

Table of Contents

2.1	How to use this Plan.....	6
2.2	Pre-Application Consultation	8
2.3	Types of Development.....	9
2.3.1	Aim of this Section	9
2.3.2	What are the Types of Development?	9
2.3.3	Exempt and Complying Development	10
2.3.3.1	How to Determine if My Development Is Classified Exempt or Complying?	10
2.4	Neighbour Notification & Advertising of Development Applications.....	12
2.4.1	Aims	12
2.4.2	Land to Which This Section Applies.....	12
2.4.3	Persons to be Notified & Applications to be Advertised	12
2.4.3.1	Category A - Applications Which Will Not Be Notified	13
2.4.3.2	Category B - Notification Requirements for Minor Local Development	16
2.4.3.3	Category C - Notification Requirements for Other Local Development	17
2.4.3.4	Category D - Development Applications Requiring Advertising	18
2.4.4	Site Notice and Site Sign.....	18
2.4.5	Section 4.55 Modifications	19
2.4.6	Notification Period for Development Applications.....	19
2.4.7	Who can inspect plans and make a submission?.....	20
2.4.8	Amendments prior to determination	20
2.4.9	Class 1 development appeals in the Land Environment Court.....	21
2.5	What Information Do I Need to Provide with a Development Application?	22
2.6	Compliance with the Plan	28
2.7	Post-Approval Compliance and Enforcement.....	29

2.1 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 Local Environmental Plan 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 2.3 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 the Building & Development Section on Council's website www.hurstville.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 6222 and request assistance from the Duty Planner.

You may also refer to Section 2.5 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 2.4 Neighbour Notification and Advertising of Development Applications to understand when Council will need to notify neighbouring properties and/or advertise your development.

STEP 3 → Understand the strategic context:

Understand and apply the information contained within Section 3 Strategic Context. This section provides an overview of the policy documents guiding development within the Hurstville City Centre. These include the *Hurstville City Centre Concept Masterplan 2004*, the draft *Regional Plan (Our Greater Sydney 2056)*, the draft *Revised South District Plan*, the draft *Hurstville City Centre Urban Design Strategy* the *Hurstville LEP 2012*, and the *Hurstville City Centre Transport Management and Accessibility Plan* (TMAP Report, 2013).

STEP 4 → Identify the precinct:

The Hurstville City Centre is divided into 6 precincts. The boundaries of these precincts are defined in Section 4 Hurstville City Centre Precincts. Each precinct within the Hurstville City Centre have specific identified characteristics, desired future character and land use principles applying to it.

STEP 5 → For Residential, Commercial and Mixed Use Development:

Understand and apply Section 5 Specific Controls for Residential, Commercial and Mixed Use Development (also refer to Section 6 Site Planning Considerations). This section contains controls and guidance on site analysis and planning, built form character principles and built form controls such as site amalgamation, building setbacks, landscape design and car parking rates.

STEP 6 → For all development:

Understand and apply Section 6 Site Planning Considerations. This section contains guidelines relating to the Public Domain (landscaping (street trees), solar access, signage, etc.), Environmental Management (energy efficiency and conservation, water management, waste minimisation and management, etc.), development of or in the vicinity of heritage items and preservation of trees and vegetation.

STEP 7 → For any other development:

Understand and apply Section 7 Controls for Other Development Types (also refer to Section 6 Site Planning Considerations). This section contains controls and guidelines relating to extended trading hours, commercial use of public footways, child care centres and restricted premises.

STEP 8 → 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*.

2.2 Pre-Application Consultation

For every development application in the City Centre applicants are required to demonstrate that along with Council's planning controls, consideration has been given to the unique attributes of the site, the adjoining development and the public domain.

To demonstrate that proper planning process has been undertaken in the formulation of a development proposal, a formal Pre-Application Consultation (PAC) should be undertaken with Council officers.

These meetings are a service offered to potential applicants to ensure an awareness of the relevant standards, codes and policies which a proposed development will be assessed against. A pre-application consultation will provide comprehensive early advice which will assist applicants to decide whether or not to proceed with a proposed development.

A formal pre-application consultation is strongly recommended for the following types of development in the Hurstville City Centre:

- The construction of any new building.
- Any major change of use e.g. a change of use of a whole office building to retail or recreation use.
- Child Care Centres.
- Places of Worship.
- Any work exceeding \$1 million in value.
- Any development that results in a non-compliance with Council's development controls.

A pre-application consultation represents a valuable information-sharing opportunity to identify any issues that may arise to avoid delays, unnecessary financial loss and refusal of an application.

More information regarding these meetings can be found on Council's website <https://www.georgesriver.nsw.gov.au/>

2.3 Types of Development

2.3.1 Aim of this Section

The primary aim of this section is to provide supplementary guidance on the different types of development and assessment procedures.

2.3.2 What are the Types of Development?

Development of land includes but is not limited to:

- The use of land (includes changing the use of an existing building);
- The subdivision of land;
- The erection of a building;
- The carrying out of a work (such as residential alterations and additions, commercial fit-outs);
- The demolition of a building or work.

There are three main categories of development:

- Exempt development;
- Complying development; and
- Development where a development application is required.

Exempt Development

Exempt Development is a category for minor development with minimal environmental impact (such as some types of fences, driveways, awnings and the like). Exempt development does not require Council approval, provided it meets all the specified restrictions listed on the relevant legislation (such as location, size, materials, etc.) according to the type of development.

The *State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008* applies across the State, lists development types that are classified as exempt development and provides the corresponding requirements. Part 3 Exempt and Complying Development of Hurstville LEP 2012 contains provisions for additional development types which are not covered by the SEPP.

Complying Development

Complying development is a category of development that can be addressed by specific pre-determined development standards or requirements. A Complying Development Certificate must be obtained stating that the proposal satisfies the requirements for complying development and in the case of a development involving the erection of a building, identifying the classification of the building in accordance with the Building Code of Australia (BCA). You may apply to either Council or an accredited certifier for a Complying Development Certificate. An application may be made by the owner of the land, or by any other person with the owner's consent.

The *SEPP (Exempt and Complying Development Codes) 2008* applies across the State, lists development types that are classified as complying development and provides the correspondent requirements. Part 3 Exempt and Complying Development of *Hurstville LEP 2012* contains provisions for additional development types which are not covered by the SEPP.

Complying development on land can only be carried out upon receipt of and in accordance with the Complying Development Certificate, in accordance with any provisions of an environmental planning instrument or other legislation, codes and regulations that apply to the complying development and after appropriate fees and bonds have been paid.

Development Applications

All other development will require a development application to be lodged with Council and will be subject to the provisions of the *Hurstville LEP 2012*, relevant State Environmental Planning Policies (SEPPs), and this DCP.

Note:

Refer to the Building & Development Section on Council's website to find detailed information on exempt and complying development, 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 6222 and request assistance from the Duty Planner.

2.3.3 Exempt and Complying Development

2.3.3.1 How to Determine if My Development Is Classified Exempt or Complying?

STEP 1 → Is My Development Exempt Development?

- SEPP Exempt and Complying Development Codes: Check this SEPP first. Your development must comply with the definition of exempt development, all general requirements and requirements specific to the development type listed on the Exempt Development Codes.

SEPP (Exempt and Complying Development Codes) 2008:
<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+572+2008+cd+0+N>

- *Hurstville LEP 2012*: Check the additional exempt development provisions on *Hurstville LEP 2012*. Your development must comply with all the requirements listed on Section 3.1 Exempt Development and all requirements for the specific development type listed on Schedule 2 Exempt Development of *Hurstville LEP 2012*.

If your development is not exempt development, move to STEP 2.

STEP 2 → Is My Development Complying Development?

- SEPP Exempt and Complying Development: Check this SEPP first. Your

development must comply with the definition of complying development, all general requirements and requirements specific to the development type listed on the corresponding Development Codes.

- *Hurstville LEP 2012*: Check any additional complying development provisions on *Hurstville LEP 2012*. Your development must comply with any requirements listed on Section 3.2 Complying Development and all requirements for the specific development type listed on Schedule 3 Complying Development of *Hurstville LEP 2012*.

If your development is complying development you will need to obtain a Complying Development Certificate either from Hurstville City Council or from an Accredited Certifier. If your development is not complying development, move to STEP 3.

Note:

Exempt and Complying development provisions do not apply to all allotments in the Hurstville Local Government Area. For example, sites of heritage significance may be excluded. For your development to be classified as either exempt or complying development, it will need to comply with ALL the specified requirements, conditions and standards. If it does not, a development application will need to be submitted for Council's approval. Please refer to the SEPP Exempt and Complying Development and *Hurstville LEP 2012* to understand all restrictions that apply to your site or development.

STEP 3 → You Need to Lodge a Development Application

Refer to the Building & Development Section on Council's website 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 6222 and request assistance from the Duty Planner.

Important:

Should any doubt exist as to whether a particular activity requires approval, consultation should be arranged with Council officers prior to any work commencing.

If your development can be classified as either exempt or complying, you are also advised to:

- Consult a building surveyor (accredited under the *Environmental Planning & Assessment Act 1979*) to ensure that works will comply with the *Building Code of Australia* and any relevant Australian Standards;
- Consult a structural engineer (who is a Corporate Member of the Institute of Engineers) where any activity may impact upon the structural stability of any structure; and
- Irrespective of this plan, ensure that you comply with all relevant Acts and Regulations.

2.4 Neighbour Notification & Advertising of Development Applications

2.4.1 Aims

The primary aims of this section are to:

- Enable public participation in the consideration of development applications.
- Provide a process for property owners and residents to make submissions.
- Provide a process when notification is required.
- Set out the matters Council will consider when forming its opinion as to whether or not the enjoyment of adjoining and neighbouring land may be detrimentally affected by a development after its completion.
- Ensure notification of landholders who may be affected by a development application even though they do not own adjoining land.
- Define the circumstances when notification is not required.

2.4.2 Land to Which This Section Applies

This section applies to all land within the City of Hurstville to which the *Hurstville Local Environmental Plan 2012* and *Hurstville Local Environmental Plan 1994* apply, (with certain exceptions as outlined in this Section) for the notification of applications for:

- a) Development consent (other than designated and state significant development).
- b) Modification of development consents under Section 4.55 of the *Environmental Planning & Assessment Act 1979*.
- c) Review of determination under Division 8.2 and Section 8.9 of the *Environmental Planning & Assessment Act 1979*.

2.4.3 Persons to be Notified & Applications to be Advertised

The category listings below differentiate the following:

Category A	Development Applications which will not be notified
Category B	Notification requirements for Minor Development
Category C	Notification requirements for other Local Development
Category D	Development Applications requiring advertising

2.4.3.1 Category A - Applications Which Will Not Be Notified

- (a) The following types of development will not be notified:
- The proposal development is classified as exempt or complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*;
 - Applications for strata, stratum or company title subdivision; and
 - Applications for works in drainage easements (i.e. pipe laying).
- (b) In addition to those land uses listed in (a) above, the following types of development (Development Types / Land Uses) are excluded from notification subject to meeting the Criteria listed in **Table 1**.
- (c) A letter would be forwarded to adjoining property owners advising that a Category A Development Application has been received and determined for development types such as single storey secondary dwellings and new dwelling houses.
- (d) Letters would not be forwarded to adjoining property owners for development types such as minor structures and internal alterations to any building.

Note: All potential impacts of the development will be assessed by Council officers in relation to the relevant DCP and LEP. Developments which are fully compliant or only feature a negligible non-compliance are unlikely to generate an adverse impact.

Table 1: Development / Land Uses where Notification / Advertising will not be required

Development / Land Uses	Criteria
Demolition of buildings	Subject to the building not being: <ul style="list-style-type: none"> ▪ a State listed heritage item; or ▪ a heritage item in Schedule 5 of the <i>Hurstville Local Environmental Plan 2012</i>; or ▪ a building in a heritage conservation area.
Torrens Title Subdivision or Consolidation	Subject to the application not creating a new lot, except in the case of subdivision of an existing dual occupancy development.
Applications to modify a consent under S4.55(1) of the <i>Environmental Planning & Assessment Act 1979</i> (EP&A Act)	Where the application will not significantly alter the intensity or likely adverse impact of the proposed development.
Applications for new signage	Subject to the signage not being: <ul style="list-style-type: none"> ▪ illuminated; and ▪ located in a residential zone.

Development / Land Uses	Criteria
Change of use	Subject to the change of use: <ul style="list-style-type: none"> (i) not being in a residential zone; and (ii) not relying on the provisions of Division 4.11 – Existing Uses of the <i>EP&A Act</i>; and (iii) not being for any of the following land uses: <ul style="list-style-type: none"> ▪ Pub ▪ Sex services premises ▪ Registered club ▪ Centre-based child care facility ▪ Restricted premises ▪ Funeral home ▪ Place of public worship and <ul style="list-style-type: none"> (iv) the proposed operating hours of the business are between 6:00am – 10:00pm.
New secondary dwellings	Subject to: <ul style="list-style-type: none"> ▪ full compliance with the relevant DCP or LEP; and ▪ not exceeding a maximum height of building of 4.5m. <p>Note: Council may consider notification of new secondary dwelling developments where the proposal is deemed to adversely impact the amenity of adjoining properties.</p>
Additions to dwelling houses	Subject to the additions being single storey and complying fully with the setback requirements in the relevant DCP.
New single storey dwelling houses and single storey alterations and additions to dwellings	Subject to: <ul style="list-style-type: none"> ▪ The subject property not being situated within: <ul style="list-style-type: none"> ○ the Foreshore Scenic Protection Area (FSPA); or ○ the foreshore locality identified in Part C4 – Foreshore Locality Controls of the <i>Kogarah DCP 2013</i>; and ▪ full compliance with the maximum height and FSR in the relevant LEP; and ▪ full compliance with the relevant DCP
Outbuildings, swimming pools, landscape works and ancillary structures (e.g. awnings, cabanas, sheds, detached garages, carports, retaining walls, decks)	Subject to: <ul style="list-style-type: none"> ▪ the use being in a residential zone and associated with a residential use; and ▪ full compliance with the relevant DCP; and ▪ not exceeding a maximum height of building of 4.5m; and ▪ pool coping levels of no greater than 500mm measured at any point from natural ground level.

Development / Land Uses	Criteria
Home business or Home occupation	Subject to the proposed use being contained in a dwelling or in a building ancillary to a dwelling and complies with the definition under the relevant LEP.
Minor structures in public reserves (e.g. amenities block)	Only where the proposal has a minimal impact on any adjoining residential development.
Alterations to industrial or commercial premises	Subject to the proposed development having minimal impact on any adjoining residential development and the proposal complies fully with car parking requirements under the relevant DCP or other policy.
Internal alterations to any building	Subject to the development not significantly altering the intensity or likely adverse impact of the proposal.
Other minor development applications	Subject to there being minimal impact on any adjoining residential development.
Applications for review under Division 8.2 and Section 8.9 of the <i>EP&A Act</i>	Where there are no significant amendments to the plans or significant new information has been submitted.

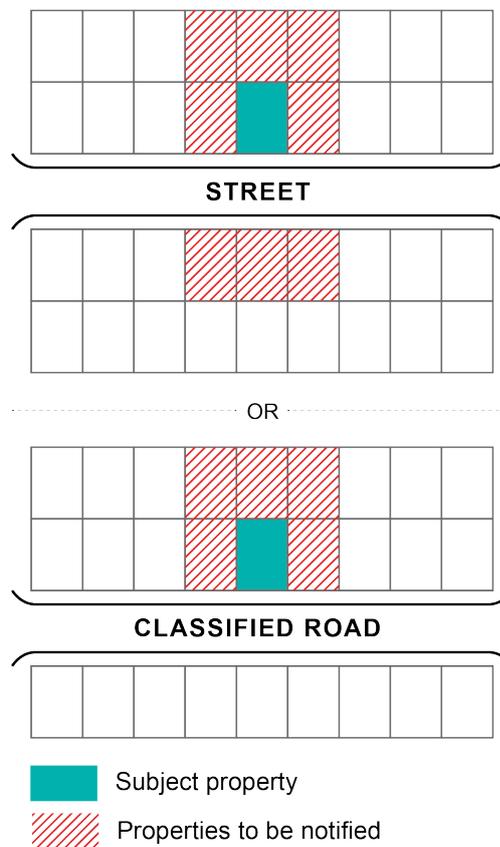
Note: For new single storey dwelling houses and single storey alterations and additions to dwellings any non-compliance with the relevant DCP will re-categorise the DA to a Category B (Notification Requirements for Minor Local Development) development application.

2.4.3.2 Category B - Notification Requirements for Minor Local Development

- a) The following notification is required for development applications defined as minor local development as listed below:
 - i) New dwellings in the Foreshore Scenic Protection Area (FSPA); the foreshore locality identified in **Part C4 – Foreshore Locality Controls** of the *Kogarah DCP 2013*;
 - ii) New dual occupancies (attached or detached);
 - iii) New secondary dwellings (granny flats) and outbuildings greater than 4.5m height;
 - iv) New two storey dwelling houses and two storey alterations and additions to dwellings;
 - v) New semi-detached dwellings, or new small lot housing;
 - vi) New Torrens Title subdivisions (excluding subdivision of approved dual occupancy developments); and
 - vii) Any other development that Council considers should be notified.

- b) A written notice will be forwarded to the owners and occupiers of land on either side of the proposal, the property at the rear and one (1) property on either side of the rear and three (3) properties generally opposite (across any road, except for a classified road e.g. Princes Highway, King Georges Road). Refer to **Figure 1**.

Figure 1: Category B Notification Requirements



- c) The owners and occupiers of other neighbouring land and other strata units of the subject site

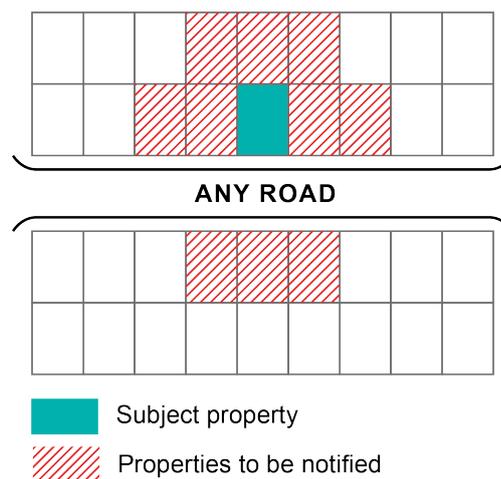
may be notified if in the opinion of Council, the proposed development is likely to result in an adverse impact for those owners or occupiers.

- d) In the case of Strata Titled properties, a notice will be forwarded to the Owners Corporation, or an Association (under the *Community Land Development Act 1989*), as well as the owners and occupiers of each strata unit.

2.4.3.3 Category C - Notification Requirements for Other Local Development

- a) For other development not listed in 2.4.3.2 above, including but not limited to:
- i) New attached dwellings;
 - ii) New multi-unit housing;
 - iii) New residential flat buildings;
 - iv) New mixed use premises and shop top housing;
 - v) New seniors housing developments;
 - vi) Tourist and visitor accommodation;
 - vii) New buildings in a Business or Light Industrial Zone;
 - viii) New centre-based child care facilities;
 - ix) Affordable rental housing and boarding houses; and
 - x) Any other development Council considers should be notified.
- b) A written notice will be forwarded to the owners and occupiers of land located two (2) properties on either side of the proposal, the property at the rear and one (1) property on either side of the rear and three (3) properties generally opposite (across any road). Refer to **Figure 2**.

Figure 2: Category C Notification Requirements



- c) The owners and occupiers of other neighbouring land and other strata units of the subject site may be notified who, in the opinion of Council, may be impacted by the proposal.
- d) In the case of Strata Titled properties, a notice will be forwarded to the Owners Corporation, or an Association (under the *Community Land Development Act 1989*), as well as the owners and occupiers of each strata unit.

- e) For alterations and additions to any of the above, notification will be based on the discretion of Coordinator or Manager Development Assessment.
- f) Where public concern is raised to any application, Council may consider a wider notification of an application or extension in the time available for comment should the case warrant such action.

2.4.3.4 Category D - Development Applications Requiring Advertising

- a) The following development applications will be advertised:
 - i) Demolition and/or alteration of a building or land that is or contains a heritage item or is a building in a Heritage Conservation Area listed in Schedule 5 of the *Hurstville Local Environmental Plan 2012*;
 - ii) New hospitals or major works to existing hospitals;
 - iii) New educational establishments or major works to existing educational establishments;
 - iv) New places of public worship or intensification of existing places of public worship;
 - v) New applications for seniors housing and group homes;
 - vi) New pubs and registered clubs or major intensification of existing pubs and clubs; and
 - vii) Any development required to be advertised under the *Environmental Planning and Assessment Act, Regulations* or any other Environmental Planning instrument.
- b) All applications requiring advertising will also be subject to the notification requirements as outlined in **2.4.3.3** above.
- c) A notice will be placed in a local paper (the St George and/or Sutherland Shire Leader) and will provide the address of the application and a brief description of the application.
- d) Due to the sometimes protracted period of time required to schedule advertisements in newspapers and to avoid delays, the notice is for information purposes only and will not offer a 14 day period for submissions. Notification will still be undertaken to affected neighbours in accordance with this DCP.
- e) The notice will advise citizens to visit Council's website or administration centre to view the application. Where legislation requires particular proposals to be advertised in a newspaper in a specific manner, the requirements of the relevant legislation will be followed instead of this guideline.

2.4.4 Site Notice and Site Sign

- (a) A site notice / site sign will only be placed on sites for new dual occupancy and new semi-detached dwelling developments in **Category B**, and all developments in **Category C** and **Category D**.
- (b) The notice must be erected by Council on the land to which the development application relates.
- (c) The notice must contain:

- i) Lettering which is clear, legible and able to be read from a public road, public place or public reserve;
- ii) A statement that the application has been lodged;
- iii) The name of the applicant;
- iv) A brief description of the development application;
- v) The dates the development application is on notification;
- vi) A statement specifying that any person may make a submission in writing to Council in relation to the development application;
- vii) A statement outlining that any submissions are available for viewing by the applicant or any other person with a relevant interest in the application; and
- viii) Directions to Council's webpage and specifically to online tracking.

2.4.5 Section 4.55 Modifications

Where Council receives an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* to modify a development consent where the proposed modification would have more than a minor increased impact on any neighbouring property, Council will notify:

- The owners of land and any other person who has previously lodged a submission to the original or previous application to which the S4.55 application relates; and
- Any other owners of land, who, in the opinion of Council, may be impacted by the proposal and any amendments or variations to that application.

2.4.6 Notification Period for Development Applications

- (a) A period of 14 calendar days, excluding public holidays, will be allowed for persons to inspect an application and make a submission. The inspection period may be extended by Council if warranted by the circumstances of the case.
- (b) In the case of nominated integrated development or threatened species development, any period specified by the *Environmental Planning and Assessment Regulations 2000*.
- (c) To account for the holiday period associated with Christmas and New Year, from 15 December to 15 January the following year, the period to inspect an application and make a submission will be extended to 21 calendar days, excluding public holidays.
- (d) Applications for places of public worship along with development considered to be contentious by the Director (such as child care, seniors living, school facilities and other development proposals) that are received between the 15 November and 2 January are to be notified as soon as possible and the exhibition period to be extended for a minimum 28 days after 15 January.
- (e) To account for the holiday period associated with Easter, the period to inspect an application and make a submission will be extended to 21 calendar days, excluding public holidays. The holiday period for Easter is defined as the week before and the week after the Easter Long Weekend.
- (f) An additional period of 7 calendar days, excluding public holidays, will be granted for persons to inspect an application pertaining to places of public worship (outlined in

Category D) and make a submission. This extension is applied in addition to the timeframes outlined in (a), (c) and (e) above.

- (g) Council will not determine a development application before the notification period has expired.
- (h) Development applications that have been notified are available to view on Council's website: www.georgesriver.nsw.gov.au
- (i) Development applications may also be inspected electronically at Council from Monday to Friday during business hours and submissions can be made by any one during the notification period.

2.4.7 Who can inspect plans and make a submission?

- (a) Any person, whether or not entitled to be given formal notice under the provisions of this Plan, may at any time during the notification period, inspect free of charge, the details or plans of a development application.
- (b) A copy of the notification plan and/or copies of other parts of the application plans (as permitted by copyright laws) can be obtained by any person under the provisions of the *Government Information (Public Access) Act 2009*.
- (c) Any person, whether or not they were notified of a development may make a submission to an application
- (d) Council will consider all submissions, but not take into account matters extraneous to those prescribed within this DCP, other policies of Council, or the relevant Acts and Regulations. Personal disputes between neighbours will not be considered.
- (e) Where a submission in the form of a petition is received, the petition should specify the details of the contact person to whom all correspondence must be addressed. A letter or email sent to that contact person is taken to be a letter to all signatories on that petition.
- (f) Council will not acknowledge the receipt of submissions, but will notify all submitters of any Independent Hearing and Assessment Panel (IHAP) or Council meeting. All persons who made submissions (and head petitioners) will be advised in writing of Council's decision after the application is determined.

2.4.8 Amendments prior to determination

Where Council receives amended plans prior to determination, Council will notify as follows:

- a) If an application is amended prior to determination, it will be re-notified if, in the opinion of the Council officer, the amendments are considered to result in significant additional environmental impacts.
- b) The notification period may be reduced if, in the opinion of the Council officer, all persons affected by the change(s) have been given an opportunity to make a submission.

- c) The extent of the notification to be in accordance with the notification area defined by this DCP, and will include persons who made a previous submission and those persons who, in the opinion of the Council officer, may be affected.

2.4.9 Class 1 development appeals in the Land Environment Court

Provisions for notification of amended plans in Class 1 development appeals in the Land and Environment Court are as follows:

- a) In Class 1 development appeals the Court, rather than Council, is the consent authority.
- b) If amended plans are submitted as part of a confidential conciliation conference and the Council's experts consider that they adequately address Council's concerns and can be approved, the amended plans will not be re-notified. This is because it is not a requirement of the Court and the resident objectors are not a party to the proceedings and the experts, in making their assessment, will have regard to the matters for consideration specified in section 4.15 of the *Environmental Planning and Assessment Act 1979*, including any submissions made.
- c) If the applicant is granted leave by the Court to rely on amended plans during the course of an appeal, the amended plans will be re-notified by Council if required under this DCP to the extent that the Court, in its discretion, determines that re-notification takes place.

Notes:

- Amended plans submitted during the course of proceedings will often not require notification under this DCP because the amended development will result in no significant additional environmental impacts.
- The Court's Conciliation Conference Policy and Site Inspection Policy both provide that Council should ensure that:

"People who made submissions to the council have a full understanding of the proposal (including recent amendments) so that any concerns expressed on-site are relevant".

2.5 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 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 to understand the assessment process, how to prepare a development application and to verify on the development application checklists the detailed information requirements according to the type of development proposed. You can also telephone Council's Customer Service Centre on (02) 9330 6222 and request assistance from the Duty Planner.

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.

Consent of Land Owners 🚩

The consent and full details of ALL owners (individuals and companies) of land subject to the DA is to be provided on the Development Application Form.

Political Donations 🚩

If anyone with a financial interest in the application has made a political donation or gift then a Political Donations and Gifts Disclosure Statement is to be completed and submitted with the DA. This form is available on Council's website.

Cost of Development 🚩

An accurate contract price or estimate including GST on commercial valuation of works to be undertaken is to be provided with the DA.

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 ↻

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.

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 Management 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.

In some instances an overland flow study may be required to justify the method of stormwater management proposed and to assess possible impact on adjoining properties.

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 any residential component of all new 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 residential, commercial 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).

Photomontage/3D Model

For any development over three stories in height a photomontage/3D model must be provided showing the proposed building and its relationship with surrounding buildings and open spaces.

Landscape Concept Plan

Required for the majority of development. The plan must be prepared by a qualified landscape architect 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.

Reflectivity Study

Council may require the submission of a Reflectivity Study prepared by a suitably qualified consultant.

Transport and Parking Assessment Study

A Transport and Parking Assessment Study is a technical investigation into the transport and safety issues that might arise from a development. The study also assesses the transport related impacts on the surrounding transportation network that are generated by a development and how those impacts are to be managed. Development types requiring a Transport and Parking Assessment Study are identified in a table contained in Section 5.4.4.1 Vehicle Parking Rates. Further information is also contained in Section 5.4.2 Transport, Traffic and Parking Studies.

Construction Traffic Management Plan (CTMP)

Council may require a CTMP at the construction phase as a condition of consent. A CTMP is a practical response to ensuring that demolition and construction works do not adversely impact on the public domain or vehicular and pedestrian movements in an area. For more information see Section 5.4.2 Transport, Traffic and Parking Studies.

Travel Plans

Travel Plans (TP) are a site-specific plan which provides details to visitors/workers on how to access that site by walking, cycling or public transport and form a key action in the Metropolitan Plan for Sydney 2036. For more information see Section 5.4.3 Sustainable Transport.

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.

Remediation Plan

Required if land is contained or potentially contaminated as per SEPP 55 – Remediation of Land.

Noise and Vibration Reports

Development with a residential component adjacent to railway lines and busy roads requires a noise and vibration report prepared in accordance with the Department of Planning's "Development near Rail Corridors and Busy Roads Interim Guideline" (2008). Further information can be found at Section 5.3.6 Visual Privacy, Acoustic and Vibration Amenity.

Wind Impact Assessment

A Wind Impact Assessment is to be submitted with the Development Application for all buildings greater than 32 metres in height. For buildings over 50 metres in height, results of a wind tunnel test are to be included in the Wind Effects Report.

2.6 Compliance with the 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.

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 2.5 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.

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.

2.7 Post-Approval Compliance and Enforcement

Hurstville City Council takes a proactive stance investigating breaches of its planning controls including Local Environmental Plans, Development Control Plans, and its development and building requirements. This includes the investigation of allegations regarding the unauthorised and inappropriate use and development of any land within Hurstville LGA.

Development compliance issues may include:

- Site works conducted without a development consent where consent is required including external changes to a property, earthworks, tree removal, demolition and extensions carried out without the required consent from Council or a Private Certifying Authority (PCA);
- Building works that are inconsistent with the approved development consent or approved plans for example changes to wall heights, increases in floor area, changes to window location and changes to materials and finishes;
- Illegal use of property (no approval) or use inconsistent with an approved development consent for example where a prohibited activity or use may be operating, non-compliance with hours of operation, breaches to regulations such as Swimming Pool, Health and Food premises legislation;
- Changes of use without approval or works on heritage listed items without development approval.

Unauthorised building work takes many forms and can range from very minor technical breaches which cause little or no environmental harm, to blatant environmental law breaches for projects that would ordinarily not receive development approval.

There are a number of remedies and enforcement options available to Council depending upon the circumstances of the case and seriousness of the non-compliance to Council's planning controls and breaches to State Government legislation and regulations.

Council has discretion in deciding whether to take enforcement action on the basis of the available evidence and individual circumstances. At the conclusion of an investigation, Council may decide to:

- Take no action;
- Counsel an alleged offender;
- Issue a formal letter of warning;
- Issue Notices and Orders to either cease or demolish unauthorised activity/work, or require remediation work;
- Issue a Penalty Infringement Notice (PIN);
- Commence civil or criminal enforcement proceedings.

Council will exercise discretion when deciding how to deal with unauthorised work, taking into account the evidence, cost to the community of any action, circumstances of the individual case, environmental harm, public policy and legal precedent.

Hurstville City Council is strongly opposed to unlawful activity at any time, and under any circumstances. Council's Enforcement Policy and Private Principal Certifying Authority (PCA) Complaint Policy provide guidelines for the exercise of enforcement powers and deal primarily with building and development matters.