



5.0 Controls for Specific Non-Residential Development Types

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5.1 Extended Trading Hours

5.1 Introduction

5.1.1 Application of this chapter

This chapter applies to commercial premises as defined in the Dictionary of the Hurstville LEP 2012 and approved by Council. Extended trading hours refers to hours outside of 6am to midnight, daily.

5.1.2 Purpose of this chapter

The purpose of this chapter is to ensure that all relevant matters are considered in applications for extended trading hours.

5.1.3 Development Requirements

The development requirements for this Section are provided in the table below.

Development Requirements

Performance Criteria	Design Solution
Extended Trading Hours	
<p>PC1. Extended trading hours:</p> <ul style="list-style-type: none"> • contribute to the vibrancy and economic competitiveness of Hurstville's business areas • have minimal adverse amenity impacts on residential uses • protect the safety of the community 	<p>DS1.1. The following matters are to be considered by the applicant and Council in relation to an application for extended trading hours:</p> <ul style="list-style-type: none"> • Additional information to be submitted with the DA is to include: <ul style="list-style-type: none"> - Detailed description of the activity and its potential impact on adjoining premises - Potential impact on the amenity of the area - Potential for noise generation - Litter generation - Anticipated patronage numbers - Responsibilities of staff, staffing levels and qualifications (if relevant) - External and internal lighting - Safety and Security measures - Toilet facilities • Additional advertising requirements for extended trading hours DAs can be considered • Referral of the DA to the NSW Police for comment and input. • Where appropriate, conditions of consent to include a requirement that the applicant/operator of the premises submit a quarterly report to Council addressing key areas of the business' operations eg. safety and security measures, complaints and/or incidents etc. This will assist in the early identification of potential problems that may be associated with the premises, particularly for more contentious or suspect premises. • Council can request action, which would need to be reported in the next quarterly report. If the situation did not improve, warnings could be issued and ultimately approval for the premises would be revoked where conditions of consent were breached. • Option of time limited consent where Council can review the business' operation after a designated time period, at which time additional controls can be placed on the business if required or consent revoked if there were ongoing problems • A regular overview to be provided to Council's Safety Committee of premises trading extended hours.



5.2 Light Industrial Areas



5.2 Introduction

5.2.1 Application of this chapter

This section applies to all land within the City of Hurstville zoned IN2 Light Industrial under the Hurstville LEP 2012

5.2.2 Purpose of this chapter

The purpose of this chapter is to achieve the following objectives:

- provide controls for the development of light industrial premises within the City of Hurstville.
- improve the quality of light industrial development within the City of Hurstville.
- ensure the orderly development of light industrial sites to minimise their environmental impact while maximising their functional potential.
- ensure that traffic generated by light industrial development does not adversely affect local or regional traffic movements.
- ensure consideration is given to employee amenity within light industrial buildings, the site, and the locality; and
- encourage aesthetically attractive building forms and streetscapes.
- facilitate the implementation of the aims and objectives of industrial development as set out in Hurstville LEP 2012.

5.2.3 Development Requirements

The development requirements for this Section are provided in the table below.

Development Requirements

Performance Criteria		Design Solution	
Density			
PC1.	Development density: <ul style="list-style-type: none"> maintain the character of light industrial areas by controlling the scale of the development is in keeping with the bulk, scale and character of the area 	DS1.1.	Floor Space Ratio controls are in Clause 4.4 and associated maps of the Hurstville LEP 2012.
Site Area and Subdivision			
PC2.	Subdivision results in lots that can accommodate buildings, structure, vehicle access and parking and other associated activities while complying with other provisions of this DCP such as setbacks	DS2.1.	The minimum site area including access corridors and minimum street frontage (width) for subdivision of light industrial land is 650m ² and 15m.
		DS2.2.	Where a site is greater than 6,000m ² in area, the minimum frontage is 25m.
Setbacks			
PC3.	Development setbacks: <ul style="list-style-type: none"> provide a setback that enhances the streetscape and provides for landscaping enhance the streetscape and allow for landscaping and open space at the front and between buildings allow for landscape screening to reduce the visual mass of buildings 	DS3.1.	A minimum front setback of 4.5 metres is required for all light industrial development, except for the specific areas identified below: <ul style="list-style-type: none"> Depot Road 6m setback Durkin Place 6m setback Pritchard Place 6m setback The Crescent 7.6m setback Vanessa Street 7.6m setback.
		DS3.2.	Within the front setback area, a minimum of 3 metres is to be landscaped and maintained as open area in order to enhance the streetscape. This area is not to consist of buildings, storage areas or car parking and manoeuvring areas. <p>Note: The above clause does not apply to the specific areas identified above (which are required to have the entire front setback area landscaped) or where it can be shown that the use of this front setback area will be of a particular benefit to the site (this will mainly apply to those light industrial sites located within the vicinity of the corner of Stanley and Lorraine Streets, which may use this area for car parking).</p>
		DS3.3.	For corner allotments, a minimum setback of 2 metres is required for the secondary frontage.
		DS3.4.	Where a site has a common boundary with a residential property, a landscaped strip with a minimum width of 2 metres is to be provided along that boundary and adequately landscaped to provide a screen between the two land uses.
Building Design			
PC4.	Building design: <ul style="list-style-type: none"> contributes to the streetscape and improves the visual amenity of the surrounding area 	DS4.1.	The maximum height of a building in the light industrial zone is contained within Clause 4.3 and the associated maps of the Hurstville LEP 2012. Refer also to Appendix 1 for building heights and indicative storeys.

Development Requirements

Performance Criteria	Design Solution
<ul style="list-style-type: none"> integrates with the streetscape and are compatible with their surroundings. comprises colours, textures, materials and forms that enhance the quality and character of light industrial areas. 	<p>DS4.2. A schedule of materials is to accompany development applications. Documentation is to be provided demonstrating that consideration has been given to the type of materials to be used in the project and the extent to which their use will achieve the objectives.</p>
	<p>DS4.3. Materials appropriate for new buildings include face brickwork, decorative brickwork, contrasting trim and details, concrete or masonry and metal or fibre cement cladding systems.</p>
	<p>DS4.4. Non reflective materials and finishes are to be used. Reflective surfaces on the external wall of a proposed building are to be no greater than 20%.</p>
	<p>DS4.5. Council may require a reflectivity study to be prepared by a suitably qualified person where the development has the potential for adverse impacts on the locality, or major roads within the vicinity of the light industrial area.</p>
	<p>DS4.6. Fencing is not to be erected within any landscape setback area.</p>
	<p>DS4.7. Fencing at the front of premises is to be of an open design and a maximum height of 2.5m.</p>
	<p>DS4.8. Fences on boundaries directly adjoining residential properties are to be constructed of pre-painted solid metal or full brick to provide screening and noise control.</p>
	<p>DS4.9. Buildings must present a satisfactory facade to the street. Blank wall facades are not acceptable.</p>
	<p>DS4.10. Architectural features are to be included in the design of new buildings to provide for more visually interesting light industrial areas. Such features may include:</p> <ul style="list-style-type: none"> Distinctive parapets or roof forms Articulated facades Distinctive entries A variety of window patterns Balustrades Pergolas and other sun shading devices; and Selection of building materials.
	<p>DS4.11. Where a proposed light industrial development is considered to be environmentally significant or of major significance to the community, Council may request an architectural model, at a scale of 1:100, which provides the following information:</p> <ul style="list-style-type: none"> Development on the adjoining land in block form Architectural details of proposed development. Finishes Landscaping details.

Development Requirements

Performance Criteria		Design Solution	
Landscaping			
PC5. Landscaping: <ul style="list-style-type: none"> provides attractive areas which enhance the street character and the amenity of buildings. preserves significant stands of trees and natural vegetation. softens the visual impact of the buildings within light industrial areas. reflects the scale of the development. maximises the number of trees retained on the site. softens the impact of buildings, as a screen to visual intrusions and for recreation space. predominantly uses indigenous species. 	DS5.1.	Development applications are to be accompanied by a landscape plan prepared by a suitably qualified landscape architect or designer.	
	DS5.2.	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.	
	DS5.3.	Landscape design is to generally incorporate species indigenous to the area and those which will not cause damage to adjacent buildings and driveways. Plants to avoid are those which have a short life, drop branches, gum or fruit, or which interfere with underground pipes.	
	DS5.4.	Landscaping is to be provided in the front setback area to soften the appearance of buildings and enhance the streetscape.	
	DS5.5.	Landscaping is to be provided where the site abuts access streets, service roads, railway lines or residential development.	
	DS5.6.	Species that will grow to a height consistent with the building are to be included.	
	DS5.7.	Buildings, driveways and service trenches are to have a minimum setback of 4 metres from trees and groups of trees which have been assessed as significant.	
	DS5.8.	Protective measures are required around trees during site works and construction. Such measures are to be submitted with the development application.	
	DS5.9.	An outdoor eating and sitting area is to be provided within sites at the rate of 1m ² per employee, with a minimum total area of 10m ² .	
	DS5.10.	Trees planted on site should provide shade in summer and allow sunlight in winter and should be positioned appropriately.	
Vehicle Access and Parking			
PC6. Vehicle access and parking: <ul style="list-style-type: none"> is safe, efficient and direct. is sufficient for user needs and is convenient. include on-site facilities for loading and unloading of goods. are adequately sign posted and where required, provide parking for people with a disability 	DS6.1.	Car parking and loading bays must comply with section 3.1 – Vehicle Access, Parking and Manoeuvring.	
	DS6.2.	Access and mobility provisions must comply with section 3.3 – Access and Mobility.	
	DS6.3.	Where possible, parking is to be provided to the rear of buildings or below ground level.	
	DS6.4.	Design and layout of parking facilities is in accordance with relevant Australian Standards.	

Development Requirements

Performance Criteria		Design Solution	
Acoustics			
PC7. Development: <ul style="list-style-type: none"> protects the surrounding environment from noise intrusions. ensures the hours of operation of premises is restricted to avoid any undue or unreasonable noise nuisance upon surrounding residential areas. is designed to minimise the possibility of noise to the occupants of adjoining or neighbourhood dwellings. ensures noise control measures for any particular source take account of all potentially affected points. ensures sources of noise such as garbage collection, machinery, parking areas and air conditioning plants are sited away from adjoining properties and screened/ insulated by walls or other acoustic treatment. 	DS7.1. Noise levels are not to exceed specified limits at the most affected point of the property boundary. <i>Note: Recommended Background Noise Levels are in accordance with Table 1: Recommended Background Noise Levels.</i>		
	DS7.2. All proposals which may generate noise are to be accompanied by documentation from a qualified acoustic engineer certifying that the acoustic standards can be met		
	DS7.3. The hours of operation of light industrial activities are between the hours of 7.00 am and 5.00 pm. Mondays to Saturdays inclusive, with no work on Sundays or Public Holidays. For those properties that are not located adjoining or opposite a residential property where the use does not result in heavy machinery work the extended trading hours, 7am to 7pm Mondays to Saturdays inclusive with no work on Sundays or Public Holidays apply.		
Energy Efficiency and Services			
PC8. Development: <ul style="list-style-type: none"> is ecologically sustainable, maximise energy efficiency and conservation of resources through building design, construction and occupation. ensures building design and internal layouts are designed to maximise energy efficiency for heating and cooling. ensures building materials are selected to assist thermal performance. has an area, orientation and roof pitch that is suitable for the installation of solar collectors. ensures landscape design assists in microclimate management for the reduction in use of fossil fuels, the conservation of water and reducing nutrient runoff to stormwater systems. 	DS8.1. Passive solar design measures are to be incorporated into a building's design.		
	DS8.2. Ceiling insulation is to be provided.		
	DS8.3. The use of solar collectors for hot water heating and power is encouraged to reduce energy consumption.		
	DS8.4. Buildings are to have windows that are appropriately sized and shaded to reduce summer heat load while permitting entry of winter sun.		
	DS8.5. External shading devices are to be incorporated but should not completely eliminate or substantially reduce natural lighting or views.		
	DS8.6. Low energy, high efficiency plant, fittings and appliances are to be specified.		
	DS8.7. Water consumption is to be minimised by the use of dual flushing toilets and the planting of indigenous species in landscaped areas.		
	DS8.8. The applicant is to ascertain, by reference to Energy Australia, the position where the service box and meters are to be installed.		
	DS8.9. Applicants are informed that Energy Australia may require an area within the site to be dedicated, suitable for the location and maintenance of a distribution substation. The location must satisfactorily meet the requirements of both Energy Australia and Council.		

Development Requirements

Performance Criteria		Design Solution	
Waste Management			
PC9. Waste management:	<ul style="list-style-type: none"> • provides for an efficient and environmentally sustainable means of storage and/or disposal of trade waste and recyclable products. • ensures the capacity, size, construction and placement of both trade waste and recyclable storage facilities is determined according to: <ul style="list-style-type: none"> - estimated amounts of trade waste and recyclables generated. - safe means of collection; and - unobtrusive effects on the building and neighbourhood. • ensures excavated material, demolition and builder's waste is disposed of on landfill sites approved by the Environmental Protection Authority and acceptable to Council. • incorporates convenient access for waste collection. 	DS9.1.	Adequate storage for waste materials is to be provided on the site. This waste must be removed at regular intervals and not less frequently than once per week.
		DS9.2.	The garbage area is to be capable of accommodating trade waste and recyclables arising on the premises. Sufficient space is to be provided for a loading and unloading area and any associated handling equipment.
		DS9.3.	The location of garbage area and bulk waste collection bins is to be shown on the development application plans.
		DS9.4.	Garbage areas are to be constructed of concrete floors or the like, graded and drained and connected to the sewer where appropriate. Solid walls are required, with or without the following - roof covering, doors, lighting, ventilation and water supply.
		DS9.5.	Garbage areas are to enable safe and easy access by collectors and collection vehicles within proximity to street frontages, and are to be screened with appropriate landscaping measures.
		DS9.6.	For collection of waste, roadway curves are to be a minimum radius of 11 metres.
		DS9.7.	Sites for disposal of excavated material, demolition and builders waste are to be specified by the applicant with the development application.
		DS9.8.	In addition to the above requirements, applicants are required to comply with the Waste Management policy contained in Appendix 1 of this DCP.

Predominant Land Use of Receiver	L90 Background Noise Level in dB(A)
Residential	50
Shop or Commercial Office	60
Light Industrial	65

Table 1: Recommended Background Noise Levels



5.3 Child Care Centres

5.3 Introduction

5.3.1 Application of this chapter

This section applies to development for the purpose of a Child Care Centre as defined in Hurstville LEP 2012.

5.3.2 Purpose of this chapter

The purpose of this section is to achieve the following objectives:

- 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.
- recognise child care centres as important educational facilities, critical to the physical, intellectual, cultural, creative, sensory and emotional development of children.
- 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.

5.3.3 Development Requirements

The development requirements for this Section are provided in the table below.

Development Requirements

Performance Criteria	Design Solution
General	
<p>PC1. The site is adequate for the purpose of a Child Care Centre.</p>	<p>DS1.1. The site:</p> <ul style="list-style-type: none"> • Is 500m² or larger • Has a minimum street frontage (as measured for the depth of the parking and manoeuvring area at the front of the building) of: <ul style="list-style-type: none"> - 18m where a separate entry and exit one way drive-through access is proposed. - 20m where an at grade single vehicular access point to the on-site car parking area is proposed to allow for the provision of two separate pedestrian paths (refer to the Access and Parking requirements contained in this section of the DCP). - 15m for R3 Medium Density Residential areas where parking is provided at basement level. • Does not have any property boundary on a State Road.
Locational Criteria	
<p>PC2.</p> <ul style="list-style-type: none"> • Quality child care facilities are located on appropriate sites. • Minimise impacts from child care centres on surrounding residential areas. • Sites used for the purposes of a child care centre are compatible with the environment in which they are situated. • Due consideration is given to Section 79(c) of the EPA Act 1979 - the social and economic effect of that development in the locality • The location of Child Care Centres in community focal points enhances accessibility to the broader population, and generally results in less impact than locating in a quiet residential environment • Proposals for child care centres which are located away from the following undesirable or hazardous features will be favoured in terms of compliance with location criteria <ul style="list-style-type: none"> • telecommunications towers • large over-head power wires • any other area which may reasonably be considered inappropriate if located near a child care centre, 	<p>DS2.1. 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).</p> <hr/> <p>DS2.2. Sites less than 500m² will not be considered.</p> <hr/> <p>DS2.3. Sites will not be considered for a child care centre use unless they have a minimum street frontage (as measured for the depth of the parking and manoeuvring area at the front of the building) of:</p> <ul style="list-style-type: none"> • 18m where a separate entry and exit one way drive-through access is proposed. • 20m where an at grade single vehicular access point to the on-site car parking area is proposed to allow for the provision of two separate pedestrian paths (refer to the Access and Parking requirements contained in this section of the DCP). • 15m in R3 Medium Density Residential areas where parking is provided at basement level. If a proposal will result in an adjoining lot being left isolated, evidence must be submitted of negotiations with the owner and the issue will be considered as part of the assessment. <hr/> <p>DS2.4. Steeply sloping sites will not be considered due to issues relating to access.</p>

Development Requirements

Performance Criteria	Design Solution
	<p>DS2.5. 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).</p>
	<p>DS2.6. Approval is unlikely to be given for centres within 300m of the following features, unless the applicant can demonstrate evidence to support a variation to this requirement:</p> <ul style="list-style-type: none"> • telecommunications towers • large over-head power wires • any other area which may reasonably be considered inappropriate if located near a child care centre
	<p>DS2.7. Approval will not be given to a child care centre located closer than 55m to a LPG above ground gas tank or tanker unloading position.</p>
	<p>DS2.8. An analysis of any existing and/or potential site contamination is required to be submitted with any application for a child care centre.</p>
	<p>DS2.9. Where sites are, or may be contaminated, a report is to be submitted with the application prepared by a suitably qualified consultant.</p>
	<p>DS2.10. Approval will not be given to Child Care Centres located in cul-de-sacs or closed roads within residential area.</p> <p>Note: <i>the primary reason for this is to avoid adverse amenity impacts in cul-de-sacs or closed roads in residential areas. Due to their closed nature, cul-de-sacs are more adversely affected by the double traffic and parking impacts resulting from child care centres. Generally cul-de-sacs lack adequate space for pick up/drop off, resulting in queuing & traffic impact unless the property has a double street frontage with a drive through capability.</i></p>
	<p>DS2.11. Child Care Centres are not to be located on bushfire or flood prone land, or located adjoining injecting rooms, drug clinics and any other such uses that may be inappropriate next to children.</p>
	<p>DS2.12. Proposals for Child Care Centres must be accompanied by a Traffic Impact Statement provided by a qualified Traffic or Transport Consultant.</p>
	<p>DS2.13. Child Care Centres located adjoining the IN2 Light Industrial Zone or a Light Industrial use will be considered on their merits. Applicants are required to submit evidence that there will be no amenity impacts from existing or likely future industries.</p>

Development Requirements

Performance Criteria	Design Solution
Cumulative Impacts from Child Care Centres in Residential Areas	
<p>PC3. Where in a residential zone, the potential cumulative impacts on residential amenity including traffic and parking, visual and acoustic privacy are minimised</p>	<p>DS3.1. Only one child care centre is permitted at an intersection.</p>
	<p>DS3.2. Child Care Centres shall not be located on land adjoining any other existing or approved Child Care Centres.</p>
	<p>DS3.3. Only 1 Child Care Centre is to be located on each street block.</p> <p>Note: a street block is defined as those properties on both sides of a street between intersections with cross streets.</p>
	<p>DS3.4. The cumulative impacts of proposed child care centres within residential areas, especially traffic impacts, are required to be addressed in the statement of environmental effects submitted with the application.</p>
Consideration of Provision of Child Care Centres within large Developments	
<p>PC4. To encourage provision of child care facilities in appropriate developments in order to meet the demand for child care facilities and encourage their establishment in appropriate locations</p>	<p>DS4.1. Applicants for larger commercial and residential developments are required to demonstrate that they have considered the need for child care facilities and the option of including a child care centre within the proposed development.</p>
Size of Centres and Child Age Groups	
<p>PC5. The size of child care centres and child age groups:</p> <ul style="list-style-type: none"> are of a manageable size of overall number of children and minimise adverse impacts on the amenity of the surrounding residential areas. ensure that the number of spaces for under 2 year olds reflects the demographics of the local government area 	<p>DS5.1. The maximum number of children to be accommodated in a child care centre within Residential zones are as follows:</p> <ul style="list-style-type: none"> R2 Low Density Residential: 40 children. Council will consider a variation to the controls under this Clause for Child Care Centres in the R2 zone where the site is located adjacent to a retail/commercial area or other non-residential zoning. R3 Medium Density Residential: 60 children.
	<p>DS5.2. The maximum number of children to be accommodated within other zones where Child Care Centres are permissible 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.</p>
	<p>DS5.3. 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</p>

Development Requirements

Performance Criteria	Design Solution
Building Form and Appearance	
<p>PC6.</p> <ul style="list-style-type: none"> • Appropriate scale and building design that is sympathetic to the streetscape character. • A high level of amenity to adjoining and surrounding properties. • Buildings take into account the natural environment, topography, street hierarchy, urban form and adjoining development. • Ensure no bright colours on building finishes 	<p>DS6.1. For Residential Zones, the maximum height is:</p> <ul style="list-style-type: none"> • R2 Low Density Residential: One (1) storey. A variation to this control will only be considered where the centre is located adjacent to commercial or other non-residential zonings and where the proposal complies with the building form objectives. • R3 Medium Density Residential: Two (2) storeys
	<p>DS6.2. For other zone, Centres are restricted to a maximum height of two (2) storeys (unless located within a large scale commercial / residential development as permitted under Hurstville LEP 2012).</p>
	<p>DS6.3. Where a Child Care Centre is within a dwelling house, the maximum height is two (2) storeys (with the Child Centre component a maximum of one (1) storey).</p>
	<p>DS6.4. Where in a residential zone, front setbacks are as follows:</p> <ul style="list-style-type: none"> • The minimum setback to the primary street frontage is 5.5m in the R2 Low Density Residential zone and 6m in the R3 Medium Density Residential zone (see Section 4.5) • On corner sites, Council will determine the primary frontage and the required front boundary setback will be to that primary frontage. A reduced setback may be allowed to the secondary frontage of not less than 2m.
	<p>DS6.5. Where in a residential zone, side setbacks are as follows:</p> <ul style="list-style-type: none"> • In the R2 Low Density Residential zone: 0.9m • In the R3 Medium Density Residential zone: 0.9m for ground floor level, 1.5m for upper storey
	<p>DS6.6. Where in a residential zone, rear setbacks are as follows:</p> <ul style="list-style-type: none"> • In the R2 Low Density Residential zone: 3m • In the R3 Medium Density Residential zone: 6m
	<p>DS6.7. In other zones where Child Care Centres are permissible, 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.</p>
	<p>DS6.8. When considering the possible impacts on adjoining properties, particular consideration must be given to the location of:</p>

Development Requirements

Performance Criteria	Design Solution
	<ul style="list-style-type: none"> • 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.
	<p>DS6.9. Openings such as windows and doors should not correspond with existing openings on adjoining properties. Particular consideration should be given to living areas of adjoining dwelling houses when selecting the location of classrooms and playgrounds.</p>
	<p>DS6.10. 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.</p>
	<p>DS6.11. The impacts of privacy and overshadowing on adjoining properties must be considered. Proposals should comply with Visual Privacy and acoustic amenity contained in this section of the DCP.</p>
	<p>DS6.12. The design of buildings should minimise the overshadowing of neighbouring private open spaces and/or windows to habitable rooms.</p>
	<p>DS6.13. Where a new building is being constructed for a child care centre or alterations and additions are proposed, the building must not unreasonably obscure sunlight to the windows of habitable rooms, solar collectors or rear yards of adjoining properties. Design should allow at least 3 hours of sunlight between 9am and 3pm midwinter (21 June) to adjoining private open space.</p>
	<p>DS6.14. Where a new building is being constructed for a child care centre or alterations and additions proposed which are greater than single story, 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.</p>
	<p>DS6.15. Where adjoining development relies on solar access for heating or cooling systems, that access should be preserved.</p>
	<p>DS6.16. Each application must outline a brief assessment of streetscape and the design principles used to improve the existing streetscape. New construction work must have appropriate regard to building form, proportions of openings, roof form, setbacks and height.</p>

Development Requirements

Performance Criteria	Design Solution
	<p>DS6.17. The design of the centre must allow for strong visual links between indoor and outdoor spaces. Windows and fixtures are to be provided at a scale appropriate to children. Full-length glass, with safety glass below 1000mm is encouraged particularly where play areas or gardens are located outside these windows.</p>
<p>Access and Parking</p>	
<p>PC7.</p> <ul style="list-style-type: none"> • Vehicular and pedestrian movements take place within a safe environment. • Provide little or no congestion on adjoining streets and inconvenience to nearby residents. • Parking does not significantly modify the visual quality and character in residential areas. • Clearly communicated and legible vehicular and pedestrian entry points. • To provide a reduced on-site parking rate for Child Care Centres with a separate entry and exit one way drive-through configuration 	<p>DS7.1. Staff parking is provided at a rate of 1 space for every 2 staff members on site at any one time. On-site staff parking spaces are to be clearly marked and sign posted.</p> <hr/> <p>DS7.2. Parents parking is provided as follows:</p> <ul style="list-style-type: none"> • For proposals where no drive-through is provided (ie those involving single access driveways), 1 space per 10 children in the child care centre, as short-term drop off and pick up (to be used for a period of no more than 15 minutes by one vehicle) • For proposals where a separate entry and exit one way drive-through access is provided, 1 space per 15 children in the child care centre, as short term drop off and pick up (to be used for a period of no more than 15 minutes by one vehicle) <p>Note: Stacked parking arrangements will be permitted where no more than 2 vehicles are involved in total. For example, an arrangement of 3 sets of 2 stacked car is permitted.</p> <hr/> <p>DS7.3. In special circumstances, Council may consider approving an application where pick-up and drop-off is not provided on the site, but only where it is satisfied that:</p> <ul style="list-style-type: none"> • An alternative arrangement is available within the road reserve or on adjoining land; or traffic and parking in the street is such that on-site pick-up and drop-off is not necessary; and it is in the public interest to do so; • The subject site and general residential amenity is enhanced by doing so; • All aspects of pedestrian safety have been satisfactorily dealt with; • Car entry and exit from the car parking site is preferred from two separate points to allow for a steady flow of traffic. <hr/> <p>DS7.4. The car park must be sited so as to minimise wastage of space, eg. Turning circles.</p> <hr/> <p>DS7.5. Parking patterns must allow for vehicles to be driven in a forward direction when entering and leaving the premises.</p>

Development Requirements

Performance Criteria	Design Solution
	<p>DS7.6. Provision must be made for bike racks. Where parking is provided at a rate less than 1 space for every staff member, bike racks are to be provided to complement parking spaces.</p>
	<p>DS7.7. Driveway crossings associated with corner allotments must not be located closer than 9m to the property alignment adjacent to that intersection, to ensure appropriate viewing distances to the intersection and reduce conflict with turning vehicles.</p>
	<p>DS7.8. Landscaping and paving design associated with driveways must achieve the following:</p> <ul style="list-style-type: none"> • a high level of pedestrian safety and visibility; • a level, hard surfaced, non-slip passage from vehicles to the main entry point; • satisfactory manoeuvrability for persons with disabilities and/or prams; and • clear delineation between the driveway and yard areas
	<p>DS7.9. Applications must include a “Neighbourhood Parking Policy” that details measures to be undertaken to encourage staff and parents to park responsibly and in a safe manner. This policy will include measures to ensure on-site staff parking spaces are occupied by staff before on street parking is used.</p>
	<p>DS7.10. A physical demarcation is required to be provided between pedestrians and vehicular access ways to ensure pedestrian safety.</p>
	<p>DS7.11. A “Motor Vehicle and Pedestrian Risk Assessment Report” prepared by a suitably qualified traffic consultant is required to be submitted with all applications for child care centres. The report is to address areas of potential conflict and safety measures including physical separation of pedestrians from vehicular turning and reversing movements and potential obstruction of the driver’s line of sight by fencing and landscaping.</p>
	<p>DS7.12. Council will give due consideration to the impacts of the development on traffic and safety.</p>
	<p>DS7.13. Applicants are advised to outline any initiatives within their proposals which alleviate traffic impacts on the local area, especially during peak times of 7.30- 9am and 3.30-6pm.</p>
	<p>DS7.14. A 1m wide landscaped area is required to be provided along the front setback (excludes driveways and pedestrian paths.)</p>
	<p>DS7.15. Access for persons with disabilities and limited mobility must be provided to the main entrance of the child care centre from the street alignment at a gradient of, no more than 1:14.</p>

Development Requirements

Performance Criteria		Design Solution	
		DS7.16.	Where topography permits, 1 metre wide access ramps at a gradient of no more than 1:14 must be provided to playground areas. Large ramps across playground areas to achieve this access will not be permitted.
Landscaping			
PC8.	<ul style="list-style-type: none"> • Attractive landscaped areas providing visual links to nearby open space areas. • Landscaped areas which provides innovative play opportunities, is harmless to children and attracts native animals and birds. • Well defined play areas and functions within the playground. • Planting which provides natural shade and a high level of interest in terms of branch and trunk formation. • Landscaped areas which enhances the visual quality of the site, the street presentation of the property and visual attractiveness of the playground area and screening to adjoining properties 	DS8.1.	A 1m wide landscaped area is required to be provided along the frontage of the site (excludes driveways and pedestrian paths).
		DS8.2.	For centres in the R2 Low Density Residential and R3 Medium Density Residential zones, any land within the site that is not required for car parking or other purposes is to be landscaped area.
		DS8.3.	Screen planting is to be provided along the side boundaries.
		DS8.4.	Clause 5.9 Tree Management and Preservation of Hurstville LEP 2012 applies. 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
		DS8.5.	Tree retention and new planting must take into account: <ul style="list-style-type: none"> • 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
		DS8.6.	The landscaped area within other zones where Child Care Centres are permissible 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
		DS8.7.	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.
		DS8.8.	Where on-site detention is required, exposed drains must be suitably covered to ensure that children cannot gain access to the drain.
		DS8.9.	Council's Engineering Division is to be consulted on appropriate drainage requirements
Design and Spatial Requirements			
PC9.	<ul style="list-style-type: none"> • Provide indoor and outdoor areas which allow for play. • Ensure Child Care Centres are safe and secure. 	DS9.1.	Positively contribute to the physical, sensory, intellectual, creative and emotional development of each child
		DS9.2.	Suitably integrate with indoor play areas, allowing for attractive indoor and outdoor spaces

Development Requirements

Performance Criteria		Design Solution	
		DS9.3.	Incorporate adequate screening delineating several outdoor play areas - some for quiet play, some for active play, some for seating and some for shelter.
		DS9.4.	Incorporate a variety of surfaces, suitable shading and allows for a range of varied play options
		DS9.5.	Allow for adequate supervision of the playground both from the yard area and indoors
		DS9.6.	Be safe, functional and incorporate undulations, natural shade and attractive landscaping
		DS9.7.	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.
Hours of Operation			
PC10.	<ul style="list-style-type: none"> To ensure that the hours of Child Care Centres preserve the character and amenity of residential zones. To enable extended hours of operation for Child Care Centres that meet the numerical and vehicular access requirements of this plan and minimize the associated amenity impacts 	DS11.1.	For existing Child Care Centres in residential zones with a Street frontage of less than 18m, (as measured for the depth of the parking and manoeuvring area of the front of the building) the approved or licensed operating hours of a child care centre must not extend outside the core hours of 7am to 6:30pm.
		DS11.2.	For all new Child Care Centres and existing Child Care Centres in residential zones with an 18m or greater frontage (as measured for the depth of the parking and manoeuvring area of the front of the building) and separate one-way drive-through vehicular access points, the approved or licensed operating hours of a child care centre must not extend outside the core hours of 7am to 6:30pm.
		DS11.3.	Extensions to these core hours will be considered on merit where a centre is proposed in a Neighbourhood Centre or Local Centre zone.
Visual Privacy and Acoustic Amenity			
PC11.	<ul style="list-style-type: none"> Aural and visual privacy to adjoining properties. Residential amenity maintained to sites in proximity to a child care centre. Adequate visual and/or acoustic screening on the perimeter of the site 	DS12.1.	Provide screenings by trees, fencing and window coverings to minimise noise and overlooking impacts to adjoining properties.
		DS12.2.	Locate any play equipment at least 3m from any boundary with a residential property.
		DS12.3.	For traffic noise, the following criteria are recommended (measured as the maximum L10 (1 hour): <ul style="list-style-type: none"> 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 1.5m above the ground level in the centre of any outdoor play area.

Development Requirements

Performance Criteria	Design Solution
	<p>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 Climate Change.</p> <p>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.</p> <p>DS12.4. Council requires a suitably qualified acoustic consultant to undertake an acoustic assessment, which is to include recommended noise attenuation measures.</p> <p>DS12.5. Fencing around large corner sites must be carefully designed. Where it is essential that side street boundaries be fully fenced, these are to be designed to enable landscaping along the boundary. This may be achieved by:</p> <ul style="list-style-type: none"> • combination brick and timber fences incorporating planter boxes; • fences with varied setbacks, enabling landscaping between the fence and the street; • fences designed in appropriate modules with capping in bricks or timber; • fences which are setback slightly from the boundary to enable mass planting to the street; and • high quality fences which may be considered a landscape element in their own right. <p>DS12.6. Colour bond fencing will only be considered by Council where there is adequate justification that noise issues are addressed including submission of an acoustic report prepared by a suitably qualified person.</p>
Centres within Dwelling Houses	
<p>PC12.</p> <ul style="list-style-type: none"> • Incorporating a centre and a dwelling house does not result in an overdevelopment of the site. • Centres and dwelling houses stand alone in terms of the provision of facilities and open space areas. • High quality building form, in keeping with the character of the area 	<p>DS13.1. A minimum of 2 car spaces must be provided on site for dwelling houses. The parking space attached to the dwelling house is not to be a part of a stacked parking arrangement unless it involves a second space attached to the same dwelling house.</p> <p>DS13.2. Separate buildings on the one site are not encouraged.</p> <p>DS13.3. Separate access to the dwelling house is to be provided. Additional access between the centre and the dwelling house is permissible however this should be designed to enable the access to be locked off either permanently or temporarily.</p>

Development Requirements

Performance Criteria	Design Solution
	<p>DS13.4. Where the two uses are integrated in a single storey dwelling house, the building must relate to the consistent style and form of the locality and street.</p>
	<p>DS13.5. Where the two uses are integrated in a two-storey dwelling house, the building is to be of a residential appearance incorporating the character and style of the locality and street. A clearly defined point of entry should be provided for both the dwelling and the centre. The Centre should be located on the ground level with the dwelling above.</p>
	<p>DS13.6. Dwelling house design should be appropriate for a resident who has no involvement or interest in the function and management of the centre.</p>
	<p>DS13.7. A private courtyard is to be made available for use by residents of the dwelling house.</p> <p>This area must be separate from playground areas, be at least 50m² and accommodate items such as a compact clothesline, several seats and a barbecue structure. Ideally, this courtyard should be located and designed so that the yard area receives 4 hours of sunshine between the hours of 9am and 3pm in midwinter.</p>



5.4 Restricted Premises

5.4 Introduction

5.4.1 Application of this chapter

This Section applies to development for the purpose of restricted premises as defined within the Dictionary of the Hurstville LEP 2012.

5.4.2 Development Requirements

The development requirements for this Section are provided in the table below.

Development Requirements

Performance Criteria	Design Solution
Access, Design and Location Requirements	
<p>PC1.</p> <ul style="list-style-type: none"> To ensure restricted premises are located at a reasonable distance from residential occupancies and other sensitive land uses To exclude the location of restricted premises from ground floor or street level in a building To ensure safe access to restricted premises for staff and patrons 	<p>DS1.1. No part of the restricted premises (other than an access corridor to the premises) is to be located:</p> <ul style="list-style-type: none"> At the ground floor or street level of a building or within 1.5m, 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 100m walking distance of any residentially zoned land, or Within 200m walking distance of any place of 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 <hr/> <p>DS1.2. 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.</p> <hr/> <p>DS1.3. Patron access is not to be provided from a laneway.</p> <hr/> <p>DS1.4. 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.</p>
Display of Goods and Signs	
<p>PC2.</p> <ul style="list-style-type: none"> To encourage appropriately designed and suitably located signs for restricted premises. To consider the amenity of surrounding development and the visual quality of the public domain 	<p>DS2.1. 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 or brothel.</p> <hr/> <p>DS2.2. A sign relating to restricted premises should:</p> <ul style="list-style-type: none"> Not interfere with the amenity of the locality Not exceed 600mm in height or width Not contain neon illumination and not flash Set out only: <ul style="list-style-type: none"> 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 The words, 'RESTRICTED PREMISES' in capital letters not more than 50mm in height <hr/> <p>DS2.3. No objects, products, or goods related to the restricted premises will be visible from outside the premises.</p>

Development Requirements

Performance Criteria	Design Solution
	<p>Note: The provisions in this Plan relating to advertising and signage are in addition to the provisions contained in Section 5.5 – Signage. Where there is any inconsistency between Section 5.5 and this section relating to signage, this section will prevail.</p>
Carparking	
<p>PC3. To ensure adequate parking is provided for people working on the site and patrons, and to ensure this parking does not adversely affect the surrounding area, particularly residential properties</p>	<p>DS3.1. The construction of new premises for the purposes of restricted premises must comply with <i>section 3.1 – Vehicle Access, Parking and Manoeuvring</i>.</p> <hr/> <p>DS3.2. For existing buildings, car parking must be made available in accordance with any relevant prior approval or development consent.</p> <hr/> <p>DS3.3. Compliance with Section 5.1 Extended Trading Hours if the restricted premises proposes to trade outside the hours of 6 am and midnight.</p>



5.5 Signage

5.5 Introduction

5.5.1 Application of this chapter

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

5.5.2 Purpose of this chapter

The purpose of this section is to achieve the following objectives:

- provide a consistent approach to the design and siting of signage by encouraging coordinated signs of high quality design and materials.
- 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.
- ensure that signage does not dominate the visual character of its location;
- provide reasonable and equitable rights to advertise.
- 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.
- ensure that the location and design of signage is consistent with road safety principles.
- 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
- 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.

5.5.3 Development Requirements

The development requirements for this Section are provided in the table below.

Development Requirements

Performance Criteria	Design Solution
General	
<p>PC1. Signage is high quality, visually unobtrusive and safe.</p>	<p>DS1.1. Council does not permit the following types of signage:</p> <ul style="list-style-type: none"> • Advertising display area over 45sqm. • Roof or sky advertisements. • Special promotional advertisements. • Building wrap advertisements. • Advertisements within navigable waters (except a sign on a vessel that is ancillary to the dominant purpose of the vessel). • 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). <hr/> <p>DS1.2. Only one business directory board is permitted per premises, irrespective of the number of tenancies.</p> <hr/> <p>DS1.3. Freestanding pole or pylon signs comply with the following:</p> <ul style="list-style-type: none"> • Not to project over footpath or roadway • Maximum area 8m² • Maximum height 7.5m to the top of sign, above natural ground level • Where more than one pole or pylon sign is provided, they should have the same setback and be of uniform design and spacing • Message must relate to use of the premises. <hr/> <p>DS1.4. Projecting Wall Signs comply with the following:</p> <ul style="list-style-type: none"> • Maximum height of 3.1m above ground level, or below the first floor window sill level where there is no awning, whichever is lower. • Maximum area of 2m² • Erected at right angles to the building <hr/> <p>DS1.5. Wall Signs comply with the following:</p> <ul style="list-style-type: none"> • Only one sign per building elevation • Not to project above or beyond the wall to which it is attached • Not to extend over a window or other opening, or architectural feature • Not to be located on a building wall if there is an existing building or business identification sign on the building elevation • Size, shape and location determined by facade grid analysis

Development Requirements

Performance Criteria	Design Solution
	<ul style="list-style-type: none"> • Painted wall signs to be painted at least once every three years, or at the Council's discretion • Sign must not have an area greater than: <ul style="list-style-type: none"> • 10% of the elevation, if the elevation is > 200m² • 20m² if the elevation is greater than 100m² but < 200m² • 20% for elevations of < 100m². <p>DS1.6. Window signs comply with the following:</p> <ul style="list-style-type: none"> • No signs, including fly posters, can be posted on the outside of windows. • Office stationary materials such as coloured cardboard, office paper, and the like, with hand drawn messages are prohibited
Design and Siting	
<p>PC2.</p> <ul style="list-style-type: none"> • To ensure the design and siting of proposed signage compliments 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. • To reduce the visual complexity of streetscapes by providing fewer, more effective signs. • Do not dominate a building or its architectural features, and enhance any architectural details of a building. • Are proportional to the size of the building or space to which it is attached. • Do not lead to visual clutter through the proliferation of signs on a building or in adjacent areas; and • Are compatible with the character of the area in which they are proposed 	<p>DS2.1. Where in the R2 Low Density Residential and R3 Medium Density Residential Zones:</p> <ul style="list-style-type: none"> • Only Advertising Structures identified as 'exempt development' in the State Environmental Planning Policy (Exempt and Complying Development) 2008 and Hurstville LEP 2012 are permitted • Signage that is to be located wholly within the property, and can only indicate the purposes for which the land, building or work is used, unless existing use rights apply to the sign. • Signage that is to be located unobtrusively, so as to appear an integrated part of the building or landscaping. <p>DS2.2. Where in the B1 Neighbourhood Centre and B2 Local Centre Zones:</p> <ul style="list-style-type: none"> • 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. This can be determined by using the Facade Grid Analysis Technique described below. • It should be noted that the Facade Grid Analysis Technique would be most appropriate for application in business centres such as Penshurst, Mortdale, and Forest Road, Hurstville, where traditional commercial buildings remain. Additionally, Council discourages advertising signs on a building facade that are displayed on or above first floor level. • 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

Development Requirements

Performance Criteria	Design Solution
	<p>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.</p> <ul style="list-style-type: none"> • 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. • Shop front windows should permit a view into the shop premises, including to the cash register from the street, for security reasons
	<p>DS2.3. Where in the IN2 Light Industrial Zone:</p> <ul style="list-style-type: none"> • The total advertising area on each site is not to exceed 0.5m² per linear metre of road frontage for premises with a single road frontage and 0.25m² per linear metre for premises with two street frontages. • Buildings or sites having multiple occupants must be identified at the entrance by no more than two signs or directory boards within the front setback, identifying the names and activities of occupants. Signs for each occupant should be of a uniform size, shape and general presentation. • No sign is permitted to stand higher than the roof line of the building to which it is affixed. • 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. • Small shops, business premises and other similar uses located within this zone must also comply with the controls for the Business Zones.
	<p>DS2.4. Where in the SP2 Infrastructure Zone:</p> <ul style="list-style-type: none"> • only Signage identified as 'exempt development' in the Hurstville LEP 2012 is permitted
	<p>DS2.5. Where in the RE1 Public Recreation and RE2 Private Recreation Zones:</p> <ul style="list-style-type: none"> • only Signage identified as 'exempt development' in the Hurstville LEP 2012 is permitted
	<p>DS2.6. The proposed advertising sign does not have any negative impacts on any views, vistas or skylines.</p>

Development Requirements

Performance Criteria	Design Solution
	<p>DS2.7. The proposed advertising sign is appropriate to the streetscape, setting or landscape, and not dominating in terms of its scale, proportion and form.</p>
	<p>DS2.8. 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.</p>
	<p>DS2.9. 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.</p>
	<p>DS2.10. Council discourages signs prone to deterioration and may request removal of redundant, unsafe, unsightly or objectionable signage.</p>
	<p>DS2.11. Council may require provision for maintenance of signage and discourages signage on common boundaries where maintenance difficulties could occur.</p>
	<p>DS2.12. The proposed advertising, whether illuminated or not, must not impact adversely on the safety for pedestrians, cyclists and on any public road.</p>
	<p>DS2.13. 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.</p>
	<p>DS2.14. Free standing signboards must be located and designed so that they do not pose any safety risk to pedestrians or motorists.</p>
	<p>DS2.15. 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.</p>
	<p>DS2.16. Signs facing roads with high traffic volumes, traffic lights or major intersections may be referred to the Roads and Maritime Services (RMS) for comment.</p>
	<p>DS2.17. The lighting intensity and hours of illumination must not unreasonably impact on any residential properties, adjoining or within the locality.</p>
	<p>DS2.18. The lighting intensity of an advertising sign must be capable of modification or control after installation.</p>
	<p>DS2.19. 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.</p>

Development Requirements

Performance Criteria	Design Solution
	<p>DS2.20. 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.</p>
	<p>DS2.21. Illuminated signage are generally inappropriate on sites fronting laneways, which serve as a buffer between residential, and business and retail areas.</p>
	<p>DS2.22. 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.</p>
	<p>DS2.23. Electrical wiring to illuminated signs or spotlights is to be concealed.</p>
	<p>DS2.24. 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.</p>
	<p>DS2.25. Signs must be attractive and professionally signwritten.</p>
	<p>DS2.26. Changes in the content or message of an signage are allowed without the approval of Council provided that:</p> <ul style="list-style-type: none"> • 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
	<p>DS2.27. The name or logo of the person who owns or leases an advertisement or advertising structure must not be greater than 0.25m², and may appear only within the advertising display area.</p>
	<p>DS2.28. 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.</p>
	<p>DS2.29. The wording and content of the advertising sign must not:</p> <ul style="list-style-type: none"> • Offend nearby sensitive land uses (churches, schools, day care centres); • Contain undesirable discriminatory advertising messages as specified in the Anti-Discrimination Act 1977;

Development Requirements

Performance Criteria	Design Solution
	<ul style="list-style-type: none"> • Encourage unlawful purchase, excessive consumption of alcohol; or • Promote anti-social behaviour <p>DS2.30. 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</p> <p>DS2.31. 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</p> <p>DS2.32. Signage on parked vehicles (cars, trucks, motorcycles, trailers etc.) are prohibited where the vehicle is unregistered or the principal purpose of the vehicle is for advertising purposes</p> <p>DS2.33. 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</p> <p>DS2.34. 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</p>
Advertising Opportunities from New Technologies	
<p>PC3. To provide sufficient flexibility in Council's controls to enable the assessment of advertising generated from new technologies</p>	<p>DS3.1. 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</p> <p>DS3.2. Signage that cover glass facades, including the use of coloured films and the like, must comply with the controls relating to window signs</p> <p>DS3.3. 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</p>



5.6 Swimming Pool & Spas

5.6 Introduction

5.6.1 Application of this chapter

This section supplements the statutory controls contained in the Swimming Pools Act 1992, and Australian Standards. Where there is any inconsistency, the provisions of the Swimming Pools Act 1992 and its Regulation, and AS 1926 – Swimming Pool Safety will take precedence over the DCP Provisions.

5.6.2 Purpose of this chapter

The purpose of this section is to achieve the following objectives:

- ensure that all swimming pools and spas meet the safety, health and location and noise requirements of the Swimming Pools Act 1992 and Swimming Pool Regulations, 1998.
- ensure all swimming pools do not adversely affect the amenity of the locality by their location, visual appearance, size or operation.
- ensure the public safety of children is private swimming pools, and
- maintain, where possible, existing trees that are subject to Council's Tree Preservation Order.

5.6.3 Development Requirements

The development requirements for this Section are provided in the table below.

Development Requirements

Performance Criteria		Design Solution	
Pool Siting and Noise Control			
PC1.	<ul style="list-style-type: none"> Ensure swimming pools do not adversely affect the amenity of the locality. Swimming pools are located such that cut and fill is minimised and the visual impact on the surrounding area is reduced 	DS1.1.	In-ground swimming pools shall be built so that the top of the swimming pool is as close to the existing ground level as possible. On sloping sites this will often mean excavation of the site on the high side to obtain the minimum out of ground exposure of the swimming pool at the low side.
		DS1.2.	Provided one point on the swimming pool or one side of the swimming pool is at or below existing ground level, then one other point or one other side may be up to 500 mm above existing ground level.
		DS1.3.	When consent is granted for a swimming pool having a height above natural ground level in excess of 500 mm, any landscaping treatment must be completed before the swimming pool is filled with water.
		DS1.4.	On steeply sloping sites, Council may consider allowing the top of the swimming pool at one point or along one side to extend up to 1000mm above natural ground level, provided that the exposed face of the swimming pool wall is treated to minimise impact. The materials and design of the retaining wall should be integrated with, and compliment, the style of the swimming pool.
		DS1.5.	Filling is not permitted between the swimming pool and the property boundary.
		DS1.6.	The drainage of spill water from a swimming pool shall be designed so that it does not affect the natural environment of the subject site or adjoining properties.
		DS1.7.	Swimming pools are to be constructed so that the top of the bond beam is as close to ground level as possible
		DS1.8.	Spas and swimming pools proposed to be constructed between the dwelling and the street will be considered by Council if the amenity of the area is not adversely impacted and the other requirements in this DCP are met.
		DS1.9.	Swimming pools are permitted on land affected by a foreshore building line subject to their design complementing the surrounding area and minimising visual impact from waterways.
		DS1.10.	The swimming pool edge must be at least 1.5 metres from side and rear property boundaries.
		DS1.11.	The position of the swimming pool in relation to neighbours and other residents must be considered to reduce noise associated with activities carried out in the swimming pool or from associated the swimming pool equipment, such as cleaning equipment.
		DS1.12.	Council may require mechanical equipment to be suitable acoustically treated so that noise to adjoining properties is reduced.

Development Requirements

Performance Criteria	Design Solution
	<p>DS1.13. The construction, location and use of the swimming pool are to be such that no nuisance is caused to any neighbouring residents by reason of noise, drainage, illumination or for any other reason.</p>
	<p>DS1.14. Heated swimming pools must utilise energy for heating from renewable energy sources, such as solar heating, heat pumps and gas heating. Swimming pool covers should be used when the swimming pool is not in use.</p>
Landscaping	
<p>PC2.</p> <ul style="list-style-type: none"> To retain existing trees. To ensure swimming pool areas are landscaped in accordance with Council's Landscaping Guidelines. Landscaping enhances and is integrated with the design of the swimming pool 	<p>DS2.1. Tree and shrub planting is to be provided along the adjoining property boundary lines to achieve a reasonable level of privacy. Refer to Appendix 1 for recommended species to use.</p> <p>DS2.2. Paved and other impervious areas are to be minimised and designed to provide stormwater and swimming pool overflow infiltration.</p> <p>DS2.3. Swimming pools are to be designed to ensure the retention of existing trees.</p> <p>DS2.4. Where a swimming pool is located close to an existing tree, elevated decks are preferred as the swimming pool coping to ensure minimal root damage.</p> <p>DS2.5. Swimming pool water discharges must not in any circumstances be directed through bushland areas located on private or public land.</p> <p>DS2.6. Council does not approve trees to be removed based upon leaf drop or lack of solar access to a swimming pool.</p>



5.7 Radio Communications & Telecommunications

5.7 Introduction

5.7.1 Application of this chapter

This section applies to development that is defined as a Telecommunications Facility under the Hurstville LEP 2012.

This section should be read in conjunction with relevant Commonwealth and NSW legislation and policies. These include:

- Telecommunications Act 1997
- Radio Communications Act 1992
- Telecommunications Code of Practice 1997
- Telecommunications (low-impact facilities) Determination 1997
- Code for the Deployment of Radio Communications Infrastructure (ACIF, 2002)
- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- State Environmental Planning Policy (Infrastructure) 2007
- Department of Planning and Infrastructure NSW Telecommunications Facilities
- Guideline including Broadband.

5.7.3 Development Requirements

The development requirements for this Section are provided in the table below.

Development Requirements

Performance Criteria	Design Solution
General	
<p>PC1.</p> <ul style="list-style-type: none"> Apply a precautionary approach to the deployment of radio communications and telecommunications infrastructure. Minimise EMR exposure to the public. Avoid community sensitive locations. Ensure that the general public and local communities have access to telecommunications technology. Achieve equity for the various stakeholders by endeavouring to balance their various needs. Enable members of the public to adequately identify infrastructure and the agencies responsible for them; and Provide mechanisms by which information can be disseminated to ensure that the community is adequately informed and empowered to participate in the planning/decision-making process. Help implement principles of urban design in respect to telecommunications and radio communications infrastructure. Promote good industrial design of infrastructure. Provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons. Minimise adverse impacts on the natural environment. Assess whether the proposed infrastructure is consistent with the amenity of the area; and Restore the site after discontinuation or removal of infrastructure. Identify the type of land use areas suitable for infrastructure in the Hurstville local government area, Accommodate the planning requirements of new technology. Provide equitable availability of locations to carriers; Assess whether the proposed infrastructure is consistent with permitted development in adjacent areas; Ensure reasonable access to telecommunications technology; and Provide certainty for stakeholders and a consistent approach to the implementation/assessment of telecommunications infrastructure. Ensure that Council obtains information about existing and proposed infrastructure 	<p>DS1.1. Carriers are to design antennas and supporting infrastructure in such a way as to minimise or reduce the visual and cumulative visual impact from the public domain and adjacent areas.</p> <hr/> <p>DS1.2. Within the local context, the infrastructure design must take account of:</p> <ul style="list-style-type: none"> Colour. Texture. Form Bulk and scale <hr/> <p>DS1.3. Infrastructure must:</p> <ul style="list-style-type: none"> Be well-designed. Be integrated with the existing building structure unless otherwise justified in writing to Council. Have concealed cables where practical and appropriate. Be unobtrusive where possible Be consistent with the character of the surrounding area <hr/> <p>DS1.4. Infrastructure must be removed when no longer being used.</p> <hr/> <p>DS1.5. The site must be restored following construction of the infrastructure.</p> <hr/> <p>DS1.6. Co-location is the practice of locating a number of different telecommunication facilities, often owned by different carriers, on one facility or structure.</p> <hr/> <p>DS1.7. Co-location may not always be a desirable option where:</p> <ul style="list-style-type: none"> Cumulative emissions are a consideration. It may be visually unacceptable. There are physical and technical limits to the amount of infrastructure that structures are able to support, or The required coverage cannot be achieved from the location <hr/> <p>DS1.8. Carriers should demonstrate a precautionary approach and effective measures to minimise the negative impacts of co-location</p> <hr/> <p>DS1.9. The applicant should demonstrate that, in selecting a site, it has adopted a precautionary approach in regards to minimising EMR exposures consistent with Section 5.1 of the ACIF Code.</p> <hr/> <p>DS1.10. Preferred land uses (as determined by Hurstville City Council) include:</p> <ul style="list-style-type: none"> Industrial areas. Commercial centres

Development Requirements

Performance Criteria	Design Solution
<p>to assist with strategic planning; and</p> <ul style="list-style-type: none"> Ensure that there is no financial cost to Council. 	<p>DS1.11. The applicant should demonstrate particular consideration of likely sensitive land uses. Sensitive land uses may include areas:</p> <ul style="list-style-type: none"> Where occupants are located for long periods of time (e.g. residences). That are frequented by children (e.g. schools, child care centres), and Where there are people with particular health problems (e.g. hospitals, aged care facilities). <hr/> <p>DS1.12. Infrastructure proposed for areas of environmental significance (as defined in Local Impact Facilities (LIF) Determination) require:</p> <ul style="list-style-type: none"> Development consent under the LIF Determination and Council's LEP. The applicant to have regard to avoiding or minimising the visual impact of any proposed facility on the heritage significance of adjacent/adjoining/surrounding heritage items. The applicant is to provide a heritage impact statement in accordance with Hurstville Local Environmental Plan 1994. The applicant to have regard to avoiding or minimising the physical impact of any proposed facility on endemic flora and fauna. That if the carrier is required to notify the Environment Secretary of Environment Australia in accordance with s4.18(4) of the Telecommunications Code of Practice 1997, than Council should be forwarded a copy of this document along with any supporting studies accompanying this notification. <hr/> <p>DS1.13. Infrastructure must be of high quality design and construction.</p> <hr/> <p>DS1.14. Proposals should consider the range of available alternate infrastructure including new technologies, to minimise unnecessary or incidental EMR emissions and exposures, as required under Section 5.2.3 of the ACIF Code.</p> <hr/> <p>DS1.15. The plan for the facility must include measures to restrict public access to the antenna(s). Approaches to the antenna(s) must contain appropriate signs warning of EMR and providing contact details for the facility(ies) owner/manager.</p> <hr/> <p>DS1.16. The minimum requisites that shall apply where relevant are the BCA for purposes of construction and the relevant exposure levels as directed by the Australian Communications Authority (ACA). The applicant must provide Council with certification about the standards with which the facility will comply.</p>

Development Requirements

Performance Criteria	Design Solution
	DS1.17. The applicant is to demonstrate the precautions it has taken to minimise EMR exposures to the public.
	DS1.18. The applicant is to provide documentation to show that the proposed facility complies with the relevant Australian exposure standard as specified by the ACA.
	DS1.19. The applicant is to provide a mapped analysis of cumulative EMR effect of the proposal