PART D: Development controls by land use

Section D6 Community services

Table of contents

1.0 Introduction

Community services are important gathering places for people to engage in activities, interact with one another, and build a sense of community. They provide important services to the community.

Community facilities are often distinctive buildings in the urban landscape and good design is important to ensure that they contribute to the streetscape. Good design is essential as these facilities and the activities within them can greatly impact the amenity of the surrounding area. Community facilities also offer opportunities to realise sustainability benefits including reducing energy consumption and increasing water efficiency.

2.0 Application

This section applies to all development consisting of:

- Early education and care facility
- Community facilities
- Correctional centres
- Educational establishments
- Health services facilities
- Information and education facilities
- Place of public worship
- Public administration building
- Research station.

General controls in sub-sections 8.0 to 16.0 are also applicable to land uses specified in sub-sections 17.0 and 18.0.

For development involving heritage items or heritage conservation areas identified under *Newcastle Local Environmental Plan 2012* (LEP 2012), a merit assessment will be undertaken to ensure the outcomes sought are balanced with heritage conservation outcomes.

3.0 Related sections

The following sections may also apply to development:

- B1 Flood management
- B2 Bush fire protection
- B3 Mine subsidence
- B4 Aboriginal cultural heritage
- B5 Historical archaeology
- B7 Land contamination
- C1 Traffic, parking and access
- C3 Vegetation preservation and care
- C4 Stormwater
- C5 Soil management
- C6 Waste management
- C7 Safety & security
- C8 Social impact
- C9 Advertising and signage
- C10 Street awnings and balconies
- C11 Development adjoining laneways
- C12 Open space and landscaping
- All of Part E: Place and precincts

The following sections will also apply to development:

- B6 Urban heat
- C2 Movement networks

4.0 Objectives

1. Maintain the streetscape, amenity and character of areas surrounding community services.
2. Ensure community services are appropriately located and designed.
3. Ensure residential development has a high level of privacy, comfort, security, amenity and liveability.
4. Promote adoption of best practice water efficiency and energy efficiency measures to create healthy work environments.

5.0 Explanatory notes

Urban Design Consultative Group

Proposals involving larger development which, by virtue of their location or scale, are likely to have a significant impact and may be referred to Urban Design Review Panel for independent advice.

In some instances, there will be the opportunity to discuss your proposal directly with the panel prior to lodgement of a development application (DA). They will be able to offer independent advice regarding the proposal and their recommendations and advice will be considered when assessing the development.

6.0 Definitions

A word or expression has the same meaning as it has in LEP 2012, unless otherwise defined.

7.0 Application requirements

Development category	Application requirements	
All applications that include the erection of a new structure or the extension of an existing structure may require a 3D model.	The format should be compatible to that used by City of Newcastle (CN). Format specification requirements for the model can be provided by CN's Geospatial Information Services team.	The 3D Model should be used to illustrate the following information: • context 'before' and 'after' streetscape drawings/images and/or photomontages; • shadow diagrams; and • assessment of impact on view corridors.
Childcare centres	A plan of management that addresses the following minimum requirements: • details of services to be provided, including number of children to be accommodated, age range of the children and hours of operation • schedule of compliance with accommodation standards and outdoor play area requirements of the *Education and Care Services National Regulations, 2011* • measures to minimise unreasonable impact to the habitable areas of adjoining properties • proposed staffing arrangements, including location and contact details of the centre manager • waste minimisation and recycling • professional cleaning details (as a minimum, facilities such as kitchens and toilet areas must be cleaned to a professional standard daily) • provision of safety and security measures, this may include but not be limited to such things as internal signage indicating the centre manager and contact number • emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of perimeter lighting, appropriate fencing and security gates, keys for security entrance doors be made available to essential services such as fire brigade in case of emergency • procedures for the management of emergencies and the safety and welfare of children, including procedures for the evacuation of the centre in the event of an emergency • an appropriate form of centre management with responsibility for the operation, administration, cleanliness and fire safety of the premises,	

	including compliance with the Plan of Management and an Emergency Management and Evacuation Plan must be provided for the premises.	
Place of public worship	A plan of management, that addresses the following minimum requirements: • frequency of all proposed services, events and the like • proposed hours of operation of all proposed services and events and the like • likely number of persons to attend each type of service, event, etc, and whether street parades or road closures are proposed • other uses that may take place within the place of worship (i.e., community use, childcare, religious classes etc), the frequency of these uses and the number of patrons proposed • particular custom or practice (such as ringing bells) that may occur and the frequency and length of such ritual • nomination of a contact person that will be responsible in responding to any issues or complaints • details of the facilities to be provided, including seating capacity, audio-visual equipment, and any other necessary facilities • procedures for the management of emergencies and the safety and welfare of attendees, including procedures for the evacuation of the premises in the event of an emergency.	
Any development that may require an acoustic report or a noise impact assessment.	An acoustic report or noise impact assessment is warranted when a noise-producing development is proposed near noise-sensitive areas or, conversely, when a noise-sensitive development is proposed in a noisy area. An acoustic report should: • consider and apply relevant noise guidelines or policies – for example, those nominated by planning authorities in planning instruments (e.g. DCPs and/or planning approvals) or in pre-DA meetings for a development • clearly describe assessment methodologies and include calculation data • adequately consider relevant factors such as the effects of weather, extraneous noise sources, potentially annoying characteristics of noise sources and operating conditions at the time of measurements • ensure any recommendations concerning acoustic attenuation are feasible and can be practically implemented.	A noise-sensitive development may include but is not limited to residential accommodation, educational establishments, early education and childcare facility, health services facility, place of public worship or the like. More guidance can be found in the *Noise Guide for Local Government, 2023* (NSW Environment Protection Authority) and, *Approved Methods for the Measurement and Analysis of Environmental Noise in NSW, 2022* (NSW Environment Protection Authority).

An application for development, including a change of use involving building work.	An access report identifying the relevant matters to be addressed at the construction certificate stage, in circumstances where access constitutes a substantive public interest aspect of a proposal. Access reports should be prepared by a person who is a suitably qualified access consultant, such as a person who is appropriately accredited by the Association of Consultants in Access Australia Inc.	The *Disability (Access to Premises – Buildings) Standards 2010* applies to any part of a building impacted by the application for a change of use. This section does not require anything beyond the standard, but does require information on how the standard will be met through the building design in accordance with these application requirements. There may also be other standards under the *Disability Discrimination Act 1992* relevant to the public interest assessment of a particular proposal, such as the *Disability Standards for Education 2005*.
An application for a change of use not involving building work.	An access report to consider access matters, in circumstances where access constitutes a substantive public interest aspect of the proposal. Access reports should be prepared by a suitably qualified access consultant, such as a person appropriately accredited by the Association of Consultants in Access Australia Inc.	A change of use not involving building works may generate public interest considerations relevant to the assessment of a DA, including in circumstances where it is apparent that a building may not comply with the access requirements of the *Building Code of Australia*.
All forms of development, including a change of change of use, if there is a built form element.	Shadow diagrams are to be supplied that graphically indicate how the requirements in sub-section 12.0 of this section have been achieved. Shadow diagrams must show the effect in plan and elevation view of the existing and proposed overshadowing for June 21 at hourly intervals between 9:00am and 3:00pm. The shadow diagrams must: • be drawn to an appropriate scale (generally 1:100 or 1:200) • use different colours or styles to clearly differentiate between existing and proposed shadows • indicate the footprint of neighbouring buildings impacted by existing and/or proposed shadowing, including the location of any windows, skylights, private open space/s, clothes drying areas, solar panels and/or solar hot water systems • specify the use of the rooms that have windows or skylights that are impacted by the existing or proposed shadowing • indicate and use true north point (not magnetic north) • include elevation views where windows of living areas are impacted.	

8.0 Streetscape and front setbacks

Objectives

1. Ensure development integrates with the surrounding environment and built form and makes a positive contribution to the local context.
2. Maximise opportunities for walking and cycling and where possible.

Controls (C)	Explanatory notes
C-1.Within established areas the front setback is consistent with those of adjoining development. Some variations to the prevailing setbacks can be considered particularly where such variations are used to create streetscape variety and interest.	
C-2.Within established areas, the building height is consistent with those of adjoining development. Some variations to the prevailing building height can be considered particularly where variations are used to create streetscape variety and interest.	
C-3.Development of a site where the adjoining properties are vacant is to have a front building setback of a minimum 6m.	
C-4.Development facilitates pedestrian access from the street frontage and provides individual identity to buildings.	
C-5.Development is to provide footpaths for the full width of any site frontage. Where the proposed footpath will adjoin and connect to an existing or approved footpath on an adjoining site, the width of the proposed footpath is to match this footpath width. See C2 Movement networks for detail.	As per Section C2 Movement networks, when determining the requirement for footpaths, considerations by CN may include, but are not limited to the following: • the development type, scale and density • planned or likely intensification of an area • adjoining or surrounding footpath infrastructure and surface treatments • condition of any existing footpath and need for replacement • CN forecasted infrastructure and asset projects or capital works programs • topography of the road reserve along subject site frontage • the presence of any utilities, services, assets, street trees, street furniture or the like. • CN public domain plans and standard drawings for footpaths. For more intensive developments, it may be a CN requirement to extend footways beyond the site frontage such as to connect to public transport or nearby services to support the development.

9.0 Side and rear setbacks

Objectives

1. Development is consistent with and complements the desired built form prevailing in the street and local area.
2. Setbacks maintain the amenity and privacy of public spaces and adjoining dwellings and their private open space.

Controls (C)	Explanatory notes
C-1.Design is to: a. ensure adequate natural light, ventilation and privacy between buildings b. protect public tree assets c. consider the impact on solar access and private open space of adjoining dwellings.	Side and rear setbacks are also specified for locality specific locations. Development undertaken off site requires approvals. This includes the use of public footpaths.
C-2.For a centre-based child care facility, the side setback to access doors from children's internal space is a minimum of 4m.	

10.0 Street activation

Objectives

1. Ensure activation of street frontages to ensure a safe and accessible environment.
2. Attract pedestrian traffic along ground floor street frontages in employment zones.

Controls (C)	Acceptable solutions (AS)	Explanatory notes
C-1.Activated street edges provided at the interface to the public domain at ground level.		An active building frontage promotes activity on the street. It usually has transparent glazing to allow unobstructed views from the adjacent footpath to at least a depth of 6m within the building. Clearly defined entrances, windows and shop fronts are elements of a building facade that can contribute to an active street frontage.
C-2.There is a visual connection into uses at ground level, and solid walls or covered glazing for lengths greater than 3m are avoided.		
C-3.A minimum of 50% of a building's primary frontage is an 'active frontage', except in the Newcastle city centre where this is to be a minimum of 70% of a building's primary frontage.		
C-4.External works complement the character of the streetscape.	AS-1.Widen footpaths at intersections adjacent to corner buildings, providing for the extension of civic or ancillary commercial activity such as outdoor eating, rest areas and meeting places. AS-2.The creation of pedestrian spaces provided with seating and landscape treatment where possible to reinforce the existing network and land use patterns.	

11.0 Building design and appearance

Objectives

1. Ensure development responds to its context and makes a positive contribution towards the desired streetscape.
2. Building facades and exteriors shall be designed to:
   a. contribute positively to the streetscape
   b. be of high visual quality
   c. incorporate a sensitive mix of colours, materials, treatments and finishes that are sympathetic to the site's context
   d. use durable and energy efficient materials
   e. avoid unsightly visually dominating features
   f. minimise noise transmission.

Controls (C)	Explanatory notes
C-1.Design and construct buildings to consider features of existing areas which are integrated into the development such as: a. corner feature sites b. traditional street and lane patterns c. pedestrian walkways and other public open space areas d. pavement design, including materials and finishes, kerb and gutter treatment e. fine grain architectural detail.	Subject to the extent and nature of glazing and reflective materials used, a reflectivity report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required. See section B6 Urban heat for further detail.
C-2.Visually integrate development with the surrounding area and adjoining buildings through appropriate design, including articulation that responds to datum lines of key components of adjoining buildings such as street wall height, street setback, awnings, parapets, cornice lines and setbacks above street wall height.	
C-3.Buildings at the junction of street corners: a. incorporate an elevation which directly faces the corner b. provide a 4m by 4m truncation, to be dedicated as road reserve c. incorporate a 4m by 4m concave building chamfer at the corner for the full height of the building d. provide a well-designed facade, including: i. windows and openings ii. pedestrian entrances, particularly on the building chamfer iii. projections and articulation.	
C-4.Buildings are to have a maximum floor plate of 1200m² before buildings need to be split and identified as separate building elements.	
C-5.The continuous length of a single building on any elevation is not to exceed 60m. Where the building length is proposed to be greater than 60m, provide a recessed or articulated area sufficient to present to the street as a separate building.	
C-6.Monolithic structures with repetitive elements are to be avoided by segmenting building facades into vertical elements with individual modulations.	

C-7.Avoid large expanses of blank, unarticulated facades of the same or similar material, including reflective glass.	
C-8.Design roof lines to create a visually interesting skyline with roof plant and lift overrun integrated into the overall architectural design of the building.	
C-9.Development shall minimise the use of virgin materials, maximise energy efficient materials and use durable materials and finishes to reduce ongoing maintenance costs. Subject to compatibility with the desired character of the area, face brickwork, stone, concrete and glass are encouraged.	
C-10.Exterior facades are designed to minimise the opportunity for sound transmission. Depending on surrounding land uses and the nature of the proposal, an acoustic report may be required, demonstrating how sound transmission is minimised.	
C-11.Building design is to integrate ramps and lifting devices for stairs, or ramps at an entrance, without requiring users to travel significantly greater distances than people without a disability.	

12.0 Amenity – internal and neighbours

Objectives

1. Buildings use natural cross ventilation to reduce air conditioning use and provide healthy work environments with good daylight and solar access.
2. Workplaces provide accessible open space for staff and employees.
3. Maximise sunlight to habitable rooms and private open space.
4. Ensure solar access enables passive solar heating in winter and provides a healthy indoor environment.
5. Ensure development retains reasonable levels of solar access to neighbouring properties and their solar panels and private open space.

Controls (C)	Acceptable solutions (AS)
C-1.Workplaces should be designed and configured to maximise equitable access to daylight.	
C-2.Enclosed spaces and rooms should be limited along the building perimeter to maximise natural daylight access.	
C-3.Promote natural cross ventilation with buildings of narrow floor plates and operable windows on opposing facades.	
C-4.Opening windows should be located away from site conditions that would lead to them not being opened or used, examples being busy roads, noisy equipment, and sources of odour.	
C-5.Locate and design communal open space to benefit from daylight and natural ventilation.	
C-6.Provide natural ventilation to basement parking that has external walls above ground level.	

C-7.For an adjoining dwelling, the living room window and principal private open space receives at least two hours of direct sunlight between 9am and 3pm on winter solstice. Where the window or principal area of private open space is already overshadowed, solar access is not further reduced.	
C-8.Give consideration to neighbouring properties' solar panels and the loss of sunlight to these panels from any development proposal, having regard to the performance, efficiency, economic viability and reasonableness of their location.	AS-1. Where reasonably practicable sunlight to any existing solar panels should not be reduced to less than two hours between 9am and 3pm on 21 June.
C-9.An application for development including a change of use is to provide an access report in accordance with the application requirements above.	

13.0 Views and visual privacy

Objectives

1. Encourage the sharing of views while not restricting the reasonable development potential of a site.
2. Minimise direct overlooking of adjoining residences.

Controls (C)	Explanatory notes
C-1.Existing views from dwellings are not substantially affected where it is reasonable to design for the sharing of views.	Where views are potentially compromised, an assessment of the view loss must be undertaken having regard to 'Views – General Principles' of the NSW Land and Environment Court (presently *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*). Refer to Section E1 Built and Landscape Heritage and Section E2 Heritage conservation areas.
C-2.Grand vistas and views from dwellings which are recognised and valued by the community are not unreasonably obscured by development.	
C-3.Views to heritage or familiar dominant landmarks from dwellings are not unreasonably obscured.	
C-4.A window in any part of an existing premises being altered or added has a privacy screen for any part of the window less than 1.5m above finished floor level of each storey if: a. the window faces a building used for residential accommodation on an adjoining lot, and b. the wall in which the window is located has a setback of less than 6m from the boundary of that adjoining lot.	
C-5.A window in a development must have a privacy screen for any part of a window that is less than 1.5m above the finished floor level of each storey or edge of a terrace, balcony or verandah where: a. the window, terrace, balcony or verandah faces a building used for residential accommodation on an adjoining lot, and b. the wall in which the window is located, or the edge of the terrace, balcony or verandah is less than 6m from the boundary of that adjoining lot.	

14.0 Fencing and walls

Controls (C)
C-1.The use of fencing and walls along street frontages is not supported.
C-2.Fencing design adjoining public places is: a. not sheet-metal fencing unless the visual impact is softened by a sufficient landscape buffer b. not higher than 3m above ground level (existing) c. not of masonry construction to a height that is more than 1.2m above ground level (existing) d. complements the existing streetscape in relation to scale and materials and uses similar or compatible materials to those used in attractive buildings within the locality e. open for at least 75% of the area of the fence that is more than 1.2m above ground level (existing) if located on the boundary of, or within the setback area.

15.0 Utilities, services and site facilities

Objectives

1. Reduce visual clutter and visual bulk of development by appropriately locating, orientating and screening services such as substations, hydrant boosters, plant equipment and mailboxes.

Controls (C)	Acceptable solutions (AS)	Explanatory notes
C-1.Services are substantially screened from the street, public domain and neighbouring buildings by elements such as landscaping, fencing or walls, in a manner that reduces its visual dominance and reflects the desired character of the area.		
C-2.Substations are integrated into the overall building design, are complementary to the building fabric and wherever possible, not be located in public areas or be visible from the public domain.		
C-3.Ventilation stacks servicing basement garages are not located in the street setback or any common open space and should be concealed within the building.		
C-4.Mailbox structure/s are integrated into the building design, do not dominate the street elevation and harmonise with the building aesthetic and landscape treatments.	AS-1.Mailbox points are preferably embedded into a wall. AS-2.Larger developments provide internal mailboxes in common foyers. AS-3.Mailbox groups are perpendicular to the street (rather than parallel to the site frontage).	
C-5.Mailboxes are in a location with passive surveillance and lighting to discourage mail theft.		

16.0 Acoustic privacy

Objectives

1. Minimise sound transmission and noise pollution.

Controls (C)	Explanatory notes
C-1.Adequately address noise sources impacting residential habitable areas to ensure appropriate internal noise levels are achieved in respect to appropriate legislation, guidelines and standards. This may require applicants to obtain an acoustic report or a noise impact assessment from an appropriately qualified and experienced acoustic engineer to support their application.	For further guidance on noise attenuation, refer to the relevant sections of the *National Construction Code*, associated handbook, including: • *Part F5 'Sound transmission and insulation'* in Volume One for Class 2, 3 and 9c buildings • Handbook: *Sound transmission and insulation in buildings.* And the relevant NSW Environment Protection Agency guidelines, being: • *NSW Road Noise Policy.* Further information can be found in sub-section 7.0 Application requirements.
C-2.Exterior facades are designed to minimise the opportunity for sound transmission. Depending on surrounding land uses and the nature of the proposal, an acoustic report may be requested demonstrating how sound transmission is minimised.	
C-3.Where development adjoins a residential development, locate mechanical plant equipment and building services away from the residential building and have appropriate acoustic insulation.	
C-4.Mechanical plant and equipment are screened, designed and located to minimise noise nuisance.	

17.0 Centre-based child care facility

Objectives

1. Minimise adverse impacts on the environment and amenity of residential areas and other land uses, in particular, noise and traffic generation from the development and operation of a centre-based child care facility.

Controls (C)	Explanatory notes
C-1.Centre-based childcare facilities are designed to minimise potential noise and overlooking of adjoining residences by: a. facing doors and windows of the centre away from sensitive areas such as bedrooms, living rooms and private open space b. locating play areas as far as possible away from adjoining residents living rooms and bedrooms c. facing play equipment away from common boundaries with residential properties d. including landscape screening.	Refer to sub-section 7 for application requirements and general controls. The *State Environmental Planning Policy (Transport and Infrastructure) 2021* requires development to meet the requirements of SEPP and *Child Care Planning Guideline*.
C-2.Centre-based childcare facilities are not appropriate on the following land: a. opposite "T" intersections or on bends with limited sight distance and may create dangerous conditions for vehicle entry to and exit from the site b. adjacent to entry/exit points onto or directly accessible from roundabouts c. on cul-de-sacs or roads with no through public access. When establishing a child care centre in a cul-de-sac, or a road with no through public access, the applicant is to demonstrate that there will be no significant impact to residential amenity or vehicular manoeuvrability d. land requiring significant cut or fill, where retaining walls would create a safety hazard for children.	
C-3.When establishing a centre based childcare facility in a residential street, the applicant is to demonstrate there will be no significant impact to residential amenity or traffic movement.	
C-4.Suitable management practices are in place to minimise impacts on adjoining and surrounding properties and ensure that suitable amenity is maintained for residents living nearby the centre-based child care facility.	

18.0 Place of public worship

Objectives

1. Minimise adverse impacts on the environment and the amenity of residential areas and other land uses, in particular, noise and traffic generation from the development and operation of a place of public worship.
2. Suitable management practices are in place to minimise impacts on adjoining and surrounding properties and ensure suitable amenity is maintained for residents living nearby the place of public worship.

Controls (C)	Explanatory notes
C-1.A place of public worship will not be located in a cul-de-sac.	Refer to sub-section 7 for application requirements and general controls.
C-2.A management plan is required to determine and minimise impacts to surrounding properties. See sub-section 7 Application requirements.	