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1. Introduction

1.1 Name

The name of this Plan is *Development Control Plan No. 2 – Hurstville City Centre (Amendment No.6)*.

1.2 Land to Which this DCP Applies

This Plan applies to all land zoned 3(b) City Centre Business Zone and 3(d) City Centre Commercial Core Zone under Hurstville LEP 1994 and known as the Hurstville City Centre as shown Appendix 1.

1.3 Commencement of the DCP

This plan was adopted by Council on 28 March 2007 and is effective from 23 April 2007.

There have been five amendments to DCP 2:

- Amendment No.1 – effective from 10 May 2007;
- Amendment No.2 – effective from 7 June 2007;
- Amendment No.3 – effective from 22 March 2010;
- Amendment No. 4 – effective from 5 August 2011;
- Amendment No. 5 – effective from 9 August 2012;
- Amendment No. 6 – effective from 12 May 2021.

1.4 Relationship to Other Plans

The land to which this Plan applies is subject to the provisions of the prevailing Hurstville Local Environmental Plan 1994 (as amended from time to time). This DCP should be read in conjunction with the LEP, which contains the statutory definitions, aims, objectives and associated controls for the different land use zones.

This DCP:

- is a policy under the provisions of clause 9 of the Hurstville LEP 1994;
- has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*; and
- has been amended by Council on 12 May 2021 to repeal *Section 2.2 Neighbour Notification and Advertising of Development Applications* provisions in the DCP and replace with the provisions of Council's Community Engagement Strategy (CES) in accordance with the Local Planning Panel's recommendation of 24 March 2021 and clause 22(2) of the *Environmental Planning and Assessment Regulation 2000*.
- supersedes the following Development Control Plans
 - DCP No.2 - Car Parking
 - DCP No.4 - Hurstville Town Centre (Volume 1, 2 & 3)
 - DCP No.5 - Radiocommunications & Telecommunications
 - DCP No.6 - Requirements for Child Care Centres
 - DCP No.10 - Small Lot Housing

DCP No.11 - Dual Occupancy Housing
DCP No.14 - Exempt & Complying Development

(Note: For the purposes of this DCP, all references to DCP 14 under clause 9A of Hurstville LEP 1994 are to be read as a reference to DCP 2 – Hurstville City Centre)

DCP No.15 - Contaminated Lands
DCP No.17 - Neighbour Notification & Advertising of Development Applications
DCP No.18 - Crime Prevention Through Environmental Design
DCP No.19 - Access & Mobility
DCP No.22 - Energy Efficiency
DCP No.23 - Advertising & Signage
DCP No.24 - Housing for Seniors or People with a Disability
DCP No.26 - Food Premises
DCP No.27 - Restricted Premises
DCP No.28 - Swimming Pools & Spas
DCP No.29 - Hairdressers, Beauticians & Skin Penetration Premises
DCP No.30 - Subdivision

- supersedes the following Council Codes and Policies:

Interim Residential Development Code (IRDC)
Code for Single Dwelling Houses
Amusement Centre Code
Outbuildings Code
Extended Trading Hours Policy

- This plan is to be read in conjunction with the Hurstville Local Environmental Plan 1994 (as amended) and Council's Section 94 Contributions Plan.
- What other DCPs apply?
DCP No. 1 Hurstville LGA applies to all land located outside the Hurstville City Centre.
- This plan is also to be read in conjunction with the following plans and policies (copies of which are contained in Appendix 3 of this DCP):-

Rainwater Tanks
Drainage and On Site Detention Policy
Home Activities Policy
Balcony Enclosure in Residential Flat Buildings Policy
Code for Commercial Use of Public Footways
Satellite Dishes Polish
Fences adjacent to Public Roads Code
Code for the Erection of Private Tennis Courts
Stencilling of Street Driveways Policy
Underground Electricity Cabling to Developments Policy

1.5 What is a Development Control Plan (DCP)?

A DCP is used by Council to provide appropriate controls for the design and assessment of development. A DCP contains Council's vision for future development and is used in assessing the suitability of proposed developments. This DCP provides the detailed design guidelines and controls that must be considered when carrying out development within the Hurstville City (refer to DCP 1 Hurstville LGA Wide DCP for land outside the Hurstville City Centre).

1.6 Basic Idea behind this DCP

The DCP provides a layered approach – some parts 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 Analysis & Concept Design;
 - Section 4 Built Form Controls;
 - Section 5 Design Guidelines for Buildings, Public Domain & Open Space; and
 - Section 6 General Planning Considerations.
 - Appendices containing relevant information including, definitions, maps and checklists.

- **Certain development** must take into account Chapters relating to specific development types as follows:
 - Specific controls for residential development (Section 7)
 - Specific controls for non-residential development (Section 8)
 - Specific controls for sites and localities within Hurstville (Section 9).

Each section of the plan has a Table of Contents to enable easy navigation through the controls.

1.7 What Is the Overall Purpose of this Development Control Plan (DCP)?

To define a physical outcome for the Hurstville Town Centre, taking into consideration both the built form and public spaces. This way of planning and designing urban areas is known as an Urban Form Methodology.

1.8 What Makes this DCP Different to Conventional DCPs?

The Urban Form Methodology used in the formation of this DCP tailors appropriate planning controls to individual sites through the use of 'building envelopes', which define future building forms. All controls are based on the results of a detailed study, which was undertaken of the existing characteristics of the Town Centre.

The DCP therefore optimises development opportunity on all sites, whilst taking into consideration existing development and the potential of adjoining sites and public spaces. It provides greater certainty for the council, community and developers.

1.9 Role and Function of The Town Centre

Hurstville is located 14 kilometres south west of central Sydney. It has grown from being a village in the forest to becoming an important Town Centre in the region. It has primarily developed around the railway station and Forest Road. The western and larger side of the Town Centre is within the City of Hurstville. The eastern side is within the Municipality of Kogarah.

Hurstville contains a range of uses appropriate to an important Town Centre. While retail has been the centre's predominant use in the past, commercial and residential uses have increased in the last decade. This shift has been reflected in recent planning instruments. The Hurstville LEP of 1988 and DCP of 1989 rationalised the number of zones applying to the Town Centre, by reducing the number of zones from eight to a single business zone. A distinction was made between retail and commercial zones. Since these plans, residential development has increased on the perimeter of the commercial zones. Retail, residential and office development are all current uses in the Town Centre and each contributes in its own way to the economic strength and physical activity of Hurstville.

1.10 General Aims of the DCP

The general aims relating to the role and function of the Town Centre are:

- (a) To strengthen and promote the Town Centre as an important Town Centre in the region with its unique identity and facilitate a range of retail, commercial, residential, community, recreational and entertainment uses.
- (b) To reinforce Forest Road as the primary retailing street.
- (c) To encourage a well designed, safe and active public domain which contributes to the well-being of the community.
- (d) To encourage higher density development within the centre adjacent to the main public transport facilities.
- (e) To encourage mixed development where appropriate, in individual buildings, such as retail and commercial in the lower levels of residential development.
- (f) To encourage a high quality building stock which can adapt over time to a range of uses.
- (g) To reduce the impact of development on the ecological systems that support us.
- (h) To manage the traffic and parking for the benefit of the whole town.
- (j) To ensure that the built form defines a spatial hierarchy with a human scale which contributes to the legibility of the city.

The specific aim of this DCP is to consolidate Council's existing development control plans and policies that relate to the Hurstville City Centre into 1 document, to reduce complexity and to comply with state government planning reforms.

Detailed aims are contained within each Chapter of the DCP relevant to the application process and development guidelines, specific development type, sites and localities.

1.11 How to use this DCP

This plan provides for exempt and complying development within the local government area of Hurstville City, and should be read in conjunction with the prevailing Hurstville Local Environmental Plan (LEP).

- STEP 1 →** Understand the development application (DA) process & check to see whether this DCP applies to your development. Section 2 Application Process explains when a development application is required for development in Hurstville and the requirements for exempt and complying development. Understand Council's public notification requirements.
- STEP 2 →** Understand and apply controls within Sections 3-6 that apply to all development (excluding "exempt development"). These Chapters cover issues such as car parking, access and mobility, energy efficiency and safety.
- STEP 3 →** For residential development, understand and apply Section 7 Specific Controls for Residential Development (also refer to Section 6 for specific sites and localities). This chapter contains provisions relating to the development type including subdivision, single dwelling houses, dual occupancy, aged and disabled persons housing, multiple dwellings and residential flat buildings.
- STEP 4 →** For non-residential development, understand and apply Section 8 Specific Controls for Non-Residential Development. This chapter contains provisions relating to the development type such as Light Industrial Areas, Child Care Centres and Food Premises.
- STEP 5 →** For certain Sites and Localities, understand and apply Section 9 Controls for Specific Sites and Localities including contaminated lands.
- STEP 6 →** Check the relevant Schedules. Check the definition of any words or terms you may be unsure of. The development application checklist should be completed and submitted with your development application.

1.12 What controls apply to my Proposal?

Development Type	Section 1 Introduction	Section 2 Application Process	Sections 3 to 6	Section 7 Residential Development	Section 8 Non-residential Development	Section 9 Specific Site and Area controls	Appendices
Exempt & Complying development	YES	YES				YES*	YES
Fences (residential zones)	YES	YES	YES	YES		YES*	YES
Advertising & signage	YES	YES	YES		YES	YES*	YES
Swimming pools and spas	YES	YES	YES		YES	YES*	YES
Home Activities	YES	YES	YES	YES		YES*	
Residential Alterations & additions	YES	YES	YES	YES		YES*	YES
Single dwellings	YES	YES	YES	YES		YES*	YES
Small lot housing	YES	YES	YES	YES		YES*	YES
Subdivision	YES	YES	YES			YES*	YES
Dual Occupancy	YES	YES	YES	YES		YES*	YES
Aged & Disabled Persons housing	YES	YES	YES	YES		YES*	YES
Multiple dwellings and residential flat buildings	YES	YES	YES	YES		YES*	YES
Child Care Centres	YES	YES	YES		YES	YES*	YES
Commercial development	YES	YES	YES		YES	YES*	YES
Industrial Development	YES	YES	YES		YES	YES*	YES
Brothels	YES	YES	YES		YES	YES*	YES
Restricted Premises	YES	YES	YES		YES	YES*	YES

* only if the development is on or in the vicinity of a heritage item or where the development is located on a specific site or area as identified in this DCP

1.13 How can a favourable result be achieved?

Each section of this DCP contains objectives, design principles and controls.

Objectives clearly state what Council seeks to achieve once the design principles are met.

Design Principles are the outcomes that must be met.

Design Solutions and Controls are a prescriptive means of achieving the desired objectives.

The building envelopes aim to promote a high level of variety. In order to meet the objectives in some sections of the DCP, you should comply with the building envelope controls as well as meet council's design principles. Council will, however, consider a variation to the envelope only where an applicant can demonstrate that such a variation better satisfies the relevant design principles.

Where a proposal seeks to satisfy the design principles rather than the controls, written documentation to support the variation must be submitted. Where pursuing the design principles approach, the validity of an applicant's argument must be demonstrated by presentation of relevant data and practical examples of comparable situations.

In considering the proposal, Council will assess if the objectives of the DCP have been met and whether or not satisfying the design principles provides for a more appropriate outcome.

Because every site is unique, compliance with the design principles and development controls 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.

It is in your interests to talk to Council officers and preferably show them a concept design before finalising any proposal that departs from the Design Solutions and Controls.

1.14 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 eg. 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 www.hurstville.nsw.gov.au

1.15 Variations to the Criteria

Variation to development controls will only be considered where written justification for each variation request demonstrates why the development control is unreasonable or unnecessary; that the objectives of the development control have been achieved and that there are no adverse impacts arising from the non-compliance.

Any written variation request must:

Identify the development control subject of the variation request;
Identify the general and/or specific objectives of that control;
Demonstrate why compliance with the provisions of this DCP is unreasonable or unnecessary in the particular circumstances of the case.

The fact that existing development, both on the subject site and in the vicinity of the site may not comply with one or more of the development controls does not necessarily mean that the development control is unreasonable or unnecessary when applied to future development.

Council may use its discretion to consider a variation to the development controls contained in this DCP only if it is satisfied that the proposed development is consistent with the objectives of the zone as contained in the Hurstville Local Environmental Plan 1994 and the Draft Hurstville Local Environmental Plan (Hurstville City Centre) 2011 and the relevant objectives of this DCP.

1.16 Savings and Transitional Provision

This DCP only applies to development applications lodged on or after 23 April 2007.

The amendments to Section 7.2 & Section 7.6, adopted in Amendment No.3 to this DCP, only apply to development applications lodged on or after 22 March 2010.

(Please note: This provision does not apply to Section 8.3 Child Care Centres – see Section 8)