
ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**CCL 28/07/2020 – EXHIBITION OF DRAFT NEWCASTLE
DEVELOPMENT CONTROL PLAN 2012 SECTIONS: 4.02 BUSH
FIRE PROTECTION; ASSOCIATED 9.0 GLOSSARY; 3.12 SEX
INDUSTRY ESTABLISHMENTS; 7.03 TRAFFIC, PARKING AND
ACCESS; 7.08 WASTE MANAGEMENT**

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DEVELOPMENT CONTROL PLAN 2012 SECTIONS 4.02 BUSH FIRE
PROTECTION, 3.12 SEX SERVICES PREMISES, 7.03 TRAFFIC,
PARKING AND ACCESS, 7.08 WASTE MANAGEMENT AND
ASSOCIATED DRAFT AMENDMENTS TO DCP SECTION 9.0
GLOSSARY**

ITEM 43 **Attachment A:** Exhibition of draft Section 4.02 Bush Fire
Protection

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4.02 Bush Fire Protection

Amendment history

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

~~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 section applies

This section applies to all land that is affected by ~~Council's~~ 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. ~~comprising:~~

- ~~▪ residential subdivision~~
- ~~▪ residential accommodation~~
- ~~▪ out-buildings.~~

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: ~~Section 74E 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.

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.

Associated technical manual/s

- *Planning for Bush Fire Protection* ~~2006~~ 2019, NSW Rural Fire Service.
- ~~*Planning for Bush Fire Protection – Addendum: Appendix 3, 2010, NSW Rural Fire Service.*~~
- ~~*NSW Rural Fire Service Guidelines for Single Dwelling Development Applications, 2007, NSW Rural Fire Service.*~~
- *Building in Bush Fire Prone Areas Single Dwelling Application Kit 2020*, NSW Rural Fire Service

Additional information

- Newcastle Bush Fire Prone Land Map, available on Council's website.
- NSW Rural Fire Service website.
- Australian Standard 3959: ~~2008~~ 2018 – ~~Construction of Buildings in Bush Fire Prone areas~~ Construction of buildings in bush-fire prone areas.
- *Guide for Bush Fire Prone Land Mapping*, ~~2006~~ 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 ~~446~~ 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, 2006-2015* 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 ~~orange~~ 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 ~~red buffer~~ **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 ~~yellow~~ 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 ~~red buffer~~ **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.

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).

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.

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 ~~complies with~~ must comply with the requirements of the NSW Rural Fire Service publication: *Guidelines Planning for Bush Fire Protection 2006-2019*, or subsequent versions.

The following controls apply to subdivision

2. ~~Applicants seeking consent for subdivision and development on bush fire prone land should satisfy the requirements of *Planning for Bush Fire Protection 2019, Guidelines, NSW Rural Fire Service.*~~
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 ~~reserves-~~ 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 ~~dwelling houses-~~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 ~~addresses the~~ must comply with the requirements of the NSW Rural Fire Service publication titled *Planning for Bush Fire Protection 2019* or subsequent versions. ~~“Building in Bush Fire Prone Areas Single Dwelling Applicants Kit”.~~

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 ~~94~~ 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 requires a Bush Fire Safety Authority Approval from the NSW Rural Fire Service under s100B of the Rural Fires Act 1997 ~~for the following types of development:~~

- (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 ~~Risk~~ 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 2006 2019 Guidelines* and *Australian Standard AS3959 – 2009 2018, Construction of Buildings in Bush Fire Prone Areas 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.

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GLOSSARY**

ITEM 43 Attachment B: Associated Amendments to DCP Section 9.0
Glossary

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9.00 Glossary

The following terms will be inserted/amended in the Glossary:

Category 1 vegetation - appears as ~~orange~~ red on the map and represents forests, woodlands, heathlands, pine plantations and wetlands. Land within 100m of this category (indicated by the ~~red~~ ~~buffer~~-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 ~~yellow~~ 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 ~~red~~-~~buffer~~ 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 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.

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ITEM 43 **Attachment C:** Exhibition of draft Section 3.12 Sex Services
Premises

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3.12 Sex Industry Establishments

Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	####	####	Draft 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 zoned:

- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial.

Development (type/s) to which this section applies

This section applies to all development consisting of home occupation (sex services), restricted premises, sex services premises.

Applicable environmental planning instruments and legislation

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

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- [Work Health and Safety Act 2011](#)
- [Safety Regulation 2017](#)
- [Food Regulation 2015](#)

In the event of any inconsistency between this section and the above listed environmental planning instruments, 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.

Related sections

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

- 4.04 Safety and Security
- 4.05 Social Impact
- 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
- 7.09 ~~Outdoor~~ Advertising and Signage.

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
- 4.02 Bush Fire Protection – within mapped bush fire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 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 ~~Tree~~ **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
- 6.01 Newcastle City Centre - if proposed development is located in this precinct
- 6.02 Heritage Conservation Areas - known conservation area
- 6.03 Wickham - if proposed development is located in this precinct
- 6.04 Islington Renewal Corridor - if proposed development is located in this precinct
- 6.05 Mayfield Renewal Corridor - if proposed development is located in this precinct
- 6.06 Hamilton Renewal Corridor - if proposed development is located in this precinct
- 6.07 Broadmeadow Renewal Corridor - if proposed development is located in this precinct
- 6.08 Adamstown Renewal Corridor - if proposed development is located in this precinct
- 6.09 Darby Street, Cooks Hill - if proposed development is located in this precinct
- 6.10 Beaumont Street, Hamilton - if proposed development is located in this precinct
- 6.11 Royal Newcastle Hospital Site - if proposed development is located in this precinct.
- 6.12 Minmi - if proposed development is located in this precinct
- 7.10 Street Awnings and Balconies – awnings or balconies to be located over public land.

Associated technical manual/s

- Nil

Additional information

- Australian / New Zealand Standard, 2009, Interior Lighting Part 0: Safe Movement AS 1680.0:2009
- ~~Australian Standard, 1997, Acoustic Description and Measurement of Environmental Noise Part 1: General Procedures AS 1055.1:1997~~
- [Australian Standard, 2018, Acoustics—Description and measurement of environmental noise AS 1055:2018](#)
- Australian Standard, 2004, Design, Construction and fit out of food premises AS 4674-2004
- *Protection of the Environmental Operations Act 1997*, Federal Government

- *Requirements for Food Premises*, Newcastle City Council
- [Australia New Zealand Food Standards Code - Standard 3.2.3 - Food Premises and Equipment](#)
- ~~[Ventilation Code](#), Newcastle City Council~~
- *Restricted Premises Act 1943*, NSW Government
- *Food (General) Regulations 2015*, NSW Food Act 2003
- ~~[Draft Guidelines for Disinfecting Public Swimming Pools and Spa Pools, 2010](#), NSW Department of Health~~
- [Public Swimming Pool and Spa Pool Advisory Document 2013](#), NSW Dept of Health.
- ~~[Health and Safety Guidelines for Brothels in NSW, 2001](#), NSW Department of Health & WorkCover~~
- [Health and safety guidelines for sex services premises in NSW](#), SafeWork NSW

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:

- **Act of Prostitution** - has the meaning ascribed to it under Section 20 of the Summary Offences Act, 1988.
- **Spa bath** - a domestic type bath fitted with a water recirculation system and/or an air injection system. A water heater may be incorporated in the system, but a water filter is not required.

Aims of this section

1. To nominate location requirements and development standards for sex industry establishments and other development types applying to this control, which reflect broad community attitudes and expectations and which clarify the provisions of the Newcastle Local Environmental Plan 2012 in this regard.
2. To provide guidelines for sex industry establishments, which will ensure that such are at a reasonable distance from residential occupancies and other nominated sensitive land uses, and will not cause disturbance or otherwise have a detrimental impact on the amenity of the host neighbourhood.
3. To provide appropriate guidelines which will restrict the scale of sex industry establishments and other development types to which this control applies, as well as prevent their concentration in close proximity to one another.
4. To identify appropriate health and hygiene standards relating to the equipping and management of sex industry establishments.
5. To provide detailed provisions to guide the preparation and assessment of development application for sex industry establishments.

3.12.01 Design guidelines

A. Location

Objectives

1. Ensure this development type is located on appropriate sites, having regard to the surrounding environment.

Controls

General controls applying to restricted premises and sex services premises as defined by the Newcastle Local Environmental Plan 2012

1. The entrance or exit doorway to or from a restricted premises or sex services premises is not closer than a 150m walk from the entrance to premises used as a dwelling within a residential zone. Council may relax this requirement by up to 50% in respect of premises used as a dwelling within a commercial or industrial zone, including 'shop top' housing or inner-city residential apartments.
2. The entrance or exit doorway to or from a restricted premises or sex services premises is not closer than a 200m walk from a school, community facility or any place where children or young people are likely to regularly congregate.
3. Avoid a concentration of sex industry related land uses in the one location:
 - (a) a restricted premises or sex services premises does not occupy premises already used or proposed to be used for any such purposes
 - (b) an entrance or exit doorway to or from a restricted premises or sex services premises is not closer than a 200m walk from the entrance doorway to any other restricted premises or sex services premises.
4. A sex services premises is not located within a remote area or an area in which public transport or support services (eg. police, ambulance) are not conveniently to hand.
5. A sex services premises is located either at the rear of ground floor premises or at an upper level, rather than having full exposure to the street.

B. Scale and character

Objectives

1. Limit the potential for adverse social and environmental impact of all sex services establishments in any locality by controlling the intensity of operation.

Controls

General controls applying to restricted premises, sex services premises and home occupation (sex services) development

1. Restricted total floor space such that it is reasonably compatible with the scale and character of and not dominant in relation to existing development in the vicinity and, in this regard, a sex service establishment provides no more than seven rooms in which acts of prostitution are to take place.
2. Any acts of prostitution within an approved sex services premises or home occupation (sex services) are confined to rooms or areas nominated on the submitted plans which are the subject of Council's consent.
3. Any new building or refurbishment of an existing building to function as a restricted premises or sex services premises is designed to be compatible with the built form of adjoining premises and in accordance with any location plan applicable to the subject site.
4. The entrance to a restricted premises, sex services premises and home occupation (sex services), is discrete and unobtrusive with any signage limited to a single identification sign only, of modest dimensions, devoid of any sexually explicit or suggestive material, and any distinctive external lighting provided in respect of a sex services premises is limited to a single, low-wattage globe.
5. A sex services premises or restricted premises (that is an entertainment establishment) is provided with adequate reception area/waiting room facilities sufficient to discourage clients or prospective clients from loitering outside the premises.
6. Alcoholic liquor is, under no circumstances, provided or offered for sale on premises used as a sex services premises, restricted premises or other sex service establishment unless such premises are appropriately licensed under the *Liquor Act 2007*.

C. Specific building standards

Objectives

1. Ensure that all development is adequately built to the standards of the *Building Code of Australia*.

Controls

1. Restricted premises involving live shows or the exhibition of films satisfy the constructional and fire safety standards for a 9b Assembly Building under the provisions of the *Building Code of Australia*.

D. Security

Objectives

1. Ensure that all development provides adequate security.

Controls

General controls applying to all restricted premises development that provides entertainment

1. The operator of restricted premises that provides sexual entertainment provides a security patrol in the vicinity of the premises to ensure the proper conduct of patrons and the safety of staff leaving the premises.

E. Car parking

Objectives

1. Ensure all development is adequately provided with car parking access and provisions.

Controls

General Controls applying to all sex services establishment development

1. Refer to Section 7.03 Traffic, Parking and Access.

3.12.02 Health standards

Note: It is the responsibility of the owner/operator to ensure the NSW Health, Occupational, Health and Safety Legislation and WorkCover Guidelines are satisfied in the design and ongoing operation of the premises for the planning controls under this provision.

A. Ventilation and lighting

Objectives

1. Ensure adequate lighting in accordance with the *Building Code of Australia*.

Controls

General controls applying to all restricted premises, sex services premises and home occupation (sex services) development

1. The premise is ventilated in accordance with the requirements of the *Building Code of Australia* ~~and Council's Ventilation Code~~.

B. Noise

Objectives

1. Ensure all development is in accordance with the standards of the *Building Code of Australia* and *Protection of the Environment Operations Act, 1997*.

Controls

General controls applying to all restricted premises, sex services premises and home occupation (sex services) development

1. The use of the premises does not give rise to:
 - (a) a sound level at any point on the boundary of the site greater than the background levels specified in 'Australian Standard 1055, ~~Acoustic Description and Measurement of Environmental Noise~~ Acoustics—Description and measurement of environmental noise.
 - (b) an “offensive noise” as defined in the *Protection of the Environment Operations Act, 1997*.

C. Bar and food preparation areas

Objectives

1. Ensure all development is in accordance with the relevant standards.

Controls

General controls applying to all restricted premises, sex services premises and home occupation (sex services) development

1. All bars and food preparation areas are constructed, fitted out and finished in compliance with ~~Food (General) Regulations 1992~~, Food Regulation 2015, ~~the National Code for the Construction and Fit out of Food Premises~~ Australian Standard, 2004, Design, Construction and fit out of food premises AS 4674-2004, Australia New Zealand Food Standards Code - Standard 3.2.3 - Food Premises and Equipment and Council's Requirements for Food Premises.

D. Spa baths and spa pools

Objectives

1. Ensure all development is in accordance with the relevant standards.

Controls

General controls applying to all sex services premises and home occupation (sex services) development

1. Spa baths are filled with fresh water for each use and drained and thoroughly cleaned after being used.
2. Spa pools are to comply with the NSW Department of Health '~~Guidelines for Disinfecting Public Swimming Pools and Spa Pools~~' Public Swimming Pool and Spa Pool Advisory Document 2013.

3. The temperature of the water in the bathing area of a spa pool is not to be allowed to exceed 40°C.
4. Spa pools are provided with a system of automatic analysis and dosage control equipment that will maintain the level of disinfectant.
5. Tests to be done on every spa pool before use each day, and every four (4) hours when the spa is in use.
6. A log book of the spa water quality is kept by the proprietor and may be checked upon inspection by officers of Council or the NSW Department of Health.

E. Sanitary facilities

Objectives

1. Ensure all development is in accordance with the standards of the *Building Code of Australia*, NSW Department of Health and WorkCover Guidelines.

Controls

General controls applying to all sex services premises and home occupation (sex services) development

1. Sanitary facilities are provided in accordance with the requirements of the *Building Code of Australia*.
2. Each room used or available for use for the conduct of acts of prostitution contains or has direct access to its own shower and wash hand basin facilities for the use of both sex workers and their clients.
3. All required wash hand basins are provided with a continuous supply of hot and cold water delivered through an approved mixing spout which can be adjusted to enable hands to be washed under hot running water. The hot water supply is to be maintained and delivered at a temperature of at least 40°C.

F. Contaminated waste

Objectives

1. Ensure all development is in accordance with the standards of the *Building Code of Australia*, NSW Department of Health and WorkCover Guidelines.

Controls

General controls applying to all sex services premises and home occupation (sex services) development

1. Used condoms and any other contaminated wastes are double bagged in plastic and placed in a waste receptacle provided on the premises. Contaminated wastes are disposed of by licensed waste contractors.

Note: A schedule of licensed waste contractors can be obtained from Council's Waste Collection Services.

G. ~~Health code of practice for sex services premises~~ *Health and safety guidelines for sex services premises*

Objectives

1. Ensure all development is adequate and appropriate in accordance with the standards of the ~~Health Code of Practice~~ *Health and safety guidelines for sex services premises*.

Controls

Applies to sex services premises and home occupation (sex services) development

There are no specific controls.

Health and safety guidelines for sex services premises in NSW has been published by SafeWork NSW. *Health and Safety guidelines for sex services premises in NSW* outlines the minimum standards for maintaining a safe and healthy environment for sex workers, clients, visitors and others in sex service premises in NSW under the Work Health and Safety Act 2011 and Safety Regulation 2017. These requirements are not part of Council's policy and are not the responsibility of Council to administer.

~~Note: There are no specific controls. A Health Code of Practice for Brothels has been recommended by the NSW Department of Health. The Department's *Health Code of Practice* is a guideline only which is not part of Council's policy and is not the responsibility of Council to administer.~~

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**CCL 28/07/2020 – EXHIBITION OF DRAFT NEWCASTLE
DEVELOPMENT CONTROL PLAN 2012 SECTIONS 4.02 BUSH FIRE
PROTECTION, 3.12 SEX SERVICES PREMISES, 7.03 TRAFFIC,
PARKING AND ACCESS, 7.08 WASTE MANAGEMENT AND
ASSOCIATED DRAFT AMENDMENTS TO DCP SECTION 9.0
GLOSSARY**

ITEM 43 Attachment D: Exhibition of draft Section 7.03 Traffic, Parking and
Access

DISTRIBUTED UNDER SEPARATE COVER

7.03 Traffic, Parking and Access

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	#####	#####	Draft 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.

~~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 section applies

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

Development (type/s) 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

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.

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 ~~2002~~ 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, ~~2009~~ 2019, *Guide to Traffic Management*
- ~~Newcastle City Council, (2007), *Guidelines for Motorbike Parking in Newcastle*~~ RMS Technical direction *TDT 2004/02, Motor Bike Parking*
- ~~Roads and Traffic Authority NSW, 2003, *NSW Bicycle Guidelines*~~ Austroads, *Cycling Aspects of Austroads Guides*

Additional information

- ~~Department of Infrastructure, Planning and Natural Resources, December 2004, *Planning guidelines for walking and cycling*~~
- ~~Newcastle City Council, (2006), *Section 94A Development Contributions Plan 2006*~~
- Roads and Traffic Authority NSW, 2002, *Guide to Traffic Generating Developments*
- ~~Building Code of Australia~~
- Roads and ~~Traffic Authority~~, Maritime Services, ~~2010~~ 2018, *Traffic Control at Work Sites*, www.rta.nsw.gov.au/doingbusinesswithus/downloads/technicalmanuals/tcwsv4_dl1.html

~~Note: Where the above documents are superseded by updated versions, the version current at the time of lodgement of the Development Application shall apply.~~

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.

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.

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 ~~the~~ RTA 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's~~ [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 ~~Roads and Traffic Authority~~ [Transport for NSW](#) qualified person as defined under the ~~RTA~~ [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 ~~flagmen~~ [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.
3. Establish an appropriate parking standard for the City Centre that recognises its locational advantages in relation to public transport access.

Controls

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 60m² [MB1] gross floor area. Council reserves the right to vary the rates, subject to merit assessment of the proposal.
2. 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.
3. Parking provision for developments not listed in Table 1 is assessed having regard to RTA 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.

4. Provision of car parking and associated internal vehicular access and manoeuvring areas above the maximum rates nominated in Table 1 are included in the gross floor area for the purpose of calculating floor space ratio, except where provided in association with controls 5 and/or 6.
5. 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.
6. 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.
7. Stack parking, including mechanical devices, occurs only where it can be demonstrated that it will be operationally efficient and not cause unreasonable obstruction.
8. 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.
9. Table 2 shows indicative standards for provision of service vehicles for various types of development.
10. Council may require the provision of taxi, private vehicle and bus/coach drop off/set down areas where warranted by the proposed development. Specifically, bus set down facilities are provided, in close proximity to the main pedestrian access, for education establishments, shopping centre developments or commercial premises of more than 10,000m², convention and exhibition centres, and other development as deemed appropriate by Council.

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 60m² gross floor area.

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

12. 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

13. 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.
14. The total number of spaces to be provided for each type of parking is rounded to the nearest whole number.

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 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:
 - (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 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.

- Access to bicycle parking is provided in accordance with the ~~RTA's NSW Bicycle Guidelines~~ [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.

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. ~~Refer to *Planning guidelines for walking and cycling* (Department of Infrastructure, Planning and Natural Resources, December 2004).~~

D. Motorbike parking

Objectives

- Provide motorbike parking to meet likely demand.

Controls

Controls applying to all development to which this section applies

- 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.
- Motorbike parking complies with the relevant Australian Standard (AS2890.35) and ~~Council's Guidelines for Motorbike Parking in Newcastle~~ [RMS Technical direction TDT 2004/02, Motor Bike Parking](#).

E. Parking for people with a disability

Objectives

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

Controls

- 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.
- 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.
- 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.
- 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.

Table 1 – Parking rates

Note 1: 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.

Land Use	Car Parking	Bike Parking	Motorbike Parking
<p>CHILD CARE CENTRE CENTRE-BASED CHILD CARE FACILITY Note: Additional parking may be required for those centres which have a high ratio of staff to children in care.</p>	<p>1 space for every 4 children in attendance</p> <p>PLUS</p> <p>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.</p>	<p>1 space per 10 staff (Class 2)</p>	

Land Use	Car Parking	Bike Parking	Motorbike Parking
CLUB (Registered Club) Note: Rates are provided as a guide only. Survey based assessment should be undertaken and comparisons drawn with similar establishments.	1 space per 2 staff plus 1 space per 15m ² of licensed floor area (bar, lounge) for visitors	1 space per 25m ² bar area plus 1 space per 100m ² lounge, beer garden (Class 2) for staff 1 space per 25m ² bar area plus 1 space per 100m ² lounge, beer garden (Class 3) for visitors	1 space per 20 car spaces
COMMERCIAL (BUSINESS, OFFICE, RETAIL)			
Office	1 space per 50m ² GFA	1 space per 200m ² GFA (Class 2)	1 space per 20 car spaces
Retail			
Bulky Goods Premises Specialised retail premises	1 space per 60m ² GFA	1 space per 20 staff (Class 2)	1 space per 20 car spaces
Food and Drink Premises			
<ul style="list-style-type: none"> Pub 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.	1 space per 2 staff plus 1 space per 15m ² of licensed floor area (bar, lounge) for visitors Accommodation in association with a pub - 1 space per 2 rooms	1 space per 20 accommodation rooms plus 1 space per 25m ² bar area plus 1 space per 100m ² lounge, beer garden (Class 2) for staff 1 space per 25m ² bar area plus 1 space per 100m ² lounge, beer garden (Class 3) for visitors	1 space per 20 car spaces

Land Use	Car Parking	Bike Parking	Motorbike Parking
<ul style="list-style-type: none"> Restaurant or Cafe 	1 space per 6.5m ² GFA or 1 space per 3 seats	1 space per 100m ² GFA (Class 2)	1 space per 20 car spaces
<ul style="list-style-type: none"> Drive-in Take Away Food and Drink Premises 	<p>Developments with no on-site seating - 12 spaces per 100m² GFA</p> <p>Developments with on-site seating but no drive through: 12 spaces per 100m² GFA <u>or greater of:</u> 1 space per 5 seats (internal and external), or 1 space per 2 seats (internal)</p> <p>Developments with on-site seating and drive through facilities: <u>greater of:</u> 1 space per 2 seats (internal), or 1 space per 3 seats (internal and external) plus queuing area for 5 to 12 cars</p>	<p>1 space per 100m² GFA (Class 2) for staff</p> <p>1 space per 50m² GFA (Class 3) for visitors</p>	1 space per 20 car spaces
Roadside Stall	Minimum of 4 spaces		1 space per 20 car spaces
Shops	1 space per 40m ² GLFA	1 space per 200m ² GFA (50% Class 2, 50% Class 3)	1 space per 20 car spaces
Shopping Centres	<p>0-10,000m² GLFA - 6.1 spaces per 100m² GLFA</p> <p>10,000-20,000m² GLFA - 5.6 spaces per 100m² GLFA</p> <p>20,000-30,000m² GLFA - 4.3 spaces per 100m² GLFA</p> <p>Over 30,000m² GLFA - 4.1 spaces per 100m² GLFA</p>	1 space per 200m ² GFA (50% Class 2, 50% Class 3)	1 space per 20 car spaces

Land Use	Car Parking	Bike Parking	Motorbike Parking
Vehicle Sales or Hire Premises	1 space per 130m ² gross display area plus additional parking for workshop or service bay	1 space per 20 staff	
EDUCATIONAL ESTABLISHMENTS			
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 (Class 2) 1 space per 10 students (Class 3)	1 space per 20 car spaces.
Adult Education University or TAFE establishment	1 space per staff plus 1 space per 2 students	1 space per 20 staff (Class 2) 1 space per 20 students (Class 3)	1 space per 20 car spaces
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 (Class 2) 1 space per 20 visitors (Class 3)	1 space per 20 car spaces
HEALTH SERVICES FACILITY			
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 (Class 2) 1 space per 10 staff (Class 3)	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 (Class 2)</p> <p>1 space per 10 staff (Class 3) for visitors</p>	<p>1 space per 10 car spaces</p>
<p>HOME BUSINESS / INDUSTRY</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>		
<p>INDUSTRIAL ACTIVITY</p>	<p>1 space per 100m² GFA or 1 space per 2 staff, whichever is the greater</p>	<p>1 space per 20 staff (Class 2)</p>	<p>1 space per 20 car spaces</p>
<p>MARINAS</p>	<p>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</p>	<p>1 space per 20 staff (Class 2)</p> <p>1 space per 10 staff (Class 3)</p>	<p>1 space per 20 car spaces</p>

Land Use	Car Parking	Bike Parking	Motorbike Parking
<p>PLACE OF PUBLIC WORSHIP</p> <p>Note: Council may require preparation of a Traffic Impact Study to support the proposal, including a parking assessment with survey of similar developments.</p>	Survey required. As a guide, 1 space per 3 seats.	<p>1 space per 20 staff (Class 2)</p> <p>1 space per 20 visitors (Class 3)</p>	1 space per 20 car spaces
RECREATIONAL FACILITIES			
Bowling alleys	3 spaces per alley	<p>1 space per 20 staff (Class 2)</p> <p>1 space per 10 staff (Class 3)</p>	1 space per 20 car spaces
Bowling greens	30 spaces for first green plus 15 spaces for each additional green	<p>1 space per 20 staff (Class 2)</p> <p>1 space per 10 staff (Class 3)</p>	1 space per 20 car spaces
Gymnasium	Minimum 4.5 spaces per 100m ² ; maximum 7.5 spaces per 100m ²	<p>1 space per 20 staff (Class 2)</p> <p>1 space per 10 staff (Class 3)</p>	1 space per 20 car spaces
Squash courts	3 spaces per court	<p>1 space per 20 staff (Class 2)</p> <p>1 space per 10 staff (Class 3)</p>	1 space per 20 car spaces
Tennis courts	3 spaces per court	<p>1 space per 20 staff (Class 2)</p> <p>1 space per 10 staff (Class 3)</p>	1 space per 20 car spaces

Land Use	Car Parking	Bike Parking	Motorbike Parking
RESIDENTIAL ACCOMMODATION			
Attached dwellings, Dual occupancies, Multi dwelling housing, Residential Flat Buildings, Semi-detached dwellings, Shop Top Housing	<u>City wide (excluding Newcastle City Centre and Renewal Corridors):</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 class of security) 1 space per 10 dwellings (Class 3) for visitors	1 space per 20 car spaces
Attached Dwellings, Dual occupancy, Multi Dwelling Housing, Residential Flat Buildings, Semi-detached dwellings, Shop Top Housing	<u>Newcastle City Centre and Renewal Corridors:</u> Small (<75m ² or 1 bedroom) average 0.6 spaces per dwelling Medium (75m ² - 100m ² or 2 bedrooms) average 0.9 spaces per dwelling Large (>100m ² or 3 bedrooms) average 1.4 spaces per dwelling 1 space for the first 3 dwellings plus 1 space for every 5 thereafter or part thereof for visitors		

Land Use	Car Parking	Bike Parking	Motorbike Parking
Boarding House	1 space plus 1 space per 2 bedrooms	1 space per 10 bedrooms (Class 2) for staff/residents 1 space per 20 bedrooms (Class 3) for visitors	1 space per 20 car spaces
Dwelling House	1 space per dwelling < 125m ² 2 spaces per dwelling > 125m ²		
Group Home	1 space plus 1 space per 2 bedrooms	1 space per 10 bedrooms (Class 2) for staff/residents 1 space per 20 bedrooms (Class 3) for visitors	1 space per 20 car spaces
Housing for Seniors 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
RESTRICTED PREMISES			
Sexual Aid Establishment	1 space per 40m ² GLFA		
Escort Agency	1 space per 40m ² GLFA		
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.	Survey required. As a guide, 1 space per 3 seats		1 space per 20 car spaces
SEX SERVICES PREMISES (BROTHEL)	2 spaces per room used for the conduct of acts of prostitution		

Land Use	Car Parking	Bike Parking	Motorbike Parking
TOURIST AND VISITOR ACCOMMODATION			
Bed and Breakfast Accommodation	1 space per dwelling < 125m ² or 2 spaces per dwelling > 125m ² 1 space per 2 guest bedrooms for visitors		1 space per 20 car spaces
Hotel or Motel Accommodation Note: Council may vary the parking requirement depending on the location.	1 space per 2 staff plus minimum 0.5 spaces per unit; maximum 1 space per unit Additional parking required for dining etc.	1 space per 20 units (Class 2)	1 space per 20 car spaces
Serviced Apartment	1 space per 2 staff plus 1 space per unit	1 space per 5 apartments (Class 2) 1 space per 20 apartments (Class 3) for visitors	1 space per 20 car spaces
SERVICE STATION	6 spaces per work bay (refer Vehicle Repair Station) plus 1 space per 20m ² GFA of convenience store. Additional parking required if development includes restaurant or take-away food outlet.	1 space per 20 staff (Class 2) 1 space per 10 staff (Class 3) for visitors	

Land Use	Car Parking	Bike Parking	Motorbike Parking
VEHICLE REPAIR STATION	6 spaces per work bay		
VETERINARY HOSPITAL	1 space per practitioner plus 1 space per two other staff 1 space per practitioner for visitors	1 space per 10 practitioners (Class 2) 1 space per 10 staff for visitors	1 space per 20 car spaces
WAREHOUSE OR DISTRIBUTION CENTRE	1 space per 200m ² GFA or 1 space per 2 staff (whichever is greater)	1 space per 20 staff (Class 2)	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 ² GFA 1 space per 4,000m ² GFA >20,000m ² GFA 5 + 1 space per 8,000m ² over 20,000m ²
Department stores (all spaces adequate for trucks)	<6,000m ² GFA 1 space per 1,500m ² GFA >6,000m ² GFA 4 + 1 space per 3,000m ² over 6,000m ²
Supermarkets, shops and restaurants (all spaces adequate for trucks)	<2,000m ² GFA 1 space per 400m ² GFA >2,000m ² 5 + 1 space per 1,000m ² over 2,000m ²
Wholesale, industrial (all spaces adequate for trucks)	<8,000m ² GFA 1 space per 800m ² >8,000m ² 10 + 1 space per 1,000m ² over 8,000m ²
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 ² 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 ² 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 ²

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-centres, entertainment-venues facilities, aged persons' accommodation 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 ~~Roads and Traffic Authority~~ 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: ~~The RTA~~ 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.

**CCL 28/07/2020 – EXHIBITION OF DRAFT NEWCASTLE
DEVELOPMENT CONTROL PLAN 2012 SECTIONS 4.02 BUSH FIRE
PROTECTION, 3.12 SEX SERVICES PREMISES, 7.03 TRAFFIC,
PARKING AND ACCESS, 7.08 WASTE MANAGEMENT AND
ASSOCIATED DRAFT AMENDMENTS TO DCP SECTION 9.0
GLOSSARY**

ITEM 43 Attachment E: Exhibition of draft Section 7.08 Waste Management

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7.08 Waste Management

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	##	##	Draft 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 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 requiring consent, which is likely to create waste, including demolition, construction or change in use.

Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also apply 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.

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.

Related sections

- Nil

Associated technical manual/s

For all development:

- *Newcastle Waste Management Technical Manual 2011*, The City of Newcastle.
- *Model Waste Not DCP Chapter 2008*, ~~Department of Environment and Climate Change NSW (now Office of Environment and Heritage)~~ (Maintained by NSW EPA).

For residential development:

- ~~*Better Practice Guide for Waste Management in Multi-unit Dwellings*, June 2008, Department of Environment and Climate Change NSW (now Office of Environment and Heritage)~~
- *Better practice guide for resource recovery in residential developments 2019*, NSW Environmental Protection Authority

Additional information

- ~~NSW Office of Environment and Heritage~~ NSW Environment, Energy and Science Group website, Waste and resource recovery
- ~~Workcover~~ SafeWork NSW website

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 9.0 – Glossary, of this plan and include:

- **Waste** - includes any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment; or any discarded, rejected, unwanted, surplus or abandoned substance; or any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance; or any substance prescribed by the regulation to be waste for the purpose of the Waste Minimisation and Management Act 1995
- **SWMMP** - Site Waste Minimisation and Management Plan.

Aims of this section

1. To facilitate sustainable waste management within the local government area in a manner consistent with the principles of ESD.
2. To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan.
3. To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner.
4. To provide guidance in regards to space, storage, amenity and management of waste management facilities for new development.

Note: Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. Sustainable resource management and waste minimisation has emerged as a priority action area and a key in the quest for Ecologically Sustainable Development (ESD). Critical actions in this regard include the following (moving from most desirable to least desirable):

- avoiding unnecessary resource consumption
- recovering resources for reuse
- recovering resources for recycling or reprocessing
- disposing of residual waste (as a last resort).

The building and construction industry, in particular, is a major contributor to waste, hence the implementation of effective waste minimisation strategies has the potential to significantly reduce these volumes. Effective waste planning and management can also benefit the builder/developer. Some of the benefits of good waste planning and management include reduced costs, improved workplace safety, enhanced public image and compliance with legislation such as the *Protection of the Environment Operation Act 1997* that requires waste to only be transported to a place that can lawfully accept it.

Note: Storage and disposal of liquid waste, such as oils and chemicals, are not covered by this section.

7.08.01 General requirements

Objectives

1. Minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.
2. Minimise demolition waste by promoting adaptability in building design and focussing upon end of life deconstruction.
3. Encourage building designs, construction and demolition techniques in general which minimise waste generation.
4. Maximise reuse and recycling of household waste and industrial/commercial waste.
5. Ensure waste management systems are compatible with collection services.
6. Minimise risks associated with waste management at all stages of development.

Controls

General controls applying to all development to which this section applies

1. All development applications (including demolition, construction and the ongoing use of a site/premise) are to include a SWMMP within their Statement of Environmental Effects demonstrating compliance with this section's requirements.
2. In addition to submission of a SWMMP (as part of the Statement of Environmental Effects), the waste management facilities, proposed as part of the development, clearly illustrated on the plans of the proposed development, accompanying the development application (DA).

3. The SWMMP nominates:
 - (a) volume and type of waste and recyclables to be generated
 - (b) storage and treatment of waste and recyclables on site
 - (c) disposal of residual waste and recyclables
 - (d) operational procedures for ongoing waste management once the development is complete.
4. The SWMMP details the method of recycling or disposal and the waste management service provider.

Note: In the absence of project specific calculations, the rates specified in the Waste Management Technical Manual and Council's current rate of provision of services to residential properties can be used to inform the compilation of a SWMMP.

Note: The Technical Manual provides a 'Standard Site Waste Minimisation and Management Plan for Demolition, Construction and Alteration of Dwelling Houses', which can be nominated as the applicant's SWMMP for this form of development. A template for the compilation of a SWMMP is also provided for all other forms of development.

7.08.02 Demolition and construction

Objectives

The principal objective of managing this activity is to maximise resource recovery and minimise residual waste from demolition and construction activities by

1. Optimising adaptive reuse opportunities of existing building/structures.
2. Maximise reuse and recycling of materials.
3. Minimise waste generation.
4. Ensure appropriate storage and collection of waste.
5. Minimise the environmental impacts associated with waste management.
6. Avoid illegal dumping.
7. Promote improved project management.

Note: The demolition and construction stages of development provide great scope for waste minimisation. Applicants are actively encouraged to consider possible adaptive reuse opportunities of existing buildings/structures, reuse of materials or parts thereof.

Controls

Controls applying to all development to which this section applies

1. The SWMMP within the Statement of Environmental Effects includes details which demonstrate an allocated area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).
2. Site disturbance is minimised by limiting unnecessary excavation where materials are not to be used on site as part of developments.
3. A suitable waste receptacle is provided at the work site before work commences and is regularly serviced to prevent overflowing waste and windblown waste from leaving site.
34. The SWMMP incorporates the following requirements:
 - (a) separate collection bins or areas for the storage of residual waste are provided and clearly signposted
 - (b) footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval
 - (c) any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act 1997*
 - (d) waste is only transported to a place that can lawfully be used as a waste facility
 - (e) generation, storage, treatment, transport and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the ~~NSW Environmental Protection Authority, Office of Environment and Heritage~~ NSW Environment, Energy and Science Group and relevant Occupational Health and Safety legislation administered by ~~WorkCover~~ SafeWork NSW
 - (f) evidence such as weighbridge dockets and invoices for waste transport, disposal or recycling services are retained and are readily accessible for inspection by regulatory authorities such as Council, ~~NSW Environmental Protection Authority, NSW Office of Environment and Heritage~~ Environment, Energy and Science Group or ~~WorkCover~~ SafeWork NSW
 - (g) arrange contractors for the transport, processing and disposal of waste and recycling and ensure that all contractors are aware of the legal requirements for disposing of waste
 - (h) estimate volumes of materials to be used and incorporate these volumes into a purchasing policy so that the correct quantities are purchased. For small-scale building projects see the rates in the 'Waste Management Technical Manual' for a guide
 - (i) identify potential reuse/recycling opportunities of excess construction materials
 - (j) incorporate the use of prefabricated components and recycled materials
 - (k) arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage

- (l) measures shall be implemented to prevent damage by the elements, odour and health risks, and ~~windborne~~ wind-blown litter.
45. Any demolition necessary is carried out in accordance with 'AS 2601—2001, The Demolition of Structures'.
56. Handling management, transport and disposal of hazardous materials including asbestos is in accordance with relevant waste legislation administered by the Environmental Protection Authority and relevant Occupational Health and Safety legislation and Codes of Practice administered by SafeWork NSW, and the Australian Standard AS2601: 2001 - The Demolition of Structures.
- ~~Handling, management and disposal of asbestos complies with WorkCover NSW requirements. The NSW WorkCover Authority's Working with Asbestos Guide 2008 recommends a range of work procedures for dealing with bonded asbestos material including asbestos cement. This document may be obtained from the following NSW WorkCover Authority website: www.safework.nsw.gov.au.~~
- ~~6. A garbage receptacle is provided at the work site before works begin and must be maintained until the works are completed.~~

7.08.03 Operational waste

A. Residential development

Objectives

1. Encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.
2. Ensure waste management systems are as intuitive for occupants as possible and are readily accessible.
3. Ensure appropriate resourcing of waste management systems, including servicing.
4. Minimise risk to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
5. Minimise adverse environmental impacts associated with waste management.
6. Discourage illegal dumping by providing on site storage, and removal services.

Note: The design of waste and recycling storage areas within dwellings and property affects ease of use, amenity, movement and handling of waste for the life of the development. Multiple households within the property increase challenges with regard to waste volumes, ease of access and operation of waste sorting and removal systems. Resources such as the ~~'Better Practice Guide for Waste Management in Multi Unit Dwellings'~~ *Better practice guide for resource recovery in residential developments 2019*, NSW Environmental Protection Authority should be used to inform design of multi-unit dwellings.

Controls

Controls applying to all residential development to which this section applies

1. The required SWMMP includes plans which show location of:
 - (a) an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling
 - (b) an identified on-site location for a compost container
 - (c) an identified kerbside collection point for the collection and emptying of Council's waste, recycling and garden waste bins
 - (d) storage of waste containers to avoid vandalism, nuisance and adverse visual or odour impacts
 - (e) easily accessible waste storage area with unobstructed access to Council's usual collection point, minimising the distance of travel.
2. The placement of bins for collection at the nominated collection point should ensure adequate traffic and pedestrian safety is maintained.

Controls applying to all residential development to which this section applies (excluding dwelling houses)

3. Demonstrate on plans submitted with the SWMMP the following details:
 - (a) the location of individual waste/recycling storage areas (such as for townhouses and villas) or communal waste/recycling storage facilities in the form of a waste/recycling storage room/s is provided and designed in accordance with the 'Waste Management Technical Manual' and the ~~'Better Practice Guide for Waste Management in Multi-Unit Dwellings'~~ *Better practice guide for resource recovery in residential developments 2019* (indicative bin sizes are shown in the Technical Manual)
 - (b) the waste/recycling storage area(s) or room(s) are of a size that can comfortably accommodate separate garbage, recycling and garden waste containers at the rate of Council provision
 - (c) space is provided for an individual compost container for each dwelling (such as in townhouse and villa developments) or for a communal compost container; the siting of which will have regard to potential amenity impacts
 - (d) the location of any garbage chute(s), interim storage facilities and any service rooms (for accessing a garbage chute) for waste and recyclable materials
 - (e) the on-site path of travel for collection vehicles (if collection occurs on-site), taking into account accessibility, width, height and grade
 - (f) waste management systems are designed and operated to prevent the potential risk or injury or illness
 - (g) for multi-storey developments that include 10 or more dwellings, a dedicated room or caged area is provided for the temporary storage of discarded bulky items which are awaiting removal. The storage area is readily accessible to all residents and must be located close to the main waste storage room or area.

- (h) service rooms and storage areas is located for convenient access by users and must be well ventilated and well lit
 - (i) residents have access to a cold water supply for the cleaning of bins and the waste storage areas. Storage areas are constructed and designed to be weather proof and easy to clean, with wastewater discharged to sewer.
4. Where site characteristics, number of bins and length of street frontage allow, bins may be collected from a **temporary** kerbside location. In instances where kerbside bin collection is not appropriate, bins are collected on-site. Bins that are collected on-site are to be collected either from their usual storage point or from an on-site temporary holding area located inside the property boundary and close to a property entrance.
 5. Where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development is designed to allow for on-site access by garbage collection vehicles (of dimensions detailed in the 'Waste Management Technical Manual'). In these instances, the site is configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles is of sufficient strength to support such vehicles.
 6. Where a collection vehicle is required to enter a property, access driveways and internal roads are designed in accordance with ~~'Australian Standard 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities – 2002'~~ *Australian Standard 2890.2 2018 – Parking facilities – Part 2: Off-street commercial vehicle facilities.*
 7. The design and location of waste storage areas/facilities compliments the design of both the development and the surrounding streetscape. **Bin storage areas must be located behind the building line of the dwelling, or where they are screened and cannot be viewed from public areas.**
 8. Developments containing four or more storeys are provided with a suitable system for the transportation of waste and recyclables from each storey to waste storage/collection areas.
 9. **Garbage Waste** chutes where included, are designed in accordance with the 'Waste Management Technical Manual', the 'Building Code of Australia' and ~~'Better Practice Guide for Waste Management in Multi-Unit Dwellings'~~ *Better practice guide for resource recovery in residential developments 2019.* Garbage chutes are not suitable for recyclable materials and are therefore clearly labelled to discourage improper use. **Where recycling chutes are not provided, A**alternative interim disposal facilities for recyclables should be provided at each point of access to the **garbage waste** chute system.

B. Commercial, mixed use and industrial development

Objectives

1. Ensure appropriate waste storage and collection facilities.
2. Maximise source separation and recovery of recyclables.
3. Ensure waste management systems are as intuitive for occupants as possible and readily accessible to occupants and service providers.
4. Ensure appropriate resourcing of waste management systems, including servicing.

5. Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.
6. Minimise adverse environmental impacts associated with waste management.
7. Discourage illegal dumping by providing on-site storage, and removal services.

Note: A range of non-residential uses present an array of unique waste minimisation opportunities and management requirements. Flexibility in size and layout is often required to cater for the different needs of multiple tenants as well as future changes in use.

Controls

Controls applying to all commercial, mixed use and industrial development to which this section applies

1. The required SWMMP shall include plans which demonstrate:
 - (a) the location of the designated waste and recycling storage room(s) or areas, sized to meet the waste and recycling needs of all tenants
 - (b) development includes a designated waste/recycling storage area or room(s) (designed in accordance with the 'Waste Management Technical Manual')
 - (c) the path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area). Step-free access is provided between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s)
 - (d) the on-site path of travel for collection vehicles (~~if collection is to occur on-site~~)
 - (e) depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy
 - (f) all tenants keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of the waste and recyclables that are generated on site
 - (g) waste management facilities are suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system
 - (h) where possible, waste/recycling containers are collected from a rear lane access point
 - (i) the size and layout of the waste/recycling storage room/area are capable of accommodating reasonable future changes in use of the development
 - (j) a waste/recycling cupboard is provided for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials
 - (k) premises that discharge trade wastewater do so in accordance with a written agreement from the local sewer authority (Hunter Water Corporation)

- (l) premises which generate at least 50L per day of meat, seafood or poultry waste have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection
- (m) arrangements are in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners are made aware of their obligations in regards to these matters
- (n) any **garbage waste** chutes are designed in accordance with the requirements of the 'Waste Management Technical Manual', the 'Building Code of Australia' and '**Better Practice Guide for Waste Management in Multi-Unit Dwellings**' *Better practice guide for resource recovery in residential developments 2019*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use. *Where recycling chutes are not provided, alternative interim disposal facilities for recyclables should be provided at each point of access to the waste chute system.*

Controls applying to mixed use development to which this section applies

In addition to the general requirements of this section, the SWMMP demonstrates the following for a mixed use development:

2. Mixed use development incorporates separate and self-contained waste management systems for the residential component and the non-residential component. In particular, the development incorporates separate waste/recycling storage rooms/areas for the residential and non-residential components.
3. Commercial tenants are prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.
4. The residential waste management system and the non-residential waste management system are designed to efficiently operate without conflict. For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.

Controls applying to industrial development to which this section applies

In addition to the general requirements of this section, the SWMMP demonstrates the following for industrial development:

5. Waste is separated into at least four streams:
 - a) paper/cardboard
 - b) recyclables
 - c) general waste
 - d) industrial process type wastes.
6. Evidence of compliance with relevant industrial waste laws/protocols. For example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the *Protection of the Environment Operations Act 1997*.
7. Production, storage and disposal of hazardous wastes (such as contaminated or toxic material or products) require particular attention. The appropriate laws and protocols should be observed.

Note: Industrial developments typically produce a diverse range of waste products. Some of these waste products may be hazardous and require compliance with established laws/protocols that are additional to this section. Other waste products are similar in nature to commercial and domestic waste streams. Mixing waste products limits potential reuse and recycling opportunities and may distribute toxic material through a larger volume of wastes.