

7.02 Landscape, Open Space and Visual Amenity

Amendment history

| Version Number | Date Adopted by Council | Commencement Date | Amendment Type |
|----------------|-------------------------|-------------------|----------------|
| 1 | 15/11/2012 | 15/06/2012 | New |
| 2 | 17/07/2012 | 30/07/2012 | Amended |
| 3 | 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 taking into consideration the provisions of this section.

Land to which this section applies

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

Development (type/s) to which this section applies

This section applies to all development requiring consent that consists of:

- a new building or structure
- alterations or additions to the external footprint of an existing building or structure.

Applicable environmental planning instruments and legislation

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

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

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

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

Related sections

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

- 5.03 Vegetation Management

Associated technical manual/s

- Newcastle Urban Forest Technical Manual
- Landscape Technical Manual
- Stormwater Technical Manual

Additional information

- Information on weeds species to avoid (www.dpi.nsw.gov.au)
- Newcastle Green Corridors and Landscape Precincts Plan 2005
- Newcastle Street Tree Master Plan (STMP)
- AS4970-2009 Protection of trees on development sites
- Public domain plans prepared by The City of Newcastle

Definitions

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

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

- **Landscaped area** - has the same meaning as in Newcastle Local Environmental Plan 2012. The term is defined a part of the site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.
- **Open space** - open space is considered to be any area other than buildings, roads or car parks. It can be for private, public or communal use and includes passive and active recreational functions.
- **Street trees** - trees within the road reserve.

Aims of this section

1. To create public places that strengthen our social connections.
2. To ensure public places provide for diverse leisure opportunities.
3. To ensure landscaping is integrated into the design of the development.
4. To improve stormwater quality and reduce quantity.
5. To provide habitat for native plants and animals.
6. To improve the microclimate and solar performance within the development.
7. To improve urban air quality.
8. To plan and implement significant development with provision for open space, in scale with the development that can be linked to a local open space network.
9. To encourage development that respects landscape opportunities, conserves significant and useful landscape elements and does not detract from the local environment.
10. To ensure buildings and structures do not detract from the character of rural areas.

7.02.01 Categories of development

Objectives

1. Provide a convenient checklist for evaluating the adequacy of landscape design details submitted with development applications.
2. Provide a reference for Council's objectives, requirements and procedures for landscape planning and design for development sites.
3. Encourage developers to appreciate landscape design as a fundamental and critical element in the preparation of a development proposal and to include landscape design considerations at an early stage in the planning process.
4. Provide comprehensive landscape design guidelines and advice.
5. Encourage comprehensive site planning of development where landscape planning and design is a vital and integral component.

Controls

For the purpose of this section development proposals are grouped into three categories, which determine the level of information required with a development application:

- **Category 1** - small scale development with relatively little impact on surrounding development. No landscape plan is required for Category 1 development.
- **Category 2** - medium scale development with potential visual significance and impact on the amenity of the host neighbourhood.
- **Category 3** - large scale development or development on prominent or ecologically sensitive sites with a high degree of visual significance and environmental impact.

Note: In general, proposals will be categorised according to the following schedule. Council reserves the right to make a final determination on the development category following consideration of a formal development application.

| Schedule of Landscape Categories for Development Types | | | |
|--|----------|-----------|----------|
| Development Type | Category | | |
| | 1 | 2 | 3 |
| Dwelling houses | ✓ | * | |
| Small scale alterations or additions | ✓ | * | |
| Change of use | ✓ | * | |
| Exhibition home | ✓ | * | |
| Dual occupancies | ✓ | * | |
| Rural dwellings | ✓ | * | |
| Advertising signs | ✓ | * | |
| Multi-dwelling Housing and Residential Flat Buildings | | 3-10 dwgs | >10 |
| Industrial development | | <\$2M | ≥\$2M |
| Special uses eg. schools, churches, hospitals | | <\$2M | ≥\$2M |
| Commercial development | | < or \$2M | ≥\$2M |
| Residential subdivision | | <20 lots | ≥20 lots |
| Rural/residential subdivision | | <20 lots | ≥20 lots |
| Industrial subdivision | | <20 lots | ≥20 lots |
| Designated development | Merit | | |
| Development in or adjacent to open space or historically, visually or ecologically sensitive areas | Merit | | |

*Development marked with a tick (✓) in the above table – some small scale developments may be considered significant because of their nature or where they occur and would fall into Category 2, as determined by Council.

Controls applying to landscape categories for development types to which this section applies

1. Landscape plan documentation for categories 2 and 3 development applications is in accordance with the following table:

| | Category | |
|---|--|--|
| | 2 | 3 |
| Site Survey and Analysis | 3 copies at DA stage | 3 copies at DA stage |
| Landscape Concept Plan/Master plan | 3 copies at DA stage | 3 copies at DA stage |
| Preliminary Landscape Design Report | N/A | 1 copy at DA stage |
| Comprehensive Landscape Plan, Specifications | 3 copies at CC stage | 3 copies at CC stage |
| Landscape Practical Completion Report by Landscape Architect or design consultant | 1 copy at occupation certificate stage | 1 copy at occupation certificate stage |
| Landscape Establishment Report | 1 copy at completion of maintenance period | 1 copy at completion of maintenance period |

2. All documentation for Category 2 development is prepared by competent and experienced designers such as:
- (a) landscape architects
 - (b) landscape designers with relevant tertiary qualifications such as TAFE and/or members of the Australian Institute of Landscape Designers and Managers
 - (c) specialist advice such as horticulture or tree surgery should be obtained from members of the Arboriculture Association of Australia, or the Australian Institute of Horticulture.

Note: The name and contact telephone number of the Landscape Architect or design consultant is to be indicated on the required documentation.

3. All documentation for Category 3 development is prepared by a Landscape Architect or similar qualified professional practising at the membership level of Registered Landscape Architect of the Australian Institute of Landscape Architects, or as determined by Council.
4. All required landscape works are implemented by members of the Landscape Contractors Association of NSW and/or similar qualified contractors. In the case of Category 3 development, implementation is under the supervision of the landscape consultant responsible for the design.

Note: Please refer to the Landscape Technical Manual for detailed design guidelines.

7.02.02 General controls

Objectives

1. Provide an area on sites where appropriate that enables soft landscape and deep soil planting that permit the retention and/or planting of trees and shrubs that will grow to a large or medium size.
2. Ensure areas of significant vegetation are maintained and protected.
3. Retain habitat for native fauna.
4. Ensure the character of development is appropriate for the local environmental context and the landscape character of the setting.
5. Ensure consideration is given to the impact which development may have on adjoining properties.

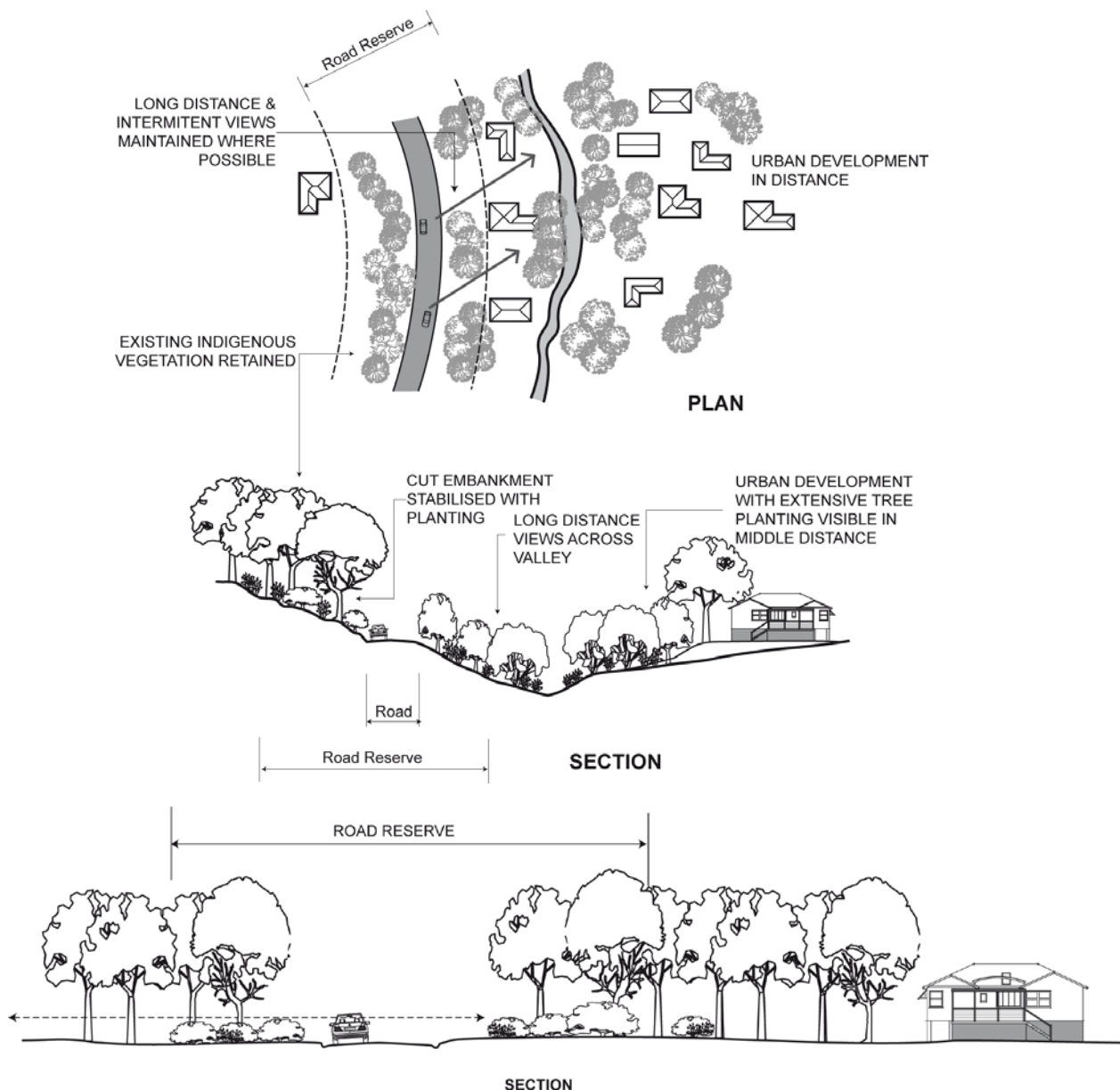
Controls

Controls applying to all development to which this section applies

1. Landscaping is in scale and context with the proposed development, street reserve width, other buildings and landscape elements within the streetscape, ie. it is not appropriate to plant a large tree in the front garden of a small terrace or to landscape a large industrial structure with ground covers.
2. Existing trees and vegetation should be preserved particularly street trees and those within the front setback. The existing tree canopy is retained and enhanced wherever possible.
3. Where possible integrate on-site stormwater management with the design of landscaped areas.
4. Plant species are selected and located to avoid structures, services and paths.
5. Undesirable species are not selected (See Appendix 1 of Urban Forest Technical Manual and Appendix B Landscape Technical Manual).
6. Deep soil zones are optimised within a site by:
 - (a) the design of basement and sub-basement car parking, so as not to fully cover the site and conflict with tree planting
 - (b) ensuring appropriate front and side setbacks are provided for tree planting
 - (c) that the soil profile is free draining
 - (d) works, excavations, infrastructure, services and drainage pipes are located away from the deep soil zone
 - (e) optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjacent properties.
7. Landscape treatment within the front setback is substantial enough to enhance the appearance and integration of the development with the streetscape.

8. Landscape design responds to user requirements, taking into account maintenance, social / recreational needs and aesthetic quality.
9. Plant species are suitable for site conditions, using native species where possible, and local indigenous species adjoining environmentally sensitive sites, such as waterways and bushland.
10. Landscape design is used to enhance the amenity and energy efficiency of the development where possible by providing shade to the northerly and westerly elevations of buildings in summer and adequate solar access in winter.
11. Landscape areas to address privacy issues between dwellings.
12. Significant site vegetation, landscape features incorporated in the public landscape areas of the development and linked to the local open space network where possible.
13. Adequate provision is made for planted buffer zones between major road corridors and nearby development. (Refer **Figure 1**).

Figure 1: Buffer between road and residential area



7.02.03 Subdivision

A. Layout

Objectives

1. Ensure subdivision layouts take into account landscaping and site characteristics.
2. Ensure significant landscape elements are retained and protected.
3. Minimise the impact of development on significant views and vistas.
4. Ensure adequate provision is made for planted buffer zones between major road corridors and nearby development.

Controls

The following controls apply to development consisting of subdivision

1. A landscape Concept Plan/Masterplan showing all stages of subdivision and development is submitted at development application stage as required under Section 7.02.01. The plan describes the existing landscape character and reinforces this character in the development.
2. Building envelopes, accessways and roads avoid ridge tops and steep slopes.
3. Landscape elements, including valuable wildlife habitats are retained and conserved.
4. Subdivisions are designed so that, when subsequently developed, visually significant vegetation, or other natural or built elements, is retained.
5. Proposals to subdivide visually sensitive or prominent areas address the visual impacts of development in the Statement of Environmental Effects accompanying the application.
6. Proposals for subdivisions of more than 50 lots includes a Visual Impact Statement that illustrates the nature and visibility of the proposal from both within the site and from significant viewpoints external to the site.
7. Natural drainage and open space networks are integrated into the landscaped area.
8. Topsoil is conserved.
9. Early structure planting is undertaken where possible before and during construction work.
10. Landscape work is maintained up to one year after completion of project.

B. Public open space

Open space planning continues to evolve from a standards-based approach. Current approaches focus on providing quality open space with a diversity of recreational experiences as an integral part of good neighbourhood design. The quality of design will have a direct bearing on how the community will use local open spaces and consequently, intra-generational levels of enjoyment and well-being for the future community.

Council is reviewing its open space, including assessment of the adequacy of open space in various catchments and clarification of its purpose. The need for and proposed location, type and extent of parklands and sporting facilities should be discussed with Council prior to submission of a development application.

Council may require the dedication of land free of cost for open space and/or a monetary contribution, depending on the number of lots to be created in the subdivision and the proximity and adequacy of other existing or planned open space.

Objectives

1. Ensure significant landscape elements are retained and protected.
2. Ensure vehicular and pedestrian circulation is clearly identified and separated.
3. Provide open space that:
 - (a) is meaningful to place and community
 - (b) is multi-functional and adaptable
 - (c) provides diversity of recreational experience
 - (d) encourages social interaction
 - (e) is safe, equitable and accessible
 - (f) enhances environmental sustainability
 - (g) is financially sustainable.

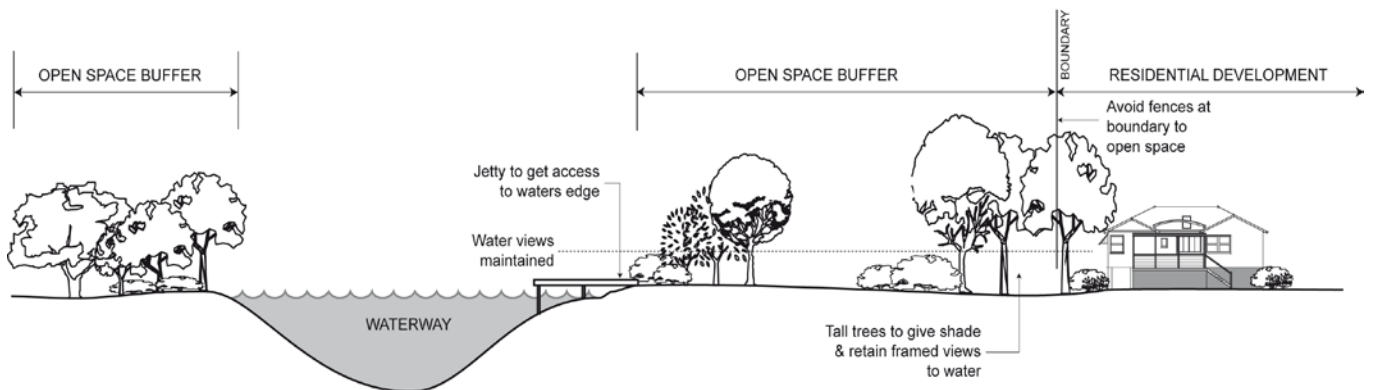
Controls

The following controls apply to development consisting of subdivision where public open space is proposed

1. A concept plan for open space is prepared, having regard to the following:
 - (a) the location, type and extent of existing open space in the locality
 - (b) location of natural or cultural heritage features
 - (c) the need to provide parklands of a usable size
 - (d) potential for augmentation, co-location and connectivity with proposed facilities and activity centres.
2. Parklands have frontage to roads, to provide for ease of access, allow for casual surveillance and assist with place making.
3. Local parklands include a playground (0-9 years), designed and installed in accordance with Council's standards and open areas to meet the needs of youth.
4. All dwellings within the subdivision are within 400m walking distance of a parkland and within 15 minutes drive of a district level facility.
5. Land intended as open space for active recreational use is:
 - (a) well-sited having regard to the movement network
 - (b) regular in shape
 - (c) level
 - (d) has access to all services
 - (e) has access to public transport
 - (f) has road frontage to facilitate access.
6. Council reserves the right to not accept dedication of land it considers unsuitable. Land identified as passive recreational space is generally unacceptable if it:
 - (a) is less than 5000m² in area, unless it adjoins existing or identified future public open space
 - (b) is required solely to ensure provision or protection of riparian zones
 - (c) contains identified bush fire Asset Protection Zones
 - (d) contains contaminated land
 - (e) has frontage of less than 50m to a public road
 - (f) serves primarily a stormwater management or drainage control purpose

- (g) contains locations or items of cultural significance.
7. New developments plan and provide interconnecting open space networks that integrate and conserve urban waterways and allow for ecological, aesthetic and recreation values while functioning as part of a stormwater drainage system.
 8. Where possible, buildings, large structures, roads and car parks are not constructed within public open space areas nor any other form of development which contributes towards the alienation of public open space.
 9. Development provides for the safe, convenient, and enjoyable movement of pedestrians, cyclists and other activities from surrounding areas to recreation facilities and open space areas.
 10. A buffer is provided either side of a major watercourse/wetland to control urban run-off and protect the wetlands. (Refer **Figure 5**).

Figure 5: Buffer from waterways



C. Drainage systems

Objectives

1. Recognise that drainage reserves may provide for a range of uses including recreation, conservation, as well as links between recreation areas and neighbourhoods.
2. Encourage the preservation and maintenance, where possible, of any existing watercourse and its corridor in its original condition in order to maintain the pre-urban amenity of the site.
3. Augment existing amenity through creating new water bodies and improving their landscape setting.
4. Minimise impact on existing amenity through a sensitive design approach which still achieves the drainage function.
5. Use multiple-use open space systems as wildlife corridors.

Controls

The following controls apply to development consisting of subdivision

Note: Hazard assessments may be required depending on the hydraulic characteristics of the proposal.

1. Development caters for pedestrian and vehicular access within the drainage system by providing footpaths, cycleway and parking areas along the margins, while recognising the hazards associated with people using these areas.
2. Access to all parts of the open space and drainage system is required for maintenance purposes.
3. Permanent water bodies within the detention basin are incorporated where possible to increase the amenity value of the area and contribute to the aesthetic quality of the development.
4. Consideration given to water quality and the incorporation of gross pollutant traps or wetlands filters upstream.
5. Consideration given to bank treatments and the provision for safety and access to water's edge.
6. Surface and subsurface treatments are suitable for intensity of use of the area and can be used as soon as possible after inundation, eg. stripping and stockpiling topsoil, adding gypsum, adding sand to topsoil to improve drainage.
7. If appropriate, automatic irrigation systems are installed in active sport areas. Consideration is also given to the installation of adequate watering points for maintenance.
8. The functional requirements of the open space areas are reflected in the overall design, eg. dry land grass species for informal low use areas, fine turf grass for organised sports, exotic trees within the residential component.
9. Planting within the overland flow paths is compatible with hydraulic design for the system, and as determined by Council.

7.02.04 Car parking

Objectives

1. Ensure car parks do not dominate the landscape and detract from the local environment.
2. Ensure where car parks are provided, they function efficiently and safely while having sufficient shade to reduce heat build-up and glare.
3. Ensure significant landscape elements are retained and protected.

Controls

Controls applying to development which contains more than six external parking spaces

1. Significant landscape elements are conserved and incorporated within the car park design.
2. Generous shade trees are planted within the parking area at a rate of at least one shade tree per six parking spaces with an aim to achieve at least 50% shade cover of the area. Shade area is to be calculated from the estimated crown projections of a tree 15 years in age under suitable growing conditions. Selected tree species are to develop a clean trunk height greater than 4.5m and a crown projection of at least 50m² to provide adequate shade and vehicle clearance. Landscape documentation is to detail the provision of sub-grade load bearing root vaults to provide suitable rooting volume for the required number of shade trees.
3. A landscape strip of between 1.5m and 3m is provided along the frontage to a street and/or other public space.
4. Reduce the visual impact of large parking areas using canopy trees and different surface treatments, such as permeable paving and the provision of pedestrian access.
5. Consideration is given to the following:
 - (a) using contrasting paving to delineate pedestrian and vehicular zones
 - (b) lighting for night use
 - (c) using kerbs or wheel restraints to contain and define parking areas
 - (d) using shrubs to screen cars from the street.
6. Clear sightlines are maintained between parking areas, public roads and paths.
7. Landscaping does not conflict with lighting services and casual surveillance of parking areas.
8. Trees and shrubs are positioned to provide adequate sight distance on corners and intersections of roads and paths within the development to avoid safety hazards to motorist and pedestrians.

7.02.05 Industrial development

Objectives

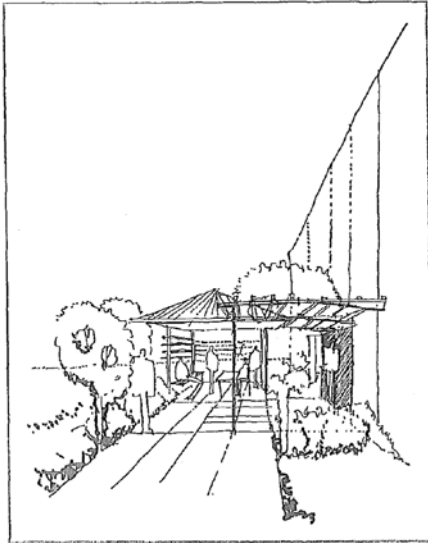
1. Improve the visual amenity of industrial developments using landscape design that relates to the building scale and uses long lived species.
2. Ensure industrial land uses are adequately screened from residential uses.

Controls

Controls applying to development within the B5 Business Development, IN2 Light Industrial, IN3 Heavy Industrial, IN1 General Industrial zones under the Newcastle Local Environmental Plan 2012

1. The front setback shall be landscaped.
2. Side and rear setbacks shall be landscaped where visible from a public place or adjoining or adjacent residential area.
3. Areas adjacent to building entrances and pedestrian access points are to be landscaped.
4. The perimeter of all approved storage areas are to be landscaped.
5. All loading and servicing areas are located to the side or rear of buildings and effectively screened from any street frontage, adjoining buildings and residential areas.
6. In open parking areas at ground level, one shade tree per six spaces is planted within the parking area as per section 7.02.05.
7. The provision of at least one street tree lot is planted within Council's footpath / verge, trees are to be planted no greater than 10m apart. The tree species selection will be in accordance with Council's Street Tree Master Plan.
8. All fencing in industrial developments is constructed of palisade or decorative open style metal type fencing with a maximum 1.8m height.
9. The use of sheet metal fencing or chain wire fencing on the front property boundary is not favoured.
10. All front entry gates are constructed to swing inwards into the site or slide across the frontage, at all times.
11. Masonry retaining walls along the street frontage are restricted to 600mm in height. Palisade or other decorative open metal type fencing may be erected on top of the masonry wall provided the total height of the masonry wall and fence is a maximum 2.4m in height.
12. Development with a floor area greater than 500m² or with a site area greater than 2000m² provides on site open space facilities for staff which includes:
 - (a) seating, tables and rubbish bin
 - (b) accessible staff amenities (eg. toilets and kitchen area)
 - (c) protection from the weather
 - (d) safe access to all staff
 - (e) separation from public areas
 - (f) location away from noisy or odorous activities
 - (g) orientation to ensure some exposure to sunlight.

Figure 6: Open space facilities for staff



Note: In assessing the landscaping requirements for industrial development the following criteria are also taken into consideration:

- the proximity of the development to public roads, railway lines, residential development and/or public places
- the nature and scale of the development proposal
- the extent of landscaping that has applied to existing development in the vicinity and the age of such development
- the location of services.

7.02.06 Green walls and roof space

Objectives

1. Improve the microclimate and solar performance within the development.
2. Contribute to the quality and amenity of open space where provided over built structures.
3. Encourage the establishment and healthy growth of trees and shrubs in urban areas.
4. Encourage green roof to be used in communal open space in mixed-use residential developments and non-residential developments where the landscaping will not be on natural ground.
5. Minimise the use of potable water for irrigating planting on structures.
6. Maximise green cover on roofs, walls and within open space to improve environmental conditions and improve energy and water efficiency.

Controls

The following controls apply for planting on roof tops, over car park structures or green walls, particularly for landscaping required as a component of mixed-use residential development, and in non-residential developments where the landscaping proposed is not on natural ground

1. Planting on structures is designed for optimum conditions for plant growth by:
 - (a) providing soil depth, soil volume and soil area appropriate to the size of the plants to be established
 - (b) providing appropriate soil conditions and irrigation methods
 - (c) providing appropriate drainage.
2. Planters are to be designed to support the appropriate soil depth and plant selection by:
 - (a) ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure healthy tree and shrub growth
 - (b) providing square or rectangular planting areas where possible, rather than narrow linear areas.
3. Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended:

| Plant Type | Minimum Soil Depth (m) | Minimum Soil Volume (m ³) |
|---------------------------------------|------------------------|---------------------------------------|
| Large trees (over 8m high) | 1.3 | 150 |
| Medium trees or shrubs(2m to 8m high) | 1.0 | 35 |
| Small trees or shrubs (up to 2m high) | 0.8 | 9 |
| Small shrubs and ground cover | 0.5 | Not applicable |

4. Green walls are used to enliven blank facades.
5. Water filtration is optimised by green roofs through the use of permeable paving.
6. Utilities such as plant rooms, lift overruns or air conditioning units are screened with green cover to improve the aesthetic quality of the development.