

# INTERIM POLICY

Georges River Development  
Control Plan 2020

## POLICY ADMINISTRATION

<b>Dates</b>	Policy approved xx/xx/xxxx This policy is effective upon its approval.
<b>Approved by</b>	Executive on xx/xx/xxxx Council Meeting xx/xx/xxxx Council Resolution xxx
<b>Policy Owner</b>	Manager Strategic Planning, Environment and Planning
<b>Related Documents</b>	D19/69106
<b>Document Identifier</b>	D19/94961
<b>Breaches of Policy</b>	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
<b>Record Keeping</b>	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 EP&A 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
FSPA	Foreshore Scenic Protection Area
LEP	Local Environmental Plan
LGA	Local Government Area
SEPP	State Environmental Planning Policy

## POLICY STATEMENT

<b>Dwelling Houses</b>	
Section	Interim Policy Control
Building Setback (Front)	<ul style="list-style-type: none"> <li>• Minimum setback from the primary street boundary is:               <ul style="list-style-type: none"> <li>a) 4.5m to the main building face</li> <li>b) 5.5m to the front wall of garage, carport roof or onsite parking space</li> </ul> </li> <li><b>Or</b></li> <li>a) Within 20% of the average setback of dwellings on adjoining lots</li> </ul>
Building Setback (Rear)	<ul style="list-style-type: none"> <li>• Buildings are to have a minimum rear setback of 15% of the average site length, or 6m, whichever is greater</li> <li>• 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</li> </ul>
Building Setback (Side)	<ul style="list-style-type: none"> <li>• The minimum side setback outside the FSPA is 900mm (ground floor) and 1.2m (first floor)</li> <li>• The minimum side setback inside the FSPA is 900mm (ground floor) and 1.5m (first floor)</li> </ul>
Landscaped area	<ul style="list-style-type: none"> <li>• Where located outside the FSPA, a minimum of 20% of site area is landscaped open space</li> <li>• Where located inside the FSPA, a minimum of 25% of the site area is</li> </ul>

	<p>landscaped open space</p> <ul style="list-style-type: none"> <li>The minimum dimension of landscaped open space is 2m, designed in a useable configuration</li> <li>A minimum of 15m<sup>2</sup> of the landscaped open space is provided between the front setback and the street boundary in the form of a front yard</li> </ul>
Private Open Space	<ul style="list-style-type: none"> <li>An area of Principal Private Open Space is to be provided which: <ul style="list-style-type: none"> <li>a) has a minimum area of 30m<sup>2</sup></li> <li>b) has a minimum dimension of 5m, designed in a useable configuration</li> <li>c) is located at ground level and behind the front wall of the dwelling</li> <li>d) is directly accessible from a main living area</li> </ul> </li> </ul>
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"> <li>Basements for low grade sites (ie &lt; 12.5% Grade front to rear): <ul style="list-style-type: none"> <li>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.</li> <li>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 average finished level of the ground at the external wall for a maximum of 12m in length.</p> </li> </ul> </li> </ul>
<b>Dual Occupancies</b>	
<b>Section</b>	<b>Interim Policy Control</b>
Minimum Lot Size	<ul style="list-style-type: none"> <li>Council controls relating to minimum lot sizes are in accordance with the following: <ul style="list-style-type: none"> <li>- <i>Hurstville LEP 2012</i></li> <li>- <i>Kogarah LEP 2012</i></li> </ul> </li> </ul>
Frontage (attached)	<ul style="list-style-type: none"> <li>Minimum site width is 15m for an attached dual occupancy</li> </ul>
Frontage (detached)	<ul style="list-style-type: none"> <li>Minimum site width is: <ul style="list-style-type: none"> <li>a) 18m for a detached 'front and back' dual occupancy with a dwelling at the rear with access to the street via an access handle or right of carriageway</li> <li>b) 22m for a detached dual occupancy in a –side by side' configuration where both dwellings have direct street frontage</li> </ul> </li> </ul>
Parking	<ul style="list-style-type: none"> <li>Each dwelling is to provide one (1) garage and one (1) driveway space (unless otherwise provided for in the building envelope).</li> </ul>
Building Setback (Side)	Retain existing controls.

Basement/Land Modification	<p>Basements are permitted where Council's height controls are not exceeded, and it demonstrates that there will be no adverse environmental impacts (e.g. affectation of watercourses and geological structure).</p> <p>Basements for low grade sites:</p> <ul style="list-style-type: none"> <li>Basements on land where the average grade is less than 12.5% are permitted only where it is situated partly below the finished ground and the underside of the ceiling (if not more than 1m above the average finished level of the ground at the external wall for a maximum of 12m), therefore, the basement does not constitute a 'storey'.</li> </ul>
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**Multi Dwelling Housing**

Section	Interim Policy Control	
Site Frontage	<b>Hurstville:</b> The minimum site frontage is 15m.	<b>Kogarah:</b> 20m.
Building Setbacks (Front)	<b>Hurstville:</b> The minimum setback to a primary street is 4.5m.	<b>Kogarah:</b> 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.  Where a multi dwelling development has a frontage to two streets, then the setback to the secondary street shall be 4.5m.
Solar Access	<b>Hurstville:</b> 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.	<b>Kogarah:</b> 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).

**Residential Flat Buildings**

Section	Interim Policy Control	
Site Frontage	<b>Hurstville:</b> The minimum site frontage is 24m.	<b>Kogarah:</b> 20m.

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"> <li>• ADG (SEPP 65) controls prevail over the DCP</li> </ul>
Communal Open Space	<ul style="list-style-type: none"> <li>• ADG (SEPP 65) controls prevail over the DCP</li> </ul>
Parking	<p>In accordance with 'A Plan for Growing Sydney' (Department of Planning and Environment):</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• If located within 800m of a railway and outside the strategic centres the 'Metropolitan Subregional Centre' rates apply.</li> <li>• If located outside of 800m of a Railway, the relevant DCP applies.</li> </ul>
Solar Access	<ul style="list-style-type: none"> <li>• ADG (SEPP 65) controls prevail over the DCP</li> </ul>