

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	28/05/2013	10/06/2013	Amended
3	27/09/2016	24/10/2016	Amended
4	27/06/2017	10/07/2017	Amended

### Savings provisions

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

### Land to which this section applies

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

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

This section applies to all development consisting:

- business/commercial development
- industrial development.

### Applicable environmental planning instruments

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
- National Greenhouse and Energy Reporting Act 2007.

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: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

## Related sections

- Nil

## Associated technical manual/s

- Nil

## Additional information

- Green Building Council Australia <http://www.gbca.org.au>
- Your home technical manual <http://www.yourhome.gov.au>

## 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:

- **NABERS** - NABERS (the National Australian Built Environment Rating System) is a performance-based rating system for existing buildings. NABERS rates a commercial office, hotel or residential building on the basis of its measured operational impacts on the environment.
- **Urban heat island** - the areas of a metropolitan area which are significantly warmer than suburban or rural areas due to less vegetation and more land coverage.

## Aims of this section

1. To encourage sustainable development.
2. To encourage the innovation of energy efficient technologies and processes.
3. To encourage efficient use of resources and the use of recycled materials.
4. To promote best practice energy use.
5. To improve the efficiency of energy use and reduce the long term energy consumption for business and industrial uses.
6. To restrict the reflection of sunlight from buildings onto surrounding areas and buildings.

## 7.05.01 Business development

### Objectives

1. Provide business development that is orientated and designed to maximise the benefits of solar access.
2. Minimise the need for artificial lighting and employ energy efficient forms of artificial lighting only when required.
3. Use building materials which are renewable/sustainable and construction techniques that improve the thermal comfort of the building.
4. Minimise the demand for mechanical heating, cooling and ventilation through appropriate design, orientation and energy efficient mechanical equipment.
5. Maximise the use of energy efficient appliances in commercial businesses.
6. Provide adequate plantings and green space to reduce the urban heat island effect.

### Controls

The following controls apply only to “registered club, veterinary hospital, child care centre, community facilities, public administration building, health service facilities, tourist and visitor accommodation, business premises, office premises, retail premises, environmental facilities, sex service premises,” as defined within Newcastle Local Environmental Plan 2012, where not complying development

1. Development is to meet a minimum 4 Star Green Star Rating in the Green Building Council of Australia rating system where applicable.
2. An energy efficiency report from a suitably qualified consultant should accompany any development application for new commercial office development over \$5 million in estimated cost. The required report is to demonstrate that the building would achieve a rating of not less than 4 Star Green Star Rating in the Green Building Council of Australia Rating System where applicable.
3. The placement of glassing on new buildings and facades does not result in glare that causes discomfort or threatens safety of pedestrians or drivers, or negatively impact on adjoining development.
4. Building materials used on the facades of new buildings are low reflectivity.
5. Subject to the extent and nature of glazing and reflective materials used, a reflectivity report may be required that analyses potential solar glare from the proposed development on pedestrians or motorists.

The following controls apply only to “change of use applications over 2000m<sup>2</sup>” as defined within Newcastle Local Environmental Plan 2012, where not complying development

6. Development is to achieve a minimum 3.5 Star Energy Rating with NABERS.

## 7.05.02 Industrial development

### *Objectives*

1. Minimise the need for artificial lighting within industrial development through appropriate orientation and design that maximises solar access and natural lighting.
2. Employ energy efficient forms of lighting when artificial lighting is required.
3. Use building materials which are renewable/sustainable and construction techniques to improve the thermal comfort of the building.
4. Minimise the demand for mechanical heating, cooling and ventilation through appropriate design, orientation and energy efficient mechanical equipment.
5. Use energy efficient appliances where applicable.

## Controls

The following controls apply only to “correctional centre, research station, industries, rural industries, storage premises, boat building and repair facilities, depots, vehicle body repair workshop, vehicle repair station, warehouse or distribution centre, wholesale supplies”, as defined within Newcastle Local Environmental Plan 2012, where not complying development

1. Development is to meet a minimum 4 Star Green Star Rating in the Green Building Council of Australia Rating System.
2. New buildings and facades do not result in glare that causes discomfort or threatens safety of pedestrians or drivers.
3. Building materials used on the facades of new buildings are low reflectivity.
4. Subject to the extent and nature of glazing and reflective materials used, a reflectivity report may be required that analyses potential solar glare from the proposed development on pedestrians or motorists.
5. Orientate development as to minimise exposure to western side of development where possible.
6. Utilise landscape buffers in shading large expansions of walls.

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