

### Table of Contents

<b>Table of Contents .....</b>	<b>110</b>
6.1 Public Domain .....	111
6.1.1 Landscaping (Street Trees) .....	111
6.1.2 Infrastructure (Street Furniture, Lighting).....	113
6.1.3 Front Fences / Outdoor Dining .....	114
6.1.4 Paving, Culture and Public Art.....	114
6.1.5 Signage .....	114
6.2 Environmental Management.....	125
6.2.1 Energy Efficiency and Conservation.....	125
6.2.2 Water Management .....	126
6.2.3 Stormwater Management .....	126
6.2.4 Waste Minimisation and Management.....	127
6.2.5 Wind Mitigation .....	129
6.2.6 Reflectivity .....	129
6.2.7 Soil Management.....	130
6.3 Development of a Heritage item or in the Vicinity of a Heritage item.....	131
6.3.1 General Information.....	131
6.4 Preservation of Trees and Vegetation .....	132
6.4.1 Aims of this Section .....	132
6.4.2 General Information.....	132
6.4.3 Tree and Vegetation Management Process .....	132

## 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.

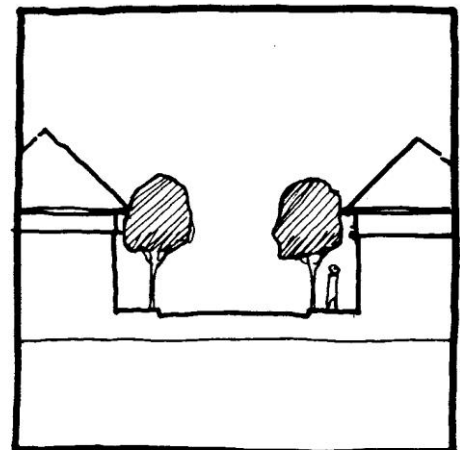
Each design decision made for the public domain should be considered holistically, and with regard to potential physical and social impact.

### 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

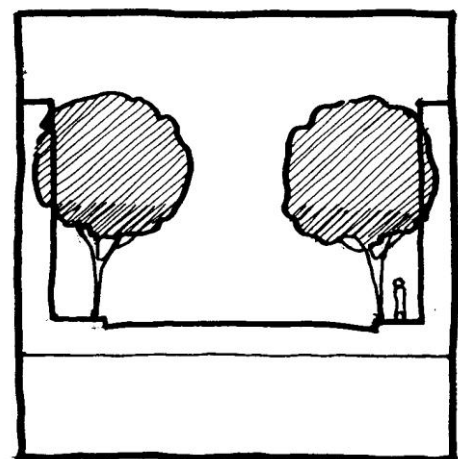
- Contribute to the environmental quality of the urban environment.
- Create a strong linear space by planting trees at regular intervals along the street edge.
- Seek to improve the spatial quality of regional roads, with the regular planting of large trees.
- To contribute to the pedestrian scale and amenity where they are lacking, and emphasis topography and special places within the urban core.
- To consider the existing spatial quality of the street and the established pattern of tree planting.
- 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*

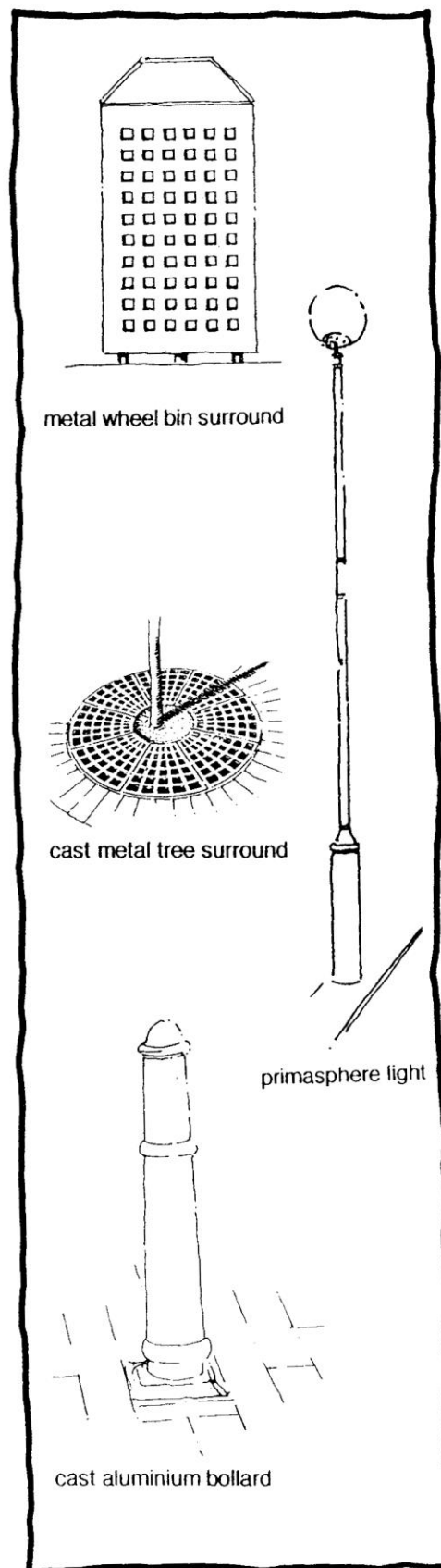
#### Controls

- 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.
- 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.

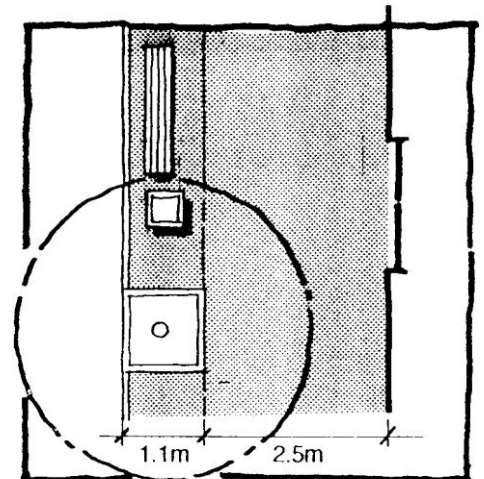
#### Objectives

Street furniture should:

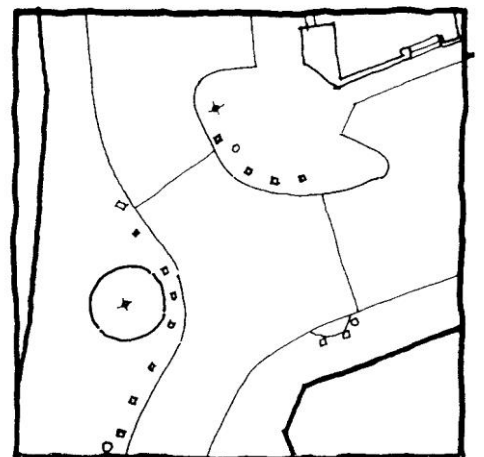
- Be used to define special places.
- Be robust, attractive and fit for purpose;
- Be of an appropriate level of amenity while avoiding clutter;
- Maintain a strong street geometry, reinforcing the linear space set up by the built edge.

#### Controls

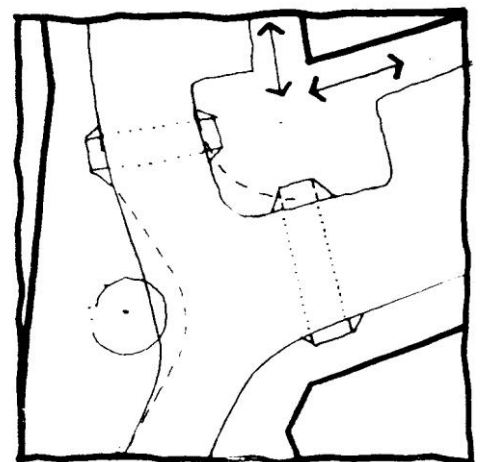
- Street furniture is to be in keeping with the elements drawn from the Hurstville City Centre Public Domain Plan 2007.
- Establish a consistent geometry for kerblines, corners and parking bays that emphasises the dominant geometry created by built edges.
- Planter boxes should have a minimum width of one metre and be supplied with an adequate drainage and watering system.
- 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.
- Reduce clutter on streets by integrating signs and lights with each other, or with architectural elements.
- Consistent under awning lighting could be provided along streets with awnings.
- 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:

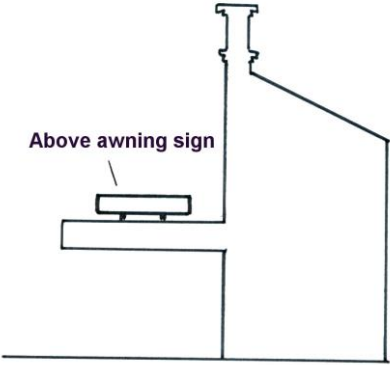

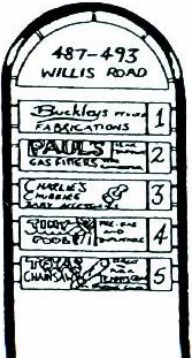
*Signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:*

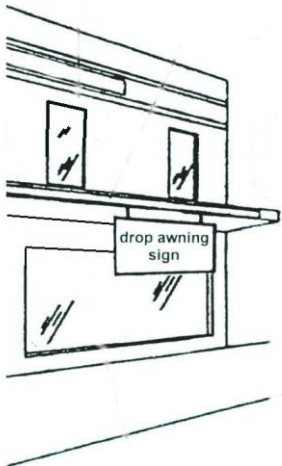
- (a) *an advertising structure,*
- (b) *a building identification sign,*
- (c) *a business identification sign,*

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

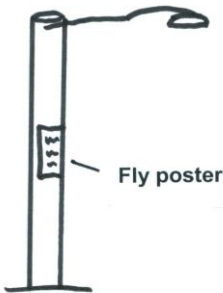
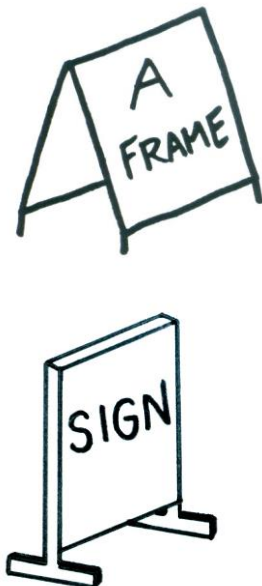
The following table provides a description of the different types of signage, and lists the requirements that apply to each sign type. Signs that require Council approval will be subject to a merit assessment based on the guidelines and controls contained in this DCP.


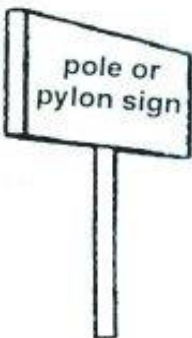


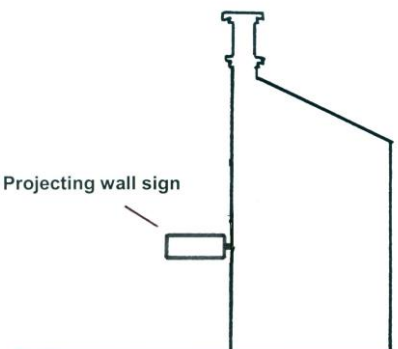
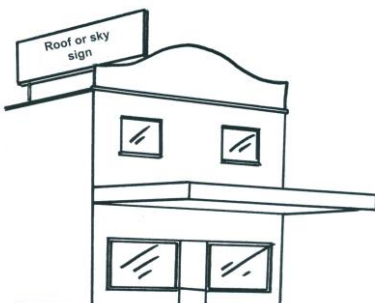
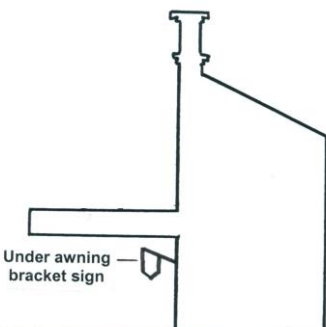
SIGN TYPE	DEFINITION & REQUIREMENTS
<p><b>Above Awning Sign</b> Any sign fixed to the upper side of an awning, excluding temporary real estate signs.</p> 	<p><b>Council will not permit above awning signs.</b></p>
<p><b>Billboard Sign (free standing)</b> A sign used for the display of general advertising material not necessarily related to the place or premises on which it is located.</p> 	<p><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>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>Fly poster</p>	
<p><b>Free Standing Signboard (A-frame sign / sandwich board)</b></p> <p>A moveable freestanding sign displayed at ground level.</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></p> <p>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></p> <p>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><b>Advisory Note:</b> For signs placed in windows, see requirements for "Window Signs."</p>
<p><b>Pole or Pylon Sign (freestanding)</b></p> <p>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

Note: The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 must be considered in relation to this section.

### 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.

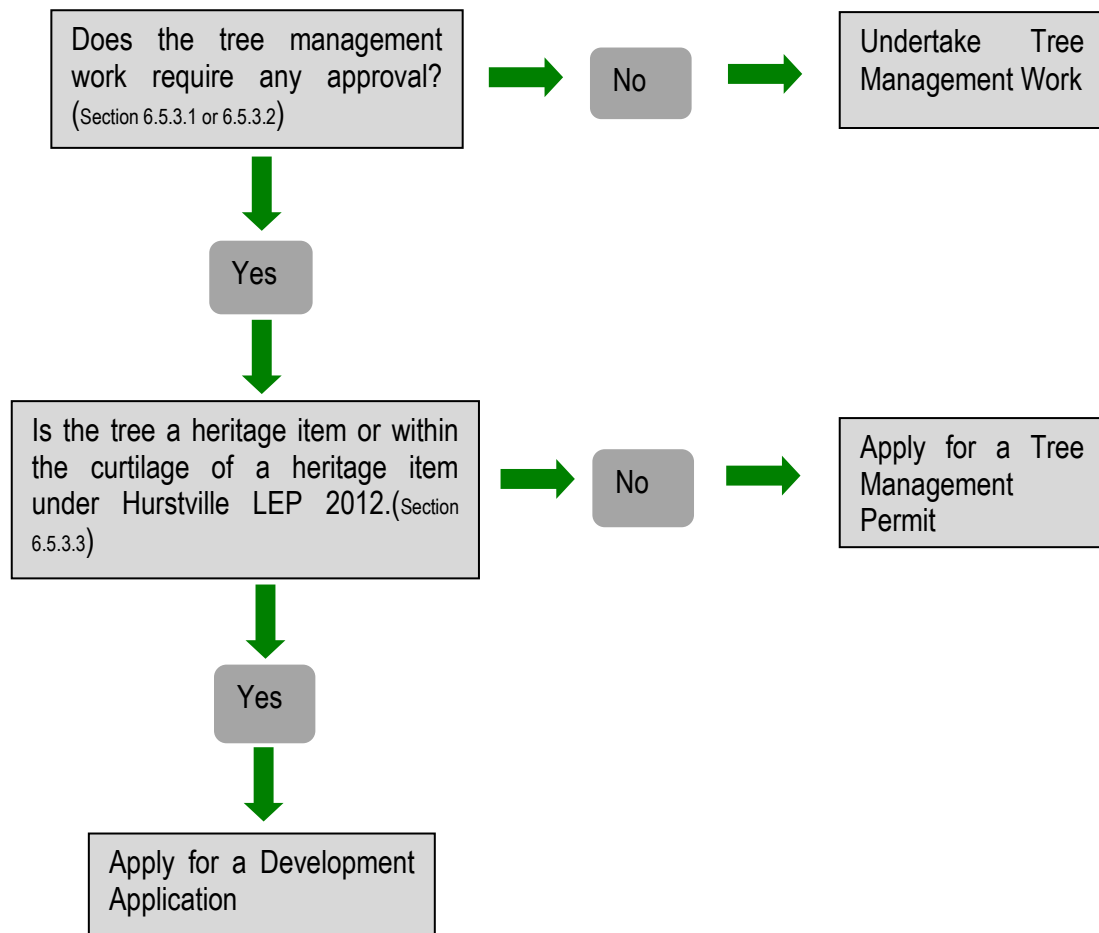


Figure 1 – Tree Management Process

#### 6.4.3.1 Tree Management Approval Required

Note: The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 must be considered in relation to tree management.



(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 gummiiferum</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
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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.

Note: Also, refer to SEPP (Vegetation in Non-Rural Areas) 2017.

**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.