

1 NAME OF THIS DEVELOPMENT CONTROL PLAN

This plan is known as Wollongong Development Control Plan (DCP) 2009. DCP 2009 was adopted by Council on 15 December 2009 and came into effect on 3 March 2010.

This DCP 2009 has been prepared in accordance with Section 74C of the Environmental Planning and Assessment Act 1979 and clause 16 of the Environmental Planning and Assessment Regulation 2000.

2 REVIEW OF THIS DCP

Council reviews this DCP on a periodic basis. It is recommended that applicants contact Council's Customer Service Centre to confirm that this version is current. Table of Amendments is available as part of the Table of Content.

3 PURPOSE OF THE DEVELOPMENT CONTROL PLAN

The purpose of this DCP is to outline built form controls to guide development. This DCP supplements the provisions of Wollongong Local Environmental Plan 2009, Wollongong Local Environmental Plan (West Dapto) 2010, Wollongong Local Environmental Plan 1990 and Wollongong Local Environmental Plan No 38 (1984). In the event of any inconsistency between this DCP and the relevant LEP, the LEP will prevail.

Under Section 79C of the Environmental Planning and Assessment Act 1979, the consent authority is required to take into consideration the relevant provisions of this DCP in determining a Development Application for development in the City of Wollongong.

The DCP also contains administrative provisions including details on how Development Applications will be publicly notified and what meetings may be available, to enable stakeholders to discuss any issues concerning an application.

4 AIMS & OBJECTIVES OF THIS DEVELOPMENT CONTROL PLAN

The objectives of this DCP are:

- a) To provide detailed development controls within a single document which support the Local Environmental Plan.
- b) To ensure appropriate information is submitted with Development Applications.
- c) **To ensure development conforms with the principles of Ecologically Sustainable Development.**
- d) To ensure that development contributes to the quality of the natural and built environments.
- e) To encourage development that contributes to the quality of the public domain.
- f) To ensure future development responds positively to the qualities of the site and the character of the surrounding locality.
- g) To encourage the provision of development that is accessible and adaptable to meet the existing and future needs of all residents, including people with a disability.
- h) To ensure development is of a high design standard and energy efficient.
- i) To ensure new development is consistent with the desired future character for the area.

- j) To ensure the threat of bushfire is assessed.
- k) To protect areas of high scenic and aesthetic value.
- l) To ensure new development contributes to the safe and liveable environments.

5 RELATIONSHIP WITH OTHER PLANS AND POLICIES

1. This plan applies to all lands within the City of Wollongong Local Government Area (LGA) excluding sites approved under Part 3A of the Act.
2. Wollongong Local Environmental Plan 2009 (Wollongong LEP 2009), Wollongong Local Environmental Plan (West Dapto) 2010 (WDLEP 2010) are the principal environmental planning instruments which apply to the majority of lands within City of Wollongong. Wollongong Local Environmental Plan 1990 and Wollongong Local Environmental Plan No. 38 continue to apply to certain lands which have been “deferred” under West Dapto LEP 2010.
3. State Environmental Planning Policies (SEPPs) or State Codes may also apply to certain lands in the City of Wollongong. The statutory provisions of any SEPP or State Code will also prevail over this DCP, in the event of any inconsistency.
4. Different SEPPs cover a range of development including but not limited to secondary dwelling, boarding houses, education facilities, hospitals, seniors living, infrastructure and complying development.

6 HOW TO USE THE DCP

1. This DCP is divided into following Parts:-

Part A	Introduction
Part B	Land Use Based Controls (eg Residential Development, Residential Subdivision, Development in the Mixed Use, Business, Industrial, Rural Zones and Development in the Illawarra Escarpment)
Part C	Specific Land Use Controls (City Wide)
Part D	Locality Based DCPs / Precinct Plans
Part E	General Controls
Appendices	(Public Notification and Advertising Procedures for applications, Definitions etc)

2. Applicants will need to comply with the requirements of all relevant parts of the DCP. The guidelines contained in Wollongong DCP 2009 must be taken into account in the preparation of any Development Application for the proposed land use or development.
3. Compliance with the provisions of this DCP may not guarantee that consent will be granted to a Development Application (DA), particularly where the objectives of the DCP have not been met.

7 SAVINGS AND TRANSITIONAL PROVISIONS

Wollongong DCP 2009 applies to any development application which was lodged with Council but not finally determined before the commencement of this Plan. Any application lodged before the

commencement of this plan will be assessed in accordance with any previous development control plan, technical policy or other Council policy which applied to the site at the time of application lodgement including exhibited draft plans and policies.

8 VARIATIONS TO DEVELOPMENT CONTROLS IN THE DCP

The DCP aims to allow flexibility in the application of such development controls to promote innovation and design excellence. Council may consider variations to the requirements of the WDCP in certain circumstances.

Variation to development control will be considered on a case by case basis and will only be considered where written justification is provided to the satisfaction of Council, that the objectives of the development control have been achieved.

1. The variation statement must address the following points:
 - (a) The control being varied; and
 - (b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and
 - (c) Demonstrate how the objectives are met with the proposed variations; and
 - (d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.
2. The variation statement should be contained within the Statement of Environmental Effects accompanying a development application.
3. Any written variation request must be supported by detailed site analysis and other necessary documentation.
4. The fact that an existing development 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.
5. More specific requirements relating to variation statements may be included under the individual chapters of this DCP.

9 SITE AND CONTEXT ANALYSIS

9.1 Objectives

A Site and Context Analysis is prepared prior to inform the design process. It enables the applicant, neighbours and Council to appreciate the site's natural and contextual features; identify the relationship of the site to adjacent properties; and ensure that the proposal appropriately respects and responds to its context and the prevailing character of a street.

The objectives of this clause are:

- a) To ensure that a Site and Context Analysis is undertaken for sites subject of a development application.
- b) To promote development with good design by ensuring the consideration of existing characteristics, opportunities and constraints of the site and its surrounds.
- c) To ensure that consideration is given to all relevant site and locality issues in the formulation of development proposals.

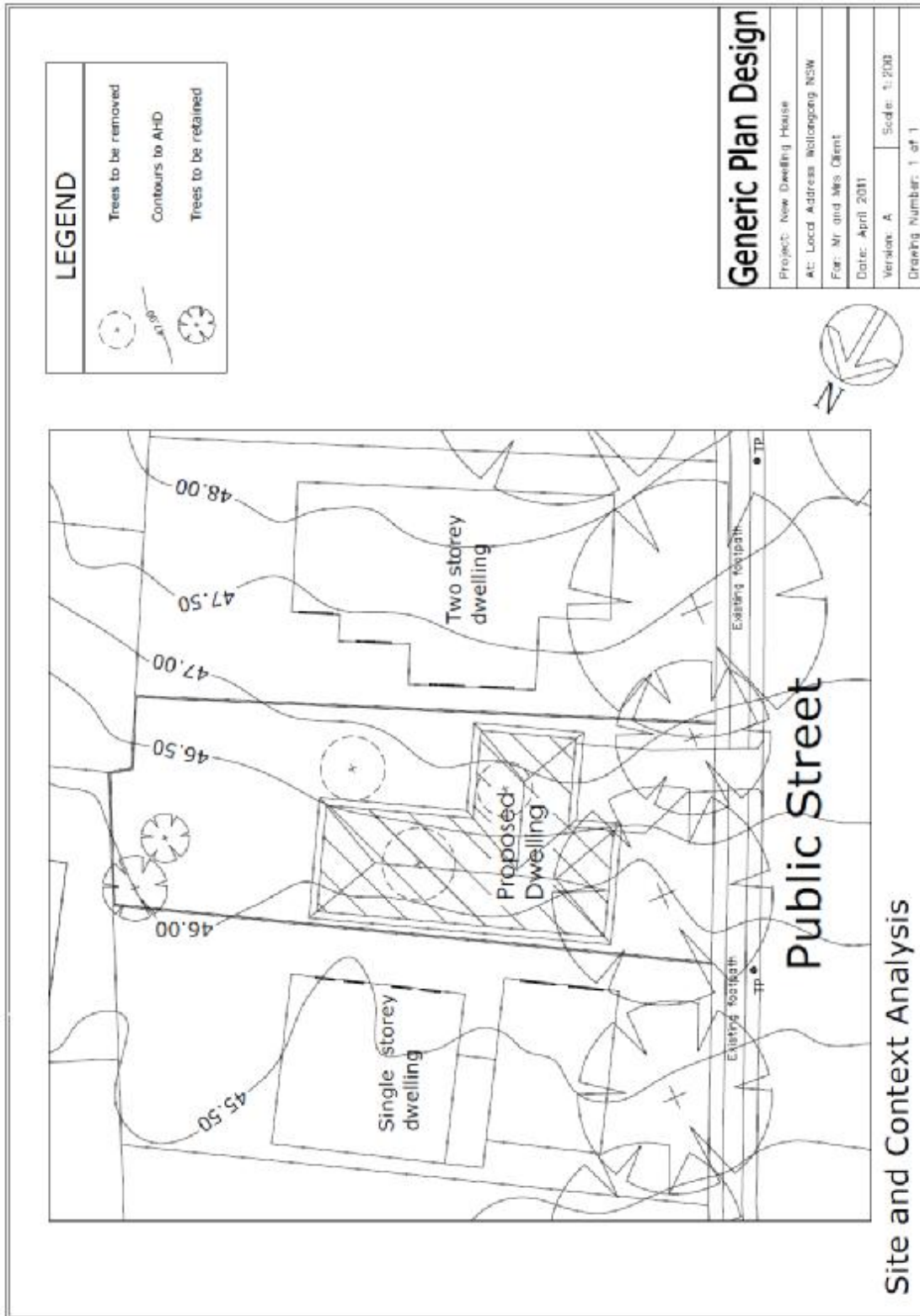
- d) To identify the minimum requirements for the preparation of a detailed Site and Context Analysis to lead and support the design process for developments.

9.2 Minimum Requirements for Site and Context Analysis Plan

1. A Site and Context Analysis involves two (2) phases which includes a site survey and the analysis
2. The site and context analysis plan must also demonstrate that the development is well proportioned, both as an individual element and within the streetscape.
3. A Site and Context Analysis Plan must accompany ALL development applications for residential development, with the exception of internal alterations to existing buildings. The level of information required may vary depending on the extent of work being carried out.
4. The Site and Context Analysis must comprise an annotated plan and should be accompanied by written information. A Site Analysis plan must be based on a survey drawing produced by a registered surveyor. The site analysis plan should also contain a reference number and the date it was prepared.
5. The Site and Context Analysis Plan must be prepared to scale and accurately show all relevant information, as follows:
 - a) Contours and levels to Australian Height Datum (AHD);
 - b) Land description including lot dimensions, true north point and scale;
 - c) The footprint, height and use of existing and proposed buildings on the site including immediately adjoining sites. Larger developments will include a wider context analysis;
 - d) Any endangered ecological community (EEC), existing trees, significant trees or other vegetation (including any High Conservation Value native vegetation);
 - e) Site orientation and dimensions and local climatic features such as wind direction;
 - f) Site constraints including flood affected land, overland flow paths, slope instability, contaminated land, landfill areas, heritage items on or in the vicinity of the site and archaeological sites;
 - g) Services and utilities including location of drainage infrastructure and connection for utility services;
 - h) Easements, fences, boundaries and site access;
 - i) The location of any sewer main upon the site, where development involves the construction of a basement level;
 - j) Views to and from the site and the existence of any significant nearby view corridors from public spaces and nearby residences (where relevant);
 - k) Movement corridors including local streets and pedestrian pathways;
 - l) Any other notable natural landform features or other characteristics of the site.
 - m) Difference in levels between the site and adjacent properties;
 - n) Location of significant environmental features adjacent to the site including watercourses, noise, pollution sources and environmentally sensitive land;
 - o) Sites with adjoining boundaries; and
 - p) Those sites directly across any road adjacent to the site.
 - q) Inner and outer protection zone areas.
 - r) Trees required to be removed for any development or Asset Protection Zones.

6. Larger development must also consider the footprint, height and use of buildings on a minimum of:
 - a) Two lots either side of the development site;
 - b) Any allotments which abut the rear boundary of the development site;
 - c) Setback distances, areas of private open space and windows overlooking the site; and
 - d) Direction and distance to local facilities including shops, schools, public transport and recreation and community facilities.

Figure 1: Typical Site and Context Analysis - dwelling



10 PRE-LODGE MENT MEETINGS FOR DEVELOPMENT PROPOSALS

1. A formal pre-lodgement meeting is recommended prior to the lodgement of a Development Application. Generally development for the purpose of a dwelling houses, alterations and additions to dwellings, secondary dwellings, dual occupancies and ancillary structures will not require a pre-lodgement. Contact Council to establish a pre-lodgement meeting.
2. The preliminary concept plans required for the formal pre-lodgement meeting should include the following: site plan, floor layout plans, elevation plans, sectional plans and a survey plan.
3. Pre-lodgement meetings are held on a weekly basis and will include Council's assessment team. Relevant consultants and advisors used by the applicant should also attend these meetings.
4. The quality of advice provided by Council staff on a project will be based upon the level of information provided to Council by the applicant / applicant's consultant(s) prior to and at that meeting.
5. Further pre-lodgement meetings may be warranted for very major or technically complex projects. In some cases, it may be prudent (but not mandatory) for the applicant to provide Council with the Draft Statement of Environmental Effects (SEE) or Draft Environmental Impact Statements (EIS) or other supporting technical studies, especially where the proposal involves very complex environmental impact assessment matters.
6. Pre-lodgement meeting notes will be made after each meeting. The meeting notes will reflect the main issues discussed at the pre-lodgement meeting. The pre-lodgement meeting notes will include what supporting information / reports are required to be submitted with the Development Application. The pre-lodgement meeting notes will be provided to the applicant.
7. Council reserves the right to seek additional information at the Development Application stage where such information is, in the opinion of Council, necessary to enable the proper assessment of the application, notwithstanding any previous pre-lodgement meeting.

11 WHEN IS A DEVELOPMENT APPLICATION REQUIRED

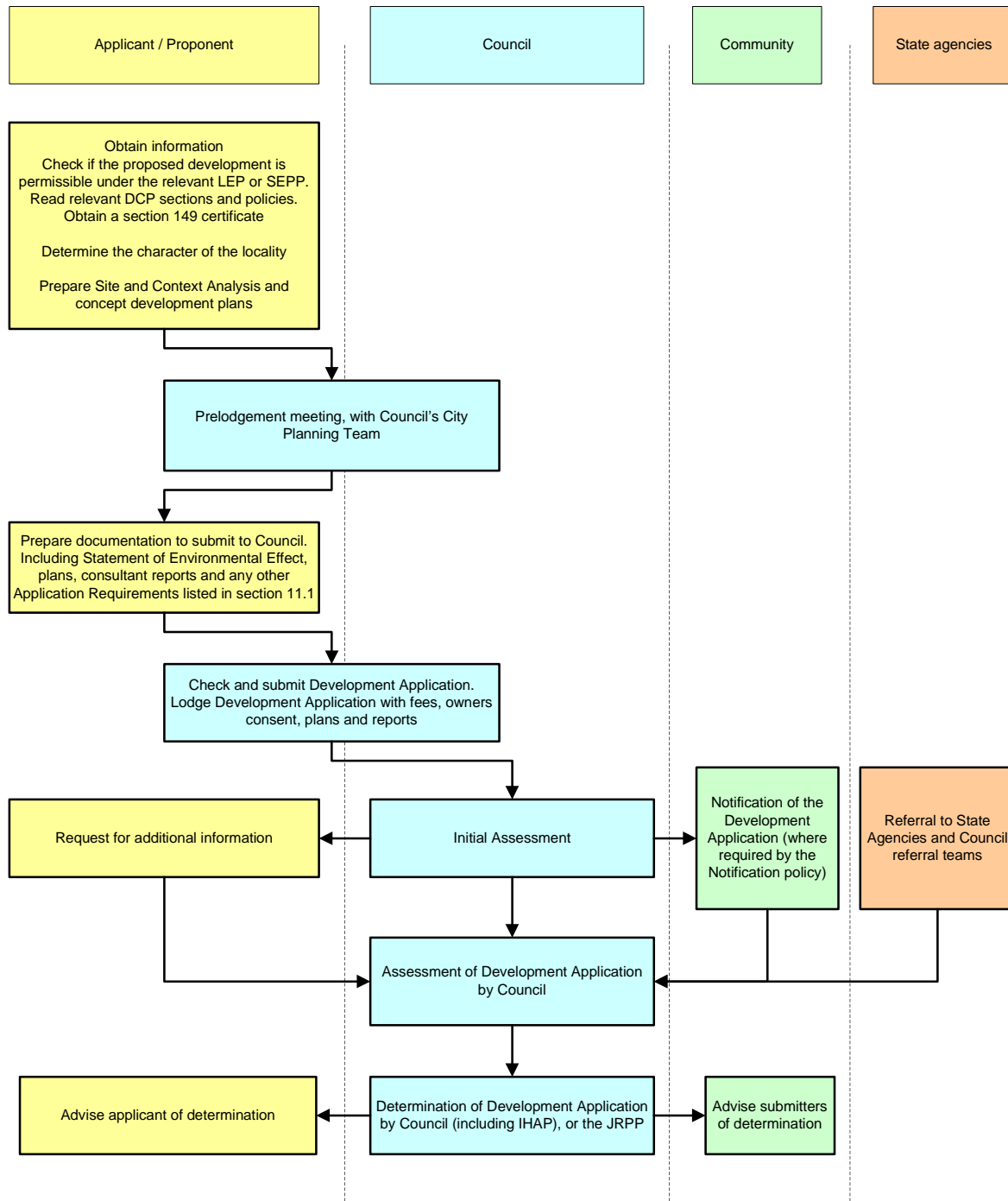
1. The lodgement of a Development Application is required for any proposed development where the relevant LEP or any other environmental planning instrument specifies that a proposed development may only be carried out with development consent upon the land to which the instrument applies.
2. Certain proposed developments may be classified as either under "designated development" or an "integrated development" under the Environmental Planning and Assessment Act 1979 or Regulation 2000.

Designated development requires the preparation of an Environmental Impact Assessment (EIS) which must be undertaken in accordance with the requirements of the Director-General of the NSW Department of Planning.

Integrated development requires formal concurrence approval from one or more public authorities. Council is required to obtain general terms of approval which if granted consent form part of the conditions of consent.

3. A Development Application is not required for any proposed development which is classified as "exempt development" or "complying development" under the relevant LEP, any State Environmental Planning Policy or State Code.

Figure 2: Assessment Process



11.1 Requirements for the lodgement of a Development Application

1. A Development Application may be required to be accompanied by specialist reports and plans depending on the nature of the site, including constraints and development proposed.
2. Site constraints and relevant planning controls and standards are identified on a Section 149 Certificate.
3. Development Application fees for registered charities will be waived.
4. Where a Development Application proposes a variation to a development standard the applicant must clearly identify the proposed variation on the development application form. This will enable Council to notify and exhibit the proposed variation to the development standard. Failure on behalf of the applicant to clearly identify a proposed variation at lodgement may result in re-notification of the application.
5. The requirements for the lodgement of a Development Application for a particular type of development are addressed in the Matrix for Minimum Lodgement Requirements, in section 11.2 of Chapter A1 (Table 1).

11.1.1 Matrix of minimum lodgement requirements

The matrix table is designed to provide a brief summary of the minimum information requirements for lodgement with a Development Application for common types of development. However, a full review of the DCP is recommended in order to ensure that all necessary information is lodged in support of a Development Application.

In the event that a proposed development is not listed in the matrix table, it is recommended that the applicant contact Council, to determine the minimum information required for lodgement of a Development Application.

Further additional documentation may be required for a specific type of developments during the assessment process.

Table 1 Minimum Information Requirements for lodgement of a Development Application

	Subdivision	Dwelling House	Dual Occupancy	Multi Dwelling Development	Residential Apartment Building	Mixed Use Development	Child Care Centre	Retail Development	Commercial Office Development	Industrial Development	Warehouse Distribution Centre	Bulky Goods Showroom	Educational Establishment	Tele-Communications
Site and Context Analysis	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü
Statement of Environmental Effects / EIS	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü
Site Plan	NA	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü
Subdivision Plan	ü	•	•	•	•	•	•	•	•	•	•	•	NA	NA
Floor Layout Plans	NA	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü

	Subdivision	Dwelling House	Dual Occupancy	Multi Dwelling Development	Residential Apartment Building	Mixed Use Development	Child Care Centre	Retail Development	Commercial Office Development	Industrial Development	Warehouse Distribution Centre	Bulky Goods Showroom	Educational Establishment	Tele-Communications
Elevation Plans	NA	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Section Plans	NA	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	NA
Shadow Diagrams	NA	•	☐	☐	☐	☐	•	•	•	•	•	•	•	•
Streetscape Perspective	NA	•	•	☐	☐	☐	•	•	•	•	•	•	•	•
Photomontage	NA	•	•	☐	☐	☐	☐	☐	☐	•	•	•	•	•
3D Model	NA	NA	NA	•	•	•	•	•	•	•	•	•	•	•
SEPP 65 Design Verification Statement	NA	NA	NA	•	•	•	NA	NA	NA	NA	NA	NA	NA	NA
BASIX Certificate	NA	•	•	•	•	•	NA	NA	NA	NA	NA	NA	NA	NA
Landscape Plan	NA	•	•	•	•	•	•	•	•	•	•	•	•	•
Schedule of External Finishes	NA	•	•	☐	☐	☐	☐	☐	☐	☐	☐	☐	•	•
Tree Survey	•	•	•	☐	☐	☐	•	•	•	☐	☐	☐	☐	•
Arborist Report	•	•	•	☐	☐	☐	•	•	•	•	•	•	•	•
Economic Impact Assessment Report	NA	NA	NA	NA	NA	•	NA	☐	•	NA	NA	•	NA	NA
Noise Impact Assessment Report	•	•	•	•	•	•	•	•	•	•	•	•	•	NA
Geotechnical Impact Assessment Report	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Acid Sulfate Soil Assessment Report	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Traffic Impact Assessment Report	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Heritage Impact Assessment Report	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Aboriginal Archaeological Assessment Report	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Bushfire Assessment Report	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Threatened Species Impact Assessment Report	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Drainage Concept Plan & Calculations	•	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	•
On-site Detention	•	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	•	•

	Subdivision	Dwelling House	Dual Occupancy	Multi Dwelling Development	Residential Apartment Building	Mixed Use Development	Child Care Centre	Retail Development	Commercial Office Development	Industrial Development	Warehouse Distribution Centre	Bulky Goods Showroom	Educational Establishment	Tele-Communications
Plan														
Flood Study	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Preliminary Contamination Audit – Review of Existing & Previous Site History	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü
Erosion & Sedimentation Control Plan	ü	•	•	•	•	•	•	•	•	ü	ü	ü	ü	•
Demolition Work Plan	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Waste Management Plan	•	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü	ü

LEGEND

ü Information required

ÿ Information may be required (Determined at pre-lodgement meeting with Council staff).

NA Not Applicable

12 DEVELOPMENT APPLICATION ASSESSMENT PROCESS

12.1 What matters will Council take into consideration in the assessment of a Development Application?

1. Each application will be considered on its own merits in terms of the achievement of the objectives of this DCP. Any variations must comply with Clause 8 of Chapter A1.
2. In assessing an application, Council will take into consideration a range of the matters, including (but not necessarily limited to) the following:
 - (a) Environmental Planning and Assessment Act 1979, in particular the “matters for consideration” as listed under Section 79C of the Act;

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iii) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
 - (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
 - (c) *the suitability of the site for the development,*
 - (d) *any submissions made in accordance with this Act or the regulations,*
 - (e) *the public interest.*
6. A development application may be determined by a planning officer, Independent Hearing and Assessment Panel (IHAP), Joint Regional Planning Panel (JRPP) or Council.
 7. A review of determination application may be lodged with Council if an applicant is dissatisfied with Council's original decision on the application in accordance with Section 82A of the EPA Act.

12.2 Lodgement of a modifications to development consent

The EPA Act allows applicants to modify approved development applications [Section 96(1) and Section 96(2)] where a modification involves:

- a) Minor error, misdescription or miscalculations; or
 - b) Modifications involving minimal environmental impact; or
 - c) Other modifications
1. Development Application for modifications must include:
 - a) Written evidence documenting the changes,
 - b) Where changes are proposed to the built form internally or externally, plans are required that clearly illustrate the variation to the original approved development. These plans must highlight any changes on the plans via different colours or other visual means.
 - c) Demonstrate which development controls apply to the proposed modification and how they are complied with under the modification.