

ATTACHMENTS EXCLUDED FROM AGENDA

Council Meeting

Monday, 08 December 2025

7:00 PM

Dragon Room

Civic Centre

Hurstville



COUNCIL MEETING

ATTACHMENTS EXCLUDED FROM AGENDA

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Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2025-1286): Biodiversity, Character and Foreshore Scenic Protection Area.

I, the Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Georges River Local Environmental Plan 2021 to implement recommendations of local studies regarding biodiversity and foreshore scenic character in Georges River Local Government Area (LGA) should proceed subject to the following:

The LEP should be completed on or before 28 July 2026.

Gateway Conditions

1. Consultation is required with the Commissioner of the NSW Rural Fire Service, in accordance with section 9.1 Direction - 4.3 Planning for Bushfire Protection. The planning proposal and relevant supporting documentation is to be updated to reflect the consultation outcome.
2. Prior to exhibition, the planning proposal is to be amended to requirements below and forwarded to the Minister under s 3.34(6) of the Act:
 - a. update the objectives and intended outcomes sections to:
 - i. ensure alignment with the explanation of provisions sections regarding any revisions made to the planning proposal and other items as required by this Gateway determination
 - b. update the explanation of provisions sections to:
 - i. further evaluate the development standards for areas proposed to be removed from and retained as the Foreshore Scenic Protection Area, and those near existing public transport infrastructure (within 800m) and services, considering their suitability and potential for additional, diverse housing, alignment with Stage 2 of the Low and Mid-Rise Housing Policy and the merit of applying controls consistent with other R2 Low Density Residential zoned land in the LGA
 - ii. provide further details of the relevant study findings that support the proposed minimum lot size requirements for dual occupancies in Item 4, in relation to land within all proposed unique character area and particularly areas located outside of the Foreshore Scenic Protection Area
 - iii. clarify the term “the areas of high terrestrial biodiversity value” for Item 6, and whether it relates to land identified on the Biodiversity Values Map, prepared under the Biodiversity Conservation Regulation 2017 (NSW)

- iv. clarify the proposed increase of the minimum landscaped area requirement for Item 11, noting that the increase for some areas, such as land located within the proposed Foreshore Scenic Protection Area and unique character area, would be greater than 5% stated in the planning proposal
 - v. include assessment against the *South District Plan* planning priorities *S1 Planning for a city supported by infrastructure* and *S5 Providing housing supply, choice and affordability, with access to jobs, services and public transport* under Part 3 of the planning proposal report
 - vi. include LGA-wide maps showing the proposed changes to minimum lot sizes and minimum lot sizes for dual occupancies (Items 4 and 5)
 - vii. remove reference to Unique Character Area Map from Part 4 of the planning proposal report
 - a) address consistency with the following section 9.1 Ministerial Directions:
 - i. Direction 5.1 Integrating Land Use and Transport, regarding the areas near Oatley train station where the proposal seeks to reduce dual occupancy development potential
 - ii. Direction 6.1 Residential Zones, regarding reduction of potential dwelling capacity around Oatley station
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Department of Climate Change, Energy, the Environment and Water
 - Crown Lands.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. Given the nature of the proposal, Council is not authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act.

Dated 9 October 2025



Tina Chappell
Director, Local Planning and Council
Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces



PART 1

Introduction



Part 1 Introduction and Administration

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1.1 Name of Development Control Plan

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

1.2 Adoption Date and Commencement

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

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

Amendment No.	Adopted Date	Effective Date	Description of Amendment
N/A	24 March 2021	8 October 2021	Commencement of the Georges River DCP 2021 which repeals the Interim Policy DCP, Hurstville DCP 1 and the Kogarah DCP 2013
1	22 August 2022	7 October 2022	Includes built form and design provisions to guide a future residential care facility at 53A-59A Gloucester Road, Hurstville, in accordance with Amendment No. 4 to the GRLEP 2021. The amendment inserts site specific provisions in Part 10 Precincts of the GRDCP and makes a number of consequential changes to various sections of the GRDCP.
2	24 July 2023	24-28 August 2023	<p>Insertion of Part 8.2 Hurstville City Centre, which repeals the Hurstville DCP No.2 Amd 6 and Hurstville DCP No.2 Amd 12.</p> <p>Consolidation and update of Appendix 4 Waste Management.</p> <p>Housekeeping amendments to the following sections to resolve unintended omissions, numerical, typographical, interpretation and formatting errors:</p> <ul style="list-style-type: none"> • Part 1 – Introduction • Part 3 – General Planning Considerations • Part 4 – General Land Use • Part 5 – Residential Locality Statements • Part 6.1 – Low Density Residential Controls • Part 6.2 – Medium Density Residential Controls

Commented [A1]: Correcting a typo in the effective date

			<ul style="list-style-type: none"> Part 6.3 – High Density Residential Controls Part 6.5 – Foreshore Locality Controls Part 7 – Business Precincts Part 8.1 – Kogarah Town Centre Part 9 – Industrial Development Part 10 – Precincts Appendices 2-7 Glossary
3	26 June 2023	27 October 2023	Includes built form and design provisions to guide a future redevelopment of the existing Hurstville Civic Precinct for a mixed use civic, cultural, commercial and residential destination. The Hurstville Civic Precinct site is bound by MacMahon Street, Park Road, Queens Road and Dora Street. The amendment to the GRDCP is in accordance with Amendment No. 6 to the GRLEP 2021. The amendment inserts site specific provisions in Part 8 Strategic Centres of the GRDCP and makes a number of consequential changes to various sections of the GRDCP.
4	26 February 2024	13 March 2024	Includes new guideline statements for each Heritage Conservation Area (HCA) that would apply to any future development in a HCA, including seniors housing. The amendment also states that subdivision, lot consolidation or boundary adjustments within the HCAs will not generally be considered appropriate or acceptable, as the established subdivision pattern is a primary characteristic that defines and contributes to the significance of the HCA.
5	10 May 2024	10 May 2024	Includes built form and design provisions to guide the redevelopment of 143 Stoney Creek Road, Beverly Hills, in accordance with Map Amendment No. 3 to the GRLEP 2021 that rezoned the Site to R4 - High Density Residential from SP2 – Infrastructure (Public Administration) and R2 – Low Density Residential. The amendment inserts site specific provisions in Part 10 Precincts of the GRDCP and makes a number of consequential changes to various sections of the GRDCP.

6	27 May 2024	10 June 2024	<p>Insertion of Appendix 8 Exempt Works for Trees to support new tree management controls within Part 3 – General Planning Considerations.</p> <p>Housekeeping amendments to the following sections to resolve unintended omissions, numerical, typographical, interpretation and formatting errors:</p> <ul style="list-style-type: none"> • Part 6.1 – Low Density Residential Controls • Part 8.2 – Hurstville Strategic Centre <p>Includes amendments to support Amendment No.X to the GRLEP 2021 by inserting new terrestrial biodiversity controls in Part 3 – General Considerations and new provisions to better enhance the protection of the foreshore scenic character in Part 6.5 – Foreshore Locality Controls.</p>
Z	[date]	[date]	

1.3 Role of the DCP

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

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

1.4 Principles and Purpose of the DCP

The aims of this DCP are to:

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

- Ensure development protects and enhances the natural environment.

1.5 Monitoring and Review

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

1.6 Relationship to other Planning Documents and Instruments

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

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

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

- Hurstville Development Control Plan 1
- Hurstville Development Control Plan 2 Amd 6
- Hurstville Development Control Plan 2 Amd 12
- Kogarah Development Control Plan 2013
- Georges River Development Control Plan 2020 – Interim Policy
- Drainage and Onsite Detention Policy
- Fencing adjacent to public roads
- Balcony Enclosures in Residential flat buildings Policy
- Satellite Dish Policy
- Code for the erection of private tennis courts
- Stencilling of street driveways policy
- Underground electricity cabling to developments policy
- Design guidelines for absorption trenches
- Rainwater Tanks Policy, adopted 18 December 2002
- Home Activities Policy, adopted 15 August 2001
- Code for Commercial Use of Public Footpaths

1.7 Savings Provision

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

1.8 Application of the DCP

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

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

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

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

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

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

1.9 Structure of this DCP

Part 1.0 – Introduction	
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1.11	Development Contributions and Planning Agreements Policy
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2.2	Pre-lodgement Advisory Service
2.3	Types of Development
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3.17	Universal/Accessible design

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2	Heritage Items and Heritage Conservation Areas
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2.2	Heritage Items – Site Specific Requirements
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3	Heritage Conservation Areas
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5	State and Regional Road Classifications
6	Building Heights and Indicative Storeys
7	The Kemp's Estate
8	Exempt Works for Trees
Glossary	

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1.10 How to use this DCP

<p>Part 1.0 – Introduction</p> <p>This Part explains the purpose of the DCP, where it applies, and how to use the DCP.</p>
<p>Part 2.0 – Application Process</p> <p>This Part explains the application process including approval pathways, pre-lodgement processes, and DA notification and advertising procedures.</p>
<p>Part 3.0 – General Planning Considerations</p> <p>This Part establishes the general guiding principles for development, including public domain, sustainability, heritage, tree management, transport and parking, late night trading and signage.</p>
<p>Part 4.0 – General Land Uses</p> <p>This Part establishes provisions for certain types of developments including boarding houses; child care centres; place of public worship; visitor accommodation and other development types.</p> <p>All development proposals must refer to the provisions that best describes that type of development being proposed.</p>
<p>Part 5.0 – Locality Statements</p> <p>This Part establishes desired future character and supporting principles for the various localities across the local government area. Development is required to be consistent with the relevant locality statement. All development types must refer to the relevant locality statement and supporting principles.</p>
<p>Part 6.0 – Residential Controls</p> <p>This Part establishes provisions for certain types of developments including single dwellings, terraces and dual occupancies; residential flat buildings and ancillary structures. This Part also includes Foreshore Locality provisions.</p> <p>All development proposals must refer to the provisions that best describes that type of development being proposed.</p>
<p>Part 7.0 – Business Precincts</p> <p>This Part establishes provisions for development within all Business-zoned land, being E1 Local Centre, E2 Commercial Centre and MU1 Mixed Use.</p> <p>All development proposals within these business precincts must refer to the provisions within this Part that relate to the type of development being proposed.</p> <p>In the event of a discrepancy between the controls specified in this Part of the DCP and Part 8.0 Strategic Centres, the specific requirements identified within Part 8.0 of the DCP shall prevail.</p>
<p>Part 8.0 – Strategic Centres</p>

<p>This Part contains the provisions for development within the Kogarah Town Centre and the Hurstville City Centre, including 'deferred matter' sites under the Georges River Local Environmental Plan 2021.</p> <p>This Part also contains controls for specific precincts within the Hurstville City Centre.</p> <p>All development proposals within the Kogarah Town Centre and Hurstville City Centre must refer to the provisions within this Part that relate to the type of development being proposed.</p>
<p>Part 9.0 – Industrial Development</p>
<p>This Part establishes the provisions for development within the IN2 Light Industrial zones including locality and desired future character statements for each of the light industrial precincts within the LGA, and general controls relating to built form, setbacks, landscaping and parking.</p> <p>All development proposals within the IN2 Light Industrial zone must refer to the provisions within this Part that relate to the type of development being proposed.</p>
<p>Part 10.0 – Precincts</p>
<p>This Part contains the provisions for development within specific precincts.</p> <p>All development proposals within these precincts must refer to the provisions within this Part that relate to the type of development being proposed.</p>
<p>Appendices</p>
<p>This Part contains further information referred to in the DCP and also additional objectives and principles for specific types of developments in earlier parts of the DCP.</p>
<p>Glossary</p>
<p>This Part contains definitions which are in addition to those contained in the Georges River Local Environmental Plan, current Council policies and current legislation.</p>

1.11 Development Contributions and Planning Agreements Policy

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

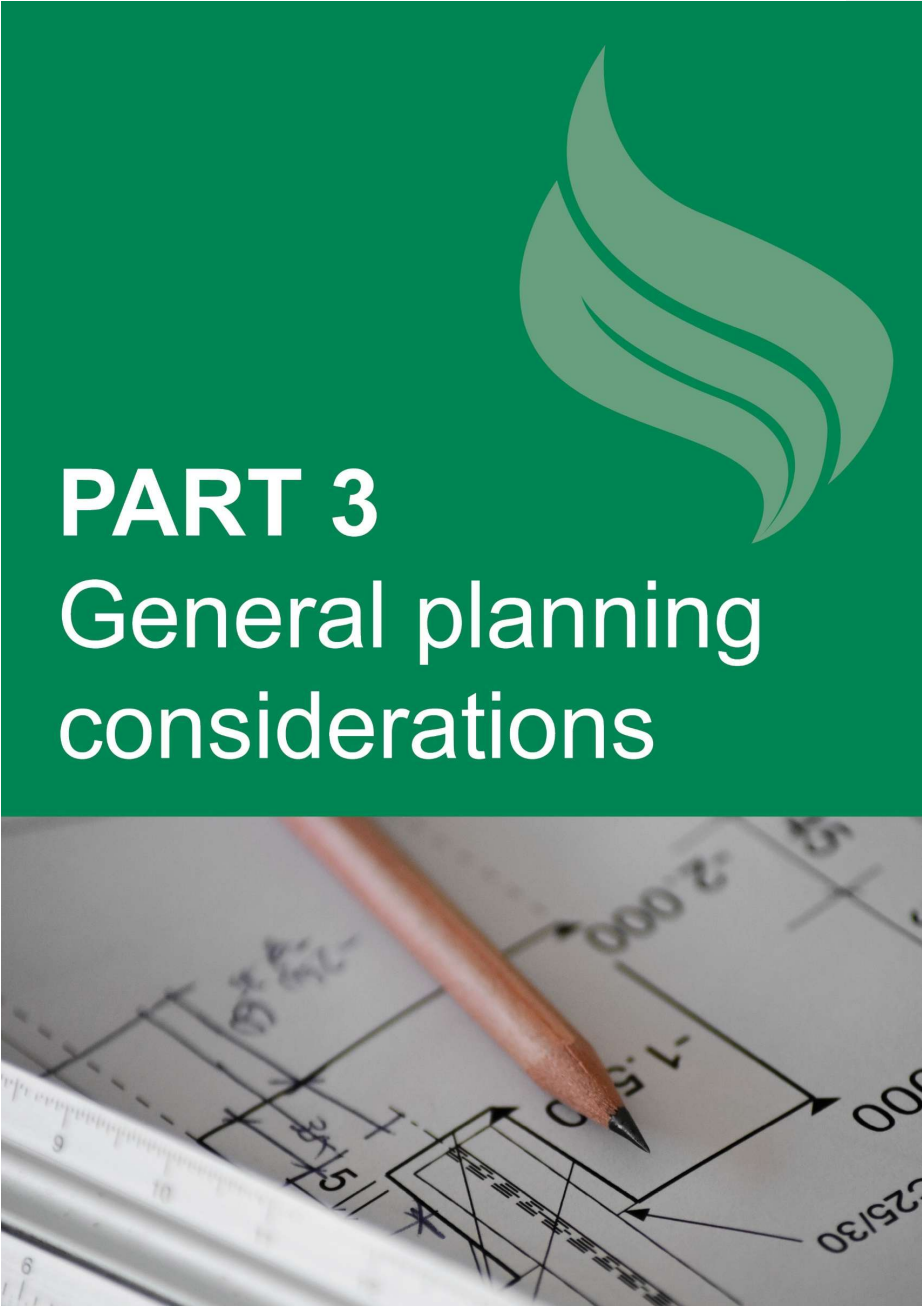
Planning Agreements

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

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

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

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



Part 3 General Planning Considerations

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3.1 Introduction

This part contains objectives and design controls for the protection of the environment and applies to all forms of development.

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

Note: Where reference is made to a published Australian/New Zealand Standard, it is the most recent version.

3.2 Biodiversity

3.2.1 Trees & Vegetation

Objectives

- a) Ensure the protection of existing trees which contribute to the visual amenity and environment of the LGA.
- b) Protect trees within and adjacent to all development sites.
- c) Maximise healthy tree canopy coverage across the LGA, so as to maximise reduction in the urban heat island effect.
- d) Identify responsibilities and requirements with respect to the protection, retention and replacement of trees.
- e) Provide processes which enable and facilitate citizen compliance with these provisions.
- f) Ensure all applications for tree removal and pruning are assessed on the basis of the best practice tree management principles.

Controls

1. Development is to comply with the provisions of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.
2. Development is to comply with the provisions of the *Biodiversity Conservation Act 2016* and the *Biodiversity Regulation 2017*.
3. All works are to comply with Council's *Tree Management Policy*.
4. For the purpose of this section, a tree is defined as vegetation having a:
 - Height of 3 metres or more, or
 - Diameter of 100mm or more when measured at ground level, or
 - Branch spread of 3 metres or more.

See **Figure 1** below for visual reference of what is defined as a tree.

