



PORT STEPHENS COUNCIL

Request for Proposals
for the
Purchase, Ground Lease or Joint Venture
of
Commercial Development Sites
at
Nelson Bay



Note: Boundaries are indicative only – Proponents should refer to the relevant Deposited Plans & make their own site investigations

TRIM reference: PSC2015-01186

Title: PSC2015-01186 – Donald Street East & Donald Street West Car Parks Nelson Bay – Request for Proposals

Author: Sean Fox; Land Acquisition & Development Manager, Property Services Section, Port Stephens Council

Published by Port Stephens Council.

First published May 2015

Acknowledgements

Disclaimer

The information contained in this publication is based on knowledge and understanding at the time of writing (May 2015). However, because of advances in knowledge, users are reminded of the need to ensure that information on which they rely is up to date and to check the currency of the information with the appropriate officers of the Port Stephens Council or the user's independent advisor.

CONTENTS

PROPOSAL INFORMATION

1	INTRODUCTION	5
2	OVERVIEW	5
3	BACKGROUND	5
4	THE SITES	6
5	ZONING, PERMITTED USES & DEVELOPMENT CONTROLS	11
6	THE OPPORTUNITY	12
	6.1 Transaction Structure	12
	6.2 Terms of Purchase/Ground Lease/Joint Venture	12

ANNEXURES

- Returnable Schedules
- Development Control Plan Sections
 - Part B3 - Parking Traffic and Transport
 - Part B4 - Commercial and Mixed Use Development
 - Part C4 - Nelson Bay Commercial Area

PROPOSAL INFORMATION

EXECUTIVE SUMMARY

Port Stephens Council is seeking Proposals from interested parties (Proponents) for the Purchase, Ground Lease or Joint Venture and subsequent development of two Commercial Development Sites of circa 3,432sqm and circa 3,633sqm at Nelson Bay.

This Request for Proposals has been issued by Port Stephens Council to set out the terms and conditions on which proposals will be considered and assessed.

KEY DATES

RFP Issued	11 May 2015
Closing Date for Submission of RFP (6 Weeks)	19 June 2015
Estimated Date for Notification to Shortlisted Proponent(s)	3 July 2015
Further Negotiations	July 2015 – September 2015
Recommendation seeking Council resolution to enter into binding documentation (assuming successful negotiations)	Late 2015

SUBMISSIONS

Closing Time & Date for Submission of RFP is:

5pm - Friday 19 June 2015

Proponents can post or email proposals to either of:

Mr Sean Fox
Land Acquisition & Development Manager
Port Stephens Council
P.O. Box 42, Raymond Terrace NSW 2324
sean.fox@portstephens.nsw.gov.au

Mr Norm Barnes
Property Development Coordinator
Port Stephens Council
P.O. Box 42, Raymond Terrace NSW 2324
norm.barnes@portstephens.nsw.gov.au

Submissions can also be hand delivered to Port Stephens Council, 116 Adelaide Street Raymond Terrace NSW 2324. Office hours for lodgement of documents are between 9:00 am and 5:00 pm weekdays.

CONTACT OFFICERS

Proponents requiring additional information should contact either of:

Mr Sean Fox
Land Acquisition & Development Manager
Phone: 02 4980 0300 or 0409 570 056
sean.fox@portstephens.nsw.gov.au

Mr Norm Barnes
Property Development Coordinator
Phone: 02 4980 0389 or 0408 112 516
norm.barnes@portstephens.nsw.gov.au

1 INTRODUCTION

Port Stephens Council (PSC) takes great pleasure in offering for Purchase, Ground Lease or Joint Venture and subsequent development two commercial sites (the Sites) at Nelson Bay.

Situated within the established Nelson Bay commercial precinct in the Port Stephens LGA, the Sites offer a wide range of development opportunities. Nelson Bay and the adjoining Salamander Bay and Shoal Bay are just 2 hours north of Sydney on the east coast of NSW. The general locality is a popular holiday location but also has a large and expanding permanent population base that requires a broad range of services and facilities.

2 OVERVIEW

The purpose of this RFP is to identify Proponents with the requisite development experience, financial capability and vision, who will;

- Either Purchase, Ground Lease or enter into a Joint Venture arrangement with Council for each or both of the sites and;
- Subsequently develop either purpose-built or speculative improvements that the market requires for immediate or near future occupation, to include public car parking.

3 BACKGROUND

Each site is currently a Council owned public car park to service the Nelson Bay commercial precinct. The Donald Street East site is improved with a multi deck carpark which has been recently closed while the Donald Street West site is an at grade carpark currently in use.

Both sites are classified as Operational Land.

The Sites are well located within the Nelson Bay commercial precinct with a wide range of surrounding uses including supermarket (being reconstructed), cinemas, cafes, hotel, motels, short stay apartments and retail uses and a large high density residential catchment.

Nelson Bay is approximately 180 kilometres north of the commencement of the M1 Pacific Motorway at Wahroonga and approximately 55 kilometres north of Newcastle.

Nelson Bay, Salamander Bay and Shoal Bay form part of the Tomaree Peninsular which includes a few remaining urban growth areas and has seen recent strong sales of residential home sites, most notably in Landcom's "The Vantage" estate, about 1.5 kilometres west of the Sites. Other urban release areas are located at Anna Bay, about 5 kilometres south of the Sites and smaller infill development sites at Salamander Bay. The Horizons Golf Course is located to the south west of the Sites. The Tomaree Peninsular is expecting population growth of 22% by 2031.

4 THE SITES

The Sites are known as the Donald Street East and Donald Street West car parks, described as follows:-

Donald Street East - 14-20 Donald St & 61-65 Magnus St Nelson Bay

- Lots A, B & C DP 390129
- Lots A & B DP 390130
- Lots X & Y DP 418827

Site area of 3,432sqm subject to survey

Donald Street West - 36A-36F Donald Street Nelson Bay

- Lot A DP 414562
- Lot 2 DP 614967
- Lot 1 DP 949889
- Part Lot 10 Section A DP 5616
- Lot A DP 413692
- Lot 11 Section A DP 5616

Site area of 3,633sqm subject to survey

Donald Street East is part concrete multi deck public car park and part unsealed vacant land informally used for public car park. The multi-deck component of the site was closed late 2014 due to structural concerns.

Donald Street West is bitumen sealed at grade public car park adjoining the eastern side of the current Rivers clothing outlet.

The Sites are as shown in Figures 1 & 2 below and are subject to survey.

Donald St East Car Park



Figure 1 – Donald Street East Car Park

LOCATION PHOTOGRAPHS – DONALD STREET EAST CAR PARK



View of Top Deck of Car Park from Donald Street End



View from Magnus Street

Donald St West Car Park



Figure 2 – Donald Street West Car Park

LOCATION PHOTOGRAPHS – DONALD STREET WEST CAR PARK



View North from Donald Street



View East along rear boundary

5 ZONING, PERMITTED USES & DEVELOPMENT CONTROLS

The Sites are currently zoned "B2 Local Centre" under the Port Stephens Local Environmental Plan 2013, as amended. See Figure 2 below.



Figure 2 – Zoning Plan

The objectives and permitted uses of the "B2 Local Centre" zoning are as follows:-

1. Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2. Permitted without consent

Home occupations

3. Permitted with consent

Amusement centres; Attached dwellings; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Educational establishments; Electricity generating works; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Highway service centres; Home-based child care; Home businesses; Hostels; Industrial retail outlets; Information and education facilities; Jetties; Light industries; Marinas; Medical centres; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Research stations; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Shop top housing; Signage; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Water reticulation systems

4. Prohibited

Any development not specified in item 2 or 3

The current "Height of Buildings" applicable to both sites is 15 metres however any development proposal will be considered on its merits including social and economic benefits. Refer to Council's Development Control Plan 2013 "Section B3 Parking Traffic & Transport", "Section B4 Commercial and Mixed Use Development" and "Section C4 Nelson Bay Town Centre", copies attached.

Note: Proponents should make their own enquiries in relation to zoning, permitted use, development controls and lot boundaries shown above

6 THE OPPORTUNITY

The primary objective of the RFP is to identify a Proponent(s) with demonstrated development experience, financial capability and vision, who will redevelop the Sites to include provision of Council owned public car parking.

In offering this opportunity PSC expects the successful Proponent(s) to meet the following project objectives:

- Enter into a Contract for Sale, Ground Lease or Joint Venture arrangement with PSC over the Sites, on terms and conditions to be negotiated
- Subsequently develop either purpose-built or speculative improvements that the market requires for immediate or near future occupation, along with sufficient Council owned public car parking.

PSC will only consider RFPs for individual Sites however proponents can submit on each Site.

6.1 Transaction Structure

In summary, the transaction will be structured so that PSC bears its costs of this RFP process, however all Proponents including short-listed Proponents will be responsible for their own costs including those related to due diligence and legal documentation.

PSC reserves the right to accept or reject any and all of the RFPs submitted.

Any recommendations of the Council officers to proceed to enter into binding contract/lease/joint venture documentation with a short-listed Proponent will be subject to a formal resolution of the full Council of Port Stephens.

6.2 Terms of Purchase/Ground Lease/Joint Venture

PSC's intention is that the successful Proponent(s) shall provide as part of this RFP process concept development plans to support the activation and completion of the intended uses.

In their submission Proponents are required to identify and comment on any special terms and conditions they would seek to include in the binding legal documentation (i.e. Contract of Sale, Agreement to Lease or Joint Venture) and complete the Returnable Schedules (see Annexures) with all relevant details.

Negotiations will be conducted with short-listed Proponents. The sale price or ground rental for the sites proposed by short-listed Proponents will be measured against an independent valuation instructed by PSC.

Appropriate legal documentation will include conditions providing PSC with a "step in" clause or similar in the event that successful Purchasers/Ground Lessees/Joint Venture partners are unable to commence or complete a proposed or approved development(s) within a timeframe to be agreed.

B3

Parking, Traffic and Transport

B3.1 Where this part applies

This part applies to all development permissible under the Port Stephens Local Environmental Plan 2013.

Vehicular access, parking and circulation are crucial in the good design of villages, neighbourhoods and town centres.

B3.2 Public Transport

DEVELOPMENT CONTROLS

B3.C1 Bus stops in centres and transport hubs must be located as close as possible to the destination point.

PRINCIPLES

B3.P1 To maximise the efficiency and patronage of bus services, bus stop locations should take priority over private transport or parking facilities.

B3.3 Parking Requirements

DEVELOPMENT CONTROLS

B3.C2 New development proposals, including the change of use or intensification of existing businesses, must provide the required number of parking spaces in accordance with **Schedule of Car Parking Requirements**. In the case of a combination of uses on a single site, the car parking requirements must be added together.

B3.C3 Where the parking calculation results in a fraction of a parking space, the number of spaces must be rounded up to the higher whole number (i.e. 3.3 spaces must be rounded up to 4 parking spaces).

B3.C4 Where the proposed development is not listed within the Schedule of Car Parking Requirements, Council must determine the required number of car parking spaces, by either:

- The applicant submitting a traffic report prepared by a suitably qualified consultant to determine the required number of car parking spaces; or
- Council staff establishing a rationale to calculate the required car parking spaces.

B3.C5 Where it is not possible or desirable to provide the required on-site parking spaces for a development, Council may accept alternative arrangements including:

- The provision of car parking by the developer on another acceptable site in the vicinity of the proposed development subject to entering into a suitable agreement with Council; and/or
- The payment of a cash contribution in lieu of the provision of parking spaces pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended).

B3.C6 The cash contribution must be used by Council to pay for existing parking facilities or held in trust to be used for the acquisition of land and construction of public parking facilities in the vicinity of the proposal. At present, contributions will only be accepted in Nelson Bay and Raymond Terrace.

B3.C7 Payment of a cash contribution in lieu of the provision of parking spaces for residential or a tourist component of a development is not acceptable.

B3.C8 Council **may** consider a reduction in the required number of car parking spaces where:

- Parking structures or areas would have a negative impact on the visual appearance or significance of a heritage listed item or a heritage conservation area.
- Peak demand for residential and non-residential parking occurs at different times and parking spaces could be satisfactorily shared.
- The current land use has been approved with a parking shortfall and the proposed parking concession does not exceed the current shortfall for the approved use calculated under the provisions of this DCP.

B3.C9 Applications seeking a parking reduction may only be considered if a reasonable case is clearly demonstrated in a traffic report prepared by a suitably qualified consultant.

B3 Parking, Traffic and Transport

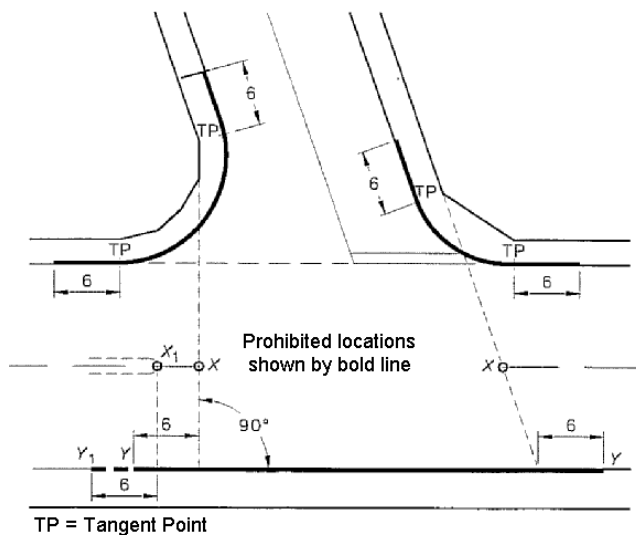
B3.4 Access Requirements

Vehicle access to or from a lot must be located where it causes the least interference to vehicular and pedestrian traffic on a public street.

PRINCIPLES

B3.P2 Access to parking areas will generally not be permitted in the following locations:

- In close proximity to traffic signals, intersections or roundabouts, or where queuing and sight distance are restricted.
- Opposite other developments generating a large amount of traffic unless separated by a median island.
- In the sections of kerb shown by heavy lines in Figure B3.1 *Prohibited Locations for Vehicle Crossings*.



Dimensions in metres

Figure B3. 1: Prohibited Locations for Vehicle Crossings

Note1. Access for domestic driveways **only** may be permissible in the kerb section marked Y-Y

Note 2. The points marked X and 'X₁' are respectively at the median end on the divided road at the intersection of the main road centre-line and the extensions of the side property lines shown as dotted lines, on an undivided road.

Note 3. On a divided road, dimensions Y-Y ends to point Y₁

Note 4. No driveways must be approved within roundabouts

- B3.P3 Driveway exits should be located to ensure adequate intersection sight distance to traffic and to pedestrians on the footpath.
- B3.P4 The proposed development and likely traffic generation will determine the required number of access points. Some types of development such as service station or other drive-in commercial facilities require separate ingress and egress access points.
- B3.P5 Where access to a parking area is available from a road other than a major road, such alternative access is to be utilised in preference to direct vehicular access to the major road.
- B3.P6 When a car park has multiple access points, each access driveway should be designed for the number of parking spaces effectively served by that driveway.
- B3.P7 Access to arterial roads should be limited as far as practicable, and in some circumstances it may be preferable to allow left-turn-only movements into and out of the driveway access.
- B3.P8 Driveway access should be at least 0.5m from the side boundary at the front property line, and maintain at least of 0.5m clearance from the edge of existing street furniture within the road reserve.
- B3.P9 Trees located within the road reserve should be retained and adequately protected. Council may require a report from a suitably qualified Consulting Arborist with the development application to determine the necessary tree protection measures.

B3.P10 Driveways should be splayed to enhance the turning path of vehicles.

B3.P11 Driveways for detached residential dwellings should minimise the amount of concrete or paved area to reduce; the visual impact on the streetscape; and, the amount of impervious surfaces impacting on down stream flooding.

DEVELOPMENT CONTROLS

B3.C10 Driveways are prohibited within roundabouts.

B3.C11 Driveways must be constructed in accordance with Council's standard drawings and approved by Council under the Roads Act.

B3

Parking, Traffic and Transport

B3.C12 The driveway must intersect the existing road between 70 and 90 degrees.

B3.C13 The driveway cross fall for the first 3 metres of the driveway (from the kerb line/edge of formation) must match the longitudinal gradient of the kerb/road pavement.

B3.C14 Each entrance and exit driveway must be clearly signposted.

B3.C15 The number of access points from a site to any one street frontage should be limited to 1 ingress and 1 egress (or 1 combined ingress/egress), except where large carparks are controlled by vehicle movements in peak hour situations.

B3.C16 The potential for on-street queuing should be eliminated by the provision of a deceleration lane for vehicles entering the parking and loading areas.

B3.C17 The number of access points and driveway widths between the road and the property boundary must be determined by using Figure B3.4 *Access Driveway Widths*.

B3.C18 Driveways are normally combined, but if separate, both entry and exit widths must be 3 metres minimum.

B3.C19 The width of a residential driveway within the road reserve must not exceed 3m for access to a single garage or 4m for a double garage that is located at the minimum building setback.

B3.C20 When the access driveway length exceeds 30m, sight distance is restricted, or the road frontage is to a Collector or Distributor Road, the driveway width must be increased to 5.5m for the 6m inside the property boundary.

B3.C21 Un-signalised access driveway exits must be located so that the intersection sight distance along the frontage road available to drivers leaving the car park is at least that shown in Figure B3.5 *Minimum Sight Lines for Pedestrians Safety for Non Residential Development*.

B3.C22 Clear sight lines as shown in Figure B3.5 *Minimum Sight Lines for Pedestrians Safety for Non Residential Development* must be provided at the property line to ensure adequate visibility between vehicles on the driveway and pedestrians on the footpath.

Class	Examples of Uses	Required Door Opening
A	Resident, employee and commuter parking, universities (generally all day parking).	Front door, first stop
B	Long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels and airport visitors (generally medium-term parking).	Front door, second stop
C	Short-term city and town centre parking, shopping centres, department stores, supermarkets, hospitals and medical centres (generally short-term parking and where children and goods can be expected to be loaded into the vehicle).	Rear door, full opening

Figure B3. 2: Classification of Off-Street Car Parking Facilities

Note: Wider bays may be required in some designs, and narrower bays may be required in a town centre or at other high land cost locations.

Class of parking facility	Frontage road type	Access driveway category				
		Number of parking spaces				
		<25	25 to 100	101 to 300	301 to 600	>600
A	Arterial	1	2	3	4	5
	Local	1	1	2	3	4
B	Arterial	2	2	3	4	5
	Local	1	2	3	4	4
C	Arterial	2	3	4	4	5
	Local	1	2	3	4	4

Figure B3. 3: Access Driveway Category

Note 1. When a car park has multiple access points, each access driveway should be designed for the number of parking spaces effectively served by that driveway.

B3

Parking, Traffic and Transport

Note 2. The table does not imply that certain types of development are necessarily suitable for location on any particular frontage road type. In particular, access to arterial roads should be limited as far as practicable, and in some circumstances it may be preferable to allow left-turn-only movements in and out of the driveway access.

Note 3. "Arterial" refers to collector, distributor and high class roads.

Access Driveway Category	Entry width*	Exit width*	Separation of driveways (metres)
1	3m max (single) 4m max (double)	(Combined)	N/A
2	6.0 to 9.0	(Combined)	N/A
3	6.0	4.0 to 6.0	1 to 3
4	6.0 to 8.0	6.0 to 8.0	1 to 3
5	Direct feed from a dedicated public roadway via an intersection controlled by STOP and GIVE WAY signs, traffic signals or roundabout.		

Figure B3. 4: Access Driveway Widths

Note 1. Driveways are normally combined, but if separate, both entry and exit widths must be between 3.0 metres 3.5m wide.

Note 2. When the access driveway length exceeds 30m, sight distance is restricted or the road frontage is to a Collector Road or larger, the driveway width must be increased to 5.5m for the 6m inside the property boundary.

3. Driveways should be splayed to enhance the turning path of vehicles.

B3.5 Sight Distance at Driveway Exits

PRINCIPLES

B3.P12 Driveway exits should be located and constructed so that there is adequate intersection sight distance to traffic on the frontage road and sight distance to pedestrians on the frontage road footpath.

DEVELOPMENT CONTROLS

B3.C23 Un-signalised access driveway exits must be located so that the intersection sight distance along the frontage road available to drivers leaving the car park is at least that shown in Figure B3.6 *Sight Distance Requirements at Car Park Exits*.

B3.C24 Clear sight lines as shown in Figure B3.6 *Sight Distance Requirements at Car Park Exits* must

be provided at the property line to ensure adequate visibility between vehicles on the driveway and pedestrians on the frontage road footpath for non-residential parking spaces.

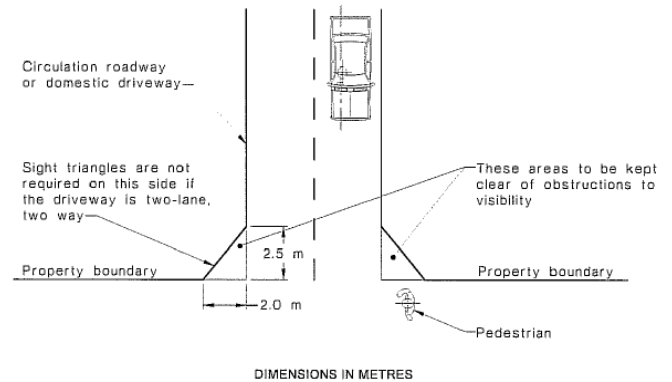
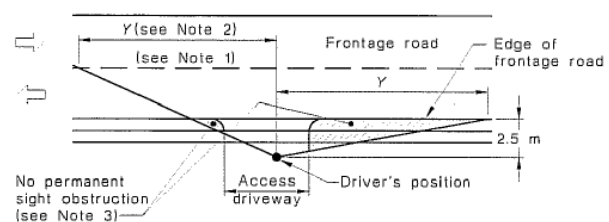


Figure B3. 5: Minimum sight lines for pedestrian safety for non-residential development



Frontage road speed (Note 4) km/h	Distance (Y) along frontage road m		
	Access driveways other than domestic (Note 5)		Domestic property access (Note 6)
	Desirable 5 s gap	Minimum SSD	
40	55	35	30
50	69	45	40
60	83	65	55
70	97	85	70
80	111	105	95
90	125	130	Use values from 2 nd and 3 rd columns
100	139	160	
110	153	190	

Figure B3. 6: Sight distance requirements at car park exits Note 1. Separation line (undivided road), or right-hand edge of right-hand through land (divided road).

Note 2. A check to the left is not required at a divided road where the median is wide enough to shelter a crossing vehicle.

Note 3. Parking on this side of the frontage road may need to be restricted on either side of the driveway so that the sight distance required by the above table to an approaching vehicle is not obstructed.

Note 4. This is the posted or general speed limit unless the 85th percentile speed is more than 5km/h above the limit in which case the tabulated speed nearest the 85th percentile must be adopted.

B3

Parking, Traffic and Transport

Note 5. The values in the table apply only to left turn and right turn manoeuvres into two way roads up to four lanes wide and one way roads regardless of width, either for a 5 s gap, desirable at lower frontage road speeds, or a minimum stopping sight distance based on 2 second reaction time.

Note 6. Crossing manoeuvres (e.g. from an access opposite the stem of a T-junction) over four lanes or more, and turning manoeuvres into a six lane two-way road would require longer gaps unless there was a median wide enough to store a vehicle and allow a two stage manoeuvre.

Note 7. These distances are based on stopping sight distances with reaction time 1.5 s for traffic approaching along the frontage road and are applicable to a frontage road speed of up to 80km/h only. Wherever practicable sight distance provided at domestic property accesses should meet the values given in the second or third columns of the table.

Note 8. When checking sight distance the driver's eye height and the height of the object (approaching vehicle) are to be taken as 1.15m above the road surface.

B3.6 Design Requirements

DEVELOPMENT CONTROLS

Visitor Parking

B3.C25 Visitor parking spaces must be clearly line marked and sign posted.

B3.C26 Visitor parking spaces must be located near the main entrance of the building to encourage usage.

B3.C27 Visitor parking spaces must not be used for other purposes, such as the storage of boats, placement of garbage bins, etc.

B3.C28 Where visitor parking is permitted in the basement, a sign must be permanently displayed to direct the visitors to the parking spaces.

Disabled Parking Spaces

B3.C29 Disabled parking must be designed in accordance with Australian Standard AS2890.1 – 2004 (minimum width 3.2m).

B3.C30 Disabled parking spaces must be clearly line marked on the ground and sign posted.

B3.C31 Disabled parking must be located adjacent to the nearest disabled access to the building.

B3.C32 The path of travel from the disabled parking spaces to the building entrance must have adequate width and gradient in accordance with AS1428.1.

Loading & Unloading Facilities

B3.C33 Loading and unloading facilities must be provided for commercial and industrial developments.

B3.C34 Loading and unloading facilities must not be visible from streets or other public spaces.

B3.C35 Loading areas must be separated from car parking areas and not used for other purposes such as parking or the storage of goods.

B3.C36 Loading areas must be designed to accommodate appropriate turning paths in accordance with AS2890.2-2002.

B3.C37 Shared driveway access is permitted provided the delivery vehicles can use the loading areas without causing conflict with the movement of traffic on-site or in the street.

Parking and Turning Areas

B3.C38 Vehicles should enter and leave the site in a forward direction. Council will accept one of the entry or exit manoeuvres required to occur in one movement, and the second manoeuvre to be a three-point turn for residential developments.

B3.C39 Parking spaces (residential and other) must have a maximum longitudinal gradient of 5% and maximum cross fall of 6.25% measured in any other direction.

B3.C40 Residential vehicle aisles and manoeuvring areas must have a longitudinal gradient of no more than 25% (4:1) with a maximum cross fall of 6.25%.

B3.C41 Non-residential aisles and manoeuvring areas must comply with AS2890.1: Off-street Car parking.

B3.C42 The minimum width for curved driveways must comply with AS2890.1: Off-street Car Parking.

Turning Circles

B3.C43 In assessing manoeuvring areas for adequate swept path clearances the 85th Percentile turning circle outlined in AS 2890.1: Off-street Car Parking must be used.

Parking Space and Dimensions

B3.C44 The minimum parking space dimensions and aisle width for 45 degree, 60 degree, 90 degree and parallel parking must be in accordance with Figure B3.7 *Parking Spaces and Aisle Dimensions*.

B3 Parking, Traffic and Transport

B3.C45 Disabled parking spaces must be a minimum width of 3.2m.

B3.C46 Where the parking space has a wall or obstruction on one side higher than 150mm (such as walls, rails and columns), the width of the space must be widened by 300mm.

B3.C47 Where the parking space has a wall or obstruction on both sides higher than 150mm (such as walls, rails and columns), the width of the space must be widened by 600mm.

Width of Internal Roads

B3.C48 For internal roads leading to the parking area (excluding aisles with direct access to parking spaces) the limiting dimensions are as follows:

- One-way roadways or ramps – 3 metres minimum between kerbs;
- Two-way roadways or ramps – 5.5 metres minimum between kerbs;
- Double roadways or ramps – where there are to be two parallel roadways or ramps, separated by a median or separator, each roadway or ramp must be designed as a one-way roadway or ramp, and the median or separator must be 600mm minimum in width and between 125mm and 150mm in height, the preferred height being 125mm.

B3.C49 Where there is to be a kerb or barrier higher than 150mm and closer than 300mm from one edge of the roadway or ramp, the roadway or ramp must be widened to provide a minimum of 300mm clearance to the obstruction.

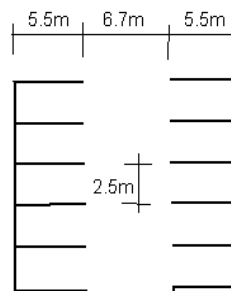
B3.C50 If there is to be a kerb or barrier on both sides, the width increase must be sufficient to provide 300mm on each side.

Circular Ramps and Sharp Bends

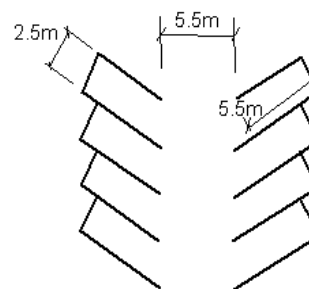
B3.C51 Circular ramps and bends must be designed to comply with Table 2.2 and Figure 2.9 of AS2890.1: Off-street Car Parking.

Vertical Clearance

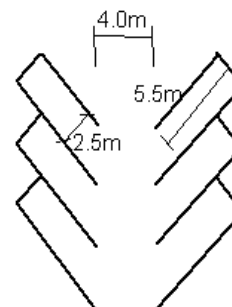
B3.C52 Vertical clearance must be designed to comply with Section 5.3 of AS2890.1: Off-street Car Parking.



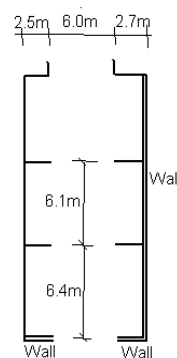
Add 1m to Blind Aisles
90 degree Parking



60 degree Parking



45 degree Parking



Aisle Width may be reduced to 4m for one-way traffic
Parallel Parking

Figure B3. 7: Parking Spaces and Aisle Dimensions

B3

Parking, Traffic and Transport

B3.7 Construction Requirements

DEVELOPMENT CONTROLS

- B3.C53 Preliminary details of construction materials for access and carparking areas must be submitted with the development application.
- B3.C54 The minimum standard of construction for all internal driveways and parking areas must be concrete pavement or gravel pavement sealed with bitumen or asphalt.
- B3.C55 Surface finishes must be slip resistant to the satisfaction of Council. Such finishes may include perforated paving blocks (grass-crete, BG blocks), segmental pavers or exposed aggregate concrete.
- B3.C56 Council may consider the use of consolidated unsealed gravel pavement for developments where traffic volumes are extremely low and where adequate provision has been made for landscaping treatment and erosion and sediment controls. Minimum gravel thickness must be 200mm and will depend on sub grade material and geotechnical considerations.
- B3.C57 Parking areas should be landscaped to provide shade, improve the visual amenity of hardstand areas and to provide a buffer between neighbouring land-uses.
- B3.C58 Shade trees planted between rows of cars must be protected from vehicular interference by the use of concrete sleepers, wheel stops, bollards or fencing. Treated pine logs are not acceptable.
- B3.C59 All trafficable and parking areas must be designed to avoid concentrations of water run-off on the surface. Grates and sumps must be provided where appropriate to achieve satisfactory disposal of surface water. Some areas will require pollution control treatment prior to drainage from the site.
- B3.C60 Every storey of a carpark, except an open-deck carpark, must have a system of ventilation complying with AS 1668.2 or an adequate system of permanent natural ventilation.

B3

Parking, Traffic and Transport

B3.8 Schedule of Carparking Requirements

The number of parking spaces required for a development has been determined based on the volume, type and turnover of traffic likely to be generated by the particular land use(s), the employment characteristics, peak parking demands and service requirements.

B3.C61 Development must provide off-street parking spaces and associated facilities in accordance with Figure B3.8 below. All calculations for number of spaces must be **rounded up** to the next whole number.

LAND USE	PARKING REQUIREMENTS	DISABLED PARKING
Dwelling House Dual Occupancy	1 space for each one or two bedroom dwelling; 2 spaces for each dwelling with three or more bedrooms; No visitor parking required	No requirement
Multi dwelling housing Residential Flat Buildings	1 space for each one or two bedroom dwelling; 2 spaces for each dwelling with three or more bedrooms; 1 visitor space for every three dwellings	No requirement
Home business	1 space PLUS 1 space for each employee	Parking should be capable of being used by disabled persons.
Hotel or Motel accommodation	1 space for each hotel unit	1 space for each tourist unit or site that is provided for people with disabilities.
Camping ground or Caravan Park	1 space per site PLUS 1 space per 10 sites for visitor car parking	or Where no tourist units or sites are nominated, provide at least 1 accessible disabled space, which does not need to be signposted.
Tourist and visitor accommodation (other than hotel or motel accommodation, serviced apartments)	1 space for each unit or dwelling PLUS 1 space per 2 employees	
Serviced apartments	See Port Stephens LEP 2013 for requirements	
Registered Club	1 space per 4m ² NFA	1 space per 15 parking spaces
Pub	<i>Within commercial centres</i> 1 space per 7m ² licensed floor area; and 1 space per 10m ² courtyard/beer garden Additional parking is required for bottle shops and employees. <i>Outside commercial centres:</i> 1 space per 3.5m ² licensed floor area	1 space per 20 parking spaces
Food and drink premises (other than a pub)	<i>Within commercial centres</i> 4.5 spaces per 100 m ² GFA <i>Outside commercial centres</i> 15 spaces per 100m ² GFA; or 1 space per 3 seats, whichever is greater A queuing area should be provided for a minimum of 5 cars for developments with drive through facilities, which should not inhibit the free flow of vehicles on or off the site.	1 space per 30 parking spaces
Commercial premises	1 space per 40m ² GFA	1 space per 30 parking spaces
Shop	1 space per 20m ² GLFA	1 space per 30 parking spaces
Bulky goods premises	1 space per 55m ² GFA	1 space per 30 parking spaces

Figure B3.8: Off street parking requirements for development

B3

Parking, Traffic and Transport

LAND USE	PARKING REQUIREMENTS	DISABLED PARKING
Vehicle sales or hire premises	0.75 spaces per 100m ² vehicle display area PLUS 4 spaces per work bay (for vehicle servicing)	1 space per 30 parking spaces
Markets	2.5 spaces per stall (customers only)	No requirement
Roadside Stall	4 spaces	No requirement
Service Station	4 spaces per work bay PLUS 1 space per 20m ² GLFA of convenience store	1 space
Drive-in Liquor Store	1 space per employee PLUS 2 spaces for 'browse room' customers, which should not inhibit the free flow of vehicles	No requirement
Plant Nursery	1 space per 130m ² nursery area	1 space
Industry	1 space per 100m ² GFA; and/or 4 spaces per work bay, whichever is the greater	1 space per 30 parking spaces
Warehouse	1 space per 200m ² GFA	1 space
Freight transport facility	1 space per for each vehicle present at the time of peak vehicle accumulation on the site (including both fleet and contract operator's vehicles).	No requirement
Child Care Centre	1 space for every 4 childcare places. A set-down/pick-up area should be provided on site.	1 disabled accessible space, which does not need to be signposted
Educational Establishment – schools	1 space per staff member PLUS Student parking at 1 space per 8 senior students A set-down and pick-up area must be provided on site.	1 space plus 1 space for each disabled teacher or disabled student with a car.
Educational Establishment - others	Car parking rates will be determined on merit (eg, TAFE, University, galleries)	
Health Consulting Rooms	3 spaces per practitioner PLUS 1 space per 2 employees/practitioner	1 space per 10 parking spaces
Medical Centre	4 spaces per 100m ² GFA	1 space per 10 parking spaces
Entertainment facility	1 space per 10 seats; or 1 space per 10m ² GFA, whichever is the greater	1 space per 30 parking spaces
Place of Public Worship	Car parking will be determined on merit	1 space per 30 parking spaces
Recreation Facility <ul style="list-style-type: none"> • Bowling green • Bowling alley • Squash/tennis courts • Gymnasium Indoor soccer/cricket/netball	30 spaces for first green + 15 spaces for each additional green 3 spaces per alley 3 spaces per court 5 spaces per 100m ² 15 spaces per pitch/court	1 space per 20 parking spaces
Marina	0.6 spaces per wet berth 0.2 spaces per dry storage berth 0.2 spaces per swing mooring 0.5 spaces per marina employee	No requirement
Tourist Boat	4.5 spaces per 100m ² GFA; or 1 space per 10 passengers (whichever is the greater). Satisfactory provisions for loading and unloading of passengers and goods	1 space per 20 parking spaces

Figure: B3.8 Off street parking requirements for development (continued)

B4

Commercial and Mixed Use Development

B4.1 Where this part applies

This part applies to all commercial development and to mixed-use development (that incorporates commercial and residential uses).

The residential component of mixed-use development must comply with the provisions of B8: Residential Flat Buildings. In the case of any inconsistency this part applies.

B4.2 Site Analysis

PRINCIPLES

B8.P1 A development proposal should demonstrate that design decisions are based on careful analysis of the site conditions and the relationship of the site to the street, to open space and to surrounding development.

DEVELOPMENT CONTROLS

B4.C1 A development application must clearly state how the design of the proposed development has responded to the Site Analysis.

B4.3 Uses

Commercial and mixed-use development is normally located in village, neighbourhood and town centres that are a focal point for communities for shopping, for services (banking, medical services, hair and beauty services etc), and for socialising (cafes, restaurants, cinemas etc). The appropriate mix of uses and their location is important for street vitality, safety and useability.

PRINCIPLES

B8.P2 Development should provide a mix of residential and non-residential land uses that is consistent with the availability of local services and public transport.

B8.P3 In mixed use development commercial office activities should be located on ground or first floor and residential uses on floors above ground level.

B8.P4 The scale and configuration of retail and commercial units should maximise the area of high quality commercial and retail floor space at street level.

DEVELOPMENT CONTROLS

B4.C2 On the ground floor fronting the primary pedestrian street (and the secondary street on a corner site) development should provide for

retail and/or commercial uses only, except for entries to residential dwellings above.

B4.C3 In mixed use development residential uses must be located on floors above ground level.

B4.C4 Each retail or commercial unit at street level must have a frontage to depth ratio between 1:1 and 1:3.

B4.4 Street Character and Front Setback

In commercial centres land uses are mixed, and development densities are generally higher than that of surrounding residential areas. Active, safe and viable centres are dependent on a good relationship between private development and the street or any other public places.

Development that is built to a consistent front alignment is effective in defining the street space and establishing the street character.

PRINCIPLES

B8.P5 Development should front onto streets, parks and other public spaces and contribute to safety, vibrancy and amenity of the street.

B8.P6 Development should respond to its context and the predominant streetscape qualities including building form, scale and character as well as local cultural or natural elements.

B8.P7 Development should provide an active interface between the ground level retail or commercial premises and the street.

B8.P8 Development should preserve solar access to significant parts of the public domain.

B8.P9 Large retail or commercial floor spaces not requiring continuous and direct connection to the street (such as supermarkets), should be located within the lot and sleeved by smaller floor spaces that face the street.

DEVELOPMENT CONTROLS

B4.C5 Development must be built to the street property boundary. Development on corner sites must be built to both street boundaries at the corner.

B4.C6 Development must provide clearly recognisable entries from the public street and a layout that accommodates entry from car parking areas where necessary.

B4 Commercial and Mixed Use Development

B4.C7 Development must provide display windows on the ground level facing the street, and habitable rooms with windows that overlook the street on all upper levels.

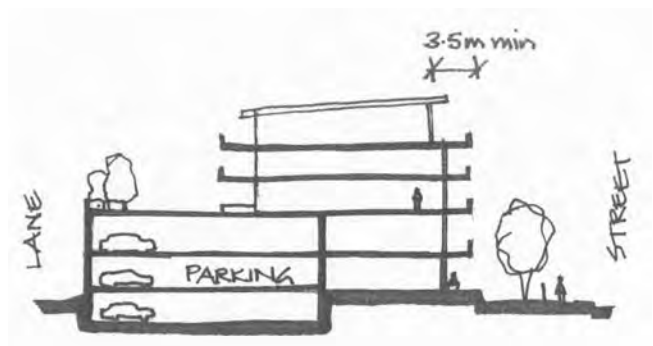


Figure B4.1 Car parking located at rear of mixed use development

B4.C8 Development must provide any service areas, carparks, or loading bays at a basement level or at the rear of the building (either at grade or as shown in Figure B4.1).

B4.C9 Development must provide a continuous or stepped solid box awning (as shown in Figure B4.2) for the full extent of building frontage. The awning must be 3m in width or 600mm less than the footpath width (whichever is the lesser), and must have a soffit height between 3.2m and 3.6m above the footpath level at any point.

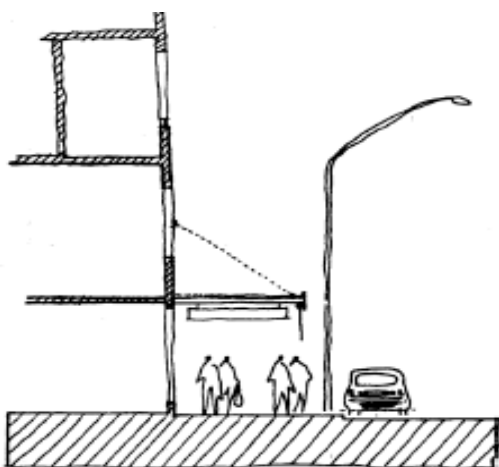


Figure B4.2 Awning must be a cantilevered steel box section that steps with the slope of the street.

B4.C10 Development must avoid dead edges at ground level (such as car parking frontages, blank walls and recessed spaces).

B4.C11 A large building or 'big box' type development must provide a sleeve of smaller buildings that conceal its bulk, and provides active frontage to the public street.

B4.C12 Security screens or gates must be visually permeable and allow the natural spill of light into the street.

B4.C13 Cafes and restaurant eating areas must face the primary street and open on to the public footpath. Cafés and restaurant uses on the first level above the street may be permitted directly behind the façade and in the adjacent space above the awning provided patrons can overlook the street, and provided development does not impede pedestrian safety and circulation on the footpath below.

B4.5 Scale and Bulk

Part 4 in Port Stephens LEP 2013 sets out the development standards relating to building height, where applicable.

This DCP includes controls for building setback and mandatory 'build to' lines, all of which determine the building envelope and hence the building scale and form. Bulk and scale are also controlled by the maximum permissible **floor space ratio** (FSR).

The gross floor area of a development is to be contained within the **building envelope** created by the maximum permissible height, and the controls for front building line, and side and rear setbacks.

However given all site constraints and the building envelope controls **it may not be possible to achieve the maximum permissible floor space ratio** on a site.

DEVELOPMENT CONTROLS

B4.C14 The maximum ratio of the floor space of the building to the area of the site must be 1.8:1 in Zones B1 Neighbourhood Centre, B2 Local Centre or B3 Commercial Core.

B4.C15 Development must achieve a **minimum** floor space ratio (FSR) of 0.3:1 for commercial floor space on the ground floor.

Note: This means that a mixed use building on a 2000m² lot must provide 600m² gross floor area for office or retail use at street level.

B4

Commercial and Mixed Use Development

B4.6 Building Height

PRINCIPLES

Development should achieve a scale and height in keeping with the existing and desired future character of the street.

DEVELOPMENT CONTROLS

Note: The following controls relate to *building height* as defined in the Port Stephens LEP 2013.

B4.C16 Development in Zone B2 Local Centre in Nelson Bay and Zone B3 in Raymond Terrace Town Centres should comply with the controls in Part C.

B4.C17 Development in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B3 Commercial Core in Salamander, Soldiers Point or Shoal Bay should not exceed four (4) storeys in height.

Note: A provision that relates to an architectural expression (i.e. number of storeys) is not inconsistent with building height and, therefore, can be expressed in a DCP. In this regard, the DCP control provides more detail on how the maximum height may be distributed on the site to achieve the objective of the height control.

B4.C18 Development in all other areas in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B3 Commercial Core should not exceed 2 storeys.

B4.C19 A basement car parking area or podium that extends more than 1.2m above **natural** ground level must be counted as one (1) storey.

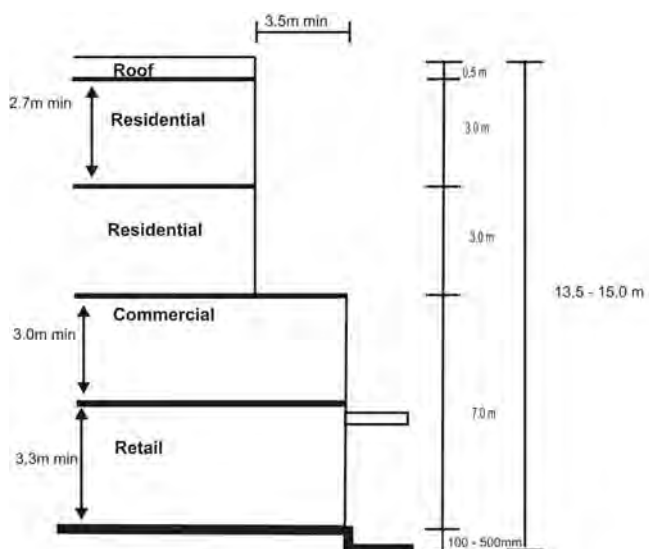
B4.C20 The entire building form, including parapets, lift tower, machinery plant rooms and storage space, must be contained within the permissible height.

B4.C21 Chimneystacks, vent pipes, television antennae and the like **may only** exceed the permissible height if they are not readily visible from the public domain (including neighbouring parks and streets on higher ground).

B4.C22 The ground floor of commercial and mixed- use development must have a minimum floor to ceiling height of 3.3m to allow flexibility of building uses over time.

B4.C23 The finished floor level of ground floor retail and commercial units must be 100-500mm above adjacent footpath levels.

B4.C24 Habitable rooms in residential dwellings must have a minimum floor to ceiling height of 2.7m.



Mixed Use Building Height
Maximum 4 Storey and 13.5 - 15.0 metres

Figure B4. 3 Floor to ceiling heights

B4.7 Side and Rear Setback

PRINCIPLES

B8.P10 Lower levels of development should be built to a consistent front alignment and height to define the street space and to establish the street character. Upper levels should be setback from the street.

B8.P11 At the street frontage, development should be built to the side boundary in order to maximise continuous active street frontage, except where side access.

B8.P12 Development should provide side and rear setbacks that ensure visual and acoustic privacy for existing and new residents.

B8.P13 Development should provide rear setbacks and to allow for landscape planting and access for parking and services.

B8.P14 To protect privacy for existing and new residents the primary door and window openings in residential living areas must face the street or the rear boundary, or be set back from the side boundary as specified below.

B8.P15 Building depth for the residential component of mixed-use development should be 10-14m to

B4

Commercial and Mixed Use Development

allow for good natural light and natural ventilation.

B8.P16 The residential component of mixed-use buildings should comply with the provisions of the Residential Flat Design Code (DIPNR 2002).

DEVELOPMENT CONTROLS

B4.C25 Development must be built to the street alignment at ground level and first level above the ground. Higher floors must be setback a minimum of 3m from the street alignment, such that façade walls are parallel to the street alignment.

B4.C26 Development must provide a minimum rear setback, from any adjoining residential lot or public reserve, of 5m plus 0.5m for each metre of height exceeding 8m measured at the rear of the building.

B4.C27 Development must provide a minimum side setback of 1.5m from any residential lot or public reserve.

B4.C28 Development over 2 storeys must provide a minimum setback of 6m from the side boundary to doors or windows of habitable rooms or private open space that face that boundary as shown in Figure B4.7 *Front setbacks and building depth* and Figure B4.8 *Side and rear setbacks*.

B4.C29 The residential component of mixed-use development must not exceed a depth of 18m and must achieve satisfactory natural lighting and natural ventilation to all habitable rooms.

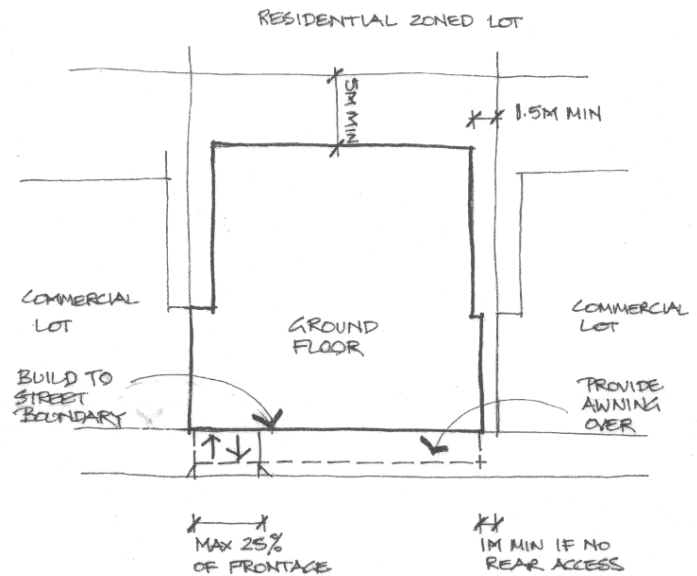


Figure B4. 5 Side and rear setbacks

B4.8 Building Design Elements

Building design includes façade articulation, window and door openings, shading elements, rooflines and materials and colours.

Façade articulation provides character, interest and human scale particularly for larger scale buildings. The placement of windows, doors and the treatment of otherwise blank walls should establish the vertical and horizontal rhythms and proportions of the façade.

PRINCIPLES

B8.P17 Façade design should relate to adjacent buildings and the streetscape character. Special attention should be given to heritage buildings and development that adjoins them.

B8.P18 Building design elements such as window areas, awnings, balcony depths, screening, and rooflines should respond to environmental conditions including sun orientation, noise exposure, overlooking, breezes and views.

B8.P19 Façade design should incorporate vertical articulation and building elements that express the traditional scale of ground floor retail units in the street.

B8.P20 Facades should aim to achieve visual interest, legibility and human scale through both repetition and variation of several design elements such as windows, balconies, awnings or screens. Refer Figures B4.9 *Façade with vertical elements* and B4.10 *Façade with horizontal elements*.

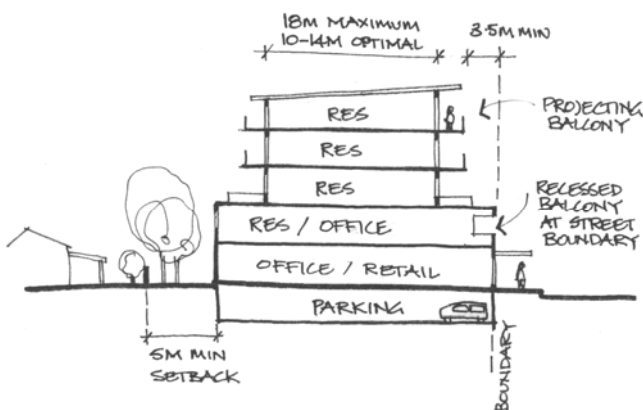


Figure B4. 4 Front setbacks and building depth

B4

Commercial and Mixed Use Development

B8.P21 External building colours and materials should be used to express building massing, articulation and detail elements.

B8.P22 Development on a corner site should create a strong corner building through additional massing, height and/or articulation to both frontages.

B8.P23 Ground floor facades should incorporate an appropriate combination of glass and masonry along the shop front to reduce glare, improve legibility of individual shopfronts, increase energy efficiency, allow more flexible use of interior space, reduce the opportunity for window damage and crime, and create visual interest.

B8.P24 Building design should use bay windows and French or Juliet balconies to provide façade articulation and to increase access to natural light and air.

B8.P25 Entrances should be clearly expressed to indicate to all users, including the elderly and visually impaired, the location of building access.



Figure B4. 6 Façade with vertical elements emphasised, window and balcony openings punched in masonry wall, and wall areas dominant

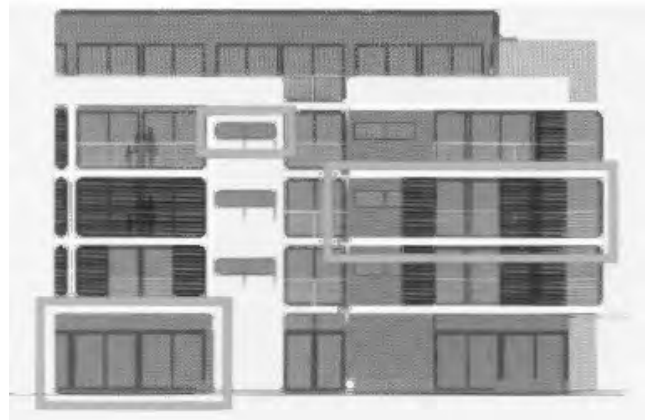


Figure B4. 7 Façade with horizontal elements, large window openings for views, deep balconies and awnings for sun protection and lightweight materials

DEVELOPMENT CONTROLS

B4.C30 Street façade design must use materials and architectural elements that are compatible with neighbouring buildings.

B4.C31 Building articulation and design elements including window areas, awnings, balcony depths, screening elements, and rooflines must be used to provide appropriate sun access and shade, privacy and views, and wind shelter and natural ventilation.

B4.C32 The selection of colours and materials must be used to express building massing, articulation or detail elements. Single colour buildings are not acceptable.

B4.C33 Blank walls to primary or secondary street frontages must not exceed 5 metres. Exceptions may be considered for laneways with adequate pedestrian lighting and visibility from adjoining streets.

B4.C34 Ground level windows should be clear glazed voids punched in solid wall with a low sill between 300 - 750mm, except where the approved use would be enhanced by bi-fold doors or similar.

B4.C35 Window glazing must make up at least 50% of the ground floor front wall. Glass curtain walls are not acceptable.

B4.C36 Ground floor entrances must be visually and physically emphasised through use of awnings, porticos, façade articulation, recessed doorways or the like. Doorways must not be recessed more than 900mm and the wall return must be angled as necessary to ensure good surveillance.

B4

Commercial and Mixed Use Development

B4.9 External Lighting

External building lighting is important for pedestrian way finding, safety and visibility. It is also important that lighting design avoids unnecessary light pollution for neighbours.

PRINCIPLES

B8.P26 Lighting to pedestrian areas should be energy efficient, incorporated into the building design and ensure safe, legible pedestrian access routes.

DEVELOPMENT CONTROLS

B4.C37 Commercial development must provide lighting to pedestrian paths, side and rear laneways and building entries, that ensures a clear line of site along pedestrian routes and that does not adversely affect the residential amenity of neighbours.

B4.C38 Lighting fixtures must be of low energy design, integrated in the building walls, and readily maintained by the owner. Sensor spotlights are not acceptable for pedestrian lighting.

B4.10 Energy Efficiency

PRINCIPLES

B8.P27 Buildings are to demonstrate ESD principles in construction, materials and operation.

B8.P28 The use of aluminium, plastics, rainforest timber, steel wall framing and materials that incorporate toxic chemicals in production processes/construction should be minimised. Preferred materials include clay brick, plantation timber, concrete, compressed fibre-cement boards or plasterboards.

B8.P29 Materials with a high thermal mass such as bricks, concrete and stone improve the energy efficiency of a building and are recommended for external walls.

B8.P30 External walls, floors and roofs are to be insulated to improve energy efficiency.

B8.P31 Sun-shading elements should be incorporated into the architectural expression of the northern and western façade of buildings.

B8.P32 All buildings should be designed with opening windows to maximise natural ventilation.

DEVELOPMENT CONTROLS

B4.C39 The design of the **commercial part of a building** must include:

- Re-use of existing buildings or building design capable of adaptation in the long term;
- Passive solar design principles used to avoid the need for additional heating and cooling;
- Substitution of non-renewable fuels for renewable fuels such as solar hot water heating;
- Use of recycled and/or low embodied energy building materials;
- Building depth and articulation (courtyards and light wells) that allows natural daylight into ground and first floor levels, and avoids reliance on skylights as the sole source of daylight and ventilation to habitable rooms; and
- Use of water conservation devices with an "AAA" Australian Standards Water Conservation Rating, including tap flow regulators, showerhead roses and dual flush toilets.

Note: BASIX is the environmental standard that must be attained to reduce water consumption and energy emissions. To obtain a certificate, applicants must complete an on-line assessment using the BASIX tool. Details are at: <http://www.basix.nsw.gov.au/>

B4.11 Landscape

PRINCIPLES

B8.P33 Street trees should be planted in the footpath, verge or in the parking lane.

B8.P34 Tree and landscape planting should be of a scale and extent that reflects the scale of proposed buildings and pavement areas.

B8.P35 Planting design should ensure low maintenance requirements and low water demand.

B8.P36 Plant selection should be predominantly local indigenous plant species or exotic species found in local traditional plantings.

DEVELOPMENT CONTROLS

B4.C40 A minimum of 10% of the ground level of the site should be landscaped in Zone B2 Local Centre and Zone B3 Commercial Core.

B4.C41 The following areas must be landscaped:

- The front building line setback;
- The side and rear setbacks if visible from a public place;

B4

Commercial and Mixed Use Development

- The perimeter of open storage areas to be landscaped as necessary to provide screening from public view; and
- Car parking areas to be landscaped to provide shade and to soften the visual impact of parking facilities.

B4.C42 Landscape planting must include advanced evergreen trees that would provide shade to 50% of open-air parking spaces in 5 years.

B4.C43 Predominantly local indigenous species must be used on sites that are located close to natural bushland and conservation areas.

B4.12 Public Domain Improvements

Public domain improvements include works in public areas (such as streets, squares or parks) and **may** at Council's discretion include works in privately owned areas that are **fully accessible** from the street (like building forecourts or arcade entrances).

PRINCIPLES

B8.P37 Public domain improvements should include street paving and, as appropriate, street furniture (such as seating, bins, and bike racks), street tree planting, landscape works, specialised lighting or public art.

B8.P38 Public domain improvements should contribute to the identity, character, safety, amenity and accessibility of the street and public areas.

B8.P39 Public domain improvements should be designed and installed to ensure the new assets are durable and can be readily maintained long-term.

B8.P40 Public art projects should support the expression of aboriginal culture and local heritage themes.

B8.P41 Larger public art schemes should be accompanied by a public art strategy identifying location, type of work and a process for commissioning artists, for design development and for fabrication and installation.

DEVELOPMENT CONTROLS

B4.C44 Development must provide paving to the public footpath for the entire length of the development street frontage(s) that meets Council's specification and relevant Australian Standards.

B4.C45 Public domain improvements must include street tree planting, street furniture (seats, bins, bike racks etc), public art, specialised lighting or landscape works as appropriate to the site.



Figure B4. 8 Public art as an expression of local identity, character or history.

B4.C46 Specialised lighting within the public domain must be located in high usage public areas and along high usage pathways only.

B4.C47 Development valued in excess of \$1m must incorporate a public artwork located in a visually prominent or culturally significant place within the public domain. Street furniture **may** be considered as public art where it is custom designed by an artist or artisan, reflects local identity or cultural heritage, and does not include advertising.

B4.C48 Development must provide secure, safe and convenient bicycle parking in the street where this is not currently available.

B4.C49 The paving of colonnades or setback areas must be contiguous with the public footpath and match the design and materials of the public paving.

B4.C50 Street furniture and paving design must take into account the needs of people with a disability and comply with AS1428.1 Design for Access and Mobility – General requirements for new building work.

B4.13 Access, Parking and Servicing

PRINCIPLES

B8.P42 Development should provide adequate on-site parking, loading and servicing areas for its occupants, users, visitors, employees as well as delivery and waste removal services. Development should provide essential car parking and access while encouraging the use

B4

Commercial and Mixed Use Development

of public transport as well as walking and cycling.

B8.P43 Development should maximise the retail frontage to primary streets and minimise disruption to pedestrian movement, safety, and amenity.

B8.P44 Access to on-site parking and services should not dominate the street frontage.

B8.P45 On-site parking should be screened behind buildings, fencing and landscaping.

B8.P46 Car park and access design should ensure the safe and efficient movement of vehicles within, entering and leaving properties.

B8.P47 Parking, service and loading areas should be provided at basement level or on ground level at the rear of development. In exceptional cases parking may be considered above ground level.

B8.P48 Service areas should be grouped and located out of site from public streets or open space and should not have an adverse impact on residential amenity.

DEVELOPMENT CONTROLS

B4.C51 Vehicle access to on-site carparking or service areas must not be located on the primary street frontage where access can be gained from a secondary street or rear lane.

B4.C52 Vehicle access at the primary street frontage must not occupy more than 25% of that frontage.

Note: Generally a development site must have a minimum street frontage of 25m to accommodate a two-way driveway crossing.

B4.C53 Access to development must be provided by one driveway only, and that driveway must be the minimum width to meet Council requirements.

B4.C54 Access to on-site car parking and servicing facilities must be designed perpendicular to the street alignment and must not ramp along a street or lane alignment.

B4.C55 On-site car parking areas must be not visible from the main street frontage and must be effectively screened from public streets or open space, using generous landscape planting with or without semi-permeable screening structures.

B4.C56 Landscape planting design must be integral to the carpark design and provide adequate

screening, pedestrian sightlines and shade through a combination of low plantings up to 900mm high and broad canopy clean-stemmed evergreen trees.

B4.C57 Ground level car parking areas must be sleeved by retail, commercial or residential floor space built to the street frontage or any frontage to public areas. Car parking areas directly fronting a street are not acceptable.

B4.C58 Parking layouts must provide direct pedestrian paths to buildings entries.

B4.C59 Facades or screening elements for carparks must be of high quality and allow natural lighting and ventilation.

B4.C60 Storage and loading or servicing areas must be located at the rear of a building and must not be visible from streets, parks or other public spaces (except for service lanes). In an existing building where a design resolution is impracticable, on-street loading bays **may** be considered by Council.

B4.C61 Servicing facilities for non-residential uses must be located and designed to protect the amenity of residents.

B4.C62 Residential parking areas must be secure and separate from non-residential vehicle parking and servicing areas.

C4

Nelson Bay Town Centre

C4.1 WHERE DOES THE PLAN APPLY?

This part applies to that area within the township of Nelson Bay bounded by the black solid line as shown in the below figure.

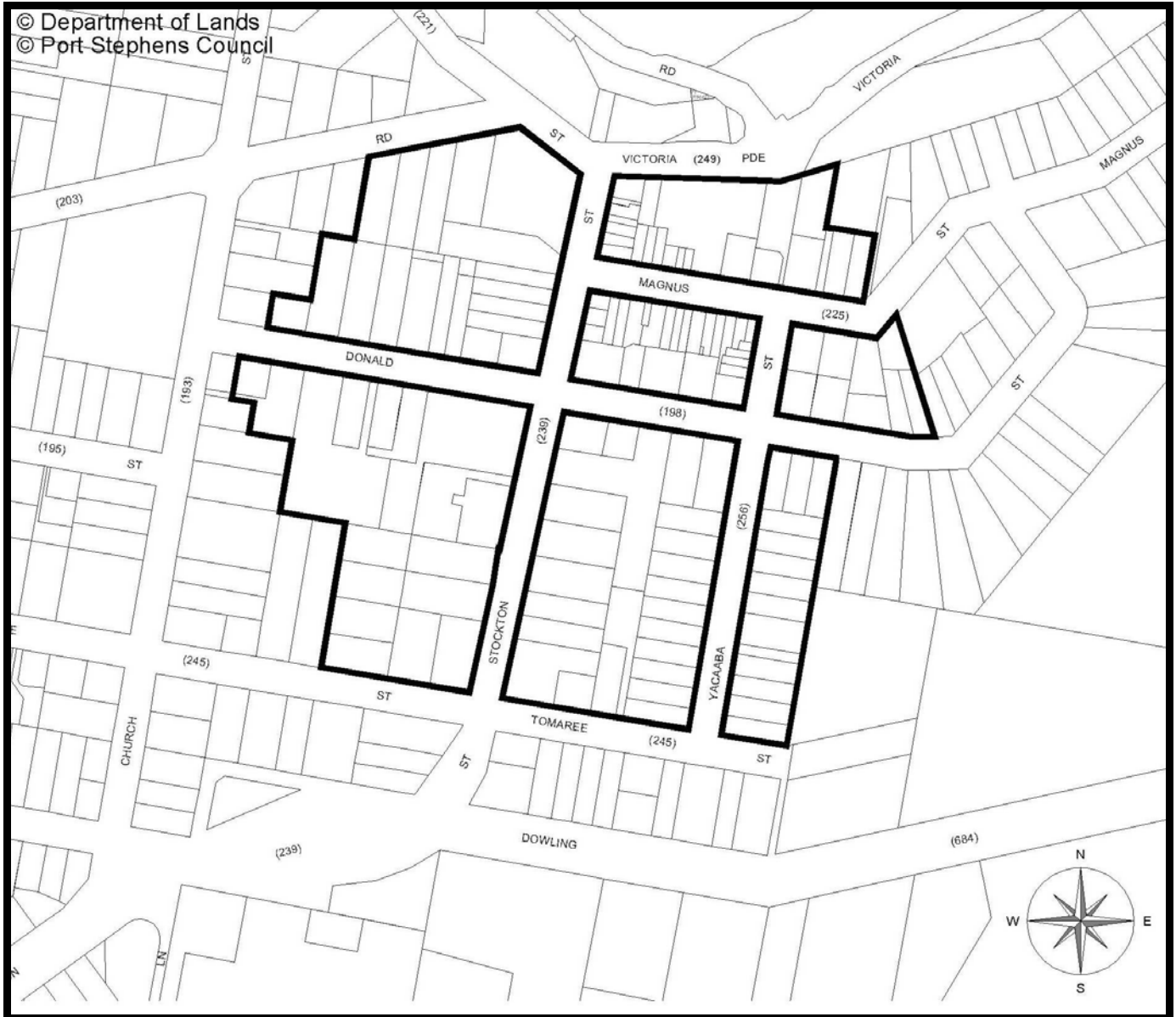


Figure C4.1: Nelson Bay Town Centre

C4

Nelson Bay Town Centre

C4.2 DEVELOPMENT CONTROLS AND PERFORMANCE CRITERIA

The following development guidelines outline the preferred ways of undertaking new building works to create attractive streetscapes that add visual interest and amenity to pedestrian areas, establish high quality urban forms, reflect the function of the street and improve the character of the commercial centre and its surrounds.

C4.2.1 Building Heights and Street Setbacks

Planning Objectives

- To place limits on development to ensure that views to the water and surrounding areas are adequately maintained and shared.
- To protect the urban environment by minimising the apparent size of buildings when viewed from street level.
- To limit the effects of overshadowing and to ensure adequate solar access is maintained especially within the street and nearby residential development.
- To encourage the development of corner sites to accentuate points of entry and nodal points.

Performance Standards

- Building heights should not exceed six metres at the property boundary. This guideline may be varied for corner sites where Council may have the discretion to offer street frontages with a height of up to 9m above the lowest natural ground level at the street boundary, providing the additional height makes a positive contribution to the urban character of Nelson Bay (eg use of splayed setbacks on the corner, use of spires/towers etc)
- Buildings offered this concession must step down at the side boundaries to provide a transition back to the standard 6m allowance.
- Buildings that exceed six metres in height are required to step back an initial 2.4 metres at the second floor with an increase of 1.2 metres for each additional floor. This will set a development control line as seen in Figure C4.2: Building Setbacks.

Design Guidelines

Buildings shall be designed with consideration given to the overall urban form of the commercial area. One off buildings that do not relate well to the street or nearby buildings should not be permitted. If required, Council may request for a developer to submit an Urban Design Statement which appraises the existing urban form and details how the proposed development makes positive contributions.

C4

Nelson Bay Town Centre

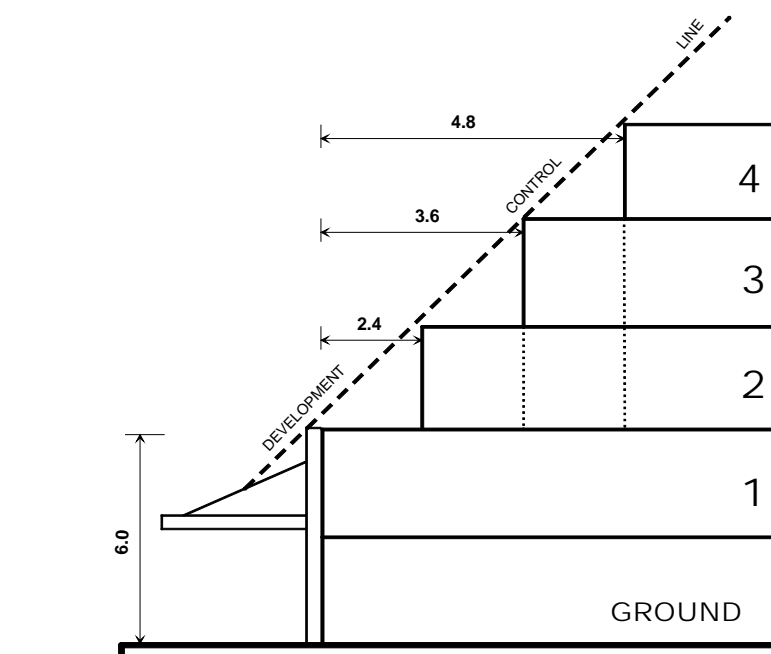


Figure C4.2: Building Setbacks

C4.2.2 Massing and Bulk

Planning Objectives

- To maintain and develop a strong commercial core within Nelson Bay by intensifying development within the main business area.
- The improvement of the streetscape character of the area by encouraging coherence in the built form whilst avoiding uniformity and repetition.
- To ensure that new development gives consideration to the existing pattern of commercial development whilst encouraging new initiatives and improvements.

Performance Standards

- Current Floor Space Ratios (FSR's) shall remain intact. Commercial FSR is 1.8:1 as identified in Chapter B4 - Commercial and Mixed Use Development.

Design Guidelines

- Buildings are to be designed so that consideration is given to how their height, bulk and scale are arranged in relation to their sites and adjacent buildings.

C4

Nelson Bay Town Centre

C4.2.3 Facade Treatment

Planning Objectives

- To properly acknowledge the importance that building facades have in the creation of streetscapes.
- To ensure that there is a level of consistency between building facades without unnecessarily restricting individuality or innovation.
- To ensure active street frontages whenever possible.

Performance Standards

- Large expanses of unbroken walls shall not be permitted.
- Commercial/Public uses such as restaurants or businesses that interact substantially with the public at the street level shall be encouraged.

Design Guidelines

Facades shall be given articulation by providing openings at regular intervals and be well proportioned with attention given to providing a balanced composition with respect to scale, size and architectural rhythm. Also, consideration shall be given to ensuring that consistency is maintained within the street.

C4.2.4 Fenestration and Other Openings

Planning Objectives

- To provide consistency between buildings by influencing the use of windows and other openings.

Performance Standards or Criteria

- The ratio of solid surface area to the area of the window and other openings occurring above awnings shall be in the proportion of 2:3. (i.e. the extent of window/openings should not exceed 60%.)

Design Guidelines

- Fenestration and other openings should contribute to the streetscape in a positive manner. Above awning fenestration and other openings should conform to the proportions of nearby contributory buildings to preserve the unity of the street facade.

C4.2.5 Balconies, Verandahs, Roof Terraces, Shade Structures and Awnings

Planning Objectives

- To encourage the use of balconies, verandahs and roof terraces as a means of providing additional outdoor and semi-outdoor spaces and as a means of providing casual surveillance to help reduce the risk and fear of crime.
- To encourage the use of awnings and shade structures in the commercial area as a means of providing improved conditions for pedestrians by offering protection from the sun and rain.

C4

Nelson Bay Town Centre

Performance Standards

- New awnings shall maintain the same alignment of existing awnings to reinforce the continuity of the street. Where a footpath is sloping, the awning shall maintain a horizontal alignment, stepping down at regular intervals to follow the topography. If possible step-downs shall coincide with architectural features and/or changes in use (ie at the junction of two shops). The number of step-downs shall be kept to a minimum.
- Awnings and shade structures shall be constructed to shade pedestrians and reduce glare, reflected glare and heat build-up on footpath surfaces and heat loading on buildings.
- Awnings shall be continuous for the entire length of a site's frontage. If possible they shall be extended over driveways and other access points in order to preserve the continuity. Awnings may be varied where there is a need to highlight the location of a major entrance into a building. Such variations should not exceed more than 30% of the awning's length.
- Awnings shall have a 750mm(min.) clearance from the face of kerb to avoid damage from vehicles and to enable the growth of street trees.
- Awnings shall have a height clearance above the footpath of between 3 and 4.2m.
- Balconies and verandahs may be allowed to intrude into the prescribed setbacks, however, encroaching balconies and verandahs shall not be enclosed except by balustrades or by dividing walls.

Design Guidelines

- The use of balconies, verandahs and roof terraces is to be encouraged to provide facade articulation, increase casual surveillance and to create interest in buildings. However, they must not produce adverse effects on the privacy of the occupants of adjoining buildings with consideration given to such aspects as privacy, over-shadowing, obstruction of views etc.

C4.2.6 Materials, Reflectivity and Colours

Planning Objectives

- To ensure that building materials are selected which enhance the urban character of the commercial area by promoting a sense of streetscape integration.
- To ensure that development does not create unpleasant conditions through the creation of hazardous and undesirable glare.
- To create a strong and consistent theme throughout the commercial centre which will assist in enriching the streetscape of Nelson Bay and creating an identifiable image.

Performance Standards

- Large areas of glass in above awning facades shall be limited to a maximum of 60% of the facade area.
- Building materials, glass and other highly reflective materials (apart from trims and other decorative elements and not exceeding more than 5% of the total facade area) shall have a reflectivity of less than or equal to 20%.
- All buildings shall use colour schemes derived from the range of colours nominated for the study area in the Nelson Bay Business and Foreshore District Strategic Plan (refer "Colour Schemes for Buildings"). This applies to all new buildings and those buildings undergoing renovation.
- Bricks having heavily mottled or textured finishes shall be avoided.
- The use of corporate colours to identify a business name shall be limited to signage and is not to be used as part of the facade colour scheme.

C4

Nelson Bay Town Centre

Design Guidelines

- Materials used above awning level shall reflect the materials used at ground level. This may be varied where buildings are stepped back off the boundary with materials used for the upper sections being consistent.
- The facade should be modulated using changes in colour, changes in material or surface relief, with trim coloured subtly accentuating architectural features.
- Glassed areas should be protected through the use of appropriate shading devices having regard for the orientation of the area to be protected.

C4.2.7 Pedestrian Access and Mobility

Planning Objectives

- To ensure that all members of the community, including the aged and disabled, may readily enjoy the facilities provided within the commercial area of Nelson Bay.
- To provide safe and convenient access throughout the area and to development.
- To assist in the development of pedestrian circulation paths separate to the existing road pattern.
- To encourage pedestrian movement throughout the entire centre without discontinuity's occurring in retail shopfronts at street level.

Performance Standards or Criteria

- Access arrangements shall comply with the requirements of AS 1428: "Design for Access and Mobility"
- Building entrances shall be well lit and provide shelter from wind etc.

Design Guidelines

- Where possible, arcades and/or other linkages shall be provided to interconnect streets and adjoining shops. This is particularly desirable within the core area of Magnus/Stockton/Donald/Yacaaba/Government (Victoria Parade) Streets.
- Arcades and other linkages shall be direct as possible, without excessive changes in direction. It is desirable to visually link one end to the other and avoid terminating arcades with a dead end.
- Wherever possible maintain an active shopfront below awning level. An active shopfront creates interest that encourages pedestrians to be drawn along the street and occurs where commercial/retail premises make a presentation to the street that is of interest to pedestrians.

C4.2.8 Lighting

Objectives

- To promote the creation of an attractive nightscape that will encourage people to use the commercial area for longer periods during the evening and night.
- To create well lit public areas by using the spill lighting of buildings to provide additional comfort and safety for pedestrians.

C4

Nelson Bay Town Centre

Performance Standards

- Strip neon, flashing or moving lights shall not to be used above or below awnings unless promoting a business that operates out of ordinary business hours (eg night clubs, restaurants, bars etc.).
- All external lighting shall be low energy/energy efficient.
- Below awning lighting should come from two sources: shopfront windows and downlights located within the awning and directed vertically towards the footpath.

Guidelines

- Buildings within the designated areas should have consideration given to above awning lighting. Generally this lighting shall be appropriately designed floodlighting with the intent of creating an attractive nightscape.

C4.2.9 Signage and Advertising

Objectives

- To minimise visual clutter that may detract from the preferred image of Nelson Bay.
- To ensure that all signage contributes to the character and amenity of Nelson Bay and, if possible, have it act as a unifying agent.

Performance Standards

- Signs are to be located to fit the form and geometrical pattern of building facades. The size and design of signs should complement the scale and architectural detail of the buildings to which they are attached. Signs should not obscure architectural detail.
- Signs shall be kept within the building envelope (ie no projecting signs). The following types of obtrusive signs are not considered acceptable:
 - projecting signs,
 - above awning signs (ie located on the awning),
 - pole signs,
 - roof signs,
 - fin signs, and
 - advertising signs.
- All advertising signage shall otherwise comply with Chapter B12 – Advertising Signs and Port Stephens Local Environmental Plan 2013.

Guidelines

- All signage occurring on the same building shall be complementary to one another.
- All signs shall be professionally prepared signs (ie no hand painted/stick-on letter signs unless done by a signwriter) and efforts should be made to make signs interesting incorporating high quality graphics with thought given to using cut-outs and 3D effects.
- The advertising of brand names shall be avoided with businesses concentrating on promoting themselves rather than the products they sell. The aim of this is to reduce the number of signs on a building ensuring that those signs erected have the greatest affect.

C4

Nelson Bay Town Centre

C4.3 STREETScape ELEMENTS

When trying to establish a theme for an urban area the greatest impact can come by controlling the public domain. This is achieved through the use of streetscape elements coming from a carefully selected and coordinated suite of materials. Such materials include street lighting, paving, landscaping, and street furniture.

Thus, where streetscape improvements are intended at the frontage of a proposed development, the developer will be required to provide such elements as detailed in the provisions of this plan.

C4.3.1 Footway Dining

Planning Objectives

- To create and encourage attractive, clean and tidy eating environments for patrons.
- To contribute positively to the streetscape of the Nelson Bay Commercial Area by providing and enhancing coordinated interaction areas between people and the built environment.
- To increase tourism potential and create a cosmopolitan atmosphere in the commercial area of Nelson Bay.

Performance Standards

- All outdoor eating areas are to be kept clean from food scraps and other associated litter at all times.
- Council must approve any proposed bollard barrier system or Art Screens.
- Any umbrellas or shade structures must be fixed securely to the footpath in the appropriate manner and kept in a well-maintained state.
- Any sail structures must gain approval from Council's Engineering Department and must be kept in a well-maintained state.
- Any applications for footway dining must comply with *Port Stephens Council Conditions and Procedures: Footway Dining Areas in Port Stephens*.

NOTE: Applications on Council owned land for footway dining; shade structures; bollards etc. require the approval of Council.

C4.3.2 Footpath Paving

Planning Objectives

- To provide a consistent and coordinated pavement colour scheme and tree planting/landscaping throughout the commercial area of Nelson Bay.
- To ensure consistency in the landscaping in order to contribute positively to the streetscapes in Nelson Bay.

Performance Standards

- Any new footpath paving or street tree planting that is required to be laid is to conform with the location, type, size, colour and pattern that are prescribed by Council.



PORT STEPHENS COUNCIL

Related to the Request for Proposals for
the Purchase, Ground Lease or Joint
Venture Development of
Commercial Development
Sites at Nelson Bay



SEAN FOX
LAND ACQUISITION & DEVELOPMENT MANAGER
PORT STEPHENS COUNCIL

Contents

RETURNABLE SCHEDULE 1 - REGISTRATION FORM.....3

RETURNABLE SCHEDULE 2 - FINANCIAL CAPABILITY.....4

RETURNABLE SCHEDULE 3 - CAPABILITY STATEMENT.....5

RETURNABLE SCHEDULE 4 - REFEREES.....6

RETURNABLE SCHEDULE 5 – DETAILS OF PROPOSAL.....7

RETURNABLE SCHEDULE 6 - LETTER OF CONFIRMATION AND ACKNOWLEDGEMENT.....8

RETURNABLE SCHEDULE 1 - REGISTRATION FORM

I/We the undersigned confirm our interest in the Nelson Bay Commercial Development Sites

Our submission contains the information required.

Name of Organisation: _____

ABN: _____

Organisation Registered Address: _____

Address for the Service of Notices: _____

Telephone: _____

Facsimile: _____

Email: _____

Mobile: _____

Name of Authorised Representative: _____

Signed: _____

Date: / / 2015

(Print Name): _____

Position/Title: _____

RETURNABLE SCHEDULE 2 - FINANCIAL CAPABILITY

Proponents are to provide documentation that they have sufficient financial capacity to undertake the Proposal.

Prior to any contract commitment a financial capability check will be carried out. This may include but is not limited to:

- Letter from the proponent's financier that funds are available to meet initial Purchase/Ground Lease/Joint Venture costs, intermediate design and professional costs and future development/construction costs.

PSC is committed to respecting the Proponent's privacy. PSC does not share the Proponent's information with a third party, unless required to do so by law, without the Proponent's consent. If you have any questions about this privacy statement please visit www.portstephens.nsw.gov.au/privacy

PROPOSERS SHALL ENSURE THAT SUFFICIENT INFORMATION IS PROVIDED TO ENABLE ASSESSMENT BY PSC.

Signature of Proponent: _____

Date: / / 2015

RETURNABLE SCHEDULE 3 - CAPABILITY STATEMENT

The Proponent(s) shall list relevant experience over the last ten years (including Joint Venture experience) to demonstrate capability to undertake developments similar in type and scale to what is permitted under the zoning.

The relevant experience summary shall include the following details:

- Introduction and Company Overview
- Comparable Development Achievements
- Contact Details, including details of Authorised Representative to receive correspondence and negotiate on behalf of the Proponent.

PROONENTS SHALL ENSURE THAT SUFFICIENT INFORMATION IS PROVIDED TO ENABLE ASSESSMENT BY PSC.

Signature of Proponent: _____

Date: / / 2015

RETURNABLE SCHEDULE 4 - REFEREES

Attach the details of two (2) independent referees who shall have no interest in the Proponent or the Sites but who are familiar with current operations and performance ability of the Proponent.

REFEREE 1

Name: _____

Position/Title: _____

Organisation: _____

Address: _____

Telephone: _____

Mobile: _____

REFEREE 2

Name: _____

Position/Title: _____

Organisation: _____

Address: _____

Telephone: _____

Mobile: _____

PROponents SHALL ENSURE THAT SUFFICIENT INFORMATION IS PROVIDED TO ENABLE ASSESSMENT BY PSC.

Signature of Proponent: _____

Date: / / 2015

RETURNABLE SCHEDULE 5 – DETAILS OF PROPOSAL(S)

Please provide within this Table your Proposal(s) for Purchase, Ground Lease or Joint Venture Development:-

East or West Site.	Proposal Details and Terms & Conditions

PLEASE ADD FURTHER PAGES IF THERE IS INSUFFICIENT SPACE

PROPOSERS SHALL ENSURE THAT SUFFICIENT INFORMATION IS PROVIDED TO ENABLE ASSESSMENT BY PSC

Signature of Proponent: _____

Date: / / 2015

RETURNABLE SCHEDULE 6 - LETTER OF CONFIRMATION AND ACKNOWLEDGEMENT

Each Proponent will execute a confirmation letter similar to the one set out below and lodge it with their proposal.

SAMPLE LETTER

(Letterhead of Proponent)

Mr Sean Fox
Land Acquisition & Development Manager
Port Stephens Council
PO Box 42
116 Adelaide Street
RAYMOND TERRACE NSW 2324

Dear Mr Fox,

RFP for COMMERCIAL DEVELOPMENT SITES at NELSON BAY

We refer to the Request for Proposals for the Purchase, Ground Lease or Joint Venture Development of the Commercial Development Sites at Nelson Bay issued by Port Stephens Council. Our response to the Request is attached.

We acknowledge that we have read and understood the invitation and in particular, the disclaimers set out in the

RFP documentation.

In submitting this RFP we agree:

- That, if we are at any time in the process provided with material identified as confidential by PSC we will sign a non-disclosure agreement that will oblige us and all our consultants to keep the nominated material confidential.
- To severally indemnify and keep indemnified PSC , its officers, employees, agents and advisors against any loss, liability or claim under or in respect of the RFP for the Purchase, Ground Lease or Joint Venture Development of the Commercial Development Sites at Nelson Bay

Yours Sincerely

SIGNED BY.....

(To be executed by a representative of the Proponent with each signatory acknowledging that they have been duly authorised to execute on behalf of the Proponent and inserting all relevant details).

WITNESS.....

Signature, Name and Address of Witness