



Part A Introduction

Chapter A1 Introduction

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DOCUMENT CONTROL

Rev No.	Adoption Date	In Force Date	Revision Details
1	21 November	14 December	Update aim resulting from sustainability review
2	24 February 2025	5 March 2025	Update legislation, layout and site and context

1. NAME AND COMMENCEMENT OF THIS DEVELOPMENT CONTROL PLAN

This document may be cited as Wollongong Development Control Plan 2009 (DCP 2009). DCP 2009 was adopted by Council on 15 December 2009 and came into effect on 3 March 2010. Some individual Chapters, including this Chapter, have since been amended.

This DCP 2009 has been prepared in accordance with Section 3.43 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Section 16 of the *Environmental Planning and Assessment Regulation 2021*.

2. REVIEW OF THIS DEVELOPMENT CONTROL PLAN

Council reviews DCP 2009 on a periodic basis. The Document Control table showing the revision dates for each Chapter is available as part of the Contents page. Council's website contains the current version of the DCP.

3. PURPOSE OF THE DEVELOPMENT CONTROL PLAN

The purpose of DCP 2009 is to outline controls to guide development. This DCP supplements the provisions of Wollongong Local Environmental Plan 2009 (Wollongong LEP).

Under Section 4.15 of the EP&A Act, the consent authority is required to take into consideration the relevant provisions of this DCP in determining a Development Application for development in the Wollongong Local Government Area (LGA). The consent authority must also take into consideration relevant provisions of this DCP when determining an application for modification of a consent under section 4.55 of the EP&A Act.

Notification of Development Applications will take place in accordance with Council's Community Participation Plan.

4. OBJECTIVES OF THIS DEVELOPMENT CONTROL PLAN

- a) To provide detailed development controls within a single document which support the Wollongong LEP.
- b) To ensure relevant information is submitted with Development Applications.
- c) To demonstrate development is consistent with the principles of Ecologically Sustainable Development and is resilient to climate change.
- d) To demonstrate development is energy, waste and water efficient.
- e) To demonstrate development minimises carbon emissions during construction and operation.
- f) To ensure that development contributes to the quality of the natural and built environments.
- g) To encourage development that contributes to the quality of the public domain.
- h) To ensure development responds positively to the qualities of the site and the character of the surrounding locality.
- i) 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.
- j) To ensure development is of a high design standard and reflects the *Better Placed: An integrated design policy for the built environment of New South Wales* (2017).
- k) To ensure new development is consistent with the desired future character for the area as articulated in Chapter D1 of this DCP.

- l) To ensure environmental constraints including climate change impacts are satisfactorily considered.
- m) To protect areas of high scenic, environmental and aesthetic value.
- n) To ensure new development contributes to safe and liveable environments.

5. RELATIONSHIP WITH OTHER PLANS AND POLICIES

This plan applies to all lands within the Wollongong LGA.

Wollongong LEP is the principal environmental planning instrument which applies to the majority of land within Wollongong LGA. In the event of any inconsistency between this DCP and the LEP, the Wollongong LEP will prevail.

State Environmental Planning Policies (SEPPs) may also apply to certain land in the Wollongong LGA. The statutory provisions of any SEPP prevail over the Wollongong LEP and this DCP, in the event of any inconsistency.

Different SEPPs cover a range of development types including but not limited to secondary dwellings, boarding houses, education facilities, hospitals, seniors living, infrastructure and complying development.

6. HOW TO USE THE DEVELOPMENT CONTROL PLAN

This DCP is divided into parts as described in Table 1. Each part is then divided into chapters.

Development applications and applications to modify a consent need to comply with the requirements of all relevant chapters of the DCP.

Interpretation

This DCP uses terms that are defined in other environmental planning instruments including the Wollongong LEP 2009.

The definitions in Appendix 4 are provided in addition to those defined elsewhere, to assist in the interpretation of this DCP. Additional definitions may also be provided throughout the chapters of this DCP.

DCP Parts - Table 1

Part	Part Title
A	Introduction
B	Land Use Based Controls (eg Residential Development, Residential Subdivision, Mixed-Use Development, Employment Zones, Rural Zones and Development in the Illawarra Escarpment)
C	Specific Land Use Controls (City Wide)
D	Locality Based DCPs / Precinct Plans
E	General Controls
Appendix	4. Definitions

7. VARIATIONS TO DEVELOPMENT CONTROLS

DCP 2009 aims to allow flexibility in the application of development controls to promote innovation and design excellence. Council may consider variations to the requirements of the DCP in certain

circumstances.

Variation to a development control will be considered on a case-by-case basis. Proposed variations must be supported by written justification which demonstrates that the objectives of the development control have been achieved.

7.1 Objectives

- a) To ensure variations to development controls are clearly described in applications.
- b) To ensure variations to development controls are supported by thorough supporting documentation in the appropriate format.
- c) To ensure the variation statement addresses the potential impacts of the variation.
- d) To ensure the proposed variation meets the objectives of the relevant development control(s).

7.2 Development Controls

- 1) The variation statement must address the following points:
 - i) The control being varied;
 - ii) The extent of the proposed variation and the unique circumstances as to why the variation is requested;
 - iii) Demonstrate how the objectives are met notwithstanding the proposed variations; and
 - iv) 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.

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 other development.

More specific requirements relating to variation statements may be included under the individual chapters of this DCP.

8. SITE AND CONTEXT ANALYSIS

‘Good design in the built environment is informed by and derived from its location, context and social setting. It is place-based and relevant to and resonant with local character, and communal aspirations. It also contributes to evolving character and setting.’

Better Placed: An integrated design policy for the built environment of New South Wales (2017)

Site and context analysis identifies the key elements of the site and its context before the design of a development occurs. By identifying and describing the elements of the locality and the conditions that impact upon the development site, opportunities and constraints for development can be understood and addressed in the design.

Site and context analysis should inform clear strategies and principles about how the design will respond to elements of site and context. These strategies should form part of the Site and Context Analysis document set submitted with a Development Application.

All land, sea and sky in Wollongong LGA was, is, and always will be Aboriginal Country. Wollongong Council acknowledge the Traditional Custodians of the land on which our City is built, the Aboriginal people of Dharawal Country. We recognise and appreciate their deep connection to this land, waters and our greater community.

Applicants are encouraged to educate themselves through cultural awareness training and available resources to develop an understanding of the Country they are working on. Attention is drawn to the *GANSW Connecting with Country* framework as a key resource. For Site and Context Analysis, the activities and actions described in the section *Imagining with Country: Design* (pg 45) and expanded in section 4 *Designing with Country* (pgs 56-73) are highlighted as specifically relevant.

8.1 Objectives

- a) To identify requirements for Site and Context Analysis.
- b) To ensure that the design response is informed by the consideration of relevant elements of the site and its context.
- c) To ensure the Site and Context Analysis includes drawings and written information as appropriate to the type, scale and impact of the proposed development.

8.2 Development Controls

- 1) A Site and Context Analysis must accompany all Development Applications, except for internal alterations to existing buildings.
- 2) The Site and Context Analysis must be informed by a separate survey plan prepared by a registered surveyor. This separate survey plan is a lodgment requirement for all Development Applications, except for internal alterations to existing buildings.
- 3) The separate survey plan must:
 - i) Include the Registered Surveyor's name and Surveyor's number.
 - ii) Be less than two (2) years old at the time of Development Application lodgment. Should there be evidence of recent significant change onsite, a new survey plan is to be submitted.
 - iii) Where the proposed works are within one metre of side and rear boundaries, be based on a boundary survey which clearly shows the position of existing fences, walls and buildings in relation to lot boundaries.
 - iv) Include all lot boundaries and associated dimensions.
 - v) Include a true north point.
 - vi) Include a scale which references page size (i.e. 1:200 @ A3).
 - vii) Include spot levels and existing contours related to Australian Height Datum (AHD) with benchmark details and origin of levels shown.
 - viii) Include any easements and rights of way including party walls and common walls, supported by supplementary documentary evidence (Section 88B instrument or dealings) which are to be relied on.
- 4) The survey plan must include the full site and a portion of the adjacent public and private domain sufficient (minimum three metres from boundary) to show the:
 - i) Location of all existing structures, with floor level and ridge heights.
 - ii) Location of existing structures on adjoining land including description, street number, floor

levels, ridge heights, balconies, awnings, and window levels and locations in the walls closest to the side boundaries.

- iii) Location, type and height of boundary fencing and walls.
 - iv) Difference in levels between the site and adjacent properties.
 - v) Locations and levels for road kerbs, road crests, vehicle crossings and footpaths.
 - vi) All visible services within the site and road reserves, including stormwater pits and invert levels, hydrants, sewer manholes, electrical and telecommunications infrastructure etc.
 - vii) Trees – exact position, trunk diameter (if greater than 200mm), level at base, height, spread, and species (if known) – both on the subject site, and on adjoining land within 3 metres of the site boundaries.
- 5) Development Applications must provide a Site and Context Analysis document set. Dependent on the scale of the proposed development, this will consist of a *location plan*, *context plan*, *site plan*, *street elevations*, *sections* and other drawings and written commentary sufficient to demonstrate a clear understanding of the contextual conditions present for the site and reveal clear design strategies to inform a high quality, place-based and sustainable design response. The different requirements of the Site and Context Analysis document set are set out below.
- i) The *location plan* will indicate the site's location in relation to the key features of the broad context including the major landscape elements, urban structure, land use activities and transport networks.

Landscape elements including but not limited to the Illawarra Escarpment - *Merrigong*, Lake Illawarra - *Jubborsay*, rivers – *Dharagang*, beaches – *Marrang*, and the sea – *Garringarrang* have cultural significance for Aboriginal people and should be considered at this scale.

The *location plan* illustrates opportunities and constraints in relation to major views, development activities, and access to transport, open and natural spaces and goods and services.

Depending on the proximity of key features, a scale between 1:5,000 and 1:20,000 (at A3) to reference a radius of around 1km to 5km is recommended.

The *location plan* is not an application requirement for single dwellings, dual occupancies or any ancillary residential works.

- ii) The *context plan* will indicate the site's relationship to the key features of the local context including the street grid and subdivision pattern, movement networks, open public spaces, heritage places, significant landscape and local climate. At this scale the analysis can also include key planning controls and environmental constraints such as built form envelope restrictions (ie building heights), flood hazard levels, bushfire ratings and the like. The context plan should be supported by context sections where there is a significant topographic variation across the surrounding area.

Depending on the proximity of key features, a scale between 1:2,500 and 1:5,000 (at A3) to reference a radius of around 500m to 1km is recommended.

- iii) The *site plans*, *elevations*, *sections* and *3D-views* are to demonstrate the potential amenity impacts from and on neighbouring sites and significant public domain in the area of influence that must be considered in the design of the development.

The *site plans*, *sections*, *elevations* and *3D-views* must be sufficient to demonstrate that any of council's sun access planes, protected views and proposed pedestrian links have been acknowledged and addressed by design strategies.

The *street elevations* will demonstrate the site's relationship to the lot pattern (grain) and built form (massing) of the street and surrounding lots and illustrate any important aspects

of existing or future character. *3D-views* may be included to compliment the information presented in the elevations.

These drawings will define what design strategies should be used to ensure the development considers Ecologically Sustainable Development principles, is situated and massed to be contextually appropriate, how access to daylight, privacy and views can be shared, and how the different parts of the site should be organised.

Scale as appropriate to show the full site and impacted/impacting neighbouring properties.

- iv) Diagrammatic mapping, photographs, details and sketches of any relevant materials, formal or character elements that should inform the design will support the site and context analysis.
 - v) Photographs, sketches and details of significant landscape features including trees (to be retained or otherwise) and public domain can also be prepared to support the site and context analysis.
- 6) All Site and Context Analysis plans and documents must be prepared to scale and accurately show all relevant information, as follows:
- i) All relevant existing information from the survey plan
 - ii) A visual and written representation of planning controls relevant to the site. At a minimum:
 - LEP: land use zone, height of building limit, floor space ratio, sun access plane or overshadowing requirements, reservations on the land, heritage items, heritage conservation areas.
 - DCP: ground and upper storey setbacks, street wall and heights in storeys, landscape and deep soil requirements, future pedestrian links, view corridors, local character statements.
 - iii) A visual and written representation of site conditions including, but not limited to, the following:
 - Site orientation and local climatic features including wind type and direction.
 - Any endangered ecological community (EEC) or High Conservation Value native vegetation.
 - Flood affected land.
 - Land affected by coastal hazards.
 - Biodiversity and riparian corridors.
 - Slope instability, contaminated land, landfill areas.
 - Services and utilities including location of drainage infrastructure, sewer mains and connection for utility services.
 - Movement corridors including local streets and pedestrian pathways, public transport, and site access for vehicles and pedestrians.
 - Views to and from the site and the existence of any significant nearby view corridors from public spaces and nearby residences.
 - Location of significant environmental and cultural features adjacent to the site including water courses and environmentally sensitive lands.
 - Pollution sources such as noise and air pollution.
 - Inner and outer bushfire protection zone areas and any trees/vegetation required to be removed for any development or Asset Protection Zones.

9. PRE-LODGEEMENT MEETINGS FOR DEVELOPMENT APPLICATIONS

A formal pre-lodgement meeting is recommended prior to the lodgement of most Development Applications. Generally, development for the purpose of a dwelling house, alterations and additions to dwellings, secondary dwellings, dual occupancies and ancillary structures will not require a pre-lodgement, unless the proposal includes complex built form matters or site constraints. Contact Council to book a pre-lodgement meeting.

The preliminary concept plans required for the formal pre-lodgement meeting should include the following: site analysis, site plan, floor layout plans, elevation plans, sectional plans and a survey plan.

Pre-lodgement meetings will include Council's assessment team and specialist staff as deemed necessary by Council. Relevant consultants and advisors engaged by the applicant should also attend these meetings.

The quality of advice provided by Council staff on a project will be dependent upon the level of information provided to Council by the applicant / applicant's consultant(s) prior to a pre-lodgement meeting.

Further pre-lodgement meetings may be warranted for significant 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) and other supporting technical studies, especially where the proposal involves very complex environmental assessment matters such as a flood affected site.

Pre-lodgement meeting notes will be prepared by Council after each meeting and provided to the applicant. 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, based on the information known at that time, to be submitted with the Development Application.

An assessment officer may seek additional information at Development Application stage where such information is considered necessary to enable the proper assessment of the application, notwithstanding that this may not have been identified at any previous pre-lodgement meeting.

10. WHEN IS A DEVELOPMENT APPLICATION REQUIRED

The lodgement of a Development Application is required for any proposed development where the Wollongong 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.

Certain proposed developments may be classified as either "designated development" or "integrated development" under EP&A Act or the *Environmental Planning and Assessment Regulation 2021*.

Designated development requires the preparation of an EIS which must be undertaken in accordance with the requirements of the Director-General of the NSW Department of Planning, Housing and Infrastructure.

Integrated development requires general terms of approval from the relevant authority, which if granted consent, forms part of the conditions of development consent. Separately, *Concurrence* may be required whereby agreement from a referral authority must be obtained before the Council can determine a Development Application.

11. REQUIREMENTS FOR THE LODGEMENT OF A DEVELOPMENT APPLICATION

The requirements for the lodgement of a Development Application are outlined in the Development Application Lodgement Checklist available on the Submit a Development Application - Checklists and Application Forms page of Council's website:

http://wollongong.nsw.gov.au/data/assets/pdf_file/0021/113097/Lodgement-Checklist-for-Development-Applications.pdf

This checklist 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. Wollongong DCP 2009 requires applications for certain developments, and/or developments on certain land, to be accompanied by specialist or technical reports and plans.

Where a Development Application proposes an exception to a development standard the applicant must clearly identify the proposed exception at lodgement of any application in the NSW Planning Portal and within a written request document pursuant to the *Environmental Planning and Assessment Regulation 2021*. This will enable Council to notify and exhibit the proposed exception to the development standard. Failure on behalf of the applicant to clearly identify a proposed exception at lodgement may result in re-notification of the application.

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

All drawings submitted in support of an application are to be coordinated and accurate; utilise standard drawing scales (e.g. 1:10, 1:20, 1:50, 1:100, 1:200, 1:500, 1:750, 1:1000) as appropriate for drawing legibility; and in general accordance with design industry standards (such as Australian Standard AS1100).

Development Application fees are listed on the Development Application Fees and Charges page of Council's website. Development Application fees for registered charities will be waived. Further concessions may be made available through specific policy documents ie Affordable Housing Policy.

<https://wollongong.nsw.gov.au/council/council-documents/fees-and-charges/fees-and-charges?fee=Development%20Application>