

# Development Control Plan



City of  
Newcastle



<b>Title:</b>	Newcastle Development Control Plan 2023. It is shortened to DCP 2023.
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## **PART A: Administration**

### **Section A Introduction**

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## 1.0 Preamble

Located on the traditional country of the Awabakal and Worimi peoples, City of Newcastle (CN) is Australia's seventh largest city and global gateway for northern NSW.

As the regional centre of the Hunter, CN is emerging as one of Australia's most dynamic and vibrant metropolitan cities. After its industrial heritage as a mining and steel city, it is evolving into a service, creative and knowledge city. Significant investment has revitalised the city centre, boosted tertiary education, health and medical innovation, and has seen the emergence of a nationally significant defence and aerospace industry.

The Local Strategic Planning Statement (LSPS) sets the foundation to guide land use planning over the next 20 years. The LSPS implements priorities from the Community Strategic Plan and brings together land use planning and development related actions. The LSPS also gives effect to the State Government strategic directions for the Hunter region, outlined in the Hunter Regional Plan and the Greater Newcastle Metropolitan Plan.

The LSPS outlines planning priorities to achieve the land use planning vision and inform decisions on changes to the planning regime in the Newcastle Local Environmental Plan 2012 (LEP 2012) and Newcastle Development Control Plan 2023 (DCP 2023). DCP 2023 reflects a vision for a smart, liveable and sustainable global city.

LEP 2012 contains the statutory framework for land use management (zoning and planning standards) in the local government area (LGA). DCP 2023 supports LEP 2012 by providing design guidance to support good development outcomes. DCP 2023 will be applied with flexibility, and reasonable alternative solutions will be considered where they achieve overarching objectives. DCP 2023 provisions are not statutory requirements.



## 2.0 Name

This is called the Newcastle Development Control Plan 2023. It is shortened to DCP 2023.

## 3.0 Commencement

DCP 2023 was adopted by Council on 12 December 2023 and commences 1 March 2024

## 4.0 Amendment history

Version number	Date adopted by Council	Commencement date	Section	Amendment type

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## 5.0 Purpose

DCP 2023 supports LEP 2012, providing detailed guidelines and controls for development within the Newcastle LGA. It is intended for use by the consent authority, professionals (such as planning practitioners, architects, engineers, developers etc) and the community involved in the development assessment process.

The purpose of this planning instrument is to:

1. Give effect to the aims, objectives and other provisions of LEP 2012.
2. Provide guidance on matters to be considered by the consent authority when exercising its environmental assessment and planning functions under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).
3. Realise the desired outcomes set out in the Minister's Local Planning Directions.
4. Facilitate development consistent with the established vision and adopted planning policies and strategies.
5. Support a vibrant community and desirable place to live, work and visit.
6. Recognise and reinforce the distinctive character of our neighbourhoods and centres.
7. Deliver development that is of a high design standard and energy efficient.
8. Provide appropriate housing opportunities for all existing and future residents at all stages of their life cycle.
9. Foster development that responds appropriately to the natural and built environment.

## 6.0 Land application

This plan applies to all land and development within the Newcastle LGA, unless it is excluded in whole or part by an environmental planning instrument.

## 7.0 Public notification and community participation

Depending on the type and scale of development, a proposal may be notified and advertised before CN determines the application. Our community participation process and practices in the planning process are set out in the Community Participation Plan.

## 8.0 Relationship to other plans, policies and legislation

This plan was prepared in accordance with the provision of the *EP&A Act 1979* and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation 2021).

This plan is consistent with the provisions of LEP 2012 and other applicable environmental planning instrument/s (EPI). The EP&A Act 1979 provides that, in the event of any inconsistency between Draft DCP 2012 and the provisions in an EPI, such as a State Environmental Planning Policy (SEPP) or LEP 2012, the EPI will prevail to the extent of the inconsistency.

DCP 2023 is to be read and applied in conjunction with LEP 2012 and the following:

- EP&A Act 1979
- EP&A Regulation 2021
- Relevant SEPP
- *Local Government Act 1993*
- *National Construction Code* (NCC)
- Relevant Australian Standards as identified
- Land and environment court planning principles
- Any other relevant documents adopted and under implementation by the CN such as a plan, policy, guideline, technical manual, study, standard drawing, publication or the like.

## 9.0 Revocation of Newcastle DCP 2012

Pursuant to Section 3.43(4) of EP&A Act 1979, Newcastle DCP 2023 revokes Newcastle DCP 2012 which covered land for which this DCP now applies.

## 10.0 Interpretation (definitions)

City of Newcastle (CN) means Newcastle City Council.

DCP 2023 adopts the terms and definitions of the NSW environmental planning instruments and legislation, such as LEP 2012, SEPPs and the EP&A Act 1979. Where there is an inconsistency, the higher order instrument (Act/Regulation, then SEPP, then LEP) prevails.

## 11.0 Savings and transitional arrangements

DCP 2023 does not apply to any development application lodged but not finally determined before its commencement. Any development application lodged before its commencement will be assessed in accordance with any previous development control plan (DCP).

### Exemptions

The above Savings and transitional arrangements do not apply to the following sections:

D4 Commercial  
E3 Tighes Hill local Character  
E4 Kotara Local Character.

Development applications to which these sections apply will be assessed in accordance with DCP 2023.

## 12.0 Structure

DCP 2023 has seven parts each containing objectives and controls that apply to all development. Development applications need to consider each part and respond to relevant provisions. **Table 1** illustrates this.

**Table 1: DCP Structure**

Part	Summary
A: Introduction	Sets out aims, objectives, application and relationship with other planning instruments and structure.
B: Site planning controls	Sets out controls for all development. Part B contains objectives and controls that underpin orderly and sustainable development.
C: General development controls	Sets out objectives and controls that generally apply to all development.
D: Development controls by land use	Provides objectives and controls to guide specific development.
E: Place and precincts	Provides additional objectives and controls for development on specific sites, areas or precincts and in character and heritage areas.

## 13.0 How to use

### Instructions

1. Firstly, identify if DCP 2023 will apply.
2. Where applicable, refer to relevant section/s in Part D Development Controls by Land Use. Where development consists of more than one land use type, refer to each relevant section within Part D Development Controls by Land Use. Individual sections within Part D will identify what other sections will and/or may also apply.

**For example:** A development application for a dual occupancy will, among others, require referral to section C1 Traffic, Parking and Access, C4 Stormwater, C6 Waste Management, C7 Safety and Security and C12 Open Space – Landscaping. It may also require referral to Section B1 Flood Management, where the land is affected by flooding, B2 Bushfire Protection where the land is identified as bush fire prone land, B3 Mine Subsidence where the land is identified as being affected by Mine Subsidence etc.

3. Where applicable, refer to relevant sections in Part E Place and Precincts, which provide area specific objectives and controls for certain locations. Sections in Part E identify any other sections that may apply.
4. Additional sections, other than those identified under Part D or Part E, may also apply depending on the nature of the development and specific circumstances. These include:
  - a. Part B Site Planning Controls provides specific controls aimed at reducing risk from an identified hazard as well as reducing potential impacts from development on the natural and built environment.
  - b. Part C General Development Controls provides minimum requirements on various design related aspects.

Each section identifies relevant or supporting technical manuals and additional information.

### General format of each section

For ease of use, each section (other than Part E) is formatted consistently and contains the following:

- Introduction
- Application (land and development to which this section applies)
- Related sections (other sections that may apply)
- Additional information (advice that may refer to best practice guidelines, documents providing acceptable method or numerical standards for achieving the minimum requirements for development)
- Objectives (non-negotiable design principles or minimum requirement to be achieved by development)
- Definitions (related to the specific section)
- Application requirements (any information, plans, supporting studies or assessments to be submitted)
- Controls (accepted means of achieving the objectives, which may only be varied where suitably justified)
- Acceptable solutions (provide an acceptable standard for a development to achieve the intent of a particular element of a development control). There are not always acceptable solutions provided.

### Hierarchy of parts

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

1. Where an inconsistency arises between Part D Development Controls by Land Use, Part E Place and Precincts will prevail to the extent of the inconsistency.
2. Provisions of the latest adopted section prevail, where sections are located in the same part of this plan.
3. The more precautionary provisions will apply, where sections are within the same part and were adopted on the same date.

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## Variations to development controls

The controls in each section ensure the objectives are achieved by a proposed development. Where a variation to a control is put forward, the developer/applicant must show how the objectives of the subject section are still achieved. This is to be included in the Statement of Environmental Effects.

A development application will be assessed on its merits and against all relevant matters for consideration. Compliance with minimum provisions does not necessarily mean that a development application will be approved.

**Note:** It is not appropriate to request a variation to a control for financial reasons. For example, a request to achieve higher density which is out of character with the surrounding area or to enable a "standard design" to fit on the site, which isn't appropriate. 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.

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## 14.0 Additional information

For further information and help regarding development, including relevant guidelines, factsheets and checklists, please contact City of Newcastle via the following:

**Website:** [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)

**Customer Service Centre:** (02) 4974 2000

**Administration Centre:** 12 Stewart Avenue, Newcastle West NSW 2302

## **PART B: Site planning controls**

### **Section B1(a) Flood management – Pre 2019**

Applies to development on flood prone land with flood studies undertaken prior to the release of the 2019 Australian Rainfall and Runoff Guidelines

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## 1.0 Introduction

Flood management is an essential aspect of land use planning and development. Flooding affects up to one third of all properties in the local government area (LGA), and can cause significant damage to property and infrastructure, disrupt the community and threaten public safety. Many old swamplands and floodplains are developed. Development needs to respond to the local environment as well as future intensifying flood risks associated with climate change.

## 2.0 Application

This section applies to all development on flood prone (flood liable) land that involves existing flood mapping undertaken prior to the release of the 2019 Australian Rainfall and Runoff Guidelines (ARR 2019).

Flood prone (flood liable) land is defined by the *NSW Government Floodplain Development Manual – the management of flood liable land* (2005), being “land susceptible to flooding by the Probable Maximum Flood (PMF) event”.

A flood information application form can be obtained from [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) or the Customer Contact Centre, 12 Stewart Avenue, Newcastle West NSW 2302.

This section applies 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.

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 this section.

## 3.0 Objectives

1. Guide the development of flood prone land, applying balanced strategies to economically, socially and environmentally manage risk to life and property.
2. Set aside appropriate areas to convey and/or store flood waters.
3. 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. Implement the principles of *The NSW Government Floodplain Development Manual* (2005) to development as applicable.

## 4.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), unless otherwise defined. Other words and expressions 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 (ARI).
- **Average recurrence interval (ARI)** – is 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 to park vehicles with its floor below the street level.
- **Flood fringe areas** – means the remaining area of flood prone land 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 City of Newcastle (CN) 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 tsunami. Flooding may occur for a variety of reasons, either separately or in combination including:
  - river flooding - caused by a river or stream overtopping its banks onto a 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 manmade 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** – also flood prone land is land susceptible to flooding by the PMF event on the basis of flood information held by CN. Note the term flood liable land covers the whole floodplain, not just that part below the flood planning area (FPL).
- **Floodplain** – is an area of land along the course of a river 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 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 area plus an additional freeboard as advocated in the NSW Floodplain Development Manual. For purposes of this element, the planning flood is the 1% AEP flood, and the freeboard is generally 500mm.
- **Flood prone land** – is land that, on the basis of flood information held by CN, is estimated to be inundated by the probable maximum flood (PMF).
- **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 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:

H1	hydraulically suitable for parked or moving cars $V < 0.5\text{m/sec}$ and $d < 0.3\text{m}$
H2	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 $v < 3.2 - 4*d$
H3	hydraulically suitable for light construction ( <i>eg. timber frame and brick veneer</i> ) $v < 2\text{m/sec}$ , $d < 2\text{m}$ , $v*d < 1$

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H4	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 $v*d < 2.5$
H5	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* (2005) 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 section of Development Control Plan 2023 (DCP 2023), 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 i.e., 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 i.e., 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 i.e., 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 i.e., hydraulic threshold is H5. The risk to life is considered extreme and the site is unsuitable for habitation, either residential or short stay.

- Minor additions** – (for the purpose of section B1 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** – are rooms of buildings where people may be present in the normal use of the

building.

- **Planning flood** – is the flood event from which the FPL is derived. It is expressed in terms of the probability of the event being exceeded, usually within any given year (see AEP).
- **Probable maximum flood (PMF)** – is the largest flood that could conceivably occur at a particular location.
- **Probable maximum flood level** – is 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 (H1-H5) determined for the 1% AEP event. Five risks to property hazard categories (P1-P5) are defined as P1-P5 correlate directly with H1-H5 as follows:

P1	Parked or moving cars remain stable i.e., equivalent to areas of H <sub>1</sub> at the Flood Planning Event.
P2	Parked or moving heavy vehicles remain stable i.e., equivalent to areas of H <sub>2</sub> at the Flood Planning Event.
P3	Suitable for light construction ( <i>eg. timber frame, masonry and brick veneer</i> ) i.e., equivalent to areas of H <sub>3</sub> at the Flood Planning Event.
P4	Suitable for heavy construction ( <i>eg. steel frame, reinforced concrete</i> ) i.e., equivalent to areas of H <sub>4</sub> at the Flood Planning Event.
P5	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** – means 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.

**Notes:** Tsunami are specifically excluded.

## 5.0 Application requirements

Development category	Application requirements	Additional information
All development on flood prone land	A statement of environmental effects and/or layout plans shall include wording and where relevant, calculations, demonstrating that the controls of this section of DCP 2023 have been addressed.	<p>All development on flood prone land shall be designed in accordance with the flood controls in LEP 2012.</p> <p>The <i>NSW Government Floodplain Development Manual – the management of flood liable land</i> (2005) is available from the NSW Government website.</p> <p>More information about floodplain risk management in the LGA can be found at CN's website.</p> <p>A Flood Information Certificate application form can be obtained from <a href="http://www.newcastle.nsw.gov.au">www.newcastle.nsw.gov.au</a> or the Customer Contact Centre, 12 Stewart Avenue, Newcastle West NSW 2302.</p>

## 6.0 Floodways

<b>Objectives</b>	
1. Retain floodways in a condition capable for the conveyance of essential flood flow.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.No building or structure can be built, and no land can be filled with any materials in areas identified as floodways, except for small changes to ground levels that do not significantly change the flow patterns for: <ul style="list-style-type: none"> <li>a. roads</li> <li>b. parking</li> <li>c. below ground structures</li> <li>d. landscaping.</li> </ul>	<p>Fill is identified in LEP 2012.</p> <p>Floodways are shown on a flood information certificate obtainable on application. In general, development other than low level driveways and parking areas is not practicable in floodways.</p> <p>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.</p>
C-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 is designed to avoid fences in floodways.	

## 7.0 Flood storage areas

<b>Objectives</b>	
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.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-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. Where a development is proposing to build over more than 20% of the site area, the portion of the structure being suspended is to have a floor level at the FPL as a minimum. As part of the structure's design, it must allow water to flow freely into and out of the underfloor area and must not be restricted by solid cladding or similar around the perimeter of the structure below the floor level.	Flood storage areas are identified on the flood information certificate.
C-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.	

## 8.0 Management of risk to property

<b>Objectives</b>	
1. Manage risks to property up to an acceptable level of risk (the FPL).	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Floor levels of all occupiable rooms of all buildings are not set lower than the FPL.	<p>These controls limit the risk of inundation relative to the FPL.</p> <p>The FPL is the water surface level of the relevant 'planning flood' plus a freeboard. Compliance with the FPL does not guarantee that flooding will not affect work carried out in accordance with Risk to Property Development Controls:</p> <p>In most cases, the FPL, 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% AEP event where this level is known.</p>
C-2. Garage floor levels are no lower than the 1% AEP 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.	
C-3. Basement garages may be acceptable where all potential water entry points are at or above the 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 controls for risk to life set out below.	
C-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.	
C-5. Swimming pools are to be located to ensure they are not inundated from minor flooding events. Electrical connections and fixtures around swimming pools are to be sited at the FPL.	
C-6. Where parts of the building are proposed below the FPL, they are constructed of water-resistant materials.	
C-7. 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.	
C-8. 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.	
C-9. 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.	



## 9.0 Management of risk to life

<b>Objectives</b>	
1. Only permit development or redevelopment where the full potential risk to life from flooding can be managed for all floods up to and including the PMF.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<p><b>C-1.Risk to life category L5</b> 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.</p>	
<p><b>C-2.Islands</b> 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.</p>	
<p><b>C-3.On-site refuge</b> 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.</p>	<p>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.</p> <p>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.</p>

**C-4. Standards for on-site refuge**

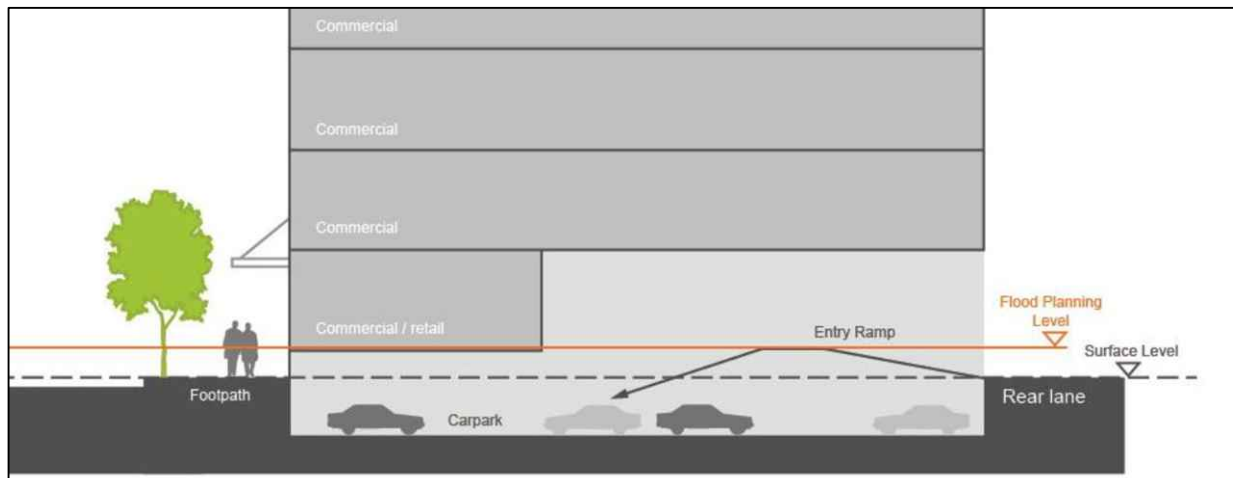
Where on-site refuge is required for a development, it should comply with the following minimum standards:

- 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).

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

**C-5. Emergency egress procedure for basements**

A plan is developed detailing emergency egress procedures during a flood, as well as any refuge areas in reasonable proximity of the development. The plan is to be positioned in the basement car park in an easily recognisable location/s. Refer to **Figure B1(a).01**.



**Figure B1(a).01: Basement ramp design to minimise inundation**

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## **PART B: Site planning controls**

### **Section B1(b) Flood management**

Applies to new development on flood prone land with flood studies undertaken after the release of the 2019 Australian Rainfall and Runoff Guidelines

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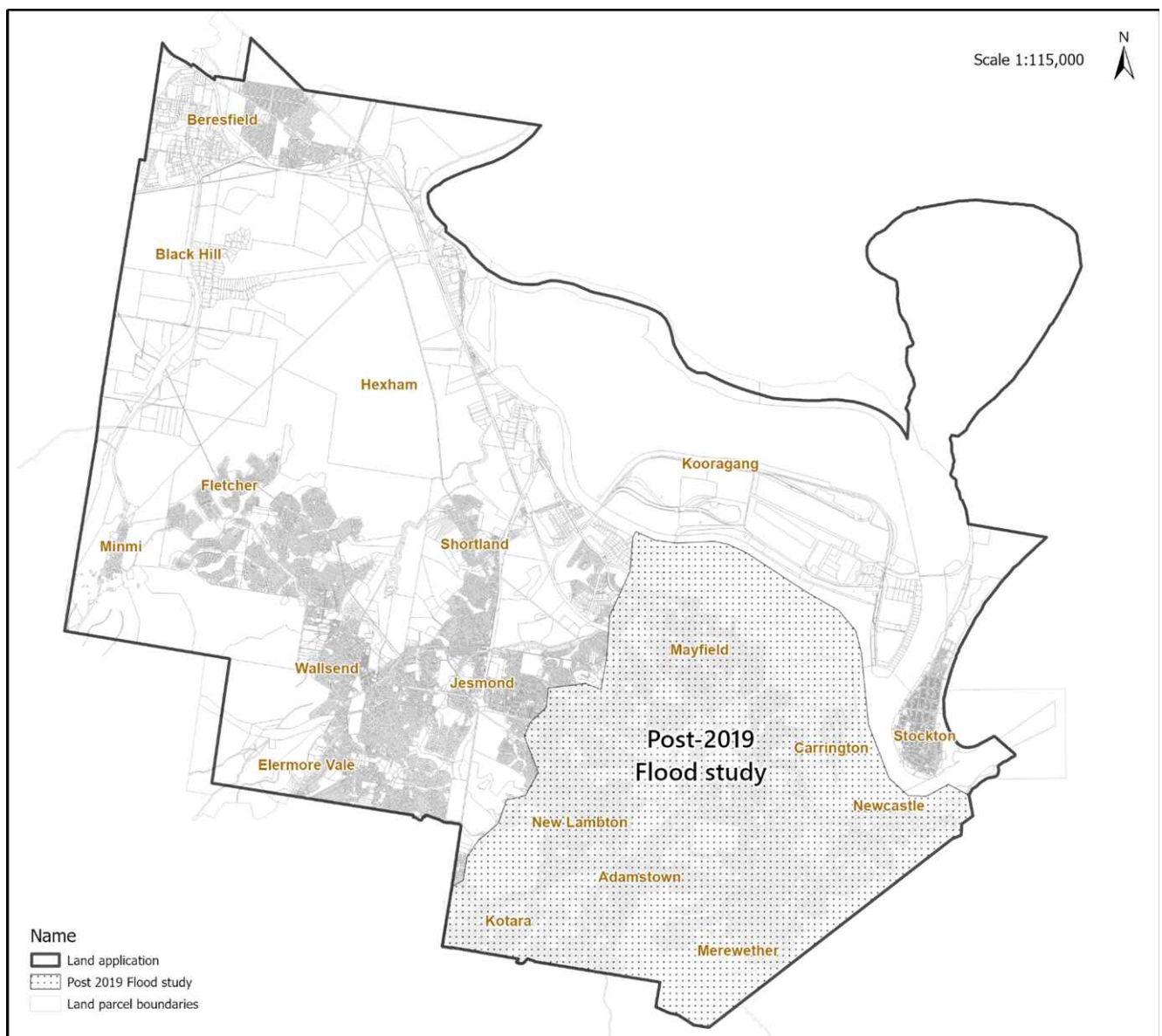
## 1.0 Introduction

Flood management is an essential aspect of land use planning and development. Flooding affects up to one third of all properties in the local government area (LGA), and can cause significant damage to property and infrastructure, disrupt the community and threaten public safety. Many old swamplands and floodplains are developed. New development needs to respond to the local environment as well as future intensifying flood risks associated with climate change.

## 2.0 Application

This section applies to all development on flood prone (flood liable) land where flood mapping after the release of the *2019 Australian Rainfall and Runoff Guidelines (ARR 2019)* is available, including:

- Land that is flood prone due to flooding from the Throsby, Cottage or Styx creek catchments (refer Post 2019 Flood Study area), and
- All other flood prone land where flood studies are undertaken to inform development after the release of ARR 2019.



**Figure B1(b).01: Application map**

Flood prone (flood liable) land is defined by the (NSW) Department of Planning and Environment's *Flood risk management manual: the policy and manual for the management of flood liable land (2023)*, being "land susceptible to flooding by the Probable Maximum Flood (PMF) event".

A flood information application form can be obtained from [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) or the Customer Contact Centre, 12 Stewart Avenue, Newcastle West NSW 2302.

This section applies 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.

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 this section.

### 3.0 Objectives

1. Guide the development of flood prone land, applying balanced strategies to economically, socially and environmentally manage risk to life and property.
2. Set aside appropriate areas to convey and/or store flood waters.
3. 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. Implement the principles of the (NSW) Department of Planning and Environment's *Flood risk management manual: the policy and manual for the management of flood liable land* (2023) to development as applicable.

### 4.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)) unless otherwise defined. Other words and expressions 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 (ARI).
- **Basement garage** – is a garage normally used to park vehicles with its floor below the street level.
- **Flood fringe areas** – means the remaining area of flood prone land 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 City of Newcastle (CN) 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. Flooding may occur for a variety of reasons, either separately or in combination including:
  - river flooding - caused by a river or stream overtopping its banks onto a 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 manmade 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** – also flood prone land is land susceptible to flooding by the PMF event on the basis of flood information held by CN. Note the term flood liable land covers the whole floodplain, not just that part below the flood planning area (FPL).
- **Floodplain** – is an area of land along the course of a river 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 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 area plus an additional freeboard as advocated in the NSW Floodplain Development Manual. For purposes of this element, the planning flood is the 1% 2050 AEP flood, and the freeboard is generally 500mm.
- **Flood prone land** – is land that, on the basis of flood information held by CN, is estimated to be inundated by the probable maximum flood (PMF).
- **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 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.
- **Hazard Category** – Flood hazard classification is an assessment of how hazardous the physical conditions produced by a flood can be to people, cars, infrastructure and buildings if they were exposed to the flood event, independent of the population at risk. Consideration is given to hazard classification for a range of flood events including the planning flood and PMF to identify areas that require specific constraints and management. Hazard categories are defined in the *Australian disaster resilience Handbook Collection, Guideline 7-3 Flood hazard – Supporting document for the implementation of Australian Disaster Resilience Handbook 7 Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia, 2017 (Australian Institute for Disaster Resilience)*. **Table B1(b).01**, **Table B1(b).02**, and **Figure B1(b).01** above and replace Hydraulic Behaviour thresholds in studies undertaken since 2019.

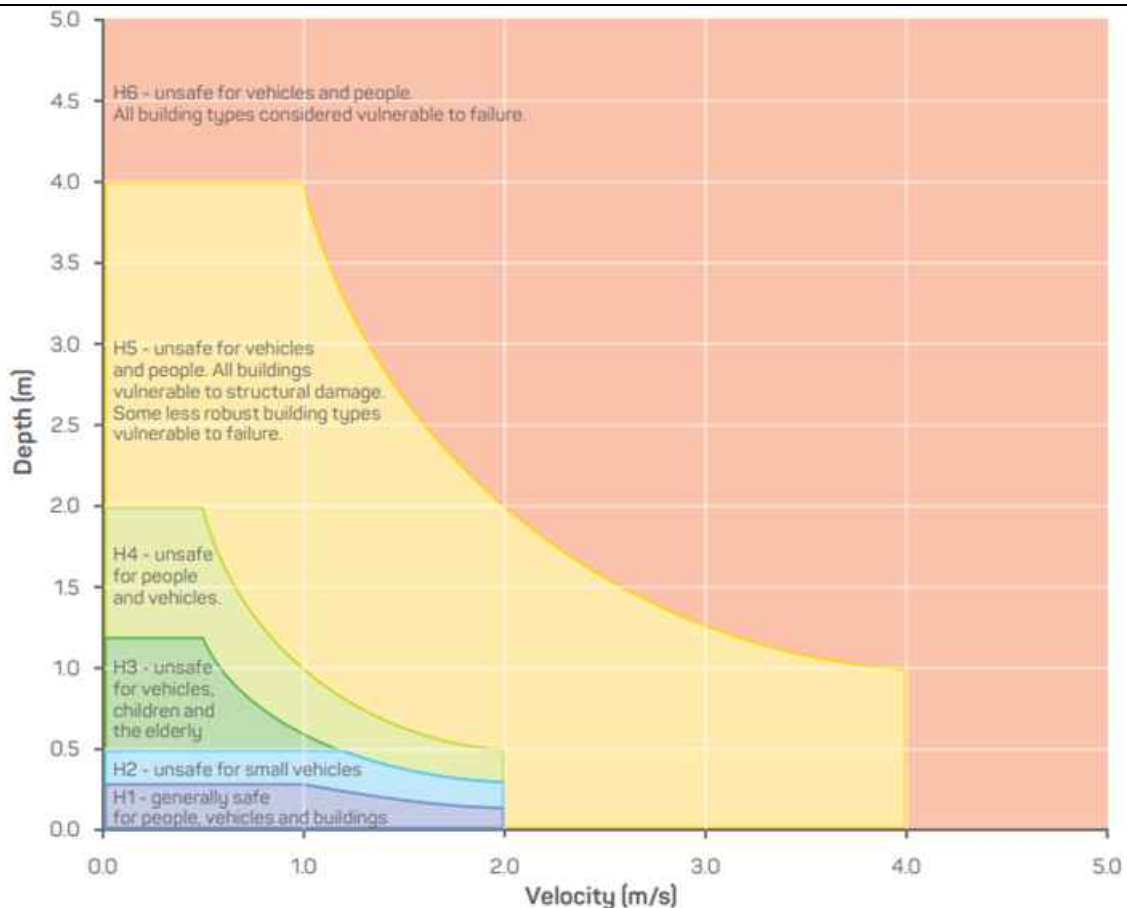
Hazard category	Description
H1	Generally safe for people, vehicles and cars
H2	Unsafe for small vehicles
H3	Unsafe for vehicles, children and the elderly
H4	Unsafe for vehicles and people
H5	Unsafe for vehicles and people. All buildings vulnerable to structural damage. Some less robust building types vulnerable to failure
H6	Unsafe for vehicles and people. All building types considered vulnerable to failure

**Table B1(b).01: Hazard categories**

Hazard category	Category limit m <sup>2</sup> /s	Maximum flood depth (D) m	Maximum flood velocity (V) m/s
H1	$D \times V \leq 0.3$	0.3	2.0
H2	$D \times V \leq 0.6$	0.5	2.0
H3	$D \times V \leq 0.6$	1.2	2.0
H4	$D \times V \leq 1.0$	2.0	2.0
H5	$D \times V \leq 4.0$	4.0	4.0
H6	$D \times V > 4.0$	-	-

**Table B1(b).02: Hazard threshold classification limits**





**Figure B1(b).02: Flood hazard vulnerability curves**

Image courtesy of Australian Institute for Disaster Resilience and sourced from *Australian disaster resilience Handbook Collection, Guideline 7-3 Flood hazard – Supporting document for the implementation of Australian Disaster Resilience Handbook 7 Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia, 2017.*

- **Risk to Life** – is a combination of hydraulic hazard category, warning time and escape path availability, applied to all floods, up to and including the PMF (as recommended in the ADIR 2017 guidelines for the management of personal safety). For simplicity, the Risk to Life categories set out below are only assessed for the PMF in the application of this section of Development Control Plan 2023 (DCP 2023), on the assumption that once the PMF is managed for personal safety, all other lesser floods will also be managed.

An L1 Risk to Life classification is applied when flood risk on the flood information certificate is defined as subject to Riverine and Ocean flooding. This lower risk classification is applied as there is sufficient time to remove people from the risk to their lives by means of formal community evacuation plans. This lower risk classification assumes people will respond to warnings and safely evacuate to the safety of flood free high ground. Additional requirements may be necessary to manage personal safety in Riverine and Ocean flooding if there is evidence that a lack of response is likely, and this may lead to life threatening situations. The lower risk to life classification is not relevant to flash flooding scenarios such as the Wallsend Catchment.

		Life Risk Threshold					
		H1	H2	H3	H4	H5	H6
Flood Type	Riverine and Ocean	<b>L1</b>					
	Flash	<b>L2</b>	<b>L2</b>	<b>L3</b>	<b>L4</b>	<b>L5</b>	<b>L6</b>

**Table B1(b).03: Risk to Life**

- **Minor additions** – (for the purpose of section B1 Flood Management) are the total proposed 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>

**Table B1(b).04: Existing Building Areas**

- **Occupiable rooms** – are rooms of buildings where people may be present in the normal use of the building.
- **Planning flood** – is the flood event from which the FPL is derived. It is expressed in terms of the probability of the event being exceeded, usually within any given year (see AEP).
- **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.
- **Risk to Property** – The risk to property is based on the hazard categories (H1-H6) determined for the Flood Planning event, and the associated risk to property as recommended in the ADIR 2017 guidelines. The six risk to property categories are P1-P6, these correlate directly with H1-H6 as follows:

Risk to property	Hazard category	Description
P1	H1	Low Hazard to structures. Suitable for light construction ( <i>eg. timber frame, masonry and brick veneer</i> ). Safe for all vehicles
P2	H2	Low Hazard to structures. Suitable for light construction ( <i>eg. timber frame, masonry and brick veneer</i> ). Unsafe for small vehicles
P3 - P4	H3 – H4	Low Hazard to structures. Suitable for light construction ( <i>eg. timber frame, masonry and brick veneer</i> ). Unsafe for all vehicles
P5 – P6	H5 – H6	Extreme hazard to structures. Hydraulically unsuitable for normal building construction. Unsafe for all vehicles

**Table B1(b).05: Risk to Life**

The distribution of P<sub>1</sub>-P<sub>6</sub> is identical to the related H<sub>1</sub>-H<sub>6</sub> (*at the Flood Planning Event*).

- **Tsunami** – means 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.

**Notes:** Tsunami are specifically excluded.



## 5.0 Application requirements

Development category	Application requirements	Additional information
All development on flood prone land	A Statement of Environmental Effects and/or layout plans submitted to support a development application (DA) shall include wording and where relevant, calculations, demonstrating that the controls of this section of DCP 2023 have been addressed.	<p>All development on flood prone land shall be designed in accordance with the flood controls in LEP 2012.</p> <p>The (NSW) Department of Planning and Environment's <i>Flood risk management manual: the policy and manual for the management of flood liable land (2023)</i> is available from the NSW Government website.</p> <p>More information about floodplain risk management in the Newcastle LGA can be found on CN's website.</p> <p>A Flood Information Certificate application form can be obtained from <a href="http://www.newcastle.nsw.gov.au">www.newcastle.nsw.gov.au</a> or the Customer Contact Centre, 12 Stewart Avenue, Newcastle West NSW 2302.</p>

## 6.0 Floodways

<b>Objectives</b>	
1. Retain floodways in a condition capable for the conveyance of essential flood flow.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.No building or structure can be built, and no land can be filled with any materials in areas identified as floodways, except for small changes to ground levels that do not significantly change the flow patterns for: <ul style="list-style-type: none"> <li>a. roads</li> <li>b. parking</li> <li>c. below ground structures</li> <li>d. landscaping</li> </ul>	<p>Fill is identified in LEP 2012.</p> <p>Floodways are shown on a flood information certificate obtainable on application from CN. 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.</p>
C-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 is designed to avoid fences in floodways.	

## 7.0 Flood storage areas

<b>Objectives</b>	
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.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-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.  Where a development is proposing to build over more than 20% of the site area, the portion of the structure being suspended is to have a floor level at the FPL as a minimum. As part of the structure's design, it must allow water to flow freely into and out of the underfloor area and must not be restricted by solid cladding or similar around the perimeter of the structure below the floor level.	Flood storage areas are identified on the flood information certificate.
C-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.	

## 8.0 Management of risk to property

<b>Objectives</b>	
1. Manage risks to property up to an acceptable level of risk (the FPL).	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Floor levels of all occupiable rooms of all buildings are not set lower than the FPL.	These controls limit the risk of inundation relative to the FPL. The FPL is the water surface level of the relevant 'planning flood' plus a freeboard. Compliance with the FPL does not guarantee that flooding will not affect work carried out in accordance with Risk to Property Development Controls: In most cases, the FPL 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% 2050 AEP event, where this level is known.
C-2. Garage floor levels are no lower than the 1% 2050 AEP 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.	
C-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 controls for risk to life set out below.	
C-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.	

C-5. Swimming pools are to be located to ensure they are not inundated from minor flooding events. Electrical connections and fixtures around swimming pools are to be sited at the FPL.	
C-6. Where parts of the building are proposed below the FPL, they are constructed of water-resistant materials.	
C-7. Areas where cars, vans and trailers are parked, displayed or stored are only located in areas subject to property hazard of P1. Containers, bins, hoppers and other large floatable objects are not to be stored in these areas. Heavy vehicle parking areas can only be located in locations subject to P1 or P2 categories.	
C-8. Timber framed, light steel construction, cavity brickwork and other conventional domestic building materials are generally suitable forms of construction where the property hazard is P1 to P4.	
C-9. Property hazard of P5 is generally unsuitable for 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.	
C-10. Property hazard of P6 is unsuitable for any type of building construction	

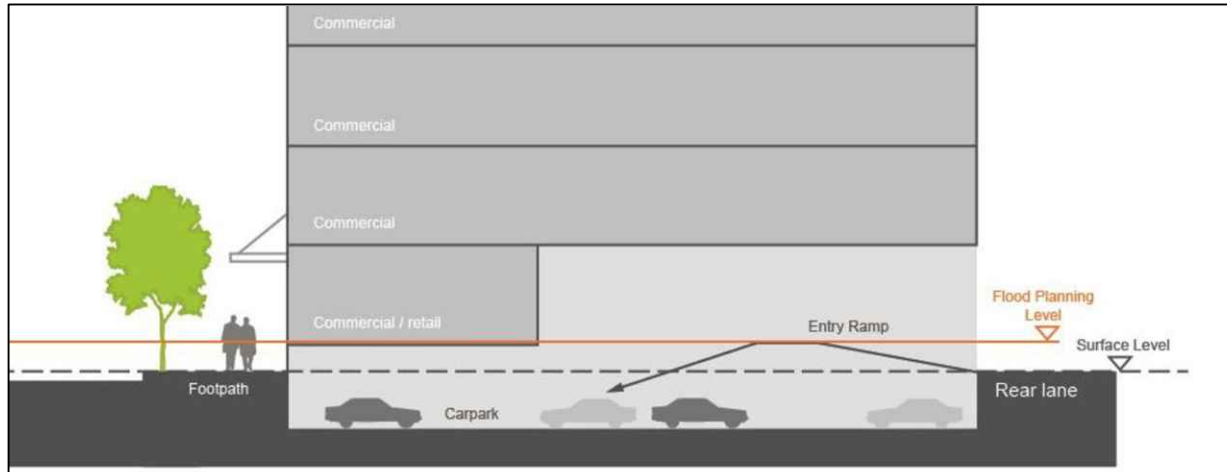
## 9.0 Management of risk to life

<b>Objectives</b>	
1. Only permit development or redevelopment where the full potential risk to life from flooding can be managed for all floods up to and including the PMF.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Risk to life category L5 is generally unsuitable for 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.	
C-2. Risk to life category of L6 is unsuitable for any type of building construction	
C-3. Islands 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.	

<p>C-4. On-site refuge</p> <p>On-site refuge is to be provided for all development where the risk to life category is L3 or higher unless:</p> <ul style="list-style-type: none"> <li>a. the proposed development is less than 40m from the perimeter of the PMF extent and the higher ground is accessible, or</li> <li>b. the proposed use is defined as commercial premises or industry in which case onsite refuge is only required where the hazard category is L4 or higher.</li> </ul>	<p>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 (e.g., 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.</p>
<p>C-5. Standards for on-site refuge</p> <p>Where on-site refuge is required for a development, it should comply with the following minimum standards:</p> <ul style="list-style-type: none"> <li>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</li> <li>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).</li> </ul>	<p>In most cases, the potential risk to life categories are detailed on the flood information certificate for the relevant property.</p>

C-6. Emergency egress procedure for basements

A plan is developed detailing emergency egress procedures during a flood, as well as any refuge areas in reasonable proximity of the development. The plan is to be positioned in the basement car park in an easily recognisable location/s. Refer to **Figure B1(b).03**.



**Figure B1(b).03: Basement ramp design to minimise inundation**

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## **PART B: Site planning controls**

### **Section B2 Bush fire protection**

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## 1.0 Introduction

Bush fire prone land is an area of land that can support a bush fire or is likely to be subject to bush fire attack. The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires councils to map bush fire prone land within their local government area (LGA).

The bush fire prone land map for Newcastle local LGA has been prepared using the NSW Rural Fire Service's (NSW RFS) '[Guideline for Bush Fire Prone Land Mapping](#)'.

Mapping of bush fire prone land provides a trigger for assessment of development.

Development on land that has been mapped as bush fire prone land must meet requirements of NSW RFS '[Planning for Bush Fire Protection, 2019](#)' (as amended). NSW RFS *Planning for Bush Fire Protection, 2019* requires certain protective measures in order to make a building less susceptible to damage or destruction from bush fire.

## 2.0 Application

This section applies to all development, including subdivision, on bush fire prone land.

## 3.0 Objectives

1. Ensure risks associated with bush fire, including projected increase in the occurrence and severity of hazards as a result of climate change, are appropriately and successfully managed through effective and innovative design.
2. Preserve the ecological values of the site/subject land and adjoining lands.

## 4.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), unless otherwise defined. Other words and expressions include:

- **Asset Protection Zone (APZ)** – has the same meaning as is defined in *Planning for Bush Fire Protection*, NSW RFS 2019. The term is defined as a fuel-reduced area surrounding a built asset or structure which provides a buffer zone between a bush fire hazard and an asset. The APZ includes a defendable space within which firefighting operations can be carried out. The size of the required APZ varies with slope, vegetation and Forest Fire Danger Index.
- **Bush fire prone land** – has the same meaning as in the EP&A Act, where 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 10.3 (2) of the EP&A Act.

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, Category 3 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 NSW RFS *Guideline Bush Fire Prone Land Mapping, 2015* 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 LGA are available for viewing on City of Newcastle's web site or at its Customer Enquiry Centre.

- **Bush fire protection measures** – (as defined by Planning for Bush Fire Protection, NSW RFS 2019) A range of measures used to minimise the risk from a bush fire that need to be complied with. Bushfire protection measures include APZ, construction provisions, suitable access, water and utility services, emergency management and landscaping.
- **Category 1 vegetation** – appears as red 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 Vegetation 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 light orange on the Bush Fire Prone Land Map and represents grasslands, scrublands, rainforests, open woodlands and mallee. The land within 30m of Category 2 vegetation (i.e., as indicated by the Vegetation Buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.
- **Category 3 vegetation** – appears as yellow on the Bush Fire Prone Land Map and represents grasslands, freshwater wetlands, semi-arid woodlands, alpine complex and arid shrublands. The land within 30m of Category 3 vegetation (i.e., as indicated by the Vegetation Buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.
- **Residential infill development** – refers to the development of land by the erection of, alteration or addition to, a dwelling which does not require the spatial extension of services including public roads, electricity, water or sewerage and is within an existing lot.
- **Special fire protection purpose development** – is one which is occupied by people who are considered to be at risk members of the community. In a bush fire event, these occupants may be more susceptible to the impacts of bush fire. Evacuating at risk members of the community is more challenging because they may be physically or psychologically less able to relocate themselves or are unfamiliar with their surroundings.



## 5.0 Application requirements

Development category	Application requirements	Explanatory notes
All development (except single dwellings and ancillary development) on, or subdivision of, land identified as being bush fire prone land.	Submit a bush fire assessment report completed by a suitably qualified consultant who has been accredited by a recognised accreditation scheme: <ol style="list-style-type: none"> <li>a. establishes the requirements for construction under the <i>Australian Standard AS 3959:2018 – Construction of buildings in bush-fire prone areas</i> (as amended or replaced)</li> <li>b. demonstrates compliance with the requirements of the NSW RFS publication: <i>Planning for Bush Fire Protection (2019)</i> (as amended or replaced).</li> </ol>	<p>A bush fire assessment report is required regardless of the extent to which the hazard projects into the property, even if only partially.</p> <p>The NSW RFS requirements can be met if evidence is provided that demonstrates the proposed development conforms to the specifications and requirements of <i>Planning for Bush Fire Protection (2019)</i> (as amended or replaced); or</p> <p>For more complex applications or performance-based solutions (as defined in <i>Planning for Bush Fire Protection (2019)</i>), a recognised consultant should be engaged to prepare a bush fire assessment report and Bush Fire Management Plan. Search <a href="http://www.fpaa.com.au/bpad">http://www.fpaa.com.au/bpad</a> for a list of Accredited Practitioners.</p> <p>The NSW RFS provides a pre-development application advice service for proponents of development to seek information and obtain clarity about the NSW RFS position on a proposal before a formal DA is lodged with the consent RFS website.</p>
Single dwellings and ancillary development	Submit a bush fire assessment report by a suitably qualified person.	The NSW RFS has various tools and publications such as the ' <a href="#">Single Dwelling Application Kit</a> ' that facilitate the bush fire assessment of low-density residential development.
Development that proposes fire trails and/or APZs.	Where development proposes fire trails and/or APZs, the fire trail and APZ spatial data, including associated metadata that references the relevant assessments and management plans are provided in a format as requested.	

## 6.0 General requirements

<b>Objectives</b> 1. Ensure the protection of life and property from bush fire. 2. Manage the risks associated with bush fire prone land. 3. Enhance community resilience to bush fire attack.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<u>The following controls apply for all development, including subdivision</u>	
C-1.All development on, or subdivision of, land identified as being bush fire prone land must provide a bush fire assessment report, as per the application requirements.	
C-2.Bush fire protection measures, including an APZ and fuel management zones, are placed wholly within the development site– not through the clearing, adjustment or management of vegetation on adjacent land or public land.	
C-3.An APZ is located outside of areas of environmental significance, including: <ul style="list-style-type: none"> <li>a. a key habitat such as threatened species and populations and threatened ecological communities</li> <li>b. vegetated riparian zones</li> <li>c. other vegetation to be retained or protected due to environmental constraints.</li> </ul>	
<u>Additional controls apply to subdivision</u>	
C-4.Fire trails, if required, are not accepted on existing Council owned land.	An APZ imposed by a development consent condition must be maintained for the lifetime of the development, unless modified by a subsequent consent.
C-5.In any instance where the NSW RFS requires an APZ or fire trails to be the subject of an easement, restriction, or covenant registered against the title of existing or future lots pursuant to section 88 of the Conveyancing Act 1919, Council is not to be identified as a Prescribed Body having benefit of such an easement, restriction, or covenant. However, Council shall be noted as a party whose consent is needed to release, vary or modify the easement, restriction, or covenant.	
C-6.Applications for subdivision that are proposed to be constructed in stages should demonstrate how effective bush fire protection measures can be temporarily established, maintained and then released when future stages are completed, and those temporary measures are made redundant. A temporary APZ should not conflict with the environmental protection criteria set out in the controls above.	

<p><u>The following controls apply for Integrated Development</u></p>	
<p>C-7. The bush fire assessment report outlines the proposed development's consistency with the NSW RFS guidelines <i>Planning for Bush Fire Protection (2019)</i> (as amended or replaced) and <i>Australian Standard AS3959:2018 – Construction of buildings in bush-fire prone areas</i> (as amended or replaced), and any other relevant documents that have been adopted by NSW RFS.</p>	<p>The following types of development are considered Integrated Development under s4.46 of the EP&amp;A Act and require a Bush Fire Safety Authority from the NSW RFS under s100B of the <i>Rural Fires Act 1997</i>:</p> <ul style="list-style-type: none"> <li>• subdivision of land that could be used for residential or rural residential purposes</li> <li>• development of bush fire prone land for a Special Fire Protection Purpose (including but not limited to educational establishments, tourist and visitor accommodation, seniors housing or group home).</li> </ul> <p>Search <a href="http://www.fpaa.com.au/bpad">http://www.fpaa.com.au/bpad</a> for a list of Accredited Practitioners.</p> <p>Where the NSW RFS refuses to grant a Bush Fire Safety Authority, Council cannot approve the Integrated development application.</p>
<p>C-8.All Integrated development applications on bush fire prone land will be referred to the RFS Headquarters for appropriate review and determination as to whether a Bush Fire Safety Authority will be authorised.</p>	

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## **PART B: Site planning controls**

### **Section B3 Mine subsidence**

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## 1.0 Introduction

Mine subsidence is the movement of the ground that can occur after underground mining. Parts of the local government area have been subject to underground coal mine workings or are located within the zone of influence to old mine workings.

Mine Subsidence Districts (districts) are proclaimed in areas where there are potential subsidence risks from active or non-active underground coal mining. A district is a land zoning tool administered by Subsidence Advisory NSW under the *Coal Mine Subsidence Compensation Act 2017*. Subsidence Advisory NSW regulates building and subdivision works within districts to ensure new homes, buildings and structures are built to an appropriate standard that reduces the risk of damage should subsidence occur.

Mine subsidence must be considered in the preliminary design of all development and approval from Subsidence Advisory NSW is sought prior to the lodgement of development applications (DA).

**Note:** Applicants can contact Subsidence Advisory NSW or City of Newcastle to find out if a site is located within a proclaimed mine subsidence district. The [NSW ePlanning Spatial Viewer](#) can also be used to check if a site is located within a declared mine subsidence district. Search for the property by using the address or Lot and DP. The 'Mine Subsidence Development' heading in the 'Search Results' heading on the right of the map will show which [Subsidence Advisory NSW Development Guideline](#) applies to development on the site.

## 2.0 Application

This section applies to all development consisting of a new building or structure, extension or structural alteration, or subdivision located on land within a proclaimed mine subsidence district subject to the *Coal Mine Subsidence Compensation Act 2017* (as amended or replaced).

**Note:** Certain minor construction works do not require approval from Subsidence Advisory NSW and are covered under the following exempt development list at: [nsw.gov.au/subsidence-advisory/exempt-developments](https://nsw.gov.au/subsidence-advisory/exempt-developments)

## 3.0 Objectives

1. Ensure that development proposed within a declared mine subsidence district is appropriately designed to reduce the risk of damage should mine subsidence occur.

## 4.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), unless otherwise defined. Other words and expressions include:

- **Subsidence** - is 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

## 5.0 Application requirements

Development category	Application requirements	Explanatory notes
All development, or subdivision on land identified as being within a Mine Subsidence District require assessment from Subsidence Advisory NSW prior to approval.	Endorsed plans stamped by Subsidence Advisory NSW are to be submitted with the DA.	This is applicable for development proposed within mine subsidence districts where special consideration of the likely subsidence issues is required prior to approval or where Subsidence Advisory NSW requires plans to be submitted.

## 6.0 General requirements

Objectives		
1. Minimise the risk of potential mine subsidence damage.		
Controls (C)	Acceptable solutions (AS)	Explanatory notes
C-1.All development proposed within a declared mine subsidence district is designed to mitigate the risks of potential mine subsidence.	AS-1.Development is designed in accordance with relevant <a href="#">development guidelines</a> from Subsidence Advisory NSW. Documentation must include appropriate notes and detail to confirm compliance with the guidelines.	<p>Subsidence Advisory NSW has set Development Guidelines to help landowners building within a mine subsidence district. The guidelines set out the requirements for building on a property based on potential subsidence risks.</p> <p>The guidelines can be different in districts and include requirements related to the nature and class of any development on a property, the size, height and location of new structures, and the use of certain building materials and construction methods.</p> <p>Copies of the Development Guidelines can be accessed from the Subsidence Advisory NSW website: <a href="https://www.nsw.gov.au/subsidence-advisory">https://www.nsw.gov.au/subsidence-advisory</a></p> <p>Proposals that are inconsistent with the Development Guidelines will require a merit assessment by Subsidence Advisory NSW.</p>

## **PART B: Site planning controls**

### **Section B4 Aboriginal cultural heritage**

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## 1.0 Introduction

Engaging with Aboriginal culture and heritage is more than physical objects and places of significance. It requires a better understanding of and connection with Country, including narratives and the relationship between places.

We live, work, and play on unceded lands and have a responsibility to respect and care for Country. As a result, our cultural landscapes should be managed and constructed to reflect their uniqueness. When designing and building on Country we need to consider the spiritual and cultural aspects of a living environment where tangible and intangible intersect with past, present, and future. To meet the current sustainability challenges and be better caretakers of our environment, architects, designers, and construction managers need to become familiar with Indigenous ways of knowing, being, seeing, and doing. This is done by acknowledging Country as the author, guide, and reference point for creating design that blends, moulds, and correlates with Australia's cultural landscape. Using best practices, we acknowledge those who walked before us.

Country, for Aboriginal people, relates to the cultural group and land to which they belong, and to their place of origin in cultural, spiritual and literal terms. Country includes the land, and also the waters and skies, the journeys between them and incorporates the tangible and intangible, knowledges and cultural practices, identity and reciprocal relationships, belonging and wellbeing.

Aboriginal cultural heritage consists of objects and places that are of significance to Aboriginal people because of their traditions, observances, lore, customs, beliefs, and history. It may comprise of physical or non-physical elements. There are many sites of special significance to Aboriginal communities, these should be preserved for all people, as a part of our heritage.

Aboriginal objects and places are protected in NSW under the *National Parks and Wildlife Act 1974* (NPW Act), administered by NSW Government. The NPW Act makes it an offence to willingly and knowingly harm or desecrate an Aboriginal object or Aboriginal place without a permit. Harm is defined as destroying, defacing, damaging or moving an object from the land.

## 2.0 Application

This section applies to all development where the proposal involves ground disturbance or excavation (including demolition works).

This section applies to all development where the proposal is referred to the Urban Design Review Panel and:

- a. the development consists of any of the following:
  - i. the erection of a 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 three or more storeys, and
- c. the building concerned contains at least four or more dwellings and/or at least 245m<sup>2</sup> or more gross floor area.

## 3.0 Additional information

### References

- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, April 2010, Department of Environment, Climate Change and Water.
- *Aboriginal Heritage Study: Newcastle Local Government Area*, December 2005, Australian Museum Business Services.
- *Better Placed: Connecting with Country: Good practice guidance on how to respond to Country in the planning, design and delivery of built environment projects in NSW*, 2023. Sydney: Government Architect NSW.
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*, 2013, Australia ICOMOS, A.C.T.
- *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.

## 4.0 Objectives

1. Adopt a precautionary approach to Aboriginal cultural heritage that supports conservation of Aboriginal objects and places of heritage significance to Aboriginal people.
2. Identify and conserve Aboriginal objects and places of heritage significance to Aboriginal people within the local government area (LGA) and ensure it is respected and interpreted within development.
3. Ensure development is designed and planned to care for and connect with Country.

## 5.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), unless otherwise defined. Other words and expressions include:

- **Aboriginal cultural significance** – the living, traditional and historical practices, representations, expressions, beliefs, knowledge, and skills (together with the associated environment, landscape, places, objects, ancestral remains and materials) that Aboriginal people value as part of their cultural heritage and identity.
- **Aboriginal place** – means any place declared by the Minister to be an Aboriginal place under the *NSW National Parks and Wildlife Act 1974*.
- **Compatible use** – a use which respects the heritage significance of a place. Such a use involves no, or minimal, impact on heritage significance.
- **Conservation** – is all of the processes of looking after a place to retain its heritage significance as defined by the Burra Charter including retention or reintroduction of use, retention of associations and meanings, maintenance, preservation, restoration, reconstruction, adaptation, and interpretation.
- **Country** – for Aboriginal peoples, Country relates not only to the cultural group and land to which they belong, it is also their place of origin in cultural, spiritual, and literal terms. Country includes not only the land, waters, and skies, but also incorporates the tangible and intangible knowledge, cultural practices, identity, reciprocal relationships, belonging and wellbeing.
- **Curtilage** – includes the area of land (including land covered by water) surrounding an Aboriginal object or Aboriginal place that contributes to its heritage significance and has the same meaning as in LEP 2012.
- **Declared Aboriginal place** – refer to 'Aboriginal place'.
- **Heritage significance** – also includes "Cultural Significance" and has the same meaning as in LEP 2012. It is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.
- **In the vicinity** – means the surrounding context, environment or setting of a heritage item or archaeological site.
- **Interpretation** – means all the ways of presenting the heritage significance of a place.
- **Place** – is a geographically defined area that may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
- **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.
- **Setting** – the context within which a building or structure is situated in relation to the surroundings.

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For example, buildings, roof scapes, chimneys, valleys, ridges, trees, parks, gardens, view corridors, vantage points and landmarks may contribute to the setting of a building.

- **Use** – the functions of a place, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.
- **View** – means an extensive or long range outlook towards a particular urban aspect or topographical feature of interest.

## 6.0 Application requirements

Development proposals are grouped into categories, which determine the level of information required with a development application. Both sub-sections 6.1 and 6.2 need to be considered; some development proposals will fall under both sub-sections.

### 6.1 Aboriginal due diligence application requirements

Development category	Application requirements	Explanatory notes
<p><b>Category 1:</b> Any proposal that involves ground disturbance or excavation (other than point penetration, eg tent pegs, temporary fences or signs).</p>	<p>1.1 - Submit a copy of the Aboriginal Heritage Information Management System (AHIMS) 'Basic Search' conducted with a buffer of 200m of the development site (pdf version).</p> <p>1.2 - Submit supporting evidence to adequately demonstrate:</p> <ol style="list-style-type: none"> <li>a. the development site (or development footprint) has been substantially disturbed over an equal or greater area and to an equal or greater depth and/or severity than would result from the proposed development or activity</li> <li>b. that there is, consequently, no likelihood of remnant tangible heritage materials.</li> </ol> <p>1.3 - Where the AHIMS basic search does not identify any registered sites or declared Aboriginal places within the area of search, and where prior substantial disturbance is adequately demonstrated, no further information is required to be submitted.</p> <p>1.4 - Where the AHIMS basic search does identify a registered site or a declared Aboriginal place within the area of search, follow the process outlined for Category 2 developments.</p> <p>1.5 - Where the AHIMS basic search does not identify any registered sites or declared Aboriginal places within the area of search, and where prior substantial disturbance cannot be adequately demonstrated, follow the process outlined for Category 4 developments.</p>	<p>The AHIMS is the online register of notified Aboriginal objects and declared Aboriginal places in NSW maintained by the relevant NSW Government authority. You can do your own search of AHIMS to discover if an Aboriginal object has been recorded or an Aboriginal place declared on a parcel of land.</p> <p>Aboriginal sites may exist on a parcel of land in the LGA even though they have not been recorded in AHIMS.</p> <p>The precautionary principle or a conservative approach will be applied when assessing claims of prior substantial disturbance. Documentary evidence to support the claim could include prior site plans/reports, or photographs, or contemporary reports providing an assessment of the degree of disturbance.</p> <p>The NPW Act makes it an offence to willingly and knowingly harm or desecrate an Aboriginal object or Aboriginal place without a permit. Harm is defined to mean destroying, defacing, damaging or moving an object from the land.</p> <p>Standard development consent conditions will alert the developer to NPW Act requirements in the event of an unexpected find.</p> <p>Should any Aboriginal objects be found or disturbed during development works not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area must stop immediately and the relevant NSW Government authority informed in accordance with the NPW Act. Works affecting Aboriginal objects on the site must stop until the relevant authority has been informed and the appropriate approvals are</p>

		in place. Aboriginal objects must be managed in accordance with the NPW Act and severe penalties can be applied to corporations or individuals found to be in breach of it.
<p><b>Category 2:</b> Any proposal involving ground disturbance or excavation (other than point penetration, eg tent pegs, temporary fences or signs) and where the AHIMS 'Basic Search' identifies a registered Aboriginal site or a declared Aboriginal place.</p>	<p>2.1 - Submit a copy of the AHIMS 'Extensive Search' (pdf version).</p> <ul style="list-style-type: none"> <li>a. Submit supporting evidence to adequately demonstrate that the development site (or development footprint) has been substantially disturbed over an equal or greater area and to an equal or greater depth and/or severity than would result from the proposed development or activity</li> <li>b. that there is, consequently, no likelihood of remnant tangible heritage materials.</li> </ul> <p>2.2 - Where the AHIMS extensive search does not identify any registered sites or declared Aboriginal places within the development site, or within the buffer of a declared Aboriginal place or AHIMS listed site, and where prior substantial disturbance is adequately demonstrated, no further information is required to be submitted.</p> <p>2.3 - Where the AHIMS extensive search does identify a registered site or declared Aboriginal place within the development site or within the buffer of a declared Aboriginal place or AHIMS listed site, follow the process outlined for Category 3 developments.</p> <p>2.4 - Where the AHIMS extensive search does not identify any registered sites or declared Aboriginal places within the development site or within the buffer of a declared Aboriginal place or AHIMS listed site, and where prior substantial disturbance cannot be adequately demonstrated, follow the process outlined for Category 4 developments.</p>	<p>Apply a buffer of 100m around a declared Aboriginal place when identifying development proposals in the vicinity of a declared Aboriginal place that warrants assessment.</p> <p>Apply a buffer of 100m around all listed/recorded sites, other than isolated finds where a 50m buffer will apply, when identifying development proposals in the vicinity of registered sites that warrants assessment. Include both destroyed and extant sites.</p>
<p><b>Category 3:</b> Any proposal involving ground disturbance or excavation (other than point penetration, eg tent pegs, temporary fences or signs) and where the AHIMS 'Extensive Search' identifies a registered Aboriginal site or declared Aboriginal place</p>	<p>3.1 - Follow the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECC, 2010) and either submit:</p> <ul style="list-style-type: none"> <li>a. preliminary Aboriginal cultural heritage due diligence investigation – a desktop assessment and visual</li> </ul>	<p>The Aboriginal heritage sensitivity of the development site is to be identified in the documentation prepared in accordance with the due diligence assessment process.</p> <p>To undertake a preliminary site survey, engage an Aboriginal heritage consultant as well as a representative from the</p>

<p>within the development site, or within the buffer of an AHIMS listed site or declared Aboriginal place.</p>	<p>inspection – where either of these indicate there are (or likely to be) Aboriginal objects in the area of the proposed activity, more detailed investigation and impact assessment (AHCAR) will be required (go to 3.1(b)). Where either of these do not indicate there are (or are likely to be) Aboriginal objects in the area of the proposed activity, the report can recommend works proceed with caution without applying for an Aboriginal Heritage Impact Permit (AHIP) under the NPW Act</p> <p>b. an Aboriginal Cultural Heritage Assessment Report (AHCAR) – a detailed investigation and impact assessment in line with the <i>Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW</i> (OEH, 2011) – where after this detailed investigation and impact assessment it is determined that harm will occur to Aboriginal objects or a declared Aboriginal place then an AHIP application under the NPW Act must be made.</p> <p>These documents are to be prepared by a suitably qualified and experienced heritage consultant(s) who specialise(s) in Aboriginal archaeological and cultural heritage assessment.</p>	<p>applicable Local Aboriginal Land Council (LALC) and any registered native title holder / claimant (i.e., as identified in the National Native Title Register).</p> <p>The need to prepare an AHCAR will depend on the findings of the preliminary site survey. If the proposal will harm a known Aboriginal object or Aboriginal place, an Aboriginal Heritage Impact Permit will be required under the NPW Act. This is separate to development consent. It is your responsibility to obtain the permit from the relevant NSW Government authority, separate to the development assessment process.</p> <p>A development consent can't be acted on if the relevant NSW Government authority requires but has not issued a permit. The NPW Act makes it an offence to willingly and knowingly harm or desecrate an Aboriginal object or declared Aboriginal place without a permit. Harm is destroying, defacing, damaging or moving an object from the land.</p>
<p><b>Category 4:</b> Any proposal involving ground disturbance or excavation (other than point penetration, e.g. tent pegs, temporary fences or signs), and where the AHIMS basic search does not identify any registered sites or declared Aboriginal places in the area of search or where the AHIMS extensive search does not identify any registered sites or declared Aboriginal places within the development site, or the buffer of a declared Aboriginal place or AHIMS listed site, and where prior substantial disturbance cannot be adequately demonstrated – where the development site:</p>	<p>4.1 - Submit supporting evidence to confirm whether the development site is within an Environmentally sensitive area, contains mature trees that may be over 150 years old, and is within a landscape sensitive setting.</p> <p>4.2 - Where the site is within an Environmentally sensitive area or contains mature trees that may be over 150 years old, or is within a landscape sensitive setting, follow the process outlined for Category 3 developments.</p> <p>4.3 - Where the site is not within an environmentally sensitive area and does not contain mature trees that may be over 150 years old, and is not within a landscape sensitive setting, no further information is required to be submitted.</p>	<p>The precautionary principle or a conservative approach will be applied when assessing claims of sites that contain mature trees that may be over 150 years old. Such trees may have the potential for Aboriginal scarring, with both living and dead trees considered (including stumps, stags and fallen logs).</p>

<ul style="list-style-type: none"> <li>a. is within an 'Environmentally sensitive area' as defined in Clause 3.3(2) of LEP 2012; or</li> <li>b. contains mature trees that may be over 150 years old; or</li> <li>c. is within a 'landscape sensitive setting':             <ul style="list-style-type: none"> <li>i. within 200m of a waterbody</li> <li>ii. within a sand dune system</li> <li>iii. on a ridge top, ridge line or headland</li> <li>iv. within 200m below or above a cliff face</li> <li>v. within 20m of or in a cave, rock shelter, or a cave mouth.</li> </ul> </li> </ul>		
<p><b>Category 5:</b> Any proposal that does not meet the development threshold for Categories 1 to 4 above.</p>	<p>5.1 - No further information is required to be submitted.</p>	<p>Both sub-sections 6.1 (Aboriginal due diligence application requirements) and 6.2 (Connecting with Country application requirements) need to be considered; development proposals may fall under both sub-sections.</p>

## 6.2 Connecting with Country application requirements

Development category	Application requirements	Explanatory notes
<p><b>Category A:</b> Any proposal that is referred to the Urban Design Review Panel and:</p> <ol style="list-style-type: none"> <li>a. the development consists of any of the following:               <ol style="list-style-type: none"> <li>i. the erection of a building,</li> <li>ii. the substantial redevelopment or the substantial refurbishment of an existing building,</li> <li>iii. the conversion of an existing building, and</li> </ol> </li> <li>b. the building concerned is at least three or more storeys, and</li> <li>c. the building concerned contains at least four or more dwellings and/or at least 245m<sup>2</sup> or more gross floor area.</li> </ol>	<p>1.1 - Development proposals are to be accompanied by a Connecting with Country strategy to ensure the development is designed and planned to care for and connect with Country.</p>	<p>Development proposals referred to the Urban Design Review Panel are to include a Connecting with Country strategy.</p> <p>Connecting with Country strategy identifies design measures for the development to respect and respond (where relevant) to:</p> <ul style="list-style-type: none"> <li>• Identified significant cultural sites, places, views, dual-named landscape features, traditional movement corridors and narratives of Country;</li> <li>• The natural landscape, including topography and native vegetation by providing clear and legible links (within the road network and public domain) between ridgetops, creek lines and coastal waters, and retaining native vegetation clusters and corridors through the siting of buildings; and</li> <li>• Natural systems, including significant tributaries and waterways in the Hunter River catchment by avoiding significant impacts to ecological condition and the function of ecosystems as well as protect and restore native riparian vegetation.</li> </ul> <p>The Aboriginal cultural heritage values of place (natural, aesthetic, historic, scientific, social, and spiritual) are interdependent and overlapping, and have tangible and intangible dimensions. Places have a collective value and should not be considered in isolation. Each place is situated within a wider cultural landscape that are connected to each other in a complex web spanning both time and space.</p> <p>Eight landscape features in the LGA are officially dual-named with their traditional Aboriginal names. The names are based on Aboriginal references to the landmarks documented in maps, sketches and geological descriptions dating back to as early as 1798. They are:</p> <ul style="list-style-type: none"> <li>• Whibayganba (Nobbys Head)</li> <li>• Tahlbihn (Flagstaff Hill / Fort Scratchley)</li> <li>• Burrabihngarn (Pirate Point, Stockton)</li> <li>• Yohaaba (Port Hunter)</li> <li>• Coquun (Hunter River: South Channel)</li> <li>• Khanterin (Shepherds Hill)</li> <li>• Toohrnbing (Ironbark Creek)</li> <li>• Burragihnbihng (Hexham Swamp)</li> </ul> <p>Refer to <i>Better Placed: Connecting with Country: Good practice guidance on how to</i></p>

		<i>respond to Country in the planning, design and delivery of built environment projects in NSW, 2023. Sydney: Government Architect NSW for further information and guidance on how development can be designed and planned to care for and connect with Country.</i>
<b>Category B:</b> Any proposal that does not meet the development threshold for Category A above.	2.1 - No further information is required to be submitted.	Both sub-sections 6.1 (Aboriginal due diligence application requirements) and 6.2 (Connecting with Country application requirements) need to be considered; development proposals may fall under both sub-sections.



## 7.0 General provisions

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Ensure due diligence is followed before carrying out development that may harm Aboriginal objects and Aboriginal places of heritage significance.</li> <li>2. Ensure reasonable steps are taken to consider if Aboriginal cultural heritage may be present and avoid harm to that heritage.</li> <li>3. Ensure development is designed and planned to care for and connect with Country.</li> <li>4. Ensure development provides high-quality cultural interpretation to improve understanding and connection to Country.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.Development avoids or minimises harm to Aboriginal objects or Aboriginal places of heritage significance.	<p>AS-1.Any areas of Aboriginal cultural heritage value in, or adjoining, the proposed development, including areas in the development site (or footprint) are identified and reasonable steps are taken to avoid harm to that heritage.</p> <p>AS-2.Achieves the Application Requirements of Category 1, 2, 3 or 4 above.</p>	<p>Possible uses for sites with identified Aboriginal cultural heritage include passive open space, environmental conservation, and riparian corridors.</p> <p>If the proposal will harm a known Aboriginal object or Aboriginal place, an Aboriginal Heritage Impact Permit (AHIP) is required under the NPW Act. This permit is separate to development consent. It is your responsibility to obtain the permit from the relevant NSW Government authority, separate to the development assessment process.</p> <p>The development consent cannot be acted on if the permit is required and not issued by the relevant State Government authority, as the NPW Act makes it an offence to willingly and knowingly harm or desecrate an Aboriginal object or declared Aboriginal place without a permit. Harm is defined to mean destroying, defacing, damaging or moving an object from the land.</p>
C-2.Development retains, conserves and does not detract from the features and cultural values of the Aboriginal object or declared Aboriginal place.	<p>AS-1.Development is appropriately sited to ensure the curtilage and setting of the Aboriginal object or declared Aboriginal place is retained and conserved.</p> <p>AS-2.Achieves the Application Requirements of Category 1, 2, 3 or 4 above.</p>	
C-3.Development is compatible with the Aboriginal cultural significance of the place.	<p>AS-1.Development avoids land containing high Aboriginal heritage sensitivity.</p> <p>AS-2.Achieves the Application Requirements of Category 1, 2, 3 or 4 above.</p>	The Aboriginal heritage sensitivity of the development site is to be identified in the documentation prepared in accordance with the due diligence assessment process.

<p>C-4. Development adjoining, or adjacent to, an Aboriginal object or Aboriginal place should have no impact on that object or place.</p>	<p>AS-1. Achieves the Application Requirements of Category 1, 2, 3 or 4 above.</p>	<p>Apply a buffer of 100m around a declared Aboriginal place when identifying development proposals within the vicinity of a declared Aboriginal place that warrants assessment.</p> <p>Apply a buffer of 100m around all listed/recorded sites, other than isolated finds where a 50m buffer will apply, when identifying development proposals within the vicinity of registered sites that warrant assessment. Include both destroyed and extant sites.</p>
<p>C-5. Development is designed to care for and connect with Country.</p>	<p>AS-1. Development is appropriately designed and sited to ensure the scenic and cultural heritage connections and values of native vegetation clusters, waterways, coastal waters, riparian lands and ridgelines are preserved and/or restored.</p> <p>AS-2. The design and planning of Category A development proposals are underpinned by and include a Connecting with Country strategy ensuring long-term conservation and restoration (where relevant) outcomes for Country.</p> <p>AS-3. Achieves the Application Requirements of Category A above.</p>	<p>Development proposals referred to the Urban Design Review Panel are to include a Connecting with Country strategy that identifies development design measures that respect and respond (where relevant) to:</p> <ul style="list-style-type: none"> <li>• identified significant cultural sites, places, views, dual-named landscape features, traditional movement corridors and narratives of Country</li> <li>• the natural landscape, including topography and native vegetation by providing clear and legible links (within the road network and public domain) between ridgetops, creek lines and coastal waters, and retaining native vegetation clusters and corridors through the siting of buildings</li> <li>• natural systems, including significant tributaries and waterways in the Hunter River catchment by avoiding significant impacts to ecological condition and the function of ecosystems as well as protect and restore native riparian vegetation</li> </ul> <p>The Aboriginal cultural heritage values of place (natural, aesthetic, historic, scientific, social, and spiritual) are interdependent and overlapping, and have tangible and intangible dimensions. Places have a collective value and should not be considered in isolation. Each place is situated within a wider cultural landscape that are connected to each other in a complex web spanning both time and space.</p> <p>Eight landscape features in the LGA are officially dual-named with their traditional Aboriginal names. The names are based on Aboriginal references to the landmarks documented in maps, sketches and geological descriptions dating back to as early as 1798. They are:</p> <ul style="list-style-type: none"> <li>• Whibayganba (Nobbys Head)</li> <li>• Tahlbihn (Flagstaff Hill / Fort Scratchley)</li> <li>• Burrabihngarn (Pirate Point, Stockton)</li> <li>• Yohaaba (Port Hunter)</li> <li>• Coquun (Hunter River: South Channel)</li> <li>• Khanterin (Shepherds Hill)</li> <li>• Toohrnbing (Ironbark Creek)</li> <li>• Burragihnbihng (Hexham Swamp)</li> </ul> <p>Refer to <i>Better Placed: Connecting with Country: Good practice guidance on how to respond to Country in the planning, design and delivery of built environment projects in NSW, 2023</i>. See <i>Sydney: Government Architect NSW</i> for further information and guidance on how development can be designed and planned to care for and connect with Country.</p>

<p>C-6.Development provides high quality Aboriginal cultural heritage interpretation at the site to improve understanding and sense of place within the community.</p>	<p>AS-1.Development provides high quality Aboriginal cultural heritage interpretation at the site, appropriate for the level of heritage significance to improve understanding and connection to Country.</p>	<p>Cultural heritage interpretation may include heritage or cultural values interpretation, artwork, signage, public access, guided walks, electronic media, architectural design and built form etc. Any interpretation or signage is to be delivered in consultation with relevant local Aboriginal stakeholders, considering the sensitivity of Aboriginal cultural heritage, knowledge, and values.</p>
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## **PART B: Site planning controls**

### **Section B5 Historical archaeology**

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## 1.0 Introduction

Archaeology seeks to explain the past through the physical evidence studies. Many aspects of societies, environments, cultures and place, from various times in human history are studied, using excavated evidence, objects and other material. Historical archaeology deals with the archaeology of areas with written records as well as surviving archaeological evidence. Used together historical and archaeological evidence reveal a more complete understanding of the past.

The archaeological resource of the Newcastle city centre dates from the earliest period of European settlement in Australia. Newcastle is the third oldest colonial settlement after Sydney and Parramatta. Its archaeological resources yield information not only about Newcastle but potentially about the early colony and the experience of settler-colonial and convict life that could contribute to knowledge about life in colonial Australia and how it was governed and administered, including encounters with the local Aboriginal population.

The *Newcastle Archaeological Management Strategy 2015* found while Sydney, Hobart, and Brisbane, and some small centres such as Port Macquarie, were established as penal colonies, the level of archaeological survival was found to be lower than the survival of that for Newcastle. The *Newcastle Archaeological Management Plan 1997* (NAMP) determined that, due to the low rates of site amalgamation and redevelopment and few buildings with basements, the potential for remains to survive was much higher than other cities of similar age and origin. As such, the Newcastle city centre's archaeological resource was found to have potentially outstanding significance.

Relics and archaeological sites are legally protected in NSW. There are many sites of archaeological significance some of which are listed in the heritage schedule of *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)).

The *Heritage Act 1977* (the Act), administered by NSW State Government is the primary legislation for managing and conserving archaeological sites or relics. The Act makes it an offence to disturb or excavate land which will or is likely to discover, expose, move, damage or destroy a relic unless the disturbance or excavation is carried out in accordance with an excavation permit or otherwise complies with a relevant excavation permit exception under the Act.

## 2.0 Application

This section applies to all development where the proposal involves ground disturbance or excavation (including demolition works).

## 3.0 Additional information

### Associated Technical Manuals

- *Newcastle Archaeological Management Plan*, 1997, City of Newcastle.
- *Newcastle Archaeological Management Plan Review*, 2013, City of Newcastle.
- *Technical Manual Heritage*, City of Newcastle.

### References

- *Archaeological Assessments: Archaeological Assessment Guidelines*, 1996, Heritage Office, Department of Urban Affairs and Planning.
- *Assessing Significance for Historical Archaeological Sites and 'Relics'*, 2009, Heritage Branch of the Department of Planning.
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*, 2013, Australia ICOMOS, A.C.T.
- *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.
- *Relics of local heritage significance: A guide for minor works with limited impact*, 2022, Department of Planning, Industry and Environment.

- *Relics of local heritage significance: A guide for archaeological monitoring*, 2022, Department of Planning, Industry and Environment.
- *Relics of local heritage significance: A guide for archaeological test excavation*, 2022, Department of Planning, Industry and Environment.
- *Revealing the Past: An Introduction to Historical Archaeology*, 2004, NSW Heritage Branch.

## 4.0 Objectives

1. Ensure the archaeological potential of sites is identified and considered during the development assessment process.
2. Protect and preserve relics and archaeological sites of local, State, and potential National heritage significance.
3. Ensure archaeological sites are protected and retained in situ as much as possible, and their significance is interpreted and highlighted within the development.

## 5.0 Definitions

A word or expression used has the same meaning as in [LEP 2012](#), unless otherwise defined. Other words and expressions include:

- **Archaeological assessment** – is a report prepared by a qualified archaeologist that conforms to the current reporting requirements of the NSW Office of Environment and Heritage.
- **Archaeological site** – is a site identified in the *Newcastle Archaeological Management Plan 1997* or the *Newcastle Archaeological Management Plan Review 2013*; or a site listed as an archaeological site in the [LEP 2012](#); 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 [LEP 2012](#).
- **Burra Charter** – is the publication Australia ICOMOS the Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance.
- **Conservation** – is all of the processes of looking after a place to retain its heritage significance as defined by the Burra Charter including retention or reintroduction of use, retention of associations and meanings, maintenance, preservation, restoration, reconstruction, adaptation, and interpretation.
- **Form** – the overall shape and volume of the building and the arrangement of its parts.
- **Heritage buildings, places, sites and elements** – are assessed to have natural or cultural heritage value and can include heritage items (including landscape and archaeological items, and building elements), and buildings, works, relics, gardens, trees and sites within heritage conservation areas, heritage landscapes and streetscapes.
- **In the vicinity** – means the surrounding context, environment or setting of a heritage item or archaeological site.
- **Interpretation** – means all the ways of presenting the heritage significance of a place.
- **Place** – is a geographically defined area that may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
- **Potential archaeological site** – is a place or site suspected of having a relic or relics present.
- **Preliminary archaeological assessment** – means a report that investigates the archaeological potential and levels of significance of land prior to determination of development consent.
- **Use** – the functions of a place, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

## 6.0 Application requirements

Development proposals are grouped into three categories, which determine the level of information required with a development application.

Development category	Application requirements	Explanatory notes
<p><b>Category 1:</b> Any proposal involving ground disturbance or excavation (including demolition works) and where the development site is not within the NAMP study area and is not identified as an archaeological site or potential archaeological site by Schedule 5 of LEP 2012.</p>	<p>1.1 - No further information is required to be submitted.</p>	<p>The NAMP study area relates to the inner area of the Newcastle local government area (LGA). The NAMP consists of the <i>Newcastle Archaeological Management Plan 1997</i> and the <i>Newcastle Archaeological Management Plan Review 2013</i>.</p> <p>Standard conditions alerting the developer to the legislative requirements under the <i>Heritage Act 1977</i> in the event of an unexpected find will be included in the development consent.</p> <p>If any historical archaeological relic or site is found or disturbed during any development works which are not identified and considered in the application, all work must cease immediately in the affected area(s), and permission sought from the relevant state government authority under the <i>Heritage Act 1977</i>, before any work can continue in the affected area(s). Severe penalties can be applied to corporations or individuals who are found to be in breach of the <i>Heritage Act 1977</i>.</p> <p>Under the <i>Heritage Act 1977</i>, a 'relic' means any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or local heritage significance.</p>
<p><b>Category 2:</b> Any proposal involving ground disturbance or excavation (including demolition works) and where the development site is in the NAMP study area and is not identified as an archaeological site or potential archaeological site by the NAMP or Schedule 5 of LEP 2012.</p>	<p>2.1 - No further information is required to be submitted.</p>	<p>Refer to above explanatory note for Category 1.</p>

<p><b>Category 3:</b> Any proposal that involves ground disturbance or excavation (including demolition works) and where the development site is identified as an archaeological site or potential archaeological site by the NAMP or Schedule 5 in LEP 2012.</p>	<p>3.1 - Submit a Preliminary Archaeological Assessment Report. The report should identify whether archaeological remains and deposits may survive on a site and indicate whether physical investigation and conservation of those remains may be warranted.</p> <p>3.2 - The Preliminary Archaeological Assessment Report should be prepared by suitably qualified and experienced archaeological consultant(s) and conform with Office of Environment and Heritage (OEH) codes of practice and guidelines and the principles and processes of the Burra Charter.</p>	<p>To ensure that you are managing relics well, it is necessary to have a basic understanding of the nature of the site, the likelihood that it contains relics and if so, what the impacts of a proposal would be.</p> <p>A Preliminary Archaeological Assessment Report is an initial assessment, not intended to provide comprehensive data but to identify appropriate management actions, including the need for further investigation and assessment.</p> <p>The level of research or investigation required for a Preliminary Archaeological Assessment Report will vary but may include:</p> <ul style="list-style-type: none"> <li>• a review of available historical information</li> <li>• some historical research</li> <li>• the identification of historical themes</li> <li>• a field survey / site inspection</li> <li>• preliminary conclusions about archaeological potential</li> <li>• preliminary significance assessment</li> <li>• an analysis of client needs and objectives</li> <li>• management recommendations including recommendations for further work.</li> </ul> <p>The required detail in the Preliminary Archaeological Assessment Report should reflect the scale and complexity of the proposal, the proposed extent and depth of ground excavations and the likelihood for extant archaeological remains and deposits to have survived past development and activity.</p> <p><u>Examples of minor site disturbance</u></p> <ol style="list-style-type: none"> <li>1. Excavation proposed by the development may be limited to a few shallow footings located in imported fill material with archaeological remains and deposits located at a sufficient depth in the natural ground level below the proposed works so as not to be disturbed by the proposed development</li> <li>2. The archaeological remains and deposits at the site may have been unambiguously and totally or grossly disturbed by the recent development of an extensive basement level car park. In such circumstances it may be sufficient for a brief one or two page Preliminary Archaeological Assessment Report.</li> </ol> <p>If the proposal will or is likely to discover, expose, move, damage or destroy a relic, an excavation permit or supporting information to demonstrate compliance with a relevant exception will be required under the <i>Heritage Act 1977</i>. These excavation permit and excavation permit exceptions are separate to a development consent. It is your responsibility to seek the necessary excavation permit approval from the relevant state government authority or self-assess an excavation permit exception under the <i>Heritage Act 1977</i>, separate to the development assessment process.</p>
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## 7.0 General provisions

<b>Objectives</b>		
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 inner area of Newcastle. 3. Ensure that high quality archaeological interpretation is an outcome of development activity.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.Archaeological sites are conserved, and significant archaeological remains are protected.	AS-1.Development located in the inner area of Newcastle LGA is designed to consider the findings of the NAMP.  AS-2.Relevant legislation requirements and OEH Codes of Practice and guidelines have been appropriately applied to the design of the development and supporting documentation.	An understanding is required of what impact the proposed works are likely to have on the identified heritage significance of the place and its relics.  The NAMP identifies areas of European/Non-Indigenous/historical occupation from the Colonial and later periods where high concentrations of potential archaeological remains are likely to be found. It provides a high level of assessment and management advice for the future development of sites that contain significant historical archaeological remains and deposits.
C-2.Protection of potential archaeological sites and conservation of any relics is considered.		
C-3.Development is based on an understanding of the heritage significance of the archaeological site and conservation of its relics.		
C-4.Conservation of an archaeological site incorporates heritage interpretation at the site to improve understanding and sense of place within the community.	AS-1.Development provides high quality archaeological heritage interpretation at the site, appropriate for the level of heritage significance.	Interpretation of the site may include the use of historic artefacts, the in-situ retention of relics, signage, artwork, public access, guided walks, electronic media, architectural design and built form etc.
C-5.Minimise impacts on relics in close proximity to development.	AS-2.Development adjacent to or in the vicinity of a relic is designed to minimise the impact on that relic.	Mitigation measures should be proposed wherever possible to minimise impact such as the redesign or repositioning of the works to avoid relics and ensure they are retained in-situ.

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## **PART B: Site planning controls**

### **Section B6 Urban heat**

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## 1.0 Introduction

Urban heat refers to the higher temperatures experienced in urban areas. Little vegetation or evaporation, and increased impermeable vertical and horizontal surfaces cause urban areas to be warmer than surrounding rural and natural areas. This is further exacerbated in inland areas that can be up to 5% warmer than coastal areas.

Changes in land-use patterns influence micro-climates. This is especially true for the areas where increased horizontal impermeable surfaces such as concrete and asphalt can absorb solar radiation and reduce heat reflectivity. Similarly, increased hard vertical surfaces such as building facades and roofs can reflect heat to surrounds and to the city below. Increased prevalence of air conditioning system outlets on the sides of buildings further increases temperatures and exacerbates UHI micro-climates.

Along with regional climate influences, the degree of micro-climate fluctuation is dependent on a range of factors including green space and urban forest coverage. Green infrastructure can play a key role in mitigating the urban heat island effect to create cooler spaces, reduce demand for electricity, insulate buildings, support water absorption and control air movement. Green infrastructure has myriad benefits for ecosystems, soil, air, and water health, community health and wellbeing, and the economy.

The urban forest comprises trees, shrubs, plants, and other vegetation in the city on public and private land. The urban forest includes vegetation in and along streets, parks, gardens, activity centres, waterways, wetlands, coastal areas, car parks community gardens, and green built fabric such as green walls and roofs. There are other requirements in DCP 2023 relevant to meeting urban heat objectives. These are in relation to landscape areas (including deep soil areas), trees (including tree protection, compensatory trees and requirements for new trees and water sensitive urban design).

The National Construction Code and State policies regulate key aspects of building design.

Homes that adopt passive design minimise their impact on their surrounding environment by reducing energy requirements in heating and cooling and by minimising their contribution to the external environment through excess heat loss/ heat production generated by mechanical cooling systems (the exhaust from an air-conditioner unit).

High passive thermal performance of buildings with reduced reliance on air conditioning to maintain comfortable and safe indoor conditions is the desired outcome for all buildings.

## 2.0 Application

This section applies to all development.

For development involving heritage items or heritage conservation areas identified under *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), a merit assessment will be required to ensure the outcomes sought are balanced with heritage conservation outcomes.

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### 3.0 Related sections

The following sections will also apply to development:

- C3 Vegetation preservation and care
- C4 Stormwater
- C12 Open Space and landscaping

### 4.0 Objectives

1. Design built form, including public and private open spaces, with measures that reduce the impact of high to extreme heat stress days on residents, workers and visitors.
2. Reduce and mitigate the contribution of built development to urban heat, through passive design and nature-based solutions.
3. Mitigate urban heat to facilitate a high level of comfort throughout the year, with improved outcomes on hot days and the summer period.
4. Encourage landscaping and shading that supports urban heat resilience.

### 5.0 Definitions

A word or expression has the same meaning as it has in the [LEP 2012](#), unless otherwise defined. Other words and expressions include:

- **Albedo** - is the fraction of solar radiation reflected from a material's surface.
- **Green infrastructure** – is the network of green spaces including built fabric and urban forest. It supports sustainable communities and is strategically planned, designed and managed to support a good quality of life in the urban environment.
- **Heat rejection unit** – is a mechanical cooling unit or system that rejects excess heat when the cooling unit or system heat load is reached.
- **Hot days** - Defined by the Climate Council as days between 30°C and 35°C.
- **Maximum external solar reflectance** – is the maximum allowable percentage of solar reflectance for the external face of a Reflective Surface. The percentage of solar reflectance is to be measured at a normal angle of incidence.
- **Non-reflective surfaces** – are those surfaces that diffusely reflect light and heat and have surfaces that have specular normal reflection of less than 5%.
- **Reflective surface ratio (RSR)** – is the ratio of reflective to non-reflective external surface on any given facade. Reflective surfaces are those surfaces that directly reflect light and heat and have surfaces that have specular normal reflection of greater than 5% and includes, but is not limited to, glazing, glass faced spandrel panel, some metal finishes and high gloss finishes.  
Note – RSR is to be expressed as a percentage between 1 and 100.
- **Reflective surfaces** – are those surfaces that directly reflect light and heat and have surfaces that have specular normal reflection of greater than 5% and includes glazing, glass faced spandrel panel, some metal finishes and high gloss finishes.
- **Solar access** – is the ability of a building to continue to receive direct sunlight without obstruction from other buildings or impediments, not including trees.

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- **Solar reflectance index (SRI)** – is a composite measure of a materials ability to reflect solar radiation (solar reflectance) and emit heat which has been absorbed by the material. For example, standard black paint has a SRI value of 5 and a standard white paint has a SRI value of 100.
  - **Thermal comfort** - The condition of mind that expresses satisfaction with the thermal environment; i.e. the conditions in which a person feels neither too cold nor too warm.
  - **Urban heat** - A general term that refers to high temperatures in urban areas that pose a risk to our communities and infrastructure.
  - **Urban heat island effect** - is the tendency of cities to be much warmer than their rural counterparts. Urban surfaces such as roads and roofs absorb, hold, and re-radiate heat; raising the temperature in our urban areas. Human activities such as traffic, industry, and electricity usage also generate heat that adds to the urban heat island effect.
  - **Wintergardens** – are balconies that have an additional layer of operable glass, that can be readily enclosed and does not compromise access to daylight.

## 6.0 Application requirements

Development category	Application requirements	Explanatory notes
<p>All development with an estimated development cost over \$1,000,000 within the Newcastle city centre, Wickham, Renewal corridors and Local centres excluding heritage items and contributory buildings in heritage conservation areas, single dwellings, dual occupancies, secondary dwellings and multi-dwelling housing including ancillary development.</p> <p>Refer to 7.0 Cool facades.</p>	<p>A reflectivity modelling report. Further details are provided in <b>sub-section 7.0</b> on cool facades.</p>	<p>A report is required to qualify the extent of reflected solar heat radiation. The modelling is to consider all aspects that influence the amount of solar heat reflected at any point in time particularly from vertical surfaces.</p>
<p>Development with a reflective surface ratio (RSR) &gt;30% on vertical facade of street walls.</p> <p>If no street wall, the first 12 metres of facade as measured from the ground level.</p>	<p>Shadow diagrams as part of a reflectivity modelling report are to be submitted with the development application (DA) quantifying the extent of shading at 10am, 11.30am, 1pm, 2.30pm and 4pm on 21 December for each relevant facade.</p> <p>Where it is demonstrated that the RSR is less than 30%, shadow diagrams for 21 December are not required to be submitted with the DA.</p>	<p>In addition to a reflectively model, shadow diagrams are required to consider reducing impacts of urban heat experienced on high to extreme heat stress days.</p> <p>Additional shadow diagrams may be required to demonstrate existing and proposed overshadowing for June 21 at hourly intervals between 9:00am and 3:00pm. See Part D.</p>

## 7.0 Cool facades within the Newcastle city centre, Wickham, Renewal Corridors and Local Centres

<b>Objectives</b>																
1. Reduce the contribution of development to urban heat reflected from facades in the Newcastle city centre, Wickham, Renewal corridors and Local centres 2. Minimise the reflection of solar heat downward from the building facade into private open space and/or the public domain.																
<b>Controls (C)</b>		<b>Acceptable solutions (AS)</b>		<b>Explanatory notes</b>												
<p>These controls apply to the Newcastle city centre, Wickham, Renewal corridors and Local centres. They do not apply to heritage items and contributory buildings in heritage conservation areas, single dwellings, dual occupancies, secondary dwellings and multi-dwelling housing including ancillary development.</p> <p>C-1.The extent of the vertical facade of street walls or first 12 metres of facade as measured from the ground plane that comprise reflective surfaces must demonstrate a minimum percentage of shading as defined in <b>Table B6.01</b>.</p> <table border="1"> <thead> <tr> <th colspan="4"><b>Table B6.01: Minimum percentage shading for the street wall or first 12 metres of facade as measured from the ground plane of a building</b></th> </tr> <tr> <th><b>Reflective surface ratio (RSR)</b></th> <th><b>&lt;30%</b></th> <th><b>30%-70%</b></th> <th><b>&gt;=70%</b></th> </tr> </thead> <tbody> <tr> <td>Minimum percentage shading (%)</td> <td>0</td> <td>(1.5RSR)-45</td> <td>75</td> </tr> </tbody> </table> <p>C-2.Calculation of RSR for each relevant facade must also be submitted with the DA.</p> <p>C-3.Shadows from existing buildings, structures and vegetation are not considered in the calculations. Refer to <b>Table B6.02</b> for sun angles corresponding to shading reference times.</p> <p>C-4.Non-reflective surfaces on vertical facades are excluded from the calculations.</p>		<b>Table B6.01: Minimum percentage shading for the street wall or first 12 metres of facade as measured from the ground plane of a building</b>				<b>Reflective surface ratio (RSR)</b>	<b>&lt;30%</b>	<b>30%-70%</b>	<b>&gt;=70%</b>	Minimum percentage shading (%)	0	(1.5RSR)-45	75	AS-1.Shading may be provided by: <ol style="list-style-type: none"> <li>external feature shading with non-reflective surfaces reducing solar radiation reaching the facade and amount reflected back away from ground or absorbed converted by air</li> <li>intrinsic features of the building form such as reveals and returns</li> <li>shading from vegetation such as green walls that is consistent with the controls in section 8.0.</li> </ol>		<p>Reflective surfaces - are surfaces that directly reflect light and heat. For the purpose of this section they are defined as those surfaces that have specular normal reflection of greater than 5% and include glazing, glass faced spandrel panel, some metal finishes and high gloss finishes.</p> <p>Minimum percentage shading - Calculations will be on 21 December on the east facing facade at 10am, northeast and southeast facing facade at 11.30am, north facing facade at 1pm, northwest and southwest facing facade at 2.30pm and the west facing face at 4pm (as shown in Figure B6.01).</p> <p>Refer to Section E1 Built and Landscape Heritage.</p>
<b>Table B6.01: Minimum percentage shading for the street wall or first 12 metres of facade as measured from the ground plane of a building</b>																
<b>Reflective surface ratio (RSR)</b>	<b>&lt;30%</b>	<b>30%-70%</b>	<b>&gt;=70%</b>													
Minimum percentage shading (%)	0	(1.5RSR)-45	75													

<b>Table B6.02: Shading sun angles</b>			
Orientation of façade	Time	Sun angles	
East ± 22.5°	10:00 AEDT	Sun elevation: 51° Sun Azimuth: 86°	
Northeast/Southeast ± 22.5°	11:30 AEDT	Sun elevation: 69° Sun Azimuth: 66°	
North ± 22.5°	13:00 AEDT	Sun elevation: 80° Sun Azimuth: 352°	
Northwest/Southwest ± 22.5°	14:30 AEDT	Sun elevation: 67° Sun Azimuth: 290°	
West ± 22.5°	16:00 AEDT	Sun elevation: 48° Sun Azimuth: 272°	

C-5.Where it is demonstrated that shading cannot be achieved in accordance with the above controls, a maximum external solar reflectance as indicated in <b>Table B6.03</b> is acceptable with greater emphasis on cooling of outdoor spaces.				AS-1.Development takes all reasonable steps to reduce external solar reflectance downward from the building facade into private open space and/or the public domain.  AS-2.Exceed landscaped and deep soil area requirements in C12 Open Space and landscaping. This includes retention of established trees and/or planting of large and medium size trees to reduce urban heat.											
<table border="1"> <thead> <tr> <th colspan="4"><b>Table B6.03: Maximum solar reflectance of Reflective Surfaces</b></th> </tr> <tr> <th>Reflective surface ratio (RSR)</th> <th>&lt;30%</th> <th>30%-70%</th> <th>&gt;=70%</th> </tr> </thead> <tbody> <tr> <td>Minimum percentage shading (%)</td> <td>No max.</td> <td>62.5-0.75RSR</td> <td>10</td> </tr> </tbody> </table>					<b>Table B6.03: Maximum solar reflectance of Reflective Surfaces</b>				Reflective surface ratio (RSR)	<30%	30%-70%	>=70%	Minimum percentage shading (%)	No max.	62.5-0.75RSR
<b>Table B6.03: Maximum solar reflectance of Reflective Surfaces</b>															
Reflective surface ratio (RSR)	<30%	30%-70%	>=70%												
Minimum percentage shading (%)	No max.	62.5-0.75RSR	10												
C-6.Where multiple reflective surfaces or convex geometry of reflective surfaces introduce the risk of focusing on solar reflections into public spaces a building must not exceed 1,000W/m <sup>2</sup> in the public domain at any time.				AS-1.A reflectivity modelling report to qualify the extent of reflected solar heat radiation.											



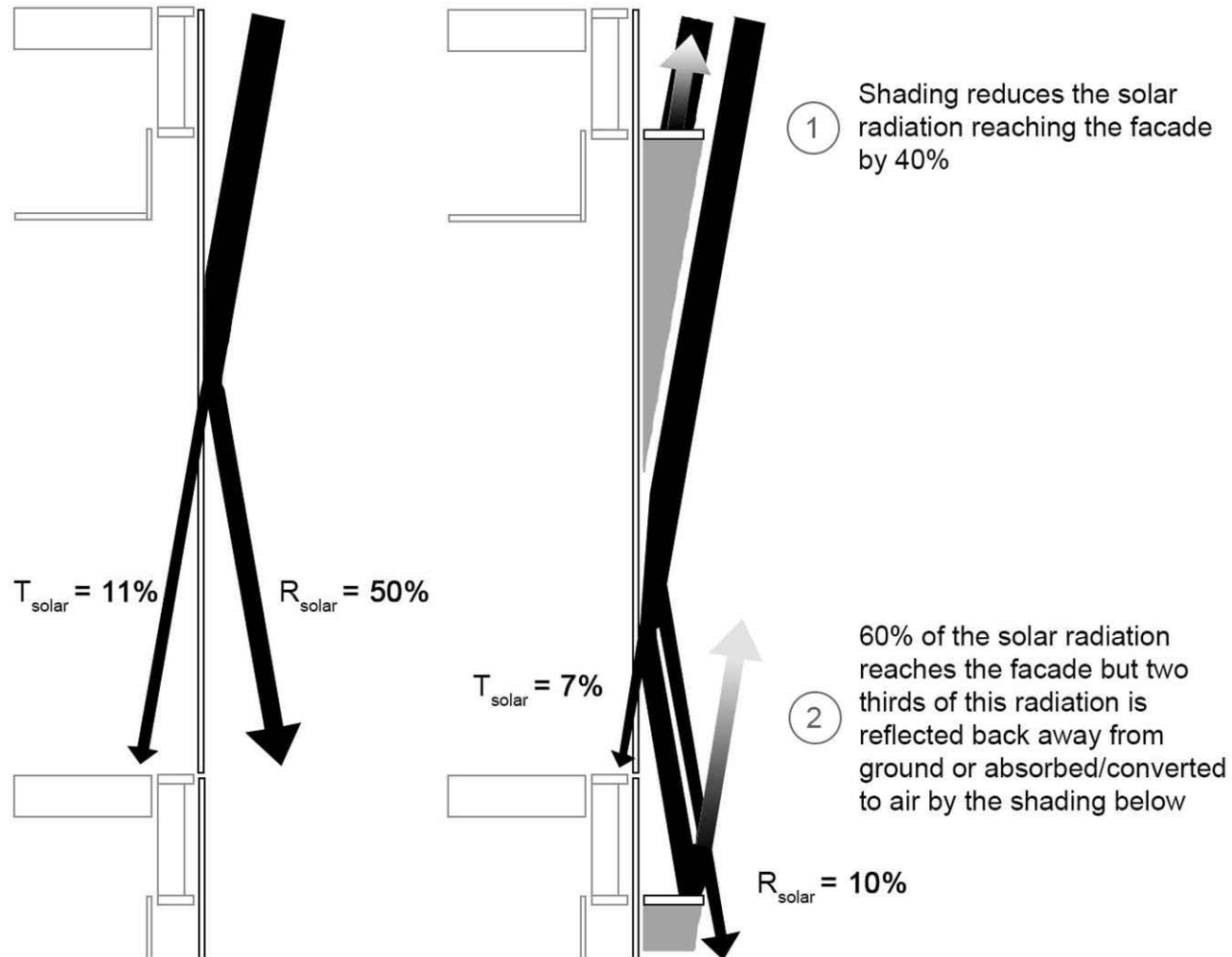


Figure B6.01: How shading reduces solar reflectance. Image courtesy of WSROC Urban Heat Planning Toolkit, 2021

## 8.0 Cool outdoor spaces

<b>Objectives</b>		
1. Create cool outdoor spaces in public and private domain 2. Prioritise cooling of areas with high activity		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.Shade paved surfaces and walls where possible, also considering solar access in the cooler months.	AS-1.Existing mature trees to be retained in position or transplanted where practicable  AS-2.Tree species should consider the suitability of the species  AS-3.Placement of new trees should also consider their ability to channel breezes if applicable  AS-4.Deciduous trees should be used where sunlight is desirable in winter; evergreen trees should be used where year-round shade is preferable.  AS-5.Trees should be positioned to provide shade to hard surfaces during the hottest times of the day, particularly pedestrian pathways.  AS-6.Where site constraints do not allow for the planting of trees, other shade solutions such as vegetation covered pergolas and light-coloured artificial shade structures should be considered.	
C-2.Consider cool or permeable paving.	AS-1.Use cool paving, with high albedo (high solar reflectance) and/or high thermal emittance (which releases heat quickly).  AS-2.Use permeable paving, either to promote deep soil infiltration or with near-surface water storage.	

## 9.0 Cool homes - Passive design measures to reduce urban heat

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>Buildings minimise mechanical cooling and heating demand indoors and heat absorbance through orientation, the design of roofs, facades, walls and window treatments, materials and finishes.</li> <li>Encourage developments to incorporate green infrastructure, water and cool materials to reduce urban heat.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.Development uses passive design measures to reduce reliance on energy for cooling (and heating).	<p>AS-1.Orientate buildings to take advantage of prevailing winds, natural ventilation, and solar access.</p> <p>AS-2.Provide western and northern facades with adjustable external shading devices to shield the building from hot summer sun, while allowing direct sunlight in winter.</p> <p>AS-3.Low heat conductive materials, appropriate insulation, wider eaves on northern and western facades are used to reduce passive internal heating of the building.</p> <p>AS-4.Light coloured materials for walls/vertical surfaces, but preferably only where heat can be absorbed by surrounding vegetation.</p> <p>AS-5.Vegetated or high reflective surfaces and high emittance materials for roofing to generate lower temperatures (at night) compared to dark roofing material.</p>	<p>A DA is to include evidence to demonstrate how urban heat management will be addressed.</p> <p>All DAs are to incorporate passive design measures to reduce reliance on mechanical cooling and heating.</p> <p>For residential buildings, thermal performance and energy efficiency standards are set within BASIX. Because a large proportion of buildings' energy use is linked to heating and cooling, improved building design for thermal performance (e.g. insulation, natural ventilation, appropriate level of glazing) could play an important role. Therefore, all new dwellings are encouraged to include passive design measures to minimise urban heat and support thermal comfort.</p> <p>Heritage places can play a key role in climate adaptation and mitigation. The retention and adaptive re-use of heritage buildings can help minimise a site's carbon footprint and curtail climate change by limiting the loss of embodied energy associated with demolition and the manufacture, transport, and installation of construction materials. It often takes fewer resources, and generates less waste, to adapt an existing structure than to construct a new one.</p>

## 10.0 Cool outdoor spaces - Heat emitted from HVAC systems

<b>Objectives</b>		
1. Reduce the impact of heat emitted from heating, ventilation and cooling systems from contributing to urban heat. 2. Avoid or minimise the impact from heating, ventilation and cooling systems on user comfort in private/communal open spaces onto surrounding properties, and in the public domain.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.Heat rejection units are not to be located on a street wall frontage for all development.		
C-2.Heat rejection units do not reject heat onto public and private outdoor recreation spaces, windows of adjoining properties and hard surfaces that may retain heat including paths, balconies and courtyards.		Where it cannot be demonstrated that heat rejection cannot be achieved without venting into these spaces, this area must be excluded from any calculation of private and communal open space.
C-3.Residential apartments within a mixed-use development or residential flat building, and non-residential development must incorporate efficient heating, ventilation and cooling systems (HVAC) which reject heat from a centralised source.	AS-1.The location of centralised heat rejection for buildings is from the roof.  AS-2.For residential apartments within a mixed-use development or residential flat building with more than eight residential storeys, and where it can be demonstrated that a rooftop location is not practical, the centralised heat rejection can be in dedicated on-floor plant rooms sufficiently sized to provide efficient heat rejection and suitably screened to reduce visual and noise impacts.	
C-4.Where a mixed-use development or residential flat building proposes wintergardens as the primary private open space, no heat rejection source from heating, ventilation and cooling systems are permitted in the wintergarden.		Where it cannot be demonstrated that heat rejection cannot be achieved without venting into these spaces, this area must be excluded from any calculation of private and communal open space.

## **PART B: Site planning controls**

### **Section B7 Land contamination**

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## 1.0 Introduction

Land contamination is most often the result of past uses. It can occur as a result of poor environmental management and waste disposal practices or accidental spills in industrial or commercial activities. The poor management of contaminated land can present a risk to public health and the environment.

When carrying out planning functions under *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), the possibility that the previous and/or current land use and/or nearby land use, has caused contamination of the site, and the potential for risk to human health and the environment from that contamination must be considered by City of Newcastle (CN).

The NSW Government has established a framework for dealing with contaminated land matters. There are four important elements to this framework.

1. The *Contaminated Land Management Act 1997*. This establishes a process for the investigation and remediation of sites that pose a significant risk to human health or the environment. The Environment Protection Authority is responsible for the regulation of these sites.
2. *State Environmental Planning Policy (Resilience and Hazards) 2021*. Chapter 4 sets out matters that must be considered by local councils and other planning agencies when undertaking planning functions and making decisions on suitable land uses and activities.
3. The Contaminated Land Planning Guidelines. This is a set of guidelines published by the NSW State Government to assist local councils and other planning agencies when undertaking their functions and responsibilities. Agencies acting in accordance with the guidelines are granted a statutory exemption from liability.
4. Policies adopted by individual local councils that are consistent with the Contaminated Land Planning Guidelines and provide for specific local requirements.

In addition to the above CN also has responsibilities under the EP&A Act 1979 and other state legislation to consider broader land use issues relating to the ongoing management of land and public assets.

## 2.0 Application

CN's Contaminated Land Policy will apply when preparing a development application (DA) (including modification) or an activity under Part 5 of EP&A Act 1979.

## 3.0 Additional information

### Contaminated land policy

To address CN's responsibilities in respect to contamination, including development assessment, we have a Contaminated Land Policy. This policy serves as a framework for CN's planning functions relating to the use and development of land that is, or may be, contaminated. CN's Contaminated Land Policy is available from our website.

### Applicable environmental planning instruments and legislation:

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

- *Newcastle Local Environmental Plan 2012* ([LEP 2012](#))
- *Contaminated Land Management Act 1997*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*

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.

## PART C: General development controls

### Section C1 Traffic parking and access

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## 1.0 Introduction

This section outlines provisions that support the transport vision and priorities for the local government area. It focuses on issues of safety, transport security, active health, fair access and equality in parking, environmental sustainability, transport affordability, congestion and business activity.

The vision seeks to make active transport the preferred transport method for residents. Every time someone rides or walks to work, university, the beach or local shops instead of using a car means less congestion, less noise, less pollution and better streetscapes for people. Increased parking provision directly results in increases in traffic flow and congestion, which subsequently reduces levels of service for all modes of transport.

This section seeks to prioritise the efficient movement of people and goods where possible by walking, cycling, scooting and public transport with lower levels of priority given to private vehicular transport.

## 2.0 Application

This section applies to all development.

For development involving heritage items or heritage conservation areas identified under *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), a merit assessment is required to ensure the outcomes sought are balanced with heritage conservation outcomes.

## 3.0 Related sections

The following sections may also apply to development:

- C2 Movement networks
- E1 Built and landscape heritage
- E2 Heritage conservation areas

## 4.0 Additional information

### Associated technical manuals:

- *Australian Standard 2890 - Parking facilities - Series*
- RMS Technical direction *TDT 2004/02, Motor Bike Parking*
- *NSW Electric and Hybrid Vehicle Plan, Future Transport 2056*
- *CN Parking Plan 2021 - Newcastle Parking Management Framework*
- *On street loading zone technical manual* (once finalised)
- *Landscape Technical Manual*
- Austroads Publications and Guides

### Additional information

- *Roads and Traffic Authority (RTA) NSW, 2002, Guide to Traffic Generating Developments*
- *National Construction Code*
- *Roads and Maritime Services, 2018, Traffic Control at Work Sites*
- [Livable Housing Design Guidelines](#) (4th Edition) 2017, *Livable Housing Australia*.



## 5.0 Objectives

1. Enable and encourage measures to reduce motor vehicle dependency and increase the use of walking, cycling and public transport.
2. Ensure suitable and equitable parking and service provision are adequate relative to the demand.
3. The number of car parking spaces is managed to increase land use efficiency. Promote vehicular parking space management to increase land use efficiency.
4. Ensure the design of parking, access and servicing areas is in accordance with best practice standards and ensures the safety, efficiency and useability of roads and access ways.
5. Provide adequate and safe vehicle access to sites without compromising pedestrian access, streetscape qualities and avoid the negative impacts of large areas of car parking on the streetscape.

## 6.0 Definitions

A word or expression has the same meaning as it has in [LEP 2012](#), unless otherwise defined. Other words and expressions include:

- **Car pooling** – (also known as ride-sharing or lift-sharing) is a system by which multiple participants coordinate their trips (for example, trips to work) to travel in a single car, thereby reducing the volume of traffic on the roads and associated impacts.
- **Car sharing** – allows a member (such as an individual or business) of a car sharing scheme to access a fleet of shared vehicles, as needed, paying a subscription and / or 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 LEP 2012.
- **Electric Vehicle distribution board** – is a distribution board dedicated to Electric Vehicle (EV) charging that can supply not less than 50% of EV connections at full power at any one time during off-peak periods. This aims to minimise the impacts of maximum demand. To deliver this, the distribution board will be complete with an EV load management system and an active suitably sized connection to the main switchboard. The distribution board must provide adequate space for the future installation (post construction) of compact meters in or adjacent to that board, to enable a body corporate to measure individual EV usage in the future.
- **Electric Vehicle load management system** – is to be capable of:
  - a. reading real time current and energy from the electric vehicle chargers under management;
  - b. determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are fully recharged; and
  - c. scale to include additional chargers as they are added to the site over time.
- **Electric Vehicle ready**– involves ensuring the installation of appropriate electrical circuitry to allow for future electric vehicle charging points, by pre-wiring. This does not require the installation of a charging point.
- **Green travel plan** – is a package of initiatives aimed at reducing car travel, particularly single occupant car trips. It encourages greater use of public transport, walking and cycling by residents, employees and visitors.
- **Historic parking deficiency** – is calculated by the number of parking spaces required for an existing building or use and subtracting the number of spaces currently provided for that building or use.
- **Mechanical parking** – means automated vehicle stackers, vehicle lifts and vehicle turntables.
- **Stacked parking** – means a parking space located above or below another parking space and is accessed by use of an automated vehicle stacker.
- **Tandem parking** – means parking in which vehicles are parked immediately in front of, behind or adjacent to another vehicle on the same level.

- **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 any adverse impacts of travel reduced.
- **Unbundled car parking** – are car parking spaces separately titled from dwellings.

## 7.0 Application requirements

Development category	Application requirements	Explanatory notes
All development.	<p>The following matters are to be addressed in this application:</p> <ol style="list-style-type: none"> <li>parking facilities provided, with details of calculations, types, number and arrangement</li> <li>proposed access arrangements and their compliance with design standards</li> <li>identification of public transport services, stops and shelters in the vicinity of the development including assessment of all pedestrian linkages to the development</li> <li>traffic generation, impacts expected and proposed traffic management measures.</li> </ol>	
<p>Traffic generating development under <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>.</p> <p>Other development that is not residential that may cause adverse impacts on the surrounding movement network.</p> <p>Must provide a traffic impact assessment and parking survey as required by controls of this section.</p>	<p>A traffic impact assessment is prepared in accordance with the RTA Guide to Traffic Generating Developments.</p> <p>A traffic impact assessment is a technical appraisal of the traffic and safety implications relating to a specific development. The information provided in the assessment should enable assessment of the traffic impact of a development.</p> <p>Matters to be addressed in the traffic impact assessment are to include, but are not limited to:</p> <ol style="list-style-type: none"> <li>review of the existing and proposed traffic network, traffic operating conditions and flows, and parking survey of all public parking in surrounding network</li> <li>likely car parking supply and demand, as well as servicing requirements</li> <li>estimates of trip generation of the development</li> <li>public transport services and stops in the vicinity of the proposed development</li> <li>impacts of generated traffic on the surrounding road network and the locality</li> <li>safety of access between the site and the adjacent road network</li> <li>pedestrian infrastructure, generation and movements</li> <li>recommended improvement works</li> <li>linkages with existing and proposed bicycle and pedestrian routes</li> <li>details of public transport services and stops</li> <li>measures proposed to increase mode share to public transport and improve access to services.</li> </ol>	<p>A traffic impact assessment is to be prepared by a suitably qualified and experienced transport professional and is prepared in accordance with the <i>RTA Guide to Traffic Generating Developments (2002)</i>, or subsequent versions. The requirement for a traffic impact assessment should be discussed at pre-lodgement. Evidence of liaison with public transport service providers and Transport for NSW is to be provided.</p>
Major development and major additions.	<p>Green Travel Plan (GTP).</p> <p>Components/strategies of a GTP will likely vary according to the nature of the development, but may include:</p>	<p>A GTP is prepared by a suitably qualified traffic or transport consultant and submitted in support of applications for major development and major alterations and additions.</p>

	<ul style="list-style-type: none"> <li>a. objectives and mode share targets (i.e., site and land use specific, measurable and achievable and timeframes for implementation) defining the GPT's direction and purpose</li> <li>b. include specific tools and actions to help achieve the objectives and mode share targets</li> <li>c. include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP</li> <li>d. quantification and analysis of staff onsite working times and numbers on the site and analysis of workforce residential post code data to properly understand public transport and car parking demand and develop effective strategies in response, as well as help to inform service planning considerations</li> <li>e. statement of single occupant vehicle trips to the development estimated that will be reduced under the GTP</li> <li>f. identification and promotion through a communications strategy of public transport options to access the site (for example, on a web site, staff newsletters and/or business cards and other channels)</li> <li>g. preparation of a Transport Access Guide for the site/venue</li> <li>h. encouragement of a car pool system for employees</li> <li>i. provision of appropriate and effective bicycle parking, showers, change rooms and lockers (end of trip facilities)</li> <li>j. incentive schemes to encourage employees to commute using sustainable transport modes (such as salary sacrifice and/or novated leasing for e-bike purchases, provision of public transport vouchers/subsidised public transport tickets)</li> <li>k. consideration of car parking management strategies that may be required to encourage sustainable transport use / mode share targets (such as a fleet of e-bikes, pricing, prioritisation for those that carpool, use of wait lists, etc)</li> <li>l. allocation of designated parking spaces for a car sharing scheme</li> <li>m. prominent display of a large map of cycling routes (for example, in the foyer of a residential complex)</li> <li>n. identification of a champion and responsible party (or Committee) for the ongoing implementation of the GPT and its initiatives</li> <li>o. a detailed action plan comprising specific tasks needed to complete the proposed actions, the person/s responsible for completion of the task, completion date and anticipated costs</li> <li>p. an implementation checklist to achieve the proposed initiatives</li> <li>q. alternative actions to undertake where targets are not achieved</li> <li>r. the set-up of a steering group or committee of relevant internal and external stakeholders to inform future targets and the ongoing monitoring and revision of the GTP for five years</li> </ul>	<p>A Transport Access Guide is a concise presentation of how to reach a site or venue using low-energy forms of transport - public transport, walking or cycling.</p>
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	<ul style="list-style-type: none"> <li>s. include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.</li> </ul>	
<p>Development where it is likely that the demolition and construction phases of a development will significantly impact traffic movement, pedestrians, cyclists and/or parking.</p>	<p>A draft Construction Traffic Management Plan is to address:</p> <ul style="list-style-type: none"> <li>a. traffic generation associated with demolition and construction</li> <li>b. heavy vehicle routes</li> <li>c. impacts on road networks, cycle routes, pedestrian paths and parking, including frequency and duration of closures, and associated control measures – alternative safe, connected facilities are to be identified and implemented, including appropriate wayfinding</li> <li>d. proposed hours of operation in demolition and construction phases</li> <li>e. identification of all required permits to complete the works including Road Occupancy Permits, Work Zones, Hoarding Applications, or other approvals to work from the public space.</li> </ul>	<p>The draft Construction Traffic Management Plan is prepared in accordance with Australian Standard 1742.3 by a Transport for NSW qualified person as defined under the RMS publication <i>Traffic Control at Work Sites</i>.</p> <p>Conditions of any consent granted may include requirements of the Construction Management Plan.</p> <p>Traffic control is carried out only by traffic controllers with certification of training in accordance with <i>Australian Standard 1742.3</i>.</p>
<p>Electric Vehicle ready (EV ready) and development installing electric vehicle charging point(s).</p>	<p>A development application (DA) is to be accompanied by an electric vehicle report prepared by a suitably qualified and experienced person (such as an electrical engineer), with the exception of alterations and additions to dwelling houses, semi-detached dwellings, secondary dwellings and dual occupancies with an estimated cost of equal to or more than \$200,000 that involves car parking, which report is required prior to construction certificate. The electric vehicle report should include, but is not limited to:</p> <ul style="list-style-type: none"> <li>a. an electrical plan</li> <li>b. specifications for any off-street car parking (including electric circuitry)</li> <li>c. any electric kiosk requirements</li> <li>d. location and specifications for electric vehicle wiring and / or charging point(s).</li> </ul>	<p>Charging standards are defined by the <i>NSW Electric and Hybrid Vehicle Plan, Future Transport 2056</i>.</p>

## 8.0 Sustainable travel demand management

<b>Objectives</b>	
1. Facilitate and encourage increased modal share to public transport and alternatives to private vehicle ownership, use and parking.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. For major development, recreation facilities, hospitals, community health service facilities, entertainment facilities, seniors housing or other development deemed appropriate, the following is to be provided: <ul style="list-style-type: none"> <li>a. 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</li> <li>b. the bus shelters are directly connected to the entry to the development by a conveniently accessible footpath</li> <li>c. signage is installed directing patrons to public transport stops facilities, with timetable information displayed in a prominent location.</li> </ul>	It is expected that the applicant will liaise with public transport service providers and Transport for NSW regarding the adequacy of current services and potential improvements.

## 9.0 End of trip facilities

<b>Objectives</b>	
1. Enable and encourage trips by walking and cycling through adequate provision of end of trip facilities.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. For non-residential development that has employees where additional floor space is being created, end of trip facilities are provided at the following rates: <ul style="list-style-type: none"> <li>a. two personal lockers for each bicycle parking space (lockers may be utilised by people other than those cycling). Personal lockers are to be: <ul style="list-style-type: none"> <li>i. secure and ventilated</li> <li>ii. 50% of all lockers provided are to have minimum dimensions 1,200mm (height), 430mm (width) and 600mm (depth), with a rail for clothes hangers. Remaining lockers are to have minimum dimensions 650mm (height), 400mm (width) and 500mm (depth)</li> </ul> </li> <li>b. one shower cubicle, with ancillary change rooms, per seven bicycle spaces (or part thereof over four spaces) with a minimum of one shower and change facility that can accommodate people with a disability. The ancillary change facility is to include at least one toilet, wash basin, mirror, bench, clothing hooks and power points (including shaving plugs). The ancillary change facility is to have a ventilated towel drying space, including for wet clothing</li> <li>c. a facilities management plan is to support the operation of the end of trip facilities. This is to include but not be limited to, managing locker allocation and use to ensure that anyone who needs and will make use of a locker has access.</li> </ul>	Provision of facilities to shower, change and store belongings enable and encourage people to walk and cycle more. These facilities also benefit employees who choose to exercise before or after work or during meal breaks.  Locker dimensions are based on rationale that many people want to ride to work and use end of trip facilities, but do not want to carry a backpack, panniers or other luggage each day. Provision to store a week's worth of clothing will enable many more people to ride to work regularly; and for others to hang cycle clothing and store

C-2. Facilities are secure, with controlled access, and located in well-lit areas, as close as practicable to bicycle parking.	other gear including shoes and helmet
C-3. Facilities are to have a seamless, integrated flow from cycling to security access, to bike storage, to lockers and change rooms/showers.	Staff using these facilities should not have to pass through office space; nor to carry bikes down staircases
C-4. The access path to end-of-trip facilities must provide a minimum unobstructed width of: <ul style="list-style-type: none"> <li>a. 1.5m where the number of bicycle movements is less than 30 per hour in peak periods</li> <li>b. 2.5m where the number of bicycle movements is 30 or more per hour in peak periods. Ramp gradients must not exceed 1:12 where they are to be ridden by a bicycle rider accessing end-of-trip facilities.</li> </ul>	
C-5. Bicycle parking facilities are located to allow a bicycle to be ridden within 30m of the end-of-trip facilities. The pedestrian and bicycle access paths associated with these bicycle parking facilities must feed into and provide connections to existing path networks.	

## 10.0 Bike parking

<b>Objectives</b>	
1. Enable and encourage trips by cycling, through the provision of conveniently located, safe, secure and weather-proof site, located within the setting of the building.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Secure and conveniently accessible bicycle parking for development is provided in accordance with the rates set out in <b>Table C1.01</b> . Bicycle parking areas are designed to be of a capacity large enough for the development requirements. <b>Note:</b> A greater provision of bicycle parking may be required, than indicated, if warranted in particular circumstances. Historic parking deficiency does not apply to the provision of bike parking. The total number of parking to be provided is rounded up to the nearest whole number.	Provision of adequate bicycle parking on site encourages and facilitates trips by cycling.
C-2. For residential accommodation, bicycle facilities are to be designed in accordance with Austroads publication – <i>Bicycle Parking Facilities: Updating the Austroads Guide to Traffic Management</i> and to: <ul style="list-style-type: none"> <li>a. be in addition and separate to the general storage provision required</li> <li>b. where cycle storage, such as a cage or communal bicycle locker, is located in front of a property, it should be: <ul style="list-style-type: none"> <li>i. located away from the front boundary and in a discreet location where it does not intrude on the streetscape, and in a location where it is easily accessible by users</li> <li>ii. be of a design that compliments the setting of the dwelling or local character. Simple wooden structures or simple metal storage products surrounded by landscaping are a common and effective solution, where structurally secure and lockable</li> </ul> </li> <li>c. be of a secure, weatherproof and solid construction, with a material palette and design that responds to the design and material palette of the proposed development</li> <li>d. where possible, be integrated into the landscape design.</li> </ul> <b>Note:</b> These controls do not apply to visitor bicycle parking and a dwelling house as defined as per LEP 2012.	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. It is necessary to provide a mix of bicycle parking facilities to meet the needs of various users.



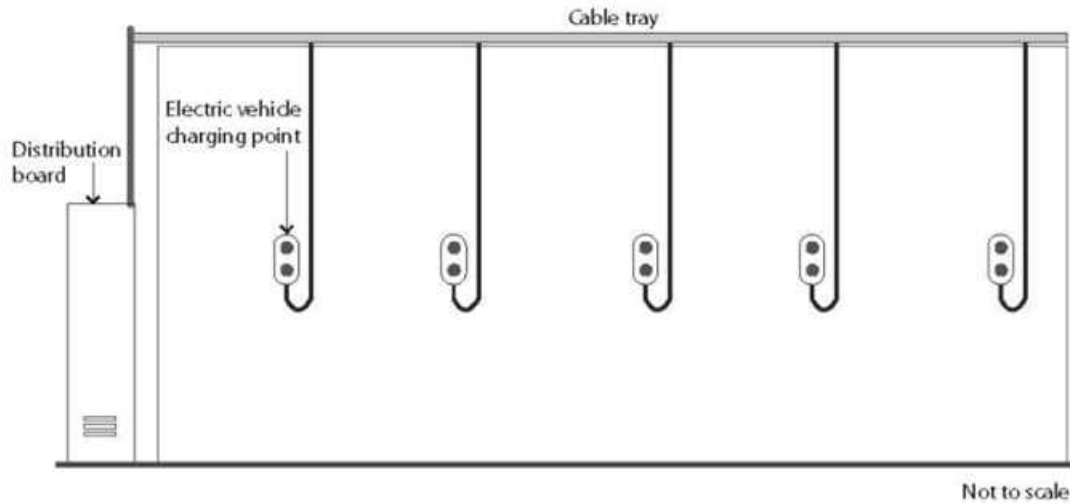
<p>C-3. <b>Table C1.01</b> describes the type of bicycle parking facility to be provided. Bicycle parking is categorised as Security Level B and Security Level C, which references Section 4.1 of the Austroads publication – <i>Bicycle Parking Facilities: Updating the Austroads Guide to Traffic Management</i>.</p>	
<p>C-4. Bicycle parking complies with the relevant Australian Standard (AS2890.3).</p>	
<p>C-5. Bicycle parking areas should allow easy access and cater for cyclists who use adapted cycles by people with a disability.</p>	
<p>C-6. A maximum of 50% of all bicycle parking spaces are to be provided as vertical (i.e., vertical hooks or wall rack) parking spaces.</p>	
<p>C-7. Horizontal parking spaces must provide sufficient dimension for parking of e-cargo bikes; including ease of movement and manoeuvrability.</p>	
<p>C-8. Where bicycle parking is located inside a building, it includes the provision of 10A charging points for electric bicycles at 1 charging station for the first 5 bicycle spaces, and for every 10 bicycle parking spaces thereafter. No space is located more than 20 metres away from a charging outlet.</p>	
<p>C-9. Bicycle parking is clearly marked and signposted.</p>	
<p>C-10. Cyclists must not be required to lift or carry their bikes when travelling between the site boundary and the bicycle parking.</p>	
<p>C-11. Bicycle parking facilities must comply with the following:</p> <ul style="list-style-type: none"> <li>a. for long-stay users, located within one level of the building entrance and no more than 30m from this entrance</li> <li>b. for short-stay users, located at-grade and on the main access route to the entrance, is clearly visible and not more than 30m from a major entrance or destination.</li> </ul>	
<p>C-12. Where bicycle parking is provided within a car parking area, adequate sight lines are provided to ensure safety of users.</p>	
<p>C-13. 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.</p>	
<p>C-14. Bicycle parking facility users must not be required to walk up or down vehicular ramps to access bicycle parking.</p>	
<p>C-15. Access to bicycle parking is provided in accordance with the <i>Austroads, Cycling Aspects of Austroads Guides</i> (as amended or replaced), which reference <i>Austroads Guide to Traffic Engineering Practice</i>. Slotted drainage grates, longitudinal joint cracks and sharp gradient transitions, which provide hazards to riders, are avoided.</p>	
<p>C-16. Bicycle parking should be located within a weather-proof area.</p>	
<p>C-17. Bicycle parking for visitors is provided at grade near key access points to the development and in a location with good passive surveillance.</p>	



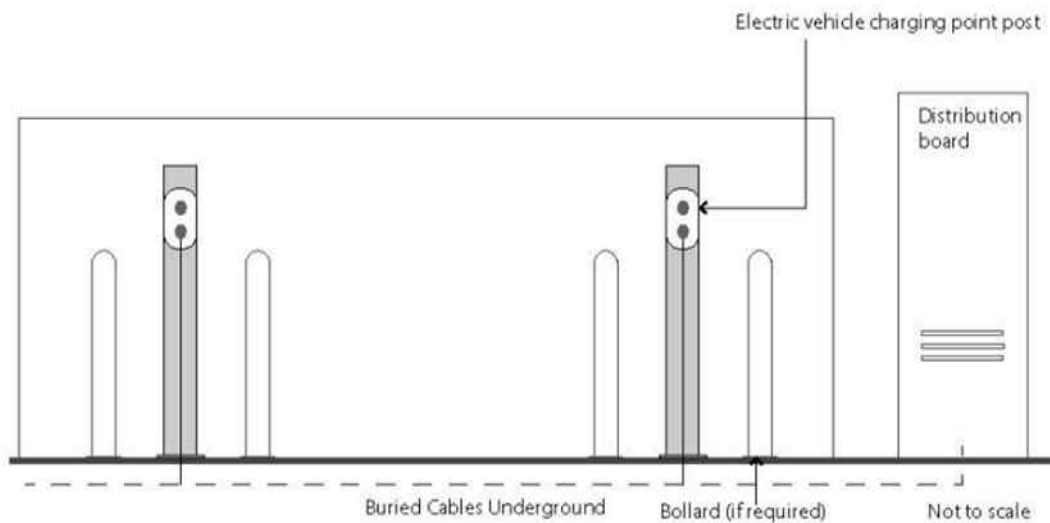
## 11.0 Electric car parking

Objectives	
1. Ensure development encourages and supports increased usage and demand for electric vehicles.	
Controls (C)	Explanatory notes
<p>C-1. The following controls apply to dwelling houses, semi-detached dwellings, secondary dwellings and dual occupancies, including alterations and additions with an estimated cost equal to or more than \$200,000 that involves car parking:</p> <ol style="list-style-type: none"> <li>a. electric circuitry to accommodate 'Level 2' or higher standard electric vehicle charging points must be integrated to ensure future installation of an electric vehicle charging point to service at least one off-street parking space. This must include:               <ol style="list-style-type: none"> <li>i. ensuring adequate electrical capacity and infrastructure for a current or future electric vehicle charging point system</li> <li>ii. providing either buried cables underground or cable trays sufficient to accommodate electric circuitry to at least one off-street parking space</li> </ol> </li> <li>b. electrical circuitry must, at a minimum, be capable of supporting a 'Level 2' slow—single phase, 7kW domestic charger or higher</li> <li>c. prior to construction certificate, a report is to be prepared by a suitably qualified and experienced person demonstrating how the development will be EV ready. This report should also include an electrical plan, specifications for any off-street car parking and any electric kiosk requirements.</li> </ol>	<p>In addition to EV ready, the installation of a 'Level 2' or higher standard electric vehicle charging point is encouraged for alterations and additions to dwelling houses, semi-detached dwellings and dual occupancies.</p> <p>Charging standards are defined by the NSW Electric and Hybrid Vehicle Plan, Future Transport 2056.</p> <p>Controls under this heading will lead to a development being EV ready). Being EV ready involves ensuring the installation of appropriate electrical circuitry to allow for future electric vehicle charging points, by pre-wiring. These controls do not require the installation of a charging point but are encouraged.</p>
<p>C-2. The following controls apply to all other development, including alterations and additions with an estimated cost equal to or more than \$200,000, that involves car parking. This does not apply to development as specified C-1.</p> <ol style="list-style-type: none"> <li>a. electric circuitry to accommodate 'Level 2' or higher standard electric vehicle charging points must be integrated into all off-street car parking of residential and non-residential development to ensure that 100% of car spaces can install electric vehicle charging points in the future. This must include:               <ol style="list-style-type: none"> <li>i. ensuring adequate electrical capacity and infrastructure (cable size, distribution board size etc.) for the electric vehicle charging point system</li> <li>ii. providing either buried cables underground or cable trays sufficient to accommodate electric circuitry to each car space (see <b>Figure C1.01</b>)</li> </ol> </li> <li>b. minimum electric circuitry for a 'Level 2' electric vehicle charging point, if provided, is required to be:               <ol style="list-style-type: none"> <li>i. privately available spaces: 'Level 2' slow – single phase with 7kW power or higher standard</li> <li>ii. shared spaces: 'Level 2' fast – three-phase with 11-22kW power or higher standard</li> </ol> </li> <li>c. A DA is accompanied by a report prepared by a suitably qualified and experienced person (such as an electrical engineer) demonstrating how the development will be EV Ready. This report should also include an electrical plan, specifications for any off-street car parking and any electric kiosk requirements.</li> </ol>	

<p>C-3.The following controls apply to residential accommodation development that involves car parking, excluding dwelling houses, semi-detached dwellings, secondary dwellings or dual occupancies:</p> <ol style="list-style-type: none"> <li>a. provide EV Distribution Board(s) of sufficient size to allow connection of all EV Ready connections</li> <li>b. locate EV Distribution Board(s) so that no future EV Ready connection will require a cable of more than 50 metres from the parking bay to connect</li> <li>c. identify on the plans submitted with the DA, the future installation location of the cable trays from the EV Distribution Board to the car spaces allocated to each dwelling that are provided a Future EV connection, with confirmation of adequacy from a suitably qualified person (such as an electrical engineer). Spatial allowances are to be made for cables trays and EV Distribution Board(s) when designing in other services.</li> </ol>	
<p>C-4.The following control applies to development that involves car parking, excluding dwelling houses, semi-detached dwellings, secondary dwellings or dual occupancies:</p> <ol style="list-style-type: none"> <li>a. development must provide 1 car parking space or 5% of all car parking spaces – whichever is greater - to have a 'Level 2' or higher standard electric vehicle charging point installed. A DA is accompanied by a report prepared by a suitably qualified and experienced person (such as an electrical engineer) demonstrating how the development will provide the specified electric vehicle charging point(s). This report should also include an electrical plan, specifications for any off-street car parking and any electric kiosk requirements. The total number of parking to be provided is rounded up to the nearest whole number.</li> </ol>	<p>Charging standards are defined by the <i>NSW Electric and Hybrid Vehicle Plan, Future Transport 2056</i>.</p>
<p>C-5.The following control applies to development that involves a service station:</p> <ol style="list-style-type: none"> <li>a. development must provide 4 car parking spaces or 30% of all car parking spaces - whichever is greater - to have a 'Level 3' (50kW - 350kW), or higher standard electric vehicle charging points installed. This must include: <ol style="list-style-type: none"> <li>i. a report prepared by a suitably qualified and experienced person (such as an electrical engineer) demonstrating how the development will provide the specified electric vehicle charging points. This report should also include details on electrical capacity and infrastructure (cable size, distribution board size, load management, electric kiosk requirements etc.) for the electric vehicle charging points</li> <li>ii. vehicle charging points are buried cables underground to accommodate electric circuitry to each car space (see <b>Figure C1.02</b>).</li> </ol> </li> </ol>	



**Figure C1.01: Electric vehicle charging points and electric circuitry provision in development with multiple car spaces using cable tray system**

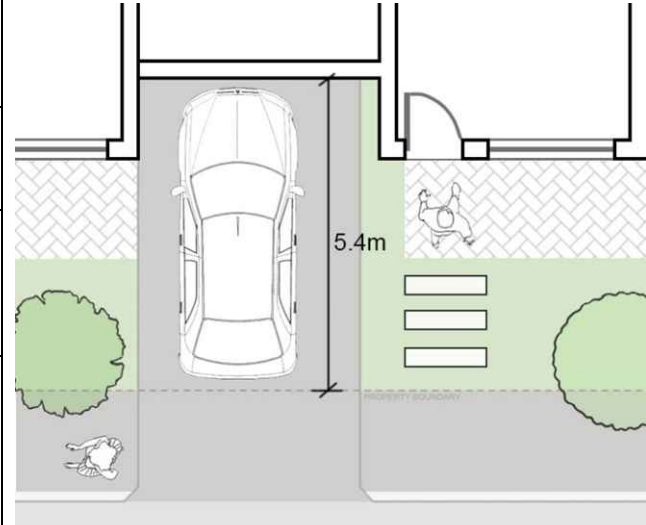


**Figure C1.02: Electric vehicle charging points and electric circuitry provision in development with multiple car spaces using buried underground cable system**

## 12.0 Car share parking

<b>Objectives</b>	
1. Consider the integration of car share parking to establish an appropriate parking standard for the Newcastle city centre, Renewal corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street mixed use zone.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<p>C-1. The following controls are to be considered in the car parking assessment:</p> <ul style="list-style-type: none"> <li>a. minimum car share parking for development is provided in accordance with the following rates: <ul style="list-style-type: none"> <li>i. residential development – 1 space per 60 car spaces provided</li> <li>ii. office, business, industrial or retail premises – 1 space per 40 car spaces provided</li> </ul> </li> <li>b. the maximum amount of car parking spaces for a development is inclusive of the minimum number of parking spaces required for car share schemes</li> <li>c. all parking spaces for car share schemes are to be: <ul style="list-style-type: none"> <li>i. located together in closest proximity to entry and exit points of the building</li> <li>ii. located adjacent to a public road and integrated with the streetscape through appropriate landscaping where the space is external</li> <li>iii. signed for use only by car share vehicles</li> </ul> </li> <li>d. parking spaces for car share schemes located on private land are to be retained as common property by the Owners Corporation of the site.</li> </ul>	

## 13.0 Design and layout of parking and access

<b>Objectives</b>	
1. Ensure car parking areas and/or structures are well-sited and designed as an integrated component of the total development and do not adversely impact on the function, safety, capacity or visual quality of the public domain or road network.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Parking facilities are sited and designed to properly integrate with the overall development/building to: <ol style="list-style-type: none"> <li>minimise their visual impact and any adverse impact on the continuity and amenity of street frontages</li> <li>located so that it is within a reasonable distance of access to the premises it serves</li> <li>not be positioned so as to obstruct access to the premises by pedestrians or cyclists</li> <li>loading areas are situated so that when in use, they do not interfere with pedestrian, cyclist or vehicular circulation.</li> </ol>	<p>Tandem parking within driveways must be accommodated in full parking space increments of a minimum 5.4m each. Part thereof encourages poor parking practices where vehicles protrude past the front boundary obstructing the footway.</p> 
C-2. For Residential Accommodation, generally, car parking structures are set back a minimum distance of 5.4m from the street frontage providing access to the car parking space.	
C-3. Tandem parking spaces (refer to <b>Figure C1.03</b> ) (combined length of greater than 10.8m) are not appropriate in visitor or public parking areas, but may be acceptable in the following situations: <ol style="list-style-type: none"> <li>residential developments where both spaces are attached to one dwelling</li> <li>reserved car parking areas where both spaces are allocated to a single tenant.</li> </ol>	
C-4. Small car spaces (as defined in AS2890.1) are permitted in development provided: <ol style="list-style-type: none"> <li>small car spaces are not used for residential accommodation except as unbundled car parking provided in accordance with, and for land uses and locations specified in <b>Table C1.03</b></li> <li>the number of small car spaces does not exceed 10% of the total car parking provision (rounding down to nearest whole number)</li> <li>the number of small visitor car spaces does not exceed 10% of the total visitor car parking provision (rounding down to nearest whole number)</li> <li>the number of small commercial car spaces does not exceed 10% of the total commercial car parking provision (rounding down to nearest whole number)</li> <li>small car spaces are clearly identified and physically separated from standard-size car spaces</li> <li>small car spaces are not used as part of a tandem or stacked parking arrangement.</li> </ol>	
C-5. Car parking is designed to avoid the visual impact of large areas of surface car parking on the streetscape.	

**Figure C1.03: Tandem space**

## 14.0 Access

### Objectives

1. Development ensures that vehicular access:
  - a. does not dominate the streetscape or detract from the character of the area
  - b. does not detract from the overall appearance or the continuity of streetscapes or streetscape elements, including street tree planting
  - c. is appropriately located for the efficiency and safety of road users and pedestrians.
2. Ensure that vehicular access is appropriately located to protect the significance of heritage items and heritage conservation areas.

Controls (C)	Explanatory notes
C-1.Vehicular crossings are designed and located in accordance with the current relevant Australian Standard ( <i>AS2890 Parking facilities</i> ) and CN specifications.	<p>Approval for all works (such as a driveway crossing) within the public road reserve will be required under the <i>Roads Act 1993</i>. If the development has a frontage to a classified road, direct access (vehicle or pedestrian) may be restricted and concurrence will be required from the State road authority, being Transport for NSW (or equivalent agency if renamed, restructured or the like). NSW road network classifications can be found on Transport for NSW website.</p> <p>Transport for NSW is the consent authority for traffic control signals, under the <i>Roads Act 1993</i>, should this form of intersection control be considered necessary for access to a development.</p> <p>Direct vehicle access to a classified road is not provided wherever alternate access is available in accordance with <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>.</p> <p>Parking and vehicular access can dominate development features and detract from the overall appearance or streetscape continuity impacting the area' amenity and character. As such, if rear lane access is attainable it is not considered appropriate or desirable to provide residential vehicular access to the primary street frontage, particularly for a development that is not site responsive, such as a 'standard design' dwelling (project home). This is especially important for older, long-standing areas/ suburbs, which usually have well-established, recognisable</p>
C-2.Vehicular crossings are located having regard to driver, cyclist and pedestrian safety/continuity, and impacts on traffic movement. Vehicular crossings are avoided in the following areas: <ol style="list-style-type: none"> <li>a. in areas of high pedestrian and cyclist movement</li> <li>b. on major roads</li> <li>c. close to intersections</li> <li>d. adjacent bus stop locations</li> <li>e. where the use of the driveway may significantly obstruct through traffic.</li> </ol>	
C-3.Vehicular crossings are located to provide adequate sight distance to traffic on the frontage road and to pedestrians on the frontage road footpath, including crossing the public domain perpendicular to the boundary. Sight distances are in accordance with Australian Standards ( <i>AS2890 Parking facilities</i> ).	
C-4.Design of all vehicle crossings should reinforce the priority of pedestrians and cyclists by continuing the existing footpath grade and alignment, with clear designation of the footpath area from the vehicle crossing.	
C-5.Access ways and structures are designed so that vehicles are able to enter or exit the site in a single turning movement in a forward direction.	
C-6.Development in smaller centre zones at Bar Beach, Beresfield (Lennox Street), Birmingham Gardens, Fletcher (Kurraka Drive / Tibin Drive and Britania Boulevarde), Kotara (Joslin Street), New Lambton (Orchardtown Road) and Merewether (Beach, City Road, Glebe Road and Llewellyn Street) does not result in more than one vehicle crossing to the development.	
C-7.Vehicular crossings are positioned to maximise on-street parking and to enable whole car parks between access points.	
C-8.Where rear lane access to a development is achievable, car parking is accessed from the rear lane only.	

C-9.No additional vehicular crossings (other than from rear lanes) are provided to heritage items or within heritage conservation areas where these may adversely impact on streetscape continuity, the character of the built form or landscape setting.

streetscape patterns and have traditionally used rear access. Refer to Section E1 Built and Landscape Heritage and Section E2 Heritage Conservation Areas.

## 15.0 Freight and servicing

### Objectives

1. The freight and servicing demand over the lifetime of the development is identified.
2. Development is self-sufficient by catering on-site for the full freight and servicing demands over the lifetime of the development.
3. Design and operate freight and servicing space to be functional, efficient and safe while minimising impact on the environment and public domain.
4. Minimise reliance on kerbside space to service existing development.

### Controls (C)

C-1.Where a traffic impact assessment is required, this includes a detailed freight and servicing demand profile over the lifetime of the proposed development. For other applications the Statement of Environmental Effects is to outline the freight and servicing demand profile over the lifetime of the proposed development. Refer to **Table C1.02**.

C-2.A building or precinct provides a loading dock and/or other facilities for all freight and servicing activities to be conducted on-site which satisfies the servicing demand profile and 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, efficiency and safety of servicing activities.

C-3.Commercial development – the freight and servicing demand profile is to consider, but may not be limited to:

- a. courier deliveries and collections
- b. equipment deliveries and collections
- c. routine and emergency maintenance services (trade vehicles)
- d. office fit-out services
- e. food and beverage deliveries
- f. waste collection
- g. removalist services.

### Explanatory notes

Development should be self-sufficient by providing a loading dock and other facilities for all freight and servicing activities to be conducted on site rather than on the street. An On-street Loading Zone cannot be provided for the exclusive use of a particular development but rather are installed to provide the greatest benefit to the commercial centre, specifically existing business in older buildings and heritage buildings that do not have off-street facilities. Applicants are encouraged to consult with CN prior to lodgement of a DA seeking to rely on an On-street Loading Zone to meet freight and servicing demand in whole or part.

*The Freight trip generation to high density residential development (Transport for NSW May 2021) (as amended) provides surveyed trip generation rates for high density residential*



<p>C-4. Residential development - the freight and servicing demand profile is to consider, but may not be limited to:</p> <ol style="list-style-type: none"> <li>a. grocery deliveries</li> <li>b. courier deliveries</li> <li>c. food delivery</li> <li>d. maintenance activity (trade vehicles)</li> <li>e. renovation services</li> <li>f. bulky item deliveries</li> <li>g. removalist services</li> <li>h. waste collection</li> <li>i. commercial deliveries if mixed-use</li> <li>j. investigate and encourage the opportunity for residential buildings to provide parking and electric charging stations for light commercial vehicles.</li> <li>k. investigate and encourage the opportunity for residential flat buildings to accommodate drone delivery capabilities by providing an adequate accessible, safe, area (rooftop, podium or ground level) for the operation of drone landing pad/s.</li> </ol>	<p>as a best practice guide.</p> <p><i>The Freight and Servicing Last Mile Toolkit</i> (Transport for NSW May 2020) (as amended) provides best practice for on-site servicing. Section 5.0 Freight Forecasting and Demand Management, explores demand profiling.</p> <p>The Section 6.0 Planning and Managing Off-street Freight and Servicing Activity, toolkit's provides best practice for on-site servicing. It explores typical demand profiles for development, servicing requirements to meet demand and alternative techniques to mitigate the impacts of constrained loading docks, including:</p>
<p>C-5. Access/egress, manoeuvring areas and loading dock design comply with <i>AS2890.2 Parking Facilities: Off-Street Commercial Vehicle Facilities</i>.</p>	<p>Retime – shift freight and servicing activities outside of peak times to create opportunities for greater efficiency.</p>
<p>C-6. Freight and servicing facilities are designed so that when in use, they do not interfere with pedestrian, cyclist or vehicular circulation, either on or off-site or otherwise obstruct the public domain area. This is to include sufficient provision for queuing.</p>	<p>Remode – Use modes of transport that are more efficient where possible.</p>
<p>C-7. All service vehicle movements to and from the site are in a forward direction and manoeuvring and parking is separated from customer parking and areas with high pedestrian activity and bicycle movements.</p>	<p>Reroute – Avoid using the CBD for through traffic, where feasible. Be aware of alternatives that can improve efficiency.</p>
<p>C-8. Locate and operate servicing facilities to minimise impact upon surrounding sensitive land uses, particularly residential.</p>	<p>Reduce – Consolidate deliveries, improve vehicle utilisation, reduce trip numbers, procure sustainably and develop buildings delivery and servicing plans.</p>
<p>C-9. For a change of use within existing building/s with deficient loading dock infrastructure (without any or constrained), the application must show alternative servicing techniques have been explored to accommodate on-site servicing where possible before seeking reliance on kerbside road space to satisfy servicing demand. Where unable to be fully accommodated on-site, it is demonstrated that servicing (including waste collection) can occur from the kerbside efficiently, safely and without unreasonable impact on the public domain (road and footpath) or amenity of the area. CN may consider new shared kerbside servicing for heritage conservation purposes, where reasonably practicable.</p>	<p>Waste collection – Refer to C6 Waste Management for specific waste management controls.</p>
<p>C-10. The provision of taxi, pick up and drop off (PUDO) for private vehicle and bus/coach drop off/set down areas may be required, where warranted, by the proposed development. Specifically:</p> <ol style="list-style-type: none"> <li>a. 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</li> <li>b. PUDO and/or taxi zones are provided for larger scale licenced premises (excluding small bars)</li> <li>c. centre-based child care facility provides a set down bay space per 10 childcare places. For centres with less than 10 childcare places, no pick-up / set-down bay is required.</li> </ol>	<p>Note: Section C6 Waste management Guidelines provides full design details for CNs waste collection vehicles and requirements.</p> <p>Refer to Section E1 Built and landscape Heritage.</p>



## 16.0 Parking provision

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Reduce car dependency and prioritise walking, cycling and use of public transport.</li> <li>2. Ensure an appropriate level and mix of parking provision within the development, having regard to the demand, avoiding parking over/undersupply impacts.</li> <li>3. Establish an appropriate parking standard for the Newcastle city centre, Renewal corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street mixed use zone that recognises its locational advantages to public transport access and active transport connections to facilitate an increase in the use of public and active transport modes.</li> <li>4. Minimise inconvenience to all users of the parking spaces.</li> <li>5. Minimise impacts on the surrounding road network.</li> <li>6. Enable greater land use efficiency.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<p>C-1. The following controls apply only to the Newcastle city centre, Renewal corridors, The Junction and Hamilton B2 Local centre zone and Darby Street mixed use zone:</p> <ol style="list-style-type: none"> <li>a. Car parking rates for all development in these areas are established based on a car parking assessment submitted with the DA which addresses the following criteria: <ol style="list-style-type: none"> <li>i. 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</li> <li>ii. the proportion of staff, visitors or patrons likely to arrive by car</li> <li>iii. the availability and level of service of public transport relative to the site and the probable transport mode of staff, visitors or patrons of the development</li> <li>iv. the number of employees and their likely spread of work hours</li> <li>v. the hours of operation</li> <li>vi. the location of the premises, particularly in relation to schools, local services, and employment, retail and recreational facilities</li> <li>vii. the number of occasions during the year when the proposed development is likely to be fully utilised</li> <li>viii. the availability of public parking within a reasonable distance of the proposed development</li> <li>ix. the availability of additional parking facilities to cover peak demands</li> <li>x. the impacts of providing on-site parking</li> <li>xi. anticipated impacts of not providing adequate on-site car parking ensuring no significant impact on public on-street parking provision in the area in context to the <i>City of Newcastle (CN) Parking Plan 2021 - Newcastle Parking Management Framework</i></li> </ol> </li> <li>b. residential development as listed in <b>Table C1.03</b> must provide no more than the number of car parking spaces specified</li> <li>c. for residential development, the proposed provision of car parking within this maximum car parking rate does not prevent the reallocation of car parking through unbundling</li> </ol>	<p>Applicants comprehensively justify any departure from the parking rates set out in <b>Table C1.01</b> or <b>Table C1.03</b> in the Statement of Environmental Effects or traffic impact assessment.</p> <p>Parking is one of matters for consideration in the assessment of a DA. 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.</p> <p>It is not appropriate to request a variation to parking rates for financial reasons, to achieve a higher density,</p>

<p>d. for residential development, visitor car parking spaces are not to be unbundled and are to be nominated as common property in a strata subdivision.</p>	<p>or to enable a “standard design” to fit on the site. Over-generous provision is discouraged in the light of general community goals that seek to minimise the use of non-renewable resources and boost support for the use of public transport.</p>
<p>C-2.The following control applies to residential development with visitor parking:</p> <p>a. visitor parking is allocated, marked out on the pavement surface, clearly signposted and designated as common property on any Strata Plan.</p>	
<p>C-3.The following controls apply only to Mixed Use Development:</p> <p>a. the total number of parking spaces for a mixed-use development is generally calculated based on the sum of required car parking spaces in respect of each use, unless it is demonstrated that an overlap of car parking demand is likely to occur</p> <p>b. the total number of spaces to be provided for each type of use of parking is rounded up to the nearest whole number.</p>	
<p>C-4.Car parking is provided in accordance with the rates set out in <b>Table C1.01</b>, except for car parking for development in the Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone. The rates may be varied within these areas, subject to merit assessment of the proposal. The total number of spaces to be provided for each type of parking is rounded up to the nearest whole number.</p>	
<p>C-5.Unbundled car parking is only permitted in accordance with, and for land uses and locations specified in <b>Table C1.03</b>.</p>	
<p>C-6.Parking provision for major traffic generating development is assessed on merit, with particular reference to:</p> <p>a. likely peak usage times</p> <p>b. the extent to which development will attract additional patronage, as opposed to drawing on existing visitations</p> <p>c. the likely use of public transport.</p>	
<p>C-7.Excluding the Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone, parking provision for developments not listed in <b>Table C1.01</b> is assessed using Transport for NSW guidelines, and/or demonstration of parking requirements from surveys of comparable establishments and the following criteria:</p> <p>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</p> <p>b. the proportion of staff, visitors or patrons likely to arrive by car</p> <p>c. the availability and level of service of public transport relative to the site and the probable transport mode of staff, visitors or patrons of the development</p> <p>d. the number of employees and their likely spread of work hours</p> <p>e. the hours of operation</p> <p>f. the location of the premises, particularly in relation to schools, local services, and employment, retail and recreational facilities</p> <p>g. the number of occasions during the year when the proposed development is likely to be fully utilised</p> <p>h. the availability of public parking within a reasonable distance of the proposed development</p> <p>i. the availability of additional parking facilities to cover peak demands</p> <p>j. anticipated impacts of not providing adequate on-site car parking ensuring no significant impact on public on-street parking provision in the area in context to the <i>CN Parking Plan 2021 - Newcastle Parking Management Framework</i>.</p>	
<p>C-8.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</p>	

<p>assessed. 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 DA for a change of use.</p>	
<p>C-9.Where development/redevelopment is proposed that will result in a loss of on-street spaces (arising from the construction of access, loading facilities etc.), such spaces may be required to be replaced on site.</p>	
<p>C-10.Mechanical parking installations, stacked parking and tandem parking will only be permitted on the site where:</p> <ol style="list-style-type: none"> <li>a. there is a demonstrated need for this type of parking arrangement</li> <li>b. it will not adversely affect the safe, efficient and effective use of the site</li> <li>c. the spaces are attached to the same title</li> <li>d. the design enables manoeuvring of stacked and tandem parked vehicles wholly within the site.</li> </ol>	
<p>C-11.Stacked and tandem parked vehicles must not be used for visitor parking spaces or car share scheme parking spaces.</p>	
<p>C-12.Where an off-street car park or servicing area is provided to serve a development, unobstructed access is to be provided to allow an ambulance vehicle to load and stand at grade entirely onsite.</p>	
<p>C-13.Any departures from the parking rates set out in <b>Table C1.01</b> or <b>Table C1.03</b> must address the following:</p> <ol style="list-style-type: none"> <li>a. the objectives of this section</li> <li>b. 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</li> <li>c. the applicability of other adopted CN policies relating to transport management</li> <li>d. the mix of uses, the hours of operation and timing of peak demand for each use, including any overlap of parking demand</li> <li>e. results of any comprehensive parking survey submitted in support of the application</li> <li>f. whether a Green Travel Plan has been provided and a written agreement between CN and the owner/occupier is established for implementation of the Green Travel Plan</li> <li>g. whether a car sharing scheme is proposed to be implemented</li> <li>h. access to public transport services and the probable transport mode of staff and patrons or customers of the development</li> <li>i. availability and accessibility of public parking facilities in the vicinity of the proposed development</li> <li>j. the availability of kerb-side parking opportunities in the vicinity of the proposed development</li> <li>k. continuity, streetscape and heritage significance</li> <li>l. existing and likely future traffic volumes on the surrounding road network, traffic circulation and safety</li> <li>m. the impacts of providing on-site parking</li> <li>n. anticipated impacts of not providing for adequate on-site car parking.</li> </ol>	<p>Refer to Section E1 Built and Landscape Heritage and Section E2 Heritage Conservation Areas.</p>
<p>C-14.For alterations, additions or change of use of an existing building, a departure from the rates set out in <b>Table C1.01</b> or <b>Table C1.03</b> 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.</p>	
<p>C-15.Car parking spaces are created as separate lots in the strata plan and are not allocated to individual units.</p>	
<p>C-16.Designated vehicle sharing spaces are retained as common property in the strata plan and are:</p>	

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>a. clearly marked and sign-posted as vehicle share spaces</li> <li>b. located so that they are accessible to the public at all times.</li> </ul> |  |
|---|--|

## 17.0 Motorbike parking

### Objectives

1. Provide motorbike parking to meet likely demand.

### Controls (C)

C-1.Motorbike parking for development is provided in accordance with the rates set out in **Table C1.01**. A greater provision of motorbike parking may be required than indicated where warranted in the particular circumstances. The total number of parking to be provided is rounded up to the nearest whole number.

C-2.Motorbike parking complies with the relevant Australian Standard (*AS2890 Parking facilities*) and RMS Technical direction *TDT 2004/02, Motor Bike Parking*.

## 18.0 Accessible parking

### Objectives

1. Ensure adequate provision of accessible parking.
2. Provide conveniently located and signposted accessible parking.
3. Improve the accessibility and inclusiveness of our city and community.
4. Provide opportunities for people of all ages, ability levels and backgrounds to engage fully in home, civic, economic and social life.

### Controls (C)

C-1. The provision of accessible parking spaces is in accordance with the National Construction Code or the minimum rates specified below (where the development requires car parking), whichever is the greater.

- a. class 1b buildings — 1 space for each accessible unit
- b. class 2 buildings — 1 space for each accessible unit and at least 1 visitors' space
- c. class 3 buildings — whichever is the greater:
  - i. at least 1 space for each accessible unit
  - ii. at least 1 space every 33 spaces
- d. class 4 buildings — 1 accessible space
- e. class 5, 6, 7, 8, 9b or 9c buildings — at least 1 space every 33 spaces
- f. class 9a buildings — at least 1 space every 25 spaces.

The required number of accessible parking spaces for unspecified developments will be assessed on the individual merits of the proposal, with regard to the nature and scale of the proposed development.

C-2. Accessible parking is designed and constructed in accordance with current relevant Australian Standards (AS2890) under the National Construction Code.

C-3. Accessible parking spaces 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.

C-4. Accessible parking spaces are located close to wheelchair accessible entrances or lifts.

C-5. A continuous accessible path of travel is provided from each accessible parking space to the closest accessible public entrance.

C-6. Accessible parking spaces are provided on a level surface with a grade (parallel to or at 90 degrees to the angle of parking) no greater than 1 in 40.

C-7. The minimum floor to ceiling clearance above accessible parking spaces is 2.5m and the minimum floor to ceiling height clearance throughout the accessible path of travel is 2.3m.

C-8. The applicant is required to demonstrate how parking restrictions are enforced. Where parking is publicly accessible, an agreement is required with the owner/operator of the premises to allow 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, on any consent granted.

## 19.0 Livable parking for platinum level homes

### Objectives

1. Ensure adequate provision of platinum level car spaces to move around a vehicle.
2. Enable home occupants to easily enter and exit the dwelling.

### Controls (C)

C-1. Where dwellings are required to meet platinum level, car spaces and access are designed and constructed as per the *Livable Housing Guideline, 2017*.

## 20.0 Parking areas and structures

<b>Objectives</b>	
1. Ensure that parking areas, parking structures and vehicular access: <ol style="list-style-type: none"> <li>are integrated into buildings and are not visually prominent from the public domain</li> <li>do not dominate the continuity or appearance of the streetscape or detract from the character of the area</li> <li>are able to be adapted in response to changing future transport mode/s or demand</li> <li>utilise design and construction methods for at grade and above ground car parking areas that enable adaptable reuse in the future for residential, commercial or other permissible uses</li> <li>do not reduce access for service vehicles.</li> </ol>	
2. Ensure parking areas and structures are designed to be easily and safely negotiated by vehicles and pedestrians.	
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>
C-1.Car parking provided at or above ground level has horizontal flooring and a minimum floor to ceiling height of 4m with a minimum clearance height of 3.5m. For the next two floors above, the floor to ceiling height is to be 3.3m. This will enable the development to being adapted to an alternative use in future and to provide for service vehicles.	AS-1. 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.
C-2.Car parking provided at or above ground level demonstrates what infrastructure will be incorporated into the carpark areas of the building to allow for the easy transition to habitable land uses in the future. This includes consideration of: <ol style="list-style-type: none"> <li>retrofitting of utilities and services (water, electricity, and internet)</li> <li>building code requirements for a range of uses</li> <li>removable ramps</li> <li>greater reinforcement, such as steel (as residential/commercial spaces are heavier than car parks).</li> </ol>	AS-2. Parking layout facilitates efficient parking search patterns. Dead-end aisles are avoided.
C-3.Loading docks including their accessways, are to have a minimum clearance height of 4.5m.	
C-4.No sprinklers or other services shall encroach within the clear head clearance height requirement.	
C-5.The facade of an above ground parking structure is: <ol style="list-style-type: none"> <li>designed and finished to complement the architecture of the building and must not present as a car park to the streetscape to ensure the building retains high architectural quality and visual appearance</li> <li>designed to avoid domination of ramps or strong horizontal and/or vertical features.</li> </ol>	
C-6.Covered or enclosed parking areas have adequate provision of lighting and ventilation. Natural lighting is preferred.	
C-7.Design and construction of parking, set down areas and loading facilities comply with the provisions of <i>AS2890 Parking facilities</i> .	

<p>C-8. Clear signage and pavement markings are provided on site to manage traffic movements, driver behaviour and provide warning of potential safety hazards.</p>	
<p>C-9. Where development is expected to generate vehicle movements during hours of darkness, self-illuminated and/or reflective signage and pavement markings are provided.</p>	
<p>C-10. 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.</p>	



**Table C1.01: Parking rates**

**Note 1:** Bicycle parking is categorised as Security Level B or C, which references Section 4.1 of the Austroads publication – Bicycle parking facilities: Updating the Austroads guide to traffic management.

**Note 2:** All development needs to consider the objectives and controls under Section 11.0 and meet EV requirements.

Land use	Car parking	Bike parking	Motorbike parking
<p>Centre-based child care facility</p> <p><b>Note:</b> Additional parking may be required for those centres which have a high ratio of staff to children in care.</p> <p><b>Note:</b> The parking standard may be varied depending on location. A traffic impact assessment may be required to support the proposal, including a parking assessment with survey of similar developments.</p>	<p>1 space for every 4 children in attendance</p> <p>PLUS</p> <p>1 pick-up/set-down bay per 10 childcare places, with minimum dimensions of 2.6m x 6m to allow loading/unloading of prams and courier deliveries. For centres with less than 10 childcare places, no pick-up / set-down bay is required.</p>	<p>1 space per 7 staff (Security Level B)</p> <p>1 space per 7 childcare places (Security Level B), ensuring horizontal parking sufficient for e-cargo bikes</p>	
<b>Commercial (business, office, retail)</b>			
Office premises	1 space per 50m <sup>2</sup> GFA	<p>1 space per 200m<sup>2</sup> GFA (Security Level B)</p> <p>1 space per 400m<sup>2</sup> GFA (Security level C)</p>	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	<p>1 space per 15 staff (Security level B)</p> <p>1 space per 10 staff (Security Level C)</p>	
<b>Retail</b>			
Specialised retail premises	1 space per 60m <sup>2</sup> GFA	<p>1 space per 15 staff (Security Level B)</p> <p>1 space per 10 staff (Security level C)</p>	1 space per 20 car spaces
Roadside stall	No acceptable solution. Assessed as a merit-based assessment.		1 space per 20 car spaces

Land use	Car parking	Bike parking	Motorbike parking
Shop	1 space per 40m <sup>2</sup> GLFA	2 spaces per 200m <sup>2</sup> GFA (50% Security Level B, 50% Security Level C)	1 space per 20 car spaces
Shopping centres	0-10,000m <sup>2</sup> GLFA - 6.1 spaces per 100m <sup>2</sup> GLFA  10,000-20,000m <sup>2</sup> GLFA - 5.6 spaces per 100m <sup>2</sup> GLFA  20,000-30,000m <sup>2</sup> GLFA - 4.3 spaces per 100m <sup>2</sup> GLFA  Over 30,000m <sup>2</sup> GLFA - 4.1 spaces per 100m <sup>2</sup> GLFA	2 spaces per 200m <sup>2</sup> GFA (50% Security Level B, 50% Security Level C)	1 space per 20 car spaces
<b>Food and drink premises</b>			
Pub and club (registered club)  <b>Note:</b> Car parking rates are a guide. Survey based assessment should be done and comparisons 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	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 (Security Level B) for staff  2 spaces per 25m <sup>2</sup> bar area plus 1 space per 100m <sup>2</sup> lounge, beer garden (Security Level C) for visitors	1 space per 20 car spaces
Restaurant or cafe	1 space per 10m <sup>2</sup> GFA or 1 space per 5 seats	1 space per 100m <sup>2</sup> GFA (Security Level B)  1 space per 100m <sup>2</sup> GFA (Security Level C)	1 space per 20 car spaces

Land use	Car parking	Bike parking	Motorbike parking
Take away food and drink premises	<p>Developments with no on-site seating - 6 spaces per 100m<sup>2</sup> GFA</p> <p>Developments with on-site seating but no drive through: 6 spaces per 100m<sup>2</sup> GFA <u>or greater of:</u> 1 space per 10 seats (internal and external), or 1 space per 4 seats (internal)</p> <p>Developments with on-site seating and drive through facilities: <u>greater of:</u> 1 space per 4 seats (internal), or 1 space per 6 seats (internal and external) plus queuing area for 5 to 12 cars</p>	<p>1 space per 100m<sup>2</sup> GFA (Security Level B) for staff</p> <p>1 space per 50m<sup>2</sup> GFA (Security Level C) for visitors</p>	1 space per 20 car spaces
<b>Educational establishments</b>			
<p>School</p> <p><b>Note:</b> The parking standard may be varied depending on location and will require the provision of additional parking where a school auditorium is proposed. A traffic impact assessment may be required to support the proposal.</p>	<p>1 space per 2 staff</p> <p>1 space per 100 students for visitors</p>	<p>1 space per 7 staff (Security Level B)</p> <p>1 space per 5 students (Security level B)</p> <p>1 space per 10 students (Security Level C)</p>	1 space per 20 car spaces.
University or TAFE establishment	1 space per staff plus 1 space per 3 students	<p>1 space per 15 staff (Security Level B)</p> <p>1 space per 7 students (Security level B)</p> <p>1 space per 10 students (Security Level C)</p>	1 space per 20 car spaces

<b>Entertainment facility</b>			
Entertainment facility  <b>Note:</b> A traffic impact assessment may be required 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 15 staff (Security Level B)  1 space per 10 visitors (Security Level C)	1 space per 20 car spaces
<b>Health services facility</b>			
Health consulting rooms  <b>Note:</b> A parking assessment with survey of similar developments may be required.	1 space per practitioner plus 1 space per 2 other staff  2 spaces per practitioner for visitors	1 space per 7 practitioners (Security Level B)  1 space per 7 staff (Security Level C)	1 space per 20 car spaces
Hospital  <b>Note:</b> The parking standard may be varied depending on location. A traffic impact assessment may be required 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 (Security Level B)  1 space per 7 staff (Security Level C) for visitors	1 space per 10 car spaces
<b>Industrial activity</b>			
Artisan food and drink	0.4 space per patron or 1 space per 40 m <sup>2</sup> GFA, whichever is the greater	1 space per 100m <sup>2</sup> GFA (Security Level B)	1 space per 20 car spaces
All other industrial activity	1 space per 100m <sup>2</sup> GFA or 1 space per 2 staff, whichever is the greater	1 space per 15 staff (Security Level B)	1 space per 20 car spaces
Marina	No acceptable solution. Assessed as a merit-based assessment.	1 space per 15 staff (Security Level B)  1 space per 10 staff (Security Level C)	1 space per 20 car spaces
Warehouse or distribution centre	1 space per 200m <sup>2</sup> GFA or 1 space per 2 staff (whichever is greater)	1 space per 15 staff (Security Level B)	1 space per 20 car spaces

<b>Recreational facilities</b>			
Bowling alleys	No acceptable solution. Assessed as a merit-based assessment.	1 space per 15 staff (Security Level B)  1 space per 7 staff (Security Level C)	1 space per 20 car spaces
Bowling greens	No acceptable solution. Assessed as a merit-based assessment.	1 space per 15 staff (Security Level B)  1 space per 7 staff (Security Level C)	1 space per 20 car spaces
Gymnasium	Minimum 4.5 spaces per 100m <sup>2</sup>	1 space per 15 staff (Security Level B)  1 space per 7 staff (Security Level C)	1 space per 20 car spaces
Squash courts	No acceptable solution. Assessed as a merit-based assessment.	1 space per 15 staff (Security Level B)  1 space per 7 staff (Security Level C)	1 space per 20 car spaces
Tennis courts	No acceptable solution. Assessed as a merit-based assessment.	1 space per 15 staff (Security Level B)  1 space per 7 staff (Security Level C)	1 space per 20 car spaces

<b>Residential accommodation</b>			
Attached dwellings, Dual occupancies, Multi dwelling housing, Residential Flat Buildings, Semi-detached dwellings, Shop Top Housing	<p><u>City wide (excluding Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone):</u></p> <p>Minimum of 1 space per dwelling.</p> <p>Minimum 1 space for the first 5 dwellings (excluding dual occupancies) plus 1 space for every 5 thereafter or part thereof for visitors.</p>	<p>Bike parking of 1 space per dwelling is required (The required security level – A or B will be determined)</p> <p>1 space per 7 dwellings (Security Level C) for visitors</p>	1 space per 20 car spaces
Boarding house	1 space plus 1 space per 2 bedrooms	<p>1 space per 7 bedrooms (Security Level B) for staff/residents</p> <p>1 space per 10 bedrooms (Security Level C) for visitors</p>	1 space per 20 car spaces
Co-living	1 space plus 1 space per 2 bedrooms	<p>1 space per 7 bedrooms (Security Level B) for residents</p> <p>1 space per 10 bedrooms (Security Level C) for visitors</p>	1 space per 20 car spaces
Dwelling house	<p>1 space per dwelling &lt; 125m<sup>2</sup></p> <p>2 spaces per dwelling &gt; 125m<sup>2</sup></p>		
Group home	1 space plus 1 space per 2 bedrooms	<p>1 space per 7 bedrooms (Security Level B) for staff/residents</p> <p>1 space per 10 bedrooms (Security Level C) for visitors</p>	1 space per 20 car spaces
Seniors housing or people with a disability	Refer to SEPP (Housing) 2021	Refer to SEPP (Housing) 2021	Refer to SEPP (Housing) 2021

<b>Restricted premises</b>			
Sexual entertainment establishment  <b>Note:</b> A traffic impact assessment to support the proposal, including a parking assessment with survey of similar developments may be required.	Survey required.	1 space per 15 staff (Security Level B)  1 space per 15 staff for visitors (Security Level C)	1 space per 20 car spaces
<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, Motel or Serviced apartment accommodation  <b>Note:</b> The parking requirement may be varied depending on the location.	1 space per 2 staff plus minimum 0.5 spaces per unit	<u>Hotel or Motel:</u>  1 space per 15 units (Security Level B)  <u>Serviced Apartment:</u>  1 space per 5 apartments (Security Level B)  1 space per 15 apartments (Security Level C) for visitors	1 space per 20 car spaces
<b>Other</b>			
Home business or home industry  <b>Note:</b> 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.		

Place of Public Worship  <b>Note:</b> A traffic impact assessment to support the proposal, including a parking assessment with survey of similar developments may be required.	Survey required. As a guide, 1 space per 4 seats.	1 space per 10 staff (Security Level B)  1 space per 10 visitors (Security Level C)	1 space per 20 car spaces
Community facility (Indoors)	1 space per staff plus 1 space per 3 visitors	1 space per 10 staff (Security Level B)  1 space per 10 students (Security Level C)	1 space per 20 car spaces
Service station	1 space per 20m <sup>2</sup> GFA of any ancillary convenience store  4 or 30% of all car parking spaces - whichever is greater - must include a 'Level 3' or higher standard electric vehicle charging points.  Additional parking required if development includes restaurant or take-away food outlet.	1 space per 20 staff (Security Level B)  1 space per 10 staff (Security Level C) for visitors	
Vehicle repair station	6 spaces per work bay plus 1 space per 20m <sup>2</sup> GFA of any ancillary convenience store.	1 space per 20 staff (Security Level B)  1 space per 10 staff (Security Level C) for visitors	
Veterinary hospital	1 space per practitioner plus 1 space per two other staff  1 space per practitioner for visitors	1 space per 7 practitioners (Security Level B)  1 space per 7 staff for visitors	1 space per 20 car spaces



**Table C1.02: 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>

**Table C1.03: Residential development parking rates applying to the Newcastle city centre, Renewal corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street mixed use zone**

Land use	Car parking
<b>Residential accommodation</b>	Newcastle city centre, Renewal corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street mixed use zone
Attached dwellings, dual occupancy, multi dwelling housing, residential flat buildings, semi-detached dwellings, shop top housing	Small 1 bedroom – maximum average of one space per dwelling
	Medium 2 bedrooms – maximum average of one space per dwelling
	Large 3+ bedrooms – maximum average of two spaces per dwelling
	Visitor parking – no minimum with a maximum rate of 1 visitor space per 5 dwellings

## **PART C: General development controls**

### **Section C2 Movement networks**

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## 1.0 Introduction

Development generates vehicle and pedestrian movements. Transport networks and systems in our city connect us to key destinations and provide the structural framework from which to grow and expand. As our city continues to grow and transform, it is important for workers, residents and visitors to be able to move quickly, easily and comfortably within and between places and precincts. This demand is usually accommodated by the existing or planned movement network for smaller scale developments. However, larger scale developments may require changes to the movement network to satisfy the anticipated transport needs of the development.

It is recognised that well-functioning movement networks facilitate a vital economy. They help create vibrant, socially connected and inclusive communities. A well-functioning movement network requires efficient transport of freight and services, residents with access to business and commercial centres, and to sporting and leisure areas. It also relies on the support of public transport use and encouraging healthy lifestyles through active transport connection

## 2.0 Application

This section applies to all development.

## 3.0 Related sections

The following section may also apply to development:

- C1 Traffic, parking and access

## 4.0 Additional information

### Associated technical manuals:

- Austroads Publications and Guides
- *Disability Standards for Accessible Public Transport, 2002, Commonwealth of Australia (as amended)*
- *Transport Stops, Shelters and Seating Guidelines, 2019, City of Newcastle*
- Newcastle Cycling Plan 2021 – 2030, City of Newcastle
- *NSW Address Policy and User Manual, 2021, Geographical Names Board of New South Wales*
- *Model Agreement for Local Councils and Utility/Service Providers, 2018, NSW Streets Opening Coordination Council*
- *Guide to Codes & Practices for Streets Opening, 2018, NSW Streets Opening Coordination Council*

### Additional information:

- *Planning Guidelines for Walking and Cycling, 2004, Department of Planning*
- *Guidelines for Public Transport Capable Infrastructure in Greenfield Sites, 2018, Transport for NSW*

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## 5.0 Objectives

1. Provide for all modes of travel through increased connectivity, legibility, and permeability.
2. Ensure that development incorporates access to shaded, efficient and safe active and public transport options that are attractive and aim to reduce private vehicle dependency.
3. Ensure the movement network has clear structure and that street blocks facilitate safe and efficient internal and external pedestrian, cyclist, and vehicular movements.
4. Ensure that road design: reflects the roles of the road and the needs of road users; is based on sound engineering practices, and; meets relevant Australian Standards, Austroads publications and road authority design guidelines as appropriate.

## 6.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), unless otherwise defined. Other words and expressions include:

- **Carriageway** – is the portion of a road or bridge devoted to the use of vehicles, inclusive of shoulders and auxiliary lanes.
- **Footpath** – is the paved area in a footway.
- **Footway** – is the area reserved for the movement of pedestrians and legal cyclists. It may also accommodate utilities, footpaths, stormwater flows, street lighting poles and plantings.
- **New residential site** – is identified through land use zoning for future urban development. It has not been developed and is located outside the existing urban area.
- **Road/street reserve** – is the area 'reserved' for facilities such as roads, footpaths, and associated features that may be constructed for public travel. It is the total area between property boundaries. This is the land that is referred to as the “public road” within the *NSW Roads Act 1993*. It can include the public roadway or footpath, including the nature strip or verge.

## 7.0 Movement network

<b>Objectives</b>		
1. Ensure movement networks have clear structure and street blocks facilitate safe and efficient internal and external pedestrian, cyclist and vehicular movements.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1. Provide for streets and connections that: <ol style="list-style-type: none"> <li>fulfil their designated roles within the network</li> <li>accommodate utility services and drainage systems</li> <li>create a safe, shaded, and attractive environment.</li> </ol>	<p>AS-1. The movement network:</p> <ol style="list-style-type: none"> <li>has a clear structure</li> <li>provides physical distinctions between each road and pathway type; and</li> <li>is consistent with City of Newcastle's (CN) adopted road hierarchy, as defined in <b>Table C2.01</b>, and <b>Figure C2.01</b> as well as any other relevant document/s currently adopted and under implementation by the CN.</li> </ol> <p>AS-2. Development provides a logical extension of infrastructure and linkages to adjoining existing and potential developments.</p>	<p>Relevant documents adopted and under implementation may include, but are not limited to, a plan, policy, guideline, technical manual, standard drawing/s, publication or the like.</p>
C-2. The design, orientation and placement of the movement system makes best use of: <ol style="list-style-type: none"> <li>opportunities for connectivity within the site and to adjoining sites and/or surrounds</li> <li>the existing streetscape</li> <li>the location of existing and proposed activity centres</li> <li>the natural topography, vegetation and shade offered by existing tree canopy</li> <li>opportunities for views and vistas</li> <li>natural drainage and open space systems</li> <li>eliminate need for retaining walls on any land to be dedicated to the public.</li> </ol>	<p>AS-3. Public open space, drainage reserves, ecological habitat and riparian corridors are separated from development by a perimeter road. Generally, lots are not supported where proposed with rear boundaries against such areas.</p> <p>AS-4. The design features of local roads encourage responsible driver behaviour and restrain traffic volumes and speed. Speed reduction techniques are used to achieve desired speeds.</p> <p>AS-5. The road layout maximises solar access to lots. Roads generally running east-west, and north-south are preferred.</p> <p>AS-6. Development is suitably located on the road hierarchy.</p> <p>AS-7. The road and lot layout facilitates passive surveillance of open space areas.</p> <p>AS-8. The road network caters for existing or future public transport routes extensions.</p>	<p>Allotments/development with a frontage to, or seeking access (vehicle or pedestrian) from, a classified road may be restricted and concurrence will be required from the State road authority, being Transport for NSW (or equivalent agency if renamed, restructured or the like). NSW road network classifications can be found on Transport for NSW website.</p>
C-3. Movement networks are designed to encourage walking and cycling.	<p>AS-9. Internal and external connectivity is enhanced through use of a modified grid pattern that explores modal filter devices and minimises cul-de-sacs and dead end streets.</p> <p>AS-10. The movement network incorporates appropriate paths and cycle routes to encourage walking and cycling within the neighbourhood and to local activity centres.</p>	

## 8.0 Road design

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Ensure subdivision, road design and lot layout can cater for a range of uses, occupants and vehicles.</li> <li>2. Deliver a safe and efficient road network for pedestrians and cyclists.</li> <li>3. Ensure road design responds to the natural topography of the land and minimises the provision of earthworks and retaining walls.</li> <li>4. Ensure that road design: reflects the role 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.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
<p>C-1.Design the road network and roads within the network so that:</p> <ol style="list-style-type: none"> <li>a. 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</li> <li>b. the design reflects the role of the road and the needs of road users; is based on sound engineering practices; and meets relevant CN requirements and best practice design standards as appropriate</li> <li>c. the design creates a safe, shaded, and attractive environment.</li> </ol>	<p>AS-1.The road hierarchy is designed to the requirements of <b>Table C2.01</b>, and <b>Figure C2.01</b>, and relevant CN requirements and best practice design standards.</p> <p>AS-2.The road design:</p> <ol style="list-style-type: none"> <li>a. makes best use of the natural topography and vegetation to minimise cut and fill for road construction and future construction of development</li> <li>b. eliminates the need for retaining walls on any land to be dedicated to the public</li> <li>c. utilises an access corridor that is at a grade that is less than 20%</li> <li>d. avoids the modification and crossing of creek headwaters and watercourses, including infilling of riparian land</li> <li>e. provides perimeter roads to separate development from bushfire areas, public open space and from ecological habitat and corridors</li> <li>f. incorporates the required emergency access and evacuation routes</li> <li>g. maximises sustainable waste collection by optimising waste collection routes and collection points.</li> </ol>	<p>Requirements may be outlined in, but not limited to, a plan, policy, guideline, map/s, technical manual, standard drawing/s, advice, publication or the like. Best practice design standards include, but is not limited to, Australian Standards, Austroads publications, State road authority guidelines or the like.</p>
<p>C-2.In residential subdivisions, street blocks must not exceed a maximum of 180 metres long and 90 metres wide for local and collector streets.</p>	<p>AS-3.The road design creates convenient and highly permeable movement networks between lower and higher order roads, whilst not adversely affecting the safety and role of the higher order road.</p>	
	<p>AS-4.The road reserve width is sufficient to cater for all road roles, including: parked vehicles; safe and efficient movement of all users; and the location, construction and maintenance of public utilities.</p>	

	<p>AS-5.The alignment and geometry of roads identified for bus routes allows for efficient movement of buses and provision of accessible transport stops.</p> <p>AS-6.The carriageway width of roads identified as bus routes allows for movement of buses unimpeded by parked cars and safely accommodates cyclists.</p> <p>AS-7.Where cul-de-sacs/dead end streets are incorporated into the road design due to connection to existing roads not being permitted or other unavoidable design constraints:</p> <ol style="list-style-type: none"> <li>a. they serve no more than 10 lots</li> <li>b. the end of the cul-de-sac is clearly visible from the cross-street</li> <li>c. designed to allow a 10m wide active transport connection through to the existing road or open space with no lots proposed at the head of the cul-de-sac. A shared path of 3m in width is to connect the two ends with cycling connections to any roads at either end</li> <li>d. consideration is given to on-street parking and the design of vehicles.</li> </ol> <p>AS-8.Development caters for the orderly provision and extension of footpaths, kerb and guttering and associated works.</p> <p>AS-9.Street name signs are erected at the junction of all roads in the subdivision. Proposed street names are to be submitted with the development application and are in accordance with the <i>NSW Address Policy and User Manual</i>.</p> <p>AS-10.The alignment and width of proposed roads, which extend existing roads conform to existing construction.</p> <p>AS-11.On sloping land, road and allotment design allows for dwellings to be generally parallel with contours to minimise earthworks. Roads and allotments are to be configured to:</p> <ol style="list-style-type: none"> <li>a. minimise earthworks and retaining walls</li> <li>b. minimise potential privacy and overshadowing impacts</li> <li>c. optimise solar access, where slopes face south.</li> </ol>	
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## 9.0 Public transport

<b>Objectives</b>		
1. Reduce reliance on single occupancy private motor vehicles for trips by providing effective, efficient and sustainable modes of public transport that is accessible to a wide range of people.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1. Increase the opportunity for choice in mode of transport and facilitate efficient and accessible public transport services.	AS-1. For major development in new residential sites: <ol style="list-style-type: none"> <li>a. location and design of transport stops are in accordance with CN 'Transport Stops, Shelters and Seating Guidelines' (2019) and the 'Disability Standards for Accessible Public Transport' (Commonwealth of Australia) (as amended)</li> <li>b. routes for bus services are designed in accordance with <b>Table C2.01</b>, and <b>Figure C2.01</b></li> <li>c. bus routes are direct and safely accessible from a majority of residences</li> <li>d. the proponent shows evidence of consultation with the relevant transport authority 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.</li> </ol>	Refer to Transport for NSW, <i>Guidelines for Public Transport Capable Infrastructure in Greenfield Sites</i> , 2018.

## 10.0 Pedestrian and cycle paths

<b>Objectives</b>		
1. Provide safe, activated, interesting, shaded and healthy streets with pedestrian, cycle and public transport movements prioritised. 2. Pedestrian, active transport, and public transport access is prioritised over private vehicles to promote healthy and active neighbourhoods.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1. Maximise opportunities for walking and cycling and where possible, provide bike paths physically separated from traffic.	AS-1. Dedicated cycle paths are provided in accordance with the relevant document/s and specifications currently adopted and under implementation by the CN.	Relevant documents adopted and under implementation by the CN may include, but are not limited to, a plan, policy, guideline, map/s technical manual, standard drawing/s, publication or the like.
C-2. Pedestrian and cycle paths design provides for safe, shaded, attractive and convenient movement to and from the development.	<p>AS-2. Footpaths are provided for the full width of any site frontage to a road in accordance with <b>Table C2.01</b>, and <b>Figure C2.01</b> including for infill development, with an exception to reduce the minimum width of footpaths to 1.2 metres where greater footpath widths prevents the potential for tree plantings as per the CN standard drawings. Where the proposed footpath will adjoin and connect into an existing or approved footpath on an adjoining site, the width of the proposed footpath is to transition from the existing footpath width.</p> <p>AS-3. Pedestrian and cycle paths comply with relevant Australian Standards, including AS1428 (Design for access and mobility), Austroads publications and road authority guidelines as appropriate.</p> <p>AS-4. Pedestrian and cycle paths:</p> <ol style="list-style-type: none"> <li>are located and designed to complement the environment and reduce conflict with motor vehicles and other road users. It is preferable that pedestrian and cycle paths are separated from the road</li> <li>provide a shorter route (in length) than the alternative car route, between activity nodes and recreation areas</li> <li>include hazard warning, tactile ground surface indicators (TGIs), directional and interpretive signage</li> <li>include support facilities such as bicycle parking, parking rails, access ramps, signage, seating, drinking water fountains</li> <li>minimise conflict with landscaping infrastructure such as street trees.</li> </ol>	<p>When determining the requirement for footpaths, considerations by CN may include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>the development type, scale and density</li> <li>planned or likely intensification of an area</li> <li>adjoining or surrounding footpath infrastructure and surface treatments</li> <li>condition of any existing footpath and need for replacement</li> <li>CN forecasted infrastructure and asset projects or capital works programs</li> <li>topography of the road reserve along subject site frontage</li> <li>the presence of any utilities, services, assets, street trees, street furniture or the like.</li> </ul> <p>CN public domain plans and standard drawings for footpaths.</p>

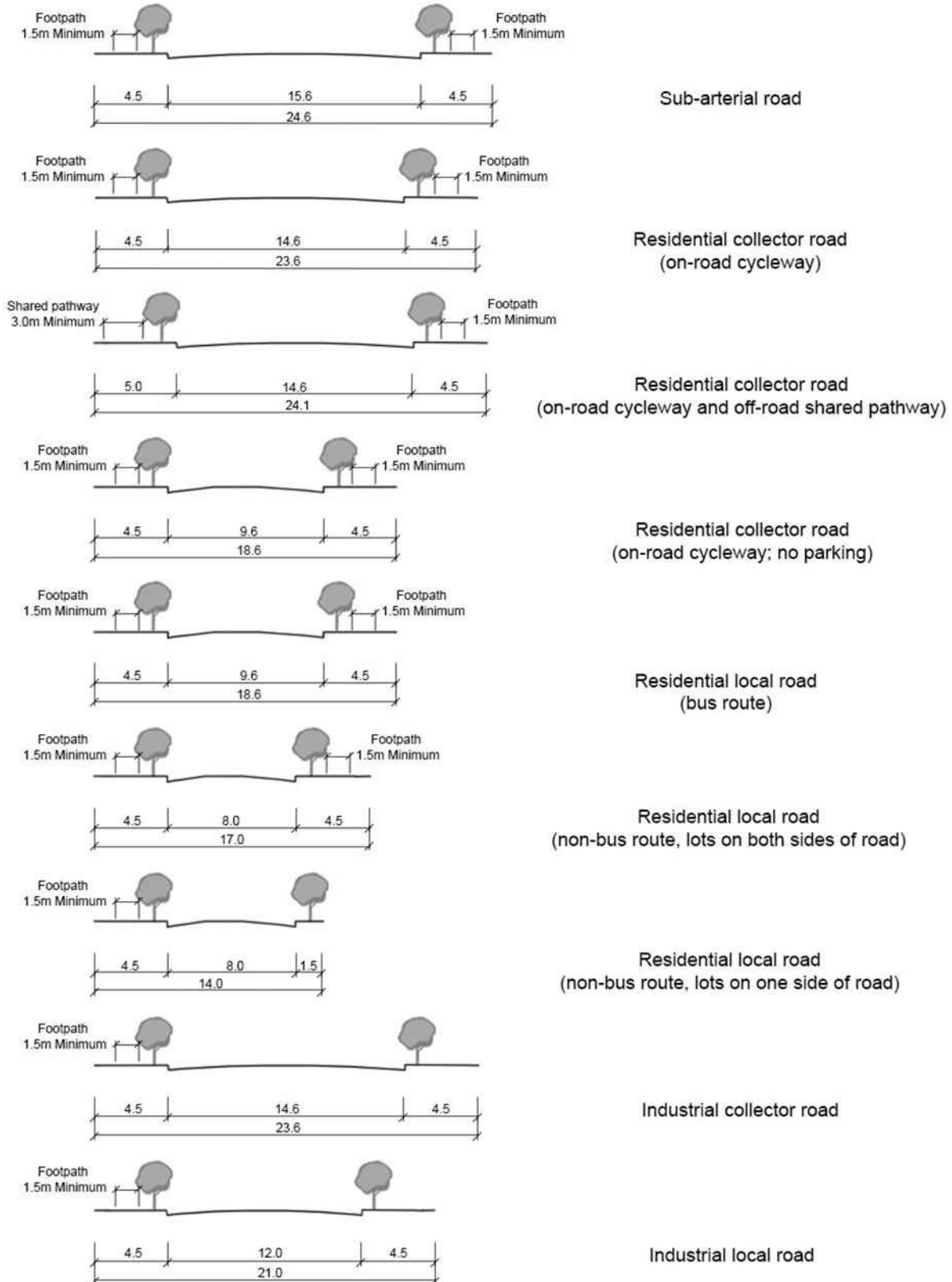
Street Type	Maximum traffic volume	Maximum traffic speed	Design ESA	Road reserve (see note 1)	Carriage-way	Footway (verge) (see note 2)	Footpath/shared pathway (see note 3)	Kerbing (see note 4)	Design considerations
Sub-arterial road	≥5,000vpd	≥60 km/h	1 x 10 <sup>8</sup>	24.6m	15.6m	2 x 4.5m	2 x 1.5m (min)	Upright	Standards for sub-arterial roads are subject to negotiation with CN 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 1.5m (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 3m (min) 1 x 1.5 (min)	Upright	Requirement for shared pathway both sides is subject to negotiation with CN.
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 1.5m (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 1.5m (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 1.5m (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 1.5m (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 1.5m (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 1.5m (min)	Upright	Carriageway width is based on 2 x 2.5m parking lanes and 2 x 3.5m travel lanes (not marked).

**Table C2.01: Road types and dimensions**

**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 CN, minimum width is 3m 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 CN's Cycling Plan.
- Upright kerbing is required unless alternative, best practice WSUD treatments are agreed by CN

## ROAD TYPES AND DIMENSIONS



**Figure C2.01: Cross sections of road types and dimensions**

## **PART C: General development controls**

### **Section C3 Vegetation preservation and care**

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## 1.0 Introduction

The urban forest is made up of vegetation on public and privately owned land, and green infrastructure on public and private walls and buildings. It provides significant visual, ecological, environmental, social, cultural, psychological and financial benefits.

Climate change, population growth, pollution and urban heating, place pressure on the natural and built fabric of the city. A healthy urban forest plays a critical role in maintaining healthy and liveable ecosystems and places in Newcastle. Liveability greatly depends on the long-term conservation and management of existing trees, plants, shrubs, and other vegetation, and the planting of appropriate species.

## 2.0 Application

This section applies to vegetation clearing that requires a permit under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* ([Biodiversity and Conservation SEPP](#)), and vegetation clearing undertaken ancillary to development.

There are three potential approval pathways for the clearing of vegetation:

- **Exempt**  
Some vegetation clearing is exempt under this DCP and can be undertaken without approval see sub-section 7.0).
- **Permit application for clearing declared vegetation**  
A permit application will be required where declared vegetation clearing is not ancillary to other development needing consent. Declared vegetation is defined in sub-section 7.0.
- **Development application (DA)**  
The clearing of vegetation may be considered in a DA where the clearing is ancillary to other development needing consent.

## 3.0 Related sections

The following sections may also apply to development:

- B4 Aboriginal cultural heritage
- B6 Urban Heat
- C4 Stormwater
- C5 Soil management
- C12 Open space and landscaping
- E1 Built and landscape heritage
- E2 Heritage conservation areas

## 4.0 Additional information

### Associated technical manuals:

- *Newcastle Urban Forest Technical Manual*, updated 2018. City of Newcastle (CN), formerly Newcastle City Council.

## 5.0 Objectives

1. Manage and care for the urban forest and maximise urban greening, resulting in a healthy, green and biodiverse city that provides economic, ecological and social benefits.
2. Identify declared vegetation under the [Biodiversity and Conservation SEPP](#).
3. Provide opportunities for ecosystem pollinator habitat.
4. Prioritise the retention of the existing urban forest.
5. Ensure compensatory plantings are provided when vegetation is cleared.
6. Protect and enhance the biodiversity and amenity value of the urban forest through the protection of trees, plants, shrubs, and other vegetation including a diversity of native and non-native vegetation in both private spaces, and along public verges, pathways, and roadways.
7. Protect high environmental value land, including biodiversity corridors, riparian areas and wetlands.
8. Authorise the clearing of priority weeds and other inappropriate vegetation and encourage replacement with appropriate compensatory plantings.

## 6.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), unless otherwise defined. Other words and expressions include:

- **Clear vegetation** – has the same meaning as in [Biodiversity and Conservation SEPP](#) and includes:
  - cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
  - lop or otherwise remove a substantial part of the vegetation.
- **Compensatory planting** - tree planting required offsetting the loss of retainable tree canopy.
- **Dead tree** – is where the biological function of the tree has ceased. No leaves are present and there is visible evidence of trunk, root plate and canopy desiccation.
- **Declared vegetation** – the following is defined as declared vegetation in accordance with Part 2.3 of the [Biodiversity and Conservation SEPP](#), subject to the exemptions outlined in C-2 and C-3 of subsection 7.0 Approval required: exempt, permit or development consent:
  - a. any native vegetation that is a threatened species, endangered ecological community, or provides habitat for threatened species, or
  - b. any tree equal to or greater than 3m in height, or with a diameter (measured at 1.4m above ground level) equal to or greater than 15cm for a single trunk tree or equal to or greater than 10cm for one of the trunks of a multi-trunk tree, or
  - c. any shrub that is equal to or greater than 3m in height, or
  - d. a tree that is required to be retained or planted as a condition of a complying development certificate, permit or development consent, or
  - e. any vegetation on land managed by CN.
- **Environmental land** – is land retained onsite for the protection, provision or restoration of the environment; including land avoided under the 'avoid, minimise, offset' hierarchy, and riparian corridors. Environmental land can provide a range of environmental services such as biodiversity protection; waterway stability; land stability; flood attenuation; habitat enhancement, biodiversity corridors and buffers; microclimate regulation and climate resilience.
- **Habitat tree** - mature to over-mature trees that contains hollows or cavities.
- **New residential site** – is identified through land use zoning for future urban development. It has not been developed and is located outside the existing urban area.

- **Native vegetation** – has the same meaning as in Part 5A of the *Local Land Services Act 2013* and includes 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.

A plant is native to New South Wales if it was established in New South Wales before European settlement. The regulations may authorise conclusive presumptions to be made of the species of plants native to New South Wales by adopting any relevant classification in an official database of plants that is publicly accessible.

For the purposes of this part of the plan, native vegetation does not extend to marine vegetation (being mangroves, seagrasses or any other species of plant that at any time in its life cycle must inhabit water other than fresh water). A declaration under section 14.7 of the *Biodiversity Conservation Act 2016* that specified vegetation is or is not marine vegetation also has effect for the purposes of this part.

- **Pruning** – only refers to activities covered by *AS4373; Pruning of amenity trees*.
- **Public Tree** – is a tree/shrub located on land managed by CN.
- **Shrub** – is a woody perennial plant that is generally smaller than a tree species at maturity and has many main stems or trunks.
- **Tree** – is 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** – are a 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*:
  - a. assess tree sustainability
  - b. assess landscape significance
  - c. weigh sustainability and landscape significance.
- **Tree vacancy site** – is a public land site CN has identified for future tree planting. The sites were identified from analysis of the local government area (LGA) based on criteria in the Tree Asset Management System. Tree vacancy site locations are available on request from CN and on CN's website - TreeMap.
- **Urban forest** – is the collection of trees, shrubs, and other vegetation types, on both public and privately owned land within the Newcastle LGA.
- **Vegetation** – has the same meaning as in the [Biodiversity and Conservation SEPP](#) where the term is defined as a tree or other vegetation, whether or not it is native vegetation.



## 7.0 Approval required: exempt, permit or development consent

<b>Objectives</b>	
1. Provide clarity on the approval pathway for vegetation clearing or pruning.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.A permit from CN <u>is required</u> prior to clearing declared vegetation, subject to the exemptions in C-2 and C-3 below.	<p>Declared vegetation is defined in sub-section 6.0 Definitions.</p> <p>There are three potential approvals pathways for the clearing/pruning of vegetation: the clearing/pruning is exempt, or the clearing/pruning requires a permit, or development consent.</p> <p>If the clearing/pruning of declared vegetation is not to enable development (e.g. building works), and meets one of the exemptions outlined in C-2 or C-3 below, a permit is <u>not</u> required from CN.</p> <p>If the clearing of declared vegetation is not to enable development (e.g. building works), and does not meet any of the exemptions outlined in C-2 or C-3 below, then a permit <u>is</u> required from CN, see sub-section 9.0 Permit for the clearing of declared vegetation.</p> <p>If the vegetation to be cleared is to enable development for which consent is being sought, then the clearing of vegetation is ancillary to the development and will be considered as part of the DA, see sub-section 10.0 Development consent for clearing of vegetation ancillary to a DA.</p> <p>The <a href="#">Biodiversity and Conservation SEPP</a> prohibits CN from issuing a permit for the clearing of native vegetation that exceeds the biodiversity offsets scheme threshold. Refer to the <a href="#">Biodiversity Conservation Act 2016</a> for further information.</p> <p>Vegetation clearing on waterfront land may require a controlled activity approval under the <i>NSW Water Management Act 2000</i>. Waterfront land includes the bed, bank and all land within 40m of any river (includes watercourses), lake (includes wetlands), or estuary. See the NSW Government website for further information.</p>

C-2.A permit from CN is not required to clear declared vegetation on private land if landowners' consent has been obtained and one of the following is true:

- a. clearing of the vegetation has been authorised by a development consent or 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 a severe storm or wind events, and meets the requirements of the *Urban Forest Technical Manual*, or
  - ii. is dead or storm damaged and is not:
    - a habitat tree, or
    - on land that is a heritage item, or
    - in a heritage conservation area and visible from the street or other public areas (other than a lane), or
    - part of an Aboriginal object, or
    - within an Aboriginal place of heritage significance.

The Report Storm Damage Tree Removal form in the Urban Forest Technical Manual is to be completed and submitted within 5 days of tree clearing, or
  - iii. is located within 3m of the edge of a pool, or dwelling or building greater than 20m<sup>2</sup>, measured from the closest point of the trunk to the footings of the dwelling/building, or the outside edge of the coping of a legally constructed swimming pool, and is not:
    - on land that is a heritage item, or
    - in a heritage conservation area and visible from the street or other public areas (other than a lane), or
    - part of an Aboriginal object, or
    - within an Aboriginal place of heritage significance, or
- c. the tree is listed in **Table C3.01** and is not:
  - on land that is a heritage item, or
  - in a heritage conservation area and visible from the street or other public areas (other than a lane).

This control does not apply to trees or shrubs on land managed by a public authority.

The maintenance, pruning or clearing of trees and shrubs within road reserves or located on land managed by CN can only be undertaken by CN.

If a tree or shrub on land managed by CN appears to be damaged by a storm, it must be referred to CN who will carry out the required works.

Tree clearing 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 CN permit.

The [Biodiversity and Conservation SEPP](#) allows CN to issue a permit for the clearing of vegetation that is or forms part of a heritage item, is within a heritage conservation area or is or forms part of an Aboriginal object or is within an Aboriginal place of heritage significance only if CN is satisfied that clearing is of a minor nature, is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area and would not affect the heritage significance. See sub-section 8.0 or refer to the [Biodiversity and Conservation SEPP](#) for further information

If the proposal will harm a known Aboriginal object or Aboriginal place, an Aboriginal Heritage Impact Permit will be required under the *National Parks and Wildlife Act 1974*. This permit is separate to a development consent or heritage minor works or maintenance notification endorsement issued by CN. It is your responsibility to obtain the permit from the relevant NSW Government Authority, separate to CN's approval process.

Scientific Name	Common Name
<i>Acacia baileyana</i>	Cootamundra wattle
<i>Acacia salignus</i>	golden wattle
<i>Ailanthus altissima</i>	tree of heaven
<i>Albizia lophantha</i>	cape wattle
<i>Celtis sinensis</i>	hackberry
<i>Chamaecytisus palmensis</i>	tree lucerne
<i>Chrysanthe moides spmonolifer</i>	bitou bush
<i>Cinnamomum camphora</i>	camphor laurel*
<i>Cotoneaster</i> spp.	cotoneaster

<i>Erythrina x-sykesii</i>	coral tree
<i>Ficus elastica</i>	rubber tree
<i>Gleditsia triacanthos</i>	honey locust
<i>Lagunaria patersonia</i>	Norfolk Island hibiscus
<i>Ligustrum</i> spp.	privet
<i>Nerium oleander</i>	oleander
<i>Olea europaea</i> subsp. <i>cuspidata</i>	African olive
<i>Phoenix canariensis</i>	Canary Island date palm
<i>Pyracantha</i> spp.	firethorn
<i>Salix</i> spp.	willow
<i>Sapium sebiferum</i> syn. <i>Triadica sebifera</i>	Chinese tallow*
<i>Schinus terebinthifolius</i>	Brazilian mastic
<i>Syagrus romanzoffianum</i>	cocos palm

**Table C3.01: Exempt undesirable tree species**

\*Except where the tree height exceeds 10m or the trunk diameter, at 1.4m above ground level, exceeds 30cm.

C-3.A permit is not required from CN for pruning declared vegetation if:

- a. that pruning would not be considered clearing vegetation as per the definition in the [Biodiversity and Conservation SEPP](#), and
- b. the pruning is done in accordance with AS4373 – 2007, including being by a person with training to AQF Level 3 in Arboriculture, or above, or equivalent.

Generally, a permit is not required for removing a small portion of a tree. As per the definition of 'clear vegetation' in sub-section 6.0 Definitions above, a permit is only required where a 'substantial' part of the tree is proposed to be removed.

## 8.0 Application requirements

### Permit applications

Development category	Application requirements	Explanatory notes
All permit applications.	A completed permit application form.	The application form can be found on CN's website.
Where a declared tree is proposed to be removed.	A report prepared by a consulting arborist (AQF5) that: <ul style="list-style-type: none"> <li>a. demonstrates that at least one of the tree assessment tests under the <i>Urban Forest Technical Manual</i> has been met</li> <li>b. is prepared following the <i>Urban Forest Technical Manual</i></li> <li>c. show that compensatory trees will be chosen to ensure that at maturity will increase canopy cover.</li> </ul>	
Where it is proposed to clear declared vegetation that is or forms part of a heritage item, or an Aboriginal object or that is within an Aboriginal place of heritage significance.	Heritage Minor Works or Maintenance Notification form.	The Heritage Minor Works or Maintenance Notification form can be found on CN's website. If the proposal will harm a known Aboriginal object or Aboriginal place, an Aboriginal Heritage Impact Permit will be required under the <i>National Parks and Wildlife Act 1974</i> . This permit is separate to development consent, heritage minor works or maintenance notification endorsement issued by CN. It is your responsibility to obtain the permit from the relevant NSW Government Authority, separate to CN's approval process.
Where it is proposed to clear declared vegetation within a heritage conservation area and visible from the street or other public areas (other than a lane).	Heritage Minor Works or Maintenance Notification form.	The Heritage Minor Works or Maintenance Notification form can be found on CN's website.

<p>Preparation of an ecological assessment will be required where the clearing of declared vegetation is proposed if any of the following are true:</p> <ol style="list-style-type: none"> <li>a. the vegetation to be cleared is a threatened species, endangered ecological community, or provides habitat for threatened species, or</li> <li>b. more than five individual trees are to be removed, or an area of native vegetation greater than 200m<sup>2</sup> is to be cleared, or</li> <li>c. habitat trees are to be removed, or</li> <li>d. the vegetation to be cleared is adjacent to CN's mapped bushland assets, or land zoned C1, or</li> <li>e. more than three individual trees are to be removed, or an area of native vegetation over 150m<sup>2</sup> is to be cleared, within 10m of the top of bank of a CN mapped waterway.</li> </ol>	<p>An ecological assessment prepared:</p> <ol style="list-style-type: none"> <li>a. by a suitably qualified ecologist who possesses an environmental science or equivalent degree and has at least two years' experience as a practising ecological consultant, and</li> <li>b. following the <i>Urban Forest Technical Manual</i>.</li> </ol>	<p>Refer to the <i>Urban Forest Technical Manual</i> for guidance on measuring the top of bank of a CN mapped waterway.</p> <p>A Vegetation Management Plan may be required to be submitted with the permit application if required by the ecological assessment, or by the NSW Government to support a controlled activity approval for vegetation clearing on waterfront land. Waterfront land includes the bed, bank and all land within 40m of any river (includes watercourses), lake (includes wetlands), or estuary. See the NSW Government website for further information.</p> <p>Refer to the <i>Urban Forest Technical Manual</i> for further guidance on the preparation of Vegetation Management Plans.</p>
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## Development applications

Development category	Application requirements	Explanatory notes
<p>All DAs. Where one or more tree(s) are proposed to be removed.</p>	<p>A report prepared by a consulting arborist (AQF5) is required that:</p> <ol style="list-style-type: none"> <li>a. is prepared following the <i>Urban Forest Technical Manual</i></li> <li>b. shows that compensatory trees will be chosen to ensure that at maturity they will increase canopy cover.</li> </ol> <p>A landscape concept plan, prepared following the <i>Urban Forest Technical Manual</i>, is required for the site, identifying suitable locations and species for compensatory tree plantings. The landscape concept plan should demonstrate that:</p> <ol style="list-style-type: none"> <li>a. compensatory trees have been located at the front of the property where practicable and planting is offset a minimum of 1.5m from the front of the property</li> <li>b. compensatory trees have been chosen to ensure that at maturity they will increase canopy cover</li> <li>c. compensatory tree planting locations have considered the location of services and other infrastructure</li> <li>d. compensatory tree planting will be undertaken following the <i>Urban Forest Technical Manual</i>.</li> </ol>	<p>A tree retention value assessment will be required for all trees impacted by the development together with a tree protection plan for all trees to be retained.</p> <p>Refer to the <i>Urban Forest Technical Manual</i> for further guidance on the landscape concept plan.</p> <p>The relevant DA forms can be found on CN's website.</p>
<p>Where development includes cut or fill excavation and a tree is (including on adjoining land):</p> <ul style="list-style-type: none"> <li>• located within 3m of the development, or</li> <li>• located within 5m of the development and has a trunk greater than 36cm in diameter, measured at 1.4m above ground level.</li> </ul>	<p>A report by a consulting arborist (AQF5) is required that:</p> <ol style="list-style-type: none"> <li>a. includes a tree retention value assessment following the <i>Urban Forest Technical Manual</i></li> <li>b. defines tree protection zone offsets and protection requirements</li> <li>c. is prepared following the <i>Urban Forest Technical Manual</i>.</li> </ol>	

<p>Where a <u>public</u> tree or tree vacancy site is:</p> <ul style="list-style-type: none"> <li>• located within 3m of the development or</li> <li>• located within 5m of the development and has a trunk with a diameter greater than 36cm, measured at 1.4m above ground level.</li> </ul>	<p>Site plans that reference:</p> <ol style="list-style-type: none"> <li>a. the location of all public trees and identified tree planting vacancies</li> <li>b. the planned utility connections including any poles and wires.</li> </ol> <p>Where the proposed development design, including driveway crossovers, is within the public tree protection zone (defined in accordance with AS 4970-2009), the DA must demonstrate how the feasibility of alternative design options to retain the tree were considered. All alternative design options that were considered should be outlined and a feasibility review provided for each option.</p>	<p>Further information on site plans can be found in the <i>Urban Forest Technical Manual</i>.</p>
<p>Preparation of an ecological assessment will be required if any of the following are true:</p> <ol style="list-style-type: none"> <li>a. the vegetation to be cleared is a threatened species, endangered ecological community, or provides habitat for threatened species, or</li> <li>b. clearing of native vegetation will be done in areas that meet the NSW Government's high environmental value criteria after ground truthing, or</li> <li>c. more than five individual trees are to be removed, or an area of native vegetation greater than 200m<sup>2</sup> is to be cleared, or</li> <li>d. habitat trees are to be removed, or</li> <li>e. the vegetation to be cleared is adjacent to CN's mapped bushland assets, or land zoned C1, or</li> <li>f. more than three individual trees are to be removed, or an area of native vegetation over 150m<sup>2</sup> is to be cleared within 10m of the top of bank of a CN mapped waterway.</li> </ol>	<p>An ecological assessment that is prepared:</p> <ol style="list-style-type: none"> <li>a. by a suitably qualified ecologist who possesses an environmental science or equivalent degree and has at least two years' experience as a practising ecological consultant</li> <li>b. in accordance with the <i>Urban Forest Technical Manual</i>.</li> </ol>	<p>The NSW Government's criteria for high environmental land are outlined in the <a href="#">Hunter Regional Plan 2041</a>. In accordance with the <a href="#">High Environmental Value Strategic Planning Mapping and Governance Guide</a>, threatened ecological communities not in moderate-good condition or highly disturbed may be excluded from an avoidance area. Threatened ecological communities are considered to be in moderate - good condition if they have a current vegetation integrity score greater than or equal to 60 (this score is consistent with the <a href="#">Biodiversity Assessment Method 2020 Operational Manual - Stage 3</a> definition of a security benefit).</p> <p>Refer to the <i>Urban Forest Technical Manual</i> for guidance on measuring the top of bank of a CN mapped waterway.</p>

<p>Preparation of a Vegetation Management Plan will be required if any of the following are true:</p> <ol style="list-style-type: none"> <li>a. native vegetation is to be retained onsite to meet the 'avoid, minimise, offset hierarchy' or to protect or enhance local blue and/or green corridors, or</li> <li>b. native vegetation onsite is required to be rehabilitated or restored, or</li> <li>c. native vegetation to be retained onsite is a threatened species, endangered ecological community, or provides habitat for threatened species, or</li> <li>d. more than three individual trees are to be removed, or an area of native vegetation over 150m<sup>2</sup> is to be cleared within 10m of the top of bank of a CN mapped waterway, or</li> <li>e. an ecological assessment for the proposed clearing requires the preparation of a Vegetation Management Plan, or</li> <li>f. land is intended to be dedicated to CN for environmental or conservation purposes.</li> </ol>	<p>A Vegetation Management Plan prepared:</p> <ol style="list-style-type: none"> <li>a. by a suitably qualified professional, with a tertiary degree in Environmental Science, or a Diploma in Land Conservation, or equivalent, and has a minimum 4 years' experience</li> <li>b. following the guidelines and checklists for Vegetation Management Plans in the <i>Urban Forest Technical Manual</i></li> <li>c. following the standard drawings and specifications for native garden beds and natural area interfaces available on CN's website (A3000 Series).</li> </ol>	<p>A Vegetation Management Plan may also be required by the NSW Government if the proposed clearing is a controlled activity under the <i>Water Management Act 2000</i>. Controlled activities refer to work or actions on waterfront land. Waterfront land includes the bed, bank and all land within 40m of any river (includes watercourses), lake (includes wetlands), or estuary. See the NSW Government website for further information.</p>
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<p>Subdivision of a new residential site.</p>	<p>A detailed site plan(s) (and report) prepared in accordance with the <i>Urban Forest Technical Manual</i> that identifies:</p> <ol style="list-style-type: none"> <li>a. vegetation to be retained, cleared, offset or restored, including any proposed environmental land</li> <li>b. all areas of endangered ecological community, plus a minimum buffer of twenty (20) metres of native vegetation</li> <li>c. bushfire asset protection zones, and how these zones will impact on environmental land to be retained</li> <li>d. any existing or potential blue and/or green corridors on and within 150 metres of the site, including riparian corridors</li> <li>e. The location of habitat trees (to be retained and removed)</li> <li>f. tree protection zone offsets and protection requirements in accordance with the <i>Urban Forest Technical Manual</i></li> <li>g. a separate plan layer showing the locations of proposed street and park tree plantings, and the nominated species selected in accordance with CN's <i>Street Tree Selection Manual 2016</i>.</li> </ol> <p>A report from a consulting arborist (AQF5) outlining the impacts on all trees within five meters of the proposed development, including adjacent lots, to specify the protection proposed for trees to be retained, and justify any tree clearing. The report is to be prepared in accordance with the <i>Urban Forest Technical Manual</i> and shall include the following:</p> <ol style="list-style-type: none"> <li>a. a tree impact assessment, which assesses the condition of the trees, determines the impacts from the development and associated activity, and identifies tree sensitive construction methodologies and considerations suitable for tree retention</li> <li>b. defines tree protection zone offsets and protection requirements in accordance with <i>Urban Forest Technical Manual</i></li> <li>c. incorporates a tree retention value assessment in accordance with the <i>Urban Forest Technical Manual</i>.</li> </ol>	<p>The requirements of this clause are in addition to the other Development Application requirements outlined in sub-section 8.0 Application requirements. That is, a DA for the subdivision of a new residential site will be required to submit the information in this clause, in addition to the above DA requirements outlined in sub-section 8.0 Application requirements.</p>
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## 9.0 Permit for the clearing of declared vegetation

<b>Objectives</b>	
1. Ensure vegetation clearing sustains and increases vegetation and canopy cover on an intergenerational basis. 2. Avoid any negative impact of pruning on trees. 3. Provide guidance for compensatory measures to replace any vegetation proposed to be removed.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Where it is proposed to clear declared vegetation, a permit application is to include a completed application form (see CN's website) and the associated permit application requirements as outlined in sub-section 8.0 Application requirements above.	Associated permit application requirements may include the preparation of an Arborist Report, Heritage Minor Works and Maintenance Notification form, an ecological assessment, site plans and any other information requested by CN.  This permit process may apply to land managed by public authorities other than CN, where the public authority's relevant legislation does not provide for tree clearing.
C-2. All pruning, including that which would be considered clearing, must be undertaken in accordance with <i>AS4737-2007</i> .	
C-3. Trees are to be retained wherever possible. A permit application must demonstrate that at least one of the tree assessment tests under the <i>Urban Forest Technical Manual</i> has been met.	
C-4. Vegetation management for the purposes of bushfire risk management is to be accommodated within the site, not through the clearing, adjustment, or management of vegetation on land managed by CN.	
C-5. Compensatory tree planting is to be undertaken in accordance with the <i>Urban Forest Technical Manual</i> .	
C-6. The location of compensatory trees on private land is to consider the location of services and other infrastructure.	

## 10.0 Development consent for clearing of vegetation ancillary to a DA

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Ensure that vegetation clearing sustains and maximises canopy cover on an intergenerational basis.</li> <li>2. Ensure existing vegetation is identified and assessed in the development process.</li> <li>3. Ensure retention of trees on existing lots is undertaken in a responsible manner.</li> <li>4. Minimise potential development impacts on areas of high environmental value.</li> <li>5. Provide guidance for compensatory measures to replace any vegetation proposed to be removed.</li> <li>6. Ensure that no net-loss of tree vacancies occurs through the consideration of public tree vacancy sites in the design of the development.</li> <li>7. Ensure existing public trees are retained except where it can be demonstrated that no practical alternative is available.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Where the clearing of vegetation is being undertaken ancillary to development that requires consent, a DA is to include the relevant DA forms (see CN's website) and the associated development application requirements as outlined in sub-section 8.0 Application requirements above.	Associated development application requirements may include the preparation of Arborist Reports, Heritage Minor Works and Maintenance Notification form, an ecological assessment, a Vegetation Management Plan, site plans, public tree site plans and any other information requested by CN.
C-2. All proposals will be designed to retain trees wherever possible.	
C-3. 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.	Further information on Tree Protection Plans can be found in the <i>Newcastle Urban Forest Technical Manual</i> .
C-4. Vegetation management for the purposes of bushfire risk management or Crime Prevention Through Environmental Design must be accommodated within the site, not through the clearing, adjustment or management of vegetation on land managed by CN.	Vegetation management for private benefit cannot be imposed on land managed by CN.
C-5. Where it is demonstrated that the development design cannot retain all trees, the following outcomes are preferred: <ol style="list-style-type: none"> <li>a. the location for compensatory trees is within the front of the property and planting is offset a minimum 1.5m from the front property boundary, and</li> <li>b. compensatory trees are chosen to ensure that at maturity will result in an increase in canopy cover, and</li> <li>c. compensatory tree planting locations consider the location of services and other infrastructure, and</li> <li>d. compensatory tree planting is to be undertaken in accordance with the <i>Urban Forest Technical Manual</i>.</li> </ol>	
C-6. Where the clearing of native vegetation is being undertaken for the purpose of a subdivision: <ol style="list-style-type: none"> <li>a. areas that meet the NSW Government's high environmental value criteria after ground truthing, including all threatened ecological communities and key habitat for threatened species, are to be avoided and</li> </ol>	This control defines a position for the avoidance and protection of high environmental land, consistent with criteria and strategies outlined in the <a href="#">Hunter Regional Plan 2041</a> . The

<p>protected, and</p> <ul style="list-style-type: none"> <li>b. all areas of threatened ecological community, plus a minimum buffer of 20 metres of native vegetation, are to be avoided and protected, and</li> <li>c. biodiversity corridors, with a minimum width of 150m, are to be avoided and protected, where subdivision sites are located within key habitat localities, connecting corridors, or their associated buffer areas in the <i>Green Corridors and Landscape Precincts Plan 2005</i>.</li> </ul>	<p>control applies to all native vegetation clearing for the purpose of a subdivision and will be applied when determining the appropriate local level of avoidance for development that triggers the Biodiversity Offset Scheme.</p> <p>In accordance with the <a href="#">High Environmental Value Strategic Planning Mapping and Governance Guide</a>, threatened ecological communities not in moderate-good condition or highly disturbed may be excluded from the avoidance area. Threatened ecological communities are considered to be in moderate - good condition if they have a current vegetation integrity score greater than or equal to 60 (this score is consistent with the <a href="#">Biodiversity Assessment Method 2020 Operational Manual - Stage 3</a> definition of a security benefit).</p>
<p>C-7.Public tree and vegetation management activities including maintenance, pruning and clearing can only be undertaken by CN.</p>	<p>Vegetation management to gain site access or to stockpile materials or spoil requires written consent from CN.</p>
<p>C-8.Prioritise the retention of public trees and tree vacancy sites through the design of a development proposal, including:</p> <ul style="list-style-type: none"> <li>a. avoiding the addition of a driveway(s) if it results in the loss of a public tree or street tree vacancy site, and</li> <li>b. considering the current and future canopy area of exiting public trees when designing a proposal.</li> </ul>	<p>Contact CN to obtain location/s of tree vacancy sites or visit the CN website. Refer to <a href="#">Newcastle tree map</a> where tree vacancy sites are referred to as "potential trees".</p> <p>CN will specify the tree protection requirements for public trees that are to be retained as part of the conditions of consent.</p> <p>An application to CN under Section 138 of the <i>Roads Act 1993</i> is required for clearing or pruning of public trees ancillary to complying development proposed under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>
<p>C-9.If a tree vacancy site, or a public tree, is removed as a result of the development proposal, a fee will be charged in accordance with relevant fees and charges for compensatory planting at a ratio of 2:1, see the <i>Urban Forest Technical Manual</i> for further information.</p>	<p>Fees and charges are outlined in <i>Delivering Newcastle</i>. The <i>Urban Forest Technical Manual</i> outlines the methodology to ensure compensatory trees support an increase in canopy cover with maturity.</p>
<p>C-10.When planning the location and type of a utility connection, avoid requiring the clearing or pruning of public trees, or preventing the future planting of tree vacancy sites.</p>	<p>Contact Ausgrid for assistance when planning to connect a property to power.</p>

## PART C: General development controls

### Section C4 Stormwater

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## 1.0 Introduction

Stormwater is a general term for rainfall after it has fallen and runs off surfaces (such as roofs, pavements, car parks, roads, gardens, vegetated open space and the like). It includes water in stormwater pipes and channels and is a significant proportion of the natural water cycle.

All development has an impact on stormwater behaviour from increasing impervious surfaces, changes to water flow through diversions and drainage, and through potential impacts on water quality. The increase in impervious surfaces across the city reduces soil moisture with rainwater unable to reach and permeate our soil. While traditional engineering solutions for water capture and discharge are efficient, nature-based solutions can provide better outcomes for the overall environment.

Nature-based solutions aim to capture and retain stormwater in the soil, increasing water availability for tree roots, allowing water to filter naturally into the soil. This increases resilience, reduces runoff and flood risk, and supports biodiversity and environmental health during periods of low rainfall. A higher moisture level in the soil supports trees to transpire at maximum efficiency. This cools the environment and in an urban context, helps combat the urban heat island effect.

A range of measures are required to effectively manage stormwater runoff; to recharge groundwater; to increase permeability of our urban soil structure to recharge groundwater; to control the amount of stormwater flowing into waterways; and to improve water quality.

The consideration and management of the water cycle impacts design and outcomes of individual and surrounding development. Sustainable stormwater management requires the application of controls on stormwater to mitigate, manage and control changes to the natural water cycle, to protect environmental values and to protect human life and assets. Integrating natural based solutions like bioretention basins, green roofs, vegetation retention, permeable paving and other green infrastructure with a development proposal can assist stormwater management.

This section contains provisions for development applications (DA) relating to water flows, runoff, conservation, detention, drainage, groundwater and water sensitive urban design. Development controls are to be met to ensure a balance of the competing needs of development and the environment, and water use is sustainable.

## 2.0 Application

This Section applies to all development.

## 3.0 Related sections

The following sections may also apply to development:

- B1 Flood Management
- C12 Open space and landscaping

## 4.0 Additional information

### Associated technical manuals

- *Stormwater and Water Efficiency for Development Technical Manual*, City of Newcastle (CN)
- *Standard Drawings*, CN

### Significant references for additional information

- *AS/NZS 3500 Plumbing and Drainage* (as amended)
- *Australian Rainfall and Runoff, 2019* (as amended)
- *Australian Runoff Quality: A Guide to Water Sensitive Urban Design, 2006*, Engineers Australia (as amended)

- *NSW MUSIC Modelling Guidelines* (BMT WBM, 2015)
- *Newcastle MUSIC-link (Model for Urban Stormwater Improvement Conceptualisation)*
- *Managing Urban Stormwater: Soils and Construction Volume 1, 4th Edition March 2004*, Landcom
- *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)
- *Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands Version 1.1* (South East Queensland Healthy Waterways Partnership, 2010)
- *Guidelines for riparian corridors on waterfront land*, Department of Primary Industries, Office of Water

#### Other references for additional information

- *Urban Water Cycle Policy 2017*, Newcastle City Council
- *Newcastle City-wide Floodplain Risk Management Study and Plan, Final Report, June 2012*, Newcastle City Council
- *Newcastle Stormwater Management Plan, 2004*, Newcastle City Council
- *Water Sensitive Urban Design Book* (Landcom); Book 1: *Policy* and Book 2: *Planning and Management*
- *Water sensitive design solutions for catchments above wetlands*, Hunter and Central Coast Regional Environmental Management Authority

## 5.0 Objectives

1. Outline CN's requirement for stormwater management for development.
2. Adopt a whole of water cycle approach to development.
3. Promote sustainable practices in relation to the use of water resources for human activities.
4. Ensure an appropriate quality and quantity of water enters waterways.
5. Protect and enhance waterways, watercourses, wetlands and their riparian corridors.
6. Promote soil infiltration and ensure stormwater is controlled and managed appropriately.
7. Promote best practice and innovative water sensitive urban design solutions.

## 6.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), unless otherwise defined. Other words and expressions include:

- **Absorption trench** – is 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 of a given or larger magnitude will occur within a period of one year. Its reciprocal is equivalent to average recurrence interval (ARI).
- **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** – is all development other than dual occupancy and single dwelling houses.

- **Coastal wetland** – is a wetland identified in the *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)*, previously known as *State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP)*.
- **Controlled activities** – has the same meaning as the NRAR Guidelines (*Guidelines for controlled activities on waterfront land, Riparian Corridors*, Natural Resources Access Regulator (NRAR), NSW Department of Industry, 2018)
- **Discharge control** – is a device that stores water and limits the rate of discharge from the development site.
- **Dispersion trench** – is 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** – is 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** – is a plan that illustrates how erosion and sediment control will be managed during the construction phase of a development.
- **Exceedances per year (EY)** – is a 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** – is 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** – is an area of impermeable surface (excluding pools and porous paving).
- **Impermeable surface** – is a surface that does not allow rainwater to infiltrate to the soil, such as buildings (roofs), roads, parking areas and courtyards.
- **Infiltration** – is the practice of discharging stormwater or drainage water to the ground.
- **Infiltration trench** – is 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** – are development sites that are larger than 5,000m<sup>2</sup>.
- **Major drainage system** – is the part of a 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 AEP of 1%.
- **Minor drainage system** – is the part of a 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 AEP of 10%.



- **On-site stormwater detention (OSD)** – means 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** – are 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.
- **Overland flow paths** – are low lying areas of the local topography along which surface flows are conveyed. This includes natural overland flow paths.
- **Permeable surface** – is 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)** – is the maximum rate at which stormwater is permitted to be discharged from a given site area.
- **Porous paving** – is 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** – is a drainage system owned and operated by CN or the Hunter Water Corporation.
- **Riparian Corridor** – is a transition zone between the land, also known as the terrestrial environment, and the river or watercourse. It has the same meaning that is used in the Controlled activities – Guidelines for riparian corridors on waterfront land (NSW Department of Planning and Environment, undated).
- **Riparian Zone** – is a transition zone between land and a waterway (creek, watercourse, wetland, estuary or river). They provide ecosystem corridor services and support waterway stability. They help buffer land from erosion impacts during extreme storms. Generally, a width of 40m is the minimum viable riparian zone. Under the *Water Management Act 2000* and guidelines, riparian zones include both the waterway 'floor' and land beyond the top of the waterway bank (Controlled activities – Guidelines for riparian corridors on waterfront land, NSW Department of Planning and Environment, undated). The top of bank is measured by Digital Terrain Model, site engineering survey or similar. See also Vegetated Riparian Zone.
- **Runoff** – is the portion of rainfall that flows across the ground surface as water.
- **Site drainage line** – is a piped drain that conveys stormwater from a development site to the public drainage system.
- **Single dwelling** – a single dwelling shares the same definition as 'dwelling house' defined in LEP 2012.
- **Small scale development** – are development on sites that are smaller than 5,000m<sup>2</sup>.
- **Soil and water management plan** – means a plan 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.
- **Stable point** – is a location, downstream of a point discharge or within a waterway, where scour treatment is not required to manage ongoing erosion risk. For example, at the bank toe of a receiving waterway, or a

point where longitudinal grade reduces to less than 3 percent, or a location where flow depth and velocity do not impact the durability of land or assets.

- **Stormwater** – is the runoff from rainfall events.
- **Stormwater channel** – is a constructed channel with well-defined bed and banks, used to convey stormwater or floodwater.
- **Stormwater discharge** – is the disposal of flows from the site that occur when the capacity of the site stormwater controls is reached and such overflow.
- **Stormwater harvesting** – is the collection, storage and use of stormwater for domestic, industrial, irrigation or other purposes.
- **Stormwater management plan** – is a plan 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** – is 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% AEP rainfall event. Includes a flowpath from the spillway of an on-site detention system.
- **Swale** – is a deliberately formed surface depression for the storage or conveyance of stormwater runoff. Swales can be lined with rock, turf or other vegetation.
- **Vegetated Riparian Zone** – is the inner portion of the riparian zone: closest to the top of a waterway bank. The top of bank is identified using Digital Terrain Model, site engineering survey or similar. See also Riparian Zone (Controlled activities – Guidelines for riparian corridors on waterfront land, NSW Department of Planning and Environment, undated).
- **Water cycle management plan** – is 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** – means planning and design of the urban and built form with the incorporation of the total water cycle and recognition of conservation principles and reuse.
- **Waterfront land** – has the same meaning as in the *Water Management Act 2000*.

## 7.0 Application requirements

<b>Objectives</b>		
1. Ensure appropriate plans and documents are provided to adequately assess stormwater management, having regards to the scale and potential impacts of the proposed development.		
<b>Development category</b>	<b>Application requirements</b>	<b>Explanatory notes</b>
<b>Type 1</b>  Development proposals that are a scale of dual occupancy or smaller	Submit a Stormwater Management Plan applying Onsite Controls. The technical manual includes several <i>Deemed to Comply</i> controls.	With reference to site controls in CN's <i>Stormwater and Water Efficiency for Development Technical Manual</i> , Type 1 and 2 developments are considered 'small scale', while Type 3 developments are 'large scale'.  In circumstances where Type 1 and 2 development sites are heavily constrained and deemed to comply controls cannot be implemented, additional input from specialists or modelling may be required to demonstrate that the objectives and controls have been satisfied.  Erosion and sediment control plans are to be included for all three development types. Refer to Section C5 Soil Management for further information about the requirements for erosion and sediment control plans.
<b>Type 2</b>  Development proposals with: <ol style="list-style-type: none"> <li>1. site area under 5,000m<sup>2</sup> and</li> <li>2. scale larger than dual occupancy which include less than 20 dwellings or involves less than 50 people onsite during normal operations.</li> </ol>		
<b>Type 3</b>  Development proposals with one of the following: <ol style="list-style-type: none"> <li>1. site area above 5,000m<sup>2</sup></li> <li>2. 20 or more dwellings</li> <li>3. 50 or more people being onsite during normal operations.</li> </ol>	Submit a Water Cycle Management Plan including hydrological and hydraulic modelling to demonstrate compliance with development controls and Stormwater and Water Efficiency for Development Technical Manual.  MUSIC modelling shall be in accordance with Newcastle MUSIC-link.	

<p>Development on sites which contain or are adjacent to waterways and riparian zones.</p>	<p>Designs clearly indicate:</p> <ol style="list-style-type: none"> <li>1. The top of waterway bank (measured by Digital Terrain Model, site engineering survey or similar)</li> <li>2. Inner (vegetated) riparian zones</li> <li>3. Outer riparian zones.</li> </ol>	
<p>Development proposing waterway crossings and adjustments where deemed necessary.</p>	<p>Designs for proposed waterway crossings and adjustments are to include:</p> <ol style="list-style-type: none"> <li>1. A surveyed cross section of existing waterway including invert, toe and top of bank, adjacent land, existing trees and proposed structures</li> <li>2. A longitudinal section of the waterway invert.</li> <li>3. The nature, location and dimensions and height of any spanning structure or deck</li> <li>4. The nature, location and dimensions of all structural supports and any conduits, kerbs and fences affixed to the crossing</li> <li>5. The nature, location and dimensions of approaches to the crossing (particularly driveways and footways protruding above the natural surface)</li> <li>6. Calculated velocities and the nature, extent and cross section of proposed stabilisation required to prevent scour or mass failure of the waterway bed and/or banks</li> <li>7. Medium term erosion controls and native riparian revegetation</li> <li>8. Proposed ongoing maintenance access and notes specifying maintenance requirements in relation to blockage risks; erosion risks and riparian vegetation management.</li> <li>9. A supporting vegetation management plan, prepared by suitably qualified professionals, may also be required in addition to designs</li> </ol>	<p>Designs are to be prepared by a suitably qualified engineer and may require input from a suitably qualified geomorphologist.</p> <p>Links to guidelines and checklists for vegetation management plans are available in the Urban Forest Technical Manual (Appendices).</p>

### Plan requirements – all development types

The stormwater management plan or water cycle management plan (whichever is submitted with the DA) includes the following items:

1. The location of all existing or proposed buildings, driveways, and impervious surfaces
2. The location of any waterways, natural watercourses, waterbodies within or adjacent to the property, including top of bank and riparian zones
3. Any overland flow paths or stormwater surface flow paths which drain through the property or adjacent to the property
4. The location, size and depth of all existing or proposed easements or drainage pipelines
5. All existing or proposed stormwater infrastructure as well as proposed cut or fill outside the building footprint
6. Cross sections and long sections of the private drainage system
7. Proposed arrangements for discharge into the public, natural drainage system or waterway, including long sections extending from the private drainage system, through any private or public lands, to the acceptable discharge location. Details are to include:
  - a. the longitudinal grade
  - b. cover above underground drainage
  - c. the location and height of the acceptable connection point into existing civil infrastructure; or stable point on receiving land or waterway
  - d. the nature of this proposed connection to a stable point.

### Coastal wetland catchment

A large portion of the LGA is in the upstream catchment of coastal wetlands, protected under the *Resilience and Hazards SEPP*. As development upstream of a coastal wetland can affect the health of the wetland environment, development controls have been created to manage runoff from development in this catchment.

If the site is in the Coastal Wetland catchment area (**Map C4.01**) the *Stormwater Management Plan or Water Cycle Management Plan* must meet the relevant hydrology objectives.

## 8.0 General stormwater management provisions

<b>Objectives</b>	
1. Ensure stormwater is mitigated and controlled to minimise nuisance, including to adjoining properties, and public roadways and other spaces.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Surface levels are to be graded so sites are generally free draining with sufficient overflow capacity to ensure waters do not enter buildings when underground drainage systems are beyond their capacity.	<p>Australian Standard 3500.3 – <i>Stormwater drainage</i> (as amended or replaced) sets appropriate standards for stormwater collection and is to be followed during design and construction.</p> <p>The <i>Stormwater and Water Efficiency for Development Technical Manual</i> provides more guidance on stormwater collection and should also be referred to.</p>
C-2. Small hardstand areas are graded towards landscaping within the property boundary for infiltration into soil.	
C-3. Install drainage pits so that nuisance water does not collect at low points.	
C-4. Connect gutters, down pipes and pits to the stormwater management system for the site.	
C-5. Overflows from onsite paved areas adjacent to a property boundary are to be directed by a kerb or formed gutter to drain away from neighbouring properties.	
C-6. Manage runoff generated by more intense rainfall to not compromise downstream drainage systems beyond their design criteria.	
C-7. Runoff from 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.	
C-8. Drain runoff from the development up to the 1% AEP event to the major drainage system so it poses nil adverse impact to neighbouring properties.	
C-9. Development ensures that peak runoff from the site for all events is not greater than the natural drainage conditions of the site.	
C-10. Development sites are to accommodate natural overland flow from adjacent properties, and where these flows continue downstream to other adjacent properties they are not to be concentrated.	
C-11. A minimum of 90% of the impervious site area is to be connected to the onsite controls.	

## 9.0 Water quantity

### Objectives

1. Maximise the reusability of stormwater through appropriate storage solutions.
2. Ensure that post development runoff matches the natural water runoff regime as closely as possible.
3. Establish stormwater management requirements for development in coastal wetland catchments and minimise impacts of stormwater run-off on coastal wetlands.

### Controls (C)

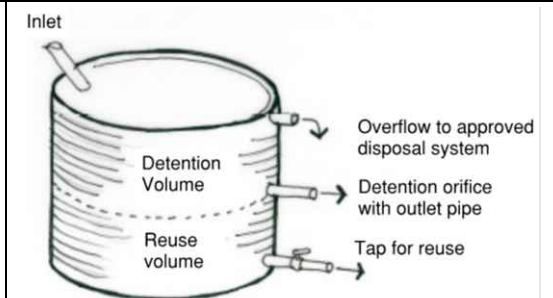
Onsite storage can reduce stormwater runoff from development sites. Detention systems shall be included to ensure peak runoff flow rates from developments do not exceed natural conditions. In addition, rainwater runoff from clean surfaces like roofs can be stored and reused onsite through non-potable water uses to reduce demand on the potable water supply.

Rainwater storage requirements are based on the development types in sub-section 7.0. 'Deemed to Comply' solutions are developed for small scale development (Type 1 and 2) to simplify the rainwater storage calculation (see **Table C4.01**) and ensure modelling is only provided where necessary (Type 3 or other complex development).

C-1.Storage requirements are outlined in **Table C4.01** for development outside the coastal wetland catchment. Storage requirements for development in the coastal wetland catchment are outlined in **Table C4.02**.

Development type	Reuse requirement	Detention requirement
1	Apply BASIX	If total impervious area onsite exceeds 200m <sup>2</sup> , provide 2m <sup>3</sup> with 65mm outlet orifice or pipe.
2	Reuse in accordance with BASIX or NABERS where applicable. Otherwise, reuse sized at 1m <sup>3</sup> per 100m <sup>2</sup> roof catchment. Minimum 2m <sup>3</sup> .	Sized in accordance with Equation 1 or Minimum 2m <sup>3</sup> , whichever is the greater.  Equation 1 outlines the calculation used to determine the detention storage requirement for all type 2 development.

### Explanatory notes



**Figure C4.01: Example of above-ground tank with reuse and detention portions**

Detention requirements for roof areas can be achieved in above-ground tanks (where possible) as shown in the sketch above. Rainwater for reuse is provided in the lower portion, while detention is provided in the upper portion. An orifice hole is cut into the tank at the bottom of the detention portion to act as a flow control.

Where a charged overflow system (i.e. in rearward draining sites) for an above-ground tank cannot accommodate a separate detention orifice hole discharge, then the detention volume requirement is to be converted to reuse storage.

Detention storage requirements for Type 2



		<p><b>Equation 1: Minimum storage requirements</b></p> <p><b>Depth Requirement (mm) =</b></p> $12\text{mm} + 13\text{mm} * \left( \frac{(\text{Impervious Percentage}) - 50}{50} \right)$ <p><b>Detention Volume (m<sup>3</sup>) =</b></p> $\frac{\text{Depth Requirement (mm)}}{1000} * \text{Impervious Area (m}^2\text{)}$
3	Refer to Stormwater and Water Efficiency for Development Technical Manual for guidance.	Modelling or detailed calculations to demonstrate post-development flows do not exceed natural conditions.

**Table C4.01: Storage required when outside Coastal Wetland Catchment**

\*Where runoff from Type 1 developments is expected to exceed the capacity of the downstream network, additional detention storage will be required.

C-2. Equation 1 does not apply to additions to existing buildings. Where the impervious area of a development site exceeds 200m<sup>2</sup>, detention storage for additions is calculated using a simplified rate of 2m<sup>3</sup> per 100m<sup>2</sup> of additional impervious area.

C-3. Storage can be in a detention tank or other control, as listed in the onsite development controls. Where a detention tank is used, an orifice (or pipe) can be placed at the base of the detention portion of the tank to control flows, sized as follows:

- a. 65mm orifice for detention tanks up to 30 m<sup>3</sup>
- b. 100mm orifice for detention tanks larger than 30m<sup>3</sup>.

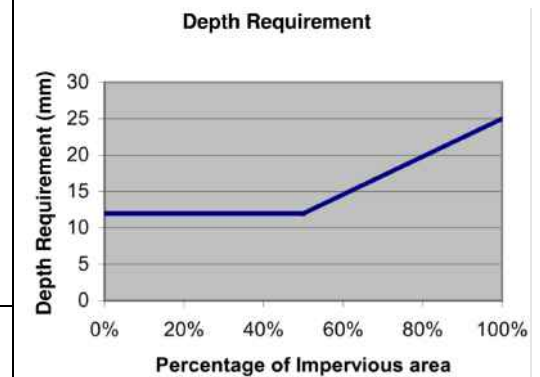
C-4. Alterations and additions within the existing building footprint, such as building a second floor, do not require additional onsite controls. However, in the case of a total redevelopment of that footprint, the existing footprint will not be credited, and the development must achieve the full storage requirements.

C-5. Where there is a change in the impervious area of an existing site as a result of a full redevelopment, the entire predeveloped site is to be considered in natural condition in regard to impervious areas for design purposes.

C-6. Sites with direct connection to tidal water bodies are not required to have detention provided the pipe network to the tidal water body has sufficient capacity for flows from the site and ensures erosion and scour is managed at the outlet.

C-7. The roof area directed to a rainwater tank must be maximised, to both increase the effectiveness and reliability of the

developments vary with the impervious area of a site. Development sites with less than 50% impervious area shall store the equivalent of 12mm of rainfall over the impervious site area to meet detention requirements. Sites between 50% and 100% impervious area shall store the equivalent of between 12mm to 25mm of rainfall, being linearly interpolated as shown in Equation 1 and **Figure C4.02**.



**Figure C4.02: Impervious area to storage requirement relationship**

Porous paving (example below) is not included in the impervious area calculation provided that runoff will not cause adverse impacts if paving loses porosity.



**Figure C4.03: Porous Paving Example**



reuse system and reduce the degree of stormwater treatment required for those areas not draining to the rainwater tank.

C-8.All rainwater reuse tanks must be fitted with a first flush device to prevent contaminates fouling water and to prolong the life of the tank.

C-9.For Type 3 development sites, 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 the development controls and the *Stormwater and Water Efficiency for Development Technical Manual*.

Detention systems shall be designed to ensure post development flows do not exceed natural flows during the following events: 50% AEP, 20% AEP, 10% AEP, 5% AEP, 2% AEP, 1% AEP.

C-10.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.

C-11. Hydrology (Stream Flow) Objectives for development above CN mapped streams: 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'. The stream forming flow is defined as 50% of the 2-year flow rate estimated for the catchment under natural conditions.

**Storage drawdown (Applies to all development)**

C-12.Fit all rainwater reuse tanks with a pump to draw down and reuse water. For Type 1 and 2 developments, rainwater tanks must be plumbed into the following non-potable uses with separate pipe connections to the potable water supply:

- a. all toilets
- b. irrigation and outside taps
- c. washing machine taps and all laundry basin taps.

C-13.Multi-level Type 3 developments can have significantly higher drawdown capacity than most rainwater tanks can supply. Combining this with the inefficiencies of pumping water up several floor levels from a reuse tank can make reuse very inefficient. Therefore, multi-level developments are only required to reuse rainwater for the ground floor and first floor, or on any outdoor podium levels for the following uses:

- a. all toilets
- b. irrigation and outside taps
- c. washing machine taps and all laundry basin taps.

Strip driveways (example below) can be used within the property boundary to reduce total impervious area.



**Figure C4.04: Strip Driveway**

Where possible, small hardstand areas are to be graded towards landscaping.

Methods to calculate Stream Erosion Index are detailed in the *Stormwater and Water Efficiency for Development Technical Manual*. Contact CN for a copy of mapped streams.

### Storage controls for development in coastal wetland catchment

C-14. To meet the hydrology objectives for development in the coastal wetland catchment, 'Deemed to Comply' solutions have been developed for small scale development (Type 1 and 2) to simplify the rainwater storage calculation (see **Table C4.02**) and ensure modelling is only provided where necessary (Type 3 or other complex development). The tank sizes shall be adopted for all development sites that are smaller than 5,000m<sup>2</sup> and can be used as a guide for development sites that are larger than 5,000m<sup>2</sup>.

C-15. 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.

C-16. Development in the coastal wetland catchment is to comply with the controls in **Table C4.02**.

Development Type	Reuse and Detention Requirements (m <sup>3</sup> )
1	Roof area (m <sup>2</sup> ) x 0.04. Minimum 4m <sup>3</sup> per dwelling. Upper 50% capacity draining to 5mm weep hole for slow discharge. See sketch in explanatory notes.
2	Roof area (m <sup>2</sup> ) x 0.04. Minimum 4m <sup>3</sup> per dwelling. Upper 50% capacity draining to 5mm weep hole for slow discharge. See sketch in explanatory notes. Additional storage for hardstand areas required. Refer to <i>Stormwater and Water Efficiency for Development Technical Manual</i> for details.
3	Refer to <i>Stormwater and Water Efficiency for Development Technical Manual</i> for guidance on meeting Coastal Wetland catchment targets for wetting and drying cycles.

**Table C4.02: Storage Requirement in Coastal Wetland Catchment**

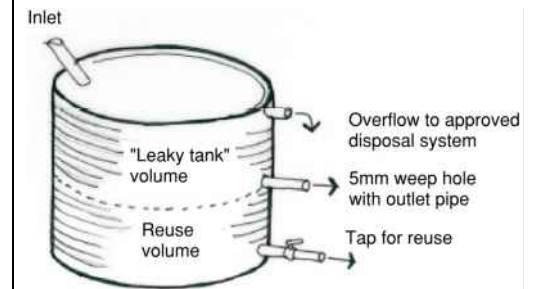
Where a BASIX or NABERS reuse volume is higher than the reuse volume for development in the coastal wetland catchment, increase the total tank size to account for the full BASIX or NABERS reuse volume below the 5mm weep hole.

C-17. Rainwater tanks for type 1 and 2 development are configured such that:

- a. 100% of the roof area drains to the rainwater tank, except for individual roof areas less than 10m<sup>2</sup>.
- b. only roof areas are connected to the tank.
- c. 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 drains to the overflow pipe.

Map **C4.01** at the end of this section indicates the boundary of the coastal wetland catchment area.

An example of a coastal wetland rainwater tank configuration is shown in **Figure 4.05** below. The "leaky tank" volume includes the detention portion for the roof catchment:



**Figure C4.05: Coastal wetland rainwater tank configuration**

Where a charged overflow system (i.e. in rearward draining sites) for an above-ground tank cannot accommodate a separate detention orifice hole discharge, then the detention volume requirement is to be converted to reuse storage.

## 10.0 Water quality

### Objectives

1. Ensure an appropriate quality of water enters waterways.
2. Minimise the potential impacts of development and associated activities on the aesthetics, recreational and ecological values of receiving waters.
3. Prevent pollutants such as litter, sediment, nutrients and oils from entering waterways.
4. Ensure stormwater treatment measures are designed appropriately to protect property, life and maximise infrastructure performance and useful life.

### Controls (C)

C-1.All development covered by this section is to include water sensitive urban design elements to ensure the quality of stormwater runoff is managed. Depending on the type and scale of the development, different levels of treatment are required prior to discharging stormwater from a site. **Table C4.03** outlines the water quality requirements with respect to development type.

Development type	Water quality treatment required*
1	Rainwater tanks connected to roof areas.
2	<p><u>Development outside Coastal Wetland Catchment</u> Development to comply with targets in Table C4.04. This is done using 'Deemed to Comply' onsite controls outlined in the technical manual. Where one or more of the prescribed onsite controls are applied, the pollutant load in stormwater runoff is reduced and is deemed to comply with the pollutant targets in Table C4.04.</p> <p><u>Development in Coastal Wetland Catchment</u> Water quality and hydrology targets shall be met by including a bioretention basin with filter area equal to 2.75% of the site impervious area. Where sites are constrained, an on-site retention tank with sand filter can be included. More guidance is provided in the Stormwater and Water Efficiency for Development Technical Manual.</p>
3	Water Quality treatment devices are to be incorporated in the overall design and modelled in the software MUSIC using CN's MUSIC-Link to demonstrate that the targets in Table C4.04 are achieved.

**Table C4.03: Water quality requirements**

\*Additionally, Gross Pollutant Traps are required as outlined below.

\*Note additional hydrology targets in Table C4.04 below for development in Coastal Wetland catchment. All development is to comply, however only type 3 developments require modelling.

### Explanatory notes

Onsite controls are listed in the next sub-section and detailed further in the *Stormwater and Water Efficiency for Development Technical Manual*. These controls can be implemented into a design to ensure water quality targets are met.

Stormwater treatment measures are integrated into the urban design and landscaped areas. Passive irrigation of landscaped areas is highly encouraged to promote evapotranspiration and vegetation performance. Where possible, impervious areas (not roofs) should be graded to direct surface flows onto pervious surfaces for infiltration.

C-2. Gross pollutant traps (GPT's) are intended 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:

- a. residential developments with more than four dwellings
- b. all commercial developments that may involve the use, storage or transportation of contaminants
- c. commercial developments on allotments greater than 2,000m<sup>2</sup>
- d. all industrial developments
- e. upstream of all bioretention devices and sand filters.

C-3. Type 2 and 3 developments shall meet the targets outlined in **Table C4.04**.

<b>Pollutant</b>	<b>Reduction Target</b>
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.

**Table C4.04: Water quality reduction targets**

C-4. Stormwater treatment measures are located and configured to maximise the impervious area that is treated. Devices are to be located within the property boundary.

C-5. Stormwater treatment measures must be able to bypass flows that are in excess of the design discharge in a controlled manner and are engineered to connect to suitable downstream discharge points with negligible concentrated flows resulting from overtopping or blockage of the device.

The reduction in pollution loads is relative to the stormwater pollution loads expected from conventional urban development without stormwater treatment measures.

Contact CN 49742000 for a copy of CN mapped watercourses.

## 11.0 Onsite controls

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Ensure onsite controls are considered and incorporated early in the development to ensure a catchment sensitive, holistic, integrated and economical design.</li> <li>2. Incorporate water sensitive urban design elements into the urban landscape for ecological enhancement.</li> <li>3. Ensure public and shared private infrastructure is delivered at an appropriate standard for easy maintenance and allowing access for maintenance to occur.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<p>C-1.All development control requirements relating to storage and water quality can be achieved by installing onsite controls. Selection of appropriate onsite controls will largely depend on the constraints and opportunities presented by the site and are designed to integrate with the development proposal. Onsite controls may be selected from one or more of the following measures listed below depending on site constraints and the scale of development, with details contained in the <i>Stormwater and Water Efficiency for Development Technical Manual</i>:</p> <ul style="list-style-type: none"> <li>• Rainwater detention tanks</li> <li>• Rainwater reuse tanks</li> <li>• Retention tank with sand filter</li> <li>• Swales</li> <li>• Bioretention rain garden</li> <li>• Bioretention swale</li> <li>• Porous paving</li> <li>• Sand filters within basins</li> <li>• Constructed wetlands</li> <li>• Sediment basins</li> <li>• Gross pollutant traps</li> <li>• Green Building Infrastructure (green roof, integrated vegetation, etc)</li> </ul>	<p>Use of onsite controls that integrate into the surrounding landscaping are encouraged, such as bio retention rain gardens by having simple "deemed to comply" controls (details in the Stormwater and Water Efficiency for Development Technical Manual). Where non-standard controls are proposed such as proprietary devices, MUSIC modelling needs to be provided to demonstrate that water quality targets are met.</p> <p>Where deemed necessary, 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. CN shall be nominated as the sole authority to modify, vary or release the covenant.</p> <p>Onsite controls are to be designed in accordance with the Stormwater and Water Efficiency for Development Technical Manual.</p>
<p>C-2.Each stormwater management system shall be indicated on site by fixing a marker plate or sign in a prominent position (other than Type 1 development). The marker plate or sign is to be provided in accordance with the <i>Stormwater and Water Efficiency for Development Technical Manual</i>.</p>	

C-3. Development that creates public assets is to comply with the development controls and be carried out in accordance with the requirements for public assets as outlined in the *Stormwater and Water Efficiency for Development Technical Manual*. Public Assets are to be designed in accordance with CN's Standard Drawings.

C-4. Provide site specific maintenance manuals for onsite controls for development sites larger than 5,000m<sup>2</sup>, or where public assets or a private shared asset is created via strata or community title subdivision. Manuals shall address maintenance issues including routine monitoring and maintenance and associated system components (such as vegetation, subsurface drainage, filter material, flush outs, etc) that could impact device performance. Carry out periodic monitoring and maintenance to ensure the system functions as designed and meets water quality and quantity targets as indicated over the device's life cycle. This includes proposed measures to protect and clean devices during the construction stage of a subdivision.

All weather access tracks are to be provided to public and private assets for maintenance purposes and where fencing is installed, it shall not preclude access for maintenance.

A list of maintenance manual considerations including asset handover are outlined in the *Stormwater and Water Efficiency for Development Technical Manual*.

## 12.0 Stormwater discharge

<b>Objectives</b>	
<p>1. Ensure overflow does not adversely affect the subject site and other properties or waterways by way of intensification, concentration or inappropriate disposal across property boundaries.</p>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<p>C-1. After stormwater is collected and conveyed by the site's onsite controls, it must be discharged from the site via the following:</p> <ol style="list-style-type: none"> <li>pipe connection to street kerb and gutter (preferred)</li> <li>connection to CN's underground pipe system (preferred)</li> <li>connection to an inter-allotment drainage easement (any proposed easements must have the consent of the burdened properties submitted with the DA)</li> <li>direct connection to Hunter Water channel (consent of Hunter Water is submitted with the DA)</li> <li>direct connection to waterways and open channels (generally discouraged).</li> </ol>	<p>Minimum requirements for discharge methods are outlined in the <i>Stormwater and Water Efficiency for Development Technical Manual</i>.</p> <p>CN cannot grant private drainage easements across public land.</p>
<p>C-2. Where sites drain to the rear and it is demonstrated methods in C-1 are not possible, discharge may be by the following:</p> <ol style="list-style-type: none"> <li>private drainage easements (preferred option for all development types)</li> <li>charged systems are only allowed for single dwellings and associated ancillary development</li> <li>infiltration trenches are preferred over dispersion trenches for single dwellings and associated ancillary development</li> <li>dispersion trenches are only allowed for single dwellings and associated ancillary development</li> <li>all point discharges to the rear should be treated within the site so that any overflows onto downstream land are level spread and limited to pre-development discharge rates, follow natural flow paths and do not cause erosion or transfer sedimentation. Runoff must meet safety criteria at the property boundary, as set out in the latest ARR.</li> </ol>	<p>Where an easement does not exist or cannot be obtained, dwelling houses draining to the rear should have their entire roof area connecting to a rainwater tank, discharging to the street via a charged outlet where achievable. All other hardstand area are to be directed to an infiltration or dispersion trench within the property.</p>
<p>C-3. Basement car parks shall be designed with a suitable drainage discharge. Where water cannot drain out via gravity, a pump-out system is to be installed and connected to the site's stormwater network, upstream of any water quality treatment devices. Basement pump-outs are not to be directly connected to the public kerb and gutter.</p>	
<p>C-4. Discharge to Waterways and Open Channels - Overflow or discharge directly to waterways and open channels is generally only acceptable if it is demonstrated that no other discharge locations are possible. The number of direct point discharges to waterways should be minimised. Where stormwater is proposed to be discharged to natural waterways, designs are to clearly indicate how erosion will be avoided. Plans need to show the length and nature of scour protection extending from the end of civil drainage to a geomorphic stable point, identified by a suitably qualified person.</p> <p>If discharging to a natural waterway, the drainage centreline should be oriented between 45 to 60 degrees to the waterway centreline and join flows in the same direction. The outlet pipe invert must be at least 150mm above the height of standing water.</p>	



C-5. Where a proposed development site has frontage to a laneway and the laneway is lower than the site, the development may be drained to the surface but only if:

- a. it is a single dwelling house with primary frontage to the main street (not fronting the lane at the rear)
- b. the discharge is via a dispersion trench in accordance with the *Stormwater and Water Efficiency for Development Technical Manual* criteria.

Where other development is proposed to drain to a laneway, the underground street drainage is to be extended into the laneway to receive the overflows in accordance with the *Stormwater and Water Efficiency for Development Technical Manual*.



### 13.0 Existing drainage systems, easements and waterfront land

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Ensure appropriate easements are provided over drainage systems on private properties.</li> <li>2. Ensure easements are unimpeded by development for maintenance purposes and high flow overland flow paths.</li> <li>3. Ensure development containing or adjacent to waterfront land maintains or rehabilitates the environmental values and drainage functions of riparian corridors.</li> <li>4. Ensure discharge points to waterways and/or waterway crossings do not increase the risk of erosion, blockage or flooding both onsite and offsite.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Where the development site's drainage system serves other lands, that system is to be protected by an easement in favour of the beneficiary of the drainage system to permit the continued use of the drain. 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.	<p>The <i>Stormwater and Water Efficiency for Development Technical Manual</i> provides additional information on existing drainage systems and stormwater easements.</p> <p>Extinguishing or creating easements shall be carried out in accordance with the <i>Conveyancing Act 1919</i>.</p>
C-2. Where an existing drainage system across the site is retained, the proposed development is not to obstruct access to the existing system. The development is to be designed to be structurally independent and not degrade the structural integrity of the drainage system.	
<p>C-3. Where an existing drainage line runs under a proposed building, the drainage line and any associated easement may be diverted around the building subject to approval. Designs showing proposed alterations to the easement must demonstrate the following:</p> <ol style="list-style-type: none"> <li>a. creates no negative impact on existing hydraulics</li> <li>b. includes provision of overland flow paths</li> <li>c. addresses access requirements for maintenance</li> <li>d. minimises asset creation i.e., total length of drainage infrastructure/number of pits</li> <li>e. consistent with riparian corridor guidelines and offsetting</li> <li>f. redundant easements are to be extinguished and new easements are to be created. New easements will be subject to the minimum width requirements as set out in <b>Table C4.05</b>. Discrete lengths of the easement may be reduced to accommodate existing structures pending CN approval.</li> </ol>	

Pipe internal diameter (D) (mm) or other as detailed	Drainage easement width
<225 private pipes only	1.5m
225-300 private pipes only	2m
225-900	3m
900>	4m
twin pipes	2D + distance between pipes + 2.4m
culvert(s)	Extent of base slab(s) + 2.4m
overland flow path function	Pipe/culvert Drainage easement width; or 1% AEP design surface flow width in full drainage blockage scenario, whichever is greater
open channels	Overall width of channel structure + 2.4m, or width of 1% AEP design flow, whichever is greater

**Table C4.05: Minimum easement widths**

C-4.CN mapped first order streams require assessment for their riparian corridor function. Type 2 and 3 development is to be designed to protect CN mapped streams and achieve the stream erosion index (SEI) targets set in sub-section 9.0.

C-5.Development discharging to waterways or is carried out on waterfront land is to meet the *Water Management Act 2000* requirements and the NSW Government guidelines for riparian corridors on waterfront land.

C-6.Development on sites which contain, or are adjacent to waterways, shall provide plans which meet sub-section 7.0. The provision of vegetated riparian zones and development offsets from the top of bank is preferred, in accordance with relevant guidelines and legislation, and to provide local waterway stability, drainage function, and riparian corridor values.

C-7.Where development within riparian zones, including waterway crossings are deemed necessary the following must be complied with:

- designs for proposed waterway crossings and adjustments are to be meet the provisions set out in sub-section 7.0.
- the waterway crossing design must demonstrate that no adverse flood impacts will result for the site and neighbouring properties (in terms of depth, velocity and flood hazard) for the 10% AEP, 1% AEP and 1% AEP in 2050 events. Pending the sensitivity of the site and drainage context, calculated water levels for more frequent storms may be required
- the waterway crossing design must demonstrate how onsite and offsite erosion and blockage risks will be addressed. They must consider and indicate the nature and extent of measures to manage velocity scour and mass failure risks to bed and bank within the site and include riparian native revegetation in any surface stabilisation and landscaping solutions.

CN's *Stormwater and Water Efficiency for Development Technical Manual*, includes riparian zone definitions and offsetting guidance as set out in the NSW Government Guidelines for riparian corridors on waterfront land.





**Map C4.01: Coastal wetland catchment areas**

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## **PART C: General development controls**

### **Section C5 Soil management**

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## 1.0 Introduction

Newcastle's natural topography and landform features are a fundamental part of the character and attractiveness of the area. Maintaining the natural landform should be an integral consideration of the overall design.

Healthy soil that is nourished and nutrient-rich can increase climate change resilience, reduce runoff, reduce flooding risk, and support biodiversity and environmental health during periods of low rainfall. Healthy, moisture-rich soil supports our ecosystem and trees to transpire at maximum efficiency, allowing for cooling of the urban environment and combating the urban heat island effect, and supporting healthy environments and communities.

Potential for soil erosion occurs when vegetation cover is removed during the demolition or construction of buildings and structures, or where it is proposed to recontour the existing landform. As a result, sediment can enter the natural and stormwater catchments and drainage systems, and can potentially block their flow, reduce their capacity and eventually be deposited in receiving waters.

Sediment reduces water depth, causes turbidity, reduces recreational amenity and damages aquatic systems. Sediment can also have a destructive impact on the quality of urban bushland. Sedimentation represents a considerable cost to the community in cleaning and maintenance of stormwater infrastructure. Efficient sediment control techniques have benefits to the builder as well as the community, in improved access and site conditions and less time lost due to waterlogged sites.

Acid sulfate soils are a concern, particularly in low-lying areas and where significant excavation is proposed. If exposed, this acid, can kill plants and animals, contaminate drinking water and food such as oysters, and corrode concrete and steel. Requirements for when investigation is needed as part of a development application (DA) is found in clause 6.1 Acid sulfate soils, of the *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)).

## 2.0 Application

This section applies to all earthworks, as defined in the [LEP 2012](#), that result in disturbance of the soil. It also provides guidance for earthworks that are ancillary to development, including demolition works.

## 3.0 Objectives

1. Protect and enhance the aesthetic quality provided by the natural topography and landform features of the area by controlling the land forming operations to appropriate levels.
2. Prevent pollution to waterways from construction sediment and waste streams.
3. Minimise the potential for landslip on sloping sites.
4. Ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

## 4.0 Definitions

A word or expression has the same meaning as it has in [LEP 2012](#), unless otherwise defined. Other words and expressions include:

- **Clean water diversion** - is a structure or control that intercepts clean runoff upstream of a project site or disturbed area and directs the clean runoff around rather than through the project site or disturbed area.
- **Flocculant** - is a substance that causes colloidal particles to clump into larger units or 'flocs' that can either settle in a reasonable time or be filtered.
- **Pit baskets** - are a device placed inside a stormwater pit used to collect sediments and/or gross pollutants, stopping them from being conveyed into downstream waterways.
- **Receiving waters** - are waters into which water discharges flow from an activity.

- 
- **Sediment basin** – is a basin or tank in which stormwater containing settleable solids is retained to remove by gravity or filtration a part of the suspended matter.
  - **Urban heat island effect** - is the tendency of cities to be much warmer than their rural counterparts. Urban surfaces such as roads and roofs absorb, hold, and re-radiate heat; raising the temperature in our urban areas. Human activities such as traffic, industry, and electricity usage also generate heat that adds to the urban heat island effect
  - **Virgin excavated natural material (VENM)** – 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
    - includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved by the NSW Environment Protection Authority (EPA).

## 5.0 Application requirements

Development proposals are grouped into categories, which determine the level of information required with a DA.

Development category	Application requirements	Explanatory notes
<p><b>Category 1:</b> Works where land disturbance is less than 250m<sup>2</sup>.</p> <p>Works in this category include, for example: house extensions, landscaping, swimming pool installation, driveways, garages.</p>	<p>No formal Erosion and Sediment Control Plan is required.</p>	<p>Works in this category have potential to cause sediment pollution to waterways.</p> <p>Although no formal Erosion and Sediment Control Plan is required for development of this scale, the person conducting works should determine the need for and implement appropriate sediment control prior to works, and exercise reasonable care to prevent land degradation or pollution to local drains and waterways.</p>
<p><b>Category 2:</b> Works where land disturbance is greater than 250m<sup>2</sup> but less than 2500m<sup>2</sup>.</p> <p>Works in this category include, for example: dwelling house, commercial or industrial developments, medium to high density housing and civil works.</p>	<p>Submit an Erosion and Sediment Control Plan for approval. The Erosion and Sediment Control Plan must include as a minimum:</p> <ol style="list-style-type: none"> <li>a. north point and scale, and site address</li> <li>b. a key or legend to identify symbols</li> <li>c. location of site boundaries and adjoining roads</li> <li>d. contour lines or indicators of direction of fall and top of bank of watercourses</li> <li>e. location of proposed construction vehicle accessway, roadways and parking areas</li> <li>f. location of proposed soil stockpiles</li> <li>g. location of proposed sediment fencing</li> <li>h. existing watercourses or drains flowing through or adjacent to the site and measures to protect them</li> <li>i. existing and proposed stormwater discharge points; civil and vegetated stormwater asset</li> <li>j. location of any clean water diversion planned for site</li> <li>k. location of other proposed erosion and sediment control measures</li> <li>l. inclusion of relevant standard drawings from the <i>blue book</i> (as amended)</li> <li>m. extent of earthworks and cut and fill locations</li> </ol>	<p>Works in this category have significant potential to cause sediment pollution to waterways.</p> <p><i>Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004, provides support for councils and industry to reduce the impacts of land disturbance activities on waterways by better management of soil erosion and sediment control. The Blue Book can be sourced on the NSW Department of Planning and Environment website.</i></p> <p><i>The Blue Book "Chapter 6 Sediment and Waste Control" provides information on specific erosion and sediment controls to aid developers, builders, and designers.</i></p> <p><i>The Blue Book "Chapter 8 Maintenance" contains information on maintenance measures to be undertaken on all land disturbance sites.</i></p> <p>The onus is on the persons planning and undertaking the works to assess the site size and activity, to determine the need for further erosion and sediment controls in accordance with the best practice advice provided in the Blue Book (as amended), including but not limited to: staged works to</p>

	<p>n. location of no-go zones (areas outside the scope of works, where any construction activities, vehicle access or placement of materials are not to occur)</p> <p>o. vegetation and trees to be protected from impact including adjacent lots</p> <p>p. location and type of fencing to be installed to control construction stage access onto adjacent lots, containing bushland or other vegetation to be protected</p> <p>q. areas to be mulched and revegetated</p> <p>r. notes covering the inspection and maintenance requirements of the erosion and sediment controls</p> <p>s. notes on how existing or proposed stormwater assets including vegetation stormwater devices will be protected; emptied; and maintained during construction.</p>	<p>minimise site disturbance, protecting stormwater drain inlets, installing clean water diversions, the use of sediment basins, and promptly revegetating completed areas.</p>
<p><b>Category 3:</b> Works where land disturbance is greater than 2500m<sup>2</sup>.</p> <p>Works in this category include, for example, large medium/high density housing, commercial or industrial developments, subdivision works and large civil works.</p>	<p>Submit a Soil and Water Management Plan for approval. A Soil and Water Management Plan must include as a minimum all of the information required for an Erosion Sediment Control Plan, with the addition of:</p> <ol style="list-style-type: none"> <li>both a written report and a detailed site plan, and link to the engineering design drawings</li> <li>the location of lots, public open space, stormwater drainage systems, schools, shopping centres / community centres (if nearby)</li> <li>the location of land zoned for special uses</li> <li>site constraints and characteristic e.g., total disturbed site area, slope gradient, soil loss class, potential erosion hazard, soil erodibility</li> <li>the likely soil loss is calculated with the revised universal soil loss equation and the detailed calculations are included</li> <li>the location and engineering details of any sediment basins required</li> <li>detailed calculations of capacities of any sediment basins or other structures required</li> <li>location and details and notes on controls to protect stormwater assets and devices e.g., gross pollutant traps, trash racks, pit inserts water sensitive urban design measures such as vegetated swales, bioretention systems and constructed wetlands</li> <li>details of the staging of works to minimise disturbance</li> <li>an inspection and test plan to ensure proposed water treatment facilities and assets are implemented, then maintained and protected from damage prior to handover to City of Newcastle (CN)</li> </ol>	<p>Works in this category have a high risk of causing sediment pollution to waterways.</p> <p>A <i>Soil and Water Management Plan</i> is a documented site plan, that includes all the components of an Erosion Sediment Control Plan (outlined above), plus additional measures to account for the larger size of the site, to mitigate soil erosion, and control sediment pollution to downslope lands and water.</p> <p>The requirements may be varied for a <i>Soil and Water Management Plan</i>, especially where there is a higher or lower risk of polluting receiving waters. Further information may be required for any site depending on, but not limited to, the calculated soil loss, sediment type and an assessment of site constraints and opportunities.</p> <p>Water quality targets to be met prior to discharge as outlined in the <i>ANZECC Water Quality Guidelines (2000)</i> include but are not limited to:</p> <ul style="list-style-type: none"> <li>pH between 6.5-8.5</li> <li>Total Suspended Solids less than 50mg/L</li> <li>No observable hydrocarbon sheen or odour</li> </ul>



	<p>k. construction stage maintenance requirements and schedule for onsite stormwater treatment devices e.g., pit baskets, gross pollutant traps, sediment basins, including the timing and process for flocculation, the flocculant to be used, the water quality targets to be met prior to discharge (see adjacent explanatory note), the discharge point</p> <p>l. notes to show the staged installation of vegetated stormwater assets to protect them from sediment loads during construction.</p> <p>The Plan is to include a Statement of Compliance. The Statement of Compliance must state that:</p> <p>a. It is developed by an appropriately qualified and experienced professional in erosion and sediment control.</p> <p>b. The Soil and Water Management Plan and associated erosion and sediment control measures comply with the requirements of the current version of the 'Blue Book' <i>Managing Urban Stormwater: Soils and Construction – Volume 1, 4<sup>th</sup> Edition (Landcom, 2004), Best Practice Erosion and Sediment Control, International Erosion Control Association (Australasia) 2008</i>, or other current recognised industry standard for erosion and sediment control for Australian conditions.</p>	<ul style="list-style-type: none"> <li>• Temperature less than 30 °C</li> </ul> <p><b>Note:</b> These criteria may vary depending on the receiving waters. Seek professional environmental advice before undertaking water discharge, to ensure compliance. If water does not meet the required criteria, it should not be discharged, rather retreated then reassessed.</p> <p>A copy of the Soil and Water Management Plan, plus records of testing water prior to discharge (to demonstrate water quality compliance) should be maintained on site and be made available to a CN Authorised Officer should they request copies.</p>
<p>A site specific geotechnical assessment report (prepared by a suitably qualified geotechnical engineer), for the proposal will be required for sites with any or all of the following:</p> <ol style="list-style-type: none"> <li>a slope of 35 degrees or greater</li> <li>a known history of landslides</li> <li>a slope with proposed major cut / fill variations.</li> </ol>	<p>The report must be in accordance with the principles described in the Australian Geomechanics Society <i>Practice Note Guidelines for Landslide Risk Management 2007</i> that confirms that the proposed development will result in a low (preferred) to medium (justification required, must include detailed site management options to reduce the risk to low post development) risk in line with this document.</p>	<p><i>Practice Note Guidelines for Landslide Risk Management 2007</i> can be sourced on the <a href="http://landsliderisk.org">landsliderisk.org</a> website.</p>
<p>Where required under clause 6.1 Acid sulfate soils, of <a href="#">LEP 2012</a>, an acid sulfate soils management plan or preliminary</p>	<p>A Preliminary Assessment of proposed works will address the following (pg.11, <i>Acid Sulfate Soils Assessment Guidelines, 1998</i>):</p> <ol style="list-style-type: none"> <li>establish the characteristics of the proposed works</li> </ol>	<p>The <i>Acid Sulfate Soils Assessment Guidelines, 1998</i> can be found on the CN website.</p>

<p>assessment of the proposed works will be required.</p>	<ul style="list-style-type: none"> <li>b. establish whether acid sulfate soils are present on the site and if they are in such concentrations so as to warrant the preparation of an acid sulfate soils management plan</li> <li>c. to provide information to assist in designing a soil and water assessment program.</li> </ul> <p>An acid sulfate soils management plan should be prepared in accordance with the <i>Acid Sulfate Soils Assessment Guidelines, 1998</i>. Requirements can be summarised as follows (pg. 50, <i>Acid Sulfate Soils Assessment Guidelines, 1998</i>):</p> <ul style="list-style-type: none"> <li>a. describe the proposed measures to mitigate against potential effects of acid sulfate soils on the works including any engineering or landscaping issues</li> <li>b. describe the proposed measures to mitigate against potential effects of acid sulfate soils on the environment</li> <li>c. describe the proposed measures to remediate any existing acid sulfate soil problems on the site</li> <li>d. describe the proposed monitoring program</li> <li>e. outline any proposed field of pilot trials to validate the proposed mitigation strategy</li> <li>f. outline any contingency plans to remediate or restore the area should the mitigation strategy fail to comply with performance objectives.</li> </ul>	
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## 6.0 Construction stage

### 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. Minimise site disturbance during construction, reduce the amount of erosion, and stabilise construction works as quickly as possible following completion.
4. Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign material from construction sites.
5. Prevent flood damage for individual properties caused by sediment reducing the flow capacity of the stormwater drainage system.
6. Reduce maintenance costs on existing stormwater infrastructure.

Controls (C)	Acceptable solutions (AS)	Explanatory notes
C-1.Erosion and sediment controls are: <ol style="list-style-type: none"> <li>a. appropriate for the task and site</li> <li>b. implemented prior to commencement of works</li> <li>c. maintained until the site is stable.</li> </ol>	AS-1.Erosion and sediment controls comply with the Blue Book (as amended).	<p>In cases where works fail to implement erosion and sediment control, and cause sediment pollution, on the spot penalty infringements can be issued.</p> <p><i>Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004, provides support for councils and industry to reduce the impacts of land disturbance activities on waterways by better management of soil erosion and sediment control. The Blue Book can be sourced on the NSW Department of Planning and Environment website.</i></p>
C-2.The construction stage ensures suitable controls and practices are undertaken to control dust pollution from works, to protect adjoining residents, and protect air quality and public health.		<p>The risk of causing dust pollution varies depending on weather, wind, the amount of exposed soil, the type of soil and the activity being conducted.</p> <p>A person conducting works is expected to plan and prepare for dust management to maintain air quality to public health standards and prevent nuisance impacts to nearby residents and properties.</p>

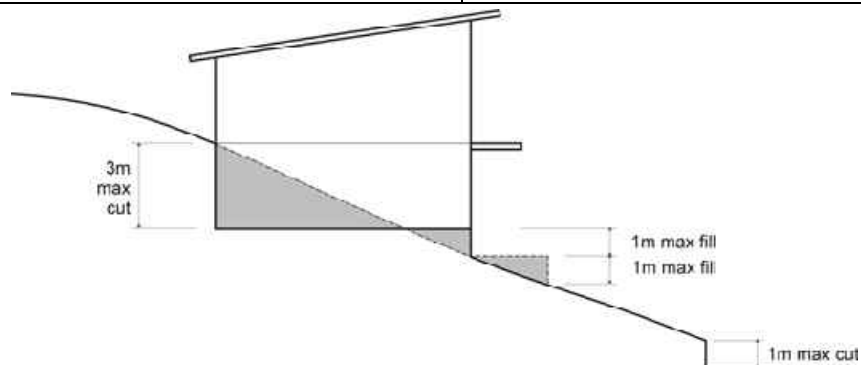
## 7.0 Acid sulfate soils

<b>Objectives</b> 1. Inform the preparation of an acid sulfate soils management plan or preliminary assessment of the proposed works in accordance with LEP 2012.	
<b>Controls (C)</b> C-1. Where required under clause 6.1 Acid sulfate soils, of LEP 2012, prepare an acid sulfate soils management plan or preliminary assessment of the proposed works in accordance with the application requirements above.	<b>Explanatory notes</b> LEP 2012 sets out the requirements for when an acid sulfate soils management plan is required.  An acid sulfate soils management plan may not be required if a preliminary assessment of the proposed works is undertaken, and shows that the proposed works will not require the preparation of an acid sulfate soils management plan.

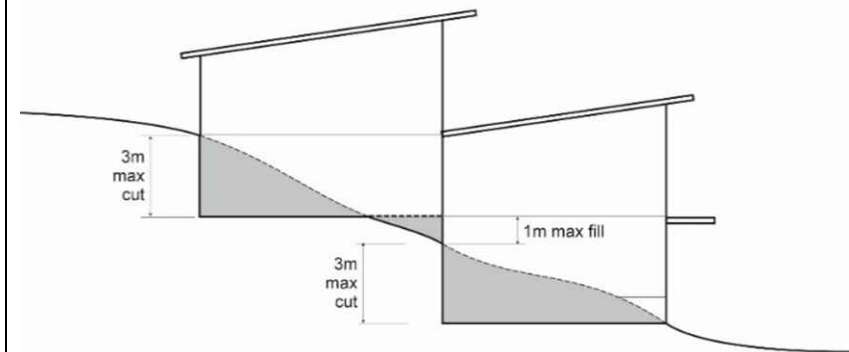
## 8.0 Earthworks (land reshaping)

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Encourage site responsive development and protect the amenity of adjoining land.</li> <li>2. Avoid excessive earthworks and minimise changes to the natural landform.</li> <li>3. Limit the extent of retaining walls, excavation and fill within development projects for aesthetic, character, engineering and geotechnical reasons.</li> <li>4. Avoid slab on ground construction where the gradient and characteristics of the site would require major excavation or filling.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
<p>C-1. Development is designed to:</p> <ol style="list-style-type: none"> <li>a. protect the amenity of adjoining land from unreasonable impacts as a result of cut and fill</li> <li>b. avoid excessive earthworks to minimise changes to the natural landform</li> <li>c. 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.</li> </ol>	<p>AS-1. Development is consistent with <b>Figure C5.01</b> and <b>Figure C5.02</b>.</p> <p>AS-2. Development minimises the amount of cut and fill required, with maximum acceptable:</p> <ol style="list-style-type: none"> <li>a. cut of 3m within the building envelope</li> <li>b. fill within building envelope of 1m</li> <li>c. cut external to building envelope of 1m</li> <li>d. fill external of building envelope of 1m</li> <li>e. variation to (a), (b), (c) or (d) above will require justification, design and certification by a Structural Engineer.</li> </ol> <p>AS-3. Buildings are designed to relate to the existing topography with minimal excavation or fill and the height of foundations kept to a minimum.</p> <p>AS-4. No cut or fill takes place within easements.</p> <p>AS-5. If fill is to be used it is VENM.</p> <p>AS-6. Storm water / surface water runoff as a result of earthworks is not to be redirected or concentrated onto adjoining properties so as to cause a nuisance</p>	<p>The topography and existing land form of the site are important to the character of an area. Where the site has a sloped topography, building design should be characterised by a split level approach where floor levels are stepped to follow the topography of the land. Large areas of cut and fill should be avoided so that the finished ground floor level can be close to existing ground level.</p> <p>Under the <i>Protection of the Environmental Operations Act 1997</i>, if landfill contains material other than VENM, a certificate may be needed before using it as fill. Further information can be found on the NSW EPA website.</p>
<p>C-2. Owners of retaining walls have clear ownership and maintenance obligations.</p>	<p>AS-1. Retaining walls are located clear of lot boundaries to ensure clear ownership and maintenance obligations for owners.</p> <p>AS-2. Retaining wall subsoil drainage is accommodated entirely within the property(ies).</p>	

<p>C-3.Retaining walls have a high aesthetic quality.</p>	<p>AS-1.If a retaining wall has a height of more than 600mm above ground level (existing) and is located within the front setback of a building, a landscaped area with a minimum depth of 600mm is provided in front of the wall (on the low side).</p>	
<p>C-4.Development minimises the potential for landslip on sloping sites.</p>	<p>AS-1.Support for earthworks more than 600mm above or below ground level (existing) must take the form of a retaining wall or other structural support.</p> <p>AS-2.The implementation of suitable drainage systems and landscaping to assist in stabilising changes to landform from cut and fill practices is also required.</p>	



**Figure C5.01: Maximum cut and fill**



**Figure C5.02: Minimise cut and fill by stepping building**

## **PART C: General development controls**

### **Section C6 Waste management**

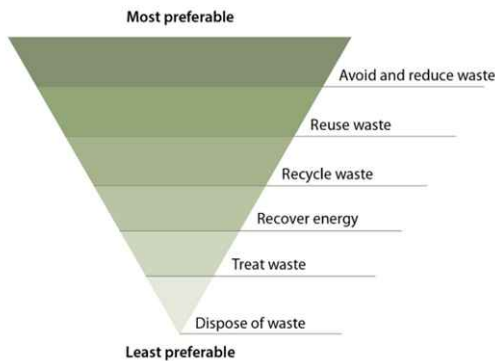
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## 1.0 Introduction

Waste can be a resource or a problem depending on how we produce, consume, store and dispose of resources. This process needs to consider all stages of a development, from construction to ongoing use and demolition.

A set of priorities for the efficient use of resources is set by the 'waste hierarchy'. This underpins the objectives of the *Waste Avoidance and Resource Recovery Act 2001* and prioritises initially avoiding and reducing waste generation over disposing of waste, see **Figure C6.01** below.



**Figure C6.01: The waste hierarchy, NSW Environment Protection Authority (EPA)**

Innovative and alternate waste management systems for development applications which deliver sound planning and environmental outcomes for the development and the broader community are supported. The applicant is encouraged to consider City of Newcastle's (CN) *Our Sustainable Waste Strategy (2022)* and discuss the potential for partnerships, collaboration, education, and innovative solutions, before, during, and post- building works, with CN's Waste Management Team and during the pre-development application service.

### Waste collection

The following table is a general guide to the waste collection systems. Further details are presented in the subsections below.

	<b>Bin type</b>	<b>Operation</b>	<b>Residential</b>	<b>Non-residential</b>
<b>Kerbside collection</b>	Council provided 'wheelie' bins	Conducted by collection vehicle on the street. It is the resident's, business owner's or strata's responsibility to move the bins to and from the street.	Most common. Used for single dwellings and some multi dwelling housing.	For properties with less than 5 tenancies.
<b>Collect-and-return</b>	Council provided 'wheelie' bins or communal waste bins	The collection vehicle parks at the property frontage, and the council operators enter the property and retrieve the bins for collection from the presentation point. A presentation point is the area where bins can be collected by operators near the street entry. In some situations, this is separate to the communal waste storage area.	When the site conditions do not allow for kerbside collection or on-site collection.  Generally, for properties with between 5 and 50 dwellings.	Properties with 5 or more tenancies, but less than 13,200 litres of general waste. Or as discussed with CN.
<b>On-site collection</b>	Communal waste bins	The collection vehicle enters the site to collect the waste.	For an apartment building with more than 50 dwellings or as agreed with CN.	Properties producing more than 13,200 litres of general waste.



## 2.0 Application

This section applies to all development that generates waste, including applications for a change of use.

## 3.0 Additional information

### Associated technical manual/s:

- *Model Waste Not DCP Chapter 2008*, (Maintained by NSW Environment Protection Authority).

### Additional information:

- *Waste Avoidance and Resource Recovery Strategy*, EPA
- SafeWork NSW website
- *Our Sustainable Waste Strategy 2023*, CN
- *Better practice guide for resource recovery in residential developments 2019*, EPA.

## 4.0 Objectives

1. Manage waste in accordance with the waste hierarchy to:
  - a. avoid producing waste in the first place
  - b. minimise the amount of waste produced
  - c. re-use items as many times as possible to minimise waste
  - d. recycle once re-use options have been exhausted
  - e. dispose of what is left, as a last resort, in a responsible way to appropriate waste disposal facilities.
2. Ensure waste management and mitigation at demolition, construction and operation stages are designed to provide satisfactory amenity for occupants.
3. Ensure occupants are active and empowered participants in creating solutions and waste mitigation and minimisation.
4. Ensure that development incorporates waste management systems that are efficient and capable of handling the forecasted waste generation.

## 5.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), unless otherwise defined. Other words and expressions include:

- **Recycling** – is a set of processes (including biological) for converting materials, that would otherwise be disposed of as wastes, into useful materials or products
- **Site Waste Minimisation and Management Plan (SWMMP)** – a Site Waste Minimisation and Management Plan.
- **Waste** – means anything (including a substance or mixture of substances) that is:
  - discarded, rejected or left over from an industrial, commercial, domestic or other activity
  - surplus to or a by-product of an industrial, commercial, domestic or other activity
  - prescribed by the regulation to be waste for the purpose of the Recycling and Waste Reduction Act 2020

## 6.0 Application requirements

Development category	Application requirements	Explanatory notes
Development proposing: <ul style="list-style-type: none"> <li>a. erection or alteration of a building or structure</li> <li>b. major demolition works</li> <li>c. carrying out subdivision earthworks</li> <li>d. clearing of land</li> <li>e. change of use.</li> </ul>	Submit a SWMMP for approval.  The SWMMP must address the following: <ul style="list-style-type: none"> <li>a. types of waste including green waste, and volumes of wastes and recyclables likely to be generated at the demolition and construction phase of development</li> <li>b. how ongoing waste management will operate once the development is complete (for the life of the development)</li> <li>c. how waste and recyclables will be stored and treated on site</li> <li>d. how waste and recyclables are to be disposed of</li> <li>e. supporting drawings to assist in demonstrating compliance with waste controls</li> <li>f. nominated on-site waste storage and collection areas for the development are clearly identified on scaled site plans.</li> </ul>	To guide the writing of a SWMMP, <a href="#">Preparing a Site Waste Minimisation and Management Plan (SWMMP)</a> form can be accessed from the CN website. The level of detail required for the SWMMP will vary with the size and complexity of the proposed development.
Proposals requiring on-site waste collection	Submitted plans showing swept path model allowing access for CN's collection vehicle.	

## 7.0 Demolition and construction

<b>Objectives</b>		
1. Plan to maximise the reuse and recycling of materials through the Site Waste Minimisation Management Plan. 2. Ensure adequate storage of waste on the construction site. 3. Plan for the collection and disposal of waste appropriate to the type of waste.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1. Identify potential reuse/recycling opportunities for demolition and construction materials through the SWMMP.	AS-1. Conduct a materials assessment at the beginning of the project to identify materials that can be reused or recycled.  AS-2. Create a process to separate and store reusable and recyclable materials during the demolition and construction phases of the project.  AS-3. Identify potential local and regional outlets for the sale or donation of reusable materials, such as salvage yards, building material reuse centres, or community groups.	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.
C-2. A suitable waste container must be provided at the work site before work commences and is regularly serviced to prevent overflowing waste and windblown waste from leaving site.	AS-1. Provide a waste container that meets the following requirements: <ol style="list-style-type: none"> <li>a. at least one cubic metre capacity</li> <li>b. regularly serviced, and appropriate for the waste being stored. Small or light items should be secured</li> <li>c. it can be a fabric wrapped mesh cage or a temporary fence cage enclosure (recommend sediment fence is placed in front, to prevent small waste escaping out the bottom) or an industry hired skip bin.</li> </ol>	Any demolition must be carried out in accordance with AS2601-2001, <i>The demolition of structures</i> .

<p>C-3. Handling management, transport and disposal of hazardous materials including asbestos must be in accordance with relevant waste legislation administered by the Environmental Protection Authority and relevant Occupational Health and Safety legislation and Codes of Practice administered by SafeWork NSW, and AS2601-2001, <i>The demolition of structures</i>.</p>		
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## 8.0 Single residential dwellings

<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1. Provide adequate space onsite for the storage of CN issued bins.</li> <li>2. Encourage the use of alternative waste treatment technologies, such as composting and recycling, to reduce the amount of waste sent to landfill.</li> </ol>														
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>												
<p>C-1. Provide adequate space within each dwelling for the interim storage of general waste and recycling.</p>	<p>AS-1. Space in the kitchen is to be of sufficient size to hold at least a single day's waste and recycling.</p>													
<p>C-2. The design and location of waste bin storage areas must be:</p> <ol style="list-style-type: none"> <li>a. screened from the main living spaces of dwellings, public roads and views from neighbours</li> <li>b. located away from doors, windows and air intakes of any dwellings or businesses</li> <li>c. sized to accommodate CN's standard bin allocations.</li> </ol>		<p>CN deliver a three-bin kerbside collection system for residential properties. The size of these bins is detailed in <b>Table C6.01</b>.</p> <table border="1" data-bbox="1444 887 2072 1225"> <thead> <tr> <th>Type</th> <th>Capacity</th> <th>Dimensions</th> </tr> </thead> <tbody> <tr> <td>Residual Waste</td> <td>140L</td> <td>Height: 0.926 Width: 0.536m Depth: 0.615m</td> </tr> <tr> <td>Recyclables</td> <td>240L</td> <td>Height: 1.060m Width: 0.730m Depth: 0.585m</td> </tr> <tr> <td>Organics</td> <td>240L</td> <td>Height: 1.060m Width: 0.730m Depth: 0.585m</td> </tr> </tbody> </table> <p><b>Table C6.01: CN waste bin types and capacities</b></p>	Type	Capacity	Dimensions	Residual Waste	140L	Height: 0.926 Width: 0.536m Depth: 0.615m	Recyclables	240L	Height: 1.060m Width: 0.730m Depth: 0.585m	Organics	240L	Height: 1.060m Width: 0.730m Depth: 0.585m
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<p>C-3.If adequate space is available, an area for composting is to be provided on site.</p>	<p>AS-1.Composting facilities are to be:</p> <ul style="list-style-type: none"> <li>a. located and at a proximity from the dwelling/s (including those adjoining the subject property), to minimise likely odour impacts / nuisance</li> <li>b. provided with adequate drainage infrastructure, where necessary.</li> </ul>	
<p>C-4.Help eliminate servicing difficulties and to maintain positive visual amenity and hygiene in the local area, bins should not be presented for collection any earlier than the afternoon / evening prior to the scheduled collection day. All bins to be removed from the collection point (kerbside) by the property occupant as soon as possible after emptying.</p>		

## 9.0 Residential development of two or more dwellings

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Minimise the number of bins to ensure efficiency of the waste collection process, minimise servicing difficulties and encourage reuse and recycling.</li> <li>2. Design waste facilities to accommodate a safe and efficient collection process for both occupants and CN staff.</li> <li>3. Provide adequate space onsite for the storage of bins in accordance with the SWMMP.</li> <li>4. Minimise the visual and amenity impact of waste management facilities from both the public and private domain.</li> <li>5. Minimise waste produced through the provision of a space for composting.</li> <li>6. Minimise environmental impacts caused by litter and odour to maintain the health and safety of the public.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1. Kerbside collection will only be supported where it is demonstrated that there is adequate space and there will be no adverse impact on safety, traffic flows and amenity. Kerbside collection will not be permitted in the renewal corridors.	AS-1. The following will be considered when deciding if kerbside collection is appropriate to the site: <ol style="list-style-type: none"> <li>a. area on street available for bin presentation</li> <li>b. number of dwellings (less than 5 dwellings)</li> <li>c. availability of a safe vehicle stopping area.</li> </ol>	<p>CN are the roads authority under the <i>Roads Act 1993</i> as well as the waste authority under the <i>Local Government Act 1993</i> and it is important to be mindful that the footpath forms part of the legal 'road' for the purposes of the <i>Roads Act 1993</i>. As the roads authority, CN can direct residents to place bins where they can be collected. CN does not limit residents to placing bins on the kerbside – but will make the final determination as to where they are placed.</p> <p>For further information on the renewal corridors, see Section E8 Renewal Corridors.</p>
C-2. When kerbside collection is not appropriate the following may be used: <ol style="list-style-type: none"> <li>a. Collect-and-return, or</li> <li>b. Onsite collection for apartments with more than 50 dwellings.</li> </ol>	<p>AS-1. Collect-and return is generally used for developments with five or more dwellings.</p> <p>AS-2. In certain circumstances, where site constraints are present, collect and return services may be considered as an alternative to onsite collection for apartments with more than 50 dwellings.</p>	<p>There are three types of waste collection: on-site, kerbside and collect-and-return.</p> <ul style="list-style-type: none"> <li>• On-site collection is when the collection activity occurs on the private site.</li> <li>• Collect-and-return is when the collection vehicle parks at the property frontage, and the operators enter the property and retrieve the bins for collection from the presentation point. A presentation point is the area where bins can be collected by operators near the street entry. In some situations, this is separate to the communal waste storage area.</li> </ul>

		<ul style="list-style-type: none"> <li>• Kerbside collection is conducted by CN's collection vehicle from the street. It is the resident's or strata's responsibility to move the bins to and from the street.</li> </ul>
C-3.For kerbside collection the size and number of the waste bins must be in accordance with the most recent 'Better practice guide for resource recovery in residential developments' as amended or replaced by the EPA.		<p>CN deliver a three-bin kerbside collection system for residential properties in Newcastle.</p> <p>The size and number of bins provided by CN will be discussed after the receipt of the SWMMP.</p>
C-4.When a collect-and-return service is used, developments with five or more residential dwellings must have a communal refuse bin presentation area, located within 10 metres of the property boundary – no bins presented to street. Bins shall be of a size deemed appropriate.	<p>AS-1.The bin-carting route (from holding room to collection point):</p> <ol style="list-style-type: none"> <li>a. is to be direct and as short as possible</li> <li>b. is to be solid, concrete and non-slip</li> <li>c. is to be paved and be a minimum of 1.8m wide</li> <li>d. is to be free from obstructions and is not required to be carried over any steps, landscape edging or gutters / kerbs</li> <li>e. for smaller bins (140, 240 or 360 litres) is to be a maximum of 10m in length and a maximum grade of 7%</li> <li>f. for larger bins (660L &amp; 1100 litres), the maximum length of the route of travel is 10m and a maximum of 5%.</li> </ol> <p>AS-2.If the bin storage room is a different location to the collection point, the collection point is to store waste bins only temporarily.</p>	<p>For on-site collection and collect-and-return, when any CN worker or contractor enters private property to conduct work, a Site Access Licence is required (essentially an insurance indemnity) – it also broadly outlines the service. For developments where on-site collection is required or where CN collectors are required to enter a site for the purpose of waste collection services, an agreement will be required to be entered into with CN. This agreement is to be entered into with CN giving power and authority to CN to enter the site and for the purpose of waste services. CN is also to be provided with indemnity against any future claims for damage and loss.</p> <p>Bin transfer will also need to comply Work Health and Safety legislation.</p>

<p>C-5. For collect-and-return bin collection, the collection point must be:</p> <ul style="list-style-type: none"> <li>a. of sufficient size to accommodate all required waste bins for the development,</li> <li>b. located at ground level away from pedestrian entrances of the development and habitable windows (including both the development and adjoining dwellings),</li> <li>c. clearly separated from car parking bays (on or off street), footpaths and landscaped areas.</li> </ul>	<p>AS-1. The waste bin collection point is to be located fully within the development site, unless specifically approved.</p> <p>AS-2. Consideration will be given to multiple waste bin holding areas for larger developments.</p>	
<p>C-6. Onsite servicing must accommodate waste collection and loading within the basement of the building or at grade within the building in a dedicated collection or loading bay.</p>	<p>AS-1. Adequate access must be provided for CN's waste collection vehicles as follows:</p> <ul style="list-style-type: none"> <li>a. the site must be designed to allow collection vehicles to enter and exit the site in a forward direction with limited manoeuvring and reversing on-site</li> <li>b. the route of travel (including vehicle manoeuvring areas) for the waste collection vehicle to the collection point is to satisfy the typical dimensions of heavy rigid vehicle. This also includes adequate vehicle clearance for the vehicle. AS2890.2 provides typical dimensions, turning circles and clearance heights</li> <li>c. the route of travel for the waste vehicle is to be adequately paved and of sufficient strength to support the waste collection vehicle</li> <li>d. the grades of entry and exit ramps must not exceed the capabilities of the waste collection vehicle and are to comply with AS2890.2</li> <li>e. the waste collection point and parking area for the waste vehicle is to be clearly nominated with dimensions on the site plan.</li> </ul>	<p>In accordance with the <i>Local Government Act 1993</i>, CN must make and levy an annual charge for domestic waste management services in respect of all rateable land within their areas for which the domestic waste management service is available (irrespective of whether those services are utilised).</p>
<p>C-7. For onsite, servicing development must be capable of being serviced by a heavy rigid vehicle as defined under AS2890.2.</p>		<p>For on-site collection and collect-and-return, when any CN worker or contractor enters private property to conduct work, a Site Access Licence is required (essentially an insurance indemnity) – it also broadly outlines the service. For developments where on-site collection is required or where CN collectors are required to enter a site for the purpose of waste collection services, an agreement will be required to be entered into with CN. This agreement is to be entered into with CN giving power and authority to CN to enter the site and for the purpose of waste services. CN is also to be provided with indemnity against any future claims for damage and loss.</p>



<p>C-8. Communal waste storage areas' design and location must:</p> <ul style="list-style-type: none"> <li>a. be of sufficient size to accommodate all ongoing waste generation associated with the development</li> <li>b. complement the public domain</li> <li>c. reduce potential noise, hygiene, odour, pollution, traffic, as well as health and safety impacts</li> <li>d. encourage informed recycling</li> <li>a. be convenient to use and easily accessed by occupants and waste collectors.</li> </ul>	<p>AS-1. The following will be considered by CN when deciding if a communal waste storage area is required on site:</p> <ul style="list-style-type: none"> <li>a. area on street available for bin presentation</li> <li>b. number of dwellings</li> <li>c. availability of safe vehicle stopping area.</li> </ul> <p>AS-2. The communal waste storage area must:</p> <ul style="list-style-type: none"> <li>a. not immediately adjoin private open space, windows or clothes drying area</li> <li>b. provide space for all waste streams including general waste, green waste and comingled recycling</li> <li>c. provide an aisle space of at least 1.2m to access and manoeuvre the bins</li> <li>d. allow for 140, 240 and/ or 360 litre bins to be wheeled to the street kerb (or other CN agreed collection point) over flat or ramped surfaces with a maximum grade of 7%, not over steps, landscape edging, gutters / kerbing or the like,</li> <li>e. where required, allow for bulk garbage bins (such as 660 litre and 1,100 litre bins) to be wheeled out and be serviced by a rear loading garbage truck on a flat surface with a maximum grade of 5%, and not over steps, landscape edging gutters / kerbing or the like</li> <li>f. be screened or discreetly positioned away from communal spaces</li> <li>g. be separated from the car parking areas and located away from the circulation path of other vehicles</li> <li>h. where applicable, is within the basement footprint</li> <li>i. provide sufficient space for any required equipment to manage waste, waste bins (including washing and cleaning) and the waste bin storage area.</li> </ul> <p>AS-3. Communal waste storage area (including individual containers) is suitably signposted to ensure appropriate use.</p> <p>AS-4. Where the communal waste storage area includes an enclosed room, design this be designed in accordance with the following:</p> <ul style="list-style-type: none"> <li>a. floors are of concrete at least 75mm thick and graded and drained to a hunter water approved drainage fitting</li> </ul>	<p>Further information and requirements for freight and servicing can be found in Section C1. These include, but are not limited to:</p> <ul style="list-style-type: none"> <li>a. grocery deliveries</li> <li>b. courier deliveries</li> <li>c. food delivery</li> <li>d. maintenance activity (trade vehicles)</li> <li>e. renovation services</li> <li>f. bulky item deliveries</li> <li>g. removalist services</li> <li>h. waste collection.</li> </ul> <p>For on-site collection and collect-and-return when any CN worker or contractor enters private property to conduct work, a Site Access Licence is required (essentially an insurance indemnity) – it also broadly outlines the service. For developments where on-site collection is required or where CN collectors are required to enter a site for the purpose of waste collection services, an agreement will be required to be entered into with CN. This agreement is to be entered into with CN giving power and authority to CN to enter the site and for the purpose of waste services. CN is also to be provided with indemnity against any future claims for damage and loss.</p>
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	<ul style="list-style-type: none"> <li>b. the floors are finished to a smooth even surface</li> <li>c. the walls are of solid impervious material</li> <li>d. the ceilings are finished with a smooth faced non-absorbent material capable of being cleaned</li> <li>e. walls, ceilings and floors are finished in a light colour</li> <li>f. provision of an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock</li> <li>g. provision of a close fitting and self-closing door openable from within the room</li> <li>h. ability to prevent the entry of vermin</li> <li>i. provision of adequate light and ventilation. the light source is to be through controlled light switches located both outside and inside the room.</li> </ul> <p>AS-5. Provide a separate area to store the collection of bulky waste that is:</p> <ul style="list-style-type: none"> <li>a. capable of holding the bulky waste generated from the development between scheduled pickups</li> <li>b. located near to the on-site loading bay.</li> </ul>	
<p>C-9. Where the waste bin storage area will be secured, the locking mechanism installed must be accessible by CN. The installation of the locking system will be provided by the development at the development's cost. A PIN keypad security system is preferred or similar.</p>		
<p>C-10. If adequate space is available, an area for composting is to be provided on site and made available for the use of residents.</p>	<p>AS-1. Composting facilities are to be:</p> <ul style="list-style-type: none"> <li>a. located and at a proximity from the dwellings (including those adjoining the subject property), to minimise likely odour impacts / nuisance</li> <li>b. provided with adequate drainage infrastructure, where necessary</li> <li>c. equipped with relevant signage to ensure inappropriate waste is not added to the compost (where this facility is to be shared).</li> </ul>	

<p>C-11.Bins must be stored on the site unless an alternate approval has been granted by the relevant consent authority to store waste in a public place (such as CN issuing an approval under the <i>Local Government Act 1993</i>).</p>	<p>AS-1.If transferred to a collection point or street for collection, the body corporate or a caretaker is responsible for the movement of bins to and from the collection point.</p>	
<p>C-12.Help eliminate servicing difficulties and to maintain a positive visual amenity in the local area, bins should not be presented for collection any earlier than the afternoon / evening prior to the scheduled collection day and that all bins should be removed from the collection point (kerbside) by the property occupant as soon as possible after emptying.</p>		
<p>C-13.Residential flat buildings should incorporate a waste management system that enables the transport of waste from private dwellings to a communal facility.</p>	<p>AS-1.This waste management system is to be in accordance with the following:</p> <ul style="list-style-type: none"> <li>a. provide waste disposal points on each residential level of the development located within a highly trafficked area for residential use</li> <li>b. designed to minimise noise and fire risk</li> <li>c. provides a convenient method for the transfer of waste to a centralised location within the basement/ ground floor</li> <li>d. provides adequate room to cater for the storage and easy access to all waste bins required for the size of the proposed development.</li> </ul> <p>AS-2.Does not require residents to travel an unreasonable distance to dispose of the waste within designated bins.</p>	

## 10.0 Mixed use development

<b>Objectives</b>	
1. Ensure residential and non-residential waste, recycling and green waste is demarcated to accommodate separate collection services.	
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>
C-1. Residential and non-residential waste in a mixed use development must be separated and designed in a way that's appropriate for the use.	AS-1. Where mixed use developments include a residential component, separate waste management facilities are to be provided for the residential and non-residential uses in accordance with the relevant criteria in this section.

## 11.0 Non-residential development

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Design waste facilities to accommodate a safe and efficient collection process for both occupants and waste collection service.</li> <li>2. Minimise the visual and amenity impact of waste management facilities from both the public and private domain.</li> <li>3. Ensure non-residential development incorporates efficient waste management systems that are capable of handling the forecasted waste generation.</li> <li>4. Minimise the number of bins to ensure efficiency of the waste collection process, minimise servicing difficulties and encourage reuse and recycling.</li> <li>5. Minimise environmental impacts caused by litter and odour to maintain the health and safety of the public.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.Ensure appropriate resourcing and planning for waste management systems, including servicing.	<p>AS-1.If a development is entitled to CN business waste services, it must be capable of being serviced by CN waste collection services for their rateable waste entitlement.</p> <p>AS-2.Non-residential developments not entitled to CN business waste services must demonstrate that an appropriate and compliant waste service is in place, provided by a suitable waste collection contractor.</p> <p>AS-3.If a commercial provider is approved to service the site:</p> <ol style="list-style-type: none"> <li>a. All tenants are to 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.</li> </ol> <p>AS-4.Provide adequate access for waste collection vehicles where on-site collection is required to service the development, providing that:</p> <ol style="list-style-type: none"> <li>a. the site must be designed to allow collection vehicles to enter and exit the site in a forward direction with limited manoeuvring and reversing on-site</li> <li>b. the route of travel (including vehicle manoeuvring areas) for the waste collection vehicle to the collection point is to satisfy the typical dimensions of the vehicle proposed to be used. This also includes adequate vehicle clearance for the vehicle. <i>AS2890.2</i> provides typical dimensions, turning circles and clearance heights</li> <li>c. the waste vehicle travel route is to be adequately paved and of sufficient strength to support the waste collection vehicle</li> <li>d. the grades of entry and exit ramps must not exceed the capabilities of the waste collection vehicle and are to comply with <i>AS2890.2</i></li> <li>e. clearly nominate the waste collection point and parking area for the waste vehicle with dimensions on the site plan.</li> </ol> <p>AS-5.Provide adequate collection vehicle manoeuvring areas demonstrated with swept paths.</p>	<p>Management of commercial waste is managed by CN or private operators depending on the waste management charge levied to the property and the nature of the business. This can be discussed with CN at the pre-DA stage.</p> <p>Bin allocation is based on how the property is rated. One set of bins will be approved per rate notice. Annual rates notices show how an existing premises is rated.</p>

	<p>AS-6.The responsibility and administrative arrangements for the ongoing management and servicing of waste storage and / or collection areas is adequate for the development.</p>	
<p>C-2.The design and location of waste storage areas are an integral part of the development and must:</p> <ol style="list-style-type: none"> <li>a. be of sufficient size to accommodate all ongoing waste generation associated with the development</li> <li>b. complement the public domain</li> <li>c. avoid potential noise, hygiene, odour, pollution, traffic, as well as health and safety impacts</li> <li>d. be convenient to use and easily accessed (occupants and waste collectors)</li> <li>e. be protected from theft, vandalism and vermin</li> <li>f. are flexible in their design to allow for future changes in the operation, tenancies and uses.</li> </ol>	<p>AS-1.Development includes designated waste/recycling storage areas or room(s) that:</p> <ol style="list-style-type: none"> <li>a. are sized to meet the waste and recycling needs of all tenants</li> <li>b. accommodate an adequate size and number of waste bins, in accordance with the most recent 'Better practice guide for waste management and recycling in commercial and industrial facilities' as amended or replaced by the EPA</li> <li>c. are located away from primary street frontages, where applicable, and are suitably screened from public areas to reduce the impacts of noise, odour and visual amenity</li> <li>d. are suitably enclosed, covered and maintained to prevent polluted wastewater runoff from entering the stormwater system</li> <li>e. includes a designated area for each tenant that is clearly signposted</li> <li>f. are provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock</li> <li>g. are designed and located to consider possible traffic hazards (pedestrian / vehicular) likely to be caused by the storage and collection of waste.</li> </ol> <p>AS-2.Developments that are of five or more separately-rated business developments must have a common / communal refuse bin presentation area</p> <ol style="list-style-type: none"> <li>a. located within 10 metres of the property boundary – no bins presented to street</li> <li>b. facilitate a collect-and-return service.</li> </ol> <p>AS-3.Larger scale developments (more than 13,200 litres of general waste estimated to be generated per week) must have onsite servicing, utilising communal bins.</p> <p>AS-4.Bins will be of a size deemed appropriate by CN.</p> <p>AS-5.The design of buildings of three or more storeys must integrate a suitable system for the interim storage and transportation of general waste, comingled recyclables and/or organics/food waste from each storey to the waste storage / collection area.</p> <p>AS-6.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) is to be:</p> <ol style="list-style-type: none"> <li>a. direct and as short as possible</li> <li>b. solid, concrete and non-slip</li> </ol>	<p>The EPA generally regulates the management of hazardous waste. Therefore, any applications that will involve hazardous waste may require a licence or permit from the EPA in addition to approval from CN. Please contact CN or the EPA to discuss the requirements for hazardous waste.</p>

	<ul style="list-style-type: none"> <li>c. paved and a minimum of 1.8m wide</li> <li>d. free from obstruction and not over any steps, landscape edging or gutters / kerbs</li> <li>e. for two wheeled waste receptacles a maximum grade of 7%</li> <li>f. for four wheeled waste receptacles a maximum grade of 5%.</li> </ul>	
<p>C-3.Minimise risk to health and safety associated with handling and disposal of waste and avoid potential noise, hygiene, odour and pollution impacts.</p>	<p>AS-1.Implement design features for waste storage and collection areas, where relevant, as follows:</p> <ul style="list-style-type: none"> <li>a. food scraps and organic waste are placed in specialised containment bins and collected on a regular basis (particularly where large volumes of perishable wastes are generated).</li> <li>b. premises that generate at least 50 litres per day of meat, seafood or poultry waste are to store that waste in a dedicated and refrigerated waste storage area until daily collection.</li> <li>c. clinical or hazardous and liquid waste are to be placed in specialised containment bins and collected by specialised services.</li> </ul> <p>AS-2.Grease traps must be provided where there is a likelihood of liquid waste entering the drainage systems (contact Hunter Water to obtain trade waste requirements).</p>	<p>Where any liquid waste is likely to be disposed of in the sewer, a trade waste agreement may need to be entered into with Hunter Water. See their website for further information.</p>
<p>C-4.Help eliminate servicing difficulties and maintain a positive visual amenity in the local area, bins should not be presented for collection earlier than the afternoon / evening before the scheduled collection day. All bins should be removed from the collection point (kerbside) by the property occupant as soon as possible after emptying.</p>		

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## **PART C: General development controls**

### **Section C7 Safety and security**

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## 1.0 Introduction

Safety and security, under the objects of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, will be considered through Crime Prevention Through Environmental Design (CPTED). CPTED is a strategy that aims to reduce crime through better design, construction and management of the built environment. Applying CPTED methods, aims to discourage offenders by maximising the risk and effort of committing a crime, while minimising the benefits and opportunities of committing that crime. CPTED also identifies ways to create a feeling of safety and security. Key principles when applying CPTED, include: surveillance, access control, territorial reinforcement and space management.

This design approach considers the following aspects:

- Whether the CPTED assessment report meets this section's requirements and minimum standards.
- The validity of data and research presented.
- Whether crime risks have been adequately identified and analysed.
- Whether the recommended CPTED treatments, mitigations and management are appropriate.
- Whether the development supports positive community safety and security outcomes.

## 2.0 Application

This section applies to all development.

## 3.0 Additional information

- Development applications may be referred to the NSW Police for referral comments
- *Crime Prevention and the Assessment of Development Applications: Guidelines* published by NSW Department of Urban Affairs and Planning, 2001 (or as updated or amended)

## 4.0 Objectives

Utilise CPTED methods to prevent crime through building and place design, influencing construction and management to:

1. Increase the perception of risk to criminals by increasing the possibility of detection, challenge and capture.
2. Increase the effort required to commit crime by increasing the time, energy or resources which need to be expended.
3. Reduce the potential rewards of crime by minimising, removing or concealing 'crime benefits'.
4. Remove conditions that create confusion about required norms of behaviour.
5. Identify crime risks of a development, and the appropriate level of CPTED treatments to remove or, at a minimum, minimise or mitigate risk of crime.

## 5.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012 (LEP 2012)*, unless otherwise defined. Other words and expressions include:

- **Licensed premises** – means premises licensed under the *Liquor Act 2007*.
- **Plan of management** – is a document that provides a framework for the management of a particular issue, impact, activity, event, development or the like.

## 6.0 Application requirements

Development category	Application requirements	Explanatory notes
<p>Developments that:</p> <ol style="list-style-type: none"> <li>a. Create a risk of crime (actual and perceived)</li> <li>b. Involve an increased threat to public safety</li> <li>c. Include a component to serve, sell or supply alcohol.</li> </ol>	<p>Submit a CPTED assessment report by a suitably qualified person who has completed training in crime prevention, crime risk evaluation and CPTED techniques. The CPTED assessment report must detail the training and currency of the person responsible for the preparation of the report. See <b>Table C7.01</b>.</p>	<p>A CPTED assessment report is a systematic evaluation of the potential for crime in an area. It provides an indication of both the magnitude of crime and likelihood of crime. The consideration of these elements will determine the choice, scale and appropriate CPTED treatments to remove, minimise or mitigate crime risk.</p> <p>Types of development that may involve the preparation of a CPTED assessment report include, but are not limited to:</p> <ol style="list-style-type: none"> <li>a. Dwellings and accommodation: <ul style="list-style-type: none"> <li>• any form of residential development with 20 or more dwellings on the site</li> <li>• boarding houses, co-living, group homes and hostels of any size or capacity</li> <li>• manufactured home estates, caravan parks and camping grounds of any size or capacity.</li> </ul> </li> <li>b. Social infrastructure: <ul style="list-style-type: none"> <li>• education establishments</li> <li>• centre-based childcare facilities</li> <li>• community facilities</li> <li>• recreation (areas and facilities of any size or capacity)</li> <li>• entertainment facilities and function centres can hold 1,000 or more people</li> <li>• hospital</li> <li>• correction Institution</li> <li>• public transport Infrastructure.</li> </ul> </li> <li>c. Commercial and industrial <ul style="list-style-type: none"> <li>• new commercial and specialised retail premises with an estimated cost of development of \$5 million or more</li> <li>• food and drink premises and shops trading between 12:00am and 5:00am</li> <li>• service stations and highway service centres of any size or capacity</li> <li>• new licensed premises (cellar doors, hotels, registered clubs, pubs, small bars, packaged liquor outlets) of any size or capacity</li> <li>• extension of licensed premises trading hours past 12:00am.</li> </ul> </li> </ol>

		<p>d. Other development</p> <ul style="list-style-type: none"> <li>• health service facilities</li> <li>• car parks of any size or capacity</li> <li>• restricted premises and sex services premises of any size or capacity</li> <li>• temporary events with an expected attendance of 5,000 or more people</li> <li>• amusement centres of any size or capacity.</li> </ul> <p>CN will exercise its discretion, under the <i>EP&amp;A Act 1979</i>, in respect to the requirement for a crime risk assessment.</p>
<p>Development, including change of use applications, considering applying for a liquor licence.</p>	<p>Submit a plan of management (PoM) prepared by a suitably qualified person.</p> <p>The PoM is to be prepared following the NSW government guidelines, found on the Liquor &amp; Gaming NSW website  <a href="https://www.liquorandgaming.nsw.gov.au">https://www.liquorandgaming.nsw.gov.au</a>.</p>	<p>A PoM guides you and your staff on actions that will be taken to ensure compliance with your obligations under the liquor laws and liquor licence.</p> <p>The PoM is a key management tool for those with a liquor licence which should be regularly referenced by the premises (and updated when necessary) to ensure the premises operates in a way without causing unreasonable health/safety risks or impacts to the local amenity.</p>

Introduction	Describe the proposed development.
Site context	Describe the site locality, patterns of use, those that may be affected, and its physical surrounds.  Indicate if a site visit has been undertaken and when.
CPTED Assessment	Describe the methodology for assessment.  Identify existing and possible crime risks (actual and perceived), plus their likelihood and magnitude (risk matrix) and who may be affected.  Analyse the types of crime prevalent in the locality, and to which the development may contribute.  Evaluate likelihood and magnitude of each potential crime risk (without treatment) by giving a rating. Provide evidence to support rating  Identify data collection and consultation, including with police.
CPTED treatments	Describe appropriate and justified treatments applied to the development to remove, minimise or mitigate crime risks and enhancement opportunities.  Indicate predicted likelihood and magnitude of each potential crime risk (with treatment).  Treatments should be targeted and proportionate to scale of likelihood and magnitude of crime risks as well as the development scale.
Specific uses	Where applicable, outline how the report addresses any of the following development specific uses: <ul style="list-style-type: none"> <li>• Automatic Teller Machines (ATMs)</li> <li>• service stations trading between 12:00am and 5:00am</li> <li>• night-time economy areas</li> <li>• public toilets</li> <li>• skate park facilities</li> <li>• car parks</li> <li>• public transport infrastructure</li> <li>• proximity to laneways and vacant spaces/properties</li> </ul>
Manage crime risks	PoM to identify the CPTED treatments to be implemented and their management over the life of the development.  Where requested by police, council or at the applicants discretion, outline targets and actions for monitoring and reviewing progress of treatments to address crime risks.

**Table C7.01: Information to be included in a CPTED assessment report**

## 7.0 Design and layout requirements

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Reduce community vulnerability to crime through good urban design and the incorporation of CPTED principles in development.</li> <li>2. Consider safety and security at the early design stages and plan development to create a safe environment, responsive to its surrounding that incorporates features to minimise opportunities for criminal and anti-social behaviour.</li> <li>3. Provide actual and perceived safe and secure environments by minimising opportunities for criminal and anti-social behaviour.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.All CPTED principles are incorporated into the design of the proposed development.		Development Applications may be referred to the NSW Police.
C-2.A PoM for premises applying for, or altering a liquor licence, must be provided.		
C-3.The design and layout of the development: <ol style="list-style-type: none"> <li>a. are integrated into the wider public realm enhancing the potential for natural surveillance, access control, territorial reinforcement and space management</li> <li>b. reduce temptations for vandalism and graffiti without detracting from the façade</li> <li>c. minimise or prevents opportunities for crime and risks to public safety while maintaining neighbourhood amenity and the character of the streetscape</li> <li>d. encourage active street environments as they enhance public safety</li> <li>e. provide unimpeded sight lines, particularly along pedestrian pathways</li> <li>f. improve natural surveillance through increased legitimate use of spaces</li> <li>g. minimise blind-corners, recesses and other external areas that have the potential for concealment or entrapment.</li> </ol>	AS-1.Place street furniture, ATMs and public toilets in high activity areas.	

<p>C-4. Development incorporates appropriate standards of lighting to improve visibility, safety and security and deter illegitimate activity for areas that will be used and unused at night.</p>	<p>AS-1. Effective, vandal resistant lighting in public spaces that does not produce glare or dark shadows.</p> <p>AS-2. Well lit entrances, exits, service areas, pathways and car parks, particularly in situations where they are likely to be used after dark.</p> <p>AS-3. Use wide beam lighting illumination which reaches to the beam of the next light, or the perimeter of the site or area being traversed.</p> <p>AS-4. Direct lighting towards access routes to illuminate potential offenders, rather than towards buildings or resident observation points, avoiding light spillage onto neighbouring properties.</p>	
<p>C-5. Optimise casual surveillance of loading areas.</p>	<p>AS-1. Provide side and rear openings from adjacent buildings overlooking service areas and clear sight lines.</p> <p>AS-2. Provide adequate day and night lighting to reduce the risk of undesirable activity.</p>	
<p>C-6. Buildings are designed to allow casual surveillance of the street.</p>	<p>AS-1. Maximise any glazed shop front on the ground level so views in and out of the shop can be achieved.</p> <p>AS-2. Provide openings of an adequate size in the upper levels to maximise opportunities for surveillance.</p> <p>AS-3. Locate high use rooms to have views to the street to maximise casual surveillance.</p> <p>AS-4. Clearly display the street number on the front of the building in pedestrian view.</p> <p>AS-5. Ensure any shop fronts are not obscured by planting, signage, awnings, and roller shutters.</p>	

<p>C-7. Entrances to buildings from public streets are designed to enable clear residential and commercial access to the property, which is clearly identifiable, defined, lit and visible.</p>	<p>AS-1. The residential component of a shop top housing development has a separate secure pedestrian entrance from the commercial component of the development.</p> <p>AS-2. Use walkways, lighting, signage and landscaping to clearly guide people and vehicles to and from entrances.</p> <p>AS-3. Pavement surfaces and signage will direct pedestrian movements.</p> <p>AS-4. Potential conflict between pedestrians and vehicles is avoided.</p> <p>AS-5. There are clear transitions and boundaries between public and private space. Paving, tactile surfaces, fencing, verges and gardens can be used as transition cues.</p> <p>AS-6. Visible and well maintained security signage is provided at all entrances.</p> <p>AS-7. Clear and legible location markers, directional signage and residential house numbers are visible to assist people to navigate the environment and define appropriate use of spaces.</p> <p>AS-8. Design features encourage people to gather in public or shared spaces.</p> <p>AS-9. Staff (for example: concierges, onsite management, security) are positioned in a location that can be clearly seen from communal or public spaces.</p>	
<p>C-8. Reduce the opportunity for, and impact of vandalism and graffiti through design.</p>	<p>AS-1. Use treatments on fencing and walls that reduce the opportunity for vandalism and graffiti (for example: creeping vegetation/green screens, anti-graffiti coatings, modulated walls).</p> <p>AS-2. Use vandal resistant external lighting fixtures.</p> <p>AS-3. Use hard-wearing materials for street furniture and design features in public space, ensuring items are secured by sturdy anchor points or removed after hours.</p> <p>AS-4. Implement PoM that include the routine maintenance and cleaning of property.</p>	

<p>C-9. Ensure landscaping does not provide opportunities for concealment or ways to access private property, but does promote opportunities for natural surveillance.</p>	<p>AS-1.Avoid blind or dark corners in pathways, stairwells, hallways and car parks. Where blind corners can't be avoided, surveillance should be enhanced by the installation of vandal resistant mirrors.</p> <p>AS-2.Ensure design features of buildings or nearby trees don't facilitate 'natural ladders' that allow climbing onto balconies, rooftops and window ledges.</p> <p>AS-3.Avoid medium height vegetation with concentrated top to bottom foliage. Plants such as low hedges and shrubs, creepers, ground covers or high canopied vegetation are good for natural surveillance. Trees with dense low growth foliage should be spaced or have the crown raised to avoid a continuous barrier.</p> <p>AS-4.Avoid vegetation and fencing that inhibits surveillance of building entrances, shared spaces, access routes and pedestrian pathways.</p>	
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## **PART C: General development controls**

### **Section C8 Social impact**

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## 1.0 Introduction

Social considerations are an integral part of the development assessment process. Changes to people's way of life, culture and community may be impacted by a development.

Social impacts of a proposal will be considered under the objects of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*. Social Impact Assessment is the systematic process of understanding these impacts. Where adverse consequences are identified through the Social Impact Assessment, they inform decisions about whether to proceed or install measures to minimise or ameliorate negative impacts. Where there are positive impacts, Social Impact Assessment may also consider ways to maximise these. Its primary purpose is to bring about a more sustainable and equitable biophysical and human environment.

Social impacts are not private interests and are considered as a change to one or more of the following concepts: people's way of life, culture, community, accessibility, surroundings, health and wellbeing, political systems, personal and property rights, fears and aspirations.

## 2.0 Application

This section applies to all development listed in the application requirements.

## 3.0 Additional information

- *Social Impact Assessment Guideline, Social Impact Assessment Technical Supplement and Social Impact Assessment Scoping Worksheet 2023*, NSW Department of Planning, Industry and Environment
- *Social Strategy 2030*, City of Newcastle
- *Disability Inclusion Action Plan 2022-2026*, City of Newcastle
- (Draft) *Social Infrastructure Strategy 2023-2027*, City of Newcastle

## 4.0 Objectives

1. Ensure development applications are accompanied by sufficient evidenced information to allow adequate assessment of social impacts arising from a development.
2. Ensure a clear, consistent and rigorous approach informed by social research methodology to identify, assess, respond and monitor the social impacts of a development.
3. Improve development outcomes by early identification of social impacts and installation of supportive measures, proportionate with the type of development and level of impacts.
4. Maximise opportunity for stakeholders who may be impacted by a development to participate in meaningful social impact assessment consultation.
5. Ensure that adverse consequences of a development are identified to inform decisions about whether to proceed or install measures to minimise or ameliorate those negative impacts.
6. Maximise opportunity for development to occur in locations supported by adequate services and facilities to meet the locality's current and projected social needs.
7. Ensure inclusion and equity are achieved by maximising accessibility and universal design.
8. Maximise the retention of existing affordable housing stock and proportionate mitigation of losses.

## 5.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), unless otherwise defined.

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## 6.0 Application requirements

There are two types of reports required: a Social Impact Comment and a Social Impact Assessment.

### Social Impact Comment

A Social Impact Comment is generally required for the developments identified in **Table C8.01** unlikely to result in significant social impacts. A Social Impact Comment can be undertaken by a qualified and experienced urban planner and can form part of the Statement of Environmental Effects (SEE), where social impacts are discussed to address s1.3 of the *EP&A Act 1979*.

### Social Impact Assessment

A Social Impact Assessment is required for developments that are:

- a. large in scale
- b. of a large and/or sensitive nature
- c. in a sensitive or constrained setting
- d. likely to have an impact on the community not able to be mitigated by normal conditions of consent.

A Social Impact Assessment is a stand-alone report to accompany the submitted development application. It is a comprehensive assessment typically required for developments likely to result in significant social impacts and/or large developments or developments where significant social impacts are anticipated.

These must be prepared by a suitably qualified Social Impact Assessment professional who:

- a. has qualifications in the fields of community/social planning, social science or demonstration of relevant significant professional body of work training
- b. has/or extensive experience in the field of social impact assessment community needs analysis and community consultation
- c. is familiar with the types of information required.

**Note:** For proposals requiring a Social Impact Assessment, applicants are encouraged to seek a pre-development application meeting to ensure relevant social aspects of their proposal are properly addressed. Requests for a Social Impact Comment instead, accompanied by detailed written justification, will be considered by City of Newcastle (CN) and decided accordingly given the circumstances of the development.

The list of development types is not definitive and will be considered alongside the table, **Table C8.02**. CN will use its discretion under the *EP&A Act 1979* to request a Social Impact Assessment for any development application (DA) if it believes it is likely to have a significant social impact on the community.

<b>Development types - Land use / development type / activity</b>	<b>Social Impact Comment</b>	<b>Social Impact Assessment</b>
affordable housing	With 20-49 dwellings and/or lots	Results in a reduction of affordable housing and/or With 50 or more new dwellings and/or lots
attached dwellings		With 50 or more dwellings and/or lots
multi dwelling housing		
residential flat buildings		
residential subdivision		
residential uses within mixed use developments		
shop top housing		
seniors housing, residential care facility		
build-to-rent housing		
group homes		
boarding houses	N/A	Any size or capacity
tourist and visitor accommodation	With capacity for 49 or less customers	With capacity for 50 or more customers
backpacker's accommodation		
hotel motel accommodation		
serviced apartments		
entertainment facilities	With capacity for 149 or less customers	With capacity for 150 or more customers
amusement centres		
function centres		
retail, commercial, industrial premises (excluding trading past 12am, extension of trading hours, liquor licences, gaming machines, hazardous & heavy industry)	19,999m <sup>2</sup> or less floor space	20,000m <sup>2</sup> or more floor space
food and drink premises	Trading up to midnight	Trading past 12am
service stations		
educational establishments	With capacity for 49 or less places/ customers	With capacity for 50 or more places/ customers
centre-based childcare facility		

places of public worship		
community centres, recreation facilities, recreation areas		With capacity for 50 or more places/ customers and/or results in a reduction of publicly accessible community centre, recreation facility, recreation area space
community land, as classified by the <i>Local Government Act 1993</i>	N/A	Results in a reduction of community land
restricted premises (e.g. sex shops)	N/A	Any size or capacity
sex service premises (e.g. brothels)		
gun shop		
extension of trading hours for licensed premises		
hotels (bars, pubs, taverns), nightclubs and registered clubs	With capacity for 149 or less customers	With capacity for 150 or more customers
Other liquor licenses and gaming machines	With capacity for 149 or less customers and/or With capacity for 30 or less gaming machines	With capacity for 150 or more customers and/or With capacity for 31 or more gaming machines
gambling outlet	N/A	Any size or capacity
offensive or hazardous industry		
heavy industrial storage establishment		
waste facilities		
drug rehabilitation services, methadone clinics and the like		
hospitals, medical centres, community health services and similar with five or more consulting rooms		
corrective institution		
major transport, including freight transport facility		

**Table C8.01: Development categories**

Application requirement provisions provide two categories of assessment. Both must examine the social impact considerations and have an assessment process; however, the extent of research, assessment and author of assessment varies. The length and detail provided should be commensurate with the scale of the development and significance of the likely social impacts.

		Social Impact Comment	Social Impact Assessment
Introduction	Describe the proposed development.	✓	✓
Site context	Describe the site locality, patterns of use, those that may be affected, topography of the site and its physical surrounds.  Indicate if site visit (day/night) undertaken.	✓	✓
Social baseline analysis (pre-change)	Describe existing social conditions and trends and provide a benchmark against which potential social impacts can be assessed.  Identify data collection and sourced literature.	✓	✓
Community and stakeholder consultation	Describe appropriate, justified and meaningful consultation undertaken at a reasonable period of time before submitting application.	Indicate if consultation undertaken.	✓
Impact assessment	Describe the methodology for assessment.  Predict and assess the social impacts against social baseline. Evaluate likelihood and magnitude of each identified social impact (without measures applied) by giving a rating. Provide evidence to support rating.  Overall assessment of the distribution of likely positive and negative impacts, including an <i>opinion</i> on the balancing of these impacts.	✓ Briefly describe.  Depending on the type of development, the application may need to provide detailed examination of the relevant parts i.e. if the application is for a liquor & gaming license, crime & safety impacts should be focused on. If a housing related DA, should examination on local needs, accessibility etc.  It is not sufficient to state that there will be no impact and that no mitigation or enhancement measures are required.	✓

<p>Impact mitigation and benefit enhancement (post-change)</p>	<p>Describe appropriate and justified measures applied to development to enhancement opportunities and remove, minimise or mitigate social risks (and demonstrate that the hierarchy of avoid and mitigate has been followed).</p> <p>Provide management measures for all potentially significant negative impacts. Identify those that cannot readily be mitigated.</p> <p>Indicate predicted likelihood and magnitude of each identified social impact (with measures applied) by giving a rating. Provide evidence to support rating.</p> <p>Measures should be targeted and proportionate to the scale of likelihood and magnitude of social impacts as well as development scale. Proposed measures must be delivered by the applicant.</p>	<p>✓ Briefly describe.</p>	<p>✓</p>
<p>Monitoring, review and update</p>	<p>Measures identified through Social Impact Comment/ Social Impact Assessment process and how these will be managed over the life of the development must be documented.</p> <p>Where applicable, outline targets and actions for monitoring and reviewing progress of identified measures.</p> <p>Measures may also be included in the conditions of consent if a proposal is approved.</p>	<p>✓</p>	<p>✓</p>

**Table C8.02: Considerations for a Social Impact Comment and Social Impact Assessment**

**Note:** Refer best practice guidance on writing a Social Impact Assessment see Social Impact Assessment Guideline, Social Impact Assessment Technical Supplement and Social Impact Assessment Scoping Worksheet 2023, NSW Department of Planning, Industry and Environment

## 7.0 General requirements

<b>Objectives</b>	
1. Ensure potential social impacts are investigated using methods appropriate to the scale and context of development.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. All developments and/or major changes to where significant social impacts are anticipated must provide either a Social Impact Comment or Social Impact Assessment, as per the application requirements.	At its discretion, CN may: <ul style="list-style-type: none"> <li>a. seek independent expert advice about specific social impacts relevant to a development,</li> <li>b. obtain an independent external review of an applicant's Social Impact Assessment or Social Impact Comment, or</li> <li>c. commission its own Social Impact Assessment or Social Impact Comment.</li> </ul>
C-2. All other developments must still consider and address arising social impacts in the Statement of Environmental Effects, as is required by s 1.3 of the <i>EP&amp;A Act 1979</i> .	
C-3. Any measures to maximise the positive social impacts and eliminate or minimise negative impacts of the development are to be incorporated into the development and, where appropriate, illustrated on submitted DA plans.	
C-4. To reduce the cumulative impact of development, Social Impact Assessment's must identify the location and size of the same development type/land use within a 2km radius and evidence regarding cumulative impact. This applies to the following development types: <ul style="list-style-type: none"> <li>a. hostel/boarding house/co-living/backpacker's accommodation</li> <li>b. sex services</li> <li>c. pubs/registered clubs/ extension of trading hours for licensed premises past 12am/ packaged liquor outlets</li> <li>d. gambling outlet</li> <li>e. offensive or hazardous industry.</li> </ul>	Offensive and hazardous industry is defined in the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> .



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## **PART C: General development controls**

### **Section C9 Advertising and signage**

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## 1.0 Introduction

Advertising and signage that is well designed, positioned and detailed plays an important role in supporting local businesses and assisting residents and visitors find their way around our city. Signage generally refers to a business or building identification sign, where advertising is commercial signage, generally for a third party that does not have a tenancy in the property.

Signage and advertising should be compatible with its locality. As such, this section promotes development of this nature to respect characteristics of buildings, vistas and streetscapes while maintaining a high level of safety and amenity for residents, pedestrians and road users.

The impact of advertising and signage to heritage items and heritage conservation areas is also recognised as an important consideration. Identified advertising and signage precincts are commercial areas within heritage conservation areas that have been planned for to ensure signage proposed is considerate and complementary to the surrounding area.



**Map C9.01: Advertising and signage precincts across Newcastle LGA**

All development should meet the general criteria, and any applicable criteria for each specific signage type and/or identified precinct where relevant. It must consider relevant provisions within *State Environmental Planning Policy (Industry and Employment) 2021* and the Transport Corridor Outdoor Advertising and Signage Guidelines.

Unless specified as exempt development under an environmental planning instrument, such as *Newcastle Local Environmental Plan 2012 (LEP 2012)* or a *State environmental planning policy*, all signage requires development consent. Signage placed or installed within the road reserve may require separate approval under the *Roads Act 1993*.

## 2.0 Application

This section applies to all advertisements and signage, except that which is exempt development under an environmental planning instrument that applies to it.

Signage not covered by this section will be assessed against Chapter 3 of the *State Environmental Planning Policy (Industry and Employment) 2021* and the objectives of this section.

### 3.0 Related sections

The following sections may also apply to development:

- C10 Street awnings and balconies
- E1 Built and landscape heritage
- E2 Heritage conservation areas

### 4.0 Additional information

**Additional information:**

- Department of Planning and Environment, *Transport Corridor Outdoor Advertising and Signage Guidelines*, November 2017

**Applicable environmental planning instruments and legislation:**

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

- LEP 2012
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*

### 5.0 Objectives

1. Ensure that signage and advertising is well designed, appropriately sized and positioned in a consistent manner.
2. Ensure signage and advertising, including prospective signage and advertising, is considered, integrated, and positively contributes to the overall design and presentation of buildings.
3. Ensure that signage and advertising does not intrude into, or detract from the architectural merit and heritage significance of existing buildings, significant views, vistas, or streetscapes.
4. Ensure that signage and advertising does not compromise pedestrian, cyclist or vehicle safety and amenity.
5. Maximise the positive contribution that signage and advertising makes to the vibrancy, legibility and commercial viability of businesses.
6. Ensure that signage and advertising does not compromise the amenity of active street frontages in commercial areas.
7. Minimise visual clutter caused by the proliferation of signage and advertising and encourage the rationalisation of signage through fewer more effective signs.

## 6.0 Definitions


A word or expression has the same meaning as it has in [LEP 2012](#), unless otherwise defined. Other words and expressions include:

- **Advertisement** – means all signage aside from business identification signs and building identification signs as defined in the *State Environmental Planning Policy (Industry and Employment) 2021*. See *State Environmental Planning Policy (Industry and Employment) 2021* for a more detailed definition.
- **Advertising area** – is 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** – is any other advertising structure which is unilluminated, including a hoarding or bulletin board.
- **Advertising sign** – is 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.
- **Freestanding advertisements** - is an advertisement that is displayed on an advertising structure that is mounted on the ground on one or more supports as defined in the *State Environmental Planning Policy (Industry and Employment) 2021*.
- **Road reserve** – is the area 'reserved' for facilities such as roads, footpaths, and associated features that may be constructed for public travel. It is the total area between property boundaries. This is the land that is referred to as the “public road” within the *NSW Roads Act 1993*. It can include the public roadway or footpath, including the nature strip or verge.
- **Signage** – is any sign, notice, device, representation or advertisement that advertises or promotes 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 any of the following -
  - a. an advertising structure,
  - b. a building identification sign,
  - c. a business identification sign,
  - d. but does not include a traffic sign or traffic control facilities.
- **Temporary mural** – means a piece of visual art created on an appropriate, publicly visible wall or surface with the permission of the property owner for a time limited period.

## 7.0 Application requirements

Development category	Application requirements	Explanatory notes
A signage strategy will be provided by all development requiring signage aside from home business, home industry and home occupation.	A signage strategy is to address the controls and acceptable solutions in this section and include details regarding: <ol style="list-style-type: none"> <li>a. sign locations on dimensioned plans</li> <li>b. colours and finishes</li> <li>c. any proposed illumination.</li> </ol>	A signage strategy will ensure adequate signage space for all tenancies is considered in the building design.

## 8.0 Signage types

Signage type / definition	Control
 <p><b>Figure C9.01: Above awning signage</b></p> <p>Signage which is displayed above an awning.</p>	<p>C-1. Above awning signage is not supported throughout the Newcastle local government area (LGA).</p>
<p>Billboards (advertisements with display area greater than 45 square metres)</p>	<p>C-2. Billboards with an advertising display area greater than 45m<sup>2</sup> are not permitted unless they are on transport corridor land as reflected in <i>State Environmental Planning Policy (Industry and Employment) 2021</i>.</p>
<p>Billboards (advertisements with display area greater than 20 square metres or higher than 8 metres above ground)</p>	<p>C-3. Billboards are discouraged and:</p> <ol style="list-style-type: none"> <li>must not contain any advertising relating to a person, business, product or event that does not carry out business at the premises or place.</li> <li>should be avoided if there is ability to be placed on the building and will not be supported where signs are able to be placed on a building within 5m of a primary road frontage.</li> <li>are kept to a maximum of one per site</li> <li>are to be contained wholly within the property boundary.</li> <li>should support the existing and future character of the area and not detract from the streetscape amenity.</li> <li>may be lit by external lights, but not light emitting. Where it is proposed for a sign to be lit, a curfew on the lights will be considered.</li> <li>will generally not host electronic signage.</li> </ol>
<p>Building identification signage</p>	<p>C-4. A building identification sign is limited to naming or identifying the building owner or tenant occupying the largest amount of floorspace relative to other occupants within the building.</p> <p>Note: Refer to <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> for minimum requirements.</p>



**Figure C9.02: Building wrap and special promotional advertisements (including temporary murals)**

C-5. Building wrap signage and special promotional advertisements (including temporary murals) are:

- a. limited to signage for community and civic events
- b. not to be erected more than one month before the event and must be removed within one week of the conclusion of the event
- c. limited to the period of three months
- d. not to be illuminated
- e. limited to one building wrap sign or temporary mural on a building at any time
- f. not to cover more than two adjacent facades
- g. not to obscure any prominent architectural features of the building
- h. to conserve the environmental heritage
- i. mounted flush with the external facade of the building.

C-6. In addition to C -1 (a-i) a temporary mural is to:

- a. use materials and mediums that can be easily removed
- b. use mediums that will not affect the original fabric of a heritage item or contributory building in a heritage conservation area (e.g. a temporary mural may be painted on removable ply boards - approval will not be granted for painting over exposed brick)
- c. be accompanied by a public art strategy, prepared by a suitably qualified person, and considered and approved by the Public Art Reference Group. The strategy is to address the below:
  - If the artwork is suited to a diverse audience?
  - Does the mural add to the character and integrity of the location?
  - Is the artwork a temporary mural as defined in NDCP 2023 or does it meet the definition of signage?





**Figure C9.03: Building wrap signage – on scaffolding/hoardings**

This includes advertising and signage used in association with a building that is under construction, renovation, restoration or demolition.

C-7. Building wrap signage – on scaffolding/hoardings is:

- a. contains content that is not to be changed over the life of the building work without prior approval from CN
- b. to be removed as soon as the relevant works have been completed
- c. limits commercial signage to 20% of the extent of the scaffolded elevation
- d. restricted to images of the proposed building being constructed / refurbished, or a similar appropriate image in heritage conservation areas. Business identification may be considered where it is limited to 5% of the extent of the scaffolded elevation and is located at ground level.



**Figure C9.04: Electronic signage**

Electronic signs include signs that contain mechanical, digital or electronic moving images or displays, including LED, neon and electronically projected images (including but not limited, to portable LED signs, video/tv screens, projected laser signs and other intermittently illuminated or sequenced lighting signs).

C-8. Electric signage is generally not supported. If a proposal is considered to have merit, the following apply:

- a. consent will be limited to a period of 12 months or may be granted on a temporary basis in association with a related event
- b. 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.
- c. the signage does not impact on the safety or amenity of the locality and is in accordance with the applicable illumination controls for general signage.



**Figure C9.05: Flush wall signage**

C-9. Signage attached to or painted on the wall of a building projects horizontally no more than 300mm from the wall.

C-10. Flush wall signage is:

- 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)
- b. to be attached to the building in which the business identified in the sign is located.
- c. not more than 10% of wall area in commercial zones
- d. not more than 20% of wall area in industrial zones (including land to which Chapter 5 Three parts of *State Environmental Planning Policy (Transport and Infrastructure) 2021* applies)
- e. for all other land use zones, size to be considered on merit
- f. not to extend laterally beyond the wall, to which it is attached, in any direction.

Home Business / Industry / Occupation signage includes a sign at a dwelling that advertises a home business, home industry or home occupation at the premises.

C-11. Home Business / Industry / Occupation signage is:

- a. for business identification only
- b. a flush wall sign with a maximum size of 1m<sup>2</sup>
- c. not illuminated.



**Figure C9.06: Pole or pylon signage (freestanding advertisements under 20 square metres and less than 8 meters off the ground)**

C-12. Pole or pylon signage is:

- a. not to contain any advertising relating to a person, business, product or event that does not carry out business at the premises or place
- b. to be avoided if there is ability to be placed on the building and will not be supported where signs are able to be placed on a building within 5m of a primary road frontage
- c. not more than 8m above the ground level.
- d. a maximum area of 20m<sup>2</sup>
- e. limited to one per site
- f. to be contained wholly within the property boundary
- g. to support the existing and future character of the area and not detract from the streetscape amenity
- h. lit by external lights, but not light emitting. Where it is proposed for a sign to be lit, a curfew on the lights will be considered generally, not electronic signage.
- i.

Portable signage can be readily moved and includes A-frame signs, portable flags, trailers and any similar device.

C-13. Portable signage is considered as an element of outdoor trading. Refer to CN's Outdoor Trading Policy (as amended or replaced) for portable signage requirements.





**Figure C9.07: Projecting wall signage**

C-14. Projecting wall signage is not supported throughout the Newcastle LGA, except as identified within identified advertising and signage precincts.



**Figure C9.08: Roof or sky signage**

C-15. Roof or sky signage is not supported throughout the Newcastle LGA.

Temporary signs include signage of a temporary nature (such as flyers, posters, or corflute) that is lightweight & weather resistant fixed to power poles, bus shelters or other public property, fences, buildings shop fronts, shop front windows or hoarding. Refer to exempt development schedule of LEP 2012 for allowable temporary signage.

C-16. Temporary signage is not supported throughout the Newcastle LGA.

Under awning sign



C-17. Signage that is attached to and hangs below an awning is:

- a. Limited to 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
- b. not to exceed 2.5m in length
- c. not to exceed more than 1.5m<sup>2</sup> in advertising area
- d. erected approximately horizontal to the ground and at no point less than 2.6m from the ground
- e. erected at right-angles to the building to which the awning is attached
- f. securely fixed to the awning by means of durable and structurally sound support systems
- g. not projected beyond the edge of the awning to which it is attached.

<p>Window signage includes both business identification and advertising inside the area of a window. It should encourage interactivity and cross movement and not restrict opportunities for surveillance between the public and private domains.</p>	<p>C-18.Window signage:</p> <ul style="list-style-type: none"><li>h. does not occupy more than 15% or 6m<sup>2</sup> (whichever is the lesser) of the glazed surface of the window in which it is displayed</li><li>i. is not illuminated</li><li>j. does not contain LED/Electronic messages</li><li>k. is located at ground level.</li></ul>
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Signage type	Development zones			
	Residential	Commercial	Industrial	Heritage conservation area / item
Above awning signage	x	x	x	x
Billboard	x	x	x	x
Building identification signage	✓	✓	✓	✓
Building wrap sign (completed buildings)	x	✓	x	x
Building wrap sign (on scaffolding/hoardings)	✓ (as temporary use only)	✓	✓	✓
Directory board	x	✓	✓	x
Electronic signage	x	x	x	x
Flush wall sign	x	✓	✓	✓
Home business/ home industry / home occupation sign	✓ (as exempt development)	✓	✓	✓
Illuminated sign	x	✓	✓	x
Portable signage	✓	✓	✓	✓
Pole or pylon sign	x	✓	✓	x
Projecting wall signage	x	x	x	x
Roof or sky signage	x	x	x	x
Temporary sign	x	x	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.

**Table C9.01: Development zones and supported signage types (general guidance only)**

Key	
Symbol	Meaning
✓	Generally supported in zone (check relevant environmental planning instruments)
x	Generally not supported in zone

## 9.0 Signage – General

<b>Objectives</b>		
1. Apply a consistent and co-ordinated approach to the design, size and positioning of signage to enhance the streetscape.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1. Signage must only advertise the lawful use of the building or site (except for temporary signs) on which the sign is located.		
C-2. A consistent and co-ordinated approach is applied to the design, size and positioning of signage to enhance the streetscape.	<p>AS-1. A signage strategy is submitted with all DAs proposing signage. A signage strategy may be required to be submitted with any development proposing multiple signs.</p> <p>AS-2. Proposals for new or amended signs on existing buildings will be considered in relation to the cumulative impact of visual clutter within the vicinity.</p> <p>AS-3. The total number of signs on a property is to be limited to those needed to reasonably identify the business or building.</p> <p>AS-4. To minimise clutter, composite or directory signs are preferred where there are multiple businesses located on a property.</p>	A composite sign, or directory sign identifies multiple uses in a development on a single sign.

<p>C-3. Signage and advertising achieves a high level of design quality that is compatible with the use and architectural style of the building and the character of the streetscape.</p>	<p>AS-1. Consistent signage design is applied to larger developments with multiple occupancies fronting the public domain.</p> <p>AS-2. Signage and advertising is designed and built so that it is structurally and electrically sound.</p> <p>AS-3. The composition, proportions, finishes, colours and features of signage and advertising are compatible with the built form and public domain in the nearby vicinity.</p> <p>AS-4. Colours, logos and other graphics are compatible with the architecture, materials, finishes and colours of the building and the streetscape and must not conceal architectural features.</p>	<p>Flashing, moving or LED/changeable signs, other than identification, interpretive, direction and advance warning signs, as constructed and installed by, or on behalf of CN or another transport authority are not encouraged and are unlikely to be supported.</p>
<p>C-4. Materials used for signs must be durable, low maintenance and of a high aesthetic quality compatible with other lawfully erected signage and advertising in the locality.</p>		
<p>C-5. Signage and advertising does not obscure significant architectural features of buildings, vistas or streetscapes.</p>		
<p>C-6. External lighting of signs is to be down lighting and focused directly on the sign and is to minimise the escape of light beyond the sign. Up lighting of signs is not permitted.</p>		
<p>C-7. Illumination designed for the purpose of promoting the business, activity or product, both on and within buildings, including windows and doorways and sites, is not permitted.</p>		

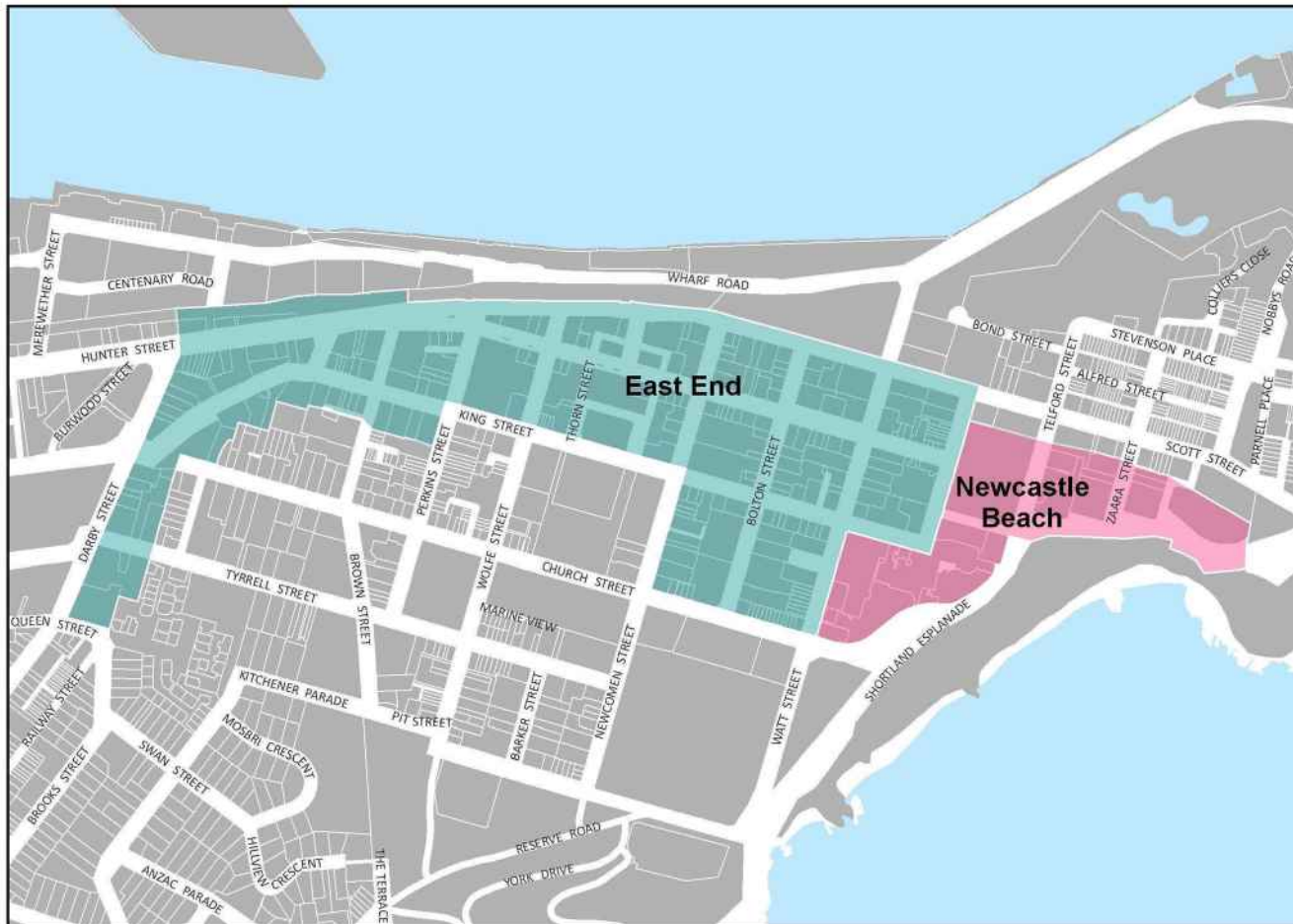
## 10.0 Heritage items and heritage conservation areas – General

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Recognise signage as an important element that contributes to the promotion of a business activity and identification of a building.</li> <li>2. Prevent inappropriate or excess signage that detracts from the appearance of a heritage item, heritage conservation area or streetscape.</li> <li>3. Ensure signage is sensitive to the character and heritage significance of heritage items and/or heritage conservation areas.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1. Signage on heritage items or in heritage conservation areas is designed and located in a manner which protects and enhances what is valued about the building or the place.	<p>AS-1. Design and locate signage to minimise visual clutter and complement and maintain the significance of heritage items and/or heritage conservation areas. The signage type is to reflect the period of the building and complement its architectural style and colour of the heritage place. This may mean altering its positioning, size and proportion, corporate colours and lettering when the site is in a heritage conservation area or on a heritage item.</p> <p>AS-2. Signage is for business identification and/or building identification only.</p> <p>AS-3. Illumination of signage is generally not supported on heritage items or in heritage conservation areas. A back lit below awning sign on a commercial building may be acceptable.</p> <p>AS-4. Signage is not fixed (by any means) to sandstone or face brickwork but may be fixed into mortar joints.</p> <p>AS-5. Signage is not painted directly onto exposed stone or brickwork.</p> <p>AS-6. A signage strategy is to be submitted for large developments that propose multiple tenancies in heritage items and/or in properties within heritage conservation areas.</p>	<p><i>State Environmental Planning Policy (Industry and Employment) 2021</i> prohibits the display of an advertisement in a 'heritage area', except for a business identification sign or building identification sign as defined in the LEP 2012.</p> <p>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.</p> <p>Refer to Section E1 Built and Landscape Heritage.</p>

## 11.0 Heritage items and heritage conservation areas - Identified advertising and signage precincts

### Objectives

1.Reduce signage in commercial areas that is not visually compatible or detracts from the amenity of a heritage conservation area.

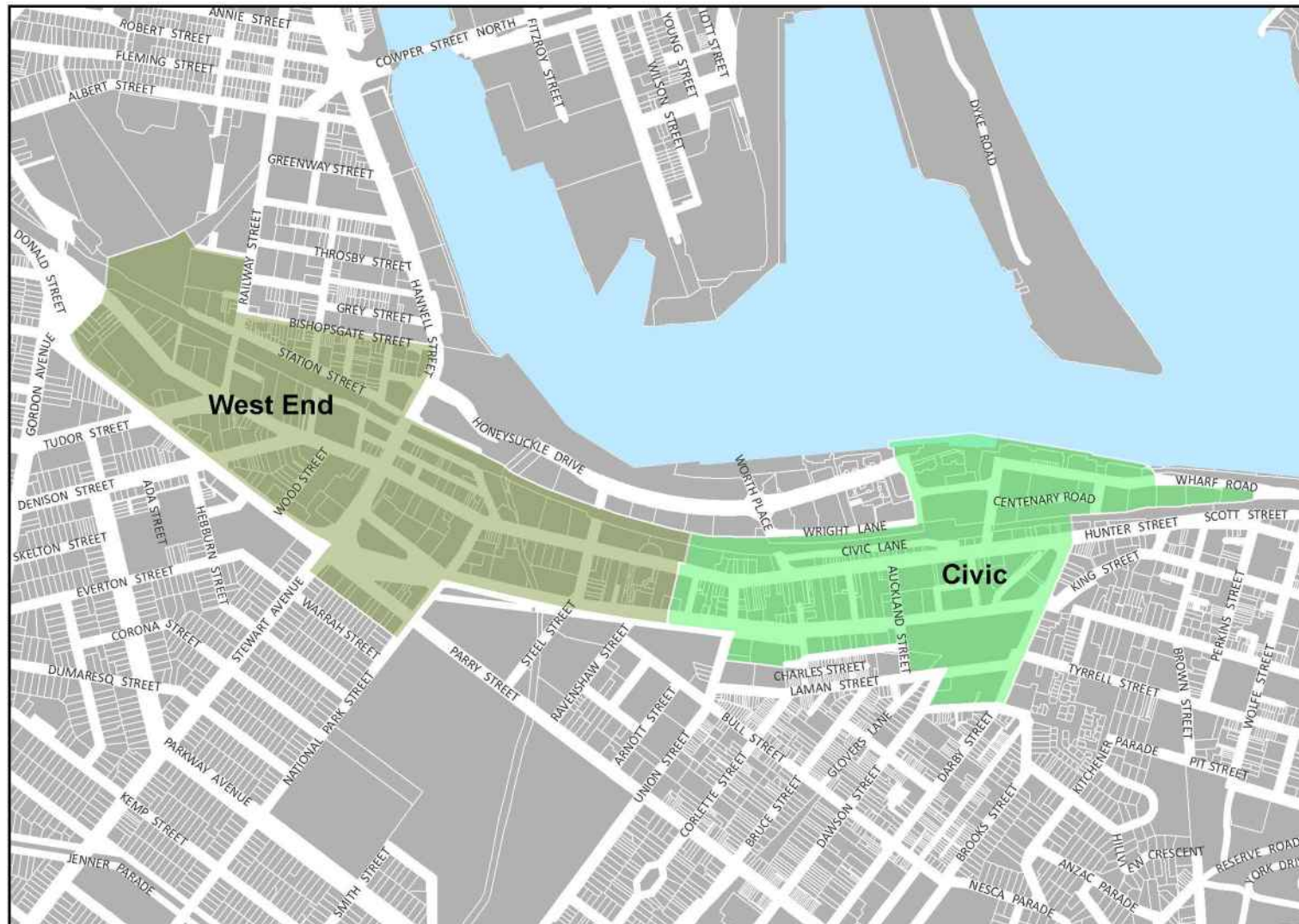


Map C9.02: Newcastle East End and Newcastle beach



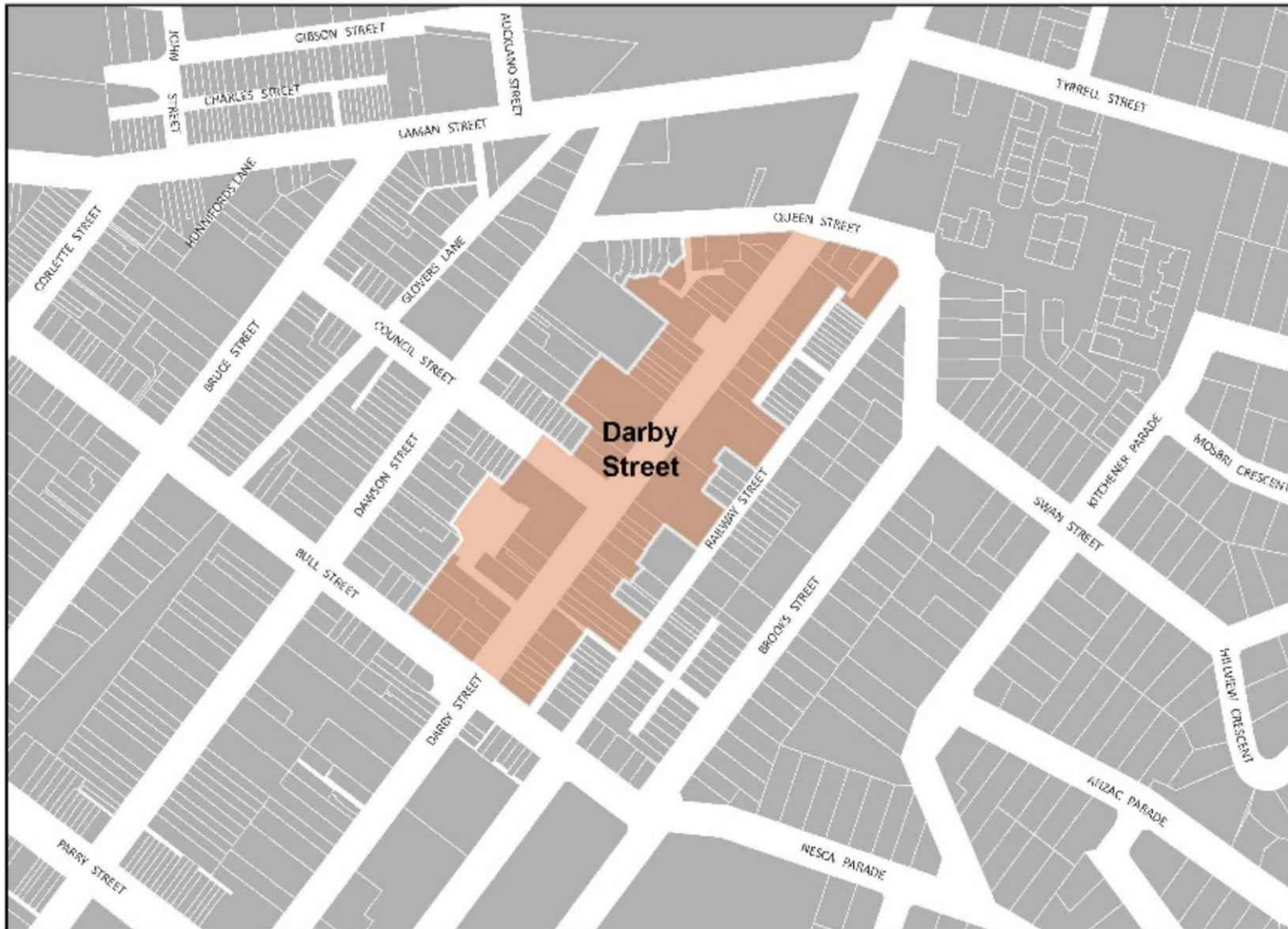
Controls (C)	Acceptable solutions (AS)	Explanatory notes
<p>C-1. The extent of signage on a site within the Newcastle East End and Newcastle Beach advertising and signage precincts allows a reasonable form of identification (business / building), while:</p> <ul style="list-style-type: none"> <li>a. taking a form which is subservient to the desirable characteristics of the built and natural environment of the site and its immediate surrounds</li> <li>b. not having a significant adverse effect on the desired or established character, streetscape and environmental values of the area.</li> </ul>	<p>AS-1. Acceptable signage types within the Newcastle East End and Newcastle Beach advertising and signage precincts include:</p> <ul style="list-style-type: none"> <li>a. fascia signs</li> <li>b. under awning sign</li> <li>c. window signs</li> <li>d. projecting wall signs, where there is no awning.</li> </ul> <p>AS-2. Signage is for business identification and/or building identification only.</p> <p>AS-3. Projecting wall signs are:</p> <ul style="list-style-type: none"> <li>a. limited to one sign per business, per elevation</li> <li>b. located at ground level only (consistent with location of adjacent awnings)</li> <li>c. not to exceed 2.5m in length</li> <li>d. not to exceed more than 1.5m<sup>2</sup> in area</li> <li>e. erected horizontal and at no point less than 2.6m from the ground</li> <li>f. not to extend to within 0.6m of the vertical projection of the edge of the vehicular carriageway, including any parking space</li> <li>g. erected at right-angles to the building</li> <li>h. in accordance with the applicable illumination controls for general signage.</li> </ul> <p>AS-4. Signage within shopfront windows is minimised. Painted skeletal business identification signage may be considered.</p> <p>AS-5. Signage reflects the character and heritage significance of the identified precinct by way of style, colour, format and materials.</p> <p>AS-6. Signage is constructed from high quality materials, particularly metals such as bronze, brass and stainless steel.</p> <p>AS-7. The restoration of original painted signs and construction of new signs using traditional designs is encouraged.</p> <p>AS-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.</p> <p>AS-9. Illumination (with the exception of under awning/projecting wall signs) is not supported.</p>	<p>Refer to Section E2 Heritage conservation areas.</p>





**Map C9.03: Newcastle West End and Newcastle Civic**

Controls (C)	Acceptable solutions (AS)	Explanatory notes
<p>C-2.The extent of signage on a site within the Newcastle West End and Newcastle Civic advertising and signage precincts allows a reasonable form of identification (business / building), while:</p> <ol style="list-style-type: none"> <li>a. taking a form which is subservient to the desirable characteristics of the built and natural environment of the site and its immediate surrounds</li> <li>b. not having a significant adverse effect on the desired or established character, streetscape and environmental values of the area.</li> </ol>	<p>AS-1.Signage is for business and/or building identification only.</p> <p>AS-2.Signage reflects the character and heritage significance of the area by way of style, colour, format and materials.</p> <p>AS-3.Flush wall signs are:</p> <ol style="list-style-type: none"> <li>a. located below first floor level on a frontage with public access only</li> <li>b. not more than 20% of the building elevation</li> <li>c. not illuminated if on a heritage item.</li> </ol> <p>AS-4.Pole/pylon signs are supported for civic buildings only. In such cases, pole/pylon signs are:</p> <ol style="list-style-type: none"> <li>a. limited to a maximum of one per site</li> <li>b. no higher than 4m above ground, have a minimum area of 3m<sup>2</sup> per face, and not more than two faces</li> <li>c. preferably compromised of simple and clearly displayed details on a white background.</li> </ol> <p>AS-5.Projecting wall signs are only supported in the absence of an awning. In such cases, projecting wall signs are:</p> <ol style="list-style-type: none"> <li>a. limited to one sign per elevation</li> <li>b. located at ground level only (consistent with location of adjacent awnings)</li> <li>c. not exceed 2.5m in length</li> <li>d. not to exceed more than 1.5m<sup>2</sup> in area</li> <li>e. erected horizontal and at no point less than 2.6m from the ground</li> <li>f. not to extend to within 0.6m of the vertical projection of the edge of the vehicular carriageway, including any parking space'</li> <li>g. erected at right-angles to the building.</li> </ol> <p>AS-6.Minimise window signage, with shopfronts being primarily used for the display of goods and services.</p> <p>AS-7.Lifestyle graphics, tv screens and the like are not a supported form of window signage.</p> <p>AS-8.Signage illumination is in accordance with the applicable illumination controls for general signage.</p> <p>AS-9.LED/Changing message signs (internal and external to premise) are not supported.</p>	<p>Refer to Section E2 Heritage conservation areas.</p>



**Map C9.04: Darby Street, Cooks Hill**





**Map C9.05: Beaumont Street Hamilton**

Controls (C)	Acceptable solutions (AS)	Explanatory notes
<p>C-3. The extent of signage on a site within the Darby Street, Cooks Hill and Beaumont Street, Hamilton advertising and signage precincts allows a reasonable form of identification (business / building), while:</p> <ol style="list-style-type: none"> <li>a. taking a form which is subservient to the desirable characteristics of the built and natural environment of the site and its immediate surrounds</li> <li>b. not having a significant adverse effect on the desired or established character, streetscape and environmental values of the area.</li> </ol>	<p>AS-1. Signage types in the Darby Street, Cooks Hill <b>Map C9.04</b> and Beaumont Street, Hamilton <b>Map C9.05</b> advertising and signage precincts are to comprise of:</p> <ol style="list-style-type: none"> <li>a. fascia sign</li> <li>b. under awning sign</li> <li>c. window sign</li> <li>d. projecting wall sign where there is no awning.</li> </ol> <p>AS-2. Signage is for business identification only.</p> <p>AS-3. Signage reflects the heritage significance of the area by way of style, colour, format, and materials.</p> <p>AS-4. For projecting wall signs the following controls will apply:</p> <ol style="list-style-type: none"> <li>a. limited to one sign per elevation</li> <li>b. located at ground level only (consistent with location of adjacent awnings)</li> <li>c. does not exceed 2.5m in length</li> <li>d. does not to exceed more than 1.5m<sup>2</sup> in area</li> <li>e. erected horizontal and at no point less than 2.6m from the ground</li> <li>f. is not to extend to within 0.6m of the vertical projection of the edge of the vehicular carriageway, including any parking space</li> <li>g. erected at right-angles to the building.</li> </ol> <p>AS-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.</p> <p>AS-6. Illumination is limited to the hours of 7am to 10pm/close of business (whichever is the lesser).</p> <p>AS-7. LED/Changing message signs (internal and external to premise) are not supported.</p>	<p>Refer to Section E2 Heritage conservation areas.</p>

## PART C: General development controls

### Section C10 Street awnings and balconies

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## 1.0 Introduction

Street awnings and balconies can substantially increase the useability, amenity and appearance of the street, as well as create a positive link between buildings and the public domain. The purpose of this section is to ensure street awnings and balconies are adequately located, well-designed, coordinated within the streetscape, make a positive contribution to the locality and are in the public interest.

### Street awnings

Awnings provide weather protection, increasing public footpath use and amenity. They encourage pedestrian activity along streets, and create a pedestrian scale. They improve shopping and street experience and enhance an area's vitality and local business viability. Awnings support active edges (such as retail entries and frontages). In addition, awnings play an important role in sheltering passengers waiting at transport nodes (such as bus stops and taxi ranks) and active transport networks.

Awnings, like building entries, provide a public presence and interface in the public domain and contribute to the identity of a development. They are a functional design element that can articulate the form of buildings and are an important part of the streetscape and building facade. They offer a good opportunity to create architectural detail and contribute to the character of the area.

### Street balconies

Balconies on the street frontage are important design features which provide an interface between the building and the street. They allow for natural surveillance, as well as provide shading and a sense of depth to the facade.

In a residential context, balconies can be outdoor rooms which enhance the amenity and lifestyle choices of apartment residents. They serve a public function as part of the visual expression of a building and most importantly provide private open space to enjoy natural light, air views and landscape. Where designed with consideration to orientation and exposure, they provide shade to facades and reduce heat load and offer opportunity to create private gardens to support urban nature, habitat creation and connection. Commercially, balconies can offer outdoor spaces for opportunities like alfresco dining and function areas.

Balconies are important architectural elements, contributing to the form and articulation of buildings. They should be part of a comprehensive scheme for the elevation (rather than for a single tenant in isolation), be integrated into the building and respond to the surrounding built and natural environments.

## 2.0 Application

This section applies to all development that includes awnings or balconies over the road reserve.

For development involving heritage items or heritage conservation areas identified under *Newcastle Local Environmental Plan 2012* (LEP 2012), a merit assessment will be undertaken to ensure the outcomes sought are balanced with heritage conservation outcomes.

## 3.0 Objectives

1. Ensure street awnings and balconies meet appropriate design standards.
2. Encourage the provision of street awnings and balconies in appropriate locations.

## 4.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), unless otherwise defined.

## 5.0 Application requirements

Development category	Application requirements	Explanatory notes
All development	A maintenance plan is to be developed and includes: <ol style="list-style-type: none"> <li>a. annual inspection of structural components</li> <li>b. repainting every five years</li> <li>c. regular maintenance to guttering and downpipes</li> <li>d. regular cleaning and replacement of defective lighting, advertising or other deteriorated components of the awning</li> <li>e. regular cleaning of awning glazing, where installed.</li> </ol>	



## 6.0 Street awnings over public roads

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Enhance the pedestrian amenity of streets in commercial areas.</li> <li>2. Achieve shade and weather protection over public footpaths in commercial centres or other pedestrian-oriented locations.</li> <li>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.</li> <li>4. Encourage the conservation, restoration, reconstruction, or reinstatement of street awnings that are of heritage significance.</li> <li>5. Ensure street awning designs provide reasonable levels of natural and/or artificial lighting to footpaths and to ground floor spaces within buildings.</li> <li>6. Ensure that street awnings do not present any unacceptable risks to public safety.</li> <li>7. Ensure awnings, street trees and street infrastructure are coordinated in their design and that placement does not obstruct the public domain.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
<p>C-1. Street frontage developments in commercial centres or other pedestrian-oriented locations to provide street awnings, subject to the following considerations:</p> <ol style="list-style-type: none"> <li>a. compatibility with streetscape, architectural and heritage considerations</li> <li>b. the volume of pedestrian traffic passing the site</li> <li>c. the level of amenity that provision of street awnings would provide</li> <li>d. existing street awnings in the vicinity</li> <li>e. compatibility with existing or potential future street trees</li> <li>f. compatibility with the scale and architecture of the building.</li> </ol> <p>As is shown in <b>Figure C10.01</b> below.</p>		Refer to Section E1 Built and Landscape Heritage.

<p>C-2.The form and design of street awnings:</p> <ul style="list-style-type: none"> <li>a. unifies the streetscape rather than being a response to the individual host building</li> <li>b. does not interfere with street trees and street infrastructure</li> <li>c. extends across the entire building frontage</li> <li>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</li> <li>e. employs uncomplicated, regular forms with simple detailing and concealed conduits to reduce visual clutter</li> <li>f. are of a suspended design</li> <li>g. are of a traditional suspended design (with fascia) in existing commercial areas.</li> </ul>	<p>AS-1.Street awnings may include design articulation to modulate long awnings, identify entrances and provide architectural expression.</p> <p>AS-2.The depth of an awning allows appropriate space for planting, street furniture and lighting.</p> <p>AS-3.Continuous awnings are provided to all active frontages. Breaks in awnings may be permitted for existing street trees.</p> <p>AS-4.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, reconstruct or reinstate an existing or former awning having heritage significance.</p> <p>AS-5.A contemporary suspended design (typically without fascias and with exposed structural elements) may be used where the building form is contemporary.</p>	<p>Refer to Section E1 Built and Landscape Heritage.</p>
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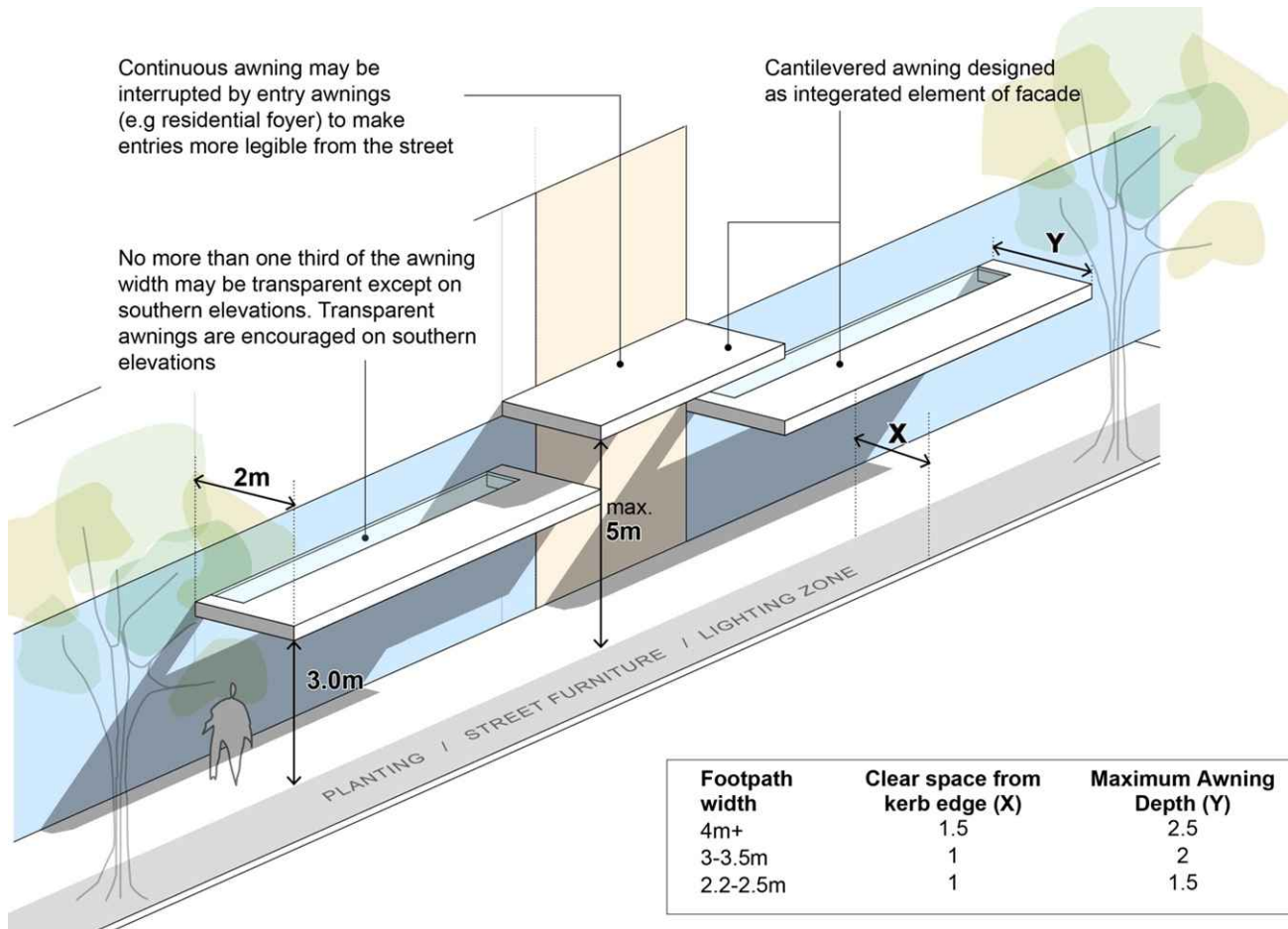


Figure C10.01: Awnings diagram

## 7.0 Street balconies over public streets

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Ensure street balconies only occur where compatible with the existing streetscape and architecture and heritage and public interest considerations are accommodated.</li> <li>2. Allow balconies on buildings only where there is a clear justification based on site development constraints or urban design criteria.</li> <li>3. Ensure balconies contribute positively to ecosystems and environmental habitat.</li> <li>4. Ensure the landowner of the public road receives revenue, as appropriate, from the use of public land.</li> <li>5. Encourage the conservation, restoration, reconstruction, or reinstatement of street balconies that are of heritage significance.</li> <li>6. Ensure that street balconies do not present any unacceptable risks to public safety.</li> <li>7. Ensure that the placement and design of street balconies does not obstruct the public domain</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
<p>C-1. Street balconies will be permitted where they:</p> <ol style="list-style-type: none"> <li>a. are compatible with the streetscape, architectural and heritage considerations</li> <li>b. do not compromise public interest considerations relating to the private occupation of public space.</li> </ol>	<p>AS-1. The form and design of a street balcony:</p> <ol style="list-style-type: none"> <li>a. responds to streetscape conditions</li> <li>b. considers solar orientation and exposure</li> <li>c. complements the architectural style and heritage significance of the host and nearby buildings</li> <li>d. does not interfere with street trees and street infrastructure. The depth or separation of multiple balconies allows appropriate space for planting, street furniture and lighting.</li> </ol>	<p>Refer to Section E1 Built and Landscape Heritage.</p>
<p>C-2. The street balcony is to:</p> <ol style="list-style-type: none"> <li>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)</li> <li>b. be compatible with an existing streetscape in which street balconies are an established feature</li> <li>c. provide opportunities for urban tree canopy cover and elevated green spaces.</li> </ol>		

<p>C-3. Proposals will generally only be approved where:</p> <ol style="list-style-type: none"> <li>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</li> <li>the street balcony is at the first floor level</li> <li>a street balcony above the first floor is provided only where an awning exists or is proposed as part of the development</li> <li>the design employs uncomplicated, regular forms with simple detailing and concealed conduits to reduce visual clutter</li> <li>there is no enclosure by solid walling, glazing or louvres, other than verandah ends that demarcate adjoining street balconies</li> <li>balustrades are of a mixture of open and solid design that does not obscure the architectural character of the building or increase its apparent bulk</li> <li>it addresses the interface with street trees.</li> </ol>	<p>AS-2. Proposal 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.</p> <p>AS-3. Street balconies above the first floor level is endorsed by the Urban Design Consultative Group as part of the development application assessment process (encroachments are generally limited to a width of 1m).</p> <p>AS-4. A street balcony with 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).</p>	<p>Refer to Section E1 Built and Landscape Heritage.</p>
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## 8.0 Design requirements for awnings and balconies – dimensions

<b>Objectives</b>	
1. Ensure awnings and balconies are functional and compatible with the streetscape.	
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>
C-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.	AS-1.Posts are located so that they meet the requirements of relevant public utility agencies.  AS-2.On sloping sites, street awnings step down in horizontal steps to follow the slope of the street.  AS-3.Additional kerb clearances for awnings or balconies located on road corners are 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.  AS-4.The underside and fascia are continuous with adjoining street awnings and/or balconies.
C-2.The fascia is setback at least 600mm from the kerb.	
C-3.Posts (where permitted) are set back at least 750mm.	
C-4.The soffit is at least 3,000mm above the footpath.	
C-5.The lowest part of the fascia is at least 2,700mm above the footpath. Refer to <b>Figure C10.01</b> .	
C-6.Steps for design articulation are a maximum of 700mm.	
C-7.Roof and ceiling pitch for awnings are generally horizontal, up to 6 degrees maximum.	

## 9.0 Design requirements for awnings and balconies – structural design and public safety

<b>Objectives</b>	
1. Ensure the structural design is adequate for public safety.	
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>
C-1.Structural design is sufficient to avoid unacceptable risks to public safety, including risks arising from: <ul style="list-style-type: none"> <li>a. obstruction to pedestrians</li> <li>b. structural failure</li> <li>c. collision by vehicles</li> <li>d. fire</li> <li>e. storms</li> <li>f. earthquake.</li> </ul>	AS-1.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.  AS-2.Footings and plinths for post-supported awnings and balconies are concealed beneath the footway or are integrated into the design of the post to avoid hazards to pedestrians.
C-2.Post-supported street awnings and balconies are to be 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) removal of all posts.	AS-3.Street awnings and balconies built over an exit doorway from a fire-isolated stairway are constructed of non-combustible materials.
C-3.Structural design is certified by a qualified practising structural engineer as being compliant with the <i>Building Code of Australia</i> .	
C-4.Construction materials satisfy the fire resistance requirements of <i>Specification C1.1, cl 2.4</i> of the <i>Building Code of Australia</i> (Vol. 1).	
C-5.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.	

## 10.0 Design requirements for awnings and balconies – glazing

<b>Objectives</b>		
1. Ensure the glazing is appropriate for safety, amenity and character.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1. Where installed on awnings, glazing is designed to: <ul style="list-style-type: none"> <li>a. create adequate natural lighting beneath street awnings and within the ground floor of the building</li> <li>b. avoid excessive glare and heat gain beneath awnings</li> <li>c. provide adequate durability</li> <li>d. avoid unsightliness created by dust and windblown material.</li> </ul>	AS-1. Glazing consists of glass skylights within a predominantly opaque roof.	Acrylic, polycarbonate and other plastics are not sufficiently durable.
C-2. Fully glazed awnings are not acceptable due to glare and the need for regular cleaning.	AS-2. 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.	
C-3. Glazing complies with Australian Standard <i>AS1288 Glass in Buildings - Selection and Installation</i> .	AS-3. Footings and plinths for post-supported awnings and balconies are concealed beneath the footway, or are integrated into the design of the post so as to avoid hazards to pedestrians.	
C-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.	AS-4. Street awnings and balconies built over an exit doorway from a fire-isolated stairway are constructed of non-combustible materials.	
C-5. Glazed portions do not exceed one third of the total awning depth, except at significant locations such as entrances.		
C-6. The position of glazed portions responds to the architectural design of the ground floor, such as by alignment with windows or columns.		



## 11.0 Design Requirements for awnings and balconies – lighting

<b>Objectives</b>	
1. Ensure the appropriate lighting is provided for public safety.	
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>
C-1.Lighting is provided below street awnings and balconies to supplement existing street lighting and ‘spill’ lighting from shopfronts.	AS-1.Light fittings are readily accessible to facilitate regular maintenance.
C-2.Lighting complies with requirements for pedestrian areas in <i>AS/NZS 1158</i> Lighting.	
C-3.Lighting is recessed into the awning undersurface, and all associated wiring and conduits are concealed.	

## 12.0 Design requirements for awnings and balconies – drainage

<b>Objectives</b>	
1. Ensure the appropriate drainage is provided for street awnings.	
<b>Controls (C)</b>	
C-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.	
C-2.The awning roof drains towards the building so as to avoid gutters and downpipes at the kerb line.	
C-3.Gutters are constructed so as to be concealed from the footpath or as an integral component of the awning structure.	
C-4.Downpipes are recessed into the ground floor frontage below a height of 2.7m from footpath level in buildings.	

### 13.0 Design requirements for awnings and balconies – maintenance

<b>Objectives</b> 1. Ensure structures are easily maintained.
<b>Controls (C)</b> C-1.Provision is made for regular maintenance to ensure the continuing structural integrity and attractive appearance of the awning or balcony.

### 14.0 Use of public land

<b>Objectives</b> 1. Ensure street awnings and balconies over public roads are subject to an application and fees for encroachment, occupation and usage of that space.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-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 <i>Roads Act 1993</i> .	AS-1.The fee may be waived 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.	The application of this formula shall be as per the following example: Area: 10m <sup>3</sup> Valuation: \$500/m <sup>2</sup> Charge rate or fee: 10 x 500 = \$5,000  Refer to Section E1 Built and Landscape Heritage.
C-2.The charge rate or fee shall be determined as the land area (m <sup>2</sup> ) times the land value (\$/m <sup>2</sup> ), 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 rating purposes.		
C-3.Applications will consider 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.		

## **PART C: General development controls**

### **Section C11 Development adjoining laneways**

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## 1.0 Introduction

Newcastle laneways were mainly constructed in urban areas as 'night soil' lanes to collect sewerage from pit toilets in the backyards of properties before public sewage systems were constructed and piped to treatment plants. They remain important elements in the heritage fabric of urban areas and provide useful connectivity between streets and public spaces. However, laneways are traditionally narrow and cannot be used in the same way as a standard local public road would. For example, most laneways are unable to support waste servicing, on-street car parking, pedestrian and bicycle paths and bus services. Many lanes are unnamed within the overall movement network.

Narrow laneway widths require consideration of built form elements where they adjoin the laneway to avoid a sense of enclosure and to ensure vehicles have convenient access within the laneway where appropriate.

Laneways are categorised into three types, Type A, B and C. The laneway width determines its type, how it functions and how it services the community. For example, Type C laneways are of a width capable of supporting both vehicle and pedestrian movements whilst Type A laneways have a width capable of only supporting pedestrian movement.

It is important that development a laneway does not increase safety risk to both the public (users of the lane) and residents (within the property) eg. alcoves, undefined spaces, poorly designed pedestrian entries and garages, landscaping treatments, natural surveillance and materials that can remove graffiti easily. Section C7 Safety and security includes guidance for good urban design and the incorporation of CPTED principles in development.

## 2.0 Application

This section applies to all land which adjoins a laneway.

This section applies to all development consisting of:

- commercial premises
- industry
- residential accommodation and ancillary development
- subdivision.

## 3.0 Related sections

The following sections will also apply to development:

- C1 Traffic, parking and access
- C2 Movement networks
- C4 Stormwater
- C7 Safety and security
- D1 Subdivision and lot consolidation.

## 4.0 Additional information

- Austroads Publications and Guides
- *NSW Address Policy and User Manual*, 2021, Geographical Names Board of New South Wales
- *Standard Drawings*, City of Newcastle
- *Stormwater and Water Efficiency for Development*
- *NSW Speed Zoning Standards*

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## 5.0 Objectives

1. Ensure laneways are able to accommodate their intended function.
2. Ensure safe vehicular, pedestrian and cyclist entry and exit to laneways.
3. Ensure development fronting laneways is compatible with the intended local streetscape.

## 6.0 Definitions

A word or expression used has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), unless otherwise defined. Other words and expressions include:

- **Carriageway** – is that portion of a road or bridge devoted to the use of vehicles, inclusive of shoulders and auxiliary lanes.
- **Footpath** – is the paved area in a footway.
- **Footway** – is the area reserved for the movement of pedestrians and legal 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** – is the area 'reserved' for facilities such as roads, footpaths, and associated features that may be constructed for public travel. It is the total area between property boundaries. This is the land that is referred to as the 'public road' within the NSW Roads Act 1993. It can include the public roadway or footpath, including the nature strip or verge.
- **Shared Zone** – is a road or network of roads or a road related area where space is shared safely by vehicles and pedestrians and where pedestrian priority and quality of life take precedence over ease of vehicle movement.

## 7.0 Application requirements

Development category	Application requirements	Explanatory notes
Development with rear access to a laneway.	<p>Where a development relies on a laneway for waste servicing, vehicle access, or pedestrian access, it must demonstrate that:</p> <ul style="list-style-type: none"> <li>• vehicles can safely enter and exit the property, in accordance with Australian Standard <i>AS2890.1</i></li> <li>• the development can maintain safe vehicle manoeuvrability</li> <li>• appropriate provision is made for vehicular and pedestrian access; waste collection; and mail delivery from the laneway, where it meets the minimum construction standards.</li> </ul>	<p>Swept path diagrams may be required to demonstrate safe vehicle access and justify a proposed laneway setback.</p> <p>This analysis may be undertaken using swept path templates or swept path diagrams from a recognised computer program.</p> <p>Swept path analysis should be undertaken by a suitably qualified professional, such as traffic engineer.</p>

## 8.0 Design criteria

<b>Objectives</b>														
<ol style="list-style-type: none"> <li>1. Ensure development demonstrates legal access to laneways.</li> <li>2. Ensure laneways are suitable for their intended function.</li> <li>3. Ensure that development resulting in increased intensity of laneway usage includes the necessary upgrades to bring the laneways up to an acceptable standard, with considerations for safety, accessibility, and functionality for all users.</li> <li>4. Ensure that development adjoining laneways reinforces their function and is compatible with the local context.</li> <li>5. Ensure rear lanes support pedestrian and other active methods of travel and vehicular access and waste collection where appropriate.</li> <li>6. Promote laneways as one-way shared-zones, with no on-street car parking.</li> </ol>														
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>												
C-1.Development has demonstrated legal access to laneways.	<p>AS-1.The laneway has been dedicated and meets or is capable of being upgraded, at no cost to City of Newcastle (CN), to the relevant construction standard.</p> <p>AS-2.For private laneways, the written consent of the laneway owner is provided for its use and upgrading.</p>	A person may lodge a customer request to seek the dedication of a laneway. CN will consider the request in accordance with the <i>Road Acquisitions and Disposals Procedure</i> . Consideration of timeframes for investigation, public consultation and report to CN prior to formal dedication processes is involved.												
C-2.Laneways are consistent with public laneway standards and can accommodate their intended function.	<p>AS-1.Laneways across Newcastle local government area are categorised into three types as listed in <b>Table C11.01</b> below:</p> <table border="1" data-bbox="600 975 1601 1171"> <thead> <tr> <th>Type</th> <th>Road reserve width</th> <th>Function</th> </tr> </thead> <tbody> <tr> <td>Type A</td> <td>Less than 3m</td> <td>Pedestrian use only</td> </tr> <tr> <td>Type B</td> <td>3m - 6m</td> <td>Vehicular (light vehicle) only</td> </tr> <tr> <td>Type C</td> <td>Greater than 6m</td> <td>Pedestrian and vehicular use</td> </tr> </tbody> </table> <p><b>Table C11.01: Laneway types and function</b></p> <p>AS-2.Laneways used for vehicle access shall be upgraded in accordance with the relevant standard with no cost to CN.</p> <p>AS-3.Laneways are designed to be shared zones.</p>	Type	Road reserve width	Function	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	<p>Laneways are categorised into three types based on construction standard. Different laneway types perform different functions.</p> <p>Refer to CN's website for construction standards for Type A and B laneway types. For Type C laneways contact CN.</p> <p>Associated technical manual/s</p> <ul style="list-style-type: none"> <li>• Austroads Publications and Guides</li> <li>• <i>Standard Drawings, City of Newcastle</i></li> <li>• <i>NSW Address Policy and User Manual, 2021</i>, Geographical Names Board of New South Wales</li> <li>• <i>Stormwater and Water Efficiency for Development</i></li> </ul>
Type	Road reserve width	Function												
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												

<p>C-3. Development adjoining a laneway has a setback that can accommodate vehicles entering and exiting the garage in a safe manner.</p>	<p>AS-1. The rear setback accommodates a swept path in accordance with Australia Standard AS2890.1.</p> <p>AS-2. The setback to a rear lane is zero metres if vehicular access complies with Australian Standard AS2890.1.</p> <p>AS-3. Where the prevailing setback to a laneway is greater than zero metres, or a greater setback is required for vehicular access, setbacks are consistent with adjacent development and the prevailing laneway setback.</p>	<p>Australian Standard AS2890.1 requires that a garage on a laneway is setback 5.6m - 7m from the boundary on the opposite side of the laneway depending on doorway width of garage.</p>
<p>C-4. Development adjoining a Type A or B laneway reinforces the function of the laneway as a secondary frontage and reinforces the primary street frontage as the principal street address.</p>	<p>AS-1. 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.</p> <p>AS-2. There is an access handle to the primary street frontage that is:</p> <ol style="list-style-type: none"> <li>a. at least 3m wide where vehicular and pedestrian access is required</li> <li>b. at least 1m wide where pedestrian access only is required.</li> </ol> <p>AS-3. The frontage makes suitable provision for waste collection and mail delivery from the primary street frontage.</p>	<p>Refer to Section D2 for setbacks on ancillary development.</p>
<p>C-5. Development adjoining a Type C laneway is compatible with the intended local streetscape and provides natural surveillance of the street.</p>	<p>AS-1. The rear setback is compatible with the existing adjoining setback to the laneway.</p> <p>AS-2. Dwellings at ground level have a covered front door and a window to a habitable room facing the laneway.</p> <p>AS-3. Provision is made 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 CN's website for construction standards).</p> <p>AS-4. If the condition of the Type C laneway is not or could not be made suitable to support the development, then an appropriate access handle to the primary road frontage will be required compliant with widths specified in C-4 above.</p> <p>AS-5. Where the prevailing setback to a laneway is greater than zero metres, or a greater setback is required for vehicular access, setbacks are consistent with adjacent development and the prevailing laneway setback.</p>	<p><b>Note:</b> Construction standards are under consideration. In the interim, contact CN and AusPost to determine if the Type C lane is already being used or capable of being used (in its current condition or with upgrades) for the provision of addresses and mail deliveries, waste collection and pedestrian movement.</p>



<p>C-6. Development has safe, useable access to streets and services.</p>	<p>AS-1. Laneways may be used for stormwater disposal, where a connection to an existing drainage system is available in accordance with discharge controls.</p> <p>AS-2. The application demonstrates that vehicles can safely enter and exit the property, in accordance with Australian Standard AS2890.1.</p> <p>AS-3. The development is able to maintain safe vehicle manoeuvrability.</p>	
<p>C-7. Street lighting is appropriate to the scale and use of the laneway and provides opportunity for natural surveillance from adjoining developments.</p>	<p>AS-1. Appropriate lighting is installed for safety and security purposes</p> <p>AS-2. Appropriate drainage grates are installed to cater for pedestrian and cyclist use.</p>	
<p>C-8. Suitable provision for waste collection is typically supplied from a principal street. However, where a rear lane has provision for waste collection by CN, the collection point is to be from the rear lane.</p>	<p>AS-1. Where appropriate, development provides for waste collection facilities from the rear lane in accordance with Section C6 Waste Management.</p>	
<p>C-9. CN, with endorsement from Transport for NSW, may change the traffic conditions in a laneway, including direction of travel, speed and parking arrangements.</p>	<p>AS-1. Laneways are designed to be shared zones.</p>	<p>Refer to <a href="#">NSW Speed Zoning Standards</a>, for further detail on Shared Zone requirements.</p>

## Part C: General development controls

### Section C12 Open space and landscaping

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## 1.0 Introduction

Landscaping includes all the trees, shrubs, plants, and other vegetation found along our streets, roadways, waterway, parks, and in our gardens, on our balconies, green rooves and vertical green walls.

Vegetation is one of the most important assets. It reduces urban heat and enhances our quality of life by making where people live, work, travel and play more attractive. It also has a role in managing stormwater, providing natural habitat for birds and other wildlife including pollinators and increasing air, water, and soil quality.

## 2.0 Application

This section applies to all development that consists of:

- a new building or structure street tree
- alterations or additions to the external footprint of an existing building or structure
- subdivision of land.

For development involving heritage items or heritage conservation areas identified under *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), a merit assessment will be undertaken to ensure the outcomes sought are balanced with heritage conservation outcomes.

## 3.0 Related sections

The following sections may also apply to development:

- B6 Urban heat
- C3 Vegetation preservation and care
- C4 Stormwater
- E1 Built and landscape heritage
- E2 Heritage conservation areas

## 4.0 Additional information

- *Landscape Technical Manual*. The most recent version can be found on the City of Newcastle (CN) website
- *Urban Forest Technical Manual*. The most recent version can be found on the CN website

## 5.0 Objectives

1. Ensure landscaping is integrated into the design of the development.
2. Ensure the character of the development and surrounding landscaping are complementary.
3. Improve stormwater quality and reduce stormwater quantity.
4. Ensure landscaping does not detract from the local natural environment and provides habitat connections for native plants and animals.
5. Improve human wellbeing through the landscape design of private and public space to provide natural spaces, improve residential amenity, reduce urban heat and improve air quality.
6. Design open space to improve serviceability, connectivity and access.
7. Ensure landscaping is in scale with the built form and complements the built and natural features on the site and adjoining land.

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## 6.0 Definitions

A word or expression has the same meaning as it has in [LEP 2012](#), unless otherwise defined. Other words and expressions include:

- **Deep soil zone** – is an area of soil within a development unimpeded by buildings or structures above and below ground. Deep soil zones enable planting of vegetation and a permeable ground surface to allow for the infiltration of surface water. They exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.
- **Environmental land** – is land retained onsite for the protection, provision or restoration of the environment; including land avoided under the 'avoid, minimise, offset' hierarchy, and riparian corridors. Environmental land can provide a range of environmental services such as biodiversity protection; values; waterway stability; land stability; flood attenuation; habitat enhancement, biodiversity corridors and buffers; microclimate regulation and climate resilience.
- **New residential or industrial site** – are identified through land use zoning for future urban development. It has not been developed and is generally located outside the existing urban area.
- **Open space** – is land that is not developed and is generally free from buildings, structures, roads or car parks. It can be for operational purposes, private, public or communal use and includes passive and active recreational functions.
- **Public open space** – is an area of open space accessible to the public and intended for outdoor recreation activities and social interaction. Public open space is often owned, managed or maintained by CN or another public authority.
- **Street trees** – are trees within the road reserve.

## 7.0 Application requirements

For the purpose of this section development proposals are grouped into three categories, which determine the level of information required with a development application (DA):

**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.

In general, proposals will be categorised according to the following schedule. CN reserves the right to make a final determination on the development category following consideration of a formal DA.

### Schedule of landscape categories for development types

Development type	Landscape category 1	Landscape category 2	Landscape category 3
Dwelling houses and secondary dwellings	✓	*	
Small scale alterations or additions	✓	*	
Change of use	✓	*	
Exhibition home	✓	*	
Dual occupancies, semi-detached dwellings and attached dwellings	✓	*	
Advertising signs	✓	*	
Multi-dwelling housing and residential flat buildings		3-10 dwellings	>10 dwellings
Seniors housing		3-10 dwellings	>10 dwellings
Industrial development		<\$2.5M	≥\$2.5M
Special uses e.g. place of public worship, health services facility or educational establishment		<\$2.5M	≥\$2.5M
Commercial development including visitor and tourist facilities		< \$2.5M	≥\$2.5M
Subdivision		<20 lots	≥20 lots
Designated development	Merit		
Development in or adjacent to open space or historically, visually or ecologically sensitive sites or natural areas.	Merit		

\* Some small scale developments may be considered significant because of their nature or where they occur and would fall into Category 2.

Development category	Application requirements	Explanatory notes
Category 1	<p>Landscaping identified on site plan.</p> <p>Plans clearly identify existing and proposed trees, including those proposed for removal.</p>	<p>Show location and dimensions of landscaping and deep soil zones on the site plan including whether on a structure.</p>
Category 2	<p>The following landscape documentation:</p> <ol style="list-style-type: none"> <li>a. plans clearly identify trees and vegetation proposed for removal</li> <li>b. site survey and analysis</li> <li>c. landscape plan. Refer to the <i>Landscape Technical Manual</i> for further information on the landscape plan.</li> </ol>	<p>Landscape planning documentation is prepared by competent and experienced designers such as:</p> <ul style="list-style-type: none"> <li>• landscape architects</li> <li>• landscape designers with relevant tertiary qualifications such as TAFE and/or members of the Australian Institute of Landscape Designers and Managers.</li> </ul> <p>Specialist advice such as horticulture or Arboriculture should be obtained from members of the Arboriculture Association of Australia, or the Australian Institute of Horticulture with minimum AQF5 qualification.</p> <p>The name and contact telephone number of the author are to be indicated on the required documentation.</p> <p>All required landscape works are implemented by members of the Landscape Association of NSW and/or similar qualified contractors.</p>
Category 3	<p>The following landscape documentation:</p> <ol style="list-style-type: none"> <li>a. plans clearly identifying trees and vegetation proposed for removal</li> <li>b. site survey and analysis</li> <li>c. landscape plan. Refer to the <i>Landscape Technical Manual</i> for further information on the landscape plan.</li> </ol>	<p>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.</p> <p>The name and contact telephone number of the author is to be indicated on the required documentation.</p> <p>All required landscape works are implemented by members of the Landscape Contractors Association of NSW and/or similar qualified contractors.</p>
All categories	<p>Landscape plans are to integrate and be consistent with related plans and reports:</p> <ol style="list-style-type: none"> <li>a. asset protection zone and other requirements for bushfire risk management purposes</li> <li>b. trees and vegetation requirements in C3 Vegetation preservation and care</li> <li>c. principles of crime prevention through environment</li> <li>d. riparian zones adjacent to waterways and other onsite stormwater controls as required by Section C4 Stormwater</li> <li>e. urban heat Island requirements in Section B6 Urban Heat.</li> </ol>	<p>Related plans and reports are to be prepared and implemented by suitably qualified professions as outlined in the relevant section.</p>

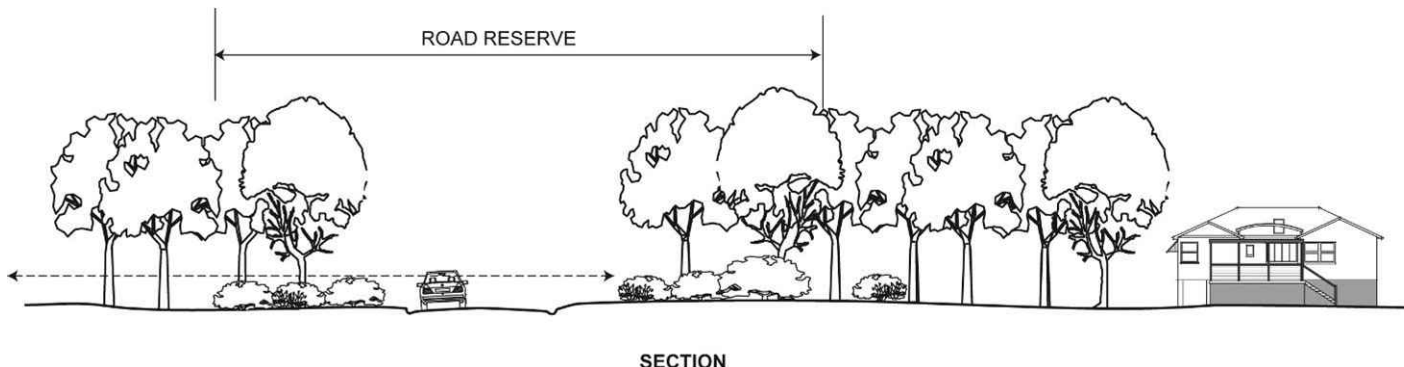
<p>Subdivisions of more than 50 lots</p>	<p>Visual Impact Assessment to:</p> <ol style="list-style-type: none"> <li>a. include a description and analysis of existing landscape character and its sensitivity</li> <li>b. identify existing visual catchment of the proposed development</li> <li>c. identify existing viewpoints and their sensitivity to change</li> <li>d. include 3D modelling and photomontages in accordance with <i>Use of photomontages</i> (Land and Environment Court, 2023)</li> <li>e. assess magnitude of change</li> <li>f. identify opportunities to avoid and minimise adverse visual impacts.</li> </ol>	<p>Refer to <i>Guideline for landscape character and visual impact assessment - Environmental impact assessment practice note EIA-N04</i> (Transport for NSW, 2023).</p>
<p>Land intended for environmental or conservation purposes</p>	<p>Vegetation Management Plan (VMP)</p> <p>Guidelines and checklists for VMPS are available in the <i>Urban Forest Technical Manual</i> (Appendices).</p> <p>Standard Drawings and specifications for native garden beds and natural area interfaces are available on CN's website (A3000 Series).</p> <p>The VMP is to be prepared by a suitably qualified professional, with a tertiary degree in Natural Resource Management or Environmental Science; or a Diploma in Land Conservation; and a minimum 4 years' experience.</p>	

## 8.0 General controls

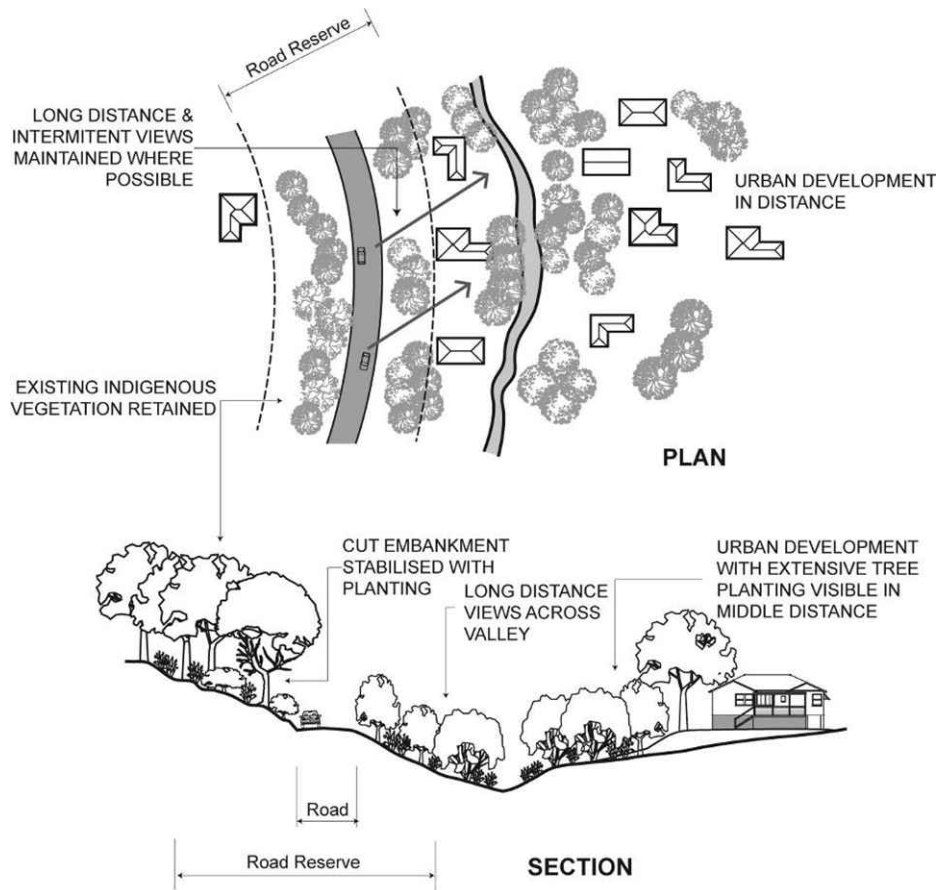
<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Provide appropriate areas on sites that enables soft landscape and deep soil planting that permits the retention and/or planting of trees and shrubs that will grow to a large or medium size.</li> <li>2. Support protection and enhancement of existing significant landscape features, vegetation and habitat.</li> <li>3. Minimise a proposal's impact on adjoining properties through landscaping.</li> <li>4. Ensure consideration is given to the landscape character of the setting.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.Landscaping is in scale and context with the proposed development, street reserve width, other buildings, and landscape elements within the streetscape.	For example, 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.
C-2.Significant site vegetation and landscape features are incorporated in the landscape areas of a development and linked to local networks for open space and/or environmental lands where possible.	
C-3.Adequate provision is made for planted buffer zones between major road and transport corridors and adjoining development as is shown in <b>Figure C12.01</b> and <b>Figure C12.02</b> .	
C-4.Vegetation management for the purposes of bushfire risk management or crime prevention through environmental design is accommodated within the site – not through the clearing, adjustment or management of vegetation on public land.	Vegetation management for private benefit cannot be imposed on adjacent public land. See <i>Planning for Bushfire Protection</i> (NSW Rural Fire Service 2019).
C-5.The location and design of on-site stormwater management controls and vegetated riparian zones in <b>Figure C12.03</b> integrate with the design of landscaped plans.	
C-6.Deep soil zones are optimised within a site by: <ol style="list-style-type: none"> <li>a. the design of basement and sub-basement car parking to avoid site coverage conflicts with tree planting – both existing and proposed</li> <li>b. ensuring appropriate front and side setbacks are provided for tree planting</li> <li>c. the soil profile is free draining</li> <li>d. locating zones away from works, excavations, infrastructure, services and drainage pipes</li> <li>e. locating zones near deep soil zones of adjacent properties.</li> </ol>	That basements are completely within the building footprint. Where this is not practical, the extent to which basements protrude from the footprint of the building above should be limited in extent, and their location should not impede the retention of existing vegetation (both within the site and on adjoining properties) and, the provision of new landscaping, including trees of an appropriate scale.
C-7.Landscape treatment within the front setback is substantial enough to enhance the appearance and integration of the development with the streetscape.	
C-8.Landscape design responds to user requirements, considering maintenance, health and wellbeing, aesthetic quality and social and recreational needs.	



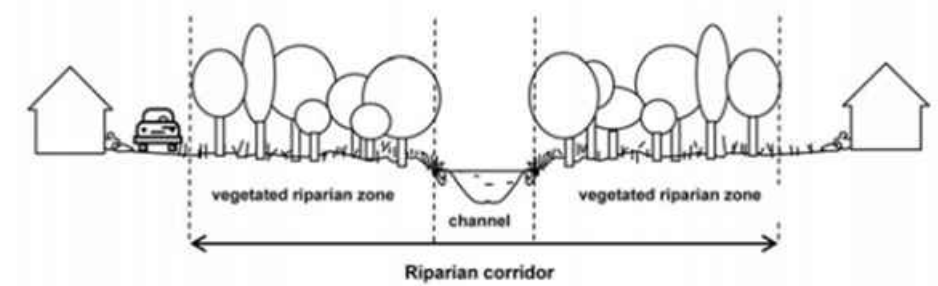
<p>C-9.Landscape design enhances the amenity and energy efficiency of the development where possible by providing shade to the northerly and westerly elevations of buildings in summer and adequate solar access in winter.</p>	
<p>C-10.Landscape areas address privacy issues between the development and adjoining dwellings.</p>	
<p>C-11.Plant species selected are suitable for site conditions, using native species where possible, and local indigenous species when adjoining environmentally sensitive sites, such as waterways and bushland. Undesirable species are not selected for planting.</p>	<p>See <i>Urban Forest Technical Manual</i> and <i>Appendix B Landscape Technical Manual</i>.</p>
<p>C-12.Plant species are selected and located to avoid structures, services and paths.</p>	<p>See <i>Urban Forest Technical Manual</i> and <i>Appendix B Landscape Technical Manual</i>.</p>
<p>C-13.A vegetated buffer is provided to reduce noise, odour and visual amenity impacts to conflicting sensitive land uses.</p>	<p>Sensitive land uses include, but are not limited to residential development, seniors housing, schools, hospitals, child care facilities, recreation areas, place of worship, community facilities.</p>



**Figure C12.01: Landscape buffer along major road and transport corridors**



**Figure.C12.02: Landscaping between roads and residential development**



**Figure C12.03: Vegetated riparian buffers and corridors. Image care of NSW Department of Planning and Environment, controlled activities – Guidelines for riparian corridors on waterfront land (nsw.gov.au)**

## 9.0 Subdivision – layout

<b>Objectives</b>	
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 of useable public open space for the active and passive recreational needs of residents.	
5. Ensure adequate provision is made for planted buffer zones between major transport corridors, sensitive receivers, and nearby development.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.All stages of subdivision and development are shown on the landscape plan.	For further information see application requirements.
C-2.Landscape elements, including native vegetation, wildlife habitats and biodiversity corridors, and vegetated riparian zones are retained, conserved and enhanced.	
C-3.Subdivisions are designed so that, when subsequently developed, visually significant vegetation or other natural or built elements are retained.	
C-4.Proposals to subdivide visually sensitive or prominent areas address the visual impacts of development in the statement of environmental effects accompanying the application.	
C-5.Natural drainage networks and waterways are carefully integrated into landscaped or environmental lands to provide a range of site responsive values while functioning as part of a stormwater drainage system	

## 10.0 Subdivision – public open space

<b>Objectives</b>	
1. Ensure significant landscape elements are retained and protected. 2. Ensure vehicular and pedestrian circulation is clearly identified and separated. 3. Provide open space and environmental lands which: <ol style="list-style-type: none"> <li>a. is meaningful to place and community</li> <li>b. is multi-functional and adaptable</li> <li>c. provides diversity of recreational experience</li> <li>d. encourages social interaction</li> <li>e. is safe, equitable and accessible</li> <li>f. enhances environmental sustainability</li> <li>g. supports local biodiversity corridors and grids</li> <li>h. is financially sustainable.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.Open space is included in the landscape plan.	For further information see application requirements.
C-2.Public open space has frontage to roads, to provide for ease of access, allow for casual surveillance and assist with place making.	
C-3.All dwellings within the subdivision are within 400m walking distance of parkland and within a 15 minute drive of a district level facility.	
C-4.Land intended as open space takes into consideration: <ol style="list-style-type: none"> <li>a. size relative to the intended use and open space hierarchy</li> <li>b. location having regard to the movement network</li> <li>c. shape</li> <li>d. topography and drainage</li> <li>e. access to utilities</li> <li>f. access to public transport</li> <li>g. suitable road frontage.</li> </ol>	CN reserves the right to refuse the dedication of land for open space if it considers it to be unsuitable.

<p>C-5.Land is generally unsuitable for public open space or environmental lands if:</p> <ol style="list-style-type: none"> <li>a. public ownership of the land would not provide a net public benefit</li> <li>b. public ownership presents an unacceptable long term asset management burden on CN</li> <li>c. the land contains or presents unreasonable risks to public safety (eg contamination, landslip or mine subsidence)</li> <li>d. the land is unreasonably burdened by easements, restrictions, covenants or the like</li> <li>e. any proposed management measures are not consistent with objectives for the land</li> <li>f. the land's location, size, configuration and maintenance access arrangements are not suitable.</li> </ol>	<p>CN reserves the right to refuse the dedication of land for public open space if it considers it to be unsuitable. 'Net public benefit' may involve consideration of financial, economic, environmental, biodiversity, social, health or climate risk and resilience factors.</p>
<p>C-6.Land intended for environmental or conservation purposes is generally acceptable if it:</p> <ol style="list-style-type: none"> <li>a. supports connections with riparian and biodiversity corridors and blue green grids at local and regional scales</li> <li>b. is located and configured to protect the site's biodiversity values and/or enhance the site's conservation values</li> <li>c. is of a size and configuration so that core higher value conservation areas are effectively buffered from edge effects and threatening processes</li> <li>d. contains vegetated riparian buffer zones of adequate width</li> <li>e. is separated from residential lots by a road</li> <li>f. supports the ongoing protection and enhancement of the land's environmental values and services is supported by an adequate vegetation management plan or similar.</li> </ol>	
<p>C-7.All new pedestrian and bicycle networks connect into the broader network of proposed and existing pathways.</p>	<p>Refer to Appendix 1of <i>Networks Maps of Newcastle Cycling Plan 2021-2030</i> for all existing and future cycle paths.</p>
<p>C-8.Street tree spacing for the subdivision of new residential or industrial sites resulting in new roads: planting at 10 metre intervals is required:</p> <ol style="list-style-type: none"> <li>a. where kerb and gutter is to be constructed</li> <li>b. along the outer edge of all perimeter roads (i.e., no primary or secondary lot frontages), riparian crossings, public/drainage reserve frontages, and all roads or parts of roads with vehicular access prohibition</li> <li>c. at one tree per lot for all primary frontages up to 20m width or otherwise at a maximum 10m spacings where lots have a primary or secondary frontage to a road where driveways are not prohibited.</li> </ol>	<p>Requirements for the protection and retention of existing trees, on both public and private property, is covered in section C3 Vegetation preservation and care.</p>
<p>C-9.Timing for street tree planting for new residential or industrial sites, street trees that comply with C-8a and b (above) may be planted in association with the other subdivision works (i.e., prior to issue of a subdivision certificate for each Stage). Street trees that comply with C-8c (above) are not planted in association with other subdivision work but are to be deferred until 85% of the subsequent developments on the newly created lots have had occupation certificates issued or two years has elapsed from the date of registration of the respective lots, whichever is the latter.</p>	<p>Deferred street tree planting is preference as there is a great loss of new street trees due to builder or driveway construction or vandalism.</p>

<p>C-10. Bonding street trees in new residential or industrial sites - street trees that comply with C-8 and C-9 (above) (i.e., planted prior to subdivision certificate) will be subject to bonding arrangements. The subdivider is responsible, unconditionally, for any/all tree replacements necessary during the 24 month establishment and maintenance period and a financial security (bond) in an amount equal to 100% of the cost of supply, installation, establishment and maintenance of the trees and associated timber tree guards.</p>	
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## 11.0 Car parking - more than six external parking spaces

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Ensure car parks do not visually dominate the landscape and detract from the local environment.</li> <li>2. Ensure car parks function efficiently and safely while having sufficient shade to reduce heat build-up and glare.</li> <li>3. Ensure significant landscape elements are retained and protected.</li> <li>4. Ensure landscaping supports pollinators.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Significant landscape elements are conserved and incorporated within the car park design.	
C-2. Generous shade trees are planted within the parking area in accordance with the following requirements: <ol style="list-style-type: none"> <li>a. 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</li> <li>b. 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</li> <li>c. landscape plans detail the provision of sub-grade load bearing root vaults to provide suitable rooting volume for the required number of shade trees</li> <li>d. root vaults provide passive irrigation shown on the landscape plan</li> <li>e. where possible, trees should have supporting and companion vegetation (e.g., soft stem plants) planted at ground level.</li> </ol>	Crown projection is to be shown on landscape plans.
C-3. A landscape strip of between 1.5m and 3m is provided along the frontage to a street and/or other public space.	
C-4. Canopy trees and different surface treatments, such as permeable paving and the provision of pedestrian access, reduce the visual impact of large parking areas.	
C-5. Consideration is given to the following: <ol style="list-style-type: none"> <li>a. using contrasting paving to delineate pedestrian and vehicular zones</li> <li>b. lighting for night use</li> <li>c. using kerbs or wheel restraints to contain and define parking areas</li> <li>d. using shrubs to screen cars from the street.</li> </ol>	
C-6. Clear sightlines are maintained between parking areas, public roads and paths.	
C-7. Landscaping does not conflict with lighting services and casual surveillance of parking areas.	
C-8. Trees and shrubs are positioned to consider crime prevention through environmental design principles so as not to block sight lines or create areas of concealment. They are to provide adequate sight distance on corners and intersections of roads and paths within the development to avoid	

safety hazards to motorists and pedestrians.

## 12.0 Single dwellings and ancillary development

### Objectives

1. Improve the amenity of developments and neighbourhoods through quality landscaping.
2. Provide suitable areas for landscaped area and deep soil zones.
3. Provide consolidated deep soil zones of adequate dimensions to accommodate the retention and/or planting of large and medium size trees.
4. Retain the existing natural features of the site that contribute to the neighbourhood character.
5. Ensure landscaping is climate responsive, supports biodiversity and amenity and reduces urban heat.

### Controls (C)

C-1. Development has the following minimum landscape and deep soil areas:

Lot size (m <sup>2</sup> )	Minimum landscape area (% site area)	Minimum deep soil zone (% of site area)
Less than 299	10%	0%
300 - 449	15%	7%
450 - 600	20%	10%
600 or more	30%	15%

### Explanatory notes

The deep soil zone is measured as a component of the landscaped area. This is to be clearly marked on plans.

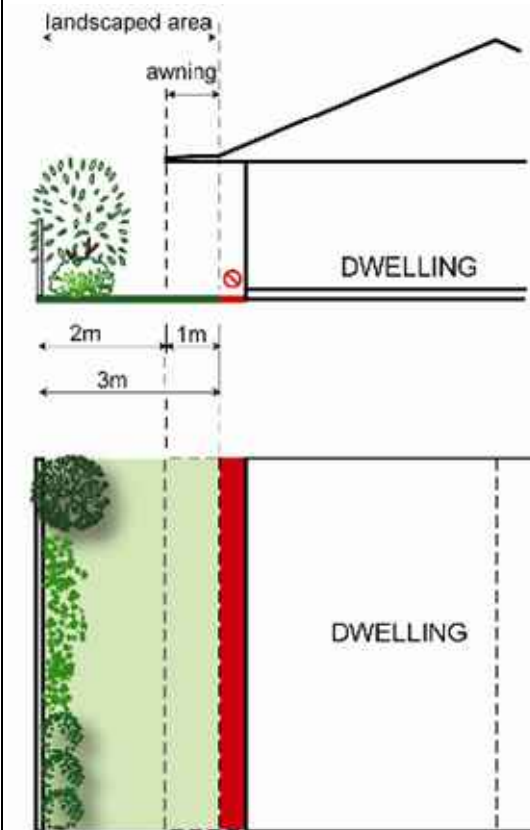
C-2. Deep soil zones must have a minimum dimension of 3m.

C-3. A landscaped area is provided in addition to private open space.



C-4. Landscaped area must:

- a. have a minimum dimension of 1.5m
- b. be open to the sky, aside from the first metre if it falls under an awning, overhang, undercroft (or similar) which 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 (i.e. '2m plus 1m') see **Figure C12.04**
- c. not include any building or structure including, but not limited to, features such 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), services and the like
- d. be free of conflicts with infrastructure, services and drainage pipes
- e. not have pervious or impervious paving wider than 1m.



**Figure C12.04: Landscaped area and awnings**

C-5. A tree with a minimum mature height over 5m is provided per 300m<sup>2</sup> of the site.

This control applies to any proposal for a single dwelling or ancillary development that will reduce the area of deep soil or landscaped area.

C-6. Deep soil zones retain and accommodate healthy and significant trees on the site and adjoining sites and avoid being located in a trafficable area such as a side boundary that it is primarily taken up by pedestrian routes.

The location of landscaped areas should also reflect the need to retain canopy trees wherever possible and minimise the impact of development on trees on neighbouring sites or the public domain.

C-7. Landscaping includes a combination of tree planting for shade, mid height shrubs, lawn and ground covers. Consider planting deciduous trees for maximum solar access in winter months, and shady, dappled light in summer.

C-8. Mature trees are to be retained wherever possible.

See Section C3 Vegetation preservation and care for further information about vegetation removal.

<p>C-9. The following ancillary development, and any associated excavation has a setback of at least 3m from the base of the trunk of any declared tree on the lot:</p> <ul style="list-style-type: none"><li>a. carports and garages</li><li>b. detached studios</li><li>c. secondary dwellings</li><li>d. swimming pools.</li></ul>	<p>See section C3 Vegetation preservation and care for further information on the definition of a declared tree.</p>
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### 13.0 All other residential development

#### Objectives

1. Ensure development integrates into established streetscapes and neighbourhoods.
2. Ensure landscaped areas are of a useable size and proportions to add value and quality of life for occupants within a development in terms of privacy, outlook, views and recreational opportunities.
3. Ensure landscaped areas are sized and located so that the amenity and privacy of adjoining dwellings is maintained.
4. Preserve and retain existing established trees.
5. Provide consolidated deep soil zones of adequate dimensions to accommodate the retention of established trees and/or planting of large and medium size trees.
6. Retain the existing natural features of the site that contribute to the neighbourhood character.
7. Ensure landscaping is climate responsive, supports biodiversity and amenity and reduces urban heat.

#### Controls (C)

C-1.Landscaped and deep soil areas are provided as follows:

Residential development type	Minimum landscape area (% site area)	Minimum deep soil zone (% of site area)
R2 zone	30%	15%
R3 zone	25%	12%
R4 and B4 zones	20%	10%

The deep soil zone is measured as a component of the landscaped area.

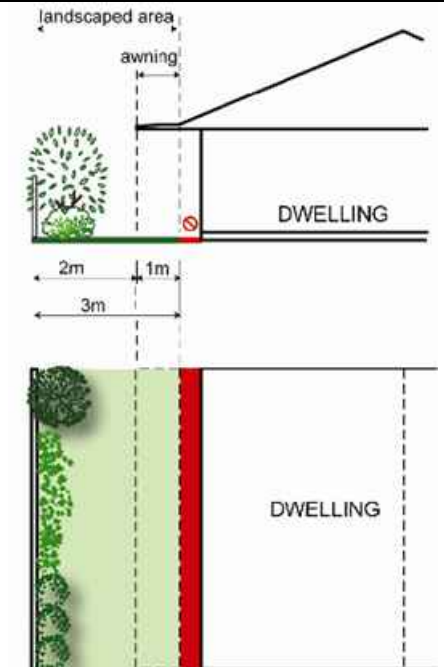
C-2.Landscaped area is provided in addition to private open space.

#### Explanatory notes

The achievement of minimum landscape area requirements takes precedence over excess site coverage or building to 100% or beyond the applicable maximum building envelope restrictions.

C-3.Landscaped area must:

- a. have a minimum dimension of 1.5m
- b. be open to the sky, aside from the first metre if it falls under an awning, overhang, under croft (or similar) which 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 (i.e. '2m plus 1m') see **Figure C12.05**.
- c. not include any building or structure including, but not limited to, features such 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
- d. be free of conflicts with infrastructure, services and drainage pipes
- e. not have pervious or impervious paving wider than 1m.



**Figure C12.05: Landscaped area and awnings**

C-4.A minimum 3m wide landscaped area is located along the rear boundary.

C-5.A minimum 25% of the front setback is landscaped area.

C-6.Landscaped areas take advantage of existing site conditions and respond to significant site features such as:

- a. landscape features including existing trees
- b. change of levels
- c. views.

C-7.Deep soil zones must have a minimum dimension of 3m.

C-8.Deep soil zones retain and accommodate healthy and significant trees on the site and adjoining sites and avoid being located in a trafficable area such as a side boundary that it is primarily taken up by pedestrian routes.

The location of landscaped areas should also reflect the need to retain canopy trees wherever possible and minimise the impact of development on trees on neighbouring sites or the public domain.

C-9.Landscaping includes a combination of tree planting for shade, shrubs, lawn and ground covers.	Crime prevention through environmental design principles for surveillance recommend keeping shrubs low enough to facilitate sightlines and avoid creating concealment spaces.
C-10.Mature trees are to be retained wherever possible.	Where trees or native vegetation are proposed to be removed, see section C3 Vegetation preservation and care.
C-11. A minimum of one tree with a minimum mature height over 8m is to be provided per 400m <sup>2</sup> of the site.	
C-12.Deciduous trees are planted for maximum solar access in winter months, and shady, dappled light in summer.	

## 14.0 Industrial development - development within the E3, E4, E5 Zones under the LEP 2012

<b>Objectives</b>			<b>Explanatory notes</b>
1. Improve the visual amenity and urban heat effect of industrial developments using landscape design that relates to the building scale. 2. Ensure industrial land uses are adequately screened from residential uses. 3. Preserve significant trees and vegetation existing on the site and adjoining sites. 4. Provide areas on the site that allow for and support healthy plants and trees.			
<b>Controls (C)</b>			<b>Explanatory notes</b>
C-1.All setbacks are landscaped where visible from a public place or adjoining or adjacent residential area.			
C-2.The perimeter of all approved storage areas is landscaped.			
C-3.In open parking areas at ground level, one shade tree per six spaces is planted within the parking area.			Refer to <i>CN standard drawings A3000 series</i> which can be found of the CN webpage
C-4.All industrial developments meet the following deep soil and canopy cover requirements:			
Site area (m2)	Deep soil area	Minimum tree requirement	
1000 or less	5% of site area (minimum dimension of 3m)	1 small tree (6-8m mature height) per 30 square metres of deep soil	
1001 – 1500	7.5% of site area (minimum dimension of 3m)	1 medium tree (8-12m mature height) per 50 square metres of deep soil or 1 large tree (at least 12m mature height) per 90 square metres of deep soil	
1501 - 2500	10% of site area (minimum dimension of 6m)	1 large tree (at least 12m mature height) per 90 square metres of deep soil or 2 medium trees (8-12m mature height) per 90 square metres of deep soil	
2501 or more	15% of site area (minimum dimension of 6m)	1 large tree (at least 12m mature height) per 90 square metres of deep soil or 2 medium trees (8-12m mature height) per 90 square metres of deep soil	
C-5.Deep soil zones retain and accommodate healthy and significant trees on the site and adjoining sites and avoid being located in a trafficable area such as a side boundary that it is primarily taken up by pedestrian routes.			

<p>C-6.The landscaping responds to:</p> <ol style="list-style-type: none"> <li>a. the proximity of the development to public roads, railway lines, residential development and/or public places</li> <li>b. the nature and scale of the development proposal</li> <li>c. the extent and type of landscaping associated with existing development in the vicinity and the age of such development</li> <li>d. the location of services.</li> </ol>	
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## 15.0 Green walls and roof space

<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1. Encourage a contribution to healthy biodiversity and the urban forest.</li> <li>2. Improve the microclimate and solar performance within the development.</li> <li>3. Encourage the establishment and healthy growth of grass, trees, soft stem plants and shrubs integrated into the building fabric.</li> <li>4. Ensure that green roofs and walls are integrated into the design of development.</li> <li>5. Encourage well designed landscaping that caters for the needs of residents and workers of a building.</li> <li>6. Design green roofs and walls to maximise their insulating and cooling effects.</li> <li>7. Ensure green roofs and walls are designed and maintained to respond to local climatic conditions and ensure sustained plant growth.</li> </ol>	
<p><b>Controls (C)</b></p>	<p><b>Explanatory notes</b></p>
<p>C-1.Planting on structures is designed for optimum conditions for plant growth by:</p> <ol style="list-style-type: none"> <li>a. providing soil depth, soil volume and soil area appropriate to the size of the plants to be established</li> <li>b. providing appropriate soil conditions and irrigation methods</li> <li>c. providing appropriate drainage.</li> </ol>	<p>For development involving heritage items or heritage conservation areas identified under LEP 2012, a merit assessment will be undertaken to ensure the outcomes sought are balanced with heritage conservation outcomes. Refer to Section E1 Built and Landscape Heritage and Section E2 Heritage conservation areas.</p>
<p>C-2.Sufficient soil depth and area is provided to allow for plant establishment and growth as per <i>Urban Forest Technical Manual</i>.</p>	
<p>C-3.Utilities such as plant rooms, lift overruns or air conditioning units are screened with plantings to improve the aesthetic quality of the development yet allow for ventilation.</p>	<p>Ventilation is essential to plant rooms and air conditioner compressor farms, and cooling.</p>
<p>C-4.Green roof and wall structures are to be assessed as a part of the structural certification for the building by a suitably qualified engineer. Structures designed to accommodate green walls should be integrated into the building facade including consideration of waterproofing.</p>	

<p>C-5. Where vegetation or trees are proposed on the roof or vertical surfaces of any building, a Green Roof or Wall Plan must be submitted. The Plan must demonstrate:</p> <ul style="list-style-type: none"> <li>a. adequate irrigation, reticulation and drainage is provided to ensure sustained plant growth and health and safe use of the space</li> <li>b. appropriate and diverse plant selection to suit site conditions, including wind impacts and solar access</li> <li>c. adherence to the objectives, design guidelines and standards contained in the NSW Department of Planning and Environment's Apartment Design Guide for 'Planting on Structures'.</li> </ul>	
<p>C-6. Green roofs or walls, where achievable, should use rainwater, stormwater or recycled water for irrigation.</p>	
<p>C-7. An instrument of positive covenant to cover proper maintenance and performance of the green roof and walls on terms reasonably acceptable to the CN should be registered prior to granting of the Occupation Certificate.</p>	



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## **PART C: General development controls**

### **Section C13 Liveable housing**

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## 1.0 Introduction

Universal housing, also known as liveable housing, is an approach to housing design and construction that emphasises inclusivity, accessibility, and equity, as well as flexibility, and adaptability. It is designed and built to meet the current and changing needs of residents over time. Universal and liveable housing features aim to make homes safe, accessible, and adaptable, suitable for people of all ages, abilities, and lifestyles.

Liveable housing uses design features to make homes comfortable and functional for residents, planning for current and future needs. These features include step-free access (or room it) from the street and to the yard, wider passageways to accommodate diverse mobility needs including wheelchairs, rooms and spaces of sufficient size for comfortable and accessible movement, accessible bathrooms, and internal and external walls that are suited to the future installation of grab-rails.

Accommodating universal design features at the planning, design and construction stages is the most effective way to future-proof homes, for:

- families with children
- multi-generational families
- people with mobility needs, people with disability, people with temporary injuries
- older residents, or any other people who need to make adjustments to the built form of their home to accommodate changes in their mobility.

The *National Construction Code* requires (since 2022) all homes to be built to at least Silver Level *Livable Housing Design Standards* – wide doorways and halls as standard, accessible bathrooms, at least one level entry accessway. Victoria, Queensland, ACT and Tasmania incorporated these controls into legislation. Development should aim to accord to this ambition.

Universal housing has been a Council of Australian Governments (COAG) priority since at least 2009, with a commitment to inform and educate the housing sector and encourage voluntary uptake. Liveable housing is a recommendation of the United Nations Committee on the Rights of Persons with Disabilities and accords with the Australian Government's commitments under the current National Disability Strategy and the recommendations of the NSW State Parliamentary Inquiry into Housing Older People.

People with accessibility needs have specific housing needs and fewer housing options. They spend more money on housing modifications. Australia's population is ageing, and we will have more people with complex mobility needs into the future. It is important for our housing to accommodate those needs - not only for residents in their homes, but also to ensure they can visit other homes in the community, and for those family and community members that visit our homes.

By designing and building homes that can accommodate the current and changing needs of residents over time, we can create more liveable, functional, and sustainable spaces for our communities.

## 2.0 Application

This section applies to the following forms of residential development:

- dual occupancy
- attached dwellings
- multi dwelling housing
- seniors housing
- residential flat buildings
- co-living housing
- shop top housing.

For development involving heritage items or heritage conservation areas identified under *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), a merit assessment will be undertaken to ensure the outcomes sought are balanced with heritage conservation outcomes.

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### 3.0 Additional information

#### Additional information

- *CN Local Housing Strategy*
- *National Construction Code (NCC) Silver Standard for accessibility*
- [Livable Housing Design Guidelines \(4th Edition\) 2017, Livable Housing Australia.](#)

### 4.0 Objectives

1. Promote development to achieve liveable and universal housing for all residents and visitors.
2. Increase the provision of adaptable and accessible housing that adopts universal design principles.
3. Plan for household needs now and in the future due to changes in mobility and ability.
4. Ensure inclusion and equity is achieved by maximising accessibility and universal design.
5. Provide dwellings in multi dwelling housing and residential flat buildings which are designed to be flexible and easily modified to cater for occupants with an existing or progressive mobility or ability need.

### 5.0 Definitions

A word or expression has the same meaning as it has in [LEP 2012](#), unless otherwise defined. Other words and expressions include:

- **Livable Housing Australia (LHA) provisional design certificate** – is a certificate issued by an LHA assessor registered with LHA and listed on the LGA website that certifies a Design or an As-Built dwelling as meeting the Livable Housing Silver, Gold or Platinum performance levels.
- **LHA assessor** – is a professional formally registered with LHA and listed on the LHA website as an LHA assessor.

## 6.0 Application requirements

Development category	Application requirements	Explanatory notes
All residential development to which this section applies.	<ul style="list-style-type: none"> <li>Development application plans must provide sufficient detail indicating the universal design features included in the design. Dwellings must be clearly identified as either meeting Silver Level or Platinum Level.</li> <li>LHA Provisional Design Certificate issued by a registered LHA Assessor.</li> <li>LHA Final-as-Built Certification issued by a registered LHA Assessor.</li> </ul>	<p>LHA Assessors are registered with LHA and can be found on the <a href="#">Livable Housing Australia Website</a>.</p> <p>All dwelling houses are encouraged to be designed and constructed to accord to Silver Level <i>Livable Housing Design Standards</i>.</p>

## 7.0 Universal design

Objectives		
<ol style="list-style-type: none"> <li>Ensure housing includes universal design features to meet the access and mobility needs of occupants now and into the future.</li> <li>Ensure housing is inclusive, equitable and accessible for all residents and visitors.</li> </ol>		
Controls (C)	Acceptable solutions (AS)	Explanatory notes
C-1.Seniors housing development complies with the requirements of <i>State Environmental Planning Policy (Housing) 2021</i> .		<p>The <i>Livable Housing Design Guidelines</i> describe design standards for key features for liveable housing design. A liveable home design meets an occupant's changing needs over their lifetime. Including user-friendly design features seeks to enhance the occupant's quality of life. The seven core liveable housing design elements are provided in the notes below.</p> <p>Refer to <a href="#">Livable Housing Guidelines</a>.</p> <p>It is expected that the majority of Platinum Level units will be 1-2 bedroom units.</p>
C-2.All other dwellings (except detached dwellings) include the <i>Livable Housing Design Guidelines</i> Silver Level universal design features and demonstrate compliance at design stage and prior to occupation.		
C-3.Provision of liveable access is to have minimal impact on the significant fabric and setting of heritage items and of contributory buildings within heritage conservation areas.	AS-1.Where heritage impact is used as a reason for not providing liveable access, evidence is to be provided that no suitable alternative for access is available.	

C-4. For multi dwelling housing, residential flat buildings, apartments and shop top housing development resulting in five or more dwellings, at least 20% of dwellings are designed to Platinum Level under the <i>Livable Housing Design Guidelines</i> and demonstrate compliance at design stage and prior to occupation.	AS-1. For residential flat buildings it is a preference for a mix of units to be designed of Platinum Level.	Refer to Section E1 Built and Landscape Heritage.
C-5. Co-living housing is designed to Platinum Level under the <i>Livable Housing Design Guidelines</i> and demonstrate compliance at design stage and prior to occupation.		
C-6. Access to all communal open spaces is provided for people with a disability in accordance with Part 2 Section 7 of AS1428.		

**Notes:**

LHA Silver Level focuses on the key structural and spatial elements critical to ensure the home's future flexibility and adaptability.

The seven core design elements in the LHA Silver Level are:

1. A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level.
2. At least one, level (step-free) entrance into the dwelling.
3. Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
4. A toilet on the ground (or entry) level that provides easy access.
5. A bathroom that contains a hobless shower recess.
6. Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.
7. Stairways are designed to reduce the likelihood of injury and also enable future adaptation.

Platinum Level has 15 elements. This level describes design elements that would better accommodate aging in place and people with higher mobility needs.

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The 15 core design elements in the LHA Platinum Level are:

1. A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level.
2. At least one, level (step-free) entrance into the dwelling.
3. Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
4. A toilet on the ground (or entry) level that provides easy access.
5. A bathroom that contains a hobless shower recess.
6. Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.
7. Stairways are designed to reduce the likelihood of injury and also enable future adaptation.
8. The kitchen space is designed to support ease of movement between fixed benches and to support easy adaptation.
9. The laundry space is designed to support ease of movement between fixed benches and to support easy adaptation.
10. Ground (or entry level bedroom space) here is a space on the ground (or entry) level that can be used as a bedroom.
11. Switches and power points Light switches and power points are located at heights that are easy to reach for all home occupants.
12. Home occupants are able to easily and independently open and close doors and safely use tap hardware.
13. The family/living room features clear space to enable the home occupant to move in and around the room with ease.
14. Windows sills are installed at a height that enables home occupants to view the outdoor space from either a seated or standing position.
15. Floor coverings are slip resistant to reduce the likelihood of slips, trips and falls in the home.

## PART D: Development controls by land use

### Section D1 Subdivision and lot consolidation

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## 1.0 Introduction

Subdivision is the process of subdividing land into parts (two or more) that, after the division, would be adapted for separate occupation, use or disposal.

Land subdivision can have significant influence and long-term effects on the urban fabric, future development potential and the economic performance of an area. Therefore, proposals that relate to streets, blocks, lots and open space need careful consideration as the result can reduce or improve street connectivity and permeability, change the character of an area and affect the safety and vibrancy of public space.

Well planned subdivisions can achieve quality design and development outcomes by encouraging safe, convenient and attractive residential neighbourhoods. Planned industrial and commercial estates can meet the diverse and changing needs of the community while protecting strategically important elements of our local natural environment.

## 2.0 Application

This section applies to all land to which the *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)) applies, and to land outside of the Port of Newcastle lease area to which *State Environmental Planning Policy (Transport and Infrastructure) 2021* applies.

## 3.0 Related sections

The following sections will also apply to development:

- C1 Traffic, parking and access
- C2 Movement networks
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C6 Waste management
- C7 Safety and security
- C11 Development adjoining laneways
- C12 Open space and landscaping

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B7 Land contamination
- C8 Social impact
- D2 Single dwelling and ancillary development
- D3 Residential development
- D4 Commercial
- D5 Industrial
- D6 Community services
- D7 Sex industry establishments
- All of Part E: Place and precincts



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## 4.0 Additional information

### Associated technical manual/s

- *Newcastle Subdivision Technical Manual 2014*, The City of Newcastle
- *Disability Standards for Accessible Public Transport, 2002*, Commonwealth of Australia
- Austroads Publications and Guides
- *Model Agreement for Local Councils and Utility/Service Providers*, Streets Opening Conference, <http://www.streetsopening.com.au/>

### Additional information

- *Movement and Place*, NSW Government
- *Guidelines for Bus Capable Infrastructure in Greenfield Sites*, Transport for NSW
- *Controlled Activities – Guidelines for riparian corridors on waterfront land*, NSW Water
- *Planning for Bushfire Protection, 2019*, NSW Rural Fire Service
- *YourHome, 2022*, Commonwealth of Australia

## 5.0 Objectives

1. Identify expectations and requirements relating to standards of subdivision design and construction, and information required to be submitted.
2. Outline expectations for the quality of any new public assets and lands.
3. Minimise onsite and offsite adverse impacts on the natural and built environment.
4. Ensure all lots are physically capable of development and can be satisfactorily serviced by infrastructure and utilities services and have an appropriate level of access and amenity.
5. Provide a variety of lot sizes, type, and configurations to enable a functional and desirable mix of densities, forms, and types to promote housing choice, create attractive streetscapes and open space with distinct character, and improve access to services.
6. Reduce the risk of potential land use conflict.
7. Achieve efficient use of land.
8. Ensure sensitive land uses and development are adequately buffered from Summerhill Waste Management Centre.
9. Minimise industrial land fragmentation, particularly for areas of strategic importance or in proximity to key infrastructure.
10. Retain, protect, and enhance riparian and biodiversity corridors; increase connections between habitat patches.
11. Ensure subdivision promotes safe and convenient movement of vehicles, pedestrians, and bicycles.
12. Ensure subdivision considers climate related risks and provides an integrated response to natural hazards.

## 6.0 Definitions

A word or expression has the same meaning as it has in [LEP 2012](#). Other words and expressions include:

- **Access handle** – means the portion of a battle-axe lot primarily providing vehicular and services access to a road.
- **Community title subdivision** – is the form of title created under the *Community Land Development Act 2021* and the *Community Land Management Act 2021*. 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 asset protection zones 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 there is a requirement to maintain a vegetated riparian zone on a private watercourse which flows across a number of private property boundaries.

- **Dwelling density** – means the ratio of the number of dwellings proposed to be located on the land to the area of the land to be occupied by the development. The area of land includes internal streets and half the width of any roads adjoining the development that provide vehicular access to the development, but excludes land deemed undevelopable due to constraints and land used for public open space and non-residential purposes.
- **New residential site** – is identified through land use zoning for future urban development. It has not been developed and is located outside the existing urban area.
- **Riparian zone** – is a transition zone between land and a waterway (creek, watercourse, wetland, estuary, or river). They provide ecosystem corridor services and support waterway stability. They help buffer land from erosion impacts during extreme storms. Generally, a width of 40m is the minimum viable riparian zone. Under the NSW Water Management Act and guidelines, riparian zones include the waterway 'floor' and land beyond the top of the waterway bank (Controlled activities – Guidelines for riparian corridors on waterfront land, NSW Department of Planning and Environment, undated). The top of bank is measured by Digital Terrain Model, site engineering survey or similar. See also Vegetated Riparian Zone.
- **Solar access** – is the ability of a building to continue to receive direct sunlight without obstruction from other buildings or impediments, not including trees.
- **Site analysis** – means the identification and analysis of the existing characteristics and constraints of a site and its surrounding area. It is designed to assist in understanding the locality and inform appropriate design response.
- **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 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, unless authorised to do so by an environmental planning instrument.

- **Subdivision work** – is any physical activity authorised to be carried out in connection with a subdivision under the conditions of a development consent for the subdivision of land.

- **Subdivision works certificate** – is a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the regulations and must be obtained before carrying out the subdivision work.
- **Torrens title subdivision** – is the 'single lot' form of subdivision, common in many 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.

- **Urban release area** – means the area of land identified as 'Urban Release Area' on the [Urban Release Area Map](#) in LEP 2012.
- **Vegetated Riparian Zone** – is the inner portion of the riparian zone: closest to the top of a waterway bank. The top of bank is identified using Digital Terrain Model, site engineering survey or similar. See also Riparian Zone, Controlled activities – Guidelines for riparian corridors on waterfront land, NSW Department of Planning and Environment, undated).

## 7.0 Application requirements

Development category	Application requirements	Explanatory notes
All strata subdivision development applications (DA)	<p>The following information is to be submitted as part of any application proposing a strata subdivision:</p> <ol style="list-style-type: none"> <li>site plan including boundary dimensions, lot size, north point and scale bar, location of existing buildings etc</li> <li>floor plans consistent with approved development on site</li> <li>identification of each lot/part lot</li> <li>common property areas</li> <li>areas allocated for car parking nominated including accessible and visitor spaces.</li> </ol>	<p>Discretion will be used regarding the extent of information required for each site analysis (eg a simple two lot subdivision would not necessarily require the same level of detail as a major subdivision development). However, a simple two lot subdivision on land with a watercourse and/or high flood risk will have more requirements than a site without these constraints.</p>
All Torrens title subdivisions of approved residential developments	<p>A site analysis is submitted to the level of detail required to assess the potential impacts associated with the nature, type and scale of the development and its surroundings, and is to include:</p> <ol style="list-style-type: none"> <li>boundary dimensions and lot size</li> <li>proposed lots, lot identifications, north point and scale bar, any easements, service connections etc</li> <li>existing and/or proposed buildings and structures and associated offsets from adjacent boundaries</li> <li>existing and/or approved stormwater systems, drainage easements and waterways</li> <li>existing and/or approved vehicle access and car parking.</li> </ol>	
All Torrens title subdivisions creating vacant lots (up to three lots)	<p>A site analysis is submitted to the level of detail required to assess the potential impacts associated with the nature, type and scale of the development and its surroundings, and is to include:</p> <ol style="list-style-type: none"> <li>boundary dimensions and lot size</li> <li>proposed lots, lot identifications, north point and scale bar, easements, service connections etc</li> <li>existing and/or proposed buildings and structures</li> <li>existing and/or approved stormwater systems, drainage easements and waterways</li> <li>existing and/or approved vehicle access and car parking</li> <li>existing landscaping, vegetation, and all trees on or within 5 metres of any developable portion of the site</li> <li>where dwellings are retained – it is to be illustrated on the plan and in the supporting statement of environmental effects how the subject lot complies with the provisions of Section D2 Single dwelling and ancillary development</li> <li>where proposed lots are irregular in shape and dimension, up to two conceptual house designs that would be easily achieved within the resultant lot(s) may be requested.</li> </ol>	

	<p>Other items that may be required in addition to the above, include:</p> <ul style="list-style-type: none"> <li>a. hazards which are likely to impact upon the development and intended outcomes such as bush fire, coastal hazards and inundation, flood prone land, floodways, stormwater surface flowpaths, mine subsidence, mine drainage, slope stability etc</li> <li>b. context of surrounding development such as height and use of buildings, setbacks and subdivision layout, character of the area, boundary treatments</li> <li>c. the likely impact on development within and on surrounding sites</li> <li>d. topographical features such as slope, opportunities for the retention and creation of views and vistas</li> <li>e. site geology, acid sulfate soils and contamination</li> <li>f. existing heritage or archaeological features</li> <li>g. vegetation, habitat, flora, fauna, biodiversity values of vegetation and trees on or adjacent to the site</li> <li>h. opportunities to orientate buildings and private open spaces having regard to solar access, winds and views.</li> </ul>	
<p>All Torrens title subdivisions creating vacant lots (more than three vacant lots)</p>	<p>A site analysis is submitted to the level of detail required to assess the potential impacts associated with the nature, type and scale of the development and its surroundings, and is to include:</p> <ul style="list-style-type: none"> <li>a. boundary dimensions and lot size</li> <li>b. proposed lots, lot identifications, north point and scale bar, easements, service connections etc</li> <li>c. existing and/or proposed buildings and structures</li> <li>d. existing and/or approved stormwater systems, drainage easements and waterways</li> <li>e. existing and/or approved vehicle access and car parking</li> <li>f. existing landscaping, vegetation, and all trees on or within 5 metres of any developable portion of the site</li> <li>g. where dwellings are retained – it is to be illustrated on the plan and in the supporting statement of environmental effects how the subject lot complies with the provisions of Section D2 Single Dwellings and ancillary development</li> <li>h. where proposed lots are irregular in shape and dimension, it may be requested to see up to two house designs that would be easily achieved within the resultant lot(s).</li> </ul> <p>Other items may be required in addition to the above, include:</p> <ul style="list-style-type: none"> <li>a. hazards which are likely to impact upon the development and intended outcomes such as bush fire, coastal hazards and inundation, flood prone land, floodways, stormwater surface flowpaths, mine subsidence, slope stability etc</li> </ul>	

	<ul style="list-style-type: none"> <li>b. context of surrounding development such as height and use of buildings, setbacks and subdivision layout, character of the area, boundary treatments</li> <li>c. the likely impact on development within and on surrounding sites</li> <li>d. topographical features such as slope, opportunities for the retention and creation of views and vistas</li> <li>e. catchment, hydrology and water cycle context. Existing impervious area, infiltration potential, groundwater issues, and overland flowpaths, watercourses, waterbodies on or adjacent to the site</li> <li>f. site geology, acid sulfate soils and contamination</li> <li>g. existing heritage or archaeological features</li> <li>h. public and active transport infrastructure such as transport stations or stops, shelters, footpaths and cycleways, connections to existing or planned developed lands adjacent the site</li> <li>i. location, conditions and capacity of utility services such as power, sewer, water; surrounding transport network and services</li> <li>j. vegetation, habitat, flora, fauna, biodiversity values of vegetation and trees on or adjacent to the site</li> <li>k. location, size, capacity and condition of upstream and downstream stormwater systems and waterways</li> <li>l. opportunities to orientate buildings and private open spaces having regard to solar access, winds and views.</li> </ul>	
<p>All community title subdivision DAs</p>	<p>In addition to the submission requirements for a Torrens title subdivision, a community title subdivision is to be accompanied by the following documents:</p> <ul style="list-style-type: none"> <li>a. a subdivision plan which shows the proposed individual lots and proposed "association property" lots (including any private roads, common open space, recreations facilities etc) as well as any necessary easements / restrictions.</li> <li>b. a draft management statement and a draft development contract (if required) in accordance with the relevant legislative provisions.</li> <li>c. a proposed vegetation management plan for retained native vegetation and riparian corridors on the site.</li> </ul>	<p>The relevant legislative provisions can be found in the <i>Community Land Development Act 1989</i> and <i>Community Land Management Act 1989</i>, as amended.</p> <p>If development consent is ultimately granted to the community title subdivision, the final Management Statement and final Development Contract will be required to be lodged with the final plan of subdivision as part of the subdivision certificate application.</p>
<p>All Strata, Torrens title and Community title subdivisions located on land which is a heritage item and/or in a heritage</p>	<p>A heritage impact statement is submitted to the level of detail required to assess the potential impact of the proposed subdivision on the heritage significance of the heritage item and/or the heritage conservation area, and how any impact arising from the changes will be mitigated.</p> <p>This statement is to conform to the standards in the Environment and Heritage Group of the NSW Department of Planning and Environment publications. The heritage impact statement must address:</p>	<p>A heritage impact statement should perform the following four main functions:</p> <ul style="list-style-type: none"> <li>• assess and clearly state the heritage significance of the place</li> <li>• state the nature and extent of the proposed development</li> </ul>

<p>conservation area or located on land in the vicinity of a heritage item and/or heritage conservation area.</p>	<ol style="list-style-type: none"> <li>a. the heritage significance of the heritage item and/or the heritage conservation area located on the land, or in the vicinity of the land of the proposed subdivision, and the contribution any place, building, work, relic, or tree affected by the proposed subdivision makes to that significance</li> <li>b. the impact that the proposed subdivision would have on the heritage significance of the heritage item and/or the heritage conservation area, and its setting, including whether any landscape or horticultural features would be affected by the proposed subdivision</li> <li>c. the measures proposed to conserve the significance of the heritage item and/or the heritage conservation area, and its setting, including protection of significant views</li> <li>d. whether any aboriginal cultural heritage or potential aboriginal cultural heritage would be affected by the proposed subdivision</li> <li>e. whether any archaeological site or potential archaeological site would be affected by the proposed subdivision</li> <li>f. the extent to which the carrying out of the proposed subdivision would affect the form of any historic subdivision pattern</li> <li>g. an addendum to the statement to address the issues raised by any submission received in relation to the proposed subdivision in response to the notification or advertising of the application.</li> </ol> <p>The statement should clearly identify and explain the extent of the proposed subdivision works and reference all DA drawings.</p> <p>The statement should include options considered for the proposal and documented reasons for choosing the preferred option. These should include proposals to minimise the impact of the subdivision on the heritage significance of the heritage item and/or heritage conservation area.</p> <p>Provide three-dimensional building envelopes for future built form to each lot proposed.</p> <p>The inclusion of supplementary consultants' reports, for example a preliminary 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.</p> <p>The length of the heritage impact statement will vary depending on the scale and complexity of the proposal. As such:</p> <ol style="list-style-type: none"> <li>a. a brief one or two page account included as a section within the statement of environmental effects may be sufficient for minor subdivision proposals that will have little impact on the heritage significance of the heritage item and/or the heritage conservation area</li> </ol>	<ul style="list-style-type: none"> <li>• consider and clearly state the impacts of the proposal on the significance of the place</li> <li>• make recommendations on ways of reducing or mitigating the impacts of the proposal.</li> </ul> <p>Environment and Heritage Group of the NSW Department of Planning and Environment publications include Guidelines for Preparing a Statement of Heritage Impact, 2023 and Assessing Heritage Significance, 2023, and The Principles and processes of the Burra Charter, 2013.</p> <p>"Vicinity of" means development on land located adjacent to a heritage item or the boundary of a heritage conservation area, or development on land that would affect the heritage significance or setting, including significant views, of a nearby heritage item or heritage conservation area.</p> <p>Subdivision applications for land containing heritage items should be accompanied by adequate plans showing existing contours or levels, buildings, works, trees, and site features (e.g. dams), future building envelopes and the siting and setbacks of any proposed buildings. The heritage impact statement should demonstrate that the:</p> <ul style="list-style-type: none"> <li>• proposed curtilage allowed around the heritage item is appropriate</li> <li>• subdivision will not compromise the significance of the heritage item</li> </ul>
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	<p>b. a more extensive report would be required for more complex proposals or those that will have a major impact on the heritage significance of the heritage item and/or heritage conservation area.</p>	<p>Refer to Section E1 Built and landscape heritage and Section E2 Heritage conservation areas.</p> <p>Refer to Section B4 Aboriginal cultural heritage and Section B5 Historical archaeology.</p>
<p>Subdivision within Summerhill Waste Management Centre Buffer areas</p>	<p>Subdivision within Summerhill Waste Management Centre Buffer areas may require additional assessments to support the application including noise, odour and/or visual impact assessment.</p>	<p>Discretion will be used regarding the extent of information required.</p>



## 8.0 Lot layout, size and dimension – residential

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Provide subdivision lot sizes that meet community and economic needs.</li> <li>2. Facilitate greater diversity in housing choice.</li> <li>3. Ensure lots are of sufficient size to meet user requirements.</li> <li>4. Ensure lot density, location, arrangement, and dimensions are responsive to site constraints and opportunities, while minimising exposure to natural hazards, such as flooding, bushfires, landslides, and coastal erosion.</li> <li>5. Ensure appropriate building siting and access to development.</li> <li>6. Maximise opportunities for energy efficiency and solar access through lot orientation and design.</li> <li>7. Ensure the subdivision of existing or proposed dwellings maintains adequate amenity landscaping, access, parking and fire separation.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.Road and lot layouts are generally grid patterns and do not rely on cul-de-sacs	
C-2.Lots are designed to address existing and proposed public open space.	
C-3.A range and mix of lot sizes are produced that: <ol style="list-style-type: none"> <li>a. are generally rectangular in shape</li> <li>b. provide for a diversity of lot sizes to support diversity in housing choice</li> <li>c. use land efficiently</li> <li>d. respond to and protect natural and cultural heritage features</li> <li>e. provide for adequate vehicular access that connects to a public road</li> <li>f. allow sufficient street frontage for waste collection</li> <li>g. mitigate hazard impacts through proposed open space networks, corridors and buffers; structures or other necessary measure</li> <li>h. result in a lot layout that facilitates energy efficiency building siting and design</li> <li>i. allow for erection of dwelling/s that present a building fronting to the street.</li> </ol>	Refer to Section E1 Built and landscape heritage and E2 Heritage conservation areas.
C-4.Lot sizes and dimensions provide for: <ol style="list-style-type: none"> <li>a. rectangular lots</li> <li>b. a minimum frontage of 12m</li> <li>c. space for parking and manoeuvring of vehicles</li> <li>d. space for private recreation and landscaping</li> </ol>	On steeper land, larger lots should be considered to reduce the visual effects associated with excessive cut and fill on small sites.

<p>e. an adequate area for a dwelling to be constructed on land which is not greater than 25% slope, and that vehicular access to the dwelling can be provided at a grade of not greater than 25 %</p> <p>f. lots on land with slope of greater than 20% that are at least 1,000 m<sup>2</sup> in size.</p>	
<p>C-5. Where an application for subdivision proposes to subdivide land which contains:</p> <p>a. an existing dwelling, dual occupancy, semi-detached dwelling, attached dwelling, multi dwelling housing or residential flat building, or</p> <p>b. the land has consent; or consent is being sought for the erection of a dwelling, dual occupancy, semi-detached dwelling, attached dwelling, multi dwelling housing or residential flat building.</p> <p>It must be demonstrated that each dwelling on each proposed lot will comply with Section D2 Single dwelling and ancillary development or Section D3 Residential development.</p>	
<p>C-6. Subdivision in an urban release area or new residential site achieves a range of lot sizes to support higher yields closer to 40 dwellings per hectare near open space, retail, commercial, community, recreation facilities and public transport.</p>	<p>City of Newcastle (CN) is a metropolitan city that provides for the daily and weekly needs of residents within a 15 minute neighbourhood through public and active transport means. CN is therefore at a minimum an inner suburban context area as an outcome of the <i>Hunter Regional Plan 2041</i>.</p>
<p>C-7. Address conflict between land uses with buffer areas incorporated into the subdivision design.</p>	
<p>C-8. Intensification of lots is not permitted on land located seaward of the 2120 Zone of Reduced Foundation Capacity (ZRFC) coastal hazard line.</p>	<p>Refer to CN's <i>Stockton Coastal Management Program for 2120</i> coastal hazard line.</p>
<p>C-9. Fan shaped lots have a minimum frontage of 9m and a minimum width of 15m measured at 6m from street alignment.</p>	<p>The criteria specified applies to applications proposing subdivision only and is not applicable to the subdivision associated with residential accommodation.</p>
<p>C-10. Roof and gutter systems are graded with each lot draining independently. If an approved development has other stormwater management systems, such as a detention tank, appropriate easements are established to preserve the owner's legal rights and to ensure maintenance obligations are clearly defined.</p>	
<p>C-11. The endorsement of a subdivision certificate for subdivision in conjunction with residential development will generally not be released prior to lock up stage of the associated development.</p>	
<p>C-12. All streets associated with the subdivision of land are designed to include footpaths that link to existing footpaths, road crossings, parks and public transport facilities.</p>	<p>All footpaths are to be designed in accordance with CN's Standard Drawings.</p>

## 9.0 Lot layout, size and dimension - industrial

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Encourage well designed industrial areas serving a range of general industrial needs.</li> <li>2. Provide the safe and efficient movement of traffic to and from all industrial lots.</li> <li>3. Protect the amenity of adjacent land uses, where necessary, from the effects of industrial development.</li> <li>4. Ensure stormwater is appropriately managed.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.Lots have a minimum frontage of 25m except in Steel River as provided by C-2.	
C-2.Within 'Steel River' lots have a minimum frontage of 60m with no direct access from Industrial Drive, Tourle Street or Pacific Highway as indicated below on <b>Figure D1.01</b> .	See Section D5 Industrial and <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> for further controls in Steel River.
C-3.Lots are rectangular in shape.	
C-4.Lots are designed to address existing and proposed public open space.	
C-5.Industrial subdivision provides lots that: <ol style="list-style-type: none"> <li>a. are of a size that facilitates a variety of industrial and industry compatible land uses</li> <li>b. are not subdivided or otherwise fragmented into unviable lot sizes.</li> </ol>	
C-6.The subdivision design allows for PBS ( <i>Performance Based Standards – National Heavy Vehicle Regulator</i> ) Level 3 vehicles up to 36.5m in length to access the subdivision unless the existing connecting road network is unable to support that vehicle class (subject to NHVR and Transport for NSW approval).	PBS Level 3 vehicles are more efficient freight transportation vehicles than semi-trailers and B-Double trucks and are to be adopted as the design vehicle unless otherwise constrained.
C-7.Lot size allows trucks to manoeuvre on-site without reversing onto or off the lot.	
C-8.Road and lot layouts are generally grid patterns and do not rely on cul-de-sacs.	
C-9.Lots are adequately buffered to protect the amenity of sensitive land uses.	Sensitive land uses include, but are not limited to residential development, seniors housing, schools, hospitals, child care facilities, recreation areas, place of worship, community facilities.
C-10.All streets are designed to include footpaths that link to existing footpaths, road crossings, parks and public transport facilities.	All footpaths are to be designed in accordance with CN's Standard Drawings.



**Figure D1.01: Steel River**

## 10.0 Solar access and orientation

<b>Objectives</b>	
1. Maximise the number of lots which have good solar access. 2. Ensure the subdivision of land responds to the natural and built environment. 3. Ensure that subdivision of land for residential purposes creates lots of a suitable size, configuration and orientation.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<u>The following controls apply only to subdivisions in residential zones</u>	
C-1. Unless site constraints dictate, subdivision layouts are configured such that: <ol style="list-style-type: none"> <li>a. the north-south direction is within 20° west and 30° east of north</li> <li>b. the east-west direction is within 30° south and 20° north of east.</li> </ol> See <b>Figure D1.02</b> below for preferred lot arrangement.	
C-2. Lot orientation results in living areas and private open space of any dwelling or future dwelling being oriented to the north and dwellings positioned to avoid or minimise possible overshadowing of existing or future adjoining buildings. Where site conditions, such as slope, could constrain future development, lot sizes are increased.	Plans may be required showing potential building footprint and open space for constrained sites to ensure that relevant solar access requirements can be achieved.

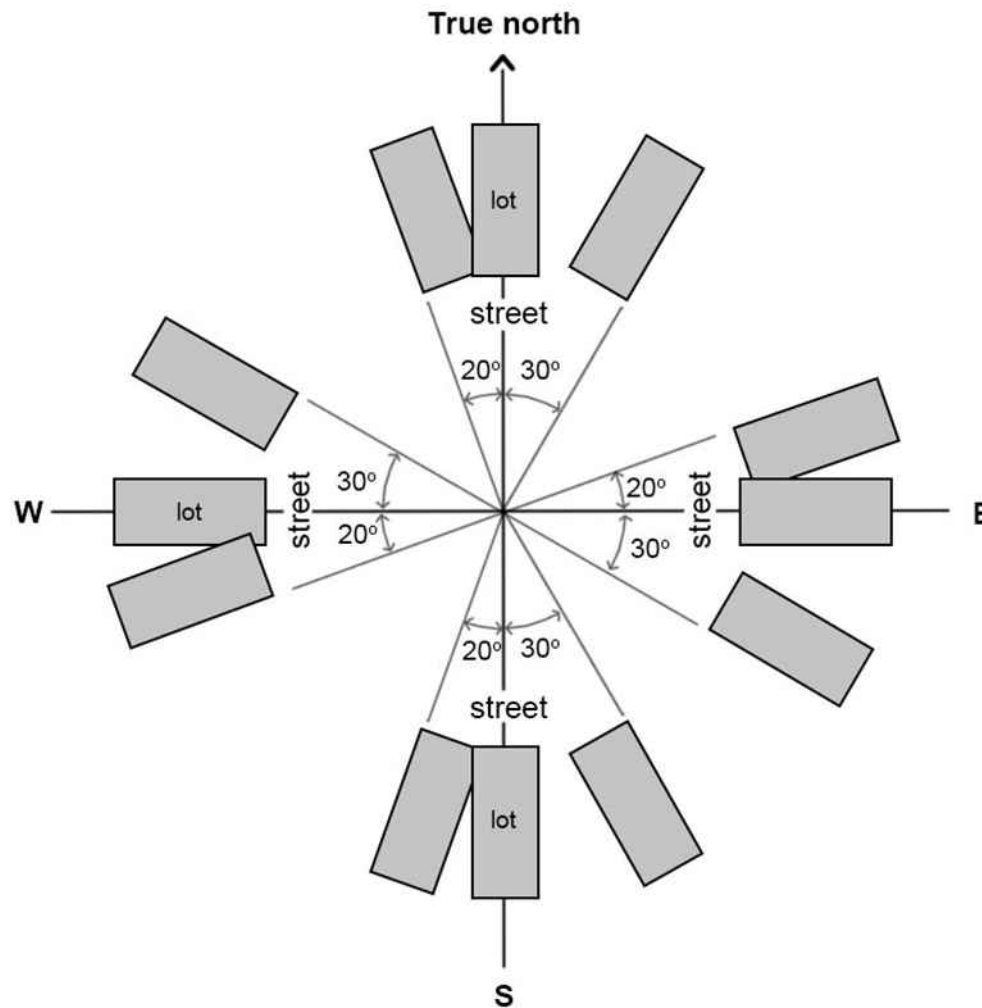
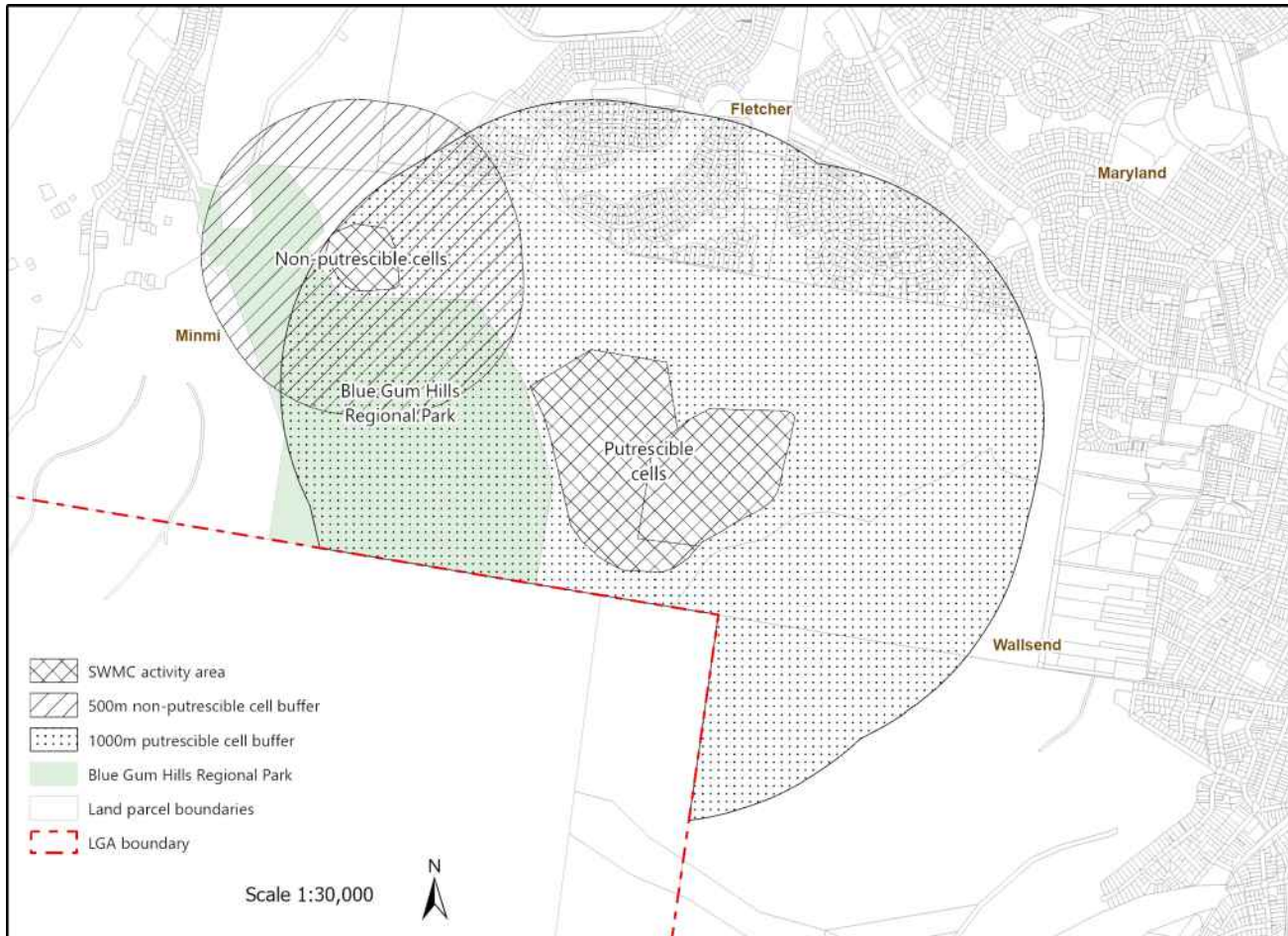


Figure D1.02: Preferred lot arrangement

## 11.0 Waste disposal buffer area

<b>Objectives</b> <ol style="list-style-type: none"> <li>1. Establish effective separation distances, buffers and mitigation measures for the Summerhill Waste Management Centre to minimise adverse effects on sensitive land uses and people from odour, noise, dust, ground gas and other nuisance generating activities.</li> <li>2. Ensure the long-term viability of waste and resource recovery infrastructure is secured by using defined buffer areas that protect against encroachment from incompatible land uses.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.Subdivision for residential and other sensitive uses should not be within 1000m of approved putrescible landfill cells at the Summerhill Waste Management Centre, unless designed to avoid adverse odour, noise, and visual impacts refer to <b>Figure D1.03</b> .	Appropriate buffer distance must be maintained between the landfill and sensitive land uses (receptors) to protect those receptors from impacts. Impacts might constitute discharge from the site of potentially explosive landfill gas, offensive odours, noise, litter and dust.
C-2.Subdivision for residential and other sensitive uses should not be within 500m of approved non-putrescible landfill cells at the Summerhill Waste Management Centre, unless designed to avoid adverse odour, noise, and visual impacts refer to <b>Figure D1.03</b> .	
C-3.Subdivision of land for non-residential purposes should not be within 500m of approved putrescible landfill cells at the Summerhill Waste Management Centre, unless designed to avoid adverse odour, noise, and visual impacts refer to <b>Figure D1.04</b> .	





**Figure D1.03: Summerhill Waste Management Centre Buffer – Residential**





**Figure D1.04: Summerhill Waste Management Centre Buffer – Non-residential**

## 12 Services

<b>Objectives</b>		
1. Ensure developments have adequate services, including water for domestic and firefighting 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. 3. The location of services minimises visual impact.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1. Essential services are provided to each lot, including the delivery of: <ol style="list-style-type: none"> <li>potable water</li> <li>electricity</li> <li>communications including broadband</li> <li>the sustainable management of sewerage</li> <li>waste collection.</li> </ol>		Early consultation with CN's Waste Services team is encouraged to guarantee satisfactory waste service arrangements can be accommodated within the subdivision design. On-site disposal of sewerage will only be considered when connection to Hunter Water Corporation mains is not feasible.
C-2. Use Ausgrid Style 2 standard light poles (galvanised), as amended/ updated/ renamed. If a developer proposes a more decorative style of light pole, a non-refundable payment may be required, at the rate of the unit cost for one pole and luminaire for each 10 units or part thereof.		
C-3. All utility services are provided underground.	AS-1. Where overhead electricity wiring exists in established areas this standard may be varied to provide for reasonable connection to the existing system.	For services installation, refer to the Model Agreement for Local Councils and Utility/Service Providers and the Guide to Codes & Practices for Streets Opening. Copies of detailed construction plans, approved by the respective utility provider, submitted before a Construction Certificate is issued for subdivision work.
C-4. The location of utility services does not adversely affect the viability of significant vegetation and waterways.	AS-1. Utility services are co-located within road reserves.  AS-2. Waterway crossings are minimised.  AS-3. Locate utilities to avoid habitat fragmentation and imposing vegetation maintenance on adjacent native vegetation and trees.	

C-5.Maintain adequate buffers between utility services and houses to protect residential amenity and health.		
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### 13.0 Battleaxe lots

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Ensure clear ownership and easements are established for battleaxe handles and stormwater drainage.</li> <li>2. Ensure appropriate management is established for battleaxe handles.</li> <li>3. Facilitate greater diversity in housing choice, form, and density.</li> <li>4. Provide safe and convenient vehicular and pedestrian access with adequate manoeuvring areas.</li> <li>5. Ensure the amenity of the lot and neighbouring lots is not compromised.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.Vehicle access, where shared between proposed lots, incorporates appropriate right of carriageway to ensure a clear legal standing. The right of carriageway includes any turning areas and visitor parking bays where appropriate.	
C-2.Access handles do not support more than two lots.	
C-3.The minimum width of the access handle for a domestic battleaxe lot is 3m.	
C-4.The minimum width of an access handle in a new residential site is 4m.	
C-5.An access handle for a residential battle-axe subdivision complies with AS2890.1 including not exceeding a maximum gradient of 25%.	
C-6.An access handle for a commercial or industrial battleaxe subdivision complies with AS2890.2.	
C-7.Access handles of a battleaxe allotment are not a dominating independent or cumulative feature within the streetscape.	
C-8.Access handles of battle-axe lots ensure vehicles enter and leave the site in a forward direction.	
C-9.Battleaxe subdivision design provides for satisfactory provisions for Fire and Rescue NSW appliance access and water supply.	Refer to Fire and Rescue NSW publication 'Access for fire brigade vehicles and firefighters.'
C-10.Battleaxe subdivisions that have frontage to a laneway provide satisfactory vehicular and pedestrian access; waste collection; addressing and mail delivery.	Refer to Section C11 - Development adjoining laneways.
C-11.The maximum length of the access handle for a battleaxe lot is 50m. Provide passing bays in accordance with Australian Standards.	
C-12.The pavement within the access handle and associated drainage (in accordance with Section C2 Movement Networks) is constructed from the road to the usable part of the lot prior to release of the subdivision certificate.	

## 14.0 Community title subdivision

### Objectives

1. Ensure community title subdivisions meet the needs of end users/owners.
2. Ensure all shared facilities or areas common to the scheme are suitably nominated.
3. Provision is made for ongoing effective and efficient management of Association land.

### Controls (C)

C-1. 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.

C-2. Appropriate vehicular access is provided having regard to the road hierarchy of the proposed movement network.

C-3. Essential services with separate meters are provided to all proposed lots, including common areas where necessary.

C-4. Where community title is proposed that includes environmental lands or riparian zones:

- a. the location, configuration and area should support biodiversity conservation or riparian corridors
- b. a vegetation management plan or similar document must be submitted for approval, which demonstrates how the land will be managed and monitored to ensure biodiversity and riparian corridor values and services of the land are maintained and enhanced
- c. the documentation must demonstrate sufficient resourcing is available to implement these management plans into the future.

**Note.** Sub-sections 8 - 11 also apply.

## 15.0 Lot consolidation

<b>Objectives</b>	
1. Prevent sites from becoming isolated and unable to be developed in accordance with LEP 2012.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<u>The following controls apply only to subdivisions in residential zones</u>	
C-1.Where development is proposed to cross lot boundaries, consolidation of the subject lots will be required.	Plans may be required showing potential building footprint and open space for constrained sites to ensure that relevant solar access requirements can be achieved.

## 16.0 Subdivision construction

<b>Objectives</b>	
1. Ensure subdivision works meet all necessary standards.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.All construction works associated with the subdivision are carried out in accordance with CN's adopted <i>Engineering Specifications for Development Design and Construction</i> .	Refer to CN's <i>Subdivision, Stormwater and Urban Forest Technical Manual/s</i> , as amended.

## 17.0 Bonding of work

<b>Objectives</b>	
1. Ensure lots are serviced prior to titles being registered with NSW Land Registry Services.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.Bonding for completion of minor works to allow the issuing of the subdivision certificate is only accepted where it is demonstrated such works are not required to service proposed lots that may be transferred into private ownership.	Bonds must be either cash or guarantee by a recognised financial institution.
C-2.Bonding of work to be completed on land that will continue to be privately owned after subdivision is generally not supported.	
C-3.Bonds may also be associated with defect liability periods or on-going maintenance works.	

## 18.0 Heritage items and heritage conservation areas

### Objectives

1. Ensure subdivision and consolidation of land involving a heritage conservation area are commensurate with the area's heritage significance and desired future character, and conserve the important characteristics of the subdivision pattern and allotment layout, streetscape character and notable features of the place.
2. Ensure subdivision and consolidation of land involving a heritage item are commensurate with the heritage significance of the item, and conserve the important characteristics of the subdivision pattern and allotment layout, streetscape character and notable features of the place.
3. Ensure that subdivision and consolidation of land involving a heritage item are appropriate with the setting of a heritage item.
4. Ensure that subdivision and consolidation of land involving a heritage item maintain an appropriate curtilage to conserve the heritage significance of the item.
5. Allow for the interpretation of the original subdivision pattern in any development proposal.

Control (C)	Acceptable solutions (AS)	Explanatory notes
C-1.The resultant allotment and building spacing (e.g. frontage widths, side and front boundary setbacks) maintain the fine grain pattern of development and rhythm of buildings in the streetscape or heritage conservation area.		Subdivision applications for land containing heritage items or for land in the vicinity of heritage items require adequate plans showing existing contours or levels, buildings, works, trees, and site features (e.g. dams), future building envelopes and the siting and setbacks of any proposed buildings. The heritage impact statement should demonstrate satisfaction that the: <ul style="list-style-type: none"> <li>• proposed curtilage around the heritage item is appropriate, and</li> <li>• subdivision will not compromise the heritage item's significance</li> </ul> Refer to Section E1 Built and Landscape Heritage and E2 Heritage conservation areas.
C-2.Retain significant features such as buildings, archaeological sites, and outbuildings that contribute to the heritage significance of the item or the pattern of development in the heritage conservation area.		

<p>C-3.Subdivision and consolidation of land in a heritage conservation area conserve the significant features of the precinct, the streetscape character and setting of contributory buildings.</p>	<p>AS-1.Vistas and views of heritage items, especially the principal elevations of buildings are not interrupted or obscured.</p> <p>AS-2.Future development does not visually disrupt the setting and impact on the presentation of the heritage item or contributory building in a heritage conservation area.</p>	
<p>C-4.Subdivision and consolidation of land involving a heritage item or property in a heritage conservation area allow for the original pattern of the subdivision to be interpreted in any development proposal.</p>		
<p>C-5.Retain the landscape quality of the streetscape or natural landscape in heritage conservation areas, the setting of the heritage item, and a satisfactory curtilage, including important landscape and garden elements such as any original garden areas, large trees, and other features which contribute to the significance of the heritage place.</p>		
<p>C-6.The subdivision does not demolish existing building stock that contributes to the heritage significance of the item, or rearrange vehicular access or car parking (on or off the site of the proposal), that adversely affects the streetscape in heritage conservation areas or the significance of any heritage item.</p>		



**PART D: Development controls by land use**  
**Section D2 Single dwelling and ancillary development**

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## 1.0 Introduction

The form of the built environment and its relationship to the natural environment are crucial factors in determining the future character and attractiveness of the area. Planning controls aim to help influence residential development form to be in harmony with its natural and constructed surroundings. This aims to enhance and contribute to the physical context valued by the local community and by an increasing number of visitors.

There is a growing diversity in residential needs, reflecting changing household types and incomes, lifestyles, and recreational pursuits. A higher quality of design within a more cost-efficient development framework is promoted.

The purpose of this section is to supplement the provisions of *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)) which should be read concurrently with this document.

## 2.0 Application

This section applies to all development consisting of:

- single dwellings
- alterations and additions
- ancillary structures.

For development involving heritage items or heritage conservation areas identified under [LEP 2012](#), a merit assessment is required to ensure the outcomes sought are balanced with heritage conservation outcomes.

## 3.0 Related sections

The following sections will also apply to development:

- B6 Urban heat
- C2 Movement networks

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B7 Land contamination
- C1 Traffic, parking and access
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C6 Waste management
- C7 Safety & security
- C8 Social impact
- C10 Street awnings and balconies
- C11 Development adjoining laneways
- C12 Open space and landscaping
- C13 Liveable housing
- E1 Built and landscape heritage
- E2 Heritage conservation areas
- E3 Tighes Hill character area
- E4 Kotara character area
- E6 Fort Wallace
- E7 Wickham
- E8 Renewal Corridors
- E10 Minmi extension
- E11 Minmi East

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## 4.0 Additional information

- Further information can be found at *YourHome, 2022, Commonwealth of Australia*

## 5.0 Objectives

1. Encourage development that complements and enhances the built environment and amenity of the public domain.
2. Ensure efficient use of land for residential purposes.
3. Protect residential uses from encroaching noise.
4. Encourage innovation and diversification in site layout and building design.
5. Ensure dwellings are compatible and contribute positively with the scale and bulk of the desired residential development character.
6. Ensure dwellings provide their occupants with adequate levels of comfort, security and amenity.
7. Ensure development is designed to take advantage of the positive attributes of the site; including, slope, aspect, trees, gardens and existing buildings.
8. Retain significant existing landscaping where possible.
9. Ensure adequate solar access for dwellings.
10. Regulate the comparative scale and external impacts of ancillary development used in association with a principal dwelling.

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## 6.0 Definitions

A word or expression has the same meaning it has in [LEP 2012](#), unless otherwise defined. Other words and expressions include:

- **Ancillary structure** – is a structure that is ancillary to the principal dwelling. An ancillary structure may include, but is not limited to a carport, garage, shed, pergola and/or deck.
- **Building envelope** – is the three dimensional space that limits the extent of a building on an allotment. It is defined by building height and front, side and rear boundary setbacks. Refer to definitions for building height and setback for inclusions and exclusions.
- **Direct sunlight** – is achieved when 1m<sup>2</sup> of direct sunlight on the glass is received for at least 15 minutes. To satisfy 3 hours direct sunlight, 12 periods of 15 minutes will need to be achieved, however the periods do not need to be consecutive.
- **Habitable room** – means a room used for normal domestic activities other than a bathroom, toilet, pantry, walk-in wardrobe, corridor lobby, clothes drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods of time.
- **Living area** – is 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 less frequently used.
- **Natural light** – daylight received into a building.
- **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.
- **Single dwelling** – a single dwelling shares the same definition as 'dwelling house' defined in LEP 2012.
- **Solar access** – the ability of a building to continue to receive direct sunlight without obstruction from other buildings or impediments, not including trees.

## 7.0 Application requirements

Development category	Application requirements	Explanatory notes
<p>Required where adjoining properties are likely to be impacted. e.g. buildings greater than one storey.</p>	<p>Shadow diagrams are to be supplied that graphically indicate how the requirements in sub-section 12.0 and 14.0 of this section have been achieved.</p> <p>Shadow diagrams must show the effect in plan and elevation view of the existing and proposed overshadowing for June 21 at 9:00am, 12:00pm and 3:00pm.</p> <p>Shadow diagrams at hourly intervals between 9:00am and 3:00pm may be required to demonstrate compliance with objectives.</p> <p>The shadow diagrams must:</p> <ul style="list-style-type: none"> <li>• be drawn to an appropriate scale (generally 1:100 or 1:200)</li> <li>• use different colours or style to clearly differentiate between existing and proposed shadows</li> <li>• indicate the footprint of neighbouring buildings impacted by existing and/or proposed shadowing, including the location of any windows, skylights, private open space/s, clothes drying areas, solar panels and/or solar hot water systems. It will be necessary to prepare elevation views where windows to living areas are impacted upon.</li> <li>• specify the use of the rooms that have windows or skylights that are impacted by the existing or proposed shadowing</li> <li>• indicate and use true north point (not magnetic north)</li> <li>• include elevation views where windows of living areas are impacted.</li> </ul>	<p>Shadow diagrams may not be required for developments involving a change of use.</p>
<p>All development applications (DAs) that propose new or changes to vehicular access and/or car parking.</p>	<p>A driveway section (drawn to a scale of 1:100) diagrams demonstrating compliance with AS2890 Parking Facilities.</p> <p>Swept turning path diagrams are also to be submitted for difficult to access sites.</p>	
<p>Any development that may require an acoustic report or a noise impact assessment.</p>	<p>An acoustic report or noise impact assessment is warranted when a noise-producing development is proposed near noise-sensitive areas or, conversely, when a noise-sensitive development is proposed in a noisy area.</p>	<p>More guidance can be found in the <i>Noise Guide for Local Government, 2023</i> (NSW Environment Protection Authority) and, <i>Approved Methods for the Measurement and Analysis of Environmental Noise in NSW, 2022</i> (NSW Environment Protection Authority).</p>

	<p>An acoustic report should:</p> <ul style="list-style-type: none"><li>• consider and apply relevant noise guidelines or policies – for example, those nominated by planning authorities in planning instruments or in pre-DA meetings for a development</li><li>• clearly describe assessment methodologies and include calculation data</li><li>• adequately consider relevant factors such as the effects of weather, extraneous noise sources, potentially annoying characteristics of noise sources and operating conditions at the time of measurements</li><li>• ensure any recommendations concerning acoustic attenuation are feasible and can be practically implemented.</li></ul>	
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## 8.0 Street frontage appearance

### Objectives

1. Ensure development complements and harmonises with the positive elements of existing development in the street.
2. Ensure setbacks are compatible with the existing or intended local streetscape.
3. Ensure garages and carports are integrated into a development and do not dominate the streetscape.
4. Ensure development provides passive surveillance of the street.
5. Ensure dwellings address the street.
6. Maximise opportunities for walking and cycling where possible.

### Controls (C)

C-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 D2.01**.

### Explanatory notes

Ancillary development and building elements within the permitted articulation zone are not included in the setback calculation. See **Figure D2.04** and refer to C-4 for further details.

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 or more than 10m<sup>2</sup>.

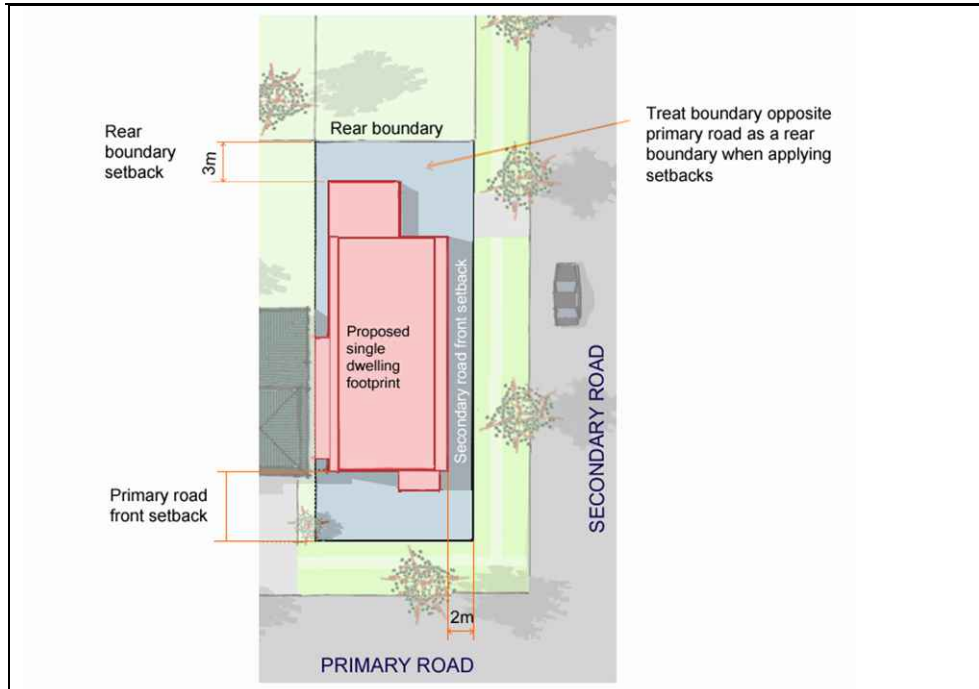
C-2.If there is no established setback the minimum front setback (building line) to the road is:			The front setback is predominantly landscaped however, on merit assessment, part of the setback area may be used for carports, depending on compatibility with the streetscape. Car parking spaces must be contained within the allotment boundaries.
<b>Road type</b>	<b>Lots with an area of less than 300m<sup>2</sup> minimum setback</b>	<b>Lots with an area 300m<sup>2</sup> or more minimum setback</b>	
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 <b>Figure D2.02</b> .			
C-3.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 <b>Figure D2.03</b> and <b>Figure D2.04</b> .			<p>The following building elements are permitted in an articulation zone:</p> <ul style="list-style-type: none"> <li>• landscape area and awnings</li> <li>• an entry feature or portico</li> <li>• a balcony, deck, patio, pergola, terrace or verandah</li> <li>• a window box treatment</li> <li>• a bay window or similar feature</li> <li>• an awning or other feature over a window</li> <li>• a sun shading feature.</li> </ul> <p>Ancillary development and building elements within the permitted articulation zone are not included in the setback calculation.</p>
C-4.The articulation zone is a maximum 25% of the width of the lot at the building line. See <b>Figure D2.03</b> .			
C-5.Dwellings must have a front door and a window of a habitable room facing the primary road.			
C-6.Bathroom and ensuite windows are not to face the primary road.			
C-7.Dwellings on sites with two or more frontages must be designed and oriented to address both frontages and include appropriate design features and articulation.			
C-8.A 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.			



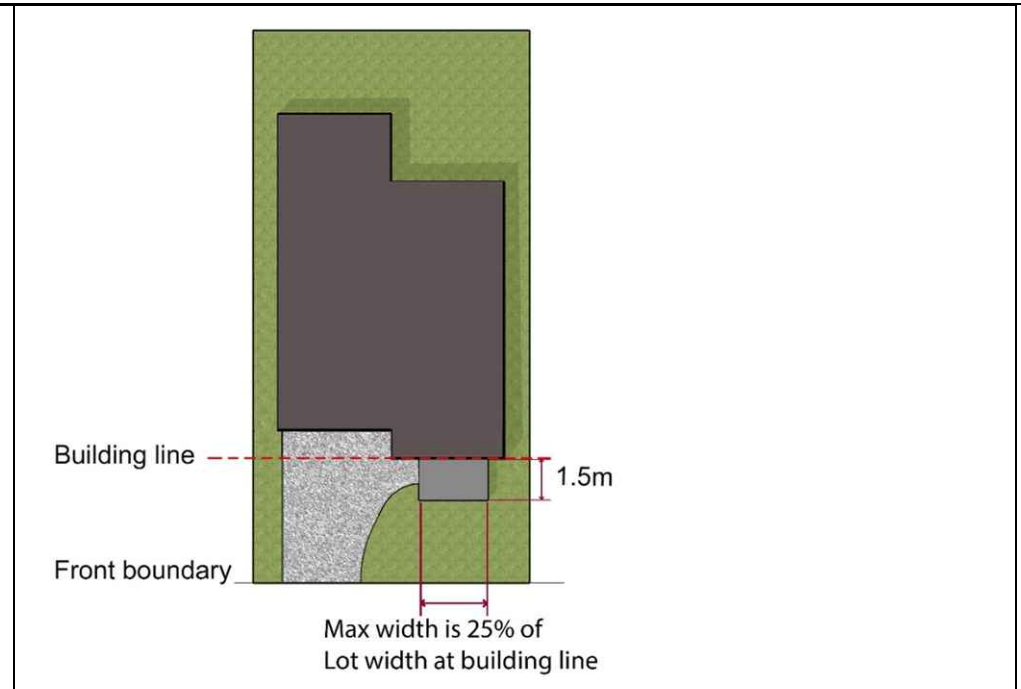
<p>C-9. Development is to provide footpaths for the full width of any site frontage. Where the proposed footpath will adjoin and connect to an existing or approved footpath on an adjoining site, the width of the proposed footpath is to match this footpath width. See C2 Movement networks for detail.</p>	<p>As per Section C2 Movement networks, when determining the requirement for footpaths, considerations by CN may include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• the development type, scale and density</li> <li>• planned or likely intensification of an area</li> <li>• adjoining or surrounding footpath infrastructure and surface treatments</li> <li>• condition of any existing footpath and need for replacement</li> <li>• CN forecasted infrastructure and asset projects or capital works programs</li> <li>• topography of the road reserve along subject site frontage</li> <li>• the presence of any utilities, services, assets, street trees, street furniture or the like.</li> <li>• CN public domain plans and standard drawings for footpaths.</li> </ul> <p>For more intensive developments it may be a CN requirement to extend footways beyond the site frontage such as to connect to public transport or nearby services to support the development.</p>
<p>C-10. Driveway crossings must incorporate a minimum 1.5m wide section at a grade of 1 in 40 (even where there is no footpath) to facilitate footpath construction.</p>	



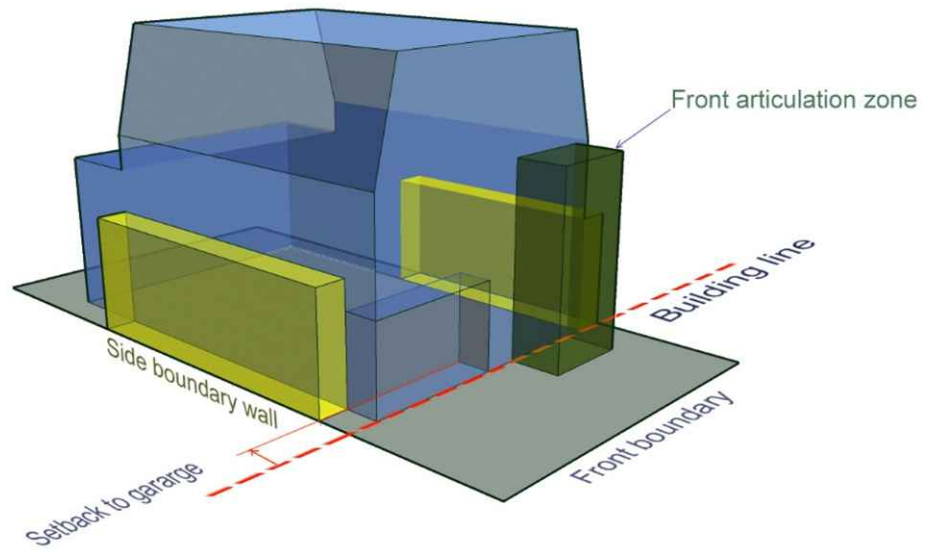
**Figure D2.01: Front setbacks consistent with neighbouring dwellings 40m either side**



**Figure D2.02: Setbacks from primary and secondary road**



**Figure D2.03: Aerial view of building articulation zone**

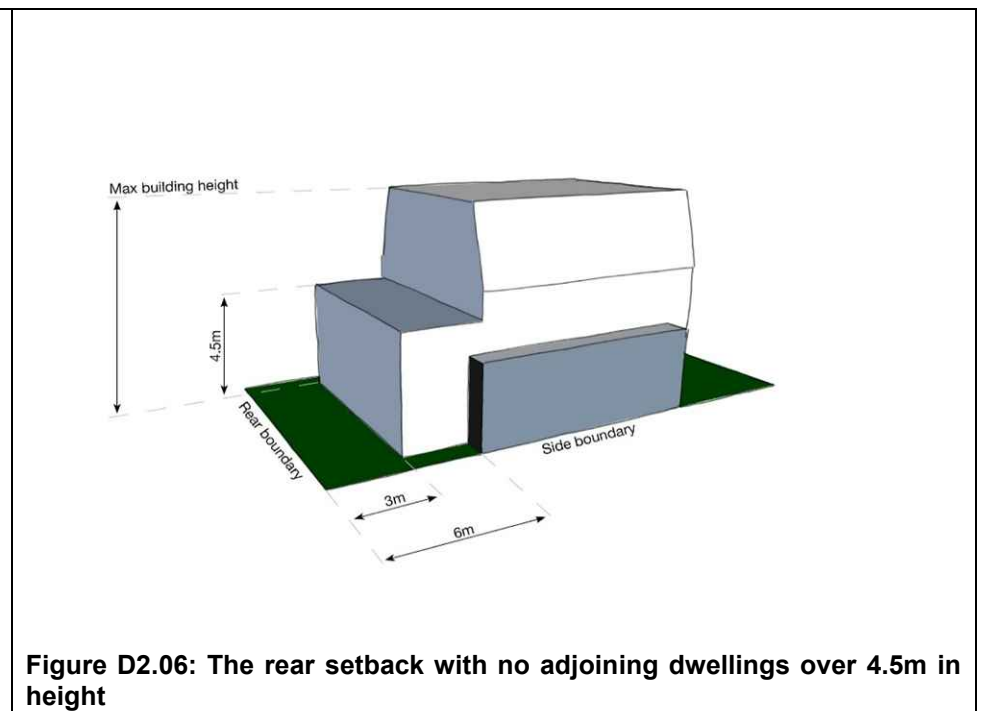
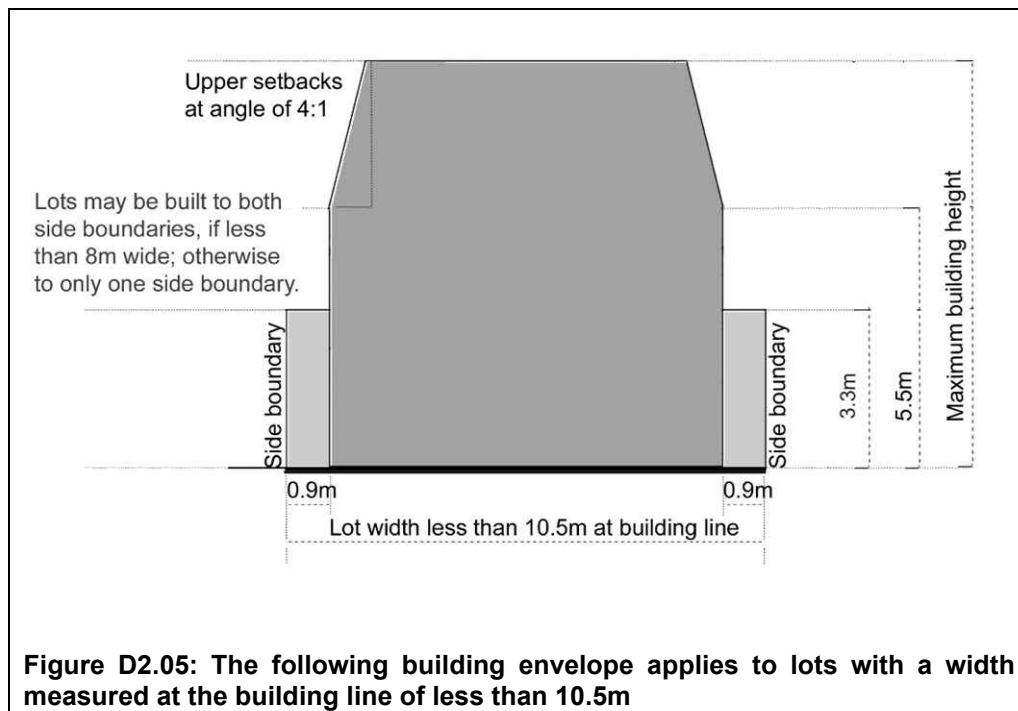


**Figure D2.04: Building articulation zone – envelope**

## 9.0 Side/rear setbacks (building envelope) – lots with a width less than 10.5m

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Ensure the bulk and scale of development is consistent with and complements the prevailing built form in the street and local area.</li> <li>2. Ensure the bulk and scale of development is not overbearing for adjoining dwelling houses and their private open space.</li> <li>3. Minimise the impacts of development on the amenity and privacy of residents in adjoining dwelling houses.</li> <li>4. Prevent the loss of significant views or outlook of adjoining residents.</li> <li>5. Provide for natural light, sunlight and breezes.</li> <li>6. Retain, protect or establish significant landscaping and trees which contributes to the public domain and allows for the street landscape character to be maintained.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<p>C-1.The building is to be contained in the building envelope defined by:</p> <ol style="list-style-type: none"> <li>a. 900mm set back from each side boundary up to a height of 5.5m then in at an angle of 4:1 up to the maximum height specified in the LEP 2012</li> <li>b. buildings on lots with a width less than 8m can be built to both side boundaries</li> <li>c. buildings on lots with a width of 8m-10.5m can build to one side boundary only.</li> </ol> <p>See <b>Figure D2.05</b>.</p>	<p>Side and rear setbacks do not apply to:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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.</li> </ul>
<p>C-2.Where boundary walls are used each boundary wall is:</p> <ol style="list-style-type: none"> <li>a. to be a maximum height of 3.3m or match an existing adjoining wall (whichever is greater)</li> <li>b. to have a maximum length of 20m or 50% of the lot depth (whichever is the lesser)</li> <li>c. be in accordance with the Building Code of Australia, be maintenance free and have an attractive finish (e.g. face brick).</li> </ol> <p>See <b>Figure D2.05</b>.</p>	
<p>C-3.Notwithstanding C-1 and C-2, buildings are not to be built to the boundary if:</p> <ol style="list-style-type: none"> <li>a. the wall of the building on the adjoining lot is not of masonry construction and is within 900mm of the boundary</li> <li>b. the wall of the building on the adjoining lot has a window facing the boundary within 900mm of the boundary.</li> </ol>	

<p>C-4. The setback to the rear boundary is to be at least the following:</p> <ol style="list-style-type: none"> <li>any part of the building up to 4.5m in height – a 3m setback</li> <li>any part of the building with a height greater than 4.5m either:             <ol style="list-style-type: none"> <li>if there are two 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</li> <li>if there are no adjoining dwellings over 4.5m in height - a 6m setback</li> </ol> </li> <li>on corner lots the boundary opposite the primary road frontage taken to be the rear boundary for the purposes of applying setbacks. See <b>Figure D2.02</b>.</li> <li>sub-section 15 to 19 outlines exceptions to rear setbacks for ancillary structures.</li> </ol>	<p>In the case of corner sites, the primary street frontage is taken to be the boundary which is the shorter of both frontages.</p>
<p>C-5. Where a rear boundary adjoins a lane, development complies with Section C11 Development adjoining laneways.</p>	



**Figure D2.05: The following building envelope applies to lots with a width measured at the building line of less than 10.5m**

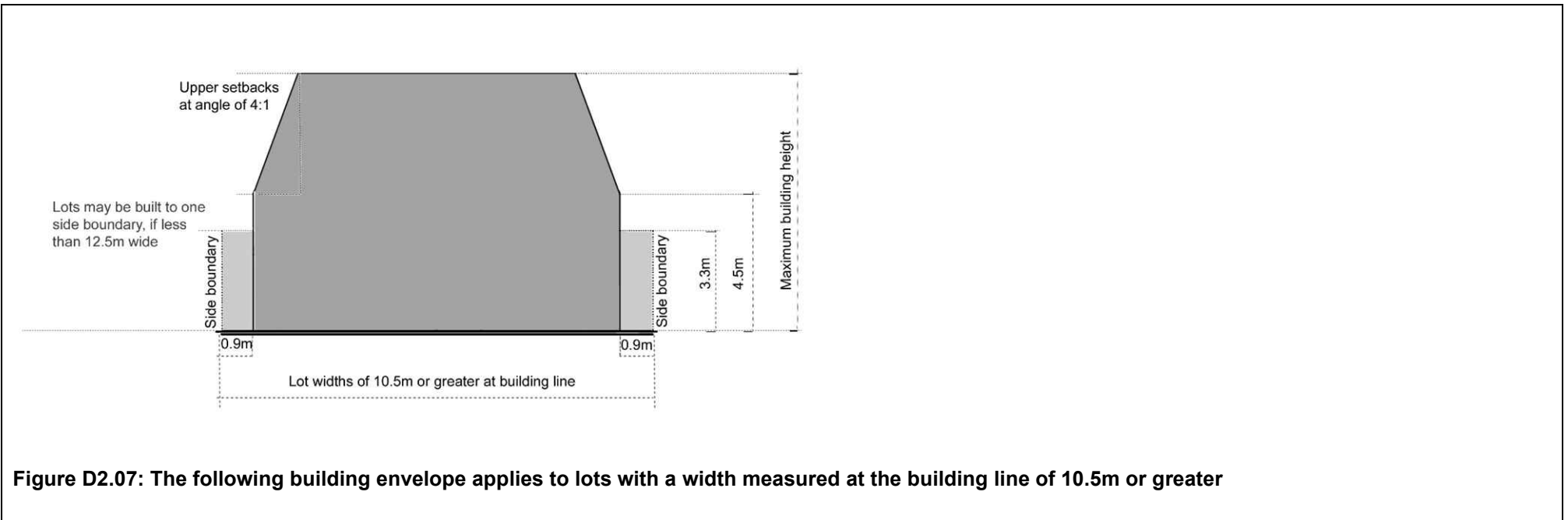
**Figure D2.06: The rear setback with no adjoining dwellings over 4.5m in height**

## 10.0 Side/rear setbacks (building envelopes) – lots with a lot width of 10.5m or greater

<b>Objective</b>	
<ol style="list-style-type: none"> <li>1. Ensure the bulk and scale of development is consistent with and complements the prevailing built form in the street and local area.</li> <li>2. Ensure the bulk and scale of development is not overbearing for adjoining dwelling houses and their private open space.</li> <li>3. Minimise the impacts of development on the amenity and privacy of residents in adjoining dwelling houses.</li> <li>4. Prevent the loss of significant views or outlook of adjoining residents.</li> <li>5. Provide for natural light, sunlight and breezes.</li> <li>6. Retain, protect or establish significant landscaping and trees which contributes to the public domain and allows for the street landscape character to be maintained.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<p>C-1.The building is contained in the building envelope defined by:</p> <ol style="list-style-type: none"> <li>a. 900mm setback from each side 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 LEP 2012</li> <li>b. lots with a width of 10.5m to 12.5m can be built to one side boundary only</li> <li>c. lots over 12.5m are <b>not</b> built to side boundaries.</li> </ol> <p>See <b>Figure D2.07</b>.</p>	<p>Side setbacks are determined by the width of the lot measured at the building line and by the building height. When calculating the side setback, the development controls provide incremental setbacks. The height of the building is taken at the point closest to the boundary, as opposed to the overall height of the building, which creates a stepped setback along the side boundary.</p> <p>Side and rear setbacks do not apply to:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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.</li> </ul>
<p>C-2.Where boundary walls are proposed each boundary wall is:</p> <ol style="list-style-type: none"> <li>a. to be a maximum height of 3.3m or match an existing adjoining wall (whichever is greater)</li> <li>b. to have a maximum length of 20m or 50% of the lot depth (whichever is lesser)</li> <li>c. be in accordance with the Building Code of Australia, maintenance free and attractive finish (e.g. face brick).</li> </ol> <p>See <b>Figure D2.07</b>.</p>	

<p>C-3. Notwithstanding C-1 and C-2, buildings are <b>not</b> built to the boundary if:</p> <ul style="list-style-type: none"> <li>a. the wall of the building on the adjoining lot is not of masonry construction and is within 900mm of the boundary, or</li> <li>b. the wall of the building on the adjoining lot has a window facing the boundary within 900mm of the boundary.</li> </ul>	
<p>C-4. The setback to the rear boundary is to be at least:</p> <ul style="list-style-type: none"> <li>a. for any part of the building up to 4.5m in height – a 3m setback</li> <li>b. any part of the building with a height greater than 4.5m either: <ul style="list-style-type: none"> <li>i. if there are two adjoining dwellings with a height over 4.5m the lesser of either a 6m setback or the average distance of those parts of the building over 4.5m, whichever is the lesser</li> <li>ii. if there are no adjoining dwellings over 4.5m in height - a 6m setback. See <b>Figure D2.06</b>.</li> </ul> </li> <li>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 <b>Figure D2.02</b>.</li> <li>d. exceptions to rear setbacks for ancillary structures are outlined under sub-section 15 to 19.</li> </ul>	<p>In the case of corner sites, the primary street frontage is taken to be the boundary which is the shorter of both frontages.</p>
<p>C-5. Where a rear boundary adjoins a lane, development complies with Section C11 Development adjoining laneways.</p>	





## 11.0 Building design and layout

Controls (C)
C-1.Orientate all development and windows to maximise natural light and breeze penetration to reduce reliance on artificial heating and cooling.
C-2.Living rooms are to have dual orientation to promote cross-ventilation.
C-3.Development ensures services and related structures, including air conditioning and other mechanical plant, vents exhausts and refuse and recycling or bin storage areas are: <ul style="list-style-type: none"> <li>• oriented towards the internal driveways on site, and</li> <li>• located, screened or landscaped so that they are not visually intrusive when viewed from the street.</li> </ul>
C-4.For dwellings containing 6 bedrooms: <ul style="list-style-type: none"> <li>• a total of at least 30m<sup>2</sup> of living area, and</li> <li>• minimum dimensions of 3m for each living area.</li> </ul>
C-5.For dwellings containing more than 6 bedrooms: <ul style="list-style-type: none"> <li>• a total of at least 30m<sup>2</sup> of living area plus at least a further 2m<sup>2</sup> for each private room in excess of 6 bedrooms, and</li> <li>• minimum dimensions of 3m for each living area.</li> </ul>
C-6.Adequate bathroom, laundry and kitchen facilities will be available for dwellings containing more than 6 bedrooms for the use of each occupant.

## 12.0 Private open space

<b>Objectives</b>	
1. Ensure dwellings are provided with adequate private open space. 2. Ensure private open space provides a high level of residential amenity and is designed for privacy, solar access and is positioned to provide convenient access from internal living areas.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.Lots must have a 4m x 4m level area of private open space directly accessible from the living area of the dwelling (principal area of private open space) in addition to landscaping required under Section C12 Open Space and landscaping.	Areas used for driveways, car parking, drying, yards and service areas are not to be included when calculating principal area of private open space.
C-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.	
C-3.The principal area of private open space can be covered by a waterproof roof.	
C-4.The principal area of private open space can be partially enclosed, but will contribute to the gross floor area if it is enclosed on all sides with walls greater than 1.4m.	
C-5.The principal area of private open space is not located in the front setback to the primary road.	
C-6.The principal area of private open space is adequately screened for privacy from adjacent dwellings and passers-by.	

### 13.0 Visual and acoustic privacy

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Provide adequate privacy to the principal area of private open space and the windows of habitable rooms.</li> <li>2. Ensure dwellings do not unreasonably overlook living room windows or the principal area of private open space of neighbouring dwellings.</li> <li>3. Ensure outside noise levels are controlled to acceptable levels in living rooms and bedrooms of dwellings.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.Noise from external sources impacting upon residential habitable areas will need to be adequately addressed to ensure appropriate internal noise levels are achieved in accordance with the appropriate legislation, guidelines and standards. This may require applicants to obtain an acoustic report or a noise impact assessment from an appropriately qualified and experienced acoustic engineer to support their application.	<p>Further information can be found in the application requirements.</p> <p>A noise-producing development or noisy area may have a range of activities contributing to noise and is not limited to that produced from busy roads, railways, industries, live music venues, entertainment, gymnasiums, public parks and plazas in which people may congregate or host live music or events.</p>
C-2.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.	<p>Designers should consider the following measures to alleviate direct view impacts:</p> <ul style="list-style-type: none"> <li>• proper consideration of privacy outcomes at site planning stage</li> <li>• screening, including lattice</li> <li>• off set windows</li> <li>• innovative balcony design</li> <li>• the slope of the site and adjoining land</li> <li>• highlight windows.</li> </ul> <p>Sloping sites may rise particular privacy issues and these should be addressed through design.</p>
C-3.Windows to habitable rooms are not to directly face windows to habitable rooms of adjacent dwellings. Direct views between habitable room windows of adjacent dwellings are screened or obscured where: <ol style="list-style-type: none"> <li>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 <b>Figure D2.08</b></li> <li>b. windows above ground floor are within a privacy sensitive zone described by a 12m radius. See <b>Figure D2.09</b>.</li> </ol>	

<p>C-4. Direct views from living rooms into the principal area of private open space and living rooms of adjacent dwellings are minimised through building layout, window and balcony location and design and use of screening devices including landscaping. See <b>Figure D2.10</b>.</p>	
<p>C-5. 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 <b>Figure D2.10</b>.</p>	<p>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.</p>
<p>C-6. Direct views described in controls C-2 and C-3 may be obscured by one of the following measures:</p> <ol style="list-style-type: none"> <li>a. 1.8m high solid fences and walls between ground floor level windows and adjoining open space where the slope is below 10%</li> <li>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</li> <li>c. highlight windows with a minimum sill height of 1.5m above finished floor level.</li> </ol>	<p>Elevated ground floor level may require higher fencing to maintain privacy.</p>
<p>C-7. Bedrooms, main living areas and the principal area of private open spaces must be located away from noise sources.</p>	<p>Kitchen, bathroom and garage areas should be located closest to noise sources.</p>



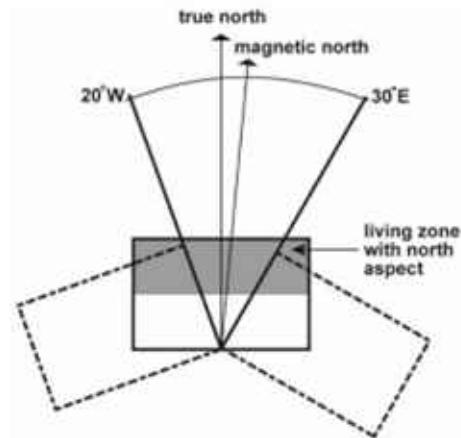
**Figure D2.08: A privacy sensitive zone for a single dwelling**



**Figure D2.09: Potential privacy impacts that would require screening**

## 14.0 Solar access

<b>Objectives</b>		
1. Maximise solar access into living rooms and private open space of development. 2. Ensure development does not significantly overshadow living area windows and principal areas of private open space or existing solar panels of adjacent dwellings.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.Dwellings must be orientated to maximise solar access to living rooms. See <b>Figure D2.10</b> .		
C-2.All primary living areas and principal areas of private open space are positioned to the north or north-east where possible.		
C-3.Maintain at least three hours of direct sunlight to the windows of living areas that face north in existing adjacent dwellings between 9am and 3pm on 21 June. See <b>Figure D2.10</b> for northerly aspect windows.		Windows of living areas facing north are taken to be within 20° and 30° east of true north. See <b>Figure D2.10</b> .  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.
C-4.Direct sunlight must reach 50% of the principal area of private open space of the subject dwelling for at least three hours between 9am and 3pm on 21 June. Where such areas already receive less than three hours of sunlight, development does not further reduce sunlight.		Where existing overshadowing by buildings and fences of the principal area of private open space of adjoining properties does not satisfy control C-2, it must be demonstrated that the existing sunlight is not unreasonably reduced.
C-5.Direct sunlight must reach 100% of the principal area of private open space of any adjacent dwelling for at least two hours between 9am and 3pm on 21 June. Where such areas already receive less than two hours of sunlight, development does not further reduce sunlight.		
C-6.Consideration must be given to neighbouring properties' solar panels and the loss of sunlight to these panels as a result of any development proposal, having regard to the performance, efficiency, economic viability and reasonableness of their location.	AS-1.Where reasonably practicable sunlight to any existing solar panels should not be reduced to less than two hours between 9am and 3pm on 21 June.	The location and placement of solar panels should take into account the potential permissible building form on adjacent properties.  Impact to solar panels where unreasonably located will not result in the requirement to modify the development to protect solar access to such panels.



**Figure D2.10: Northern aspect windows**

## 15.0 View sharing

### Objectives

1. Ensure development is designed to allow view sharing with neighbouring properties.
2. Identify existing views and demonstrate how view sharing is achieved.
3. Protect important public views and vistas by the form and treatment of buildings including roof scapes.

### Controls (C)

C-1.Views from existing residential development are considered in the site planning and massing of development, to ensure that existing views or vistas to water, city skyline and iconic views are not unreasonably obscured.

### Explanatory notes

Developments resulting in impacts to views must be submitted with supporting justification within the Statement of Environmental Effects having regards to the planning principle for view sharing established by the NSW Land and Environmental Court (Tenacity Consulting Vs Warringah Council (2004).



## 16.0 Car parking and vehicular access

Controls (C)
C-1.The off street parking for a battle-axe lot are constructed in a way that allows vehicles to leave the lot in a forward direction.
C-2.The driveway is at least 2.5m wide, with adequate turning area provided to allow ease of access to garages.
C-3.One driveway crossing is permitted for allotments of land. The maximum width of the driveway crossing shall not exceed 4.5m.
C-4.Where on-street parking is currently available in front of the development, the proposed driveway/s are located and spaced so that at least one on-street car parking space is retained.
C-5.Vehicular access and car parking areas are suitably located to maximise landscape area.
C-6.Where possible, new vehicular access is designed to avoid existing street trees.
C-7.No more than two single garages or one double garage is located at the front facade.
C-8.Where rear access is available and/or where this is the prevailing pattern of development in the street, vehicular access and car parking areas are located at the rear of the site.

## 17.0 Ancillary development - carports and garages

Controls (C)
C-1.The carport or garage has a maximum floor area of 40m <sup>2</sup> .
C-2.The carport or garage has a maximum height of 4.5m above existing ground level.
C-3.The carport or garage complies with controls under sub-section 16.0 Car parking and vehicular access, of this section.
C-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.
C-5.Side/rear setbacks: <ul style="list-style-type: none"><li>a. the setback from side boundaries complies with the controls under sub-section 9.0 or sub-section 10</li><li>b. the minimum setback to the rear boundary is 900mm.</li></ul>
C-6.A carport has two or more sides open and not less than one-third of its perimeter open.

## 18.0 Ancillary development - detached studios

<b>Objectives</b>	
1. Ensure the detached studio complements and harmonises with the principal dwelling on the site and the positive elements of the streetscape. 2. Ensure the detached studio is compatible with the scale and bulk of desired residential development character. 3. Ensure adequate amenity for the principal dwelling and surrounding properties is retained.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. The development complies with all controls in this section (as for the principal dwelling), other than: <ol style="list-style-type: none"> <li>a. floor space – the total floor area of the detached studio must not exceed:               <ol style="list-style-type: none"> <li>i. 20m<sup>2</sup> – if the lot area is not more than 350m<sup>2</sup></li> <li>ii. 35m<sup>2</sup> – if the lot area if more than 350m<sup>2</sup></li> </ol> </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 controls under sub-section 9.0 and 10.0</li> <li>ii. the minimum setback to the rear boundary is 900mm.</li> </ol> </li> <li>e. private open space – the detached studio must maintain a principal area of private space for the principal dwelling.</li> </ol>	Allowable encroachments outlined under sub-section 9 and 10 continue to apply.  Principal area of private open space – a 4m x 4m level area of private open space directly accessible from the main living area of the dwelling.

## 19.0 Ancillary development - fences

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Ensure front fences and walls complement and harmonise with the streetscape character.</li> <li>2. Enable outlook from dwellings to the street for safety and surveillance.</li> <li>3. Provide fencing of an appropriate form and scale.</li> <li>4. Enable safe vehicular access to the site and adjoining lots.</li> <li>5. Limit higher front fences and walls to minimise amenity impacts.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<b>General</b>	
C-1.Fencing and walls located on bush fire prone land are constructed of non-combustible materials.	
C-2.Fencing and walls do not incorporate barbed wire in its construction or be electrified.	
C-3.If it is constructed of metal components - be of low reflective, factory pre-coloured materials.	
C-4.If it is on a sloping site and stepped to accommodate the fall in the land.	The provisions of the <i>Dividing Fences Act 1991</i> also apply. Common boundary fencing proposals may require the consent of the adjoining land owner.
<b>Front fences</b>	
C-5.Front fences and walls have a maximum height of 1.2m (unless development meets C-9 or C-10) and must set to follow any change in level along the street boundary	
C-6.Front fences and walls highlight the entrance to the dwelling.	
C-7.The use of sheet-metal fencing / colorbond is not accepted along the front boundary.	
C-8.Front fences and walls are constructed of materials compatible with the dwelling, and with attractive visible examples of fences and walls in the streetscape.	
C-9.Fencing is to be located to ensure sight lines between pedestrians and vehicles exiting the site are not obscured.	
C-10.Gates do not open over the public roadway or footpath.	

<p>C-11. The front fence or wall height may be increased to 1.8m for development fronting onto an arterial road if:</p> <ol style="list-style-type: none"> <li>the development site is not a heritage item or located in a heritage conservation area; and</li> <li>it is demonstrated that traffic volumes will have a negative impact on amenity of residents; and</li> <li>the visual impact of the fence to the street is softened through setbacks, landscaping and design; and</li> <li>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 D2.11</b>.</li> </ol>	<p>Refer to Section E1 Built and Landscape Heritage.</p>
<p>C-12. The front fence or wall height may be increased to 1.8m for development which provides the principal private open space in front of the building line:</p> <ol style="list-style-type: none"> <li>the entire fence or wall has openings making it not less than 30% transparent see <b>Figure D2.12</b>.</li> <li>the visual impact of the fence or wall to the street is softened through landscaping and design see <b>Figure D2.12</b>.</li> <li>the fence is not on the northern side of the principal area of private open space and will not cause excessive overshadowing</li> <li>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 D2.11</b>.</li> </ol>	<p>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 D2.12</b>.</p>
<p><b>Side and rear fences</b></p>	
<p>C-13. Side fences on corner sites are to be designed and located so as to:</p> <ol style="list-style-type: none"> <li>maintain the streetscape character</li> <li>be consistent with the established pattern of fencing.</li> </ol>	
<p>C-14. Side fences forward of the front building lines are compatible with the established front fencing in the street.</p>	

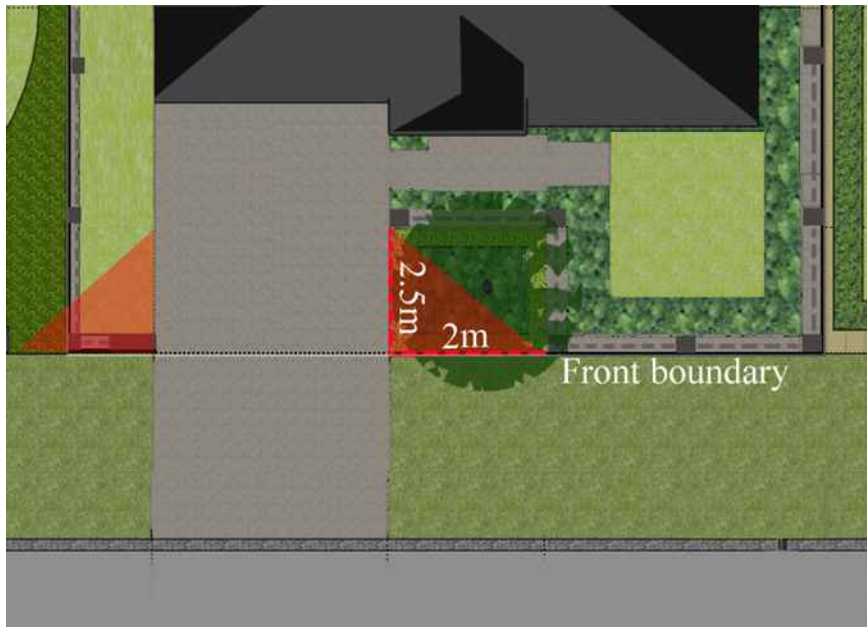


Figure D2.11: A 2m x 2.5m splay at the driveway and property boundary to avoid obstructions to visibility



Figure D2.12: An example of a 1.8m transparent fence with landscaping complying with the driveway splay

## 20.0 Ancillary development - secondary dwellings

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Ensure the secondary dwelling complements and harmonises with the principal dwelling on the site and the positive elements of the streetscape.</li> <li>2. Ensure 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. Maintain a reasonable level of amenity for surrounding properties.</li> <li>5. Ensure the secondary dwelling is subservient to the principal dwelling in scale, character and prominence in the streetscape.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<p>C-1. Secondary dwellings comply with all controls within this section (as for the principal dwelling), other than:</p> <ol style="list-style-type: none"> <li>a. street frontage appearance               <ol style="list-style-type: none"> <li>i. setbacks are per sub-section 8.0</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> <li>iii. the secondary dwelling does not detract from the visual amenity of the principal dwelling on the site and surrounding locality</li> <li>iv. the secondary dwelling is not forward of the principal dwelling</li> </ol> </li> <li>b. private open space               <ol style="list-style-type: none"> <li>i. the secondary dwelling must maintain a principal 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> </li> <li>c. car parking               <ol style="list-style-type: none"> <li>i. no additional parking for the secondary dwelling is required</li> <li>ii. any parking in addition to one space for the secondary dwelling will be included in overall floor area.</li> </ol> </li> </ol>	<p>See Definitions above for a definition of principal private open space.</p>
<p>C-2. The installation of a secondary dwelling is not to compromise the controls stated for the principal dwelling. Sub-sections 8.0 to 16.0 continue to apply to the site as a whole, and include all development on the site (the principal dwelling, secondary dwelling and any ancillary development).</p>	
<p>C-3. Secondary dwellings above detached garages fronting a rear lane or street are to be integrated with the existing rear line or street character and not present as a two storey wall to the rear lane or street.</p>	

## 21.0 Ancillary development - swimming pools

### Objectives

1. Ensure swimming pools are not visually intrusive.
2. Locate, design and operate swimming pools in a safe manner and in accordance with the relevant standards.
3. Prevent unreasonable noise transmission to adjoining dwellings through design and location of pool equipment.

### Controls (C)

C-1.The swimming pool is located either behind the setback area from a primary road, or to the rear of the property.

C-2.The swimming pool water line must have a setback of at least 500mm from a side or rear boundary.

C-3.Despite control C-1 and C-2, if the swimming pool is being constructed in a heritage conservation area, the swimming pool must be located:

- a. behind the rear most building line of the dwelling house
- b. no closer to each side boundary than the dwelling house.

C-4.The pump is housed in a sound absorbing enclosure.



## **PART D: Development controls by land use**

### **Section D3 Residential development**

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## 1.0 Introduction

The form of the built environment and its relationship to the natural environment are crucial factors in determining the future character and attractiveness of the area. Planning controls aim to influence residential development form to be in harmony with its natural and constructed surroundings. This aims to enhance the physical context valued by the local community and by an increasing number of visitors.

There is a growing diversity in residential needs, reflecting changing household types and incomes, lifestyles, and recreational pursuits. A higher quality of design within a more cost-efficient development framework is promoted.

Building forms need to relate to each other and be compatible with their surroundings by respecting established positive themes in design, orientation, forms, scale, materials and landscaping.

## 2.0 Application

This section applies to all residential development consisting of:

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

This section does not apply to single dwellings or secondary dwellings.

For development involving heritage items or heritage conservation areas identified under *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), a merit assessment will be undertaken to ensure the outcomes sought are balanced with heritage conservation outcomes.

## 3.0 Related sections

The following sections will also apply to development:

- B6 Urban heat
- C2 Movement networks
- C13 Liveable housing

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B7 Land contamination
- C1 Traffic, parking and access
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C6 Waste management
- C7 Safety & security
- C8 Social impact
- C10 Street awnings and balconies

- C11 Development adjoining laneways
- C12 Open space and landscaping
- E1 Built and landscape heritage
- E2 Heritage conservation areas
- E3 Tighes Hill character area
- E4 Kotara local character
- E6 Fort Wallace
- E7 Wickham
- E8 Renewal Corridors
- E10 Minmi extension
- E11 Minmi East

## 4.0 Additional information

### Design excellence: Urban Design Review Panel

The Urban Design Review Panel (UDRP) provides independent, expert advice about the quality of the urban design and amenity of referred developments.

Some types of development must be referred. These include:

- Residential flat buildings
- Shop top housing
- Mixed-use development with a residential accommodation component.

Other types of development that may be referred due to their nature, location or scale, and likely impact upon the surrounding locality include:

- Boarding houses
- Co-living
- Education establishments
- Multi dwelling and attached dwelling developments comprising ten or more dwellings,
- Seniors housings
- Serviced apartment
- Tourist and visitor accommodation
- Modification applications where the development consent to be modified was subject to UDRP advice and the modifications are not minor
- Any other development referred at the discretion of the relevant manager at City of Newcastle (CN).

This section does not apply to development captured by *NSW Department of Planning and Environment's Apartment Design Guide (Apartment Design Guide)*. All other development is to demonstrate compliance with this Section.

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## 5.0 Objectives

1. Ensure development is compatible with the scale and desired residential character of the area.
2. Encourage innovation and diversification in the type and size of residential development.
3. Ensure residential development has a high level of privacy, comfort, security, amenity and liveability.
4. Provide an active and attractive public domain.
5. Ensure development is designed to complement the individual site conditions including slope, aspect, trees and existing buildings.
6. Recognise the importance of live music and entertainment and adequately protect encroaching noise to sensitive residential uses through the agent of change principle.
7. Reduce the risk of potential for land use conflict.
8. Ensure sensitive land uses are adequately buffered.

## 6.0 Definitions

A word or expression has the same meaning as it has in [LEP 2012](#), unless otherwise defined. Other words and expressions include:

- **Agent of change** – is a legal principle which outlines that the entity responsible for introducing a change into the built environment carries the onus of mitigating the impacts of that change.
- **Deep soil zone** – is an area of soil within a development unimpeded by buildings or structures above and below ground. Deep soil zones enable planting of vegetation and a permeable ground surface to allow for the infiltration of surface water. They exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.
- **Direct sunlight** – is achieved when 1m<sup>2</sup> of direct sunlight on the glass is received for at least 15 minutes. To satisfy 3 hours direct sunlight, 12 periods of 15 minutes will need to be achieved, however the periods do not need to be consecutive.
- **Lightwell** – is an enclosed void or space open to the sky and allows natural light and air to flow to the interior of a building. It is usually located in the centre of a building or towards the rear of a building.
- **Habitable room** – means a room used for normal domestic activities other than a bathroom, toilet, pantry, walk-in wardrobe, corridor lobby, clothes drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods of time.
- **Studio apartment** – is an apartment consisting of one habitable room that combines kitchen, living and sleeping space.

## 7.0 Application requirements

Development category	Application requirements	Explanatory notes
All applications that include the erection of a structure or the extension of an existing structure may require a 3D model.	The format should be compatible to that used by City of Newcastle (CN). Format specification requirements for the model can be provided by CN's Geospatial Information Services team.	The 3D Model should be used to illustrate the following information: <ul style="list-style-type: none"> <li>• context 'before' and 'after' streetscape drawings/images and/or photomontages;</li> <li>• shadow diagrams; and</li> <li>• assessment of impact on view corridors.</li> </ul>
Attached dwellings, dual occupancies and semi-detached dwellings.	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 (DA).	All residential flat buildings and shop top housing over three storeys in height will be assessed against the design quality principles outlined in <i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment</i> (SEPP 65) and design guidance outlined in the <i>Apartment Design Guide</i> .
All forms of residential development except attached dwellings, dual occupancies and semi-detached dwellings.	A detailed site analysis is undertaken to understand all issues and considerations including: <ol style="list-style-type: none"> <li>a. relationship to the public domain and surrounding development</li> <li>b. existing vegetation and trees</li> <li>c. boundary treatments</li> <li>d. retaining walls, fences, overshadowing impacts and privacy considerations</li> <li>e. orientation</li> <li>f. slope</li> <li>g. geology</li> <li>h. contamination</li> <li>i. infrastructure</li> <li>j. access arrangements</li> <li>k. stormwater management</li> <li>l. views.</li> </ol>	

<p>All forms of residential development, including a change of use and application for a home business, if there is a built form element.</p>	<p>Shadow diagrams are to be supplied that graphically indicate how the requirements in sub-section 16.0 of this section have been achieved.</p> <p>Shadow diagrams must show the effect in plan and elevation view of the existing and proposed overshadowing for June 21 at hourly intervals between 9:00am and 3:00pm.</p> <p>The shadow diagrams must:</p> <ul style="list-style-type: none"> <li>• be drawn to an appropriate scale (generally 1:100 or 1:200)</li> <li>• use different colours or style to clearly differentiate between existing and proposed shadows</li> <li>• indicate the footprint of neighbouring buildings impacted by existing and/or proposed shadowing, including the location of any windows, skylights, private open space/s, clothes drying areas, solar panels and/or solar hot water systems</li> <li>• specify the use of the rooms that have windows or skylights that are impacted by the existing or proposed shadowing</li> <li>• indicate and use true north point (not magnetic north)</li> <li>• include elevation views where windows of living areas are impacted.</li> </ul>	
<p>Any development that may require an acoustic report or a noise impact assessment.</p>	<p>An acoustic report or noise impact assessment is warranted when a noise-producing development is proposed near noise-sensitive areas or, conversely, when a noise-sensitive development is proposed in a noisy area.</p> <p>An acoustic report should:</p> <ul style="list-style-type: none"> <li>• consider and apply relevant noise guidelines or policies – for example, those nominated by planning authorities in planning instruments (e.g. development control plans and/or planning approvals) or in pre-DA meetings for a development</li> <li>• clearly describe assessment methodologies and include calculation data</li> <li>• adequately consider relevant factors such as the effects of weather, extraneous noise sources, potentially annoying characteristics of noise sources, and operating conditions at the time of measurements</li> <li>• ensure any recommendations concerning acoustic attenuation are feasible and can be practically implemented.</li> </ul>	<p>A noise-producing development or noisy area may have a range of activities contributing to noise and is not limited to that produced from busy roads, railways, industries, live music venues, entertainment, gymnasiums, public parks and plazas in which people may congregate or host live music or events.</p> <p>More guidance can be found in the <i>Noise Guide for Local Government, 2023</i> (NSW Environment Protection Authority) and, <i>Approved Methods for the Measurement and Analysis of Environmental Noise in NSW, 2022</i> (NSW Environment Protection Authority).</p>

<p>Any development within 25m of a rail corridor.</p>	<p>A vibration assessment is warranted for any development within 25m of a rail corridor. A vibration assessment is to be carried out by a qualified structural engineer.</p>	<p>More guidance can be found in the NSW Department of Planning and Environment <i>Development near Rail Corridors and Busy Roads – Interim Guidelines</i> and <i>Assessing Vibration – A technical Guideline</i> for the assessment of vibration sources in relation to human comfort.</p>
<p>An application for development, including a change of use involving building work.</p>	<p>An access report identifying the relevant matters to be addressed at the construction certificate stage, in circumstances where access constitutes a substantive public interest aspect of a proposal.</p> <p>Access reports should be prepared by a person who is a suitably qualified access consultant, such as a person who is appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	<p>The Disability (Access to Premises – Buildings) Standards 2010 applies to any part of a building impacted by the application for a change of use. This section does not require anything beyond the standard, but does require information on how the standard will be met through the building design, in accordance with these application requirements. There may also be other standards under the <i>Disability Discrimination Act 1992</i> relevant to the public interest assessment of a proposal, such as the <i>Disability Standards for Education 2005</i>.</p>
<p>An application for a change of use not involving building work.</p>	<p>An access report to consider access issues related to a proposal, in circumstances where access constitutes a substantive public interest aspect of the proposal.</p> <p>Access reports should be prepared by a suitably qualified access consultant, such as a person appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	<p>A change of use not involving building works may generate public interest considerations relevant to the assessment of a DA, including in circumstances where it is apparent that a building may not comply with the access requirements of the Building Code of Australia.</p>
<p>All forms of residential development.</p>	<p>A statement of compliance is required to confirm that the development only uses electricity for all internal household energy needs.</p>	<p>BASIX certificates are to confirm that no gas is proposed to achieve compliance.</p>
<p>Subdivision within Summerhill Waste Management Centre Buffer areas.</p>	<p>Development within Summerhill Waste Management Centre Buffer areas may require additional assessments to support the application including noise, odour and/or visual impact assessment.</p>	<p>Discretion will be used regarding the extent of information required.</p>

## 8.0 Frontage widths

<b>Objectives</b>																							
1. Ensure sites are wide enough to accommodate development that respects the desired character of the surrounding area, the amenity of adjoining development and provides good internal site amenity.																							
2. Ensure development in the R3, R4, E1 or MU1 zones do not result in isolated sites with less than the minimum developable site frontage.																							
<b>Controls (C)</b>		<b>Explanatory notes</b>																					
C-1. For the development types listed in <b>Table D3.01</b> , frontage widths must be equal to or greater than the minimums specified in <b>Table D3.01</b> .																							
<table border="1"> <thead> <tr> <th><b>Residential development type</b></th> <th colspan="2"><b>Site frontage width</b></th> </tr> <tr> <th><b>Zone</b></th> <th><b>R2</b></th> <th><b>R3, R4, E1 or MU1</b></th> </tr> </thead> <tbody> <tr> <td>Dual occupancy/attached dwelling/ semi-detached dwelling</td> <td>12m</td> <td>15m</td> </tr> <tr> <td>Multi-dwelling with basement car park</td> <td>15m</td> <td>18m</td> </tr> <tr> <td>Multi-dwelling with above ground car parking</td> <td rowspan="5">18m</td> <td rowspan="5">18m</td> </tr> <tr> <td>Residential flat buildings</td> </tr> <tr> <td>Shop top housing</td> </tr> <tr> <td>Boarding houses</td> </tr> <tr> <td>Co-living</td> </tr> <tr> <td>Hostels</td> <td></td> <td></td> </tr> </tbody> </table>			<b>Residential development type</b>	<b>Site frontage width</b>		<b>Zone</b>	<b>R2</b>	<b>R3, R4, E1 or MU1</b>	Dual occupancy/attached dwelling/ semi-detached dwelling	12m	15m	Multi-dwelling with basement car park	15m	18m	Multi-dwelling with above ground car parking	18m	18m	Residential flat buildings	Shop top housing	Boarding houses	Co-living	Hostels	
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<b>Table D3.01: Minimum site frontage widths</b>																							
C-2. The minimum site frontage for group homes and seniors housing is consistent with the minimum frontage in control C-1 based on the type of building proposed.		Example: A seniors housing development in the form of a multi-dwelling with basement car parking would require 15m in the R2 zone and 18m in the R3, R4, E1 and MU1 zones.																					



<p>C-3. Development for the purposes of a residential flat building, multi-dwelling housing, seniors housing, boarding houses, co-living or shop top housing does not result in the creation of an isolated site that could have been developed in compliance with the relevant planning controls. Appropriate documentary evidence is required to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value.</p>	<p>Reasonable offers to purchase a site that is to be isolated are to be made at an early stage prior to DA lodgement. However, where an applicant has failed to negotiate before a DA was lodged, it is not necessarily too late to do so after lodgement.</p> <p>Documentation is required to demonstrate in writing that an offer to purchase has been made to the owner(s) of the isolated lot and the owner has refused to negotiate. A licensed valuer must base the offer on at least one recent independent valuation.</p>
<p>C-4. The development of existing isolated sites does not detract from the character of the streetscape and achieves a satisfactory level of amenity including solar access, visual and acoustic privacy.</p>	<p>Development of existing isolated sites may not achieve the maximum development potential, particularly height and floor space ratio, and will be assessed on merit.</p>
<p>C-5. Development that would result in the creation of an isolated lot must provide for a future extension incorporating the isolated lot or demonstrate that the isolated lot can be developed independently.</p>	<p>Development that would result in the creation of an isolated lot must comply with the planning principles established by the Land and Environment Court in <i>Melissa Grech v Auburn Council [2004] NSWLEC 40</i>, <i>Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189</i>; <i>Karavellas v Sutherland Shire Council [2004] NSWLEC 251</i>; provide for a future extension incorporating the isolated lot, or demonstrate that the isolated lot can be developed independently.</p>
<p>C-6. Where adjacent sites are developing concurrently, site planning options for development as an amalgamated site are to be explored.</p>	

## 9.0 Front setback

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Ensure front setbacks are consistent with the existing or intended local streetscape.</li> <li>2. Integrate garages and carports into a development so they do not dominate the streetscape.</li> <li>3. Provide appropriate articulation of facades and horizontal elements to reduce the appearance of bulk and to provide visual interest to the streetscape.</li> <li>4. Ensure there is suitable space for site landscaping and deep soil areas.</li> <li>5. Protect privacy and amenity for the building occupants.</li> <li>6. Ensure buildings on corner sites provide an appropriate secondary street setback and maintain sight lines for the safety of pedestrians and vehicles.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. In an established area, the minimum front setback is the average distance of buildings within 40m either side of the lot on the same primary road. See <b>Figure D3.01</b> .	For dwellings within any development on a street corner, the primary street frontage is the street to which the dwelling presents its front door, front elevation, main pedestrian entry and mailbox, as relevant. The primary street frontage may vary from one dwelling within a development to another within the same development, based upon the above criteria. On corners between public roads and laneways, the primary street is always the public road.
C-2. If there is no established building line, the maximum front setback is 4.5m.	
C-3. The secondary street minimum setback is 2m. A greater secondary setback may be required if the proposed development does not: <ol style="list-style-type: none"> <li>a. positively address the secondary street</li> <li>b. demonstrate a good level of amenity</li> <li>c. maintain sight lines for the safety of pedestrians and vehicles.</li> </ol>	In cases where each of the dwellings comprising a detached dual occupancy on a corner lot that address different streets, the primary street frontage and secondary street frontage may be different for each of the dwellings. As a result, the front setback for each of these dwellings will be determined by the street to which the dwelling presents.
C-4. On corner lots, if development contains two or more dwellings, at least one dwelling is to present to each street frontage.	
C-5. The setback from a classified road is as specified by any applicable environmental planning instrument, or at least 9m if none exists.	Development adjoining a classified road or on land reserved for such purposes of a classified road may require concurrence with Transport for NSW.
C-6. The setback from a public reserve is a minimum of 3m to ensure the retention of any affected canopy trees that have a medium to long-term life expectancy.	

C-7. Entries to a basement car park, garage or carport are setback a minimum 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 5.5m from the boundary with the road.

C-8. 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 D3.02**.

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:

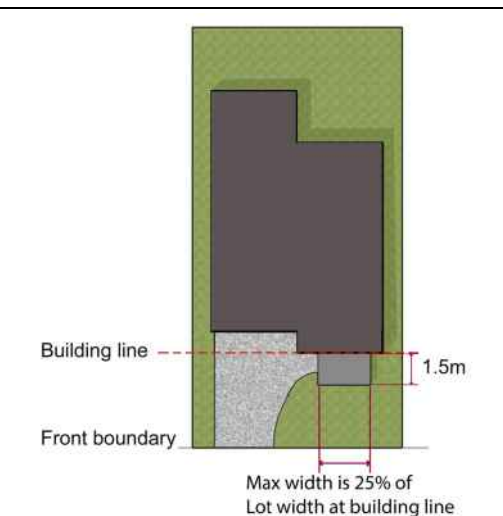
- the required front setback (building line), or
- a gable or roof parapet having a surface area of more than 10m<sup>2</sup>.

The following building elements are permitted in an articulation zone: (a) 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 (f) a sun shading feature.



**Figure D3.01: Front setbacks consistent with neighbouring buildings 40m either side**



**Figure D3.02: Building articulation zone**

## 10.0 Side and rear setbacks – R2 Low Density Residential Zone

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Ensure development is consistent with and complements the desired built form prevailing in the street and local area.</li> <li>2. Minimise the impacts of development on neighbouring properties with regards to view, privacy, overshadowing and sense of openness.</li> <li>3. Ensure rear setbacks provide suitable space for landscaping and deep soil areas.</li> <li>4. Maintain significant views from adjoining properties.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<p>C-1. Where there are no locality specific controls See <b>Figure D3.03</b></p> <ol style="list-style-type: none"> <li>a. side setbacks are a minimum of 900mm from each boundary up to a height of 4.5m, then at an angle of 4:1</li> <li>b. rear setbacks are a minimum of 3m for walls up to 4.5m in height and 6m for walls greater than 4.5m in height.</li> </ol>	<p>Dwellings should be oriented 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.</p> <p>Building setbacks need to be sufficient to ensure solar access, amenity and privacy to the adjoining properties.</p>
<p>C-2. On corner lots, the boundary opposite the primary road frontage, is taken to be rear boundary for purposes of applying setbacks See <b>Figure D3.03</b>.</p>	<p>In many cases the primary road and secondary road may be different for each of the dwellings comprising a dual occupancy (detached) on a corner lot, as is shown in <b>Figure D3.03</b>. This is because for each dwelling the primary road is the road that the dwelling faces. Accordingly, the setbacks for each of these dwellings will not necessarily align.</p>

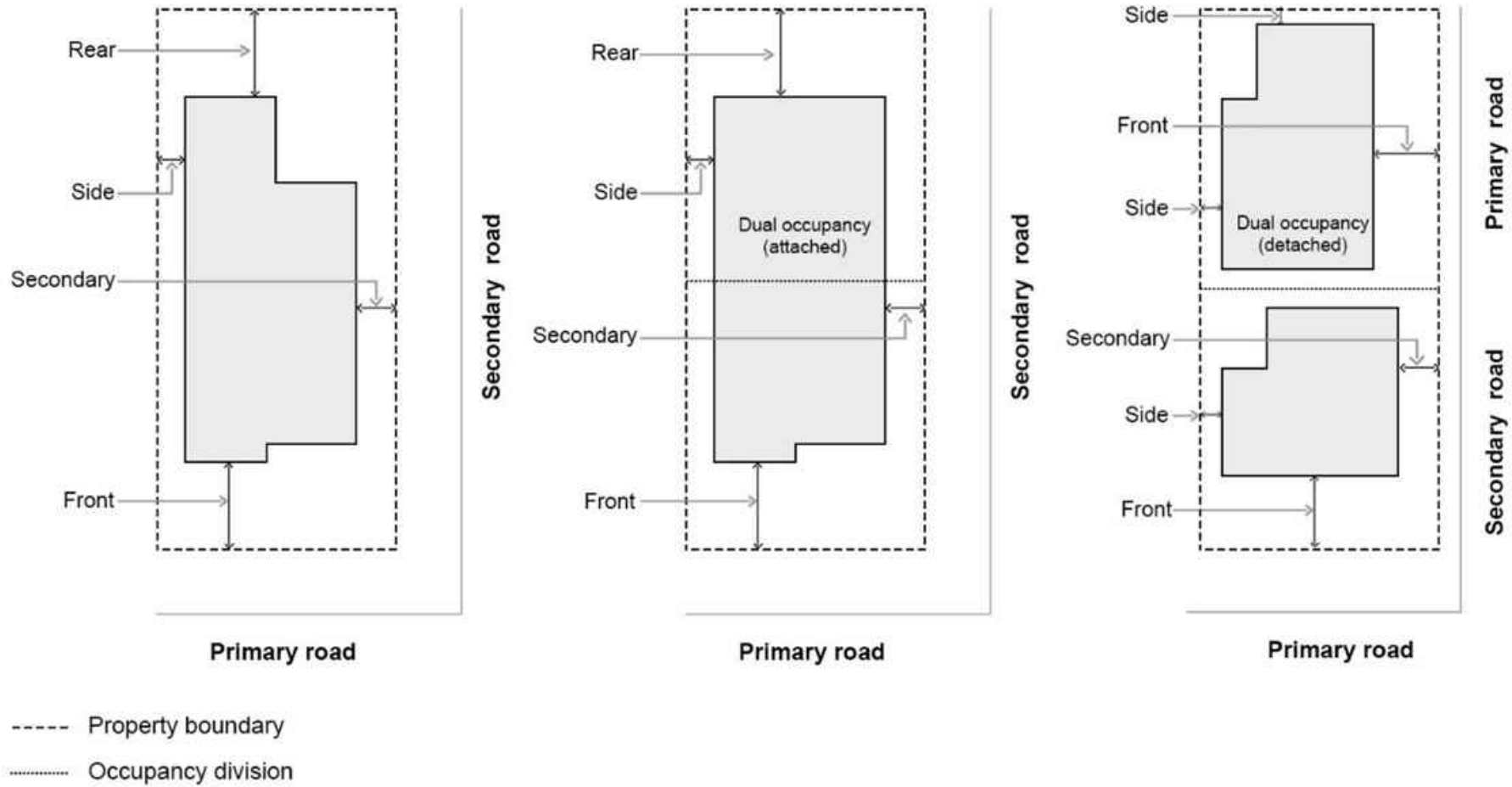
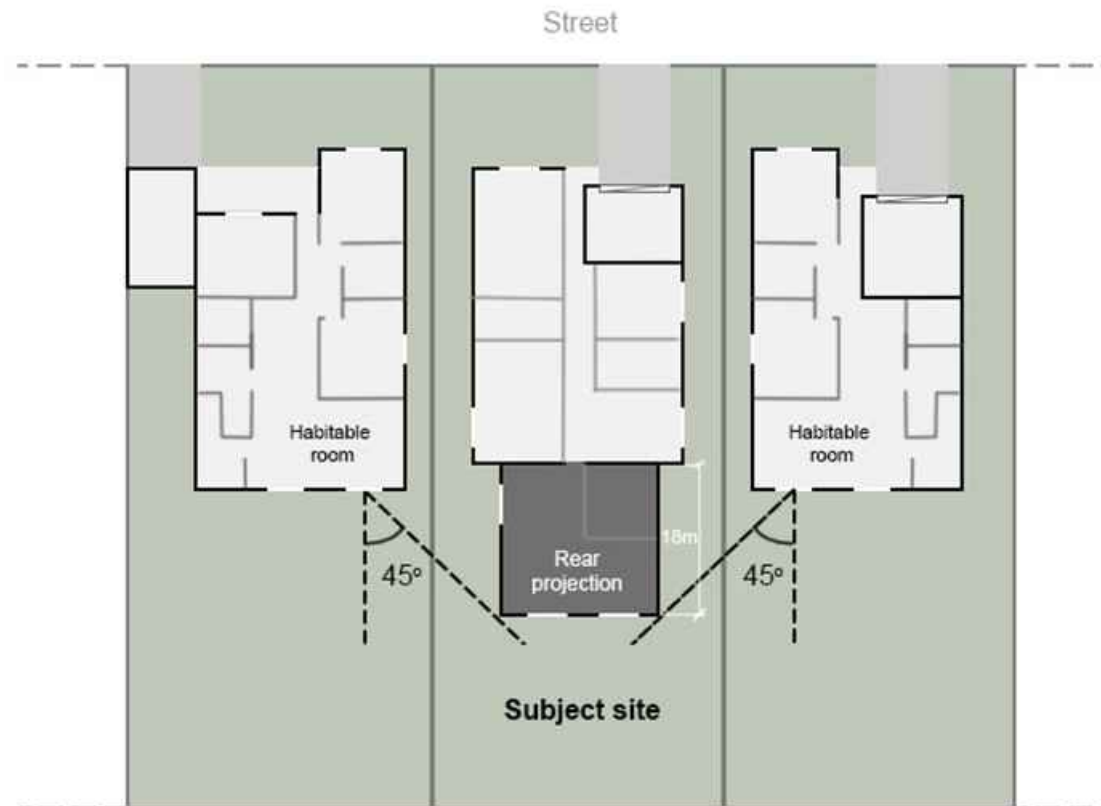


Figure D3.03: Setbacks on corner lots

C-3. Where adjoining a dwelling house in the R2 Low Density Residential zone, the depth of projection of a building is no greater than 45 degrees for 18m as measured from the middle of the window of the closest ground floor habitable room on the rear wall building line of the main neighbouring property on both sides. See **Figure D3.04**.



**Figure D3.04: 45 degree rear window of neighbouring dwelling house projection in the R2 Low Density Residential zone**

## 11.0 Side and rear setbacks – R3 Medium Density Residential, R4 High Density Residential, E1 Local Centre and MU1 Mixed Zones

<b>Objectives</b>									
<ol style="list-style-type: none"> <li>1. Ensure development is consistent with and complements the desired built form prevailing in the street and local area.</li> <li>2. Minimise the impacts of development on neighbouring properties with regards to view, privacy, overshadowing and overall amenity.</li> <li>3. Ensure rear setbacks provide suitable space for landscaping and deep soil areas.</li> <li>4. Maintain significant views from adjoining properties.</li> </ol>									
<b>Controls (C)</b>	<b>Explanatory notes</b>								
C-1. Where there are no locality specific controls, the side and rear setbacks are: <table border="1" data-bbox="206 632 831 783" style="margin-left: 40px;"> <thead> <tr> <th>Wall height</th> <th>Side and rear setbacks</th> </tr> </thead> <tbody> <tr> <td>Up to 4.5m</td> <td>1.5m</td> </tr> <tr> <td>4.5m – 8.5m</td> <td>3m</td> </tr> <tr> <td>Over 8.5m</td> <td>6m</td> </tr> </tbody> </table>	Wall height	Side and rear setbacks	Up to 4.5m	1.5m	4.5m – 8.5m	3m	Over 8.5m	6m	Dwellings should be oriented 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.  Building setbacks need to be sufficient to ensure solar access, amenity and privacy to the adjoining properties.
Wall height	Side and rear setbacks								
Up to 4.5m	1.5m								
4.5m – 8.5m	3m								
Over 8.5m	6m								
C-2. On corner lots, if a development contains two or more dwellings, the boundary opposite the primary road frontage of each dwelling is taken to be the rear boundary for purposes of applying side and rear setbacks.	The side and rear boundary may be different for each of the dwellings/buildings in a development on a corner lot.								
C-3. Side or rear boundary setbacks may be reduced/built to the boundary where: <ol style="list-style-type: none"> <li>a. the wall height and length match an existing or similarly constructed wall on the adjoining site; and</li> <li>b. the proposed wall and the wall on the adjoining property do not contain any openings; and</li> <li>c. the wall will not impede the flow of stormwater or overland flow paths.</li> </ol>									

## 12.0 Siting the development - public domain interface

<b>Objectives</b> <ol style="list-style-type: none"> <li>1. Achieve the transition between the private and public domain without compromising security.</li> <li>2. Ensure front fences and walls do not dominate the public domain and compliment the context and character of the area.</li> <li>3. Retain and enhance the amenity of the public domain.</li> <li>4. Minimise the visual impact of site services and related structures such that they relate to the building and landscape design in a sensitive manner.</li> <li>5. Maximise opportunities for walking and cycling where possible.</li> </ol>	
<b>Controls (C)</b>	
The following controls apply to all forms of residential development	
C-1.Private open space is to be located behind the building line.	
C-2.Windows and balconies overlook the public domain.	
C-3.Direct visibility is provided from the public domain along pathways and driveways.	
C-4.Development ensures site services and related structures, including electricity transformers, fire hydrant and booster assemblies, air conditioning and other mechanical plant, vents and exhausts are: <ol style="list-style-type: none"> <li>a. no more than 5m or 10% of the street frontage, whichever is lesser</li> <li>b. oriented towards the internal driveways or footpaths on site</li> <li>c. located, screened or landscaped so that they are not visually intrusive when viewed from the street.</li> </ol>	
C-5.Fences and walls forward of the building line of the primary road frontage: <ol style="list-style-type: none"> <li>a. have a maximum height of 1.2m, and are constructed using materials such as slats or pickets with at least 50% of the fence area open</li> <li>b. may use high, solid acoustic fencing to shield dwellings from the noise from classified roads. These walls 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.</li> <li>c. do not use unfinished timber paling and metal panel fences</li> <li>d. have courtyard fences and walls to secondary street frontages align with the facade facing the street</li> <li>e. solid fencing components are finished with the same material as the building facade.</li> </ol>	
C-6.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.	



<p>C-7. Where development adjoins public parks, open space or bushland, or is a corner site, the design positively addresses this interface by:</p> <ol style="list-style-type: none"> <li>street access, pedestrian paths and building entries which are clearly defined; or</li> <li>paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space; or</li> <li>walls fronting the public spaces have openings that are at least 25% of the surface area of the wall.</li> </ol>	
<p>C-8. Mailbox structures:</p> <ol style="list-style-type: none"> <li>meet the relevant Australia Post service requirements</li> <li>are grouped together and positioned close to the primary street entry to the site.</li> </ol>	
<p>C-9. Direct visibility is provided from the public domain to the front door along paths and driveways.</p>	
<p>C-10. Development is to provide footpaths for the full width of any site frontage. Where the proposed footpath will adjoin and connect to an existing or approved footpath on an adjoining site, the width of the proposed footpath is to match this footpath width. See C2 Movement networks for detail.</p>	<p>As per Section C2 Movement networks, when determining the requirement for footpaths, considerations by CN may include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>the development type, scale and density</li> <li>planned or likely intensification of an area</li> <li>adjoining or surrounding footpath infrastructure and surface treatments</li> <li>condition of any existing footpath and need for replacement</li> <li>CN forecasted infrastructure and asset projects or capital works programs</li> <li>topography of the road reserve along subject site frontage</li> <li>the presence of any utilities, services, assets, street trees, street furniture or the like.</li> <li>CN public domain plans and standard drawings for footpaths.</li> </ul> <p>For more intensive developments, it may be a CN requirement to extend footways beyond the site frontage such as to connect to public transport or nearby services to support the development.</p>

### 13.0 Siting the development - pedestrian and vehicle access

#### Objectives

1. Design internal vehicle and pedestrian circulation to function like a street.
2. Ensure adequate space is provided for vehicle circulation.
3. Minimise the dominance of driveways within the site and to the streetscape.
4. Minimise impacts of vehicular and pedestrian movement on habitable spaces.
5. Minimise the visual and environmental impacts of car parking, including loss of deep soil.
6. Access for people with a disability is considered through all stages of building design.
7. Provide awareness of the obligations under the *Commonwealth's Disability Discrimination Act 1992*.

#### Controls (C)

The following controls apply to all forms of residential development

C-1. An application for development including change of use is to provide an access report in accordance with the application requirements above.

C-2. Emergency egress for occupants with a disability is designed for in accordance with the National Construction Code. Required egress routes allow for safe escape for persons with a disability including, but not limited to, waiting space on landings within fire stairs and provision of accessible egress paths from ground floor apartments.

C-3. Internal streets, lanes, driveways and parking spaces and circulation comply with AS 2890.1.

C-4. 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 is 1m<sup>2</sup> or larger in size.

C-5. Landscape planting is incorporated into the driveway, street and lane setbacks.

C-6. Driveways 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 attached dwellings, dual occupancies and semi-detached dwellings

C-7. All internal driveways, streets and lanes are overlooked by windows from habitable rooms or private open space.

C-8. Open space or the window of a dwelling is provided at the termination point of an internal driveway, street or lane.

C-9. Multi dwelling developments containing 20 or more dwellings include pedestrian paths separated from the internal road or lane by a kerb or landscaped area.

C-10. 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.

C-11. 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.

C-12. The maximum length of a dead end lane or driveway is 40m and serves a maximum of 10 dwellings.

C-13. 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

C-14. 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 minimum height of 2.7m.

## 14.0 Siting the development - orientation and siting

<b>Objectives</b>		
1. Ensure building types and layouts respond to the streetscape and maximise street surveillance and connectivity. 2. Ensure development does not unreasonably impact on the amenity and privacy of adjoining dwellings and their private open space. 3. Minimise the overshadowing of solar panels, living rooms and private open space of neighbouring properties and during mid-winter. 4. Design development to respond to the natural landform of the site, reducing visual impact and minimising earthworks.		
<b>Controls (C)</b>	<b>Acceptable solution (AS)</b>	<b>Explanatory notes</b>
<u>The following controls apply to all forms of residential development.</u>		
C-1.Minimise cut and fill on sloping sites with buildings responding to the topography with changes in floor level.		
C-2.Fill outside the building footprint does not exceed a height measured from existing ground level of: <ul style="list-style-type: none"> <li>a. 600mm if located within 1m of a boundary, and</li> <li>b. 1m if located greater than 1m from a boundary.</li> </ul>		
C-3.Orientate dwellings to maximise solar and daylight access to living rooms and private open space.		
C-4.Consideration must be given to neighbouring properties' solar panels and the loss of sunlight to these panels as a result of any development proposal, having regard to the performance, efficiency, economic viability and reasonableness of their location.	AS-1.Where reasonably practicable sunlight to any existing solar panels should not be reduced to less than two hours between 9am and 3pm on 21 June.	
<u>The following controls apply to all forms of residential development <b>except</b> for attached dwellings, dual occupancies and semi-detached dwellings</u>		
C-5.Ground floor levels are not more than 1.3m above existing ground level and not more than 1m below existing ground level.		
<u>The following controls apply to attached dwellings, dual occupancies and semi-detached dwellings</u>		
C-6.Battle-axe lots have access of at least 3m to the primary road.		
C-7.Excavation does not exceed a depth measured from existing ground level of: <ul style="list-style-type: none"> <li>a. 1m if located within 1m of a boundary, and</li> <li>b. 3m if located greater than 1m from a boundary.</li> </ul>		
<u>The following controls apply to attached dwellings, dual occupancies, multi dwelling housing and semi-detached dwellings</u>		
C-8.Each dwelling has a frontage to a public street, internal street or lane.		

C-9.Dwellings facing the street have a covered entry door and a window of a habitable room at each level in every wall facing the street.		See Section C11 Development adjoining laneways for specific design criteria for development adjoining a laneway.
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## 15.0 Siting the development - building separation

<b>Objectives</b>		
1. Provide adequate space between buildings to allow for landscape, daylight access between buildings, visual separation, and reduce visual bulk.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.Adequate separation is provided between buildings to ensure visual privacy is achieved.	AS-1.Through building design, siting and landscaping direct sight lines should be avoided between habitable rooms and private open space. AS-2.No separation is required between blank walls.	
C-2.Building design incorporates multiple massing elements, separated by landscaped areas, to enhance visual interest and integration with the natural environment.	AS-1.Each massing element has a maximum frontage of 25m. AS-2.Single buildings present as multiple buildings. AS-3.Adequate deep soil zones are provided adjacent to boundaries where open car parking spaces and driveways are integrated within the landscaped areas. AS-4.Building design includes articulation elements such as variation in materials and setbacks to reduce bulk.	

## 16.0 Amenity – solar, outlook and daylight access

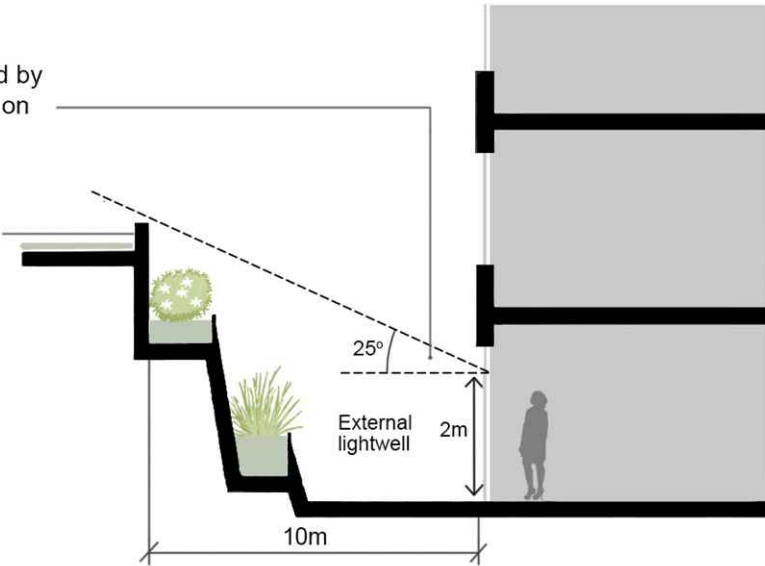
<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Maximise the number of dwellings receiving sunlight to habitable rooms and private open space.</li> <li>2. Ensure solar access enables passive solar heating in winter and provides a healthy indoor environment.</li> <li>3. Ensure access to daylight is suited to the function of the room and artificial lighting is minimised.</li> <li>4. Provide a sense of openness in views, and access to sunlight and daylight from rear facing habitable room windows.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.Compliance with the standards for 'Solar and daylight access' detailed in the <i>Apartment Design Guide</i> , for all residential flat buildings required to comply with that standard.		<p>SEPP 65 requires some types of residential development to meet the requirements of the <i>Apartment Design Guide</i>.</p> <p>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:</p> <ol style="list-style-type: none"> <li>a. the development consists of any of the following: <ol style="list-style-type: none"> <li>i. erection of a building,</li> <li>ii. substantial redevelopment or the substantial refurbishment of an existing building,</li> <li>iii. conversion of an existing building, and</li> </ol> </li> <li>b. the building concerned is at least three 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</li> <li>c. the building concerned contains at least four or more dwellings.</li> </ol>
C-2.Compliance with the standards for solar access in in <i>State Environmental Planning Policy (Housing) 2021</i> for all applicable housing types.		<i>State Environmental Planning Policy (Housing) 2021</i> applies to affordable and diverse housing types including, but not limited to, co-living housing, boarding houses, build-to-rent housing, seniors housing, independent living units, group homes and hostels.
<u>The following controls apply to all forms of residential development</u>		
C-3.For an adjoining dwelling, the living room window and principal private open space receive at least two hours of direct sunlight 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 further reduced.		
C-4.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.		

C-5. Daylight is not borrowed from other rooms, except where a room has a frontage to a classified road.		
C-6. No part of a habitable room is more than 8m from a window. A window must be visible from all parts of a habitable room.		
C-7. No part of a kitchen work surface is more than 6m from a window or skylight.		
C-8. Courtyards are fully open to the sky, have a minimum dimension of one third of the perimeter wall height and minimum area of 3m <sup>2</sup> .		
The following controls apply to all forms of residential development except for co-living, boarding houses and residential flat buildings that are required to comply with the <i>Apartment Design Guide</i>		
<p>C-9. The living room and private open space receive a minimum of two hours direct sunlight between 9am and 3pm at the winter solstice for:</p> <ol style="list-style-type: none"> <li>a. each dwelling in a dual occupancy or attached dwelling</li> <li>b. at least 70% of dwellings in all other forms of residential development.</li> </ol>	<p>AS-1. Direct sunlight is achieved when 1m<sup>2</sup> of direct sunlight on the glass is achieved for at least 15 minutes. To satisfy two hours direct sunlight, eight periods of 15 minutes will need to be achieved - the periods do not need to be consecutive. Overshadowing from existing development must be considered in calculating solar access amenity.</p>	

C-10.A depth greater than 25 degrees for up to 10m is required for light. This is measured from 2m above windows into habitable rooms located along the rear wall building line. Refer to **Figure D3.05**. Where a balcony extends beyond the building face, all obstructions such as retaining walls or fences, are to be located below a 45° control plane, drawn from the finished ground level at the building line.

Depth/width of lightwell determined by a 25° line measured from 2m high on the window of habitable room

No structure or building on site or adjoining properties is to break the 25° line



**Figure D3.05: 25 degree rear outlook and lightwell projection**



## 17.0 Amenity – natural ventilation

<p><b>Objectives</b></p> <p>1. Ensure all habitable rooms are naturally ventilated.</p>
<p><b>Controls (C)</b></p>
<p><u>The following controls apply to all forms of residential development</u></p>
<p>C-1.All residential flat buildings comply with the standards for 'Natural Ventilation' in the <i>Apartment Design Guide</i>.</p>
<p>C-2.For all other residential development:</p> <ul style="list-style-type: none"> <li>a. each habitable room has natural ventilation</li> <li>b. each dwelling is cross ventilated.</li> </ul>

## 18.0 Amenity – ceiling heights

<p><b>Objectives</b></p> <p>1. Ensure ceiling height achieves sufficient natural ventilation and daylight access, and provides spatial quality.</p>
<p><b>Controls (C)</b></p>
<p><u>The following controls apply to all forms of residential development</u></p>
<p>C-1.All residential flat buildings comply with the standards for 'Ceiling Height' in the <i>Apartment Design Guide</i>.</p>
<p>C-2.For all other residential development, the ceiling height measured between finished floor level and finished ceiling level are:</p> <ul style="list-style-type: none"> <li>a. 2.7m to all ground floor habitable rooms</li> <li>b. 2.7m to first floor living rooms</li> <li>c. 2.4m to all first floor bedrooms.</li> </ul>

## 19.0 Amenity – dwelling size and layout

### Objectives

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

### Controls (C)

The following controls apply to all forms of residential development

C-1. For residential development:

- a. dwellings have the following minimum internal areas:

No. Bedrooms	Size
Studio	35m <sup>2</sup>
1	65m <sup>2</sup>
2	90m <sup>2</sup>
3	125m <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 one 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 dwellings with up to two bedrooms and 28m<sup>2</sup> for dwellings with three or more bedrooms.

## 20.0 Amenity – private open space

### Objectives

1. Ensure private open space and balconies are appropriately located and of adequate size to enhance residential amenity and liveability.

### Controls (C)

The following controls apply to all forms of residential development except for residential flat buildings and shop top housing

C-1.Compliance with the standards for 'private open space' in *State Environmental Planning Policy (Housing) 2021* for all applicable housing types.

C-2.For all other residential development:

- a. all dwellings have at least 16m<sup>2</sup> of private open space
- b. the minimum dimension of private open space is 3m, and excludes any storage space, rainwater tanks, clothes drying area, air-conditioning units or other similar structures
- c. 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
- e. private open space is located at the rear of each dwelling. The location may be varied if it is demonstrated a better design outcome is achieved and the private open space is appropriately screened to ensure privacy
- f. an outdoor area for clothes drying is included that can accommodate at least 16 lineal metres of clothes line per dwelling and which is screened from public and communal areas.

The following controls apply to all residential flat buildings and shop top housing

C-3.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.

C-4.For residential flat buildings and shop top housing 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 the living room, dining room or kitchen to extend the living space
- d. at least 50% of the minimum required private open space area 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.

## 21.0 Amenity – storage

### Objectives

1. Ensure each dwelling has adequate, well designed storage.

### Controls (C)

The following controls apply to all forms of residential development

C-1. Compliance with the standards for 'Storage' in the *Apartment Design Guide*, for all residential flat buildings required to comply with that standard.

C-2. For all other residential development:

- a. in addition to storage in kitchens, bathrooms and bedrooms, storage is provided as follows:

Dwelling size	Private open space
1 bedroom	8m <sup>3</sup>
2 bedrooms	12m <sup>3</sup>
3+ bedrooms	16m <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.

## 22.0 Amenity – car and bicycle parking

<b>Objectives</b>							
1. Car and bicycle parking is appropriate for the scale of the development.							
<b>Controls (C)</b>	<b>Explanatory notes</b>						
<u>The following controls apply to all forms of residential development</u>							
C-1.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.	Car and bicycle parking comply with Section C1 Traffic, parking and access.						
C-2.The maximum aggregated garage door width that has a frontage to a primary road is: <table border="1" data-bbox="280 635 981 751"> <thead> <tr> <th>Lot width</th> <th>Aggregate garage door width</th> </tr> </thead> <tbody> <tr> <td>7.5m – 12.5m</td> <td>3.2m</td> </tr> <tr> <td>&gt;12m</td> <td>6m</td> </tr> </tbody> </table>	Lot width	Aggregate garage door width	7.5m – 12.5m	3.2m	>12m	6m	
Lot width	Aggregate garage door width						
7.5m – 12.5m	3.2m						
>12m	6m						
C-3.Where a lot width is less than 7.5m, car parking is provided from a secondary road, parallel road or lane.							
<u>The following controls apply to all forms of residential development <b>except</b> for attached dwellings, dual occupancies and semi-detached dwellings</u>							
C-4.Facilities for car washing are provided and a dedicated car wash bay is provided for developments containing 20 or more dwellings.	Facilities for car washing should be pervious.						

## 23.0 Amenity – visual privacy

<b>Objectives</b>		
1. Achieve reasonable levels of external and internal visual privacy for adjacent dwellings while retaining amenity for the dwelling. 2. Increase visual privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
The following controls apply to all forms of residential development		
C-1.Compliance with the standards which relate to visual privacy detailed in the <i>Apartment Design Guide</i> , for all residential flat buildings required to comply with that standard.		Visual privacy is addressed in Chapter 3F of the <i>Apartment Design Guide</i> in sections relating to Separation Distances, Apartment Layout and Design, Solar and daylight access and Balconies and Private Space.
C-2.For all other residential development, development is located and orientated to maximise visual privacy between buildings on site and for neighbouring buildings. This is to be achieved by: <ul style="list-style-type: none"> <li>a. separation distances between windows and balconies of dwellings on the same site are double the distances above</li> <li>b. ensuring only diagonal or oblique views of the first 10m of a neighbouring garden measured from the rear wall building line are possible</li> <li>c. inclusion of privacy screens where the distance from the window of a habitable room to the boundary is:               <ul style="list-style-type: none"> <li>i. less than 3m, and the habitable room has a finished floor level greater than 1m above existing ground level, or</li> <li>ii. less than 6m, and the habitable room has a finished floor level greater than 3m above ground level</li> </ul> </li> <li>d. privacy screening on the edge of a terrace, balcony or verandah, where the edge is:               <ul style="list-style-type: none"> <li>i. less than 3m from the boundary, and habitable room has a finished floor level greater than 1m above existing ground level, or</li> <li>ii. less than 6m and the habitable room has a finished floor level greater than 2m above ground level.</li> </ul> </li> </ul>	AS-1.Screening may require the introduction of architectural devices shown in <b>Figure D3.06</b> . AS-2.A privacy screen is not required to: <ul style="list-style-type: none"> <li>i. a bedroom window with an area less than 2m<sup>2</sup></li> <li>ii. any window that has a sill height of 1.5m or greater, or</li> <li>iii. any window that has a frontage to a road or public open space.</li> </ul> AS-3.A privacy screen is not required for a balcony or terrace with 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. AS-4.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.	Diagonal and oblique views are not considered direct overlooking.  Privacy screens are the last resort where all other design options, such as site arrangement and internal layouts have been exhausted.

PROPOSED - Angled windows



PROPOSED - Screened oriel windows



PROPOSED - Staggered windows



EXISTING



EXISTING



EXISTING

Figure D3.06: Window screening elements

## 24.0 Amenity – acoustic privacy

<b>Objectives</b>	
1. Minimise noise transfer through the siting of buildings and building layout.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<u>The following controls apply to all forms of residential development</u>	
C-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.	*LAeq refers to Equivalent Continuous Sound Pressure Level.
C-2.Noise from external sources impacting residential habitable areas need to be adequately addressed to ensure appropriate internal noise levels are achieved with respect to appropriate legislation, guidelines and standards. This may require applicants to obtain an acoustic report or a noise impact assessment from an appropriately qualified and experienced acoustic engineer to support their application.	Sub-section 7.0 Application requirements provides further information.
<u>The following controls apply to all forms of residential development <b>except</b> for attached dwellings, dual occupancies and semi-detached dwellings</u>	
C-3.Noise sources not associated with the dwelling such as garage doors, driveways, service areas, plant rooms, building services, and mechanical equipment are located at least 3m from any bedroom.	

## 25.0 Amenity – noise pollution

<b>Objectives</b>	
1. Control outside noise levels to acceptable levels in living rooms and bedrooms of dwellings.	
2. Noise sensitive developments are designed to protect the proposed development from nearby noise producing development and uses.	
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>
C-1.Dwellings within 100m of a road corridor with annual daily traffic volume of more than 40,000 vehicles (based on traffic volume data published on the website of Transport for NSW) or 80m from a rail corridor have LAeq measures not exceeding: <ul style="list-style-type: none"> <li>a. in any bedroom: 35dB between 10pm - 7am</li> <li>b. anywhere else in the building (other than a kitchen, garage, bathroom or hallway): 40dB(A) at any time.</li> </ul>	AS-1.This can be achieved by: <ul style="list-style-type: none"> <li>a. a full noise assessment prepared by a qualified acoustic engineer, or</li> <li>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.</li> </ul>
C-2.Noise sensitive developments on land that may be affected by entertainment sound is to include noise attenuation measures to achieve acceptable sound levels, taking into account the operation of existing, planned or approved development with a noise producing activity. This involves the incorporation of measures that reduce the entry of noise from external noise producing development into dwellings.	

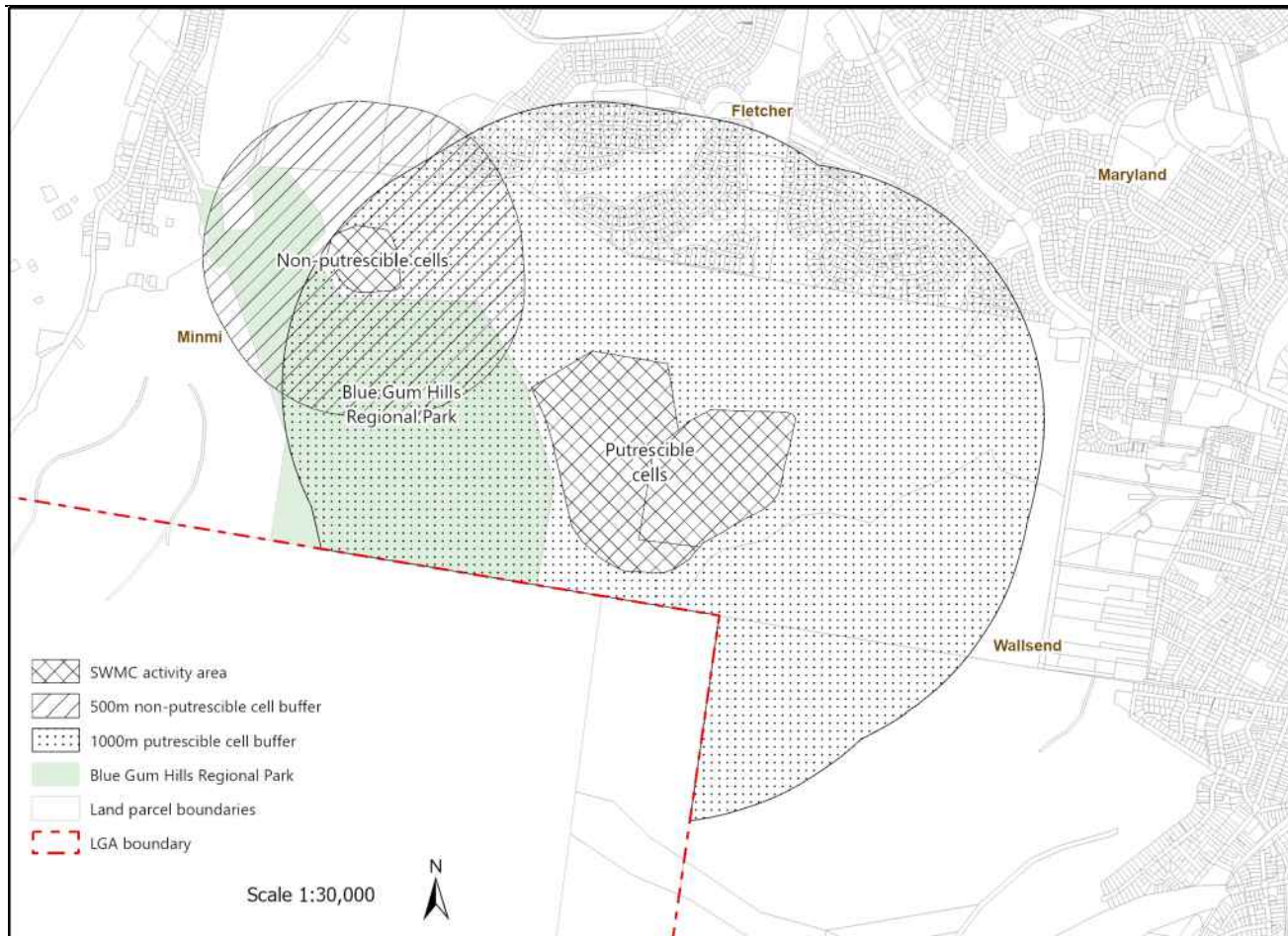


## 26.0 Amenity – indoor air quality

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Ensure that indoor air quality levels are met.</li> <li>2. Improve indoor air quality in the built environment.</li> <li>3. Reduce indoor air pollutants associated with the combustion of gas or wood and improve air quality.</li> <li>4. Minimise the installation of plant and equipment internally in residential development that relies upon on-site fuel combustion.</li> <li>5. Reduce the cost to occupants by avoiding ongoing gas connection standing charges.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. New residential developments should only use electricity, either grid provided and/or on-site renewable, for all internal household energy needs.	Electric buildings reduce construction and operating costs through the elimination of gas pipes and metering and ongoing connection and usage charges as well as providing enduring health benefits to occupants.
C-2. Gas cook tops, ovens or internal space heating systems should not be in any residential development.	

## 27.0 Amenity – waste disposal buffer area

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Establish effective separation distances, buffers and mitigation measures for the Summerhill Waste Management Centre to minimise adverse effects on sensitive land uses and people from odour, noise, dust, ground gas and other nuisance generating activities.</li> <li>2. Ensure the long-term viability of waste and resource recovery infrastructure is secured by using defined buffer areas that protect against encroachment from incompatible land uses.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Residential development excluding alterations and additions should not be within 1000m of approved putrescible landfill cells at the Summerhill Waste Management Centre, unless designed to avoid adverse odour, noise, and visual impacts refer to <b>Figure D3.07</b> .	Appropriate buffer distance must be maintained between the landfill and sensitive land uses (receptors) to protect those receptors from impacts. Impacts might include visual impacts or discharge from the site of potentially explosive landfill gas, offensive odours, noise, litter and dust.
C-2. Residential development excluding alterations and additions should not be within 500m of approved non-putrescible landfill cells at the Summerhill Waste Management Centre, unless designed to avoid adverse odour, noise, and visual impacts refer to <b>Figure D3.07</b> .	



**Figure D3.07: Summerhill Waste Management Centre Buffer**

## 28.0 Configuration – communal area and open space

### Objectives

1. Provide suitably sized communal open space to enhance the amenity of residents.
2. Design communal areas to maximise safety.
3. Ensure common circulation spaces achieve good amenity and promote safety and social interaction between residents.

### Controls (C)

The following controls apply to all forms of residential development except for attached dwellings, dual occupancies and semi-detached dwellings

- C-1. Where 10 or more dwellings are proposed, provide active communal open space with a minimum area of 5% of the site area and with a minimum dimension of 8m.
- C-2. The active communal open space area receives at least two hours of direct sunlight between 9am and 3pm at the winter solstice to 50% of the required area.
- C-3. Communal open spaces are visible from habitable rooms and private open space while maintaining visual privacy for dwellings.
- C-4. Where communal open space is provided as public open space it has a direct connection to the internal street along the longest edge.
- C-5. Public through site links have direct line of sight between public streets.
- C-6. Daylight and natural ventilation are provided to all common circulation spaces above ground.
- C-7. Lighting is provided to common spaces.

## 29.0 Configuration – architectural design and visual appearance

### Objectives

1. Ensure the visual appearance of a building responds positively to the street and is consistent with the desired character of the area.
2. Ensure development does not unreasonably impact on the amenity and privacy of adjoining dwellings and their private open space.
3. Integrate building elements into the overall building form and facade design.
4. Reduce the visual bulk of the development by breaking up the building massing.

### Controls (C)

C-1.The roof design is integrated with the overall building form.

C-2.Skylights and ventilation systems are integrated into the roof design.

C-3.An articulation zone is provided forward or behind the building line.

C-4.Facades contain a balanced composition of elements including a mix of solid and void.

C-5.Building services are integrated within the overall facade.

C-6.Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.

C-7.Building entries are clearly defined and include a covered entry.

C-8.All building elements, including shading devices and awnings are coordinated and integrated into the overall facade design.

C-9.A variety of materials, colours, textures and finishes are used to articulate finer scale architectural features and building elements.

### 30.0 Configuration – pools and ancillary development

**Objectives**

1. Locate swimming pools and spas to minimise the impacts on adjoining properties.
2. Ensure detached studios and outbuildings activate rear lanes and do not dominate the rear yard.

**Controls (C)**

C-1. Swimming pools and spas are located so that they are not visible from the street or public domain.

C-2. The coping around a swimming pool or spa is not more than 1.4m above existing ground level.

C-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.

C-4. Water from a swimming pool or spa is connected to the sewage disposal system.

C-5. The pump is housed in a soundproofed enclosure.

C-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 zero 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 zero 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.

## PART D: Development controls by land use

### Section D4 Commercial

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## 1.0 Introduction

Business and commercial centres service the retail and commercial needs of residents. However, they also provide a range of other functions imperative to the economic, social and environmental health. Commercial and business centres provide opportunities for social interaction and engagement, recreation and entertainment. This occurs formally in designated venues such as hotels, cafes and restaurants and informally and spontaneously on the street, in public places and shopping centres.

Business and commercial centres ensure that most residents have access to some retail and commercial uses.

Achieving an appropriate scale of commercial and business uses is important. Not all scales are appropriate in all areas of Newcastle. This can be because they detract from a functional or desired hierarchy, or because they generate adverse impacts, including amenity impacts on surrounding uses – particularly where such uses are residential or other sensitive land uses.

At the small scale, neighbourhood centres meet the daily and weekly needs of local residents and workers with small scale retail, community and service facilities. These centres can take pressure off the Newcastle city centre for lower order needs while reducing private vehicle trips. Examples of these are Bar Beach, Fletcher - Kurraka Drive / Tibin Drive and Kotara - Joslin Street. These centres should be designed to encourage walking and cycling rather than using the private vehicle.

Local centres are identified as providing a local centre service function. A local centre (minor) meets the daily and weekly needs of local residents with a limited range of retail, community and service facilities. Examples of these are Carrington, Georgetown, New Lambton and Stockton. A local centre (major) provides a broader range of services to a greater number of people within a wider catchment. These serve as a shopping and business centre including health and professional services, supermarket or other retail anchor, mixed with medium and higher density residential.

A strategic centre is a centre serving local and regional community needs in a centralised (and established) location. Examples are Newcastle city centre and Kotara. These strategic centres service the Hunter region with higher order administration, education, health services, cultural and recreational facilities with high density commercial and residential uses.

The urban form of these business and commercial centres contributes to the identity and visitors' perception of a place.

*The Newcastle After Dark: Night-time Economy Strategy, 2018* guides the development of the city's night-time economy. It identifies nightlife precincts in East End, Civic-CBD, West End, Hamilton, Darby Street, Honeyuckle, and Junction-Merewether. Each precinct has its own significant sense of local character.

## 2.0 Application

This section applies to all land zoned:

- R4 High Density Residential
- E1 Local Centre
- E3 Productivity Support
- MU1 Mixed Use

This section applies to all development consisting of:

- Commercial premises
- Wholesale suppliers
- Registered clubs
- Food and drink premises
- Function centres
- Service stations
- Amusement centre
- Entertainment facility

- Veterinary hospital
- Tourist and visitor accommodation

Where a development involves refurbishment works or alterations/additions to existing buildings, new elements are to meet requirements.

For development involving heritage items or heritage conservation areas identified under *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), a merit assessment will be undertaken to ensure the outcomes sought are balanced with heritage conservation outcomes.

### 3.0 Related sections

The following sections will also apply to development:

- B6 Urban heat
- C2 Movement networks

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B7 Land contamination
- C1 Traffic, parking and access
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C6 Waste management
- C7 Safety & security
- C8 Social impact
- C9 Advertising and signage
- C10 Street awnings and balconies
- C11 Development adjoining laneways
- C12 Open space and landscaping
- E1 Built and landscape heritage
- E2 Heritage conservation areas
- E7 Wickham
- E8 Renewal Corridors
- E10 Minmi extension
- E11 Minmi East
- E12 Lingard Private Hospital

### 4.0 Additional information

**Additional information:**

- *Newcastle After Dark, Night-time Economy Strategy*, 2018, City of Newcastle



## 4.0 Objectives

1. Ensure commercial development integrates with the surrounding environment and built form and makes a positive contribution to local context.
2. Enable and support the Newcastle After Dark vision as outlined in the *Newcastle After Dark, Night-time Economy Strategy* by limiting night-time and late-night trading to the specific precincts identified in the Strategy.
3. Promote street activation which encourages pedestrian traffic and ensures a safe and accessible environment.
4. Ensure residential development has a high level of privacy, comfort, security, amenity and liveability.
5. Promote the adoption of best practice water efficiency and energy efficiency measures to create healthy work environments.

## 5.0 Explanatory notes

### Urban Design Review Panel

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 the Urban Design Review Panel for independent advice.

In some instances, there will be the opportunity to discuss your proposal directly with the panel prior to lodgement of a development application (DA). They will be able to offer independent advice regarding the proposal and their recommendations and advice will be considered when assessing the development.

## 6.0 Definitions

A word or expression has the same meaning as it has in [LEP 2012](#), unless otherwise defined. Other words and expressions include:

- **Low Impact Venue** - A venue will be classified as low impact or otherwise throughout the development assessment process based on relevant matters for consideration. A low impact venue may be a small bar or smaller local business that contains low levels of impact on the surrounding environment. A Pub (as defined under LEP 2012) is not a low impact venue and would automatically be classified otherwise due to potential for larger or more cumulative impacts on the surrounding environment.
- **Shopping trolley** – means a basket, frame or flat base on wheels (or castors), usually of metal construction that is provided by a business for customers to transport items within the store and within any car parking area allocated for use by customers of the store.

## 7.0 Application requirements

Development category	Application requirements	Explanatory notes
All applications that include the erection of a new structure or the extension of an existing structure may require a 3D model.	The format should be compatible to that used by City of Newcastle (CN). Format specification requirements for the model can be provided by CN's Geospatial Information Services team.	<p>The 3D Model should be used to illustrate the following information:</p> <ul style="list-style-type: none"> <li>• context 'before' and 'after' streetscape drawings/images and/or photomontages;</li> <li>• shadow diagrams; and</li> <li>• assessment of impact on view corridors.</li> </ul>
Any business that offers the use of a shopping trolley to their customers.	A management plan is required for all businesses offering the use of trolleys to their customers. See sub-section 17.0 Shopping trolleys for further detail on minimum requirements for this plan.	
Any development that may require an acoustic report or a noise impact assessment.	<p>An acoustic report or noise impact assessment is warranted when a noise-producing development is proposed near noise-sensitive areas or, conversely, when a noise-sensitive development is proposed in a noisy area.</p> <p>An acoustic report should:</p> <ul style="list-style-type: none"> <li>• consider and apply relevant noise guidelines or policies – for example, those nominated by planning authorities in planning instruments (e.g. development control plans and/or planning approvals) or in pre-DA meetings for a development</li> <li>• clearly describe assessment methodologies and include calculation data</li> <li>• adequately consider relevant factors such as the effects of weather, extraneous noise sources, potentially annoying characteristics of noise sources and operating conditions at the time of measurements</li> <li>• ensure any recommendations concerning acoustic attenuation are feasible and can be practically implemented.</li> </ul>	<p>A noise-sensitive development may include but is not limited to residential accommodation, educational establishments, early education and childcare facility, health services facility, place of public worship or the like.</p> <p>More guidance can be found in the <i>Noise Guide for Local Government, 2023</i> (NSW Environment Protection Authority) and, <i>Approved Methods for the Measurement and Analysis of Environmental Noise in NSW, 2022</i> (NSW Environment Protection Authority).</p>
All forms of development, including a change of use, if there is a built form element.	<p>Shadow diagrams are to be supplied that graphically indicate how the requirements in sub-section 12.0 of this section have been achieved.</p> <p>Shadow diagrams must show the effect in plan and elevation view of the existing and proposed overshadowing for June 21 at hourly intervals between 9:00am and 3:00pm.</p>	3D montages, 3D models, constraints mapping and other forms of visual representation can be submitted to demonstrate compliance with these requirements.

	<p>The shadow diagrams must:</p> <ul style="list-style-type: none"> <li>• be drawn to an appropriate scale (generally 1:100 or 1:200)</li> <li>• use different colours or styles to clearly differentiate between existing and proposed shadows</li> <li>• indicate the footprint of neighbouring buildings impacted by existing and/or proposed shadowing, including the location of any windows, skylights, private open space/s, clothes drying areas, solar panels and/or solar hot water systems</li> <li>• specify the use of the rooms that have windows or skylights that are impacted by the existing or proposed shadowing</li> <li>• indicate and use true north point (not magnetic north)</li> <li>• include elevation views where windows of living areas are impacted.</li> </ul>	
<p>An application for development, including a change of use involving building work.</p>	<p>An access report to identify relevant matters to be addressed at the construction certificate stage, in circumstances where access constitutes a substantive public interest aspect of a proposal.</p> <p>Access reports should be prepared by a suitably qualified access consultant, such as a person appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	<p><i>The Disability (Access to Premises – Buildings) Standards 2010</i> applies to any part of a building impacted by the application for a change of use. This section does not require anything beyond the standard, but does require information on how the standard will be met through the building design in accordance with these application requirements. There may also be other standards under the <i>Disability Discrimination Act 1992</i> relevant to the public interest assessment of a proposal, such as the <i>Disability Standards for Education 2005</i>.</p>
<p>An application for a change of use not involving building work.</p>	<p>An access report to consider access matters related to a proposal, in circumstances where access constitutes a substantive public interest aspect of the proposal.</p> <p>Access reports should be prepared by a suitably qualified access consultant, such as a person appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	<p>A change of use not involving building works may generate public interest considerations relevant to the assessment of a DA, including in circumstances where it is apparent that a building may not comply with the access requirements of the Building Code of Australia.</p>

## 8.0 Streetscape and front setbacks

<b>Objectives</b>	
1. Ensure development integrates with the surrounding environment and built form and makes a positive contribution to the local context. 2. Maximise opportunities for walking and cycling and where possible. 3. Promote lot consolidation and ensure development does not result in isolated sites.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Within established areas the front setback is consistent with those of adjoining development. Some variations to the prevailing setbacks can be considered particularly where such variations are used to create streetscape variety and interest.	
C-2. Development of a site where the adjoining properties are vacant is to have a front building setback of a minimum 3m, increasing to a minimum of 6m where building height exceeds 8m.	
C-3. Development facilitates pedestrian access from the street frontage and provides individual identity to buildings.	
C-4. Development is to provide footpaths for the full width of any site frontage. Where the proposed footpath will adjoin and connect to an existing or approved footpath on an adjoining site, the width of the proposed footpath is to match this footpath width. See C2 Movement Networks for detail.	<p>As per Section C2 Movement networks, when determining the requirement for footpaths, considerations by CN may include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• the development type, scale and density</li> <li>• planned or likely intensification of an area</li> <li>• adjoining or surrounding footpath infrastructure and surface treatments</li> <li>• condition of any existing footpath and need for replacement</li> <li>• CN forecasted infrastructure and asset projects or capital works programs</li> <li>• topography of the road reserve along subject site frontage</li> <li>• the presence of any utilities, services, assets, street trees, street furniture or the like.</li> <li>• CN public domain plans and standard drawings for footpaths.</li> </ul> <p>For more intensive developments, it may be a CN requirement to extend footways beyond the site frontage such as to connect to public transport or nearby services to support the development.</p>

<p>C-5. Development is not to result in the creation of an isolated site that could have been developed in compliance with the relevant planning controls. Appropriate documentary evidence is required to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value.</p>	
<p>C-6. Where amalgamation of the isolated site is not feasible, applicants will be required to demonstrate that an orderly and economic use and development of the separate sites can be achieved.</p>	
<p>C-7. The development of existing isolated sites is not to detract from the character of the streetscape and is to achieve a satisfactory level of amenity including solar access, visual and acoustic privacy. Development of existing isolated sites may not achieve the maximum potential, particularly height and floor space ratio, and will be assessed on merit.</p>	
<p>C-8. Where adjacent sites are developing concurrently, site planning options for development as an amalgamated site are to be explored.</p>	

## 9.0 Side and rear setbacks

<b>Objectives</b> 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.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.Design is to: <ul style="list-style-type: none"> <li>a. ensure adequate natural light, ventilation and privacy between buildings</li> <li>b. protect public tree assets</li> <li>c. consider the impact on solar access and private open space of adjoining dwellings.</li> </ul>	Side and rear setbacks are also specified Part E – Places and Precincts.  Commercial enterprises undertaken off site require approvals. This includes the use of public footpaths.

## 10.0 Street activation

<b>Objectives</b>		
1. Ensure activation of street frontages enables a safe and accessible environment. 2. Attract pedestrian traffic along ground floor street frontages in business and employment zones.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.Activated street edges are to be provided at the interface to the public domain at ground level.		
C-2.Ground floor retail and business uses provide multiple pedestrian accesses along the street frontage.		An 'active frontage' is one that promotes activity on the street, with transparent glazing to allow unobstructed views from the adjacent footpath to at least a depth of 6m within the building. Clearly defined entrances, windows and shop fronts are elements of a building facade that can contribute to an active street frontage.
C-3.There is a visual connection into uses at ground level, and solid walls or covered glazing for lengths greater than 3m are avoided.		
C-4.A minimum of 50% of a building's primary frontage is an 'active frontage', except in the Newcastle city centre where this is to be a minimum of 70% of a building's primary frontage.		
C-5.External works complement the character of the streetscape.	AS-1. Footpath widening is encouraged at intersections adjacent to corner buildings, providing for the extension of civic or commercial activity such as outdoor eating, rest areas and meeting places.  AS-2. Encourage the creation of pedestrian spaces provided with seating and landscape treatment where possible to reinforce the existing network and land use patterns.	
C-6.Outdoor dining considers potential impacts on the amenity of surrounding residences and businesses.		Refer to CN's Outdoor Trading Policy (as amended).



## 11.0 Building design and appearance

<b>Objectives</b>	
<p>1. Ensure development responds to its context and makes a positive contribution towards the desired streetscape.</p> <p>2. Building facades and exteriors shall be designed to:</p> <ol style="list-style-type: none"> <li>contribute positively to the streetscape</li> <li>be of high visual quality</li> <li>incorporate a sensitive mix of colours, materials, treatments and finishes that are sympathetic to the site's context</li> <li>use durable and energy efficient materials</li> <li>avoid unsightly visually dominating features</li> <li>minimise noise transmission.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<p>C-1.Design and construct buildings to consider features of existing areas, and integrate these into the development, such as:</p> <ol style="list-style-type: none"> <li>corner feature sites</li> <li>traditional street and lane patterns</li> <li>pedestrian walkways and other public open space areas</li> <li>pavement design, including materials and finishes, kerb and gutter treatment</li> <li>fine grain architectural detail.</li> </ol>	<p>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. See Section B6 Urban heat for further detail.</p>
<p>C-2.Visually integrate development with the surrounding area and adjoining buildings through appropriate design, including articulation that responds to datum lines of key components of adjoining buildings such as street wall height, street setback, awnings, parapets, cornice lines and setbacks above street wall height.</p>	
<p>C-3.Buildings at the junction of street corners:</p> <ol style="list-style-type: none"> <li>incorporate an elevation which directly faces the corner</li> <li>provide a 4m by 4m truncation, to be dedicated as road reserve</li> <li>incorporate a 4m by 4m concave building chamfer at the corner for the full height of the building</li> <li>provide a well-designed facade, including: <ol style="list-style-type: none"> <li>windows and openings</li> <li>pedestrian entrances, particularly on the building chamfer</li> <li>projections and articulation.</li> </ol> </li> </ol>	
<p>C-4.Buildings are to have a maximum floor plate of 1200m<sup>2</sup> before buildings need to be split and identified as separate building elements.</p>	
<p>C-5.The continuous length of a single building on any elevation is not to exceed 60m. Where the building length is proposed to be greater than 60m, a recessed or articulated area is to be provided sufficient to present to the street as a separate building.</p>	

<p>C-6. Monolithic structures with repetitive elements are to be avoided by segmenting building facades into vertical elements with individual modulations.</p>	
<p>C-7. Large expanses of blank, unarticulated facades of the same or similar material, including reflective glass, are to be avoided.</p>	
<p>C-8. 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.</p>	
<p>C-9. Development shall minimise the use of virgin materials, maximise energy efficient materials and use durable materials and finishes to reduce ongoing maintenance costs. Subject to compatibility with the desired character of the area, face brickwork, stone, concrete and glass are encouraged.</p>	
<p>C-10. Exterior facades are designed to minimise the opportunity for sound transmission. Depending on surrounding land uses and the nature of the proposal, an acoustic report may be requested demonstrating how sound transmission is minimised.</p>	
<p>C-11. Building design is to integrate ramps and lifting devices for stairs, or ramps at an entrance, without requiring users to travel significantly greater distances than people without a disability.</p>	

## 12.0 Amenity – internal and neighbour

### Objectives

1. Buildings use natural cross ventilation to reduce air conditioning use and provide healthy work environments with good daylight and solar access.
2. Workplaces provide accessible open space for staff and employees.
3. Ensure solar access enables passive solar heating in winter and provides a healthy indoor environment.
4. Ensure development retains reasonable levels of solar access to neighbouring properties and their solar panels and private open space.
5. Provide awareness of the obligations under the *Commonwealth's Disability Discrimination Act 1992*.
6. Concentrate the night-time (after 9pm) and late-night (after 12am - midnight) economy in the seven nightlife precincts: East End, Civic-CBD, West End, Hamilton, Darby Street, Honeysuckle, and Junction-Merewether and support safe and activated public places after dark.
7. Ensure that commercial development does not generate adverse amenity impacts on residential and other sensitive land uses.

Controls (C)	Acceptable solutions (AS)
C-1. Workplaces should be designed and configured to maximise equitable access to daylight.	
C-2. Maximise natural daylight access by limiting enclosed spaces and rooms along the building perimeter.	
C-3. Promote natural cross ventilation with building design using narrow floor plates and operable windows on opposing facades.	
C-4. Opening windows should be located away from site conditions that would lead to them not being opened or used, examples being busy roads, noisy equipment, and sources of odour.	
C-5. Locate and design communal open space to benefit from daylight and natural ventilation.	
C-6. Provide natural ventilation to basement parking that has external walls above ground level.	
C-7. For an adjoining dwelling, the living room window and principal private open space receives at least two hours of direct sunlight between 9am and 3pm on winter solstice. Where the window or principal area of private open space is already overshadowed, solar access is not further reduced.	
C-8. Give consideration to neighbouring properties' solar panels and the loss of sunlight to these panels from any development proposal, having regard to the performance, efficiency, economic viability and reasonableness of their location.	AS-1. Where reasonably practicable sunlight to any existing solar panels should not be reduced to less than two hours between 9am and 3pm on 21 June.
C-9. An application for development including change of use is to provide an access report in accordance with the application requirements above.	
C-10. Late-night development (after 12am - midnight) is not located outside the seven nightlife precincts identified in the <i>Newcastle After Dark, Night-time Economy Strategy</i> .	

C-11. Growth in the late-night economy must represent low impact venues to facilitate continued progress in venue diversity.	
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### 13.0 Views and visual privacy

<b>Objectives</b>	
1. Encourage the sharing of views while not restricting the reasonable development potential of a site. 2. Minimise direct overlooking of adjoining residences.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.Existing views from dwellings are not substantially affected where it is reasonable to design for the sharing of views.	Where views are potentially compromised, an assessment of the view loss must be undertaken having regard to 'Views – General Principles' of the NSW Land and Environment Court (presently <i>Tenacity Consulting v Warringah Council [2004] NSWLEC 140</i> ).  Refer to Section E1 Built and landscape heritage and Section E2 Heritage conservation areas.
C-2.Grand vistas and views from dwellings which are recognised and valued by the community are not unreasonably obscured by development.	
C-3.Views to heritage or familiar dominant landmarks from dwellings are not unreasonably obscured.	
C-4.A window in any part of an existing commercial premises being altered or added has a privacy screen for any part of the window less than 1.5m above the finished floor level of each storey if: <ol style="list-style-type: none"> <li>a. the window faces a building used for residential accommodation on an adjoining lot, and</li> <li>b. the wall in which the window is located has a setback of less than 6m from the boundary of that adjoining lot.</li> </ol>	
C-5.A window in a development must have a privacy screen for any part of a window that is less than 1.5m above the finished floor level of each storey or edge of a terrace, balcony or verandah where: <ol style="list-style-type: none"> <li>a. the window, terrace, balcony or verandah faces a building used for residential accommodation on an adjoining lot, and</li> <li>b. the wall in which the window is located, or the edge of the terrace, balcony or verandah is less than 6m from the boundary of that adjoining lot.</li> </ol>	

## 14.0 Fencing and walls

### Objectives

1. Provide privacy, security and noise attenuation while complementing the streetscape and adjacent buildings.
2. Provide for active street frontages and pedestrian access.
3. Enable the outlook from buildings to the street for safety and surveillance.

### Controls (C)

### Explanatory notes

C-1.The use of fencing and walls along street frontages is not supported.

C-2.Fencing design adjoining public places is:

- a. not sheet-metal fencing
- b. not higher than 3m above ground level (existing)
- c. not of masonry construction to a height that is more than 1.2m above ground level (existing)
- d. complements the existing streetscape in relation to scale and materials and uses similar or compatible materials to those used in attractive buildings within the locality
- e. open for at least 75% of the area of the fence that is more than 1.2m above ground level (existing) if located on the boundary of, or within the setback area.

## 15.0 Utilities, services and site facilities

<b>Objectives</b>		
1. Reduce visual clutter and visual bulk of development by appropriately locating, orientating and screening services such as substations, hydrant boosters, plant equipment and mailboxes.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.Services, plant equipment and air conditioning units, at ground level and on structures, are screened from the street, public domain and neighbouring buildings by elements such as landscaping, fencing or walls, in a manner that reduces its visual dominance and reflects the desired character of the area.		For site waste management requirements see Section C6 Waste management.
C-2.Substations are integrated into the overall building design, are complementary to the building fabric and wherever possible, not be located in public areas or be visible from the public domain.		
C-3.Ventilation stacks servicing basement garages are not located in the street setback or any common open space and should be concealed within the building.		
C-4.Mailbox structure/s are integrated into the building design, do not dominate the street elevation and harmonise with the building aesthetic and landscape treatments.	AS-1.Mailbox points are preferably embedded into a wall.  AS-2.Larger developments provide internal mailboxes in common foyers.	
C-5.Mailboxes are in a location with passive surveillance and lighting to discourage mail theft.	AS-3.Mailbox groups are perpendicular to the street (rather than parallel to the site frontage).	

## 16.0 Acoustic privacy

<b>Objectives</b>	
1. Minimise sound transmission and noise pollution. 2. Ensure that commercial development that operates at night-time (after 9pm) or late-night (after 12am, midnight) does not generate adverse amenity impacts on residential and other sensitive land uses.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Adequately address noise sources impacting residential habitable areas to ensure appropriate internal noise levels are achieved, including by reference to appropriate legislation, guidelines and standards. This may require applicants to obtain an acoustic report or a noise impact assessment from an appropriately qualified and experienced acoustic engineer to support their application.	<p><i>Newcastle After Dark Strategy - Night-time Economy Strategy</i> reiterates that that a developer responsible for building a residential complex needs to 'design in' reasonable noise mitigation (for example double glazing). Conversely, a late-night venue seeking to extend venue space or hours of operation which may include live performance would need to ensure noise impacts are appropriately defined and managed through preparation of a plan of management. Refer to C7 Safety and security.</p> <p>For further guidance on noise attenuation, refer to the relevant sections of the <i>National Construction Code</i>, associated handbook, including:</p> <ul style="list-style-type: none"> <li>• Part F5 'Sound transmission and insulation' in Volume One for Class 2, 3 and 9c buildings</li> <li>• Handbook: <i>Sound transmission and insulation in buildings</i>.</li> </ul> <p>And the relevant NSW Environment Protection Agency guidelines, being:</p> <ul style="list-style-type: none"> <li>• <i>NSW Road Noise Policy</i></li> </ul> <p>Further information is in sub-section 7.0 Application requirements.</p>
C-2. Exterior facades are designed to minimise the opportunity for sound transmission.	
C-3. Where development adjoins a residential development, locate mechanical plant equipment and building services away from the residential building, be screened and have appropriate acoustic insulation.	
C-4. Mechanical plant and equipment are designed and located to minimise noise nuisance.	
C-5. For development that is proposed to operate during any part of the period 9pm to 6am, the acoustic impacts from the movement of persons to and from the development upon residential and other sensitive land uses are to be specifically assessed. The application must demonstrate that the acoustic impacts from the development and the movement of people associated with the development, does not result in new or increased adverse amenity impacts to such uses.	



## 17.0 Shopping trolleys

<b>Objectives</b>	
1. Minimise the impact of abandoned shopping trolleys on community amenity, safety and the environment.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<p>C-1. A management plan is required for all businesses that offer the use of trolleys to their customers. At a minimum the management plan must include:</p> <ol style="list-style-type: none"> <li>a. a list of contacts for the store/premises (including phone numbers)</li> <li>b. methods for identifying shopping trolleys that belong to a specific business (e.g. serial numbers, company logo, tracking device etc.)</li> <li>c. schedule for the daily collection of abandoned shopping trolleys, including details of trolley collection routes</li> <li>d. details of a trolley containment system which restricts the removal of trolleys from the premises</li> <li>e. measures to ensure that any trolleys reported as posing a risk or nuisance, are collected immediately upon notification (this may require an “after hours” collection service)</li> <li>f. a register of all trolleys that have been reported or collected (including instances where the trolley was not found at the reported location)</li> <li>g. methods for warning customers about the consequences of abandoning or removing trolleys from the premises</li> <li>h. a site plan of the premises showing the location of trolley bays and exit points</li> <li>i. a statement verifying that trolley management will be undertaken in accordance with the relevant consent (the consent is to be attached as an addendum once issued).</li> </ol>	<p>CN must be notified of any updates to the plan of management.</p>
<p>C-2. A trolley containment system is provided for businesses with 20 or more trolleys. Such examples include:</p> <ol style="list-style-type: none"> <li>a. coin/token operated system with refund</li> <li>b. trolleys with wheel locks activated by a radio signal or magnetic strip</li> <li>c. radio signal transmitters on trolleys.</li> </ol>	

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## **PART D: Development controls by land use**

### **Section D5 Industrial**

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## 1.0 Introduction

Industrial land uses are important employment generators and economic contributors. The nature of these uses is often associated with impacts caused by noise or traffic, or environmental amenity for adjacent and nearby sensitive land uses. This is particularly relevant where historical development land has led to residential and industrial uses occurring close to each other.

The function of industrial land uses, is often prioritised over its presence, including the design of buildings and streetscape appearance. However, these typologies are a strong part of the urban fabric and the sites of public interactions. It is therefore important that amenity and aesthetics are considered in conjunction with the functioning of the site.

Development of this nature often has specific challenges such as stormwater from large areas of impervious surfaces and roofing, pollutants from onsite activities, noise, waste, access and servicing. Notwithstanding, there are significant opportunities available to realise sustainability benefits, including:

- reducing energy consumption through careful site and building design
- increasing water efficiency through stormwater capture and reuse, and/or the use of water sensitive urban design principles.

Overall, the development is to be sited and designed to be environmentally sustainable, minimise land use conflict and operate under appropriate environmental mitigation measures to manage waste and minimise air, water and noise pollution. Development is to be compatible with the scale, form, design, colour, height, materials, setbacks and landscaping of the surrounding area.

## 2.0 Application

This section applies to all land zoned:

- E3 Productivity Support
- E4 General Industrial
- E5 Heavy Industrial
- SP1 Special Activities

For development involving heritage items or heritage conservation areas identified under *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), a merit assessment will be undertaken to ensure the outcomes sought are balanced with heritage conservation outcomes.

## 3.0 Related sections

The following sections will also apply to development:

- B6 Urban heat
- C2 Movement networks

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B7 Land contamination
- C1 Traffic, parking and access
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C6 Waste management
- C7 Safety & security
- C8 Social impact
- C9 Advertising and signage
- C10 Street awnings and balconies

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- C11 Development adjoining laneways
  - C12 Open space and landscaping
  - D1 Subdivision and lot consolidation
  - D2 Single dwelling and ancillary development
  - D3 Residential development
  - D4 Commercial
  - D5 Industrial
  - D6 Community services
  - D7 Sex industry establishments
  - E1 Built and landscape heritage
  - E7 Wickham
  - E9 Black Hill employment area

#### **4.0 Additional information**

- *NSW Industrial Noise Policy*, 2000, NSW Environment Protection Authority
- *Noise Policy for Industry*, 2017, NSW Environment Protection Authority

#### **5.0 Objectives**

1. Promote the efficient and economic use of industrial resources by ensuring proposed development is appropriate for industrial areas.
2. Outline requirements for development on sites zoned SP1 (Special Activities) under *State Environmental Planning Policy (Transport and Infrastructure) 2021* and located outside the Port of Newcastle Lease Area.
3. Ensure development has minimal impacts on adjacent sensitive land uses.
4. Encourage industrial development and employment generating uses that operate in a functional, safe and environmentally responsible manner.

#### **6.0 Definitions**

A word or expression has the same meaning as it has in LEP 2012, unless otherwise defined.

## 7.0 Application requirements

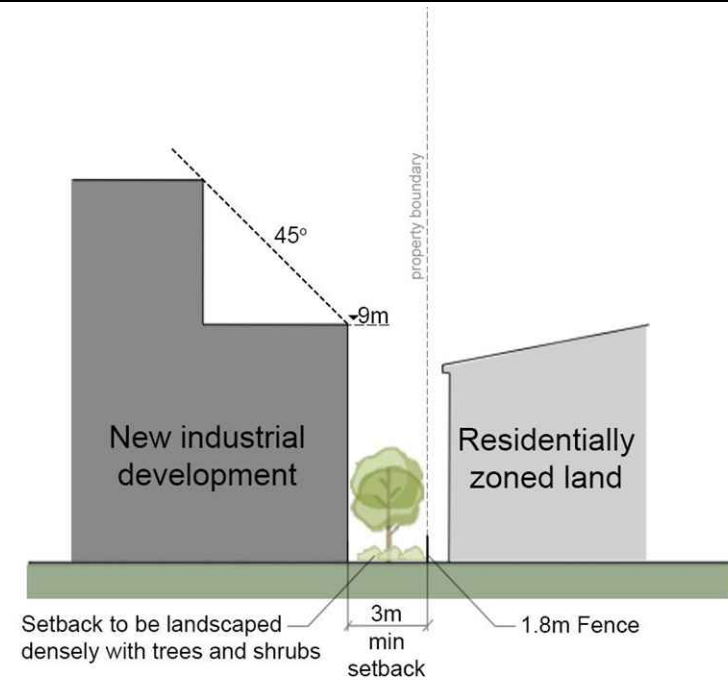
Development category	Application requirements	Explanatory notes
<p>All applications that include the erection of a new structure or the extension of an existing structure may require a 3D model.</p>	<p>The format should be compatible to that used by City of Newcastle (CN). Format specification requirements for the model can be provided by CN's Geospatial Information Services team.</p>	<p>The 3D Model should be used to illustrate the following information:</p> <ul style="list-style-type: none"> <li>• context 'before' and 'after' streetscape drawings/images and/or photomontages;</li> <li>• shadow diagrams; and</li> <li>• assessment of impact on view corridors.</li> </ul>
<p>Development that adjoins or is located near land zoned and for residential use.</p>	<p>Details of the proposed operation, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• operating hours</li> <li>• mechanical operations</li> <li>• deliveries</li> <li>• staff numbers</li> <li>• patronage</li> <li>• vehicle movements</li> <li>• loading and unloading.</li> </ul>	
<p>All development applications (DA) proposing a change to the built form that will impact:</p> <ul style="list-style-type: none"> <li>• solar access to solar panels on both the development site or neighbouring property</li> <li>• solar access to communal open space on both the development site or neighbouring property</li> </ul> <p>For properties adjoining land zoned for residential use, or land used for residential purposes where sunlight access</p>	<p>Shadow diagrams are to be supplied that graphically indicate how the requirements in sub-section 10.0, 11.0 and 15.0 of this section have been achieved.</p> <p>Shadow diagrams must show the effect in plan and elevation view of the existing and proposed overshadowing for June 21 at hourly intervals between 9:00am and 3:00pm.</p> <p>The shadow diagrams must:</p> <ul style="list-style-type: none"> <li>• be drawn to an appropriate scale (generally 1:100 or 1:200)</li> <li>• use different colours or style to clearly differentiate between existing and proposed shadows</li> <li>• indicate the footprint of neighbouring buildings impacted by existing and/or proposed shadowing, including the location of any solar panels and communal outdoor areas</li> <li>• for properties adjoining residentially zoned land, or land currently used for residential purposes, show windows of living areas of adjacent dwellings that face north and the principal area of private open space of any adjoining dwellings</li> </ul>	

<p>to windows of living areas, or private open space may be impacted.</p>	<ul style="list-style-type: none"> <li>• indicate and use the true north point (not magnetic north).</li> </ul>	
<p>Any development requiring an acoustic report or a noise impact assessment.</p>	<p>An acoustic report or noise impact assessment is warranted when a noise-producing development is proposed near noise-sensitive areas or, conversely, when a noise-sensitive development is proposed in a noisy area.</p> <p>An acoustic report should:</p> <ul style="list-style-type: none"> <li>• consider and apply relevant noise guidelines or policies – e.g., those nominated by planning authorities in planning instruments (e.g. development control plans and/or planning approvals) or in pre-DA meetings for a development</li> <li>• clearly describe assessment methodologies and include calculation data</li> <li>• adequately consider relevant factors such as the effects of weather, extraneous noise sources, potentially annoying characteristics of noise sources and operating conditions at the time of measurements.</li> </ul> <p>Ensure any recommendations concerning acoustic attenuation are feasible and can be practically implemented.</p>	<p>A noise-sensitive development may include but is not limited to residential accommodation, educational establishments, early education and childcare facility, health services facility, place of public worship or the like.</p> <p>More guidance can be found in the <i>Noise Guide for Local Government, 2023</i> (NSW Environment Protection Authority) and, <i>Approved Methods for the Measurement and Analysis of Environmental Noise in NSW, 2022</i> (NSW Environment Protection Authority).</p>
<p>An application for development, including a change of use involving building work.</p>	<p>An access report identifying the relevant matters to be addressed at the construction certificate stage, in circumstances where access constitutes a substantive public interest aspect of a proposal.</p> <p>Access reports should be prepared by a person who is a suitably qualified access consultant, such as a person who is appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	<p>The Disability (Access to Premises – Buildings) Standards 2010 applies to any part of a building impacted by the application for a change of use. This section does not require anything beyond the standard, but does require information on how the standard will be met through the building design in accordance with these application requirements. There may also be other standards under the <i>Disability Discrimination Act 1992</i> relevant to the public interest assessment of a proposal, such as the <i>Disability Standards for Education 2005</i>.</p>
<p>An application for a change of use not involving building work.</p>	<p>An access report to consider access matters, in circumstances where access constitutes a substantive public interest aspect of the proposal.</p> <p>Access reports should be prepared by a suitably qualified access consultant, such as a person who is appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	<p>A change of use not involving building works may generate public interest considerations relevant to the assessment of a DA, including in circumstances where it is apparent that a building may not comply with the access requirements of the Building Code of Australia.</p>

## 8.0 Building setbacks

<b>Objectives</b> <ol style="list-style-type: none"> <li>1. Ensure adequate area is available at the street frontage to accommodate satisfactory landscaping, access, parking and manoeuvring of vehicles.</li> <li>2. Reduce the visual impact of development on the streetscape.</li> <li>3. Provide a buffer between adjoining residentially zoned land, or land currently used for residential purposes, reducing adverse impacts on surrounding land uses and residential amenity.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-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, provided that: <ol style="list-style-type: none"> <li>a. the remaining portion of the development is setback a distance equivalent to the concession taken</li> <li>b. the building design contributes to the enhancement of the streetscape</li> <li>c. the setback area is landscaped</li> <li>d. the front setback does not have any car parking spaces.</li> </ol>	Within established areas consideration will also be given to existing setbacks, particularly within the E3 Productivity support zone.
C-2. Nil setbacks to side and rear boundaries are permitted where abutting existing industrial development.	Side and rear boundary setbacks may be required to achieve minimum landscape area controls as prescribed in Section C12 Open Space and landscape.
C-3. On sites of 10,000m <sup>2</sup> or more, buildings and external work and storage areas are setback a minimum of 6m from side and rear boundaries.	
C-4. The minimum setback from any secondary frontage, including a lane, is a minimum of 2m. This includes storage areas.	

C-5. The minimum setback to residentially zoned land, or land currently used for residential purposes is 3m. This setback is increased by 1m for every additional metre above 9m in building height. The setback is to be densely landscaped with trees and shrubs, which at maturity will screen the development from residential land refer **Figure D5.01**.



**Figure D5.01: Setbacks to residential zoned land**

C-6. Variations to a setback for development that has more than one road frontage will be considered on merit, taking into account the following:

- a. the location
- b. surrounding development and land uses
- c. building form.



## 9.0 Character and amenity

### Objectives

1. Promote development that is functional and attractive in the context of its local environment through appropriate design.
2. Ensure development is sympathetic with the streetscape character and amenity of any adjoining residential precinct.
3. Any proposed building or proposed alterations and additions to an existing building are to minimise and ameliorate any potential adverse impacts on amenity, noise privacy or overshadowing on any adjoining residential zoned land.
4. Provide awareness of the obligations under the *Commonwealth's Disability Discrimination Act 1992*.
5. Promote lot consolidation and ensure development does not result in isolated sites.

### Controls (C)

C-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. Design quality is determined having regard to the following:

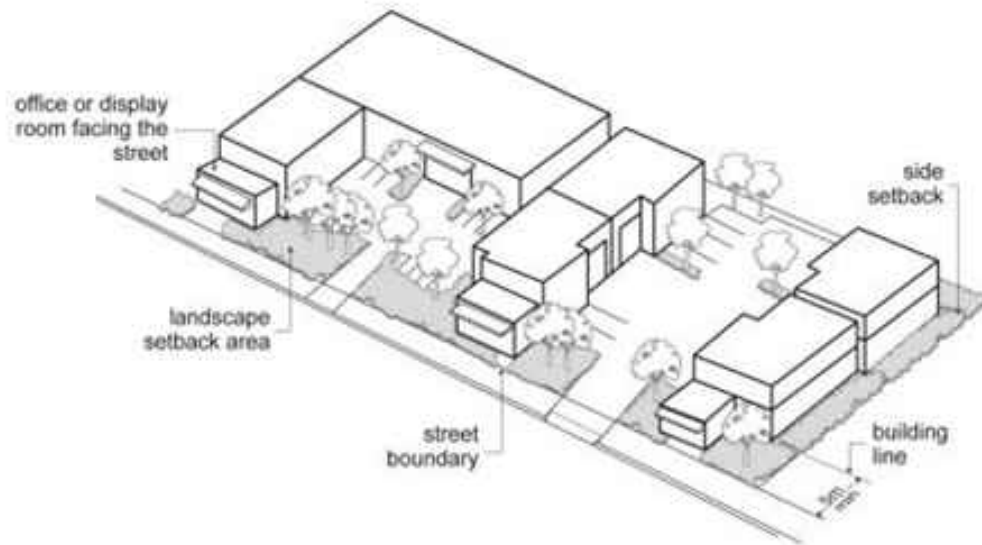
- a. elevations of buildings visible from a public road, reserve, railway or adjacent residential areas are constructed using brick, masonry, pre-coloured metal cladding, appropriately finished 'tilt-slab' concrete or a combination of a number of these materials. Large unrelieved expanses of wall or 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, at the front of the premises and constructed in brick or masonry materials to enhance the appearance of the development. Refer to **Figure D5.02**
- c. roofing materials consist of low-reflective materials particularly when visible from a public place or adjoining residential areas.

C-2. Development is not to result in the creation of an isolated site that could have been developed in compliance with the relevant planning controls. Appropriate documentary evidence to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value.

C-3. Where amalgamation of the isolated site is not feasible, applicants will be required to demonstrate that an orderly and economic use and development of the separate sites can be achieved.

C-4. The development of existing isolated sites is not to detract from the character of the streetscape and is to achieve a satisfactory level of amenity including solar access, visual and acoustic privacy. Development of existing isolated sites may not achieve the maximum potential, particularly height and floor space ratio, and will be assessed on merit.

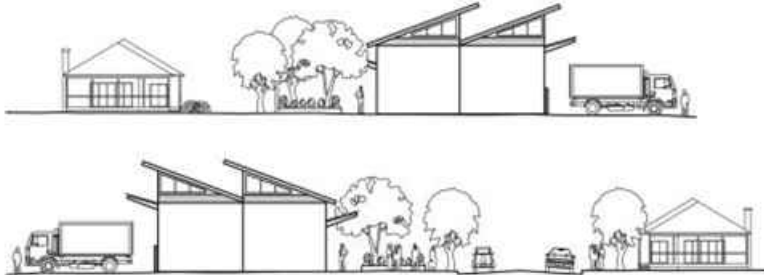
C-5. Where adjacent sites are developing concurrently, site planning options for development as an amalgamated site are to be explored.



**Figure D5.02: Street address and front setback**

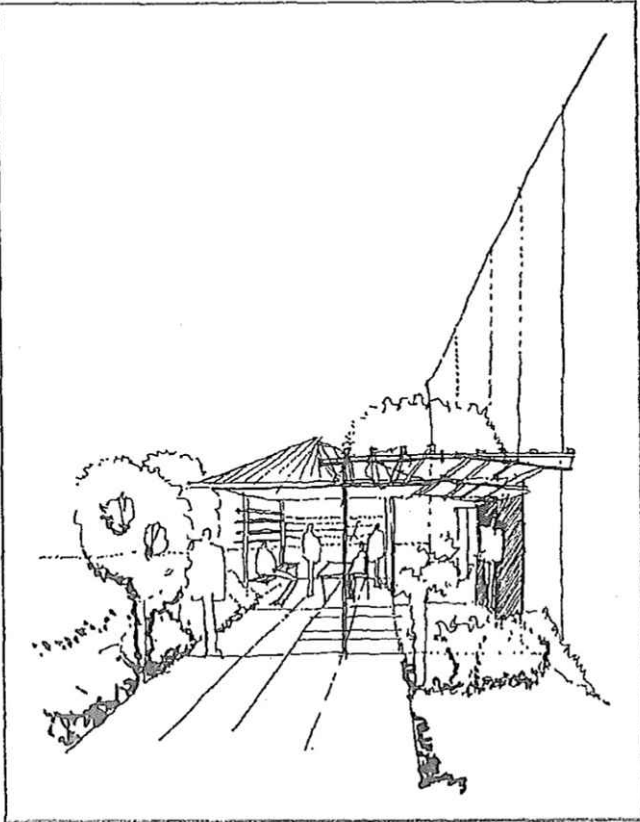
C-6.All fencing in industrial developments is constructed of palisade or decorative open style metal type fencing with a maximum 1.8m height.
C-7.The use of sheet metal fencing or chain wire fencing on the front property boundary is not allowed.
C-8.All front entry gates are constructed to swing inwards into the site or slide across the frontage at all times.
C-9.Masonry retaining walls along the street frontage area restricted to 600mm in height.
C-10.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.
C-11.An application for development including a change of use is to provide an access report in accordance with the application requirements above.

## 10.0 Development that adjoins or is located within proximity to residentially zoned land uses

<b>Objectives</b> 1. Protect the amenity of adjoining residentially zoned land and uses. 2. Ensure the use and development of industrial land minimises any adverse amenity, noise, overshadowing and privacy impacts to surrounding residentially zoned land and uses. 3. Encourage a development layout, design and operation that appropriately manages land use conflicts.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<p>C-1.A development proposal that adjoins or is located within proximity to residentially zoned land, or land currently used for residential purposes, must demonstrate compatibility with surrounding uses when considering the following:</p> <ol style="list-style-type: none"> <li>a. the nature of the proposed development</li> <li>b. the bulk and scale of development and possible overshadowing effects</li> <li>c. the need for increased side and rear boundary setbacks</li> <li>d. the amount of landscaping and its effectiveness in screening the proposed development</li> <li>e. the level of traffic generated</li> <li>f. the hours of operation proposed</li> <li>g. the impact of noise, odour, dust and other emissions.</li> </ol> <p>Refer to <b>Figure D5.03</b>.</p>	<p>In determining a DA in industrial zones, the effect the proposal will have on the existing and likely future amenity of the neighbourhood is to be considered. The level of amenity for dwellings located on industrial land may be given less consideration than dwellings located on residential zoned land.</p> <p>High-intensity noise generating industries are not favoured close to residential areas.</p>  <p><b>Figure D5.03: Buffer provided from noise generating activities to residential areas</b></p>
<p><b>Noise</b> C-2.Sources of noise such as garbage collection deliveries, plants and machinery, parking areas and air conditioning plants are sited away from adjoining residential properties, wherever practicable, and screened by walls or other acoustic treatments.</p>	

<p>C-3.Noise sources impacting residential habitable areas will need to be adequately addressed to ensure appropriate internal noise levels are achieved with respect to appropriate legislation, guidelines and standards. This may require applicants to obtain an acoustic report or a noise impact assessment from an appropriately qualified and experienced acoustic engineer to support their application.</p>	<p>Further information can be found in sub-section 7 Application requirements.</p>
<p><b>Light spill</b> C-4.Lighting is designed or treated to not cause light spill onto adjoining residentially zone land.</p>	<p>A curfew may be imposed on the operation of illuminated signage where continuous illumination may adversely impact the amenity of adjoining dwellings.</p>
<p><b>Privacy</b> C-5.Building siting, window location, communal open space and fencing are designed and located to maximise privacy to adjoining residentially zoned land and uses.</p>	
<p>C-6.Provide privacy screens where the distance from the window to a boundary to adjoining residentially zoned land is:</p> <ul style="list-style-type: none"> <li>a. less than 3m, and has a finished floor level (FFL) greater than 1m above existing ground level, or</li> <li>b. less than 6m and the room has a FFL greater than 3m above ground level.</li> </ul>	
<p><b>Solar access</b> C-7.Development proposals adjoining residentially zoned land, or land currently used for residential purposes maintain at least:</p> <ul style="list-style-type: none"> <li>a. three hours of sunlight to the windows of living areas that face north between 9am and 3pm on 21 June, and</li> <li>b. two hours of sunlight to the principal area of private open space between 9am and 3pm on 21 June.</li> </ul> <p>Where these requirements cannot be met, the development proposal must not result in additional overshadowing of these areas.</p>	

## 11.0 Communal outdoor areas

Objectives	
1. Provide outdoor areas that enhance the amenity of a development, allowing adequate communal outdoor space for employees and providing sunlight and shade.	
Controls (C)	Explanatory notes
<p>C-1. Development with a floor area greater than 500m<sup>2</sup> or with a site area greater than 2000m<sup>2</sup> provides open space facilities on site which includes:</p> <ol style="list-style-type: none"> <li>seating, tables and rubbish bin</li> <li>accessible staff amenities (eg. toilets and kitchen area)</li> <li>protection from the weather</li> <li>safe access to all staff</li> <li>separation from public areas</li> <li>location away from noisy or odorous activities</li> <li>orientation to ensure some exposure to sunlight.</li> </ol> <p>Refer to <b>Figure D5.04</b>.</p>	 <p><b>Figure D5.04: Open space facilities for staff</b></p>
C-2. In locating communal areas, consideration is given to the outlook, natural features of the site, and neighbouring buildings.	
C-3. Communal areas receive a minimum of two hours direct sunlight between 11am and 3pm on 21 June.	

## 12.0 Open storage and work areas

<b>Objectives</b> 1. Ensure open storage and work areas are suitably screened from public view.
<b>Controls (C)</b>
C-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.
C-2. Approved open work and storage areas are located at the rear of industrial developments and screened from view by landscaping and screen fencing.
C-3. Any screen fencing is constructed of masonry materials or pre-coloured metal cladding, having a minimum height of 2m.
C-4. The perimeter of all approved storage areas is landscaped.

## 13.0 Loading, unloading and servicing areas

<b>Objectives</b> 1. Provide for the design of loading and servicing areas in a functional and aesthetically pleasing manner.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-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.	
C-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.
C-3. 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.	

## 14.0 Parking, vehicle access and movement

<b>Objectives</b>	
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. 3. Maximise opportunities for walking and cycling and where possible.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.Car parking provided on site in accordance with the requirements of Section C1 Traffic, parking and access.	
C-2.Off-street parking is provided behind or at the side of the building area.	
C-3.Heavy and light traffic movements are to be separated.	
C-4.All vehicles are able to enter and leave the site in a forward direction.	
C-5.Development is to provide footpaths for the full width of any site frontage. Where the proposed footpath will adjoin and connect to an existing or approved footpath on an adjoining site, the width of the proposed footpath is to match this footpath width. See C2 Movement networks for detail.	<p>As per Section C2 Movement networks, when determining the requirement for footpaths, considerations by CN may include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• the development type, scale and density</li> <li>• planned or likely intensification of an area</li> <li>• adjoining or surrounding footpath infrastructure and surface treatments</li> <li>• condition of any existing footpath and need for replacement</li> <li>• CN forecasted infrastructure and asset projects or capital works programs</li> <li>• topography of the road reserve along subject site frontage</li> <li>• the presence of any utilities, services, assets, street trees, street furniture or the like.</li> <li>• CN public domain plans and standard drawings for footpaths.</li> </ul> <p>For more intensive developments, it may be a CN requirement to extend footways beyond the site frontage such as to connect to public transport or nearby services to support the development.</p>

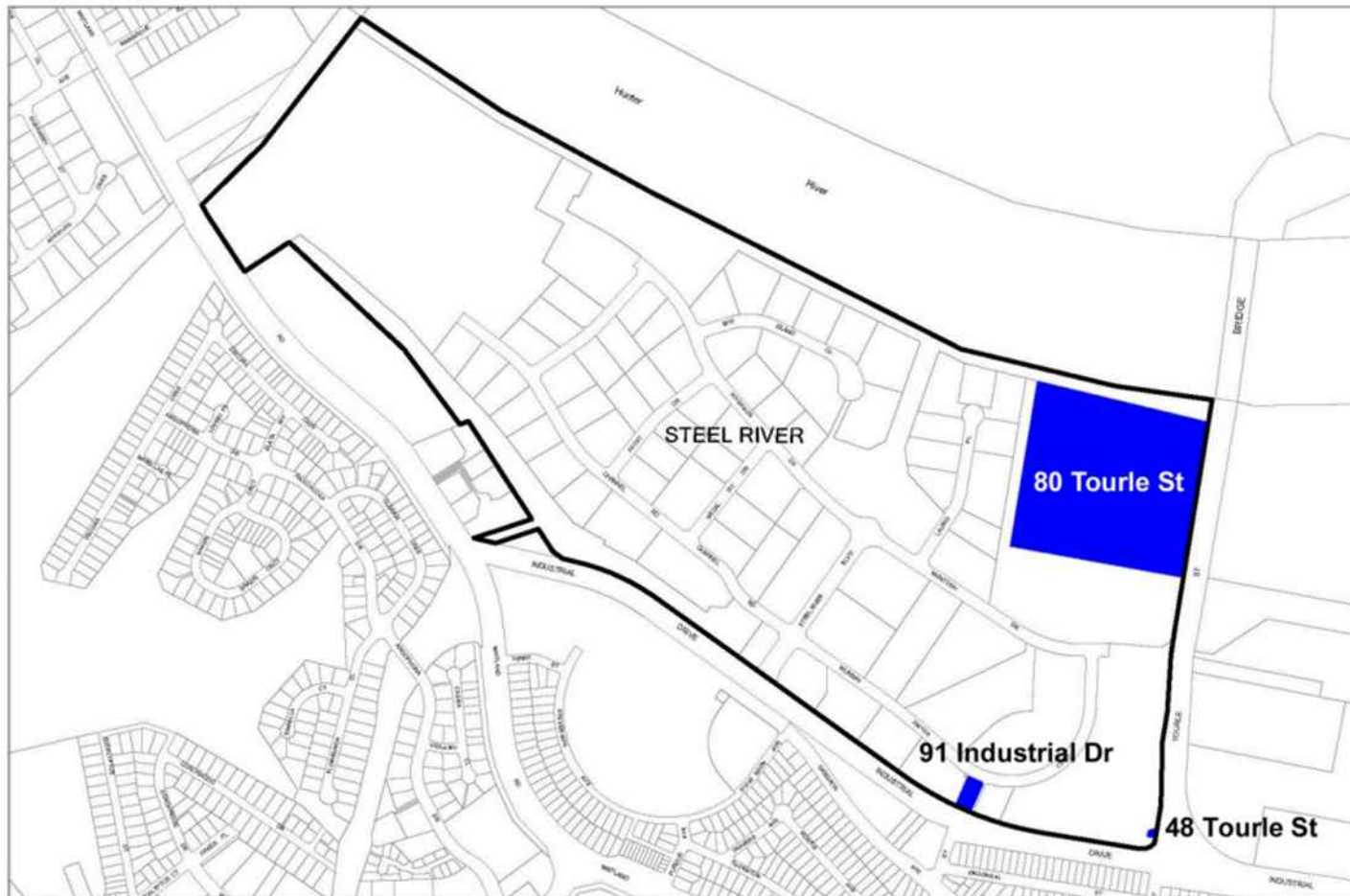
## 15.0 Access to sunlight

<b>Objectives</b> 1. Ensure development retains reasonable levels of solar access to solar panels on neighbouring properties.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1. Consideration must be given to neighbouring properties' solar panels and the loss of sunlight to these panels as a result of any development proposal, having regard to the performance, efficiency, economic viability and reasonableness of their location.	AS-1. Where reasonably practicable sunlight to any existing solar panels should not be reduced to less than two hours between 9am and 3pm on 21 June.	



## 16.0 Land in Zone E4 General Industrial 'Steel River Precinct'

The following controls apply to all development within 'Steel River' as identified on **Map D5.05**. If there is an inconsistency between a control under this part and elsewhere within DCP 2023 this part will take precedence to the extent of the inconsistency



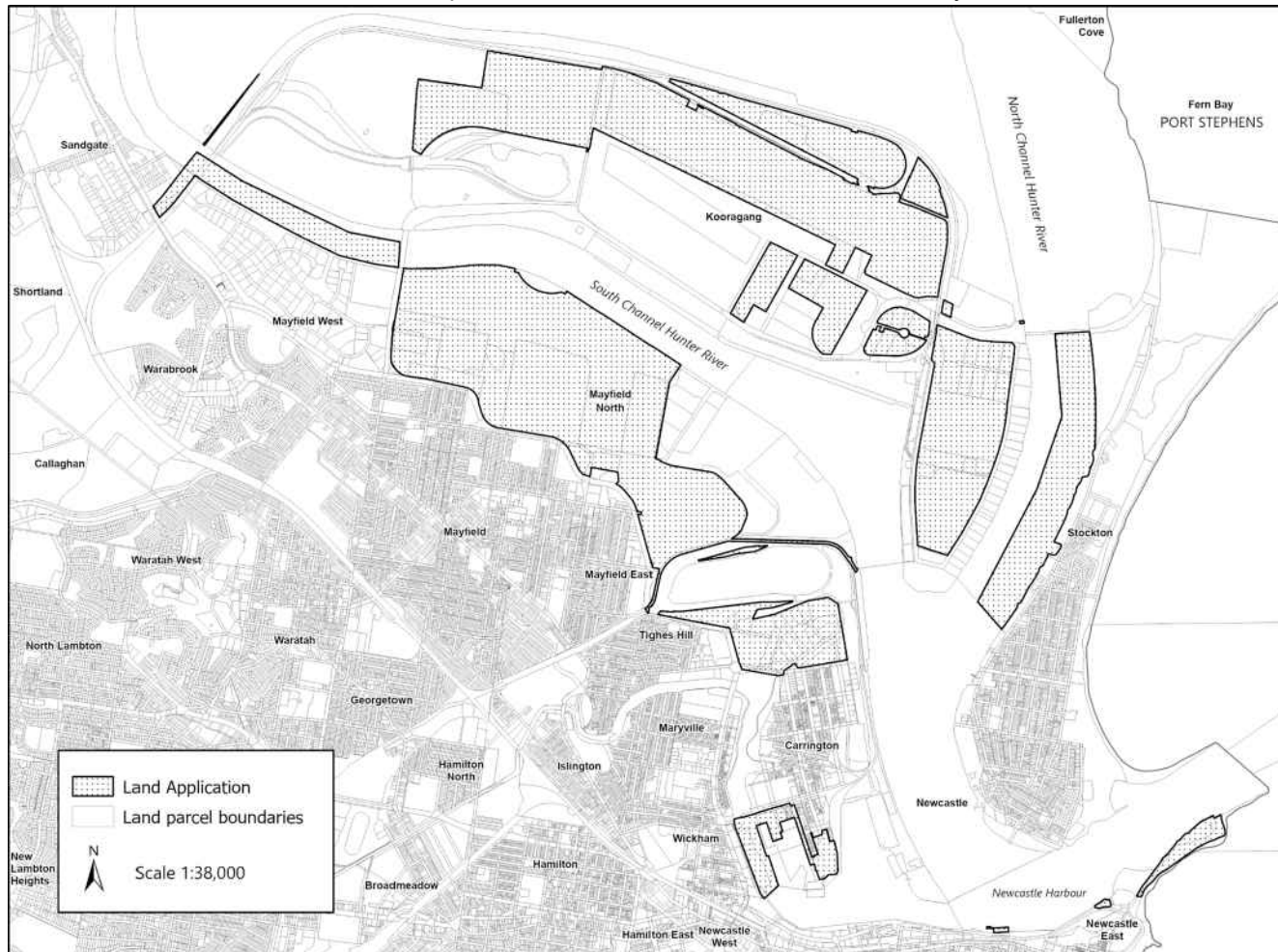
### Map D5.05: Steel River

**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 above 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 in 17.0 Land in Zone E4 General Industrial 'Steel River', thus the general industrial development controls apply. Please consult with City of Newcastle (CN) if you are unsure about the controls that apply to these sites.

<b>Objectives</b>	
1. Identify special controls applying to 'Steel River.'	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<p>C-1. The consent authority will not grant consent to the carrying out of development on land to which this part applies unless:</p> <ol style="list-style-type: none"> <li>a. the development is allowed with consent and complies with the environmental envelope, and</li> <li>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.</li> </ol>	<p>Strategic Impact Assessment Study: The study titled '<i>Strategic Impact Assessment Study</i>' concerning land at Tourle Street and Industrial Drive, Mayfield - the Steel River Project, February 1998, approved by CN, a copy of which is available on the CN website.</p> <p>Environmental envelope - all the requirements set out in Part D of the '<i>Strategic Impact Assessment Study</i>', and includes (without limitation) the requirements relating to the following:</p> <ul style="list-style-type: none"> <li>• air quality, noise emissions and water quality</li> <li>• industrial ecology and ecologically sustainable development</li> <li>• air quality, noise emissions and water quality</li> <li>• industrial ecology and ecologically sustainable development</li> <li>• the social and economic welfare of residents and workers in Newcastle</li> <li>• urban design and landscaping</li> <li>• the cultural, historic and landscape significance of the land.</li> </ul>

## 17.0 Land outside the Port of Newcastle lease area

The following additional controls apply to development of land zoned SP1 (Special Use) under the *State Environmental Planning Policy (Transport and Infrastructure) 2021* located outside the Port of Newcastle Lease Area and shown as applicable in **Map D5.06**. If there is an inconsistency between a control under this section and elsewhere within DCP 2023, this section will take precedence to the extent of the inconsistency.



**Map D5.06: Land identified under State Environmental Planning Policy (Transport and Infrastructure) 2021**

## 17.1 Vehicular access

<b>Objectives</b> <ol style="list-style-type: none"> <li>1. Ensure safe and effective access is provided for land zoned SP1 (Special Use) under <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> and located outside of the Port of Newcastle Lease Area.</li> <li>2. Ensure that legal access is provided to all land zoned SP1 under <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> and located outside of the Port of Newcastle Lease Area.</li> </ol>	
Controls (C)	Explanatory notes
C-1.Vehicular access to a development is provided by a road other than Industrial Drive, Cormorant Road or Tourle Street.	Industrial Drive, Cormorant Road and Tourle Street are classified roads. Any openings to these roads require approval from Transport for NSW.
C-2.If access is only available from these roads, a single access point is located so that the safety, efficiency and ongoing operation of the road is maintained. Any other existing access points are to be closed.	
C-3.Where access to a site is via roads managed by the operator of the Port of Newcastle shown in <b>Map D5.05</b> , evidence the operator has given consent to use the road is submitted with the DA.	Port of Newcastle Lease Area means land identified as “Port of Newcastle Lease Area” on the Lease Area Map contained in the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> .
C-4.Where 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 <b>Map D5.05</b> , the consent of the operator to lodge the DA is required.	

## 17.2 Stormwater disposal

<b>Objectives</b> <ol style="list-style-type: none"> <li>1. Ensure safe and legal methods of stormwater disposal are provided for land zoned SP1 (Special Use) under the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> and located outside of the Port of Newcastle Lease Area.</li> </ol>
Controls (C)
C-1.Where stormwater is to be discharged via a stormwater system managed by the operator of the Port of Newcastle, the DA includes evidence that the operator has given consent to the use of the stormwater system.

## PART D: Development controls by land use

### Section D6 Community services

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## 1.0 Introduction

Community services are important gathering places for people to engage in activities, interact with one another, and build a sense of community. They provide important services to the community.

Community facilities are often distinctive buildings in the urban landscape and good design is important to ensure that they contribute to the streetscape. Good design is essential as these facilities and the activities within them can greatly impact the amenity of the surrounding area. Community facilities also offer opportunities to realise sustainability benefits including reducing energy consumption and increasing water efficiency.

## 2.0 Application

This section applies to all development consisting of:

- Early education and care facility
- Community facilities
- Correctional centres
- Educational establishments
- Health services facilities
- Information and education facilities
- Place of public worship
- Public administration building
- Research station.

General controls in sub-sections 8.0 to 16.0 are also applicable to land uses specified in sub-sections 17.0 and 18.0.

For development involving heritage items or heritage conservation areas identified under *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), a merit assessment will be undertaken to ensure the outcomes sought are balanced with heritage conservation outcomes.

## 3.0 Related sections

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B7 Land contamination
- C1 Traffic, parking and access
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C6 Waste management
- C7 Safety & security
- C8 Social impact
- C9 Advertising and signage
- C10 Street awnings and balconies
- C11 Development adjoining laneways
- C12 Open space and landscaping
- All of Part E: Place and precincts

The following sections will also apply to development:

- B6 Urban heat
- C2 Movement networks



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## 4.0 Objectives

1. Maintain the streetscape, amenity and character of areas surrounding community services.
2. Ensure community services are appropriately located and designed.
3. Ensure residential development has a high level of privacy, comfort, security, amenity and liveability.
4. Promote adoption of best practice water efficiency and energy efficiency measures to create healthy work environments.

## 5.0 Explanatory notes

### Urban Design Consultative Group

Proposals involving larger development which, by virtue of their location or scale, are likely to have a significant impact and may be referred to Urban Design Review Panel for independent advice.

In some instances, there will be the opportunity to discuss your proposal directly with the panel prior to lodgement of a development application (DA). They will be able to offer independent advice regarding the proposal and their recommendations and advice will be considered when assessing the development.

## 6.0 Definitions

A word or expression has the same meaning as it has in [LEP 2012](#), unless otherwise defined.

## 7.0 Application requirements

Development category	Application requirements	
All applications that include the erection of a new structure or the extension of an existing structure may require a 3D model.	The format should be compatible to that used by City of Newcastle (CN). Format specification requirements for the model can be provided by CN's Geospatial Information Services team.	The 3D Model should be used to illustrate the following information: <ul style="list-style-type: none"> <li>• context 'before' and 'after' streetscape drawings/images and/or photomontages;</li> <li>• shadow diagrams; and</li> <li>• assessment of impact on view corridors.</li> </ul>
Childcare centres	A plan of management that addresses the following minimum requirements: <ul style="list-style-type: none"> <li>• details of services to be provided, including number of children to be accommodated, age range of the children and hours of operation</li> <li>• schedule of compliance with accommodation standards and outdoor play area requirements of the <i>Education and Care Services National Regulations, 2011</i></li> <li>• measures to minimise unreasonable impact to the habitable areas of adjoining properties</li> <li>• proposed staffing arrangements, including location and contact details of the centre manager</li> <li>• waste minimisation and recycling</li> <li>• professional cleaning details (as a minimum, facilities such as kitchens and toilet areas must be cleaned to a professional standard daily)</li> <li>• provision of safety and security measures, this may include but not be limited to such things as internal signage indicating the centre manager and contact number</li> <li>• emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of perimeter lighting, appropriate fencing and security gates, keys for security entrance doors be made available to essential services such as fire brigade in case of emergency</li> <li>• procedures for the management of emergencies and the safety and welfare of children, including procedures for the evacuation of the centre in the event of an emergency</li> <li>• an appropriate form of centre management with responsibility for the operation, administration, cleanliness and fire safety of the premises,</li> </ul>	



	including compliance with the Plan of Management and an Emergency Management and Evacuation Plan must be provided for the premises.	
Place of public worship	<p>A plan of management, that addresses the following minimum requirements:</p> <ul style="list-style-type: none"> <li>• frequency of all proposed services, events and the like</li> <li>• proposed hours of operation of all proposed services and events and the like</li> <li>• likely number of persons to attend each type of service, event, etc, and whether street parades or road closures are proposed</li> <li>• other uses that may take place within the place of worship (i.e., community use, childcare, religious classes etc), the frequency of these uses and the number of patrons proposed</li> <li>• particular custom or practice (such as ringing bells) that may occur and the frequency and length of such ritual</li> <li>• nomination of a contact person that will be responsible in responding to any issues or complaints</li> <li>• details of the facilities to be provided, including seating capacity, audio-visual equipment, and any other necessary facilities</li> <li>• procedures for the management of emergencies and the safety and welfare of attendees, including procedures for the evacuation of the premises in the event of an emergency.</li> </ul>	
Any development that may require an acoustic report or a noise impact assessment.	<p>An acoustic report or noise impact assessment is warranted when a noise-producing development is proposed near noise-sensitive areas or, conversely, when a noise-sensitive development is proposed in a noisy area.</p> <p>An acoustic report should:</p> <ul style="list-style-type: none"> <li>• consider and apply relevant noise guidelines or policies – for example, those nominated by planning authorities in planning instruments (e.g. DCPs and/or planning approvals) or in pre-DA meetings for a development</li> <li>• clearly describe assessment methodologies and include calculation data</li> <li>• adequately consider relevant factors such as the effects of weather, extraneous noise sources, potentially annoying characteristics of noise sources and operating conditions at the time of measurements</li> <li>• ensure any recommendations concerning acoustic attenuation are feasible and can be practically implemented.</li> </ul>	<p>A noise-sensitive development may include but is not limited to residential accommodation, educational establishments, early education and childcare facility, health services facility, place of public worship or the like.</p> <p>More guidance can be found in the <i>Noise Guide for Local Government, 2023</i> (NSW Environment Protection Authority) and, <i>Approved Methods for the Measurement and Analysis of Environmental Noise in NSW, 2022</i> (NSW Environment Protection Authority).</p>

<p>An application for development, including a change of use involving building work.</p>	<p>An access report identifying the relevant matters to be addressed at the construction certificate stage, in circumstances where access constitutes a substantive public interest aspect of a proposal.</p> <p>Access reports should be prepared by a person who is a suitably qualified access consultant, such as a person who is appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	<p>The <i>Disability (Access to Premises – Buildings) Standards 2010</i> applies to any part of a building impacted by the application for a change of use. This section does not require anything beyond the standard, but does require information on how the standard will be met through the building design in accordance with these application requirements. There may also be other standards under the <i>Disability Discrimination Act 1992</i> relevant to the public interest assessment of a particular proposal, such as the <i>Disability Standards for Education 2005</i>.</p>
<p>An application for a change of use not involving building work.</p>	<p>An access report to consider access matters, in circumstances where access constitutes a substantive public interest aspect of the proposal.</p> <p>Access reports should be prepared by a suitably qualified access consultant, such as a person appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	<p>A change of use not involving building works may generate public interest considerations relevant to the assessment of a DA, including in circumstances where it is apparent that a building may not comply with the access requirements of the <i>Building Code of Australia</i>.</p>
<p>All forms of development, including a change of use, if there is a built form element.</p>	<p>Shadow diagrams are to be supplied that graphically indicate how the requirements in sub-section 12.0 of this section have been achieved.</p> <p>Shadow diagrams must show the effect in plan and elevation view of the existing and proposed overshadowing for June 21 at hourly intervals between 9:00am and 3:00pm.</p> <p>The shadow diagrams must:</p> <ul style="list-style-type: none"> <li>• be drawn to an appropriate scale (generally 1:100 or 1:200)</li> <li>• use different colours or styles to clearly differentiate between existing and proposed shadows</li> <li>• indicate the footprint of neighbouring buildings impacted by existing and/or proposed shadowing, including the location of any windows, skylights, private open space/s, clothes drying areas, solar panels and/or solar hot water systems</li> <li>• specify the use of the rooms that have windows or skylights that are impacted by the existing or proposed shadowing</li> <li>• indicate and use true north point (not magnetic north)</li> <li>• include elevation views where windows of living areas are impacted.</li> </ul>	

## 8.0 Streetscape and front setbacks

<b>Objectives</b>	
1. Ensure development integrates with the surrounding environment and built form and makes a positive contribution to the local context. 2. Maximise opportunities for walking and cycling and where possible.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Within established areas the front setback is consistent with those of adjoining development. Some variations to the prevailing setbacks can be considered particularly where such variations are used to create streetscape variety and interest.	
C-2. Within established areas, the building height is consistent with those of adjoining development. Some variations to the prevailing building height can be considered particularly where variations are used to create streetscape variety and interest.	
C-3. Development of a site where the adjoining properties are vacant is to have a front building setback of a minimum 6m.	
C-4. Development facilitates pedestrian access from the street frontage and provides individual identity to buildings.	
C-5. Development is to provide footpaths for the full width of any site frontage. Where the proposed footpath will adjoin and connect to an existing or approved footpath on an adjoining site, the width of the proposed footpath is to match this footpath width. See C2 Movement networks for detail.	
	<p>As per Section C2 Movement networks, when determining the requirement for footpaths, considerations by CN may include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• the development type, scale and density</li> <li>• planned or likely intensification of an area</li> <li>• adjoining or surrounding footpath infrastructure and surface treatments</li> <li>• condition of any existing footpath and need for replacement</li> <li>• CN forecasted infrastructure and asset projects or capital works programs</li> <li>• topography of the road reserve along subject site frontage</li> <li>• the presence of any utilities, services, assets, street trees, street furniture or the like.</li> <li>• CN public domain plans and standard drawings for footpaths.</li> </ul> <p>For more intensive developments, it may be a CN requirement to extend footways beyond the site frontage such as to connect to public transport or nearby services to support the development.</p>

## 9.0 Side and rear setbacks

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Development is consistent with and complements the desired built form prevailing in the street and local area.</li> <li>2. Setbacks maintain the amenity and privacy of public spaces and adjoining dwellings and their private open space.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.Design is to: <ol style="list-style-type: none"> <li>a. ensure adequate natural light, ventilation and privacy between buildings</li> <li>b. protect public tree assets</li> <li>c. consider the impact on solar access and private open space of adjoining dwellings.</li> </ol>	Side and rear setbacks are also specified for locality specific locations. Development undertaken off site requires approvals. This includes the use of public footpaths.
C-2.For a centre-based child care facility, the side setback to access doors from children's internal space is a minimum of 4m.	

## 10.0 Street activation

<b>Objectives</b>		
1. Ensure activation of street frontages to ensure a safe and accessible environment. 2. Attract pedestrian traffic along ground floor street frontages in employment zones.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.Activated street edges provided at the interface to the public domain at ground level.		An active building frontage promotes activity on the street. It usually has transparent glazing to allow unobstructed views from the adjacent footpath to at least a depth of 6m within the building. Clearly defined entrances, windows and shop fronts are elements of a building facade that can contribute to an active street frontage.
C-2.There is a visual connection into uses at ground level, and solid walls or covered glazing for lengths greater than 3m are avoided.		
C-3.A minimum of 50% of a building's primary frontage is an 'active frontage', except in the Newcastle city centre where this is to be a minimum of 70% of a building's primary frontage.		
C-4.External works complement the character of the streetscape.	AS-1.Widen footpaths at intersections adjacent to corner buildings, providing for the extension of civic or ancillary commercial activity such as outdoor eating, rest areas and meeting places.  AS-2.The creation of pedestrian spaces provided with seating and landscape treatment where possible to reinforce the existing network and land use patterns.	

## 11.0 Building design and appearance

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Ensure development responds to its context and makes a positive contribution towards the desired streetscape.</li> <li>2. Building facades and exteriors shall be designed to:               <ol style="list-style-type: none"> <li>a. contribute positively to the streetscape</li> <li>b. be of high visual quality</li> <li>c. incorporate a sensitive mix of colours, materials, treatments and finishes that are sympathetic to the site's context</li> <li>d. use durable and energy efficient materials</li> <li>e. avoid unsightly visually dominating features</li> <li>f. minimise noise transmission.</li> </ol> </li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
<p>C-1.Design and construct buildings to consider features of existing areas which are integrated into the development such as:</p> <ol style="list-style-type: none"> <li>a. corner feature sites</li> <li>b. traditional street and lane patterns</li> <li>c. pedestrian walkways and other public open space areas</li> <li>d. pavement design, including materials and finishes, kerb and gutter treatment</li> <li>e. fine grain architectural detail.</li> </ol>	<p>Subject to the extent and nature of glazing and reflective materials used, a reflectivity report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required. See section B6 Urban heat for further detail.</p>
<p>C-2.Visually integrate development with the surrounding area and adjoining buildings through appropriate design, including articulation that responds to datum lines of key components of adjoining buildings such as street wall height, street setback, awnings, parapets, cornice lines and setbacks above street wall height.</p>	
<p>C-3.Buildings at the junction of street corners:</p> <ol style="list-style-type: none"> <li>a. incorporate an elevation which directly faces the corner</li> <li>b. provide a 4m by 4m truncation, to be dedicated as road reserve</li> <li>c. incorporate a 4m by 4m concave building chamfer at the corner for the full height of the building</li> <li>d. provide a well-designed facade, including:               <ol style="list-style-type: none"> <li>i. windows and openings</li> <li>ii. pedestrian entrances, particularly on the building chamfer</li> <li>iii. projections and articulation.</li> </ol> </li> </ol>	
<p>C-4.Buildings are to have a maximum floor plate of 1200m<sup>2</sup> before buildings need to be split and identified as separate building elements.</p>	
<p>C-5.The continuous length of a single building on any elevation is not to exceed 60m. Where the building length is proposed to be greater than 60m, provide a recessed or articulated area sufficient to present to the street as a separate building.</p>	
<p>C-6.Monolithic structures with repetitive elements are to be avoided by segmenting building facades into vertical elements with individual modulations.</p>	

C-7.Avoid large expanses of blank, unarticulated facades of the same or similar material, including reflective glass.	
C-8.Design roof lines to create a visually interesting skyline with roof plant and lift overrun integrated into the overall architectural design of the building.	
C-9.Development shall minimise the use of virgin materials, maximise energy efficient materials and use durable materials and finishes to reduce ongoing maintenance costs. Subject to compatibility with the desired character of the area, face brickwork, stone, concrete and glass are encouraged.	
C-10.Exterior facades are designed to minimise the opportunity for sound transmission. Depending on surrounding land uses and the nature of the proposal, an acoustic report may be required, demonstrating how sound transmission is minimised.	
C-11.Building design is to integrate ramps and lifting devices for stairs, or ramps at an entrance, without requiring users to travel significantly greater distances than people without a disability.	

## 12.0 Amenity – internal and neighbours

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Buildings use natural cross ventilation to reduce air conditioning use and provide healthy work environments with good daylight and solar access.</li> <li>2. Workplaces provide accessible open space for staff and employees.</li> <li>3. Maximise sunlight to habitable rooms and private open space.</li> <li>4. Ensure solar access enables passive solar heating in winter and provides a healthy indoor environment.</li> <li>5. Ensure development retains reasonable levels of solar access to neighbouring properties and their solar panels and private open space.</li> </ol>	
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>
C-1.Workplaces should be designed and configured to maximise equitable access to daylight.	
C-2.Enclosed spaces and rooms should be limited along the building perimeter to maximise natural daylight access.	
C-3.Promote natural cross ventilation with buildings of narrow floor plates and operable windows on opposing facades.	
C-4.Opening windows should be located away from site conditions that would lead to them not being opened or used, examples being busy roads, noisy equipment, and sources of odour.	
C-5.Locate and design communal open space to benefit from daylight and natural ventilation.	
C-6.Provide natural ventilation to basement parking that has external walls above ground level.	

<p>C-7. For an adjoining dwelling, the living room window and principal private open space receives at least two hours of direct sunlight between 9am and 3pm on winter solstice. Where the window or principal area of private open space is already overshadowed, solar access is not further reduced.</p>	
<p>C-8. Give consideration to neighbouring properties' solar panels and the loss of sunlight to these panels from any development proposal, having regard to the performance, efficiency, economic viability and reasonableness of their location.</p>	<p>AS-1. Where reasonably practicable sunlight to any existing solar panels should not be reduced to less than two hours between 9am and 3pm on 21 June.</p>
<p>C-9. An application for development including a change of use is to provide an access report in accordance with the application requirements above.</p>	



## 13.0 Views and visual privacy

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Encourage the sharing of views while not restricting the reasonable development potential of a site.</li> <li>2. Minimise direct overlooking of adjoining residences.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.Existing views from dwellings are not substantially affected where it is reasonable to design for the sharing of views.	<p>Where views are potentially compromised, an assessment of the view loss must be undertaken having regard to 'Views – General Principles' of the NSW Land and Environment Court (presently <i>Tenacity Consulting v Warringah Council [2004] NSWLEC 140</i>).</p> <p>Refer to Section E1 Built and Landscape Heritage and Section E2 Heritage conservation areas.</p>
C-2.Grand vistas and views from dwellings which are recognised and valued by the community are not unreasonably obscured by development.	
C-3.Views to heritage or familiar dominant landmarks from dwellings are not unreasonably obscured.	
C-4.A window in any part of an existing premises being altered or added has a privacy screen for any part of the window less than 1.5m above finished floor level of each storey if: <ol style="list-style-type: none"> <li>a. the window faces a building used for residential accommodation on an adjoining lot, and</li> <li>b. the wall in which the window is located has a setback of less than 6m from the boundary of that adjoining lot.</li> </ol>	
C-5.A window in a development must have a privacy screen for any part of a window that is less than 1.5m above the finished floor level of each storey or edge of a terrace, balcony or verandah where: <ol style="list-style-type: none"> <li>a. the window, terrace, balcony or verandah faces a building used for residential accommodation on an adjoining lot, and</li> <li>b. the wall in which the window is located, or the edge of the terrace, balcony or verandah is less than 6m from the boundary of that adjoining lot.</li> </ol>	

## 14.0 Fencing and walls

### Controls (C)

C-1. The use of fencing and walls along street frontages is not supported.

C-2. Fencing design adjoining public places is:

- a. not sheet-metal fencing unless the visual impact is softened by a sufficient landscape buffer
- b. not higher than 3m above ground level (existing)
- c. not of masonry construction to a height that is more than 1.2m above ground level (existing)
- d. complements the existing streetscape in relation to scale and materials and uses similar or compatible materials to those used in attractive buildings within the locality
- e. open for at least 75% of the area of the fence that is more than 1.2m above ground level (existing) if located on the boundary of, or within the setback area.

## 15.0 Utilities, services and site facilities

<b>Objectives</b>		
1. Reduce visual clutter and visual bulk of development by appropriately locating, orientating and screening services such as substations, hydrant boosters, plant equipment and mailboxes.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.Services are substantially screened from the street, public domain and neighbouring buildings by elements such as landscaping, fencing or walls, in a manner that reduces its visual dominance and reflects the desired character of the area.		
C-2.Substations are integrated into the overall building design, are complementary to the building fabric and wherever possible, not be located in public areas or be visible from the public domain.		
C-3.Ventilation stacks servicing basement garages are not located in the street setback or any common open space and should be concealed within the building.		
C-4.Mailbox structure/s are integrated into the building design, do not dominate the street elevation and harmonise with the building aesthetic and landscape treatments.	AS-1.Mailbox points are preferably embedded into a wall. AS-2.Larger developments provide internal mailboxes in common foyers.	
C-5.Mailboxes are in a location with passive surveillance and lighting to discourage mail theft.	AS-3.Mailbox groups are perpendicular to the street (rather than parallel to the site frontage).	

## 16.0 Acoustic privacy

<b>Objectives</b>	
1. Minimise sound transmission and noise pollution.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Adequately address noise sources impacting residential habitable areas to ensure appropriate internal noise levels are achieved in respect to appropriate legislation, guidelines and standards. This may require applicants to obtain an acoustic report or a noise impact assessment from an appropriately qualified and experienced acoustic engineer to support their application.	<p>For further guidance on noise attenuation, refer to the relevant sections of the <i>National Construction Code</i>, associated handbook, including:</p> <ul style="list-style-type: none"> <li>• <i>Part F5 'Sound transmission and insulation'</i> in Volume One for Class 2, 3 and 9c buildings</li> <li>• Handbook: <i>Sound transmission and insulation in buildings</i>.</li> </ul> <p>And the relevant NSW Environment Protection Agency guidelines, being:</p> <ul style="list-style-type: none"> <li>• <i>NSW Road Noise Policy</i>.</li> </ul> <p>Further information can be found in sub-section 7.0 Application requirements.</p>
C-2. Exterior facades are designed to minimise the opportunity for sound transmission. Depending on surrounding land uses and the nature of the proposal, an acoustic report may be requested demonstrating how sound transmission is minimised.	
C-3. Where development adjoins a residential development, locate mechanical plant equipment and building services away from the residential building and have appropriate acoustic insulation.	
C-4. Mechanical plant and equipment are screened, designed and located to minimise noise nuisance.	

## 17.0 Centre-based child care facility

<b>Objectives</b>	
1. Minimise adverse impacts on the environment and amenity of residential areas and other land uses, in particular, noise and traffic generation from the development and operation of a centre-based child care facility.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Centre-based childcare facilities are designed to minimise potential noise and overlooking of adjoining residences by: <ol style="list-style-type: none"> <li>a. facing doors and windows of the centre away from sensitive areas such as bedrooms, living rooms and private open space</li> <li>b. locating play areas as far as possible away from adjoining residents living rooms and bedrooms</li> <li>c. facing play equipment away from common boundaries with residential properties</li> <li>d. including landscape screening.</li> </ol>	Refer to sub-section 7 for application requirements and general controls.  The <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> requires development to meet the requirements of SEPP and <i>Child Care Planning Guideline</i> .
C-2. Centre-based childcare facilities are not appropriate on the following land: <ol style="list-style-type: none"> <li>a. opposite “T” intersections or on bends with limited sight distance and may create dangerous conditions for vehicle entry to and exit from the site</li> <li>b. adjacent to entry/exit points onto or directly accessible from roundabouts</li> <li>c. on cul-de-sacs or roads with no through public access. When establishing a child care centre in a cul-de-sac, or a road with no through public access, the applicant is to demonstrate that there will be no significant impact to residential amenity or vehicular manoeuvrability</li> <li>d. land requiring significant cut or fill, where retaining walls would create a safety hazard for children.</li> </ol>	
C-3. When establishing a centre based childcare facility in a residential street, the applicant is to demonstrate there will be no significant impact to residential amenity or traffic movement.	
C-4. Suitable management practices are in place to minimise impacts on adjoining and surrounding properties and ensure that suitable amenity is maintained for residents living nearby the centre-based child care facility.	

## 18.0 Place of public worship

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Minimise adverse impacts on the environment and the amenity of residential areas and other land uses, in particular, noise and traffic generation from the development and operation of a place of public worship.</li> <li>2. Suitable management practices are in place to minimise impacts on adjoining and surrounding properties and ensure suitable amenity is maintained for residents living nearby the place of public worship.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1.A place of public worship will not be located in a cul-de-sac.	Refer to sub-section 7 for application requirements and general controls.
C-2.A management plan is required to determine and minimise impacts to surrounding properties. See sub-section 7 Application requirements.	

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## **PART D: Development controls by land use**

### **Section D7 Sex Industry establishments**

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## 1.0 Introduction

The sex industry includes businesses directly or indirectly providing sex-related products and services, or adult entertainment. The industry includes activities involving sex-related services, such as prostitution, and sex-related pastimes, such as sex shops and strip clubs.

Location requirements and development standards for establishments aim to minimise impacts on adjoining land uses, particularly residential accommodation, and other sensitive land uses. In addition to the *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), the *Restricted Premises Act 1943* provides the statutory framework for the control of sex services premises and restricted premises in NSW. The NSW Land and Environment Court developed a 'brothels' planning principle for the consideration of sex services premises.

## 2.0 Application

This section applies to all development consisting of:

- Home occupation (sex services)
- Restricted premises
- Sex services premises

For development involving heritage items or heritage conservation areas identified under [LEP 2012](#), a merit assessment will be undertaken to ensure the outcomes sought are balanced with heritage conservation outcomes.

## 3.0 Related sections

The following sections will also apply to development:

- C7 Safety & security
- C8 Social impact

The following sections may also apply to development:

- All of Part B
- C1 Traffic, parking and access
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C6 Waste management
- C7 Safety & security
- C9 Advertising and signage
- C10 Street awnings and balconies
- C11 Development adjoining laneways
- C12 Open space and landscaping
- All of Part E: Place and precincts



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## 4.0 Objectives

1. Ensure sex industry establishments are sensitively located and are not concentrated in any one area.
2. The design and operation of sex industry establishments is to ensure they are discreet, fit within the character of the streetscape and do not adversely impact on the amenity of the neighbourhood.
3. Protect the privacy and visibility of workers, clients and activities associated with sex industry establishments.
4. Optimise the personal safety and security of workers, clients and the public through the design and operation of sex industry establishments.
5. Identify the appropriate health and hygiene standards to deliver the acceptable design and operation of sex industry establishments.
6. Safeguard reasonable working conditions for sex industry workers.

## 5.0 Definitions

A word or expression has the same meaning as it has in [LEP 2012](#), unless otherwise defined. Other words and expressions include:

- **Sex industry establishments** – is a term used when collectively referring to home occupation (sex services), restricted premises and sex services premises.

## 6.0 Application requirements

Development category	Application requirements	Explanatory notes
An application for development, including a change of use involving building work.	<p>An access report identifying the relevant matters to be addressed at the construction certificate stage, in circumstances where access constitutes a substantive public interest aspect of a proposal.</p> <p>Access reports should be prepared by a person who is a suitably qualified access consultant, such as a person who is appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	<p>The <i>Disability (Access to Premises – Buildings) Standards 2010</i> applies to any part of a building impacted by the application for a change of use. This section does not require anything beyond the standard, but does require information on how the standard will be met through the building design in accordance with these application requirements. There may also be other standards under the <i>Disability Discrimination Act 1992</i> relevant to the public interest assessment of a proposal, such as the <i>Disability Standards for Education 2005</i>.</p>
An application for a change of use not involving building work.	<p>An access report to consider access matters, in circumstances where access constitutes a substantive public interest aspect of the proposal.</p> <p>Access reports should be prepared by a suitably qualified access consultant, such as a person appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	<p>A change of use not involving building works may generate public interest considerations relevant to the assessment of a development application, including in circumstances where it is apparent that a building may not comply with the access requirements of the <i>Building Code of Australia</i>.</p>
Sex services premises and restricted premises that provide sexual entertainment.	<p>A plan of management, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• hours of operation</li> <li>• arrangement for parking and patron movement</li> <li>• a description of the layout of the premises, including the capacity, location and number of rooms, seating areas, and any stage or performance areas</li> <li>• details of any security measures that will be in place to ensure the safety and security of staff and patrons</li> <li>• procedures for managing any noise or other disturbances</li> <li>• procedures for cleaning and maintaining the premises.</li> </ul>	

## 7.0 Location, design and safety

<b>Objectives</b>	
<ol style="list-style-type: none"> <li>1. Ensure the appropriate location of sex services and restricted premises.</li> <li>2. Design and locate sex services or restricted premises discreetly and unobtrusively with minimal impact on the streetscape.</li> <li>3. Ensure sex services and restricted premises have adequate facilities to discourage loitering and provide safe exit for staff.</li> <li>4. Provide awareness of the obligations under the <i>Commonwealth's Disability Discrimination Act 1992</i>.</li> </ol>	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Sex services and restricted premises are not located within 200m walking distance from existing or approved sex services or restricted premises.	Walking distance means the shortest distance between two points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.
C-2. Sex services and restricted premises are not located: <ol style="list-style-type: none"> <li>a. within 150m walking distance from residential accommodation, excluding mixed use developments. This requirement may be relaxed by up to 50% for residential accommodation in a commercial or industrial zone</li> <li>b. within a 200m walking distance radius from or within a direct line of sight of a place of worship, hospital, school (including a preschool), child care centre or other place frequented by children for recreational, cultural or similar activities, or community facility; or other sensitive land uses.</li> </ol>	
C-3. A sex services premises is not located in a remote area or an area where public transport or support services (such as police, ambulance) are not conveniently at hand.	
C-4. A sex services premises is located at either: <ol style="list-style-type: none"> <li>a. the rear of ground floor premises</li> <li>b. the above ground floor of a building</li> <li>c. the above street level of a building</li> <li>d. away from shopfronts and arcades or thoroughfares of high pedestrian use.</li> </ol>	
C-5. The design and external appearance of sex services or restricted premises, including any associated structure/s, does not dominate or have an adverse impact on the streetscape appearance and architectural character of the surrounding built environment.	

<p>C-6.All entrances and exits are to be:</p> <ol style="list-style-type: none"> <li>designed to facilitate the privacy of staff and visitors without compromising personal safety</li> <li>visible from public areas and not obstructed by any existing or proposed landscaping</li> <li>provided with adequate lighting and</li> <li>designed to maximise surveillance and safety.</li> </ol>	
<p>C-7.Adequate lighting of the entrance is essential to ensure the safety of sex workers and clients who are leaving and arriving at the premises, but not to the extent where it becomes a prominent feature in the streetscape (eg. by high intensity lighting or the use of excessively bright colours).</p>	
<p>C-8.To ensure the safety of all workers and visitors any proposed landscaping is not to obstruct the visibility and passive surveillance from public areas of the entrance.</p>	
<p>C-9.The sex services premises is not to be of a colour which draws undue attention.</p>	
<p>C-10.Signage is limited to a single identification sign only, of modest dimensions, devoid of any lewd, sexually explicit, offensive and/or suggestive material, details to be included on the submitted architectural plans.</p>	
<p>C-11.Restricted premises, sex services premises and home occupation (sex services) do not display sex related products, sex workers, performers, or nude or semi-dressed staff from the windows, doors or outside of the premises. Activities are to be contained wholly within the building and are not to be visible from the public domain or surrounding properties.</p>	
<p>C-12.The interior of the premises must not be visible from any place in the public domain. Where the interior is visible from neighbouring buildings, adequate measures are to be taken to screen the interior of the building.</p>	
<p>C-13.Any acts of prostitution are confined to rooms or areas nominated on the submitted plans.</p>	<p>The statutory framework for licences concerning liquor is specified in the <i>Liquor Act 2007</i>.</p>
<p>C-14.An establishment providing sex services does not contain more than seven rooms for conducting acts of prostitution.</p>	
<p>C-15.All adult entertainment and sex industry premises must include measures that provide for and ensure adequate health, safety and security of staff and visitors including where appropriate:</p> <ol style="list-style-type: none"> <li>the separation of reception and waiting rooms from other areas, such as working rooms and staff areas</li> <li>the elimination or minimisation of alcoves and other potential entrapment spaces and</li> <li>safety and surveillance systems.</li> </ol>	
<p>C-16.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.</p>	
<p>C-17.The privacy of patrons is to be considered through the design and internal layout of the premises.</p>	
<p>C-18.Staff facilities are to include a communal lounge or rest area and a bathroom for staff use only.</p>	
<p>C-19.Liquor is, under no circumstances, provided or offered for sale on restricted premises, sex services premises or home occupation (sex services) land uses unless such premises are appropriately licensed under the relevant legislation.</p>	

C-20.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 <i>Building Code of Australia</i> .	
C-21.An application for development including a change of use, is to provide an access report in accordance with the application requirements above.	

## 8.0 Amenity, health and hygiene

<b>Objectives</b>	
1. Provide adequate ventilation and lighting. 2. Minimise acoustic impact to surrounding properties. 3. Ensure all development is in accordance with the relevant food safety, health, hygiene and safety standards.	
<b>Controls (C)</b>	<b>Explanatory notes</b>
C-1. Sex services premises are to be designed to minimise noise transmission. Measures include: <ul style="list-style-type: none"> <li>a. grouping room uses according to the noise level generated</li> <li>b. using storage or circulation zones in the premises to buffer noise.</li> </ul>	
C-2. The use of the premises does not give rise to: <ul style="list-style-type: none"> <li>a. a sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard <i>AS 1055:2018 – Acoustics - Description and measurement of environmental noise</i> (as amended)</li> <li>b. an “offensive noise” as defined in the <i>Protection of the Environment Operations Act, 1997</i></li> <li>c. the transmission of vibration to any place of different occupancy.</li> </ul>	An acoustic report or noise impact assessment may be required when a noise-producing development is proposed near noise-sensitive areas.
C-3. All common areas, facilities and at least one suite and its facilities (including a toilet / ensuite) are required to be designed to be suitable for use by a person with a disability	
C-4. Waste disposal is provided and carried out in accordance with the <i>Health and safety guidelines for sex services premises in NSW</i> , published by SafeWork NSW (as amended).	
C-5. 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.	
C-6. All required wash hand basins are provided with a continuous supply of hot and cold water 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.	
C-7. Sex services premises and home occupation (sex services) are designed and operated in accordance with the <i>Health and safety guidelines for sex services premises in NSW</i> , published by SafeWork.	<i>Health and safety guidelines for sex services premises in NSW</i> , by SafeWork NSW, outlines minimum standards for maintaining a safe and healthy environment for sex services establishments under the <i>Work Health and Safety Act 2011</i> and <i>Work Health and Safety Regulation 2017</i> .  It is the owner/operator's responsibility to ensure relevant legislation and guidelines are satisfied in the design and ongoing operation of the premises.

## PART E: Place and Precincts

### Section E1 Built and landscape heritage

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## 1.0 Introduction

Heritage conservation areas and most heritage items identify and seek to conserve significant built and landscape heritage. They include buildings, monuments, trees, works, streetscapes, and landscapes such as parks and gardens, linking us to our past and helping define our identity. The main aim of identifying heritage items and heritage conservation areas is to ensure we recognise and maintain the heritage significance of items and places. This does not necessarily mean development is limited or cannot occur but that changes respect the identified heritage significance of a place.

Objectives and planning controls for the conservation of environmental heritage are set out in clause 5.10 Heritage Conservation of *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)). Development consent is required for most proposed changes to a heritage item or building, work, relic or tree in a heritage conservation area listed in Schedule 5 of [LEP 2012](#).

Heritage items and heritage conservation areas have a statement of heritage significance identifying the elements making it significant in heritage terms. The NSW Office of Environment and Heritage set the criteria for these statements as outlined in the *NSW Heritage Manual*, and based on the Burra Charter's principles and processes.

Development on land in or within the vicinity of a heritage conservation area is to be designed and based on the site / spatial specific detail provided in Section E2 Heritage conservation areas, to be read with this section for the heritage requirements.

The building envelope controls for residential and commercial development do not apply in heritage conservation areas.

## 2.0 Application

This section applies to all development on land where a heritage item is located or in the vicinity of a heritage item, and on land within or near a heritage conservation area as identified in [LEP 2012](#).

## 3.0 Related sections

The following sections may also apply to development:

- All of Part B: Site planning controls
- All of Part C: General development controls
- D1 Subdivision and lot consolidation
- E2 Heritage conservation areas
- E5 Newcastle city centre.

## 4.0 Additional information

### Associated Technical Manuals

- *Technical Manual Heritage*, City of Newcastle (CN).

### References

- *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: Guidelines for assessing places and objects against the Heritage Council of NSW criteria*, 2023, Environment and Heritage Group, NSW Department of Planning and Environment.
- *Better Placed: Design Guide for Heritage*, 2019, Heritage Council of NSW & Government Architect New South Wales.
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*, 2013, Australia ICOMOS, A.C.T.
- *California Bungalow in Australia*, Graeme Butler, 2003, Lothian Books.
- *Colour Schemes for Old Australian Houses*, 2004 & 1984, Evans, I., Lucas, C., & Stapleton, I., Flannel Flower Press.
- *Conservation Plan: A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance*, 2013, J.S. Kerr & Australia ICOMOS, A.C.T.



- *Design in Context: Guidelines for Infill Development in the Historic Environment, 2005*, NSW Heritage Office & RAI NSW Chapter.
- *Federation Architecture Guidelines, 1982*, Trevor Howells for Heritage Council of NSW.
- *Guidelines for Preparing a Statement of Heritage Impact, 2023*, Environment and Heritage Group, NSW Department of Planning and Environment.
- *More Colour Schemes for Old Australian Houses, 2008 & 1992*, Evans, I., Lucas, C., & Stapleton, I., Flannel Flower Press.
- *Photographic Recording of Heritage Items Using Film or Digital Capture, 2006*, Heritage Office.
- *Statements of Heritage Impact, 1996, Revised 2002*, Heritage Office & Department of Urban Affairs & Planning.

## 5.0 Objectives

1. Ensure the development of a heritage item or property in a heritage conservation area is based on an understanding of, and maintains and conserves, their heritage significance, including the conservation and protection of associated fabric, settings and views.
2. Ensure development in the vicinity of heritage items and heritage conservation areas is designed and sited to conserve and maintain the heritage significance of the item or place and its setting.
3. Ensure the development of a property in a heritage conservation area is designed to be consistent with the heritage significance and desired future character of the place.
4. Promote a cautious approach to changing heritage places based on an understanding and respect for existing fabric, use, associations, and meanings of the place; change as much as necessary but as little as possible.
5. Establish that changes to a heritage place will not distort the physical or other evidence it provides, nor be based on conjecture.
6. Encourage and guide recording and interpretation of significant heritage places.

## 6.0 Definitions

A word or expression has the same meaning as it has in [LEP 2012](#), unless otherwise defined. Other words and expressions include:

- **Aboriginal cultural significance** – is the living, traditional and historical practices, representations, expressions, beliefs, knowledge, and skills (together with the associated environment, landscape, places, objects, ancestral remains and materials) that Aboriginal people value as part of their cultural heritage and identity.
- **Allotment** – is 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** – is, in relation to a heritage item, or to a building or work in a heritage conservation area:
  - to make structural changes to the outside of the heritage item, building or work; or
  - to 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 liveability, comfort or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. It is important in the public, communal and private domain and includes the enjoyment of sunlight, views, privacy and quiet and protection from pollution and odours.
- **Archaeological assessment** – is a report prepared by a qualified archaeologist that conforms to the current reporting requirements of the NSW Office of Environment and Heritage.

- **Archaeological site** – is a site identified in the *Newcastle Archaeological Management Plan 1997* or the *Newcastle Archaeological Management Plan Review 2013*; or a site listed as an archaeological site in [LEP 2012](#); 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 [LEP 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.
- **Associations** – are the connections that exist between people and place.
- **Awning** – is a predominantly horizontal structure that projects over a footpath from the host building to provide weather protection for pedestrians.
- **Building elements** – are doors, windows, gutters, downpipes, chimneys, walls, shopfronts, roofs and stairs.
- **Building envelope** – is the three-dimensional space limiting the extent of a building on an allotment. It is defined by building height, and front, side and rear boundary setbacks. Refer to definitions for building height and setback for inclusions and exclusions.
- **Bulk** – is the total effect of the arrangement, volume, size, and shape of a building or group of buildings.
- **Burra Charter** – is the publication Australia ICOMOS the Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance.
- **Character** – means the combination of the individual characteristics or qualities of a neighbourhood, precinct or street.
- **Conservation** – is all of processes of looking after a place to retain its heritage significance as defined by the Burra Charter including retention or reintroduction of use, retention of associations and meanings, maintenance, preservation, restoration, reconstruction, adaptation, and interpretation.
- **Conservation management plan** – refer to 'Heritage conservation management plan'.
- **Context** – means the specific character, quality, physical, historical and social characteristics of a building's setting. Depending on the nature of the proposal, the context could be as small as a suburban street or as large as a whole town.
- **Contributory buildings** – are buildings that contribute to the character of the heritage conservation area. They are:
  - Heritage item – buildings that are listed as a heritage item in the [LEP 2012](#); or
  - 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
  - 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*.

- **Enhance** – means to improve the presentation and appearance of a heritage place through restoration, reconstruction or removal of unsympathetic or intrusive elements and through appropriate development.
- **Fabric** – is all the physical material of the place including elements, fixtures, contents and objects.
- **Facade** – is the exterior walls of a building.
- **Facadism** – is the practice of demolition of a building, retaining only the facade.
- **Footprint** – means the area of land measured at ground level (finished) which is enclosed by the external walls of a building.
- **Form** – the overall shape and volume of the building and the arrangement of its parts.
- **Garage** – is an enclosed structure with a roof, garage door and walls used for vehicle parking purposes only.
- **Grain** – means the urban pattern resulting from the arrangement and size of the buildings and their lots and the subdivision pattern. Fine grain is the fine texture resulting from small and frequent subdivisions.
- **Heritage buildings, places, sites and elements** – are assessed to have natural or cultural heritage value and can include heritage items (including landscape and archaeological items, and building elements), and buildings, works, relics, gardens, trees and sites within heritage conservation areas, heritage landscapes and streetscapes.
- **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 [LEP 2012](#).
- **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 [LEP 2012](#).
- **Heritage road asset** – is an infrastructure asset in the public domain with heritage significance. It includes traditional placement and rising sun pavers, concrete flagstone paving, etched concrete footways and driveways, sandstone culverts and brick surface drains, sandstone walls and steps, and sandstone kerbs and gutters.
- **Host building** – is the existing building on the land subject to an alteration or addition.
- **In the vicinity** – means the surrounding context, environment or setting of a heritage item or archaeological site.
- **Infill development** – is a new building in an established neighbourhood or precinct.
- **Interpretation** – means all the ways of presenting the heritage significance of a place.
- **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.
- **Landmarks** – are prominent or distinguishing buildings or features that people orient themselves to and to which they identify places.
- **Lot** – refer to 'Allotment'.
- **Massing** – is the size and volume of a building.

- **Neutral buildings** – are buildings 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 in 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 so altered the period and style is no longer evident, or it is a recent building of a height, form or scale consistent with the streetscape.
- **Non-contributory buildings** – are buildings from a construction period, that fall outside any key period of significance for the heritage conservation area and that have scale or form not consistent with the heritage conservation area's key characteristics. This ranking is assigned where a building is recent or late 20th century and is out of scale, not consistent with the height, form and scale of buildings in the streetscape.
- **Place** – is a geographically defined area that may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
- **Potential archaeological site** – is a place or site suspected of having a relic or relics present.
- **Preliminary archaeological assessment** – is a report that investigates the archaeological potential and levels of significance of land prior to determination of development consent.
- **Reconstruction** – means returning the existing fabric of a building or work to a known earlier state by removing accretions or by reassembling existing components and is distinguished from restoration by the introduction of new materials.
- **Restoration** – means returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.
- **Scale** – is 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, trees, parks, gardens, view corridors, vantage points and landmarks may contribute to the setting of a building.
- **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. It refers to the collection of visible elements in a street, including the form and treatment of buildings, setbacks, fences and walls, landscaping and trees, driveway and street layout and surfaces, utility services and street furniture such as lighting, signs, barriers and bus shelters.
- **Use** – the functions of a place, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.
- **Verandahs** – are located on the ground floor. Commonly seen on terrace houses and bungalows.
- **View** – means an extensive or long range outlook towards a particular urban aspect or topographical feature of interest.

## 7.0 Application requirements

Heritage impact statement	Explanatory notes
<p>1.1 – A heritage impact statement is submitted to the level of detail required to assess the potential impact of the proposed development on the heritage significance of the heritage item and/or the heritage conservation area, and how any impact arising from the changes will be mitigated.</p> <p>1.2 – The statement is to conform to the standards in the <i>Environment and Heritage Group of the NSW Department of Planning and Environment publications Guidelines for Preparing a Statement of Heritage Impact, 2023</i> and <i>Assessing Heritage Significance, 2023</i>, and the Burra Charter, 2013 principles and processes. Matters to address must include:</p> <ol style="list-style-type: none"> <li>i. the heritage significance of the heritage item and/or the heritage conservation area on the land of the proposed development, or the heritage significance of the heritage item and/or heritage conservation area in the vicinity of the land of the proposed development, and the contribution any building, work, <b>relic</b>, tree or place affected by the proposed development makes to this heritage significance</li> <li>ii. the impact the proposed development would have on the heritage significance of the heritage item and/or the heritage conservation area, and its setting, including whether any landscape or horticultural features would be affected by the proposed development</li> <li>iii. the measures proposed to conserve the significance of the heritage item and/or the heritage conservation area and its setting, including the protection of significant views</li> <li>iv. whether the proposed development would affect any existing or potential Aboriginal cultural heritage</li> <li>v. whether the proposed development would affect any archaeological site or potential archaeological site</li> <li>vi. the extent the proposed development's enactment would affect the form of any historic subdivision pattern</li> <li>vii. an addendum to the statement to address the issues any submission raised relating to the proposed development's notification or advertising.</li> </ol> <p>1.3 – The statement should clearly identify and explain the extent of the proposed works and reference all development application (DA) drawings.</p> <p>1.4 – The statement should include options 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 heritage item and/or heritage conservation area.</p> <p>1.5 – For subdivision applications, the provision of three-dimensional building envelopes for the future built form to each lot proposed.</p> <p>1.6 – The inclusion of supplementary consultants' reports, for example a preliminary 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.</p> <p>1.7 – The length of the heritage impact statement depends on the scale and complexity of the proposal. As such:</p> <ol style="list-style-type: none"> <li>i. A brief one or two page account included as a section within the Statement of Environmental Effects may be sufficient for minor work that will have little impact on the heritage significance of the heritage item</li> </ol>	<p>A heritage impact statement should perform the following four main functions:</p> <ul style="list-style-type: none"> <li>• assess and clearly state the heritage significance of the place</li> <li>• state the nature and extent of the proposed development</li> <li>• consider and clearly state the impacts of the proposal on the significance of the place; and</li> <li>• make recommendations on ways of reducing or mitigating the impacts of the proposal.</li> </ul> <p>'Vicinity of' means development on land located adjacent to a heritage item or the boundary of a heritage conservation area, or development on land that would affect the heritage significance or setting, including significant views, of a nearby heritage item or heritage conservation area.</p> <p>Refer to Section E2 Heritage conservation areas.</p> <p>Refer to Section B4 Aboriginal cultural heritage and Section B5: Historical archaeology.</p> <p>Refer to Section D1 Subdivision and lot consolidation.</p>

<p>and/or the heritage conservation area. For example, a change of use of a heritage item building that proposes limited or no change to the built fabric, or proposed works to a property in a heritage conservation area which are not visible to the street</p> <p>ii. A more extensive report would be required for more complex proposals or those that will have a major impact on the heritage significance of the heritage item and/or the heritage conservation area. For example, proposed works to a heritage item building which would significantly alter its internal layout and/or built fabric, or proposed works to a property in a heritage conservation area which would significantly alter its presentation to the street.</p>	
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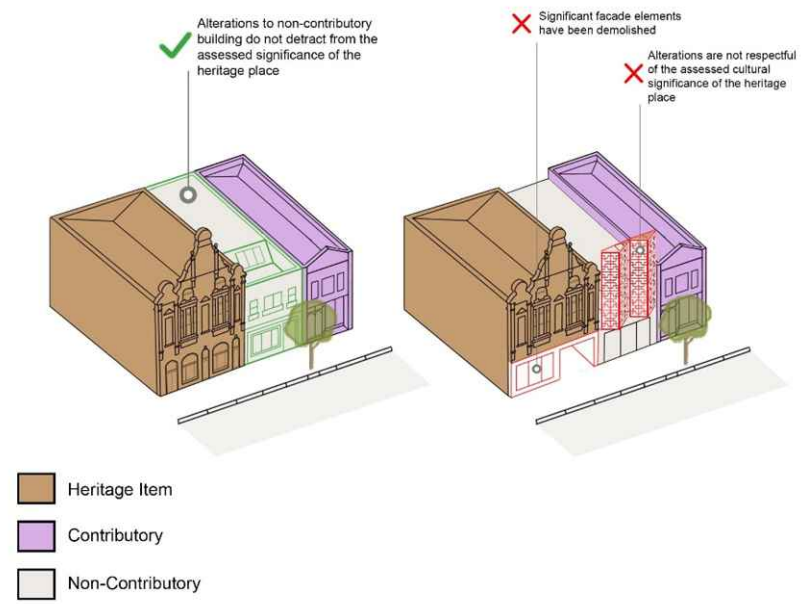
Development proposals are grouped into three categories, which determine the level of information required with a DA.

Development category	Application requirements	Explanatory notes
<p><b>Category 1:</b></p> <p>For development on land where a heritage item is located.</p>	<p>2.1 – Submit a heritage impact statement addressing points 1.1 to 1.7 above.</p> <p>2.2 – In addition, the heritage impact statement must include grading of the significance of the individual built and landscape components of the heritage item with 'exceptional', 'high', 'moderate', 'little', and 'intrusive'.</p> <p>2.3 – Where a heritage item has a current conservation management plan, the heritage impact statement will need to demonstrate compliance.</p> <p>2.4 – 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.</p>	<p>When proposing development on land where a heritage item is located, an experienced heritage conservation practitioner is engaged to inform a DA. The uncharacteristic elements of a heritage item should not be used to justify a non-complying or unsympathetic design.</p> <p>Different components of a place may make a different relative contribution to its heritage value. Drawings that grade the significance of the individual components of a heritage item should inform the development design, helping to sensitively manage change by identifying places within an item to be retained and conserved to maintain heritage significance, and other places where substantial change can occur without adversely affecting the heritage significance of the item. This grading should include any landscape or horticultural components of the heritage item such as significant trees and vegetation, as well as internal spaces and built fabric. Refer to NSW Department of Planning and Environment publication <i>Assessing Heritage Significance, 2023</i> for further details.</p> <p>The heritage impact statement and drawings submitted should clarify the nature and extent of the proposed development. Depending on the assessed heritage significance and extent of proposed change, development involving built items may need to include a set of demolition, existing, and proposed drawings consisting of floor plans, reflected ceiling plans, sections and elevations. The drawings should clearly illustrate the extent and location of proposed change.</p> <p>Subdivision applications for land containing heritage items require adequate plans showing existing contours or levels, buildings, works, trees, site features (e.g. dams), future building envelopes and the siting and setbacks of proposed buildings. The heritage impact statement should demonstrate that the:</p> <ul style="list-style-type: none"> <li>• proposed curtilage allowed around the heritage item is appropriate</li> <li>• subdivision will not compromise the significance of the heritage item.</li> </ul>

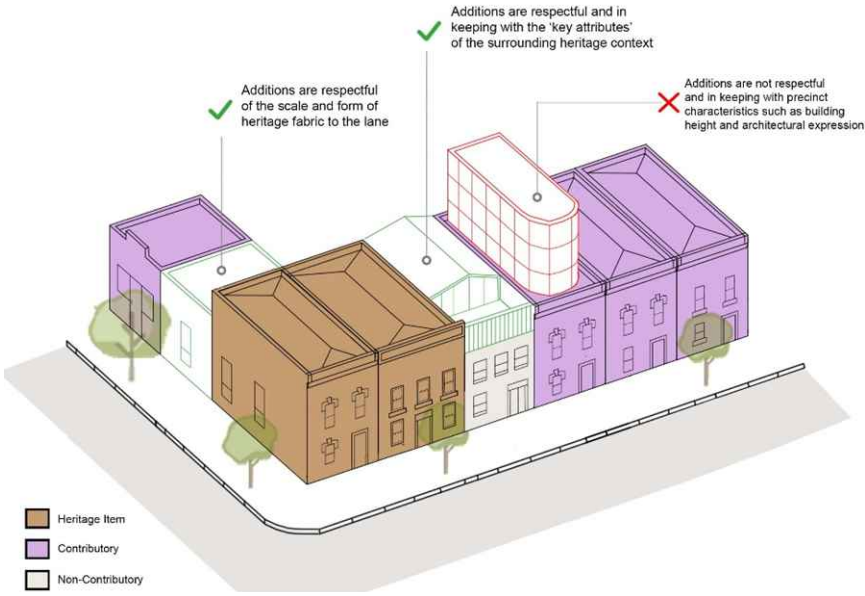


<p><b>Category 2:</b> For development on land in a heritage conservation area.</p>	<p>3.1 - Submit a heritage impact statement addressing points 1.1 to 1.7 above.</p> <p>3.2 – In addition, the heritage impact statement must address whether the proposed development is compatible with the desired future character statement, 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.</p>	<p>When proposing development on land in a heritage conservation area, engage an experienced heritage conservation practitioner to inform the DA. The uncharacteristic elements of a heritage conservation area should not be used to justify a non-complying or unsympathetic design.</p> <p>Different components of a place may make a different relative contribution to its heritage value. The <i>Heritage Technical Manual</i> provides a Contributory Buildings Map for each of CN's heritage conservation areas. These classify existing buildings as either contributory, neutral or non-contributory.</p> <p>Refer to Section E2 Heritage conservation areas.</p>
<p><b>Category 3:</b> For development on land in the vicinity of a heritage item or heritage conservation area.</p>	<p>4.1 - Submit a heritage impact statement addressing points 1.1 to 1.7 above and include a section within the Statement of Environmental Effects.</p> <p>4.2 – In addition, for development on land in the vicinity of a heritage conservation area, the heritage impact statement must address whether the proposed development is compatible with the desired future character statement, 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.</p>	<p>'Vicinity of' means development on land located adjacent to a heritage item or the boundary of a heritage conservation area or development on land that would affect the heritage significance or setting, including significant views, of a nearby heritage item or heritage conservation area.</p> <p>Refer to Section E2 Heritage conservation areas.</p> <p>Subdivision applications for land in the vicinity of heritage items require adequate plans showing existing contours or levels, buildings, works, trees, site features (e.g. dams), future building envelopes and the siting and setbacks of any proposed buildings. The heritage impact statement should demonstrate that the:</p> <ul style="list-style-type: none"> <li>• proposed curtilage allowed around the heritage item is appropriate</li> <li>• subdivision will not compromise the significance of the heritage item.</li> </ul>

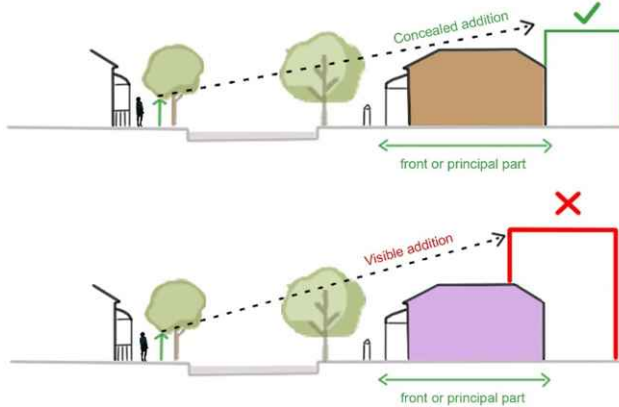
## 8.0 General

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Ensure works are undertaken with proper understanding and assessment of the heritage significance of the heritage item or its contribution to the heritage significance of the heritage conservation area.</li> <li>2. Identify the obligations arising from the heritage significance of the heritage item or its contribution to the heritage significance of the heritage conservation area, clearly identifying the future needs, resources, opportunities, constraints, and condition of the place.</li> <li>3. Retain and conserve the heritage significance of the place, including the fabric, spaces, settings, and views of heritage items and contributory buildings in heritage conservation areas.</li> <li>4. Ensure development respects without mimicking the heritage significance and character of heritage items and conservation areas and their settings through being sympathetic in terms of form, bulk, scale, setbacks, fabric, colours, and texture.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
<p>C-1. When altering a building that is a heritage item or is in a heritage conservation area, which may include natural landscapes, changes must be compatible with the heritage significance of the item or area, character of the heritage conservation area and character and appearance of contributory buildings in the vicinity. Compatibility is assessed against characteristics including:</p> <ol style="list-style-type: none"> <li>a. building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation</li> <li>b. the colour, texture, size, style and type of finish of any materials to be used on the exterior of the building</li> <li>c. the ratio of solids to voids</li> <li>d. the effect the use of those materials will have on the appearance of the exterior of</li> </ol>	<p>AS-1. Preserve the fabric contributing to the heritage significance of the heritage item. This may include interior features of the heritage item.</p> <p>AS-2. Preserve the external fabric contributing to the heritage conservation area. This includes any part of a contributory building visible from the street or other public areas (other than a lane).</p> <p>AS-3. Work to heritage items (which may include its interior), and on any part of a contributory building visible from the street or other public areas (other than a lane) should be readily identifiable as such, but must respect and have minimal impact on the heritage significance of the place.</p> <p>AS-4. Alterations to neutral and non-contributory buildings and fabric are respectful of, and do not detract from the heritage significance and desired future character of the heritage conservation area.</p>	 <p><b>Figure E1.01: Alterations</b></p>

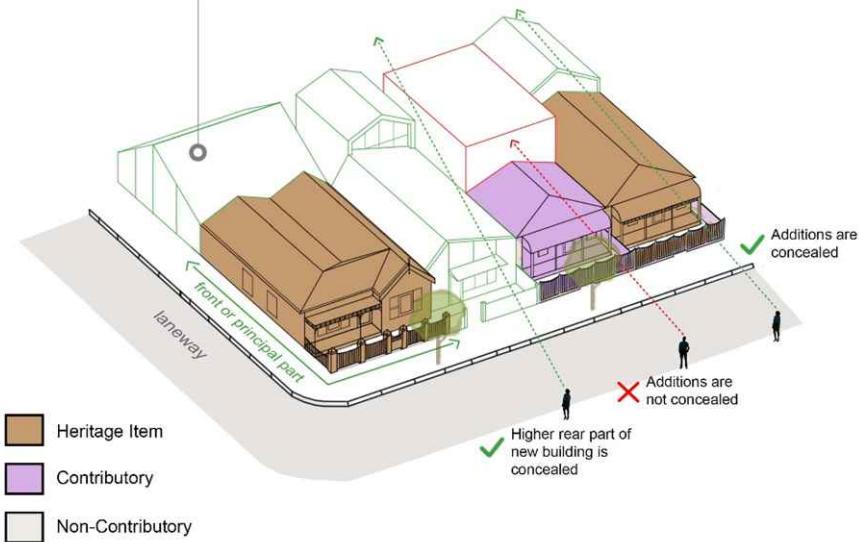


<p>the building and of any other building in its vicinity</p> <p>e. the size, style, proportion and position of openings for any windows and doors which will result from, or be affected by, the carrying out of the development</p> <p>f. the pitch and form of the roof.</p>	<p>AS-1. When proposing to convert large dwelling houses into multiple dwellings, the single dwelling house appearance should be maintained to conserve the heritage significance of the building. Careful consideration of the design and siting of access to individual dwellings and car parking.</p> <p>AS-2. Additions to existing buildings:</p> <ol style="list-style-type: none"> <li>maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts and moderating height</li> <li>retain significant roof form within the setback from the building facade together with roof elements of original fabric</li> <li>should not obscure views of facades or elevations associated with the front or principal part of the building.</li> </ol>	 <p><b>Figure E1.02: Respectful additions</b></p> <p>Any development will be considered in relation to the elements of bulk and scale, setbacks, and materials and colours.</p>
<p>C-2. Additions to a heritage item or building within a heritage conservation area should be concealed and not seen from the street.</p>	<p>AS-1. Additions are concealed and cannot be seen from the street or other public areas (other than a lane).</p> <p>AS-2. All ground level additions to the side of a building are set back behind the front or principal part of the building.</p> <p>AS-3. Additions to corner properties may be visible but should be respectful of the heritage item or building in a heritage conservation area in terms of scale and placement, and not dominate or diminish the prominence of the host building or adjoining contributory or heritage item buildings.</p>	<p>These controls apply to all properties outside the Newcastle city centre. This includes land outside the Newcastle city centre zoned by <a href="#">LEP 2012</a> for mixed-use and local centre purposes such as in Darby Street, Cooks Hill and Beaumont Street, Hamilton where the existing two storey scale of buildings visible from the street are to be maintained.</p> <p>These controls also apply to all properties in the low-rise residential precinct of the Newcastle East Heritage Conservation Area identified in Figure E1.04 below, where the existing two to three storey scale of buildings visible from the street are to be maintained.</p> <p>Refer to <b>Figure E1.03</b>.</p>

<p>C-3.The higher parts of a new building adjacent to a heritage item or within a heritage conservation area should be concealed and not seen from the street.</p>		<p>Refer to <b>Figure E1.03</b>.</p>
<p>C-4.Development of a heritage item or place within a heritage conservation area incorporates heritage interpretation at the site, where appropriate, to improve understanding and sense of place within the community.</p>	<p>AS-1.Development provides high quality heritage interpretation at the site, appropriate for the level of heritage significance.</p>	<p>Interpretation of the site may include the use of historic artefacts, the in-situ retention of relics and Aboriginal objects, signage, artwork, public access, guided walks, electronic media, architectural design and built form etc.</p> <p>The heritage significance of many places is not readily apparent and should be explained by interpretation. Interpretation should enhance understanding and engagement, and be culturally appropriate.</p>
<p>C-5.Development within the vicinity of a heritage item or within the vicinity of a conservation area maintains the heritage significance and character of the item or place including its site and setting.</p>		



✓ Additions to corner properties may be visible if they don't dominate or diminish the prominence of the building



**Figure E1.03: Concealed additions and higher parts of a new building**



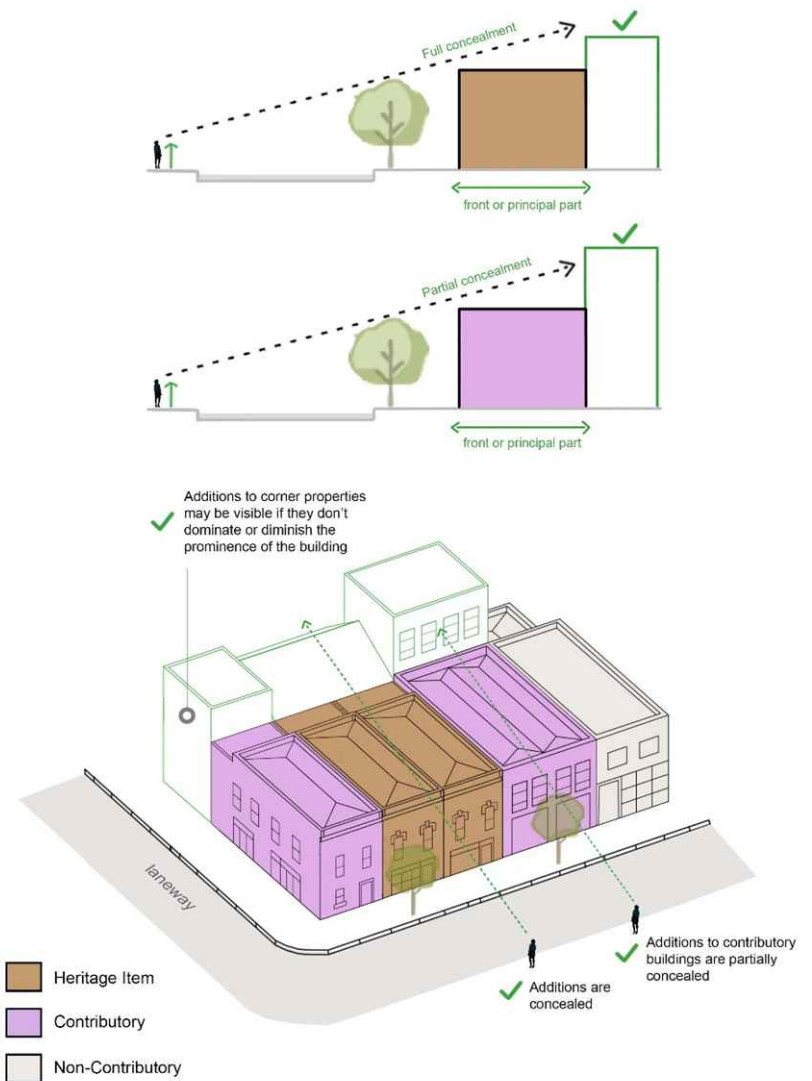
**Figure E1.04: Low-rise residential precinct in Newcastle East Heritage Conservation Area**

The boundary of the Newcastle city centre is defined by [LEP 2012](#).

Refer to Section E5 Newcastle city centre for the equivalent control that applies to Newcastle city centre.

## 9.0 Exceptions in Newcastle city centre

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Ensure modifications to existing heritage items or contributory buildings in heritage conservation areas does not adversely impact the heritage significance of the item or place.</li> <li>2. Ensure development of heritage items and contributory buildings in heritage conservation areas in the Newcastle city centre are respectful and do not dominate or diminish the prominence of the host building or adjoining contributory or heritage item building.</li> <li>3. Ensure development contributes to the economic revitalisation and strengthens the regional position of the Newcastle city centre, but otherwise respects and does not distort or obscure the heritage significance of the place.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
<p>C-1. Within the Newcastle city centre, additions to a heritage item or contributory building within a heritage conservation area are partly concealed and do not dominate or reduce the prominence of the host building in the street.</p> <p>C-2. Within the Newcastle city centre, higher rear parts of a new building adjacent to a heritage item or contributory building within a heritage conservation area are partly concealed and do not dominate or reduce the prominence of heritage items or contributory buildings in the street.</p>	<p>AS-1. Additions to heritage items and contributory buildings should be partly concealed. Some of the addition or higher rear part(s) may be visible, provided it does not dominate or reduce the prominence of the building's facade(s) in the street.</p> <p>AS-2. Additions to corner properties may be visible but should be respectful of the heritage item or contributory building in terms of scale and placement, and not dominate or diminish the prominence of the host building or adjoining contributory or heritage item building.</p> <p>AS-3. Development does not build over or extend into the air space of heritage items or contributory buildings in heritage conservation areas.</p>	<p>The boundary of the Newcastle city centre is defined by <a href="#">LEP 2012</a>. The controls of this section do not apply to the low-rise residential precinct in Newcastle East Heritage Conservation Area identified in <b>Figure E1.04</b>. Refer to Section E5 Newcastle city centre for controls.</p>



**Figure E1.05: Visible Additions**



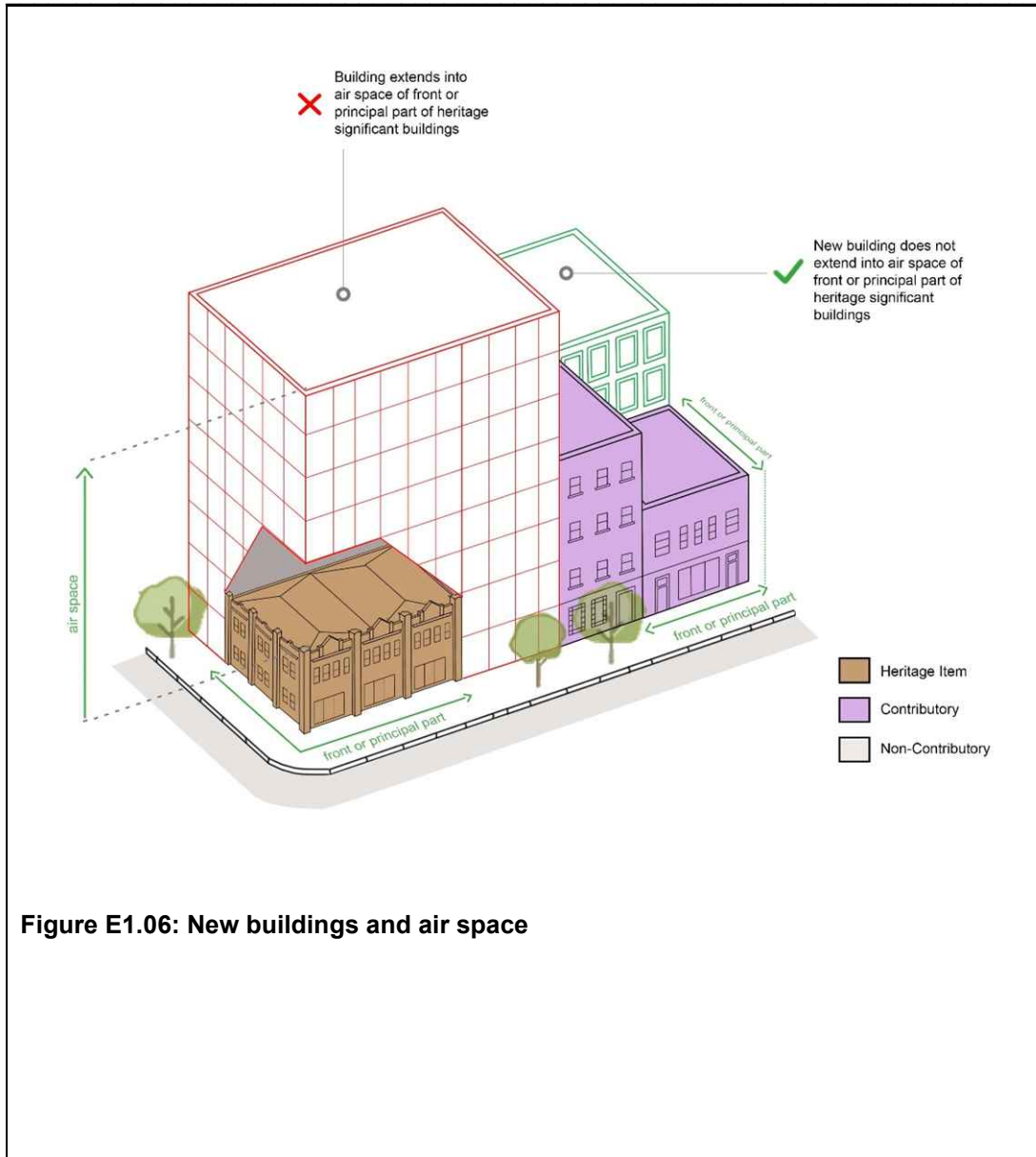


Figure E1.06: New buildings and air space

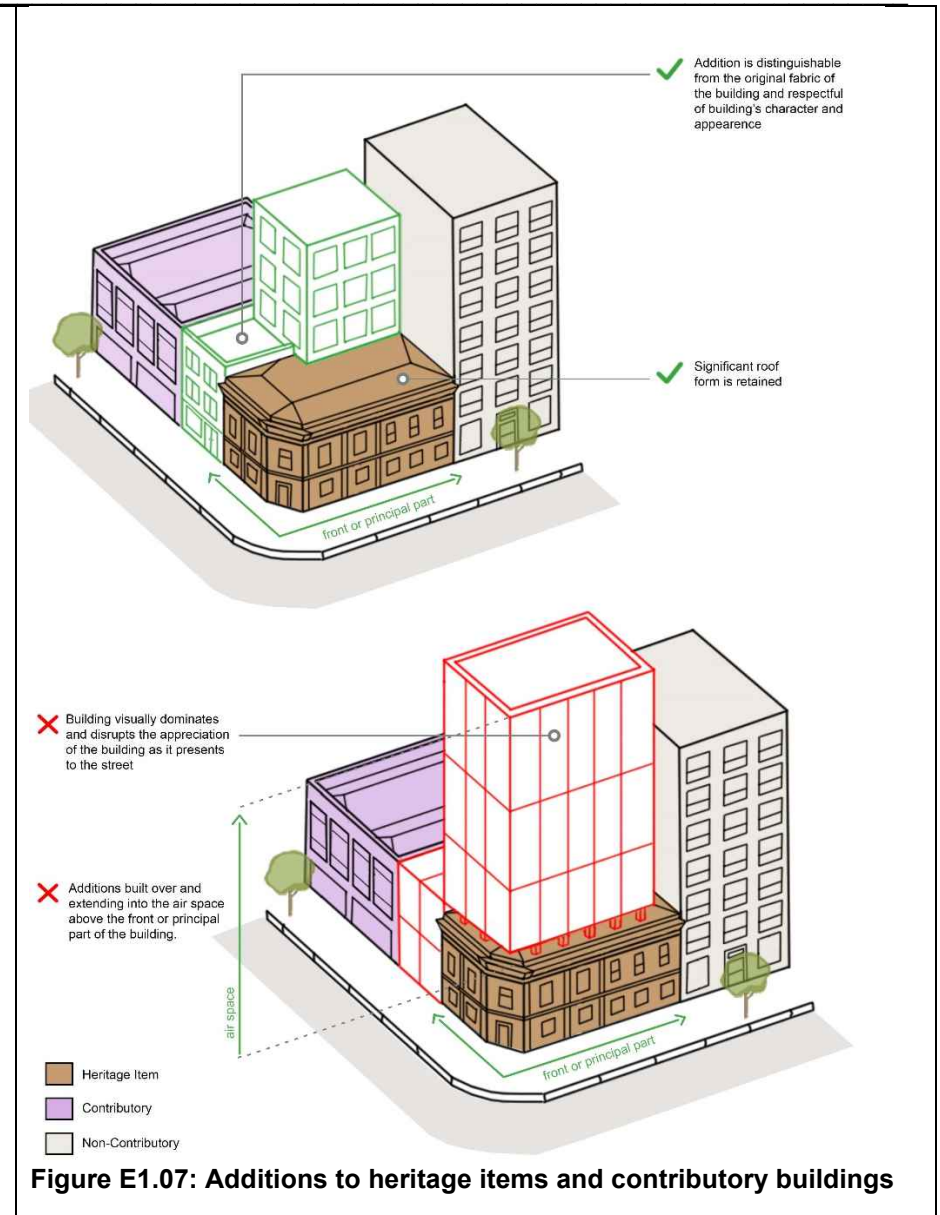


Figure E1.07: Additions to heritage items and contributory buildings

## 10.0 Heritage items

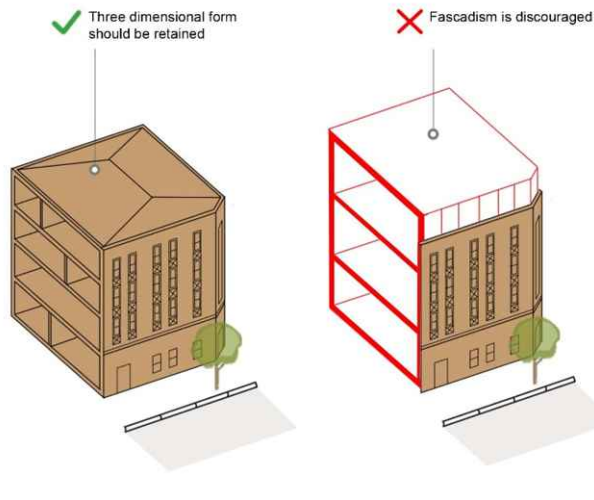
<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Ensure significant components of heritage items are retained and conserved, including the three-dimensional fabric and form of built heritage items.</li> <li>2. Encourage heritage items to be used for purposes appropriate to their heritage significance.</li> <li>3. Encourage the removal of unsympathetic alterations and additions and reinstatement of original features and details, based on historical evidence rather than conjecture.</li> <li>4. Support ongoing maintenance, care and use of heritage items, while changing as little as possible so that its heritage significance is retained and conserved.</li> <li>5. Maintain the curtilage and streetscape context of heritage items through appropriate design, built form, architectural style and landscaping.</li> <li>6. Ensure work to a heritage item respects and does not distort or obscure the heritage significance of the place or detract from its interpretation and appreciation.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
<p>C-1.Change as much as necessary but as little as possible of any heritage item. Where appropriate this includes the retention and conservation of the:</p> <ol style="list-style-type: none"> <li>a. floor plan</li> <li>b. existing fabric (interior and exterior)</li> <li>c. use</li> <li>d. associations and meanings.</li> </ol>		<p>The amount of change to a heritage item should be guided by the heritage significance of the place. As advocated by the Burra Charter, do as much as necessary to care for the place and make it usable, but otherwise change as little as possible so that its heritage significance is retained.</p> <p>Different components of a heritage item may make a different relative contribution to its heritage value. Grading the significance of the heritage item's components helps identify possible sensitive changes.</p> <p>The heritage significance and protected character of a built heritage item often applies to the interior as well as exterior of the building, including its fabric and the layout of rooms and spaces.</p>
<p>C-2.Repaint existing painted surfaces in colours sympathetic to the architectural style and period of the building.</p>	<p>AS-1.The traditional heritage colour scheme for the heritage item may be determined based on evidence of how the building originally looked (such as from photographs and paint scrapings) or replicate a colour scheme from the period.</p>	<p>Heritage items look best in their original colour scheme or traditional heritage colour scheme appropriate to the architectural style and period of the property. Refer to CN's <a href="#">'Traditional Finishes and Colour Schemes: A Guide, September 2015'</a> or consult with a paint specialist for more information.</p> <p>A more modern scheme can be used. Select neutral colours and emphasise decorative features (such as verandah posts, architraves, and lintels) in a contrasting or lighter colour.</p>
<p>C-3.Development retains and conserves the three-dimensional fabric and form of built heritage items.</p>	<p>AS-1.Development does not result in the demolition of a heritage item.</p> <p>AS-2.The exterior face(s) of a building with its three-dimensional built form is</p>	<p>The demolition of heritage items is generally not supported. Demolition of a heritage item will only be allowed where irrefutable evidence is provided that the contribution of the building to the significance of the item has been destroyed or lost; or where there is demonstrated overwhelming structural instability that cannot be rectified (an example would be major damage caused by an earthquake).</p> <p>Facadism of heritage items is discouraged. The retention of the exterior face(s) of a building with its</p>

maintained and conserved, regardless of whether it is visible.

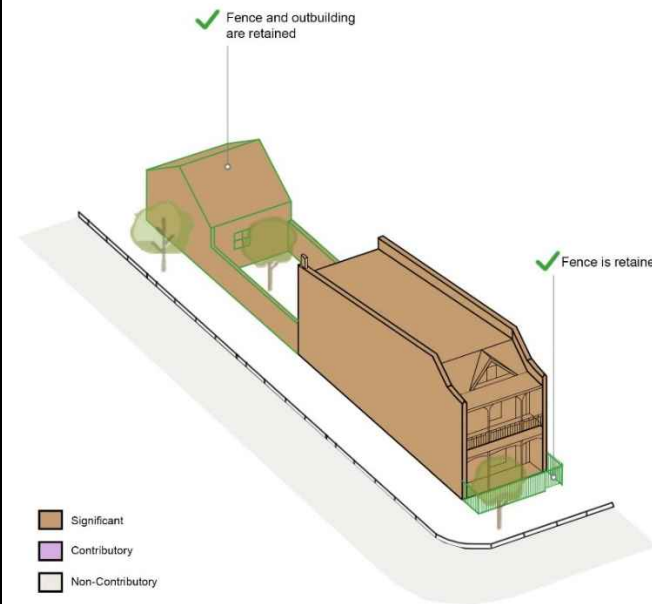
AS-3.Fences and outbuildings that contribute to the heritage significance of the heritage item are not demolished.

three-dimensional built form provides structural support and understanding of its function, regardless of whether it is visible.

The adverse effects of climate change are being experienced across the world. Heritage places can play a key role in climate adaptation and mitigation. Retaining and adaptive re-use of heritage buildings can help minimise a site's carbon footprint. Climate change can be curtailed by limiting the loss of embodied energy via demolition and the manufacture, transport, and installation of construction materials. Adapting existing structures often takes fewer resources, and generates less waste, than constructing a new one. Heritage builds can often be upgraded to a higher environmental performance without changing heritage fabric. With clever design, heritage characteristics will enhance ecologically sustainable development outcomes e.g., double brick construction can maintain more stable internal temperatures and smaller floor-plates can help optimise the amount of natural daylight internally.



**Figure E1.08: Heritage item building fabric**



**Figure E1.09: External heritage item elements retained**

C-4.Heritage items are adaptively reused where appropriate and the heritage significance of the item is maintained and conserved.

AS-5.Proposed uses of a heritage item should be the most appropriate to maintain the identified heritage values of the heritage item with the minimum of intrusive change.

The ongoing maintenance, care and use of heritage items is supported. [LEP 2012](#) sets out conservation incentives for development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, to facilitate the conservation of the heritage item. Proposed use/s should be the most appropriate to maintain the identified heritage values of the heritage item with the minimum of intrusive change. (Refer to [LEP 2012](#) for details).

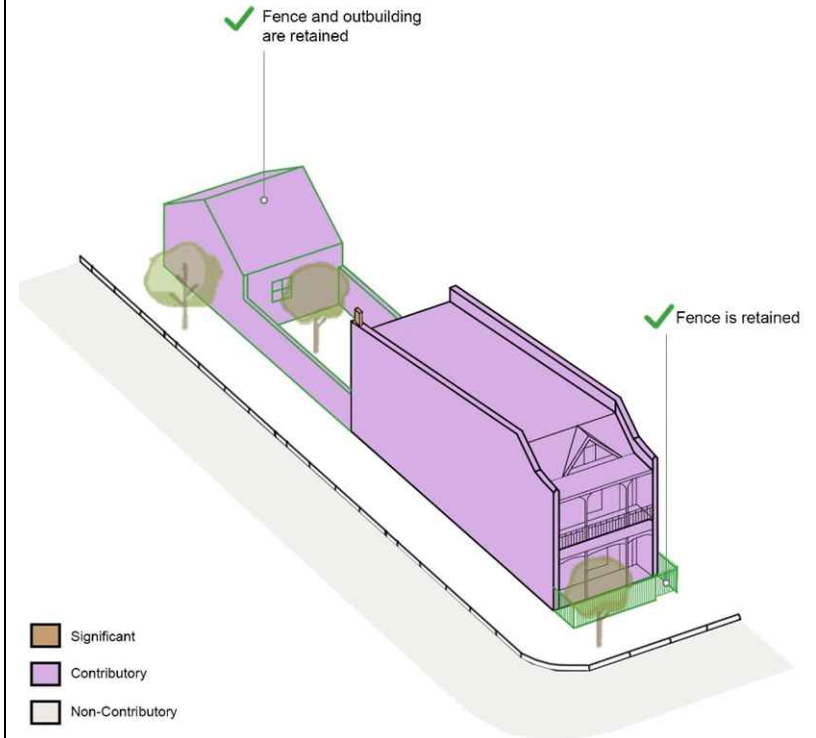
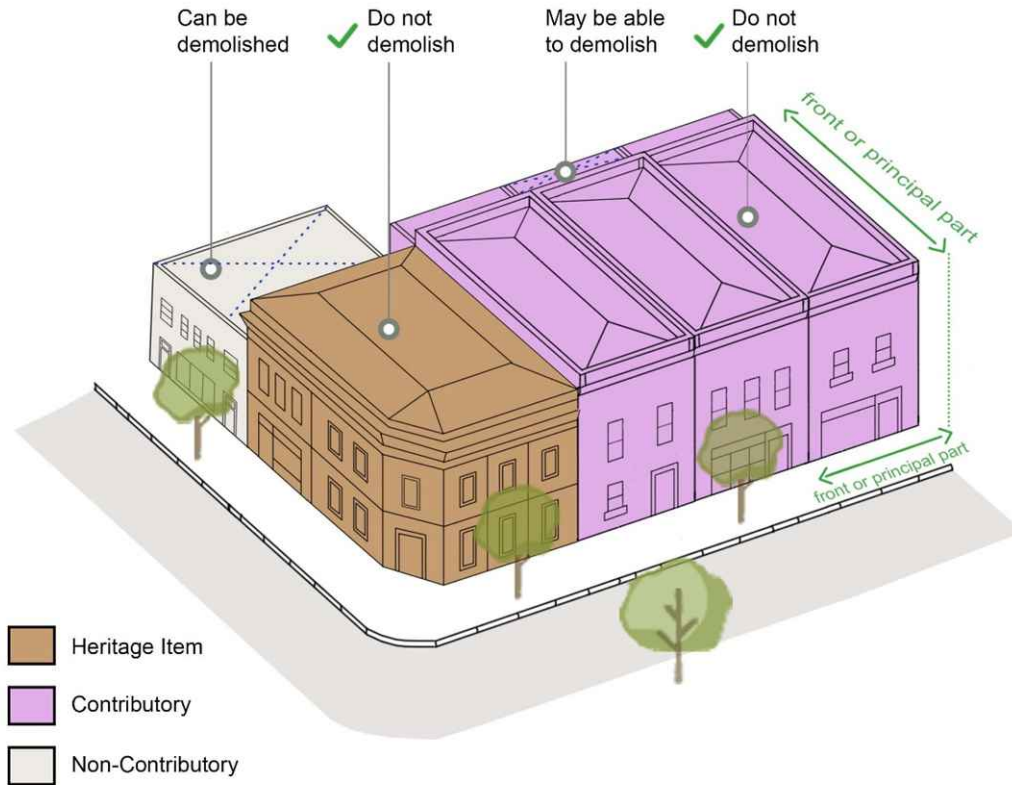


## 11.0 Heritage conservation areas

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Respect and do not distort or obscure the heritage significance of the conservation area or detract from its interpretation and appreciation.</li> <li>2. Retain and conserve significant components of contributory buildings, and maintain their positive contribution to the heritage conservation area or streetscape.</li> <li>3. Maintain the benign contribution of neutral buildings to the heritage conservation area or streetscape.</li> <li>4. Ameliorate or remove the detrimental impacts of non-contributory buildings to the heritage conservation area or streetscape.</li> <li>5. Reflect the architectural style of the host building(s) in the design of the additions and alterations.</li> <li>6. Ensure all alterations and additions contribute positively to the streetscape and the setting of the host building.</li> <li>7. Ensure the design of additions minimises the impact on the special qualities of the streetscape and the architectural style of the host building.</li> <li>8. Maintain the curtilage, streetscape context and natural character of the heritage conservation area and its contributory buildings through appropriate design, built form, architectural style and landscaping.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1. Development retains and conserves contributory buildings in heritage conservation areas.	AS-1. Additions are in proportion to the host building and conserve the scale of the building and the street.	<p>The statement of significance and desired future character statement for the heritage conservation area should guide development design in heritage conservation areas.</p> <p>Development design in heritage conservation areas should be based on the more site-specific detail guidance provided in Section E2 Heritage conservation areas, combined with the more overarching heritage conservation principles in this section.</p> <p>Guide the amount of change to a place in a heritage conservation area by its contribution to the heritage significance of the area. As the Burra Charter advocates, do as much as necessary to care for the place and make it usable, but change as little as possible so to retain its heritage significance.</p> <p>When assessing an application for a place in a heritage conservation area, matters to consider include natural landscapes with the:</p> <ul style="list-style-type: none"> <li>• heritage significance of the place as a component of a heritage conservation area (urban or natural)</li> <li>• impact the proposed development will have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the heritage conservation area (urban or natural)</li> <li>• the impact the proposed development will have on any stylistic, horticultural or archaeological features of the heritage conservation area (urban or natural)</li> <li>• the measures proposed to conserve the heritage significance of the heritage conservation area</li> </ul>

		<ul style="list-style-type: none"> <li>the extent to which the carrying out of the proposed development would affect the form of a historic subdivision.</li> </ul>
C-2.Except for built heritage items, the heritage significance and protected character of contributory buildings in heritage conservation areas applies to the exterior of the building only and where it is visible from the street or other public areas (other than a lane).	AS-1.Additions are not to be visible from the public domain (other than a lane).	<p>Refer to Section E5 Newcastle city centre for the equivalent control that applies to all properties located outside the Newcastle city centre and the low-rise residential precinct of the Newcastle East Heritage Conservation Area.</p> <p>Refer to Section E5 Newcastle city centre for the equivalent control that applies to Newcastle city centre.</p>
C-3.Development is consistent 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-4.Development retains the significant fabric and form of contributory buildings in heritage conservation areas visible from the street or other public areas (other than a lane).	<p>AS-1.Development does not result in the demolition of significant building elements or the front or principal part of contributory buildings in heritage conservation areas visible from the street or other public areas (other than a lane).</p> <p>AS-2.Retain and restore buildings and significant building elements that contribute positively to the heritage conservation area.</p> <p>AS-3.Intrusive elements that detract from the overall character of the heritage conservation area may be removed (although buildings that are uncharacteristic are not necessarily intrusive and may warrant retention and statutory protection).</p> <p>AS-4.Fences and outbuildings that contribute to the heritage significance of the heritage conservation area are not demolished.</p>	<p>The demolition of significant building elements or the front or principal part of contributory buildings in heritage conservation areas visible from the street or other public areas (other than a lane) will generally not be supported.</p> <p>Full demolition of a contributory building in a heritage conservation area will only be allowed where irrefutable evidence is provided that the contribution of the building to the significance of the heritage conservation area has been destroyed or lost; or where there is demonstrated overwhelming structural instability that cannot be rectified (an example would be major damage caused by an earthquake).</p> <p>Non-contributory buildings offer important opportunities for appropriately designed redevelopment within the heritage conservation areas. The removal of intrusive elements that detract from the overall character of the heritage conservation area (although buildings that are uncharacteristic are not necessarily intrusive and might warrant retention and statutory protection) will generally be allowed.</p> <p>The adverse effects of climate change are being widely experienced across the world. Heritage places can play a key role in climate adaptation and mitigation. The retention of contributory buildings can help minimise a site's carbon footprint and curtail climate change by limiting the loss of embodied energy associated with demolition and the manufacture, transport, and installation of construction materials. It often takes fewer resources, and generates less waste, to adapt an existing structure than to construct a new one. Contributory builds can often be upgraded to a higher environmental performance without change to heritage fabric. With clever design heritage characteristics will enhance ecologically sustainable development (ESD) outcomes. For example, double brick construction can maintain more stable internal temperatures and</p>

smaller floor-plates can help optimise the amount of natural daylight internally.



**Figure E1.10: Heritage conservation area elements to retain and demolish**

**Figure E1.11: External heritage conservation area elements retained**

C-5. Development maintains the benign contribution of neutral buildings to the heritage conservation area or streetscape.

AS-1. Depending on the building's context and heritage significance, it is preferable to retain and restore neutral buildings.

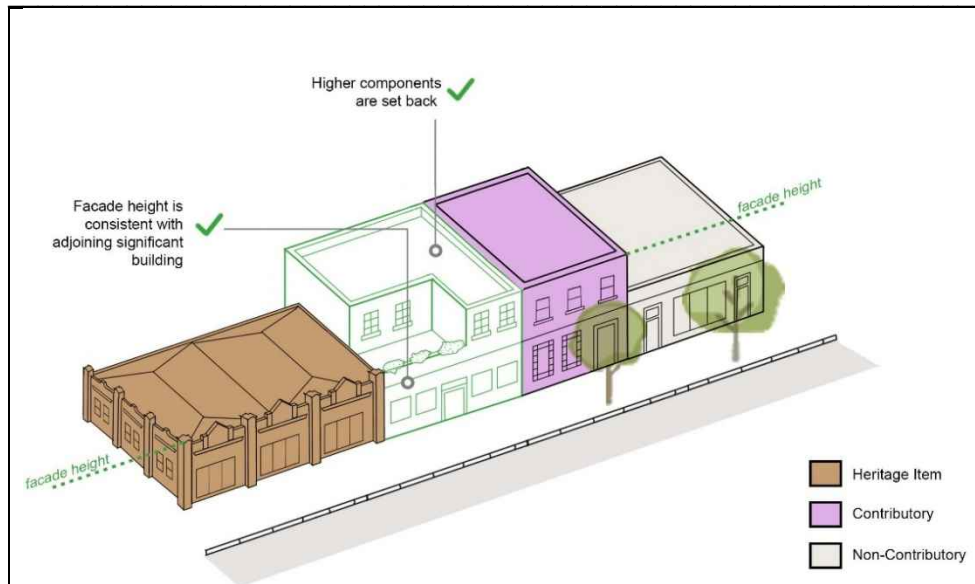
C-6. Development ameliorates or removes the detrimental impacts of non-contributory buildings to the heritage conservation area or streetscape.

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.

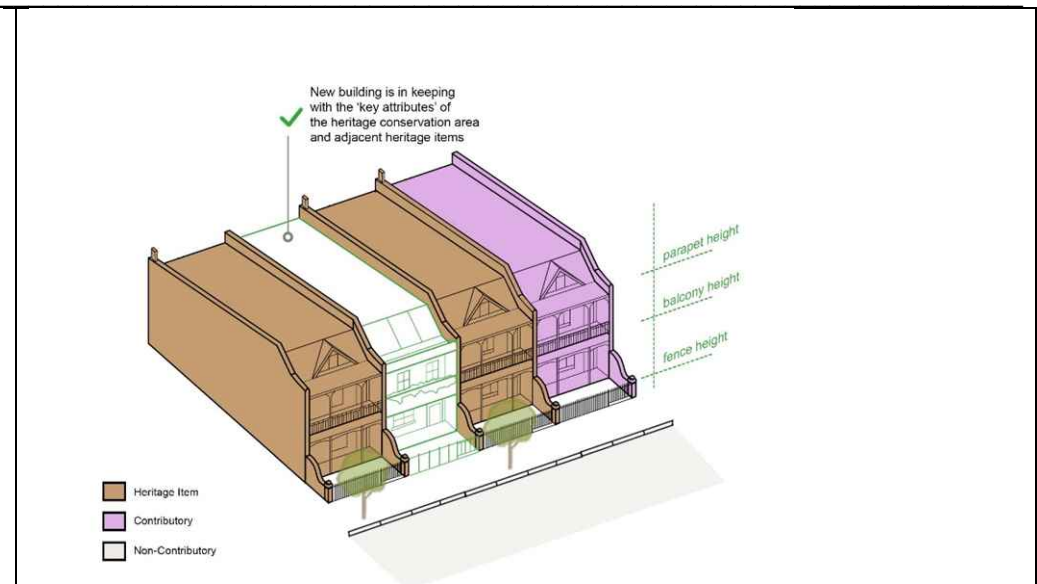
<p>C-7. The building envelope controls for residential and commercial development in this plan do not apply in heritage conservation areas. The building envelope for development in heritage conservation areas is established on its merits, commensurate with:</p> <ol style="list-style-type: none"> <li>a. heritage significance</li> <li>b. streetscape character</li> <li>c. consideration of the amenity of the site and its neighbours.</li> </ol>	<p>AS-1. Additional storeys are located behind and preferably below the main roof ridge height of the existing building.</p> <p>AS-2. Development does not impact on the amenity and privacy of residents by avoiding overbearing development for public spaces and adjoining dwelling houses and their private open space.</p>	<p>To assist with amenity considerations, this control should be read in conjunction with the relevant section of Part D: Development Controls By Land Use.</p>
<p>C-8. Development protects significant views and vistas to and from significant cultural landmarks in heritage conservation areas.</p>		<p>The statement of significance and desired future character statement for the conservation area should guide any development proposal located within a heritage conservation area.</p> <p>Refer to Section E2 Heritage Conservation Areas.</p>

## 12.0 Infill sites

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Maintain the heritage significance of heritage items and heritage conservation areas based on an understanding and respect for existing fabric, use, associations, and meanings of the place.</li> <li>2. Infill development is consistent with and complementary to the massing, form, rhythm, bulk, scale, setbacks, wall height, building height, roof pitch, parapet and ridge line of neighbouring heritage items and contributory buildings which predominate in the street.</li> <li>3. Infill development in heritage conservation areas and adjacent to heritage items is clearly distinguishable and does not mimic the established heritage character.</li> </ol>		
<b>Control (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
<p>C-1. Development at infill sites in heritage conservation areas and adjacent to heritage items respects and is sympathetic to the design of its neighbours and the character of the heritage conservation area yet does not mimic the established character or visually dominate or disrupt the appreciation of the heritage place.</p>	<p>AS-1. Buildings are in keeping with the architectural character of heritage items and the heritage significance and desired future character of the heritage conservation area, such as:</p> <ol style="list-style-type: none"> <li>a. building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation and fencing</li> <li>b. prevailing streetscape height and scale.</li> </ol> <p>AS-2. Parapets, cornices, spandrels and balconies are to adopt the general horizontal alignments displayed by neighbouring buildings with sympathetic interpretations.</p> <p>AS-3. Awnings, blinds, sun hoods and recessed balconies form integral elements in the design and articulation of facades and should be consistent with the predominant pattern, proportion and repetition of such elements in the street.</p> <p>AS-4. Building elements such as windows, doors, recessed walls and other architectural features are to be used to minimise large expanses of blank walls and glazed areas.</p>	



**Figure E1.12: Facade and setbacks**



**Figure E1.13: Key attributes**

C-2. Development at infill sites in heritage conservation areas and adjacent to heritage items is designed to be a simple, modern interpretation of traditional building form and detail.

AS-1. Development does not replicate or mimic design features of the heritage item/s or contributory buildings in the vicinity. Simple modern interpretations of traditional forms and details are used and new development is clearly distinguishable from older development.

The replication of historic architectural styles or the use of pseudo-period detail in new development is not advocated. By adding a layer of development which illustrates the ways of life and design approaches of the early 21st century, contemporary design can contribute to the rich history of the heritage conservation area and the expression of this history in the built fabric of the area.

Inventive and interpretive contemporary design solutions of high architectural quality may be quite different in spirit and appearance from existing fabric while still providing a positive contribution to the continued history of the heritage conservation area. Contemporary design for infill development and for additions to contributory items is encouraged as long as it respects its context and achieves a cohesive relationship with existing historically significant fabric.

In some locations and circumstances, a traditional design approach may be required. This approach may be appropriate where alterations are proposed to a highly intact section of a building with a high level of significance.

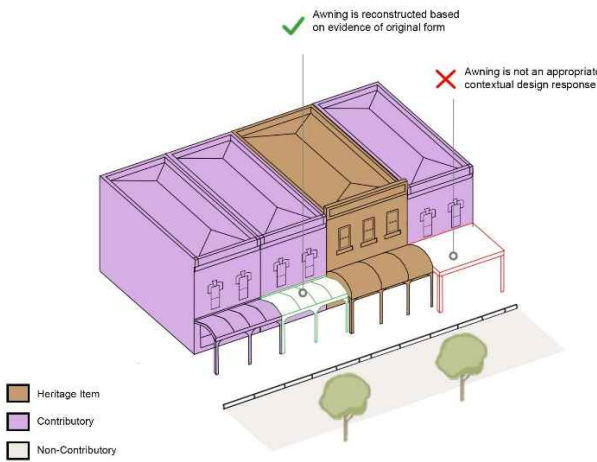
A thorough understanding of the historical background and physical context of the site will act as a guide to the appropriateness of the design approach. The applicant is to demonstrate that the application of contemporary forms, materials or detailing provides an appropriate response to the streetscape, the precinct and the heritage conservation area as a whole.



## 13.0 Details and materials

### Objectives

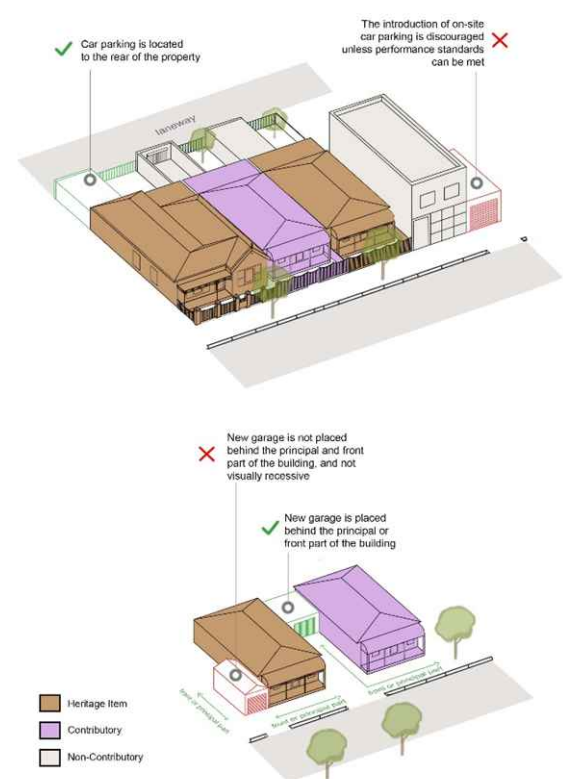
1. Maintain the heritage significance of heritage items and places in heritage conservation areas based on an understanding and respect for existing fabric, use, associations, and meanings of the place.
2. Unsympathetic alterations and additions to heritage items and contributory buildings in heritage conservation areas are removed, and missing building elements and details are restored and/or reconstructed.
3. Restoration and reconstruction of fabric is based on evidence of an earlier state of the fabric.

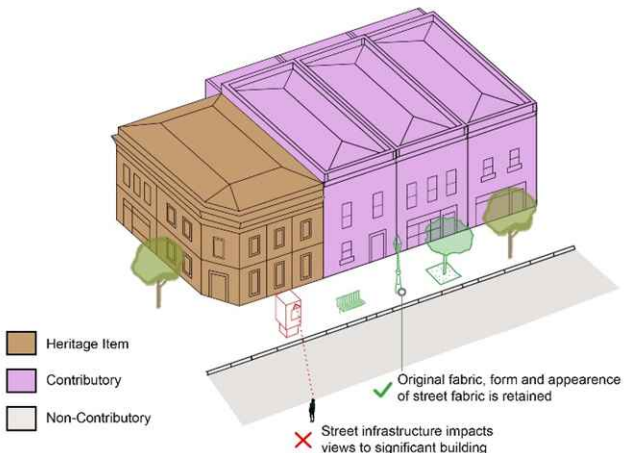
Controls (C)	Acceptable solutions (AS)	Explanatory notes
<p>C-1.Details - Development enhances the presentation and appearance of heritage items and contributory buildings in heritage conservation areas through restoration and, where evidence exists, reconstruction of original or contributory fabric such as traditional heritage shopfronts, awnings, verandahs, balconies and roofs.</p>	<p>AS-1.Unsympathetic alterations and additions are removed, and missing building elements and details of a heritage item or contributory building in a heritage conservation area are restored and/or reconstructed.</p> <p>AS-2.Reconstructive or restoration of buildings and/ or works to any part of a heritage item (including its interior), or any visible part of a contributory building:</p> <ol style="list-style-type: none"> <li>a. form part of an authentic restoration or reconstruction process, and do not preclude such a process at a future date</li> <li>b. are based on evidence of what a building originally looked like. This may be assisted by reference to elements of nearby identical buildings, other parts of the building or early photographs and plans.</li> </ol> <p>AS-3.Original features and detailing are to be retained and restored with traditional materials of the period. This may include the use of brass glazed bars, lead lights above doors, art nouveau patterned tiles to the stall boards, and tessellated tiles to the entry porches.</p> <p>AS-4.Infilled balconies have the infill development removed and the open timber balustrade restored, based on evidence of the original form, detailing and materials.</p> <p>AS-5.Any awning or verandah is an appropriate contextual design response compatible with the location on the heritage place and one that can be removed without loss of fabric that contributes to the cultural value of the heritage item or heritage conservation area.</p>	 <p><b>Figure E1.14: Awnings</b></p>

<p>C-2.Materials - Development selects new materials and protects and restores existing building surfaces without damaging fabric and the character and appearance of the heritage item or heritage conservation area.</p>	<p>AS-1.New paint is removed from original unpainted masonry or other surfaces, provided it can be undertaken without damage to the heritage place.</p> <p>AS-2.Existing exposed brickwork, stone, tiles and shingles are not painted or rendered.</p> <p>AS-3.New interventions are sensitive to the existing fabric of the heritage place, fixing into mortar joints rather than to existing sandstone or face brickwork is encouraged.</p> <p>AS-4.Where a face brick structure is proposed, this brick colour and texture complements the character and setting of the heritage item or heritage conservation area.</p> <p>AS-5.The proportion and materials of new window openings suit the existing style of the heritage item and heritage conservation area.</p> <p>AS-6.Roofing materials that have a larger scale or appearance than the original material are avoided.</p>	
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## 14.0 Vehicle accommodation, access and the public domain

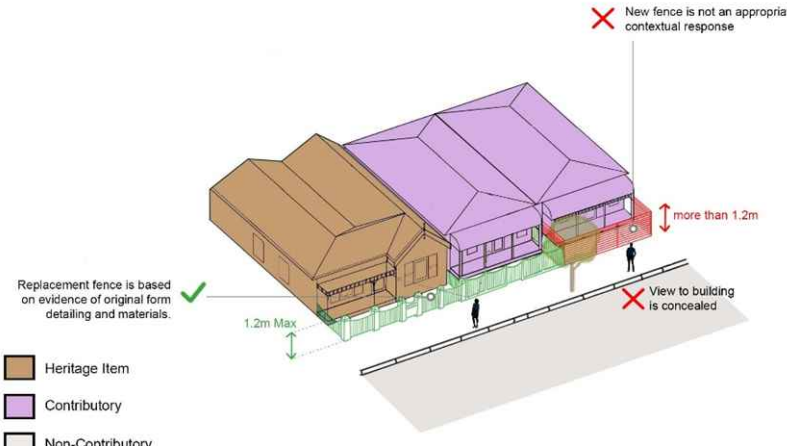
Objectives		
<ol style="list-style-type: none"> <li>1. Minimise the visual intervention of structures and parking spaces that accommodate vehicles in heritage item properties and places within heritage conservation areas.</li> <li>2. Design and site development and street furniture to avoid physically impacting existing street tree plantings and views to heritage items or contributory buildings.</li> <li>3. Retain and restore the form and appearance of original heritage fabric and infrastructure in the public domain.</li> </ol>		
Controls (C)	Acceptable solutions (AS)	Explanatory notes
<p>C-1. Development maintains the setbacks and relationship of buildings to the street and their settings.</p>	<p>AS-1. Car parking is located to the rear of the property, where this is an established characteristic.</p> <p>AS-2. Any garage, carport or parking space is placed behind the principal or front part of the building (excluding verandahs, porches, bay windows or similar projecting features), and:</p> <ol style="list-style-type: none"> <li>a. is visually recessive</li> <li>b. does not conceal an original contributory element of the building (other than a plain side wall)</li> <li>c. does not disturb the setting of the building and its neighbours</li> <li>d. the form, details and materials are respectful of the building, but do not replicate details of the building</li> <li>e. double garages are designed with two doors and a pier between them to reduce the horizontal effect of the opening.</li> </ol> <p>AS-3. Ramps to basement or sub-basement car parking are located to the rear of the property, or to a side street or side lane boundary, where they would not visually disrupt the setting of the heritage item or contributory building, or impact on the streetscape character.</p> <p>AS-4. Driveways are designed as concrete or brick strips with grass or gravel in between.</p> <p>AS-5. Paving materials are terminated inside the property boundary and are not extended into the public domain, unless of a matching colour and treatment.</p>	 <p><b>Figure E1.15: Vehicle accommodation and access</b></p>

	<p>AS-6. Driveway crossings are to be designed in consultation with CN. All crossings are designed to match the colour palette of the site and the neighbouring footway, subject to advice from CN staff. Generally plain concrete with a charcoal oxide and trowel finish is to be used where bitumen paving is the predominant paving material.</p>	<p>Refer to Section C1 Traffic Parking and Access.</p>
<p>C-2. Design and site development:</p> <ol style="list-style-type: none"> <li>a. to avoid physical impacts on existing tree plantings, including by new driveway crossings and street furniture</li> <li>b. to retain and restore the form and appearance of existing sandstone kerb and gutters, heritage brick paving and other heritage road assets</li> <li>c. so that new street furniture such as shelters, seats, rubbish bins, bicycle racks and drinking fountains avoid impacting views to heritage items or contributory buildings.</li> </ol>	<p>AS-1. The heritage road assets are retained and conserved which relate to:</p> <ol style="list-style-type: none"> <li>a. footway paving</li> <li>b. retaining walls</li> <li>c. road curb and gutter</li> <li>d. stormwater drainage.</li> </ol>	 <p><b>Figure E1.16: Public domain</b></p> <p><b>Note:</b> There may be additional types of heritage road assets to be retained and conserved. Includes cross hatch and rising sun pavers, concrete flagstone paving, etched concrete footways and driveways, sandstone culverts and brick surface drains, sandstone walls and steps, and sandstone kerbs and gutters. Refer to the <i>Heritage Technical Manual</i> for further details.</p>

## 15.0 Fences and gates

### Objectives

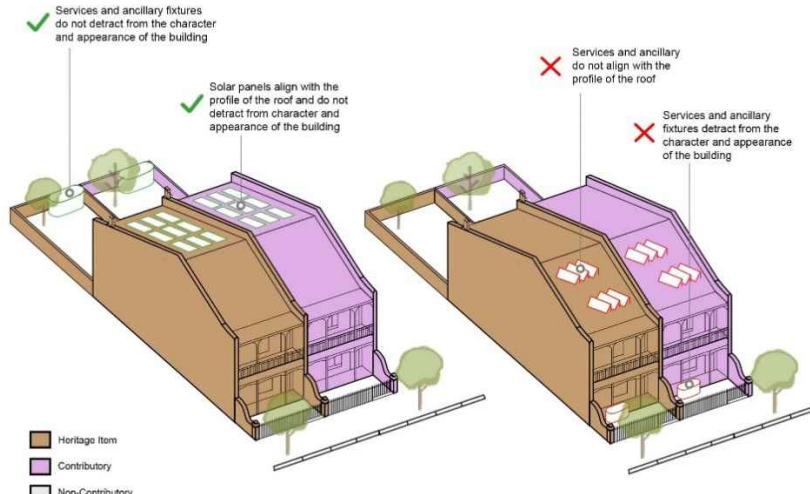
1. Retain, protect and restore significant fences and gates at heritage item properties and places within heritage conservation areas.
2. Use historical evidence to reconstruct original fences and gates.
3. Ensure appropriate contextual design responses where historical evidence is not available.

Controls (C)	Acceptable solutions (AS)	Explanatory notes
<p>C-1. Development preserves the heritage significance and enhances the presentation and appearance of the heritage item, contributory building, and streetscape character through the retention, protection and restoration of significant fences and gates and, where evidence exists, reconstruction of the original, or in the absence of existing the provision of new that is an appropriate contextual design response.</p>	<p>AS-1. Where fences or gates to the front or principal part of a heritage place, the original fence or gate is reconstructed based on evidence of the original form, detailing and materials.</p> <p>AS-2. In the absence of existing, a new fence or gate is an appropriate contextual design response, and the style, details and materials are interpretive and consistent with the architectural period of the heritage place and established street characteristics and:</p> <ol style="list-style-type: none"> <li>a. it does not conceal views of the building or heritage place</li> <li>b. is a maximum height of 1.2 metres</li> <li>c. is more than 50% transparent</li> <li>d. is not a Colourbond material.</li> </ol> <p>AS-3. The visual impact of fences is limited by selecting materials compatible to the period and architectural style of the property.</p>	 <p><b>Figure E1.17: Fences</b></p> <p>Refer to <a href="#">'Which Fence for My House: House and Fence Styles for Wagga Wagga 1860-1960'</a> which is a resource also applicable to CN.</p>

## 16.0 Gardens and trees

<b>Objectives</b>		
<ol style="list-style-type: none"> <li>1. Retain, protect and restore significant trees, other vegetation and surviving original gardens at heritage item properties and places within heritage conservation areas.</li> <li>2. Use historical evidence to reconstruct original gardens.</li> <li>3. Ensure appropriate contextual design responses where historical evidence is not available.</li> </ol>		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
<p>C-1. Development preserves the heritage significance and enhances the presentation and appearance of the heritage item, contributory building, and streetscape character of the heritage conservation area through the retention and protection of significant trees and other vegetation and surviving original garden elements and, where evidence exists, reconstruction of the original garden.</p>	<p>AS-1. Trees or other vegetation with assessed heritage significance are retained wherever possible.</p> <p>AS-2. Removal of trees or other vegetation with assessed heritage significance is discouraged unless it can be demonstrated there is a risk to human life or property.</p> <p>AS-3. Buildings and works respect trees with assessed heritage significance by siting proposed new development at a distance that ensures the ongoing health of the tree.</p> <p>AS-4. New buildings and works comply with the Australian Standard AS 4970-2009 Protection of trees on development sites for vegetation of assessed significance.</p> <p>AS-5. Surviving original garden elements such as lychgates, paths, edging tiles etc. are retained.</p> <p>AS-6. Where evidence exists, original garden elements and planting scheme are reconstructed wherever possible.</p> <p>AS-7. Appropriate plant species are utilised in achieving a setting for the heritage item or heritage conservation area.</p> <p>AS-8. Landscape designs that have no relationship to the period of the heritage item or heritage conservation area are avoided.</p>	<p>As well as providing an important contribution to the heritage significance and setting of heritage places, the urban forest and associated tree canopy provides a range of benefits for the community. Some of these benefits include shade, microclimate regulation, air quality, sense of wellbeing, diverse flora and fauna, storm water management and interception. Liveability is greatly improved, and climate change curtailed by having a sustainable tree canopy and green spaces.</p> <p>Refer to Section C3 Vegetation preservation and care.</p>

## 17.0 Services and ancillary fixtures

Objectives		
1. Ensure services and ancillary fixtures are sensitive to the heritage significance and character of the heritage item and heritage conservation area, and visual impacts to the public domain are minimised. 2. Improve the environmental performance of heritage places. 3. Provide equitable access to heritage places to maximise participation and social inclusion.		
Controls (C)	Acceptable solutions (AS)	Explanatory notes
C-1. The installation of services and ancillary fixtures, in particular those that will reduce greenhouse gas emissions or water consumption such as solar panels, solar hot water services or water storage tanks, may be permitted on any visible part of heritage items or contributory buildings where it can be demonstrated there is no feasible alternative and the services and ancillary fixtures will not detract from the character and appearance of the building or heritage place.	AS-1. Air conditioners and other mechanical plant equipment must not be mounted on street awnings or the front facade of buildings.  AS-2. Items affixed to roofs, such as solar panels, align with the profile of the roof.  AS-3. Services and ancillary fixtures are installed in a manner whereby they can be removed without damaging significant fabric and are not visually intrusive when viewed from the street.  AS-4. For new buildings, services and ancillary fixtures are concealed, integrated or incorporated into the design of the building.	Heritage places can be adapted to incorporate new environmental features to significantly improve their performance, such as solar panels, insulation, draught-proofing, energy efficient heating and hot water systems, water tanks, and installation of high-performance glazing (depending on the significance of existing glazing).   <p> <span style="color: green;">✓</span> Services and ancillary fixtures do not detract from the character and appearance of the building  <span style="color: green;">✓</span> Solar panels align with the profile of the roof and do not detract from character and appearance of the building  <span style="color: red;">✗</span> Services and ancillary fixtures do not align with the profile of the roof  <span style="color: red;">✗</span> Services and ancillary fixtures detract from the character and appearance of the building           </p> <p> <span style="color: brown;">■</span> Heritage Item  <span style="color: purple;">■</span> Contributory  <span style="color: grey;">■</span> Non-Contributory           </p>

**Figure E1.18: Services and ancillary fixtures**

<p>C-2. Development facilitates equitable access that is sensitive to the heritage significance and character of the heritage item and heritage conservation area.</p>	<p>AS-1. Where appropriate, doorways are widened to provide better access.</p> <p>AS-2. New access ramps do not detract from the heritage significance and character of the heritage place.</p>	<p>Equitable access ensures people with mobility impairment or vulnerability have the same opportunity as able-bodied people to access parts of a building or place, and at the same comfort levels. Provision of such access maximises participation and social inclusion within a community.</p> <p>Development is to skilfully balance the heritage significance of the building or place with the requirements of the <i>Disability Discrimination Act 1992</i>. Changes are not limited to the physical space of the heritage place such as ramps, bathroom facilities and widened doorways, and extends to include audio cues for those with a vision disability, and audio loops for those who are hard of hearing. This may require non-standard approaches to meet regulatory requirements, so that the impact of works on the place's heritage significance and character is minimised.</p> <p>Refer to Section C13 Liveable housing.</p>
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**PART E: Place and Precincts**  
**Section E2 Heritage conservation areas**

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## 1.0 Introduction

Schedule 5 in the *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)) identifies certain areas of townscape and landscape that collectively have special heritage qualities as heritage conservation areas. These areas have a statement of heritage significance and a desired future character statement providing site-specific detail guide any proposed change to buildings, streetscape or landscape features ensuring it complements the heritage conservation area.

A statement of heritage significance identifies the elements which make an item or an area significant in heritage terms. The heritage values can include historical origins, subdivision patterns, and consistency of building materials or the common age of its building stock. These statements are prepared using the NSW Office of Environment and Heritage criteria, outlined in the *NSW Heritage Manual*, and based on principles and processes of the Burra Charter.

The desired future character statement is a summary of the existing urban fabric and key character elements of a heritage conservation area which are to be preserved to guide how future development may achieve contextual fit and enhance the existing qualities of each area.

Development on land within or in vicinity of a heritage conservation area is to be designed based on site-specific detail in this section and in conjunction with Section E1 Built and Landscape Heritage.

## 2.0 Application

This section applies to all development on land identified as heritage conservation area on the heritage map of [LEP 2012](#) and described in Schedule 5.

## 3.0 Related sections

The following sections will also apply to development:

- E1 Built and landscape heritage

The following sections may also apply to development:

- All of Part B: Site planning controls
- All of Part C: General development controls
- D1 Subdivision and lot consolidation
- E5 Newcastle city centre

## 4.0 Objectives

1. Establish characteristics to be preserved and/or sensitively restored or reconstructed for the heritage conservation areas respectively.
2. Protect/maintain heritage significance of the heritage conservation areas.
3. Ensure development is designed sympathetically to the heritage significance and desired future character of the heritage conservation area.

## 5.0 Definitions

A word or expression has the same meaning as it has in [LEP 2012](#), unless otherwise defined.



## 6.0 Cooks Hill Heritage Conservation Area

This section applies to land within Cooks Hill Heritage Conservation Area as listed in Schedule 5 and mapped in [LEP 2012- Heritage Map \(HER\\_004G\)](#).

It provides spatial specific detail to that provided in Section E1 Built and landscape heritage and is to be read with that section to understand heritage requirements.



**Map E2.01: Land application – Cooks Hill Heritage Conservation Area**

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## 6.1 Statement of heritage significance

### *Key period of significance – circa 1850 to 1940*

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 tree lined streets. The age of the suburb, relative to other suburbs of the Newcastle local government area (LGA), 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 create 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 (AAC) as part of the original 2000-acre grant owned by the company. The AAC began to sell off parts of Cooks Hill in the 1850s. However, even before that the AAC built huts for its workmen and so the area began its life as a mining village. When the first land sales occurred, development was rapid along Lake Macquarie Road (Darby Street) and eventually Blane Street (Hunter Street), becoming an extension of the main streets connected to the city centre.

The early houses were single and two storey terraces and miners' cottages, both brick and timber. Retailing and hotels flourished as did the population. The area is significant as it reflects land uses and activities of the AAC. Its mines, railways, and the Colliery railway serving Merewether district, exercise a strong physical presence over Cooks Hill.

## 6.2 Desired future character statement

The character of the Cooks Hill Heritage Conservation Area is made up of a variety of building styles dating from late 19th and early decades of the 20th century. The special character of Cooks Hill is to be preserved, celebrated and maintained through the retention of contributory buildings, existing subdivision pattern and elements of visual interest. The eclectic character of Cooks Hill is to provide residents with a unique and valued sense of place.

Elements to be preserved and/or sensitively restored or reconstructed (based on evidence of original appearance) include:

- Contributory buildings constructed prior to the Second World War.
- Mature trees in gardens and public domain.
- Former Burwood Coal and Copper Company rail line and bridge abutments at Laman Street.
- Heritage fences.
- Exposed face brick and stone of existing building facades and front fencing.
- Sandstone kerbing and guttering.
- Victorian era post box on Corlette Street and horse trough at corner of Young and Darby streets.
- Single or two storey scale of housing stock that is an original defining feature of the residential streets.
- Two-storey scale of buildings with parapets concealing roofs from the street and mansard roofs, and the mix of shop top housing and commercial premises that is an original defining feature of Darby Street and the street block addressing Union Street between Bull and Laman streets.
- Dense rhythmic arrangement of small bay widths along the building facades of Darby, Union, Bull, Laman, Gibbs, Queen, Corlette, Bruce, Young, Council, and Railway streets.
- Cantilevered awnings and balconies and single or two storey verandahs (often with cast iron columns, balustrades and decorative lacework) over the footpath of Darby, Union and Bull Streets, and where they occur on other streets in the heritage conservation area.
- Reinforce a consistent street edge alignment for properties along Darby Street.
- Pubs and shops on Darby, Union and Bull Streets.
- Public parks, including Centennial Park, Corlette Street and National Park.
- Items of heritage significance individually listed as heritage items in Schedule 5 of [LEP 2012](#), including retention of the three-dimensional form of heritage item buildings.
- Rich record of relics and archaeological sites beneath the modern city.



The following images demonstrate the characteristic features of the Cooks Hill Heritage Conservation Area.



**Figure E2.01: Street lined with mature trees alongside single-storey workers cottages contributing significantly to the streetscape.**



**Figure E2.02: Typical group of buildings maintaining consistent urban form with design elements resulting in a harmonious streetscape.**



**Figure E2.03: Mix of single and two-storey buildings with different architectural styles from mid-19th and early 20th centuries contributing to distinct visual character in Cooks Hill.**



**Figure E2.04: Cantilevered balconies with ornate elements over footpath in high street/commercial premises.**



**Figure E2.05: Heritage building with commercial use.**

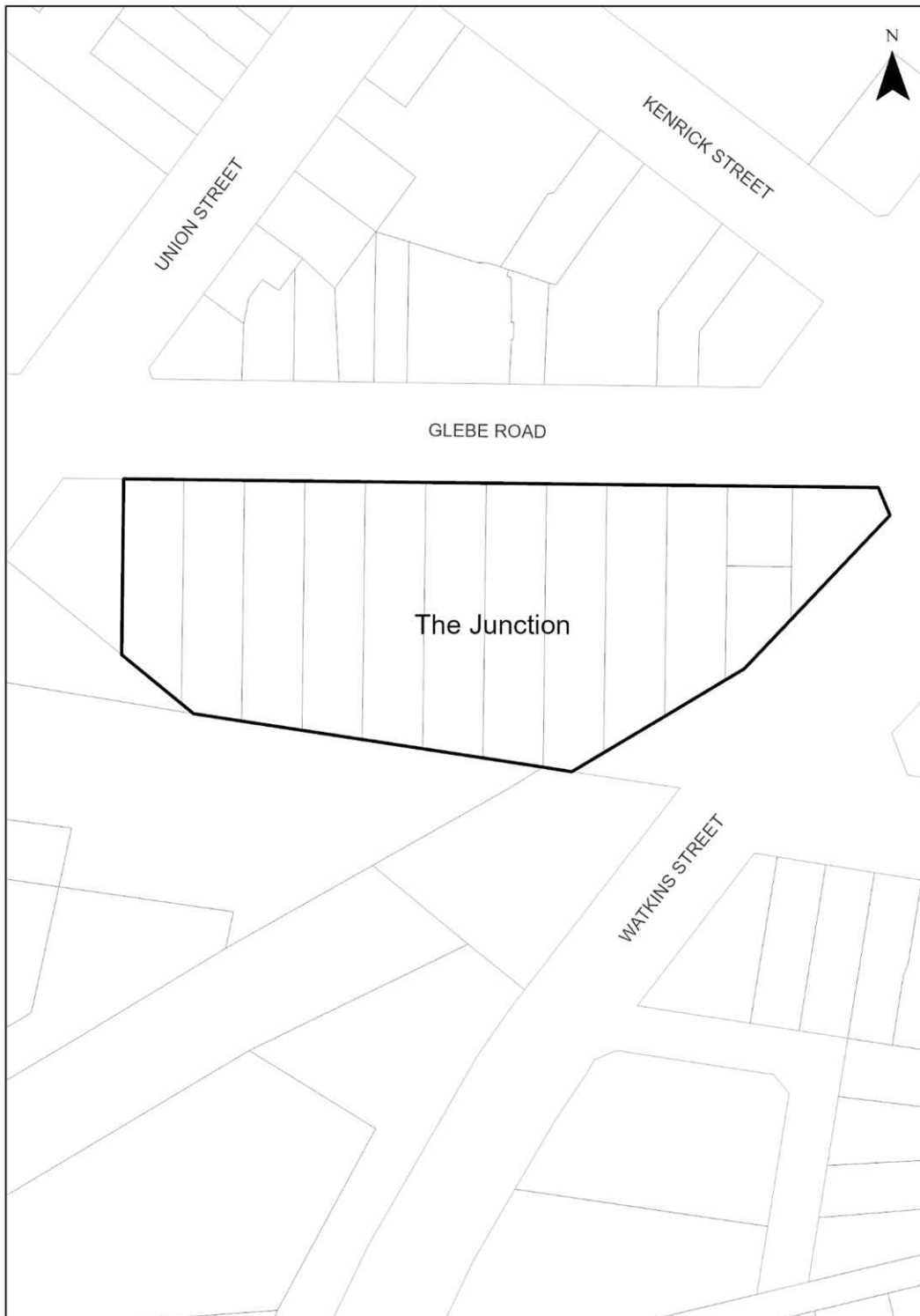


**Figure E2.06: Typical streetscape consisting of a single storey building built between mid-19<sup>th</sup> and early 20<sup>th</sup> century, sandstone kerb, mature trees in gardens within public domain.**

## 7.0 Glebe Road Federation Cottages Heritage Conservation Area

This section applies to land within Glebe Road Federation Cottages Heritage Conservation Area as listed in Schedule 5 and mapped in [LEP 2012- Heritage Maps \(HER\\_004G\)](#). The heritage conservation area is located on the southern side of Glebe Road, between the intersections of Watkins Street and Union Street, The Junction.

It provides spatial specific detail to that provided in Section E1 Built and landscape heritage and is to be read with that section to understand heritage requirements.



**Map E2.02: Land application – Glebe Road Federation Cottages Heritage Conservation Area**

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## 7.1 Statement of heritage significance

### *Key period of significance - circa 1909 – 1915*

The Glebe Road Federation Cottages Heritage Conservation Area is important at the local level as it demonstrates the principal characteristics of the Federation period and nature of residential building construction 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, fashion and key elements of style. Those being the single storey scale of these modest detached row of dwellings, 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 absence of garaging with 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 AAC, 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.

## 7.2 Desired future character statement

The character of the Glebe Road Federation Cottages Heritage Conservation Area is made up of single storey federation cottages built between 1909 - 1915. The homogenous character of this precinct is to be preserved and maintained through the retention of all contributory buildings, elements of visual interest and heritage significance.

Elements to be preserved and/or sensitively restored or reconstructed (based on evidence of original appearance) include:

- Building group at 55 to 75 Glebe Road, The Junction, is a fine representative of a group of intact federation era cottages which have high contributory value to the streetscape.
- Single storey scale of housing stock that is an original defining feature of federation cottages group.
- Exposed face brick of existing building facades and front fencing.
- Consistent height of front fencing, constructed of timber or brick.
- Consistent front and side setbacks including retaining the offsets to the eastern side boundaries and keeping front gardens as open space.
- Urban form reflects a regular pattern of subdivision and development dates from the 1900 - 1920.
- Main entry to houses in front verandah facing the street, with connection via front garden footpath.
- Mature trees in gardens and relationship of houses to their gardens and to each other.
- Side driveways with access to garages and on-site car parking accommodation at the rear of the house group.
- Items of heritage significance recommended for individual listing as heritage items in Schedule 5 of [LEP 2012](#).



The following images demonstrate characteristic features of Glebe Road Federation Heritage Conservation Area.



**Figure E2.07: Federation cottage exhibiting key characteristics of federation style.**



**Figure E2.08: Array of federation cottages featuring the single-storey scale, uniform subdivision pattern, consistent street scape with front gardens, timber fence, and side driveways.**

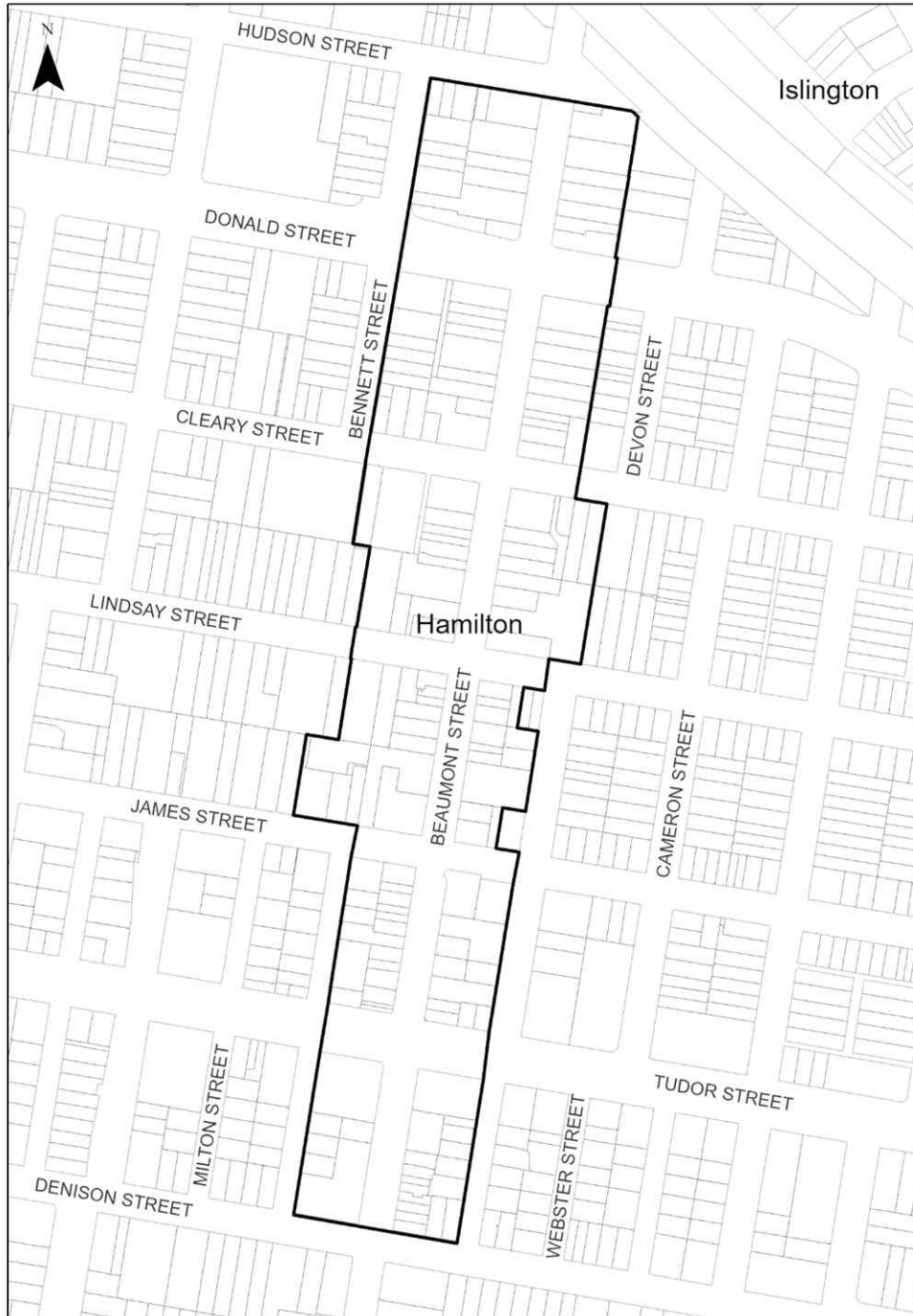


**Figure E2.09: Federation cottage exhibits original design elements of federation style.**

## 8.0 Hamilton Business Centre Heritage Conservation Area

This section applies to land within the Hamilton Business Centre Heritage Conservation Area as listed in Schedule 5 and mapped in [LEP 2012- Heritage Maps \(HER\\_004B, HER\\_004C, HER\\_004G, and HER\\_004FA\)](#). The heritage conservation area is in Hamilton located between Hudson Street to the north, Murray Street to the east, Denison Street to the south, and William Street and Bennett Street to the west.

It provides spatial specific detail to that provided in Section E1: Built and landscape heritage and is to be read with that section to understand heritage requirements.



**Map E2.03: Land application – Hamilton Business Centre Heritage Conservation Area**

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## 8.1 Statement of heritage significance

### *Key period of significance – circa 1870 to 1940*

Hamilton Business Centre Heritage Conservation Area is of heritage significance for its role in economic and social life of the local Hamilton community. It contains many examples of two storey shops and commercial premises that reflect various periods of economic growth and social history.

The area represents waves of immigration during the 20<sup>th</sup> century and eastern European immigrants who established businesses in the street. The 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, loss of life and major social dislocation. The buildings that survived were revitalised and many of two storey shopfronts were saved by judicious planning and urban design.

Beaumont Street is a thriving urban centre with cosmopolitan character. Two storey scale defines the character of the street. Unfortunately, many buildings have been compromised by unsympathetic signage.

## 8.2 Desired future character statement

The character of Hamilton Business Centre 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 business centre is to be preserved, celebrated and maintained through retention of contributory buildings, two storey scale commercial buildings, existing subdivision pattern and elements of visual interest.

The commercial and cosmopolitan character of Hamilton Business Centre is to continue to provide visitors, residents and commercial businesses with a unique and valued sense of place.

Elements to be preserved and/or sensitively restored or reconstructed (based on evidence of original appearance) include:

- Contributory buildings constructed prior to the Second World War.
- Two-storey scale of buildings with mix of shop top housing and commercial premises built to the boundary alignment that is an original defining feature of Beaumont Street.
- Exposed face brick and stone of existing building facades and front fencing.
- Active street frontages in commercial buildings at the ground floor level.
- Dense rhythmic arrangement of common bay widths and first floor windows (often in the form of French doors) of building facades with vertical proportions and glass-solid on facade of less than 1:1.
- Cantilevered awnings and single or two storey verandahs (often with cast iron columns, balustrades and decorative lacework) over the footpath on Beaumont Street.
- Parapets concealing roofs from the street.
- Masonry buildings with face brick or rendered wall surfaces.
- Sandstone kerbing and guttering.
- Side streets off Beaumont Street being predominantly residential in character and of single storey scale, typified by detached dwellings.
- Items of heritage significance individually listed as heritage items in Schedule 5 of [LEP 2012](#), including retention of the three-dimensional form of heritage item buildings.



The following images demonstrate the characteristic features of the Hamilton Business Centre Heritage Conservation Area.



**Figure E2.10: Commercial buildings with active frontages and parapet wall concealing the roofs.**



**Figure E2.11: Two-storey buildings with mix of shop top housing and commercial premises built to boundary.**



**Figure E2.12: Contributory building constructed prior to second world war with cantilevered cast iron balconies adorned with decorative lacework over the footpath on Beaumont Street.**



**Figure E2.13: Mix of single and two-storey buildings consisting of uniform subdivision pattern, active frontages with sandstone kerbing and trees present in public domain.**

## 9.0 Hamilton Residential Precinct Heritage Conservation Area

This section applies to land within Hamilton Residential Precinct Heritage Conservation Area as listed in Schedule 5 and mapped in [LEP 2012- Heritage Maps \(HER\\_004FA and HER\\_004G\)](#). The heritage conservation area is in Hamilton located between Donald Street to the north, Gordon Avenue to the east, Tudor Street to the south, and Murray Street and Devon Street to the west.

It provides spatial specific detail to that provided in Section E1: Built and landscape heritage and it to be read with that section to understand heritage requirements.



**Map E2.04: Land application – Hamilton Residential Precinct Heritage Conservation Area**

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## 9.1 Statement of heritage significance

### ***Key period of significance – circa 1870 to 1940***

The Hamilton Residential Precinct Heritage Conservation Area is a low scale, residential area typified by small lot housing generally one or two storeys, built close to boundaries, and located towards the front of the block. The character of the area and its streetscapes is representative of 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 comprising small lot housing, traditional street grid nestled adjacent to Hamilton railway station with general absence of space for vehicle accommodation.

The Hamilton residential precinct represents a pattern of urban settlement that represents 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. Urban development in the suburb reflects the gradual release of land by the AAC, 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. The Hamilton Residential Precinct Heritage Conservation Area has special associations with the AAC, 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's Hill, all of which were opened up in the late 1840s and 1850s. The enduring legacy of the AAC is reflected in the contemporary names of streets, including Lindsay, Denison, Cleary, Everton and Skelton Streets. The smaller lot layout of the residential area of Hamilton can be attributed to the manner in which the AAC released land for sale, the main purchasers being miners and company employees, and also an era of urban development before the widespread use of the motor car, with little space made for car parking.

## 9.2 Desired future character statement

The character of the Hamilton Residential Precinct Heritage Conservation Area consists of a variety of building styles and settlement patterns that date from the late 19th and early decades of the 20th century. The special character of Hamilton residential precinct is to be preserved and maintained through the retention of contributory buildings, street trees and elements of visual interest and heritage significance.

Elements to be preserved and/or sensitively restored or reconstructed (based on evidence of original appearance) include:

- Range of contributory and historic buildings, particularly intact or historically significant groupings, heritage items, iconic structures, and the appearance and layout of streets.
- Single or two storey scale of housing stock that is an original defining feature of the precinct.
- Exposed face brick and stone of existing building facades and front fencing.
- Many houses located towards the front of the block with small and low-fenced front yards, and some others built to the street without front yards.
- Traditional road layout and street furniture such as sandstone kerbing and guttering, and other features of historical interest.
- 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.
- Mature trees in gardens and the public domain.
- Prevailing absence of garages and on-site car parking accommodation.
- Items of heritage significance individually listed as heritage items in Schedule 5 of [LEP 2012](#), including retention of the three-dimensional form of heritage item buildings.



The following images demonstrates the characteristic features of the Hamilton Residential Precinct Heritage Conservation Area.



**Figure E2.14: Mix of single and two storey building stock present in the area.**



**Figure E2.15: Streetscape with a variety of building styles, low scale, settlement pattern from the late 19<sup>th</sup> to the early 20<sup>th</sup> centuries with mature trees in public domain.**



**Figure E2.16: Cottage with original ornate elements, mature trees in the public domain with sandstone kerbing contributing to historic character.**

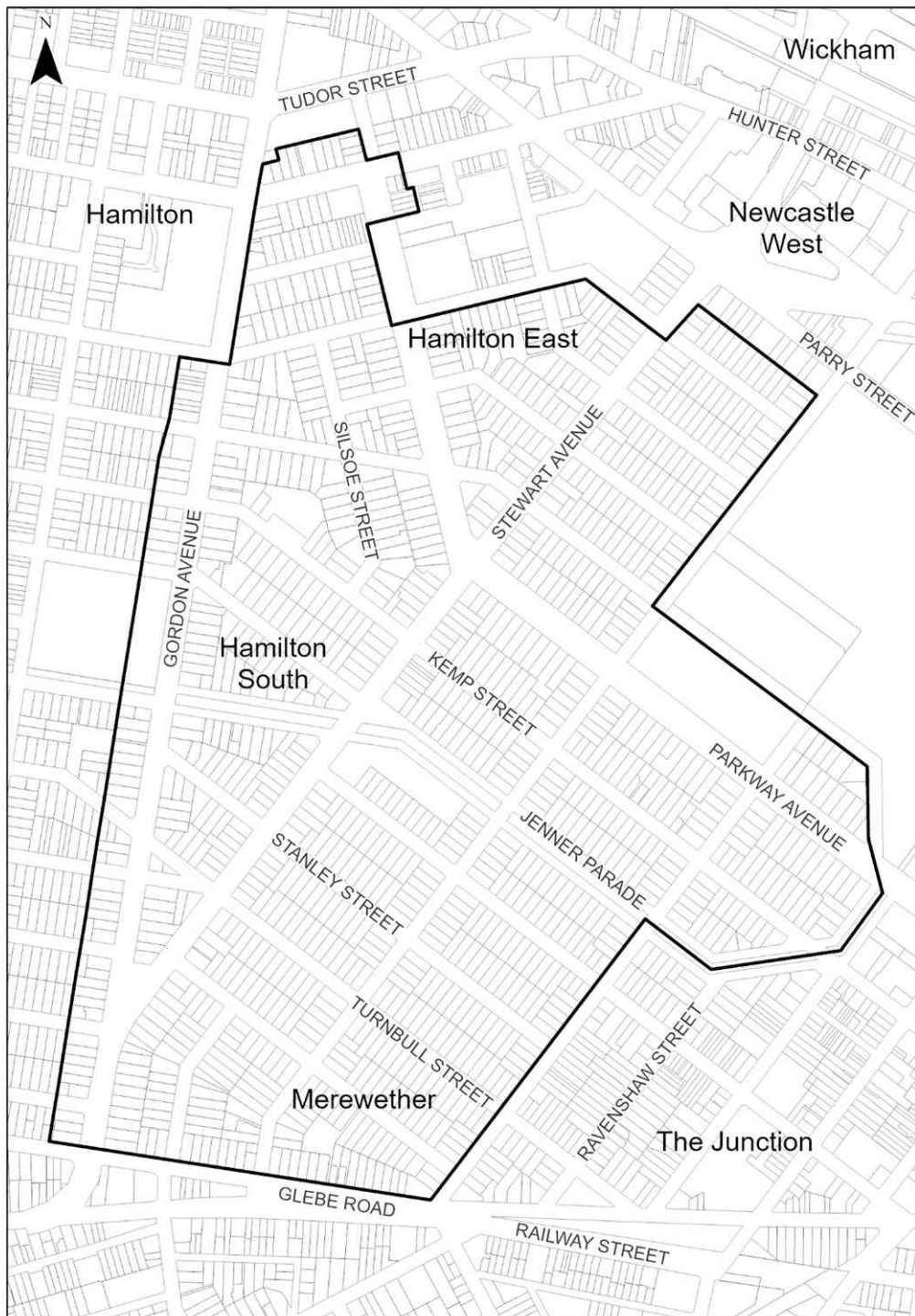


**Figure E2.17: Detached two storey house with unusual tower feature contributing to character.**

## 10.0 Hamilton South 'Garden Suburb' Heritage Conservation Area

This section applies to land within the Hamilton South 'Garden Suburb' Heritage Conservation Area as listed in Schedule 5 and mapped in [LEP 2012- Heritage Maps \(HER\\_004G\)](#). The heritage conservation area is in Hamilton East, Hamilton South and Merewether located between Denison Street, Everton Street and Warrah Street to the north, National Park Street, Jenner Parade and Smith Street to the east, Glebe Road to the south, and Gordon Avenue to the west.

It provides spatial specific detail to that provided in Section E1: Built and landscape heritage and is to be read with that section to understand heritage requirements.



**Map E2.05: Land application – Hamilton South 'Garden Suburb' Heritage Conservation Area**



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## 10.1 Statement of heritage significance

### *Key period of significance – circa 1913 to 1940*

Hamilton South 'Garden Suburb' Heritage Conservation Area is significant to the local community with surviving evidence of an early 20th century subdivision pattern associated with the AAC, and made up of single dwellings on large 'suburban' style allotments generally over 600 square metres. The character of the area and its streetscapes is representative of Federation and inter-war periods of Australian urban development. The style of housing - early 20th century Federation and Inter-war 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 houses consistently and generously setback from the street in landscaped front gardens, with side driveways and vehicle accommodation located at the side or rear of the dwelling.

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 the 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.

The houses at 154 Gordon Street and 141 Gordon Avenue are significant to the suburb as they were used as "display" homes by the AAC to sell its Garden Suburb idea. Designed by notable architect F.G. Castleden, they were built to coincide with the release of the AAC's Hamilton estate, in 1914.

## 10.2 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' is to be preserved and maintained through the retention of contributory buildings, open space, 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 to be preserved and/or sensitively restored or reconstructed (based on evidence of original appearance) include:

- Original dwellings of the 'Garden Suburb' which were built up to 1935.
- Single storey scale of housing stock that is an original defining feature of the 'Garden Suburb'.
- Exposed face brick and stone of existing building facades and front fencing.
- Consistent front and side setbacks including retaining the offsets to side boundaries and keeping front gardens as open space.
- Side driveways with new garages located at the rear of the dwelling, and new carports located at the back or at the side of the dwelling.
- Existing subdivision pattern and street layout as evidence of Sulman's 'garden suburb' layout and town plan.
- Strong symmetrical and hierarchical pattern of streets including Parkway, Gordon and Stewart Avenues.
- 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.
- Mature trees in gardens and public domain.
- Public open space including pocket parks at Wilson Place, Corona Street, and elsewhere.
- Relationship of houses to their gardens and houses to each other.
- Items of heritage significance individually listed as heritage items in Schedule 5 of [LEP 2012](#), including retention of the three-dimensional form of heritage item buildings.

The following images demonstrates characteristic features of the Hamilton South 'Garden Suburb' Heritage Conservation Area.



**Figure E2.18: Mature trees present in public domain.**



**Figure E2.19: Single storey detached bungalow exhibiting characteristics prevalent to the 'Garden Suburb'.**



**Figure E2.20: Houses showcasing consistent built form, front gardens and side setbacks/side driveway.**



**Figure E2.21: Cottage with ornate elements contributing to the distinctive character.**



## 11.0 Newcastle City Centre Heritage Conservation Area

This section applies to land within the Newcastle City Centre Heritage Conservation Area as listed in Schedule 5 and mapped in [LEP 2012](#) - Heritage Maps (HER\_004FA, HER\_004G and HER\_004K). The heritage conservation area is in Newcastle West and Newcastle located between Newcastle railway line, Wright Lane and Newcastle harbour to the north, Watt Street, Pacific Street and Shortland Esplanade to the east, King Street, Queen Street, Laman Street, Gibson Street and Parry Street to the south, Stewart Avenue and Selma Street to the west.

It provides spatial specific detail to that provided in Section E1: Built and landscape heritage and is to be read with that section to understand the heritage requirements.



**Map E2.06: Land application – Newcastle City Centre Heritage Conservation Area**



## 11.1 Statement of heritage significance

### *Key period of significance – circa 1801 to 1940*

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.

Inner Newcastle has a rich archaeological record of national significance, with potential to yield information about early convict settlement and industrial activities. The heritage conservation area is a place of contact between colonists and Indigenous population. This evidence is available in historical accounts and archaeological record surviving beneath the modern city.

The high numbers of commercial and civic buildings of the 19th and 20th centuries gives a rich historic character which is notable and allows an understanding of the importance as a place of commerce, governance and city building. The historical foundation was the discovery and exploitation of coal with good shipping access via a safe and navigable harbour. The town's layout by surveyor Henry Dangar in 1823 is visible in the streets and is an element of historical value, particularly in the vicinity of Thorn, Keightley, Hunter and Market Streets.

## 11.2 Desired future character statement

The character of the Newcastle City Centre Heritage Conservation Area is made up of a variety of building styles that date from the 19th and early decades of the 20th century. The special character is to be preserved, celebrated and maintained through the retention of contributory buildings, existing subdivision pattern, and elements of visual interest.

Elements to be preserved and/or sensitively restored or reconstructed (based on evidence of original appearance) include:

- Range of contributory and historic buildings constructed prior to the Second World War, 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 human scale of development, the integrity of laneways and the fine grain of Henry Dangar's 1823 'Old Town' plan in the Newcastle East End Precinct from Pacific Street to Brown Street, and from Church Street to Hunter Street.
- Existing subdivision pattern and street layout, including preserving the human scale of development, the integrity of laneways, the fine grain and the groupings of contributory late 19th century and art deco buildings which predominate in the cultural, educational and administrative Civic Precinct between Brown and Ravenshaw/Steel streets.
- Single to two storey scale of distinctive early industrial and warehouse buildings in Parry Street between National Park Street and Stewart Avenue, and between Wood Street and Railway Street.
- Emerging commercial core of tall and landmark mixed-use retail, office and residential apartment buildings of the Newcastle West End Precinct between Ravenshaw/Steel Street and Wood Street are of high-quality contextual design, compatible with and preserve the remnant contributory 19th century and early 20<sup>th</sup> century properties and their two to three storey scale and setting, the integrity of laneways and the fine grain of Beresford Lane and Beresford Street.
- Exposed face brick and stone of existing building facades and front fencing.
- Street furniture such as sandstone kerbing and guttering, and other features of historical interest such as heritage items, public stairs, lanes, parks.
- Distinctive early industrial, warehouse and retail buildings, including prominent corner buildings.
- Views and vistas to and from significant cultural landmarks such as the T&G Building and the former Newcastle Post Office. Views which terminate at significant heritage buildings such as Fort Scratchley and the former Newcastle Courthouse. Views from Market Street and Morgan Street to Christ Church Cathedral. Views to the Hunter River are protected and framed along Market Street, Watt Street and Newcomen Street.
- Views to and the visual interconnections between significant Aboriginal cultural landscape features including Whibayganba (Nobbys Head), Tahlbihn (Flagstaff Hill / Fort Scratchley), Burrabihngarn (Pirate Point, Stockton), Yohaaba (Port Hunter), Coquun (Hunter River: South Channel), Khanterin (Shepherds Hill), and Cathedral Park.

- Mature trees in the public domain, and parks and public spaces including Market Street Lawn, Civic Park, Wheeler Place, Museum Park, Christie Place and Birdwood Park.
- Items of heritage significance individually listed as heritage items in Schedule 5 of [LEP 2012](#), including retention of the three-dimensional form of heritage item buildings.
- The rich record of relics and archaeological sites beneath the modern city.

The following images demonstrate characteristic features of Newcastle City Centre Heritage Conservation Area.



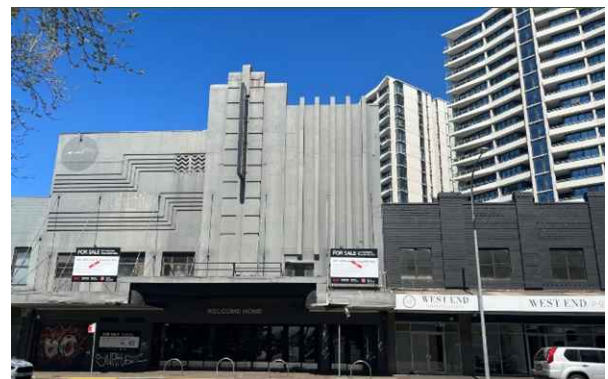
**Figure E2.22: Row of buildings with consistent urban form, design elements and fine grain.**



**Figure E2.23: Refurbished early industrial warehouses retaining heritage characteristics.**



**Figure E2.24: Buildings built in mid-19<sup>th</sup> to early 20<sup>th</sup> centuries enhance the rich historic character.**

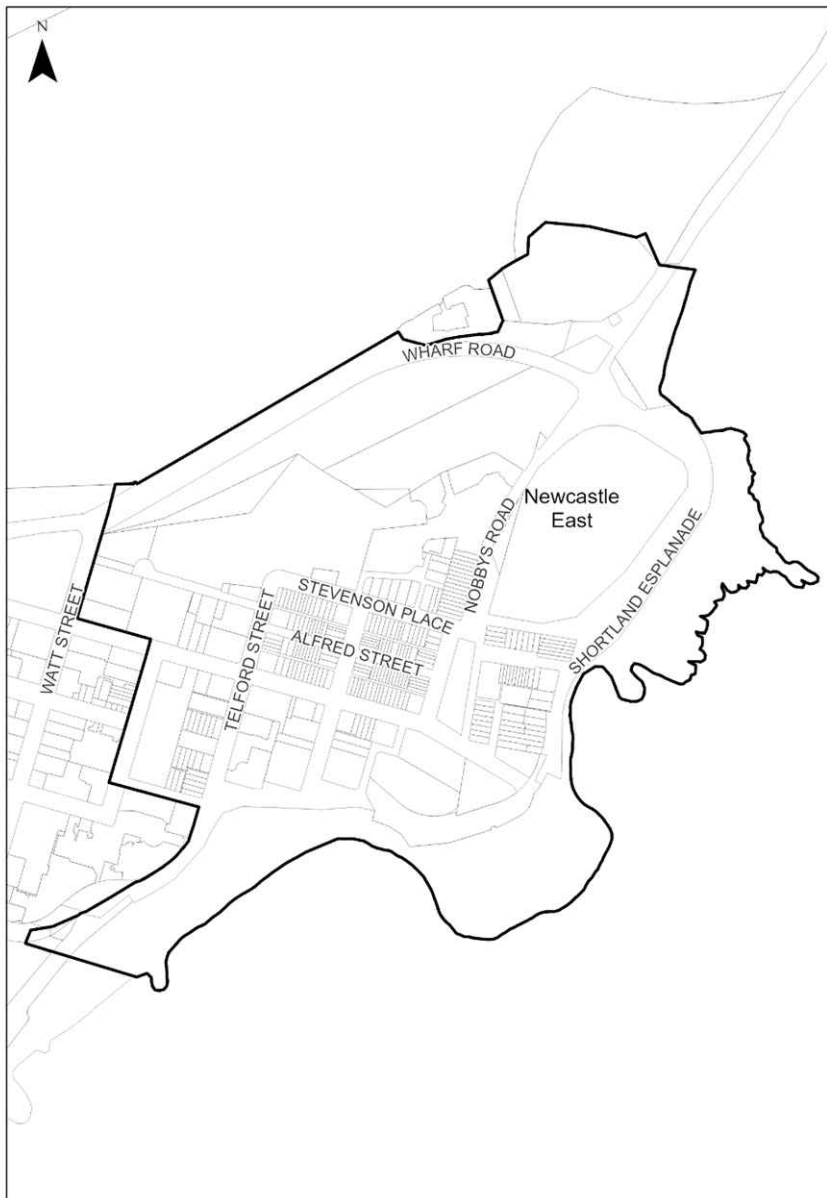


**Figure E2.25: Contributory buildings preserving human scale.**

## 12.0 Newcastle East Heritage Conservation Area

This section applies to land within the Newcastle East Heritage Conservation Area as identified and mapped in [LEP 2012 - Heritage Maps \(HER\\_004K\)](#). The heritage conservation area is in Newcastle East located between Newcastle Harbour to the north, the Pacific Ocean to the east and south, Pacific Street and Watt Street to the West.

It provides spatial specific detail to that provided in Section E1: Built and landscape heritage and is to be read with that section to understand heritage requirements.



**Map E2.07: Land application – Newcastle East Heritage Conservation Area**

## 12.1 Summary statement of heritage significance

### *Key period of significance – circa 1801 to 1940*

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 archaeologists to understand the human and environmental history of the precinct.

Throughout 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 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. It is an important place of recreation at facilities like the Ocean Baths, Nobbys Beach and Foreshore Park.

## 12.2 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 20<sup>th</sup> century. The special character of Newcastle East is to 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 coastal topography and street layout, and the character of the streetscapes including street trees, buildings and the relationship of built elements.

Elements to be preserved and/or sensitively restored or reconstructed (based on evidence of original appearance) include:

- 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.
- Two to three-storey scale of housing stock located in the area to the north of Scott Street and east of Telford Street.
- Exposed face brick and stone of existing building facades and front fencing.
- 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.
- 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.
- 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.
- Significant heritage places 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 Earp Gillam Bond Store Precinct and Stevenson Place terraces.
- Views to and visual interconnections between significant Aboriginal cultural landscape features including Whibayganba (Nobbys Head), Tahlbihn (Flagstaff Hill / Fort Scratchley), Burrabihngarn (Pirate Point, Stockton), Yohaaba (Port Hunter), Coquun (Hunter River: South Channel), Khanterin (Shepherds Hill), and Cathedral Park.
- Mature trees in public domain.
- Public parks and reserves, including Pacific Park, Newcastle Beach, Parnell Place Park, Nobbys Beach, and Foreshore Park.
- Items of heritage significance individually listed as heritage items in Schedule 5 of [LEP 2012](#), including retention of the three-dimensional form of heritage item buildings.
- The rich record of relics and archaeological sites beneath the modern city.



The following images demonstrate the characteristic features of the Newcastle East Heritage Conservation Area.



**Figure E2.26: Mature trees present in the public domain.**



**Figure E2.27: Streetscape with two-storey terraces built in the early 20<sup>th</sup> century.**



**Figure E2.28: Row of three-storey terraces demonstrating the regular pattern of subdivision, ornate elements present in buildings constructed from mid-19<sup>th</sup> and early 20<sup>th</sup> centuries.**

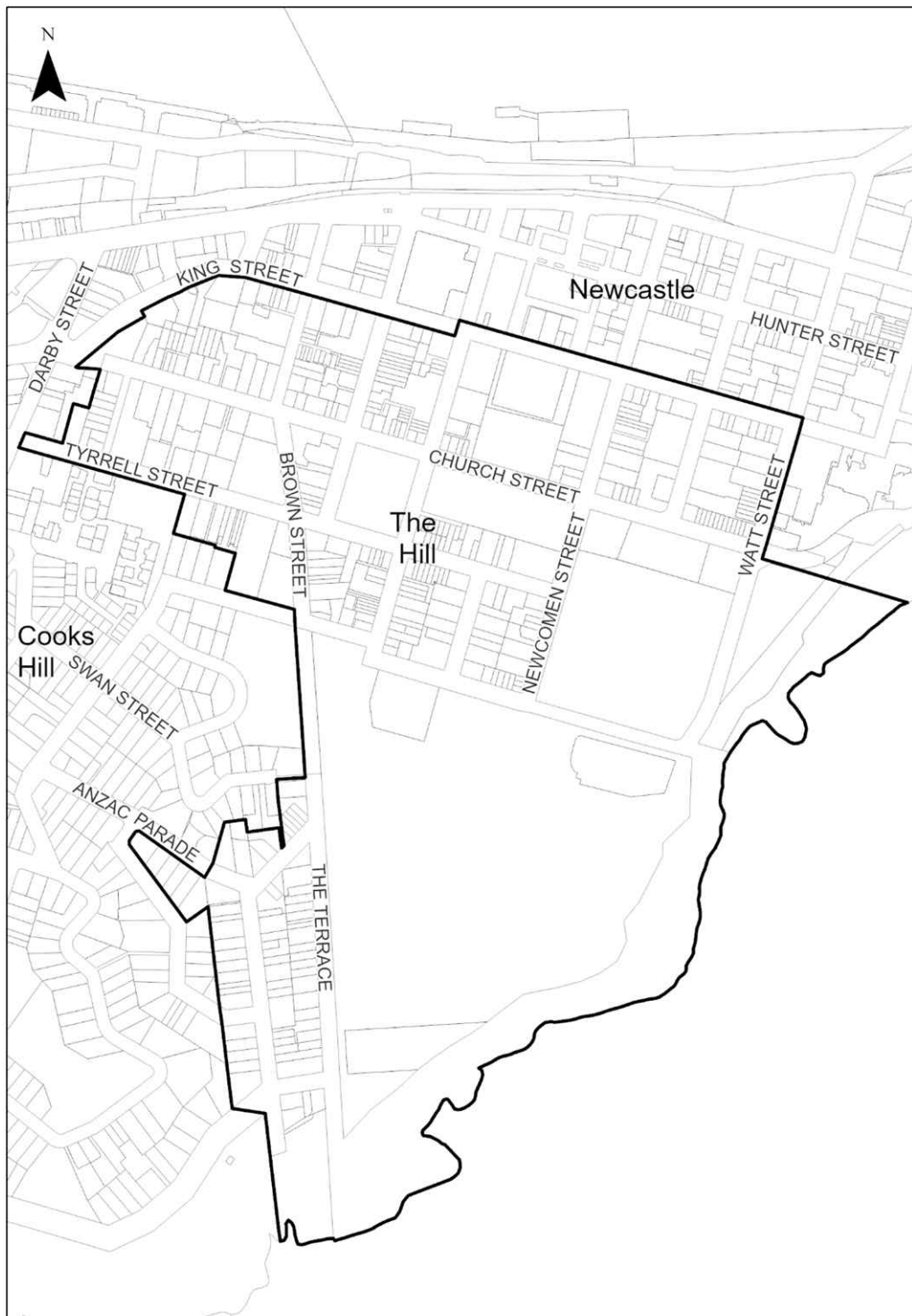


**Figure E2.29: Rows of houses significant to Newcastle's history as being one of the first social housing built in Australia.**

### 13.0 The Hill Heritage Conservation Area

This section applies to land within The Hill Heritage Conservation Area as listed in Schedule 5 and mapped in [LEP 2012 - Heritage Maps \(HER\\_004G and HER\\_004K\)](#). The heritage conservation area is in Newcastle and The Hill located between King Street to the north, Watt Street and the Pacific Ocean to the east, the Pacific Ocean, Kitchener Parade and Tyrell Street to the south, and the High Street, Lemnos Parade and Darby Street to the west.

It provides spatial specific detail to that provided in Section E1:Built and landscape heritage and is to be read with that section to understand the heritage requirements.



**Map E2.08: Land application – The Hill Heritage Conservation Area**

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## 13.1 Statement of heritage significance

### ***Key period of significance – circa 1801 to 1940***

The Hill is of outstanding local heritage significance 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 are situated at the top of The Hill. The first railway in Australia was located in this precinct, starting at the AAC'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.

The heritage conservation area is significant historically for its three AAC coal pits, 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 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.

## 13.2 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 is to 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, unique steep topography and street layout, and character of the streetscapes including street trees, buildings and relationship of built elements.

Elements to be preserved and/or sensitively restored or reconstructed (based on evidence of original appearance) include:

- Range of contributory and historic buildings, particularly intact or historically significant groupings, heritage items, iconic structures, and the appearance and layout of streets.
- Two storey scale of housing stock that is an original defining feature of the area.
- Exposed face brick and stone of existing building facades and front fencing.
- 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.
- Eclectic and organic nature of the urban pattern and varying ages of the building stock that demonstrates the gradual urbanisation during the 19th and 20<sup>th</sup> century of a once Indigenous landscape.
- 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 treelined suburb with a steep topography.
- Views and visual interconnections between significant Aboriginal cultural landscape features including Whibayganba (Nobbys Head), Tahlbihn (Flagstaff Hill / Fort Scratchley), Burrabihngarn (Pirate Point, Stockton), Yohaaba (Port Hunter), Coquun (Hunter River: South Channel), Khanterin (Shepherds Hill), and Cathedral Park.
- Mature trees in gardens and the public domain.



- Public parks and reserves, including the Newcastle Recreation Reserve, Fletcher Park, and Cathedral Park.
- Existing subdivision pattern and street layout.
- Items of heritage significance individually listed as heritage items in Schedule 5 of [LEP 2012](#) including retention of the three-dimensional form of heritage item buildings.
- The rich record of relics and archaeological sites beneath the modern city.

The following images demonstrate characteristic features of The Hill Heritage Conservation Area.



**Figure E2.30:** The steep topography of The Hill provides vistas to the historic site – Christ Church Cathedral, the ocean and harbour.



**Figure E2.31:** Buildings from the early 19<sup>th</sup> to Mid 20<sup>th</sup> centuries contributing to the eclectic urban form.



**Figure E2.32:** Row of three storey terraces with uniform urban form, ornate elements contributing significantly to the historic character of The Hill.



**Figure E2.33:** Two-storey housing stock - the original defining feature of the area, complemented by street trees.



**Figure E2.34:** Heritage road assets such as sandstone kerbing and restored historic pavements.



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## **PART E: Place and Precincts**

### **Section E3 Tighes Hill local character**

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## 1.0 Introduction

Tighes Hill's local character is what makes the area unique. A study has identified what should be retained while the area continues to evolve and change. Design guidelines have been produced to inform future development, consistent with the vision of the area as set out in the current and desired local character statements.

The common building type design will guide how modifications to buildings can be done in a way that is consistent with the original architectural style to retain its place in the history of Tighes Hill.

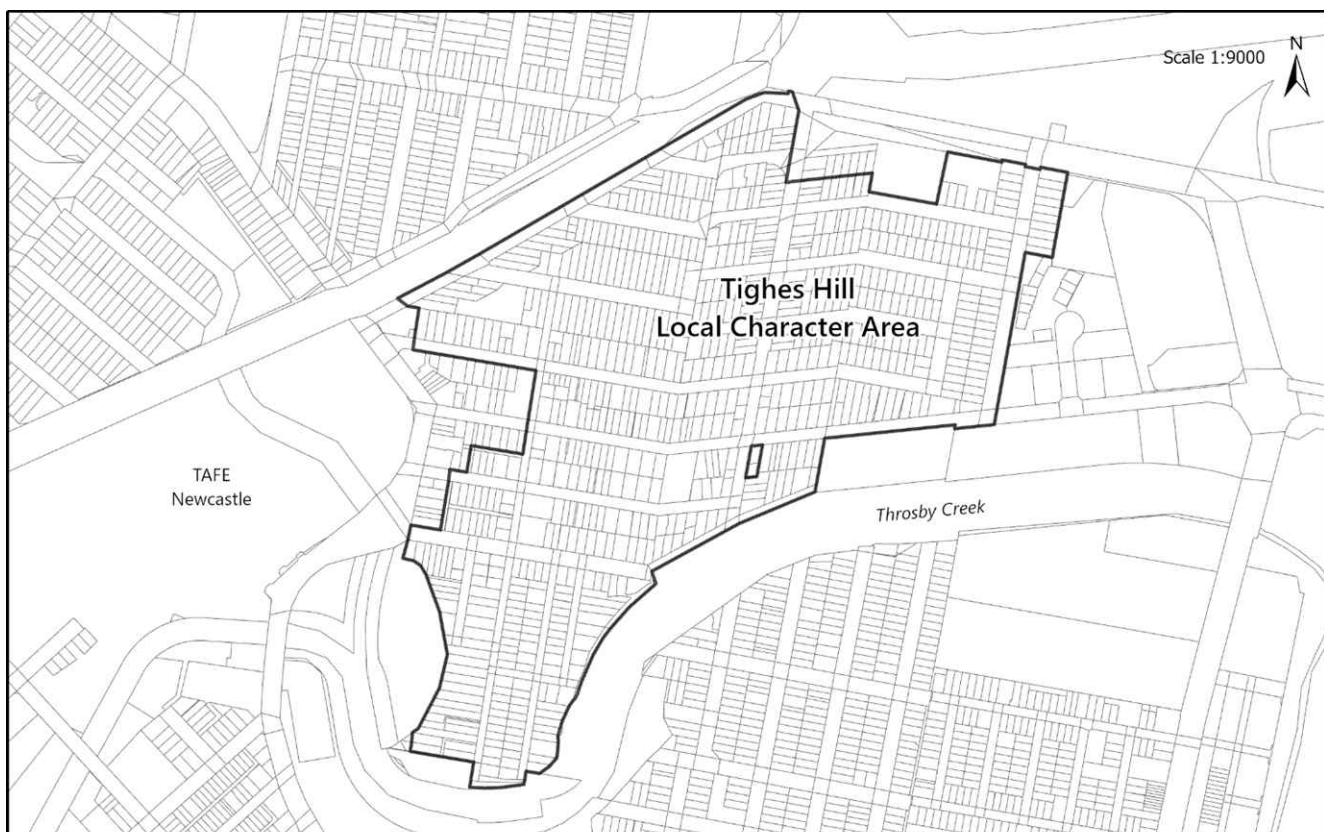
## 2.0 Application

This section applies to residential zoned land in Tighes Hill, referred to as the local character area. Mayfield Renewal Corridor, covered in Section E8 Renewal corridors, applies to the employment zone along Mayfield Road and part of Elizabeth Street.

This section applies to all development consisting of:

- New buildings or structures
- Additions or alterations to existing buildings or structures.

This section applies to all land within the heavy line in **Figure E3.01**.



**Figure E3.01: Tighes Hill local character area**

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### 3.0 Related sections

The following sections will also apply to development:

- C2 Movement networks

The following sections may also apply to development:

- B1 Flood management
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B6 Urban heat
- B7 Land contamination
- All of Part C: General development controls
- E1 Built and landscape heritage

### 4.0 Objectives

1. Ensure the design of development reflects and complements current and future local character.
2. Recognise a need for more diverse and affordable housing to accommodate a growing and changing population.

### 5.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012 (LEP 2012)*, unless otherwise defined.

### 6.0 Existing character

Tighes Hill's residential character is the result of its evolution over time. Starting as a working-class town set around the Ferndale Colliery, progressing to house employees of BHP steel works. Tighes Hill is now a sought-after residential suburb with a diversity of housing reflecting its history.

The local character area is bounded to the south and west by Throsby Creek, with views enjoyed down the hilly streets. Pathways alongside Throsby Creek are an active transport corridor connecting the suburb with neighbouring parks and pathways.

Partially because of its permeability and connectivity, Tighes Hill is a walkable suburb. It also has many local destinations including shops, cafes, parks, and a primary school.

Elizabeth Street is the gateway to Tighes Hill and the village centre. It hosts early landmarks including Tighes Hill Public School, Tighes Hill School of Arts, and the former police lock-up, all of which are local heritage items. There are a variety of residential styles along the street including modern shop top housing and larger brick homes from the late 19th and early 20th centuries.

Worker's cottages reflect the history of Tighes Hill as a mining town in the late 19th century. These are typically single-storey, modest buildings with metal roofs and weatherboard cladding. Many are symmetrical with a central front door, two windows facing the street and a simple hipped or gabled roof. Smaller lots have 'gun-barrel' worker's cottages, which are generally one room wide with a long hallway. More intact groups are found on Mitchell, Henry, McIsaac and John Streets.

Later subdivisions occurred in the early 20th century and are characterised by a mix of cottages and larger bungalow-style homes on larger lots. Many of these are more substantial brick and tile dwellings.

Later development has occurred throughout the area, including alterations and additions to original housing stock, and knock down and new builds. There are examples of higher density development, such as apartment buildings and townhouses, showing a range of architectural styles from the twentieth century.

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The public and private domain interface is highly valued, particularly front verandahs, gardens, and low permeable fences that contribute to the overall character of residential streets. Mature street trees, grassed verges and public walking tracks are important features.

There is a general lack of off-street parking in areas where original cottages have been retained; allotments are smaller, and side setbacks are narrow. Some dwellings are adapted to accommodate vehicles. Infill development typically provides an integrated garage.

### **Distinctive characteristics of the current character**

1. Lots are a variety of sizes given the mixed age of the subdivisions. Smaller lots often accommodate early cottages and terraces while later bungalows are accommodated on larger lots.
2. Open spaces are predominantly along Throsby Creek. There is a pathway connecting Islington Reserve and Graham Bridge. Gross Street Reserve is also an important neighbourhood meeting spot with an active community garden.
3. Elizabeth Street is the main street in the local character area, with local landmarks and historic buildings.
4. Architectural styles are varied but can be classified as either workers cottages, larger 19th century dwellings, early 20th century cottages with recent infill development.
5. Alterations and additions are common, often added to the rear of the original dwelling, allowing the streetscape to retain a single storey scale.
6. Street frontages are defined by a low, permeable front fence, front verandah and consistently narrow front setbacks, these features accommodating neighbourhood interactions.
7. Street trees are an important feature, retained despite the addition of driveways.
8. Landmarks include Tighes Hill Public School and the former police lock-up. Both are local heritage items located along Elizabeth Street.

## **7.0 Desired future character**

Tighes Hill's history as a working-class suburb is an important aspect of its past. The built environment resulting from this working class history is part of the desired future local character for Tighes Hill. This is particularly evident in the historical architectural styles of Tighes Hill's housing stock, and in elements such as building height and scale, and the selection and use of building materials. The streetscapes, which are the composite result of Tighes Hill's built history are particularly important to its desired local character.

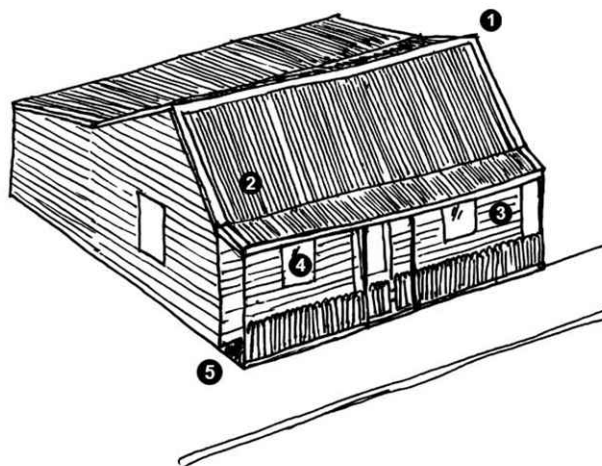
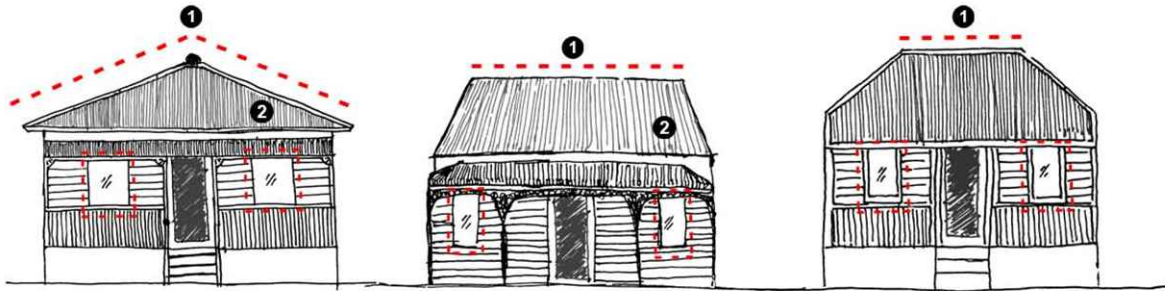
Desired local character is to be retained through the informed treatment of existing housing stock, and the respectful addition of modern housing that contributes positively to Tighes Hill's desired local character. The retention and restoration of existing buildings that contribute positively to local character is encouraged. New developments must positively respond to the local context and reinforce and enhance desired local character, particularly where these involve an increase in housing density and/or affect the existing streetscape. Development proposals involving lot amalgamation, greater dwelling density and more affordable and diverse housing options must demonstrate a positive contribution to local character. New buildings should strive for more sustainable design and construction that is consistent with desired local character.

Open space, landscaping, and the retention of established trees in both private and public land is encouraged. This may be partially achieved by prioritising the retention of landscaped area at the expense of off-street parking and retaining space for front gardens.

## 8.0 Common building type design

This design information is to guide modifications to existing housing stock, acknowledging the original architectural features of the building style.

### Worker's cottages



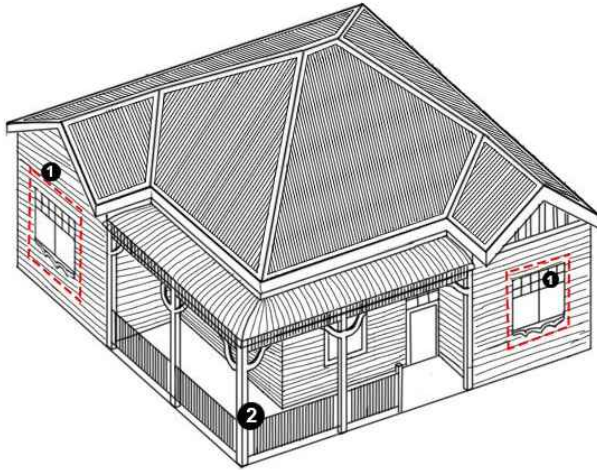
Characteristic features:

- ① Single storey presentation to the street.
- ② Simple hipped or gable metal roof.
- ③ Weatherboard cladding.
- ④ Either symmetrical with a central front door and window either side, or 'gun-barrel' style, which are generally one room wide with a long hallway.
- ⑤ Small front veranda with minimal to no setback to the street.

Figure E3.02: Characteristics feature of Worker's cottages



### Larger 19th century dwellings

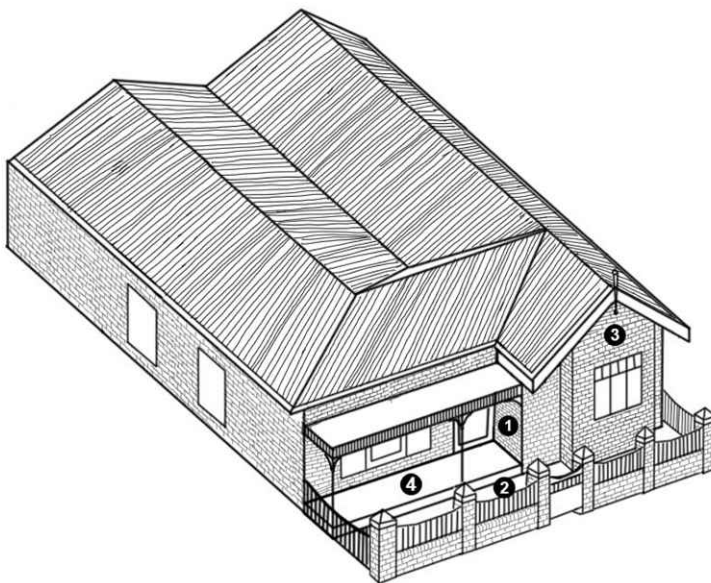


Characteristic features:

- ❶ More decorative features such as leadlight windows and more complex fretwork.
- ❷ Wraparound verandas particularly on corner lots which address both street frontages.

**Figure E3.03: Characteristics of larger 19<sup>th</sup> century dwellings**

### Early 20<sup>th</sup> century cottages



Characteristic features:

- ❶ More substantial brick and tile dwellings.
- ❷ Allotments and setbacks are larger.
- ❸ Double fronted form with hipped roof.
- ❹ Entry porch.

**Figure E3.04: Characteristics of early 20<sup>th</sup> century cottages**

## 9.0 Tighes Hill local character controls

Controls	Acceptable solutions (AS)	Explanatory notes
C-1.Any proposal must consider sub-section 6.0 sub-section 7.0 Desired future character and respond to these statements through the design.		
C-2.Modifications to existing housing stock must replicate or be sympathetic to the original architectural features of the building style.	AS-1.Make alterations and additions in accordance with the common building type design.	
C-3.Where a streetscape is defined by single storey dwellings, upper storeys of new developments or additions should be designed in a way that respects the single storey character of the area.	AS-1.For development in R2 zoned land, part of the addition may be visible, provided it does not dominate or reduce the prominence of the building's original facades as seen from the street.  AS-2.For development in R3 zoned land, second and third storeys do not need to be concealed but should be designed considering the character of the streetscape.	
C-4.Proposed new developments must be sympathetic to the architectural features of the building style of the area or demonstrate a style that positively contributes to the local setting.		
C-5.Street trees are an inherent aspect of the character so should be retained at the expense of additional off-street parking.	AS-1.In the case of low to medium density development, each allotment of land is limited to one vehicular crossing.	Vehicular crossings are driveways and reduce area available for street trees.
C-6.Front fences are to be less than 1.2m in height, of an open nature, and consistent with the period of the dwelling.		
C-7.Landscaping, including the location and style, should be sympathetic with local character.	AS-1.Avoid hardstand in the front setback, instead provide landscaping.	Hardstand are surfaces such as paving or concrete.
C-8.Dwellings must address the street.	AS-1.Being a distinct characteristic of the architectural style of the area, a front verandah should be incorporated into the design.	
C-9.Retain the existing streetscape and open front gardens, the addition of garages and carparks is avoided.	AS-1.If added, a garage or carport should be sited at the rear, or setback at the side of the house.	

## **PART E: Place and precincts**

### **Section E4 Kotara local character**

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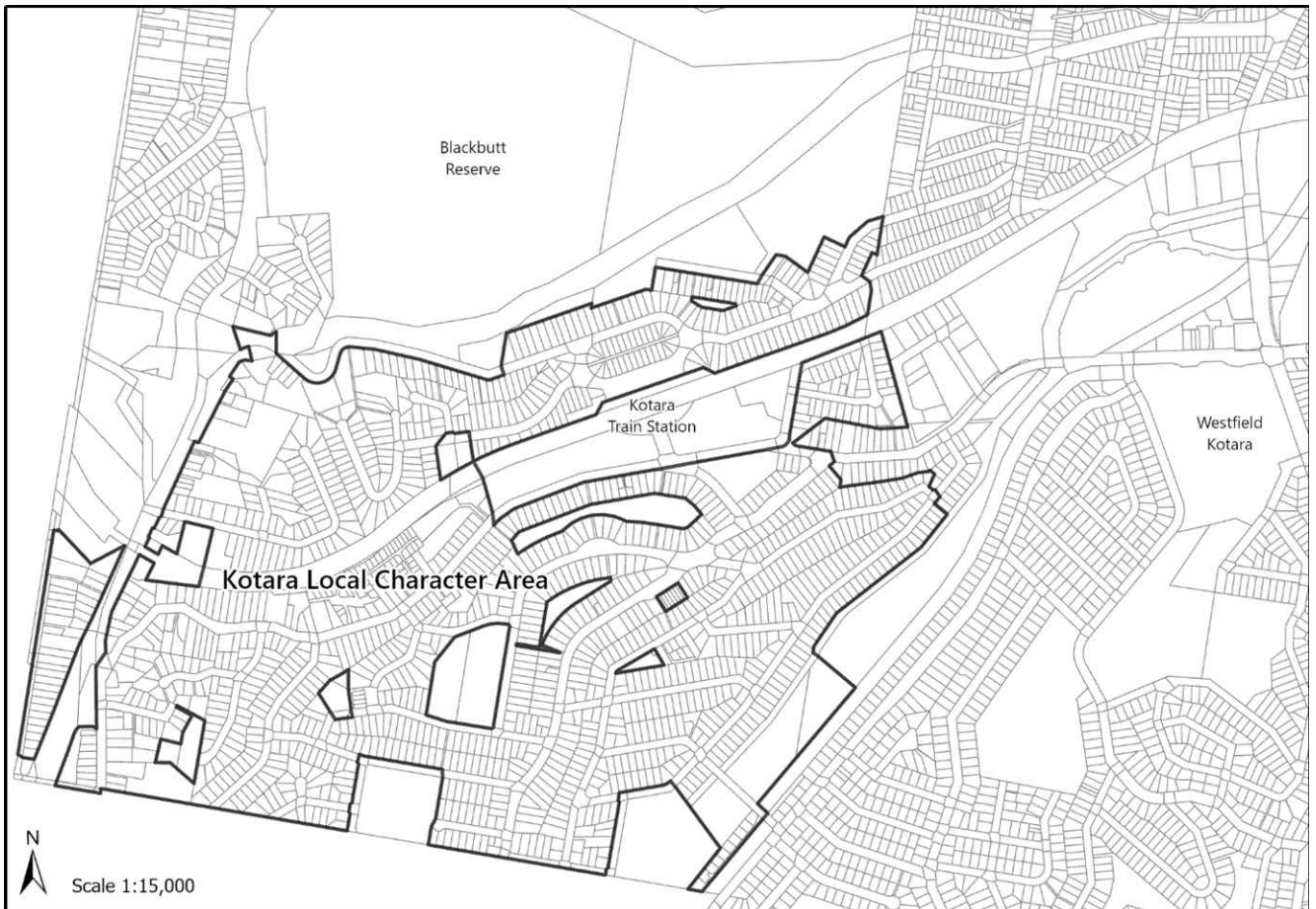


## 1.0 Introduction

Kotara local character statement provides an overview of existing and desired future character. The desired future character statement and development controls identify architectural elements of existing dwellings that contribute to the distinct character of the area.

## 2.0 Application

This section applies to residential zoned land in Kotara, referred to as the local character area. Kotara local character area applies to all land within the heavy line in **Figure E4.01**.



**Figure E4.01: Kotara local character area**

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### 3.0 Related sections

The following sections will also apply to development:

- C2 Movement networks

The following sections may also apply to development:

- All of Part B: Site planning controls
- All of Part C: General development controls
- E1 Built and landscape heritage

### 4.0 Objectives

1. Ensure all new development reflects Kotara's existing and future local character.

### 5.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* (LEP 2012), unless otherwise defined.

## 6.0 History of Kotara

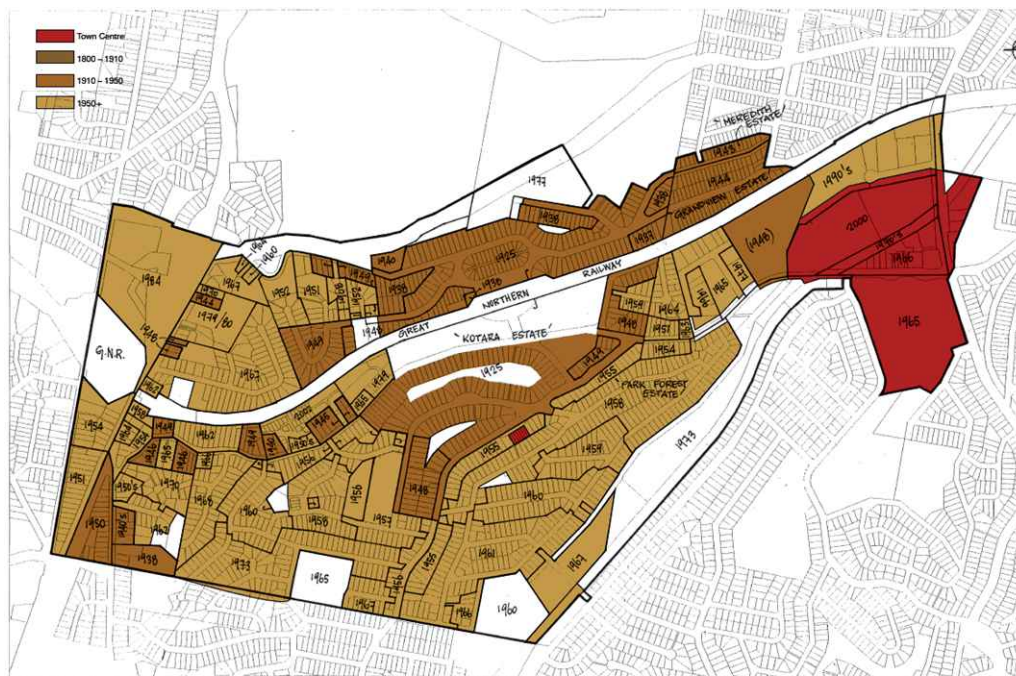
The subdivision of Kotara was undertaken by the Scottish Australian Mining company in 1925. The subdivision was inspired by the "Garden Suburb" movement which sought to create urban settlements with integrated and accessible transport networks between towns and the central city. The Garden City concept introduced a new way of working in a productive industrial city while being able to enjoy shops, parks, playgrounds and open spaces.

Kotara Estate, comprising the northern and central portions of Kotara was strategically positioned within walking distance to the Great Northern Railway line which would connect future residents to the city centre. The subdivision offered views of the now Blackbutt Reserve to the north and Kotara Park to the south.

While first subdivided in 1925, development in the suburb did not take off until after 1947 when additional housing was required to accommodate the wave of post-war immigration. The subdivision and establishment of Kotara continued well into the mid-1980s and adopted a curvilinear street pattern and long narrow lots in response to the moderate to steep slopes of the area. The continued subdivision of Kotara throughout the twentieth century has resulted in a variety of lot shapes, sizes, housing types and styles. **Figure E4.02** below indicates the subdivision dates for the suburb of Kotara.

Interwar and colonial period dwellings are prevalent throughout this area with many dwellings characterised by brick and chamferboard cladding with either corrugated iron or tiled roofs. Many have adopted decorative features such as gable ends, battens, brick piers, awnings and window brackets and recessed verandas. The use of materials, colours and landscaping provides for a varied but consistent streetscape.

Park Forest Estate, subdivided between 1950 and 1980, adopts a significant curvilinear street pattern and long narrow lots consistent with the subdivision pattern of earlier stages. Contemporary style homes reflect traditional housing styles such as veranda piers, detailing and hipped roof forms. Many dwellings display front garages with large setbacks for driveways to the street, due to the increasing popularity of the family car. Manicured front gardens, mature trees, front verandahs are common features between the public and private domain.



**Figure E4.02: Kotara subdivision dates** (Source: Coomes Consulting, 05 May 2006)

## 7.0 Existing character

Kotara is located approximately 9km south west of Newcastle Central Business District (CBD) and offers large residential blocks and dwellings within a bushland setting. Mature trees, undulating streetscapes, generous front setbacks, front gardens and open space are dominant characteristics.

Park Avenue and The Great Northern Railway bisect Kotara creating a northern and southern portion. Park Avenue is the principal traffic carrying road, providing residents with access to the city centre, Westfield Kotara, Kotara Homemaker Centre and Newcastle Inner City Bypass.

Westfield Kotara and Kotara Homemaker Centre feature supermarkets, specialty retail outlets, recreational, entertainment, business, health and medical services providing for the daily and weekly convenience needs of residents and employment. Access is available via Northcott Drive and Park Avenue. Weekend and weekday busy vehicular traffic along Park Avenue is attributed to commuters.

The Great Northern Railway provides an alternate transport option for residents when commuting to Newcastle CBD and neighbouring centres. Whilst convenient for residents to the north of the railway, the railway is not accessible for residents south due to geographical and topographical constraints.

The pocket of Kotara to the north of the railway has views of Blackbutt Reserve. Along local streets, rectangular allotments support low-density residential development comprising predominantly single storey detached dwelling houses that are facebrick or weatherboard construction, with tiled hip roof forms representative of the era in which the subdivision of Kotara first took place. Streets are flanked by managed front gardens that are simple and are either gated or open providing a tidy parkland atmosphere. Large backyards with mature trees preserve the natural backdrop of Blackbutt Reserve.

The pocket of Kotara to the south of the railway is undulating in topography with some areas steeper than others. This area is characterised by a mixture of post-war single storey weatherboard and brick homes with off-street parking to the rear or side of the dwellings. Semi-basement garages are a common feature of dwellings in the area on steeper lots.

Larger front gardens and front building setbacks, stone/brick retaining walls forward of the building and long steep driveways characterise the undulating and steep topography of Kotara.

Alterations and additions to original housing stock, predominately to the rear, occur throughout the area. Infill development represents a range of architectural styles from the twentieth century up to the present day. Kotara has become increasingly popular for medium density infill development due to the large rectangular shaped lots and its proximity to the city centre and services.

Joslin Street and Grayson Avenue are the main thoroughfares from Park Avenue for the southern pocket of Kotara providing residents connections to local streets and landmarks. Landmarks such as Lugar Steet Reserve and Nesbitt Park provide sports facilities, open fields and small playgrounds for the local community. Joslin Street neighbourhood centre provides essential goods and services to the community and has recently undergone beautification.

### **Distinctive characteristics of the existing character:**

1. Street frontages are exemplified by a series of detached dwelling houses setback a similar distance from the street with front verandahs, semi-basement parking and generous front gardens.
2. Mature trees and open space are located within front and rear yards of dwellings, offering a nice outlook from the street and contribute to the bushland character.
3. Architectural styles vary between northern and southern portions of Kotara dependent on the date of subdivision. Interwar and colonial period dwellings with basement and tandem parking arrangements are common housing types.
4. Alterations, additions and infill development generally respect the scale of the original house and streetscape by adopting similar styles, colours and materials.
5. Lot sizes vary and are dictated by the topography of the area and the time of subdivision. Residential lots long in length are typically on steeper sites and accommodate mature trees in the rear yard.



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## 8.0 Desired future character

Kotara's traditional houses, large front gardens and bushland setting are valued by residents and the community. They are distinctive and reflective of when Kotara was first subdivided, the topography of the land and the bushland setting.

The open spaces, parks, front gardens, and mature trees collectively accentuates the bushland setting of Kotara. New development will contribute to the green and leafy suburb of Kotara through a combination of shade trees, shrubs, and greenery. This can be achieved by prioritising the retention of large established trees and minimising hard surfaces.

Generous building separation distances to rear and side boundaries provide for useable outdoor spaces, gardens and comfortable separation from neighbours, and is a key characteristic in Kotara. New development is to adopt the building separation pattern predominant on the street which positively responds to the orientation of the site and surrounding built form.

Off-street parking is to be provided without compromising or dominating the traditional character of the house or street. A tandem or basement parking arrangement preserves the traditional character of dwellings as well as the front garden allowing for the retention and or planting of shade trees and shrubs.

The adaptive reuse of traditional dwelling houses means the internal layout may change, and new space may be required. Alterations and additions are to be sympathetic to the original house and should be relative to the principal dwelling in terms of size, roof form, colour scheme and materials used. Through respectful alterations and additions, traditional dwelling houses can continue to contribute to the character of the suburb and the street.

Distinguishable extensions to the side or forward of the existing dwelling are to be tied into the original house by including elements from the original design or styled in a new way.

Large lots with large frontages are increasingly popular for low rise medium density infill development. Medium density residential development in established residential areas is to be of a height, scale and form consistent with the amenity and character. New development and alterations and additions are appropriately sited and consider solar access, prevailing breezes, setback pattern, the scale of landscaped frontages, natural features and topography to improve the passive performance of the dwelling.

## 9.0 Kotara local character controls

<b>Objectives</b>		
1. Ensure contemporary development is compatible with the positive characteristics of the existing streetscape or adjoining traditional housing. 2. Minimise impacts to existing tree canopy and provide replacement vegetation on the site of similar size and maturity, where existing canopy trees are removed. 3. Ensure new development reinforces the natural topography of the site by minimising the extent of site disturbance and the depth of cut and fill.		
<b>Controls (C)</b>	<b>Acceptable solutions (AS)</b>	<b>Explanatory notes</b>
C-1.The built form should not be of a scale that dominates adjoining development or is visually intrusive when viewed from the streetscape.	AS-1.Limit the height and bulk of buildings to ensure they do not overpower adjacent development.  AS-2.Utilise similar setbacks and step-back to reduce the visual impact of taller buildings.	
C-2.Infill development and alterations and additions opt for a material and colour palette to complement the existing dwelling and the streetscape.	AS-1.Incorporate design elements such as architectural features, building materials, and landscaping that blend seamlessly with the surrounding streetscape.  AS-2.Preserve and restore any heritage or traditional elements such as facades, masonry, and other architectural features on existing buildings.	
C-3.The design and siting of new development and its ancillary structures, driveways and hard-stand areas are to maximise the retention of vegetation on the site.	AS-1.Where existing vegetation on a site cannot be retained, development replaces canopy trees removed as a result of the development with vegetation of advanced size* and maturity that contributes to the character of the area.	<b>Note:</b> CN might require an applicant to demonstrate why an alternate design incorporating existing vegetation is not achievable as it is not considered appropriate to vary these criteria for economic reasons, such as to achieve a higher density or to enable a “standard design” to fit on the site. *Advanced size and maturity are vegetation of 100L minimum stock size planted in sufficient quantity to achieve a total canopy area of 50% of the removed vegetation when mature.
C-4.At least 50% of the area forward of the building line is to be dedicated to landscaped area.		
C-5.Development on slopes is to be stepped in accordance with the maximum cut and fill criteria contained in Section C5 Soil management.		

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<p>C-6. Development is to provide footpaths for the full width of any site frontage. Where the proposed footpath will adjoin and connect to an existing or approved footpath on an adjoining site, the width of the proposed footpath is to match this footpath width.</p>	<p>AS-1. Maximise opportunities for walking and cycling and where possible, provide bike paths physically separated from traffic.</p>	
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## **PART E: Place and precincts**

### **Section E5 Newcastle city centre**

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## 1.0 Introduction

The Newcastle city centre extends from Nobbys Beach and Fort Scratchley in the east to Selma Street at Newcastle West and is bound to the north by the Hunter River and to the south by low density residential development and open space lands.

The city centre central spine is created by Hunter Street and King Street, around which is a diverse range of land uses and several smaller areas with distinct character borne of the natural and built history of Newcastle as well as more recent development which is strengthening the city centre's role as a vibrant regional hub and attractive destination for businesses, residents and visitors.

Future development will continue the evolution of the city centre as a compact, attractive and people-friendly city reflecting our sense of identity and providing accessible and suitable employment opportunities, a choice of retail and other services, and local, national and international investment opportunities.

This section has performance criteria that explain the planning outcomes to be achieved. Accompanying the performance criteria are design criteria 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.

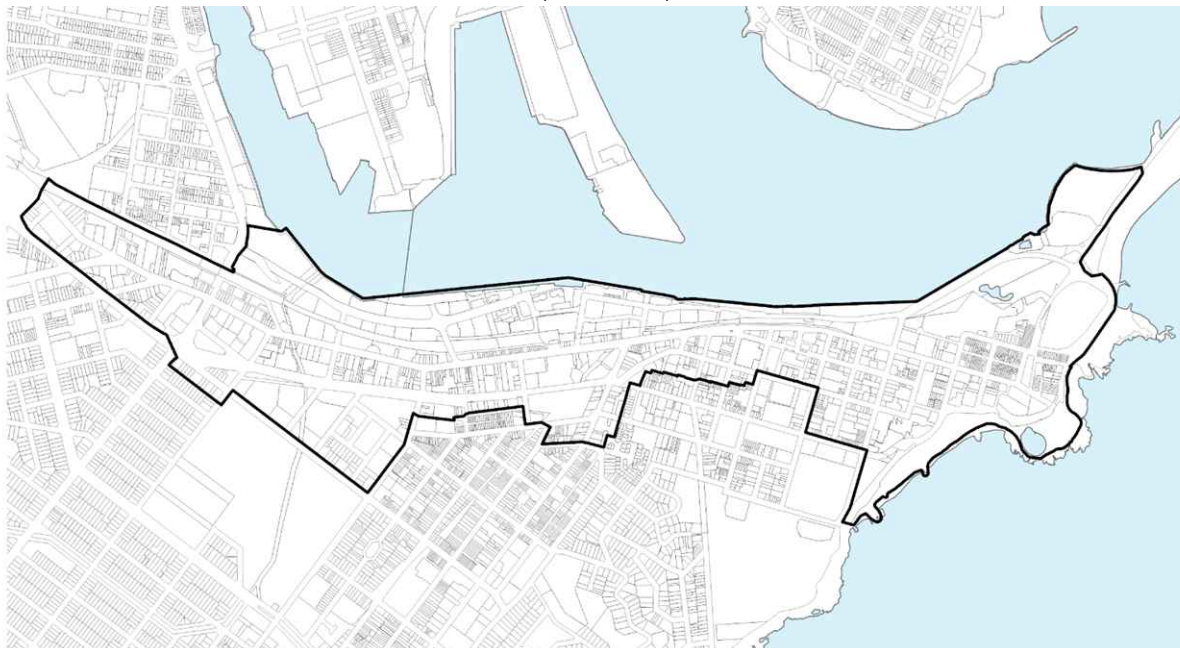
Sub-sections 17.0 to 25.0 cover the Character areas and key precincts. All properties within the city centre will fall into one of these areas so should always be considered. The character areas and precincts are not necessarily within heritage conservation areas. However, they can be within or overlap with the boundary of a heritage conservation area.

**Note:** Applicants for development which interface Newcastle Harbour are advised to engage with the Port of Newcastle prior to lodgement regarding requirements for maintaining navigation aids in this locality to ensure the safe and efficient operation of the Port.

The Port of Newcastle inclusive of Newcastle Harbour is a working port which functions 24 hours per day – seven days a week and may at times impact on the amenity of the locality.

## 2.0 Application

This Section applies to all development within the Newcastle city centre, as is shown in **Figure E5.01** or Part 7 of the *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)).



**Figure E5.01: Newcastle city centre land application**

For development involving heritage items or heritage conservation areas identified under the [LEP 2012](#), a merit assessment will be undertaken to ensure the outcomes sought are balanced with heritage conservation outcomes.

### 3.0 Related sections

The following sections will also apply to development:

- B6 Urban heat.
- C2 Movement networks
- C6 Waste management

The following sections may also apply to development:

- B1 Flood management
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B7 Land contamination
- C1 Traffic, parking and access
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C7 Safety & security
- C8 Social impact
- C9 Advertising and signage
- C10 Street awnings and balconies
- C11 Development adjoining laneways
- C12 Open space and landscaping
- C13 Liveable housing
- E1 Built and landscape heritage
- E2 Heritage conservation areas

#### **Design excellence: Urban design review panel**

The urban design review panel (UDRP) provides independent, expert advice to City of Newcastle (CN) and applicants about the quality of the urban design and amenity of developments.

Some types of development must be referred to the UDRP. These include:

- Residential flat buildings
- Shop top housing
- Mixed-use development with residential accommodation component
- Strata subdivision of serviced apartments

Within the renewal corridors, other types of development may be referred to the UDRP due to their nature, location or scale, and likely impact upon the surrounding locality. These include:

- Boarding houses
- Education establishments
- Hospitals
- Multi dwelling and attached dwelling developments comprising ten or more dwellings,
- Place of public worship
- Seniors housings
- Serviced apartment
- Tourist and visitor accommodation
- Modification applications where the development consent to be modified was subject to UDRP advice and the modifications are not minor
- Any other development referred at the discretion of the Manager

The UDRP is an advisory panel only and the advice provided by the panel informs the assessment process. It is not the purpose of the UDRP to have any role in the determination of DAs, nor are its recommendations binding on CN's determination of an application.

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## 4.0 Objectives

1. Facilitate the continued urban renewal of the city centre so that it attracts people of all ages and backgrounds and is reinforced as the business, civic, recreation and cultural hub of the Greater Newcastle Metropolitan Area.
2. Provide a comprehensive set of planning and design guidelines based on the built and natural characteristics of distinct areas within the city centre including important views and vistas.
3. Promote a thriving and active city centre that is safe and accessible at all times and provides for appropriate connections between residential and employment land uses and transport and public spaces.
4. Ensure that new development is of a high architectural standard and contributes positively to the public domain.
5. Encourage the greening of streets and public spaces and ensure that future development provides for a high level of sunlight penetration to the street level.
6. Encourage sustainable buildings through architectural design, landscaping, building materials and construction practices.
7. Enable and support the Newcastle After Dark vision and ensure development generates positive outcomes that align with the *Newcastle After Dark, Night-time Economy Strategy*.

## 5.0 Application requirements

Development Category	Application requirements	Explanatory Notes
<p>All applications that include the erection of a new structure or the extension of an existing structure with a height exceeding 10m are to be accompanied with a 3D model of the proposed development within the context of the Newcastle CBD 3D model.</p>	<p>The format should be compatible to that used by CN. Format specification requirements for the model can be provided by CN's Geospatial Information Services team.</p>	<p>The 3D Model should be used to illustrate the following information:</p> <ul style="list-style-type: none"> <li>• context 'before' and 'after' streetscape drawings/images and/or photomontages;</li> <li>• shadow diagrams; and</li> <li>• assessment of impact on view corridors.</li> </ul>
<p>Any development that may require an acoustic report or a noise impact assessment.</p>	<p>An acoustic report or noise impact assessment is warranted when a noise-producing development is proposed near noise-sensitive areas or, conversely, when a noise-sensitive development is proposed in a noisy area.</p> <p>An acoustic report should:</p> <ul style="list-style-type: none"> <li>• consider and apply relevant noise guidelines or policies – for example, those nominated by planning authorities in planning instruments (e.g. development control plans and/or planning approvals) or in pre-development application meetings for a development</li> <li>• clearly describe assessment methodologies and include calculation data</li> <li>• adequately consider relevant factors such as the effects of weather, extraneous noise sources, potentially annoying characteristics of noise sources and operating conditions at the time of measurements.</li> </ul> <p>Ensure any recommendations concerning acoustic attenuation are feasible and can be practically implemented.</p>	<p><i>Newcastle After Dark Strategy - Night-time Economy Strategy</i> reiterates that a developer responsible for building a residential complex needs to 'design in' reasonable noise mitigation (for example double glazing). Conversely, a late-night venue seeking to extend venue space or hours of operation which may include live performance would need to ensure noise impacts are appropriately defined and managed through preparation of a plan of management. Refer to C7 Safety and Security.</p> <p>Trading hours are to consider the status of a licensed venue as low or greater impact. Growth in the late-night economy (12am - 4am) must represent low impact venues to facilitate continued progress in venue diversity.</p> <p>A venue will be classified as low impact or otherwise throughout the development assessment process based on relevant matters for consideration. A low impact venue may be a small bar or smaller local business that contains low levels of impact on the surrounding environment. A Pub (as defined under LEP 2012) is not a low impact venue and would automatically be classified otherwise due to potential for larger or more cumulative impacts on the surrounding environment.</p> <p>A noise-producing development or noisy area may have a range of activities contributing to noise and is not limited to that produced from busy roads, railways, industries, live music venues, entertainment, gymnasiums, public parks and plazas in which people may congregate</p>

		<p>or host live music or events.</p> <p>A noise-sensitive development may include but is not limited to residential accommodation, educational establishments, early education and childcare facility, health services facility, place of public worship or the like.</p> <p>More guidance can be found in the Noise Guide for Local Government, 2023 (NSW Environment Protection Authority) and, Approved Methods for the Measurement and Analysis of Environmental Noise in NSW, 2022 (NSW Environment Protection Authority).</p>
Any development for buildings equal to or greater than 24m in height or at the discretion of CN, is to submit a Wind Effects Report.	<p>A Wind Effects Report is to be prepared and submitted by a suitably qualified wind engineer. The Wind Effects Report must consider the potential wind impacts and the likely extent of wind impacts of the proposed building on private and communal outdoor areas.</p> <p>Where unacceptable safety or comfort levels are found, design adjustments are made to mitigate any likely adverse wind impacts.</p>	New developments in established urban areas are typically taller than surrounding buildings. Taller buildings intensify windy conditions which can adversely affect pedestrian safety and comfort and impact the amenity of outdoor areas including the public domain and private and communal outdoor spaces.
An application for development including change of use involving building work.	<p>An access report identifying the relevant matters to be addressed at the construction certificate stage, in circumstances where access constitutes a substantive public interest aspect of a proposal.</p> <p>Access reports should be prepared by a person who is a suitably qualified access consultant, such as a person who is appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	The Disability (Access to Premises – Buildings) Standards 2010 applies to any part of a building impacted by the application for a change of use. This section does not require anything beyond the standard, but does require information on how the standard will be met through the building design in accordance with these application requirements. There may also be other standards under the <i>Disability Discrimination Act 1992</i> relevant to the public interest assessment of a proposal, such as the Disability Standards for Education 2005.
An application for a change of use not involving building work.	<p>An access report to consider access matters, in circumstances where access constitutes a substantive public interest aspect of the proposal.</p> <p>Access reports should be prepared by a suitably qualified access consultant, such as a person appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	A change of use not involving building works may generate public interest considerations relevant to the assessment of a DA, including in circumstances where it is apparent that a building may not comply with the access requirements of the Building Code of Australia.
All development within or adjacent to nominated view corridors (as per <b>Figure E5.13</b> ), or that exceeds the street wall height, is to be	<p>Visual Impact Assessment to:</p> <ol style="list-style-type: none"> <li>1. Include description and analysis of existing landscape character and its sensitivity</li> <li>2. Identify existing visual catchment of the proposed development</li> <li>3. Identify existing viewpoints and their sensitivity to change</li> </ol>	Refer to <i>Guideline for landscape character and visual impact assessment - Environmental impact assessment practice note EIA-N04</i> (Transport for NSW, 2023).

accompanied by a visual impact assessment.	<ol style="list-style-type: none"><li>4. Include 3D modelling and photomontages in accordance with <i>Use of photomontages</i> (Land and Environment Court, 2023)</li><li>5. Assess magnitude of change</li><li>6. Identify opportunities to avoid and minimise adverse visual impacts.</li></ol>	
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## 6.0 Street wall heights and upper level setbacks

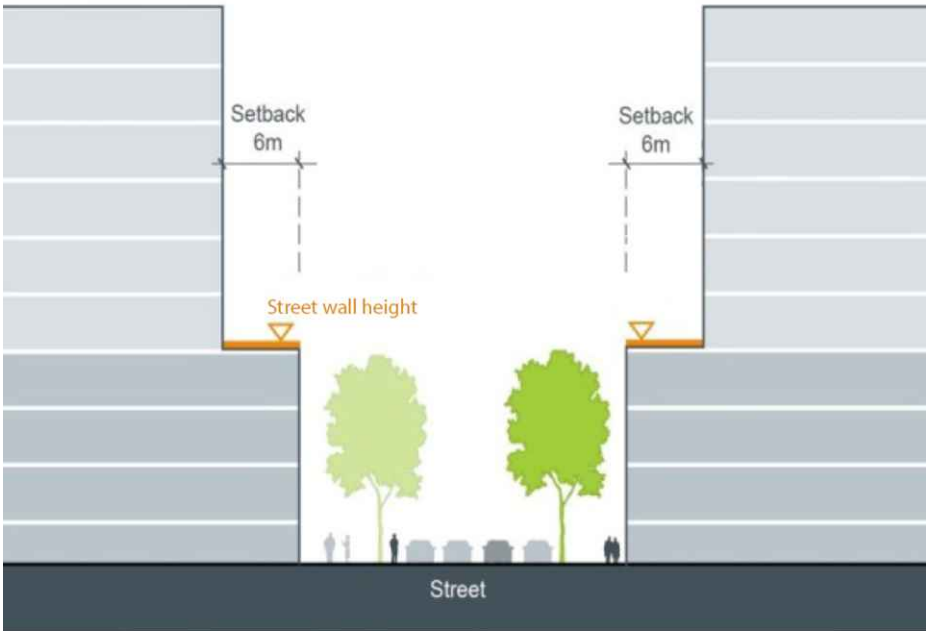
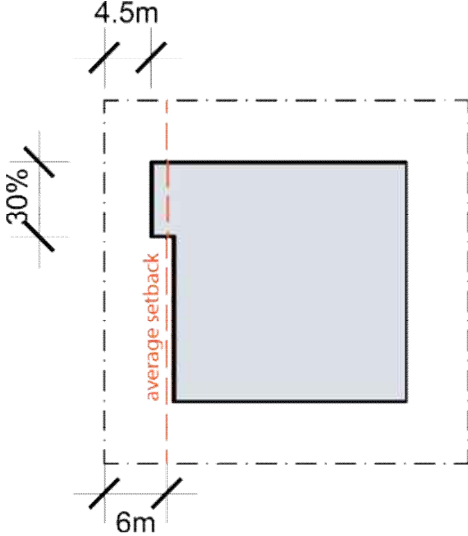
Street wall heights refer to the height of the building that is built to the public street or lane, measured from the ground level up to the first building setback. The street wall height works in combination with a setback above to balance a sense of enclosure to the street whilst preventing an overbearing sense of confinement. This 'human scale' enables sunlight access to the public domain and to adjoining sites and provides for glimpses of surrounding landmark features for wayfinding and a sense of place. Street wall heights typically relate to the street width, often at a ratio of 1:1, and help to provide a consistent building scale in streets that have a mix of uses whilst respecting heritage items and contributory buildings.

### Objectives

1. Ensure that street wall heights and upper level setbacks contribute to a visually appealing and pedestrian-friendly urban environment, while ensuring that new development is compatible with the existing context of the area.
2. Promote sustainable development that enhances the public realm and supports the health and wellbeing of the community by setting requirements for street wall heights and upper level setbacks that enable adequate sunlight penetration, encourage active street frontages and public spaces, and preserve key view corridors.

Performance criteria (PC)	Design criteria (DC)	Explanatory Notes
<p>PC-1. Street wall heights and upper level setbacks of new buildings will:</p> <ol style="list-style-type: none"> <li>a. define the public domain and encourage active street frontages and public spaces</li> <li>b. provide a sense of enclosure and importance to the street without being overbearing to pedestrians</li> <li>c. be compatible with the context including the scale of existing built form, heritage items and contributory buildings</li> <li>d. reinforce the desired future character of the area whilst preserving and protecting desired existing character</li> <li>e. enable adequate sunlight penetration to the street and support a healthy environment for street trees and other landscaping</li> <li>f. allow sunlight access, ventilation, outlook and privacy for existing and future surrounding development, and</li> <li>g. create and/or maintain views and vistas.</li> </ol>	<p>DC1-1. The street wall height of new buildings or alterations and additions to existing buildings shall be between 8m and 22m or as specified in the controls for each Character Area.</p> <p>DC1-2. In all circumstances, the street wall height shall be a minimum of 8m allowing for two storeys accommodating ground floor commercial with a minimum floor-to-ceiling of 4m and a first floor with a minimum floor-to-ceiling of 3.3m capable of being adapted for commercial. Greater floor-to-ceiling heights may be required to accommodate some land uses (such as restaurants and cafes) or to respond to the proportions of heritage buildings.</p> <p>DC1-3. Above the street wall height an average setback of 6m from all street frontages shall be provided, as shown in <b>Figure E5.02</b>. This setback may be reduced by 1.5m for up to 30% of the building width measured at the relevant facade, provided that no part of the building structure is less than 4.5m from the street wall alignment as shown in <b>Figure E5.03</b>. Greater setbacks may be appropriate for heritage buildings or to respond favourably to nearby heritage items or contributory buildings.</p>	<p>Refer to Section E1 Built and Landscape Heritage and E2 Heritage conservation areas.</p> <p>Heritage items are identified under Schedule 5 of <a href="#">LEP 2012</a>. Contributory buildings are identified in the Contributory Buildings Maps in the <i>Newcastle Heritage Technical Manual</i>.</p>



	<p>DC1-4. In some circumstances, it may be appropriate for corner sites to be emphasised by an additional street wall height and/or a reduction in the required upper level setback presenting to the corner, subject to achieving the performance criteria.</p>	
<p>PC-2. All applications that include the erection of a new structure or the extension of an existing structure with a height exceeding 10m are to be accompanied with a 3D model of the proposed development.</p>	<p>See sub-section 5.0 application requirements for further information.</p>	
 <p><b>Figure E5.02: Street wall height and upper level setbacks</b></p>		 <p><b>Figure E5.03: Upper level street setback modulation</b></p>



## 7.0 Building setbacks and separation

A building setback is the distance between the boundary of the site and the main building facade or outer edge of projecting elements such as a balcony.

At the ground level, building setbacks help define street edges and create opportunities for defining and interfacing public and private spaces, providing landscaping, and improving pedestrian movements around and between building structures. At upper levels, building setbacks enable sunlight access, ventilation, outlook and privacy for surrounding sites and the public domain and can assist to create or maintain views and vistas.

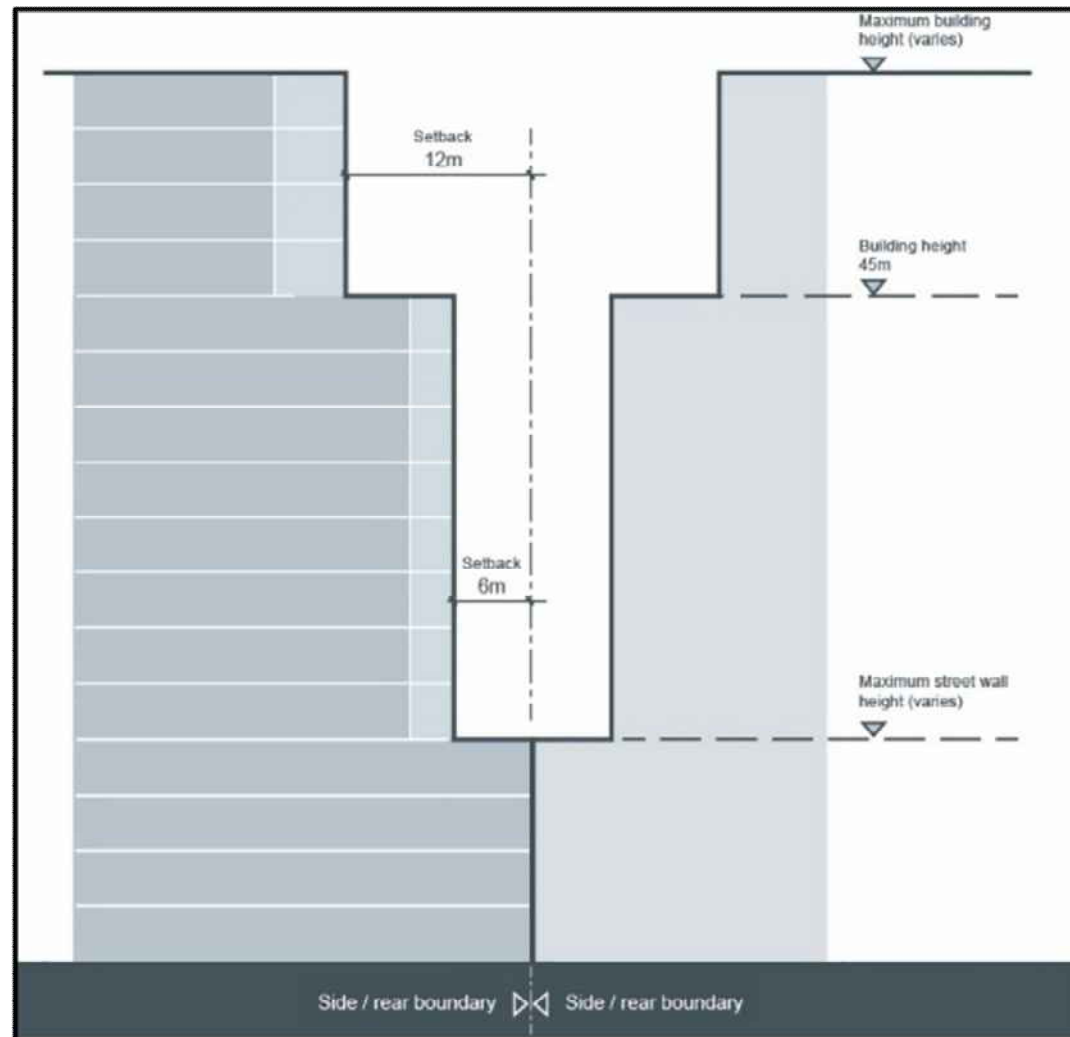
Building separation is the distance between buildings on the same site or buildings on adjoining sites. Building separation works in combination with setbacks to provide a consistent rhythm of spaces between built elements enabling daylight penetration to buildings and ground level spaces, views to the sky from the ground level public domain and natural ventilation.

### Objectives

1. Ensure that building setbacks create a consistent street edge and interface with the public domain through landscaping, while providing for high-quality building entries that enhance pedestrian mobility and create visual interest.
2. Set consistent building heights and setbacks that enable solar access, ventilation, outlook, and privacy for both existing and future surrounding development.
3. Ensure that setbacks provide adequate daylight penetration to the ground level public domain and support a healthy environment for street trees and landscaping, while preserving views to the sky from public spaces.
4. Protect views and vistas by setting requirements for setbacks that preserve key view corridors and encourage new development to enhance or maintain existing views.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
PC-1. Building setbacks and separation will: <ol style="list-style-type: none"> <li>a. define the street edge and reinforce public and private spaces</li> <li>b. provide opportunities within a site for ground level landscaping that interfaces with the public domain</li> <li>c. promote high quality building entries and enhance pedestrian mobility; create a consistent rhythm of spaces between upper levels of buildings enabling solar access, ventilation, outlook and privacy for existing and future surrounding development</li> <li>d. allow adequate daylight penetration to the ground level public domain and support a healthy environment</li> </ol>	DC1-1. The ground level shall be built to the street frontage or as otherwise specified in the controls for each Character Area unless: <ol style="list-style-type: none"> <li>a. it can be demonstrated that it is appropriate to provide a setback to better integrate the ground floor plane with the public domain such as where a colonnade is to be provided</li> <li>b. a full or partial setback will relate more favourably to adjoining buildings.</li> </ol> DC1-2. Where a ground level setback is provided, it may contain pedestrian areas, steps, ramps, landscape features and the like but should not contain utility structures or barriers that restrict visual permeability or pedestrian movement or create opportunities for crime or antisocial behaviour.           DC1-3. Where a ground level setback is required by this section, basements shall also be setback to provide opportunities for deep soil landscaping within the ground level setback.           DC1-4. Behind the street alignment and up to the street wall height, buildings shall be built to the side and rear boundaries to create a podium, other than:	

<p>for street trees and landscaping enable views to the sky from public spaces, and</p> <p>e. create and/or maintain views and vistas.</p>	<ul style="list-style-type: none"> <li>a. minor elements to allow solar penetration and natural ventilation to lower levels, or</li> <li>b. where laneways or through-site links are required as identified in the controls for each Character Area.</li> </ul> <p>DC1-5. Above the street wall height a minimum setback of 6m from all boundaries shall be provided other than permitted.</p> <p>DC1-6. For mixed-use or residential development, boundary setbacks above the street wall height shall comply with building separation requirements of the Apartment Design Guide. Greater setbacks may be required where existing adjoining development does not provide for half of the building separation required by the Apartment Design Guide and is unlikely to be redeveloped within a reasonable timeframe.</p> <p>DC1-7. For non-residential development, upper level setbacks above the street wall height shall have regard to existing and potential future buildings on surrounding sites. Where surrounding buildings contain, or are likely to contain, residential land uses, the building separation requirements of the Apartment Design Guide shall apply. Where surrounding buildings contain non-residential land uses, side and rear boundary setbacks above the street wall height shall be as per <b>Figure E5.04</b>, which provides for:</p> <ul style="list-style-type: none"> <li>a. 6m to a height of 45m above ground level, and</li> <li>b. 12m above 45m from ground level.</li> </ul>	
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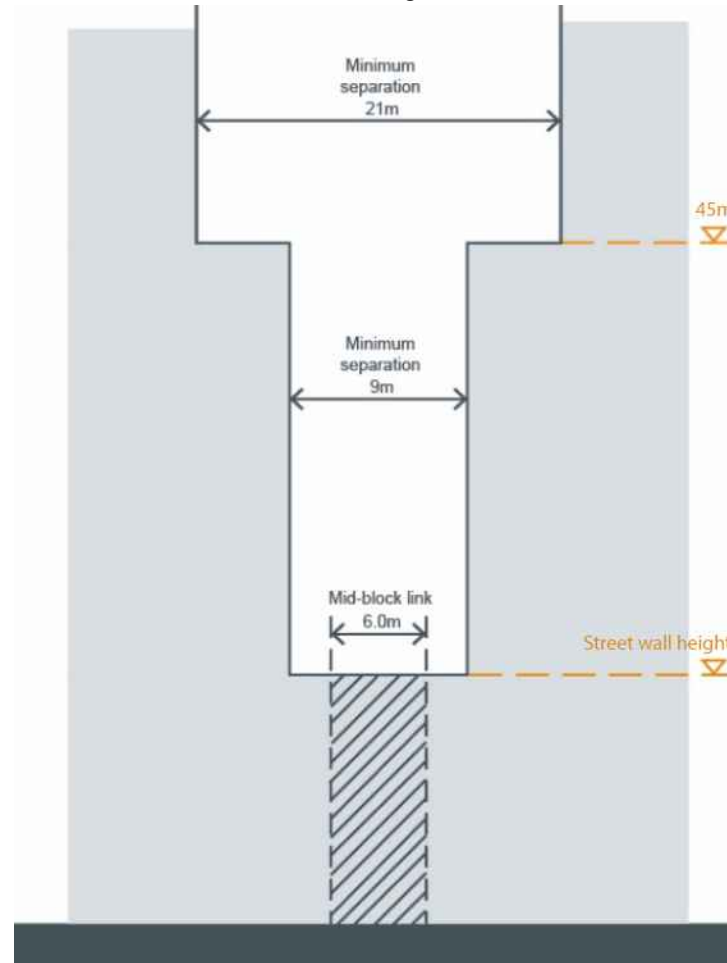


#### E5.04: Building setbacks for non-residential buildings on adjoining sites

DC1-8.Minor incursions into the setback area may be permitted for non-trafficable articulating elements, sun shading devices and awnings that are integrated into the overall building design.

DC1-9. Within a site, separation between non-residential buildings may be as per **Figure E5.05** which provides for:

- a. 9m to a height of 45m above ground level, and
- b. 24m above 45m from ground level.



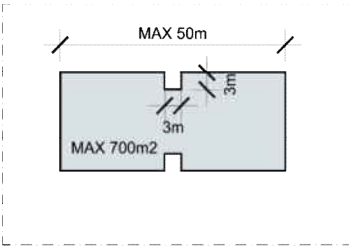
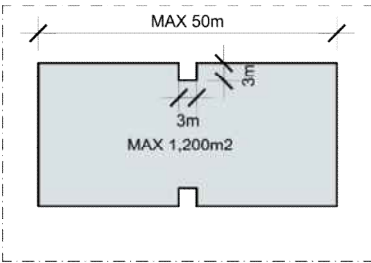
**Figure E5.05: Building separation for non-residential buildings within the same site**

## 8.0 Building dimensions and floorplate

Limiting the maximum dimension and floorplate of buildings, particularly tower forms, reduces visual bulk, enables daylight penetration to buildings and ground level spaces, permits views to the sky from the ground level public domain, improves natural ventilation and minimises wind impacts. In residential buildings, building dimensions and floorplates also play an important role in residential amenity by reducing the number of apartments per level and minimising single orientation apartments.

### Objectives

1. Ensure building dimensions and floorplates promote a slender tower form with articulated facades above the street wall height, while ensuring that new development is compatible with the existing context of the area.
2. Promote sustainable development that enhances the public realm and supports the health and wellbeing of the community by minimising adverse wind impacts and the creating a comfortable and safe urban environment.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
<p>PC-1. Dimensions and floorplates of buildings above the street wall height should provide for a slender tower form with articulated facades.</p>	<p>DC1-1. Residential buildings above the street wall height shall comply with the building depth and floorplate requirements of the Apartment Design Guide. Where no floorplate is expressed in the Apartment Design Guide, a maximum floorplate of 700m<sup>2</sup> shall apply as shown in <b>Figure E5.06</b>.</p> <p>DC1-2. Non-residential buildings above the street wall height shall have a maximum floorplate of 1,200m<sup>2</sup> as shown in <b>Figure E5.07</b>.</p> <p>DC1-3. The maximum dimension for any tower form above the street wall height shall be 50m, being the linear distance between two opposing facades of a building envelope and including balconies and external circulation but excluding minor projecting articulating elements as shown in <b>Figures E5.06</b> and <b>E5.07</b>.</p> <p>DC1-4. Where a building facade has a dimension of 25m or more, it must be separated into at least two parts by an articulating element with minimum dimensions of 3m wide by 3m deep as shown in <b>Figures E5.06</b> and <b>E5.07</b>. This should not result in a reduction to the required setback other than permitted.</p>	 <p>RESIDENTIAL FLOORPLATE</p> <p><b>Figure E5.06: Maximum floorplate, dimension and articulation requirements for residential towers above the street wall height</b></p>
<p>PC-2. New development minimises adverse wind impacts within development sites, surrounding land and public spaces.</p>	<p>DC2-1. To ensure public safety and comfort, wind effects caused by new buildings or substantial alterations and additions to existing buildings must not exceed:</p> <ol style="list-style-type: none"> <li>a. 10m per second for streets where active frontages are required</li> <li>b. 13m per second for public parks and civic spaces.</li> <li>c. 16m per second for all other streets.</li> </ol>	 <p>NON-RESIDENTIAL FLOORPLATE</p> <p><b>Figure E5.07: Maximum floorplate, dimension and articulation requirements for non-residential towers above the street wall height</b></p>

	<p>DC2-2. New buildings or substantial alterations and additions to existing buildings should incorporate building elements and landscaping to minimise wind impacts on the private and communal spaces within development sites and adjoining land.</p> <p>DC2-3. A <i>Wind Effects Report</i>, prepared by a suitably qualified person, shall be submitted with any DA for buildings equal to or greater than 24m in height or at the discretion of the CN.</p> <p>DC2-4. For buildings equal to or over 45m in height, results of a wind tunnel test are to be included in the <i>Wind Effects Report</i>.</p>	<p>The maximum building dimension may be limited by factors such as the building depth requirements of the Apartment Design Guide.</p> <p>A <i>Wind Effects Report</i> is to be submitted in accordance with the application requirements.</p>
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## 9.0 Building facades and exteriors

Building facades contribute to the character of the area, help to activate street frontages and provide visual interest when viewed from the public domain or from surrounding buildings. Facades of high design quality utilise vertical and/or horizontal articulation which respond to surrounding structures, as well as textures, materials and colours that respond to the desired character, including existing heritage buildings. External material selection and building design can assist to respond to the area character, minimise energy use, reduce ongoing maintenance costs and minimise noise transmission in the city centre.

### Objectives

1. Require new building facades and exteriors to contribute positively to the streetscape by ensuring that design is sympathetic to the site's context, that materials and finishes are durable and energy-efficient, and that unsightly visually dominating features are avoided.
2. Ensure that building facades and exteriors incorporate materials and finishes that are durable, energy-efficient and suitable for the local climate.
3. Promote the legibility of the street environment and encourage activity on highly visible and accessible street corners by requiring design measures that enhance the building's presence at street level, such as corner articulation, public art, or other public-facing features.
4. Address the issue of noise transmission in the city centre by ensuring building facades and exteriors are designed to minimise noise pollution from nearby sources of noise.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
<p>PC-1. Building facades and exteriors shall be designed to:</p> <ol style="list-style-type: none"> <li>a. contribute positively to the streetscape</li> <li>b. be of high visual quality</li> <li>c. incorporate a sensitive mix of colours, materials, treatments and finishes that are sympathetic to the site's context</li> <li>d. use durable and energy efficient materials, and</li> <li>e. avoids unsightly visually dominating features</li> <li>f. minimise noise transmission in the city centre.</li> </ol>	<p>DC1-1. Buildings shall be designed and articulated to provide:</p> <ol style="list-style-type: none"> <li>a. a base, from ground level to the street wall height</li> <li>b. a middle, in the form of a slender tower above the street wall height, and</li> <li>c. a top, comprising the uppermost two floors and rooftop structures, setback a minimum of 3m from the middle.</li> </ol> <p>DC1-2. Visually integrate with the surrounding area and adjoining buildings through appropriate design, including articulation that responds to datum lines of key components of adjoining buildings such as street wall height, street setback, awnings, parapets, cornice lines and setbacks above street wall height.</p> <p>DC1-3. Large expanses of blank, unarticulated facades of the same or similar material, including reflective glass, are to be avoided.</p> <p>DC1-4. Where the orientation and acoustic environment permits, windows, balconies, terraces and communal open spaces are positioned to overlook public spaces such as parks, streets and pedestrianised areas.</p> <p>DC1-5. 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.</p> <p>DC1-6. Development shall minimise the use of virgin materials, maximise energy efficient materials and use durable materials and finishes to reduce ongoing</p>	<p>For further guidance on noise attenuation, applicants should explore the relevant sections of the <i>National Construction Code</i>, associated handbook, including:</p> <ul style="list-style-type: none"> <li>• Part E9 'Sound transmission and insulation' in Volume One for Class 2, 3 and 9c buildings</li> <li>• Handbook: Sound transmission and insulation in buildings.</li> </ul> <p>And the relevant <i>NSW Environment Protection Agency guidelines</i>, being:</p> <ul style="list-style-type: none"> <li>• NSW Road Noise Policy.</li> </ul>

	<p>maintenance costs. Subject to compatibility with the desired character of the area, face brickwork, stone, concrete and glass are encouraged.</p> <p>DC1-7. Building facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.</p> <p>DC1-8. Mirror glass with a reflectivity in excess of 15% must be avoided.</p> <p>DC1-9. Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.</p> <p>DC1-10. Exterior facades are designed to minimise the opportunity for sound transmission. Depending on surrounding land uses and the nature of the proposal, an acoustic report or noise impact assessment may be requested demonstrating how sound transmission is minimised.</p>	
<p>PC-2. Buildings on highly visible and accessible street corners incorporate design measures on the corners to assist in legibility of the street environment and promote activity on the street frontage.</p>	<p>DC2-1. Buildings within a mixed use or employment zone located at the junction of street corners:</p> <ol style="list-style-type: none"> <li>a. incorporate an elevation which directly faces the corner and has a minimum of 30% glazing</li> <li>b. provide a 4m by 4m truncation, to be dedicated as road reserve</li> <li>c. incorporate a 4m by 4m concave building chamfer at the corner for the full height of the building</li> <li>d. provide a well-designed facade, including:             <ol style="list-style-type: none"> <li>i. windows and openings</li> <li>ii. pedestrian entrances, particularly on the building chamfer</li> <li>iii. projections and articulation.</li> </ol> </li> </ol>	<p>Design measures will vary depending on the building, its location and setting, however may include the following:</p> <ul style="list-style-type: none"> <li>• increasing the height of the building on the corner</li> <li>• stepping back the building on the corner to create an additional face</li> <li>• including prominent building entrances and windows on the corners</li> <li>• the use of a focal point, such as a tower, visual display or artwork on the corner.</li> </ul> <p>Where above-ground infrastructure, service pillars or cabinets are located in the middle of the footpath as a result of a corner truncation, development relocates the infrastructure to the new boundary.</p>



## 10.0 Awnings

Awnings protect pedestrians and other users of the ground level public domain from sun, rain and wind and thereby encourage active streets which support and enhance the vitality of the area. In addition, awnings work in combination with building entries to contribute to the identity of a development. Awnings can be prominent built elements in the streetscape and require careful design to ensure that they respond to context, are well-integrated into the overall building design, enable street trees to flourish and an appropriate level of signage for commercial activities within buildings.

### Objectives

Ensure awnings are consistent with the controls in C10 Street awnings and balconies.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
PC-1.Awnings are considered as part of the overall development and designed accordingly.	DC1-1.Awnings are in accordance with the relevant awning provisions contained separately in C10 Street awnings and balconies.	

## 11.0 Design of parking structures


Wherever possible, providing the required car parking within a basement, or below ground level, maximises the opportunities for street activation and most efficiently uses the above ground building envelope for the active component of residential and non-residential land uses.

Notwithstanding, environmental constraints such as a high water table, mine subsidence and flooding may dictate that some car parking be provided above ground level. In such circumstances, the aboveground car parking component must be designed in such a way that it does not result in adverse visual impacts and does not detract from the ability of developments to provide active interfaces with and natural surveillance of the public domain.

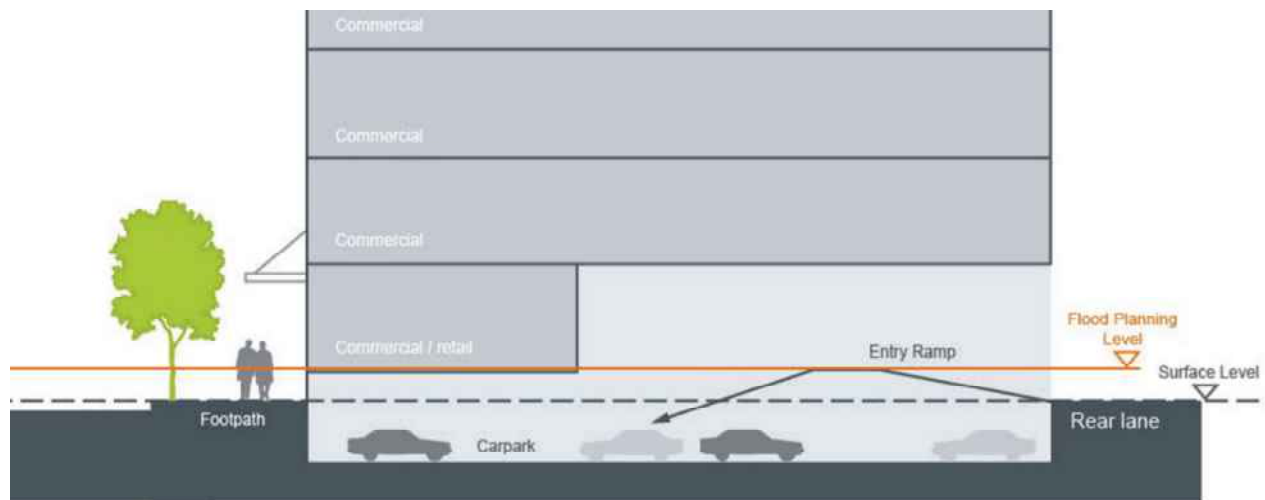
### Objectives

1. Prioritise the use of basements or below ground level parking to provide car parking for both residential and non-residential land uses.

Where parking is aboveground, it is designed to minimise adverse visual impacts and maintain the ability of developments to provide active interfaces with the public domain.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
<p>PC-1. Car parking structures are to be well designed in order to:</p> <ol style="list-style-type: none"> <li>a. maximise the efficient use of above ground building envelope for active purposes</li> <li>b. minimise visual impact</li> <li>c. minimise flood inundation, and</li> <li>d. minimise conflict with pedestrians.</li> </ol>	<p>DC1-1. Car parking and loading access points shall be designed to be integrated into the overall building design and shall be recessed into the street facade. The walls of the recess shall be treated with high quality materials in the same manner, or similar to, the main facade.</p> <p>DC1-2. Car parking shall be designed to minimise flood waters from entering car parking levels by:</p> <ol style="list-style-type: none"> <li>a. orienting access points away from overland flow paths</li> <li>b. designing access points to be above the 1 in 100 year flood level plus freeboard as shown in <b>Figure E5.09</b> below</li> <li>c. ensuring any aboveground perimeter walls are impermeable up to the 1 in 100 year flood level plus freeboard.</li> </ol> <p>DC1-3. Car parking should be contained within the building footprint and preferably within a basement.</p> <p>DC1-4. Where on-site parking cannot be provided within the building footprint it must be located to the side or rear of the building and not be visible from the street frontages.</p> <p>DC1-5. Where environmental constraints such as high water table, mine subsidence or flooding limit the extent of basement car parking, up to 50% of the required car parking may be provided at the ground level or above ground, subject to the Design Criteria within this section.</p>	<p>For further information regarding parking see Section C1 Traffic, Parking and Access.</p>  <p><b>Figure E5.08: Screened car parking</b></p>

	<p>DC1-6. At-grade or above ground car parking must be screened from view from public spaces by:</p> <ol style="list-style-type: none"> <li>providing a sleeve of active spaces around the car parking areas as shown in <b>Figure E5.10</b></li> <li>screening the car parking areas using architecturally designed facade treatments that are integrated into the overall building design and/or include artworks as shown in <b>Figure E5.08</b></li> <li>screening the car parking areas using green walls and roofs</li> <li>utilising the roof over car parking for communal open spaces.</li> </ol> <p>DC1-7. Car parking provided at or above ground level has horizontal flooring and a minimum floor to ceiling height of 4m with a minimum clearance height of 3.5m. For the next two floors above, the floor to ceiling height is to be 3.3m. This will enable the development to be adapted to an alternative use in future and to provide for service vehicles.</p>	<p><b>solutions</b></p> <p>Requirements for review of DAs for aboveground car parking structures by the Urban Design Review Panel should form part of the terms of reference for that group and should be specified as a requirement in the <i>DA Lodgement Guidelines</i>.</p>
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**Figure E5.09: Basement ramp design to minimise flood inundation**



Figure E5.10: Sleeved car parking solution

## 12.0 Landscaping and open space

Landscape design works in harmony with, and complements, built form and can assist to respond to the desired character of the area as well as existing natural environmental features of the locality. In the city centre, opportunities for ground level soft landscaping will be limited by the built form controls in this section, yet soft landscaping can still play an important role in providing a human scale to streets, reducing urban heat gain, improving air quality and connecting existing parks and foreshore areas.

Given the limitations for ground level soft landscaping, buildings should be designed to incorporate landscaped areas which may incorporate both private and communal open spaces. In addition, when appropriately oriented and designed, vertical landscaping in the form of green walls and roofs can add to the visual interest of the area and screen unsightly structures.

### Objectives

1. Retain and incorporate mature trees in the development to enhance the character of the area, provide amenity to residents and visitors, and contribute to the microclimate.
2. Ensure that landscaping and open spaces are integrated into the development design to complement building structures and contribute to quality public spaces.
3. Minimise the visual impact of car parking and servicing areas on the street frontage through appropriate design and landscaping measures.
4. Provide adequate shade and shelter in open spaces, car parking areas, and public spaces to enhance the microclimate and contribute to quality public spaces.

Performance criteria (PC)	Design criteria (DC)
<p>PC-1.Landscaping and open spaces:</p> <ol style="list-style-type: none"> <li>a. retain mature trees, wherever possible</li> <li>b. are incorporated into the development and complement building structures</li> <li>c. achieve the desired character of the area</li> <li>d. provide amenity to residents and visitors to the locality</li> <li>e. enhance the microclimate</li> <li>f. contribute to quality public spaces and allow for street tree plantings, where relevant</li> <li>g. reduce the dominance of car parking and servicing areas from the street frontage</li> <li>h. incorporate shade trees in</li> </ol>	<p>DC1-1.Native ground covers and grasses are to be used in garden beds and path surrounds. Turf should be confined to useable outdoor areas.</p> <p>DC1-2.The design of exterior private open spaces such as roof top gardens is to address visual and acoustic privacy, safety, security, and wind effects.</p> <p>DC1-3.Where roof gardens and green walls are provided, consideration should be given to the <i>Urban Green Cover in NSW – Technical Guidelines</i>, published by the Office of Environment and Heritage.</p> <p>DC1-4.Communal open space shall be provided in accordance with the <i>Apartment Design Guide</i> and shall achieve:</p> <ol style="list-style-type: none"> <li>a. a principal outdoor area a minimum dimension of 6m and minimum area 50m<sup>2</sup>, 50% of which achieves direct sunlight access for 2 hours between 9am and 3pm at midwinter</li> <li>b. a component of indoor or weather-protected space</li> <li>c. a fully accessible path of travel to the lift core and/or lobby</li> <li>d. appropriate visual and acoustic privacy for surrounding private spaces.</li> </ol> <p>DC1-5.Wherever street setbacks and site constraints permit, a portion of communal open space located at ground level is encouraged.</p>

<p>i. car parking areas; and contribute to quality public spaces and the microclimate by providing shelter and shade.</p>	<p>DC1-6. Outdoor communal open space is to be capable of accommodating substantial vegetation and shall incorporate active and passive recreation facilities (such as seating, shade structures, BBQs, children's play equipment and swimming pools).</p> <p>DC1-7. Communal open spaces are to include passive surveillance from adjacent internal living areas and/or pathways, and be in addition to any public thoroughfares.</p>
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## 13.0 Utilities

Utilities and service infrastructure is required to facilitate development however, if the location and design of infrastructure is not considered early in the design process, it can have a significant adverse effect on the overall aesthetics of buildings and public spaces.

### Objectives

1. Minimise the visual impact of building utilities and services to the street, public domain, and neighbouring buildings.
2. Ensure that building services such as substations and mailboxes are integrated into the overall building design, are complementary to the building fabric, and do not dominate the street elevation or public areas.

Performance criteria (PC)	Design criteria (DC)
PC-1. Visual clutter and visual bulk of new development is reduced by appropriately locating, orientating and screening services such as substations, hydrant boosters and mailboxes.	DC1-1. Services, including air conditioning, plant equipment, are screened from the street, public domain and neighbouring buildings by elements such as landscaping, fencing or walls, to ensure that they are not visible from the street, neighbouring buildings or public domain.  DC1-2. Substations must be integrated into the overall building design, be complementary to the building fabric and wherever possible, not be located in public areas or be visible from the public domain.  DC1-3. Ventilation stacks servicing basement garages should not occur in the street setback or any common open space and should be concealed within the building.  DC1-4. Mailbox design and location should comply with Australia Post requirements (multi-storey residential premises).  DC1-5. Larger developments should provide mailboxes internally in common foyers.  DC1-6. Mailboxes shall be in a location with passive surveillance and lighting to discourage mail theft.  DC1-7. Mailbox structure/s should not dominate the street elevation and should harmonise with the building aesthetic and landscape treatments. DC1-8. Mailbox points are to be integrated into the building design, preferably embedded into a wall.  DC1-9 Mailbox groups should be perpendicular to the street (rather than parallel to the site frontage) to minimise visual clutter on the street.

## 14.0 Access

<b>Objectives</b> 1. Provide awareness of the obligations under the <i>Commonwealth's Disability Discrimination Act 1992</i> .	
<b>Performance criteria (PC)</b>	<b>Design criteria (DC)</b>
PC-1.An application for development including change of use is to provide an access report in accordance with the application requirements above.	

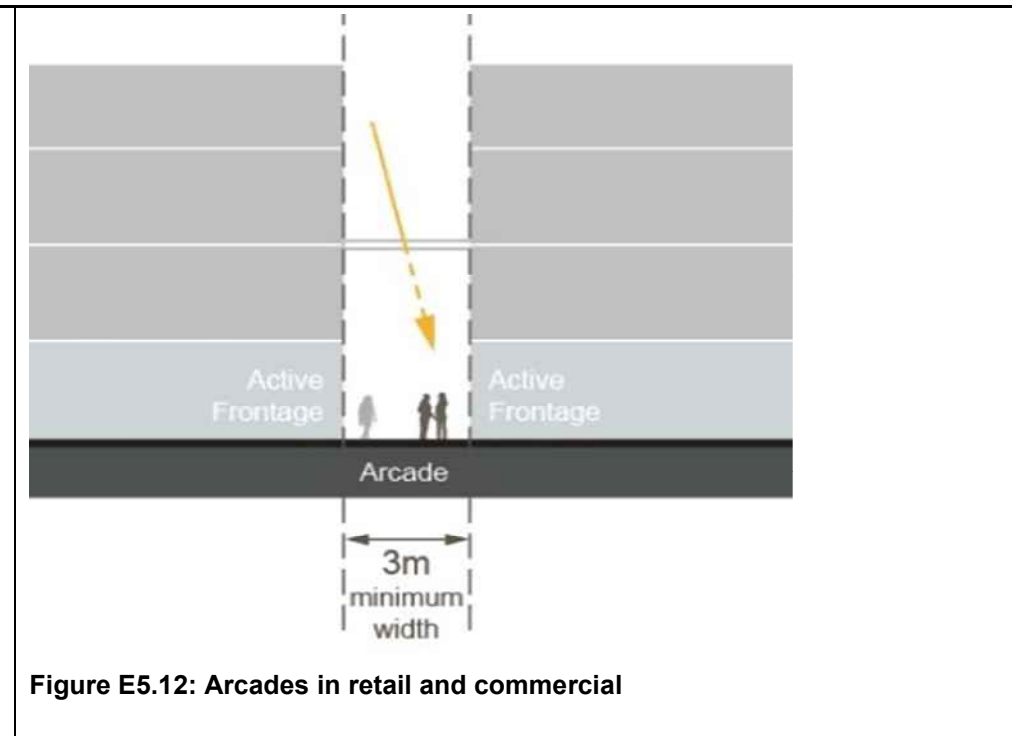
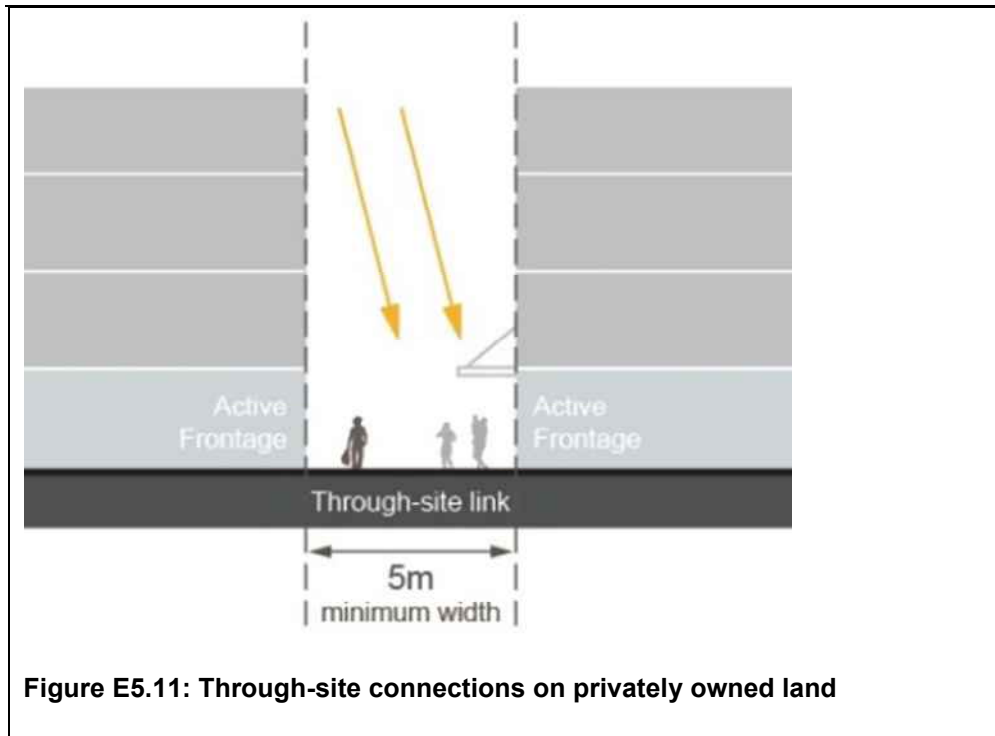
## 15.0 Movement network

<p>The design of the access network determines how people will move about and underpins how the city centre functions. Pedestrian activity can be encouraged by developing a fine grain, connected and legible street and lane network that integrates pedestrians, cycling and public transport.</p> <p>Encouraging an active transport (walking and cycling) network can improve commercial, social and health outcomes while reducing congestion, noise, pollution, and the dangers of vehicle collisions. 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.</p>		
<b>Objectives</b> 1. Ensure that the access network prioritises pedestrian, cycling, and public transport use over private vehicle access and movement to support sustainable and active travel behaviour. 2. Retain, enhance, and ensure the safety of lanes, through-site links, and pedestrian paths to promote access and public use during the day and night. 3. Ensure that the street and block network is permeable and accessible to promote pedestrian use and encourage sustainable and active travel behaviour. 4. Ensure that cycling routes are safe, connected, and well-designed to promote cycling as a sustainable and active mode of transportation.		
<b>Performance criteria (PC)</b>	<b>Design criteria (DC)</b>	<b>Explanatory note(s)</b>
PC-1.The access network prioritises pedestrian, cycling and public transport uses to support sustainable and active travel behaviour over private vehicle access and movement.	DC1-1.Improved and new pedestrian connections and laneways are to be provided as specified in the controls for each Character Area and in accordance with the <i>City Centre Public Domain Technical Manual</i> .  DC1-2.Sites with a street frontage shall incorporate footpaths and additional pedestrian connections to improve access and permeability in accordance with C2 Movement Networks.	All development is expected to incorporate pedestrian connectivity, access and permeability.
PC-2.Lanes, through-site links and pedestrian paths are retained, safe and enhanced to	DC2-1.New pedestrian connections and laneways shall have regard to the location of existing or planned service lanes, pedestrian crossings and public transport nodes.	Lighting within a heritage conservation area and/or within proximity to heritage item/s is designed sympathetically to the heritage



<p>promote access and public use during the day and night.</p>	<p>DC2-2. New pedestrian connections and laneways should be connected to avoid dead ends or cul-de-sacs, be legible and clear of obstructions (including columns, stairs and storage) and should incorporate wayfinding measures integrated with the public domain.</p> <p>DC2-3. Streets and lanes are connected to encourage pedestrian use.</p> <p>DC2-4. Pedestrian bridges are avoided over public spaces, including lanes.</p> <p>DC2-5. Development adjacent to a lane or pedestrian path includes:</p> <ol style="list-style-type: none"> <li>a. active uses at the ground level including outdoor dining</li> <li>b. appropriate lighting</li> <li>c. access for service vehicles if necessary.</li> </ol> <p>DC2-6. Streets, lanes and footpaths include lighting and illumination in accordance with the requirements of the <i>City Centre Technical Manual</i>.</p> <p>DC2-7. Blank walls and solid fencing that inhibit natural surveillance and encourage graffiti should be avoided.</p> <p>DC2-8. Laneways, paths and through site links incorporate Crime Prevention Through Environmental Design (CPTED) principles.</p> <p>DC2-9. Laneways should be publicly accessible 24 hours, 7 days per week.</p> <p>DC2-10. Laneways are open to the air above for the majority of their length. City of Newcastle (CN) may consider an 'arcade style' walkway where the space has an 'open feel' and is well lit.</p> <p>DC2-11. Creative lighting installations within lanes and through-site links are encouraged.</p>	<p>significance and desired future character of the heritage item/s and/or heritage conservation area.</p> <p>Refer to Section E1 Built and Landscape Heritage and Section E2 Heritage conservation areas.</p>
<p>PC-3. Street and block network is permeable and accessible to promote pedestrian use.</p>	<p>DC3-1. Through-site connections on privately owned land shall be as shown in <b>Figure E5.11</b>.</p> <ol style="list-style-type: none"> <li>a. have a public character, are easily identified by users, safe, well lit, highly accessible and have a pleasant ambience</li> <li>b. have a minimum width of 5m with no obstructions</li> <li>c. have buildings which address the frontage and/or contain active uses to provide opportunities for natural surveillance</li> <li>d. have clear and direct through-ways</li> <li>e. are partially open to the sky</li> <li>f. are publicly accessible at all times</li> <li>g. are clearly distinguished from vehicle access ways</li> </ol>	<p>Easements will be imposed over these areas to ensure public access is maintained in perpetuity.</p> <p>Consideration of CPTED is important when designing the street and block network. Further information can be found in Section C7 Safety and Security, including when a crime risk assessment may be required as part of the submission.</p>

	<ul style="list-style-type: none"> <li>h. align with breaks between buildings so that view corridors are extended and there is less sense of enclosure</li> <li>i. do not contain structures such as electricity substations, carpark exhaust vents, swimming pools or the like)</li> <li>j. incorporate signage at street entries indicating public accessibility and the street to which the through-block connections ends</li> <li>k. are designed in accordance with the Crime Prevention Through Environmental Design principles</li> <li>l. does not generate unacceptable wind impacts within the site or on surrounding land</li> <li>m. have landscaping incorporated throughout the site.</li> </ul> <p>DC3-2.Residential developments with a frontage to a through site link incorporate windows, doors and verandahs facing the through-site link at ground level.</p> <p>DC3-3.Arcades in retail and commercial developments shall be as shown in <b>Figure E5.12</b>.</p> <ul style="list-style-type: none"> <li>a. are a minimum width of 3m, and</li> <li>b. include ground level active uses, and</li> <li>c. have access to natural light, and</li> <li>d. provide public access during business hours, and</li> <li>e. have clear connections to streets and lanes with a direct line of sight between entrances</li> <li>f. are well illuminated to encourage safe pedestrian movement during the night.</li> </ul>	
<p>PC-4.Cycle routes are safe, connected and well-designed.</p>	<p>DC4-1.Cycle ways are connected into the network indicated in the latest resource or publication by CN and accessible to public transport stops.</p> <p>DC4-2.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.</p> <p>DC4-3.Signage should be provided along cycle routes identifying key destinations, transport stops, bicycle parking, travel times and distances.</p> <p>DC4-4.Commercial development includes end of trip cycling infrastructure. Design solutions include secure bike parking, showers and change room facilities.</p> <p>DC4-5.Cycling routes and cycle parking are coordinated and integrated with the location of public transport stops to enable convenient mode change.</p>	<p>Resources or publications that identify the cycling network may include, but is not limited to, hard copy or digital mapping, adopted strategy, or the like.</p>



## 16.0 Views and vistas

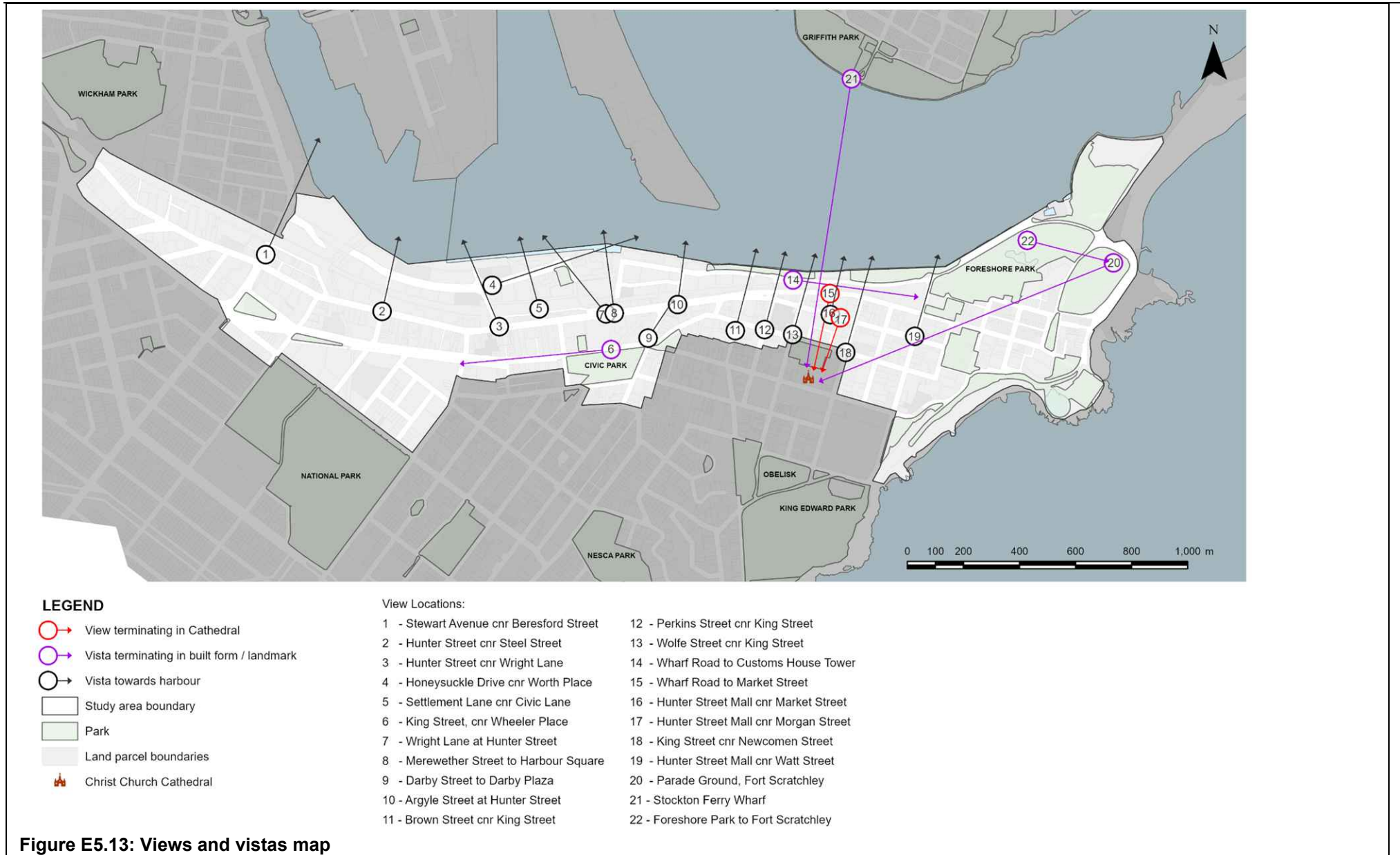
Preserving significant views around the city is critical to place-making, wayfinding and for retaining the unique character of Newcastle. Significant views include views from public places towards specific landmarks, heritage items and areas of natural beauty. Some of the most important views in Newcastle are along streets leading to the water or landmark buildings, including Christ Church Cathedral, Fort Scratchley 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.

### Objectives

1. Preserve and enhance public views and sight lines to key public spaces, the waterfront, prominent heritage items, landmarks and landscape features.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
PC-1.Public views and sight lines to key public spaces, the waterfront, prominent heritage items, landmarks and landscape features are protected.	DC1-1.New development retains and improves the views nominated in <b>Figure E5.13</b> .  DC1-2.New development in the vicinity of views to Christ Church Cathedral must ensure that vistas of the Cathedral's tower, roof-scape and pinnacles of the buttresses are preserved.  DC1-3.Open space, breaks and setbacks in the built form align with existing streets and view corridors to key public spaces, the waterfront, prominent heritage items, landmarks and landscape features including but not limited to those identified in <b>Figure E5.13</b> .  DC1-4.The height and bulk of development shall ensure that significant views including those nominated in <b>Figure E5.13</b> are protected.  DC1-5.All development within or adjacent to nominated view corridors (as per <b>Figure E5.13</b> ), or that exceeds the street wall height is to be accompanied by a visual impact assessment demonstrating how this performance criteria has been met. See application requirements for further information.  DC1-6.Where views are potentially compromised, an assessment of the view loss must be undertaken having regard to 'Impact on public domain views' of the NSW Land and Environment Court (presently <i>Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor [2013] NSWLEC 1046</i> ).	Examples of viewable landmarks and landscape features worthy of retention include, but are not limited to: <ul style="list-style-type: none"> <li>• waterbodies</li> <li>• port infrastructure and silos</li> <li>• civic monuments</li> <li>• hill ridgelines</li> <li>• heritage listed items including Cathedral Park and Fort Scratchley</li> <li>• public spaces including parks, plazas and the foreshore</li> <li>• unique building facades including University of Newcastle, Kingsley Hotel (former Council Administration Building) and the Newcastle Courthouse.</li> </ul> Refer to Section E2 Heritage conservation areas.  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.



**Figure E5.13: Views and vistas map**

<p>PC-2.New development minimises view loss and maximises equitable view sharing.</p>	<p>DC2-1.Align new development to maximise and frame view corridors between buildings, considering topography, vegetation and surrounding development.</p> <p>DC2-2.Where there are potential impacts on views an assessment of the following principles should be submitted with the application:</p> <ol style="list-style-type: none"> <li>a. the views to be affected</li> <li>b. what part of the property the views are obtained</li> <li>c. the extent of the impact</li> <li>d. the reasonableness of the proposal that is causing the impact.</li> </ol> <p>DC2-3.Where views are potentially compromised, an assessment of the view loss must be undertaken having regard to 'Views – General Principles' of the NSW Land and Environment Court (presently <i>Tenacity Consulting v Warringah Council [2004] NSWLEC 140</i>).</p>	
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## 17.0 Isolated sites

<b>Objectives</b>		
1. Promote lot consolidation and ensure development does not result in isolated sites.		
<b>Performance criteria (PC)</b>	<b>Design criteria (DC)</b>	<b>Explanatory note(s)</b>
<p>PC-1.Development:</p> <p>a. enables suitable development of existing isolated sites in a manner which responds to the site context and constraints and maintains a high level of amenity for future occupants and neighbours.</p> <p>b. avoids the creation of isolated sites as a result of the development of adjoining lots.</p>	<p>DC1-1.Development is not to result in the creation of an isolated site that could have been developed in compliance with the relevant planning controls. Appropriate documentary evidence to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value.</p> <p>DC1-2.Where amalgamation of the isolated site is not feasible, applicants will be required to demonstrate that an orderly and economic use and development of the separate sites can be achieved.</p> <p>DC1-3.The development of existing isolated sites is not to detract from the character of the streetscape and is to achieve a satisfactory level of amenity including solar access, visual and acoustic privacy. Development of existing isolated sites may not achieve the maximum potential, particularly height and floor space ratio, and will be assessed on merit.</p> <p>DC1-4.Where adjacent sites are developing concurrently, site planning options for development as an amalgamated site are to be explored.</p>	<p>Reasonable offers to purchase a site that is to be isolated are to be made at an early stage prior to DA lodgement. However, where an applicant has failed to negotiate before a DA was lodged, it is not necessarily too late to do so after lodgement.</p> <p>Documentation is required to demonstrate in writing that an offer to purchase has been made to the owner(s) of the isolated lot and the owner has refused to negotiate. A licensed valuer must base the offer on at least one recent independent valuation.</p> <p>Development that would result in the creation of an isolated lot must comply with the planning principles established by the Land and Environment Court in <i>Melissa Grech v Auburn Council [2004] NSWLEC 40</i>, <i>Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189</i>; <i>Karavellas v Sutherland Shire Council [2004] NSWLEC 251</i>; provide for a future extension incorporating the isolated lot, or demonstrate that the isolated lot can be developed independently.</p>



## 18.0 Addressing the street

Activation of the city centre is achieved by providing inviting streets and places that encourage free movement, social interaction and business activity. Addressing the street relates to how development contributes to an engaging, comfortable and safe public realm. The relationship between a building and the street edge determines how accessible and functional a building is. All development adjoining the public domain needs to be well designed, using high quality durable materials.

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.

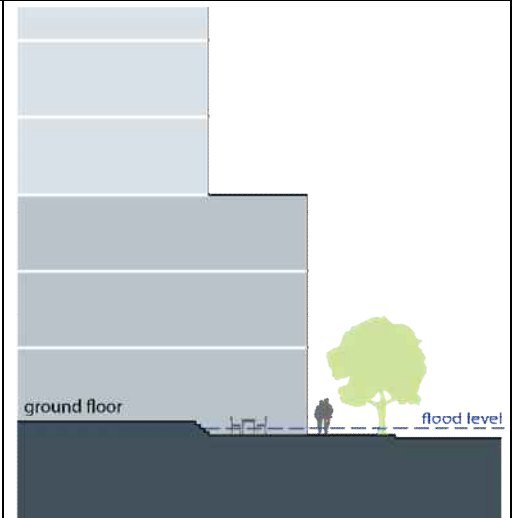
### Objectives

1. Ensure that ground floor uses contribute to the liveliness and vitality of the street, creating a positive and active environment.
2. Ensure that buildings are designed and oriented to positively address streets, footpaths, lanes and other public spaces to promote vitality, interaction, and casual surveillance, concentrate and reinforce pedestrian activity, and provide visual interest to the street frontage.
3. Ensure that ground levels are designed to mitigate flood risk while maintaining accessibility and a positive relationship with the public domain.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
PC-1. Ground floor uses add to the liveliness, safety and vitality of the street.	DC1-1. A minimum of 70% of a building's primary frontage is to be an 'active frontage'.  DC1-2. Active frontages are to be provided on secondary frontages, laneways, through-site links and arcades where practicable.  DC1-3. Clear glazing is to be provided to windows and doors.  DC1-4. Fire escapes, service doors, substations, car park entries and plant and equipment hatches and grilles, to the street frontage shall be minimised.  DC1-5. 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.  DC1-6. Foyer and lobby spaces are no more than 20% of the street frontage.  DC1-7. Shopfronts are enclosed, unless they are food and drink premises.  DC1-8. Residential ground floor units are to have individual gates and entrances accessed	An 'active frontage' is one with transparent glazing to allow unobstructed views from the adjacent footpath to at least a depth of 6m within the building.  Street frontages may most effectively be activated through one or more of the following: <ol style="list-style-type: none"> <li>a. retail and shop fronts;</li> <li>b. cafés or restaurants;</li> <li>c. active office uses, visible from the street;</li> <li>d. public building or community facilities where activities; inside the building are visible from the street;</li> <li>e. entries and lobbies;</li> <li>f. multiple entries for residential buildings; and</li> <li>g. uses that overlook the street.</li> </ol>



	<p>directly from the street.</p> <p>DC1-9. Ground floor residential apartments are to be elevated from the street level by a minimum of 300mm and a maximum of 600mm unless this results in being below flood levels.</p> <p>DC1-10. Ground floor residential fences are to be no more than 1.2m in height with a minimum 50% transparency. Soft landscaping is encouraged. Colourbond must be avoided.</p> <p>DC1-11. Signage, decals and posters on windows on the ground floor are not to cover more than 15% of a window.</p>	
<p>PC-2. Buildings are designed and oriented to positively address streets, footpaths, lanes and other public spaces to:</p> <ul style="list-style-type: none"> <li>a. promote vitality, interaction and casual surveillance;</li> <li>b. concentrate and reinforce pedestrian activity;</li> <li>c. avoid opaque facades to provide visual interest to the street frontage.</li> </ul>	<p>DC2-1. Development is to avoid blank walls that inhibit natural surveillance and encourage graffiti.</p> <p>DC2-2. Building design shall avoid creating opportunities for personal concealment.</p> <p>DC2-3. Building entrances and shelter from the elements should be provided within recesses behind the building line rather than under porte-cochères.</p> <p>DC2-4. Security grills, where provided, are fitted internally behind the shop front, are fully retractable and at least 50% transparent when closed.</p> <p>DC2-5. Ground floor retail premises and business premises are to integrate lighting and building illumination to improve street presence and safety during the night</p>	

<p>PC-3. Ground levels are designed to mitigate flood risk while ensuring accessibility and a positive relationship to the public domain.</p>	<p>DC3-1. The ground floor level will be built to the same level as the footpath where the lowest level is above the flood planning level.</p> <p>DC3-2. Where the footpath is below the flood planning level, accessibility ramps should be located 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.</p> <p>DC3-3. Where the footpath is below the flood planning level, the rise in floor level may occur within the build line to allow for dining spaces or the display of goods at footpath level as illustrated in <b>Figure E5.14</b>.</p> <p>DC3-4. Suitability of land uses at ground level should have regard to the sensitivity to flooding impacts and the ability to meet flood control requirements.</p> <p>DC3.5 Service elements such as sub-stations are to be designed and built to the flood planning level.</p>	 <p><b>Figure E5.14: Floor level above flood level provided within building</b></p>
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## 19.0 Art in publicly accessible places

Publicly accessible art is a defining quality of dynamic, interesting and successful cities. It can improve the liveability of neighbourhoods, encourage a vibrancy of the public realm and strengthen a 'sense of place'.

Publicly accessible art can be integrated with building facades and infrastructure such as stormwater treatment and water collection, retaining walls or aboveground car park screening.

Publicly accessible art should be appropriately designed to provide a diverse range of themes and mediums to improve the identity and amenity of places. It should be safe, durable, identifiable and intuitive.

### Objectives

1. Incorporate publicly accessible art into significant development to enhance the sense of place and cultural identity.
2. Ensure that publicly accessible art is located in appropriate areas to optimise recognition, amenity, and safety.
3. Utilise publicly accessible artworks to interpret heritage components, recognise former uses of large development sites, and reflect the desired contemporary character of a place.
4. Recognise and celebrate indigenous and non-indigenous cultural heritage.
5. Ensure publicly accessible artwork is easy to maintain.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
PC-1. Significant development incorporates publicly accessible art to strengthen a 'sense of place'.	<p>DC1-1. Key development sites as identified within the Newcastle Local Environment Plan 2012 (LEP 2012), as well as development over 45m in height or resulting in greater than 10,000m<sup>2</sup> of additional gross floor area or development valued over \$5 million must contribute art that is publicly accessible.</p> <p>DC1-2. Development required to provide publicly accessible art (in accordance with DC1.1) must be accompanied by a public art strategy prepared by a suitably qualified person. The public art strategy is to be in accordance with any strategy / guideline that outlines CN and the Public Art Reference Group's (PARG) process and expectations. Confirmation on the provision of publicly accessible art is required from CN in conjunction with the PARG or similar committee).</p> <p>DC1-3. The inclusion of publicly accessible art should be considered early in the design process to enable the appropriate integration of art with the detailed fabric and form of architectural, place and landscape designs. Early consultation with CN and affiliated PARG (or similar committee) is recommended.</p>	<p>Publicly accessible means the ability to be viewed or experienced from publicly accessible places. This may be within the building façade or within the front setback.</p> <p>Early discussions with CN staff on the design and placement of public art is encouraged.</p> <p>Publicly accessible art should be designed by local artists or a if not possible a collaborative approach is considered where an out of town artist collaborates with a local artist.</p> <p>The cost of publicly accessible art installations is to be 1% of the cost of construction of the development.</p>

<p>PC-2. Publicly accessible art is appropriately located to maximise artwork recognition, amenity and safety.</p>	<p>DC2-1. Publicly accessible art should be readily visible from the street.</p> <p>DC2-2. Where publicly accessible art is incorporated into building facades, roof features, open spaces, walkways, building foyers, landscaping or infrastructure it should be easily recognisable as an artistic feature and labelled accordingly in a close and noticeable location.</p> <p>DC2-3. Publicly accessible art installations in laneways are encouraged, including creative lighting to activate the laneway at night.</p> <p>DC2-4. The artwork should not be climbable unless specifically designed as a play safe artwork.</p>	
<p>PC-3. Publicly accessible artworks are used to interpret heritage components or recognise former uses of large development sites or the desired contemporary character of a place.</p>	<p>DC3-1. Applicants should work with a heritage consultant and/or a public artist to develop innovative ways to interpret heritage using publicly accessible art.</p> <p>DC3-2. Publicly accessible art should respond to the significance and character of the location and where appropriate, interpret indigenous and non-indigenous cultural heritage.</p> <p>DC3-3. Publicly accessible art should cover a diverse range of themes and mediums to provide visual amenity and encourage interaction.</p> <p>DC3-4. Publicly accessible art must be safe and durable with consideration to avoid sharp edges, protrusions at eye height, trip hazards, and prevention of vandalism and deterioration over time.</p>	<p>Refer to Section E2 Heritage conservation areas.</p>
<p>PC-4. Publicly accessible artwork is easy to maintain</p>	<p>DC4-1. A publicly accessible artwork maintenance plan is developed prior to the installation of each new publicly accessible artwork to ensure the effective management of artwork.</p> <p>DC4-1. Where art is permanent, use materials that are:</p> <ol style="list-style-type: none"> <li>a. appropriate to the landscape/environment</li> <li>b. resistant to vandalism</li> <li>c. durable and easily maintained.</li> </ol>	

## 20.0 Solar access to public spaces

Good solar access is a key contributor to the amenity of public spaces, particularly during winter. Solar access in public spaces is becoming more important as more people move into apartments in the city centre. Good solar access ensures that public spaces such as squares and parks are inviting and well utilised. This sub-section should be read in conjunction with sub-section 7.0 Building setbacks and separation and sub-sections 21.0 to 29.0 Character Areas and Key Precincts (where applicable).

### Objectives

1. Ensure that public spaces receive adequate access to sunlight to promote their usability, safety and comfort for users.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
PC-1.Solar access to public spaces is to be maximised.	<p>DC1-1.Solar access is provided to 50% of significant public spaces for at least 2 hours during mid-winter between 9am and 3pm, with at least 1 hour of lunchtime sun access to be provided between 12 noon and 2pm (unless otherwise specified in Character Areas and Key Precincts).</p> <p>DC1-2.Should the existing level of solar access to a significant public space be currently less than 50%, development shall not reduce direct solar light access to the space any further.</p> <p>DC1-3.Development must consider the cumulative reduction of solar access to the public domain including potential future development on surrounding sites.</p>	<p>Significant public spaces in the city centre include:</p> <ul style="list-style-type: none"> <li>• Civic Park</li> <li>• Civic Link</li> <li>• Wheeler Place</li> <li>• Birdwood Park</li> <li>• Little Birdwood Park</li> <li>• Cathedral Park</li> <li>• Pacific Park</li> <li>• National Park</li> <li>• Christie Place</li> <li>• Fletcher Park</li> <li>• Church Walk Park.</li> </ul>

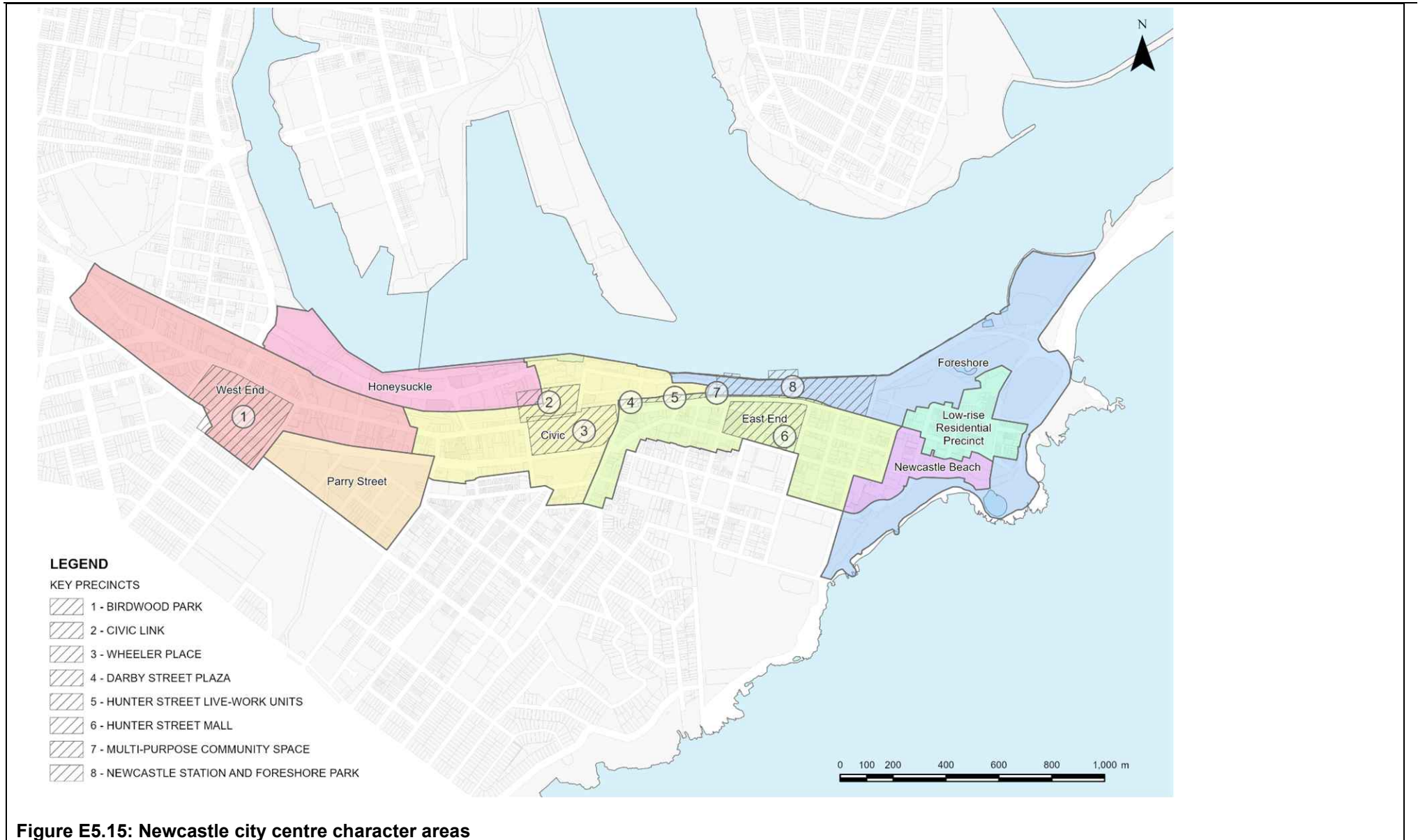
## 21.0 Character areas and key precincts - Introduction

The Newcastle city centre consists of eight distinct 'Character Areas', each with their own distinct character, created by their setting, geography, heritage, built form and functions. Consideration for these elements and implementation of an appropriate design response represents an opportunity for the ongoing renewal and revitalisation of the city centre in line with the desired future character.

Within some Character Areas are 'Key Precincts' that have particular significance and for which place-specific layout and design elements are identified.

The Newcastle city centre Character Areas and Key Precincts are identified in **Figure E5.15**.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
PC-1. New development supports and enhances the identified future character and sense of place specific to its location.	DC1-1. Applications for new development are to provide a statement addressing how it will achieve consistency with the Desired Character Statement of the relevant Character Area and Key Precinct as outlined in this subsection. The statement will address, but not be limited to the following considerations: <ul style="list-style-type: none"> <li>a. scale</li> <li>b. proportion</li> <li>c. street alignment</li> <li>d. materials and finishes</li> <li>e. public domain interface and</li> <li>f. reinforcement of distinctive attributes and qualities of built form and heritage.</li> </ul> DC1-2. Development is consistent with the Newcastle Cultural Precinct Concept Master Plan.	The Newcastle city centre encompasses part or all of the 'C1 Cooks Hill', 'C4 Newcastle City Centre', 'C5 Newcastle East' and 'C6 The Hill' Heritage Conservation Areas under Schedule 5 of <a href="#">LEP 2012</a> . Accordingly, this section is to be read in conjunction with Section E1 Built and landscape heritage and Section E2 Heritage conservation areas.  The Newcastle Cultural Precinct Concept Master Plan provides a range of key moves for the city centre. New development must demonstrate consistency with the master plan.



**Figure E5.15: Newcastle city centre character areas**



## 22.0 Character areas and key precincts - West End

### Desired character statement

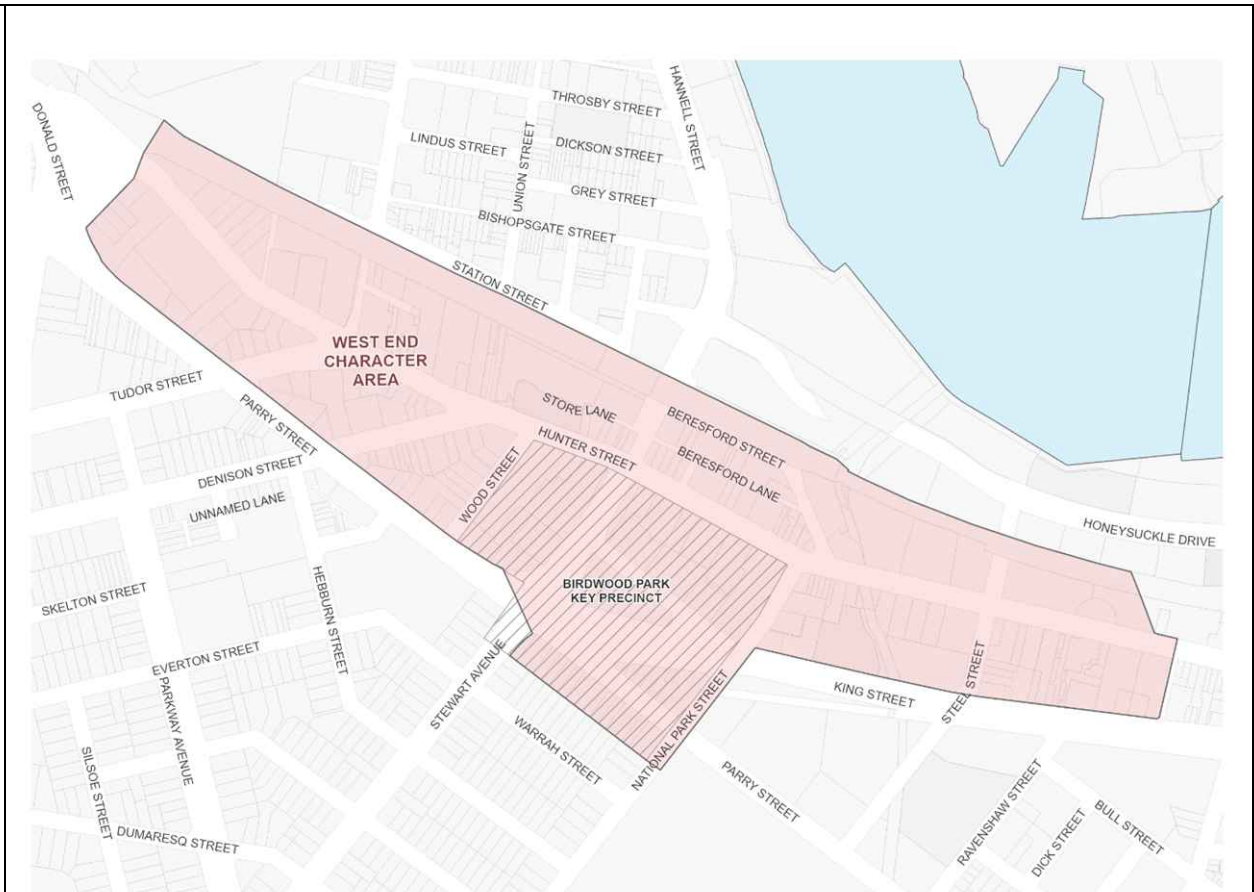
The West End Character Area and Birdwood Park key precinct are identified in **Figure E5.16**. This is the Western gateway to Newcastle's city centre with a discernible commercial character juxtaposed to the low-rise development adjacent in Hamilton East. The area has a varied and distinguishable skyline. Building footprints and landscaping is built to a larger scale (not necessarily higher density) compared to the rest of the city centre, utilising larger consolidated lots. West End is branded by high quality and robust materials and finishes, adding texture and interest to its contemporary built form.

The area is fast-paced, vibrant and around-the-clock with large volumes of people moving between employment, hospitality, the Newcastle Interchange and interwoven residential and mixed-use developments. Home to the city's live music scene, new development is built to encourage a safe and diverse night time atmosphere. West End is serviced by landmark high quality public spaces with the flexibility to be utilised by a great variety of user groups.

### Birdwood Park Key Precinct

The Birdwood Park precinct affords a strong sense of arrival with well-formed blocks around the central parkland. Grand fig trees and the expansive 19<sup>th</sup> century facades of the former Castlemaine Brewery peaceably sit against adjacent modern structures.

Birdwood Park is celebrated as a key recreation space in the city, with high quality and visually varied facades that enhance the outlook from the public domain and local streets. Adaptive re-use of historic buildings accentuates the variety and fine grain character in this precinct.



**Figure E5.16: West End character area and Birdwood Park key precinct**

**Note:** The West End Character Area is in the Newcastle City Centre Heritage Conservation Area, which is identified in Schedule 5 of LEP 2012. A Summary Statement of Heritage Significance and Desired Future Character is provided in Section E2 Heritage conservation areas.



Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
PC-1. Development supports the vision articulated in the character statement to deliver an active commercial core.	DC1-1. New development is characterised by large floorplates which have an articulated building form to reduce visual bulk and building massing.	
PC-2. New development that contributes to the night time economy of West End is encouraged.		
PC-3. Heritage items and contributory buildings and their setting are protected and conserved, including the Aboriginal cultural heritage and non-Aboriginal archaeology.	<p>DC3-1. Development shall be consistent with Section E1 Built and landscape heritage and Section E2 Heritage conservation areas.</p> <p>DC3-2 .Distinctive early industrial, warehouse and retail buildings that contribute to the character of the area are retained and re-purposed.</p> <p>DC3-3 .Heritage items and contributory buildings are retained and adaptively re-used where suitable.</p> <p>DC3-4. Building form integrates with existing heritage character and echoes historic design elements.</p>	<p>Heritage items are identified under Schedule 5 of <a href="#">LEP 2012</a>. Contributory buildings are identified in the Contributory Buildings Maps in the <i>Newcastle Heritage Technical Manual</i>. Refer to Section B4 Aboriginal Cultural Heritage and Section B5 Historical Archaeology.</p>
PC-4. A permeable street network with well-connected easily accessible streets and lanes is promoted, where pedestrian, bicycle and public transport users are prioritised over private vehicles.	<p>DC4-1. Improved and new pedestrian connections and laneways are to be provided in accordance with <b>Figure E5.17</b> and <b>Figure E5.18</b> and the <i>City Centre Public Domain Technical Manual</i>.</p> <p>DC4-2. Publicly accessible spaces and connections are created or upgraded to provide high amenity and improved permeability with better connections to the river foreshore, public open space and Hamilton TAFE.</p> <p>DC4-3. Development is consistent with the Newcastle Cultural Precinct Concept Master Plan.</p>	

<p>PC-5. Street wall heights and ground level setbacks complement heritage buildings and contributory items whilst reinforcing the desired future commercial character of West End.</p>	<p>DC5-1. The street wall height of new buildings or alterations and additions to existing buildings shall be in accordance with <b>Figure E5.17</b> and <b>Figure E5.18</b> or as per Section E5, Part A. In the event of any inconsistency, the street wall heights in <b>Figure E5.17</b> and <b>Figure E5.18</b> will prevail.</p> <p>DC5-2. The ground floor shall be built to the street frontage unless specified otherwise in <b>Figure E5.17</b> and <b>Figure E5.18</b>. Where a setback is provided, it may contain pedestrian areas, steps, ramps, landscape features and the like but should not contain utility structures or barriers that restrict visual permeability or pedestrian movement.</p>	<p>Heritage items are identified under Schedule 5 of <a href="#">LEP 2012</a>. Contributory buildings are identified in the Contributory Buildings Maps in the <i>Newcastle Heritage Technical Manual</i>.</p>
<p>PC-6. In identified activity hubs, ground floor uses add to the liveliness and vitality of the street.</p>	<p>DC6-1. Active frontages are to be provided in accordance with <b>Figure E5.17</b> and <b>Figure E5.18</b> on through-site links and pedestrian oriented lanes.</p>	
<p>PC-7. Servicing and access minimises conflicts with pedestrians.</p>	<p>DC7-1. Service deliveries are not to be made from Hunter Street or Stewart Avenue for development which has access to another street frontage.</p> <p>DC7-2. For development that has no other frontage than Hunter Street, hours for service deliveries are restricted to minimise potential conflicts with other activities.</p> <p>DC7-3. Vehicle access and servicing is located to minimise conflicts with pedestrians.</p> <p>DC7-4. Loading docks and their access points are not permitted on Hunter Street.</p>	
<p>PC-8. Public space is improved to meet the demands of the future CBD.</p>	<p>DC8-1. Interfaces to the public domain are carefully considered to improve amenity and access.</p> <p>DC8-2. Development around the Interchange, 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.</p> <p>DC8-3. Public domain improvements are in accordance with any adopted Public Domain Plan and the <i>City Centre Technical Manual</i> of CN.</p>	
<p>PC-9. Birdwood Park is utilised as a landmark public open space.</p>	<p>DC9-1. Development in the Birdwood Park Key Precinct shall be in accordance with <b>Figure E5.18</b>.</p> <p>DC9-2. New development fronting Birdwood Park addresses the park edge and promotes a sense of enclosure by being built to the street alignment.</p> <p>DC9-3. New development minimises additional overshadowing of Birdwood Park and complies with the design criteria in as per sub-section 20.0.</p>	

	<p>DC9-4. King Street, along Birdwood Park, is to be reshaped as a shared pedestrian and vehicular street and a place of pedestrian activity by:</p> <ul style="list-style-type: none"><li>a. reducing the road carriageway to minimum widths to maximise space on the footpath for pedestrians, landscaping, public art or outdoor dining</li><li>b. raising the level of the carriageway and marking the space with indicators to slow drivers and signal arrival into a shared space</li><li>c. incorporating other traffic calming measures such as landscaping and low speed limits</li><li>d. restricting service vehicle access at certain times of the day to allow for other activities.</li></ul>	
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**Figure E5.17: West End character area & Birdwood Park key precinct map**

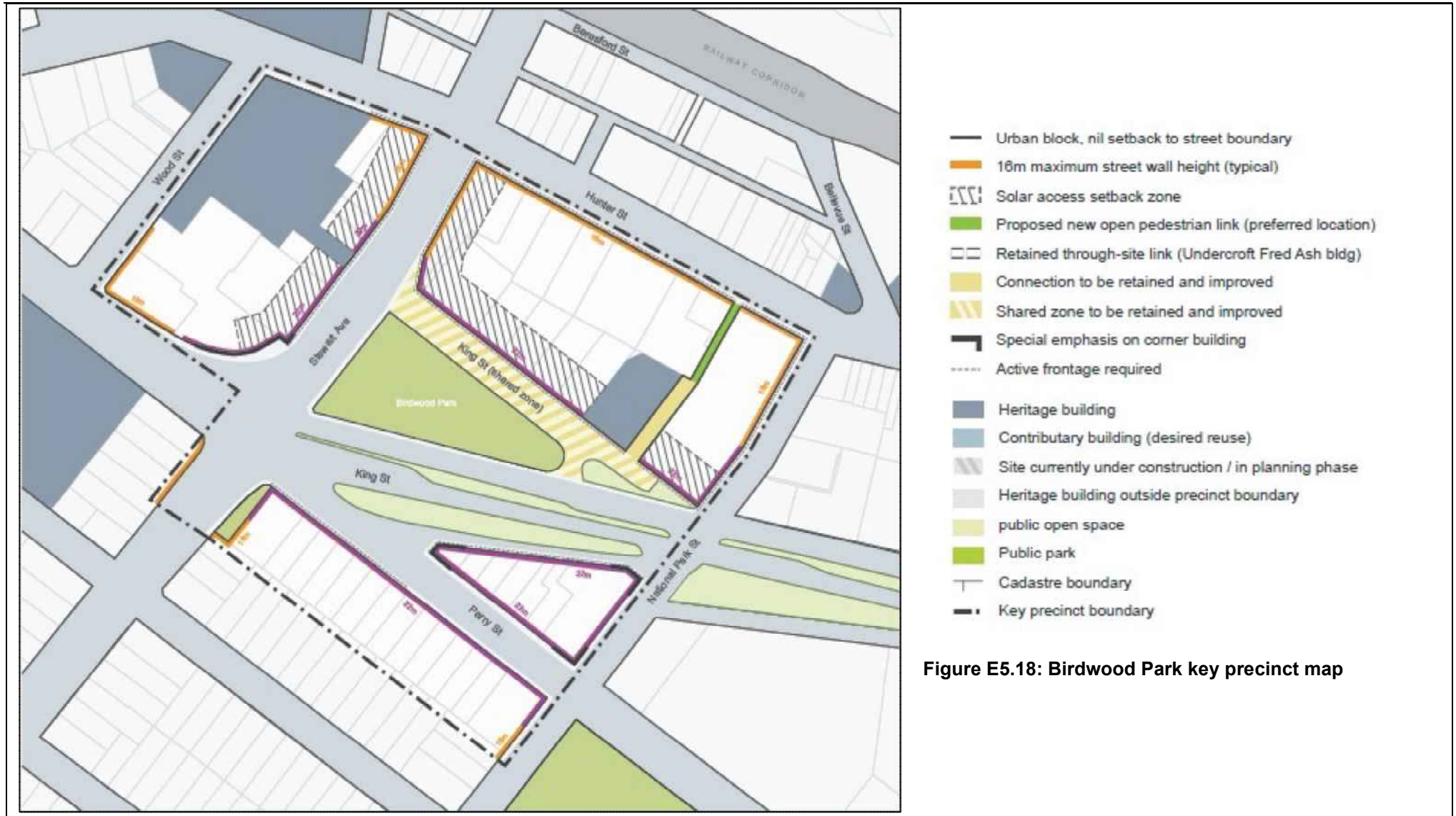


Figure E5.18: Birdwood Park key precinct map

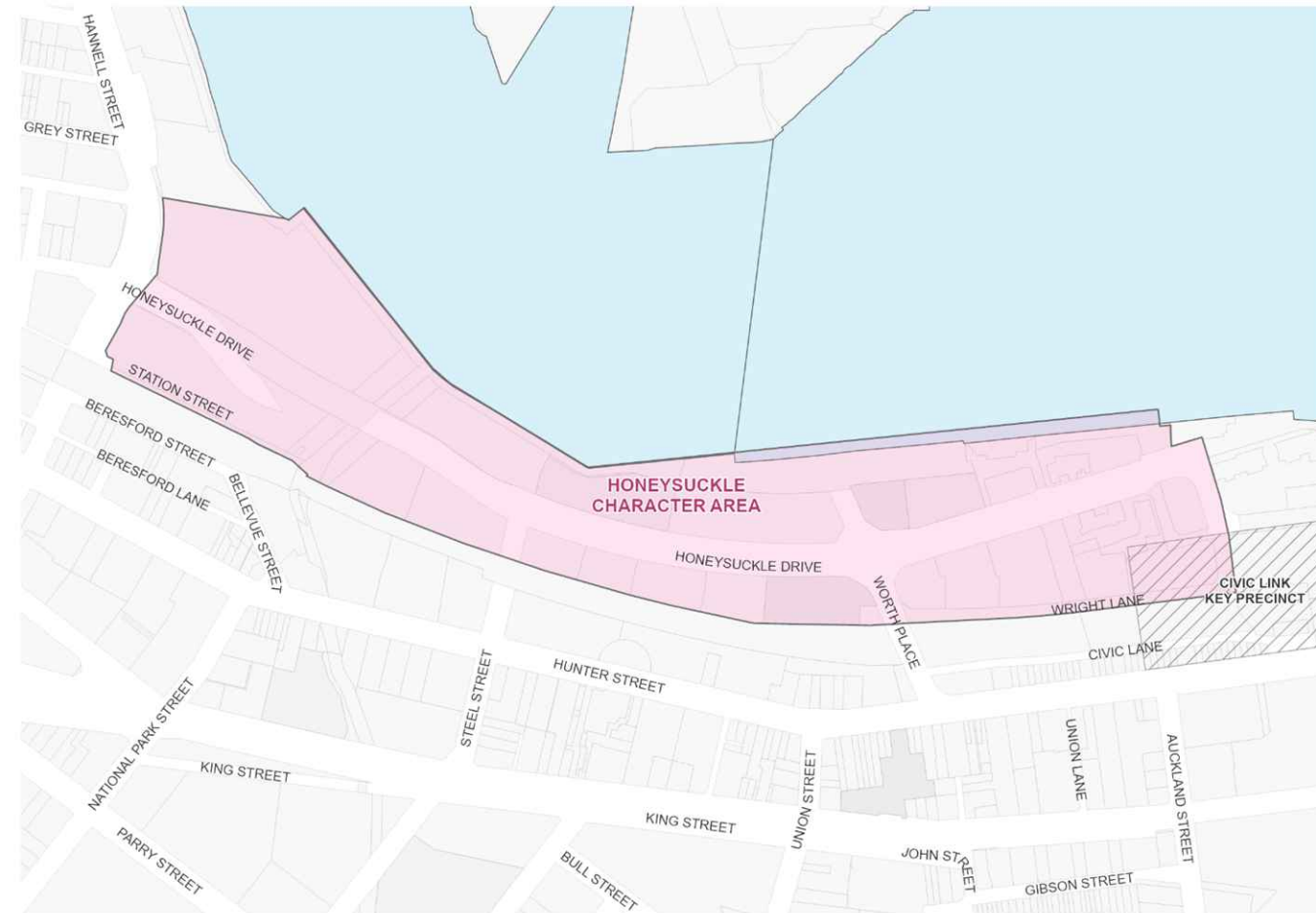


## 23.0 Character areas and key precincts - Honeysuckle

### Desired character statement

The Honeysuckle Character Area identified in **Figure E5.19** is a modern transit-orientated district hosting businesses, up-market penthouse apartments and hotels. Long boulevard streets and laneways bustle with popular restaurants, cafes and bars. The area is renowned for high quality landscaping and public art. Windows and balconies watch over the wide promenade which provides a human corridor right around the City Centre peninsula. An integrated network of inviting, safe and inclusive paths, streets and open corridors draw breezes, views and people to and from the waterfront and the spine of the city.

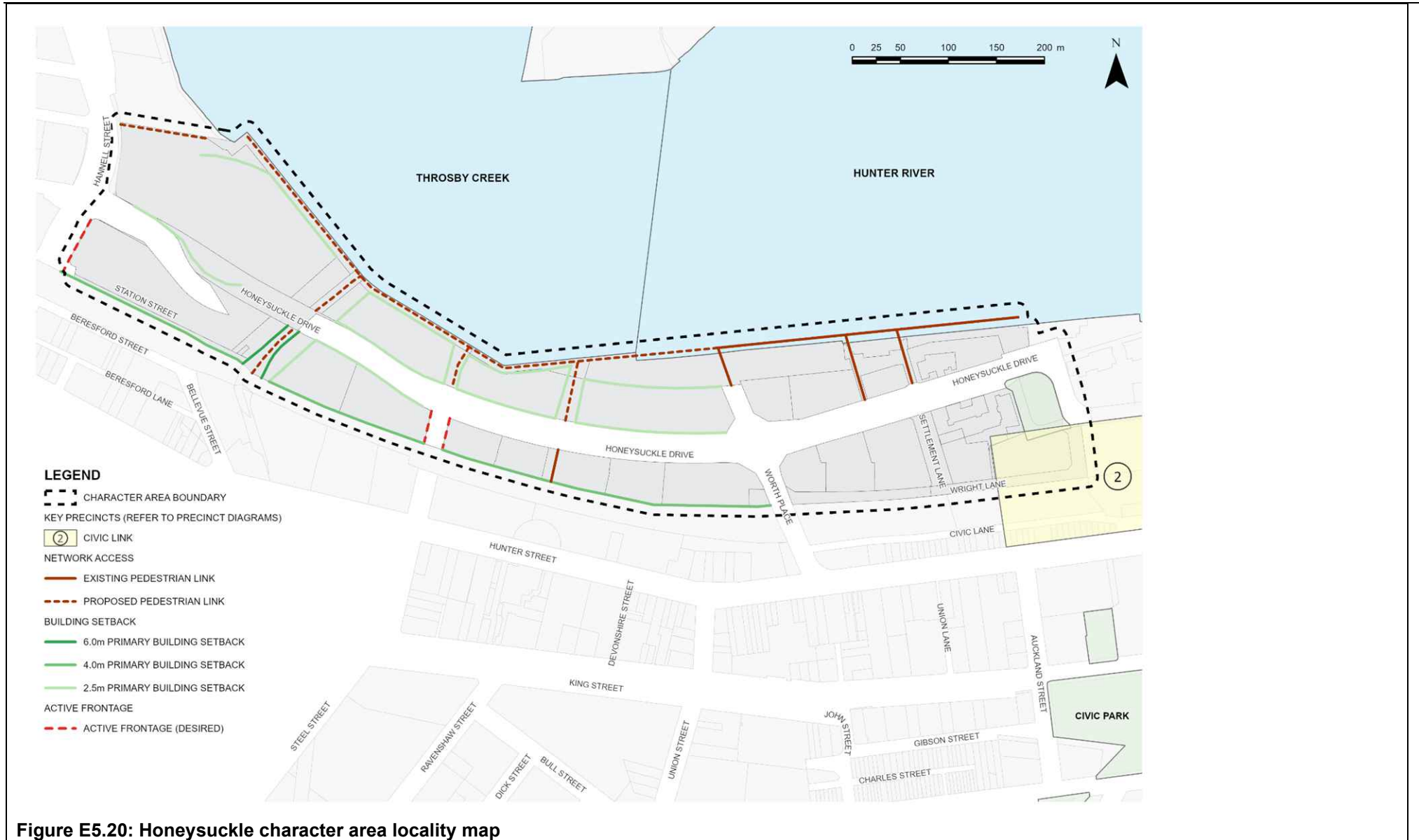
Refer to sub-section 24. Civic for control for the Civic Link Key Precinct.



**Figure E5.19: Honeysuckle character area map**

**Note:** Part of the Honeysuckle Character Area is in the Newcastle City Centre Heritage Conservation Area. The Newcastle City Centre Heritage Conservation Area is identified under Schedule 5 of [LEP 2012](#). A Summary Statement of Heritage Significance and Desired Future Character is provided in Section E2 Heritage conservation areas.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
PC-1.The foreshore and surrounding access network is activated.	<p>DC1-1.Development between the former rail corridor and Honeysuckle Drive will provide a building address to both frontages.</p> <p>DC1-2.Development along the waterfront, Cottage Creek, lanes or through-site links will provide a building address to encourage activity, pedestrian and cycleway movement, and improve safety.</p>	
PC-2.Heritage items and contributory buildings and their setting are protected and conserved, including the Aboriginal cultural heritage and non-Aboriginal archaeology.	<p>DC2-1.Development shall be consistent with Section E1 Built landscape heritage and Section E2 Heritage conservation areas.</p> <p>DC2-2.Heritage items and contributory buildings are retained and adaptively re-used where suitable.</p>	<p>Heritage items are identified under Schedule 5 of <a href="#">LEP 2012</a>. Contributory buildings are identified in the Contributory Buildings Maps in the <i>Newcastle Heritage Technical Manual</i>. Refer to Section B4 Aboriginal Cultural Heritage and Section B5 Historical Archaeology.</p>
PC-3.A permeable street network with well-connected easily accessible streets and lanes is promoted, where pedestrian, bicycle and public transport users are prioritised over private vehicles.	DC3-1.Improved and new pedestrian connections and laneways are to be provided in accordance with <b>Figure E5.20</b> and the <i>City Centre Public Domain Technical Manual</i> .	
PC-4.Street wall heights and ground level setbacks provide a consistent street edge.	<p>DC4-1.The street wall height of new buildings or alterations and additions to existing buildings shall be in accordance with <b>Figure E5.20</b> or as per sub-section 6.0. In the event of any inconsistency, the street wall heights in <b>Figure E5.20</b> will prevail.</p> <p>DC4-2.The ground floor shall be built to the street frontage unless specified otherwise in accordance with <b>Figure E5.20</b>. Where a setback is provided, it may contain pedestrian areas, steps, ramps, landscape features and the like but should not contain utility structures or barriers that restrict visual permeability or pedestrian movement.</p>	
PC-5.In identified activity hubs, ground floor uses add to the liveliness and vitality of the street.	DC5-1.Active frontages are to be provided in accordance with <b>Figure E5.20</b> on through-site links and pedestrian oriented lanes.	



**Figure E5.20: Honeysuckle character area locality map**



## 24.0 Character areas and key precincts - Civic

### Desired character statement

The Civic Character Area and Key Precincts identified in **Figure E5.21** express the city's regional significance with the visual prominence of grand architecture and public domain such as the Newcastle Museum, Newcastle Art Gallery, Newcastle City Library, Newcastle City Hall, Wheeler Place and Civic Theatre. An administrative, cultural and educational district has been created around large institutions such as the University of Newcastle and the Newcastle Court House which are supported by smaller commercial spaces of legal support services and housing and retail servicing the needs of students. At the geographic heart of the city's nightlife, the area continues to offer a diversity in cultural and entertainment options that continue into the evening.

### Wheeler Place Key Precinct

Wheeler Place is the 'town square' of Newcastle and anchors a sense of civic importance with direct visual and pedestrian linkages to Newcastle Museum and the foreshore, Newcastle University, Civic Park and Darby Street. Civic Arcade is active with students accessing major new education facilities in this location.

### Civic Link Key Precinct

The precinct provides popular open space, walking and cycling connections that link many of the region's key civic and cultural assets (including Civic Park, City Hall, Civic Theatre, Newcastle Museum) to the foreshore and light rail system. It provides a civic focused public space with direct visual and physical connection from Wheeler Place to the harbour and is an asset for adjacent development providing recreational space for the needs of the growing population.

### Darby Plaza Key Precinct

Darby Plaza forms a community focused public space, providing a pedestrian and cycle connection from Darby Street - Newcastle's primary cafe and dining – across Hunter Street to the harbour.



**Figure E5.21: Civic character area map**

**Note:** The Civic Character Area is in Newcastle City Centre and Cooks Hill Heritage Conservation Areas which are identified under Schedule 5 of [LEP 2012](#). A Summary Statement of Heritage Significance and Desired Future Character is provided in Section E2 Heritage conservation areas.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
PC-1.Support the administrative presence and regional significance of the city	DC1-1.Pedestrian connections between the city's cultural buildings and spaces and to the foreshore are reinforced.  DC1-2.Provide visual and physical connections through the Area to the Hunter River foreshore.	
PC-2.Heritage items and contributory buildings and their setting are protected and conserved, including the Aboriginal cultural heritage and non-Aboriginal archaeology.	DC2-1.Development shall be consistent with Section E1 Built landscape heritage and Section E2 Heritage conservation areas.  DC2-2.Distinctive early industrial, warehouse and retail buildings that contribute to the character of the area are retained and re-purposed.  DC2-3.Heritage items and contributory buildings are retained and adaptively re-used where suitable.  DC2-4.Building form integrates with existing heritage character and echoes historic design elements.	Heritage items are identified under Schedule 5 of <a href="#">LEP 2012</a> . Contributory buildings are identified in the Contributory Buildings Maps in the <i>Newcastle Heritage Technical Manual</i> . Refer to Section B4 Aboriginal Cultural Heritage and Section B5 Historical Archaeology.
PC-3.A permeable street network with well-connected easily accessible streets and lanes is promoted, where pedestrian, bicycle and public transport users are prioritised over private vehicles.	DC3-1.Improved and new pedestrian connections and laneways are to be provided in accordance with <b>Figure E5.22</b> and the <i>City Centre Public Domain Technical Manual</i> .	
PC-4.Street wall heights and ground level setbacks complement heritage buildings and contributory items whilst reinforcing the desired future character of Civic.	DC4-1.The street wall height of new buildings or alterations and additions to existing buildings shall be in accordance with <b>Figure E5.22</b> or as per <b>subsection 6.0</b> . In the event of any inconsistency, the street wall heights in <b>Figure E5.22</b> will prevail.  DC4-2.The ground floor shall be built to the street frontage unless specified otherwise in <b>Figure E5.22</b> , <b>Figure E5.23</b> , <b>Figure E5.24</b> and <b>Figure E5.28</b> . Where a setback is provided, it may contain pedestrian areas, steps, ramps, landscape features and the like but should not contain utility structures or barriers that restrict visual permeability or pedestrian movement.	Heritage items are identified under Schedule 5 of <a href="#">LEP 2012</a> . Contributory buildings are identified in the Contributory Buildings Maps in the <i>Newcastle Heritage Technical Manual</i> .

<p>PC-5. In identified activity hubs, ground floor uses add to the liveliness and vitality of the street.</p>	<p>DC5-1. Active frontages are to be provided in accordance with <b>Figure E5.22</b>, on through-site links and pedestrian oriented lanes.</p> <p>DC5-2. New development between the former rail corridor and Hunter Street will provide building addresses to both frontages.</p> <p>DC 5-3. Improve and expand public open space in the heart of Civic to complement and enhance Wheeler Place.</p> <p>DC5-4. Development along publicly accessible spaces, lanes or through-site links will provide a building address to encourage activity, pedestrian and cycleway movement, and improve safety.</p> <p>DC5-5. New development protects sunlight access to the footpath on the south side of Hunter Street and to Wheeler Place, Civic Link, Civic Park and Christie Place between 12 noon and 2pm at midwinter and complies with the design criteria in sub-section 20.0.</p>	
<p>PC-6. Promote Wheeler Place Key Precinct as the civic, administrative, education and cultural heart of Newcastle.</p>	<p>DC6-1. Development in the Wheeler Place Key Precinct shall be in accordance with <b>Figure E5.23</b>.</p> <p>DC6-2. A new through site-link or arcade from Christie Place to Hunter Street is provided.</p> <p>DC6-3. A new through-site link or arcade is provided from Christie Street to Auckland Street.</p> <p>DC6-4. New development provides an address to Christie Place with active frontages.</p> <p>DC6-5. New development near the corner of Hunter and Auckland Streets will have a slender form, no wider than University House (former Nesca House).</p> <p>DC6-6. New development will ensure the clock tower of City Hall retains its prominence.</p> <p>DC6-7. An appropriate curtilage, as defined by a relevant conservation management plan and/or heritage impact statement, must be provided to Civic Theatre.</p> <p>DC6-8. Sunlight access to Christie Place is maintained.</p> <p>DC6-9. The upper setback to Civic Theatre and University House (former Nesca House) will be at least 6m.</p>	



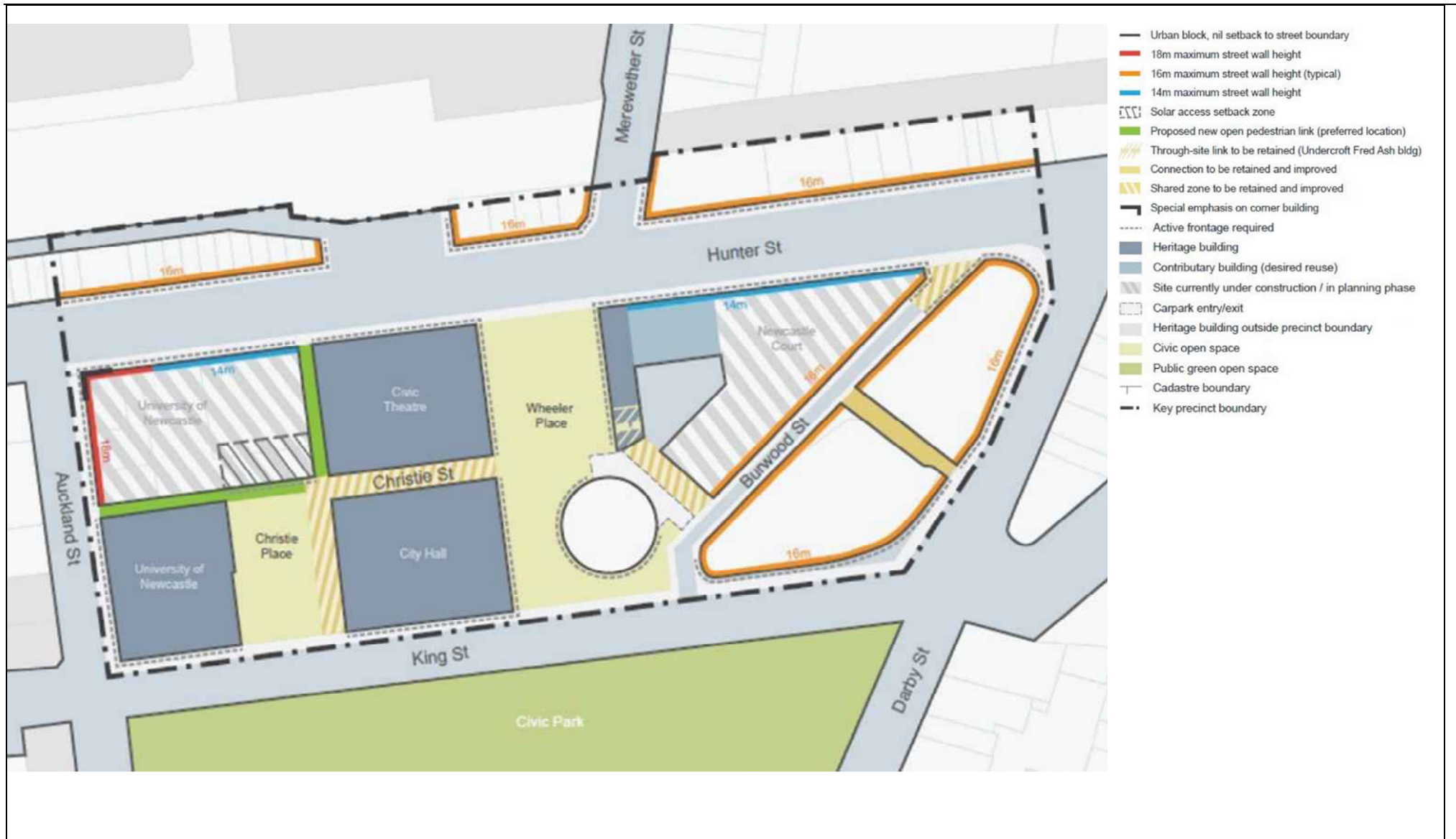
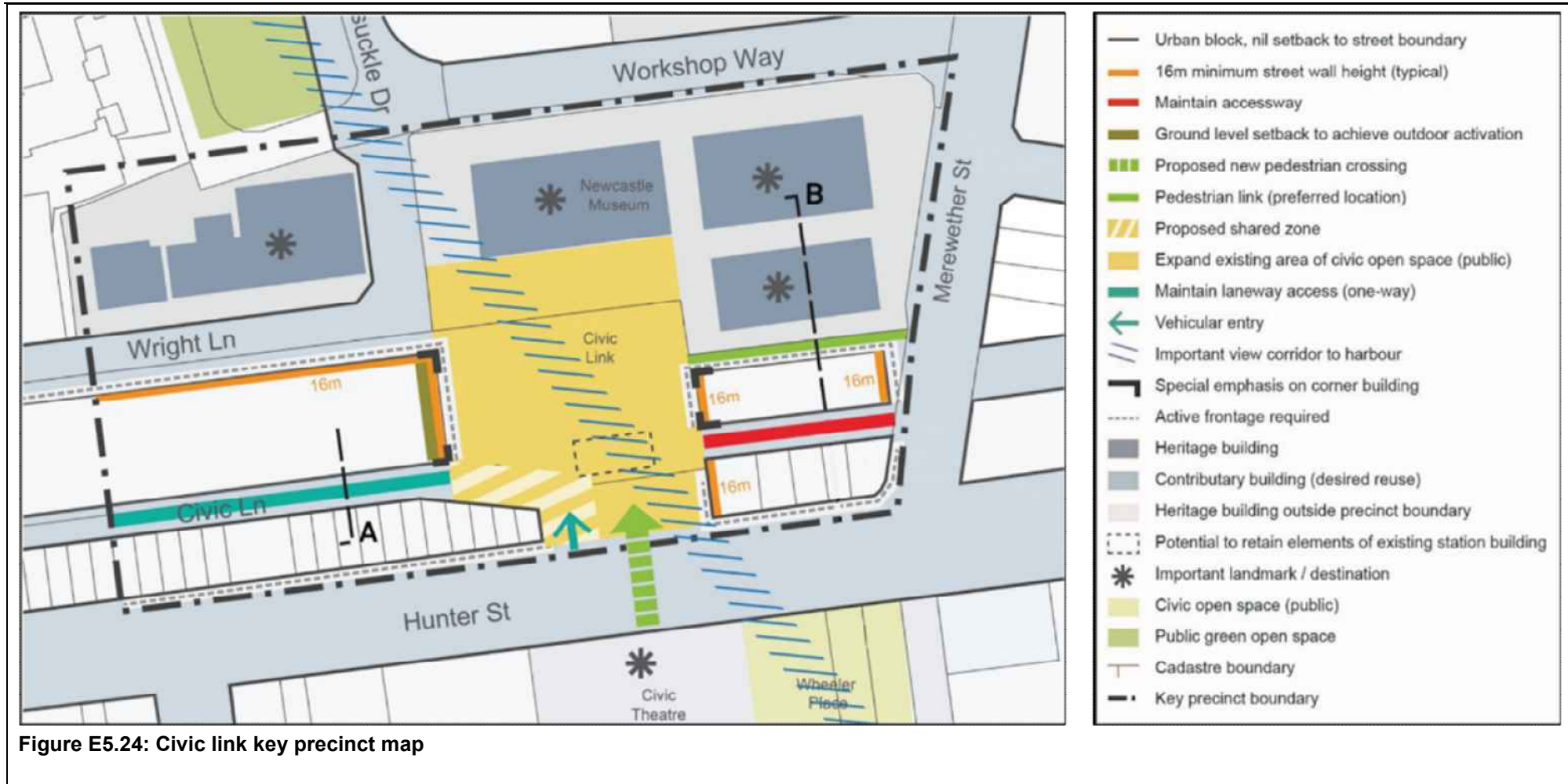


Figure E5.23: Wheeler Place key precinct map



<p>PC-7.Deliver development surrounding the new Civic Link and along Civic Lane that contributes to the realisation of the area as the civic heart of Newcastle.</p>	<p>DC7-1.Development in the Civic Link Key Precinct shall be in accordance with <b>Figure: E5.24.</b></p> <p>DC7-2.Civic Lane will provide vehicular access to properties on the northern side of Hunter Street and the new developments between Civic Lane and Wright Lane.</p> <p>DC7-3.Civic Lane will provide one-way vehicular movement in an east to west direction with an entry via a shared way through Civic Link onto Hunter Street.</p> <p>DC7-4.Consolidated access points will be provided to building lots along Civic Lane to reduce the dominance of driveways.</p> <p>DC7-5.A minimum 1.2m wide footpath will be provided on the southern side of Civic Lane see <b>Figure E5.25.</b></p> <p>DC7-6.Pedestrian access along the northern side of Civic Lane will be integrated within the building setback of the associated development which may be in the form of a colonnade.</p> <p>DC7-7.A minimum 4.5m wide pedestrian only link will be provided on the northern side of the former railway corridor between Civic Link and Merewether Street see <b>Figure E5.26.</b></p> <p>DC7-8.A minimum 8m wide vehicular accessway will be provided adjoining the southern boundary of the former railway corridor accessed from Merewether Street see <b>Figure E5.27.</b></p> <p>DC7-9.Vehicle access and servicing to the sites adjoining Civic Lane will be provided from Civic Lane to minimise conflicts with pedestrians.</p> <p>DC7-10.Service deliveries and garbage collection hours will be restricted to minimise potential conflict with pedestrians and other activities within the shared zone of the Civic Link open space.</p>	
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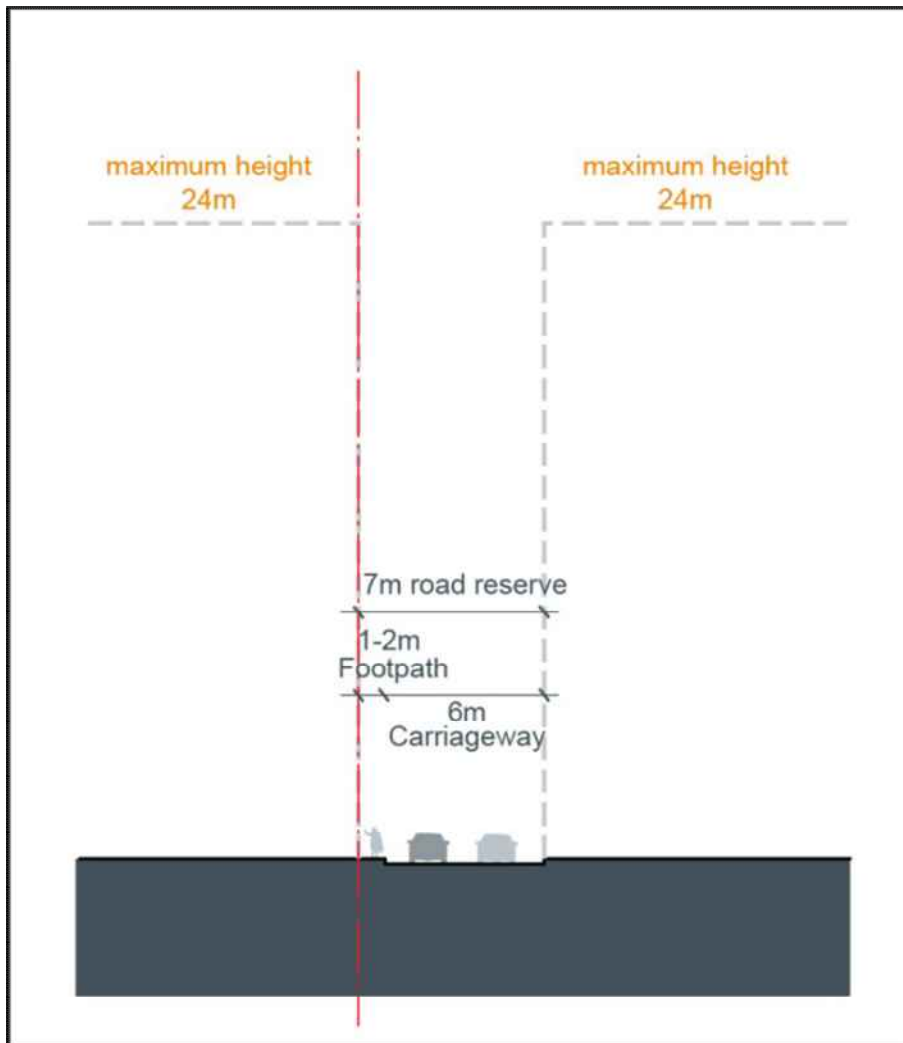


Figure E5.25: Civic lane section

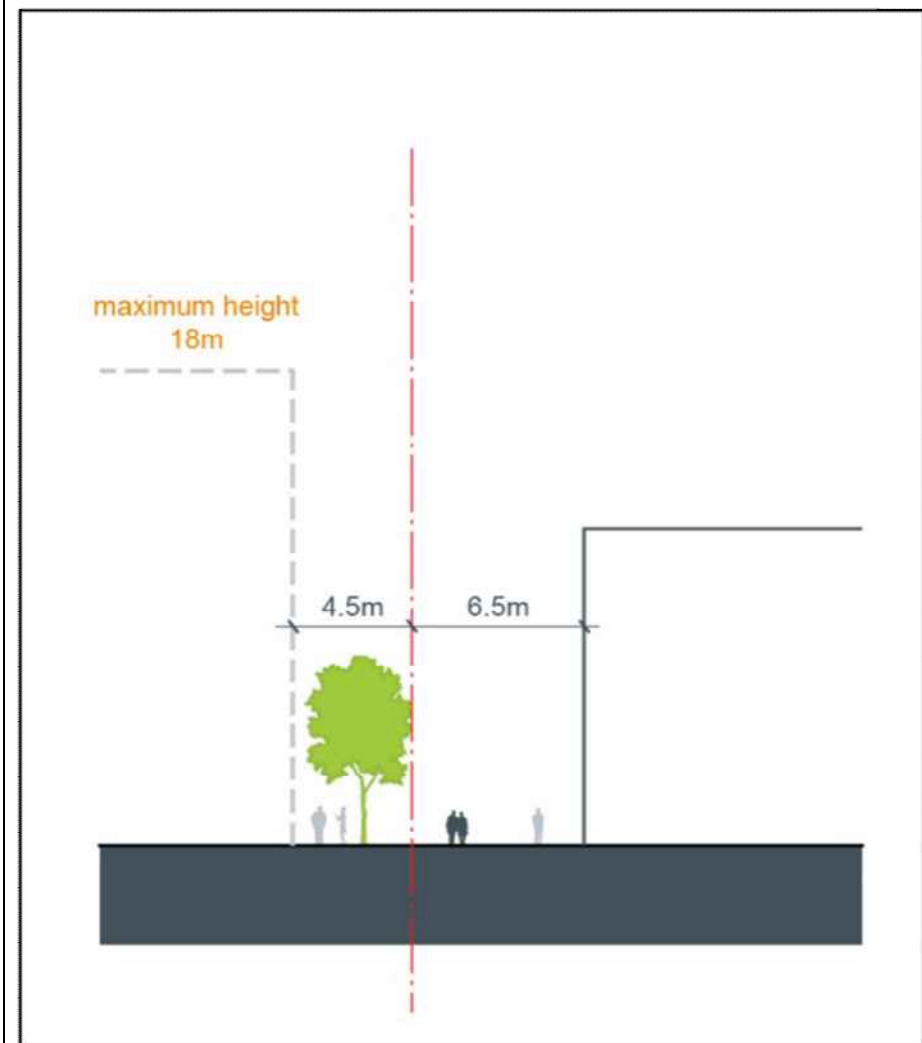
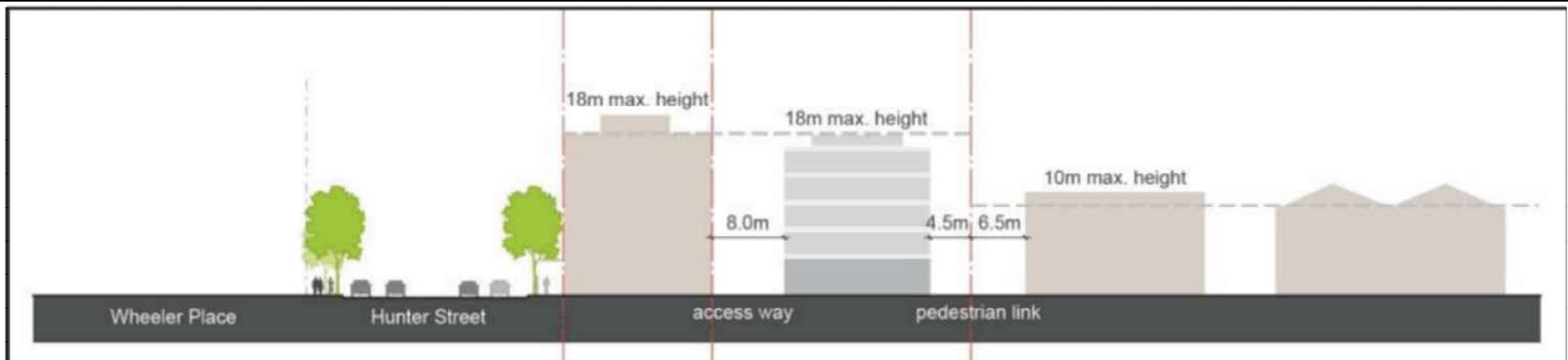


Figure E5.26: Section through new accessway way between Merewether Street and Civic Lane





**Figure E5.27: Section through the civic link key precinct (Wheeler Place to Newcastle Museum)**

PC-8. The bulk of building form in the Civic Link precinct achieves good amenity for pedestrians and neighbouring buildings, and respects and integrates well with nearby heritage items and contributory buildings

DC8-1. New development is articulated so that large expanses of building form are broken down into smaller elements.

DC8-2. 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.

DC8-3. Buildings facing Civic Link will include prominent architectural or design features on corners to create landmarks and points of interest.

DC8-4. Buildings with a secondary frontage to a laneway will incorporate setbacks that enable ground floor active uses, vehicular access and off-street loading zones.

DC8-5. A reduced setback above the street wall height of 3m may be provided within sites bounded by Civic Link and Merewether Street.

Heritage items are identified under Schedule 5 of [LEP 2012](#). Contributory buildings are identified in the Contributory Buildings Maps in the *Newcastle Heritage Technical Manual*.

<p>PC-9. Development supports Darby Plaza as an active mixed use precinct.</p>	<p>DC9-1. Development in the Darby Plaza Key Precinct shall be in accordance with <b>Figure E5.28</b>.</p> <p>DC9-2. Pedestrian permeability and amenity is improved with safe public movement provided from Darby Street and Argyle Street to the waterfront.</p> <p>DC9-3. Mixed use development provides active frontages to both Hunter Street and Darby Plaza with active ground floor uses and natural surveillance from floors above.</p> <p>DC9-4. View corridors and sight lines are improved from the eastern side of Darby Street and Argyle Street to enhance safety and wayfinding.</p> <p>DC9-5. Buildings adjoining Darby Plaza complement the view corridor through Darby Plaza.</p> <p>DC9-6. Buildings adjoining Darby Plaza are designed to integrate into the public open space see <b>Figure 28</b>.</p> <p>DC9-7. 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.</p> <p>DC9-8. Service deliveries and garbage collection hours will be restricted to minimise potential conflict with pedestrians and other activities within the Plaza.</p>	
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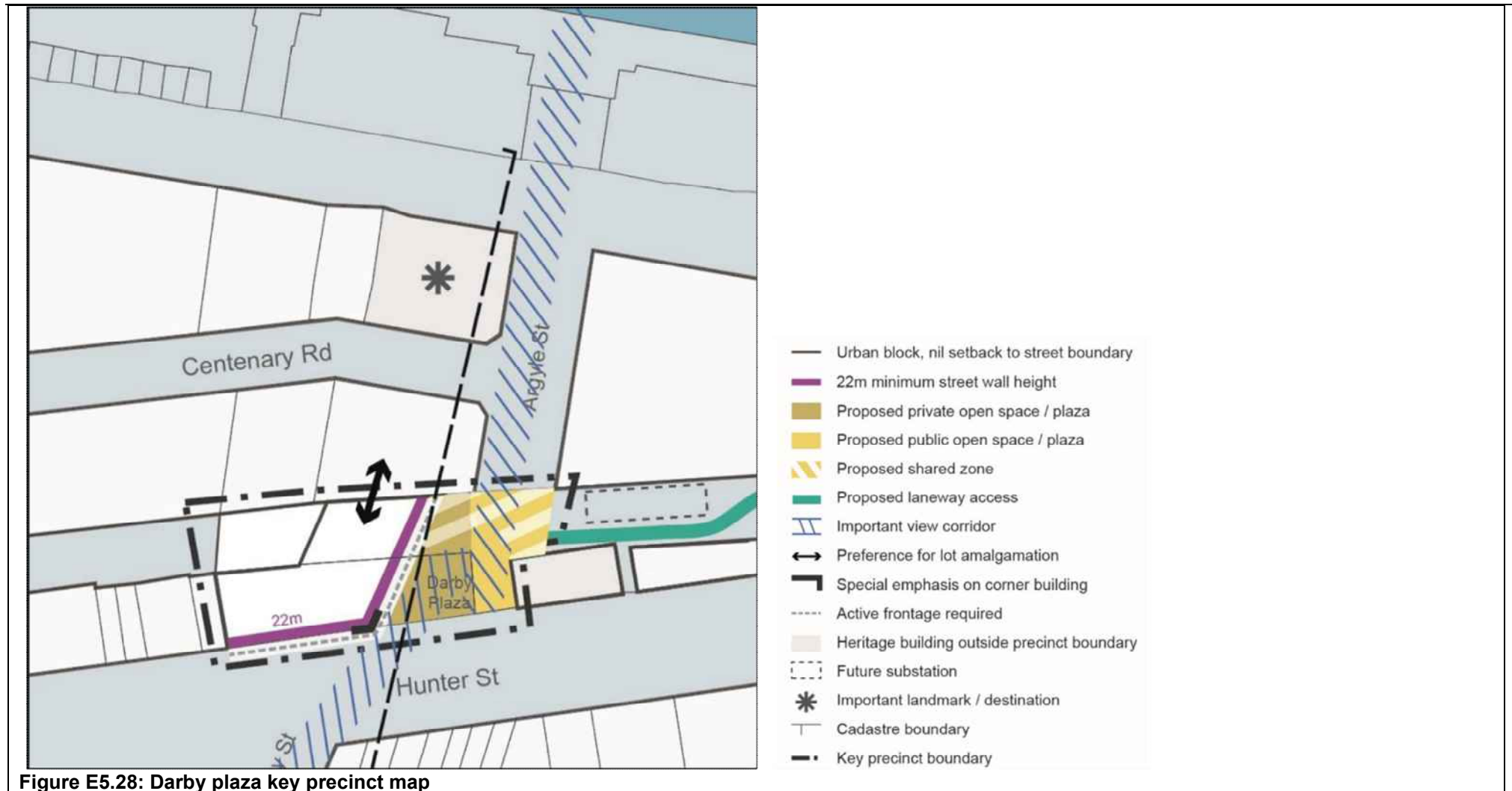


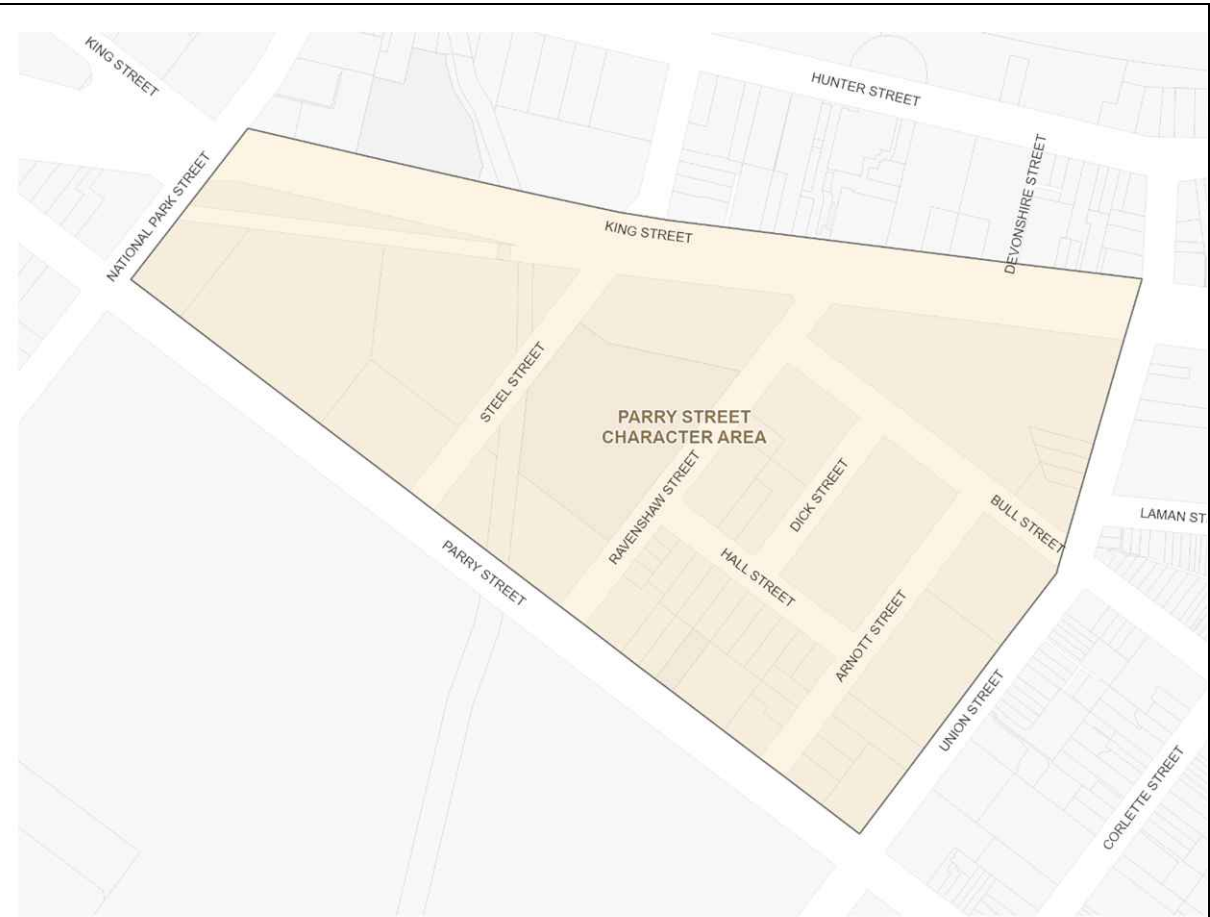
Figure E5.28: Darby plaza key precinct map

## 25.0 Character areas and key precincts - Parry Street

### Desired character statement

The Parry Street Character Area is identified in **Figure E5.29** and is an urban, mixed use precinct. High quality residential development takes advantage of good amenity offered by proximity to the city centre and National Park, and available services such as retail, entertainment and employment opportunities.

The area is a tight, walkable concentration of chic side-street boutiques, artisan food, cosy cafes and cosmopolitan living. The streets are articulated with visual interest, being a meeting place for a diversity of people and offering an assortment of experiences for locals and visitors alike. Future development within the precinct will continue to encourage and recognise the entertainment options available, and encourage a safe and diverse night time atmosphere.

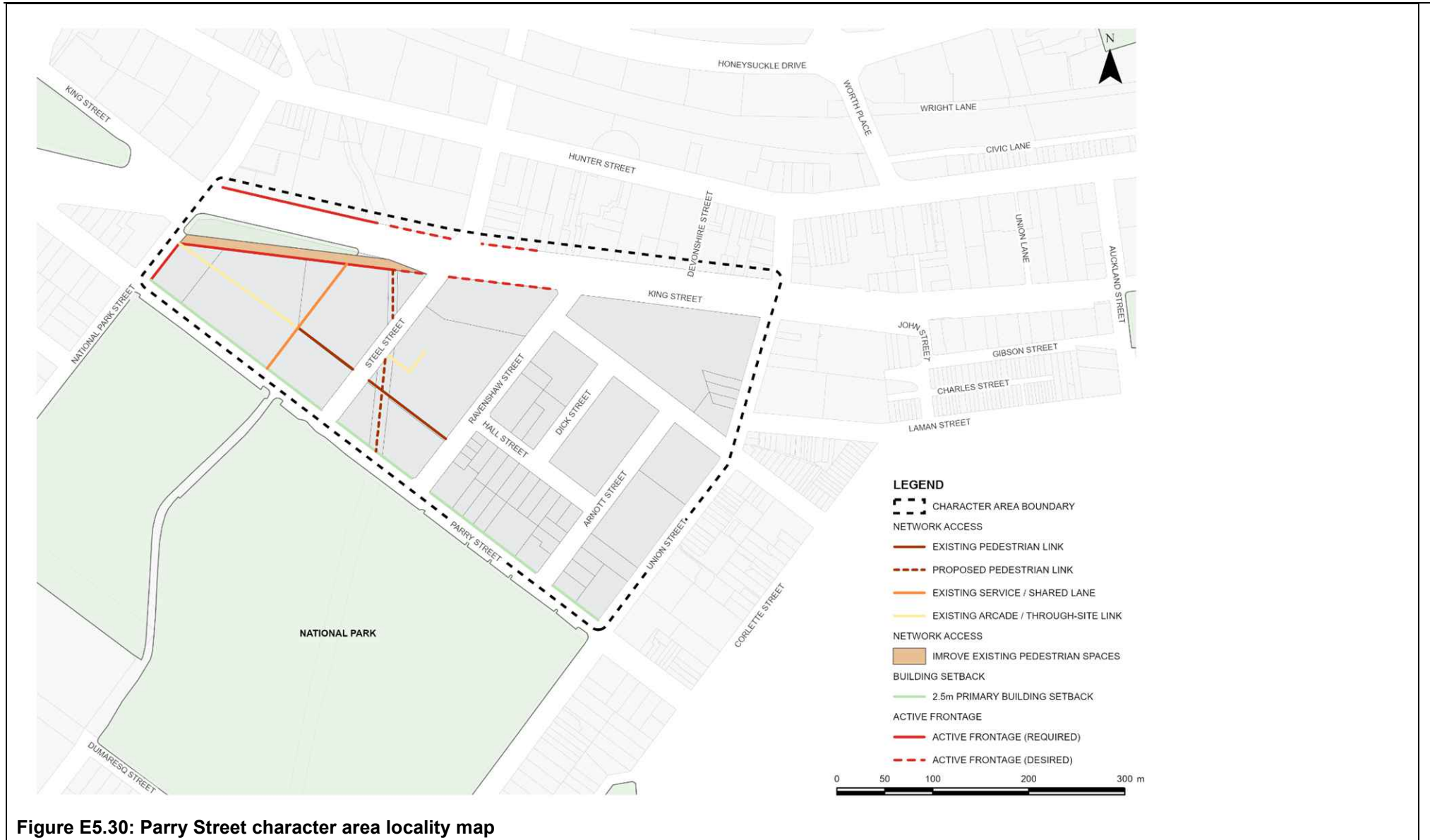


**Figure E5.29: Parry street character area map**

**Note:** The Parry Street Character Area is in Newcastle City Centre Heritage Conservation Area that is identified under Schedule 5 of [LEP 2012](#). A Summary Statement of Heritage Significance and Desired Future Character is provided in Section E2 Heritage conservation areas.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
<p>PC-1.Public domain is improved to support the evolving character of the area.</p>	<p>DC1-1.Development adjacent to National Park will maximise visual and physical connections to the park to provide surveillance and activation across Parry Street.</p> <p>DC1-2.Development along Cottage Creek will provide a building address to encourage activity, pedestrian and cycleway movement, and improve safety.</p>	
<p>PC-2.Heritage items and contributory buildings and their setting are protected and conserved, including the Aboriginal cultural heritage and non-Aboriginal archaeology.</p>	<p>DC2-1.Development shall be consistent with Section E1 Built landscape heritage and Section E2 Heritage conservation areas.</p> <p>DC2-2.Distinctive early industrial, warehouse and retail buildings that contribute to the character of the area are retained and re-purposed.</p> <p>DC2-3.Heritage items and contributory buildings are retained and adaptively re-used where suitable.</p>	<p>Heritage items are identified under Schedule 5 of <a href="#">LEP 2012</a>. Contributory buildings are identified in the Contributory Buildings Maps in the <i>Newcastle Heritage Technical Manual</i>. Refer to Section B4 Aboriginal Cultural Heritage and Section B5 Historical Archaeology.</p>
<p>PC-3.A permeable street network with well-connected easily accessible streets and lanes is promoted, where pedestrian, bicycle and public transport users are prioritised over private vehicles.</p>	<p>DC3-1.Improved and new pedestrian connections and laneways are to be provided in accordance with <b>Figure E5.30</b> and the <i>City Centre Public Domain Technical Manual</i>.</p>	
<p>PC-4.Street wall heights and ground level setbacks complement heritage items and contributory buildings whilst reinforcing the desired future character of Civic.</p>	<p>DC4-1.The street wall height of new buildings or alterations and additions to existing buildings shall be in accordance with sub-section 6.0.</p> <p>DC4-2.The ground floor shall be built to the street frontage unless specified otherwise in <b>Figure E5.30</b>. Where a setback is provided, it may contain pedestrian areas, steps, ramps, landscape features and the like but should not contain utility structures or barriers that restrict visual permeability or pedestrian movement.</p>	<p>Heritage items are identified under Schedule 5 of <a href="#">LEP 2012</a>. Contributory buildings are identified in the Contributory Buildings Maps in the <i>Newcastle Heritage Technical Manual</i>.</p>
<p>PC-5.In identified activity hubs, ground floor uses add to the liveliness and vitality of the street.</p>	<p>DC5-1.Active frontages are to be provided in accordance with <b>Figure E5.30</b>, on through-site links and pedestrian oriented lanes.</p>	

PC-6.New development that contributes to the night time economy of Parry Street is encouraged.		
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**Figure E5.30: Parry Street character area locality map**



## 26.0 Character areas and key precincts - East End

### Desired character statement

The East End Character Area is identified in **Figure E5.31** and is draped across an undulating landscape overlooking the retail and entertainment spine of Hunter Street Mall. The subdivision pattern is fine grained with distinctly varied and interesting facades. A mix of historic buildings (both listed and unlisted) give the area rich character and eclectic streetscapes. Infill development and adaptive reuse of historic buildings breathe fresh excitement into the area, including unique offerings from small bars and other complementary late night venues.

Streets and open spaces are cooled by dappled canopies of trees while outdoor diners and live performers fill the air with sounds of chatter and music. Access to the foreshore has been opened with safe and inviting connections through the area.

The East End Character Area is in Newcastle City Centre, The Hill and Cooks Hill Heritage Conservation Areas. All heritage conservation areas are identified under Schedule 5 of [LEP 2012](#). A Summary Statement of Heritage Significance and Desired Future Character is provided in Section E2 Heritage conservation areas.

### Hunter Street Mall Key Precinct

Hunter Street Mall (located between Perkins and Newcomen Streets) is a safe and attractive shared street for pedestrians and vehicles servicing a diversity of land uses and building types. The mall is activated by endless choice of retail, dining, entertainment, nightlife and event options. The precinct respects and leverages its rich cultural heritage with views of Christ Church Cathedral, and many well-kept heritage facades and contributory buildings.

The mall is a boutique pedestrian-scaled thoroughfare which encourages activity on the street through unbroken active frontages, high quality facades and generous public art.

### Hunter Street Key Precinct

Hunter Street features some of Newcastle's most valued heritage buildings and offers a mix of shops, cafes, restaurants, and other local businesses. Removal of the former rail line which ran directly to the northern edge of Hunter / Scott Streets between Crown and Newcomen Streets has reactivated this interface. New development provides great amenity to the former rail land, reorientating itself to the corridor and improving solar access rather than turning its back to the corridor as older development fronting Wharf Road once did.

New mixed use development, greater pedestrian priority and transport improvements have made Hunter Street and Scott Street a real focus of life in the Newcastle city centre. Infill development on the northern side of Hunter Street between the alignments with Crown and Brown Streets has promoted activity with a strong pedestrian interface and street edge definition. New built form at this location has been sensitively scaled to allow for the maintenance of significant view lines from the adjoining residential apartments to the north. The precinct provides unique key worker or live-work style units fronting Hunter Street with ground floor commercial retail or office uses.





**Figure E5.31: East End character area and key precincts map**

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
<p>PC-1.Hunter Street is enforced as the main retail spine of the area, activated as a key pedestrian path and meeting place, supported by a range of complementary uses.</p>	<p>DC1-1.Development in the Hunter Street Key Precinct shall be in accordance with <b>Figure E5.33</b>.</p> <p>DC1-2.Large scale new development is articulated to break down expanses of building form into smaller elements to relate to the fine grain of the precinct.</p> <p>DC1-3.Development incorporates active uses at ground level along Hunter Street to support small office or retail uses.</p> <p>DC1-4.Built form is scaled to maintain a comfortable, human scaled streetscape.</p> <p>DC1-5.New development protects sunlight access to the footpath on the south side of Hunter Street between 12 noon and 2pm at midwinter and complies with the design criteria in sub-section 20.0.</p> <p>DC1-6.Pedestrian amenity and walkability is enhanced by the provision of wide footpaths.</p> <p>DC1-7.Windows and balconies overlook Hunter Street to provide natural surveillance and sense of safety.</p> <p>DC1-8.Development provides individual pedestrian entries off Hunter Street.</p> <p>DC1-9.Development is of good quality contemporary design that complements nearby terrace development.</p> <p>DC1-10.Development avoids monotonous design by incorporating articulation and a variety of materials and colours.</p> <p>DC1-11.Development between Thorn and Morgan Street provides an opening on the Market Street alignment to preserve views of Christ Church Cathedral.</p>	

	<p>DC1-12.Views to Hunter River are protected and framed along Market Street, Watt Street and Newcomen Street.</p> <p>DC1-13.First floor verandahs are permitted where they are designed to be sympathetic with the overall form, proportion and division of bays of the buildings to which they are attached.</p>	
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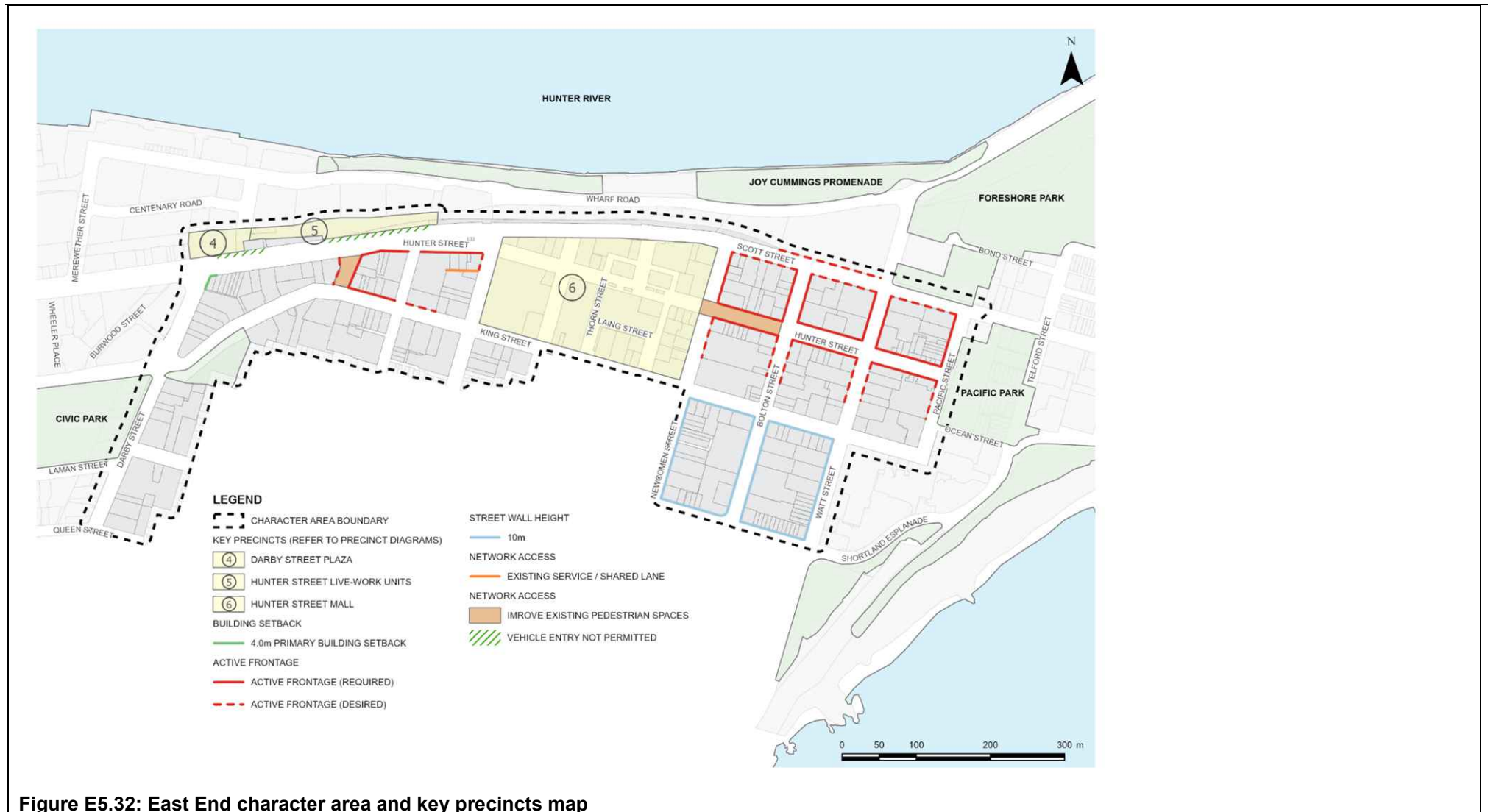
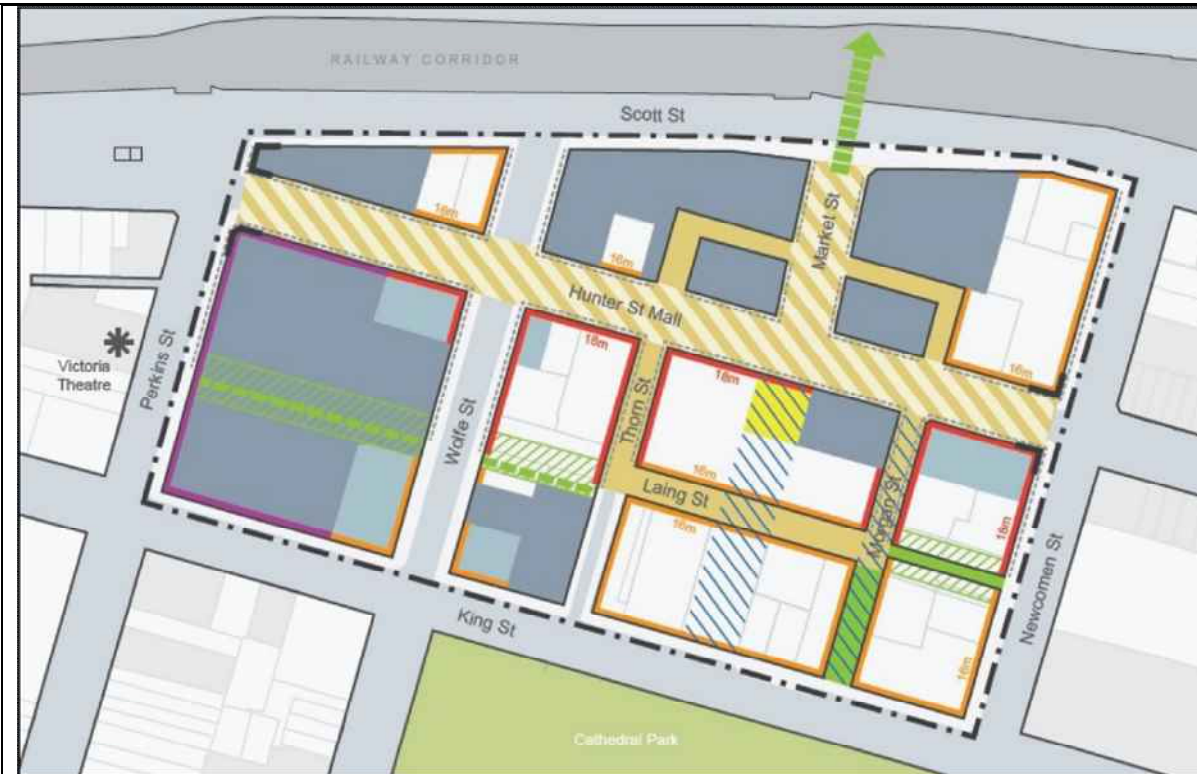





















Figure E5.32: East End character area and key precincts map



- |  |  |
|--|--|
| — Urban block, nil setback to street boundary  |  Shared zone to be retained and improved                     |
|  18m maximum street wall height                               |  Special emphasis on corner building                        |
|  16m maximum street wall height (typical)                     | --- Active frontage required   |
|  22m maximum street wall height                               |  Heritage building  |
|  Proposed new open space / courtyard                          |  Contributory building (desired reuse)                      |
|  Important view corridor to Christ Church Cathedral           |  Heritage building outside precinct boundary                |
|  Proposed new pedestrian crossing (replacing footbridge)      |  Important landmark / destination outside precinct boundary |
|  Proposed new open pedestrian link (preferred location)       |  Public green open space                                    |
|  Proposed new through-site link / arcade (preferred location) |  Cadastre boundary  |
|  Zone in which proposed new link should occur                 |  Key precinct boundary                                      |
|  Connection to be retained and improved                       |  |

**Figure E5.33: Hunter Street key precinct map**

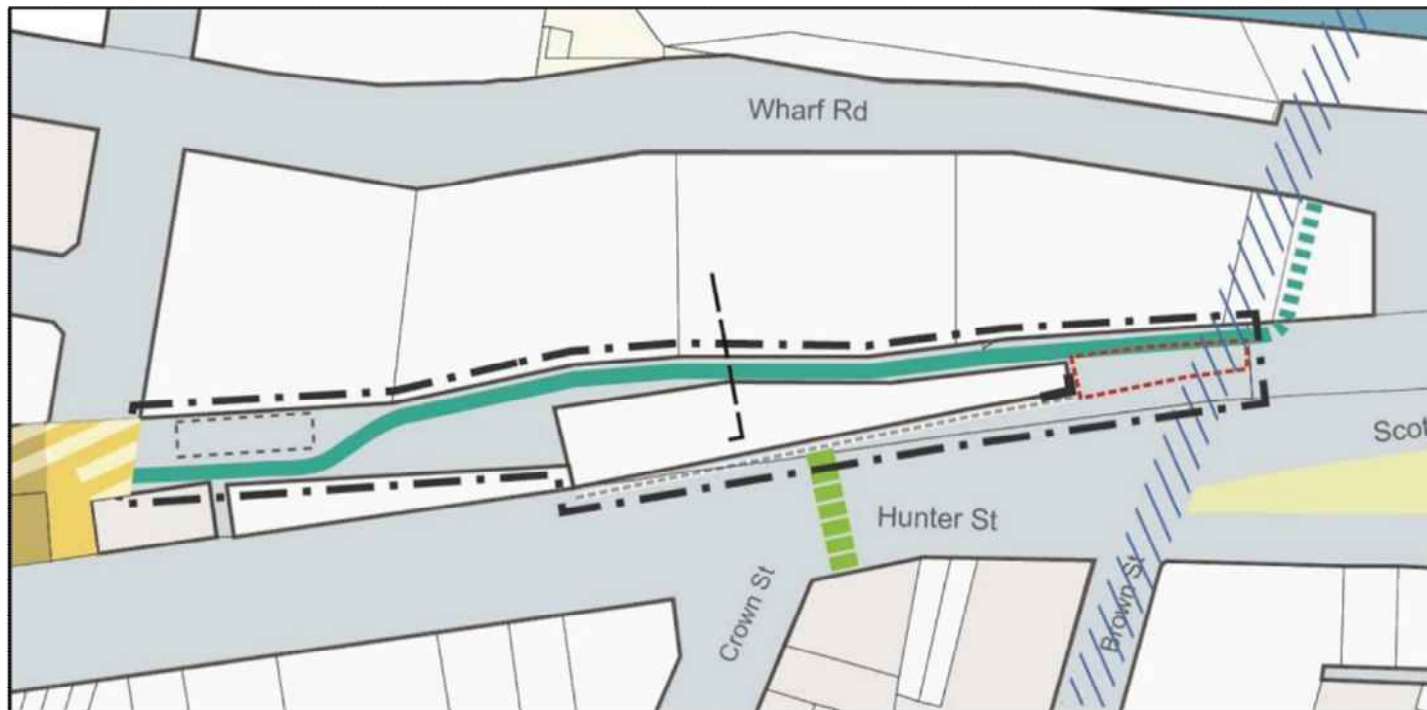
<p>PC-2. Heritage items and contributory buildings and their setting are protected and conserved, including the Aboriginal cultural heritage and non-Aboriginal archaeology.</p>	<p>DC2-1. Development shall be consistent with Section E1 Built landscape heritage and Section E2 Heritage conservation areas.</p> <p>DC2-2. Distinctive early industrial, warehouse and retail buildings that contribute to the character of the area are retained and re-purposed, including prominent corner buildings.</p> <p>DC2-3. Heritage items and contributory buildings are retained and adaptively re-used where suitable.</p> <p>DC2-4. Building form integrates with existing heritage character and echoes historic design elements.</p> <p>DC2-5. In-fill buildings, additions and alterations will respond to the height, massing and predominant horizontal and vertical proportions of existing buildings.</p> <p>DC2-6. New development will incorporate sufficient setbacks from the AA Company Bridge abutment (Heritage Item I415 under <a href="#">LEP 2012</a>) so that it is conserved and retained in situ for permanent public display.</p>	<p>Heritage items are identified under Schedule 5 of <a href="#">LEP 2012</a>. Contributory buildings are identified in the Contributory Buildings Maps in the <i>Newcastle Heritage Technical Manual</i>. Refer to Section B4 Aboriginal Cultural Heritage and Section B5 Historical Archaeology.</p>
<p>PC-3. A permeable street network with well-connected easily accessible streets and lanes is promoted, where pedestrian, bicycle and public transport users are prioritised over private vehicles.</p>	<p>DC3-1. Improved and new pedestrian connections and laneways are to be provided in accordance with <b>Figure E5.32</b> and <b>Figure E5.33</b> and the <i>City Centre Public Domain Technical Manual</i>.</p>	
<p>PC-4. Street wall heights and ground level setbacks complement heritage buildings and contributory items whilst reinforcing the desired future character East End.</p>	<p>DC4-1. The street wall height of new buildings or alterations and additions to existing buildings shall be in accordance with <b>Figures E5.32</b> and <b>Figure E5.33</b> or as per sub-section 6.0. In the event of any inconsistency, the street wall heights in <b>Figure E5.32</b> and <b>Figure E5.32</b> will prevail.</p> <p>DC4-2. The ground floor shall be built to the street frontage unless specified otherwise in <b>Figure E5.32</b> and <b>Figure E5.33</b>. Where a setback is provided, it may contain pedestrian areas, steps, ramps, landscape features and the like but should not contain utility structures or barriers that restrict visual permeability or pedestrian movement.</p>	<p>Heritage items are identified under Schedule 5 of <a href="#">LEP 2012</a>. Contributory buildings are identified in the Contributory Buildings Maps in the <i>Newcastle Heritage Technical Manual</i>.</p>
<p>PC-5. In identified activity hubs, ground floor uses add to the liveliness and vitality of the street.</p>	<p>DC5-1. Active frontages are to be provided in accordance with <b>Figure E5.32</b> and <b>Figure E5.33</b>, on through-site links and pedestrian oriented lanes.</p>	



<p>PC-6. Servicing and access minimises conflicts with pedestrians.</p>	<p>DC6-1. Service deliveries are not to be made from Hunter Street for development which has access to another street frontage.</p> <p>DC6-2. For development that has no other frontage than Hunter Street, hours for service deliveries are restricted to minimise potential conflicts with other activities.</p> <p>DC6-3. Vehicle access and servicing is located to minimise conflicts with pedestrians.</p> <p>DC6-4. Loading docks and their access points are not permitted on Hunter Street.</p>	
<p>PC-7. Existing laneways and pedestrian connections are enhanced.</p>	<p>DC7-1. A highly permeable street and laneway network in the Hunter Street Mall precinct is provided which is safe, comfortable and welcoming for pedestrians in accordance with <b>Figures E5.32 and Figure E5.33</b>.</p> <p>DC7-2. Recreational opportunities are created by establishing public space and pedestrian connections from Scott Street to the Hunter River foreshore.</p> <p>DC7-3. A pedestrian only link at least 3m in width is provided between Newcomen and Laing Streets, connected to Laing Street.</p> <p>DC7-4. Vehicle access and car parking is provided via a rear laneway from Argyle Street.</p> <p>DC7-5. 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.</p> <p>DC7-6. Development in the Hunter Street Live-Work Key Precinct shall be in accordance with <b>Figure E5.34</b>.</p> <p>DC7-7. The heritage significance of item 'Remains of AA Company, bridge and fence' (LEP item I415) shall be maintained and conserved.</p> <p>DC7-8. Live work units provide adequate parking accessed from the laneway. Required car parking may be provided within the access laneway (Hunter Street Live-Work Units only), rather than individual lots.</p>	

	DC7-9.Upper level setbacks to the Live-Work units access laneway will be provided in accordance with <b>Figure E5.35</b> .	
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- |   |                                       |
|---|---------------------------------------|
| — Urban block, nil setback to street boundary   | ⋯ Future substation                   |
| ▬▬▬ Proposed new pedestrian crossing  | ▨ Proposed shared zone                |
| ▬▬▬ Proposed laneway access   | ▨ Proposed open space paved (public)  |
| ▬▬▬ Potential future laneway access (preferred)   | ▨ Proposed open space paved (private) |
| ▬▬▬ Potential 10m diameter vehicle turning head if laneway link to north cannot be provided | ▨ Open space paved (public)           |
| └ Special emphasis on corner building   | ▨ Green open space (public)           |
| ⋯ Active frontage required  | └ Cadastre boundary                   |
| ▨ Heritage building outside precinct boundary   | ▬▬▬ Key precinct boundary             |

**Figure E5.34: Hunter Street live work units key precinct map**



**Figure E5.35: Section through Hunter Street live work units**

<p>PC-8.Diversify the role of Hunter Street Mall precinct as a destination for many activities including retail, dining, entertainment, nightlife and events.</p>	<p>DC8-1.Provide a centrally located one way share-way for vehicles with threshold treatments between Perkins and Newcomen Streets.</p> <p>DC8-2.Provide additional street trees, new street furniture, new lighting, bike rings and way finding signage.</p> <p>DC8-3.Provide limited short stay car parking with priority given to accessible parking spaces.</p> <p>DC8-4.Provide a centrally located space that is relatively clear of obstructions that can be used for special events.</p> <p>DC8-5.Define clear pedestrian spaces along the fronts of buildings.</p> <p>DC8-6.Integrate Market Street into the mall using common public domain materials and treatments.</p> <p>DC8-7.Remove existing lightweight and concrete freestanding awnings structures.</p>	
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## 27.0 Character areas and key precincts - Newcastle Beach

### Desired character statement

The Newcastle Beach character area is identified in **Figure E5.36** and has a cluster of high rise tourist and visitor accommodation and residential apartments overlooking the beach. New development has been accompanied by public domain improvements and strong pedestrian through-site connections to the beach front.

Development provides a sensitive transition to respond to the adjoining lower scale development in Newcastle East Heritage Conservation Area.



**Figure E5.36: Newcastle Beach character area**

**Note:** The Newcastle Beach Character Area is in Newcastle East Heritage Conservation Area. Newcastle East Heritage Conservation Area is identified under Schedule 5 of [LEP 2012](#). A Summary Statement of Heritage Significance and Desired Future Character is provided in Section E2 Heritage conservation areas.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
<p>PC-1.The high environmental quality of the area is maintained.</p>	<p>DC1-1.New development addresses the street to provide a good interface with the public domain.</p> <p>DC1-2.Development adjoining Newcastle East Heritage Conservation Area creates a transition in scale by aligning the scale, proportion, form and finishes of the associated buildings.</p> <p>DC1-3.The public domain and amenity is enhanced.</p> <p>DC1-4.Pedestrian access to Newcastle Beach is improved.</p>	
<p>PC-2.Heritage items and contributory buildings and their setting are protected and conserved, including the Aboriginal cultural heritage and non-Aboriginal archaeology.</p>	<p>DC2-1.Development shall be consistent with Section E1 Built landscape heritage and Section E2 Heritage conservation areas.</p> <p>DC2-2.Heritage items and contributory buildings are retained and adaptively re-used where suitable.</p>	<p>Heritage items are identified under Schedule 5 of <a href="#">LEP 2012</a>. Contributory buildings are identified in the Contributory Buildings Maps in the <i>Newcastle Heritage Technical Manual</i>. Refer to Section B4 Aboriginal Cultural Heritage and Section B5 Historical Archaeology.</p>
<p>PC-3.A permeable street network with well-connected easily accessible streets and lanes is promoted, where pedestrian, bicycle and public transport users are prioritised over private vehicles.</p>	<p>DC3-1.Improved and new pedestrian connections and laneways are to be provided in accordance with <b>Figure E5.37</b> and the <i>City Centre Public Domain Technical Manual</i>.</p>	



Figure E5.37: Newcastle Beach character area locality map



## 28.0 Character areas and key precincts - Low-rise Residential Precinct

### Desired character statement

The low-rise residential precinct in Newcastle East Heritage Conservation Area is identified in **Figure E5.38** and is characterised by an intact heritage streetscape and by a collection of highly significant heritage items. It is a well-kept 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. Notable buildings include Fort Scratchley Historic Site, Earp Gillam Bond Store, Boatman's Row, the Cohen Bondstore and Coutt's Sailors Home. The heritage values of the area are supported by its relationship with the adjacent Coal River Precinct, a place of outstanding heritage significance listed on the NSW State Heritage Register.



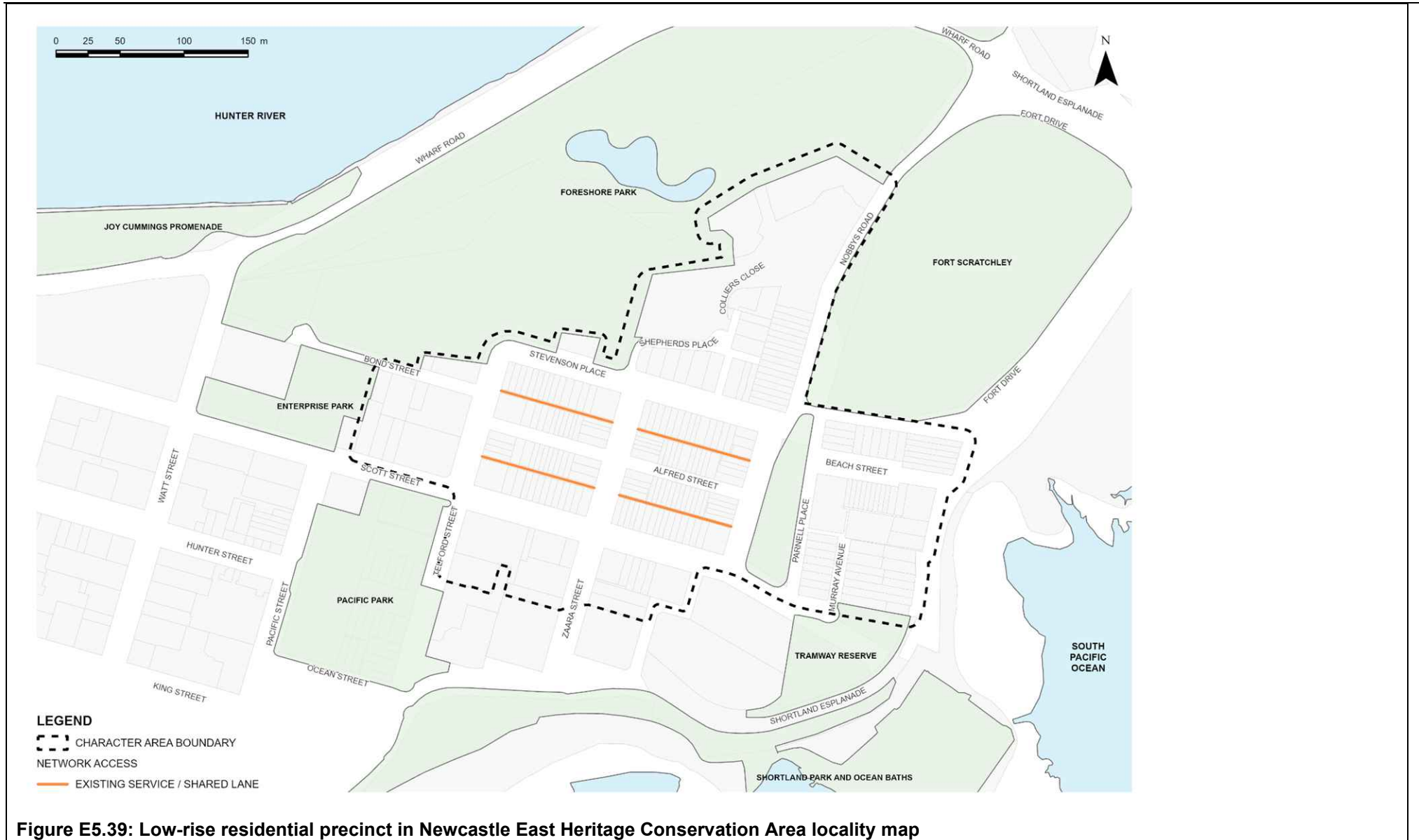
**Figure E5.38: Low-rise residential precinct in Newcastle East Heritage Conservation Area map**

**Note:** The character area is in Newcastle Heritage Conservation Area. Newcastle East Heritage Conservation Area is identified under Schedule 5 of [LEP 2012](#). A Summary Statement of Heritage Significance and Desired Future Character is provided in Section E2 Heritage conservation areas.

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
<p>PC-1.The heritage significance of Newcastle East Heritage Conservation Area is retained and conserved, including the Aboriginal cultural heritage and non-Aboriginal archaeology.</p>	<p>DC1-1.Development shall be consistent with Section E1 Built landscape heritage and Section E2 Heritage conservation areas.</p> <p>DC1-2.Development responds to and complements heritage items and contributory buildings within the heritage conservation area, including streetscapes and lanes.</p> <p>DC1-3.New development respects the scale, character and significance of existing buildings.</p> <p>DC1-4.Existing views and vistas are maintained in and out of the area to the water and the foreshore parkland.</p> <p>DC1-5.The continuity of Newcastle East's significant heritage places are retained and conserved, the diverse social mix of the area is maintained.</p> <p>DC1-6.Contributory and historic buildings, particularly intact or historically significant groupings, heritage items, iconic structures, and the appearance and layout of streets are maintained.</p> <p>DC1-7.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 are maintained.</p> <p>DC1-8.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 are maintained.</p> <p>DC1-9.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 are maintained.</p>	<p>Heritage items are identified under Schedule 5 of <a href="#">LEP 2012</a>. Contributory buildings are identified in the Contributory Buildings Maps in the <i>Newcastle Heritage Technical Manual</i>. Refer to Section B4 Aboriginal Cultural Heritage and Section B5 Historical Archaeology.</p>



	<p>DC1-10. Gardens, street trees and public open space and existing subdivision pattern and street layout are maintained.</p> <p>DC1-11. First floor verandahs are permitted where they are designed to be sympathetic with the overall form, proportion and division of bays of the buildings to which they are attached.</p>	
<p>PC-2. A permeable street network with well-connected easily accessible streets and lanes is promoted, where pedestrian, bicycle and public transport users are prioritised over private vehicles.</p>	<p>DC2-1. Pedestrian connections and laneways are to be provided in accordance with <b>Figure E5.39</b> and the <i>City Centre Public Domain Technical Manual</i>.</p>	



## 29.0 Character areas and key precincts - Foreshore

### Desired character statement

The Foreshore Character Area is identified in **Figure E5.40** and is an extensive primary open space asset for the Newcastle's city centre and broader local government area. 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. Development is interwoven in the landscape and complements the leisure, recreation and heritage uses of the Foreshore area including Nobbys Beach, Newcastle Beach, Queens Wharf, Nobbys Beach Surf Pavilion, and the foreshore cycleway and promenade.

The Foreshore Character Area is in Newcastle East Heritage Conservation Area that is identified under Schedule 5 of [LEP 2012](#). A Summary Statement of Heritage Significance and Desired Future Character is provided in Section E2 Heritage conservation areas.

### Newcastle Station and Foreshore Park Key Precinct

The State listed Newcastle Railway Station is a central focal point for the area. It contributes greatly to the urban environment including views of the building itself and influence on key built forms in its surrounds.

Newcastle Railway Station is 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 accommodates enterprises and activities that attract visitors, activate the area and stimulate the economy.

The new uses of the station are supported and enhanced by the expansion of the Foreshore Park to the west of the station which provides vast and flexible open space for passive and active recreation, community uses and event spaces.

The character of Newcastle Station and Foreshore Park Key Precinct respects and celebrates the heritage integrity of the Station, while accommodating a range of different activities including community, tourism, retail, leisure and commercial uses.

### Multi-purpose Community Space Key Precinct

The precinct is a multi-purpose community civic space, incorporating a community facility and public domain space. Activating the western end of this public space with a multi-purpose building provides important casual surveillance of the open space area. Active frontages improve the streetscape at Wharf Road and Scott Street. Important views and foreshore access are retained. The precinct is popular with residents, visitors and workers.

The site is identified as a key site under [LEP 2012](#). This ensures that future development exhibits design excellence and complements the wider Foreshore Character Area.

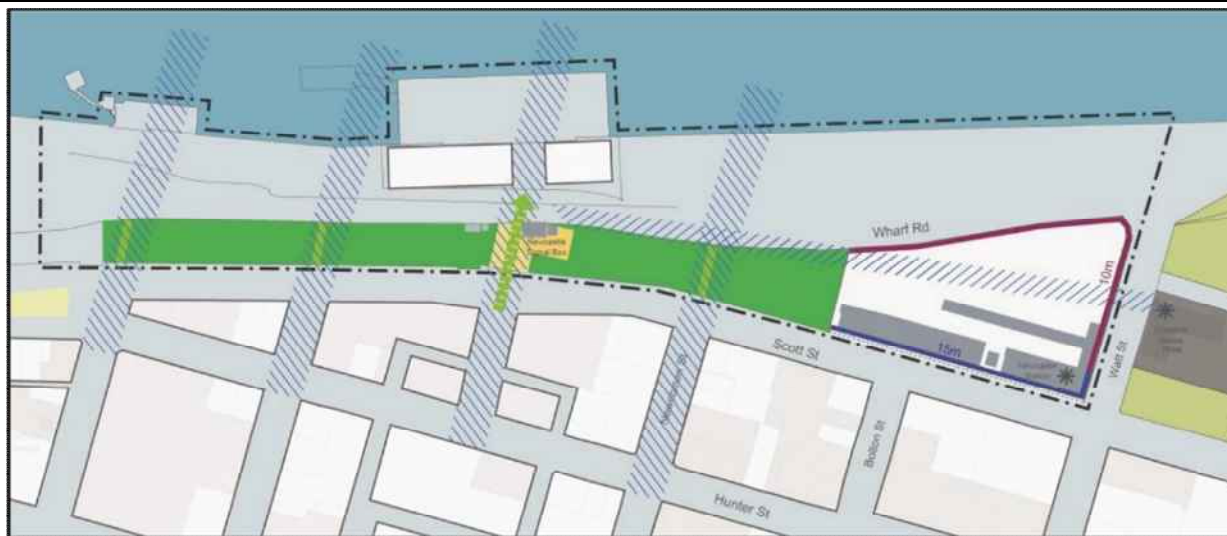


**Figure E5.40: Foreshore character area locality map**

Performance criteria (PC)	Design criteria (DC)	Explanatory note(s)
<p>PC-1.The area is enhanced and continues to be the city's major recreational open space for Newcastle's workers, residents and visitors.</p>	<p>DC1-1.New development promotes and facilitates the continuity of public access to the whole foreshore.</p> <p>DC1-2.Recreational opportunities are created by new public open space and key access links to the foreshore.</p>	
<p>PC-2.Heritage items and contributory buildings and their setting are protected and conserved, including the Aboriginal cultural heritage and non-Aboriginal archaeology.</p>	<p>DC2-1.Development shall be consistent with Section E1 Built landscape heritage and Section E2 Heritage conservation areas.</p> <p>DC2-2.New development respects the scale, character and significance of existing buildings, especially heritage items and contributory buildings.</p> <p>DC2-3.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.</p> <p>DC2-4.The heritage and history of the Newcastle Station is preserved through its adaptive re-use.</p> <p>DC2-5.Pedestrian movement networks are developed around, and through, the heritage buildings.</p> <p>DC2-6.Heritage items located adjacent to public open space integrate with the public domain.</p>	<p>Heritage items are identified under Schedule 5 of <a href="#">LEP 2012</a>. Contributory buildings are identified in the Contributory Buildings Maps in the <i>Newcastle Heritage Technical Manual</i>. Refer to Section B4 Aboriginal Cultural Heritage and Section B5 Historical Archaeology.</p>

<p>PC-3. Vistas from public spaces to the waterfront, prominent heritage items and landmarks are protected and reinforced.</p>	<p>DC3-1. View corridors are maintained along Brown Street and Perkins Street through to the harbour.</p> <p>DC3-2. Views of Newcastle Station along Scott Street, particularly the main building and the Western Wing are maintained.</p> <p>DC3-3. The view corridor from the harbour front to the roof elements on the main building and Western wing from a pedestrian level is maintained.</p> <p>DC3-4. The view corridor from the west to Customs House is maintained. The bulk of new structures does not obscure views to and from the clock element on Customs House, beyond what has already been established.</p> <p>DC3-5. Vegetation and vertical elements in open space are sited to ensure existing visual corridors between the harbour and Perkins Street are maintained.</p> <p>DC3-6. Views to Nobbys Headland from Scott Street and the precinct are enhanced. New development takes advantage of the views to the harbour and Nobbys Headland.</p>	
<p>PC-4. Newcastle Station and Foreshore Park is developed as a regional tourist and leisure destination for both residents and tourists.</p>	<p>DC4-1. Newcastle Station and Foreshore Park is developed in accordance with <b>Figure E5.41</b>.</p> <p>DC4-2. 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.</p> <p>DC4-3. The form, massing, scale and bulk of new development are complementary to the existing built form of the Newcastle Railway Station.</p>	





- Urban block, nil setback to street boundary
- 15m minimum street wall height
- 10m minimum street wall height
- Proposed open space - plaza
- Proposed open space - green
- Proposed pedestrian crossing (replacing footbridge)
- Important view corridor
- Active frontage required
- Heritage building
- Contributory building (desired reuse)
- Heritage building outside precinct boundary
- Civic open space
- Public green open space
- Cadastre boundary
- Key precinct boundary

**Figure E5.41: Newcastle Station and foreshore park key precinct map**

PC-5. Provide a new multi-purpose community place and space that encourages use by residents and regional tourists.

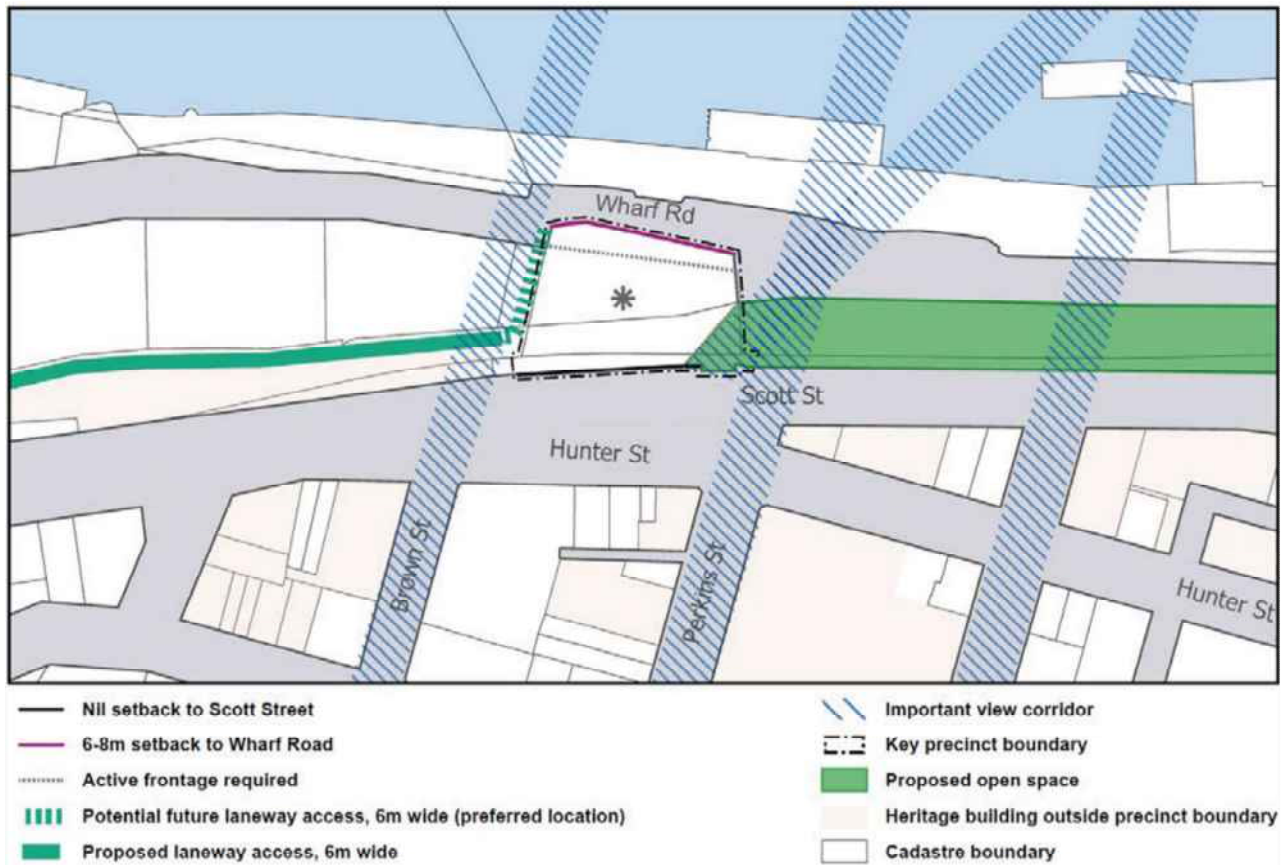
DC5-1. The Multi-purpose Community Space precinct is developed in accordance with **Figure E5.42**.

DC5-2. The bulk and scale of new development does not compete with or impede or detract from the surrounding areas and enhances connection to Market Street Lawn and other areas of open space.

DC5-3. New development improves pedestrian permeability and amenity between Hunter Street, Scott Street and the harbour. New Development integrates with Foreshore Park and encourages pedestrian access and permeability.

	<p>DC5-4. New built form addresses Scott Street and Wharf Road and has frontage and activation to Market Street Lawn.</p> <p>DC5-5. New Development provides for the minimum 6m wide lane access.</p> <p>DC5-6. Trees are retained on site where possible. If trees cannot be retained, then replacement of trees on site are in accordance with Section C3 Vegetation preservation and care.</p> <p>DC5-7. Any future works on this site require geotechnical assessment of mine subsidence risk to ensure that the site is not impacted by convict-era workings.</p> <p>DC5-8. Landscape works adjacent to the public domain of Wharf Road will be consistent with the Foreshore Precinct Public Domain Plan.</p>	
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**Figure E5.42: Multi-purpose community space precinct**

## PART E: Place and precincts

### Section E6 Fort Wallace

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## 1.0 Introduction

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.

## 2.0 Application

This section applies to all land identified in **Figure E6.01**.

This section applies to all development within Fort Wallace.

## 3.0 Objectives

1. Ensure that Fort Wallace is developed in a manner generally consistent with the *Urban Design and Landscape Report – Fort Wallace, Stockton* (Architectus, 2018) for the site. Refer to guideline for objectives and controls.

## Land to which this section applies

This section applies to land identified in **Figure E6.01**.



**Figure E6.01: 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 to the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- *Newcastle Local Environmental Plan 2012* ([LEP 2012](#))
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmentally Planning Policy No 65 – Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

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 1979* enables an environmental planning instrument to exclude or modify the application in whole or part.

### Related sections

The following sections will apply to development.

- C2 Movement networks

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B6 Urban heat
- B7 Land contamination
- C1 Traffic, parking and access
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C6 Waste management
- C7 Safety & security
- C8 Social impact
- C9 Advertising and signage
- C10 Street awnings and balconies
- C11 Development adjoining laneways
- C12 Open space and landscaping
- C13 Liveable housing
- E1 Built and landscape heritage

In the event of any inconsistency between this section and the above listed sections, this section prevails to the extent of the inconsistency.

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## Associated technical manual/s

- Austroads Publications and Guides
- Standard Drawings, Newcastle City Council

## Additional information

The *Urban Design and Landscape Report* - Fort Wallace, Stockton (Architectus, 2018).

This section 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.

## Definitions

A word or expression has the same meaning as it has in [LEP 2012](#), unless otherwise defined. Other words and expressions include:

- **'Fonzie flat'** – is a self – contained flat above a garage.

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## 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. Provide appropriate development controls for the sensitive and responsive development of the site and ensure best practice design.
2. Ensure development of the site embraces heritage and conserves ecological significance.
3. Guide delivery of diverse housing forms on the site to serve the needs of the community.
4. Protect important views through building design and location of building footprints.
5. 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.

---

## 4.0 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.

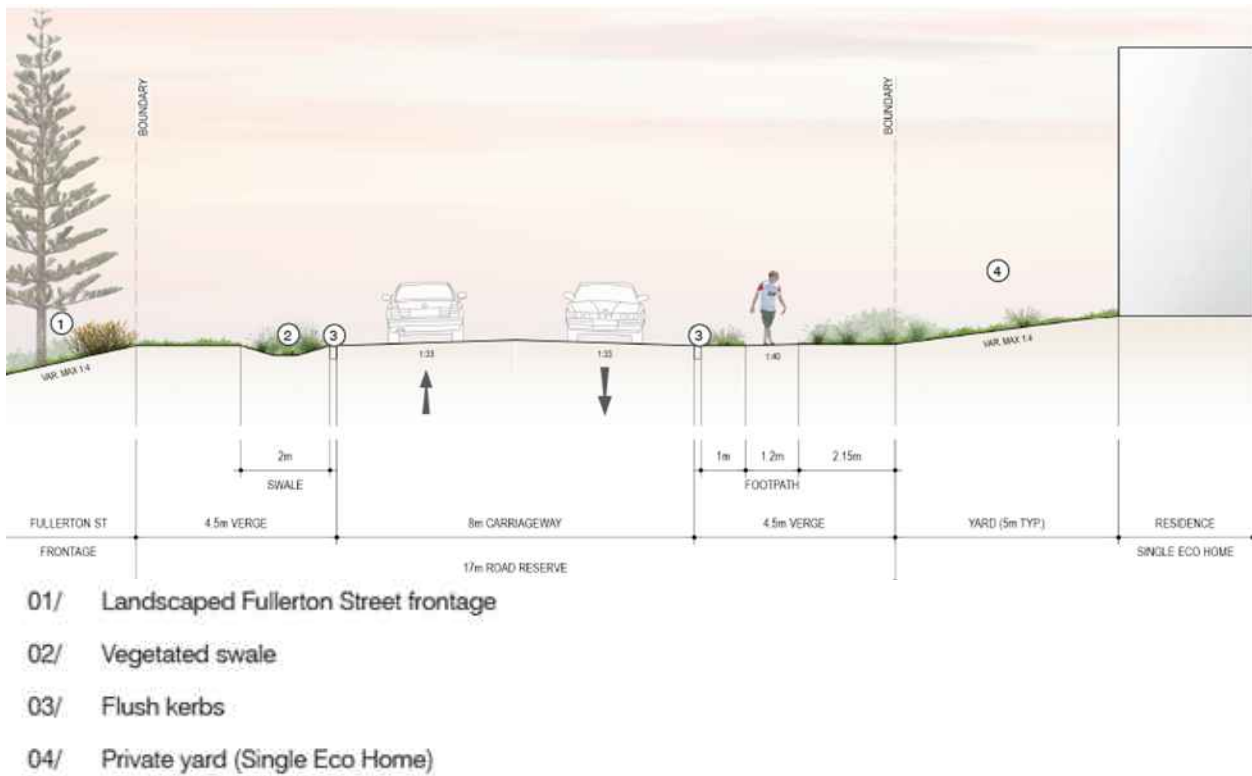
#### Acceptable solutions

1. The street layout and hierarchy is provided as shown in **Figure E6.02**.
2. All streets and lanes are designed in accordance with the street sections shown in **Figure E6.03** to **Figure E6.06**.

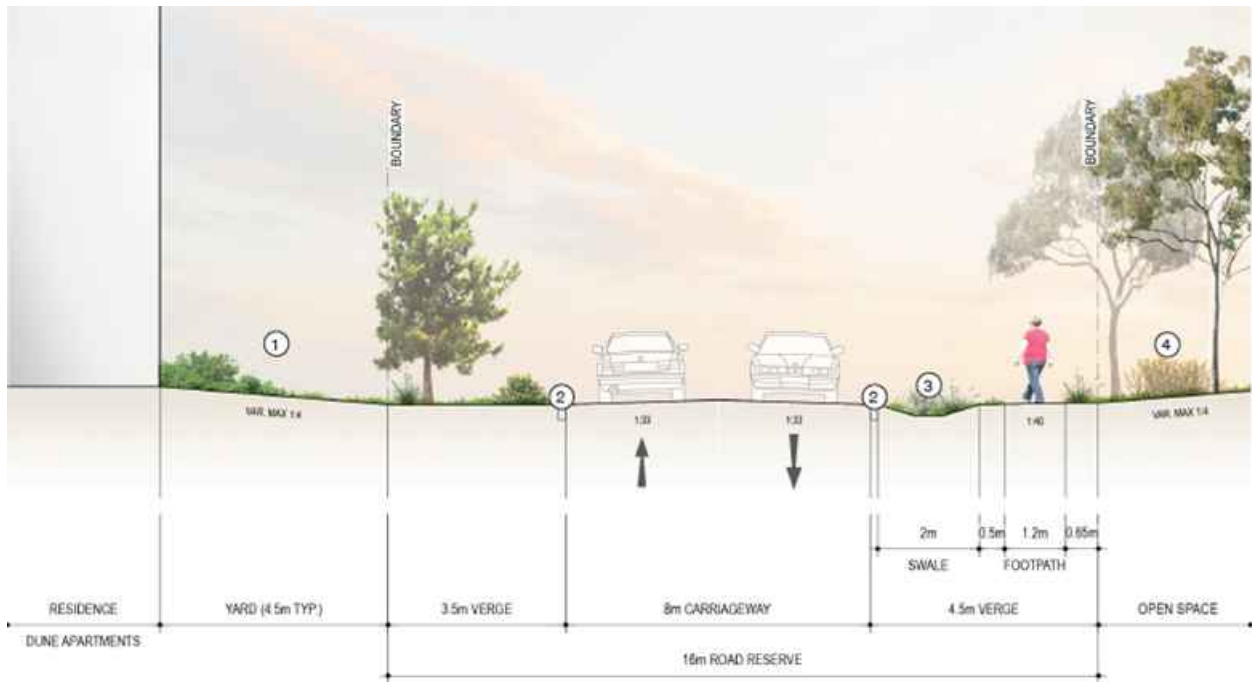




**Figure E6.02: Street layout and hierarchy**

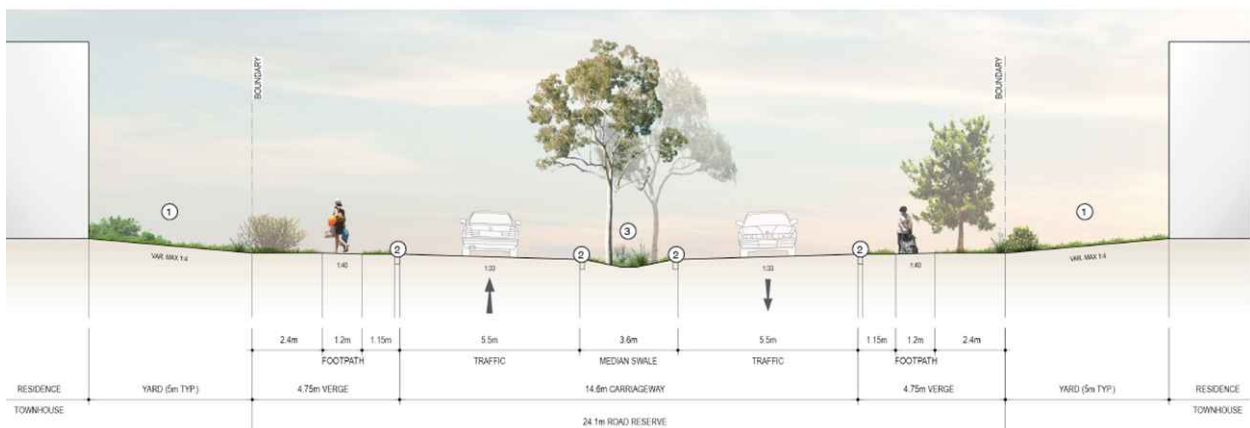


**Figure E6.03: Road type 1 typical section**



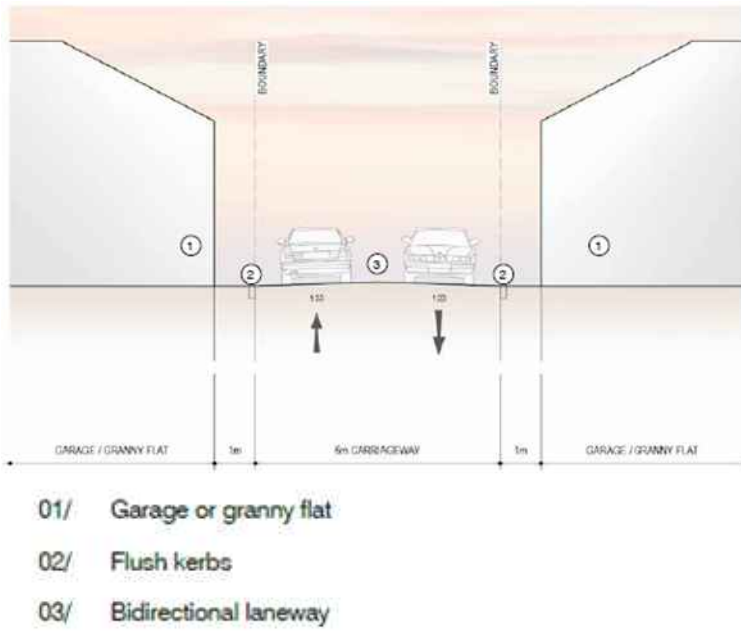
- 01/ Communal open space (Dune apartment)
- 02/ Flush kerbs
- 03/ Vegetated swale
- 04/ Communal open space

**Figure E6.04: Road type 2 typical section**



- 01/ Communal open space (Townhouse)
- 02/ Flush kerbs
- 03/ Central vegetated swale and street tree planting

**Figure E6.05: Road type 3 typical section**



**Figure E6.06: Road type 4 typical section**

---

## 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 E6.07**.



**Figure E6.07: Land use and development area**

## 5.0 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 E6.08**.



**Figure E6.08: 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 two, three and four 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.

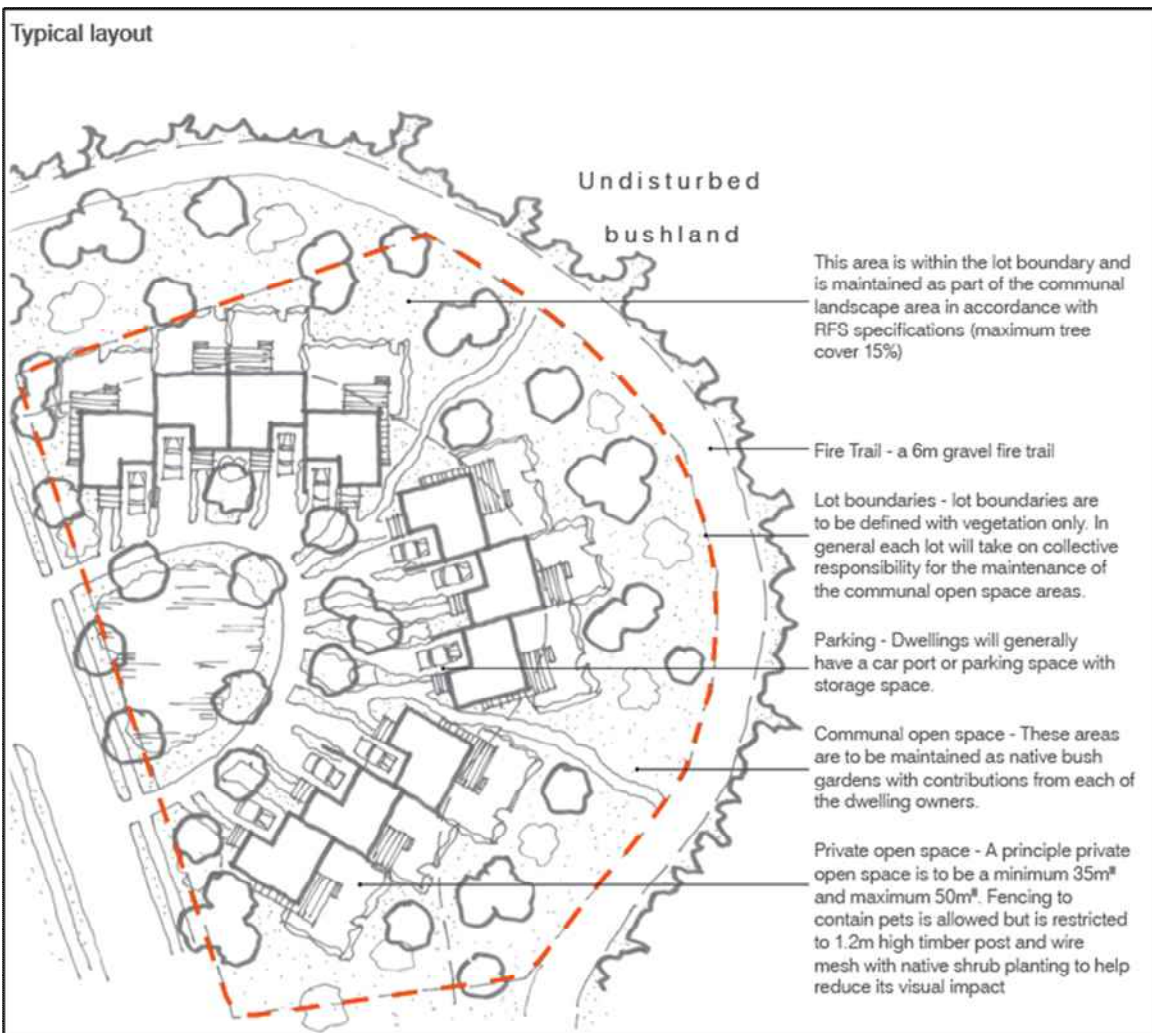
**External materials:** Combination of corrugated metal sheet and timber panel cladding.

**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 E6.09: Dune edge cluster housing character areas**





**Figure E6.10: 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 four 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 E6.11: Low scale coastal apartment living character areas**



Viridian Noosa Residences - by JMA Architects



Timber coastal apartments - Wood Solutions

Typical layout

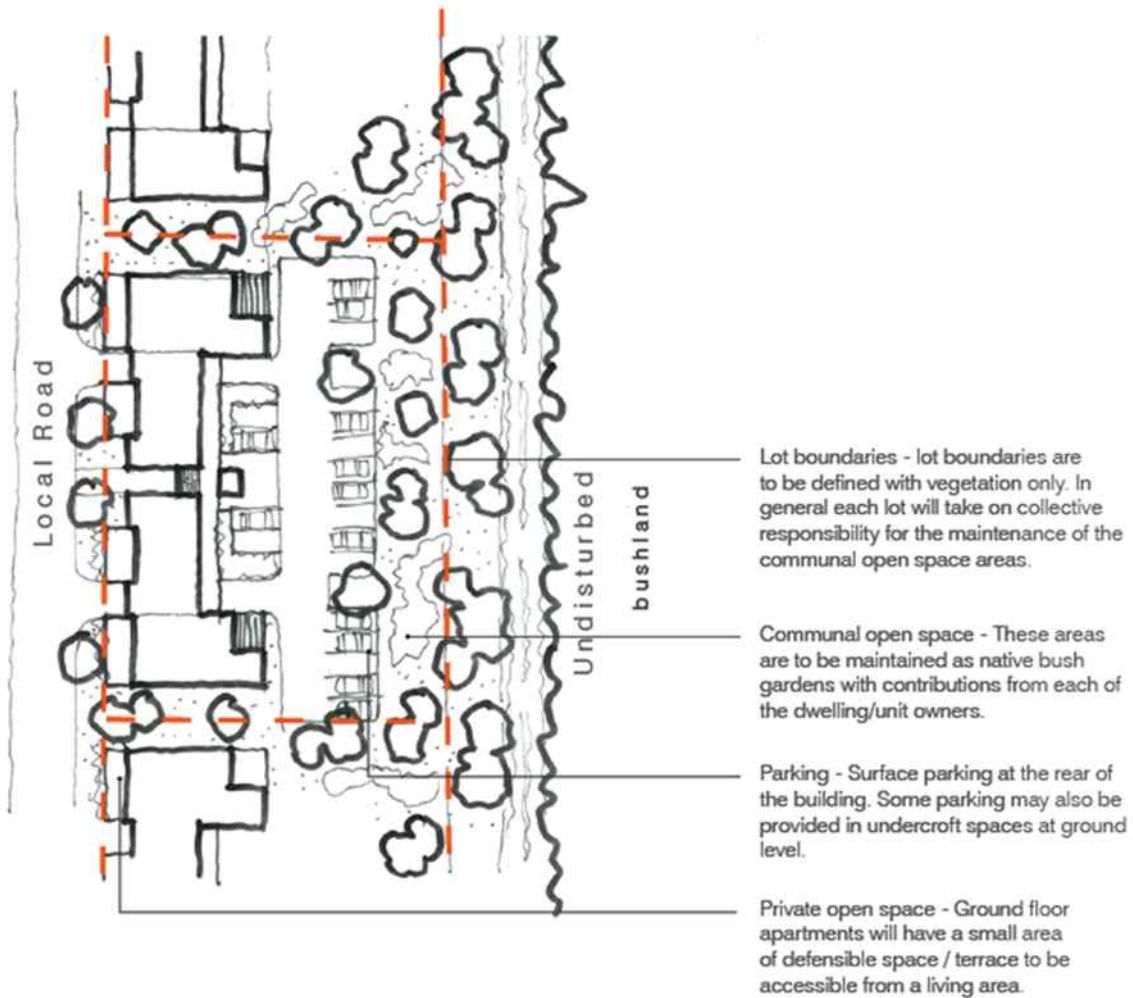


Figure E6.12: Area 2 low scale coastal apartment living typology



## 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 E6.13: Courtyard and attached housing character areas**

### Key design outcomes - courtyard housing

**Description:** This typology provides for a large family home including four bedrooms, three 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.

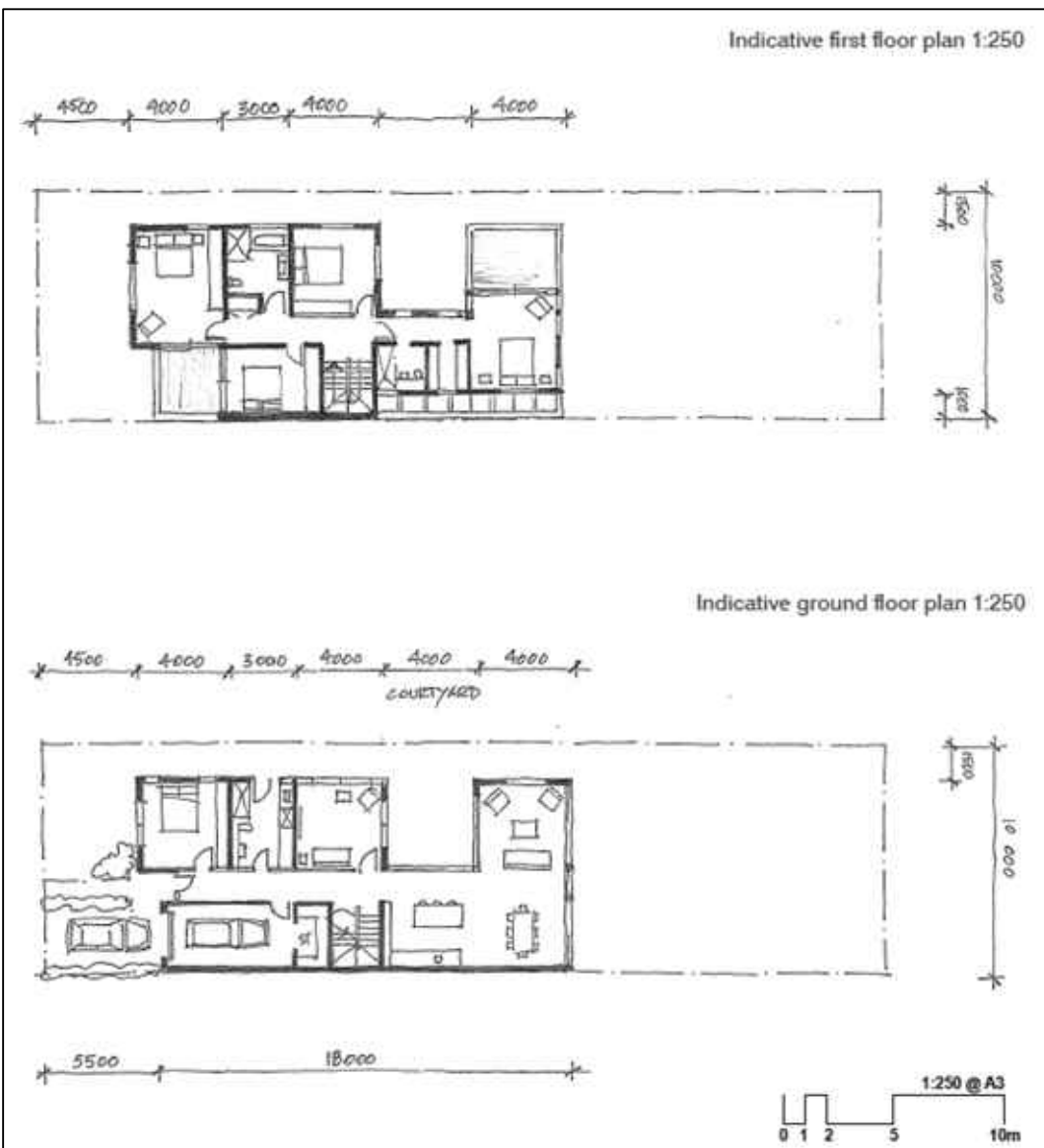


Figure E6.14: Courtyard housing typology

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## 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).

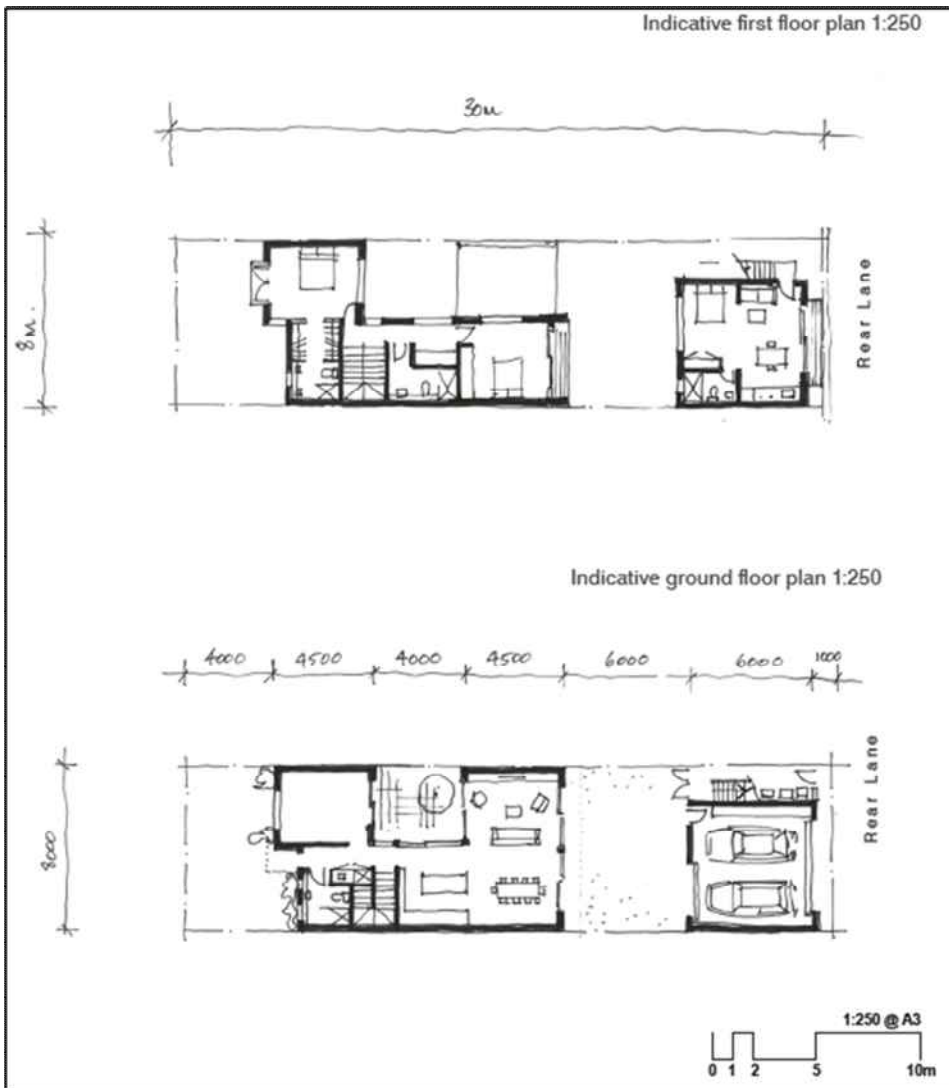
Minimum landscaped area: 35%.

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 E6.15: 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: Seven 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.

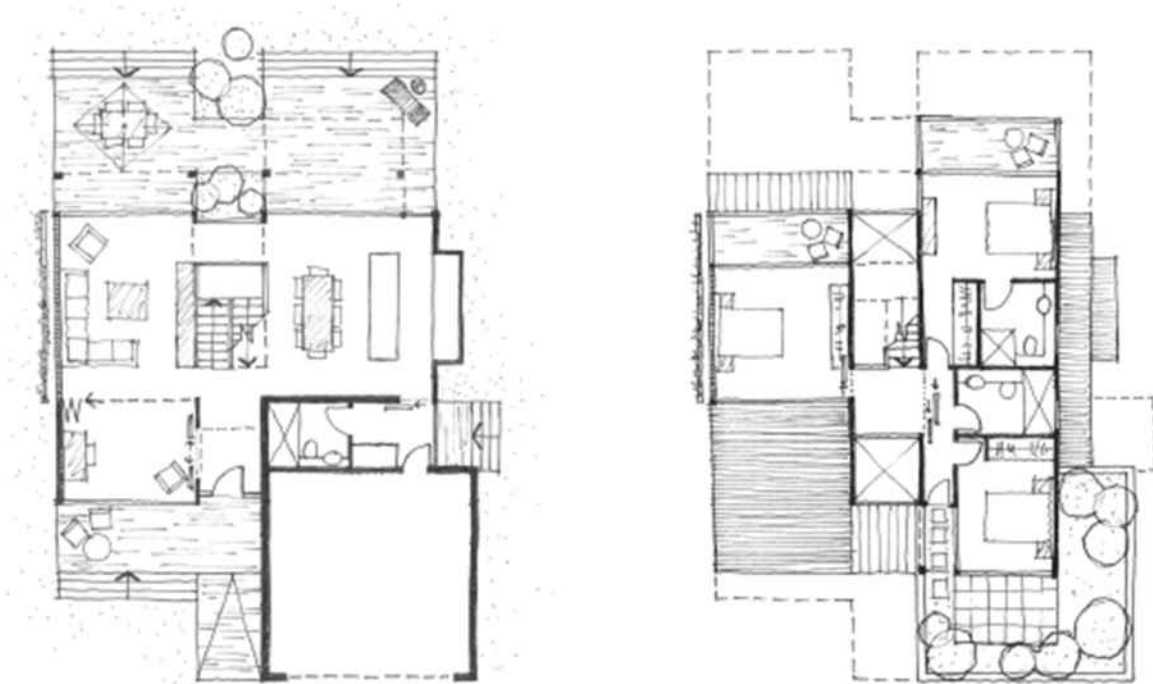


**Figure E6.16: Single detached eco-living character areas**



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>

Figure E6.17: Single detached eco-living typology



## 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 E6.18**.
2. Access and connections will be provided in accordance with **Figure E6.22**.



**Figure E6.18: Landscape and open space hierarchy**

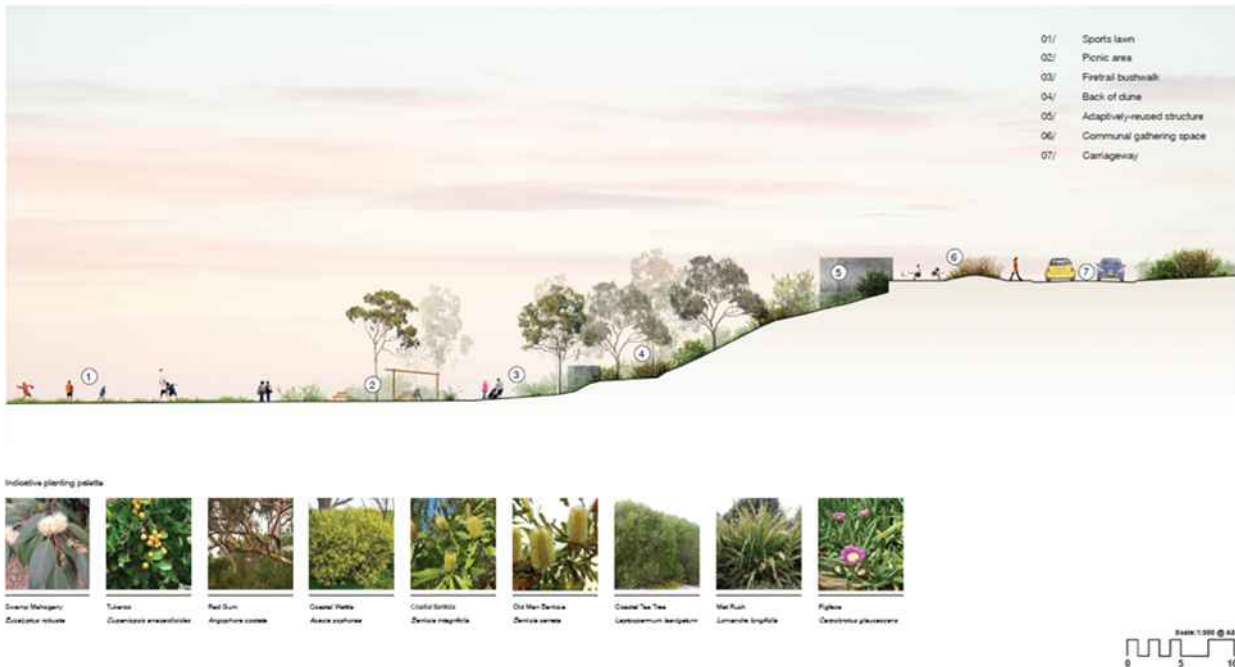
Interpretive Heritage Park section



Area A – Heritage precinct

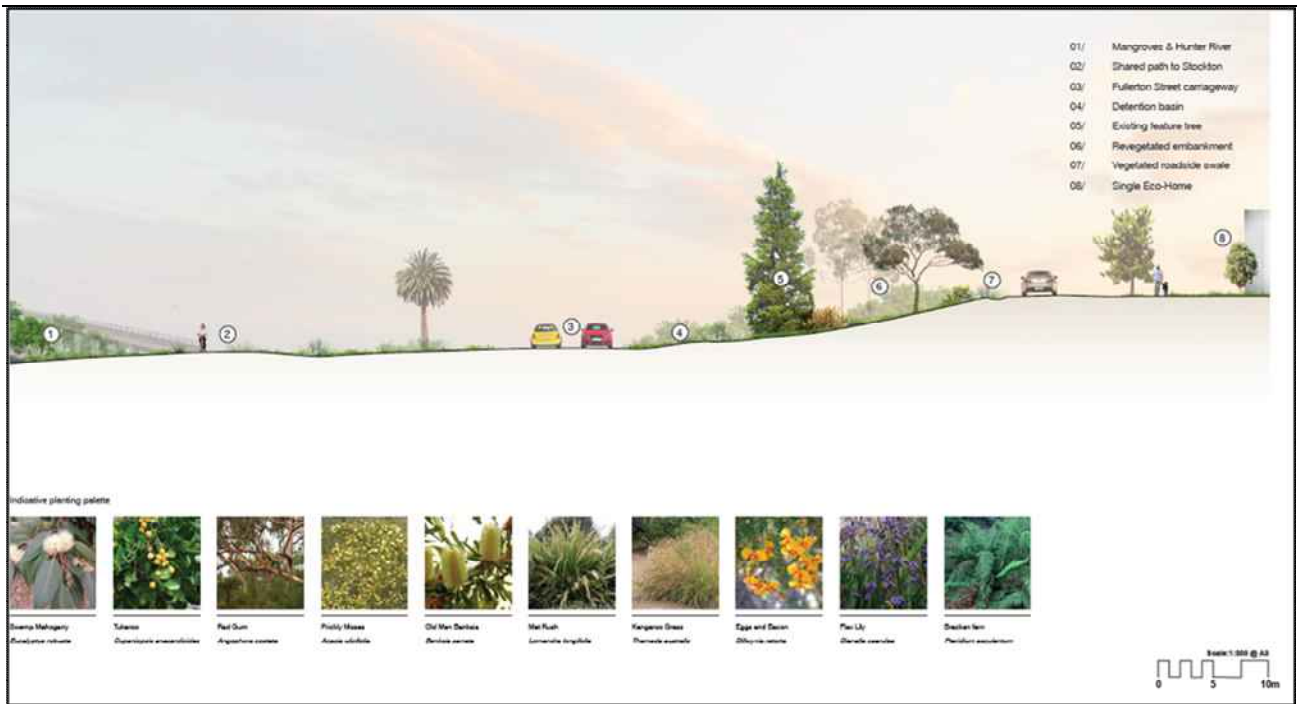
Figure E6.19: Indicative heritage precinct section

Communal Open Space section



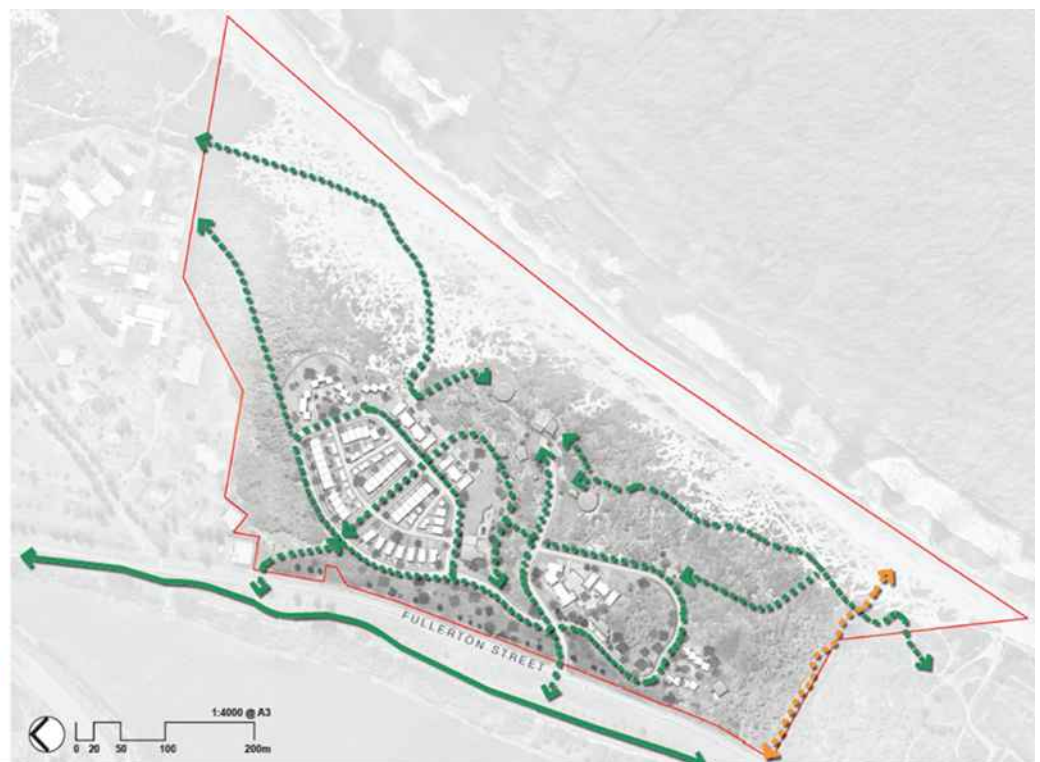
Area B – Park

Figure E6.20: Indicative park section



**Area C – Fullerton Street**

**Figure E6.21: Frontage to Fullerton Street section**



**Figure E6.22: Access and connections**

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## 6.0 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 E6.23**.
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.



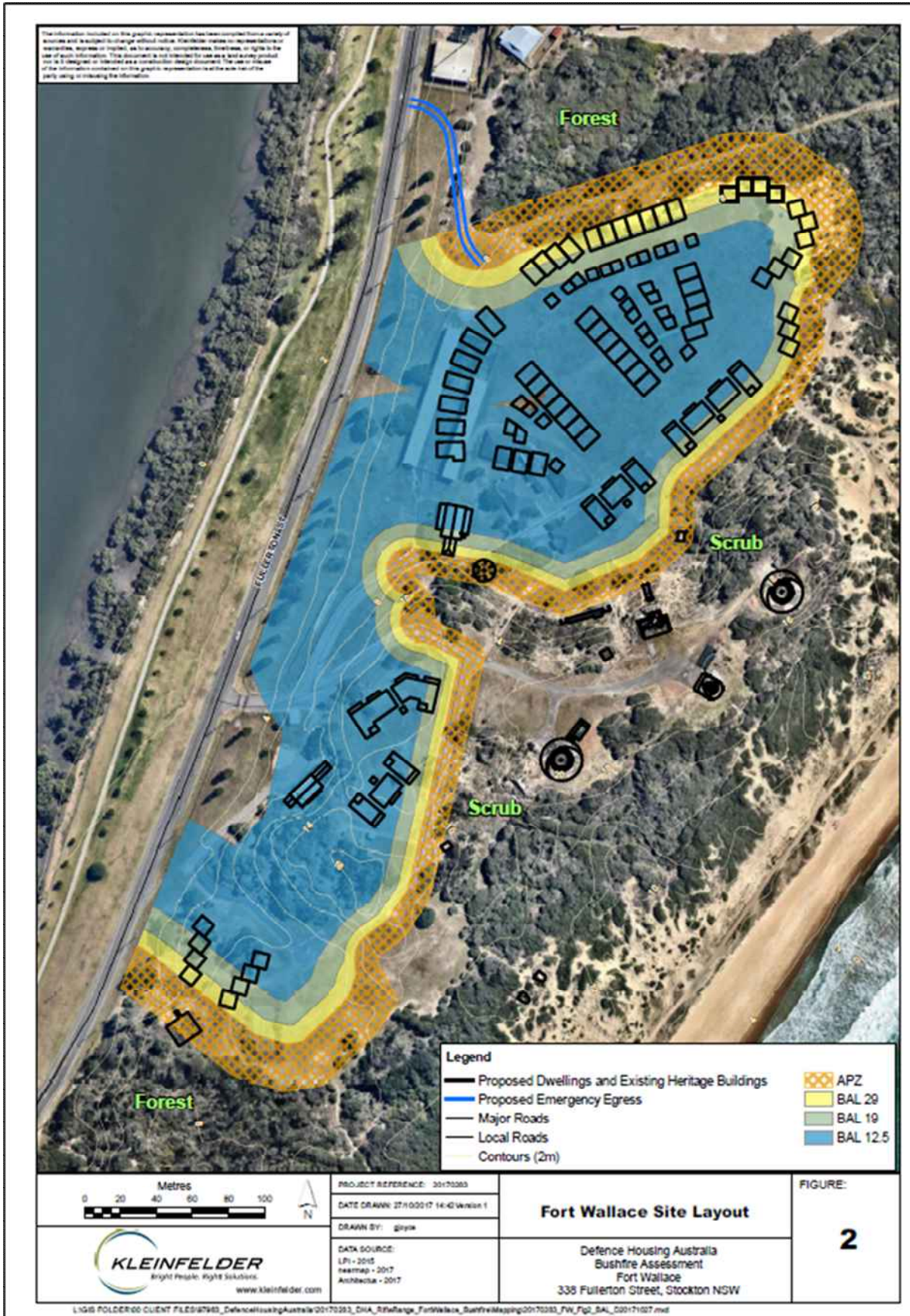


Figure E6.23: Asset protection zone

## 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 E6.24**.
2. Consideration is given to views to and from heritage items on the site from open spaces (see **Figure E6.25** and **Figure E6.26**) 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 E6.24: Development buffer to heritage items**





Figure E6.25: Internal view corridors

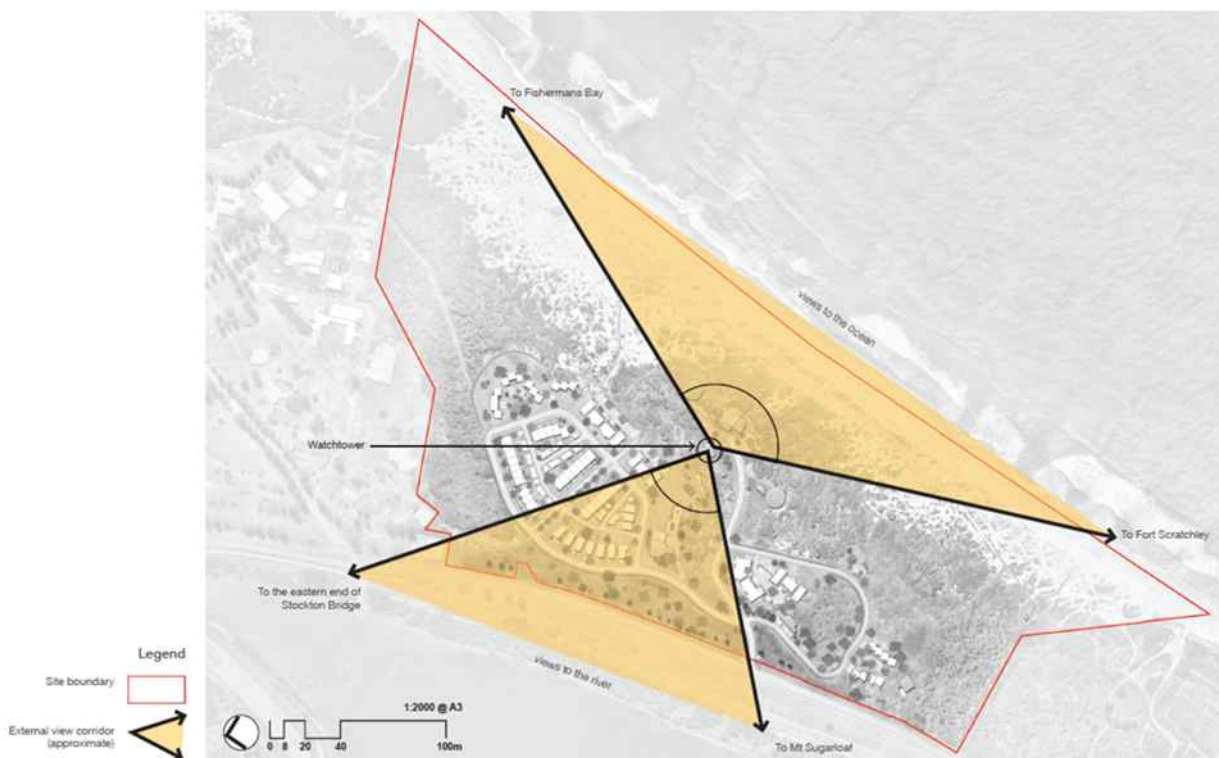


Figure E6.26: External view corridors



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## 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.

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## PART E: Place and precincts

### Section E7 Wickham

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## 1.0 Introduction

This section provides detailed standards and guidance for development in order to implement the *Wickham Master Plan* (2017) and the changes adopted through the *Wickham Masterplan* (2021 Update).

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 Masterplan* (2021 Update), in particular the characteristic features of each of the five identified interconnecting precincts (Key Precincts) within Wickham.

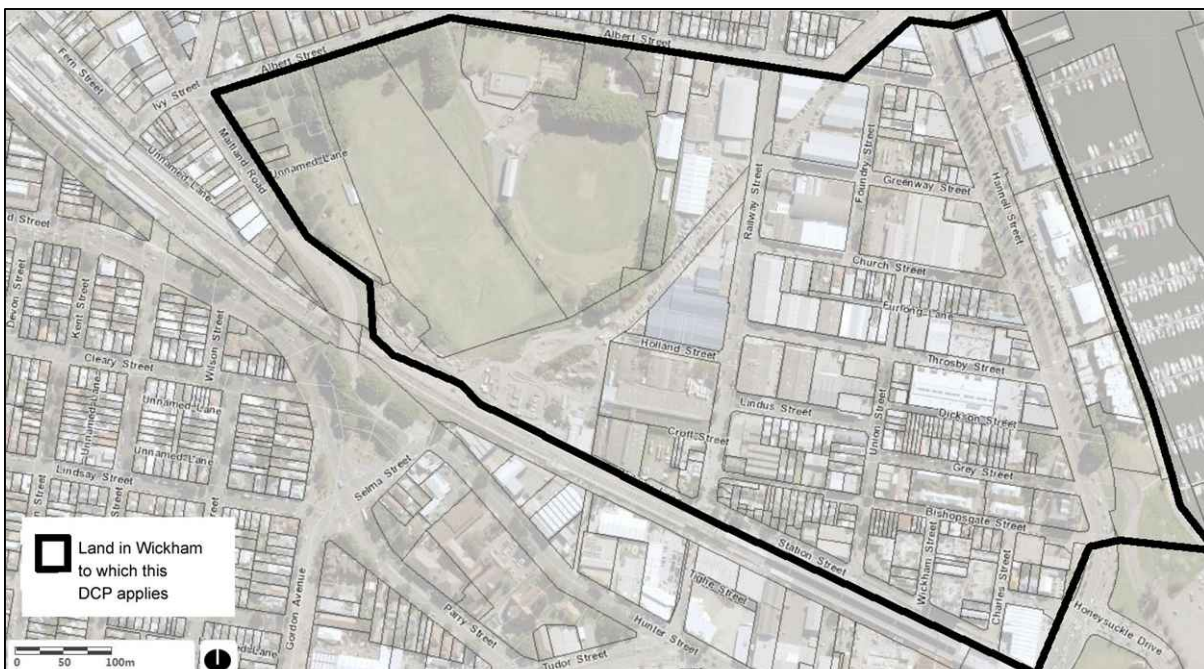
This section provides performance criteria that explain the planning outcomes to be achieved. Accompanying the performance criteria are acceptable solutions that illustrate the preferred way of complying with the performance criteria. There may be other ways of meeting the performance criteria and it is up to the applicant to demonstrate how the performance criteria are met.

## 2.0 Application

This section applies to all development consisting of:

- New buildings or structures
- Additions or alterations to existing buildings or structures
- Subdivision.

This section applies to all land within the heavy line marked up on **Figure E7.01**.



**Figure E7.01: Wickham**

### 3.0 Related sections

The following sections will also apply to development:

- B6 Urban heat

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B7 Land contamination
- C1 Traffic, parking and access
- C2 Movement networks
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C6 Waste management
- C7 Safety & security
- C8 Social impact
- C9 Advertising and signage
- C10 Street awnings and balconies
- C11 Development adjoining laneways
- C12 Open space and landscaping
- C13 Liveable housing
- D1 Subdivision and lot consolidation
- D2 Single dwelling and ancillary development
- E1 Built and landscape heritage.

### 4.0 Objectives

1. Guide the evolution of Wickham 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.
2. Ensure development is consistent with the intended future character of each urban precinct.

### 5.0 Application requirements

Development category	Application requirements	Explanatory notes
All applications that include the erection of a new structure or the extension of an existing structure with a height exceeding 10m are to be accompanied with a 3D model of the proposed development within the context of the Newcastle CBD 3D model.	The format should be compatible to that used by City of Newcastle (CN). Format specification requirements for the model can be provided by CN's Geospatial Information Services team.	The 3D Model should be used to illustrate the following information: <ul style="list-style-type: none"> <li>• context 'before' and 'after' streetscape drawings/images and/or photomontages;</li> <li>• shadow diagrams; and</li> <li>• assessment of impact on view corridors.</li> </ul>
All applications on land identified within the Newcastle Mine Subsidence District	All applications will need to be assessed on application by Mine Subsidence NSW. CN advises prospective applicants 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.	Due to the nature of the old mine workings in the area, redevelopment is likely to include significant and costly engineering controls including extensive grouting.

## 6.0 Urban character

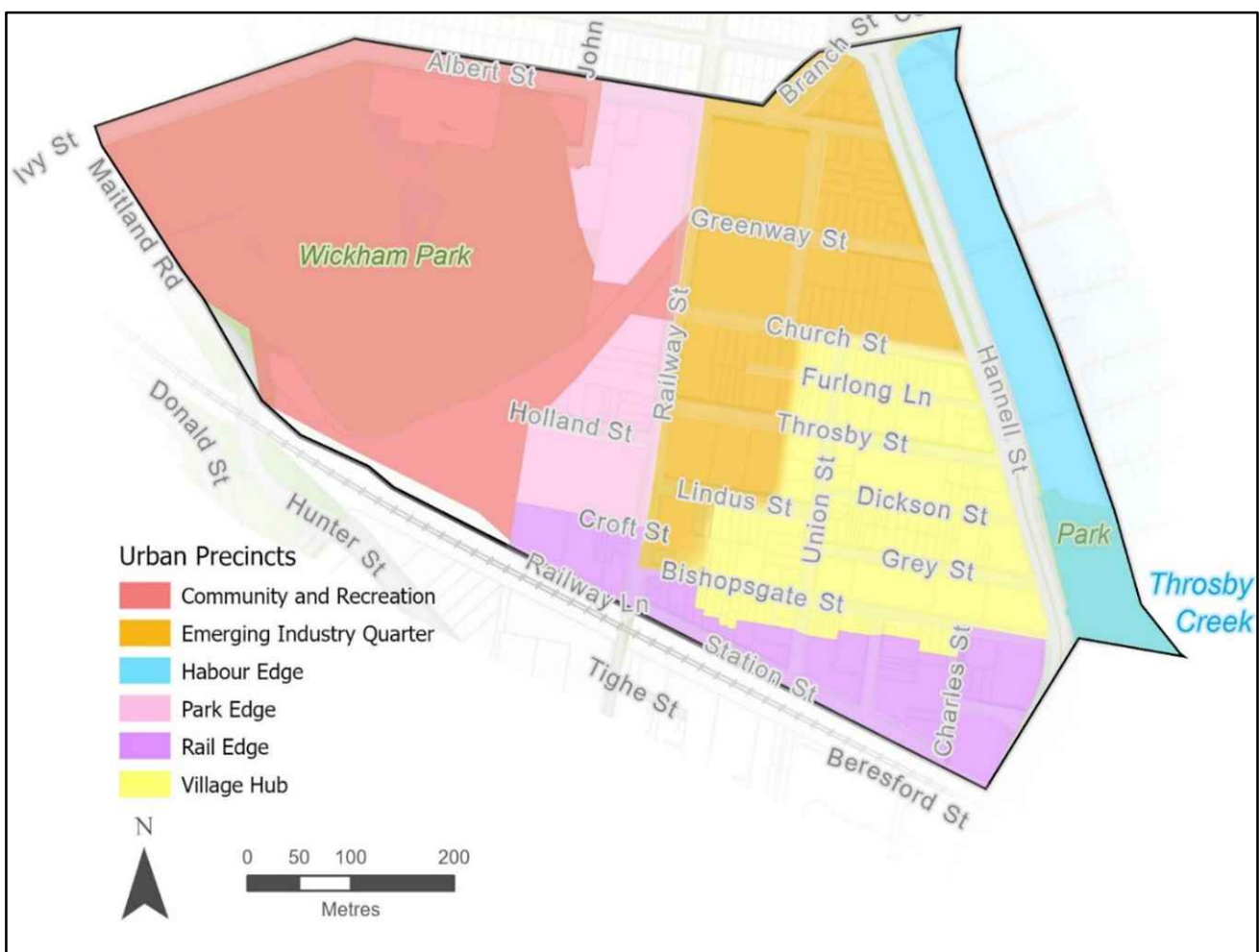
Wickham will continue to evolve from a semi-industrial area at the outer fringe of Newcastle City Centre into a mixed use urban neighbourhood supporting the emerging commercial core within Newcastle West.

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.

### Urban precincts

The controls applying to this section are based on achieving the intended future character of each urban precinct, as identified in **Figure E7.02**, consistent with the vision of the *Wickham Masterplan (2021 Update)*.

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 E7.02: Urban precincts**

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## A. Rail edge

### Existing character

The majority of this precinct has already been redeveloped given the proximity to the Transport Interchange and the already generous development standards.

The Rail Edge precinct is predominantly characterised by higher density residential development with a mix of uses at street level. The larger podium tower building types reflect the precinct's location at the 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 provides 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.

## B. Village hub

### Existing character

The Village Hub retains much of the original residential subdivision patterns established in the 1800s, 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.

The existing scale of the precinct allows for three storey buildings. The building height along the southern side of Bishopsgate Street is currently 24m.

### Future character

Redevelopment and infill development is envisaged to continue to include terrace style housing, shop top housing and smaller residential apartment buildings. A street wall height is anticipated to be up to three storeys along each street fronting setback, incorporating design elements that complement that of existing housing stock.

Redevelopment of small residual sites for infill housing will also enable urban renewal where amalgamation of sites is not possible or unlikely to result in increased residential densities.

Modifications to existing dwellings in the Village Hub should be sympathetic to the original architectural features of the building style.

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 to the Newcastle Transport Interchange. Retail and commercial activity are focused on corner sites along Union Street while the east-west orientated streets maintain a residential focus, except for Throsby Street, which continues to support a mix of business uses at street level.

The interface to the adjoining Emerging Industry Quarter precinct mid-block along Bishopsgate, Church, Lindus and Throsby Streets focuses on creating a consistent character along the street edge by continuation of identified front setbacks, landscape provision, use of design elements that emphasise the lower levels, with upper levels setback from the street.

Where additional building height is permissible in this precinct, the use of upper-level setbacks and design elements will ensure development presents at a consistent scale and character when viewed from street level. Tree planting and other landscape elements within urban activation areas of the public domain will also help to soften the visual dominance of larger development and improve the visual amenity for pedestrians.





**Figure E7.03: Envisaged character of the Village Hub based on permissible scale and densities**

## C. Harbour edge

### Existing character

The precinct is characterised by predominately three storey buildings with uses that reflect the mixed residential, maritime, tourism and entertainment activities along Throsby Creek.

### Future character

The Harbour Edge Precinct will continue to build on the recreational and economic opportunities in this prime waterfront location. This will be through intensification of uses that respect the Port of Newcastle's operational function and allowing for vistas and connections between Hannell Street and Throsby Creek.

The parkland at the southern end of this precinct will connect to the public domain areas of the final stage of the Honeysuckle redevelopment area.

## D. Emerging industry quarter

### Existing character

The Emerging Industry Quarter to the east of Railway Street extends to land north of Church Street due to its characteristically larger sites that accommodate a range of remnant light industrial buildings with high occupancy rates of employment uses including service industries, small scale niche manufacturing, research and development technologies.

Redevelopment within this precinct is likely to occur on land unrestricted by mine subsidence, based on the feasibility and availability of land for current businesses to relocate, particularly where owner-occupied.

### Future character

Redevelopment is envisaged to foster business and employment generation, particularly on sites less conducive to residential amenity, such as Hannell Street and where residential densities are restricted by mine subsidence risk.

Where residential uses are accommodated within the precinct as part of a mixed-use development, the challenge is to ensure these provide genuine economic generating uses on ground level, rather than provision of a token commercial space sleeving at grade car parking.

Ground level floor areas are of an area and dimensions conducive to supporting a range of low impact and clean business uses, including high technology industries, manufacturing and creative industries.

Development on land within this precinct adjoining the Village Hub, will be designed to address the scale and



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character it presents along the streetscape, using architectural elements, articulation of setbacks and upper levels set further back from the street.

CN will seek to acquire the former rail corridor passing through this precinct to deliver a public space incorporating active transport that links to adjoining areas.

## **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.

Land within this Precinct is likely to redevelop within the next development cycle when market demand increases, particularly if the former rail corridor land is transformed into a useable public space with active transport links.

### **Future character**

The Park Edge precinct is envisaged to transform into a mixed-use area including medium to high density residential development with building scales reflective of mine subsidence restrictions.

The precinct will activate the eastern edge of Wickham Park and provide natural surveillance to the active transport corridor diagonally dissecting the precinct. There are opportunities to improve public access through to Wickham Park with a key connection for pedestrians and cyclists being proposed through a widened Holland Street, the extension of Croft Street, the end of railway lane and a wide opening to the former Bullock Island rail corridor and through to Wickham Park on land opposite from Church Street along the western side of Railway Street.

## F. Community and recreation

### Existing character

This precinct combines land previously identified in WMP as 'Wickham Park' with part of the adjacent 'Park Edge', being the land known as the former Wickham to Bullock Island Railway Corridor. This land continues to act as a physical barrier between the City Centre and Wickham Park. The land contains some rail infrastructure along its southern extent, is partly leased to adjoining landowners along Railway Street but has otherwise remained vacant since it was last used as a works depot during the construction of the Newcastle Transport Interchange.

CN intends to acquire the majority of the former rail corridor land from its current owner, through its inclusion on the Land Reservation Acquisition (LRA) map in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)).

Wickham Park continues to cater for the recreational and social needs of both local residents and the wider Newcastle community. CN will prepare a comprehensive plan of management for Wickham Park to improve amenity, connectivity, and surveillance, as identified in the WMP and reiterated within the *Newcastle Strategic Sports Plan 2020*.

### Future character

The precinct will continue to cater for sporting, community events and festivals, which will benefit from improved pedestrian and cycle links to public transport and adjoining areas.

The former rail corridor will support active transport including shared pedestrian and cycleways extending from Maitland Road along a new roadway at the southern boundary of the precinct, to existing cycleways east of the intersection of Cowper and Hannell Streets at Throsby Creek, as shown in Map 4 - Traffic and Transport, *Wickham Masterplan* (2021 Update).

The rail corridor will include appropriate interpretive treatments acknowledging its local heritage listing within [LEP 2012](#) and lined by distinctive planting to differentiate it from other street tree planting within the area.

Redevelopment of the larger triangle shaped part of the former railway corridor lands is significantly restricted due to former mine workings. If acquired by CN, this land will provide a vital role in supporting the precinct through provision of community facilities, formalised parking areas that can cater for both commuters and city workers during the week and park users on weekends, as well as infrastructure that supports a range of events and activities.

## 7.0 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. Ground level building setbacks to street boundaries are consistent with **Figure E7.04**.
- A2. Where land is identified for acquisition by Council, in **Figure E7.04**, the minimum setback includes the land to be acquired plus any additional identified setback.
- A3. Where building setbacks are not specified in **Figure E7.04**, buildings may be built to the street edge (zero setback) at ground level but only for:
- non-residential uses where the street facing facade has a minimum of 50% windows and /or other openings, or
  - 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 sub-section 8.0 Urban Design.

- A4. The upper levels for any development in an identified Urban Precinct (Column 1), which is located at a height above that described in Column 2, is setback at the minimum distance identified in Column 3 from the street front boundary (measured along the horizontal) as identified in **Table E7.01**, below:

Urban precinct	Upper-level setback applies to any part of the building above the following height:	Minimum setback to street front (for the upper-level setback)
Rail edge	12m	6m
Village hub	10m	6m*
Harbour edge	12m	N/A
Emerging industry quarter	12m	6m
Park edge	12m	6m

\*Refer to A7 for land at 29 Bishopsgate Street.

**Table E7.01: Upper level setbacks**

**Note:** Where the requirements of SEPP 65 and/or the Department of Planning and Environment's 'Apartment Design Guide' apply to development proposals subject to this section, any inconsistencies in minimum setbacks will be resolved by the greater of the two setbacks applying.

#### *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. 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.

A7. Notwithstanding the upper level setbacks identified in A4, development on land at 29 Bishopsgate Street has an upper level setback of 15m from the street boundary for parts of the building above 10m.

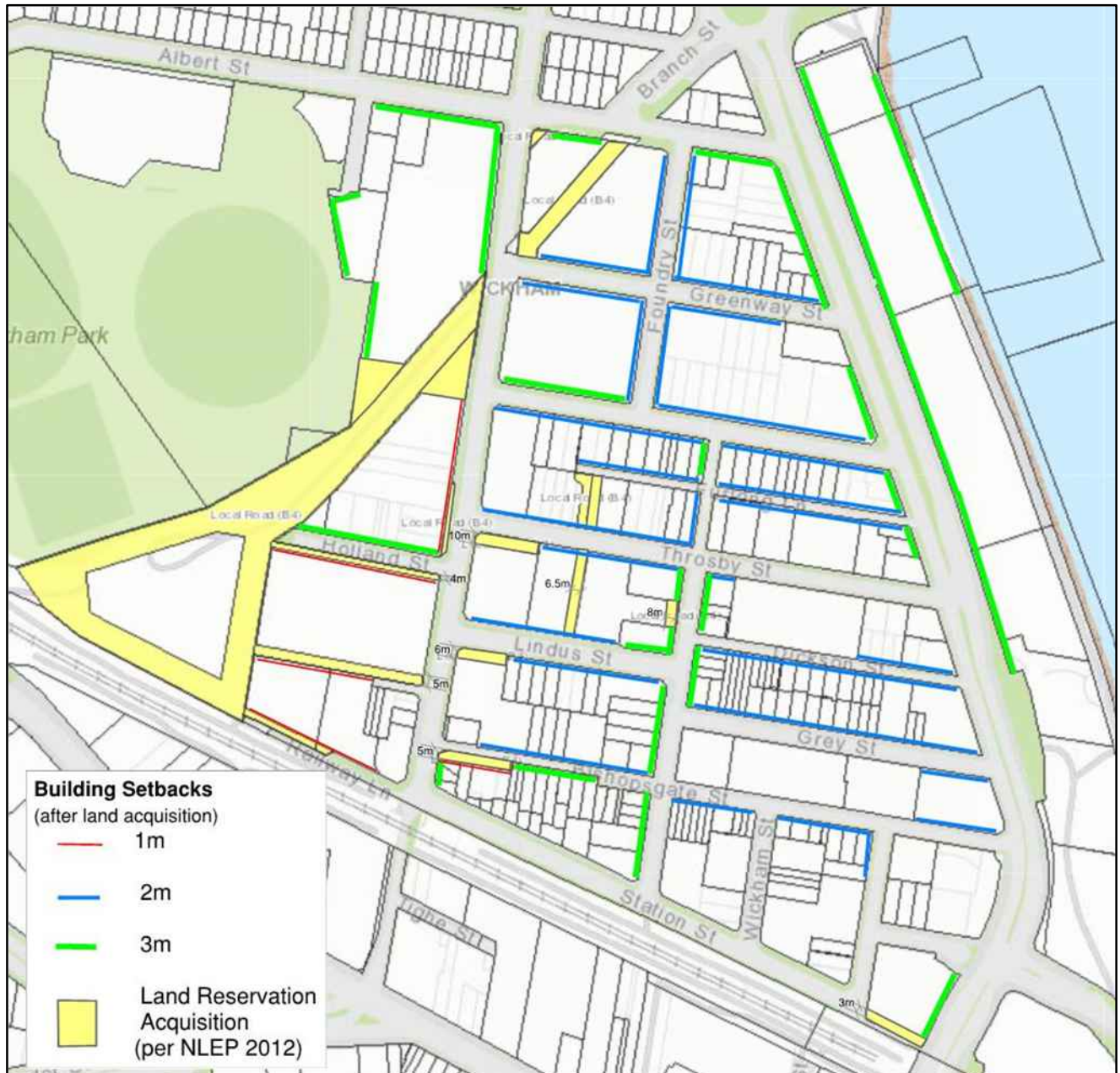


Figure E7.04: Ground level building setbacks to street boundaries

## 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 **Figures E7.05** and **E7.06**.
- 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.
- A3. Development adjoining the Village Hub precinct has an upper level setback for any part of the development above 12m, of 8m to the side or rear boundary that adjoins the Village Hub precinct.

### Additional acceptable solutions for the Harbour Edge precinct

- A4. Development provides pedestrian and cycling links between Hannell Street and Throsby Creek.
- A5. 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.

**Note:** Applicants for development within the Harbour Edge precinct are advised to engage with Port of Newcastle prior to lodgement regarding the location and requirements for maintaining navigation aids in this locality to ensure the safe and efficient operation of the Port.

### Additional acceptable solutions for the Village Hub precinct

- A6. Development within the Village Hub that has a building height greater than 10m, has an upper level setback for any part of the development above 10m of 8m to the side or rear boundary of any land that is also within the Village Hub precinct.



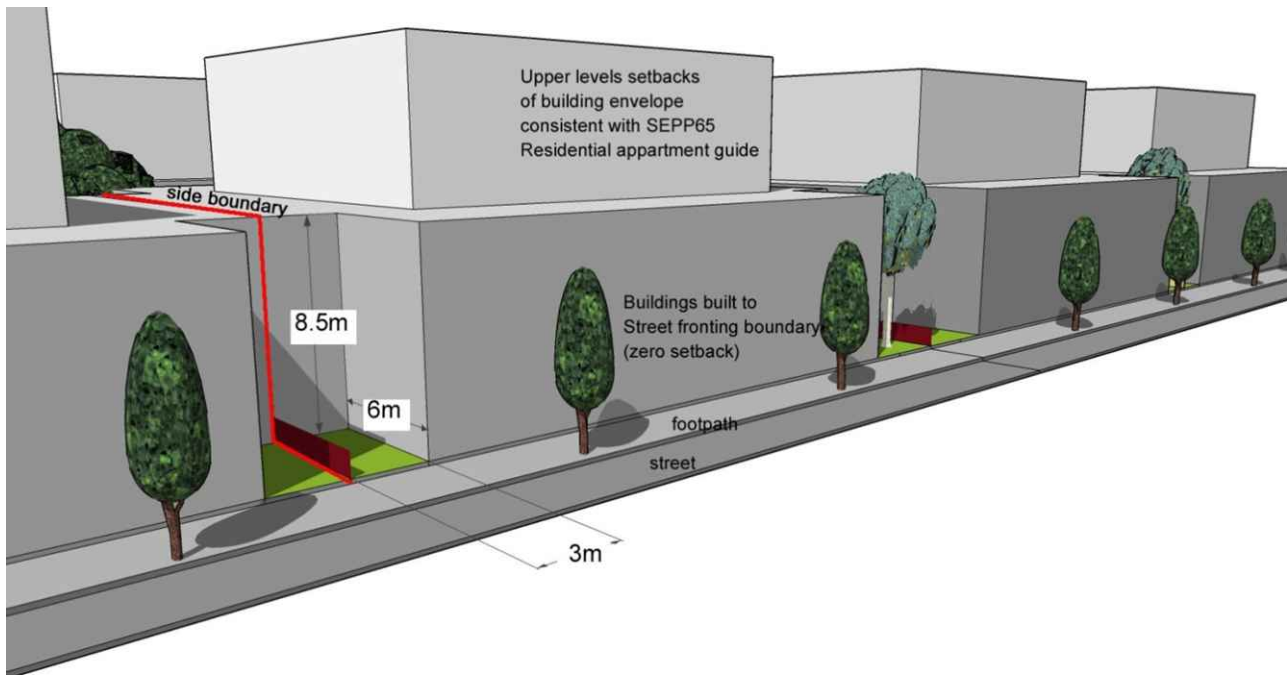


Figure E7.05: Example of building envelopes with no setback to street front (zero setback)

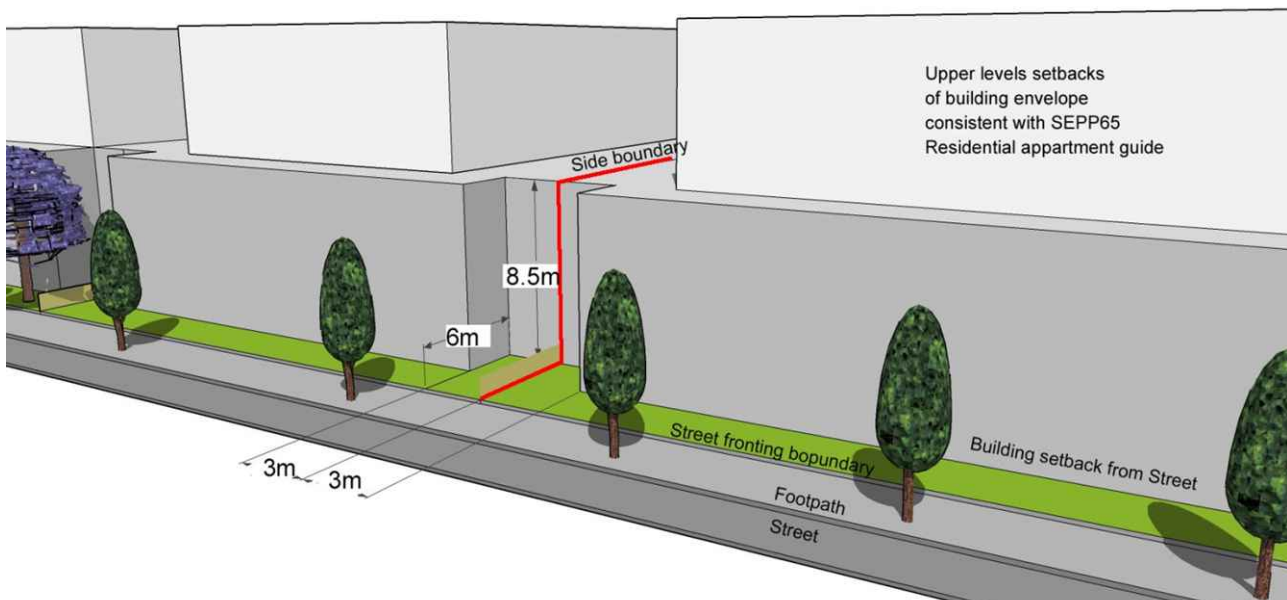


Figure E7.06: Example of building envelopes with front setback to street boundary

## C. 3D model application requirement

### Performance criteria

- P1. 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.

### Acceptable solutions

- A1. See sub-section 5.0 application requirements for further information.

## D. Isolated sites

### Performance criteria

- P1. Development:
- a. enables suitable development of existing isolated sites in a matter which responds to the site context and constraints and maintains a high level of amenity for future occupants and neighbours.
  - b. avoids the creation of isolated sites as a result of the development of adjoining lots.

### Acceptable solutions

- A1. Development is not to result in the creation of an isolated site that could have been developed in compliance with the relevant planning controls. Appropriate documentary evidence to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value.
- A2. Where amalgamation of the isolated site is not feasible, applicants will be required to demonstrate that an orderly and economic use and development of the separate sites can be achieved.
- A3. The development of existing isolated sites is not to detract from the character of the streetscape and is to achieve a satisfactory level of amenity including solar access, visual and acoustic privacy. Development of existing isolated sites may not achieve the maximum potential, particularly height and floor space ratio, and will be assessed on merit.

**Note:** Reasonable offers to purchase a site that is to be isolated are to be made at an early stage before DA lodgement. However, where an applicant has failed to negotiate before a DA was lodged, it is not necessarily too late to do so after lodgement. Documentation is required to demonstrate in writing that an offer to purchase has been made to the owner(s) of the isolated lot and the owner has refused to negotiate. A licensed valuer must base the offer on at least one recent independent valuation.

**Note:** Development that would result in the creation of an isolated lot must comply with the planning principles established by the Land and Environment Court in *Melissa Grech v Auburn Council [2004] NSWLEC 40*, *Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189*; *Karavellas v Sutherland Shire Council [2004] NSWLEC 251*; provide for a future extension incorporating the isolated lot, or demonstrate that the isolated lot can be developed independently.



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## 8.0 Urban design

### A. Public domain

#### Performance criteria

P1. Enhance public domain amenity and maximise opportunities for movement, walking and cycling.

#### Acceptable solutions

A1. All development must upgrade the public domain for the full width of all site frontage to CN specifications. Where the proposed works will adjoin and connect into existing or approved works on an adjoining site, then suitable transitions are required beyond the property frontage.

#### Explanatory note

E1. When determining the requirement for public domain works, considerations by CN may include, but are not limited to the following:

- a. the development type, scale and density
- b. planned or likely intensification of an area
- c. adjoining or surrounding footpath infrastructure and surface treatments
- d. condition of any existing footpath and need for replacement
- e. CN forecasted infrastructure and asset projects or capital works programs
- f. topography of the road reserve along subject site frontage
- g. the presence of any utilities, services, assets, street trees, street furniture or the like
- h. CN public domain plans and standard drawings for footpaths
- i. consideration of heritage conservation principles.

### B. 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 the 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
- h. 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).
- i. Ground floor residential fences are to be no more than 1.2m in height with a minimum 50% transparency. Soft landscaping is encouraged. Colourbond must be avoided.
- j. Avoid hardstand in the front setback, instead provide landscaping.

A2. Development on corner sites activate at least 50% of each facade.

A3. Residential development at ground level has a minimum 4m ceiling height and is designed to enable change of use in the future.

## C. 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 E7.10**
- b. within the front setback of larger development sites and partly incorporated into the road reserve
- 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 landscape elements or facilities as identified in the *Wickham Community Infrastructure Plan*.



Figure E7.07: Urban activation space examples



Figure E7.08: Location of urban activation spaces

## **D. Vehicle access to land**

### **Performance criteria**

P1. Vehicle and service entries ensure the safety and amenity of pedestrians.

### **Acceptable solutions**

A1. Vehicle access and service entries are located consistent with **Figure E7.09**.

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.



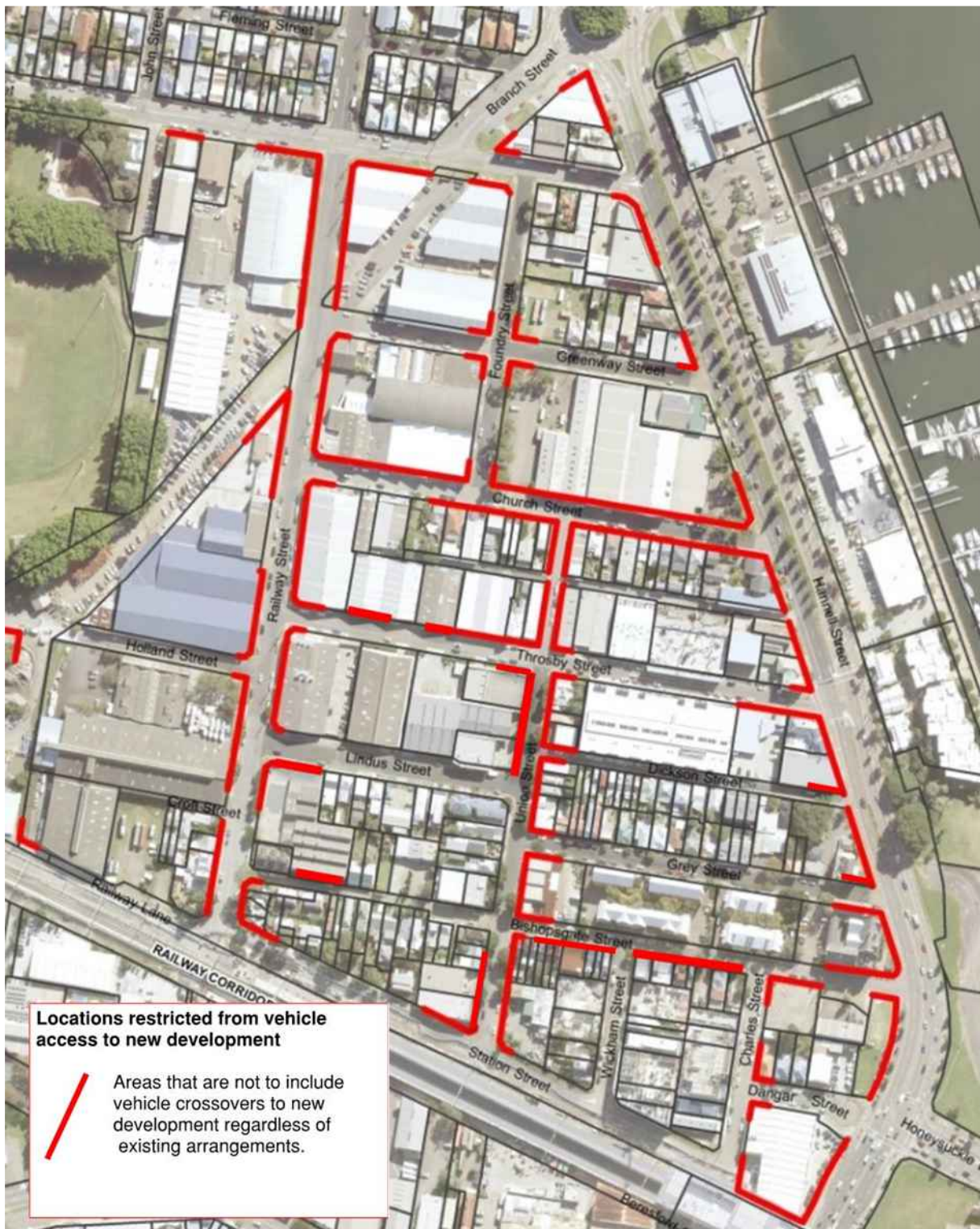


Figure E7.09: Vehicle access restrictions to new development

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## 9.0 Car parking

### 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.

## 10.0 Community infrastructure incentives in Wickham

### Performance criteria

- P1. In accordance with Clause 7.11 of [LEP 2012](#) an incentive height of building and floor space ratio may be achievable on land where CN and an applicant have agreed to or entered into a planning agreement on the basis of providing identified community infrastructure.
- P2. Community infrastructure may be provided to CN in the form of land, capital works, cash contribution, or a combination of these that will deliver the nominated community infrastructure projects identified in the *Wickham Community Infrastructure Plan*.
- P3. Applicants will obtain in-principle agreement from CN to the provision of community infrastructure being offered prior to lodging a formal DA.

### Explanatory note

- E1. Community infrastructure is identified in the *Wickham Community Infrastructure Plan*. It includes development for the purpose of community facilities, recreation areas, recreation facilities (outdoor) or public roads.
- E2. The 'Incentive GFA Rate for Wickham' is identified in the *Wickham Community Infrastructure Plan* and is subject to indexation.
- E3. A planning agreement is the means by which identified community infrastructure will be delivered on a given site. This community infrastructure is provided in addition to infrastructure contributions payable under Section 7.11 and Section 7.12 of the *Environmental Planning and Assessment Act 1979*.



**Figure E7.10: Location of community infrastructure projects in Wickham**



## **PART E: Place and precincts**

### **Section E8 Renewal corridors**

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

This section applies to all development consisting of:

- new buildings or structures
- additions or alterations to existing buildings or structures.

## Applicable environmental planning instruments

- *Newcastle Local Environmental Plan 2012* ([LEP 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:** The Environmental Planning and Assessment Act 1979 enables an environmental planning instrument to exclude or modify the application in whole or part.

## Related sections

The following section will also apply to development:

- Any applicable land use specific provision under Part D Development controls by land use.

**Note:** Any inconsistency between the locality specific provision and a land use specific provision, the locality specific provision will prevail to the extent of the inconsistency.

- B6 Urban heat
- C1 Traffic, parking and access
- C4 Stormwater
- C6 Waste management
- C7 Safety & security
- C12 Open space and landscaping.

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B7 Land contamination
- C1 Traffic, parking and access
- C2 Movement networks
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C6 Waste management
- C7 Safety & security
- C8 Social impact
- C9 Advertising and signage
- C10 Street awnings and balconies
- C11 Development adjoining laneways
- C13 Liveable housing

- D1 Subdivision and lot consolidation
- E1 Built and landscape heritage
- E2 Heritage conservation areas.

## **Savings provisions**

Any development application (DA) lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of the plan that applied at the date of lodgement of the application.

## **Design excellence: Urban Design Review Panel**

The Urban Design Review Panel (UDRP) provides independent, expert advice to City of Newcastle (CN) and applicants about the quality of the urban design and amenity of developments.

Some types of development must be referred to the UDRP. These include:

- Residential flat buildings
- Shop top housing
- Mixed-use development with residential accommodation component
- Strata subdivision of serviced apartments

Within the renewal corridors, other types of development may be referred to the UDRP due to their nature, location or scale, and likely impact upon the surrounding locality. These include:

- Boarding houses
- Education establishments
- Hospitals
- Multi dwelling and attached dwelling developments comprising ten or more dwellings,
- Place of public worship
- Seniors housings
- Serviced apartment
- Tourist and visitor accommodation
- Modification applications where the development consent to be modified was subject to UDRP advice and the modifications are not minor
- Any other development referred at the discretion of the Manager

The UDRP is an advisory panel only and the advice provided by the panel is to inform the assessment process. It is not the purpose of the UDRP to have any role in the determination of DAs, nor are its recommendations binding on CN's determination of an application.

## Introduction

This section provides development objectives and controls for infill and urban renewal development in the five renewal corridors.

The [LEP 2012](#) is Council's principal planning document. It provides objectives, zones and development standards such as lot sizes, floor space ratios and building heights.

The existing urban renewal corridors were identified by CN within the Newcastle Urban Strategy, which underpinned the preparation of Newcastle LEP 2003.

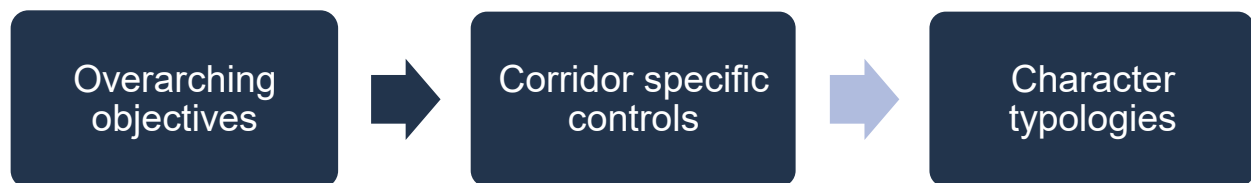
Good design is important to achieve a scale, bulk and height appropriate to the desired character of the street and surrounding buildings. It achieves an appropriate built form that defines the public domain, provides internal amenity and considers neighbours' amenity.

Good design also recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive development with good amenity. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, and providing deep soil zones for vegetation and urban heat/water management.

## Structure

This section provides a set of overarching objectives for the corridors supported by five 'Character typologies', which provide development controls for all the corridors and relate to the desired future character of that area.

Each corridor contains site specific controls which are located in the corresponding corridor section. Each corridor area is assigned a character typology, which has related built form controls.






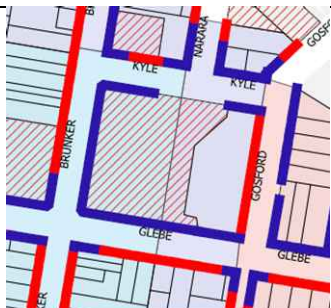
This section covers five renewal corridors identified in the map following. These corridors are:

- Adamstown (Section 1.0)
- Broadmeadow (Section 2.0)
- Hamilton (Section 3.0)
- Mayfield (Section 4.0)
- Islington (Section 5.0)

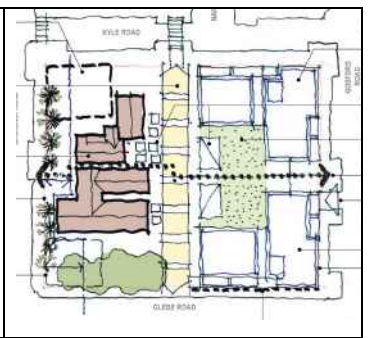
Site specific information relative to each corridor is contained in the respective sections.

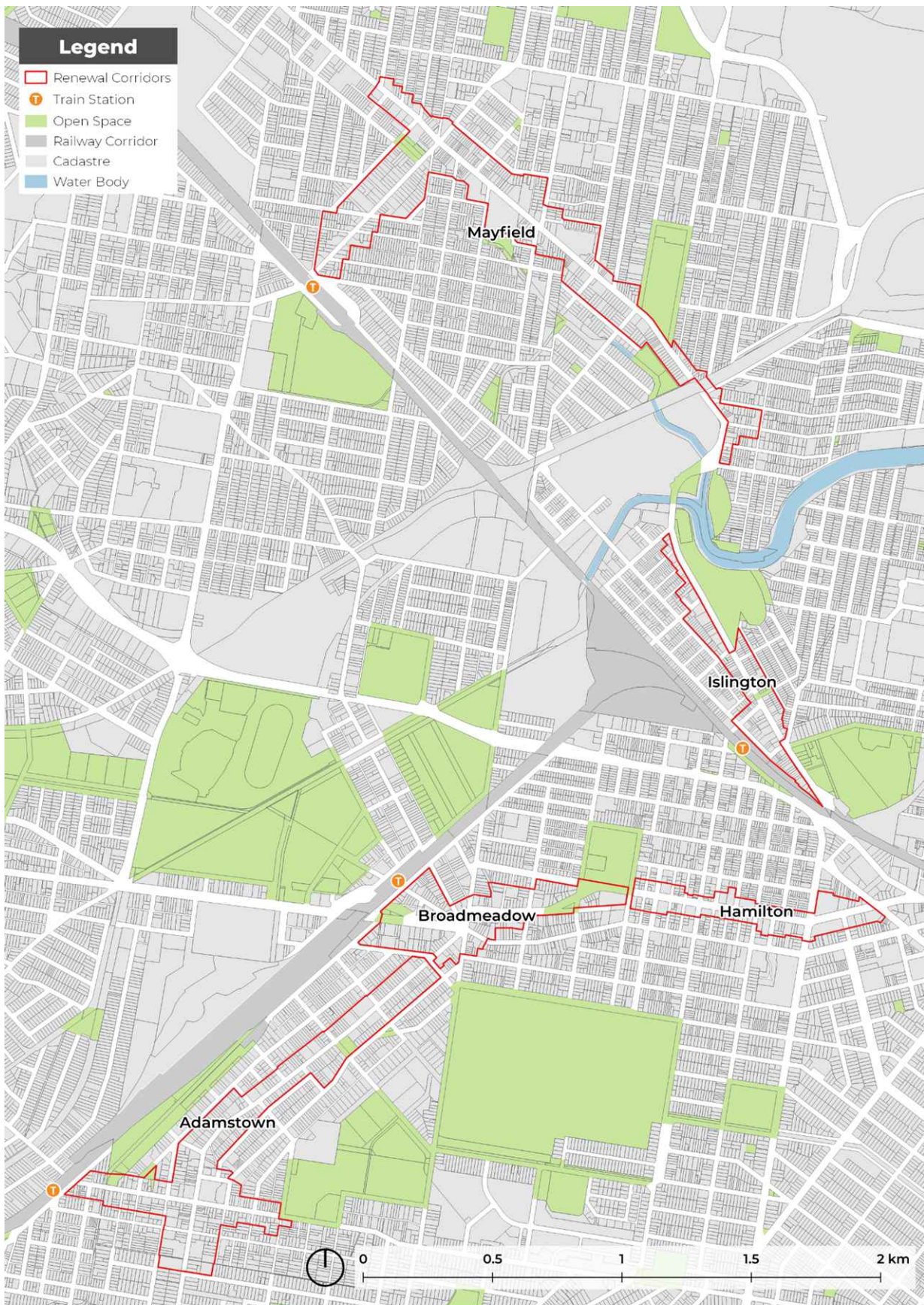
## Using this section

An example of how to apply the controls is provided below.

<b>Table E8.01: Example development control application</b>		
<b>Step</b>	<b>Description</b>	<b>Image</b>
1. Identify relevant character typology for site on the corridor overview map.	In this example, the eastern portion of the former Adamstown Public School is identified in the purple 'Active-Residential' character typology. The built form controls contained in the 'Active-Residential' character typology apply to this site.  The site also is identified as having site specific controls.	
2. Identify the relevant setback for the site on the setback map.	The subject site has two 'Active Residential' setbacks that apply: <ul style="list-style-type: none"> <li>• AR1 (zero setback with a 2m articulation zone); and</li> <li>• AR2 (4m ground floor setback, zero setback above 2m articulation zone).</li> </ul> Refer to relevant character typology section setbacks for further detail.	
3. Identify the relevant awning and street tree requirements for the site on the awning map.	The subject site is identified as requiring an awning on the primary street. Relevant awning controls apply.  New street trees are also identified. Proposals must consider how these additional plantings can be provided, and design accordingly.	
4. Identify the relevant vehicle access requirements.	The site is identified with two type of vehicle access: <ul style="list-style-type: none"> <li>• Blue: No vehicle access</li> <li>• Red: No additional vehicle access.</li> </ul>	



<p>5. Review site specific controls for the site.</p>	<p>In addition to the relevant character typology controls, this site has a range of site-specific controls outlined in Part D or the corridor section.</p>	
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## Objectives

1. Ensure new development responds to the desired future character and sense of place.
2. Encourage a diversity of denser urban forms and renewal of underutilised sites.
3. Provide for active street frontages and lively main streets.
4. Improve the public domain by providing new urban places and landscape enhancements.
5. Respect heritage significance and protect quality streetscapes and contributory buildings.
6. Establish a finer grain and more permeable urban fabric to improve pedestrian amenity and safety.
7. Establish and reinforce gateways at key locations to improve urban legibility.
8. Maximise view potential to green spaces and landmarks.
9. Encourage residential intensification, mixed use developments and infill as and where appropriate.
10. Encourage design quality and sustainable, green development outcomes.
11. Establish appropriate transitions to adjoining lower density streetscapes.
12. Ensure solar access to public spaces and footpaths.
13. Ensure the bulk and scale of new development is appropriate for the site and surrounding context, and contributes positively to the desired future character and amenity of the local area.
14. Ensure all people, regardless of their age, ability or mobility, have equal access to public places and buildings by providing universally accessible design and infrastructure that meets the needs of the whole community.

## Controls

Development in the renewal corridors must be consistent with the above objectives.



## Application requirements

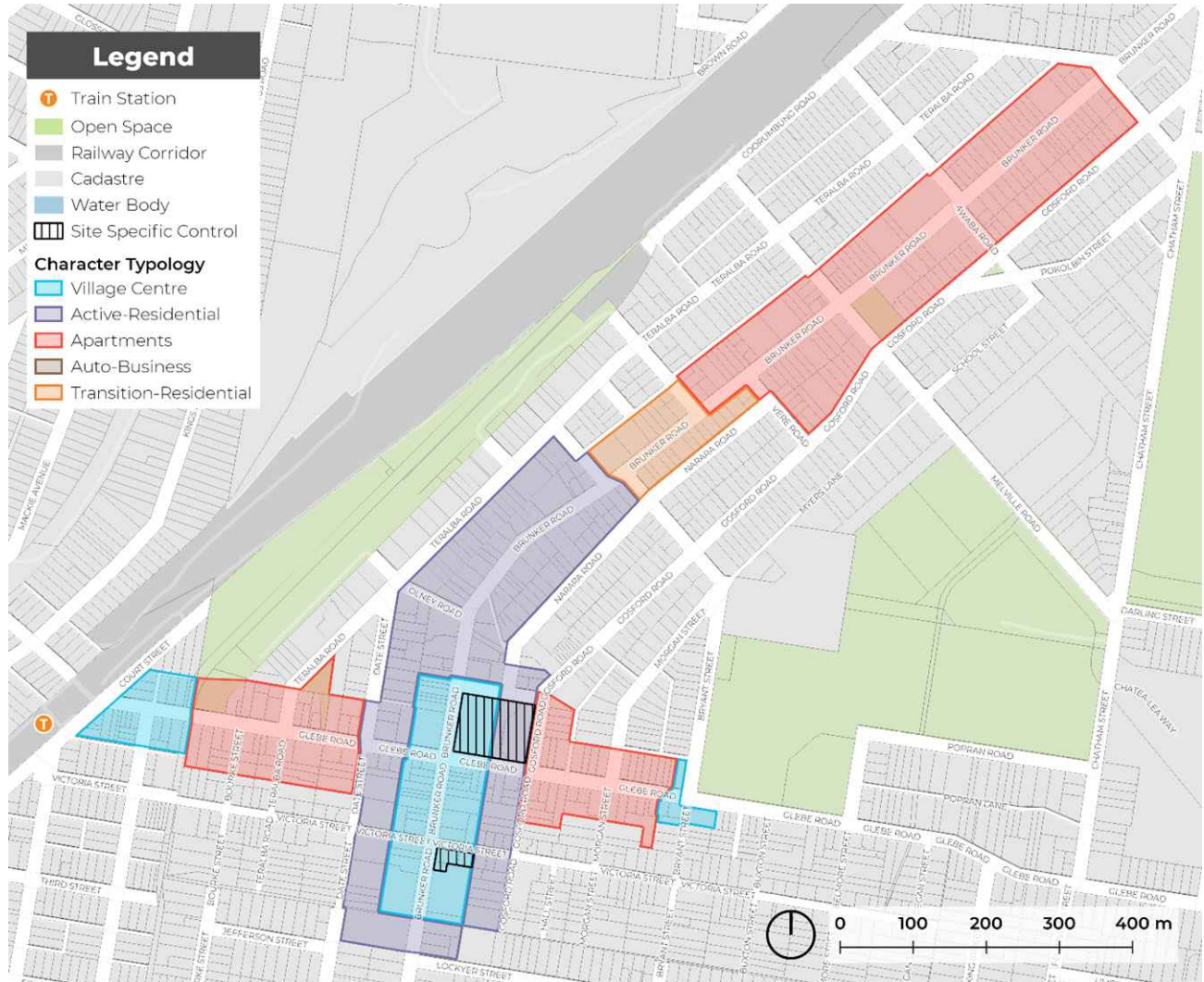
Development Category	Application requirements	Explanatory Notes
<p>All applications that include the erection of a new structure or the extension of an existing structure with a height exceeding 10m are to be accompanied with a 3D model of the proposed development within the context of the Newcastle CBD 3D model.</p>	<p>The format should be compatible to that used by CN. Format specification requirements for the model can be provided by CN's Geospatial Information Services team.</p>	<p>The 3D Model should be used to illustrate the following information:</p> <ul style="list-style-type: none"> <li>• context 'before' and 'after' streetscape drawings/images and/or photomontages;</li> <li>• shadow diagrams; and</li> <li>• assessment of impact on view corridors.</li> </ul>
<p>Any development that may require an acoustic report or a noise impact assessment.</p>	<p>An acoustic report or noise impact assessment is warranted when a noise-producing development is proposed near noise-sensitive areas or, conversely, when a noise-sensitive development is proposed in a noisy area.</p> <p>An acoustic report should:</p> <ul style="list-style-type: none"> <li>• consider and apply relevant noise guidelines or policies – for example, those nominated by planning authorities in planning instruments (e.g. development control plans and/or planning approvals) or in pre-development application meetings for a development</li> <li>• clearly describe assessment methodologies and include calculation data</li> <li>• adequately consider relevant factors such as the effects of weather, extraneous noise sources, potentially annoying characteristics of noise sources and operating conditions at the time of measurements.</li> </ul> <p>Ensure any recommendations concerning acoustic attenuation are feasible and can be practically implemented.</p>	<p><i>Newcastle After Dark Strategy - Night-time Economy Strategy</i> reiterates that that a developer responsible for building a residential complex needs to 'design in' reasonable noise mitigation (for example double glazing). Conversely, a late-night venue seeking to extend venue space or hours of live performance would need to ensure noise impacts are appropriately managed.</p> <p>A noise-producing development or noisy area may have a range of activities contributing to noise and is not limited to that produced from busy roads, railways, industries, live music venues, entertainment, gymnasiums, public parks and plazas in which people may congregate or host live music or events.</p> <p>A noise-sensitive development may include but is not limited to residential accommodation, educational establishments, early education and childcare facility, health services facility, place of public worship or the like.</p> <p>More guidance can be found in the Noise Guide for Local Government, 2023 (NSW Environment Protection Authority) and, Approved Methods for the Measurement and Analysis of Environmental Noise in NSW, 2022 (NSW Environment Protection Authority).</p>

<p>An application for development, including a change of use involving building work.</p>	<p>An access report identifying the relevant matters to be addressed at the construction certificate stage, in circumstances where access constitutes a substantive public interest aspect of a proposal.</p> <p>Access reports should be prepared by a person who is a suitably qualified access consultant, such as a person who is appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	<p><i>The Disability (Access to Premises – Buildings) Standards 2010</i> applies to any part of a building impacted by the application for a change of use. This section does not require anything beyond the standard, but does require information on how the standard will be met through the building design in accordance with these application requirements. There may also be other standards under the <i>Disability Discrimination Act 1992</i> relevant to the public interest assessment of a proposal, such as the <i>Disability Standards for Education 2005</i>.</p>
<p>An application for a change of use not involving building work.</p>	<p>An access report to consider access matters, in circumstances where access constitutes a substantive public interest aspect of the proposal.</p> <p>Access reports should be prepared by a suitably qualified access consultant, such as a person appropriately accredited by the Association of Consultants in Access Australia Inc.</p>	<p>A change of use not involving building works may generate public interest considerations relevant to the assessment of a DA, including in circumstances where it is apparent that a building may not comply with the access requirements of the Building Code of Australia.</p>

## 1.0 Adamstown renewal corridor

### Land to which this section applies

This section applies to all land identified in **Figure E8.01**.



**Figure E8.01: Adamstown renewal corridor area**

Refer to the relevant setback and character typology for overarching development controls.

## A. Building Setbacks

### Objectives

1. Reinforce and maintain a well-defined street edge along Brunker Road and Glebe Road.
2. Provide space for tree planting and landscaping in desired areas.

### Controls

1. Front building setbacks must be consistent with those shown on **Figure E8.02:** and the relevant setbacks identified in sub-section 6.0 Character typologies.
2. Upper level setbacks are encouraged to be used for open space and landscaping, provided privacy of adjoining uses are protected.
3. An alternative building setback from the character typologies listed in this section may only be accepted where it can demonstrate in urban design terms how the design solution was developed, how it was superior, and that the alternative setback:
  - a. is more appropriate to the specific characteristics and context of the site and its surroundings, as compared to the setback requirements that have been assigned
  - b. will not adversely affect the amenity of surrounding properties or the wider community
  - c. meets the overall objectives of the section in terms of built form, scale, and bulk
  - d. is consistent with good design principles and the desired character of the area.

**Note:** Any proposed alternative setback must be submitted to the council for review and approval. The proponent will be required to provide detailed design drawings, elevations, and a written justification for the alternative setback. Council will consider the proposed alternative setback against the criteria outlined in this control and may approve, approve with conditions, or reject the proposal. A pre-DA meeting with council officers is encouraged when intending to vary these controls.



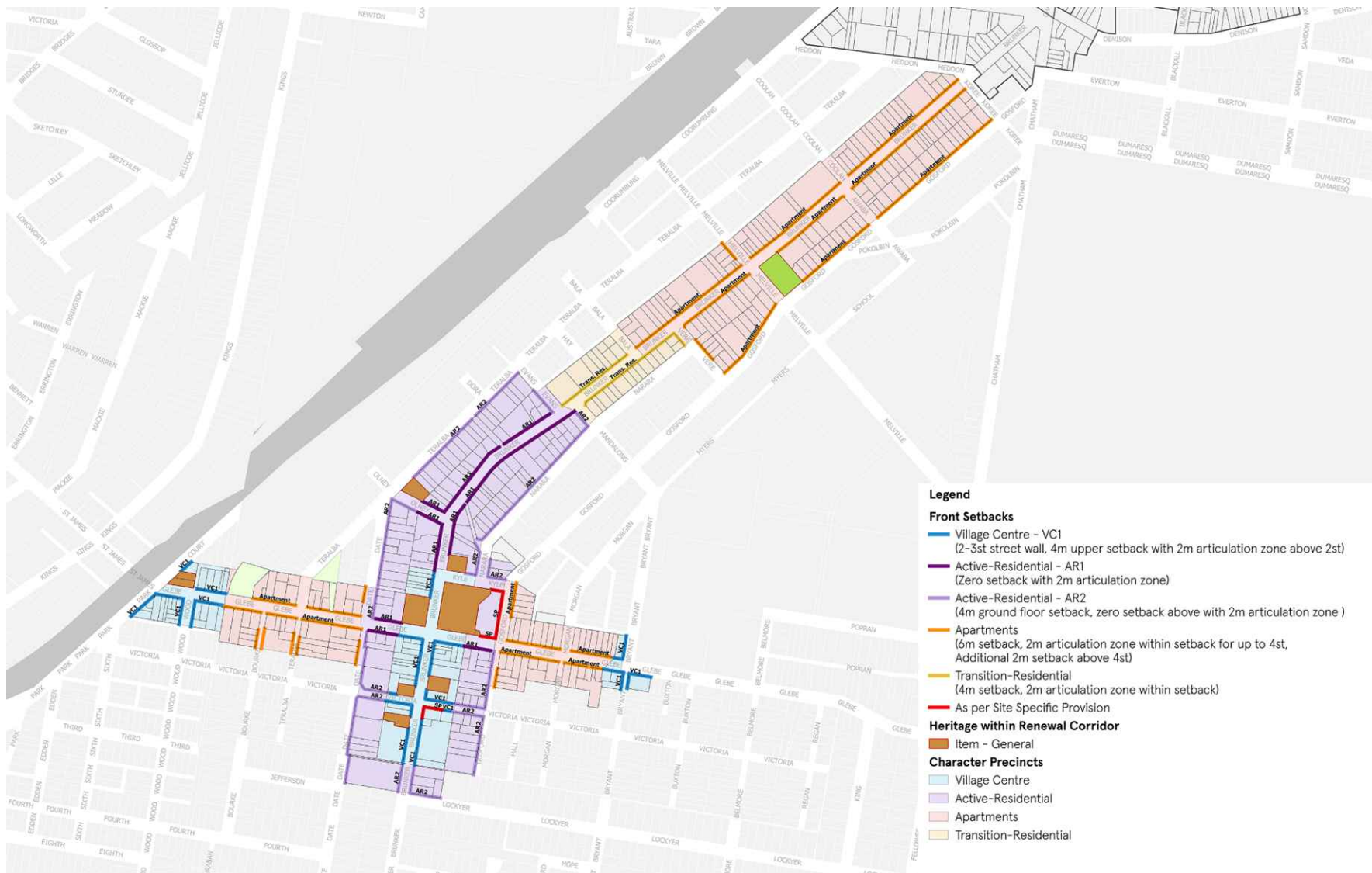


Figure E8.02: Adamstown building setbacks

## B. Awnings and street trees

### Objectives

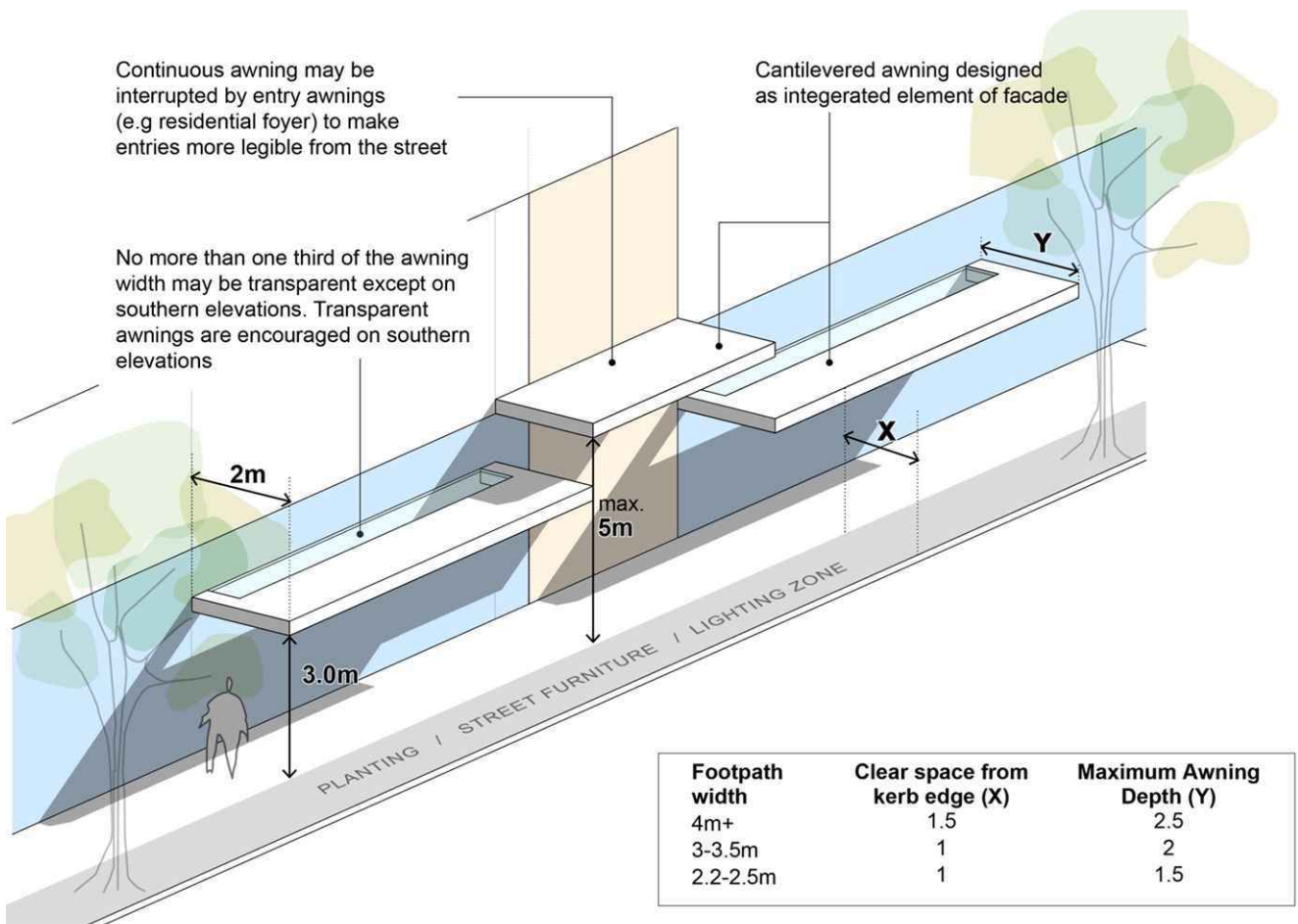
1. Provide consistent awnings along active frontages.
2. Increase urban tree canopy cover.
3. Manage the interface between street trees and awnings.
4. Ensure that awnings, street trees and street infrastructure (such as power poles, street lighting, bus stops, drainage and telecommunication pits) are coordinated in their design and that their placement does not obstruct the public domain.

### Controls

These controls should be read in conjunction with Section C10 Street awnings and balconies. If there is inconsistency between controls, the controls in this section prevail.

1. Awnings must be provided in accordance with **Figure E8.04**.
2. Awnings are to be consistent with **Figure E8.03**.
3. The underside of an awning must be no lower than 3m above the footpath.
4. As shown in **Figure E8.03**, the depth of an awning is determined by the footpath width to allow appropriate space for planting, street furniture and lighting.
5. Continuous awnings must be provided to all active frontages. Breaks in awnings may be permitted for residential lobbies for legibility and for existing street trees.
6. New awnings should respond to existing awnings in terms of width, height and material. Awning material preference should complement heritage or period facades with similar materials, signage and colour treatments.
7. Awnings on Primary Streets should provide a continuous awning for the entire length of the frontage. Breaks in awnings may be permitted for residential lobbies for legibility and for existing street trees
8. Awnings on Secondary Streets should provide a continuation of the awning on the Primary Street, covering any active frontage for an appropriate distance relative to length of development.
9. Where a proposed street tree is indicated on **Figure E8.04**, comprehensive redevelopment should provide new street tree planting, as per C3 Vegetation preservation and care and *The Newcastle Urban Forest Technical Manual*. Alternative tree locations and additional planting will be considered on merit.

**Note:** The proposed tree locations are dynamic and provided as a guide. Development may consider street blister or vault planting for street trees where continuous awnings are prescribed.



**Figure E8.03: Awnings diagram**



**Figure E8.04: Adamstown street tree and awning map**



## C. 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
4. Maximise opportunities for walking and cycling and where possible

### Controls

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 **Figure E8.05** Adamstown 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 **Figure E8.05** 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. Where above-ground car parking facilities are proposed they must be 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 C1 Traffic, parking and access
11. Development is to provide footpaths for the full width of any site frontage. Where the proposed footpath will adjoin and connect to an existing or approved footpath on an adjoining site, the width of the proposed footpath is to match this footpath width. See C2 Movement Networks for detail.

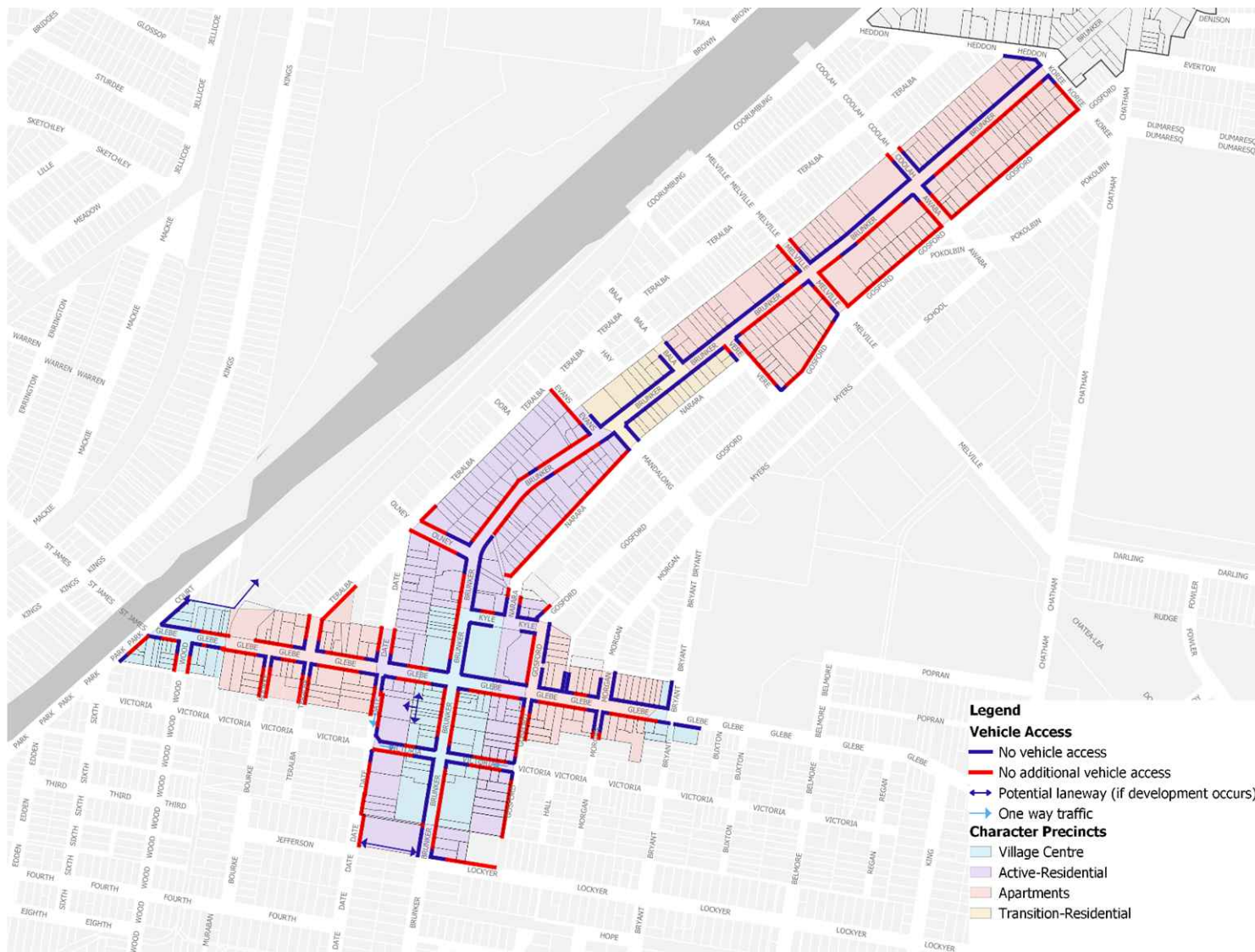


Figure E8.05: Adamstown vehicle access map

## D. Site specific provisions

### Objectives

1. Guide development outcomes on specific sites.
2. Ensure good design outcomes that respect local character and heritage.

### Controls

#### Former Adamstown Public School Site

Located at 201 Bruncker Road, the former Adamstown Public School is a locally listed heritage item Under the [LEP 2012](#). The site is significant due to its landmark qualities and an example of Victorian Gothic architecture that is in excellent conditions. It is complementary to the adjacent Post Office and Adamstown Uniting Church. It was constructed and opened in 1879 as the Adamstown Public School to serve the large local population following the establishment of several mines in the area. It was last used as a school in 1971 and is currently the regional office for the Department of Education, having been re-opened as the Adamstown Teacher's Centre in 1973. (Heritage NSW).

Redevelopment of the site should improve the public domain through a mixed use redevelopment. This includes improved through site linkages and a perimeter block style development with internal communal open space.

1. Development of the former Adamstown Public School site should be consistent with the **Figure E8.06** and **Figure E8.07**.
2. Development of the former Adamstown Public School site at the corner setback of Bruncker and Kyle Roads to incorporate an informal public open space with playground facilities.
3. Through site links and pedestrian links should be provided as shown in **Figure E8.06**.
4. 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 E8.06**.



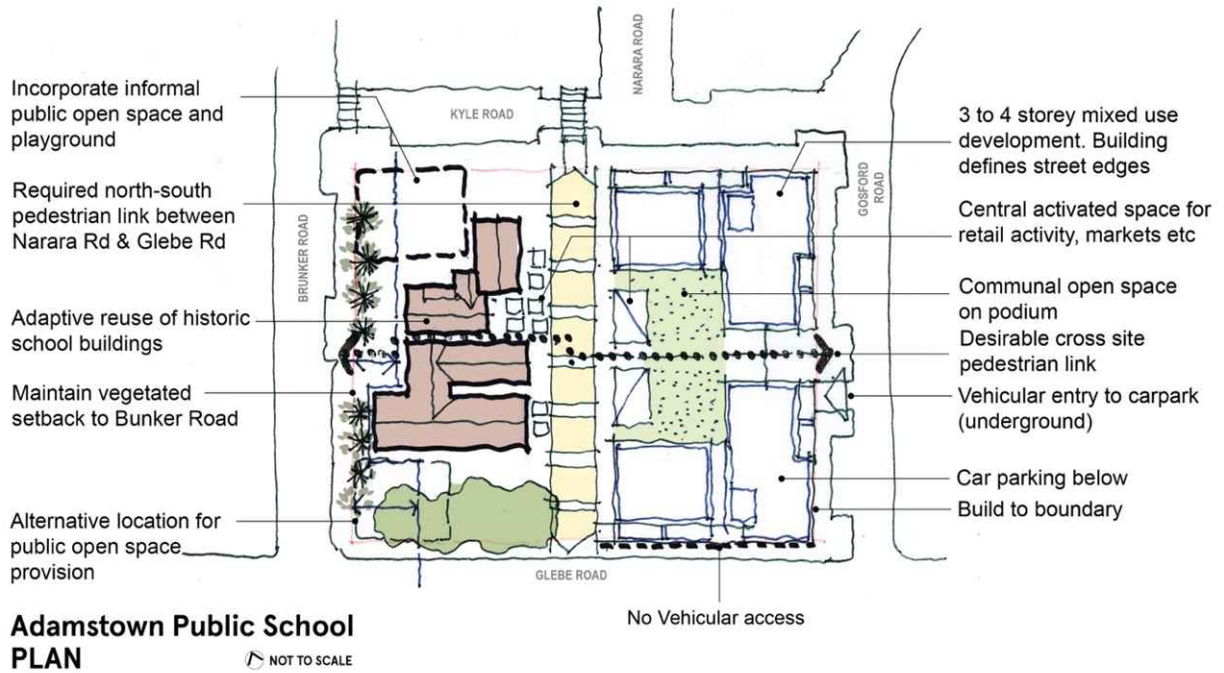


Figure E8.06: Adamstown public school plan

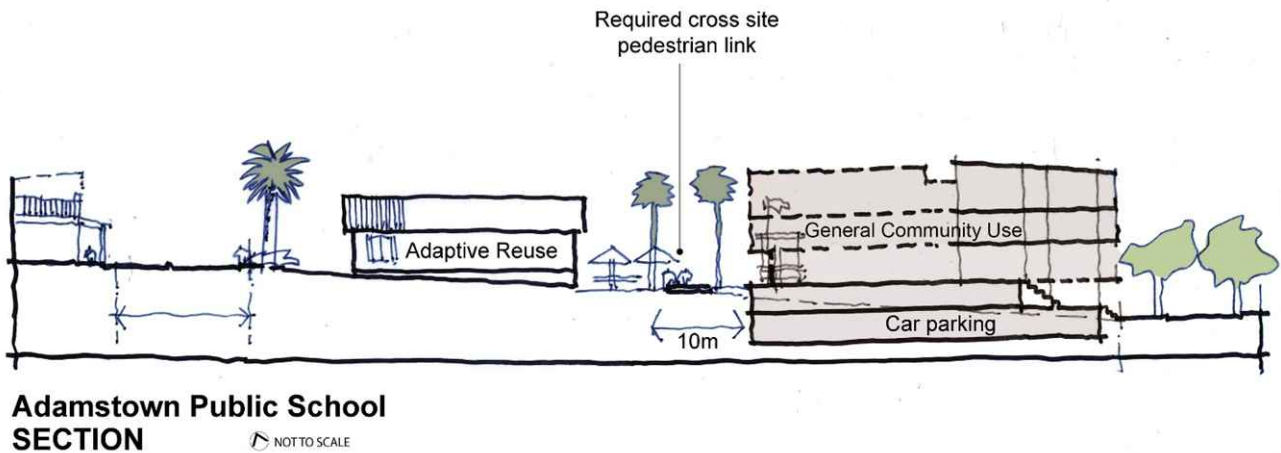
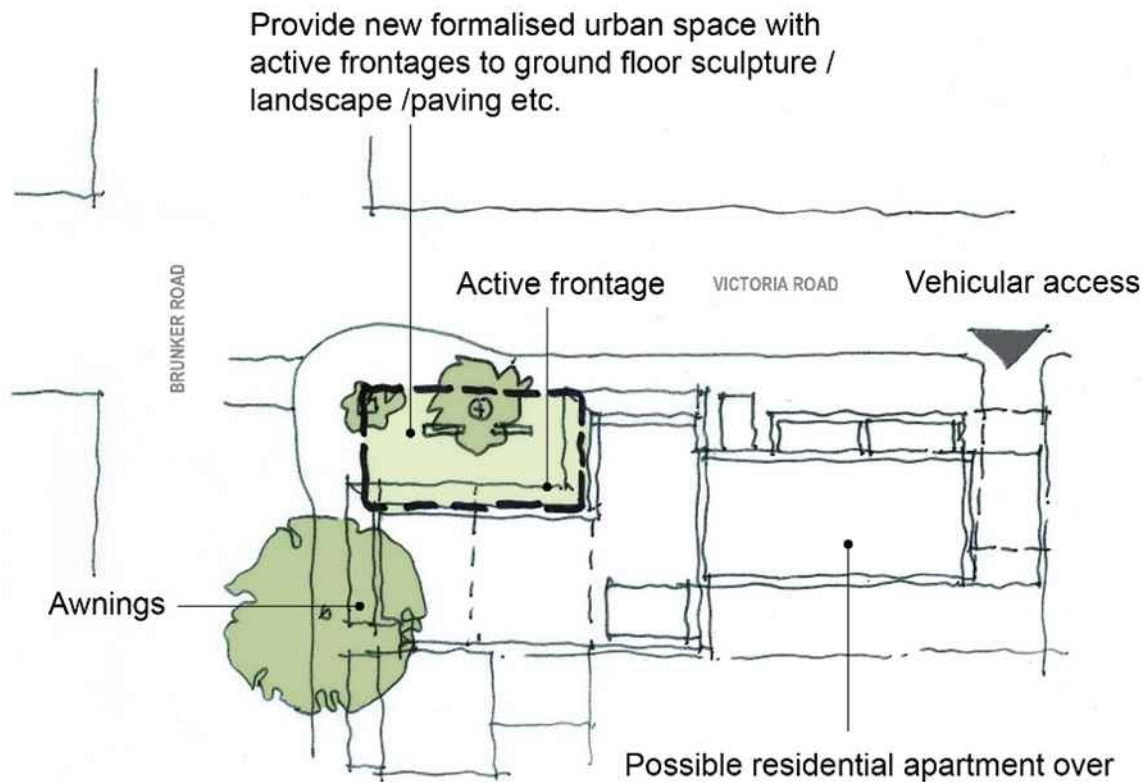


Figure E8.07: Adamstown public school section

### Council library site

5. 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 E8.08**.



**Figure E8.08: Adamstown library plan**

## **E. Art in publicly accessible places**

### **Objectives**

1. Incorporate publicly accessible art into significant development to enhance the sense of place and cultural identity.
2. Ensure that publicly accessible art is located in appropriate areas to optimise recognition, amenity, and safety.
3. Utilise publicly accessible artworks to interpret heritage components, recognise former uses of large development sites and reflect the desired contemporary character of a place.
4. Recognise and celebrate indigenous and non-indigenous cultural heritage.
5. Ensure publicly accessible artwork is easy to maintain.

## Controls

1. Development over \$5 million must contribute art that is publicly accessible.
2. Development required to provide publicly accessible art (in accordance with control 1) must be accompanied by a public art strategy prepared by a suitable qualified person. The public art strategy is to be in accordance with any strategy/guideline that outlines CN and the Public Art Reference Group's (PARG) process and expectations. Confirmation on the provision of publicly accessible art is required from CN in conjunction with the PARG or similar committee.
3. The inclusion of publicly accessible art should be considered early in the design process to enable the appropriate integration of art with the detailed fabric and form of architectural, place and landscape designs. Early consultation with CN and affiliated PARG (or similar committee) is recommended.
4. Publicly accessible art should be readily visible from the street.
5. Where publicly accessible art is incorporated into building facades, roof features, open spaces, walkways, building foyers, landscaping or infrastructure it should be easily recognisable as an artistic feature and labelled accordingly in a close and noticeable location.
6. Publicly accessible art installations in laneways are encouraged, including creative lighting to activate the laneway at night.
7. The artwork should not be climbable unless specifically designed as a play safe artwork.
8. Applicants should work with a heritage consultant and/or a public artist to develop innovative ways to interpret heritage using publicly accessible art.
9. Publicly accessible art should respond to the significance and character of the location and where appropriate, interpret indigenous and non-indigenous cultural heritage.
10. Publicly accessible art should cover a diverse range of themes and mediums to provide visual amenity and encourage interaction.
11. Publicly accessible art must be safe and durable with consideration to avoid sharp edges, protrusions at eye height, trip hazards, and prevention of vandalism and deterioration over time.
12. A publicly accessible artwork maintenance plan is developed prior to the installation of each new publicly accessible artwork to ensure the effective management of artwork.
13. Where art is permanent, use materials that are:
  - a. appropriate to the landscape/environment
  - b. resistant to vandalism
  - c. durable and easily maintained.

**Note:** Publicly accessible means the ability to be viewed or experienced from publicly accessible places. This may be within the building facade or within the front setback. Early discussions with CN on the design and placement of public art is encouraged. Wherever possible, publicly accessible art should be designed by local artists. The cost of publicly accessible art installations is to be 1% of the cost of construction of the development.

## 2.0 Broadmeadow renewal corridor

### Land to which this section applies

This section applies to all land identified in **Figure E8.09**.



**Figure E8.09: Broadmeadow renewal corridor area**

Refer to the relevant setback and character typology for overarching development controls.

The Broadmeadow renewal corridor borders an area in Hamilton with heritage character known as Cameron's Hill. The area broadly follows Dennison and Everton Streets, from Blackall Street, east towards Steel Street. There is evidence the area is significant both architecturally and socially, with contributory examples of federation housing that once housed local mine managers and the Director of Education for the district, among others. Additionally, Denison Street was once the main street of Hamilton and contained several hotels where men socialised, and local sports teams were formed.

The blocks in Cameron's Hill are much larger than those in the Hamilton Business District and the Hamilton Residential areas, allowing for larger and more substantial homes that were generally built between 1844 and the 1930s. Cameron's Hill was originally named Winship's Hill after James Barron Winship, a mine manager for Australian Agricultural Company (AA Company) in the 1860s, and was later renamed Cameron's Hill after James Cameron, the builder and owner of the Queen's Arms Hotel. Early in the 1900s, the AA Company subdivided its land on Cameron's Hill, leading to the appearance of a number of large Federation-style homes in the area. Cameron's Hill still has the AA Company mine manager's house, a state heritage item at 195 Denison Street which was built in 1849-50.

Development in the renewal corridors must provide a sympathetic transition to Cameron's Hill and not detract from the heritage character.

## A. 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.
4. Provide space for tree planting and landscaping in desired areas.
5. Ensure new development provides a sympathetic built form transition to adjacent low density residential areas.

### Controls

1. Front building setbacks must be consistent with those shown on **Figure E8.11** and the relevant setbacks identified in sub-section 6.0 Character typologies.
2. Upper level setbacks are encouraged to be used for open space and landscaping, provided privacy of adjoining uses are protected.
3. New buildings are to complement existing building envelopes, setbacks and building heights of heritage items along Belford Street. An example is shown in **Figure E8.10**.
4. An alternative building setback from the character typologies listed in this section may only be accepted where it can demonstrate in urban design terms how the design solution was developed, how it was superior, and that the alternative setback:
  - a. is more appropriate to the specific characteristics and context of the site and its surroundings, as compared to the setback requirements that have been assigned
  - b. will not adversely affect the amenity of surrounding properties or the wider community
  - c. meets the overall objectives of the section in terms of built form, scale, and bulk
  - d. is consistent with good design principles and the desired character of the area.

**Note:** Any proposed alternative setback must be submitted to CN for review and approval. The proponent will be required to provide detailed design drawings, elevations, and a written justification for the alternative setback. CN will consider the proposed alternative setback against the criteria outlined in this control and may approve, approve with conditions, or reject the proposal. A pre-DA meeting with CN is encouraged.





**Figure E8.10: New buildings to complement existing heritage items**



**Legend**

**Front Setbacks**

- Village Centre - VC1  
(2-3st street wall, 4m upper setback with 2m articulation zone above 2st)
- Active-Residential - AR1  
(Zero setback with 2m articulation zone)
- Active-Residential - AR2  
(4m ground floor setback, zero setback above with 2m articulation zone )
- Apartments  
(6m setback, 2m articulation zone within setback for up to 4st, Additional 2m setback above 4st)

**Heritage within Renewal Corridor**

■ Item - General

**Character Precincts**

- Village Centre
- Active-Residential
- Apartments
- Auto-Business

**Figure E8.11: Broadmeadow building setback map**



## B. Awnings and street trees

### Objectives

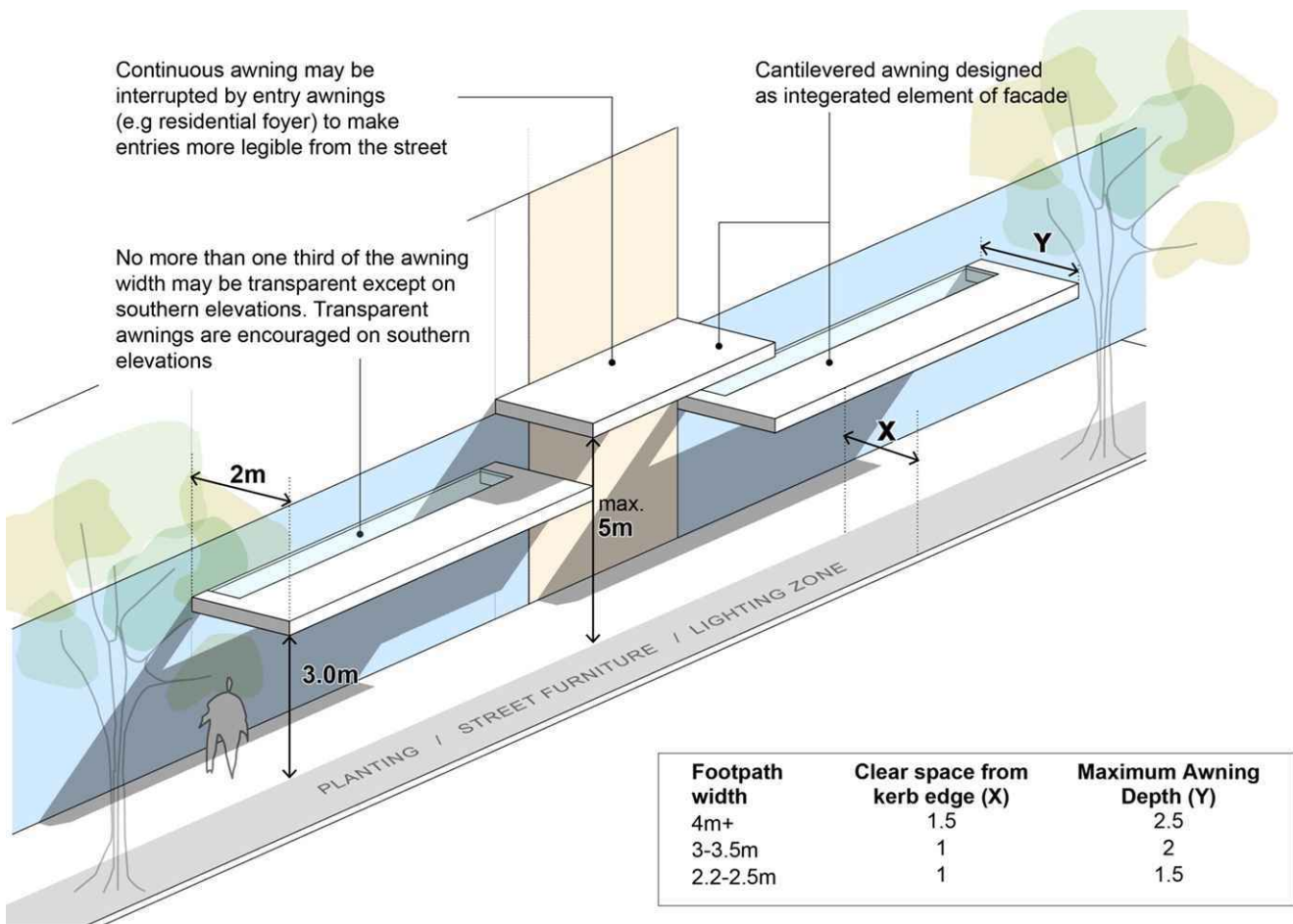
1. Provide consistent awnings along active frontages.
2. Increase urban tree canopy cover.
3. Manage the interface between street trees and awnings.
4. Ensure that awnings, street trees and street infrastructure (such as power poles, street lighting, bus stops, drainage and telecommunication pits) are coordinated in their design and that their placement does not obstruct the public domain.

### Controls

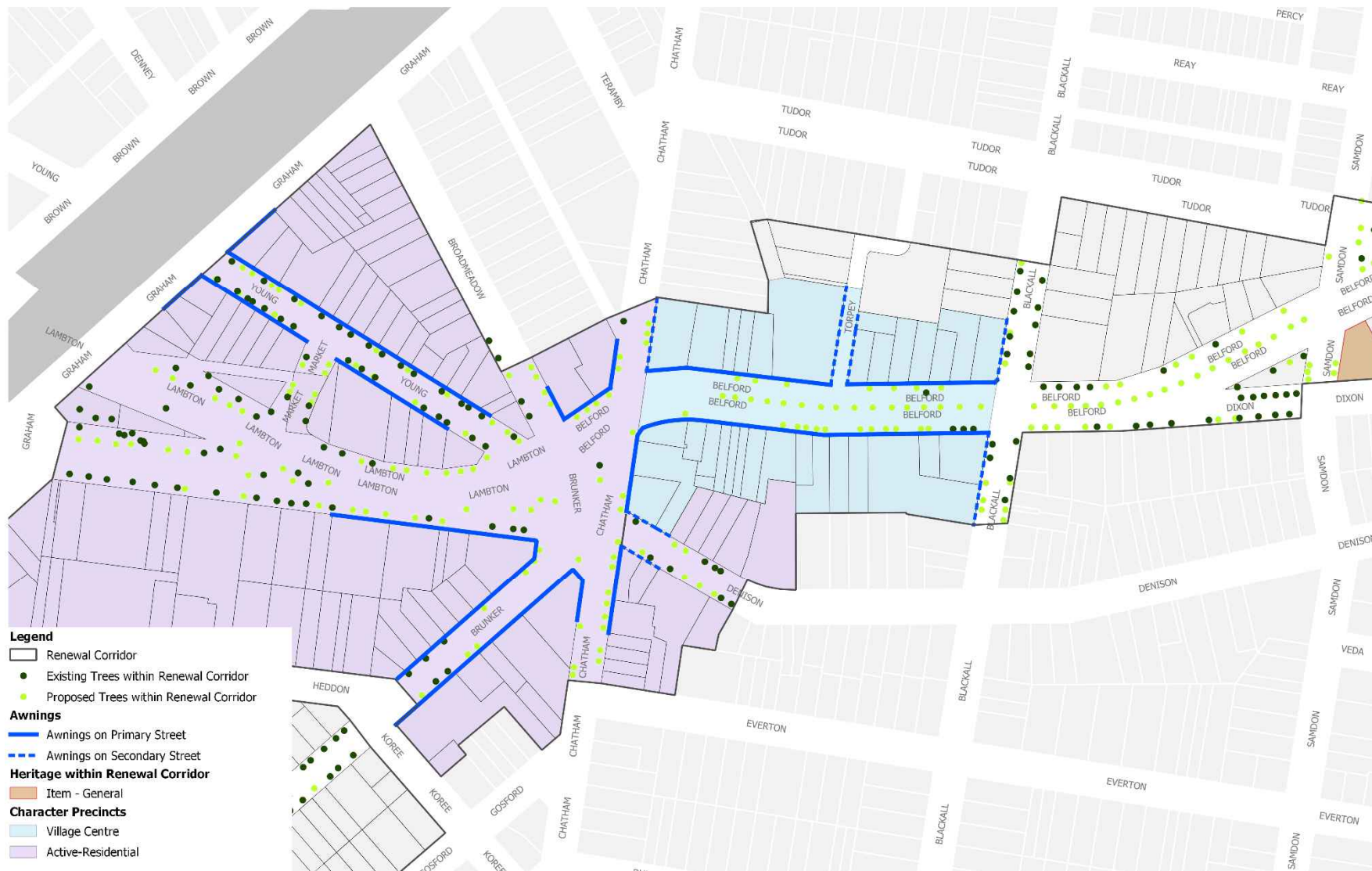
These controls should be read in conjunction with Section C10 Street awnings and balconies.

1. Awnings must be provided in accordance with **Figure E8.13**.
2. Awnings are to be consistent with **Figure E8.12**.
3. The underside of an awning must be no lower than 3m above the footpath.
4. As shown in **Figure E8.12**, the depth of an awning is determined by the footpath width to allow appropriate space for planting, street furniture and lighting.
5. Continuous awnings must be provided to all active frontages. Breaks in awnings may be permitted for residential lobbies for legibility and for existing street trees.
6. New awnings should respond to existing awnings in terms of width, height and material. Awning material preference should complement heritage or period facades with similar materials, signage and colour treatments.
7. Awnings on Primary Streets should provide a continuous awning for the entire length of the frontage. Breaks in awnings may be permitted for residential lobbies for legibility and for existing street trees.
8. Awnings on Secondary Streets should provide a continuation of the awning on the Primary Street, covering any active frontage for an appropriate distance relative to length of development.
9. Where a proposed street tree is indicated on **Figure E8.13**, comprehensive redevelopment should provide new street tree planting, as per C3 Vegetation preservation and care and *The Newcastle Urban Forest Technical Manual*. Alternative tree locations and additional planting will be considered on merit.

**Note:** The proposed tree locations are dynamic and provided as a guide. Development may consider street blister or vault planting for street trees where continuous awnings are prescribed.



**Figure E8.12: Awnings diagram**



**Figure E8.13: Broadmeadow street tree and awning map**

## C. Traffic and transport

### Objectives

1. Provide sufficient and discreet on-site car parking.
2. Reduce potential vehicle and pedestrian conflict.
3. Prioritise clear and simple vehicular access from side streets and rear access lanes
4. Maximise opportunities for walking and cycling and where possible.

### Controls

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 C1 Traffic, parking and access
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.
5. Vehicle Access must be provided in accordance with **Figure E8.14**.
6. Development is to provide footpaths for the full width of any site frontage. Where the proposed footpath will adjoin and connect to an existing or approved footpath on an adjoining site, the width of the proposed footpath is to match this footpath width. See C2 Movement networks for detail.

## D. Art in publicly accessible places

### Objectives

1. Incorporate publicly accessible art into significant development to enhance the sense of place and cultural identity.
2. Ensure that publicly accessible art is located in appropriate areas to optimise recognition, amenity, and safety.
3. Utilise publicly accessible artworks to interpret heritage components, recognise former uses of large development sites and reflect the desired contemporary character of a place.
4. Recognise and celebrate indigenous and non-indigenous cultural heritage.
5. Ensure publicly accessible artwork is easy to maintain.

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## Controls

1. Development valued over \$5 million must contribute art that is publicly accessible.
2. Development required to provide publicly accessible art (in accordance with control 1) must be accompanied by a public art strategy prepared by a suitable qualified person. The public art strategy is to be in accordance with any strategy/guideline that outlines CN and the Public Art Reference Group's (PARG) process and expectations. Confirmation on the provision of publicly accessible art is required from CN in conjunction with the PARG or similar committee.
3. The inclusion of publicly accessible art should be considered early in the design process to enable the appropriate integration of art with the detailed fabric and form of architectural, place and landscape designs. Early consultation with CN and affiliated PARG (or similar committee) is recommended.
4. Publicly accessible art should be readily visible from the street.
5. Where publicly accessible art is incorporated into building facades, roof features, open spaces, walkways, building foyers, landscaping or infrastructure it should be easily recognisable as an artistic feature and labelled accordingly in a close and noticeable location.
6. Publicly accessible art installations in laneways are encouraged, including creative lighting to activate the laneway at night.
7. The artwork should not be climbable unless specifically designed as a play safe artwork.
8. Applicants should work with a heritage consultant and/or a public artist to develop innovative ways to interpret heritage using publicly accessible art.
9. Publicly accessible art should respond to the significance and character of the location and where appropriate, interpret indigenous and non-indigenous cultural heritage.
10. Publicly accessible art should cover a diverse range of themes and mediums to provide visual amenity and encourage interaction.
11. Publicly accessible art must be safe and durable with consideration to avoid sharp edges, protrusions at eye height, trip hazards, and prevention of vandalism and deterioration over time.
12. A publicly accessible artwork maintenance plan is developed prior to the installation of each new publicly accessible artwork to ensure the effective management of artwork.
13. Where art is permanent, use materials that are:
  - a. appropriate to the landscape/environment
  - b. resistant to vandalism
  - c. durable and easily maintained.

**Note:** Publicly accessible means the ability to be viewed or experienced from publicly accessible places. This may be within the building facade or within the front setback. Early discussions with CN on the design and placement of public art is encouraged. Wherever possible, publicly accessible art should be designed by local artists. The cost of publicly accessible art installations is to be 1% of the cost of construction of the development.



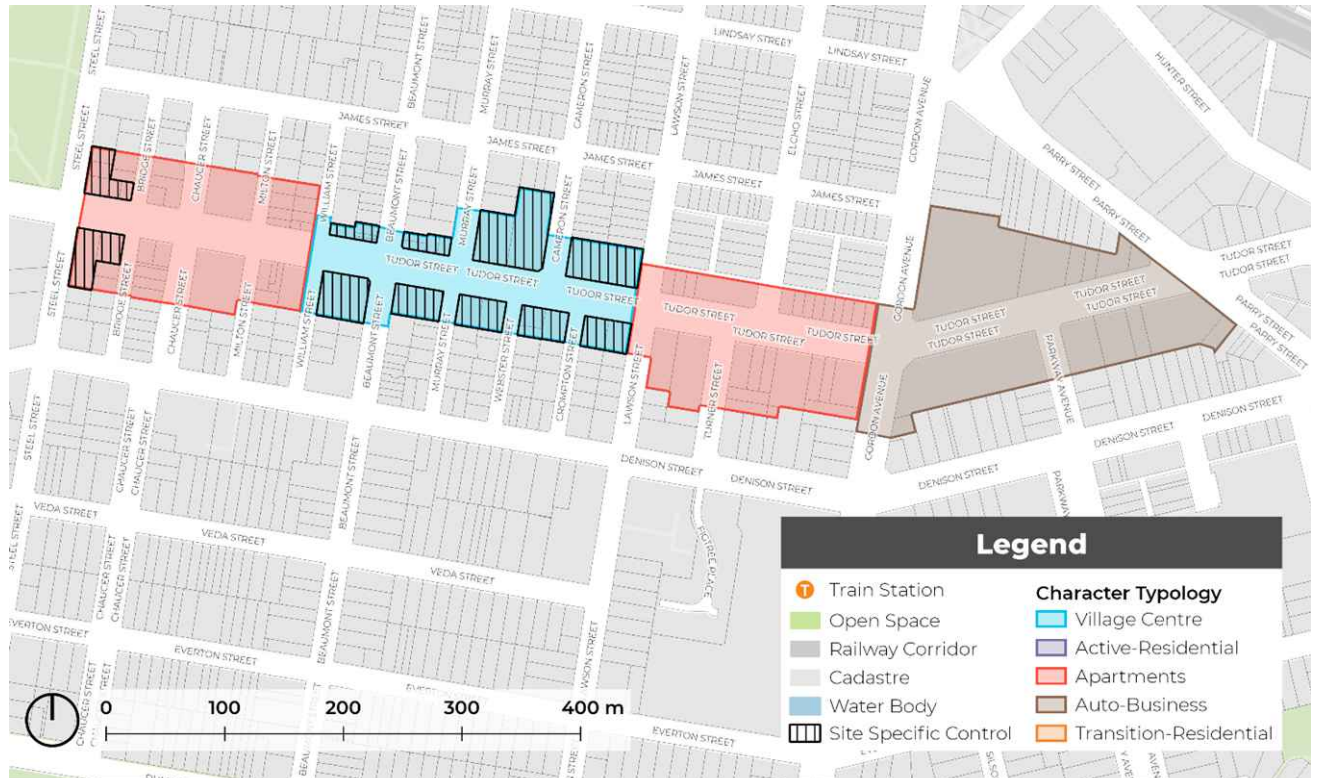


Figure E8.14: Broadmeadow vehicle access map

### 3.0 Hamilton renewal corridor

#### Land to which this section applies

This section applies to all land identified in **Figure E8.15**.



**Figure E8.15: Hamilton renewal corridor area**

Refer to the relevant setback and character typology for overarching development controls.



## A. 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.
3. Provide space for tree planting and landscaping in desired areas.

### Controls

1. Front building setbacks must be consistent with those shown on **Figure E8.16** and the relevant setbacks identified in sub-section 6.0 Character typologies.
2. Upper level setbacks are encouraged to be used for open space and landscaping, provided privacy of adjoining uses are protected.
3. An alternative building setback from the character typologies listed in this section may only be accepted where it can demonstrate in urban design terms how the design solution was developed, how it was superior, and that the alternative setback:
  - a. is more appropriate to the specific characteristics and context of the site and its surroundings, as compared to the setback requirements that have been assigned
  - b. will not adversely affect the amenity of surrounding properties or the wider community
  - c. meets the overall objectives of the section in terms of built form, scale, and bulk
  - d. is consistent with good design principles and the desired character of the area.

**Note:** Any proposed alternative setback must be submitted to the council for review and approval. The proponent will be required to provide detailed design drawings, elevations, and a written justification for the alternative setback. CN will consider the proposed alternative setback against the criteria outlined in this control and may approve, approve with conditions, or reject the proposal. A pre-DA meeting with council officers is encouraged when proposing an alternative setback.



**Figure E8.16: Hamilton building setback map**

## B. Awnings and street trees

### Objectives

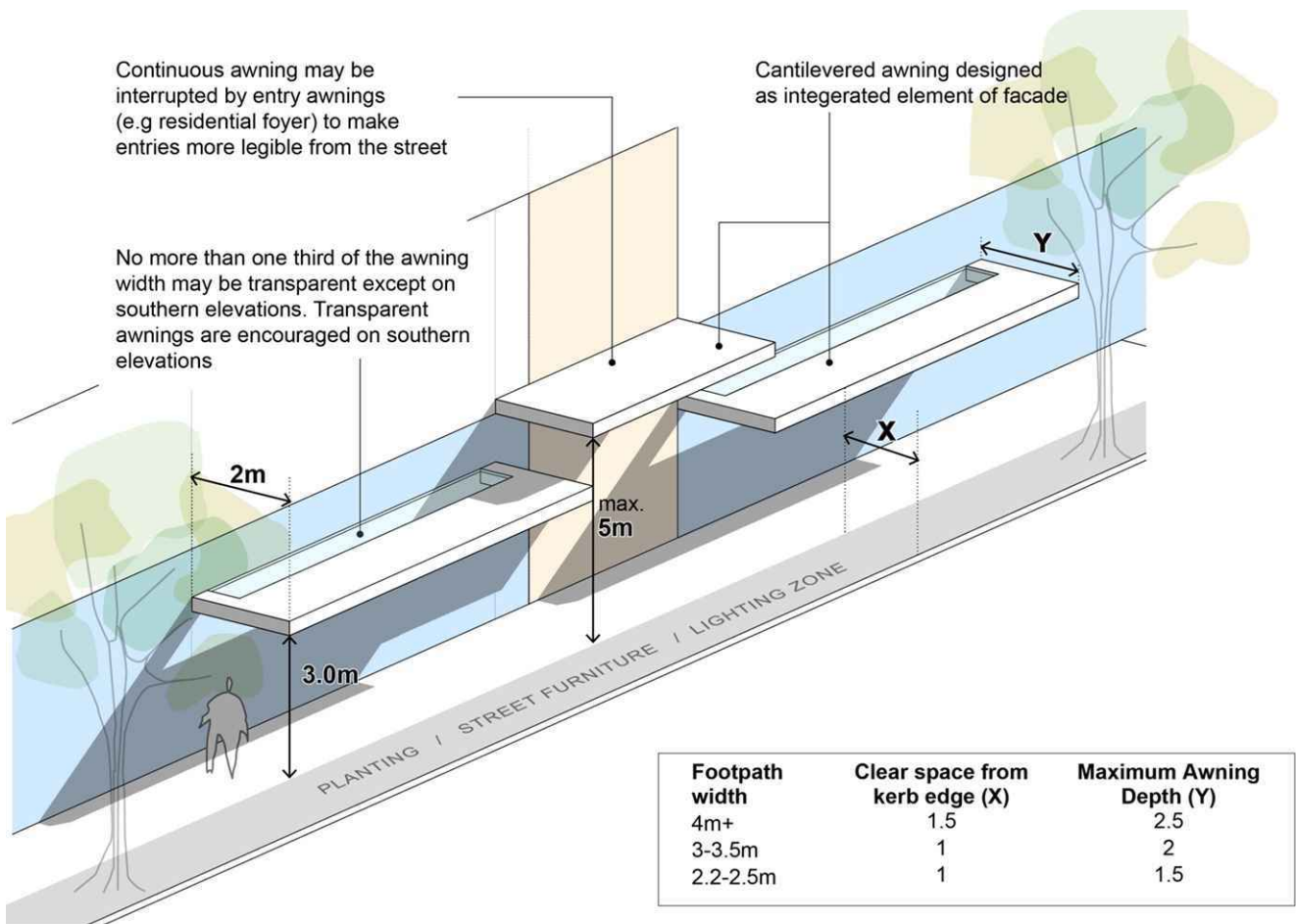
1. Provide consistent awnings along active frontages.
2. Increase urban tree canopy cover.
3. Manage the interface between street trees and awnings.
4. Ensure that awnings, street trees and street infrastructure (such as power poles, street lighting, bus stops, drainage and telecommunication pits) are coordinated in their design and that their placement does not obstruct the public domain.

### Controls

These controls should be read in conjunction with Section C10 Street awnings and balconies.

1. Awnings must be provided in accordance with **Figure E8.18**.
2. Awnings are to be consistent with **Figure E8.17**.
3. The underside of an awning must be no lower than 3m above the footpath.
4. As shown in **Figure E8.17**, the depth of an awning is determined by the footpath width to allow appropriate space for planting, street furniture and lighting.
5. Continuous awnings must be provided to all active frontages. Breaks in awnings may be permitted for residential lobbies for legibility and for existing street trees.
6. New awnings should respond to existing awnings in terms of width, height and material. Awning material preference should compliment heritage or period facades with similar materials, signage and colour treatments.
7. Awnings on Primary Streets should provide a continuous awning for the entire length of the frontage. Breaks in awnings may be permitted for residential lobbies for legibility and for existing street trees.
8. Awnings on Secondary Streets should provide a continuation of the awning on the Primary Street, covering any active frontage for an appropriate distance relative to length of development.
9. Where a proposed street tree is indicated on **Figure E8.18**, comprehensive redevelopment should provide new street tree planting, as per C3 Vegetation preservation and care and *The Newcastle Urban Forest Technical Manual*. Alternative tree locations and additional planting will be considered on merit.

**Note:** The proposed tree locations are dynamic and provided as a guide. Development may consider street blister or vault planting for street trees where continuous awnings are prescribed.



**Figure E8.17: Awnings diagram**



Figure E8.18: Hamilton street tree and awning map

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## C. 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.
6. Maximise opportunities for walking and cycling and where possible.

### 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 C1 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.
7. Development is to provide footpaths for the full width of any site frontage. Where the proposed footpath will adjoin and connect to an existing or approved footpath on an adjoining site, the width of the proposed footpath is to match this footpath width. See C2 Movement networks for detail.





- Legend**
- Vehicle Access**
  - No vehicle access
  - No additional vehicle access
  - Character Precincts**
  - Active-Residential
  - Apartments
  - Auto-Business

**Figure E8.19: Hamilton vehicle access map**



## D. Site specific provisions

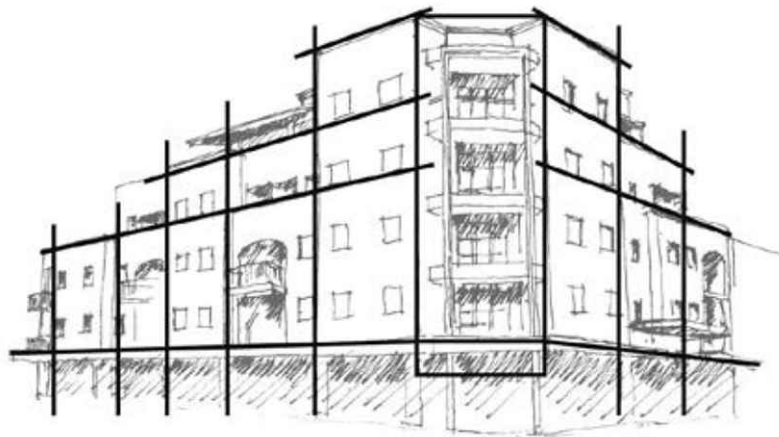
### Objectives

1. Guide development outcomes on specific sites.
2. Establish gateways to the corridor through built form and landscape improvements.

### Controls

#### Envisaged façade treatment for Village Centre character precinct

1. Façade treatment should incorporate elements that create visual articulation to the building mass. These may be achieved within 6m - 8m bays as shown in **Figure E8.20**.



**Figure E8.20: Façade treatment for Village Centre character precinct**

#### Gateway development at the corner of Tudor and Steel Streets

2. Development at the corner of Tudor and Steel Streets should establish a 'gateway' style mixed use development, with clearly define street corners. A 'gateway' development should have visual prominence and clearly defined the street walls.

## **E. Art in publicly accessible places**

### **Objectives**

1. Incorporate publicly accessible art into significant development to enhance the sense of place and cultural identity.
2. Ensure that publicly accessible art is located in appropriate areas to optimise recognition, amenity, and safety.
3. Utilise publicly accessible artworks to interpret heritage components, recognise former uses of large development sites and reflect the desired contemporary character of a place.
4. Recognise and celebrate indigenous and non-indigenous cultural heritage.
5. Ensure publicly accessible artwork is easy to maintain.

### **Controls**

1. Development valued over \$5 million must contribute art that is publicly accessible.
2. Development required to provide publicly accessible art (in accordance with control 1) must be accompanied by a public art strategy prepared by a suitable qualified person. The public art strategy is to be in accordance with any strategy/guideline that outlines CN and the Public Art Reference Group's (PARG) process and expectations. Confirmation on the provision of publicly accessible art is required from CN in conjunction with the PARG or similar committee.
3. The inclusion of publicly accessible art should be considered early in the design process to enable the appropriate integration of art with the detailed fabric and form of architectural, place and landscape designs. Early consultation with CN and affiliated PARG (or similar committee) is recommended.
4. Publicly accessible art should be readily visible from the street.
5. Where publicly accessible art is incorporated into building facades, roof features, open spaces, walkways, building foyers, landscaping or infrastructure it should be easily recognisable as an artistic feature and labelled accordingly in a close and noticeable location.
6. Publicly accessible art installations in laneways are encouraged, including creative lighting to activate the laneway at night.
7. The artwork should not be climbable unless specifically designed as a play safe artwork.
8. Applicants should work with a heritage consultant and/or a public artist to develop innovative ways to interpret heritage using publicly accessible art.
9. Publicly accessible art should respond to the significance and character of the location and where appropriate, interpret indigenous and non-indigenous cultural heritage.
10. Publicly accessible art should cover a diverse range of themes and mediums to provide visual amenity and encourage interaction.
11. Publicly accessible art must be safe and durable with consideration to avoid sharp edges, protrusions at eye height, trip hazards, and prevention of vandalism and deterioration over time.
12. A publicly accessible artwork maintenance plan is developed prior to the installation of each new publicly accessible artwork to ensure the effective management of artwork.

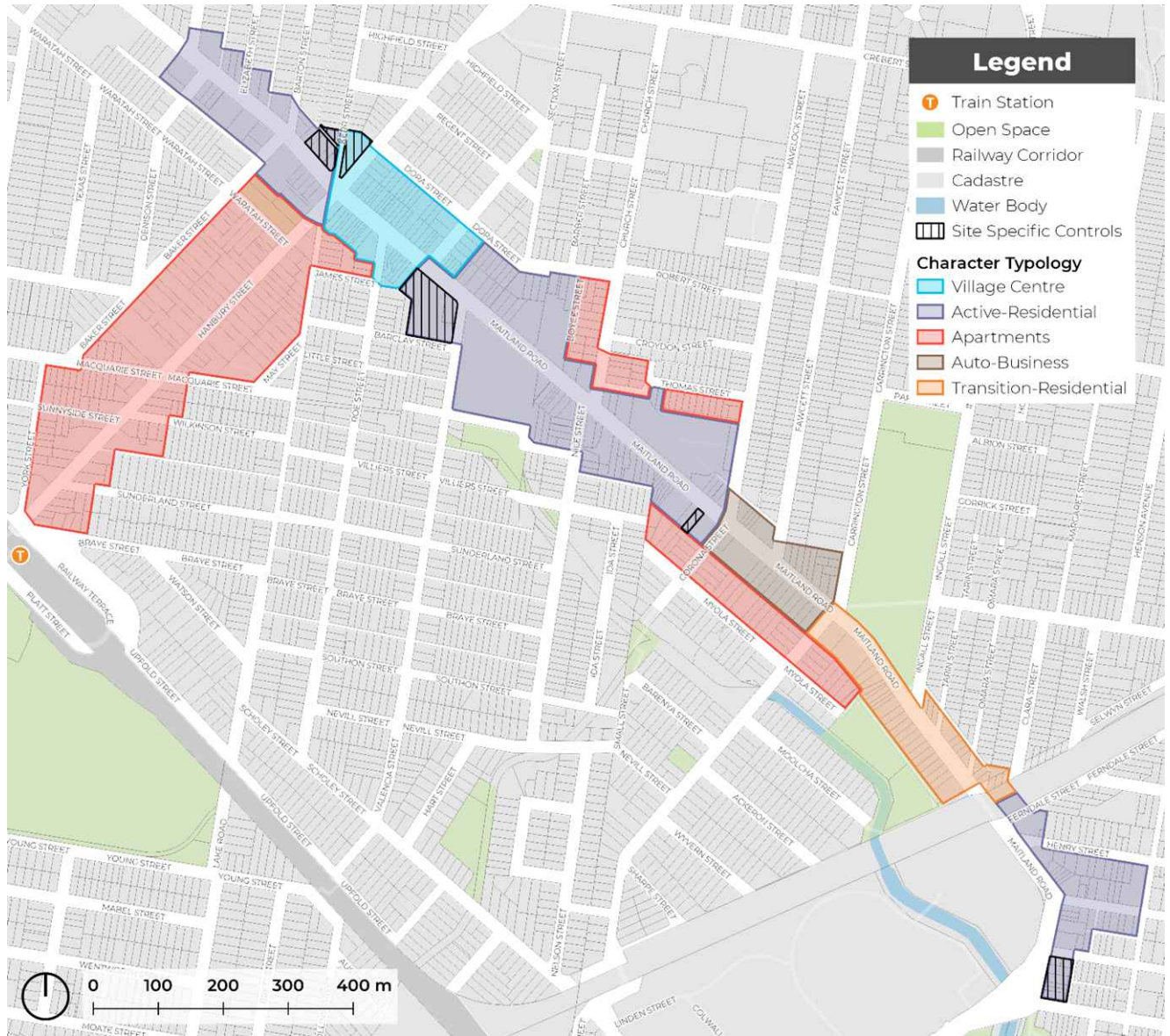
13. Where art is permanent, use materials that are:
- a. appropriate to the landscape/environment
  - b. resistant to vandalism
  - c. durable and easily maintained.

**Note:** Publicly accessible means the ability to be viewed or experienced from publicly accessible places. This may be within the building facade or within the front setback. Early discussions with CN on the design and placement of public art is encouraged. Wherever possible, publicly accessible art should be designed by local artists. The cost of publicly accessible art installations is to be 1% of the cost of construction of the development.

## 4.0 Mayfield renewal corridor

### Land to which this section applies

This section applies to all land identified in **Figure E8.21**.



**Figure E8.21: Mayfield renewal corridor area**

Refer to the relevant setback and character typology for overarching development controls.

## A. Building setbacks

### Objectives

1. Reinforce and maintain a well defined street edge along Maitland Road in desired locations.
2. Extend and reinforce a strong street edge built form along Maitland Road.
3. Provide space for tree planting and landscaping in desired areas.

### Controls

1. Front building setbacks must be consistent with those shown on **Figure E8.22** and the relevant setbacks identified in sub-section 6.0 Character typologies.
2. Upper level setbacks are encouraged to be used for open space and landscaping, provided privacy of adjoining uses are protected.
3. An alternative building setback from the character typologies listed in this section may only be accepted where it can demonstrate in urban design terms how the design solution was developed, how it was superior, and that the alternative setback:
  - a. is more appropriate to the specific characteristics and context of the site and its surroundings, as compared to the setback requirements that have been assigned
  - b. will not adversely affect the amenity of surrounding properties or the wider community
  - c. meets the overall objectives of the section in terms of built form, scale, and bulk
  - d. is consistent with good design principles and the desired character of the area.

**Note:** Any proposed alternative setback must be submitted to the council for review and approval. The proponent will be required to provide detailed design drawings, elevations, and a written justification for the alternative setback. CN will consider the proposed alternative setback against the criteria outlined in this control and may approve, approve with conditions, or reject the proposal. A pre-DA meeting with CN is encouraged.



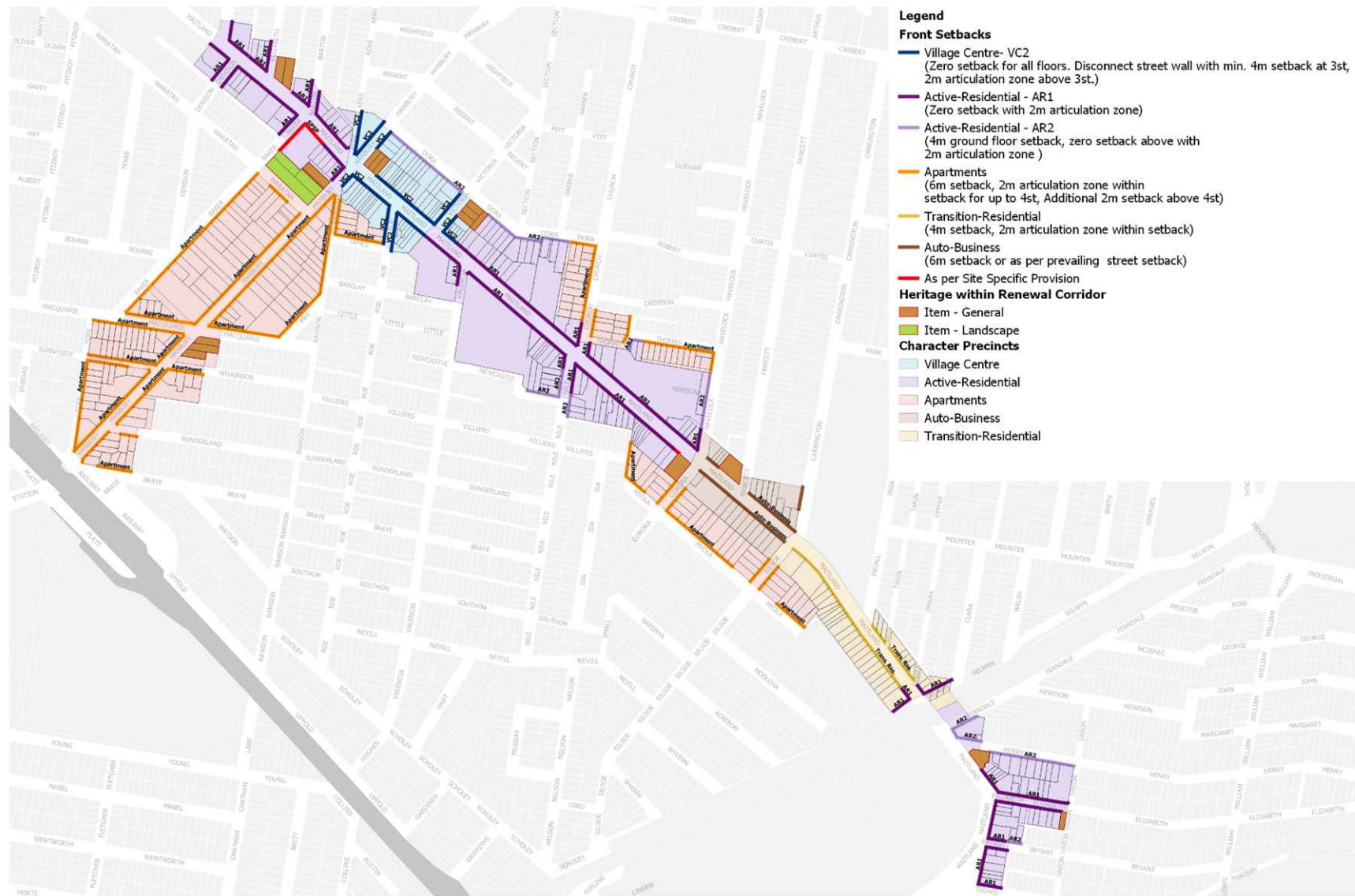


Figure E8.22: Mayfield building setback map

## B. Awnings and street trees

### Objectives

1. Provide consistent awnings along active frontages.
2. Increase urban tree canopy cover.
3. Manage the interface between street trees and awnings.
4. Ensure that awnings, street trees and street infrastructure (such as power poles, street lighting, bus stops, drainage and telecommunication pits) are coordinated in their design and that their placement does not obstruct the public domain.

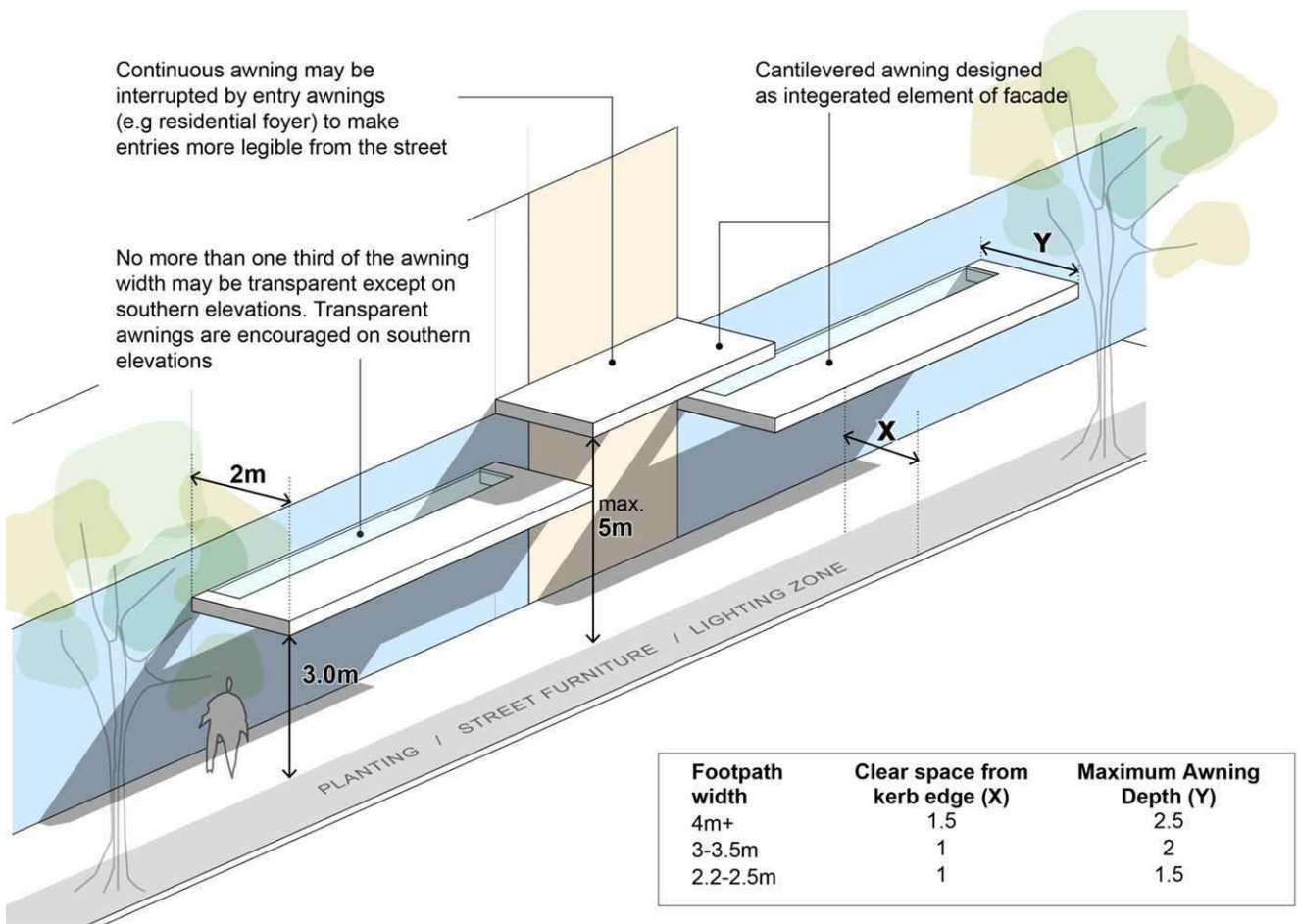
### Controls

These controls should be read in conjunction with Section C10 Street awnings and balconies.

1. Awnings must be provided in accordance with **Figure E8.24**.
2. Awnings are to be consistent with **Figure E8.23**.
3. The underside of an awning must be no lower than 3m above the footpath.
4. As shown in **Figure E8.23**, the depth of an awning is determined by the footpath width to allow appropriate space for planting, street furniture and lighting.
5. Continuous awnings must be provided to all active frontages. Breaks in awnings may be permitted for residential lobbies for legibility and for existing street trees.
6. New awnings should respond to existing awnings in terms of width, height and material. Awning material preference should compliment heritage or period facades with similar materials, signage and colour treatments.
7. Awnings on Primary Streets should provide a continuous awning for the entire length of the frontage. Breaks in awnings may be permitted for residential lobbies for legibility and for existing street trees.
8. Awnings on Secondary Streets should provide a continuation of the awning on the Primary Street, covering any active frontage for an appropriate distance relative to length of development.
9. Where a proposed street tree is indicated on **Figure E8.24**, comprehensive redevelopment should provide new street tree planting, as per C3 Vegetation preservation and care and *The Newcastle Urban Forest Technical Manual*. Alternative tree locations and additional planting will be considered on merit.

**Note:** The proposed tree locations are dynamic and provided as a guide. Development may consider street blister or vault planting for street trees where continuous awnings are prescribed.





**Figure E8.23: Awnings diagram**

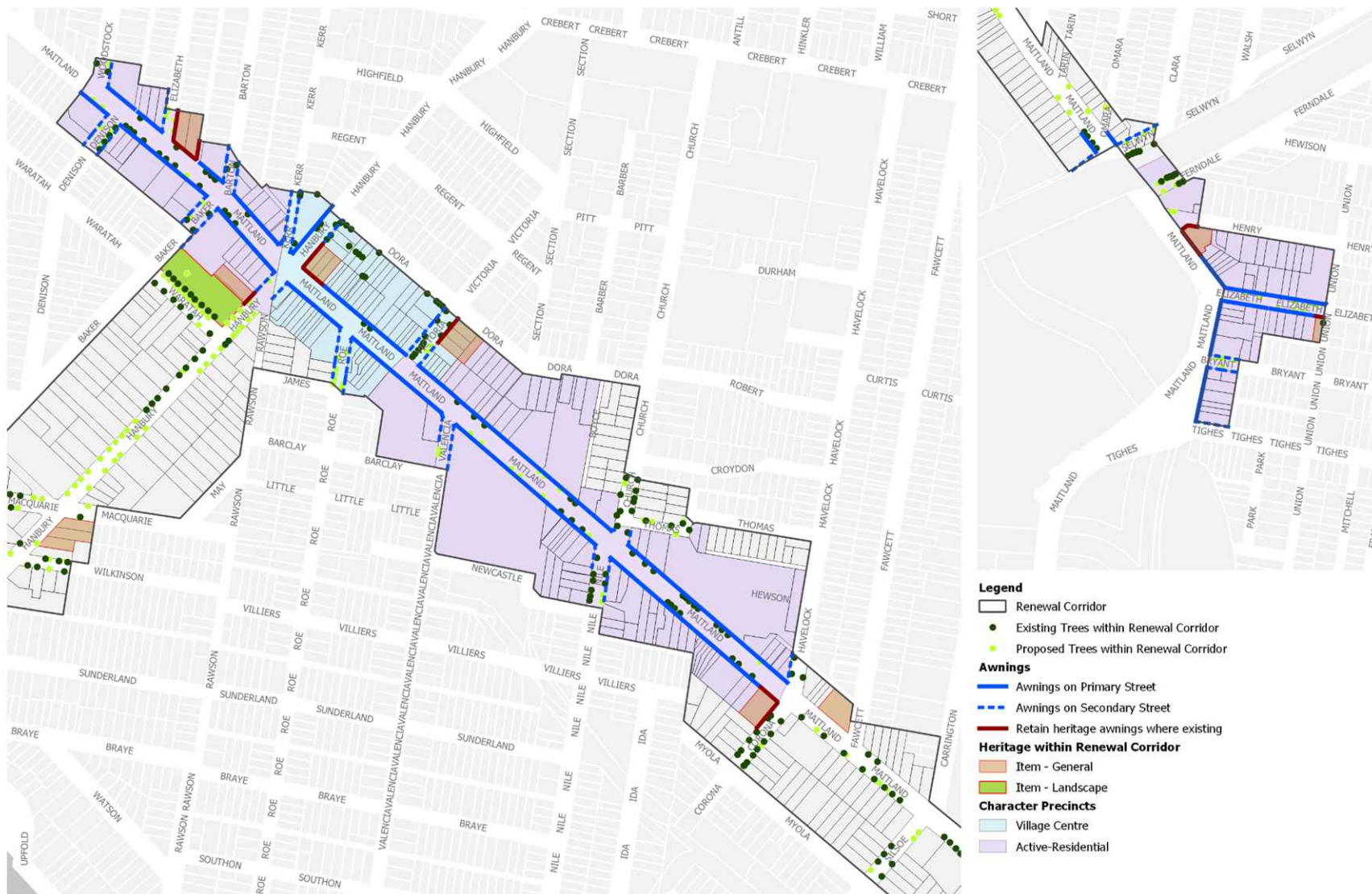


Figure E8.24: Mayfield street tree and awning map

## C. 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.
4. Maximise opportunities for walking and cycling and where possible.

### Controls

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

1. Where possible, site access only to be provided off secondary streets and rear laneways, as identified on **Figure E8.25**.
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 **Figure E8.25** and dedicated to Council. The exact location of these may be negotiated at the DA 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 C1Traffic, 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. 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.

12. Redevelopment of the Mayfield Hotel and Retail strip on Maitland Road between Baker and Hanbury Street is to include a new street, connecting Baker and Hanbury Streets. Car parking should be provided at sub-ground level or within a multilevel facility that is not visible from the public domain.
13. Development is to provide footpaths for the full width of any site frontage. Where the proposed footpath will adjoin and connect to an existing or approved footpath on an adjoining site, the width of the proposed footpath is to match this footpath width. See C2 Movement Networks for detail.





Figure E8.25: Mayfield vehicle access map

## D. Site specific provisions

### Objectives

1. Guide development outcomes on specific sites.
2. Ensure good design outcomes that respect local character and heritage.

### Controls

#### Development adjacent to the Coliseum

The Coliseum at 116-122 Maitland Road, Mayfield is a locally significant single storey commercial building located on an important corner site. Built in 1921, it is an intact example of commercial buildings from this era.

1. 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 E8.26**). Setbacks are to contain landscaping that complements the character and scale of this heritage item.

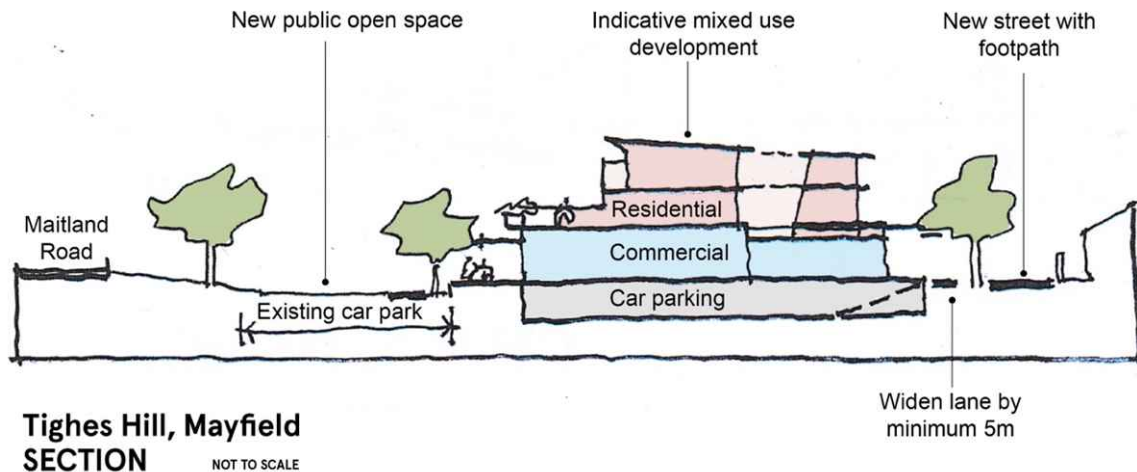


**Figure E8.26: Development adjacent to the Coliseum**

### Entry to Corridor in Tighes Hill

Tighes Hill is the southern gateway to the Mayfield renewal corridor.

- Redevelopment of the 161 Maitland Road will require widening of existing rear laneway by a minimum of 5m. This dimension to include a 2m wide footpath **Figure E8.27**.

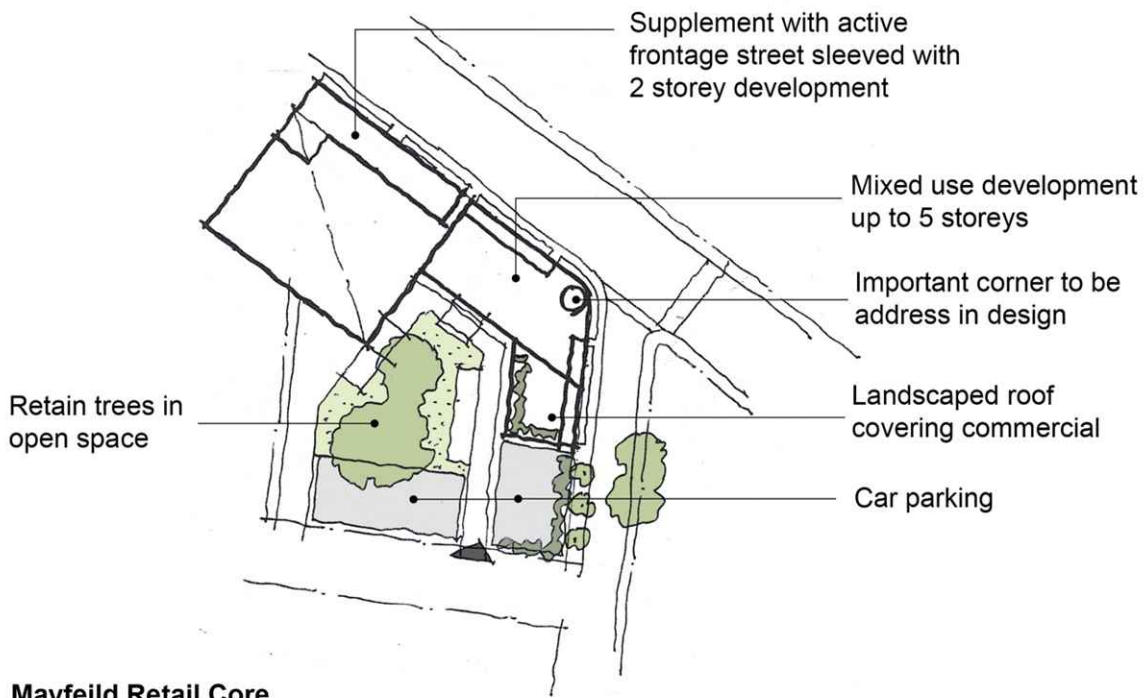


**Figure E8.27: Section of landscape requirements for entry to corridor in Tighes Hill**

### Mayfield retail core (Woolworths and Aldi)

- Redevelopment of the Aldi site in Mayfield should be consistent with **Figure E8.28**.
- Redevelopment of the Aldi site in Mayfield should also include 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.
- Future redevelopment of current Aldi site and adjacent corner site should include active street frontages and a zero front setback to Maitland Road.





**Mayfeild Retail Core**

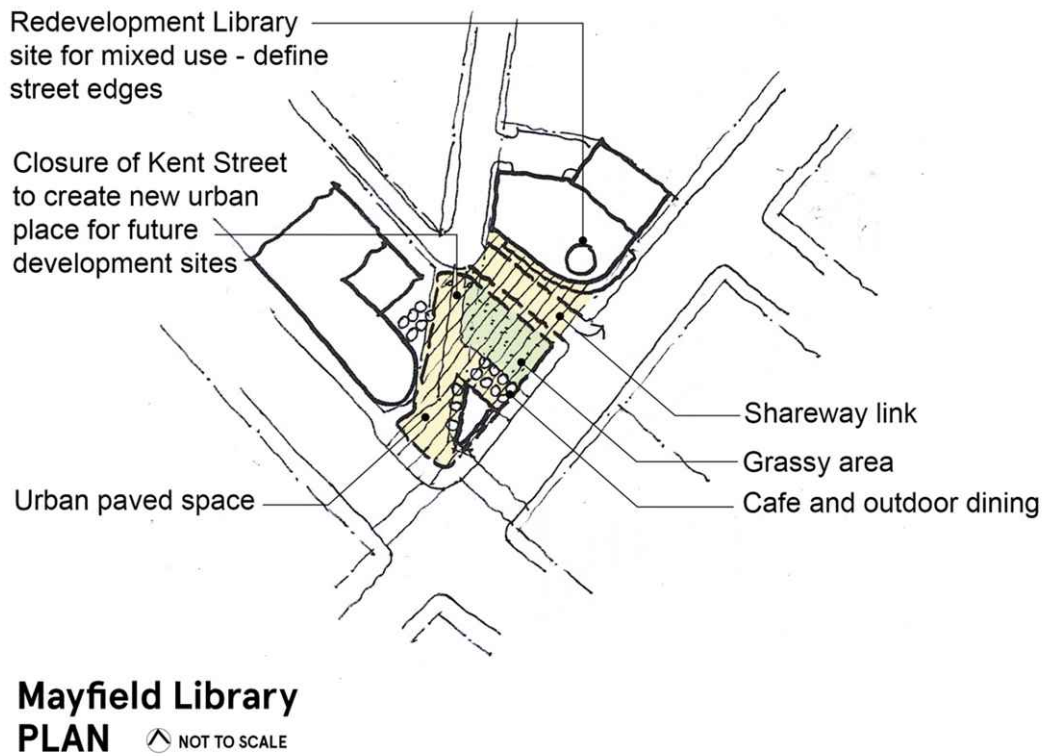
Reinforce Street frontage with new development  
 sleeve supermarkets to street frontages  
 Mixed use development 2-5 storeys  
 Address important corner in design

**ALDI, Mayfield**  
**PLAN**  NOT TO SCALE

**Figure E8.28: Potential redevelopment the corner site at Maitland Road and Valencia Street**

Mayfield library site

6. Future redevelopment of the existing Mayfield library site should include 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 E8.29**.



**Figure E8.29: Landscape requirements for redevelopment of Mayfield library site**

## **E. Art in publicly accessible places**

### **Objectives**

1. Incorporate publicly accessible art into significant development to enhance the sense of place and cultural identity.
2. Ensure that publicly accessible art is located in appropriate areas to optimise recognition, amenity, and safety.
3. Utilise publicly accessible artworks to interpret heritage components, recognise former uses of large development sites and reflect the desired contemporary character of a place.
4. Recognise and celebrate indigenous and non-indigenous cultural heritage.
5. Ensure publicly accessible artwork is easy to maintain.

### **Controls**

1. Development over \$5 million must contribute art that is publicly accessible.
2. Development required to provide publicly accessible art (in accordance with control 1) must be accompanied by a public art strategy prepared by a suitable qualified person. The public art strategy is to be in accordance with any strategy/guideline that outlines CN and the Public Art Reference Group's (PARG) process and expectations. Confirmation on the provision of publicly accessible art is required from CN in conjunction with the PARG or similar committee.
3. The inclusion of publicly accessible art should be considered early in the design process to enable the appropriate integration of art with the detailed fabric and form of architectural, place and landscape designs. Early consultation with CN and affiliated PARG (or similar committee) is recommended.
4. Publicly accessible art should be readily visible from the street.
5. Where publicly accessible art is incorporated into building facades, roof features, open spaces, walkways, building foyers, landscaping or infrastructure it should be easily recognisable as an artistic feature and labelled accordingly in a close and noticeable location.
6. Publicly accessible art installations in laneways are encouraged, including creative lighting to activate the laneway at night.
7. The artwork should not be climbable unless specifically designed as a play safe artwork.
8. Applicants should work with a heritage consultant and/or a public artist to develop innovative ways to interpret heritage using publicly accessible art.
9. Publicly accessible art should respond to the significance and character of the location and where appropriate, interpret indigenous and non-indigenous cultural heritage.
10. Publicly accessible art should cover a diverse range of themes and mediums to provide visual amenity and encourage interaction.
11. Publicly accessible art must be safe and durable with consideration to avoid sharp edges, protrusions at eye height, trip hazards, and prevention of vandalism and deterioration over time.
12. A publicly accessible artwork maintenance plan is developed prior to the installation of each new

publicly accessible artwork to ensure the effective management of artwork.

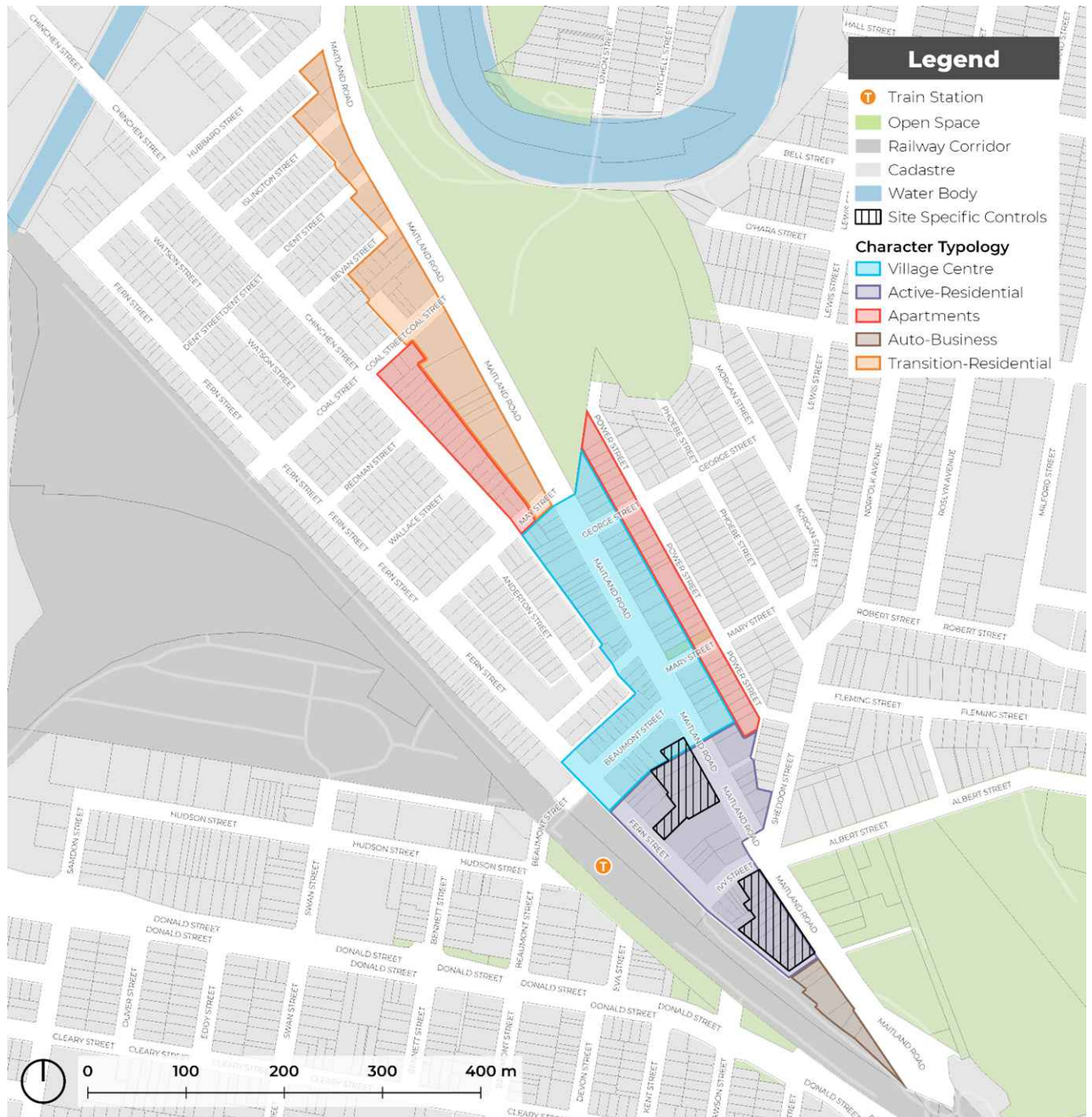
13. Where art is permanent, use materials that are:
  - a. appropriate to the landscape/environment
  - b. resistant to vandalism
  - c. durable and easily maintained.

**Note:** Publicly accessible means the ability to be viewed or experienced from publicly accessible places. This may be within the building facade or within the front setback. Early discussions with CN staff on the design and placement of public art is encouraged. Wherever possible, publicly accessible art should be designed by local artists. The cost of publicly accessible art installations is to be 1% of the cost of construction of the development.

## 5.0 Islington renewal corridor

### Land to which this section applies

This section applies to all land identified in **Figure E8.30**.



**Figure E8.30: Islington renewal corridor area**

Refer to the relevant setback and character typology for overarching development controls.

## A. 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.
3. Provide space for tree planting and landscaping in desired areas.

### Controls

1. Front building setbacks must be consistent with those shown on **Figure E8.31** and the relevant setbacks identified in sub-section 6.0 Character typologies.
2. Upper level setbacks are encouraged to be used for open space and landscaping, provided privacy of adjoining uses are protected.
3. An alternative building setback from the character typologies listed in this section may only be accepted where it can demonstrate in urban design terms how the design solution was developed, how it was superior, and that the alternative setback:
  - a. is more appropriate to the specific characteristics and context of the site and its surroundings, as compared to the setback requirements that have been assigned
  - b. will not adversely affect the amenity of surrounding properties or the wider community
  - c. meets the overall objectives of the section in terms of built form, scale, and bulk
  - d. is consistent with good design principles and the desired character of the area.

**Note:** Any proposed alternative setback must be submitted to the council for review and approval. The proponent will be required to provide detailed design drawings, elevations, and a written justification for the alternative setback. Council will consider the proposed alternative setback against the criteria outlined in this control and may approve, approve with conditions, or reject the proposal. A pre-DA meeting with council officers is encouraged.



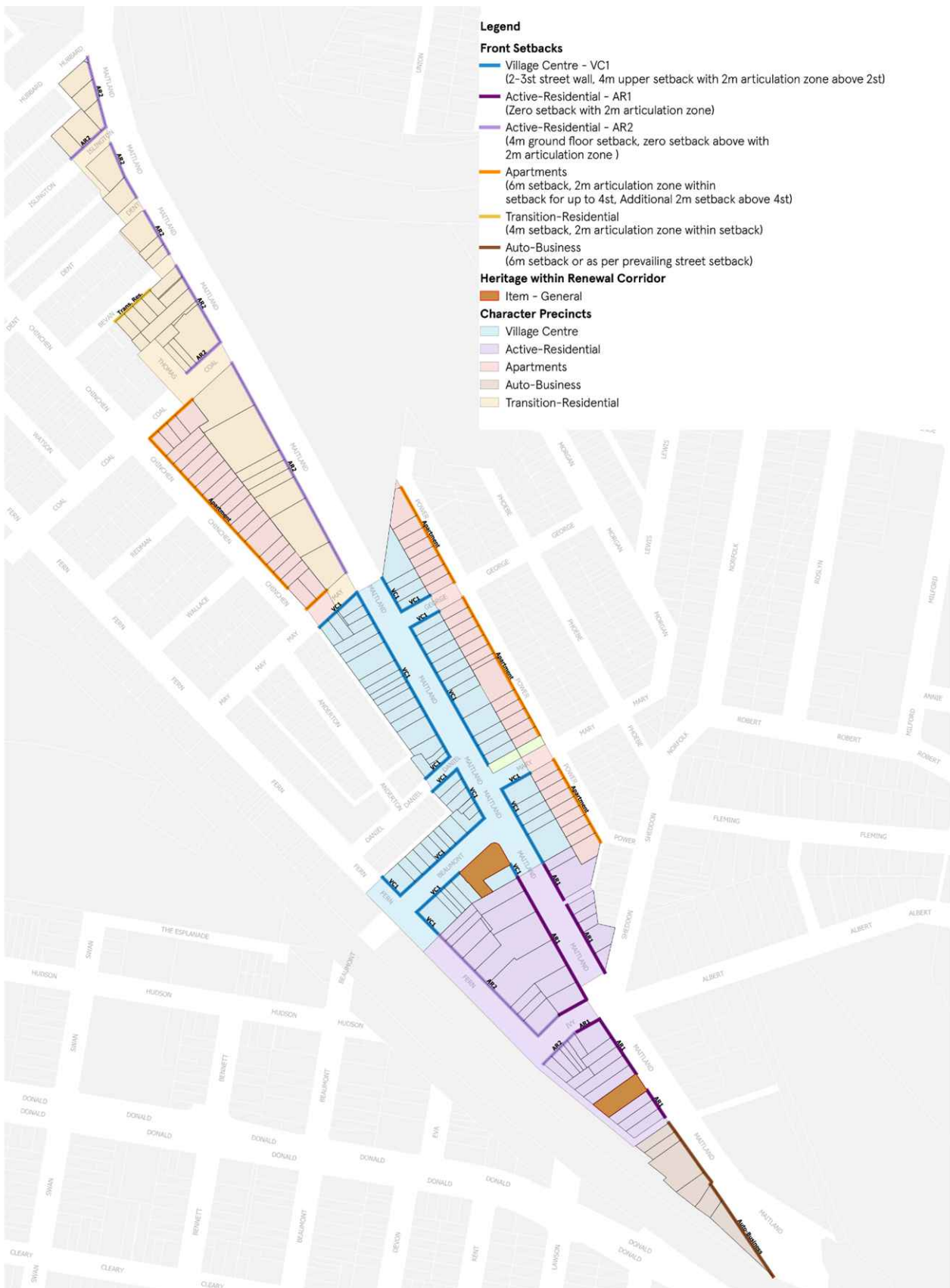


Figure E8.31: Islington building setback map



## B. Awnings and street trees

### Objectives

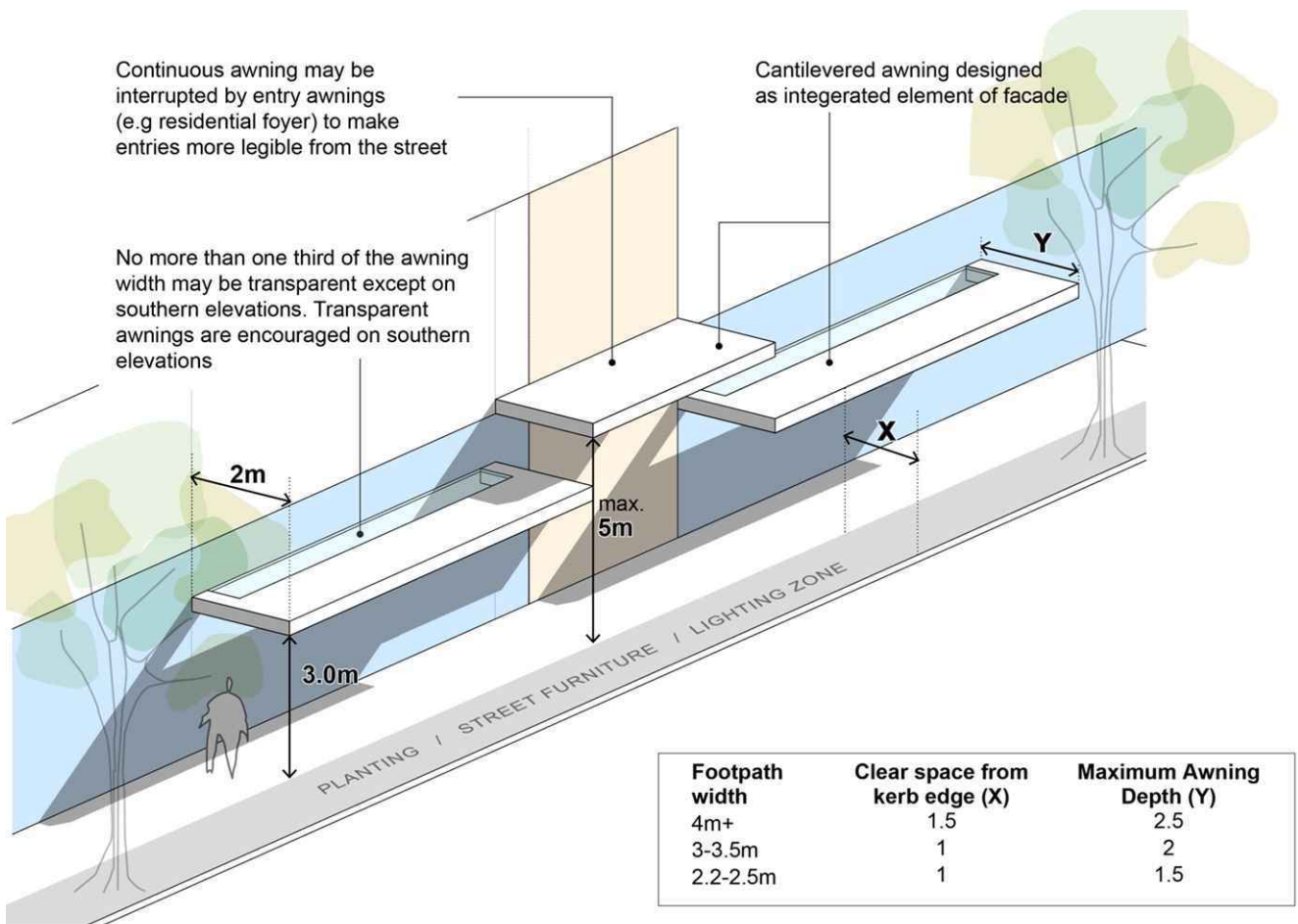
1. Provide consistent awnings along active frontages.
2. Increase urban tree canopy cover.
3. Manage the interface between street trees and awnings.
4. Ensure that awnings, street trees and street infrastructure (such as power poles, street lighting, bus stops, drainage and telecommunication pits) are coordinated in their design and that their placement does not obstruct the public domain.

### Controls

These controls should be read in conjunction with Section C10 Street awnings and balconies.

1. Awnings must be provided in accordance with **Figure E8.33**.
2. Awnings are to be consistent with **Figure E8.32**.
3. The underside of an awning must be no lower than 3m above the footpath.
4. As shown in **Figure E8.32**, the depth of an awning is determined by the footpath width to allow appropriate space for planting, street furniture and lighting.
5. Continuous awnings must be provided to all active frontages. Breaks in awnings may be permitted for residential lobbies for legibility and for existing street trees.
6. New awnings should respond to existing awnings in terms of width, height and material. Awning material preference should complement heritage or period facades with similar materials, signage and colour treatments.
7. Awnings on Primary Streets should provide a continuous awning for the entire length of the frontage. Breaks in awnings may be permitted for residential lobbies for legibility and for existing street trees.
8. Awnings on Secondary Streets should provide a continuation of the awning on the Primary Street, covering any active frontage for an appropriate distance relative to length of development.
9. Where a proposed street tree is indicated on **Figure E8.33**, comprehensive redevelopment should provide new street tree planting, as per C3 Vegetation preservation and care and *The Newcastle Urban Forest Technical Manual*. Alternative tree locations and additional planting will be considered on merit.

**Note:** The proposed tree locations are dynamic and provided as a guide. Development may consider street blister or vault planting for street trees where continuous awnings are prescribed.



**Figure E8.32: Awnings diagram**



Figure E8.33: Islington street tree and awning map

## C. 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.
4. Maximise opportunities for walking and cycling and where possible.

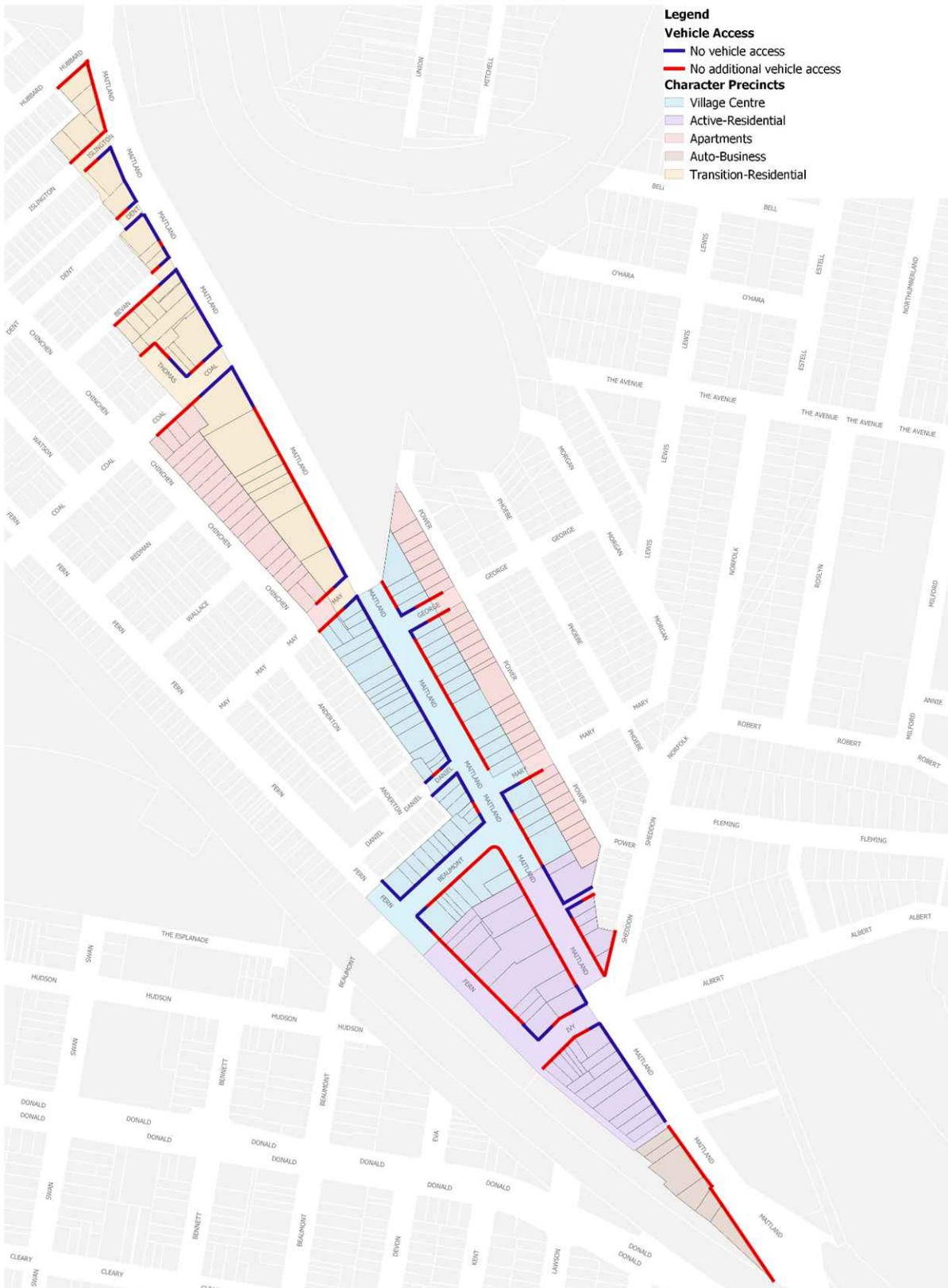
### Controls

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

1. Vehicular access must comply with **Figure E8.34**.
2. 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.
3. Vehicle entrances do not dominate the streetscape and should be recessed from building facades.
4. Vehicular access to loading areas is restricted to side or rear streets and lanes, where these occur.
5. 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.
6. Car parking is provided in accordance with C1 Traffic, Parking and Access.
7. Development is to provide footpaths for the full width of any site frontage. Where the proposed footpath will adjoin and connect to an existing or approved footpath on an adjoining site, the width of the proposed footpath is to match this footpath width. See C2 Movement networks for detail.
8. 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.
9. 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 in 'Transition-Residential' character typology

10. Existing rear lanes and streets, predominantly Hubbard, Coal and May Streets should be utilised for vehicle access points.
11. 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.



**Figure E8.34: Islington vehicle access map**



## D. Site specific provisions

### Objectives

1. Guide development outcomes on specific sites.
2. Ensure good design outcomes that respect local character and heritage.

### Controls

#### Development adjoining former Regent Theatre

The former Regent Theatre has State heritage significance as one of the few examples of picture palaces in NSW (and possibly Australia) that remains substantially unaltered. It has a unique façade with classical detailing and occupies a prominent corner in Islington, giving it landmark qualities.

1. Development adjacent to the former Regent Theatre reflects and responds to its building form and scale.
2. New development fronting Beaumont Street and Maitland Road relates to existing parapets in order to complement the existing character and scale of the former Regent Theatre see **Figure E8.35** and the Hamilton Station Hotel to the south.



**Figure E8.35: Scale of development adjoining former Regent Theatre**

Development in the Local Village Centre character typology area

The existing roof parapets along Maitland Road should be maintained, with new development not detracting from these as the main building feature.

3. Roof forms do not dominate parapets, which should be the main feature of building facades in this precinct see **Figure E8.36**.



**Figure E8.36: Existing parapets dominating the street edge**

Development fronting Wickham Park

4. Development fronting Wickham Park should reinforce a mixed use outcome and respond to existing built form as shown in **Figure E8.37**.



**Figure E8.37: Indicative built form outcome for lots facing Wickham Park**



## **E. Art in publicly accessible places**

### **Objectives**

1. Incorporate publicly accessible art into significant development to enhance the sense of place and cultural identity.
2. Ensure that publicly accessible art is located in appropriate areas to optimise recognition, amenity, and safety.
3. Utilise publicly accessible artworks to interpret heritage components, recognise former uses of large development sites and reflect the desired contemporary character of a place.
4. Recognise and celebrate indigenous and non-indigenous cultural heritage.
5. Ensure publicly accessible artwork is easy to maintain.

### **Controls**

1. Development valued over \$5 million must contribute art that is publicly accessible.
2. Development required to provide publicly accessible art (in accordance with control 1) must be accompanied by a public art strategy prepared by a suitable qualified person. The public art strategy is to be in accordance with any strategy/guideline that outlines CN and the Public Art Reference Group's (PARG) process and expectations. Confirmation on the provision of publicly accessible art is required from CN in conjunction with the PARG or similar committee.
3. The inclusion of publicly accessible art should be considered early in the design process to enable the appropriate integration of art with the detailed fabric and form of architectural, place and landscape designs. Early consultation with CN and affiliated PARG (or similar committee) is recommended.
4. Publicly accessible art should be readily visible from the street.
5. Where publicly accessible art is incorporated into building facades, roof features, open spaces, walkways, building foyers, landscaping or infrastructure it should be easily recognisable as an artistic feature and labelled accordingly in a close and noticeable location.
6. Publicly accessible art installations in laneways are encouraged, including creative lighting to activate the laneway at night.
7. The artwork should not be climbable unless specifically designed as a play safe artwork.
8. Applicants should work with a heritage consultant and/or a public artist to develop innovative ways to interpret heritage using publicly accessible art.
9. Publicly accessible art should respond to the significance and character of the location and where appropriate, interpret indigenous and non-indigenous cultural heritage.
10. Publicly accessible art should cover a diverse range of themes and mediums to provide visual amenity and encourage interaction.
11. Publicly accessible art must be safe and durable with consideration to avoid sharp edges, protrusions at eye height, trip hazards, and prevention of vandalism and deterioration over time.

12. A publicly accessible artwork maintenance plan is developed prior to the installation of each new publicly accessible artwork to ensure the effective management of artwork.
  
13. Where art is permanent, use materials that are:
  - a. appropriate to the landscape/environment
  - b. resistant to vandalism
  - c. durable and easily maintained.

**Note:** Publicly accessible means the ability to be viewed or experienced from publicly accessible places. This may be within the building façade or within the front setback. Early discussions with CN staff on the design and placement of public art is encouraged. Wherever possible, publicly accessible art should be designed by local artists. The cost of publicly accessible art installations is to be 1% of the cost of construction of the development.

## 6.0 Character typologies

### A. Village Centre

These controls apply to all areas identified as *Village Centre* on the relevant renewal corridor map.

#### Character Statement

Village Centres are the focus of retail activity. These areas have the character of a traditional high street or main street, featuring active frontages and fine grain shopfronts.

Village Centres are built to zero front setback with consistent awnings and respect the existing local character through adaptive reuse of heritage assets and sympathetic bulk and scale.

The public domain and footpath are generally paved, providing a high standard of finish and where appropriate, features space for landscape planting and outdoor dining. Tree canopy integrates with building awnings to create a shaded footpath environment.

#### Objectives

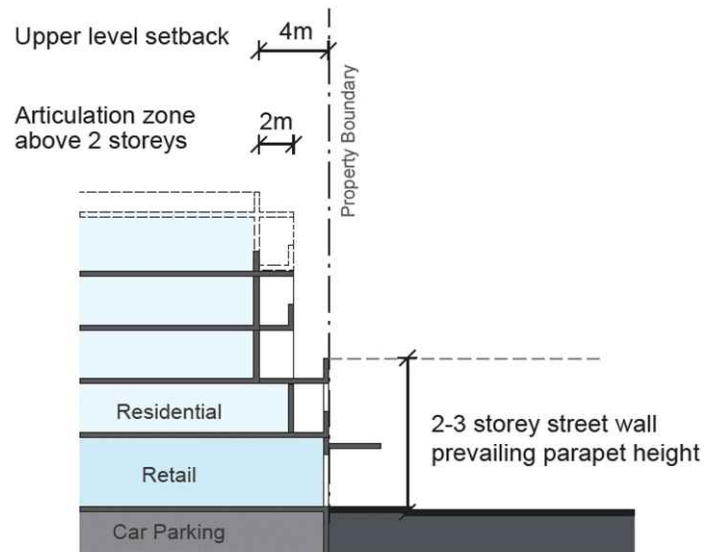
1. Encourage retail and commercial intensification at the ground floor within the established centres by concentrating retail and commercial activity.
2. Maintain the integrity and viability of ground floor non-residential uses over time and protecting commercial floorspace from conversion to residential uses.
3. Ensure ground floor uses contribute to centre activity, vibrancy, passive surveillance and local character.
4. Improve and enhance the function and appearance of ground floor uses such that they are pedestrian oriented and contribute to streetscape amenity.
5. Reinforce the fine grain character and continuity of ground floor shops within established centres.
6. Minimise and ameliorate the effect of blank walls (with no windows or entrances) and building services at the ground level.
7. Where feasible, ensure new development is accessible to all people.

#### Controls

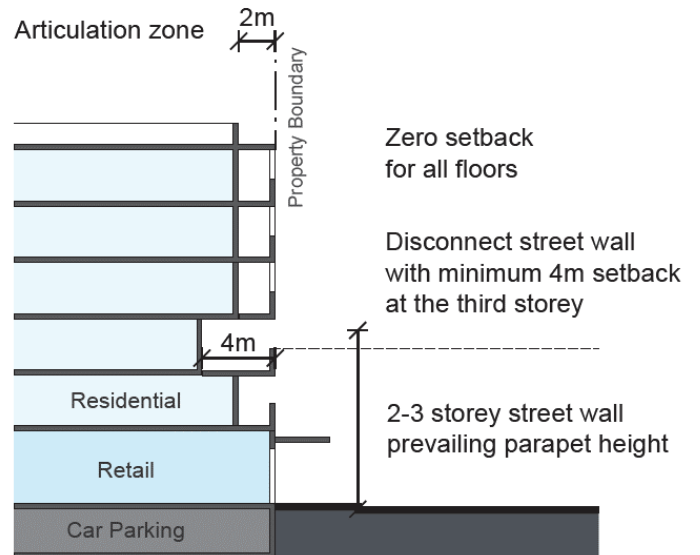
1. Development in a Village Centre character typology area must demonstrate consistency with the above objectives.

#### Building setbacks

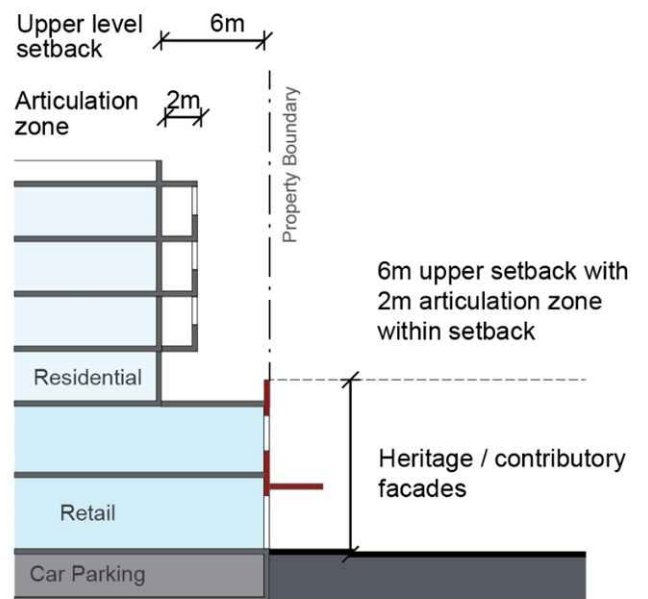
2. Front building setbacks must be consistent with the relevant character typology setback diagram identified on the relevant corridor setback map.
3. Upper-level setbacks are encouraged to be used for open space and landscaping, provided privacy of adjoining uses are protected.



**Figure E8.38: Setback VC1 - Mid-block**



**Figure E8.39: Setback VC2 - Corner block**



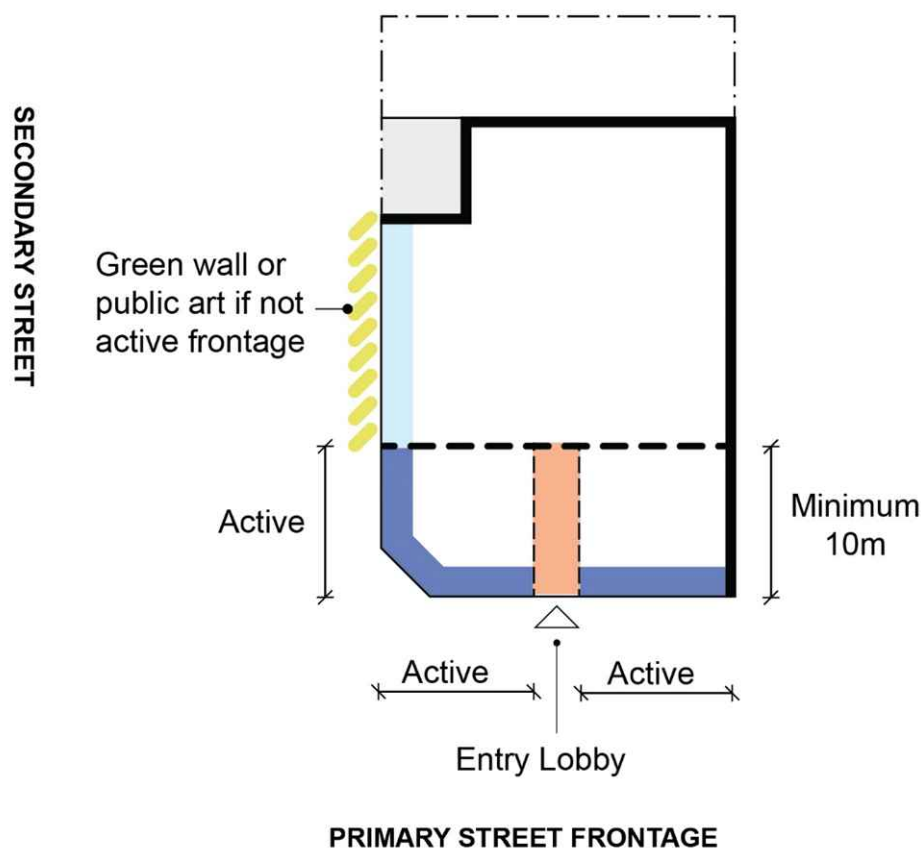
**Figure E8.40: Setback VC3 - Lots with heritage/contributory facades**

### Active frontage

4. A minimum 85% of street frontage identified with an VC1, VC2 or VC3 setback as are to be active uses, such as cafes, takeaway shops, retail shops, and business premises.
5. A maximum 15% of lot frontage with an LV1, LV2 or LV3 setback may be for non-active uses, such as commercial foyers or residential lobbies.
6. Car parking, services, fire doors, switchboards, and the like must be sleeved by active uses, or appropriately concealed and integrated in the design of the facade so as not to create blank or undesirable interfaces to the street.
7. On corner sites where active frontages cannot be provided to secondary streets, walls should incorporate public art, variation in building materials or other architectural or “green” wall design elements to create street interest.

### Ground level floor space

8. Ground floor non-residential uses should have a minimum depth of 10m from the front property line to accommodate amenities, storage space, general back of house activities and other spatial requirements to support non-residential uses. An example is shown in **Figure E8.41**.
9. Residential accommodation uses are not permitted at the ground level.



**Figure E8.41: Ground level floor space and active frontages – Village Centre**

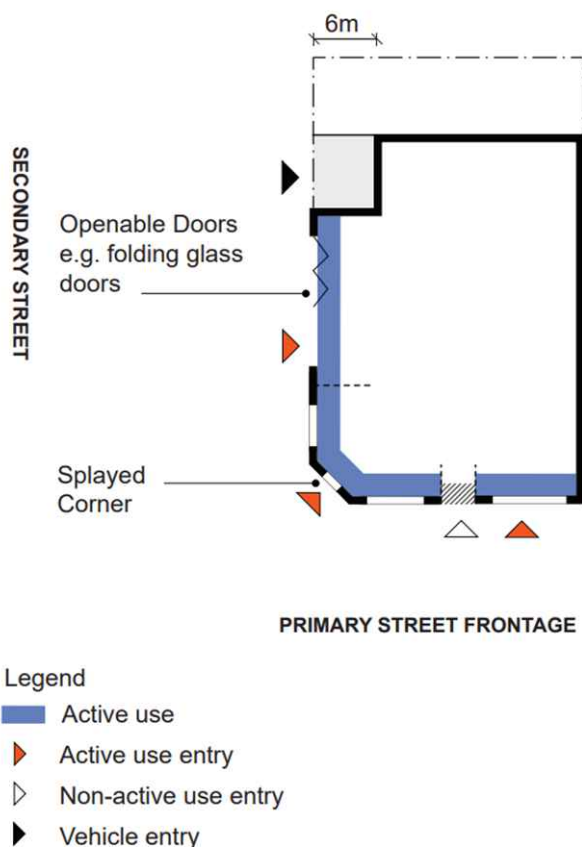
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### Façade design

10. Ground level facades identified with an LV1, LV2 or LV3 setback should have a solid to void ratio of approximately 80% void (entries and windows) and 20% solid (walls). Openings for new development should be full height (i.e. to street level), unless a better outcome would be achieved in responding to the character of adjacent buildings.
11. Ground floor frontages identified with an LV1, LV2 or LV3 frontage width greater than 15m should be vertically articulated so as to reflect the fine grain character of the centre. Larger footprint retail shops (such as supermarkets) should be sleeved by smaller shops with individual entries to the street to maintain the fine grain.
12. The ground floor façade identified with an LV1, LV2 or LV3 setback should be built to the property line (i.e. zero setback) but may have indented entries or bays where it is consistent with existing streetscape character.
13. Facades should incorporate 'soft edges', such as transparent facades, large window openings, double-door entries, and spill out zones for goods on display. Consider 'openable' facades (windows and doors) to encourage engagement with the street and natural ventilation.
14. On corner sites 'permeable corners' should be considered such as splayed corner entries, glazed corners, and/or openable window or door treatments.
15. Where active frontages are predominantly glazed, up to 25% of the glazing may be frosted or semi-opaque should a level of privacy be required for the tenancy use.
16. Highly reflective finishes and use of vinyl decal signage to address blank walls or long windows is not permitted.

## Entries

17. Entries for non-residential ground floor uses must be located on the primary street frontage.
18. Ground floor entries to retail, community or commercial uses are to have the same finished floor level as that of the adjacent footpath, unless required to be raised due to flood impacts.
19. Where the finished floor level is raised, universal access between the street and ground floor uses must be provided and detailed design and landscape considerations given to achieving easy access from the footpath. Level changes may also be accommodated within the building.
20. Avoid locating the length of access ramps to the primary frontage of the building. Where this is unavoidable, landscaping must be integrated to soften the street edge.
21. Vehicular parking and/or loading bays are to be accessed via a secondary street or rear lane where possible. Where secondary street or rear lane access is not available, vehicular parking and/or loading is to be at basement level or sleeved at ground level, accessed via no more than a single, two-way driveway from the primary street.
22. Where vehicular entries are located to the primary or secondary street, entry doors should be recessed a minimum of 6m.



**Figure E8.42: Entries and active uses – Village Centre**



### Blank walls

23. Large areas of blank, minimally or poorly articulated walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, green walls, public art or a recognisable increased setback to the upper storey.
24. Blank walls are not permitted where facing the public domain.
25. The maximum length of any blank wall must not exceed 5m.
26. The maximum height of a blank wall must not exceed 3m.
27. Where adjacent development is unlikely to occur in the short term, blank side walls should include public art or murals, as shown **Figure E8.43**: Blank wall with public art in Broadmeadow.



**Figure E8.43: Blank wall with public art in Broadmeadow**

### Landscaping and deep soil

28. Non-residential development in the Village Centre character typology area has no onsite deep soil requirement and may develop to 100% site coverage.

## B. Active-residential

These controls apply to all areas identified as *Active-Residential* on the relevant renewal corridor map.

### Character statement

Active-Residential areas cater for a variety of uses with active frontages and non-residential ground floor uses. Street corners are well defined by buildings with zero front setback, while mid-block setbacks are deeper to allow space for landscape, goods display and outdoor dining (where local amenity permits).

Mid-block setbacks assist in mediating existing uses where there may be a 6m residential setback or a car parking zone to the street.

### Objectives

1. Ensure the integrity and viability of non-residential ground floor uses.
2. Ensure non-residential ground floor uses provide for active frontages.
3. Ensure ground floor uses are pedestrian oriented and contribute to streetscape amenity, local character and passive surveillance.
4. Appropriately address interfaces between non-residential and residential ground floor uses.
5. Minimise and ameliorate the effect of blank walls (with no windows or entrances) and at-grade parking areas at the ground level.
6. Ensure there is adequate unbuilt upon areas to allow for landscaped areas and deep soil planting capable of supporting large trees that increase urban tree canopy cover.
7. Ensure that development resulting in multiple dwellings or accommodation is designed efficiently to achieve the full potential of the site, on lots that provide appropriate space for car parking, vehicle access, communal open space, deep soil planting and landscaping.
8. Promote lot consolidation and ensure it does not result in isolated sites.
9. Where feasible, ensure new development is accessible to all people.

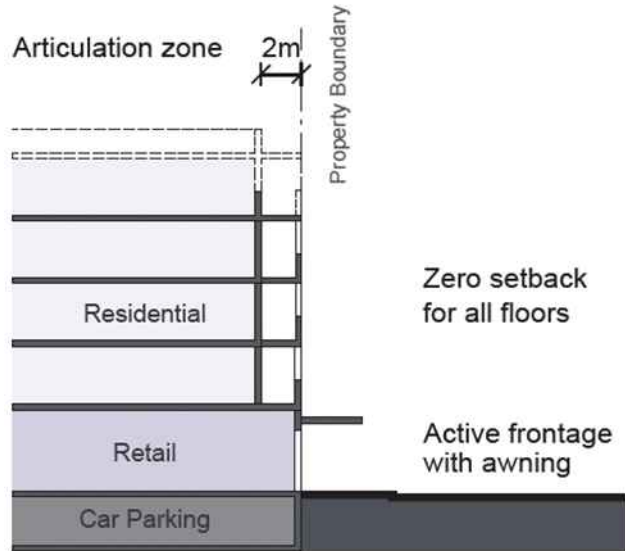
### Controls

1. Development in an Active-Residential character typology area must demonstrate consistency with the above objectives.

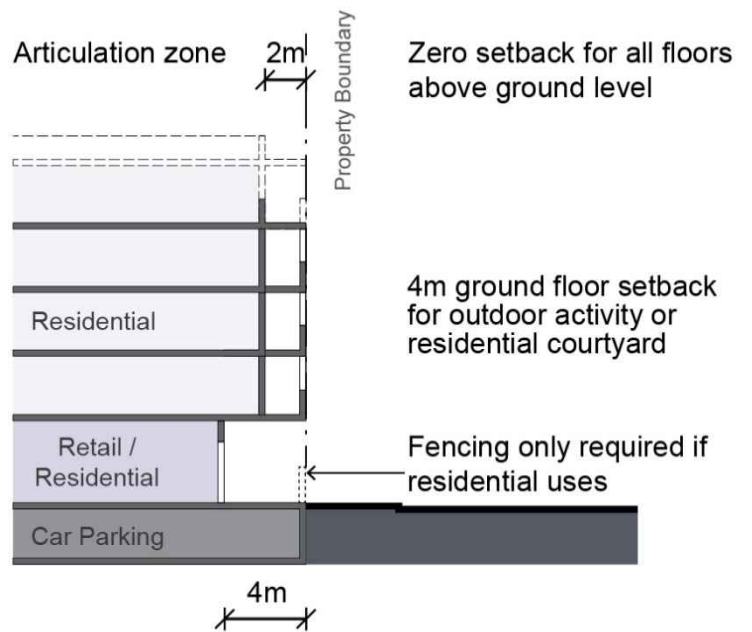
#### Front setbacks

2. Front building setbacks must be consistent with the relevant character typology setback diagram identified on the relevant corridor setback map.
3. Upper-level setbacks are encouraged to be used for open space and landscaping, provided privacy of adjoining uses are protected.

**Figure E8.44: Setback AR1, 4-5 storeys – Corner sites/ general**



**Figure E8.45: Setback AR2, 4-5 storeys – Mid-block**



### Rear setbacks

4. Rear setbacks are to be consistent with **Table E8.2**.

Wall height	Rear setbacks
Up to 4.5m	1.5m
4.5 - 8.5m	3m
Over 8.5m	6m

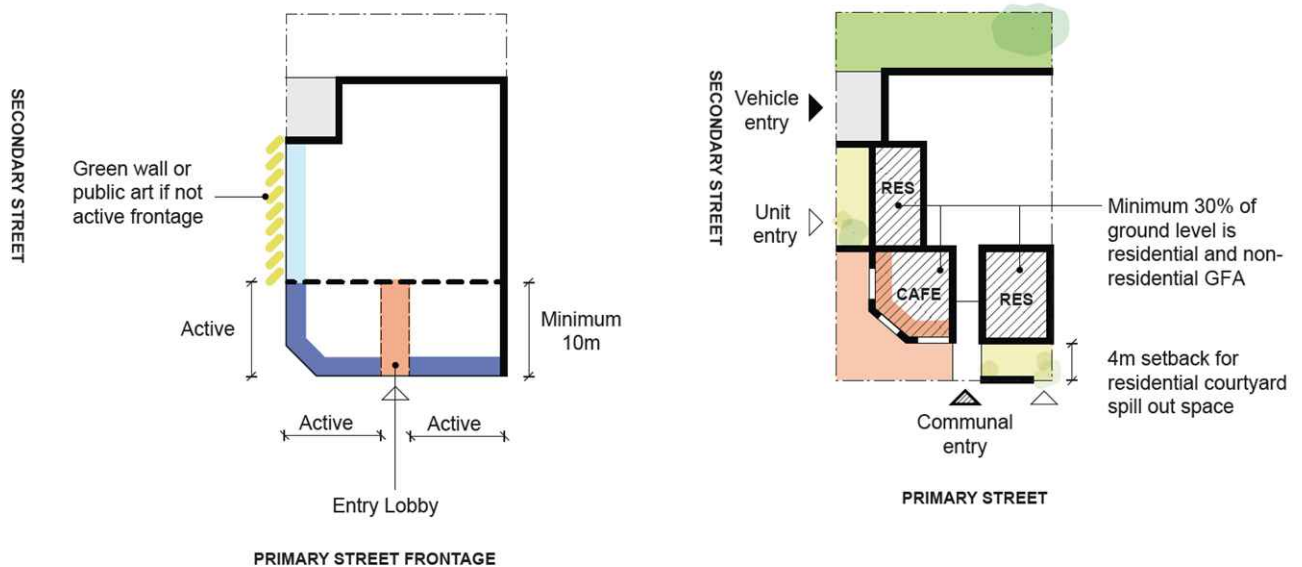
5. In the R3 Medium Density Residential, R4 High Density Residential and MU1 Mixed Use zones side or rear boundary setbacks may be reduced/built to the boundary where:
- a. the wall height and length match an existing or similarly constructed wall on the adjoining site; and
  - b. the proposed wall and 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.
6. In the R3 Medium Density Residential, R4 High Density Residential and MU1 Mixed Use zones, side and rear boundary setbacks are increased, where the site directly adjoins a site in the R2 Low Density Residential Zone.
7. Where a rear boundary adjoins a lane, development complies with C11 Development adjoining a laneway.
8. On corner lots, the boundary opposite the primary road frontage is taken to be the rear boundary for the purposes of applying setbacks.

### Ground level frontages

9. For sites identified with an AR1 or AR2 setback, a minimum 85% of street frontage are to be non-residential uses, preferably active uses, such as cafes, takeaway shops, retail shops, and business premises. For corner sites, active uses are to be focused at the corner of street blocks.
10. For sites identified with an AR1 or AR2 setback, a maximum 15% of lot frontage may be for residential lobbies.
11. Car parking, services, fire doors, switchboards, and the like are to be sleeved by active uses, or appropriately concealed and integrated in the design of the façade so as not to create blank or undesirable interfaces to the street.
12. Where active frontages or non-residential uses cannot be provided to secondary streets, walls should incorporate public art, variation in building materials or other architectural or “green” wall design elements to create street interest.

### Ground level floor space

13. Ground floor non-residential uses should have a minimum depth of 10m from the building line to accommodate amenities, storage space, general back of house activities and other spatial requirements to support non-residential uses.
14. Ground level floor to ceiling height must be a minimum of 4m to allow for adaptable floor plans that can support either commercial or residential uses.



**Figure E8.46: Ground level floor space and active frontages – Active-residential**

### Façade design

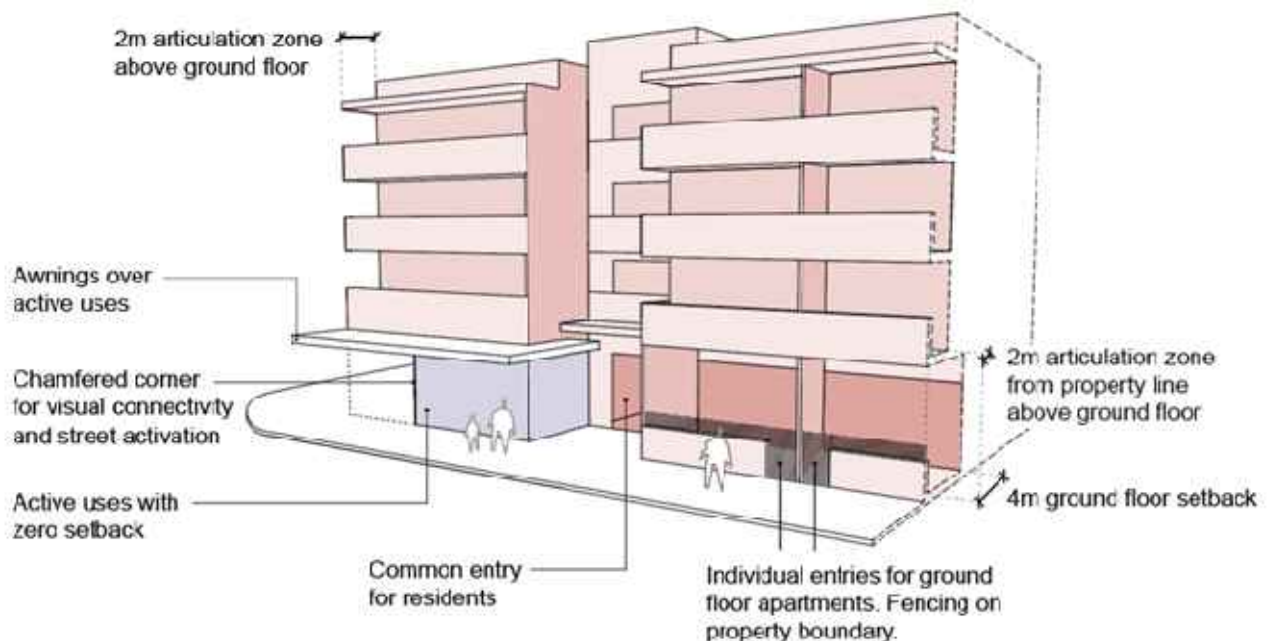
15. For sites identified with an AR1 or AR2 setback, ground level facades for non-residential uses, including residential communal areas, should have a maximum 50% solid to void ratio. Where active uses are provided, a minimum of 80% void (entries and windows) and 20% solid (walls) applies.
16. Where active frontages are predominantly glazed, up to 25% of the glazing may be frosted or semi-opaque should a level of privacy be required for the tenancy use.
17. For sites identified with an AR1 setback, the ground floor façade should be built to the property line (i.e. zero setback) but may have indented entries or bays where it is consistent with existing streetscape character.
18. Facades should incorporate 'soft edges', such as transparent facades, large window openings, double-door entries, and spill out zones for goods on display. Consider 'openable' facades (windows and doors) to encourage engagement with the street and natural ventilation.
19. Ground floor frontages greater than 15m should be vertically articulated to reflect a fine grain character.
20. Highly reflective finishes and use of vinyl decal signage to address blank walls or long windows is not permitted.

### Entries

21. Where development comprises of non-residential and residential activity, separate pedestrian entrances, lift access, increased ground floor height and designated car parking must be provided.
22. Entries for non-residential ground floor uses must be located on the primary street frontage.
23. Ground floor entries to retail, commercial uses or other non-residential uses are to have the same finished floor level as that of the adjacent footpath, unless required to be raised due to flood impacts.
24. Where residential uses are located at the ground floor, ground floor units are to be provided with individual (courtyard) entries to the street to facilitate engagement with the public domain and passive

surveillance.

25. Avoid locating the length of pedestrian access ramps to the primary frontage of the building. Where this is unavoidable, integrate landscaping to the street edge to create a softer edge to the street.
26. Continuous awnings must be provided to all active frontages. Breaks in awnings may be permitted for residential lobbies for legibility.
27. Vehicular parking and/or loading bays are to be accessed via a secondary street or rear lane where possible. Where secondary street or rear lane access is not unavailable, vehicular parking and/or loading is to be at basement level or sleeved at ground level, accessed via no more than a single driveway from the primary street.
28. Where vehicular entries are located to the primary or secondary street, entry doors should be recessed a minimum of 6m.



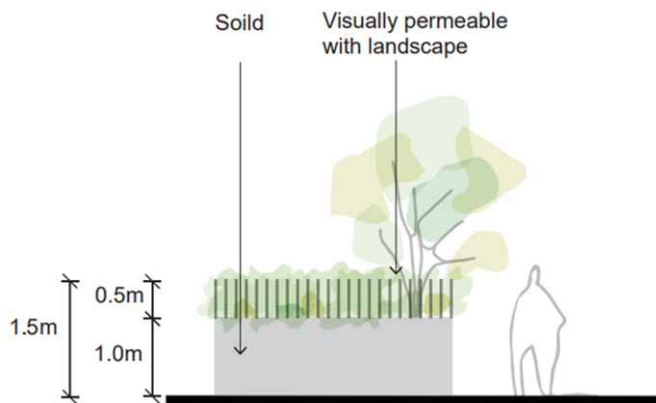
**Figure E8.47: Non-residential and residential uses at ground level**

### Fencing

29. Fencing is only permitted for residential uses. Non-residential uses are to be built to the property boundary as per the building setback controls.
30. Ground floor residential uses may have a front fence up to 1.5m high. Solid materials, such as masonry, concrete render etc, are to be used to a maximum height of 1m high. This is to be combined with visually permeable treatments (such as slats or battens) to a height of 1.5m or landscape hedging above (any height) with or without piers to 1.5m. Colourbond must be avoided.

**Note:** Strip footing on fencing should be avoided where deep soil is proposed or there are existing trees.





**Figure E8.48: Active-residential fencing controls**

Minimum lot size and frontage

31. For the development types listed in **Table E8.03** and frontage width must be equal to or greater than the minimums specified in **Table E8.03**.

<b>Table E8.03: Minimum lot and frontage size</b>		
<b>Development type</b>	<b>Minimum lot size</b>	<b>Minimum frontage width</b>
Boarding houses	1,000m <sup>2</sup>	18m
Hostels		
Multi dwelling housing		
Residential flat buildings		
Shop top housing		

32. Development for the purpose of residential flat buildings, multi dwelling housing or shop top housing is not to result in the creation of an isolated site that could have been developed in compliance with the relevant planning controls. Appropriate documentary evidence to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value.
33. Where amalgamation of the isolated site is not feasible, applicants will be required to demonstrate that an orderly and economic use and development of the separate sites can be achieved.
34. The development of existing isolated sites is not to detract from the character of the streetscape and is to achieve a satisfactory level of amenity including solar access, visual and acoustic privacy. Development of existing isolated sites may not achieve the maximum potential, particularly height and floor space ratio, and will be assessed on merit.
35. Where adjacent sites are developing concurrently, site planning options for development as an amalgamated site are to be explored.

Blank walls

36. Large areas of blank, minimally or poorly articulated walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, green walls, public art or a recognisable



increased setback to the upper storey.

37. Blank walls are not permitted where facing the public domain.
38. The maximum length of any blank wall must not exceed 5m.
39. The maximum height of a blank wall must not exceed 3m.
40. Where adjacent development is unlikely to occur in the short term, blank side walls should include public art or murals, as shown in **Figure E8.49**.



**Figure E8.49: Blank wall with public art in Broadmeadow**

### Landscaping and deep soil

41. Non-residential development should provide deep soil planting at side setback with a minimum width and length of 2m.
42. The minimum landscaped area that must be provided on a lot is shown in **Table E8.04**.

<b>Table E8.04: Minimum landscaped area.</b>		
<b>Lot Area</b>	<b>Minimum landscaped area</b>	<b>Minimum deep soil zone</b>
<600m <sup>2</sup>	25% of site area	12%
>600m <sup>2</sup>	30% of site area	15%

**Note:** New and existing trees must be clearly indicated in landscape plans.

43. Deep soil planting must have a minimum width and length of 2m.

## **C. Apartments**

These controls apply to all areas identified as *Apartments* on the relevant renewal corridor map.

### **Character statement**

The Apartments typology reinforces and supports the characteristics of medium to high density neighbourhoods. Residential flat buildings and apartments are built with ground floor residential uses and a 6m landscaped setback. Setbacks may be reduced on corner sites.

Fencing is a consistent size and uses common materials across the corridors, providing space for landscape planting to soften building edges and improve tree canopy cover.

Ground floor apartments address the primary street frontage with individual dwelling entries while vehicular and waste access priorities the uses of rear lanes or secondary streets. Existing road and footpath levels are respected and maintained, where possible avoiding ground floor levels lower than the street.

### **Objectives**

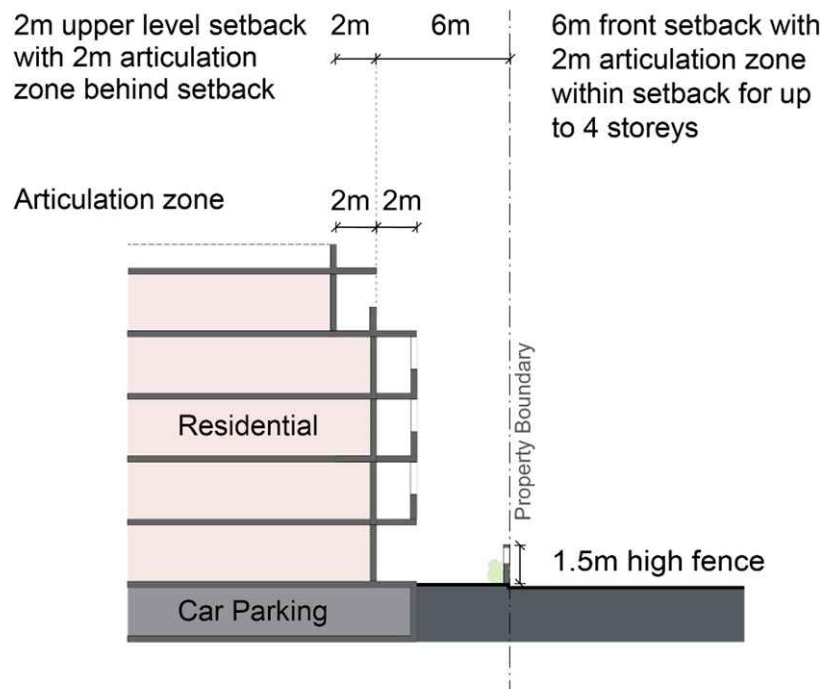
1. Ensure consistent definition of the street edge via setbacks, fencing and landscaping.
2. Appropriately balance noise attenuation and visual privacy requirements with engagement with the public domain.
3. Increase opportunities for landscaping and deep soil planting in the front setback, facing the public domain.
4. Ensure there is adequate unbuilt upon areas to allow for landscaped areas and deep soil planting capable of supporting large trees that increase urban tree canopy cover.
5. Ensure that development resulting in multiple dwellings or accommodation is designed efficiently to achieve the full potential of the site, on lots that provide appropriate space for car parking, vehicle access, communal open space, deep soil planting and landscaping.
6. Promote lot consolidation and ensure it does not result in isolated sites.
7. Where feasible, ensure new development is accessible to all people.

## Controls

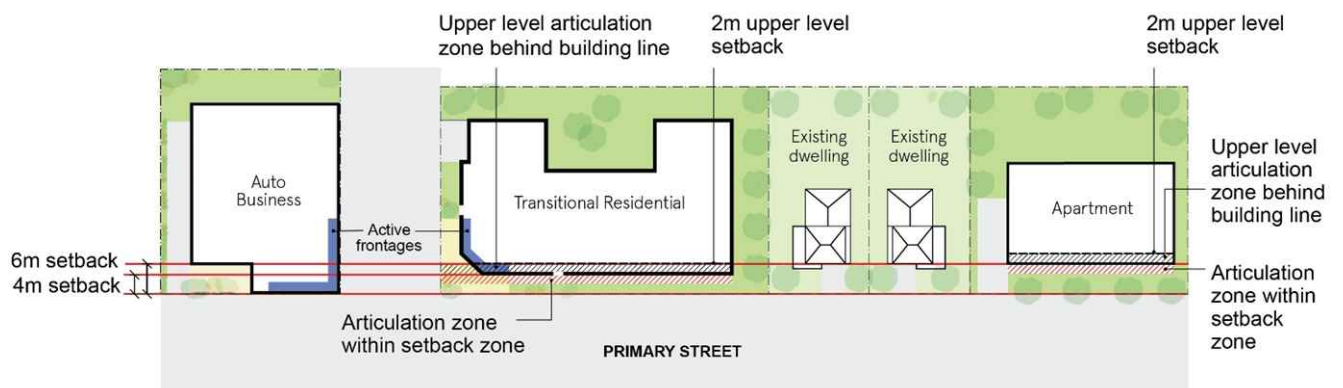
1. Development in an Apartments character typology area must demonstrate consistency with the above objectives.

### Front setback

2. Front building setbacks must be consistent with the relevant character typology setback diagram identified on the relevant corridor setback map.
3. Upper-level setbacks are encouraged to be used for open space and landscaping, provided privacy of adjoining uses are protected.
4. Front setbacks are to provide landscaping and deep soil to support large trees.



**Figure E8.50: Residential setback**



**Figure E8.51: Front prevailing setback and articulation zone**

### Rear setbacks

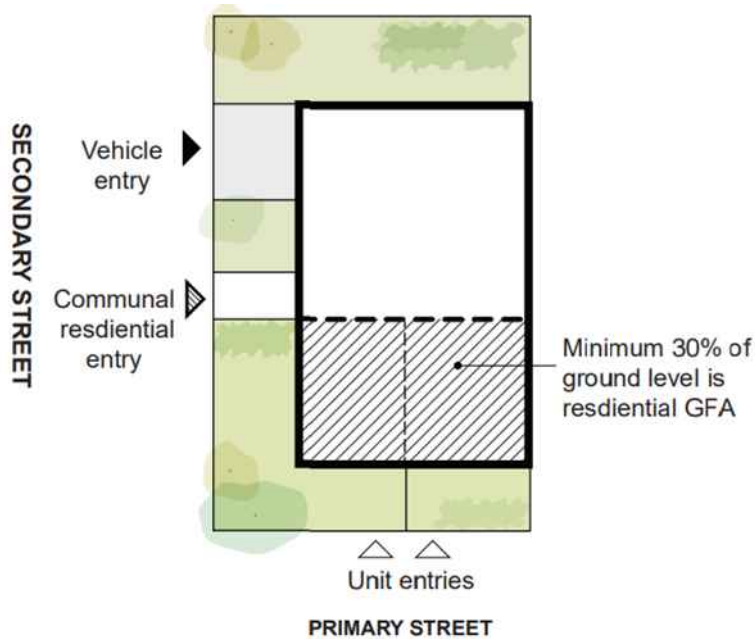
5. Rear setbacks are to be consistent with **Table E8.05**.

Wall height	Rear setbacks
Up to 4.5m	1.5m
4.5 - 8.5m	3m
Over 8.5m	6m

6. In the R3 Medium Density Residential, R4 High Density Residential and MU1 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.
7. In the R3 Medium Density Residential, R4 High Density Residential and MU1 Mixed Use zones, side and rear boundary setbacks are increased, where the site directly adjoins a site in the R2 Low Density Residential Zone.
8. Where a rear boundary adjoins a lane, development complies with C11 Development adjoining a laneway.
9. On corner lots, the boundary opposite the primary road frontage is taken to be the rear boundary for the purposes of applying setbacks.

### Ground level floor space

10. A minimum 30% of the ground floor of the building must be occupied by residential GFA to ensure the ground level is not wholly occupied by car parking, building services and communal amenities. This is to ensure ground flood activation and screen ground floor car parking from the public domain. Residential GFA must be located to the primary street.
11. Ground floor residential GFA should result in at least two residential units.
12. Ground floor residential GFA may include communal facilities such as shared workspaces.



**Figure E8.52: Ground level floor space – Apartments**

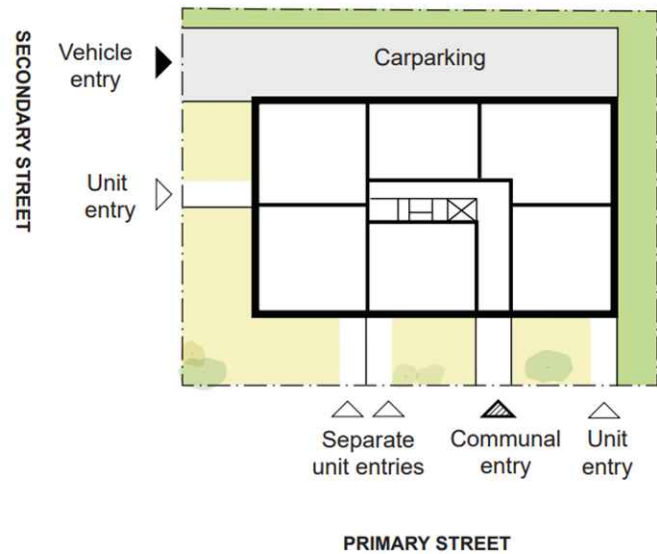
#### Façade design

13. Car parking, services, fire doors, switchboards, and the like are to be appropriately concealed and integrated in the design of the facade so as not to create blank or undesirable interfaces to the street.

#### Residential entries

14. Ground floor units are to be provided with individual (courtyard) entries to the street to facilitate engagement with the public domain and passive surveillance. These entries should look and feel materially different to a communal building entry.
15. Residential entries must not be located below street or footpath level.
16. Residential uses at ground floor should be designed so that the ground floor is raised above the finished footpath level to provide for occupant privacy, up to a maximum of 1.2m.
17. Where the finished floor level is raised, universal access between the street and ground floor uses must be provided and detailed design and landscape considerations given to achieving easy access from the footpath. Level changes may also be accommodated within the building.
18. The length of access ramps should not be located along the primary frontage of the building. Where this is unavoidable, landscaping must be integrated to the street edge to create a softer edge to the street.
19. Vehicular parking must be accessed via a secondary street or rear lane where possible. Where secondary street or rear lane access is not unavailable, vehicular parking and/or loading is to be at basement level or sleeved by units at ground level, accessed via no more than a single driveway from the primary street.

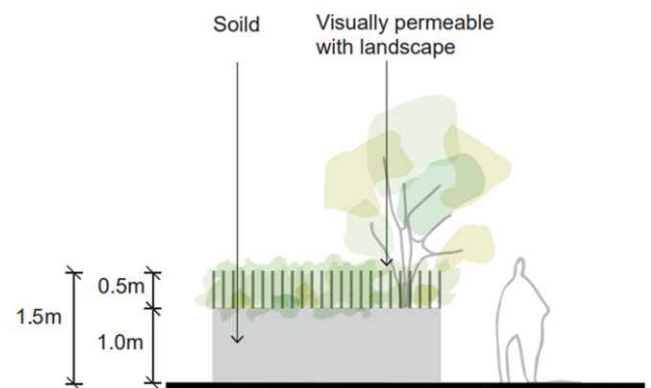
**Figure E8.53: (Right) Ground level entries – apartments**



### Fencing

20. Ground floor residential uses must have a front fence up to 1.5m high. Solid materials, such as masonry, concrete render etc, are to be used to a maximum height of 1m high. This is to be combined with visually permeable treatments (such as slats or battens) to a height of 1.5m or landscape hedging above (any height) with or without piers to 1.5m. Colourbond must be avoided.

**Figure E8.54: (Right) residential fencing controls**



### Minimum lot size and frontage

21. For the development types listed in **Table E8.06**, lot size and frontage width must be equal to or greater than the minimums specified in **Table E8.06**.

<b>Table E8.06: Minimum lot and frontage size</b>		
<b>Development type</b>	<b>Minimum lot size</b>	<b>Minimum frontage width</b>
Boarding houses	1,000m <sup>2</sup>	18m
Hostels		
Multi dwelling housing		
Residential flat buildings		
Shop top housing		

22. Development for the purpose of residential flat buildings, multi dwelling housing or shop top housing is not to result in the creation of an isolated site that could have been developed in compliance with the relevant planning controls. Council will require appropriate documentary evidence to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market



value.

23. Where amalgamation of the isolated site is not feasible, applicants will be required to demonstrate that an orderly and economic use and development of the separate sites can be achieved.
24. The development of existing isolated sites is not to detract from the character of the streetscape and is to achieve a satisfactory level of amenity including solar access, visual and acoustic privacy. Development of existing isolated sites may not achieve the maximum potential, particularly height and floor space ratio, and will be assessed on merit.
25. Where adjacent sites are developing concurrently, site planning options for development as an amalgamated site are to be explored.

#### Blank walls

26. Large areas of blank, minimally or poorly articulated walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, green walls, public art or a recognisable increased setback to the upper storey.
27. Blank walls are not permitted where facing the public domain.
28. The maximum length of any blank wall must not exceed 5m.
29. The maximum height of a blank wall must not exceed 3m.
30. Where adjacent development is unlikely to occur in the short term, blank side walls should include public art or murals, as shown in **Figure E8.55**:



**Figure E8.55: Blank wall with public art in Broadmeadow**

#### Landscaping and deep soil

31. Non-residential development should provide deep soil planting at front setback or side setback with a minimum width and length of 2m.



32. The minimum landscaped area that must be provided on a lot is shown in **Table E8.07**.

<b>Table E8.07: Minimum landscaped area</b>		
<b>Lot Area</b>	<b>Minimum landscaped area</b>	<b>Minimum deep soil zone</b>
<600m <sup>2</sup>	25% of site area	12%
>600m <sup>2</sup>	30% of site area	15%

**Note:** New and existing trees must be clearly indicated in landscape plans.

33. Deep soil planting must have a minimum width and length of 2m.

## D. Auto-business

These controls apply to all areas identified as *Auto-Business* on the relevant renewal corridor map.

### Character statement

The 'Auto-Business' Character Typology applies to areas generally zoned MU1 Mixed Use, R4 High Density, or E1 Local Centre but that are currently occupied by vehicle-oriented businesses such as car yards, petrol stations, vehicle repair shops and the like, which are unlikely to change in the near future.

To help concentrate residential development activity in other areas of the corridors and minimise land use conflict, the current uses and building typologies in these areas should be allowed to continue until significant changes in local character or transport infrastructure dictate a need for these areas to transition to other uses.

Development in these areas should respond to existing rather than future character, while providing opportunities for adaptive reuse of buildings and access arrangements that permit easy conversion to future alternative uses.

Development in these areas should seek to significantly increase deep soil planting and landscaping to help mitigate the impacts of urban heat and improve the public realm.

### Objectives

1. Ensure the integrity and viability of non-residential ground floor uses.
2. Ensure non-residential ground floor uses provide for active frontages.
3. Ensure ground floor uses are pedestrian oriented and contribute to streetscape amenity, local character and passive surveillance.
4. Appropriately address interfaces between existing non-residential development and future mixed use development.
5. Minimise and ameliorate the effect of blank walls (with no windows or entrances) and at-grade parking areas at the ground level.
6. Ensure that development resulting in multiple dwellings or accommodation is designed efficiently to achieve the full potential of the site, on lots that provide appropriate space for car parking, vehicle access, communal open space, deep soil planting and landscaping.
7. Promote lot consolidation and ensure it does not result in isolated sites.
8. Where feasible, ensure new development is accessible to all people.

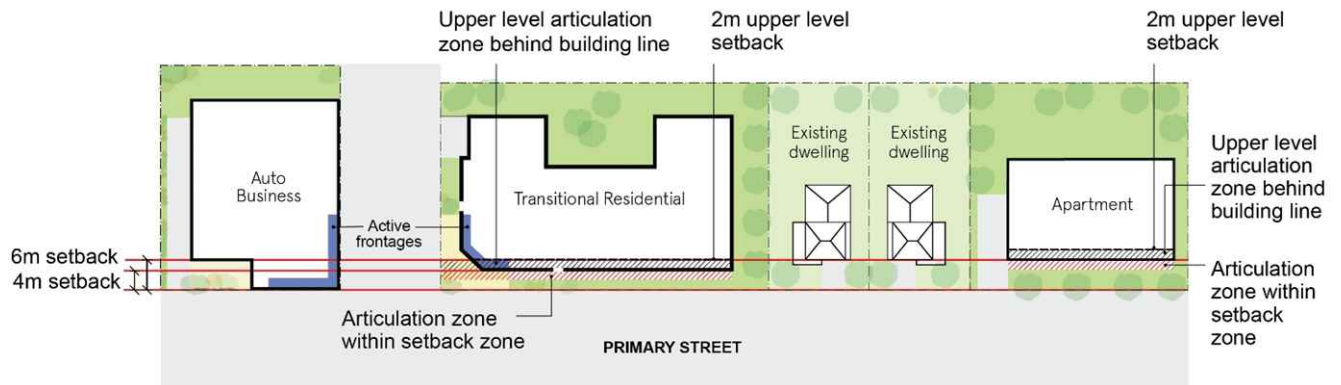
### Controls

1. Development in an Auto-Business character typology area must demonstrate consistency with the above objectives.

#### Front setback

2. Front building setbacks must be consistent with the relevant character typology setback diagram identified on the relevant corridor setback map.
3. Front setbacks are to generally be 6m.
4. Front setbacks may be altered to an alternative character typology setback where:
  - a. the setback matches an existing or similarly constructed wall on the adjoining site, and

- b. the setback is consistent with the Auto-Business character statement and results in a more appropriate built form outcome; and
- c. the minimum landscaping and deep soil provision can still be achieved.



**Figure E8.56: Front prevailing setback and articulation zone**

### Rear setbacks

5. Rear setbacks are to be consistent with **Table E8.08**.

<b>Table E8.08: Rear setbacks</b>	
<b>Wall height</b>	<b>Rear setbacks</b>
Up to 4.5m	1.5m
4.5 - 8.5m	3m
Over 8.5m	6m

6. In the R3 Medium Density Residential, R4 High Density Residential and MU1 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.
7. In the R3 Medium Density Residential, R4 High Density Residential and MU1 Mixed Use zones, side and rear boundary setbacks are increased, where the site directly adjoins a site in the R2 Low Density Residential Zone.
8. Where a rear boundary adjoins a lane, development complies with Section C11 Development adjoining a laneway.
9. On corner lots, the boundary opposite the primary road frontage is taken to be the rear boundary for the purposes of applying setbacks.

### Ground level frontage

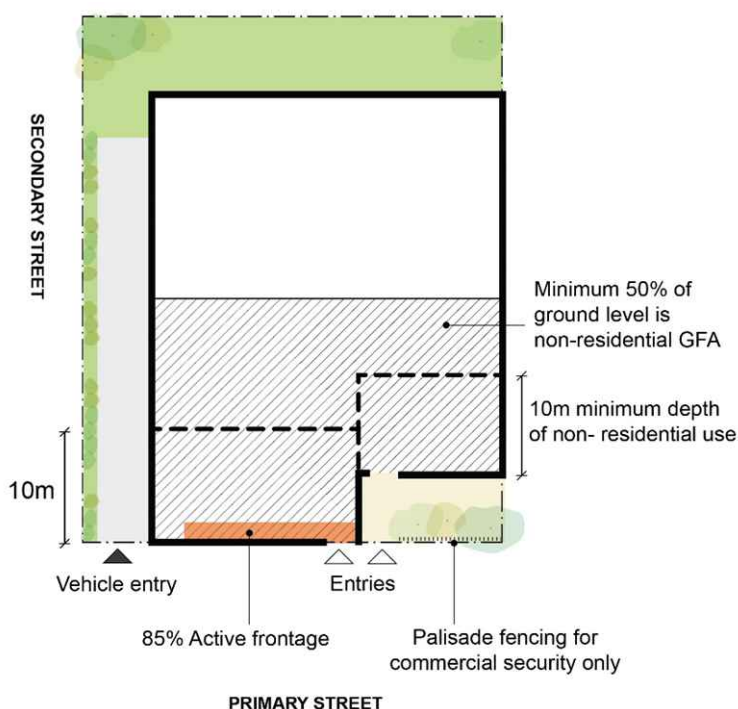
10. For sites with a frontage of 40m or greater, a minimum 50% of the frontage must be built to the property boundary.
11. Minimum 85% of frontage built to the boundary should provide for active uses, such as cafes, takeaway

shops, retail shops, and business premises. Where a combination of non-residential and active uses are provided, active uses should be focused at the corners of buildings.

12. Car parking, services, fire doors, switchboards, and the like are to be sleeved by active uses, or appropriately concealed and integrated in the design of the façade so as not to create blank or undesirable interfaces to the street.
13. On corner site where active frontages cannot be provided to secondary streets, walls should incorporate public art, variation in building materials or other architectural or “green” wall design elements to create street interest.

#### Ground level floor space

14. A minimum 50% of the ground floor of the building must be occupied by non-residential GFA. This is to ensure ground floor activation and screen ground floor car parking from the public domain.
15. Ground floor non-residential uses should have a minimum depth of 10m from the building line to accommodate amenities, storage space, general back of house activities and other spatial requirements to support non-residential uses.
16. Floor to floor height must be a minimum of 4m to allow for adaptable floor plans that can support either commercial or residential uses in future.
17. Habitable residential accommodation uses are not permitted at the ground level. This control does not apply in the Adamstown renewal corridor.



**Figure E8.57: Ground level floorspace – Auto-business**

#### Façade design

18. Ground level facades for non-residential uses should have a maximum 50% solid to void ratio. Where active uses are provided, a minimum of 80% void (entries and windows) and 20% solid (walls) applies.

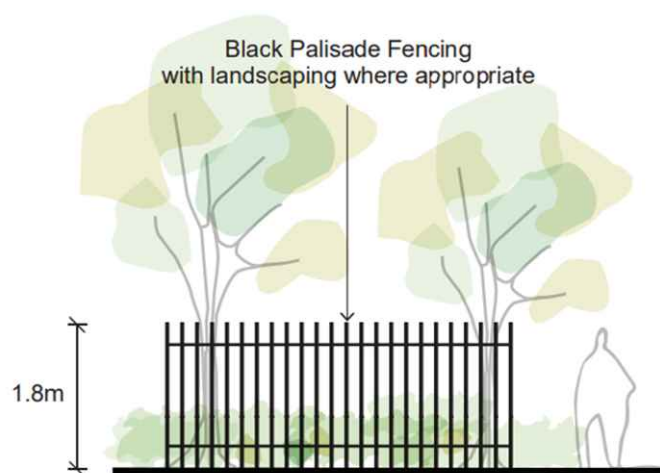
19. Where active frontages are predominantly glazed, up to 25% of the glazing may be frosted or semi-opaque should a level of privacy be required for the tenancy use.
20. Facades at the property boundary should incorporate 'soft edges', such as transparent facades, large window openings, double-door entries, and spill out zones for goods on display. Consider 'openable' facades (windows and doors) to encourage engagement with the street and natural ventilation.
21. Ground floor frontages greater than 15m should be vertically articulated with recesses generally spaced at 10m-20m intervals, or in response to the existing character of the street.
22. Highly reflective finishes and use of vinyl decal signage to address blank walls or long windows is not permitted.

#### Entries

23. Where development comprises of non-residential and residential activity, separate pedestrian entrances, lift access, increased ground floor height and designated car parking must be provided.
24. Entries for non-residential ground floor uses must be located on the primary street frontage.
25. Ground floor entries to retail, commercial uses or other non-residential uses are to have the same finished floor level as that of the adjacent footpath, unless required to be raised due to flood impacts.
26. Where the finished floor level is raised, universal access between the street and ground floor uses must be provided and detailed design and landscape considerations given to achieving easy access from the footpath. Level changes may also be accommodated within the building.
27. Avoid locating the length of pedestrian access ramps to the primary frontage of the building. Where this is unavoidable, integrate landscaping to the street edge to create a softer edge to the street.
28. Continuous awnings must be provided to all active frontages if built to property boundary. Breaks in awnings may be permitted for residential lobbies for legibility.
29. Vehicular parking and/or loading bays are to be accessed via a secondary street or rear lane where possible. Where secondary street or rear lane access is not unavailable, vehicular parking and/or loading is to be at basement level or sleeved at ground level, accessed via no more than a single driveway from the primary street.
30. Where vehicular entries are located to the primary or secondary street, entry doors should be recessed a minimum of 6m.

#### Fencing

31. Fencing is permitted for non-residential uses where it is required for security purposes. Black palisade fencing up to 1.8m should be used, combined with landscaping and tree planting where appropriate.



**Figure E8.58: Non-residential fencing controls**

### Minimum lot size and frontage

32. For the development types listed in **Table E8.09**, lot size and frontage width must be equal to or greater than the minimums specified in **Table E8.09**.

<b>Table E8.09: Minimum lot and frontage size</b>		
<b>Development type</b>	<b>Minimum lot size</b>	<b>Minimum frontage width</b>
Boarding houses	1,000m <sup>2</sup>	18m
Hostels		
Multi dwelling housing		
Residential flat buildings		
Shop top housing		

33. Development for the purpose of residential flat buildings, multi dwelling housing or shop top housing is not to result in the creation of an isolated site that could have been developed in compliance with the relevant planning controls. Council will require appropriate documentary evidence to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value.
34. Where amalgamation of the isolated site is not feasible, applicants will be required to demonstrate that an orderly and economic use and development of the separate sites can be achieved.
35. The development of existing isolated sites is not to detract from the character of the streetscape and is to achieve a satisfactory level of amenity including solar access, visual and acoustic privacy. Development of existing isolated sites may not achieve the maximum potential, particularly height and floor space ratio, and will be assessed on merit.
36. Where adjacent sites are developing concurrently, site planning options for development as an amalgamated site are to be explored.

### Blank walls

37. Large areas of blank, minimally or poorly articulated walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, green walls, public art or a recognisable increased setback to the upper storey.
38. Blank walls are not permitted where facing the public domain.
39. The maximum length of any blank wall must not exceed 5m.
40. The maximum height of a blank wall must not exceed 3m.
41. Where adjacent development is unlikely to occur in the short term, blank side walls should include public art or murals, as shown in **Figure E8.59**.





**Figure E8.59: Blank wall with public art in Broadmeadow**

Landscaping and deep soil

42. Non-residential development should provide deep soil planting at front setback or side setback with a minimum width and length of 2m.
43. The minimum landscaped area that must be provided on a lot is shown in **Table E8.10**.

<b>Table E8.10: Minimum landscaped area</b>		
<b>Lot Area</b>	<b>Minimum landscaped area</b>	<b>Minimum deep soil zone</b>
<600m <sup>2</sup>	25% of site area	12%
>600m <sup>2</sup>	30% of site area	15%

**Note:** New and existing trees must be clearly indicated in landscape plans.

44. Deep soil planting must have a minimum width and length of 2m.

## E. Transition-residential

These controls apply to all areas identified as *Transition-Residential* on the relevant renewal corridor map.

### Character statement

The 'Transition-Residential' Character Typology applies to areas where the surrounding character is primarily residential, but businesses premises operate along main road corridors in a range of building typologies. The future character of these areas is a transition between the 'Active-Residential' and 'Apartments' character typologies, reflecting how the current built form has been slow to respond to the underlying planning controls.

### Objectives

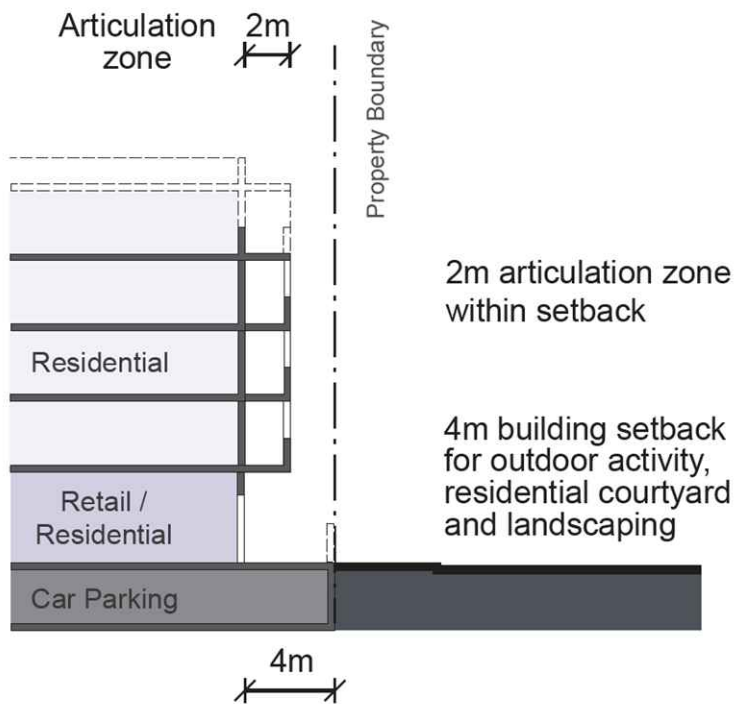
1. Establish a primarily residential interface at the ground level.
2. Appropriately address interfaces between existing non-residential development and future residential development.
3. Ensure consistent definition of the street edge via setbacks, fencing and landscaping.
4. Appropriately balance noise attenuation and visual privacy requirements with engagement with the public domain.
5. Provide opportunities for landscaping and deep soil planting at the street interface.
6. Ensure that development resulting in multiple dwellings or accommodation is designed efficiently to achieve the full potential of the site, on lots that provide appropriate space for car parking, vehicle access, communal open space, deep soil planting and landscaping.
7. Promote lot consolidation and ensure it does not result in isolated sites.
8. Where feasible, ensure new development is accessible to all people.

### Controls

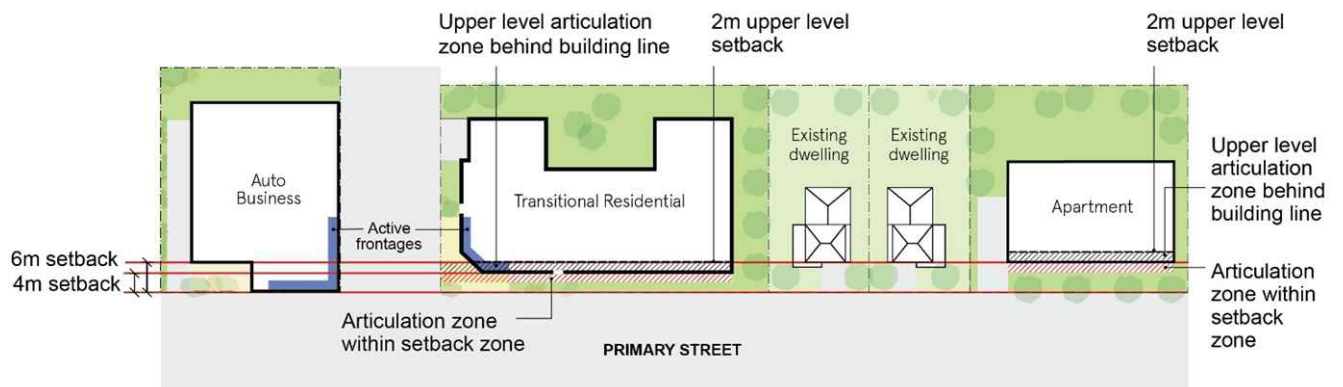
1. Development in a Transition-residential character typology area must demonstrate consistency with the above objectives.

#### Front setback

2. Front building setbacks must be consistent with the relevant character typology setback diagram identified on the corridor setback map.
3. Front setbacks may be altered to an alternative character typology setback where:
  - a. the setback matches an existing or similarly constructed wall on the adjoining site; and
  - b. the setback is consistent with the character statement and results in a more appropriate built form outcome; and
  - c. the minimum landscaping and deep soil provision can still be achieved.



**Figure E8.60: Setback transition - residential**



**Figure E8.61: Front prevailing setback and articulation zone**

Rear setbacks

4. Rear setbacks are to be consistent with **Table E8.11**.

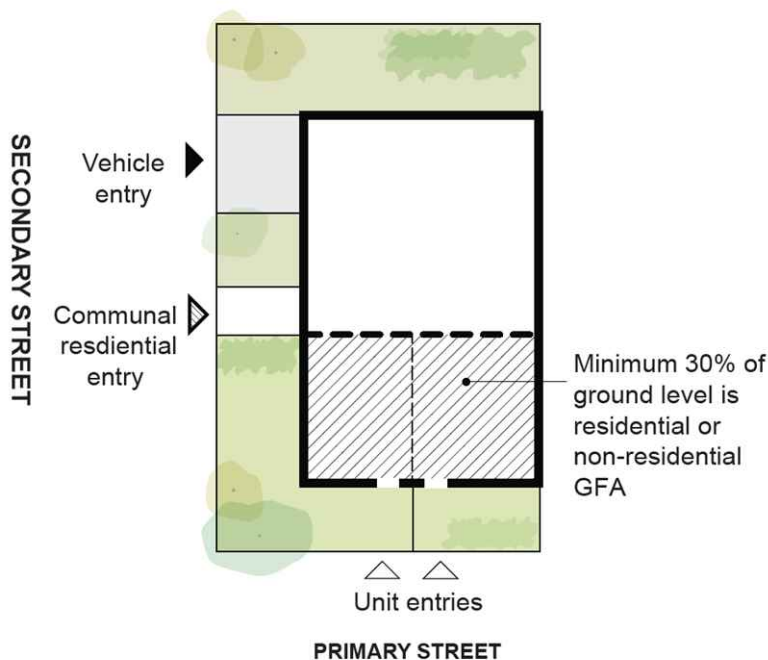
Table E8.11: Rear setbacks	
Wall height	Rear setbacks
Up to 4.5m	1.5m
4.5 - 8.5m	3m
Over 8.5m	6m

5. In the R3 Medium Density Residential, R4 High Density Residential and MU1 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.
6. In the R3 Medium Density Residential, R4 High Density Residential and MU1 Mixed Use zones, side and rear boundary setbacks are increased, where the site directly adjoins a site in the R2 Low Density Residential zone.
7. Where a rear boundary adjoins a lane, development complies with C11 Development adjoining a laneway.
8. On corner lots, the boundary opposite the primary road frontage is taken to be the rear boundary for the purposes of applying setbacks.

#### Ground level floor space

9. A minimum 30% of the ground floor of the building must be occupied by residential and/or non-residential GFA to ensure the ground level is not wholly occupied by car parking, building services and communal amenities. This is to ensure ground flood activation and screen ground floor car parking from the public domain. Residential GFA must be located to the primary street.
10. Where non-residential uses are provided at ground level, active uses such as cafes, takeaway shops, retail shops, and business premises are preferred.



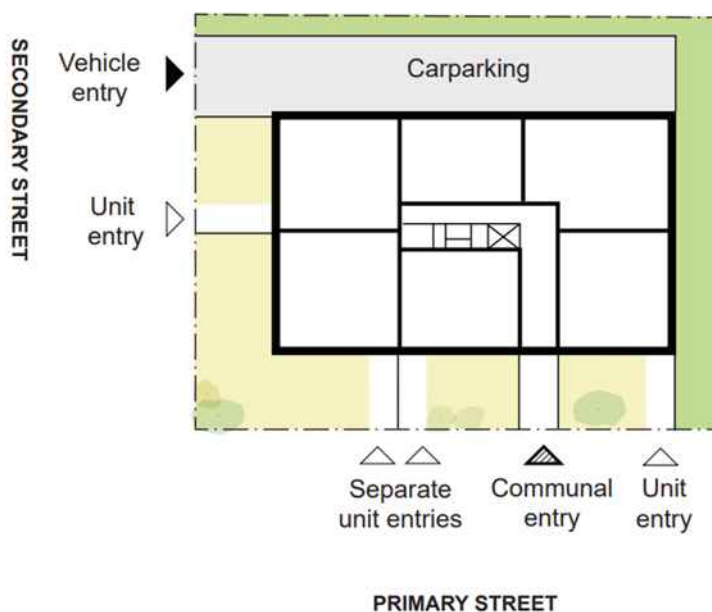
**Figure E8.62: Ground level floor space transition-residential**

### Façade design

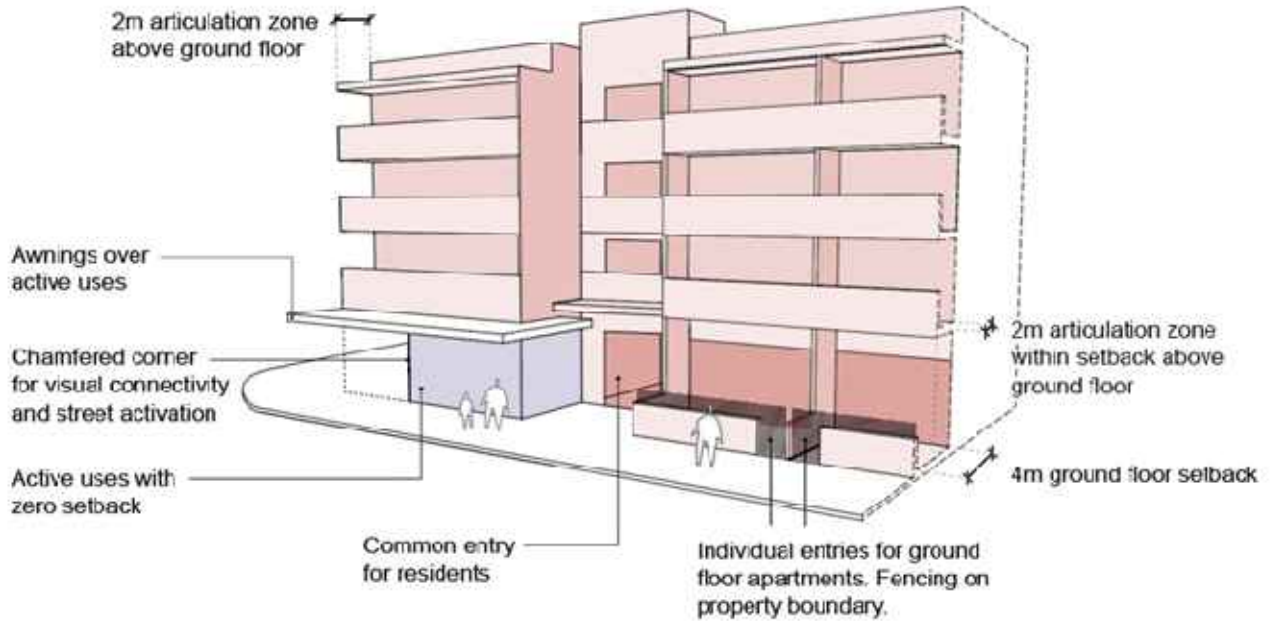
11. Car parking, services, fire doors, switchboards, and the like are to be appropriately concealed and integrated in the design of the façade so as not to create blank or undesirable interfaces to the street.
12. Where active uses are provided, a minimum of 80% void (entries and windows) and 20% solid (walls) applies.
13. Where active frontages are predominantly glazed, up to 25% of the glazing may be frosted or semi-opaque should a level of privacy be required for the tenancy use.

### Entries

14. Ground floor units are to be provided with individual (courtyard) entries to the street to facilitate engagement with the public domain and passive surveillance.
15. Residential entries must not be located below street or footpath level.
16. Residential uses at ground floor should be designed so that the ground floor is raised above the finished footpath level to provide for occupant privacy, up to a maximum of 1.2m.
17. Where the finished floor level is raised, universal access between the street and ground floor uses must be provided and detailed design and landscape considerations given to achieving easy access from the footpath. Level changes may also be accommodated within the building.
18. The length of access ramps should not be located along the primary frontage of the building. Where this is unavoidable, landscaping must be integrated to the street edge to create a softer edge to the street.
19. Vehicular parking should be accessed via a secondary street or rear lane where possible. Where secondary street or rear lane access is not unavailable, vehicular parking and/or loading is to be at basement level or sleeved by units at ground level, accessed via no more than a single driveway from the primary street.
20. Where vehicular entries are located to the primary or secondary street, entry doors should be recessed a minimum of 6m.



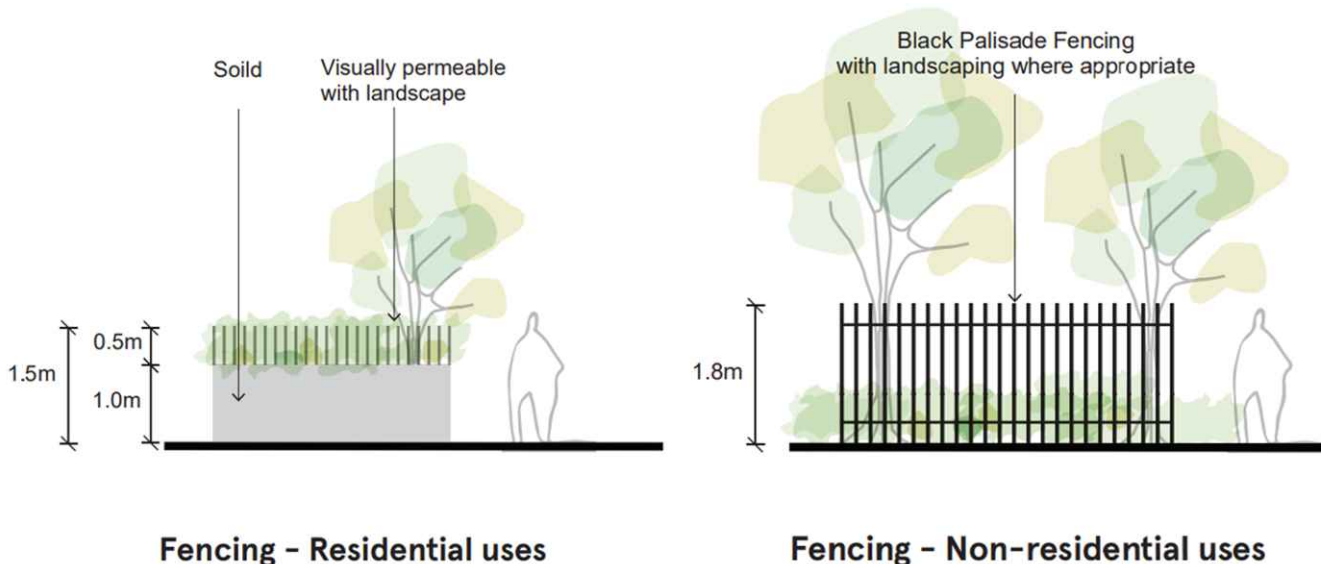
**Figure E8.63: Ground level entries transition-residential**



**Figure E8.64: Non-residential and residential uses at ground level**

Fencing

21. Ground floor residential uses must have a front fence up to 1.5m high. Solid materials, such as masonry, concrete render etc, are to be used to a maximum height of 1m high. This is to be combined with visually permeable treatments (such as slats or battens) to a height of 1.5m or landscape hedging above (any height) with or without piers to 1.5m. Colourbond must be avoided.



**Figure E8.65: Fencing controls**



### Minimum lot size and frontage

22. For the development types listed in **Table E8.12**, lot size and frontage width must be equal to or greater than the minimums specified in **Table E8.12**.

<b>Development type</b>	<b>Minimum lot size</b>	<b>Minimum frontage width</b>
Boarding houses	1,000m <sup>2</sup>	18m
Hostels		
Multi dwelling housing		
Residential flat buildings		
Shop top housing		

23. Development for the purpose of residential flat buildings, multi dwelling housing or shop top housing is not to result in the creation of an isolated site that could have been developed in compliance with the relevant planning controls. Council will require appropriate documentary evidence to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value.
24. Where amalgamation of the isolated site is not feasible, applicants will be required to demonstrate that an orderly and economic use and development of the separate sites can be achieved.
25. The development of existing isolated sites is not to detract from the character of the streetscape and is to achieve a satisfactory level of amenity including solar access, visual and acoustic privacy. Development of existing isolated sites may not achieve the maximum potential, particularly height and floor space ratio, and will be assessed on merit.
26. Where adjacent sites are developing concurrently, site planning options for development as an amalgamated site are to be explored.

### Blank walls

27. Large areas of blank, minimally or poorly articulated walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, green walls, public art or a recognisable increased setback to the upper storey.
28. Blank walls are not permitted where facing the public domain.
29. The maximum length of any blank wall must not exceed 5m.
30. The maximum height of a blank wall must not exceed 3m.
31. Where adjacent development is unlikely to occur in the short term, blank side walls should include public art or murals, as shown **Figure E8.66**.





**Figure E8.66: Blank wall with public art in Broadmeadow**

#### Landscaping and deep soil

32. Non-residential development should provide deep soil planting at front setback or side setback with a minimum width and length of 2m.
33. The minimum landscaped area that must be provided on a lot is shown in the following **Table E8.13**.

<b>Table E8.13: Minimum landscaped area</b>		
<b>Lot area</b>	<b>Minimum landscaped area</b>	<b>Minimum deep soil zone</b>
<600m <sup>2</sup>	25% of site area	12%
>600m <sup>2</sup>	30% of site area	15%

**Note:** New and existing trees must be clearly indicated in landscape plans.

34. Deep soil planting must have a minimum width and length of 2m.

**PART E: Place and precincts**  
**Section E9 Black Hill employment area**

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4.0 Black Hill Employment Area development guidelines .....	2
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## 1.0 Introduction

Concept Approval MP 10\_0093 for the development of the site was issued by the Minister for Planning and Infrastructure on 19 November 2013 under the provisions of Section 75O and 75P of the *Environmental Planning and Assessment Act 1979*.

Condition 1.8 of that Concept Approval required the preparation of urban design guidelines to guide future development on the land. On 28 June 2018 the Department of Planning, Infrastructure and Environment approved the guideline. This section adopts the guideline as approved.

Condition 1.10 of that Concept Plan also required the preparation of a Staging Plan inclusive of an updated indicative lot layout. This Staging Plan was considered and approved by Council at an Ordinary Meeting held 29 June 2021.

## 2.0 Application

This section applies to all land within the heavy line marked on Map 1 – Black Hill Employment Lands guidelines. This section applies to all development within the Black Hill Employment Lands requiring development consent.

## 3.0 Objectives

1. To ensure that the Black Hill Employment land is developed in a manner generally consistent with the Concept Approval (MP10\_0093) for the site.

## 4.0 Black Hill Employment Lands development guidelines

See following pages.

## 5.0 Related sections

The following sections will apply to development:

- C1 Traffic, parking and access
- C2 Movement networks
- C4 Stormwater
- C9 Advertising and signage
- C12 Open space and landscaping
- D1 Subdivision and consolidation
- D5 Industrial.

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- C3 Vegetation preservation and care
- C5 Soil management
- C6 Waste management
- C8 Social impact
- E1 Built and landscape heritage

## 6.16 – Black Hill Employment Lands

### Relationship with Concept Approval MP 10\_0093

Concept Approval MP 10\_0093 for the development of the site was issued by the Minister for Planning and Infrastructure on 19 November 2013 under the provisions of Section 75O and 75P of the Environmental Planning and Assessment Act 1979.

Section 1.8 of the Concept Approval requires that future development of the Black Hill Employment Lands is to comply with the Urban Design Guidelines (UDGs) which generally reflect Newcastle Development Control Plan. The UDG are to be presented in a form to be adopted as site specific controls within Council's DCP. This DCP section provides revised 'Urban Design Guidelines' consistent with the Concept Approval and supporting documents, and as amended in accordance with the relevant conditions of approval.

The Concept Approval provides for the following:

- Staged development of a 183 hectares site for an employment lands development;
- Dedication of 545 hectares of conservation lands;
- Conceptual road, pedestrian and cycleway network;
- Conceptual lot layout;
- Indicative staging; and
- Associated infrastructure.

In the event of any inconsistency between this DCP section or any environmental planning instrument and the Concept Approval, the terms of the approval will prevail to the extent of the inconsistency.

## Amendment history

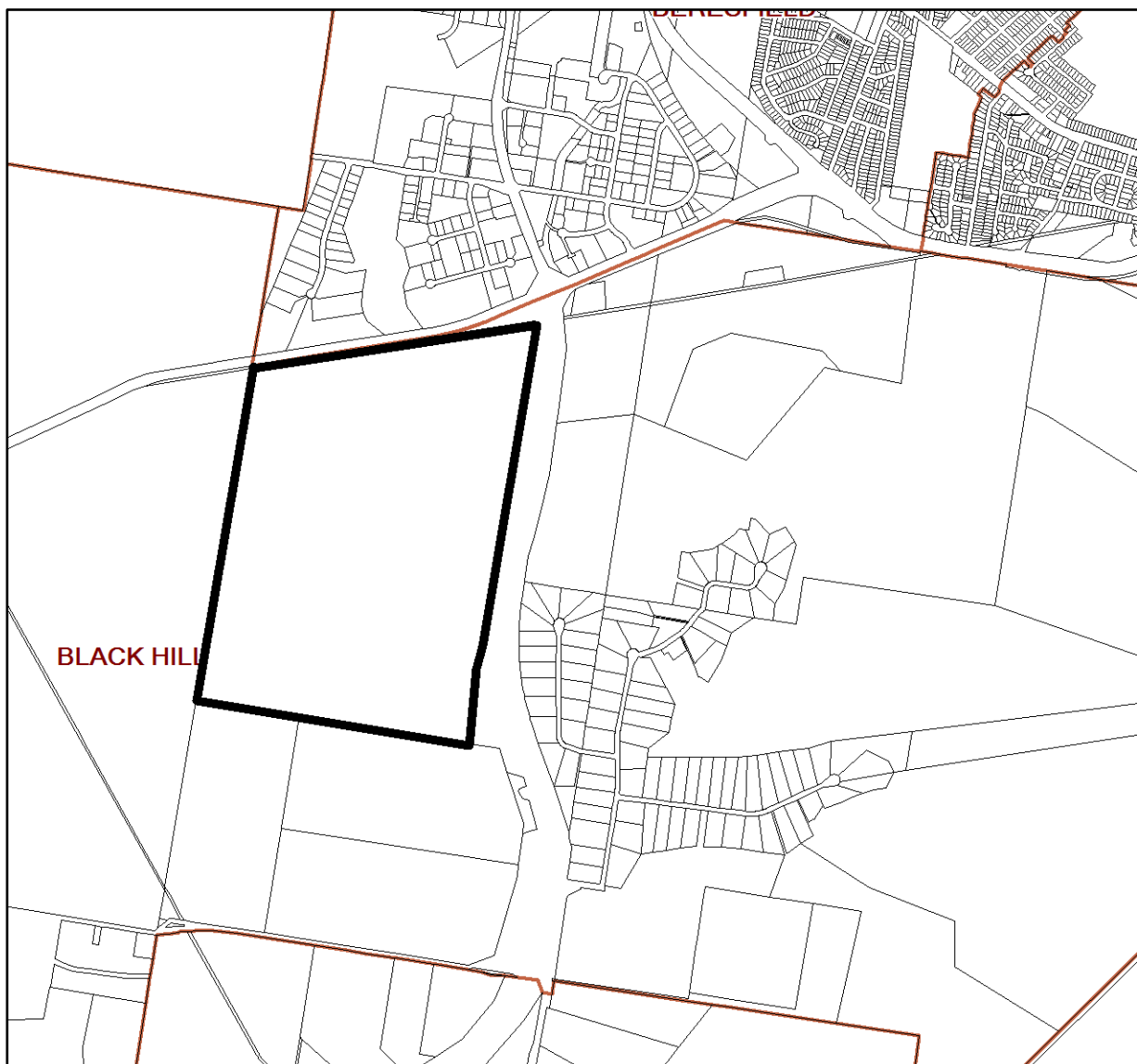
Version Number	Date Adopted by Director General NSW Planning & Environment	Commencement Date	Amendment Details
V1			Draft lodged with NCC 4 April 2017
V2			Draft comments provided to Stevens Group 26 May 2017
V3			Amended following consultation with Department of Planning & Environment on 13 June 2018
V4			Amended following consultation with Department of Planning & Environment on 21 June 2018

Date Adopted

### Land to which this section applies

This section applies to all land within the heavy line marked on **Map 1** – Black Hill Employment Lands

### **Map 1: Black Hill Employment Land**



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

This section applies to all development within the Black Hill Employment Lands requiring development consent.

## 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 DCP section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

## Related Sections

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

- 3.01 Subdivision
- 3.13 Industrial Development
- 7.02 Landscape open space and visual amenity
- 7.03 Traffic, Parking and Access
- 7.04 Movement Networks
- 7.06 Storm Water
- 7.07 Water Efficiency
- 7.09 Outdoor Advertising and Signage

The following sections of this DCP **may** apply to development to which this section applies, noting the above paragraphs with respect to any inconsistencies that may arise.

- Any applicable land use specific provision under Part 3.00;
- 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.
- 4.02 Bush Fire Protection - within a mapped bush fire area/zone.
- 4.03 Mine Subsidence - within mine subsidence area
- 4.04 Safety and Security - development with an accessibility to general public, access to laneways and/or communal areas.
- 4.05 Social Impact - where required for site specific developments under 'Social Impact Assessment Policy for Development Applications', 1999;
- 5.01 Soil Management
- 5.02 Land Contamination
- 5.03 Tree Management - within 5 m of a development footprint or those trees likely to be affected by the 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 - know/likely archaeological site or potential soil disturbance.
- 7.05 Energy Efficiency;
- 7.08 Waste Management;
- 8.00 Public Participation; and
- 9.00 Glossary

## **Additional information**

- Concept Plan Application MP 10\_0093

## **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 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 the Black Hill Employment land is developed generally in accordance with the Concept Approval (MP10\_0093) for the site.
2. To provide for the development employment land to support a range of employment generating activities and associated support facilities and infrastructure.
3. To ensure the timely and efficient release of land that makes provision for the staging of necessary infrastructure whilst maximising employment land yields.
4. To provide for industrial buildings and development which is both functional to meet the user's needs, as well as contributing to a good quality streetscape when viewed from public places.
5. To provide a flexible design layout and a simple and safe road network to cater for a range of future uses including large scale industrial development.
6. To ensure the ongoing management of Viney Creek riparian corridor is achieved by incorporating best practice environmental management and water sensitive urban design methods.
7. To provide employment lands directly accessible to major transportation corridors, incorporating public transport networks that link bus services with the rail system to promote public transport as an alternative and effective transport choice.
8. To create additional employment opportunities locally and regionally, in an established employment node.
9. To provide a visual buffer along the transport corridors to encourage a green entry.



## **6.16.01 Subdivision Design**

### **A. Layout**

#### ***Objectives***

1. To provide for the subdivision of land in response to the opportunities and constraints of the site.
2. To provide a variety of lot sizes and configurations to enable a range of industrial and ancillary activities to be undertaken to accommodate a functional and desirable mix of development.
3. To provide a reasonable site area for buildings, manoeuvring, parking and landscaping.
4. To ensure adequate provision is made for green buffer zones between major road corridors and development.

#### ***Controls***

1. Development applications for subdivision shall be generally in accordance with the Black Hill Concept Plan Approval (10\_0093) and the indicative road and lot layout approved by Council in accordance with Condition 1.10 of the Concept Approval.
2. All industrial lots are to be a minimum of 1000m<sup>2</sup> in area, with a minimum frontage of 20m.
3. The staging plan shall provide for the schedule of delivery and dedication, where relevant, of the provision and management of infrastructure and servicing, including roads, stormwater, open space, and asset protection zones.
4. Vegetated Buffer zones are to be provided or retained as follows:
  - Northern boundary (John Renshaw Drive) – 20m
  - Eastern boundary (M1/F3 Freeway) – 20m, supplementing the Green Buffer Zone on the RMS land along the road corridor.
  - Southern boundary (private landowners) – 20m
5. A landscape plan is to be submitted to Council in accordance with Section 7.02 of the Newcastle DCP 2012.

## **B. Road Network**

### ***Objectives***

1. To provide direct access and egress from both the M1 and John Renshaw Drive in accordance with the requirements of the RMS.
2. To ensure connectivity through the site by the establishment of a clear and easily identifiable road hierarchy and a network of open space, cyclist and pedestrian routes.
3. To design an effective road network consistent with Council's Standard Drawing Register
4. To minimise the number of road crossings of Viney Creek.
5. To ensure appropriate access and egress for bushfire protection and fire fighting.

### ***Controls***

1. The road network comprises a flexible layout which will provide the foundation for the future subdivision of the Black Hill Employment Lands and create good traffic circulation.
2. The roads are to be designed to cater for large articulated vehicles including B-Doubles.
3. Detailed design for the access locations to be determined in consultation with the RMS and shall include the staged construction of the works as required as a consequence of the development for each stage.
4. Ensure that vehicular and pedestrian circulation is clearly identified and separated.
5. A traffic and transport impact study shall be submitted with each precinct-based (stage) subdivision application, updating the traffic model based on current movements and having regard to any improvements to existing intersections and the road network that may have been undertaken and alternative access arrangements that may be required.
6. No direct property access to individual lots is permitted to or from John Renshaw Drive or the M1 Motorway.
7. Provision for access shall be provided to allow for the future extension of the road network into lands to the south and to the west.
8. The internal road network for each stage, including provisions for on-road cycleways, shall have regard to the overall hierarchy of the road network and the intended future use of the land.
9. On-road cycleways will be provided on industrial collector roads only. Shared off-road pathways are not required within the Black Hill Employment Lands.
10. All bridge structures must accommodate SM 1600 loading.

## **C. Public Transport and Cycleway Network**

### ***Objectives***

1. To ensure connectivity through the site by the establishment of a safe and easily identifiable network of and cycleway routes.
2. To promote the integration of cycling infrastructure within the site and links to existing and proposed infrastructure in the wider region.
3. To facilitate the provision of public transport connections to and throughout the Black Hill Employment Lands.

### ***Controls***

1. Provide for a safe and convenient cycleway network along collector roads throughout the site.
2. Cycling infrastructure is to be designed and integrated with public transport facilities and the regional cycling network.
3. The road network is to be designed to provide for a clear and convenient bus route throughout the site, including the provision of bus shelters and seating as required.
4. Provide details with the subdivision application for each stage, demonstrating consultation with the relevant bus company and the demand to extend or provide an additional bus route throughout the development including the proposed location of bus stops to service the development.
5. A network plan is to be prepared to meet the requirements of condition 1.19 of the Concept Approval.

## **D. Earthworks and Clearing**

### ***Objectives***

1. To enable the clearing of land to facilitate the development of the Black Hill Employment Lands.
2. To enable bulk earthworks to be undertaken on site and managed in a co-ordinated approach to minimise the necessity for future site specific earthworks.
3. To encourage the design of the subdivision having regard to the protection of the riparian corridor and retention of visual buffers along the site boundaries/road frontages.
4. To minimise and manage any impacts on mature and hollow bearing trees and fauna within the site during clearing.

## **Controls**

1. Clearing for the purposes of providing access or service infrastructure within the riparian corridor and where required within the visual buffer areas is permitted.
2. Prepare a management strategy to provide for the staged clearing of land, addressing measures to minimise any impacts on fauna including appropriate tree clearing protocols for the removal of trees containing suitable habitat hollows, the treatment and relocation of displaced fauna, and the identification and protection of any trees to be retained outside of the subdivision footprint.
3. Provide details of erosion and sediment control measures that should be implemented to protect vegetation within the riparian corridor and within any buffer areas.
4. Provide a bulk earthworks plan identifying proposed cut and fill and finished final contours.
5. Provide details of the suitability of any externally sourced fill, if required.

## **E. Riparian Corridor**

### **Objectives**

1. To recognise the importance of Viney Creek as a significant watercourse.
2. To encourage the protection and rehabilitation of the Viney Creek riparian corridor.
3. Ensure the integrity of the riparian corridor is maintained and protected.
4. To ensure future development protects and enhances these environmental attributes.
5. To ensure that open spaces areas can be easily managed and maintained.
6. To preserve the character and habitat value of the corridor and maintain a vegetated setting.

### **Controls**

1. The riparian corridor is reflected by the E2 Environmental Conservation zoning and includes the buffer zones endorsed by the Concept Approval.
2. Restrict pedestrian access to the core riparian corridor by limiting any pedestrian network to the road crossings, to protect and maintain the integrity and biodiversity value of the site.
3. Install appropriate nutrient and sediment control measures for each stage of subdivision outside of the riparian corridor to ensure on-going water quality and management of direct and potential indirect impacts to the site and downstream environs.
4. Retain riparian vegetation, as far as practicable, to provide a wildlife corridor and filter stormwater runoff.
5. Preparation of a rehabilitation plan for the Viney Creek riparian corridor in conjunction with the subdivision application, identifying management measures for the removal of any waste, revegetation, weed management and on-going monitoring and management of the corridor including costs.

6. Best practice water sensitive urban design measures will be utilised in accordance with Section 7.06 of Council's DCP.
7. Works within the riparian corridors, including the approved road and services crossing, are to be designed in accordance with the requirements of the NSW Office of Water.

**Note:** A 20m buffer zone to Viney Creek has been endorsed by the Concept Approval.

## **F. Cultural Heritage**

### **Objectives**

1. To identify and manage any potential impacts on Aboriginal cultural heritage.

### **Controls**

1. An Aboriginal Cultural Heritage Management Plan (ACHMP) shall be prepared for the site in consultation with the Registered Aboriginal Parties and in accordance with OEH guidelines and the Preferred Project Report – Final Heritage Impact Statement (prepared by ERM, June 2011).
2. A copy of the ACHMP shall be submitted to Council prior to the commencement of works on site.
3. Development of the site shall be undertaken in accordance with the recommendations of the ACHMP prepared for the site.
4. The ACHMP shall be implemented prior to the commencement of any construction works on site for each stage.

## **G. Geotechnical / Contamination**

### **Objectives**

1. To identify and manage any potential impacts on future development as a result of mine subsidence, contamination or groundwater.
2. To ensure the safety of future users of the site.
3. Provide durable infrastructure to ensure it is not affected by mine subsidence

### **Controls**

1. A remediation action plan is to be prepared with each precinct-based (stage) subdivision application in accordance with the relevant guidelines and the Preliminary Geotechnical, Contamination and Mine Subsidence Assessment prepared by Douglas Partners, February 2011, should the likelihood of contamination be identified, including details of the staging of remediation works where necessary.
2. Any remediation of the site is to be staged in line with the future development and undertaken prior to use for its intended industrial purpose.
3. A site validation plan is to be submitted to Council prior to issue of a subdivision certificate for that part of the site identified as requiring remediation.
4. Identification of any potential risks and proposed management measures associated with mine subsidence within the site, where relevant for each stage of subdivision.
5. Any bulk earthworks plan is to identify the depth of excavation works proposed and address the likelihood of the interception of groundwater.
6. If groundwater is likely to be encountered during works, an appropriate dewatering permit is to be obtained from the NSW Office of Water prior to that activity commencing.

7. The potential management of any water seepage likely to occur from mine workings within the site is to be addressed, if identified.
8. The potential management of any water seepage likely to occur from mine workings within the site is to be addressed, if identified.

## **H. Noise Mitigation**

### ***Objectives***

1. To manage and mitigate any potential noise impacts during construction and operation of industrial developments.
2. To minimise any potential land use conflicts within the site.
3. To minimise external noise between unlike land uses.

### ***Controls***

1. Prepare a Noise Management Plan for the site in conjunction with the subdivision of the land.
2. All works should be undertaken generally in accordance with the Noise Management Plan prepared for the site.
3. Noise attenuation for buildings are to be addressed primarily through the placement of uses and then the design of the built form.

## **I. Infrastructure and Utilities**

### ***Objectives***

1. To ensure the adequate provision of infrastructure and utilities to service the development.
2. To ensure legal access is available to infrastructure for maintenance purposes.

### ***Controls***

1. Provide for the provision of utility infrastructure to service the development including, but not limited to, electricity, water, sewer, and communication services (NBN Policy).
2. Details of consultation with relevant service providers shall be submitted for each precinct-based (stage) subdivision application, demonstrating satisfactory arrangements can be made available for the provision of services and infrastructure.
3. Crossings of riparian corridors for utility infrastructure are to be co-located with road crossings.
4. New services within the precinct are to be provided underground.
5. Provide for the creation of suitable easements for utility services that encroach onto private land.



## **J. Water Management**

### **Objectives**

1. To ensure stormwater is managed on site to minimise the potential impacts of development and to protect the quality of receiving waters;
2. To apply the principles of water sensitive urban design;
3. To ensure stormwater infrastructure is identified on site and can be appropriately managed and maintained.
4. To ensure stormwater infrastructure to be dedicated to Council is completed in accordance with DCP Section 7.06 and associated Technical Manual.

### **Controls**

1. All stormwater management devices are to be designed in accordance with the NSW Office of Water (NOW) guidelines for Controlled Activities, and any relevant Council policies.
2. The subdivision and development of the site is to be designed in accordance Section 7.06 of DCP.
3. Details of the maintenance and management arrangements for public stormwater facilities, where relevant, are to be provided to Council for approval.
4. Pipe network is to be inspected (via CCTV) prior to handover of infrastructure to Council in accordance with DCP Section 7.06 and associated Technical Manual.
5. Preparation of a revised flood assessment of the site with consideration to the impacts of mine subsidence on the site, detailing the following:
  - a) Changes to the flood behaviour as a result of the proposal;
  - b) Rise times and flash floods;
  - c) Revised flood planning levels; and
  - d) Procedures for evacuation in the event of a flash flood.
6. Each Development Application is to demonstrate that buildings would be located above the flood planning levels for the site.

**Note:** A revised flood assessment is required to reflect updated data as at the time of detailed subdivision design.

## **K. Construction Management**

### **Objectives**

1. To ensure that the construction of the land is adequately managed to minimise any potential impacts on the built or natural environment, or the amenity of the locality.

### **Controls**

1. A Construction Management Plan is to be prepared and submitted to Council in conjunction with each stage of the development of the site.

## **6.16.02 Site and Building Elements**

### **A. Site Coverage and Design**

#### **Objectives**

1. To ensure that sites are developed to a level that maintains their efficient operation.
2. To ensure development responds positively to the particular environmental attributes and constraints affecting the site, including:
  - Geotechnical constraints (subsidence)
  - Flooding and riparian zones
3. To ensure the safety of future users of the site.

#### **Controls**

1. Proposals are to clearly define spaces for pedestrians, utilities, service, parking and storage areas;
2. Buildings are to be orientated towards the primary street frontage within the site;
3. Buildings are to provide outdoor seating where possible;
4. Proposals locate the majority of service areas, refuse and mechanical services behind buildings and/or screened from key streets and public open space;
5. Future development is to comply with the requirements of the Bushfire Management Plan and the Planning for Bushfire Protection 2006 Guidelines (as amended).
6. Future buildings are not to encroach within the designated APZ areas.
7. Visual buffers and Asset Protection Zones (APZs) required for bushfire protection purposes are to be located and maintained within each individual site.

### **B. Setbacks**

#### **Objectives**

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

#### **Controls**

1. Development is to be setback 5m from the front property boundary, however, this setback may be reduced by up to 50% for half the width of the site 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.
2. For corner lots, a secondary setback of 2m – 5m should be provided.

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

### **C. Car Parking, Access and Loading**

#### **Objectives**

1. To locate and design any car parking, driveways and servicing areas so that they are efficient, safe, convenient and easily identified.
2. To ensure adequate areas are set aside on site to allow for the safe and efficient manoeuvring of delivery and service vehicles.
3. To ensure car parking areas are of suitable dimensions/layout to allow for vehicle manoeuvring.
4. To provide sufficient off-street car parking facilities that do not detract from the overall visual amenity and character of developments when viewed from the street.

#### **Controls**

1. Provide an appropriate level of landscaping to minimise the visual impact of loading and car parking areas from the street. For sites with less than 20 spaces, visual planting to the perimeter of the car park shall be sufficient. For sites with more than 20 spaces, tree bays should be incorporated at one bay for every 20 spaces where practicable, except where bays abut rear or side walls of buildings.
2. Driveways are to be designed to enable vehicles to enter and leave the site in a forward direction.
3. Loading docks are to be located such that they minimise conflicts between other vehicles accessing the site.
4. Parking is to be provided in accordance with DCP Section 7.03.
5. Parking requirements for other uses are to be determined by reference to the Newcastle City Council or RMS car parking requirements.
6. Car parking is not permitted within the front setback.
7. Provision of appropriate end of trip facilities for developments such as motor bike and bicycle parking.

## **D. Design and Appearance of Development**

### ***Objectives***

1. To promote industrial development that is both functional and attractive in the context of its local environment through appropriate design.
2. The building facade design should enhance the pedestrian comfort of the streetscape.
3. To encourage sustainable design in the future development of the industrial precinct.

### ***Controls***

1. Elevations of buildings which are visible from a public area are to be constructed using glass, brick, masonry, pre-coloured metal cladding, 'tilt-slab' concrete or a combination of these materials.
2. Ancillary offices, staff amenities and other low-scale building elements are to be, wherever practicable, located at the front of the premises and constructed in brick or masonry materials to enhance the appearance of the development.
3. Roofing materials are to consist of low-reflective materials.
4. Building facade treatment reflects the activities carried out within the building.
5. Open work and storage areas are to be located at the rear of industrial developments and screened from view by the use of landscaping and screen fencing.
6. Security fencing should be visually unobtrusive and, except in special circumstances, should be located behind the landscape setback area.

## **E. Waste Management**

### ***Objectives***

1. To promote efficient waste management.
2. To minimise waste transfer.

### ***Controls***

1. Future developments should optimise on-site recycling and reduce waste production.
2. Individual waste storage and collection areas are required for developments, which are appropriately screened and accessible.
3. A waste management plan is to be prepared for each development application in accordance with Council's requirements.

## **F. Landscaping**

### ***Objectives***

1. To enhance the visual amenity of Black Hill Employment Lands.
2. To encourage a high standard of landscaping to enhance the streetscape and amenity of Black Hill Employment Lands.

3. To minimise landscape maintenance requirements.

### **Controls**

1. Areas required to be landscaped:
  - The front building setback;
  - Secondary setbacks where visible from a public place;
  - Areas adjacent to building entrances and pedestrian access points;
  - The perimeter of all approved open storage areas and staff/visitor parking areas. Large car parking areas should be interspersed with internal planting bays to reduce the visual impact of large areas of paved surfaces;
2. An unobstructed root area 1m deep and 20 – 40m<sup>2</sup> is to be provided around each tree (no building or pavements permitted in this area).
3. Passive watering techniques are to be utilised as part of the road drainage system.
4. A landscape plan is to be prepared for all future development applications, which includes details of both hard and soft landscaping.

## **G. Stormwater Management**

### **Objectives**

1. To ensure integrated water cycle management best practices are utilised throughout the Estate.
2. To protect the natural environment from the effects of stormwater run-off.
3. To manage stormwater on an individual lot basis.
4. To maximise use of recycled water within the Estate.
5. Future buildings should demonstrate a commitment to Ecologically Sustainable Development (ESD) principles, with particular regard to water re-use and management.

### **Controls**

1. Development of the site is designed in accordance with Section 7.06 of the DCP.
2. A Stormwater Management Plan is to be prepared for the development of each individual allotment.
3. Each lot should provide water quality treatment.
4. On site detention may be provided in the form of landscaped swale/depression, subterranean detention tanks or above ground water tanks (with surrounding landscaping to minimise visual impact).
5. All water leaving a site to be treated for the removal of sediments, heavy metals and other contaminants.
6. Best practice water sensitive urban design measures will be utilised in accordance with Section 7.06 of Council's DCP.

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## PART E: Place and precincts

### Section E10 Minmi extension, Village Centre and Link Road north precinct

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## 1.0 Introduction

Concept Approval MP 10\_0090 for the development of the site was issued by the Minister for Planning and Infrastructure on 6 August 2013 under the provisions of Section 75O and 75P of the *Environmental Planning and Assessment Act 1979*.

Condition 1.13 of that Concept Approval required the preparation of urban design guidelines to guide future development on the land. On 16 November 2018 the Department of Planning and Environment approved the *Minmi Precinct Development Guidelines for the Village Centre Precinct*, the *Link Road North Precinct* and the *Minmi Extension Precinct* (herein referred to as the Guidelines). This section adopts the guidelines as approved.

## 2.0 Application

The guidelines relate to three precincts, as shown in Map 2 – Precincts of guidelines, being:

- Village Centre Precinct
- Link Road North Precinct (being that portion within the Newcastle local government area)
- Minmi Extension Precinct.

The guidelines apply to all development within these precincts requiring development consent.

## 3.0 Objectives

1. Ensure that the Village Centre Precinct, the Link Road North Precinct and the Minmi Extension Precinct is developed in a manner generally consistent with the Concept Approval (MP10\_0090) for the site.

## 4.0 Minmi precinct development guidelines

See following pages.

## Related sections

The following sections will apply to development:

- Part D – Development controls by land use
- C1 Traffic, parking and access
- C4 Stormwater
- C6 Waste management
- C12 Open space and landscaping.

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B7 Contamination
- C2 Movement networks
- C3 Vegetation preservation and care
- C5 Soil management
- C7 Safety and security
- C8 Social impact
- E1 Built and landscape heritage



# **Minmi Precinct Development Guidelines**

- **Village Centre Precinct**
- **Link Road North Precinct**
- **Minmi Extension Precinct**

# Minmi Precinct Development Guidelines

## Introduction

The Minmi Link Road Precinct Guidelines (herein referred to as the Guidelines) are guidelines prepared under the terms of Concept Approval MP 10\_0090 for future development requiring consent on land to the west and south of the Minmi Township, between the M1 Motorway and Blue Gum Hills Regional Park.

The Guidelines relate to three Precincts being:

- Village Centre Precinct;
- Link Road North Precinct (being that portion within the Newcastle Local Government Area); and
- Minmi Extension Precinct.

Together these precincts (inclusive of Link Road North Precinct that also sits within the Lake Macquarie Local Government Area (LGA)) will be developed to allow approximately 2280 dwellings, as well as mixed use and local centre uses.

## Relationship with Concept Approval MP 10\_0090

Concept Approval MP 10\_0090 applies to land within the three Precincts, as well as surrounding lands within the Newcastle, Lake Macquarie and Cessnock local government areas (LGA). The Concept Approval includes approval in summary for:

- A five stage development with up to 3,300 dwellings across the 520 ha development site (Newcastle and Lake Macquarie LGA's);
- Supporting commercial / retail development of up to a total of approximately 8,000 sqm of commercial gross floor area within a new village centre and high street centre;
- Urban design guidelines subject to further modifications;
- Dedication of approximately 1,561 ha of conservation lands to the NSW Government;
- Indicative staging; and
- Associated infrastructure.

The broader Concept Plan Urban Design Guidelines (known as Appendix A dated May 2014 and Appendix B dated November 2014) (herein referred to as the CPUDG) were modified to satisfy the requirements of Condition 1.13 of Concept Approval MP 10\_0090, as required by Condition 1.12. Those form part of the Concept Approval (excluding indicative lot layout and indicative road layout).

The CPUDG have been utilised to inform these Guidelines, as relevant, to collectively satisfy Condition 1.13 for the relevant precincts. The Guidelines have been prepared in a form that will enable adoption of the provisions as site specific controls within Newcastle Development Control Plan 2012 (Newcastle DCP 2012) at a future date. While the CPUDG provide higher level background information, these subject Guidelines are to be used for future development assessment.

Part D of the Concept Approval identifies further assessment requirements for subdivision development applications, irrespective of the Guidelines, including matters relating to lots with slopes

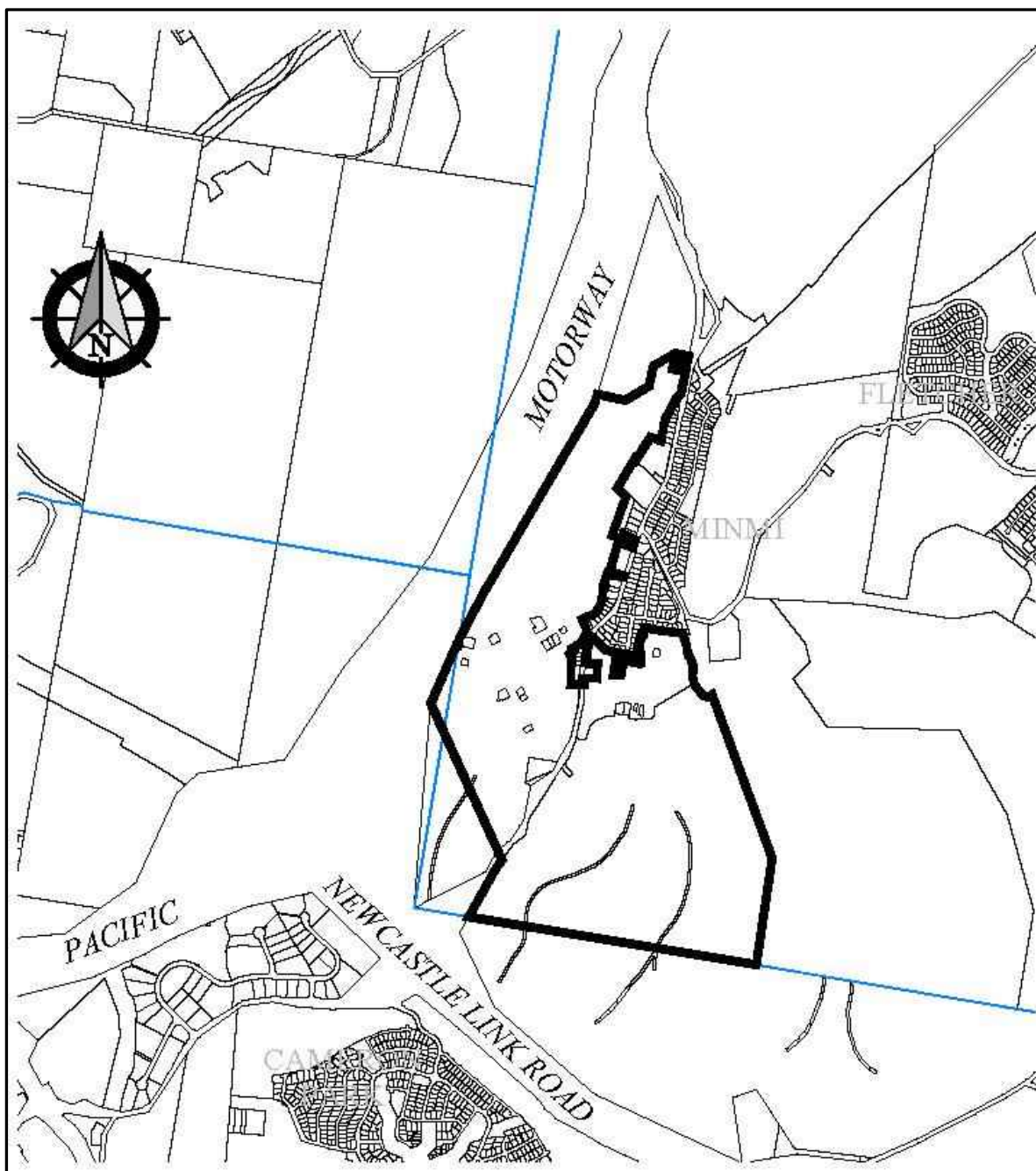
greater than 20%, landscaping and public domain, staging plans, biodiversity, flooding, stormwater management and water quality, groundwater, contamination, mine subsidence, traffic and access, heritage, traffic noise, noise and odour, bushfire management, construction impacts, utilities and perimeter roads. These requirements apply irrespective of the Guidelines and are not necessarily repeated.

The Guidelines are additional information to guide future development applications and are not stand alone.

### Land to which the Guidelines Applies

The Guidelines apply to all land within the heavy line marked on **Map 1 – Site Area**

*Map 1: Site Area*



## Development (type/s) to which the Guidelines applies to

The Guidelines apply to all development within the Precincts requiring development consent. The primary purpose is to guide development for the purposes of subdivision (and associated works) on the site, and to also provide guidance for other development types permissible on this land.

## Applicable Legislation and Environmental Planning Instruments

The provisions of *Newcastle Local Environmental Plan 2012* also apply to development applications to which the Guidelines apply, other than where those provisions are inconsistent with the Concept Approval, as per the Transitional Arrangements for Part 3A.

In the event of any inconsistency between the Guidelines and the above listed environmental planning instrument, the Concept Approval and these associated Guidelines 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: State Environmental Planning Policy (Exempt and Complying Codes) 2008 may also apply to development in the Minmi Urban Release Area.**

**Note 3: State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 may also apply to development within the site.**

## Relationship to Newcastle DCP 2012

The provisions of Newcastle Development Control Plan 2012 (Newcastle DCP 2012) also apply to development applications to which the Guidelines apply, other than where those provisions are inconsistent with the Concept Approval.

The Guidelines identify precinct specific provisions that may be a departure from provisions contained in the Newcastle DCP 2012. In the event that any inconsistency arises from the reading of the Guidelines with the Newcastle DCP 2012, these Guidelines will prevail to the extent of the inconsistency.

The following sections of the Newcastle DCP 2012 and associated technical manuals **may** also apply to development to which the Guidelines apply. However, this is only where they are relevant to a particular development, and only where the provisions are not inconsistent with the terms of the Concept Approval, its further environmental assessment requirements and these Guidelines. It is noted that the Further Environmental Assessment Requirements for subdivision development applications are detailed in the Concept Approval.

- Any applicable land use specific provision under Part 3.00, including 3.01 Subdivision, 3.02 Single Dwellings, 3.03 Residential Development, 3.10 Commercial Uses;
- 4.01 Flood Management;
- 4.02 Bush Fire Protection;
- 4.03 Mine Subsidence;
- 4.04 Safety and Security;
- 4.05 Social Impact;
- 5.01 Soil Management;
- 5.02 Land Contamination;
- 5.03 Tree Management (except only for development other than subdivision);
- 5.04 Aboriginal Heritage;
- 5.05 Heritage Items;
- 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;
- 7.09 Advertising and Signage;
- 7.10 Street Awnings and Balconies; and
- 7.11 Development Adjoining Laneways.

### Associated Technical Manual/s

Nil (there is no technical manual specifically linked to this Guideline, however, a suite of Technical Manuals apply under Newcastle DCP 2012).

### Additional Information

- Concept Approval (MP10\_0090) for land at Minmi, Link Road and Stockrington, including as modified;
- Coal and Allied Northern Estates Minmi – Link Road Concept Plan Design Guidelines by RPS (Appendix A, dated May 2014); and
- Coal and Allied Northern Estates Minmi – Link Road Urban Design Guidelines by RPS (Appendix B dated November 2014).

### 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 Newcastle DCP 2012 or the Guidelines.

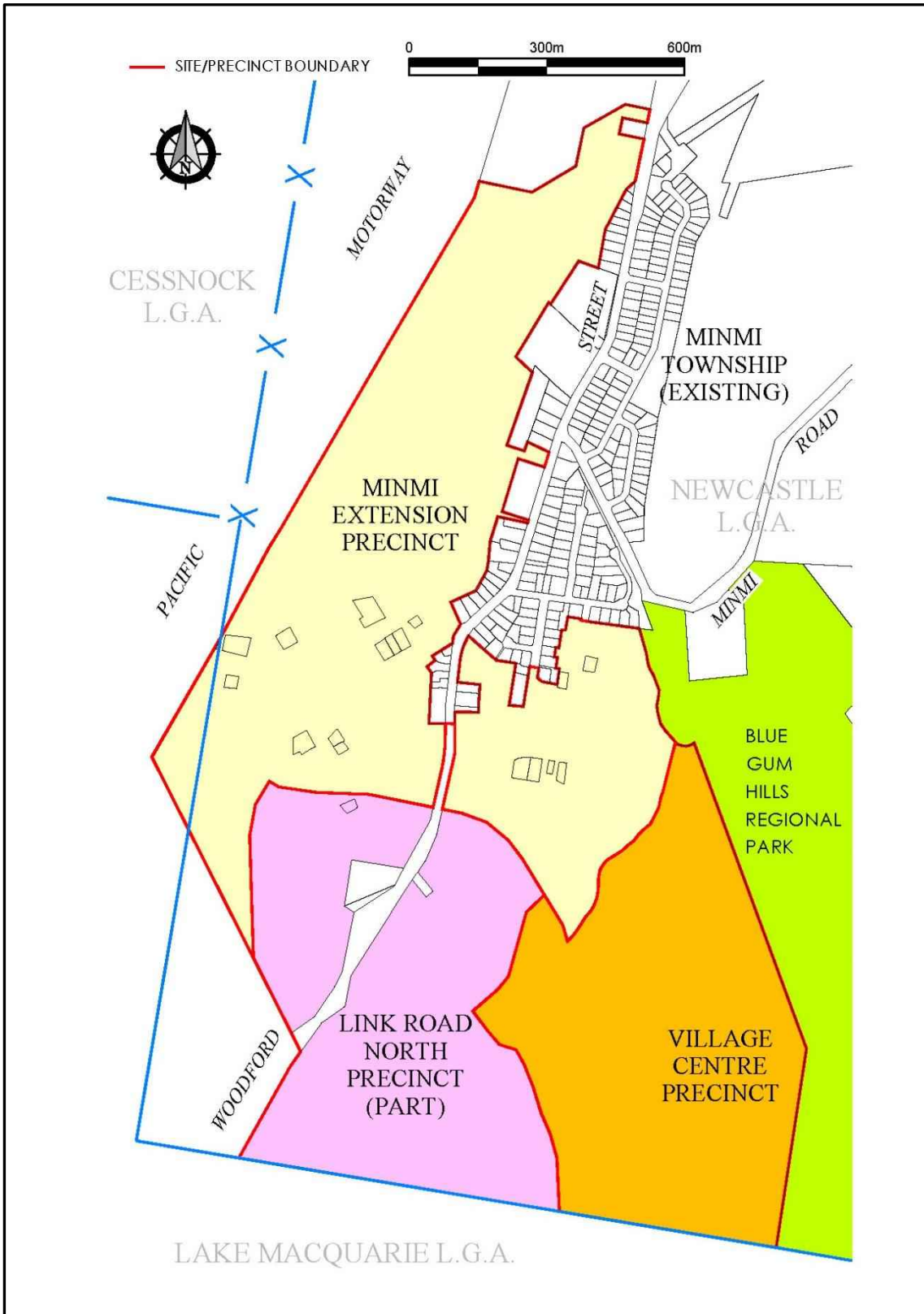
### Aims of the Guidelines

1. To provide stage specific Urban Design Guidelines in accordance with Condition 1.13 of the Concept Approval (MP10\_0090);
2. To ensure that each Precinct is developed generally consistent with the Concept Approval (MP10\_0090), including as modified, applying to the site;
3. To ensure that the development potential of the urban release area is optimised given its strategic location and is efficiently used to contribute to the projected growth of the locality, diversification in housing choice and encourage local centre development;
4. To identify indicative lot layout and access principles for each precinct that are specific to the locality or not otherwise specifically addressed in Part D of the Concept Approval or elsewhere;
5. To acknowledge site topography and past mining constraints, identify principles to guide subdivision earthworks and retaining, and ensure that lots are physically capable of development and have appropriate levels of amenity and access;
6. To identify key requirements relating to other development types that are specific to the locality, to encourage development that enhances the built environment and where not addressed elsewhere; and
7. To acknowledge, respect and respond to the existing built and natural environment within the fabric of the development, having regard to the outcomes of the Concept Approval.

# 1.0 Character Statement

The Guidelines apply to land within three precincts as shown on **Map 2 – Precincts**.

*Map 2: Precincts*





## **A. Village Centre Precinct**

The Village Centre Precinct is situated to the centre of the urban release area. Natural watercourses define its northern and western edges, with Blue Gum Hills Regional Park adjoining its eastern boundary. Opportunity exists to provide linkages to the Regional Park. Link Road North Precinct (within Lake Macquarie LGA) borders the precinct to the south. The urban structure on or adjacent to the Local Government Area boundary is to consider positioning of roads and lots and their relationship with local government boundaries, governance and servicing.

This precinct is proposed as a new activity hub for the locality. It includes land zoned for local centre development either side of a new sub-arterial road to and through the precinct, which will form part of the bus network. Future built form is intended to create a cohesive streetscape to the collector road frontage and includes increased density and height.

The activity hub is supported by an area of medium density residential zoned land to the east, and fringing residential on the precincts northern and western extents through to the natural watercourses.

A mix of lot and housing densities will be included across the precinct, with a target dwelling yield of approximately 430 dwellings, inclusive of the yield from the proposed independent living units.

Slopes across the precinct sit primarily between 0-15%, with some localised steeper areas and local higher point to the east of the new bus route. The majority of the precinct is subject to risks and restrictions due to past mining activities. Given these characteristics and in order to optimise use and density in this precinct as identified in the Concept Approval, it is envisaged that targeted bulk earthworks will be undertaken at subdivision stage including over proposed lots, while minimising disturbance within the riparian corridors (as zoned E2)

## **B. Link Road North Precinct (where within Newcastle LGA)**

Link Road North Precinct is located to the north of the Newcastle Link Road and west of the Village Centre Precinct. The majority of the Precinct sits within the Lake Macquarie Local Government Area, which is excluded from these Guidelines. The urban structure on or adjacent to the Local Government Area boundary is to consider positioning of roads and lots and their relationship with local government boundaries, governance and servicing.

This precinct is zoned for low density residential and sits either side of existing Woodford Street, which will function as a collector road dividing the precinct. Land to the west of Woodford Street includes localised steeper areas and shares boundaries to an existing heritage item and the Minmi Extension Precinct to the north. East of Woodford, the land slopes down to a natural watercourse with slopes between 0-20%, with some localised steeper areas. A flatter area of land sits between two natural watercourses, which can include a neighbourhood park. Parts of the precinct are subject to risks and restrictions due to past mining activities. Given these characteristics, and in order to optimise use and density in this precinct as identified in the Concept Approval, it is envisaged that targeted bulk earthworks will be undertaken at subdivision stage including over proposed lots, while minimising disturbance within the riparian corridors (as zoned E2).

A mix of lot and housing densities will be included across the precinct. Together with the precinct that extends into the adjoining LGA, the overall precinct has a target dwelling yield of approximately 1600 dwellings. Approximately 442 of these dwellings are anticipated to be situated in the Newcastle LGA.



## C. Minmi Extension Precinct

The Minmi Extension Precinct is located west and south of Minmi township. The M1 Motorway defines its western edge and it adjoins two other development precincts to the south and south-east. A natural watercourse with flooding constraints separates the western part of the precinct generally north to south. Land has been heavily disturbed and constrained from past mining activities, with a former railway line (heritage item) extending along the eastern edge of the natural watercourse into the precinct, which also includes mining heritage and a mapped historic archaeological site. The precinct surrounds numerous individual privately own lots and is in proximity to existing heritage items.

The precinct is zoned for low density residential and includes two historically important parks ('Workshop Park' and 'Garden House Park') and a linear park along the former railway line. The Garden House Park sits at the top of the ridge, east of Woodford Street and is a mapped historic archaeological site.

The precinct otherwise has slopes across the precinct primarily between 0-15%, with some localised steeper areas. The majority of the precinct is subject to risks and restrictions due to past mining activities. Given these characteristics and in order to optimise use in this precinct, it is envisaged that targeted bulk earthworks will be undertaken at subdivision stage over some of the residential zoned land including proposed lots, subject to heritage and archaeological considerations, while minimising disturbance within the riparian corridors (as zoned E2).

Protecting the heritage character and setting of Minmi township is a key consideration for the design and use of land in this precinct. This has included protection and / or interpretation of heritage items and places of historic significance, retention of road linkages and lot size controls. A mix of lot and housing densities will be included across the precinct, with a target dwelling yield of approximately 250 dwellings.

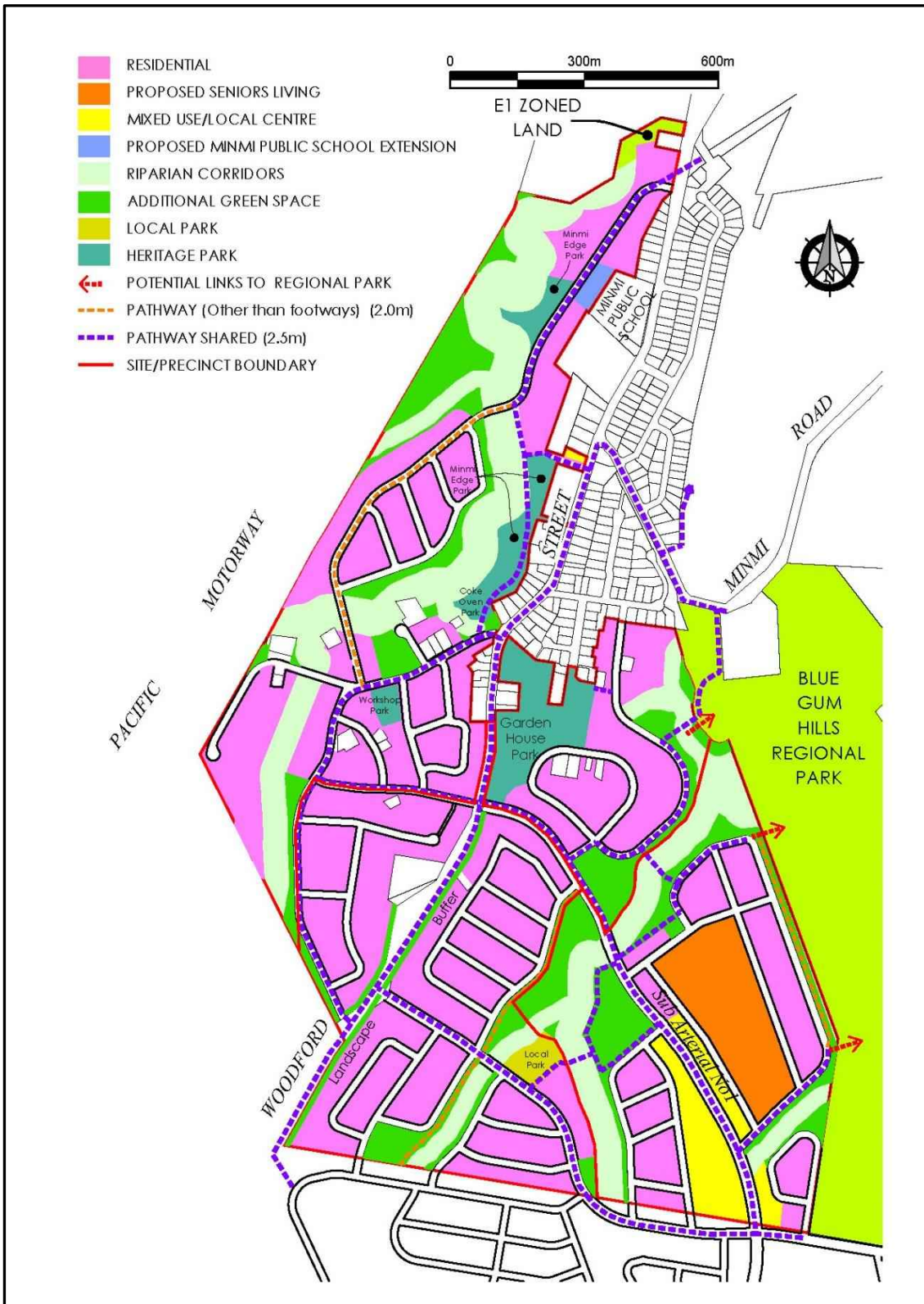
## 2.0 Subdivision Design and Layout

### Objectives

1. To ensure the subdivision of the precincts are undertaken in a coordinated manner that reinforces the desired future character for each precinct;
2. To provide land capable of supporting future residential and commercial land uses;
3. Within the context of Objective 2 above, undertake earthworks that respond to the natural topography of the site, while identifying opportunities for the retention of vegetation particularly within land zoned E2 Environmental Conservation;
4. To provide opportunities for choice in housing to cater for changing demographics within the community; and
5. To consider and incorporate the existing scattered isolated lots and dwellings into the subdivision layout.

### Controls

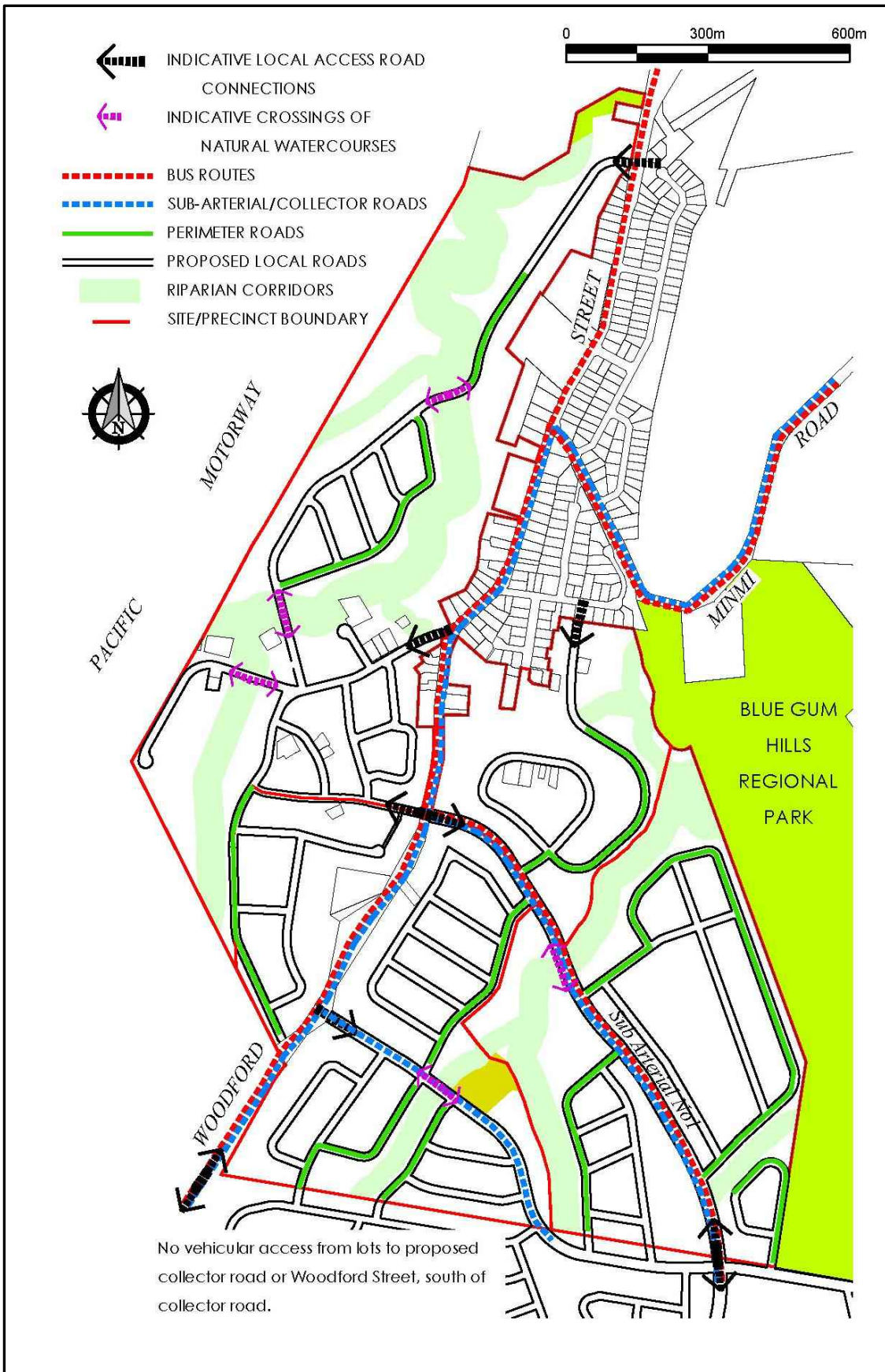
1. A revised road and lot layout for each precinct shall be provided with the first development application for subdivision of any land in each precinct and be generally in accordance with the Overall Urban Structure, Movement and Access and Lot Layout Principles Plans illustrated in **Figures 1, 2 and 3**;



**Figure 1: Overall Urban Structure Plan**

Notes: Overall Urban Structure is based on Concept Plan only with modification for key initial principles and is subject to further assessment as part of future development applications.

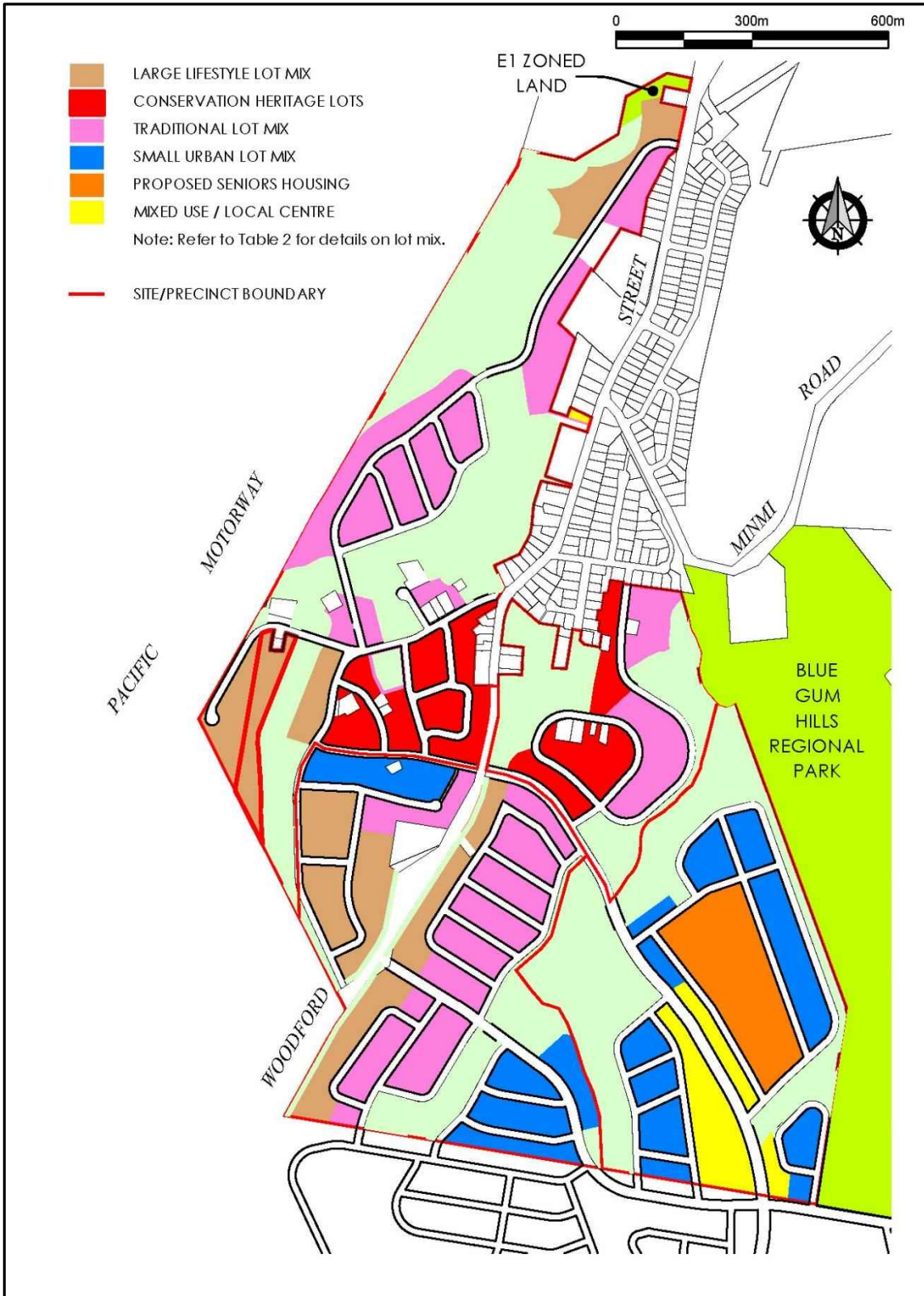
Condition 1.16 of the Concept Approval requires suitable land to be identified for recreation facilities within the development area, unless alternative arrangements can be made to accommodate the required facilities within general proximity to the development site through negotiations with Council. The location of the recreation facilities (or alternative arrangements) are to be submitted to the Director General for approval prior to determination for subdivision of Stage 3, 4 or 5 of the Concept Plan MP10\_0090. Should the recreational facilities be provided within the development area, the applicant shall have regard to the above Urban Structure Plan in determining an appropriate location.



**Figure 2: Indicative Movement and Access Principles Plan**

Note: Road and Lot Access is based on Concept Plan only with modification for key initial principles and is subject to further assessment as part of future development applications.





**Figure 3: Indicative Lot Type and Diversity Principles Plan**

Note: Road and Lot Access is based on Concept Plan only with modification for key initial principles and is subject to further assessment as part of future development applications.

2. Roads shall be designed generally in accordance with *Element 7.04 – Movement Networks* of Newcastle DCP 2012 and having regard to the road types as nominated by the Indicative Movement and Access Plan (**Figure 2**). Exceptions to width and configuration may be acceptable where justified and agreed with Council;
3. Public roads are to be designed with maximum grades of 12% for proposed bus routes, or maximum 16% for all other road types. Site regrading may be required to achieve these maximum gradients. In exceptional circumstances where a maximum longitudinal grade of 16% cannot be achieved, and subject to prior agreement by Council, development applications for subdivision may propose split level carriageways or reinforced concrete roads. Concrete roads shall have an absolute maximum of 20% longitudinal grade for not more than 100m in length and servicing not more than ten (10) dwellings;
4. The road network, including any proposed fire trails, should be designed having regard to the requirements of *Planning for Bushfire Protection 2006*;
5. Vehicular ingress and egress for all residential lots with frontage to Woodford Street or Sub Arterial Road No 1 is to be provided via rear or side roads. This control also applies to sites and development within the B1 and B2 Zones, unless it can be demonstrated through a traffic assessment that direct access to Woodford Street or Sub Arterial Road 1 is acceptable;
6. Residential lots are to be provided that generally reflect the Lot Typologies detailed in **Table 1**. Where a lot type is not specified (for example, a battle axe or fan shaped lot), lots shall be provided in accordance with *Element 3.01 – Subdivision* of Newcastle DCP 2012;

**Table 1: Controls for Residential Lot Types**

Residential Lot Type	Frontage Range	Typical Frontage	Typical Lot Size Range (m <sup>2</sup> )
<b>Terrace / Townhouse Lot</b>	7m – 10.4m	8.5m	200 – 300
<b>Small Courtyard Lot</b>	10.5m – 13.4m	12.5m	300 – 375
<b>Large Courtyard Lot</b>	13.5m – 14.9m	14m	375 -450
<b>Traditional Lot</b>	15m – 19.9m	15 – 17m	450 – 800
<b>Lifestyle Lot</b>	20m +	20m	800 +
<b>Heritage Character Lot</b>	N/A	N/A	600 +
<b>Multi-Dwelling Housing Super Lot</b>	18m	Variable	1000+

Notes:

- Allotment frontage is the primary variable to determine an allotment classification for setbacks;
- Where an allotments depth results in a larger than typical total lot area, the frontage will still be the determining factor to classify setbacks and building type, unless otherwise agreed by Council;
- Heritage Character Lots are controlled by area rather than frontage, refer to Control 7.
- To be classified as a Lifestyle Lot, the allotment must meet both the Minimum Lot Size and Minimum Frontage controls;
- Battle-axe allotment classification is determined by width. The measurement for the front boundary is to be made at the useable part of the lot.

7. Lots identified as Conservation Heritage Character Lots within the Minmi Extension Precinct (as shown in **Figure 3**) shall have a minimum lot size of 600m<sup>2</sup>;
8. Lots on land with slopes greater than 20% shall have a minimum lot size of 1000m<sup>2</sup>, unless otherwise agreed;
9. Lots on land with slopes greater than 25% shall have an adequate area for a dwelling to be constructed which is not greater than 25% slope, and be capable of providing vehicular access to the dwelling at a grade not greater than 25%;
10. Each precinct is to accommodate a variety of lot types as outlined in **Table 1**, other than the Minmi Extension Precinct – Conservation Heritage Character Area in **Figure 3** which is to be limited to lots with a minimum size of 600m<sup>2</sup>. The allocation and mix of lot types is to be in accordance with the minimum targets outlined in **Table 2** below, having regard to the desired future character for each precinct whilst taking into account slope and site characteristics;

**Table 2: Guide for Lot Variety per Precinct for Residential Land**

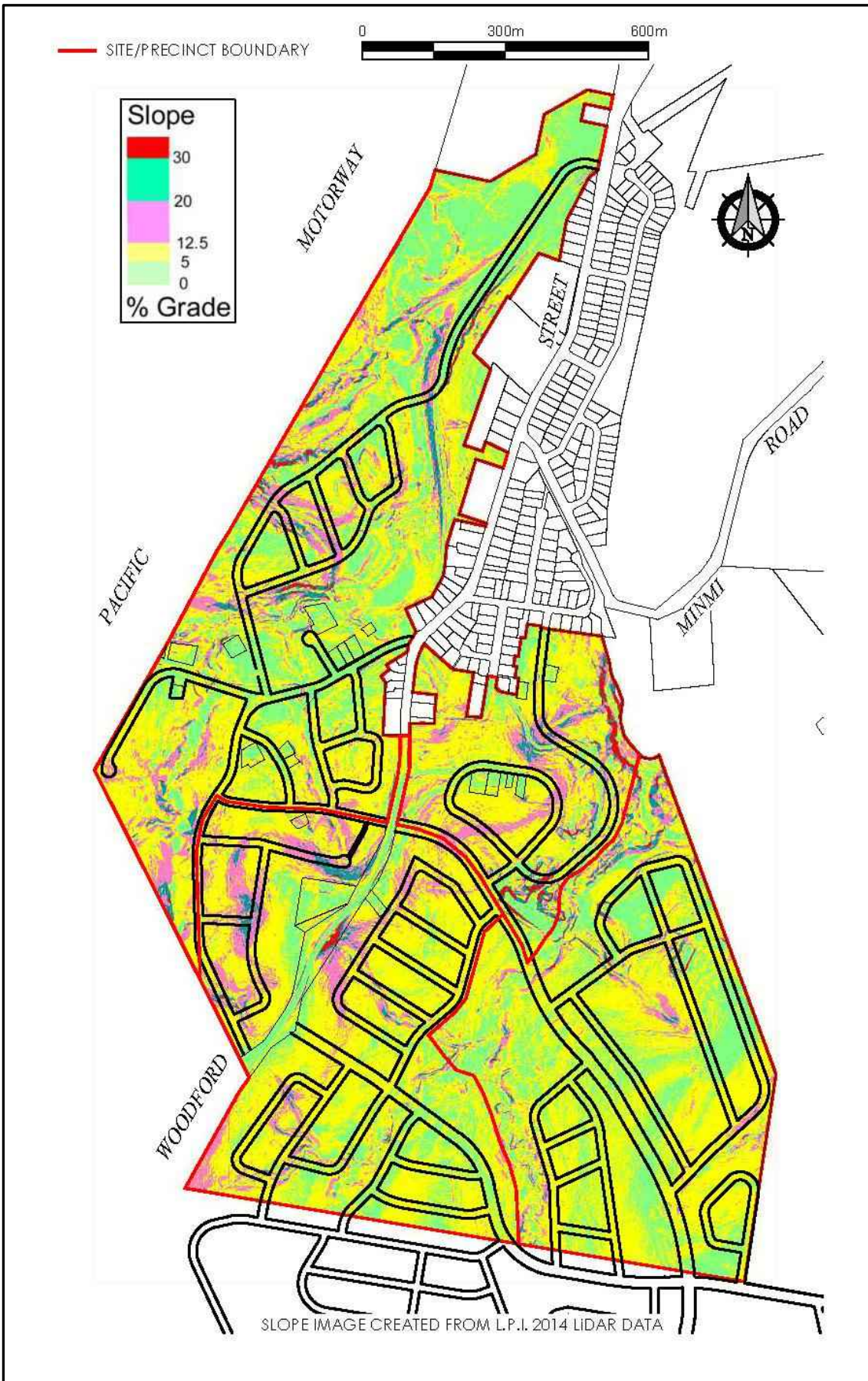
Figure 3 Lot Mix	Minimum % of Lot Typology by Precinct			
	Lot Type	Village Centre Precinct	Link Road North Precinct	Minmi Extension Precinct
Small Urban Lot Mix	Townhouse / Terrace Lots	5	0	N/A – no Blue Area within Minmi Extension Precinct
	Small Courtyard Lots	10	10	
	Large Courtyard Lots	0	0	
	Traditional Lots	30	60	
	Lifestyle Lots	0	0	
Traditional Lot Mix	Townhouse / Terrace Lots	N/A – no Pink Area within Village Centre Precinct	0	0
	Small Courtyard Lots		5	5
	Large Courtyard Lots		0	0
	Traditional Lots		70	90
	Lifestyle Lots		0	0
Large Lifestyle Lot Mix	Townhouse / Terrace Lots	N/A – no Brown Area within Village Centre Precinct	N/A	N/A
	Small Courtyard Lots		N/A	N/A
	Large Courtyard Lots		N/A	N/A
	Traditional Lots		0	0
	Lifestyle Lots		80	80

Notes:

- Council may impose a restriction as to the use of the land (at the time of subdivision) on Super Lots proposed for an intended lot / dwelling type;
- A percentage target of 0% denotes that there is no minimum target for the particular lot typology in the Lot Mix Area. It should not be interpreted to mean that lots of this type are not permissible in that particular Lot Mix Area;
- Lifestyle Lots are permissible in any Lot Mix Area where site constraints necessitate a larger lot type. For example, additional area required to accommodate slope or APZ; and
- Super Lots may be provided for future permissible development in the zone.



11. Development applications for subdivision including vacant Townhouse / Terrace, Small Courtyard or Large Courtyard Lots are to nominate any mandatory and optional built to boundary walls;
12. Cut and fill associated with subdivision development should be responsive to the design constraints associated with the natural site topography, noting that significant earthworks will be required to accommodate required subdivision works. This includes roads, drainage, stormwater management basins, asset protection zones and utility infrastructure, as well as responding to past mining activity constraints where feasible to do so at subdivision stage. Existing slope characteristics are illustrated in **Figure 4**;
13. Extension of the footprint of cut and fill on proposed lots at subdivision stage, including benching, retaining and battering, is permissible where required to achieve land capable of supporting future residential development and in appropriate locations to achieve lot diversity and dwelling yields identified by the Concept Approval. Inclusion and integration of cut and fill on proposed lots in appropriate locations can reduce the vertical extent of cut and fill required otherwise for subdivision works and reduces the need for unco-ordinated cut and fill by future individual lot owners for the construction of dwellings. Earthworks shall be designed at subdivision stage generally in accordance with the principles in as described in **Table 3** and **Figure 5**;



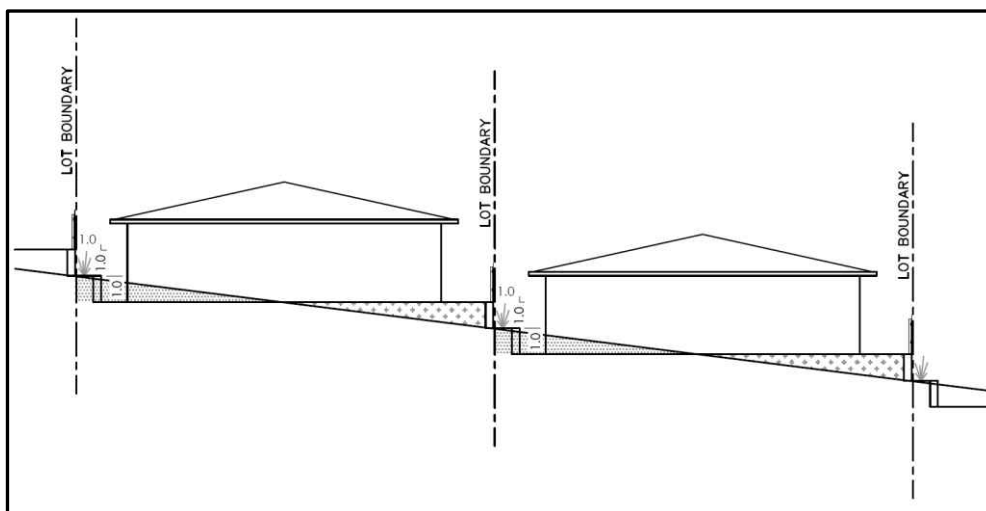
**Figure 4: Existing Slope Characteristics**

**Table 3: Guide for Subdivision Earthworks and Retaining**

Slope Category	Subdivision Based Principles
<b>Category A</b> <i>(existing slopes up to 12.5%)</i>	Optional lot benching and retaining at subdivision stage, generally consistent with <b>Table 4</b> and <b>Figure 4</b> of these Guidelines.
<b>Category B</b> <i>(existing slopes between 12.5% - 20%)</i>	Earthworks to blend slopes with other civil works and alter slope category to Category A, plus optional lot benching and retaining at subdivision stage as above.
<b>Category C</b> <i>(existing slope greater than &gt;20%)</i>	Other than localised works associated with civil works, limited on lot earthworks, benching or retaining, with future dwelling design and construction to absorb slope, with potential also for retention of some on lot vegetation. Earthworks may be required to achieve an on lot building envelope and lot access less than 25%.

**Table 4: Guide for Retaining Wall Heights at Subdivision Stage**

	Retaining Walls and Heights (m)
<b>Front Boundary</b>	Max 1m cut or fill
<b>Side Boundary</b>	Where retaining walls are to be constructed as part of the subdivision works, max 1.5m cut or fill (where single face retaining proposed), or as below.  Where retaining walls are to be constructed following subdivision stage, max 1m cut or fill on each lot’s side boundary. Walls to be contained within the lot being retained with 1m wall on high side requiring no boundary offset and including provision for future fencing and 1m wall on low side to be offset from side boundary by 1m (as illustrated in <b>Figure 5</b> ).
<b>Rear Boundary</b>	Max 2m cut or fill



**Figure 5: Typical Cut and Fill Principles in Section**

14. In some circumstances of cut, retaining walls may exceed those nominated for parts of the retaining wall. In these cases, other than rear boundaries, the retaining wall must not exceed an absolute maximum of 1.8m at a single point and must average heights indicated in **Table 4**;
15. All retaining walls are to include a sub-soil drainage system and are to be constructed of decorative masonry (or similar high-quality material) and natural colours, where retaining walls present to the street / public domain. Retaining walls are to include provision for future fencing;
16. Retaining walls are to be located entirely within the boundaries of the subject property;
17. Core natural watercourse and their riparian widths are mapped in **Figure 6** (per the Concept Plan), and zoned E2. As a general design principle, these core natural watercourses should be retained as part of the character of the precincts and to maximise retention of vegetation, however any proposed works and land uses within the identified riparian corridors are to have regard for the relevant Department of Primary Industry – Office of Water – guidelines relating to works within riparian corridors. In E2 zoned land outside the core natural watercourses and associated riparian corridors subdivision works are to be generally avoided, other than the clearing of vegetation and minor earthworks to accommodate the construction of necessary infrastructure such as detention basins, stormwater outlet structures, road and service crossings, cycleways and paths;
18. Bushfire protection measures, such as Asset Protection Zones, Managed Fuel Zones and fire trails, are to be provided in accordance with *Planning for Bushfire Protection 2006*;
19. Public Open Space shall be located generally in accordance with **Figure 6**, or where otherwise justified and agreed with Council and/or required under the applicable local infrastructure plan and as described in **Table 5**;

**Table 5: Public Open Space**

Type	Location
<b>Neighbourhood Park</b>	1 x park in Link Road North Precinct
<b>Historic Heritage Parks</b>	1 x park in Minmi Extension Precinct (Garden House Park) 1 x park in Minmi Extension Precinct (Workshop Park) 1 x lineal park associated with former railway line and heritage item, including Coke Oven Park and Minmi edge and entry areas

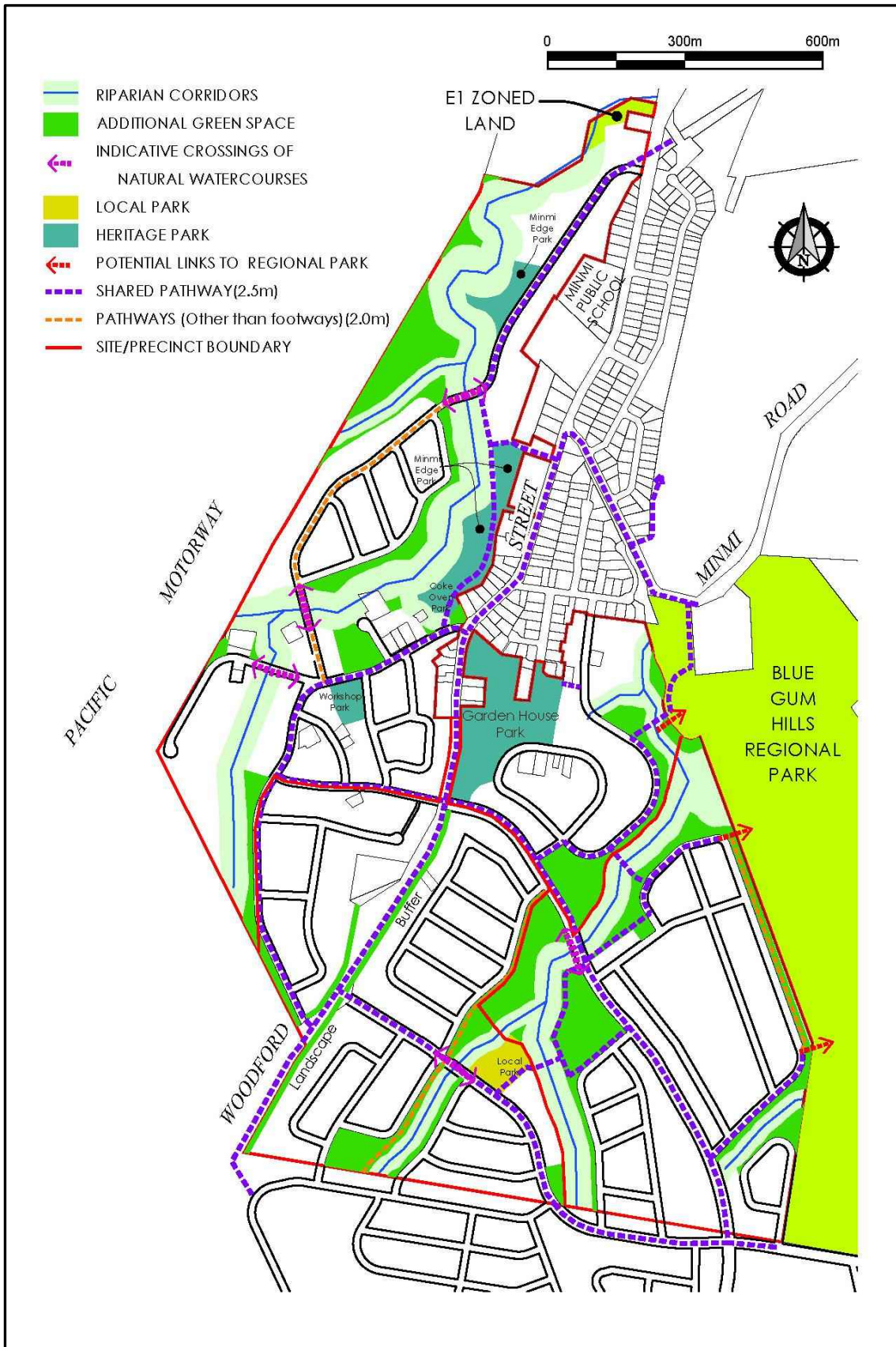
Note: Land dedication is subject to agreement with Council. Should Council decline dedication of land, other suitable land uses and ownership arrangements may be proposed, provided Council is satisfied that other satisfactory arrangements for Public Open Space will be made.

20. Key pedestrian assets shall be located generally in accordance with **Figure 6**, or where otherwise justified and agreed with Council and include:
  - Potential pathway connections to Regional Park;
  - Shared pathway/cycleway along alignment of heritage railway tracks within the lineal park and connecting to the heritage park (Workshop Park);

Each development application for subdivision is to outline footpaths and shared paths in road verges to be provided relative to overall movement network, open space and activity nodes and road types and character.

21. Development applications for subdivision creating residential lots adjoining Sub Arterial Road No 1 through the Village Centre Precinct and to Woodford Street (north of its intersection with the proposed Sub Arterial Road No 1), must consider the management of urban design outcomes and, where required by a traffic noise impact assessment, acoustic privacy. The following principles should be considered:
- Where possible, residential lots should be designed so that future dwellings are oriented to front those primary roads;
  - Where possible, direct vehicular access from residential lots to those primary roads should be discouraged. In general, vehicular access should be provided by a side or rear road and/or rear access way;
  - Where it is not practicable to orient future dwellings to those primary roads, suitable fencing shall be provided and landscaping shall be incorporated into the road reserve to soften potential visual impacts of fencing along these roads at subdivision stage to ensure a consistent view; and
  - Any setbacks or building requirements required by a traffic noise impact assessment are to be listed on the title of each affected lot.
22. A landscape buffer should be incorporated along Woodford Street, south of its intersection with the proposed Sub Arterial Road No 1 (refer to **Figure 6**), to soften visual impacts. While dwellings are not required to orient to Woodford Street in this location, fencing along this extent is to be provided at subdivision to ensure a consistent view where dwellings will be oriented away from Woodford Street.





**Figure 6: Indicative Open Space and Drainage Principles**

Note: Road and Lot Access is based on Concept Plan only with modification for key initial principles and is subject to further assessment as part of future development applications.

## 3.0 Development Other Than Subdivision

**Note:** The relationship of these Guidelines to the Concept Approval MP 10\_0090, Newcastle LEP 2012 and Newcastle DCP 2012 are explained in the Introduction of these Guidelines, and controls under those documents are not repeated here. It is anticipated that parts of the urban release area may satisfy requirements to become exempt or complying development under the provisions of another Environmental Planning Instrument, including any Housing Code, Greenfield Housing Code or other Code, and may, subject to satisfying relevant provisions, proceed separate to these Guidelines.

### A. VILLAGE CENTRE DEVELOPMENT

#### Objectives

1. To identify any specific development controls for development other than subdivision on B1 Neighbourhood Centre and B2 Local Centre zoned lands, within the Minmi Extension and Village Centre Precincts respectively.

#### Controls

1. Address the relevant land use specific provisions in accordance with *Elements 3.03 – Residential Development* and *3.10 – Commercial Development* of Newcastle DCP 2012, and where relevant residential development provisions in these Guidelines (refer Section B below);
2. Address the other provisions in accordance with Newcastle DCP 2012 (outlined in the Introduction of these Guidelines), where relevant and not contrary to the Concept Approval;
3. Development on lots fronting Sub Arterial Road No 1 shall be designed to have vehicle access to the side or rear, and not direct from the primary road, unless otherwise supported by a traffic assessment submitted with the development application for the proposed land use. The built form must address the primary road;
4. The allowable Floor Space Ratio (commercial floor space to Site Area) is 1:1 for all commercial / mixed use areas. Non-commercial space is in addition to this ratio; and
5. Building heights are to be in accordance with Newcastle LEP 2012, and any building height and type restrictions identified by Subsidence Advisory NSW to address past mining constraints, following completion of subdivision works.

### B. RESIDENTIAL DEVELOPMENT

#### Objectives

1. To identify any specific development controls for development of R2 and R3 zoned lands within the Precincts.

#### Controls

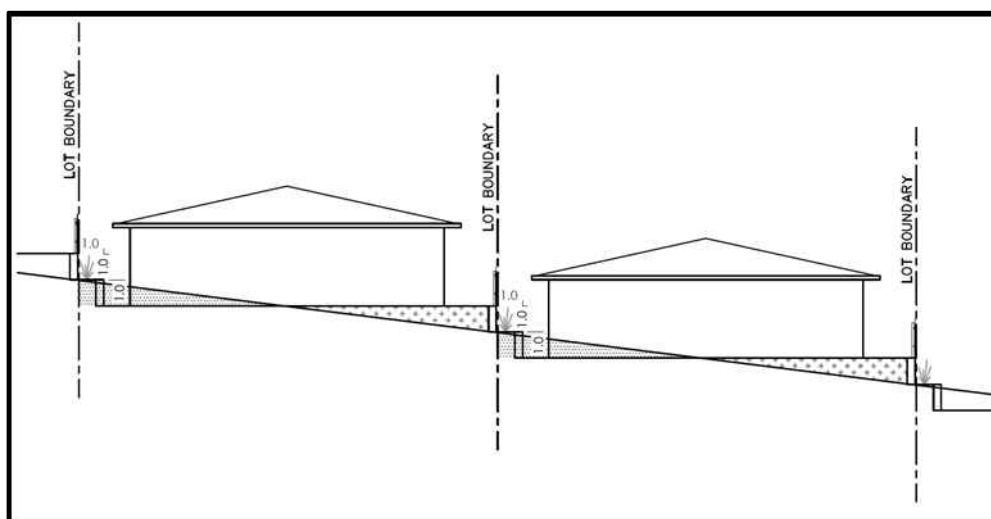
1. Address the relevant land use specific provisions in accordance with *Elements 3.02 – Single Dwellings* and *3.03 – Residential Development* of Newcastle DCP 2012, other than where agreed to be inconsistent with the Concept Approval and/or these Guidelines;



2. Address the other provisions in accordance with Newcastle DCP 2012, where relevant and other than where agreed to be inconsistent with the Concept Approval and/or these Guidelines;
3. Building Heights are to be in accordance with Newcastle LEP 2012, and any building height and type restrictions identified by Subsidence Advisory NSW to address past mining constraints, following completion of subdivision works;
4. To design house types that respond to their lot configuration including size, shape and orientation and to promote residential amenity and streetscape. Attached dwellings, semi-attached and detached dwelling houses are to be provided generally in accordance with **Table 7**;
5. A maximum site coverage of 60% applies to Terrace / Townhouse Lots;
6. Development for housing is to be designed to respond to the lot configuration including slope, generally conforming to the post subdivision land form outside of the building footprint with additional cut and fill minimised and the need for retaining walls reduced by not exceeding retaining walls and heights nominated in **Table 6**, particularly when lots have been benched at subdivision stage. Any variations to existing retaining walls will require justification, design and certification by a Structural Engineer;

**Table 6: Guide for Retaining Wall Heights**

Retaining Walls and Heights (m)	
<b>Front Boundary</b>	Max 1m cut or fill
<b>Side Boundary</b>	Where retaining walls are to be constructed following subdivision stage, max 1m cut or fill on each lot's side boundary. Walls to be contained within the lot being retained with 1m wall on high side requiring no boundary offset and including provision for future fencing and 1m wall on low side to be offset from side boundary by 1m (as illustrated in <b>Figure 7</b> ).
<b>Rear Boundary</b>	Max 2m cut or fill



**Figure 7: Typical Cut and Fill Principles in Section**

7. On sloping sites, if the controls in **Table 6** are unable to be achieved then construction methods other than slab on ground are to be used such as split level, pier foundations or suspended floor house design to minimise cut and fill. If elevated construction is used then underfloor services must be screened, however all construction must meet the relevant bushfire requirements;

8. Development on lots adjoining proposed Sub Arterial Road No 1 through the Village Centre Precinct and to Woodford Street (north of its intersection with proposed Sub Arterial Road No 1), must consider the management of urban design outcomes, and where required by a traffic noise impact assessment, noise mitigation. The following principles should be considered:
- Where possible, dwellings are to be oriented to front those primary roads;
  - Vehicular access should be provided by side or rear road and/or rear access way;
  - Where it is not practicable to orient dwellings to those primary roads, suitable fencing shall be provided and landscaping shall be incorporated into the road reserve to soften potential visual impacts of fencing along these roads. Fencing along these roads must be consistent with any existing fencing installed as part of the Estate subdivision works; and
  - Development must consider any requirements or restrictions on title relating to noise mitigation, unless it can be demonstrated through a traffic noise impact assessment (specific to that lot and development type) is provided with the development application.
9. For controls relating to on-lot stormwater infrastructure, applicants are to refer NDCP *Section 7.06 Stormwater*. Specifically, the requirements for 'Coastal Wetland Catchments' are applicable to land covered by the Guidelines;
10. Having regard to the requirements of NDCP *Section 7.06 Stormwater*, development on Terrace / Townhouse Lots or Small Lots may utilise options such as slimline water tanks (under eaves) or rainwater bladders (which can be stored under houses / decks); and
11. For controls relating to private open space and landscaping requirements, applicants are to refer to NDCP Section 3.02.05 and 3.02.06. For further guidance on appropriate plant species, applicants should refer to Council's Landscape Technical Manual.

**Table 7: Controls for Residential Lots (attached dwelling, semi-detached dwelling or dwelling house, excl multi-dwelling and other forms of residential accommodation involving more than one dwelling on individual lot)**

Lot Types	Front Setback		Side Setback				Max Length and Height of Built to Boundary Wall	Rear Setback		Max. Garage Type	Max Garage Width	
	Habitable Rooms	Garage	Built to Boundary		Non-built to Boundary			Corner Lots – Secondary Street Frontage	Habitable Rooms			Garage
			Ground Floor	First Floor	Ground Floor	First Floor						
Terrace / Townhouse Lot	As per NDCP		As per NDCP		For recesses and walls setback from boundary a minimum clearance of 0.9m	For recesses and walls setback from boundary a minimum clearance of 1.2m	1.5m	As limited by building setbacks and building height controls	Nil to access way or local road		Double garage permitted from rear lane	6.5m to rear lane
			As per NDCP		As per NDCP	1.2m			As per NDCP where not to a rear lane	n/a	Single/tandem garage permitted to primary street	3.2m to a primary street
Small Courtyard Lot	As per NDCP	One side only	1.2m	As per NDCP	1.2m	As per NDCP	Max. 15m long; Max 3.5m high	Nil to access way or local road		Double garage permitted from rear lane	6.5m to a rear lane	
								As per NDCP	n/a	Single/tandem permitted for single storey dwelling on lots up to and including 11.5m wide double garage permitted for 2 storey dwelling on lots up to and including 11.5m wide		3.2m for single storey and 6.0m for double storey on lots up to 11.5m wide
										Double garage permitted for lots > 11.5m wide		6.5m or 50% of the frontage, whichever is less
Large Courtyard Lot	As per NDCP	One side only	1.2m	As per NDCP	1.2m	As per NDCP	Max. 15m long; Max 3.5m high	Nil to access way or local road		Double	6.5m	
								As per NDCP	n/a			
Traditional & Heritage Character Lots	As per NDCP	Not applicable	As per NDCP	1.5m	As per NDCP	Not applicable	Nil to access way or local road		Double	6.5m		
							As per NDCP	n/a				
Lifestyle Lot	As per NDCP	Not applicable	1.5m for lots up to 20m wide 2.0m for lots > than 20m wide	2.0m for lots up to 20m wide 2.5m for lots > than 20m wide	2.5m	Not applicable	Nil to access way or local road		Double or triple permitted if Garage width design controls are met	6.5m or 9.0m where the third garage opening is setback a further 900mm or oriented with door openings perpendicular to the street		
							As per NDCP	n/a				

1. Setbacks are as per the above table unless otherwise dimensioned on an approved plan by Newcastle City Council.
2. Mandatory and Optional Built to Boundary Walls are to be nominated on approved subdivision plans.
3. Where Optional Built to Boundary Walls are not adopted, standard Non Built to Boundary Setbacks will apply.
4. Allotments are to be nominated into the above categories at the time of approval by Newcastle City Council on approved subdivision plans.
5. Garages fronting laneways comply with the Australian Standard for vehicles entering and leaving the garage.

## **PART E: Place and Precincts**

### **Section E11 Minmi East Precinct**

#### **Table of contents**

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## 1.0 Introduction

Concept Approval MP 10\_0090 for the development of the site was issued by the Minister for Planning and Infrastructure on 6 August 2013 under the provisions of Section 75O and 75P of the *Environmental Planning and Assessment Act 1979*.

Condition 1.13 of that Concept Approval required the preparation of urban design guidelines, in a form consistent with the Newcastle Development Control Plan, to guide future development on the land. On 18 December 2014 the Department of Planning and Environment approved the Minmi East Precinct Development Guidelines (herein referred to as the Guidelines). This section adopts the Guidelines as approved.

## 2.0 Application

The Guidelines apply to all development within the Minmi East Precinct requiring development consent.

## 3.0 Objectives

1. Ensure that the Minmi East Precinct is developed in a manner generally consistent with the Concept Approval (MP10\_0090) for the site.

## 4.0 Minmi East Precinct development guidelines

See following pages.

### Related sections

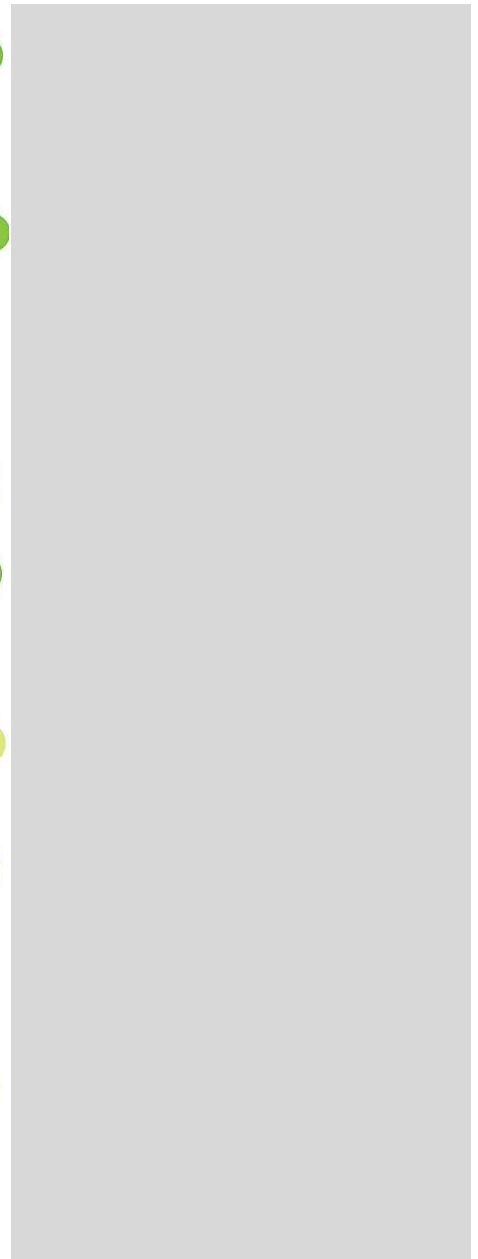
The following sections will apply to development:

- Part D – Development controls by land use
- C1 Traffic, parking and access
- C4 Stormwater
- C6 Waste management
- C12 Open space and landscaping

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B7 Contamination
- C2 Movement networks
- C3 Vegetation preservation and care
- C5 Soil management
- C7 Safety and security
- C8 Social impact
- E1 Built and landscape heritage

# Minmi East Precinct Development Guidelines



Prepared by RPS

November 2014



# Minmi East Precinct Development Guidelines

## Relationship with Concept Approval MP 10\_0090

The Minmi East Precinct Guidelines (herein referred to as the Guidelines) are standalone guidelines prepared under the terms of Concept Approval MP 10\_0090. However the Guidelines have been prepared in a form which will enable adoption of the provisions as site specific controls within Newcastle Development Control Plan 2012 (Newcastle DCP 2012) at a future date.

The Guidelines, as well as the Concept Plan Urban Design Guidelines (known as Appendix A and Appendix B of *Minmi, Link Road and Stockrington Concept Plan Environmental Assessment* prepared by Urbis dated February 2011 and subsequently updated versions of the Concept Plan Urban Design Guidelines known as Appendix A dated May 2014 and Appendix B dated November 2014) have been prepared to collectively satisfy the requirements of Condition 1.13 of Concept Approval MP 10\_0090. Concept Approval MP 10\_0090 applies to land within the Minmi East Precinct, as well as surrounding lands within the Newcastle, Lake Macquarie and Cessnock local government areas. The Concept Approval includes approval in summary for:

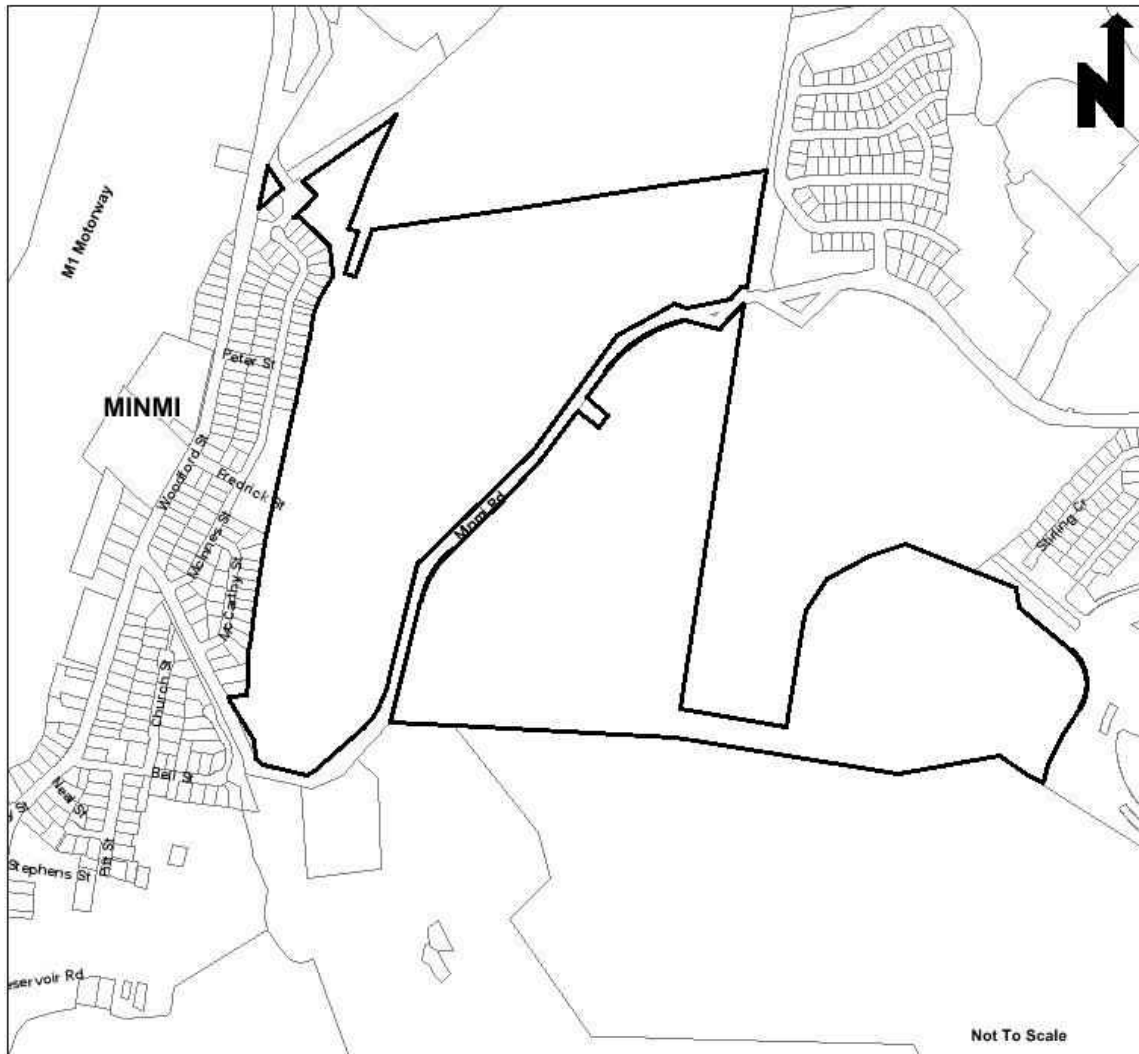
- A five stage development with up to 3,300 dwellings across the 520 ha development site;
- Supporting commercial / retail development of up to a total of 8,000 sqm within a new village centre and high street centre;
- Urban design guidelines subject to further modifications;
- Dedication of approximately 1,561 ha of conservation lands to the NSW Government;
- Indicative staging; and
- Associated infrastructure.



## Land to which the Guidelines applies

The Guidelines apply to all land within the heavy line marked on **Map 1 – Minmi East**.

### Map 1: Minmi East



## Development (type/s) to which the Guidelines applies to

The Guidelines apply to all development within Minmi East requiring development consent.

## Applicable environmental planning instruments

The provisions of *Newcastle Local Environmental Plan 2012* also apply to development applications to which the Guidelines apply to. In the event of any inconsistency between the Guidelines and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

## Relationship to Newcastle DCP 2012

The Guidelines identify provisions that may be a departure from provisions contained in the Newcastle DCP 2012. In the event that any inconsistency arises from the reading of the

Guidelines with the Newcastle DCP 2012, the development controls and objectives in the Guidelines will prevail to the extent of the inconsistency.

The following sections of the Newcastle DCP 2012 **will** also apply to development to which the Guidelines apply, noting the above paragraph with respect to any inconsistencies that may arise.

- Any applicable land use specific provision under Part 3.00;
- 7.02 Landscape Open Space and Visual Amenity, except for Townhouse and Small Courtyard lots as defined in **Table 1**, where controls are provided within this Guideline;
- 7.03 Traffic, Parking and Access;
- 7.05 Energy Efficiency;
- 7.06 Stormwater;
- 7.07 Water Efficiency; and
- 7.08 Waste Management.

The following sections of the Newcastle DCP 2012 **may** also apply to development to which the Guidelines apply, noting the above paragraph with respect to any inconsistencies that may arise.

- 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; and
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required

### Associated technical manual/s

Nil

### Additional information

- Concept Approval (MP10\_0090) for land at Minmi, Link Road and Stockrington;
- Coal and Allied Northern Estates Minmi – Link Road Concept Plan Design Guidelines by RPS (Appendix A, dated May 2014); and
- Coal and Allied Northern Estates Minmi – Link Road Urban Design Guidelines by RPS (Appendix B dated November 2014).
- Minmi / Link Road and Stockrington Estate Noise Mitigation Review, Renzo Tonin and Associates, 21 October 2013.

## 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.

## Aims of the Guidelines

1. To ensure that the Minmi East Precinct is developed in accordance with the Concept Approval (MP10\_0090) for the site.
2. To ensure a general contemporary urban village character, within a setting characterised by natural water bodies and native vegetation within the area, is provided.
3. To ensure connectivity between Blue Gum Hills Regional Park, High Street and the sporting complex is achieved through a network of open spaces and pedestrian routes within the site.
4. To contribute to the projected growth of the Precinct 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.

# 1 Urban Structure

## Subdivision within Minmi East

### Objectives

1. To reinforce the desired future character for Minmi and surrounding development;
2. To provide opportunities for choice in housing to cater for a diverse demographic community; and
3. To provide subdivisions that respond to the site's characteristics.

### Controls

1. A revised lot layout for the entire Minmi East Precinct shall be provided with the first development application for subdivision of any land and be generally in accordance with the Minmi East Precinct Plan, Indicative Lot Typologies Plan and Conceptual Access and Movement Plan as shown in **Figure 1, 2 and 3**.
2. Lot typology, lot frontage, minimum lot size and depth shall be provided in accordance with **Table 1** and noting Precinct Character Areas as illustrated in **Figure 1** and details provided in Section A.1.8 of the Concept Plan Urban Design Guidelines dated May 2014.
3. Road widths are to be in accordance with Element 7.04 – Movement Networks of Newcastle DCP 2012.
4. Access ways (or laneways) that service the higher density areas are to have a road reserve width of 10 metres (8 metres road pavement).
5. Preferred options for roads and lots on steeper land shall be in accordance with **Figure 4**.
6. Buildings on lots greater than 15% are to employ construction techniques in accordance with **Figure 4** with slope taken at the building location.



**LEGEND**

- █ Site Boundary
- Existing Creek Line
- APZ - RPS Nov 2010
- - - - Fire Access Trail and Walking Track
- + + + + Existing Historic Railway Corridor

**Precinct Character Areas\***

- Traditional Housing Character
- Park Side Character
- Lake Side Character
- Hill Side Character
- Creek Side Character
- High Street Character

**Open Space**

- Neighbourhood Parks
- Drainage Corridors
- Passive Open Space
- Feature Parks
- Detention Basins, Existing & Proposed Lakes

\*Note: Character Area boundaries are approximate and subject to detailed survey and design.

**Figure 1 – Minmi East Precinct Plan**

*Further details of the Precinct Character Areas can be found in Section A.1.8 in the Appendix A (Concept Plan Urban Design Guidelines) dated May 2014.*





**LEGEND**

- Site Boundary
- Existing Creek Line
- APZ - RPS Nov 2010
- - - - - Fire Access Trail and Walking Track
- + + + + + Existing Historic Railway Corridor

**Proposed Allotment Typologies**

- Mixed Use Allotment
- Townhouse Allotment
- Small Courtyard Allotment
- Large Courtyard Allotment
- Traditional Allotment
- Lifestyle Allotment

**Open Space**

- Neighbourhood Parks
- Drainage Corridors
- Passive Open Space
- Feature Parks
- Detention Basins, Existing & Proposed Lakes

**Figure 2 – Indicative Lot Typologies Plan**



**Figure 3 - Conceptual Access and Movement Plan**

**LEGEND**

- ■ ■ ■ Existing Minmi Road
- ← - - - -> Indicative Local Access Road Connections
- ← - - - -> Esplanade Road to Regional Park
- > Potential Local Road Connection to east if required
- Off Road Shared Pedestrian Pathway and Cycleway
- Shared Pedestrian Pathway / Cycleway Along Alignment of Heritage Railway Tracks
- \* Potential Pathway Connection to Regional Park



**Table 1: Controls for Lot Typology, lot frontage, minimum lot size and depth**

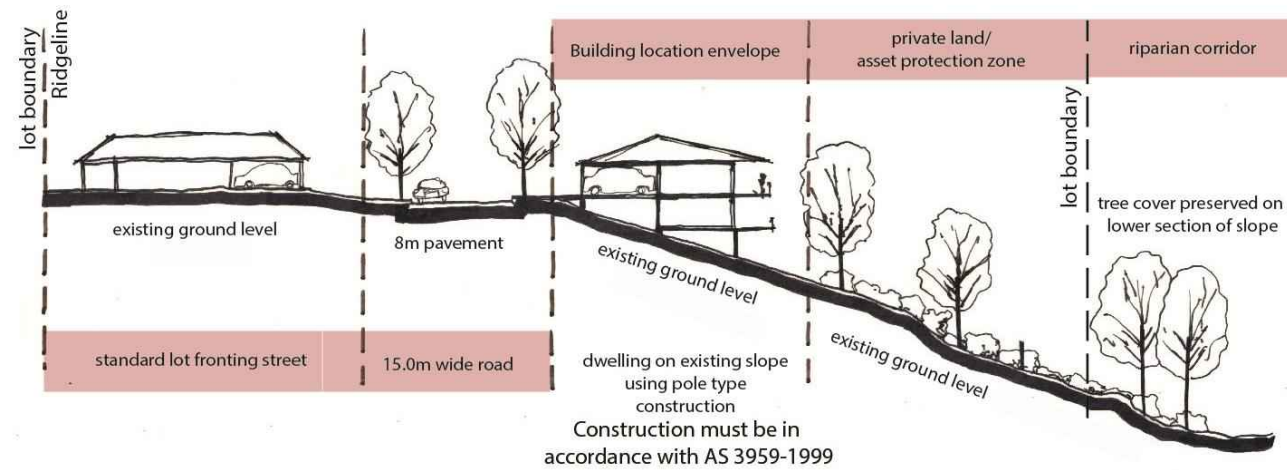
Lot Typology	Frontage Range	Minimum Lot Size	Minimum Lot Depth	Housing	Storeys	Vehicle Access	Site Cover
<b>Townhouse</b>	7m – 10.4m	175m <sup>2</sup>	25m	Attached, semi detached, detached	Single or two	Front or rear lane	60%
<b>Small Courtyard</b>	10.5m – 13.5m	262m <sup>2</sup>	25m	Detached single dwelling	Single or two	Front or rear lane	60%
<b>Large Courtyard</b>	13.6m – 15.0m	387m <sup>2</sup>	28.5m	Detached single dwelling	Single or two	Front	60%
<b>Traditional</b>	15.1m – 17.5m	450m <sup>2</sup>	30m	Detached single dwelling	Single or two	Front	50%
<b>Lifestyle Lots</b>	17.6m +	800m <sup>2</sup>	30m	Detached single dwelling	Single or two	Front	40%

**Note:**

1. Allotment frontage is the primary variable to determine an allotments classification for setbacks and building type
2. Where an allotment's depth results in a larger than typical total lot area the frontage will still be the determining factor to classify setbacks and building type
3. To be assessed as a Lifestyle Lot, the allotment must meet both the Minimum Lot Size and Minimum Frontage
4. Battleaxe allotment classification is determined by width. The measurement for the front boundary is to be made at the useable part of the lot.

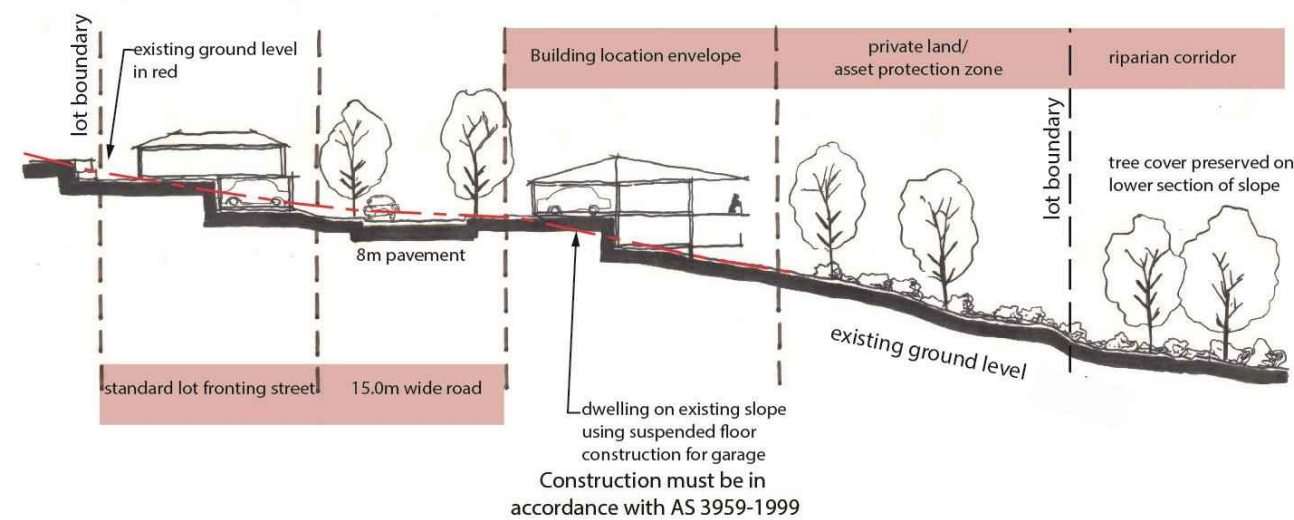
**SECTION 1-1**

- road constructed above steeper slope.
- bulk earthworks to create streets.
- slope responsive housing constructed level with street.
- homes built with minimal cut/fill within lots.



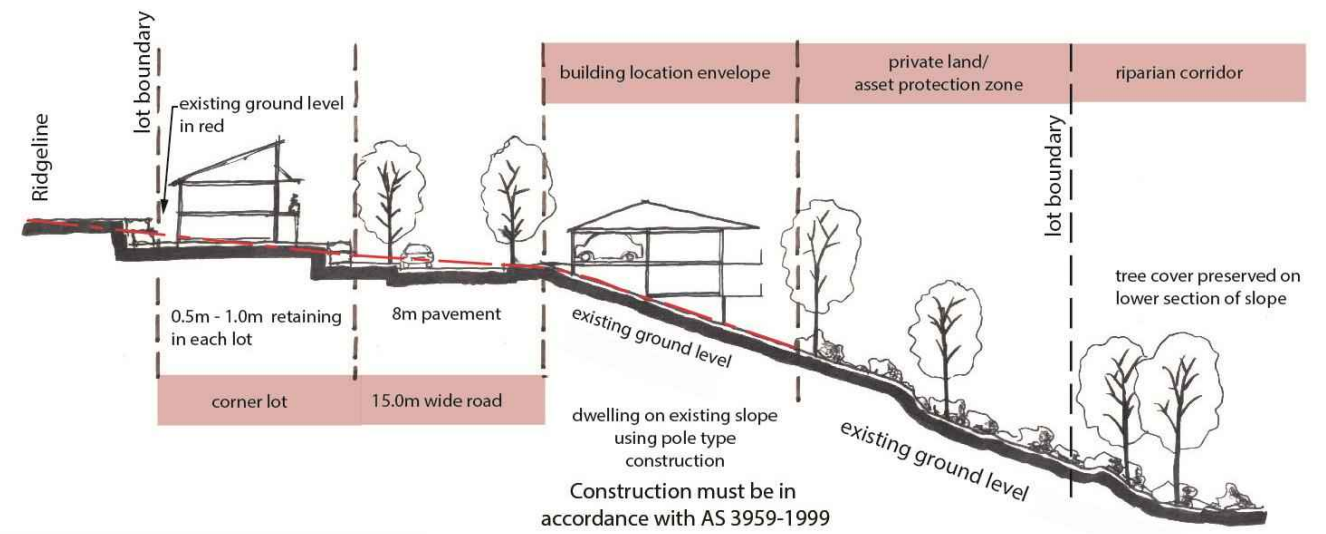
**SECTION 3-3**

- road cut into side of existing slope.
- bulk earthworks to create streets.
- slope responsive housing on both sides of street. Houses constructed to absorb level change by builder.
- minimal retaining walls as level change contained in house design and construction.
- moderate cut/fill.



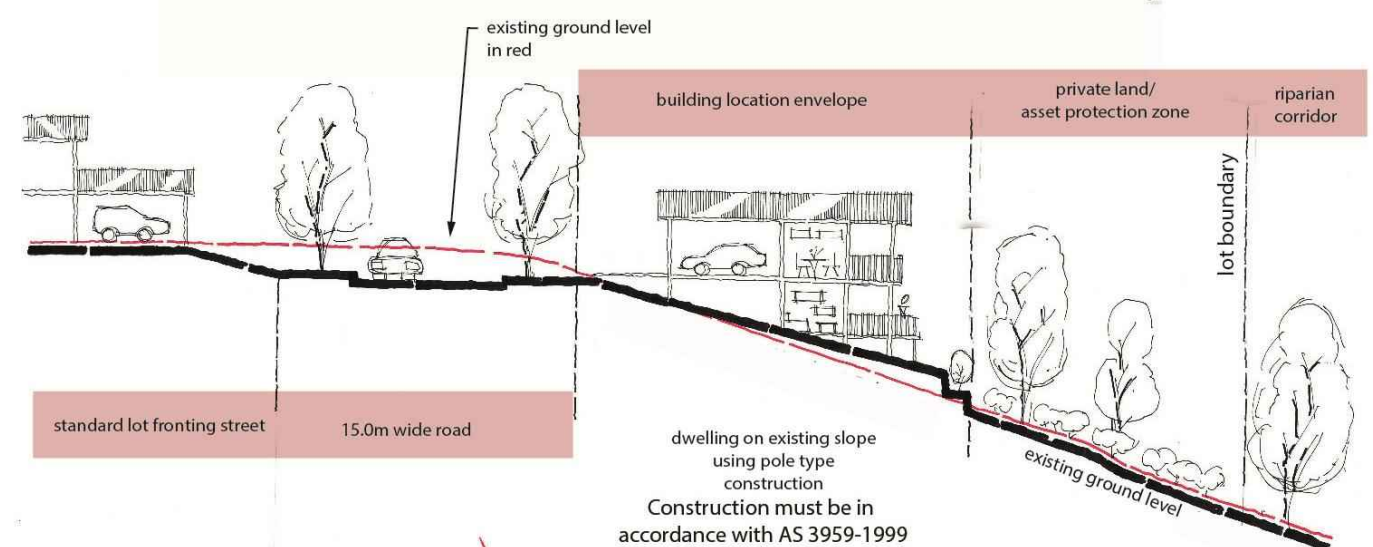
**SECTION 2-2**

- road constructed above steeper slope.
- bulk earthworks to create streets.
- slope responsive housing constructed level with street.
- standard corner lot fronts side street with minor earthworks within each lot by builders, creating retaining between lot boundaries and street frontage.



**SECTION 2-2**

- road constructed above steeper slope.
- bulk earthworks to create streets and lots.
- lot downslope of street filled and retained within Building Location Envelope



**Figure 4 – Preferred options for roads and lots on steeper land**

## 2 Mixed Use Development

### A. Site Layout

#### *Objectives*

To ensure allotments of appropriate location, size, orientation and shape to accommodate a functional and desirable mixed use development.

#### *Controls*

1. Proposals are to clearly define spaces for pedestrians, utilities, service, parking and storage areas and establish links with the public realm;
2. Buildings are orientated towards the primary street including built form on mixed use allotments fronting Minmi Road;
3. Buildings provide covered walkways, outdoor seating and landscaping where possible;
4. Proposals locate the majority of parking, service areas, refuse and mechanical services behind buildings and/or screened from key streets and public open space; and
5. Floor Space Ratio (commercial floor space to site area) is 1.5:1 for all commercial/mixed use areas. Non commercial space is in addition to this ratio.

### B. Building Articulation

#### *Objectives*

The building facade design should reflect the use type of the building and enhance the pedestrian comfort of the streetscape.

#### *Controls*

1. Building facade treatment reflects the activities carried out within the building;
2. Ground floor facades of buildings are articulated and provide interest for pedestrians; and
3. Vehicular entrance openings are integrated within the design of the building.

## **C. Corner Sites**

### ***Objectives***

To ensure the corner location of a building addresses both streets.

### ***Controls***

1. Buildings incorporate features such as corner entrances, window articulation, built elements and material changes to highlight and reinforce the corner.

## **D. Building Access**

### ***Objectives***

To provide identifiable entrances for buildings and land uses within the mixed use development.

### ***Controls***

1. Buildings provided a primary entrance to a mixed use development and distinguish it from secondary entrances; and
2. Design entrances of buildings are clearly visible and connect to the street frontage, are well-lit at night and provide clear numbering.

## **E. Street Interface**

### ***Objectives***

Mixed use development is to connect to the street activity and provide a pedestrian-friendly environment.

### ***Controls***

1. Proposals locate active uses such as shops and cafes at the front of the building;
2. Proposals utilise areas of the public realm, for spill over activities such as outdoor dining;
3. Where possible proposals provide tenancies as small as possible at ground level to generate an area which is welcoming and pedestrian-friendly;
4. Buildings have windows and wall openings at street level which are of a size that respects the human scale; and
5. Buildings incorporate windows, display cases and other elements along side streets.

## **F. Noise Mitigation**

### **Objectives**

To minimise external noise between unlike land uses and allow ventilation inside buildings (in particular apartments).

### **Controls**

1. Noise attenuation for buildings are addressed primarily through the placement of uses and then the design of the built form.

## **G. On-Site Facilities**

### **Objectives**

To provide facilities and efficient, comprehensive services to ensure the comfort of users with minimal impact on adjacent precincts.

### **Controls**

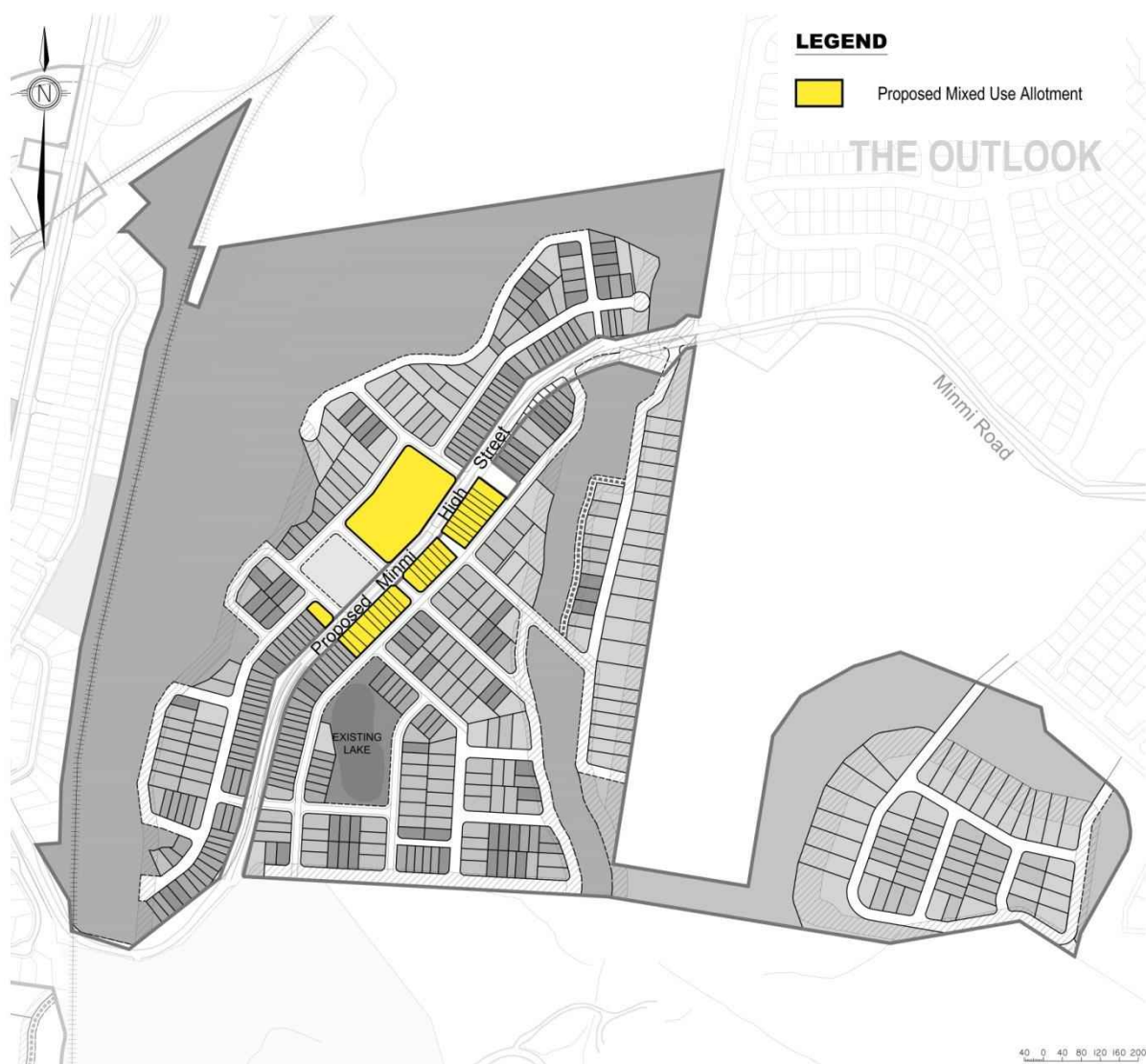
1. Buildings are designed so that residential service areas (e.g. letterboxes, laundry facilities, rubbish bin and clothes drying areas) are separate from non-residential service areas;
2. Proposals demonstrate the management of services/plant/equipment/metering such that the responsibility and cost for the maintenance is clearly defined;
3. Proposals locate loading facilities at the rear of the development and parking for large sites behind buildings or in the basement;
4. Proposals ensure that ground level parking comprise interface landscaping treatment to enhance streetscape and pedestrian environment;
5. Proposals shall consider titling issues and provide community schemes as required for each land use and level of the building; and
6. Parking areas are to take into account multiple uses. In some instances parking between non-residential land use maybe shared.

## **H. Mixed-use allotments fronting Minmi Road**

### **Objective**

Mixed use allotments fronting Minmi Road, highlighted on the Indicative Lot Typologies Plan shown in **Figure 5**, shall have vehicle access from the rear, and not direct from Minmi Road. As indicated in Section A above, the built form must address Minmi Road.





**Figure 5 – Mixed Use Allotments shown on Indicative Lot Typologies Plan**

**Controls**

1. Vehicle access to the rear of buildings may be provided as part of an integrated private carparking layout accessed from local roads in the case of a local shopping centre (Refer to example Images 1-4 on the following pages).
2. Vehicle access to the rear of buildings may be provided direct from a public road such as an Access Way or Laneway as indicated in Section 1 or local roads as contained in Element 7.04 – Movement Networks of Newcastle DCP 2012 (Refer to example Images 5-8).



**Image 1**



**Image 2**

Images 1 and 2 are examples of Mixed use allotment fronting Minmi Road, with retail on ground and apartments above, in the case of a an integrated mixed use shopping centre.





**Image 3**



**Image 4**

Images 3 and 4 are examples of Mixed use allotment with vehicle access at rear as part of a private integrated carparking layout, accessed from local roads, in the case of a local shopping centre.



**Image 5**



**Image 6**

Images 5 and 6 are examples of Mixed use smaller allotment fronting Minmi Road, with retail/commercial on ground and apartments above.



**Image 7**



**Image 8**

Images 7 and 8 are examples of Mixed use smaller allotment fronting Minmi Road, with rear vehicle access, direct from a public road such as an Access Way or Local Road.

### 3 General Residential Development

Note: Master Planning for the Minmi East Precinct has identified five (5) lot typologies and dwelling types that respond to the site characteristics and will reinforce future character.

#### A. Lot typology, lot frontage, minimum lot size and depth and site coverage.

##### *Objectives*

1. To reinforce the desired future character for Minmi and surrounding development;
2. To provide choice in housing to cater for a diverse demographic community; and
3. To provide housing that responds to the site's characteristics.

##### *Controls - Lot typology, lot frontage, minimum lot size and depth and site coverage*

1. Lot typology, lot frontage, minimum lot size and depth and site coverage shall be provided in accordance with **Table 1** as provided in Section 1 of these Guidelines.
2. Lot typology will be located generally in accordance with **Figure 2** as provided in Section 1 of these Guidelines.

#### B. Lot Type Intent and Setbacks

##### *Objectives*

1. To promote housing types appropriate to the lot size, shape and orientation;
2. To promote a layout that complements existing development in the area;
3. To provide adequate residential amenity within the development
4. To ensure that buildings address the street and promote active street frontages;
5. To ensure that development enhances the visual character of the street;
6. To limit the visual impact of garages on the streetscape;
7. To ensure corner buildings address both street frontages;
8. To ensure privacy for residents and minimise overshadowing.

Note: **Table 1** illustrates the indicative Lot Intent and built form.

##### *Building and Setback Controls, Garage Type / Width Controls*

Setbacks, maximum length and height of built to boundary walls, maximum garage types and widths shall be provided in accordance with **Table 2**.



**Table 2: Controls for setbacks, maximum length/height of built to boundary walls, garage types, access issues etc**

Lot Types	Front Setback		Side Setback						Max Length and Height of Built to Boundary Wall	Rear Setback		Max. Garage Type	Max Garage Width
	Habitable Rooms	Garage	Built to Boundary		Non built to Boundary		Corner Lots – Secondary Street Frontage			Habitable rooms	Garage		
			Ground Floor	First Floor	Ground Floor	First Floor	Ground Floor	First Floor					
Townhouse Frontage Range: 7m – 10.4m	4.5m	5.5m	Both sides for lots 8m wide and less		For recesses and walls setback from boundary a minimum clearance of 0.9m	For recesses and walls setback from boundary a minimum clearance of 1.2m	1.5m	1.5m	As limited by building setbacks and building height controls	Nil to access way or local road		Double garage permitted from rear lane	6.5m to rear lane
			One side only for lots > 8m wide		0.9m	1.2m				3m up to 4.5m high; 6m above 4.5 where not to a rear lane	n/a	Single/tandem garage permitted to primary street	3.2m to a primary street
Small Courtyard Frontage Range: 10.5m – 13.5m	4.5m	5.5m	One side only	1.2m	0.9m	1.2m	2.5m	2.5m	Max. 15m long; Max 3.5m high	Nil to access way or local road		Double garage permitted from rear lane	6.5m to a rear lane
										3m up to 4.5m high; 8m above 4.5m	n/a	Single/tandem permitted for single storey dwelling on lots up to and including 11.5m wide double garage permitted for 2 storey dwelling on lots up to and including 11.5m wide	3.2m for single storey and 6.0m for double storey on lots up to 11.5m wide
												Double garage permitted for lots > 11.5m wide	6.0m or 50% of the frontage, whichever is less
Larger Courtyard Frontage Range: 13.6m – 15.0m	4.5m	5.5m	One side only	1.2m	0.9m	1.2m	2.5m	2.5m	Max. 15m long; Max 3.5m high	Nil to access way or local road		Double	6.5m
										3m up to 4.5m high; 8m above 4.5m	n/a		
Traditional Frontage Range: 15.1m – 17.5m	4.5m	5.5m	Not applicable		0.9m	1.5m	2.5m	2.5m	Not applicable	Nil to access way or local road		Double	6.5m
										3m up to 4.5m high; 8m above 4.5m	n/a		
Lifestyle Lots Frontage Range: 17.6m +	4.5m	5.5m	Not applicable		1.5m for lots up to 20m wide 2.0m for lots > than 2.0m wide	2.0m for lots up to 20m wide 2.5m for lots > than 20m wide	2.5m	2.5m	Not applicable	Nil to access way or local road		Double or triple permitted if Garage Width design controls are met	6.5m or 9.0m where the third garage opening is setback a further 900mm or oriented with door openings perpendicular to the street
										3m up to 4.5m high; 8m above 4.5m	n/a		

1. Setbacks are as per the above table unless otherwise dimensioned on an approved plan by Newcastle City Council

2. Mandatory and Optional Built to Boundary Walls are to be nominated on approved subdivision plans.

3. Where Optional Built to Boundary Walls are not adopted, standard Non Built to Boundary Setbacks will apply.

4. Allotments are to be nominated into the above categories at the time of approval by Newcastle City Council on approved subdivision plans.

5. Garages fronting laneways comply with the Australian Standard for vehicles entering and leaving the garage.

6. Mixed Use development fronting Minmi Road (Large Lot Mixed Use and Small Lot Mixed Use – Refer Section 2, H) and residential lots fronting Minmi Road will have rear vehicle access via an Access Way or Local Road depending upon subdivision layout.

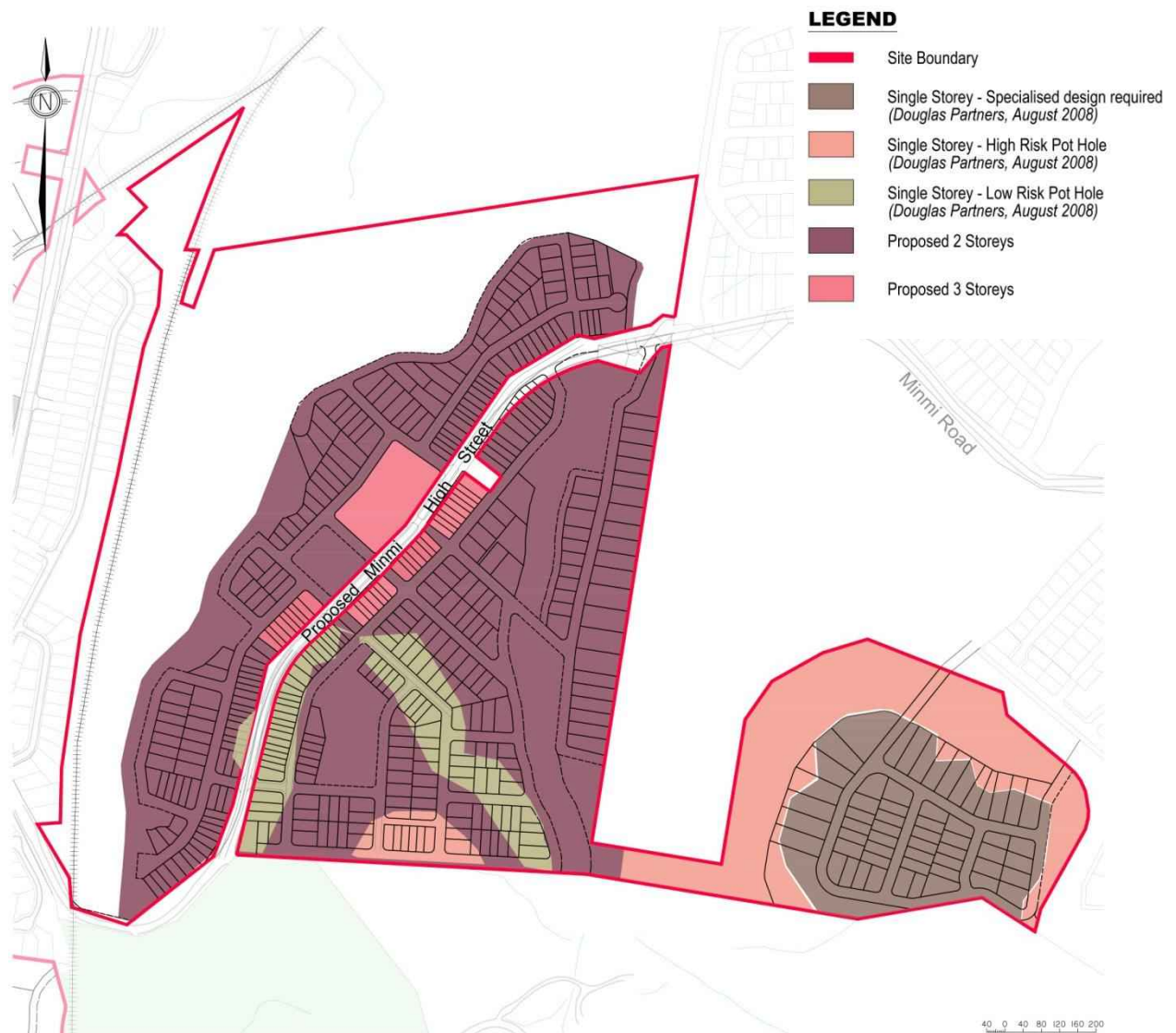
## C. Building Height

### Objectives

1. To ensure a final housing product that responds to its site, in particular mining constraints;
2. To minimise overshadowing of adjacent lots and private open space;
3. To ensure solar access to principal living areas and to promote energy efficient design.

### Controls

Building Heights are to be in accordance with the *Newcastle LEP 2012* and **Figure 6 - Indicative Building Height Map**.



**Figure 6 – Indicative Building Height Map**

## **D. Private Open Space and Landscaping**

### ***Objectives***

1. To promote landscaping on individual lots;
2. To promote an attractive streetscape;
3. To ensure private open space is usable.

### ***Private Open Space Controls***

1. Private Open Space is to be in accordance with Element 7.02 Landscape Open Space and Visual Amenity of Newcastle DCP 2012 except for Townhouse and Small Courtyard Lots which shall comply with the following:
  - Townhouse – minimum area of 16m<sup>2</sup> and a minimum dimension of 3m.
  - Small Courtyard Lot - minimum area of 24m<sup>2</sup> and a minimum dimension of 4m.
2. Private open space is to be directly accessible from a principal living area;
3. Covered Private Open Spaces such as a patio are to be contained within the nominated side and rear setbacks.

### ***Fencing Controls***

1. Front fences and walls are to be no more than 1.2m. This height may be increased to 1.8m where:
  - The development fronts Minmi Road; and
  - The fence has openings which make it not less than 50% transparent.
2. The use of sheet-metal fencing is not permissible to any street boundary, and must not be visible from the street or public space.

### ***Landscaping controls***

1. Use of native plant species is encouraged;
2. In established areas, landscaping is to relate to the scale of other elements of the streetscape and the landscape of adjoining development;
3. To the fullest extent possible, appropriate vegetation should be used to provide shade to the northerly and westerly elevations of buildings in summer, while allowing sunlight in winter;
4. The provision of landscaping to the street frontage of new development is to be substantial, enhance the appearance of the development and assist with streetscape integration.

- Where a 4.5m front setback is nominated, the area between the street front boundary and the building line is to be used as a prime deep soil zone for taller tree planting and will not be included as the nominated private open space. If a private open space area is oriented to the street it is integrated with the primary building line setback and roof form.

## E. Sloping Sites, Earthworks and Retaining walls

### Objectives

- To design housing types that respond to their lot configuration including size, shape, slope and orientation;
- To encourage the design of dwellings to conform to the natural land form;
- To minimise cut and fill and reduce the need for retaining walls.

### Controls

- Retaining walls and heights must not exceed those nominated in **Table 3**:

**Table 3: Controls for retaining walls and heights**

		Townhouse	Small Courtyard	Large Courtyard	Traditional and Lifestyle
<b>Front Boundary</b>	Max. cut height in metres	0.5	1.25	1.4	1.5
	Max. fill height in metres	1.0	1.0	1.0	1.0
<b>Side Boundary</b>	Max. cut height in metres	0.5	0.7	0.7	1.0
	Max. fill height in metres	0.5	0.7	0.7	1.0
<b>Rear Boundary</b>	Max. cut height in metres	1.5	1.5	1.5	2.0
	Max. fill height in metres	1.0	1.0	1.0	2.0

Note:

- In some situations of cut, retaining walls may exceed those nominated for parts of the retaining wall. In these cases the retaining wall must not exceed an absolute maximum of 1.8m at one point only and must average heights indicated in the above table.
- For Traditional and Lifestyle Lots, rear boundary cut and fill heights are increased to 2m due to housing on slope issues as contained in Section B.1.3.3 of the Coal and Allied Northern Estates Minmi – Link Road Urban Design Guidelines, (Appendix B dated January 2014).

- On sloping sites, if the controls in **Table 3** are unable to be achieved then construction methods other than slab on ground are to be used such as pole homes, suspended slabs and reduced building pads to minimise cut and fill. If elevated construction is used then underfloor services must be screened, however as noted in **Figure 4**, all construction must be in accordance with AS 3959-1999;



3. Slope is taken at the building location;
4. Retaining walls are to be located fully within the boundaries of the subject property;  
and
5. Retaining walls forward of the building line to any street, park or lane front or visible from any public realm cannot exceed 1.0m in height. All other retaining walls cannot exceed 1.8m in height without stepping elements incorporated. Retaining walls must be constructed in natural materials and colours

## **F. Asset Protection Zones**

### **Objectives**

1. Development shall be consistent with the requirements of *Planning for Bushfire Protection 2006*;
2. The management of existing vegetation within Asset Management Zones (APZs) involves both selective fuel reduction (removal, thinning and pruning) and the retention of vegetation. Valuable native trees and shrubs should be retained as clumps or islands;
3. Perimeter roads are to be designed for any future residential development. A perimeter road forms part of the APZ and will provide a separation between the building and the boundary of the bush fire hazard; and
4. Fire trails may function as a strategic control line around the hazard side of the Inner Protection Area, if they are connected to the public road system at frequent intervals. A fire trail is not a substitute for a perimeter road and any proposals will need to demonstrate clear benefits over the use of a perimeter road.

### **Controls**

1. Lots must comply with the APZs as determined during the DA process;
2. Vegetation that can be retained as clumps or islands without compromising the effectiveness of APZs is to be identified within applications for subdivision;
3. Any perimeter road should be fully sealed and have a minimum road reserve width of 8m minimum kerb to kerb, with the following design specifications;
  - Roads should be two wheel drive, all weather roads;
  - Roads should be two-way: i.e. at least two traffic lane widths with shoulders on each side, allowing traffic to pass in opposite directions;

- Roads should be through roads where possible, any dead end roads should not be more than 200m in length with a 12m radius turning circle and clearly sign posted as such;
  - The capacity of road surfaces and bridges should be sufficient to carry fully loaded fire fighting vehicles (approximately 28 tonnes or 8 tonnes per axle); and
  - Roads should be clearly sign posted and buildings clearly numbered.
4. The width and design of fire trails shall enable safe and ready access for fire fighting vehicles; and
  5. Fire trails are to be trafficable under all weather conditions. Where the fire trail joins a public road, access shall be controlled to prevent use by non authorised persons.

## PART E: Place and Precincts

### Section E12 Lingard Hospital Precinct

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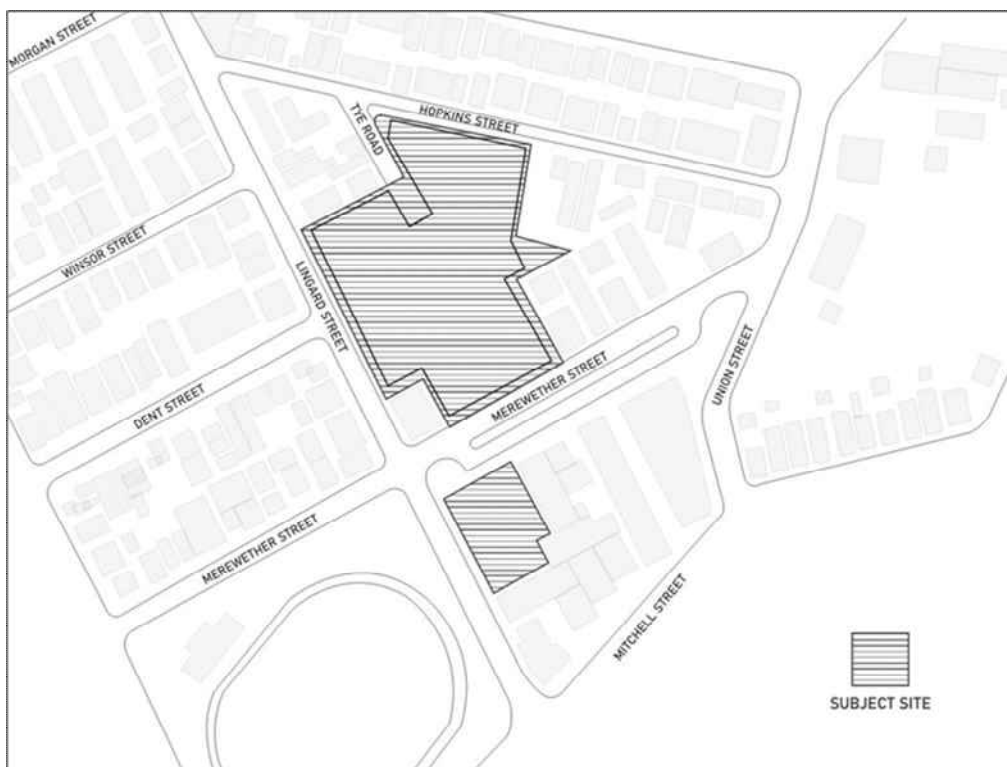
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## 1.0 Introduction

The Lingard Hospital Precinct (Hospital Precinct) is within the suburb of Merewether and is situated approximately three kilometres south-west from Newcastle CBD. The Hospital Precinct offers a comprehensive range of specialities and on-site cardiac, medical, surgical and allied health services.

## 2.0 Application

This section applies to all land mapped as hatched on **Map 1** (bounded by Lingard Street, Merewether Street, Hopkins Street and Tye Road).



**Map 1: Lingard Hospital Precinct Site**

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

This section applies to all development applications for health services facilities.

## 3.0 Related sections

The following sections will also apply to development:

- C2 Movement networks

---

The following sections may apply to development:

- B1 Flood management
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B6 Urban heat
- B7 Land contamination
- C1 Traffic, parking and access
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C6 Waste management
- C7 Safety & security
- C8 Social impact
- C9 Advertising and signage
- C10 Street awnings and balconies
- C11 Development adjoining laneways
- C12 Open space and landscaping
- C13 Liveable housing
- E1 Built and landscape heritage

#### **4.0 Additional information**

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

- Nil

##### **Additional information**

- Nil

#### **5.0 Objectives**

1. Deliver quality and ensuring design outcomes that are responsive to place and context.
2. Manage surrounding amenity and the environmental impacts of development.
3. Ensure development is connected to the street and provides a safe environment for visitors and workers.
4. Improve the integration of green infrastructure and sustainability outcomes for development.
5. Deliver improved movement outcomes through better connectivity and transport solutions.
6. Heritage is promoted and celebrated appropriate to the level of heritage significance.

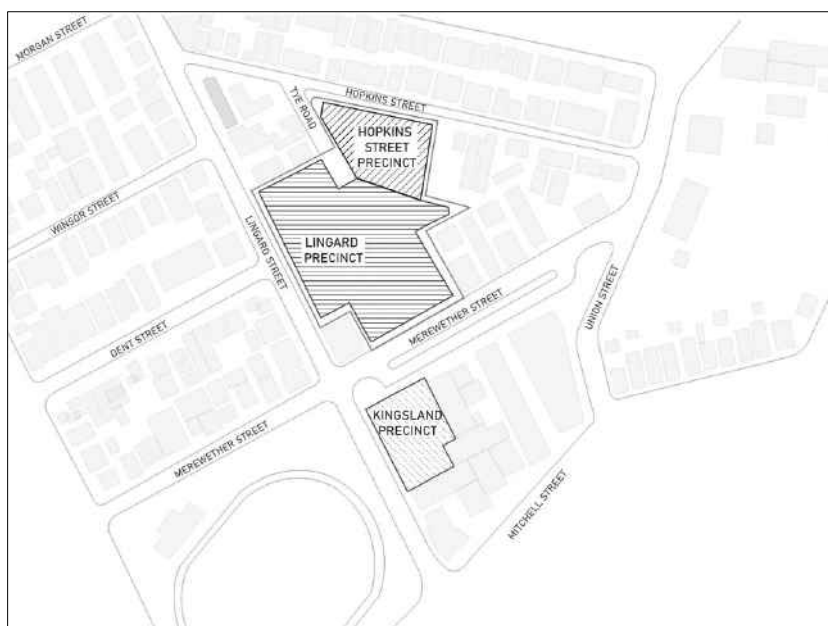
## 6.0 Preamble

The original Lingard Hospital is located at 23 Merewether Street, Merewether, situated within the local government area (LGA) of Newcastle. A recently completed expansion of the health precinct exists across the street at 8 Lingard Street, Merewether. There is a potential to expand the health precinct to include an adjoining site at 27 Hopkins Street, Merewether.

The site is located within the suburb of Merewether and is situated approximately three kilometres south-west from the high street (Hunter Street) of Newcastle CBD. Merewether is dominated by a low density residential land uses for the majority of the suburb and is bordered by medium density residential development to the north where it meets the commercial core of The Junction precinct, approximately 450 metres from the site.

This original and principal Lingard Hospital premises is situated on land surrounded by residential uses zoned R3 Medium Density Residential, comprising single and two-storey residential built form. The recent expansion of the health services facility opposite the primary Lingard Hospital premises is sited amidst a solitary mixed business and warehouse block, zoned B5 Business Development, encompassing predominantly two-storey employment uses and built form.

In March 1971, consent was granted for construction of a single storey private hospital, with 106 beds. The Lingard Hospital precinct has continued to grow, expand and adapt to the needs of the community, today presenting a large staff across a range of speciality medical sectors. Since 2020, the Lingard Hospital has operated two distinct precincts, with investigations undertaken to expand into a third precinct. These have been identified through analysis of current land use and character, and consideration of the envisaged future development, see **Map 2**.



**Map 2: Precincts**

---

## Lingard precinct

The Lingard Precinct is the primary and original Hospital Campus where the majority of the Lingard services are located and provided. This Precinct has frontages to the south-east on Merewether Street and south-west on Lingard Street, and rear lane access on the north side via Tye Road. The block shape is irregular, sharing boundaries with residential lots. The allotment is almost entirely occupied with the hospital structure. Due to the age of the existing hospital, the aim for this precinct is renewal of facilities.

## Kingsland precinct

The Kingsland Precinct was first established in 2016, with consulting suites completed in 2020 and is currently used for day surgery, with limited health consulting rooms. The Precinct has frontages to the north-west on Merewether Street and south-west on Lingard Street. The block is roughly rectangular, sharing boundaries with three neighbouring commercial allotments. The allotment is entirely occupied by the two-storey building structure. Substantial carparking exists in the basement levels. Due to recent development activity directly north-east of this Precinct, opportunities to expand the Kingsland Precinct are likely limited to the south-east.

## Hopkins precinct

The Hopkins Precinct is not currently occupied by a health related use and is currently occupied by a residential complex. This precinct directly adjoins the Lingard Precinct to the south and has road frontages to Hopkins Street and Tye Road. The opportunities for the Hopkins Precinct will be determined based on changing health demands in the region.

### Indicative staging order of future development

**Stage 1:** Development to add an additional storey to Kingsland precinct

**Stage 2:** Development of Hopkins Street

**Stage 3:** Refurbishment of existing Lingard precinct Hospital



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## 7.0 Site analysis

### **Objectives**

1. Development planning and design decisions are informed by a comprehensive understanding of the site and its context.
2. Development planning and design is responsive to existing site conditions and surrounds.

### **Controls**

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

1. A site analysis is submitted to the level of detail required to assess the potential impacts associated with the nature, type and scale of the development and its surroundings. The site analysis will identify the unique and specific qualities and attributes of the subject site, as well as identify the opportunities and constraints of the site and the wider area. This is to be undertaken at the local, neighbourhood and streetscape, as well as site scale to understand how the development responds to the context at the varying scales.
2. The design and supporting information demonstrate how the development responds to the constraints and opportunities identified in the site analysis.

## 8.0 Site layout

### **Objectives**

1. The proposed development is positioned and oriented on the site to minimise the impact on surrounding properties and uses.

### **Controls**

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

The development layout is generally in accordance with **Map 3** unless an equivalent or improved planning outcome is identified as a result of the site analysis design process.



**Map 3: Indicative site layout**

## 9.0 Building envelope

### **Objectives**

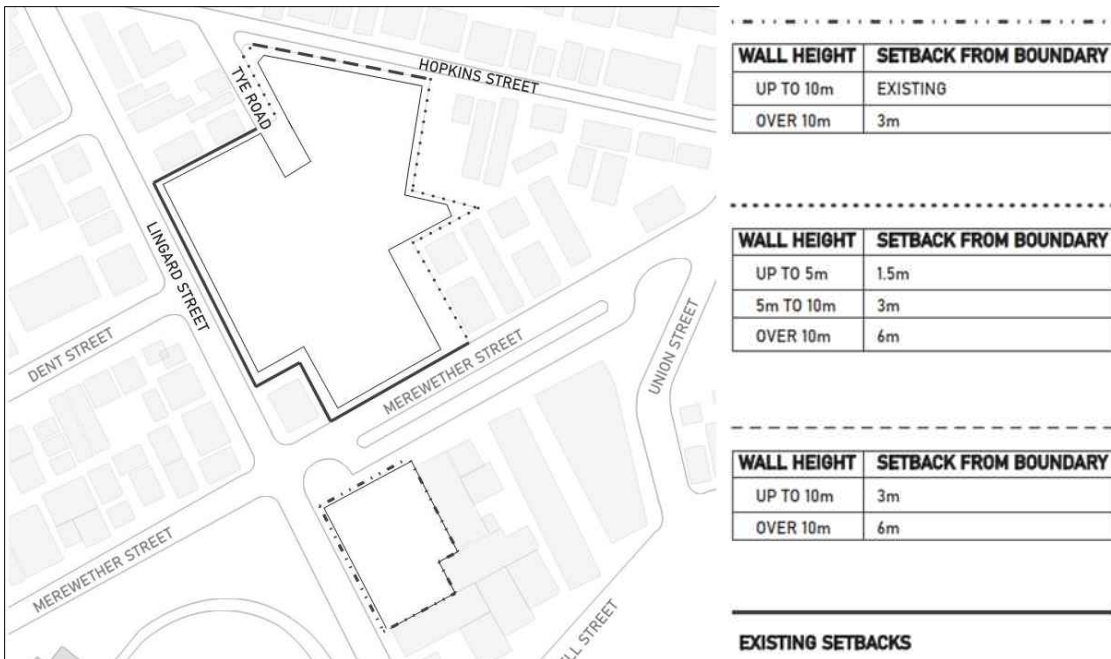
1. The building height is consistent with the desired scale and character of the street and locality, creates an articulated and visually interesting skyline, and provides an acceptable impact on the amenity of adjoining properties.
2. Setbacks are established by the context and established urban form, ensure that built form engages with the public domain, and minimise the impact on the amenity of adjoining properties.
3. Buildings and sites are designed to preserve the amenity of adjacent public open spaces.

### **Controls**

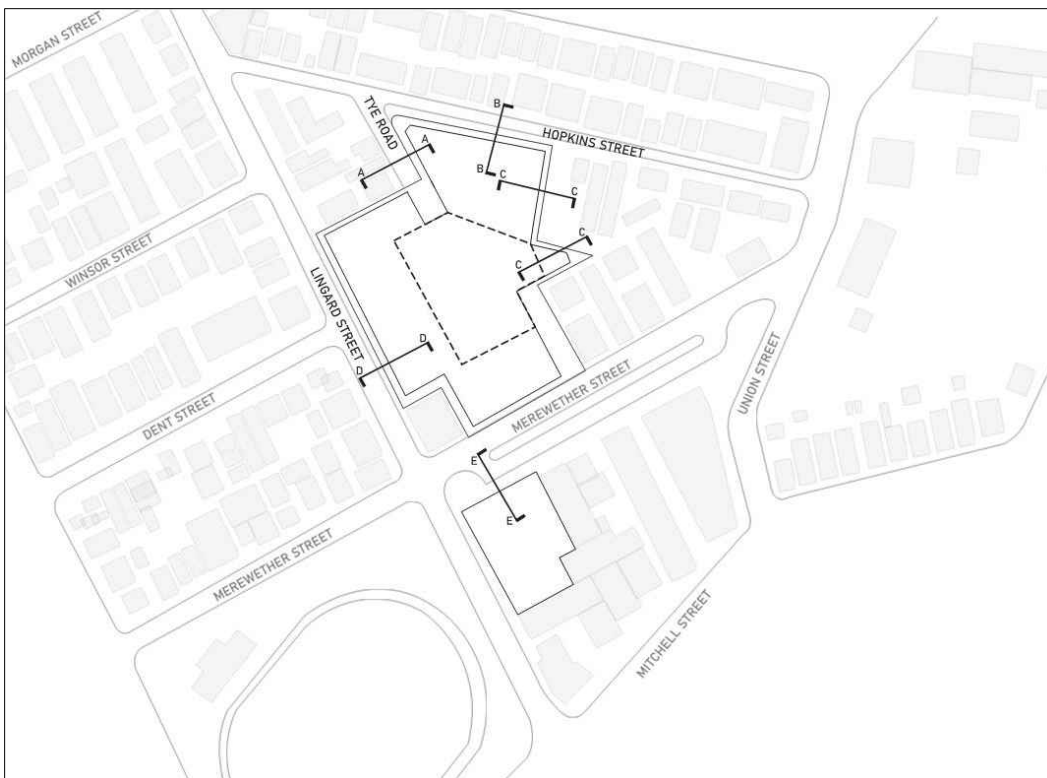
#### General controls applying to all development to which this section applies

1. The maximum building height is in accordance with the relevant statutory requirements and site-specific criteria.
2. Setbacks to boundaries shared with residential uses, where the residential uses are within 3m of the boundary are:
  - a. 1.5m setback up to 3m in height
  - b. 3m setback from 3m - 6m in height, and
  - c. 4.5m setback above 6m in height.
3. For circumstances where the criteria detailed directly above does not apply, building setbacks are consistent with those shown on **Map 4**, **Map 5** and **Figure E12.01**, unless an equivalent or improved planning outcome is identified as a result of the site analysis design process.

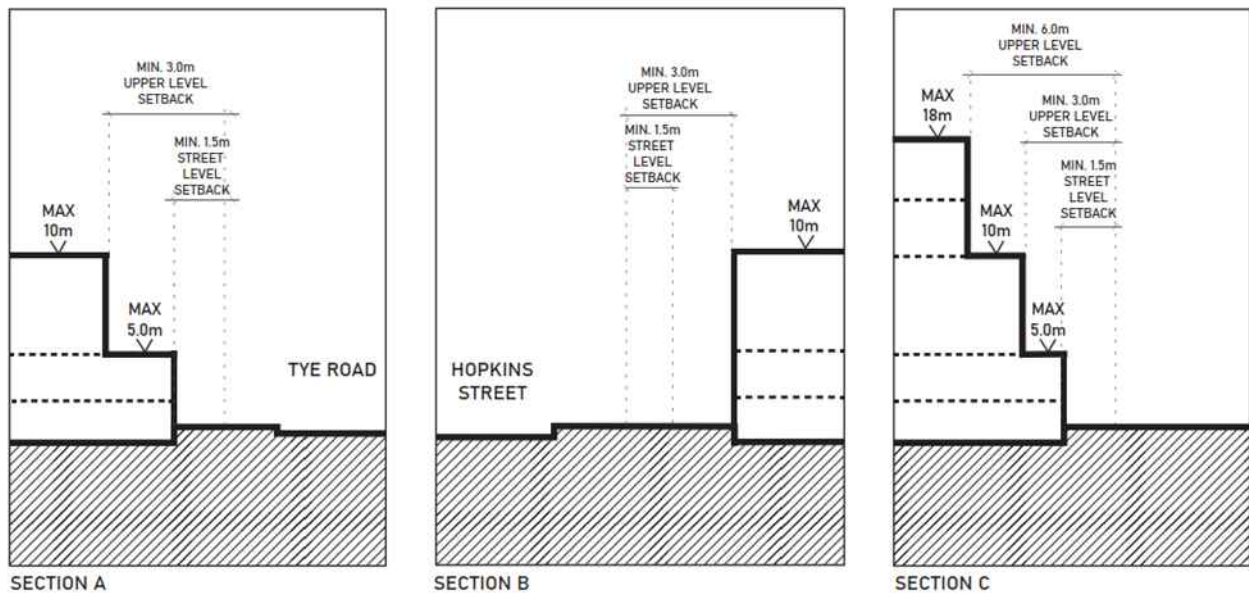
4. Development does not unreasonably reduce the total area of public open space (such as Mitchell Park) that receives direct sunlight between 9am to 3pm on June 21.



**Map 4: Indicative setbacks**

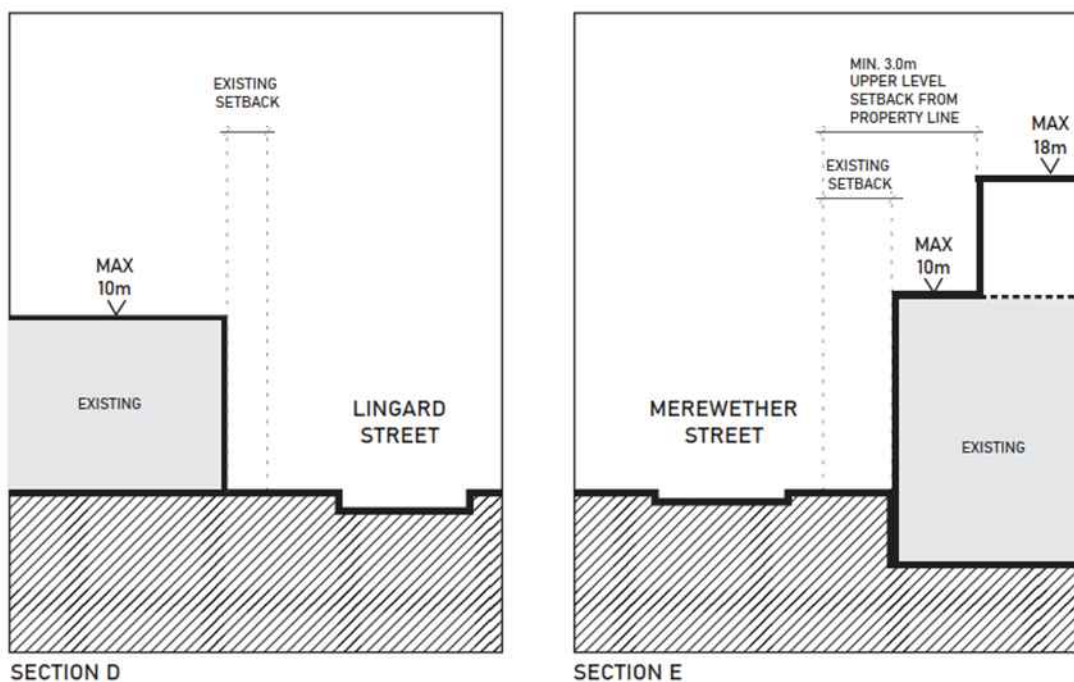


**Map 5: Cross section locations**



**Figure E12.01: Cross sections A – C**

**Note:** The built form and massing of health service facility buildings should transition in scale from the hospital context, down to the residential scale.



**Figure E12.02: Cross sections D – E**

---

## 10.0 Built form and massing

### **Objectives**

1. Buildings and sites contribute to a finer grained urban environment through built form articulation and through site links.
2. The built form and massing of buildings are designed in response to their context, considered as an ensemble of elements and allow for articulation.

### **Controls**

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

1. Large buildings are broken up or articulated to reduce overall perceived bulk and scale, as well as provide architectural interest.
2. Through site links are considered where it would provide a positive contribution to the public domain.
3. Impacts on surrounding properties are minimised.

## 11.0 Visual appearance and materials

### **Objectives**

1. Architectural form is defined by a balanced composition of elements and makes a positive contribution to the urban environment.
2. Plant and equipment are screened, and screening elements are integrated into the architectural design.
3. Material selection contributes to the design of an aesthetically pleasing, durable and resilient building.

### **Controls**

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

1. The design of the development exhibits good proportions and a balanced composition of elements that reflects the building's use, its structure, and internal planning.
2. The aesthetics and composition of the development are considered in relation to the surrounding buildings and context.
3. Building facades display a balanced composition of elements including solid and void, fenestration, signage integration, as well as an appropriate scale and proportion to the streetscape.
4. All plant and equipment is screened from view from the public domain, and any residential or mixed use areas.
5. Ground level plant to be located behind the front building line and/or rooftop plant to be set back from perimeter and screened for visual privacy and to meet acoustic regulations.
6. Screening of plant and equipment is to be:
  - a. considered as a part of the architectural design and integrated into the overall design of the building, and

- 
- b. a secondary preference, with primary emphasis on locating elements out of view from the public domain
  - c. materials are robust, durable and low maintenance, having regard to the weather conditions to ensure a high quality finish that endures for the life of the building
  - d. materials are selected for their low embodied energy and potential for future re-use or recycling
  - e. materials are not highly reflective to avoid glare and the absorption of heat
  - f. street walls should be articulated through colour, texture and materiality to provide scale, street definition and pedestrian interest.

## 12.0 Residential amenity

### **Objectives**

1. Built form is arranged and sited to minimise impacts on neighbouring residential uses.
2. Development does not unreasonably reduce the existing solar access of neighbouring residential areas.
3. Acoustic Privacy is managed so that noise transfer to neighbouring residential uses is minimised through the siting of buildings and building layout.
4. Visual Privacy of neighbouring residential areas is maintained through the orientation and siting of the building, and where required, screening.

### **Controls**

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

1. Where the site adjoins residential uses, the built form steps down in scale toward the boundary shared with residential uses.
2. Direct solar access is retained to habitable rooms and private open spaces of neighbouring residential uses for a minimum of 3hrs between 9am - 3pm on 21st June. Direct Solar access is defined as a minimum of 1sqm at 1m above the FFL receiving the full 3hrs of daylight.
3. Noise generating uses are located away from residential areas and screened with appropriate acoustic treatment to bring noise to within statutory and/or approved levels.
4. Buildings are oriented on the site to minimise opportunities for overlooking of residential living areas, and private outdoor space. Unscreened openings are located on walls not facing residential uses.
5. Where overlooking is unavoidable, openings that enable a view to private spaces are to be treated to maintain the privacy of residential uses. Options may include angling openings to orient the view elsewhere, using obscure glazing to lower portions of windows, fixed external louvres/privacy screens or, fixed depth planters.
6. Privacy screens are consistent with, and integrated into, the design of the building.
7. Built form is arranged to prevent the total loss of prevailing winds for passive cooling for adjoining residential properties.



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## 13.0 Public domain interface

### **Objectives**

1. The development provides activation and passive surveillance to public streets and public open space.
2. Building entries provide employees, patients, and visitors with a welcoming, accessible, entry point.
3. Awnings are considered as part of the overall development and designed accordingly.
4. Secondary frontages make a positive contribution to the public domain.
5. Building services and essential equipment are integrated with the building design.
6. Welcoming urban activation space is incorporated into the development for the enjoyment of residents, the local community and users of the development that provides relief from the urban environment and allows people to gather.
7. The development does not dominate the public domain along the Hopkins Street frontage and instead responds to and complements the scale, context, streetscape character and landscape.

### **Controls**

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

1. Active uses are located along street frontages to enliven facades. Long expanses of blank, solid and unbroken walls are avoided along street frontages.
2. Clear glazed openings are provided along the street frontage to active uses behind, to provide engagement with the street, and passive surveillance of the public domain.
3. Minimum 25% of any new facade facing a street may be glazed.
4. Glazed facades facing a street must be low reflective glass.
5. All publicly accessible external areas of the site are visible from within the building to encourage activation of building facades and to provide passive surveillance of open spaces.
6. Building Entries:
  - a. are accessible, clearly defined, inviting, and visible from the public domain
  - b. provide weather protection
  - c. are located on the primary frontage. Where this is not possible, they are visible from the public domain, and clearly sign posted.
5. Awnings shall be provided to public access entrances and are in accordance with the relevant awning provisions contained separately within C10 Street awnings and balconies
6. Frontages to secondary roads are provide an active edge to the boundary treatment, are integrated with the design and make a positive contribution to the public domain.
7. Secondary frontages are articulated and modelled to provide interest along the street edge.
8. Setbacks to secondary frontages are landscaped.
9. Essential services and equipment required to be accessible from the public domain are located:
  - a. away from main building entries and lobbies; and



- 
- b. in services enclosures, cupboards, and doors that address the public domain and are integrated with the design of the building.
  10. Urban activation spaces are implemented for each precinct and are positioned in central locations, typically within front or secondary setbacks in proximity to a main entrance and partly incorporated into the road reserve.
  11. Urban activation spaces comprise uses or facilities such as:
    - a. shade and tree plantings
    - b. rain gardens
    - c. furnishings such as seats, bins and drinking fountains
    - d. play equipment
    - e. lawns and paved areas
    - f. lighting
    - g. Wi-Fi
    - h. public facilities
    - i. publicly accessible art.

## 14.0 Landscaping and green infrastructure

### **Objectives**

1. Landscaped areas provide shade, acoustic and visual buffers to main roads and adjoining residents, permeable surfaces for stormwater, and attractive additions to sites and structures.
2. Trees provide shade to hardstand areas, building facades, and parking areas; reducing the heat island effect, and mechanical cooling requirements for buildings.
3. Site planning minimises the impact on existing vegetation.
4. Public domain is embellished with vegetation to realise the benefits of the urban forest and contribute to neighbourhood character.

### **Controls**

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

1. Landscaped area has a minimum dimension of 1.5m.
2. Larger, consolidated areas of landscaping with a minimum dimension of 3m are provided to enable greater varieties of planting, larger plants, and denser screening. Long narrow strips of landscaped area are avoided.
3. Landscaped areas are located to provide the greatest benefit to the subject site, the public domain, and neighbouring properties. Landscaping is provided along boundaries adjoining residential uses including screening trees. Landscaped areas are to act as buffers to residential uses.
4. Permeable paving is used in place of hardstand areas where possible to reduce stormwater runoff and overland flow.
5. Local indigenous plants are favoured in the landscape design to reinforce local character and assist in the regeneration of local microclimates. Plant species selection is to accommodate local environmental conditions, particularly the exposure to strong coastal winds, salt spray and shading.
6. A landscape maintenance plan is submitted and includes a schedule of maintenance.
7. Declared vegetation is identified, retained, and protected. during construction.

- 
8. Locate landscaped areas and tree plantings in positions where they provide the greatest amount of shade to communal areas, building facades and roofs, parking, and other hardstand areas.
  9. Street tree planting is provided along Merewether Street in consultation and accordance with the relevant Council requirements.
  10. The existing palm tree on the corner of Hopkins Street and Tye Road is retained and protected during construction.
  11. A minimum four metre (4m) wide landscaped setback on Hopkins Street is established with vegetation that has a medium to long-term life expectancy retained. A three metre (3m) setback may be considered for the Hopkins Street frontage, where at least two of the following:
    - a. retention of any declared vegetation (as specified by C3 Vegetation preservation and care) along the Hopkins Street frontage
    - b. deep soil landscaping is provided for at least 80% of the frontage length
    - c. a green wall is established for at least a third of the Hopkins.
  12. Roof gardens on buildings that provide areas for recreation and environmental benefits (such as recreation, communal space, stormwater storage/treatment, insulation or the like) are incorporated, where reasonable and feasible.

## 15.0 Transport and movement

### Objectives

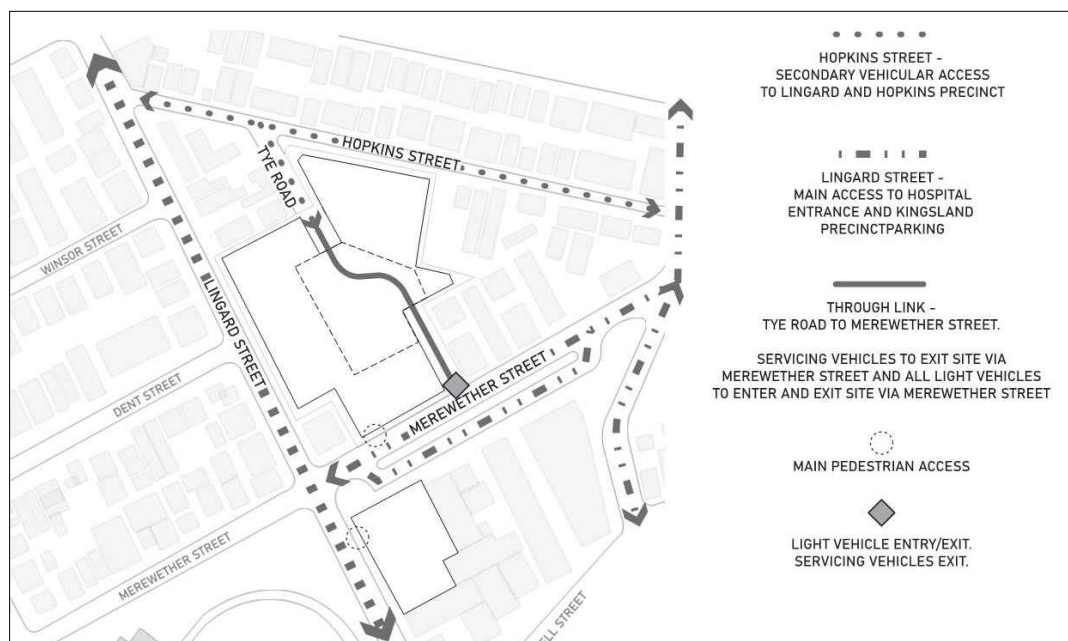
1. The movement network has a clear structure, is functional and provides for the safe, efficient and equitable movement of pedestrians, cyclists and vehicles.
2. Transport and movement elements are a considered part of the overall urban design and minimise impact on the public domain, surrounding properties and the locality.

### Controls

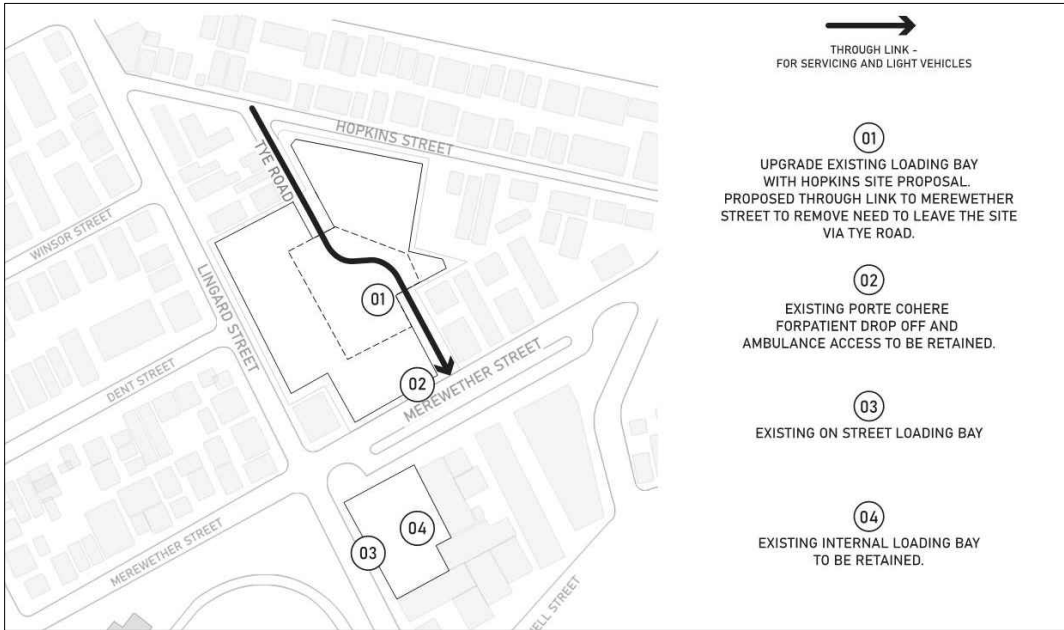
#### General controls applying to all development to which this section applies

1. Development proposals which, in the opinion of Council, may cause significant impacts on the surrounding movement network, are supported by a Traffic Impact Study (TIS), prepared by a suitably qualified and experienced transport professional.
2. Issues addressed in the TIS are to include, but not limited to:
  - a. review of the existing and proposed traffic network, traffic operating conditions and flows
  - b. existing car parking supply and likely demand, as well as servicing requirements
  - c. existing trip generation and estimate of trip generation of the development
  - d. public transport services within 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.
3. The TIS will also include measures proposed to increase mode share to public transport and improve access to services.
4. The TIS should be prepared having regards for the entire heath Precinct together with the proposed development. The TIS must provide traffic modelling for the local road intersections and signalised intersections and such modelling must provide cumulative post development traffic data generated by the entire Lingard Hospital Precinct (that is Kingsland, Lingard and Hopkins). The TIS should consider the impacts from the Precincts and provide recommendations for improvements and management of the local and signalised intersections.
5. Development is in accordance with the relevant transport and movement criteria contained separately within C1 Traffic, parking and access and C2 Movement networks, unless an equivalent or improved planning outcome is identified as a result of the site analysis design process, TIS and/or advice from Council.
6. Access and servicing of the site in accordance with **Map 6** and **Map 7**, particularly the through link from Tye Road to Merewether Street, is subject to improved results and outcomes identified in the TIS.
7. Major development of the site is to demonstrate that safe entry treatment at the intersection of Hopkins Street and Tye Road can be achieved and implemented.
8. All vehicles are to enter and leave site in forward motion.
9. Vehicular access is located to minimise impact on the streetscape and surrounding local context.
10. Sufficient area is provided for the safe manoeuvring of large trucks and service vehicles as required for operation of the development.
11. The size and layout of loading areas are appropriate for the use and ongoing operation of the development.

12. Clear delineation of the loading areas is provided to ensure safe ongoing operation.
13. Dedicated service vehicle circulation may be considered to ensure safe movement of pedestrian, vehicles and service vehicles.
14. Major development of the site is to demonstrate that safe vehicle, pedestrian and cyclist movement at the intersection of Merewether Street and Lingard Street to the Lingard and Kingsland Precincts can be achieved and implemented.
15. Provide accessible pedestrian paths from street front boundary to building entries, separated from any vehicular circulation or parking.
16. Provide marked crossings where pedestrian access crosses any road or driveway.
17. Provide an accessible pedestrian circulation path from all car parking areas to building entries.
18. Provide dedicated circulation path, separate to any road or drive, adjacent building from carpark to building entry.
19. Safe pedestrian access routes are provided to improve connectivity across the overall site and to the locality.
20. Public access is restricted to areas unsafe or unsuitable for public access in the form of fencing or barriers.
21. Public access is restricted to areas not visible from the public domain outside of business hours.
22. Safe and legible access to staff and visitor bicycle parking is provided that is not in conflict with vehicular access and circulation.
23. Provision is made for future pedestrian connections between Lingard and Kingsland precincts.



**Map 6: Access**



**Map 7: Servicing**

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## 16.0 Parking

### **Objectives**

1. Adequate off-street parking is provided to maintain a high amenity of the adjoining street network and reduce the impact and demand for on-street parking and services.
2. The visual and environmental impacts of vehicular parking are mitigated through siting, screening and landscaping to ensure that parking does not dominate the streetscape.
3. Vehicular parking is utilised and managed in a functional, sustainable and equitable manner.

### **Controls**

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

1. Development is in accordance with the relevant parking criteria contained separately within this C1 Traffic, parking and access.
2. On-site parking is provided underground. Where underground parking is unachievable, at grade parking will only be considered where:
  - a. it is predominantly set back or sleeved behind other uses; or
  - b. it is screened, integrated into the built form and covered by upper levels of the building; or
  - c. it is not within front building setbacks.
3. Basement parking, loading areas and servicing areas are located and designed to minimise impact on the public domain and adjoining residential uses.
4. On-site parking is to be self-operational and self-managed. Commercial models of parking provision and management are avoided.
5. Development must demonstrate that a clear initiative and direction can be achieved and implemented for parking to be made available to staff and visitors of the site, with minimum to no cost.
6. Development must demonstrate that a clear initiative and direction can be achieved and implemented for the allocation of parking spaces to the various users to assist with parking management and sustainable usage.

---

## 17.0 Energy efficient design

### **Objectives**

1. Development incorporates passive environmental design to reduce energy usage and ongoing costs.

### **Controls**

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

1. Avoid dark or mirrored glass as means of reducing heat loading.
2. North, east, and west facing glazing is shaded by external screens, louvres, or overhangs.
3. Maximise thermal mass where possible in north facing rooms.
4. Light coloured roofing materials with a high Total Solar Reflectance are to be used to reduce heat loading.
5. Solar systems (energy/water) are encouraged to be installed on roofs to generate electricity and/or reduce energy consumption. Batteries can be used to store energy for use in the evenings.

## 18.0 Building and workplace amenity

### **Objectives**

1. Development provides workplaces or office spaces within a building with good daylight and solar access.
2. Development uses natural cross ventilation to reduce air conditioning usage and provide healthy work environments.
3. Ceiling heights allow for habitable areas with a high degree of amenity.
4. Workplaces provide accessible open space for staff and employees.

### **Controls**

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

1. 50% of office areas, workspaces, and consulting suites within a building are located no more than 12m from building facades providing natural daylight.
2. Enclosed spaces and rooms are limited along the building perimeter to maximise natural daylight access.
3. Site constraints may require reduced building depths to meet good daylight and solar access amenity.
4. Where appropriate, buildings are designed with narrow floor plates and operable windows on opposing facades to allow for natural cross ventilation.
5. Open windows are located away from site constraints that would lead to them not being opened or used. eg busy roads, noisy equipment, sources of odours.
6. The following minimum ceiling heights are provided:
  - a. 3.6m for ground floor retail, workspaces, areas accessible to the public, lobbies
  - b. 2.7m for upper levels – workspaces, offices, areas accessible to the public



- 
- c. 2.4m for bathrooms, kitchens, storage areas, circulation. Provide 0.5m<sup>2</sup> per employee accommodated on the site (as defined by the BCA) as communal open space.
7. Communal open space is to have a minimum dimension of 3m x 3m and receive 2 hours of direct sunlight between the hours of 9am – 6pm.
  8. Communal open space is shaded and furnished to accommodate seating and eating.
  9. Communal open space is consolidated into a well design, easily identified and usable area, and where practical co-located with landscaped areas.
  10. Communal open space is located and designed to benefit from daylight and natural ventilation.
  11. Where practical, communal open space should be located in proximity to communal kitchen facilities.
  12. Communal open spaces are not located where it would have a negative impact on the local context, and may be located on rooftops and balconies.

## 19.0 Heritage

### **Objectives**

1. Development provides meaningful, considered and high quality Aboriginal and non-Aboriginal heritage interpretation at the site to improve understanding and sense of place within the community.

### **Controls**

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

1. Heritage interpretation, appropriate to the level of heritage significance, is considered holistically across the site and coordinated accordingly across the precincts.
2. A Heritage Interpretation Strategy is submitted for all major development. Heritage interpretation may include the use of historic artefacts, in-situ retention of relics, signage, artwork, public access, guided walks, electronic media, architectural design and built form or the like.
3. Any Aboriginal heritage interpretation is to be delivered in consultation with relevant local Aboriginal stakeholders, considering the sensitivity of Aboriginal cultural heritage, knowledge and values.

## PART E: Place and Precincts

### Section E13 Minmi

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## 1.0 Introduction

This section applies to land identified within **Map 1: Minmi**.

## 2.0 Application

This section applies to all land within the heavy line marked up on **Map 1: Minmi**.



**Map 1: Minmi**

### 3.0 Related sections

The following sections will also apply to development:

- B6 Urban heat

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B7 Land contamination
- C1 Traffic, parking and access
- C2 Movement networks
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C6 Waste management
- C7 Safety & security
- C8 Social impact
- C9 Advertising and signage
- C10 Street awnings and balconies
- C11 Development adjoining laneways
- C12 Open space and landscaping
- C13 Liveable housing
- D1 Subdivision and lot consolidation
- E1 Built and landscape heritage.

### 4.0 Objectives

1. Ensure that Minmi retains its existing village character.
2. Develop as a westernmost local activity centre for the Western corridor.
3. Ensure that the built heritage and character of Minmi is preserved.
4. Contribute to tourist related development and strengthen the local employment base.

### 5.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), unless otherwise defined.

## 6.0 Urban structure – land use

### Controls (C)

C-1. Compatible uses of development are encouraged throughout the village, with more intensive uses located in the village centre. Art and craft related activities are encouraged.

## 7.0 Urban structure – open space

### Controls (C)

C-1. Open space is provided within the village and integrated with community uses.

C-2. Landscape design reinforces the identity of Minmi as a distinct village area separated from other residential development, by establishing and reinforcing landscape features.

## 8.0 Urban structure – biological diversity

### Controls (C)

C-1. Revegetation restores the diversity of indigenous species originally present, which may have been lost

C-2. New development does not adversely affect (and preferably benefits) downstream Hexham Wetlands, which is recognised as being of international significance as habitat for migratory birds.

## 9.0 Urban structure – urban design and heritage

### Controls (C)

C-1. In general, no building shall exceed two storeys in height, in keeping with the existing character of the area.

C-2. Vistas to rolling hills and distant rural and natural landscapes are retained to maintain village context and identity.

## 10.0 Urban structure – archaeology

### Controls (C)

C-1. Where significant land disturbance is proposed, investigations of impacts on both Aboriginal and European heritage is required and field investigations or excavation may be necessary.

## 11.0 Urban structure – 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, land identified in Section E10 (Minmi Extension, Village Centre and Link Road North Precinct) and E11 (Minmi East Precinct).

### Controls (C)

C-1. Drainage channels are retained in a natural condition or improved by rehabilitation.

C-2. Vegetation corridors are maintained or regenerated along creeks.

C-3. Discharges are managed to ensure no excessive export of sediments.

C-4. Nutrients or stormwater flow rates are managed to ensure the health of nearby waterways and wetlands.

## 12.0 Urban structure – access

### Controls (C)

C-1. The principles of walkability, connectivity, permeability, legibility and safety applies to all subdivision and access system design.

## 13.0 Landscape design – traffic control

### Controls (C)

C-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.

## 14.0 Landscape design – gateway

### Controls (C)

C-1. Feature planting, signage and controlled views create a sense of arrival, unique character and reinforces the distinctiveness of the village to other urban development and surrounding bushland.

## 15.0 Landscape design – landscaping in the vicinity of heritage items

### Controls (C)

C-1. Views to identified heritage items are maintained where possible. Screen planting may be introduced to prevent inappropriate views to and from incompatible land uses, which may detract from the sense of place, or to control views to enhance heritage aspects.

## 16.0 Landscape design – contaminated land and land stability

### Controls (C)

C-1. 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.



