

APPENDIX F – Newcastle City Centre Local Environmental Plan 2008 – Compliance Table

Development Standard	Requirement	Proposal	Compliance
Clause 21 – Height of Buildings	The maximum height on the site is 35m above ground level.	<p>Northern building approximately 56.7m above ground level (including plant) and does not comply.</p> <p>However Schedule 6A, Clause 3B(2)(f) of the Act states: <i>(f) the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan,</i></p> <p>The proposal complies with the maximum height limit under the approved Concept Plan and is therefore considered acceptable.</p>	No – but acceptable due to Concept Plan
Clause 23 – Floor Space Ratio	Subclause 6 provides an FSR between 3:1 and 4:1 depending on proportion of tourist use. The SEE indicates 43% tourist use which equates to a maximum FSR of 3.43:1.	<p>The development has a GFA of 15,291m² and with a site area of 3,619m² equates to an FSR of 4.23:1. Therefore does not comply.</p> <p>However Schedule 6A, Clause 3B(2)(f) of the Act states: <i>(f) the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan,</i></p> <p>The proposal complies with the maximum GFA</p>	No – but acceptable due to Concept Plan

		under the approved concept plan and is considered acceptable.	
Clause 27 Building Separation	Buildings must be erected so that the distance from the building to any other building is not less than 24 metres at 45 metres or higher above ground level.	The SEE indicates that the separation between the northern building and the Sebel complies and it scales at 24m.	Yes
33 Ecologically sustainable development	Before granting consent for development for the purposes of a building, the consent authority must have regard to the principles of ecologically sustainable development as they relate to the proposed development based on a “whole of building” approach by considering: (a) greenhouse gas reduction, and (b) embodied energy in materials and building processes, and (c) building design and orientation, and (d) passive solar design and day lighting, and (e) natural ventilation, and (f) energy efficiency and energy conservation, and (g) water conservation and reuse, and (h) waste minimisation and recycling, and (i) reduction of car dependence, and (j) potential for adaptive reuse.	<p>The proposed development is considered acceptable in relation to the applicable ESD principles of the LEP.</p> <p>The proposal supports urban consolidation thereby utilising existing services and facilitating improved public transport and reduced car dependency.</p> <p>The building is orientated as best to facilitate solar access and the apartment layouts generally maximise natural ventilation. The development has been supported by a BASIX certificate and incorporates water reuse.</p> <p>The application has also been accompanied by a waste management plan.</p>	Yes
34 Public safety— licensed premises	Before granting consent for development involving the use of land as licensed premises, the consent authority must consider any impact of the proposed development on public safety.	The proposed development has been considered by Council's Licensed Premises Reference Group, a multi-agency working group, including the NSW Licensing Police and NSW Health. The group did not raise any specific concern with the proposed development.	Yes

		<p>The application was also referred to the NSW Police for advice in relation to Crime Prevention Through Environmental Design (CPTED). Their recommendations have been included as conditions of consent. The applicant has provided the following response in relation to the Police request for the application to be considered by the licensing unit.</p> <p><i>"We note that the NSW Police Service have raised no objection to the proposal, but have requested details in relation to the future licensing and operation of the hotel. At this early stage, no operator has been selected, but details will be provided as part of any future application for a license."</i></p> <p>It is accepted that full operational details would not be available at this stage. Given the limited information the hours of operation of the hotel component has been restricted to 12pm close and entertainment restricted to duos or trios with drum machine accompaniment or similar, with no live bands or similar permitted.</p>	
41 Development within the coastal zone	<p>Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:</p> <p>(a) existing public access to and along the coastal foreshore for pedestrians (including</p>	<p>Existing access will not be affected.</p>	Yes

	<p>persons with a disability) with a view to:</p> <ul style="list-style-type: none"> (i) maintaining existing public access and, where possible, improving that access, and (ii) identifying opportunities for new public access, and <p>(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:</p> <ul style="list-style-type: none"> (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and (ii) the location, and (iii) the bulk, scale, size and overall built form design of any building or work involved, and <p>(c) the impact of the proposed development on the amenity of the coastal foreshore including:</p> <ul style="list-style-type: none"> (i) any significant overshadowing of the coastal foreshore, and (ii) any loss of views from a public place to the coastal foreshore, and <p>(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and</p> <p>(e) how biodiversity and ecosystems, including:</p> <ul style="list-style-type: none"> (i) native coastal vegetation and existing 	<p>The suit is suitable for the development and appropriate in the context.</p> <p>The submitted shadow diagrams indicate some overshadowing of the beach however this was largely predetermined under the concept approval and in any regards is considered acceptable. The development would not unreasonably affect views from a public place.</p> <p>The proposed development does not adversely affect coastal headlands.</p> <p>The development site is devoid of vegetation and the development would not impact biodiversity.</p>	
--	---	---	--

	<p>wildlife corridors, and</p> <p>(ii) rock platforms, and</p> <p>(iii) water quality of coastal waterbodies, and</p> <p>(iv) native fauna and native flora, and their habitats, can be conserved, and</p> <p>(f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise:</p> <p>(i) on the proposed development, and</p> <p>(ii) arising from the proposed development, and</p> <p>(g) the cumulative impacts of the proposed development and other development on the coastal catchment.</p> <p>Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:</p> <p>(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</p> <p>(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</p> <p>(c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake,</p>	<p>The proposed development is well above sea level and not affected by coastal processes or hazards.</p> <p>The development would not result in adverse cumulative impacts.</p> <p>The proposal will not impact access.</p> <p>The development will be connected to the existing sewerage system.</p> <p>Stormwater discharge is proposed to be discharged to Council's on-site drainage system.</p>	
--	--	---	--

	coastal creek or other similar body of water, or a rock platform.		
46 Heritage Conservation	The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned.	As outlined under Part 6 – Concept Plan considerations of this report a Heritage Impact Statement has been submitted that identifies that the proposal would not adversely affect European and non-European heritage.	Yes