

## 1.00 Introduction

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### Title

The name of this plan is Newcastle Development Control Plan 2012.

### Commencement

Newcastle Development Control Plan 2012 commenced on 15 June 2012.

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Section	Amendment Type
1	15/11/2011	15/06/2012	All New Sections	All Adopted
2	17/07/2012	30/07/2012	3.01 Subdivision 3.02 Single Dwellings 6.13 Precinct Maps 7.01 Building Design Criteria 7.02 Landscape, Open Space and Visual Amenity 7.03 Traffic, Parking and Access 9.00 Glossary	Amended Amended New Section Amended Amended Amended Amended
3	28/05/2013	10/06/2013	5.03 Tree Management 7.05 Energy Efficiency 7.06 Stormwater 7.07 Water Efficiency 9.00 Glossary	Amended Amended Amended Amended Amended
4	27/08/2013	16/09/2013	5.03 Tree Management	Amended
5	22/07/2014	04/08/2014	3.13 Industrial Development 8.00 Public Participation	Amended Amended
6	Department of Planning & Environment	09/10/2014	6.01 Newcastle City Centre (replaces Section 6.01 Newcastle City Centre – East and Section 6.02 Newcastle City Centre – West)	Amended
7	28/10/2014	10/11/2014	3.02 Single Dwellings 9.00 Glossary	Amended Amended
8	26/04/2016	09/05/2016	3.02 Single Dwellings and Ancillary Development	Amended
9	27/09/2016	24/10/2016	3.13 Industrial Development 7.09 Outdoor Advertising and Signage 9.00 Glossary  Introduction only 'Land to which this section applies' of following sections:	Amended

Version Number	Date Adopted by Council	Commencement Date	Section	Amendment Type
			3.01 Subdivision 4.04 Safety and Security 5.01 Soil Management 5.03 Tree Management 5.04 Aboriginal Heritage 5.06 Archaeological Management 7.02 Landscape, Open Space and Visual Amenity 7.03 Traffic, Parking and Access 7.04 Movement Networks 7.05 Energy Efficiency 7.06 Stormwater 7.07 Water Efficiency 7.08 Waste Management 8.00 Public Participation	
10	14/03/2017	03/04/2017	7.06 Stormwater 7.09 Advertising and Signage 9.00 Glossary	Amended
11	27/06/2017	10/07/2017	3.03 Dual Occupancy and Semi-Detached Dwellings 3.04 Attached Dwellings and Multi Dwelling Housing 3.05 Residential Flat Buildings 3.06 Boarding Houses and Group Homes 3.07 Caravan Parks 3.08 Seniors Housing 7.01 Building design Criteria 3.03 Residential Development 3.01 Subdivision 3.10 Commercial Uses 6.03 Wickham 6.04 Islington Renewal Corridor 6.05 Mayfield Renewal Corridor 6.06 Hamilton Renewal Corridor 6.07 Broadmeadow Renewal Corridor 6.08 Adamstown Renewal Corridor 7.02 Landscape, Open Space & Visual Amenity 7.03 Traffic, Parking and Access 7.05 Energy Efficiency 7.07 Water Efficiency 9.00 Glossary 7.11 Development Adjoining Laneways	Repealed Repealed Repealed Repealed Repealed Repealed Repealed New Amended Amended Amended Amended Amended Amended Amended Amended Amended Amended Amended New
12	28/11/2017	11/12/2017	4.04 Safety and Security	Amended
13	12/12/2017	19/02/2018	5.03 Vegetation Management	Amended

Version Number	Date Adopted by Council	Commencement Date	Section	Amendment Type
14	12/12/2017 24/10/2017	17/04/2018 17/04/2018	6.01 Newcastle City Centre 6.14 11 Mosbri Crescent, The Hill	Amended New
15	24/07/2018	12/11/2018	5.07 Heritage Conservation Areas 6.02 Heritage Conservation Areas	Repealed New
16	23/10/2018	16/11/2018	6.01 Newcastle City Centre 6.03 Wickham	Amended Amended
17	26/03/2019	24/06/2019	6.02 Heritage Conservation Areas 9.00 Glossary	Amended Amended
18	23/07/2019	06/08/2019	6.02 Heritage Conservation Areas 9.00 Glossary	Amended Amended
19	26/03/2019	16/09/2019	6.15 Fort Wallace	New
20	22/10/2019	25/11/2019	8.00 Public Participation	Repealed
21	27/10/2020	02/11/2020	3.12 Sex Industry Establishments 4.02 Bush Fire Protection 7.03 Traffic, Parking and Access 7.08 Waste Management 9.00 Glossary	Amended Amended Amended Amended Amended
22	24/11/2020	19/03/2021	6.01 Newcastle City Centre	Amended
23	23/08/2022	12/09/2022	6.03 Wickham	Amended
24	27/09/2022	1/11/2022	4.02 Bush Fire Protection 4.03 Mine Subsidence 4.04 Safety and Security 7.03 Traffic, Parking and Access	Amended
25	25/10/2022	22/11/2022	3.09 Tourist and Visitor Accommodation 6.11 Royal Newcastle Hospital Site 6.14 Mosbri Crescent The Hill	Repealed
26	26/04/2023	29/05/2023	6.04 Renewal Corridors 6.04 Islington Renewal Corridor 6.05 Mayfield Renewal Corridor 6.06 Hamilton Renewal Corridor 6.07 Broadmeadow Renewal Corridor 6.08 Adamstown Renewal Corridor	New Repealed Repealed Repealed Repealed Repealed
27	23/05/2023	03/07/23	6.16 Lingard Hospital Precinct	New
28	22/08/2024	11/01/24	6.03 Wickham	Amended

Note: City of Newcastle's website contains the latest most up-to-date version of this development control plan. Wherever possible, it is recommended that the web version be used. However, if using a printed or saved copy (uncontrolled document), please first check City of Newcastle's website or phone 4974 2000 and speak to City of Newcastle's Development Duty Officer to ensure currency of that copy.

## **Purpose of this Development Control Plan**

The purpose of this Development Control Plan is to:

1. Provide detailed provisions relating to matters of significance to The City of Newcastle to be considered by Council when exercising its environmental assessment and planning functions under Part 4 of the *Environmental Planning and Assessment Act 1979*.
2. Expand upon the aims, objectives and other provisions of the Newcastle Local Environmental Plan 2012.
3. Provide detailed criteria for the assessment of development applications.
4. Identifies notification requirements in accordance with section 3.43(c) of the *Environmental Planning & Assessment Act 1979*.

## **Relationship to legislation, other plans, and policies**

This Development Control Plan:

- was prepared in accordance with Section 3.43 of the *Environmental Planning and Assessment Act, 1979* and Clause 16 of the *Environmental Planning and Assessment Regulations 2000*
- identifies further detail of Council's requirements for local development seeking consent under Newcastle Local Environmental Plan 2012 or State Environmental Planning Policy (Three Ports) 2013
- is generally consistent with the provisions of Newcastle Local Environmental Plan 2012 and other applicable Environmental Planning Instrument/s (EPI), however, in the event of any inconsistency, the requirements of the EPI will prevail to the extent of the inconsistency
- does not apply, in whole or part, where specifically excluded by an EPI as per Section 3.45 (3) of the *Environmental Planning and Assessment Act 1979*
- repeals and replaces the whole of Newcastle Development Control Plan 2005
- is applied in conjunction with other Council development guidelines, policy, and/or technical manuals, where identified.

Note: Environmental Planning Instruments may include State Environmental Planning Policies or Local Environmental Plans.

## **Land to which this Development Control Plan applies**

This Development Control Plan applies to all land within the Newcastle local government area 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, unless excluded in whole or part by an EPI, as per Section 3.45 (3) of the *Environmental Planning and Assessment Act 1979*.

## **Development to which this Development Control Plan applies**

This Development Control Plan applies to all development requiring consent of Council under Newcastle Local Environmental Plan 2012 or State Environmental Planning Policy (Three Ports) 2013.

Under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Council is required to take into consideration the relevant provisions of any applicable DCP when determining an application for development.

Note: Section 4.15 of the *Environmental Planning and Assessment Act 1979* contains other matters that must be considered in determining a development application and accordingly compliance with the provisions of this DCP does not guarantee that development consent will be granted.

## **Development to which this Development Control Plan does NOT apply**

This Development Control Plan does not apply to development where:

- identified, within Newcastle Local Environmental Plan 2012, as being 'Permissible Without Consent'
- Exempt and Complying Development as defined within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or within Schedules 2 and 3, respectively, of Newcastle Local Environmental Plan 2012, other than when specifically referenced in the exempt or complying development criteria under the Environmental Planning Instrument.
- carried out under Part 5 of the *Environmental Planning and Assessment Act 1979*
- assessed under the provisions of another Environmental Planning Instrument (such as a State Environmental Planning Policy) that excludes the provisions of the Newcastle Local Environmental Plan 2012 and/or this Development Control Plan.

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

## **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 used are defined within Part 9.00 - Glossary of this plan.

## **Additional information**

For more detailed information on the development assessment process and/or the minimum requirements for lodging a development application with Council, please refer to the Council's Development Application Guide, which is available on Council's website or at City of Newcastle's Administration Centre, 12 Stewart Avenue, Newcastle West.