

Newcastle DCP 2012 Compliance Table

Control	Requirement	Comment	Compliance
3.00 Land use Specific Provisions			
3.09 Tourist and Visitor Accommodation			
The aim of this Section	1. To encourage tourist and visitor accommodation where permissible and ensure that tourist and visitor accommodation has minimal effect on surrounding development and the environment.	The tourist accommodation component of the proposal is consistent with this overall aim, being permissible in the land use zone, in a suitable location for visitors and has minimal environmental impact.	Y
3.10 Commercial Uses			
The aims of this Section	1. To enhance the economic viability of commercial centres. 2. To encourage commercial development that has a positive contribution to surrounding development. 3. To establish the scale, dimensions and form of development appropriate for the context of the area. 4. Create people friendly places with active street frontages	The proposal is consistent with these aims as it provides commercial development in a suited location, which will contribute to a vibrant and active precinct supporting the surrounding permanent and visitor accommodation. The street frontage is active and attractive, particularly with the proposed outdoor dining area overlooking the street.	Y
3.10.01 Height of buildings	Refer to the Newcastle LEP 2012 for building height controls.	The height of the proposed development is consistent with the LEP 2012 height standard.	Y
3.10.02 Density – floor space ratio	Refer to the Newcastle LEP 2012 for floor space ratio controls.	In accordance with Clause 4.4 the maximum floor space ratio for a building on the site is not to exceed 4:1. However, as the site is also within Area A the provisions of LEP clause 7.10 apply. The effect of this clause is the reduction of maximum permitted FSR to 3:1 for the site, as the proposed development is not a <i>commercial building</i> . The proposed development has a Gross Floor Area of 10,311m ² which equates to an FSR of 2.77:1; and is therefore compliant with this development standard.	Y
3.10.03 Streetscape and front setbacks	1. Within established areas the front setback is consistent with those of adjoining development. Some variations to minimum setbacks can be considered particularly where such variations are used to create streetscape variety and interest. 2. Development facilitates pedestrian access from the street frontage and provides individual identity to dwellings.	Refer to Section 6 of the DCP - Newcastle City Centre Controls.	
3.10.04 Side and rear setbacks	Side and rear setbacks to walls are in accordance with the Building Code of Australia and subject to consideration of impact on the privacy, private open space and solar access of adjoining properties.	Refer to Section 6 of the DCP - Newcastle City Centre Controls.	

3.10.05 Street activation	1. Activated street edges at ground level through the provision of retail premises or business premises uses in business/commercial zones.	The street edge is activated through the provision of commercial space, directly accessible and visually connected to the street, including outdoor dining space.	Y
	2. Ground floor retail uses provide multiple pedestrian accesses along the street frontage.	The ground floor consists of only one retail premises, and the hotel lobby and residential apartments entry.	Y
	3. A visual connection into uses at ground level and avoid the use of solid walls or covered glassing for lengths greater than 3m.	Large expanses of glass are provided to the street at ground level, optimizing visual connectivity between public and private space.	Y
3.10.06 Building design and appearance	1. New development enhances and makes a positive contribution towards the desired built form. 2. The following features of existing areas are considered and integrated into new development where possible: (a) street setbacks (b) grouping or 'rhythm' of buildings within the streetscape (c) corner feature sites (d) traditional street and lane patterns (e) pedestrian walkways and other public open space areas (f) pavement design, including materials and finishes, kerb and gutter treatment.	The proposal comprises a high quality architecturally designed development that makes a positive contribution towards the desired built form of the precinct.	Y
3.10.07 Views and privacy	1. Properties are able to be developed within the established planning guidelines; however, existing views from dwellings are not substantially affected where it is reasonable to design for the sharing of views.	The proposal does not unreasonably obstruct existing views.	Y
	2. Grand vistas and views from dwellings which are recognised and valued by the community are not unreasonably obscured by new development.	The proposal does not obscure and valued vistas or views.	Y
	3. Views to heritage or familiar dominant landmarks from dwellings are not unreasonably obscured.	The proposal does not obstruct views of heritage items or landmarks.	Y
	4. 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 first floor level.	There are no dwellings on adjoining lands. The land to the north, west and south of the site is public land. To the immediate east development is for commercial purposes and has a substantial setback to allow for at-grade parking.	Y
	5. Direct views between living area windows of adjacent dwellings are screened or obscured where: (a) ground and first floor windows are within an area described by taking a 9m radius from any	As above. For the SEPP 65 affected building these DCP provisions are overruled by the ADG. For ADG compliance, refer to Appendix B.	N/A

	part of the window of the adjacent dwelling. An area so defined is described as a 'privacy sensitive zone'. (b) other floor windows are within a 'privacy sensitive zone' described by a 12m radius. 6. Direct views from living rooms of dwellings into the principal area of private open space of other dwellings are screened or obscured within a 'privacy sensitive zone' described by a 12m radius. 7. Direct views described in (5) and (6) may be obscured by one of the following measures: (a) 1.8m high solid fences and walls between ground floor level windows and adjoining open space, where the slope is below 10% (b) screening that has a maximum area of 25% openings, is permanently fixed and is made of durable materials (c) landscape screening either by existing dense vegetation or new planting that can achieve a 75% screening effectiveness within three years. 8. Mechanical plant or equipment designed and located to minimise noise nuisance.	These visual privacy provisions are overruled by SEPP 65 ADG for the residential flat building component. For SEPP 65 ADG compliance, refer to Appendix B. Any direct views will be appropriately screened. Mechanical plant and equipment is has been designed to minimize noise nuisance. A Noise Assessment has been undertaken by <i>Renzo Tonin</i> in respect of the proposal, quantifying the noise impact to and from the proposal (refer to Appendix L). The report concluded that the proposed development is capable of complying with relevant acoustic criteria through the means of standard acoustic treatment and management.	Y Y Y
3.10.08 Fencing and walls	1. The use of fencing along street frontages is not supported. 2. Fences and walls complement the existing streetscape in relation to scale and materials and use similar or compatible materials to those used in attractive buildings within the locality. 3. The use of sheet-metal fencing is avoided adjacent to public places, unless the visual impact is softened by landscaping.	No fences proposed along the street frontage.	N/A
3.10.09 Utilities and services	1. Mail boxes (where provided onsite) are located close to each ground floor entry, or a mail box structure located close to the major pedestrian entry to the site and complying with the requirements of Australia Post. 2. Bin storage areas are roofed and designed to conceal contents from view from adjacent public space and/or other properties. The bin storage area is provided with a water-tap for wash down purposes and is drained to connect to the	Mailboxes are provided within the ground floor lobby. Australia Post will be capable of gaining access via appropriate means. A bin storage area is provided on the ground floor for each use. Each use has an isolated room designed to conceal waste from view as illustrated on the proposed plans (refer to Appendix	Y Y

	sewer. The bin storage area is located as close as practicable to the pick-up location.	A). Bins will be collected direct from the carpark.	
4.00 Risk Management Provisions			
4.01 Flood Management			
4.01.03 Flood Management	1. Floor levels of all occupiable rooms of all buildings are not set lower than the FPL. 2. Garage floor levels are no lower than the 1% Annual Exceedance Probability Event. However, it is recognised that in some circumstances this may be impractical due to vehicular access constraints. In these cases, garage floor levels are as high as practicable. 3. Basement garages may be acceptable where all potential water entry points are at or above the probable maximum flood (PMF), excepting that vehicular entry points can be at the FPL. In these cases, explicit points of refuge are accessible from the carpark in accordance with the provisions for risk to life set out below. 4. Electrical fixtures such as power points, light fittings and switches are sited above the FPL unless they are on a separate circuit (with earth leakage protection) to the rest of the building. 5. Where parts of the building are proposed below the flood planning level, they are constructed of water-resistant materials.	The habitable rooms of the proposal are located at RL 3.0m AHD, which provides for 500mm freeboard in a 1%AEP event. The carpark is located at the identified 1%AEP event level of 2.5m AHD. The proposal does not incorporate a basement level carpark. Noted.	Y Y Y Y
4.01.04 Management of potential risk to life	Only permit new development or redevelopment where the full potential risk to life from flooding can be managed for all floods up to and including the PMF.	The site and carpark entry propose adequate surface levels to ensure safety for future occupants of the development.	Y
4.03 Mine Subsidence			
	All developments located in areas affected by mine subsidence must have approval from the Mine Subsidence Board prior to lodgement with The City of Newcastle.	As the site is within a mine subsidence district, approval from Subsidence NSW (SNSW) is required for the proposed development. The proposed plans have been lodged with SNSW; however no response has been received to date. Approval from the SNSW shall be required prior to commencement of the proposed development.	Y

4.04 Safety and Security

4.04.01	1. Good surveillance is achieved by: (a) clear sightlines between private and public spaces (b) effective lighting of public places (c) landscaping that makes places attractive, but not a place to hide. 2. Good access control for the movement of people is achieved by: (a) landscapes and physical locations that channel and group pedestrians into target areas (b) public spaces that attract rather than discourage people from gathering (c) restricted areas to internal or high risk areas (e.g. car parks). 3. Community ownership (territorial reinforcement) makes people feel comfortable in a place and is achieved by: (a) a design that encourages people to gather in public spaces (b) having a clear transition between boundaries of public and private spaces (c) having clear design cues as to who is to use the space and what it is to be used for. 4. Space management strategies such as activity coordination; site cleanliness and graffiti repair are proposed for the development proposal.	The proposal has been designed where possible in accordance with CPTED principles. An assessment of the development against the CPTED principals is provided within Appendix N; and addresses good surveillance, good access control, community ownership and space management strategies.	Y
	<u>For business/commercial developments:</u> 5. Clearly delineate the change from public to private space to deter intruders.	The design has a distinct delineation between the active commercial space and the public domain by way of low planters and stairs.	Y
	6. Buildings are designed to maximise casual surveillance of public and communal spaces including back access lanes, carparks, streets, entrances.	Natural surveillance of the public domain, particularly at street level, is optimal.	Y
	7. Provide active frontage to the public domain.	The street level is designed with an active frontage, having dining space spill out the front of the building adjacent to the footpath.	Y
	8. Ensure fences and walls maintain surveillance of the street.	No fences proposed.	Y
	9. Building entries are designed to: (a)	Building entries are sheltered,	Y

	provide the resident/occupier with a sense of personal address and shelter (b) incorporate a transitional space around the entry (c) be clearly visible and easily identifiable from streets, public areas or internal driveways, to enable visitors to easily identify a particular building.	incorporate a transitional space for people between the entry and the commercial premises, and clearly identifiable. Lobbies for the hotel and apartments are provided on either side of the commercial premises.	
	10. Pedestrian access and parking on a site is clearly defined, appropriately lit, visible, and provides direct access to buildings from areas likely to be used at night.	Pedestrian access and carpark areas are clearly defined and secure access provided; appropriate lighting to be provided at the street front and carpark levels. The active ground floor use will contribute to a safe sense of space with casual surveillance.	Y
	11. Underground parking areas incorporate security systems, for example intercoms, to discourage intruders.	The carpark, hotel lobby and apartment lobby offer secured access via fob key.	Y
	12. Major pedestrian, cycle and vehicle thoroughfares are identified and reinforced as 'safe routes' through: (a) appropriate lighting (b) the potential for informal visual surveillance from neighbouring buildings (c) minimising opportunities for concealment (d) avoiding 'blind' corners.	Appropriate lighting and security measures provided to the carpark. The adjoining public space to the west will be overlooked by the proposed serviced apartments and thereby provided with a sense of informal security.	Y
	13. Use etch-proof windows and materials that are graffiti resistant for all external building surfaces within or accessible to public and communal spaces, including street frontage, rear or side access lanes, car parks, and entrances. <u>For Residential accommodation:</u>	Robust building materials incorporated.	Y
	20. Buildings adjacent to public or communal streets or public space are designed to allow casual surveillance and have a window from at least one habitable room facing that area.	Residential apartments are located above street level incorporating good natural surveillance opportunities to the surrounding public domain. The serviced apartments feature living spaces overlooking the public space to the west at ground level; the hotel suites provide full height windows to the south and west overlooking public space; and the residential apartments on the upper levels	Y

	21. Adequate lighting to all pedestrian paths, shared areas, parking areas and building entries. 22. Shared entries are to serve a maximum of 12 dwellings. 23. Access from car parks to dwellings is direct and safe for residents. 24. Dwellings oriented towards the street with entrances clearly visible.	provide west and north-facing habitable rooms to overlook to the street and public space. Adequate lighting shall be installed. The residential flat building is provided with 2 lifts and secured, restricted access. These lifts typically serve 11-15 apartments together on apartment floors; with the exception of level 7 which has 22 apartments. The access design is direct and safe. This is not applicable to the proposal, as it does not feature dwellings facing the street at ground level. However, the serviced apartments at ground level have clearly visible individual entries.	Y N Y Y
4.04.02 Crime Risk Assessment	1. A Crime Risk Assessment may be required for large developments to assist Council assess crime risk in local developments. For further information please refer to Crime Prevention and the Assessment of Development Applications, 2001 (Department of Planning).	As the development proposes >20 dwellings it triggers the need for formal evaluation of crime risk. A Crime Risk Assessment is therefore provided at Appendix N for this proposal.	Y
4.05 Social Impact			
4.05.01 Social Impact	1. Development applications comply with the requirements of the 'Social Impact Assessment Policy for Development Applications, 1999', The City of Newcastle.	The development is considered to provide adequate connectivity between the proposed housing and commercial space; with the wider community and services within the locality of Newcastle.	Y
5.00 Environmental Protection Provisions			
5.01 Soil Management			
5.01.01 Erosion Prevention	<u>For development where site disturbance is between 250m² and 2,500m² involving construction, demolition or earthworks:</u> 2. An erosion and sediment control plan complies with 'Managing Urban Stormwater: Soils and Construction' (the 'Blue Book').	The proposal has incorporated a stormwater management design, and erosion and sediment control practices which are suitable for the scale and type of building proposed. Details are provided within the civil design plans at Appendix D.	Y

	3. Extent of clearing/disturbance is limited to locations of site works, and as much existing natural vegetation is to be retained as much as possible. 4. Topsoil stockpiles are stored as low mounds, not compacted and are sown with a temporary grass cover if left longer than 4 weeks. Easily wind-borne material such as sand and cement dust are covered. 5. Temporary fencing is placed around trees to prevent soil compaction and root damage. 6. Site clearing is staged to allow recycling of site material for re-use in the landscaping of the development. For example surface rock or gravel may be re-used.	Extent of disturbance will be limited to the site. There is currently no natural vegetation existing onsite. Noted. N/A Noted.	Y Y N/A Y
5.01.02 Sediment Control	<u>For development where site disturbance is between 250m² and 2,500m² involving construction, demolition or earthworks:</u> 3. An erosion and sediment control plan should comply with 'Managing Urban Stormwater: Soils and Construction' (the 'Blue Book'). 4. Where there is native grassland on-site and not in conflict with the proposed development, it is retained as a preferred groundcover to assist with stormwater run-off interception and absorption. 5. Where there are areas of significant and useful site vegetation, including native grass cover, these areas are fenced off and protected during construction. Use of these areas for construction access, storage of construction material and dumping waste material is prevented.	The proposal has incorporated a stormwater management design, and erosion and sediment control practices which are suitable for the scale and type of building proposed. Details are provided within the civil design plans at Appendix D. No native grassland present onsite. No areas of significant and useful vegetation exist onsite.	Y N/A N/A
5.01.03 Cut and Fill	1. A site plan prepared by a registered surveyor is submitted demonstrating the existing levels of the property and proposed levels of the landfill. 2. Development minimises the amount of cut and fill required by: (a) maximum cut of 3m within the building envelope (b) maximum fill within building envelope of 1m (c) maximum cut external to building	Site survey plan has been prepared and is provided within Appendix P. The extent of earthworks required has been minimised in the design, having above ground carpark and only requiring cut to the central portion of the site as a result of the landform. The design and	Y Y

	envelope of 1m (d) maximum fill external of building envelope of 1m. (e) variation to (a), (b), (c) or (d) above will require justification, design and certification by a Structural Engineer. 3. No cut or fill is to take place within easements. 4. If landfill is to be used it is preferred that it is virgin excavated natural material (VENM). If landfill contains material other than VENM, a licence may be required from the Office of Environment and Heritage. 5. Stormwater or surface water runoff is not to be redirected or concentrated onto adjoining properties so as to cause a nuisance. 6. Buildings are designed to relate to the existing topography with minimal excavation or fill and with the height of foundations kept to a minimum.	finished levels have also been influenced by the impact of flooding. Further details provided at Civil Drawings at Appendix D and Flooding Assessment at Appendix E. N/A N/A Stormwater is appropriately managed in the design (refer to Appendix D). The extent of earthworks required has been minimised in the design, having above ground carpark and only requiring cut to the central portion of the site as a result of the landform.	N/A N/A Y Y
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5.02 Land Contamination

5.02.01 Plan Making & Development Assessment	<u>A: Initial Investigation</u> 1. Where the proposal involves a change of use of land, or the carrying out of earthworks, Council is to undertake an initial evaluation generally in accordance with the relevant Contaminated Land Planning Guidelines. 2. The initial evaluation is to comprise an assessment of readily available factual information. Its purpose is to determine whether contamination is an issue that requires further investigation prior to the preparation of the plan, or determination of the matter and whether a site investigation process is required to be carried out. 3. The evaluation is to be based upon records held by Newcastle City Council that are readily accessible, and may also be based upon factual information gained from a site inspection. There is no requirement to research or consider records held by other agencies. Matters to be considered are described in the Technical Manual for this section (Newcastle Contaminated Land	The SEARS for this proposed SSD requests that contamination be investigated during the preparing of the EIS. An environmental site assessment has been carried out by Douglas Partners in accordance with the Contaminated Land Planning Guidelines. Refer to Appendix H. Noted.	Y Y Y
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	Management Technical Manual). <u><i>B: Is a site investigation required?</i></u> 1. If after initial evaluation there is nothing to suggest that the land might be contaminated, or that further enquiry is warranted, Council and the proponent may proceed without further reference to this Section 5.02 Land Contamination. 2. If there are indications that: (a) the land is or may be contaminated land, or (b) there is insufficient information on which to make a decision, a site investigation process is to be carried out in accordance with the Contaminated Land Planning Guidelines. 3. The circumstances in which a site investigation process is required also include those specified in clauses 6 and 7 of State Environmental Planning Policy No 55 – Remediation of Land. In accordance with these clauses, Council will require a preliminary investigation to be submitted with zoning and rezoning applications or a subdivision or development application where land is concerned: (a) land that is within an investigation area (b) land on which potentially contaminating land use is being, or is known to have been carried out (c) land on which it is proposed to carry out development for residential, educational, recreational or child care purposes, or for a hospital: (i) where there is no knowledge (or incomplete knowledge) as to whether potentially contaminating development has been carried out on the land, and (ii) where it would have been lawful to carry out such development on the land during any period in respect of which there is no knowledge (or incomplete knowledge). <u><i>C: Site Investigation Process</i></u> 1. The appropriate level of investigation will depend on the specific circumstances and may involve one or more of the following stages as described in Guidelines for Consultants Reporting on Contaminated Sites (NSW EPA) and section 3.4 of the Contaminated Land Planning Guidelines. ▪ Stage 1 - Preliminary investigation ▪ Stage 2 - Detailed investigation ▪ Stage 3 - Remedial action plan ▪ Stage 4 - Validation and site monitoring. The proponent is responsible for undertaking and paying for the site investigation process.	See below. An environmental site assessment has been carried out by Douglas Partners in accordance with the Contaminated Land Planning Guidelines. Refer to Appendix H. Noted. An environmental site assessment was undertaken by Douglas Partners in accordance with the Contaminated Land Planning Guidelines. Refer to Appendix H.	Y Y Y Y
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	2. Reports submitted to Council must include an electronic copy consisting of a single PDF document or similar. Reports consisting of multiple files will not be accepted. Reports and associated drawings and tables must be legible when printed in black and white.	Noted.	Y
5.02.03 Remediation Work	1. Remediation of land to be subdivided or developed is completed consistent with the proposed or current zoning and land use, so that it does not place any future land owner or occupier in a position where further remediation of contaminants is required. In the case of subdivision, all remediation work including site capping is to be completed on the development lots prior to the issue of a subdivision certificate.	Works shall be carried out in accordance with the recommendations of the Contamination and Acid Sulfate Soils Assessment (refer to Appendix H) including recommendations for a RAP to be prepared. The site will be suitable for the development and future occupancy. This is further discussed in Section 4.8.5 of the EIS.	Y
5.04 Aboriginal Heritage			
5.04 Aboriginal Heritage	Aims of this section 1. To provide guidance to developers about appropriate investigations and assessments required to determine the likely impacts of a development on Aboriginal cultural heritage. 2. To encourage a precautionary approach to Aboriginal cultural heritage that supports conservation of Aboriginal heritage and places of significance to Aboriginal people.	A Preliminary Aboriginal Archaeological Assessment has been prepared by Archaeological Management & Consulting Group, and Streat Archaeological Services. This is provided at Appendix M. The site has the potential to hold Aboriginal archaeological and cultural objects/and or deposits. Further investigations will be undertaken.	Y
5.05 Heritage Items			
5.05.06 Development in the vicinity of a Heritage Item	1. New development and alterations and additions in the vicinity of heritage items respects and enhances the setting and significance of the heritage item with regard to the following elements: (a) building envelope (b) proportions (c) setbacks (d) material and colours. 2. Development in the vicinity of heritage items respect the heritage item by: (a) retaining adequate space around the heritage item to enable its interpretation (b) conserving significant landscaping including horticultural features, trees, and outbuildings (c) enabling archaeological sites to be conserved in accordance with relevant approvals (d) retaining significant views and lines of sight to the heritage item.	The site adjoins the Newcastle City Centre Heritage Conservation Area, and there are items of significance in the general area. However, the proposed development will not affect the significance of the listed heritage buildings, nor detract from their setting or obstruct any view of these items from public places.	Y
5.06 Archaeological Management			
5.06.01 Archaeological management	1. Establish potential archaeological significance and location of archaeological sites or potential archaeological sites during the design development process.	A Preliminary Aboriginal Archaeological Assessment has been prepared by Archaeological Management & Consulting Group, and Streat Archaeological Services. This is provided at	Y

	2. Assess archaeological significance of the potential or known archaeological site during the design development process.	Appendix M. The site has the potential to hold Aboriginal archaeological and cultural objects/and or deposits. Further investigations will be undertaken.	
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Control	Performance Criteria	Comment	Compliance
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6.00 Locality Specific Provisions – Newcastle City Centre

6.01 Character Areas

Character Area Statement for Honeysuckle	Honeysuckle is currently the premier locale for A-grade large floor plate commercial office development. A range of complementary uses include higher density residential development, restaurants and hotels which take advantage of Honeysuckle's prime position on the Hunter River foreshore. Honeysuckle has opportunities for significant public domain. The extension of the foreshore park westwards will form a continuous publicly accessible foreshore that extends from Maryville to Merewether around the city centre peninsula.	The proposal will complement the surrounding commercial developments concentrated in Honeysuckle; providing residential development, a restaurant at ground floor and a hotel; perfectly situated in the foreshore precinct of Honeysuckle.	Y
Principles for the Honeysuckle precinct	a) Development between the rail corridor and Honeysuckle Drive provides a building address to both frontages.	The proposal relates to both the light rail and Honeysuckle Drive frontages. Hotel rooms have glazing to the light rail corridor outlook, and the façade is well articulated with changes in finishes and planting.	Y
	b) Development along the waterfront, Cottage Creek, lanes or through-site links provide a building address to encourage activity, pedestrian and cycleway movement, and improve safety.	The site adjoins public space alongside the drainage line and provides serviced apartments to this aspect appropriately. The apartments have individual pedestrian entries and gardens and afford casual surveillance.	Y
	c) Heritage items and their setting are protected	The proposal will have no substantial impact on heritage items and their setting.	Y

6.01 General Controls

A1 Street Wall Heights	Street wall heights of new buildings define and enclose the street, are appropriately scaled and respond to adjacent development. Acceptable solutions:	The street wall height of the proposal is 5 storeys (approx. 17.7m). The building is stepped back from the 6 th to 9 th storey the required 6m. This design relates to the land uses within the building.	Y
	a) New buildings have a street wall height of 16m unless indicated otherwise. b) Any development above the street wall height is set back a minimum of 6m. c) Corner sites may be emphasized by design elements that incorporate	As the site is situated on a 'corner' having no private lands adjoining the western boundary, the proposed wall height should be considered on merit as an acceptable solution in accordance with this clause.	Y

	some additional height above the nominated street height.																	
A2 Building Setbacks	A2.01 Building setbacks define and address the street and public domain spaces, and respond to adjacent buildings. Acceptable solutions: a) Front setbacks are nil (zero) unless shown otherwise b) Where it is not possible to meet the setbacks in Figure 6.01-13 and Table 6.01-1 new development aligns with the adjoining front setbacks. Table 6.01-1 Minimum side and rear setbacks for Commercial buildings <table><tr><th colspan="3">Minimum setback for side and rear boundaries</th></tr><tr><th>Part of building</th><th>Side boundary*</th><th>Rear boundary*</th></tr><tr><td>Below street wall height</td><td>nil</td><td>nil</td></tr><tr><td>Between street wall height and 45m</td><td>6m</td><td>6m</td></tr><tr><td>Above 45m</td><td>12m</td><td>12m</td></tr></table> c) When a setback is used, footpaths, steps, ramps and the like may be provided within it. d) Minor projections beyond the setback are possible for Juliette balconies, sun shading devices, and awnings. e) Projections into the setbacks are complementary to the style and character of adjoining buildings. A2.02 Side and rear setbacks enhance amenity and allow for ventilation, daylight access, view sharing and privacy for adjoining buildings. Acceptable solutions: a) Development may be built to the side and rear boundary (a nil setback) below the street wall height. b) Commercial development above street wall height is consistent with the side and rear setbacks outlined in Table 6.01-1 and Figure 6.01-14. Alternative solutions • Where there is no adjoining development to respond to, half the separation distances to boundary	Minimum setback for side and rear boundaries			Part of building	Side boundary*	Rear boundary*	Below street wall height	nil	nil	Between street wall height and 45m	6m	6m	Above 45m	12m	12m	The proposal addresses the street frontage, adjoining public spaces and adjoining development. The front of the building is setback from the street 5 metres to allow an alfresco dining area for the active street frontage, similar to surrounding developments. This is commensurate with adjoining development and development along Honeysuckle Drive with appropriate podium levels transitioning to the building entry. Refer to Appendix A. The upper levels of the proposed building accommodate residential land uses, to which SEPP 65 ADG setbacks apply. Refer to Appendix B. The side and rear setbacks of the proposal allow for ventilation, sunlight and privacy. Refer to the SEPP 65 ADG. There is no commercial land use adjoining a side boundary. The commercial development only has frontage to Honeysuckle Drive. The reminder of the building accommodates residential uses, to which the SEPP 65 ADG requirements apply.	Y Y N/A N/A N/A
Minimum setback for side and rear boundaries																		
Part of building	Side boundary*	Rear boundary*																
Below street wall height	nil	nil																
Between street wall height and 45m	6m	6m																
Above 45m	12m	12m																

	recommended in the Residential Flat Design Code may be acceptable. Where there are no openings within the wall, the side setbacks are consistent with Table 6.01-1 and Figure 6.01-14.																		
A3 Building Separation	Sites that accommodate more than one building achieve adequate daylight, ventilation, outlook, view sharing and privacy for each building. Acceptable solutions: a) Buildings achieve the minimum building separation for commercial buildings within the same site, as shown in Table 6.01-2 and Figure 6.01-15. <table border="1"><caption>Table 6.01-2 Minimum building separation</caption><tr><th>Up to 16m</th><th>Up to 45m</th><th>Above 45m</th></tr><tr><td>Nil or 6m for link</td><td>9m</td><td>21m</td></tr></table> b) Building separation distances may be longer for residential and mixed-use developments to satisfy SEPP65 guidance.	Up to 16m	Up to 45m	Above 45m	Nil or 6m for link	9m	21m	The proposed development achieves adequate daylight, ventilation, outlook, view sharing and privacy. Refer to SEPP 65 ADG provided at Appendix B.	N/A										
Up to 16m	Up to 45m	Above 45m																	
Nil or 6m for link	9m	21m																	
A4 Building Depth and Bulk	A4.01 Building depth and floor plate sizes relate to the desired urban form and skyline of the city centre. Acceptable solutions: a) Buildings achieve the maximum building depth and floor plate sizes as outlined in Table 6.01-3. <table border="1"><caption>Table 6.01-3 Maximum building depth and floor plate size</caption><tr><th>Building typology</th><th>Floor plates affected</th><th>Maximum GFA per floor</th><th>Maximum Building Depth*</th></tr><tr><td>Campus-style commercial building</td><td>All floor plates; Honeysuckle</td><td>2,500m²</td><td>25m</td></tr><tr><td>Commercial tower</td><td>Above street wall height</td><td>1,200m²</td><td>25m</td></tr><tr><td>Residential tower</td><td>Above street wall height</td><td>900m²</td><td>18m</td></tr></table> b) Buildings with large floor plates are expressed as separate building elements. c) Buildings above street wall height have a maximum building length of 50m. d) Floor plates are flexible and allow adaption for multiple configurations or uses	Building typology	Floor plates affected	Maximum GFA per floor	Maximum Building Depth*	Campus-style commercial building	All floor plates; Honeysuckle	2,500m²	25m	Commercial tower	Above street wall height	1,200m²	25m	Residential tower	Above street wall height	900m²	18m	Building depth and floor plate sizes relate to the desired urban form and skyline of the city centre. Refer to SEPP 65 ADG provided at Appendix B.	N/A
Building typology	Floor plates affected	Maximum GFA per floor	Maximum Building Depth*																
Campus-style commercial building	All floor plates; Honeysuckle	2,500m²	25m																
Commercial tower	Above street wall height	1,200m²	25m																
Residential tower	Above street wall height	900m²	18m																

	A4.02 Buildings achieve good internal amenity with minimal artificial heating, cooling and lighting. a) Workspaces in office buildings achieve adequate natural light. Design solutions include windows, atria, courtyards or light wells and by locating workspaces within 10-12m from a window or daylight source. b) Consider opportunities to incorporate natural ventilation for commercial and mixed use development. Design solutions include the use of cross ventilation or stack effect ventilation via atria, light wells or courtyards to reduce reliance on artificial sources	The proposed development achieves good internal amenity with minimal artificial heating, cooling and lighting. Refer to SEPP 65 ADG provided at Appendix B.	
A5 Building Exteriors	1. Building exteriors feature high quality design with robust materials and finishes. 2. Building exteriors make a positive contribution to the streetscape and public domain. 3. Building exteriors are designed ensure a positive contribution to streets and public spaces. 4. Building exteriors respond to adjoining buildings.	Materials and finishes complement the character of the precinct. High quality, durable materials are proposed. Building exteriors make a positive contribution to the streetscape and public domain. Building exteriors have been designed ensure a positive contribution to the street. The design considers the adjoining building, and respects the future development potential of that site in the current proposed development.	Y Y Y Y
A6 Heritage Buildings	1. Development conserves and enhances the cultural significance of heritage items. Acceptable solutions: 2. Infill development conserves and enhances the cultural significance of heritage items and their settings. 3. Alteration and additions respond appropriately to heritage fabric and the item's cultural significance. 4. New building elements support future evolution of the heritage item. 5. Employ interpretation treatments	The proposed development is consistent with the heritage strategy and policy of Newcastle. Refer to Section 5.07 of this compliance table for further detail and the Statement of Heritage Impact provided within Appendix M.	Y

	when altering, adapting or adding to a heritage item.		
	6. Encourage new uses for heritage buildings.		
A7 Awnings	1.Awnings provide shelter for public streets where most pedestrian activity occurs.	The proposal incorporates ground floor awnings above the outdoor dining space and public domain.	Y
	2.Address the streetscape by providing a consistent street frontage in the City Centre.	The proposed awnings are consistent with others in the immediate locality.	Y
A8 Design of Parking Structures	1.At-grade or above-ground parking structures are well designed.	The proposed development incorporates carparking within the building, well integrated into the overall building design using appropriate materials and façade treatment.	Y
	2.Minimise the visual impact of at grade or above-ground parking structures.		
	3.Basement car parks are designed to provide protection against flooding.	Whilst not incorporating a basement, the carpark design has regard for flooding.	Y
B1 Access Network	1.Streets prioritise pedestrian, cycling and public transport users to support sustainable travel behaviour.	The development enhances pedestrian amenity along Honeysuckle Drive; and affords surveillance of the street from the commercial premises at ground level as well as residences atop. Suitable lighting shall be incorporated and active street frontage encouraged through large-span glazing and commercial premises' openings to Honeysuckle Drive.	Y
	2.Lanes, through-site links and pedestrian paths are retained, safe and enhanced to promote access and public use.	Public transport stops are within close proximity to the site with adequate pedestrian access available. Refer to the Green Travel Plan provided at Appendix J.	Y
	3.Street and block network is permeable and accessible to promote pedestrian use.		
	4.Public transport facilities are integrated into the access network.	The site is serviced by existing cycle routes. Refer to the Green Travel Plan provided at Appendix J for a City and Local Trails Cycling Map of Newcastle and surrounds.	Y
	5.Cycle routes are safe, connected and well-designed.		
B2 Views and Vistas	1.Public views and sight lines to key public spaces, the waterfront, prominent heritage items and landmarks are protected.	There are no identified significant views in proximity to the site. The site enjoys some sight lines toward the harbour foreshore which are facilitated in the proposed building design.	Y
	2.New development achieves equitable view sharing from adjacent development.		
B3 Active Street Frontages	In identified activity hubs ground floor uses add to the liveliness and vitality of the street.	The site is located within an activity hub. The development proposes active street frontage to Honeysuckle Drive through provision of commercial use at ground level with large expanses of glazing and openings, encouraging activity and visual connection between the premises and the street.	Y

B4 Addressing the Street	1. Buildings positively address streets, footpaths, lanes and other public spaces.	The building positively addresses the street, with commercial premises' entries at street level; visual connectivity between the ground floor premises and street; the building address prominently displayed on the building; external lighting to be appropriately integrated; high quality building finishes; and good opportunities for surveillance of the street from all levels of the building.	Y
	2. Ground levels are designed to mitigate flood risk while ensuring accessibility and a positive relationship to the public domain.	The ground floor level is designed to minimise flooding impact, with habitable rooms at the FPL. The relationship between the building entry and the adjoining public domain is maintained with pedestrian steps and ramp.	Y
B5 Public artwork	1. Significant development incorporates public artwork.	The building is not a public or civic building and does not exceed 45m. Therefore public art investment is not applicable.	N/A
B6 Sun access to public spaces	Reasonable sunlight access is provided to new and existing significant public spaces.	The site does not affect solar access to any significant public spaces. Shadow diagrams have been prepared in respect of the proposal to illustrate the likely outcome. Refer to Appendix A.	Y
Control	Requirement	Comment	Compliance
7.00 Development Provisions			
7.02 Landscaping, Open Space and Visual Amenity			
7.02.01 Categories of development	<u>Category 3 - large scale development</u> A landscape plan is required for Category 3 development. All documentation is to be prepared by a Landscape Architect or similar qualified professional practising at the membership level of Registered Landscape Architect of the Australian Institute of Landscape Architects, or as determined by Council.	The proposal is considered to fall within category 3 large scale development under the DCP. A Landscape Plan has been prepared for the proposed development as contained within Appendix C.	Y
7.02.02 General controls	1. Landscaping is in scale and context with the proposed development, street reserve width, other buildings and landscape elements within the streetscape, i.e. 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.	The development will maintain a sufficient level of landscaped area for the development. Refer to Appendix C.	Y
	2. Existing trees and vegetation should be preserved particularly street trees and those within the front setback. The existing tree canopy is retained and enhanced wherever possible.	No existing trees onsite.	N/A

3. Where possible integrate on-site stormwater management with the design of landscaped areas.	Noted. Refer to the Landscape Design at Appendix C. Irrigation has been considered in the landscape design for the development.	Y
4. Plant species are selected and located to avoid structures, services and paths.	Noted.	Y
5. Undesirable species are not selected (See Appendix 1 of Urban Forest Technical Manual and Appendix B Landscape Technical Manual).	Suitable species selection is incorporated in the landscape design.	Y
6. Deep soil zones are optimised within a site by: (a) the design of basement and sub-basement car parking, so as not to fully cover the site and conflict with tree planting (b) ensuring appropriate front and side setbacks are provided for tree planting (c) that the soil profile is free draining (d) works, excavations, infrastructure, services and drainage pipes are located away from the deep soil zone (e) optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjacent properties.	Appropriate deep soil zones are provided where possible. Refer to Architectural Plans at Appendix A; Landscape Plan at Appendix C and ADG Assessment at Appendix B.	Y
7. Landscape treatment within the front setback is substantial enough to enhance the appearance and integration of the development with the streetscape.	Planter boxes proposed at the street frontage of the development enhance the appearance and integration of the development with the streetscape.	Y
8. Landscape design responds to user requirements, taking into account maintenance, social / recreational needs and aesthetic quality.	User requirements and ongoing maintenance have been considered in the design.	Y
9. Plant species are suitable for site conditions, using native species where possible, and local indigenous species adjoining environmentally sensitive sites, such as waterways and bushland.	Suitable species have been incorporated in the design. Further detail is provided at Appendix C.	Y
10. Landscape design is used to enhance the amenity and energy efficiency of the development where possible by providing shade to the northerly and westerly elevations of buildings in summer and adequate solar access in winter.	Appropriate shading is considered in the landscape design provided in Appendix C.	Y
11. Landscape areas to address privacy issues between dwellings.	Proposed landscaping provides additional privacy between apartment terraces.	Y
12. Significant site vegetation, landscape features incorporated in the public landscape areas of the development and linked to the local open space network where possible.	There are no significant features to be retained as the site has previously been developed. The landscape design includes enhancement of ground level	Y

		public areas.	
	13. Adequate provision is made for planted buffer zones between major road corridors and nearby development.	N/A.	N/A
7.02.06 Green walls and roof space	1. Planting on structures is designed for optimum conditions for plant growth by: (a) providing soil depth, soil volume and soil area appropriate to the size of the plants to be established (b) providing appropriate soil conditions and irrigation methods (c) providing appropriate drainage.	The landscape design has been prepared by a Landscape Architect and incorporates suitably designed planters for landscaping on structures. The Landscape Design is provided at Appendix C.	Y
	2. Planters are to be designed to support the appropriate soil depth and plant selection by: (a) ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure healthy tree and shrub growth (b) providing square or rectangular planting areas where possible, rather than narrow linear areas.	Suitable planters have been designed for the intended species.	Y
	3. Provide sufficient soil depth and area to allow for plant establishment and growth.	Suitable areas have been allocated for the intended species.	Y
	4. Green walls are used to enliven blank facades.	Trees will be planted within the site boundary to provide landscaping to the carpark façade.	Y
	5. Water filtration is optimised by green roofs through the use of permeable paving.	N/A	N/A
	6. Utilities such as plant rooms, lift overruns or air conditioning units are screened with green cover to improve the aesthetic quality of the development.	Planting is used throughout the proposal to improve the aesthetic quality of the development.	Y
7.03 Traffic, Parking and Access			
7.03.01 Traffic Studies and plans	1. The Statement of Environmental Effects addresses the following issues: (a) parking facilities provided, with details of calculations, types, number and arrangement (b) proposed access arrangements and their compliance with design standards outlined in this Section (c) identification of public transport services, stops and shelters in the vicinity of the development (d) traffic generation, impacts expected and proposed traffic management measures.	A Traffic Impact Assessment Is provided within this report as Appendix K and includes all these required details.	Y
	2. Development proposals which, in the opinion of Council, may cause significant impacts on the surrounding movement network, are supported by a Traffic Impact Study, prepared by a suitably qualified and experienced transport professional.	A Traffic Impact Assessment has been prepared for the proposal, and is provided at Appendix K.	Y

7.03.02 Parking Provision	<u>Newcastle City Centre:</u> Car Parking for non-residential development is provided at the rate of 1 space per 60m² GFA. For residential accommodation car parking is provide at the following rate per dwelling: Small (<75m² or 1 bedroom) = average 0.6 spaces per dwelling. Medium (75m² - 100m² or 2 bedrooms) = average 0.9 spaces per dwelling. Large (>100m² or 3 bedrooms) = average 1.4 spaces per dwelling. Plus 1 space for the first 3 dwellings and 1 space for every 5 thereafter or part thereof for visitor parking. Carparking for hotel accommodation is provided at the rate of: <u>Min:</u> 1 space / 2 staff + 0.5 spaces / unit. <u>Max:</u> 1 space / 2 staff + 1 space / unit. Carparking for serviced apartments is provided at the rate of: 1 space / 2 staff + 1 space / unit. 2. Parking provision for major traffic generating development in Newcastle is assessed on merit, with particular reference to: (a) likely peak usage times (b) the extent to which development will attract additional patronage, as opposed to drawing on existing visitations (c) the likely use of public transport. 4. Provision of car parking and associated internal vehicular access and manoeuvring areas above the maximum rates nominated in Table 1 are included in the gross floor area for the purpose of calculating floor space ratio, except where provided in association with controls 5 and/or 6. 5. Where a development proposal involves alterations or additions to an existing building, a change in use or an intensification of use, the required on-site parking provision is based on the likely demand arising from the additions or the intensification of use, as assessed by Council. The possibility of a future change of use is also considered when preparing a development proposal and, if appropriate, due allowance made for provision of supplementary parking spaces. This applies particularly to	<u>Commercial Parking:</u> GFA proposed = 102m². = 2 retail spaces required <u>Resident Parking:</u> 6 small units x 0.6 = 3.6 spaces + 32 med. units x 0.9 = 28.8 spaces + 14 large units x 1.4 = 19.6 spaces = = 52 resident spaces required. <u>Visitor Parking:</u> For 52 units = 11 visitor spaces required. <u>Hotel Parking:</u> 2 staff + 147 units = Min. 72; Max 147 hotel spaces required. <u>Serviced Apartments Parking:</u> 7 apartments = 2 staff + 7 serviced apartment spaces required. A minimum total of 152 spaces (/ 220 maximum) are required. The proposal provides 245 car parking spaces and is therefore compliant with the DCP requirement. Noted. A Traffic Impact Assessment has been undertaken for the proposal and is provided at Appendix K. Surplus parking will be available for utilization as public parking and therefore has not been included in calculating the floor space ratio of the proposed development.	Y Y Y Y Y Y Y
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	premises being constructed for leasing or renting or in those premises where the type of occupation could be subject to variation. Failure to provide adequate parking spaces under these circumstances could result in the refusal of a future development application for a change of use. 6. Where development/redevelopment is proposed that will result in a loss of on-street spaces (arising from the construction of access, loading facilities etc.), Council may require for such spaces to be replaced on site. 7. Stack parking, including mechanical devices, occurs only where it can be demonstrated that it will be operationally efficient and not cause unreasonable obstruction. 8. Service vehicle parking, courier facilities and loading and unloading facilities are provided on site in a manner that is conveniently accessible for all developments likely to generate a need for such facilities. The submitted plans clearly indicate that the proposed facilities will be adequate, having regard to: (a) intended use of the site (b) frequency of deliveries and collections. (c) size and bulk of goods (d) size of vehicles (e) ease of access. 9. Table 2 shows indicative standards for provision of service vehicles for various types of development. 10. Council may require the provision of taxi, private vehicle and bus/coach drop off/set down areas where warranted by the proposed development. Specifically, bus set down facilities are provided, in close proximity to the main pedestrian access, for education establishments, shopping centre developments or commercial premises of more than 10,000m², convention and exhibition centres, and other development as deemed appropriate by Council. <u>For Newcastle City Centre:</u> 11. Except for residential development, car parking for development in the Newcastle City Centre is provided at the rate of one space per 60m² gross floor area.	N/A Any on street parking that will be affected will be replaced onsite. Details of parking are outlined in Appendix K. The proposed internal turnstile for service vehicles is demonstrably effective in allowing the associate vehicle to enter and leave in a forward direction. The loading areas, delivery and servicing areas are accessible and suitably designed to facilitate the necessary vehicles, as demonstrated on the plans and in the Traffic Assessment at Appendix K. Noted. These requirements are not relevant for the intended uses and scale of development. This rate is complied with. Refer to carparking calculations above.	N/A Y Y Y Y N/A
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	<u><i>For mixed use development:</i></u> 13. The total number of parking spaces for a mixed-use development is generally calculated on the basis of the sum of the required car parking spaces in respect of each use, unless it is demonstrated that an overlap of car parking demand is likely to occur. 14. The total number of spaces to be provided for each type of parking is rounded to the nearest whole number. <u><i>C. Bike Parking:</i></u> 1. Secure and conveniently accessible bicycle parking for new development is provided at 1 space per 200m² GFA for commercial premises (bikes locked to a rack in room/enclosure/cage); and 1 space per dwelling (unless separate storage is provided) plus 1 space per 10 dwellings for visitors (bikes locked to a rack in a public area). 2. Bicycle parking complies with the relevant Australian Standard (AS2890.3). 3. Bicycle parking is clearly marked and signposted. 4. Where bicycle parking is provided within a car parking area, adequate sight lines are provided to ensure safety of users. 5. Where bicycle parking for tenants is provided in a basement car park, it is located on the uppermost level, close to entry/exit points. A well-lit, marked path of travel from the bicycle parking area to entry/exit points is provided. 6. Bicycle parking for visitors/shoppers is provided at grade near key access points to the development. 7. Where shower facilities and change rooms are provided for cyclists, convenient access to such facilities is to be considered in the siting of bicycle parking. 8. Access to bicycle parking is provided in accordance with the RTA's NSW Bicycle Guidelines, which reference Austroads Guide to Traffic Engineering Practice. Slotted drainage grates, longitudinal joint cracks and sharp gradient transitions, which provide hazards to riders, are avoided.	The carparking requirements have been tallied for each use to provide a total sum. Each rate is complied with, despite any overlap that may be experienced. Achieved. Rates have been rounded up. Adequate provision for bike facilities has been made in the carpark design. A secure bicycle locker is provided for each apartment in the ground carpark for residents, as well as an external bicycle rack for up to 6 visitors. Bike parking is compliant with AS2890. Bicycle parking will be clearly marked. Achieved. Adequate sight lines provided. N/A. No basement car park is proposed. External bicycle rack provided for up to 6 visitors. Noted. End of trip facilities may be accommodated within the building for the future commercial premises. Noted.	Y Y Y Y Y N/A Y Y
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	<u><i>D. Motorbike Parking:</i></u> 1. Motorbike parking for new development is provided at: 1 per 20 spaces. 2. Motorbike parking complies with the relevant Australian Standard (AS2890.3) and Council's Guidelines for Motorbike Parking in Newcastle. <u><i>E. Parking for people with a disability:</i></u> 1. A proportion of parking spaces is designed and designated by appropriate pavement marking and signposting as parking for people with a disability. Minimum rates are in accordance with the Building Code of Australia. 2. Parking for people with a disability is designed and constructed in accordance with current relevant Australian Standards (AS2890 and AS1428) and the Building Code of Australia. 3. Parking spaces for people with a disability are identified by a sign incorporating the appropriate international symbol. The signage and indicative directions are visible from a vehicle at the entrance to the car park. 4. Parking spaces for people with a disability are located close to wheelchair accessible entrances or lifts. 5. A continuous accessible path of travel is provided from each parking space for people with a disability to the closest accessible public entrance. 6. The minimum floor to ceiling clearance above parking spaces for people with a disability is 2.5m and the minimum floor to ceiling height clearance throughout the accessible path of travel is 2.3m. 7. The applicant is required to demonstrate, to the satisfaction of Council, how parking restrictions are enforced. Council may enter into an agreement with the owner/operator of the premises to allow Council's Compliance Officers to enter the site to enforce parking restrictions. Should such an arrangement be mutually agreed, it will be included as a condition of consent.	Adequate provision is made for motorcycle parking within the development. 12 motorbike spaces are provided on Ground Level. Achieved. Refer to Appendix A. Accessible parking spaces have been incorporated within the parking design at the required rate and to the required design standard. Refer to Access Design Review prepared by Philip Chun Building Compliance at Appendix F. Achieved. Refer to Appendix A. Achieved. Refer to Appendix A. Achieved. Refer to Appendix A. Accessible path of travel is available from the designated spaces to within the building, and lift access is readily available to all levels. Refer to Appendix A. Minimum head clearance within the carpark satisfies these criteria. Details regarding parking restrictions will be provided at a later stage.	Y Y Y Y Y Y N/A
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7.03.03 Travel demand management	1. For major development, resulting in more than 50 dwellings, recreation facilities, hospitals, community centres, entertainment venues, aged persons' accommodation or other development deemed appropriate by Council, a bus stop and shelter are provided, except where the pedestrian entrance to the proposed development is located within 400m of an existing bus stop with shelter. Alternatively, Council may accept a monetary contribution in lieu of provision of a bus stop with shelter, through a voluntary planning agreement.	N/A. Sufficient existing bus stops along Honeysuckle Drive. Refer to Traffic Impact Assessment at Appendix K for further detail.	N/A
	2. For major developments, defined above, the applicant will liaise with public transport service providers and Transport NSW regarding the adequacy of current services and potential improvements.	Consultation and public exhibition period will likely include liaison with transport service providers and Transport NSW.	Y
	3. The bus shelters are directly connected to the entry to the development by a conveniently accessible footpath.	N/A, as above.	N/A
	4. Signage is installed directing patrons to public transport stops facilities, with timetable information displayed in a prominent location.	Public transport information could be displayed in the proposed development. Details to be provided within the final Green Travel Plan.	Y
	<u>Green Travel Plan</u> 1. A Green Travel Plan is prepared and submitted to Council in support of applications for major new development. Components/strategies of a Green Travel Plan will likely vary according to the nature of the development, but may include: (a) identification and promotion of public transport options to access the site (for example, on a web site and/or business cards) (b) preparation of a Transport Access Guide (TAG) for the site/venue (c) encouragement of a car pool system for employees (d) encouragement of cycling and walking to the workplace through provision of bicycle parking, showers and lockers (e) incentive schemes to encourage employees to commute using sustainable transport modes (such as provision of public transport vouchers/subsidised public transport tickets) (f) allocation of designated parking spaces for a car sharing scheme, and/or (g) prominent display of a large map of cycling routes (for example, in the foyer of a residential complex). The undertakings made in the submitted Green Travel Plan will be included as conditions of consent to the	A Green Travel Plan has been prepared and is attached at Appendix J.	Y

	development. <u>End of Trip Facilities</u> 1. For new development that has an estimated cost of more than \$250,000, "end of trip" facilities for employees are provided at the following rates: (a) one personal secure locker for each bicycle parking space (b) one shower cubicle, with ancillary change rooms, per 12 bicycle spaces (or part thereof over four spaces) with a minimum of one shower and change facility. 2. Facilities are secure, with controlled access, and located in well-lit areas, as close as practicable to bicycle parking. Facilities may be unisex.	End of trip facilities can be accommodated within the building. The level of service provided for end of trip facilities is considered to be acceptable.	Y
7.03.04 Design and layout of parking and access	1. Parking facilities are sited and designed to be properly integrated within the overall development/building to minimise their visual impact and any adverse impact on the continuity and amenity of street frontages.	Achieved. Refer to Architectural Plans at Appendix A.	Y
	2. Parking is located so that it is within a reasonable distance of access to the premises it serves.	Achieved. Refer to Architectural Plans at Appendix A.	Y
	3. Parking spaces are not positioned so as to obstruct access to the premises by pedestrians or cyclists.	Achieved. Refer to Architectural Plans at Appendix A.	Y
	4. Loading areas are situated so that when in use, they do not interfere with pedestrian, cyclist or vehicular circulation.	Achieved. Refer to Architectural Plans at Appendix A.	Y
	<u>Parking areas and structures</u> 1. Design and construction of parking, set down areas and loading facilities comply with the provisions of AS2890 Parking facilities.	Compliance with AS2890 is achieved.	Y
	2. Wherever possible, car parking structures such as multi-level car parks, enclosed half basement or single-storey car parks, incorporate active uses along the ground level frontage.	Achieved. An active street frontage is proposed.	Y
	3. Car parking provided at or above ground level has horizontal flooring and a minimum floor to ceiling height of 3.6m at the ground level and 3.3m for the next two floors above, to enable it being adapted to an alternative use in future.	The ground floor has a floor to ceiling height of 3.92m. Level 1 and Level 2 have a floor to ceiling height of 3.1m. Given the nature of the development it is unlikely to be adapted to an alternative use in the future. Refer to the ceiling height requirements of the ADG.	N/A
	4. The facade of an above ground parking structure is: (a) designed and finished to complement the architecture of the building (b) designed to avoid domination of ramps or strong horizontal	The facade is suitably screened and treated to contribute positively to the building design.	Y

	and/or vertical features.		
	5. Covered or enclosed parking areas have adequate provision of lighting and ventilation. Natural lighting is preferred.	The carpark design features light and ventilation.	Y
	6. Parking layout facilitates efficient parking search patterns. Dead-end aisles are avoided.	The carpark design is safe and efficient.	Y
	7. Clear signage and pavement markings are provided on site to manage traffic movements, driver behaviour and provide warning of potential safety hazards.	Noted.	Y
	8. Where development is expected to generate vehicle movements during hours of darkness, self-illuminated and/or reflective signage and pavement markings are provided.	Noted.	Y
	9. Within parking areas of larger than ten car spaces, segregated routes for pedestrian and bicycle movements are created, using line marking, pedestrian crossings, signage and/or speed bumps.	Pedestrian access is available via the front lobby; and separate access for cyclists/pedestrians is available to the carpark.	Y
	<u>Access</u>		
	1. Vehicular crossings are designed and located in accordance with the current relevant Australian Standard (AS2890 Parking facilities) and Council's requirements.	The access design complies with AS2890.1	Y
	2. Vehicular crossings are located having regard to driver and pedestrian safety, and impacts on traffic movement. Vehicular crossings are avoided in the following areas: (a) in areas of high pedestrian movement (b) on major roads (c) close to intersections (d) where the use of the driveway may significantly obstruct through traffic or the operation of bus stops.	The vehicle access is suitably located.	Y
	3. Direct vehicle access to a classified road is not provided wherever alternate access is available. Refer to SEPP (Infrastructure) 2007.	N/A.	N/A
	4. Direct access (vehicle or pedestrian) to a classified road requires the separate approval of the Roads and Traffic Authority pursuant to s138 of the Roads Act 1993.	N/A.	N/A
	5. Vehicular crossings are located to provide adequate sight distance to traffic on the frontage road and to pedestrians on the frontage road footpath. Sight distances are in accordance with	Sight distances are in accordance with Australian Standards.	Y

	Australian Standards (AS2890 Parking facilities). 6. Access ways and structures are designed so that vehicles are able to enter or exit in a single turning movement in a forward direction. 7. Vehicular crossings are positioned so as to maximise on-street parking and so that there are whole car parks between access points. 8. Where rear lane access to residential development is achievable, car parking is accessed from the rear lane only. 9. No additional vehicular crossings (other than from rear lanes) are provided in heritage conservation areas where these may adversely impact on streetscape continuity, the character of the built form or landscape setting.	Forward movements are facilitated accordingly. Achieved. No rear lane. Achieved. No additional vehicular crossings are proposed in heritage conservation areas.	Y Y N/A Y
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7.05 Energy Efficiency

	<u>For business/commercial development:</u> 1. Development is to meet a minimum 4 Star Green Star Rating in the Green Building Council of Australia rating system where applicable. 2. An energy efficiency report from a suitably qualified consultant should accompany any development application for new commercial office development over \$5 million in estimated cost. The required report is to demonstrate that the building would achieve a rating of not less than 4 Star Green Star Rating in the Green Building Council of Australia Rating System where applicable. 3. The placement of glassing on new buildings and facades does not result in glare that causes discomfort or threatens safety of pedestrians or drivers, or negatively impact on adjoining development. 4. Building materials used on the facades of new buildings are low reflectivity. 5. Subject to the extent and nature of glazing and reflective materials used, a reflectivity report may be required that analyses potential solar glare from the proposed development on pedestrians or motorists.	An ESD statement has been prepared by Bates Smart and is attached at Appendix I. N/A The proposed development will not result in glare that causes discomfort or threatens safety of pedestrians or drivers. It will not negatively impact on adjoining development. Noted. Noted.	Y N/A Y Y Y
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7.06 Stormwater

7.06.01 Plan Requirements	1. For the purpose of this section, the following documents are submitted with a development application for the development type listed in Table 1:	Required Civil design plans are provided at Appendix D.	Y
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		• Water cycle management plan • Soil and water management plan • Broad scale development assessment checklist for water sensitive urban design (see Note 2)		
7.06.02 Development	All	1. The water cycle management plan or stormwater management plan (whichever is submitted with the development application) includes the following items: (i) the location of all buildings, driveways and impervious surfaces (ii) the location of any watercourses or bushland passing through or adjacent to the property (iii) any overland flowpaths which drain through the property or adjacent to the property (iv) the location, size and depth of easements or drainage pipelines (v) the discharge point of the site into the public drainage system. (vi) cross section and long sections of major drainage structures. The water cycle management plan or stormwater management plan shows the appropriate design elements to achieve compliance with the requirements set out in the following subclauses relating to: (a) Stormwater collection i) surface levels are to be graded such that sites are generally free draining with sufficient overflow capacity to ensure that waters do not enter buildings when underground drainage systems are beyond their capacity ii) drainage pits are to be installed so that nuisance water does not collect at low points iii) gutters, down pipes and pits are to be connected to the stormwater management system for the site. (b) Flooding and runoff regimes i) Development is to be designed so that runoff from low intensity, common rainfall is equivalent to the runoff from a natural catchment. This can be achieved by intercepting and storing 12mm of rainfall from a minimum of 90% of the impervious area of the site. ii) Runoff generated by more intense rainfall needs to be managed so that downstream drainage systems are not compromised beyond their design criteria. In general runoff from the development up to and including the 5% AEP shall be collected and drained underground. Public drainage (minor system) has a design capacity of the 10% AEP and connections from private development shall be made subject to the 10% AEP hydraulic grade line of the public drainage being lower than the property drainage system. iii) Runoff from the development up to the 1% AEP shall be	A Stormwater Management Strategy has been prepared by Northrop Engineering Consultants and is provided at Appendix D.	Y

	drained to the major drainage system in a manner that poses nil adverse impact to neighbouring property. iv) Development is to be designed so that peak runoff from the site for all events is not greater than the 'natural' drainage conditions of the site. (c) Storage For sites of less than 50% impervious area, development shall provide 12mm of storage to meet the peak runoff requirements. Where the proposed development covers 100% of the site area, the interception and storage of 25mm of rainfall will achieve the peak runoff requirement. The rainfall depth storage can be linearly interpolated between 12mm and 25mm for sites between 50% and 100% of the impervious area of the site. Where there is a change in the impervious area of an existing site, the entire site is to be considered as pre developed or in a natural condition in regard to impervious areas for design purposes. The recommended storage provisions to satisfy the storage requirements are shown diagrammatically in Figure 1. Examples of suitable site storage provisions, for some standard sized sites with particular impervious area coverage are shown in Table 2. (d) Storage drawdown (e) Site discharge controls (f) pollutants (g) overflow disposal (h) existing drainage systems (i) installation & maintenance		
7.07 Water Efficiency			
7.07.01 Water Efficiency	<u><i>Non-Residential Development:</i></u> 2. Where plumbing fixtures and water appliances are proposed to be installed, such are to be of the following types: (a) a minimum WELS 3 Star Water Rating (b) maximum 6L dual flush toilet cisterns where they are not supplied by a roof water tank. 3. Where washing appliances are installed, they are WELS 3 Star (or better) Water Rated where they are not supplied by a roof water tank. 4. Where installed, garden water hoses are fitted with trigger nozzles in order to maximise the efficiency of garden watering. 5. A rainwater tank is installed for the dual purposes of mains water demand management and reducing the volume of stormwater discharge from sites. The rainwater tank must be connected to	The commercial premises shall comply with these standards where applicable. Noted. Noted.	Y Y Y

	roof areas and not be connected to possible contaminating water sources. All rainwater tanks must be fitted with a first flush device to prevent contaminants fouling water and to prolong the life of the tank. Rainwater tanks should be designed to cater for maintenance and cleaning. Where rainwater tanks are provided, the volume of the tank can be used to offset any additional discharge control storage that is required. Rainwater tanks are to supply water for toilets, watering systems and other reuse devices and be designed and installed in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual. 6. Toilets and watering systems for landscaping are connected to rainwater supply. 7. Where devices in Table 1 are installed, they are to be of the type indicated. Where water is supplied to washing appliances from roof water tanks, this requirement does not apply.	An underground rainwater tank will be located beneath the building. Refer to civil drawings and plans provided in Appendix D. Noted. N/A	Y Y N/A
7.08 Waste Management			
7.08.01 General Requirements	1. All development applications (including demolition, construction and the ongoing use of a site/premise) are to include a SWMMP within their Statement of Environmental Effects demonstrating compliance with this section's requirements. 2. In addition to submission of a SWMMP (as part of the Statement of Environmental Effects), the waste management facilities, proposed as part of the development, clearly illustrated on the plans of the proposed development, accompanying the development application (DA). 3. The SWMMP nominates: (a) volume and type of waste and recyclables to be generated (b) storage and treatment of waste and recyclables on site (c) disposal of residual waste and recyclables (d) operational procedures for ongoing waste management once the development is complete. 4. The SWMMP details the method of recycling or disposal and the waste management service provider.	A Waste Management Plan has been provided addressing waste management procedures during demolition, construction and ongoing occupation of the building. This WMP has been prepared by Elephants Foot Recycling Solutions and is included as Appendix O. The waste management facilities and components are clearly illustrated on the plans (refer to Appendix A). The Waste Management Plan includes these details. Refer to Appendix O. The residential waste and recycling will be collected by Council. A private contractor will be engaged to collect restaurant and hotel waste to an agreed schedule.	Y Y Y Y

7.08.03 Operational waste	<u>Mixed Use Development</u> 1. The required SWMMP shall include plans which demonstrate: (a) the location of the designated waste and recycling storage room(s) or areas, sized to meet the waste and recycling needs of all tenants (b) development includes a designated waste/recycling storage area or room(s) (designed in accordance with the 'Waste Management Technical Manual') (c) the path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area). Step-free access is provided between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s) (d) the on-site path of travel for collection vehicles (if collection is to occur on-site) (e) depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy (f) all tenants keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of the waste and recyclables that are generated on site (g) waste management facilities are suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system (h) where possible, waste/recycling containers are collected from a rear lane access point (i) the size and layout of the waste/recycling storage room/area are capable of accommodating reasonable future changes in use of the development (j) a waste/recycling cupboard is provided for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials (k) premises that discharge trade wastewater do so in accordance with a written agreement from the local sewer authority (Hunter Water Corporation) (l) premises which generate at least 50L per day of meat, seafood or poultry waste have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage	A Waste Management Plan has been provided addressing waste management procedures during the ongoing occupation of the building. This WMP has been prepared by Elephants Foot Recycling Solutions and is included as Appendix O.	Y
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	area until collection (m) arrangements are in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners are made aware of their obligations in regards to these matters (n) any garbage chutes are designed in accordance with the requirements of the 'Waste Management Technical Manual', the 'Building Code of Australia' and 'Better Practice Guide for Waste Management in Multi-Unit Dwellings'. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use. 2. Mixed use development incorporates separate and self-contained waste management systems for the residential component and the non-residential component. In particular, the development incorporates separate waste/recycling storage rooms/areas for the residential and non-residential components. 3. Commercial tenants are prevented (via signage and other means), from using the residential waste/recycling bins and vice versa. 4. The residential waste management system and the non-residential waste management system are designed to efficiently operate without conflict. For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.	Separate and self-contained waste management systems for the residential and non-residential component are proposed. Refer to Appendix A for Architectural Plans and Appendix O for Waste Management Plan. Noted. Refer to Appendix O. Noted. Refer to Appendix O.	Y Y Y
7.10 Street Awnings and Balconies			
7.10.01 Street awnings over public road	1. Street frontage developments in commercial centres or other pedestrian-oriented locations to provide street awnings, subject to the following considerations: (a) compatibility with streetscape, architectural and heritage considerations (b) the volume of pedestrian traffic passing the site (c) the level of amenity that provision of street awnings would provide (d) existing street awnings in the vicinity (e) compatibility with existing or potential future street trees (f) compatibility with the scale and architecture of the building.	A portion of awning is provided at the frontage of the building. This is considered to be consistent with the existing streetscape and built form. Refer to Architectural Plans at Appendix A.	Y

	2. The form and design of street awnings: (a) unifies the streetscape rather than being a response to the individual host building (b) do not interfere with street trees, utility services, traffic signs, traffic signals, or vehicle or pedestrian circulation (c) extends across the entire building frontage (d) are compatible with the host building and surrounding streetscape, having regard to architectural style, form, finish, heritage significance and provision of continuous weather protection (e) employs uncomplicated, regular forms with simple detailing and concealed conduits to reduce visual clutter (f) may include design articulation to modulate long awnings, identify entrances and provide architectural expression (g) are of a suspended design, but a post-supported design may be used where necessary to achieve compatibility with existing post-supported street awnings in the immediate vicinity, or to conserve, restore, reconstruct or reinstate an existing or former awning having heritage significance (heritage report required) (h) are generally of a traditional suspended design (with fascia) in existing commercial areas, although a contemporary suspended design (typically without fascias and with exposed structural elements) may be used where the building form is contemporary (i) ensure the outer edge of the fascia is continuous with adjacent street awnings, is parallel to the kerb and incorporates cutout segments to accommodate trees, where appropriate (j) advertisements, if required, are also to be integrated into the design.	As above, no street awnings have been provided.	N/A
7.10.02 Street balconies over public streets	1. Street balconies will generally be permitted where they: (a) are compatible with streetscape, architectural and heritage considerations (b) do not compromise public interest considerations relating to the private occupation of public space.	No street balconies are proposed. Refer to Architectural Plans at Appendix A.	N/A
7.10.03 Design requirements for awnings and balconies	<u>Dimensions</u> 1. Depth of street awnings from the facade of buildings are at least 2,000mm or shall extend to within 600mm of the kerb in the case of footway formations less than 1,400mm. 2. The fascia is set back at least 600mm from the kerb. 3. Posts (where permitted) are set back at least 750mm from the kerb.	A portion of awning is provided at the frontage of the building. This is considered to be consistent with the existing streetscape and built form. Refer to Architectural Plans at Appendix A.	Y

	4. Additional kerb clearances are provided where necessary to accommodate traffic signs, signals, trees or traffic conditions. 5. Posts are located so that they meet the requirements of relevant public utility agencies. 6. The soffit is at least 3,000mm above the footpath. 7. The lowest part of the fascia is at least 2,700mm above the footpath. 8. The underside and fascia is continuous with adjoining street awnings and/or balconies. 9. On sloping sites, street awnings step down in horizontal steps to follow the slope of the street. Steps for design articulation are a maximum of 700mm. 10. Roof and ceiling pitch for awnings is generally horizontal, up to 6 degrees maximum. 11. Additional kerb clearances for awnings or balconies located on road corners provided as required where taller vehicles (such as heavy vehicles) may bank when turning, particularly where there is a significant cross fall on the road. <u>Structural design and public safety</u> 1. Structural design is sufficient to avoid unacceptable risks to public safety, including risks arising from obstruction to pedestrians, structural failure, collision by vehicles, fire, storms or earthquake. 2. Street awnings and balconies are structurally capable of withstanding all likely loads, including self loads, live loads, impact loads, lateral wind loads and loads experienced during storms and seismic events. 3. Post-supported street awnings and balconies are capable of retaining structural integrity in the event of removal of any one post or, in the case of locations with high traffic hazard (such as corner lots), in the event of simultaneous removal of all posts. 4. Structural design is certified by a qualified practicing structural engineer as being compliant with the Building Code of Australia.	As above.	
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	5. Construction materials satisfy the fire resistance requirements of Specification C1.1, cl 2.4 of the Building Code of Australia (Vol. 1). 6. Posts are constructed from non-combustible materials or hardwood satisfying Class 1 or Class 2 durability as specified in 'AS 1684 Timber Framing Code', with a minimum cross-sectional dimension of 150mm x 150mm. 7. Street awnings and balconies built over an exit doorway from a fire-isolated stairway are constructed of non-combustible materials. 8. Footings and plinths for post-supported awnings and balconies are concealed beneath the footway, or be integrated into the design of the post so as to avoid hazards to pedestrians. <u>Glazing</u> 1. Where installed on awnings, glazing is designed to: (a) create adequate natural lighting beneath street awnings and within the ground floor of the building (b) avoid excessive glare and heat gain beneath awnings (c) provide adequate durability (d) avoid unsightliness created by dust and windblown material. 2. Glazing consists of glass skylights within a predominantly opaque roof - fully glazed awnings are generally not acceptable due to glare and the need for regular cleaning. 3. Glazing complies with 'AS1288 Glass in Buildings - Selection and Installation'. Note: acrylic, polycarbonate and other plastics are not sufficiently durable. 4. Glass used is clear or very lightly tinted, and shall be patterned in a fritted, seraphic or other durable glass finish that will mask dust. 5. Glazed portions do not exceed one third of the total awning depth, except at significant locations such as entrances. 6. The position of glazed portions responds to the architectural design of the ground floor, such as by alignment with windows or columns. <u>Lighting</u> 1. Lighting is provided below street awnings and balconies to supplement	As above. As above.	
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	existing street lighting and 'spill' lighting from shopfronts. 2. Lighting complies with requirements for pedestrian areas in AS/NZS 1158 Lighting. 3. Lighting is recessed into the awning undersurface, and all associated wiring and conduits are concealed. 4. Light fittings are readily accessible to facilitate regular maintenance. <u>Drainage</u> 1. Provision is made for the drainage of street awnings in a manner that does not interfere with pedestrian or vehicle traffic, nor create unsightliness. 2. The awning roof drains towards the building so as to avoid gutters and downpipes at the kerb line. 3. Gutters are constructed so as to be concealed from the footpath or as an integral component of the awning structure. 4. Downpipes are recessed into the ground floor frontage below a height of 2.7m from footpath level in new buildings. <u>Maintenance</u> 1. Provision is made for regular maintenance to ensure the continuing structural integrity and attractive appearance of the awning or balcony. 2. A maintenance plan is to be developed and include: (a) annual inspection of structural components (b) repainting every five years (c) regular maintenance to guttering and downpipes (d) regular cleaning and replacement of defective lighting, advertising or other deteriorated components of the awning (e) regular cleaning of awning glazing, where installed.	As above. As above.	
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