

Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/09/2016	24/10/2016	Amended
3	28/11/2017	11/12/2017	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 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 of:

- Amusement centres (that trade past 7pm)
- Car parks
- Centre-based child care facility
- Community facilities (that trade past 7pm)
- Educational establishments
- Entertainment facilities (that trade past 7pm)
- Food and drink premises (that are licensed premises and/or that trade past 7pm)
- Function centres (that are licensed premises and/or that trade past 7pm)
- Health service facilities
- Industrial developments
- Markets
- Place of public worship
- Recreation facility (indoor, major and outdoor)
- Registered clubs
- Residential accommodation (excluding secondary dwellings, single dwellings and dual occupancies)
- Residential care facility
- Restricted premises
- Service stations
- Sex service premises
- Shops
- Tourist and visitor accommodation

Note: Contact Council to discuss level of detail required for a particular development type.

Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012.

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

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

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Related sections

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

- Nil

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

- 3.01 Subdivision
- 3.03 Residential Development
- 3.09 Tourist and Visitor Accommodation
- 3.10 Commercial Uses
- 3.11 Community Services
- 3.12 Sex Industry Establishments
- 3.13 Industrial Development

Associated technical manual/s

- *Newcastle Safe City Plan 2017 - 2020*, Newcastle City Council.
- *Crime Prevention and the Assessment of Development Applications: Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979, 2001*, NSW Department of Urban Affairs and Planning.

Note: Department of Urban Affairs and Planning is now known as Department of Planning and Environment.

- *Safer by Design*, NSW Police Force.
- *Australian Standard 806.1- Closed Circuit Television (CCTV) Management and Operation*.
- *Australian Standard 1158 - Lighting for roads and public spaces*.
- *Australian Standard 4282 - Control of the obtrusive effects of outdoor lighting*.
- *Australian Standard 5039 - Security screen doors and window grilles*.
- *Australian Standard 4145 - Locksets and hardware for doors and windows*.
- *International Standard IWA14-1 - Vehicle Security Barriers*.

Additional information

- Development Applications may be referred to the NSW Police for Crime Prevention Through Environmental Design (CPTED) Assessment.
- Development Applications for licensed premises (including food & drink premises with trading hours past 7pm) and Liquor Licence Applications may be referred to the Licensed Premises Reference Group.
- Development Applications for licensed premises may be referred to NSW Police Licensing Unit.

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:

- **Licensed premises** means premises licensed under the *Liquor Act 2007*.
- **Plan of management** means a document that provides a framework for the management of a particular development / event.

Aims of this section

1. To provide actual and perceived safe environments and minimise opportunities for criminal and anti-social behaviour.
2. To ensure features that contribute to safety and security are incorporated into new development.
3. To ensure the incorporation of Crime Prevention Through Environmental Design (CPTED) principles in new development.

4.04.01 Crime Prevention through Environmental Design (CPTED) Principles

Performance criteria

1. Developments reduce the likelihood of criminal activity and assist in creating actual and perceived safe and secure environments.

Acceptable solutions

1. Developments incorporate the CPTED Principles into the design of the proposed development.

Note: For further information on CPTED principles refer to *Crime Prevention and the Assessment of Development Applications: Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979, 2001*, NSW Department of Urban Affairs and Planning.

4.04.02 General principles

Performance criteria

1. Potential criminal and/or anti-social behaviour risks for development are identified and addressed.
2. Opportunities for crime are lessened or prevented without detracting from the façade or layout of a building or streetscape amenity.

3. Development provides opportunities for effective natural and/or technical surveillance.
4. All areas that may be used at night (eg. carpark, common areas) incorporate appropriate levels of visibility and/or lighting.
5. Public/communal spaces reduce the likelihood of crime by installation of appropriate anti-graffiti measures/materials.

Acceptable solutions

1. A *Crime Risk Assessment* (in accordance with figure 1 below) may be required for developments which are: major developments; involve an increased risk to public safety; and/or include a component to serve, sell or supply alcohol.

Note: Contact Council to discuss developments requiring a Crime Risk Assessment.

Figure 1

Information to be included in a Crime Risk Assessment	
Introduction	<ul style="list-style-type: none"> • Describe the proposed development.
Site Analysis	<ul style="list-style-type: none"> • Describe the physical surrounds & topography of proposed development.
Crime Risk & Opportunity	<ul style="list-style-type: none"> • Identify existing and possible crime risks. • Analyse the types of crime that may be prevalent in the area, and to which the development may be susceptible.
CPTED	<ul style="list-style-type: none"> • Describe how the proposed development addresses each of CPTED principles.
Specific Uses	<ul style="list-style-type: none"> • If applicable, identify how the proposed development addresses the key principles (as outlined in Section 4.04.03 below).
Recommendations & Mitigation Measures	<ul style="list-style-type: none"> • Outline whether the proposed development will have an impact on crime and safety, and why. • Describe risk assessment recommendations and mitigation measures to be implemented as part of the development.
<p>Note: A Crime Risk Assessment may be required for developments to assist Council to assess crime risk in local developments. A Crime Risk Assessment is to be prepared by a suitably qualified person who has completed the NSW Police Safer by Design Course. For further information on preparing a Crime Risk Assessment refer to NSW Department of Urban Affairs and Planning's Crime Prevention and the Assessment of Development Applications: Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979, 2001.</p>	

2. A *Crime Risk Comment* included within the Statement of Environmental Effects (where a Crime Risk Assessment is not required).
3. Exterior design and layout:
 - (a) Building entrances are orientated to face public areas, are clearly identified and visible from the street.
 - (b) Development is designed so as not to include entrapment locations and blind corners.
 - (c) Building facades are designed so as not to include external indentations, projections or regular features that provide footholds allowing access to private property.

- (d) Building walls located adjacent to carparks or other public spaces include features such as windows and/or balconies, allowing casual surveillance to these areas.
- (e) Building entrances, walkways and connecting paths, are clearly defined, visible from the street, and well-lit at night.
- (f) Public places incorporate features to attract people in a safe manner, rather than discourage people from gathering.
- (g) Development is designed so that it reduces the opportunity for graffiti and vandalism.
- (h) Cues, symbols and signs are used to assist people to navigate their environment and define appropriate use of spaces.

4. Surveillance and sightlines:

- (a) Buildings are designed to overlook public areas.
- (b) Ground and near-ground levels of buildings are occupied by active land uses that overlook public areas.
- (c) New development maximises visibility and sightlines to destination points (eg. street frontage, car parks, stairwells etc).
- (d) Fence designs maximise natural surveillance between the street and the building.
- (e) Landscaping, walls and fences maintain clear sight lines between public and private areas and do not block fields of vision.
- (f) Mechanical/electronic surveillance systems are installed in compliance with *Australian Standard 806.1: Closed Circuit Television (CCTV) Management and operation* (where required by Council and/or Police).

5. Lighting:

- (a) Lighting is provided in accordance with *Australian Standard 1158 - Lighting for roads and public spaces* and *Australian Standard 4282 - Control of the obtrusive effects of outdoor lighting*.
- (b) All areas intended to be used at night to provide appropriate lighting and visibility.
- (c) Lights are directed towards access/egress routes, and illuminate possible entrapment locations/places to hide.
- (d) Lighting is to provide a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed; reduces light shadow contact; and is not unshielded at eye level.
- (e) Lighting is designed so that it reduces the opportunity of vandalism (eg. anti-graffiti, anti-breakage, and scratch resistant materials).
- (f) Lighting is located so that there is no spillage to neighbouring properties.
- (g) Growing and mature vegetation does not obscure lighting.

6. Signage / Wayfinding

- (a) Clear signage and wayfinding devices are incorporated into developments, including audible, tactile, graphic and/or architectural cues.
- (b) Information and directional signs are strategically located at entrances and near activity nodes (eg. intersections of corridors and paths, landmarks).
- (c) Information and directional signs are legible and where appropriate include standard symbols and/or simple graphics.
- (d) Location maps and directional signage are provided for larger developments.
- (e) Signposting is provided clearly identifying public amenities and hours of access (eg. toilets, carparking, lifts, ATM's).

4.04.03 Principles for specific uses

In addition to guidelines listed under Section 4.04.01 and Section 4.04.02 the following guidelines apply to the following specific uses.

Development Type	Key Principles
Automatic Teller Machines (ATM's)	<ul style="list-style-type: none"> • Approaches and entrances to ATM's are highly visible and are provided with good lighting (without inappropriate glare or shadow). • Located at street level and within direct view of pedestrian and vehicle routes / surrounding activities. • Located adjacent to supportive uses (eg. restaurants and cafes). • Are not located adjacent to licensed premises, public transport stops, public telephones or public seating. • Are not positioned in concealed spaces, corridors, recesses, alcoves etc or in buildings adjacent to laneways. • Bollards in compliance with International Standard IWA14-1 Vehicle Security Barriers.
Carparks (or developments including carparks)	<ul style="list-style-type: none"> • Natural and/or mechanical surveillance provided (as required by Council and/or Police). • Pedestrian access points are provided at ground level and in active areas. • Entry and exit points to multi-level carparks are minimised and attendant's booths are clearly identified. • Pedestrian paths link users from car parking spaces to buildings/lift lobbies directly as possible with clear sightlines along the route. • Pedestrian paths, entrances and exits are provided with good lighting, signposted and clearly defined. • Landscaping, walls and fences maintain clear sight lines between public and private areas and avoid concealment areas. • Every second aisle of an open car park with 200 or more spaces has a pedestrian path between parking spaces, with paths linked to identified crossing areas and access points. • Car parking ceilings are greater than 2.2m height.

Development Type	Key Principles
	<ul style="list-style-type: none"> • Lighting is sufficient to allow pedestrians to see into the interior of cars and eliminate shadows between cars. • Incorporate vandal resistant materials (eg. lighting, exterior). • Stairwells are located on carpark perimeters and are open or highly see through from external public areas. • Stairwells, corridors etc are painted light colours to assist in reflecting light in these areas.
Events / Markets	<ul style="list-style-type: none"> • Entrances are located at prominent positions, are provided with good lighting and clearly visible. • All areas intended to be used at night provide appropriate levels of visibility and lighting. • Pedestrian paths and onsite parking are clearly defined; incorporate effective lighting; and provide direct access to event / market. • Toilets are located near high traffic areas and entrances; are clearly visible from public places; and are clearly signposted. • Entrapment locations (ie. small confined areas) are avoided. • Plan of Management (PoM) is submitted to Council which identifies/addresses safety and crime impacts. <p>Note: PoM to include details on alcohol management (if applicable), hours of operation, patron movement, capacity numbers, safety and security measures and parking etc.</p>
Food & Drink premises / Function Centres / Registered Clubs / and the like, which is licensed and /or trades past 7pm.	<ul style="list-style-type: none"> • Buildings have an active frontage to the public domain. • Pedestrian access and onsite parking are clearly defined, incorporate good lighting, and have direct access to buildings from areas likely to be used at night. • Natural and/or mechanical surveillance provided (as required by Council and/or Police). • Plan of Management (PoM) is submitted to Council which identifies/addresses safety and crime impacts. <p>Note: PoM to include details on alcohol management (if applicable), hours of operation, patron movement, capacity numbers, safety and security measures and parking etc.</p>
Public Toilets	<ul style="list-style-type: none"> • To be located near high traffic areas. • Approaches and entrances to public toilets have clear sightlines and good lighting (without inappropriate glare or shadow). • Public toilets are not positioned in concealed spaces, corridors, recesses, alcoves etc. • Public phones and seats are not placed near public toilets. • Incorporate vandal resistant materials.
Residential accommodation (10+ dwellings), Group Homes or Boarding Houses	<ul style="list-style-type: none"> • Buildings facing public or communal streets / public places have a window from a habitable room facing that area. • Dwellings have a window from a habitable room facing internal driveways. • Appropriate access controls (eg. user/sensor gates) are provided for car park entrances, and common areas such as lobbies, laundries and garbage storage.

Development Type	Key Principles
	<ul style="list-style-type: none"> ▪ Lighting is provided to all pedestrian paths, shared areas, parking areas and building entries. ▪ Doors and window locks are installed in all dwellings in accordance with AS 4145. ▪ Dwellings are oriented towards the street with entrances and numbering clearly visible. ▪ Buildings with shared entries serve a maximum of 10 dwellings. ▪ Each building entry clearly states the unit numbers accessed from that entry. ▪ Unobstructed sight lines / natural surveillance to open space and community areas.
Service Stations	<ul style="list-style-type: none"> ▪ Natural surveillance to be provided from the public domain to any retail area or shop associated with the service station. ▪ CCTV surveillance to be provided in accordance with Australian Standards for entrance, cashier and queue areas. ▪ Refuelling areas and entrances to any retail area or shop are visible from the street. ▪ Retail area to provide for direct surveillance from cashier area to the street/public domain. ▪ Public and staff toilets are to be located and provide access, within the retail area. ▪ Entrances are located at prominent positions, are provided with good lighting and clearly visible. ▪ All areas intended to be used at night provide appropriate levels of visibility and lighting. ▪ Landscaping, walls and fences maintain clear sight lines and avoid concealment areas.
Sex Service Premises	<ul style="list-style-type: none"> ▪ Premises have only one entrance which is located at the front of the building (or primary street frontage). ▪ Building entrance has good lighting and easily identifiable (but not a prominent streetscape feature). ▪ Direct sight lines are provided between the building and the street. ▪ Pathways to / from the building are direct (straight lines). ▪ All premises have either an intercom or duress alarm in each room. Alarms connect back to a central base that is monitored at all times. ▪ All external storage areas are secured. ▪ Any locks and security grills can be opened from the inside. ▪ External lighting is vandal resistant and directed towards access/egress routes. ▪ Natural and/or mechanical surveillance provided (as required by Council and/or Police).