
PART A: Administration

Section A Introduction

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1.0 Preamble

Located on the traditional country of the Awabakal and Worimi peoples, City of Newcastle (CN) is Australia's seventh largest city and global gateway for northern NSW.

As the regional centre of the Hunter, CN is emerging as one of Australia's most dynamic and vibrant metropolitan cities. After its industrial heritage as a mining and steel city, it is evolving into a service, creative and knowledge city. Significant investment has revitalised the city centre, boosted tertiary education, health and medical innovation, and has seen the emergence of a nationally significant defence and aerospace industry.

The Local Strategic Planning Statement (LSPS) sets the foundation to guide land use planning over the next 20 years. The LSPS implements priorities from the Community Strategic Plan and brings together land use planning and development related actions. The LSPS also gives effect to the State Government strategic directions for the Hunter region, outlined in the Hunter Regional Plan and the Greater Newcastle Metropolitan Plan.

The LSPS outlines planning priorities to achieve the land use planning vision and inform decisions on changes to the planning regime in the Newcastle Local Environmental Plan 2012 (LEP 2012) and Newcastle Development Control Plan 2023 (DCP 2023). DCP 2023 reflects a vision for a smart, liveable and sustainable global city.

LEP 2012 contains the statutory framework for land use management (zoning and planning standards) in the local government area (LGA). DCP 2023 supports LEP 2012 by providing design guidance to support good development outcomes. DCP 2023 will be applied with flexibility, and reasonable alternative solutions will be considered where they achieve overarching objectives. DCP 2023 provisions are not statutory requirements.



2.0 Name

This is called the Newcastle Development Control Plan 2023. It is shortened to DCP 2023.

3.0 Commencement

DCP 2023 was adopted by Council on 12 December 2023 and commences on 01 March 2024.

4.0 Amendment history

Version number	Date adopted by Council	Commencement date	Section	Amendment type

5.0 Purpose

DCP 2023 supports LEP 2012, providing detailed guidelines and controls for development within the Newcastle LGA. It is intended for use by the consent authority, professionals (such as planning practitioners, architects, engineers, developers etc) and the community involved in the development assessment process.

The purpose of this planning instrument is to:

1. Give effect to the aims, objectives and other provisions of LEP 2012.
2. Provide guidance on matters to be considered by the consent authority when exercising its environmental assessment and planning functions under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).
3. Realise the desired outcomes set out in the Minister's Local Planning Directions.
4. Facilitate development consistent with the established vision and adopted planning policies and strategies.
5. Support a vibrant community and desirable place to live, work and visit.
6. Recognise and reinforce the distinctive character of our neighbourhoods and centres.
7. Deliver development that is of a high design standard and energy efficient.
8. Provide appropriate housing opportunities for all existing and future residents at all stages of their life cycle.
9. Foster development that responds appropriately to the natural and built environment.

6.0 Land application

This plan applies to all land and development within the Newcastle LGA, unless it is excluded in whole or part by an environmental planning instrument.

7.0 Public notification and community participation

Depending on the type and scale of development, a proposal may be notified and advertised before CN determines the application. Our community participation process and practices in the planning process are set out in the Community Participation Plan.

8.0 Relationship to other plans, policies and legislation

This plan was prepared in accordance with the provision of the *EP&A Act 1979* and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation 2021).

This plan is consistent with the provisions of LEP 2012 and other applicable environmental planning instrument/s (EPI). The EP&A Act 1979 provides that, in the event of any inconsistency between Draft DCP 2012 and the provisions in an EPI, such as a State Environmental Planning Policy (SEPP) or LEP 2012, the EPI will prevail to the extent of the inconsistency.

DCP 2023 is to be read and applied in conjunction with LEP 2012 and the following:

- EP&A Act 1979
- EP&A Regulation 2021
- Relevant SEPP
- *Local Government Act 1993*
- *National Construction Code* (NCC)
- Relevant Australian Standards as identified
- Land and environment court planning principles
- Any other relevant documents adopted and under implementation by the CN such as a plan, policy, guideline, technical manual, study, standard drawing, publication or the like.

9.0 Revocation of Newcastle DCP 2012

Pursuant to Section 3.43(4) of EP&A Act 1979, Newcastle DCP 2023 revokes Newcastle DCP 2012 which covered land for which this DCP now applies.

10.0 Interpretation (definitions)

City of Newcastle (CN) means Newcastle City Council.

DCP 2023 adopts the terms and definitions of the NSW environmental planning instruments and legislation, such as LEP 2012, SEPPs and the EP&A Act 1979. Where there is an inconsistency, the higher order instrument (Act/Regulation, then SEPP, then LEP) prevails.

11.0 Savings and transitional arrangements

DCP 2023 does not apply to any development application lodged but not finally determined before its commencement. Any development application lodged before its commencement will be assessed in accordance with any previous development control plan (DCP).

Exemptions

The above Savings and transitional arrangements do not apply to the following sections:

D4 Commercial
E3 Tighes Hill local Character
E4 Kotara Local Character.

Development applications to which these sections apply will be assessed in accordance with DCP 2023.

12.0 Structure

DCP 2023 has seven parts each containing objectives and controls that apply to all development. Development applications need to consider each part and respond to relevant provisions. **Table 1** illustrates this.

Table 1: DCP Structure

Part	Summary
A: Introduction	Sets out aims, objectives, application and relationship with other planning instruments and structure.
B: Site planning controls	Sets out controls for all development. Part B contains objectives and controls that underpin orderly and sustainable development.
C: General development controls	Sets out objectives and controls that generally apply to all development.
D: Development controls by land use	Provides objectives and controls to guide specific development.
E: Place and precincts	Provides additional objectives and controls for development on specific sites, areas or precincts and in character and heritage areas.

13.0 How to use

Instructions

1. Firstly, identify if DCP 2023 will apply.
2. Where applicable, refer to relevant section/s in Part D Development Controls by Land Use. Where development consists of more than one land use type, refer to each relevant section within Part D Development Controls by Land Use. Individual sections within Part D will identify what other sections will and/or may also apply.

For example: A development application for a dual occupancy will, among others, require referral to section C1 Traffic, Parking and Access, C4 Stormwater, C6 Waste Management, C7 Safety and Security and C12 Open Space – Landscaping. It may also require referral to Section B1 Flood Management, where the land is affected by flooding, B2 Bushfire Protection where the land is identified as bush fire prone land, B3 Mine Subsidence where the land is identified as being affected by Mine Subsidence etc.

3. Where applicable, refer to relevant sections in Part E Place and Precincts, which provide area specific objectives and controls for certain locations. Sections in Part E identify any other sections that may apply.
4. Additional sections, other than those identified under Part D or Part E, may also apply depending on the nature of the development and specific circumstances. These include:
 - a. Part B Site Planning Controls provides specific controls aimed at reducing risk from an identified hazard as well as reducing potential impacts from development on the natural and built environment.
 - b. Part C General Development Controls provides minimum requirements on various design related aspects.

Each section identifies relevant or supporting technical manuals and additional information.

General format of each section

For ease of use, each section (other than Part E) is formatted consistently and contains the following:

- Introduction
- Application (land and development to which this section applies)
- Related sections (other sections that may apply)
- Additional information (advice that may refer to best practice guidelines, documents providing acceptable method or numerical standards for achieving the minimum requirements for development)
- Objectives (non-negotiable design principles or minimum requirement to be achieved by development)
- Definitions (related to the specific section)
- Application requirements (any information, plans, supporting studies or assessments to be submitted)
- Controls (accepted means of achieving the objectives, which may only be varied where suitably justified)
- Acceptable solutions (provide an acceptable standard for a development to achieve the intent of a particular element of a development control). There are not always acceptable solutions provided.

Hierarchy of parts

Where an inconsistency between two or more parts occurs, the prevailing provision (to the extent of the inconsistency) will generally be as follows:

1. Where an inconsistency arises between Part D Development Controls by Land Use, Part E Place and Precincts will prevail to the extent of the inconsistency.
2. Provisions of the latest adopted section prevail, where sections are located in the same part of this plan.
3. The more precautionary provisions will apply, where sections are within the same part and were adopted on the same date.

Variations to development controls

The controls in each section ensure the objectives are achieved by a proposed development. Where a variation to a control is put forward, the developer/applicant must show how the objectives of the subject section are still achieved. This is to be included in the Statement of Environmental Effects.

A development application will be assessed on its merits and against all relevant matters for consideration. Compliance with minimum provisions does not necessarily mean that a development application will be approved.

Note: It is not appropriate to request a variation to a control for financial reasons. For example, a request to achieve higher density which is out of character with the surrounding area or to enable a "standard design" to fit on the site, which isn't appropriate. The request must establish the need for the variation based on the constraints and attributes of the site, while considering the underlying objective(s) of the relevant control.

14.0 Additional information

For further information and help regarding development, including relevant guidelines, factsheets and checklists, please contact City of Newcastle via the following:

Website: www.newcastle.nsw.gov.au

Customer Service Centre: (02) 4974 2000

Administration Centre: 12 Stewart Avenue, Newcastle West NSW 2302