

2.00 How to Use this Development Control Plan

Instructions

1. Firstly, identify if this Development Control Plan (DCP) will apply to the proposed development by referring to Part 1.00 Introduction.
2. Where applicable, refer to the relevant section/s within Part 3.00 Landuse Specific Provisions. Where development consists of more than one landuse type, refer to each relevant section within Part 3.00. Individual sections within Part 3.00 identify what other sections of this Development Control Plan will and/or may also apply for the given landuse.

Relevant State Environmental Planning Policies are also identified.

For example: An application for a Dual Occupancy will, among others, require referral to sections 7.01 Building Design Criteria, 7.02 Landscaping, Open Space and Visual Amenity, 7.03 Traffic, Parking and Access. It may also require referral to section 5.03 Vegetation Management, where existing trees are within 5m of the development footprint or other existing trees likely to be affected by the development, and 4.02 Bush Fire Protection, where the land is identified as bush fire prone land within City of Newcastle Bush Fire Prone Land maps.

3. Where applicable, refer to relevant sections within Part 6.00 Locality Specific Provisions, which provide area specific guidelines for certain locations. Individual sections within Part 6.00 identify what other sections of this DCP will and/or may also apply.
4. Other sections of this Development Control Plan, other than those specifically identified under Part 3.00 or Part 6.00 may also apply to a development depending on the nature of the development and the circumstances of the case. These sections include:
 - (a) Part 4.00 Risk Minimisation Provisions, which provide specific controls aimed at reducing the risk of potential identified hazards on development and ensuring development does not exacerbate such risks.
 - (b) Part 5.00 Environmental Protection Provisions, which provide specific controls aimed at reducing the potential impacts from development on the natural and built environment.
 - (c) Part 7.00 Development Provisions, which provide minimum requirements on various design related aspects.

Each section also identifies relevant supporting technical manuals and additional information, where available.

Note: City of Newcastle has also prepared various guidelines and fact sheets for more detailed information on the development assessment process including the minimum requirements needed for lodging a development application with City of Newcastle. This information is available on City of Newcastle's website and at the Customer Contact Centre, City of Newcastle's Administration Centre, 12 Stewart Avenue, Newcastle West.

General format of each section

For ease of use, each section is formatted consistently and contains the following:

- Amendment history
- Savings provisions
- Land to which this section applies
- Development (type/s) to which this section applies
- Applicable environmental planning instruments and legislation
- Related sections (other sections within this Development Control Plan that will or may apply)
- Associated technical manual/s (documents providing acceptable method or numerical standards for achieving the minimum requirements for development)
- Additional information (helpful advice that may include best practice guidelines)
- Definitions (related to the specific section)
- Aims (identifying why the section is relevant)
- Subject headings (only relevant where grouping the controls by topic)
- Sub-heading (further breakup of controls where necessary)
- Objectives (non-negotiable design principle or minimum requirement to be achieved by development)
- Controls (accepted means of achieving the objectives, which may only be varied where suitably justified).

Hierarchy of sections

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

1. Where an inconsistency arises between Part 6.00 Locality Specific Provisions and Part 3.00 Landuse Specific Provisions the locality specific provision will prevail to the extent of the inconsistency.
2. The provisions of the latest adopted section prevail, where sections are located within the same part of this plan.
3. The more precautionary provisions will apply, where sections are within the same part of this plan and were adopted on the same date.

Variations to development controls

The controls within each section ensure the aims and objectives are achieved by proposed development. Where development proposes to vary from a control, the onus is on the applicant to demonstrate by documentation and plans, within the Statement of Environmental Effects, how the objectives of the subject section are still achievable by such variation.

Each application will be assessed on its merits having regard to all relevant statutory heads of consideration. Therefore, compliance with the minimum provisions of this plan does not necessarily mean that an application will be approved.

Note: It is not appropriate to request Council to vary a Control for economic reasons, to achieve a higher density (which may be out of character with the surrounding area), or to enable a "standard design" to fit on the site. 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.

Applications that cannot reasonably establish these criteria will not be supported by Council.