



# **1.0 Introduction**

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## 1.1 Name of This Plan

The name of this Plan is Hurstville Development Control Plan No. 1 (DCP 1).

## 1.2 What is a Development Control Plan (DCP)?

A DCP provides guidance and controls for the design and assessment of proposed developments.

This DCP must be considered when carrying out development on any land to which this Plan applies.

## 1.3 Land to Which This Plan Applies

This Plan applies to all land to which the Hurstville Local Environmental Plan 2012 (Hurstville LEP 2012) applies, excluding land identified as the Hurstville City Centre.

**Note:** DCP No. 2 (Hurstville City Centre), applies only to land within the Hurstville City Centre and is subject to the Hurstville LEP 2012.

## 1.4 Aims of this Plan

The aim of this DCP is to encourage and co-ordinate the orderly and economic use and development of land to cater for a variety of residential, retail, commercial and service needs of the community while protecting and enhancing amenity, cultural heritage and ecological sustainability.

This DCP was created to support and supplement the Hurstville LEP 2012 by providing objectives and guidelines for development which encourage design that responds positively to the environment and the context of the locality and generates high quality urban design outcomes.

Specific aims are contained within each Section of the DCP relevant to each development type, application process, site and locality.

## 1.5 Commencement of the Plan

The DCP No. 1 Hurstville LGA Wide (now known as Hurstville Development Control Plan No. 1) was adopted by Council on 28 March 2007 and is effective from 23 April 2007.

There have been the following amendments to date to this DCP:

- Amendment No.1 – effective from 7 June 2007
- Amendment No.2 – effective from 22 March 2010
- Amendment No.3 – effective from 24 June 2013
- Amendment No.4 – effective from 12 June 2014

- Amendment No.5 – effective from 13 July 2016
- Amendment No.6 – effective from 18 April 2018

## 1.6 Relationship to Other Plans

DCP 1 has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and Environmental Planning and Assessment Regulation 2000.

This DCP is to be read in conjunction with the Hurstville LEP 2012 and Council's Section 94 Contribution Plans (as amended from time to time).

The Hurstville LEP 2012 contains the statutory definitions, aims, land use zones and objectives, principal development standards (e.g. height and floor space controls) and associated controls. This DCP provides detailed guidelines and controls to supplement and support Hurstville LEP 2012. In the event of an inconsistency between the provisions of Hurstville LEP 2012 and this DCP, the provisions of Hurstville LEP 2012 shall prevail.

**Note:** For all controls and associated maps contained within the Hurstville LEP 2012 please use the following link:

<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+613+2012+cd+0+N>

This DCP supersedes the following Development Control Plan:

### DCP No.1 – LGA Wide (Amendment No.4)

This plan is also to be read in conjunction with the following codes and policies (copies of which are contained in Appendix 2 of this DCP):-

- Drainage and On Site Detention Policy
- Fencing adjacent to Public Roads Policy
- Balcony Enclosure in Residential Flat Buildings Policy
- Public Places Local Approvals Policy
- Satellite Dishes Policy
- Code for the Erection of Private Tennis Courts
- Stencilling of Street Driveways Policy.

## 1.7 Savings and Transitional Provisions

This DCP only applies to development applications lodged on or after 13 July 2016.

## 1.8 Structure of the Plan

The DCP provides a layered approach – some sections are relevant to all development, some to

specific types of development, and some to specific land.

- **All development** must take into account the controls contained within:
  - Section 1 Introduction;
  - Section 2 Application Process;
  - Section 3 General Planning Considerations; and
- **Certain development** must take into account sections relating to specific development types as follows:
  - Specific controls for residential development (Section 4);
  - Specific controls for non-residential development (Section 5); and
  - Controls for specific sites and localities (Section 6).

For each Section of the DCP there are specific aims and within each sub-section or topic of relevance you may find a combination of Objectives, Controls, Performance Criteria and Design Solutions. Refer to Section 1.11 Compliance with the Plan to understand how to comply with these requirements.

## 1.9 How to Use This Plan

### STEP 1 →

#### **Verify if this DCP applies to your development:**

Check the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and Sections 3.1 Exempt Development and 3.2 Complying Development of Hurstville LEP 2012 and see whether your development can be classified as complying or exempt, or if you need to lodge a development application. The classification of developments is explained in Section 2.1 Types of Development.

If you need to lodge a Development Application (DA), then this DCP applies to your development and you should move to STEP 2.

**Note:** *It is important that you refer to Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au) to find detailed information on how to prepare a development application, development application checklists and the assessment process. You can also telephone Council's Customer Service Centre on (02)9330 6400 and request assistance from the Duty Planner. You may also refer to Section 1.10 What Controls Apply to My Proposal and Section 1.12 What Information Do I Need to Provide with a Development Application for general guidance.*

### STEP 2 →

#### **Verify Council's public notification requirements:**

Refer to Section 2.2 Neighbour Notification and Advertising of Development Applications to understand when Council will need to notify neighbouring properties and/or advertise your

development.

### STEP 3 →

#### **Verify controls applicable to all development:**

Understand and apply controls within Section 3\_ General Development Controls that apply to all development. This section covers issues such as car parking, subdivision, heritage, access and mobility, energy efficiency and crime prevention through environmental design.

### STEP 4 →

#### **For residential development:**

Understand and apply Section 4 Specific Controls for Residential Development (also refer to Section 6 for specific sites and localities). This section contains controls relating to development types such as single dwelling houses, dual occupancy, multi dwelling housing and residential flat buildings.

### STEP 5 →

#### **For any development that is not residential development:**

Understand and apply Section 5 Specific Controls for Non-Residential Development (also refer to Section 6 for specific sites and localities). This section contains controls relating to development types such as commercial and light industrial development, child care centres and food premises.

### STEP 6 →

#### **Verify controls applicable to specific sites or localities:**

Understand if your development is on any site and/or locality identified in Section 6 Controls for Specific Sites and Localities and apply the correspondent controls. Section 6 includes controls for development in certain areas such as Beverly Hills and Riverwood.

### STEP 7 →

#### **Verify the definition of any words or terms you are unsure of:**

You can find the definitions of terms in the Hurstville LEP 2012 – Dictionary.

## 1.10 What Controls Apply to My Proposal?

Development type	Section 1 Introduction	Section 2 Application Process	Section 3 General Planning Considerations	Section 4 Residential Development	Section 5 Non-Residential Development	Section 6 Specific Site and Area Controls
<b>Residential Development</b>						
Single dwellings	yes	yes	yes	yes	–	yes *
Small lot housing	yes	yes	yes	yes	–	yes *
Dual occupancy	yes	yes	yes	yes	–	yes *
Multiple dwellings and residential flat buildings	yes	yes	yes	yes	–	yes *
Residential alterations & additions	yes	yes	yes	yes	–	yes *
Outbuildings (residential zones)	yes	yes	yes	yes	–	yes *
Fences (residential zones)	yes	yes	yes	yes	–	yes *
<b>Commercial &amp; Industrial Development</b>						
Commercial development	yes	yes	yes	–	yes	yes *
Industrial development	yes	yes	yes	–	yes	yes *
<b>Other Development Types</b>						
Swimming pools and spas	yes	yes	yes	–	yes	yes *
Advertising & signage	yes	yes	yes	–	yes	yes *
Subdivision	yes	yes	yes	–		yes *
Child care centres	yes	yes	yes	yes	yes	yes *
Brothels	yes	yes	yes	–	yes	yes *
Restricted premises	yes	yes	yes	–	yes	yes *

*\* will only apply if your development is on any specific site and/or locality identified in Section 6 which includes controls for land in certain areas e.g. Beverly Hills and Riverwood.*

## 1.11 Compliance with this Plan

Within each Section or topic of relevance you will find a combination of the items below:

**Aims:** Identify the reasons why a particular Section of the DCP was created.

**Objectives:** For each Section or topic of relevance, objectives will clearly state what Council seeks to achieve once the Controls or the Performance Criteria are met.

**Controls:** Are specific, prescriptive measures required for achieving the desired objectives.

**Performance Criteria:** Identify how a development should perform so that the desired outcomes can be achieved.

**Design Solutions:** Indicate how the development can achieve the desired performance and objectives.

**Building Envelope:** Indicates an area within which the building footprint should be contained so that your property and neighbouring properties can maintain qualities such as adequate privacy, amenity and solar access.

There may be circumstances when it is appropriate to allow flexibility in the application of the Controls in this DCP where strict compliance with the controls is considered unreasonable or unnecessary and variations to the controls may produce better development outcomes for particular sites. Variation to development controls will only be considered where applicants have provided a written submission for each variation (included within the Statement of Environmental Effects – see Section 1.12 What Information Do I Need to Provide with a Development Application) that must clearly:

- Identify the development control to be varied and the general and/or specific objectives of that control;
- Justify why the specific controls of the DCP do not make appropriate provisions with regard to the subject DA;
- Demonstrate that the variation meets all the objectives of this DCP and does not result in any adverse impacts on surrounding properties or the environment.

Council gives no assurance that it will permit any variations to the development controls as specified in this DCP. Variations will only be approved in exceptional circumstances.

**Note:** *Because every site is unique, compliance with the Controls, Performance Criteria and Design Solutions does not guarantee approval of an application. The Objectives must be achieved in each case. Each application will be considered on its merits and within the guidelines of this DCP.*

## 1.12 What Information Do I Need to Provide with a Development Application?

The information you need to supply to Council with your development application (DA) will vary considerably, depending on the proposal. It is important that you refer to the detailed information available on the Development Application Section under Building & Development on Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au) to understand the assessment process, how to prepare a development application and to verify on the development application checklist the detailed information requirements according to the type of development proposed. You can also telephone Council's Customer Service Centre on (02)9330 6400 and request assistance from the Duty Planner.

In summary, the following information is required:

**Note:** *Items marked with ⚙ are required for all types of development application. Other documents, including but not limited to those listed below may also be required depending on the type of development proposed. As each development is unique, to make a proper assessment Council may require further information after the application is lodged. Understanding and complying with all requirements upfront and/or seeking professional advice will help you submit a high quality Development Application with complete information and avoid delays to the processing time.*

### Development Application Forms ⚙

The DA form is required to be completed and signed by the applicant and all relevant property owners (if more than one property owner).

### Development Application Fees ⚙

The lodgement of the DA will only be accepted if the prescribed Development Application fees are in accordance with Council's adopted Fees & Charges.

### Statement of Environmental Effects (SEE) ⚙

The SEE is a written report that can be prepared by yourself or by a town planner or other suitably qualified professional acting on your behalf. The statement must:

- Outline the full nature of your proposed development;
- Explain how the proposed development addresses and complies with the relevant environmental planning instruments (such as the Hurstville LEP 2012, SEPPs) and this DCP; and
- Identify the potential impacts of the development and the features that have been incorporated into the design to protect the environment.

If the project is expected to have a significant impact on the environment and is classified as a “designated development”, an Environmental Impact Statement (EIS) prepared by a suitably qualified and experienced professional shall be submitted instead.

### Site and Context Analysis Plan ☆

**Refer Diagram 1.** The Site Analysis and Context Analysis (drawing and text) must contain information, where appropriate, about the site and its surrounds, including:

- Site:
  - Site dimensions (length and width);
  - Topography (spot levels and/or contours);
  - North point;
  - Natural drainage;
  - Any contaminated soils or filled areas;
  - Services (easements, connections for drainage and utility services);
  - Existing vegetation (location, height, spread of established tree species);
  - Micro-climates (orientation of prevailing winds);
  - Location of: buildings and other structures, heritage features and items, fences, property boundaries, pedestrian and vehicular access;
  - Views to and from the site; and
  - Overshadowing by neighbouring structures;
- Surrounds:
  - Neighbouring buildings (location, height, use);
  - Privacy (adjoining private open spaces, living rooms, and windows overlooking the site, particularly those within 9m of the site; location of any facing doors and/or windows);
  - Walls built to the site’s boundary (location, height, materials);
  - Difference in levels between the site and adjacent properties at their boundaries;
  - Views and solar access enjoyed by neighbouring properties;
  - Major trees on adjacent properties, particularly those within 9 metres of the site;
  - Street frontage features (poles, trees, kerb crossovers, bus stops, other services);
  - The built form and character of adjacent development (architectural character, front fencing, garden styles);
  - Heritage features of surrounding locality and landscape;
  - Community facilities and public open space (location, use);
  - Adjoining bushland or environmentally sensitive land;

- If on bushfire prone land the bushfire hazard (bushland or vegetation that could threaten properties in a bushfire) and
- Sources of nuisance (flight paths, noisy roads, significant noise sources, polluting operations).

The site analysis must be accompanied by a written statement (that may be supported with additional drawings) explaining how the design of the proposed development has regard to the site analysis, and explaining how the design of the proposed development has regard to the principles set out in the Guidelines and Controls in this DCP.

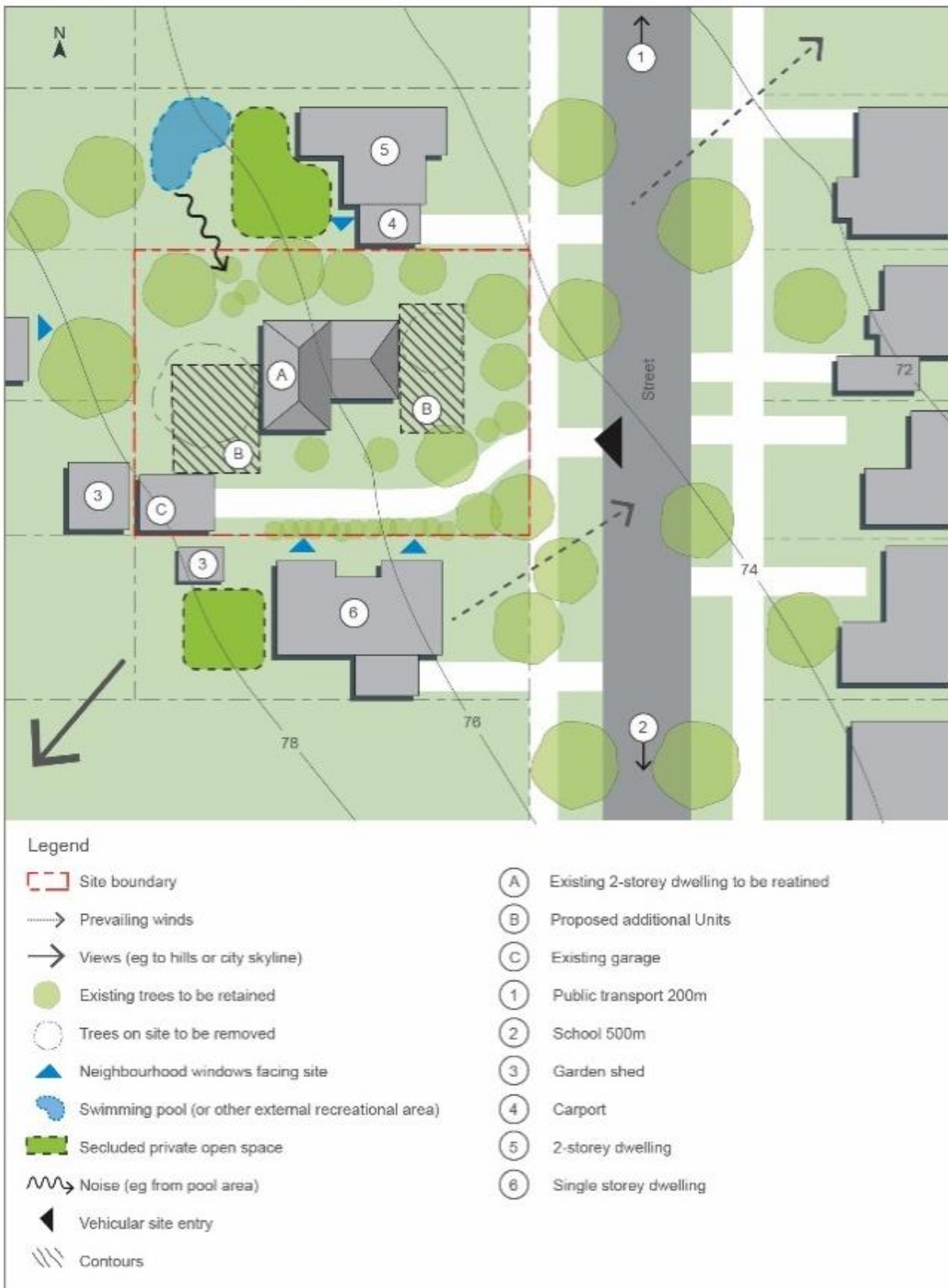


Figure 1: Example of a Site Analysis Plan



## Architectural Plans ✦

Architectural plans must be dimensioned and prepared according to the required scale and print size and include:

- Floor plans showing:
  - Layout plans of all floors, including any basement or rooftop levels.
- Sections
- Elevations
- Site plan, including the following information:
  - The north point;
  - Lot and Deposited Plan number(s);
  - Site dimensions;
  - Location of any easements and/or rights of carriageway;
  - Existing contours and proposed finished contour levels;
  - Location of driveways, vehicle parking and manoeuvring areas, proposed driveway crossings, footpath (existing and proposed);
  - Location of trees/vegetation
  - Location of existing and proposed drainage pipelines and services;
  - Building setback dimensions off each property boundary; and
  - Details of proposed cut and fill works.

It is recommended that plans for all forms of residential development and large-scale commercial office, retail or industrial type developments be prepared by a registered architect or designer.

## Waste Management Plan

Required for all applications involving any demolition or construction, the plan must outline the proposed method of waste storage and disposal during these phases of the development.

## Stormwater Plan

Required for the majority of applications involving new development or alterations and additions to existing development. The plan must detail the method of stormwater drainage from the site and identify the proposed location and approximate volume of any on-site stormwater detention.

## Erosion and Sediment Control Plan

Required for all development applications involving site works, the plan should include the location of the property boundaries and adjoining roads and the location and type of all proposed erosion and sediment control measures.

## BASIX Certificate

Required for all new residential development, a BASIX certificate can be obtained via an on-line assessment tool that analyses data about the site and proposed design and determines how the development scores against targets for energy and water usage. The certificate will be obtained only if it is considered the home is satisfactorily designed to use less potable water and to be responsible for fewer greenhouse gas emissions.

## Shadow Diagrams

Required for the majority of residential and mixed used developments of two or more storeys or any type of development where Council is of the opinion that shadow analysis is required to determine any potential overshadowing impact upon any adjoining land use. As a minimum, shadow diagrams should show shadows generated by the proposed development at 9.00 am, 12 midday and 3.00 pm on 21 June (mid-winter), and 22 December (mid-summer).

## Landscape Concept Plan

Required for the majority of developments except for development involving only a single dwelling house in a residential zone. The plan must be prepared by a suitably qualified professional and include all data required for a site plan plus complete detail of proposed vegetation to be used in the development, hard landscape features, surface treatments, surface and sub-surface drainage, irrigation systems, maintenance schedule and measures to minimise crime risk.

## Schedule of External Finishes

Required for certain types of development, must show all proposed external colours and building materials.

## Traffic and Parking Report

Required when the development may impact traffic and parking arrangements. The report must be prepared by a suitably qualified traffic engineer and include information about the existing traffic conditions on key roads and key intersections in the locality, estimated number of traffic movements generated by the development, the ability of the surrounding road network to accommodate the increased traffic generated by the development, sight distances and any other safety issues, the adequacy of the proposed car parking and access arrangements and recommended upgrading works required to cater for any potential impacts generated by the development.

### **Heritage Conservation Management Plan**

Required when the property is listed as an item of environmental heritage or is within a heritage conservation area and/or is in vicinity of a heritage item. The plan must be prepared by a suitably qualified and experienced heritage consultant and must address the relevant heritage provisions, ensuring that the significance and integrity of heritage items is retained and that the curtilage of such heritage items and their relationship with surrounding developments and the streetscape is also considered.

### **Arborist Report and Tree Survey Plan**

Required when a proposed development may affect certain trees or other vegetation on either the subject site or upon a neighbouring property. May also be required when the applicant requests removal or maintenance of vegetation (e.g. pruning of branches and roots) as part of the development application.

### **Species Impact Statement (SIS)**

Required if the development is likely to have a significant effect upon any threatened flora or fauna species, endangered population or endangered ecological community or their habitats to impact threatened species.

### **Flood Study**

Required where Council records show or there are other reasons indicating that a site can be impacted by overland flows, flooding and tidal waters or where the proposed development could impact on flood or overland flow patterns. Flood studies must be prepared by a suitably qualified and hydraulic engineer.

### **Acid Sulphate Soils Management Plan**

Must include strategies to manage the potential impact development works could have on acid sulphate soils.

### **Remediation Plan**

Must include strategies to manage land that is found to be contaminated