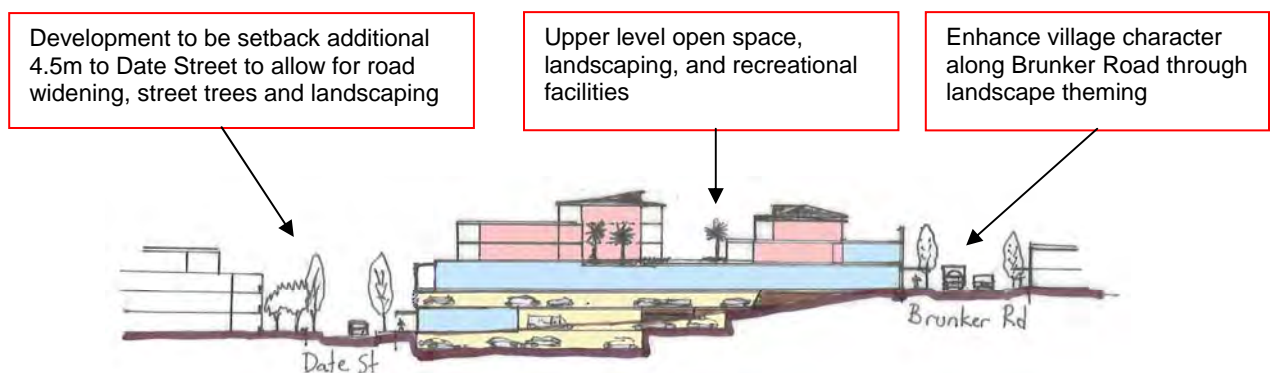


18. All retaining wall and/or structural work associated with raising the footpath level is located within the road reserve and constructed to Council's requirements.
19. Development of 298 Brunner Road requires connection to the footpath in front of the RSL Club and to the adjoining walkway linking to Date Street. Likewise, the new footpath should link to the existing footpath where adjoining site is not being redeveloped.
20. New raised footpath, provided as part of a development is provided along a minimum of two site frontages, where the footpath has not been raised on either adjoining site, to ensure consistency of streetscape. This requires consent of all affected landowners.
21. Provision of new raised footpath does not result in part of the existing footpath remaining between two new footpaths, unless the existing footpath is greater than 20m in length.

The following controls apply to all development in Precinct 3

22. Removal of on-street parking spaces may be permitted along Brunner Road, where directly in front of development site to allow footpath widening and opportunities for creating outdoor dining areas and street tree planting. However, widening of the footpath should not impact on the provision of bus stops, taxi ranks or loading zones. Any cost for their relocation, if deemed suitable by Council, will be at cost to the developer.
23. Landscape elements including footpath pavement, street furniture, and street tree planting is consistent with Council's requirements.
24. Opportunities for providing informal private/public recreation/entertainment areas on upper levels of potential redevelopment of the Council car park site, as shown in **Figure 7**.

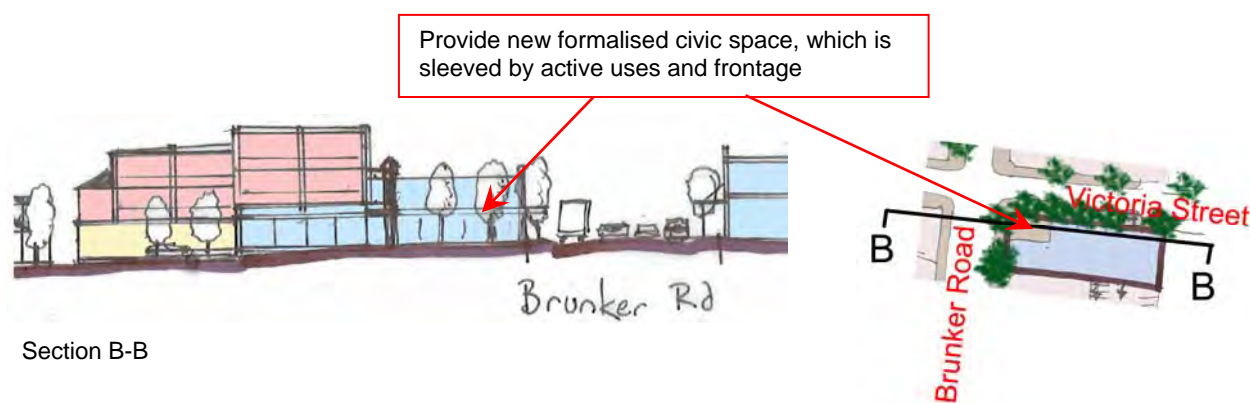
**Figure 7: Landscape opportunities for redevelopment of Council car park site**





25. Redevelopment of Council's existing library site, at the corner of Brunker Road and Victoria Street, incorporates a new formalised civic space that provides opportunities for gathering and outdoor dining, as shown in **Figure 8**.

**Figure 8: Landscape opportunities for redevelopment of Council car park site**





## 6.09 Darby Street Cooks Hill

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

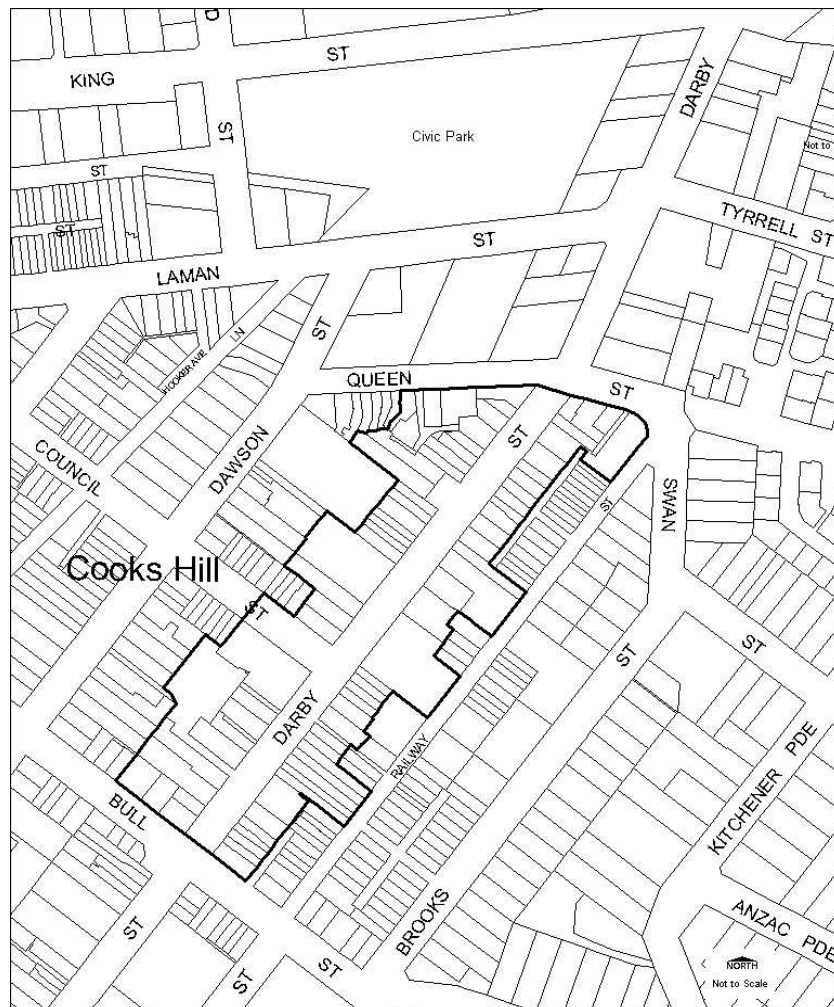
### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this control applies

This control applies to all development within the heavy line on the Darby Street Commercial Precinct in **Map 1**.

#### Map 1: Darby Street area





## Development (type/s) to which this section applies

This section applies to all development consisting new buildings or additions to existing buildings.

## Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- Any applicable landuse specific provision under Part 3.00.

Note: Any inconsistency between the locality specific provision and a landuse specific provision, the locality specific provision will prevail to the extent of the inconsistency.

- 4.04 Safety and Security
- 5.07 Heritage Conservation Areas - known conservation area
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.03 Mine Subsidence – within mine subsidence area
- 4.05 Social Impact – where required under 'Social Impact Assessment Policy for Development Applications 1999'
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal Heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required
- 7.09 Outdoor Advertising and Signage – signage and outdoor advertising
- 7.10 Street Awnings and Balconies – awnings or balconies to be located over public land.



### **Associated technical manual/s**

- Commercial Technical Manual – Design Guidelines - Darby Street

### **Additional information**

- Nil

### **Definitions**

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary of this plan.

### **Aims of this section**

1. To provide a set of guidelines that will encourage appropriate development/improvements to reinforce the existing character of Darby Street.
2. To encourage conservation and restoration of buildings with heritage significance.
3. To encourage local services and restaurants in the area.
4. To improve pedestrian safety and amenity while acknowledging the role of Darby Street as a sub-arterial road.

## **6.09.01 Urban structure**

### **A. Preferred uses**

#### **Objectives**

1. Encourage a preferred use that will enliven the Darby Street precinct.

#### **Controls**

1. The preferred uses within the Darby Street precinct are:
  - (a) restaurants/cafes
  - (b) galleries/gift shops
  - (c) delicatessans/gourmet foods
  - (d) antiques/bric a brac
  - (e) fashion/books



- (f) local shops/services
- (g) shoptop housing.

## **B. Gateways**

### **Objectives**

1. Signify entry points to the Darby Street precinct.

### **Controls**

1. Gateways to Darby Street are encouraged as follows:
  - (a) Queen Street - the reconstruction of the elaborate two-storey verandah which once adorned the front of Winning Appliances (former White Horse Inn), plus restoration of the bookshop building is encouraged.
  - (b) Bull Street - development of a landmark building on the western side of Darby Street, taking advantage of the corner location with the incorporation of a 'corner feature' is encouraged.
2. Other opportunities for gateway improvements include entry thresholds and prominent entry signs at either end of the commercial precinct.

## **C. Existing setback areas/squares**

### **Objectives**

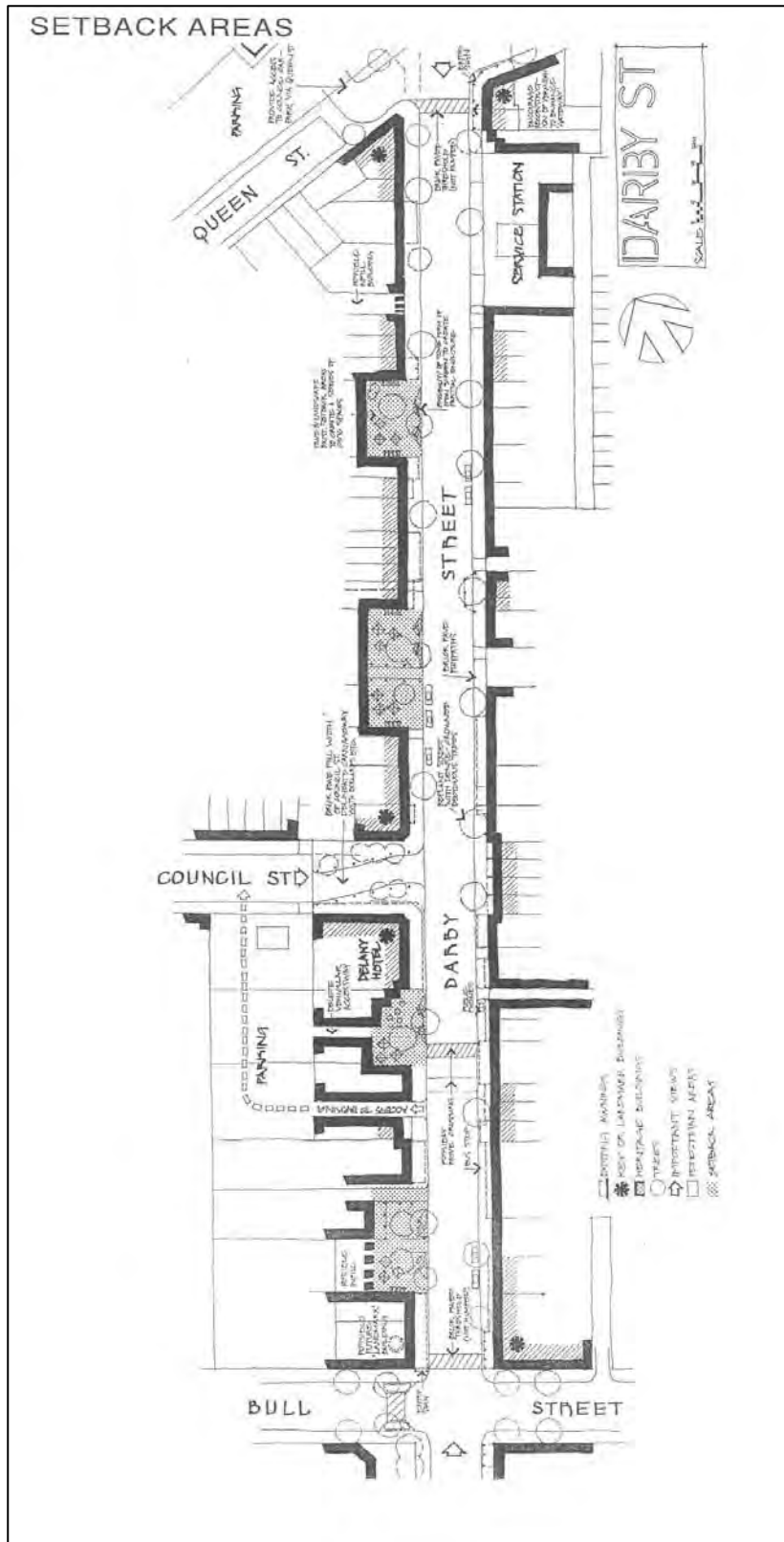
1. Encourage appropriate use of setback areas within the precinct.

### **Controls**

1. Existing setback areas that have been created as a result of the (now redundant) road widening proposal be made available for public use and paved to create a series of small 'squares'. See **Map 2**.
2. In addition to the buildings fronting the 'squares', those buildings on either side are encouraged to open out onto the squares, for example with outdoor dining or small kiosks.
3. Car parking is not permitted in these areas.



**Map2: Setback areas, landmarks and views**





## 6.09.02 Urban form

### A. Height

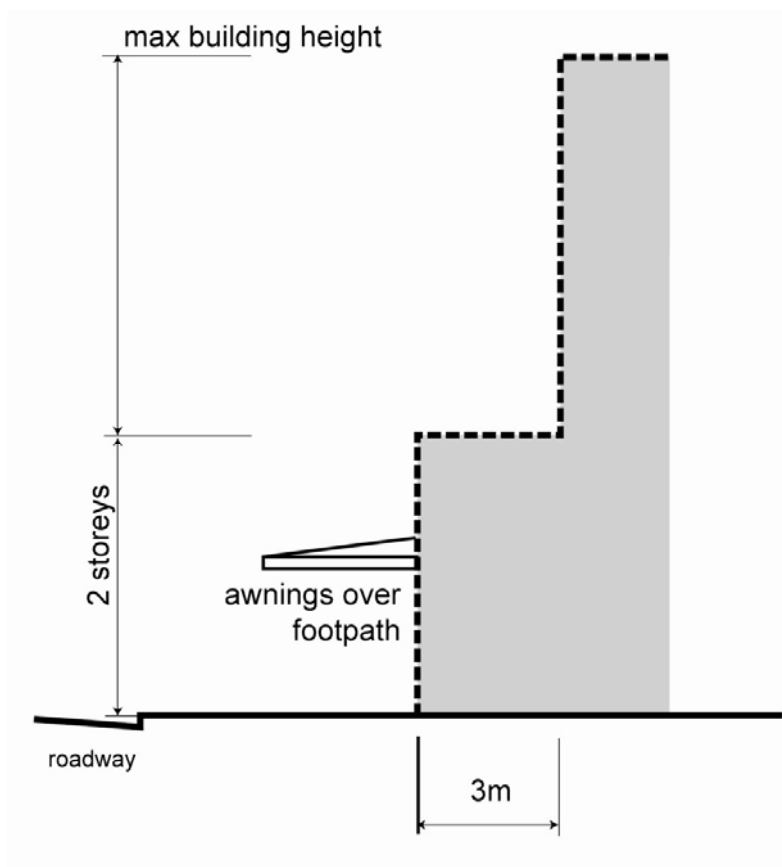
#### Objectives

1. Ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy.
2. Allow reasonable daylight access to all developments and the public domain.
3. Reinforce a consistent scale along the street edge.

#### Controls

1. Refer to the Newcastle Local Environmental Plan 2012 for building height controls. Building height is a maximum of two (2) storeys at the street edge. Upper levels above the two storeys are set back from the street frontage as per **Figure 1** so as not to be visually assertive.

**Figure 1: Upper level setbacks**





## **B. Density**

### **Objectives**

1. Provide an appropriate density of development consistent with the established centres hierarchy.
2. Ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the centres hierarchy.

### **Controls**

1. Refer to the Newcastle Local Environmental Plan 2012 for floor space ratio controls.

## **C. Setbacks**

### **Objectives**

1. Reinforce a consistent street edge alignment.

### **Controls**

1. New buildings are built to the boundary alignment, where consistent with adjoining properties.

## **D. Infill development**

### **Objectives**

1. Encourage appropriate infill development that is consistent with character of the precinct.

### **Controls**

1. Where proposed new developments encompass several lots, the existing dense rhythm of the streetscape is maintained by the breaking up of the street facade into small bay widths, echoing those of the original buildings.

## **E. Verandahs and awnings**

### **Objectives**

1. Encourage reconstruction of verandahs where appropriate.

### **Controls**

1. Post supported verandahs and awnings are appropriate, particularly where it is demonstrated from photographic or physical evidence that a verandah/awning originally existed. Design is to ensure that the historical detail of the reconstructed verandah is as accurate as possible.
2. The one exception to this is the north-western corner of Bull Street, where it is recommended that a landmark building be constructed.



## **F. Car parking**

### **Objectives**

1. Ensure access and parking provisions assist in the efficiency of the Darby Street precinct.

### **Controls**

1. Car parking requirements are in accordance with Section 7.03 Traffic, Parking and Access of the DCP.
2. In general any new accesses to properties from Darby Street are denied. Only properties with existing accesses are allowed to provide on-site parking with direct Darby Street access.
3. Where existing on-site parking is provided, use of these areas for night time parking is encouraged.

## **G. Outdoor dining**

### **Objectives**

1. Encourage outdoor dining along footpaths.

### **Controls**

1. Outdoor dining is encouraged in this precinct. Outdoor dining furniture should enhance the character of the street. Refer to Council's 'Outdoor Dining Policy' for further controls.

## **H. Colour scheme**

### **Objectives**

1. Encourage appropriate colour schemes that reflect the heritage character of the area.

### **Controls**

#### General controls applying to all development to which this section applies

1. New infill development has a painted street elevation.
2. Body colours are not too intense, with stronger or deeper colours for the highlighting of features such as doors, windows, mouldings.



## **I. Lighting and public art**

### ***Objectives***

1. Appropriate lighting and public art that enhances the streetscape.

### ***Controls***

#### General controls applying to all development to which this section applies

1. Upper facades of buildings along the street particularly at the gateways and the Council Street intersection may be spot lit upwards.
2. The creation of 'pedestrian squares' within the existing setback areas provides an opportunity for public art, with scenes reflecting either historical or contemporary events.



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## 6.10 Beaumont Street Hamilton

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all development within the heavy line on the Beaumont Street Commercial Precinct map in **Map 1**.

#### Map 1: Beaumont Street, area





## Development (type/s) to which this section applies

This section applies to all development within the Beaumont Street Commercial Precinct.

## Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

Section 6.06 Hamilton Renewal Corridor also covers part of the area covered by this section (Tudor Street corridor) and prevails to the extent of any inconsistency.

The following sections of this DCP **will** also apply to development to which this section applies:

- Any applicable landuse specific provision under Part 3.00

Note: Any inconsistency between the locality specific provision and a landuse specific provision, the locality specific provision will prevail to the extent of the inconsistency.

- 4.04 Safety and Security
- 5.07 Heritage Conservation Areas - known conservation area
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.03 Mine Subsidence – within mine subsidence area
- 4.05 Social Impact – where required under ‘Social Impact Assessment Policy for Development Applications 1999’
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 7.04 Movement Networks – Where new roads, pedestrian or cycle paths are required
- 7.09 Outdoor Advertising and Signage – signage and outdoor advertising
- 7.10 Street Awnings and Balconies – awnings or balconies to be located over public land.



### **Associated technical manuals**

- Commercial Technical Manual – Design Guidelines Beaumont Street.

### **Additional information**

- Nil

### **Definitions**

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary of this plan

### **Aims of this section**

1. To encourage aesthetic and harmonious development, and reinforce the existing character of Beaumont Street.
2. To encourage conservation of buildings with heritage significance.

## **6.10.01 Urban structure**

### **A. Approaches, edges and landmarks**

#### **Objectives**

1. Reinforcing the major entries to the commercial centre from all approaches.
2. Maintain a distinct edge to the Beaumont Street commercial centre.
3. Retain and improve significant landmarks.

#### **Controls**

1. The design of corner buildings recognises their importance as dominant elements in the streetscape.
2. Replacement of awnings and verandahs on buildings at the entries to the centre is encouraged, as well as supplementary tree planting.
3. Buildings on approaches which contribute to the areas heritage are retained.
4. Appropriate fencing and screen planting is provided between car parking areas and residential development.
5. The following significant landmarks are retained:
  - Wesley Church - 152 Beaumont Street Hamilton
  - Scots Kirk Presbyterian Church - 94 Tudor Street Hamilton.



## 6.10.02 Urban form

### A. Height

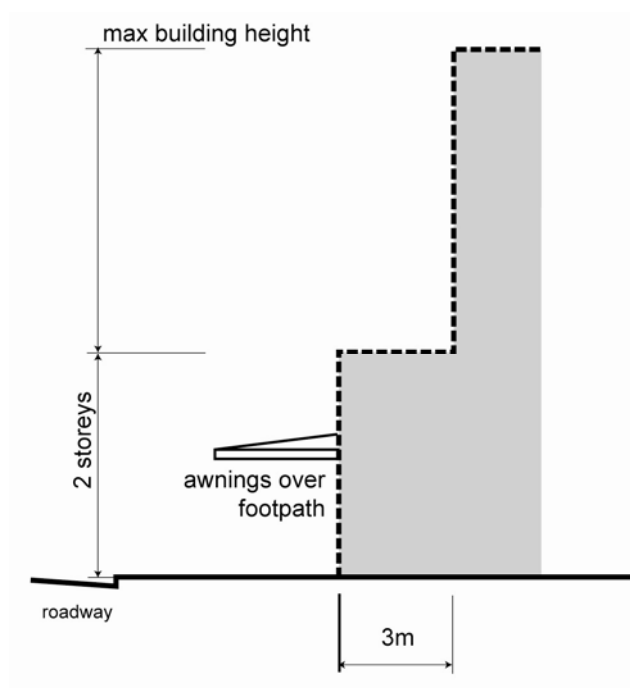
#### Objectives

1. Ensure the scale of development makes a positive contribution towards desired built form, consistent with the established centre hierarchy.
2. Allow reasonable daylight access to all developments and the public domain.
3. Maintain the continuity of two storey buildings at the present common parapet height.
4. Control the bulk of development.

#### Controls

1. Refer to the Newcastle Local Environmental Plan 2012 for building height controls. Building height is a maximum of two (2) storeys at the street edge. Upper levels above the two storeys are set back from the street frontage as per **Figure 1** so as not to be visually assertive.

**Figure 1: Upper level setbacks**





## **B. Density**

### **Objectives**

1. Provide an appropriate density of development consistent with the established centres hierarchy.
2. Ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the centres hierarchy.

### **Controls**

1. Refer to the Newcastle Local Environmental Plan 2012 for floor space ratio controls.

## **C. View corridors**

### **Objectives**

1. Protect existing view corridors.
2. Develop more interesting views within the commercial centre.

### **Controls**

1. Views to significant landmarks are preserved through the careful placement of buildings and any supplementary trees (refer **Map 2**).
2. Additional views within the street should be created by developing landscaped pedestrian plazas as settings for significant buildings.



**Map 2: Landmarks and view corridors**





## **D. Setbacks**

### **Objectives**

1. Maintain the overall character of the street, including the position of buildings in relation to the street.

### **Controls**

1. Generally, new development or additions to existing development adopts the front alignments of adjoining buildings with the following exceptions:
  - (a) intersections, where an arrangement similar to the plaza at the north-western corner of Beaumont and Cleary Streets could be considered
  - (b) at other locations where redevelopment can provide for setbacks below the awning level to create additional outdoor space for commercial activities, to allow for approaches to arcades or internal squares, or to provide enhanced view corridors to landmark buildings.

## **E. Corner sites**

### **Objectives**

1. Strengthen the urban form along Beaumont Street.

### **Controls**

1. The following buildings have been identified as creating strong corner identities and are retained:
  - Exchange hotel - corner Beaumont and Denison Streets
  - Wesley Church - corner Beaumont and Denison Streets
  - Former bank - south-western corner Beaumont and Tudor Streets
  - Former Niagra cafe - north-eastern corner Beaumont and Tudor Streets
  - Hamilton Municipal Building - corner Beaumont and James Streets
  - Kent hotel - south-east corner Beaumont and Lindsay Streets
  - Sydney Junction hotel - north-western corner Beaumont and Hudson Streets
  - Scots Kirk Presbyterian Church - corner Tudor and Murray Streets.
2. Redevelopment of corner sites incorporates strong corner architectural design elements, particularly at the Donald Street and Tudor Street intersections with Beaumont Street.
3. First floor verandahs over footpaths of corner sites are replaced in a sympathetic style, where they have been removed. Such verandahs are not to be enclosed but are to be available for appropriate commercial uses if desired, such as outdoor eating.



## **F. Infill development**

### **Objectives**

1. Improve the relationship between buildings.

### **Controls**

1. Infill development is compatible with nearby buildings, which make a positive contribution to the character of the Beaumont Street Centre.
2. Articulation of building facades reflects the common bay width of 4.5m to 6.0m.

## **G. Envelope design**

### **Objectives**

1. Maintain the overall character of the street, including the position of buildings in relation to the street and the design of the building.

### **Controls**

1. External building forms, facades, materials and finishes contribute positively to the image of the Beaumont Street commercial area, refer to 'Commercial Technical Manual Design Guidelines for Beaumont Street' for details of preferred elevation treatment.

## **H. Pedestrian spaces and outdoor furniture**

### **Objectives**

1. Ensure external works complement the streetscape.

### **Controls**

1. Existing stone pavings and kerbs within paving schemes are preserved where possible.
2. Arcades, courtyards, squares and the like are developed behind the street frontage where opportunity allows to provide for additional commercial frontage and for links to car parking areas.
3. New development should give consideration to appropriate artwork at the initial design stage of the project (eg. town art on hoardings).
4. Footpath widening at intersections adjacent to corner buildings, providing for the extension of civic or commercial activity such as outdoor eating, rest areas and meeting places.
5. The creation of new pedestrian spaces provided with seating and landscape treatment where possible to reinforce the existing network and land use patterns.



6. The development and reinforcement of centres of pedestrian activity such as intersections and key buildings within the precinct is encouraged.
7. Continuous circuits of pedestrian movements and the avoidance of dead ends should be ensured.
8. Additional pedestrian ways through the street blocks are encouraged so as to provide cross-links.



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## 6.11 Royal Newcastle Hospital Site

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

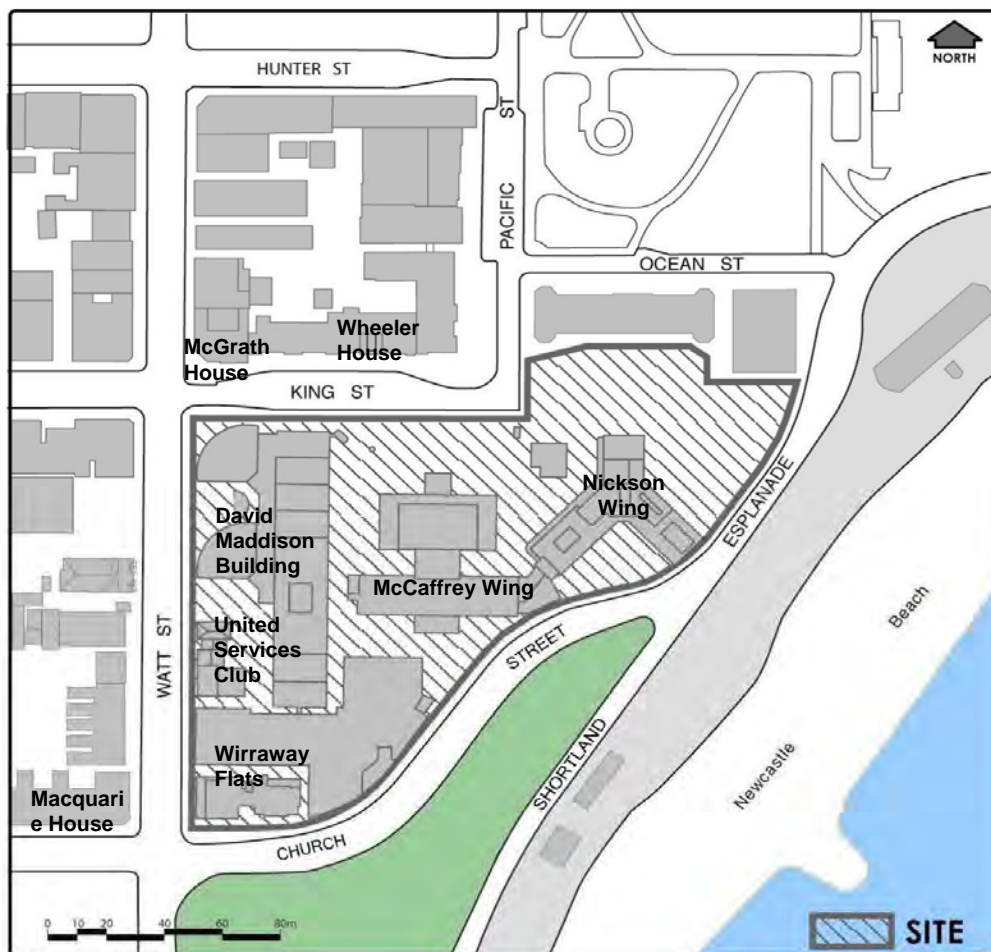
### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land within the heavy line on **Map 1 – Royal Newcastle Hospital Site** (bounded by King Street, Watt Street, Church Street and Shortland Esplanade).

### Map 1 – Royal Newcastle Hospital site





## Development (type/s) to which this section applies

This section applies to all development.

## Applicable environmental planning instruments

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy (Urban Renewal Newcastle) 2010
- State Environmental Planning Policy No 71—Coastal Protection.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- Any applicable landuse specific provision under Part 3.00

Note: Any inconsistency between the locality specific provision and a landuse specific provision, the locality specific provision will prevail to the extent of the inconsistency.

- 4.04 Safety and Security
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bushfire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 4.05 Social Impact – where required under ‘Social Impact Assessment Policy for Development Applications’, 1999
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal Heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 6.02 Heritage Conservation Areas - known conservation area
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required
- 7.09 Outdoor Advertising and Signage – signage and outdoor advertising



- 7.10 Street Awnings and Balconies – awnings or balconies to be located over public land.

### Associated technical manual/s

- Commercial Development Technical Manual
- Heritage Technical Manual

### Additional information

- Royal Newcastle Hospital Masterplan 2004, Landcom
- Royal Newcastle Hospital Concept Plan (MP 05\_0062 approved by the then Minister for Planning on 3 January 2007 <http://majorprojects.planning.nsw.gov.au>)
- Background Historical Archaeological Assessment for the RNH Site, Newcastle, December 2004 (ERM)
- Newcastle Archaeological Management Plan 1997
- Indicative Heritage Assessment – RNH Redevelopment, United Services Club, Watt Street Newcastle, October 2004, Suturs Architects (the Suturs Report)

Note: Urban Design Consultative Group

Proposals involving larger development which, by virtue of their location or scale, are likely to have a significant impact within the city may be referred to Council's Urban Design Consultative Group for independent advice.

In some instances, there will be the opportunity to discuss your proposal directly with the Group prior to the lodgment of your application. The Group will be able to offer independent advice regarding the design of the proposal. The recommendations and advice of the Group will be taken into consideration when assessing the development.

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary, of this plan.

### Aims of this section

1. To provide responsive and sustainable redevelopment of the site.
2. To ensure new development incorporates best practice principles and achieves a quality urban renewal outcome.
3. To compliment the heritage character of the city through appropriate built form.
4. To acknowledge the unique character of the site by providing a transitional built form from the city buildings to the beach.
5. To retain human scale to public streets and spaces.
6. To improve connectivity through the site for both vehicles and pedestrians.
7. To ensure appropriate solar access is provided within the site and to adjoining development and Newcastle Beach.



8. To protect and enhance important views through building design and location.
9. To provide vibrant public spaces through a mix of land uses that activate the streets and support both daytime and nighttime economies.
10. Reinforce a sense of place through interpretation of the social and cultural history of the site in design, art, public spaces and built form.

### **6.11.01 Preamble**

The Royal Newcastle Hospital (RNH) city block is characterised by its position adjacent to both Newcastle Beach and the CBD. Its use for medical purposes since c1817 strongly links the local community to the site for employment, cultural and social reasons.

The key urban design objectives and detailed development provisions aim to ensure that development occurring on the site:

- (a) reflects and respects its locational and heritage context
- (b) provides an appropriate mix of high quality, publicly accessible services and facilities
- (c) generates positive economic and employment impacts, and
- (d) interprets the site's important social and cultural history for current and future generations.

These requirements are underpinned by a framework derived from the characteristic features of the surrounding parts of City East and Council's commitment to ensuring a socially, economically and environmentally sustainable outcome for the site.

### **6.11.02 City structure and the site**

The site must relate to the broader structure of the city based on the character of land uses, the movement network, the open space network, the buildings and the experience of the city in terms of its physical attributes such as gateways, landmarks and views. The integration of the site into the city structure is important to achieve a cohesive and co-ordinated approach in the long term planning of the city and the design of buildings and the public domain within City East and the Newcastle City Centre Conservation Area.

Generally, built form should step down from the city centre to the beach.

#### **A. Access corridors**

##### **Objectives**

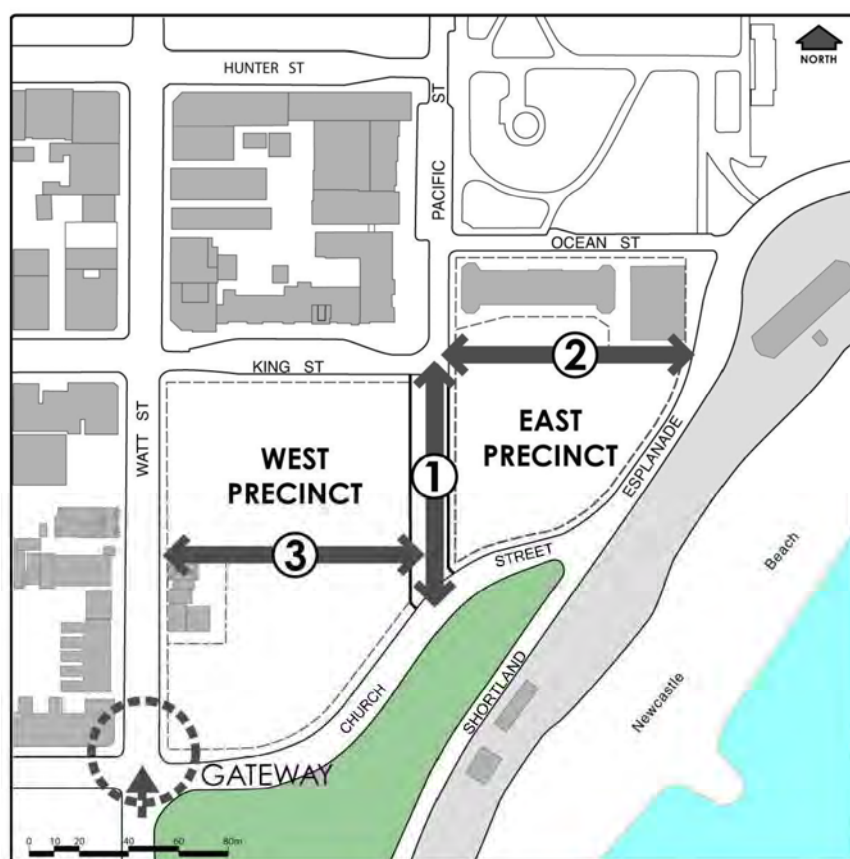
1. Ensure development provides connections within the site and to surrounding streets.
2. Provide clearly defined communal, private and public domains.
3. Integrate the site into City East.



## Controls

1. The following publicly accessible links are to be provided through the site:
  - (a) a public road (nominally consisting of two travel lanes, with parking and footpaths on each side) from Pacific Street to Church Street (shown as No. 1 on **Map 2: Gateway and access corridors**) in accordance with the requirements of Council and the outcomes of a detailed traffic analysis
  - (b) a pedestrian access from King Street to Shortland Esplanade (with limited vehicle access permitted and no through traffic) (shown as No. 2 on **Map 2**), and
  - (c) an access lane from Watt Street to the extension of Pacific Street (shown as No. 3 on **Map 2**) is desirable (but not mandatory) allowing pedestrian access through the site but not through vehicular traffic.

**Map 2: Gateway and access corridors**



## B. Land use and character areas

Areas east of the city centre along Newcastle Beach are presently undergoing a transition in character. New development should express a variation in building form that steps from the City Centre to the beach and relates to surrounding streets and public spaces.

To assist in defining building character across the site, preferred building types are indicated within the context of City East (see **Map 3: Preferred building types**).



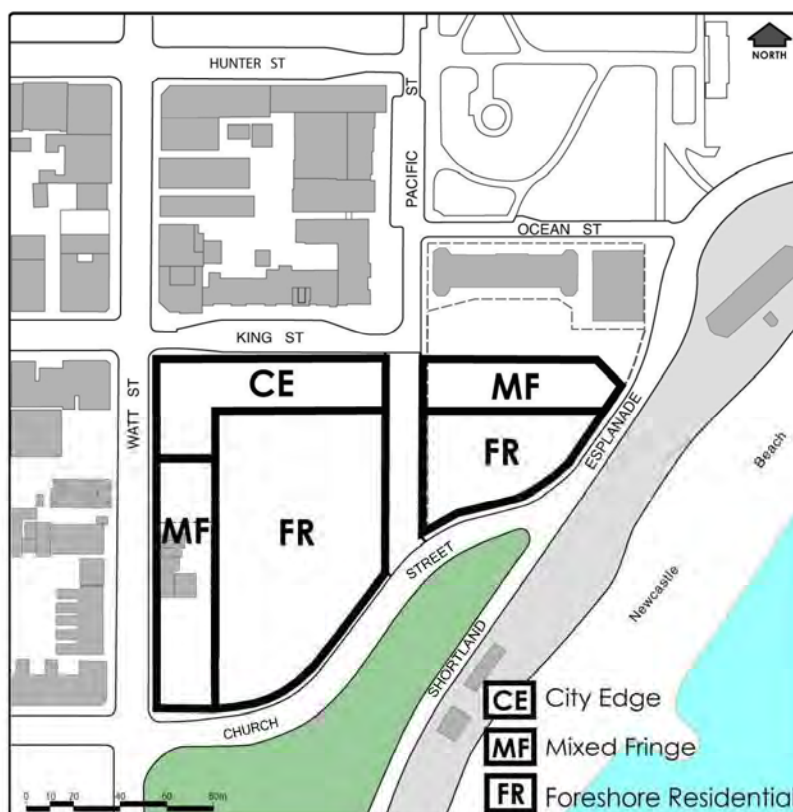
## Objectives

1. Ensure that new development is sensitive to the character of its local land use context.
2. Ensure that the coastal precinct is developed in a manner which compliments City East in terms of uses, built form, and access between the City and its ocean foreshores.
3. Ensure that new development on this edge of City East contributes to the character of the coastal edge.

## Controls

1. Development should have a positive relationship with the character area of which the site forms a part and respond to the preferred building types specified (see **Map 3**: Preferred building types).
2. The ground floor of buildings should address the street. The Watt and King Street frontages should have retail/commercial/café or community use where **Map 7**: Activation of street frontages indicates that active frontages are required. Pacific Street and Shortland Esplanade/Church Street may include residential uses at street level. Above ground uses may be mixed use and could include commercial, retail, tourist accommodation and residential uses.
3. Development on the edge of the city centre should positively contribute to and reinforce the desired character of the coastal edge.
4. Development should aim to maximise ocean views without significant overshadowing of the beach.

### Map 3: Preferred building types





### C. Gateways – Watt Street/Church Street

The intersection of Watt Street and Church Street forms a significant gateway entry to the city centre. Building forms at the corner of Watt Street and Church Street should reinforce this gateway through their design.

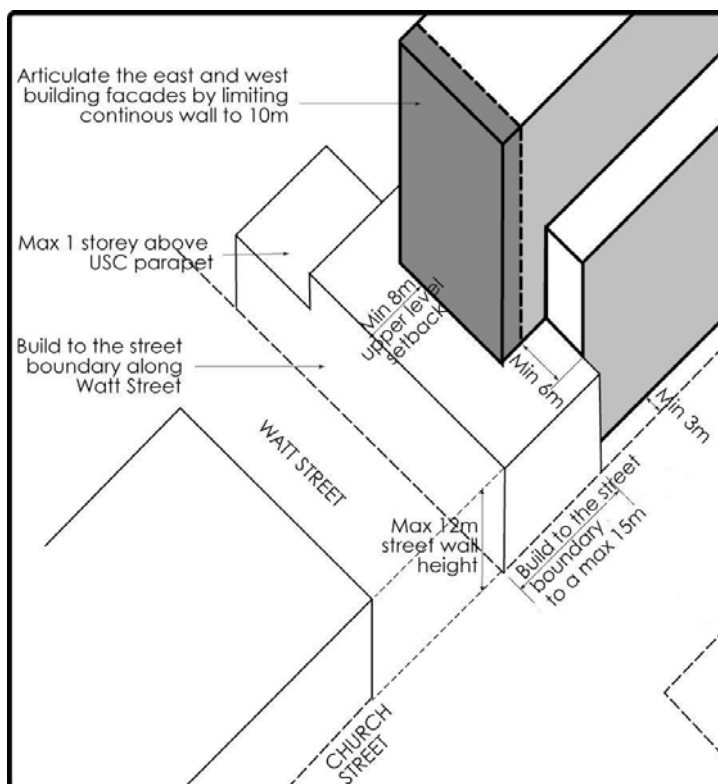
#### Objectives

1. Reinforce the sense of entry into the city centre.
2. Enhance the relationship of the site to existing gateway buildings along Watt Street.

#### Controls

1. Renovation of “Wirraway Flats” should address the gateway through design innovation and material choice.
2. Redevelopment of “Wirraway Flats” should respect contributory buildings along Watt Street and provide an interface to adjoining buildings.
3. New development that responds to the height of buildings on the adjacent corner (Macquarie House) should be built to the street alignment. Taller buildings should be set back from the street alignment (see **Figure 1: Gateway**).

**Figure 1: Gateway**



The location of the Gateway is shown on **Map 2: Gateway and Access Corridors**.



## D. Heritage and archaeology

The Newcastle City Centre Conservation Area in which the site is located is significant socially, culturally and in its built form. It contains a rich diversity of building types, representing different periods of the city's development, executed in different styles. There is however an overall harmony which results largely from the variable but consistent range in scale, materials and treatments.

### Objectives

1. Acknowledge, respond to and interpret the heritage significance of the heritage conservation areas within City East.
2. Enhance existing heritage items and reflect and respond to their built form and character.
3. Enable interpretation of the cultural and social heritage of the site including indigenous heritage.
4. Enable the archaeological potential of the site to be resolved through each development phase.

### Controls

1. Development Applications for demolition or to carry out work will require the submission of a heritage management document in accordance with the provisions of clause 5.10 of Newcastle Local Environmental Plan 2012.

Note: clause 5.10(5) Heritage Assessment of Newcastle Local Environmental Plan 2012 states:

*The consent authority may, before granting consent to any development:*

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

*require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

**Heritage management document** means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

2. The United Services Club building (55 Watt Street) and its curtilage should be retained.



3. A Conservation Management Plan shall be prepared in relation to the United Services Club building.
4. Development should be compatible with the heritage character of the Newcastle City Centre Conservation Area. Refer to section 5.07 Heritage Conservation Areas.
5. The RNH site should be archivally recorded to a standard of local significance as set out in NSW Heritage Office guidelines in order to record the final phase of the hospital.
6. Any large-scale sub-surface works undertaken in areas identified as having archaeological potential in the report 'Background Historical Archaeological Assessment for the RNH Site, Newcastle, December 2004 (the ERM report)', are to be subject to:
  - (a) archaeological test excavation
  - (b) archaeological salvage, if warranted, and / or
  - (c) archaeological monitoring and archival recording during demolition/construction.
7. Any archaeological remains relating to the first two phases of the Newcastle Hospital (the "First Hospital" 1817 – 1860, and the "Second Hospital" 1860 – 1875) are considered to be of high state heritage significance. If sub-surface works are to occur within the area identified in the ERM report as having potential to contain these deposits then archaeological test excavation should be conducted.
8. Any significant archaeological excavation within the study area should incorporate interpretation, such as exhibitions, displays, school archaeology, open days and the like. Public archaeology should be built into any schedule of archaeological excavation from its inception.
9. Archaeological investigations should be in accordance with the Newcastle Archaeological Management Plan (1997).
10. The 'Suters Architects Indicative Heritage Assessment – RNH Redevelopment, United Services Club, Watt Street Newcastle', October 2004 (the Suters Report) identifies the parking area at the rear of 55 Watt Street as having high archaeological potential (location of a c1816-1818 building). If sub-surface works occur within the area identified as having potential to contain these deposits then archaeological test excavation should be conducted.
11. The outcomes of the above investigations should be included in the Site Interpretation Strategy, see provisions 6.11.06 A and B - Site interpretation strategy and Public art with other interpretive information.

## **E. Public domain**

Redevelopment provides opportunities for additional public domain areas through the creation of connections between the city centre, the site and the beach. The creation of new streets and public open space close to the beach will improve existing pedestrian amenity for workers, visitors and residents.



## Public open space and landscaping

### Objectives

1. Create active public spaces and streets that interface between the public and private domain.
2. Provide a safe, accessible and convenient movement network for vehicles, pedestrians (including those with limited mobility) and cyclists along streets and through public open spaces.
3. Minimise environmental impacts of new buildings on adjacent public spaces.
4. Enhance amenity and environment by greening the site.
5. Ensure that water and energy conservation practices are incorporated into building and landscape design.

### Controls

1. Ensure the distinction between public and private open space is clear through its design.
2. Development is to adopt design strategies that minimise detrimental environmental effects on surrounding public spaces, especially over-shadowing, wind turbulence and glare.
3. Public open space is to provide a range of experiences and facilities.
4. Plant species are to accommodate local environmental conditions, particularly the exposure to strong coastal winds, salt spray and shading.
5. Street tree planting is to be provided along King and Watt Streets, Shortland Esplanade / Church Street and the extension of Pacific Street.
6. Roof gardens on buildings that provide areas for recreation and environmental benefits (eg. recreation, communal space, stormwater storage/treatment, insulation) are encouraged.
7. Deep soil planting at ground level is encouraged and should be incorporated within landscaped areas (subject to consideration of any soil contamination issues).
8. Landscape treatment of the public domain should integrate site interpretation into landscape design and meaning. Possibilities for how this may be achieved include:
  - (a) interpreting the Aboriginal and European history of the site in the landscape design through the design of individual elements (eg. furniture, structures), selection of materials and choice of plant species (eg. medicinal theme)
  - (b) relaying/recreating the stone tiled lobby floor of the Nickson Building in paving within the public domain in the event that the Nickson Building is demolished
  - (c) indicating the footprints of the existing buildings within the public domain
  - (d) inlaying names or words associated with the site's history in the paving or other elements
  - (e) site specific public artworks and water features located in public areas.



## Public plaza

### Objectives

1. Create a vibrant and sheltered public plaza in proximity to the beach.
2. Ensure the design of the public plaza responds to the existing environmental conditions affecting the site.
3. Provide connections between the extension of King Street and the Pacific Street extension and Shortland Esplanade (see **Map 2: Gateway and Access Corridors**).

### Controls

1. The public plaza should:
  - (a) be located in the eastern precinct of the site generally as shown on **Map 6 Precincts**
  - (b) maintain a northerly aspect, and have frontage to and be contiguous with the pedestrian extension of King Street
  - (c) interface with buildings fronting Shortland Esplanade / Church Street
  - (d) be designed to maximise solar access and protection from wind turbulence. Shade structures and landscaping should be used to reduce glare and other environmental effects through endemic species selection having regard to landscape design principles and guidelines and to the satisfaction of Council
  - (e) provide lighting that clearly defines pedestrian paths through the plaza without the creation of overspill or glare
  - (f) include surveillance of the plaza through placement of windows and doors on surrounding buildings. Surveillance, safety and security of the public domain should be in accordance with the principles of Crime Prevention Through Environmental Design (CPTED)
  - (g) provide for public art and exhibition spaces and other cultural activities
  - (h) consider incorporating a play area.
  - (i) provide opportunities for permanent representation of aspects of the Site Interpretation Strategy (see section 6.11.06 A - Site Interpretation Strategy)
  - (j) include materials, furniture and structures that are durable and to the satisfaction of Council
  - (k) incorporate species selection for landscaping from the Site Interpretation Strategy, refer section 6.11.06 A.



## Public streets and spaces

### Objectives

1. Improve pedestrian amenity adjacent to the foreshore.
2. Provide clear pedestrian paths through the site and from the city centre to the beach.
3. Improve connectivity and facilitate vehicle access arrangements.

### Controls

1. Materials, furniture and structures within public spaces should be consistent with the treatment of the public plaza and be compatible with treatments in surrounding streets.
2. Species selection for landscaping in public spaces should incorporate recommendations from the Site Interpretation Strategy, refer section 6.11.06 A.
3. King Street extended should provide a pedestrian connection between the city and the beach and complement (and be part of) the plaza. The design and articulation of buildings, colours, materials and paving should accentuate the link between this public space and the beach.
4. The location of Pacific Street extended should align directly with the existing Pacific Street alignment, to provide a clear connection through the site to Fletcher Park and the Harbour. The articulation of buildings, corner treatments, the selection of materials, colours, and landscaping should clearly identify the entrance to this public street.

## F. View corridors

### Objectives

1. Maintain views to and from the site, to the harbour, ocean, and Christ Church Cathedral.
2. Create views through the site by the provision of pedestrian spaces and street extensions.

### Controls

1. A view analysis should be undertaken as part of the Development Application process to ensure views through the site are appropriately considered.
2. Buildings and landscaping fronting King Street and its proposed extension to Shortland Esplanade should be designed and located to maintain a direct easterly view through the site to the beach/ocean. No buildings are to obstruct or diminish this view.
3. Buildings and landscaping within the site is designed and located to maintain a direct westerly view through the site to the Cathedral from Bathers Way (near the canoe pool).
4. Buildings and landscaping fronting Pacific Street and its proposed extension to Church Street should be designed and located to maintain southerly views through the site to Fletcher Park, and northerly views towards the Convict Lumber Yard and Newcastle Harbour.



5. A view corridor is to be considered through the western precinct from the intersection of Church Street and the extended Pacific Street to St Phillips Church and tower fronting Watt Street. Building elements such as arcades and/or colonnades may frame this view but should not obstruct it.

## **G. View sharing**

### **Objectives**

1. Provide for view sharing between new and existing buildings.
2. Maximise outlook and views from principal rooms and private open spaces without compromising visual privacy.

### **Controls**

1. The design, height and bulk of proposed buildings are to incorporate the sharing of views through the location and orientation of buildings and land uses, gaps between buildings, placement of windows, balconies and open space.

## **6.11.03 Built form**

Built form refers to the three dimensional character of development, including location, massing and height of buildings in relation to topography, streetscape and density. It is intended that development adjacent the beach is of a lower scale.

## **A. Density – floor space ratio (FSR)**

### **Objectives**

1. Provide an appropriate density of development consistent with established centres hierarchy.
2. Ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the centres hierarchy.
3. Ensure the bulk and scale of development reflects and compliments the distinct character of City East.

### **Controls**

1. The maximum Floor Space Ratio (FSR) for a building on the Royal Newcastle site is not to exceed the floor space ratio shown for the site on the floor space ratio map that is part of Newcastle Local Environmental Plan (LEP) 2012.

Note: Newcastle LEP 2012 FSR maps show the site as being within Area C - Tourist. Clause 4.4A of Newcastle LEP 2012 provides that if a building on the site is not used for a tourist activity the maximum FSR is 3:1 and if the building is used only for a tourist activity the maximum FSR is 4:1. If a building is used for a combination of uses Clause 4.4(6) of Newcastle LEP 2012 provides a calculation to determine the FSR. Refer to Newcastle LEP 2012 for further information and relevant clauses.



## B. Building heights

### Objective

1. Ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy.
2. Allow reasonable daylight access to all developments and the public domain.
3. Ensure building heights complement the built fabric of City East and the dominant form of Christ Church Cathedral.
4. Encourage a built form that reflects and responds to the topography.
5. Provide sympathetic built forms that reflect a transition in building height from the City Centre through the site, to the beach.
6. Ensure building height and massing responds to and enhances the built form character of Watt, King and Pacific Streets.
7. Improve sunlight access on Newcastle Beach and foreshore areas.

### Controls

1. The height of a building on the Royal Newcastle site is not to exceed the maximum height shown for the land on the height of buildings map that is part of Newcastle LEP 2012.

Note: Newcastle LEP 2012 height of buildings map shows the maximum building height for the Royal Newcastle site as 35m. Clause 4.4B of Newcastle LEP 2012 contains additional provisions in relation to building heights in City East. This clause allows the consent authority in certain circumstances to consider an exceedance to the maximum building height up to the height of an existing building on an adjoining site. Refer to Newcastle LEP 2012 for further details.

2. Taller buildings are aligned to maintain view sharing and to reinforce the established street grid.
3. Taller buildings are located to improve solar access to Newcastle Beach and to protect and enhance the existing profile of City East.
4. Buildings fronting Watt Street adjacent to the United Services Club are to provide an appropriate transition to this building in terms of height, separation, modulation and street alignments.
5. Maximum height limits may not be achieved where development built to those heights will impede views through the site that are determined to be significant. A detailed view analysis shall be undertaken as part of the development design and approvals process.



## C. Street wall/facade height and upper storey building setbacks

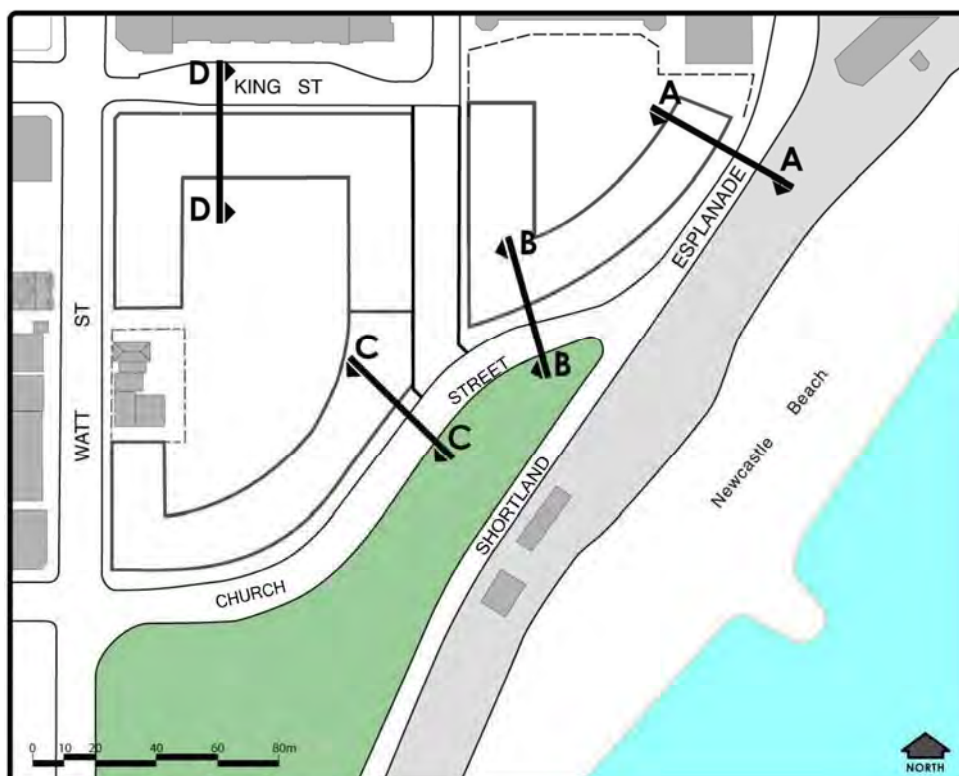
### Objectives

1. Provide a human scale to streets and other public spaces.
2. Encourage building massing and forms that are consistent with and sympathetic to the prevailing building forms in City East.

### Controls

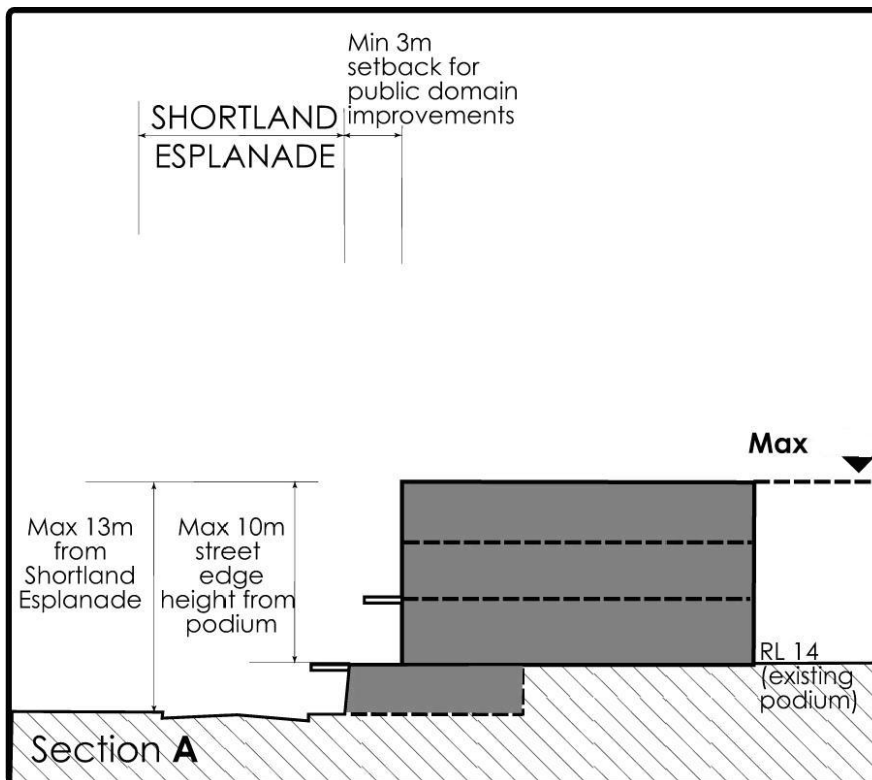
1. Street wall heights and upper storey setbacks should be consistent with those shown in **Figures 2-5** with cross-sections identified on **Map 4**.
2. Upper storey setbacks should be a minimum of:
  - (a) 8m from the Watt Street boundary at its intersection with Church St
  - (b) 2.5m from the Shortland Esplanade / Church Street boundary
  - (c) 2.5m - 6m from the King and Pacific Street boundaries.
3. Upper storey setbacks should be a minimum of 6m from Church Street boundary (see **Figure 1: Gateway**).
4. Elements of a building's form may project into the upper storey setbacks where they contribute to the building's design.

**Map 4:** *Building setbacks, street wall height and upper building setbacks (plan of street cross sections)*

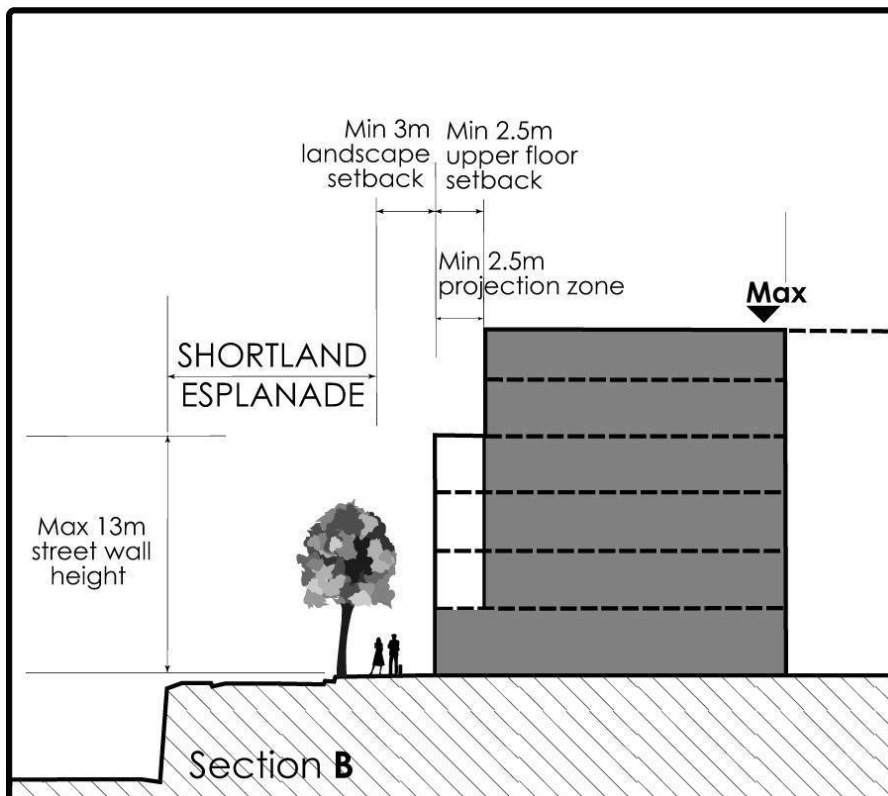




**Figure 2: Shortland Esplanade street cross section A**

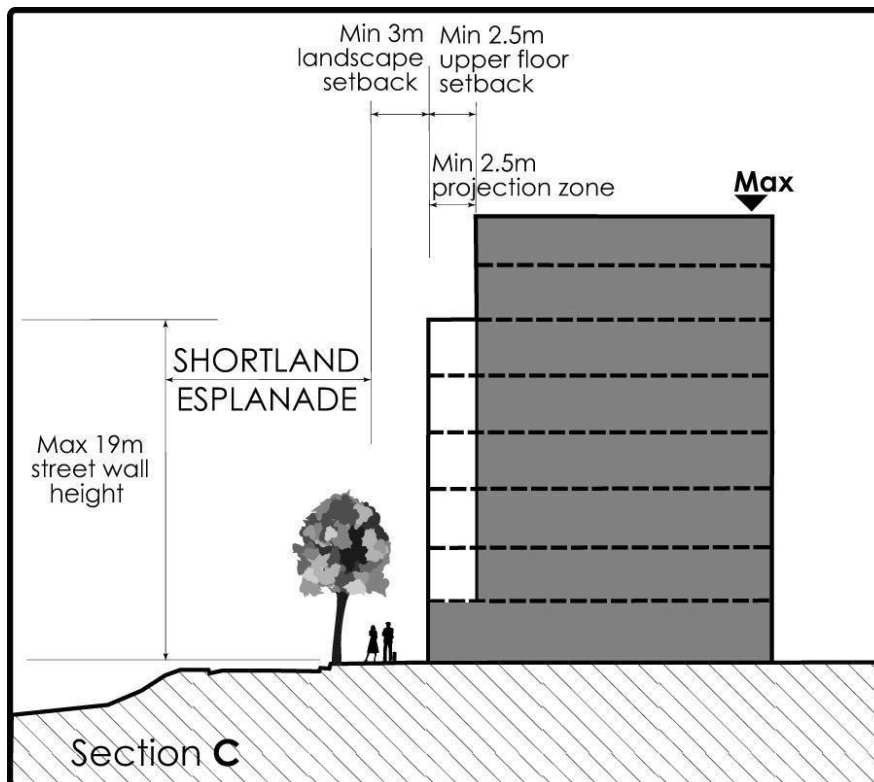


**Figure 3: Shortland Esplanade street cross section B**

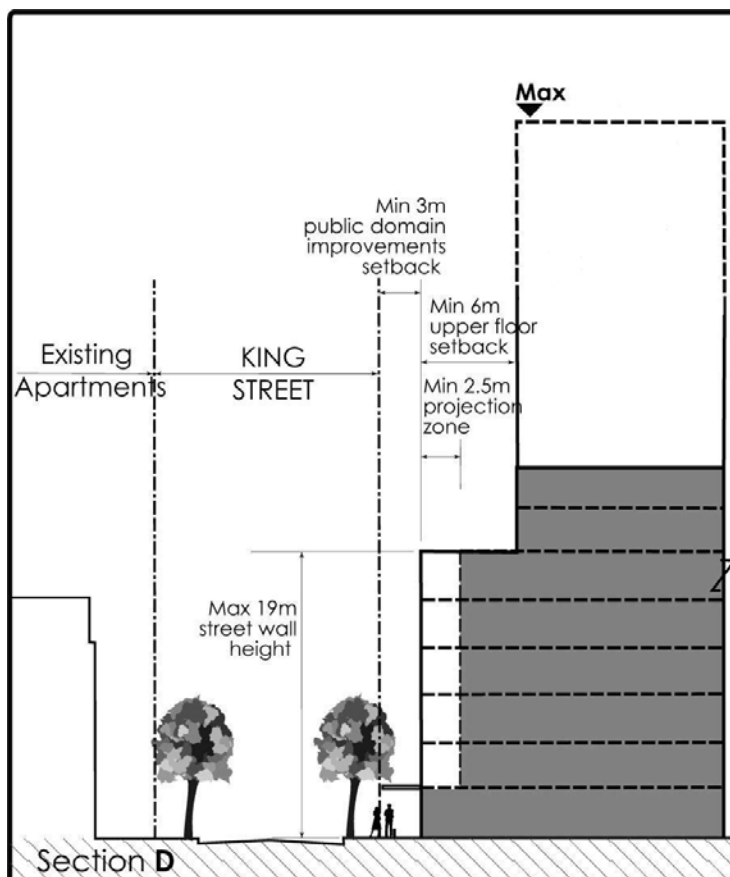




**Figure 4: Shortland Esplanade street cross section C**



**Figure 5: King Street cross section D**





## D. Building setbacks

### Objectives

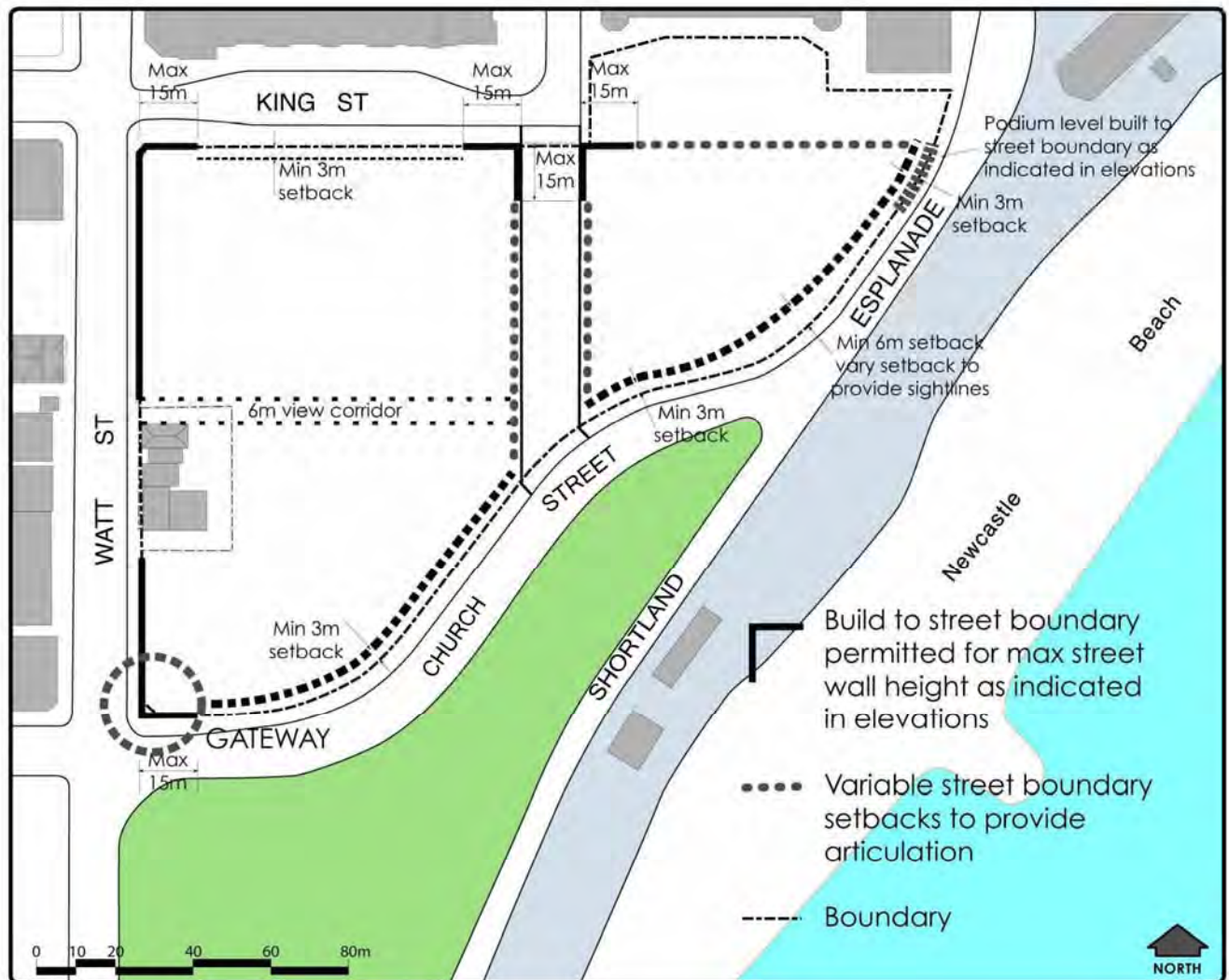
1. Improve pedestrian amenity and circulation through and around the site.
2. Create consistent street edges and retain the human scale of streets and public spaces.
3. Provide opportunities for road widening, street tree planting, activation of street frontages and public domain improvements.

### Controls

1. Building setbacks are consistent with those shown on **Map 5: Building setbacks**.
2. Buildings fronting Watt Street are constructed to the street boundary to reinforce the consistent streetscape established in Watt Street.
3. Buildings on the extension of Pacific Street are constructed to the street boundary adjacent to its intersection with King Street as shown on **Map 5**.
4. Buildings fronting King Street are constructed to the existing street boundary as shown on **Map 5**. Building setbacks opposite Wheeler House are to be set back 3m from the street boundary to reflect this building's character and allow for public domain improvements.
5. Buildings on Church Street and Shortland Esplanade are set back from the street boundary to provide for increased views and accessibility along the footpath while expressing the curved nature of the street.



**Map 5: Building setbacks**



## E. Building bulk, massing and form

### Objectives

1. Reinforce the overall pattern of building forms through the arrangement of bulk and massing characteristic of City East.

### Controls

#### Controls applying to the Western Precinct

1. The Western Precinct forms the interface between the City and the foreshore and should provide a transition in building heights. It should support the bulk of commercial, tourism and residential development and contain taller building forms to minimise overshadowing on Newcastle Beach.
2. This precinct is to contain the taller buildings on the site.



3. Building types should consist of City Edge, Mixed Fringe and Foreshore Residential, (see **Map 3**: Preferred building types and the Commercial Technical Manual), which reflect the city context of lower buildings at the street edges and higher tower components to the rear.
4. The King Street frontage and northern section of the Watt Street frontage should be activated with a mix of retail and commercial uses (see **Map 7**: Activation of Street Frontages).
5. A continuous awning should be provided along the activated building facades along King Street and the Pacific Street extension for weather protection.
6. Active frontages continue into the extension of Pacific Street in this precinct with a mix of commercial, retail, restaurant, tourism or entertainment uses as shown on **Map 7**.
7. The Church Street and Shortland Esplanade frontage are to provide a mixed use character with individual residential/retail /studio entrances at ground level to activate the street.
8. Public, communal and private areas internal to the site are clearly defined through facade treatment, landscaping and fencing where ground floor private open spaces are provided.

**Map 6: Precincts**

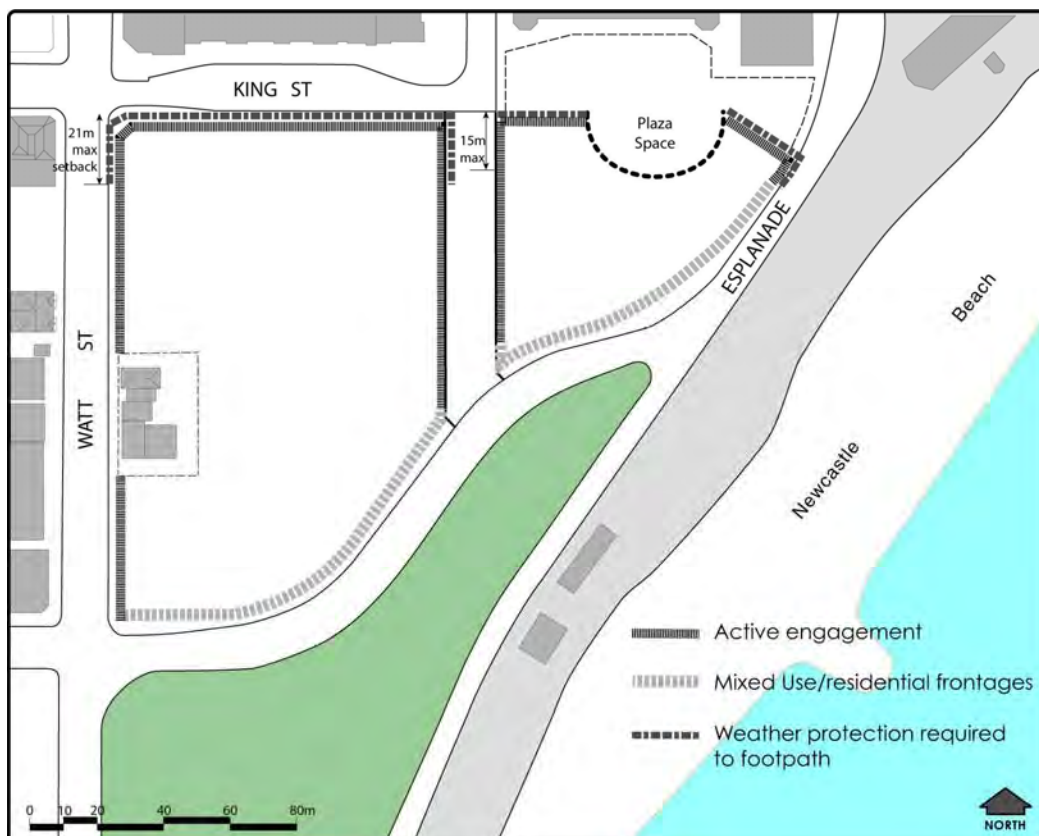




### Controls applying to the Eastern Precinct

9. The Eastern Precinct forms the interface between the foreshore and the beach. It should support a public plaza and community and visitor related functions as well as commercial and residential development to minimise overshadowing of Newcastle Beach.
10. This precinct will contain buildings of a relatively lower density and height.
11. A public plaza should be located in this precinct as a formal public space adjacent to the beach, see provision 6.11.02 E Public domain.
12. Street frontages and edges and any public plaza should be activated with a mix of restaurant, café, retail, leisure and entertainment uses at ground and street levels, see **Map 7**.
13. The extension of King Street should provide a clear link between any public plaza, Shortland Esplanade and Newcastle Beach.
14. A continuous awning should be provided along activated building facades on:
  - (a) the King Street extension
  - (b) Shortland Esplanade at street level
  - (c) the Pacific Street extension, including the activated edges of any public plaza.
15. Building types consist of Mixed Fringe and Foreshore Residential, see the Commercial Technical Manual.

### **Map 7: Activation of street frontages**





## F. Vehicular access and parking

### Objectives

1. Provide for the parking needs of building occupants and visitors without adverse impacts on building bulk or streetscapes.
2. Maximise opportunities for on-street public parking.
3. Minimise impact of driveways on pedestrian access and streetscapes.

### Controls

1. Vehicular access to the site should desirably be provided from Watt Street and the extension of Pacific Street and discouraged from Church Street / Shortland Esplanade. Access points should be minimised to limit impact on building form and pedestrian flow. The identified desirable Watt Street to Pacific Street (extended) pedestrian access may provide a vehicle access point for the United Services Club and the western precinct as shown on **Map 6: Precincts**.
2. On-site parking should be provided underground and be appropriately ventilated with access to natural sunlight where practical.
3. The extension of Pacific Street should replicate Pacific Street's existing width and be designed as a public road to provide both vehicular and pedestrian access through the site and access to internal parking areas, loading bays and deliveries to commercial/retail outlets.
4. The extension of Pacific Street and intersection with Church Street should be designed and constructed at no expense to Council, and should incorporate appropriate intersection design and management.
5. The Church Street footpath is widened at its intersection with Watt Street to a minimum of 3m to improve sight lines and to provide for landscaping and weather protection.
6. The treatment of the difference in levels between Shortland Esplanade and the internal street/plaza level to provide clear pedestrian paths including provision of ramps where necessary to allow access for mobility impaired persons.
7. Provision for on-site parking is in accordance with the car parking rates in Section 7.03 - Traffic, Parking and Access.
8. On street parking be provided on the extension of Pacific Street.
9. Improved pedestrian access across Shortland Esplanade is considered as part of any future development proposal.
10. The visual impact of car parking, service access and facilities is to be minimised by (among other things):
  - (a) ensuring parking structures do not adjoin public spaces but are located behind other uses that address the public domain, and
  - (b) confining the width of driveways and placing of back access points beyond the facade of the building.



## **G. Building separation and amenity**

### **Objectives**

1. Ensure adequate solar access (natural sunlight) is provided to all buildings.
2. Provide adequate natural ventilation to all buildings.
3. Provide visual and acoustic privacy between buildings and land uses.
4. Minimise environmental effects such as tunnelling of wind.

### **Controls**

1. Building placement should maximise solar access and natural air flow to building windows and openings.
2. Building separations for residential flat buildings should be consistent with the Residential Flat Design Code 2002 (SEPP 65), available from the Department of Planning and Infrastructure's website.
3. Living rooms in at least 70% of dwellings are to receive a minimum of three hours of direct sunlight between 9am and 3pm on 21 June (mid winter).
4. Appropriate noise attenuation is to be provided between internal dwellings particularly where they share a common wall.
5. Buildings exposed to southerly or south-easterly winds are designed to minimise the effects of wind tunnelling (testing for wind tunnelling impacts may be required by Council).

## **6.11.04 Building character**

Building character relates to those features of the building that are visible from the public domain. These features include the form, design and appearance of buildings, the way buildings are articulated and address the street, as well as corners, roof form, windows, door and awning placements and materials and detailing.

### **A. Building facade and articulation**

The design of building facades should transition from forms that reflect existing building character on the Watt and King Street frontages to more contemporary forms closer to the beach. See **Map 3**: Preferred building types and section 6 of the Commercial Technical Manual.

### **Objectives**

1. Reinforce the consistency of treatment which unifies streetscapes to allow buildings of different periods to exist harmoniously.
2. Provide variety and visual interest in building facades through modulation, fenestration, articulation and architectural expression.
3. Reflect the traditional built form of the City East context by the incorporation of vertical bays.



## **Controls**

1. Facade composition
  - (a) Facades comprise a tripartite vertical composition with base, middle and top sections with cues for buildings taken from adjacent characteristic development.
  - (b) Lengths of building facades generally reflect those within the area, typically facades in this location are in bays of between 4.5m and 6m. Building facades should not exceed a 10m continuous plane without appropriate articulation or variation in materials.
2. Surface texture
  - (a) Facade designs include surface relief that achieves both horizontal and vertical articulation to break down the scale of the facade.
3. Fenestration design
  - (a) Windows in buildings are treated as openings in a solid wall and arranged in a balanced horizontal and vertical system.
  - (b) Any shade structures reflect the context of existing buildings in adjacent streets.
4. Awnings, verandahs, balconies
  - (a) Projecting awnings be generally flat or near flat and similar in design to the prevailing awning of each particular streetscape and appropriate to the building.
  - (b) Projecting awnings are continuous to ensure pedestrian amenity, see provision 6.11.03 E Building bulk, massing and form.
  - (c) Balconies generally be recessed into walls or protected by walls and roofs to maintain residential amenity in the coastal environment.

## **B. Street frontage**

### **Objectives**

1. Ensure that a diversity of active street frontages and entries are compatible with the character and architectural treatment of the building.
2. Encourage a variety of relationships and openings between buildings and the street.
3. Ensure that buildings are accessible for all.

### **Controls**

1. Continuous at-grade access is provided between the footpath and commercial premises.
2. Commercial and retail windows and openings are sympathetic with the overall proportion of the building and its division into bays.
3. Clearly defined entries to above ground uses are provided without adversely dominating retail frontages.



4. Shop frontages only be recessed where the recess provides useable space (eg. outdoor dining, pedestrian colonnade) and is sympathetic to the building's character.

## **C. Corners addressing public spaces**

### **Objectives**

1. Ensure corner treatments strengthen building form and acknowledge the corner location.

### **Controls**

1. Buildings on corners provide a corner treatment that creates variation in height and setback such that the building visually turns the corner. The design be resolved in form in terms of scale, proportion, materials and finishes.
2. Development at the corner of King and Watt Streets respond to and complement the form of McGrath House opposite.

## **D. Roof form and silhouette**

### **Objectives**

1. Ensure the roofscape is integrated with the architecture of the building and is discreet and cohesive in form when viewed from above and from a distance.
2. Roof forms, materials and finishes should reinforce the prevailing roofscape characteristics of City East.

### **Controls**

1. Roof top structures including lift towers, vents and communication devices are integrated with the building design, such structures do not detract from the overall appearance of the building or the cityscape.
2. Roof top structures generally not exceed 20% of upper roof space and not be more than 3m in height.
3. Roof forms are proportional to the building's elements and comprise simple, flat or sculptural forms.
4. Prominent parapet walls are generally appropriate to screen roof top structures on frontages facing Watt and King Streets.
5. Roof gardens and communal spaces are encouraged.

Note: Clause 5.6 Architectural roof features of Newcastle LEP 2012 also contains provisions in relation to the design of roof features and circumstances where a roof feature may exceed a building height limit. This clause states:

(1) *The objectives of this clause are as follows:*

(a) *to permit variations to maximum building height standards only where roof features contribute to the building design and overall skyline, and*



- (b) *to ensure that the majority of the roof is contained within the maximum building height standard.*
- (2) *Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.*
- (3) *Development consent must not be granted to any such development unless the consent authority is satisfied that:*
  - (a) *the architectural roof feature:*
    - (i) *comprises a decorative element on the uppermost portion of a building, and*
    - (ii) *is not an advertising structure, and*
    - (iii) *does not include floor space area and is not reasonably capable of modification to include floor space area, and*
    - (iv) *will cause minimal overshadowing, and*
  - (b) *any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.*

## **E. Materials, finishes and colours**

### **Objectives**

1. Maintain the palette of materials and finishes that characterise City East.
2. Recognise the distinction between the Western and Eastern Precincts to reflect their relationship to the City and Newcastle Beach respectively.
3. Ensure materials are appropriate to the coastal environment and have a low environmental impact.

### **Controls**

#### Controls applying to the Western Precinct

1. Materials complement those used in contributory buildings in the locality including sandstone and granite, brickwork, timber, concrete and articulated render. PVC, reflective glass, unrelieved painted render, unarticulated concrete surfaces and unarticulated cladding systems should be avoided.
2. Colours complement the existing colours within City East, predominantly those based on warm earth tones including brickwork in red-brown mid-tones, cream sandstone and heritage colour schemes of the Victorian and Federation periods.
3. Colour schemes are appropriate to the style and age of the building in the repainting of existing buildings.
4. Previously unpainted buildings are not be painted where the original finishes (eg. face brickwork) are an important part of the building's character.



### Controls applying to the Eastern Precinct

5. Materials and finishes complement those used in the Western Precinct. Where buildings interface with contributory buildings in the locality, they reflect the relationship of the eastern precinct to Newcastle Beach and may include an expanded range of materials and design elements.
6. Colours complement the existing colours within City East but may introduce a broader colour palette, however primary colours and metallics to be avoided.

### **F. Fences and walls**

The provisions for fences and walls at 6.01.03 F of section 6.01 Newcastle City Centre - East apply to development in the Royal Newcastle Hospital Site.

## **6.11.05 Sustainability**

### **A. Site contamination**

#### **Objectives**

1. Incorporate the recommendations of any site specific contamination assessments conducted for the site.

#### **Controls**

1. The recommendations of the 'HLA Enviroscience's Phase II Environmental Site Assessment and Geotechnical Investigation, Royal Newcastle Hospital', November 2004 (HLA Report) should be considered in preparation of any Development Application for the site.
2. Applicants are referred to Section 5.02 Land Contamination for further provisions related to site contamination.

## **6.11.06 Site interpretation strategy and public art**

### **A. Site interpretation strategy**

#### **Objectives**

1. Ensure cultural and social history of the site is interpreted and expressed in components of the site redevelopment for current and future generations.
2. Facilitate community cultural development that reinforces the role of the site in providing and developing identity for the community, particularly with regard to the interaction between:
  - (a) natural heritage



- (b) Aboriginal heritage
- (c) European heritage
- (d) open space systems and the beach
- (e) cultural diversity among workers/ residents
- (f) built form and streetscape design, and
- (g) contemporary visual, craft, performing and community arts.

## Controls

1. The social and cultural significance of the Royal Newcastle Hospital and its buildings are further investigated through consultation with local historical groups and other relevant groups and persons as part of any Development Application with a view to preparation of a Site Interpretation Strategy. The Site Interpretation Strategy is submitted to Council with the first Development Application and address the following matters:
  - (a) significance to the local community of the use of this site for medical/health purposes since c1817. This significance may be expressed through the provision of art works, oral histories, interpretive signage and links to the existing historical walk along The Bathers Way
  - (b) outcomes of the investigations required by provision 6.11.02 D - Heritage and archaeology
  - (c) retention, selection and interpretation of selected elements which represent the most important phases of development on the site
  - (d) expression of the footprint of buildings forming the final phase of the Royal Newcastle Hospital through paving, lighting, or landscaping, and
  - (e) the potential for a medical/health theme to species selection for public domain landscaping.
2. Proponents should consult with the Awabakal Aboriginal Community (including Land Council and Traditional Owners) about:
  - (a) the use of Awabakal language names within the development (buildings, streets, pathways, gardens and the like)
  - (b) how the Elders' concept of a "meeting place" can be incorporated into the design of public space within the site
  - (c) how the development will be linked to the beach
  - (d) input into any indigenous artwork that may be used as part of the public space and landscape design (designs in footpaths, sculpture, features on buildings and the like), and
  - (e) design and wording of any plaques and signage that may be proposed.



## **B. Public art**

### **Objectives**

1. Celebrate and commemorate the social, cultural and heritage significance of the site.
2. Integrate a public art program within the site as an essential part of the development of landscape and urban form.
3. Reflect the cultural significance of the site, including its landscape, ecosystem, and history of occupation through design of open space.

### **Controls**

1. Develop a Public Art Plan for the public domain.
2. Public art to include themes from the cultural and social history of the hospital including its role in provision of healing and health services.
3. Art works or functional objects are to aid in the creation of pedestrian areas, gathering places and public amenities with a strong sense of local identity.
4. Public art to include:
  - (a) works of contemporary artists, crafts people, designers and/or artisans
  - (b) works or functional objects which explore and interpret those elements or ideas relating to community, culture, heritage, environment and art
  - (c) design that reinforces the site history and cultural significance.
5. Public art is in accordance with Newcastle's Public Art and Placemaking Policy as administered by Council.



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## 6.12 Minmi

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

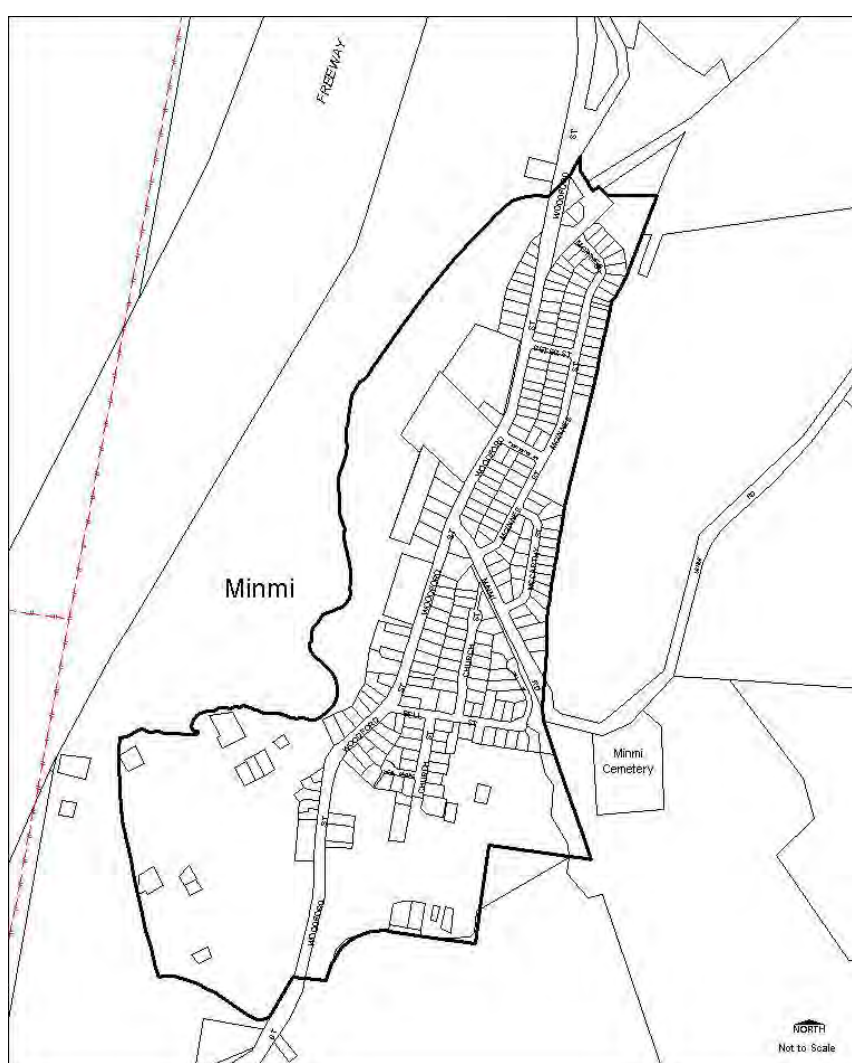
### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land within the heavy line marked on **Map 1 – Minmi**.

#### Map 1: Minmi area





## Development (type/s) to which this section applies

This section applies to all development within Minmi requiring development consent.

## Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- Any applicable landuse specific provision under Part 3.00

Note: Any inconsistency between the locality specific provision and a landuse specific provision, the locality specific provision will prevail to the extent of the inconsistency.

- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bushfire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 4.04 Safety and Security – development with - accessibility to general public, access to laneways, communal areas, or residential with three or more dwellings
- 4.05 Social Impact – where required under ‘Social Impact Assessment Policy for Development Applications’, 1999
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required



## Associated technical manual/s

- Nil

## Additional information

- *Minmi: The Place of the Giant Lily* (Newcastle and Hunter District Historical Society Inc, 1991)
- *Flora Report: Bonnie Doon Estate, Minmi, Newcastle* (Rodd and Clements, 1995)
- *Minmi Conservation Study* (Shellshear, 1990)
- *Fauna Survey Bonnie Doon Estate, Minmi NSW Lot 23 DP 806397 and Part Lot 33 DP 800036* (Lim and White, 1995)
- *Minmi Review of Environmental Effects* (GW Hawke and Associates Pty Ltd 1990)

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary of this plan.

## Aims of this section

1. To ensure that Minmi retains its existing village character, whilst accommodating limited urban and rural residential growth.
2. To develop as the westernmost local activity centre for Blue Gum Hills.
3. To ensure that the built heritage and character of Minmi is preserved through landscape separation.
4. To contribute to tourist related development and strengthen the local employment base.
5. To manage nutrient or stormwater flow rates to ensure the health of Minmi Creek and other waterways.
6. To conserve reasonably undisturbed bushland.

## 6.12.01 Urban structure

### A. Land use

#### Objectives

1. Ensure community facilities and services such as shops, community centre/hall and child care facilities are located in an accessible, central location within the village and foster community interaction.
2. Ensure future development builds upon the current clustering of facilities at the centre of the village and relates to the surrounding parkland.



3. Ensure urban areas are appropriately located.

### **Controls**

1. The community centre, community facilities and preferred location for business activities are shown marked on the concept plan at **Figure 1**.
2. Compatible mixed use development is encouraged throughout the village, with more intensive uses located in the village centre. In particular, art and craft related activities are encouraged.
3. Detailed study and assessment of identified potential urban areas shall be carried out before any decision is made as to their suitability for urban purposes.

## **B. Open space**

### **Objectives**

1. Ensure development within the village creates a place with a distinct identity and which is physically separated from other urban areas.
2. Ensure open space is integrated with community uses and access.

### **Controls**

1. Development to comply with Section 7.02 Landscaping, Open Space and Visual Amenity.
2. Open space shall be provided within the village and shall be integrated with community uses and access, generally as indicated on the concept plan at **Figures 1 and 2**.
3. Open space adjacent to the east of the village will be integrated with the Summerhill Master Plan.
4. Landscape design reinforces the identity of Minmi as a distinct village area separated from other residential development, by establishing and reinforcing landscape features and developing suitable planting themes based on research in the area.
5. Open space and drainage corridors are designed for low maintenance bushland regeneration, unless the area is designated for active recreation or this treatment is inappropriate for other reasons.

## **C. Water**

### **Objectives**

1. Ensure water quality is maintained.

### **Controls**

1. Development to comply with Section 7.06 Stormwater
2. Riparian vegetation should be restored along major creeks and waterways.



## **D. Biological diversity**

### **Objectives**

1. Encourage biological diversity.

### **Controls**

1. Revegetation restores the diversity of indigenous species originally present on the site which may have been lost.
2. New development should not adversely affect (and should preferably benefit) the downstream Hexham Wetlands which is recognised as being of international significance as habitat for migratory birds.
3. Bushland is to be retained wherever possible. A diversity of bushland types should be retained or restored.

## **E. Urban design and heritage**

### **Objectives**

1. Ensure appropriate bulk and scale of development to protect the character of the area.
2. Ensure important views and vistas are retained and enhanced.

### **Controls**

1. Refer to the Newcastle Local Environmental Plan 2012 for height and floor space ratio controls. In general no building shall exceed two storeys in height, in keeping with the existing character of the area.
2. Vistas to rolling hills and distant rural and natural landscapes are to be retained to maintain village context and identity.
3. A treed ridgeline should be maintained and enhanced on the prominent ridge/hill at the south of the village boundary.
4. Any additional buildings should be designed and sited to maintain the treed ridgeline and prevent the dominance of built form.
5. Additional tree planting to revegetate the ridgeline should be undertaken, where appropriate.
6. Subdivision or development within the vicinity of the former Court House/Police Station is to provide right of vehicular and pedestrian access to that site.

## **F. Archaeology**

### **Objectives**

1. To ensure archaeology matters are considered.



## **Controls**

1. Development to comply with Section 5.04 Aboriginal Heritage and Section 5.06 Archaeological Management.
2. Where significant land disturbance is proposed, investigation of impacts on both Aboriginal and European heritage will be required and field investigations or excavation may be necessary.

## **G. Stormwater management**

The majority of the area drains into Minmi Creek, which subsequently flows into the Hexham Wetlands. Minmi Creek receives runoff from Minmi Village as well as from grazing and forested land. A significant 1-2km vegetated buffer separates Minmi Creek from the boundary of the SEPP14 (State significant) wetlands. The buffer comprises a heavily vegetated waterway, and a floodplain covered in grasses and sedges that are grazed by cattle. Instream modification and treatment of stormwater and floodwater flows is likely to occur before such water reaches the SEPP14 wetlands. Consequently, less stringent controls can be applied to stormwater discharges than for other areas which discharge directly into the SEPP14 wetlands.

## **Objectives**

1. Ensure stormwater is appropriately managed in accordance with Council requirements.

## **Controls**

1. Development to comply with Section 7.06 Stormwater.
2. Drainage channels are to be retained as far as possible in a natural condition. Vegetation corridors are to be maintained or regenerated along creeks.
3. Discharges should be managed to ensure no excessive export of sediments.
4. Nutrients or stormwater flow rates are to be managed to ensure the health of Minmi Creek and other waterways.

## **H. Access**

## **Objectives**

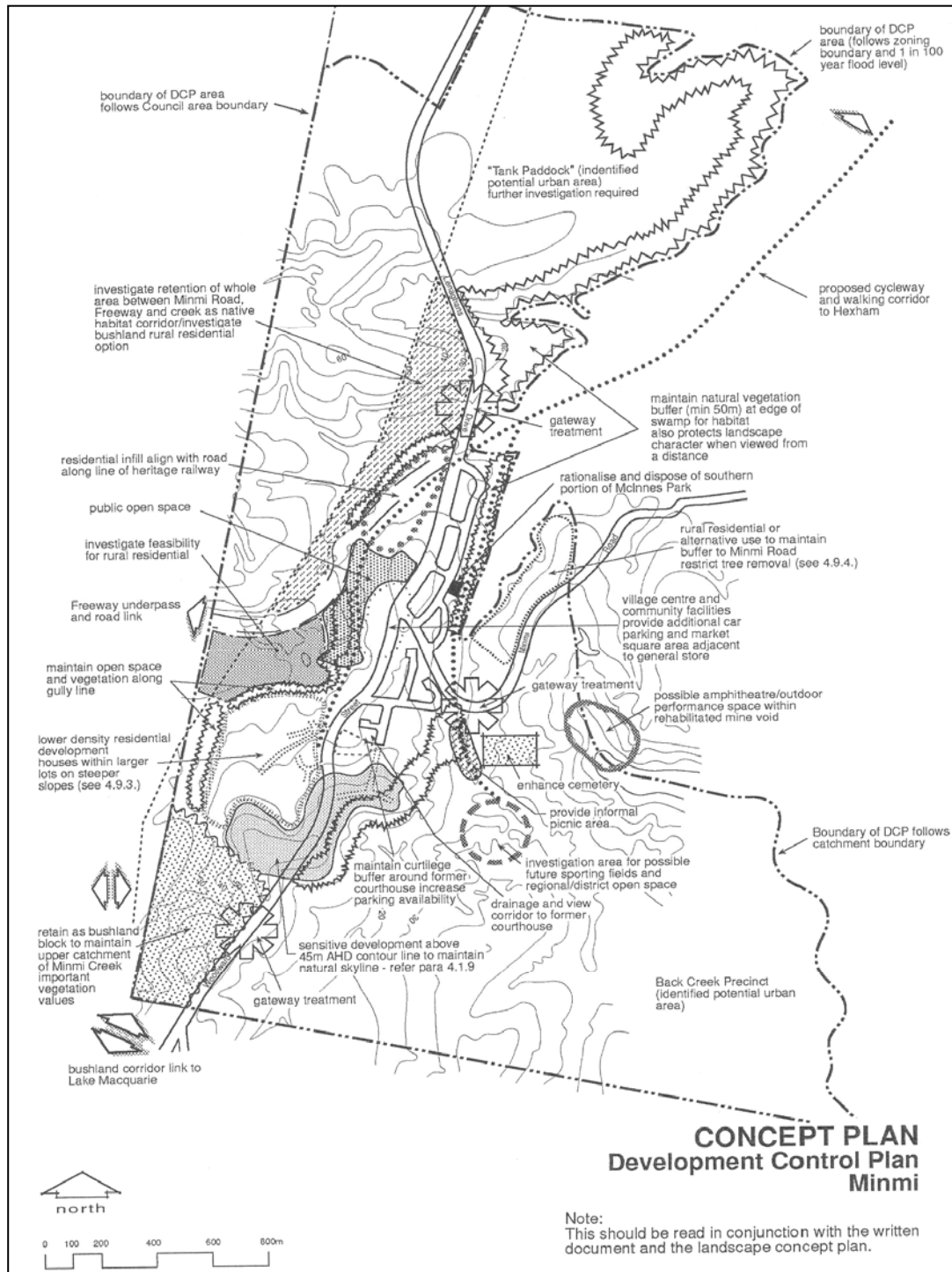
1. Ensure development incorporates adequate access networks.

## **Controls**

1. Development to comply with Section 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required.
2. The principles of walkability, connectivity, permeability, legibility and safety shall apply to all subdivision and access system design.

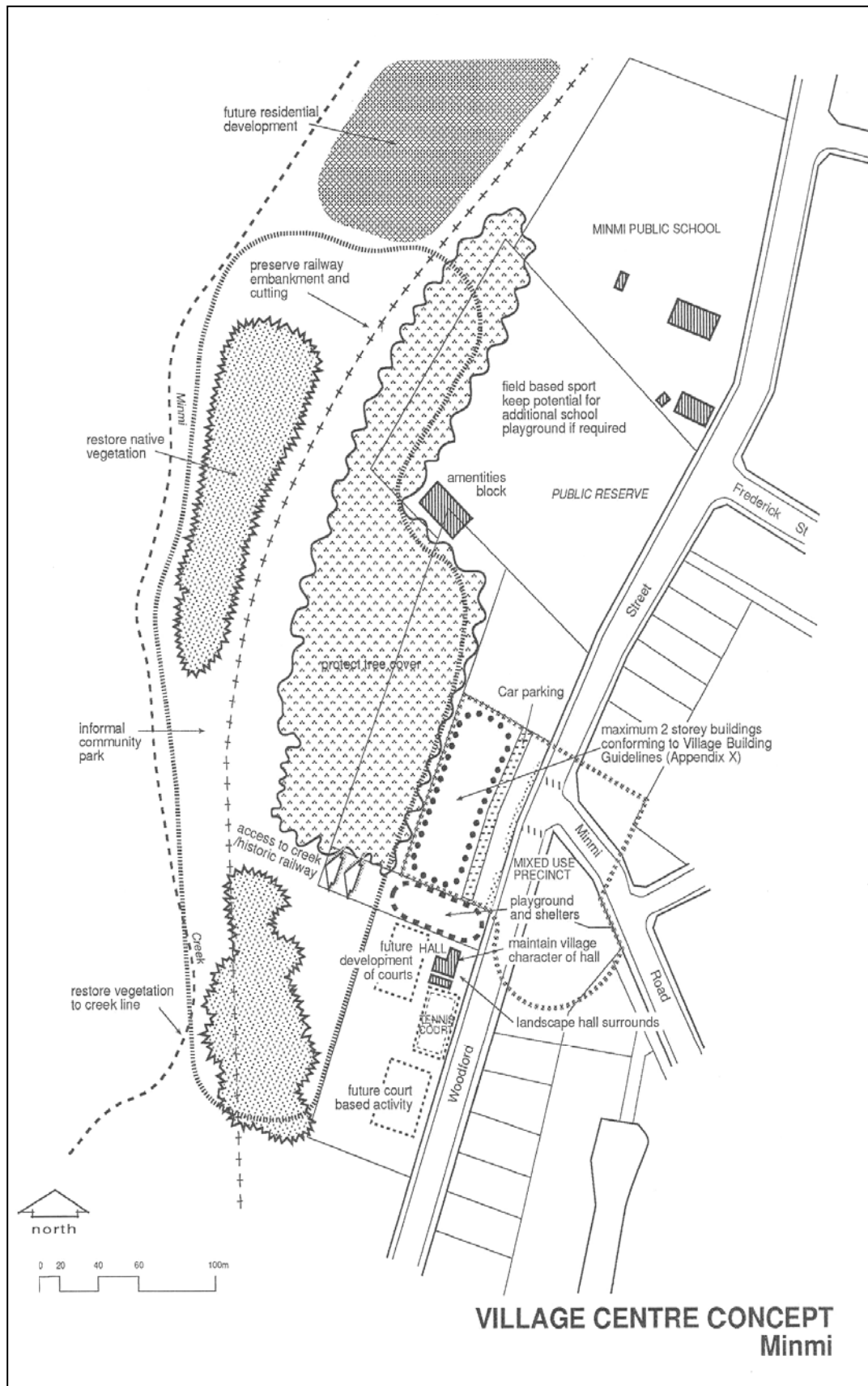


**Figure 1: Concept plan – urban structure**





**Figure 2: Village centre concept**





## 6.12.02 Landscape design

### A. Protection of bushland

#### *Objectives*

1. Ensure important areas of existing bushland are retained.

#### *Controls*

1. Development to comply with Section 7.02 Landscaping, Open Space and Visual Amenity.
2. Corridors of natural bushland are retained along main roads at the approaches to the village (minimum width of 50-100 metres) as identified on the landscape concept plan.
3. Other areas of bushland may be required for the purpose of maintaining fauna habitat and wildlife corridors or to provide visual buffers, including the Back Creek system to the east of the village which provides links to Summerhill.
4. Bushland is maintained in contiguous blocks.
5. Previously degraded and eroded land within the Minmi area should be rehabilitated with appropriate revegetation.

### B. Gateway

#### *Objectives*

1. Establish a gateway to the village.

#### *Controls*

1. Use feature planting, signage and controlled views, to create a sense of arrival and to delineate the unique character and to reinforce the distinctiveness of the village to other urban development and surrounding bushland.

### C. Landscaping in vicinity of heritage items

#### *Objectives*

1. Ensure appropriate landscaping in the context of heritage items.

#### *Controls*

1. Existing bushland around the cemetery is to be retained and extended where possible to retain a minimum width of 50-100m of vegetation to the northern, southern and eastern side boundaries of the cemetery. This is to screen views to and from the cemetery and residential areas to protect the scenic quality of the cemetery.
2. A conservation study will determine the landscaping improvements within and at close proximity to the cemetery.



3. Views to identified heritage items are maintained where possible. However, screen planting may be introduced where necessary to prevent inappropriate views to and from incompatible land uses which may detract from the sense of place or to control views to enhance the heritage aspects of a place.

## **D. Traffic control**

### **Objectives**

1. Facilitate traffic safety.

### **Controls**

1. As the area develops, it may be necessary to introduce traffic control devices within the village to promote safety, restrict fast moving traffic and enhance village character.

## **E. Biological diversity**

### **Objectives**

1. Support habitat in and around Minmi for native flora and fauna.

### **Controls**

1. As far as possible corridor linkages are maintained to other areas of remnant native vegetation within Newcastle city, and the adjoining local government areas of Cessnock and Lake Macquarie.
2. Where possible remnants are preserved to ensure access for future management by providing adequate area/perimeter ratios so long narrow strips and isolated parcels are avoided.
3. Native habitat is to be maintained and/or regenerated along major drainage lines such as Minmi Creek with a minimum width of vegetation of at least 50m from either side of the creek banks. The final width is to be determined by site considerations.
4. Bushland corridor linkages have a minimum width of 100m and enable self sustaining ecosystems to be maintained on the land as far as possible.
5. Regeneration of trees should be undertaken along wetland fringes to provide fauna habitat. Within bushland areas, there should be retention and enhancement of fauna habitat (including retaining dead trees, fallen logs, leaf litter, etc).



## **F. Contaminated land and land stability**

### ***Objectives***

1. Support habitat in and around Minmi for native flora and fauna.

### ***Controls***

1. Development to comply with Section 5.02 Land Contamination.
2. Measures are taken to assess the nature of any contamination or effect and take remedial action where necessary, having particular regard for past mining and filling activities that have occurred in the area.



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## 6.13 Precinct Maps

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	17/07/2012	30/07/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all residential zoned land under Newcastle Local Environmental Plan 2012.

### Development (type/s) to which this section applies

This section applies to residential accommodation as defined within Newcastle Local Environmental Plan 2012.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 3.02 Single Dwellings
- 3.03 Dual Occupancy and Semi-Detached Dwellings
- 3.04 Attached Dwellings and Multi-Dwelling Housing
- 3.05 Residential Flat Buildings



### **Associated technical manual/s**

- Nil

### **Additional information**

- Newcastle Urban Strategy – Update 2009
- Newcastle Urban Strategy Background Report – Update 2009
- Residential Flat Design Code 2002
- Lower Hunter Regional Strategy 2006

### **Definitions**

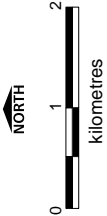
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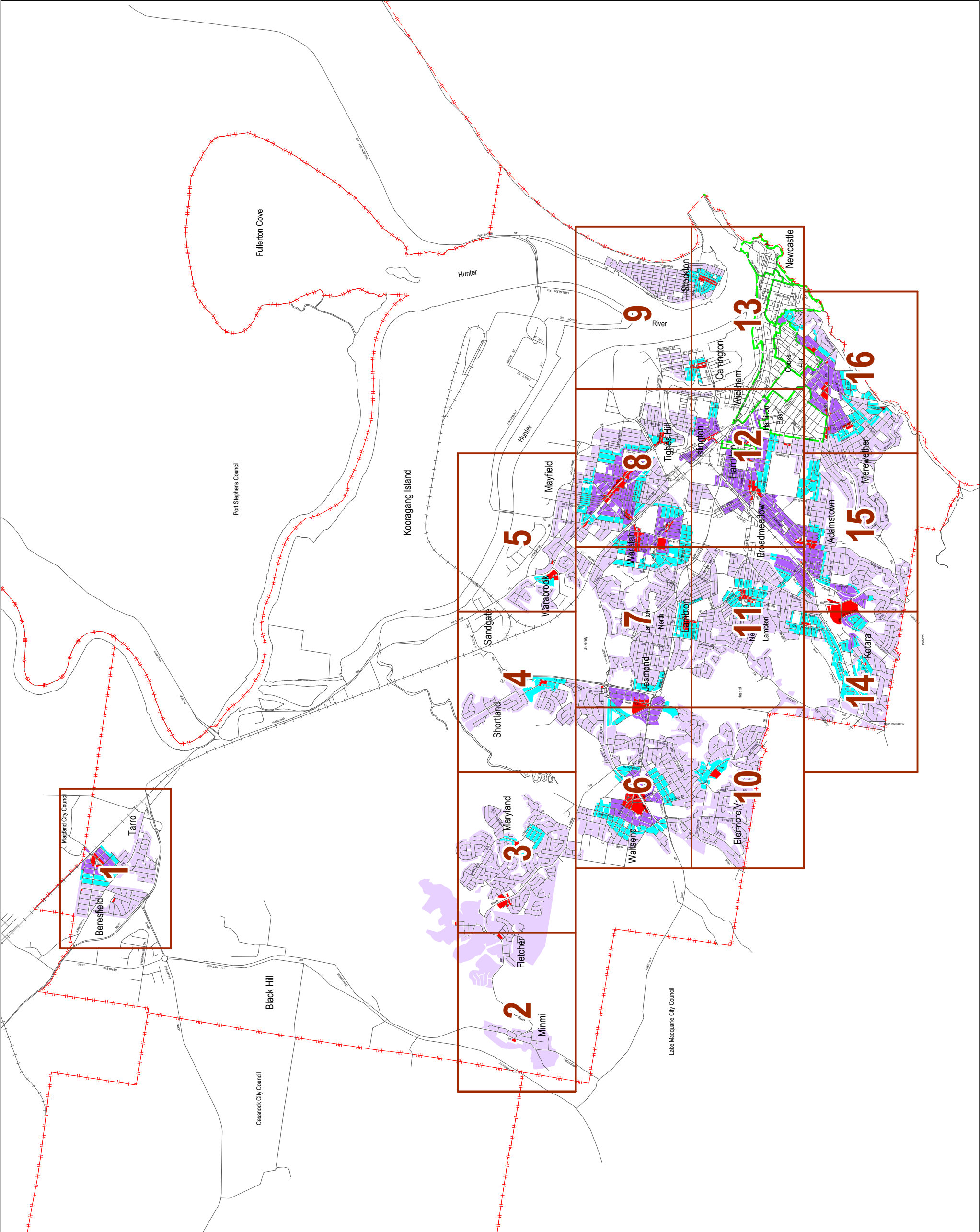
PRECINCT MAP KEY  
November 2009

- Precincts**
- Substantial Growth Precinct
  - Moderate Growth Precinct
  - Limited Growth Precinct
  - Business Precinct
  - Heritage Conservation Area
  - Not zoned residential and/or outside study area



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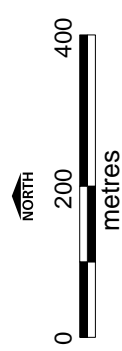
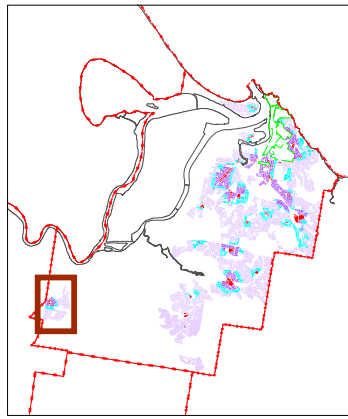
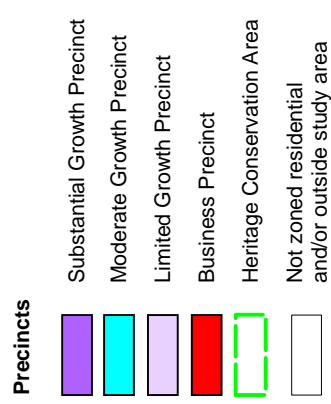
PLEASE NOTE:  
Precinct boundaries are indicative only  
Map Created: 20 November 2009  
Source: NCC Data







# Beresfield



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**PLEASE NOTE:**  
Precinct boundaries are indicative only

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Source: NCC Data

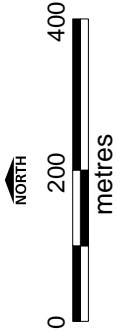
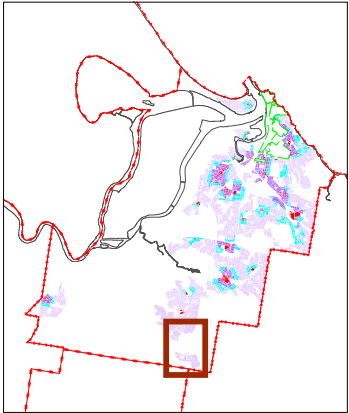




**PRECINCT MAP 2**  
November 2009

**Precincts**

- Substantial Growth Precinct
- Moderate Growth Precinct
- Limited Growth Precinct
- Business Precinct
- Heritage Conservation Area
- Not zoned residential and/or outside study area

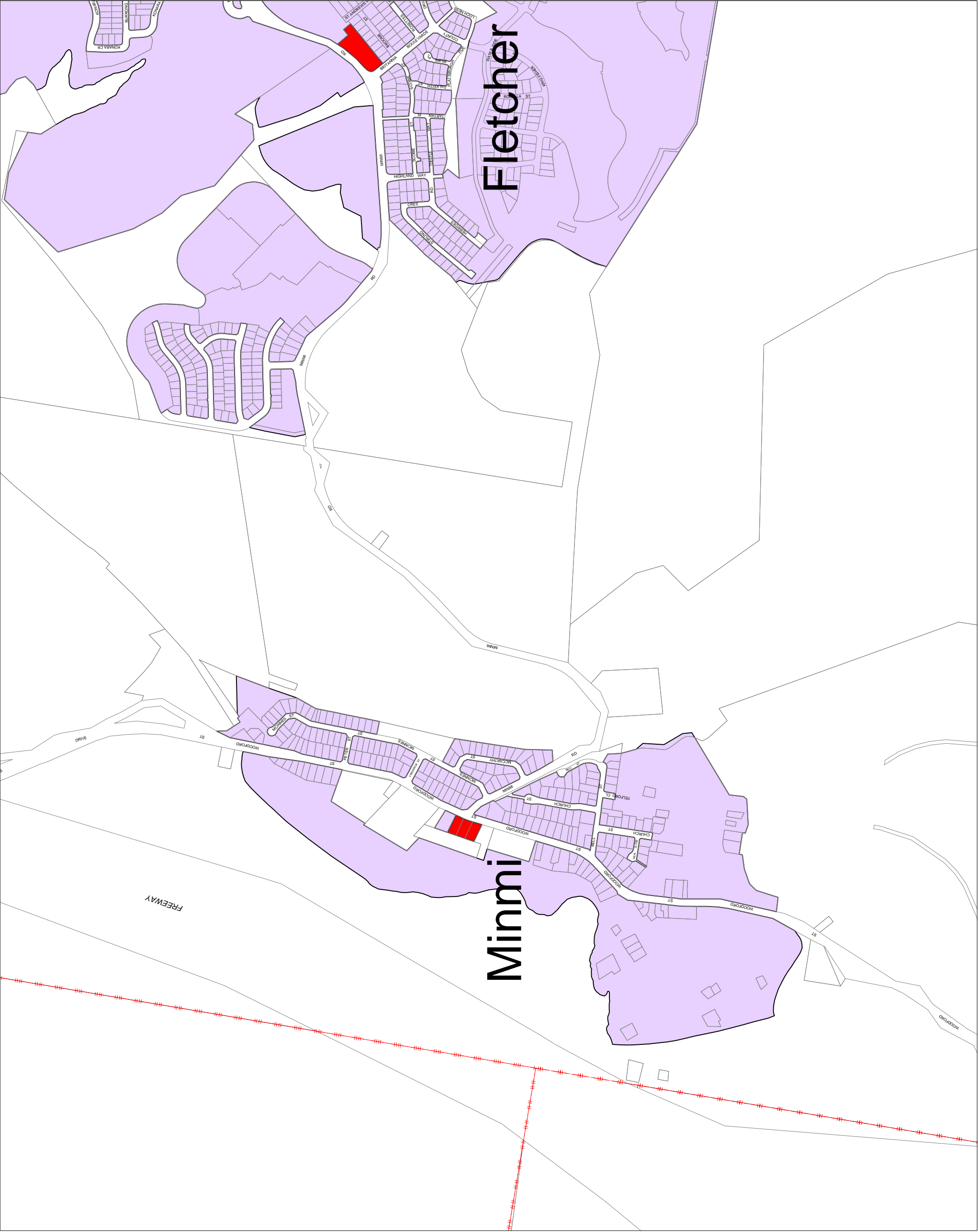


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PLEASE NOTE:  
Precinct boundaries are indicative only  
Map Created: 20 November 2009  
Source: NCC Data

**Fletcher**

**Minmi**

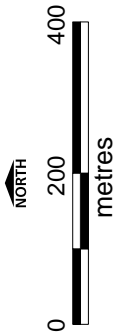
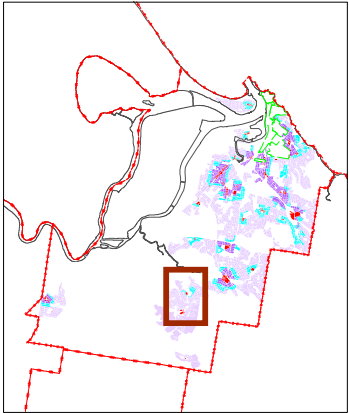






**PRECINCT MAP 3**  
November 2009

- Precincts**
- Substantial Growth Precinct
  - Moderate Growth Precinct
  - Limited Growth Precinct
  - Business Precinct
  - Heritage Conservation Area
  - Not zoned residential and/or outside study area



PLEASE NOTE:  
Precinct boundaries are indicative only  
Map Created: 20 November 2009  
Source: NCC Data

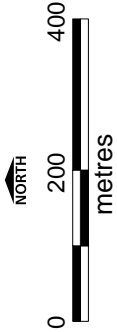
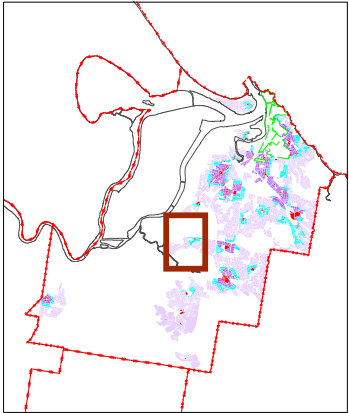
Maryland





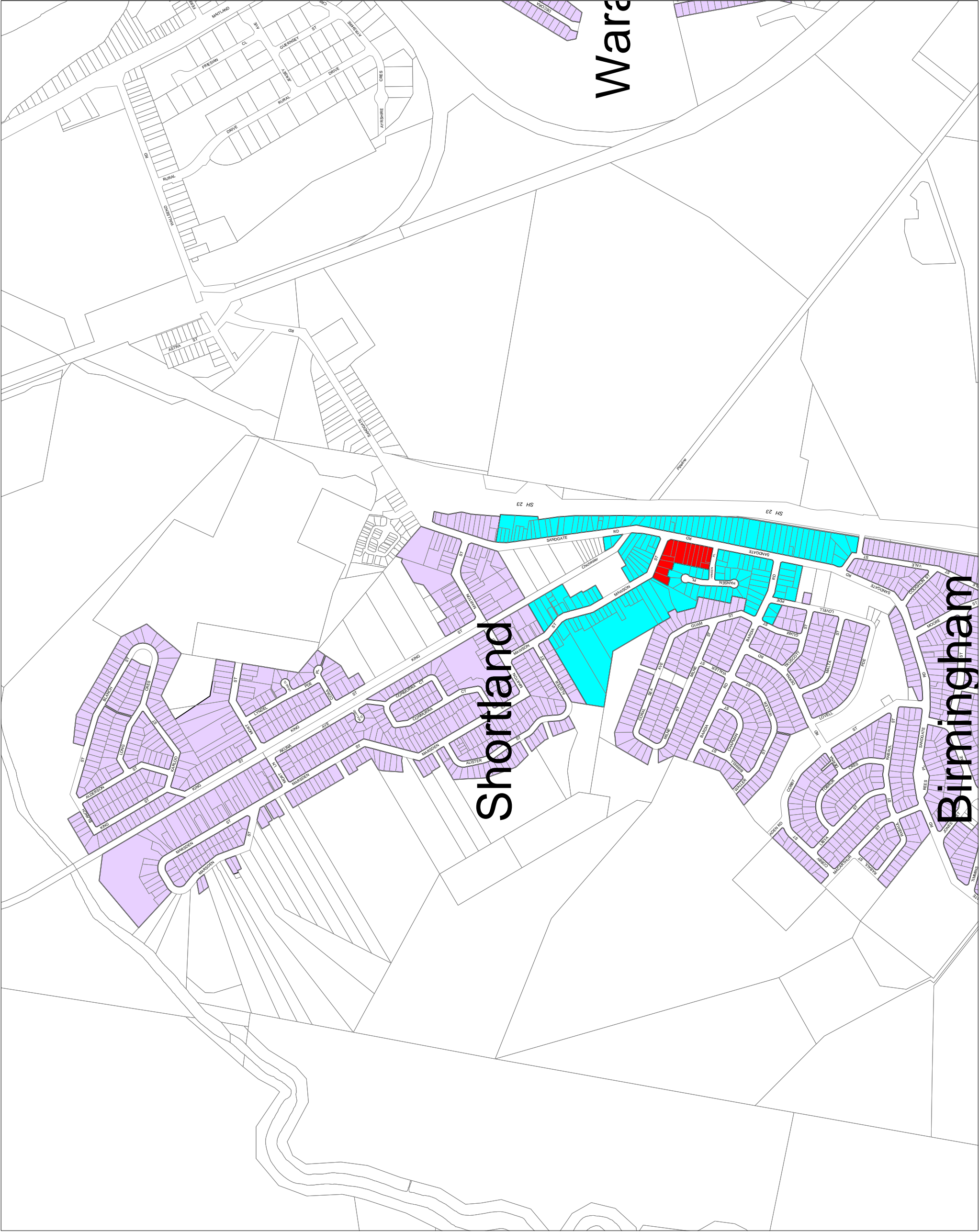
**PRECINCT MAP 4**  
November 2009

- Precincts**
- Substantial Growth Precinct
  - Moderate Growth Precinct
  - Limited Growth Precinct
  - Business Precinct
  - Heritage Conservation Area
  - Not zoned residential and/or outside study area



Scale 1:10000 @ A3

PLEASE NOTE:  
Precinct boundaries are indicative only  
Map Created: 20 November 2009  
Source: NCC Data



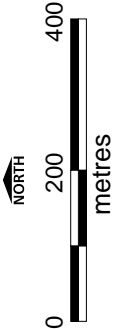
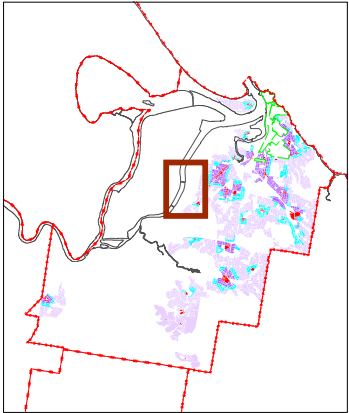




**PRECINCT MAP 5**  
November 2009

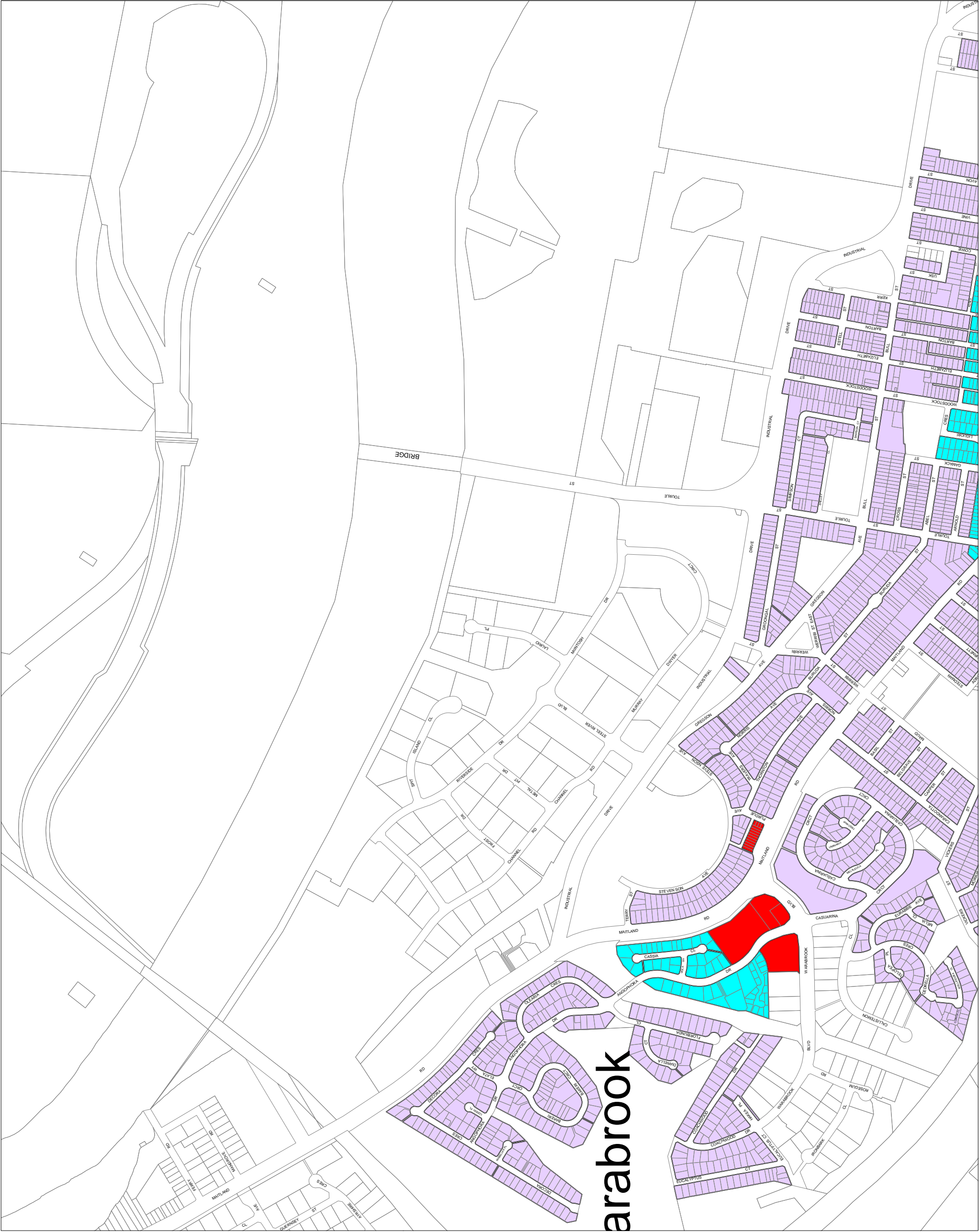
**Precincts**

- Substantial Growth Precinct
- Moderate Growth Precinct
- Limited Growth Precinct
- Business Precinct
- Heritage Conservation Area
- Not zoned residential and/or outside study area



Scale 1:10000 @ A3

PLEASE NOTE:  
Precinct boundaries are indicative only  
Map Created: 20 November 2009  
Source: NCC Data

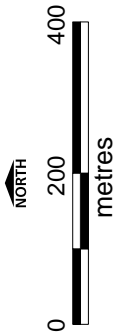
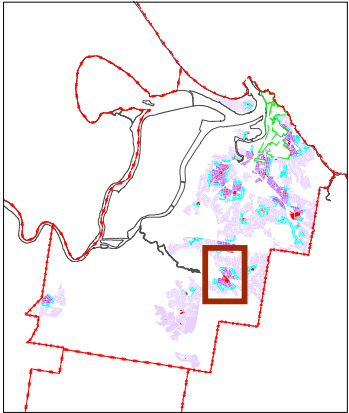






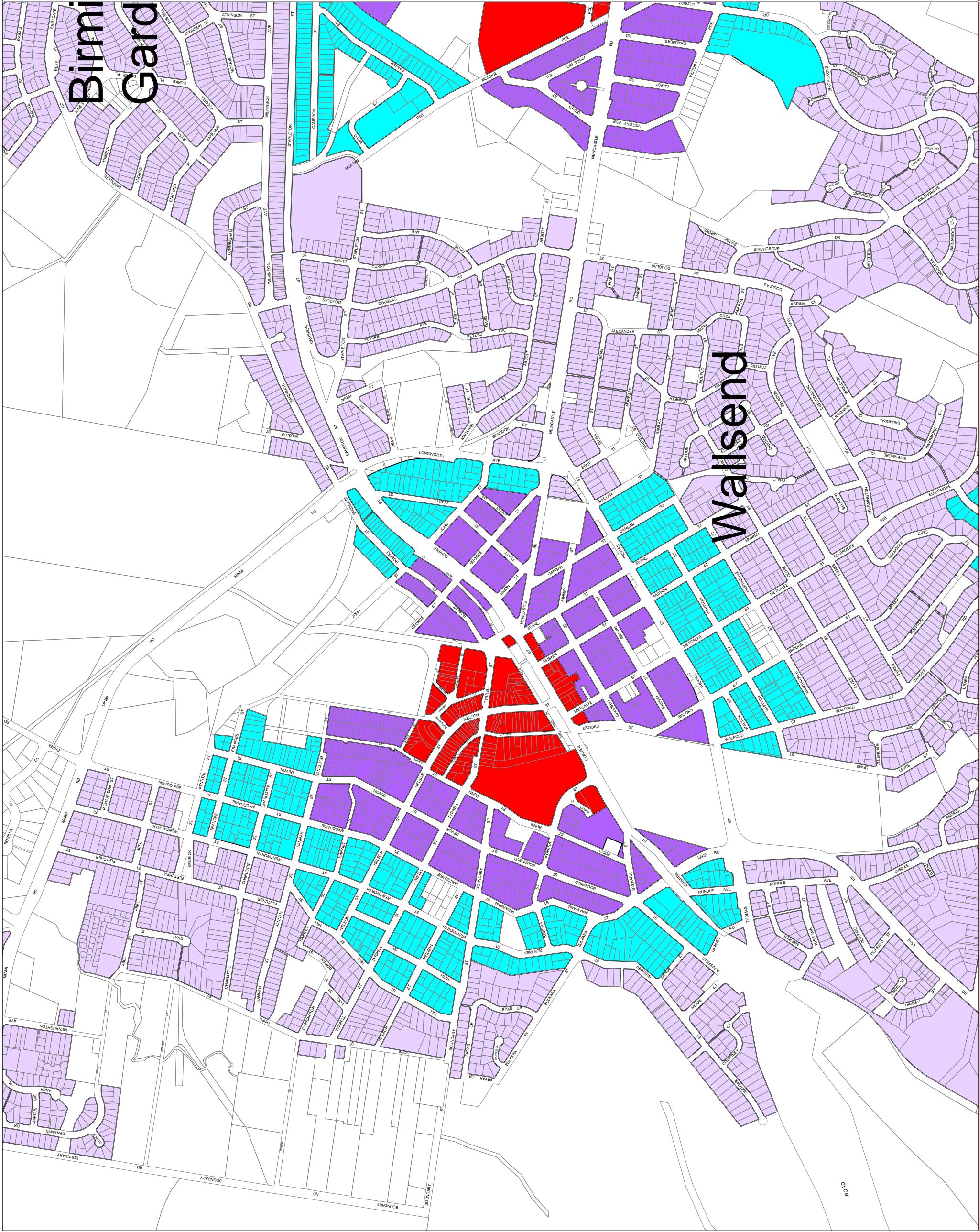
**PRECINCT MAP 6**  
November 2009

- Precincts**
- Substantial Growth Precinct
  - Moderate Growth Precinct
  - Limited Growth Precinct
  - Business Precinct
  - Heritage Conservation Area
  - Not zoned residential and/or outside study area



Scale 1:10000 @ A3

PLEASE NOTE:  
Precinct boundaries are indicative only  
Map Created: 20 November 2009  
Source: NCC Data



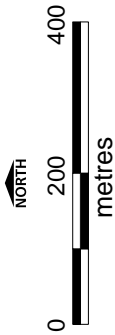
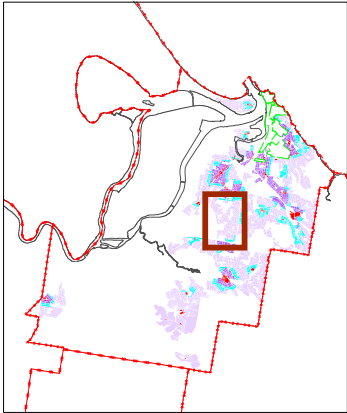




PRECINCT MAP 7  
November 2009

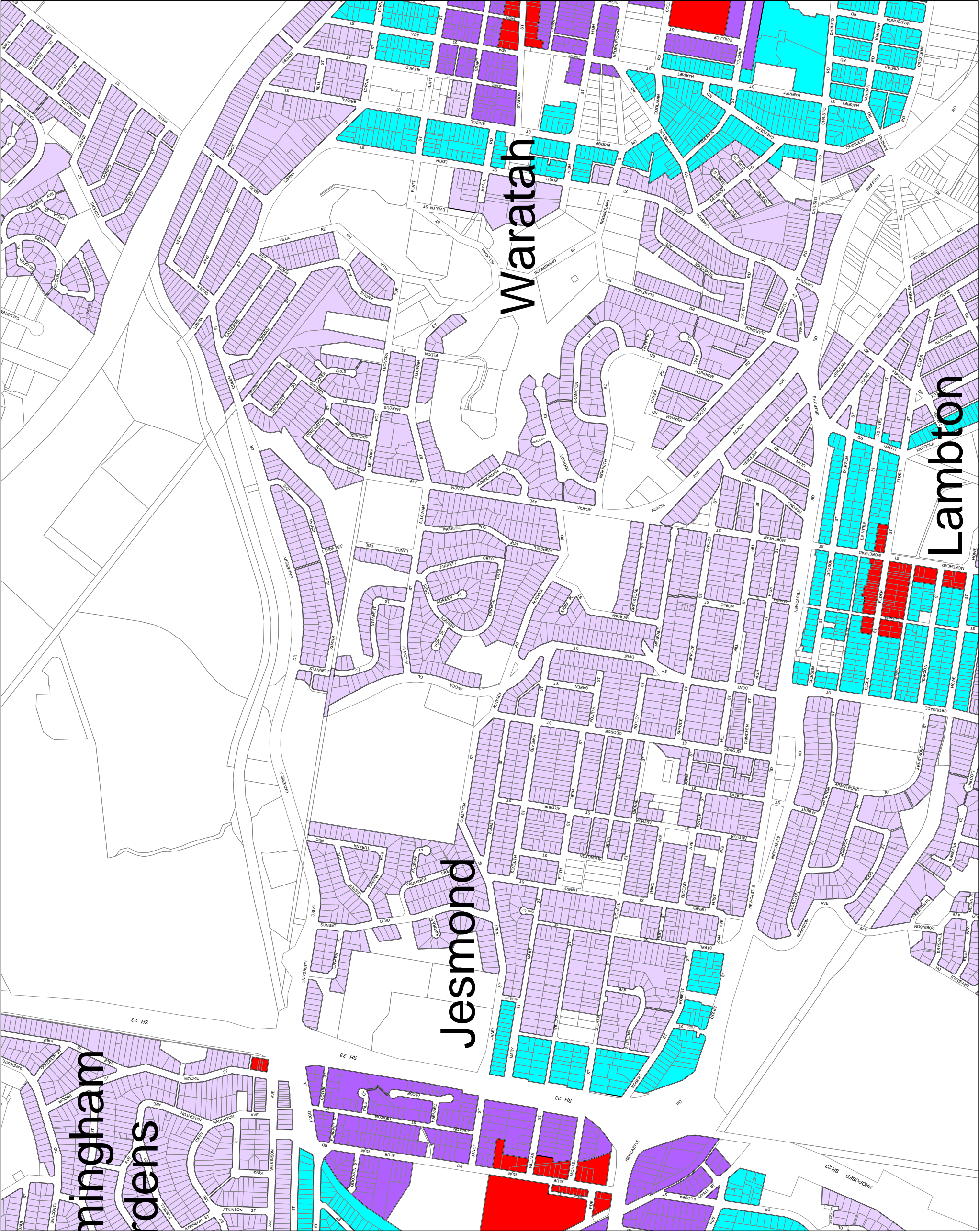
Precincts

- Substantial Growth Precinct
- Moderate Growth Precinct
- Limited Growth Precinct
- Business Precinct
- Heritage Conservation Area
- Not zoned residential and/or outside study area



Scale 1:10000 @ A3

PLEASE NOTE:  
Precinct boundaries are indicative only  
Map Created: 20 November 2009  
Source: NCC Data



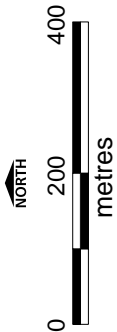
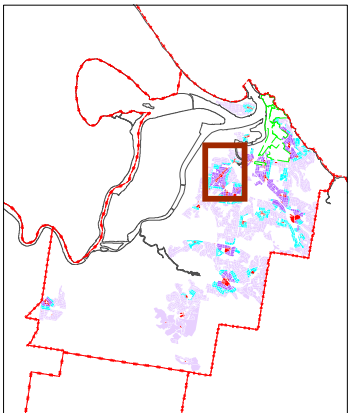




PRECINCT MAP 8  
November 2009

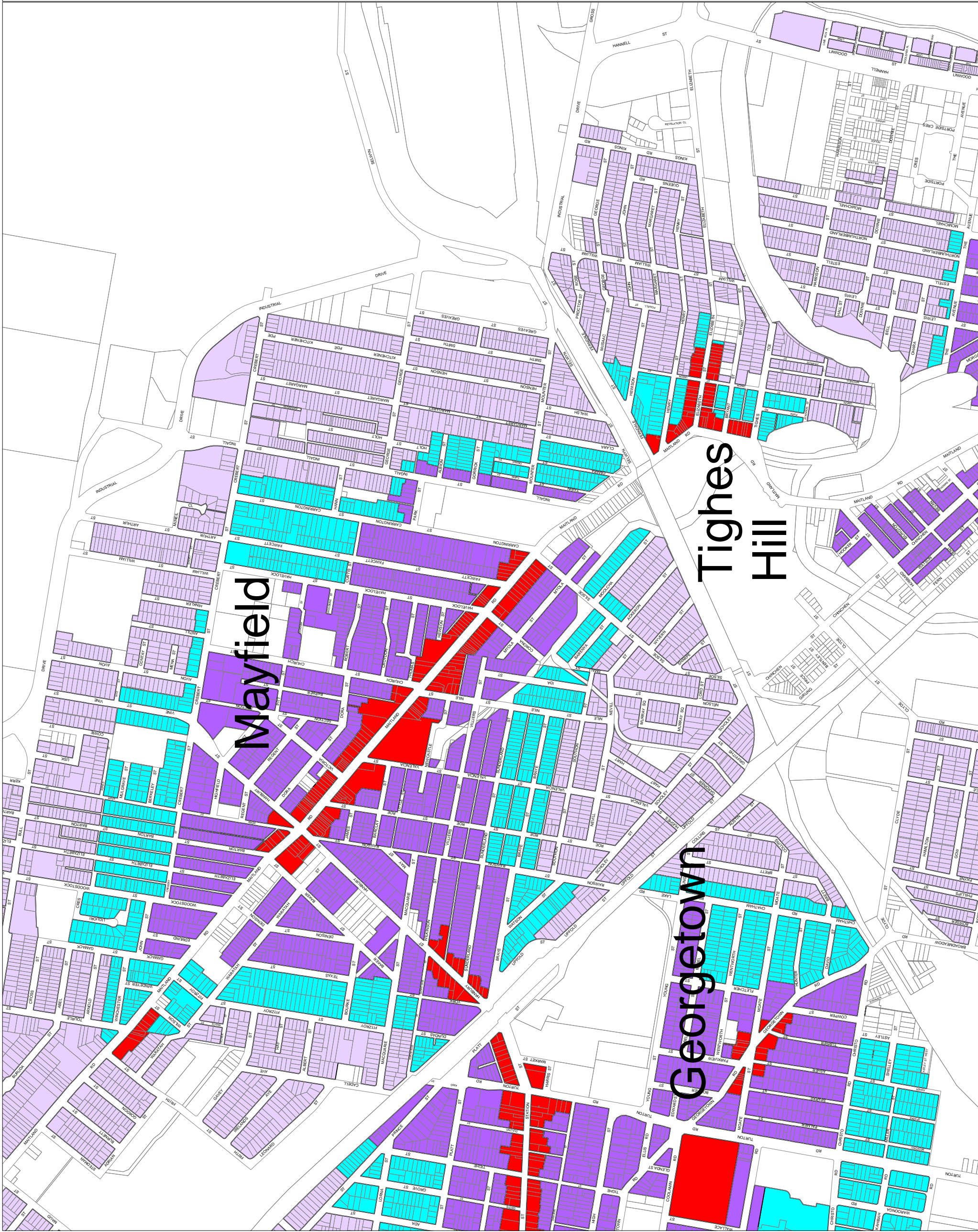
Precincts

- Substantial Growth Precinct
- Moderate Growth Precinct
- Limited Growth Precinct
- Business Precinct
- Heritage Conservation Area
- Not zoned residential and/or outside study area



Scale 1:10000 @ A3

PLEASE NOTE:  
Precinct boundaries are indicative only  
Map Created: 20 November 2009  
Source: NCC Data



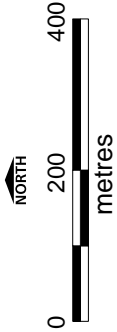
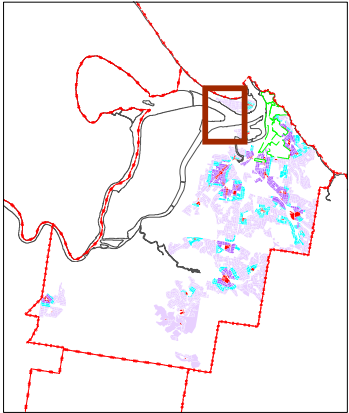
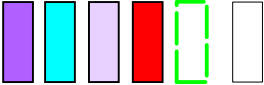




**PRECINCT MAP 9**  
November 2009

**Precincts**

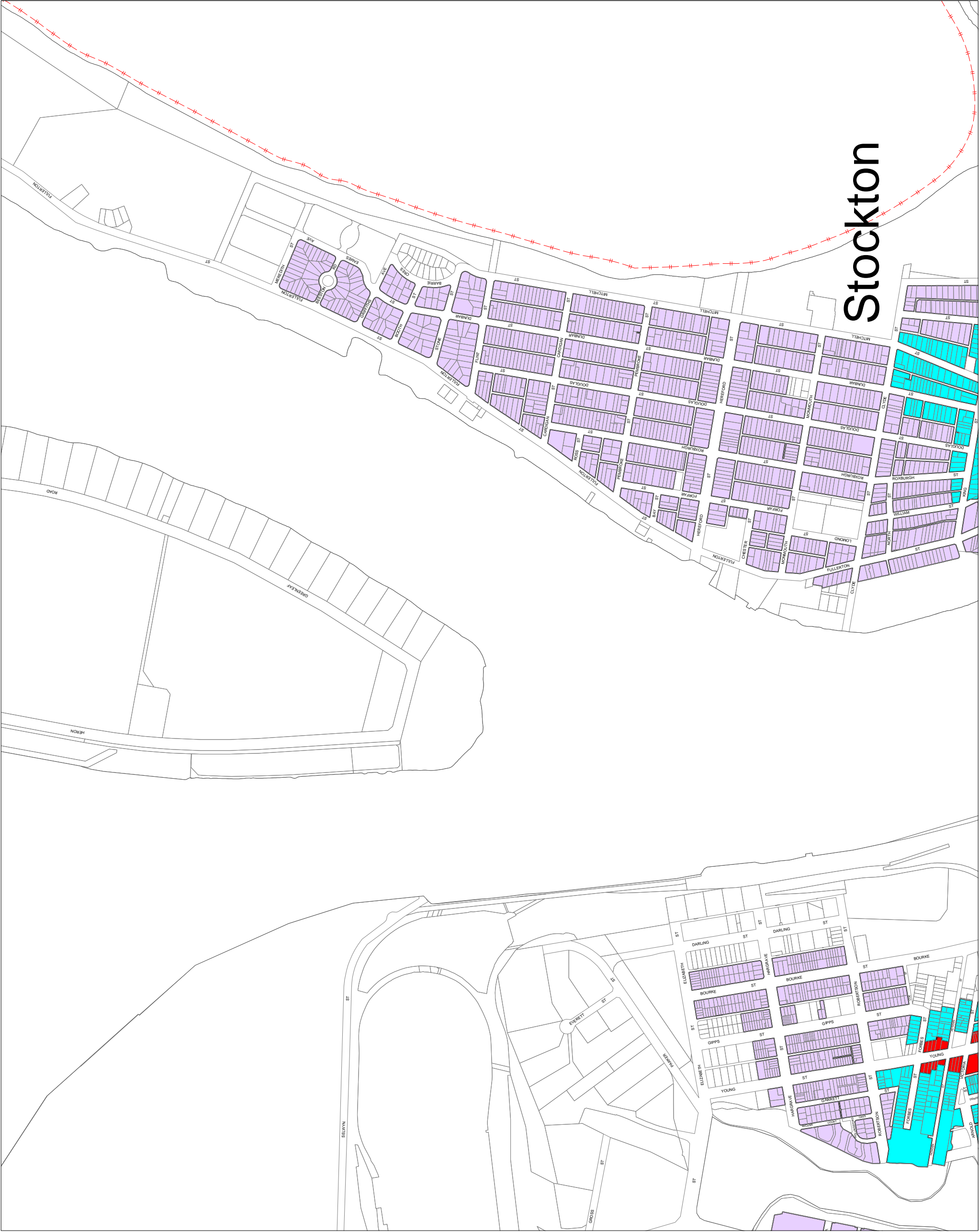
- Substantial Growth Precinct
- Moderate Growth Precinct
- Limited Growth Precinct
- Business Precinct
- Heritage Conservation Area
- Not zoned residential and/or outside study area



Scale 1:10000 @ A3

PLEASE NOTE:  
Precinct boundaries are indicative only  
Map Created: 20 November 2009  
Source: NCC Data

# Stockton

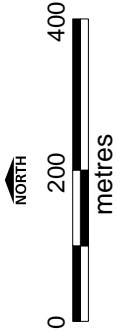
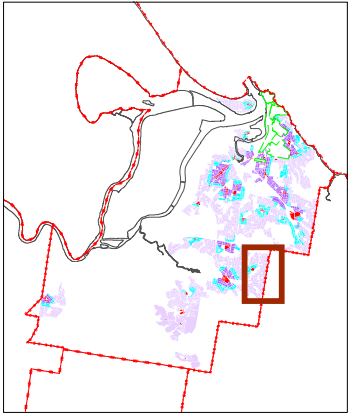
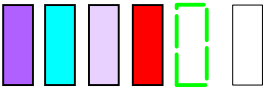






**PRECINCT MAP 10**  
November 2009

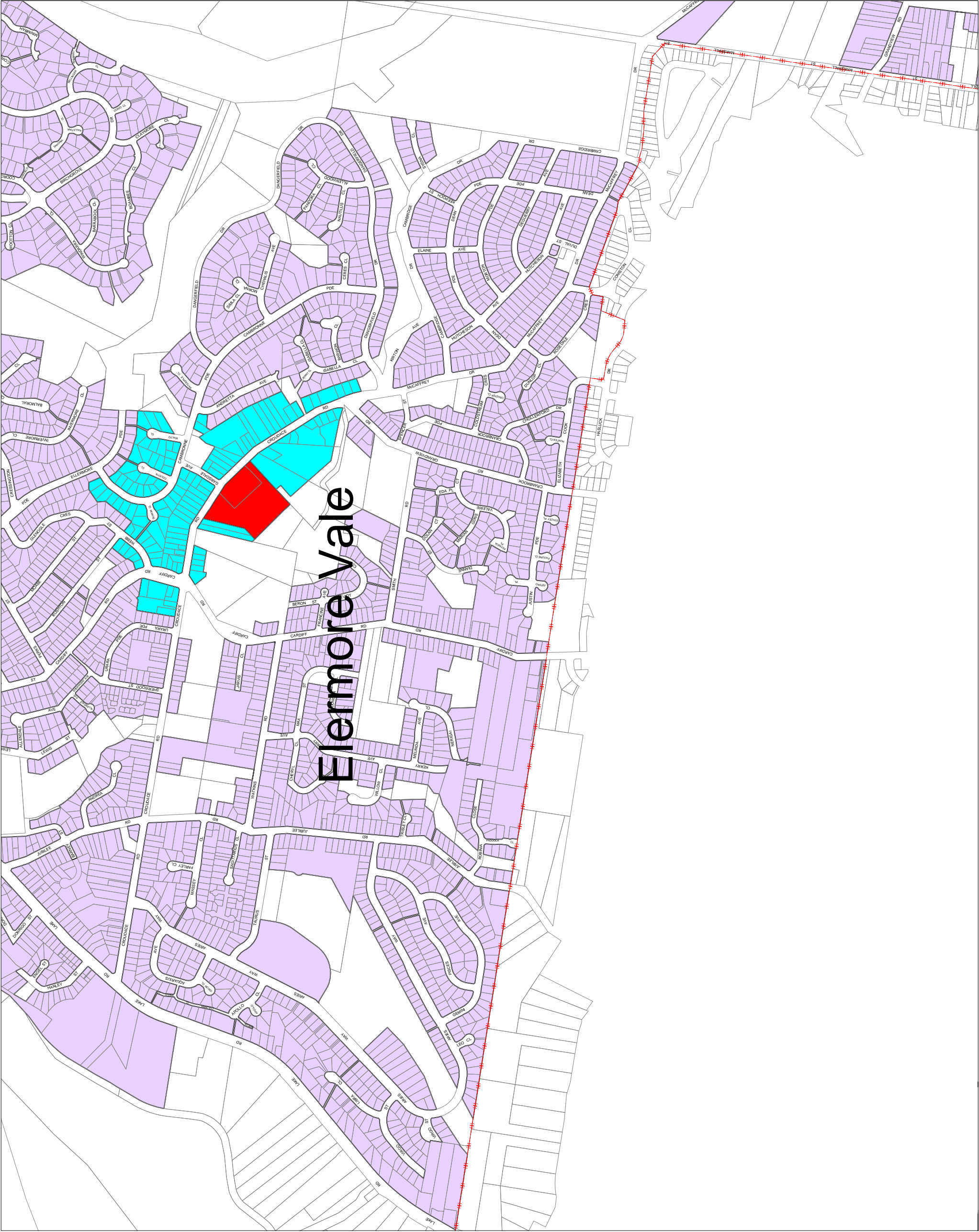
**Precincts**



Scale 1:10000 @ A3

PLEASE NOTE:  
Precinct boundaries are indicative only  
Map Created: 20 November 2009  
Source: NCC Data

# Elernmore Vale

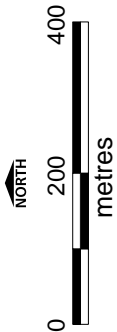
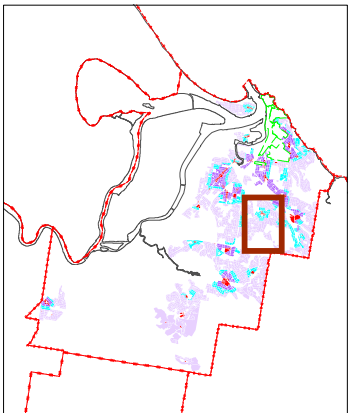






PRECINCT MAP 11  
November 2009

Precincts



Scale 1:10000 @ A3

PLEASE NOTE:  
Precinct boundaries are indicative only  
Map Created: 20 November 2009  
Source: NCC Data

Lambton

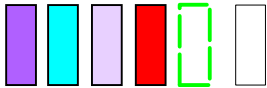
New Lambton  
Heights



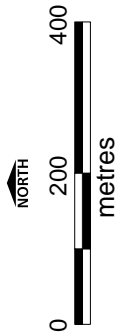
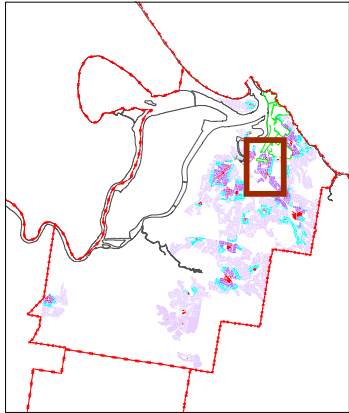


**PRECINCT MAP 12**  
November 2009

**Precincts**

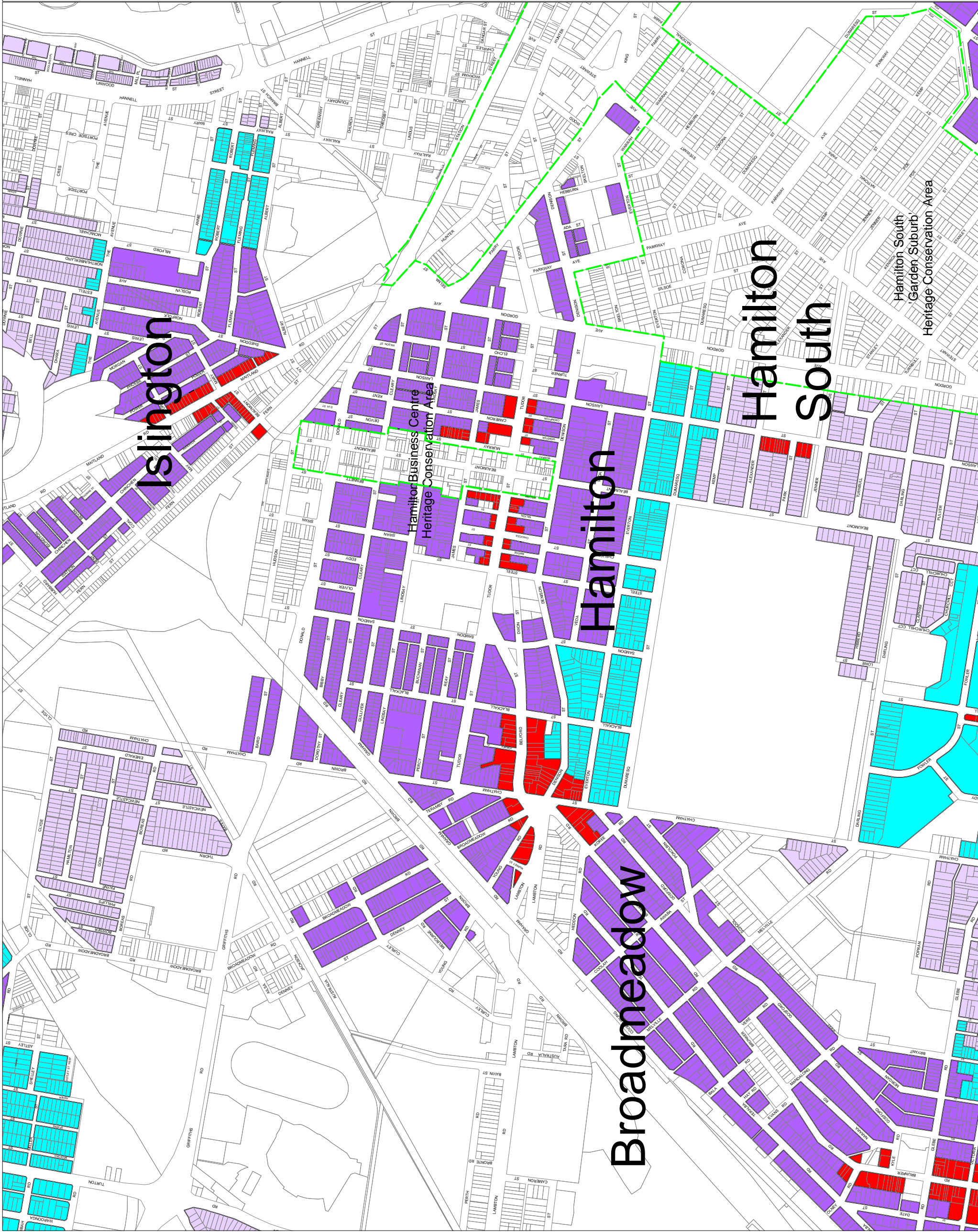


- Substantial Growth Precinct
- Moderate Growth Precinct
- Limited Growth Precinct
- Business Precinct
- Heritage Conservation Area
- Not zoned residential and/or outside study area

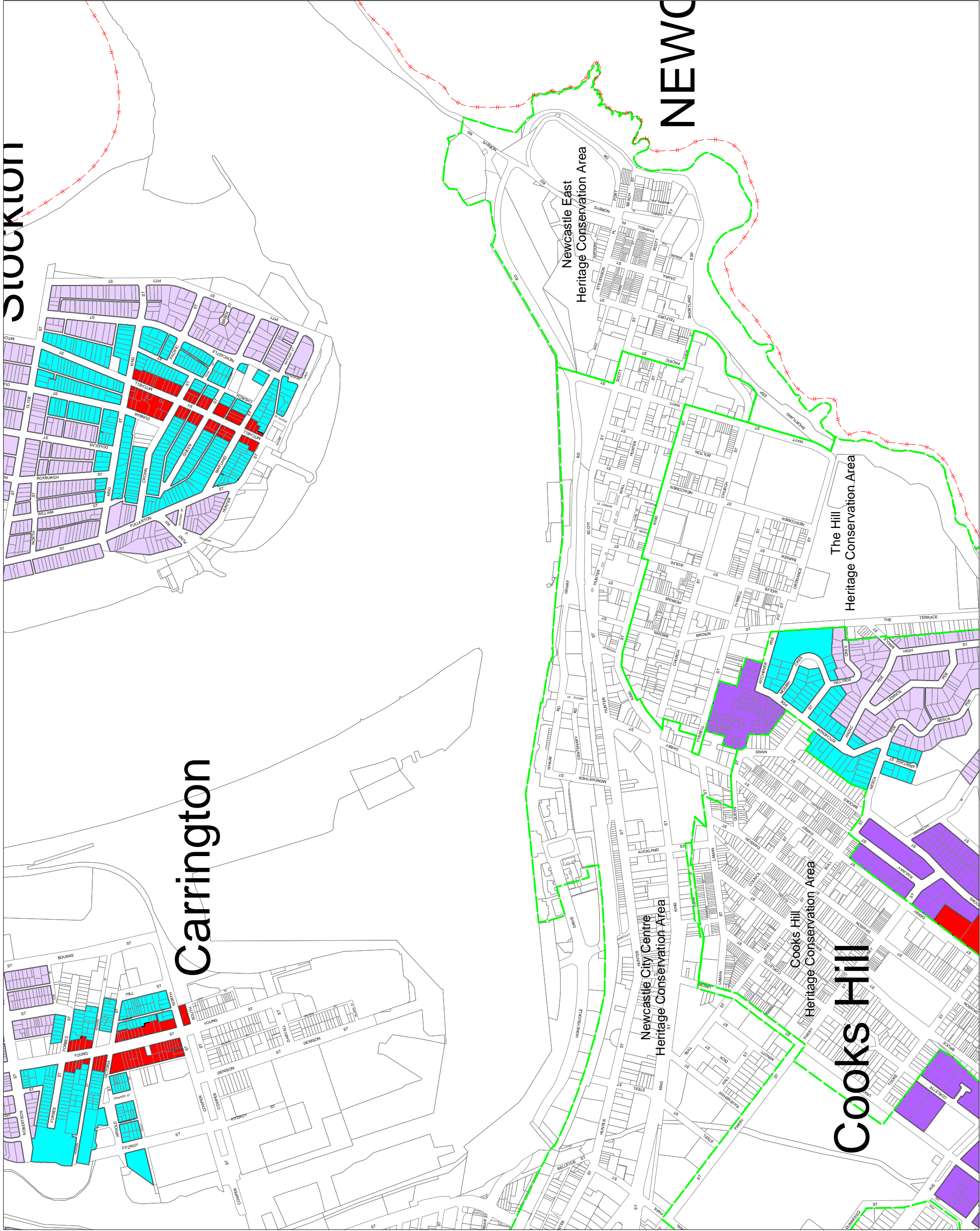


Scale 1:10000 @ A3

PLEASE NOTE:  
Precinct boundaries are indicative only  
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Source: NCC Data

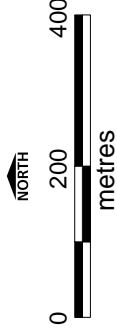
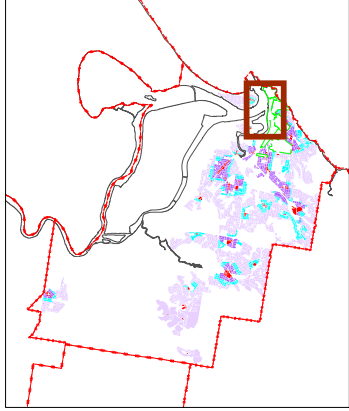






PRECINCT MAP 13  
November 2009

- Precincts**
- Substantial Growth Precinct
  - Moderate Growth Precinct
  - Limited Growth Precinct
  - Business Precinct
  - Heritage Conservation Area
  - Not zoned residential and/or outside study area



Scale 1:10000 @ A3

PLEASE NOTE:  
Precinct boundaries are indicative only

Map Created: 20 November 2009  
Source: NCC Data

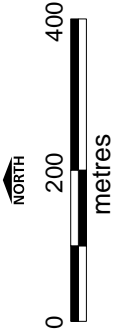
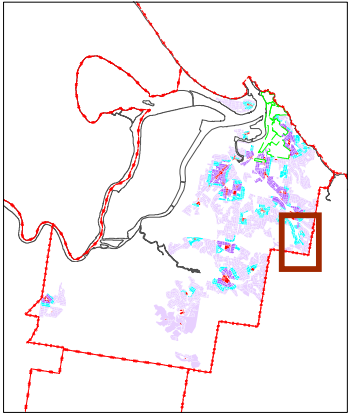




**PRECINCT MAP 14**  
November 2009

**Precincts**

- Substantial Growth Precinct
- Moderate Growth Precinct
- Limited Growth Precinct
- Business Precinct
- Heritage Conservation Area
- Not zoned residential and/or outside study area



Scale 1:10000 @ A3

PLEASE NOTE:  
Precinct boundaries are indicative only  
Map Created: 20 November 2009  
Source: NCC Data

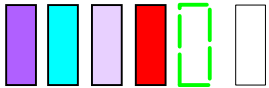
Kotara



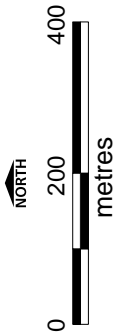
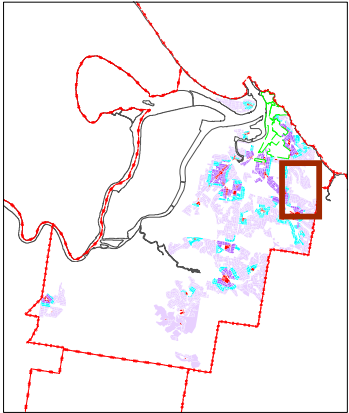


**PRECINCT MAP 15**  
November 2009

**Precincts**



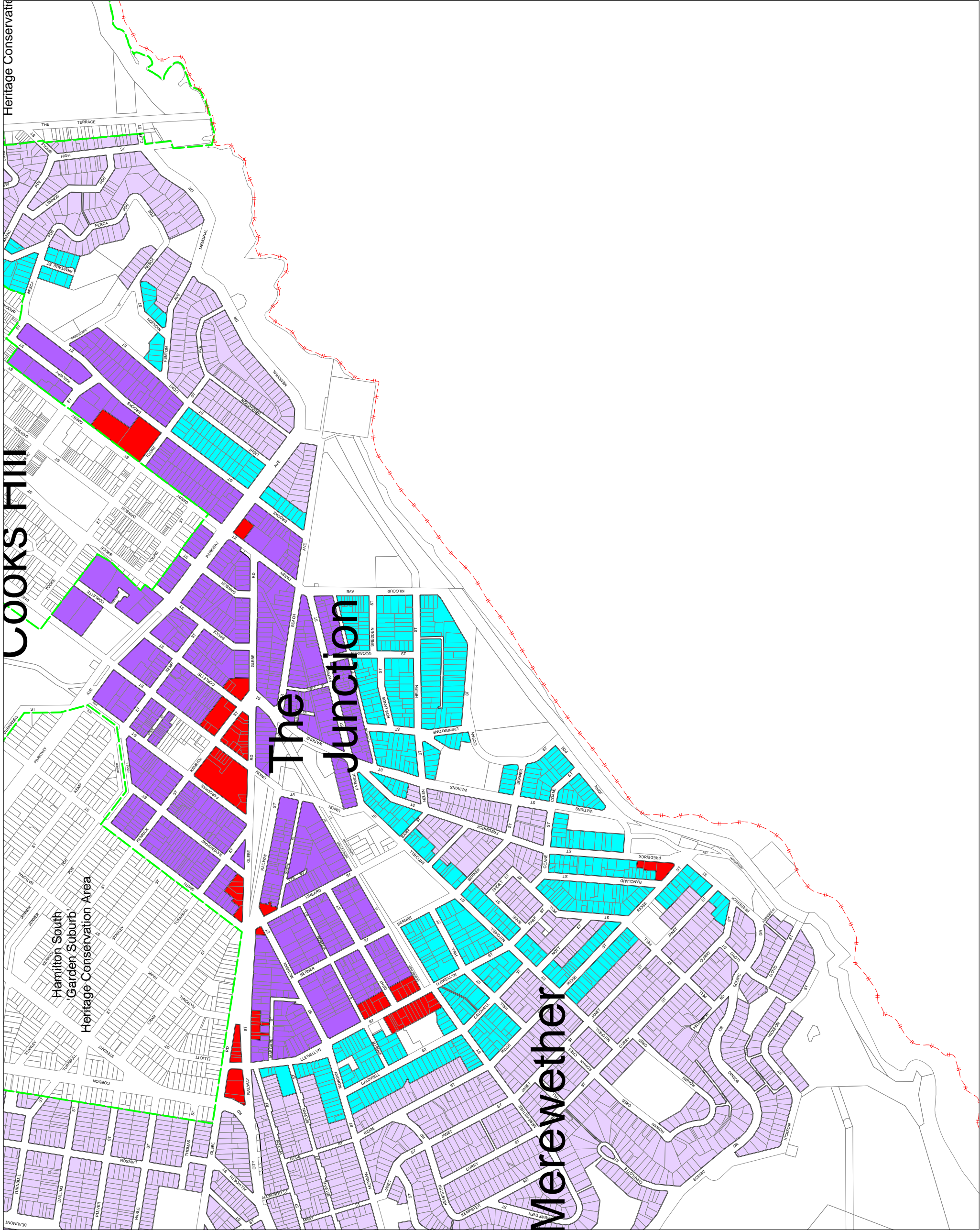
**Adamstown**



Scale 1:10000 @ A3

PLEASE NOTE:  
Precinct boundaries are indicative only  
Map Created: 20 November 2009  
Source: NCC Data



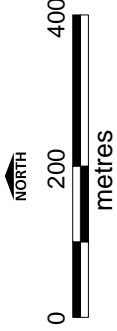
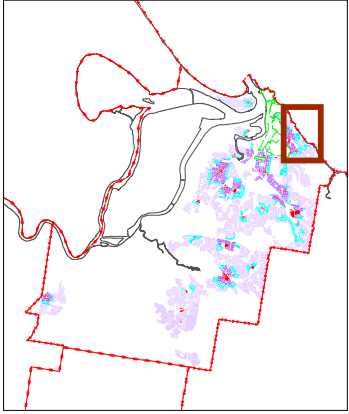


# PRECINCT MAP 16

November 2009

## Precincts

- Substantial Growth Precinct
- Moderate Growth Precinct
- Limited Growth Precinct
- Business Precinct
- Heritage Conservation Area
- Not zoned residential and/or outside study area



Scale 1:10000 @ A3

PLEASE NOTE:  
Precinct boundaries are indicative only  
Map Created: 20 November 2009  
Source: NCC Data



## 6.14 11 Mosbri Crescent, The Hill

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	24/10/2017	17/04/2018	New

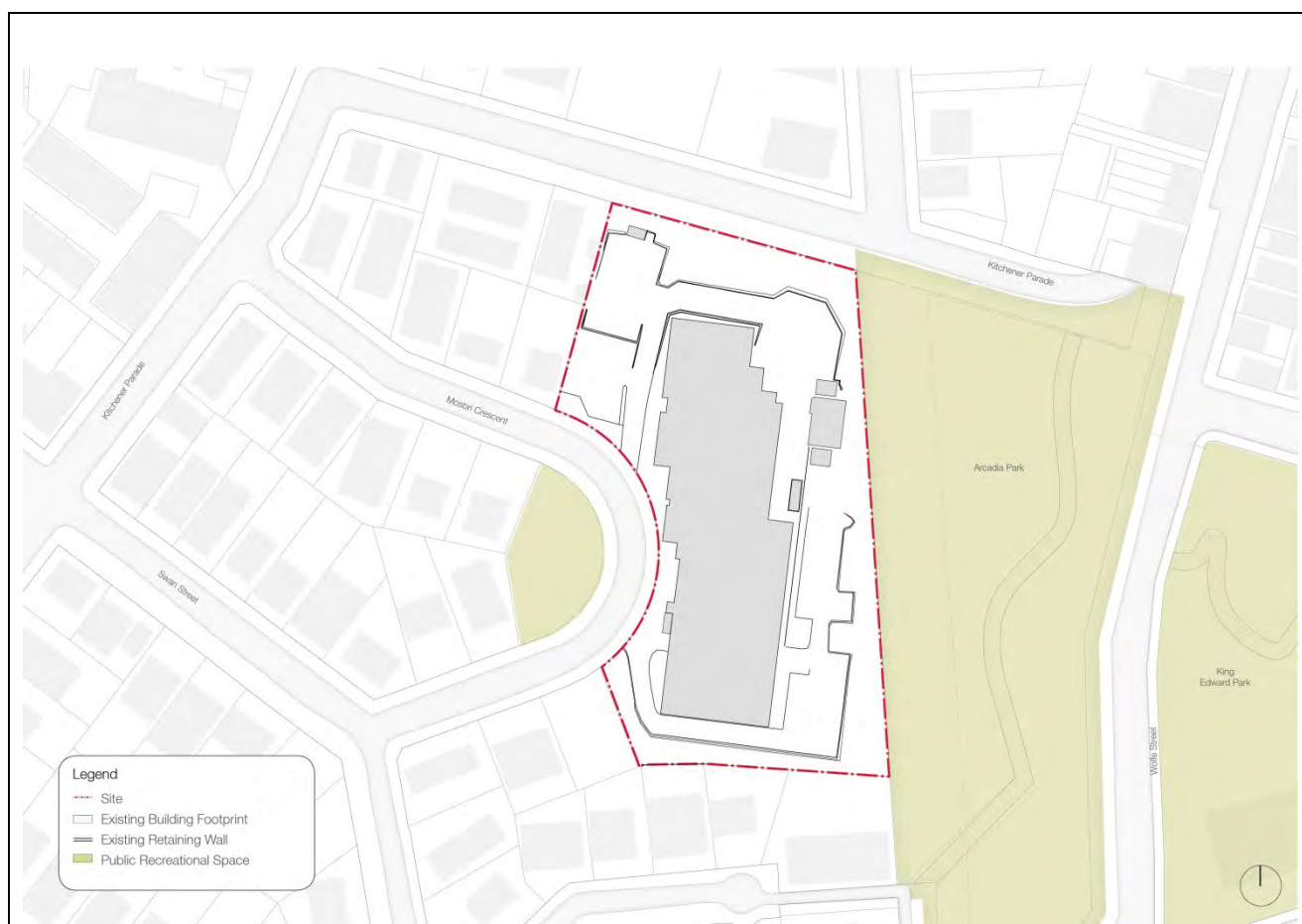
### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to land identified in **Map 1 – 11 Mosbri Crescent, The Hill**:

#### Map 1 – 11 Mosbri Crescent, The Hill





## Development (type/s) to which this section applies

This section applies to all development consisting:

- new buildings or structures

## Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy No 71 – Coastal Protection.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instruments will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 3.00 Any applicable landuse specific provision under Part 3.00

Note: Any inconsistency between the locality specific provision and a provision in the following sections, the locality specific provision will prevail to the extent of the inconsistency.

- 4.02 Bush Fire Protection – within mapped bush fire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 4.04 Safety and Security
- 7.01 Building Design Criteria
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.05 Social Impact – where required under ‘Social Impact Assessment Policy for Development Applications’, 1999
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal Heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 6.02 Heritage Conservation Areas – known conservation area



- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required.

### Associated technical manual/s

- Nil

### Additional information

- Urban Design Study - 11 Mosbri Crescent, The Hill (SJB Architects, 2016)

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary of this plan.

- **Human scale streetscape** - means a streetscape that is scaled for the pedestrian.
- **RFB** - Residential Flat Building

### Strategic overview

The site is situated on the western edge of a hill, the summit of which is the heritage listed Obelisk in King Edward Park. The topography across the site drops sharply from Arcadia Park and Kitchener Parade on the eastern and northern boundaries into a relatively flat basin in the central and eastern sections of the site where the current NBN studio buildings are located fronting Mosbri Crescent. Moving west of the site, topography continues to slope down towards Darby Street.

Future development on the site should provide for a range of housing typologies which is consistent with Council's Local Planning Strategy. The residential flat buildings are to be located on the northern and central section of the site and orientated on a north-south axis to maximise their sunlight, whilst also minimising overshadowing and impacts on the existing and proposed residential amenity. Residential terraces are to be located along the southern boundary of the site.

Future development on the site should be designed taking into account the significant changes in topography on the site to enable buildings to fit in with, and respect, the surrounding topography (including ridgelines), streetscapes, built form and heritage context.

### Aims of this section

1. To provide responsive and sustainable redevelopment of the site.
2. To ensure new development incorporates best practice principles and achieves a quality urban renewal outcome.
3. To ensure building orientation and footprints are designed to maximise solar access and allow for natural ventilation.
4. To allow for a sensitive transition of building height which responds to the surrounding built form, heritage and topography, including protection of ridgelines.



5. To provide a variety of housing typologies to provide interest to the site and to respond to topography.
6. To strengthen and reinforce the streetscapes of Mosbri Crescent and Kitchener Parade through human scaled streetscapes and well-defined landscape.
7. To increase the opportunity for pedestrian connections to local amenity beyond the site boundary including Arcadia Park, Mosbri Crescent Park and connections to services and transport.
8. To protect important views through building design and location.
9. To provide amenity and social inclusion through the provision of shared communal open space.
10. To incorporate the existing landscape to act as a buffer between the site and neighbouring sites.
11. To provide high amenity private open space in the form of balconies for apartments and rear gardens, courtyard spaces and upper level balconies for terrace houses.

### 6.14.01 Land use and development

#### *Objectives*

1. To ensure site layout and building typology supports the aims of this section.

#### *Controls*

##### General controls applying to all development to which this section applies

1. The preferred development layout and building typology for the Site is shown in **Map 2 – Preferred site layout plan and building typology**.

Note 1: "Despite the preferred development layout and building typology for the Site identified within this DCP, any development proposal on the land will need to demonstrate compliance with the minimum provision of Table A2.4 within 'Planning for Bush fire Protection 2006' (or successive guidelines) with respect to the provision of Asset Protection Zones."



**Map 2 – Preferred Site layout plan and building typology**





## 6.14.02 Building form

### A. Floor space ratios

#### *Objectives*

1. To provide an appropriate density of development consistent with the established centres hierarchy.
2. Ensure building density, bulk and scale makes a positive contribution towards the desired built form of the locality as identified by the Local Planning Strategy, including the established centres hierarchy.
3. Encourage built form and massing of development that contributes to increased residential density and reflects the intended building typologies.

#### *Controls*

#### General controls applying to all development to which this section applies

1. Refer to Newcastle Local Environmental Plan 2012 for floor space ratio controls.

### B. Height

#### *Objectives*

1. Ensure the scale of development enhances and makes a positive contribution towards the desired built form by reinforcing the established centres hierarchy.
2. Allow reasonable daylight access to all developments and the public domain.
3. Ensure building, bulk and scale makes a positive contribution towards the desired built form of the locality as identified by the Local Planning Strategy, including the established centres hierarchy.
4. Encourage built form and massing of development that contributes to increased residential density and reflects the intended building typologies.
5. Encourage a built form that reflects and responds to the site's topography, including protection of ridge lines.
6. Provide sympathetic built forms that reflect a transition in building height from Kitchener Parade to Mosbri Crescent.
7. Respect the low scale character of adjacent residential precincts and heritage precincts by providing human scaled streetscape edges.



## Controls

### General controls applying to all development to which this section applies

1. Refer to the Newcastle Local Environmental Plan 2012 for building height controls.
2. Taller buildings are located and designed to maintain views from the Obelisk in King Edward Park.

Note: Refer also to Clause 5.6 Architectural roof features of the Newcastle Local Environmental Plan 2012.

## C. Building setbacks

### Objectives

1. To ensure setbacks are compatible with the streetscape and define the street edge.
2. Street wall heights retain the human scaled streetscape of Kitchener Parade and Mosbri Crescent.
3. Improve pedestrian amenity and circulation through and around the site.
4. Enable the retention of significant trees and provide the opportunity for street tree planting and public domain improvements.
5. Ensure rooftop communal areas are integrated into building form.

## Controls

### General controls applying to all development to which this section applies

1. Building setbacks are consistent with those shown on **Map 3 – Building setbacks and Figures 1 - 5 – Building Cross sections**.
2. Rooftop access is provided to the rooftop communal open space for Buildings A and B (as indicated on **Map 4 - Landscape concept plan**). This habitable space is limited in area to 20% of the roof plane of the floor below, is contained within the maximum height limit and is integrated with any rooftop architectural features.

Note 1: Building depths also respond to Apartment Design Guidelines (Department of Planning & Environment, 2015).

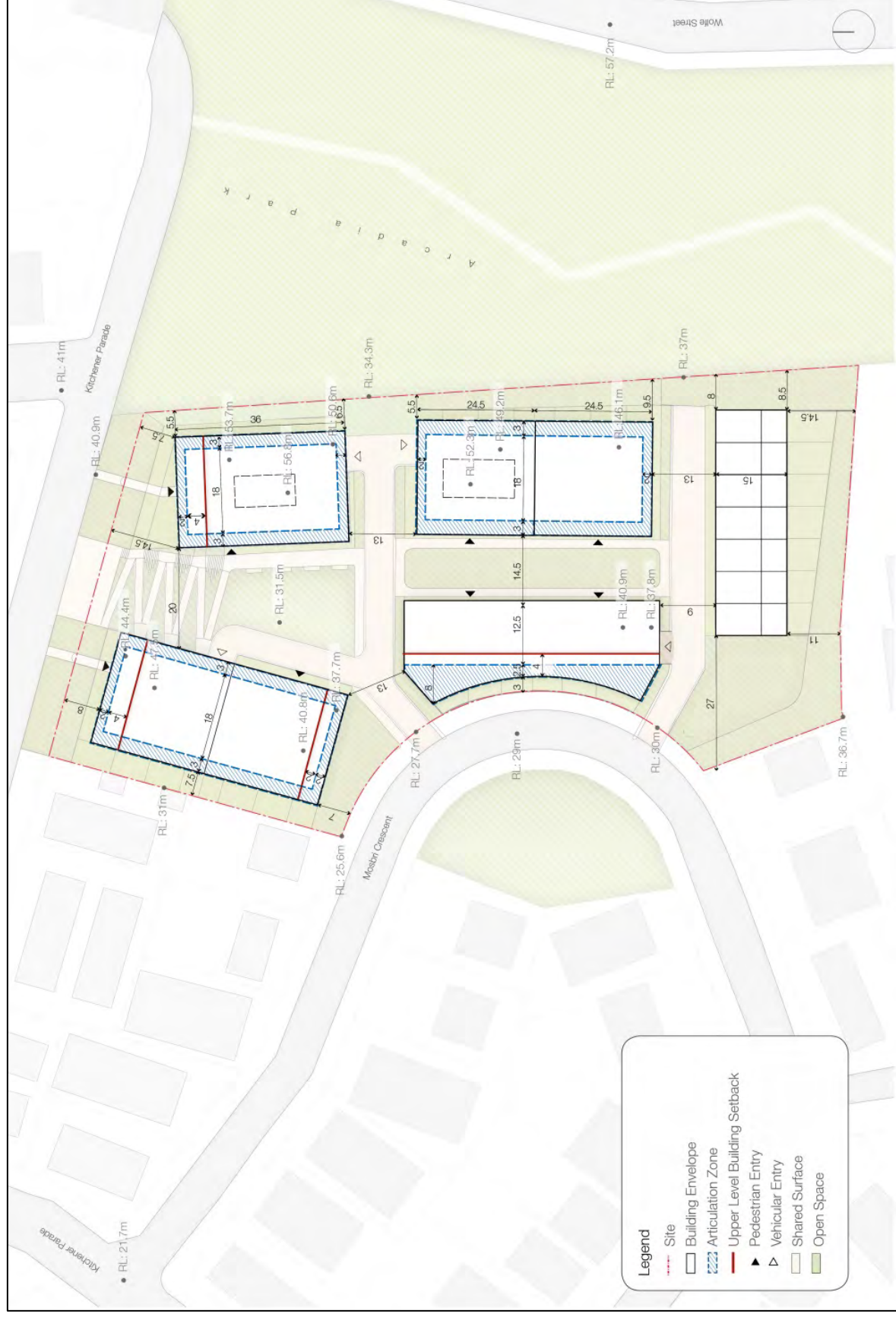
Note 2: Height limits have been set to enable habitable rooftop access for Buildings A and B. If this is not provided, then heights to roof planes are observed as per Figures 1 to 5.

Note 3: Refer to Clause 5.6 Architectural roof features of the Newcastle Local Environmental Plan 2012.

Note 4: Despite the minimum building setbacks identified within this DCP, any development proposal on the land will need to demonstrate compliance with the minimum provision of Table A2.4 within 'Planning for Bush fire Protection 2006' (or successive guidelines) with respect to the provision of Asset Protection Zones."

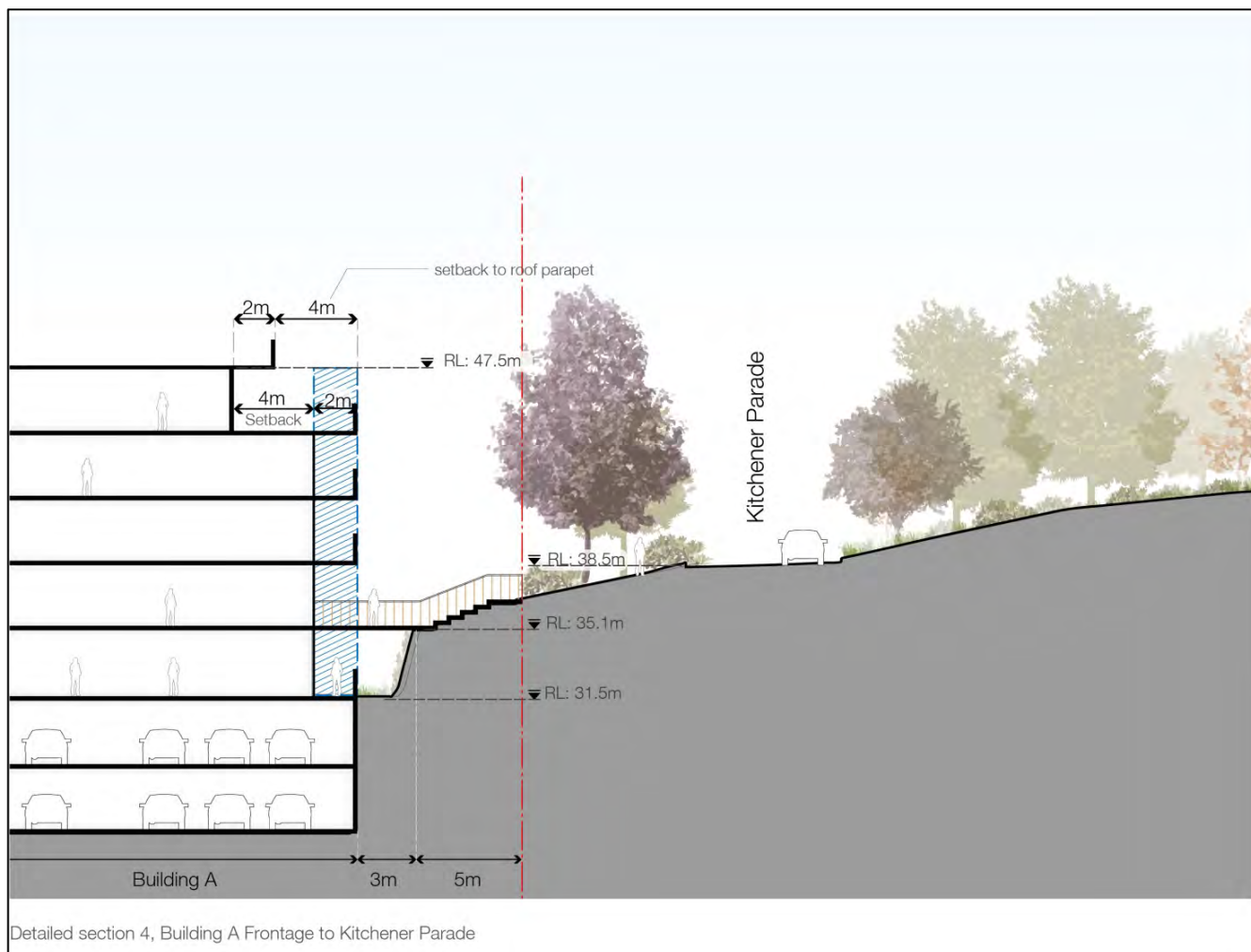


**Map 3 – Building Setbacks**



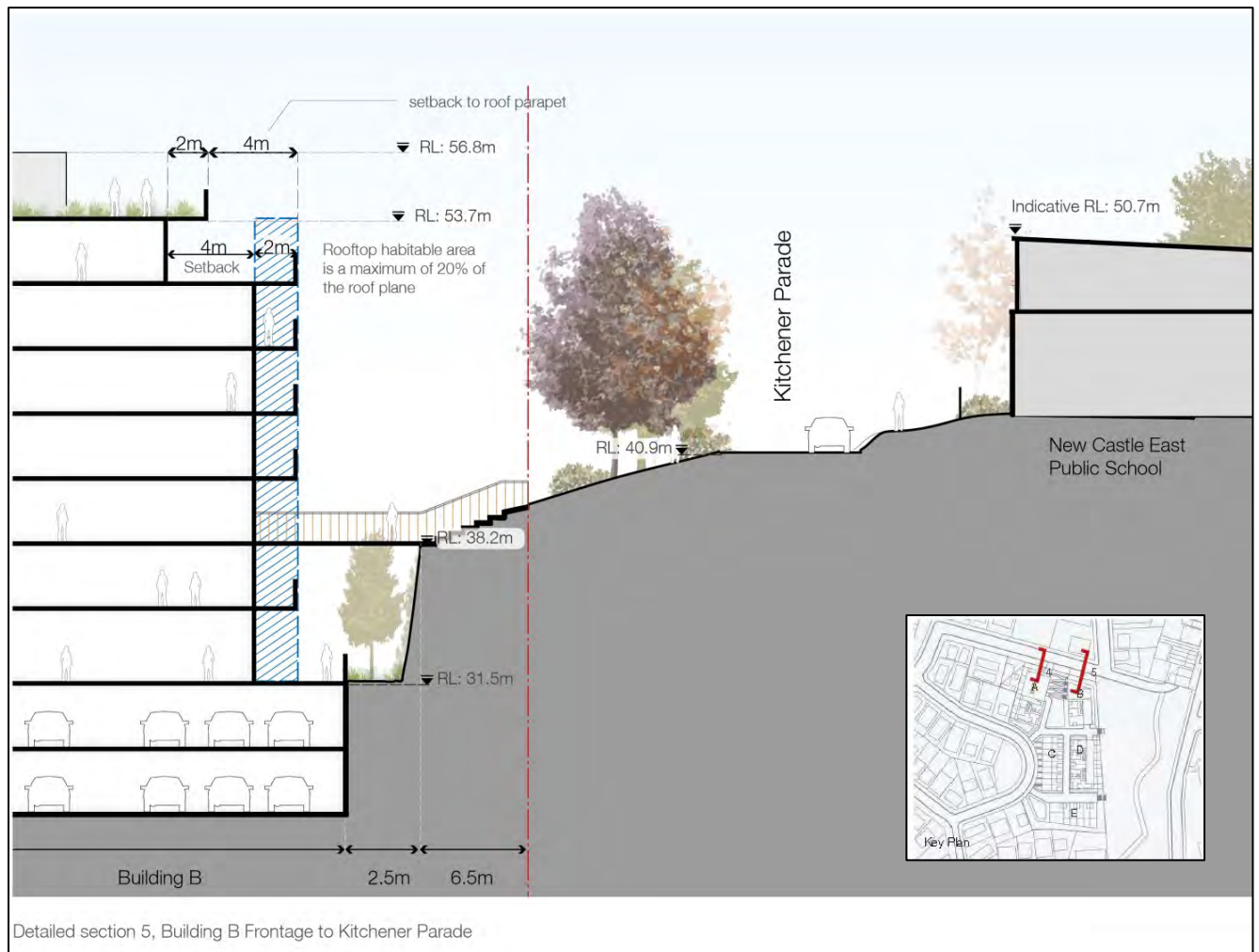


**Figure 1 – Building A Kitchener Parade cross section**



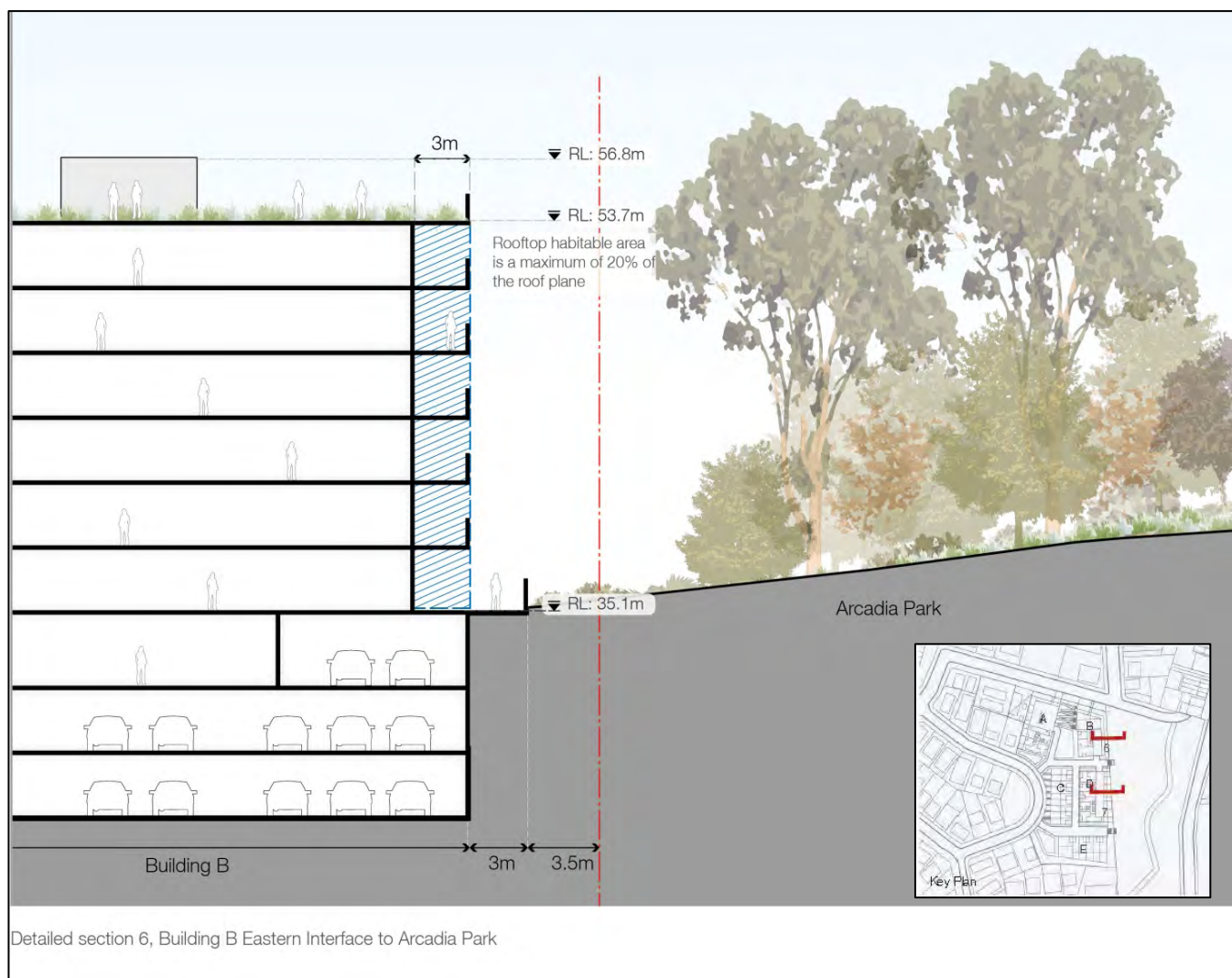


**Figure 2 – Building B Kitchener Parade cross section**



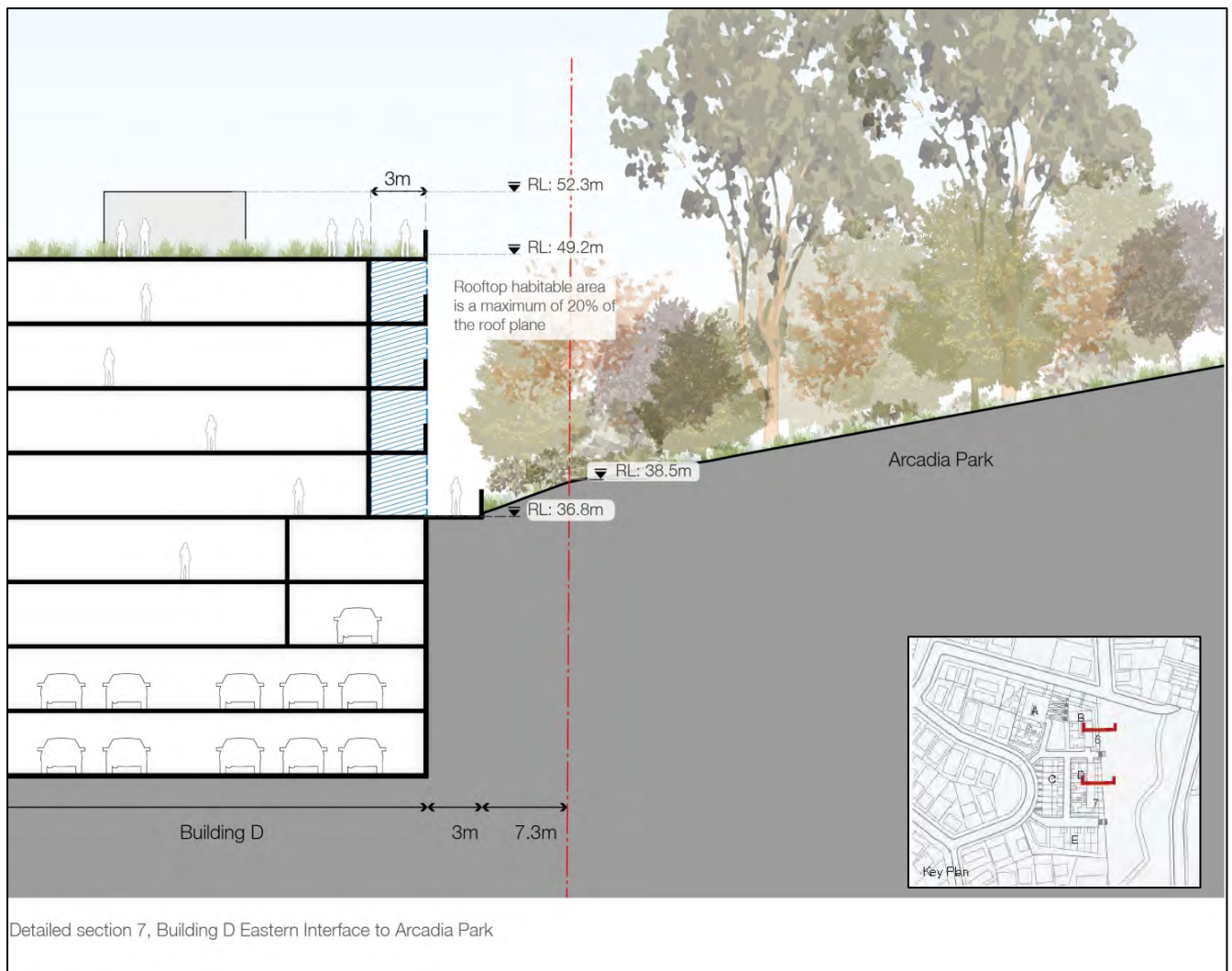


**Figure 3 – Building B Arcadia Park cross section**



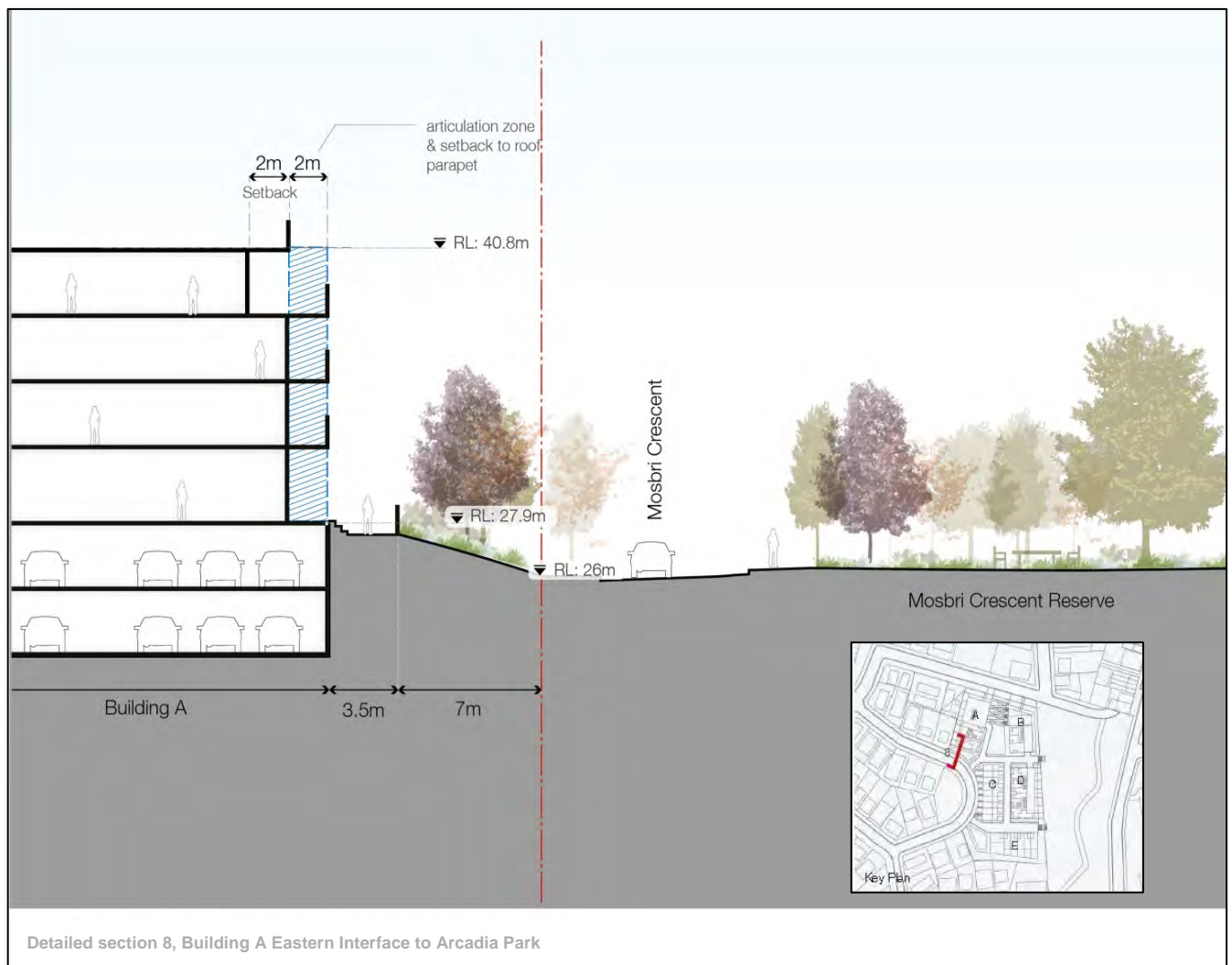


**Figure 4 – Building D Arcadia Park cross section**





**Figure 5 - Building A Mosbri Crescent Cross Section**





## D. Building design elements

### Objectives

1. Encourage use of design elements and materials that reflect contemporary architectural styles but are sympathetic to adjoining heritage conservation areas.

### Controls

#### General controls applying to all development to which this section applies

1. Building facades incorporate a range of balconies and fenestration for visual interest and improved amenity.
2. Utilise potential open space on upper levels by including roof gardens and terraces.
3. The selection of materials used for new development considers and respects the character of existing buildings in the surrounding streetscape.
4. Exterior colour schemes are co-ordinated and consistent with existing local character. Avoid bright extravagant colour schemes that do not contribute to an integrated streetscape and the local character.
5. Mechanical, service and telecommunication equipment are discreetly enclosed on roof tops so as not to diminish the aesthetic qualities of the precinct and the building.

Note: Refer also to Clause 5.6 Architectural roof features of the Newcastle Local Environmental Plan 2012.
--

## 6.14.03 Public Domain

### A. Traffic and transport

#### Objectives

1. Provide for the parking needs of residents and visitors without adverse impacts on building bulk or streetscapes.
2. Minimise the impact of driveways on pedestrian access and streetscapes.

#### Controls

#### General controls applying to all development to which this section applies

1. Vehicular access to the site should be provided from Mosbri Crescent in the general locations shown in **Map 2** – Preferred Site layout plan.
2. Car, motorcycle and bike parking is provided as per Section 7.03 Traffic, Parking and Access.



3. At grade car parking is only provided where:
  - (a) it is set back or sleeved behind other uses
  - (b) it is integrated into the built form and covered by upper levels of the development or upper level open space/landscape provision
  - (c) it is not within front building setbacks
  - (d) it is not impeding ability to meet minimum on-site landscape requirements.
4. New pedestrian footpaths are provided along street frontages.
5. New street tree planting is provided along Mosbri Crescent frontage and Kitchener Parade frontage.

Note: Existing street trees along Kitchener Parade may need to be removed to enable new footpath construction.

## **B. Open space and landscaping**

### **Objectives**

1. Provide high amenity communal and private open space.
2. Incorporate the existing landscape to the edges of the site to act as a buffer between the site and neighbouring sites.
3. Soften the visual impact of development.

### **Controls**

#### General controls applying to all development to which this section applies

1. Landscape elements are to be provided generally in accordance with **Map 4** – Landscape concept plan.
2. Deep soil areas to be located around the site's northern, eastern and southern boundaries, incorporating existing trees and new tree planting.
2. Private amenity space is to be provided at the ground floor of each building and accessed directly by the adjacent dwelling. In the case of terraces (Building E), it will include the front and rear gardens.
3. Green roofs/soft landscaping treatments are to be provided on the roof planes of key buildings to reduce the visual impact of the development from key vantage points, in particular the Obelisk in King Edward Park.
4. Site fencing adjacent to Arcadia Park should be permeable (eg. metal picket) to enable surveillance and avoid graffiti.
5. Key pedestrian access throughout the site is separated from vehicular driveways.

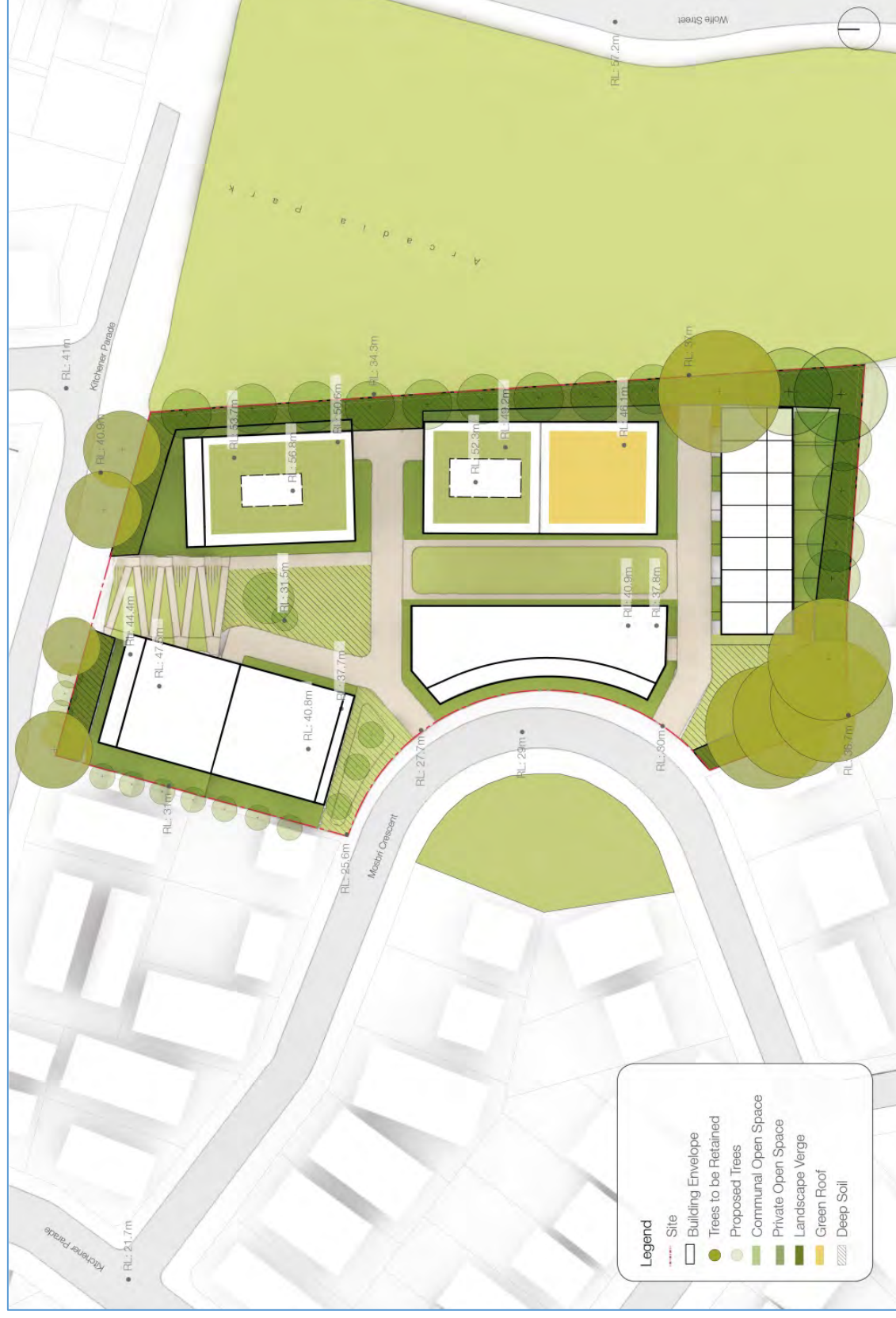


6. Public pedestrian access through the site is provided between Mosbri Crescent and Kitchener Parade (Refer **Map 1**). The access shall observe CPTED principles, including clear delineation from private open space areas.

Note: The public pedestrian access is to be covered by appropriate easements registered against the title of the land.



**Map 4 – Landscape concept plan**





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## 6.15 Fort Wallace

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	26/03/2019	16/09/2019	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to land identified in **Figure 1 - Fort Wallace**:

**Figure 1 - Fort Wallace**



### Development (type/s) to which this section applies

This section applies to all development within Fort Wallace.



## Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy No. 55 - Remediation of Land
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy - Coastal Management 2018.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: The *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 3.01 Subdivision
- 4.04 Safety and Security
- 4.02 Bush Fire Protection
- 4.05 Social Impact
- 5.02 Land Contamination
- 7.02 Landscape, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management

The following sections of this DCP **may** also apply to development to which this section applies:

- 3.02 Single Dwellings
- 3.03 Residential Development
- 4.01 Flood Management
- 5.01 Soil Management
- 5.03 Vegetation Management
- 5.04 Aboriginal Heritage
- 5.05 Heritage Items
- 5.06 Archaeological Management
- 7.04 Movement Networks
- 7.11 Development Adjoining Laneways

In the event of any inconsistency between this section and the above listed DCP sections, this section prevails to the extent of the inconsistency.



## Associated technical manual/s

- *Guide to Road Design* 2009, Austroads Standards Australia
- *Guide to Road Safety* 2009, Austroads Standards Australia
- Standard Drawings, Newcastle City Council

## Additional information

The Urban Design and Landscape Report - Fort Wallace, Stockton (Architectus, 2018)

This section of the DCP has performance criteria that explain the planning outcomes to be achieved. These have been guided by the Urban Design and Landscape Report. Accompanying the performance criteria are acceptable solutions that illustrate the preferred way of complying with the corresponding performance criterion. There may be other ways of complying with performance criteria and it is up to the applicant to demonstrate how an alternative solution achieves this.

### Acceptable Solutions

The acceptable solutions provide a certain outcome of achieving compliance with Council controls for this section. To achieve the acceptable solution the applicant must demonstrate that they have satisfied the required control/s within each section. Any variation from the acceptable solution will mean the application will be required to meet the performance criteria for that section and the application will become a performance based assessment.

### Performance Criteria

The performance criteria permit applicants to be flexible and innovative in responding to the DCP requirements. Applications which meet the performance criteria are assessed on merit and it is the applicant's responsibility to demonstrate how the performance criteria have been met. Compliance with the performance criteria can be undertaken through the use of 3D montages, 3D models, constraints mapping and other forms of visual representation.

Note 1: Development application forms, checklists and other explanatory information are available on Council's website to assist with the use of this section of the Development Control Plan.

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan, and include:

- **'Fonzie flat'** - Self - contained flat above a garage.



## **Vision**

Fort Wallace will be a sensitively designed place. It will contain diverse housing forms that are of best practice design and well-connected open spaces. Areas with special ecological, heritage or cultural values will be protected, managed and restored.

## **Aims of this section**

1. To provide appropriate development controls for the sensitive and responsive development of the site and ensure best practice design.
2. To ensure development of the site embraces heritage and conserves ecological significance.
3. To guide delivery of diverse housing forms on the site to serve the needs of the community.
4. To protect important views through building design and location of building footprints.
5. To provide well-connected and high amenity open spaces that celebrate the sites unique and special history.

## **Site history**

Fort Wallace is located within a large dune formation known as Stockton Bight. The landscape contains a number of diverse Aboriginal sites that predate the arrival of European settlers and are of extreme significance to the traditional custodians of the land, the Worimi People.

A series of Aboriginal archaeological and cultural sites are situated along the Stockton Peninsula, and are known as the 'Fern Bay Complex'. The coastal location, unique landform and diversity of environments have provided rich marine, estuarine and forest resources to the Worimi People. Traditional knowledge records the presence of ceremonial and traditional burials sites as well as evidence of traditional Aboriginal hunting, fishing, and cultural activities. Further artefacts are likely to be present throughout Stockton Bight. The sites provide important information about the relationship and special connection Worimi people have with Stockton Bight.

Fort Wallace currently accommodates a range of disused defence buildings and infrastructure. The original fort was constructed in 1912. Two 6" guns were installed in 1915. These guns were replaced by 9" guns in 1939/40. In 1967, 130 Squadron moved to Fort Wallace, followed by the construction of new barracks in 1974. Additional construction took place on the site in 1982 to support 130 Squadron, including stores, workshop, administration, training and amenities buildings. 130 Squadron continued to use the site until the end of 1993.

The most recent use of the site was accommodation for the Australian Navy. The buildings were re-fitted as accommodation in 1996.

Defence ceased activity on the site in 2003. Fort Wallace formed part of the Commonwealth Heritage List in June 2006. The site is currently vacant, non-operational and secured.



## 6.15.01 Urban Structure

This section guides overall development of the site.

### A. Street layout and hierarchy

#### ***Performance criteria***

1. Street layout and hierarchy are clearly legible and intuitive to users and encourage ease of use and access for pedestrians, cyclists and vehicles.
2. Streets and parking arrangements are to be informal with no kerb and gutter or formal avenue trees.
3. Adequate access is provided for emergency and maintenance vehicles.
4. Streets incorporate opportunities for Water Sensitive Urban Design and landscape planting of a variety of sizes and types.
5. Wayfinding signage (including street names) is clearly visible and legible.
6. Development of the site makes use of existing street infrastructure, including street layout to minimise disturbance of soil and vegetation.
7. Street layout incorporates varied edge conditions to ensure a sensitive transition to coastal bushland areas. Excessive lengths of perimeter roads are avoided.

#### ***Acceptable solutions***

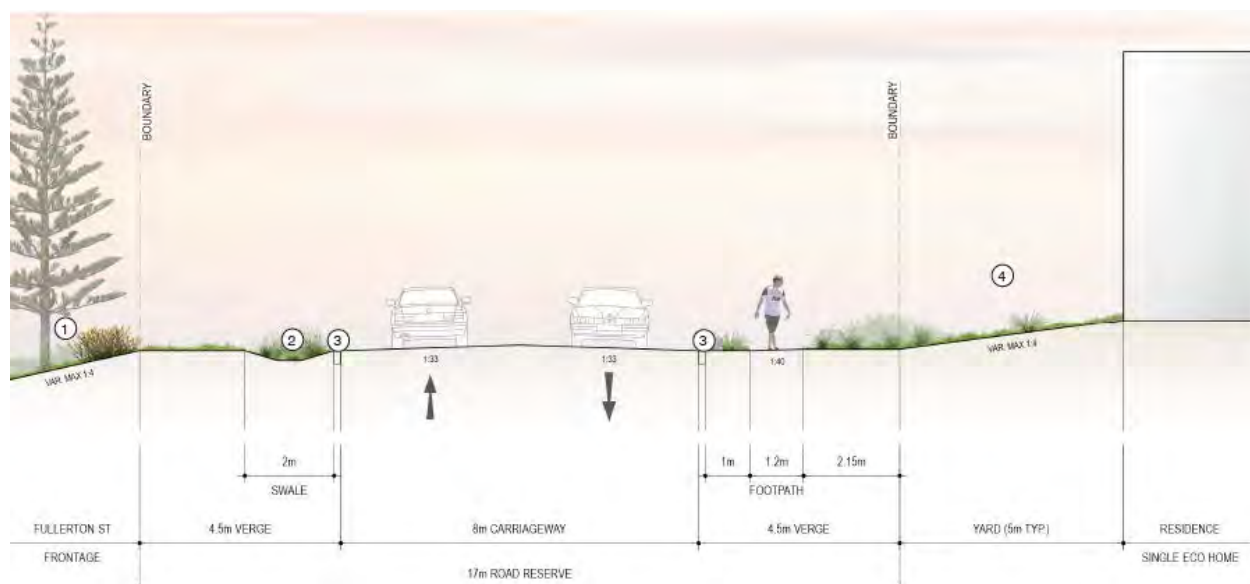
1. The street layout and hierarchy is provided as shown in **Figure 2** - Street layout and hierarchy.
2. All streets and lanes are designed in accordance with the street sections shown in **Figures 3 to 6**.



**Figure 2 - Street layout and hierarchy**



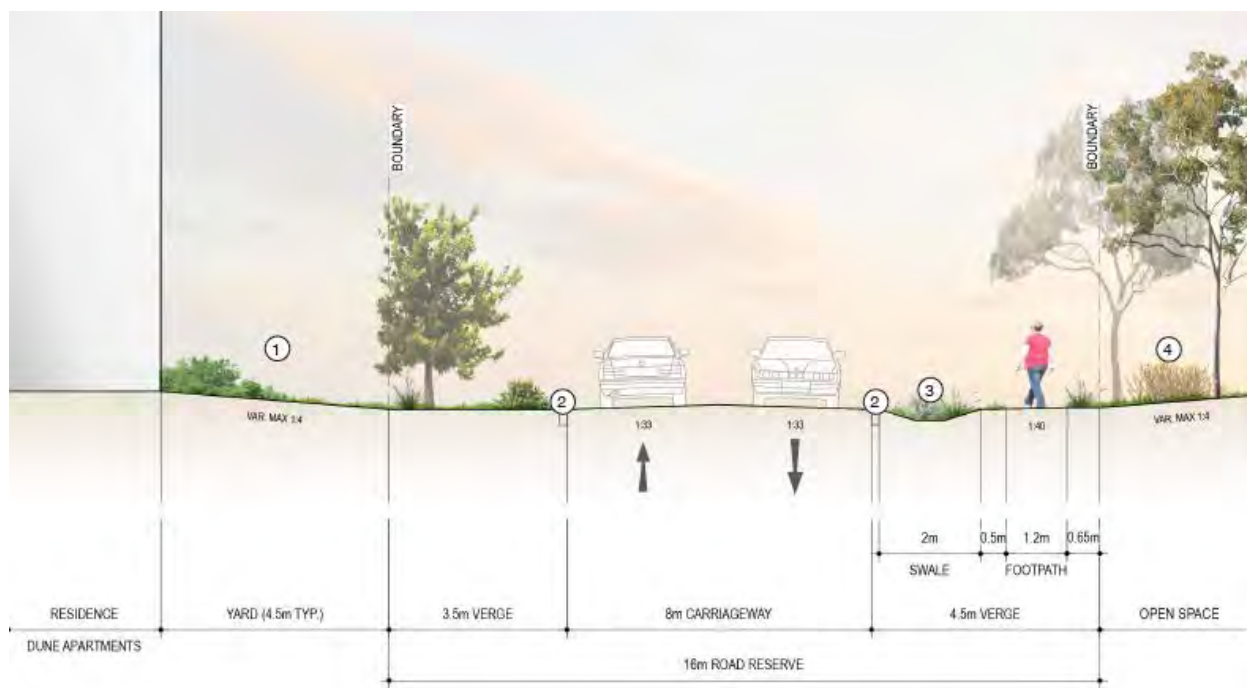
**Figure 3 - Road Type 1 Typical Section**



- 01/ Landscaped Fullerton Street frontage
- 02/ Vegetated swale
- 03/ Flush kerbs
- 04/ Private yard (Single Eco Home)

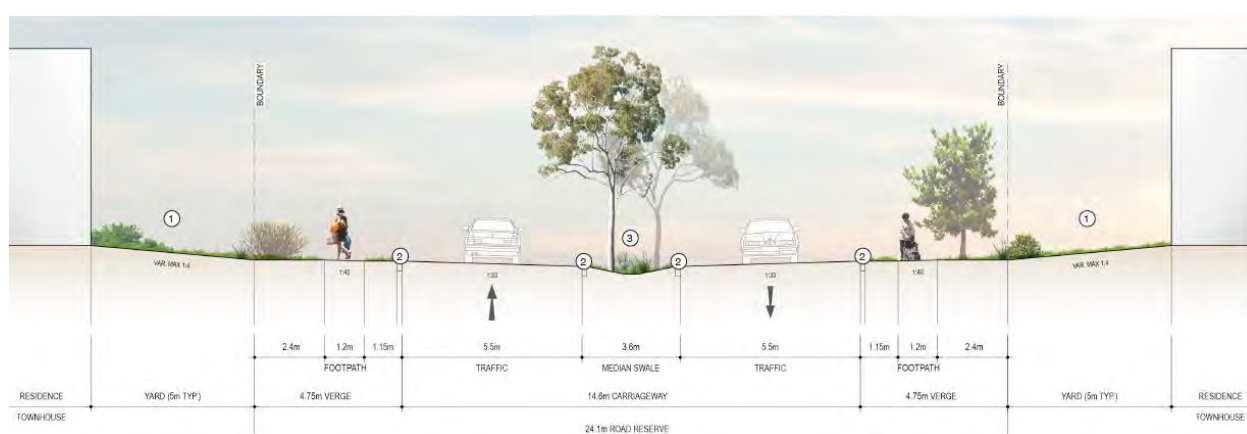


**Figure 4 - Road Type 2 Typical Section**



- 01/ Communal open space (Dune apartment)
- 02/ Flush kerbs
- 03/ Vegetated swale
- 04/ Communal open space

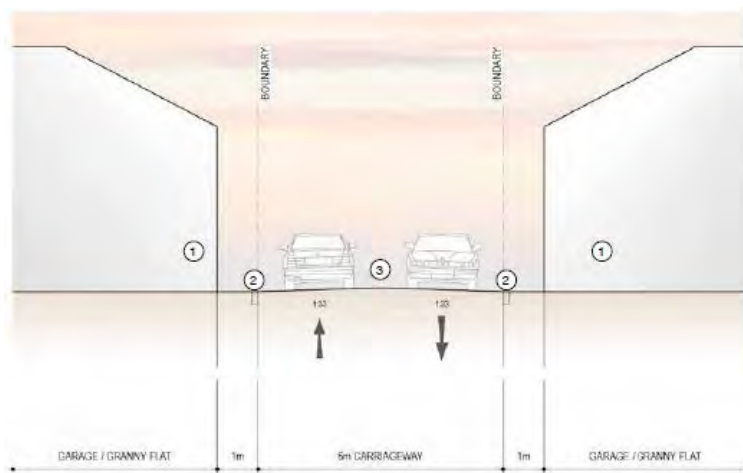
**Figure 5 - Road Type 3 Typical Section**



- 01/ Communal open space (Townhouse)
- 02/ Flush kerbs
- 03/ Central vegetated swale and street tree planting



**Figure 6 - Road Type 4 Typical Section**



- 01/ Garage or granny flat
- 02/ Flush kerbs
- 03/ Bidirectional laneway



## **B. Land use and development**

### ***Performance criteria***

1. Development respects areas of high ecological and heritage significance.
2. Development responds to the risks associated with coastal erosion and provides appropriate setbacks for development and infrastructure.
3. A transition in dwelling form and density from the central development area to the bushland to the north and south is achieved.
4. Buildings respond to site topography and step with the land form to minimise earthworks and overall scale and massing.
5. Significant heritage structures are retained and development reflects a collective understanding and interpretation of the items as a group.
6. A landscaped frontage is provided to Fullerton Street that complements the coastal mangroves on the opposing bank and is able to accommodate landscaped drainage features.
7. The bulk and massing of buildings responds to the lot size with appropriately scaled buildings and setbacks.
8. Buildings are articulated through the use of windows, balconies, materials and finishes to minimise visual bulk.



### ***Acceptable solutions***

1. The development layout and building typology is provided as shown in **Figure 7** - Land use and development area.

***Figure 7 - Land use and development area***



### **6.15.02 Built form and character**

This section guides development within the precincts and overall character.

#### **A. All Character areas**

##### ***Performance criteria***

1. Significant heritage items are positively integrated and carefully managed.
2. Development provides an appropriate interface and transition to environmentally sensitive areas.
3. Development incorporates a managed bushland edge to reinforce coastal character.
4. Buildings are designed to touch lightly on the land and sit sensitively within the natural landscape.
5. Earthworks and areas of hard surface (slab on ground construction) are minimised.
6. A mix of building typologies, including smaller lot housing are provided to allow for housing choice.



7. Development utilises interesting architectural forms through staggered building heights, natural materials and finishes, articulated facades, vaulted and skillion roofs and varied street setbacks where appropriate.
8. Character areas respond appropriately to their unique setting.

## **B. Building setbacks**

### ***Performance criteria***

1. Sufficient setbacks are to be provided to lot boundaries to allow for building separation, create a landscaped setting for buildings, reduce the visual bulk and scale of buildings and provide reasonable sharing of views.
2. Delivery of consistent setbacks to ensure a high visual quality streetscape with a prevailing sense of openness.
3. Development is to maintain a visual continuity and pattern to buildings and landscape elements.
4. Ensure that each dwelling is afforded a degree of visual privacy through appropriate setbacks which minimise the extent of overlooking.

### ***Acceptable solutions***

1. Built form and character of areas are established as shown in **Figure 8**.

***Figure 8 - Character areas***





### C. Area 1 - Dune edge cluster housing

The precinct manages the transition between urban living and lands with environmental sensitivities. The housing form is typically multi-dwelling housing that reinforces the coastal character of the site with clustered dwellings that minimise building footprint, smaller, defined private open spaces, and larger, communal areas blending seamlessly with the bushland. This area should utilise low impact fencing and native landscaping.

Housing will be in accordance with the following guidelines, unless an alternative proposal can demonstrate an improved outcome in line with the key design outcomes of this section. **Key design outcomes**

Description: This dwelling typology provides an alternative to traditional townhouses or attached houses. By breaking down the layout into clusters of 2, 3 and 4 they provide views through the development to the bush and increase the sense of a connection with the surrounding landscape.

Indicative dwelling yield: 21-25 dwellings.

Maximum site coverage: 60% (all areas under the roof, including secondary dwellings and garages and all impermeable surfaces).

Minimum landscaped area: 40%.

Front setback: 5m.

Construction: Steel or timber frame with suspended composite concrete slab and skillion/vaulted roof.

External materials: Combination of corrugated metal sheet and timber panel cladding.

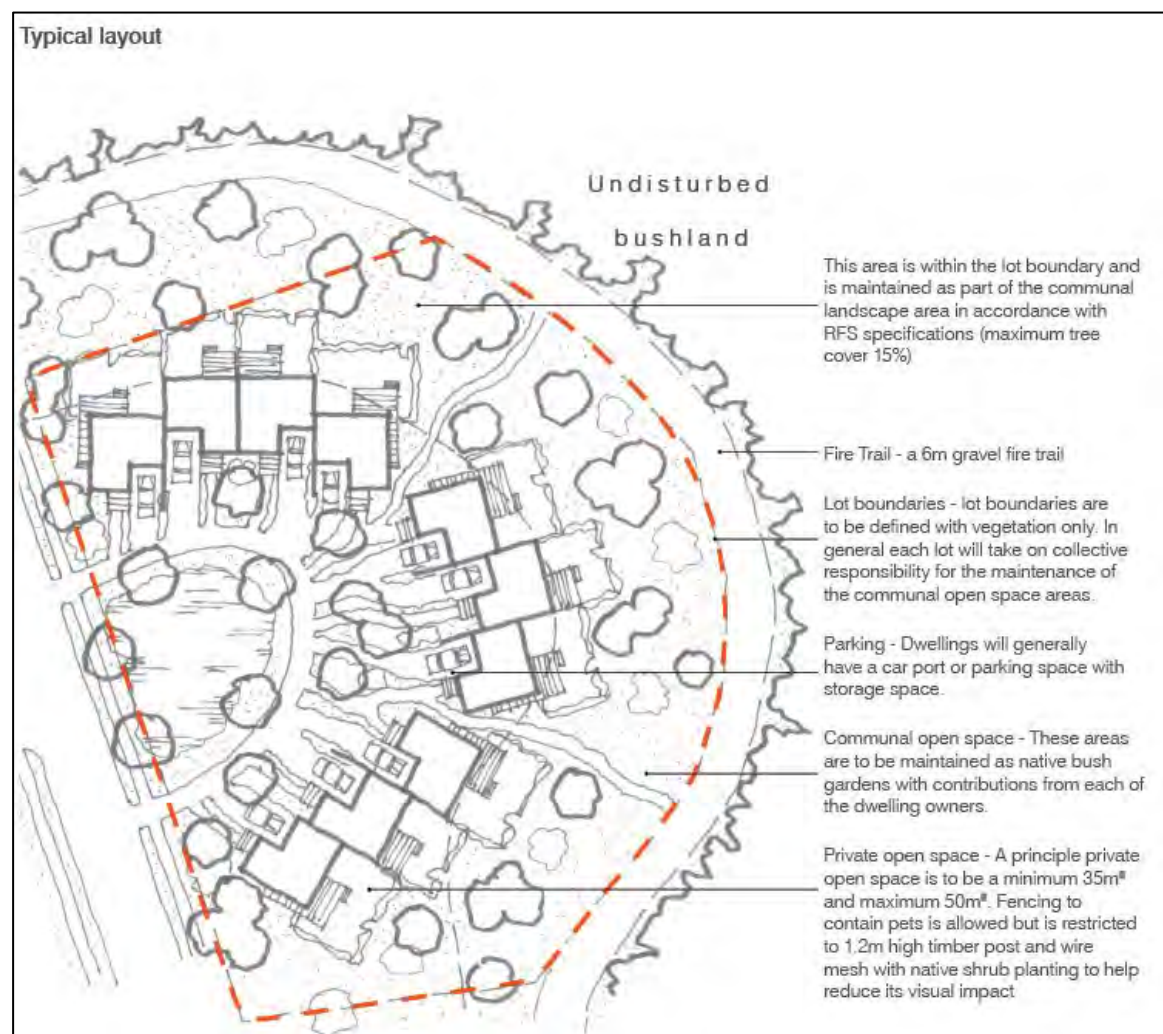
Sustainability: Passive solar design, locally sourced materials, natural ventilation, high thermal performance, rain water harvesting, solar PV cells, minimise cut and fill, native drought tolerant species.

**Figure 9 - Dune edge cluster housing character areas**





**Figure 10 - Area 1 Dune edge cluster housing typology**





## D. Area 2 - Low-scale coastal apartment living

Low-scale apartment precinct with predominately three storey apartment buildings with a coastal character, utilising natural materials, open air balconies and staggered building forms. Built form works with the site topography to minimise the appearance of building height and maintain key views to and from heritage items, particularly the Observation Tower.

Housing will generally be in accordance with the following precedent and guideline, unless an alternative proposal can demonstrate an improved outcome in line with the key design outcomes of this section.

### Key design outcomes

Description: The apartments are designed to minimise overall building footprint and bulk and maximise visual connections with the surrounding landscape. Small footprints allow for up to 4 units per floor with the potential to allow for open undercroft spaces at ground floor and open stairwells and vertical circulation.

Indicative dwelling yield: 42 dwellings.

Maximum site coverage: 65%.

Minimum landscaped area: 35%.

Front setback: 3m.

Construction: Steel frame concrete slab, skillion/vaulted roofs.

External materials: Combination of corrugated metal sheet, timber panel cladding.

Sustainability: Passive solar design, locally sourced materials, naturally ventilated, high thermal performance, rain water harvesting, solar PV cells, minimise cut and fill, native drought tolerant species.

**Figure 11 - Low-scale coastal apartment living character areas**

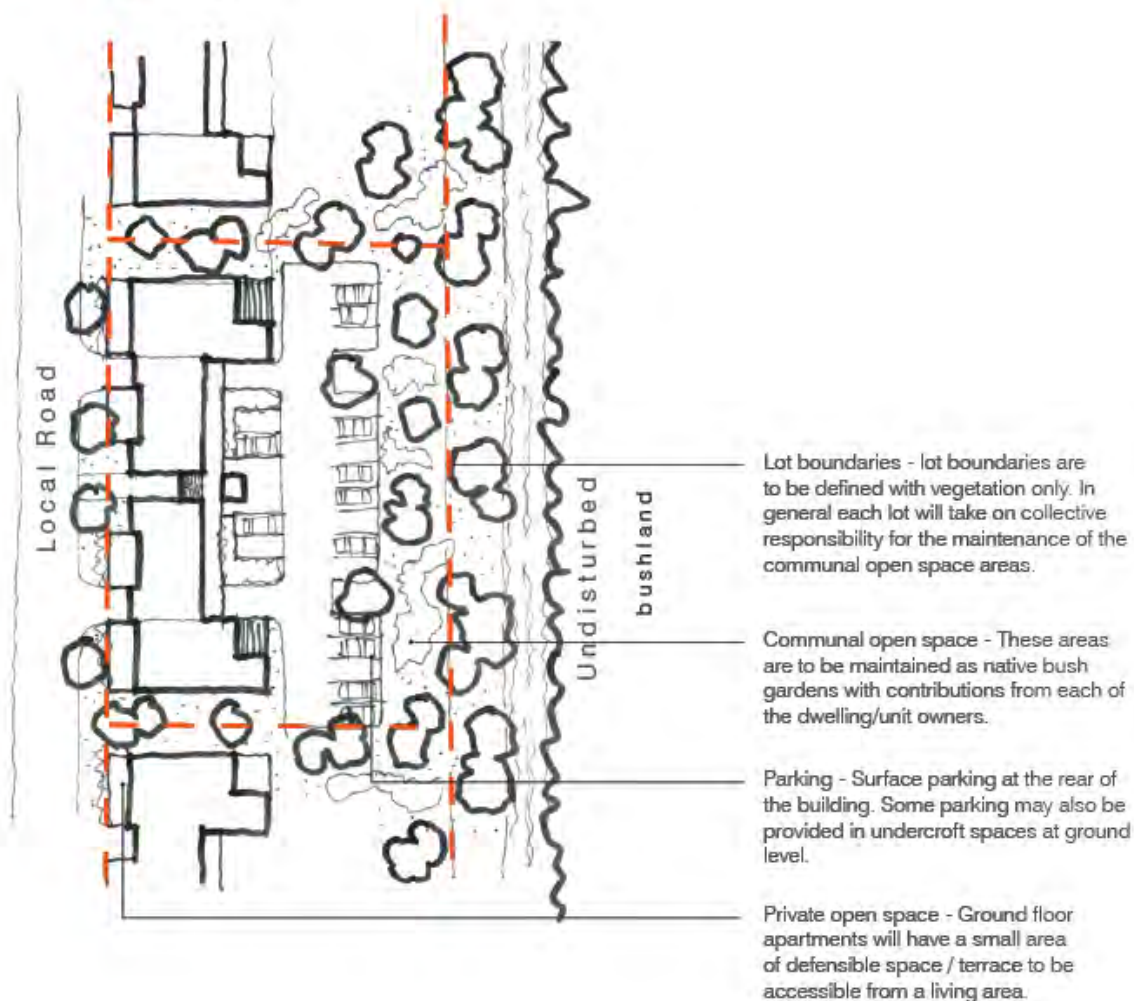




**Figure 12 - Area 2 Low-scale coastal apartment living typology**



**Typical layout**





## E. Area 3 - Courtyard and attached housing

This precinct has a denser urban character in the central development area with a more traditional subdivision and street layout. This precinct will provide attached and semi-detached housing with high quality, well designed private areas that make the most efficient and effective use of space, serviced by rear lanes. Housing should be a mix of courtyard housing and attached housing.

Housing will generally be in accordance with the following precedent and guideline, unless an alternative proposal can demonstrate an improved outcome in line with the key design outcomes of this section.

Indicative dwelling yield: 33 dwellings

**Figure 13 - Courtyard and attached housing character areas**



### Key design outcomes - Courtyard housing

**Description:** This typology provides for a large family home including 4 bedrooms, 3 bathrooms, open plan living space, single garage and an ample rear garden. Dwellings are to be constructed on a zero lot line always on the same side with a 1.5m setback along the opposite boundary. This allows for a side pathway to access the rear garden and improves natural light and ventilation.

**Maximum site coverage:** 60% (all areas under the roof, including secondary dwellings and garages and all impermeable surfaces).

**Minimum landscaped area:** 40%

**Front setback:** 3m

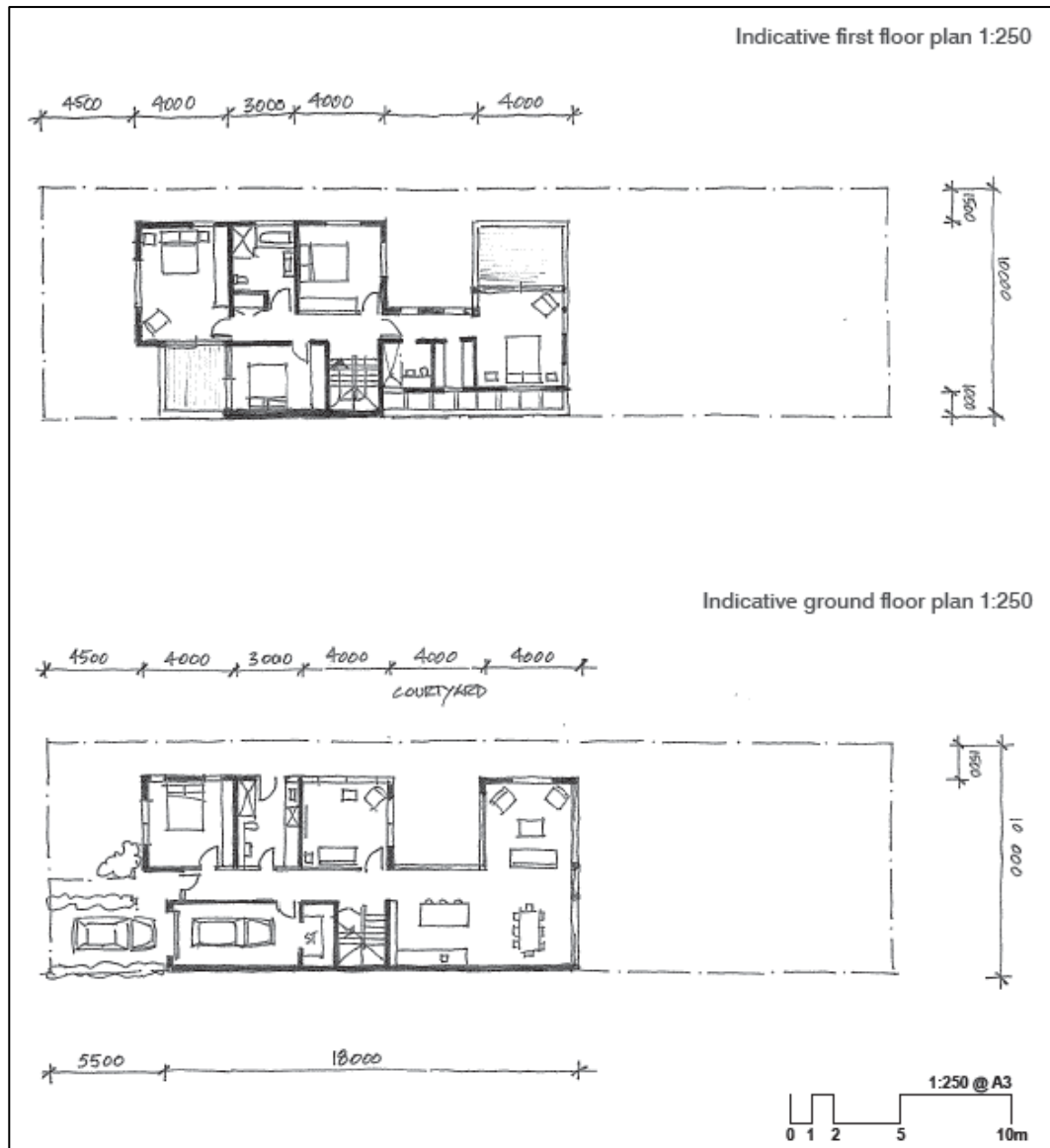
**Construction:** Steel or timber frame on concrete slab, skillion/vaulted roof.

**External materials:** Combination of corrugated metal sheet, timber panel cladding and rendered masonry.

**Sustainability:** Passive solar design, locally sourced materials, naturally ventilated, high thermal performance, rain water harvesting, solar PV cells, minimise cut and fill, native drought tolerant planting.



**Figure 14 - Courtyard housing typology**





## **Key design outcomes - Attached housing**

**Description:** These 3 bedroom homes provide compact attached dwellings in locations where increased densities are appropriate. The rear lane access allows the front elevation of the house to be free from garage doors and parked cars which promotes good natural surveillance and an attractive street frontage. Above the rear double garage it is possible to have a secondary dwelling or 'fonzie flat' that provides a self-contained studio apartment that can provide additional family or guest accommodation, home occupation or rental return. The 'fonzie flat' also activates the laneway increasing safety and security through natural surveillance.

**Maximum site coverage:** 65% (all areas under the roof, including secondary dwellings and garages and all impermeable surfaces).

**Minimum landscaped area:** 35%

**Front setback:** 3m

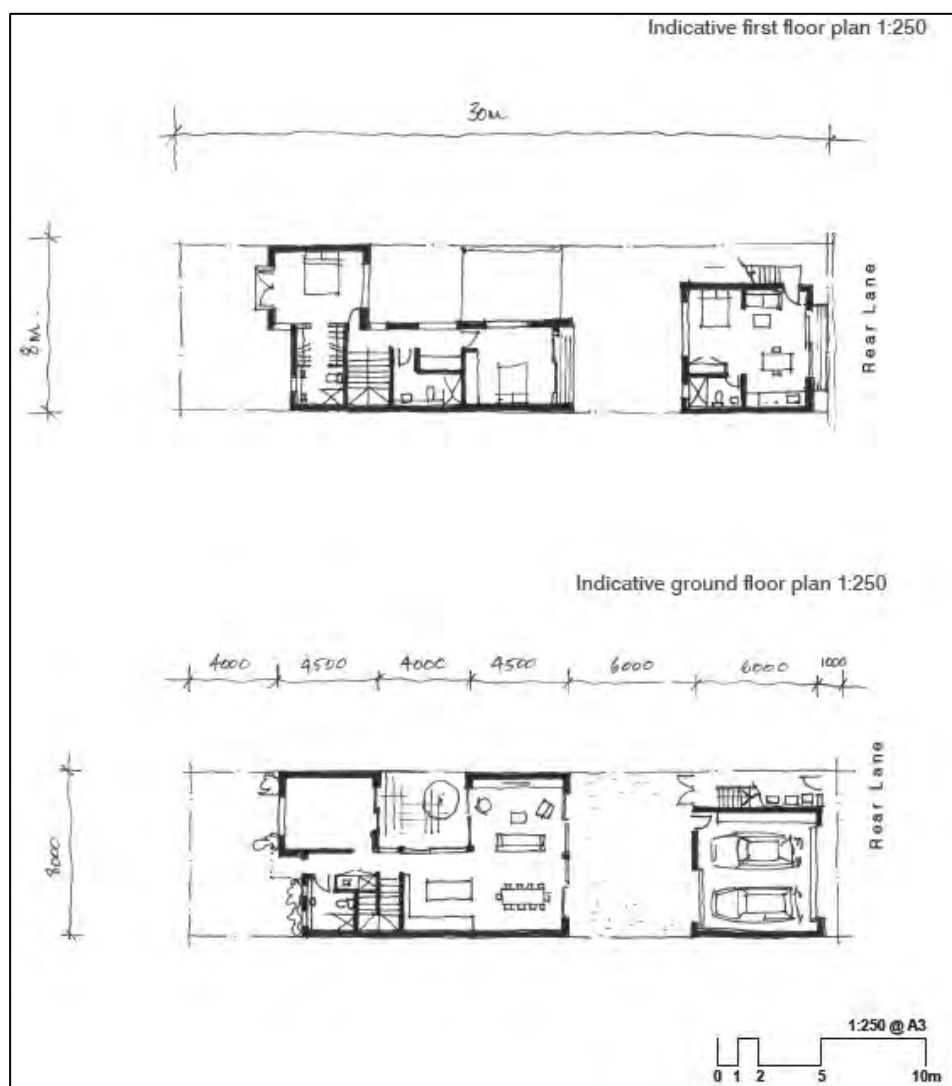
**Construction:** Steel or timber frame on concrete slab, skillion/vaulted roof.

**External materials:** Combination of corrugated metal sheet, timber panel cladding and rendered masonry.

**Sustainability:** Locally sourced materials, naturally ventilated, high thermal performance, rain water harvesting, solar PV cells, minimise cut and fill, native drought tolerant planting.



**Figure 15 - Attached housing typology**





## **F. Area 4 - Single detached eco-living**

Single, low scale detached dwelling houses with a focus on sustainable living and integration with the natural environment.

Housing will generally be in accordance with the following precedent and guideline, unless an alternative proposal can demonstrate an improved outcome in line with the key design outcomes of this section.

### **Key design outcomes**

Description: These homes are intended to be lightweight, climate responsive individual homes set within generous lots that are managed and maintained to contribute to the overall natural characteristics of the estate.

Indicative dwelling yield: 7 dwellings.

Maximum site coverage: 50% (all areas under the roof, including secondary dwellings and garages and all impermeable surfaces).

Minimum landscaped area: 50%

Front setback: 5m

Construction: Steel or timber frame with suspended composite concrete slab, skillion/vaulted roof.

External materials: Combination of corrugated metal sheet, timber panel cladding.

Sustainability: Passive solar design, locally sourced materials, naturally ventilated, high thermal performance, rain water harvesting, solar PV cells, minimise cut and fill, native drought tolerant species.

**Figure 16 - Single detached eco-living character areas**





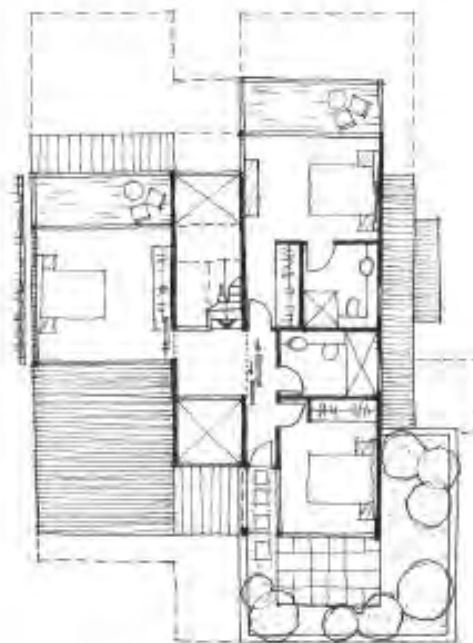
**Figure 17 - Single detached eco-living typology**



Indicative ground floor plan 1:200



Indicative first floor plan 1:200



Indicative dwelling sizes (exc external space and garage): 3 bed = 160m<sup>2</sup>



## G. Open spaces

### *Performance criteria*

1. The amenity of residential development and wellbeing of the Fort Wallace community is supported by both high quality and appropriate open spaces.
2. Open spaces are well designed, consider safety and provide opportunities for a range of activities.
3. Open spaces are to be well connected and have potential to further connect with open space networks along the peninsula.
4. Open spaces protect and celebrate the heritage of Fort Wallace by interpretation and appropriate landscape buffers between heritage items and development.

### *Acceptable solutions*

1. The location and design of new open space is provided in accordance with **Figure 18 - Landscape and open space hierarchy**.

**Figure 18 - Landscape and open space hierarchy**





**Figure 19 - Indicative heritage precinct section**

**Area A - Heritage Precinct**

*Interpretive Heritage Park section*



**Figure 20 - Indicative park section**

**Area B - Park**

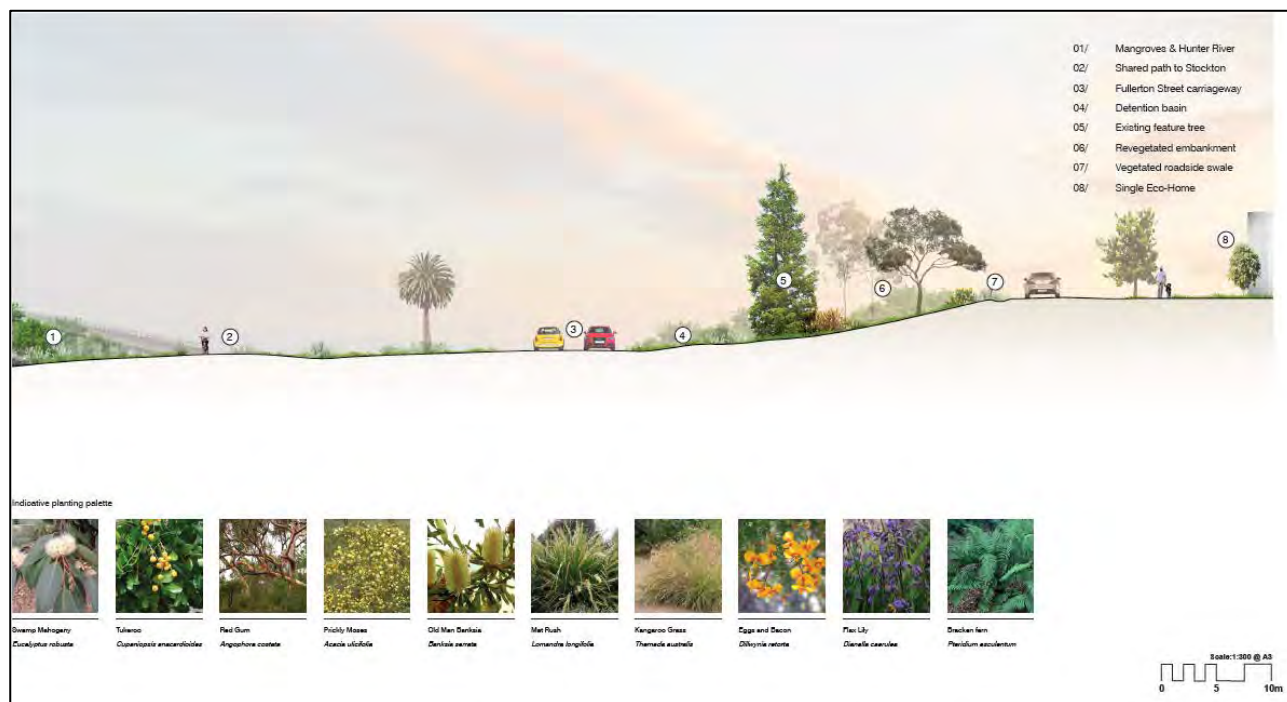
*Communal Open Space section*





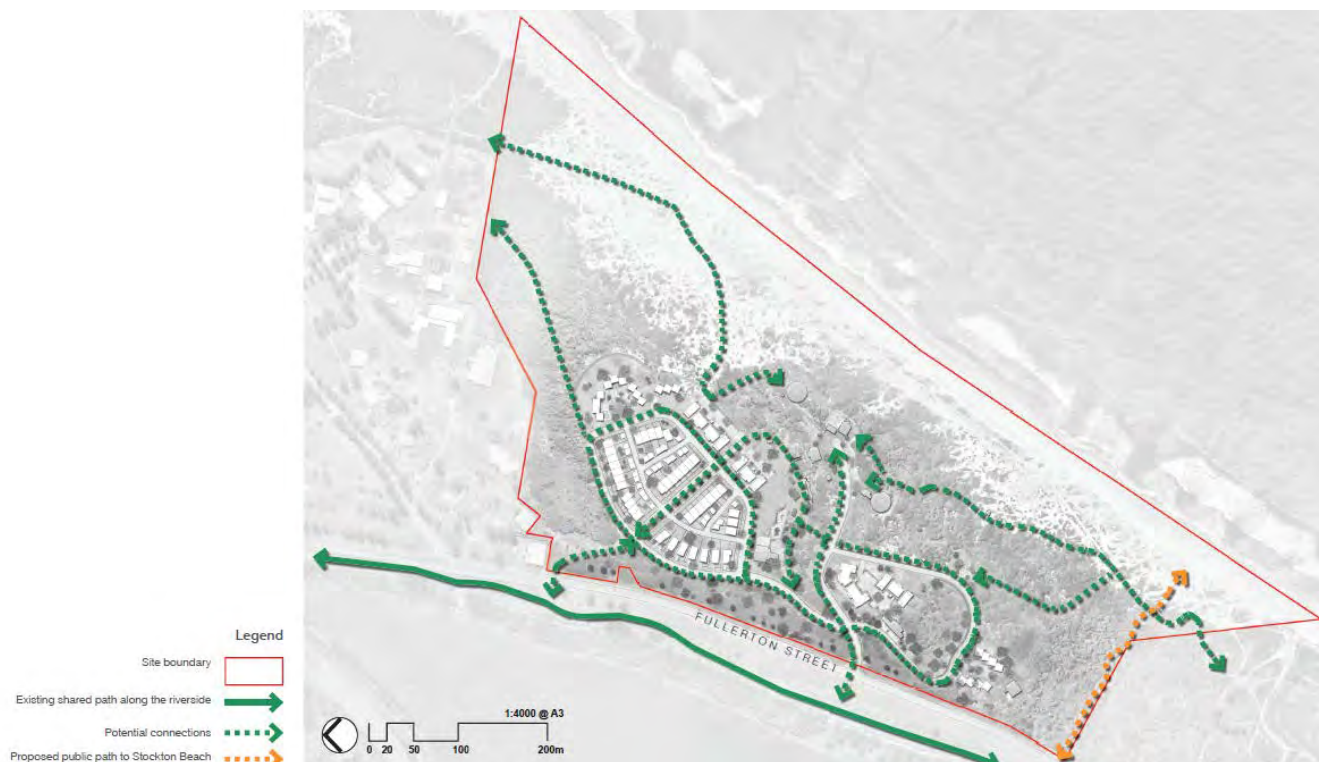
**Figure 21 - Frontage to Fullerton Street section**

**Area C - Fullerton Street**



2. Access and connections will be provided in accordance with **Figure 22**.

**Figure 22 - Access and connections**





### 6.15.03 Site planning

This section refers to bushfire risk, future connections, heritage, important views and off street car parking.

#### A. Asset Protection Zones

##### *Performance criteria*

1. The location and design of dwellings respond to bushfire risk.
2. Asset protection zones are designed and maintained to balance fuel reduction, a landscaped setting for dwellings and biodiversity.
3. Clear and equitable management of asset protection zones.

##### *Acceptable solutions*

1. Asset protection zones are provided in accordance with **Figure 23**.
2. Timber or timber-look products treated to meet Australian Standards for the relevant bushfire attack level (BAL rating) are used.
3. Asset protection zones are designed to manage fuel loads and maintain structure of an open, non-connected tree canopy, spaced large trees, with shrub gardens as islands.



**Figure 23 - Asset Protection Zones**





## B. Heritage

### *Performance criteria*

1. Development appropriately responds to heritage items on the site.
2. Development facilitates an appreciation of the heritage items individually and as a whole.
3. Development facilitates the appropriate management of the site's heritage values into the future.
4. To identify and manage any potential impacts on Aboriginal cultural heritage.

### *Acceptable solutions*

1. A built form development buffer is maintained to heritage items as shown in **Figure 24** - Development to buffer to heritage items.
2. Consideration is given to views to and from heritage items on the site from open spaces (see **Figure 25** - Internal view corridors and **Figure 26** - External view corridors) in the massing and design of buildings and landscaping.
3. Heritage items form part of an integrated open space plan for the site.
4. Development of the site is undertaken in accordance with recommendations of an Aboriginal Cultural Heritage Management Plan prepared for the site accompanying a Stage 1 DA.

**Figure 24 - Development buffer to heritage items**





**Figure 25 - Internal view corridors**



**Figure 26 - External view corridors**





## **C. Car parking**

### ***Performance criteria***

1. Car parking associated with development has a low visual impact.
2. Earthworks and disruption to the site ecology are minimised.

### ***Acceptable solutions***

1. Car parking is provided at grade.
2. Car parking is located to the rear of properties.
3. Basement car parking is not provided.

## **D. Fencing and domestic pets**

### ***Performance criteria***

1. Fencing is minimised across the site.
2. Fencing has low visual impact.
3. Pet ownership is to be controlled within the development.

### ***Acceptable solutions***

1. Landscaping is used to delineate the boundary between private and communal spaces as an alternative to fencing.
2. Where fences are needed for adequate management of land and pets or safety, fencing is a maximum 1.2m high timber post and wire mesh with native shrub planting.



## Part 7.00 Development Provisions



- 7.02 Landscape, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.04 Movement Networks
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management
- 7.09 Outdoor Advertising and Signage
- 7.10 Street Awnings and Balconies
- 7.11 Development Adjoining Laneways







## 7.02 Landscape, Open Space and Visual Amenity



### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2012	15/06/2012	New
2	17/07/2012	30/07/2012	Amended
3	27/09/2016	24/10/2016	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land to which Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

### Development (type/s) to which this section applies

This section applies to all development requiring consent that consists of:

- a new building or structure
- alterations or additions to the external footprint of an existing building or structure.

### Applicable environmental planning instruments and legislation

The provisions of the Newcastle Local Environmental Plan 2012 also apply to development applications to which this section applies.

In the event of any inconsistency between this section and the above environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Related sections

The following sections of this DCP **may** also apply to development to which this section applies:

- 5.03 Tree Management



### Associated technical manual/s

- Urban Forest Technical Manual
- Landscape Technical Manual
- Stormwater Technical Manual

### Additional information

- Information on weeds species to avoid ([www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au))
- Newcastle Green Corridors and Landscape Precincts Plan 2005
- Newcastle Street Tree Master Plan (STMP)
- AS4970-2009 Protection of trees on development sites
- Public domain plans prepared by The City of Newcastle

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan, and include:

- **Landscaped area** - has the same meaning as in Newcastle Local Environmental Plan 2012. The term is defined a part of the site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.
- **Open space** - open space is considered to be any area other than buildings, roads or car parks. It can be for private, public or communal use and includes passive and active recreational functions.
- **Street trees** - trees within the road reserve.

### Aims of this section

1. To create public places that strengthen our social connections.
2. To ensure public places provide for diverse leisure opportunities.
3. To ensure landscaping is integrated into the design of the development.
4. To improve stormwater quality and reduce quantity.
5. To provide habitat for native plants and animals.
6. To improve the microclimate and solar performance within the development.
7. To improve urban air quality.
8. To plan and implement significant development with provision for open space, in scale with the development that can be linked to a local open space network.
9. To encourage development that respects landscape opportunities, conserves significant and useful landscape elements and does not detract from the local environment.
10. To ensure buildings and structures do not detract from the character of rural areas.



## 7.02.01 Categories of development

### Objectives

1. Provide a convenient checklist for evaluating the adequacy of landscape design details submitted with development applications.
2. Provide a reference for Council's objectives, requirements and procedures for landscape planning and design for development sites.
3. Encourage developers to appreciate landscape design as a fundamental and critical element in the preparation of a development proposal and to include landscape design considerations at an early stage in the planning process.
4. Provide comprehensive landscape design guidelines and advice.
5. Encourage comprehensive site planning of development where landscape planning and design is a vital and integral component.

### Controls

For the purpose of this section development proposals are grouped into three categories, which determine the level of information required with a development application:

- **Category 1** - small scale development with relatively little impact on surrounding development. No landscape plan is required for Category 1 development.
- **Category 2** - medium scale development with potential visual significance and impact on the amenity of the host neighbourhood.
- **Category 3** - large scale development or development on prominent or ecologically sensitive sites with a high degree of visual significance and environmental impact.

Note: In general, proposals will be categorised according to the following schedule. Council reserves the right to make a final determination on the development category following consideration of a formal development application.



Schedule of Landscape Categories for Development Types			
Development Type	Category		
	1	2	3
Dwelling houses	✓	*	
Small scale alterations or additions	✓	*	
Change of use	✓	*	
Exhibition home	✓	*	
Dual occupancies	✓	*	
Rural dwellings	✓	*	
Advertising signs	✓	*	
Multi-dwelling Housing and Residential Flat Buildings		3-10 dwgs	>10
Industrial development		<\$2M	≥\$2M
Special uses eg. schools, churches, hospitals		<\$2M	≥\$2M
Commercial development		< or \$2M	≥\$2M
Residential subdivision		<20 lots	≥20 lots
Rural/residential subdivision		<20 lots	≥20 lots
Industrial subdivision		<20 lots	≥20 lots
Designated development	Merit		
Development in or adjacent to open space or historically, visually or ecologically sensitive areas	Merit		

\*Development marked with a tick (✓) in the above table – some small scale developments may be considered significant because of their nature or where they occur and would fall into Category 2, as determined by Council.



Controls applying to landscape categories for development types to which this section applies

1. Landscape plan documentation for categories 2 and 3 development applications is in accordance with the following table:

	Category	
	2	3
Site Survey and Analysis	3 copies at DA stage	3 copies at DA stage
Landscape Concept Plan/Master plan	3 copies at DA stage	3 copies at DA stage
Preliminary Landscape Design Report	N/A	1 copy at DA stage
Comprehensive Landscape Plan, Specifications	3 copies at CC stage	3 copies at CC stage
Landscape Practical Completion Report by Landscape Architect or design consultant	1 copy at occupation certificate stage	1 copy at occupation certificate stage
Landscape Establishment Report	1 copy at completion of maintenance period	1 copy at completion of maintenance period

2. All documentation for Category 2 development is prepared by competent and experienced designers such as:
  - (a) landscape architects
  - (b) landscape designers with relevant tertiary qualifications such as TAFE and/or members of the Australian Institute of Landscape Designers and Managers
  - (c) specialist advice such as horticulture or tree surgery should be obtained from members of the Arboriculture Association of Australia, or the Australian Institute of Horticulture.

Note: The name and contact telephone number of the Landscape Architect or design consultant is to be indicated on the required documentation.

3. All documentation for Category 3 development is prepared by a Landscape Architect or similar qualified professional practising at the membership level of Registered Landscape Architect of the Australian Institute of Landscape Architects, or as determined by Council.
4. All required landscape works are implemented by members of the Landscape Contractors Association of NSW and/or similar qualified contractors. In the case of Category 3 development, implementation is under the supervision of the landscape consultant responsible for the design.

Note: Please refer to the Landscape Technical Manual for detailed design guidelines.



## 7.02.02 General controls

### Objectives

1. Provide an area on sites where appropriate that enables soft landscape and deep soil planting that permit the retention and/or planting of trees and shrubs that will grow to a large or medium size.
2. Ensure areas of significant vegetation are maintained and protected.
3. Retain habitat for native fauna.
4. Ensure the character of development is appropriate for the local environmental context and the landscape character of the setting.
5. Ensure consideration is given to the impact which development may have on adjoining properties.

### Controls

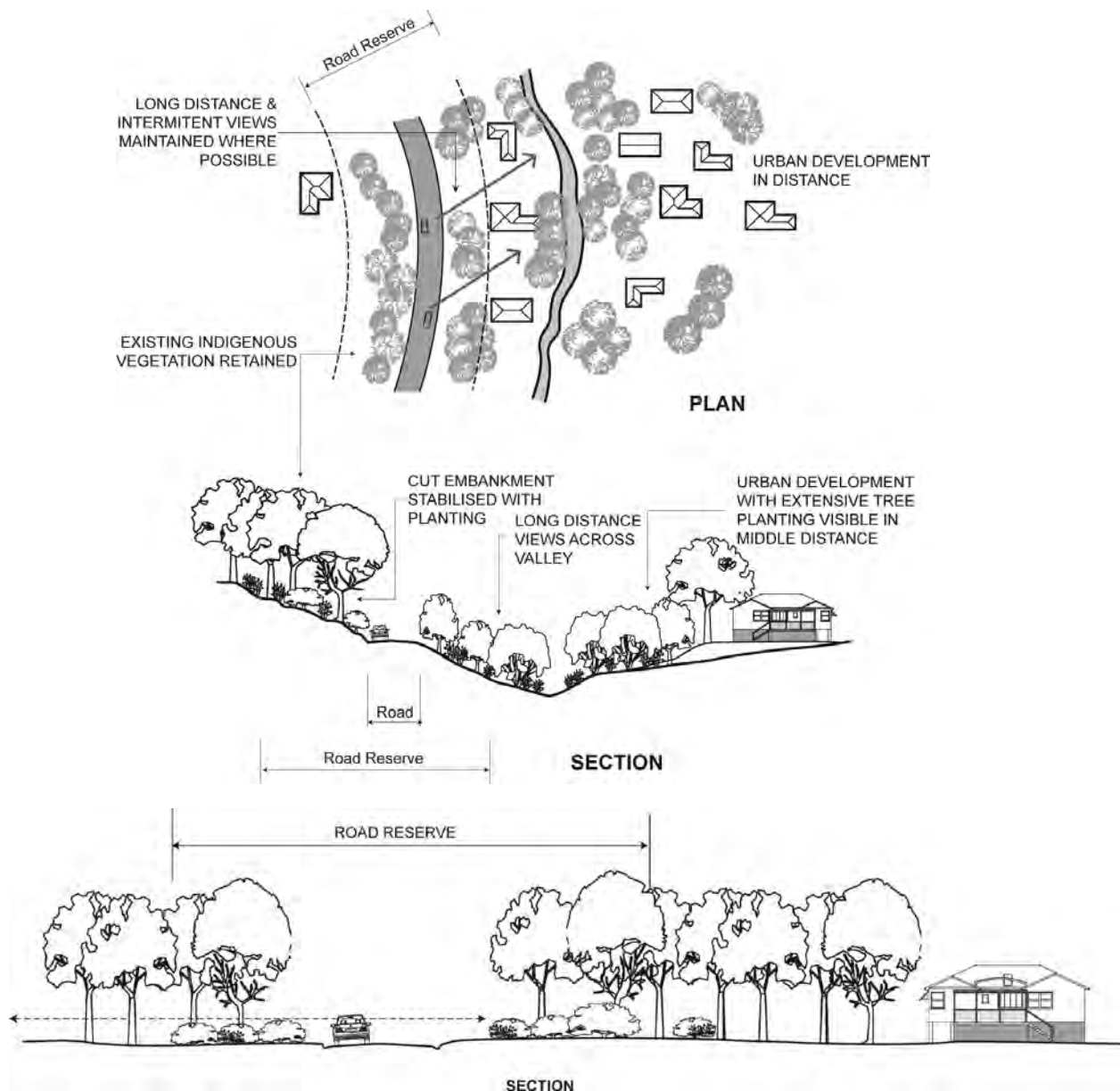
#### Controls applying to all development to which this section applies

1. Landscaping is in scale and context with the proposed development, street reserve width, other buildings and landscape elements within the streetscape, ie. it is not appropriate to plant a large tree in the front garden of a small terrace or to landscape a large industrial structure with ground covers.
2. Existing trees and vegetation should be preserved particularly street trees and those within the front setback. The existing tree canopy is retained and enhanced wherever possible.
3. Where possible integrate on-site stormwater management with the design of landscaped areas.
4. Plant species are selected and located to avoid structures, services and paths.
5. Undesirable species are not selected (See Appendix 1 of Urban Forest Technical Manual and Appendix B Landscape Technical Manual).
6. Deep soil zones are optimised within a site by:
  - (a) the design of basement and sub-basement car parking, so as not to fully cover the site and conflict with tree planting
  - (b) ensuring appropriate front and side setbacks are provided for tree planting
  - (c) that the soil profile is free draining
  - (d) works, excavations, infrastructure, services and drainage pipes are located away from the deep soil zone
  - (e) optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjacent properties.
7. Landscape treatment within the front setback is substantial enough to enhance the appearance and integration of the development with the streetscape.



8. Landscape design responds to user requirements, taking into account maintenance, social / recreational needs and aesthetic quality.
9. Plant species are suitable for site conditions, using native species where possible, and local indigenous species adjoining environmentally sensitive sites, such as waterways and bushland.
10. Landscape design is used to enhance the amenity and energy efficiency of the development where possible by providing shade to the northerly and westerly elevations of buildings in summer and adequate solar access in winter.
11. Landscape areas to address privacy issues between dwellings.
12. Significant site vegetation, landscape features incorporated in the public landscape areas of the development and linked to the local open space network where possible.
13. Adequate provision is made for planted buffer zones between major road corridors and nearby development. (Refer **Figure 1**).

**Figure 1: Buffer between road and residential area**





## 7.02.03 Residential development

### Objectives

1. Enhance the appearance and amenity of developments through the retention and/or planting of large and medium sized trees.
2. Encourage landscaping between buildings for screening.
3. Ensure landscaped areas are consolidated and maintainable spaces that contribute to the open space structure of the area.
4. Provide landscaped areas of usable size and proportions.
5. Assist new development to integrate into established streetscapes and neighbourhood.
6. Add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities.

### Controls

The following controls apply to development consisting wholly of residential accommodation of the following type: attached dwellings, dual occupancy, multi dwelling housing, residential flat buildings and semi-detached dwellings, as defined in the Newcastle Local Environmental Plan 2012

1. Landscape area is to be provided in accordance with the development type and Newcastle Urban Strategy precinct, as detailed in Table 1 (Residential Flat Building) and Table 2 (Dual Occupancy/Villa/Townhouses) below.

Landscape area can include any private open space area in excess of the principal area of private open space\*, provided it satisfies other landscape requirements under the DCP as shown in **Figure 2**.

*\*The **principal area of private open space** is a 4m x 4m level area of private open space directly accessible from the main living area of the dwelling.*



**Figure 2: Landscape area and principal area of private open space**



**Table 1: Residential Flat Building**

Precinct	Landscape Area	Deep Soil (% of Site Area) **
Limited Precinct	30% <sup>#</sup>	15%
Moderate Precinct	25% <sup>#</sup>	12%
Substantial Precinct	20% <sup>#</sup>	10%
<p>**The deep soil percentages are a percentage of the site area not the landscape percentage. The deep soil zones are still landscape areas for the purposes of the landscape area calculations.</p>		
<p><sup>#</sup>Consideration may be given, on a merit assessment basis, to varying the landscape percentage to 20% for sites within the Moderate and Limited precincts where a local level park is directly adjacent or adjoining the development site. Parks which have District/Regional level facilities that exclude general use by public (eg. Ausgrid Stadium and other permanent fixed fields which exclude casual use by the general public) or that are predominately unavailable for use such as native bushland would not attract this variation.</p>		



**Table 2: Dual Occupancy/Villa/Townhouses<sup>##</sup>**

Precinct	Landscape Area (m2) per dwelling	Deep Soil (% of Site Area) <sup>**</sup>
Limited Precinct	70 <sup>1</sup>	15%
Moderate Precinct	60 <sup>1</sup>	12%
Substantial Precinct	50 <sup>1</sup>	10%
<sup>**</sup> The deep soil percentages are a percentage of the site area not the landscape percentage. The deep soil zones are still landscape areas for the purposes of the landscape area calculations.		
<sup>##</sup> Residential Flat Buildings (ie. RFBs) still use the landscape area percentages in conjunction with the courtyard/balcony arrangements whereas the Dual Occupancies and Villa/Townhouse developments have the option of using either the 25% landscape area rate or the set area per dwelling given in the Table. The set area is an accumulative total for a development and can be designed as private open space, communal space or combination of both.		
<sup>1</sup> The option of using these set landscape areas is subject to a comprehensive landscape plan being submitted with the Development Application demonstrating that denser landscaping is proposed at a height and quality to contribute to the visual quality of the development and improved amenity for residents. In each of these departures kerbs, impervious materials and all paving is excluded from being counted within the landscape area calculations. It is further clarified that this 'set landscape area per dwelling' option also allows the landscaping to be distributed across a development site, it does not have to be divided evenly per dwelling within the subdivision.		

2. A landscape area has a minimum dimension of 3m. Areas less than 3m in width are excluded from the landscape area calculation (refer to **Figure 3**).

The following departures from the 3m minimum dimension are allowed under each specific circumstance subject to a comprehensive landscape plan\* being submitted with the Development Application demonstrating that denser landscaping is proposed at a height and quality that contributes to the visual quality of the development and improved amenity for residents being provided for the whole of the site. In each of these departures kerbs, impervious materials and all paving is excluded from being counted within the landscape area calculations.

*\* The comprehensive landscape plan is to be provided across the whole of the subject site once the benefit of any of the departure provisions is utilised.*

Note: These departures do not apply to the '3m wide landscaping strip located along one boundary' required by point 3.

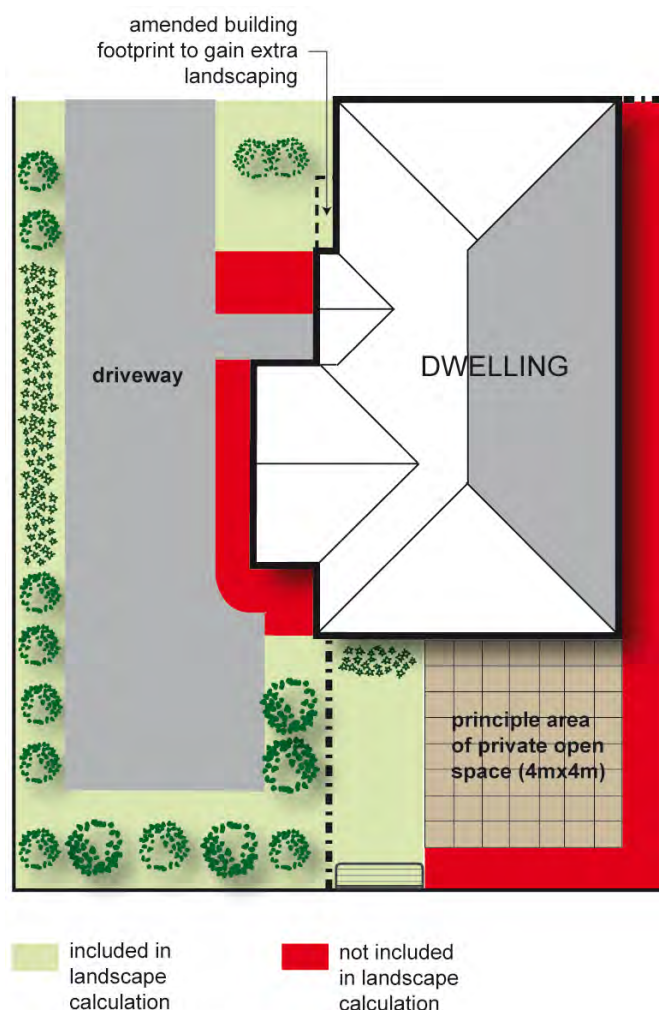
- (a) Driveway/Boundary Landscape Zone – where the landscaping between the side boundary and driveway is 1m wide or greater this can be included as part of the calculated landscape area.

Note: The area at the rear/end of the driveway is not included in this standard (see instead sub-point (c) below ).

- (b) Driveway/Dwelling Landscape Zone - where the landscaping between the proposed dwellings and the driveway is 2m wide or greater this can be included as part of the calculated landscape area.



**Figure 3: Layout of landscape area and principal area of private open space**

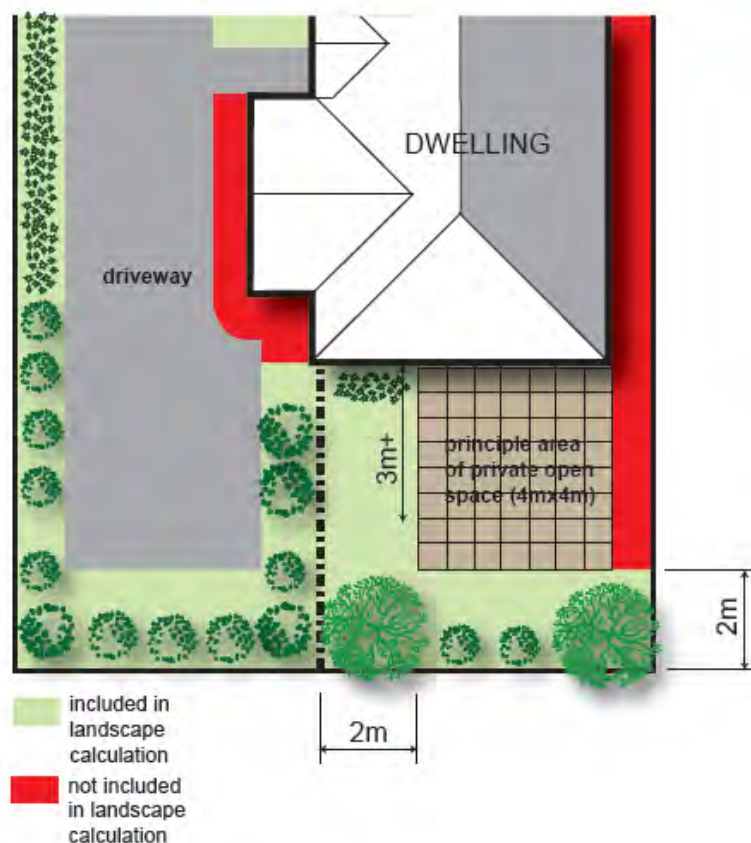


- (c) Driveway End Zone – where the landscaping at the end of the driveway, between the end of the driveway and boundary fence, is a minimum 2m wide or greater this can be included as part of the calculated landscape area.
- (d) Contiguous landscaping\* – where the landscaping area is:
- adjoining and contiguous\* with the private open space area (ie. including the principle area of private open space), and
  - has a boundary with the private open space which is at least 3m wide and is at least 2m deep, such that it forms a wide strip of landscaped area adjoining the private open space - areas which are narrower and deeper are not to be included within this departure wide (see Figure 4: Courtyard Landscaping), this can be included as part of the calculated landscape area.

*\* Landscaping can be considered to be contiguous, on a merit assessment basis, even where the landscaping is separated by a minor feature such as a courtyard fence. In this circumstance the smaller 'divided' portion of landscaping must be at least 1m wide (see **Figure 3: Landscape Dimensions**) and results in an improved planning outcome (eg. landscaping screening of a courtyard fence from the internal driveway).*



**Figure 4: Courtyard Landscaping**



3. A minimum 3m wide strip of landscaping is to be provided along one boundary, preference is given to the front and rear boundaries. Driveway crossings may be accepted within this strip, on a merits basis, where it is demonstrated that the overall development will achieve a high quality landscape outcome and the combined ratio of driveway width relative to the landscape area is not excessive within the strip area.
4. Deep soil zones are to be provided in accordance with the development type and Newcastle Urban Strategy precinct, as detailed in Table 1 (Residential Flat Building) and Table 2 (Dual Occupancy/Villa/Townhouses) above.

Note 1: The proposed tree/shrub species selected for the deep soil planting needs to be appropriate to the available area and gives consideration to retention of solar access during winter.

Note 2: Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment must be integrated with the design of the building.

5. The area between the street front boundary and the building line (ie. normally 5m) is to be used as a prime deep soil zone for taller tree planting and will not be included as an area of private open space. No fencing greater than 1.2m in height is to be erected within this area or on any street front boundary associated within this area. Any paving within this area is to be minimised and designed to be compatible with the tree planting.



6. Landscaping requirements for mixed use development will be assessed on its merits, having regard to other controls of this section, respect for the character of the existing streetscape and that of adjoining land.

Note: Refer also to Section 7.02.07 Green walls and roof space
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7. The proposed design, where a subdivision is included concurrently or proposed at a subsequent time, must demonstrate that:
  - (i) the overall development achieves the required landscape area given in Control 1 above; and
  - (ii) each dwelling on any resultant lot achieves at least the minimum landscaping and private open space required under section 3.02.07- Landscaping and existing vegetation.

## 7.02.04 Subdivision

### A. Layout

#### Objectives

1. Ensure subdivision layouts take into account landscaping and site characteristics.
2. Ensure significant landscape elements are retained and protected.
3. Minimise the impact of development on significant views and vistas.
4. Ensure adequate provision is made for planted buffer zones between major road corridors and nearby development.

#### Controls

##### The following controls apply to development consisting of subdivision

1. A landscape Concept Plan/Masterplan showing all stages of subdivision and development is submitted at development application stage as required under Section 7.02.01. The plan describes the existing landscape character and reinforces this character in the development.
2. Building envelopes, accessways and roads avoid ridge tops and steep slopes.
3. Landscape elements, including valuable wildlife habitats are retained and conserved.
4. Subdivisions are designed so that, when subsequently developed, visually significant vegetation, or other natural or built elements, is retained.
5. Proposals to subdivide visually sensitive or prominent areas address the visual impacts of development in the Statement of Environmental Effects accompanying the application.



6. Proposals for subdivisions of more than 50 lots includes a Visual Impact Statement that illustrates the nature and visibility of the proposal from both within the site and from significant viewpoints external to the site.
7. Natural drainage and open space networks are integrated into the landscaped area.
8. Topsoil is conserved.
9. Early structure planting is undertaken where possible before and during construction work.
10. Landscape work is maintained up to one year after completion of project.

## **B. Public open space**

Open space planning continues to evolve from a standards-based approach. Current approaches focus on providing quality open space with a diversity of recreational experiences as an integral part of good neighbourhood design. The quality of design will have a direct bearing on how the community will use local open spaces and consequently, intra-generational levels of enjoyment and well-being for the future community.

Council is reviewing its open space, including assessment of the adequacy of open space in various catchments and clarification of its purpose. The need for and proposed location, type and extent of parklands and sporting facilities should be discussed with Council prior to submission of a development application.

Council may require the dedication of land free of cost for open space and/or a monetary contribution, depending on the number of lots to be created in the subdivision and the proximity and adequacy of other existing or planned open space.

### **Objectives**

1. Ensure significant landscape elements are retained and protected.
2. Ensure vehicular and pedestrian circulation is clearly identified and separated.
3. Provide open space that:
  - (a) is meaningful to place and community
  - (b) is multi-functional and adaptable
  - (c) provides diversity of recreational experience
  - (d) encourages social interaction
  - (e) is safe, equitable and accessible
  - (f) enhances environmental sustainability
  - (g) is financially sustainable.



## Controls

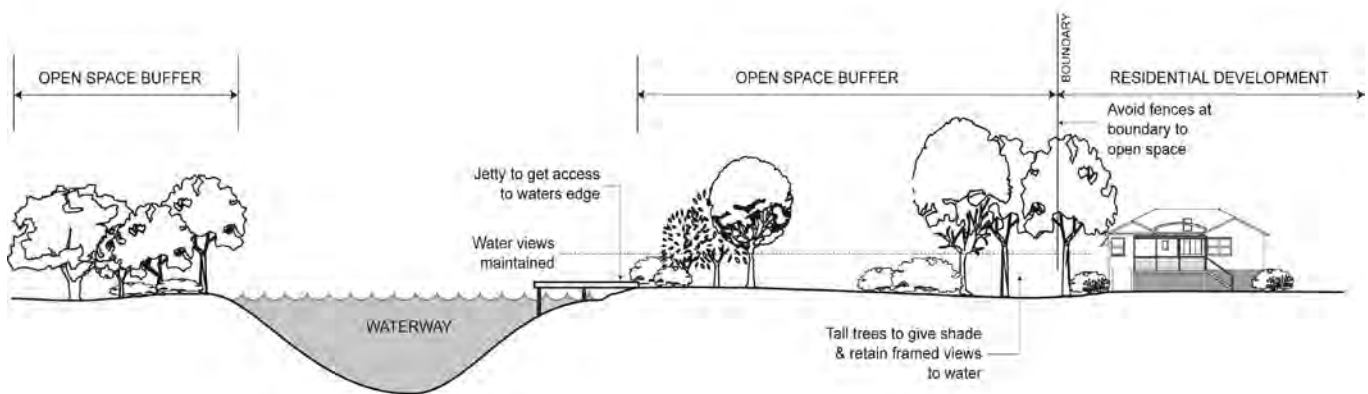
The following controls apply to development consisting of subdivision where public open space is proposed

1. A concept plan for open space is prepared, having regard to the following:
  - (a) the location, type and extent of existing open space in the locality
  - (b) location of natural or cultural heritage features
  - (c) the need to provide parklands of a usable size
  - (d) potential for augmentation, co-location and connectivity with proposed facilities and activity centres.
2. Parklands have frontage to roads, to provide for ease of access, allow for casual surveillance and assist with place making.
3. Local parklands include a playground (0-9 years), designed and installed in accordance with Council's standards and open areas to meet the needs of youth.
4. All dwellings within the subdivision are within 400m walking distance of a parkland and within 15 minutes drive of a district level facility.
5. Land intended as open space for active recreational use is:
  - (a) well-sited having regard to the movement network
  - (b) regular in shape
  - (c) level
  - (d) has access to all services
  - (e) has access to public transport
  - (f) has road frontage to facilitate access.
6. Council reserves the right to not accept dedication of land it considers unsuitable. Land identified as passive recreational space is generally unacceptable if it:
  - (a) is less than 5000m<sup>2</sup> in area, unless it adjoins existing or identified future public open space
  - (b) is required solely to ensure provision or protection of riparian zones
  - (c) contains identified bush fire Asset Protection Zones
  - (d) contains contaminated land
  - (e) has frontage of less than 50m to a public road
  - (f) serves primarily a stormwater management or drainage control purpose



- (g) contains locations or items of cultural significance.
- 7. New developments plan and provide interconnecting open space networks that integrate and conserve urban waterways and allow for ecological, aesthetic and recreation values while functioning as part of a stormwater drainage system.
- 8. Where possible, buildings, large structures, roads and car parks are not constructed within public open space areas nor any other form of development which contributes towards the alienation of public open space.
- 9. Development provides for the safe, convenient, and enjoyable movement of pedestrians, cyclists and other activities from surrounding areas to recreation facilities and open space areas.
- 10. A buffer is provided either side of a major watercourse/wetland to control urban run-off and protect the wetlands. (Refer **Figure 5**).

**Figure 5: Buffer from waterways**



## C. Drainage systems

### Objectives

1. Recognise that drainage reserves may provide for a range of uses including recreation, conservation, as well as links between recreation areas and neighbourhoods.
2. Encourage the preservation and maintenance, where possible, of any existing watercourse and its corridor in its original condition in order to maintain the pre-urban amenity of the site.
3. Augment existing amenity through creating new water bodies and improving their landscape setting.
4. Minimise impact on existing amenity through a sensitive design approach which still achieves the drainage function.
5. Use multiple-use open space systems as wildlife corridors.



## Controls

### The following controls apply to development consisting of subdivision

Note: Hazard assessments may be required depending on the hydraulic characteristics of the proposal.

1. Development caters for pedestrian and vehicular access within the drainage system by providing footpaths, cycleway and parking areas along the margins, while recognising the hazards associated with people using these areas.
2. Access to all parts of the open space and drainage system is required for maintenance purposes.
3. Permanent water bodies within the detention basin are incorporated where possible to increase the amenity value of the area and contribute to the aesthetic quality of the development.
4. Consideration given to water quality and the incorporation of gross pollutant traps or wetlands filters upstream.
5. Consideration given to bank treatments and the provision for safety and access to water's edge.
6. Surface and subsurface treatments are suitable for intensity of use of the area and can be used as soon as possible after inundation, eg. stripping and stockpiling topsoil, adding gypsum, adding sand to topsoil to improve drainage.
7. If appropriate, automatic irrigation systems are installed in active sport areas. Consideration is also given to the installation of adequate watering points for maintenance.
8. The functional requirements of the open space areas are reflected in the overall design, eg. dry land grass species for informal low use areas, fine turf grass for organised sports, exotic trees within the residential component.
9. Planting within the overland flow paths is compatible with hydraulic design for the system, and as determined by Council.

## 7.02.05 Car parking

### Objectives

1. Ensure car parks do not dominate the landscape and detract from the local environment.
2. Ensure where car parks are provided, they function efficiently and safely while having sufficient shade to reduce heat build-up and glare.
3. Ensure significant landscape elements are retained and protected.



## Controls

### Controls applying to development which contains more than six external parking spaces

1. Significant landscape elements are conserved and incorporated within the car park design.
2. Generous shade trees are planted within the parking area at a rate of at least one shade tree per six parking spaces with an aim to achieve at least 50% shade cover of the area. Shade area is to be calculated from the estimated crown projections of a tree 15 years in age under suitable growing conditions. Selected tree species are to develop a clean trunk height greater than 4.5m and a crown projection of at least 50m<sup>2</sup> to provide adequate shade and vehicle clearance. Landscape documentation is to detail the provision of sub-grade load bearing root vaults to provide suitable rooting volume for the required number of shade trees.
3. A landscape strip of between 1.5m and 3m is provided along the frontage to a street and/or other public space.
4. Reduce the visual impact of large parking areas using canopy trees and different surface treatments, such as permeable paving and the provision of pedestrian access.
5. Consideration is given to the following:
  - (a) using contrasting paving to delineate pedestrian and vehicular zones
  - (b) lighting for night use
  - (c) using kerbs or wheel restraints to contain and define parking areas
  - (d) using shrubs to screen cars from the street.
6. Clear sightlines are maintained between parking areas, public roads and paths.
7. Landscaping does not conflict with lighting services and casual surveillance of parking areas.
8. Trees and shrubs are positioned to provide adequate sight distance on corners and intersections of roads and paths within the development to avoid safety hazards to motorists and pedestrians.

## 7.02.06 Industrial development

### Objectives

1. Improve the visual amenity of industrial developments using landscape design that relates to the building scale and uses long lived species.
2. Ensure industrial land uses are adequately screened from residential uses.



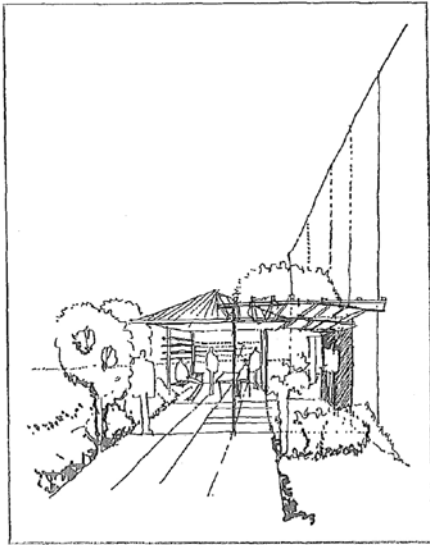
## Controls

### Controls applying to development within the B5 Business Development, IN2 Light Industrial, IN3 Heavy Industrial, IN1 General Industrial zones under the Newcastle Local Environmental Plan 2012

1. The front setback shall be landscaped.
2. Side and rear setbacks shall be landscaped where visible from a public place or adjoining or adjacent residential area.
3. Areas adjacent to building entrances and pedestrian access points are to be landscaped.
4. The perimeter of all approved storage areas are to be landscaped.
5. All loading and servicing areas are located to the side or rear of buildings and effectively screened from any street frontage, adjoining buildings and residential areas.
6. In open parking areas at ground level, one shade tree per six spaces is planted within the parking area as per section 7.02.05.
7. The provision of at least one street tree lot is planted within Council's footpath / verge, trees are to be planted no greater than 10m apart. The tree species selection will be in accordance with Council's Street Tree Master Plan.
8. All fencing in industrial developments is constructed of palisade or decorative open style metal type fencing with a maximum 1.8m height.
9. The use of sheet metal fencing or chain wire fencing on the front property boundary is not favoured.
10. All front entry gates are constructed to swing inwards into the site or slide across the frontage, at all times.
11. Masonry retaining walls along the street frontage are restricted to 600mm in height. Palisade or other decorative open metal type fencing may be erected on top of the masonry wall provided the total height of the masonry wall and fence is a maximum 2.4m in height.
12. Development with a floor area greater than 500m<sup>2</sup> or with a site area greater than 2000m<sup>2</sup> provides on site open space facilities for staff which includes:
  - (a) seating, tables and rubbish bin
  - (b) accessible staff amenities (eg. toilets and kitchen area)
  - (c) protection from the weather
  - (d) safe access to all staff
  - (e) separation from public areas
  - (f) location away from noisy or odorous activities
  - (g) orientation to ensure some exposure to sunlight.



**Figure 6: Open space facilities for staff**



Note: In assessing the landscaping requirements for industrial development the following criteria are also taken into consideration:

- the proximity of the development to public roads, railway lines, residential development and/or public places
- the nature and scale of the development proposal
- the extent of landscaping that has applied to existing development in the vicinity and the age of such development
- the location of services.

## **7.02.07 Green walls and roof space**

### **Objectives**

1. Improve the microclimate and solar performance within the development.
2. Contribute to the quality and amenity of open space where provided over built structures.
3. Encourage the establishment and healthy growth of trees and shrubs in urban areas.
4. Encourage green roof to be used in communal open space in mixed-use residential developments and non-residential developments where the landscaping will not be on natural ground.
5. Minimise the use of potable water for irrigating planting on structures.
6. Maximise green cover on roofs, walls and within open space to improve environmental conditions and improve energy and water efficiency.



## Controls

The following controls apply for planting on roof tops, over car park structures or green walls, particularly for landscaping required as a component of mixed-use residential development, and in non-residential developments where the landscaping proposed is not on natural ground

1. Planting on structures is designed for optimum conditions for plant growth by:
  - (a) providing soil depth, soil volume and soil area appropriate to the size of the plants to be established
  - (b) providing appropriate soil conditions and irrigation methods
  - (c) providing appropriate drainage.
2. Planters are to be designed to support the appropriate soil depth and plant selection by:
  - (a) ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure healthy tree and shrub growth
  - (b) providing square or rectangular planting areas where possible, rather than narrow linear areas.
3. Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended:

Plant Type	Minimum Soil Depth (m)	Minimum Soil Volume (m <sup>3</sup> )
Large trees (over 8m high)	1.3	150
Medium trees or shrubs(2m to 8m high)	1.0	35
Small trees or shrubs (up to 2m high)	0.8	9
Small shrubs and ground cover	0.5	Not applicable

4. Green walls are used to enliven blank facades.
5. Water filtration is optimised by green roofs through the use of permeable paving.
6. Utilities such as plant rooms, lift overruns or air conditioning units are screened with green cover to improve the aesthetic quality of the development.



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## 7.03 Traffic, Parking and Access



### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	17/07/2012	30/07/2012	Amended
3	27/09/2016	24/10/2016	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

### Development (type/s) to which this section applies

This section applies to all development:

- involving a change of use
- generating an increase in gross floor area of a building
- related to an activity generating a demand for parking.

### Related sections

The following sections of this DCP may also apply to development to which this section applies:

- Section 7.04 Movement Networks

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy (Infrastructure) 2007

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.



## Associated technical manuals

- Australian Standard 2890.1 2004, *Parking facilities - Off-street car parking*
- Australian Standard 2890.2 2002 – *Parking facilities - Off-street commercial vehicle facilities*
- Australian Standard 2890.3 – *Parking facilities - Bicycle parking facilities*
- Australian Standard 2890.5 – *Parking facilities - On-street parking*
- Austroads, 2009, *Guide to Traffic Management*
- Newcastle City Council, (2007), *Guidelines for Motorbike Parking in Newcastle*
- Roads and Traffic Authority NSW, 2003, *NSW Bicycle Guidelines*

## Additional information

- Department of Infrastructure, Planning and Natural Resources, December 2004, *Planning guidelines for walking and cycling*
- Newcastle City Council, (2006), *Section 94A Development Contributions Plan 2006*
- Roads and Traffic Authority NSW, 2002, *Guide to Traffic Generating Developments*
- Building Code of Australia
- Roads and Traffic Authority, 2010, *Traffic Control at Work Sites*,  
[www.rta.nsw.gov.au/doingbusinesswithus/downloads/technicalmanuals/tcwsv4\\_dl1.html](http://www.rta.nsw.gov.au/doingbusinesswithus/downloads/technicalmanuals/tcwsv4_dl1.html)

Note: Where the above documents are superseded by updated versions, the version current at the time of lodgement of the Development Application shall apply.

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 – Glossary, of this plan, and include:

- **Car pooling** - car pooling (also known as ride-sharing or lift-sharing) is a system by which participants coordinate their trips (for example, trips to work) so that they can travel in a single car, thereby reducing the volume of traffic on the roads and associated impacts.
- **Car sharing** - car sharing allows a member of the car sharing scheme (such as an individual or a business) to access a fleet of shared vehicles, as needed, paying a usage fee each time. Characteristics of a typical car sharing scheme include a provider with a centralised system for booking and billing, clients (individuals/organisations), a fleet of vehicles, and parking spaces at key locations within a defined catchment area.
- **City Centre** - area defined on the Newcastle City Centre map of the Newcastle Local Environmental Plan 2012
- **Green Travel Plan** - a Green Travel Plan is a package of initiatives aimed at reducing car travel, particularly single occupant car trips. A Green Travel Plan encourages greater use of public transport, walking and cycling by residents, employees and visitors.
- **Historic parking deficiency** - the historic parking deficiency is determined by calculating the number of parking spaces required under the provisions of this DCP for an existing building or use and subtracting the number of spaces currently provided for that building or use.
- **Travel demand management** - travel demand management is intervention (excluding the provision of major infrastructure) to modify travel decisions so that more desirable transport, social, economic and/or environmental objectives can be achieved, and the adverse impacts of travel can be reduced.



## **Aims of this section**

1. To ensure that parking and service provision is adequate relative to the likely demand.
2. To encourage measures to reduce motor vehicle dependency and increase the use of public transport, walking and cycling.
3. To ensure that the design of parking, access and servicing areas is in accordance with best practice standards.
4. To provide adequate and safe vehicle access to sites without compromising pedestrian access and streetscape qualities.

## **7.03.01 Traffic studies and plans**

### **A. Traffic impact study**

#### **Objectives**

1. Provide adequate information to assess the traffic impacts of the proposed development.
2. Justify any departure from the parking rates set out in Table 1 – Parking Rates.

#### **Controls**

##### Controls applying to all development to which this section applies

1. The Statement of Environmental Effects addresses the following issues:
  - (a) parking facilities provided, with details of calculations, types, number and arrangement
  - (b) proposed access arrangements and their compliance with design standards outlined in this Section
  - (c) identification of public transport services, stops and shelters in the vicinity of the development
  - (d) traffic generation, impacts expected and proposed traffic management measures.
2. Development proposals which, in the opinion of Council, may cause significant impacts on the surrounding movement network, are supported by a Traffic Impact Study, prepared by a suitably qualified and experienced transport professional. The requirement for a Traffic Impact Study should be discussed with Council pre-lodgement.
3. Issues addressed in the Traffic Impact Study include:
  - (a) review of the existing and proposed traffic network, traffic operating conditions and flows
  - (b) likely car parking supply and demand, as well as servicing requirements



- (c) estimates of trip generation of the development
  - (d) public transport services in the vicinity of the proposed development
  - (e) impacts of generated traffic on the surrounding road network and the locality
  - (f) safety of access between the site and the adjacent road network
  - (g) pedestrian infrastructure, generation and movements
  - (h) recommended improvement works
  - (i) linkages with existing and proposed bicycle and pedestrian routes.
4. Further to (3) above, the Traffic Impact Study also includes details of public transport services and stops, and measures proposed to increase mode share to public transport and improve access to services. Evidence of liaison with public transport service providers and Transport NSW is provided.

Controls applying to all development listed in State Environmental Planning Policy (Infrastructure) 2007 Schedule 3 Traffic Generating Development to be referred to the RTA

- 5. A Traffic Impact Study, prepared by a suitably qualified and experienced transport professional, is submitted with the Development Application.
- 6. The Traffic Impact Study is prepared in accordance with the RTA's *Guide to Traffic Generating Developments* (2002). The Traffic Impact Study includes details of public transport services and stops, and measures proposed to increase mode share to public transport and improve access to services. Evidence of liaison with public transport service providers and Transport NSW is provided.

Note 1: Issues to be addressed in a Traffic Impact Study are detailed in section 2.3 of *Guide to Traffic Generating Developments* (RTA, 2002).

Note 2: All development listed in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 should be supported by a Traffic Impact Study.

## **B. Construction traffic management plan**

### **Objectives**

- 1. Detail traffic management measures for the construction phase of the project, to minimise adverse impacts on traffic movement, pedestrians and/or parking.

### **Controls**

Controls applying to all development to which this section applies

- 1. Council requires submission of a draft Construction Traffic Management Plan, where it is likely that the demolition and construction phases of a development will significantly impact traffic movement, pedestrians and/or parking.



2. The draft Construction Traffic Management Plan is prepared in accordance with Australian Standard 1742.3 by a Roads and Traffic Authority qualified person as defined under the RTA's *Traffic Control at Work Sites*.
3. The draft Construction Traffic Management Plan clearly sets out:
  - a) traffic generation associated with demolition and construction
  - b) heavy vehicle routes
  - c) impacts on road networks, cycle routes, pedestrian paths and parking, including frequency and duration of closures, and associated control measures
  - d) proposed hours of operation in demolition and construction phases.
4. Provision is made for safe, continuous movement of traffic and pedestrians on public roads and for the erection of traffic warning signs conforming to the RTA's *General Specifications*. Traffic control is carried out only by flagmen with certification of training in accordance with Australian Standard 1742.3.
5. The conditions of consent for development outline requirements of the Construction Management Plan.

## 7.03.02 Parking provision

### A. Parking rates

#### **Objectives**

1. Ensure an appropriate level and mix of parking provision, having regard to the likely demand and the impacts of over/undersupply of parking.
3. Establish an appropriate parking standard for the City Centre that recognises its locational advantages in relation to public transport access.

#### **Controls**

##### Controls applying to all development to which this section applies

1. Car parking is generally provided in accordance with the rates set out in Table 1 – Parking Rates, except for car parking for non-residential development in the Newcastle City Centre, which is provided at the rate of one space per 60m<sup>2</sup> gross floor area. Council reserves the right to vary the rates, subject to merit assessment of the proposal.
2. Parking provision for major traffic generating development in Newcastle is assessed on merit, with particular reference to:
  - (a) likely peak usage times
  - (b) the extent to which development will attract additional patronage, as opposed to drawing on existing visitations



- (c) the likely use of public transport.
3. Parking provision for developments not listed in Table 1 is assessed having regard to RTA guidelines, and/or demonstration of parking requirements from surveys of comparable establishments and the following criteria:
    - (a) the proportion of visitors or patrons likely to arrive by car
    - (b) the availability and level of service of public transport relative to the site
    - (c) the number of employees and their likely spread of work hours
    - (d) the hours of operation
    - (e) the location of the premises, particularly in relation to schools, local services, and employment, retail and recreational facilities
    - (f) the number of occasions during the year when the proposed development is likely to be fully utilised
    - (g) the availability and affordability of public parking within a reasonable distance of the proposed development
    - (h) the availability of additional parking facilities to cover peak demands.
  4. Provision of car parking and associated internal vehicular access and manoeuvring areas above the maximum rates nominated in Table 1 are included in the gross floor area for the purpose of calculating floor space ratio, except where provided in association with controls 5 and/or 6.
  5. Where a development proposal involves alterations or additions to an existing building, a change in use or an intensification of use, the required on-site parking provision is based on the likely demand arising from the additions or the intensification of use, as assessed by Council. The possibility of a future change of use is also considered when preparing a development proposal and, if appropriate, due allowance made for provision of supplementary parking spaces. This applies particularly to premises being constructed for leasing or renting or in those premises where the type of occupation could be subject to variation. Failure to provide adequate parking spaces under these circumstances could result in the refusal of a future development application for a change of use.
  6. Where development/redevelopment is proposed that will result in a loss of on-street spaces (arising from the construction of access, loading facilities etc.), Council may require for such spaces to be replaced on site.
  7. Stack parking, including mechanical devices, occurs only where it can be demonstrated that it will be operationally efficient and not cause unreasonable obstruction.
  8. Service vehicle parking, courier facilities and loading and unloading facilities are provided on site in a manner that is conveniently accessible for all developments likely to generate a need for such facilities. The submitted plans clearly indicate that the proposed facilities will be adequate, having regard to:
    - (a) intended use of the site
    - (b) frequency of deliveries and collections



- (c) size and bulk of goods
  - (d) size of vehicles
  - (e) ease of access.
9. Table 2 shows indicative standards for provision of service vehicles for various types of development.
  10. Council may require the provision of taxi, private vehicle and bus/coach drop off/set down areas where warranted by the proposed development. Specifically, bus set down facilities are provided, in close proximity to the main pedestrian access, for education establishments, shopping centre developments or commercial premises of more than 10,000m<sup>2</sup>, convention and exhibition centres, and other development as deemed appropriate by Council.

#### The following controls apply only to the Newcastle City Centre

11. Except for residential development, car parking for development in the Newcastle City Centre is provided at the rate of one space per 60m<sup>2</sup> gross floor area.

#### The following controls apply only to Attached Dwellings, Multiple Dwelling Housing and Residential Flat Buildings as defined within Newcastle Local Environmental Plan 2012

12. Visitor parking is allocated, marked out on the pavement surface, clearly signposted and designated as common property on any Strata Plan.

#### The following controls apply only to Mixed Use Development

13. The total number of parking spaces for a mixed-use development is generally calculated on the basis of the sum of the required car parking spaces in respect of each use, unless it is demonstrated that an overlap of car parking demand is likely to occur.
14. The total number of spaces to be provided for each type of parking is rounded to the nearest whole number.

## **B. Variations to parking rates**

### **Objectives**

1. Allow variations to on site provision of parking.

### **Controls**

#### Controls applying to all development to which this section applies

1. Applicants comprehensively justify any departure from the parking rates set out in Table 1 in the Statement of Environmental Effects or Traffic Impact Study.
2. Council has regard to the following when considering any departures from the parking rates set out in Table 1:
  - (a) the size and nature of the development, including any change of use proposed, the amount of additional floor area relative to the existing floor area and the increased parking demand likely to be generated



- (b) the applicability of other Council policies
  - (c) the mix of uses, the hours of operation and timing of peak demand for each use, including any overlap of parking demand
  - (d) results of any comprehensive parking survey submitted in support of the application
  - (e) whether a Green Travel Plan has been provided and a written agreement between Council and the owner/occupier is established for implementation of the Green Travel Plan
  - (f) whether a car sharing scheme is proposed to be implemented
  - (g) access to public transport services and the probable transport mode of staff and patrons or customers of the development
  - (h) availability and accessibility of public parking facilities in the vicinity of the proposed development
  - (i) the availability of kerb-side parking opportunities in the vicinity of the proposed development
  - (j) continuity, streetscape and heritage significance
  - (k) existing and likely future traffic volumes on the surrounding road network, traffic circulation and safety
  - (l) the impacts of providing on-site parking
  - (m) anticipated impacts of not providing for adequate on-site car parking.
3. For alterations, additions or change of use of an existing building, a departure from the rates set out in Table 1 may be considered if a historic parking deficiency applies. However, a historic parking deficiency does not apply in the case of total redevelopment of a site.
  4. In certain circumstances, Council may consider entering into a voluntary planning agreement to accept a monetary contribution in lieu of on-site car parking provision. A monetary contribution in lieu of on-site provision will not be accepted for bicycle parking/storage.

Note: Parking is one of many matters for consideration in the assessment of a development proposal. There may be situations where it is impracticable or undesirable to provide parking on site at the rate nominated in this section, but the benefits of the proposal are significant. It is the responsibility of the applicant to show that the proposed level of parking is appropriate, or that overall, the benefits outweigh concerns regarding the level of parking provision.

In some cases, Council may accept a monetary contribution in lieu of on-site parking provision through a voluntary planning agreement. However, Council may refuse to enter into a voluntary planning agreement for provision of a monetary contribution in lieu of parking provision if it does not intend to provide a public facility in close proximity to the proposed development within a reasonable timeframe.



## C. Bike parking

### Objectives

1. Encourage trips by cycling, through the provision of conveniently located bike parking facilities.

### Controls

#### Controls applying to all development to which this section applies

1. Secure and conveniently accessible bicycle parking for new development is provided in accordance with the rates set out in Table 1. Council may require a greater provision of bicycle parking than indicated if warranted in particular circumstances. Historic parking deficiency does not apply to the provision of bike parking.
2. Bicycle parking complies with the relevant Australian Standard (AS2890.3).
3. Bicycle parking is clearly marked and signposted.
4. Where bicycle parking is provided within a car parking area, adequate sight lines are provided to ensure safety of users.
5. Where bicycle parking for tenants is provided in a basement car park, it is located on the uppermost level, close to entry/exit points. A well-lit, marked path of travel from the bicycle parking area to entry/exit points is provided.
6. Bicycle parking for visitors/shoppers is provided at grade near key access points to the development.
7. Where shower facilities and change rooms are provided for cyclists, convenient access to such facilities is to be considered in the siting of bicycle parking.
8. Access to bicycle parking is provided in accordance with the RTA's *NSW Bicycle Guidelines*, which reference Austroads *Guide to Traffic Engineering Practice*. Slotted drainage grates, longitudinal joint cracks and sharp gradient transitions, which provide hazards to riders, are avoided.

Note: Provision of adequate bicycle parking on site encourages and facilitates trips by cycling. Consideration should be given to the type of bicycle parking facility to be provided, the security arrangements, access and ease of use, having regard to the anticipated users and their duration of stay. Bike parking is categorised as Class 1 (high security level), Class 2 (medium security level) and Class 3 (low security level). For some development types, it may be appropriate to provide a mix of bicycle parking facilities to meet the needs of various users. Refer to *Planning guidelines for walking and cycling* (Department of Infrastructure, Planning and Natural Resources, December 2004).



## **D. Motorbike parking**

### **Objectives**

1. Provide motorbike parking to meet likely demand.

### **Controls**

#### Controls applying to all development to which this section applies

1. Motorbike parking for new development is provided in accordance with the rates set out in Table 1. Council may require a greater provision of motorbike parking than indicated where warranted in the particular circumstances.
2. Motorbike parking complies with the relevant Australian Standard (AS2890.3) and Council's *Guidelines for Motorbike Parking in Newcastle*.

## **E. Parking for people with a disability**

### **Objectives**

1. Ensure adequate provision of parking for people with a disability.
2. Provide conveniently located and signposted parking for people with a disability.

### **Controls**

1. A proportion of parking spaces is designed and designated by appropriate pavement marking and signposting as parking for people with a disability. Minimum rates are in accordance with the Building Code of Australia.
2. Parking for people with a disability is designed and constructed in accordance with current relevant Australian Standards (AS2890 and AS1428) and the Building Code of Australia.
3. Parking spaces for people with a disability are identified by a sign incorporating the appropriate international symbol. The signage and indicative directions are visible from a vehicle at the entrance to the car park.
4. Parking spaces for people with a disability are located close to wheelchair accessible entrances or lifts.
5. A continuous accessible path of travel is provided from each parking space for people with a disability to the closest accessible public entrance.
6. The minimum floor to ceiling clearance above parking spaces for people with a disability is 2.5m and the minimum floor to ceiling height clearance throughout the accessible path of travel is 2.3m.
7. The applicant is required to demonstrate, to the satisfaction of Council, how parking restrictions are enforced. Council may enter into an agreement with the owner/operator of the premises to allow Council's Compliance Officers to enter the site to enforce parking restrictions. Should such an arrangement be mutually agreed, it will be included as a condition of consent.



**Table 1 – Parking rates**

Note: Bicycle parking is categorised as Class 1, Class 2 or Class 3.  
 Class 1 (high security level): Bicycles stored within fully enclosed individual lockers fitted with high security door locks.  
 Class 2 (medium security level): Bicycles locked to rack within a secure room, enclosure, compound or cage.  
 Class 3 (low security level): Bicycles locked to high quality rack in public area, with users providing their own locking device.

Land Use	Car Parking	Bike Parking	Motorbike Parking
<b>CHILD CARE CENTRES</b> Note: Additional parking may be required for those centres which have a high ratio of staff to children in care.	1 space for every 4 children in attendance	1 space per 10 staff (Class 2)	
<b>CLUB (Registered Club)</b> Note: Rates are provided as a guide only. Survey based assessment should be undertaken and comparisons drawn with similar establishments.	1 space per 2 staff plus 1 space per 15m <sup>2</sup> of licensed floor area (bar, lounge) for visitors	1 space per 25m <sup>2</sup> bar area plus 1 space per 100m <sup>2</sup> lounge, beer garden (Class 2) for staff  1 space per 25m <sup>2</sup> bar area plus 1 space per 100m <sup>2</sup> lounge, beer garden (Class 3) for visitors	1 space per 20 car spaces
<b>COMMERCIAL (BUSINESS, OFFICE, RETAIL)</b>			
<b>Office</b>	1 space per 50m <sup>2</sup> GFA	1 space per 200m <sup>2</sup> GFA (Class 2)	1 space per 20 car spaces
<b>Retail</b>			
Bulky Goods Premises	1 space per 60m <sup>2</sup> GFA	1 space per 20 staff (Class 2)	1 space per 20 car spaces
<b>Food and Drink Premises</b>			
<ul style="list-style-type: none"> <li>Pub</li> </ul> Note: Car parking rate is provided as a guide only. Survey based assessment should be undertaken and comparisons drawn with similar developments. Additional parking required for dining etc. Parking requirements to be based on activity mix.	1 space per 2 staff plus 1 space per 15m <sup>2</sup> of licensed floor area (bar, lounge) for visitors  Accommodation in association with a pub - 1 space per 2 rooms	1 space per 20 accommodation rooms plus 1 space per 25m <sup>2</sup> bar area plus 1 space per 100m <sup>2</sup> lounge, beer garden (Class 2) for staff  1 space per 25m <sup>2</sup> bar area plus 1 space per 100m <sup>2</sup> lounge, beer garden (Class 3) for visitors	1 space per 20 car spaces



Land Use	Car Parking	Bike Parking	Motorbike Parking
▪ Restaurant or Cafe	1 space per 6.5m <sup>2</sup> GFA or 1 space per 3 seats	1 space per 100m <sup>2</sup> GFA (Class 2)	1 space per 20 car spaces
▪ Drive-in Take Away Food and Drink Premises	<p>Developments with no on-site seating - 12 spaces per 100m<sup>2</sup> GFA</p> <p>Developments with on-site seating but no drive through: 12 spaces per 100m<sup>2</sup> GFA <u>or greater of:</u> 1 space per 5 seats (internal and external), or 1 space per 2 seats (internal)</p> <p>Developments with on-site seating and drive through facilities: <u>greater of:</u> 1 space per 2 seats (internal), or 1 space per 3 seats (internal and external) plus queuing area for 5 to 12 cars</p>	<p>1 space per 100m<sup>2</sup> GFA (Class 2) for staff</p> <p>1 space per 50m<sup>2</sup> GFA (Class 3) for visitors</p>	1 space per 20 car spaces
Roadside Stall	Minimum of 4 spaces		1 space per 20 car spaces
Shops	1 space per 40m <sup>2</sup> GLFA	1 space per 200m <sup>2</sup> GFA (50% Class 2, 50% Class 3)	1 space per 20 car spaces
Shopping Centres	<p>0-10,000m<sup>2</sup> GLFA - 6.1 spaces per 100m<sup>2</sup> GLFA</p> <p>10,000-20,000m<sup>2</sup> GLFA - 5.6 spaces per 100m<sup>2</sup> GLFA</p> <p>20,000-30,000m<sup>2</sup> GLFA - 4.3 spaces per 100m<sup>2</sup> GLFA</p> <p>Over 30,000m<sup>2</sup> GLFA - 4.1 spaces per 100m<sup>2</sup> GLFA</p>	1 space per 200m <sup>2</sup> GFA (50% Class 2, 50% Class 3)	1 space per 20 car spaces
Vehicle Sales or Hire Premises	1 space per 130m <sup>2</sup> gross display area plus additional parking for workshop or service bay	1 space per 20 staff	



Land Use	Car Parking	Bike Parking	Motorbike Parking
<b>EDUCATIONAL ESTABLISHMENTS</b>			
Schools Note: Council may vary the parking standard depending on location and will require the provision of additional parking where a school auditorium is proposed. Council may require preparation of a Traffic Impact Study to support the proposal.	1 space per 2 staff plus 1 space per 8 senior students  1 space per 100 students for visitors	1 space per 10 staff (Class 2)  1 space per 10 students (Class 3)	1 space per 20 car spaces.
Adult Education	1 space per staff plus 1 space per 2 students	1 space per 20 staff (Class 2)  1 space per 20 students (Class 3)	1 space per 20 car spaces
<b>ENTERTAINMENT FACILITY</b>			
Note: Council may require preparation of a Traffic Impact Study to support the proposal, including a parking assessment with survey of similar developments.	Survey required. As a guide, 1 space per 3 seats	1 space per 20 staff (Class 2)  1 space per 20 visitors (Class 3)	1 space per 20 car spaces
<b>HEALTH SERVICES FACILITY</b>			
Health Consulting Rooms  Note: Council may require a parking assessment with survey of similar developments.	1 space per practitioner plus 1 space per 2 other staff  2 spaces per practitioner for visitors	1 space per 10 practitioners (Class 2)  1 space per 10 staff (Class 3)	1 space per 20 car spaces



Land Use	Car Parking	Bike Parking	Motorbike Parking
<b>Hospital</b> Note: Council may vary the parking standard depending on location. Council may require preparation of a Traffic Impact Study to support the proposal, including a parking assessment with survey of similar developments. Ambulance parking facilities are to be provided.	1 space per 2 staff  1 space per 3 beds for visitors	1 space per 10 staff (Class 2)  1 space per 10 staff (Class 3) for visitors	1 space per 10 car spaces
<b>HOME BUSINESS / INDUSTRY</b> Note: Parking requirements will be based on the proposed use and operational details.	At minimum, parking requirements for applicable residential accommodation, are to be satisfied, with additional on-site parking for staff at a rate of 1 space per 2 staff and customer parking as appropriate.		
<b>INDUSTRIAL ACTIVITY</b>	1 space per 100m <sup>2</sup> GFA or 1 space per 2 staff, whichever is the greater	1 space per 20 staff (Class 2)	1 space per 20 car spaces
<b>MARINAS</b>	Overall parking requirements: 0.6 spaces per wet berth plus 0.2 spaces per dry storage berth plus 0.2 spaces per swing mooring plus 0.5 spaces per marina employee	1 space per 20 staff (Class 2)  1 space per 10 staff (Class 3)	1 space per 20 car spaces
<b>PLACE OF PUBLIC WORSHIP</b> Note: Council may require preparation of a Traffic Impact Study to support the proposal, including a parking assessment with survey of similar developments.	Survey required. As a guide, 1 space per 3 seats.	1 space per 20 staff (Class 2)  1 space per 20 visitors (Class 3)	1 space per 20 car spaces



Land Use	Car Parking	Bike Parking	Motorbike Parking
<b>RECREATIONAL FACILITIES</b>			
Bowling alleys	3 spaces per alley	1 space per 20 staff (Class 2) 1 space per 10 staff (Class 3)	1 space per 20 car spaces
Bowling greens	30 spaces for first green plus 15 spaces for each additional green	1 space per 20 staff (Class 2) 1 space per 10 staff (Class 3)	1 space per 20 car spaces
Gymnasium	Minimum 4.5 spaces per 100m <sup>2</sup> ; maximum 7.5 spaces per 100m <sup>2</sup>	1 space per 20 staff (Class 2) 1 space per 10 staff (Class 3)	1 space per 20 car spaces
Squash courts	3 spaces per court	1 space per 20 staff (Class 2) 1 space per 10 staff (Class 3)	1 space per 20 car spaces
Tennis courts	3 spaces per court	1 space per 20 staff (Class 2) 1 space per 10 staff (Class 3)	1 space per 20 car spaces
<b>RESIDENTIAL ACCOMMODATION</b>			
Attached Dwellings, Multi Dwelling Housing, Residential Flat Buildings, Shop Top Housing	<u>City wide (excluding Newcastle City Centre and Renewal Corridors):</u>  Minimum of 1 space per 1, 2 or 3 bedroom dwelling.  Minimum 1 space for the first 5 dwellings plus 1 space for every 5 thereafter or part thereof for visitors.	Bike parking of 1 space per dwelling is required unless separate storage is provided (Council determine the required class of security)  1 space per 10 dwellings (Class 3) for visitors	1 space per 20 car spaces



Land Use	Car Parking	Bike Parking	Motorbike Parking
	<u>Newcastle City Centre and Renewal Corridors:</u>  Small (<75m <sup>2</sup> or 1 bedroom) average 0.6 spaces per dwelling  Medium (75m <sup>2</sup> - 100m <sup>2</sup> or 2 bedrooms) average 0.9 spaces per dwelling  Large (>100m <sup>2</sup> or 3 bedrooms) average 1.4 spaces per dwelling  1 space for the first 3 dwellings plus 1 space for every 5 thereafter or part thereof for visitors		
Boarding House	1 space plus 1 space per 2 bedrooms	1 space per 10 bedrooms (Class 2) for staff/residents  1 space per 20 bedrooms (Class 3) for visitors	1 space per 20 car spaces
Dual Occupancy, Semi-detached Dwelling	1 space per dwelling less than 150m <sup>2</sup> 2 spaces per dwelling over 150m <sup>2</sup>		
Dwelling House	1 space per dwelling < 125m <sup>2</sup>  2 spaces per dwelling > 125m <sup>2</sup>		
Group Home	1 space plus 1 space per 2 bedrooms	1 space per 10 bedrooms (Class 2) for staff/residents  1 space per 20 bedrooms (Class 3) for visitors	1 space per 20 car spaces
Housing for Seniors or People with a Disability	Refer to SEPP (Housing for Seniors or People with a Disability) 2004	Refer to SEPP (Housing for Seniors or People with a Disability) 2004	Refer to SEPP (Housing for Seniors or People with a Disability) 2004



Land Use	Car Parking	Bike Parking	Motorbike Parking
<b>RESTRICTED PREMISES</b>			
Sexual Aid Establishment	1 space per 40m <sup>2</sup> GLFA		
Escort Agency	1 space per 40m <sup>2</sup> GLFA		
Sexual Entertainment Establishment Note: Council may require preparation of a Traffic Impact Study to support the proposal, including a parking assessment with survey of similar developments.	Survey required. As a guide, 1 space per 3 seats		1 space per 20 car spaces
<b>SEX SERVICES PREMISES (BROTHEL)</b>	2 spaces per room used for the conduct of acts of prostitution		
<b>TOURIST AND VISITOR ACCOMMODATION</b>			
Bed and Breakfast Accommodation	1 space per dwelling < 125m <sup>2</sup> or 2 spaces per dwelling > 125m <sup>2</sup>  1 space per 2 guest bedrooms for visitors		1 space per 20 car spaces
Hotel or Motel Accommodation Note: Council may vary the parking requirement depending on the location.	1 space per 2 staff plus minimum 0.5 spaces per unit; maximum 1 space per unit  Additional parking required for dining etc.	1 space per 20 units (Class 2)	1 space per 20 car spaces
Serviced Apartment	1 space per 2 staff plus 1 space per unit	1 space per 5 apartments (Class 2)  1 space per 20 apartments (Class 3) for visitors	1 space per 20 car spaces
<b>SERVICE STATION</b>	6 spaces per work bay (refer Vehicle Repair Station) plus 1 space per 20m <sup>2</sup> GFA of convenience store.  Additional parking required if development includes restaurant or take-away food outlet.	1 space per 20 staff (Class 2)  1 space per 10 staff (Class 3) for visitors	



Land Use	Car Parking	Bike Parking	Motorbike Parking
<b>VEHICLE REPAIR STATION</b>	6 spaces per work bay		
<b>VETERINARY HOSPITAL</b>	1 space per practitioner plus 1 space per two other staff  1 space per practitioner for visitors	1 space per 10 practitioners (Class 2)  1 space per 10 staff for visitors	1 space per 20 car spaces
<b>WAREHOUSE OR DISTRIBUTION CENTRE</b>	1 space per 200m <sup>2</sup> GFA or 1 space per 2 staff (whichever is greater)	1 space per 20 staff (Class 2)	1 space per 20 car spaces

**Table 2 – Requirements for delivery and service vehicles**

Land Use	Requirements for Delivery and Service Vehicles
Commercial premises (50% of spaces adequate for trucks)	<20,000m <sup>2</sup> GFA 1 space per 4,000m <sup>2</sup> GFA >20,000m <sup>2</sup> GFA 5 + 1 space per 8,000m <sup>2</sup> over 20,000m <sup>2</sup>
Department stores (all spaces adequate for trucks)	<6,000m <sup>2</sup> GFA 1 space per 1,500m <sup>2</sup> GFA >6,000m <sup>2</sup> GFA 4 + 1 space per 3,000m <sup>2</sup> over 6,000m <sup>2</sup>
Supermarkets, shops and restaurants (all spaces adequate for trucks)	<2,000m <sup>2</sup> GFA 1 space per 400m <sup>2</sup> GFA >2,000m <sup>2</sup> 5 + 1 space per 1,000m <sup>2</sup> over 2,000m <sup>2</sup>
Wholesale, industrial (all spaces adequate for trucks)	<8,000m <sup>2</sup> GFA 1 space per 800m <sup>2</sup> >8,000m <sup>2</sup> 10 + 1 space per 1,000m <sup>2</sup> over 8,000m <sup>2</sup>
Hotels and Motels (50% of spaces adequate for trucks)	<200 bedrooms or bedroom suites 1 space per 50 bedrooms plus 1 space per 1,000m <sup>2</sup> of public area set aside for bar, tavern, lounge and restaurant  >200 bedrooms or bedroom suites 4 + 1 per 100 bedrooms over 200 plus 1 space per 1,000m <sup>2</sup> of public area set aside for bar, tavern, lounge and restaurant
Residential flat buildings (50% of spaces adequate for trucks)	<200 flats or home units 1 space per 50 flats or home units >200 flats or home units 4 + 1 per 100 units over 200
Other uses (50% of spaces adequate for trucks)	1 space per 2,000m <sup>2</sup>



### 7.03.03 Travel demand management

#### A. Public transport

##### *Objectives*

1. Facilitate increased modal share to public transport.
2. Encourage consideration of alternatives to private vehicle ownership, use and parking.

##### *Controls*

The following controls apply to major development, as identified

1. For major development, resulting in more than 50 dwellings, recreation facilities, hospitals, community centres, entertainment venues, aged persons' accommodation or other development deemed appropriate by Council, a bus stop and shelter are provided, except where the pedestrian entrance to the proposed development is located within 400m of an existing bus stop with shelter. Alternatively, Council may accept a monetary contribution in lieu of provision of a bus stop with shelter, through a voluntary planning agreement.
2. For major developments, defined above, the applicant will liaise with public transport service providers and Transport NSW regarding the adequacy of current services and potential improvements.
3. The bus shelters are directly connected to the entry to the development by a conveniently accessible footpath.
4. Signage is installed directing patrons to public transport stops facilities, with timetable information displayed in a prominent location.

#### B. Green Travel Plan

##### *Objectives*

1. Encourage alternatives to private vehicle use for trips.

##### *Controls*

The following controls apply only to major development, as defined in this DCP

1. A Green Travel Plan is prepared and submitted to Council in support of applications for major new development. Components/strategies of a Green Travel Plan will likely vary according to the nature of the development, but may include:
  - (a) identification and promotion of public transport options to access the site (for example, on a web site and/or business cards)
  - (b) preparation of a Transport Access Guide (TAG) for the site/venue
  - (c) encouragement of a car pool system for employees



- (d) encouragement of cycling and walking to the workplace through provision of bicycle parking, showers and lockers
- (e) incentive schemes to encourage employees to commute using sustainable transport modes (such as provision of public transport vouchers/subsidised public transport tickets)
- (f) allocation of designated parking spaces for a car sharing scheme, and/or
- (g) prominent display of a large map of cycling routes (for example, in the foyer of a residential complex).

The undertakings made in the submitted Green Travel Plan will be included as conditions of consent to the development.

## **C. End of trip facilities**

### **Objectives**

1. Encourage trips by walking and cycling through adequate provision of end of trip facilities.

### **Controls**

The following controls apply only to development with an estimated cost of more than \$250,000, involving employment of staff.

1. For new development that has an estimated cost of more than \$250,000, “end of trip” facilities for employees are provided at the following rates:
  - (a) one personal secure locker for each bicycle parking space
  - (b) one shower cubicle, with ancillary change rooms, per 12 bicycle spaces (or part thereof over four spaces) with a minimum of one shower and change facility.
2. Facilities are secure, with controlled access, and located in well-lit areas, as close as practicable to bicycle parking. Facilities may be unisex.

Note: Provision of facilities to store belongings, shower and change may encourage people to walk and cycle more. These facilities will also benefit employees who choose to exercise during meal breaks.

## **D. Parking permit schemes**

### **Objectives**

1. Inform proponents of their lack of eligibility for participation in Council's Resident and Residents Visitors Parking Schemes.



## **Controls**

### The following controls apply to residential development

1. Resident and Visitor Parking Permits are not issued to occupants of new residential developments, including dwelling houses, that have been approved by Council in accordance with this DCP, irrespective of the amount of provision of on-site parking. Similarly, permits are not issued to occupants of new development approved by any other determining authority.
2. All intending owners, tenants and occupiers of new developments are notified by the owners of the building or individual units (once on-sold) that residents are ineligible for participation in a Council on-street parking scheme, prior to entering a purchasing, lease or occupancy agreement.
3. Signage with words to the effect that all owners, tenants and occupiers are ineligible to obtain an on-street parking permit from Council is displayed prominently, in such a way that it can be easily observed by persons entering the building. Signage is erected within the completed buildings prior to the release of an occupancy certificate or issue of strata subdivision approval, whichever occurs first, and is maintained in good order.

## **7.03.04 Design and layout of parking and access**

### **A. Siting**

#### **Objectives**

1. Ensure that car parking areas and/or structures are well-sited and designed as an integrated component of the total development.

#### **Controls**

##### Controls applying to all development to which this section applies

1. Parking facilities are sited and designed to be properly integrated within the overall development/building to minimise their visual impact and any adverse impact on the continuity and amenity of street frontages.
2. Parking is located so that it is within a reasonable distance of access to the premises it serves.
3. Parking spaces are not positioned so as to obstruct access to the premises by pedestrians or cyclists.
4. Loading areas are situated so that when in use, they do not interfere with pedestrian, cyclist or vehicular circulation.



The following controls apply only to Residential Accommodation as defined within the Newcastle Local Environmental Plan 2012, where not complying development

5. Generally, car parking structures are set back a minimum distance of 5.5m from the street frontage providing access to the car parking space.

## **B. Parking areas and structures**

### **Objectives**

1. Ensure that parking and vehicular access do not dominate the streetscape or detract from the character of the area.
2. Ensure that parking does not detract from the overall appearance or the continuity of streetscapes or streetscape elements, including street tree planting.
3. Ensure parking areas and structures are designed to be easily and safely negotiated by vehicles and pedestrians.

### **Controls**

#### Controls applying to all development to which this section applies

1. Design and construction of parking, set down areas and loading facilities comply with the provisions of AS2890 Parking facilities.
2. Wherever possible, car parking structures such as multi-level car parks, enclosed half-basement or single-storey car parks, incorporate active uses along the ground level frontage.
3. Car parking provided at or above ground level has horizontal flooring and a minimum floor to ceiling height of 3.6m at the ground level and 3.3m for the next two floors above, to enable it being adapted to an alternative use in future.
4. The facade of an above ground parking structure is:
  - (a) designed and finished to complement the architecture of the building
  - (b) designed to avoid domination of ramps or strong horizontal and/or vertical features.
5. Covered or enclosed parking areas have adequate provision of lighting and ventilation. Natural lighting is preferred.
6. Parking layout facilitates efficient parking search patterns. Dead-end aisles are avoided.
7. Clear signage and pavement markings are provided on site to manage traffic movements, driver behaviour and provide warning of potential safety hazards.
8. Where development is expected to generate vehicle movements during hours of darkness, self-illuminated and/or reflective signage and pavement markings are provided.
9. Within parking areas of larger than ten car spaces, segregated routes for pedestrian and bicycle movements are created, using line marking, pedestrian crossings, signage and/or speed bumps.



## C. Access

### Objectives

1. Maintain the pedestrian amenity of streets.
2. Protect the significance of heritage conservation areas.
3. Ensure that vehicular access is appropriately located.

### Controls

1. Vehicular crossings are designed and located in accordance with the current relevant Australian Standard (AS2890 Parking facilities) and Council's requirements.
2. Vehicular crossings are located having regard to driver and pedestrian safety, and impacts on traffic movement. Vehicular crossings are avoided in the following areas:
  - (a) in areas of high pedestrian movement
  - (b) on major roads
  - (c) close to intersections
  - (d) where the use of the driveway may significantly obstruct through traffic or the operation of bus stops.
3. Direct vehicle access to a classified road is not provided wherever alternate access is available. Refer to SEPP (Infrastructure) 2007.
4. Direct access (vehicle or pedestrian) to a classified road requires the separate approval of the Roads and Traffic Authority pursuant to s138 of the *Roads Act 1993*.
5. Vehicular crossings are located to provide adequate sight distance to traffic on the frontage road and to pedestrians on the frontage road footpath. Sight distances are in accordance with Australian Standards (AS2890 Parking facilities).
6. Access ways and structures are designed so that vehicles are able to enter or exit in a single turning movement in a forward direction.
7. Vehicular crossings are positioned so as to maximise on-street parking and so that there are whole car parks between access points.
8. Where rear lane access to residential development is achievable, car parking is accessed from the rear lane only.
9. No additional vehicular crossings (other than from rear lanes) are provided in heritage conservation areas where these may adversely impact on streetscape continuity, the character of the built form or landscape setting.

Note 1: A separate approval must be obtained from Council for all works within the public road reserve pursuant to section 138 of the *Roads Act 1993*.

Note 2: The RTA is the consent authority for traffic control signals, under section 87 of the *Roads Act 1993*, should this form of intersection control be considered necessary for access to a development.



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## 7.04 Movement Networks

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/09/2016	24/10/2016	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

### Development (type/s) to which this section applies

This section applies to all development involving new movement networks or modifications to existing movement networks, including roads, pedestrian or cycle paths.

### Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- Section 7.03 Traffic, Parking and Access.

### Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Associated technical manual/s

- *Guide to Traffic Engineering Practice*, 1999, Austroads Standards Australia
- *Disability Standards for Accessible Public Transport*, 2002, Commonwealth of Australia
- *Transport Stops, Shelters and Seating Guidelines*, 2008, Newcastle City Council



- *Newcastle Cycling Strategy and Action Plan*, 2012, Newcastle City Council
- *Guidelines for the Selection of Road Names*, November 2007, Newcastle City Council
- *NSW Bicycle Guidelines*, Roads and Traffic Authority of NSW
- *Model Agreement for Local Councils and Utility/Service Providers*, 2009, Streets Opening Conference, [www.streetsopening.com.au](http://www.streetsopening.com.au)
- *Guide to Codes & Practices for Streets Opening*, 2009, Streets Opening Conference, [www.streetsopening.com.au](http://www.streetsopening.com.au)

### Additional information

- *Planning Guidelines for Walking and Cycling*, 2004, Department of Infrastructure, Planning and Natural Resources

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.0 – Glossary, of this plan, and include:

- **Carriageway** - that portion of a road or bridge devoted to the use of vehicles, inclusive of shoulders and auxiliary lanes.
- **Footpath** - the paved area in a footway.
- **Footway** - that part of the road reserve between the carriageway and the road reserve boundary, reserved for the movement of pedestrians and legal cyclists. It may also accommodate utilities, footpaths, stormwater flows, street lighting poles and plantings.
- **Road/street reserve** - the land incorporating the full width from property line to opposite property line.

### Aims of this section

1. To ensure the movement network has clear structure and that street blocks facilitate safe and efficient internal and external pedestrian, cyclist and vehicular movements.
2. To ensure that road design: reflects the functions of the road and the needs of road users; is based on sound engineering practices; meets relevant Australian Standards, Austroads publications and RTA design guidelines as appropriate.



## 7.04.01 Network

### Objectives

1. Provide for streets that fulfil their designated functions within the network; accommodate utility services and drainage systems; and create a safe and attractive environment.
2. Encourage walking and cycling.
3. Ensure speed reduction techniques are used to achieve desired speeds.

### Controls

The following controls apply to development that involves construction of new roads and/or modifications of the existing movement network

1. The movement network has a clear structure; provides physical distinctions between each road and pathway type; and is consistent with Council's adopted road hierarchy, as defined in *Table 1*.
2. Internal and external connectivity is enhanced through use of a modified grid pattern that minimises cul-de-sacs and dead end streets.
3. Development provides a logical extension of infrastructure and linkages to adjoining existing and potential developments.
4. The movement network incorporates appropriate paths and routes that encourage walking and cycling within the neighbourhood and to local activity centres.
5. Public open space, drainage reserves, ecological habitat and riparian corridors are separated from development by a perimeter road. Generally Council does not support lots proposed to have rear boundaries against such areas.
6. The design features of local roads encourages responsible driver behaviour and restrain traffic volumes and speed.
7. The orientation and placement of the movement system makes best use of:
  - (a) opportunities for connectivity
  - (b) the existing streetscape
  - (c) the location of existing and proposed activity centres
  - (d) the natural topography and vegetation
  - (e) opportunities for views and vistas
  - (f) natural drainage and open space systems.
8. The road layout maximises solar access to lots. Roads generally running east-west and north-south are preferred.
9. Development is suitably located on the road hierarchy.
10. The road and lot layout facilitates passive surveillance of open space areas.



11. New allotments proposing access from a classified road require the concurrence of Council and the RTA.
12. The road network caters for the extension of existing or future public transport routes.
13. The movement network incorporates cycle routes identified in the 'Newcastle Cycling Strategy and Action Plan'.

## **A. Road design**

### **Objectives**

1. Design the road network so that street blocks facilitate safe and efficient internal and external pedestrian, cyclist and vehicular movements and public transport, while optimising orderly lot layouts and energy efficiency.
2. Ensure that road design: reflects the function of the road and the needs of road users; is based on sound engineering practices; and meets relevant Australian Standards, Austroads publications and RTA design guidelines as appropriate.

### **Controls**

#### Controls applying to development proposing construction of new roads and/or modification or extension of existing roads

1. The road hierarchy should be designed in accordance with the requirements of *Table 1*.
2. The design features of each road should convey its primary function.
3. The road reserve width should be sufficient to cater for all road functions including: parked vehicles; safe and efficient movement of all users; and the location, construction and maintenance of public utilities.
4. The alignment and geometry of roads identified for bus routes should allow for efficient movement of buses and provision of accessible transport stops.
5. The carriageway width of roads identified as bus routes should allow for movement of buses unimpeded by parked cars and safely accommodate cyclists.
6. Where cul-de-sacs/dead end streets are incorporated into the road design:
  - (a) they should serve no more than 10 lots
  - (b) the end of the cul-de-sac should be clearly visible from the cross-street
  - (c) consideration should be given to on-street parking and the design vehicle.
7. Development should cater for the orderly provision and extension of footpaths, kerb and guttering and associated works.
8. Street name signs are to be erected at the junction of all roads in the subdivision, in accordance with Council guidelines. Proposed street names are to be submitted with the development application and should be selected in accordance with the 'Guidelines for the Selection of Road Names'.



9. The alignment and width of proposed roads, which extend existing roads, are generally to conform to existing construction.
10. On sloping land, road and allotment design should provide for dwellings to be generally parallel with contours to minimise earthworks. Roads and allotments are to be configured to:
  - (a) minimise earthworks and retaining walls
  - (b) minimise potential privacy and overshadowing impacts
  - (c) optimise solar access, where slopes face south.



**Table 1: Road Types and Dimensions**

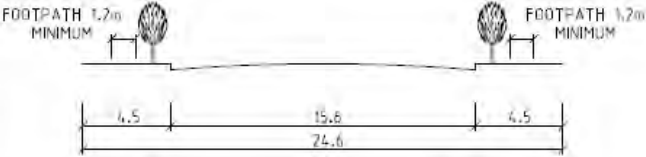
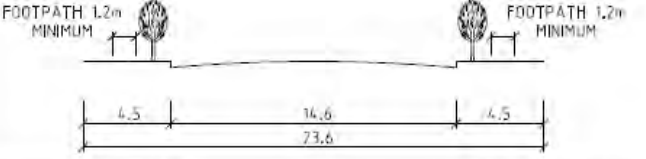
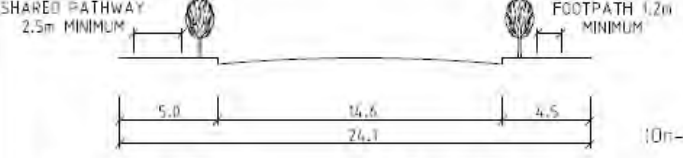
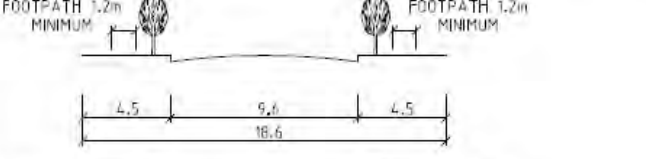
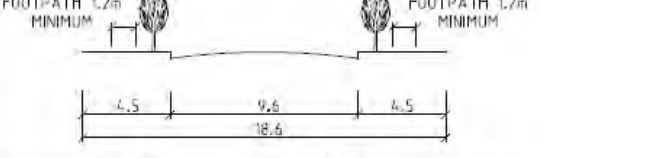
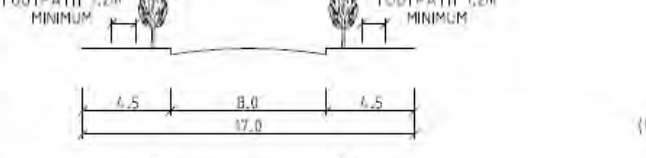
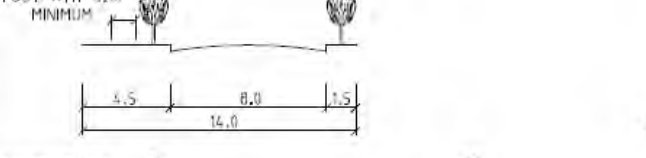
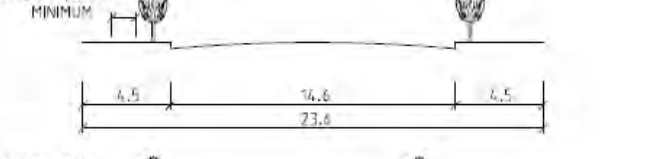
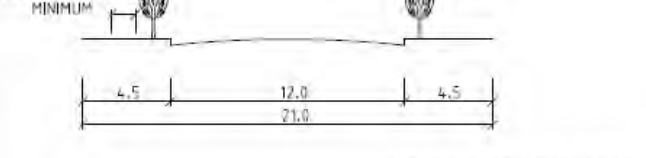
Street Type	Maximum Traffic Volume	Maximum Traffic Speed	Design ESA	Road Reserve (See Note 1)	Carriage -way	Footway (Verge) (See Note 2)	Footpath/ Shared Pathway (See Note 3)	Kerbing (See Note 4)	Design Considerations
Sub-arterial Road	≥5,000vpd	≥60 km/h	1 x 10 <sup>8</sup>	24.6m	15.6m	2 x 4.5m	2 x 1.2m (min)	Upright	Standards for sub-arterial roads are subject to negotiation with Council and will be dependent on the type of development and speed environment.
<b>Residential Subdivision</b>									
Collector Road (On-road cycleway)	≥3,000vpd	50km/h	8 x 10 <sup>5</sup>	23.6m	14.6m	2 x 4.5m	2 x 1.2m (min)	Upright	Carriageway width is based on 2 x 3.3m travel lanes and 2 x 4m parking/cycle lanes.
Collector Road (On-road cycleway and off-road shared pathway)	≥3,000vpd	50km/h	8 x 10 <sup>5</sup>	24.1m (min)	14.6m	1 x 5.0m 1 x 4.5m (min)	1 x 2.5m (min) 1 x 1.2 (min)	Upright	Requirement for shared pathway both sides is subject to negotiation with Council.
Collector Road (On-road cycleway; no parking)	≥3,000vpd	50km/h	8 x 10 <sup>5</sup>	18.6m	9.6m	2 x 4.5m	2 x 1.2m (min)	Upright	Carriageway width is based on 2 x 1.5m lanes and 2 x 3.3m travel lanes.
Local Road (Bus route)	3,000vpd	50km/h	5 x 10 <sup>5</sup>	18.6m	9.6m	2 x 4.5m	2 x 1.2m (min)	Upright	Carriageway width is based on 2 x 2.3m parking lanes (not marked) and 5m travel way.
Local Road (Non bus route, lots on both sides of road)	2,000vpd	50km/h	5 x 10 <sup>5</sup>	17.0m	8.0m	2 x 4.5m	2 x 1.2m (min)	Upright	
Local Road (Non bus route, lots on one side of the road)	2,000vpd	50km/h	5 x 10 <sup>5</sup>	14.0m	8.0m	1 x 4.5m 1 x 1.5m	1 x 1.2m (min)	Upright	Wider footway is to be located on dwelling side of road.
<b>Industrial Subdivision</b>									
Collector Road		50km/h	5 x 10 <sup>8</sup>	23.6m	14.6m	2 x 4.5m	1 x 1.2m (min)	Upright	Carriageway width is based on 2 x 4m parking/cycle lanes and 2 x 3.3m travel lanes.
Local Road		50km/h	5 x 10 <sup>8</sup>	21.0m	12.0m	2 x 4.5m	1 x 1.2m (min)	Upright	Carriageway width is based on 2 x 2.5m parking lanes and 2 x 3.5m travel lanes (not marked).

**NOTES:**

- Road reserve width does not include allowance for median.
- Footpath/shared pathway is to be set 1.8m from face of kerb.
- If shared pathway is required by Council, minimum width is 2.5m and footway containing shared pathway is to be increased to 5.0m, with corresponding increase in road reserve. Requirement for shared pathway will be determined based on consideration of various factors including land use, nearby attractors, activity levels, network connectivity and whether the route is identified as an off-road shared pathway in the Newcastle Bike Plan.
- Upright kerbing is required unless alternative, best practice WSUD treatments are agreed by Council.



**Table 1: Road types and dimensions**

ROAD TYPES AND DIMENSIONS		
 <p>FOOTPATH 1.2m MINIMUM</p> <p>4.5</p> <p>15.6</p> <p>24.6</p> <p>4.5</p> <p>FOOTPATH 1.2m MINIMUM</p>		Sub-arterial Road
 <p>FOOTPATH 1.2m MINIMUM</p> <p>4.5</p> <p>14.6</p> <p>23.6</p> <p>4.5</p> <p>FOOTPATH 1.2m MINIMUM</p>		Residential Collector Road (On-road cycleway)
 <p>SHARED PATHWAY 2.5m MINIMUM</p> <p>5.0</p> <p>14.6</p> <p>24.1</p> <p>4.5</p> <p>FOOTPATH 1.2m MINIMUM</p>		Residential Collector Road (On-road cycleway and off-road shared pathway)
 <p>FOOTPATH 1.2m MINIMUM</p> <p>4.5</p> <p>9.6</p> <p>18.6</p> <p>4.5</p> <p>FOOTPATH 1.2m MINIMUM</p>		Residential Collector Road (On-road cycleway, no parking)
 <p>FOOTPATH 1.2m MINIMUM</p> <p>4.5</p> <p>9.6</p> <p>18.6</p> <p>4.5</p> <p>FOOTPATH 1.2m MINIMUM</p>		Residential Local Road (Bus route)
 <p>FOOTPATH 1.2m MINIMUM</p> <p>4.5</p> <p>8.0</p> <p>17.0</p> <p>4.5</p> <p>FOOTPATH 1.2m MINIMUM</p>		Residential Local Road (Non bus route, lots on both sides of road)
 <p>FOOTPATH 1.2m MINIMUM</p> <p>4.5</p> <p>8.0</p> <p>14.0</p> <p>1.5</p> <p>FOOTPATH 1.2m MINIMUM</p>		Residential Local Road (Non bus route, lots on one side of road)
 <p>FOOTPATH 1.2m MINIMUM</p> <p>4.5</p> <p>14.6</p> <p>23.6</p> <p>4.5</p> <p>FOOTPATH 1.2m MINIMUM</p>		Industrial Collector Road
 <p>FOOTPATH 1.2m MINIMUM</p> <p>4.5</p> <p>12.0</p> <p>21.0</p> <p>4.5</p> <p>FOOTPATH 1.2m MINIMUM</p>		Industrial Local Road
PLEASE REFER TO NOTES - TABLE 1		



## **B. Pedestrian and cycle paths**

### **Objectives**

1. Maximise opportunities for walking and cycling.
2. Where possible, provide bike paths physically separated from traffic.

### **Controls**

#### Controls applying to all development to which this section applies

1. Dedicated cycle paths are provided in accordance with the 'Newcastle Cycling Strategy and Action Plan'.
2. Pedestrian and cycle paths comply with relevant Australian Standards, including AS1428 (Design for access and mobility), Austroads publications and RTA guidelines as appropriate.
3. Pedestrian and cycle paths:
  - (a) are located and designed to complement the environment and reduce conflict with motor vehicles and other road users
  - (b) provide a shorter route (in length) than the alternative car route, between activity nodes and recreation areas
  - (c) include hazard warning, tactile ground surface indicators (TGSIs), directional and interpretive signage
  - (d) include support facilities such as bicycle parking, parking rails, access ramps, signage, seating, drinking water fountains.

## **C. Public transport**

### **Objectives**

1. Increase the opportunity for choice in mode of transport and facilitate efficient and accessible public transport services.

### **Controls**

#### The following controls apply only to major development in greenfield areas

1. Location and design of transport stops are in accordance with Council's 'Transport Stops, Shelters and Seating Guidelines' (May, 2008) and the 'Disability Standards for Accessible Public Transport' (Commonwealth of Australia, 2002).
2. Routes for bus services are designed in accordance with *Table 1*.
3. Bus routes are direct and safely accessible from a majority of residences.
4. The proponent shows evidence of consultation with Transport NSW and public transport service providers for the area and prepares an application for increased route kilometres to ensure that public transport services commence with development.



## 7.05 Energy Efficiency

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	28/05/2013	10/06/2013	Amended
3	27/09/2016	24/10/2016	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

### Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

### Development (type/s) to which this section applies

This section applies to all development consisting:

- residential development
- business/commercial development
- industrial development.

### Applicable environmental planning instruments

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy Building Sustainability Index: BASIX 2004
- National Greenhouse and Energy Reporting Act 2007.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Related sections

- Nil



## Associated technical manual/s

- Nil

## Additional information

- Green Building Council Australia <http://www.gbca.org.au>
- Your home technical manual <http://www.yourhome.gov.au>

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary, of this plan, and include:

- **BASIX** - Building Sustainability Index (BASIX) is an online rating system used to ensure residential buildings are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for house and units.
- **NABERS** - NABERS (the National Australian Built Environment Rating System) is a performance-based rating system for existing buildings. NABERS rates a commercial office, hotel or residential building on the basis of its measured operational impacts on the environment.
- **Urban heat island** - the areas of a metropolitan area which are significantly warmer than suburban or rural areas due to less vegetation and more land coverage.

## Aims of this section

1. To encourage sustainable development.
2. To encourage the innovation of energy efficient technologies and processes.
3. To encourage efficient use of resources and the use of recycled materials.
4. To promote best practice energy use.
5. To improve the efficiency of energy use and reduce the long term energy consumption for residential, business and industrial uses.
6. To restrict the reflection of sunlight from buildings onto surrounding areas and buildings.



## 7.05.01 Residential development

### Objectives

1. Provide residential development with access to fresh air through cross ventilation.
2. Ensure adequate solar access to dwellings.
3. Minimise energy comfort through higher thermal performance.
4. Provide energy efficient appliances and fittings.

### Controls

The following controls apply to all development containing “residential accommodation” as defined within Newcastle Local Environmental Plan 2012, where not complying development

1. Residential developments are carried out in accordance with the requirements set in State Environmental Planning Policy Building Sustainability Index (BASIX) 2004.
2. The dimensions and configurations of residential development support cross ventilation.
3. Maximise the number of apartments that are naturally cross ventilated.
4. Living rooms and private open space to receive a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June (winter solstice).
5. Sunlight to any existing solar panels on neighbouring dwellings is not to be reduced to less than 3 hours between 9am and 3pm on 21 June.
6. A section of north facing roof is provided to allow for future installation of solar panels.
7. Optimise natural light access to reduce the amount of energy used to run artificial lighting.

## 7.05.02 Business development

### Objectives

1. Provide business development that is orientated and designed to maximise the benefits of solar access.
2. Minimise the need for artificial lighting and employ energy efficient forms of artificial lighting only when required.
3. Use building materials which are renewable/sustainable and construction techniques that improve the thermal comfort of the building.
4. Minimise the demand for mechanical heating, cooling and ventilation through appropriate design, orientation and energy efficient mechanical equipment.
5. Maximise the use of energy efficient appliances in commercial businesses.
6. Provide adequate plantings and green space to reduce the urban heat island effect.



## Controls

The following controls apply only to “registered club, veterinary hospital, child care centre, community facilities, public administration building, health service facilities, tourist and visitor accommodation, business premises, office premises, retail premises, environmental facilities, sex service premises,” as defined within Newcastle Local Environmental Plan 2012, where not complying development

1. Development is to meet a minimum 4 Star Green Star Rating in the Green Building Council of Australia rating system where applicable.
2. An energy efficiency report from a suitably qualified consultant should accompany any development application for new commercial office development over \$5 million in estimated cost. The required report is to demonstrate that the building would achieve a rating of not less than 4 Star Green Star Rating in the Green Building Council of Australia Rating System where applicable.
3. The placement of glassing on new buildings and facades does not result in glare that causes discomfort or threatens safety of pedestrians or drivers, or negatively impact on adjoining development.
4. Building materials used on the facades of new buildings are low reflectivity.
5. Subject to the extent and nature of glazing and reflective materials used, a reflectivity report may be required that analyses potential solar glare from the proposed development on pedestrians or motorists.

The following controls apply only to “change of use applications over 2000m<sup>2</sup>” as defined within Newcastle Local Environmental Plan 2012, where not complying development

6. Development is to achieve a minimum 3.5 Star Energy Rating with NABERS.

## 7.05.03 Industrial development

### Objectives

1. Minimise the need for artificial lighting within industrial development through appropriate orientation and design that maximises solar access and natural lighting.
2. Employ energy efficient forms of lighting when artificial lighting is required.
3. Use building materials which are renewable/sustainable and construction techniques to improve the thermal comfort of the building.
4. Minimise the demand for mechanical heating, cooling and ventilation through appropriate design, orientation and energy efficient mechanical equipment.
5. Use energy efficient appliances where applicable.



## Controls

The following controls apply only to “correctional centre, research station, industries, rural industries, storage premises, boat building and repair facilities, depots, vehicle body repair workshop, vehicle repair station, warehouse or distribution centre, wholesale supplies”, as defined within Newcastle Local Environmental Plan 2012, where not complying development

1. Development is to meet a minimum 4 Star Green Star Rating in the Green Building Council of Australia Rating System.
2. New buildings and facades do not result in glare that causes discomfort or threatens safety of pedestrians or drivers.
3. Building materials used on the facades of new buildings are low reflectivity.
4. Subject to the extent and nature of glazing and reflective materials used, a reflectivity report may be required that analyses potential solar glare from the proposed development on pedestrians or motorists.
5. Orientate development as to minimise exposure to western side of development where possible.
6. Utilise landscape buffers in shading large expansions of walls.



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### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	28/05/2013	10/06/2013	Amended
3	27/09/2016	24/10/2016	Amended
4	14/03/2017	03/04/2017	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies.

### Development (type/s) to which this section applies

This control applies to all development which this DCP applies.

### Applicable environmental planning instruments

The provisions of the following listed environmental planning instrument/s and legislation also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Building Sustainability Index: BASIX 2004)
- *Water Management Act 2000*

In the event of any inconsistency between this section and the above listed environmental planning instruments and legislation, the environmental planning instrument and legislation will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.



## Related sections

The following sections of this DCP **may** also apply to development to which this section applies:

- Section 3.01 Subdivision
- Section 7.07 Water Efficiency
- Section 7.02 Landscape, Open Space and Visual Amenity

## Associated technical manual/s

- Stormwater and Water Efficiency for Development Technical Manual, Newcastle City Council (check Council website for current version)

## Additional information

### Significant references

- AS/NZS 3500 Plumbing and Drainage 2013
- AS/NZS 3725 *Design for installation of buried concrete pipes*
- AS/NZS 4058 *Precast concrete pipes (pressure and non-pressure)*
- *Australian Rainfall and Runoff*, 1987, Engineers Australia
- *Australian Runoff Quality: A Guide to Water Sensitive Urban Design*, 2006, Engineers Australia
- *Draft NSW MUSIC Modelling Guidelines (BMT WBM, 2010)*
- *Adoption Guidelines for Stormwater Biofiltration Systems (Appendix C)*, 2015, CRC for Water Sensitive Cities
- *Managing Urban Stormwater: Soils and Construction Volume 1*, 4th Edition March 2004, Landcom
- *Standard Drawings*, Newcastle City Council
- *Water sensitive design solutions for catchments above wetlands* by Hunter and Central Coast Regional Environmental Management Authority
- *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland* (South East Queensland Healthy Waterways Partnership, 2006)
- *Bioretention Technical Design Guidelines (Water by Design, 2014)*, <http://healthywaterways.org/resources/documents/>

### Other references:

- *A Sustainable Urban Water Cycle Policy for Newcastle*, 2004, Newcastle City Council
- *Australian Guidelines for Urban Stormwater Management*, 2000, ANZECC
- *Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands Version 1.1* (South East Queensland Healthy Waterways Partnership, 2010) <http://waterbydesign.com.au/ceguide/>
- *Guidelines for riparian corridors on waterfront land*, Department of Primary Industries, Office of Water
- Hunter Water Corporation website <http://www.hunterwater.com.au/>
- *Australian Guidelines for Water Recycling: Stormwater Harvesting and Reuse 2009 (Natural Resource Management Ministerial Council)*
- *Newcastle City-wide Floodplain Risk Management Study and Plan, Final Report*, June 2012, Newcastle City Council
- *Newcastle Flood Policy: A Technical Manual 2003*, Newcastle City Council
- *Newcastle Stormwater Management Plan*, 2004, Newcastle City Council
- *Urban Stormwater and the Ecology of Streams*, 2004, CRC for Freshwater Ecology



- *Water Sensitive Urban Design Book* (Landcom)
  - Book 1: Policy
  - Book 2: Planning and Management
- *Interim Reference Guideline, Concept Design Guidelines for WSUD* (SMCMA, 2011), WSUD.org

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary of this plan, and include:

**Absorption trench** - a trench excavated into the ground for the purpose of storing an initial volume of rainfall before that water seeps into the soil in which the trench is excavated.

**Annual exceedance probability (AEP)** - is the probability that a flood event being equalled or exceeded within a period of one year

**Bioretention rain garden (or biobasin)** - is a vegetated bed of filter media for the purpose of capturing stormwater runoff for water quality treatment through the filtration of sediment and biological uptake of nutrients.

**Bioretention swales (or bioswales)** - are deliberately formed surface depressions for the conveyance of stormwater runoff that include a vegetated infiltration trench within the channel invert for the purpose of water quality treatment through the filtration of sediment and biological uptake of nutrients.

**Broad Scale Development** - Includes all development types other than dual occupancy and single dwelling houses

**Coastal Wetland** - The wetlands identified in the Coastal Management SEPP, previously known as SEPP 14 wetlands

**Discharge Control** - a device that stores water and limits the rate of discharge from the development site.

**Dispersion trench** - a 600mm x 600mm trench, 1m long for every 25m<sup>2</sup> of catchment draining to it (regardless of whether or not a discharge control is used) excavated into the ground for the purpose of dispersing overflows and discharges from stormwater systems. Dispersion trenches are only for single dwellings that drain to the rear.

**Drainage** - means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**Easement** - a legal right held by an owner of land or public authority in respect of another land parcel. Easements are commonly created to enable access across other properties, such as for drainage, pipelines, footways, etc.



**Erosion and Sediment Control Plan** - a plan lodged with a development application that illustrates how erosion and sediment control will be managed during the construction phase of the development.

**Exceedances per Year (EY)** - term used for events more frequent than 50% AEP. For example, 2 EY is equivalent to a design event with a 6 month recurrence interval when there is no seasonality in flood occurrence'

**Gravel filled absorption trench** - an absorption trench filled with gravel so as to achieve a minimum 30% void ratio and allowing the surface of the trench to be treated and used similarly to the surrounding surface.

**Impervious area** – an area of impermeable surface (excluding pools and porous paving).

**Impermeable surface** - a surface that does not allow rainwater to infiltrate to the soil, such as buildings (roofs), roads, parking areas and courtyards.

**Infiltration** - the practice of discharging [stormwater](#) or drainage water to the ground.

**Infiltration trench** - a trench excavated into the soil for the purpose of dispersing all stormwater up to the 5% AEP event. Infiltration trenches will vary in volume depending on the permeability of the parent soil and should be designed by a qualified Civil Engineer based on soil permeability testing.

**Large Scale Development** - development sites that are larger than 5,000m<sup>2</sup>.

**Major drainage system** - the part of the public drainage system that carries relatively large flows. It consists of the system of streams, floodways, stormwater channels, retarding basins and street pavements. It is generally designed to protect people and indoor property from the effects of a flood with an annual exceedance probability (AEP) of 1%.

**Minor drainage system** - the part of the public drainage system that carries relatively minor flows. It consists of the system of kerbs, gutters, roadside channels, swales, sumps and underground pipes. It is generally designed to control flows which occur frequently, typically with an annual exceedance probability (AEP) of 10%.

**On-site stormwater detention (OSD)** - a stormwater management practice that limits the rate of discharge from a site using outlet restriction devices. Stormwater flows in excess of the capacity of the outflow control device is temporarily stored either in tanks or surface depressions until the storm event recedes. Stormwater flows are therefore released at a controlled rate into the public drainage system.

**On-site stormwater retention** - stormwater management practices where on-site stormwater runoff is actually captured and retained within the site for re-use or infiltration and is not released to the downstream drainage system.

**Overflow disposal** - the disposal of flows that occur when the capacity of the site discharge controls is reached and such overflow.

**Permeable surface** - a surface treatment that allows rain water to infiltrate to the soil, such as grass, landscaping, gravel, porous pavement and coarse sand.

**Permissible site discharge (PSD)** - the maximum rate at which stormwater is permitted to be discharged from a given site area.

**Porous Paving** - paving that maintains a high degree of permeability to allow rainfall to infiltrate the substrate and not produce runoff in common rainfall events.



**Public drainage system** - a drainage system owned and operated by the Council or the Hunter Water Corporation.

**Rainwater tank** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The Newcastle Local Environmental Plan 2012 defines a rainwater tank as a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**Riparian Zone** - is an area of river or creek bank that supports, or has at one time supported a unique ecosystem pertaining to the river microenvironment. Generally, a width of 40m is considered to be the minimum viable riparian zone.

**Runoff** - the portion of rainfall that flows across the ground surface as water.

**Site drainage line** - a piped drain that conveys stormwater from a development site to the public drainage system.

**Single Dwelling Houses** - a dwelling house on a block of land with no other dwellings.

**Small Scale Development** - development sites that are smaller than 5,000m<sup>2</sup>.

**Soil and Water Management Plan** - a plan lodged with a development application that illustrates how stormwater, runoff and soils will be managed on the site. The plan should demonstrate the feasibility of both the proposed stormwater management system, including water quality, conveyance and discharge controls. The plan should also demonstrate any proposed pre, during and post construction phase measures for the management of all site water including ground and surface waters. This will include proposed erosion, sediment and water quality control measures and dewatering controls as required. The plan should be supported by preliminary hydrological calculations and other information in the accompanying Statement of Environmental Effects.

**Stormwater** - the runoff from rainfall events.

**Stormwater harvesting** - the collection, storage and use of stormwater for domestic, industrial, irrigation or other purposes.

**Stormwater Management Plan** - a plan lodged with a development application that details the proposed use of structural infrastructure and treatment techniques to both improve stormwater quality and mitigate excessive flows and may include dewatering controls as required.

**Stormwater surface flowpath** - land that carries concentrated surface flow during a rainfall event, the width, shape and gradient of which is designed to cater for the flow produced by a 1% annual exceedance probability (AEP) rainfall event. Includes a flowpath from the spillway of an on-site detention system.

**Swale** - a deliberately formed surface depression for the storage or conveyance of stormwater runoff. Swales can be lined with rock, turf or other vegetation.



**Waterfront land** - has the same meaning as in the *Water Management Act 2000*.

Note: The definition of waterfront land in the *Water Management Act 2000* is:

- (a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or
- (a1) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or
- (a2) the bed of an estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or
- (b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,

where the prescribed distance is 40m or (if the regulations prescribed a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into two or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.

**Water cycle management plan** – a plan that identifies additional opportunities to minimise reticulated mains water use. The plan should detail the whole of the water cycle and any public health issues. It may also include consideration of the storage and use of grey water and the installation of water efficient appliances.

**Water sensitive urban design** - planning and design of the urban and built form with the incorporation of the total water cycle and recognition of conservation principles and reuse.

### Aims of this section

1. To outline Council's requirement for stormwater management for development.
2. To adopt a whole of water cycle approach to development.
3. To ensure an appropriate quality and quantity of water enters waterways.

**Note: Specialist advice**

Applicants are encouraged to employ the services of an appropriately qualified and experienced professional, such as a Stormwater/Environmental Engineer or Hydrologist, to assist them with the development of appropriate plans and documents to meet the requirements of this DCP. Discharge controls should be considered and incorporated into development as early as possible to ensure a holistic, integrated and economical design. When considering engaging a specialist, applicants should have regard to the size and complexity of the proposed development.



## 7.06.01 Plan requirements

### Objectives

1. Outline the stormwater documents that are required to be submitted with a development application.
2. Ensure appropriate plans and documents are provided to Council to adequately assess water management in proposed developments.

### Controls

The following controls apply to all development to which this section applies

1. For the purpose of this section, the following documents are submitted with a development application for the development type listed in Table 1.

**Table 1: Documents which are required to be submitted with a development application**

Development type	Required documents	Modelling
1. Development proposals that are the scale of a dual occupancy or smaller (see note 2)	<ul style="list-style-type: none"><li>• Stormwater management plan</li><li>• Erosion and sediment control plan</li></ul>	Not required
2. Development proposals that: <ul style="list-style-type: none"><li>• Incorporate 20 or more dwellings; or</li><li>• Accommodate 50 or more employees or clients, or</li><li>• Involves the use of more than 1 hectare of land for commercial, industrial or special use purposes.</li></ul>	<ul style="list-style-type: none"><li>• Water cycle management plan</li><li>• Soil and water management plan</li><li>• Broad scale development assessment checklist for water sensitive urban design (see Note 2)</li></ul>	For large scale development hydrological and hydraulic modelling assessment is required in accordance with Section 7.06.02 of this DCP and the Stormwater and Water Efficiency for Development Technical Manual. Modelling shall be in accordance with Newcastle MUSIC link.
3. All other development	<ul style="list-style-type: none"><li>• Stormwater management plan</li><li>• Erosion and sediment control plan</li><li>• Broad scale development assessment checklist for water sensitive urban design (see Note 2)</li></ul>	For large scale development hydrological and hydraulic modelling assessment is required in accordance with Section 7.06.02 of this DCP and the Stormwater and Water Efficiency for Development Technical Manual. Modelling shall be in accordance with Newcastle MUSIC-link.



Note 1: Plans submitted to Council should be drawn in accordance with the requirements in Council's checklists for development applications.

Note 2: The broad scale development assessment checklist for water sensitive urban design can be found in the Stormwater and Water Efficiency for Development Technical Manual. This is generally only required for development of a scale greater than dual occupancies in size. However site circumstances may require a checklist to be submitted after lodgement.

Note 3: Definitions of each of the plans in Table 1 is provided in the definitions section at the start of this section and in Section 9.00 Glossary of this DCP.

## 7.06.02 All Development

### Objectives

1. Ensure stormwater is controlled in a way that minimises nuisance to adjoining properties.
2. Match post development runoff to the pre development or natural water runoff regime as closely as possible.
3. Minimise soil erosion and sedimentation from site disturbance.
4. Prevent pollutants such as litter, sediment, nutrients and oils from entering waterways.
5. Minimise the potential impacts of development and other associated activities on the aesthetics, recreational and ecological values of receiving waters.
6. Ensure appropriate easements are provided over drainage systems on private properties.
7. Ensure easements are unimpeded by development for maintenance purposes.
8. Protect natural watercourses and their associated ecosystems and ecological processes.
9. Incorporate water sensitive urban design elements into the landscape in a manner that provides multiple benefits including: water quality protection; stormwater retention and detention as well as ecological enhancement.
10. Provide objectives, targets and controls (where appropriate) for the management of waterfront lands, water use, stormwater and groundwater.
11. Ensure stormwater infrastructure is identified on site and can be appropriately maintained.
12. To clearly define the stormwater disposal requirements for development located in coastal wetland catchments and minimise the impacts of stormwater run-off on coastal wetlands

### Controls

The following controls apply to all development to which this section applies

1. The water cycle management plan or stormwater management plan (whichever is submitted with the development application) includes the following items:
  - (i) the location of all buildings, driveways and impervious surfaces



- (ii) the location of any watercourses or bushland passing through or adjacent to the property
- (iii) any overland flowpaths which drain through the property or adjacent to the property
- (iv) the location, size and depth of easements or drainage pipelines
- (v) the discharge point of the site into the public drainage system.
- (vi) cross section and long sections of major drainage structures.

The water cycle management plan or stormwater management plan shows the appropriate design elements to achieve compliance with the requirements set out in the following subclauses relating to:

**(a) Stormwater collection**

- i) surface levels are to be graded such that sites are generally free draining with sufficient overflow capacity to ensure that waters do not enter buildings when underground drainage systems are beyond their capacity
- ii) drainage pits are to be installed so that nuisance water does not collect at low points
- iii) gutters, down pipes and pits are to be connected to the stormwater management system for the site.

Note: Australian Standard 3500.3 sets appropriate standards for stormwater collection and is to be followed when constructing new development. Part 3 of the Stormwater and Water Efficiency for Development Technical Manual provides more guidance on stormwater collection and should also be considered.

**(b) Flooding and runoff regimes**

- i) Development is to be designed so that runoff from low intensity, common rainfall is equivalent to the runoff from a natural catchment. This can be achieved by intercepting and storing 12mm of rainfall from a minimum of 90% of the impervious area of the site.
- ii) Runoff generated by more intense rainfall needs to be managed so that downstream drainage systems are not compromised beyond their design criteria. In general runoff from the development up to and including the 5% AEP shall be collected and drained underground. Public drainage (minor system) has a design capacity of the 10% AEP and connections from private development shall be made subject to the 10% AEP hydraulic grade line of the public drainage being lower than the property drainage system.
- iii) Runoff from the development up to the 1% AEP shall be drained to the major drainage system in a manner that poses nil adverse impact to neighbouring property.
- iv) Development is to be designed so that peak runoff from the site for all events is not greater than the 'natural' drainage conditions of the site.

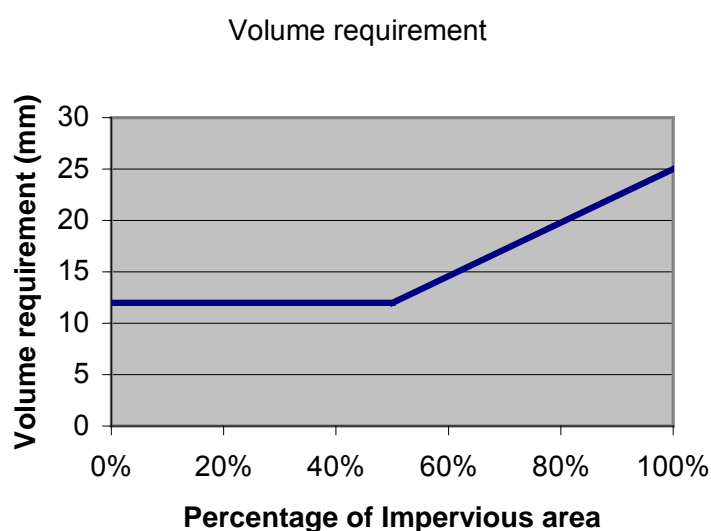


### (c) Storage

#### i) General

For sites of less than 50% impervious area, development shall provide 12mm of storage to meet the peak runoff requirements. Where the proposed development covers 100% of the site area, the interception and storage of 25mm of rainfall will achieve the peak runoff requirement. The rainfall depth storage can be linearly interpolated between 12mm and 25mm for sites between 50% and 100% of the impervious area of the site. Where there is a change in the impervious area of an existing site, the entire site is to be considered as pre developed or in a natural condition in regard to impervious areas for design purposes. The recommended storage provisions to satisfy the storage requirements for are shown diagrammatically in **Figure 1**. Examples of suitable site storage provisions, for some standard sized sites with particular impervious area coverage are shown in **Table 2**.

**Figure 1: Impervious area to storage requirement relationship**



**Table 2: Minimum storage requirements**

		Impervious Area									
		100m <sup>2</sup>	250m <sup>2</sup>	300m <sup>2</sup>	350m <sup>2</sup>	500m <sup>2</sup>	600m <sup>2</sup>	750m <sup>2</sup>	1000m <sup>2</sup>	1500m <sup>2</sup>	2000m <sup>2</sup>
Site Area	100m <sup>2</sup>	2.5									
	250m <sup>2</sup>	1.2	6.3m <sup>3</sup>								
	500m <sup>2</sup>	1.2	3.1m <sup>3</sup>	4.4m <sup>3</sup>	6.0m <sup>3</sup>	12.5m <sup>3</sup>					
	600m <sup>2</sup>	1.2	3.1m <sup>3</sup>	3.6m <sup>3</sup>	5.0m <sup>3</sup>	10.3m <sup>3</sup>	15.0m <sup>3</sup>				
	750m <sup>2</sup>	1.2	3.1m <sup>3</sup>	3.6m <sup>3</sup>	4.2m <sup>3</sup>	8.2m <sup>3</sup>	11.9m <sup>3</sup>	18.8m <sup>3</sup>			
	1000m <sup>2</sup>	1.2	3.1m <sup>3</sup>	3.6m <sup>3</sup>	4.2m <sup>3</sup>	6.0m <sup>3</sup>	8.8m <sup>3</sup>	13.9m <sup>3</sup>	25.0m <sup>3</sup>		
	1500m <sup>2</sup>	1.2	3.1m <sup>3</sup>	3.6m <sup>3</sup>	4.2m <sup>3</sup>	6.0m <sup>3</sup>	7.2m <sup>3</sup>	9.0m <sup>3</sup>	16.3m <sup>3</sup>	37.5m <sup>3</sup>	
	2000m <sup>2</sup>	1.2	3.1m <sup>3</sup>	3.6m <sup>3</sup>	4.2m <sup>3</sup>	6.0m <sup>3</sup>	7.2m <sup>3</sup>	9.0m <sup>3</sup>	12.0m <sup>3</sup>	27.8m <sup>3</sup>	50.0m <sup>3</sup>

Storage requirements (cubic metres). Note 1 cubic metre = 1,000L



Note 1: Porous paving is not included in the impervious area calculation.

Note:2: Where a rainwater tank volume is less than the required storage the shortfall shall be provided in other site discharge controls for sites greater than 600m<sup>2</sup>

For a single dwelling house, a rainwater tank with a minimum capacity of 4,000L is required in order to reduce mains water demand and to assist in minimising stormwater discharge from the site. In some cases BASIX will require a larger tank that will further reduce mains water demand.

The roof area directed to a rainwater tank should be maximised, to both increase the effectiveness and reliability of the reuse system, and reduce the degree of stormwater treatment required for those areas not draining to the rainwater tank.

Rainwater tanks are not required for additions to existing houses, however, where rainwater tanks are provided, the volume of the tank can be used to offset any additional discharge control storage that is required.

All rainwater tanks must be fitted with a first flush device to prevent contaminants fouling water and to prolong the life of the tank.

For large scale development it will be necessary to undertake a more rigorous hydrologic and hydraulic assessment to demonstrate that the flooding and runoff regimes are being satisfied in accordance with Council's requirements and the Stormwater and Water Efficiency for Development Technical Manual.

## ii) Coastal wetland catchments

Note: Refer to Appendix 2 of the Stormwater & Water Efficiency for Development Technical Manual for coastal wetland catchments.

To meet the hydrology objectives for development draining to coastal wetlands a deemed to comply solution has been developed where specific rainwater tank configurations are required. The tank sizes shall be adopted for all small scale development and can be used as a guide for large scale development.

Rainwater tanks to be configured such that:

- all roofs greater than 10m<sup>2</sup> drain to a rainwater tank
- 100% of the roof area drains to the rainwater tank
- only roof areas are connected to the tank
- 50% of the rainwater tank is to be provided as air space. The top half of the rainwater tank is to drain to a small 5mm weep hole. The weep hole is to be located at the mid-point of the tank and is to drain to the overflow pipe for the rainwater tank.



The size of the tank is based on the roof area. Refer to **Table 3** below for details.

**Table 3 Coastal Wetland Rainwater Tank Size (Deemed to comply)**

Roof Area (m <sup>2</sup> )	Total Tank Size Required (kL)	Leaky tank volume (kL)
10-50	2	1
51-100	4	2
101-150	6	3
151-300	10	5
301-500	20	10
>500	Min: Roof Area x 0.04	50% of Tank Volume

Note: Where a large scale storage solution, such as on-site detention is provided as part of the subdivision, individual tank storage volumes may be reduced by a commensurate amount.

#### (d) Storage drawdown

##### i) General

In order to provide sufficient capacity to accommodate subsequent rainfall events, the stored water must be drawn down at a minimum rate of 2mm of rainfall per day (0.023L per second per 1000m<sup>2</sup> contributing catchment). In general, this can be achieved by using the water internally in the development by connection to toilet cisterns and washing machine taps, or by disposing to groundwater. While the stored water can be used for garden irrigation, there are few additional benefits to stormwater management due to the intermittent nature of garden watering (especially during rain). Notwithstanding the above, use of stored water for garden irrigation is encouraged.

Alternatively, the stored water may be released back to the catchment. In order to ensure flows do not form erosive velocities downstream, the maximum discharge rate must not exceed 2mm of rainfall per hour (0.5L per second per 1000m<sup>2</sup> contributing catchment).

##### ii) Coastal wetlands catchments

Note: Refer to Appendix 2 of the Stormwater & Water Efficiency for Development Technical Manual for Coastal wetland catchments.

The rainwater tanks must be plumbed into the following non potable uses with a separate pipe connection to that of the potable water supply:

- irrigation
- outside taps
- all toilets
- washing machine taps and all laundry basin taps
- hot water service

Stored water shall not be released back to coastal wetlands catchments.



## **(e) Site discharge controls**

### **i) General**

The above requirement relating to storage and drawdown can be achieved by installing 'site discharge controls'. Selection of appropriate 'site discharge controls' will largely depend on the constraints and opportunities presented by the site and are a matter for the applicant to integrate with the development proposal.

Alterations and additions within the existing building footprint, such as building a second floor, do not require additional discharge controls. The requirement to manage runoff regimes does not apply for additions less than 50m<sup>2</sup> or 20% of the existing ground floor area (whichever is greater), up to a maximum addition of 150m<sup>2</sup>. For additions larger than 50m<sup>2</sup>, additional discharge controls are required at a rate of 1.8m<sup>3</sup> for every 100m<sup>2</sup> of additional impervious area.

Additional discharge controls may be selected from a combination of one or more of the following measures:

- rainwater tanks
- absorption trenches
- on-site retention
- swales
- bioretention rain gardens or biobasins
- bioretention swales or bioswales
- porous paving (this is not a discharge control but it reduces the overall impervious area on a site)
- Sand filters with basins (not recommended for single dwelling houses)
- Constructed wetlands (not recommended for small scale development)
- Sediment basins (not recommended for small scale development)

Details for certain 'site discharge controls' can be found in Part 4 of the 'Stormwater and Water Efficiency for Development Technical Manual'.

Site discharge controls are to be designed and installed for each impervious segment of a site's catchment and include appropriate storage and water quality devices for that segment.

### **ii) Coastal wetland catchments**

Note: Refer to Appendix 2 of the Stormwater & Water Efficiency for Development Technical Manual for coastal wetland catchments.

In order to meet the hydrology objectives in Table 4, site discharge controls are required for the following:

- Rainwater tanks only for single dwelling houses having a lot area of less than 600m<sup>2</sup>.



- For other small scale development either bioretention systems or on-site retention systems with sandfilter in addition to the rainwater tanks.
- For large scale development a site specific solution is to be prepared. Rainwater tanks are to be provided at a lot scale and additional site discharge controls are required in other areas. All controls shall be located within the site boundary of the development.

Details for certain site discharge controls can be found in Part 4 of the Stormwater and Water Efficiency for Development Technical Manual.

#### (f) Water Quality and Quantity Targets

- All development covered by this section of the DCP is to achieve the targets set out in **Table 4**. These targets relate to post-construction. The site discharge controls in Part 4 of the 'Stormwater and Water Efficiency for Development Technical Manual' have been designed with inbuilt mechanisms to filter pollutants. Where one or more of the prescribed site discharge controls are applied according to the technical manual, the pollutant load in stormwater runoff is reduced and is deemed to comply to the pollutant targets.

**Table 4: Water quality and water quantity targets**

Total Suspended Solids	85% reduction in the average annual load of Total Suspended Solids.
Total Nitrogen	45% reduction in the average annual load of Total Nitrogen.
Phosphorous	65% reduction in the average annual load of Total Phosphorus.
Gross Pollutants	90% reduction in the average annual load of Gross Pollutants (>5mm).
Hydrocarbons	100% removal.
Stream Flows	The Stream Erosion Index (SEI) is to be no greater than 2, where the SEI is expressed as the ratio of 'post development flow exceeding the stream forming flow' to 'pre development flow exceeding the stream forming flow'.
<sup>1</sup> Hydrology Objectives for developments in coastal wetland catchments	The post development 7 day flooding hydrology (high flow) is to match the pre development 7 day flooding hydrology (high flow) up to the 80 <sup>th</sup> percentile The post development 30 day drying hydrology (low flow) is to match the pre development 30 day drying hydrology (low flow) up to the 80 <sup>th</sup> percentile

Note 1: Refer to the Stormwater and Water Efficiency for Development Technical Manual for further information on hydrology targets for development in coastal wetland catchments. A map of the coastal wetlands catchment area is shown in Appendix 2.

Note 2: Refer to the Stormwater and Water Efficiency for Development Technical Manual for further information on water quality and water quantity.



The reduction in loads is relative to the stormwater pollution loads expected from conventional urban development without stormwater treatment measures. The stream forming flow is defined as 50% of the 2-year flow rate estimated for the catchment under natural conditions.

For developments larger than 5,000m<sup>2</sup>, or development which will become a Council asset, it will be necessary to undertake a more rigorous modelling assessment to demonstrate that the pollutant (water quality and water quantity) reduction targets in **Table 4** will be met.

- ii) **Gross Pollutant Traps.** The objective of Gross Pollutant Traps (GPT's) is to remove contaminants such as sediment, oil and other pollutants before it discharges into the receiving system. GPTs must be installed for the following developments:
- residential developments with more than four dwellings
  - all commercial developments that may involve the use, storage or transportation of contaminants
  - commercial developments on allotments greater than 2,000m<sup>2</sup>
  - all industrial developments
  - upstream of all bioretention devices.

#### **(g) Overflow disposal**

The objective of overflow disposal is to ensure that development is designed so that overflows do not adversely affect neighbouring properties by way of intensification, concentration or inappropriate disposal across property boundaries. This can be achieved by securing appropriate easements over downstream properties or discharging overflows directly to the street system where feasible. Overflows from paved areas adjacent to the property boundary are to be directed by a kerb or formed gutter to drain away from neighbouring properties.

A dwelling house that drains to the rear of the property is not required to obtain an easement over downstream lands. Dispersion trenches may be used where an easement cannot be obtained for single dwelling houses only.

Note: Part 5 of the Stormwater and Water Efficiency for Development Technical Manual provides more advice on the disposal of overflows.

#### **(h) Existing drainage systems**

Where a drainage system serving other lands is located on the development site, that system is to be protected by an easement in favour of the beneficiary of the drainage system in order to permit the continued use of the drain. At the same time, a drainage easement gives the beneficiary the right to maintain the pipes contained in the easement. Where necessary, upstream lots are to be given a legal right to drain through a development site.

New buildings are not to be constructed over or compromise the integrity of drainage lines or easements including those originating from outside the site.

Where an existing drainage line runs under a proposed building, the drainage line and any associated easement is to be diverted around the building. Redundant easements are to be extinguished and new easements are to be created. Where an existing drainage system across the site is retained, access to the existing system is not to be



affected by the proposed development. The development is to be designed so as not to degrade the structural integrity of the system.

Note: Extinguishing or creating an easement will need to be carried out in accordance with the *Conveyancing Act 1919*.

Pollution reduction devices are to be retrofitted to existing development where practical. Preliminary advice should be sought from Council should the applicant believe such measures are impractical.

**(i) Installation and maintenance requirements**

- i) Erosion and sediment controls are to be installed prior to the commencement of work, maintained throughout the course of the work and are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
  - ii) All drainage elements and water saving fixtures and appliances nominated in the application or required by conditions of consent are to be installed and operational prior to the issue of the occupation certificate for the new building. Drainage elements and water saving fixtures and appliances must be appropriately maintained throughout the life of the building.
2. Structures are not to be located within a drainage easement or where there is no easement, within 1.5m of the centreline of a drainage pipe. Eave overhangs are permitted subject to at least 4.5m clearances to ground level. Footings for buildings should not be founded on material that is shallower than a line drawn at 45° to the vertical from the bottom edge of the existing drainage system.

Note: The stormwater storage, infiltration or water quality system may need to be endorsed on any associated subdivision certificate for the development with a positive covenant. Council shall be nominated as the sole authority to modify, vary or release the covenant.

3. Maintenance manuals are to be provided for all devices in large scale development and selected devices for other types of development that include on-site retention, bioretention rain gardens, bioretention swales, porous paving and sand filters within basins. The manual is to address maintenance issues including routine monitoring and maintenance as well as any associated components (such as vegetation, subsurface drainage, filter material, flush outs, etc) of the system that could impact on device performance. Periodic monitoring and maintenance is to ensure the system functions as designed, and meets water quality and quantity targets as indicated in the DCP (see **Table 4**) over the life cycle of the device. The manual is to be kept onsite.

Note: See the Stormwater and Water Efficiency for Development Technical Manual for a Maintenance Manual example.

4. Each on site stormwater management system shall be indicated on site by fixing a marker plate or sign in a prominent position. The marker plate or sign is to be provided in accordance with the Stormwater and Water Efficiency for Development Technical Manual.
5. First order streams within Newcastle LGA require assessment for their riparian corridor function and proposed development is designed to protect such first order streams and their contribution to reduction of stream erosion index (SEI).



6. Stormwater treatment measures are integrated into the urban design and landscaped areas.
7. Stormwater treatment measures are located, and configured, to maximise the impervious area that is treated. Devices are to be located within the property boundary.
8. Structural stormwater treatment measures must be able to bypass flows in excess of the design discharge with negligible concentrated flows resulting from overtopping or blockage of the device to protect property life and maximise infrastructure performance and useful life.
9. Water use within open spaces (for uses such as irrigation and water features) is supplied from non potable sources such as recycled water, roof water, harvested stormwater or other non licensed water sources to meet a minimum of 50% of the demand and treated to an appropriate standard in accordance with NSW State Government and Commonwealth Standards.

Note: Development which discharges to natural waterways or is carried out on water front land is to meet the requirements of the *Water Management Act 2000* and the Department of Primary Industry Office of Water guidelines for riparian corridors on waterfront land.

### 7.06.03 Infrastructure

#### Objectives

1. To set a minimum standard for public assets that are to be dedicated to Council.
2. To ensure discharge controls can be easily maintained.
3. To set minimum standard for stormwater devices and riparian corridors that are to remain in private ownership.
4. To ensure maintenance is undertaken for private assets.

#### Controls

##### The following controls apply to development that creates a Council (public) stormwater asset

1. A maintenance plan is submitted to Council as part of the development application. The maintenance plan addresses the issues described in Part 4c of the Stormwater and Water Efficiency for Development Technical Manual.
2. All weather access is provided to site discharge controls for maintenance purposes.
3. Site discharge controls designed in accordance with the Stormwater and Water Efficiency for Development Technical Manual.
4. Devices are designed to be easily accessible and avoid the need for fencing.
5. Hydrologic and hydraulic assessment modelling is required to demonstrate that the flooding and runoff regimes are being satisfied in accordance with Council's requirements and the Stormwater and Water Efficiency for Development Technical Manual.



6. Discharge controls are to be considered and incorporated into a development as early as possible to ensure a holistic, integrated and economical design.
7. Devices are designed in accordance with the Newcastle City Council Standard Drawings.
8. All new subsurface drainage assets shall be inspected by CCTV following construction. CCTV footage and associated reports are to be provided to Council prior to asset hand-over - in accordance with any consent conditions and Council specifications.
9. Works as executed plans are to be provided to Council prior to asset handover for all drainage assets in accordance with any consent conditions and Council specifications.

Note: Newcastle City Council Standard drawings can be found on Council's website.

The following controls apply to development that creates a shared private asset such as stormwater devices, discharge controls and riparian corridors

10. A maintenance plan is to be submitted to Council as part of the development application.
11. All weather access tracks are to be provided to private assets for maintenance purposes.
12. Where fencing is installed it shall not preclude access for maintenance.
13. All stormwater devices shall be designed and constructed to meet the water quality and quantity targets of this DCP.
14. All stormwater devices and riparian corridors shall observe any additional requirements of the NSW Office of Water.



## 7.07 Water Efficiency

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	28/05/2013	10/06/2013	Amended
3	27/09/2016	24/10/2016	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

### Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

### Development (type/s) to which this section applies

This section applies to all development consisting:

- residential development
- commercial/business development
- industrial development.

### Related sections

- 7.06 Stormwater

### Applicable environmental planning instruments

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.



### Associated technical manual/s

- AS 6400 water efficient products – ratings and labelling
- NABERS performance based rating system [www.nabers.com.au](http://www.nabers.com.au)
- Stormwater and Water Efficiency for Development Technical Manual, The City of Newcastle (check Council website for current version)

### Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary, of this plan, and include:

- **BASIX** - Building Sustainability Index (BASIX) is an online rating system used to ensure residential buildings are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for house and units.
- **NABERS** - NABERS (the National Australian Built Environment Rating System) is a performance-based rating system for existing buildings. NABERS rates a commercial office, hotel or residential building on the basis of its measured operational impacts on the environment.

### Aims of this section

1. To assist in efficient use of mains water.
2. To encourage sustainable development.
3. To utilise rainwater within developments.
4. To minimise the consumption of potable water and discharge of wastewater.

## 7.07.01 Water efficiency

### Objectives

1. Improve the efficiency of water use and reduce the long term water consumption for residential, business and industrial uses through best practice water use.
2. Encourage the innovation of water efficient technologies and processes.
3. Incorporation of water sensitive urban design elements into the urban landscape.



## Controls

The following controls apply only to “residential accommodation” as defined within Newcastle Local Environmental Plan 2012, where not complying development

1. Development for the purpose of residential accommodation is carried out in accordance with the requirements set out in State Environmental Planning Policy Building Sustainability Index (BASIX) 2004.

### General controls applying to all development (other than residential development)

2. Where plumbing fixtures and water appliances are proposed to be installed, such are to be of the following types:
  - (a) a minimum WELS 3 Star Water Rating
  - (b) maximum 6L dual flush toilet cisterns where they are not supplied by a roof water tank.
3. Where washing appliances are installed, they are WELS 3 Star (or better) Water Rated where they are not supplied by a roof water tank.
4. Where installed, garden water hoses are fitted with trigger nozzles in order to maximise the efficiency of garden watering.
5. A rainwater tank is installed for the dual purposes of mains water demand management and reducing the volume of stormwater discharge from sites. The rainwater tank must be connected to roof areas and not be connected to possible contaminating water sources. All rainwater tanks must be fitted with a first flush device to prevent contaminants fouling water and to prolong the life of the tank. Rainwater tanks should be designed to cater for maintenance and cleaning.

Where rainwater tanks are provided, the volume of the tank can be used to offset any additional discharge control storage that is required. Rainwater tanks are to supply water for toilets, watering systems and other reuse devices and be designed and installed in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual.

6. Toilets and watering systems for landscaping are connected to rainwater supply.
7. Where devices in **Table 1** are installed, they are to be of the type indicated. Where water is supplied to washing appliances from roof water tanks, this requirement does not apply.

**Table 1: Water device requirements**

Device	Requirement
Shower heads	WELS 3 Star or better
Toilet Cisterns	6L – 3L dual flush
Basin Taps	WELS 3 Star or better
Dishwasher	WELS 3 Star or better
Washing Machine	WELS 3 Star or better

Note: All 3 Star ratings are using the current rating system.



The following controls apply only to “change of use applications over 2000m<sup>2</sup>”, where not complying development

8. Development achieves a minimum 3.5 Star Water Rating with NABERS.



## 7.08 Waste Management



### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/09/2016	24/10/2016	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

### Land to which this section applies

This section applies to all land to which Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

### Development (type/s) to which this section applies

This section applies to all development requiring consent, which is likely to create waste, including demolition, construction or change in use.

### Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Related sections

- Nil

### Associated technical manual/s

For all development:

- *Newcastle Waste Management Technical Manual 2011*, The City of Newcastle.
- *Model Waste Not DCP Chapter 2008*, Department of Environment and Climate Change NSW (now Office of Environment and Heritage)

For residential development:

- *Better Practice Guide for Waste Management in Multi-unit Dwellings*, June 2008, Department of Environment and Climate Change NSW (now Office of Environment and Heritage)



## Additional information

- NSW Office of Environment and Heritage website, Waste and resource recovery
- Workcover NSW website

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.0 – Glossary, of this plan and include:

- **Waste** - includes any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment; or any discarded, rejected, unwanted, surplus or abandoned substance; or any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance; or any substance prescribed by the regulation to be waste for the purpose of the Waste Minimisation and Management Act 1995
- **SWMMP** - Site Waste Minimisation and Management Plan.

## Aims of this section

1. To facilitate sustainable waste management within the local government area in a manner consistent with the principles of ESD.
2. To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan.
3. To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner.
4. To provide guidance in regards to space, storage, amenity and management of waste management facilities for new development.

Note: Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. Sustainable resource management and waste minimisation has emerged as a priority action area and a key in the quest for Ecologically Sustainable Development (ESD). Critical actions in this regard include the following (moving from most desirable to least desirable):

- avoiding unnecessary resource consumption
- recovering resources for reuse
- recovering resources for recycling or reprocessing
- disposing of residual waste (as a last resort).

The building and construction industry, in particular, is a major contributor to waste, hence the implementation of effective waste minimisation strategies has the potential to significantly reduce these volumes. Effective waste planning and management can also benefit the builder/developer. Some of the benefits of good waste planning and management include reduced costs, improved workplace safety, enhanced public image and compliance with legislation such as the *Protection of the Environment Operation Act 1997* that requires waste to only be transported to a place that can lawfully accept it.

Note: Storage and disposal of liquid waste, such as oils and chemicals, are not covered by this section.



## 7.08.01 General requirements

### Objectives

1. Minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.
2. Minimise demolition waste by promoting adaptability in building design and focussing upon end of life deconstruction.
3. Encourage building designs, construction and demolition techniques in general which minimise waste generation.
4. Maximise reuse and recycling of household waste and industrial/commercial waste.
5. Ensure waste management systems are compatible with collection services.
6. Minimise risks associated with waste management at all stages of development.

### Controls

#### General controls applying to all development to which this section applies

1. All development applications (including demolition, construction and the ongoing use of a site/premise) are to include a SWMMP within their Statement of Environmental Effects demonstrating compliance with this section's requirements.
2. In addition to submission of a SWMMP (as part of the Statement of Environmental Effects), the waste management facilities, proposed as part of the development, clearly illustrated on the plans of the proposed development, accompanying the development application (DA).
3. The SWMMP nominates:
  - (a) volume and type of waste and recyclables to be generated
  - (b) storage and treatment of waste and recyclables on site
  - (c) disposal of residual waste and recyclables
  - (d) operational procedures for ongoing waste management once the development is complete.
4. The SWMMP details the method of recycling or disposal and the waste management service provider.

Note: In the absence of project specific calculations, the rates specified in the Waste Management Technical Manual and Council's current rate of provision of services to residential properties can be used to inform the compilation of a SWMMP.

Note: The Technical Manual provides a 'Standard Site Waste Minimisation and Management Plan for Demolition, Construction and Alteration of Dwelling Houses', which can be nominated as the applicant's SWMMP for this form of development. A template for the compilation of a SWMMP is also provided for all other forms of development.



## 7.08.02 Demolition and construction

### Objectives

The principal objective of managing this activity is to maximise resource recovery and minimise residual waste from demolition and construction activities by

1. Optimising adaptive reuse opportunities of existing building/structures.
2. Maximise reuse and recycling of materials.
3. Minimise waste generation.
4. Ensure appropriate storage and collection of waste.
5. Minimise the environmental impacts associated with waste management.
6. Avoid illegal dumping.
7. Promote improved project management.

Note: The demolition and construction stages of development provide great scope for waste minimisation. Applicants are actively encouraged to consider possible adaptive reuse opportunities of existing buildings/structures, reuse of materials or parts thereof.

### Controls

#### Controls applying to all development to which this section applies

1. The SWMMP within the Statement of Environmental Effects includes details which demonstrate an allocated area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).
2. Site disturbance is minimised by limiting unnecessary excavation where materials are not to be used on site as part of developments.
3. The SWMMP incorporates the following requirements:
  - (a) separate collection bins or areas for the storage of residual waste are provided and clearly signposted
  - (b) footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval
  - (c) any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act 1997*
  - (d) waste is only transported to a place that can lawfully be used as a waste facility
  - (e) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the Office of Environment and Heritage and relevant Occupational Health and Safety legislation administered by WorkCover NSW



- (f) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained and are readily accessible for inspection by regulatory authorities such as Council, NSW Office of Environment and Heritage or WorkCover NSW
  - (g) arrange contractors for the transport, processing and disposal of waste and recycling and ensure that all contractors are aware of the legal requirements for disposing of waste
  - (h) estimate volumes of materials to be used and incorporate these volumes into a purchasing policy so that the correct quantities are purchased. For small-scale building projects see the rates in the 'Waste Management Technical Manual' for a guide
  - (i) identify potential reuse/recycling opportunities of excess construction materials
  - (j) incorporate the use of prefabricated components and recycled materials
  - (k) arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage
  - (l) measures shall be implemented to prevent damage by the elements, odour and health risks, and windborne litter.
4. Any demolition necessary is carried out in accordance with 'AS 2601—2001, The Demolition of Structures'.
  5. Handling, management and disposal of asbestos complies with WorkCover NSW requirements. The NSW WorkCover Authority's *Working with Asbestos Guide 2008* recommends a range of work procedures for dealing with bonded asbestos material including asbestos cement. This document may be obtained from the following NSW WorkCover Authority website: [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)
  6. A garbage receptacle is provided at the work site before works begin and must be maintained until the works are completed.

### 7.08.03 Operational waste

#### A. Residential development

##### *Objectives*

1. Encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.
2. Ensure waste management systems are as intuitive for occupants as possible and are readily accessible.
3. Ensure appropriate resourcing of waste management systems, including servicing.
4. Minimise risk to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
5. Minimise adverse environmental impacts associated with waste management.



6. Discourage illegal dumping by providing on site storage, and removal services.

Note: The design of waste and recycling storage areas within dwellings and property affects ease of use, amenity, movement and handling of waste for the life of the development. Multiple households within the property increase challenges with regard to waste volumes, ease of access and operation of waste sorting and removal systems. Resources such as the 'Better Practice Guide for Waste Management in Multi-Unit Dwellings' should be used to inform design of multi-unit dwellings.

## Controls

### Controls applying to all residential development to which this section applies

1. The required SWMMP includes plans which show location of:
  - (a) an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling
  - (b) an identified on-site location for a compost container
  - (c) an identified kerbside collection point for the collection and emptying of Council's waste, recycling and garden waste bins
  - (d) storage of waste containers to avoid vandalism, nuisance and adverse visual or odour impacts
  - (e) easily accessible waste storage area with unobstructed access to Council's usual collection point, minimising the distance of travel.
2. The placement of bins for collection at the nominated collection point should ensure adequate traffic and pedestrian safety is maintained.

### Controls applying to all residential development to which this section applies (excluding dwelling houses)

3. Demonstrate on plans submitted with the SWMMP the following details:
  - (a) the location of individual waste/recycling storage areas (such as for townhouses and villas) or communal waste/recycling storage facilities in the form of a waste/recycling storage room/s is provided and designed in accordance with the 'Waste Management Technical Manual' and the 'Better Practice Guide for Waste Management in Multi-Unit Dwellings' (indicative bin sizes are shown in the Technical Manual)
  - (b) the waste/recycling storage area(s) or room(s) are of a size that can comfortably accommodate separate garbage, recycling and garden waste containers at the rate of Council provision
  - (c) space is provided for an individual compost container for each dwelling (such as in townhouse and villa developments) or for a communal compost container; the siting of which will have regard to potential amenity impacts
  - (d) the location of any garbage chute(s), interim storage facilities and any service rooms (for accessing a garbage chute) for waste and recyclable materials
  - (e) the on-site path of travel for collection vehicles (if collection occurs on-site), taking into account accessibility, width, height and grade



- (f) waste management systems are designed and operated to prevent the potential risk or injury or illness
  - (g) for multi-storey developments that include 10 or more dwellings, a dedicated room or caged area is provided for the temporary storage of discarded bulky items which are awaiting removal. The storage area is readily accessible to all residents and must be located close to the main waste storage room or area.
  - (h) service rooms and storage areas is located for convenient access by users and must be well ventilated and well lit
  - (i) residents have access to a cold water supply for the cleaning of bins and the waste storage areas. Storage areas are constructed and designed to be weather proof and easy to clean, with wastewater discharged to sewer.
4. Where site characteristics, number of bins and length of street frontage allow, bins may be collected from a kerbside location. In instances where kerbside bin collection is not appropriate, bins are collected on-site. Bins that are collected on-site are to be collected either from their usual storage point or from an on-site temporary holding area located inside the property boundary and close to a property entrance.
  5. Where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development is designed to allow for on-site access by garbage collection vehicles (of dimensions detailed in the 'Waste Management Technical Manual'). In these instances, the site is configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles is of sufficient strength to support such vehicles.
  6. Where a collection vehicle is required to enter a property, access driveways and internal roads are designed in accordance with 'Australian Standard 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities – 2002'.
  7. The design and location of waste storage areas/facilities compliments the design of both the development and the surrounding streetscape.
  8. Developments containing four or more storeys are provided with a suitable system for the transportation of waste and recyclables from each storey to waste storage/collection areas.
  9. Garbage chutes where included, are designed in accordance with the 'Waste Management Technical Manual', the 'Building Code of Australia' and 'Better Practice Guide for Waste Management in Multi- Unit Dwellings'. Garbage chutes are not suitable for recyclable materials and are therefore clearly labelled to discourage improper use. Alternative interim disposal facilities for recyclables should be provided at each point of access to the garbage chute system.

## **B. Commercial, mixed use and industrial development**

### **Objectives**

1. Ensure appropriate waste storage and collection facilities.
2. Maximise source separation and recovery of recyclables.



3. Ensure waste management systems are as intuitive for occupants as possible and readily accessible to occupants and service providers.
4. Ensure appropriate resourcing of waste management systems, including servicing.
5. Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.
6. Minimise adverse environmental impacts associated with waste management.
7. Discourage illegal dumping by providing on-site storage, and removal services.

Note: A range of non-residential uses present an array of unique waste minimisation opportunities and management requirements. Flexibility in size and layout is often required to cater for the different needs of multiple tenants as well as future changes in use.

## Controls

### Controls applying to all commercial, mixed use and industrial development to which this section applies

1. The required SWMMP shall include plans which demonstrate:
  - (a) the location of the designated waste and recycling storage room(s) or areas, sized to meet the waste and recycling needs of all tenants
  - (b) development includes a designated waste/recycling storage area or room(s) (designed in accordance with the 'Waste Management Technical Manual')
  - (c) the path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area). Step-free access is provided between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s)
  - (d) the on-site path of travel for collection vehicles (if collection is to occur on-site)
  - (e) depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy
  - (f) all tenants keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of the waste and recyclables that are generated on site
  - (g) waste management facilities are suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system
  - (h) where possible, waste/recycling containers are collected from a rear lane access point
  - (i) the size and layout of the waste/recycling storage room/area are capable of accommodating reasonable future changes in use of the development
  - (j) a waste/recycling cupboard is provided for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials



- (k) premises that discharge trade wastewater do so in accordance with a written agreement from the local sewer authority (Hunter Water Corporation)
- (l) premises which generate at least 50L per day of meat, seafood or poultry waste have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection
- (m) arrangements are in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners are made aware of their obligations in regards to these matters
- (n) any garbage chutes are designed in accordance with the requirements of the 'Waste Management Technical Manual', the 'Building Code of Australia' and 'Better Practice Guide for Waste Management in Multi-Unit Dwellings'. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

#### Controls applying to mixed use development to which this section applies

In addition to the general requirements of this section, the SWMMP demonstrates the following for a mixed use development:

- 2. Mixed use development incorporates separate and self-contained waste management systems for the residential component and the non-residential component. In particular, the development incorporates separate waste/recycling storage rooms/areas for the residential and non-residential components.
- 3. Commercial tenants are prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.
- 4. The residential waste management system and the non-residential waste management system are designed to efficiently operate without conflict. For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.

#### Controls applying to industrial development to which this section applies

In addition to the general requirements of this section, the SWMMP demonstrates the following for industrial development:

- 5. Waste is separated into at least four streams:
  - a) paper/cardboard
  - b) recyclables
  - c) general waste
  - d) industrial process type wastes.
- 6. Evidence of compliance with relevant industrial waste laws/protocols. For example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the *Protection of the Environment Operations Act 1997*.



7. Production, storage and disposal of hazardous wastes (such as contaminated or toxic material or products) require particular attention. The appropriate laws and protocols should be observed.

Note: Industrial developments typically produce a diverse range of waste products. Some of these waste products may be hazardous and require compliance with established laws/protocols that are additional to this section. Other waste products are similar in nature to commercial and domestic waste streams. Mixing waste products limits potential reuse and recycling opportunities and may distribute toxic material through a larger volume of wastes.



## 7.09 Advertising and Signage

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/6/2012	New
2	27/9/2016	24/10/2016	Amended
3	14/3/2017	3/4/2017	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

### Development (type/s) to which this section applies

This section applies to all advertisements and signage, except that which is exempt development under an environmental planning instrument that applies to it.

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012.
- State Environmental Planning Policy 64 – Advertising and Signage.
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

In the event of any inconsistency between this section and any environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Other environmental planning instruments may also apply in addition to those listed above.

Note 2: Environmental planning instruments may prohibit some types of advertising and / or signage in some zones or areas.

Note 3: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.



## Related sections

- Section 5.05 Heritage Items
- Section 6.02 Heritage Conservation Areas
- Section 6.01 Newcastle City Centre
- Section 6.09 Darby Street Cooks Hill
- Section 6.10 Beaumont Street Hamilton

## Associated technical manual/s

- Nil

## Additional information

- Department of Planning and Environment Transport Corridor Outdoor Advertising and Signage guidelines (as amended).

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan, and include:

- **Advertisement** - has the same meaning as in the *Act*.

Note: The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

- **Advertising area** - the entire surface area of a sign face, including any margin, frame or embellishment which forms an integral part of the sign. In the case of an advertising structure with more than one sign face, the maximum surface area of the combined faces. The area of skeleton letter signs shall be the total area within which the letters and associated graphics are displayed and not the area of the individual letters added together.
- **Advertising panel** - any other advertising structure which is unilluminated, including a hoarding or bulletin board.
- **Advertising sign** - a sign, notice, device or representation in the nature of an advertisement, whether illuminated or not, which is visible from any public place or public reserve, or from any navigable waterway, and is not a road traffic signal or sign.
- **Advertising structure** - the same meaning as in the *Act*.

Note: The term is defined as a structure used or to be used principally for the display of an advertisement.



- **Business identification sign** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The term is defined as a sign:

- (a) that indicates:
    - (i) the name of the person, and
    - (ii) the business carried on by the person, at the premises or place at which the sign is displayed, and
  - (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,
- but does not include any advertising relating to a person who does not carry on business at the premises or place.

- **Signage** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The term is defined as meaning all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:

- (a) building identification signs, and
  - (b) business identification signs, and
  - (c) advertisements to which Part 3 applies,
- but does not include traffic signs or traffic control facilities.

### Aims of this section

1. To provide guidelines for the design, erection and display of signage and advertising structures.
2. To ensure that signage is well designed, appropriately sized and positioned in a consistent manner.
3. To minimise visual clutter caused by the proliferation of signage and encourage the rationalisation of existing and proposed signage.
4. To ensure that signage is compatible with the scale and character of the building or site on which it is displayed.
5. To ensure that signage does not detract from the architecture of existing buildings, significant views, vistas and streetscapes.
6. To ensure that signage does not impact on the significance of heritage items and/or conservation areas.
7. To ensure that signage does not compromise pedestrian, cyclist or vehicle safety.



## 7.09.01 Types of signage and controls



Note: For exempt signage types refer to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Signage Type	Definition / Controls
<b>Above Awning Sign</b> 	<p>Signage which is displayed above an awning.</p> <p><b>Not supported throughout the Newcastle Local Government Area (LGA).</b></p>
<b>Building Wrap Sign (existing buildings)</b> 	<p>Signage used in association with covering or wrapping of a building or land.</p> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>a) Is limited to signage for community and civic events.</li> <li>b) Is not to be erected more than one month before the event and must be removed within one week of the conclusion of the event.</li> <li>c) Consent will be limited to the period noted in (b) or one year, whichever is the lesser.</li> <li>d) Is not to be illuminated.</li> <li>e) Limited to one building wrap sign on a building at any time.</li> <li>f) Is not to cover more than two adjacent facades.</li> <li>g) Is not to obscure any prominent architectural features of the building.</li> <li>h) Is mounted flush with the external facade of the building.</li> </ul>



Signage Type	Definition / Controls
<p><b>Building Wrap Sign (on scaffolding/hoardings)</b></p> 	<p>Signage used in association with a building that is under construction, renovation, restoration or demolition.</p> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>a) The content of the signage is not to be changed over the life of the building work without prior approval of Council.</li> <li>b) The signage is to be removed as soon as the relevant works have been completed.</li> <li>c) Commercial advertising is limited to 20% of the extent of the scaffolded elevation.</li> <li>d) In heritage conservation areas, signage is restricted to images of the proposed building being constructed / refurbished, or similar appropriate image. Business identification may be considered where it is limited to 5% of the extent of the scaffolded elevation and is located at ground level.</li> </ul>
<p><b>Directory Board</b></p>	<p>See pole or pylon sign</p>
<p><b>Electronic Changing Word /Flashing Sign</b></p> 	<p>Signage that contains mechanical or electronic moving images or displays, including LED, neon and electronically projected images (including portable LED signs, video/tv screens, projected laser advertising and other intermittently illuminated or sequenced lighting signs). These sign types are generally not supported within the Newcastle LGA unless it can be demonstrated to be appropriate for a particular site and circumstances.</p> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>a) If a proposal is considered to have merit, the following controls will apply: <ul style="list-style-type: none"> <li>i) Consent will be limited to a period of 12 months or may be granted on a temporary basis in association with a related event.</li> <li>ii) An application is to include details of the proposed messages and/or images to be displayed. Excessive use of illumination and/or animated schemes is not supported.</li> <li>iii) Illumination is limited to within the hours of 7am to 10pm or close of business (whichever is the lesser).</li> </ul> </li> </ul>



Signage Type	Definition / Controls
<b>Electronic Changing Word /Flashing Sign (cont.)</b>	<ul style="list-style-type: none"> <li>iv) Is not located within, or adjacent to a residential zone, heritage conservation area, heritage item, or public domain (other than public roads).</li> <li>v) Is not located so as to impact on interpretation of traffic signs or signals.</li> <li>vi) Is not to contain displays that resemble traffic signs or signals, or give instruction to traffic by using words such as 'halt' or 'stop'.</li> <li>vii) Complies with the NSW Department of Planning and Environment requirements regarding Illumination and Reflectance.</li> </ul>
<b>Fascia Signs</b>  	<p>Signage displayed on the fascia or return end of an awning.</p> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>a) Is to be mounted flat and securely fixed to the fascia.</li> <li>b) Is not to project above or below the fascia or return end of the awning to which it is attached.</li> <li>c) Is not to extend to within 0.6m of the vertical projection of the kerb line.</li> <li>d) Is not to be illuminated.</li> </ul>
<b>Flush Wall Sign</b>  	<p>Signage attached to or painted on the wall of a building and projecting horizontally no more than 300mm from the wall.</p> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>a) No more than one sign per building elevation. In the case of multiple occupancies, one sign per occupant may be considered (in such cases a directory board is preferred).</li> <li>b) Is to be attached to the building in which the business identified in the sign is located.</li> <li>c) Is not more than 10% of wall area in commercial zones.</li> <li>d) Is not more than 20% of wall area in industrial zones (including land to which the Three Ports SEPP applies).</li> <li>e) For all other land use zones, size to be considered on merit.</li> <li>f) Does not extend laterally beyond the wall, to which it is attached, in any direction.</li> </ul>





Signage Type	Definition / Controls
Flush Wall Sign (cont.)	<p>g) Does not cover any window, door or architectural feature.</p> <p>h) For heritage items/heritage conservation areas, is not fixed (by any means) to sandstone or face brickwork, but may be fixed into mortar joints.</p>
Home Business / Industry / Occupation Sign	<p>A sign at a dwelling that advertises a home business, home industry or home occupation at the premises.</p> <p><b>Controls</b></p> <p>a) Signage is for business identification only.</p> <p>b) Is a flush wall sign with a maximum size of 1m<sup>2</sup>.</p> <p>c) Is not illuminated.</p> <p>Note: Refer SEPP Exempt and Complying Development Codes 2008.</p>
Portable Signs	<p>Signage that can be readily moved and includes A-frame signs, portable flags, trailers and any similar device.</p> <p><b>Controls</b></p> <p>a) Is not to be displayed on the footpath of any road or in any public place unless the premises of the relevant business or person have direct ground floor frontage and direct ground floor access to that road or public place.</p> <p>b) Is not to unreasonably hinder or obstruct the access and use of the footpath or any road or of any public place.</p> <p>c) Is to be removed from the road or public place each day at the close of business.</p> <p>d) Is to comply with the provisions of Newcastle Council's Outdoor Trading Policy.</p> <p>e) Signage displayed on trailers is not to be parked on any footpath, road related area, or road, whether attached to a vehicle or not, when the primary purpose for the placement of the trailer is for promotion or advertising.</p>



Signage Type	Definition / Controls
<p><b>Pole or Pylon Sign</b></p> 	<p>Signage erected on a pole or pylon independent of any building or structure (including directory board).</p> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>a) Pole/pylon signs will not be supported where signs are capable of being placed on a building within 5m of the primary road frontage.</li> <li>b) Is not more than 8m above the ground level.</li> <li>c) Has a maximum advertising area of 20m<sup>2</sup>.</li> <li>d) Maximum of one per site.</li> <li>e) To be contained wholly within the property boundary.</li> </ul>
<p><b>Projecting Wall Sign</b></p> 	<p>Signage attached to the wall of a building and projecting horizontally from the wall.</p> <p><b>Not supported throughout the Newcastle LGA except as identified within key precincts.</b></p>
<p><b>Roof or Sky Sign</b></p> 	<p>Signage erected on or above the roof or parapet of a building.</p> <p><b>Not supported throughout the Newcastle LGA.</b></p>
<p><b>Temporary Sign</b></p>	<p>Signage of a temporary nature (such as flyers, posters, or corflute) that is lightweight &amp; weather resistant fixed to power poles, bus shelters or other public property, fences, buildings shop fronts, shop front windows or hoarding.</p> <p><b>Not supported throughout the Newcastle LGA.</b></p>



Signage Type	Definition / Controls
<p><b>Under Awning Sign</b></p> 	<p>Signage that is attached to and hangs below an awning.</p> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>a) Maximum of one sign per shopfront. In the case of multiple occupancies, one sign for each use may be considered, provided that the horizontal distance between signs is at least 3m.</li> <li>b) Is not to exceed 2.5m in length.</li> <li>c) Is not to exceed more than 1.5m<sup>2</sup> in advertising area.</li> <li>d) Is erected approximately horizontal to the ground and at no point less than 2.6m from the ground.</li> <li>e) Is erected at right-angles to the building to which the awning is attached.</li> <li>f) Is securely fixed to the awning by means of durable and structurally sound support systems.</li> <li>g) Is not projected beyond the edge of the awning to which it is attached.</li> </ul>
<p><b>Window Sign</b></p> 	<p>Signage within any window of a building and includes business identification, advertising, lifestyle graphics, tv/video screens and the like.</p> <p>Note: Lifestyle Graphic is defined as signage by way of images that depict people, products, words and the like, in connection with a product, place or service.</p> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>a) Does not occupy more than 20% or 6m<sup>2</sup> (whichever is the lesser) of the glazed surface of the window in which it is displayed.</li> <li>b) Is not illuminated.</li> <li>c) Does not contain LED/Electronic messages.</li> <li>d) Is located at ground level.</li> </ul>



**Table 1: Development zones and supported signage types (general guidance only)**

Signage Type	Development Zones			
	Residential	Commercial	Industrial	Heritage Conservation Area / Item
Building Wrap Sign (completed buildings)	X	✓	X	X
Building Wrap Sign (on scaffolding/hoardings)	✓ (as temporary use only)	✓	✓	✓
Directory Board	X	✓	✓	X
Fascia Signs	X	✓	✓	✓
Flush Wall Sign	X	✓	✓	✓
Home Business/ Home Industry / Home Occupation Sign	✓ (as exempt development)	✓	✓	✓
Illuminated Sign	X	✓	✓	X
Pole or Pylon Sign	X	✓	✓	X
Under Awning Sign	X	✓	X	✓
Window Sign	X	✓	✓	✓
Note: Signs within special use, recreation and environmental zones will be considered having regard to the general controls and the surrounding context.				

Key	
Symbol	Meaning
✓	Generally supported in zone (check relevant environmental planning instruments)
X	not supported in zone



## 7.09.02 General design guidelines

### Objectives

1. To establish a consistent and co-ordinated approach to the design, size and positioning of signage to enhance the streetscape.
2. To ensure that signage does not detract from the architecture of buildings, streetscapes and vistas.
3. To ensure design, size and positioning of signage does not create a safety risk.

### Controls

1. A signage strategy is submitted with all development applications for new buildings or for buildings that are a heritage item and/or within a heritage conservation area. The signage strategy is to address the general design guidelines and any applicable Key Precinct principles. The signage strategy will then be used to guide the provision of any signs at the premises.

Note: A signage strategy is to include full details on sign locations, dimensions, colours and finishes, including any proposed illumination.
---

2. Proposals for new or amended signs on existing buildings will be considered in relation to the building's streetscape, architectural compatibility and cumulative impact within the vicinity.
3. The total number of signs on a property is to be limited to those needed to reasonably identify the business. To minimise clutter, composite signs should be used where there are multiple businesses located on a property.
4. Signage is to be unobtrusive in colour, height and scale, and located so as to be integrated with the architecture and scale of the buildings and adjoining premises. The design and location of signs should not unduly detract from existing architectural features.
5. Signage is to be designed to complement the significance of heritage items and/or heritage conservation areas.
6. Signage is to be positioned so that it does not affect the safe movement of pedestrians, bicycles or motor vehicles.
7. Signage is not to obstruct or cause confusion with the interpretation of traffic signs, traffic controls or navigational beacons.
8. Signage is to be designed and built so that it is structurally and electrically sound.
9. Signage illuminated by internal or external lighting:
  - (a) is to meet the NSW Department of Planning and Environment's requirements regarding Illumination and Reflectance
  - (b) is not to detract from the architecture of the host building
  - (c) is not to cause distraction or nuisance to neighbouring properties, residential areas or traffic
  - (d) is generally restricted to the hours between 7am and 10pm.



- (e) has illumination sources (including cabling) concealed or integrated within the sign
- (f) is generally not supported in connection with heritage items.

### 7.09.03 Key precincts

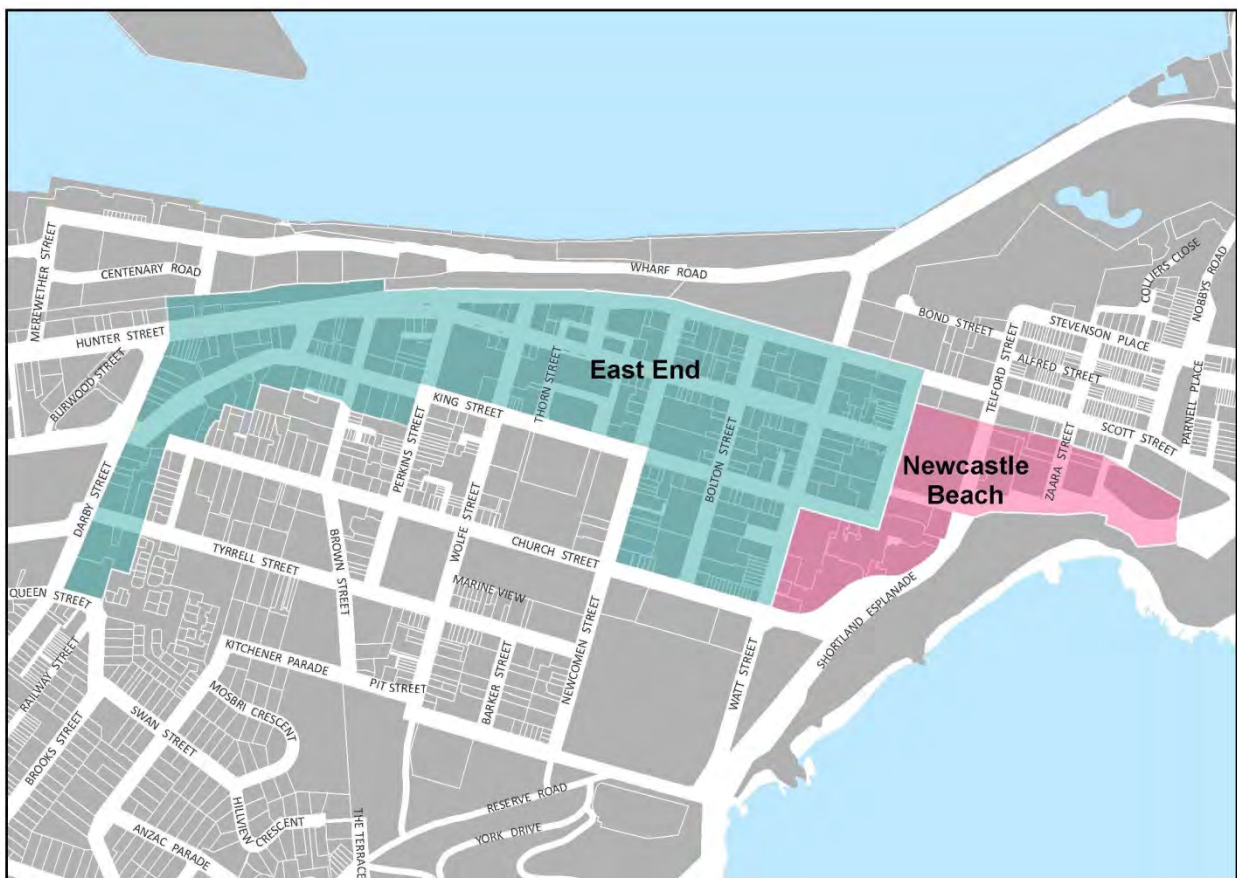
Some commercial areas in the Newcastle LGA are within heritage conservation areas and/or have been identified as key character precincts. Additional guidelines are provided for three precincts to achieve development outcomes that are compatible with the character and amenity of the precincts:

- Newcastle East End & Newcastle Beach
- Newcastle West End & Civic
- Darby Street, Cooks Hill and Beaumont Street, Hamilton.

Signage proposed within the above precincts is required to address the following design controls, in addition to the general design guidelines.

#### A. Newcastle East End and Newcastle Beach

**Map 1: Newcastle East End and Newcastle Beach**





## Controls

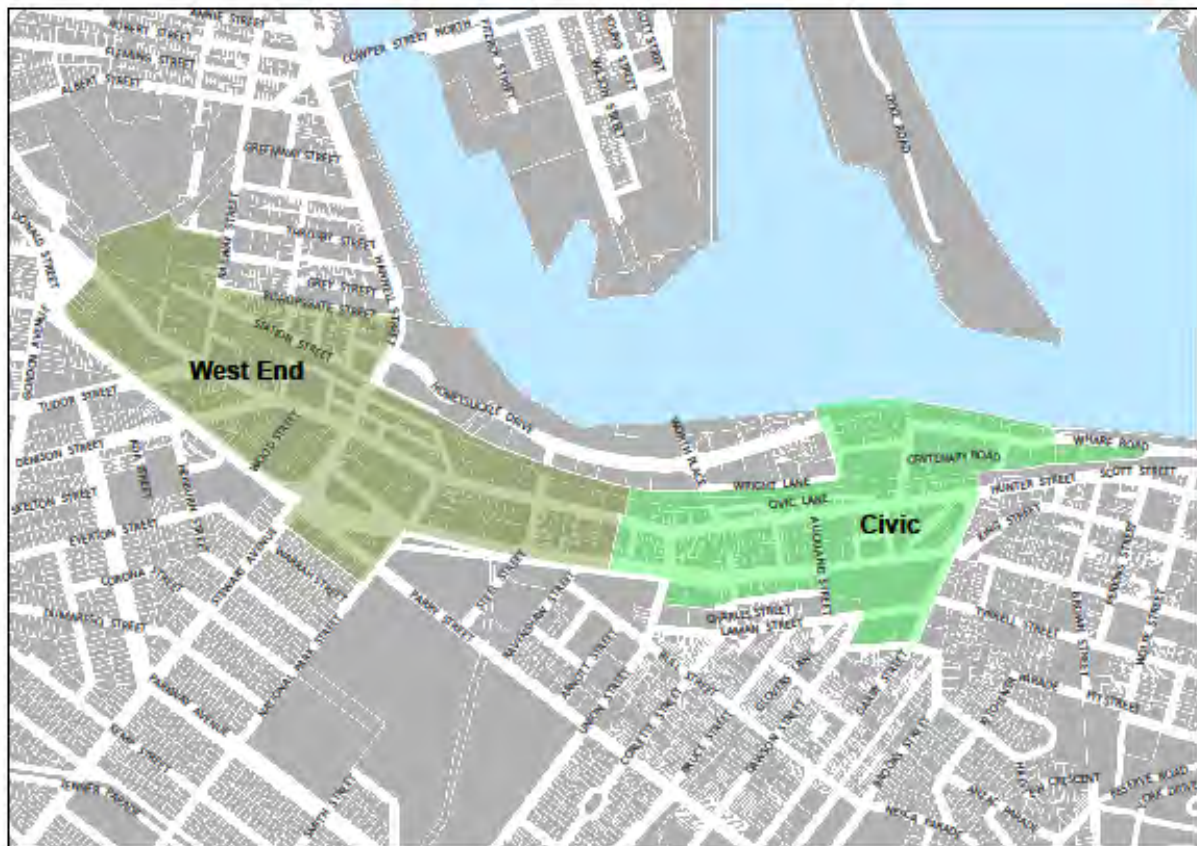
1. Signage types within this precinct are to comprise of:
  - (a) fascia
  - (b) under awning
  - (c) window sign
  - (d) projecting wall signs where there is no awning.
2. Signage is for business identification only.
3. For projecting wall signs the following controls will apply:
  - (a) limited to one sign per elevation
  - (b) located at ground level only (consistent with location of adjacent awnings)
  - (c) does not exceed 2.5m in length
  - (d) does not to exceed more than 1.5m<sup>2</sup> in advertising area
  - (e) erected horizontal and at no point less than 2.6m from the ground
  - (f) is not to extend to within 0.6m of the vertical projection of the edge of the vehicular carriageway, including any parking space
  - (g) erected at right-angles to the building
  - (h) any illumination is restricted to the hours of 7am to 10pm/close of business (whichever is the lesser).
4. Signage within shopfront windows is minimised. Painted skeletal business identification signage may be considered.
5. Signage reflects the heritage significance of this precinct by way of style, colour, format and materials.

Note: Corporate colours & logos may need to be altered where they do not achieve a high degree of compatibility with the architecture, materials, finishes and colours of the host building & streetscape.
6. Signage to be constructed from high quality materials, particularly metals such as bronze, brass and stainless steel.
7. The restoration of original painted signs and construction of new signs using traditional designs is encouraged.
8. Signage is to be at or below awning level. In the absence of any shop front awnings signage is to be kept at or below the height of awnings on adjacent buildings. In these circumstances, projecting wall signs (in a heritage compatible design) may be considered.
9. Illumination (with the exception of under awning/projecting wall signs) is not supported.
10. LED/Changing message signs (internal and external to premise) are not supported.



## A2. Newcastle West End and Civic

*Map 2: Newcastle West End and Civic precinct*



### Controls

1. Signage is for business identification only.
2. Signage reflects the heritage significance of the area by way of style, colour, format and materials.

Note: Corporate colours and logos may need to be altered where they do not achieve a high degree of compatibility with the architecture, materials, finishes and colours of the host building and streetscape.

3. Flush wall signs are:
  - (a) located below first floor level on a frontage with public access only
  - (b) not more than 20% of the building elevation
  - (c) not illuminated if on a heritage item.

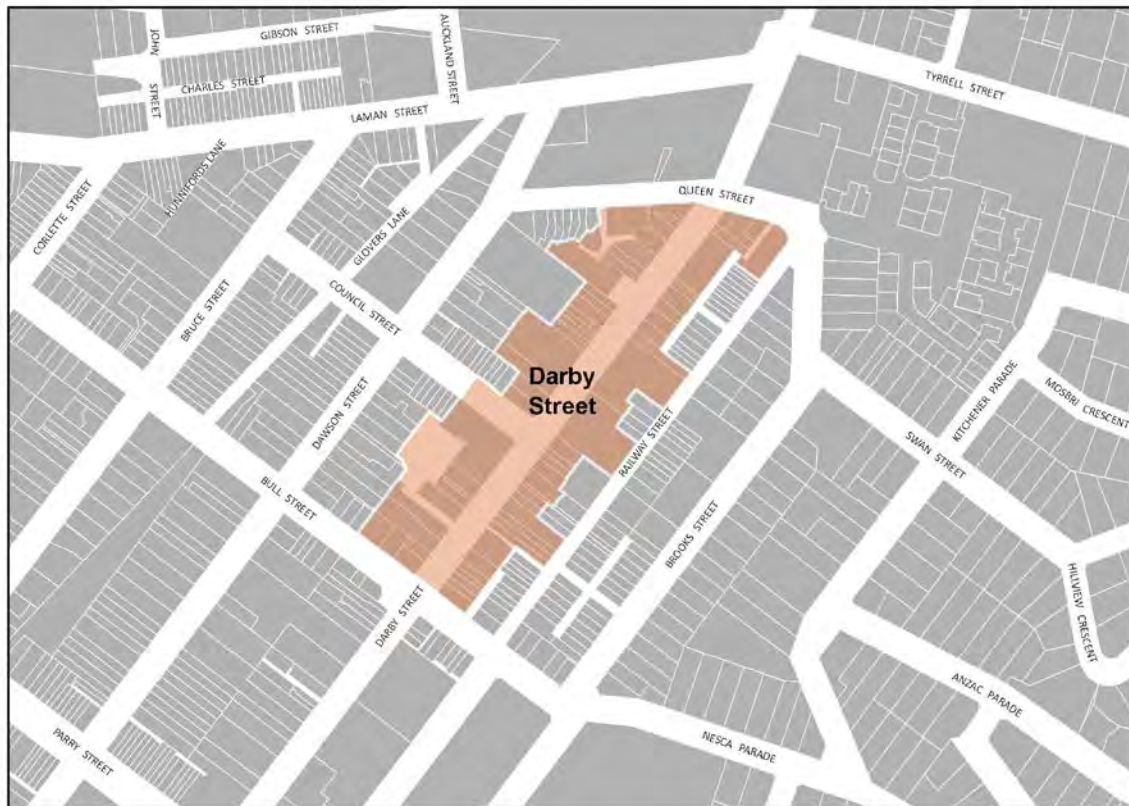


4. Pole/pylon signs are supported for civic buildings only and the following controls will apply:
  - (a) one pole/pylon sign per site
  - (b) no higher than 4m above ground, have a minimum area of 3m<sup>2</sup> per face, and not more than two faces
  - (c) signs with simple and clearly displayed details on a white background are preferred.
5. Projecting wall signs are only supported in the absence of an awning. In such cases the following controls will apply:
  - (a) one sign per elevation
  - (b) located at ground level only (consistent with location of adjacent awnings)
  - (c) not exceed 2.5m in length
  - (d) does not to exceed more than 1.5m<sup>2</sup> in advertising area
  - (e) erected horizontal and at no point less than 2.6m from the ground
  - (f) is not to extend to within 0.6m of the vertical projection of the edge of the vehicular carriageway, including any parking space
  - (g) erected at right-angles to the building.
6. Window signage is to be minimised, with shopfronts being primarily used for the display of goods and services. Lifestyle graphics, tv/video screens and the like are not a supported form of window signage.
7. Illumination is restricted to the hours of 7am to 10pm/close of business (whichever is the lesser).
8. LED/Changing message signs (internal and external to premise) are not supported.



### A3. Darby Street, Cooks Hill and Beaumont Street, Hamilton

**Map 3: Darby Street, Cooks Hill precinct**



**Map 4: Beaumont Street, Hamilton precinct**





## Controls

1. Signage types within these precincts are to comprise of:
  - (a) fascia sign
  - (b) under awning sign
  - (c) window sign
  - (d) projecting wall sign where there is no awning.
2. Signage is for business identification only.
3. Signage reflects the heritage significance of the area by way of style, colour, format and materials.

Note: Corporate colours and logos may need to be altered where they do not achieve a high degree of compatibility with the architecture, materials, finishes and colours of the building and streetscape).

4. For projecting wall signs the following controls will apply:
  - (a) limited to one sign per elevation
  - (b) located at ground level only (consistent with location of adjacent awnings)
  - (c) does not exceed 2.5m in length
  - (d) does not to exceed more than 1.5m<sup>2</sup> in advertising area
  - (e) erected horizontal and at no point less than 2.6m from the ground
  - (f) is not to extend to within 0.6m of the vertical projection of the edge of the vehicular carriageway, including any parking space
  - (g) erected at right-angles to the building.
5. Window signage is to be minimised, with shopfronts being primarily utilised for display of goods and services. Lifestyle graphics, tv/video screens and the like are not a supported form of window signage.
6. Illumination is limited to the hours of 7am to 10pm/close of business (whichever is the lesser).
7. LED/Changing message signs (internal and external to premise) are not supported.



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## 7.10 Street Awnings and Balconies

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provision of this section.

### Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies.

### Development (type/s) to which this section applies

This section applies to all development consisting of awnings or balconies over the road reserve.

### Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Related sections

- Nil

### Associated technical manual/s

- Nil

### Additional information

- Nil



## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary of this plan.

## Aims of this section

1. To establish criteria for the assessment of development applications relating to street awnings and balconies.
2. To ensure street awnings and balconies meet appropriate design standards.
3. To encourage the provision of street awnings and balconies in appropriate locations.

### 7.10.01 Street awnings over public roads

#### Objectives

1. Enhance the pedestrian amenity of streets in commercial areas.
2. Achieve shade and weather protection over public footpaths in commercial centres or other pedestrian-oriented locations.
3. Ensure street awning designs are of a high architectural merit, are consistent with surrounding streetscape elements, reduce visual clutter and provide visual continuity to the streetscape.
4. Encourage the conservation, restoration, reconstruction or reinstatement of street awnings that are of heritage significance.
5. Ensure street awning designs provide reasonable levels of natural and/or artificial lighting to footpaths and to ground floor spaces within buildings.
6. Ensure that street awnings do not present any unacceptable risks to public safety.
7. Ensure that the placement and design of street awnings does not interfere with street trees, utility services, traffic signs, traffic signals, or vehicle or pedestrian circulation.

#### Controls

1. Street frontage developments in commercial centres or other pedestrian-oriented locations to provide street awnings, subject to the following considerations:
  - (a) compatibility with streetscape, architectural and heritage considerations
  - (b) the volume of pedestrian traffic passing the site



- (c) the level of amenity that provision of street awnings would provide
  - (d) existing street awnings in the vicinity
  - (e) compatibility with existing or potential future street trees
  - (f) compatibility with the scale and architecture of the building.
2. The form and design of street awnings:
- (a) unifies the streetscape rather than being a response to the individual host building
  - (b) do not interfere with street trees, utility services, traffic signs, traffic signals, or vehicle or pedestrian circulation
  - (c) extends across the entire building frontage
  - (d) are compatible with the host building and surrounding streetscape, having regard to architectural style, form, finish, heritage significance and provision of continuous weather protection
  - (e) employs uncomplicated, regular forms with simple detailing and concealed conduits to reduce visual clutter
  - (f) may include design articulation to modulate long awnings, identify entrances and provide architectural expression
  - (g) are of a suspended design, but a post-supported design may be used where necessary to achieve compatibility with existing post-supported street awnings in the immediate vicinity, or to conserve, restore, reconstruct or reinstate an existing or former awning having heritage significance (heritage report required)
  - (h) are generally of a traditional suspended design (with fascia) in existing commercial areas, although a contemporary suspended design (typically without fascias and with exposed structural elements) may be used where the building form is contemporary
  - (i) ensure the outer edge of the fascia is continuous with adjacent street awnings, is parallel to the kerb and incorporates cutout segments to accommodate trees, where appropriate
  - (j) advertisements, if required, are also to be integrated into the design.

## 7.10.02 Street balconies over public streets

### Objectives

1. Ensure street balconies only occur where compatible with the existing streetscape and architecture and heritage and public interest considerations are accommodated.
2. Allow balconies on new buildings only where there is a clear justification based on site development constraints or urban design criteria.



3. Ensure Council, as the land owner of the public road, receives revenue, as appropriate, from the use of public land.
4. Encourage the conservation, restoration, reconstruction or reinstatement of street balconies that are of heritage significance.
5. Ensure that street balconies do not present any unacceptable risks to public safety.
6. Ensure that the placement and design of street balconies does not interfere with street trees, utility services, traffic signs, traffic signals, or vehicle or pedestrian circulation.

## Controls

1. Street balconies will generally be permitted where they:
  - (a) are compatible with streetscape, architectural and heritage considerations
  - (b) do not compromise public interest considerations relating to the private occupation of public space.
2. The street balcony is to:
  - (a) conserve, restore, reconstruct or reinstate an existing or former street balcony that has heritage significance (a heritage report is required including relevant documentary evidence), or
  - (b) be compatible with an existing streetscape in which street balconies are an established feature, or
  - (c) in the case of restaurants or similar, create a semi-public space that provides enhanced views over foreshore, scenic or pedestrian-focused locations without detracting from the architectural, heritage or streetscape qualities of the building or locality.
3. Form and design of a street balcony:
  - (a) The form and design of a street balcony should:
    - (i) respond to streetscape conditions
    - (ii) complement the architectural style and heritage significance of the host and nearby buildings
    - (iii) not interfere with street trees, utility services, traffic signs, traffic signals, or vehicle or pedestrian circulation.
  - (b) Proposals will generally only be approved where:
    - (i) the design is compatible with the host building and surrounding streetscape, having regard to architectural style, form, finish, heritage significance and provision of weather protection
    - (ii) the street balcony is at the first floor level, although proposals to conserve, restore, reconstruct or reinstate an existing or former street balcony that has heritage significance may be at the first floor or second floor level



- (iii) the street balcony above the first floor level is endorsed by Council's Urban Design Consultative Group as part of the development application assessment process (encroachments are generally limited to a width of 1m)
- (iv) a street balcony above the first floor is provided only where an awning exists or is proposed as part of the development
- (v) the design employs uncomplicated, regular forms with simple detailing and concealed conduits to reduce visual clutter
- (vi) the street balcony is of a suspended design, although a post-supported design may be used where necessary to achieve compatibility with existing post-supported street balconies in the immediate vicinity, or to conserve, restore, reconstruct or reinstate an existing or former balcony having heritage significance (heritage report required)
- (vii) there is no enclosure by solid walling, glazing or louvres, other than verandah ends that demarcate adjoining street balconies
- (viii) there is no enclosure by roofs or canopies, except where necessary to achieve compatibility with existing nearby balconies, or to conserve, restore, reconstruct or reinstate an existing or former balcony having heritage significance (heritage report required)
- (ix) balustrades are of an open design that does not obscure the architectural character of the building or increase its apparent bulk.

### 7.10.03 Design requirements for awnings and balconies

#### A. Dimensions

##### *Objectives*

1. Ensure awnings and balconies are functional and compatible with the streetscape.

##### *Control*

1. Depth of street awnings from the facade of buildings are at least 2,000mm or shall extend to within 600mm of the kerb in the case of footway formations less than 1,400mm.
2. The fascia is set back at least 600mm from the kerb.
3. Posts (where permitted) are set back at least 750mm from the kerb.
4. Additional kerb clearances are provided where necessary to accommodate traffic signs, signals, trees or traffic conditions.
5. Posts are located so that they meet the requirements of relevant public utility agencies.
6. The soffit is at least 3,000mm above the footpath.
7. The lowest part of the fascia is at least 2,700mm above the footpath.



8. The underside and fascia is continuous with adjoining street awnings and/or balconies.
9. On sloping sites, street awnings step down in horizontal steps to follow the slope of the street. Steps for design articulation are a maximum of 700mm.
10. Roof and ceiling pitch for awnings is generally horizontal, up to 6 degrees maximum.
11. Additional kerb clearances for awnings or balconies located on road corners provided as required where taller vehicles (such as heavy vehicles) may bank when turning, particularly where there is a significant cross fall on the road.

## **B. Structural design and public safety**

### **Objectives**

1. Ensure the structural design is adequate for public safety.

### **Control**

1. Structural design is sufficient to avoid unacceptable risks to public safety, including risks arising from obstruction to pedestrians, structural failure, collision by vehicles, fire, storms or earthquake.
2. Street awnings and balconies are structurally capable of withstanding all likely loads, including self loads, live loads, impact loads, lateral wind loads and loads experienced during storms and seismic events.
3. Post-supported street awnings and balconies are capable of retaining structural integrity in the event of removal of any one post or, in the case of locations with high traffic hazard (such as corner lots), in the event of simultaneous removal of all posts.
4. Structural design is certified by a qualified practising structural engineer as being compliant with the *Building Code of Australia*.
5. Construction materials satisfy the fire resistance requirements of Specification C1.1, cl 2.4 of the *Building Code of Australia* (Vol. 1).
6. Posts are constructed from non-combustible materials or hardwood satisfying Class 1 or Class 2 durability as specified in 'AS 1684 Timber Framing Code', with a minimum cross-sectional dimension of 150mm x 150mm.
7. Street awnings and balconies built over an exit doorway from a fire-isolated stairway are constructed of non-combustible materials.
8. Footings and plinths for post-supported awnings and balconies are concealed beneath the footway, or be integrated into the design of the post so as to avoid hazards to pedestrians.



## C. Glazing

### Objectives

1. Ensure the glazing is appropriate for safety, amenity and character.

### Controls

1. Where installed on awnings, glazing is designed to:
  - (a) create adequate natural lighting beneath street awnings and within the ground floor of the building
  - (b) avoid excessive glare and heat gain beneath awnings
  - (c) provide adequate durability
  - (d) avoid unsightliness created by dust and windblown material.
2. Glazing consists of glass skylights within a predominantly opaque roof - fully glazed awnings are generally not acceptable due to glare and the need for regular cleaning.
3. Glazing complies with 'AS1288 Glass in Buildings - Selection and Installation'.

Note: acrylic, polycarbonate and other plastics are not sufficiently durable.
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4. Glass used is clear or very lightly tinted, and shall be patterned in a fritted, seraphic or other durable glass finish that will mask dust.
5. Glazed portions do not exceed one third of the total awning depth, except at significant locations such as entrances.
6. The position of glazed portions responds to the architectural design of the ground floor, such as by alignment with windows or columns.

## D. Lighting

### Objectives

1. Ensure that appropriate lighting is provided for public safety.

### Controls

1. Lighting is provided below street awnings and balconies to supplement existing street lighting and 'spill' lighting from shopfronts.
2. Lighting complies with requirements for pedestrian areas in *AS/NZS 1158 Lighting*.
3. Lighting is recessed into the awning undersurface, and all associated wiring and conduits are concealed.
4. Light fittings are readily accessible to facilitate regular maintenance.



## **E. Drainage**

### **Objectives**

1. Ensure appropriate drainage is provided for street awnings.

### **Controls**

1. Provision is made for the drainage of street awnings in a manner that does not interfere with pedestrian or vehicle traffic, nor create unsightliness.
2. The awning roof drains towards the building so as to avoid gutters and downpipes at the kerb line.
3. Gutters are constructed so as to be concealed from the footpath or as an integral component of the awning structure.
4. Downpipes are recessed into the ground floor frontage below a height of 2.7m from footpath level in new buildings.

## **F. Maintenance**

### **Objectives**

1. Ensure structures are easily maintained.

### **Controls**

1. Provision is made for regular maintenance to ensure the continuing structural integrity and attractive appearance of the awning or balcony.
2. A maintenance plan is to be developed and include:
  - (a) annual inspection of structural components
  - (b) repainting every five years
  - (c) regular maintenance to guttering and downpipes
  - (d) regular cleaning and replacement of defective lighting, advertising or other deteriorated components of the awning
  - (e) regular cleaning of awning glazing, where installed.



#### 7.10.04 Use of public land

1. Private use or encroachment onto the public road or other public land for the provision of a balcony (or private occupation space) as part of the development shall incur a one-off user charge as a condition pursuant to Division 3 of Part 9 of the *Roads Act 1993*.
2. Council has the discretion to waive the fee where the development relates to a heritage item or is within a heritage conservation area and the proposed balcony is consistent with the heritage conservation principles.
3. The charge rate or fee shall be determined as the land area ( $m^2$ ) times the land value ( $\$/m^2$ ), where the land area is the total area of encroachment over each level/floor and the land value is the value of the land as determined by the Valuer General for Council rating purposes.

Note: The application of this formula shall be as per the following example:

Area:  $10m^2$   
Valuation:  $\$500/m^2$   
Charge rate or fee:  $10 \times 500 = \$5,000$

4. Council will consider applications to allow encroachments other than awnings and balconies on their individual merits. Any proposal would need to be justified in terms of urban design and public benefit and the development guidelines outlined in this document would apply as appropriate.



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## 7.11 Development Adjoining Laneways

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	27/6/2017	10/7/2017	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land within which residential accommodation is permissible with consent under Newcastle Local Environmental Plan 2012 and which adjoins a laneway.

### Development (type/s) to which this control applies

This control applies to all development consisting:

- commercial premises
- industry
- residential accommodation and ancillary development.

Note: Residential accommodation is defined in the Newcastle Local Environmental Plan 2012

**Residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following:

- attached dwellings,
- boarding houses,
- dual occupancies,
- dwelling houses,
- group homes,
- hostels,
- multi dwelling housing,
- residential flat buildings,
- rural workers' dwellings,
- secondary dwellings,
- semi-detached dwellings,
- seniors housing,
- shop top housing,

but does not include tourist and visitor accommodation or caravan parks.



## Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 7.03 Traffic, Parking and Access
- 7.04 Movement Networks

The following sections of this DCP **may** also apply to development to which this section applies:

- 3.01 Subdivision
- 3.02 Single Dwellings and Ancillary Development
- 3.03 Residential Development
- 3.10 Commercial Uses
- 3.13 Industrial Development

## Applicable environmental planning instruments and legislation

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Associated technical manual/s

- *Guide to Road Design 2009*, Austroads Standards Australia
- *Guide to Road Safety 2009*, Austroads Standards Australia
- *House Numbering Policy*, 2009, Newcastle City Council
- *Standard Drawings*, Newcastle City Council

## Additional information

Nil

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.0 Glossary, of this plan, and include:

- **Carriageway** - that portion of a road or bridge devoted to the use of vehicles, inclusive of shoulders and auxiliary lanes.
- **Footpath** - the paved area in a footway.
- **Footway** - that part of the road reserve between the carriageway and the road reserve boundary, reserved for the movement of pedestrians and cyclists. It may also accommodate utilities, footpaths, stormwater flows, street lighting poles and plantings.



- **Laneway** – means a narrow road and is either a:
  - (i) **Council Laneway** - a laneway that has been dedicated as public road or one which Council has resolved to accept responsibility for 'care and control'.
  - (ii) **Private Laneway** - a laneway that is not a council laneway.
- **Road/street reserve** - the land incorporating the full width from property line to opposite property line.

### Aims of this section

1. To define the various types of laneways found within the Newcastle Local Government Area (LGA).
2. To ensure new development has safe, useable access to streets and services by defining the circumstances where a laneway is suitable for use as the primary street frontage.
3. To provide guidelines for the consistent design and setbacks of development adjoining laneways.
4. To ensure that laneways are developed in a consistent manner and function as serviced roads.
5. To encourage natural surveillance, and suitable street lighting to improve the safety of laneways that are suitable for use as a primary street frontage.

## 7.11.01 Laneway types

Laneways across Newcastle LGA are categorised into three (3) types as listed in Table 1 below:

**Table 1: Laneway types**

Type	Road Reserve Width	Potential Use
Type A	Less than 3m	Pedestrian use only
Type B	3m - 6m	Vehicular (light vehicle) only
Type C	Greater than 6m	Pedestrian and vehicular use
Note: Refer to Council's website for construction standards for each laneway type		

## 7.11.02 Design criteria

### Performance criteria

1. Development has safe, useable access to streets and services.
2. Development has demonstrated legal access to laneways.
3. Laneways are consistent with public laneway standards.
4. Laneways are suitable for their intended function.



5. Development adjoining a Type A or B laneway has a setback and design that reinforces the function of the laneway as a secondary frontage and reinforces the primary street frontage as the principal street address.
6. Development adjoining a Type C laneway has setbacks compatible with the intended local streetscape, and provides natural surveillance of the street.
7. Street lighting is appropriate to the scale and use of the laneway, and provides opportunity for natural surveillance from adjoining developments.

### Acceptable solutions

1. The laneway has been dedicated to Council and meets, or is capable of being upgraded at *no cost to Council*, the relevant construction standard.

Note: A person may seek the dedication of a laneway in accordance with Council's Lanes, Roads and Footway Ownership Policy.

2. For private laneways, the written consent of the laneway owner is provided for its use and upgrading.
3. Laneways may be used for stormwater disposal, where a connection to an existing drainage system is available.
4. Residential accommodation on a lot with a boundary to a Type A or Type B laneway:
  - (a) is setback a minimum of 3m from the boundary with the laneway. Where the laneway forms a side boundary, the minimum setback is 2m.

Note: Refer to Section 3.02 of this DCP for setbacks for ancillary development.

- (b) ensures the side of the building fronting the laneway does not contain the principal entrance to a dwelling and has the appearance of a side or rear facade.
  - (c) has an access handle to the primary street frontage that is:
    - (i) at least 3m wide where vehicular and pedestrian access is required; or
    - (ii) at least 1m wide where pedestrian access only is required.
  - (d) makes suitable provision for waste collection and mail delivery from the primary street frontage.
5. Residential accommodation on a lot with a boundary to a Type C laneway:
  - (a) is setback 3m from the boundary with the laneway. Where the laneway forms a side boundary the minimum setback is 2m.

Note: Activation zones (as defined in Section 3 of this DCP) may only be considered for developments with front setbacks 4.5m or greater.

- (b) has garages or carports setback a minimum of 5.5m from the boundary with the laneway



- (c) ensures dwellings have a covered front door and a window to a habitable room facing the laneway.
- (d) has provision for vehicular and pedestrian access; waste collection; and mail delivery from the laneway, where it meets the minimum construction standards for a Type C laneway (see Council's website for construction standards).

Note: If the laneway cannot satisfy Type C construction standards an access handle to the primary road frontage will be required compliant with widths specified in 4 (c) above.



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## 9.00 Glossary

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	17/07/2012	30/07/2012	Amended
3	28/05/2013	10/06/2013	Amended
4	28/10/2014	10/11/2014	Amended
5	27/09/2016	24/10/2016	Amended
6	14/03/2017	03/04/2017	Amended
7	27/06/2017	10/07/2017	Amended
8	28/11/2017	11/12/2017	Amended
9	12/12/2017	19/02/2018	Amended
10	24/10/2017	17/04/2018	Amended
11	24/07/2018	12/11/2018	Amended
12	23/10/2018	16/11/2018	Amended
13	26/03/2019	24/06/2019	Amended
14	23/07/2019	06/08/2019	Amended
15	26/03/2019	16/09/2019	Amended

**Aboriginal cultural heritage** - means Aboriginal objects and declared Aboriginal places as defined under the *National Parks and Wildlife Act, 1974*.

Note: *The National Parks and Wildlife Act, 1974* defines **Aboriginal objects** as: any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place** means any place declared to be an Aboriginal place under Section 84.

**Aboriginal object** – has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Aboriginal place of heritage significance** – has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Absorption trench** - a trench excavated into the ground for the purpose of storing an initial volume of rainfall before that water seeps into the soil in which the trench is excavated.

**Act of prostitution** - has the meaning ascribed to it under Section 20 of the *Summary Offences Act, 1988*.

**The Act** - the *Environmental Planning and Assessment Act 1979*.



**Active solar energy systems** - systems which combine the sun's energy with local climatic conditions to achieve thermal comfort inside buildings with the use of mechanical devices. An example is sub-floor heating which uses a pump to circulate hot water from a tank through the floor and back to solar collectors.

**Activity centres** - areas where commercial, retail and entertainment facilities are focused.

**Activity nodes** - see Activity centres.

**Accessible path of travel** - a continuous accessible path of travel is an uninterrupted part of travel to or within a building, providing access to all required facilities. It does not incorporate any step, stairway, turnstile, revolving door, escalator or other impediment which would prevent it from being safely negotiated by people with disabilities.

**Adaptable Housing** - refers to the means of designing a house/unit that enables easy and relatively cheap adaptation to make it comply fully with access standards (refer AS 4299 Adaptable Housing - Class C). This housing is designed in such a way that it can be easily modified in the future to meet changing needs of occupants.

**Adjoining occupiers** - persons who appear to the Council to occupy land abutting a development proposal.

**Adjoining owners** - persons who appear to the Council to own land abutting a development proposal.

**Advertised development** - has the same meaning as in the *Act*.

Note: The term is defined as development, other than designated development, that is identified as advertised development by the regulations, an environmental planning instrument or a development control plan.

Advertised development includes any development for the purposes of a scheduled activity at any premises under the *Protection of the Environment Operations Act 1997* that is not designated development.

**Advertisement** - has the same meaning as in the *Act*.

Note: The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**Advertising area** - the entire surface area of a sign face, including any margin, frame or embellishment which forms an integral part of the sign. In the case of an advertising structure with more than one sign face, the maximum surface area of the combined faces. The area of skeleton letter signs shall be the total area within which the letters and associated graphics are displayed and not the area of the individual letters added together.

**Advertising panel** - any other advertising structure which is unilluminated, including a hoarding or bulletin board.

**Advertising sign** - a sign, notice, device or representation in the nature of an advertisement, whether illuminated or not, which is visible from any public place or public reserve, or from any navigable waterway, and is not a road traffic signal or sign.



**Advertising structure** - has the same meaning as in the *Act*.

Note: The term is defined as a structure used or to be used principally for the display of an advertisement.

**Affordable housing** - has the same meaning as in the *Act*.

Note: The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**Allotment** - the legal parcel of land which has been created via subdivision and registered with the Land Property Information service, normally having a Lot Number and Deposited Plan (ie Torrens Title subdivision).

**Alter** - in relation to a heritage item, or to a building or work within a heritage conservation area, means:

- (a) make structural changes to the outside of the heritage item, building or work; or
- (b) make non-structural changes (other than maintenance) to the detail, fabric, finish or appearance of the outside of the heritage item, building or work.

**Amenity** - is the term used to describe the features, facilities or services that make for a comfortable and pleasant life. Amenity is not only enjoyed by residents in their homes and gardens but also in the street and public places.

**Annual exceedance probability (AEP)** - is the probability that a flood event being equalled or exceeded within a period of one year

**Archaeological Assessment** - a report prepared by a qualified archaeologist that conforms to the current reporting requirements of the NSW Office of Environment and Heritage.

**Archaeological site** - a site identified in the Newcastle Archaeological Management Plan 1997; or the place or site of a relic or relics as defined in the *NSW Heritage Act 1977* as amended and has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Architectural character** - includes massing, articulation, composition of building elements, material use and details including building entrances, fenestration, balconies and balustrades, awnings, planters, pergolas, boundary walls, fences etc.



**Articulation zone** - building articulation is the treatment of a facade of a building which forms part of the public domain (ie the relation to streets, view corridors, open space, the harbour foreshore) and how it is emphasised architecturally. The facade of a building can be articulated using distinctive building treatments including:

- balconies
- verandahs and porches
- recessed terraces
- bay windows and French (or juliet) balconies
- external sun shading
- building facades can also be articulated using
- variations in setbacks
- fenestration
- materials and detailing
- entrances at ground level
- punctuated walls with recognisable patterns and features.

**Australian Height Datum (AHD)** - a standard datum for expressing vertical information.

**Average recurrence interval (ARI)** - the average period between the recurrence of a storm event of at least a given rainfall intensity. The ARI represents a statistical probability. For example, a 10 year ARI indicates an average of 10 events over 100 years. The ARI is not the period between actual events.

**Awning** - is a predominantly horizontal structure that projects over a footpath from the host building to provide weather protection for pedestrians.

**Balcony** - is an open area, not being an enclosed room or area, attached to or integrated with and used for the exclusive enjoyment of the occupant or occupants of a dwelling.

**BASIX** - Building Sustainability Index (BASIX) is an online rating system used to ensure residential buildings are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for house and units.

**Basement garage** - is a garage normally used for the parking of vehicles with the floor constructed below the street level.

**Battle-axe lot** - means a lot that has access to a road by an access laneway.

**Bioretention rain garden (or biobasin)** - is a vegetated bed of filter media for the purpose of capturing stormwater runoff for water quality treatment through the filtration of sediment and biological uptake of nutrients.

**Bioretention swales (or bioswales)** - are deliberately formed surface depressions for the conveyance of stormwater runoff that include a vegetated infiltration trench within the channel invert for the purpose of water quality treatment through the filtration of sediment and biological uptake of nutrients.

**Broad Scale Development** - includes all development types other than dual occupancy and single dwelling houses.



**Building** - has the same meaning as in the *Act*.

Note: The term is defined to include part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure or part of a manufactured home, moveable dwelling or associated structure.

**Building Code of Australia** - has the same meaning as in the *Act*.

Note: The term is defined as the document, published by or on behalf of the Australian Building Codes Board, that is prescribed for purposes of this definition by the regulations, together with:

- (a) such amendments made by the Board
- (b) such variations approved by the Board in relation to New South Wales, as are prescribed by the regulations.

**Building envelope** - the three dimensional space that limits the extent of a building on an allotment. The building envelope is defined by building height and front, side and rear boundary setbacks. Refer to definitions for building height and setback for inclusions and exclusions.

**Building envelope** (*for heritage purposes*) - the volume of the building on the site of the heritage item.

**Building elements** (*for heritage purposes*) - doors, windows, gutters, downpipes, chimneys, walls, shopfronts, roofs, and stairs.

**Building line** or **setback** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Building height** (or **height of building**) - has the same meaning as in Newcastle Local Environmental Plan 2012.

Note: The term is defined as the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**Building line** or **setback** - has the same meaning as in Newcastle Local Environmental Plan 2012.

Note: The term is defined as the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall
- (b) the outside face of any balcony, deck or the like
- (c) the supporting posts of a carport or verandah roof

which ever distance is the shortest.

**Bulk** - the total effect of the arrangement, volume, size and shape of the building.



**Bush fire prone land** - has the same meaning as in the Act.

Note: The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

**Bush fire hazard reduction work** - has the same meaning as in the *Rural Fires Act 1997*.

Note: Bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**Car pooling** - car pooling (also known as ride-sharing or lift-sharing) is a system by which participants coordinate their trips (for example, trips to work) so that they can travel in a single car, thereby reducing the volume of traffic on the roads and associated impacts.

**Car sharing** - car sharing allows a member of the car sharing scheme (such as an individual or a business) to access a fleet of shared vehicles, as needed, paying a usage fee each time. Characteristics of a typical car sharing scheme include a provider with a centralised system for booking and billing, clients (individuals/organisations), a fleet of vehicles, and parking spaces at key locations within a defined catchment area.

**Carriageway** - that portion of a road or bridge devoted to the use of vehicles, inclusive of shoulders and auxiliary lanes.

**Catchment** - is the entire area of land drained by a river and its tributaries.

**Category 1 remediation work** - remediation work that needs development consent under State Environmental Planning Policy No. 55 - Remediation of Land.

**Category 2 remediation work** - remediation work that does not need development consent under State Environmental Planning Policy No. 55 - Remediation of Land.

**Category 1 vegetation** - appears as orange on the map and represents forests, woodlands, heathlands, pine plantations and wetlands. Land within 100m of this category (indicated by the red buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.

**Category 2 vegetation** - appears as yellow on the map and represents grasslands, scrublands, rainforests, open woodlands and mallee. The land within 30m of Category 2 vegetation (ie as indicated by the red buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.

**Certifying authority** - has the same meaning as in the Act.

Note: The term is defined as a person who:

- (a) is authorised by or under section 85A to issue complying development certificates, or
- (b) is authorised by or under section 109D to issue Part 4A certificates.



**Character** - the combination of the individual characteristics or qualities of a neighbourhood, precinct or street.

**Circumference breast height** - the girth of the supporting stem of a tree at a height of 1.4m above ground level (existing) measured at the trunk centre, and so as to contain the outermost projection of any flanges or buttresses.

**City Centre** - area defined on the Newcastle City Centre map of the Newcastle Local Environmental Plan 2012

**Classified advertisement** - a notice appearing in the public notices section of a newspaper.

**Clear vegetation** - has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

This term is defined to include:

- (a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
- (b) lop or otherwise remove a substantial part of the vegetation.

**Coastal Wetland** - The wetlands identified in the Coastal Management SEPP, previously known as SEPP 14 wetlands

**Community land** - has the same meaning as in the *Local Government Act 1993*.

**Community title subdivision** - form of title created under the *Community Land Development Act 1989* and the *Community Land Management Act 1989*. Community title provides individual ownership of lots (with buildings and structures erected on the lots as in conventional subdivision) and a share in the association property. Association property is a lot in the scheme on which community facilities may be erected. Association property can include land for roads and driveways, swimming pools and other common facilities, common open space areas and common infrastructure facilities, such as water treatment plants and the like.

**Compliance certificate** - has the same meaning as in the *Act*.

Note: Refer to section 109C (1) (a) of the *Act*.

**Complying development** - has the same meaning as in the *Act*.

Note: Development for which provision is made as referred to in section 76A (5) of the *Act*.

**Complying development certificate** - means a complying development certificate referred to in section 85 of the *Act*.

**Conventional or Torrens title subdivision** - the traditional or 'single lot' form of subdivision, common in many residential estates. The Torrens title system is based on a plan of survey, or a plan compiled from survey, which defines the boundaries of a parcel of land at the date upon which it was registered.



**Consent authority** - has the same meaning as in the *Act*.

Note: The term is defined in relation to a development application or an application for a complying development certificate, means:

- (a) the council having the function to determine the application, or
- (b) if a provision of this *Act*, the regulations or an environmental planning instrument specifies a Minister, the Planning Assessment Commission, a joint regional planning panel or public authority (other than a council) as having the function to determine the application—that Minister, Commission, panel or authority, as the case may be.

**Conservation** (in relation to heritage) - all of the processes of conserving a place to retain heritage significance.

**Conservation Management Plan** - a document prepared to conform with the publication *The Conservation Plan; A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance*, 1990, J.S.Kerr.

**Construction certificate** - means a certificate referred to in section 109C (1) (b) of the *Act*.

**Contaminated land** - land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long term risk to human health or the environment.

**Contaminated Land Planning Guidelines** - guidelines notified in accordance with Section 145C of the *Act* (See Reference Section Managing Land Contamination: Planning Guidelines SEPP 55 - Remediation of Land).

**Contamination** - concentration of substances above that which should be naturally present, and which poses, or is likely to pose, an immediate or long-term risk to human health or the environment.

**Contaminated wastes** - includes any substance or item that has become or may have become contaminated by body fluids (refers to Sex Services Establishments section).

**Contributions plans** - plans specify the circumstances in which the Council may impose developer contributions (generally known as 'Section 7.11/7.12 contributions'). These plans may apply to the whole of the Council area, to a particular district or to a specific site.



**Contributory buildings** - are buildings that contribute to the character of the heritage conservation area. They are:

- (i) **Heritage item** – buildings that are listed as a heritage item in the Newcastle Local Environmental Plan 2012; or
- (ii) **Contributory 1** – buildings that clearly reflect a Key Period of Significance for the heritage conservation area and are key elements of the heritage conservation area. This ranking is assigned where the main front portion of the building is largely unaltered as viewed from the street. Includes buildings with rear additions which do not affect the main front roof; or
- (iii) **Contributory 2** – buildings that have been altered but are still identifiable as dating from a Key Period of Significance for the heritage conservation area. They retain their overall form from the original date of construction and, even though altered, are contributory to the heritage conservation area character. This ranking is assigned where a building has alterations such as cement rendering to Federation or Inter-war period brickwork or a first floor addition which affects the main front roof form, yet the period and style of the building remains discernible.

**Contributory buildings map** - means a map of the heritage conservation area which identifies buildings and sites as being contributory, neutral or non-contributory. Refer to the Contributory Buildings Maps of the Technical Manual Heritage.

**Contributory item** - a feature, including a building, work, relic, tree or place within a conservation area which in the opinion of the Council has cultural significance and whose loss would be detrimental to the overall heritage significance of the conservation area.

**Council** - means Newcastle City Council.

**Covenant** - a restriction on the use of land recorded on the property title and binding upon successive landowners. Covenants may be 'negative' (imposing restrictions) or 'positive' (imposing positive obligations). Covenants are imposed under the *Conveyancing Act 1919*.

**Curtilage** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Dead tree** - is where the biological function of the tree has ceased, no leaves are present and visible evidence of trunk, root plate and canopy desiccation.

**Declared vegetation** - trees and shrubs to which Part 3 of *State Environmental Planning Policy (Vegetation in Urban Areas) 2017* applies.

**Deep soil zone** - an area of natural ground with relatively natural soil profiles within a development. Deep soil zones should be designed in such a way that is free of conflicts with infrastructure, services and drainage pipes.

**Demolish** – has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Designated development** - has the meaning given by Section 77A of the *Act*.



**Detailed investigation** - an investigation to define the extent and degree of contamination, to assess potential risk posed by contaminants to human health and the environment, and to obtain sufficient information for the development of a remedial action plan if required. Reporting requirements for a detailed investigation are as outlined in the publication Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997).

**Development** - has the same meaning as in the *Act*.

Note: The term is defined as:

- (a) the use of land, and
- (b) the subdivision of land, and
- (c) the erection of a building, and
- (d) the carrying out of a work, and
- (e) the demolition of a building or work, and
- (f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument, but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.

**Development application** - has the same meaning as in the *Act*.

Note: The term is defined as an application for consent under Part 4 to carry out development but does not include an application for a complying development certificate.

**Development control plan (or DCP)** - has the same meaning as in the *Act*.

Note: The term is defined as a development control plan made, or taken to have been made, under Division 6 of Part 3 and in force.

**Development site** - includes all area within which the development will occur and can extend across several lots or development blocks.

**Discharge control** - a device that stores water and limits the rate of discharge from the development site.

**Dispersion trench** - a 600mm x 600mm trench, 1m long for every 25m<sup>2</sup> of catchment draining to it (regardless of whether or not a discharge control is used) excavated into the ground for the purpose of dispersing overflows and discharges from stormwater systems. Dispersion trenches are only for single dwellings that drain to the rear.

**Drainage** - means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**Dying tree** - demonstrates reduced growth rates, sparse foliage and reduced response to damage or stress over subsequent growing seasons.



**Easement** - a legal right held by an owner of land or public authority in respect of another land parcel. Easements are commonly created to enable access across other properties, such as for drainage, pipelines, footways, etc.

**Ecologically sustainable development** - has the same meaning it has in Section 6 (2) of the *Protection of the Environment Administration Act 1991*.

**Edges** - define the boundaries of precincts and areas of special character.

**Environmental amenity** - the harmony of urban life provided through compatible land uses, sensitive design and the control of activities and processes that impinge on the wellbeing of reasonable people.

**Environmental impact statement** - a document describing the likely impacts of proposed development on the environment, and prepared in accordance with clauses 71-76 of the *Environmental Planning and Assessment Regulation 2000*. Environmental impact statements are required to be prepared in the following instances:

- development applications relating to 'designated development';
- activities subject to Part 5 of the *Environmental Planning and Assessment Act 1979* that are likely to significantly affect the environment.

**Environmental planning instrument** - has the same meaning as in the Act.

Note: The definition is defined as an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force.

**Erosion and Sediment Control Plan** - a plan lodged with a development application that illustrates how erosion and sediment control will be managed during the construction phase of the development.

**Excavation Permit** - a permit provided under section 140 or section 60 of the *NSW Heritage Act 1977*.

**Exempt development** - is development for which provision is made as referred to in Section 76 (2) of the *Act*.

**Exceedances per Year (EY)** - term used for events more frequent than 50% AEP. For example, 2 EY is equivalent to a design event with a 6 month recurrence interval when there is no seasonality in flood occurrence'

**Exemption Notification Form S57(2)** - a permit provided under Section 57 of the *NSW Heritage Act 1977*.

**Exhibition period** - the period during which a person may inspect exhibited documents relating to a notifiable matter.

**Fabric** - the physical material of the place (including the building, site or area).

**Facade** - the exterior walls of a building.



**Facadism** - the practice of demolition of a building, retaining only the facade.

**Fenestration** - arrangement of windows and other patterns on a building.

**Fill** - means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

**Fine Grain** - a variety of different land uses in proximity to one another or a series of narrow building elements as opposed to a large consolidated land use or a broad, unbroken building form.

**Flashing sign** - illuminated (as to any part of the advertising area) at frequent intervals by an internal source of artificial light and whether or not included in any other class of advertising structure.

**Floodlit sign illuminated** - (as to any part of the advertising area) by an external source of artificial light and whether or not included in any other class of advertising structure.

**Flood fringe areas** - the remaining area of the Hunter River Floodplain not included in flood storage areas and floodways. Flood fringe areas can usually be developed without reference to how that development will affect the flood behaviour either upstream or downstream.

**Flood information certificate** - is a certificate issued by Council that provides information about the likelihood, extent or other characteristics of flooding known to affect a specified parcel of land.

**Flooding** - is relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river estuary, lake or dam, and/or local overland flooding associated with major drainage, and/or coastal inundation resulting from super-elevated sea levels and/or waves, excluding tsunamis. Accordingly, flooding may occur due to a variety of reasons, either separately or in combination including:

- river flooding - caused by a river or stream overtopping its banks onto the surrounding floodplain
- urban flooding - caused by urban stormwater flows during an intense rainfall event, such as surface flows, surcharge from piped drainage systems or overflow from man-made stormwater channels.
- coastal inundation - caused by sea water inundation due to king tides, storm surge, barometric effects, shoreline recession, subsidence, the enhanced greenhouse effect or other causes.

**Flood liable land** - is synonymous with flood prone land (ie) land susceptible to flooding by the PMF event on the basis of flood information held by Council. Note that the term flood liable land covers the whole floodplain, not just that part below the FPL (see flood planning area).



**Floodplain** - an area of land along the course of a river that is subject to periodic inundation due to the river overtopping its bank. It is commonly delineated by the area that would be flooded by an event with a given average recurrence interval.

**Flood planning area** - the area of land below the FPL. Note that development controls that mainly relate to risk to property apply to the flood planning area, but other development controls mainly relating to risk to life and floodways and flood storages may apply to the remainder of flood liable (prone) land.

**Flood planning level (FPL)** - is the level of the planning flood plus an additional freeboard as advocated in the NSW Floodplain Development Manual. For purposes of this element, the planning flood is the 1% Annual Exceedance Flood, and the freeboard is generally 500mm.

**Flood prone land** - is land that, on the basis of flood information held by Council, is estimated to be inundated by the probable maximum flood.

**Flood refuge** - is an area free of flooding. It can be either higher ground or it could be in the form of an area of the building, either constructed specifically for the purpose or as an intrinsic part of the building.

**Flood storage area** - is an area where flood water accumulates and the displacement of that floodwater will cause a significant redistribution of floodwaters, or a significant increase in flood levels, or a significant increase in flood frequency. Flood storage areas are often aligned with floodplains and usually characterised by deep and slow moving floodwater.

**Floodway** - those areas of the floodplain where a significant discharge of water flows during floods; often aligned with obvious naturally defined channels. Floodways are areas which, even if only partially blocked, would cause a significant redistribution of flood flow or increase in flood levels, which may in turn adversely affect other areas.

**Floorplate** - total enclosed area of a floor measured from the outside of the external walls, inclusive of all internal walls, service areas, stores, ducts, circulation and the like.

**Footpath** - the paved area in a footway.

**Footway** - that part of the road reserve between the carriageway and the road reserve boundary, reserved for the movement of pedestrians and legal cyclists. It may also accommodate utilities, footpaths, stormwater flows, street lighting poles and plantings.

**Fonzie flat** - self-contained flat above a garage.

**Form** - the overall shape and volume of the building and the arrangement of its parts.

**Formed void absorption trench** - an absorption trench formed by installing a series of void formers, usually plastic or fibreglass that maximise the storage volume of the absorption trench while supporting the surface of the trench such that it can be treated and used similarly to the surrounding surface.

**Freeboard** - is a margin applied to the estimation of flood levels to compensate for factors such as wave action, localised hydraulic behaviour, climatic change and modelling confidence.



**Frontage** - the street alignment at the front of a lot and, in the case of a lot that abuts two or more streets, the boundary of which, when chosen, would enable the lot to comply with this document.

**Gateways** - areas containing structures and/or fauna, which provide a sense of entry to the city through access and visual impact.

**Geodiversity** - soils and geology. Management of geodiversity is essential to sustain biodiversity and human ecology.

**Gravel filled absorption trench** - an absorption trench filled with gravel so as to achieve a minimum 30% void ratio and allowing the surface of the trench to be treated and used similarly to the surrounding surface.

**Greenfield site** - undeveloped land that has been identified, through land use zoning, as having potential for future urban, commercial or industrial development. It is generally found on the fringes of existing developed areas and may contain a large amount of existing vegetation.

**Green Travel Plan** - a Green Travel Plan is a package of initiatives aimed at reducing car travel, particularly single occupant car trips. A Green Travel Plan encourages greater use of public transport, walking and cycling by residents, employees and visitors.

**Gross Display Area (GDA)** - the sum of the area intended to be used for the display or showing of product, including all access ways within these areas and any storage areas where the products can be viewed by the public/customers.

**Gross floor area** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined by the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4m above the floor, and includes:

- (a) the area of a mezzanine, and
  - (b) habitable rooms in a basement or an attic, and
  - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
  - (e) any basement:
    - (i) storage, and
    - (ii) vehicular access, loading areas, garbage and services, and
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4m high, and
  - (j) voids above a floor at the level of a storey or storey above.



**Gross leasable floor area (GLFA)** - GLFA is the sum of the area of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage areas. Gross leasable floor area relates to the sum of the commercially leasable floor area and is also often referred to as Net Floor Area.

**Ground level (existing)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as the existing level of a site at any point.

**Ground level (finished)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**Ground level (mean)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**Habitable room** - a room used for normal domestic activities including a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom and sunroom. A habitable room excludes a bathroom, laundry, water closet, food-storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods. In commercial buildings a habitable room means any room used for normal commercial activities, including offices, kitchens, lunch rooms, common rooms and any other rooms occupied frequently.

**Height of building** - refer to 'Building height'.

**Heritage Act 1977** - an Act of the NSW Parliament providing for conservation orders and other controls over items having heritage significance. The Act is administered by the Heritage Council of NSW.

Note. The definition is defined as historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**Heritage buildings, sites and elements** - heritage items (including landscape and archaeological items, and building elements), buildings, works, relics, trees and sites within heritage conservation areas and heritage streetscapes.



**Heritage conservation area** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note. The definition is defined as an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
  - (b) the location and nature of which is described in Schedule 5,
- and includes any heritage items situated on or within that area.

**Heritage conservation management plan** - also includes "Conservation Management Plan" - a document prepared to conform with the publication *The Conservation Plan; a guide to the preparation of conservation plans for places of European cultural significance*, J.S.Kerr, Australia ICOMOS, 2013, ACT, and has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**Heritage Council of NSW** - the NSW Government's heritage advisory body established under the Heritage Act 1977. It provides advice to the Minister for Heritage and others on heritage issues. It is also the determining authority for s.60 applications.

**Heritage impact statement** - also includes "Statements of Heritage Impact" – a document that conforms to the standards contained in the NSW Heritage Branch publication *Statements of Heritage Impact, 1996, revised 2002*, and has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note. The definition is defined as a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**Heritage item** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Heritage management document** – has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Heritage significance** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Historic parking deficiency** - the historic parking deficiency is determined by calculating the number of parking spaces required under the provisions of this DCP for an existing building or use and subtracting the number of spaces currently provided for that building or use.



**Hydraulic behaviour threshold** - is a set of circumstances (that may or may not be present at some locations at some time in any particular sized flood) that constitutes a particular level of hydraulic impact.

**Host building** - the existing building on the land that is the subject of an alteration or addition.

**Human scale streetscape** - means a streetscape that is scaled for the pedestrian.

**Impermeable surface** - a surface that does not allow rainwater to infiltrate to the soil, such as buildings (roofs), roads, parking areas and courtyards.

**Impervious area** – an area of impermeable surface (excluding pools and porous paving).

**Infill development** – a new building in an established neighbourhood or precinct.

**In the vicinity** - the surrounding context, environment or setting of a heritage item.

**Infiltration** - the practice of discharging drainage water to the ground.

**Infiltration trench** - a trench excavated into the soil for the purpose of dispersing all stormwater up to the 5% AEP event. Infiltration trenches will vary in volume depending on the permeability of the parent soil and should be designed by a qualified Civil Engineer based on soil permeability testing.

**Initial evaluation** - an assessment of readily available factual information to determine whether contamination is an issue requiring further investigation prior to:

- the preparation of a local environmental plan, development control plan or plan of management for community land; or
- the determination of a development application or Council activity assessed under Part 5 of the *Act*

that would have the effect of authorising a proposed change of use of land or the carrying out of earthworks.

**Intactness** - the degree of original elements, or elements from a significant period of development, which demonstrate the heritage significance of the building or group of buildings.

**Integrated development** - has the meaning given by section 91 of the *Act*.

**Internal fabric** - the interior fittings such as fireplaces, ceilings, joinery, walls, lifts, galleries, stairs, hardware and moveable items.

**Interpretation Plan** - a plan that presents the significant archaeological heritage of a site or property that is the subject of a development application.

**Intrusive building** - a building that has a negative effect on the character or heritage significance of a heritage conservation area.

**Investigation area** - land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the *Contaminated Land Management Act 1997*.



**Investigation order** - an order issued by the Environment Protection Authority under Division 2 of Part 3 of the *Contaminated Land Management Act 1997* to investigate contamination within an investigation area.

**Landmarks** - prominent or distinguishing buildings or features by which people orient themselves and identify places within the City.

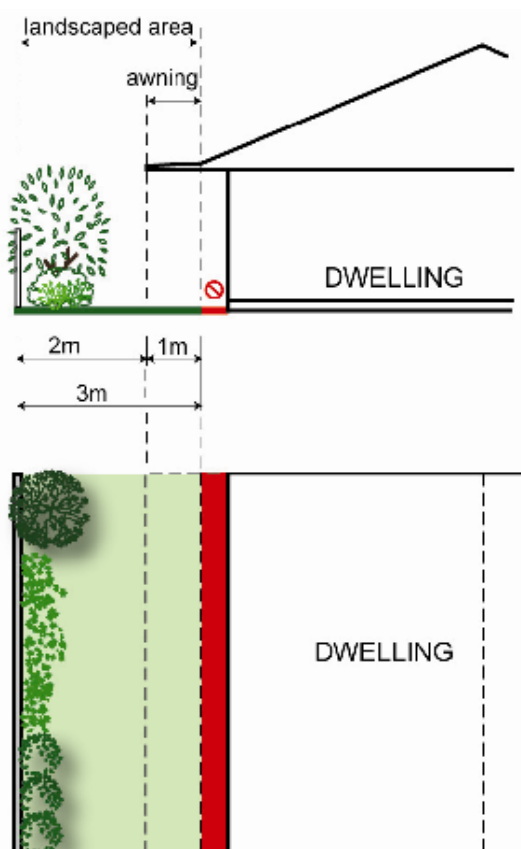
**Landscaped area** - has the same **meaning** as in the Newcastle Local Environmental Plan 2012.

Note: The Landscape Area is defined as a part of the site used for growing plants, grasses and trees, is open to the sky<sup>1</sup> but does not include any building, structure or hard paved area. The landscaped area should be designed in such a way that is free of conflicts with infrastructure, services and drainage pipes.

Under this DCP paving wider than 1m, impervious or otherwise, will not be considered as landscaping. Structures include, but are not limited to, such features as air conditioning systems, awnings, cubby houses, decks, fixed clotheslines, garden sheds, hot water systems, LPG storage tanks, patios, swimming pools, tennis courts, verandas, water tanks (eg. rainwater) and the like.

<sup>1</sup> The first metre (ie. 1m) of a landscape area which falls under an awning, overhang, under croft (or similar) may be included within the landscape area calculations where it forms part of continuous landscape area 3m wide or greater, with the remaining larger portion being open to the sky and the development is supported by a comprehensive landscape plan (ie. '2m plus 1m') (see **Figure 1-Landscape area and awnings**).

**Figure 1: Landscape area and awnings**





**Laneway** – means a narrow road and is either a:

- (i) **Council Laneway** - a laneway that has been dedicated as public road or one which Council has resolved to accept responsibility for 'care and control'.
- (ii) **Private Laneway** - a laneway that is not a council laneway.

**Large Scale Development** - development sites that are larger than 5,000m<sup>2</sup>.

**Licensed premises** - means premises licensed under the *Liquor Act 2007*.

**Living area** - of a dwelling includes habitable rooms frequently used for general recreation, entertainment and dining and includes living rooms, dining, family, lounge, rumpus room and the like but excludes non-habitable rooms, bedrooms, study, kitchen and other areas that are less frequently used.

**Local Environmental Plan** - is a type of environmental planning instrument under Part 3 of the *Environmental Planning and Assessment Act 1979*. Local environmental plans regulate development having local environmental significance. They are prepared by the Council and approved by the Minister for Planning.

**Lot** - refer to 'Allotment'.

**Maintenance** – has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Major alteration and addition** - any alteration and addition where the area of the building which is the subject of the application, equals or exceeds 40% of the floor area of the existing building when measured to the outside surface of the existing walls. This includes areas of the existing building such as kitchens and bathrooms when these are included in the works within the application.

**Major development** - major development means residential development of any kind containing more than 50 dwellings; any new hospital, or additions to an existing hospital, where the new building or addition contains more than 100 beds; any new educational or training facility, or additions to an existing facility, that will cater for more than 50 students; any other form or type of development where the gross floor area will be more than 2000m<sup>2</sup> and/or involve more than 50 employees.

**Major drainage system** - the part of the public drainage system that carries relatively large flows. It consists of the system of streams, floodways, stormwater channels, retarding basins and street pavements. It is generally designed to protect people and indoor property from the effects of an extreme flood with an annual exceedance probability (AEP) of 1%.

**Massing** - the size and volume of a building.

**Mean high water mark** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**Microgram** - unit of mass equal to 1 millionth of a gram or 1 thousandth of a milligram.



**Micron** - unit of length equal to 1 millionth of a metre or 1 thousandth of a millimetre.

**Milligram** - unit of mass equal to 1 thousandth of a gram.

**Minor drainage system** - the part of the public drainage system that carries relatively minor flows. It consists of the system of kerbs, gutters, roadside channels, swales, sumps and underground pipes. It is generally designed to control 'nuisance flows' which occur on a day-to-day basis typically with an annual exceedance probability (AEP) of 10%.

**Mine subsidence district** - means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

**Manufactured home** - has the same meaning as in the *Local Government Act 1993*.

**Movement network** - refers to access ways for pedestrian, cycles and vehicles.

**Moving sign** - Attached to a building and capable (as to any part of the advertisement or advertising structure) of movement by any source of power (whether or not included in any other class of advertising structure).

**NABERS** - NABERS (the National Australian Built Environment Rating System) is a performance-based rating system for existing buildings. NABERS rates a commercial office, hotel or residential building on the basis of its measured operational impacts on the environment.

**NatHERS or equivalent** - a computer simulation tool for rating the thermal performance of houses across Australia. The Energy Management Task Force is responsible for delivering a NatHERS compliance protocol. Any software or paper checklist which passes under this protocol is deemed 'NatHERS or equivalent'.

**Native vegetation** - has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

This term has the same meaning as in Part 5A of the *Local Land Services Act 2013* and means:

any of the following types of plants native to New South Wales:

- (a) trees (including any sapling or shrub or any scrub),
- (b) understorey plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland.

**Natural Light** – daylight received into a building

**Neutral buildings** – are buildings that are either heavily altered to an extent where the construction period is uncertain, or are from a construction period which falls outside any Key Period of Significance for the heritage conservation area, but which reflect the predominant scale and form of other buildings within the heritage conservation area, and therefore do not detract from the character of the heritage conservation area. This ranking is assigned where the building is either so altered the period and style is no longer evident, or it is a recent building which is of a height, form and scale which is consistent with the streetscape.



**Nominated integrated development** - integrated development that fits into 1 of 3 categories. The first category is if it requires approval by the Heritage Council under the *Heritage Act 1977*. The second category is if it requires an environmental protection licence from the Environment Protection Authority under the *Protection of the Environment Operations Act 1997*. The third category is if it requires certain licences or approvals from the Department of Planning and Infrastructure.

**Nominated State heritage item** – has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Non-habitable room** - means spaces of specialised nature not occupied frequently or for extended periods, including bathrooms, toilets, pantries, walk-in wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.

**Non-contributory buildings** - are buildings from a construction period which falls outside any Key Period of Significance for the heritage conservation area and that have scale or form that is not consistent with the key characteristics of the heritage conservation area. This ranking is assigned where the building is recent or late 20th century and is out of scale, not consistent with the height, form and scale of buildings within the streetscape.

**North point** - in any discussion relating to orientation of a dwelling or part thereof, a reference to 'north' is a reference to true solar north and not magnetic, or compass north. True solar north varies from magnetic north depending upon the location. In Sydney, for example, magnetic north is approximately 12° east of true solar north.

**Notice of completion** - a notice, required under State Environmental Planning Policy No.55, that is given to the consent authority when remediation work has been completed.

**Notification plan** - a plan showing:

- the height and external configuration of a proposed building in relation to the site and adjoining buildings; or
- in the case of a development proposal that does not involve the erection of a building, the general arrangement of the proposed development in relation to the site and adjoining buildings.

**Objectives** - statements describing desired outcomes.

**Occupation certificate** - means a certificate referred to in section 109C (1) (c) of the Act.

**Occupiable rooms** (from flooding perspective) - rooms of buildings where people may be present in the normal use of the building.

**Occupier** - has the same meaning as in the Act.

Note: The definition is defined as a tenant or other lawful occupant of premises, not being the owner.
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**On-site stormwater detention (OSD)** - a stormwater management practice that limits the rate of discharge from a site using outlet restriction devices. Stormwater flows in excess of the capacity of the outflow control device is temporarily stored either in tanks or surface depressions until the storm event recedes. Stormwater flows are therefore released at a controlled rate into the public drainage system.



**On-site stormwater retention** - stormwater management practices where on-site stormwater runoff is actually captured and retained within the site for re-use or infiltration and is not released to the downstream drainage system.

**Open space** - is defined as an area external to a building (including an area of land, terrace, balcony or deck) that is used for outdoor purposes.

**Operational land** - has the same meaning as in the *Local Government Act 1993*.

**Organic material** - any matter that is comprised in part of carbon. It includes, but is not limited to garden waste such as grass clippings and leaves, animal wastes such as faeces, and any foodstuffs or their wastes.

**Other advertised development** - advertised development that is not nominated integrated development.

**Other occupiers** - persons who appear to the Council to occupy land, but who are not adjoining occupiers. This includes persons who occupy land directly across a public road from the site of a development proposal.

**Other owners** - persons who appear to the Council to own land, but who are not adjoining owners. This includes persons who own land directly across a public road from the site of a development proposal.

**Overflow disposal** - the disposal of flows that occur when the capacity of the site discharge controls is reached and such overflow. -

**Owner** - has the same meaning as in the *Local Government Act 1993* and includes, in Division 2A of Part 6, in relation to a building, the owner of the building or the owner of the land on which the building is erected.

**Owner-builder** - has the same meaning as in the *Home Building Act 1989*.

**Parapet height** - the parapet level is the horizontal plane in which at least 2/3 of the length of the top of the facade of the building adjacent to the street is situated.

**Passive solar energy systems** - systems which combine the sun's energy with local climate characteristics, to achieve thermal comfort inside buildings without the use of mechanical devices. In a passive system, the building itself is a solar collector, as well as a heat storage and transfer medium.

**Pedestrian amenity** - the capacity of walking routes, usually public footpaths on streets, to be comfortable along their entire lengths, with frontage development that is inviting and interesting to pedestrians.

**Permeable surface** - a surface treatment that allows rain water to infiltrate to the soil, such as grass, landscaping, gravel, porous pavement and coarse sand.

**Permissible site discharge (PSD)** - the maximum rate at which stormwater is permitted to be discharged from a given site area.



**Plan depth** - means the width of a building measured from the inside face of wall to inside face of wall or from the inside face of glass to inside face of glass. Plan depth is measured along the shortest axis, ie from front to back or side to side depending on the shape of building.

**Plan of management** - means a document that provides a framework for the management of a particular development/event.

**Planning flood** - is the flood event from which the flood planning level is derived. It is expressed in terms of the probability of the event being exceeded, usually within any given year (see annual exceedance probability).

**Porous Paving** - paving that maintains a high degree of permeability to allow rainfall to infiltrate the substrate and not produce runoff in common rainfall events.

**Porte cochere** - a covered drive-through porch, often used in **hotel** development, large enough to accommodate vehicles such as tourist coaches.

**Port of Newcastle Lease Area** - land identified as "Port of Newcastle Lease Area" on the Lease Area Map contained in the Three Ports SEPP.

**Potential archaeological site** - a place or site suspected of having a relic or relics present.

**Preliminary Archaeological Assessment** - a report that investigates the archaeological potential and levels of significance of land prior to determination of development consent.

**Principal area of private open space** - is a 4m x 4m level area of private open space directly accessible from the main living area of the dwelling.

**Principal area of private open space for single dwellings** - is a 3m x 4m level area of private open space directly accessible from the main living area of the dwelling.

Note: Private open space areas are able to be covered. If private open space areas are enclosed on all sides with walls greater than 1.4m they will not be considered private open space but form part of the gross floor area.



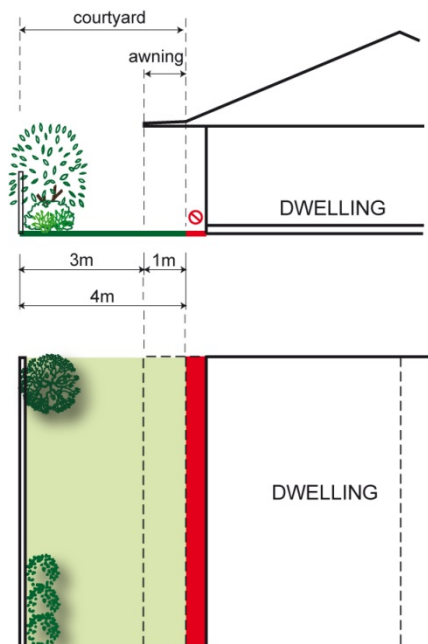
**Private open space** - has the same meaning as in Newcastle Local Environmental Plan 2012. The term is defined as an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

Note: Under this DCP the definition excludes from private open space features such as, but not limited to awnings/overhangs<sup>1</sup>, conditioning systems, cubby houses, fixed clotheslines, garden sheds, hot water systems, LPG storage tanks, swimming pools, tennis courts, water tanks (eg rainwater) and the like.

<sup>1</sup> The first metre (ie. 1m) of private open space area which falls under an awning, overhang, under croft (or similar) can be included as private open space and where it forms part of continuous private open space area 4m\*\* wide or greater, with the remaining larger portion being open to the sky and the development is supported by a comprehensive landscape plan (see **Figure 2: Private open space and awnings**).

\*\* Private open space areas need to be at least 3m wide unobstructed and open to the sky. The first metre adjacent this 3m is allowed – '3m plus 1m'.

**Figure 2: Private open space and awnings**



**Preliminary investigation** - an investigation to identify any past or present potentially contaminating activities, provide a preliminary assessment of any site contamination, and if required, provide a basis for a detailed investigation. Reporting requirements for a preliminary investigation are as outlined in the publication Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997).

**Principal certifying authority** - means a principal certifying authority appointed under section 109E of the Act.



**Principal contractor** - for building work means the person responsible for the overall co-ordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the Home Building Act 1989.

**Proponent** - a person or body seeking to carry out development on land.

**Probable maximum flood (PMF)** - is the largest flood that could conceivably occur at a particular location.

**Probable maximum flood level** - the flood level calculated to be the maximum which is likely to occur.

**Property hazard** - is the 'risk to property hazard category' as a combination of hydraulic behaviour threshold and its effect on property. The risk to property hazards are based on the peak hydraulic behaviour thresholds ( $H_1$ - $H_5$ ) determined for the 1 in 100 annual chance flood.

**Public art** - (also known as town art or environmental art) is artwork that is commissioned to enrich the public domain.

**Publicly accessible space** - private or public land, which allows 24-hour access to the public in the form of walkways, outdoor dining or gardens.

**Public domain** - means the sum of public and private places and space including streets, roads, footways, plazas, promenades, squares, parks, beaches and reserves.

**Public drainage system** - a drainage system owned and operated by the Council or the Hunter Water Corporation Ltd.

**Published notice** - an advertisement placed in a newspaper.

**Public open space** - land used or intended for use for recreational purposes by the public and includes parks, public gardens, riverside reserves, pedestrian and cyclist access ways, playgrounds and sports grounds.

**Public place** - has the same meaning as in the *Local Government Act 1993*.

**Public reserve** - has the same meaning as in the *Local Government Act 1993*.

**Public Tree** - trees/shrubs located on land managed by Council (trees under Council's care and control).

**Public road** - has the same meaning as in the *Roads Act 1993*.

**Rainwater tank** - has the same meaning as in the *Newcastle Local Environmental Plan 2012*.

Note: The definition is defined as a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**Recyclable** - any matter capable of being reprocessed into useable material or re-used providing facilities exist to do so.



**Reduced Level (RL)** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The definition is defined as the height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**Registered community group** - a community group which is registered with the Council under the Public Participation Section.

**Remedial action plan** - a plan which sets remediation goals and documents the process by which it is proposed to remediate a site. Reporting requirements for a remedial action plan are as outlined in the publication Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997).

**Remediation** - works carried out for the purpose of:

- removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land; or
- eliminating or reducing any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on the land).

**Remediation order** - a remediation order made by the Environment Protection Authority and in force under Part 3 of the *Contaminated Land Management Act 1997*.

**Remediation site** - a site that is land declared to be a remediation site by a declaration in force under Division 3 of Part 3 of the *Contaminated Land Management Act 1997*.

**Regulation** - means a regulation made under the *Act*.

**Relic** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

**Remediation site** - a site that is land declared to be a remediation site by a declaration in force under Division 3 of Part 3 of the *Contaminated Land Management Act 1997*.

**Research Design** - refers to the set of research questions and methodology developed for a site within a wider research framework.

**Restoration** - means returning the existing fabric of a building or work to a known earlier state by removing accretions or by reassembling existing components without the introduction of new materials.

**Retainable tree** - a tree that has been subjected to and passed the relevant assessment tests noted in Section 4 of the Technical Manual.

Note: that these tests are to be undertaken by a suitably qualified arborist.

**Retention tank** - a water tank, whether above ground or below ground designed to retard the discharge of runoff from an impervious surface to a rate not harmful to the environment.

**RFB** - Residential Flat Building



**Riparian Zone** - is an area of river or creek bank that supports, or has at one time supported a unique ecosystem pertaining to the river microenvironment. Generally, a width of 40m is considered to be the minimum viable riparian zone.

**Road** - means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**Road/street reserve** - the land incorporating the full width from property line to opposite property line.

**Roof terrace** - the flat roof of a lower level building, which is both directly accessible for the exclusive use from the dwelling it adjoins and also open to the sky except for a pergola or similar sun control devices.

**Routes** - roads or paths along which major movements occur and which provide the framework within which individual project sites are accessed.

**Runoff** - the portion of rainfall that flows across the ground surface as water.

**Row housing** - a form of multi dwelling housing consisting of three or more detached and/or semi-detached dwellings that are arranged in a lineal fashion with a single driveway along one side of the site or a central driveway with dwellings on each side.

**Scale** - the size of a building in relation to its surroundings.

**Section 7.11 and 7.12 Local Infrastructure Contributions** - Section 7.11 and 7.12 of the Environmental Planning and Assessment Act 1979 is the principal legislation enabling Council to levy contributions for amenities and services. Contributions are imposed by way of a condition of consent and can be satisfied by either:

- (a) dedication of land
- (b) monetary contribution
- (c) material public benefit
- (d) combination of the above.

**Setback** - refer to 'Building line'.

**Setting** – the context within which a building or structure is situated in relation to the surroundings. For example, buildings, roof scapes, chimneys, valleys, ridges, view corridors, trees, parks, gardens, view corridors, vantage points and landmarks may contribute to the setting of a building.

**Shrub** - a woody perennial plant that is generally smaller than a tree species at maturity and has many main stems or trunks.

**Significance assessment** - an assessment of the heritage significance of predicted or known archaeological features.

**Single Dwelling Houses** - a dwelling house on a block of land with no other dwellings.



**Site audit** - an independent review by a site auditor:

- (a) that relates to investigation or remediation carried out in respect of the actual or possible contamination of land; and
- (b) that is conducted for the purpose of determining any 1 or more of the following matters:
  - the nature and extent of any contamination of the land
  - the nature and extent of the investigation or remediation
  - what investigation or remediation remains necessary before the land is suitable for any specified use or range of uses.

Site audits are conducted in accordance with the Guidelines for the NSW Site Auditor Scheme (EPA, 1998).

**Site auditor** - a person accredited under the *Contaminated Land Management Act 1997* as a site auditor.

**Site audit statement** - a written statement by a site auditor that summarises the findings of a site audit. Site audit statements are prepared according to a standardised format prescribed in the *Contaminated Land Management Regulation 1998*.

**Site drainage line** - a piped drain that conveys stormwater from a development site to the public drainage system.

**Site History** - is a land use history of a site which identifies activities or land uses which may have contaminated the site, establishes the geographical location of particular processes within the site, and determines the approximate time periods over which these activities took place.

**Site investigation process** - the process of investigating land that is or may be contaminated. The purpose of the site investigation is to provide the Council with sufficient information for it to make an informed decision as to whether it should authorise a proposed change of use of land. A site investigation may include up to 4 stages:

- stage 1-preliminary investigation;
- stage 2-detailed investigation;
- stage 3-remedial action plan;
- stage 4-validation and site monitoring.

**Site investigation report** - includes one or more of the following: a preliminary investigation report, detailed investigation report, remedial action plan and validation and site monitoring report.

**Small Scale Development** - development sites that are smaller than 5,000m<sup>2</sup>.

**Social impact** - changes that occur in:

- people's way of life (how they live, work, play and interact with one another on a day-to-day basis)
- their culture (shared beliefs, customs and values), and
- their community (its cohesion, stability, character, services and facilities).



**Soil and Water Management Plan** - a plan lodged with a development application that illustrates how stormwater, runoff and soils will be managed on the site. The plan should demonstrate the feasibility of both the proposed stormwater management system, including water quality, conveyance and discharge controls. The plan should also demonstrate any proposed pre, during and post construction phase measures for the management of all site water including ground and surface waters. This will include ~~and the~~ proposed erosion, sediment and water quality control measures and dewatering controls as required. The plan should be supported by preliminary hydrological calculations and other information in the accompanying Statement of Environmental Effects.

**Solar collectors** - any building treatment or appliance specifically designed to capture or collect the sun's rays for the benefit of the occupants eg. windows including clerestory (or highlight) windows, solar hot water collector panels, photovoltaic (solar-electricity) cells/panels.

**Spa pool** - has the same meaning as in the *Swimming Pools Act 1992*.

Note: The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**State Heritage Inventory** - is an online database of all statutory listed heritage items and heritage conservation areas in New South Wales including Aboriginal Places, State Heritage Register, Interim Heritage Orders, State Agency Heritage Registers and Local Environmental Plans. Each listing may include a description of the item or area, a Statement of Heritage Significance and recommended management provisions to guide future development. The information is provided by local councils and State government agencies.

**Statement of environmental effects** - is a document that outlines the environmental impacts of a proposed development and outlines any steps taken to protect the environment and to manage impacts.

**Statutory requirement** - a requirement under the provisions of an Act, Regulation, State Environmental Planning Policy, Regional Environmental Plan, Local Environmental Plan or other statutory instrument.

**Stormwater** - the runoff from rainfall events.

**Stormwater harvesting** - the collection, storage and use of stormwater for domestic, industrial, irrigation or other purposes.

**Stormwater Management Plan** - a plan lodged with a development application that details the proposed use of structural infrastructure and treatment techniques to both improve stormwater quality and mitigate excessive flows.

**Stormwater surface flowpath** - land that carries concentrated surface flow during a rainfall event, the width, shape and gradient of which is designed to cater for the flow produced by a 1% annual exceedance probability (AEP) rainfall event. Includes a flowpath from the spillway of an on-site detention system.



**Strata subdivision** - defined as 'subdivision' in the *Environmental Planning and Assessment Act 1979*. Strata subdivision can subdivide buildings and land into separate lots capable of individual ownership, with additional areas of land designated as common property. Those owning lots within the scheme have a proportional entitlement to use the common property and also a proportional responsibility for its maintenance. Examples are buildings such as townhouses, flats, industrial units and shops, with outside areas such as gardens, driveways and car parking spaces usually being part of the common property lot, owned and managed by the 'Owners Corporation'.

**Street alignment** - the boundary between land allotments and a street or lane.

**Street frontage height** - the vertical distance measured in metres at the centre of the street frontage from the average of the street levels at each end of the frontage to the parapet level of the frontage. The parapet level is the horizontal plane in which at least two thirds of the length of the top of the facade is situated. No part of the facade is to be less than 80 per cent of the height.

**Streetscape** - means the form, character and visual amenity of the street environment.

**Street tree vacancy site** - sites identified by Council for future tree planting. The sites have been identified from analysis of the Local Government Area based on criteria in the Tree Asset Management System (TAMS). The information on locations of street tree vacancy sites is available on request from Council.

**Streetscape** - means the form, character and visual amenity of the street environment.

**Subdivision certificate** - means a certificate referred to in section 109C (1) (d) of the Act.

**Subdivision of land** - has the meaning given by section 4B of the Act.

**Subdivision work** - means any physical activity authorised to be carried out under the conditions of a development consent for the subdivision of land, as referred to in section 81A (3) of the Act.

**Subsidence** - due to:

- (a) the extraction of coal or shale;
- (b) the prospecting for coal or shale carried out within a colliery holding by the proprietor of the holding;

and includes all vibrations or other movements of the ground related to any such extraction or prospecting (whether or not the movements result in actual subsidence), but does not include vibrations or other movements of the ground that are due to blasting operations in an open cut mine and that do not result in actual subsidence.

**Summary site audit report** - a report prepared by a site auditor containing key information and considerations concerning the conduct and findings of a site audit.

**Sunlight** - direct sunlight onto the ground or into a building.

**Swale** - a deliberately formed surface depression for the storage of stormwater runoff. Some swales also have a delayed conveyance function.



**SWMMP** - Site Waste Minimisation and Management Plan.

**The Code** (for heritage purposes only) - refers to the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

**Thermal mass** - the heat storage capacity of a given assembly or system. Generally, the heavier and more dense a material is, the more heat it will store, and the longer it will take to release it. A concrete floor is an example of high thermal mass.

**Three Ports SEPP** - State Environmental Planning Policy (Three Ports) 2013.

**Through site link** - a pedestrian arcade or link that can be open to the air or enclosed and has a public character, providing a pedestrian right of way that is open and accessible at each end, at least during normal business hours.

**Travel demand management** - travel demand management is intervention (excluding the provision of major infrastructure) to modify travel decisions so that more desirable transport, social, economic and/or environmental objectives can be achieved, and the adverse impacts of travel can be reduced.

**Tree** - a long lived woody perennial plant greater than 3m height (or will be at maturity), with one or relatively few main stems or trunks.

**Tree retention values** - weighted combination of tree sustainability and landscape significance used to determine how retainable a tree/s is to guide the site analysis and site planning stages of development. Tree retention values are determined using the following three steps further outlined within the Newcastle Urban Forest Technical Manual:

1. Assess Tree Sustainability
2. Assess Landscape Significance.
3. Weigh Sustainability and Landscape Significance.

**Tsunami** - a series of ocean waves with very long wavelengths (typically hundreds of kilometres) caused by large-scale disturbances of the ocean, such as:

- earthquakes
- landslide
- volcanic eruptions
- explosions
- meteorites.

**Urban activation space** - a small public space that acts as a 'micro-scale' neighbourhood park that contributes to the public domain through plantings and/or specific use or functions (e.g. small playground, community garden, or gathering space). Urban activation space is usually provided on corner sites within the development setback to the street and is incorporated into the road reserve.

**Urban forest** - the totality of trees and shrubs on all public and private land in and around urban areas (including bushland, parkland, gardens and street trees) measured as a canopy cover percentage of the total area and is recognised as a primary component of the urban ecosystem.



**Urban structure** - those features of the urban area which give identity and legibility of the city to people passing through its various districts. Structures include gateways, landmarks, edges, and routes.

**Urban village** - urban villages are essentially pedestrian scale, medium to high density, mixed use concentrations of urban development served by efficient public transport and often derived from traditional town centre planning principles. An appropriate example of an urban village is Glebe in Sydney. The urban village concept places a high value on the importance of human interaction and sense of community by providing places and activities for local interchange.

**Urban heat island** - The areas of a metropolitan area which are significantly warmer than suburban or rural areas due to less vegetation and more land coverage.

**Validation and site monitoring** - the process of determining whether the objectives for remediation and any conditions of development consent have been achieved. Reporting requirements for validation and site monitoring are as outlined in the publication *Guidelines for Consultants Reporting on Contaminated Sites*, 2000, EPA.

**Vegetation** - has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

This term means

*A tree or other vegetation, whether or not it is native vegetation.*

**VENM** - virgin excavated natural material is natural material, such as clay, gravel, sand, soil or rock fines that:

- has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities
- does not contain any sulfidic ores or soils or any other waste.

**Verandahs** - located on the ground floor. Commonly seen on terrace houses and bungalows.

**Verge** - means the part of the street reserve between the carriageway and the boundary of adjacent lots (or other limit to street reserve). It may accommodate public utilities, footpaths, stormwater flows, street lighting poles and planting.

**View** - an extensive or long range outlook towards a particular urban aspect or topographical feature of interest.

**View corridor** - generally take the form of cones of vision extending from a selected point towards the valued view.

**Vista** - a narrow view along a street terminated by a notable building or structure.



**Voluntary Planning Agreements** - an alternative to the payment of a Section 7.11 or Section 7.12 levy whereby the applicant may offer to enter into a Voluntary Planning Agreement with Council to fund or provide works in kind for providing infrastructure or facilities not otherwise required as part of the development . Acceptance of an offer is at the sole discretion of Council and where Council decides not to accept the offer, payment of the Section 7.11 or Section 7.12 levy will be required.

**Waste** - includes any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment; or any discarded, rejected, unwanted, surplus or abandoned substance; or any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance; or any substance prescribed by the regulation to be waste for the purpose of the *Waste Minimisation and Management Act 1995*.

**Waterfront land** - has the same meaning as in the *Water Management Act 2000*.

Note: The definition of waterfront land in the *Water Management Act 2000* is:

- (a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or
- (a1) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or
- (a2) the bed of an estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or
- (b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,

where the prescribed distance is 40m or (if the regulations prescribed a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into two or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.

**Water cycle management plan** - a plan that identifies additional opportunities to minimise reticulated mains water use. The plan should detail the whole of the water cycle and any public health issues. It may also include consideration of the storage and use of grey water and the installation of water efficient appliances.

**Water sensitive urban design** - the consideration of the water cycle, the incorporation of the values of natural aquatic systems and the recognition of the principles of the resource conservation and reuse in planning and design of the urban and built form.

**Window** - includes a roof skylight, glass panel, glass brick, glass louvre, glazed sash, glazed door, translucent sheeting or other device which transmits natural light directly from outside a building to the room concerned.



**Written notice** - a letter served on a person by post or personal delivery.

**Zero lot line** - a dwelling with no side boundary setback on one side of the lot - ie. the dwelling is built to the boundary. The wall of the dwelling on the lot line has no windows and is constructed in accordance with the Building Code of Australia (BCA).