

INTERIM POLICY

Georges River Development Control Plan 2020

POLICY ADMINISTRATION

Dates	Policy approved 24/06/2019 This policy is effective from 22 July 2019
Approved by	Council Meeting 24/06/2019 Council Resolution CCL033-19
Exhibition Period	N/A
Policy Owner	Manager Strategic Planning, Environment and Planning
Related Documents	Councillor Briefing – Interim Policy Approach – 1 April 2019 (D19/69106)
References & Legislation	N/A
Document Identifier	Policy #:Pol-061.01 Doc #: D19/127623
Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

PURPOSE

The amalgamation of Kogarah City Council and Hurstville City Council in May 2016 resulted in the consideration of future planning matters to be done holistically under the newly amalgamated Georges River Council.

Georges River Council has four operative Development Control Plans from the two former Councils, of which staff members from the Development Assessment team enforce during their assessment. The controls were created to reflect the landscape of its corresponding Local Government Area (LGA), and as a result of amalgamation, there is inevitable inconsistency within the assessment of residential development applications (DA).

This inconsistency was raised by Council at its meeting dated 24 September 2018, where Council resolved:

“That Council note as a result of the 2016 Council amalgamation there are numerous Development Control Plans (DCP) that apply across the Local Government Area for similar development types, which contain inconsistent controls (for example: lot width and site area provisions for Dual Occupancy Developments and inconsistent storey (height) limits to overall Local Environmental Plan (LEP) Building Height Controls); and

That the General Manager prepare a report to Council on the establishment of an Interim Policy on the application of key DCP provisions which are inconsistent across the Local Government Area (such as those mentioned above) including options for assessing development applications on a consistent basis until such time as a comprehensive DCP is prepared and implemented for the entire Local Government Area.”

The aim of an Interim Policy is to set a consistent approach for the assessment of residential development within the Georges River LGA, until such a time as a comprehensive DCP is prepared and implemented.

In accordance with the resolution, consultation was undertaken with staff from the Development Assessment and Legal departments to determine which controls needed to be amended to reflect the standards currently applied, ensure practicality in their application, and prevent inappropriate development. A comparison of current residential controls across the two former Councils, and a review of Council’s variations register occurred.

SCOPE

The Interim Policy is a public document used by Development Assessment planners in their assessment of residential DAs. It will ensure that assessment is consistent across the LGA. The controls have been formatted in accordance with the operative DCPs.

It is a supplementary document, meaning that current DCP controls will continue to apply if a particular control is not specified in the Interim Policy, or if it is still considered best practice. All operative DCPs will still legally apply. Whilst the Interim Policy will have no statutory recognition in the assessment of a Development Applications pursuant to the Environmental Planning & Assessment Act 1979, the policy will be used as a guide.

DEFINITION OF TERMS

Term	Meaning
ADG (SEPP 65)	Apartment Design Guide – State Environmental Planning Policy No. 65
DA	Development Application
DCP	Development Control Plan
EP&A	Environmental Planning and Assessment
FSPA	Foreshore Scenic Protection Area
LEP	Local Environmental Plan
LGA	Local Government Area
SEPP	State Environmental Planning Policy

POLICY STATEMENT

Dwelling Houses	
Section	Interim Policy Control
Building Setback (Front)	<ul style="list-style-type: none"> • Minimum setback from the primary street boundary is: <ul style="list-style-type: none"> a) 4.5m to the main building face b) 5.5m to the front wall of garage, carport roof or onsite parking space Or a) Within 20% of the average setback of dwellings on adjoining lots
Building Setback (Rear)	<ul style="list-style-type: none"> • Buildings are to have a minimum rear setback of 15% of the average site length, or 6m, whichever is greater • Where the existing pattern of development displays an established rear setback, development should recognise and respond to site features and cross views of neighbouring properties

Building Setback (Side)	<ul style="list-style-type: none"> The minimum side setback outside the FSPA is 900mm (ground floor) and 1.2m (first floor) The minimum side setback inside the FSPA is 900mm (ground floor) and 1.5m (first floor) with a minimum of 5.5m in front of any proposed new garage. 	
Landscaped area	<ul style="list-style-type: none"> Where located outside the FSPA, a minimum of 20% of site area is landscaped open space Where located inside the FSPA, a minimum of 25% of the site area is landscaped open space The minimum dimension of landscaped open space is 2m, designed in a useable configuration A minimum of 15m² of the landscaped open space is provided between the front setback and the street boundary in the form of a front yard 	
Private Open Space	<ul style="list-style-type: none"> An area of Principal Private Open Space is to be provided which: <ul style="list-style-type: none"> a) has a minimum area of 30m² b) has a minimum dimension of 5m, designed in a useable configuration c) is located at ground level and behind the front wall of the dwelling d) is directly accessible from a main living area 	
Basement/Land Modification	<p>Basements are permitted where Council's height controls are not exceeded, and it is demonstrated that there will be no adverse environmental impacts (e.g. affection of watercourses and geological structure).</p> <ul style="list-style-type: none"> Basements for low grade sites (ie < 12.5% Grade front to rear): <ul style="list-style-type: none"> a) Basements on land where the average grade is less than 12.5% are permitted only where they are not considered a storey (<i>see definition below</i>) and the overall development presents as 2 storeys to the street. b) A basement is not considered a storey if it is: <p>situated partly below the finished ground and the underside of the ceiling is not more than 1m above the natural ground at the external wall for a maximum of 12m in length, with the exception of the façade in which the garage door is located.</p> 	
Solar Access	<p style="text-align: center;">Hurstville:</p> <p>Development allows for at least 3 hours of sunlight on the windows of main living areas and adjoining principal private open space of adjacent dwellings between 9.00 am and 3.00 pm on 22 June.</p> <p>Note 1: Development applications for development two storeys and over are to be supported by shadow diagrams demonstrating compliance with this design solution.</p> <p>Note 2: Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation</p>	<p style="text-align: center;">Kogarah:</p> <p>Where the neighbouring properties are affected by overshadowing, at least 50% of the neighbouring existing primary private open space or windows to main living areas must receive a minimum of 3 hours sunlight between 9am–3pm on the winter solstice (21 June).</p> <p>Note 1: development applications for development two storeys and over are to be supported by shadow diagrams demonstrating compliance with this design</p>

		<p>solution.</p> <p>Note 2: Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation.</p>
Dual Occupancies		
Section	Interim Policy Control	
Minimum Lot Size	<ul style="list-style-type: none"> • Council controls relating to minimum lot sizes are in accordance with the following: <ul style="list-style-type: none"> - <i>Hurstville LEP 2012</i> - <i>Kogarah LEP 2012</i> 	
Frontage (attached)	<ul style="list-style-type: none"> • Minimum site width is 15m for an attached dual occupancy 	
Frontage (detached)	<ul style="list-style-type: none"> • Minimum site width is: <ul style="list-style-type: none"> a) 18m for a detached 'front (maximum 2 storeys) and back' (maximum single storey) dual occupancy with a dwelling at the rear with access to the street via an access handle or right of carriageway b) 22m for a detached dual occupancy in a –side by side' configuration where both dwellings have direct street frontage 	
Parking	<ul style="list-style-type: none"> • Each dwelling is to provide one (1) garage and one (1) driveway space (unless otherwise provided for in the building envelope). 	
Building Setback (Side)	<i>Retain existing controls.</i>	
Basement/Land Modification	<p>Basements are permitted where Council's height controls are not exceeded, and it is demonstrated that there will be no adverse environmental impacts (e.g. affectation of watercourses and geological structure).</p> <ul style="list-style-type: none"> • Basements for low grade sites (ie < 12.5% Grade front to rear): <ul style="list-style-type: none"> c) Basements on land where the average grade is less than 12.5% are permitted only where they are not considered a storey (<i>see definition below</i>) and the overall development presents as 2 storeys to the street. d) A basement is not considered a storey if it is: <p>situated partly below the finished ground and the underside of the ceiling is not more than 1m above the natural ground at the external wall for a maximum of 12m in length, with the exception of the façade in which the garage door is located.</p> 	
Solar Access	Hurstville:	Kogarah:
	<p>Development allows for at least 3 hours of sunlight on the windows of main living areas and adjoining principal private open space of adjacent dwellings between 9.00 am and 3.00 pm on 22 June.</p> <p>Note 1: development applications for development two storeys and over are to be supported by shadow diagrams demonstrating</p>	<p>Where the neighbouring properties are affected by overshadowing, at least 50% of the neighbouring existing primary private open space or windows to main living areas must receive a minimum of 3 hours sunlight between 9am–3pm on the winter solstice (21 June).</p>

	<p>compliance with this design solution.</p> <p>Note 2: Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation</p>	<p>Note 1: development applications for development two storeys and over are to be supported by shadow diagrams demonstrating compliance with this design solution.</p> <p>Note 2: Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation</p>
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Multi Dwelling Housing

Section	Interim Policy Control	
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Site Frontage	<p style="text-align: center;">Hurstville:</p> <p>The minimum site frontage is 15m.</p> <p>Note: minimum site area of 500m² per dwelling under Area K on the Lot Size Map in Zone R2 Low Density Residential</p>	<p style="text-align: center;">Kogarah:</p> <p style="text-align: center;">20m.</p> <p>Note: requires a minimum of 800m².</p>
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Building Setbacks (Front)	<p style="text-align: center;">Hurstville:</p> <p>The minimum setback to a primary street is 4.5m.</p>	<p style="text-align: center;">Kogarah:</p> <p>A maximum of 75% of the width of the building must be setback a minimum of 5m, with the remainder 25% being setback a minimum of 7m.</p> <p>Where a multi dwelling development has a frontage to two streets, then the setback to the secondary street shall be 4.5m.</p>
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Solar Access	<p style="text-align: center;">Hurstville:</p> <p>Development allows for at least 3 hours of sunlight on the windows of main living areas and adjoining principal private open space of adjacent dwellings between 9.00 am and 3.00 pm on 22 June.</p> <p>Note 1: development applications for development two storeys and over are to be supported by shadow diagrams demonstrating compliance with this design solution.</p> <p>Note 2: Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation</p>	<p style="text-align: center;">Kogarah:</p> <p>Where the neighbouring properties are affected by overshadowing, at least 50% of the neighbouring existing primary private open space or windows to main living areas must receive a minimum of 3 hours sunlight between 9am–3pm on the winter solstice (21 June).</p> <p>Note 1: development applications for development two storeys and over are to be supported by shadow diagrams demonstrating compliance with this design</p>
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		<p>solution.</p> <p>Note 2: Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation</p>
Residential Flat Buildings		
Section	Interim Policy Control	
Site Frontage	<p style="text-align: center;">Hurstville:</p> <p>The minimum site frontage is 24m.</p> <p>Note: The 24m will not be reduced unless the development site is an isolated site.</p>	<p style="text-align: center;">Kogarah:</p> <p style="text-align: center;">20m.</p> <p>Note: The 20m will not be reduced unless the development site is an isolated site.</p>
Height	The relevant LEP controls relating to maximum height will prevail over DCP controls relating to height in storeys.	
Private Open Space	<ul style="list-style-type: none"> ADG (SEPP 65) controls prevail over the DCP 	
Communal Open Space	<ul style="list-style-type: none"> ADG (SEPP 65) controls prevail over the DCP 	
Parking	<p>In accordance with 'A Plan for Growing Sydney' (Department of Planning and Environment):</p> <ul style="list-style-type: none"> If located in a strategic centre (i.e. Kogarah CBD and Hurstville CBD) and within 800m of a Railway, the 'Metropolitan Regional Centre (CBD)' rates apply. If located within 800m of a railway and outside the strategic centres the 'Metropolitan Subregional Centre' rates apply. If located outside of 800m of a Railway, the relevant DCP applies. 	
Solar Access	<ul style="list-style-type: none"> ADG (SEPP 65) controls prevail over the DCP 	

VERSION CONTROL AND CHANGE HISTORY

Version	Amendment Details	Policy Owner	Period Active
1.0	Interim Policy – Georges River Development Control Plan	Manager Strategic Planning	22 July 2019