

PRE-DEVELOPMENT APPLICATION

13 July 2018



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Dear Chris

Pre-Development Application No:	PR2018/00051
Land:	Lot 1 DP 1236735
Property Address:	50(Future 36) Honeysuckle Drive Newcastle
Proposed Development:	Mixed use development

A. Introduction

I refer to your Pre-Development Application and the meeting held on 20 June 2018 with Council officers in respect of the above development.

The following preliminary planning advice and information is provided to assist in the preparation of a development application. The advice consists of:

1. Statutory matters that will be considered during the assessment of a development application, according to the *Environmental Planning and Assessment Act 1979*, including applicable planning controls.
2. Specific matters that are considered to warrant further detail, consideration or amendments prior to the submission of a development application to the Department of Planning and Environment.

The comments and views expressed in this letter are based on the plans and information submitted for preliminary assessment and any information gathered at the above meeting.

The views expressed may vary once detailed plans and information are submitted and formally assessed in the development application process, or as a result of issues contained in submissions by interested parties.

A. Key Issues

In response to the key issues discussed at the meeting, the following advice is provided:

Height and Floor space ratio

The height control for the site is 14 and 24 metres, as shown on the Height of Building Map of the Newcastle Local environmental Plan 2012 (NLEP 2012). The maximum floor space ratio for a building on the site is 2.0:1 and 2.5:1, as shown on the Floor Space Ratio (FSR) Map of the NLEP 2012.

As noted, the site has variable height and FSR controls, and the application is seeking to vary the distribution of the height and FSR across the site.

Any variation to the height and FSR will require a Clause 4.6 variation request to be submitted with the development application. The written request must address the specific requirements of Sub-clauses 4.6 (3) and (4) of the NLEP.

As indicated below, the total number on-site parking spaces exceeds Council's requirements and therefore the surplus parking spaces must be included in the calculation of the gross floor area of the development

Traffic and Parking

Off-Street Car Parking

The submitted Basement 02 Floor plan Dwg. No. DA-A-0201 Rev 03 dated 06/06/2018 indicates that the following parking:-

- 79 residential spaces & 14 tandem spaces
- 5 adaptable spaces
- Total Spaces - 98

The submitted Basement 01 Floor plan Dwg. No. DA-A-0202 Rev 03 dated 06/06/2018 indicates that the following parking:-

- 37 residential spaces
- 7 tandem spaces
- 5 adaptable spaces
- 20 visitor spaces
- 22 commercial/retail spaces
- Total Spaces - 92

Overall, the proposal indicates 190 off-street parking spaces which exceed the parking rates of the Newcastle Development Control Plan 2012.

Based on the above, it is recommended that at a minimum of 1 parking space is allocated per dwelling. Additional parking can be provided to three bedroom dwellings and it is suggested that tandem parking may be more suited as it will be easier to manage.

Bicycle Parking

Council requires a minimum of 1 bicycle space per unit (Class 1 or 2). It appears that the basements and the allocated spaces on the ground floor are sufficient to provide for the bicycle spaces.

It is recommended that the proposed commercial units will need to be provided with secured bicycle parking spaces and end of user facilities.

Motorbike Parking

Motorbike parking will need to be provided as per the rate of 1 per 20 car spaces in section 7.03 of the Newcastle Development Control Plan 2012 (DCP 2012). Based on the number of off-street parking spaces, approximately 10 motorbike parking spaces will need to be provided.

Driveway Access

The proposal seeks to provide one new driveway access from Honeysuckle Drive. It is noted that the location of the driveways on Honeysuckle Drive will mean that there will be no access to the site when coming from the east. That is, the driveway will be left in/Left out and will need to be provided with a median separation within the property for safety and Compliance with Australian Standard AS2890.1 - Off-Street Car Parking. It is noted that the new driveway on may result in a net loss of two on-street metered parking spaces thus resulting in loss on potential metered parking for Council.

Council notes that the internal driveway ramp grades at near the maximum limits which set by AS2890.1 - Off-Street Car Parking. The design of the internal driveway ramps will therefore need to be designed to ensure compliance with the grades and ensure that scraping does not occur.

Construction Traffic

The proposal is directly fronting Honeysuckle Drive and has currently no formal access from the street frontage. There seems to be a driveway access further west near the Cottage Creek (opposite 42 Honeysuckle Drive) which could provide access during construction. The applicants should seek approval for the loading zones prior to commencement of the during construction phase of the development. In this regard, a separate application is to be lodged with Council's Transport & Traffic Section.

The development application is to demonstrate how the construction traffic management will be managed, including staff parking and trades parking management.

Public Domain Plan

The proposed development will need to upgrade the existing footpath along Honeysuckle Drive and the promenade waterfront area. The works within the road reserve on Honeysuckle Drive will need to be designed in accordance with Newcastle City Centre Public Domain Technical Manual and the proposed through site links will need to link with the footpath. New footpath, verge, street tree planting, roadworks including new driveways, signs and line markings, street lighting upgrade, public art and street furniture etc. will need to be provided. Detailed design will need to be provided to Council for review as part of the Section 138 Type 2 application under the *Roads Act 1993* (fees applicable).

Upgrade works in the promenade waterfront area will need to be designed and reviewed with Council. Any request for dedication of land and handover of assets will need to be formally lodged with Council.

Pedestrian network

It was observed that vehicles travelling along Honeysuckle Drive frequently drive at high speed. Council has undertaken a pedestrian study of the area and it is noted that a pedestrian was recently hit at the refuge location in front of the site. The study concluded that pedestrians could not easily cross at the pedestrian refuge due to the 'fast' vehicles and an inadequate time gap. It was recommended that a raised pedestrian crossing be installed at the formerly HWC Floodway Location on Honeysuckle Drive (noted as Site 2 on the Newcastle City Traffic Committee minutes Item No. 507 dated Monday 16 October 2017). This will also allow to link the north & south sides of Honeysuckle Drive with the proposed through link.

Furthermore, Transport for NSW are planning to undertake major changes to the intersection of Honeysuckle Drive and Hannell Street with additional lanes being directed to Honeysuckle Drive from Stuart Avenue and Hannell Street, thus increasing vehicular movements along Honeysuckle Drive. Traffic signals are proposed at the intersection of Steel Street and Honeysuckle Drive, as part of the light rail work, which will assist in a slowing down traffic.

Having regard to the following considerations, a raised pedestrian crossing at the location of the former HWC Floodway Location on Honeysuckle Drive will need to be provided as part of the proposed development:

- the proposed development will generate an increase in pedestrian movement in the vicinity of the development;
- the need to connect the site with the harbour foreshore and the southern side of Honeysuckle Drive ;
- the safety of the users of the development.

It is recommended that civil design for the raised pedestrian crossing be provided with the proposed public domain works along Honeysuckle Drive (driveway and streetscape works) as part of the application for an approval under Section 138 of the *Roads Act 1993* at the Construction Certificate stage.'

The design of the building should consider the principles of Universal Design to ensure that the building entries compliment the Council Public Domain area and items such as tactiles and handrails can be designed to be located within the site.

Flooding

Flood Planning

According to the submitted plans, the ground floor retail area and the majority of the development facing Honeysuckle Drive have a nominated floor level of 2.9m Australian Height Datum (AHD).

BMT (Flood consultants), on behalf of the Hunter Development Corporation, have recently undertaken a flood study for the Honeysuckle precinct (Honeysuckle Redevelopment Area Flood Study). The recommended Flood Planning Level (FPL) from this study for this site is set at 2.9m AHD. 1% AEP level is noted as 2.50m AHD and PMF level is noted as 3.40m AHD. Flood refuge is required to be provided due to the risk to life at PMF level.

The nominated ground floor level is generally acceptable; however the proposed substation is set at 2.50m AHD, which is set at 1% Annual exceedance probability event level for local flooding. It is recommended that the applicants contact Ausgrid to confirm if this level is acceptable.

The proposed carpark entry will need to be at minimum 2.5m AHD (1% AEP level). Any other openings into the basement including structures such as vent openings etc. are to be set at PMF level of 3.40m AHD.

Steel Street Floodway

The recommended Flood Planning Level in the Honeysuckle Redevelopment Area Flood Study prepared by BMT (Flood consultants) and the Flood Planning Level (FPL) set for the development is based on the post-development scenarios and on the assumption that all the identified Floodway's are operational. It can therefore be stated that the recommended FPL for 35 Honeysuckle Drive (Lee 4 - Site 2) is based on the scenario that the Steel Street Floodway will be full constructed to the recommended flood levels and will operational.

Based on the assumptions in the Honeysuckle Redevelopment Area Flood Study (BMT Report), it is evident that that the Steel Street Floodway will need to be constructed as part of the development of 35 Honeysuckle Dr (Lee 4 - Site 2) in order to build the new building to the recommended FPL.

To mitigate the flooding risks and to comply with the principles of the Honeysuckle Redevelopment Area Flood Study, it is confirmed that the construction of the Steel Street Floodway will need to be undertaken as part of the development of the subject site.

Stormwater

The proposed development is to comply with the requirements of section 7.06 of the DCP 2012 and the associated 'Stormwater and Water Efficiency for Development' Technical Manual. A comprehensive water cycle management plan will need to be developed.

B. Other Issues

In addition to the key issues discussed above, the following matters are considered to warrant further detail, consideration or amendment prior to the submission of a development application:

Waste Management

Prior to the submission of the development application, Council's Waste and Commercial Collections Manager Mr David Thomas should be consulted in relation to the proposed waste management strategy. David can be contacted on 49746046.

A detailed Waste Management Plan is to be submitted with the development application which demonstrates how the collection service will be undertaken. The plan is to include details of frequency and the maximum size vehicle. Such collection will need to be achieved without unreasonable impacts on the amenity of the area and/or the traffic environment in the locality of the site.

Noise

The development application is to be supported by an acoustic assessment prepared by a qualified acoustic professional. The assessment is to identify the main noise generating sources and outline the measures required to mitigate the potential noise impacts in accordance with the requirements of Australian Standard AS/NZS2107-2016.

The assessment is to have regard to the proximity of the site to a working harbour, the ground floor retail premises and the stand-alone restaurant.

Integrated Development

The following approvals available under the integrated development system are applicable to the development:

Mine Subsidence Compensation Act 1976 - s 15:

The site is located within a Mine Subsidence District. Sites located in Mine Subsidence District are required to gain an approval from the Subsidence Advisory NSW for proposed developments. You are advised to liaise with the Subsidence Advisory NSW before lodging a development application with the Department of Planning and Environment. The Subsidence Advisory NSW office is located at 117 Bull St Newcastle West, phone (02) 4908 4300 (see <http://www.subsidence.nsw.gov.au> for more information).

Water Management Act 2000 - s 89, 90, 91:

An approval from the Office of Water of the Department of Primary Industries will be required, where the development involves the following work:

- a water use approval,
- a water management work approval (water supply work approvals, drainage work approvals and flood work approvals.)
- or a controlled activity approval and aquifer interference approval.

If you wish to apply for an integrated approval, the relevant section of the development application should be completed.

C. State Environmental Planning Policies

The following State environmental planning policies (SEPP) apply to the development.

State Environmental Planning Policy (State and Regional Development) 2011

Under the provisions of State Environmental Planning Policy (State and Regional Development) 2011, any development within the Honeysuckle precinct with a capital; investment value (CIV) in excess of \$10 million is State significant development. The development has a CIV of \$40 million and therefore is State significant development and the Minister for Planning is the consent authority.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 applies to the proposed development. Clause 7 provides that prior to granting consent to the carrying out of any development on land the consent authority is required to give consideration as to whether the land is contaminated and, if the land is contaminated,

whether the land is suitable for the purpose of the development or whether remediation is required.

A Site Auditor is to review or sign off on any contamination reports or Remedial Action Plans submitted in accordance with Council's Contaminated Land policy as detailed in section 5.02 of the Newcastle Development Control Plan 2012.

State Environmental Planning Policy No 64—Advertising and Signage

Any proposed signage associated with the development is subject to an assessment under SEPP No. 64 – Advertising and Signage. This policy aims to provide to regulate signage and provide signage that is compatible with the desired amenity and visual character of an area.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Buildings

The proposed development is subject to the requirements of SEPP No. 65 – Design Quality of Residential Apartment Development. This policy aims to improve the design quality of residential apartment developments, shop top housing or mixed use development with a residential component of three or more storeys with four or more dwellings.

The development application must be accompanied by a design verification and statement must be prepared by a '*qualified designer*' and indicate that they directed the design and demonstrates how the design quality principles set out in Schedule 1 of the policy and the objectives in Parts 3 and 4 of the Apartment Design Guide have been achieved. A '*qualified designer*' means a person registered as an architect in accordance with the *Architects Act 2003*.

Council's Urban Design Consultative Group

It is noted that an application to present to Council's Urban Design Consultative Group has been lodged. Comments from the Panel will be made under separate cover.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

All residential development is required to comply with the Building Sustainability Index (BASIX) which is a web based planning tool designed to assess the water and energy efficiency of new residential developments. When you have your design ready, use the design details to complete an assessment on the BASIX web site - www.basix.nsw.gov.au. To get a BASIX Certificate you must show that the proposed dwellings will be designed and built to use 40% less mains supply water and produce 25% less greenhouse gas emissions.

Any development application for the proposal must be accompanied by a BASIX Certificate and certain commitments that are nominated in the BASIX Certificate must be shown on the plans.

State Environmental Planning Policy (Urban Renewal) 2010

The key aims of this policy are to establish a process for assessing and identifying urban renewal precincts and to facilitate the development and redevelopment of sites in and around these precincts. The subject site is located in a potential urban renewal precinct.

Clause 10 of the policy applies to a development application to carry out development on land that comprises all or part of a potential precinct if the proposed development is or

involves subdivision, or has a capital investment value of more than \$5 million, and is not exempt or complying development.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The aims of the policy are to protect biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

Clearing

Clearing that is ancillary to a development will be assessed as part of the development assessment process, and may in some circumstances require further assessment and approval under the *Biodiversity Conservation Act 2016*.

Trees

Consent is required to carry out any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation that is a prescribed (declared) tree in Section 5.03 -Vegetation Management of the Newcastle Development Control Plan, 2012. Any development application submitted to Council should include a comprehensive arborist report and a tree retention assessment value in accordance with the Urban Forest Technical Manual.

Native vegetation

If the development involves the clearing of native vegetation a flora and fauna assessment is required to be provided with the application to enable an assessment of the application under Part 5 of the policy. The assessment must address any threaten species, critical habit protected flora or fauna, or vulnerable species, that may be impacted by the proposal.

Street trees

The development should be designed not to impact on any existing or proposed tree located within the road reserve. Any proposed driveway crossing should be set back, a minimum of 3.0 metres from the outside edge of the tree trunk closest to the driveway and 0.75mm from the centre of any pole or pillar.

State Environmental Planning Policy (Coastal Management) 2018

The aim of this policy is to promote and integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*. The policy is supported by mapping of the following coastal management areas that comprise the coastal zone:

- Coastal wetlands and littoral rainforests area
- Coastal vulnerability area
- Coastal environmental area
- Coast use area

Note. At the commencement of this Policy (3 April 2018), no Coastal Vulnerability Area Map was adopted and therefore no coastal vulnerability area has been identified.

These maps are available on the NSW Planning Portal at www.planningportal.nsw.gov.au.

Part 2 of the Policy indicates the development controls applicable to development on land in each of the above areas, as well as development in the coastal zone generally.

Clause 15 of Part 2 requires that development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to *'cause increased risk of coastal hazards on that land or other land.'*

D. Newcastle Local Environmental Plan 2012

The site is located on land in B4 Mixed Use and the proposed development is permitted with consent as a 'Mixed use development' comprising residential flat building, 'retail premises' and 'restaurant' under the Newcastle Local Environmental Plan 2012 (NLEP 2012).

The following clauses in NLEP 2012 are relevant to the proposed development.

Clause 4.3 - Height of buildings

The maximum height of a building on the site is not to exceed 14 and 24 metres as shown on the Height of Building Map of the NLEP 2012.

Clause 5.6 enables these heights to be exceeded by 'architectural roof features' that contribute to the building design and overall skyline. Clause 5.6 outlines criteria for these features, including that: it is not an advertising structure; it does not include floor space area or is capable of being modified into floor space; is a decorative element on the uppermost portion of the building; it will cause minimal overshadowing and the building identification signs or equipment for servicing the building is contained into the roof feature.

It is noted that parts of proposed buildings exceed the height limit. Any variation to the maximum building heights would need to be justified by a formal request to vary the development standard (Refer to Clause 4.6 below).

Clause 4.4 - Maximum floor space ratio

The maximum floor space ratio (FSR) for a building on the site is not to exceed 2.0:1 and 2.5:1 as shown on the Floor Space Ratio Map of the NLEP 2012.

The floor space ratio of a building or buildings on a site is *'the ratio of the gross floor area of all buildings within the site to the site area'*. Clause 4.5 of the LEP outlines how the floor space ratio is to be calculated.

Any variation to the FSR controls would need to be justified by a formal request to vary the development standards (Refer to Clause 4.6 below).

Clause 4.6 – Exceptions to development standards

This clause enables a case to be made in the development application for an exception to a development standard. The written request must address the specific requirements of Sub-Clauses 4.6 (3) and (4) of the NLEP. A copy of these clauses can be down loaded from Council's website at www.newcastle.nsw.gov.au.

Clause 5.10 – Heritage conservation

While the subject site is not located in a heritage conservation zone or listed as a heritage item (to the extent of the area identified for this development) or identified as an archaeological site under the Newcastle Local Environmental Plan 2012. Notwithstanding this, given the location and history of the site and to ensure a consistent approach with the

processing of State significant development applications in the Honeysuckle precinct, a heritage Impact assessment report is to be prepared in support of the application. Such report is to have regard to (but not be limited to) the following documents:

- Newcastle Archaeological Management Plan 1997
- Draft Newcastle Archaeological Management Plan Review 2013.
- Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation 2005
- Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

Clause 6.1 – Acid Sulfate soils

The site of the proposed development is classified as Class 3 on the 'Acid Sulfate Soils Map' of the NLEP 2012. The proposed development will require excavation for the basement car parking level and installation of infrastructure and services resulting in potential disturbance of acid sulfate soils. Further investigation is required to be undertaken to determine the presence of acid sulfate soils or, alternatively, an acid sulfate soils management plan may be prepared and submitted to the consent authority for review in accordance with Clause 6.1 of the NLEP 2012. It is noted that if acid sulfate soils are identified at the site, an acid sulfate soil management plan will be required to be submitted in support of the development application.

Clause 6.2 – Earthworks

The proposal includes earthworks that require consent. When considering a development application that involves earthworks, the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.'*

Any development application submitted should address the above matters.

Newcastle City Centre – Part 7

Clause 7.5 – Design Excellence

This clause applies to the erection of a new building on the subject site.

The design of the development is required to exhibit 'design excellence'. Sub-Clause 7.5 (3) provides that the following matters must be considered by the consent authority in determining if the development exhibits 'design excellence':

- '(a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) *whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
- (c) *whether the development detrimentally impacts on view corridors identified in the Newcastle City Development Control Plan 2012,*
- (d) *how the development addresses the following matters:*
 - (i) *heritage issues and streetscape constraints,*
 - (ii) *the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (iii) *bulk, massing and modulation of buildings,*
 - (iv) *street frontage heights,*
 - (v) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (vi) *the achievement of the principles of ecologically sustainable development,*
 - (vii) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - (viii) *the impact on, and any proposed improvements to, the public domain.'*

Development subject to this clause may have concessions available to the permissible floor space ratio and height, if the design of the building has been reviewed by a 'design review panel'.

E. Flooding

The site is subject to flooding. For more detail on the acceptable floor levels and other construction requirements a Flood Information Certificate should be obtained. The development is to comply with the relevant requirements of Section 4.01- Flood Management of DCP 2012. For further information regarding flooding in the LGA, refer to 'Newcastle City-Wide Floodplain Risk Management Study and Plan' (June 2012). A copy of this document can be downloaded from Council's website

F. Newcastle Development Control Plan 2012 (DCP 2012) and Technical Manuals

The proposal must consider all relevant elements of the DCP 2012 and the Technical Manuals. The relevant sections of the DCP and the Technical Manuals are listed below:

Section 1.00 - Introduction

Section 2.00 - How to use this DCP

Section 3.00 - Landuse Specific Provisions

Section 3.01 Subdivision

Section 3.03 Residential Development

Section 3.10 Commercial Uses

Section 4.00 - Risk Minimisation Provisions

Section 4.01 Flood Management

Section 4.03 Mine Subsidence

Section 4.04 Safety and Security

Section 4.05 Social Impact

Section 5.00- Environmental Protection Provisions

Section 5.01 Soil Management

Section 5.02 Land Contamination

Section 5.04 Aboriginal Heritage

Section 5.05 Heritage Items

Section 6.00 - Locality Specific Provisions

Section 6.01 Newcastle City Centre

Section 6.13 Precinct Maps

Section 7.00 - Development Provisions

Section 7.02 Landscaping Open Space and Visual Amenity

Section 7.03 Traffic, Parking and Access

Section 7.04 Movement Networks

Section 7.05 Energy Efficiency

Section 7.06 Stormwater

Section 7.07 Water Efficiency

Section 7.08 Waste Management

Section 7.09 Advertising and Signage

Section 7.10 Street Awnings and Balconies

Section - 8.00 - Public Participation

Section- 9.00 Glossary

Technical Manuals

City Centre Public Domain Technical Manual

Commercial Technical Manual

Contaminated Land Management Technical Manual

Urban Forest Technical Manual

Heritage Technical Manual

Landscape Technical Manual

Stormwater and Water Efficiency Technical Manual

Waste Management Technical Manual

G. Development Contribution Plans

The proposed development would attract a development contribution to Council. Sections 7.11 and 7.12 of the *Environmental Planning and Assessment Act 1979* enables the consent authority to levy contributions for public amenities and services.

Section 94A Development Contributions Plan 2009

Part B of the Plan applies to all new development with an estimated cost of more than \$250,000 on land within the Newcastle City Centre. The purpose of Part B of the Plan is to provide funding towards the public domain projects and special city projects in the Civic Improvement Plan for the Newcastle City Centre.

The section 94 contribution levy for land in Part B is as follows:

5 What is the Part B section 94A contributions levy rate/amount?

Type of Development	Maximum % of the Levy
<i>** Levy only applies to development with an estimated cost of more than \$250,000**</i>	
Residential Development <i>Applies to all development defined as Residential Accommodation in the Newcastle Local Environmental Plan 2012.</i>	3%
Non Residential Development <i>A minimum of 60% of the gross floor area of the proposed development must contain a <u>non residential</u> use as defined by the Newcastle Local Environmental Plan 2012.</i>	2%

Where the estimate of the proposed cost of the carrying out the development is \$1,000,000 or more a detailed cost report prepared in accordance with Appendix B of the Plan is to be submitted in support of the development application.

H. National Construction Code - Building Code of Australia

It would be advisable to seek independent advice regarding the developments compliance with the National Construction Code. Your attention is particularly drawn to the Disability (Access to Premises- Buildings) Standards 2010 that aims to provide to provide access to buildings, and facilities and services within buildings to people with a disability.

I. Roads Act 1993

Section 138

Council is the approval body for Honeysuckle Drive. An approval is required under Section 138 of the *Roads Act 1993* to:

- (a) erect a structure or carry out a work in, on or over a public road, or*
- (b) dig up or disturb the surface of a public road, or*
- (c) remove or interfere with a structure, work or tree on a public road, or*
- (d) pump water into a public road from any land adjoining the road, or*
- (e) connect a road (whether public or private) to a classified road,*
- (f) otherwise than with the consent of the appropriate roads authority.*

Any development application submitted to Council will include a preliminary assessment of the matters listed above and if the development is approved, conditions will be included requiring a separate 138 application to be submitted with design details for the work. Where the works will involve traffic regulation a separate report to Council will be required and, consequently any application should be submitted in a timely manner, to prevent delays.

J. Public Participation

It is recommended that consultation with adjoining property owners and occupiers and other potential affected properties be undertaken prior to submission of a development application. Major development proposals should be discussed with the affected community in a formal manner before design finalisation and the lodgement of a development application.

This process will ultimately improve communication, increase understanding of the proposal and reduce process delays that can be experienced in the development application process.

K. Conclusion

All efforts are made to identify issues of relevance and likely concern with the preliminary proposal. However, the comments and views in this letter are based on the plans and information submitted for preliminary assessment and discussion with the pre-development application.

You are advised that:

- the views expressed may vary once detailed plans and information are submitted and assessed in the development application process, or as a result of issues contained in submissions by interested parties;
- amending one aspect of the proposal can result in changes which can create, different set of impacts from the original plans; and
- the comments do not bind Council Officers, the elected Council members, or other bodies beyond Council, in any way whatsoever.

For further enquiries please contact me on 49742715 or by email at mthomas@ncc.nsw.gov.au.

Yours faithfully

Melissa Thomas
SENIOR DEVELOPMENT OFFICER