

General Contents

Ref.	Section 1: Preliminary
A	Preliminary
B	Notification and Advertising
Ref.	Section 2: General Guidelines
A	Miscellaneous
1	Site and Context Analysis
2	Good Design
3	Flood Hazard
4	Solar Access and Overshadowing
5	Landscaping
6	Safety by Design
7	Access and Mobility
8	Parking
9	Subdivision
10	Signs and Advertising Structures
11	Fencing
12	Telecommunications Facilities
13	Development Near Rail Corridors
14	Contaminated Land
15	Stormwater Management
B	Public Domain
C	Sustainability
1	Building Sustainability
2	Water Sensitive Urban Design
3	Waste and Recycling Design & Management Standards
4	Tree Preservation and Management
5	GreenWay
6	Tree Replacement and New Tree Planting
D	Precinct Guidelines
1	Ashfield Town Centre
2	Ashfield East Precinct Guideline
3	Ashfield West
4	Croydon Town Centre

5	Neighbourhood Centre (B1) Zone
6	Enterprise Zone (B6) – Parramatta Road
7	Enterprise Zone (B6) – Hurlstone Park
8	Summer Hill Town Centre
9	Summer Hill Flour Mill Site
10	Edwards Street – B4 Zone
11	Industrial Zone
12	55-63 Smith Street Summer Hill
E1	Heritage Items and Conservation Areas (excluding Haberfield)
1	General Controls
2	Heritage Items
3	Heritage Conservation Areas (HCAs)
4	Building Types and Building Elements within Heritage Conservation Areas (HCAs)
5	Retail and Commercial Buildings
6	Apartments and Residential Flat Buildings
7	Subdivision and lot consolidation affecting heritage items or in heritage conservation areas
8	Demolition
9	Heritage Conservation Areas, Character Statements and Rankings
E2	Haberfield Heritage Conservation Area
1	Preliminary
2	Detailed Planning Measures for Residential Properties
3	Planning Measures for Commercial Properties
4	Miscellaneous
F	Development Category Guidelines
1	Dwelling Houses
2	Secondary Dwellings
3	Neighbourhood Shops and Shop Top Housing within R2 Zones
4	Multi Dwelling Housing
5	Residential Flat Buildings
6	Boarding House and Student Accommodation
7	Residential Care Facilities
8	Child Care Centres
9	Drive-in Take Away Food Premises

10 Sex Industry Premises

11 Car Showrooms

G Defintions

H Amendments



Section 1

Preliminary

Table of Contents

Ref.	Section	Page
A	Preliminary	
	Purpose of this Development Control Plan	2
	Name and commencement	2
	Legal information	2
	Aims of the DCP	2
	Land to which this policy applies	2
	Purpose	2
	Relationship of the DCP to other plans and policies	3
	Savings provision	3
	Interpretation	3
	DCP Contents – “Plain English” Overview	3
	Order of Priority for Applying Guidelines	4
	Varying the Requirements of the DCP	4
	Development Contributions	4
	Monitoring and Review	5
	Appendix 1 – Development Application Requirements	6
B	Notification and Advertising	
	Application	8
	Purpose	8
	Exempt and Complying Development	8
	Pre-lodgement consultation with Council and your neighbours	8
	Who will be notified?	8
	Contents of individual notification letters	10
	Other Land Management Proposals	10
	Notification in the print media	10
	On-site notices	11
	Time period for exhibition and receipt of submissions for development applications	11
	Time period for exhibition and receipt of submissions for other land management proposals - planning proposals, development control plans, strategies, studies, reviews and policies.	11
	Development applications where notification is not required	11
	Mediation	12

Public meeting – major development applications	12
Amended development applications	12
Making a submission	12
Procedures for speaking at council meetings	13
Rescission motions and notices of motion	13
Submissions become public documents	13
Recognition for community groups and organisations	13
Major Development Application	13
Minor Development Application	14

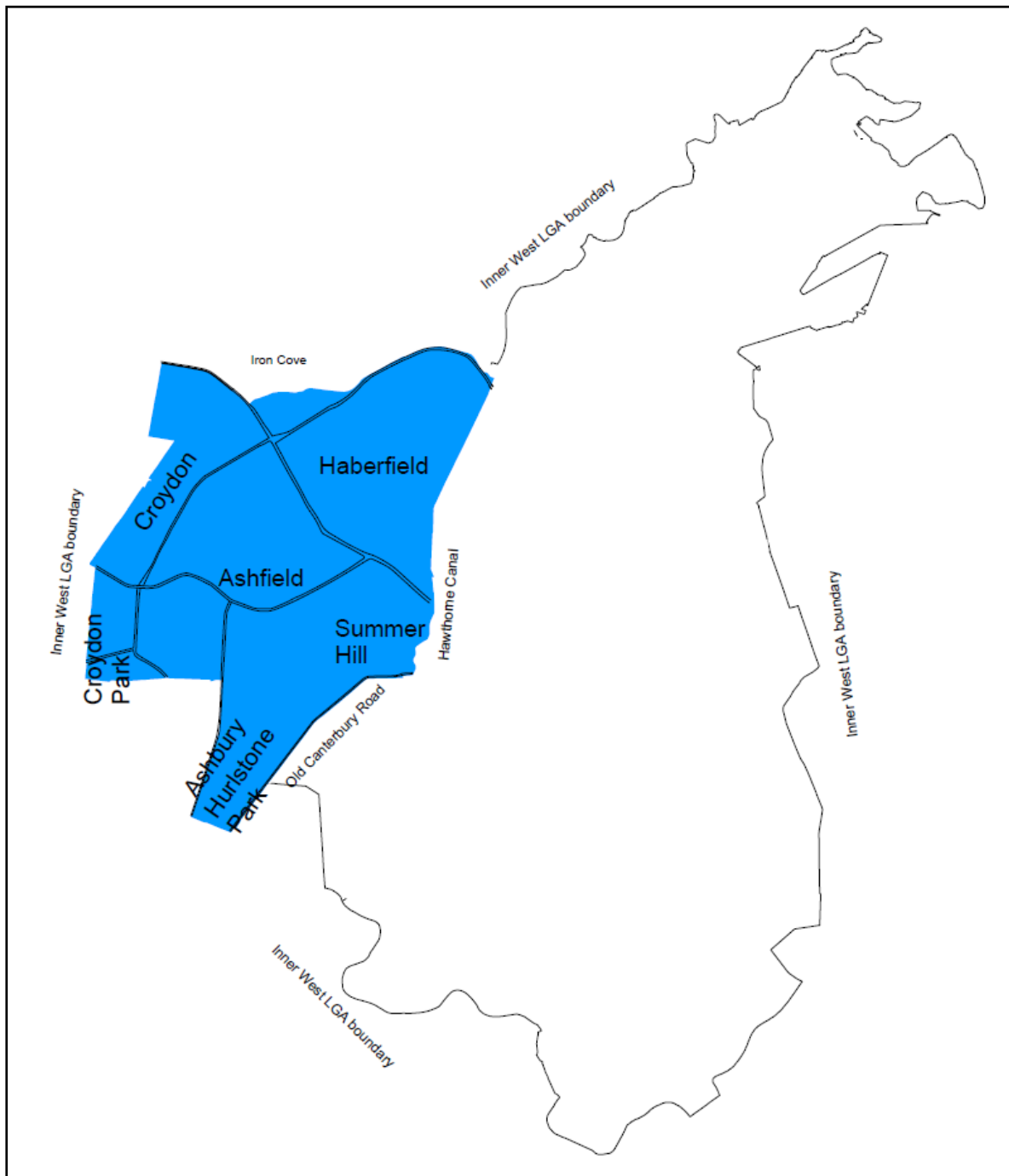


Chapter A

Preliminary

Land to which this policy applies

This DCP applies to the Inner West Local Government Area for the extent of land shown on **Map 1**. This includes the following suburbs: Ashbury Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.



Map 1 – Extent of Land where this DCP applies

Purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to supplement the Inner West LEP 2022 and to provide more detailed provisions to guide development that requires Council approval.

This DCP has been made in accordance with Section 3.43 of the Environmental Planning & Assessment Act 1979 (the Act) and must also be read in conjunction with the provisions of the LEP. Compliance with the provisions of this DCP does not mean that a Development Application (DA) will be routinely approved. Each DA will be assessed having regard to the LEP, this DCP, other matters listed in Section 4.15 of the Act, and any other relevant policies adopted by Council.

Name and commencement

The DCP is called Inner West Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill. It was adopted by Council on 6 December 2016 and came into effect on 10 January 2017.

Legal information

Inner West LEP 2022

Inner West LEP 2022 has objectives for land use zones and key (statutory) development standards that need to be complied with in addition to the guidelines in this DCP. The LEP (Part 3) and Exempt and Complying Codes SEPP both list types of development which are “Exempt or Complying”. This DCP does not apply to these categories of development.

The Environmental Planning and Assessment Act (“the Act”) And Regulations

This DCP has been prepared in accordance with Division 3.6 of the Act and Part 3 of the Environmental Planning and Assessment Regulation 2000.

Following commencement of this DCP, Interim Development Assessment Policy 2013 and Ashfield DCP 2007 which previously applied within the Inner West Local Government Area (LGA) cease to have any effect.

Under section 4.15 of the Act, Council is required to consider a number heads of consideration as well as the provisions of this DCP when assessing a development application.

Building Sustainability Index (BASIX)

A BASIX Certificate is required to form part of a development application or a construction certificate for a

residential development in NSW. A BASIX Certificate demonstrates compliance with the NSW Government’s reduction targets for potable water consumption and greenhouse gas emissions in new residential buildings.

SEPP 65 - Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 (SEPP 65) - Design Quality of Residential Apartment Development and the related Apartment Design Guide (ADG) are applicable to certain types of residential flat development.

Government agency requirements

The DCP contains data provided by various government agencies. This information can change from time to time without prior notice being given to Council. Applicants need to check the accuracy of information with agencies if relevant to a proposal. Appendices and Notes in this plan are provided for information only.

Aims of the DCP

The DCP supports the Inner West LEP 2022 by providing guidelines that will encourage good urban design which will complement zone objectives and key development standards contained in the Inner West LEP 2022. DCP guidelines assists applicants, informs the community and speeds up the development assessment process by establishing greater “upfront” certainty about desired development outcomes. However, merely complying with the numerical standards of this DCP does not mean that the urban design objectives and performance criteria of the DCP will always be met. Every site is unique and different design options may need to be considered.

Purpose

- To encourage high quality, sustainable urban design outcomes that achieve a desired future character for particular precincts and have a sympathetic built form relationship with the existing built environment and public domain.
- To promote urban design outcomes that will maintain and enhance the unique, distinctive spatial character of neighbourhoods on land where this DCP applies.
- To protect amenity of residential area, including access to sunlight and maintenance of privacy.
- To protect the heritage significance of heritage items and heritage conservation areas.
- To ensure development considers the needs of people with a disability and older people.

- To facilitate business and/or mixed use development in appropriately zoned locations with good public transport links to support integration of transport and land use.
- To ensure development considers the principles of ecologically sustainable development including low energy embodied construction materials, renewable energy, waste minimisation, water sensitive design, bicycle use and stormwater efficiency.
- To improve the appearance and functionality of the public domain, including public safety and pedestrian comfort (eg trees for shading).

Relationship of the DCP to other plans and policies

- This plan must be read together with Inner West LEP 2022. The LEP prevails if there is any inconsistency.
- This DCP should also be read in conjunction with the following:
 - *Environmental Planning and Assessment Act, 1979;*
 - *Environmental Planning and Assessment Regulation 2000;*
 - *Relevant State Environmental Planning Policies (SEPP's)***
 - *Local Government Act 1993;*
 - *Building Code of Australia (BCA);*
 - *Relevant Australian Standards as identified in this DCP;*
 - *Land and Environment Court Planning Principles; and*
 - *Any other policy or document identified for consideration in this DCP.*

****Note:** Please click [here](#) for a list of current SEPP's

Savings provision

This DCP does not apply to an application under Environmental Planning and Assessment Act 1979 (EP&A Act) lodged with Council but not finally determined before the commencement of this DCP. Any application formally lodged before the commencement of this DCP will be assessed in accordance with any relevant previous Interim Development Assessment Policies or other applicable Council policies applicable at the time the application was lodged.

Interpretation

Where this DCP uses terms that are defined in Inner West LEP 2022, the definitions in the LEP are to be used. Other terms used throughout this DCP are defined in the *Dictionary*. A reference in this DCP to any Australian Standard or legislation includes a reference to any amendment or replacement as made.

DCP contents – “Plain English” overview

The DCP is set out as follows:

Section 1

Preliminary. Contains standard technical sections required in a Development Control Plan, and identified the land to which the DCP applies.

Section 2

Chapter A – Miscellaneous.

This Chapter has “generic controls” for consideration which might be common to all or various development types, depending on the nature of a development application such as the type of building being considered for development approval. It applies where controls/guidelines are not found in other parts of this DCP. This includes considerations for access for people with disabilities, public domain, parking and signage.

Chapter B – Public Domain.

This Chapter has controls for development where it has an impact on the public domain and for places that are under the control of Council.

Chapter C – Sustainability.

This Chapter has considerations for specific matters which relate to Sustainability issues, ranging from building design to a Tree Preservation Policy.

Chapter D - Precinct Guidelines

This Chapter has precinct specific controls that will achieve a desired future spatial character and environment for nominated precincts on land where this DCP applies. Development is to be consistent with the relevant precinct controls. Precinct provisions will override provisions in other sections of the DCP that are the same. Where a development standard is not specified in the “Precincts” section, development must be consistent with all other relevant provisions of the DCP.

Chapter E1 and E2 Heritage Conservation Guidelines

This Chapter has controls for development affecting heritage listed areas and heritage items. Part E2 applies specifically to the Haberfield Conservation area.

Chapter F - Development Category Guidelines

This Chapter includes provisions for certain categories of developments including apartments, boarding houses; business development; child care centres, dwelling houses, industrial development, sex services premises, signage, telecommunication facilities and other related development types. Development proposals must respond to the provisions that best describe the type of development proposed.

Chapter G - Definitions

Contains Definitions

Chapter H - Amendments

Accommodates inventory for future DCP amendments records.

Order of Priority for Applying Guidelines

If there is any inconsistency between controls within the DCP, to the extent of the

inconsistency, controls will normally be applied in the following order of priority where applicable:

- i. General controls
- ii. Precinct Specific controls
- iii. Heritage Conservation controls
- iv. Development Category Controls

Assessment of a proposal will also involve consideration of all relevant DCP objectives and controls applied collectively to the specific circumstance to achieve an appropriate development outcome.

Varying the Requirements of the DCP

Substantive variations to development controls will only be considered where written justification for each variation request is well argued and demonstrates why the development control is unreasonable or unnecessary in the circumstances and explaining how the objectives of the development control plan are still met. Any request for a variation must:

- state why the specific provisions of the plan should be varied;
- identify the development control to be varied and any related general or specific objectives;
- demonstrate why compliance with the provisions of the DCP is unreasonable or unnecessary in the particular circumstances of the case;
- demonstrate that the proposed development is consistent with the objectives of the DCP, SEPP65 /Apartment Design Guide (if applicable) and the

objectives and requirements of Inner West LEP 2022;

- must result in a better development outcome and meet all objectives of this DCP; and
- clearly demonstrate the variation sought will not adversely impact on local amenity.

A pre-lodgement discussion with Council development assessment staff to discuss a proposed variation is highly recommended

Development Contributions

Section 7.11 or 7.12 (formerly Section 94 and Section 94A) Development Contributions Plans

For the Inner West LGA and suburbs of Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill [Section 94 Development Contributions Plan](#) came into force on 16 November 2010 and Amendment no. 1 became effective in June 2015. Our [Section 94A Plan \(Amendment No.2\)](#) Plan became effective 13 May 2014. These Contributions Plans apply to development approved after those dates. Development contributions are payable for development that increases worker and/or residential population and/or additional floor space.

Section 94A Development contributions are primarily related to development which is “complying” under [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

Monitoring and Review

Council will keep this DCP and **Inner West LEP 2022** under periodic review. DCP and LEP reviews will consider:

- the continued relevance and responsiveness of the Plan’s provisions; and the achievement of the objectives of the Plan;
- need for changes to the provisions to better achieve the objectives of the Plan and changes in circumstances; and,
- in the case of Inner West LEP 2022 - availability of adequate development capacity under the Plan’s provisions.

Appendix 1 – Development Application Requirements

DEVELOPMENT APPLICATION GUIDELINES

Council has outlined a step-by-step development assessment process on the Council website. Reference should also be made to “Development application lodgement Checklist” and “Development Application Documentation Requirements” forms.

This is amended from time to time to take account of legislative amendments and best practice.



Chapter B

Notification and Advertising



For information regarding notification of applications please refer to Council's [Community Engagement Framework](#)