

# DCP No. 2 – Hurstville City Centre

## (Amendment No. 6) – Effective 24 July 2015

A list of subsequent amendments to the DCP is contained in Appendix 1.

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## 1. Introduction

### 1.1 Name of This Plan

The name of this Plan is *Development Control Plan No. 2 – Hurstville City Centre (Amendment No. 6)*.

### 1.2 What is a Development Control Plan (DCP)?

A DCP provides guidance and controls for the design and assessment of proposed developments.

This DCP must be considered when carrying out development on any land to which this Plan applies.

### 1.3 Land to Which this Plan Applies

This Plan applies to land identified as 'Hurstville City Centre', excluding land identified as 'deferred matters' on the Land Application Map as shown in Appendix 1.

### 1.4 The Purpose and Aims of this DCP

This DCP has been prepared in accordance with Section 74C of the Environmental Planning and Assessment Act 1979 and clauses 16 – 21 of the Environmental Planning and Assessment Regulation 2000. Its purposes are:

- To make more detailed provisions on matters that may be prescribed by a DCP that help achieve the purpose and aims of the Hurstville LEP.
- To identify additional requirements for Development Applications to be advertised or notified.
- To provide for other things permitted by the Environmental Planning and Assessment Act 1979 to be prescribed by a DCP.

The aims of this DCP are:

- To strengthen and promote Hurstville City Centre as the Major Centre of the southern region of Sydney with its unique identity and facilitate a range of retail, commercial, residential, community, recreational and entertainment uses;
- To encourage high quality buildings which contribute positively to the public domain and can adapt over time to a range of uses;
- To reinforce Forest Road as the primary retailing street;
- To ensure that development is sustainable and positively responds to the qualities of the site and its context;
- To sustainably manage transport, traffic, parking and access within the City Centre;



- To encourage a well-designed, safe and active public domain which contributes to the wellbeing of the community;
- To ensure that development contributes to the quality of the natural and built environment.

## 1.5 Commencement of the Plan

The DCP No. 2 Hurstville City Centre (Amendment No.6) was approved by Council on 17 September 2014 and became effective from 24 July 2015.

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

- Amendment No. 1 – effective from 10 May 2007;
- Amendment No. 2 – effective from 7 June 2007;
- Amendment No. 3 – effective from 22 March 2010;
- Amendment No. 4 – effective from 5 August 2011;
- Amendment No. 5 – effective from 9 August 2012;
- Amendment No. 6 – effective from 24 July 2015.

## 1.6 Relationship to Other Plans

This DCP is to be read in conjunction with the Hurstville LEP 2012 and Council's Adopted Section 94 Contribution Plans (as amended from time to time).

The Hurstville LEP 2012 contains the statutory definitions, aims, land use zones and objectives, principle development standards (eg. height and floor space controls) and associated controls. This DCP provides detailed guidelines and controls to supplement and support Hurstville LEP 2012. In the event of an inconsistency between the provisions of Hurstville LEP 2012 and this DCP, the provisions of the LEP shall prevail.

This DCP:

- Supersedes the following Development Control Plan:  
  
DCP No.2 Hurstville City Centre (Amendment No.5) – effective 9 August 2012;
- This Plan is also to be read in conjunction with the following plans and policies (copies of which are contained in Appendix 2 of this DCP):  
  
Drainage and On Site Detention Policy  
Fencing Adjacent to Public Roads Policy  
Balcony Enclosures in Residential Flat Buildings Policy  
Public Spaces Local Approvals Policy  
Stencilling of Street Driveways Policy  
Underground Electricity Cabling to Developments Policy  
Enforcement Policy



## 1.7 Savings and Transitional Provision

This DCP only applies to development applications lodged on or after 24 July 2015.

## 1.8 Structure of the Plan

The DCP provides a layered approach – some parts are relevant to all development, some to specific types of development, and some to specific land.

- **All development** must take into account the controls contained within:
  - Section 1 Introduction;
  - Section 2 Application Process;
  - Section 3 Strategic Context;
  - Section 4 Hurstville City Centre Precincts;
  - Section 5 Controls for Residential, Commercial and Mixed Use Development; and
  - Section 6 Site Planning Considerations;
  - Appendix 1 and 2 containing relevant information including maps, policies and supporting information.
- **Certain development** (such as the Commercial Use of Footways, Child Care Centres and Restricted Premises) must take into account the following section covering specific development types:
  - Section 7 Controls for Other Development Types.

For each Section of the DCP there are specific aims and sub-sections with **Objectives, Controls, Performance Criteria and Design Solutions**. Refer to Section 2.6 Compliance with the Plan to understand how to comply with these requirements.



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## 2.1 How to use this Plan

### STEP 1 → Verify if this DCP applies to your development:

Check the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and Sections 3.1 Exempt Development and 3.2 Complying Development of Hurstville Local Environmental Plan 2012 and see whether your development can be classified as complying or exempt, or if you need to lodge a development application. The classification of developments is explained in Section 2.3 Types of Development.

If you need to lodge a Development Application (DA), then this DCP applies to your development and you should move to STEP 2.

**Note:**

It is important that you refer to the Building & Development Section on Council's website [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au) to find detailed information on how to prepare a development application, development application checklists and the assessment process. You can also telephone Council's Customer Service Centre on (02)9330 6222 and request assistance from the Duty Planner.

You may also refer to Section 2.5 What Information Do I Need to Provide with a Development Application for general guidance.

### STEP 2 → Verify Council's public notification requirements:

Refer to Section 2.4 Neighbour Notification and Advertising of Development Applications to understand when Council will need to notify neighbouring properties and/or advertise your development.

### STEP 3 → Understand the strategic context:

Understand and apply the information contained within Section 3 Strategic Context. This section provides an overview of the policy documents guiding development within the Hurstville City Centre. These include the Hurstville City Centre Concept Masterplan 2004, Draft Metropolitan Strategy for Sydney to 2031 and the Draft South Subregional Plan, the Hurstville LEP 2012, and the Hurstville City Centre Transport Management and Accessibility Plan (TMAP Report, 2013).

### STEP 4 → Identify the precinct:

The Hurstville City Centre is divided into 6 precincts. The boundaries of these precincts are defined in Section 4 Hurstville City Centre Precincts. Each precinct within the Hurstville City Centre have specific identified characteristics, desired future character and land use principles applying to it.



**STEP 5 → For Residential, Commercial and Mixed Use Development:**

Understand and apply Section 5 Specific Controls for Residential, Commercial and Mixed Use Development (also refer to Section 6 Site Planning Considerations). This section contains controls and guidance on site analysis and planning, built form character principles and built form controls such as site amalgamation, building setbacks, landscape design and car parking rates.

**STEP 6 → For all development:**

Understand and apply Section 6 Site Planning Considerations. This section contains guidelines relating to the Public Domain (landscaping (street trees), solar access, signage, etc.), Environmental Management (energy efficiency and conservation, water management, waste minimisation and management, etc.), development of or in the vicinity of heritage items and preservation of trees and vegetation.

**STEP 7 → For any other development:**

Understand and apply Section 7 Controls for Other Development Types (also refer to Section 6 Site Planning Considerations). This section contains controls and guidelines relating to extended trading hours, commercial use of public footways, child care centres and restricted premises.

**STEP 8 → Verify the definition of any words or terms you are unsure of:**

You can find the definitions of terms in the Hurstville LEP 2012 – Dictionary.



## 2.2 Pre-Application Consultation

For every development application in the City Centre applicants are required to demonstrate that along with Council's planning controls, consideration has been given to the unique attributes of the site, the adjoining development and the public domain.

To demonstrate that proper planning process has been undertaken in the formulation of a development proposal, a formal Pre-Application Consultation (PAC) should be undertaken with Council officers.

These meetings are a service offered to potential applicants to ensure an awareness of the relevant standards, codes and policies which a proposed development will be assessed against. A pre-application consultation will provide comprehensive early advice which will assist applicants to decide whether or not to proceed with a proposed development.

A formal pre-application consultation is strongly recommended for the following types of development in the Hurstville City Centre:

- The construction of any new building.
- Any major change of use e.g. a change of use of a whole office building to retail or recreation use.
- Child Care Centres.
- Places of Worship.
- Any work exceeding \$1 million in value.
- Any development that results in a non-compliance with Council's development controls.

A pre-application consultation represents a valuable information-sharing opportunity to identify any issues that may arise to avoid delays, unnecessary financial loss and refusal of an application.

More information regarding these meetings can be found on Council's website [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au)



## 2.3 Types of Development

### 2.3.1 Aim of this Section

The primary aim of this section is to provide supplementary guidance on the different types of development and assessment procedures.

### 2.3.2 What are the Types of Development?

Development of land includes but is not limited to:

- The use of land (includes changing the use of an existing building);
- The subdivision of land;
- The erection of a building;
- The carrying out of a work (such as residential alterations and additions, commercial fit-outs);
- The demolition of a building or work.

There are three main categories of development:

- Exempt development;
- Complying development; and
- Development where a development application is required.

#### ***Exempt Development***

Exempt Development is a category for minor development with minimal environmental impact (such as some types of fences, driveways, awnings and the like). Exempt development does not require Council approval, provided it meets all the specified restrictions listed on the relevant legislation (such as location, size, materials, etc.) according to the type of development.

The State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008 applies across the State, lists development types that are classified as exempt development and provides the corresponding requirements. Part 3 Exempt and Complying Development of Hurstville LEP 2012 contains provisions for additional development types which are not covered by the SEPP.

#### ***Complying Development***

Complying development is a category of development that can be addressed by specific pre-determined development standards or requirements. A Complying Development Certificate must be obtained stating that the proposal satisfies the requirements for complying development and in the case of a development involving the erection of a building, identifying the classification of the building in accordance with the Building Code of Australia (BCA). You may apply to either Council or an accredited certifier for a Complying Development Certificate. An application may be made by the owner of the land, or by any other person with the owner's consent.



The SEPP (Exempt and Complying Development Codes) 2008 applies across the State, lists development types that are classified as complying development and provides the correspondent requirements. Part 3 Exempt and Complying Development of Hurstville LEP 2012 contains provisions for additional development types which are not covered by the SEPP.

Complying development on land can only be carried out upon receipt of and in accordance with the Complying Development Certificate, in accordance with any provisions of an environmental planning instrument or other legislation, codes and regulations that apply to the complying development and after appropriate fees and bonds have been paid.

### ***Development Applications***

All other development will require a development application to be lodged with Council and will be subject to the provisions of the Hurstville LEP 2012, relevant State Environmental Planning Policies (SEPPs), and this DCP.

#### **Note:**

Refer to the Building & Development Section on Council's website [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au) to find detailed information on exempt and complying development, how to prepare a development application, development application checklists and the assessment process. You can also telephone Council's Customer Service Centre on (02)9330 6222 and request assistance from the Duty Planner.

## **2.3.3 Exempt and Complying Development**

### **2.3.3.1 How to Determine if My Development Is Classified Exempt or Complying?**

#### **STEP 1 → Is My Development Exempt Development?**

- SEPP Exempt and Complying Development Codes: Check this SEPP first. Your development must comply with the definition of exempt development, all general requirements and requirements specific to the development type listed on the Exempt Development Codes.

SEPP (Exempt and Complying Development Codes) 2008:  
<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+572+2008+cd+0+N>

- Hurstville LEP 2012: Check the additional exempt development provisions on Hurstville LEP 2012. Your development must comply with all the requirements listed on Section 3.1 Exempt Development and all requirements for the specific development type listed on Schedule 2 Exempt Development of Hurstville LEP 2012.

If your development is not exempt development, move to STEP 2.

#### **STEP 2 → Is My Development Complying Development?**



- SEPP Exempt and Complying Development: Check this SEPP first. Your development must comply with the definition of complying development, all general requirements and requirements specific to the development type listed on the corresponding Development Codes.
- Hurstville LEP 2012: Check any additional complying development provisions on Hurstville LEP 2012. Your development must comply with any requirements listed on Section 3.2 Complying Development and all requirements for the specific development type listed on Schedule 3 Complying Development of Hurstville LEP 2012.

If your development is complying development you will need to obtain a Complying Development Certificate either from Hurstville City Council or from an Accredited Certifier. If your development is not complying development, move to STEP 3.

**Note:**

Exempt and Complying development provisions do not apply to all allotments in the Hurstville Local Government Area. For example, sites of heritage significance may be excluded. For your development to be classified as either exempt or complying development, it will need to comply with ALL the specified requirements, conditions and standards. If it does not, a development application will need to be submitted for Council's approval. Please refer to the SEPP Exempt and Complying Development and Hurstville LEP 2012 to understand all restrictions that apply to your site or development.

#### STEP 3 → You Need to Lodge a Development Application

Refer to the Building & Development Section on Council's website [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au) to find detailed information on how to prepare a development application, development application checklists and the assessment process. You can also telephone Council's Customer Service Centre on (02)9330 6222 and request assistance from the Duty Planner.

**Important:**

Should any doubt exist as to whether a particular activity requires approval, consultation should be arranged with Council officers prior to any work commencing.

If your development can be classified as either exempt or complying, you are also advised to:

- Consult a building surveyor (accredited under the Environmental Planning & Assessment Act 1979) to ensure that works will comply with the Building Code of Australia and any relevant Australian Standards;
- Consult a structural engineer (who is a Corporate Member of the Institute of Engineers) where any activity may impact upon the structural stability of any structure; and
- Irrespective of this plan, ensure that you comply with all relevant Acts and Regulations.



## **2.4 Neighbour Notification & Advertising of Development Applications**

### **2.4.1 Aims**

The primary aims of this section are to:

- Enable public participation in the consideration of development applications.
- Provide a process for property owners and residents to make submissions.
- Provide a process when notification is required.
- Set out the matters Council will consider when forming its opinion as to whether or not the enjoyment of adjoining and neighbouring land may be detrimentally affected by a development after its completion.
- Ensure notification of landholders who may be affected by a development application even though they do not own adjoining land.
- Define the circumstances when notification is not required.

### **2.4.2 Land to Which This Section Applies**

This section applies to all land within the City of Hurstville to which the Hurstville Local Environmental Plan applies, (with certain exceptions as outlined in this Section) for the notification of applications for:

- (a) Development consent (other than designated and state significant development).
- (b) Modification of development consents under section 96 of the Environmental Planning and Assessment Act 1979.
- (c) Review of determination under sections 82A and 96AB of the Environmental Planning and Assessment Act 1979.

### **2.4.2 Persons to be Notified & Applications to be Advertised**

#### **2.4.2.1 Notification and Advertising Requirements**

The category listings below aim to differentiate between minor and significant development, where Category A & B is minor development and Category C is more significant development. Upon Council receiving an application detailed below, the specific notification requirements will be met.

**Category A**     **Development application involving structures of minor significance, that are unlikely to have a major impact on the locality (for example, outbuildings, minor additions and the like) which are not exempt development:**



- (a) A written notice will be forwarded to the owners and tenants of adjoining land.
- (b) The owners and occupiers of other neighbouring land, may be notified who, in the opinion of Council, may be impacted by the proposal.

#### Category B

##### Development application involving:

- **New dual occupancies (attached or detached)**
- **New secondary dwellings (granny flats)**
- **Torrens Title subdivisions (excluding subdivision of approved dual occupancy developments)**

- (a) A written notice will be forwarded to the owners and occupiers of land located two (2) properties on either side of the proposal, the property at the rear and opposite the proposal, and one (1) property on either side of the rear and three (3) properties generally opposite (across any road).
- (b) The owners and occupiers of other neighbouring land, and other strata units of the subject site may be notified who, in the opinion of Council, may be impacted by the proposal.

#### Category C

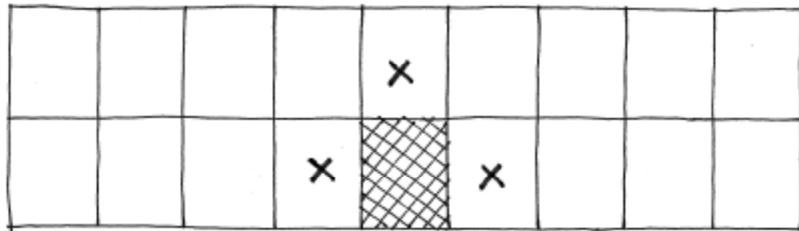
##### Development application involving:

- **Any new building not in category B above**
- **New child care centres**
- **Demolition and/or alteration of a building or land that is or contains a heritage item listed on Schedule 5 of the Hurstville LEP 2012**
- **New hospitals or major works to existing hospitals**
- **New educational establishments or major works to existing educational establishments**
- **New places of public worship or development applications resulting in intensification of the use of existing places of public worship**
- **Boarding houses**
- **Affordable rental housing**
- **Any change of use to create a new pub**
- **Any other development Council considers should be advertised**

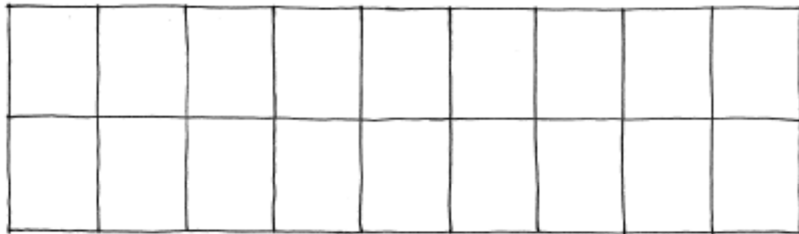
- (a) A notice will be placed in the local newspaper (The St George and Sutherland Leader) advertising the development application.
- (b) A written notice will be forwarded to the owners and occupiers of land located two (2) properties on either side of the proposal, the property at the rear and one (1) property on either side of the rear and three (3) properties generally opposite (across any road).
- (c) The owners and occupiers of other neighbouring land, and other strata units of the subject site may be notified who, in the opinion of Council, may be impacted by the proposal.



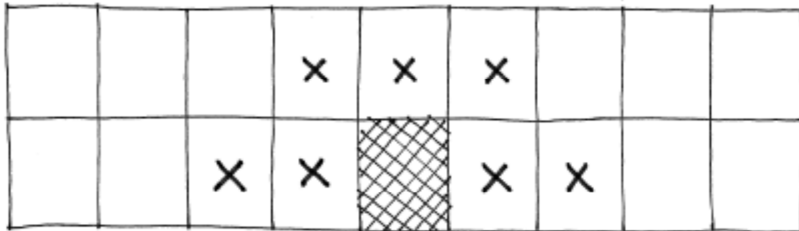
- (d) For alterations and additions to any of the above development types, notification will be based on the discretion of Manager Development Assessment.



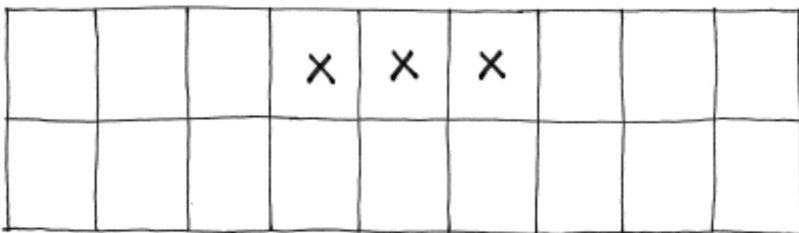
□: SUBJECT PROPERTY  
X: PROPERTIES TO BE NOTIFIED



CATEGORY A



□: SUBJECT PROPERTY  
X: PROPERTIES TO BE NOTIFIED



CATEGORY B AND C

**Other Notification:**

A notice may be given to Kogarah, Rockdale and Canterbury Councils in respect of development applications for the erection of a building on land adjoining these local government areas, asking the adjoining Council to notify their residents/ratepayers.



#### 2.4.2.2 Important Considerations

- (a) Where public concern is raised to any application, Council may consider a wider notification of an application or extension in the time available for comment should the case warrant such action.
- (b) Where Council receives an application under s.96 of the Environmental Planning and Assessment Act 1979 to modify a development consent (and determines that a review or modification may be undertaken in the particular case) Council will notify:
  - (i) The owners of land and any other person who has previously lodged submissions to the original or previous application to which the s.96 application relates; and
  - (ii) Any other owners of land, who, in the opinion of Council, may be impacted by the proposal and any amendments or variations to that application.

Note: Where a Section 96 modification application results in less impact than the originally approved development application no notification is required.

- (c) In the case of Strata Titled properties, a notice will be forwarded to the Owners Corporation, or an Association (under the *Community Land Development Act 1989*) as well as the owners and occupiers of each strata unit.
- (d) Council will not place an application on public notification and advertising in cases where an application has been submitted and in the opinion of Council is incomplete and/or Council is awaiting further information or clarification from the applicant on outstanding matters prior to the notification process.

#### 2.4.2.3 Applications Which Will Not Be Notified

Council will not publicly notify or advertise applications where:

- (a) The proposal represents exempt or complying development pursuant to *Hurstville Local Environmental Plan (refer note below)*;
- (b) Change of use of a building is proposed in a Business Zone and the site is not adjacent to a Residential Zone;
- (c) Amendments made to an application which are of a lesser impact to adjoining properties than what was initially proposed;
- (d) Amendments to an undetermined application under s.96 of the Environmental Planning and Assessment Act 1979 where there is no increased impact as assessed by Council's planning officers;
- (e) Applications to strata subdivide or company title buildings;
- (f) Applications to stratum subdivide approved buildings;



- (g) Applications relating to demolition of existing buildings (excluding Heritage Items)
- (h) Applications for new signage in a Business Zone
- (i) Torrens subdivision of approved dual occupancy development;
- (j) Applications only for the lopping or removal of trees required under Clause 5.9 Preservation of trees or vegetation of Hurstville LEP 2012 and Section 6.4 of this DCP, which are not associated with any other development occurring on the site.
- (k) Minor alterations to existing commercial buildings which do not increase the floor area of the building.

**Note:**

The Hurstville LEP 2012 and SEPP (Exempt and Complying Development Codes) 2008 enlist exempt and complying development. There is no opportunity to make a submission in relation to exempt or complying development. However, the Certifying Authority (Council or accredited certifier) must give notice of an impending approval of a Complying Development Certificate to neighbours within 20m of a proposed development site for demolition, alterations and additions to a dwelling house and boarding houses under the SEPP (Affordable Rental Housing) 2009.

#### 2.4.2.4 Issues Affecting Decision to Notify Neighbours

Council will take into consideration the following issues before deciding to notify neighbours:

- (a) The scale, height, external appearance and bulk of the proposal in relation to the neighbouring properties and the streetscape;
- (b) The views to and across/over the application site;
- (c) Potential view loss;
- (d) Overshadowing;
- (e) Privacy;
- (f) Pedestrian and vehicular traffic and provision of parking on the application site;
- (g) Noise;
- (h) The use of the proposed building and the hours of use;
- (i) Means of access to and from, or provision of parking on the application site;
- (j) Heritage and cultural significance;
- (k) The likely effect on the drainage of the adjoining sites;



- (l) Economic and social impacts;
- (m) Pedestrian and vehicular traffic;
- (n) Particular circumstances of the application.

#### **2.4.2.5 Display Sign on Site**

Where a development is defined as Category B or C, a sign will be erected on the site which displays the following information:

- (a) The address to which the application relates;
- (b) A brief description of the proposal;
- (c) The name of the applicant;
- (d) A site plan; and
- (e) Where and when plans can be inspected.

The display sign must be erected on the front of the site. Where a site has dual street frontage (corner site of front and back), a display sign must be erected on both frontages.

#### **2.4.3 Notification Period for Development Applications**

- (a) Development applications may be inspected at Council from Monday to Friday during business hours and submissions can be made by any one during the notification period. A period of 14 calendar days, excluding public holidays, will be allowed for persons to inspect an application and make a submission. The inspection period may be extended by Council if warranted by the circumstances of the case.
- (b) Development applications that have been notified are also available to view on Council's website: [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au).
- (c) In the case of nominated integrated development or threatened species development, any period specified by the Regulations.
- (d) To account for the holiday period associated with Christmas and New Year, from 15 December to 15 January the following year, the period to inspect an application and make a submission will be extended to 21 calendar days, excluding public holidays.
- (e) To account for the holiday period associated with Easter, the period to inspect an application and make a submission will be extended to 21 calendar days, excluding public holidays. The holiday period for Easter is defined as the week before and the week after the Easter Long Weekend.
- (f) Council will not determine a development application before the notification period has expired.



#### 2.4.4 Form of Submissions

- (a) A submission can:
- Support an application;
  - Object to an application;
  - Object to part of an application;
  - Suggest alternatives to an application or element of an application.
- (b) Submissions must be in writing and received within fourteen (14) days of the date of Council's letter, advertisement or site notice (unless varied by the circumstances of the case), and on or before the close of the notification period.
- (c) Submissions can be mailed, emailed or faxed to Council:
- The General Manager  
Hurstville City Council  
PO Box 205  
Hurstville BC NSW 1481  
Fax: (02) 9330 6223  
Email: [hccmail@hurstville.nsw.gov.au](mailto:hccmail@hurstville.nsw.gov.au)
- (d) Submissions must clearly indicate the:
- Name and address of the person making the submission;
  - Development application number and the address of the application site; and
  - Reason for the submission.
- (e) Any written submissions made are open to public scrutiny in accordance with the *Local Government Act 1993*.
- (f) Special alternative arrangements may be made where any difficulty exists in the provision of written submissions, such as language aides.

#### 2.4.5 Who Can Inspect Plans

- (a) Any person, whether or not entitled to be given formal notice under the provisions of this Plan, may at any time during the ordinary office hours of the Council and during the notification period, inspect free of charge, the details or plans of a development application.
- (b) A copy of the notification plan and/or copies of other parts of the application plans (as permitted by copyright laws) can be obtained by any person under the provisions of Government Information (Public Access) Act 2009.

#### 2.4.6 Council Must Consider All Submissions

- (a) Council must consider all submissions made within the notification period, before it determines the application.



- (b) Council will not take into account matters extraneous to those prescribed within this DCP, other policies of Council, or the relevant Acts and Regulations. Personal disputes between neighbours will not be considered.
- (c) Council is not bound by any submission and the assessment of the application will involve considering the merits of the application together with all submissions. Those who make a submission do not have a statutory right to prevent the approval of an application nor a statutory right of appeal.

#### **2.4.7 Notification of Council Meeting**

- (a) If an application is placed on the agenda of the Council for determination, the applicant and any person who has made a written submission will be notified of the time and date of the meeting.
- (b) Not all applications which receive objections need to be referred to Council.

#### **2.4.8 Notice of Determination**

Each person who made a submission in respect of an application will be notified in writing of Council's decision.



## 2.5 What Information Do I Need to Provide with a Development Application?

The information you need to supply to Council with your Development Application (DA) will vary depending on the proposal. It is important that you refer to the detailed information available on the Development Application Section under Building & Development on Council's website [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au) to understand the assessment process, how to prepare a development application and to verify on the development application checklists the detailed information requirements according to the type of development proposed. You can also telephone Council's Customer Service Centre on (02)9330 6222 and request assistance from the Duty Planner.

**Note:**

Items marked with ⚡ are required for all types of Development Application. Other documents, including but not limited to those listed below may also be required depending on the type of development proposed. As each development is unique, to make a proper assessment Council may require further information after the application is lodged. Understanding and complying with all requirements upfront and/or seeking professional advice will help you submit a high quality Development Application with complete information and avoid delays to the processing time.

***Development Application Forms ⚡***

The DA form is required to be completed and signed by the applicant and all relevant property owners (if more than one property owner).

***Development Application Fees ⚡***

The lodgement of the DA will only be accepted if the prescribed Development Application fees are in accordance with Council's adopted Fees & Charges.

***Consent of Land Owners ⚡***

The consent and full details of ALL owners (individuals and companies) of land subject to the DA is to be provided on the Development Application Form.

***Political Donations ⚡***

If anyone with a financial interest in the application has made a political donation or gift then a Political Donations and Gifts Disclosure Statement is to be completed and submitted with the DA. This form is available on Council's website.

***Cost of Development ⚡***

An accurate contract price or estimate including GST on commercial valuation of works to be undertaken is to be provided with the DA.



**Statement of Environmental Effects (SEE) ⓘ**

The SEE is a written report that can be prepared by yourself or by a town planner or other suitably qualified professional acting on your behalf. The statement must:

- Outline the full nature of your proposed development;
- Explain how the proposed development addresses and complies with the relevant environmental planning instruments (such as the Hurstville LEP 2012, SEPPs) and this DCP; and
- Identify the potential impacts of the development and the features that have been incorporated into the design to protect the environment.

If the project is expected to have a significant impact on the environment and is classified as a “designated development”, an Environmental Impact Statement (EIS) prepared by a suitably qualified and experienced professional shall be submitted instead.

**Site and Context Analysis Plan ⓘ**

The Site Analysis and Context Analysis (drawing and text) must contain information, where appropriate, about the site and its surrounds, including:

- Site:
  - Site dimensions (length and width);
  - Topography (spot levels and/or contours);
  - North point;
  - Natural drainage;
  - Any contaminated soils or filled areas;
  - Services (easements, connections for drainage and utility services);
  - Existing vegetation (location, height, spread of established tree species);
  - Micro-climates (orientation of prevailing winds);
  - Location of: buildings and other structures, heritage features and items, fences, property boundaries, pedestrian and vehicular access;
  - Views to and from the site; and
  - Overshadowing by neighbouring structures;
- Surrounds:
  - Neighbouring buildings (location, height, use);
  - Privacy (adjoining private open spaces, living rooms, and windows overlooking the site, particularly those within 9m of the site; location of any facing doors and/or windows);
  - Walls built to the site's boundary (location, height, materials);
  - Difference in levels between the site and adjacent properties at their boundaries;
  - Views and solar access enjoyed by neighbouring properties;
  - Major trees on adjacent properties, particularly those within 9 metres of the site;
  - Street frontage features (poles, trees, kerb crossovers, bus stops, other services);
  - The built form and character of adjacent development (architectural character, front fencing, garden styles);
  - Heritage features of surrounding locality and landscape;



- Community facilities and public open space (location, use);
- Adjoining bushland or environmentally sensitive land;
- If on bushfire prone land the bushfire hazard (bushland or vegetation that could threaten properties in a bushfire) and
- Sources of nuisance (flight paths, noisy roads, significant noise sources, polluting operations).

The site analysis must be accompanied by a written statement (that may be supported with additional drawings) explaining how the design of the proposed development has regard to the site analysis, and explaining how the design of the proposed development has regard to the principles set out in the Guidelines and Controls in this DCP.

#### **Architectural Plans**

Architectural plans must be dimensioned and prepared according to the required scale and print size and include:

- Floor plans showing:
  - Layout plans of all floors, including any basement or rooftop levels.
- Sections
- Elevations
- Site plan, including the following information:
  - The north point;
  - Lot and Deposited Plan number(s);
  - Site dimensions;
  - Location of any easements and/or rights of carriageway;
  - Existing contours and proposed finished contour levels;
  - Location of driveways, vehicle parking and manoeuvring areas, proposed driveway crossings, footpath (existing and proposed);
  - Location of trees/vegetation;
  - Location of existing and proposed drainage pipelines and services;
  - Building setback dimensions off each property boundary; and
  - Details of proposed cut and fill works.

It is recommended that plans for all forms of residential development and large-scale commercial office, retail or industrial type developments be prepared by a registered architect or designer.

#### **Waste Management Plan**

Required for all applications involving any demolition or construction, the plan must outline the proposed method of waste storage and disposal during these phases of the development.



***Stormwater Management Plan***

Required for the majority of applications involving new development or alterations and additions to existing development. The plan must detail the method of stormwater drainage from the site and identify the proposed location and approximate volume of any on-site stormwater detention.

In some instances an overland flow study may be required to justify the method of stormwater management proposed and to assess possible impact on adjoining properties.

***Erosion and Sediment Control Plan***

Required for all development applications involving site works, the plan should include the location of the property boundaries and adjoining roads and the location and type of all proposed erosion and sediment control measures.

***BASIX Certificate***

Required for any residential component of all new development, a BASIX certificate can be obtained via an on-line assessment tool that analyses data about the site and proposed design and determines how the development scores against targets for energy and water usage. The certificate will be obtained only if it is considered the home is satisfactorily designed to use less potable water and to be responsible for fewer greenhouse gas emissions.

***Shadow Diagrams***

Required for residential, commercial and mixed used developments of two or more storeys or any type of development where Council is of the opinion that shadow analysis is required to determine any potential overshadowing impact upon any adjoining land use. As a minimum, shadow diagrams should show shadows generated by the proposed development at 9.00 am, 12 midday and 3.00 pm on 21 June (mid-winter), and 22 December (mid-summer).

***Photomontage/3D Model***

For any development over three stories in height a photomontage/3D model must be provided showing the proposed building and its relationship with surrounding buildings and open spaces.

***Landscape Concept Plan***

Required for the majority of development. The plan must be prepared by a qualified landscape architect and include all data required for a site plan plus complete detail of proposed vegetation to be used in the development, hard landscape features, surface treatments, surface and sub-surface drainage, irrigation systems, maintenance schedule and measures to minimise crime risk.

***Schedule of External Finishes***

Required for certain types of development, must show all proposed external colours and building materials.



***Reflectivity Study***

Council may require the submission of a Reflectivity Study prepared by a suitably qualified consultant.

***Transport and Parking Assessment Study***

A Transport and Parking Assessment Study is a technical investigation into the transport and safety issues that might arise from a development. The study also assesses the transport related impacts on the surrounding transportation network that are generated by a development and how those impacts are to be managed. Development types requiring a Transport and Parking Assessment Study are identified in a table contained in Section 5.4.4.1 Vehicle Parking Rates. Further information is also contained in Section 5.4.2 Transport, Traffic and Parking Studies.

***Construction Traffic Management Plan (CTMP)***

Council may require a CTMP at the construction phase as a condition of consent. A CTMP is a practical response to ensuring that demolition and construction works do not adversely impact on the public domain or vehicular and pedestrian movements in an area. For more information see Section 5.4.2 Transport, Traffic and Parking Studies.

***Travel Plans***

Travel Plans (TP) are a site-specific plan which provides details to visitors/workers on how to access that site by walking, cycling or public transport and form a key action in the Metropolitan Plan for Sydney 2036. For more information see Section 5.4.3 Sustainable Transport.

***Heritage Conservation Management Plan***

Required when the property is listed as an item of environmental heritage or is within a heritage conservation area and/or is in vicinity of a heritage item. The plan must be prepared by a suitably qualified and experienced heritage consultant and must address the relevant heritage provisions, ensuring that the significance and integrity of heritage items is retained and that the curtilage of such heritage items and their relationship with surrounding developments and the streetscape is also considered.

***Arborist Report and Tree Survey Plan***

Required when a proposed development may affect certain trees or other vegetation on either the subject site or upon a neighbouring property. May also be required when the applicant requests removal or maintenance of vegetation (e.g. pruning of branches and roots) as part of the development application.

***Remediation Plan***

Required if land is contained or potentially contaminated as per SEPP 55 – Remediation of Land.



#### ***Noise and Vibration Reports***

Development with a residential component adjacent to railway lines and busy roads requires a noise and vibration report prepared in accordance with the Department of Planning's "Development near Rail Corridors and Busy Roads Interim Guideline"(2008). Further information can be found at Section 5.3.6 Visual Privacy, Acoustic and Vibration Amenity.

#### ***Wind Impact Assessment***

A Wind Impact Assessment is to be submitted with the Development Application for all buildings greater than 32 metres in height. For buildings over 50 metres in height, results of a wind tunnel test are to be included in the Wind Effects Report.



## 2.6 Compliance with the Plan

Within each Section or topic of relevance you will find a combination of the items below:

- **Aims:** Identify the reasons why a particular Section of the DCP was created.
- **Objectives:** For each Section or topic of relevance, objectives will clearly state what Council seeks to achieve once the Controls or the Performance Criteria are met.
- **Controls:** Are specific, prescriptive measures required for achieving the desired objectives.
- **Performance Criteria:** Identify how a development should perform so that the desired outcomes can be achieved.
- **Design Solutions:** Indicate how the development can achieve the desired performance and objectives.

There may be circumstances when it is appropriate to allow flexibility in the application of the Controls in this DCP where strict compliance with the controls is considered unreasonable or unnecessary and variations to the controls may produce better development outcomes for particular sites. Variation to development controls will only be considered where applicants have provided a written submission for each variation (included within the Statement of Environmental Effects – see Section 2.5 What Information Do I Need to Provide with a Development Application) that must clearly:

- Identify the development control to be varied and the general and/or specific objectives of that control;
- Justify why the specific controls of the DCP do not make appropriate provisions with regard to the subject DA;
- Demonstrate that the variation meets all the objectives of this DCP and does not result in any adverse impacts on surrounding properties or the environment.

Council gives no assurance that it will permit any variations to the development controls as specified in this DCP.

**Note:**

Because every site is unique, compliance with the Controls, Performance Criteria and Design Solutions does not guarantee approval of an application. The Objectives must be achieved in each case. Each application will be considered on its merits and within the guidelines of this DCP.



## 2.7 Post-Approval Compliance and Enforcement

Hurstville City Council takes a proactive stance investigating breaches of its planning controls including Local Environmental Plans, Development Control Plans, and its development and building requirements. This includes the investigation of allegations regarding the unauthorised and inappropriate use and development of any land within Hurstville LGA.

Development compliance issues may include:

- Site works conducted without a development consent where consent is required including external changes to a property, earthworks, tree removal, demolition and extensions carried out without the required consent from Council or a Private Certifying Authority (PCA);
- Building works that are inconsistent with the approved development consent or approved plans for example changes to wall heights, increases in floor area, changes to window location and changes to materials and finishes;
- Illegal use of property (no approval) or use inconsistent with an approved development consent for example where a prohibited activity or use may be operating, non-compliance with hours of operation, breaches to regulations such as Swimming Pool, Health and Food premises legislation;
- Changes of use without approval or works on heritage listed items without development approval.

Unauthorised building work takes many forms and can range from very minor technical breaches which cause little or no environmental harm, to blatant environmental law breaches for projects that would ordinarily not receive development approval.

There are a number of remedies and enforcement options available to Council depending upon the circumstances of the case and seriousness of the non-compliance to Council's planning controls and breaches to State Government legislation and regulations.

Council has discretion in deciding whether to take enforcement action on the basis of the available evidence and individual circumstances. At the conclusion of an investigation, Council may decide to:

- Take no action;
- Counsel an alleged offender;
- Issue a formal letter of warning;
- Issue Notices and Orders to either cease or demolish unauthorised activity/work, or require remediation work;
- Issue a Penalty Infringement Notice (PIN);
- Commence civil or criminal enforcement proceedings.



Council will exercise discretion when deciding how to deal with unauthorised work, taking into account the evidence, cost to the community of any action, circumstances of the individual case, environmental harm, public policy and legal precedent.

Hurstville City Council is strongly opposed to unlawful activity at any time, and under any circumstances. Council's Enforcement Policy and Private Principal Certifying Authority (PCA) Complaint Policy provide guidelines for the exercise of enforcement powers and deal primarily with building and development matters.



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## 3.1 Introduction

Hurstville City Centre is located 17 kilometres south west of Sydney and is a Major Centre in the region. The City Centre is primarily developed around the Hurstville Railway Station, Forest Road. The Hurstville City Centre traverses the Illawarra Railway line, with the majority of the Centre being located on the northern side of the railway line, within Hurstville Local Government Area (LGA). The southern side of the Centre is within the Kogarah LGA. This DCP applies to that part of the City Centre on the northern side of the railway line, within Hurstville LGA.

The documents governing the State, Regional and local planning context for Hurstville City Centre include:

- The Metropolitan Plan for Sydney 2036;
- The draft Metropolitan Strategy for Sydney to 2031 and the draft South Subregional Strategy 2007;
- The Hurstville City Centre Concept Masterplan 2004;
- The Transport Management and Accessibility Plan (TMAP); and
- The Hurstville Local Environmental Plan (LEP) 2012.

The State Government's metropolitan strategic planning has identified the Hurstville City Centre as a Major Centre, providing shopping and business facilities for the subregion.





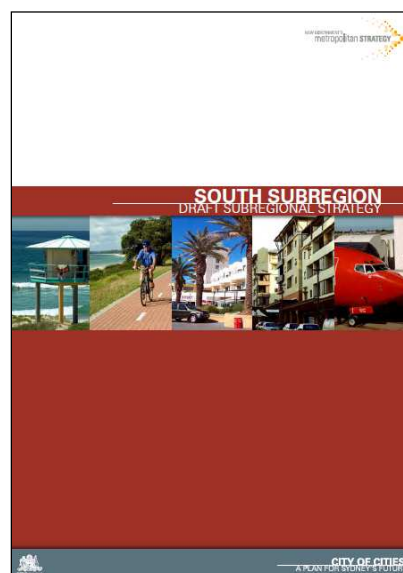
## 3.2 Draft Metropolitan Strategy for Sydney to 2031 and Draft South Subregional Plan 2007

The NSW Government documents, “*Draft Metropolitan Strategy for Sydney to 2031*” and the “*Draft South Subregional Strategy 2007*” set out the long term plan for the Sydney Metropolitan region and the South Subregion. The draft Metropolitan Strategy for Sydney, which was exhibited in early 2013 sets out the framework for Sydney’s growth up to 2031 and identifies Hurstville City Centre as a ‘Major Centre’. The draft Metropolitan Strategy states that:

*“Major Centres are the main shopping and business centres for their subregions. They also include residential development and other land uses within approximately a one-kilometre radius of the centre.”*

The draft Strategy sets the scene for the future development of the South subregion with a focus on jobs, housing and infrastructure. The draft Strategy provides a capacity for at least 5,000 additional jobs to 2031. Council’s submission on the draft Metropolitan Strategy for Sydney to 2031 recommended that Hurstville be identified as a Subregional Centre. Consistent with Council’s vision for creating employment, the submission recommended that the Global Economic Arc be extended towards Hurstville to further strengthen the productivity of the Global Economic Corridor.

The draft South Subregional Strategy (2007) identifies Hurstville Major Centre as the heart of the St George region. The Strategy identifies “*Strengthening Hurstville’s Commercial Centre*” as a key direction. It states that as “*Hurstville is experiencing strong residential growth, there is need to protect the commercial centre to ensure sufficient supply of commercial space in the future*”.





### 3.3 Hurstville City Centre Concept Masterplan 2004

#### Hurstville City Centre Concept Masterplan 2004 – Vision and Principles

The Hurstville City Centre Concept Masterplan was prepared by Council and the Government Architect's Office and adopted by Council in 2004. The Masterplan aims to provide for an integrated and coordinated approach to the future of the Hurstville City Centre. The Masterplan contains design principles to improve the amenity of the City, reinforces its role as a regional centre for the St George Region and establishes a future vision for Hurstville that anticipates a:

*“... bustling lifestyle where people can live, work, eat, visit cinemas, shop or simply watch outdoor plays, musicians or eat in outdoor cafes. Hurstville has the opportunity to become a vibrant centre responding to its location on the hill and reinforcing its cultural significance in the area.”*

Key principles of the Hurstville City Centre Concept Masterplan 2004 (Masterplan) included:

- Creation of a New Bus Interchange at the Woodville Street extension of Forest Road reflecting an increased cohesion of bus services and an enhanced pedestrian environment.
- Creation a New Civic Precinct for the community to gather - inclusive of new civic buildings and new public open spaces.
- Improved north-south connections inclusive of a new at grade link from Woodville Street to Ormonde Parade.
- Improved Railway Station Access and Amenity, inclusive of new at-grade entry, enlarged concourse area and enhanced pedestrian linkages and shopping facilities.
- Creation of a new sequence of linked public spaces comprising arcades, public squares and pocket parks that capitalise on topography.
- Creation and embellishment of a green framework of parks, gateway entrances and tree lined streets, inclusive of the creation of three gateway parks.
- A simplified traffic system including rationalisation of traffic flows on key streets and enhanced integration of alternate traffic modes.

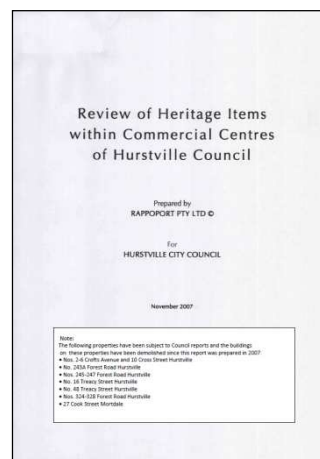
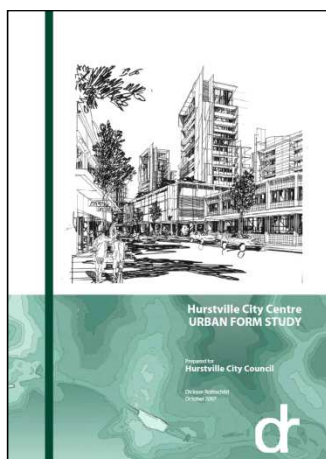
#### Hurstville City Centre Concept Masterplan 2004 progression

The Masterplan identified a need for subsequent investigations and studies to further develop and implement its principles. These investigations, studies and workshops contributed to the initial public exhibition of the Hurstville LEP (Hurstville City Centre) held in early 2012. Some of the studies prepared following the adoption of the Masterplan include:

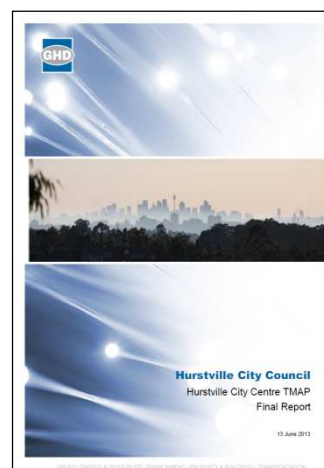
- Hurstville City Centre Public Domain Plan, 2007
- Hurstville City Centre Forecasting Study, 2007
- Hurstville City Centre Urban Form Study, 2007
- Hurstville City Centre Traffic Study, 2007
- Review of Heritage Items within Commercial Centres, 2007
- Hurstville City Centre Parking Rate Review, 2009



These background studies together with Council's longer term vision (beyond 2031) of becoming a Subregional Centre, informed the Hurstville Local Environmental Plan (Hurstville City Centre) and this DCP No. 2. While the Masterplan 2004 continues to provide the backdrop for guiding the future planning and development in the Hurstville City Centre and its principles remain relevant, some of the development densities in the Hurstville Local Environmental Plan (Hurstville City Centre) are beyond those envisaged in the Masterplan 2004 and are consistent with Council's long term vision for Hurstville City Centre.









### 3.4 Hurstville City Centre Transport Management and Accessibility Plan (TMAP), 2013

In 2010 the NSW Department of Planning and Infrastructure advised Council to undertake a Transport Management and Accessibility Plan (TMAP) study and incorporate its findings in the draft LEP for Hurstville City Centre.

*"A TMAP is:*

- A comprehensive assessment of the transport impacts (addressing both the movement of people and goods) of a major site development or re-development proposal; and*
- The identification of a package of appropriate transport measures (including infrastructure, services and demand management initiatives) for the proposed development, which will help to manage the demand for travel to and from the development, and in particular, reduce the demand for travel by private car and commercial vehicle."*

Six land use scenarios were tested as part of the TMAP assessment process, ranging between 0m<sup>2</sup> and 655,000m<sup>2</sup> of new additional Gross Floor Area (GFA) in the draft LEP. The additional development would potentially serve between 7,000 and 17,000 jobs (Metropolitan Plan for Sydney 2036) and accommodate a residential population of between 4,500 and 14,000 people to 2036. The planning horizon for the TMAP is set to 2036, with recognition that some of the development potential may be realised beyond this date.

The *"Hurstville City Centre TMAP Final Report"* was finalised in June 2013. On June 12, 2013 Council resolved to endorse the recommendations in the TMAP Report and amend the draft LEP for Hurstville City Centre, DCP No.2 - Hurstville City Centre and Hurstville City Centre Master Plan 2004 based on the TMAP.

Key recommendations in the TMAP have been made under five themes – Land Use, Road Network, Public Transport, Active Transport and Travel Demand Management. The Land Use recommendations endorsed by Council are:

#### TMAP Land Use recommendations

- Adoption of Land Use Test Scenario 5 to provide a sustainable growth strategy for the future development of Hurstville City Centre.*
- Establishment of a working group to manage the planning of transport corridors and regional growth. This would provide a consistent regional planning framework for establishing parking controls in centres and employment lands and managing associated growth in regional traffic demand.*
- Monitoring and reviewing Hurstville City Centre and regional development - to provide a structured process for reviewing planning controls and network performance in accordance with the predicted proportional split for residential, retail and commercial areas and the expected rate of regional development.*
- Adoption of reduced parking rates for new commercial and new retail land use.*



### **3.5 Hurstville Local Environmental Plan 2012 (Amendment No 3)**

In March 2009 Council resolved to prepare a new suite of planning documents for the City Centre including a new DCP, a new LEP (as a draft amendment to Hurstville LEP 1994) and an update to the City Centre Masterplan 2004. The preparation of the LEP amendment was informed by considerable studies and investigations as outlined above.

The Minister for Planning has made the City Centre LEP as Amendment No 3 to Hurstville LEP 2012 and applies to certain land within the Hurstville City Centre. This LEP provides the main mechanism for controlling land use and guides planning decisions in the City Centre through zoning and development standards, such as height of buildings and floor space ratio.



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## 4. Hurstville City Centre Precincts

### 4.1 Introduction

The Hurstville City Centre Concept Masterplan 2004 divided the Hurstville City Centre area into six precincts defined geographically and by land use function.

1. Western Bookend
2. City Centre West
3. City Centre North
4. Retail Core
5. City Centre East
6. Eastern Bookend

The map below identifies the six precincts and the City Centre boundary. Only those parts of the precincts within the Hurstville City Centre boundary, shown by the red line, are covered by the provisions in this DCP. (Note: These precincts were used in the Transport Management and Accessibility Plan (TMAP) report. It is noted that the precinct boundaries for the Eastern Bookend, the City Centre North and Western Bookend Precincts in the TMAP report extended outside of the Hurstville City Centre boundary as can be seen on the maps below).

This section of the DCP outlines each precinct's Key Characteristics, Desired Future Character and Key Land Use Principles. These precinct future characteristics and land use principles are to be addressed by future development within the precincts in the City Centre.



Source: TMAP Report, June 2013

**Map: Hurstville City Centre Precincts**

Note: An A3 Map on 'Hurstville City Centre Precincts' is located in Appendix 1 of this DCP.



## 4.2 Western Bookend

Western Bookend is identified as the precinct shaded orange, on the western extremity of the City Centre. This precinct is bounded by Pearl Street and Forest Road on the northern side, King Georges Road on the western and Illawarra Railway Line on the southern side. (Note: The areas outside of the Hurstville City Centre boundary, shown by the red line, are not covered by the provisions of this DCP).



### 4.2.1 Characteristics

1. This area focuses on Forest Road and King Georges Road and forms the western gateway to the city.
2. Contains large office buildings and residential towers amongst other building types, with minimal street trees.
3. Acutely angled sites are formed by the intersection of the two main roads.
4. Offers road passage to the surrounding regions via King Georges Road and other adjoining strategic road corridors.

### 4.2.2 Desired Future Character

The Western Bookend is to define, and create a sense of entry. This will be achieved through strong built form statements and feature public domain treatment. Residential elements will dominate upper levels of development and optimise commanding views.





#### 4.2.3 Key Land Use Principles

##### 1. Defining Entry to the City Centre

The Western Gateway Precinct will be characterised by a higher intensity of built form, allowing for taller buildings on designated sites to define the western entry to the City Centre. Buildings situated along sites identified with significant frontages are to respond to their gateway context. Buildings and public domain will delineate entry to the City through innovative design. Landmark architecture will define points of interest at key terminating views.

All new development is to respond to the public realm, requiring building scale and form to retain a pedestrian scale at street level. Air bridges will be prohibited over Forest Road.

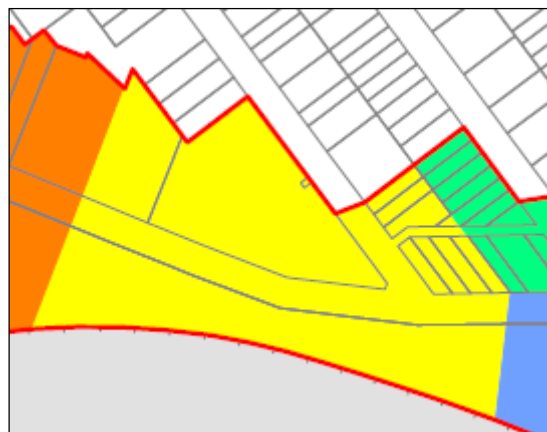
##### 2. High Density Residential Land Uses

Mixed use development will be promoted, with a priority for residential land use. Located on the border of the City Centre, this Precinct is to provide a transition between the City Centre and surrounding residential areas. Where land adjoins established residential areas, controls to require that new development be suitably designed to maintain the amenity of adjoining residential land uses.



## 4.3 City Centre West

City Centre West is identified as the precinct shaded yellow, between the Western Bookend precinct on the west and the City Centre North and Retail Core precincts on the eastern side. This precinct straddles Forest Road and has an interface with residential zoned land on the northern side.



### 4.3.1 Characteristics

1. The City Centre West is characterised by well-designed, medium rise commercial buildings set in lush landscape setting.
2. The southern side of Forest Road currently has undeveloped RailCorp land that over time could develop a similar character to the northern side of the street with generous landscaped setbacks and presents opportunities for re-establishing the green spine along Forest Road.
3. Offers passage to residential areas to the north via Gloucester Street.
4. Contains rail sheds and commercial buildings amongst other building types.

### 4.3.2 Desired Future Character

The City Centre West is to provide a transition between the Western Bookend and the City Centre North / Retail Core precincts on the eastern sides. This will be achieved through medium to high rise predominantly commercial buildings and feature public domain treatment. Buildings and basements must be setback to protect and retain existing trees on the northern and southern sides of Forest Road and along Gloucester Road.

### 4.3.3 Key Land Use Principles

1. **Transitioning between high intensity residential and predominantly retail/commercial mixed use**

Development will be characterised by a medium to high intensity built form. Buildings and public domain will delineate entry to the City through innovative design. All new development is to respond to the public realm, requiring building scale and form to retain a pedestrian scale at street level.



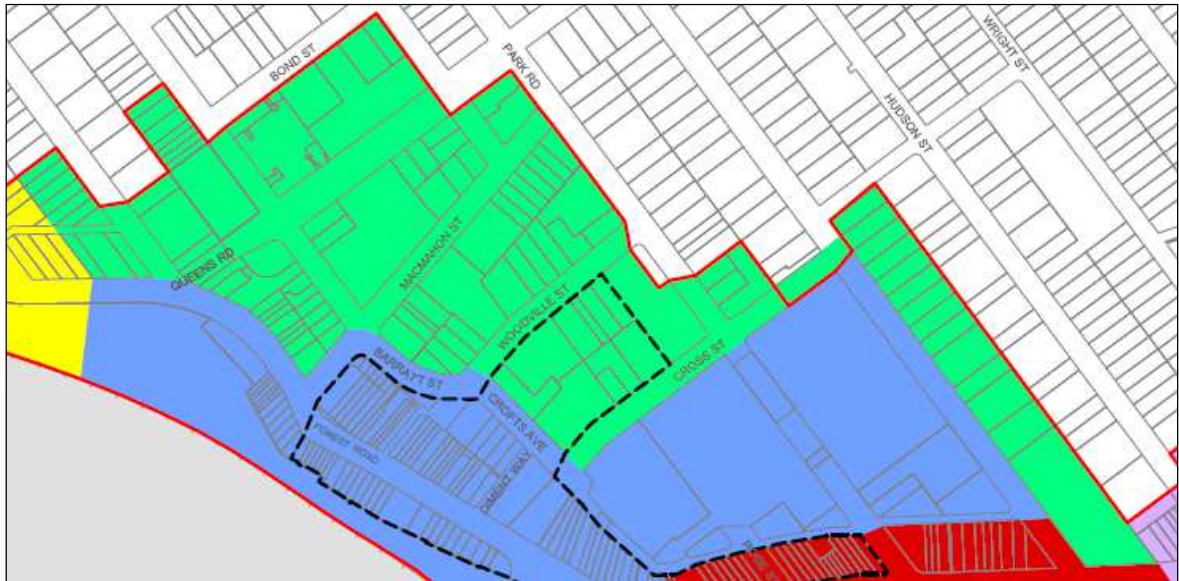
#### **2. Mixed use development**

The City Centre West precinct will be characterised by a development form that is a mix of commercial and residential use. Located near the border of the City Centre, this Precinct is to provide a transition between the Western Bookend precinct and the precincts on the eastern sides.



## 4.4 City Centre North

City Centre North is identified as the precinct shaded green, between the City Centre West precinct on the west, Retail Core to the south and has an interface with residential zoned areas on the northern side. (Note: the areas outside of the Hurstville City Centre boundary, shown by the red line, are not covered by the provisions of this DCP).



### 4.4.1 Characteristics

1. The City Centre North precinct concentrates most civic and community activities and high-rise residential and commercial developments in the City Centre.
2. This precinct includes part of the B3 Commercial Core Zone, where residential development is prohibited.
3. This precinct includes the Civic area bounded by Dora Street, MacMahon Street, Park Road and Queens Road.
4. MacMahon Street contains a number of important buildings which were built from 1920 to 1930.
5. The public buildings include three churches, Council's Civic Centre, Hurstville Library and the St George Regional Museum.
6. The Queens Road component is one of the busiest traffic routes in the City Centre and it provides a north-south through route for regional traffic and access to the City Centre via a number of east-west road corridors (Forest Road, Dora Street and Park Road).



#### 4.4.2 Desired Future Character

The City Centre North provides a focus for community and civic functions for the Hurstville City Centre. The Civic area will continue to be the focus of civic, cultural and community life within the City Centre. The current setbacks along MacMahon Street should be maintained to preserve and incorporate landscaped area and actively utilise open space. This precinct will be characterised by the integration of public buildings with new civic spaces for public celebration, ceremony and recreation. This precinct will create strong pedestrian networks and linkages with surrounding areas.



#### 4.4.3 Key Land Use Principles

##### 1. Promoting a Civic Presence

Built form is to adopt a strong civic presence created by well-defined streets and civic spaces. The Precinct is to support a significant civic meeting space to facilitate community interaction and gatherings with emphasis placed on creating community meeting points of interest. The basement levels will support service access and public car parking.

##### 2. Activation of the Street

Active uses are to be promoted at the ground and lower levels of development to promote vibrancy and passive and active surveillance of the public domain.

##### 3. Transition with residential

Where land adjoins established residential areas on the boundary of the City Centre, the Precinct performs a transitional role, with new development to be suitably designed to maintain the amenity of adjoining residential land uses.



## 4.5 Retail Core

Retail Core is identified as the precinct shaded blue, between the City Centre West precinct on the west, City Centre North on the north, City Centre East on the east and the Illawarra Railway Line on the southern side.



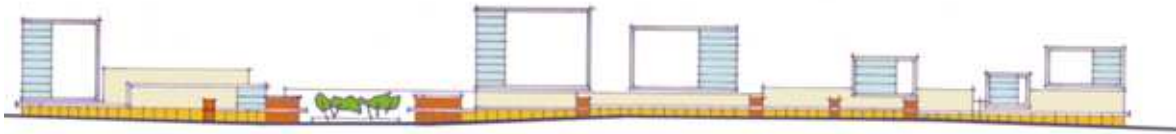
### 4.5.1 Characteristics

1. Buildings adjacent to Forest Road have narrow shop front facades and rear service lanes created by the early subdivision pattern. Forest Road is lined with trees, specifically near Memorial Square.
2. Facades step up and down the hill as the slope changes, emphasising the importance of the topography and reflecting the historical subdivision pattern.
3. Limited quality public spaces in the centre don't encourage civic activities and the character of the precinct does not reflect its importance as a destination.
4. This precinct contains a major portion of the B3 Commercial Core zone (shown by dotted line).
5. The Hurstville Railway Station and Bus Interchange are located in this precinct and are major pedestrian hubs.

### 4.5.2 Desired Future Character

The Forest Road Retail Strip will be a lively, vibrant area providing the focal point of activity for the Hurstville City Centre. This Retail Strip will continue to provide the 'High Street' character and function for the Hurstville City Centre as well as a focus for community activity. New development will build on its highly active pedestrian environment, and multiple narrow retail frontages, interlinked with laneways and arcades.





New development will respect the historic importance, and established character of this retail strip and the street alignment, retaining a fine grain building form fronting Forest Road. Retail development elsewhere in the City Centre will not detract from the viability of this main street shopping precinct.

The north-eastern part of the precinct will provide focus for high intensity and large footprint mixed use development with a diversity of retail, commercial, residential and civic services with a focus for large scale employment uses.

#### 4.5.3 Key Land Use Principles

##### 1. Building Form to Define the Public Domain

Built form is to follow and reinforce the established street alignment of Forest Road, providing a continuous building line to define the public domain. Buildings are to address Forest Road, with a four storey street wall height in certain locations punctuated by tower el

ements in strategic locations. Any loading and servicing shall be allocated to a secondary frontage or rear laneway where possible.

##### 2. Promoting only Retail / Commercial Uses in the Area Zoned B3 Commercial Core

Limited residential land use opportunities are promoted, with development to respect the designated B3 Commercial Core Zone (shown as dotted line on the map above).





The public domain will be upgraded through continuous awnings; street tree planting, high quality paving and associated works as new development occurs.

### 3. Activating Ground Level

Establishing an active interface at ground level, new buildings will promote a safe and highly active environment (both day and night). Within the public domain, the use of widened footpaths for passive activities (outdoor dining, retailing, seating, landscaping) will generate a vibrant and lively environment.

Active street frontages along Forest Road must be retained within any new development. Retention of the existing character of the retail sector of Forest Road should be prioritised by allowing for small to medium retail units with narrow frontages presenting to the street at ground level. Air bridges across Forest Road will be prohibited to promote street level activity and avoid adverse amenity impacts.

Identified heritage items in this location should be protected. New development should respect and enhance the integrity of the built form character and function of these items to ensure the history of Forest Road is expressed for future generations.

### 4. Large Scale Employment Land Uses

The Retail Core will provide the focus for large scale employment uses in the north eastern part of the precinct. Building forms with large floor plates are promoted, supporting high employment generating uses and retail uses (e.g. supermarkets, department stores) within the Hurstville City Centre where they are compatible with adjoining land uses. Office uses as well as education and health services are to focus on levels above the street. Residential land uses are permitted above podium levels outside the B3 Commercial Core Zone, where effective acoustic elements have been incorporated to ensure minimum disturbance by non-residential land uses.

### 5. City Skyline

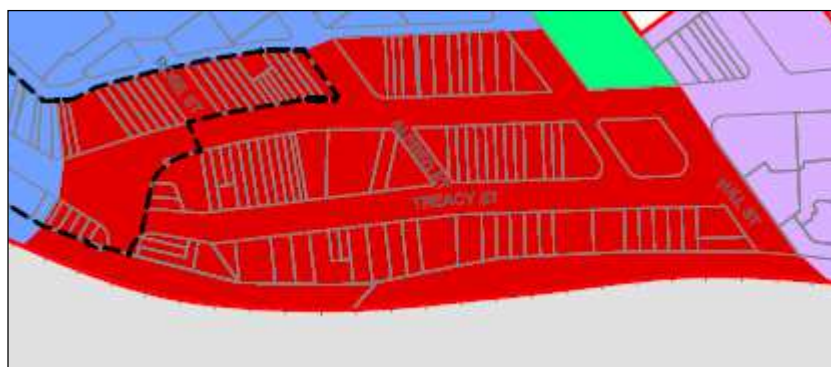


Forest Road is aligned along the highest point of the City Centre, allowing development along Forest Road to be the most visible point of Hurstville. New buildings (particularly those along the southern side of Forest Road) are to deliver an interesting and iconic skyline for the City Centre. Along the northern side of Forest Road, building height and separation is guided by the priority of providing adequate sunlight to the public domain along Forest Road.



## 4.6 City Centre East

City Centre East is identified as the precinct shaded red, between the Retail Core, City Centre North, the Eastern Bookend on the north and eastern sides and the Illawarra Railway Line on the south.



### 4.6.1 Characteristics

1. City Centre East is characterised by the extension of the retail strip along Forest Road and under-utilised development along the railway line in Treacy Street. There are minimal trees in the area, especially along Forest Road, other than those around St George Anglican Church.
2. Treacy Street provides the rear vehicular and service access to properties in Forest Road.
3. High traffic activity area offering access to the City Centre via The Avenue, Park Road and the Westfield shopping centre.
4. Key crossing point over the rail line for City Centre traffic and other traffic travelling between Hurstville and Kogarah LGAs via Treacy Street and The Avenue.
5. This western edge of the precinct also contains a portion of the B3 Commercial Core zone.

### 4.6.2 Desired Future Character

The City Centre East provides a focus for residential development outside the B3 Commercial Core Zone, being close to public transport nodes. The ground levels will house uses that will activate the streets. This precinct will create strong pedestrian networks and linkages with surrounding areas.





#### 4.6.3 Key Land Use Principles

##### 1. Promoting residential / mixed use development

Built form which has a dominant residential focus and active street frontages, will be encouraged.

##### 2. Activation of the Street

Active uses are to be promoted at the ground and lower levels of development to promote vibrancy and passive and active surveillance of the public domain.

##### 3. Promoting only retail / commercial uses in the area zoned B3 Commercial Core

No residential development is permitted in the designated B3 Commercial Core Zone (refer to area within the dotted line for B3 Commercial Core Zone).



## 4.7 Eastern Bookend

Eastern Bookend is identified as the precinct shaded lilac, on the eastern extremity of the City Centre. This precinct straddles Forest Road and Durham Street and is bounded by Hill Street on the western side, Illawarra Railway Line on the southern side, residential areas on the northern and the Kempt Field Park on the eastern side. (Note: the areas outside of the Hurstville City Centre boundary, shown by the red line, are not covered by the provisions of this DCP).



### 4.7.1 Characteristics

1. This area forms the eastern gateway to the city.
2. The precinct is dominated by the East Quarter buildings, transforming it into a mixed-use gateway to the City Centre with its prominent position on the axis of Forest Road.
3. Regional traffic corridor function offers access to the City Centre via Forest Road and across the rail line to the east via Durham and Lily Streets.
4. The precinct (outside the City Centre boundary) has a concentration of smaller industrial/ retail businesses and a number of education facilities situated along the northern side of Forest Road between Durham and Lily Street.

### 4.7.2 Desired Future Character

The Eastern Bookend is to define, and create a sense of entry. This will be achieved through strong built form statements and feature public domain treatment. Residential use will dominate upper levels of development and optimise commanding views.





#### 4.7.3 Key Land Use Principles

##### 1. Defining entry to the City Centre

The Eastern Bookend Precinct will be characterised by a higher intensity of built form, allowing for taller buildings on designated sites to define the eastern entry to the City Centre. Buildings situated along sites identified with significant frontages are to respond to their gateway context. Buildings and public domain will delineate entry to the City through innovative design. Landmark architecture will define points of interest, especially its prominent position on the axis of Forest Road.

All new development is to respond to the public realm, requiring building scale and form to retain a pedestrian scale at street level.

##### 2. High Density Residential Land Uses

Mixed-use development will be promoted. Uses relating to light Industrial land use will be promoted in the land zoned IN2 Light Industrial located on the border of the City Centre. This Precinct is to provide a transition between the City Centre and surrounding residential areas. Where land adjoins established residential areas, controls require that new development be suitably designed to maintain the amenity of adjoining residential and recreational land uses.



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### 5.1 Introduction

This section of the Plan establishes the objectives and general development requirements for residential, commercial and mixed-use development that address:

- Building Form Character Principles.
- Built Form Controls.
- Transport, Traffic, Parking and Access.

Development controls outlined in this section apply to all land in the Hurstville City Centre. The **objectives** explain what is desired to be achieved through the control. The **controls** establish criteria requirements that new development is to comply with.

In general, developments must satisfy the relevant objectives and controls. Variation to the controls will not be permitted unless it can be demonstrated that the proposal satisfies the relevant objectives or can demonstrate that through design excellence, the building achieves a standard equal to or higher than that directed by this section.

#### 5.1.1 When does this section of the DCP apply?

This section of the DCP applies to development for any purpose in the area identified as the Hurstville City Centre on land zoned:

- B3 Commercial Core.
- B4 Mixed Use.
- SP2 Infrastructure, as per Hurstville LEP 2012.

#### 5.1.2 Relationship to other sections

Where relevant, this section of the DCP must be read in conjunction with the following sections of this DCP:

- Section 6 Site Planning Considerations – This section of the DCP includes controls on Landscaping (street trees), Infrastructure (street furniture, lighting), Solar Access, Natural Ventilation, Front Fences / Outdoor Dining, Signage, Energy Efficiency and Conservation, Wind Mitigation, Waste Minimisation, Stormwater Management, Water Management, Soil Management, Reflectivity, Paving, Culture and Public Art, Signage, Development of a Heritage Item or in the Vicinity of a Heritage Item and Preservation of Trees and Vegetation.
- Section 7 Controls for Other Development Types – This section of the DCP includes controls on Trading Hours, Commercial Use of Public Footways, Child Care Centres and Restricted Premises.



## 5.2 Building Form Character Principles

The built form character is determined principally by the building type and how it relates to the public realm. The relationship between the individual elements of a building is critical to the public realm. The City Centre will continue to accommodate a range of building types in varying contexts which enrich its urban fabric. Future building form will be well designed to enhance the character of the precinct in which it is situated and contribute to the public domain, through its built form elements, uses and activity, design and appearance.

### 5.2.1 Building Form Character Principles

The Built form controls outlined in this Section are guided by the following Principles:

- (a) Provide an appropriate high quality public domain; contribute to the character of streetscapes, parks and public spaces and linking them.
- (b) Establish an appropriate scale and character for the City Centre while promoting pedestrian comfort, safety and sustainability.
- (c) Promote a high quality urban form outcome through appropriate articulation and building material.
- (d) Respond to the natural topography, creating an interesting skyline, whilst optimising views.
- (e) Contribute to achievement of a sustainable City Centre which is functional and adaptable for current and future uses.
- (f) Provide an active streetscape, promoting visual and physical connections at ground level.
- (g) Be appropriate in scale so as to protect amenity and privacy and optimize passive solar access in both the private realm and the public domain.
- (h) Protect and enhance the heritage values of the City Centre.
- (i) Promote an accessible and walkable City Centre with strong visual and physical connections between points of interest.
- (j) Promote a mix of land uses, while designating a Commercial Only Core for business uses to protect the viability of the City Centre function into the future.
- (k) Development must address the relevant precinct Desired Future Character and Key Land Use Principles as outlined in Section 4 of this DCP.



## 5. Controls for Residential, Commercial and Mixed Use Development

### 5.2 Building Form Character Principles



Low scale street-wall / podium buildings provide an active street frontage, whilst incorporating heritage buildings. Taller built form is set back above.

*Retail frontages, awnings and canopies provide a pedestrian connection to the station.*

*A retail building defines the public space and activates.*





### 5.3 Built Form Controls

This section outlines specific built form controls for residential, commercial and mixed use development in the City Centre. Development is to address each of the built form controls, ensuring that the overall scale and form responds appropriately.

#### 5.3.1 Site Amalgamation

The Hurstville City Centre has a distinctive retail street character with a mix of fine grained subdivision of lots, especially on Forest Road and larger allotments.

**Definition of Fine Grain:** 'Fine Grain' means the narrow lot subdivision pattern; like that found along the Forest Road shopping strip, between MacMahon Street and Treacy Street.

The small allotment sizes and multiple land ownership pattern within the City Centre, requires some site amalgamation and consolidation to maximise development potential and intensify activity. Site amalgamation will enable new development to better cater for on-site parking, provide for quality level office space, improve and enhance amenity for occupants and enhance amenity of the public domain in terms of public space and pedestrian linkages. This section provides controls on site amalgamation aimed at realising the following objectives.

**Where does Site Amalgamation apply?** This section applies to new development and redevelopment and does not apply to the refurbishment of existing development.

#### Objectives

- i. Enhance the redevelopment opportunities for sites within the Hurstville City Centre to achieve the maximum building envelope provided in this Plan;
- ii. Create increased opportunities to enhance the public domain, enhance accessibility and linkages and development opportunities within the City Centre;
- iii. Conserve the historic fine grain pattern on street level, despite consolidation through site amalgamation;
- iv. Avoid the creation of isolated sites that have no prospects of amalgamation with adjoining sites.

#### Controls

- (a) Site amalgamation must achieve:
  - On Forest Road (between MacMahon Street and The Avenue) and northern side of Treacy Street
    - a minimum building floor plate of 600sqm; and
    - a minimum 20 metre street frontage;
  - In the remaining of the City Centre



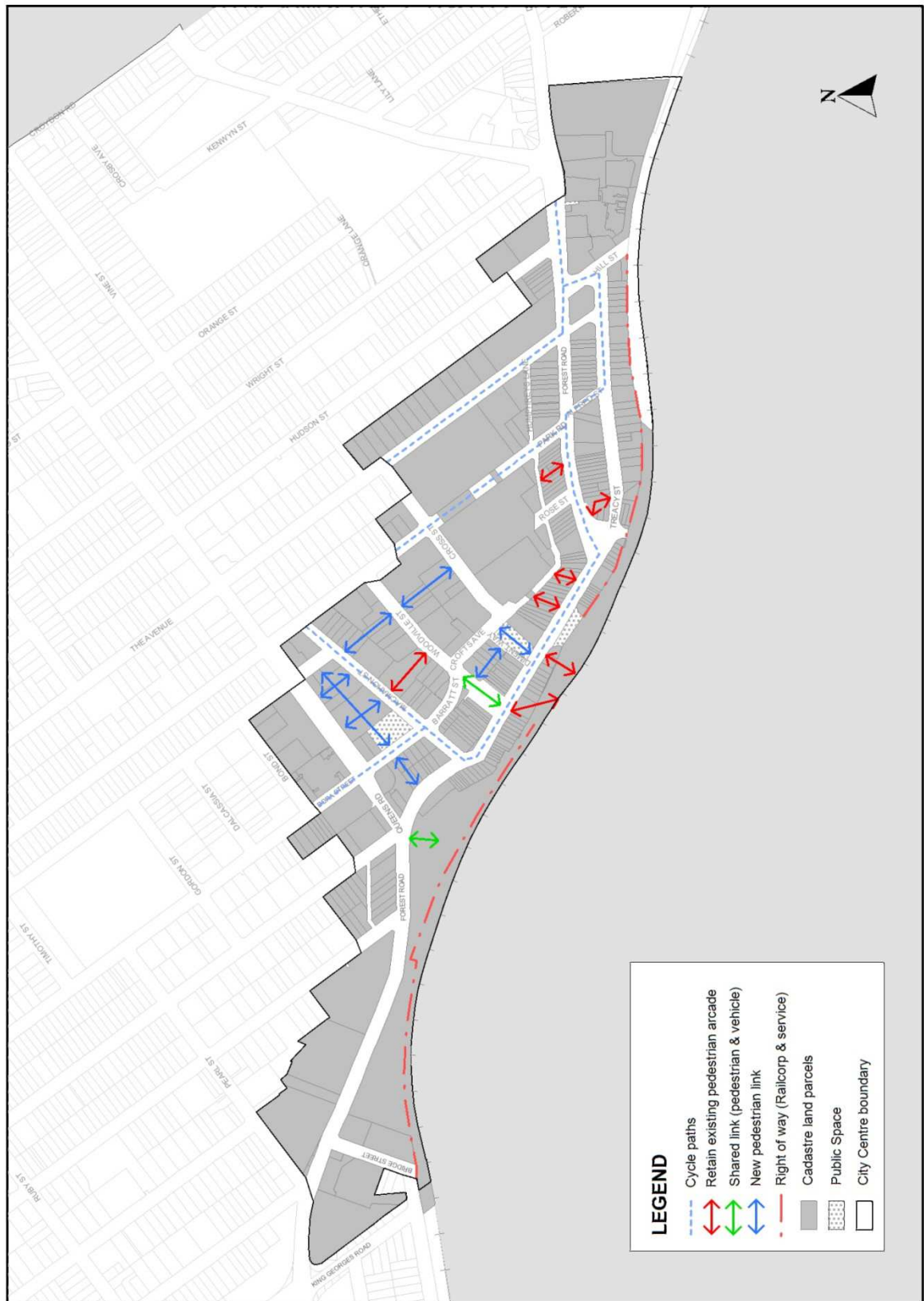
- a general building floor plate of 900 - 1,000sqm; and
  - a minimum 30 metre street frontage;
- (b) Site amalgamation is to consider Figure 5.3.1 Pedestrian Access Map to create opportunities for new connections, through the City Centre's urban grid, with new arcades and public spaces to link with major transport nodes, activity generators and key community focal points within each precinct.
- (c) Any site amalgamation, in areas with a strong 'fine grain' character, such as the Commercial Core, is to ensure that the final design reflects the fine grain character of adjoining development and heritage items.
- (d) Where lot consolidation is proposed, applicants must demonstrate that:
- Adjoining sites are not isolated and retain access;
  - The objectives and principles of this section can be achieved;
  - Adequate onsite parking, where permitted, can be achieved to meet the parking demands of the development;
  - The design and function of the development above podium level will achieve a high level of amenity to both its future occupants and to adjoining properties.

**Isolated sites** are sites that cannot comply with the frontage requirements for redevelopment because the adjoining sites have been developed at or near the maximum potential allowed in the zone.

- (e) Where a development may result in the creation of an isolated site or sites, the applicant is required to demonstrate any negotiations between the owners of the properties commenced prior to the lodgement of the Development Application (DA). Where no satisfactory result is achieved, the DA must include evidence of negotiations with the owners of the properties. These details must include evidence of offers to such owners. Such offers are to be reasonable and are to be based on at least one recent independent valuation and include other reasonable expenses likely to be incurred in the sale of the process.
- (f) Where a development may result in the creation of an isolated site on an adjoining site, applicants must demonstrate that orderly and economic use and development of the isolated site can be achieved in a manner consistent with the planning controls. The applicant must provide:
- A building envelope for that site, indicating height, setbacks, resultant site coverage and/or built area (building and basement), sufficient to understand the relationship between the development and that site, and
  - An assessment of the likely impacts the developments will have on each other, such as solar access, visual and acoustic privacy, impacts for residential development and ability to provide site servicing such as parking.



Figure 5.3.1: Pedestrian Access Map





#### 5.3.2 Housing Choice, Affordability and Mix

A choice of apartment types and mix of sizes in Hurstville City Centre caters to a variety of socio-economic groups as well as provides for changing use over time. Council encourages Visitor Access to all residential and mixed use development.

**Visitor Access** means access from a road that allows people with a disability to access the main areas of the building through the front door as well as the provision of a toilet that is easily accessible to a wheelchair user and which complies with the BCA and AS 1428.1.

Consideration should also be given to designing adaptable areas and dwellings in such a way that it can be modified easily in the future to become accessible to both occupants and visitors with a disability or progressive frailties and which complies with the BCA and AS 4299 to Class A requirements. Typical features that may be incorporated into the building design and available on construction of the house include: level and wide doorways; non-slip surfaces; reachable power points; and easy use door handles.

#### Objectives

- i. Ensure that residential and mixed use development provides a mix of dwelling types and sizes to cater for a range of household types.
- ii. Ensure that dwelling layout meets the needs of the occupants and is sufficiently flexible to allow for changing needs and activities over time.
- iii. Ensure the provision of housing will meet the access and mobility needs of any occupant (be adaptable).
- iv. Provide and retain housing with good access to the City Centre, at reasonable rental cost for tenants with low to moderate incomes.
- v. Ensure that residential development contributes to vitality and social engagement; both within the development and at the street level.

#### Controls

- (a) Developments comprising residential uses must provide a variety of residential units mix, sizes, and layouts within each development. The following criteria must be satisfied:
  - Bed-sitter apartments and one bedroom apartments must not be greater than 25% and not less than 10% of the total mix of apartments within each development.
  - Two bedroom apartments are not to be more than 75% of the total mix of apartments within each development.
  - Three bedroom apartments are not to be less than 10% of the total mix of apartments within each development.
  - For smaller developments (less than six dwellings) achieve a mix appropriate to the locality.



- (b) Units must be designed especially those in the perimeter buildings open to the podium to be to support a change in their use in the future.
- (c) Appropriate unit sizes may be considered from the *NSW Residential Flat Design Code (2002)*.
- (d) Development comprising residential uses to encourage enclosed roof top 'communal space/ room' for communal interaction.
- (e) For development containing more than five dwellings, adaptable dwellings at a rate of 1 per 10 dwellings or part thereof must be provided.
- (f) Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.
- (g) The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995 AS 1428 Parts 1, 2 and 4).
- (h) Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard for disabled parking spaces.

#### 5.3.3 Floor Space Ratio

The floor space ratio (FSR) of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area and is shown on the Hurstville LEP 2012 FSR Map. Site area is defined in Clause 4.5 of Hurstville LEP 2012.

Building floor space is related to the entire built form envelope and as such is guided by a number of factors. The FSR is not "as of right" and is not a building form entitlement. It is an indication of the maximum floor space possible within the building envelope for a particular use and the potential parking likely to be generated; and needs to be balanced against building height and other controls / amenity considerations.

#### Objectives

- i. Guide the maximum building envelope for new development within the Hurstville City Centre.
- ii. Ensure that buildings achieve a suitable scale and form considerate of the pedestrian environment.
- iii. Ensure that new buildings maintain suitable amenity (solar access, privacy) to neighbouring properties and the public domain.
- iv. Protect the character and setting of heritage items.

#### Controls

- (a) The maximum FSR of all buildings must comply with the Hurstville LEP 2012 FSR Map.
- (b) Where appropriate site amalgamation in accordance with Section 5.3.1 of this DCP is achieved, buildings must not exceed the maximum FSR as shown on the Hurstville LEP 2012 Floor Space Ratio Map.



- (c) Maximum FSR can only be achieved where it can be demonstrated that the building envelope enables solar access to private open space and the public domain in keeping with solar access controls (refer section 6.1.3) and other amenity issues have been adequately addressed.

#### 5.3.4 Building Height

Building height control aims to deliver a range of building heights across the City Centre, whilst also seeking to respond to sunlight access requirements, maintain an appropriate pedestrian scale and function of the public domain and promoting flexibility and adaptability into the future. Building height controls need to be considered in conjunction with the relevant floor space ratio controls for a site.

Building height controls, portrayed in the Height of Buildings Map of Hurstville LEP 2012, guide the maximum building heights at a site, and are not necessarily building entitlements. Site amalgamation may often be required to achieve the maximum height for any new building within the City Centre.

According to Hurstville LEP 2012, **building height** (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Building heights within the City Centre are also controlled by the Sydney Airport Corporation Limited (SACL) height restrictions or Obstacle Limitations Surface (OLS), which limit building heights below the flight paths to the Airport.

#### Objectives

- i. Achieve appropriate urban form consistent with the 'Major Centre' status of the City Centre under the *draft Metropolitan Strategy for Sydney to 2031*.
- ii. Define the appropriate scale of buildings within the City Centre.
- iii. Optimise the amenity of both the private and public domain.
- iv. Protect the integrity of the public domain and maintain reasonable sunlight access into the public domain and open spaces, such as key pedestrian routes, parks and public spaces.
- v. Ensure new buildings are considerate of solar access and amenity of adjoining sites and provide suitable separation.
- vi. Future built form provides adequate floor to ceiling heights to encourage adaptability and flexibility in future use.
- vii. Ensure the human scale and fine grained character of Forest Road is not compromised by the bulk and intensity of future development.
- viii. Ensure car parking provision and servicing do not compromise active street frontage and desirable urban form principles.
- ix. To protect the character and setting of any heritage item.
- x. Ensure future built form complies with Civil Aviation (Building Control) Regulations.



#### Controls

- (a) The maximum height of all buildings must be in accordance with the Hurstville LEP 2012 Height of Buildings Map.

Council requires applicants wishing to undertake activities that may result in an intrusion of protected airspace to refer to the Airports (Protection of Airspace) Regulations 1996 at the following link:

[http://www.infrastructure.gov.au/aviation/airport/planning/airspace\\_protection\\_overview.aspx](http://www.infrastructure.gov.au/aviation/airport/planning/airspace_protection_overview.aspx)

- (b) Maximum building heights can only be achieved where it can be demonstrated that the building envelope:
- Enables solar access to private open space and the public domain in keeping with solar access controls (refer Section 6.1.3);
  - Adequately addresses other amenity issues;
  - Optimises lot amalgamation;
  - Provides for satisfactory traffic, parking and servicing outcomes.

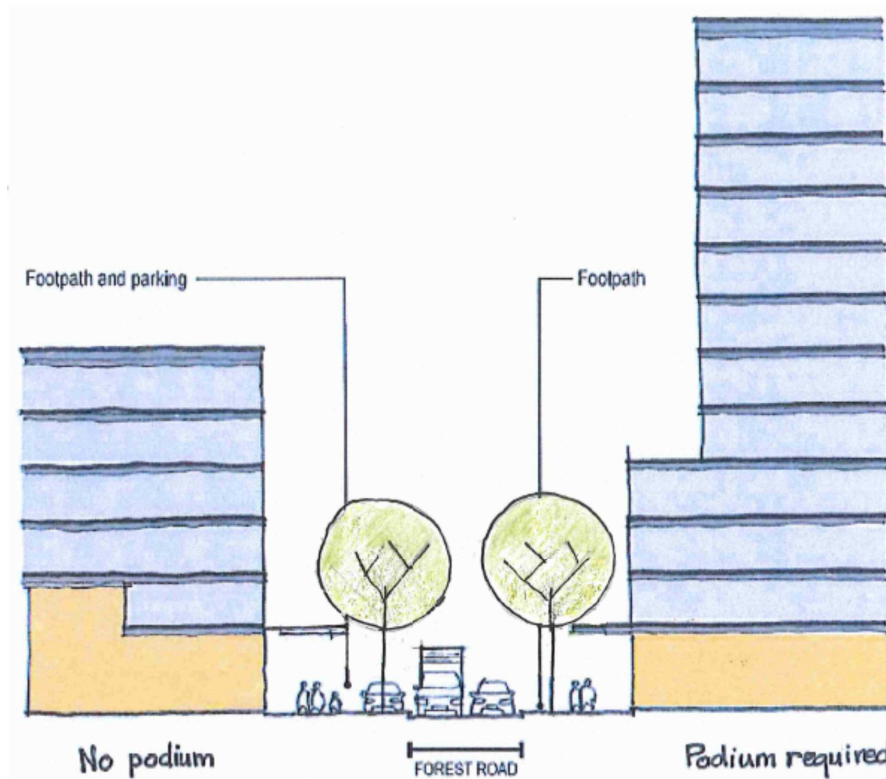
The National Airports Safeguarding Framework (NASF) developed by the Australian Government Department of Infrastructure and Regional Development provides guidance to improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions. Please refer to details of the NASF including guidance material at:

[http://www.infrastructure.gov.au/aviation/environmental/airport\\_safeguarding/nasf/](http://www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/)

#### Street wall / Podiums – Forest Road Retail Strip

- (c) Buildings along Forest Road shall incorporate a street wall/podium of four storeys in certain locations as nominated in the Height of Buildings Map of Hurstville LEP 2012.
- (d) Where there is no street wall /podium nominated as required in the Height of Buildings Map of Hurstville LEP 2012, the buildings on those sites shall incorporate design elements on the building façade to express the street wall/podium design.





**Figure 5.3.2: Demonstration of podium / street wall height expressed in façade design**

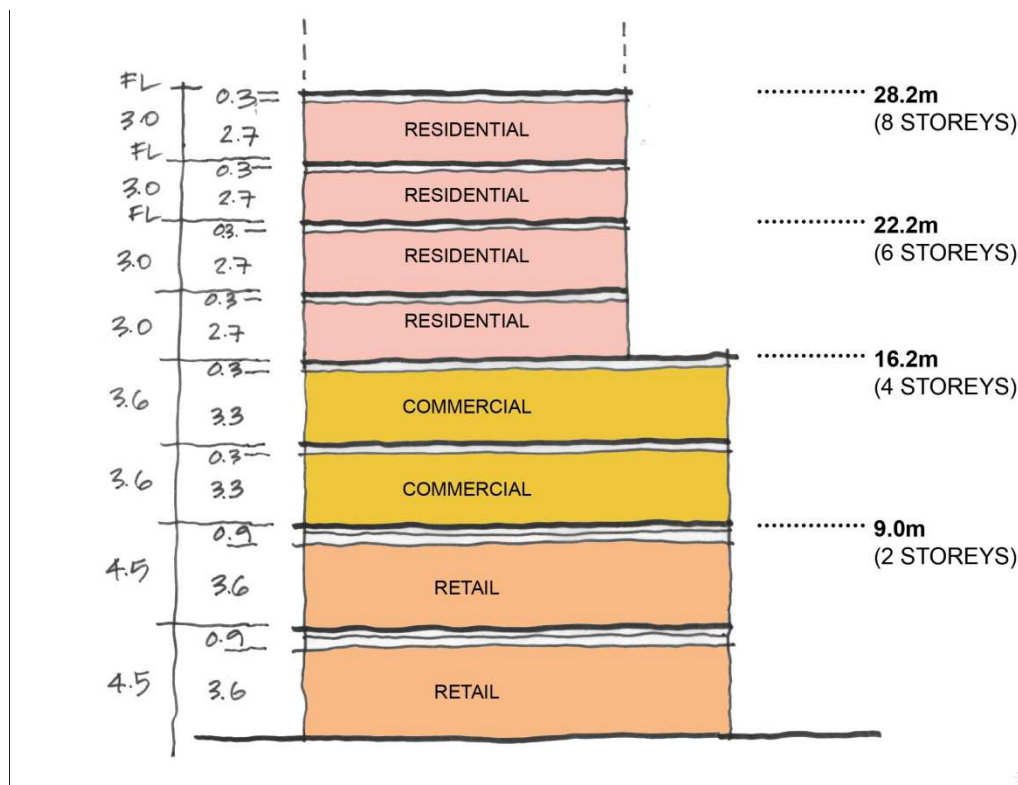
#### Floor to Ceiling Heights

- (e) Indicative floor to ceiling heights, portrayed in Figure 5.3.3, enable flexibility and adaptability in future building use. The following floor to ceiling heights as well as structural service and air-conditioning zones (services zone) are required for development:
- Non-residential uses:
    - Ground floor retail requires 3.6 metres with 0.9 metre services zone (4.5 metre floor to floor height) and first floor retail or commercial use will require either 4.5m or 3.6m floor to floor height based upon being either retail or commercial ;
    - Level 3 and Level 4 (and any non-residential use above) minimum 3.3 metres with 0.3 metre services zone (3.6 floor to floor height); and
  - All residential uses:
    - All levels minimum 2.7 metres with 0.3 services zone (3.0 metre floor to floor height).
- (f) The services zone for structural services and air-conditioning must be sufficient to incorporate all servicing into the ceiling space between floors, as detailed in (i) above. Air-conditioning units and services must be screened or integrated into the building design to ensure they are



not visible from the adjoining public domain; occupants of adjoining commercial or retail buildings, private dwellings or private open space.

**Figure 5.3.3: Indicative Building Floor to Ceiling Heights**



### Height in Metres vs Number of Storeys

The table below provides an indicative conversion of building height in metres to a maximum number of storeys for the business zones in Hurstville LEP 2012 and should be read in conjunction with Clause 4.3 Height of Buildings, the Height of Buildings Map and the definition of Building Height in the Dictionary of Hurstville LEP 2012.

**Table: Relationship of Metres and Storeys within Hurstville City Centre**

Hurstville LEP – HOB Map heights (Metres)	B4 Mixed Use Zone				B3 Commercial Core Zone	
	Scenario 1 (1 retail+1 commercial + residential)		Scenario 2 (1 retail + remaining residential)		Scenario 1 (1 retail + remaining commercial)	
	No. of storeys	Mix	No. of storeys	Mix	No. of storeys	Mix
11	3	(1ret.+1comm +1 res)	3	(1ret.+2 res)	2	(1 ret + 1 comm)
15	4	(1ret.+1comm +2 res)	4	(1ret.+3 res)	3	(1 ret + 2 comm)



19	5	(1ret.+1comm +3 res)	5	(1ret.+4 res)	5	(1 ret + 4 comm)
23	7	(1ret.+1comm +5 res)	7	(1ret.+6 res)	6	(1 ret + 5 comm)
30	9	(1ret.+1comm +7 res)	9	(1ret.+8 res)	8	(1 ret + 7 comm)
35	11	(1ret.+1comm +9 res)	11	(1ret.+10 res)	9	(1 ret + 8 comm)
40	12	(1ret.+1comm +10 res)	12	(1ret.+11 res)	10	(1 ret + 9 comm)
45	14	(1ret.+1comm +12 res)	14	(1ret.+13 res)	12	(1 ret + 11 comm)
55	17	(1ret.+1comm +15 res)	17	(1ret.+16 res)	15	(1 ret + 14 comm)
60	19	(1ret.+1comm +17 res)	19	(1ret.+18 res)	16	(1 ret + 15 comm)

#### 5.3.5 Street Setbacks

The alignment of buildings in the street is fundamental to achieving streetscape harmony. The spatial character of the street is largely determined by a continuous building alignment. The relationship of the buildings with the street defines the public domain and is important in achieving pedestrian amenity.

Setback controls and build to lines have been determined for the Hurstville City Centre understanding the future intended function and current character of the City Centre streets and buildings. Throughout the City, there are a range of build to lines which respond to the function and character of the street.

The definition of "building line or setback" is provided in the Hurstville LEP 2012.

The City Centre's Street Hierarchy (Figure 5.3.11) provides three levels of pedestrian amenity. The first order streets are the primary pedestrian activity nodes. The second order streets connect key pedestrian and activity destinations. The third order streets provide more of a service function for the City Centre and have established landscape contexts in some instances. Figure 5.3.4 Activation, Accessibility and Alignment Map identifies the relationship of the buildings to the pedestrian domain. The controls outlined in this Section respond to this hierarchy.

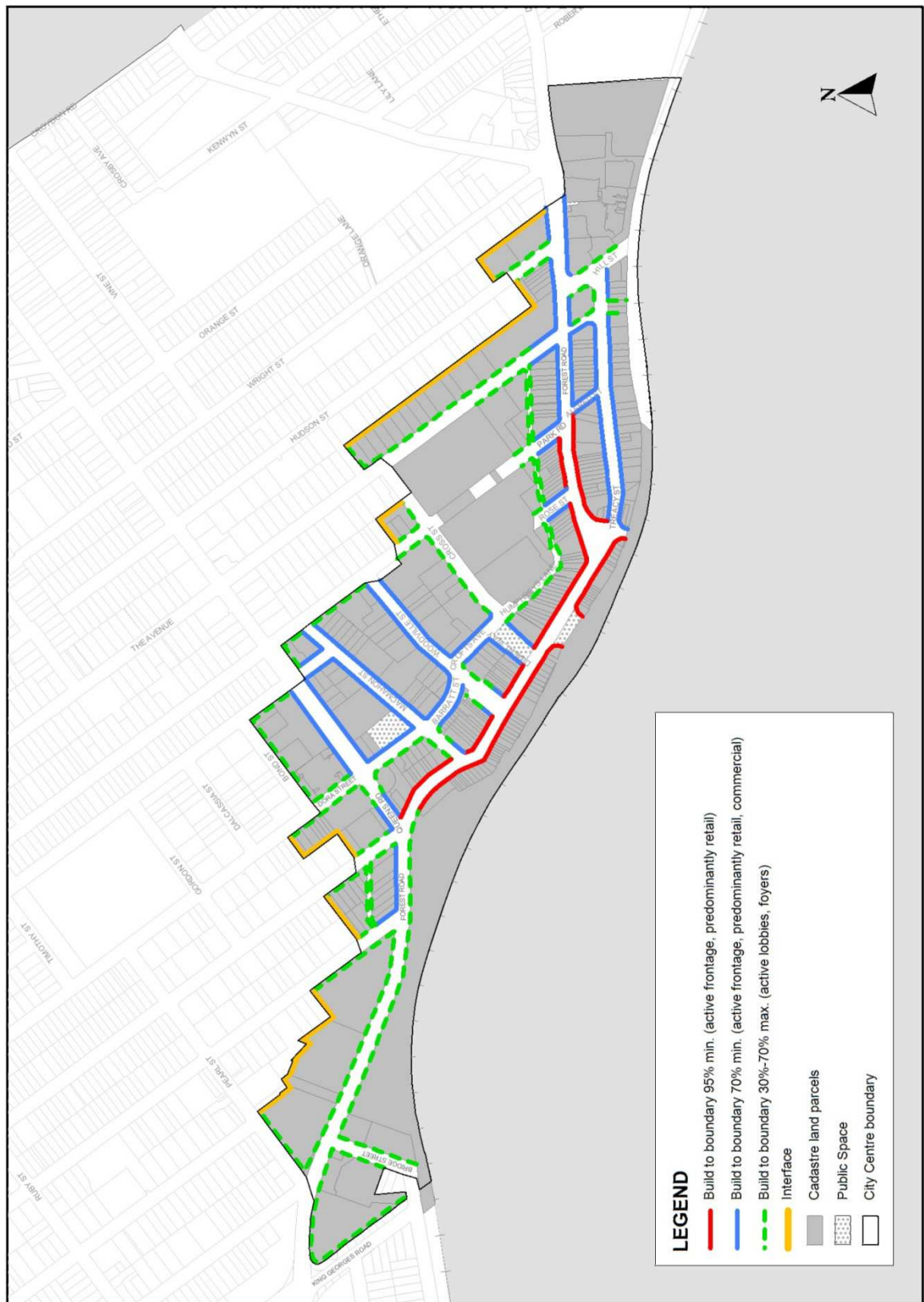


#### Objectives

- i. Establish a range of build to lines which respond to the function and character of the street.
- ii. Promote the definition and activation of the streetscape through built form.
- iii. Allow for access and circulation through the City Centre by providing breaks in building form associated with pedestrian pathways, laneways and arcades.
- iv. Reinforce the spatial separation and definition of the streets and provide a clear transition between public and private space.
- v. Provide visual and acoustic privacy to apartments from the street.
- vi. Maintain reasonable sunlight access in the public domain and open spaces such as parks, plazas and public spaces as well as solar access to adjoining sites.
- vii. Ensure buildings are oriented so as to activate the street and promote casual surveillance.
- viii. Allow for balconies within building setbacks for façade articulation and to promote improved amenity and casual surveillance of the public domain.
- ix. Provide variety in setbacks to enable design flexibility in responding to site context, identified Precinct elements and the public domain.
- x. Utilise setbacks at upper levels as private and communal open space.
- xi. Clearly identify corner sites through prominent built form.
- xii. Meet RailCorp and *State Environmental Planning Policy (Infrastructure) 2007* requirements to maintain safety and operation of the rail network, satisfactory neighbourhood amenity and hazard management.



**Figure 5.3.4: Activation, Accessibility and Alignment Map**



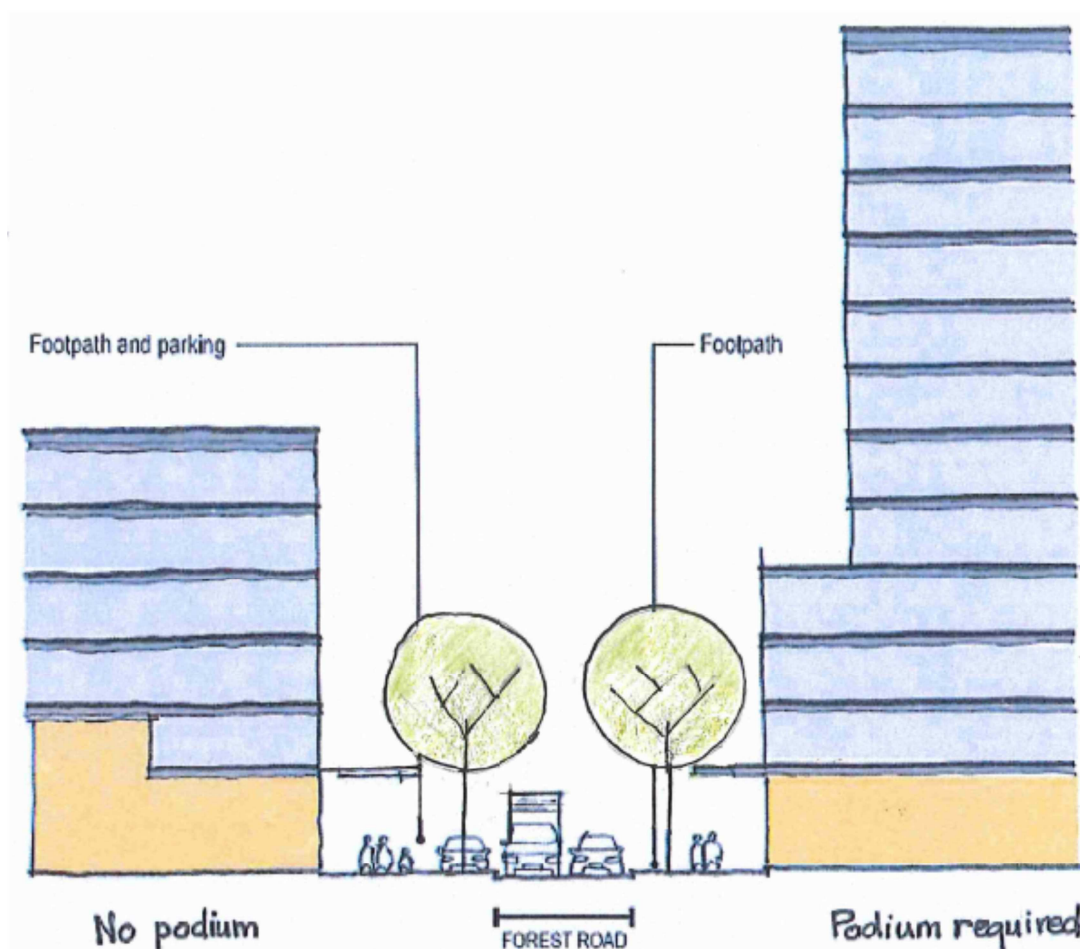


#### Controls

Street building alignment and setback controls are defined by Figures 5.3.5 and 5.3.6, and the following controls.

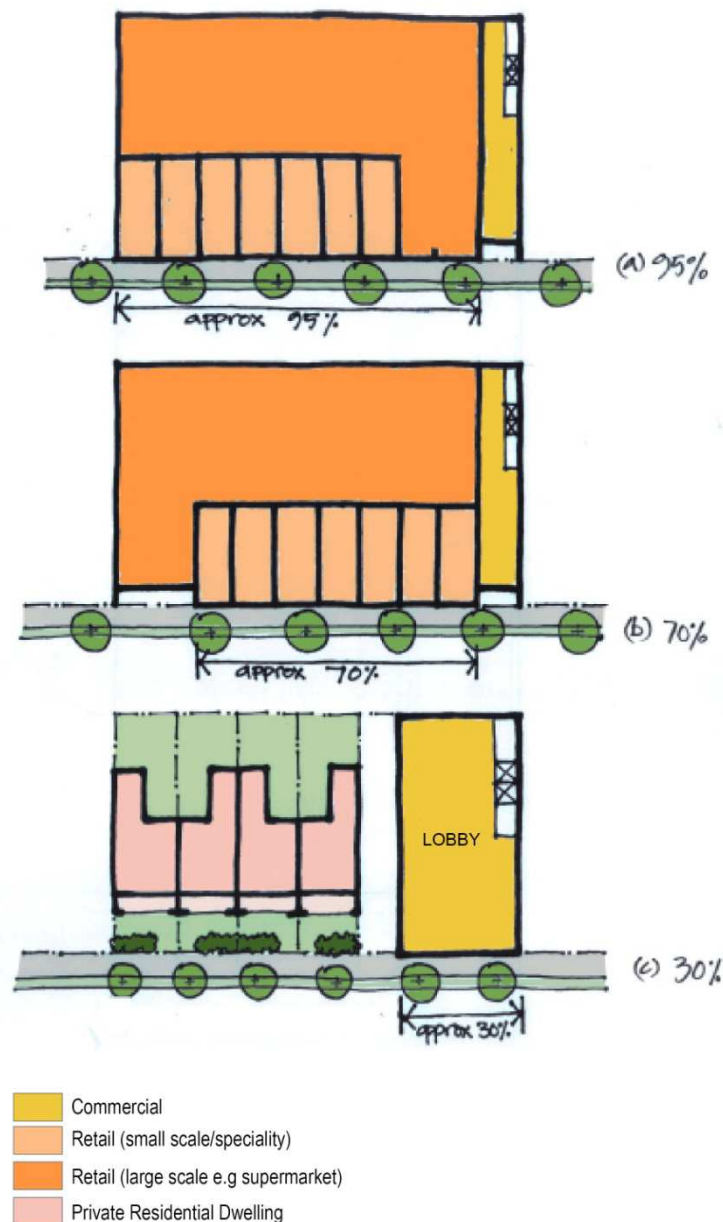
- The first four storeys of buildings in certain locations fronting Forest Road must be built to boundary. At ground level, a minimum of 95% of a building frontage is to be built to boundary (refer Figure 5.3.4 Activation, Accessibility and Alignment Map).
- A minimum of 70% of a building frontage on certain streets as identified in Figure 5.3.4 Activation, Accessibility and Alignment Map must be built to boundary. Exceptions may occur where buildings are seeking to be consistent with an existing street frontage, or elements of the frontage are setback, such as shop entries.
- Between 30-70% of a building frontage on certain streets as identified in Figure 5.3.4 Activation, Accessibility and Alignment Map must be built to boundary.

**Figure 5.3.5: Build-to Street Alignments and Setback Controls**





**Figure 5.3.6: Indicative Building to Street Alignments and Setback Controls - minimum building frontage**



- (d) Taller building elements (above the four storey podium), along identified sites in Forest Road and MacMahon Street, must be setback a minimum of 6 metres and a maximum of 8 metres from the primary street frontage (refer Figure 5.3.7 Building Setbacks Map).
- (e) All lower levels of buildings (first four storeys) must maintain a consistent building alignment and must be built to side boundaries, so that a continuous frontage to the street is maintained.



- (f) Buildings on corner sites must be articulated to address each street frontage, and are recommended to be highlighted by height, articulation, texture, materials and colour.
- (g) Any new building is to be designed to maintain solar access requirements as detailed in Section 6.1.3.
- (h) Buildings located on sites which adjoin residential land (identified as the Interface in Figure 5.3.4 Activation, Accessibility and Alignment Map) must be set back from the common boundary to provide suitable building separation to maintain amenity to adjoining residential properties (in terms of solar access and privacy).
- (i) For development located within 25m of rail corridors:
  - A minimum setback of 1.5 metres is required to allow clearance for maintenance of private property and the infrastructure in the rail corridor, as well as clearance for basement construction.
  - Basements may adjoin site boundaries, subject to geotechnical and RailCorp advice.
  - Council, upon RailCorp's advice may require an Electrolysis Risk report to be prepared by a suitably qualified consultant.

#### Setbacks for Balconies and Terraces

- (j) Balconies and other minor articulation features may encroach up to one metre within the front setback
- (k) Balconies are to be integrated into the building design so that they do not dominate the building façade or unreasonably reduce solar access to the public domain or neighbouring private open space.
- (l) Balconies within a 20 metre distance from the rail corridor must be appropriately enclosed, or contain mechanisms (such as fixed louvers) or design approaches that restrict the ability to throw objects onto railway land or infrastructure, to maintain the safety and operation of the rail network.

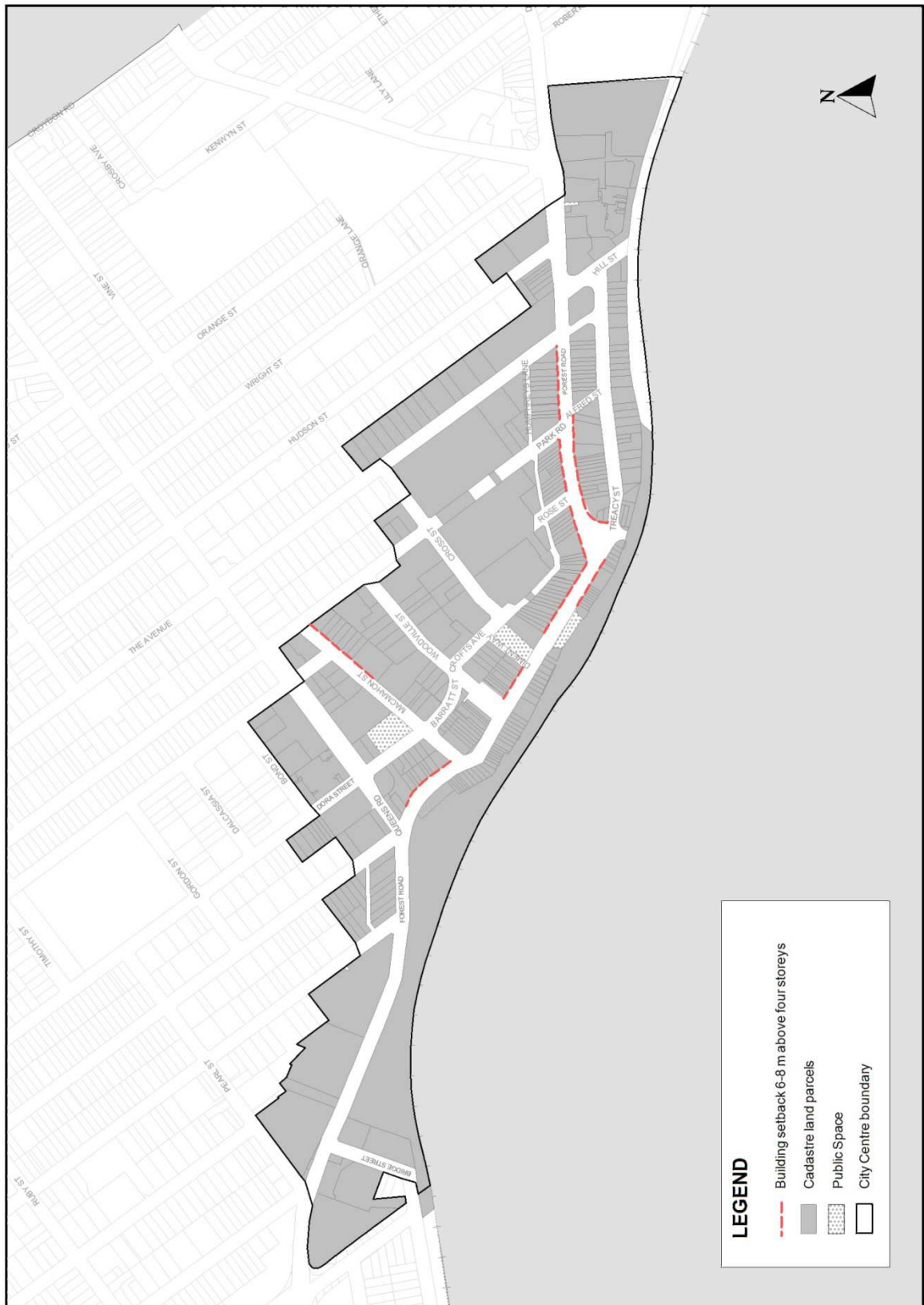
#### 5.3.6 Building Separation

Any residential or the residential components of mixed use development must provide adequate separation between habitable rooms, balconies and non-habitable rooms, consistent with *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65)* and the recommendations of any accompanying design guide.

Council may consider a variation to the building separation distances, but only where the applicant can demonstrate that the variation has been made in response to site and context constraints and that the variation is not made at the expense of amenity



**Figure 5.3.7: Building Setbacks Map**



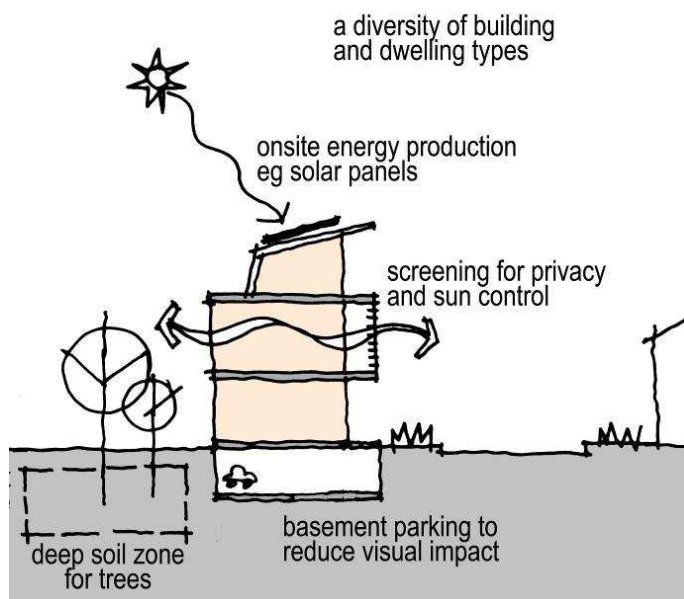


#### 5.3.7 Solar Access

Solar access is a major contributor to environmental comfort and amenity in homes, retail and commercial office space and the public domain. Good passive solar design solutions offer a resource and financial benefit by reducing the need for artificial lighting, heating and cooling.

##### Objectives

- i. Ensure new development will not unduly overshadow public open space and the public domain areas within the City Centre, particularly along first and second order streets.
- ii. Ensure new development does not unduly impact on solar or natural daylight access to habitable areas and rooms of existing dwellings.
- iii. Ensure building layouts facilitate and maintain good solar access to both internal and external living spaces and communal open space areas.
- iv. Maximise the use of natural light to reduce energy consumption.



##### Controls

- (a) Shadow diagrams shall be submitted in respect of all development proposals indicating the over shadowing impacts on both the public and private domains.
- (b) Demonstrate access to sunlight is to be substantially maintained so that existing private and public open spaces, first and second order street footpaths and the existing windows of all habitable rooms in adjoining buildings receive at least 3 hours of sunlight between 9am and 3pm on 21 June (winter solstice).
- (c) Living spaces of at least 70% of apartments in new developments must receive a minimum of 3 hours of sunlight between 9am and 3pm on 21 June (winter solstice).
- (d) Living spaces and open spaces must be located to maximise access to sunlight.
- (e) Adjustable shading devices for shading and glare control shall be provided where required.
- (f) Windows are to be of adequate size and proportion.



- (g) Reflected light from light coloured walls and ceilings should be used.

#### 5.3.8 Natural Ventilation

Natural ventilation contributes to environmental amenity and comfort, as well as reducing the need for artificial heating and cooling.

##### Objectives

- i. Reduce the use of mechanical means of heating and cooling to minimise energy consumption.
- ii. Ensure natural ventilation is available to all habitable rooms of a dwelling.
- iii. Allow the opportunity for mixed modes of ventilation in commercial buildings.

##### Controls

- (a) Ensure each dwelling can be naturally ventilated:
  - By siting and the layout of rooms.
  - Through the arrangement and selection of windows, doorways and other openings to allow free internal air movements and the capacity of residents to control and manipulate the movement of air through a unit.
  - By avoiding double loaded corridor apartment layouts.
- (b) All new development should promote natural ventilation of habitable rooms.
- (c) A minimum of 60% of residential units must achieve natural cross-flow ventilation.
- (d) In noisy locations, acoustic design must ensure that such ventilation can be achieved as well as ensuring that noise levels are reduced to acceptable levels in habitable rooms.
- (e) In locations where wide footpaths already exist, or are proposed, ensure ground floor shops can satisfy ventilation requirements for operating a restaurant.
- (f) Design of commercial developments must incorporate mixed modes of ventilation.

#### 5.3.9 Visual Privacy, Acoustic and Vibration Amenity

Visual Privacy measures are designed to protect the privacy and amenity of occupants within a development.

Acoustic privacy is a measure of sound insulation between residential units and between external and internal spaces. It is important in a mixed use environment to ensure that the noise levels between neighbouring properties are respected.

##### Objectives

- i. Minimise the direct overlooking of internal and external living areas through site layout and building layout, location of windows and balconies, design of windows and use of screening devices.



- ii. Ensure adequate visual and acoustic privacy of developments in the City Centre and to associated private open space.
- iii. Minimise the risk of noise and vibration impacts on noise sensitive developments located near the rail corridor and major arterial roads.
- iv. Ensure that the siting and design of development minimises noise transmission from abutting railway lines or other major noise - generating land uses.

#### Controls

##### Visual Amenity

- (a) Adequate separation between habitable windows, private open space and public open space in the proposed residential or mixed use development must be designed in accordance with the building separation guidelines in SEPP 65 and the *Residential Flat Design Code 2002* as shown in the table on Building Separation requirements above.
- (b) Balcony amenity must be managed by providing operable screens / louvers.
- (c) Adequate screening must be provided between balconies to protect the privacy of residents.
- (d) Overlooking must be minimised by offsetting the windows from one building to another building and orientating the main living spaces within apartments to the street and/or communal open space.

##### Acoustic and Vibration Amenity

- (a) The internal layouts of apartments and the location of courtyards, terraces, balconies, and openings should be designed so as to minimise noise transmission.
- (b) In mixed use developments, the design should seek to minimise the transfer of noise between residential and non-residential uses and service areas by separation, noise attenuation measures and through building design to minimise the potential for conflict between uses.
- (c) Where residential development is proposed in proximity to railway lines or major noise generating activity, appropriate materials with acoustic properties must be incorporated in the design of the dwellings.
- (d) A noise and vibration assessment may be required to be undertaken for development applications for noise generating developments or for residential developments on sites adjacent to noise generating sources such as rail corridors.
- (e) Noise reduction must be achieved whilst still allowing windows to be open sufficiently for good ventilation.

The National Airports Safeguarding Framework (NASF) developed by the Australian Government Department of Infrastructure and Regional Development provides guidance to improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions. Please refer to details of the NASF including guidance material at:

[http://www.infrastructure.gov.au/aviation/environmental/airport\\_safeguarding/nasf/](http://www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/)



**Note:** For residential development adjacent to railway lines and busy roads, reference should be made to NSW Planning and Infrastructure's *"Development near Rail Corridors and Busy Roads Interim Guideline"* (2008).

#### 5.3.10 Building Entrances and Lobbies

To ensure appropriate and safe building entrances and lobbies are designed as part of multistorey developments, the following objectives and controls apply.

##### Objectives

- i. Ensure that entrances establish a distinguishable address and outlook to the public domain.
- ii. Provide safe, high quality building entry points and lobby areas that contribute to the street frontage.
- iii. Provide all weather protection to all building entry and lobby areas.
- iv. Ensure compliance with Crime Prevention Through Environmental Design (CPTED) principles.

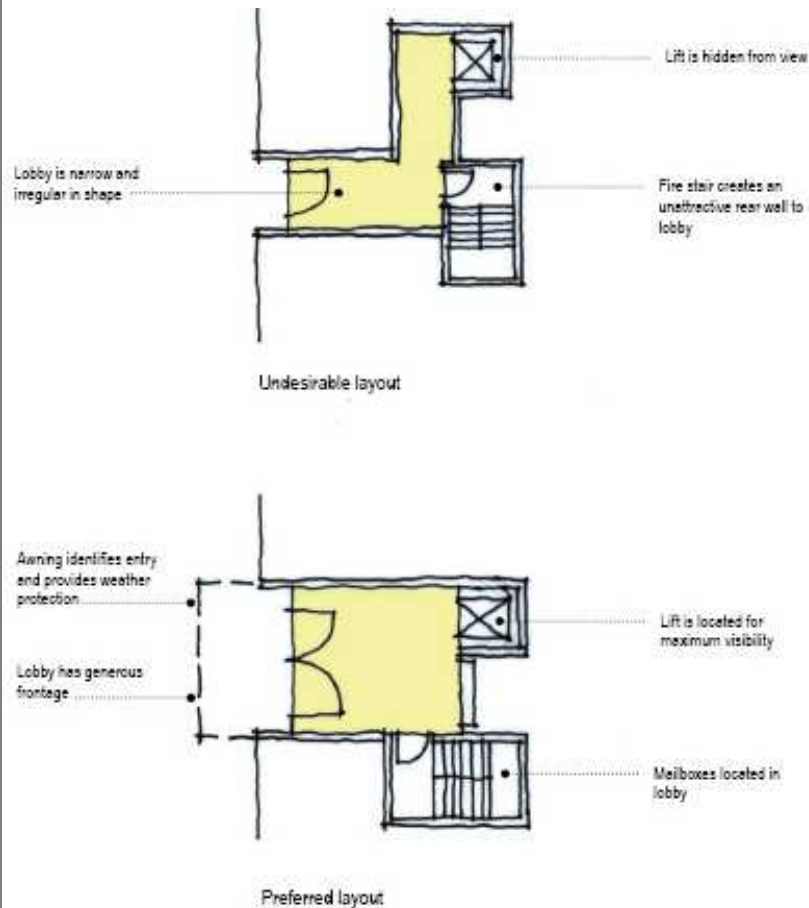
##### Controls

The preferred lobby design principles are summarised in Figures 5.3.8 and 5.3.9 and reinforced in the following controls.

- (a) All entrances must be clearly visible and identifiable from the street and public areas through the use of colour, materials and articulation in the building design to assist in entrance visibility.
- (b) All letter boxes, lifts and signage must be located and accessed from within the lobby area.
- (c) The lobby area must have a generous street frontage, with the lift located to maximise visual casual surveillance.
- (d) All entrances and lobbies must provide suitable and appropriate lighting.
- (e) This section of the DCP must comply with the CPTED principles (Section 5.3.12).
- (f) Lobbies to residential units to be designed to provide opportunities for residents to interact.

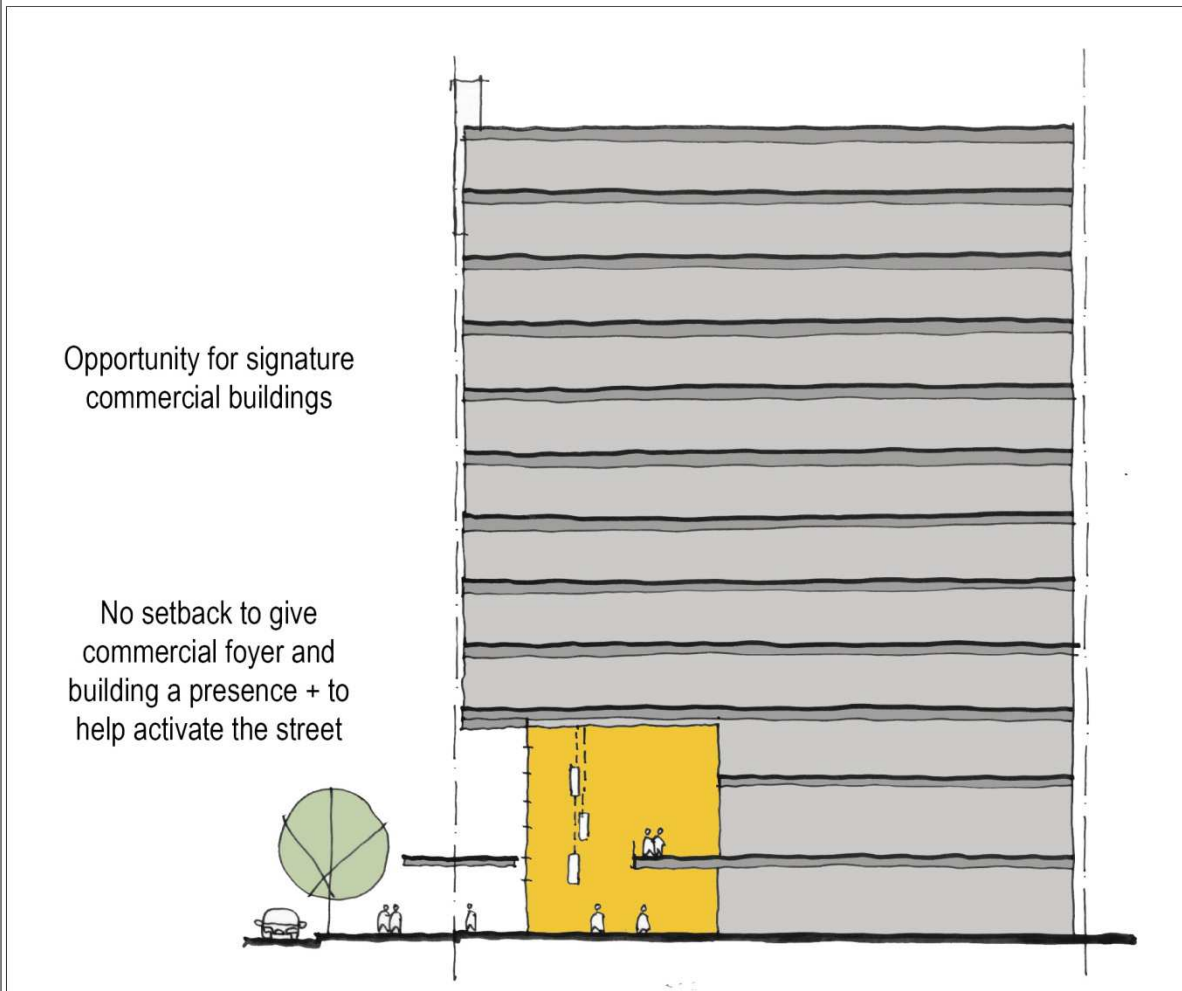


**Figure 5.3.8: Undesirable and Preferred Building Entry/Lobby**





**Figure 5.3.9: Building Entrances and Lobbies**



*Section through typical commercial building with zero building line setback.*



#### 5.3.11 Building Facades and Articulation

Hurstville City Centre's streetscape and public domain are defined by its buildings, streets and public places. The maintenance and enhancement of the public domain is dependent upon a consistent approach in the design of new buildings including articulation and the finish of building facades.

#### Objectives

Contribute positively to the streetscape and public domain by:

- i. Ensuring building facades are appropriately modulated and articulated in order to provide well proportioned elevations and appropriate shadowing.
- ii. New development to draw on the existing buildings in terms of plans, elevations and the traditional vertical structural modulation evident in Hurstville, where relevant.
- iii. Maintain facades that are a combination of horizontal and vertical elements to ensure they are proportional.
- iv. Clearly define adjoining streets, street corners and public spaces which exhibit poor pedestrian amenity and security.
- v. Including articulation such as panels, bay windows and steps in the facade to act as scale breaking devices in larger developments.
- vi. Reinforcing the articulation of facades through texture and colour.
- vii. Minimising the adverse streetscape impact of roller shutters and similar devices.



**The Roundabout Hotel**  
*Attached columns and distinctive fenestration assist in the articulation of this facade.*



**Corner Woodville St and Crofts St**  
*This facade is articulated through the use of recessed panels.*



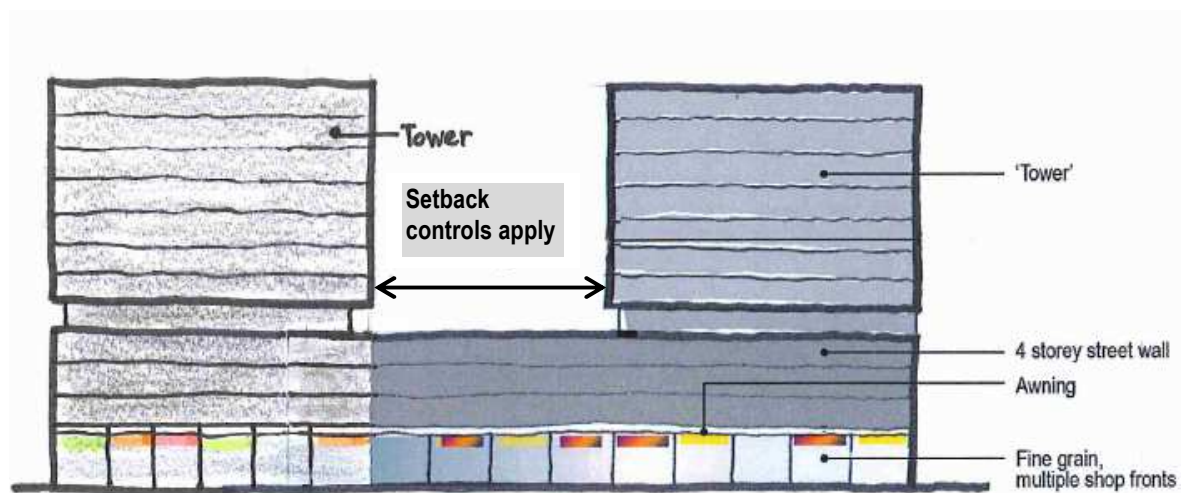
#### Controls

- (a) A balance of horizontal and vertical facade elements that relate to the scale of the building and adjacent facades in terms of cornices, balconies, balustrades, roofs, eaves lines, door/window heads to reinforce the street rhythm must be provided.
- (b) The existing fine grained character of Forest Road must be conserved / interpreted.
- (c) Building frontages with long facades must be articulated using shop front separations, attached columns steps in the façade, vertical windows, lighting, changes of texture and colour, and the like.
- (d) Large expanses of glass curtain walling and blank walls must be avoided.
- (e) Building facades must be designed to clearly define its address to either the street, public open space or corner.
- (f) Vertical and horizontal lines must be used to align shopfronts and signage

#### Roller Shutters

- (g) Any security device must have minimal impact upon the architectural features and appearance of a building or the character of the street.
- (h) Any security grill or shutter must be located behind the glazing of the shopfront.
- (i) Any security grill or shutter must be 50% transparent.

**Figure 5.3.10: Fine grain retail**



#### 5.3.12 Awnings and Balconies

Balconies and terraces provide elementary architectural features that contribute to the form, character and style of buildings and streets. They provide articulation, visual interest as well as an important source of private open space.



Awnings encourage pedestrian activity along streets as they provide shelter and shade, enhance amenity, protection, comfort and usability of footpaths. In addition to enhancing pedestrian amenity, awnings provide streetscape continuity and reduce the perceived bulk of development.

#### Objectives

- i. Provide private open spaces that also contribute to outlook and enliven the streetscape.
- ii. Ensure balconies and terraces are integrated into the design of buildings, function and respond to the local context and environment.
- iii. Provide continuous awnings that shelter pedestrians along all public streets and retail areas.
- iv. Enhance the quality of the streetscape through a consistent approach to awnings.

#### Balcony Controls

- (a) Balconies and terraces must be integrated with the design and form of the building and enhance its appearance and contribution to the streetscape.
- (b) Balconies and terraces must provide usable private open space for commercial and residential uses.
- (c) Balcony enclosures must be consistent with Hurstville City Council's Policy on "Balcony Enclosures in RFBs"
- (d) Terraces or roof gardens must be considered on podiums and upper floor building setbacks to provide additional private open space.
- (e) Balconies and terraces must allow outlook to public spaces or the street to increase casual surveillance.
- (f) Each dwelling must have at least one primary balcony that is located adjacent to a main living area such as living room, dining room or kitchen.
- (g) Primary balconies must have a minimum depth of 2.5m and have a minimum area of 10sqm.
- (h) The design of balconies should avoid excessive use of clear glass balustrades.

#### Awnings Controls

- (a) Awnings must be provided along all public streets.
- (b) Awnings must be continuous along the entire building elevation and to wrap around corners where a building is sited on a street corner, to ensure sufficient weather protection.
- (c) Awnings must be complementary to other awnings within and adjoining the development site, where appropriate.
- (d) Awnings must step in response to changes in street level, and may highlight building entrances. Otherwise, awnings should be relatively level and should continue the alignment of adjacent awnings.
- (e) All awnings must be cantilevered from buildings, with a minimum height from the footpath to its underside of 3.2 metres.



- (f) Awnings must cover as much of the footpath as possible. For footpaths of more than 4.5 metres in width, the awning must be setback 1.5 metres from the kerb to provide suitable space to accommodate street furniture, street trees and other public amenities. For smaller footpaths widths, awnings must be setback 600mm from the kerb to accommodate street furniture, low level landscaping and other public amenities. In cases where traffic signal poles are located, further setbacks may be required to the satisfaction of the Roads and Maritime Services (RMS).
- (g) All awnings must provide under awning lighting to enhance public safety and to facilitate night use of the City Centre.
- (h) Awning fascias should match those of the adjoining awnings and contain, where appropriate, motifs, patterns or detailed joints to enrich the streetscape.

**Note:** Refer also to Section 5.3.16 Landscaping.

#### 5.3.13 Active Street Frontages

Clause 6.6 of Hurstville LEP 2012 describes that a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

Active street frontages clause in this section complements Clause 6.6 of Hurstville LEP 2012. Active street frontages are critical to the viability and vitality of the City Centre as direct, easy access from the footpath draws people from the street into retail or commercial premises. Active street frontages are also important as they add to the safety and security of a street by enabling casual surveillance. Busy pedestrian areas and non-residential uses such as shops, studios, offices, cafes, recreation and promenade opportunities promote the most active street fronts.

Streets and lanes within the City Centre form a hierarchy of pedestrian movement and activation which include (Refer Figure 5.3.11 Street Hierarchy Map):

- a) First Order Streets: The key pedestrian spine, Forest Road, is considered to be the main street of the City Centre. As the primary pedestrian and activity spine, this road provides wider footpaths, low speed traffic, many crossing points within a fine grain environment, therefore attracting high volumes of pedestrian movement.
- b) Second Order Streets: The connecting streets that funnel pedestrian movement to and from Forest Road are considered second order streets. These streets connect the primary pedestrian spine to key focal points within the City Centre, and include Queens Road, Treacy Street, Cross Street, Barratt Street, McMahon Street and Woodville Street.
- c) Third Order Streets: Streets that front transition zones within the City Centre. These streets and lanes provide a connecting role, linking second order streets, and are recognised as providing a longer term strong pedestrian function. Third Order Streets contain important points where pedestrian networks, such as arcades and lanes, intersect with connecting streets and service lanes. At these points there is a concentration of pedestrian activity and movement. Third Order Streets include Humphreys Lane, Park Road, Alfred Street and future lanes.

The address and composition of a building's elements contributes to the character of the public domain and its relationship to the street. This is particularly relevant on corner sites, which are highly visible in the street, and accordingly have a major impact on the character of the City Centre.



#### Objectives

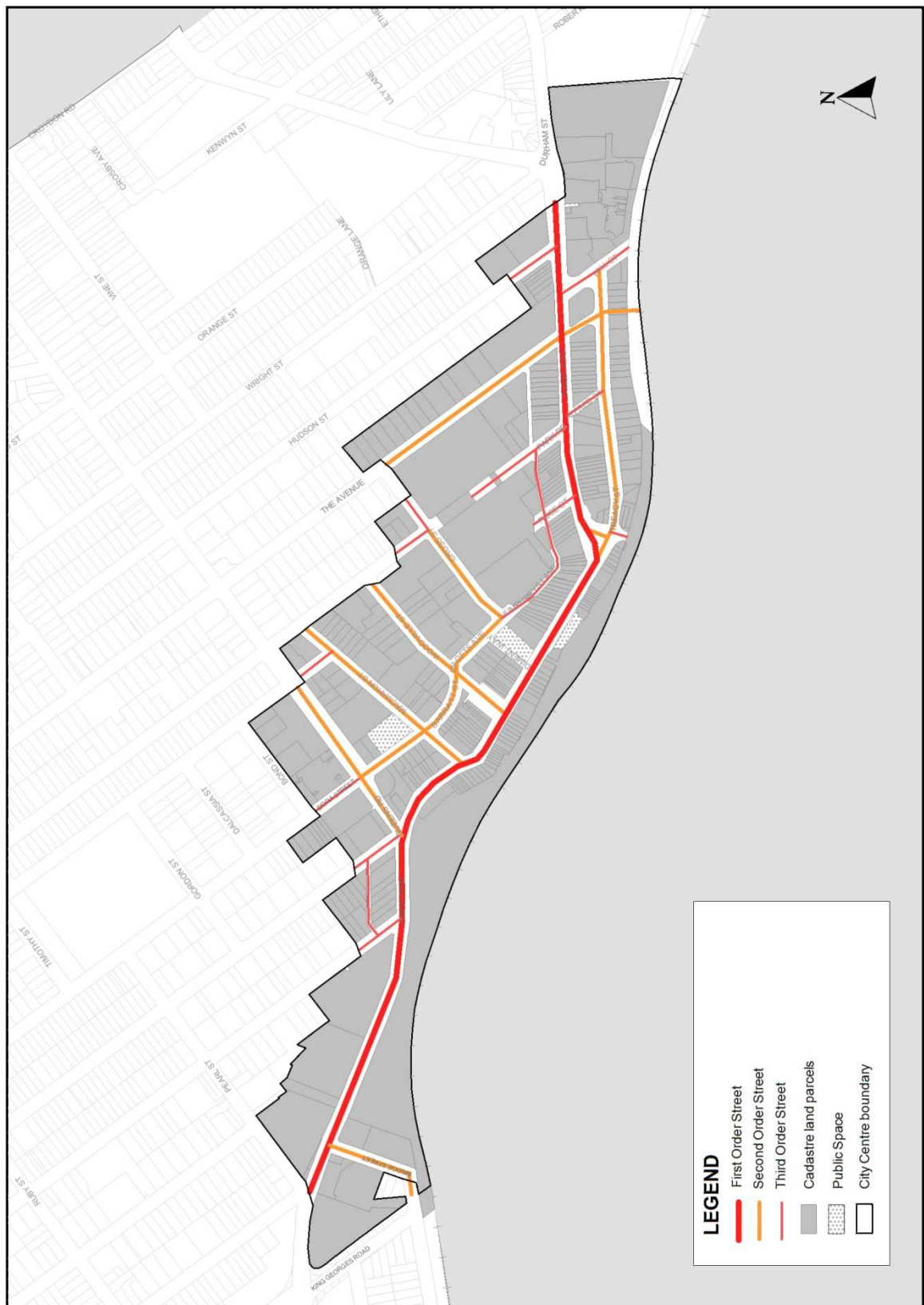
- i. Maximise active street fronts in the City Centre to promote safety.
- ii. Retain and reinforce the prevailing retail character and continuity of activities along the street.
- iii. Clearly define corner sites and contribute to the street address.
- iv. Ensure buildings are sympathetic to surrounding development and enhance the quality and character of streetscapes.

#### Controls

- (a) In the City Centre, active street frontages must be in accordance with the Hurstville LEP 2012 Active Street Frontages Map and the street hierarchy, (as described in this section), including:
  - First and Second Order Streets: All frontages on these streets must be active at ground floor of the building.
  - Third Order Streets: All frontages adjoining and immediately surrounding important pedestrian connections, such as entrances to and intersections with arcades and second order streets must be highly active at ground floor of the building.
- (b) Active ground floor uses must occur at the footpath level and immediately related levels and be accessible directly from the street.
- (c) The ground floor of development must provide a glazed ground floor frontage, contributing to street activity, light and colour in the street and passive surveillance.
- (d) Restaurants, cafes and the like must consider providing shop fronts which are able to be opened.
- (e) For active frontages above Ground Floor the following should be considered:
  - Encourage uses and building design, which provide transparency, and visual contact with the street.
  - Orient primary openings in living areas toward the street and/or rear gardens to integrate indoor and outdoor active spaces.
  - Integrate landscaping above ground floor levels to provide interest in design and amenity for uses of these spaces.
- (f) Buildings must be located on the street edges at street corners and promote active uses.
- (g) Blank walls at ground floor of a building fronting the street must be prohibited.



**Figure 5.3.11: Street Hierarchy Map**





#### 5.3.14 Permeability and Accessibility

Connections across Hurstville City Centre will enhance the public domain and legibility of the Centre. Direct through-site links will improve access between transport nodes, retail areas and civic uses. The improvements in the public domain network and ease of access to key features will improve the City Centre's accessibility.

'Through site links' can be defined as footpaths, arcades, mid blocked linkages, shared zones and laneways.

#### Objectives

- i. To create attractive, vibrant and safe pedestrian linkages that allow easy movement throughout the City Centre.
- ii. To improve access in the City Centre by providing new through site links and enhancing existing links as redevelopment occurs.
- iii. To provide enhanced pedestrian amenity and safety.

#### Controls

- (a) Consideration should be given to the through site links in accordance with the Pedestrian Access Map in Figure 5.3.1.
- (b) Through site links must:
  - Create active ground floor frontages;
  - Provide design details that create visual interest such as landscaping, awnings, paved finishes and interesting lighting;
  - Be clearly defined, legible and direct throughways for pedestrians.
- (c) Through site linkages within the residential, commercial or mixed use development (such as arcades) must provide public access at all business trading times or as otherwise stipulated by Council's conditions of approval;
- (d) Through site links in the public domain must maintain public access 24 hours a day 7 days a week.
- (e) Through site links must have a minimum width of 3 metres non leasable space, clear of all obstructions (including columns, stairs and escalators).
- (f) It is preferred that all pedestrian access ways have access to natural light. For internal access ways it is preferred that there is natural light for at least 30% of their length, where practicable.
- (g) All through site links must provide safe access with adequate lighting and shelter.
- (h) Where air conditioned, pedestrian access ways and linkages must have clear glazed entry doors comprising at least 50% of the entrance.
- (i) All through site links must have strong visual cues and be clearly signposted in way finding signage, like identify the street to which the through site link connects.
- (j) The design, finish and elements of any new through site links and access ways must be in accordance with the Hurstville City Centre Public Domain Plan (2007).



#### 5.3.15 Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design (CPTED) seeks to encourage the design and management of the built environment to reduce the opportunity for crime. This section seeks to ensure that safety and crime prevention are considered in the design of residential, commercial, mixed use development and car parks, specifically by:

- Enhancing safety by reducing opportunities for crime to occur.
- Improving observation of public and private spaces.
- Optimising the use of public spaces and facilities by the community; and
- Promoting the design of safe, accessible and well maintained buildings and spaces.

The following key principles must be applied to the design and management of land uses to reduce opportunities for crime:

- (a) Surveillance – encourages opportunities for casual surveillance.
- (b) Accessibility and target hardening – restrict access and maximise use of appropriate security measures.
- (c) Reinforce territory/space management – encourages ownership of communal areas and sense of community and formally supervise and care for urban areas; and
- (d) Defensible space – appearance that space is cared and protected.

This section of the DCP sets out the Objectives, Performance Criteria and Design Solutions to be considered in relation to crime prevention through environmental design for residential, commercial, mixed use development and car parks.

The Performance Criteria have been grouped according to six key features relating to design and crime prevention:

- Site and Building Layout.
- Lighting.
- Landscaping and Fencing.
- Security.
- Building Identification and Ownership; and
- Building Materials and Maintenance.

Development applications **must** address all the Performance Criteria. The accompanying Design Solutions are one way of meeting these Criteria. Where the Design Solutions are relevant to residential, commercial, mixed use development and car parks, it will be noted as 'all development types' and where they apply to one particular type of development, that development will be noted (e.g. commercial development).



#### Site and Building Layout

##### Objectives

- i. To ensure that the way in which the site, and the buildings within the site, are laid out enhance security and feelings of safety.
- ii. To ensure that private and public spaces are clearly delineated.

##### Performance Criteria

- (a) Ensure that the design of the development allows for natural surveillance to and from the street and between individual dwellings or commercial units within the site.
- (b) Provide entries that are clearly visible and avoid confusion.
- (c) Avoid blind corners in pathways, stairwells, hallways and car parks.
- (d) Provide natural surveillance for communal and public areas.
- (e) Ensure that design for natural surveillance also provides for a suitable streetscape appearance.
- (f) Where permitted, provide appropriate mixed uses within buildings to increase opportunities for natural surveillance, while protecting amenity.
- (g) Locate public services (ATMs, telephones, help points, bicycle storage etc) in areas of high activity.
- (h) Design car parks to allow for natural surveillance and ensure clear sight lines, ease of access and safety at the entrance and within the car park.

##### Design Solutions

###### All Development Types

- Avoid blank walls fronting the street.
- Offset windows, doorways and balconies to allow for natural observation while protecting privacy.
- Access to dwellings or other uses above commercial/retail development must not be from rear lanes.
- Entrances must be located in prominent positions, be easily recognisable through design features and directional signage and must allow users to see into the building before entering.
- Pathways within and to the development must be direct and all barriers along the pathways must be permeable including landscaping and fencing.
- Consider the installation of mirrors, glass or stainless steel panels to allow users to see ahead and around corners in corridors and stairwells.



## 5. Controls for Residential, Commercial and Mixed Use Development

### 5.3 Built Form Controls

- Locate active uses or habitable rooms with windows adjacent to the main communal/public areas e.g. playgrounds, swimming pools, gardens, car parks etc.
- Communal areas and utilities e.g. garbage bays must be easily seen and lit.
- Where elevators or stairwells are provided, open style or transparent materials are encouraged on doors and/or walls of elevators/stairwells.
- Waiting areas and entries to elevators/stairwells must be close to areas of active uses, and must be visible from the building entry.
- Seating must be located in areas of active uses.

#### Residential Development

- Ensure that the residential flat buildings address the street, or both streets if located on a corner.
- Dwelling entries must be clearly defined.
- Position habitable rooms with windows at the front of the dwelling.
- Access to parking must not dominate the front façade of the building.

#### Commercial and Mixed use Development

- Locate shops and businesses on lower floors and residences on upper floors. In this way, residents can observe the businesses after hours while the residences can be observed by the businesses during business hours.
- Incorporate car wash services, taxi ranks and shop kiosks etc within car parks.
- Locate public facilities in highly visible locations that are well lit and, where possible, near activities with extended trading hours e.g. restaurants, convenience stores and avoiding locating near possible hiding places eg. fire stairs.
- Design ATMs to incorporate mirrors or reflective materials so that users can observe people behind.
- Provide directional signs to key services and landmarks e.g. railway station, taxi ranks, library etc.
- Ensure surveillance between the shopfront and the street by retaining clear sight lines and limiting promotional material on windows.
- Supermarkets and other stores that provide shopping trolleys must provide an incentive scheme for their return or a retrieval service.
- If staff entrances must be separated from the main entrance, they must maximise opportunities for natural surveillance from the street.



#### Car Parks

- Avoid large expanses of car parks. Where large expanses of car parks are proposed, surveillance such as security cameras must be provided.
- Where possible, locate entry/exit points in close proximity and close to the car park operator or shops, cafes etc.
- Minimise the number of entry and exit points to car parks.
- Access to lifts, stairwells and pedestrian pathways must be clearly visible within the car parks.
- Car park design must avoid hidden recesses.
- Locate car parks in areas that can be observed by adjoining uses.
- Pedestrian corridors/routes must be clearly identified in car parks servicing large developments.
- Locate disabled parking spaces in highly visible and convenient areas.
- Where staff car parking is provided it must be separate and secured from the public car park.

#### Public Space

- Open spaces must be clearly designated and situated at locations easily observed by people. Parks and playgrounds must be located in front of buildings, shopping centres etc and must face the street rather than back lanes.
- Seating, play equipment, BBQ areas etc must be provided to encourage the use of open spaces.
- Seating must be conveniently located and easily seen.
- Facilities e.g. toilets and telephones, must be located close to areas of active uses and access to facilities must be direct and free of obstruction.
- Pathways must be direct, follow pedestrian desire lines and avoid blind corners.

#### **Lighting**

##### **Objective**

- i. To ensure lighting enhances the amenity and safety of a site after dark by increasing opportunities for casual surveillance, deterring unauthorised access and reducing feelings of fear and vulnerability of legitimate site users.



#### Performance Criteria

- (a) Lighting is to be provided to enable natural surveillance, particularly in entrances/exits, service areas, pathways and car parks.
- (b) All entrance and exits must be clearly identifiable after dark by appropriate lighting.
- (c) Service areas such as garbage areas and loading bays must be well lit.
- (d) Lighting must be designed so it doesn't produce areas of glare and shadow.

#### Design Solutions

##### All Development Types

- The main entries of residential or mixed use development must be well lit at night.
- Use diffused lights and/or movement sensitive lights.
- All lighting must be vandal resistant and easy to maintain.
- Direct lights towards access/egress routes and possible hiding places to illuminate potential offenders, rather than towards buildings or resident observation points.
- Illuminate possible places for intruders to hide.
- Lighting must have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed, thereby avoiding dark shadows.
- Generally areas must be lit to enable users to identify a face 15 metres away.
- Avoid light spillage onto neighbouring properties as this can cause nuisance and reduce opportunities for natural surveillance.
- Use energy efficient lamps/fittings/switches to save energy.

##### All Development

- Leave some lights on at night or use sensor lights.
- Locate additional lighting below awnings to provide adequate illumination to the footpath areas.

##### Car Parks

- Illuminate all external edges and access points to car parks during its opening hours.
- Ensure that the intensity of lighting to covered or underground car parks is graded to allow for the adjustment of driver and pedestrian vision. Brighter light must be used at entrance and pedestrian access ways and dimmer light must be used elsewhere.



- Lighting must be sufficiently bright to enable a car park user to see into the rear seat of a parked car before they enter the car.

#### Public Space

- Illuminate access points to areas of open space and pathways.
- Locate brighter lights in highly used areas.
- Ensure lighting does not produce dark shadows close to pathways and entries/exits.
- Lighting must be increased where parks or public spaces are used by pedestrians as a thoroughfare or shortcut. As a guide, areas must be lit to enable users to identify a face 15 metres away.

**Note:** Details of all lighting (location, type and intensity) for public areas must be submitted with a development application for residential, commercial, mixed use development and car parks.

#### 5.3.16 Landscaping

Landscaping includes the planning, design, construction and maintenance of all utility, open space and garden areas. Good landscaping provides breathing space, passive and active recreational opportunities assists in microclimate management and enhances air quality in city centres. It is fundamental to the amenity and quality of the public domain and the occupants of both residential and non-residential buildings.

#### Objectives

- i. Provide attractive landscaped areas which enhance the street character and the amenity of buildings.
- ii. Provide quality useable private open spaces within new developments.
- iii. Ensure landscaping is integrated into the design of development.
- iv. Improve urban air quality and contribute to biodiversity.
- v. Preserve significant stands of trees and natural vegetation.
- vi. Ensure that the use of potable water for landscaping irrigation is minimised.
- vii. Assist in microclimate management and maximise absorptive landscaped areas for on-site infiltration of stormwater.

#### Controls

- (a) All development applications must include a landscape plan prepared by a qualified person. The landscape plan shall focus on common open space areas and/or areas which can be viewed from the street.
- (b) A survey plan is to accompany a development application indicating the precise location of existing trees, their condition, species and crown size, and which trees are proposed to be removed.



- (c) Landscaping is to generally incorporate indigenous and water efficient species to the area, and those which will not cause damage to adjacent buildings and driveways. Plants that have a short life, drop branches, gum or fruit, or which interfere with underground pipes, must be avoided.
- (d) Landscaped areas must be irrigated with recycled water.

#### **Streetscape (Front Setback Area)**

- (a) Landscaping in front of buildings (that is, between the buildings and the front property boundary) shall provide a suitable visual screen or softening function for the development. Trees selected must complement Council's vision for the streetscape, contained in the Hurstville City Centre Public Domain Plan. Applicants must consult Council about the particular requirements for their site.
- (b) Landscaping is to be provided where the site abuts access streets, service roads, railway lines or residential development.
- (c) Species selected must complement the building height and street width.

#### **Trees**

- (a) Where possible, the site layout must retain all existing mature trees.
- (b) Trees planted must optimise shade in summer and allow sunlight in winter and must be positioned appropriately.
- (c) Protective measures are required around trees during site works and construction. Such measures must be submitted with the development application.
- (d) All open car parks must be landscaped with adequate trees to shade vehicles, improve amenity and enhance sustainability.

#### **5.3.17 Planting on Structures**

Landscaping promotes amenity, health and reinforces sustainability principles. On sites with high levels of site coverage, opportunities to introduce planting on structures (for example on roof tops or over car park structures) are encouraged.

#### **Objectives**

- i. Contribute to the quality and amenity of open space on roof tops and internal courtyards.
- ii. Encourage the establishment and healthy growth of trees in urban areas.
- iii. Encourage the use of drought tolerant species in planting.
- iv. Minimise the use of potable water for irrigating planting on structures.
- v. Not compromise structural integrity or promote dampness.



#### Controls

- (a) Any Development Application must provide a landscape plan identifying species selection, appropriate soil depth and area of landscaping, as well as the ability for structure to accommodate the nominated landscaped area.

As a guide the following minimum standards are recommended:

- Minimum 1000mm depth for tree planting;
- Minimum 500mm depth for shrub planting/lawn.

**Note:** This excludes the depth that would need to be set aside for drainage below the soil, which will be in excess of that required for planting.

- (b) Planting must provide for optimum conditions for plant growth by:
- Providing soil depth, soil volume and soil area that is appropriate to the size of the plants to be established;
  - Providing appropriate soil conditions and irrigation methods; and
  - Providing appropriate drainage.
- (c) Planters must be able to support appropriate soil depth and plant selection by:
- Ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and
  - Providing square or rectangular planting areas rather than narrow linear areas.
- (d) Soil depths must be increased in accordance with:
- The mix of plants in a planter, for example where trees are planted in association with shrubs, groundcovers and grass,
  - The level of landscape management, particularly the frequency of irrigation,
  - Anchorage requirements of large and medium trees, and
  - Soil type and quality.
- (e) Areas with planting on structures must be preferably irrigated with recycled water.
- (f) Ensure stormwater for structures provides some controlled flow to landscaped areas.
- (g) Ensure plant species are drought tolerant to minimise the need for irrigation.

#### 5.3.18 Site Servicing

##### Objectives

- i. To ensure that site facilities (such as clothes drying areas, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units and communication structures) are effectively integrated into the development and are unobtrusive.
- ii. To ensure that site services and facilities are adequate for the nature and quantum of development.



- iii. To establish appropriate access and location requirements for servicing, and
- iv. To ensure service requirements do not have adverse amenity impacts.

#### **Controls**

##### ***Mail Boxes***

- (a) Provide letterboxes for residential building and/or commercial tenancies in one accessible location adjacent to the main entrance to the development.
- (b) Letterboxes must be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building.
- (c) Letterboxes shall be secure and large enough to accommodate articles such as newspapers.

##### ***Communication Structures, Air Conditioners and Service Vents***

- (a) Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures:
  - Away from the street frontage.
  - Integrated into the roof design and in a position where such facilities will not become a skyline feature at the top of any building, and
  - Adequately setback from the perimeter wall or roof edge of buildings.
- (b) A master antenna must be provided for residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas.

##### ***Waste (Garbage) Storage and Collection***

Refer to Section 6.2.4 Waste Minimisation and Management for waste storage and collection controls.

##### ***Fire Service and Emergency Vehicles***

- (a) For developments where a fire brigade vehicle is required to enter the site, vehicular access, egress and manoeuvring must be provided to, from and on the site in accordance with the NSW Fire Brigades Code of Practice – Building Construction – NSWFB Vehicle Requirements.
- (b) Generally, provision must be made for NSW Fire Brigade vehicles to enter and leave the site in a forward direction where:
  - NSW Fire Brigade cannot park their vehicles within the road reserve due to the distance of hydrants from the building or restricted vehicular access to hydrants; or
  - The site has an access driveway longer than 15m.

##### ***Residential***

- (a) Provide either communal or individual laundry facilities to every dwelling. The public visibility of this area must be minimised. Drying of clothes is only permitted on balconies that are permanently screened from public view.
- (b) Provide storage at rate of 10sqm per dwelling unit.



- (c) Make provision for on-site car-washing.
- (d) Make provision for on-site composting.

#### ***Electrical Services***

Electrical Service substations and transformers should be designed and integrated into the development to allow service access and screening from public areas in accordance with the requirements of relevant authorities.



### 5.4 Transport, Traffic, Parking and Access

#### 5.4.1 Introduction

Hurstville City Centre is well located and serviced by public rail and bus transport and is located 17km to the south of the Sydney CBD, close to Sydney Airport, and other regional centres. This has seen the City Centre to develop into a major centre serving southern Sydney.

Managing the growth of Hurstville City Centre requires measures to address increased traffic flow, congestion and parking demand. Left unchecked these can lead to traffic congestion on major roads, reduced levels of service for public transport through longer journey times, and disruption to business and private activities.

For pedestrians and cyclists, increased traffic means more difficulty in walking, less safety and increased noise levels on major roads. For residents and business people traffic and parking can directly influence the quality of the City Centre's environment.

The "Hurstville City Centre Transport Management and Accessibility Plan (TMAP), 13 June 2013", has been used to inform the planning controls for the City Centre and has ensured a co-ordinated and efficient approach to planning of land use and transport infrastructure in the centre. The TMAP was endorsed by Council on 13 June 2013.

The TMAP Action Plan summarises the key transport issues and actions for transport and parking in the City Centre. The table below lists some of the key targets and actions in the Action Plan. The objectives in this DCP aim to achieve and implement these targets and actions.

ID	Item Description	Purpose	Timing
PT1	Target a Hurstville City Centre Public Transport Mode Share of Greater than 21%.	To target improvements in public transport mode share, growth in public transport patronage and help manage travel demand across the transport network.	Long term (2036)
AT1	Target Hurstville City Centre Active Transport Mode Share of 20%	To target improvements in active transport mode share, growth in the number of people walking and cycling in Hurstville City Centre and help manage travel demand across the transport network.	Long term (2036)
TDM1	Adopt benchmarked Parking Provision Rate Constraints	Reduces available parking and as a result protects road network capacity and encouraging more people to access by active and public transport.	Short Term
TDM3	Investigate the feasibility of introducing car-sharing schemes	To optimise the use of car parking and road space and help to better manage regional road network capacity.	Short Term
TDM4	Investigate the feasibility of introducing alternative work schedules	To encourage travel outside of peak periods and help to better manage regional road network capacity.	Short Term
TDM5	Incorporate Workplace and Green Travel Plans into Planning Agreements	To support and encourage active and public transport for accessing Hurstville City Centre and help to manage growth in regional traffic demand.	Short Term



#### General Objectives

The objectives of this Section of the DCP are:

- To manage existing and future levels of traffic generation during the morning and afternoon peak periods.
- To improve the share of alternative transport modes by reducing the reliance on the private car for trips and promoting public transport, walking and cycling.
- To improve the feasibility of commercial development in the City Centre by providing sustainable alternatives such as car sharing schemes and travel plans to reduce the requirement for car parking.
- To ensure parking is adequate and managed in a way that maintains pedestrian safety and the quality of the public domain whilst minimizing traffic generation and impact on surrounding areas.
- To promote pleasant, safe car parking areas that do not adversely impact on the surrounding areas.
- To implement the actions of the *Metropolitan Plan for Sydney 2036* and Hurstville City Centre TMAP (2013).

#### 5.4.2 Transport, Traffic and Parking Studies

##### Objective

To enable Council to manage transport demand generated by development, a suitable transport, traffic and parking assessment of development projects, must be provided by the developer/applicant.

##### Controls

Depending on the type of development, one or more of the following will be required to be submitted with the development application:

- (a) Transport and Parking Assessment Study.
- (b) Construction Traffic Management Plan.
- (c) Travel Plan.

The Transport and Parking Assessment Study must be prepared by a qualified traffic engineer. The study/report must be signed by the author with their qualifications and MIE membership number quoted.

#### Transport and Parking Assessment Study Requirements

A Transport and Parking Assessment Study is a technical investigation into the transport and safety issues that might arise from a development. It also assesses the transport related impacts on the surrounding transportation network that are generated by a development and how those impacts are to be managed. Such a study recognises the role of traffic within a broader transport system that includes public transport, walking and cycling. It must also identify the car parking requirements in



## 5. Controls for Residential, Commercial and Mixed Use Development

### 5.4 Transport, Traffic, Parking and Access

associated with a development, how these are to be met on-site, or if any contributions are required under Council's adopted Section 94 Contributions Plan.

See below for the detail required in the Transport and Parking Assessment Study. For further guidance please refer to the latest RMS Guide to Traffic Generating Development.

#### Transport and Parking Assessment Study

A Transport and Parking Assessment Study is to consider:

- (a) The accessibility of the site by a range of transport modes including car, public transport, walking and cycling.
- (b) The ability of the public transport network to service the site in the peak and off peak and weekend periods.
- (c) Mode share targets.
- (d) Means of minimising travel demand by car and maximising the share of travel by other modes including public transport, cycling and walking.
- (e) Compliance with the requirements of the LEP and DCP.
- (f) Identification and justification of car parking provision (car parking includes visitor and accessible spaces) and site servicing arrangements in accordance with objectives and DCP.
- (g) The proposed allocation of parking to apartment types in residential developments.
- (h) Access for the mobility impaired.
- (i) Estimates of trip generation by the development and the impacts of trips generated by the development on the surrounding road network, surrounding land uses and other movement systems.
- (j) Means of accommodating and integrating trips generated by the development including necessary improvements to public transport services and infrastructure (eg. bus shelters), pedestrian systems, bicycle routes, and the road network.
- (k) Means of mitigating any adverse impacts of the development on movement systems.
- (l) Means of improving access to the site having regard to vehicular, pedestrian, cycle and public transport access.
- (m) Impacts on and means of improving pedestrian accessibility to public transport (including proximity to services), shops, schools, open spaces; community centres and the like.
- (n) Impacts on and means of improving pedestrian safety including demonstrating that access driveways are not in undesirable locations.
- (o) Availability of on street parking and potential on street parking controls to discourage all day residential parking demand generated by the development.



#### Construction Traffic Management Plan (CTMP)

A CTMP is a practical response to ensuring that demolition and construction works do not adversely impact on the public domain or vehicular and pedestrian movements in an area. CTMP must ensure that public safety is maintained at all times and that wherever possible, interruptions to the use of public space is minimised. Council may require a development to provide a CTMP at the construction phase as a condition of consent.

A CTMP must detail how proposed development located on busy roads, bus routes or on difficult sites will be able to undertake loading and unloading, demolition and construction including the manoeuvring of trucks in and out of a site with minimum disruption to vehicular and pedestrian traffic or transportation networks.

#### 5.4.3 Sustainable Transport

##### 5.4.3.1 Car Share Schemes

Car sharing is a self-service car rental scheme for short periods of time, typically on an hourly basis. Car sharing schemes can enhance sustainable transport modes, such as walking, cycling and public transport by filling a “mobility gap” – that is providing access to a vehicle on an “as needs” basis, without the high cost of ownership or private parking space provision. Car sharing schemes aim to encourage individuals to share private vehicles for particular journeys. Employers can provide incentives to encourage car sharing including preferential parking and parking cash-out. Preferential parking reserves priority parking spaces within a car park for those arriving in multi-occupant vehicles, or even arriving during the less-congested times of the day. A parking cash-out program allows employees to keep parking space or give up the parking space and receive extra payment.

#### Objectives

- i. To support the reduction of car trips and encourage use of sustainable transport.
- ii. To integrate development with the public transport network and improve walking, cycling, sustainable transport options and public transport use.

#### Controls

Council may consider the provision of car share scheme in residential, mixed use and commercial developments but only if:

- (a) The number of car share parking spaces provided does not replace more than 25% of the total off-street parking requirement if those car share space had not been provided, excluding any residential visitor parking spaces; and
- (b) 1 car space can be provided in lieu of 3 car parking spaces.

Note: The installation of car share scheme to replace general off-street parking is optional and at the discretion of the developer.



#### 5.4.3.2 Travel Plans

Travel Plans (TP) are a site-specific plan which provides details to visitors/ workers on how to access that site by walking, cycling or public transport and form a key action in the *Metropolitan Plan for Sydney 2036*. TPs encourage people to consider alternate means to accessing a site rather than by private motor vehicle and may also be known as:

- (a) Workplace Travel Plan (e.g. for commercial premises and industry and the like);
- (b) Education Travel Plans (e.g. educational establishments);
- (c) Residential Travel Plans (e.g. residential accommodation); and
- (d) Visitor and Leisure Travel Plans plus others (e.g. Tourist and Visitor Accommodation and recreational facilities)

#### Objectives

- i. To encourage employees within an organisation to make greater use of public transport, cycling, walking and car sharing for commuting and work related journeys.

#### Controls

Travel Plans must be submitted with all development applications that involve:

- (a) New, or redevelopment of, non-residential developments which result in the total floor space of the development exceeding 2,000m<sup>2</sup>.
- (b) New, or redevelopment of, educational establishments which result in the total number of students exceeding 100 persons.
- (c) The provision of 50 or more dwellings.

Components/strategies of a Travel Plan will likely vary according to the nature of the proposed development. See below for components or strategies for consideration in a travel plan.

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>(a)</li> <li>(b)</li> <li>(c)</li> <li>(d)</li> <li>(e)</li> <li>(f)</li> <li>(g)</li> <li>(h)</li> </ul> | <p>Identification and promotion of public transport options to access the site (for example, on a website and /or business cards);</p> <p>Preparation of a Transport Access Guide (TAG) for the site.</p> <p>Note: Transport Access Guides (TAGs) provide information to staff and clients on how to reach places via public transport, walking or cycling. More information on development, implementation and publicising TAGs is available on the Roads and Maritime Services website:<br/> <a href="http://www.rms.nsw.gov.au/usingroads/downloads/sedatransportaccessguide_dl1.html">http://www.rms.nsw.gov.au/usingroads/downloads/sedatransportaccessguide_dl1.html</a></p> <p>Implementation of a car pool system for employees;</p> <p>Introduce staff car sharing scheme for fleet vehicles;</p> <p>Introduce flexible working arrangements, to minimize peak hour traffic generation;</p> <p>Use taxis or public transport for work related journeys;</p> <p>Provide priority parking for staff who car pool with more than 2 passengers;</p> <p>Encouragement of cycling and walking to the workplace through generous provision of bicycle parking, showers and lockers;</p> |
|--|---|



## 5. Controls for Residential, Commercial and Mixed Use Development

### 5.4 Transport, Traffic, Parking and Access

- (i) Incentive schemes to encourage employees to commute using sustainable transport modes (such as the provisions of public transport vouchers/subsidised public transport tickets);
- (j) Allocation of designated parking spaces for a car sharing scheme;
- (k) Prominent display of a large map of cycling routes (i.e. in the foyer of a residential complex);
- (l) Provide staff with cycling allowances, loans and insurance together with bicycle storage and showering and changing facilities;
- (m) Provision of a bus to pick up and drop off staff to the nearest railway station.
- (n) The undertakings made in the TP may be included in the conditions of any development consent.

Note: The strategies listed above do not comprise an exhaustive list and Council will consider alternative strategies that reduce the reliance on the use of private motor vehicles.

#### 5.4.3.3 Bicycle Facilities

In recognition of a more sustainable City Centre and the creation of extended pedestrian and bicycle networks, the following objectives and controls seek to better accommodate bicycle facilities within the future built form of the City Centre.

#### Objectives

- i. To encourage the use of bicycles for trips that might otherwise involve the private motor vehicle.
- ii. To ensure the facilities required to support bicycle users are provided.
- iii. To ensure that appropriate facilities are available to permit safe and convenient storage of bicycles.

#### Controls

- (a) Bicycle storage racks must be provided to accommodate a minimum of:
  - 1 bicycle space for every 200 square metres of office floor space
  - 1 bicycle space per 300 square metres of retail
  - 1 bicycle space for every 3 residential units
- (b) Bicycle racks must be easily accessible from the public domain, and within areas that are well lit with adequate levels of natural surveillance.
- (c) The bicycle parking area must be capable of being made secure to protect the security of cyclists and their belongings with communal showers, changing facilities and lockers for storing cycling attire and equipment provided.
- (d) Notwithstanding (b) and (c) above, bicycle storage facilities for residential uses can be provided within private garage areas, where it is demonstrated that:
  - There is sufficient storage within the garage for a bicycle and the required number of vehicles; and
  - There is a safe path for cyclists to leave the garage area.



**5.4.4 Parking and Service Delivery Requirements****5.4.4.1 Vehicle Parking Rates**

As a result of intensifying development within the City Centre, parking and traffic pressures will increase, highlighting the need for appropriate off street parking and better parking facilities. Consequently, development within the Hurstville City Centre requires the provision of sufficient off street/ on-site parking suitable for development proposals.

It is important these parking facilities have a positive influence on the quality of the environment through their positioning, operation and landscaping.

**Objectives**

- i. To ensure that sufficient, safe and convenient car parking is provided on-site meeting user requirements including pedestrians, cyclists and vehicles.
- ii. To minimise the reliance on private car usage.
- iii. To facilitate the use of public and alternative transport modes including walking and cycling.

**Controls**

- (a) Parking areas must be designed to facilitate the safe and efficient movement and circulation of vehicles and pedestrians, including safe pedestrian access within car parks.
- (b) Parking areas and loading/unloading facilities must be designed to comply with the requirements of the latest Australian Standards for standard vehicles as defined by AS 2890.
- (c) Car park location and design needs to be carefully considered to ensure pedestrian safety, clear sight lines and to maintain streetscape character and amenity. All carparking must be positioned below ground level as demonstrated in Figure 5.4.1 below. Should site constraints restrict parking below ground level, parking must be concealed behind retail development, as demonstrated in Figure 5.4.2.
- (d) Provide on-site car parking, including visitor parking at the minimum rates stated in the car parking table below.
- (e) Where parking calculations produce a fraction, the number is rounded up e.g. 3.2 spaces = 4 spaces.
- (f) For mixed use development the allocation of car spaces among the uses is to be indicated on the DA plans.
- (g) The use of car spaces is restricted to the occupiers(s) and visitors of a development.
- (h) Any non-residential development that cannot provide all of the required car parking on-site will be required to pay a contribution for each deficient car parking space in accordance with Council's adopted section 94 contributions plan.
- (i) Development generating high amounts of traffic, as defined under State Environmental Planning Policy (Infrastructure) 2007, is to be referred to the Roads and Maritime Services (RMS) for consideration. Schedule 3 of *SEPP (Infrastructure) 2007* outlines the provisions of developments that need to be referred to the RMS.

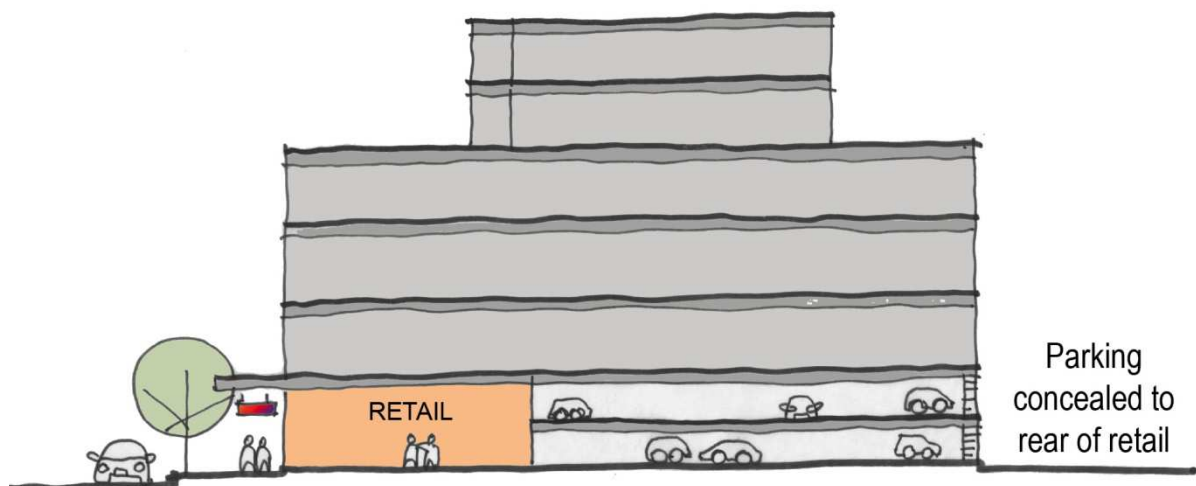


## 5. Controls for Residential, Commercial and Mixed Use Development

### 5.4 Transport, Traffic, Parking and Access

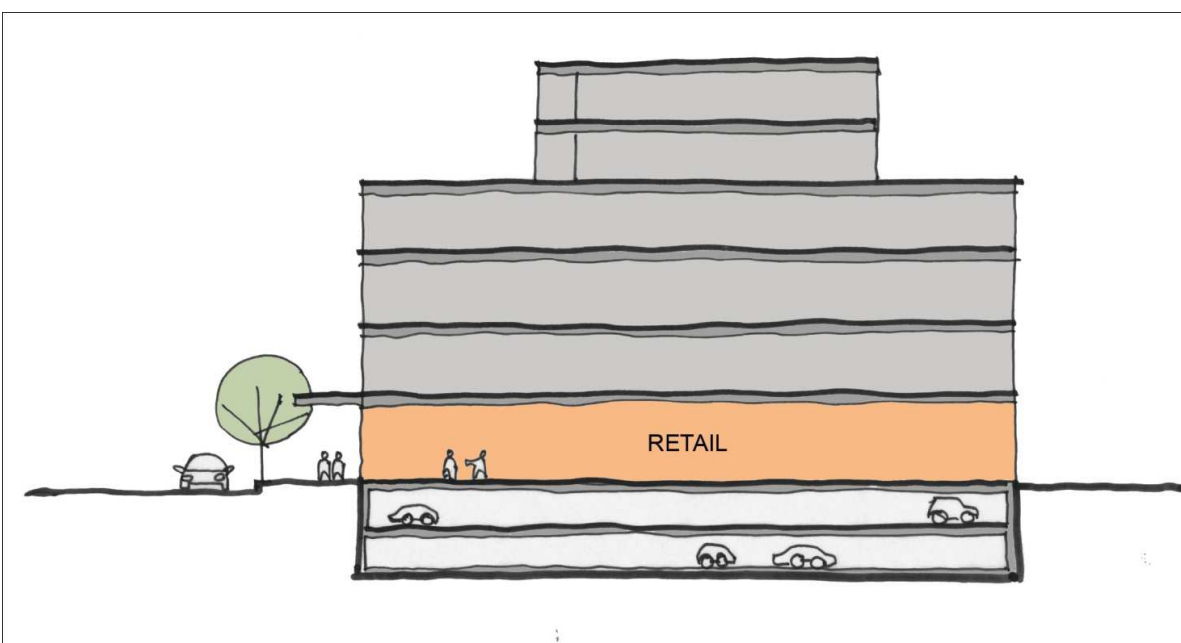
- (j) Where a development involves a change of use that would generate a greater car parking requirement than the previous development, additional parking is required to be provided equivalent to the difference between the two parking requirements. This approach results in the calculation of a historical deficiency in parking that is then applied as a credit to the parking calculation for the new use.
- (k) No additional parking is required for a change of use of an existing commercial premises to another type of commercial premises where the GFA of the premises is less than 100sqm.
- (l) Where a development involves alterations and additions, additional parking is required to be provided equivalent to the increase in gross floor area, number of seats, number of beds, or whichever specific unit upon which car parking demand is measured. This approach results in the calculation of a historical deficiency in parking that is then applied as a credit to the parking calculation for the expanded use.

In the case of substantial alterations and additions that effectively involve the virtual reconstruction of a building, the historical deficiency will not be permitted to be credited to the parking calculation.



**Figure 5.4.1:** Parking behind Retail





**Figure 5.4.2:** Parking positioned below ground

Please refer to the Dictionary within Hurstville LEP 2012 for the definition of the terms listed below.

Development Type	Minimum car parking rate
<b>BUSINESS AND RETAIL</b>	
Business Premises and office premises in B3 Commercial Core Zone	1 space per 200m <sup>2</sup> (B3 Commercial Core)
Business Premises and office premises in B4 Mixed Use Zone	1 space per 100m <sup>2</sup> (B4 Mixed Use)
Retail premises (including food and drink premises, restaurants and cafe unless elsewhere defined)	1 space per 50m <sup>2</sup>
Entertainment facilities, function centres	Identify car parking demand through a Transport and Parking Assessment Study.
Pubs	1 space per 50m <sup>2</sup>
Registered Clubs (excluding residential) and nightclubs	1 space per 18.5m <sup>2</sup>
Service stations, Vehicle repair; Passenger transport facilities; transport depots	Identify car parking demand through a Transport and Parking Assessment Study.
Child care centres	1 space per 10 children for drop off and pick up and 1 space per 2 staff; with a Transport and Parking Assessment Study.
Educational establishments	1 space per 2 employees (also refer to section 5.4.3.2 on Travel Plan requirements)



## 5. Controls for Residential, Commercial and Mixed Use Development

### 5.4 Transport, Traffic, Parking and Access

Development Type	Minimum car parking rate
Community Facilities; information and education facilities; public administration building	Identify car parking demand through a Transport and Parking Assessment Study.
Funeral Chapels, Funeral Homes	1 space per 10 seats
Health Consulting rooms	1 space per practitioner + 1 space per consulting room
Hospitals	Identify car parking demand through a Transport and Parking Assessment Study.
Tourist and Visitor Accommodation (includes backpackers accommodation; bed & breakfast accommodation; hotel or motel accommodation and serviced apartments).	1 space per 5 bedrooms/unit of accommodation (excluding Backpacker accommodation);  1 space per 5 beds of backpacker accommodation;  Plus the requirements of any associated restaurant/function room etc.
Medical Centre	1 space per practitioner + 1 space per consulting room
Places of Worship	1 space per 10 seats or 1 space per 10m <sup>2</sup> GFA (whichever is greater) with a Transport and Parking Assessment Study..
Restricted Premises	1 space per 50m <sup>2</sup> .
Recreational Area, Recreation Facility (indoor) (includes gymnasium) and Recreation Facility (outdoor)	Identify car parking demand through a Transport and Parking Assessment Study.
Respite day care centres	1 space per 4 persons (pick up and drop off to be considered)
Supermarkets	1 space per 50m <sup>2</sup> with a Transport and Parking Assessment Study.
Vehicle sales and hire	1 space per 100m <sup>2</sup>
Veterinary hospitals	1 space per practitioner + 1 space per consulting room
<b>RESIDENTIAL PARKING RATES</b>	
Dwelling (1-2 bedrooms)	1 space per dwelling
Dwelling (3 bedrooms)	2 spaces per dwelling
Dwelling - Visitor spaces	1 space per 4 dwellings (or part thereof)

#### 5.4.3.2 Other Car Parking Controls

##### Visitor Parking

- (a) Designate disabled and visitor car parking spaces as common property.

##### Car Parking for Adaptable Dwellings

- (a) Developments containing adaptable housing must allocate at least one accessible parking space to each adaptable dwelling.



#### Stack Parking

Stack parking describes the situation where the use of any parking space requires the movement of one or more other vehicles. Any proposal for stack parking must provide evidence that there is a real need for stack parking and that such a provision will not adversely affect the use of the site.

For residential development, stack parking may be provided where the spaces can be allocated to the same dwelling. For other types of development, stack parking may be accepted for low turnover uses provided that:

- Not more than 25% of cars must be stack parked;
- Provision is made in the design of the car park to enable reasonable shuffling of cars without the movement or the likely encouragement of reversing vehicles on or off the property.

#### Mechanical Parking

A mechanical car parking system is where cars are parked by mechanical means, rather than by the driver of the vehicle. Proponents for such a system will be required to advise Council why a mechanical parking system is considered more appropriate than conventional means of parking. The following principles must be considered when implementing mechanical car parking systems:

- There is a demonstrated need for such a facility and that such a provision will not adversely affect the use of the site or immediate locality;
- Structural elements must comply with industry standards, with particular emphasis on safety;
- Systems must not endanger persons or vehicles;
- Noise level kept to a minimum;
- Emergency measures predetermined to cope with an emergency;
- Queuing must not occur on-street; and
- Trained personnel must operate the parking system.

Mechanical parking systems are not suitable for visitor or disabled persons parking spaces.

#### Car Wash Bays

- (a) For residential developments containing 4 or more dwellings, a car wash bay is to be provided within the visitor parking area. The car wash bay may comprise a visitor car space.
- (b) The wash bay is to be adequately drained and connected to the sewer line.

#### 5.4.5 Vehicular Access and Manoeuvring

The location, type and design of vehicle access points to a development can have significant impacts on streetscape, the site layout and the building façade design.



While development requires vehicular access and therefore crossings, these crossings over footpaths disrupt pedestrian movement and threaten safety. The design of vehicle access to buildings also influences the quality of the public domain. Overly wide and high vehicle access points detract from the streetscape and the active use of street frontages.

The design and location of vehicle access to developments must minimise both conflicts between pedestrians and vehicles on footpaths, particularly along pedestrian priority places and visual intrusion and disruption of streetscape continuity.

#### Objectives

- i. To ensure that vehicle movements are compatible with pedestrian movements and activities.
- ii. To minimise the impact of vehicle access points and driveway crossovers on streetscape amenity, pedestrian safety and the quality of the public domain.

#### Controls

##### Location of Vehicular Access

- (a) Vehicular access points must be provided in accordance with Figure 5.4.4.
- (b) Where practicable, vehicle access is to be from lanes and minor streets, such as Second and Third Order Streets, rather than the First Order streets with major pedestrian activity or along park edges. Refer to the Street Hierarchy Map, Figure 5.3.11 in Section 5.3.10.
- (c) Vehicular access to sites along Forest Road, (the First Order street) are not permitted.
- (d) Some properties located along the southern side of Forest Road abut RailCorp property and access roads/lanes. RailCorp approval is required if access is sought from these lanes.
- (e) One vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be permitted per site. More than one vehicular access point may be permitted on larger sites where it can be demonstrated to meet the above objectives.
- (f) No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified as significant pedestrian circulation routes in Figure 5.4.4.
- (g) Vehicle access may not be required or may be denied to some properties listed as heritage items under Schedule 5 of Hurstville LEP 2012.

##### Design of Vehicular Access

- (a) Vehicle entries must have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes must be visible from the street.
- (b) Vehicle access is to be designed to:
  - Minimise the impact on the street, site layout and the building façade design; and
  - If located off a primary street frontage, be integrated into the building design.



## 5. Controls for Residential, Commercial and Mixed Use Development

### 5.4 Transport, Traffic, Parking and Access

- (c) Where practicable, buildings must share, amalgamate, or provide a rear lane for vehicle access points.
- (d) All vehicles must be able to enter and leave the site in a forward direction
- (e) Separate and clearly differentiated pedestrian and vehicle access must be provided.
- (f) Vehicular access must be located a minimum of 3 metres from pedestrian entrances.
- (g) Vehicular access may not ramp along boundary alignments edging the public domain, streets, lanes parks and the like.
- (h) Driveway crossing width and the profile must comply with Council Standards and the relevant Australian Standards (AS2890 or as amended)
- (i) Driveway widths must comply with the relevant Australian Standards.
- (j) Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1 or as amended).
- (k) Access ways to underground parking should not be located adjacent to doors or windows of the habitable rooms of any residential development.



Figure 5.4.4 - Vehicle Access Map





#### 5.4.6 Loading/Unloading facilities and Service Vehicle Manoeuvring

- (a) For the development of all new buildings, site design must allocate adequate space for the loading, unloading, parking and manoeuvring of delivery and service vehicles within the subject property. Design of these areas shall comply with AS 2890 or as amended.
- (b) All loading and unloading activities must take place wholly within the loading bay, at all times. No loading or unloading activity is to take place within any car parking area, landscaping area, pedestrian footway or any public road reserve.
- (c) All delivery vehicles must be able to enter and leave the site in a forward direction.

#### 5.4.7 Pedestrian Access and Mobility

Any new development must be designed to ensure that safe and equitable access is provided to all including people with a disability.

##### Objectives

- i. Ensure that people with disabilities and people with mobility constraints are able to participate in community life.
- ii. Ensure all buildings and places are accessible to people with a disability.

##### Controls

- (a) Access to public areas of buildings and dwellings must follow the principles of universal access, with any development providing continuous paths of travel from all public roads and spaces as well as unimpeded internal access.
- (b) Access must be direct and without unnecessary barriers. Avoid obstructions, which cause difficulties including:
  - Uneven and slippery surfaces;
  - Steep stairs and ramps;
  - Narrow doorways, paths and corridors; and
  - Devices such as door handles which require two hands to operate.
- (c) Ensure that barrier free access is provided to the common areas of all buildings, and not less than 20% of dwellings in each development.
- (d) The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended).
- (e) The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.
- (f) Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.



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## 6.1 Public Domain

The public domain comprises the public space in the City Centre, the public face and setting for buildings and structures. It is the parts of the City Centre not privately owned. The streets, squares and parks that form the public domain provide community activity and recreation space. The goal of public domain design is to create an integrated space that is legible, comfortable, safe and engaging; which encourages pedestrian use and increases the amount and quality of public leisure spaces.

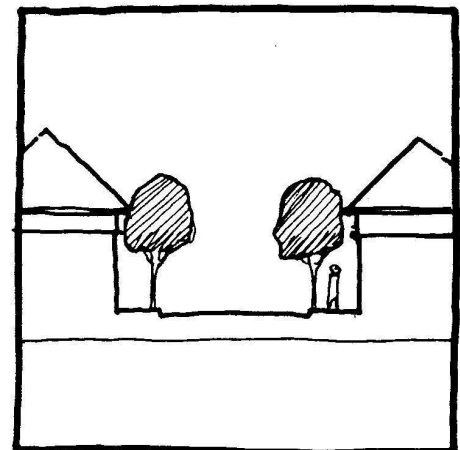
Each design decision made for the public domain should be considered holistically, and with regard to potential physical and social impact.

### 6.1.1 Landscaping (Street Trees)

Street trees can improve legibility in the urban environment by reinforcing the hierarchy of streets and enhancing sense of place. Placement of trees affects light and shadow, colour and views, which contributes to the quality of pedestrian experience. Trees also contribute to environmental quality in many ways.

#### Objectives

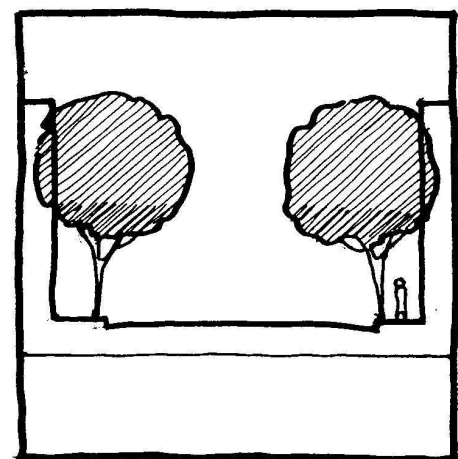
- i. Contribute to the environmental quality of the urban environment.
- ii. Create a strong linear space by planting trees at regular intervals along the street edge.
- iii. Seek to improve the spatial quality of regional roads, with the regular planting of large trees.
- iv. To contribute to the pedestrian scale and amenity where they are lacking, and emphasis topography and special places within the urban core.
- v. To consider the existing spatial quality of the street and the established pattern of tree planting.
- vi. Placement and location of planting should consider access for winter sunlight, species hardiness and appropriate scale.



*Narrow street - small trees such as Robinia are suitable*

#### Controls

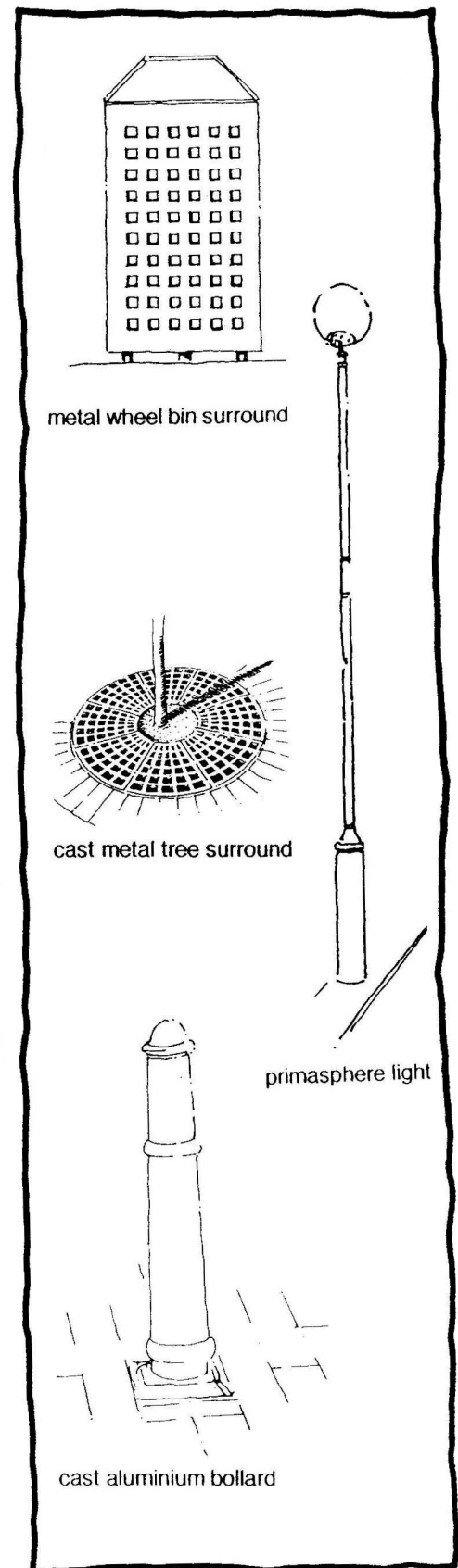
- (a) Select trees with a mature height and spread which is appropriate to the scale of the street. Generally, smaller trees are suitable for narrow streets and lanes, and tall trees with a spreading canopy will suit most streets with a 20 metres or wider road reserve.
- (b) The canopy of trees should be undercut to two metres minimum to allow pedestrian access. A management principle for consent.



*Wide street - use large species such as Tallowood*



- (c) Protect and enhance the long range views that characterise the City Centre. Placement of trees should not block significant views.
- (d) Landscape themes should relate to the City Centre cultural, historical and natural legacy.
- (e) Establish street trees to encourage a pedestrian scale in Urban Core streets dominated by very large buildings.
- (f) In streets that have a strong spatial quality defined by built form and shade and shelter provided by awnings, street trees will be less important or unnecessary.
- (g) Balance the use of deciduous trees particularly on east west streets to allow solar access to buildings and streets in winter.
- (h) Design the layout of street trees to retain the prominence of heritage buildings in the streetscape. Discontinue planting in front of heritage buildings, or use appropriate trees to frame the building.
- (i) Use trees to enhance and emphasise topography, by defining high points.
- (j) Establish strong continuous tree planting along regional roads, subject to concurrence, to improve legibility. Trees with a high canopy, such as *Eucalyptus maculata* may be planted where visibility of commercial frontages at the ground floor is imperative.
- (k) Extend the pattern of planting in peripheral streets into the residential and transitional streets of the City Centre.
- (l) Design the verge to accommodate planting of large trees, where appropriate. Power lines along regional roads should be aerial bundled, or located underground where possible, to accommodate tree planting. Power lines in all other streets should be located underground in the verge, outside the influence of tree roots.
- (m) Planting is to be in keeping with the Hurstville City Centre Public Domain Plan 2007.



*Street furniture*



### 6.1.2 Infrastructure (Street Furniture, Lighting)

While buildings and trees are the dominant structuring element of streets, other urban elements such as paving, lighting, furniture, bus shelters, notice boards etc. can be used to create a particular image in urban areas. A limited palette of paving and furniture will establish a design language to unify the public domain, and establish desired urban quality outcome.

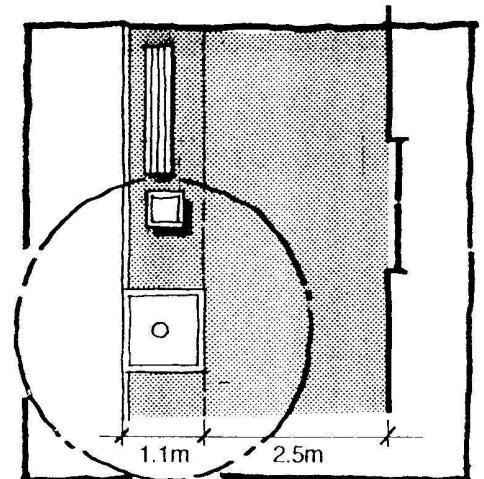
#### Objectives

Street furniture should:

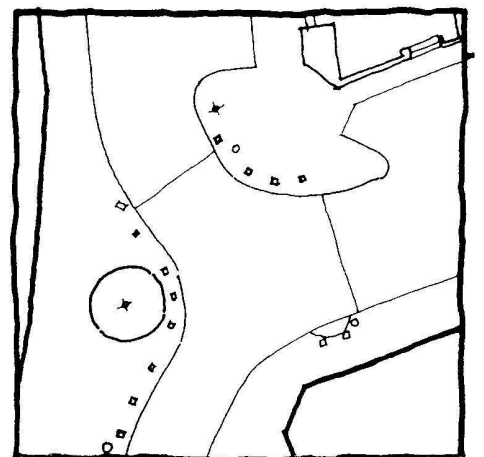
- i. Be used to define special places.
- ii. Be robust, attractive and fit for purpose;
- iii. Be of an appropriate level of amenity while avoiding clutter;
- iv. Maintain a strong street geometry, reinforcing the linear space set up by the built edge.

#### Controls

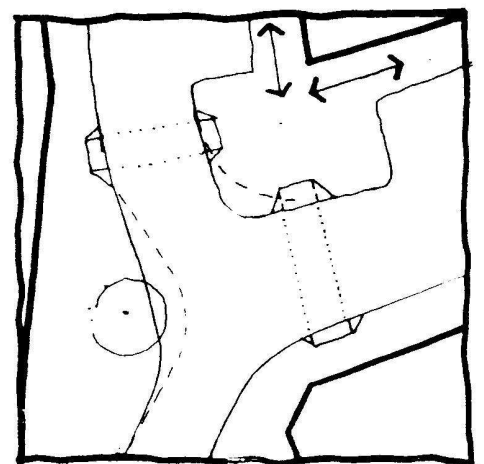
- (a) Street furniture is to be in keeping with the elements drawn from the Hurstville City Centre Public Domain Plan 2007.
- (b) Establish a consistent geometry for kerblines, corners and parking bays that emphasises the dominant geometry created by built edges.
- (c) Planter boxes should have a minimum width of one metre and be supplied with an adequate drainage and watering system.
- (d) Integrate the needs of the disabled with those of traffic, paving and urban furnishings; marker strips, ramps etc. should not only respond functionally, but be part of the overall image.
- (e) Reduce clutter on streets by integrating signs and lights with each other, or with architectural elements.
- (f) Consistent under awning lighting could be provided along streets with awnings.
- (g) The provision of seats and lighting are to be upgraded in the streets leading to Forest Road, creating a safe and convenient pedestrian network.



*Position furniture at street edge to allow clear passage*



*Crossing points unclear, path obstructed by elements*



*Remove bollards; place kerb ramps to provide a direct route.*



#### 6.1.3 Front Fences / Outdoor Dining

For details in relation to Front Fences please refer to Councils Fencing adjacent to Public Roads Policy (Appendix 2).

For details in relation to Outdoor Dining please refer for Council's Public Spaces Local Approvals Policy (Appendix 2).

#### 6.1.4 Paving, Culture and Public Art

##### Objectives

- i. To ensure a clear separation between roadway and parking areas for legibility and safety on streets with a continuous flow of traffic, particularly for vision impaired people.
- ii. Provide a consistent paving policy in order to unify the City Centre.
- iii. To contribute to the cultural life and enjoyment of commercial areas.

##### Controls

- (a) Provide a pavement surface which is consistently graded both along and across the pedestrian route.
- (b) Use tactile indicators in paving with discretion, considering the needs of all pedestrians.
- (c) Separate the pedestrian area from roadway.
- (d) Paving is to be in keeping with elements drawn the Hurstville City Centre Public Domain Plan 2007 and cited.
- (e) The design of public art to be in accordance with the Hurstville City Centre Public Domain Plan.

#### 6.1.5 Signage

This section of the DCP applies to 'signage' as defined within the Dictionary of the Hurstville LEP 2012.

##### 6.1.5.1 Types of Signage & General Requirements

##### Aim

The primary aims of this Section are to:

- i. Provide a consistent approach to the design and siting of signage by encouraging coordinated signs of high quality design and materials.
- ii. Encourage signage that:
  - Respect significant views, vistas and visually sensitive areas.
  - Compliment the building or site on which they are located.
  - Are designed to respect and not obscure important detailing or architectural features of buildings or streetscapes.
  - Are compatible with the scale, character and amenity of surrounding development and the locality.
- iii. Ensure that signage does not dominate the visual character of its location.



- iv. Provide reasonable and equitable rights to advertise.
- v. Prevent excessive signage and visual clutter of the built environment through the rationalisation of signs and by limiting the number of signs that may be erected on any one building or site.
- vi. Ensure that the location and design of signage is consistent with road safety principles.
- vii. Ensure that signs do not affect the amenity of residents, and/or occupiers of a building by way of excessive shadow or light spill from illumination at night, and
- viii. Convey the advertiser's message and images without causing an adverse social impact upon the community, and without excluding any part of the community from being able to receive and understand the message or image.

#### **Signage that is Discouraged**

Council does not permit the following types of signage:

- Advertising display area over 45sqm.
- Roof or sky advertisements.
- Special promotional advertisements.
- Building wrap advertisements.
- Above awning signs.
- Advertising signs and structures that project from a wall or are suspended from an awning at a height lower than 2.6m at any point above a footpath (except in the case of an under awning bracket sign or a drop awning sign), and
- Advertising signs or structures that do not comply with all the applicable requirements of the Building Code of Australia (BCA) and relevant Australian Standards (AS).

#### **Signage Definitions and Requirements**

Please refer to the following documents to confirm the approval process for signage:

- State Environmental Planning Policy No.64 – Advertising and Signage;
- State Environmental Planning Policy (Exempt and Complying) 2008;
- Hurstville LEP 2012.

Signage is defined within the Dictionary of the Hurstville LEP 2012 as:

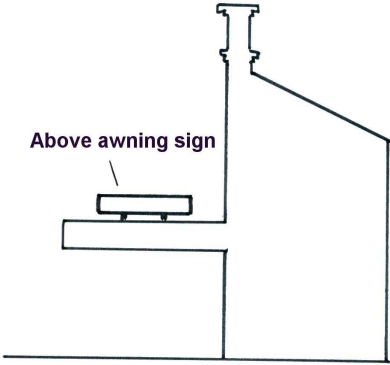
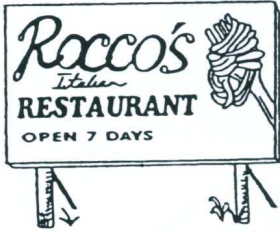

*Signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:*

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

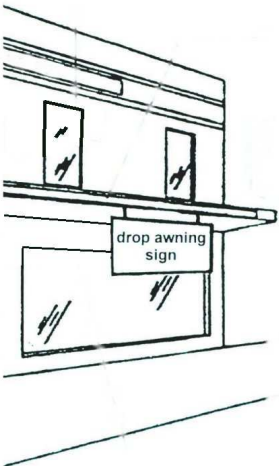
*but does not include a traffic sign or traffic control facilities.*

The following table provides a description of the different types of signage, and lists the requirements that apply to each sign type. Signs that require Council approval will be subject to a merit assessment based on the guidelines and controls contained in this DCP.

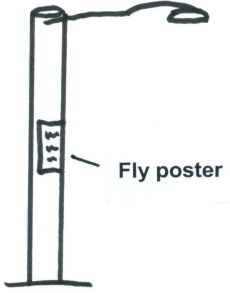
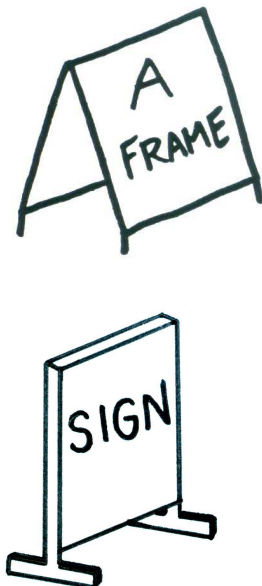


SIGN TYPE	DEFINITION & REQUIREMENTS
<p><b>Above Awning Sign</b> Any sign fixed to the upper side of an awning, excluding temporary real estate signs.</p>  <p>The diagram shows a side elevation of a building with a flat roof and a chimney. A rectangular sign is mounted on the upper side of a horizontal awning that extends from the building's facade. A label 'Above awning sign' with a pointer indicates the sign's location.</p>	<p><b>Council will not permit above awning signs.</b></p>
<p><b>Billboard Sign (free standing)</b> A sign used for the display of general advertising material not necessarily related to the place or premises on which it is located.</p>  <p>The diagram shows a rectangular billboard sign supported by two metal posts. The sign features the text 'Rocco's Italian RESTAURANT' in a stylized font, with 'OPEN 7 DAYS' below it. To the right of the text is an illustration of a hand holding a fork and a piece of food.</p>	<p><b>Council approval is required, and a merit-based assessment will be conducted in accordance with this Section of the DCP.</b></p> <p><b>Advisory Note:</b> SEPP 64 should be consulted for additional requirements for billboard signs.</p>
<p><b>Business Directory Board (multiple occupancy)</b> Free standing advertising structure that is located within the property boundary of a multiple occupancy premises, and which identifies the names and activities of the occupants of the premises.</p>  <p>The diagram shows a tall, narrow, arched signpost with multiple horizontal panels. At the top, it reads '487-493 WILLIS ROAD'. Below this are five numbered panels (1-5) each containing a business name and logo: 'Buckley's FABRICATIONS', 'PAUL'S GAS FITTERS', 'CHARLES'S CARBON', 'STODOLSKY MEAT AND PRODUCE', and 'THOMAS CHANDLER'. The signpost is supported by two vertical posts.</p>	<p>Only one per premises.</p> <p><b>Council approval is required, and a merit-based assessment will be conducted in accordance with this Section of the DCP.</b></p>

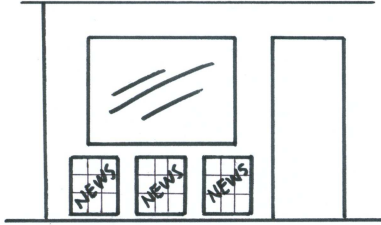



SIGN TYPE	DEFINITION & REQUIREMENTS
<p><b>Construction Sign</b></p> <p>During the construction of a building, the various firms who are involved in the construction may advertise at the site.</p>	<p>Refer to Clause 3.1 Exempt Development and Schedule 2 of the Hurstville LEP 2012 for the Exempt Development requirements.</p> <p><i>Unless Exempt, Council approval is required, and a merit-based assessment will be conducted in accordance with this Section of the DCP.</i></p>
<p><b>Drop Awning Sign</b> (weather protection sign / canvas blind)</p> <p>A sign displayed on a roll down blind, retractable sun/weather protection awning, or the like, that is attached to the underside or outer edge of the awning and is parallel to the kerb.</p> 	<p><i>Council approval is required, and a merit-based assessment will be conducted in accordance with this Section of the DCP.</i></p>
<p><b>Flag Pole Sign</b></p> <p>A sign in the form of a flag attached to a pole projecting vertically or at an angle from a building or site, but does not include a sign specifically defined elsewhere in this DCP.</p>	<p><i>Council will not permit flag pole signs.</i></p>
<p><b>Flashing Sign</b></p> <p>Illuminated (as to any part of the advertisement area) at frequent intervals by an internal or external (floor light) source of artificial light.</p>	<p><i>Council will not permit flashing signs.</i></p>
<p><b>Fly Poster</b> (bill poster)</p> <p>A poster-type advertisement promoting any event, activity, product or service fixed to power poles, bus shelters or other public property, fences, buildings, shop fronts, shop front</p>	<p><i>Refer to Council's Public Spaces Local Approvals Policy for details relating to posters.</i></p>

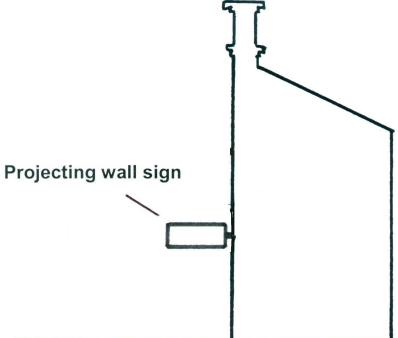
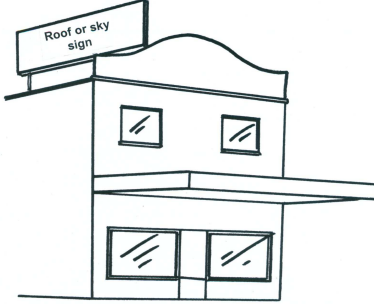
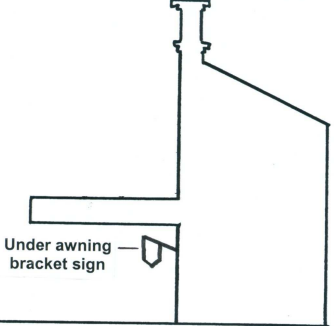


SIGN TYPE	DEFINITION & REQUIREMENTS
<p>windows or hoardings.</p>  <p>The diagram shows a vertical rectangular sign attached to a wall. A label 'Fly poster' points to the sign.</p>	
<p><b>Free Standing Signboard</b> (A-frame sign / sandwich board)</p> <p>A moveable freestanding sign displayed at ground level.</p>  <p>The diagram shows two types of free-standing signs. The top one is an A-frame sign with the text 'A FRAME' on its front panel. The bottom one is a sandwich board sign with the text 'SIGN' on its front panel.</p>	<p><i>Refer to Council's Public Spaces Local Approvals Policy for details relating to posters.</i></p>
<p><b>Illuminated Sign</b></p> <p>A sign illuminated by an internal or external source of artificial light (whether or not included in any other sign definition).</p>	<p>Council discourages illuminated signs.</p> <p><i>Requires Council approval and must comply with the Design and Siting Requirements relating to illuminated signs.</i></p>
<p><b>Inflatable Sign</b></p> <p>A sign in the form of an inflatable structure.</p>	<p><i>Council approval is required, and a merit-based assessment will be conducted in accordance with this Section of the DCP.</i></p>



SIGN TYPE	DEFINITION & REQUIREMENTS
<p><b>Moving Sign / Video Sign / Electronic Message Board</b> Any sign capable of having any part of its structure or message move or change by any source of power, excluding traffic information signs.</p>	<p><i>Council approval is required, and a merit-based assessment will be conducted in accordance with this Section of the DCP.</i></p>
<p><b>Newsagent Headline Placards</b> Signs providing notice of news and entertainment headlines and the like, including magazine promotions.</p> 	<p><i>Council approval is required, and a merit-based assessment will be conducted in accordance with this Section of the DCP.</i></p> <p><u><b>Advisory Note:</b></u> For signs placed in windows, see requirements for “Window Signs.”</p>
<p><b>Pole or Pylon Sign (freestanding)</b> A sign mounted on the ground on one or more supports such as a pole or pylon at ground level, which is independent of any building or other structure.</p> 	<p><i>Requires Council approval.</i></p> <p><b>Must comply with all of the following controls:</b></p> <ul style="list-style-type: none"> <li>▪ Not to project over footpath or roadway</li> <li>▪ Maximum area 8m<sup>2</sup></li> <li>▪ Maximum height 7.5m to the top of sign, above natural ground level</li> <li>▪ Where more than one pole or pylon sign is provided, they should have the same setback and be of uniform design and spacing</li> <li>▪ Message must relate to use of the premises.</li> </ul>



SIGN TYPE	DEFINITION & REQUIREMENTS
<p><b>Projecting Wall Sign</b> A sign attached to the wall of a building (other than the transom of a doorway or display window) and projecting horizontally more than 300mm from the facade.</p> 	<p><b>Requires Council approval.</b></p> <p><b>Must comply with all of the following controls:</b></p> <ul style="list-style-type: none"> <li>Maximum height of 3.1m above ground level, or below the first floor window sill level where there is no awning, whichever is lower.</li> <li>Maximum area of 2m<sup>2</sup></li> <li>Erected at right angles to the building.</li> </ul>
<p><b>Roof or Sky Sign</b> A sign attached to, painted on, or erected on or above the parapet or eaves of a building.</p> 	<p><b>Council cannot consent to a roof or sky sign pursuant to SEPP 64.</b></p>
<p><b>Under Awning Bracket Sign</b> A sign suspended from a wall-mounted bracket or pole under awning level.</p> 	<p><b>Council will not permit under awning bracket signs.</b></p>



#### 6.1.5.2 Design & Siting Requirements

##### 6.1.5.2.1 All Signage

###### Objectives

- i. To ensure the design and siting of proposed signage complements the character of an area and the site or building on which it is located, and does not impact adversely on the amenity or safety of the community.
- ii. To reduce the visual complexity of streetscapes by providing fewer, more effective signs.

###### Design Principles

Signage must:

- Not dominate a building or its architectural features, and enhance any architectural details of a building.
- Be proportional to the size of the building or space to which it is attached.
- Not lead to visual clutter through the proliferation of signs on a building or in adjacent areas; and
- Be compatible with the character of the area in which they are proposed.

##### 6.1.5.2.2 Controls

The following controls need to be met:

###### Zoning

The zoning requirements of the Hurstville LEP 2012 should be consulted to determine whether signage is permissible. Additional information regarding the controls for signage in the various zones is provided below.

###### *B3 Commercial Core and B4 Mixed Use*

- (a) Advertising on or attached to buildings should align and relate to the architectural design lines on a building facade or, in the absence of architectural detail or decoration, relate to the design lines of adjacent buildings.
- (b) Council discourages advertising signs on a building facade that are displayed on or above first floor level.
- (c) The wording (or advertising content) on any sign should relate to the premises on which the sign is erected or the activities carried on or within the premises, except in the case of a Billboard Sign where it can be demonstrated that general advertising will have no detrimental impact on nearby residential areas or pedestrians, or cause a distraction to motorists.
- (d) Council will consider retractable awnings (incorporating advertising) that are attached to walls or fixed awnings to provide shade and other weather protection for shop fronts and seating areas.
- (e) Shop front windows should permit a view into the shop premises, including to the cash register from the street, for security reasons.



#### *SP2 Infrastructure Zone*

Only Signage identified as 'exempt development' in the Hurstville LEP 2012 and the SEPP (Exempt and Complying Development) 2008, are permitted in the SP2 Infrastructure Zone. Exempt development does not require Council approval.

#### **Context and Siting of Signage**

- (a) The proposed advertising sign does not have any negative impacts on any views, vistas or skylines.
- (b) The proposed advertising sign is appropriate to the streetscape, setting or landscape, and not dominating in terms of its scale, proportion and form.
- (c) The size, height, shapes and colour of the proposed advertising sign is compatible with the site and its locality, and any buildings on which the advertising is situated. Signage should not be the dominant visual element on a building.
- (d) The cumulative impacts of multiple signage in the vicinity, and the number of existing signs on the premises will be considered. Council may place limits on the maximum number of signage allowed on any building or site.

#### **General Appearance, Content and Maintenance**

- (a) Council discourages signs prone to deterioration and may request removal of redundant, unsafe, unsightly or objectionable signage.
- (b) Council may require provision for maintenance of signage and discourages signage on common boundaries where maintenance difficulties could occur.

#### **Traffic and Pedestrian Safety**

- (a) The proposed advertising, whether illuminated or not, must not impact adversely on the safety for pedestrians, cyclists and on any public road.
- (b) Signage must be securely fastened to the structure or building to which it is attached, and must comply with all relevant Australian Standards and Building Code of Australia requirements.
- (c) Free standing signboards must be located and designed so that they do not pose any safety risk to pedestrians or motorists.
- (d) Signage must not be liable to interpretation as an official traffic sign or to be confused with instructions given by traffic signals or other devices, or block the view of traffic signals or signs.
- (e) Signs facing roads with high traffic volumes, traffic lights or major intersections may be referred to the Roads and Maritime Services (RMS) for comment.

#### **Illumination and Electrical Wiring**

- (a) The lighting intensity and hours of illumination must not unreasonably impact on any residential properties, adjoining or within the locality.
- (b) The lighting intensity of an advertising sign must be capable of modification or control after installation.



- (c) Illuminated signage must minimise the spill effects or escape of light beyond the subject sign, and must not compromise safety for pedestrians, vehicles or aircraft.
- (d) Council may impose a curfew on sign illumination between 11pm to 6am the following day, or restrict illumination to hours of operation for late night trading premises, where it is considered that adjoining residential areas will be unreasonably impacted by the illuminated sign.
- (e) Illuminated signage are generally inappropriate on sites fronting laneways, which serve as a buffer between residential, and business and retail areas.
- (f) Illuminated signage in residential zones will be considered on their merits, where it can be demonstrated that spillage of light into adjoining or nearby residential properties will be minimal.
- (g) Electrical wiring to illuminated signs or spotlights is to be concealed.

#### **Wording and Content**

- (a) All signage must be displayed in English but may include a translation in another language. Any translated message must be accurate and complete, and using wording and/or numbering that is not larger than the English message.
- (b) Signs must be attractive and professionally sign written.
- (c) Changes in the content or message of an signage are allowed without the approval of Council provided that:
  - The advertising structure has been approved by Council;
  - The size and dimensions of the sign remain as approved, or are reduced;
  - There is no change to the intensity of, or hours of illumination;
  - Moving or flashing messages or symbols are not proposed; and
  - The message is not likely to cause distraction to motorists.
- (d) The name or logo of the person who owns or leases an advertisement or advertising structure must not be greater than 0.25m<sup>2</sup>, and may appear only within the advertising display area.
- (e) Where a business or organisation offers a product or service, the name of the business or organisation should have greater dominance over the product or service advertising.
- (f) The wording and content of the advertising sign must not:
  - Offend nearby sensitive land uses (churches, schools, day care centres);
  - Contain undesirable discriminatory advertising messages as specified in the Anti-Discrimination Act 1977;
  - Encourage unlawful purchase, excessive consumption of alcohol; or
  - Promote anti-social behaviour.

#### **Heritage Items**

- (a) In all circumstances signage on the site of a heritage item or draft heritage item under the Hurstville LEP 2012, or that is subject to an Interim Heritage Order under the Heritage Act 1977, or that is listed on the State Heritage Register under that Act, requires development consent.



- (b) Signage next to or in the vicinity of a heritage item should be designed and located in a manner which enhances and complements the item and streetscape, and does not dominate or detract from the heritage item.
- (c) Applications for such signage will be considered on the merit of each individual case.

#### **Signs on Parked Vehicles**

Signage on parked vehicles (cars, trucks, motorcycles, trailers etc.) is prohibited where the vehicle is unregistered or the principal purpose of the vehicle is for advertising purposes.

#### **Large Developments**

Signage for large commercial type developments and those that contain multiple tenancies should be the subject of a co-ordinated approach to the design and siting of signs. Only one directory board will generally be permitted for multiple occupancy buildings.

#### **New Developments**

For new buildings, the location, type and total number of advertising signs should be considered at the development application stage so that they can be integrated into the design of buildings. This information is to be included as part of any development application for a new building.

#### **6.1.5.3 Advertising Opportunities from New Technologies**

##### **Objective**

To provide sufficient flexibility in Council's controls to enable the assessment of advertising generated from new technologies.

##### **Controls**

- (a) Council will consider any proposal for signage generated by new technology on its merits.
- (b) Signage involving animation, video screens and other forms of movement are generally inappropriate, where they are likely to adversely impact on residential areas or pedestrian amenity or safety, or are likely to distract motorists.
- (c) Signage that covers glass facades, including the use of coloured films and the like, must comply with the controls relating to window signs.
- (d) Electronic message boards will be considered in business and industrial zones where they provide a net benefit to the community, or are directly associated with a community use or building.



## 6.2 Environmental Management

### 6.2.1 Energy Efficiency and Conservation

Energy efficient buildings and building practices will minimise greenhouse gas emissions and increase the operational efficiency of buildings. Increasingly office and residential markets seek high levels of energy efficiency in their built form.

#### Objectives

- i. To reduce the proportion of overall energy consumption in the construction and use of buildings.
- ii. To ensure all future development is energy efficient so as to minimise greenhouse emissions, reduce operating cost of buildings and improve residential amenity.
- iii. To ensure all future development incorporates recycling and reuse of materials.
- iv. To ensure design of all future development responds to local climatic conditions.
- v. To ensure building design and materials are appropriate for the Hurstville micro-climate.
- vi. To maximise solar orientation and define building envelopes which optimise access to sunlight and minimise overshadowing impacts on public domain;
- vii. To minimise the use of materials and resources in buildings, where possible retain and enhance existing buildings and seek to recycle building materials in redevelopment.

#### Controls

- (a) Daylight access to habitable rooms must be ensured by providing glazing, including windows, skylights and clerestory glazing.
- (b) Glare and overheating in summer must be minimised, protecting east and west facing glazing with shading devices such as eaves, balconies, pergolas, external louvres/shutters or landscaping.
- (c) Dwellings must be designed to provide habitable rooms with direct access to fresh air and breezes - slender building forms (15-18 metres) will encourage dual-aspect apartment design, providing greater access to natural light and ventilation.
- (d) Use of air-conditioning and mechanical ventilation systems must be minimised through passive solar design.
- (e) Energy-efficient water heating systems (e.g. solar or gas), lighting and appliances must be employed.
- (f) Energy use for lighting should be minimised through the installation of movement sensors and timers in public areas.
- (g) Adequate screened area for outdoor washing lines, which are not visible from the street, must be provided to reduce reliance on clothes dryers.
- (h) Roofs must be designed to respond to solar orientation and access to natural light, the movement of air through the building, the collection of rainwater and to accommodate solar hot water and/or photovoltaic panels.
- (i) Wet areas such as bathrooms, kitchens and laundries must be grouped to minimise pipe runs.



- (j) Development applications for new dwellings and alterations and additions to existing dwellings must comply with the Government's Building Sustainability Index (BASIX) under the relevant provisions of the EP&A Regulation and BASIX SEPP. This requires that a development application must be accompanied by a BASIX certificate(s) for the development issued no earlier than 3 months before the date on which the application is made. All commitments listed on a BASIX certificate must be marked on all relevant plans and specifications.
- (k) All development must comply with Section J Energy Efficiency of the Building Code of Australia.
- (l) All Class 5 to 9 non-residential development must comply with the Building Code of Australia energy efficiency provisions.

#### 6.2.2 Water Management

Building and infrastructure design can contribute to environmental sustainability by integrating water use efficiency; water collection and water reuse measures. Water can be conserved by reducing water demand from the mains and by re-using water which would otherwise be lost as run-off or waste water.

##### Objectives

- i. Ensure future built form is water efficient, through the reduction of water usage and incorporation of water recycling in day to day operations.
- ii. To safeguard the environment by improving the quality of water run-off.

##### Controls

###### *Water Use Efficiency*

- (a) Water usage within buildings must be conserved by installing rainwater tanks, flow regulators on taps, AAA rated shower heads, dual flush toilets and water-efficient appliances. All developments are to ensure that water fixtures (shower heads, taps, toilets, urinals, etc) are rated 3 stars (WELS Scheme) or better.
- (b) Non-residential developments are to ensure that appliances (dishwashers, clothes washers etc) are rated 3 stars (WELS Scheme) or better with respect to water use efficiency. Demonstrate, if necessary, how these requirements will be achieved for replacement appliances, appliances not installed at construction, or bought in by occupants following construction.

###### *Water and Wastewater*

- (a) Where possible direct, capture, treat and reuse storm water run-off into landscaping areas.
- (b) Conserve water usage within buildings by installing rainwater tanks.
- (c) Where appropriate enable the installation of grey water collection and treatment on site, so that waste water can be re-used for non-potable purposes, such as toilet flushing and irrigation of gardens and landscape.

#### 6.2.3 Stormwater Management

A Site Stormwater Management Plan (SSMP) is required to be submitted with all development applications.



- (a) The drainage network must provide capacity to safely convey stormwater run-off resulting from storm events by taking into account roof drainage and site drainage. Adequate provision must be made for the control, reuse and disposal of stormwater from the site.
- (b) New building or structures will not be permitted over drainage lines, overland flow paths or within stormwater easements.
- (c) Please refer to Council's Drainage and On-Site Detention Policy (Appendix 2) for further details on stormwater and drainage.

**Groundwater**

- (a) Disturbances to ground water flows through diversion/extraction or other uses are to be managed to ensure there is no adverse impact on groundwater quality or quantity.
- (b) Ground water is to be recharged where possible while still protecting and/or enhancing ground water quality.

**6.2.4 Waste Minimisation and Management**

The minimisation of waste from development can reduce impacts on the public domain, contribute to the amenity of the building and limit the potential harmful impacts to the environment. Waste management refers to all stages of development from construction and use through to demolition. It also includes the way in which waste is stored and collected.

**Objectives**

- i. Minimise the use of materials and resources in buildings, where possible retain and enhance existing buildings and seek to recycle building materials in redevelopment;
- ii. Minimise waste production and use of resources through reduced consumption and maximise reuse and recycling.
- iii. Plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development.
- iv. Ensure efficient storage and collection of waste and quality design of facilities.
- v. Ensure that all activities associated with the storage, handling and collection of all waste and recyclable material is carried in accordance with all applicable regulatory requirements, and with minimal impact to the health, safety and convenience of the community.

**Controls**

- (a) Where appropriate enable the installation of grey water collection and treatment on site, so that waste water can be re-used for non-potable purposes, such as toilet flushing and irrigation of gardens and landscape.
- (b) Provide for the recycling of household and commercial waste; provide adequate common storage for recyclables (including paper and cardboard, plastics and aluminum) as well as a waste/recycle storage area within each building.
- (c) Include on-site composting where possible, either in each dwelling or as a shared facility.
- (d) Recycling and reuse of materials should occur at all stages of development including demolition of existing buildings, selection of materials and during building construction stages.



- (e) Where possible, reuse of existing buildings to be undertaken
- (f) Recycling and reuse of materials should occur at all stages of development, including demolition of existing buildings, selection of materials and during building construction stages.
- (g) All development applications must be accompanied by a waste management plan that addresses:
  - Best practice recycling and reuse of construction and demolition materials;
  - Use of sustainable building materials that can be reused or recycled at the end of their life;
  - Handling methods and location of waste storage areas in accordance with the provisions of the DCP, such that handling and storage has no negative impact on the streetscape, building presentation or amenity of occupants and pedestrians; and
  - Procedures for the on-going sustainable management of organic and putrescible waste, garbage, glass, containers and paper, including estimated volumes, required bin capacity and on-site storage requirements.
  - Describe and detail the manner in waste and recyclable material is to be stored on site, including the size and location of Bin Storage Areas, the size and number of bins to be used to store waste and recyclable material, and any other information relevant to the storage and servicing of bins.
  - The waste management plan is to be prepared by a specialist waste consultant and is subject to approval by Council.
- (h) Development is required to provide an appropriate room for the storage of garbage, recyclable and compostable waste bins to enable the efficient separation of waste products.
- (i) The storage area must be located in a position which is:
  - Not visible from the street;
  - Easily accessible to dwelling occupants;
  - Accessible by collection vehicles (or adequately managed by the body corporate to permit relocation of bins to an approved collection point);
  - Has water and drainage facilities for cleaning and maintenance; and
  - Does not immediately adjoin private open space, windows or clothes drying areas.
- (j) Where a sufficient sized kerbside collection point cannot be provided for the number of bins to stand in single file one metre apart without encroaching neighbouring properties, Council will require details of an alternative garbage collection service. Council staff should be consulted in these situations, as it may be necessary to engage a private waste collection contractor.
- (k) Developments are to incorporate convenient access for waste collection, noting that Council does not provide collection from within private properties or roads. Should a private waste collection vehicle be required to enter a property, access driveways and internal roads must be designed to provide adequate clearance and manoeuvring space to allow the waste collection vehicle to enter and exit in a forward direction without impeding upon general access to, from or within the site.
- (l) In the case where a development proposes to use a dumpster/bulk bins, access is to be provided from the street level without the need for manual handling with sufficient space for the collection vehicle to drive to the collection point, empty the bin safely and exit without traffic interference or any height restrictions. This service is generally not provided by Council's waste contractor, and arrangements may be required.



- (m) On-site composting facilities should be provided where possible.

#### 6.2.5 Wind Mitigation

Mitigation of wind impacts in the Hurstville City Centre will reduce discomfort and danger to pedestrians, downdrafts from buildings and maintain high amenity in the public domain. Wind mitigation measures also need to ensure that moderate breezes can continue to penetrate Hurstville City streets to maintain pedestrian comfort and disperse vehicle emissions and air conditioning plant exhausts.

##### Objectives

- i. To ensure that new developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.
- ii. To ensure that moderate breezes are able to penetrate the streets of Hurstville City Centre.

##### Controls

- (a) To ensure public safety and comfort the following maximum wind criteria are to be met by new buildings:
  - 10 metres/second in retail streets
  - 13 metres/second along major pedestrian streets, parks and public places
  - 16 metres/second in all other streets
- (b) Site design for tall buildings (towers) should:
  - Set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower, with an exception for towers on corner elements;
  - Ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre;
  - Consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level; and
  - Ensure useability of open terraces and balconies.
- (c) A Wind Effects Report is to be submitted with the Development Application for all buildings greater than 32 metres in height.
- (d) For buildings over 50 metres in height, results of a wind tunnel test are to be included in the Wind Effects Report.

#### 6.2.6 Reflectivity

##### Objectives

- i. To minimise the impacts by reflected light and solar reflectivity from buildings on pedestrians and motorists.

##### Provisions

- (a) Buildings should provide a greater proportion of solid to void on all facades and use non-reflective materials.
- (b) Buildings should use non-reflective glass and / or recess glass behind balconies.
- (c) Sun shields, such as awnings, canopies and pergolas should be provided to glazed areas.



- (d) Council may require the submission of a Reflectivity Study prepared by a suitably qualified consultant.

#### 6.2.7 Soil Management

In recognition of the City Centre topography and best building practice the following objectives and controls are provided to encourage best practice in soil management.

##### Objectives

- i. Ensure that changes to land use will not increase the risk to public health or the biophysical environment.
- ii. Minimise air and water pollution due to soil loss either through erosion or poor site practices.
- iii. Avoid inappropriate restrictions on land use.

##### Controls


- (a) Prior to the submission of subdivision and development applications an assessment to establish whether the subject land is contaminated should be undertaken by the applicant.
- (b) Development should be designed and constructed to effectively integrate with the natural topography of the site minimising the need for excessive sediment disturbance.
- (c) Soil loss from the development site should be prevented through the installation and maintenance of effective site management practices.
- (d) An erosion and sediment control plan (ESCP) is required to be submitted in support of all development proposals (other than for minor building modifications) including demolition, excavation, trenching and building.
- (e) Such a plan is to be prepared in conjunction with the Site Stormwater Management Plan.
- (f) The ESCP must make reference to the entire construction and post construction period and all devices must be installed prior to commencement of any other demolition or construction works on-site.
- (g) The ESCP must ensure that suspended solid concentrations in stormwater leaving the site shall not exceed more than 50mg/l and dust control measures should be applied to reduce surface or airborne movement of sediment from exposed areas of the site.
- (h) All erosion and sediment controls are to be maintained through the life of the works and shall be inspected and repaired at the end of each working day.



### 6.3 Development of a Heritage item or in the Vicinity of a Heritage item

Clause 5.10 of the Hurstville LEP 2012 lists certain requirements in relation to Heritage Conservation for Heritage Items and development within the vicinity of a heritage item within the Hurstville Local Government Area as listed under Schedule 5 of the LEP. All applicants are required to confirm whether these controls are relevant to the subject site. These heritage controls take precedence if there is any inconsistency with other controls within the Plan.

#### 6.3.1 General Information

- (a) If your property is a Heritage Item or is next to and in the vicinity of a Heritage Item you will need to consider the impact your development will have on the heritage significance of the heritage item and its setting. 
- (b) New buildings are not expected to replicate traditional building styles; however, the design is to be sympathetic in scale, form, proportion, setbacks, and materials.
- (c) Refer to the Hurstville LEP 2012 for statutory requirements and a list of heritage properties. Applications adjoining a heritage listed property must include a heritage statement prepared by a qualified heritage consultant.



## 6.4 Preservation of Trees and Vegetation

### 6.4.1 Aims of this Section

The primary aims of this Section are to:

- i. Ensure vegetation management is consistent with clause 5.9 (Preservation of trees and vegetation) of the Hurstville LEP 2012.
- ii. Encourage the planting and preservation/conservation of suitable trees and other vegetation which will contribute positively to the City's visual amenity, environmental heritage, habitat connectivity and ecological sustainability.
- iii. Establish procedures for the proper management of trees in order to minimise the unnecessary loss of significant vegetation resources.
- iv. Facilitate the removal of undesirable exotics, noxious weeds, dangerous trees and other inappropriate plantings.
- v. Ensure that site planning, design, development, construction and operation of any new development takes into account and maximises the protection of existing vegetation.

### 6.4.2 General Information


#### 6.4.2.1 Why is the preservation of vegetation important?

Trees and other vegetation are an integral component of the urban environment and are increasingly recognised as contributing significantly to the community's general health and sense of wellbeing. Plants not only provide habitat, food source, shelter and protection for a wide variety of birdlife and other fauna, but also significantly improve streetscape amenity, reduce stormwater run-off and improve air quality.

Council is committed to protecting and enhancing its environmental biodiversity and arboricultural amenity, special landscape characteristics, unique coastal vegetation and ecological values.

#### 6.4.2.2 Hurstville LEP 2012

This Section of the DCP should be read in conjunction with Clause 5.9 (Preservation of trees and vegetation) and Clause 5.9AA.

**Note:** Controls marked with  indicate that it is a statutory definition contained in the *Hurstville LEP 2012* and must be complied with.

### 6.4.3 Tree and Vegetation Management Process

Clause 5.9 of the Hurstville LEP 2012 states that

*a person must not ringbark, cut down, top, lop, remove, injure or willfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:*

- a) *development consent, or*
- b) *a permit granted by the Council.*



The process for the removal of trees or vegetation (tree management works) under this Section of the DCP is detailed below in Figure 1 – Tree Management Process and further described in the following subsections.

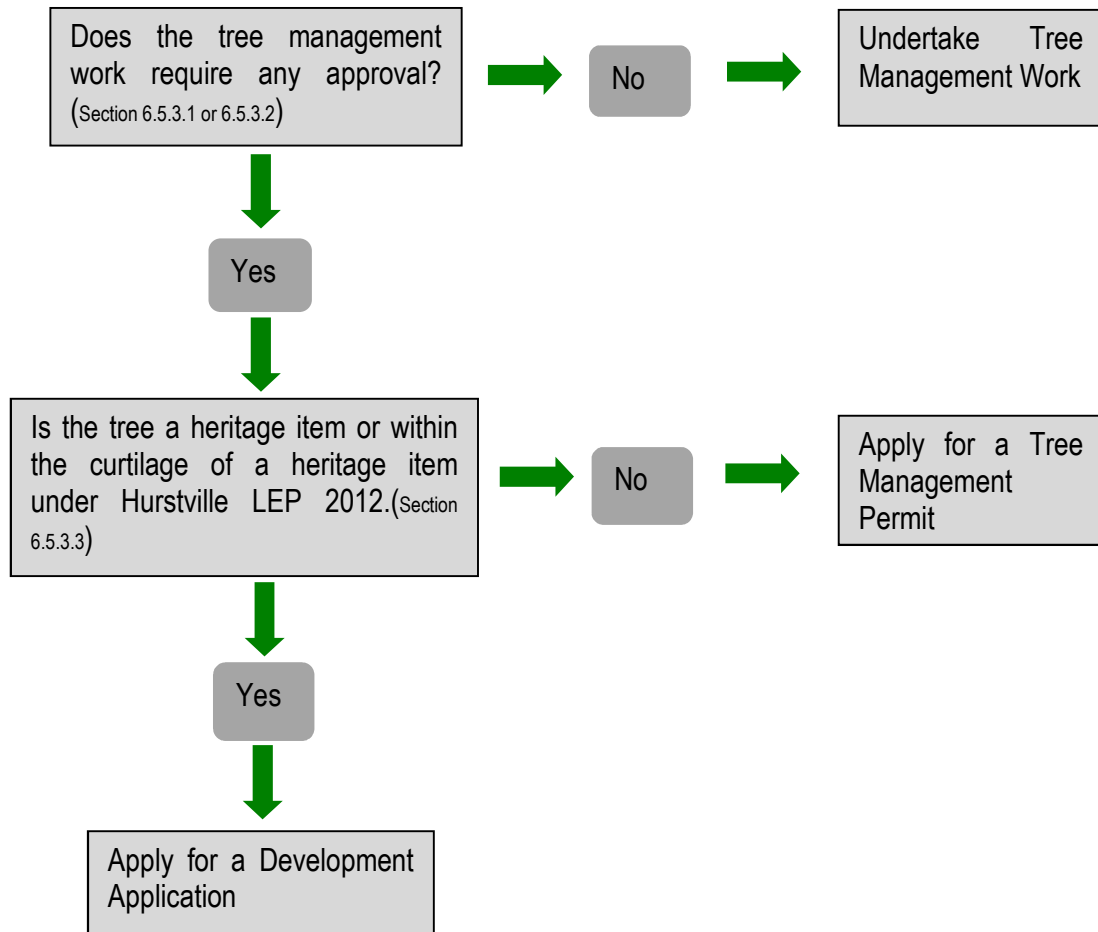


Figure 1 – Tree Management Process



### 6.4.3.1 Tree Management Approval Required

☞ In accordance with Clause 5.9 of the Hurstville LEP 2012 a Tree Management Permit or a Development Consent is required to allow any removal or pruning of a tree or other vegetation in private or public land that:

- (a) Is listed below, irrespective of size:

Botanical Name	Common Name
<i>Acmena smithii</i>	Lilli Pilli
<i>Angophora costata</i>	Sydney Red Gum
<i>Angophora floribunda</i>	Rough-Barked Apple
<i>Angophora bakeri</i>	Narrow-Leaved Apple
<i>Allocasuarina torulosa</i>	Forest Oak
<i>Banksia serrata</i>	Old Man Banksia
<i>Ceratopetalum apetalum</i>	Coachwood
<i>Ceratopetalum gummiferum</i>	NSW Christmas Bush
<i>Corymbia gummifera</i>	Red Bloodwood
<i>Corymbia maculata</i>	Spotted Gum
<i>Eucalyptus capitellata</i>	Brown Stringybark
<i>Eucalyptus fibrosa</i>	Broad-leaved Ironbark
<i>Eucalyptus globoidea</i>	White Stringybark
<i>Eucalyptus haemastoma</i>	Scribbly Gum
<i>Eucalyptus longifolia</i>	Woollybutt
<i>Eucalyptus paniculata</i>	Grey Ironbark
<i>Eucalyptus pilularis</i>	Blackbutt
<i>Eucalyptus piperita</i>	Sydney Peppermint
<i>Eucalyptus resinifera</i>	Red Mahogany
<i>Eucalyptus tereticornis</i>	Forest Red Gum
<i>Glochidion ferdinandi</i>	Cheese Tree
<i>Syncarpia glomulifera</i>	Turpentine

or

- (b) Is 3 metres or more in height, or
- (c) Has a circumference of 300mm or more, measured at a height of 450mm from the ground, or
- (d) Has a branch spread of three 3 metres or more.

### 6.4.3.2 Exemptions to Tree Management Approval

This section of the DCP does not apply to:

- (a) The removal, transplanting or pruning of any undesirable species listed below, so long as the work is done in accordance with the relevant Australian Standards:



Botanical Name	Common Name
Bambusa spp.	Bamboo
Syagrus romanzoffianum	Cocos Palm
Erythrina x sykesii	Coral Tree
Ficus elastic	Rubber Tree
Grevillea robusta	Silky Oak
Nerium oleander	Oleander
Populus nigra 'Italica'	Lombardy Poplar
Salix babylonica	Common Willow
Schefflera actinophylla	Umbrella Tree
Ligustrum spp.	Privet
Ailanthus altissima	Tree of Heaven

- (b) Any commercial or domestic tree grown for the purpose of fruit or fodder production, or is harbouring fruit fly, except Australian species such as Macadamia (*Macadamia integrifolia*), Lilly Pilly (*Acmena spp.*, *Syzygium spp.*), Blueberry Ash (*Elaeocarpus spp.*).
- (c) Work undertaken by persons authorised by Council where it can be demonstrated that the tree is dying, dead or has become dangerous to properties or persons and is undertaken in accordance with relevant Australian Standards.
- (d) Work undertaken in response to an emergency by the State Emergency Service, Rural Fire Service or another Authority.

#### 6.4.3.3 Tree Management Works Approval Process

A Tree Management Permit is required from Council for the pruning or removal of any tree, including any dead or dying tree **unless** the following situations apply:

- (a) Any tree and/or other vegetation identified as an item of heritage significance or located on land identified as containing an item of heritage significance, in Schedule 5 Environmental Heritage of Hurstville LEP 2012; ↻
- (b) When determined by any other relevant legislation.

In the situations listed above, development consent is required for tree management works.

#### Tree Management Permit

Each Tree Management Permit Application is limited to a maximum of 5 trees per application;

A maximum of 2 Tree Management Permit Applications may be lodged with Council at any one time;

Application for a permit to deal with a tree must be made in writing on the application form available from Council and be accompanied by the administration fee determined from time to time by the Council. The administration fee is to cover the cost of administration, site visit, assessment and determination of the application. It is non-refundable.



In the case where a Tree Management Permit Application and a Development Application for any other development, are lodged concurrently, the Tree Management Permit Application will not be determined until such time as the Development Application for the particular development is determined since the Development Application determination may influence the decision as to whether the existing tree should be retained.

#### **6.4.3.4 Issues for Consideration in Assessment of Tree Management Works**

Before granting a permit or development consent for the removal of trees or vegetation, Council must make an assessment of the importance of the tree or trees concerned in relation to:

- (a) Soil stability and prevention of land degradation.
- (b) Scenic or environmental amenity.
- (c) Vegetation systems and natural wildlife habitats.
- (d) Significance due to its height, size, position or age.
- (e) Visual screening.
- (f) Is part of remnant or riparian vegetation.
- (g) Alternative management strategies were considered before requesting removal such as pruning of branches, roots and removal of deadwood or other appropriate remedial treatment as recommended by an arborist.

Documented evidence, such as that by a qualified arborist, shall accompany any application for removal or partial removal of a tree and shall be justified as:

- The tree was dead.
- Causing or potentially causing structural damage and supporting documentation is provided such as structural engineer's report.
- Having sustained severe damage from vehicle impact or natural hazards such as lightning, wind or flood and no other course of action will rectify the problem.
- Being diseased or has structural defects and remedial pruning (see AS 4373/2007) will improve the health of the tree; or
- A potential hazard to the amenity of the development due to tree form or structural integrity, species characteristics or history, the size of any tree part that is likely to fail or other reasons where the tree may be injurious to health.

Where a tree is located on public land and is causing view loss or loss of solar access to the occupier of neighbouring private land, application may be made to Council to prune the tree. Subject tree/s will be assessed accordingly. All work will be completed in accordance with AS 4373-2007 "Pruning of Amenity Trees".

Tree removal will not be permitted to facilitate views (including advertising signs), off-street parking, and installation of solar panels or to reduce the extent of leaf / flower / fruit drop, or to reduce the impact from any bird / bat / other animal waste or noise.



Pruning of branches overhanging from a neighbouring property shall be approved by Council prior to any works being carried out and will be assessed at Council's discretion. This work shall also be discussed with the owner of the tree prior to commencement.

Council discourages the ringbarking, lopping, topping, injuring or destruction of any tree.

Where an existing tree limits the size of an addition or new residential dwelling, Council shall give consideration to its removal or pruning. Council shall give consideration to the level of pruning proposed, suitable tree replacement; retain trees and extent of the development. Development proposals shall endeavour to retain trees on their site and any trees to be removed shall be clearly shown on plans.

#### **6.4.3.5 Tree Management Permit and Development Consent Conditions**

In granting a permit or development consent, the Council may impose conditions including, but not limited to, the following:

- (a) Requiring a copy of the permit or development consent to be displayed on the land where the work covered by the permit or development consent is to be carried out for a specified period before and after the carrying out of the work.
- (b) Requiring the permit or development consent to be available for inspection by an officer of the Council during the carrying out of the work covered by the permit.
- (c) Where the permit or development consent allows for the destruction or removal of a tree or trees, requiring the planting of a replacement tree or trees.
- (d) Where replanting is made a condition of the permit or development consent, requiring the protection and care of the new tree or trees for a specific period so that the tree or trees remain in good health and are likely to reach natural size and maturity.
- (e) Specify the period during which the permit or development consent will remain in force being not more than one (1) year from the date it is granted; and
- (f) Providing that the permit will cease to have effect if a development application is lodged where the proposed development includes work covered by the permit.

#### **6.4.3.6 Enforcement and Penalties**

Any persons who damages or removes trees or vegetation to which this section applies shall be guilty of an offence under the Environmental Planning and Assessment Act 1979 and severe penalties apply.

#### **6.4.3.7 Other Relevant Legislation**

##### **State Environmental Planning Policy No. 19 – Bushland in Urban Areas**

Applies to 41 local government areas in the Sydney region and Lake Macquarie, as listed in Schedule 1 of the policy. It does not apply to areas administered by the National Parks and Wildlife Service or State Forests of NSW. Within those listed local government areas, the policy specifically applies to those areas of land zoned or reserved for public open space and which satisfy the definition of urban bushland in the policy. All records of these specific areas are kept by individual councils, and where appropriate, shown in local environmental plans. Additionally SEPP 19 requires the listed councils, when preparing draft local environmental plans, to give priority to preserving



bushland and to have regard to the general and specific aims of the policy. Such areas would be recorded in councils' local environmental plans.

**Native Vegetation Act 2003**

The lodgement of a Development Application with Council and consent from the relevant Catchment Management Authority for the clearing or removal of native trees and other native vegetation upon land to which the Native Vegetation Act 2003 applies.

**Fisheries Management Act 1994**

The lodgement of an Integrated Development Application under Section 91 of the Environmental Planning and Assessment Act 1979 is necessary if the formal concurrence from the NSW Department of Primary Industries is required pursuant to the section 205 of the Fisheries Management Act 1994 for a permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease.

**National Parks and Wildlife Act 1974**

The lodgement of an Integrated Development Application under Section 91 of the Environmental Planning and Assessment Act 1979 may be required for any proposed development in, upon or adjacent to any watercourse, lake or estuary where a development may potentially destroy or deface a site containing Aboriginal artefacts or may adversely affect a site of Aboriginal cultural heritage significance and hence, the formal concurrence from the NSW Department of Environment and Climate Change is required pursuant to Section 90 of the National Parks and Wildlife Act 1974.

**Threatened Species Conservation Act 1995**

Any action such as clearing or removal of trees or other vegetation has the potential to directly or indirectly affect a threatened species, population, ecological community or their habitat. Therefore, an assessment may be required pursuant to Part 5A of the Environmental Planning and Assessment Act 1979 or Part 6 of the Threatened Species Conservation Act 1995. The clearing or removal of any threatened flora species, endangered population, endangered ecological community or critical habitat under the Threatened Species Conservation Act 1995 requires separate approval from the Director – General of the NSW Department of Environment and Climate Change.

**Environment Protection and Biodiversity Conservation Act 1999**

The clearing or removal of remnant trees or other native vegetation which is listed as a “matter of national significance” under the Environment Protection and Biodiversity Conservation Act 1999 requires the separate approval from the Commonwealth Minister for the environment.

**Trees (Disputes Between Neighbours) Act 2006**

The *Trees (Disputes Between Neighbours) Act 2006* provides a mechanism for neighbours to be able to resolve neighbourhood disputes regarding trees.



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### 7.1 Trading Hours

This section applies to commercial premises as defined in the Dictionary of the Hurstville LEP 2012 and approved by Council.

#### Standard Trading Hours

Standard trading hours are 6am – 12am (midnight), daily.

#### Extended Trading Hours

Extended trading hours are 12am (midnight) – 6am, daily.

The following matters need to be considered when assessing an application for extended trading hours:

- (a) Additional information to be submitted with the DA to include:
  - Detailed description of the activity and its potential impact on adjoining premises
  - Potential impact on the amenity of the area
  - Litter generation
  - Anticipated patronage numbers
  - Responsibilities of staff, staffing levels and qualifications (if relevant)
  - External and internal lighting
  - Security measures
  - Toilet facilities
- (b) Additional advertising requirements for extended trading hours DAs can be considered.
- (c) Referral of the DA to the NSW Police for comment and input.
- (d) Where appropriate, conditions of consent may include requirements for monitoring activities and operations for security, safety, noise, car parking or other related reasons.
- (e) Option of time limited consent where Council can review the business' operation after a designated time period, at which time additional controls may be placed on the business.



## 7.2 Commercial Use of Public Footways

Please refer to Council's Public Spaces Local Approvals Policy (Appendix 2).



### 7.3 Child Care Centres

#### 7.3.1 Aims

The primary aims of this Section are to:

- Provide information for persons wishing to establish or modify a child care service;
- Adopt a positive, pro-active approach to planning child care centres - providing operators with a clear understanding of Council's requirements and why these requirements are important to the design of child care services;
- Clearly identify desired outcomes for specific requirements;
- Encourage the provision of high quality child care which meets the needs of the community;
- Minimise potential adverse impacts on the locality and broader environment as well as the natural and built environment, by providing effective control measures; and
- Ensure the integration of the facility within its environment is achieved so that the development reflects the existing streetscape and character of the locality.

#### 7.3.2 Regulatory Authority

Child Care Centres are regulated through a national framework developed by Australian Children's Education and Care Quality Authority (ACECQA). Contact details are:

Australian Children's Education and Care Quality Authority  
Level 15, 255 Elizabeth Street  
SYDNEY NSW 2000  
Ph: 1300 422 327  
Email: [enquiries@acecqa.gov.au](mailto:enquiries@acecqa.gov.au)

In NSW the responsibility for implementing the national framework developed by ACECQA and issuing licences for child care centres is the Department of Education and Communities (NSW). Contact details are:

Early Childhood Education Directorate  
NSW Department of Education and Communities  
Locked Bag 5107  
PARRAMATTA NSW 2124  
Ph: 1800 619 113  
Email: [ececd@det.nsw.edu.au](mailto:ececd@det.nsw.edu.au)

Nothing in this Section is to be taken as removing the need for compliance with the Children and Young Persons (Care & Protection) Act 1998, Child Protection (Working with Children) Act 2012 and the Children (Education and Care Services) Supplementary Provisions Regulation 2012.

This Section in no way covers all areas of regulatory control. Applicants are advised to obtain the Act and Regulation and other preparatory material from the Department of Education and Communities prior to preparing detailed designs.



#### Other Guidelines

##### Cancer Council

Website: [www.cancer council.com](http://www.cancer council.com)

- Cancer Council NSW Undercover: Guidelines for shade planning and design.
- Cancer Council NSW: The Shade Handbook
- Cancer Council NSW : Shade for the childcare services (Information Sheet)

##### Australian Competition and Consumer Commission

Website: [www.productsafety.gov.au](http://www.productsafety.gov.au)

- Baby and Nursery Products Information Sheets.
- Keeping Baby Safe: a guide to nursery furniture. Australian Government publication No 24.

##### Kidsafe NSW Inc

Website: [www.kidsafensw.org](http://www.kidsafensw.org)

- Safety Information Sheets: Playground Safety
- Safety Information Sheets: Road Safety
- Safety Information Sheets: Water Safety
- Safety Information Sheets: Home Safety (for kitchen/laundry/office areas)

#### 7.3.3 Related Child Care Operations

Several other forms of child care services are available in addition to centre-based child care services. These include Family Day Care, Home-Based Child Care and Mobile Child Care.

Mobile Child Care and Home-Based Child Care services require licensing from the New South Wales Department of Community Services. The Department should be consulted to obtain the requirements for these services.

Some forms of child minding services are considered Exempt Development (do not require a Development Application). Please refer to the State Environmental Planning Policy (Exempt and Complying Development) 2008 for further details. Providers of these services should also check with the NSW Department of Education and Communities as they may also require operator/provider approvals.



#### 7.3.4 Locational Criteria

##### Objectives

- i. Quality Child Care Centres are located on appropriate sites.
- ii. Sites used for the purposes of a Child Care Centre are compatible with the environment in which they are situated.
- iii. Due consideration is given to Section 79(c) of the EPA Act 1979 - the social and economic effect of that development in the locality.



## 7. Controls for Specific Non-Residential Development Types

### 7.3 Child Care Centres

ISSUES	REQUIREMENTS
<p><b>General Preferences:</b></p> <p>The location of Child Care Centres in community focal points enhances accessibility to the broader population.</p>	<ul style="list-style-type: none"> <li>Child Care Centres should be located close to or adjacent to community focal points such as local shopping centres, community buildings (libraries, churches, halls etc.), parkland, sports grounds and schools (where there is no major traffic conflict).</li> <li>Child Care Centres are not permitted on sites with any property boundary to a State Road (as listed under Appendix 1) due to reasons of traffic safety and amenity impacts (including air quality and noise).</li> <li>Proposals for Child Care Centres must be accompanied by a Transport and Parking Assessment Study provided by a qualified Traffic or Transport Consultant.</li> </ul>
<p><b>Proximity to Undesirable or Hazardous Features:</b></p> <p>Proposals for Child Care Centres which are <u>located away from:</u></p> <ul style="list-style-type: none"> <li>telecommunications towers</li> <li>large over-head power wires</li> <li>any other area which may reasonably be considered inappropriate if located near a child care centre,</li> </ul> <p><u>will be favoured in terms of compliance with locational criteria.</u></p>	<ul style="list-style-type: none"> <li>Approval is unlikely to be given for centres within 300 metres of any feature mentioned to the left column, unless the applicant can demonstrate evidence to support a variation to this requirement.</li> <li>Approval will not be given to a child care centre located closer than 55 metres to a LPG above ground gas tank or tanker unloading position.</li> <li>An analysis of any existing and/or potential site contamination is required to be submitted with any application for a child care centre.</li> <li>Where sites are, or may be contaminated, a report is to be submitted with the application prepared by a suitably qualified consultant.</li> <li>Child Care Centres are not to be located adjoining injecting rooms, drug clinics and any other such uses that may be inappropriate next to children.</li> </ul>



#### 7.3.5 Size of Centres and Child Age Groups

##### Objectives

- i. Ensure that Child Care Centres are of a manageable size of overall number of children and minimize adverse impacts on the amenity of the surrounding areas.
- ii. Ensure that the number of spaces for under 2 year olds reflects the demographics of the local government area.

##### Requirements

##### Capacity

The maximum number of children to be accommodated within Child Care Centres in the Hurstville City Centre will be considered on its merits. Consideration will be given to the likely impacts on adjoining lands, compliance with the objectives of this plan, compliance with the objectives of the adjoining land zones, and Hurstville LEP 2012.

##### Age groupings

The minimum number of places for children in the under 2 year old age group is to be the same as the % of under 2 year olds in the 0-5 year old population as measured at the most recent census (at the 2011 census this was 35%). Where calculations produce a fraction their requirement is to be rounded to the nearest whole number.

#### 7.3.6 Building Form and Appearance

##### Objectives

- i. Provide a high level of amenity to adjoining and surrounding properties.
- ii. Ensure buildings take into account the natural environment, topography, street hierarchy, urban form and adjoining development.

##### Requirements

##### Setbacks

Setbacks are to be considered on their merits. Consideration will be given to the likely impacts on adjoining lands, compliance with the objectives of this plan, compliance with the objectives of the adjoining land zones, and Hurstville LEP 2012.

##### Relationships to Adjoining Properties

- When considering the possible impacts on adjoining properties, particular consideration must be given to the location of:
  - Active outdoor play areas;



- Classrooms and indoor play areas;
  - Windows and doors, particularly those associated with indoor play areas;
  - Verandahs;
  - Points of entry;
  - Pick-up and drop-off points; and
  - Any plant equipment which may be required within the context of the centre.
- Appropriate building orientation and good design will ideally eliminate the need for privacy screens. Privacy screens will be considered where it is deemed to be in the public interest and where they complement the overall appearance of the building.
  - The impacts of privacy and overshadowing on adjoining properties must be considered. Proposals should comply with Section 7.3.10 Visual Privacy and Acoustic Amenity.

#### **Solar Design and Energy Efficiency**

- The design of buildings should minimise the overshadowing of neighbouring private open spaces and/or windows to habitable rooms.
- Where a new building is being constructed for a Child Care Centre or alterations and additions proposed, shadow diagrams must be prepared and submitted showing the impact of a proposal on adjoining sites. Shadow diagrams need to illustrate the shadows cast at 9am, 12 noon and 3pm on 21 June, with particular emphasis on the impact on adjoining habitable rooms. Such diagrams must be prepared by an architect or surveyor and be based on an accurate survey of the site and adjoining development.
- Where adjoining development relies on solar access for heating or cooling systems, that access should be preserved.

#### **7.3.7 Play Areas**

##### **Objectives**

- i. Provide well defined play areas and functions within the playground.
- ii. Play areas must have adequate access to natural light.
- iii. Play areas must have adequate level of shade (whether natural or constructed).
- iv. Ensure play areas are well drained.

##### **Requirements**

##### **Tree Preservation and Planting**

- Planting within the playground is to include attractive trees and/or shrubs.
- Tree retention and new planting must take into account:
  - Complementing the built environment;



- Effect on solar access, shading, wind deflection and temperature moderation;
  - Reduction of soil erosion;
  - Definition of play zones; and
  - Incorporation as play or educational features.
- Any poisonous, spiked or potentially dangerous plants and trees must be removed from the site prior to construction. Details of these plants/trees are to be provided with the Development Application.

**NOTE:** Clause 5.9 Tree Management and Preservation of Hurstville LEP 2012 applies to removal of trees. Council's Tree Management Officer will provide comments in relation to any significant tree on the site and these comments will be considered in the assessment of the application.

#### Recommended Species List

Council has produced a recommended species list used with permission from a brochure entitled "The Low Allergen Garden" produced by The Asthma Foundation of NSW and Dr Diana Bass. Council accepts no responsibility for any plant or tree listed below; applicants are advised to also carry out their own investigations into appropriate plants for child care centres.

The recommended species list is included in Appendix 1 and is offered as a guideline only. Because growing conditions vary widely throughout New South Wales, you need to consult a local horticultural professional on the best plants to use in your area.

#### Drainage

- The play space must be capable of rapid clearance of surface water. Conceptual drainage plans are to be outlined at the Development Application stage however, detailed requirements will be requested with the Construction Certificate.
- Where on-site detention is required, exposed drains must be suitably covered to ensure that children cannot gain access to the drain.
- Council's Engineering Division is to be consulted on appropriate drainage requirements.

#### 7.3.8 Design and Spatial Requirements

##### Objectives

- i. Provide indoor and outdoor areas which allow for play.
- ii. Ensure Child Care Centres are safe and secure.



#### Requirements

##### Outdoor Design

- Positively contribute to the physical, sensory, intellectual, creative and emotional development of each child.
- Suitably integrate with indoor play areas, allowing for attractive indoor and outdoor spaces.
- Incorporate adequate screening delineating several outdoor play areas - some for quiet play, some for active play, some for seating and some for shelter.
- Incorporate a variety of surfaces, suitable shading and allows for a range of varied play options.
- Allow for adequate supervision of the playground both from the yard area and indoors.
- Be safe, functional and incorporate undulations, natural shade and attractive landscaping.

##### Entry and Security

- Entry/Exit points within the centre must be legible and appropriately located. Particular consideration is to be given to child security, with one secure entry/exit point which is to incorporate a transitional space.

#### 7.3.9 Waste Management

##### Objectives

- i. Ensure all waste generated by the Child Care Centre is appropriately managed to minimise any impacts on adjoining properties.
- ii. Ensure a safe and clean environment is provided for the children and staff of the Child Care Centre.

##### Requirements

- Adequate and appropriate space non-accessible to children for the storage of rubbish and recycling bins must be provided on the site.
- All hazardous and clinical (bodily fluid) wastes are to be stored and disposed of in accordance with the requirements of the NSW Department of Health, specifically in terms of the nature of the use of the premises.
- Details of waste management are required to be submitted with the Development Application.



#### 7.3.10 Visual Privacy and Acoustic Amenity

##### Objectives

- I. Ensure aural and visual privacy to adjoining properties.
- II. Provide adequate visual and/or acoustic screening on the perimeter of the site.

##### Requirements

##### Visual Privacy

- Provide screenings by trees, fencing and/or window coverings to minimise noise and overlooking impacts to adjoining properties.
- Locate any play equipment at least 3 metres from any boundary with a residential property.

##### Acoustic Amenity

- For traffic noise, the following criteria are recommended (measured as the maximum L<sub>10</sub> (1 hour):
  - Indoor noise levels must not exceed 48dB(A); and
  - Outdoor noise levels should not generally exceed a range of 55-60 dB(A) when measured at 1.5 metres above the ground level in the centre of any outdoor play area.
- Council requires a suitably qualified acoustic consultant to undertake an acoustic assessment, which is to include recommended noise attenuation measures to be submitted with any DA.

**Note:** Noise readings (measured at any point on the boundary of the site between the proposed Child Care centre and adjoining property), should not exceed 10dBA above the background noise level during the hours of operation of the Centre. The noise readings are to be measured over a 15-minute period and are to be undertaken in accordance with the requirements of the NSW Department of Environment and Conservation.

No "offensive noise" as defined within the provisions of the Protection of the Environment Operations Act 1997, shall be emitted from the premises as a result of the use of activities associated with the site.



## 7.4 Restricted Premises

This Section applies to development for the purpose of restricted premises (see definition in Dictionary of Hurstville LEP 2012). The Council may consent to the carrying out of development for the purpose of a restricted premise only where the proposed site complies with the following objectives and controls, (in addition to any other conditions which may be imposed by the Council).

### 7.4.1 Access, Design and Location Requirements

#### Objectives

- i. Ensure restricted premises are located at a reasonable distance from residential occupancies and other sensitive land uses.
- ii. Exclude the location of restricted premises from ground floor or street level in a building.
- iii. Ensure safe access to restricted premises for staff and patrons.

#### Controls

- No part of the restricted premises (other than an access corridor to the premises) is to be located:
  - At the ground floor or street level of a building or within 1.5 metres, measured vertically, above or below the ground floor or street level of the building, or
  - In arcades, or
  - In other thoroughfares open to the public or used by the public, or
  - Within 100 metres walking distance of any residentially zoned land, or
  - Within 200 metres walking distance of any place of public worship, school, community facility, child care centre, hospital, rail station, bus stop, taxi stand or any place regularly frequented by children for recreational or cultural pursuits.
- No internal rooms or spaces of the restricted premises, other than an access corridor to the restricted premises, are to be visible from a public place or shopping arcade.
- Patron access is not to be provided from a laneway.
- No part of the restricted premises or building in which the premises will be situated, will be used as a dwelling unless separate access will be available to the dwelling.

### 7.4.2 Display of Goods and Signs

Additional provisions for advertising and signage and for the display of goods are required to ensure that their design and location take into consideration the specific characteristics of the restricted premises use.



#### Objectives

- i. Encourage appropriately designed and suitably located signs for restricted premises.
- ii. Consider the amenity of surrounding development and the visual quality of the public domain.

#### Controls

- No more than one sign is to be erected, displayed or exhibited to public view in the window or on a building (including the restricted premises), or in, outside or directly above an access way to the premises:
- A sign relating to restricted premises should:
  - Not interfere with the amenity of the locality,
  - Not exceed 600 millimetres in height or width,
  - Not contain neon illumination and not flash,
  - Set out only:
    - The name of the person who conducts the business at the restricted premises or the registered name of the business carried on at the restricted premises; and
    - The words, 'RESTRICTED PREMISES' in capital letters not more than 50 millimetres in height
  - No objects, products, or goods related to the restricted premises will be visible from outside the premises.

#### 7.4.3 Extended Trading Hours

If the restricted premise proposes to trade between 12am (midnight) and 6am, compliance with extended trading hours provisions contained at Section 7.1 Trading Hours must be achieved.



## Appendix 1

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### 1. List of Amendments to this DCP

Amendment no.	Date	Clause amended	Subject
1	10 May 2007	<ul style="list-style-type: none"> <li>Table of contents (Reference to amendments) Section 4 pages 25, 26 &amp; 26A</li> </ul>	Amended site controls for Block 1, Site 1B
2	Adopted by Council 30 May 2007, effective 7 June 2007	8.3.1	<p>Note that Savings &amp; Transitional Provision does not apply.</p> <p>Child Care Centre Provisions:</p> <ul style="list-style-type: none"> <li>-Required frontage increased from 13m to:               <ul style="list-style-type: none"> <li>-18m (where 2 separate one way ingress/egress vehicular access points proposed) and;</li> <li>-20m where a single vehicular access point is proposed</li> </ul> </li> <li>-centres not permitted on land with a boundary to a state road (previously a "main road")</li> </ul>
		8.3.5	<ul style="list-style-type: none"> <li>-amendment to not permit centres on land with a boundary on a state road</li> <li>-remove industrial areas from list of undesirable features &amp; include statement that centres are permitted within industrial areas subject to merits assessment</li> <li>-expand list of undesirable features to include hazardous &amp; offensive development, bushfire and flood prone land, injecting rooms and drug clinics</li> <li>- remove requirement for demographic analysis and supply/demand analysis</li> </ul>
		8.3.6	-insert new section regarding cumulative impacts
		8.3.7	-insert new section requiring consideration of child care centres within large developments
		8.3.8	-insert new section regarding size of centres & child age groups
		8.3.9	-Building form and appearance -amend objectives, height, setback and building colour controls
		8.3.10	<p>Access &amp; Parking</p> <ul style="list-style-type: none"> <li>- reduced parent parking rate and illustrative diagrams for preferred vehicular access arrangement of 2 separate one way ingress &amp; egress points</li> <li>- require open stand car spaces setback behind 1m front landscape strip, physical separation between cars and pedestrians, neighbourhood parking policy, motor vehicle and pedestrian risk assessment report to be submitted, require all DA's to be referred to traffic committee</li> </ul>



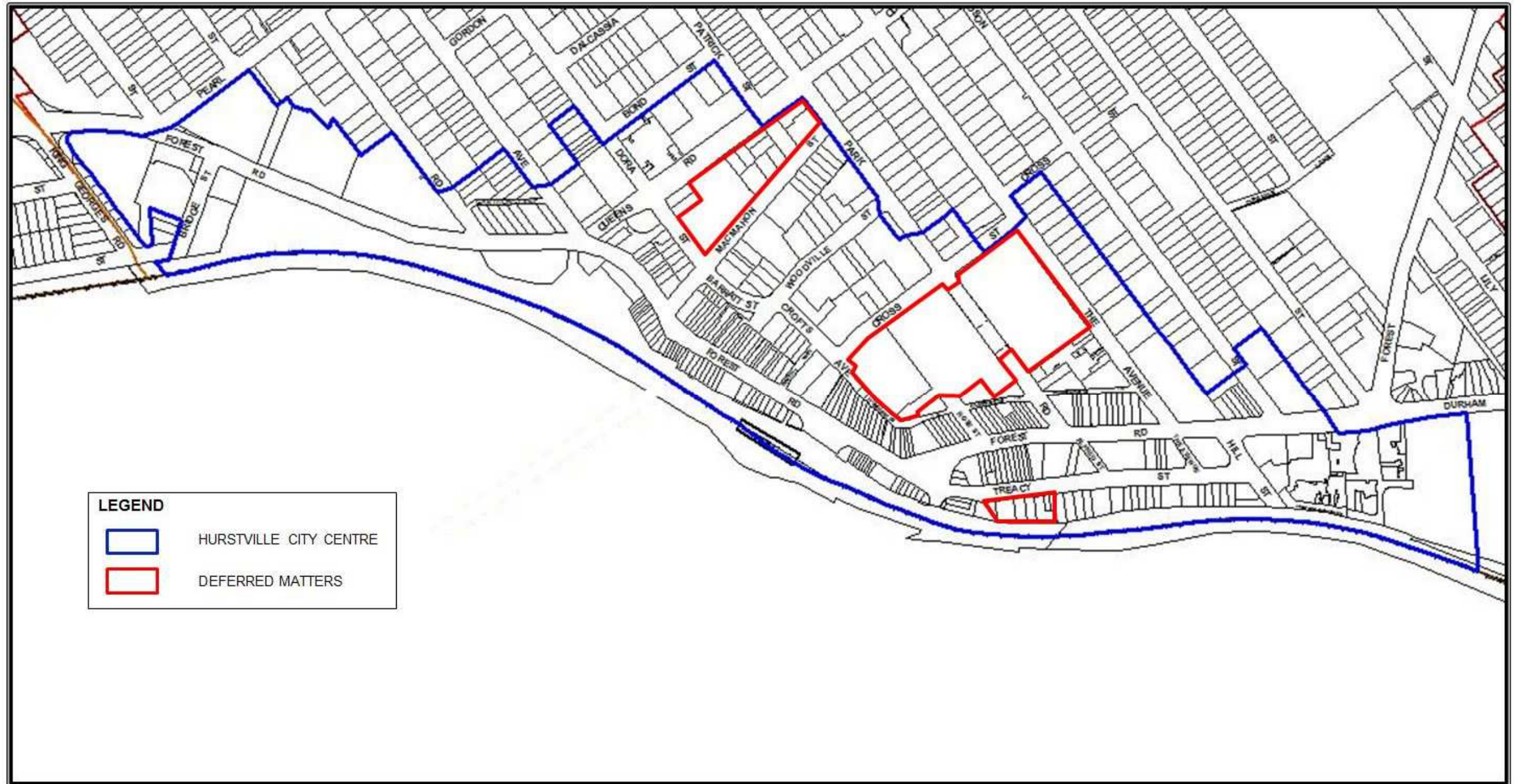
		8.3.11	Landscaping - require 1m wide front landscape strip and screen landscaping along side boundaries, non-residential zones merits based
		8.3.12	-shading of outdoor play area requirements amended, play areas not to be located in front of building
		8.3.13	-staff room requirement & number of cots required amended
		8.3.14	-Hours of operation extended for new centres and old centres with 18m frontage and separate ingress/egress -Acoustic report requirements amended, colour bond fencing now considered
		8.3.15	-Occupant of dwelling to be associated with centre
3.	Adopted by Council on 24 February 2010, effective from 22 March 2010	1.15	Savings and Transitional Provision
		2.2	Neighbour Notification and Advertising of Development Applications
		6.1	Car parking
		Section 7	Sunlight and Solar Access
		7.2 (new)	Single Dwelling House Controls
		7.4	Irregular Shaped Lots (new controls)
		7.4	Isolated Sites (new controls)
		7.6 (new)	Outbuildings
		App. 3	Council Policies
		Various	Update legislation, cross-referencing and State policy references
		Various	DCP Formatting and Layout
4.	Adopted by Council on 29 September 2010, effective from 5 August 2011	1.2	Include application to <i>Zone No. 3(d) - City Centre Commercial Core Zone</i>
		1.3	Include Amendment No. 4
		Appendix 1 Section 1	Include Amendment No.4 to DCP No. 2
		Section 2	Include application to <i>Zone No. 3(d) - City Centre Commercial Core Zone</i>
		Appendix 3 Section 6	Include application to <i>Zone No. 3(d) - City Centre Commercial Core Zone</i>



5.	Adopted by Council on 1 August 2012, effective from 9 August 2012	<p>1.3</p> <p>1.4</p> <p>4.1</p> <p>4.1.1</p> <p>4.1.1.1</p> <p>4.1.1.2</p> <p>4.1.1.4</p> <p>4.1.1.5</p> <p>4.2.1</p> <p>4.2.2</p> <p>Appendix 1</p>	<p>Commencement of the Plan</p> <p>Relationship to Other Plans</p> <p>General Information</p> <p>Built Form</p> <p>Building Envelopes</p> <p>Floor Space Calculations</p> <p>Height</p> <p>Active Street Frontages (New)</p> <p>How Do I Use This Chapter to Find Out Information About a Specific Address or Site.</p> <p>Maps (New)</p> <ul style="list-style-type: none"> <li>- Height of Buildings Map</li> <li>- Floor Space Ratio Map</li> <li>- Active Street Frontages Map</li> </ul> <p>List of Amendments</p> <p>Definitions – Insertion of New Definition of Building Height</p> <p>Historic Building Envelopes</p>
6.	Adopted by Council on 17 September 2014 effective from 24 July 2015	Various sections throughout the DCP	<p>Sections 1 and 2 – Minor administrative amendments.</p> <p>Section 3 replaced by new section.</p> <p>New Section 4 inserted.</p> <p>Previous Section 4 replaced with new Section 5.</p> <p>Previous Section 5 replaced by Section 6.</p> <p>Previous Section 7 deleted and Previous Section 8 replaced by new Section 7.</p> <p>For amendment details, see Appendix 1 of Council Report dated 2 July 2014.</p>

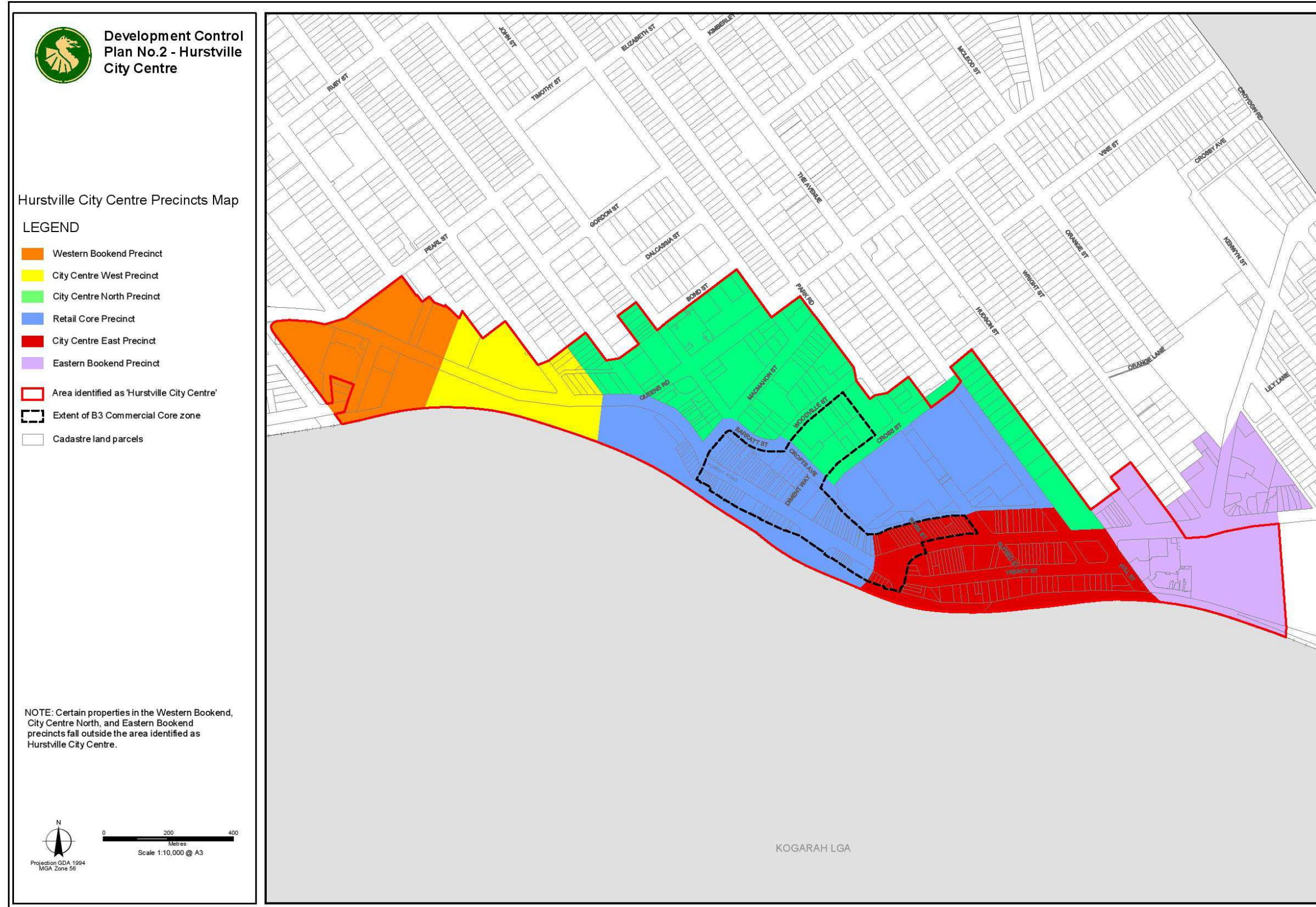


## 2 Hurstville City Centre Land Application Map





### 3 Hurstville City Centre Precincts Map





## 4 Recommended Species for Landscaping

**Note:** The guide to the size of the trees and shrubs indicated below are approximate only. The size guide has been approximated based on growing conditions in Hurstville. The growth of vegetation can be affected by many factors including restricted area for canopy and trunk spread, restricted area for root systems, soil type, exposure to light etc. Council recommends and encourages the use of indigenous species over others.

BOTANIC NAME	COMMON NAME	HEIGHT (Approx)	PREFERRED SOIL TYPE	COMMENTS
<b>Indigenous Trees - (all wards)</b>				
<i>Acmena smithii</i>	Lilly Pilly	7m	sheltered, sandstone	Rainforest tree
<i>Angophora bakeri</i>	Narrow-leaved Apple	2-10m	varied	
<i>Angophora costata</i>	Sydney Red Gum	15-20m	sandstone	
<i>Angophora floribunda</i>	Rough-barked Apple	12-20m	sandstone	
<i>Backhousia myrtifolia</i>	Grey Myrtle	3-4m	sheltered, fertile	
<i>Banksia serrata</i>	Old Man Banksia	4-8m	sandstone	Used as street tree
<i>Callicoma serratifolia</i>	Black Wattle	4-8m	sandstone/ varied	
<i>Callitris rhomboidea</i>	Port Jackson Pine	6m	sandstone, sheltered	Native conifer
<i>Casuarina glauca</i>	Swamp Oak	to 20m	estuarine	
<i>Ceratopetalum apetalum</i>	Coachwood	to 25m	sheltered	Rainforest tree
<i>Ceratopetalum gummiferum</i>	NSW Christmas Bush	5m	sandstone	
<i>Corymbia gummifera</i>	Red Bloodwood	12m	sandstone	
<i>Elaeocarpus reticulatus</i>	Blueberry Ash	4-8m	fertile, well drained	Used as street tree
<i>Eucalyptus capitellata</i>	Brown Stringybark	10m	sandstone	
<i>Eucalyptus globoidea</i>	White Stringybark	15-30m	varied	
<i>Eucalyptus haemastoma/ Eucalyptus haemarac</i>	Scribbly Gum	8m	sandstone	
<i>Eucalyptus longifolia</i>	Woollybutt	to 25m	clay/shale	Rare species
<i>Eucalyptus maculata</i>	Spotted Gum	30m	varied	
<i>Eucalyptus moluccana</i>	Grey Box	to 30m	clay	
<i>Eucalyptus paniculata</i>	Grey Ironbark	30m	clay/shale	
<i>Eucalyptus parramattensis</i>	Drooping red Gum	8m	clay/shale	
<i>Eucalyptus pilularis</i>	Blackbutt	to 30m	sandstone	
<i>Eucalyptus piperita</i>	Sydney Peppermint	15m	sandstone	
<i>Eucalyptus punctata</i>	Grey Gum	16m	varied	
<i>Eucalyptus resinifera</i>	Red Mahogany	20m	sandstone	
<i>Eucalyptus tereticornis</i>	Forest Red Gum	30m	clay	
<i>Glochidion ferdinandi</i>	Cheese Tree	4-8m	sandstone/ rainforest	



BOTANIC NAME	COMMON NAME	HEIGHT (Approx)	PREFERRED SOIL TYPE	COMMENTS
Leptospermum attenuatum	Tea Tree	4m	moist	
Leptospermum polygalifolium	Tea Tree	to 5m	sandstone	
Melaleuca armillaris	Bracelet Honey Myrtle	5-8m	varied	
Melaleuca linariifolia	Snow in Summer	5-8m	varied	
Melaleuca styphelioides	Prickly Paperbark	6-15m	varied	Used as street tree
Myoporum acuminatum	Mangrove Boobialla	4-6m	sheltered	
Rapanea howittiana	Brush Muttonwood	to 10m	fertile, sheltered	Rainforest tree
Syncarpia glomulifera	Turpentine	to 25m	clay/shale	Used as street tree
Xylomelum pyrifforme	Woody Pear	4m	sandstone	
<b>Native Trees - (all wards)</b>				
Agonis flexuosa	Willow Myrtle	8m	varied	Used as street tree
Alectryon tomentosus	Red Jacket	8-15m	sheltered, fertile	Rainforest tree
Archontophoenix cunninghamiana	Bangalow Palm	15m	moist, sheltered	
Backhousia citriodora	Lemon Scented Myrtle	6-8m	fertile, sheltered	Rainforest tree
Banksia integrifolia	Coast Banksia	5-8m	sandstone	
Brachychiton acerifolius	Illawarra Flame Tree	12-15m	fertile, well drained	Deciduous
Buckinghamia celsissima	Ivory Curl Tree	6-10m	fertile, sheltered	
Callistemon salignus	Willow Bottlebrush	8-10m	alluvial, varied	
Cupaniopsis anacardioides	Tuckeroo	4-8m	coastal, sandy	
Eucalyptus ficifolia	Red Flowering Gum	8m	sandstone	
Eucalyptus maculata	Spotted Gum	15-30m	varied	
Eucalyptus scoparia	Willow Gum	10-20m	well drained	Used as street tree
Eucalyptus sideroxylon	Mugga Ironbark	12m	shale	Used as street tree
Hymenosporum flavum	Native Frangipani	10m	fertile, well drained	Perfumed flowers
Leptospermum laevigatum	Coast Tea Tree	3-5m	sandy	
Livistona australis	Cabbage Tree Palm	to 25m	moist, fertile	
Lophostemon confertus	Brush Box	10m	varied	Used as street tree
Macadamia integrifolia	Macadamia	5-8m	sandstone	Used as street tree
Podocarpus elatus	Plum Pine	12-25m	moist, fertile	Edible fruit
Stenocarpus sinuatus	Firewheel Tree	8-10m	fertile, sandy	Rainforest tree



BOTANIC NAME	COMMON NAME	HEIGHT (Approx)	PREFERRED SOIL TYPE	COMMENTS
Syzygium spp.	Lilly Pilly	3m+	sheltered/ sandstone	Rainforest tree
Tristaniaopsis laurina	Water Gum	4-7m	varied	Used as street tree
<b>Exotic Trees - (Hurstville and Penshurst Wards only)</b>				
Acer species	Maple	4m+	moist, fertile	Deciduous
Arbutus unedo	Strawberry Tree	6-8m	well drained	Edible fruit
Betula species	Birch	12-20m	sandy loam	Deciduous
Calodendrum capense	Cape Chestnut	8-15m	fertile	Semi-deciduous
Fraxinus griffithii	Himalayan Ash	5m	varied	Used as street tree
Ginkgo biloba	Maidenhair Tree	12-25m	fertile, alluvial	Ancient species
Gordonia axillaris	Crepe Camellia	3-5m	fertile, moist	Used as street tree
Lagerstroemia indica	Crepe Myrtle	6-8m	well drained, fertile	Deciduous
Liriodendron tulipifera	Tulip Tree	15-30m	fertile, sheltered	Deciduous
Jacaranda mimosifolia	Jacaranda	12-15m	fertile, well drained	Deciduous
Magnolia grandiflora	Bull-bay Magnolia	15m	well drained, fertile	
Metrosideros excelsa	New Zealand Christmas Tree	10-12m	sandy	
Michelia figo	Port Wine Magnolia	3m	well drained, fertile	
Pistacia chinensis	Chinese Pistachio	8-15m	well drained	Deciduous
Quercus species	Oak (various)	10-30m	fertile, moist	Deciduous
Robinia 'Mop Top'	Mop Top Robinia	6m	varied	Semi deciduous
Schinus areira	Peppercorn Tree	6-15m	sandy, moist	Deciduous
Ulmus species	Elm (various)	12m+	fertile	Used as street tree, semi-deciduous



## 5. State & Regional Roads Classifications

### State Roads

Road	Section		2004 AADT Vehicles/day
Croydon Road	Forest Road	Queens Road	25,000
Queens Rd	Croydon Road	Forest Road	23,500
Forest Rd	Queens Road	Henry Lawson Dr	33,500
Henry Lawson Dr.	Forest Rd	Salt Pan Creek	25,500
Stoney Creek Road	Kingsgrove Road	Forest Road	29,000
King Georges Road	Bridge St	Pallamana Parade	54,500

### Regional Roads

Road	Section		2004 AADT Vehicles/day
Belmore Road	Henry Lawson Dr.	Josephine St	15,000
Bonds Road	Josephine Street	Forest Road	17,000
Boundary Road	Forest Road	Railway Line	15,000
Lily Street	Forest Road	Railway Line	15,000
Forest Road	Lily Street	Croydon Road	8,000
Tooronga Terrace	King Georges Road	Bundara Street	6,500
Bundara Street	Tooronga Terrace	Vanessa Street	6,500
Vanessa Street	Bundara Street	Commercial Road	7,000
Commercial Road	Vanessa Street	Kingsgrove Road	7,000
Kingsgrove Road	Wolli Creek	Stoney Creek Road	25,000
Croydon Road	Stoney Creek Road	Queens Road	18,000
Gloucester Road	Stoney Creek Road	Forest Road	3,600
Broad Arrow Road	Bonds Road	Bryant Street	7,500
Penshurst Street	Bryant Street	Bridge Street	8,500
Bridge Street	Penshurst St	Forest Road	5,000



## **Appendix 2      Council Codes and Policies**

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## 1. Drainage and On-Site Detention Policy

### Drainage Requirements

1. All drainage to be designed for a 1:20 storm frequency except if the site is located in the Wolli Creek catchment, and for Hurstville area this gives 185mm/hour intensity for a six (6) minute storm.
2. In the Wolli Creek Catchment, all stormwater must be designed to provide an On-Site Detention (OSD) facility, except for single dwellings.
3. All grated pits; benched or streamlined, unless otherwise noted.
4. All outlet pipes from a grated pit: minimum of 150mm diameter.
5. All pipes: minimum sewer grade PVC.
6. Minimum grade to all pipes: 1%.
7. The last grated pit before entering a Council pipeline or kerb and gutter must have 150mm sump and galvanised mesh permanently fixed over the outlet pipes.
8. Two or three x 100mm PVC pipes from the last grated pit where connecting kerb and gutter.
9. Minimum cover over pipes: 150mm.
10. Cast in situ concrete, brick or precast concrete grated pits must be used in trafficable areas otherwise plastic pits can be used.
11. Grated drains to be installed across long driveways at the front boundary to prevent stormwater flowing across Council's footpath.

### On-Site Detention (OSD) Requirements

1. Applicants must submit (3) sets of drainage calculations and plans prepared by a qualified Drainage consultant.
2. Above ground OSD basins are required where possible in preference to tanks.
3. For OSD tanks in three (3) or more Unit/Villa developments, a Positive Covenant is required for the tank either by Section 88B Certificate, or by Form 55A which is obtainable from Land and Property Information ([www.lpi.nsw.gov.au](http://www.lpi.nsw.gov.au)). This Covenant is to be worded as follows:

*"It is the responsibility of the Owners Corporation to keep this on-site detention tank clean at all times and not modify it in any way. It is also subject to possible flooding during heavy storms."*
4. An equivalent sized pipe is preferred to an orifice plate. Orifice plates may be used in underground OSD tanks only if the plate is permanently fixed to the walls of the tank.
5. A screw on type professionally made sign is required adjacent to the OSD tank/basin, reading as follows:

*"This is an on-site detention tank/basin and is subject to possible flooding during heavy storms."*



6. The location of the OSD tank/basin is to be shown on the survey plans by the Surveyor and suitably tagged.
7. We require a letter from the Drainage Consultant certifying that the OSD has been constructed to his/her approval and in accordance with the Council approved drainage plans.

### **On-Site Detention Design Criteria**

Applicants must provide details of a OSD facility designed by a professional hydrological/hydraulic engineer, showing computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- Dual Occupancy: 5%
- Villas and Units: 2%
- Commercial & Retail: 1%

Annual Exceedance Probability design event at relevant times of construction (design storm) as defined by the Australian Rainfall and Runoff (1987) , peak site discharge resulting from the development shall not be greater than the peak site discharge when the lots contained a single dwelling, garage, lawn and garden.

Where the stormwater discharge points are connected to the street gutter system, the peak flow from the site shall not increase the width of gutter flow by more than 200mm at the design storm.

The OSD facility shall be designed to meet all safety requirements and child proof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm.

Refer also to separate:

- Design rainfall intensity diagram (chart attached), and
- Wolli Creek/Georges River catchments map (1 x A4 page) which shows that Wolli Creek catchment includes the suburbs of Kingsgrove, Hurstville, Carlton and Beverly Hills, whilst Georges River catchment (drainage amplification area) included Lugarno, Oatley and Peakhurst Heights. For other suburbs refer to the map to determine catchment location.



## 2. Fencing Adjacent to Public Roads Policy

### 1. PURPOSE

This code outlines Council's policy in respect of the erection of street boundary fences in excess of one (1) metre in height

### 2. AIMS OF CODE

To provide guidelines for the erection of fences and walls in excess of one (1) metre in height above footpath level.

To ensure that:

- Fences complement and are compatible with the development of the land.
- Adverse impact of fences on the streetscape and public places is minimised.
- Fences do not adversely affect the character or amenity of the locality by their visual impact, size, overshadowing or other factors.

To ensure that safe vehicular access is maintained at property entrances and street intersections.

To maximise recreational space, privacy and security of residential dwellings adjoining roads, and places of public congregation, (eg bus stops) and for residential developments, townhouses, villas and dual occupancy.

To encourage the use of a diverse range of fencing designs and materials.

### 3. CONSIDERATION OF APPLICATIONS

In any application for the erection of courtyard walls and/or fences the Council may consider the following:

- The purpose for which the fence or wall is required.
- The position of the fence or wall in relation to the boundaries of the allotment and building alignments.
- Height, materials and design of the proposed fence.
- The general scale and appearance of the fence or wall relative to the general streetscape and amenity of the neighbourhood and the existence of similar structures in the neighbourhood.
- Structural stability of the proposed work.
- The possible effects of the structure on the safety of pedestrians and traffic conditions in the adjoining road system.
- The landscaping, both existing and proposed, and its effect on the embellishment of the proposed structure.
- The effects of the proposed structure on drainage.



- Current open space and open space utilisation on site.
- Levels of traffic on adjoining roads.

#### **4. APPROVALS AND REQUIREMENTS**

##### **4.1 APPLICATIONS/OBTAINING APPROVAL**

To see if you need approval/what sort of approval you require refer to State Environmental Planning Policy (Exempt and Complying Codes 2008). Some minor projects do not require approval under certain circumstances, some require a complying development certificate and others a development consent and construction certificate.

##### **4.2 REQUIRED INFORMATION**

Applications must be completed and signed by the owner, builder, architect or engineer and accompanied by documents as show on the relevant application form. Fees apply as listed in our Schedule of Fees and Charges which may be down loaded from our website.

Applications for enclosure of the site shall be accompanied by a statement setting out the reasons for the proposed wall.

#### **5. PLANS**

##### **5.1 SITE PLAN**

The site plan shall be drawn at a scale of 1:200 or 1:500 and include:

- (a) Boundaries and dimensions of the site including location of the proposed fence, with gate openings, offsets, splay corners and returns relative to boundaries and existing structures on the site.
- (b) Location and dimensions of any easements.
- (c) North point.
- (d) Location of vehicular crossings including obstructions such as power poles and gully pits.
- (e) Location of existing vegetation including trees having a girth in excess of 300mm.
- (f) Proposed landscaping including species and projected height at maturity.
- (g) A layout of proposed drainage lines, where necessary.

##### **5.2 GENERAL PLAN**

The general plan shall be drawn at a scale of 1:100 or 1:50 and include:

- (a) Elevations and plan view



- (b) Height, design, colours and construction of the fence
- (c) A sectional elevation of the wall including footings indicating adjoining ground levels and location of adjoining property boundaries, where relevant

## **6. SPECIFICATION**

Specifications shall describe construction and materials of the fence, whether materials will be new or second-hand and include details of any proposed surface stormwater drainage or agricultural drainage.

## **7. GENERAL REQUIREMENTS**

### **7.1 DIVIDING FENCES ACT**

The provisions of the Dividing Fences Act, 1991, must be considered with the design of fences. This Act is not administered by Council. The provisions of this Act regulate the construction and repair of dividing fences between properties including procedures for the apportionment of costs between owners.

### **7.2 FENCE DESIGN**

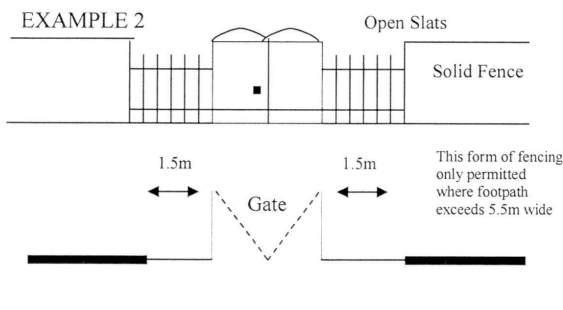
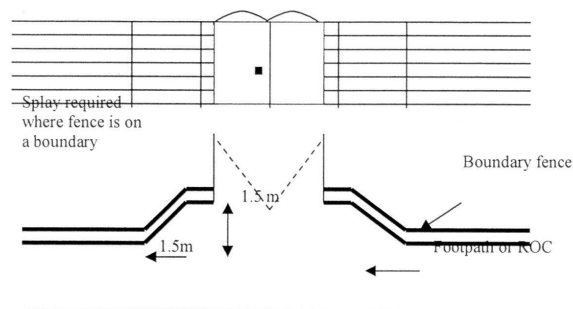
Fences shall be designed so as to be compatible with the adjoining buildings and fences and the natural surroundings.

The design should demonstrate architectural merit and relief from a mass of wall is encouraged by the use of vertical columns, brick capping, variable brickwork bonds, timber panel inserts and open metal or timber panels. Fences on premises with heritage classifications should be in harmony with existing building/s.



### 7.3 VEHICULAR ACCESS

Openings for vehicular entries shall be designed to facilitate safe entry and exit conditions from the site and adjoining premises, i.e. visibility of pedestrians and ability to open gates with vehicles fully off the road (refer examples below). Gates shall open inwards to the property and provide a minimum unobstructed width of 2.5 metres. Consideration should be given to the location of access driveways to adjoining premises.

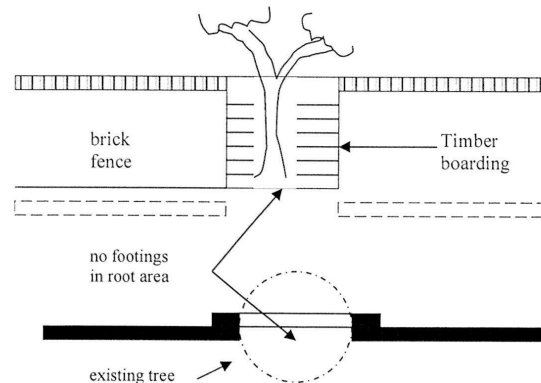


### 7.4 PLANTING

Where fences are required to be set back from the boundaries of the site, planting with species capable of reducing the visual impact of the fence shall be implemented. Plants and trees should be selected so that damage to the fence or footpath will not occur.



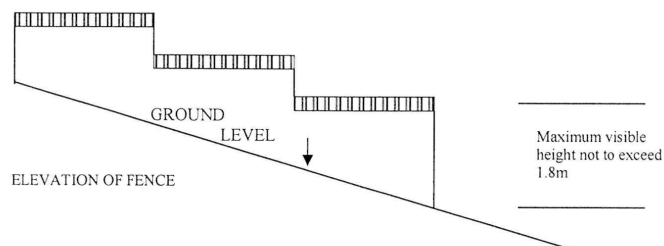
All existing trees subject to the Tree Preservation Order are to be preserved and provision should be made to prevent disturbance to root systems.



## 8. FENCING REQUIREMENTS - PRIMARY & SECONDARY BUILDING LINES

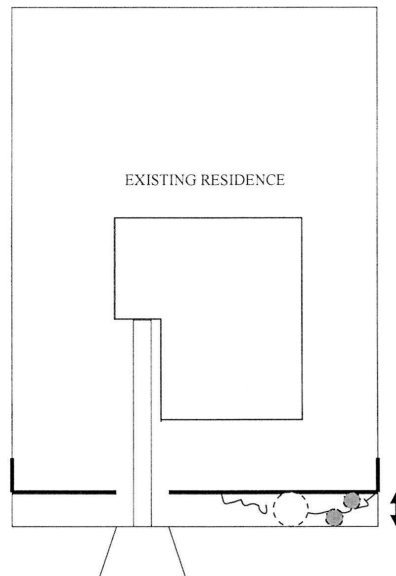
### 8.1 SOLID FENCES

Solid fences such as block masonry, paling, brushwood and sheet or panelled fences shall not exceed 1.8m in height at any point when measured above Council's footpath level. (Note: concessions as expressed in Clause 4.1).

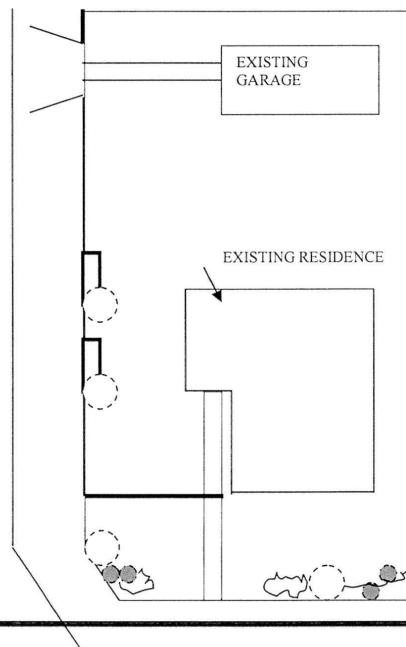


Solid fences to the primary frontage should be set back a minimum distance of 1.5m from the boundary. The setback area shall be landscaped to soften the appearance of the wall when viewed from the street. Solid fences of architectural merit utilizing columns, capping, variable brick bonds, etc. may be approved by Council on the boundary alignment.





Solid fences to secondary frontages on corner allotments may be constructed on the allotment boundary providing they do not extend forward of the front alignment of the dwelling.



*Hurstville City Council*

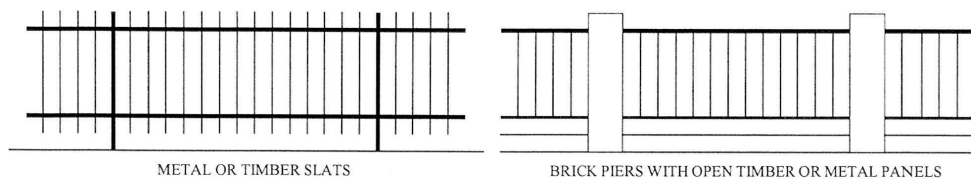
*Fences Adjacent to  
Public Roads Code*



## 8.2 OPEN TYPE FENCES

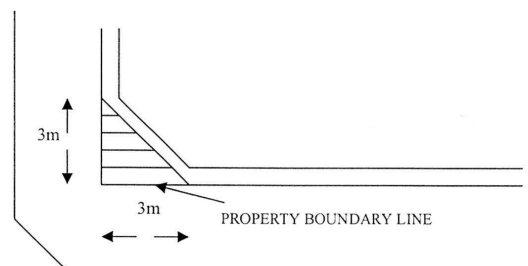
Open fences are those that are designed so that visibility to the enclosed area is not substantially restricted.

Open type fences must not exceed 1.8m in height above natural ground level but may be erected on the boundary alignment.



## 8.3 SIGHT LINES AT INTERSECTIONS

Where a solid fence is proposed at a road intersection, special consideration must be given to providing satisfactory sight distances for traffic. A 3m by 3m splay will normally be required in these locations.



Planting in the splay area should be trees with high foliage or low profile shrubs to maintain sight lines.

## 8.4 FENCING IN FORESHORE ZONES

Fencing in foreshore areas shall be designed to preserve views and to minimise disturbance to the natural landscape. Preference will be given to open type fences that are unobtrusive and do not restrict views.

Generally, solid fences will not be permitted between the Foreshore Building Line and Mean High Water mark.



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**8.5 BRICK FENCES**

**8.5.1 Footings.**

Footings shall be reinforced concrete founded on a sound foundation and excavated to such a depth that the top of the footing will be 50mm below finished ground level, except for footings on a road boundary whereby the top of the footing must be 170mm (two brick courses) below finished ground level. No part of the footing shall encroach over the allotment boundary.

Where there is no existing kerb and gutter, Council must be consulted to obtain appropriate levels so that footings will be set below future footpaths.

**8.5.2 Stability.**

Stack bond or brick on edge will not be approved unless designed by a Consulting Structural Engineer. Properly bonded supporting piers are to be provided at not greater than 2m centres to single brick walls.

Free standing ends of brick fences shall be adequately supported by return walls that are a minimum length of half of the height of the wall and carried to the full height of the fence in matching bond.

**8.6 DRAINAGE**

Satisfactory provision shall be made for drainage lines to collect and discharge surface and seepage water to prevent damming of water on adjoining sites and to not interfere with the natural flow of surface water.

**9. DIVIDING FENCES LAW**

This law is administered by the Chamber Magistrate at your Local Court, and not the Council. You can obtain more information in the Department of Local Government publication "Dividing Fences Law" which explains issues like shared costs, recovering costs, fencing notices, and disputes. This publication may be downloaded from the Forms/Fees/Charges page of our website. For more information contact the Chamber Magistrate at your Local Court.

**10. THE BUILDING CODE OF AUSTRALIA**

For information on the Building Code of Australia (BCA): [www.abcb.gov.au](http://www.abcb.gov.au)

**11. TO CONTACT US**

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*Hurstville City Council*



### 3. Balcony Enclosures in Residential Flat Buildings Policy

**Note:**

The Balcony Enclosures Residential Flat Buildings Policy was originally adopted by Council on 28 February 2001

1. The full enclosure of balconies required by Council's Code to provide private open space for dwelling units in residential flat buildings be discouraged unless all of the following criteria can be satisfied:
  - The dwelling unit has an alternative (i.e., second balcony) which satisfies the open space requirements of Council's Codes.
  - The enclosure does not cause the gross floor plan area to exceed the permissible floor space index for the allotment on which the building stands.
  - The external appearance of the building is not degraded when visible from a public place.
  - The building is recessed within the line of the external walls or is framed by solid walling, piers or columns and is under the main roof line of the building.
  - The deemed to satisfy requirements of the Building Code of Australia are satisfied relating to vertical fire separation between storeys and with respect to fire exposure to boundary or other building fire source features, and the requirements for the safe cleaning of windows within acceptable reach from within the building.
  - The outdoor amenity of a balcony due to its exposure to the elements or to a significant noise source is so adverse for the majority of time and seasons that it is rendered totally unusable for recreational purposes. The actual exposure to elements such as wind, rain, noise be documented by an appropriately qualified person in a Statement of Environmental Effects.
  - The enclosure is subject to no blinds or curtains being installed behind glass to provide sun shading or tinting to reduce heat buildup on the balconies and the Owners Corporation of the Strata Plan be required to endorse and enforce this requirement through its By-Laws.
  - Glare and rogue reflections to traffic (pedestrian or road traffic) can be shown not to be significant for enclosures involving more than 50% glass area compared to the area of the respective elevation of the balcony.
  - The building alterations are designed by a qualified architect in accordance with urban design guidelines.
2. The enclosure of balconies which project outside the main external wall line be not approved.
3. The enclosure of balconies with full storey height glazing be not approved.
4. The piece-meal enclosure of balconies be not approved, but the balcony enclosures may only apply to one side/section of a building.



#### 3. Balcony Enclosures in Residential Flat Buildings Policy

5. For balcony enclosures which satisfy the criteria in (1) above an overall scheme shall be implemented with the Concurrence of the Owners Corporation of the Strata Plan using the same materials or materials which will harmonise with the materials existing in the building façade.
6. Partial enclosure of balconies be allowed on the same terms and conditions as specified in 5 above.
7. The enclosure of balconies on landmark buildings be denied, i.e. those buildings which are both clearly visible when seen on a viewing axis towards Hurstville and clearly distinguishable from other buildings (e.g. 323 Forest Road (Meriton), 109 Forest Road (Forest View)) but not those which are simply visible when a fair distance from Hurstville (eg. 2 original Meriton towers).



## **4. Public Spaces Local Approvals Policy**

Please refer to Council's Public Spaces Local Approvals Policy on Council's website

<http://www.hurstville.nsw.gov.au/Public-Spaces-Local-Approvals-Policy.html>



## **5. Stencilling of Street Driveways Policy**

**Adopted by Council  
20 March 2002**

(1) THAT Council affirms the policy that all driveways in Hurstville are finished in plain concrete, and

(2) FURTHER, THAT in streets which have brick paved surfaces, driveways are constructed to Council's Engineering Specification including a concrete base with matching brick paving surface.



## **6. Underground Electricity Cabling to Developments Policy**

**Adopted by Council  
6 July 1978**

THAT in all future roaded subdivisions, electricity supply be undergrounded.

Minute Number 626

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**Adopted by Council  
12 November 1997**

- 1) For all developments in the Hurstville CBD –
  - Developer to pay full costs of undergrounding low voltage cables adjacent to the development.
  - Developer to provide conduits only for future undergrounding of high voltage cables.
- 2) For all commercial/industrial and medium high density residential developments elsewhere in the City –
  - Developer to provide conduit for future undergrounding of low voltage cables only.
  - Developer to provide connection to future underground supply to development.



## **7. Enforcement Policy**

Please refer to Council's Enforcement Policy on website

<http://www.hurstville.nsw.gov.au/Enforcement-Policy.html>