URBIS

NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

DCP COMPLIANCE TABLE – DETAILED DA

Control	Proposed	Compliance
3.10 Commercial Uses		
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.	The proposed building setbacks have been established with consideration for the prevailing street setback. This is particularly evident along the Hunter Street and Newcomen Street frontages where the ground floor and level 1 have been designed to align with the existing developments on 103 Hunter Street and 16-20 Newcomen Street. The proposal is the result of a conscientious design process to ensure activation of the street and frontage is provided and setbacks are consistent.	Yes.
2. Development facilitates pedestrian access from the street frontage and provides individual identity to dwellings.	The proposed development will ensure pedestrian access from street frontages through establishing “Market Plaza”, “Laing Lane” and upgrading pedestrian linkages on Morgan Street from King Street. The proposed pedestrianised spaces will provide well-considered ground floor retail	Yes.

Control	Proposed	Compliance
	activation and landscaping to establish attractive public spaces. The proposal is the result of a rigorous design process whereby the individuality of buildings was tested and explored whilst still maintaining a consistent design across the site. Each building offers a unique façade and materiality whilst ensuring the bulk, and scale of the buildings are appropriate.	
3.10.04 Side and rear setbacks 1. 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.	A BCA Assessment Report accompanies this DA. The proposed setbacks have been provided in accordance with the BCA and consider privacy, private open space, and solar access for both Stage 3 and 4, as well as adjoining properties.	Yes.
3.10.05 Street activation 1. Provide activated street edges at ground level through the provision of retail premises or business premises uses in business/commercial zones.	The proposal introduces “Market Plaza” and “Laing Lane” which offer ground floor retail activation and public open space. Additionally, buildings with a street frontage to Hunter Street will offer retail tenancies on the ground floor to further activate the East End precinct and the site.	Yes.
2. Ground floor retail uses provide multiple pedestrian accesses along the street frontage.	The introduction of new through-site links from Hunter Street to Laing Street in a north-south direction and Newcomen Street to Laing Street in an east-west direction will increase site permeability and access to retail uses.	Yes.

Control	Proposed	Compliance
3. A visual connection into uses at ground level and avoid the use of solid walls or covered glassing for lengths greater than 3m.	The proposal suitably activates the ground plane through ensuring visual connections into ground floor uses and reduces the use of solid walls where possible. The site does not contain any ground floor retail uses with solid walls or covered glassing over 3m in length, to ensure the ground plane is activated and inviting for public use. Solid walls over 3m in length have only been utilised to ensure the integrity of pedestrian staircases and privacy of tenants, where applicable.	Yes.
3.10.06 Building design and appearance 1. New development enhances and makes a positive contribution towards the desired built form	The proposal has undergone an Architectural Design Competition where the design has been interrogated to ensure it delivers a highly positive outcome for the East End precinct.	Yes.
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.	Throughout the competition process the features mentioned have been considered both at the site and for the surrounding area. The proposal responds to the existing fine grain street and laneway pattern of the East End area by including additional through site links and ground floor retail activation. It also and maintains and supports the existing streetscape through consistent setbacks and landscaping elements. Refer to the Architectural Plans and Urban Design Report	Yes.

Control	Proposed	Compliance
	prepared by SJB, DBJ and Curious Practice for further detail. Connecting with Country principles have also been integrated, and are detailed within the Connecting with Country Report provided by Dhiira that accompanies this DA.	
3.10.07 View 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 has been designed within the parameters of planning guidelines largely complying with the exception of a minor non-compliance in building height. Despite the minor exceedance, the design has been carefully developed to ensure surrounding views and privacy are not impacted. Notably the location of habitable rooms and balconies of Building 3W have been located to reduce potential privacy impacts to Stage 2. Angular concrete blades are proposed on Building 3W to provide additional privacy to neighbouring properties. Building 4N, which fronts Hunter Street has been designed to ensure the privacy of its residents, as well existing neighbouring properties. Street front glazing has been reduced to a level which ensures privacy whilst suitably activating the ground plane. Increased column widths on the upper levels have been used to improve the privacy of residents and reduce potential privacy impacts on neighbouring properties.	Yes.

Control	Proposed	Compliance
2. Grand vistas and views from dwellings which are recognised and valued by the community are not unreasonably obscured by new development.	The proposed development ensures the views to Christ Church Cathedral are maintained and enhanced through establishing important view corridors between Hunter Street and King Street. Further details of the view impacts of the proposal are provided within the Visual Impact Assessment prepared by Urbis.	Yes.
3. Views to heritage or familiar dominant landmarks from dwellings are not unreasonably obscured.	The proposal responds to the existing heritage significance of East End by complimentary design which does not reduce views to heritage items or dominant landmarks. The proposal will improve the view from the Harbour to the Christ Church Cathedral by redistributing the bulk and scale of the development to create a view corridor through the development. The existing views of the “Municipal Building” heritage item and contributory buildings from Hunter Street will be retained.	Yes.
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.	The building separation width from the windows of habitable rooms which abut a public or communal street do not comply with the provisions of the NDCP 2012, apart from the first two levels of Building 3W’s western	No. The non-compliance is acceptable given the solutions proposed and endorsed during

Control	Proposed	Compliance
	facade. However, mitigations measures have been fitted where non-compliance occurs. Ear-type windows have been used to redirect views and ensure privacy between apartments when separation requirements are not met. Similarly, column widths on Building 4N and 3E(S) have been increased, particularly at lower levels, to reduce privacy impacts on neighbouring properties and the public domain. The lower levels of Building 4S are expressed with solidity and landscaped elements to ensure the privacy of the public domain isn't adversely impacted. Overall, the proposal does not comply with the separation distances prescribed in the NDCP 2012, however suitable mitigation measures have been designed to reduce privacy impacts.	the Design Competition.
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 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.	The living areas of dwellings within a 'privacy sensitive zone' have been adequately screened or obscured using ear-type windows and large column widths, particularly between Building 3E(S) and 3E(N). The distance between the living rooms of Building(s) 4N and 4S have been separated beyond 12 metres, and as such do not require screening measures. However, column widths on lower levels have been	Yes.

Control	Proposed	Compliance
	increased, as well as considerations for the location of living spaces in adjoining properties.	
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.	Habitable rooms are not located within 12 metres of any private open space of other dwellings. Privacy screens and measures have been included despite this compliance with the NDCP 2012.	Yes.
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.	The proposed ear-type screening orientates views away from the adjoining habitable spaces and are permanently fixed and made of durable materials.	Yes.
8. Mechanical plant or equipment designed and located to minimise noise nuisance.	Mechanical plant equipment will be located either in secured rooms on the building floors or on building rooftops whereby it will be screened with landscaped elements to minimise noise and visual impacts.	Yes.
3.10.08 Fencing and walls 1. The use of fencing along street frontages is not supported.	No fencing is proposed along street frontages.	Yes.

Control	Proposed	Compliance
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.	The walls of the proposed development have been designed to both respond to the existing streetscape design and materiality as well as incorporating Connecting with Country principles through complementary material choices, endorsed by First Nations community members.	Yes.
3. The use of sheet-metal fencing is avoided adjacent to public places, unless the visual impact is softened by landscaping.	No sheet metal fencing is proposed.	Yes.
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.	Mailboxes will be provided on the ground floor of Building(s) 3W and 4S and are located close to the Thorn Street and King Street entrances, respectively.	Yes.
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 sewer. The bin storage area is located as close as practicable to the pick-up location.	Waste storage rooms have been designed to minimise impacts on adjacent rooms, public space and/or properties. Bin and waste storage rooms are located nearby to goods lifts for the loading docks and will be concealed from view and not located on residential floors. Waste chutes will be provided in residential lobbies. For further details refer to the Waste Management Plan prepared by MRA Consulting which accompanies this application.	Yes.
4.03 Mine Subsidence		

Control	Proposed	Compliance
1.Development is designed in accordance with relevant Subsidence Advisory NSW Development Guideline (as amended or replaced). Documentation must include appropriate notes and detail to confirm compliance with the Development Guideline.	The proposed development has been designed in accordance with the Subsidence Advisory NSW Development Guideline. The Geotechnical Report accompanying this DA outlines the assessment methodology and details compliance.	Yes.
2. Where required development plans are submitted to Subsidence Advisory NSW for assessment and determination prior to the lodgement of a development application. Endorsed plans stamped by Subsidence Advisory NSW are to be submitted with the development application. Where required applications for subdivision are lodged to Subsidence Advisory NSW for assessment and determination prior to the lodgement of a development application. Endorsed plans stamped by Subsidence Advisory NSW are to be submitted with the development application.	Development plans have previously been submitted to Subsidence Advisory NSW under Development Consent DA2018/00354 which granted approval for mine subsidence remediation grouting for Stage 2, Stage 3 and Stage 4 of the Staged Concept approval via General Terms of Approval (GTA's). Referral to Subsidence Advisory NSW will be required as part of the DA assessment process but acknowledgment should be given to the previous GTA's for DA2018/00354.	Yes.
4.04 Safety and Security		
4.04.01 General Principles 1. A Crime Risk Assessment in accordance with Table 1 is supplied for development that is considered to: a) create a risk of crime; b) involve an increased threat to public safety; and/or c) include a component to serve, sell or supply alcohol.	During the competitive design process, the panel jury sought further refinement of CPTED principles, particularly in regard to the proposed "Laing Lane Building". In response the jury comments, the building was refined to include a greater opening to Newcomen Street with visibility from Morgan Street and Laing Street as well as the common areas of Building 4N and 4S Wellbeing Centre. Refer to the Architectural Plans prepared by SJB, DBJ and Curious Practice for further detail.	Yes.

Control	Proposed	Compliance
	The jury did not raise concerns regarding crime following this amendment, and nor for the overall Stage 3 and 4 precinct.	
2. Design and layout (a) Buildings are to be designed to allow casual surveillance of the street, for example by: (i) maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved; (ii) providing openings of an adequate size in the upper levels to maximise opportunities for surveillance; (iii) locating high use rooms to maximise casual surveillance; (iv) clearly displaying the street number on the front of the building in pedestrian view; and (v) ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters. (b) Casual surveillance of loading areas is to be improved by: (i) providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; and (ii) providing adequate day and night lighting which will reduce the risk of undesirable activity.	As mentioned above, concerns raised by the competitive design process Panel pertaining to safety were adequately addressed through increasing visibility and sightlines from neighbouring buildings of “Laing Lane”. Ground floor retail uses will provide extensive glazing to maximise view sharing and solar access. Landscaped elements and signage will generally not obscure views from ground floor retail spaces. Balconies and private open space above the ground floor have been oriented to adequately survey public open spaces and maximise passive surveillance. The design of loading areas will minimise crime through providing appropriate lighting to reduce the risk of undesirable activities and ensure legible signage. Loading areas have been oriented to ensure that sightlines will not be obstructed, particularly between service areas, and entry and exit points.	Yes.
(c) Design entrances to buildings from public streets so that: (i) building entrances are clearly identifiable, defined, lit and visible;	The entrances to buildings will be suitably visible from public spaces through appropriate lighting, definition, and wayfinding measures.	Yes.

Control	Proposed	Compliance
(ii) the residential component of a shop top housing development has a separate secure pedestrian entrance from the commercial component of the development; (iii) main entrances are clearly identifiable; (iv) pavement surfaces and signage direct pedestrian movements; and (v) potential conflict between pedestrians and vehicles is avoided.	All of the buildings with shop top housing above commercial premises contain a separate and secure pedestrian entrance to reduce pedestrian traffic and minimise potential impacts on residential properties. The potential for conflict between pedestrians and vehicles has been minimised. Some of the design items include the layout of the ground floor including the location of driveway access and parking, distinct residential entry points, plaza landscape, activation of the ground plane, sightlines, independent and controlled access to commercial parking.	
5.00 Environmental Protection Provisions		
5.02 Land Contamination **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 landowner 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.	The Detailed Site Investigation (DSI) included soil sampling at twenty-two (22) bore holes, systematically sampled across the site up to 3.1m below ground level, and the installation of two (2) groundwater sampling wells between 4m and 5.1m. The soil data revealed that further remediation works will be required on site. To resolve this issue a Remediation Action Plan (RAP) has been prepared which details the proposed actions and solutions to make the site suitable for the proposed development.	Yes.

Control	Proposed	Compliance
	The groundwater at the site is not considered to be contaminated and will not require remediation. For further information refer to the Detailed Site Investigation prepared by Foundation Earth Services which accompanies this application.	
2. Remediation of land to be subdivided or developed does not place a public agency in a position where it may have to become involved in any future management or monitoring of contaminated land. In this regard, any ongoing management and monitoring requirements need to be clearly and legally assigned to the proprietors of newly created lots. It will need to be demonstrated, to the satisfaction of Council, that any further remediation required as a result of ongoing management or monitoring requirements can be legally and practically enforced.	As detailed in the DSI and RAP all works and outcomes for the remediation of the site is the responsibility of the proponent and is not expected to place any public agency in the future management or monitoring of the land.	Yes.
3. Remediation of land is carried out in accordance with this section, unless specific Council consent is granted for the remediation proposal which allows a variation.	The remediation of land will be carried it in accordance with this section of the DCP and guided by the RAP.	Yes.
4. Remediation of land is carried out and completed in a manner which will not result in an unacceptable level of risk to human health or the environment.	The remediation strategy contained within the RAP will effectively manage any environmental concerns identified in a manner that protects both human health and the environment. For further information refer to Remediation Action Plan prepared by Foundation Earth Services which accompanies this application.	Yes.
5. Remediation of land aims to remediate groundwater to a level that allows the maximum reuse of the resource into the future.	As determined by the DSI, the groundwater on site does not require remediation.	Yes.

Control	Proposed	Compliance
5.05 Heritage Items **5.05.01 General Principles** 1. Any development application for works to a heritage item is accompanied by a Heritage Impact Statement, Conservation Management Plan, or Conservation Management Strategy, as required by the Newcastle Local Environmental Plan 2012.	This development application is accompanied by a Heritage Impact Statement prepared by City Plan.	Yes.
2. Development of a heritage item: (a) is consistent with the Heritage Impact Statement, Conservation Management Plan or Conservation Management Strategy (b) is consistent with the Statement of Heritage significance for the item (c) protects the setting of the heritage item (d) retains the significant internal and external spaces and to recycle, re-purpose and reuse fabric and building elements (e) avoids “facadism” by using all of the components of the building including, but not limited to, the structure, floor, roof, floor and wall framing, fittings and finishes, fabric and materials (f) removes alterations and additions that are unsympathetic to the heritage significance of the heritage item (g) reinstates missing building elements and details (h) uses materials, finishes, and colours that are appropriate to the architecture, style and age of the heritage item (i) reinforces the dimensions, pattern and style of the original window and door openings of the heritage item (j) maintains and repairs building elements in order to retain the heritage item in a serviceable condition commensurate with its heritage significance.	This proposal is the result of a rigorous design competition which sought to ensure that the heritage significance of the adjoining “Municipal Building” heritage item was protected. The proposed works have been devised in consultation with City Plan Heritage and with consideration of the findings of the CMP and Statement of Significance for Stage 3 and 4 of the Newcastle East End Precinct, the Municipal Building and the Newcastle City Centre Heritage Conservation Area. As such the relevant policies within the CMP and Statement of Heritage Significance have been implemented in the proposed design where possible and where structural conditions allowed to ensure the protection and conservation of the heritage fabric present within the subject site.	Yes.

Control	Proposed	Compliance
5.05.02 Integrating heritage items into new developments 1. Where a conservation management plan or conservation management strategy, prepared for a heritage item, supports the incorporation of a development proposal with a heritage item, the design of the proposal includes appropriate measures to: (a) ensure the heritage significance of the item is conserved. A written statement outlines how the proposal achieves the conservation of the item's heritage significance (b) retain a suitable setting for the heritage item that enables the continued appreciation and integrity of the heritage item (c) ensure that repair and stabilisation treatments to heritage items identified in the conservation and design process are carried out to promote the conservation of the item (d) ensure that interventions do not affect the long term preservation of the fabric and construction of the heritage item.	The site-specific CMP prepared for Stage 3 and 4 of East End considers the potential redevelopment of the site and provides recommendations to ensure any future works do not impact on the significance of the heritage item, contributory buildings, or Heritage Conservation Area. The development considers the principles of the CMP to achieve a proposed built form that is commensurate with the existing heritage setting and does not adversely impact on the heritage significance of the site. The heritage item has been well integrated into the proposed development, with extensive design measures proposed which acknowledge and protect the item's significance.	Yes.
5.05.03 Changing the use of a heritage item 1. Any proposal for a change of use, including the adaptive reuse of a heritage item, demonstrates the following: (a) compliance with the Building Code of Australia addressing the performance-based design solutions if necessary (b) the new use minimises alteration of significant fabric and detailing, and incorporates existing fabric into the development proposal (c) alterations to the interior spaces minimise the effect on the exterior of the heritage item and promotes the integrity of the heritage item (d) the significant original use of the heritage item is interpreted	The proposed change of use of the "Municipal Building" is compliant with the Building Code of Australia and will not significantly alter the fabric and detailing of the building. The heritage building retains its current northern and eastern facades, with the internal fabric of the façade to be uncovered and celebrated. Retail uses are proposed on the ground floor, with residential apartments above. The apartments are set behind the heritage windows of the existing façade to provide a strong connection to the original fabric of the building.	Yes.

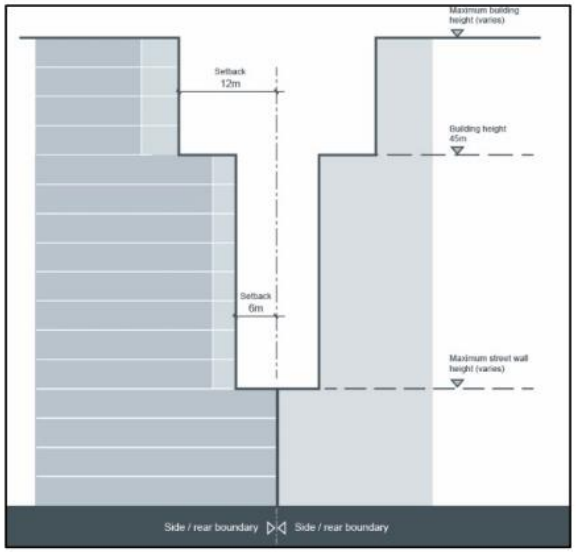
Control	Proposed	Compliance
(e) ensures that original crests, dates, logos, and building names are retained in situ (f) minimises the impacts from the introduction of new services into the interior and the exterior of the heritage item.		
2. The history of uses of a building is interpreted on the site in the form of interpretation panels, artefact and photographic displays, in situ retention of machinery and signage, and or artistic interpretation.	The proposal ensures the historical use of the building is interpreted and integrated into the future development through the restoration of the northern and eastern façade of the building. The lower levels of the heritage buildings will reinstate traditional shopfronts and be complemented by appropriate awnings, signage and lighting that contribute to a unique, vibrant precinct.	Yes.
6.01 Newcastle City Centre		
F. East End – Principles 1. Hunter Street continues to be the main retail spine of the area, supported by a range of complimentary uses, including residential, commercial, entertainment and dining.	The proposal will maintain and improve the retail offerings on Hunter Street through providing activated ground floor retail uses, inviting public open space, and the opportunity for a range of complimentary uses which ensure that the vitality of the East End is supported.	Yes.
2. Hunter Street is recognised and enhanced as a major pedestrian space and an informal meeting place.	The proposal includes extensive public open space and pedestrian linkages which offer ground floor retail uses and informal meeting places. This is particularly evident in the “Market Plaza” which offers 1,125m^2 of public open space providing opportunity for	Yes.

Control	Proposed	Compliance
	commercial and community uses to spill out on the plaza.	
3. The historic fine grain character is maintained and enhanced.	The historic fine grain street and laneway pattern of the East End precinct is maintained and enhanced through the proposed through-site links and pedestrianised spaces.	Yes.
4. Significant views to and from Christ Church Cathedral are protected, including views from Market Street and Morgan Street. Views to Hunter River are protected and framed along Market Street, Watt Street and Newcomen Street.	During the Competitive Design Process, CN requested that the view corridor between the Hunter River and Christ Church Cathedral be established. As such, the proposal seeks to establish this corridor through the proposed building envelopes and construction of the “Market Plaza” between Hunter Street and Laing Street.	Yes.
5. Vistas that terminate at significant heritage buildings are protected, such as Fort Scratchley.	As above, the view corridor between the Hunter River and Christ Church Cathedral will be established to protect the view of the Christ Church Cathedral.	Yes.
6. Distinctive early industrial, warehouse and retail buildings that contribute to the character of the area are retained and re-purposed, including prominent corner buildings.	The existing character of the East End is well integrated into the built form of the proposed development through the retention of the “Municipal Building” and contributory buildings at 105-111 Hunter Street.	Yes.
7. Existing laneways and pedestrian connections are enhanced.	The proposal seeks to enhance the historic fine grain street and laneway pattern of East End through the construction of a proposed laneway between Newcomen Street and Laing Street as well as the “Market Plaza”.	Yes.

Control	Proposed	Compliance
8. Heritage items and their setting are protected. New buildings respect the setting of heritage buildings.	The proposed design scheme was chosen by the jury during the architectural design competition for its relationship to the adjoining “Municipal Building” heritage item and contributory buildings. The proposed materiality, built form and scale respects the setting of heritage buildings and will not detract from their significance.	Yes.
9. In-fill buildings, additions and alterations to respond to the height, massing and predominant horizontal and vertical proportions of existing buildings	The bulk, scale and form of the proposed development responds to the height, massing and proportion of existing buildings in the East End. During the design competition, the building’s relationship with neighbouring properties was explored and examined with the panel determining the proposal was suitable for the site and surrounding context. The proposal offers a similar, yet unique built form outcome to Stage 1 of the East End.	Yes.
10. Recreational opportunities are created by establishing public space and pedestrian connections from Scott Street to the Hunter River foreshore.	The proposed design scheme will provide generous recreational opportunities through establishing the “Market Plaza” and improving pedestrian connections through the site from the Hunter River and Scott Street. The proposed “Laing Lane” pedestrian connection and additional public open space between Building 3E and 3N will create further recreational opportunities in the East	Yes.

Control	Proposed	Compliance
	End whilst responding to the existing character.	
6.01.03 General Controls		
A1. Street Wall Heights New buildings have a street wall height of 16m unless indicated otherwise in Figure 6.01-12. 2. Any development above the street wall height is set back a minimum of 6m, as shown in Figure below. 3. Corner sites may be emphasised by design elements that incorporate some additional height above the nominated street height. 	**Building 3W**: A street wall height of 30 metres is proposed, with no setbacks from the recommended street wall height of 18m. However, during the design competition the building height and setback was tested and explored. The proposed built form of this DA was determined to be the most suitable solution. To mitigate potential overshadowing and privacy impacts, a visual impact assessment has been prepared by Urbis (accompanying this DA). **Building 3E**: Building 3E(North) is the existing “Municipal Building” heritage item which does not currently exceed the prescribed street wall height, nor does this DA propose to increase building heights for Building 3E(N). Building 3E(South) exhibits a street wall height of 8.75 m. The building has a stepped design, whereby floor levels above Level 2 will by incrementally setback from the property boundary up to 3.22 metres at Level 10. The street wall height before it is setback complies with the provision of the DCP however the setback distances do not comply. This non-compliance is justified as the privacy impacts on any floor level with	No. The non-compliance is acceptable given the solutions proposed and endorsed during the Design Competition.

Control	Proposed	Compliance
	adjoining living spaces will be minimised through using ear-type windows. **Building 4N**: A street wall height of 29.37 metres to Hunter Street is proposed. The proposed development is located on top of the existing buildings at 105-111 Hunter Street and exhibits a consistent setback with the existing buildings. Whilst the proposal does not comply with the provisions of the DCP, the proposed development remains consistent with the scale of the existing contributory buildings. **Building 4S**: The location of Building 4S is not outlined on the street wall height map. Therefore, a street wall height of 16m is permissible under the NDCP2012. Building 4S has a street wall height of 24.5 metres to King Street and 36 meters at its tallest on Newcomen Street. The proposal does not include any setback above the permissible street wall height and is therefore non-compliant with the NDCP 2012. However, the impacts of this non-compliance have been mitigated through increasing the solidity and provision of landscaped elements on lower street levels to provide privacy and establish a relationship with the existing sandstone walls along King Street.	
A2. Building Setbacks	The proposed development of all buildings at the site exhibits a front setback of 0 metres	No.

Control	Proposed	Compliance
1. Front setbacks are nil (zero) unless shown otherwise in Figure 6.01-13 and Table 6.01-1. 2. 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. 3. When a setback is used, footpaths, steps, ramps and the like may be provided within it. 4. Minor projections beyond the setback are possible for Juliette balconies, sun shading devices, and awnings. Projections into the setbacks are complementary to the style and character of adjoining buildings.  	below the street wall height, and exhibit minor non-compliance with the 6m setback required above the street wall height. This non-compliance was known at the competition stage. The front setback of the proposed buildings is consistent with front setback of adjoining properties and does not detract from the visual character of the East End. The variation of the upper-level setback is considered appropriate as the design responses ensure that the proposal does not overbear the public domain. Development above the street wall height does not comply with the NDCP2012, however the development contains numerous mitigation measures to reduce the impact of the non-compliance. Such measures include the use of ear-type windows, increase column widths, and increase the façade solidity of certain floors (see street wall height section). For further information refer to the Architectural Plans and Design Report prepared by SJB Architecture.	

<table>
<tr><th>Control</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td>
<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>

Development may be built to the side and rear boundary (a nil setback) below the street wall height.

2. Commercial development above street wall height is consistent with the side and rear setbacks outlined in Table 6.01-1 and Figure 6.01-13.
</td><td></td><td></td></tr>
<tr><td>A3. Building Separation

1. Buildings achieve the minimum building separation for commercial buildings within the same site, as shown in Table 6.01-2 and Figure 6.01-14.

2. Building separation distances may be longer for residential and mixed-use developments to satisfy SEPP 65 guidance.

3. Sites with a road frontage 100m or greater include separation between buildings to maximise view corridors between the buildings and provide appropriate through-site links.

<table>
<tr><th colspan="4">Minimum building separation</th></tr>
<tr><td>Up to 16m</td><td>Up to 45m</td><td colspan="2">Above 45m</td></tr>
<tr><td colspan="2">Nil or 6m for link</td><td>9m</td><td>21m</td></tr>
</table>
</td><td>The building separations proposed for the site are as follows:

Building 3W and 3E: The proposed minimum building separation between Building 3W and 3E is 18m and gradually increases further north.

Building 3E(S) and 3E(N): The proposed minimum building separation between Building 3E(S) and 3E(N) is 2.43 metres which increases to 9.21 metres at its widest. This non-compliance is only applicable to floor levels below Level 4 as Building 3E(N) is not taller than Level 3, and therefore separation requirements between the two buildings are not applicable above Level 4. However, ear-type windows have been used</td><td>Yes.

The separation distance between Building 3E(S) and 3E(N) is non-compliant, however the measures proposed will suitably reduce any negative privacy or amenity impacts.</td></tr>
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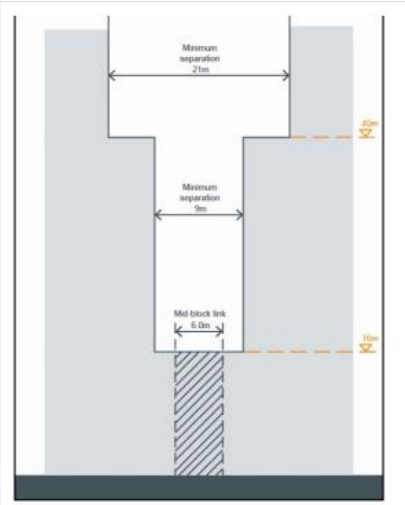
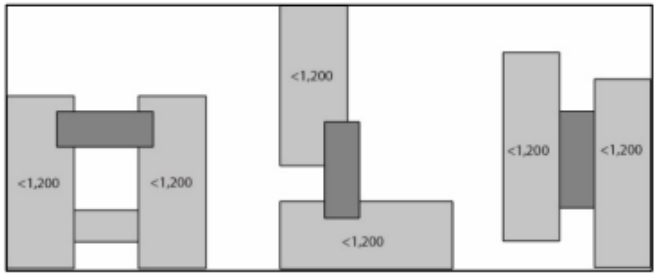
Control	Proposed	Compliance
	to redirect views and ensure privacy between apartments when separation requirements are not met. **Building 4S and 4N**: Buildings 4S and 4N are separated by the proposed “Laing Lane”. The building separation width ranges from 9m (upper ground and Level 01) to 17m (Level 2 and above). Therefore, the building separation width complies with the NDCP 2012.	
A4. Building Depth and bulk 1. Buildings achieve the maximum building depth and floor plate sizes as outlined in Table 6.01-3. 2. Buildings with large floor plates are expressed as separate building elements, as shown in Figure 6.01-15. 3. Buildings above street wall height have a maximum building length of 50m. 4. Floor plates are flexible and allow adaption for multiple configurations or uses.	**Building 3W:** The maximum depth of Building 3W, when measured above the permissible street wall height (18m) is 23 metres. The maximum GFA of a floor above the street wall height in Building 3W is 641m^2. **Building 3E:** The maximum depth of Building 3E(S) when measured above the permissible street wall height (18m) is 18.4 metres. The maximum GFA of a floor above the street wall height in Building 3E is 358m^2. **Building 4N:** The maximum depth of Building 4N when measured above the permissible street wall height (18m) is 29 metres. The maximum GFA of a floor above the street wall height in Building 4N is 362m^2.	Yes.

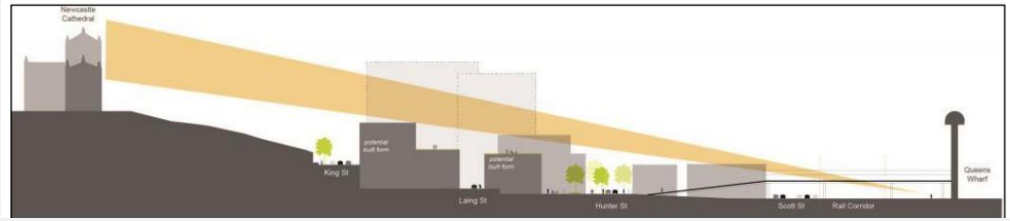
Control	Proposed	Compliance
Maximum building depth and floor plate size Building typology / Floor plates affected / Maximum GFA per floor / Maximum building depth Campus style commercial building / All floor plates Honeysuckle / 2500m² / 25m Commercial tower / Above street wall height / 1200m² / 25m Residential tower / Above street wall height / 900m² / 18m 	**Building 4S:** The maximum depth of Building 4S when measured above the permissible street wall height (16m) is 47 metres. The maximum GFA of a floor above the street wall height in Building 4S is 1,032m². The buildings are expressed as separate building elements to provide visual interest and ensure good internal amenity is achieved. The building depth and floor plate sizes were approved as part of the original Concept DA and have been tested and refined during the design competition and throughout post competition phase. Therefore, the proposed non-compliance with the DCP controls is justified.	
A5. Building exteriors 1. Materials and finishes complement the character of the precinct. 2. External walls are constructed of high quality and durable materials and finishes with low maintenance attributes such as face brickwork, rendered brickwork, stone, concrete and glass. 3. An exterior material and finishes sample board and schedule shall be submitted with development application to show the quality of the materials proposed.	The proposal is accompanied by a detailed Design Report prepared by SJB Architecture which describes in detail the buildings materiality and quality of architectural finish. The buildings materiality responds to the recommendations of the Connection with Country report prepared by COLA Studio and uses materials which reflect the nearby landscape and traditional First Nations practices.	Yes.

Control	Proposed	Compliance
	Overall, the proposed materials will provide a building exterior which makes a positive contribution to the streetscape and public domain.	
A6. Heritage Buildings A heritage management report, prepared by a suitably qualified heritage specialist, ensures the proposal achieves this performance criteria. 2. New development is consistent with the strategic actions of the City of Newcastle Heritage Strategy and the principles of the Newcastle Heritage Policy 2013 3. New development enhances the character and heritage significance of heritage items, heritage conservation areas, archaeological sites or places of Aboriginal heritage significance. 4. Views and sight lines to heritage items and places of historic and aesthetic significance are maintained and enhanced, including views of the Christ Church Cathedral, T&G Building, Newcastle Courthouse and former Post Office.	The site contains the locally significant "Municipal Building" heritage item and Newcastle City Centre HCA contributory buildings. The proposal has been through a rigorous design process to ensure the proposed bulk, scale, and material uses will complement the adjoining heritage items and will not impact the significance of the HCA. A Heritage Impact Statement prepared by City Plan accompanies this DA to ensure that the proposal achieves the performance criteria for this section of the NDCP 2012.	Yes.
A8. Design of Parking Structures 1. All parking is provided within the building footprint either within basements or well integrated into the building's design using materials and architectural façade treatments that are common to the rest of the development. 2. Where on-site parking cannot be provided within the building footprint it is located to the side or rear and not visible from the primary street frontage. 3. Access to above ground car parking is located in side or rear streets or lanes. 4. At-grade or above-ground car parking is screened from view from public spaces. Design solutions include: (a) green walls and roofs	All car parking spaces, including commercial, retail, and residential, will be provided within the building footprint and within basements. Access to the basement carpark will be afforded by at-grade entrances on Laing Street.	Yes.

Control	Proposed	Compliance
(b) solar panels incorporated into screens and awnings over car parking (c) architecturally designed façade treatments that incorporate artworks (d) using car park roof tops for community facilities such as tennis courts (e) sleeved by active and/or other uses as per Figure 6.01-16 and Figure 6.01-17.		
A9. Landscaping 1. Landscaping and communal open space is provided having regard to the desired streetscape character, building setbacks and relationship to public open space. 2. Landscaping on upper levels and roof tops through the use of roof and wall gardens is encouraged in compliance with Section 7.02.07 Green walls and roof space. 3. Private open space areas which adjoin public open space complement the landscape character of the public open space. 4. Residential buildings in the city centre do not require the provision of a deep soil zone.	The proposal is accompanied by detailed Landscape Plans prepared by COLA Studio. The landscaping strategy for the proposal focuses on an organic approach to landscape design which responds to the competition brief and Connecting with Country principles, while carefully considering the existing site topography and landscaped elements. This is outlined in the architectural drawings and Landscape Plan (accompanying this DA) and is achieved through the introduction of a “Market Square”, connecting Hunter Street with the Christ Church Cathedral, which is framed by native endemic civic-scaled species. This framing links the existing landscaping along Hunter Street with the development site. Landscaped elements contained within private open space complements the landscape character of the public open space through consistent species choice and design intent. The design of private open space has been configured to interact with and persuade the use of public open space.	Yes.

Control	Proposed	Compliance
	The proposed landscaped elements on Level 4 of Building 3E and Level 8 and 9 of Building 4S provides communal outdoor living spaces including shaded spaces, swimming and plunge pools, seating areas and lawn areas for active and passive uses.	
B. Public Domain		
B1. Access network 1. Improved and new pedestrian connections are as shown in Figure 6.01-19 and are designed in accordance with the City Centre Public Domain Technical Manual. 2. Sites with a street frontage 100m or greater incorporate additional pedestrian connections to improve access and permeability. 3. New pedestrian connections are within comfortable walking distance to public transport. 4. Streets and lanes are connected to encourage pedestrian use. 5. Way finding signage is incorporated and clearly defined.	The proposal emphasises the importance of improved and new pedestrian connections within the site and directly responds to Figure 6.01-19. A new through-site link will be created between Newcomen Street and Laing Street to improve pedestrian connections to the proposed “Market Square”. The proposed lanes and pedestrian connections have been designed to encourage pedestrian use through suitable ground floor activation and adequate wayfinding signage which ensure pedestrian safety and use. Existing streets and laneways will be activated by ground floor retail uses and/or improved public domain upgrades including street trees and widened footpaths.	Yes.

Control	Proposed	Compliance
		
B2. Views and Vistas 1. New development protects the views nominated in Figure 6.01-23. 2. New development in the vicinity of views to Christ Church Cathedral nominated on Figure 6.01-23 must ensure that vistas of the Cathedral's tower, roof-scape and pinnacles of the buttresses are preserved. 3. Open space and breaks in the built form align with existing streets and view corridors as identified in Figure 6.01-23. 4. A visual impact assessment accompanies the application and confirms that this performance criteria has been met.	The proposed development will enhance the views and vistas of the Christ Church Cathedral through establishing the view corridor proposed by CN in Figure 6.01-23. The scale, bulk and positioning of the proposed development was a subject of the rigorous design competition to ensure that views to and from the Harbour and Christ Church Cathedral are enhanced. A Visual Impact Assessment prepared by Urbis accompanies this DA.	Yes.

Control	Proposed	Compliance
		
B3. Active Street Frontages Active frontages are a minimum 70% of the primary street frontage. They have transparent glazing to allow unobstructed views from the adjacent footpath to at least a depth of 6m within the building. 2. Active frontages are to be provided in activity nodes: (a) in the locations shown in Figure 6.01-24 (b) on through block links, pedestrian only lanes and arcades (c) on all other streets where possible. 3. New development: (a) maximises entries or display windows to shops and/or food and drink premises, customer service areas and activities which provide pedestrian interest and interaction. (b) minimises fire escapes, service doors, car park entries and plant and equipment hatches and grilles, to the active frontage (c) provides elements of visual interest such as display cases, or creative use of materials where fire escapes, service doors and plant and equipment hatches cannot be avoided. (d) provides a high standard of finish for shop fronts. (e) avoid blank walls that inhibit natural surveillance and encourage graffiti.	The proposal has been designed to incorporate business and retail land uses on the ground plane to encourage pedestrian traffic and active street frontages. Smaller fine grain tenancies are proposed to increase diversity, present a cheaper cost of entry for fit-outs and align with the retail and ground plane brief. The tenancies are designed in a flexible manner so that larger tenants can also move in by deleting inter tenancy walls. To ensure the views of the retail premises are unobstructed, the landscape plans have carefully considered any adverse impacts. Large, obstructive landscaped elements are in spaces where they won't reduce the visibility of the premises. Instead, the response is an organic design with a series of planter sizes and plant species to deliver a compressed, connected and highly activated ground plane which supports the commercial elements. The active frontages are proposed to have glass facades to allow unobstructed views	Yes.

Control	Proposed	Compliance
4. Street frontages are activated through one or more of the following: (a) retail and shop fronts (b) cafés or restaurants (c) active office uses, visible from the street (d) public building or community facilities where activities inside the building are visible from the street (e) entries and lobbies (f) multiple entries for residential buildings (g) uses that overlook the street (h) uses that screen or sleeve car parks to a minimum depth of 6m from the street (i) avoiding porte cochères. 5. Ground levels of buildings in commercial core and mixed zones have a minimum 4m floor to ceiling height on the ground floor to ensure flexibility for a variety of active uses. 6. Foyer and lobby spaces are no more than 20% of the street frontage where active frontages are required as shown in Figure 6.01-24, or no more than 8m of a street frontage elsewhere. 7. The ground floor level is at the same level as the footpath. 8. Shopfronts are enclosed, unless they are food and drink premises. 9. Security grills, where provided, are fitted internally behind the shop front, are fully retractable and at least 50% transparent when closed 10. Active uses in existing and new laneways are encouraged.	from the adjacent to a suitable depth of the building. The proposal provides elements of visual interest, creatively uses materials for the façade and public domain and will provide a high standard for shop fronts. For further details refer to the Architectural Plans and detailed Design Report which accompany this DA prepared by SJB Architecture.	

Control	Proposed	Compliance
B5. Public Art Public and civic buildings, development on key sites and development over 45m in height are to allocate 1% of the capital cost of development towards public artwork for development. 2. Council is consulted on the location and proposal for public art.	The proposal will be accompanied by a public art strategy post determination to satisfy any relevant conditions. During the preparation of this strategy, CN will be consulted to ensure an appropriate location and form of public art is proposed.	Yes.
B6. Sun access to public spaces 1. Sunlight access is provided to significant public spaces for at least 2 hours during mid-winter between 9am and 3pm, demonstrated by shadow diagrams. Significant public spaces in the city centre include: (a) Civic Park (b) Civic Link (c) Wheeler Place (d) Birdwood Park (e) Little Birdwood Park (f) Cathedral Park (g) Pacific Park (h) National Park (i) Christie Place (j) Fletcher Park (k) Church Walk Park.	Whilst the site does not currently include any ‘significant public space’, considerations have been made for the solar access impacts on the future “Market Plaza”. Shadowing analysis has been prepared by SJB Architecture which determined that “Market Plaza’ will receive more than the minimum 2 hours of sunlight between 9am and 3pm in mid-winter.	Yes.

Control	Proposed	Compliance
B7. Infrastructure 1. Drainage, overland flow paths and infrastructure easements are generally as shown in Figure 6.01.26 2. Stormwater management facilities comply with Section 7.06 Stormwater of this DCP. 3. New development has water and sewer links into the existing network with suitable capacity.	The proposal has been adequately planned for in terms of stormwater and drainage. Details of the proposal's compliance is contained within the Stormwater Management Plan which accompanies this application, prepared by Xavier Knight.	Yes.
6.01.04 Key Precincts – Hunter Street Mall **B. Hunter Street Mall** *Figure 6.01-29: Hunter Street Mall Precinct*  	During the design competition, detailed consideration and exploration of potential through site links and pedestrian links was undertaken. The proposal exhibits a high level of compliance with the NDCP 2012. The proposal will establish a 1,125m^2 area of public open space known as "Market Plaza" in the centre of the site. To improve pedestrian access to the plaza, pedestrian linkages from King Street and Laing Street will be established. For further details refer to the Architectural Plans and detailed Design Report which accompany this DA prepared by SJB Architecture.	Yes.

Control	Proposed	Compliance
B1 Pedestrian permeability and amenity is improved. 1. New lanes and through-site links are provided in the locations identified in Figure 6.01-28. They are designed in accordance with the Public Domain section of this Development Guide and the City Centre Technical Manual. 2. New links include: (a) a continuous pedestrian connection between Newcomen and Perkins Streets mid block between Hunter and King Streets. (b) a minimum 3m wide pedestrian only link between Newcommen and Laing Streets connected to the Laing Street alignment. Newcastle Development Control Plan 2012 6.01 Newcastle City Centre 55 (c) a new pedestrian link or arcade between Thorn and Wolfe Street. (d) a pedestrian connection between Morgan and King Street.		
B2 Significant views and protected Development between Thorn and Morgan Street provides an opening on the Market Street alignment to preserve views of Christ Church Cathedral.	The proposal orientates the “Market Plaza” to align with the existing public open space between Hunter Street and Scott Street to preserve and establish views of Christ Church Cathedral.	Yes.
B3 Building form integrates with existing heritage character and retains contributory buildings. 1. Street wall heights ensure a minimum two hours of sunlight between 9am and 3pm in midwinter to the southern side of Hunter Street. 2. Large scale new development is articulated so that large expanses of building form are broken down into smaller elements to relate to the fine grain of the precinct. 3. Retain and adaptively re-use existing character buildings that are not heritage items but contribute to the historic identity of the precinct.	The proposed building form and its relationship with the existing heritage character of East End was tested and explored throughout the design competition. The massing of the proposed buildings has been articulated to ensure pedestrian connections are afforded and to relate to the fine grain of the East End precinct.	Yes.

Control	Proposed	Compliance
	The heritage item and contributory buildings are to be retained and celebrated. The existing “Municipal Building” heritage item is to be retained without additional built form above to present as a freestanding building to Hunter Street. The contributory buildings at 105-111 Hunter Street will be adaptively re-used to ensure the heritage significance of the East End will be retained. The original Hunter Street facade and parapet returns are retained with the existing bay windows and function retained and fixed in an open position to suit new balconies behind.	
B4 Hunter Street is a pedestrian and vehicular thoroughfare and a place of activity. 1. Remove existing lightweight and concrete freestanding awnings structures. 2. Define clear pedestrian spaces along the fronts of buildings. 3. Provide a centrally located one way share-way for vehicles with threshold treatments between Perkins and Newcomen Streets. 4. Provide limited short stay car parking with priority given to accessible parking spaces. 5. Provide a centrally located space that is relatively clear of obstructions that can be used for special events. 6. Remove the pedestrian bridge along Market Street to promote connections to the waterfront and future light rail stops.	The proposed built form and additional public open space will ensure that Hunter Street is retained as a place of pedestrian and vehicular activity. The introduction of “Market Plaza” at the centre of the site provides ample frontage for a variety of retail offerings, and community uses and special events at the ground plane. The plaza will connect the Market Street public open space with the current Hunter Mall site. Additionally, the ground plane of Building 4N will suitably activate Hunter Street through offering fine-grain retail tenancies which	Yes.

Control	Proposed	Compliance
7. Integrate Market Street into the mall using common public domain materials and treatments. 8. Provide additional street trees, new street furniture, new lighting, bike rings and way finding signage.	respond to the existing character of the East End.	
B5 Servicing and access is designed to minimise conflicts with pedestrians. Hours for service deliveries from Hunter Street are restricted to minimise potential conflicts with other activities. 2. Vehicle access and servicing is located to minimise conflicts with pedestrians. 3. Loading docks and their access points are not located on Hunter Street.	The proposed location of entrances to the loading docks in Building 3E(S) and 4S are located on Laing Street and will be clearly identified. Their location will minimise potential conflicts with pedestrians and other activities as it will not directly interface with public open space and pedestrian uses.	Yes.
6.02.07 Infill development in heritage conservation areas <u>Building Envelope</u> 1. The building envelopes in Part 3 of the Newcastle Development Control Plan 2012 do not apply in heritage conservation areas. The building envelope for infill development in heritage conservation areas is established on its merits having regards to: (a) consistency with and complementary to the massing, form, rhythm, bulk, scale, setbacks, wall height, building height, roof pitch, parapet and ridge line of neighbouring contributory buildings which predominate in the street; and (b) amenity considerations relating to the building and its neighbours including: i) avoiding overbearing development for public spaces and adjoining dwelling houses and their private open space; ii) impact on the amenity and privacy of residents; iii) protection of significant views or outlook of adjoining residents	The proposal is subservient to the approved Concept DA which approved the proposed building envelopes. The proposed built form is the result of a rigourous design competition where the relationship to existing heritage and contributory buildings, impact on the amenity and privacy of residents, and provision of landscaped elements was tested and explored in detail. The proposed building envelopes have been carefully designed to avoid overshadowing on the public domain, and particularly the new “Market Plaza”. The proposed building envelopes will ensure that views to Christ Church Cathedral from Hunter Street and Hunter River are improved	Yes.

Control	Proposed	Compliance
iv) provision of access to natural light, sunlight and breezes v) ensure buildings are related to land form, with minimal cut and fill vi) ensuring the development will not impede the flow of stormwater or overland paths vii) sufficient landscape and deep soil areas are provided around the development to conserve existing trees and accommodate intensive new landscaping.	and will not adversely impact the views to the Cathedral from adjoining properties. The building envelope of Building 4S responds to the existing landform through redistributing height to the buildings north to reduce the bulk as viewed from King Street and to minimise the need for cut and fill.	
Contributory Buildings Contributory buildings are to be retained.	The proposal does not seek approval for the demolition of any contributory buildings.	Yes.
Character 5. The character or style of new buildings relates to the overall character of the area. The design of new buildings should be influenced by the style of buildings within the street and the neighbouring buildings. 6. The character of an infill building harmonises with the style of its neighbours. In particular, the proposed building should avoid becoming a dominant element within the streetscape or being deliberately modern.	The proposal has been through a conscientious design process to ensure it is appropriate to the surrounding area and considers the heritage significance of the “Municipal Building” and Newcastle City Centre HCA. The proposal is detailed further within the accompanying Architectural Plans and Design Report prepared by SJB Architecture. The building design responds to the existing heritage character through the orientation of new buildings, vistas along streetscapes and the selection of materials, including consideration of nearby heritage items, including the Christ Church Cathedral	Yes.
Scale	The proposal has been through a conscientious design process to ensure it is an appropriate scale to the surrounding area and considers the heritage style of	Yes.

Control	Proposed	Compliance
7. Infill buildings must reflect the general scale of streetscapes within the heritage conservation area. In particular, infill buildings should respect and be similar to the scale of neighbouring contributory buildings in the vicinity. 8. The predominant height of contributory buildings in the street should be used as the starting point for the scale of infill buildings, rather than the highest building in the street (especially where the highest building is non-contributory or intrusive). 9. Consideration must be given to the relative scale of the components of a building. Infill development must be designed with elements that reflect the scale of building elements in contributory buildings. For example, window proportions and the height of major elements such as parapets and eaves lines relative to neighbouring buildings, balustrades and roof lines.	neighbouring Municipal Building and Newcastle City Centre HCA. The proposal is detailed further within the accompanying HIS by City Plan Heritage and Architectural Plans and Design Report prepared by SJB Architecture.	
Form 10. The form of new buildings (i.e. massing and overall bulk) is consistent with the prevailing form of contributory buildings within the heritage conservation area. 11. New development relates to the massing of neighbouring contributory buildings. 12. The roof form, slope and pitch of new development reflects and is respectful of the typical forms of contributory buildings in the heritage conservation area.	The proposal has been through a conscientious design process to ensure it is an appropriate form to the heritage conservation area and considers the heritage style of the “Municipal Building”. This is achieved through the façade design and public domain context that has used sympathetic materials and design for the surrounding heritage context. The proposal is detailed further in the Architectural Plans and Design Report prepared by SJB Architecture.	Yes.
Setbacks and orientation 13. Infill development is setback consistent with the prevailing setbacks in the heritage conservation area. For example, zero lot lines to front boundaries is a development pattern that should be repeated where relevant to the streetscape.	The proposal complies with the DCP controls set out in Section 3.10.04 of the NDCP 2012. The proposed setbacks are consistent with the prevailing setbacks of the heritage conservation area.	Yes.
Materials and details	The proposal has been through a conscientious design process to ensure it is	Yes.

Control	Proposed	Compliance
14. The materials and details of new development are compatible with, but not directly copy, those of contributory buildings in the streetscape.	of an appropriate materiality and colour palette to the surrounding streetscape. The proposal is detailed further within the Connecting with Country Report, prepared by Dhiira, that accompanies this DA. This report influences the colour scheme and design through integrating country and its elements, influencing materials and colour tone and pattern that is used.	
7.02 Landscape, Open Space and Visual Amenity Category 3 - large scale development or development on prominent or ecologically sensitive sites with a high degree of visual significance and environmental impact.		
Landscape plan documentation for categories 2 and 3 development applications is in accordance with the following table: Site Survey and Analysis – 3 copies at DA stage. Landscape Concept Plan/Master plan – 3 copies at DA stage. Preliminary Landscape Design Report - 1 copy at DA stage. Comprehensive Landscape Plan, Specifications – 3 copies at CC stage Landscape Practical Completion Report by Landscape Architect or design consultant – 1 copy at occupation certificate stage. Landscape Establishment Report – 1 copy at completion of maintenance period.	Please refer to the Landscape Plans prepared by COLA Studio for details of compliance. The DA supplies the relevant documentation that is required and intends to provide relevant documentation required at CC and OC stage.	Yes.
3.All documentation for Category 3 development is prepared by a Landscape Architect or similar qualified professional practising at the membership level of Registered Landscape Architect of the Australian Institute of Landscape Architects, or as determined by Council.	The proposal is accompanied by Landscape Plans prepared by landscape architects and designers at COLA Studio, who are qualified and accredited.	Yes.

Control	Proposed	Compliance
4. All required landscape works are implemented by members of the Landscape Contractors Association of NSW and/or similar qualified contractors. In the case of Category 3 development, implementation is under the supervision of the landscape consultant responsible for the design.	The proposal is accompanied by Landscape Plans prepared by landscape architects and designers at COLA Studio, who are qualified and accredited.	Yes.
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, ie. 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. 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. 3. Where possible integrate on-site stormwater management with the design of landscaped areas. 4. Plant species are selected and located to avoid structures, services and paths. 5. Undesirable species are not selected (See Appendix 1 of Urban Forest Technical Manual and Appendix B Landscape Technical Manual). 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	The proposal is the result of an Architectural Design Competition process which ensured that the landscaping strategy prepared is compliant with the NDCP 2012. The current site has limited landscaping and therefore preservation was not suitable. All of the street trees bordering the site will be retained, with additional planting along all street frontages to be included. The species of plant has been carefully chosen to reflect the native endemic species of Mulubinba Country, as well as civic-scaled species which respond to the development form and scale. Exotic species use will be minimised and landscaped elements will be balanced between lush planting and the endemic local landscape. Species choice has been founded on the Connecting with Country principle of native plant specification and the proposed species schedule has been developed in congruence with first nations community members recommendations. The framing of “Market Plaza” with the canopy-like structure which extends to the front setback responds to the existing	Yes.

Control	Proposed	Compliance
(e) optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjacent properties. 7. Landscape treatment within the front setback is substantial enough to enhance the appearance and integration of the development with the streetscape. 8. Landscape design responds to user requirements, taking into account maintenance, social / recreational needs and aesthetic quality. 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. 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. 11. Landscape areas to address privacy issues between dwellings. 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. 13. Adequate provision is made for planted buffer zones between major road corridors and nearby development.	landscaping along Hunter Street and suitably integrates with the streetscape.	
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.	Where it is relevant to plant on structures on site there is adequate soil volume, area and space to ensure that the plants are established suitably, providing appropriate drainage This is evidently displayed in the landscape plans and sections which accompany this DA. The proposed planters are of adequate size and proportions to ensure healthy tree and	Yes.

<table>
<tr><th>Control</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td>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.

3. Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended:

<table>
<tr><th>Plant Type</th><th>Minimum Soil Depth (m)</th><th>Minimum Soil Volume (m³)</th></tr>
<tr><td>Large trees (over 8m high)</td><td>1.3</td><td>150</td></tr>
<tr><td>Medium trees or shrubs(2m to 8m high)</td><td>1.0</td><td>35</td></tr>
<tr><td>Small trees or shrubs (up to 2m high)</td><td>0.8</td><td>9</td></tr>
<tr><td>Small shrubs and ground cover</td><td>0.5</td><td>Not applicable</td></tr>
</table>

4. Green walls are used to enliven blank facades.

5. Water filtration is optimised by green roofs through the use of permeable paving.

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.</td><td>shrub growth. The majority of planting areas are square or rectangular in shape with minimal linear planters proposed. Landscaping has been maximised on site and as such linear planters have been included where possible to accommodate the planting of themeda grasses and low-lying shrubs. Larger, deeper planter boxes will be reserved for plant species which require deeper soil such as ferns, palms, and civic scaled trees for the “Market Plaza”.

The depth of the planter boxes generally complies with the requirements of the NDCP 2012 to provide adequate space for plants to mature. The proposed landscape area provided in the central atrium of Building 4N will include deep soil to allow for the growth of mature, civic scaled trees which fill the space.

Rooftop landscaped areas will serve as vital green space for the residents of the buildings as well as to generally screen rooftop utilities.</td><td></td></tr>
<tr><td>7.03 Traffic, Parking and Access

A Traffic Impact Study

1. The Statement of Environmental Effects addresses the following issues:

(a) parking facilities provided, with details of calculations, types, number and arrangement</td><td>The Statement of Environmental Effects prepared by Urbis addresses the relevant provisions contained within Section 7.03 of the NDCP 2012. This application is also accompanied by a Traffic & Parking Assessment Report prepared by CJP</td><td>Yes.</td></tr>
</table>

Control	Proposed	Compliance
(b) proposed access arrangements and their compliance with design standards outlined in (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.	Consulting Engineers which discusses the provisions in further detail.	
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. The requirement for a Traffic Impact Study should be discussed with Council pre-lodgement.	A Traffic & Parking Assessment Report has been prepared by CJP Consulting Engineers and accompanies this application.	Yes.
3. Issues addressed in the Traffic Impact Study include: (a) review of the existing and proposed traffic network, traffic operating conditions and flows (b) likely car parking supply and demand, as well as servicing requirements (c) estimates of trip generation of the development (d) public transport services in the vicinity of the proposed development (e) impacts of generated traffic on the surrounding road network and the locality (f) safety of access between the site and the adjacent road network (g) pedestrian infrastructure, generation and movements (h) recommended improvement works (i) linkages with existing and proposed bicycle and pedestrian routes.	A Traffic & Parking Assessment Report has been prepared by CJP Consulting Engineers and accompanies this application. The report discusses the proposals compliance with the relevant provisions within the NDCP 2012.	Yes.
4.Further to (3) above, the Traffic Impact Study also includes details of public transport services and stops, and measures proposed to increase mode share to	A Traffic & Parking Assessment Report has been prepared by CJP Consulting Engineers and accompanies this application. The report	Yes.

Control	Proposed	Compliance
public transport and improve access to services. Evidence of liaison with public transport service providers and Transport NSW is provided.	discusses the proposals compliance with the relevant provisions within the NDCP 2012. A Concept Green Travel Plan has also been prepared and accompanies the Traffic & Parking Assessment Report in Section 6. It outlines sustainable travel options that are accessible within 400m and 800m of the proposed development. The site exhibits an abundance of nearby public transport services available within 400m of the site.	
5. A Traffic Impact Study, prepared by a suitably qualified and experienced transport professional, is submitted with the Development Application.	A Traffic & Parking Assessment Report has been prepared by CJP Consulting Engineers and accompanies this application.	Yes.
6. The Traffic Impact Study is prepared in accordance with the RTA Guide to Traffic Generating Developments (2002), or subsequent versions. The Traffic Impact Study includes details of public transport services and stops, and measures proposed to increase mode share to public transport and improve access to services. Evidence of liaison with public transport service providers and Transport for NSW is to be provided.	The Traffic & Parking Assessment Report is prepared in accordance with the provisions of the NDCP 2012 and the RTS Guide to Traffic Generating Developments (2002).	Yes.
B. Construction traffic management plan 1. Council requires submission of a draft Construction Traffic Management Plan, where it is likely that the demolition and construction phases of a development will significantly impact traffic movement, pedestrians and/or parking.	A CTMP will be prepared and submitted to CN prior to construction commencing on-site. The Traffic& Parking Assessment provides a high-level overview of construction traffic.	Can comply.
2.The draft Construction Traffic Management Plan is prepared in accordance with Australian Standard 1742.3 by a Transport for NSW qualified person as defined under the RMS publication Traffic Control at Work Sites.	A CTMP will be prepared and submitted to CN prior to construction commencing on-site. The Traffic& Parking Assessment provides a high-level overview of construction traffic.	Can comply.

Control	Proposed	Compliance
3. The draft Construction Traffic Management Plan clearly sets out: a) traffic generation associated with demolition and construction b) heavy vehicle routes c) impacts on road networks, cycle routes, pedestrian paths and parking, including frequency and duration of closures, and associated control measures d) proposed hours of operation in demolition and construction phases.		
4. Provision is made for safe, continuous movement of traffic and pedestrians on public roads and for the erection of traffic warning signs conforming to the RTA's General Specifications (maintained by Transport for NSW). Traffic control is carried out only by traffic controllers with certification of training in accordance with Australian Standard 1742.3.	A CTMP will be prepared and submitted to CN prior to construction commencing on-site. The Traffic& Parking Assessment provides a high-level overview of construction traffic.	Can comply.
5. The conditions of consent for development outline requirements of the Construction Management Plan.		
7.03.02 Parking provision Car parking rates for all development in these areas are established based on a car parking assessment submitted with the development application which addresses the following criteria: (a) the size and nature of the development, including any change of use proposed, the amount of additional floor area relative to the existing floor area and the increased parking demand likely to be generated (b) the proportion of staff, visitors or patrons likely to arrive by car (c) the availability and level of service of public transport relative to the site and the probable transport mode of staff, visitors or patrons of the development (d) the number of employees and their likely spread of work hours	A Traffic & Parking Assessment Report has been prepared by CJP Consulting Engineers and accompanies this application. The report discusses the proposals compliance with the relevant provisions within the NDCP 2012.	Yes.

<table>
<tr><th>Control</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td>(e) the hours of operation

(f) the location of the premises, particularly in relation to schools, local services, and employment, retail and recreational facilities

(g) the number of occasions during the year when the proposed development is likely to be fully utilised

(h) the availability of public parking within a reasonable distance of the proposed development

(i) the availability of additional parking facilities to cover peak demands

(j) the impacts of providing on-site parking

(k) anticipated impacts of not providing adequate on-site car parking ensuring no significant impact on public on-street parking provision in the area in context to the CN Parking Plan 2021 - Newcastle Parking Management Framework.</td><td></td><td></td></tr>
<tr><td>2. Residential development as listed in Table 3 must provide no more than the number of car parking spaces specified.
<table><tr><th>Land Use</th><th>Car parking</th></tr><tr><td>RESIDENTIAL ACCOMMODATION</td><td>Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone</td></tr><tr><td rowspan="4">Attached Dwellings, Dual occupancy, Multi Dwelling Housing, Residential Flat Buildings, Semi-detached dwellings, Shop Top Housing</td><td>Small (<75m^2 or 1 bedroom) – maximum average of one space per dwelling</td></tr><tr><td>Medium (75m^2 - 100m^2 or 2 bedrooms) – maximum average of one space per dwelling</td></tr><tr><td>Large (>100m^2 or 3 bedrooms) – maximum average of two spaces per dwelling</td></tr><tr><td>Visitor parking – no minimum or maximum rate</td></tr></table></td><td>The proposal will provide 314 car parking spaces. For the reasons outlined in the Traffic and Parking Assessment, the amount is justifiable and in keeping with the Concept DA.</td><td>Justified.</td></tr>
<tr><td>3. For residential development, the proposed provision of car parking within this maximum car parking rate does not prevent the reallocation of car parking through unbundling.</td><td>The proposal is compliant with the provisions of NDCP 2012, as discussed above.</td><td>Yes.</td></tr>
</table>

Control	Proposed	Compliance
For residential development, visitor car parking spaces are not to be unbundled and are to be nominated as common property in a strata subdivision. 8. Car parking is provided in accordance with the rates set out in Table 1 – Parking rates, except for car parking for development in the Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone. Council may vary the rates within these areas, subject to merit assessment of the proposal. 9. Unbundled car parking is only permitted in accordance with, and for land uses and locations specified in Table 3. 10. 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	The proposal is compliant with the provisions of NDCP 2012, as discussed above.	Yes.
12. Provision of car parking and associated internal vehicular access and manoeuvring areas above the maximum rates nominated in Table 1 and Table 3 are included in the gross floor area for the purpose of calculating floor space ratio, except where provided in association with controls 13 and/or 14.	A Traffic & Parking Assessment Report has been prepared by CJP Consulting Engineers and accompanies this application. The report discusses the proposals compliance with the relevant provisions within the NDCP 2012	Yes.
14. 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 premises being constructed for leasing or renting or in those premises	A Traffic & Parking Assessment Report has been prepared by CJP Consulting Engineers and accompanies this application. The report discusses the proposals compliance with the relevant provisions within the NDCP 2012	Yes.

Control	Proposed	Compliance
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.		
16. 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.	A Traffic & Parking Assessment Report has been prepared by CJP Consulting Engineers and accompanies this application. The report discusses the proposals compliance with the relevant provisions within the NDCP 2012. The loading docks, and service vehicle parking will be provided through vehicle access ways on Laing Street. Information pertaining to the size and access of vehicles are detailed in the Architectural Plans and Design Report prepared by SJB Architecture.	Yes.
17. Table 2 shows indicative standards for provision of service vehicles for various types of development.	Car parking for delivery and service vehicles have provided in accordance with the provisions of the NDCP 2012.	Yes.

<table>
<tr><th>Control</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td>

Table 2 – Requirements for delivery and service vehicles

Land Use	Requirements for Delivery and Service Vehicles
Commercial premises (50% of spaces adequate for trucks)	<20,000m² GFA 1 space per 4,000m² GFA >20,000m² GFA 5 + 1 space per 8,000m² over 20,000m²
Department stores (all spaces adequate for trucks)	<6,000m² GFA 1 space per 1,500m² GFA >6,000m² GFA 4 + 1 space per 3,000m² over 6,000m²
Supermarkets, shops and restaurants (all spaces adequate for trucks)	<2,000m² GFA 1 space per 400m² GFA >2,000m² 5 + 1 space per 1,000m² over 2,000m²
Wholesale, industrial (all spaces adequate for trucks)	<8,000m² GFA 1 space per 800m² >8,000m² 10 + 1 space per 1,000m² over 8,000m²
Hotels and Motels (50% of spaces adequate for trucks)	<200 bedrooms or bedroom suites 1 space per 50 bedrooms plus 1 space per 1,000m² of public area set aside for bar, tavern, lounge and restaurant >200 bedrooms or bedroom suites 4 + 1 per 100 bedrooms over 200 plus 1 space per 1,000m² of public area set aside for bar, tavern, lounge and restaurant
Residential flat buildings (50% of spaces adequate for trucks)	<200 flats or home units 1 space per 50 flats or home units >200 flats or home units 4 + 1 per 100 units over 200
Other uses (50% of spaces adequate for trucks)	1 space per 2,000m²

</td><td></td><td></td></tr>
<tr><td>18. 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.</td><td>It is not anticipated that additional provision of taxi, private vehicle and bus/coach drop off/set down areas will be required. Therefore, the proposal complies with the provisions of the NDCP 2012.</td><td>Yes.</td></tr>
<tr><td>C. Bike Parking

1. Secure and conveniently accessible bicycle parking for new development is provided in accordance with the rates set out in Table 1. Council may require a</td><td>The proposal includes provision of below-ground bicycle parking spaces in Stages 3 and 4.</td><td>Yes.</td></tr>
</table>

Control	Proposed	Compliance
greater provision of bicycle parking than indicated if warranted in particular circumstances. Historic parking deficiency does not apply to the provision of bike parking. 2. Bicycle parking complies with the relevant Australian Standard (AS2890). 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 Austroads, Cycling Aspects of Austroads Guides, 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. 9. Table 1 describes the type of bicycle parking facility to be provided. Bicycle parking is categorised as Security Level B and Security Level C, which references Section 4.1 of the Austroads publication – Bicycle Parking Facilities: Updating the Austroads Guide to Traffic Management.	Residential bicycle parking is provided either in the form of a private storage cage per unit or a dedicated bicycle storage room, located through the basement levels 1, 2 and 3. Commercial/retail staff bicycle parking is provided within a secure room located Basement Level 1 of Stage(s) 3 and 4, whilst visitor parking is provided in the form of bicycle racks in the ground floor level of Stage(s) 3 and 4. The location of dedicated storage rooms on ground levels will be suitably identified, with adequate sightlines which ensure the safety of all basement level users. The number of bicycle parking spaces to be provided is within accordance with the NDCP 2012 as discussed with the Traffic & Parking Assessment Report prepared by CPJ Consulting.	

Control	Proposed	Compliance
RESIDENTIAL ACCOMMODATION Attached dwellings, Dual occupancies, Multi dwelling housing, Residential Flat Buildings, Semi-detached dwellings, Shop Top Housing — City wide (excluding Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone): Minimum of 1 space per dwelling. Minimum 1 space for the first 5 dwellings (excluding dual occupancies) plus 1 space for every 5 thereafter or part thereof for visitors. — Bike parking of 1 space per dwelling is required unless separate storage is provided (Council determine the required security level) 1 space per 10 dwellings (Security Level C) for visitors — 1 space per 20 car spaces		
D. Motorbike parking 1. Motorbike parking for new development is provided in accordance with the rates set out in Table 1. Council may require a greater provision of motorbike parking than indicated where warranted in the particular circumstances. 2. Motorbike parking complies with the relevant Australian Standard (AS2890) and RMS Technical direction TDT 2004/02, Motor Bike Parking.	Motorcycle parking will be provided in basement level 1 of Stage 3. The NDCP 2012 sets out requirements for motorcycle parking spaces in new developments. In response to this, the proposed development is required to allocate 14 motorcycle spaces. The proposal will include 9 motorcycle spaces, and thereby does not comply with the provisions of the NDCP 2012. The proposal grants an oversupply of car parking and is closely located to public transport infrastructure. Therefore, the proposed non-compliance with the provisions of the NDCP 2012 is justified.	
E. Parking for people with a disability	20 accessible spaces will be provided.	Yes.

Control	Proposed	Compliance
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.	All accessible parking spaces will be constructed in accordance with current relevant Australian Standards (AS2890 and AS1428), and the Building Code of Australia. The proposal provides parking for people with a disability and identifies these parking spaces with an appropriate international symbol. The proposal provides accessible parking in close proximity to wheelchair accessible entrances and lifts. The proposal provides a continuous path of travel from each parking space for people with a disability to the closest public entrance. The proposed floor to ceiling heights of the basement levels complies with the provisions of the NDCP 2012.	
F. Electric vehicle parking 1. Electric circuitry to accommodate 'Level 2' or higher standard electric vehicle charging points must be integrated into all off-street car parking of new residential and non-residential development to ensure that 100% of car spaces can install electric vehicle charging points in the future. This must include:	An Electric Vehicle Charging Requirements Report has been prepared by Neuron Build and accompanies this DA. The report outlines compliance with this section of the NDCP 2012 and the National Construction Code (NCC) to ensure that the	Yes.

Control	Proposed	Compliance
(a) Ensuring adequate electrical capacity and infrastructure (cable size, distribution board size etc.) for the electric vehicle charging point system; and (b) Providing either buried cables underground or cable trays sufficient to accommodate electric circuitry to each car space (see Figure 1 and Figure 2). Minimum electric circuitry for a 'Level 2' electric vehicle charging point, if provided, is required to be: (a) Privately available spaces: 'Level 2' slow – single phase with 7kW power or higher standard; and (b) Shared spaces: 'Level 2' fast – three-phase with 11-22kW power or higher standard. 3. In addition to EV Ready, the installation of electric circuitry for a 'Level 2' or higher standard electric vehicle charging point is encouraged for new dwelling houses, semi-detached dwellings or dual occupancies. 4. A Development Application is accompanied by a report prepared by a suitably qualified and experienced person (such as an electrical engineer) demonstrating how the development will be EV Ready. This report should also include an accurate electrical plan, specifications for any off-street car parking and any electric kiosk requirements. 5. Provide EV Distribution Board(s) of sufficient size to allow connection of all EV Ready connections. 6. Locate EV Distribution Board(s) so that no future EV Ready connection will require a cable of more than 50 metres from the parking bay to connect. 7. Identify on the plans submitted with the development application, the future installation location of the cable trays from the EV Distribution Board to the car spaces allocated to each dwelling that are provided a Future EV connection, with confirmation of adequacy from a suitably qualified person (such as an electrical	proposal will be equipped with EV charging capabilities. The report includes an accurate electrical plan, specifications for any off-street car parking and electric kiosk requirements. For further information refer to the Electric Vehicle Charging Requirements Report prepared by Neuron Build accompanying this DA.	

Control	Proposed	Compliance
engineer). Spatial allowances are to be made for cables trays and EV Distribution Board(s) when designing in other services. 8. Development must provide 1 car parking space or 5% of all car parking spaces – whichever is greater - to have a 'Level 2' or higher standard electric vehicle charging point installed. A Development Application is accompanied by a report prepared by a suitably qualified and experienced person (such as an electrical engineer) demonstrating how the development will provide the specified electric vehicle charging point(s). This report should also include an accurate electrical plan, specifications for any off-street car parking and any electric kiosk requirements.		
7.03.03 Travel Demand Management **B. Green Travel Plan** 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	In accordance with condition 55 of the conditions of consent under DA2017/00701, a Concept Green Travel Plan (GTP) has been included within Section 6 'Alternate Transport' of the Traffic & Parking Assessment Report. The GTP outlines the existing public and active transport services within 400m and 800m of the Stage(s) 3 and 4. Bicycle parking and end-of-trip facilities have been provided within the proposal and will further contribute to the development and mode-share of sustainable methods of travel.	Yes.

Control	Proposed	Compliance
(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 development.		
C. End of trip facilities 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.	The proposed end of trip facilities will be provided at the following rates: **Stage 3**: Staff bicycle parking spaces – 4 Secure Lockers – 6 Shower Cubicle – 1 **Stage 4**: Staff bicycle parking spaces – 3 Secure Lockers – Using the lockers of the fitness centre. Shower Cubicles – Using the facilities of the fitness centre. Residential bicycle parking will be provided either in the form of a private storage cage per unit or a dedicated bicycle storage room or located through the basement parking levels. The NDCP2012, set outs requirements for bicycle parking spaces in new developments. In response to this, the proposed development is required to allocate 257 bicycle parking spaces. The proposal will include provision for 209 public bicycle parking spaces and space for a minimum of	

Control	Proposed	Compliance
	one (1) private bicycle parking space per dwelling. The proposal thereby satisfied the requirements of the NDCP 2012	
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. 2. Parking is located so that it is within a reasonable distance of access to the premises it serves. 3. Parking spaces are not positioned so as to obstruct access to the premises by pedestrians or cyclists. 4. Loading areas are situated so that when in use, they do not interfere with pedestrian, cyclist or vehicular circulation.	The design and layout of the basement levels of Stage 3 and 4 has considered any adverse visual impacts on the continuity and amenity of street frontages through being located on an already established street, with accessways out of sight from public open space. The internal configuration of the basement level car parking is designed to minimise impacts on pedestrians and cyclists using the basement level facilities. Car parking does not obstruct access to shared bicycle storage facilities or impede pedestrian access to lifts or internal pedestrian access ways.	Yes.
B. Parking areas and structures 1. Design and construction of parking, set down areas and loading facilities comply with the provisions of AS2890 Parking facilities. 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. 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. 4. The facade of an above ground parking structure is:	The design and construction of the proposed car parking, loading and set down facilities complies with the provisions of Australian Standard AS2890. The basement parking will have adequate lighting afforded by natural light on Basement Level 1 of both Stage 3 and 4. Sufficient lighting has been provided on lower levels which will ensure the safety of pedestrians, cyclists and vehicle users. For further details refer to the Traffic & Parking Assessment Report prepared by CJP	Yes.

Control	Proposed	Compliance
(a) designed and finished to complement the architecture of the building and visually pleasing. (b) designed to avoid domination of ramps or strong horizontal and/or vertical features. 5. Covered or enclosed parking areas have adequate provision of lighting and ventilation. Natural lighting is preferred. 6. Parking layout facilitates efficient parking search patterns. Dead-end aisles are avoided. 7. Clear signage and pavement markings are provided on site to manage traffic movements, driver behaviour and provide warning of potential safety hazards. 8. Where development is expected to generate vehicle movements during hours of darkness, self-illuminated and/or reflective signage and pavement markings are provided. 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.	Consulting Engineers accompanying this application.	
C. Access 1. Vehicular crossings are designed and located in accordance with the current relevant Australian Standard (AS2890 Parking facilities) and Council's requirements. 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	The proposed development will contain three (3) pedestrian crossings, affording access to the basement levels beneath Building(s) 3W, 3E and 4S. The location of vehicular crossings has considered and has regard to the impact on pedestrian and traffic movement. The vehicular crossing located on the western frontage of Building 3W intersects with the public open space on the ground plane. Whilst this approach is not supported by the	Yes.

Control	Proposed	Compliance
(d) where the use of the driveway may significantly obstruct through traffic or the operation of bus stops. 3. Direct vehicle access to a classified road is not provided wherever alternate access is available. Refer to SEPP (Infrastructure) 2007. 4. Direct access (vehicle or pedestrian) to a classified road requires the separate approval of the Transport for NSW pursuant to s138 of the Roads Act 1993. 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 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.	NDCP 2012, it was explored and examined in the design competition. The location of this vehicle crossing ensures the functional and efficient use of space in the basement car parking levels. The other vehicle crossings, located on the southern frontage of Building 3E and the western frontage of Building 4S do not intersect with areas of high pedestrian movement, and have been located to ensure vehicular movements on Laing Street and Morgan Street are not adversely impacted. The basement car parking is accessed from Thorn Street and Laing Street, and as such will not impede on the function of Hunter Street as an important vehicular thoroughfare.	
7.06 Stormwater		
1. For the purpose of this section, the following documents are submitted with a development application for the development type: Water cycle management plan Soil and water management plan	The application is accompanied by a Stormwater Management Report prepared by Xavier Knight, which includes water cycle management details.	Yes.

Control	Proposed	Compliance
Broad scale development assessment checklist for water sensitive urban design (see Note 2)		
7.06.02 All development 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.	A Stormwater Management Report has been prepared by Xavier Knight and accompanies this application. The report discusses the proposals compliance with the relevant provisions within the NDCP 2012	Yes.
7.07 Water efficiency		
General controls applying to all development (other than residential development) 1. 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. 2. Where washing appliances are installed, they are WELS 3 Star (or better) Water Rated where they are not supplied by a roof water tank.	Noted, the proposal will ensure compliance with this provision of the NDCP 2012. Refer to the BASIX certificate and ESD comments within the Architectural Design Report which accompany this application.	Yes.

Control	Proposed	Compliance
3. Where installed, garden water hoses are fitted with trigger nozzles in order to maximise the efficiency of garden watering. 4. 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 roof areas and not be connected to possible contaminating water sources. All rainwater tanks must be fitted with a first flush device to prevent contaminates 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. 5. Toilets and watering systems for landscaping are connected to rainwater supply. 6. 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		
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 Waste Management Plan (WMP) prepared by MRA Consulting Group accompanies this application. Measures to manage waste during the construction and operation of East End Stage 3 and 4 has also been outlined in the Statement of Environmental Effects accompanying this application. The WMP outlines compliance with the provisions of the NDCP 2012.	Yes.

Control	Proposed	Compliance
(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.		
7.08.02 Demolition and construction 1. The SWMMP within the Statement of Environmental Effects includes details which demonstrate an allocated area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements). 2. Site disturbance is minimised by limiting unnecessary excavation where materials are not to be used on site as part of developments. 3. A suitable waste receptacle is provided at the work site before work commences and is regularly serviced to prevent overflowing waste and windblown waste from leaving site. 4. The SWMMP incorporates the following requirements: (a) separate collection bins or areas for the storage of residual waste are provided and clearly signposted (b) footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval (c) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997	The WMP prepared by MRA Consulting Group which accompanies this application outline the proposals compliance with this provision of the NDCP 2012. The WMP also outlines the storage, treatment, transport and disposal of waste, estimating volumes and identifying management of waste throughout construction and operation.	

Control	Proposed	Compliance
(d) waste is only transported to a place that can lawfully be used as a waste facility (e) generation, storage, treatment, transport and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environmental Protection Authority, NSW Environment, Energy and Science Group and relevant Occupational Health and Safety legislation administered by SafeWork NSW (f) evidence such as weighbridge dockets and invoices for waste transport, disposal or recycling services are retained and are readily accessible for inspection by regulatory authorities such as Council, NSW Environmental Protection Authority, NSW Environment, Energy and Science Group or SafeWork NSW (g) arrange contractors for the transport, processing and disposal of waste and recycling and ensure that all contractors are aware of the legal requirements for disposing of waste (h) estimate volumes of materials to be used and incorporate these volumes into a purchasing policy so that the correct quantities are purchased. For small-scale building projects see the rates in the 'Waste Management Technical Manual' for a guide (i) identify potential reuse/recycling opportunities of excess construction materials (j) incorporate the use of prefabricated components and recycled materials (k) arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage (l) measures shall be implemented to prevent damage by the elements, odour and health risks, and wind-blown litter. 5. Any demolition necessary is carried out in accordance with 'AS 2601—2001, The Demolition of Structures'.		

Control	Proposed	Compliance
6. Handling management, transport and disposal of hazardous materials including asbestos is in accordance with relevant waste legislation administered by the Environmental Protection Authority and relevant Occupational Health and Safety legislation and Codes of Practice administered by SafeWork NSW, and the Australian Standard AS2601: 2001 – The Demolition of Structures.		
7.08.03 Operational Waste **A. Commercial, mixed use and industrial development** 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 (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	The WMP prepared by MRA Consulting Group which accompanies this application outline the proposals compliance with this provision of the NDCP 2012	Yes.

Control	Proposed	Compliance
(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 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 regard to these matters (n) any waste chutes are designed in accordance with the requirements of the 'Waste Management Technical Manual', the 'Building Code of Australia' and 'Better practice guide for resource recovery in residential developments 2019. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use. Where recycling chutes are not provided, alternative interim disposal facilities for recyclables should be provided at each point of access to the waste chute system.		
Controls applying to mixed use development to which this section applies In addition to the general requirements of this section, the SWMMP demonstrates the following for a mixed use development:	The WMP prepared by MRA Consulting Group which accompanies this application	Yes.

Control	Proposed	Compliance
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.	outline the proposals compliance with this provision of the NDCP 2012	
7.10.02 Street balconies over public streets **A. Dimensions** 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. 2. The street balcony is to: (a) conserve, restore, reconstruct or reinstate an existing or former street balcony that has heritage significance (a heritage report is required including relevant documentary evidence), or (b) be compatible with an existing streetscape in which street balconies are an established feature, or (c) in the case of restaurants or similar, create a semi-public space that provides enhanced views over foreshore, scenic or pedestrian-focused locations without	The proposed street balconies were explored and tested through the Design Integrity Process.. The jury endorsed the design for its response to the existing heritage streetscape and character. The original Hunter Street façade and parapet returns are retained with the existing bay windows and function retained and fixed in open position to suit the new balconies behind. The design and location of the proposed balconies has thoroughly considered the heritage significance of the Newcastle City Centre HCA and contributory buildings. To minimise privacy impacts to Stage 2, west of Building 3W, balconies are concentrated on the Building 3W's eastern, southern, and northern facades. The proposed balconies will not interfere with utility services, traffic	Yes.

Control	Proposed	Compliance
detracting from the architectural, heritage or streetscape qualities of the building or locality. 3. Form and design of a street balcony: (a) The form and design of a street balcony should: (i) respond to streetscape conditions (ii) complement the architectural style and heritage significance of the host and nearby buildings (iii) not interfere with street trees, utility services, traffic signs, traffic signals, or vehicle or pedestrian circulation. (b) Proposals will generally only be approved where: (i) the design is compatible with the host building and surrounding streetscape, having regard to architectural style, form, finish, heritage significance and provision of weather protection (ii) the street balcony is at the first floor level, although proposals to conserve, restore, reconstruct or reinstate an existing or former street balcony that has heritage significance may be at the first floor or second floor level (iii) the street balcony above the first floor level is endorsed by Council's Urban Design Consultative Group as part of the development application assessment process (encroachments are generally limited to a width of 1m) (iv) a street balcony above the first floor is provided only where an awning exists or is proposed as part of the development (v) the design employs uncomplicated, regular forms with simple detailing and concealed conduits to reduce visual clutter (vi) the street balcony is of a suspended design, although a post-supported design may be used where necessary to achieve compatibility with existing postsupported	signals, pedestrian and vehicle access, and street trees through careful consideration undertaken during the design competition and post-competition phases. Therefore, it is considered that the proposed balconies exhibit a high level of compliance with the provisions of the NDCP 2012. The balconies compliment the existing heritage context, will not detract from the significance of nearby heritage items or HCA, and ensure that privacy impacts are managed. For further details, refer to the Architectural Plans and Design Report prepared by SJB Architecture.	

Control	Proposed	Compliance
street balconies in the immediate vicinity, or to conserve, restore, reconstruct or reinstate an existing or former balcony having heritage significance (heritage report required) (vii) there is no enclosure by solid walling, glazing or louvres, other than verandah ends that demarcate adjoining street balconies (viii) there is no enclosure by roofs or canopies, except where necessary to achieve compatibility with existing nearby balconies, or to conserve, restore, reconstruct or reinstate an existing or former balcony having heritage significance (heritage report required) (ix) balustrades are of an open design that does not obscure the architectural character of the building or increase its apparent bulk.		
B. Structural Design and public safety 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 practising structural engineer as being compliant with the Building Code of Australia. 5. Construction materials satisfy the fire resistance requirements of Specification C1.1, cl 2.4 of the Building Code of Australia (Vol. 1).	A Building Code of Australia Compliance Report has been prepared by Philip Chun Building Compliance and accompanies this application. The report confirms the proposed developments compliance with the provisions of the BCA 2022, subject to the performance solutions outlined in the report. Further details can be found in the BCA Compliance Report prepared Philip Chun Building Compliance.	Yes.

Control	Proposed	Compliance
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.		