

12 PLACE OF PUBLIC WORSHIP

This section of the DCP only provides Council's specific requirements for Place of Public Worship. Other requirements that must be addressed are contained in the relevant general development part (Parts 2 to 7) and/or Area Plans (Parts 10 to 12) of this DCP. Where a conflict exists between this section and the general development part of LM DCP 2014, this section prevails.

12.1 INTRODUCTION

Under LM LEP 2014 a **place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

A place of public worship is permissible with consent in the following zones:

- R1 – General Residential
- R2 – Low Density Residential
- R3 – Medium Density Residential
- E1 – Local Centre
- E2 – Commercial Centre
- MU1 – Mixed Use
- E3 – Productivity Support
- E4 – General Industrial
- E5 – Heavy Industrial
- SP3 – Tourist
- RE1 – Public Recreation
- RE2 – Private Recreation
- C3 – Environmental Management

This section of the DCP divides places of public worship into two categories; small scale and large scale. A definition of each is provided below:

A **small-scale place of public worship** means a place of public worship with a seating capacity less than 100 people in the assembly area and which predominately services people who live in the same neighbourhood as the place of public worship.

A **large-scale place of public worship** means a place of public worship with a seating capacity of 100 people or more in the assembly area and which services people who live outside the neighbourhood where the place of public worship is located.

Assembly Area means the sum of that portion of the gross floor area of a building that is to be used for public assembly, for the purpose of worship or other purposes. It includes any secondary areas of assembly, such as choir or musician's areas, altar areas, confessional areas, podiums, or rooms capable of being used for overspill accommodation of the congregation during a worship service. Ancillary areas such as kitchens, toilets, offices, washrooms and accommodation, which are not normally used for worship, are not included in the calculation of the assembly area.

12.2 AIMS FOR PLACE OF PUBLIC WORSHIP DEVELOPMENT

The key aims of this section of the DCP are:

1. To ensure the size, scale, height, form and external appearance of a place of public worship is compatible with the prevailing and desired character of the locality.
2. To maintain the streetscape character and amenity of the surrounding locality, especially in residential neighbourhoods.
3. To encourage the location of large-scale places of public worship on lands zoned for business industrial or recreation purposes.
4. To ensure the assessment process for any place of public worship is consistent for all religious groups.

12.3 SITE AND LOCATION REQUIREMENTS

Objectives

- a. To ensure that places of public worship are suitably located.
- b. To minimise noise, traffic, parking and other amenity impacts of places of public worship, especially in residential neighbourhoods.
- c. To prevent the location of conflicting land uses within the vicinity of places of public worship.

Controls

1. Large scale places of public worship should be located a minimum of 250 metres away from any other existing or approved large scale place of public worship.
2. The entrance or exit to any place of public worship must not be located within pedestrian view of an existing or approved sex services premises.
3. Large scale places of public worship should be located on land zoned for E1 – Local Centre, E2 – Commercial Centre, MU1 – Mixed Use, E3 Productivity Support, E4 – General Industrial, SP3 – Tourist, RE1 – Public Recreation, RE2 – Private Recreation.
4. Places of public worship must not be located on lots with a frontage to a road with a carriageway width less than 10 metres.
5. Places of public worship must not be located on lots where access is via a cul-de-sac.

12.4 BUILDING FORM AND CHARACTER

Objectives

- a. To ensure that the scale of a place of worship is compatible with the scale of existing or desired future development in the area.
- b. To ensure that the character of a place of worship is compatible with the character of existing or desired future development in the area.
- c. To maintain the residential character of established residential areas.
- d. To ensure facades define and enhance the public domain and desired street character.
- e. To ensure that building elements are integrated into the overall building form and façade design.
- f. To ensure development addresses all street frontages.

Controls

1. Places of public worship in residential zones must be designed to maintain the character of the residential area.
2. The front entrance of all places of public worship must be clearly visible from the street.
3. Where a place of public worship has dual frontages, the development must be designed to address both streets, by way of windows, architectural features and surveillance.
4. External building materials, finishes and colours must complement and be consistent with surrounding development.

12.5 LANDSCAPED AREA

Objectives

- a. To maintain and enhance the existing streetscape and landscaped character of the residential neighbourhoods.
- b. To provide privacy for surrounding residential development.

Controls

1. In residential zones a two-metre wide landscaped area must be provided along side and rear boundaries.
 - i. In residential zones, a minimum of:
 - ii. Twenty five percent of the site must be landscaped area, and

Fifty percent of the front setback must be landscaped area.

A landscape master plan and report must be submitted for large scale places of public worship.

12.6 VISUAL PRIVACY

Objectives

- a. To ensure the design of places of public worship does not reduce the visual privacy of surrounding land uses especially residential uses.

Controls

1. The location of windows, doors or balconies within a place of public worship must be located to avoid overlooking the private open space of adjoining residential uses.

Landscaping must be used to reduce the impact of overlooking where it cannot be avoided.

12.7 ACOUSTIC PRIVACY

Objectives

- a. To ensure that a place of public worship does not unreasonably impact on the acoustic privacy of occupants of surrounding residential development.
- b. To ensure the design and materials used for places of public worship provide reasonable acoustic privacy to surrounding residential and business users.

Controls

1. Places of public worship must be designed to minimise noise impacts on surrounding development through building layout, building orientation and materials.

A noise impact statement prepared by a suitably qualified acoustic engineer must be submitted for a place of public worship on land within a residential zone or that adjoins a residential zone or adjoins a residential use in another zone.

The noise impact assessment report must address the following issues / matters including, but not limited to:

- i. Existing LA₉₀ background noise levels;
- ii. Predicted LA₁₀, LA₁, and LA_{eq} noise emission levels, based on the size and nature of the proposed place of public worship and associated activities / functions;
- iii. Assessment of all potential noise sources on-site, including vehicles, bells, musical instruments, singing and calling etc, and
- iv. Recommended noise / acoustic mitigation measures, including any design amendments, landscaping requirements, and / or restrictions on the hours of operation of the development.

Note: A noise impact statement may not be required for development involving minor modifications to an existing place of public worship where the proposed changes will not increase the floor area and will not increase the capacity of an existing place of public worship.

12.8 TRAFFIC, PARKING AND ACCESS

Objectives

- a. To minimise the impact of on street parking on surrounding local roads.
- b. To ensure surrounding roads and intersections are able to operate effectively, safely and within their capacity.
- c. To ensure adequate parking is available for the place of worship so that it does not cause unreasonable impacts to residents and congestion in nearby streets.
- d. To maintain the amenity of residential areas.
- e. To ensure that appropriate access is provided for service / commercial vehicles.
- f. To ensure the safety of both pedestrians and vehicle users in the surrounding locality

Controls

1. All required parking must be provided on site, through at grade or basement parking.

All vehicles shall be able to enter and leave the site in a forward direction

A clear distinction must be made between vehicle and pedestrian movements, both on site and off site. Measures should be implemented to separate these two movements and reduce potential conflict

A traffic impact statement must be prepared and submitted for a new place of public worship or where alterations and additions are proposed that increase the seated capacity of the assembly area by 50 persons or more. The traffic impact assessment must assess:

- i. number of parking spaces required;
- ii. impact of the proposed place of public worship on the surrounding locality and the measures taken to minimise any potential issues;
- iii. the impact of any festivals or functions (i.e. Weddings) and their impact in relation to car parking and vehicular access.

Note: The traffic impact statement must be prepared by a qualified traffic consultant in accordance with Council's Traffic Impact Statement and Vehicle Access Guidelines.

12.9 OPERATIONAL MANAGEMENT

Objectives

- a. To ensure the operation of the place of worship does not have any adverse impact on surrounding properties.
- b. To ensure that a place of worship operates at times where it will have the least impact on the amenity of adjoining residences.
- c. To create a balance between the hours of operation for a place of public worship and maintaining adequate amenity for surrounding residents.
- d. To provide certainty for both the consent authority and the local community about the ongoing management practices to be employed at the place of public worship to manage its impact upon the neighbourhood.

Controls

1. An operation management plan must be submitted to Council and address the following:
 - i. The frequency of all proposed services, events and activities for the calendar year;
 - ii. The proposed hours of operation for all proposed services, events and activities;
 - iii. The likely number of people to attend each type of service, event etc;
 - iv. Whether street parades or road closures are proposed;
 - v. An explanation of the measures that will be in place to manage parking and local traffic when a special event (attracting more than 100 people for a small scale or 200 people for a large scale place of public worship) is scheduled;

- vi. Any other uses that may take place within the place of public worship (i.e. community uses-youth group, community colleges etc), the frequency of these uses, the number of patrons proposed for these uses and the hours where these uses will be undertaken;
- vii. Any particular custom or practice (such as ringing bells) that may occur and the frequency and length of such rituals;
- viii. The nomination of a contact person that will be responsible in responding to any issues or complaints raised by the community or Council.

A minimum of 30 minutes must be allowed between the end of one service and the beginning of the next, to minimise noise and traffic impacts.

Note: The operation management plan will be used both for the assessment of the application as well as a means to manage the ongoing operation of the proposed premises through the conditions of development consent. The operation management plan (as may be amended) may be incorporated as a condition of development consent.

12.10 OPERATIONAL WASTE MANAGEMENT

Objectives

- a. To ensure that appropriate access is provided for waste collection vehicles.
- b. To ensure the safety of both pedestrians and waste collection vehicle users in the surrounding locality.
- c. To ensure that places of public worship have appropriate and sufficient waste services.
- d. To ensure that appropriate access is provided for collection of waste.

Controls

1. Waste management for Places of Public Worship must comply with "Guidance to Meet Operational Controls - All Zones" in the Lake Macquarie Waste Management Guidelines, with the following modifications:
 - i. Waste types
 - a. The Operational Waste Management Plan must include separate waste management provisions for the place of public worship (commercial waste management) from any residences on the property (residential waste management).
 - b. Waste volumes estimated for the place of public worship should include capacity to handle peak volumes during events with high attendance and waste generation.
 - ii. Waste collection vehicle access
 - a. All waste collection vehicles shall be able to enter and leave the site in a forward direction.
 - b. A clear distinction must be made between waste collection vehicle and pedestrian movements, both on site and off site. Measures should be implemented to separate these two movements and reduce potential conflict.
 - c. For bins to be collected onsite, the onsite road access must meet pavement quality, turn and lift requirements for commercial or Council waste collection vehicle dimensions, which must be able to turn to leave the site in a forward direction. Provision of service will be subject to Council and waste contractor inspection on completion of works and signing of an indemnity agreement.

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