

PART 1

Introduction



Part 1 Introduction and Administration

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1.1 Name of Development Control Plan

This Development Control Plan is called the Georges River Development Control Plan (DCP) 2021. This DCP supports the provisions of the Georges River Local Environmental Plan 2021 (LEP) by providing additional objectives and development controls to guide and enhance development within Georges River.

1.2 Adoption Date and Commencement

This DCP was adopted by Council on 26 June 2023 and came into effect on 27 October 2023.

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

Amendment No.	Adopted Date	Effective Date	Description of Amendment
N/A	24 March 2021	8 October 2021	Commencement of the Georges River DCP 2021 which repeals the Interim Policy DCP, Hurstville DCP 1 and the Kogarah DCP 2013
1	22 August 2022	7 October 2022	Includes built form and design provisions to guide a future residential care facility at 53A-59A Gloucester Road, Hurstville, in accordance with Amendment No. 4 to the GRLEP 2021. The amendment inserts site specific provisions in Part 10 Precincts of the GRDCP and makes a number of consequential changes to various sections of the GRDCP.
2	24 July 2023	21 August 2023	<p>Insertion of Part 8.2 Hurstville City Centre, which repeals the Hurstville DCP No.2 Amd 6 and Hurstville DCP No.2 Amd 12.</p> <p>Consolidation and update of Appendix 4 Waste Management.</p> <p>Housekeeping amendments to the following sections to resolve unintended omissions, numerical, typographical, interpretation and formatting errors:</p> <ul style="list-style-type: none">• Part 1 – Introduction• Part 3 – General Planning Considerations• Part 4 – General Land Use• Part 5 – Residential Locality Statements• Part 6.1 – Low Density Residential Controls• Part 6.2 – Medium Density Residential Controls

			<ul style="list-style-type: none"> • Part 6.3 – High Density Residential Controls • Part 6.5 – Foreshore Locality Controls • Part 7 – Business Precincts • Part 8.1 – Kogarah Town Centre • Part 9 – Industrial Development • Part 10 – Precincts • Appendices 2-7 • Glossary
3	26 June 2023	27 October 2023	Includes built form and design provisions to guide a future redevelopment of the existing Hurstville Civic Precinct for a mixed use civic, cultural, commercial and residential destination. The Hurstville Civic Precinct site is bound by MacMahon Street, Park Road, Queens Road and Dora Street. The amendment to the GRDCP is in accordance with Amendment No. 6 to the GRLEP 2021. The amendment inserts site specific provisions in Part 8 Strategic Centres of the GRDCP and makes a number of consequential changes to various sections of the GRDCP.

1.3 Role of the DCP

This DCP provides detailed guidance for the design and assessment of proposed developments within the Georges River LGA. It contains Council's vision for future development and is used to assess the suitability of new development. This DCP contains the development controls for quality development and sound environmental outcomes within the Georges River Local Government Area (LGA).

This DCP provides more detailed provisions to expand upon the controls within the Georges River LEP 2021. Under section 4.15 (previously s79C) of the *Environmental Planning and Assessment Act 1979*, the assessment and determining authority is required to take into consideration the relevant provisions of this DCP in determining any application for development (except for State Significant Development). For State Significant Development, this DCP contains matters of relevance to applicants in the preparation of development proposals.

1.4 Principles and Purpose of the DCP

The aims of this DCP are to:

- Have a single document that supports the Georges River LEP 2021;
- Provide objectives and development controls that establish clear guidelines for development;
- Develop a high quality urban environment and built form character in the Georges River LGA;
- Ensure development contributes to the prosperity of the Georges River LGA; and
- Ensure development protects and enhances the natural environment.

1.5 Monitoring and Review

This DCP is subject to periodic review. Council is committed to ensure the DCP remains relevant and applicable to development in the Georges River LGA.

1.6 Relationship to other Planning Documents and Instruments

This DCP has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* and the *Environmental Planning and Assessment Regulation 2000 (EP&A Reg 2000)*.

The provisions of this DCP must be read in conjunction with Georges River Local Environmental Plan (LEP) 2021. Where there is any inconsistency between this DCP and LEP, the provisions of the LEP prevail.

This DCP replaces the following DCPs and policies applying to the former City of Hurstville LGA and former City of Kogarah LGA. This includes:

- Hurstville Development Control Plan 1
- Hurstville Development Control Plan 2 Amd 6
- Hurstville Development Control Plan 2 Amd 12
- Kogarah Development Control Plan 2013
- Georges River Development Control Plan 2020 – Interim Policy
- Drainage and Onsite Detention Policy
- Fencing adjacent to public roads
- Balcony Enclosures in Residential flat buildings Policy
- Satellite Dish Policy
- Code for the erection of private tennis courts

- Stencilling of street driveways policy
- Underground electricity cabling to developments policy
- Design guidelines for absorption trenches
- Rainwater Tanks Policy, adopted 18 December 2002
- Home Activities Policy, adopted 15 August 2001
- Code for Commercial Use of Public Footpaths

1.7 Savings Provision

If an application has been made before the commencement of the DCP in relation to land to which the DCP applies, and the application has not been finally determined before that commencement, the application must be determined as if the DCP had not commenced. All applications received after the commencement date of an amendment to the DCP are subject to the DCP as amended.

1.8 Application of the DCP

This DCP applies to all land within the Georges River Council Local Government Area.

The Plan applies to all categories of development as defined within the *EP&A Act 1979* that requires development consent.

Where a development application is lodged which relates to land to which this plan applies, the determining authority shall take the provisions of this plan into consideration in determining that application.

Development applications must demonstrate conformity with the objectives of this Plan.

Each application will be considered on the individual circumstances and merits of the case in terms of achievement of the aims and objectives of the DCP and the objectives and sections of any relevant parts of the DCP.

Compliance with the provisions of this plan does not necessarily imply that the determining authority will consent to any application. Other matters must also be taken into consideration, including those matters listed under Section 4.15 of the *EP&A Act 1979* (as amended)

1.9 Structure of this DCP

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- 4.4 Sex Services Premises
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- 5.14 Carlton
- 5.15 Kogarah South
- 5.16 Connells Point and Kyle Bay
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- 5.20 Sans Souci and Ramsgate

Part 6.0 – Residential Controls
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Glossary

1.10 How to use this DCP

Part 1.0 – Introduction

This Part explains the purpose of the DCP, where it applies, and how to use the DCP.

Part 2.0 – Application Process

This Part explains the application process including approval pathways, pre-lodgement processes, and DA notification and advertising procedures.

Part 3.0 – General Planning Considerations

This Part establishes the general guiding principles for development, including public domain, sustainability, heritage, tree management, transport and parking, late night trading and signage.

Part 4.0 – General Land Uses

This Part establishes provisions for certain types of developments including boarding houses; child care centres; place of public worship; visitor accommodation and other development types.

All development proposals must refer to the provisions that best describes that type of development being proposed.

Part 5.0 – Locality Statements

This Part establishes desired future character and supporting principles for the various localities across the local government area. Development is required to be consistent with

the relevant locality statement. All development types must refer to the relevant locality statement and supporting principles.

Part 6.0 – Residential Controls

This Part establishes provisions for certain types of developments including single dwellings, terraces and dual occupancies; residential flat buildings and ancillary structures. This Part also includes Foreshore Locality provisions.

All development proposals must refer to the provisions that best describes that type of development being proposed.

Part 7.0 – Business Precincts

This Part establishes provisions for development within all Business-zoned land, being E1 Local Centre, E2 Commercial Centre and MU1 Mixed Use.

All development proposals within these business precincts must refer to the provisions within this Part that relate to the type of development being proposed.

In the event of a discrepancy between the controls specified in this Part of the DCP and Part 8.0 Strategic Centres, the specific requirements identified within Part 8.0 of the DCP shall prevail.

Part 8.0 – Strategic Centres

This Part contains the provisions for development within the Kogarah Town Centre and the Hurstville City Centre, including ‘deferred matter’ sites under the Georges River Local Environmental Plan 2021.

This Part also contains controls for specific precincts within the Hurstville City Centre.

All development proposals within the Kogarah Town Centre and Hurstville City Centre must refer to the provisions within this Part that relate to the type of development being proposed.

Part 9.0 – Industrial Development

This Part establishes the provisions for development within the IN2 Light Industrial zones including locality and desired future character statements for each of the light industrial precincts within the LGA, and general controls relating to built form, setbacks, landscaping and parking.

All development proposals within the IN2 Light Industrial zone must refer to the provisions within this Part that relate to the type of development being proposed.

Part 10.0 – Precincts

This Part contains the provisions for development within specific precincts.

All development proposals within these precincts must refer to the provisions within this Part that relate to the type of development being proposed.

Appendices

This Part contains further information referred to in the DCP and also additional objectives and principles for specific types of developments in earlier parts of the DCP.

Glossary

This Part contains definitions which are in addition to those contained in the Georges River Local Environmental Plan, current Council policies and current legislation.

1.11 Development Contributions and Planning Agreements Policy

Development Contribution Plans are levied on developments for community amenities and services required as a consequence of the development in specific areas of the Georges River Local Government Area. The Plans are listed on Council's website at www.georgesriver.nsw.gov.au.

Planning Agreements

Planning Agreements are made in accordance with the requirements of the Environmental Planning and Assessment Act 1979. A planning agreement is a voluntary agreement entered into by Council and a developer/ landowner. A planning agreement can provide for the dedication of land, payment of a monetary contribution or any other public benefit to be used for a public purpose. Voluntary planning agreements within the Georges River Council are listed on a public register.

Under the agreement, a developer agrees to provide or fund:

- Public amenities or public services
- Affordable housing
- Transport
- Conservation or enhancement of the natural environment
- Other infrastructure.

Council's Planning Agreements Policy provides guidelines for both the Council and developers to effectively negotiate and prepare Planning Agreements, and provides a template planning agreement document, as well as a list of suggested infrastructure for works that may be considered to have a public benefit. Early discussions with Council officers are recommended where planning agreements are anticipated, if the provision of public amenities or the like outside of the requirements of the Contributions Plan and/or a planning agreement is proposed.