

6.09 Darby Street Cooks Hill

Amendment history

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

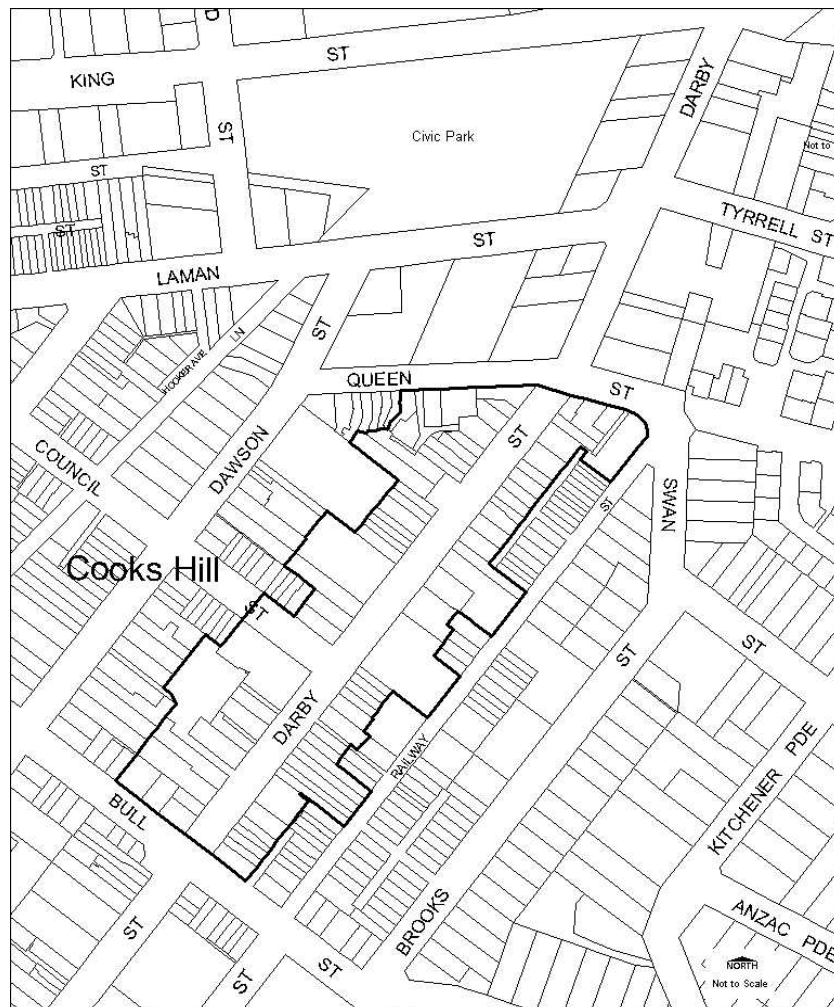
Savings provisions

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.

Land to which this control applies

This control applies to all development within the heavy line on the Darby Street Commercial Precinct in **Map 1**.

Map 1: Darby Street area



Development (type/s) to which this section applies

This section applies to all development consisting new buildings or additions to existing buildings.

Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

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: Section 74E (3) of 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.

Related sections

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

- Any applicable landuse specific provision under Part 3.00.

Note: Any inconsistency between the locality specific provision and a landuse specific provision, the locality specific provision will prevail to the extent of the inconsistency.

- 4.04 Safety and Security
- 6.02 Heritage Conservation Areas - known conservation area
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management

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

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.03 Mine Subsidence – within mine subsidence area
- 4.05 Social Impact – where required under ‘Social Impact Assessment Policy for Development Applications 1999’
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Vegetation Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal Heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required
- 7.09 Advertising and Signage – signage and outdoor advertising
- 7.10 Street Awnings and Balconies – awnings or balconies to be located over public land.

Associated technical manual/s

- Commercial Technical Manual – Design Guidelines - Darby Street

Additional information

- Nil

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.

Aims of this section

1. To provide a set of guidelines that will encourage appropriate development/improvements to reinforce the existing character of Darby Street.
2. To encourage conservation and restoration of buildings with heritage significance.
3. To encourage local services and restaurants in the area.
4. To improve pedestrian safety and amenity while acknowledging the role of Darby Street as a sub-arterial road.

6.09.01 Urban structure

A. Preferred uses

Objectives

1. Encourage a preferred use that will enliven the Darby Street precinct.

Controls

1. The preferred uses within the Darby Street precinct are:
 - (a) restaurants/cafes
 - (b) galleries/gift shops
 - (c) delicatessans/gourmet foods
 - (d) antiques/bric a brac
 - (e) fashion/books

- (f) local shops/services
- (g) shoptop housing.

B. Gateways

Objectives

1. Signify entry points to the Darby Street precinct.

Controls

1. Gateways to Darby Street are encouraged as follows:
 - (a) Queen Street - the reconstruction of the elaborate two-storey verandah which once adorned the front of Winning Appliances (former White Horse Inn), plus restoration of the bookshop building is encouraged.
 - (b) Bull Street - development of a landmark building on the western side of Darby Street, taking advantage of the corner location with the incorporation of a 'corner feature' is encouraged.
2. Other opportunities for gateway improvements include entry thresholds and prominent entry signs at either end of the commercial precinct.

C. Existing setback areas/squares

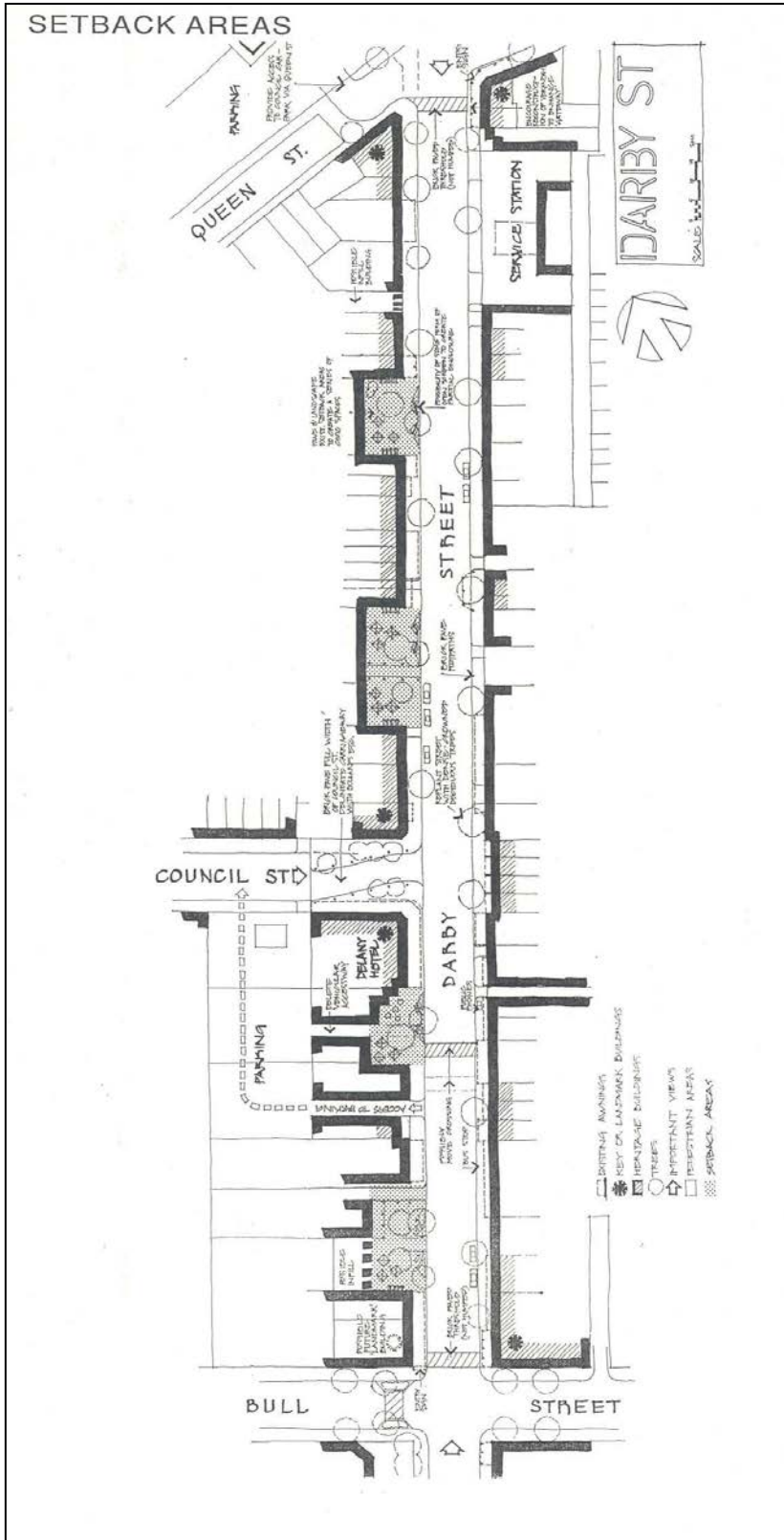
Objectives

1. Encourage appropriate use of setback areas within the precinct.

Controls

1. Existing setback areas that have been created as a result of the (now redundant) road widening proposal be made available for public use and paved to create a series of small 'squares'. See **Map 2**.
2. In addition to the buildings fronting the 'squares', those buildings on either side are encouraged to open out onto the squares, for example with outdoor dining or small kiosks.
3. Car parking is not permitted in these areas.

Map2: Setback areas, landmarks and views



6.09.02 Urban form

A. Height

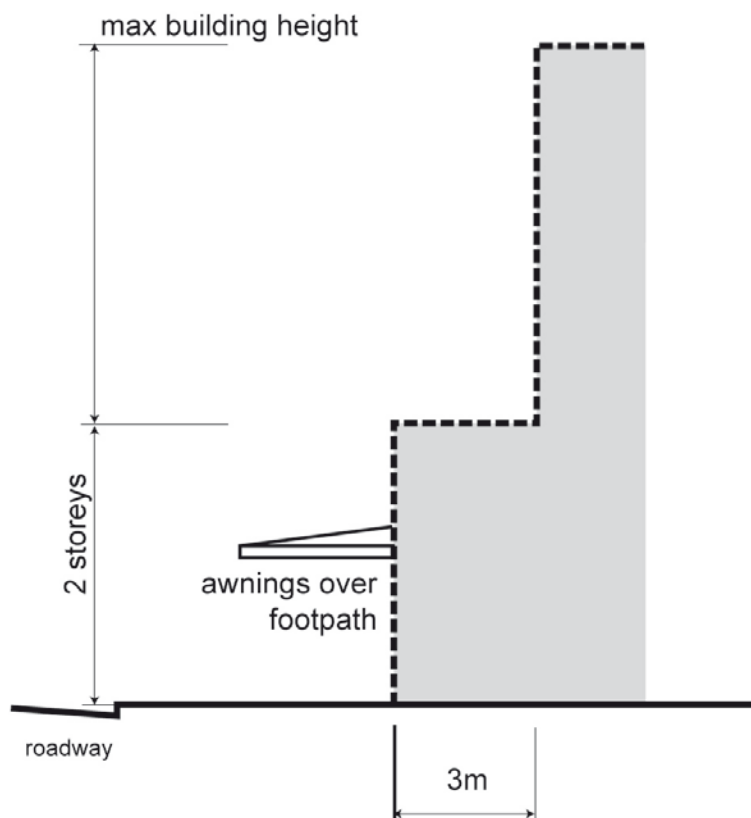
Objectives

1. Ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy.
2. Allow reasonable daylight access to all developments and the public domain.
3. Reinforce a consistent scale along the street edge.

Controls

1. Refer to the Newcastle Local Environmental Plan 2012 for building height controls. Building height is a maximum of two (2) storeys at the street edge. Upper levels above the two storeys are set back from the street frontage as per **Figure 1** so as not to be visually assertive.

Figure 1: Upper level setbacks



B. Density

Objectives

1. Provide an appropriate density of development consistent with the established centres hierarchy.
2. Ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the centres hierarchy.

Controls

1. Refer to the Newcastle Local Environmental Plan 2012 for floor space ratio controls.

C. Setbacks

Objectives

1. Reinforce a consistent street edge alignment.

Controls

1. New buildings are built to the boundary alignment, where consistent with adjoining properties.

D. Infill development

Objectives

1. Encourage appropriate infill development that is consistent with character of the precinct.

Controls

1. Where proposed new developments encompass several lots, the existing dense rhythm of the streetscape is maintained by the breaking up of the street facade into small bay widths, echoing those of the original buildings.

E. Verandahs and awnings

Objectives

1. Encourage reconstruction of verandahs where appropriate.

Controls

1. Post supported verandahs and awnings are appropriate, particularly where it is demonstrated from photographic or physical evidence that a verandah/awning originally existed. Design is to ensure that the historical detail of the reconstructed verandah is as accurate as possible.
2. The one exception to this is the north-western corner of Bull Street, where it is recommended that a landmark building be constructed.

F. Car parking

Objectives

1. Ensure access and parking provisions assist in the efficiency of the Darby Street precinct.

Controls

1. Car parking requirements are in accordance with Section 7.03 Traffic, Parking and Access of the DCP.
2. In general any new accesses to properties from Darby Street are denied. Only properties with existing accesses are allowed to provide on-site parking with direct Darby Street access.
3. Where existing on-site parking is provided, use of these areas for night time parking is encouraged.

G. Outdoor dining

Objectives

1. Encourage outdoor dining along footpaths.

Controls

1. Outdoor dining is encouraged in this precinct. Outdoor dining furniture should enhance the character of the street. Refer to Council's 'Outdoor Dining Policy' for further controls.

H. Colour scheme

Objectives

1. Encourage appropriate colour schemes that reflect the heritage character of the area.

Controls

General controls applying to all development to which this section applies

1. New infill development has a painted street elevation.
2. Body colours are not too intense, with stronger or deeper colours for the highlighting of features such as doors, windows, mouldings.

I. Lighting and public art

Objectives

1. Appropriate lighting and public art that enhances the streetscape.

Controls

General controls applying to all development to which this section applies

1. Upper facades of buildings along the street particularly at the gateways and the Council Street intersection may be spot lit upwards.
2. The creation of 'pedestrian squares' within the existing setback areas provides an opportunity for public art, with scenes reflecting either historical or contemporary events.

This page is intentionally blank.