

**SUBJECT: CCL 26/04/22 – EXHIBITION OF DRAFT NEWCASTLE DEVELOPMENT CONTROL PLAN 2012**

**REPORT BY: GOVERNANCE**  
**CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER REGULATORY, PLANNING AND ASSESSMENT**

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## **PURPOSE**

To place draft Newcastle Development Control Plan 2012 (NDCP 2012) updated Sections 4.02 Bush Fire Protection, 4.03 Mine Subsidence, 4.04 Safety and Security and 7.03 Traffic, Parking and Access on public exhibition.

## **RECOMMENDATION**

That Council:

- 1 Places the draft NDCP 2012 Section 4.02 Bush Fire Protection (**Attachment A**), Section 4.03 Mine Subsidence (**Attachment B**), Section 4.04 Safety and Security (**Attachment C**) and Section 7.03 Traffic, Parking and Access (**Attachment D**) on public exhibition for 28 days.
- 2 Receives a report on submissions following the public exhibition.

## **KEY ISSUES**

- 3 The NDCP 2012 is being reviewed and updated as required by the Environmental Planning and Assessment Act, 1979 (EP&A Act). The review also aims to satisfy the resolution of Council at its October 2020 Ordinary Council Meeting that a wider review of the NDCP 2012 occur to ensure that its provisions are consistent with City of Newcastle (CN) adopted strategies, such as the Local Strategic Planning Statement, Parking Plan, and the Local Housing Strategy.
- 4 Key sections of the NDCP 2012 relating to bush fire protection, mine subsidence, safety and security and traffic, parking and access have been reviewed and are the subject of this report. The remainder of the NDCP 2012 review is currently underway and will be reported to Council for consideration later in 2022.

## **Section 4.02 Bush Fire Protection**

- 5 Under the EP&A Act and Rural Fire Service Act 1997, CN is required to consider bushfire hazards in both strategic planning and development assessment under the direction of the NSW Rural Fire Service (RFS). Draft Section 4.02 Bush Fire Protection of NDCP 2012 (**Attachment A**) will guide future development consistent with the NSW RFS Planning for Bush Fire Protection 2019 Guidelines. The amendments provide clarity around the submission of a bush fire assessment report, ensure a greater emphasis on

environmental preservation, reduce fire ignition risks and deliver mapping data to CN.

#### **Section 4.03 Mine Subsidence**

- 6 Draft Section 4.03 Mine Subsidence (**Attachment B**) has been amended to contain updated and more informative controls and to appropriately advise and guide applicants undertaking development within a mine subsidence district.

#### **Section 4.04 Safety and Security**

- 7 Draft Section 4.04 Safety and Security (**Attachment C**) has been amended to reduce community vulnerability to crime through good urban design. The existing NDCP 2012 controls apply only to select land uses, whereas the amendment will ensure that safety and security is considered for all development as a component of the site planning process, and is reflective of the zone, scale, density and context of development, as well as its surroundings.

#### **Section 7.03 Traffic, Parking and Access**

- 8 Draft Section 7.03 Traffic, Parking and Access (**Attachment D**) has been amended to deliver on actions of CN's adopted Parking Plan. Amendments have been made in relation to off street development rates of parking, with some additional minor updates and administrative amendments. These amendments do not update other controls in Section 7.03. A total review and update of the section will occur as part of the full NDCP 2012 review to be reported to Council later in 2022.
- 9 The current parking rate controls in Section 7.03 Traffic, Parking and Access were derived from the 2002 Roads and Traffic Authority Guide to Traffic Generating Developments. To update these controls, CN engaged consultants, Stantec, in 2021, to review off street parking rates. Stantec undertook an analysis of the Newcastle local context and parking environment. A benchmarking exercise was undertaken to consider off street parking rates of other cities such as Wollongong, Randwick, City of Melbourne, City of Maribyrnong and Canberra, with additional analysis on Parramatta and North Sydney.

#### **Parking rates in 'denser urban areas'**

- 10 The Stantec review guided the principles applied to developing new parking rates in the draft amendment to Section 7.03. It found that in order to achieve CN's objectives to move further towards sustainable transport forms, parking rates in denser urban areas of the city are required to be updated in the immediate term. These denser urban areas are the city centre, renewal corridors, Darby Street mixed use zone and The Hamilton and Junction local centre zone.
- 11 In these denser urban areas it is proposed that off street car parking for residential developments is governed by maximum parking rate requirements,

and that there no longer be minimum parking rate requirements. The amendments also include removal of a minimum rate for visitor car parking for residential development. These recommendations, combined with unbundling (discussed further in this report) will see less restrictions on parking controls and will allow for parking to be led by the demands of the market in the local context, providing flow on benefits for sustainability and housing affordability.

- 12 The proposed amendments remove minimum parking rate requirements for all other activities, referred to as non-residential development. This will allow development flexibility and a merit based assessment of car parking proposed within development applications. This will provide greater flexibility for land uses (such as retail, commercial, universities) to provide less parking provided there is adequate justification, leading to reduced construction and regulatory costs, whilst contributing to reducing traffic congestion in these areas. These amendments complement the Parking Plan, which seeks to effectively manage public on street parking, with stated objectives to review parking time limits to address on street parking demand pressures.
- 13 The proposed amendments recommend that car parking be 'unbundled'. Unbundled car parking is where parking spaces are separately titled from dwellings. This allows households to choose the number of car parking spaces to own or rent, including parking spaces being optional, when purchasing an apartment. Not purchasing a parking space, in a well located apartment building could make an apartment more affordable and provides both purchasers and developers with flexibility. This allows for a more efficient distribution of parking resources to provide additional parking supply to areas of higher parking demand (such as commuter parking), potentially easing pressure on street parking demand.
- 14 The proposed amendments recommend adopting electric vehicle parking and charging requirements as a ratio of all parking spaces provided, with specified charging standards. The recommendation is that in the short to medium term (2 - 5 years) development is to provide a minimum of five percent of all vehicle parking spaces as electric vehicle parking and make provision for charging.

### **Parking rates in suburban areas**

- 15 In suburban areas in the short to medium term (2 - 5 years), only minor changes to existing parking rate controls are proposed. This includes reduced parking requirements on land uses such as universities and TAFE, restaurants, takeaways and places of worship. Other changes are the amalgamation of similar land uses for a single rate to apply and removing specific rates for certain land uses that are better managed through a demand focused transport study prepared by the applicant.
- 16 Across the Newcastle Local Government Area, controls for bicycle parking facilities have been updated for security provisions to align with Austroads Guide to Traffic Management.

### **FINANCIAL IMPACT**

- 17 The cost associated with the preparation and exhibition of the draft amendments NDCP 2012 (update) is met by CN's operational budget.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 18 The draft amendments NDCP 2012 (update) are consistent with the emerging themes and commitments of the recently exhibited Newcastle 2040 Community Strategic Plan.
- 19 The draft amendments NDCP 2012 (update) are consistent with the strategic directions of the Newcastle Community Strategic Plan 2030.

### **Integrated and Accessible Transport**

- 1.2a Continue to upgrade, extend and promote cycle and pedestrian networks.
- 1.3a Ensure safe road networks through effective planning and maintenance.
- 1.3b Ensure community and business needs for adequate and accessible parking are prioritised.

### **Protected Environment**

- 2.3a Ensure decisions and policy response to climate change remains current and reflects community needs.

### **Inclusive Community**

- 4.2a Ensure people of all abilities can enjoy our public places and spaces.

### **Liveable Built Environment**

- 5.2a Plan for concentrated growth around transport and activity nodes.
- 5.2b Plan for an urban environment that promotes active and healthy communities.
- 5.3a Ensure sufficient housing diversity to meet community needs, including affordable living and adaptable housing options.

### **Smart and Innovative**

- 6.1b Attract new business and employment opportunities.
- 6.3d Foster a collaborative approach to continue city centre renewal.

### **Open and Collaborative Leadership**

- 7.1a Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting.
- 7.2a Conduct Council business in an open, transparent and accountable manner.

7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.

7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making.

7.3b Provide clear, consistent, accessible and relevant information to the community.

## **IMPLEMENTATION PLAN/IMPLICATIONS**

20 The process for preparing and amending the NDCP 2012 and the matters that a DCP may deal with are specified in the EP&A Act and Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

21 Following consideration of submissions, Council may approve the draft amendments NDCP 2012 (with or without amendments) or decide not to proceed.

## **RISK ASSESSMENT AND MITIGATION**

22 There are no risks to CN in the proposed draft amendments NDCP 2012 (update). The process as detailed in the EP&A Act and EP&A Regulation is being followed. This includes the recommended public exhibition period of 28 days.

## **RELATED PREVIOUS DECISIONS**

23 At the Ordinary Council Meeting on 15 November 2011 Council adopted the NDCP 2012 and it came into effect on 15 June 2012 when the new Standard Instrument Local Environmental Plan 2012 was gazetted.

24 At the Ordinary Council Meeting on 27 October 2020 Council resolved that it: "notes that a more wholistic review of the DCP is intended to be undertaken in 2021, to ensure that its provisions and controls are consistent with the vision outlined in the recently adopted Local Planning strategy (carried unanimously in May 2020)."

25 At the Ordinary Council Meeting on 23 February 2021 Council adopted the Parking Plan.

## **CONSULTATION**

26 Early engagement information sessions have been held with key stakeholders, including the Urban Development Institute of Australia (UDIA), Property Council, Hunter and Central Coast Development Corporation, Building Designers Association of Australia, Newcastle Chapter committee, and University of Newcastle. The focus of the information sessions was to inform key stakeholders of the principles underpinning the draft amendments NDCP 2012 (update). Stakeholders welcomed the early engagement and provided a generally positive reception. The key stakeholders were advised that formal

submissions will be received during public exhibition should the draft amendments NDCP 2012 (update) be supported by Council.

- 27 An early engagement presentation was provided to the Liveable Cities Advisory Committee (LCAC), in addition to several high level discussions during 2021 in relation to the wider NDCP 2012 review. The LCAC were supportive and did not raise any significant concern with the draft amendments NDCP 2012 (update). Community consultation and any further amendments will be considered by LCAC prior to reporting to Council for final consideration.
- 28 The draft amendments NDCP 2012 (update) are proposed to be exhibited for 28 days, in accordance with CN's Community Participation Plan, as well as to meet the requirements of the EP&A Act and the EP&A Regulation.
- 29 Exhibition of the draft amendments NDCP 2012 (update) will provide an opportunity for stakeholders, including the community, to provide their feedback to CN. Feedback from stakeholders and the community will be carefully considered and may lead to amendments being made to the draft amendment NDCP 2012 (update) prior to finalisation.

## **BACKGROUND**

- 30 The NDCP 2012 is kept under regular and periodic review, as per the requirements of the EP&A Act and has been amended numerous times since its adoption in 2012. This review was undertaken as a response to the recommendation of Council at its October 2020 Ordinary Council Meeting that a more holistic review of the NDCP 2012 be undertaken to ensure that its provisions and controls are consistent with CN's vision.

## **OPTIONS**

### **Option 1**

- 31 The recommendations as at Paragraphs 1 – 2. These are the recommended options.

### **Option 2**

- 32 Council does not proceed with the exhibition of the draft NDCP 2012 Sections. This will result in an outdated NDCP 2012 and is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

**Item 32 Attachment A:** Draft Section 4.02 Bush Fire Protection – Newcastle Development Control Plan 2012

**Item 32 Attachment B:** Draft Section 4.03 Mine Subsidence – Newcastle Development Control Plan 2012

**Item 32 Attachment C:** Draft Section 4.04 Safety and Security – Newcastle Development Control Plan 2012

**Item 32 Attachment D:** Draft Section 7.03 Traffic, Parking and Access – Newcastle Development Control Plan 2012

**Item 32 Attachments A, B, C and D distributed under separate cover.**

## **CCL 26/04/2022 - EXHIBITION OF DRAFT NEWCASTLE DEVELOPMENT CONTROL PLAN 2012 (UPDATE)**

<b>PAGE 5</b>	<b>ITEM-32</b>	<b>Attachment A:</b>	Draft Section 4.02 Bush Fire Protection - Newcastle Development Control Plan 2012
<b>PAGE 15</b>	<b>ITEM-32</b>	<b>Attachment B:</b>	Draft Section 4.03 - Mine Subsidence - Newcastle Development Control Plan 2012
<b>PAGE 21</b>	<b>ITEM-32</b>	<b>Attachment C:</b>	Draft Section 4.04 - Safety and Security - Newcastle Development Control Plan 2012
<b>PAGE 35</b>	<b>ITEM-32</b>	<b>Attachment D:</b>	Draft Section 7.03 - Traffic, Parking and Access - Newcastle Development Control Plan 2012

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## **ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

### **CCL 26/04/2022 - EXHIBITION OF DRAFT NEWCASTLE DEVELOPMENT CONTROL PLAN 2012 (UPDATE)**

<b>ITEM-XX</b>	<b>Attachment A:</b>	Draft Section 4.02 Bush Fire Protection - Newcastle Development Control Plan 2012
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## 4.02 Bush Fire Protection

Black text - current text, no changes.

Red text – current text to be deleted.

Blue text –new text to be inserted

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/10/2020	02/11/2020	Amended
3	TBA	TBA	Amended

### Introduction

Bush fire prone land is an area of land that can support a bush fire or is likely to be subject to bush fire attack. The *Environmental Planning and Assessment Act 1979* requires councils to map bush fire prone land within their local government area.

The bush fire prone land map for the Newcastle Local Government Area (LGA) has been prepared using the NSW Rural Fire Service's (NSW RFS) 'Guide for Bush Fire Prone Land Mapping'.

Mapping of bush fire prone land provides a trigger for assessment of development.

Development on land that has been mapped as bush fire prone land must meet the requirements of the NSW RFS 'Planning for Bush Fire Protection, 2019' (as amended). *'Planning for Bush Fire Protection, 2019'* requires certain protective measures be provided in order to make a building less susceptible to damage or destruction from bush fire.

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

### ~~Land to which this section applies~~

~~This section applies to all land that is affected by City of Newcastle's Bush Fire Prone Land Maps.~~

### ~~Development (type/s) to which this section applies~~

~~This section applies to all development including subdivision on land identified as being bush fire prone.~~

### Development to which this section applies

This section applies to all development, including subdivision, on bush fire prone land within the Newcastle Local Government Area.

Note 1: Bush fire prone land is formally defined by the EP&A Act 1979 and NSW Rural Fire Service (RFS) publication Planning for Bush Fire Protection 2019, being land recorded as bush fire prone land on a relevant map, prepared in accordance with NSW RFS requirements, certified by the Commissioner of the NSW Rural Fire Service.

## Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s and legislation also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- The Rural Fires Act 1997

In the event of any inconsistency between this section and the applicable environmental planning instruments and legislation, the environmental planning instrument and/or legislation will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: The *Environmental Planning and Assessment Act* 1979 enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Note 3: This section refers to materials which are produced and/or legislated by a third party. ~~Applicants are encouraged to verify that they are accessing the most current version of these materials, as they may be updated from time to time.~~ Where referenced materials are superseded by updated versions, the version current at the time of lodgement of the Development Application shall apply.

Note 4: The NSW Government has provided a pathway for streamlined assessment to occur for development on new lots created in Urban Release Areas (URAs) and are located on Bush Fire Prone Land. ~~This process allows the assessment of bush fire provisions at subdivision stage within URAs and may exempt the resulting lots from reassessment of bush fire matters when purchasers are ready to develop their lots. Post-Subdivision Bush Fire Attack Level Certificates (PSBC's) may be issued at the time of subdivision assigning Bush Fire Attack Levels (BALs) to all individual lots within the subdivision. An applicant and a Consent Authority may rely on a PSBC subject to satisfaction of cl 273 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) and on the condition that the Bush Fire Safety Authority for the subdivision was issued no more than 5 years before the date of application.~~ For more information on the application of URAs, visit [planning.nsw.gov.au](http://planning.nsw.gov.au).

## Associated technical manual/s

- ~~Planning for Bush Fire Protection 2019, NSW Rural Fire Service.~~
- ~~Building in Bush Fire Prone Areas Single Dwelling Application Kit 2020, NSW Rural Fire Service~~
- Nil

## Additional information

- ~~Newcastle Bush Fire Prone Land Map, available on Council's website.~~
- ~~NSW Rural Fire Service website.~~
- [Planning for Bush Fire Protection 2019, NSW Rural Fire Service \(as amended\).](#)
- [Building in Bush Fire Prone Areas Single Dwelling Application Kit 2020, NSW Rural Fire Service.](#)
- Australian Standard 3959: 2018 – Construction of buildings in bush-fire prone areas.
- [Guide for Bush Fire Prone Land Mapping, 2015, NSW Rural Fire Service.](#)

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to in this section are defined within Part 9.00 - Glossary, of this plan, and include:

- **Bush fire prone land** has the same meaning as in the Act.

Note 1: The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3 (2) of the Act.

Note 2: In general, bush fire prone land identifies a range of vegetation types and associated buffer zones. Bush fire prone land is described as Category 1, Category 2, Category 3 or associated vegetation buffer. Factors that determine the level of bush fire threat include elevation, slope, orientation, the vegetation type and distance to or proximity to the subject property.

- **Bush fire prone mapping** – identifies a property's potential to be threatened by bush fire and to initiate an assessment under the NSW Rural Fire Service *Guideline Bush Fire Prone Land Mapping*, 2015 to determine whether land management and building construction measures need to be adopted to help safeguard a development from bush fire.

Note: Detailed Bush Fire Prone Land maps for specific parts of the Newcastle Local Government Area are available for viewing on Council's web site or at its Customer Enquiry Centre.

- **Category 1 vegetation** - appears as red on the Bush Fire Prone Land Map and represents forests, woodlands, heathlands, pine plantations and wetlands. Land within 100m of this category (indicated by the Vegetation Buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.
- **Category 2 vegetation** - appears as light orange on the Bush Fire Prone Land Map and represents grasslands, scrublands, rainforests, open woodlands and mallee. The land within 30m of Category 2 vegetation (ie as indicated by the Vegetation Buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.
- **Category 3 vegetation** - appears as yellow on the Bush Fire Prone Land Map and represents grasslands, freshwater wetlands, semi-arid woodlands, alpine complex and arid shrublands. The land within 30m of Category 3 vegetation (i.e. as indicated by the Vegetation Buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bush fire attack.
- **Residential Infill Development** - refers to the development of land by the erection of, alteration or addition to, a dwelling which does not require the spatial extension of services including public roads, electricity, water or sewerage and is within an existing lot.
- **Special Fire Protection Purpose development** - is one which is occupied by people who are considered to be at risk members of the community. In a bush fire event, these occupants may be more susceptible to the impacts of bush fire. Evacuating at risk members of the community is more challenging because they may be physically or psychologically less able to relocate themselves or are unfamiliar with their surroundings.
- **Suitably qualified consultant** – a consultant providing bush fire assessments and BAL Certificates who has been accredited by a recognised accreditation scheme.

## Aims of this section

- ~~1. To outline Council's requirements for development on land classified as being Bush Fire Prone Land within the Newcastle Local Government Area (LGA).~~
1. To specify guidelines for development on land classified as being bush fire prone land within the Newcastle Local Government Area.
2. To consider climate change in hazard and risk assessment for development on bush fire prone land.

### 4.02.01 Bush Fire Protection

#### Objectives

- ~~1. Ensure the statutory requirements of the Rural Fire Service Act 1997 are considered in development assessment where relevant.~~
- ~~2. Ensure risks associated with bush fire are appropriately and effectively managed.~~
- ~~3. Ensure bush fire risk is managed in connection with the preservation of the ecological values of the site and adjoining lands.~~
1. Ensure risks associated with bush fire, including projected increase in the occurrence and severity of hazards as a result of climate change, are appropriately and successfully managed through effective and innovative design, as well as in connection with the preservation of the ecological values of the site and adjoining lands.

#### Controls

~~The following controls apply to all development to which this section applies~~

- ~~1. All development on, or subdivision of land identified as being bush fire prone must comply with the requirements of the NSW Rural Fire Service publication: *Planning for Bush Fire Protection 2019*, or subsequent versions.~~

~~The following controls apply to subdivision~~

- ~~2. Bushfire protection measures are placed wholly within the development site. All proposed Asset Protection Zones are within the property to be subdivided and incorporated into affected lots or within the existing or proposed road reserve, or a combination of both. Asset Protection Zones will not be accepted on existing Council reserves, other public lands or in reserves proposed to be dedicated through the subdivision. An Asset Protection Zone imposed by a development consent condition must be maintained for the lifetime of the development, unless modified by a subsequent consent.~~
- ~~3. Fire trails, if required, are not accepted on existing Council owned land or any land proposed to be dedicated through the subdivision.~~
- ~~4. In any instance where the NSW Rural Fire Service requires Asset Protection Zones or Fire Trails to be the subject of an easement, restriction, or covenant registered against the title of existing or future lots pursuant to section 88 of the Conveyancing Act, 1919 Council is not to be identified as a Prescribed Body having benefit of such an easement, restriction, or~~

~~covenant. However, Council should be noted as a party whose consent is needed to release, vary or modify the easement, restriction, or covenant.~~

- ~~5. Applications for subdivision that are proposed to be constructed in stages should demonstrate how effective bushfire protection measures can be temporarily established, maintained and then released when future stages are completed, and those temporary measures are made redundant.~~

~~The following control applies to all residential infill development~~

- ~~6. Any development application involving the erection of a dwelling house, alterations and additions to an existing dwelling house within bush fire prone land or other development that is in proximity to bush fire prone land must comply with the requirements of the NSW Rural Fire Service publication titled Planning for Bush Fire Protection 2019 or subsequent versions.~~

~~Note1: The requirements of the Rural Fire Service can be met if:~~

- ~~a) CN is provided with evidence that demonstrates the proposed development conforms to the specifications and requirements of *Planning for Bush Fire Protection*; or~~
- ~~b) CN has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment. The certificate must include the calculated BAL, stating that the development conforms to the relevant specifications and requirements; or~~
- ~~c) if CN is satisfied that the development does not conform to the relevant requirements of *Planning For Bushfire Protection*, it may still grant consent to the development but only after it has consulted with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire.~~

~~The following controls apply to Integrated Development—Section 4.46 of the *Environmental Planning and Assessment Act 1979* and Section 100B of the *Rural Fire Act 1997*~~

~~Note: The following types of development are considered Integrated Development under the Act and require a Bush Fire Safety Authority from the NSW Rural Fire Service under s100B of the *Rural Fires Act 1997*:~~

- ~~(a) subdivision of land that could be used for residential or rural residential purposes~~
- ~~(b) development of bush fire prone land for a Special Fire Protection Purpose (including but not limited to educational establishments, senior living self-care or residential care facilities)~~

- ~~7. Any Integrated Development Application is accompanied by a Bush Fire Assessment report prepared by a suitably qualified and experienced bush fire consultant. Search <http://www.fpaa.com.au/bpad> for a list of Accredited Practitioners.~~

- ~~8. The Bush Fire Assessment report outlines the proposed development's consistency with the NSW Rural Fire Service's *Planning for Bush Fire Protection 2019 Guidelines* and *Australian Standard AS3959—2018*, Construction of buildings in bush fire prone areas, and any other documents that have been adopted by NSW Rural Fire Service.~~

- ~~9. All Integrated Development Applications on bush fire prone land will be referred to the Rural Fire Service Headquarters for appropriate review and determination as to whether a Bush Fire Safety Authority will be authorised.~~



~~The following control applies to all other development on bush fire prone land, unless listed above. This includes commercial and industrial uses, infrastructure and other developments which may attract large numbers of people.~~

- ~~10. All development proposals for commercial and industrial uses, infrastructure and other developments which may attract large numbers of people on Bush Fire Prone Land must demonstrate compliance with the specific requirements of *Planning for Bush Fire Protection* 2019, or subsequent versions.~~

~~Note: For more complex applications or performance-based solutions (as defined in *Planning for Bush Fire Protection*), a recognised consultant should be engaged to prepare a Bush Fire Assessment report and Bush Fire Management Plan.~~

~~Note 1: Where the Rural Fire Service refuses to grant a Bush Fire Safety Authority, Council cannot approve the Integrated Development Application.~~

~~Note 2: Applications to build within the flame zone or proposing an alternate solution under the *Planning for Bush Fire Protection* 2006-2019 Guidelines will generally be referred by Council to the district Rural Fire Service Fire Control Centre Headquarters for comment, prior to the determination of the application by Council.~~

~~Note 3: The NSW Rural Fire Service provides a pre-DA advice service for proponents of development to seek information and obtain clarity about the NSW Rural Fire Service position on a proposal before a formal DA is lodged with the consent authority. The pre-DA advice service is intended for more complex proposals which raise issues in relation to compliance with the requirements of *Planning for Bushfire Protection*. This may involve instances where a performance-based solution (as defined in *Planning for Bush Fire Protection*) is proposed or where bush fire protection issues are raised in strategic or rezoning planning processes. Further information on the pre-DA advice service can be found online at NSW Rural Fire Service website.~~

The following controls apply for all development, including subdivision

1. All development on, or subdivision of, land identified as being bush fire prone land must provide a bush fire assessment report completed by a suitably qualified consultant that:
  - a) establishes the requirements for construction under the Australian Standard AS 3959:2018 – Construction of buildings in bush-fire prone areas (as amended or replaced); and
  - b) demonstrates compliance with the requirements of the NSW Rural Fire Service publication: *Planning for Bush Fire Protection*, 2019 (as amended or replaced).

A bush fire assessment report is required regardless of the extent to which the hazard projects into the property, even if only partially.

Note 1: The NSW Rural Fire Service requirements can be met if evidence is provided that demonstrates the proposed development conforms to the specifications and requirements of *Planning for Bush Fire Protection* 2019 (as amended or replaced); or

Note 2: For more complex applications or performance-based solutions (as defined in *Planning for Bush Fire Protection*, 2019), a recognised consultant should be engaged to prepare a bush fire assessment report and Bush Fire Management Plan. Search <http://www.fpaa.com.au/bpad> for a list of Accredited Practitioners.

Note 3: The NSW Rural Fire Service provides a pre-DA advice service for proponents of development to seek information and obtain clarity about the NSW Rural Fire Service position on a proposal before a formal DA is lodged with the consent authority. Further information on the pre-DA advice service can be found online at NSW Rural Fire Service website.

2. Bush fire protection measures, including Asset Protection Zones (APZs), are placed wholly within the development site.
3. Asset Protection Zones are to be located outside of areas of environmental significance, including:
  - a) Endangered Ecological Communities;
  - b) Inner Vegetated Riparian Zones for all mapped creeks; and
  - c) other vegetation to be retained or protected due to environmental constraints as assessed by Council.
4. Where development proposes fire trails and/or APZs, the fire trail and APZ spatial data, including associated metadata that references the relevant assessments and management plans are provided to Council in a format as requested.

#### Additional controls apply to subdivision

Note: An Asset Protection Zone imposed by a development consent condition must be maintained for the lifetime of the development, unless modified by a subsequent consent.

5. Fire trails, if required, are not accepted on existing Council owned land or any land proposed to be dedicated to Council through the subdivision.
6. In any instance where the NSW Rural Fire Service requires Asset Protection Zones or fire trails to be the subject of an easement, restriction, or covenant registered against the title of existing or future lots pursuant to section 88 of the Conveyancing Act 1919, Council is not to be identified as a Prescribed Body having benefit of such an easement, restriction, or covenant. However, Council shall be noted as a party whose consent is needed to release, vary or modify the easement, restriction, or covenant.
7. Applications for subdivision that are proposed to be constructed in stages should demonstrate how effective bush fire protection measures can be temporarily established, maintained and then released when future stages are completed, and those temporary measures are made redundant. [Temporary Asset Protection Zones should not conflict with the environmental protection criteria set out in the controls above.](#)

#### The following controls apply for Integrated Development

8. The bush fire assessment report outlines the proposed development's consistency with the NSW Rural Fire Service's guidelines *Planning for Bush Fire Protection*, 2019 ([as amended or replaced](#)) and *Australian Standard AS3959:2018 – Construction of buildings in bush-fire prone areas* ([as amended or replaced](#)), and any other relevant documents that have been adopted by NSW Rural Fire Service.
9. All Integrated Development Applications on bush fire prone land will be referred to the Rural Fire Service Headquarters for appropriate review and determination as to whether a Bush Fire Safety Authority will be authorised.

Note 1: The following types of development are considered Integrated Development [under s4.46 of the Environmental Planning and Assessment Act 1979](#) and require a Bush Fire Safety Authority from the NSW Rural Fire Service under s100B of the *Rural Fires Act 1997*:

- a) subdivision of land that could be used for residential or rural residential purposes.
- b) development of bush fire prone land for a Special Fire Protection Purpose (including but not limited to educational establishments, [tourist and visitor accommodation](#), [seniors housing or group home](#)).

Note 2: Search <http://www.fpaa.com.au/bpad> for a list of Accredited Practitioners.

Note 3: Where the NSW Rural Fire Service refuses to grant a Bush Fire Safety Authority, Council cannot approve the Integrated Development Application.

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## **ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

### **CCL 26/04/2022 - EXHIBITION OF DRAFT NEWCASTLE DEVELOPMENT CONTROL PLAN 2012 (UPDATE)**

**ITEM-XX      Attachment B:**      Draft Section 4.03 - Mine Subsidence - Newcastle  
Development Control Plan 2012

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## 4.03 Mine Subsidence

Black text - current text, no changes.

Red text – current text to be deleted.

Blue text –new text to be inserted

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	TBA	TBA	Amended

### Introduction

Mine subsidence is the movement of the ground that can occur after underground mining. Parts of the Newcastle LGA have been subject to underground coal mine workings or are located within the zone of influence to old mine workings.

Subsidence Advisory NSW administers the *Coal Mine Subsidence Compensation Act 2017*. Subsidence Advisory NSW regulates building and subdivision works within districts to ensure new homes, buildings and structures are built to an appropriate standard that reduces the risk of damage should subsidence occur.

Mine subsidence must be considered in the preliminary design of all development and approval from Subsidence Advisory NSW is sought prior to the lodgement of development applications with the Council.

Note 1: Applicants can contact Subsidence Advisory NSW or Council to find out if a site is located within a proclaimed mine subsidence district. The [NSW ePlanning Spatial Viewer](#) can also be used to check if a site is located within a declared mine subsidence district. Search for the property by using the address or Lot and DP. The 'Mine Subsidence Development' heading in the 'Search Results' heading on the right of the map will show which [Subsidence Advisory NSW Development Guideline](#) applies to development on the site.

### Savings provisions

~~Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.~~ Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

### Land to which this section applies

~~This section applies to all land within a mine subsidence area to which the Newcastle Local Environmental Plan 2012 applies.~~

~~Note: Maps of land mine subsidence areas are available from the Mine Subsidence Board or contact Council's Customer Enquiry Centre.~~

## **~~Development (type/s) to which this section applies~~**

~~This section applies to all development consisting of a new building or structure, extension or structural alteration.~~

## **Development to which this section applies**

This section applies to all development consisting of a new building or structure, extension or structural alteration, or subdivision located on land within a proclaimed mine subsidence district subject to the *Coal Mine Subsidence Compensation Act 2017* (as amended or replaced).

Note 1: Subsidence Advisory NSW offers deemed approval for some minor construction works. Visit the Subsidence Advisory NSW website or contact Subsidence Advisory NSW to confirm if your development is subject to a deemed approval. Subsidence Advisory NSW: <https://www.nsw.gov.au/subsidence-advisory/contact>

## **Applicable environmental planning instruments**

~~The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies~~ The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012.

In the event of any inconsistency between this section and the above environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: The *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## **Associated technical manual/s**

- Nil

## **Additional information**

- Subsidence Advisory NSW Development Guideline (as amended or replaced)

## **Definitions**

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 – Glossary, of this plan, and include:

- **Subsidence** - due to:
  - (a) the extraction of coal or shale
  - (b) the prospecting for coal or shale carried out within a colliery holding by the proprietor of the holding

and includes all vibrations or other movements of the ground related to any such extraction or prospecting (whether or not the movements result in actual subsidence), but does not include vibrations or other movements of the ground that are due to blasting operations in an open cut mine and that do not result in actual subsidence.

### **Aims of this section**

1. Ensure that development is appropriately designed to respond to the potential mine subsidence hazard.
- ~~2. Raise awareness to potential Applicants and the development industry that mine subsidence is a significant issue for some sites.~~

### **Objectives**

- ~~1. Ensure that all developments proposed within an area that is subject to mine subsidence are referred to the Mine Subsidence Board for investigation and approval.~~

### **Controls**

- ~~1. All developments located in areas affected by mine subsidence must have approval from the Mine Subsidence Board prior to lodgement with The City of Newcastle.~~

## **4.03.01 Mines Subsidence**

### **Objectives**

1. Ensure that all development proposed within a declared mine subsidence district is designed in accordance with the Subsidence Advisory NSW Development Guideline (as amended or replaced) including obtaining any the relevant approval/s.

### **Controls**

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.



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.

Note 1: Subsidence Advisory NSW has set Development Guidelines to help landowners building within a mine subsidence district. The guidelines set out the requirements for building on a property based on potential subsidence risks.

The guidelines can be different in districts and include requirements related to the nature and class of any development on a property, the size, height and location of new structures, and the use of certain building materials and construction methods.

Copies of the Development Guidelines can be accessed from the Subsidence Advisory NSW website: <https://www.nsw.gov.au/subsidence-advisory>.

Note 2: Proposals that are inconsistent with the Development Guidelines will require a merit assessment by Subsidence Advisory NSW.

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## **ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

### **CCL 26/04/2022 - EXHIBITION OF DRAFT NEWCASTLE DEVELOPMENT CONTROL PLAN 2012 (UPDATE)**

**ITEM-XX      Attachment C:**      Draft Section 4.04 - Safety and Security - Newcastle  
Development Control Plan 2012

**DISTRIBUTED UNDER SEPARATE COVER**

# Ordinary Council Meeting

26 April 2022

**DISTRIBUTED UNDER SEPARATE COVER**

## 4.04 Safety and Security

Black text - current text, no changes.

Red text – current text to be deleted.

Blue text –new text to be inserted

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/09/2016	24/10/2016	Amended
3	28/11/2017	11/12/2017	Amended
4	TBA	TBA	Amended

### Introduction

Council is committed to providing a safe physical and social environment for the community by applying the concept of Crime Prevention Through Environmental Design (CPTED) in considering new development. CPTED involves designing buildings and spaces in a way that applies four principles: surveillance, access control, territorial reinforcement and space management. Those principles form the basis of this section.

### Savings provisions

~~Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.~~ Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

### Land to which this section applies

~~This section applies to all land to which Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.~~

### Development (type/s) to which this section applies

This section applies to all development consisting of:

- ~~▪ Amusement centres (that trade past 7pm)~~
- ~~▪ Car parks~~
- ~~▪ Centre-based child care facility~~
- ~~▪ Community facilities (that trade past 7pm)~~
- ~~▪ Educational establishments~~
- ~~▪ Entertainment facilities (that trade past 7pm)~~
- ~~▪ Food and drink premises (that are licensed premises and/or that trade past 7pm)~~
- ~~▪ Function centres (that are licensed premises and/or that trade past 7pm)~~
- ~~▪ Health service facilities~~
- ~~▪ Industrial developments~~

- ~~Markets~~
- ~~Place of public worship~~
- ~~Recreation facility (indoor, major and outdoor)~~
- ~~Registered clubs~~
- ~~Residential accommodation (excluding secondary dwellings, single dwellings and dual occupancies)~~
- ~~Residential care facility~~
- ~~Restricted premises~~
- ~~Service stations~~
- ~~Sex service premises~~
- ~~Shops~~
- ~~Tourist and visitor accommodation~~

## Development to which this section applies

This Section applies to all development.

Note: Contact Council to discuss level of detail required for a particular development type.

## Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: The *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Associated technical manual/s

- ~~Newcastle Safe City Plan 2017–2020, Newcastle City Council.~~
- ~~Crime Prevention and the Assessment of Development Applications: Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979, 2001, NSW Department of Urban Affairs and Planning.~~

~~Note: Department of Urban Affairs and Planning is now known as Department of Planning, Industry and Environment.~~

- ~~Safer by Design, NSW Police Force.~~
- ~~Australian Standard 806.1–Closed Circuit Television (CCTV) Management and Operation.~~
- ~~Australian Standard 1158–Lighting for roads and public spaces.~~
- ~~Australian Standard 4282–Control of the obtrusive effects of outdoor lighting.~~
- ~~Australian Standard 5039–Security screen doors and window grilles.~~
- ~~Australian Standard 4145–Locksets and hardware for doors and windows.~~
- ~~International Standard IWA14-1–Vehicle Security Barriers.~~
- Nil

## Additional information

- Development Applications may be referred to the NSW Police for Crime Prevention Through Environmental Design (CPTED) Assessment.
- ~~Development Applications for licensed premises (including food & drink premises with trading hours past 7pm) and Liquor Licence Applications may be referred to the Licensed Premises Reference Group.~~
- ~~Development Applications for licensed premises may be referred to NSW Police Licensing Unit.~~

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan, and include:

- **Licensed premises** means premises licensed under the *Liquor Act 2007*.
- **Plan of management** means a document that provides a framework for the management of a particular development / event.

## Aims of this section

- ~~1. To provide actual and perceived safe environments and minimise opportunities for criminal and anti-social behaviour.~~
- ~~2. To ensure features that contribute to safety and security are incorporated into new development.~~
- ~~3. To ensure the incorporation of Crime Prevention Through Environmental Design (CPTED) principles in new development.~~
1. To ensure safety and security is considered as a component of the site planning process and reflects the zone, scale, density and context of development, as well as its surroundings.
2. To reduce community vulnerability to crime through good urban design and the incorporation of Crime Prevention Through Environmental Design (CPTED) principles in development.
3. To ensure development incorporates features that enhance safety and security.
4. Provide ~~actual and perceived~~ safe environments and minimise opportunities for criminal and anti-social behaviour.

### ~~4.04.01 Crime Prevention through Environmental Design (CPTED) Principles~~

#### ~~Performance criteria~~

- ~~1. Developments reduce the likelihood of criminal activity and assist in creating actual and perceived safe and secure environments.~~

## ***Acceptable solutions***

1. ~~Developments incorporate the Crime Prevention Through Environmental Design (CPTED) Principles into the design of the proposed development.~~

~~Note: For further information on CPTED principles refer to Crime Prevention and the Assessment of Development Applications: Guidelines under The Environmental Planning and Assessment Act 1979 published by NSW Department of Urban Affairs and Planning, 2001, 2001, NSW Department of Urban Affairs and Planning.~~

## **4.04.024.04.01 General principles**

### ***Performance criteria***

1. Potential criminal and/or anti-social behaviour risks for development are identified and addressed.
2. ~~Opportunities for crime are lessened or prevented without detracting from the façade or layout of a building or streetscape amenity.~~
3. ~~Development provides opportunities for effective natural and/or technical surveillance.~~
4. ~~All areas that may be used at night (eg. carparks, common areas) incorporate appropriate levels of visibility and/or lighting.~~
5. ~~Public/communal spaces reduce the likelihood of crime by installation of appropriate anti-graffiti measures/materials.~~
2. The design and layout of the development:
  - a) is integrated into the wider public realm enhancing the potential for natural surveillance, access control, territorial reinforcement and space management;
  - b) reduces temptations for vandalism and graffiti without detracting from the façade; and
  - c) minimises or prevents opportunities for crime and risks to public safety while maintaining neighbourhood amenity and the character of the streetscape.
3. Development is designed to:
  - a) maximise opportunities for effective natural and/or technical surveillance;
  - b) encourage active street environments as they enhance public safety;
  - c) provide unimpeded sight lines, particularly along pedestrian pathways; and
  - d) improve natural surveillance through increased legitimate use of spaces.
4. Development considers areas that will be utilised at night and incorporates appropriate levels of lighting and/or visibility to improve safety and security and deter illegitimate activity.
5. To create a sense of safety through greater knowledge of location and direction.

## Acceptable solutions

1. ~~A Crime Risk Assessment (in accordance with figure 1 below) may be required for developments which are: major developments; involve an increased risk to public safety; and/or include a component to serve, sell or supply alcohol.~~

~~Note: Contact Council to discuss developments requiring a Crime Risk Assessment.~~

~~Figure 1~~

Information to be included in a Crime Risk Assessment	
<b>Introduction</b>	<del>* Describe the proposed development.</del>
<b>Site Analysis</b>	<del>* Describe the physical surrounds &amp; topography of proposed development.</del>
<b>Crime Risk &amp; Opportunity</b>	<del>* Identify existing and possible crime risks. * Analyse the types of crime that may be prevalent in the area, and to which the development may be susceptible.</del>
<b>CPTED</b>	<del>* Describe how the proposed development addresses each of CPTED principles.</del>
<b>Specific Uses</b>	<del>* If applicable, identify how the proposed development addresses the key principles (as outlined in Section 4.04.03 below).</del>
<b>Recommendations &amp; Mitigation Measures</b>	<del>* Outline whether the proposed development will have an impact on crime and safety, and why. * Describe risk assessment recommendations and mitigation measures to be implemented as part of the development.</del>
<del>Note: A Crime Risk Assessment may be required for developments to assist Council to assess crime risk in local developments. A Crime Risk Assessment is to be prepared by a suitably qualified person who has completed the NSW Police Safer by Design Course. For further information on preparing a Crime Risk Assessment refer to NSW Department of Urban Affairs and Planning's Crime Prevention and the Assessment of Development Applications: Guidelines under The Environmental Planning and Assessment Act 1979, 2001.</del>	

2. ~~A Crime Risk Comment included within the Statement of Environmental Effects (where a Crime Risk Assessment is not required).~~

3. Exterior design and layout:

- ~~(a) Building entrances are orientated to face public areas, are clearly identified and visible from the street.~~
- ~~(b) Development is designed so as not to include entrapment locations and blind corners.~~
- ~~(c) Building facades are designed so as not to include external indentations, projections or regular features that provide footholds allowing access to private property.~~
- ~~(d) Building walls located adjacent to carparks or other public spaces include features such as windows and/or balconies, allowing casual surveillance to these areas.~~
- ~~(e) Building entrances, walkways and connecting paths, are clearly defined, visible from the street, and well-lit at night.~~



- ~~— (f) Public places incorporate features to attract people in a safe manner, rather than discourage people from gathering.~~
- ~~— (g) Development is designed so that it reduces the opportunity for graffiti and vandalism.~~
- ~~— (h) Cues, symbols and signs are used to assist people to navigate their environment and define appropriate use of spaces.~~

#### ~~4. Surveillance and sightlines:~~

- ~~— (a) Buildings are designed to overlook public areas.~~
- ~~— (b) Ground and near-ground levels of buildings are occupied by active land uses that overlook public areas.~~
- ~~— (c) New development maximises visibility and sightlines to destination points (eg. street frontage, car parks, stairwells etc).~~
- ~~— (d) Fence designs maximise natural surveillance between the street and the building.~~
- ~~— (e) Landscaping, walls and fences maintain clear sight lines between public and private areas and do not block fields of vision.~~
- ~~— (f) Mechanical/electronic surveillance systems are installed in compliance with Australian Standard 806.1: Closed Circuit Television (CCTV) Management and operation (where required by Council and/or Police).~~

#### ~~5. Lighting:~~

- ~~— (a) Lighting is provided in accordance with Australian Standard 1158 – Lighting for roads and public spaces and Australian Standard 4282 – Control of the obtrusive effects of outdoor lighting.~~
- ~~— (b) All areas intended to be used at night to provide appropriate lighting and visibility.~~
- ~~— (c) Lights are directed towards access/egress routes, and illuminate possible entrapment locations/places to hide.~~
- ~~— (d) Lighting is to provide a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed; reduces light shadow contact; and is not unshielded at eye level.~~
- ~~— (e) Lighting is designed so that it reduces the opportunity of vandalism (eg. anti-graffiti, anti-breakage, and scratch resistant materials).~~
- ~~— (f) Lighting is located so that there is no spillage to neighbouring properties.~~
- ~~— (g) Growing and mature vegetation does not obscure lighting.~~

#### ~~6. Signage / Wayfinding~~

- ~~— (a) Clear signage and wayfinding devices are incorporated into developments, including audible, tactile, graphic and/or architectural cues.~~
- ~~— (b) Information and directional signs are strategically located at entrances and near activity nodes (eg. intersections of corridors and paths, landmarks).~~

- ~~(c) Information and directional signs are legible and where appropriate include standard symbols and/or simple graphics.~~
  - ~~(d) Location maps and directional signage are provided for larger developments.~~
  - ~~(e) Signposting is provided clearly identifying public amenities and hours of access (eg. toilets, carparking, lifts, ATM's).~~
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.

<b>Table 1 Information to be included in a Crime Risk Assessment</b>	
Introduction	<ul style="list-style-type: none"> <li>Describe the proposed development.</li> </ul>
Site Analysis	<ul style="list-style-type: none"> <li>Describe the topography of the site and its physical surrounds.</li> </ul>
Crime Risk and Opportunity	<ul style="list-style-type: none"> <li>Identify existing and possible crime risks.</li> <li>Analyse the types of crime that may be prevalent in the area, and to which the development may be susceptible.</li> </ul>
CPTED	<ul style="list-style-type: none"> <li>Describe how the proposed development addresses each of the CPTED principles.</li> </ul>
Specific Uses	<ul style="list-style-type: none"> <li>Where applicable, outline how the proposal addresses <b>any development specific criteria that is identified within this DCP Section.</b></li> </ul>
Recommendations and Mitigation Measures	<ul style="list-style-type: none"> <li>Outline whether the proposed development will have an impact on crime and safety, and why.</li> <li>Describe risk assessment recommendations and mitigation measures to be implemented as part of the development.</li> </ul>

Note 1: A Crime Risk Assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these elements (crime amount and type) will determine the choice and appropriate mix of CPTED strategies.

Note 2: Types of development that may involve the preparation of a Crime Risk Assessment include, but is not limited to:

- Amusement centres ~~(that trade past 7pm)~~
- Car parks
- Centre-based child care facilities
- Community facilities ~~(that trade past 7pm)~~
- Educational establishments
- Entertainment facilities ~~(that trade past 7pm)~~
- Food and drink premises ~~(that are a licensed premises and/or that trade past 7pm)~~
- Function centres ~~(that are licensed premises and/or that trade past 7pm)~~
- Health service facilities
- Industrial developments
- Markets
- Place of public worship
- Recreation facility (indoor, major and outdoor)
- Registered clubs
- Residential accommodation (excluding single dwellings, secondary dwellings, semi-detached dwellings and dual occupancies)
- Residential care facility
- Restricted premises
- Service stations
- Sex service premises
- ~~Shops~~
- Tourist and visitor accommodation

Note 3: Council will exercise discretion, under the *Environmental Planning and Assessment Act 1979*, in respect to the requirement for a Crime Risk Assessment.

Note 4: A Crime Risk Assessment is to be prepared by a suitably qualified person who has completed the NSW Police Safer by Design Course.

Note 5: For further information on preparing a Crime Risk Assessment refer to *Crime Prevention and the Assessment of Development Applications: Guidelines* ~~under Section 79C of the Environmental Planning and Assessment Act 1979~~ published by NSW Department of Urban Affairs and Planning, 2001 (or as updated or amended)

## 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.
- (c) Design entrances to buildings from public streets so that:
- (i) building entrances are clearly identifiable, defined, lit and visible;
  - (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.

#### **4.04.03 Principles for specific uses**

In addition to guidelines listed under Section 4.04.01 and Section 4.04.02 the following guidelines apply to the following specific uses.

Development Type	Key Principles
Automatic Teller Machines (ATM's)	<ul style="list-style-type: none"> <li>Approaches and entrances to ATM's are highly visible and are provided with good lighting (without inappropriate glare or shadow).</li> <li>Located at street level and within direct view of pedestrian and vehicle routes / surrounding activities.</li> <li>Located adjacent to supportive uses (eg. restaurants and cafes).</li> <li>Are not located adjacent to licensed premises, public transport stops, public telephones or public seating.</li> <li>Are not positioned in concealed spaces, corridors, recesses, alcoves etc or in buildings adjacent to laneways.</li> <li>Bollards in compliance with International Standard IWA14-1 Vehicle Security Barriers.</li> </ul>
Carparks (or developments)	<ul style="list-style-type: none"> <li>Natural and/or mechanical surveillance provided (as required by Council</li> </ul>

Development Type	Key Principles
including carparks)	<p>and/or Police).</p> <ul style="list-style-type: none"> <li>✗ Pedestrian access points are provided at ground level and in active areas.</li> <li>✗ Entry and exit points to multi-level carparks are minimised and attendant's booths are clearly identified.</li> <li>✗ Pedestrian paths link users from car parking spaces to buildings/lift lobbies directly as possible with clear sightlines along the route.</li> <li>✗ Pedestrian paths, entrances and exits are provided with good lighting, signposted and clearly defined.</li> <li>✗ Landscaping, walls and fences maintain clear sight lines between public and private areas and avoid concealment areas.</li> <li>✗ Every second aisle of an open car park with 200 or more spaces has a pedestrian path between parking spaces, with paths linked to identified crossing areas and access points.</li> <li>✗ Car parking ceilings are greater than 2.2m height.</li> <li>✗ Lighting is sufficient to allow pedestrians to see into the interior of cars and eliminate shadows between cars.</li> <li>✗ Incorporate vandal resistant materials (eg. lighting, exterior).</li> <li>✗ Stairwells are located on carpark perimeters and are open or highly see through from external public areas.</li> <li>✗ Stairwells, corridors etc are painted light colours to assist in reflecting light in these areas.</li> </ul>
Events / Markets	<ul style="list-style-type: none"> <li>✗ Entrances are located at prominent positions, are provided with good lighting and clearly visible.</li> <li>✗ All areas intended to be used at night provide appropriate levels of visibility and lighting.</li> <li>✗ Pedestrian paths and onsite parking are clearly defined; incorporate effective lighting; and provide direct access to event / market.</li> <li>✗ Toilets are located near high traffic areas and entrances; are clearly visible from public places; and are clearly signposted.</li> <li>✗ Entrapment locations (ie. small confined areas) are avoided.</li> <li>✗ Plan of Management (PoM) is submitted to Council which identifies/addresses safety and crime impacts.</li> </ul> <p>Note: PoM to include details on alcohol management (if applicable), hours of operation, patron movement, capacity numbers, safety and security measures and parking etc.</p>
Food & Drink premises / Function Centres / Registered Clubs / and the like, which is licensed and /or trades past 7pm.	<ul style="list-style-type: none"> <li>✗ Buildings have an active frontage to the public domain.</li> <li>✗ Pedestrian access and onsite parking are clearly defined, incorporate good lighting, and have direct access to buildings from areas likely to be used at night.</li> <li>✗ Natural and/or mechanical surveillance provided (as required by Council and/or Police).</li> <li>✗ Plan of Management (PoM) is submitted to Council which identifies/addresses safety and crime impacts.</li> </ul> <p>Note: PoM to include details on alcohol management (if applicable), hours of operation, patron movement, capacity numbers, safety and security measures</p>

Development Type	Key Principles
	and parking etc.
Public Toilets	<ul style="list-style-type: none"> <li><del>~ To be located near high traffic areas.</del></li> <li><del>~ Approaches and entrances to public toilets have clear sightlines and good lighting (without inappropriate glare or shadow).</del></li> <li><del>~ Public toilets are not positioned in concealed spaces, corridors, recesses, alcoves etc.</del></li> <li><del>~ Public phones and seats are not placed near public toilets.</del></li> <li><del>~ Incorporate vandal resistant materials.</del></li> </ul>
Residential accommodation (10+ dwellings), Group Homes or Boarding Houses	<ul style="list-style-type: none"> <li><del>~ Buildings facing public or communal streets / public places have a window from a habitable room facing that area.</del></li> <li><del>~ Dwellings have a window from a habitable room facing internal driveways.</del></li> <li><del>~ Appropriate access controls (eg. user/sensor gates) are provided for car park entrances, and common areas such as lobbies, laundries and garbage storage.</del></li> <li><del>~ Lighting is provided to all pedestrian paths, shared areas, parking areas and building entries.</del></li> <li><del>~ Doors and window locks are installed in all dwellings in accordance with AS 4145.</del></li> <li><del>~ Dwellings are oriented towards the street with entrances and numbering clearly visible.</del></li> <li><del>~ Buildings with shared entries serve a maximum of 10 dwellings.</del></li> <li><del>~ Each building entry clearly states the unit numbers accessed from that entry.</del></li> <li><del>~ Unobstructed sight lines / natural surveillance to open space and community areas.</del></li> </ul>
Service Stations	<ul style="list-style-type: none"> <li><del>~ Natural surveillance to be provided from the public domain to any retail area or shop associated with the service station.</del></li> <li><del>~ CCTV surveillance to be provided in accordance with Australian Standards for entrance, cashier and queue areas.</del></li> <li><del>~ Refuelling areas and entrances to any retail area or shop are visible from the street.</del></li> <li><del>~ Retail area to provide for direct surveillance from cashier area to the street/public domain.</del></li> <li><del>~ Public and staff toilets are to be located and provide access, within the retail area.</del></li> <li><del>~ Entrances are located at prominent positions, are provided with good lighting and clearly visible.</del></li> <li><del>~ All areas intended to be used at night provide appropriate levels of visibility and lighting.</del></li> <li><del>~ Landscaping, walls and fences maintain clear sight lines and avoid concealment areas.</del></li> </ul>
Sex Service Premises	<ul style="list-style-type: none"> <li><del>~ Premises have only one entrance which is located at the front of the building (or primary street frontage).</del></li> <li><del>~ Building entrance has good lighting and easily identifiable (but not a prominent streetscape feature).</del></li> </ul>

Development Type	Key Principles
	<ul style="list-style-type: none"> <li>↪ <del>Direct sight lines are provided between the building and the street.</del></li> <li>↪ <del>Pathways to / from the building are direct (straight lines).</del></li> <li>↪ <del>All premises have either an intercom or duress alarm in each room. Alarms connect back to a central base that is monitored at all times.</del></li> <li>↪ <del>All external storage areas are secured.</del></li> <li>↪ <del>Any locks and security grills can be opened from the inside.</del></li> <li>↪ <del>External lighting is vandal resistant and directed towards access/egress routes.</del></li> <li>↪ <del>Natural and/or mechanical surveillance provided (as required by Council and/or Police).</del></li> </ul>

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## 7.03 Traffic, Parking and Access

Black text - current text, no changes.

Red text – current text to be deleted.

Blue text –new text to be inserted

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	17/07/2012	30/07/2012	Amended
3	27/06/2017	10/07/2017	Amended
4	27/10/2020	02/11/2020	Amended
5	TBA	TBA	Amended

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

### ~~Land to which this section applies~~

~~This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies.~~

### Development to which this section applies

This section applies to all development:

- involving a change of use
- generating an increase in gross floor area of a building
- related to an activity generating a demand for parking.

### Related sections

The following sections of this DCP may also apply to development to which this section applies:

- Section 7.04 Movement Networks

### Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy ~~(Infrastructure) 2007~~ (Transport and Infrastructure) 2021

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: The *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Note 3: This section refers to materials which are produced and/or legislated by a third party. Applicants are advised to verify that they are accessing the most current version of these materials, as they may be updated from time to time. Where referenced materials are superseded by updated versions, the version current at the time of lodgement of the Development Application shall apply.

## Associated technical manuals

- Australian Standard 2890.1 2004, *Parking facilities - Off-street car parking*
- Australian Standard 2890.2 2018 – *Parking facilities – Part 2: Off-street commercial vehicle facilities*
- Australian Standard 2890.3 – *Parking facilities - Bicycle parking facilities*
- Australian Standard 2890.5 – *Parking facilities - On-street parking*
- Austroads, 2019, *Guide to Traffic Management*
- RMS Technical direction TDT 2004/02, Motor Bike Parking
- Austroads, *Cycling Aspects of Austroads Guides*

## Additional information

- Roads and Traffic Authority NSW, 2002, *Guide to Traffic Generating Developments*
- Building Code of Australia
- Roads and Maritime Services, 2018, *Traffic Control at Work Sites*

## Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 – Glossary, of this plan, and include:

- **Car pooling** - car pooling (also known as ride-sharing or lift-sharing) is a system by which participants coordinate their trips (for example, trips to work) so that they can travel in a single car, thereby reducing the volume of traffic on the roads and associated impacts.
- **Car sharing** - car sharing allows a member of the car sharing scheme (such as an individual or a business) to access a fleet of shared vehicles, as needed, paying a usage fee each time. Characteristics of a typical car sharing scheme include a provider with a centralised system for booking and billing, clients (individuals/organisations), a fleet of vehicles, and parking spaces at key locations within a defined catchment area.
- **City Centre** - area defined on the Newcastle City Centre map of the Newcastle Local Environmental Plan 2012
- **Green Travel Plan** - a Green Travel Plan is a package of initiatives aimed at reducing car travel, particularly single occupant car trips. A Green Travel Plan encourages greater use of public transport, walking and cycling by residents, employees and visitors.
- **Historic parking deficiency** - the historic parking deficiency is determined by calculating the number of parking spaces required under the provisions of this DCP for an existing building or use and subtracting the number of spaces currently provided for that building or use.

- **Travel demand management** - travel demand management is intervention (excluding the provision of major infrastructure) to modify travel decisions so that more desirable transport, social, economic and/or environmental objectives can be achieved, and the adverse impacts of travel can be reduced.
- **Unbundled car parking** - car parking spaces are separately titled from dwellings.

### **Aims of this section**

1. To ensure that parking and service provision is adequate relative to the likely demand.
2. To encourage measures to reduce motor vehicle dependency and increase the use of public transport, walking and cycling.
3. To ensure that the design of parking, access and servicing areas is in accordance with best practice standards.
4. To provide adequate and safe vehicle access to sites without compromising pedestrian access and streetscape qualities.

## **7.03.01 Traffic studies and plans**

### **A. Traffic impact study**

#### **Objectives**

1. Provide adequate information to assess the traffic impacts of the proposed development.
2. Justify any departure from the parking rates set out in Table 1 ~~—Parking Rates~~ or Table 3.

#### **Controls**

##### Controls applying to all development to which this section applies

1. The Statement of Environmental Effects addresses the following issues:
  - (a) parking facilities provided, with details of calculations, types, number and arrangement
  - (b) proposed access arrangements and their compliance with design standards outlined in this Section
  - (c) identification of public transport services, stops and shelters in the vicinity of the development
  - (d) traffic generation, impacts expected and proposed traffic management measures.
2. Development proposals which, in the opinion of Council, may cause significant impacts on the surrounding movement network, are supported by a Traffic Impact Study, prepared by a suitably qualified and experienced transport professional. The requirement for a Traffic Impact Study should be discussed with Council pre-lodgement.
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.
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 public transport and improve access to services. Evidence of liaison with public transport service providers and Transport NSW is provided.

Controls applying to all development listed in State Environmental Planning Policy (Infrastructure) 2007 Schedule 3 Traffic Generating Development to be referred to Transport for NSW.

- 5. A Traffic Impact Study, prepared by a suitably qualified and experienced transport professional, is submitted with the Development Application.
- 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.

Note 1: Issues to be addressed in a Traffic Impact Study are detailed in section 2.3 of *Guide to Traffic Generating Developments* (RTA, 2002), or subsequent versions.

~~Note 2: All development listed in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 should be supported by a Traffic Impact Study.~~

## **B. Construction traffic management plan**

### **Objectives**

- 1. Detail traffic management measures for the construction phase of the project, to minimise adverse impacts on traffic movement, pedestrians and/or parking.

### **Controls**

Controls applying to all development to which this section applies

- 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.

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*.
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.
5. The conditions of consent for development outline requirements of the Construction Management Plan.

### 7.03.02 Parking provision

#### A. Parking rates

##### **Objectives**

1. Ensure an appropriate level and mix of parking provision, having regard to the likely demand and the impacts of over/undersupply of parking.
2. Establish an appropriate parking standard for the City Centre that recognises its locational advantages in relation to public transport access.

##### **Controls**

The following controls apply only to the Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone

1. Residential development must provide no more than the number of car parking spaces set out in Table 3.
2. 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.
3. For residential development, visitor car parking spaces are not to be unbundled and are to be nominated as common property in a strata subdivision.
4. Car parking rates for all other 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 and patrons or customers of the development
- (d) the number of employees and their likely spread of work hours
- (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.

Note 1: The B2 Local Centre zone name will change to E1 Local Centre zone in 2022 as part of the NSW government's employment zones reform. The zone name reference will be amended after the employment zones are made and gazetted by the Minister.

The following controls apply only to Attached Dwellings, Multiple Dwelling Housing and Residential Flat Buildings as defined within Newcastle Local Environmental Plan 2012

- 542.** Visitor parking is allocated, marked out on the pavement surface, clearly signposted and designated as common property on any Strata Plan.

The following controls apply only to Mixed Use Development

- 643.** The total number of parking spaces for a mixed-use development is generally calculated on the basis of the sum of the required car parking spaces in respect of each use, unless it is demonstrated that an overlap of car parking demand is likely to occur.
- 744.** The total number of spaces to be provided for each type of parking is rounded to the nearest whole number.

Controls applying to all development to which this section applies

- ~~1. Car parking is generally provided in accordance with the rates set out in Table 1 – Parking Rates, except for car parking for non-residential development in the Newcastle City Centre, which is provided at the rate of one space per 60m<sup>2</sup> gross floor area. Council reserves the right to vary the rates, subject to merit assessment of the proposal.~~
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, subject to merit assessment of the proposal.

9. Unbundled car parking is only permitted in accordance with, and for land uses specified, in Control 1.
102. 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.
113. In the Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone, parking provision for developments not listed in Table 1 is assessed having regard to Transport for NSW guidelines, and/or demonstration of parking requirements from surveys of comparable establishments and the following criteria:
  - (a) the proportion of visitors or patrons likely to arrive by car
  - (b) the availability and level of service of public transport relative to the site
  - (c) the number of employees and their likely spread of work hours
  - (d) the hours of operation
  - (e) the location of the premises, particularly in relation to schools, local services, and employment, retail and recreational facilities
  - (f) the number of occasions during the year when the proposed development is likely to be fully utilised
  - (g) the availability and affordability of public parking within a reasonable distance of the proposed development
  - (h) the availability of additional parking facilities to cover peak demands.
124. 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 513 and/or 614.
135. 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 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.
146. Where development/redevelopment is proposed that will result in a loss of on-street spaces (arising from the construction of access, loading facilities etc.), Council may require for such spaces to be replaced on site.



157. Stack parking, including mechanical devices, occurs only where it can be demonstrated that it will be operationally efficient and not cause unreasonable obstruction.
168. 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.
179. Table 2 shows indicative standards for provision of service vehicles for various types of development.
1810. 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 10,000m<sup>2</sup>, convention and exhibition centres, and other development as deemed appropriate by Council.

The following controls apply only to the Newcastle City Centre

- ~~11. Except for residential development, car parking for development in the Newcastle City Centre is provided at the rate of one space per 60m<sup>2</sup> gross floor area.~~

## **B. Variations to parking rates**

### **Objectives**

1. Allow variations to on site provision of parking.

### **Controls**

Controls applying to all development to which this section applies

1. Applicants comprehensively justify any departure from the parking rates set out in Table 1 or Table 3 in the Statement of Environmental Effects or Traffic Impact Study.
2. Council has regard to the following when considering any departures from the parking rates set out in Table 1 or Table 3:
  - (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 applicability of other Council policies
  - (c) the mix of uses, the hours of operation and timing of peak demand for each use, including any overlap of parking demand

- (d) results of any comprehensive parking survey submitted in support of the application
  - (e) whether a Green Travel Plan has been provided and a written agreement between Council and the owner/occupier is established for implementation of the Green Travel Plan
  - (f) whether a car sharing scheme is proposed to be implemented
  - (g) access to public transport services and the probable transport mode of staff and patrons or customers of the development
  - (h) availability and accessibility of public parking facilities in the vicinity of the proposed development
  - (i) the availability of kerb-side parking opportunities in the vicinity of the proposed development
  - (j) continuity, streetscape and heritage significance
  - (k) existing and likely future traffic volumes on the surrounding road network, traffic circulation and safety
  - (l) the impacts of providing on-site parking
  - (m) anticipated impacts of not providing for adequate on-site car parking.
3. For alterations, additions or change of use of an existing building, a departure from the rates set out in Table 1 or Table 3 may be considered if a historic parking deficiency applies. However, a historic parking deficiency does not apply in the case of total redevelopment of a site.
  4. In certain circumstances, Council may consider entering into a voluntary planning agreement to accept a monetary contribution in lieu of on-site car parking provision. A monetary contribution in lieu of on-site provision will not be accepted for bicycle parking/storage.

Note: Parking is one of many matters for consideration in the assessment of a development proposal. There may be situations where it is impracticable or undesirable to provide parking on site at the rate nominated in this section, but the benefits of the proposal are significant. It is the responsibility of the applicant to show that the proposed level of parking is appropriate, or that overall, the benefits outweigh concerns regarding the level of parking provision.

In some cases, Council may accept a monetary contribution in lieu of on-site parking provision through a voluntary planning agreement. However, Council may refuse to enter into a voluntary planning agreement for provision of a monetary contribution in lieu of parking provision if it does not intend to provide a public facility in close proximity to the proposed development within a reasonable timeframe.

## **C. Bike parking**

### ***Objectives***

1. Encourage trips by cycling, through the provision of conveniently located bike parking facilities.

## Controls

### Controls applying to all development to which this section applies

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 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).
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.

~~Note: Provision of adequate bicycle parking on site encourages and facilitates trips by cycling. Consideration should be given to the type of bicycle parking facility to be provided, the security arrangements, access and ease of use, having regard to the anticipated users and their duration of stay. Bike parking is categorised as Class 1 (high security level), Class 2 (medium security level) and Class 3 (low security level). For some development types, it may be appropriate to provide a mix of bicycle parking facilities to meet the needs of various users.~~

## D. Motorbike parking

### Objectives

1. Provide motorbike parking to meet likely demand.

## **Controls**

### Controls applying to all development to which this section applies

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 (AS2890.5) and RMS Technical *direction TDT 2004/02, Motor Bike Parking*.

## **E. Parking for people with a disability**

### **Objectives**

1. Ensure adequate provision of parking for people with a disability.
2. Provide conveniently located and signposted parking for people with a disability.

### **Controls**

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.

## F. Electric vehicle parking

### Objectives

1. To support the parking and charging needs of electric vehicles.
2. To support the uptake of electric vehicles within the City of Newcastle.

### Controls

1. A minimum of five per cent of all parking spaces provided in the Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone is capable of charging electric vehicles.

Note 1: 'Capable of charging electric vehicles' is defined as a parking space adjacent to electrical cabling and power point that supports the charging of electric vehicles.

2. Notwithstanding 1. above, a minimum of five per cent of all parking spaces provided for commercial premises in the Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone is equipped with an open standard (non-proprietary) Level 2 fast – three-phase (public) charging station or higher (see diagram 1).





	 Power	 Range added per hour	 Charging time	 Typical application
<b>Level 1 – single phase (domestic)</b>	2.4-3.7kW	10-20km range / hour	5-16 hours	Home
<b>Level 2 slow – single phase (domestic or public)</b>	7 kW	30-45km range / hour	2-5 hours	Home, work, shopping centres, car parks
<b>Level 2 fast – three-phase (public)</b>	11-22kW	50-130km range / hour	30mins – 2 hours	Urban roadside
<b>Level 3 – fast charge (public)</b>	50kW	250-300km range / hour	20-60 mins	Regional near highways, motorways and key routes
<b>Level 4 – super-fast charge (public)</b>	120kW	400-500km range / hour	20-40 mins	Regional near highways, motorways and key routes
<b>Ultra-fast charge (public)</b>	350kW	1000+ km range / hour	10-15 mins	Highways and motorways

Diagram 1 Electric vehicle charging types<sup>1</sup>

<sup>1</sup> Source: Transport for NSW (<https://www.transport.nsw.gov.au/projects/electric-vehicles/charging-an-electric-vehicle>)

**Table 1 – Parking rates**

Note1: Parking rates listed below are subject to variation, as outlined in section 7.03.02 (B). In instances where the applicant has not demonstrated a variation to these rates is appropriate, the rates below shall apply.

~~Note 2: Bicycle parking is categorised as Class 1, Class 2 or Class 3.~~

~~Class 1 (high security level): Bicycles stored within fully enclosed individual lockers fitted with high security door locks.~~

~~Class 2 (medium security level): Bicycles locked to rack within a secure room, enclosure, compound or cage.~~

~~Class 3 (low security level): Bicycles locked to high quality rack in public area, with users providing their own locking device.~~

Note 2: Bicycle parking is categorised as Security Level B or C, which references Section 4.1 of the Austroads publication – Bicycle Parking Facilities: Updating the Austroads Guide to Traffic Management.

Land Use	Car Parking	Bike Parking	Motorbike Parking
<b>CENTRE-BASED CHILD CARE FACILITY</b> Note: Additional parking may be required for those centres which have a high ratio of staff to children in care.  Note: Council may vary the parking standard depending on location. Council may require preparation of a Traffic Impact Study to support the proposal, including a parking assessment with survey of similar developments.	1 space for every 4 children in attendance  PLUS  1 pick-up/set-down bay per 10 childcare places, with minimum dimensions of 2.6m x 6m to allow loading/unloading of prams and courier deliveries. For centres with less than 10 childcare places, no pick-up / set-down bay is required.	1 space per 10 staff <del>(Class 2)</del> (Security Level B)	
<b>CLUB (Registered Club)</b> Note: Rates are provided as a guide only. Survey based assessment should be undertaken and comparisons drawn with similar establishments.	<del>1 space per 2 staff plus 1 space per 15m<sup>2</sup> of licensed floor area (bar, lounge) for visitors</del>	<del>1 space per 25m<sup>2</sup> bar area plus 1 space per 100m<sup>2</sup> lounge, beer garden (Class 2) for staff</del>  <del>1 space per 25m<sup>2</sup> bar area plus 1 space per 100m<sup>2</sup> lounge, beer garden (Class 3) for visitors</del>	<del>1 space per 20 car spaces</del>

Land Use	Car Parking	Bike Parking	Motorbike Parking
<b>COMMERCIAL (BUSINESS, OFFICE, RETAIL)</b>			
<b>Office premises</b>	1 space per 50m <sup>2</sup> GFA	1 space per 200m <sup>2</sup> GFA <del>(Class 2)</del> (Security Level B)	1 space per 20 car spaces
<b>Retail</b>			
Specialised retail premises	1 space per 60m <sup>2</sup> GFA	1 space per 20 staff <del>(Class 2)</del> (Security Level B)	1 space per 20 car spaces
<b>Food and Drink Premises</b>			
<ul style="list-style-type: none"> <li>Pub and Club (registered club)</li> </ul> <p>Note: Car parking rate is provided as a guide only. Survey based assessment should be undertaken and comparisons drawn with similar developments. Additional parking required for dining etc. Parking requirements to be based on activity mix.</p>	<p><del>1 space per 2 staff plus 1 space per 15m<sup>2</sup> of licensed floor area (bar, lounge) for visitors</del></p> <p><del>Accommodation in association with a pub – 1 space per 2 rooms</del></p> <p>1 space per 2 staff plus 1 space per 15m<sup>2</sup> of licensed floor area (bar, lounge) for visitors</p>	<p>1 space per 20 accommodation rooms plus 1 space per 25m<sup>2</sup> bar area plus 1 space per 100m<sup>2</sup> lounge, beer garden <del>(Class 2)</del> (Security Level B) for staff</p> <p>1 space per 25m<sup>2</sup> bar area plus 1 space per 100m<sup>2</sup> lounge, beer garden <del>(Class 3)</del> (Security Level C) for visitors</p>	1 space per 20 car spaces
<ul style="list-style-type: none"> <li>Restaurant or Cafe</li> </ul>	<p><del>1 space per 6.5m<sup>2</sup> GFA or 1 space per 3 seats</del></p> <p>1 space per 10m<sup>2</sup> GFA or 1 space per 5 seats</p>	1 space per 100m <sup>2</sup> GFA <del>(Class 2)</del> (Security Level B)	1 space per 20 car spaces

Land Use	Car Parking	Bike Parking	Motorbike Parking
<ul style="list-style-type: none"> <li>Take Away Food and Drink Premises</li> </ul>	<p>Developments with no on-site seating - <del>126</del> spaces per 100m<sup>2</sup> GFA</p> <p>Developments with on-site seating but no drive through: <del>126</del> spaces per 100m<sup>2</sup> GFA or greater of: 1 space per <del>5</del>10 seats (internal and external), or 1 space per <del>24</del> seats (internal)</p> <p>Developments with on-site seating and drive through facilities: greater of: 1 space per <del>24</del> seats (internal), or 1 space per <del>36</del> seats (internal and external) plus queuing area for 5 to 12 cars</p>	<p>1 space per 100m<sup>2</sup> GFA (<del>Class 2</del>) (Security Level B) for staff</p> <p>1 space per 50m<sup>2</sup> GFA (<del>Class 3</del>) (Security Level C) for visitors</p>	1 space per 20 car spaces
Roadside Stall	<del>Minimum of 4 spaces</del> No Design Criteria, assessed on merit against the Performance Criteria.		1 space per 20 car spaces
Shops	1 space per 40m <sup>2</sup> GLFA	1 space per 200m <sup>2</sup> GFA (50% ( <del>Class 2</del> ) Security Level B, 50% ( <del>Class 3</del> ) Security Level C)	1 space per 20 car spaces
Shopping Centres	<p>0-10,000m<sup>2</sup> GLFA - 6.1 spaces per 100m<sup>2</sup> GLFA</p> <p>10,000-20,000m<sup>2</sup> GLFA - 5.6 spaces per 100m<sup>2</sup> GLFA</p> <p>20,000-30,000m<sup>2</sup> GLFA - 4.3 spaces per 100m<sup>2</sup> GLFA</p> <p>Over 30,000m<sup>2</sup> GLFA - 4.1 spaces per 100m<sup>2</sup> GLFA</p>	1 space per 200m <sup>2</sup> GFA (50% ( <del>Class 2</del> ) Security Level B, 50% ( <del>Class 3</del> ) Security Level C)	1 space per 20 car spaces



Land Use	Car Parking	Bike Parking	Motorbike Parking
Vehicle Sales or Hire Premises	1 space per 130m <sup>2</sup> gross display area plus additional parking for workshop or service bay	1 space per 20 staff	
<b>EDUCATIONAL ESTABLISHMENTS</b>			
Schools Note: Council may vary the parking standard depending on location and will require the provision of additional parking where a school auditorium is proposed. Council may require preparation of a Traffic Impact Study to support the proposal.	1 space per 2 staff plus 1 space per 8 senior students  1 space per 100 students for visitors	1 space per 10 staff <del>(Class 2)</del> (Security Level B)  1 space per 10 students <del>(Class 3)</del> (Security Level C)	1 space per 20 car spaces.
University or TAFE establishment	1 space per staff plus 1 space per <del>2</del> 3 students	1 space per 20 staff <del>(Class 2)</del> (Security Level B)  1 space per 20 students <del>(Class 3)</del> (Security Level C)	1 space per 20 car spaces
<b>ENTERTAINMENT FACILITY</b>			
Entertainment Facility Note: Council may require preparation of a Traffic Impact Study to support the proposal, including a parking assessment with survey of similar developments.	Survey required. As a guide, 1 space per 3 seats	1 space per 20 staff <del>(Class 2)</del> (Security Level B)  1 space per 20 visitors <del>(Class 3)</del> (Security Level C)	1 space per 20 car spaces
<b>HEALTH SERVICES FACILITY</b>			
Health Consulting Rooms  Note: Council may require a parking assessment with survey of similar developments.	1 space per practitioner plus 1 space per 2 other staff  2 spaces per practitioner for visitors	1 space per 10 practitioners <del>(Class 2)</del> (Security Level B)  1 space per 10 staff <del>(Class 3)</del> (Security Level C)	1 space per 20 car spaces

Land Use	Car Parking	Bike Parking	Motorbike Parking
<p>Hospital</p> <p>Note: Council may vary the parking standard depending on location. Council may require preparation of a Traffic Impact Study to support the proposal, including a parking assessment with survey of similar developments. Ambulance parking facilities are to be provided.</p>	<p>1 space per 2 staff</p> <p>1 space per 3 beds for visitors</p>	<p>1 space per 10 staff <del>(Class 2)</del> (Security Level B)</p> <p>1 space per 10 staff <del>(Class 3)</del> (Security Level C) for visitors</p>	<p>1 space per 10 car spaces</p>
<p><b>HOME BUSINESS OR HOME INDUSTRY</b></p> <p>Note: Parking requirements will be based on the proposed use and operational details.</p>	<p>At minimum, parking requirements for applicable residential accommodation, are to be satisfied, with additional on-site parking for staff at a rate of 1 space per 2 staff and customer parking as appropriate.</p>		
<b>INDUSTRIAL ACTIVITY</b>			
<p>Artisan food and drink</p>	<p>0.4 space per patron or 1 space per 40 m<sup>2</sup> GFA, whichever is the greater</p>	<p>1 space per 100m<sup>2</sup> GFA (Security Level B)</p>	<p>1 space per 20 car spaces</p>
<p><del>INDUSTRIAL ACTIVITY</del></p> <p>All other industrial activity</p>	<p>1 space per 100m<sup>2</sup> GFA or 1 space per 2 staff, whichever is the greater</p>	<p>1 space per 20 staff (Security Level B)</p>	<p>1 space per 20 car spaces</p>
<p><b>MARINAS</b></p>	<p><del>Overall parking requirements: 0.6 spaces per wet berth plus 0.2 spaces per dry storage berth plus 0.2 spaces per swing mooring plus 0.5 spaces per marina employee</del></p> <p>No Design Criteria, assessed on merit against the Performance Criteria.</p>	<p>1 space per 20 staff <del>(Class 2)</del> (Security Level B)</p> <p>1 space per 10 staff <del>(Class 3)</del> (Security Level C)</p>	<p>1 space per 20 car spaces</p>

Land Use	Car Parking	Bike Parking	Motorbike Parking
<b>PLACE OF PUBLIC WORSHIP</b> Note: Council may require preparation of a Traffic Impact Study to support the proposal, including a parking assessment with survey of similar developments.	Survey required. As a guide, 1 space per 34 seats.	1 space per 20 staff <del>(Class 2)</del> (Security Level B)  1 space per 20 visitors <del>(Class 3)</del> (Security Level C)	1 space per 20 car spaces
<b>COMMUNITY FACILITY (INDOORS)</b>	1 space per staff plus 1 space per 3 visitors	1 space per 20 staff (Security Level B)  1 space per 20 students (Security Level C)	1 space per 20 car spaces
<b>WAREHOUSE OR DISTRIBUTION CENTRE</b>	1 space per 200m <sup>2</sup> GFA or 1 space per 2 staff (whichever is greater)	1 space per 20 staff <del>(Class 2)</del> (Security Level B)	1 space per 20 car spaces
<b>RECREATIONAL FACILITIES</b>			
Bowling alleys	<del>3 spaces per alley</del> No Design Criteria, assessed on merit against the Performance Criteria.	1 space per 20 staff <del>(Class 2)</del> (Security Level B)  1 space per 10 staff <del>(Class 3)</del> (Security Level C)	1 space per 20 car spaces
Bowling greens	<del>30 spaces for first green plus 15 spaces for each additional green</del> No Design Criteria, assessed on merit against the Performance Criteria.	1 space per 20 staff <del>(Class 2)</del> (Security Level B)  1 space per 10 staff <del>(Class 3)</del> (Security Level C)	1 space per 20 car spaces
Gymnasium	Minimum 4.5 spaces per 100m <sup>2</sup> ; <del>maximum 7.5 spaces per 100m<sup>2</sup></del>	1 space per 20 staff <del>(Class 2)</del> (Security Level B)  1 space per 10 staff <del>(Class 3)</del> (Security Level C)	1 space per 20 car spaces

Land Use	Car Parking	Bike Parking	Motorbike Parking
Squash courts	<del>3 spaces per court</del> No Design Criteria, assessed on merit against the Performance Criteria.	1 space per 20 staff <del>(Class 2)</del> (Security Level B)  1 space per 10 staff <del>(Class 3)</del> (Security Level C)	1 space per 20 car spaces
Tennis courts	<del>3 spaces per court</del> No Design Criteria, assessed on merit against the Performance Criteria.	1 space per 20 staff <del>(Class 2)</del> (Security Level B)  1 space per 10 staff <del>(Class 3)</del> (Security Level C)	1 space per 20 car spaces
<b>RESIDENTIAL ACCOMMODATION</b>			
Attached dwellings, Dual occupancies, Multi dwelling housing, Residential Flat Buildings, Semi-detached dwellings, Shop Top Housing	<u>City wide (excluding Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone):</u>  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 <del>class of</del> security level)  1 space per 10 dwellings <del>(Class 3)</del> (Security Level C) for visitors	1 space per 20 car spaces

Land Use	Car Parking	Bike Parking	Motorbike Parking
Attached Dwellings, Dual occupancy, Multi Dwelling Housing, Residential Flat Buildings, Semi-detached dwellings, Shop Top Housing	<p><u>Newcastle City Centre and Renewal Corridors:</u></p> <p>Small (&lt;75m<sup>2</sup> or 1 bedroom) average 0.6 spaces per dwelling</p> <p>Medium (75m<sup>2</sup>–100m<sup>2</sup> or 2 bedrooms) average 0.9 spaces per dwelling</p> <p>Large (&gt;100m<sup>2</sup> or 3 bedrooms) average 1.4 spaces per dwelling</p> <p>1 space for the first 3 dwellings plus 1 space for every 5 thereafter or part thereof for visitors</p>		
Boarding House	1 space plus 1 space per 2 bedrooms	<p>1 space per 10 bedrooms <del>(Class 2)</del> (Security Level B) for staff/residents</p> <p>1 space per 20 bedrooms <del>(Class 3)</del> (Security Level C) for visitors</p>	1 space per 20 car spaces
Dwelling House	<p>1 space per dwelling &lt; 125m<sup>2</sup></p> <p>2 spaces per dwelling &gt; 125m<sup>2</sup></p>		

Land Use	Car Parking	Bike Parking	Motorbike Parking
Group Home	1 space plus 1 space per 2 bedrooms	1 space per 10 bedrooms <del>(Class 2)</del> (Security Level B) for staff/residents  1 space per 20 bedrooms <del>(Class 3)</del> (Security Level C) for visitors	1 space per 20 car spaces
<del>Housing for</del> Seniors housing or People with a Disability	Refer to SEPP (Housing for Seniors or People with a Disability) 2004	Refer to SEPP (Housing for Seniors or People with a Disability) 2004	Refer to SEPP (Housing for Seniors or People with a Disability) 2004
<b>RESTRICTED PREMISES</b>			
<del>Sexual Aid Establishment</del>	<del>1 space per 40m<sup>2</sup> GLFA</del>		
<del>Escort Agency</del>	<del>1 space per 40m<sup>2</sup> GLFA</del>		
Sexual Entertainment Establishment Note: Council may require preparation of a Traffic Impact Study to support the proposal, including a parking assessment with survey of similar developments.	<del>As a guide, 1 space per 3 seats</del> Survey required.		1 space per 20 car spaces
<del>SEX SERVICES PREMISES (BROTHEL)</del>	<del>2 spaces per room used for the conduct of acts of prostitution</del>		
<b>TOURIST AND VISITOR ACCOMMODATION</b>			
Bed and Breakfast Accommodation	1 space per dwelling < 125m <sup>2</sup> or 2 spaces per dwelling > 125m <sup>2</sup>  1 space per 2 guest bedrooms for visitors		1 space per 20 car spaces

Land Use	Car Parking	Bike Parking	Motorbike Parking
<p><del>Hotel or, Motel or Serviced Apartment</del> Accommodation</p> <p>Note: Council may vary the parking requirement depending on the location.</p>	<p><del>1 space per 2 staff plus minimum 0.5 spaces per unit; maximum 1 space per unit</del></p> <p><del>Additional parking required for dining etc.</del></p> <p>1 space per 2 staff plus minimum 0.5 spaces per unit</p>	<p><u>Hotel or Motel:</u></p> <p>1 space per 20 units <del>(Class 2)</del> (Security Level B)</p> <p><u>Serviced Apartment:</u></p> <p>1 space per 5 apartments <del>(Class 2)</del> (Security Level B)</p> <p>1 space per 20 apartments <del>(Class 3)</del> (Security Level C) for visitors</p>	1 space per 20 car spaces
<del>Serviced Apartment</del>	<del>1 space per 2 staff plus 1 space per unit</del>	<del>1 space per 5 apartments (Class 2)</del>  <del>1 space per 20 apartments (Class 3) for visitors</del>	<del>1 space per 20 car spaces</del>
<b>SERVICE STATION AND VEHICLE REPAIR STATION</b>	<p><del>6 spaces per work bay (refer Vehicle Repair Station) plus 1 space per 20m<sup>2</sup> GFA of convenience store.</del></p> <p>6 spaces per work bay plus 1 space per 20m<sup>2</sup> GFA of any ancillary convenience store.</p> <p>Additional parking required if development includes restaurant or take-away food outlet.</p>	<p>1 space per 20 staff <del>(Class 2)</del> (Security Level B)</p> <p>1 space per 10 staff <del>(Class 3)</del> (Security Level C) for visitors</p>	
<del>VEHICLE REPAIR STATION</del>	<del>6 spaces per work bay</del>		
<b>VETERINARY HOSPITAL</b>	<p>1 space per practitioner plus 1 space per two other staff</p> <p>1 space per practitioner for visitors</p>	<p>1 space per 10 practitioners <del>(Class 2)</del> (Security Level B)</p> <p>1 space per 10 staff for visitors</p>	1 space per 20 car spaces

**Table 2 – Requirements for delivery and service vehicles**

Land Use	Requirements for Delivery and Service Vehicles
Commercial premises (50% of spaces adequate for trucks)	<20,000m <sup>2</sup> GFA 1 space per 4,000m <sup>2</sup> GFA >20,000m <sup>2</sup> GFA 5 + 1 space per 8,000m <sup>2</sup> over 20,000m <sup>2</sup>
Department stores (all spaces adequate for trucks)	<6,000m <sup>2</sup> GFA 1 space per 1,500m <sup>2</sup> GFA >6,000m <sup>2</sup> GFA 4 + 1 space per 3,000m <sup>2</sup> over 6,000m <sup>2</sup>
Supermarkets, shops and restaurants (all spaces adequate for trucks)	<2,000m <sup>2</sup> GFA 1 space per 400m <sup>2</sup> GFA >2,000m <sup>2</sup> 5 + 1 space per 1,000m <sup>2</sup> over 2,000m <sup>2</sup>
Wholesale, industrial (all spaces adequate for trucks)	<8,000m <sup>2</sup> GFA 1 space per 800m <sup>2</sup> >8,000m <sup>2</sup> 10 + 1 space per 1,000m <sup>2</sup> over 8,000m <sup>2</sup>
Hotels and Motels (50% of spaces adequate for trucks)	<200 bedrooms or bedroom suites 1 space per 50 bedrooms plus 1 space per 1,000m <sup>2</sup> 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 1,000m <sup>2</sup> 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 2,000m <sup>2</sup>

**Table 3 – Residential development parking rates applying to the Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone**

Land Use	Car parking
<b>RESIDENTIAL ACCOMMODATION</b>	Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone
Attached Dwellings, Dual occupancy, Multi Dwelling Housing, Residential Flat Buildings, Semi-detached dwellings, Shop Top Housing	Small (<75m <sup>2</sup> or 1 bedroom) – maximum average of one space per dwelling
	Medium (75m <sup>2</sup> - 100m <sup>2</sup> or 2 bedrooms) – maximum average of one space per dwelling
	Large (>100m <sup>2</sup> or 3 bedrooms) – maximum average of two spaces per dwelling
	Visitor parking – no minimum or maximum rate



### 7.03.03 Travel demand management

#### A. Public transport

##### **Objectives**

1. Facilitate increased modal share to public transport.
2. Encourage consideration of alternatives to private vehicle ownership, use and parking.

##### **Controls**

The following controls apply to major development, as identified

1. For major development, resulting in more than 50 dwellings, recreation facilities, hospitals, community health service facilities, entertainment facilities seniors housing or other development deemed appropriate by Council, a bus stop and shelter are provided, except where the pedestrian entrance to the proposed development is located within 400m of an existing bus stop with shelter. Alternatively, Council may accept a monetary contribution in lieu of provision of a bus stop with shelter, through a voluntary planning agreement.
2. For major developments, defined above, the applicant will liaise with public transport service providers and Transport NSW regarding the adequacy of current services and potential improvements.
3. The bus shelters are directly connected to the entry to the development by a conveniently accessible footpath.
4. Signage is installed directing patrons to public transport stops facilities, with timetable information displayed in a prominent location.

#### B. Green Travel Plan

##### **Objectives**

1. Encourage alternatives to private vehicle use for trips.

##### **Controls**

The following controls apply only to major development, as defined in this DCP

1. A Green Travel Plan is prepared and submitted to Council in support of applications for major new development. Components/strategies of a Green Travel Plan will likely vary according to the nature of the development, but may include:
  - (a) identification and promotion of public transport options to access the site (for example, on a web site and/or business cards)
  - (b) preparation of a Transport Access Guide (TAG) for the site/venue
  - (c) encouragement of a car pool system for employees
  - (d) encouragement of cycling and walking to the workplace through provision of bicycle parking, showers and lockers

- (e) incentive schemes to encourage employees to commute using sustainable transport modes (such as provision of public transport vouchers/subsidised public transport tickets)
- (f) allocation of designated parking spaces for a car sharing scheme, and/or
- (g) prominent display of a large map of cycling routes (for example, in the foyer of a residential complex).

The undertakings made in the submitted Green Travel Plan will be included as conditions of consent to the development.

## **C. End of trip facilities**

### **Objectives**

1. Encourage trips by walking and cycling through adequate provision of end of trip facilities.

### **Controls**

The following controls apply only to development with an estimated cost of more than \$250,000, involving employment of staff.

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.

Note: Provision of facilities to store belongings, shower and change may encourage people to walk and cycle more. These facilities will also benefit employees who choose to exercise during meal breaks.

## **D. Parking permit schemes**

### **Objectives**

1. Inform proponents of their lack of eligibility for participation in Council's Resident and Residents Visitors Parking Schemes.

## **Controls**

### The following controls apply to residential development

1. Resident and Visitor Parking Permits are not issued to occupants of new residential developments, including dwelling houses, that have been approved by Council in accordance with this DCP, irrespective of the amount of provision of on-site parking. Similarly, permits are not issued to occupants of new development approved by any other determining authority.
2. All intending owners, tenants and occupiers of new developments are notified by the owners of the building or individual units (once on-sold) that residents are ineligible for participation in a Council on-street parking scheme, prior to entering a purchasing, lease or occupancy agreement.
3. Signage with words to the effect that all owners, tenants and occupiers are ineligible to obtain an on-street parking permit from Council is displayed prominently, in such a way that it can be easily observed by persons entering the building. Signage is erected within the completed buildings prior to the release of an occupancy certificate or issue of strata subdivision approval, whichever occurs first, and is maintained in good order.

## **7.03.04 Design and layout of parking and access**

### **A. Siting**

#### **Objectives**

1. Ensure that car parking areas and/or structures are well-sited and designed as an integrated component of the total development.

#### **Controls**

##### Controls applying to all development to which this section applies

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 following controls apply only to Residential Accommodation as defined within the Newcastle Local Environmental Plan 2012, where not complying development

5. Generally, car parking structures are set back a minimum distance of 5.5m from the street frontage providing access to the car parking space.

## **B. Parking areas and structures**

### ***Objectives***

1. Ensure that parking and vehicular access do not dominate the streetscape or detract from the character of the area.
2. Ensure that parking does not detract from the overall appearance or the continuity of streetscapes or streetscape elements, including street tree planting.
3. Ensure parking areas and structures are designed to be easily and safely negotiated by vehicles and pedestrians.

### ***Controls***

Controls applying to all development to which this section applies

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:
  - (a) designed and finished to complement the architecture of the building
  - (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.

~~Note: Expected demand for plug-in electric vehicle (PEV) charging points should be considered and appropriately located charging points incorporated into parking areas where warranted. Where PEV charging points are not provided, an allowance for future installation of charging points and associated electrical infrastructure with minimal disruption should be considered.~~

## **C. Access**

### **Objectives**

1. Maintain the pedestrian amenity of streets.
2. Protect the significance of heritage conservation areas.
3. Ensure that vehicular access is appropriately located.

### **Controls**

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
  - (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.

Note 1: A separate approval must be obtained from Council for all works within the public road reserve pursuant to section 138 of the *Roads Act 1993*.

Note 2: Transport for NSW is the consent authority for traffic control signals, under section 87 of the *Roads Act 1993*, should this form of intersection control be considered necessary for access to a development.

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