PRE-DEVELOPMENT APPLICATION

29 March 2017

The City of Newcastle

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Mr Simon Smith
Doma Group
C/- SJB Planning
Level 2
490 Crown Street
SURRY HILLS NSW 2010

Dear Mr Smith

Pre-Development Application No:

PR2017/00010

Land:

Lot 2000 DP 1145678

Property Address:

50 Honeysuckle Drive Newcastle

Proposed Development:

Mixed use development - commercial and

residential

A. Summary

I refer to your Pre-Development Application seeking Council's comments on the above proposed development. I also refer to the meeting held on 20 February, 2017 with Council officers in respect of the above development and the subsequent supplementary information and floor plans submitted on 14 March, 2017 to Council.

The following preliminary planning advice and information is provided to assist in the preparation of a Development Application (DA). 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. In reference to this, the proposed development is not supported in its present form because inadequate design consideration has been given to the activation of the ground floor facing the harbour with appropriate businesses and retail premises.

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.

B. 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 \$47,063,865 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)

SEPP 55 applies to the proposed development and contains planning controls for the remediation of contaminated land. Newcastle Development Control Plan Element 5.2 – Contaminated Land Management provides detailed guidelines, controls and procedure for remediation of contaminated lands.

The site of the proposed development is the subject of a site audit statement prepared by Graeme Nyland dated 2 September 2005. The site audit statement notes the proposed development site is suitable for residential purposes with minimal access to soil. However, Council is not in possession of many documents undertaken during the site investigation process that has led to the issue of the site audit statement. Therefore, to allow a complete review of the site investigation process, the following documents are to be submitted as part of any future application.

- Sampling and Analysis Plan prepared by PPK dated March 2002
- Environmental Site Assessment prepared by PPK dated May 2002
- Contaminant Delineation and Remedial Action Plan prepared by RCA Australia dated March 2004
- Site Remediation and Validation Report prepared by RCA Australia dated August 2005.

State Environmental Planning Policy No 64—Advertising and Signage (SEPP 64)

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

<u>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment</u> Buildings (SEPP 65)

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, including shop top housing 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 SEPP 65 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 <u>Architects Act</u> 2003.

Council's Urban Design Consultative Group

The proposed development was presented to Council's Urban Design Consultative Committee at its meeting of 19 October, 2016 for comment regarding compliance with the design quality principles set out in the Apartment Design Guide (2015) under SEPP65.

The UDCG made the following comments regarding the dwellings located on the ground floor facing the harbour:

The UDCG is not supportive of the continuous strip of private courtyards lining the ground level of the waterfront façade. Where this has happened elsewhere on the Newcastle foreshore it has sterilised the space, causing privacy problems, undermining safer-by-design principles, and creating a largely blank face to the harbour at street level. Because the proposed development is to the west of the primary restaurant strip there is no need for its entire northern face to be retail or café, but some public activation of the ground floor of the north façade is necessary.

It is noted that the submitted development plans were not amended to respond to the above comments.

Council supports the above comments of the UDCG. The ground floor area should be identified as business/retail premises and would appear to be ideally suited for café and restaurants or other public activities. The design of the development should be amended to include an active frontage along this area. This is seen as a significant planning issue and should be addressed prior to lodgement of the development application with the Department of Planning.

The changes made to the ground floor layout of the development as shown on the submitted amended plan (SK-DA-0201/11, Rev 11 dated 14 March 2017) to incorporate a kiosk in the north east corner of the proposed building do not adequately address the concerns of Council and the UDCG.

A number of buildings have been constructed within this precinct for mixed use developments and have not provided adequate facilities to cater for café/restaurants. This is a considerable constraint on the existing businesses. Therefore, any amended development should include sufficient storage (dry and cool) space, toilet facilities to cater for future uses.

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 (Infrastructure) 2007

This policy facilitates the effective delivery of infrastructure across the State. The development is subject to the requirements of this SEPP and must be satisfied.

Traffic generating development

The proposed development meets the definition of Traffic Generating development and any development applications will require the concurrence of the Roads and Maritime Services.

Column 1

Column 2

Column 3

Purpose of development Size or capacity—site with Note.

access to any road

Size or capacity—site with access to classified road or to road that

The development may be the erection of new premises or the enlargement or extension connects to classified road (if access within 90m of connection, measured along alignment of

connecting road)

of existing premises

Area used exclusively for 200 or more motor vehicles

50 or more motor vehicles

parking or any other development having ancillary parking accommodation

Any other purpose

200 or more motor vehicles

Draft State Environmental Planning Policy - Coastal Management

This draft SEPP was on public exhibition until 20 January 2017. The Coastal Management SEPP will establish a new strategic landuse planning framework for coastal development which will bring together SEPP 14 (Coastal wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection).

Newcastle Local Environmental Plan 2012

The site is zoned B4 Mixed Use and the proposed development is permitted with consent as under the Newcastle Local Environmental Plan 2012 (NLEP 2012).

On the Pre-Development Application form the proposed development is described as 'mixed use development-commercial and residential'. Such description does not adequately describe the proposed development and further clarification is required with the development application as to the exact nature of the residential accommodation proposed. If shop top housing is proposed, the ground floor dwellings and commercial spaces would need to be replaced by retail or business premises to ensure the development is consistent with the definition of shop top housing in the Newcastle Local Environmental Plan, 2012.

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

1) Clause 4.3 - Height of buildings

The height of a building on the site is not to exceed the maximum heights of 14 and 24 metres shown 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 1 and 2 exceed the 14m height limit. Any variation to the maximum building height 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 for a building on the site is not to exceed the floor space ratios of 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.

It is noted that the proposed development exceeds the 2.0:1 maximum FSR standard for part of the site. Also, the development includes car parking in excess of Council's requirements. The parking spaces (and associated access) which exceed Council's requirements are to be included in calculation of the gross floor area and FSR of the development.

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).

2) Clause 4.6 – Exceptions to development standards

The NLEP 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 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.

3) Clause 5.5 – Development within the coastal zone

The land is within the coastal zone. Any development submitted on the land should demonstrate:

- (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and
- (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
- (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
- (d) the proposed development will not:
 - (i) be significantly affected by coastal hazards, or

- (ii) have a significant impact on coastal hazards, or
- (iii) increase the risk of coastal hazards in relation to any other land.

It is recommended that you review clause 5.5 for comprehensive information on the matters that will be considered in the assessment.

4) 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 carparking 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.

5) 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 issues.

Newcastle City Centre - Part 7

6) 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'. 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'.

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

The development 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:

1.00 Introduction

Section 1.00 Introduction

2.00 How to use this DCP

Section 2.00 How to use this DCP

3.00 Landuse Specific Provisions

Section 3.01 Subdivision

Section 3.05 Residential Flat Buildings

Section 3.10 Commercial Uses

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

5.00 Environmental Protection Provisions

Section 5.01 Soil Management

Section 5.02 Land Contamination

Section 5.03 Tree Management

6.00 Locality Specific Provisions

Section 6.01 Newcastle City Centre

Section 6.13 Precinct Maps

7.00 Development Provisions

Section 7.01 Building Design Criteria

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 Outdoor Advertising and Signage

Section 7.10 Street Awnings and Balconies

8.00 Public Participation

Section 8.00 Public Participation

9.00 Glossary

Section 9.00 Glossary

Technical Manuals

City Centre Public Domain Technical Manual

Subdivision Technical Manual

Commercial Technical Manual

Contaminated Land Management Technical Manual

<u>Urban Forest Technical Manual</u>

Landscaping Technical Manual

Stormwater and Water Efficiency Technical Manual

Waste Management Technical Manual

Outdoor Advertising Technical Manual

E. General Comments

In addition to the issues raised previously, the following additional matters are considered to warrant further detail, consideration or amendments prior to the submission of a development application:

1. Traffic and parking

1.1 Off-Street Car Parking

Based on the original submitted plans and the required parking requirements of section 7.03.02 of the NDCP, 2012 the proposed development required the following number of parking spaces:

residentialvisitorscommercial147 spaces30 spaces5 spaces

Total required - 182 spaces

The proposed development included a total of 215 spaces (including 16 'accessible' spaces).

The submitted amended basement floor plan (Dwg.No.SK-DA-0200 Rev 10 dated 10 March 2017) indicates the following number of parking spaces:

• residential spaces (146 spaces + 27 tandem spaces) - 173

'adaptable spaces' (persons with a disability)

Total proposed - 189 spaces

16

The amended submitted Ground Floor plan (Dwg.No.SK-DA-0201 Rev 11 dated 14 March 2017) indicates that the following number of parking spaces:

residential garagesvisitor spacescommercial spaces

Total proposed - 55 spaces

Overall, the amended development will include 244 off-street parking spaces which are 62 spaces in excess of Council's requirements. According to your email dated 14 March 2017, the needs of any future occupants can be addressed via an additional 13 spaces which can be accommodated within the garages on the ground floor. Furthermore, additional parking can be provided in the basement floor via a redesign of the spaces for persons with a disability.

Based on the above, it is recommended that an allocation of one parking space per dwelling is provided. 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.

It is noted the number of commercial spaces has decreased by one space. This space will need to be reinstated to ensure compliance with Council's parking requirements. In addition, the activation of the ground floor facing the harbour will result in a decrease in the number of parking spaces available for the dwellings. Such spaces must be located so as to be readily accessible by the customers of the business and retail premises.

1.2 Bicycle Parking

Section 7.03 of the NDCP, 2012 requires a minimum of 1 bicycle space per dwelling (Class 1 or 2). It seems that the basement and the allocated spaces on the ground floor (Class 2) may be sufficient to provide for the bicycle spaces. Additional visitor bicycle spaces can be designed along the ground floor areas for easy access.

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

1.3 Motorbike Parking

Section 7.03 of the NDCP, 2012 requires parking for motor bikes at the rate of 1 per 20 cars. Based on a total of 244 parking spaces, approx. 12 motorbike parking spaces will need to be provided. The current design provides only 8 spaces, additional spaces are to be provided to ensure compliance.

1.4 Driveway Access

The development includes two driveways to Honeysuckle Drive. It is noted that the location of the driveways will mean that there will be no vehicular access available to the site for vehicles travelling from the east. It is recommended consideration is given to amending the design of the development to provide an access from Worth Place, similar to the development at 19 Honeysuckle Drive. The roundabout on Honeysuckle Drive and Worth Place would assist in traffic flow and can provide a better access option for the development.

It is also noted that the eastern end of the development will impact on the existing bus drop off location. The bus stop will be in heavy use as there will be a lot of tourist buses and related activities happening in the area (New Tourist Cruise Ship Terminal is proposed as part of NSW Government). Furthermore, it is understood that Newcastle Buses may be looking at a bus route in the near future. It is recommended that you consult relevant authorities and stakeholders in relation to the bus stop and consider relocating the eastern driveway away from the bus top. Note: DDA requirements will need to be considered.

In comparison with the existing car park which has a driveway access from Worth PI, the traffic flow from the car park is operating well. Based on the above, it can be assumed that putting the main off-street driveway access from Honeysuckle Dr will need to be analysed to assess the impact on the existing and future traffic flow. It can be stated that Worth PI is a more suitable location to have off-street vehicular access.

2. Public Domain

The proposed development will need to upgrade the existing footpath along Honeysuckle Drive, Worth Place and the Promenade Waterfront area. The works in the road reserve on Honeysuckle Drive and Worth Place will need to be designed the in accordance with

'Newcastle City Centre Public Domain Technical Manual'. 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 Roads Act application (fees applicable). Any requirement to install new bus stops, shelter and DDA requirement on Honeysuckle Drive will need to be consulted with Newcastle Buses, Council and relevant stakeholders.

Upgrades works within 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.

3. Flood Management

3.1 Flooding

The site is subject to Local (Flash) flooding and Ocean Flooding. A precinct flood study was undertaken as part of the Honeysuckle Redevelopment Project on behalf of Honeysuckle Development Corporation - Document Reference as follows: -

• Waterfront and Cottage Creek Flood Management Plan - Project No. J1542/R1738 HDCFMPH1.DOC - Rev1 Dated 18/01/1999.

Council is currently undertaking a flood study of Newcastle West, including the subject site, known as Newcastle West Drainage Study. The study is at its draft stage and a number of stakeholder consultation meetings have been held.

It is noted that a Flood Information Certificate (FL2016/00299) has been obtained from Council which provides the following information:

- The PMF Flash flood level is noted as 3.07m AHD and Ocean PMF is noted as 3.40m AHD.
- 1 % AEP level for flash flood is noted as 1.58m AHD and Ocean level is noted as 2.20m AHD.
- The recommended floor level is noted as 2.50m AHD (1% AEP for Ocean Flooding plus 300mm freeboard 2.20m + 0.3m = 2.50m AHD) Flood Planning Level (FLP).

3.2 Proposed Building Floor Levels

It is noted that the building ground floor level is set at approx. 3.55m AHD. This is approx. 1.05m above the recommended floor level of the above flood information certificate.

The implications of setting the ground floor 1.05m above the recommended floor level and when compared with the existing ground levels seems to be the main factor which is leading for the need to have steps and the requirement to design ramps for accessibility.

The NDCP 2012 allows for basement parking to be set at Flood Planning Level and the surrounds of the basement to be protected to PMF level 3.40m. It is recommended that the applicants review the proposed ground floor level and justify the reasons for designing the building ground floor to such a high level.

The proposed kiosk is set at approx. 1.72m AHD. The kiosk level is acceptable on the basis that it will be non-habitual and risks associated with floodwaters will be low due to the nature

of the building. It should however be noted that electrical items and other services will need to be designed above FPL.

Having regard to the principles of Universal Design the development should be designed to be equally available to all users, including people with a disability.

3.3 Floodways

The Waterfront and Cottage Creek Flood Management Plan included a detailed site investigation for the area. The contents of the study confirm that Worth Place (aka Bullock St) which is east of the site is a floodway. According to Council records, the Worth Place floodway has been constructed to the Waterfront and Cottage Creek Flood Management Plan.

The report also confirms that the west of the site is a floodway (known as Hunter Water Corporation (HWC) Floodway). The study has provided detailed flood levels for both Worth PI and HWC floodway have been provided with flash flood levels and detailed design for the floodway.

Due to the proximity of the proposed development to the HWC floodway, the development will need to construct the northern section of the floodway as part of the development. Checks will also need to be done to ensure that the Honeysuckle Drive road level has been designed as per the recommended levels.

4. Stormwater

The proposed development will need to comply with the relevant requirements of Section 7.06- Stormwater of the NDCP 2012 and the associated technical manual. A comprehensive water cycle management plan will need to be developed and submitted in support of the development application.

4.1 Local and Road Drainage

Council records indicate that there are drainage pipes which pass through the property (see drainage map). Based on the drainage records, the applicants will need to confirm the location of the existing pipes and impact of any relocation of the pipes on the existing street and local drainage in the area. It is noted that the development has a basement and therefore the pipes may need to be redirected or additional overland flow path required.

5. Waste Management

Council's Waste and Commercial Collections Manager, David Thomas has provided the following advice regarding waste management:

'I understand that there are 154 residential units, all individually rated (based on the numbers provided below in 2. (a)).

As you would probably be aware, each residentially-rated property is entitled to:

- 1 x 140 litre general waste (red lid) bin (emptied weekly),
- 1 x 240 litre comingled recycling (yellow lid) bin (emptied fortnightly),
- 1 x 240 litre green waste (green lid) bin (emptied fortnightly).

Based on 154 separately residentially rated properties, the "total" rateable entitlement for the residential site would be as follows:

General Waste:

21,560 litres per week (red lid)

Recvcling:

36,960 litres per fortnight (yellow lid)

Green Waste:

36,960 litres per fortnight (green lid)

A suggestion based around the use of 1,100 litre bins is as follows:

• 10 larger "communal use" general waste bins (10 x 1,100 litre) emptied twiceweekly (giving 22,000 litres capacity per week; slightly over the site's residentially-rated entitlement).

• 16 larger "communal use" comingled recycling bins (16 x 1,100 litre) emptied weekly (giving 17,600 litres capacity per week, being 35,200 litres capacity per fortnight; slightly under the site's residentially-rated entitlement).

An additional consideration needs to be made by the site for Green Waste - whilst the site may not currently need this requirement, I believe it is prudent to make an allowance / provision for all containers / services that are available under the rateable entitlement, as the site's future needs may change depending on developments in the Council's collection service provisions, and / or the current / future desire of the owners / residents.

This is a lot of bins to have in one area, and I was under the impression that each "block" would have its own storage and presentation area which would have lessened the overall "load" in respect to bin storage and bin presentation - I have attached a specification sheet for the 1,100 litre bins (from several suppliers) to give an understanding of how much storage and presentation area may be required.

I would not expect my collection operators to use a "motorised bin mover" to move bins from a storage area to the collection vehicle and back, and whilst a specific collection day (or days) is / are allocated, a specific collection time is not guaranteed, making synchronisation between site staff and collection operators potentially problematic, especially if activities need to be coordinated. It would be preferable if site staff were able to present bins for collection in an easily accessible common area (e.g. along the driveway), easily accessible from the proposed Waste Collection Loading Zone (this location would need to be formally marked as such).

Additionally, due to the site configuration and lack of available suitable street frontage, the kerbside collection option provided through Council's Bulk Waste Service would not be available to residents of this site, with the self-haul tipping voucher option only being accessible to residents.

When on public land, presentation of bins cannot be done in such a manner as to create an obstruction (for example, impeding pedestrians or vehicular traffic) or to present a health, safety or environmental issue. Additionally, bins should not be presented for collection any earlier than the afternoon / evening prior to the scheduled collection day and all bins should be removed from the kerbside as soon as possible after collection.

If the development demands a collection service beyond the service level that is provided by Council, there is no impediment for the site's owner/s to directly engage their own collection provider (noting that this would be at the owner/s cost, and with the Domestic Waste Management Service Charge and / or Business Waste Management Service Charge still being payable).

It is worth noting that by virtue of the Local Government Act 1993 Section 496, all councils must make and levy an annual charge for the provision of domestic waste management services, in respect of all rateable land within their area for which the domestic waste management service is available. This is applicable irrespective of whether the service is utilised or not. Please note that the Domestic Waste Management Service Charge (DWMSC) covers aspects of waste handling not necessarily related to the kerbside collection of waste. Issues such as waste education and state government levies are also funded in the charge.

Please note that any collections that require access to private property are subject to Council approval and have the need of completion of a specific Council Licence.'

6. Noise

The proposed development is located within proximity of the Port of Newcastle and forms part of an urban mixed-use area. Future residents of the proposed development have the potential to be adversely impacted by the urban noise environment including port operations, surrounding commercial businesses (including the proposed ground floor commercial tenancies) and establishments. Therefore, an acoustic assessment addressing the impacts of existing urban noise on the internal spaces of the proposed development should be included as part of any future application. The acoustic assessment is to be prepared by a qualified acoustical consultant and conducted in accordance Australian/New Zealand Standard, AS/NZS 2107. 2000 Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors.

F. Development Contribution Plans and Voluntary Planning Agreements

The proposed development would attract a development contribution to Council. Sections 94 and 94A of the *Environmental Planning and Assessment Act 1979* enables Council to levy contributions for public amenities and services.

Section 94 Contributions are imposed by way of a condition of development consent or complying development, and can be satisfied by

- Dedication of Land
- 2. A monetary contribution
- 3. A material public benefit; or

A combination of some or all of the above

Section 94A Development Contributions Plan 2009

The City of Newcastle Section 94A Development Contributions Plan 2009 (Updated August 2015) applies to the entire Local Government Area excluding Blue Gum Hills (Minmi, Maryland and Fletcher). Where this Plan applies no Section 94 levy will apply.

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 the Newcastle City Centre is 2% of the estimated cost of the development.

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.

G. Other Approvals

1. Mine Subsidence Compensation Act 1961

The site is located within a Mine Subsidence District. Sites located in mine subsidence districts are required to gain an approval from the Subsidence Advisory NSW for a proposed development. 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 is located at 117 Bull St Newcastle West, phone (02) 4908 4300 (see http://www.subsidenceadvisory.nsw.gov.au for more information).

2. Roads Act 1993

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 is to 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.

H. Advisory Matters

1. Cranes and Tall structures

The subject site may be located within the protected airspace of Newcastle Airport. If it is proposed to erect a structure or use a mobile crane having a height exceeding 30m above ground level, it will be necessary to obtain the prior approval of the Air Base Command Post of RAAF Base Williamtown in accordance with the 'The Operation of Cranes and Tall Structures in the Vicinity of Newcastle Airport' (Department of Defence, 2013) A copy of which can be found on Council's web site. Further enquiries about the document or the requirements can be made at:

RAAF BASE WILLIAMTOWN

Phone: 02 4034 7888 Fax: 02 4034 7881

Email: WLM.ABCP@defence.gov.au

2. 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. 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.

J. Conclusion

A preliminary assessment of your proposal has identified a number of 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.

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 4974 2747 or by email at dpaine @ncc.nsw.gov.au.

Yours faithfully

David Paine SENIOR DEVELOPMENT OFFICER (PLANNING)

lewcastle

- Newcastle City Council CCTV Confirmed Location
- castle City Council Unconfirmed Location
- Hunter Water Unconfirmed Location Hunter Water - CCTV Confirmed Location
- Other Owner/s CCTV Confirmed Location
- Other Owner/s Unconfirmed Location
- Headwalls
- Newcastle City Council CCTV Confirmed Location Newcastle City Council - Unconfirmed Location
- Hunter Water CCTV Confirmed Location
- Hunter Water Unconfirmed Location
- Other Owner/s CCTV Confirmed Location
- Other Owner/s Unconfirmed Location

- Newcastle City Council CCTV Confirmed Location
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Newcastle City Council - Unconfirmed Location

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- Other Owner/s Unconfirmed Location
- Newcastle City Council OCTV Confirmed Location
- Newcastle City Council Unconfirmed Location
- Hunter Water CCTV Confirmed Location
- Hunter Water Unconfirmed Location

Other Owner's - CCTV Confirmed Location

Other Owner/s - Unconfirmed Location



1100 LITRE FLAT LID CONTAINER: THE BEST IN ITS CLASS



UNIQUE DESIGN EASY HANDLING IMPROVED SAFETY

Improved handling

- Easy grip handles on all sides
- Optimum manoeuvrability
- Compatible with identification and weighing systems



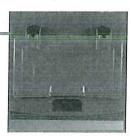
Increased safety

- Foot pedals on the front wheels lock the bin in position
- Increased stability
- Directional locks are ideal for use with towing equipment



Benefits

- Accessories easily fitted
- Complies to EN840 standard
- Safe and easy handling



Material

- Polymer components:
- ☐ Injection moulded from specially designed HDPE
- Resistant to decay, frost, heat and chemicals
- ☐ Special UV-stabilisers provide excellent ageing characteristics
- Corrosion resistant steel components
- Noise reduction:
- ☐ Wheel assemblies with solid rubber tyres
- Long service life:
- High quality materials
- ☐ Excellent manufacturing processes
- ☐ Withstands exposure to high mechanical stress levels
- Recycling:
- ☐ All container parts are recyclable

Design

- Easy handling through the use of ergonomic handles
- Versatile, with a comprehensive accessories range
- In accordance with the safety requirements of EN-840
- Easy grip handles on all sides
- Safe, easy handling, even with heavy loads
- Various wheel assembly configurations for different applications
- Improved water drainage as a result of rounded lids
- Water drainage plug as standard[†]
- Compatible with identification and weighing systems
- Reinforced base, front and rear panels for greater stability
- Fitted as standard with chip nest in accordance with RAL
- Easy to clean due to smooth surfaces and rounded internal corners

Accessories

■ For accessories and special design variations such as lid apertures, locks and towing brackets, please refer to the separate accessories sheet for 4-wheeled containers

SULO MGB Australia Pty Ltd 123 Wisemans Ferry Road Somersby NSW 2250

Australia

Tel: +61 (0) 2 - 4348 8188 Fax: +61 (0) 2 - 4348 8128

Internet: www.sulo.com.au E-mail: info@sulo.com.au

SULO - Queensland Office 11 Argon Street Sumner Park QLD 4074

Australia

Tel: +61 (0) 7 - 3725 5000

Fax: +61 (0) 7 - 3725 5099

Quality

- Certified according to DIN EN 840 and RAL GZ 951/1
- Constant quality control through manufacturers laboratory as well as independent institutes

Dimensions - Weights - Standards

■ Nominal volume:

1100 litres

■ Net weight:

approx. 65 kg

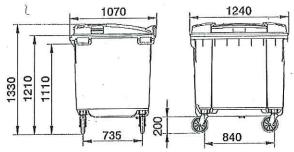
440 kg

■ Max. load:

■ Permitted total weight:

510 kg

Measurements to be used as a guide only -variations will occur















Note: Certification and Quality Marks depicted in this brochure are registered to SULO Umwelttechnik GmbH & Co. KG

Colours

- Standard colours: green, blue, yellow
- Special colours are available on request*
- All additives are cadmium free and environmentally friendly







Imprints and markings

- Manufacturer, year of manufacture, material
- Nominal volume, max. permitted total weight
- EN 840, RAL markings
- Individual markings with imprints, hot-foil printing or adhesive labels available on request *

SULO - Victorian Office 1950 Hume Hwy Campbellfield VIC 3061

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Tel: +61 (0) 3 - 9357 7320

Fax: +61 (0) 3 - 9357 7340

SULO - New Zealand PO Box 58 962

Greenmount, Manukau City 2141

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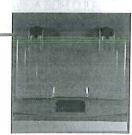
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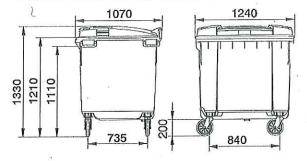
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